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PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

SENATE

THURSDAY, MARCH 19, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father: For this sacramental moment, closing the doors to a noisy world full of terror and alarm, we enter this pavilion of quietness and peace, to acknowledge our utter dependence upon Thee—Thou who hast made us in Thy image and for Thyself.

Forgive us for smug satisfaction with ourselves and for our cynical contempt of others. Purge our minds of prejudices out of which we make walls separating us from our fellow man. Cleanse our hearts of the uncleanness which blinds our eyes to the splendor of spiritual verities—for we know that it is only the pure in heart who can see Thee.

So may we be more worthy to belong to the one great family of Thy children and to take our place at the common table of humanity where the bread of fellowship is broken and the wine of sacrifice is shared.

And Thine shall be the kingdom, and the power, and the glory. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 18, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 17, 1964:

S. 1561. An act to amend the Federal Employees Health Benefits Act of 1959 to remove certain inequities in the application of such act, to improve the administration thereof, and for other purposes; and

S. 2455. An act to amend further the Peace Corps Act (75 Stat. 612), as amended.

On March 18, 1964:

S. 1964. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits.

FOREIGN ASSISTANCE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 250)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

The most important ingredient in the development of a nation is neither the amount nor the nature of foreign assistance. It is the will and commitment of the government and people directly involved.

To those nations which do commit themselves to progress under freedom, help from us and from others can provide the margin of difference between failure and success.

This is the heart of the matter.

The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals.

We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance.

These are the grim recruiting sergeants of communism.

They flourish wherever we falter. If we default on our obligations, communism will expand its ambitions.

That is the stern equation which dominates our age, and from which there can be no escape in logic or in honor.

NO WASTE, NO RETREAT

It is against our national interest to tolerate waste or inefficiency or extravagance in any of these programs. But it is equally repugnant to our national interest to retreat from our obligations and commitments while freedom remains under siege.

We recognize that the United States cannot and should not sustain the burden of these programs alone.

Other nations are needed in this enterprise of mutual help. Encouraging signs exist that the process of sharing the burden is steadily growing.

The best way for the United States to stimulate this growth and to broaden this partnership in freedom is to make our own example an incentive to our friends and allies.

We need the assurance of stability and progress in a world restless with many dangers and anxieties.

PRUDENT AND RESPONSIBLE PROGRAMS

In this program we do not seek to cover the whole world. Aid on a worldwide scale is no part of our purpose.

We seek instead, through prudent and responsible programs, to help carefully selected countries whose survival in freedom is essential—and whose collapse would bring new opportunities for Communist expansion.

There are no easy victories in this campaign. But there can be sudden disasters. We cannot ask for a reprieve from responsibility while freedom is in danger. The vital interests of the United States require us to stay in the battle. We dare not desert.

Economic and military assistance, used at the right time and in the right way, can provide indispensable help to our foreign policy in enabling the United States to influence events instead of merely reacting to them. By committing a small part of our resources before crises actually occur, we reduce the danger and frequency of those crises.

Our foresight becomes a shield against misfortune.

The recommendations contained in this program for fiscal year 1965 are designed to move the aid program in that direction.

They reflect views and experience of the Congress, of the executive branch, and of informed private citizens.

FIVE FUNDAMENTAL CONCEPTS FOR A SUCCESSFUL PROGRAM

First. The request for funds must be realistic.

For economic assistance, new authorizations of $917 million for fiscal 1965 are recommended. Specifically, I recommend $335 million for supporting assistance, $225 million for technical cooperation, $134 million for contributions to international organizations, $150 million for the President's contingency fund, and $73 million for administrative and miscellaneous expenses.

For military assistance, I recommend that the Congress provide a continuing authorization, subject to an annual review of each year's proposals by the authorizing committees in both Houses.

For fiscal 1965, I recommend no additional authorizations for the Alliance for Progress or for development lending assistance in Asia or Africa. Existing authorizations for these programs are adequate.

The appropriations recommended for fiscal 1965 total $1 billion for military assistance and $2.4 billion for economic assistance.

In fiscal 1964, the initial request was $4.9 billion, later reduced to $4.5 billion.

This fiscal year, the request of $3.4 billion is $1.1 billion less than last year's request, although about the same as was available last year, taking into consideration the unexpended balance from the year before.

Moreover, more than 80 percent of aid funds will be spent in the United States. The impact of the program on our balance of payments will be less than ever before.

INSURANCE TO AVOID COMMITTING AMERICAN MEN TO WAR

These requests reflect a determination to continue to improve the aid program both in concept and administration. The overall request represents a great deal of money—but it is an amount which we should, in all prudence, provide to serve essential U.S. interests and commitments throughout the world.

More than 1 million American men in uniform are now stationed outside the United States. As insurance to avoid involving them and the Nation in a major conflict, we propose to spend through aid programs less than 4 cents out of every tax dollar.

If there is any alternative insurance against war, it might be found in an increase in the defense budget. But that would require not only many times more than $3.4 billion, for a military budget which already takes more than 50 cents out of every tax dollar, but also a severalfold increase in our own military manpower.

The foreign assistance requested will provide:

The crucial assistance we have promised the people of Latin America who are committed to programs of economic and social progress.

Continued economic development in India, Pakistan, and Turkey under the major international aid-consortia to which we are a party.

The U.S. share of voluntary contributions to the United Nations technical cooperation programs and to such special international programs as the work of the United Nations Children's Fund, and the development of the Indus Basin.

Funds to meet our commitments to the freedom of the people of South Vietnam, Korea, and for the other obligations we have undertaken in Asia and Africa.

Second. The funds I am requesting will be concentrated where they will produce the best results, and speed the transition from U.S. assistance to self-support wherever possible.

Two-thirds of the proposed military assistance will go to 11 nations along the periphery of the Sino-Soviet bloc, from Greece and Turkey through Thailand and Vietnam to the Republic of China and Korea. These funds are a key to the maintenance of over 3.5 million men under arms, raised and supported in large measure by the countries receiving the assistance.

The need for supporting assistance—funds used primarily in countries facing defense or security emergencies—will continue to be reduced. Fourteen countries which received supporting assistance 3 years ago will receive none in fiscal year 1965.

Four-fifths of the present request will go to four countries: Korea, Vietnam, Laos, and Jordan.

Two-thirds of the development lending proposed for fiscal 1965—including Alliance for Progress lending—will be concentrated in six countries: Chile, Colombia, Nigeria, Turkey, Pakistan, and India.

Funds for educational and technical cooperation—to help start schools, health centers, agricultural experiment stations, credit services, and dozens of other institutions—are not concentrated in a few countries. But they will be used for selected projects to raise the ability of less fortunate peoples to meet their own needs. To carry out these projects we are seeking the best personnel available in the United States—in private agencies, in universities, in State and local governments, and throughout the Federal Government.

Wherever possible, we will speed up the transition from reliance on aid to self-support.

In 17 nations, the transition has been completed and economic aid has ended. Fourteen countries are approaching the point where soft economic loans and grants will no longer be needed. New funds for military equipment grants are being requested for seven fewer countries for fiscal 1965 than for the present year.

Third. We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad.

During the past year:

The first new houses financed by U.S. private funds protected by AID guarantees were completed in Lima, Peru.

The first rural electrification surveys, conducted by the National Rural Electric Cooperative Association under contract to AID, were completed and the first rural electrification loan—in Nicaragua—was approved.

The first arrangement linking the public and private resources of one of our States to a developing country was established between California and Chile.

This effort must be expanded.

Accordingly, we are encouraging the establishment of an Executive Service Corps. It will provide American businessmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries.

During the present year, the possibilities for mobilizing increased private resources for the development task will be developed by the Advisory Committee on Private Enterprise in Foreign Aid established under the Foreign Assistance Act of 1963.

In this connection, two specific legislative steps are recommended:

First, legislation to provide a special tax credit for private investment by U.S. businessmen in less developed countries; second, additional authority for a final installment of the pilot program of guaranteeing private U.S. housing investments in Latin America.

Fourth. We will continue to seek greater international participation in aid.

Other free world industrial countries have increased their aid commitments since the early 1950's. There are indications that further increases are in store. Canada recently announced that it expects to increase its aid expenditures by 50 percent next year. A 1963 British white paper and a French official report published in January 1964 point in the same direction. Other nations have reduced interest rates and extended maturities on loans to developing countries.

Of major importance in this effort are the operations of the International Development Association. Under the agreement for replenishing the resources of this Association, which is now before the Congress for approval, other countries will put up more than $1.40 for every dollar the United States provides to finance on easy terms development projects certified as sound by the World Bank—projects which the developing countries could not afford to pay for on regular commercial terms. This is international sharing in the aid effort at its best. For to the extent we furnish funds to IDA, and they are augmented by the contributions of others, the needs of developing countries are met, thus reducing the amounts required for our own bilateral aid programs.

Under the program before you the United States would be authorized to contribute $312 million over a 3-year period. Against this other countries have pledged $438 million which will be lost in the absence of the U.S. contribution. Action is needed now so that the Association may continue to undertake new projects even though the first appropriation will not be required until fiscal year 1966.

I urge the Congress to authorize U.S. participation in this continued IDA subscription.

Fifth. Let us insist on steadily increasing efficiency in assistance operations.

After careful study, I have decided to continue the basic organization of aid operations, established after intensive review in 1961. Economic assistance operations will continue to be centered in the Agency for International Development, military assistance operations in the Department of Defense. Both will be subject to firm foreign policy guidance from the Secretary of State.

STEPS TO INCREASE EFFICIENCY OF AID

One officer, Assistant Secretary of State Mann, has been assigned firm policy control over all aspects of our activities in Latin America.

Full support will be given to the newly created Inter-American Alliance for Progress Committee which is designed to strengthen the aspect of partnership in the Alliance.

The AID Administrator has instructions to embark on a major program to improve the quality of his staff—and to reduce the total number of AID employees by 1,200 by the end of fiscal year 1965.

The AID Administrator has been directed to continue to consolidate AID missions with U.S. embassies and, wherever possible, to eliminate altogether separate AID field missions.

The Secretary of Defense has been directed to continue to make substantial reductions in the number of personnel assigned to military assistance groups and missions.

In this connection, I recommend two specific legislative steps:

First. Legislation to provide the AID Administrator with authority to terminate a limited number of supervisory and policymaking employees notwithstanding other provisions of law, and to extend the existing Foreign Service "selection out" authority to other personnel.

This is essential if the Administrator is to carry out my desire—and that of the Congress—that he improve the quality of the AID staff, and at the same time, reduce its total size.

Second. Legislation to permit outstanding U.S. representation on the Inter-American Alliance for Progress Committee under the leadership of Ambassador Teodoro Moscoso.

Finally, I am appointing a general Advisory Committee, as suggested by Senator COOPER and others, on foreign economic and military assistance problems. It will be composed of distinguished private citizens with varied backgrounds and will serve as a continuing source of counsel to me. In addition to its general responsibility the Committee will examine aid programs in individual countries. These reviews will be made by members of the Advisory Committee, augmented as necessary by additional persons. I would hope that at least four or five country reviews, including two or three in Latin America, will be completed in the present year.

A PROGRAM TO STRENGTHEN THE FAMILY OF THE FREE

I am convinced this program will enable the United States to live in a turbulent world with a greater measure of safety and of honor.

There is in our heart the larger and nobler hope of strengthening the family of the free, quite apart from our duty to disappoint the evil designs of the enemies of freedom.

We wish to build a world in which the weak can walk without fear and in which even the smallest nation can work out its own destiny without the danger of violence and aggression.

This program, based on the principle of mutual help, can make an essential contribution to these purposes and objectives which have guided our Nation across the difficulties of these dangerous years.

I recommend this program to the judgment and the conscience of the Congress in the belief that it will enlarge the strength of the free world, aid in frustrating the ambitions of Communist imperialism, reduce the hazards of widespread conflict, and support the moral commitment of freemen everywhere to work for a just and peaceful world.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 19, 1964*.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1382. An act for the relief of John Gatzopi Overbeck and Mary Gatzopoulos Overbeck;

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 1440. An act for the relief of Consuelo Alvarado de Corpus;

H.R. 1500. An act for the relief of Mrs. An Fu Wang Lee;

H.R. 2215. An act for the relief of E. A. Rolfe, Jr.;

H.R. 2229. An act for the relief of Louis Adler;

H.R. 3646. An act for the relief of Gordon Liu Brooks, Jackie Lee Brooks, and Tony Tsui Brooks;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 4871. An act for the relief of Glen C. Deits and others;

H.R. 5416. An act for the relief of Irene N. Halkias;

H.R. 5514. An act to direct the Secretary of the Interior to sell certain public lands in the State of Arizona;

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6473. An act for the relief of Mr. and Mrs. Loward D. Sparks;

H.R. 6587. An act to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 6883. An act for the relief of the estate of Eileen G. Foster;

H.R. 7346. An act for the relief of certain officers and employees of the U.S. Public Health Service;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 8348. An act for the relief of Mrs. Faye E. Russell Lopez;

H.R. 8469. An act for the relief of Dr. Salim Akyol;

H.R. 8532. An act for the relief of Ivan D. Beran;

H.R. 8936. An act for the relief of Leonard M. Dalton;

H.R. 9573. An act for the relief of Wolfgang Stresemann;

H.R. 9678. An act for the relief of Anna Maria Geyer;

H.R. 10078. An act for the relief of Philip N. Shepherdson;

H.R. 10300. An act to authorize certain construction at military installations, and for other purposes; and

H.R. 10433. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District;

S. 1445. An act for the relief or Archie L. Dickson, Jr.;

H.R. 2189. An act for the relief of Morris Aronow and other employees of the Post Office Department;

H.R. 2724. An act for the relief of Davey Ellen Snider Siegel;

H.R. 4681. An act for the relief of CWO James A. McQuaig;

H.R. 5584. An act for the relief of Capt. Ransom C. Aplin;

H.R. 6748. An act for the relief of the J. D. Wallace & Co., Inc.; and

H.R. 8470. An act for the relief of Warren A. Jeffers and Francis H. Leik.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1382. An act for the relief of John Gatzopi Overbeck and Mary Gatzopoulos Overbeck;

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 1440. An act for the relief of Consuelo Alvarado de Corpus;

H.R. 1500. An act for the relief of Mrs. An Fu Wang Lee;

H.R. 2215. An act for the relief of E. A. Rolfe, Jr.;

H.R. 2229. An act for the relief of Louis Adler;

H.R. 3646. An act for the relief of Gordon Liu Brooks, Jackie Lee Brooks, and Tony Tsui Brooks;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 4871. An act for the relief of Glen C. Deits and others;

H.R. 5416. An act for the relief of Irene N. Halkias;

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6473. An act for the relief of Mr. and Mrs. Loward D. Sparks;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 6883. An act for the relief of the estate of Eileen G. Foster;

H.R. 7346. An act for the relief of certain officers and employees of the U.S. Public Health Service;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 8348. An act for the relief of Mrs. Faye E. Russell Lopez;

H.R. 8469. An act for the relief of Dr. Salim Akyol;

H.R. 8532. An act for the relief of Ivan D. Beran;

H.R. 8936. An act for the relief of Leonard M. Dalton;

H.R. 9573. An act for the relief of Wolfgang Stresemann;

H.R. 9678. An act for the relief of Anna Maria Geyer; and

H.R. 10078. An act for the relief of Philip N. Shepherdson; to the Committee on the Judiciary.

H.R. 5514. An act to direct the Secretary of the Interior to sell certain public lands in the State of Arizona; and

H.R. 6587. An act to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover; to the Committee on Interior and Insular Affairs.

H.R. 10300. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

H.R. 10433. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes; to the Committee on Appropriations.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF FEDERAL CIVIL DEFENSE ACT OF 1950, RELATING TO PROVISION OF SHELTER

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to further amend the Federal Civil Defense Act of 1950, as amended, to provide for shelter in Federal structures, to authorize payment toward the construction or modification of approved public shelter space, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO DISPOSAL OF PERSONAL EFFECTS OF CERTAIN PERSONS WHO DIE IN SERVICE

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize officers detailed for the purpose to dispose of the personal effects of certain persons who die while serving with, employed by, or accompanying the Army or Air Force outside the United States (with an accompanying paper); to the Committee on Armed Services.

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the 6-month period ended December 31, 1962 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON UNNECESSARY COST TO THE GOVERNMENT IN LEASING OF CERTAIN ELECTRONIC DATA PROCESSING SYSTEMS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary cost to the Government in the leasing of electronic data processing systems by the Aerospace Division of Martin Marietta Corp., Baltimore, Md., Denver, Colo., Orlando, Fla., Department of Defense, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON OVERPRICING OF THE NUCLEAR FRIGATE U.S.S. "BAINBRIDGE"

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the overpricing of the nuclear frigate U.S.S. *Bainbridge*, purchased from the Bethlehem Steel Co., Quincy, Mass., Department of the Navy, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Arizona; to the Committee on Commerce:

"HOUSE JOINT MEMORIAL 2

"Joint memorial urging the Congress of the United States to enact legislation which declares a moratorium and holds in abeyance the issuance of licenses or permits under the Federal Power Act to construct dams along the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1965

"To the Congress of the United States of America:

"Your memorialist respectfully represents:

"Whereas the existing economy of the State of Arizona cannot be sustained unless the State's critically inadequate water supply is augmented by Colorado River water and exchanges of water within the boundaries of the State therefor; and

"Whereas the Supreme Court has decreed that the State of Arizona is entitled to 2,800,000 acre-feet of water annually from the mainstream of the Colorado River; and

"Whereas the Senate and the House of Representatives of the State of Arizona endorse the central Arizona project as a means of bringing the benefits of this water to the State of Arizona, regarding it as a necessity to survival, and viewing with grave concern any obstacles placed in the path of such project; and

"Whereas the Arizona congressional delegation is seeking in harmony the authorization of the central Arizona project as a Federal reclamation project; and

"Whereas there is now pending before the Congress of the United States legislation which has for its purpose the utilization by Arizona of its entitlement to the waters of the Colorado River; and

"Whereas the Senate and the House of Representatives of the State of Arizona have full confidence in the experience, integrity, and ability of the Arizona delegation to bring about the passage of such legislation; and

"Whereas the Arizona delegation deems it in the best interests of its efforts that the reach of the Colorado River beween Glen Canyon Dam and Lake Mead be and remain unencumbered for a reasonable period of time; and

"Whereas to keep such area unencumbered, it is only fair, reasonable and equitable that a time limit be established and that anything done shall not change or affect, for the purpose of any action which may be taken subsequent to such time limit, the present status, equities, position, rights or priorities of any applications now pending before any Federal agency; and

"Whereas time is of the essence and early action by the Congress of the United States is required to keep such reach of the Colorado River unencumbered;

"Wherefore your memorialist, the Senate and the House of Representatives of the State of Arizona, prays:

"1. That the Senate and House of Representatives of the United States of America in Congress assembled, enact legislation which provides that no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a–823) for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1965; providing that nothing therein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights or priorities of any parties to applications now pending.

"2. That the Congress of the United States act speedily on any matters now pending or which may come before the Congress to insure that everything shall be done to bring the water and hydroelectric power resources in the Lower Basin of the Colorado River to the fullest development at the earliest possible date.

"3. That the secretary of state of the State of Arizona is directed to forthwith transmit copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the chairman of each congressional committee and subcommittee to which said legislation has been referred for consideration, to the Federal Power Commission and to each member of the Arizona congressional delegation.

"Passed the house March 16, 1964, by the following vote: 56 ayes, 13 nays, 11 not voting.

"Passed the senate March 16, 1964, by the following vote: 28 ayes, 0 nays, 0 not voting.

"Approved by the Governor March 16, 1964.

"Filed in the office of the secretary of state, March 16, 1964."

A bill (senate bill 179) enacted by the Legislature of the State of South Dakota; to the Committee on Finance:

"SENATE BILL 179

"An act relating to the operation and effect of chapter 125 of the Session Laws of 1963, and declaring an emergency

"PREAMBLE

"Whereas chapter 125 of the Session Laws of 1963, relating to unemployment compensation benefits under the employment security law provided that the same shall become inoperative, null, and void if the U.S. Secretary of Labor, prior to January 8, 1964, finds such chapter not to conform to the requirements of the Social Security Act and the Unemployment Tax Act of the Internal Revenue Code;

"Whereas such Social Security Act and Unemployment Tax Act have specific provisions providing for notice and an opportunity to be heard to all States including the State of South Dakota prior to a finding by the U.S. Secretary of Labor that State acts such as chapter 125 do not conform to Federal standards; and

"Whereas no notice or hearing was given the State of South Dakota as a condition precedent under such Federal acts to a finding by the U.S. Secretary of Labor that chapter 125 of the Session Laws of 1963 did not conform to Federal standards; and

"Whereas on the 6th of January 1964, the Governor of South Dakota received from the U.S. Secretary of Labor a memorandum "finding" that the provisions of chapter 125 of the Session Laws of 1963 did not conform to applicable Federal standards; and

"Whereas it is the position of the State of South Dakota that chapter 125 of the Session Laws of 1963 is and has been operative and in full force and effect since January 15, 1964, for the reason that no finding of nonconformance was in fact or in law made by the U.S. Secretary of Labor; and

"Whereas the U.S. Secretary of Labor contends his memorandum without prior statutory notice and hearing constitutes a finding; and

"Whereas as a result of all of the above, a dispute exists between the sovereign State of South Dakota and the U.S. Secretary of Labor; and

"Whereas there is presently no statutory provision allowing the sovereign State of

South Dakota to seek clarification of such dispute in an impartial court of law; and

"Whereas in order to demonstrate the good faith of the people of the sovereign State of South Dakota, it is hereby declared the policy of the Legislature of the State of South Dakota to make the provisions of chapter 125 of the Session Laws of 1963 inoperative for a limited period of time in order to give the Secretary of Labor an opportunity to follow the applicable Federal statutes relating to the conformity of State acts, thereby preserving comity between the sovereign State of South Dakota and the U.S. Government; and

"Whereas to further that end, the Legislature of the State of South Dakota hereby grants the Governor of the State of South Dakota the power to declare such chapter 125 inoperative after such limited period of time:

"*Therefore, be it enacted by the Legislature of the State of South Dakota:*

"Section 1. The provisions of chapter 125 of the Session Laws of 1963 are hereby declared inoperative, retroactive from January 15, 1964 to and including June 30, 1964.

"Sec. 2. From and after July 1, 1964, the provisions of chapter 125 of the Session Laws of 1963 shall be operative unless the Governor of the State of South Dakota, on or before December 31, 1964, declares the same to be inoperative by certifying such declaration to the secretary of state and the commissioner and counsel of employment security.

"Sec. 3. Upon enactment, the secretary of state shall forward certified copies of this act to the President of the United States, the Vice President of the United States, all Members of the U.S. Congress, and the U.S. Secretary of Labor.

"Sec. 4. Whereas this act is necessary for the immediate support and preservation of the State government and its existing institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

"Approved February 13, 1964."

A joint resolution of the General Assembly of the State of Virginia; to the Committee on the Judiciary:

"House Joint Resolution 90

"Joint resolution memorializing the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States

"*Resolved by the House of Delegates (the Senate of Virginia concurring)*, That the Congress of the United States is hereby memorialized to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

" 'Article —

" 'Section 1. No provision of this Constitution, or any amendment thereto, shall restrict or limit any State in the apportionment of representation in its legislature.

" 'Sec. 2. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy relating to apportionment of representation in a State legislature.

" 'Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission.'

"*Be it further resolved,* That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January one, nineteen hundred sixty-five, this application for a convention shall no longer be of any force or effect.

"*Resolved further,* That the clerk of the house of delegates is instructed to send copies of this resolution to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from this State.

"George R. Rich,
"*Clerk of the House of Delegates.*
"Ben D. Lacy,
"*Clerk of the Senate.*"

A resolution of the House of Representatives of the Commonwealth of Kentucky; to the Committee on Public Works:

"House Resolution 104

"Resolution petitioning the Congress of the United States to provide flood control measures for the Salt River and for Rolling Fork

"Whereas it is common knowledge that floods are frequent along the Salt River and Rolling Fork in general and in Bullitt and Hardin Counties and the southwestern part of Jefferson County in particular; and

"Whereas due to recent flooding in this area, the need for immediate flood control is appropriate: And now, therefore, be it

"*Resolved by the House of Representatives of the Commonwealth of Kentucky:*

"Section 1. That the Congress of the United States is petitioned to enact the necessary legislation to effect the immediate construction of flood control measures on the Salt River and the Rolling Fork, particularly as such measure would alleviate the flooded conditions in Bullitt and Hardin Counties and the southwestern part of Jefferson County.

"Sec. 2. That a copy of this resolution shall be sent by the chief clerk of this house of representatives to each U.S. Senator and Representative from Kentucky, to the Chief Clerk of the U.S. House of Representatives, to the Secretary of the U.S. Senate, to the U.S. Corps of Engineers, and to the President of the United States."

A petition, signed by Hosei Hiyane, mayor of Kochinra-Son, Kosuke Kinjyo, chairman, Municipal Assembly of Kochinra-Son, and Kosei Ishihara, chairman, Association of Owners of Military-Used Lands in Kochinra-Son, all of the Island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A resolution adopted by the Board of Chosen Freeholders of the County of Essex, N.J., favoring the enactment of the civil rights bill; ordered to lie on the table.

By Mr. PELL (for himself and Mr. Pastore):

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Banking and Currency:

"H. Res 1309

"Resolution memorializing Congress respectfully requesting that the Housing and Home Finance Agency provide direct grants to local municipal agencies which have adopted approved urban renewal projects to assist them in carrying out all aspects of their workable program particularly minimum standards housing codes

"*Resolved,* That the Congress of the United States be memorialized and respectfully requested to direct the Housing and Home Fnance Agency to provide from the urban renewal fund direct grants to local municipal agencies which have adopted approved urban renewal projects to assist them in carrying out all aspects of their workable program and more particularly to aid them in enforcing local minimum housing standards codes; and be it further

"*Resolved,* That the secretary of state be and he hereby is requested to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the Congress of the United States in the hope that each will use every endeavor to carry out the purpose of this resolution."

REPORT ENTITLED "THE UNITED STATES BALANCE OF PAYMENTS"—REPORT OF A COMMITTEE—ADDITIONAL VIEWS (S. REPT. NO. 965)

Mr. DOUGLAS. Mr. President, from the Joint Economic Committee, I submit a report entitled "The United States Balance of Payments." I ask that the report be printed, together with the additional views. The report contains findings and recommendations based upon the extensive hearings and staff studies in 1963 on the balance of payments.

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Illinois.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated March 9, 1964, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SALTONSTALL:

S. 2656. A bill for the relief of Michele Rizzuto; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 2657. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Finance.

(See the remarks of Mr. Young of North Dakota when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S. 2658. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT:

S. 2659. A bill to provide for technical cooperation and development grants to less developed friendly countries and areas, and for other purposes;

S. 2660. A bill to provide for additional investment guaranties and surveys of investment opportunities under the Foreign Assistance Act of 1961, as amended, and for other purposes;

S. 2661. A bill to authorize certain grant assistance under the Alliance for Progress, and for other purposes;

S. 2662. A bill to amend the United Nations Participation Act of 1945, as amended, and for other purposes;

S. 2663. A bill to authorize appropriations for supporting assistance pursuant to the terms of the Foreign Assistance Act of 1961, as amended, and for other purposes;

S. 2664. A bill to authorize an appropriation to the President's Contingency Fund pursuant to the Foreign Assistance Act of 1961, as amended, and for other purposes;

S. 2665. A bill to provide for military assistance to friendly countries and international organizations, and for other purposes; and

S. 2666. A bill to provide for better administration of the Foreign Assistance Act of 1961, as amended, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above bills, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey:

S. 2667. A bill for the relief of Joaquim Manuel De Oliveira; to the Committee on the Judiciary.

INCREASED AMOUNT OF DOMESTIC BEET SUGAR AND MAINLAND CANE SUGAR WHICH MAY BE MARKETED DURING 1964, 1965, AND 1966

Mr. YOUNG of North Dakota. Mr. President, I introduce for appropriate reference, a bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966.

This bill would increase the basic beet-sugar quota by 750,000 tons from the present 2,650,000 tons to 3,400,000. This increase is necessary because of action taken by the Department of Agriculture in requesting increased production for the years 1963, 1964, and 1965. This increase is in the interest of the U.S. sugar consumers and is particularly vital to American farmers who need sugar beets as a cash crop and as an alternative or replacement for crops now in surplus. This increase would also be most important to the welfare of factory and field labor in the 25 States in which the beet sugar industry is now located.

When Congress extended the Sugar Act in 1962, it provided for the erection of six new sugar beet processing plants in the period from 1963 through 1966. When early in 1963 a critical foreign sugar supply situation became apparent, the Department of Agriculture turned to the domestic beet sugar industry as the quickest dependable source of greater production, and announced that there would be no acreage restrictions on sugar beet planting in the years 1963, 1964, and 1965. The producers and the industry responded with immediate and substantial increases in production.

Mr. President, unless the basic beet sugar quota is increased, our established sugarbeet growers will be faced with a 40-percent cut in acreage. Equally alarming is the fact that the authorization of additional new beet sugar factories would no longer be possible. I believe it would be very unfair to thus penalize present growers who have contributed so importantly to the national sugar supply and at the same time prohibit sugarbeet production in new areas where the crop is so urgently needed.

Consumers are benefiting materially from the beet sugar industry's response to the congressional intent and executive requests. The industry produced a half million tons more sugar in 1963 than in 1962, and is in the process of producing an additional quarter million tons of sugar this year—thus contributing substantially to relieving the supply problem. Moreover, the beet sugar industry has significantly recognized its obligations to consumers under the Sugar Act. In 1963 beet sugar sold from $1 to $3 a hundred pounds less than cane sugar in the same markets. Both the volume and price of beet sugar helped keep U.S. prices of imported raw can sugar lower than many other countries had to pay for the same sugar.

By saving millions of dollars to U.S. consumers in 1963, the beet sugar industry was continuing its tradition of serving consumers: beet sugar never sells for more than cane sugar, and usually sells for less.

Recognition of the importance of domestic sugar production for American consumers was given by President Johnson on January 31, 1964, when he urged Congress to authorize unlimited 1964 marketing of domestically produced sugar.

As I have stated, the extension of the Sugar Act in 1962 provided for the erection of six new beet sugar processing plants during the 4-year life of the act. To protect the acreage allocation for these plants and, at the same time to protect the acreage of existing growers, this legislation is badly needed.

Mr. President, the increase in the basic beet sugar quota and mainland sugar quota would be made without disturbing any of the present individual country quotas. The increase would come out of the so-called global quota. I believe that under changed world sugar supply-demand conditions it would appear undesirable to continue a system under which a large quantity of U.S. supplies is not specifically allocated.

Many changes have taken place in the sugar producing areas of the world since Congress passed the extension of the Sugar Act in 1962. There is no longer a world surplus of sugar. World reserve stocks of sugar which were substantial in mid-1962, are almost nonexistent. This was brought home very readily to the American housewife last summer when the price of sugar skyrocketed as the result of a scarcity of this very essential commodity.

Nearly one-third of world sugar production is under Communist control. Instability and political unrest plague many of the sugar producing nations of the world. I believe, therefore, that in this situation it is in the public interest to rely on the domestic sugarbeet industry for an additional 7½ to 8 percent of our total sugar supplies, which this bill would provide. Even after adding 750,000 tons to the beet area quota, foreign countries would still be guaranteed one-third of the total U.S. market of about 10 million tons.

Mr. President, I ask unanimous consent that the bill be held at the desk through April 2 in order that other Senators may have an opportunity to join me in sponsoring the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from North Dakota.

The bill (S. 2657) to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966, introduced by Mr. Young of North Dakota, was received, read twice by its title, and referred to the Committee on Finance.

CONTINUATION OF THE FOREIGN AID PROGRAM

Mr. FULBRIGHT. Mr. President, I introduce for appropriate reference sundry bills to provide for continuation of the foreign aid program.

One of these, which I introduce by request, is the bill requested by the President in his message to the Congress today. I am introducing it in order that the administration's bill may formally be before the Senate.

At the same time, on my own behalf, I introduce eight other bills dealing with the foreign aid program. I do this because it seems to me that, in view of our past experience with this subject in the Senate—especially last year—and in view of the growing disillusionment with the catch-all program, the Senate is entitled to a new approach in its consideration of foreign aid.

The provisions of these eight bills are not inconsistent with the program proposed by the President. In fact, with one exception, the language of my bills is identical with that requested by the President. This exception has to do with contributions to international organizations. The President requested a specific dollar authorization for appropriations for fiscal 1965; I propose a continuing, open-ended authorization of appropriations to be made to the Department of State. My bill would, however, continue the present law's percentage and other limitations on contributions to international organizations and programs. This particular facet of the foreign aid program is well established. In recent years, the administration has presented hard budget estimates which have rarely been changed by Congress. In these circumstances, I see no reason not to put the program on a permanent basis and save Congress the trouble of an annual review at both the authorizing and appropriating stages. Needless to say, under my proposal, the program would continue to require annual appropriations, which subjects the program to a thoroughgoing, rigorous, and extended examination.

With the exception of this authorization for contributions to international organizations, my bills follow the President's request. One of them deal with development grants and technical cooperation, one with investment guarantees and surveys of investment opportunities, one with grant assistance under the Alliance for Progress, one with supporting assistance, one with the contingency fund, one with military assistance, and one with administration.

The total appropriations authorized by my bills would be $782.2 million—plus, of course, whatever the Congress might subsequently decide to appropriate under the continuing authorizations for international organizations and military assistance. Upon further consideration, it may appear desirable to amend these proposals, either with respect to amounts or to substantive provisions.

I emphasize, however, that both my bills and the administration bill deal only with authorization. They are not appropriations, which are a separate matter.

I have broken the foreign aid program into a number of bills, because I think the Foreign Relations Committee and the Senate ought to have the opportunity to consider separately each of the items which have heretofore been considered in a single bill. This omnibus approach has led to a great deal of the confusion which surrounds the foreign aid program. As the Foreign Relations Committee has repeatedly pointed out, this program consists of a variety of diverse elements. I think that clarity and more intelligent decisionmaking will result if each of these elements is considered on its own merits, and the approach which I am suggesting today will contribute to that end.

Obviously, Mr. President, the decision as to whether this approach is adopted lies in the first instance with the Foreign Relations Committee and ultimately with the Senate. I hope that the committee can discuss the matter shortly after Easter.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. FULBRIGHT, were received, read twice by their titles, and referred to the Committee on Foreign Relations, as follows:

By Mr. FULBRIGHT (by request):

S. 2658. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

By Mr. FULBRIGHT:

S. 2659. A bill to provide for technical cooperation and development grants to less developed friendly countries and areas, and for other purposes;

S. 2660. A bill to provide for additional investment guarantees and surveys of investment opportunities under the Foreign Assistance Act of 1961, as amended, and for other purposes;

S. 2661. A bill to authorize certain grant assistance under the Alliance for Progress, and for other purposes;

S. 2662. A bill to amend the United Nations Participation Act of 1945, as amended, and for other purposes;

S. 2663. A bill to authorize appropriations for supporting assistance pursuant to the terms of the Foreign Assistance Act of 1961, as amended, and for other purposes;

S. 2664. A bill to authorize an appropriation to the President's contingency fund pursuant to the Foreign Assistance Act of 1961, as amended, and for other purposes;

S. 2665. A bill to provide for military assistance to friendly countries and international organizations, and for other purposes; and

S. 2666. A bill to provide for better administration of the Foreign Assistance Act of 1961, as amended, and for other purposes.

MOBILIZATION OF HUMAN AND FINANCIAL RESOURCES TO COMBAT POVERTY—EXTENSION OF TIME FOR BILL TO REMAIN AT THE DESK

Mr. McNAMARA. Mr. President, I ask unanimous consent that the bill (S. 2642) to mobilize the human and financial resources of the Nation to combat poverty in the United States be held at the desk until the close of the session on Wednesday, March 25, for additional cosponsors.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 19, 1964, he presented to the President of the United States the following enrolled bills:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District; and

S. 1445. An act for the relief of Archie L. Dickson, Jr.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, and so forth, were ordered to be printed in the RECORD, as follows:

By Mr. JAVITS:

A statement prepared by him entitled "Civil Rights and the Arts."

TEXTILE EXPORTS AND IMPORTS

Mr. SALTONSTALL. Mr. President, a conference of great importance to our domestic wool manufacturers was concluded in Paris on March 12, 1964. Representatives of American, Canadian, and European wool textile, knit goods, and apparel industries unanimously signed an accord calling for an early meeting of their Governments to seek an international trade agreement on wool textile products. I ask unanimous consent that two articles which appeared in the Daily News Record on March 13, 1964, concerning the Paris wool conference be printed in the RECORD as part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

UNANIMOUS ACCORD REACHED AT PARIS INTERNATIONAL WOOL PARLEY

(By James W. Brady)

PARIS.—The Paris Wool Conference ended in unanimous agreement Thursday night.

American, Canadian, and European delegates signed an accord calling for an early meeting of their Governments to negotiate an international trade agreement.

Wool textiles, knit goods, and apparel industry representatives from 14 nations framed the following three-part resolution:

"That there is a recognized need for an early agreement among Governments covering world trade in the products of the industries involved, irrespective of the fibers contained in these products.

"That each of the above-mentioned industries request the prompt convening of an international meeting of all Governments concerned for the purpose of concluding such an agreement."

"That each of the above-mentioned industries suggest to its Government measures that each considers appropriate to achieve this end."

The 13-man U.S. delegation was jubilant at the outcome of the 2-day Paris session. As they caucused late Thursday evening in the Hotel George V after adjournment of the final session, they were using words like "historic * * * dramatic * * * precedent making" to describe the Paris accord.

This contrasted sharply with the first day of negotiations, when Europeans and Americans appeared far apart.

Morton H. Darman, president of the Top Co., Boston, acted as the U.S. delegation spokesman at the session.

"We are greatly encouraged by the outcome of the Paris meeting," Mr. Darman said. "It follows a meeting in Rome last December at which only segments of the European industry were present.

"The purpose of the Paris meeting was to permit the Europeans to include their total wool industry as we in the United States did. And while there were doubts at the conclusion of the Rome meeting as to what position the total European industry might take, those doubts are now resolved.

"It is our intention to communicate the results of this meeting promptly to appropriate Government officials and to Members of Congress, and it is our expectation that the climate generated at this Paris meeting will prove useful in enabling the governments of all the countries concerned to meet at an early date and resolve the mutual problems of the industry through an international agreement of governments."

Mr. Darman was asked whether the governmental meeting proposed might possibly be convened before the Kennedy round of GATT negotiations, which begin May 4 in Geneva. He said timing was up to the governments involved.

Asked if further meetings modeled on the Rome and the Paris wool conferences were planned, Mr. Darman said, "We see no further need for industry-to-industry conversations—that is, we the Americans. "We cannot speak for the Europeans."

To the question of whether import quotas, market disruption concepts, or other trade details were decided upon during the Paris talks, the American spokesman replied:

"We did not come here to settle on details—that's for the governments to do. Our own industry position is well known, has not changed, and will be reaffirmed to our Government upon our return."

Other delegates were less specific on their own national reactions to the Paris accord—as it probably will be known at least in Europe—but it was clear they were all pleased to have been able to find a common ground with the Americans.

In answer to questions, delegates said there was no logical relationship between the worldwide wool pact they now want the governments to hammer out and the GATT long-term agreement on cotton textiles. American delegates also said there was no discussion of whether wool textiles should be excluded from the Kennedy round.

Most U.S. industry leaders plan to return to America today. It is expected that early meetings will be scheduled with officials in Washington.

TEXT OF ACCORD

PARIS.—Here is the text of the Paris Wool Conference accord:

"The wool textile, knit goods, and apparel industries of Austria, Denmark, Norway, Spain, Sweden, the United Kingdom, the European Economic Community (France, Germany, Italy, Belgium, The Netherlands, and Luxembourg), Canada, and the United States assembled in Paris on March 11, 12, 1964.

"Recognizing the continuing seriousness and urgency of the problems posed by developments in world trade in the products of these industries and

"Recalling that their governments have expressed their intention of safeguarding these industries and the standard of living of the millions of men and women they employ and

"Being mindful of the fact that in many parts of the world international trade is not conducted on the basis of normal free and fair trade practices and

"Recognizing the need for the orderly development of world trade in the products of the above industries among all countries and

"Desiring to develop an equitable solution of the mutual problems affecting all countries producing or consuming such products.

"Therefore unanimously resolve

"That there is a recognized need for an early agreement among governments covering world trade in the products of the industries involved irrespective of the fibers contained in these products.

"That each of the above-mentioned industries request the prompt convening of an international meeting of all governments concerned for the purpose of concluding such an agreement.

"That each of the above-mentioned industries suggest to its government measures that each considers appropriate to achieve this end."

Mr. SALTONSTALL. Mr. President, in 1961, President Kennedy recognized the serious problems posed by imports to our domestic textile manufacturers. In his seven-point textile program, announced on May 2 of that year, he stated that the textile industry "is of vital importance in peacetime and it has direct effect upon our total economy." In point 6 of the proposed program he added:

> I have directed the Department of State to arrange for calling an early conference of the principal textile exporting and importing countries. This conference will seek an international understanding which will provide a basis for trade that will avoid undue disruption of established industries.

The program, initiated before the passage of the Trade Expansion Act, is outside of the framework of the Kennedy round of trade negotiations.

I certainly hope that with the encouragement provided by this Paris accord, our Government will take immediate action seeking an international agreement to limit the excessive imports of wool textile products.

Several of my colleagues and I, under the leadership of the Senator from Rhode Island [Mr. PASTORE], have met with President Johnson at the White House, to discuss this issue; and follow-up conversations concerning this subject—again led by the Senator from Rhode Island—were held yesterday with Secretary of State Rusk, Christian Herter, and George Ball, the Under Secretary of State. Shortly, the President's special representative for trade negotiations, Christian Herter, will go to Geneva for the trade negotiations.

I conclude by stating that this is a matter of great importance to all of us who have constituents in the textile industries. We hope something will come from these conferences, in which we were favorably received by President Johnson, and again, yesterday, by Secretary of State Rusk—who, we hope, is undertaking direct negotiations on this subject.

DECISION OF ILLINOIS FAIR EMPLOYMENT PRACTICES COMMISSION

Mr. DIRKSEN. Mr. President, in the course of the civil rights debate, a great deal has been said about a pending case before the Fair Employment Practices Commission in the State of Illinois. The case is styled: "In the Matter of Leon Myart, complainant, and Motorola, Inc., respondent, Charge No. 63 C–127." Under date of March 16, I received from the executive director of the Illinois FEPC a letter which sets forth in full the decision and the order of the hearing examiner.

In order to make sure that all the facts in connection with the civil rights bill are before the Senate, I ask unanimous consent that the letter from the executive director of the Illinois Fair Employment Practices Commission and also the decision and the order be printed in the RECORD.

There being no objection, the letter, decision, and order were ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS FAIR
EMPLOYMENT PRACTICES COMMISSION,
Chicago, Ill., March 16, 1964.

The Honorable EVERETT DIRKSEN,
The U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DIRKSEN: Enclosed is a copy of the decision of Hearing Examiner Bryant in the case of *Myart* v. *Motorola, Inc.*, which I am forwarding to you for your information since I understand that this decision is being cited in the debate over the civil rights bill now before the Senate.

Mr. Bryant issued this decision following a hearing on this case over which he presided. Motorola, Inc., has appealed this decision and it will now be reviewed by the members of the commission. Following the commission's decision and order on this case either or both parties can seek relief in circut court, according to the provisions of the Illinois Fair Employment Practices Act.

Please let me know if you desire further information and thank you for your continued interest in fair employment practices.

Sincerely yours,

WALTER J. DUCEY,
Executive Director.

STATE OF ILLINOIS FAIR EMPLOYMENT
PRACTICES COMMISSION

IN THE MATTER OF LEON MYART, COMPLAINANT, AND MOTOROLA, INC., RESPONDENT, CHARGE NO. 63C–127

Decision and order of hearing examiner

This matter came on for public hearing before the hearing examiner on January 27, 1964, on a complaint issued by the fair employment practices commission on behalf of one Leon Myart pursuant to Illinois Revised Statutes, chapter 48, sections 851–866.

The complaint charges that on July 15, 1963, at Chicago, Ill., the respondent committed an unfair employment practice in that respondent did not hire complainant because of his race.

The complainant is a Negro. The complaint alleges that Myart applied at respondent's place of business in Chicago for the position of analyzer and phaser; that complainant was well qualified for the position for which he applied. The qualifications he cited as relating to said position are these: a 19-month course of study—combination general electrical and radio-television technicians course and another electronics shop course of 432 hours.

It appeared upon the hearing that, in common parlance, an analyzer and phaser is a troubleshooter, checking radio, television, and stereophonic sets for faults as they come off the production line and rectifying.

The complaint further states that after the charge was filed with the commission, one of its employees investigated said charges to ascertain the facts relating to said alleged unfair employment practice and that the commission afterward determined that there was substantial evidence that said unfair employment practice had been committed. The complaint further alleges that pursuant to section 8 of the Illinois Fair Employment Practices Act, a conciliation conference was scheduled and duly noticed and that there was a failure to settle or adjust the charge.

Paragraphs four and five of the complaint set forth further satisfaction of jurisdictional and procedural prerequisites leading to the instant hearing. At the public hearing no jurisdictional or procedural questions were raised by the respondent, and the hearing examiner holds that all jurisdictional and procedural requirements were satisfied prior to the public hearing.

The relief sought through the complaint is that respondent be required to offer to the complainant employment as an analyzer and phaser, and that his seniority be computed as starting on the date of his application, to wit: July 15, 1963; that respondent be ordered to pay complainant the wages he would have earned after said date down to the date of the order to be entered pursuant to this complaint, less the amount of his earnings meanwhile; that respondent be ordered to cease and desist from committing the unfair employment practice complained of at any place of respondent's business in the State of Illinois; that respondent cease and desist from denying equal employment opportunity to all qualified applicants; that the respondent be required to promulgate a policy statement of merit employment in accord with the Fair Employment Practices Act of Illinois, and that said policy statement be promulgated to all present employees of the respondent and to all places where future employees are recruited, and that said policy be made known to all future applicants for employment with the respondent company.

At the opening of the hearing on January 27, 1964, counsel for the respondent orally moved for the correction of its legal title, and the correction was accordingly made in the heading of this decision and order. The hearing examiner notes that the respondent failed to avail itself of a conciliation conference scheduled by the commission pursuant to section 8 of the act and that the respondent elected not to file an answer pursuant to section C, subsection 4a, b of the rules and regulations of procedure prescribed by the commission. By subsection 4d, any allegation in the complaint, which is not denied or admitted in the answer, unless the respondent shall state in the answer that he is without knowledge or information sufficient to form a belief, shall be admitted. However, by subsection 4g, the hearing examiner is required to hear the matter and make his findings of fact and enter his order upon the testimony at the hearing, notwithstanding respondent's failure to file an answer. This the matter was heard on complaint and testimony and the exhibits produced in connection therewith.

By section 1 of the act, it is declared to be the public policy of this State that equal employment opportunity without discrimination because of race, color, religion, national origin, or ancestry should be protected by law; and the legislature found, in part, preliminary to its statement of policy that denial of equal employment opportunity because of race, color, religion, national origin, or ancestry, deprives a portion of the population of the State of earnings necessary to maintain a reasonable standard of living, thereby tending to cause resort to public charity.

By article IX of said rules and regulations, they are to be construed to accomplish the purposes of the act and the policies of the commission.

The complainant, to maintain the issue in his behalf, testified first; and he was followed by Walter J. Ducey, executive director of the commission. The complainant testified that he attended Forrestville Grade School, Dunbar Vocational High School, evening division, from which he received a certificate setting forth that complainant, on June 7, 1961, had completed a prescribed course of 432 hours in electronics shop (exhibit II; report of proceedings, p. 14); Academy for Adults, which awarded a diploma on June 17, 1960, and setting forth that complainant had satisfactorily completed a general high school course (exhibit I; report of proceedings, p. 15); official transcript of complainant's scholastic record in a combination general electrical and radio-television technicians course, dated November 7, 1962, and issued by Coyne Electrical School (exhibit III). This exhibit sets forth that complainant received an average grade of 83.1; that the combined courses included basic electricity and wiring, d.c. power and motor repair, a.c. power and maintenance, industrial electronics, refrigeration and electric appliance repair, basic radio-TV, AM and FM servicing, TV circuits and construction, television service and repair, and TV servicing and color circuits. The electrical course was 6 weeks long in each department or 180 hours. That the TV radio electronics course was 7 weeks long or 210 hours. This transcript contained also a remark relating to complainant's industry and cooperation as above average. In addition to these exhibits offered by the complainant as proof of his academic qualifications, he also offered two diplomas which were awarded him by Coyne Electrical School. The one dated May 5, 1961 (exhibit IV), shows satisfactory completion of a resident course of instruction in general electrical technicians course; the other is dated December 7, 1962, and recites that complainant has satisfactorily completed the resident course of instruction prescribed for television-radio electronics technicians course (exhibit V). All of these schools are located in Chicago, Ill., and one is under the supervision of the Chicago Board of Education.

The evidence shows that complainant attended one or more of these schools while he was working at various jobs not related to his training (report of proceedings, pp. 24–26). As proof of his experiential qualifications in the field related to that employment for which he applied at respondent's place of business, complainant testified that he worked part time with his brother in the operation of neighborhood radio-TV service over a 3-year period immediately preceding his application with respondent. Here complainant performed general service on radios and televisions (report of proceedings, p. 27). He also worked at House of Sound which offered a television rental service and kept in stock for this purpose about 30 sets which complainant kept in working order. At both shops, complainant served as troubleshooter, checking circuits of sets, voltage and resistors; and he read schematic diagrams—localizing faults and balancing voltages of opposite phases, and repairing sets. Complainant's testimony respecting his school attendance and experience substantially supports the allegations of the complaint.

Complainant testified that he was on respondent's premises not more than 15 minutes during the process of his application and his being tested (report of proceedings, p. 69). By his complaint complainant claims that he took and passed the company tests, that white persons were hired during this period but that he was not, and that he believes he was not hired because of his race.

At the hearing respondent raised no question regarding the respectability of the schools which the complainant attended, but in seeking to meet the showing made by the complainant, the respondent made a four-point attack.

First, respondent showed that complainant failed to write in on respondent's printed application form the name of one of the schools that complainant attended, namely, Dunbar High School (respondent's exhibit I; report of proceedings, pp. 43, 44), and his radio and television experience (report of proceedings, pp. 47, 65). Complainant testified that he orally informed the interviewer of both of these items (report of proceedings, pp. 65, 70), and showed to the interviewer complainant's certificate from Dunbar (complainant's exhibit II), showing completion of 432 hours' course in electronics. Respondent's employment interviewer, Jerry Hoelscher, testified at one point that he orally asked complainant for further information relating to his experience or training or background not included on his application and that there was none, "to my knowledge," pages 165, 161. Hoelscher further testified that if complainant had informed the interviewer of complainant's training at Dunbar Vocational School he, the interviewer, would have noted that fact in writing on complainant's application form. Under cross-examination, Witness Hoelscher admitted that he asked complainant no question regarding his training in related work (report of proceedings, p. 170).

There is then presented two questions relative to complainant's revelation of his educational and experiential background. The first is whether complainant is to be held responsible for these written omissions, and whether these omissions were decisive to his being hired; second, there is a disputed question of fact about complainant's oral communication of his educational and experiential background to the interviewer.

Reviewing the reverse side of respondent's exhibit I, the printed application form, the hearing examiner notes that there are four sections separately titled so that complainant's four last places of employment are educed, without regard to whether any of the four were places engaged in any work related to that for which complainant was applying at respondents. The same must be said of the section headed, "List below other special qualifications you have. (Machinery or office equipment)."

In the judgment of the hearing examiner no place on the application form was designed to educe the information respecting complainant's particular experience in the related field of work. Moreover, Hoelscher said this omission was not decisive to complainant's not being hired (report of proceedings, p. 159). On the disputed question whether complainant orally informed the interviewer of the applicant's educational and experiential background, the hearing examiner holds with the complainant. As the trier of the facts, the hearing examiner is the judge of the credibility of the witnesses and of the weight to be given the testimony of each. That complainant would apply for employment as analyzer and phaser in the radio and television field and then suppress information to the interviewer regarding the applicant's education and experience in the field of which he was applying for employment is improbable.

The second point of respondent's attack upon the case made by the complainant at the hearing consisted of a series of 10 questions put to complainant under cross-examination, questions the answers to which respondent claims an analyzer and phaser at Motorola must know, and which are put to every applicant for employment as analyzer and phaser at Motorola, providing the applicant first passes test No. 10. This latter test will be dealt with during consideration in this decision and order of respondent's attack No. 3. These questions were said by respondent to be a test of complainant's knowledge of the work for which he applied at Motorola.

In the judgment of the hearing examiner this test put upon the hearing came too late and cannot now determine the issue of whether complainant was denied equal opportunity of employment at the time he applied.

Respondent's third point of attack was made in connection with the said test No. 10, which was put to the complainant at the time he applied for employment, and it followed his filling out the written application (respondent's exhibit II). This exhibit was said by respondent to be the same test form containing identical questions as the one complainant took at the time of his application. The test form on which complainant indicated his answers was not offered in evidence and the only reason for not doing so was that it had been sent to the respondent's test area. Exhibit II was admitted into evidence for the restricted purpose of showing the type of test that had been put to complainant at the time he applied for employment (report of proceedings, pp. 157, 169).

It was claimed by the author of this test, who testified at the hearing on behalf of the respondent, that the test is the shortest test of intelligence that has been developed, as far as he knew. It is said to test verbal understanding, understanding of instructions (report of proceedings, p. 209). The witness, Dr. Shurrager, developed a series of tests for the respondent including tests of four different kinds of special relations and ability; and he regularly supplies these tests to respondent for a fee, pages 210, 211. Of the greater number of witnesses testifying in respondent's behalf, only witness Hoelscher attempted to place himself within the area of having direct knowledge of complainant's score on test No. 10, and he testified that the score was 4 and that the passing grade at Motorola is 6, while Dr. Shurrager says that the mean he set was 8. Inasmuch as Mr. Hoelscher was not the person who administered the test to the complainant, his opportunity for knowing the fact about which he testified falls short of legal requirements. No testimony was offered from the administrator who administered the test and graded it. In the absence of the test which complainant took, his answers thereto, and the overlay key for checking the complainant's answers, the hearing examiner is denied sufficient means for holding with the respondent that complainant was accorded equal opportunity with all other applicants without regard to the complainant's race.

All of the above-mentioned items were at one time, at least, in the possession and under the control of the respondent; and its failure to produce, after the exercise of reasonable diligence, or its failure sufficiently to explain away its inability to produce, if that were the fact, does not convince the hearing examiner of any eagerness on the respondent's part to disclose all the facts in this case.

The hearing examiner is persuaded therefore, that had respondent produced the test administrator to testify, the test No. 10 which the complainant took, his test score, and the overlay key from which comparisons with, and checking of complainant's answers might have been made, the showing would have been adverse to the respondent. These missing items were not equally available to the complainant. A reasonably prudent person, under the same or similar circumstances as the respondent, would have produced these missing matters if he believed they were favorable to him, *Beery* v. *Beery*, (311 Ill. App. 469). Moreover, the complaint alleges that complainant passed the company tests, the commission investigator testified that when he administered test No. 10 to complainant as part of the investigation about 2 months later, complainant passed with a score of 7, a point above the minimum required by the company (report of proceedings, pp. 121, 122). Dr. Shurrager testified that a person retaking the test might improve his first score, but not appreciably (p. 215), that no special training was required and that there is no real difficulty in administering and scoring test No. 10 (report of proceedings, p. 210). The hearing examiner cannot, in connection with test No. 10, end the discussion here.

Because of the probability otherwise that respondent may continue to use test No. 10, in its employment practice, without revision, if revised it can be, the hearing examiner makes the following observations, though not necessary to the decision and order in this case: Copyrighted as it was in 1949 and used since that time, test No. 10 in the light of today's knowledge, is obsolete. Its norm was derived from standardization on advantaged groups. Studies in inequalities and environmental factors since the publication of test No. 10 have been made with careful equating of such background factors. Dr. Shurrager realizes somewhat the existence of these background variables, but his test No. 10, at the time of complainant's taking it, and at the time of the hearing, had not been revised to meet the acknowledged, current conditions (report of proceedings, pp. 215–218). In the light of current circumstances and the objectives of the spirit as well as the letter of the law, this test does not lend itself to equal opportunity to qualify for the hitherto culturally deprived and the disadvantaged groups, Audrey M. Shuey, "The Testing of Negro Intelligence," J. P. Bell Co., Inc., Lynchburg, Va., 1958. See vii. Until test No. 10 is revised, or appropriately replaced, those persons such as the complainant in this case who apply for employment at respondent's company will be at a competitive disadvantage, Paul A. Norgren et al., "Employing the Negro in American Industry," Industrial Relations Monograph, No. 17, Industrial Relations Counselors, Inc., N.Y., 1959, page 25.

The fourth and final attack which respondent made on the complainant's case was to show the company's general hiring practices. The attempt here was to show that the company accords equal employment opportunity to all without discrimination because of race, color, religion, national origin, or ancestry.

It is noted that the personnel director, at the hearing, was unable to tell approximately the number of Negro analyzers and phasers that were employed by the respondent except within the last 10 days prior to the hearing; and apparently he learned that fact through looking at pictures of a Negro analyzer in the Courier newspaper. The investigator's charge report in evidence indicates that as of August 22, 1963, respondent employed approximately 25 phasers and analyzers, all being persons of the white race (report of proceedings, pp. 233, 234) (complainant's exhibit VI). In this connection, witness Piper testified that Negroes at respondent's have been occupying jobs of technicians and/or analyzers and phasers for at least 3 or 4 years. On this point there is conflict between two of respondent's own witnesses and with the investigator's report. In the light of all the evidence in this case considered together, the hearing examiner accepts the finding of the commission investigator (see report of proceedings, pp. 281, 282).

In the consideration of Mr. Piper's testimony with regard to complainant's arrest record, the hearing examiner is not able to say that respondent gave it any weight in denying employment to the complainant. Under direct examination, Mr. Piper stated that had the complainant successfully passed all other tests usually administered for the job applied for, he would still have been denied because of his arrest record (report of proceedings, p. 270). Yet, under cross-examination, Mr. Piper testified that, "if we were at a point of seriously considering the hiring of the applicant, we would have undertaken an investigation, as we have done in many cases in the past" (report of proceedings, p. 272). Then on page 276, witness Piper testified that in the final analysis the company would make its decision "based upon the information which we obtained in an investigation," which was not made in this case.

If the Fair Employment Practices Act of this State is effectually to be implemented, personnel executives in the industries covered by the law, have a supreme responsibility to move positively to eradicate unfair employment practices in every department. Somehow, general convictions of economic need and fairness must be acquired, and concerted action made to come into play within each department throughout the plant and with the administrators of this law. There is ample modern authority for this position. The task is one of adapting procedures within a policy framework to fit the requirements of finding and employing workers heretofore deprived because of race, color, religion, national origin or ancestry. Selection techniques may have to be modified at the outset in the light of experience, education, or attitudes of the group, Francis J. Brown, "Educational Sociology" 2d edition, Prentice-Hall, Inc., 1954, pp. 135–138; Paul H. Norgren et al., "Employing the Negro in American Industry," Industrial Relations Monograph, No. 17; Industrial Relations Counselors, Inc., N.Y. 1959, pages 4, 5, 8, 10, 11. The employer may have to establish in-plant training programs and employ the heretofore culturally deprived and disadvantaged persons as learners, placing them under such supervision that will enable them to achieve job success.

In order to sustain the complaint in this case the hearing examiner must find that the complainant has proved the complaint by a preponderance of the evidence, Smith-Hurd Ill. (Ann. Stats. 1963, Ch. 48, Par. 858(f)). The examiner, if he finds that the evidence in the case, when considered altogether, preponderates in favor of the complainant, then he must find the issue, or issues in favor of the complainant. The hearing examiner so finds, *Garlinski* v. *Chgo. City Ry. Co.* ((1930), 257 Ill. App. 414). There is relevant evidence here such that a reasonable mind might accept as adequate to support the conclusion that an unfair employment practice was committed by the respondent against the complainant in the company's denial of employment to the complainant on or about July 15, 1963; that complainant was denied because of his race.

It is therefore ordered as follows:

A. That respondent, Motorola, Inc., cease and desist in the future from committing the unfair employment practice complained of in this complaint at any place of business of the respondent in the State of Illinois and to cease and desist from denying equal employment opportunity to all qualified applicants.

B. That respondent cease and desist from the use of test No. 10 within 30 days from the date of this order; or within such further time as may be extended by the commission upon written request made for good cause shown before the expiration of said 30 days.

C. That if respondent chooses to replace test No. 10, that it adopt a test which shall reflect and equate inequalities and environmental factors among the disadvantaged and culturally deprived groups, and in this connection, it is ordered that respondent inform the commission, in writing, of the company decision within 30 days from the date of this order, or within such further time as may be extended by the commission after written request made for good cause shown before the expiration of said 30 days.

D. That respondent revise its application for employment form to educe specifically the last places of employment, if any, in the related field for which applicant is applying, and in detail, the experience, if any, which applicant claims, whether inside or outside the related industry. That respondent submit to the commission a copy of said revised application for employment form within 30 days from the date of this order, or within such further time as may be extended by the commission after written request made for good cause shown before the expiration of said 30 days.

E. That the respondent, Motorola, Inc., immediately offer to the complainant employment as analyzer and phaser, and that upon such employment assign him to the company's so-called sponsor program at the current rate of pay paid to all other employees working under the sponsor program in the department, under adequate supervision with the end in view of enabling the complainant to achieve job success as an analyzer and phaser.

F. That the respondent's intentions to execute this order in good faith be promulgated to the complainant's supervisor and all other employees in the department.

G. That the respondent report the date of its offer to the complainant in compliance with this order within 7 days from the date hereof to the commission; and to make such further reports to the commission as it may inquire.

Enter:

ROBERT E. BRYANT,
Hearing Examiner.

Dated: February 26, 1964.

CERTIFICATE OF SERVICE

I, Robert E. Bryant, hearing examiner in the above-entitled cause, do hereby certify that I have served a copy of the foregoing decision and order upon the complainant and respondent by placing the same in the U.S. mail in an envelope, properly addressed with first-class postage affixed to: Attorney Robert V. Nystrom, 77 West Washington Street, Chicago, Ill., who is attorney of record for the respondent; and Attorney Quentin J. Goodwin, 105 West Adams Street, Chicago, Ill., who is attorney of record for the complainant.

This 27th day of February A.D. 1964.

ROBERT E. BRYANT,
Hearing Examiner.

PRAVDA'S DEFENSE SHOW HIDDEN WEAKNESSES IN THE SOVIET ECONOMY

Mr. PROXMIRE. Mr. President, on February 25, the Joint Economic Committee filed a report entitled "Annual Economic Indicators for the U.S.S.R." This report reveals some fascinating evidences of weaknesses within the Soviet economy. The report, which was prepared by some of the outstanding Soviet experts in the United States, should be required reading for everyone, but especially for those who have been such loud critics of the effectiveness and efficiency of our own economic system.

This congressional committee report has hit the Soviet Union where it hurts, namely, with facts about its economic failures.

Pravda has howled against the facts established by the Joint Economic Committee's group of experts because those facts showed the inherent weakness of the U.S.S.R.

Pravda practically admits the closeness to the target by the violence of its reaction.

Let me in this statement simply summarize a few of the highlights of this report that reveal Soviet economic weakness.

It is clear that the growth of the Soviet economy has slowed down severely since 1958. From 1958 to 1962, the average annual rate of growth of gross national product in the U.S.S.R. was only 4.6 percent, as compared with a rate of 6.8 percent between 1950 and 1958. Our own growth rate during the most recent 5-year period, by comparison, was approximately 4.3 percent. This minor difference could certainly be explained by statistical inadequacies. More important, however, the figures clearly indicate that the rate of growth in the Soviet Union is declining.

In 1962, the latest full year for which independent calculation is possible, the Soviet gross national product increase was only 2.2 percent, the lowest in its recent history. Our own economic growth in the same year was 6.1 percent.

We also have access to forecasts through the rest of this decade. These forecasts have been prepared by a team of experts working full time on the Soviet economy. From 1960 to 1970, these experts expect that the Soviet Union will grow economically between 4½ and 5 percent per year. A similar forecast for the United States would be between 3.6 and 4.6 percent per year. Some of our allies have much higher anticipated growth rates than the Soviet Union. Japan's growth is now estimated at 7.2 percent. Italy's at 5.6 percent and France's at 5 percent.

Our own growth rate, of course, has tended to be consistently underestimated by experts, while at the same time, the growth rate for the Soviet Union tends always to be in excess of actual results.

The agricultural figures for the Soviet Union most starkly reveal the inefficiency of its system. This weakness highlights the importance of the tremendous job which our own agricultural sector has done and also emphasizes the need for reexamination of our entire policy of trading in agricultural products with the Soviet Union. If they are, in fact, as weak as these figures would indicate, we should be able to obtain major concessions from the Soviet Union in exchange for any agricultural products which we sell to them.

It has been generally agreed, I think, that the agricultural sector of the Soviet economy has been in a period of stagnation for the past 5 years. Between 1958 and 1962, the annual growth in Russian agricultural production was only an imperceptible 0.4 percent yearly.

This sector, furthermore, continues to suffer from a chronic ailment of hidden unemployment. The manpower employed in Soviet agriculture in 1962 was 36.7 million persons. The U.S.S.R. employs on farms roughly seven times as many people as the United States, although the overall population of the U.S.S.R. is only 19 percent larger than ours.

In just one instance, the shortage of animal feed in the Soviet Union in 1963 resulted in, among other things, a wave of distressed slaughtering of hogs and a 40-percent drop in the number of hogs. The country's hog population was reduced in 1 year from 70.0 to 40.7 million. Fifty percent of the hog herds of the collectivized sector—26 million heads—were lost, as against a loss of 18 percent—3 million—in the private sector.

The index of Soviet agricultural production in 1962 was only 2 percentage points above the year 1958.

Other figures also demonstrate the same relative weakness. The annual gains in the total product of the officially favored industrial sector have also declined during the past few years. The rate of annual increase in industrial production has fallen off from an average 10 percent up to 1958 to only 7.2 percent in 1962.

The figures on industrial production reveal the relatively very low level of labor productivity in Russia. Industrial output per employee in Russia was only $3,531 in 1962, compared to over $10,000 in the United States.

These figures, of course, reflect themselves in personal consumption. Per capita consumption is only $486 per year in Russia; nearly $2,000 in the United States.

While the Soviet economy is certainly not free enterprise, we can also judge its relative weakness by failures in investment. The rate of new investment in the Russian economy, which is a major test of growth, has fallen off very sharply. From 1950 to 1958, the average growth of investment was 10.8 percent per year. From 1958 to 1962, it was only 7.7 percent. This decline is due, in large part, to the rising demands by demands by armaments production on Soviet scientific, technological, and managerial resources.

This investment weakness can also be seen by the increases in output associated with rising investment. From 1950 to 1958, an increase of $1 million in output could be obtained by increased investment of $3.3 million. Between 1958 to 1962, however, the millions of dollars of increased output could only be obtained by additional investment of $6.2 million on the average. Thus, the rising investment is less efficient in terms of providing increased output. At the present time, the rate of return on investment in the Soviet Union is probably lower than in any major world power.

Soviet foreign trade reveals another symptom of economic weakness. Soviet trade with the free world has expanded from $1.3 billion to $4 billion between 1955 and 1962. In other words, Russian dependence on trade with the free world has increased threefold in 7 years. This is an indication to me of the increasing dependence which the Soviet economy has on the economies of the free world. These figures represent an admission of weakness in the Russian ability to produce for their own needs.

Soviet imports from the industrial West, in particular, have been rising steadily, revealing a conspicuous increase in the share of machinery and equipment in the total commodities traded. Imports of Western machinery increased from $194.1 million to $596 million between 1958 and 1962. The proportion of machinery to all commodities imported by the Soviet Union increased from 31.2 percent to 47.1 percent in this period.

One must also mention the role of the six satellite nations of Eastern Europe in this trade. These nations, which number together about 100 million inhabitants, are a far more important factor in trade of the free world nations than is the U.S.S.R. In 1962, free world exports to the satellites came to $2.3 billion, as against only $1.8 billion exported to the U.S.S.R.

Mr. President, all this shows that a leading collectivist society in the world has within itself the seeds of its own failure. A nation cannot direct all of its economic resources by fiat from on high and succeed. Freedom works. Economic dictation does not. Freedom is precisely what the Soviet economy can never have.

We are beginning to see the evidences of this weakness at the present time. It is something that we must be aware of and that we must attempt to exploit. It is also something which we should publicize to all the uncommitted nations of the world who are attempting to judge the relative effectiveness of two different economic systems.

BRILLIANT RUVELSON TESTIMONY ON THE SMALL BUSINESS INVESTMENT ACT

Mr. PROXMIRE. Mr. President, yesterday Mr. Alan Ruvelson, president of the First Midwest Capital Corp., of Minneapolis, Minn., made an excellent statement before the House Select Committee on Small Business on the operation of the Small Business Investment Act. In his statement he clearly indicated the way in which the act has provided the small independent businessman with a valuable source of capital. He then went on to outline the impact which this support can have on the community, in terms of employment opportunities.

I believe the experience the Midwest has had in this area may be helpful to my colleagues and to other investment companies. Although I do not agree with all of Mr. Ruvelson's remarks, I ask unanimous consent that his statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Alan K. Ruvelson, President of First Midwest Capital Corp., Minneapolis, Minn.

May I take the opportunity to thank you, Mr. Chairman, and the members and staff of your committee for the invitation to appear at this hearing. Your letter indicated that you desired a statement outlining the history of First Midwest Capital Corp., its operations and the types of small businesses it has provided with funds. We also noted your solicitation of our views and recommendations relative to the operation of the small business investment program.

Five years have elapsed since March 18, 1959, when First Midwest received one of the first two licenses issued under the Small Business Investment Act of 1958. Your chairman, Congressman Evins, requested that we give testimony to Subcommittee No. 1 of the Select Committee on Small Business at hearings held in Washington on May 12, 1959. In preparing this statement, I had the opportunity to review my remarks made on that occasion and it was a novel experience to evaluate the operations of our SBIC in retrospect rather than in prospect.

First Midwest was originally known as First Midwest Small Business Investment Co. In 1960 we elected to go public and sold a modest number of shares thereby increasing our capitalization to slightly in excess of $1 million and changed our name at that time.

We office in a modern building in the heart of the financial district of Minneapolis. We employ a full-time staff of 4 persons and have a working board of directors. Our board is made up of 13 men from our area who are leaders in their respective fields of industy, commerce, and finance. Our modest size makes it desirable to frequently call on them for counsel and to avail ourselves of their experience and their considerable interest. Although a major bank has a small minority investment, we do not regard our company as bank oriented and our clients maintain a diversity of bank relationships as their interest may dictate.

We have made 17 investments totaling $1,898,100 with an average investment of $111,653. As we have progressed the size of our investment has tended to increase although at present we have several under serious consideration which will be considerably below our investment limit. Our investments in the main have been equity investments rather than term loans. Experience has confirmed our thinking in this regard and we will continue to be primarily an equity oriented SBIC.

Our portfolio has been as varied as the economy of our area. We have invested in a processor of hybrid seed corn (this was the Nation's first SBIC investment), several independent food retailers who are members of a voluntary sponsored group, a drugstore, a servicer of aviation instruments, an oil burner manufacturer, a data processing equipment manufacturer, a manufacturer of store fixtures, a television relay system, a mail order optical lens dispenser, a premium servicing company, a fiberglass fishing rod manufacturer, a manufacturer of insulated plastic houseware items, a land development company, and an automation equipment engineering firm.

Not all have been profitable. Three early investments were written off for a loss of $96,828. However, we have been more fortunate with several others, and our portfolio, in our considered judgment, has a very substantial gain potential. Our credo as risk investors is that exposure to gain entails the possibility of loss. One of our investments which has a public market has given us a translated gain of $88,000 and the big quotation would indicate an additional gain of $339,500 for the balance of our warrants. It is noteworthy that this investment in which we had the smallest claim on equity, approximately 4 percent, should have been the first to translate so substantially on our debenture purchase of $200,000.

First Midwest has maintained a policy of desiring the management of small business to retain or acquire control through option. The percentage of equity available to First Midwest in our present portfolio ranges from a minimum of 4 percent to a maximum of 35 percent.

Our rates tend to the lower end of the spectrum because of our emphasis on gain potential rather than interest yield. Our effective interest rate varies between 6½ and 7½ percent depending on the quality and character of the investment.

Our portfolio is significant in terms of the employment opportunities we have helped to create and maintain. The aggregate volume of sales and services of our client companies for their most recent fiscal year is $18,467,521. More importantly, from the viewpoint of your committee, is their employment which presently totals 1,301. This is important in the predominately agricultural economy of our upper Midwest region.

One of the conclusions we can make on the basis of our brief years of experience is that we are primarily in the "people business." This term is used for want of a better one that could as succinctly epitomize our opportunities and our problems. You requested that we inform your committee as to what happens to the small businessman who must be denied. This would most frequently happen because of the inability of a small business to qualify for a noncollateralized, nonguaranteed equity investment. It has been, and will continue to be, the policy of First Midwest to assist such businesses, which cannot qualify, to locate other more appropriate sources of funds such as secured commercial bank loans, local development companies, SBA, ARA, commercial factors, leasing companies and firms specializing in second mortgages and contracts. We believe such assistance is a matter of courtesy and enlightened self-interest. It might well be that a firm which is presently ineligible will develop into a satisfactory investment in the future.

We have found that a shortage of working capital is usually more symptomatic than causal. The human equation is the most important reason for declining an equity investment. The lack of adequate management assumes critical importance in evaluating a company's future.

Much progress has been made in the 5 brief years by our fledgling industry. The investment division of SBA is developing effective administrators, programs and procedures. We have been fortunate in the degree of interest that Congress and the Small Business Administration has manifested in our development. The new SBA Administrator, Mr. Eugene Foley, and his recently appointed deputy, Mr. Richard Kelley, give every indication of vigorously implementing the intent of Congress which you contemplated when you made possible the inception of the SBIC program.

Much credit for whatever success our industry will enjoy will be due not only to the broad concept of the Small business Investment Act of 1958 but also to the several amendments which you have seen fit to pass as a measure of your continuing interest. The signature of President Johnson on S. 298 bodes well for the future and we are hopeful that you will give prompt and favorable consideration to H.R. 583.

That is not to infer that all is perfection, either as regards every licensee's operations or those numerous regulations under which we operate. One of the problems is that of dual supervision. As a public company First Midwest comes under the Investment Act of 1940. As a consequence we frequently find ourselves working under SEC as well as SBA regulations which are duplicative and sometimes at variance. If this confusion could be resolved, the effect on the SBIC industry would be salutary.

We believe that certain new policies and modifications of present ones on the part of SBA might be of significant help. Regulations should be promulgated or revised whereby equity financing for small situations could be made attractive by recognizing the many difficulties, the considerable opportunities and the economic implications incident to the health of this segment of our business community. Attention should be given to the opportunities presented by a relaxation of the collateral requirements of SBA in its 303 loan program as it applies to loans or investments under a certain size. Another possibility would be a revision of the vendor rule as it applies to SBIC's which have no affiliation with the franchisers or suppliers endeavoring to finance independent owners of franchised operations or voluntary sponsored stores.

Another aid would be a reevaluation of those regulations which mitigate against a prearranged purchase by the small business concern or its principals of the equity acquired by a small business investment company. Presently the SBIC is left with little choice but to elect the route of a higher yield secured term loan or, as an equity oriented company such as ours, tend to emphasize situations in which gain can be translated at the market place. Because of these limited alternatives, only those firms possessing the rare quality of explosive growth, those which would appear attractive as merger or acquisition candidates or those which might merit a public offering appear desirable. Most small businesses will not meet any of these criteria. There are many small firms capable of a satisfactory and rewarding growth if they could but realistically qualify for an infusion of equity funds. A recognition of the economic facts of life would assist immeasurably in making it possible for the SBIC industry to function more effectively for this large segment of our economy.

I would conclude with a quotation from my remarks addressed to your committee nearly 5 years ago, not for the sake of repetition but rather because they were and are what I believe.

"As one who is a member of the small business community, I feel that the era which you initiated with the passage of the Investment Act of 1958 is one of the most significant contributions to the sociological and economic progress of our country. Our Nation has been built largely upon a framework of small enterprise and with the right of that enterprise to grow and become great. May we continue to go forward toward that goal."

DEVELOPING NATIONS WANT U.S. INVESTMENT

Mr. PROXMIRE. Mr. President, a large proportion of American business firms are finding new and attractive markets in foreign countries. It is important that business firms be provided with as much information as possible about the opportunities for investment in foreign countries.

In the March 2 issue of the Journal of Commerce there appeared an excellent article by Robert S. Robin of the law firm of Nelson, Boodell, Foster, Sugrue & Crowley of Chicago entitled "Developing Nations Eager for U.S. Investors."

Mr. Robin's basic point in this article is that the new and expanding nations of the world welcome U.S. private capital and private business initiative. He indicates a number of ways in which business firms can take advantage of these opportunities. I think this is an important article for everyone who is interested in foreign trade.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Mar. 2, 1964]

Agencies Offer Aid: Developing Nations Eager for U.S. Investors

(By Robert S. Robin)

(*Part I*)

Right now many of you, American businesses of all sizes—small, medium and large—are in the process of establishing numerous types of operations in many of the emerging nations of Asia, Africa, the Middle East and Latin America. These developing nations throughout the world are anxious to encourage your investment in almost every line of business. In many cases, there is a great welcome, and concessions are granted for investments in almost any amount, large or small, to encourage economic development.

The business world of emerging nations is open, and every day more and more small and medium-sized American companies are seriously considering the market expansion, the high rate of return and the preservation of existing markets offered by investment therein.

AGENCIES ANXIOUS

Various agencies of the U.S. Government are also anxious to have you bring your American businesses to emerging nations. The Development, Finance and Private Enterprise section of the U.S. Agency for International Development, the Department of Commerce, the Export-Import Bank, and other international agencies collectively are able to provide you with debt funds and several types of grants and guarantees issuable under programs to encourage you to invest overseas.

While, as with many governmental efforts, there is considerable pro and con as to the efficacy of the programs and the agencies involved, there is no doubt that the aids available are worth your investigation. As to the merits of available governmental help, it is the writer's opinion that the programs offered to you are very good in theory, but perhaps not as good in theory or practice as they could be made.

Whether you are large or small, experienced or inexperienced in foreign operations, you probably have three principal questions in connection with potential investment in emerging nations:

THREE QUESTIONS

I. What will it cost me to find out if I want to go into business there?

II. How much money will I have to put up to get into business?

III. Will I get my money back:

(1) if the foreign government refuses to let me convert my profits into dollars?

(2) if I get my profits converted into dollars but I am unable to take my dollars out?

(3) if my plant is confiscated?

(4) if there is war or revolution?

As practical businessmen, be advised that the U.S. Agency for International Development is prepared under certain circumstances to share the cost of a survey trip with you and your company to examine an investment possibility in an emerging nation. In the event you make the trip, and if you (not the Government) determine that you will not invest, and you submit a survey report to the Agency for International Development, that Agency, under a survey grant issued to you for your particular foreign investment possibility, will pay up to one-half of the cost of the survey trip (including air fares, hotels, meals, portions of salaries of regular employees, and consultants' fees and expenses). The details of the survey grant program will be covered in part II of the series.

EQUITY INVESTMENT

Be advised also that your equity investment in the foreign operation may be in the range of 30 to 50 percent of the total project cost; that your equity can consist of many items other than cash; and that long term unsecured unguaranteed debt money can be obtained under some circumstances for as low as 5¾ percent (to be covered in part III of the series).

This is all well and good, you can take a look at an investment possibility cheaply, and get into a business yielding what some have described as an astonishingly high rate of return with minimum equity. However, in our experience, your most serious question is what will happen to your investment and your high profits if there is some change in the government of an emerging nation, or some other event causes an expropriation, or a restriction upon conversion or repatriation of funds, or a policy of "creeping expropriation" begins. These events can eat away your profits, limit your power to convert your profits into dollars and take them out, or result in the complete takeover of your plant.

Fortunately, our Government has thought of these problems, too. It has entered into treaties with many of these emerging nations, which, within limits, will guarantee the payment of certain compensations in the event of expropriation, restriction on conversion and repatriation of funds, or losses caused by war or rebellion. Our Government has also gone a step further. You, the American company, can buy what in effect amounts to an insurance policy, which—again, within limits—pays you a portion of certain losses in case events occur which are prohibited by the treaties.

INSURANCE POLICY

The coverage of the insurance policy—the investment guarantees—is considerable, justifying the effort necessary to get it. This includes: (1) gaining approval of the foreign government for the inclusion of the project within the treaty between the "host country" and the United States; and (2) applying for issuance of the guarantees from the Investment Guarantees Division of the Agency for International Development.

For a cost of one-half of 1 percent of the in-force amount of each coverage, plus a charge of one-fourth of 1 percent on the difference between the in-force coverage and a maximum you specify, you can buy the following guarantees:

(1) Convertibility guarantees covering up to 200 percent of the dollar amount (or dollar value) of the equity component of the investment. In special cases, an even greater percentage of protection will be afforded. Loan investments from all sources can be guaranteed up to the amount of the loans (stated in dollars) plus total interest.

EXPROPRIATION

(2) The expropriation guarantee can, for the equity component of the investment, cover the amount originally invested. For the loan component of the investment, an expropriation guarantee can cover the total dollar amount or the dollar value of the principal amount (if the loan was in local currency) plus the dollar amount (or the dollar value) of all interest payments.

(3) The war risk guarantee covers 90 percent of the value of the physical property of the foreign enterprise destroyed in the event of war or rebellion.

However, these guarantees do not go as far as they should, and the American businessman building a plant in a less-developed country should not be deluded into thinking that all is "all right" simply because he has the standard investment guarantees covering his investment.

You made the investment to make profits, but the investment guarantee does not cover losses of those future profits you expected to make.

You made your investment expecting to convert your profits to dollars, but your losses caused by a revaluation of currency, changing the rate of exchange from, say, 5 units of local currency to the dollar to 10 units to the dollar, are not covered by the standard guarantees.

ESCAPE CLAUSES

Likewise, treaty "escape clauses" enabling the host country to refuse repatriation of funds if the foreign exchange required to effect such repatriation is necessary for "national purposes" are not eliminated; and there are numerous other areas of a technical nature having high possible dollar loss consequences that are not covered.

What can be done about these holes in the guarantee coverage? Sometimes, nothing can be done, but sometimes, depending upon negotiation strengths, most of the hidden problems can be eliminated. Of course, each investment stands on its own two feet as far as negotiations are concerned, but in general, we have found that it is possible for an American company investing in an emerging country to negotiate and execute what amounts to a private treaty between it and the host government and to attempt to include within this agreement the whole catalog of protections which are not present in the standard treaty.

PRIVATE AGREEMENT

Of course, this private treaty-type agreement by itself generally means little unless the breach of each and every item in it is insured against by our Government and the terms of payment of the "insurance policy" and the evidence required to prove the loss are also specified. If all you have is this treaty, the breach of it usually allows for "fair" access to the courts of the country that, for instance, just expropriated your plant, and from there, to other arenas of appeal, thus converting your expected profits to deductible lawyers' fees. To avoid this, or to minimize the possibility of its occurrence the two-step extra protection process should if possible, be used:

(1) Negotiate and execute an agreement between the U.S. business-investor and the host country, and seek to include in the agreement the complete investment protection package plus all aspects of the tax, duty, and other concessions granted by the host country.

(2) Have this agreement approved so that loss caused by the breach of any term of it will be made good under the investment guarantee program if you are not paid by the host country.

TWO-STEP MECHANISM

It must be emphasized that this two-step mechanism to achieve greater protections does not work in every case, and although some preliminary indications can be obtained prior to the first feasibility study, there is no definitive method of determining whether a government will execute such an agreement other than actually sitting down with the several ministers in their country and negotiating.

Although our Government has gone quite far in the coverage of its investment guarantees and in securing the treaties upon which they are based, it is still up to each American business investing overseas to do the best he can for himself, which after all, is what private enterprise is all about.

[From the Journal of Commerce, Mar. 2, 1964]

Survey Grant Noted: AID Offers Bait for Interested Investors

(Part II)

The basic encouragement to take a team out to an emerging nation to determine if it is feasible for you to make an investment there is offered by the U.S. Agency for International Development (State Department). Following proper application, AID will, under certain circumstances, issue a so-called survey grant to you. Under this survey grant, if you (and not the government) decide, after the survey, that you will not invest and you submit a survey report to the Agency for International Development, it will pay up to one-half of the cost of your trip.

GRANT PAYMENTS SCOPE

Under the grant program, the agency can commit itself to pay up to one-half of the following items:

(1) Transportation costs to and from the host country for all members of your survey team;

(2) Transportation costs within the emerging nation;

(3) Reasonable per diem allowances for your team (hotels, meals, etc.) in an amount thought to be reasonable depending upon where you're going (e.g., up to $30 per day per man in southeast Asia);

(4) Allocable portions of the salaries of regular employees of your company who make the survey (usually based upon that portion of the annual compensation of the employee paid while he is on the trip);

(5) Compensation of outside professional consultants for the survey;

(6) Similar reasonable per diem expense allowances and transportation costs for your professional consultants;

(7) Compensation of local consultants (such as real estate appraisers) hired in the host country;

(8) Costs incurred in looking for local joint-venture partners, if you are interested in a joint venture; and

(9) Miscellaneous items, such as shipping costs of necessary equipment needed to conduct the survey, insurance, etc.

PROCEDURE OUTLINED

The survey grant is obtainable by filing an appropriate application with the Development, Finance, and Private Enterprise Section of the Agency for International Development. So far, there is no prescribed form, but a series of broad topics must be covered in your application, including a description of the proposed investment, the scope and cost of the survey, the proposed plans for the implementation of the projected investment, the ability of your company to finance the investment opportunity to be surveyed and, finally, the relationship of the investment to the overall economy and development program of the host country.

How long will it take you to "move" the Government? This depends, naturally, on a number of factors, the most important being whether, initially you gave the Agency all the information it needed. (Almost invariably the Agency will request additional information.)

ROUTING SHIFTED

Quite recently, the Agency has shifted its internal routing of these applications and now, they are said to be passed upon by one section rather than being farmed out to the various departments or desks to which the particular host country for your potential investment has been assigned. Speedier service may be one result of this centralization of the approval function. However, it should be said that under the old system, approvals have been issued after the filing of a very complete application, within 1 to 6 months or more.

What are the standards of approval? The controlling statute, as you can expect, speaks in the very broad terms of encouraging and promoting "the undertaking by private enterprise of surveys of extraction opportunities." The Agency, as you also might have expected, has superimposed its own standards in terms too broad to warrant their quotation. However, the Agency, as a general matter of operation, will hear any legitimate proposal, and, as a general rule, will be direct and frank in their conversation.

JUNKETS OUT

As is the case under the investment guarantee program, some custom building of the survey grant documents themselves may be required to enable a practical working program for your potential foreign investment. For example, the Agency will not finance a sales junket, and accordingly, in the grant documents, they provide that any investment on any stopover, or any sales to the host country within 3 years will be considered an "investment"; all with the result that you will not be reimbursed or will have to return the reimbursement, with interest, if either event occurs. Of course, if you're presently exporting to the "host country" or to a "stopover country," this means, within the standard document, that you've already "invested" and can't be reimbursed. Thus, this problem must be spotted and solved and, as you can expect, there are ofttimes other special facts in each case which suggest special provisions.

A word about the cost of the survey and some thoughts on how to conduct it. If you make the investment, the survey cost is your responsibility, but it can be capitalized and counted toward making up your equity investment, thus giving you additional debt leverage. However, under the survey grant program, the Agency stands ready to pay half your cost, and this gives them an interest in the cost of your survey. Sometimes we see surveys that cost so little that both you and we know what will come out of them. On the other hand, our experience suggests that, if you're really serious, it's better for you to avoid, at all costs, the simple, leisurely, technical-only sojourn. Instead, if you can, plan a shorter trip, but with a no-nonsense dawn-to-midnight working team consisting of, at least, one decision-making top executive, and the whole complement of talents necessary to structure your investment properly from the beginning. Your host government will generally do more for you because the caliber of your team underscores your seriousness. Your own Government, on the other hand, may initially balk at the costs necessary to operate a decisionmaking survey which will quickly move the investment possibility to reality, but generally speaking, it will be allowed under certain circumstances. Despite the relatively insignificant initial problems of this approach, we have found that this kind of an investment survey works most efficiently, and the psychological effect on the host government of your team so structured, can show that your company personifies the traditional best of efficient American business and can, most importantly, aid the host government's decision that it wants you and your company in the host country as desirable industry builders, and will thus encourage the officials of the host government to do all they can for you.

[From the Journal of Commerce, Mar. 2, 1964]

Foreign Venture Money Problems, Cures Outlined

(Part III)

In this part, we will discuss the typical problems of actual investments in any of the many emerging nations of Asia, Africa, the Middle East and Latin America; and thereby attempt to answer your question:

"How much money do you need and where are you going to get it?"

First of all, let's dispense with the obvious: some of the money is going to have to be yours. How much equity you're going to be responsible for depends broadly upon (1) where you look for the debt component of your investment, and (2) what the debt money is going to be used for. Since each investment, of course, stands on its own two feet, generalizations are only a rough guide. However, it can be said that investments of standard manufacturing type (as opposed to such projects as steel mills, roads, power companies and banks) have been made, ultimately, with as high as a 3-to-1 or 4-to-1 debt-to-equity ratio. Further, if you are willing to accept a first-class local partner (more on this later) your equity, while still maintaining control, can be as low as 15 percent of the total project cost.

LOAN BASIS VARIES

It must be emphasized that these figures are general and are composites, in that loans for some purposes from some sources in some circumstances are acquired on a 3-to-1 ratio, whereas other loans require only a 5 percent cash on delivery (not downpayment) as the required equity. In either event, security and a guarantee by your company can be the rarity.

Where do you borrow funds? Rather than simply enumerating the complete list of available international lending agencies, the funds of some of which are available only in certain areas and for certain purposes, it is better practice to concentrate instead on how funds available from several sources can be put together to enable a possibility to become a solid profit-producing operation.

First, divide your total project cost between local currency of the host country and U.S. dollars or other hard currencies, and second, put a debt package together. For example, a certain portion of any investment project can be bought with the currency of the country you're in; for example, land, certain construction materials (such as concrete) various types of acceptable locally manufactured machinery and acceptable locally available raw materials. Of course, your local cost for construction and first year's operation (part of project cost) are items you will pay for in local currency. It is advantageous to you in your negotiations with the host government, by the way, to offer to acquire as much as you can locally, thus limiting the country's foreign exchange requirement for your investment and maximizing the considerable foreign exchange savings generated by your investment—a most crucial point. After you have allocated as much as is acceptable to you to the category of local currency requirements, you can look to various sources which will loan currency to you.

LOANS FLEXIBLE

A U.S. source for the local currency debt component requirement of your investment is the so-called Cooley loan administered by the Agency for International Development (State Department) in Washington. Although the source of these loanable funds are proceeds of the sale of U.S. agricultural commodities, the loan to you is not limited to agricultural purposes. You can use the local currency for land acquisition, building costs, working capital, inventory, installment sales, refinancing, payrolls, etc. However, Cooley loans cannot be made for the manufacture of products which would be exported to the United States in competition with U.S.-made goods, and they may not be made for the production of items marketed in competition with U.S. agricultural commodities. Interest is usually charged at the local rate charged by local development banks (e.g. 7½ percent currently in Pakistan and

8 to 9 percent in Thailand) and the maturities are related to the purpose of the loan, but are usually not in excess of 10 years. The loans are repayable in local currency, and there is no maintenance-of-value requirement.

The application for a Cooley loan is somewhat extensive, and the equity base (local currency or dollar equivalent) for the loan, as in dealing with a private bank, is a bit negotiable. * * * Cooley loans are usually available in most of the emerging nations, but a check should certainly be made in advance.

Another source of the local currency debt component of the project, and somewhat less restricted in terms of purpose are the local development banks, which are established in most of the emerging nations. These local development banks, themselves often financed by various agencies, are an excellent source of local currency debt capital, and for that matter, hard currency, including dollars. The term and interest rate again depends upon the purpose of the loan and other factors, but generally, rates are reported to run from 7 to 10 percent for about 10 years. Sometimes, the host government and, ofttimes the local development bank, (whose managing director often sits on the national permissions board, or similar committee in your host country) would like to see the local currency requirement made up by local equity contributors, but they are aware of the desires of many of you for absolute majority ownership and the fact there will be a large foreign exchange requirement for your project.

EMERGING NATIONS

The establishment of projects in emerging nations generally requires more capital goods than are available and acceptable in your host country. Therefore, much of the funds you will require will be in hard currencies to pay for these capital goods available only for hard currency countries, such as the United States, Germany, Italy, Japan, France, and others. The hard currency debt component of your investment is, under certain circumstances, easily tied to these capital goods, and many sources of hard currency debt money are available, some on a very thin equity matching basis.

For the U.S.-produced machinery, equipment, and installation services, 90-percent debt financing (through a guarantee program) is available through the Export-Import Bank of Washington, D.C. Several programs are available ranging from direct financing-project credits to new forms of medium term financing based on the old Exporter Credit program. Under the old, but still basic, Medium Term Exporter Credit program of Eximbank, guarantees are issuable and/or assignable to your exporter's bank to cover their exposure when they finance medium-term exports without recourse to the exporter.

Additionally, lines of credit for U.S.-produced raw materials may be obtained, and if your project is a very large one, direct dollar long-term loans are sometimes available, and at times, at a cost of 5¾-percent interest.

For hard currencies of other countries used to pay for equipment and machinery you might decide to buy in, say, France and Germany, Italy, etc., such hard currencies are available through the Local Development Banks which administer funds of these countries as well as World Bank credits which enable the purchase of goods from practically any country.

It is, of course, impossible to set out all governmental and quasi-governmental sources of debt funds, but it can be seen that what you have to do is develop a package of debt money from many sources specifically planned for your particular project. This type of eclectic planning will enable a relatively small equity investment on your part.

Your equity investments can even be made smaller if you decide to accept a local minority partner. In many emerging nations of the world, you will find first-class industrialists who would like nothing better than to become your partner, and although there are problems in choosing the right partner at the right time, we have found the results of a carefully selected local partner so gratifying that, in many cases, whether or not equity is a consideration, we will recommend that this possibility be seriously considered.

What we have tried to develop in this series of articles is no more than an outline of the very practical encouragements to you to invest in emerging nations abroad. We have not covered at all the numerous concessions in terms of taxes, local grants, duty-free imports, protective tariffs, etc., obtainable in some cases in many emerging nations of the world. Additionally, there are remarkable (and as we have seen, depending upon proper negotiation, guaranteeable) profits to be garnered. Of course, there are benefits to your host country as well. Many American companies, of all sizes have begun to realize that possible adverse tariff problems could seriously minimize their export markets, and that now is the time to guarantee markets (sometimes on an exclusive basis) to serve the expanding populations of the world's emerging nations. Every year, the parade of businesses investing overseas grows longer, but now, there is still room in the front platoon.

WAR ON POVERTY IS WAR FOR ALL AMERICANS

Mr. PROXMIRE. Mr. President, in today's issue of the Washington Post Walter Lippmann, as he so often does, has mixed great wisdom with idealism, and has pointed out something which I think has escaped too many Members of Congress; namely, that the proposed war on poverty program of the administration could succeed this year as it could never succeed before. We must recognize above all, this is a program which could benefit all Americans. It is not a question of taking away from the "haves" and giving to the "have-nots."

As Walter Lippmann has so well said, every American stands to gain by the program.

The real drag on our economy, and the reason for a great deal of our heavy taxes, is that many Americans are poverty stricken and have not had an opportunity to become productive and to become taxpaying citizens, as they would like to be. The war on poverty must be recognized, if it is to succeed, as something that can help every single American, including those who are well to do; middle-class Americans, as well as those who are poverty stricken.

Mr. President, I ask unanimous consent that the column entitled "The War on Poverty" by Walter Lippmann, to which I referred, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WAR ON POVERTY

(By Walter Lippmann)

The world does move, and there is no better proof of it than this war on poverty which President Kennedy designed and President Johnson has begun to wage. A generation ago it would have been taken for granted that a war on poverty meant taking money from the "haves" and turning it over to the "have-nots." For until recently it was always assumed that there was only so much pie and the social question was how to divide it.

But in this generation, one might say in the past 30 years, a revolutionary idea has taken hold in the advanced countries of the world. The size of the pie to be divided can be increased by invention, organization, capital investment, and fiscal policy, and then a whole society, not just one part of it, will grow richer.

This revolutionary idea, which has been discovered, tested, and demonstrated in this century, is at work in every industrial society regardless of its basic doctrine and ideology. It is transforming not only capitalism as it was known a generation ago, but it is transforming also socialism and communism as well. The Socialist Parties of Western Europe, for example, have abandoned the Marxist conception of the class struggle, and there is every reason to think that in the Soviet Union the Marxist-Leninism is giving way to the modern idea of an affluent welfare state. And although the less developed countries are as yet unable to apply the idea, it is recognized by the leaders of all the more enlightened ones.

The Kennedy-Johnson campaign against poverty operates in this historical context. The basic assumption is that the American economy can readily produce the means to reduce poverty—which was estimated as the lot of one-third of the Nation when Franklin Roosevelt took office and is now down to one-fifth. The real problem is to analyze correctly the causes of the poverty that remains and to learn by experimenting how to reduce those causes.

The official foundation of the "war" is chapter 2 of the "Annual Report of the Council of Economic Advisers" which was transmitted to the Congress in January last.

The first question, of course, is to define what is meant by poverty. The answer is bound to be some kind of rough statistical standard. But as nobody is proposing to use these figures to hand out money to individuals, an estimate of average need for an average family will do for an understanding of the size of the problem. The official measure which has been adopted is to regard as poor a family of four whose total income from all sources is less than $3,000 a year.

This is not enough money to maintain a decent standard of living for the family. If the family spends 70 cents a day per person, it will spend a little over $1,000 a year on food. That leaves $2,000. It is estimated that $800 will be needed for housing—rent or mortgage payments, utilities, and heat. This leaves $1,200. That is less than $25 a week for the whole family for everything else—for clothing, transportation, recreation, medical care, insurance.

Though $3,000 a year would be affluence in a village in India, it is harsh poverty in the United States.

There are 47 million families in the United States, and at least 9 million of these families—nearly one-fifth of them, consisting of 30 million persons—are poor. The figures make the real situation look better than it is. There are contained in the 9 million families over 5 million, consisting of more than 17 million persons, who have a total income per family of less than $2,000. There are also the lonely individuals—more than 5 million of them—with incomes of less than $1,500 a year.

The next step is to investigate the reasons why these 9 million families are poor. The modern studies of poverty have demonstrated—I think beyond dispute—that the greatest of all causes of poverty is a lack of education. The next greatest cause is discrimination, which makes a nonwhite family two and a half times as likely to be poor as a white family. Another great cause of poverty is poor health. Another is the absence of a full-time wage earner, due to the age of the parents or to the fact that the family is broken.

These being the main causes of poverty, it is evident that it is possible to reduce them—granting that they cannot all be eliminated—by improving the schools and the public health facilities, by combating racial discrimination and, where necessary, by public relief. It can be said that all of the poor are not deserving poor, which can also be said of at least as many of the nonpoor. But it cannot be argued that all the children who are condemned to go to our worst schools are receiving all the education they are capable of absorbing. The truth is that we ought to spend more on the schools in neighborhoods where the families are very poor because the schools must play a major role in overcoming the handicaps of living in a congested slum.

There is no reason to doubt that, if we take the measures to counteract the causes of poverty, we shall in some degree reduce it. The effort will pay off well not only for the poor but for all of us. For there is nothing so good for a nation as to become interested in doing good works.

THE FOREIGN AID PROGRAM

Mr. AIKEN. Mr. President, recently I received a letter from David W. Howe, publisher of the Burlington Free Press, Burlington, Vt. Mr. Howe is now traveling outside the country. In the letter Mr. Howe expresses his view on our foreign aid program. Since his views represent the views of a considerable number of people in this country—apparently a growing number—and since he has given me permission to use his letter in any way I see fit, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BEIRUT, LEBANON,
March 11, 1964.

Senator GEORGE D. AIKEN,
Washington, D.C.

DEAR SENATOR AIKEN: This is, I believe, the first letter to you from me in 2 years or so. It may be too long, but it embodies over 12 years of investigation and thinking about our foreign aid policies and activities. During this time I have visited about 55 countries, 5 other continents, had over 35 talks in foreign countries with U.S. Embassy officials and over 65 talks with AP and UP men. These were easy conversational talks on their countries' situation. My inquiries have been of the present, the fairly recent past, and sometimes of the probable future.

I continue to be a Vermonter who is a firm believer in the Calvin Coolidge type of economy. During Coolidge's leadership I believe our country possessed a great future, greater than today.

Your work on our Foreign Affairs Committee has led you to investigation of many countries. In Lisbon last year, a Dutch attorney told me of your detailed and thorough interest in Portugal's African colonies. I know you have been studying widely and thinking deeply on these subjects.

It is my present hope that you and Mr. PASSMAN of the House will combine forces to cease this aimless, costly use of our dwindling gold supply.

What are some of the factors?

We are discussing the $80 billion and more poured out since the end of the Marshall plan. The repair of war damage was a worthwhile contribution, and built up some healthy competitors. (There were two especially silly noncombatant countries that participated soon after under the direction of exceptionally fine Vermonters, but that was just the beginning of a terrific pouring out of the Nation's billions.) Let us say that Korean and Taipei expenditures can probably be justified.

The giving of a red cent to Sukarno in Indonesia is totally indefensible. There we have learned how to buy a billion dollars' worth of trouble for a hundred million. Donations of $3 billion to Pakistan and much more than that to a slipping, poorly conducted Socialist country like India, cannot be defended nor even explained.

To digress for one moment: one of the most seasoned AP men in the Far East tells me that present sources will sweep into China's Communist hands all of southeastern Asia, up to east Pakistan in the next 10 years. This is purely an aside.

Our foreign aid money since the Marshall plan has been 60 to 80 percent wasteful. It could be the factor which will require cutting the gold content of the dollar with all that entails.

The American voters will some day get this story in terms that many understand. The reactions will be beyond present imaginings or predictions.

A very large share of the military equipment put out under foreign aid will do damage to the recipients or their neighbors, and will not aid peace or stability.

This foreign-aid expense has none who defend it with understanding. Emotional or pseudophilosophical grounds, or empty hopes, or the pleading of the staff of over 20,000 are the sole justification.

There have been about 100 countries receiving this money in the last dozen years. A recording of the uses and results would give anyone indigestion. There are a couple of thousand American manufacturers and other businesses who have been beneficiaries, and they are noticeably silent. Their eyebrows tell something. In the 100 countries, all who are supposed to benefit from the giveaways feel contempt, if nothing worse, for the United States. Who will say that we have failed to be liberal in buying enemies?

The whole subject is too vast to present except in theory. The theory is not defensible.

The World Bank is a source of great pride. May it continue its remarkable record.

The Truman plan was good, if duly constituted executive or legislative officers asked for it in detail and in writing, in the case of their own country's needs.

I have summarized some years of study, observation, and thinking on this subject. You are at liberty to circulate or publish this letter in any way that you may wish.

Sincerely yours,

DAVID W. HOWE.

NATIONAL WILDLIFE WEEK

Mr. HUMPHREY. Mr. President, 27 years ago President Franklin D. Roosevelt first proclaimed an appropriate week to be observed as National Wildlife Week. One week of appreciation for wildlife as one of our basic and valuable natural resources has been observed each year since that time. The National Wildlife Federation is to be commended for its sponsorship of this annual observance which has come to mean so much to conservationists and all people throughout the Nation. Our attention is called to the fact that this is National Wildlife Week.

The observance this year, in many respects, has greater significance than ever before. The Congress can take pride in having had a part in making this so. We also are obligated, it seems to me, to pause and take notice as to what has been accomplished and to determine what more we must do in order that our Nation's land, water, and related wildlife resources may be protected, conserved, and managed to meet the needs of all the people.

We know that provision of bountiful wildlife populations constitutes one of the greatest sources for good wholesome recreation. We know that our citizens in ever-increasing numbers with more free time on their hands want and need increased recreational opportunity. This is a part of our country's overall needs for outdoor recreation resources and opportunities.

Traditionally, outdoor pursuits have been an important part of the wholesome American life. They have contributed to good citizenship, our economy and our democratic form of government. Due to the pressure of human use on our natural environment, including millions of acres of our landscape going to residential sites, shopping centers, highways, airstrips, industrial plants and all the other needs of an increasingly urbanized and industrial nation, we must do more than ever before to assure adequate opportunity for all to enjoy the great out of doors. Conservation and wise use of land, water and related resources which can be planned and managed for various forms of outdoor recreation needs the full support of the Congress.

During the past 15 years or more the growing public demand for use of the outdoors, resulting in increased competition for recreation resources, gave the Congress and the Nation concern. In 1958 the 84th Congress recognized a need for a nationwide study of these problems when it established the Outdoor Recreation Resources Review Commission. That Commission was directed to survey the outdoor recreation needs of the American people over the next 40 years and to recommend actions to meet those needs.

In its report to the late President Kennedy and to the Congress, that bipartisan Commission, headed by Laurance Rockefeller, made a historic report that has created universal interest and enthusiastic support. That report said in part:

> Leisure is the blessing and could be the curse of a progressive, successful civilization. Most Americans face the prospect of more leisure time in the future, and thus the challenge of using it for their enrichment.
>
> Being in the outdoors is a good, wholesome, healthful use of leisure.
>
> The fact that we live in a world that moves crisis by crisis does not make a growing interest in outdoor activities frivolous, or ample provision for them unworthy of the Nation's concern.

Eight Members of the Congress, 4 from each party from both the House of Representatives and the Senate, along with 7 private citizens serving on that Commission, made more than 50 basic recommendations to assure that the benefits of outdoor recreation would be available to all Americans, now and in the future. Certain of these required quick consideration and action. As a result, the Congress has enacted legislation creating the Bureau of Outdoor

Recreation; it passed the Food and Agriculture Act of 1962 providing the consideration of recreation as a desirable use of farm and other rural lands; provided for loans and cost-sharing for wildlife and recreation practices and enterprises; authorized new national recreation areas to be administered by the national park system; extended the open spaces program for the good of metropolitan areas; and appropriated funds for other recreational purposes. A good start has been made, but more legislation is needed.

I call to the attention of the Senate an almost phenomenal accomplishment of a small but stalwart segment of America in providing recreational opportunity to more and more people of our cities and towns across the country. I speak of the farmers and other landowners.

Through the nearly 3,000 soil and water conservation districts organized under State law and governed by an elected body of five landowners in each district who serve without pay, some 17,000 outdoor recreation enterprises have been established on farms, ranches, woodlands, and other land units. Most of these privately owned and operated enterprises are sources of added income to the landowner and operator. These are well distributed throughout the country's local soil conservation districts which cover more than 95 percent of this Nation's farm and ranch land. These enterprises include vacation farms and dude ranches, campsites, nature trails and wildlife sanctuaries, picnicking, outdoor sports centers and play areas, natural hunting areas with improved wildlife habitat and similar conservation measures, fishing waters managed for improved fishing, shooting preserves where pen-raised game is released for the enjoyment of the hunter, water based recreation areas for boating, water skiing and related activities, and the development of cabin and cottage sites for lease or sale to urban people.

In this era of ever-increasing technology in which Americans are capable of producing more of almost everything, including certain farm commodities, I submit that those rural recreational enterprises are excellent use of our land, water and related resources.

These accomplishments could not possibly have been achieved without expert technical assistance to those landowners. That assistance has been made available, for the most part, by the Soil Conservation Service of the U.S. Department of Agriculture. I emphasize, however, that this has been done without any increase in appropriations to that agency for furnishing such technical assistance to those districts. New districts are being organized in a few States and need staffing with qualified technical personnel to help wise use of natural resources including recreation. Many districts have updated their programs of work to include recreation as an alternative use of the land. This is in accordance with the memorandum they have with the Secretary of Agriculture. A definitive study of the land and water resources of the United States made by the Department of Agriculture shows that this Nation has 51 million acres of land in crops which should be converted to other uses. Much of that land could be put to good use in meeting the needs of city people. Converted to income-producing recreation enterprises, it can supplement the sagging income of farm families, thereby meeting a dual national need. The key to putting unneeded agricultural land to economic use—and I firmly believe that should be our national goal rather than to pay farmers to let it lay idle—is adequate technical assistance. This is more especially true in the case of income-producing recreational use which is new to most rural landowners.

Mr. President, I urge each Member of Congress to give this matter of adequate Soil Conservation Service technical assistance and benefit payments for wildlife and recreation conservation practices through the Agricultural Conservation and Stabilization Service earnest consideration as we observe this National Wildlife Week. In doing so we should remember that between 75 and 80 percent of all fish and game are produced on the private farm and woodlands of the country. This supplies, and must continue to supply, a great portion of our total outdoor recreational needs.

McCLOSKEY'S STORY

Mr. WILLIAMS of Delaware. Mr. President, in the March 18 issue of the Wall Street Journal there appeared a most interesting article entitled "McCloskey's Story." The article points out how Mr. McCloskey, the big fundraiser for the Democratic Party, prospered under several large contracts which were awarded on a negotiated basis, rather than on competitive bids.

As the article points out, in many instances the ultimate cost to the Government was substantially over the original contract price. To make matters worse, in several instances the construction work has proven to be unsatisfactory. As an example, I cite the faulty work in the construction of the Veterans' Hospital in Boston, which has resulted in a $4,918,577 damage suit by the Government—Congressional Record, pages 902–903, January 22, 1964.

This article, as appearing in the Wall Street Journal of March 18, pointing out the manner in which the administration has favored this big fundraiser for the Democratic Party, should be read by all taxpayers; and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

McCloskey's Story—How Big Fundraiser for Democratic Party Prospered as a Builder—He Wins Negotiated Contract on CIA Project; Stadium Job Figures in Baker Probe—Praise From Matt's Clients

(By Monroe W. Karmin)

Washington.—A fascinating building tucked away in the southeast sector of this growing Capital is, to the esthetic eye, typical of much local architecture—white, cold, uninspired. Its appeal lies not in its beauty but in its mystery.

Chain link fencing bars the unwanted; windows of brownish glass brick prohibit penetrating vision; and Government officialdom shuns discussion of the project. It's "classified."

The man whose company recently completed this secret structure appears to be of opposite design. To many a visitor, Matthew H. McCloskey, Jr., personifies grand Gaelic charm—rosy, warm, witty. Fittingly, he represents this country in Ireland as Ambassador. And as this career draws to a close, Matt McCloskey resumes two others. As a master contractor, he's earned millions building public works; as a master politician, he's collected millions for the Democratic Party. Nevertheless, he too is most intriguing in his mystery. Much about Mr. McCloskey is hidden from view.

Like that project in Southeast Washington, the Ambassador, who has been back in the United States for a holiday, won't talk about it. Nor will son Tom, president of the family company in Philadelphia. Nor is much enlightenment offered by the General Services Administration, which negotiated the construction contract. Only persistence elicits the bare information that McCloskey & Co. got the job in November 1961—the first year of the Kennedy administration—and that construction was completed recently on schedule.

John E. Byrne, the agency's information officer, explains that competitive bidding was skipped because of the classified nature of the facility and the critical time element involved. He says GSA experts considered five contractors with building experience in Washington, decided on Mr. McCloskey "because of his reputation to be able to do a job of this type (altering and reconstructing an existing building shell) within the time framework," offered it to him personally, and "that was it."

At the time, Mr. McCloskey was quite ready to devote attention to his private business. As national treasurer of the Democratic Party, he had been occupied with the chore of wiping out the multimillion-dollar deficit run up by President Kennedy's 1960 campaign, as managed by brother Bobby. Mr. Byrne is quick to assure that "the recommendation to do this particular job came from our professional staff and there was no politics involved."

SEARCH FOR SIMILAR CASES

Still, Mr. Byrne describes the procedure as "very unusual." The contract wasn't even discussed with the four other builders considered capable, he says. He can't recall a previous occasion when competitive bidding was eschewed on a major Washington project; certainly not since the McCloskey award, nor during the decade before. Searching for cases even remotely comparable, Mr. Byrne requires weeks to discover the $9.7 million contract negotiated in 1962 with the firm headed by Del E. Webb—a registered Democrat who says he's a sometimes contributor to both parties—to build the U.S. pavilion at the New York World's Fair.

But GSA refuses to discuss the money involved in the McCloskey deal in any terms, other than to say that the company was paid cost plus a 3.35-percent fee for the work. Even such general information as to whether costs exceeded expectations is stamped classified. Rival builders declare that after they'd noticed construction activity beginning, they were told informally by GSA officials the contract amounted to between $2 and $3 million. But as it stands today, the mystery building is adjudged a $10 million effort.

Nor will Mr. Byrne identify the building's occupants. Yet the saluting guard at the old Navy weapons factory enclave, site of the mystery, cheerfully points out to the inquiring stranger this "Central Intelligence Agency Building." Thus, curiosity is heightened. CIA of course does secret spying, but does it do all its building in the dark? In fact, no. During the latter part of the Eisenhower administration, when the agency erected its enormous headquarters complex in nearby Langley, Va., not only were competitive bids asked, but GSA put out a news release. Full details on bids and costs are public. (Incidentally, McCloskey & Co. bid on some of the work but didn't win any.)

A COMPETITOR COMMENTS

Against this background, resentment over the 1961 mystery contract lingers among Mr. McCloskey's competitors. One declares: "In my book, it was clear that Matt McCloskey was a prominent Democrat, had raised a lot of money for the party, and they felt they could throw him this job, perfectly legally, without competitive bids."

Informed of this sentiment, Tom McCloskey dismisses it as sour grapes. "I don't blame them for feeling that way," he comments, but invokes "security" as a bar to further discussion.

Another McCloskey mystery was brought to attention—but apparently will remain unsolved—by the Senate Rules Committee investigation into Bobby Baker's tangled business activities while secretary to the Senate Democrats.

Don B. Reynolds, the insurance man who took Bobby in as a silent but influential partner, testified that in the spring of 1960 (though nobody seems to be able to mark the date precisely), Matt McCloskey joined him and Bobby in Mr. Baker's Capitol office—along with William N. McLeod, Jr., clerk of the House Committee for the District of Columbia, and Chairman JOHN L. MCMILLAN, Democrat, of South Carolina, of the House committee. Mr. McLeod testified a McCloskey vice president, whose name he couldn't remember, attended, too.

This committee had handled legislation authorizing construction of the big District of Columbia Stadium, costliest structure ever built by the District of Columbia government. Mr. Reynolds, in his testimony, quoted Mr. McCloskey as expressing a desire to bid on the stadium job. But Representative MCMILLAN's memory is that Mr. McCloskey already had established himself as low bidder, and the meeting's intent was to "meet Mr. McCloskey and look over the plans for the stadium." Mr. McLeod's recollection is that Mr. McCloskey had not been designated low bidder at the time but "he was pretty sure he was going to be able to get (the award), because he said it was a contract involving a lot of cement work and he said that was his experience."

Interviewed at his Palm Beach vacation home, the Ambassador parries questions as to the meeting's specifics with this generalized reply: "I went in to see Baker on another matter, and he said 'I'd like you to meet some people,' and that's all there was to it." As for Mr. Baker himself, Bobby is "taking the fifth"—refusing to talk about anything, on the ground he might be incriminated.

If the meeting, indeed, did take place in the spring of 1960, then Mr. McCloskey couldn't have been certified as the winning low bidder at that time. Invitations to bid were sent out on April 19; bids were opened June 10; McCloskey & Co. got the official award July 7 with a bid shaved just $244,750 under the next lowest bidder.

PERFORMANCE BOND

Having won the award, Mr. McCloskey, as is customary, was required to post a performance bond to insure the contracting authority—in this case the District of Columbia Armory Board—that he would fulfill his contract. On many other contracts, McCloskey & Co. has bought such insurance from Aetna Casualty & Surety Co., Hartford, Conn., through the firm of Hutchinson, Rivinus & Co., Philadelphia, as agent. Mr. McCloskey's son-in-law, J. B. McHale, Jr., is a Hutchinson, Rivinus partner.

The District of Columbia Stadium performance bond traveled this customary route—except for an initial detour. Mr. Reynolds acted as broker, for which he received a commission of $10,031.56. He promptly distributed $4,000 to Mr. Baker and another $1,500 to Committee Clerk McLeod. Mr. Reynolds says he made the payment to Mr. McLeod for, among other favors, having helped get the stadium legislation through the House, and to Mr. Baker for bringing the stadium performance bond to him. Mr. McLeod first told the committee his payment was for personal legal services to Mr. Reynolds; later he described it as a gift.

Ambassador McCloskey agrees he did cut Mr. Reynolds in on the performance bond as a favor to Mr. Baker, whom he describes as "a friend of mine." He explains it this way: During the years when he was Democratic treasurer (1955–62), he received many requests from people for information from Capitol Hill and Mr. Baker was his "contact man in Congress, though I never knew too much about him.

"One day he was telling me about the stadium and asked if I were going to bid on it," Mr. McCloskey recalls. "I said, 'Yes, I am,' and he said, 'If you get the contract will you let my friend, Reynolds, write the bond?' This is not an unusual thing. So when I got the job, I let his friend write the bond." Mr. McCloskey denies that he received anything in return for this gesture.

STADIUM CONTRACT

The stadium contract is an interesting document. The winning McCloskey low bid amounted to $14,247,187.50. Yet at the end of construction, the contract totaled $17,266,015.58. Explanation: In between, the District of Columbia Armory Board had issued 236 "change orders"—alterations of specifications which boosted the price by some $3 million. In addition, McCloskey & Co. is asking the District of Columbia Contract Appeals Board to award it more than another $1 million, on the ground that bad weather forced the employment of "unusual and costly procedures not contemplated in the original contract."

An official of the Capitol Architect's Office reports that an informal survey of recent Federal construction showed "change orders" normally run 6 to 10 percent of contract cost. Other Government and industry experts agree; viewing the 21 percent jump in the McCloskey contract, one exclaims, "This just is not normal." He adds "that is poor management at the least. You could go in below cost if you knew you were going to get that many changes." A loser in the stadium bidding voices a similar complaint: "If we had known there were going to be that many extras, we could have shaved our bid lower than McCloskey's."

The point is that change orders can be the most profitable part of a building job. Industry and Federal sources estimate a contractor can often reap a 10 percent profit on changes, which are negotiated, compared with a typical 6 percent or smaller return on work in the original competitive bid contracts.

CONCESSION EQUIPMENT OMITTED

A closer look reveals about $1.3 million worth of the changes were for equipping concession stands—with such essentials as water piping and electric wiring, and equipment including hot dog warmers, sinks and drink dispensers. Why were such necessities of a spectator sporting life omitted from the original contract?

A. J. Bergman, Armory Board manager, has an explanation. When the contract specifications were drawn up, he says, the board was undecided whether to ask the concessionaire to equip the stands. Later it was concluded that a concessionaire would demand a long-term lease before providing his own equipment, which the board was opposed to, so the chore was handed to the general contractor after all.

Plausible as this may be, it does not impress the contracting community. One builder uses the adjective "silly." He doubts anyone would seriously think hot dog and hamburger purveyors would want to sink $1.3 million into such a venture, certainly not without the protection of a long-term pact.

This opinion is shared by the company that now operates the stadium concessions under a 10-year lease. A spokesman for Sportservice Corp., of Buffalo—which claims to be the biggest in the industry with gross business of about $100 million annually—says, "We certainly would not have considered investing anything like $1.3 million without at least a 20-year lease, and I seriously doubt we would have done it even with that." Describing the Armory Board's wish as "very illusory," he notes it canvassed the concession industry and found no interest.

COULD HAVE BEEN CHEAPER

Even J. A. Blaser, the stadium's contracting officer, confesses to displeasure over the way things turned out. "Including (the concession equipment) at the beginning would have been a lot less messy for a lot of reasons," he sighs, "and it could have been cheaper."

All of which suggests McCloskey & Co. was either smarter or luckier than its rivals. Every other bidder must have been aware the concession equipment was missing from original specifications. One bidding loser agrees, but says the mere fact that the equipment was omitted originally tended to erode his confidence that this job would be given to his firm if it became the general contractor. Tom McCloskey minimizes the importance of the change orders. "Any contractor bidding on a job that size can't bid hoping to get a windfall on change orders," he asserts.

The McCloskey record in this town of uninhibited spending does turn up a larger pattern of change orders—some of normal dimensions and some beyond. Look at Capitol Hill, for example. In the years since Mr. McCloskey became Democratic Party treasurer—and these have been years of Democratic Party control in both the Senate and House—seven contracts passing the million-dollar mark have been let through competitive bidding to improve the area. McCloskey & Co. won three of them including the one that dwarfs the rest: The mammoth and luxurious Rayburn Office Building now scheduled for congressional occupancy January 1. Depending on what figures you choose, this may be the costliest Federal structure in history.

McCloskey is erecting the superstructure under the major contract, awarded in March 1960 on a $50,793,000 bid. Since then, Congress has decided to add a cafeteria, health suite, swimming pool, and other conveniences. All this has fattened the McCloskey contract by $1.1 million to date, says Philip L. Roof, executive assistant to the Capitol Architect. But D. Stafford Kelley, the Capitol Architect's representative on the job, states that $4 million in changes already have been ordered—and more, maybe another half a million dollars or so, are in the works.

CHANGE BOOSTS CONTRACT

McCloskey & Co. also dug the hole and built the foundation for the Rayburn Building. The firm won the contract with a $6,666,000 bid, but a major change in design boosted the contract total to $8.8 million. Now the contractor has filed an appeal for still more money, a claim that is treated as a dark secret by the Capitol Architect's office. However, $800,000 is an accurate estimate of the amount.

And history provides a footnote. During the turmoil of World War II, the Government poured nearly $170 million into a concrete ship and barge program which Ships for Victory, a Government-commissioned history of wartime merchant shipbuilding, describes as "a conspicuous example of an expenditure which produced relatively little." One beneficiary: McCloskey & Co. With Government help, a yard was developed at Tampa, Fla. Originally, the cost was estimated at $2.7 million but it mounted to more than $7.5 million. McCloskey delivered 24 ships (most of which served in such uncelebrated roles as floating storehouses and training vessels) in 1943–44 that cost Uncle Sam $48 million, some $20 million more than the contract price.

Ships for Victory concludes:

"The yards and the ships were built under contracts that guaranteed reimbursement of costs and payment of minimum fees, even when, as happened under McCloskey's contract, the cost proved much more than double the contract price. In such a case clearly the Government paid an outrageous amount compared to what it received."

NOT ECONOMIC

The Ambassador now recalls the concrete ship as "not economic because the hull weighed two and half times steel."

On those rare occasions when politicians—Republicans, of course—have tried to build heat against Matt McCloskey, they've produced more murky smoke than visible flame.

Senator WILLIAMS of Delaware, at the time of the Senate's confirmation of Mr. McCloskey as Ambassador in 1962, pleaded unsuccessfully for time to look again at some old allegations against the nominee. One involved the 1946 sale of a Government-owned shipyard in Jacksonville, Fla., to a Louis Wolfson firm. Mr. WILLIAMS told the Senate Mr. McCloskey was associated with Mr. Wolfson in the deal and that a man who worked for a Wolfson-owned firm paid $25,000 to a Government official in a position to help Mr. Wolfson buy the yard. Mr. McCloskey, in a letter to the Senate, confirmed being associated with Mr. Wolfson early in the bidding for the shipyard but said he pulled out before the sale and denied any knowledge of the alleged payoff. He noted a House subcommittee in 1947 investigated the sale and "never even called me as a witness."

Senator WILLIAMS told his colleagues the circumstances were investigated by a grand jury that returned no indictments; he noted a key Government witness died before the grand jury completed its work. "I am convinced that the allegations are not entirely unfounded," he asserted.

VOTE OF CONFIDENCE

But the Senate failed to find Mr. WILLIAMS' alarms compelling and awarded Mr. McCloskey a rousing vote of confidence. This sentiment prevails today among Federal contracting officials. Mr. Byrne on the mystery building, Mr. Blaser on the stadium, and Mr. Kelley on the Rayburn Building, all express satisfaction with the McCloskey construction skill.

Back home in Philadelphia (the Ambassador says he's built most of the schools there), city authorities agree. "Generally speaking," says Thomas J. McCoy, director of the Philadelphia Housing Authority, "he has a fine reputation as a builder." Public construction is the McCloskey specialty; son Tom figures the ratio is at least 80 percent public, no more than 20 percent private.

Many McCloskey competitors, not all of whom approve of his simultaneous pursuit of contracts and political funds, attest to his prowess as a contractor. A focal point of admiration: Meeting an impossible time limit in building the District of Columbia Stadium. One describes him as a tough competitor, a good builder.

Amidst this widespread acclaim, there are some detractors. Kemmel & Co., Inc., a Pennsylvania painting outfit, is one. Now bankrupt, it worked for McCloskey as a subcontractor on a contract to build a 1,000-unit Government housing project at Fort George G. Meade, Md., in 1958–59. The opinion of Federal District Court Judge J. Wood, handed down last May, tells the story:

At the start, Kemmel agreed to do all the painting on the job for $290,000. But this turned out not to be a simple task. Plaster walls wouldn't take paint and had to be doctored; some 600 painted doors were damaged and had to be redone; more extra work became necessary when floors buckled and plaster fell; and many exteriors required repainting after later road construction covered them with dirt.

During these difficulties, Matt McCloskey, his own firm beset by mounting penalties for tardiness, told Kemmel to get the job done by employing more men and forget about the cost; he'd take care of the bills on a cost-plus basis. And the McCloskey company did shell out $530,298, nearly twice the contract price. But Kemmel complained this wasn't enough and sued. In court McCloskey accused Kemmel of inferior workmanship. Judge Wood ordered McCloskey to ante up another $271,346. But the case is now on appeal.

Even within the U.S. Government, certain second thoughts about the merit of McCloskey performance have cropped up, though not with undue haste.

Back in Truman's time, 1950, a $10,563,000 McCloskey bid won the contract to build a 1,000-bed Veterans' Administration hospital in Jamaica Plain near Boston. Within a year after the hospital's opening in 1952, outer walls bulged and cracked, window frames buckled. ("When winds were high," one hospital official has recalled, "screens from the windows were flying all over the place.")

But not until Senator WILLIAMS got wind of the fiasco, a decade later, was it decided to demand an accounting from the builder. Under the Senator's prodding, Attorney General Robert Kennedy's Justice Department in January socked McCloskey, along with the architects and engineers, with a civil suit for $4.9 million. The particulars against McCloskey: Numerous departures from contract specifications, defective workmanship and deficient equipment and materials, and failure to provide proper inspection and supervision.

M'CLOSKEY COMMENTS

The McCloskey rebuttal places blame on the hospital's design, not its construction. And the Ambassador is quite philosophical about the whole thing: "You can't be in business all the years I've been and not run into a few headaches. We're going to try this thing in the courts."

If the McCloskey talent for erecting big buildings is impressive, equally so is his knack for collecting big money for the Democrats. In a reflective mood on his 71st birthday recently, the Ambassador, his white hair gleaming, absorbed the Florida sun at the poolside of his exquisite and expensive vacation retreat and spoke at length. He calculates at $30 million to $35 million the amount he's captured for national and local party coffers over the 30 years he's been in the business.

A majestic feat was the $11.5 million John F. Kennedy campaign 4 years ago. (The 1956 Stevenson campaign cost a comparatively modest $5.5 million.) And it's in the fond recollection of the late President that the puckish McCloskey humor shines. After the election, when $4.5 million in bills were still unpaid, the Ambassador remembers Mr. Kennedy asked him the state of party finances. When Mr. McCloskey revealed the enormity of the deficit, the President exclaimed: "My God, Matt, what would we have done if we had lost?"

Replied Matt: "What do you mean 'we'? I had a one-way ticket to Mexico."

But the Democrats had not lost; Mr. McCloskey raised the millions. Just the inaugural gala in Washington brought in $1,250,000. Matt, punching his fist through the air, says he got the rest by bang, bang, banging away at State chairmen and contributors.

AMBASSADOR IS RETIRING

He'll be doing more of the same for President Johnson this summer. The Ambassador, now in Dublin winding up affairs, is resigning his diplomatic post and plans to hit the fundraising trails around May or June. Not this time as treasurer, since that post is filled now by Richard Maguire; Matt expects to serve as finance committee chairman, or in some similar capacity.

But he'll not completely neglect the family business. Throughout his ambassadorship, the elder McCloskey has continued to serve as the company's chairman—he relinquished the presidency to son Tom in 1961 after transferring his stockholdings to his children—and he plans an active future role in the enterprise.

Why the return to politics? The formal McCloskey answer is philosophic: He believes deeply in the principle that party members should support their convictions with contributions. "If you belong to a political party, you should be a dues-paying member."

In more casual conversation, he puts it a little differently: "I've been dealing with these people for years, and I know where the bodies are buried."

Mr. McCloskey describes his fundraising formula: First, find out who has the money; second, have the courage to ask for it ("It's surprising how timid people are in asking for money"); third, make a "hit" with the prospective contributor. He'll give willingly. In pressing his doctrine upon subordinate fund raisers, Matt has no patience with poor performance. One fellow Democrat tells of witnessing a transformation of this genial Irishman into a ruthless driver with the coldest blue eyes I've ever seen.

Are convictions the only motives for political contributing? "How much—a contributor—pays determines how much attention he gets," Matt remarks, "and I do whatever I can to help a fellow—anything that doesn't hurt the taxpayers and lets me sleep at night."

But he quickly adds: "I could give you a list of a lot of people who have given a lot of money and have asked for nothing in return."

THE $100-A-PLATE DINNERS

And, then there's the $100-a-plate dinner. By now this is such a standard item for both parties that young folk may think it began about the same time as baby kissing. But Mr. McCloskey claims he invented it in 1934.

Matt likes nice round figures, and after the Stevenson campaign in 1956, to wipe out the $750,000 deficit, he formed a "750 Club"—enrolling members at $1,000 a head. Pennsylvania contributed 25 members, of whom nearly one-third were McCloskeys. "I made a contribution," the Ambassador explains, "and got my kids to do the same."

If carried to the fullest, this tribal generosity could finance quite a lot of democracy. Besides 6 McCloskey children there are 29 grandchildren all living within a 5-mile radius of the manor house in Philadelphia. But the patriarch declines to tabulate the clan's contributions to the party. "I'd rather you didn't know."

Nor does the McCloskey dedication to the liberal cause stop at the dollar sign. The firm employs many Negroes on construction jobs—"We've always been sympathetic to their problems," says Tom—and the Ambassador has contributed regularly and substantially to the support of St. Elizabeth's Catholic Church in predominantly Negro North Philadelphia. Too, son, Matthew H. III, has been a member of what now is the State commission on human rights since its creation in 1955.

There's no doubt that McCloskey means millions, and since money breeds power, Matt possesses considerable of the latter, too. The facts and figures of personal or corporate wealth are unavailable, but the Palm Beach villa is testimony. So was Mr. Kennedy's teasing endorsement of Mr. McCloskey's reelection as party treasurer during the 1960 convention. "I would hope," Nominee Kennedy told the Democratic National Committee, "that you reelect as treasurer, my friend, Matt McCloskey, who tells me he has a lot [of money] buried in his cellar and is ready to contribute it to this campaign." Matt was renamed by acclamation.

POWER AND WARMHEARTEDNESS

Dimensions of the McCloskey power can only be surmised, but there are clues. And, if they are not misleading, these are traces also of McCloskey warmheartedness.

Senator Joseph Clark, Democrat, of Pennsylvania, is a clue. He sponsored Mr. McCloskey's ambassadorship before the Senate Foreign Relations Committee. "We love him," an aid to the Senator proclaims. "We think of him as an Irish Santa Claus. Because of Matt McCloskey the Democratic Party in Pennsylvania never has had real money problems in campaigns."

Miss Catherine A. Coyne is a clue. A former nurse, she attended Mrs. McCloskey during the birth of her daughter, Anne, during the early thirties. Then she went to work for the State. For some time, progress was slow; after 21 years her salary had reached $7,400. But during the regime of Democratic Governor Lawrence, a close McCloskey friend—they drove home together from the recent Clay-Liston fight in Miami—things moved. In 1959 she was named to a $12,500-a-year job as confidential secretary to the secretary of labor and industry, a post that had been vacant for 5 years.

Two years later Miss Coyne was appointed executive director of the bureau of employment security at an $18,000 salary, one of the highest paid by the State to a woman. A newspaper writer unkindly attributed the belated rise to "McCloskey muscle." The Ambassador, however, doesn't accept this. "She merely moved up; she'd been with the State for years." Now retired on a $526.36 monthly pension, Miss Coyne has been visiting the McCloskeys in Palm Beach in recent weeks.

John J. Lynam is a clue. He worked for McCloskey & Co. for many years, mainly as a troubleshooter. He's been close to the family, too; took the kids to the movies and amusement parks when they were young. In 1955, Mr. Lynam went to work for the State; by 1959 he rose to be assistant executive director and by 1961 executive director of the general State authority. This GSA supervises most construction under State contract, including that done by McCloskey & Co. Now retired, Mr. Lynam is wintering in Palm Beach.

POLITICAL SECRETARY

Miss Marian R. Ford is a clue. She's been a long-time McCloskey associate, served as his political secretary. In a celebrated case, Miss Ford's nephew, David K. Darcy, and two accomplices were sentenced to die for killing a bystander in a 1947 holdup. In 1956 Democratic Governor Leader commuted the trio's sentences to life imprisonment on the unanimous recommendation of the State board of pardons. Subsequent political furor stirred Mr. McCloskey, who had testified before the board, to make this statement: "I deny that at any time, to anyone, either directly or indirectly, have I paid out any money in connection with the Darcy case." But he did confirm he'd ditsributed copies of a court opinion to members of the all-Democratic pardons board.

The Ambassador, himself, is a clue. He has told the story of his diplomatic appointment. After election a grateful President Kennedy, according to Mr. McCloskey, told him: "I want to do something for you, Matt." The quick and sentimental reply; "Send me to Ireland." The Ambassador says he's good friends with President Johnson, too; has known him longer than he did Mr. Kennedy.

But perhaps the most certain sign of the McCloskey power is a matter of feeling rather than fact. A reporter inquiring around Philadelphia discovers a surprising reticence on the subject that Matt McCloskey. Everyone knows of him, but many say they don't know much, and a surprising number insist they don't really know him at all. Among those who do concede knowledge, most conversation clings to the superficial. And of the few willing to venture deeper, almost all insist upon anonymity.

A sense of the awe that McCloskey majesty inspires in the hearts of many Philadelphians was perhaps conveyed by the reply of a prominent Democrat to a phoned request for an appointment to chat about the topic.

"God, no," the horrified voice shrieked, "I don't want any trouble with Matt McCloskey."

Mr. WILLIAMS of Delaware. Mr. President, one of the contracts referred to in the article is that for the stadium in Washington. This is the project which was mentioned in the Bobby Baker probe as involving a $1,500 payment to Mr. William N. McLeod, Jr., the clerk of the House District Committee, which committee handled the legislation authorizing the project. It also involved a $4,000 payment to Mr. Robert G. Baker. Mr. McLeod, when questioned by the Rules Committee, first said his payment was for legal services; later, he described it as a gift. It still has the appearance of a kick-back or a payoff. Mr. Robert Baker, when questioned concerning his payment, took the fifth amendment; and thus far the committee has not asked Mr. McCloskey any questions.

The original contract for the Washington stadium amounted to $14,247,187.50; yet at the end of the construction, the total payments under the contract were $17,266,015.58.

In the March 13 issue of the Washington Post there appeared an article pointing out that Mr. McCloskey is now asking for an additional $1 million on this already overpriced stadium contract.

At this point, I ask unanimous consent to have printed in the Record the article appearing in the Washington Post of March 13, 1964, entitled "$1 Million More Asked for Stadium."

There being no objection, the article was ordered to be printed in the Record, as follows:

One Million Dollars More Asked for Stadium, McCloskey Cites Speedup Costs

McCloskey & Co., builder of the District of Columbia Stadium, wants at least $1 million more than the $17.2 million it received for the construction job finished in 1962.

The company's seven claims were outlined in a final construction report submitted to Congress by the District Armory Board.

Among them is a demand for $955,000 for extra cost allegedly incurred in having the stadium ready for football in 1961 and for baseball the following spring.

The District Contract Appeals Board expects to open hearings on the claims soon, but no date has been set.

Excluding the claims, the Armory Board reported that the total cost of the stadium was $19.3 million.

This included $581,486 for net interest costs on the stadium bond issue during the construction period.

Overall cost was $1.6 million higher than estimated.

Construction started in July 1960 and the Washington Redskins moved in 15 months later. But construction was not completed until April 1962.

McCloskey's original contract for the basic construction was $14.2 million, but change orders during the work added another $3 million.

The firm contends that the changes, along with adverse weather, normally would have extended the construction time.

Instead the company incurred additional labor and other costs to have the stadium ready on schedule.

Mr. WILLIAMS of Delaware. Mr. President, it is interesting to note that on the same date there appeared in the Washington Evening Star another article commenting upon the Washington stadium. This article points out certain defective material or workmanship in its construction. I ask unanimous consent that this third article entitled "Cracking Concrete Plagues Stadium," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cracking Concrete Plagues Stadium—Trouble Leads to Aluminum Conduit Ban

(By Orr Kelly)

District of Columbia Stadium has been plagued by a serious problem of cracks in the concrete corridors, the deputy director of the District Department of Buildings and Grounds said today.

The extensive cracking has been caused by an electrical reaction between steel structural members and the aluminum conduit which carries electrical wires throughout the structure. The concrete itself acts as an electrical conductor.

There has been no danger to the structure so far, according to W. A. Curtis, the deputy director.

He emphasized that the structure was built according to specifications and that the trouble developed from a cause which was not known at the time the plans were drawn and the stadium was built.

ALUMINUM BANNED

As a matter of fact, he said, it was the discovery of the cracks and the spalling or actual deterioration of the concrete surface which called attention to the problem.

As a result he said, use of aluminum conduits has been banned in District buildings, and also by the Public Buildings Service of the General Services Administration and by the Army Corps of Engineers.

Since the discovery of the cracking concrete in the stadium, a similar condition has been noticed by the GSA in other buildings and by private contractors in various parts of the Washington area and in other parts of the country, Mr. Curtis said.

Deterioration of the concrete has been noticed in a new District warehouse near New York Avenue and Bladenburg Road NE.

CRUSHES CONDUIT

In addition to the cracking of the concrete, which can create a safety problem in public buildings like the stadium, this condition can also result in crushing the conduit and short-circuiting the electrical wires inside.

According to Engineering News-Record, a magazine published by McGraw-Hill, this condition occurs when calcium chloride is added to cement to hasten the setting of the concrete in cold weather. The calcium chloride salt causes the concrete to become a conductor carrying electricity from reinforcing steel to the aluminum conduit. This results in depositing aluminum hydroxide or a similar crystalline compound on the aluminum conduit.

This compound then expands to seven times the volume of its chemical constituents and thus breaks up the concrete or crushes the conduit or both.

No one now knows how long this process may go on.

Discovery of this reaction has caused considerable concern, not only to public officials and to building contractors, but also to the aluminum industry.

Spokesmen for the major aluminum companies, according to Engineering News-Record, claim that aluminum conduit has served well in the vast majority of cases, and say that it is possible to eliminate the chloride or protect the conduit against it.

Mr. WILLIAMS of Delaware. Mr. President, I am asking the General Services Administration for a complete report, including reports on the construction costs, workmanship, and so forth, on the procedure followed in awarding all of these contracts. This inquiry includes the negotiated contract which was given to Mr. McCloskey on the CIA project close to Washington.

There is only one proper way for the Government to award contracts, and that is by competitive bids. In awarding these contracts, if our architects and engineers are not intelligent enough to include in the original specifications items for the necessary equipment, and so forth, which should be a part of the original project, they should be replaced with competent personnel.

The manner in which these negotiated contracts are being given to favored contractors on the basis of their ability to contribute to or raise contributions for the political party in power, and then the manner in which the same contracts are boosted from 10 to 20 percent, through convenient specification changes, is a disgrace, if not actually illegal.

ADDRESS BY SENATOR JACKSON AT COMMISSIONING OF U.S.S. "RICHARD E. BYRD"

Mr. JACKSON. Mr. President, on March 7 I was in Seattle in my home State for the commissioning of the guided-missile destroyer, the *Richard E. Byrd*. I was most pleased and honored to be invited to give the principal address at the ceremonies that placed this Seattle-built vessel on the rolls of our Nation's naval forces. The *Byrd* is an excellent addition to our naval seapower—an important deterrent to nuclear conflict. Through her strength, she is a ship of peace. She will command the respect of our adversaries on the high seas.

But aside from the prowess of this new member of our fleet, the ceremony was most gratifying because of the name this ship carries, the *Richard Evelyn Byrd*. Admiral Byrd was a prolific contributor to the scientific discoveries of this Nation, particularly in the area of polar exploration. The guided-missile destroyer *Byrd* will carry his name proudly.

Admiral Byrd's widow was present in Seattle for the commissioning, as were other members of his family. It was a particular honor to participate with Mrs. Byrd in these ceremonies honoring her late husband.

Mr. President, I submit for the RECORD my remarks at the commissioning of the *Byrd*, as well as a copy of a Navy news release on this vessel and a biography of the late Rear Adm. Richard Evelyn Byrd, Jr.

There being no objection, the address, article, and biography were ordered to be printed in the RECORD as follows:

ADDRESS BY SENATOR HENRY M. JACKSON AT COMMISSIONING OF U.S.S. "RICHARD E. BYRD," MARCH 7, 1964

It was 38 years ago next May that Richard Evelyn Byrd, with his assistant Chief Machinist's Mate Floyd Bennett, took off from Spitzbergen, Norway, on that memorable and successful flight over the North Pole.

Richard Byrd won both the Medal of Honor and the Distinguished Service Medal for this marvelous and daring achievement.

Born and raised in Virginia as a member of a distinguished family, Admiral Byrd was the brother of Senator HARRY FLOOD BYRD, of Virginia, the able and respected chairman of the Senate Finance Committee and a colleague of mine on the Senate Armed Services Committee. Senator BYRD was unable to come to Seattle today, but I am pleased to read the following message that he has addressed to Commander Walter G. Lessman, the captain of the *Byrd:*

"I should like for you and the officers and men of your command on this occasion to know of my continuing high regard for the U.S. Navy, and my very best wishes for you and all of those who man this ship.

"I join all members of our family in an expression of appreciation of the honor paid my brother in the naming of this guided missile destroyer, the *Richard E. Byrd*. Godspeed. (Signed) HARRY FLOOD BYRD, U.S. Senate."

Admiral Byrd's polar activities are legend. He was the first to map the South Pole and polar plateau by air, receiving the Navy Cross for his Byrd Antarctic expedition. His citation read:

"This hazardous flight was made under extreme conditions of cold, over ranges and plateaus extending 9,000 to 10,000 feet above sea level and beyond probable rescue of personnel had a forced landing ensued. Rear Admiral Byrd was in command of this flight, and through his untiring energy, superior leadership, and excellent judgment, the flight was brought to a successful conclusion."

This was in 1929, a time when airplane reliability and sophistication nowhere resembled today's modern craft. His daring and inventiveness contributed much to America's scientific learning.

As one who took a similar flight over the South Pole in a much later year and in an airplane of far greater power, I have deep personal respect for Admiral Byrd. Antarctica is a huge, desolate continent with elements reluctant to permit the invasion of man.

This ship will carry the name of a great American with pride and distinction, I am sure. The men of this ship will always discharge their duties in this tradition.

The guided-missile destroyer, *Richard E. Byrd*, is a product of a craftsmanship long associated with this city. The Navy and the maritime industry have availed themselves of the shipbuilding talents of this community for many years. Across the sound, Bremerton is probably the finest, most efficient public yard in the country. In the case of Bremerton as well as the private yards here, pride of workmanship is the heart of their excellence.

Puget Sounders love the sea and the vessels that ply it.

Certainly the Todd Shipbuilding Corp. deserves much credit for this product of its talents. A sister ship, the *Waddell*, is now on the ways at Todd and will follow the *Byrd* into service.

As this ship is commissioned, it is interesting to note that such other Seattle institutions as the Boeing Co. and the University of Washington, not usually associated with the waterfront, contributed to her sophistication.

The Boeing Co. produces for the Navy a gas turbine engine that is used to power the Dash unmanned antisubmarine helicopter. The *Byrd* carries these helicopters, each armed with homing torpedoes and nuclear depth charges.

For almost 20 years the University of Washington has been carrying on critical research in underwater weaponry and other undersea systems for the Navy. The findings of this research are integrated into the underwater apparatus of the *Byrd*. The Navy has invested almost $25 million in this program at the University of Washington.

So you see the Navy has reached beyond Elliott Bay to the Duwamish and to the Lake Washington Ship Canal to make the best possible use of Seattle talent for the equipping of this ship and other modern Navy vessels.

Puget Sound's kinship to the Navy has been a most compatible one, and through the continued efforts of both public and private yards to keep abreast of changing technology this area will continue to provide essential shipbuilding, conversion, repair and support requirements.

With the *Byrd* moving to the Atlantic to assume its role as a "lethal blocking back" for Navy convoys and task groups, the Seattle waterfront still has $141 million in new construction in various stages of completion. In 1963 alone, five Navy shipbuilding jobs were assigned here plus three conversion projects. This does not include a Navy-administered vessel for the Maritime Administration being built at a cost of $16 million. Ten Seattle shipyards and firms have participated in almost $25 million in repair work for the Navy since 1960.

At Bremerton a year ago we dedicated the world's largest drydock, the only such facility on the west coast capable of handling *Forrestal* class carriers. The Navy is investing over $16 million in preparing Bangor as the Polaris missile assembly facility for the Pacific Polaris fleet. Bangor with almost double its present work force, will be fully operative by next fall and the first loading of Polaris missiles for the Pacific fleet will be made before this year is out.

Keyport Naval Torpedo Station is 25 percent up in its employment and is assuming new tasks.

The Navy complex of Seattle, Bremerton, and Bangor and Keyport is a large important one in its overall structure. The Nation's water defenses rely heavily on this area.

I believe the future holds excellent promise, particularly through an orderly buildup of our nuclear-powered Navy. Puget Sound Naval Shipyard is assuming a nuclear capability and private yards here are adding to their capability in this field.

As a member of the Joint Committee on Atomic Energy I have joined with my committee colleagues in making plain my view of the necessity of moving ahead with our nuclear Navy. Where 41 Polaris submarines and 45 attack submarines, all nuclear, have been authorized, only 5 surface ships are now authorized. Only three have been completed, the carrier *Enterprise*, cruiser *Long Beach*, and frigate *Bainbridge*. Two more frigates have been authorized.

It is indisputable that nuclear propulsion provides significant military advantages for surface ships—just as this has been so clearly demonstrated in our growing nuclear submarine fleet.

The nuclear ship can go anywhere in the world, deliver its combat load and return—all without logistic support. There is no concern for replenishing propulsion fuel.

The operational advantages in time of combat are self-evident.

A nuclear carrier is capable of not only sustaining its own requirements for a far longer period than a conventional carrier, but it can also provide support for conventional escort vessels.

There is no question that the United States should produce the best that our technology will allow. Each new warship built for our firstline naval striking force should have nuclear propulsion.

Our technology is rapidly improving, and since the first nuclear aircraft carrier went to sea, reactor fuels have been developed which produce twice the power and last twice as long as the fuel used by the *Enterprise*. Major additional technical strides can be expected in the future. Our nuclear engineers are developing new nuclear fuel core designs that will provide nuclear energy to last the life of the ship. This avoids the necessity of periodical replacement. It has both strategic and economical implications and means much to the potential muscle of our naval forces.

It is as natural for us to build a new Navy powered by nuclear energy as it was for us to first change from canvas to coal and then from coal to fuel oil.

Our potential enemies are continuing to improve their capabilities over, under, and on the seas. The Soviet Union is trying to gain control of strategic waterways. This is part of their long range plan to take over or neutralize vital channels of commerce from southeast Asia to Gibraltar to Panama. The importance of reducing our dependence on logistic support is becoming increasingly critical.

It is illogical and wasteful to fit our new firstline warships with powerplants that are already obsolete.

We cannot commit ourselves to a program of planned obsolescence.

"RICHARD E. BYRD" COMMISSIONING SET FOR SEATTLE

The Navy's newest guided missile destroyer, *Richard E. Byrd* (DDG–23), was commissioned Saturday, March 7, at the Naval Supply Depot, Pier 91, Seattle.

Senator HENRY M. JACKSON, Democrat, of Washington, was principal speaker at the commissioning. Also attending was Mrs. Richard E. Byrd, widow of the late polar explorer.

The 4,500-ton vessel was built by Todd's Shipyard, of Seattle, at a cost of approximately $15 million. Her keel was laid April 12, 1961, and she was launched on February 6, 1962.

Following her commissioning, *Byrd* will enter a 45-day fitting out period at the Puget Sound Naval Shipyard, Bremerton, before departing for her new homeport at Norfolk, Va.

Armed with Asroc (antisubmarine rocket), Tartar (surface to air guided missile), six torpedo tubes, and two 5-inch, 54-caliber rapid fire guns, *Byrd* is one of the most advanced destroyers in the Navy. She incorporates the Modular Combat Information Center with the latest communications and electronics installations in her command facilities. *Byrd*, with a crew complement of 340 officers and men, is capable of speeds in excess of 35 knots.

She is named after the late Richard E. Byrd, U.S. Navy, famed polar explorer who led the Navy's first Antarctic expedition in 1925.

Commander Walter G. Lessman, U.S. Navy, of Milton, Mass., assumed command at the ceremony.

BIOGRAPHY OF REAR ADM. RICHARD EVELYN BYRD, JR., U.S. NAVY, RETIRED

Richard Evelyn Byrd, Jr., was born in Winchester, Va., on October 25, 1888, son of Richard E. and Eleanor Bolling (Flood) Byrd. He attended Shenandoah Military Academy, Virginia Military Institute, and the University of Virginia, prior to entering the U.S. Naval Academy from Virginia in 1908. As a midshipman he was a member of football, baseball, and gymnasium squads; was athletic representative 4 years, and a member of the athletic association, a member of the hop committee for 3 years, chairman his first class year; and was welterweight wrestling champion 1 year.

Graduating with the class of 1912, he was commissioned ensign to rank from June 8, 1912. He was transferred to the retired list of the Navy on March 15, 1916, by reason of physical disability incident to the service in conformity with section 1453, Revised Statutes, and commissioned lieutenant (junior grade) on the retired list, to rank from March 15, 1916. He was recalled to active duty in May of the same year, and ultimately attained the rank of rear admiral on the retired list, advanced to that rank by Congress on December 21, 1929, "in recognition of his extensive scientific investigations and extraordinary aerial explorations of the Antarctic Continent, and of the first mapping of the South Pole and polar plateau by air."

Following graduation from the Naval Academy in June 1912, he was assigned temporarily to the U.S.S. *South Carolina*, and on July 28 joined the U.S.S. *Kentucky*. At the commissioning of the U.S.S. *Wyoming* September 25, 1912, he went aboard that battleship to serve for a year. Thereafter, until his retirement in March 1916, he had successive duty in the U.S.S. *Missouri*, U.S.S. *Washington*, and U.S.S. *Dolphin*, with additional duty, while attached to the *Dolphin*, as naval aide in connection with the reception to delegates to the Second Pan-American Scientific Congress, Washington, D.C., in December 1915.

While serving in the *Washington*, on two occasions he rescued a man from drowning, and for his heroic actions was awarded two letters of commendation by the Navy Department and the Silver Life Saving Medal by the Treasury Department.

On May 24, 1916, he was recalled to active duty, limited to service other than long watches at sea, which he was unable to perform on account of his injured leg. He reported on June 9, for duty as inspector-instructor of naval militia, Providence, East Providence, Bristol, and Newport, R.I. On April 7, 1917, the day after the United States entered World War I, he was ordered to the Bureau of Navigation, Navy Department, and while attached for several months, organized the Navy Department Commission on Training Camps.

Reporting in August 1917 to the Naval Aeronautic Station, Pensacola, Fla., for aviation training, he completed the course and was designated Naval Aviator No. 608 on April 17, 1918. He was detached in August of that year and assigned duty as commanding officer of the U.S. Naval Aviation Forces in Canada, with additional duty in command of the U.S. Naval Air Stations at Halifax and North Sidney, Nova Scotia. For meritorious service during World War I, he received a letter of commendation from the Secretary of the Navy.

After the armistice, he returned to the Navy Department to serve first in the Aviation Division of the Office of Naval Operations, later in the Office of the Director of Naval Aviation, Bureau of Navigation. In April and May 1919 he participated in the navigational preparation for the transatlantic flights of the NC planes, the Navy's giant flying boats, and went with the squadron as far as Newfoundland, where he transferred to the nonrigid airship C–5. For his invention of several aerial navigational instruments which were used in the NC's, he received a letter of commendation from the Navy Department.

He went to England in August 1921 for duty in connection with completion of a dirigible being built for the United States at the U.S. Naval Detachment, Howden, Yorkshire. While there he attended the Royal Air Force School of Aerial Navigation. He returned to the Navy Department in July 1922, and while assigned to the Bureau of Aeronautics, established that year, he assisted in the organization of Naval Reserve Air Stations at Boston and Chicago.

In the spring of 1925 he organized and assumed command of the naval flying unit which accompanied the 1925 Polar expedition of Mr. Donald B. MacMillan. He received a letter of commendation from the Secretary of the Navy for meritorious service in that assignment. He returned to duty in the Bureau of Aeronautics, and the following year was granted leave for an Aviation Arctic Expedition later known as the Byrd Expedition to the North Pole. On May 9, 1926, he and his assistant Floyd Bennett, Chief Machinist's Mate, U.S. Navy, took off from Spitzbergen for their memorable successful flight over the North Pole.

He was awarded the Medal of Honor and the Distinguished Service Medal, and by act of Congress, January 5, 1927, was advanced to the rank of commander on the retired list of the Navy, to date from May 9, 1926. Citations accompanying the medals follow:

Medal of Honor: "For distinguishing himself conspicuously by courage and intrepidity at the risk of his life in demonstrating that it is possible for aircraft to travel in continuous flight from a new inhabited portion of the earth over the North Pole and return."

In 1927 he made his transatlantic flight in the airplane "America." For this achievement he was awarded the Distinguished Flying Cross, and cited "For extraordinary achievement in aerial flight; in recognition of his courage, resourcefulness, and his skill as commander of the expedition which flew the airplane 'America' from New York City to France, across the Atlantic Ocean under extremely adverse weather conditions which made a landing in Paris impossible and finally for his discernment and courage in directing his plane to a landing at Ver sur Mer, France, without serious injury to his personnel, after a flight of 39 hours and 56 minutes.

"During the period 1928–30, while still attached to the Bureau of Aeronautics, he organized and commanded a second Byrd Expedition. He was awarded the Navy Cross for 'extraordinary heroism * * * as commanding officer of the Byrd Antarctic Expedition, in that on November 28, 1929, he took off in the Floyd Bennett from expedition's base at Little America, Antarctica, and after a flight made under the most difficult conditions he reached the South Pole on November 29, 1929. After flying some distance beyond the pole, he returned to his base at Little America.'"

The citation continues: "This hazardous flight was made under extreme conditions of cold, over ranges and plateaus extending

9,000 to 10,000 feet above sea level and beyond probable rescue of personnel had a forced landing ensued. Rear Adm. Richard E. Byrd, U.S. Navy, retired, was in command of this flight, navigated the airplane, made the necessary preparations for the flight, and through his untiring energy, superior leadership, and excellent judgment, the flight was brought to a successful conclusion."

Congress, by act of May 23, 1930, authorized the Byrd Antarctic Expedition Medal which was awarded Rear Admiral Byrd and the members of his expedition. He had been advanced to the grade of read admiral on the retired list of the Navy by a special act of Congress on December 21, 1929. He was relieved of active duty on October 1, 1931, and in 1933–35, headed the second Antarctic expedition. Congress, by act of June 2, 1936, authorized the Second Byrd Antarctic Expedition Medal which was presented to Rear Admiral Byrd and members of his expedition.

He received a commendatory letter from President Franklin D. Roosevelt and was awarded a Gold Star in lieu of the second Distinguished Service Medal for distinguished service as commanding officer, U.S. Antarctic Service, in the 1939–41 expedition. The citation accompanying the medal follows, in part:

Gold Star in lieu of the second Distinguished Service Medal: "For exceptionally meritorious and distinguished service as commanding officer of the U.S. Antarctic Service. In spite of a short operating season, you established two Antarctic bases, 1,500 miles apart, where valuable scientific and economic investigations are now being carried on. With the U.S.S. *Bear* you penetrated unknown and dangerous seas where important discoveries were made; in addition to which you made four noteworthy flights, resulting in the discovery of new mountain ranges, islands, more than a hundred thousand square miles of area, a peninsula, and 700 miles of hitherto unknown stretches of the Antarctic coast. The operations of the Antarctic Service have been a credit to the Government of the United States.

He was later awarded the Antarctic Expedition Medal (1939–41).

On June 21, 1941, Rear Admiral Byrd reported to the Office of the Secretary of War, War Department, Washington, D.C., for duty as consultant in connection with the development of cold climate clothing for military equipment of all types. He was detached to return to the Bureau of Aeronautics, Navy Department, in March 1942 and continued on active duty there in the Office of the Chief of Naval Operations, and on various missions to the European and Pacific theaters of war during the World War II period. For outstanding service from May 1942 until October 1945, he received a letter of commendation, with ribbon, from the Secretary of the Navy; and was awarded the Legion of Merit; and a Gold Star in lieu of the Second Legion of Merit. The citation follows:

Letter of Commendation: "For outstanding performance of duty as senior member of a board assigned the task of inspecting advance bases in the South Pacific area from May 10 to August 3, 1942. Carrying out this important and exacting mission with unusual foresight, tact, and tireless energy under adverse conditions of war, Rear Admiral Byrd contributed essentially to the effectiveness of planning in the various Bureau and Offices of the Navy Department."

Legion of Merit: "For exceptionally meritorious conduct * * * while in command of a special Navy mission to the Pacific from August 27 to December 5, 1943. In this service, Rear Admiral Byrd exercised fine leadership in gaining the united effort of civilian Army and Navy experts. He displayed courage, initiative, vision, and a high order of ability in fulfilling a mission which will be of great value to the national defense and the Government of the United States."

Gold Star in lieu of second Legion of Merit: "For exceptionally meritorious conduct as confidential advisor to the commander in chief, U.S. Fleet, and Chief of Naval Operations, from March 26, to May 10, 1942; August 14, 1942 to August 26, 1943; and from December 6, 1943 to October 1, 1945. Serving with distinction in the Navy Department and in various areas outside the continental limits of the United States, Rear Admiral Byrd was employed on special missions on the fighting fronts of Europe and in the Pacific. His thoroughness, attention to detail, keen discernment, professional judgment and zeal which produced highly successful results in the execution of his exacting assignments, together with his wise counsel, sound advice and foresight in planning, constituted material contribution to the war effort and to the success of the U.S. Navy."

Rear Admiral Byrd commanded the 1946–47 Navy Antarctic Expedition, the largest expedition ever to go into the Antarctic. The force of 13 ships and about 4,000 men left Norfolk, Va., on December 2, 1946, and returned in April 1947. Explorations of the Antarctic Continent, which is approximately the size of the United States plus all of Europe, were carried out extensively. Much scientific information was gathered, personnel received valuable training and Navy ships and equipment underwent concentrated cold weather testing. Upon his return to the Navy Department, he again served in the Office of the Chief of Naval Operations. On September 10, 1947, he was relieved of all active duty. Called again to active duty, he reported in August 1949 to the Office of the Chief of Naval Operations, where he continues to serve.

In 1949 he became the founding chairman of the Iron Curtain Refugee Campaign of the International Rescue Committee, and in that position he has given leadership to this nationwide effort to bring assistance to escapees from Communist tyranny. He has also served as cochairman of Operation Brotherhood, an effort jointly sponsored by the International Refugee Committee and the U.S. Junior Chamber of Commerce, through which important assistance has been given to the anti-Communist Government of South Vietnam, and in particular to the thousands of refugees there. These activities have been highly commended by both the White House and the Department of State.

On March 28, 1955, it was announced from the White House that Rear Admiral Byrd would head a new U.S. Antarctic expedition, Operation Deepfreeze, which was to be responsible for the Antarctic phase of the U.S. participation in the International Geophysical Year (1957–59). On October 21, 1955, by direction of President of the United States, and upon recommendation of the Chairman of the Joint Chiefs of Staff, the Secretary of the Navy, and the Chief of Naval Operations, he was designated officer in charge, U.S. Antarctic programs. In this capacity, he acts as senior U.S. representative in charge of those political, scientific, legislative, and operational activities which comprise the total U.S. Antarctic program. His duties require him to report and make recommendations to the Secretary of Defense on all matters pertaining to the U.S. Antarctic programs.

As officer in charge, U.S. Antarctic programs, Admiral Byrd headed phase I of Operation Deepfreeze, reaching the Antarctic in mid-December 1955, and departing the first part of February 1956. Two bases were established in preparation for the U.S. participation in the International Geophysical Year; much new territory was explored by air. Units of the task force remained in Antarctica for a further period to conduct additional operations.

On February 21, 1957, the Secretary of Defense awarded the Medal of Freedom to Rear Admiral Byrd for especially meritorious service in the interest of the security of the United States, and in recognition of his outstanding accomplishments as officer in charge, U.S. Antarctic programs, and his humanitarian contribution to the world. Admiral Burke, Chief of Naval Operations, presented the medal in Boston, "on behalf of the American people, as well as the Secretary of Defense and the many key officials of the Government who recognize Admiral Byrd's very great achievements and contributions in polar scientific and geographic exploration. The citation follows:

"To Rear Adm. Richard Evelyn Byrd, U.S. Navy, retired, for exceptionally meritorious service to the United States. As officer in charge, U.S. Antarctic programs, since October 21, 1955, Admiral Byrd has demonstrated outstanding leadership and great skill. By virtue of his unparalleled experience, he has made a unique contribution to the Antarctic expeditions of the past 3 years, the development of permanent Antarctic legislation, and international scientific understanding and good will. He has exercised his special talents in the promotion of U.S. interests in the Antarctic with foreign countries and has personally laid the groundwork for the present large-scale Antarctic effort of the United States. These accomplishments represent a lifetime of service which has encompassed unequaled exploits of skill, daring, and imagination, including a flight across the Atlantic Ocean, the initial flights across the North and South Poles and five historic expeditions to Antarctica. His actions and performance of these duties have been in keeping with the highest traditions of the U.S. Government service. It gives me great pleasure to award Admiral Byrd the Medal of Freedom."

In addition to the Medal of Honor, Navy Cross, Distinguished Service Medal with Gold Star, the Distinguished Flying Cross, Legion of Merit with Gold Star, the Commendation Ribbon, the medals commendating the Antarctic expeditions of 1928–30, 1933–35, 1939–41, and the Silver Lifesaving Medal, Rear Admiral Byrd has the following service medals: Mexican Service Medal; Victory Medal, with Aviation Clasp and Silver Star (for letter of commendation for World War I service); American Defense Service Medal; American Campaign Medal; Asiatic-Pacific Campaign Medal; European-African-Middle Eastern Campaign Medal; and the World War II Victory Medal. He also has the Sharpshooter's Medal, the Navy Expert Rifleman's Medal, and the Navy Expert Pistol Shot's Medal.

He has also received the following decorations from foreign countries: Legion of Honor, rank of officer, from the Government of France, July 18, 1928, advanced to rank of Commander in this order, February 1930; Commander of the Military Order of Avis, from the Government of Portugal, September 13, 1921; Illustrious Citizen and Diploma, from the Government of Chile, May 28, 1941; and the Vega Medal of the Swedish Society for Anthropology and Geography, April 24, 1948.

Rear Admiral Byrd also has gold medals from the following civil organizations:

Geographic Society of Cuba, 1928.

National Geographic Society, 1926 (Hubbard Gold Medal).

National Geographical Society, 1930.

American Geographical Society, 1939 (David Livingston Center Gold Medal).

Smithsonian Institution, 1929 (Langley Medal).

Pacific Geographic Society, 1937.

Chicago Geographic Society, 1926 (Helen Culver Medal).

Chicago Geographic Society, 1930.

Philadelphia Geographic Society, 1926 (Elisha Kent Kane Medal).

He is a member of more than 200 societies and clubs.

Rear Admiral and Mrs. Byrd, the former Miss Marie D. Ames of Boston, have four children: Richard E. III, Evelyn Bolling, Katherine Ames, and Helen Ames Byrd. His official address is 9 Brimm Street, Boston, Mass.

Rear Admiral Byrd died March 11, 1957.

MINERAL POLITICS

Mr. ALLOTT. Mr. President, Mr. Elmer W. Pehrson, former head of the Division of Foreign Activities of the Bureau of Mines, made an address before the Council of Economics of the American Institute of Mining, Metallurgical, and Petroleum Engineers. I ask unanimous consent that the address, which shows what has happened to the minerals industry in our country, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW LOW IN MINERAL POLITICS, SAYS PEHRSON

PART I

(Politicians have invaded the minerals field to such a great extent that perhaps one day the taxpayers will rebel at the gross extravagance of demagogic government, Elmer W. Pehrson, former head of the Division of Foreign Activities of the Bureau of Mines, stated recently. "Mineral politics in Washington have reached a new low," he said. Mr. Pehrson, now adjunct professor at Columbia University's School of Mines, addressed the Council of Economics at the recent meeting of the American Institute of Mining, Metallurgical, and Petroleum Engineers. He had been with the Bureau for about 37 years. The main portion of Mr. Pehrson's remarks is being reproduced in two installments, the first of which appears below.)

My remarks are apt to be controversial, indeed at times unpalatable to some; I absolve all my associates in and out of the institute of any responsibility for what you hear.

If any of you have come to this luncheon expecting to hear criticism of the conduct of mineral affairs by our Government you have made no mistake. You not only are in the right church but also you are in the right pew, and I use the last word advisedly because the aroma of politics in Washington has reached odious concentrations. There is always the possibility that someone in a position to do something about the mess in Washington may get interested. Wouldn't it be wonderful if the great prestige of the AIME could be enlisted in support of a better deal for the real mineral agencies of the Government.

Secretary of the Interior Stewart L. Udall after taking office quickly established a new high-water mark for ineptitude in public service. The late President Kennedy soon recognized this and corrective action was taken. Since the assignment of the astute Robert C. McConnell, a New Mexico Democrat, as his congressional liaison, Udall has been doing better, but it would take all the king's men to rein in this energetic son of Arizona. His aggressive emphasis on recreation has made him a great hero in some quarters but the record shows that the New Frontier's performance in the mineral field merits no such accolade. Certainly recent actions of the Department with respect to the organization and leadership of the Bureau of Mines leave much to be desired.

Rape of the Bureau of Mines

The present crisis in the Bureau is an acute phase of a problem that dates back to 1933 when Secretary of the Interior, Harold L. Ickes, forced on the Bureau's Director, Scott Turner, an advisory committee which included John L. Lewis, president of the United Mine Workers Union. Nothing happened to enhance Lewis' influence in Bureau activities so Ickes replaced Turner with John W. Finch. The Miners Union already was desirous of making the Bureau of Mines a policeman with authority to shut down unsafe mines. Finch did not capitulate so Ickes tried again to get a man with more "iron in his blood." Dr. R. R. Sayers, a former career director of the Bureau's health and safety program and a close friend of Lewis, was drafted from the Public Health Service to replace Finch. Sayers, a skillful diplomat and a superb research director, worked out a compromise under which the Bureau established a safe mining code for the voluntary but not compulsory use of the coal mining industry.

A few years later the Bureau acquired James Boyd as Director during a change in the secretaryship. Boyd soon lost interest and when he left there was delay in selecting a successor partly because of the troublesome politics that developed over the coal mine safety issue. Marling J. Ankeny, the present Bureau Director, then a branch chief in the Bureau's Health and Safety Unit, took part in a successful movement to promote his chief, John J. Forbes, to the directorship.

Enter Ankeny

The Republicans failed to remove Forbes when they took over in 1953. When he retired in 1956, difficulty was encountered in finding a successor because able men qualified for the job were unwilling to get embroiled in the politics of coal mine inspection and the exercise of police powers. Ankeny again came to the rescue this time in his own behalf.

Ankeny's Republican background was embarrassing when the New Frontier took over. Hopefully, some of the Bureau's career staff looked forward to the possibility of working under a new research-minded Director who would have rapport with the new administration. Why the Bureau has been forced to muddle along in its present unsatisfactory condition so long is hard to understand. But as Jack Garner once said "Politics makes strange bedfellows at times."

On June 19, 1963, Ankeny advised Bureau staff of a West Virginia newspaper story regarding Bureau of Mines reorganization and an expected announcement of the Director's retirement. Ankeny advised the staff that he would not quit without a fight. Within a few days Udall was flooded with telegrams protesting Ankeny's removal. Udall postponed action. On July 1, the Bureau reorganization was announced. The new order created a monstrous structure that can best be described as "all chiefs and no Indians." Ankeny was quoted as saying that his resignation had been requested but that he has no intention of complying with the request.

Subsequently word leaked out that the administration was moving to take the Directorship of the Bureau of Mines out of politics and place it strictly on a merit basis. The National Academy of Science was asked to suggest qualified candidates. This apparently has been done and several nominees have been interviewed by the Secretary and his staff. Experienced observers on the Washington scene greeted this news with pleasant surprise but with substantial skepticism.

Exit morale

The well meaning but naive dreamers who visualized the removal of politics in the selection of a new Director for the Bureau of Mines doubtless were confronted with a dilemma when Udall announced on January 28, 1964, appointment of Frank C. Memmott, of Utah, to the post of Deputy Director of the Bureau. This move is a blow to the Bureau's fine dedicated staff of career scientists and technologists who are trying to maintain their self-respect and contribute constructively to the solution of the many grave mineral supply problems confronting the Nation. While the Bureau's second-echelon jobs have been eyed by politicians for many years, traditionally they have been filled by career employees. Seldom have Interior politicos had the nerve to plant a politician at this level in the Bureau.

This move is all the more humiliating because only last July when Udall announced the Bureau reorganization he stated that it was designed to strengthen the Bureau's stature in research. It is a slap at the National Academy of Science, but this is not the first time scientific and industrial advisory groups have been played for suckers by politicians. A self-respecting dedicated professional who may be considering service as a Bureau Director should think long and hard before signing up for obeisance to Udall's political clique in addition to taking on the headache of policing the Nation's coal mines and other surprises Udall may have up his sleeve.

Police powers

Important as the selection of a qualified man to head the Bureau is it is less important than the compelling need to divorce completely from the Bureau of Mines coal mine inspection and other similar police powers that may be in the mill. Top Bureau research staff have resented the intrusion of this function from the start because by their very nature such responsibilities are a magnet for political action, and this in turn generates a climate hostile to the performance of quality scientific and technical work. It should be noted that recruitment and maintenance of a competent professional staff is difficult under the rules and regulations of the Civil Service. This is particularly true in times like these when private industrial and research organizations are bidding high for the services of better-than-average men.

PART II

The result is that while Government may attract a fair average of available talent at a given time, in due course the exceptional ones leave and the Government is stuck with the run-of-mill and the culls. There are, of course, outstanding exceptions to this general observation. The good ones leave because of more money offered elsewhere and frustration as they see the top jobs handed out on a spoils-system basis.

A few years ago an exceptionally capable young man was being interviewed for a Bureau position. Quite naturally he asked about career opportunities. He was told that if he measured up and worked hard there was no reason why he should not aspire to the position of Director. Five years later, after several promotions, he approached his supervisor reminding him of their previous conversation. He observed that during the past 5 years the top jobs in the Bureau went to those willing to play ball on a political basis. His supervisor had no choice but to apologize for having misled him in the first instance. A month later the young man resigned to accept much higher pay in private employment.

Pre-New Deal good old days are gone

When I joined the Bureau of Mines in 1928 it was a proud and respected agency. Its director was a man of attainment whose professional prestige inspired Bureau staff. Morale was high. The Bureau was almost completely autonomous in the conduct of its professional work. The Secretary consulted the Director on problems that he had to deal with but there was no intrenched staff at the Secretary's level telling the Bureau what to do and how to do it. Today all this has been changed. The Director is now down to about fourth place on the totem pole. Some of the Bureau's choice responsibilities have been splintered off into an array of advisers and small units attached to the Assistant Secretary's office. None of the top positions in these offices is filled by a man qualified by education or experience as a mineral expert. Among the credentials of those appointed to the top posts, according to available records, are: service as a Senate page: attendance at the capitol page school; teacher in the page school; clerk to a Congressman; schooling in law, economics, Indian affairs, and other nonmineral pursuits supported by a powerful political angel; election to local public office as a Democrat; and other similar attainments. The good old Bureau of Mines and Geological Survey have to dance to the tune of these politicos. These same "instant experts" are the ones who advise the Secretary, the White House, and the Congress on vital mineral matters.

Since World War II a bipartisan spoils system has been superimposed on the Civil Service System. Politicians apparently look upon the career service of the executive branch as fair game for kinfolk and worthy constituents. The system operates on a mutual backscratching basis, the chief credential for Federal employment being stout political support. The top paying jobs of Government are particularly attractive and the bipartisan approach minimizes the embarrassment that used to occur when thousands of spoilsmen were unseated when there was a change in administration. This might explain why so many spoilsmen in Interior survived the changeover to the Eisenhower administration in 1953. The fact that these salaries and responsibilities could be used advantageously to encourage exceptional career men to stay in Government service appears to be overlooked.

Appointment by spoils rather than on merit is not a weakness confined only to the Department of the Interior. Lack of confidence in the executive branch of our Government is growing. Only recently Walter Judd, a former Congressman from Minnesota and a highly respected political leader, acknowledged his concern in a speech to students at Columbia University.

The politically charged environment in which the Bureau of Mines has been forced to operate for years has undermined fiscal integrity. After several unsuccessful attempts to get Congress to provide funds for badly needed expansion of the Bureau's basic programs in mineral statistics and foreign mineral economic studies, Bureau officials resorted to subterfuge. Under a policy of "If you can't win in Congress, fool 'em" the Bureau's budget structure was drastically revised in about 1950 to hide these functions. One enthusiastic devotee of this method of operation described it as follows:

"I have very carefully done for statistics what I recommend that you gentlemen do for mining research. There is no statistic line or any sign of statistics, except in the vaguest way in our budget presentation. We'll say in there somewhere that we will gather the basic facts for directing the program. Now, that is the authorization for collecting production, consumption, foreign trade, price, and all the statistics. That, to me, is a very simple way to do it. But as soon as you say you are putting a million dollars on statistics, some Congressman will hasten to say, 'That's a mighty good way to save a million dollars.' And it would be a hell of a good way to put us on the fritz."

Geological Survey

Being human, and still a Bureau of Mines man at heart, it would be treason to pass up this opportunity to take a friendly poke at the U.S. Geological Survey. Today the U.S. Geological Survey delves into mineral economics, process technology, and various political and economic aspects of mineral policy as though it were envious of Bureau of Mines responsibilities in these fields. This duplication should be stopped and greater Survey effort and imagination applied to the frontiers of the new sciences in search of new methods for discovering hidden mineral deposits that lie beyond reach of traditional geological concepts.

The Survey would do well to leave the exploitation of known deposits to industry and the Bureau of Mines.

PART III

Politicians have invaded the minerals field to such a great extent that perhaps one day the taxpayers will rebel at the gross extravagance of demagogic government, Elmer W. Pehrson, former head of the Division of Foreign Activities of the Bureau of Mines, stated recently. "Mineral politics in Washington have reached a new low," he said.

Mr. Pehrson, now adjunct professor at Columbia University's school of mines, addressed the Council of Economics at the recent meeting of the American Institute of Mining, Metallurgical and Petroleum Engineers.

The main portion of Mr. Pehrson's remarks is being reproduced below.

The third and final installment of portions of Mr. Pehrson's address appears below.

Need for Department of Mineral Supply

The foregoing recitation of major weaknesses in the Government's administration of mineral affairs, it seems to me, fully indicates the need for drastic reform. Most of the reform has to take place at the top by eliminating the spoils system in the selection of top officials and by rebuilding incentives for capable mineral experts, who are qualified by education and experience for executive responsibility, to remain in Government service.

The United States is the world's leading industrial power. Our position in world affairs and our survival is inextricably linked to this power in the maintenance of which nothing is more basic than assurance of an adequate mineral supply. The Nation's mineral economy should not be the victim of changing styles in diplomacy and trade policies. To the contrary, the Nation's vital interests in mineral supply should dictate many aspects of diplomatic and economic policy. To do this requires the creation of a strong central mineral authority in the Federal Government. The Bureau of Mines and the Geological Survey should form the nucleus of such an agency. Exercise of police powers and other similar administrative authorities must be completely isolated from the Government's factfinding and research activities. Closer coordination of the geological activity of the USGS and the technologic programs of the Bureau of Mines is required. Formulation of mineral policy recommendations would be based solely on the national interest and would proceed from professional analysis of problems by qualified mineral experts.

Preoccupation of the Department with fish, wildlife, Indians, recreation, parks, water, dams, public power, etc., is not compatible with the stern need for objectivity and expertise in the preparation and implementation of plans for utilizing efficiently the Nation's strategic mineral resources on which our peacetime and wartime survival depends.

Tail wags the dog

The need exists for harmonizing domestic programs with import programs. This could be accomplished by creating a Department of Mineral Supply with full responsibility for recommending national mineral supply policy and for administering policies and programs authorized by Congress. Such a department would command from the Department of State the diplomatic services required to implement national policies. This would reverse the present procedure under which the State Department tail wags the mineral policy dog. Such a Department would indeed present a challenge to the ablest members of our profession if it were administered on a career basis.

It would be easy to become overly depressed by the political mess in Washington. What is happening to our stockpiling program is a national tragedy, but there are hopeful signs that level heads in Congress will prevent a catastrophe. The sound fundamental work of the Bureau of Mines and the Geological Survey are firmly established as indispensable Government programs. Those who participate in this work, including promotion of health and safety through education, can take great pride and satisfaction in their accomplishments. These are jobs the spoilsmen cannot do.

PROJECT MOHOLE

Mr. ALLOTT. Mr. President, from time to time in the last 3 years the senior Senator from Colorado has had occasion to speak on the subject of Project Mohole, originated by the National Science Foundation and carried on under their auspices. I have taken leave to point out very serious deficiencies in the program. I ask unanimous consent that a series of articles published in science magazines entitled "Mohole: The Project That Went Awry," together with a letter from myself to the editor of Science, be printed in the RECORD.

There being no objection, the articles and letter were ordered to be printed in the RECORD, as follows:

MOHOLE: THE PROJECT THAT WENT AWRY—I

In the partnership between science and government, Project Mohole—a design to drill the earth to unprecedented depths—stands out as an administrative fiasco that deserves earnest scrutiny. For Mohole, while it has its own peculiar characteristics, is a classic case of how not to run a big research program, and those who feel that it is inconceivable that it could happen again might be reminded that it is inconceivable that it could happen at all. Nevertheless, it did, with the result that nearly 6 years after the project was formally initiated, there is no Mohole, and there is not going to be one for a long time. There is, however, a lengthy and unattractive trail of bickering, bitterness, and shortsightedness, involving some of the leading figures of American science and science administration. And there is a record that includes:

1. A burgeoning of costs, from early informal estimates of $5 million to later official estimates of $40 million, and current official estimates of $67.7 million;

2. A running, and still unresolved, dispute over the objectives of the project—specifically, whether Mohole should be narrowly defined as a deep-drilling effort or whether it should be considered part of a comprehensive, multilevel drilling program.

3. An estrangement between the National Academy of Sciences' Committee which originated Project Mohole and the National Science Foundation, which is paying for it;

4. The resignation of the Committee Chairman after the President of the Academy chastised him for publicly discussing the project without first clearing his views with the Academy;

5. The complete dissociation from Mohole of the oceanographic engineer who, to unanimous acclaim, carried out a preliminary phase that set a record for drilling at sea;

6. Congressional charges of political influence and irregularities in the award of the lucrative Mohole engineering contract, with the U.S. Senate voting at one point to withhold further funds;

7. A decision of the Bureau of the Budget virtually freezing Mohole funds until the administrative and financial picture has been clarified.

To trace the events that produced this record it is necessary to go back to the summer day in 1952 that saw the birth of a brilliant, amorphous, and often frivolous group that called itself the American Miscellaneous Society—Amsoc, for short. On that day, at the Office of Naval Research, in Washington, two geophysicists, Gordon Lill and Carl O. Alexis, were sorting research proposals when they concluded that the existing research categories were inadequate for the diversity of the proposals. Everything, it seems, was falling into miscellaneous piles. So, then and there, they decided to establish a miscellaneous society to accommodate diversity; Amsoc was thus born, and in short order many of the outstanding figures of American science spoke proudly of their Amsoc affiliation, though it is clear that if Amsoc were any less of a society it would have been nonexistent. As an organization, its chief function seemed to be to revel in whimsy and in contrasting its freewheeling and witty ways with the ponderous motions of the standing professional societies. Amsoc delighted in its lack of membership rolls, bylaws, officers, publications, and formal meetings. Its only divisions, it noted, were in etceterology, penomenology, calamitology, generalogy, and triviology. It also maintained, it was pleased to point out, relations with the Committee for Cooperation with Visitors from Outer Space, as well as with the Society for Informing Animals of Their Taxonomic Positions. On the serious side, however, Amsoc prided itself on the quality of its members, its ability to chew over professional matters without fuss or formality, and its abhorrence of stuffiness.

For the first 5 years of its existence it performed no visible function outside of delighting its members, and seemed happily inclined toward promoting the impression that it was a bit on the screwy side (at one meeting, it toyed with a proposal to alleviate southern California's water problems by towing Antarctic icebergs to Los Angeles). Then, in the spring of 1957, some men sitting around a table came to a conclusion that was to have enormous implications for the earth sciences and, ultimately, to bring Amsoc to world attention.

The scene was the National Science Foundation headquarters, where the earth sciences review panel was feeling a bit discouraged after having reviewed some 65 research proposals. The proposals were sound and worthwhile; nevertheless, the panel felt that something was missing. The missing ingredient and the atmosphere of the meeting were later described by Willard N. Bascom, the oceanographer who was soon to be brought in as director of Project Mohole, in his book "A Hole in the Bottom of the Sea":

"None of these [research proposals] attempted to courageously break through to new ground on any of the most important problems of the earth sciences. While the proposals were by no means trivia, it did not appear likely that any major advance would be produced even if each were carried out to the complete satisfaction of its proponent. Two of the panel members * * * were especially bothered by this. They were Geologist Harry Hess [professor of geology at Princeton University] and Geologist Walter Munk [professor of oceanography at the University of California] and they asked themselves, 'How could the earth sciences take a great step forward?' Munk suggested that they consider what project, regardless of cost, would do the most to open up new avenues of thought and research. He thought that the taking of a sample of the earth's mantle would be the most significant."

The idea was indeed a quest for "new ground," for the mantle, which comprises about 85 percent of the earth's interior, lies under 32 to 40 kilometers of crustal covering on the continents, and was far beyond the reach of any available or even dreamed-of drilling equipment. At sea, however, it might be a different story, though at this early stage the thinking had not yet passed to the question of earth versus ocean drilling. At ocean depths of 3,000 to 6,000 meters there was evidence that the mantle could be reached somewhere around 4,500 meters below the ocean floor. It lay there, according to seismic evidence, below the "Mohorovicic discontinuity," named for the Yugoslav Geologist Andrija Mohorovicic whose seismic soundings revealed a gap between the crust and the mantle.

Clearly the goal of reaching the Moho was about as elusive and as challenging as that of landing a man on the moon, since the deepest land drilling at that date was only 7,600 meters, while drilling at sea had been done only in relatively shallow waters. Nevertheless, with the details still to be resolved, the climate was perfect for such a proposal, for the earth scientists had been standing by enviously for several years observing the new-found affluence of the health-related, space, and nuclear sciences, not at all sure how their own disciplines could get in on the expansion of Federal support. And there was a series of tantalizing scientific questions that could be answered only by bringing up pieces of the mantle, questions involving the history and composition of the globe's interior. Bascom reports that Munk's proposal evoked the observation. "This (the mantle project) would be the perfect antianalog of a space probe. To think of the attention it would attract to the earth sciences."

REFER IT TO AMSOC

Then Hess suggested that the proposal be referred to the American Miscellaneous Society.

The following month, at a "wine breakfast" at Munk's home in La Jolla, Calif., Amsoc accepted the challenge, and the attempt to drill to the Moho—later christened Project Mohole by Bascom—began to move along. Lill, the cofounder of Amsoc, became chairman, and a who's who of American geophysics was invited to join Amsoc's first formal subdivision, a deep-drilling committee especially established to promote the Nation's venture into inner space. The committee members were Roger Revelle, director of the Scripps Institution of Oceanography; Joshua Tracey and Harry Ladd, of the U.S. Geological Survey; Munk; and Hess, who was head of the National Academy of Sciences-National Research Council earth sciences division. Other members were added later; among them was Maurice Ewing, director of Columbia University's Lamont Geological Observatory. Ewing, it seems, was sitting in the lobby of Washington's Cosmos Club when the newly formed deep-drilling committee passed by en route to its first meeting. He was invited to come along, and thus became a member. (Some persons associated with Amsoc's early days recall that when Ewing protested that he was interested in sedimentary studies—not in boring to the mantle—he was scoffed at and told, "Maurice you're thinking too small." Two years later, Ewing resigned in disgust, but subsequently was persuaded to return.)

If Ewing was thinking small, he definitely was out of harmony with his colleagues, for Amsoc soon was swept up with the excitement of the Mohole venture, and when the National Science Foundation declared that it could not dispense funds to so ephemeral a group, the once-freewheeling scoffers at institutionalism cheerfully took refuge inside the National Academy of Sciences. It was unprecedented for the academy to take in an existing committee, but since many of those associated with Amsoc were members, and one—Hess—was an officer of the academy, goodwill and personal confidence overrode tradition. Thereafter, the quest for the mantle became a project of the Amsoc committee of the Division of Earth Sciences of the National Academy of Sciences. And it was this academy setting that, quite by accident, brought into the picture Willard N. Bascom, an inventive, restless, cocky oceanographer and mining engineer with long experience and unconventional ideas about deep-water engineering.

Up to this point Bascom had had nothing to do with Amsoc or the deep-drilling venture. Formerly of Scripps, he came to the academy staff in 1954 to handle a variety of tasks, ranging from studies of civil defense and amphibious warfare to service as science adviser to the Columbia Broadcasting Co. Situated next door to Hess in the academy building, Bascom became interested in the project and not long afterward was asked by Hess to become Amsoc's executive secretary and to organize and conduct studies on how to carry out the project. Bascom, who doesn't have to be told to run with the ball, interpreted his mandate generously, and, pushed on by his energy and enthusiasm, Mohole proceeded in rapid fashion.

Meanwhile, the fall of 1957 brought Mohole an extraordinary bit of luck when the annual meeting of the International Union of Geodesy and Geophysics adopted a resolution, sponsored by Hess and Revelle, urging nations with experience in deep drilling to study the feasibility of drilling to the mantle. In the course of discussing the resolution, a Soviet scientist arose to announce, "We already have the equipment to drill such a hole; we are now looking for the place." The Soviet boast was money in the bank for Amsoc, and the members knew it, although 6 years later it appears that, if the Soviets do have the equipment, they are still "looking for the place."

GREAT APPLICATION

Now properly housed in the National Academy of Sciences, Amsoc sent over a grant application to NSF, seeking funds for what it referred to as a courageous attempt to broaden the base on which the most fundamental of earth problems rests. The details of this application are worth noting, for when the fighting broke out several years later, a good deal of it centered around the issue of just what it was that Amsoc had proposed to NSF—was it a narrowly defined effort to drill through to the mantle, or was it a broad-based ocean-drilling program, with the mantle the most ambitious, but by no means the only, objective? In the beginning, when good will and enthusiasm were abundant, the documents were fuzzy on this score, and the fuzziness continued for some time, giving rise today to fervent textual analysis in behalf of sharply conflicting positions.

The grant application opened with a request for funds "for support of the study of the feasibility of drilling a hole to the Moho discontinuity." It then went on to itemize the scientific benefits that might result "if an authentic sample of the material below the discontinuity were obtained." But next it proceeded, without great precision or explicit reference to a broad—or, as it later came to be called, an intermediate—program, to refer to the value of conducting studies of the layer immediately above the Mohole discontinuity; and it added that "the sedimentary column from the sea floor to the material mentioned above could be sampled."

Was this a proposal simply to drill to the Mohole, or was it a proposal to conduct a broad and multilevel drilling program? On this very issue a bitter row eventually was to break out (a row, incidentally, which in many respects parallels the controversy over the manned lunar landing; there the camps are roughly divided between those who say getting a man to the moon should take precedence over all else, and those who say the manned landing should be part—but by no means the all-consuming part—of a broadly based space exploration program).

MOHOLE UNDERWAY

In any case, NSF granted Amsoc $15,000 as a starter, and Project Mohole was officially underway, on the following organizational basis: Amsoc was responsible for supplying the scientific guidance, but since Amsoc was a part-time organization and its executive secretary, Bascom, was full time, the energetic Bascom pretty much ran the show; at the same time, the Academy provided an institutional base and NSF paid the bills.

This arrangement was a departure from preferred practice for the Academy and NSF, since the Academy, with a few exceptions, is an advisory, rather than an operational organization; and NSF, again with a few exceptions, supports research through standing research institutions. (Not long afterward the Academy was to find itself uncomfortable with its Mohole relationships and was to take steps to disentangle itself, though still remaining associated with the venture.)

At this point in Project Mohole, who was in charge? In the era of good will that then prevailed, no one seemed to be particularly concerned. Everyone was pulling together. As for the costs, these would be high, it was acknowledged, in relation to the funds normally available for the earth sciences, but compared to the vast expenditures then pouring into the newborn space age, they were trifling. Collaborating on an article in Science in 1959, Amsoc Chairman Lill confidently stated:

"The Mohorovicic discontinuity project probably can be accomplished for $5 million. Earlier and larger estimates were out of bounds. Five million dollars is a lot of money, but compared with the many millions of dollars that are being spent on moon rocketry and the billions being spent on atom bombs, this is not an overly ambitious scientific endeavor.

"The American Miscellaneous Society, with its flair for seeing the lighter side of heavier problems, likes to quote the following proverbs when discussing the Moho: (i) 'When going ahead in space, it is also important to go back in time,' (ii) 'The ocean's bottom is at least as important to us as the moon's behind.' "

At about the same time, to help clarify the project for an increasingly interested public, Bascom spelled out its past, and speculated on its future, in an article in Scientific American. The article, though not an official statement of the Amsoc Committee, unquestionably had its endorsement and stands as the most definitive statement of what Amsoc—the originator of Project Mohole—thought it had in mind when it sought support from NSF. Later statements unfortunately clouded and confused the Amsoc position, but at that early stage Bascom, presumably speaking for Amsoc, stated:

"The principal objectives of drilling to the mantle are * * * to obtain samples of the various rocks of the mantle and the deep crust. Although reaching the mantle is the ultimate objective of the Mohole project, an intermediate step is likely to yield equally valuable and interesting information. No one site or hole will satisfy the requirements of the Mohole project."

Bascom then went on to state that "we will have to feel our way along." The first step, he said, would involve drilling in about 3,000 meters of water. With this experience, modifications could be made that would permit drilling around depths of 4,800 meters. After that "it will be possible to make a sound reappraisal of the kind of equipment needed to go on to the Moho."

And not long afterward, the Annual Pick and Hammer Show of the Washington Geological Society presented a review entitled "Mo-Ho-Ho and a Barrel of Funds."

Now, with surprising speed and a quick success that obscured some of the enormous problems involved in going down all the way to the mantle, Amsoc's professional staff carried out Mohole's phase I, a series of record-setting test drillings in the vicinity of La Jolla, Calif., and Guadaloupe Island, 400 kilometers south of San Diego. Their vessel was *Cuss I*, a modern drilling ship that took its name from its original sponsors, an exploration combine comprising the Continental, Union, Shell, and Superior oil companies. Operated under contract by its owners, the Global Marine Exploration Co., but modified, equipped, and run under Bascom's direction—at a cost to NSF of $1.5 million—it set out from San Diego early in 1961 to test the feasibility of drilling in very deep water, 10 times deeper than any in which oil-drilling attempts had been successful. Of critical importance was Bascom's unique dynamic positioning system, consisting of 4 200-horsepower outboard motors, located around the hull and operated by a central joystick which activated them to compensate for shifts caused by wind and current. The purpose of this system, which had aroused considerable skepticism, was virtually to hold motionless the *Cuss I* in winds up to 37 kilometers per hour (20 knots) and surface currents up to 0.55 kilometer per hour (0.3 knot), so that no undue stresses would be introduced into the more than 3 kilometers of drill pipe dangling from its underside. (It worked so well that the 81-meter vessel was generally maintained within a ship's length above the point where the pipe entered the bottom.)

SETTING RECORDS

The results were spectacular, and are yet to be matched. Operating in 3,300 meters of water, *Cuss I* drilled as far as 180 meters into the bottom. And the Amsoc group pulled off the job within a matter of weeks and within its stated budget. (Once again, all this took place in a period of extreme good will when no one was paying very much attention to organizational details. Bascom, though working for the Academy as a member of the Amsoc staff, was designated a technical representative by NSF. As Bascom later explained this setup to a congressional committee: "This method was an administrative makeshift, but it worked, primarily because all of us were anxious to make the tests a success.")

Successful as phase I was, it literally only scratched the surface, for to get to the Mohole it would be necessary to drill in some 4,500 meters of water and down through some 4,500 to 6,000 meters of rock. No rig capable of this was in existence, and now thoughts turned to Mohole's phase II. And it was at this point that the trouble began.

It was the spring of 1961, 9 years after Amsoc's birth, 4 years after Munk had first proposed the Mantle project, and a period of stocktaking was at hand. Amsoc's staff triumphantly wrote up its *Cuss I* experiences, "Experimental Drilling in Deep Water," which was issued as an Academy document. (Included was a congratulatory letter from John F. Kennedy, addressed to Academy president Detlev W. Bronk and NSF director Alan T. Waterman. Kennedy extended his congratulations to all associated with Project Mohole "and especially to all those on board the *Cuss I* and attendant vessels who have combined their talents and energies to achieve this major success.")

REORGANIZATION

Thus, on the surface, everything was rosy, but, meanwhile, the organizational relationships underlying the project were beginning to wear badly. Within the Amsoc Committee, the Academy, and NSF there was a feeling that the next phase of Mohole would be so vast, complex, and costly that a new organizational basis would be required. Meeting in late May and mid-June, the Amsoc Committee concluded that it wanted to disengage itself from the actual operations of Project Mohole. Reporting to the Academy on its decision, it stated:

"The administrative demands of continuing work at sea, and the deliberate pace of committee activities do not mix well. We decided that the Amsoc Committee should in the future concern itself with matters of scientific policy, engineering review, and budget. We consider that we are responsible to both the National Academy of Sciences-National Research Council and the National Science Foundation. The dual responsibility arises because of our origin and existence in NAS–NRC, and because of our financial support from NSF. In this relationship, we may properly act as the representatives of NAS–NRC in its role of adviser to the National Science Foundation for drilling to the mantle."

The Amsoc Committee then went on to recommend "that the operational and engineering future of Project Mohole be entrusted to a prime contractor," but it urged that Bascom's staff be kept intact and "as part of the terms of the prime contract * * * the contractor must agree to make our staff the nucleus of his endeavor by absorbing them into his organization." Adding a prophecy that was to turn out to be a stunning understatement, the Amsoc Committee noted that "these terms may have inherent difficulties but we may not overlook our responsibility to the staff. * * *"

At about the same time, voices were being raised within the Academy to the effect that the heavy involvement with an operational program such as Mohole was inappropriate for the Academy; that the Academy, in accepting the Mohole project, was veering from its traditional role of aloof and politically uninvolved adviser to government and moving in the direction of the Soviet Academy, which is a heavily operational organization. At the June meeting of the Academy's governing board, these views came to predominate. Several days later, Bronk wrote to Waterman, reporting that the governing board had formally endorsed Project Mohole "as a scientific undertaking of great significance. At the same time," he continued, "the Board urged that the actual operating responsibility for carrying the project to completion be lodged with an organization other than the Academy-Research Council, preferably an organization having experience in the operation of large engineering undertakings."

STAFF'S FUTURE

Then addressing himself to the question of what was to happen to Bascom's roundly praised and accomplished group, Bronk wrote that in the new fiscal year, which was to start in a week, the Academy would provide support for the Amsoc staff for 90 days "pending completion of the recommended transfer of the staff to whatever prime contractor is selected for operation of the project." Bronk next went on to write:

"In connection with the proposed transfer of the staff, I am glad to record my own admiration, and that of our division of earth sciences and our governing board, for the exceptional performance of Mr. Willard N. Bascom and the staff members he has assembled in the planning and execution of the experimental drilling phase of the project. In our estimation, this group has been chiefly responsible for the successful carrying out of an undertaking that represents not only a scientific advance of unusual significance, but also a distinguished engineering achievement and a major extrapolation of previous practice and experience."

And thus, with the decision to hire a prime contractor, began the detachment of Bascom and his group from Project Mohole. It began slowly at first, but in less than 2 years the much-acclaimed staff of oceanographers and engineers was completely cut off from the project whose first stage they had carried out so brilliantly.

Within a few weeks NSF announced that it would hold a briefing session for prospective contractors for phase II of Project Mohole. At this point, then, Bascom's group was moving toward a limbo; the Academy was getting ready to disengage itself from the direct operations of the project; Amsoc was seeking for itself an advisory role close enough to be influential but not so close that it would be in day-to-day touch with the project, and NSF was looking for a contractor to carry out the venture. Who was in charge? What was the objective of phase II? It is difficult to say.

MOHOLE: THE PROJECT THAT WENT AWRY—II

In mid-1961, as Project Mohole entered its second phase, the ingredients for misfortune began to accumulate.

The experienced Bascom group, which had successfully conducted the west coast test drillings, was on the way out; the Amsoc Committee, originator of the project, no longer wanted to be involved in day-to-day operations and had prescribed a more remote role for itself; and NSF was shopping for an engineering organization to design, build, and operate the vessel that would carry out Project Mohole.

But what was Project Mohole? Was it a quest for no more than a few lengths of rock core from the depths of the earth? Or was it a comprehensive drilling program that included the mantle among several of its goals? Closely tied to these questions was the issue of technique. Was *Cuss I* to be followed by the construction of a so-called intermediate ship, a vessel that could go deeper than the *Cuss* but not all the way to the mantle? Or was the ultimate ship to be built at once? Who was to decide? Was it the part-time Amsoc Committee, which got together no more than a few times a year; or was it NSF, which had to foot the bills and account for its activities to an often-querulous Congress? And, finally, if NSF did take the decision upon itself, would it not be venturing into proscribed territory? The Foundation was established to "initiate and support basic scientific research"; it was not intended to be an operational organization. Traditionally, a standing scientific or educational institution was the operating link between the Foundation and the research programs it supported. But with Amsoc backing away to a lesser role, the Foundation was drawing close to becoming the institutional base for Project Mohole.

A nasty and still unresolved fight was to break out on these issues, but in mid-1961 the success of the *Cuss I* drillings had created an atmosphere of good will that obscured the impending difficulties. With the exception of the Bascom group, whose future had curiously been assigned to a still-unselected contractor, everyone involved was feeling quite pleased.

"CUSS I" ACHIEVEMENT

The scientific yield of phase I—previously unobtainable ocean bottom cores—was acclaimed by geophysicists around the world; the engineering achievement was similarly hailed, and in this atmosphere of success the Amsoc Committee sent Academy President Bronk a position paper that has since come to mean all things to all partisans. Hollis Hedberg (Princeton professor of geology and vice president of Gulf Oil), who was to succeed Gordon Lill as Amsoc Chairman—and later to resign in a flurry of rancor—told a congressional committee last spring that the paper clearly supports the position that Amsoc intended an intermediate program to be carried out by an intermediate ship. Leland Haworth, who was to inherit the Mohole controversy when he succeeded Alan T. Waterman as NSF Director, told the same committee that the paper called for an intermediate program, but not necessarily for an intermediate ship to carry it out.

What the paper actually said was this:

"We are agreed that the major scientific objective of Project Mohole is to drill to the earth's mantle, through a deep ocean basin. Our immediate objectives are (a) to sample through the second layer and determine its thickness and characteristics; (b) to sample the characteristics of the top of the third layer. Also exciting, and of prime scientific importance, is the fact that we now have a new tool, the floating drilling vessel, with which to explore thoroughly the sediments and upper crustal layers of the ocean basins. We find, however, that the major objectives of the committee will entail work enough, and that we must recommend this possible exploration program to you for separate scientific and financial consideration.

"We agree that an intermediate drilling program is required and should be initiated during fiscal 1962. * * * The budget for fiscal 1962, based upon the utilization of an intermediate ship, is approved by the Amsoc Committee as a minimum budget. It is contingent upon the findings of the [Amsoc] Drilling Techniques Panel, working jointly with the Amsoc staff and eventually with the prime contractor. This group may very well make decisions which will increase the cost of the intermediate program. Specifically, they may decide that an intermediate ship is not needed and that work on the ultimate ship should start at once. We find that the Amsoc Committee must take as its major responsibility the drilling to and sampling of the earth's mantle. This objective has achieved such worldwide significance that we dare not fail."

Now what did this mean? A reasonable analysis would seem to indicate that the Amsoc Committee was bound for the mantle and wished to share with the prime contractor the decision-making authority on how to get there. But what if—as was eventually to be the case—Amsoc and the contractor were in disagreement? Who was to decide? Apparently quite confident about its role as NSF's scientific adviser on Project Mohole, the Amsoc Committee glossed over the question of authority. So far, things had gone smoothly, and there was no reason to assume that they would go otherwise. Bascom and his staff, in an Academy document, "Design of a Deep Ocean Drilling Ship," written on the basis of the *Cuss I* experience, had emphatically recommended construction of an intermediate ship as an indispensable step toward acquiring data for design of the ultimate ship. But the Bascom group was being moved out of the picture, and its influence with Amsoc was diminishing.

CONFLICT OF INTEREST

The Amsoc Committee's recommendations were forwarded to NSF through the Academy, and now, as NSF began its quest for a prime contractor, the tricky problem of conflict of interest seemed to pop up everywhere to reduce the Foundation's maneuvering room. It was not only essential to avoid conflicts of interest, but with Congress and the press eager to pounce on any real or seeming case of mutual backscratching with Federal funds, it was essential to avoid even the appearance of conflicts of interest. To do this it was necessary to engage in a delicate juggling act, since much of the competence needed for Mohole was already connected with the project in one way or another.

It thus became necessary to make certain that persons associated with the initiation of the project did not benefit financially from its next phase. Because the Bascom group was supposed eventually to work for the prime contractor, it was deemed advisable to keep it out of the selection process, a decision that helped avoid suspicion but did nothing to assist the selection process. And, of course, it was advisable to avoid giving the job to any firm closely associated with the oil industry, since the conflict-of-interest alarmists could easily shout "giveaway" on that score.

Thus, with these considerations occupying a prominent place, NSF went looking for a contractor to carry out phase II of Project Mohole.

CONTRACTOR'S TASK

Now, what was it that NSF wanted the contractor to do? On this point, NSF fell in step with the prevailing imprecision. Up to this time Project Mohole had not occupied very much of the Foundation's attention. Although the project had been under way for 3 years, it was scarcely discussed at NSF's usually exhaustive appropriations hearings until it came up for brief mention at the House hearings in the spring of 1961, about the time *Cuss I* was completing its work. And it was not until nearly a year later that NSF set up its own Mohole Committee—consisting of William E. Benson, head of NSF's earth sciences section; Franklin C. Sheppard, executive assistant to NSF Director Waterman; and Paul A. Scherer, NSF Associate Director for Administration.

The notification to prospective bidders stated:

"The Mohole project will include: (1) The conduct of deep ocean surveys; (2) the design and construction of deep drilling equipment; and (3) the drilling of a series of holes in the deep ocean floor, one of which will completely penetrate the earth's crust."

From here on, NSF was to find itself on the most difficult political terrain of its decade-long existence, charged with having awarded the Mohole contract with an eye more to congressional favor than to engineering competence. Among the critics was Senator THOMAS H. KUCHEL, Republican, of California, who charged that politically powerful and selfish interests had dictated the contract award, and Senator GORDON ALLOTT, Republican, of Colorado, who declared that the project promises to be a $100 million boondoggle.

Twelve single and combined organizations responded to the bidding invitation, and, on the basis of a 1,000-point scoring system, a specially appointed NSF selection panel concluded that the Socony Mobil Oil Co. (936 points) was the most capable contender. Next was Global-Aerojet-Shell, with 902 points; the Zapata Off-Shore Co., third, with 812; General Electric, fourth, with 811; and Brown & Root, Inc., of Houston, Tex., fifth, with 801.

The selection process was described later in a report by the General Accounting Office, Congress financial investigatory arm, which was asked to study the Mohole contract award by Senator KUCHEL, who was obviously outraged at the fate of a constituent firm, which had lost out on the bidding:

"In its evaluation report, the (NSF selection) panel stated that the proposal of Socony Mobil was in a class by itself—outstanding as to every important aspect—and that the proposal of Global-Aerojet-Shell was in a strong second position. Below these two proposals, the panel found no apparent clear-cut order and recommended that preliminary negotiations toward award of a contract be started first with Socony Mobil and, if unsuccessful, then with Global-Aerojet-Shell.

"Following the preliminary evaluation, the (NSF) Director appointed a review panel of four senior officials of the Foundation to make a further evaluation. The review panel also found the Socony Mobil proposal to be the best. In a joint report, the two panels stated that they unanimously selected the proposal of Socony Mobil as their first choice and agreed that the proposals of Brown & Root, General Electric, Global-Aerojet-Shell, and Zapata stood out over the others. Following * * * conferences with the five (above-mentioned) organizations, the preliminary evaluation panel reevaluated the proposals and gave them numerical scores as follows:

1. Global-Aerojet-Shell	968
2. Socony Mobil Oil Co	964
3. Brown & Root, Inc	890
4. Zapata Off-Shore Co	890
5. General Electric Co	846

As the evaluations proceeded and additional material was submitted by the bidders, the Comptroller General reported that the fourth and fifth entries were eliminated, leaving Global-Aerojet-Shell, Socony Mobil, and Brown & Root in the running. The panel, in a joint report, then notified NSF Director Waterman that "all three organizations were 'competent to effectively complete the Mohole project' but made no recommendation as to the one which should be selected, because of the panel's inability to reconcile completely varying views of the individual panel members."

The selection process now moved into the final stage, guided by a 14-point set of competence and policy factors. These included such items as ability to bring project to a successful conclusion; research capability and attitude; cost considerations; petroleum producer versus engineering construction company; and consequences of selection considerations.

COST ESTIMATES

As for costs and time, Global-Aerojet-Shell estimated $23 million and 33 to 45 months; Brown & Root, $35 million and 5 years; and Socony Mobil, $44 million and about 5 years. It was clearly stated by NSF, however, that because of the engineering uncertainties involved in the project, the cost estimates were to be regarded as no more than estimates.

The Comptroller General's report continued:

"Members of the (NSF) panels, weighing the competence and policy factors in accordance with each member's own views, were equally divided between the selection of Brown & Root and one of the oil companies, with Global-Aerojet-Shell favored if an oil company was to be selected.

"The record indicates that the Director of the National Science Foundation * * * awarded the contract to Brown & Root, Inc., as the best qualified, based on (1) Brown & Root's strong management capabilities, (2) demonstrated capability in successfully completing complex projects, (3) their experience in dealing with the oil industry and other industries with capabilities that could be used in Mohole, (4) and the conclusion that the plan it had presented for going ahead with the work will give the Government the best approach to achieve the scientific and engineering goals."

In the view of the Comptroller General, was all this cricket?

"While the records are not as clear as might be desired * * * it would appear that any advantage Global-Aerojet-Shell and Socony Mobil may have held over Brown & Root in the factors previously considered in the point evaluation was offset by policy determinations favoring Brown & Root. (We) are unable to conclude that the award to Brown & Root was not in the public interest."

Having made the decision on a contractor, NSF now drew up a contract—cost plus a fixed fee of $1.8 million—which made it clear that regardless of what Amsoc was thinking about, NSF was thinking about Mohole as a program to dredge up a piece of the mantle. Said the contract:

"This project * * * has as its ultimate aim the drilling of a hole to the Mohorovicic discontinuity. * * * It may prove desirable to expand this broad scope of work * * * to include other geophysical surveys, additional shallower holes in other selected oceanic or continental areas. If such is deemed advisable by the Foundation * * * it would be accomplished through subsequent agreement with the contractor."

The decision to award the contract to Brown & Root, Inc., now brought into the Project Mohole a highly regarded construction and engineering organization, a multibillion-dollar outfit that had handled everything from the construction of 359 combat vessels during World War II to the construction of a screw-worm eradication laboratory; from the construction of a 24-mile bridge across Lake Ponchartrain, near New Orleans, to the fabrication and emplacement of some 240 offshore platforms for major oil companies. However, the decision also brought into Project Mohole the suspicion that Brown & Root's rise from fifth to first choice (with the accompanying displacement of the firm that was in a class by itself) was not altogether disassociated from the fact that Brown & Root's Houston home is close to the congressional district of Albert THOMAS, the Democratic chairman of the House Appropriations Subcommittee which holds virtually complete sway over NSF's budgetary prospects; and that George Brown, who succeeded to the firm's presidency last year after his brother's death, was a close political ally of ALBERT THOMAS.

OSE AS CONSULTANTS

Whatever the effects of these relationships, the contract with Brown & Root became effective early in 1962. At about the same time Bascom's group resigned from the Academy, incorporated itself as Ocean Science & Engineering (OSE), and shortly afterward became consultants to Brown & Root. From the outset the relationship between Bascom and the proud Brown & Root organization was prickly. (Brown & Root has never shown any disinclination to blow its horn. As its Mohole project manager told a congressional committee, "Our policy is that we will do any job anywhere for anybody. There is nothing that we won't contract, no type of work.") Within 2 months, relations between Bascom's group and Brown & Root had deteriorated to a point where OSE quit and returned to Washington. As one Brown & Root official put it, "They had nothing to teach us." Comments Bascom, "We had everything to teach them. They just didn't want to listen." (Upon its return, OSE was engaged as consultants to NSF, to provide advice on the performance of the contractor from whose service it had just been disengaged. The role with NSF lasted 10 months and was abruptly terminated. With his severance from NSF, Bascom was completely out of Project Mohole.)

Meanwhile, Hollis D. Hedberg had succeeded Gordon Lill as Amsoc Chairman, and this change brought into the picture a man who was determined to take the fuzz out of Amsoc's thinking and get it finally settled that Mohole would proceed with two ships. He was also determined to assert Amsoc's leadership of the project, but not to the point of getting the Committee more closely involved with the project. Almost from the outset, Hedberg and NSF proceeded to spar.

NSF PROPOSAL

At about the time NSF was closing the contract with Brown & Root, Geoffrey Keller, NSF's Assistant Director for Mathematical, Physical, and Engineering Sciences, wrote Hedberg that, while it was NSF's "hope and plan that the Amsoc Committee will continue to provide major scientific advice for the project," NSF was considering the appointment of a scientific director who would be on NSF's staff. Wrote Keller:

"He [the scientific director] would be responsible for making necessary scientific decisions concerning the conduct of the project subject to broad administrative, fiscal, and scientific policies that would be formulated by the Foundation on the advice of Amsoc and other interested scientific groups and individuals."

This sounded very much as though NSF was moving in to take over the project and downgrade Amsoc's role, and Hedberg's reply did not indulge in obfuscation:

"As Chairman of the Amsoc Committee, which has been responsible for original planning and progress on this project to date, I can only in behalf of the membership of this Committee strongly protest this proposed arrangement and urge on the contrary that whatever posts are necessary for scientific guidance of the project be worked out within the framework of the Amsoc Committee. Moreover, as an individual who has developed a keen sense of interest in this project but has plenty of better things to do than preside over an empty shell, I can only say that unless it can be clearly spelled out that the guidance of scientific objectives remain with Amsoc, I can see no point in continuing as Chairman of Amsoc."

NSF subsequently decided that Project Mohole could do without an NSF scientific director.

In the meantime, Hedberg labored at bringing precision into Amsoc's concepts—and at finally resolving the question of just what the objective of Project Mohole was and how it should be achieved. His answer, in a letter he sent to the Amsoc Committee, was:

"The overall ultimate purpose of the project can be simply stated as to contribute to the determination of the nature and characteristics of the as yet unknown portions of the earth's crust and mantle. The project which Amsoc has launched should in no way be considered merely a stunt in deep drilling. And the scope of the project should be such as to take advantage of opportunities * * * wherever they may be found—water or land, deep or shallow."

After having proposed enlarging Mohole to extremely broad scope, Hedberg went on to recommend the construction of an intermediate ship to carry out the intermediate program. The two-ship approach, he said, would permit swift construction of an intermediate vessel that could conduct scientifically useful explorations while accumulating experience for the construction of the ultimate ship. Adding that he had taken up these concepts with NSF and the Academy, he noted that, "without implying any definite commitment on their part, I believe that we of the Amsoc group were impressed with their receptiveness to this proposal."

LETTER TO SEITZ

Now, continuing his efforts to obtain agreement that Mohole was not only deep but broad and multilevel, Hedberg wrote to Frederick Seitz, who had succeeded Detlev Bronk as president of the Academy, Amsoc's institutional base:

"It is certainly my own strong feeling that this experimental-exploratory state (sometimes called intermediate stage) must be carried out as an integral part of the Amsoc project * * * since in my opinion the achievements to be expected from this stage are necessary to the justification of the whole project. I do not think, however, that as a part of the Amsoc project it necessarily has to be carried out under the same contractor as the Mohole itself, since the contract signed by NSF with Brown & Root, Inc., refers only to a hole through the crust of the earth."

Seitz, in turn, forwarded the letter to Waterman, adding:

"From my acquaintance with the extensive discussions of the scope and execution of the Mohole project, I am convinced that the recommendations of the executive group of our Amsoc committee are sound, and I am glad to transmit them to you herewith."

At this point then, Hedberg, as chairman of the group which had originated Mohole, regarded the project as a broad and unrestricted two-ship drilling program, a program which seemingly had the endorsement of the National Academy of Sciences. Brown & Root, on the other hand, was working under a contract which directed it to devise a means for drilling to the mantle—and no more. And NSF, as author of the contract, presumably shared this conception, although, in theory, Amsoc was NSF's scientific adviser on the project. Meanwhile, as this confusion of purposes was building up, Members of the Senate, egged on by disappointed constituent firms, were blasting away at NSF for the manner in which it had awarded the contract. Clearly, the engineering problems of Mohole were formidable, but they were beginning to pale alongside the organizational and political problems.

MOHOLE: THE PROJECT THAT WENT AWRY—III

By the spring of last year, Project Mohole was so beset with controversy that the Bureau of the Budget directed NSF to withhold further expenditures "until the situation is clarified."

Presumably, satisfactory clarification has now been provided, for just this week NSF received authority to proceed with Mohole along compromise lines worked out by NSF's new Director, Leland J. Haworth. But in the intervening months, the Bureau—which is the White House's chief agent for controlling Federal expenditures—could hardly be blamed for concluding that wisdom called for at least temporarily bringing everything to a halt. Around the time of the cutoff edict, the divergence in thinking between Brown & Root and a majority Amsoc Committee was becoming unbridgeable; Amsoc itself had developed a split on the issue of an intermediate versus an ultimate ship; NSF was being attacked on Capitol Hill for its award of the contract; and Bascom, while employed as an NSF consultant, had taken to public sniping at the performance of Brown & Root, NSF's choice for the Mohole contract. (Speaking at UCLA 2 weeks before NSF suddenly terminated his contract, Bascom declared that phase I, which he had directed, "was a tremendously successful first step. * * * But for 2 years, nothing more has come of it [Mohole]. It's anybody's guess when it will get off the ground.")

As for Brown & Root, its performance at the start was no spring of joy for the besieged NSF. Clearly, the technical problems of moving from phase I (180 meters into the ocean bottom, while operating in 3,300 meters of water) were trivial compared with the ultimate goal (4,500 to 6,000 meters into the bottom through some 4,500 meters of water). In terms of the evolution of equipment and technique, it was not unlike a jump from airborne to space flight, and a quick start was out of the question, regardless of which firm or combine took on the job. In addition to the general fray over scope, technique, and objectives, skirmishes now broke out on the question of Brown & Root's competence. Senator KUCHEL took to the floor to express his skepticism, and Brown & Root's public relations director retorted that it was Brown & Root's conviction that the Foundation "showed great wisdom" in awarding the contract to Brown & Root. He added, "Certainly our project manager, Bowman Thomas, has had more experience in drilling off-shore than any other human being. I presume the Foundation considered this in its decision to give us the contract." (Whether it did or not, Thomas departed Brown & Root about 3 months later to tend to his own off-shore drilling interests.)

Eventually Brown & Root put together a Mohole team that is generally considered to be a fine assemblage of engineering talent, but, as Haworth delicately phrased it when a congressional committee asked him last November to comment on Brown & Root's progress, "This was before my time, but it is my impression that the Foundation, at least individual members of the Foundation staff, probably at one time had somewhat the feeling that * * * maybe the start was a little slow."

BROWN & ROOT PLAN

In any case, in April of last year, 13 months after it received the contract, Brown & Root unveiled its recommendations for carrying out Mohole's phase II. The plan was spectacular, and so was Amsoc's reaction.

Theoretically, Brown & Root was offering no more than informed recommendations on various engineering possibilities for carrying out its contractual obligations to bore a hole to the mantle. But Brown & Root made it abundantly clear that its preference—and the bulk of its effort—had gone into designs for a floating platform, 70 by 75 meters, resting on six huge columns. The columns, in turn, rested on two submarine-shaped hulls, 112 meters long and 10½ meters in diameter. Propelled by screws on the stern of each submarine hull, the platform could travel to the drilling site under its own power. Once there, the platform would be partially submerged by flooding; propellers located in each column would operate to keep the platform stabilized above the drill pipe, in much the fashion that the outboard motors had stabilized *Cuss I*. The positioning system would be designed to maintain the craft within a 150-meter radius in 5,500 meters of water, even in gale winds of 60 kilometers per hour. Construction cost was estimated at $40 million. It would cost about $9 million a year to operate; drilling time to the mantle was estimated at 2½ to 3 years.

The conclusion of Brown & Root was that the drilling art had advanced to the point where the platform could be built without going through Amsoc's proposed intermediate step. Plainly, Brown & Root was living up to its end of the bargain. It had been hired by NSF to chart a plan for drilling through the crust of the earth—the contract stated explicitly that any other objective would be separately negotiated—and the firm had come up with a proposal to drill through the crust of the earth.

However, with Brown & Root proposing to bypass Amsoc's intermediate ambitions, Hedberg lost no time in getting his committee's opposition emphatically on the record.

Having hammered away at the need for an intermediate ship and program ever since he succeeded Lill in 1962, Hedberg now presented the issue to his 19-man Committee in blunt terms. Would the Committee prefer, he asked in a poll, "(a) to get the intermediate-size vessel built now and take its chances on getting the ultimate vessel later, or (b) to get the ultimate vessel built now and take its chances on getting the intermediate-size vessel later." Twelve members voted for an intermediate vessel now; five favored going to the ultimate vessel at once; two did not return their ballots.

A majority of Amsoc was willing to stake the project's future on the intermediate program, and Hedberg now drew attention to an Academy-Foundation agreement, concluded a few months before, which stated that, while NSF retained final decisionmaking authority, "the project should be aimed to attain as far as possible the scientific objectives conceived for it by Amsoc * * * with whom the project originated."

Mohole had now turned into a seemingly interminable war for NSF. With considerable justification, NSF could contend that it had come into Mohole with the understanding that it was footing the bill for a program to drill to the mantle, not for a general program of deep ocean drilling. At least five of Amsoc's own members seemed to share this conception of the project and Amsoc's own deep drilling panel had concluded, 1 month after the Brown & Root presentation:

"It is our opinion that a properly designed floating drilling platform * * * offers the best solution of the requirements for both the intermediate and ultimate objectives of the Mohole project."

On the other hand, Amsoc's naval architecture panel had come to precisely the opposite conclusion. And Bascom's group, now on the brink of success as general oceanographic consultants, was ready and, in fact, eager to supply details for anyone looking into the hypothesis that all was not well with Mohole.

Meanwhile, the congressional critics, amply supplied with information from whatever source, kept up a barrage at NSF. And to the general dismay of the Academy and NSF, numerous snickering articles about Mohole began to break out in the popular prints. Newsweek, for example, came up with a piece titled "Project No Hole?" which asserted that "many-top-ranking scientists have lost faith with 'Project Mohole.'" And Fortune came out with an article, "How NSF Got Lost in Mohole." Politicians would ordinarily shrug off such remarks as a standard occupational hazard (didn't Harry Truman once say, "If you can't stand the heat, get out of the kitchen"?). But, for the leaders of the scientific community, with their traditional concern for maintaining an appearance of dignity and keeping spats out of public view, Mohole was becoming an egregiously painful sore. What they did not realize was that things would get worse.

Three Amsoc members, while retaining membership on the Committee, had gone off and formed a private consortium, Oceanic Research and Exploration, Inc., to promote sedimentary and intermediate exploration. Today, nearly a year later, nothing has come of their efforts, but their move did nothing to contribute to an appearance of unanimity within Amsoc. And a month after the establishment of the consortium, the Bureau of the Budget took a long-expected step when it curtly advised NSF that the situation called for putting a brake on further expenditures. Writing to NSF Director Waterman, the head of the Bureau stated:

"You will recall that when this [post *Cuss I*] phase of the project was brought initially to our attention, total costs of $15 to $20 million were anticipated. Last fall, when a request for $15 million was included in the budget for further funding, a total cost in the neighborhood of $50 million was discussed. Since then your [latest] congressional presentation * * * states that the Foundation regards $50 million as a minimum figure and that the ultimate total may be considerably higher.

"Given the financial as well as the technical uncertainties, together with the unique administrative problems involved in a project of this magnitude, * * * I believe the Foundation should withhold its approval of further financial commitments * * * until the situation is clarified."

(In August, shortly after Haworth became head of the Foundation, the Bureau of the

Budget, upon his request, released an additional $2 million to prevent Brown & Root's design efforts from coming to a complete halt. But no funds were allowed for construction, leaving total Mohole expenditures, from the very beginning until the present, at slightly over $7 million.)

In the meantime, NSF itself was seeking a way out through a special study convened by its senior advisory body, the National Science Board.

Such was the state of affairs this past fall when both the House Subcommittee on Oceanography and NSF's Senate Appropriations Subcommittee decided to take a long look at Project Mohole. The House committee, which does not have specific jurisdiction over NSF, apparently was just looking into the affair to find out what it was all about, but the Senate committee, with direct money authority over NSF, was keenly interested, and especially so was one of its members, Senator ALLOTT, the Colorado Republican who had been blasting NSF ever since it passed by one of his constituents and awarded the contract to Brown & Root. The effect of these inquiries was to disabuse anyone of the notion that things were so bad that they could only improve.

A star witness at both proceedings was Amsoc Chairman Hedberg, who came on like a rock-eating drill. Informing the committee that "personally I would far rather see this project killed where it now stands than to see it carried out in a manner not worthy of its potentialities," Hedberg warned that "there must be insistence that it not be allowed to degenerate into merely another publicity stunt." Continuing, Hedberg declared:

"This project can readily be one of the greatest and most rewarding scientific ventures ever carried out. I must say also that it can just as readily become instead only a foolish and unjustifiably expensive fiasco if there is not an insistence that it be carried out within a proper concept and in a well-planned, rigorously logical, and scientific manner.

"It is my opinion that there is a steadily growing ground swell of informed public opinion against the thought of a poorly planned, foolish, and extremely costly attempt to unnecessarily 'shoot the works' by trying to drill an ultradeep hole to the mantle before we have anywhere near enough information on the rocks above the mantle. * * * The initial false glamour of the Mohole idea is wearing off in the face of realities, and I am sure that the informed public now finds a much greater appeal in a broad sensible program of crustal investigation carried on at a moderate rate rather than in a crash Mohole stunt."

Mixed into his emotionally stated position, however, were some extremely compelling arguments for the intermediate-ship approach.

The Brown & Root platform, he pointed out, could not transit the Panama Canal. It could go the long way around, but, clearly, its mobility was limited. Furthermore, Hedberg said, alluding to the argument that the mantle was the agreed-upon and only objective, "even supposing the project had been mistakenly presented in such a shortsighted or misleading way, nothing has happened to date which would preclude its being adequately redefined now."

LONG-TERM GOALS

The case for the intermediate ship, he asserted, rested not only on the need to accumulate data for design of the ultimate vessel, but also on the need to develop an orderly and long-term program:

"We should be thinking of a continuing program in subocean-bottom drilling research which will inevitably be a long process, but which need go no faster than its early results justify. If we get encouraging results from early intermediate-depth drilling, this may constitute adequate justification to make everyone glad to go ahead with the preparation of an ultimate Mohole vessel. On the other hand, it is not at all inconceivable that early results may indicate that there is either no need or no possibility of drilling to supposed Mohole depths, in which case it would have been a reckless disregard of taxpayers' money to have prematurely or needlessly built the huge vessel now proposed."

Whatever the technical merit of Hedberg's argument, the impact was enormous. Academy President Seitz promptly reprimanded him for presenting "such formal testimony to the Congress without first clearing your proposed testimony with me." Seitz added that unless Hedberg would agree to consult him on communications with "any organization or agency outside the Academy * * * so that I decide whether your communication merits the attention of the (Academy) council * * * I will have no choice but to request the council to permit me to reconsider your own status as Chairman of Amsoc."

Hedberg promptly submitted his resignation in a characteristically tart letter that concluded with the hope that "some of the hysteria which seems to be surrounding this Mohole Project will soon be dispelled under wise leadership by you (Seitz) and Dr. Haworth." He also pointed out that he had attempted to discuss his forthcoming testimony with Seitz, but the Academy president was tied up at the time with preparations for the Academy's centennial celebration, and he added that in testifying he had made it clear that he spoke for himself and not for the Academy. And thus, Hollis Hedberg, who had headed Amsoc for nearly 2 years, stepped out of the picture.

His testimony, however, seems to have hit home with the Senate Appropriations Committee, for it was soon to issue a report stating that "Such a diversity of scientific and engineering opinion has been presented * * * that it is obvious that construction of a large drilling platform at this time would be unwise." The committee accordingly directed that further expenditures on the platform be withheld, but later retreated from this position when, in conference with Representative ALBERT THOMAS' committee, it was decreed that funds would be provided for NSF and the Bureau of the Budget to "use good judgment and work out a sensible proposition."

MOHOLE SOLUTION

A proposition, however sensible, has now been worked on terms devised by Haworth, who, in his first half-year as NSF director, has devoted more time to Project Mohole than to any other Foundation activity. As proposed by Haworth, Brown & Root will be given authority to build the ultimate platform, but the platform will initially be equipped with an intermediate drilling rig. By following this coures, he testified, the Foundation was recognizing the mantle as the ultimate objective, but, while minimizing the costs, would benefit from the experience gathered in intermediate drilling.

Haworth went on to say that he favored a "supplementary drilling program," not directly associated with Project Mohole, that would presumably carry out the upper level explorations advocated by members of Amsoc. And, he added, "with the advantages of hindsight, I regret that the work of Brown & Root was not paralleled by a continuous drilling program directed both at the development of equipment and techniques." Haworth also pointed out that it was his hope eventually to turn over Mohole's management to a university or an oceanographic research institution, and thus to have it run on what has come to be the standard basis for handling big projects financed by the Foundation.

The Haworth proposal was, in effect, an attempt to find some common ground among the parties that had for so long been enmeshed in the Mohole controversy, and, apparently it has succeeded. The Bureau of the Budget has given the Foundation authority to go ahead with an ultimate platform rigged for intermediate drilling. In this tight budget year, however, the supplementary ship had been put aside, but it is understood that the Bureau accepts it in principle. And an effort is now being made to bring an outside institution into the project, though nothing definite has yet been arranged.

END OF AMSOC

As for Amsoc, it's going out of business. At a meeting this past weekend in Washington, Mohole's originators are reported to have agreed that it would now be wise to dissolve the committee and reconstitute it into a group that would be concerned only with the scientific aspects of Mohole. A separate Academy group to provide engineering advice may also be established. Just what this means remains to be seen, since it would seem to be a difficult matter to dissociate Mohole's science from its engineering. But with Haworth firmly taking charge, Amsoc was in no position to promote any new squabbles. Nor was the Academy willing to tolerate a continuing source of dissension on its premises. (Academy officials have long felt that Amsoc, beginning with its whimsical title, was an inappropriate body to be housed under the Academy's prestigious roof.)

One final development is that NSF, in its determination to keep tight control over the project, has engaged Gordon Lill, Amsoc's first chairman, to join the Foundation staff as Mohole director. Lill, who is now with Lockheed, is expected to take up his duties about mid-February.

The sentiment at the Foundation, as expressed by one official long associated with Mohole, is that "everyone made lots of mistakes." At this point, everyone involved is eager for peace and progress, and it would therefore appear that Mohole now has reasonable prospects for proceeding, with nothing but technical difficulties to occupy its time and energies. However, on the basis of past performance, even the most thoroughgoing optimist could not be blamed for withholding judgment.

MARCH 2, 1964.

Dr. PHIL ABELSON,
Editor, Science, American Association for the Advancement of Science, Washington, D.C.

DEAR DR. ABELSON: As ranking minority member of the Senate Appropriations Subcommittee which passes on the National Science Foundation's requests for funds, I have taken a particularly keen interest in Project Mohole. I believe that I am probably more conversant with the subject than is any other Member of Congress. From this vantage point, I would like to commend you, in general, for the series you have printed recently on the subject, and comment on some pertinent points.

Mr. Greenberg says that I have been "blasting" NSF since one of my constituents was passed by for the Mohole contract. If any one of the bidders could be considered a constituent of mine, it would be Brown & Root, because that company has a subsidiary corporation located in Colorado. My "blasting" of NSF has been based on the fact that I do not feel Brown & Root was the best qualified of the bidders. Further, I feel that Brown & Root has not progressed at all well since the contract was let. I am concerned with the direction the project has taken, the apparent loss of time in getting the project underway, and above all, the continued escalation in cost estimates.

A great deal of the testimony about Project Mohole before our subcommittee this last fall revolved around the question whether an intermediate ship had been contemplated for the project, as originally conceived. While I personally am convinced that the intermediate step has been contemplated from the beginning, the more important question is whether the intermediate ship is now necessary or desirable. I believe that it is.

Mr. Greenberg points out in his article that Dr. Haworth appears to agree, basically, with this position but feels it is now too late to build the intermediate ship. Mr. Greenberg also mentions, just in passing, that the National Science Board convened a special study of the question. He did not say what the recommendations of the special committee were. Interestingly, I am informed that the committee is now planning to make no final written report. However, its "preliminary" report said that "the panel unanimously urges that an intermediate drilling vehicle be constructed promptly * * *." And I would point out that the great majority of people knowledgeable in the subject have taken the same position. There is no question that from the scientific viewpoint, the intermediate ship is desirable.

From a purely economic view of the project, I think the intermediate ship is worthwhile. Everyone involved agrees there must be a period of testing and experience gaining before the ultimate hole is commenced. To carry out this work with the platform at an operating cost of roughly $8 or $9 million per year is folly. Particularly is this true in view of the offers which have been made to the NSF to construct and operate an intermediate ship—offers which have been neither accepted nor rejected by NSF. Further, carrying out this phase of the project with the ultimate platform will involve a renegotiation of the contract with Brown & Root. Presumably, this renegotiation will include a renegotiation upward of Brown & Root's $1.8 million fee. Parenthetically, I might add that Brown & Root was the only bidder for the contract who asked for a fee. This was another factor in the selection of Brown & Root which I found disturbing.

I would like to set the record straight on one point: The Senate Appropriations Committee did not retreat from its position that Mohole funds should be withheld. A conference report on an appropriations bill is written by the managers on the part of the House. In this case, the chairman of the House subcommittee, Representative ALBERT THOMAS, of Houston, Tex., was responsible for preparing the report. Chairman THOMAS felt that Brown & Root, of Houston, Tex., was doing a fine job on Project Mohole and this feeling, not surprisingly, was reflected in the conference report.

But, the most disturbing factor to me in this whole project has been the attempt by NSF, at least until recently, to treat the entire subject as if there were no problems. It may be, as Mr. Greenberg intimates, the "traditional concern [of the scientist] for maintaining an appearance of dignity and keeping spats out of public view." But, as a U.S. Senator directly responsible for reporting to the Senate on the conduct of NSF and making recommendations for funding their activities, I resent the attitude which I have seen displayed by some, that the Senate, or more generally, the nonscientific community, must be kept in the dark if things are not completely harmonious in the household of science. I recognize that there may be sometimes a thin line between unwarranted intrusions on administrative decisions and legitimate concern for the wise management of Government funds. But, occupying as I do a position of trust with regard to the public funds, I feel entitled to candid and complete answers to my questions on the use of those funds. When I fail to receive such answers, I become suspicious.

This is a problem which transcends the Mohole question and is important to the whole scientific community in its relationship to the Government. While we who are responsible for appropriating money for research do not expect that every project funded by the Government will be an unqualified success, we are entitled to have the facts so as to assure ourselves that funds are not being dissipated or mismanaged. This is the context within which I asked Dr. Hedberg and others to lay aside their reticence to make the Mohole disagreement a matter of public record, and testify before our Appropriations Subcommittee. It is a problem on which I believe a large segment of the scientific community might well reexamine their thinking.

Best regards.

Sincerely yours,

GORDON ALLOTT.

INTERNATIONAL DeMOLAY WEEK

Mr. FULBRIGHT. Mr. President, the week of March 15–22 is International DeMolay Week. The Order of DeMolay, which was formed 45 years ago today in Kansas City, Mo., is the world's largest self-supported boys' fraternal organization.

This movement has become a force in the world for the betterment of young men. Its active membership consists of young men between the ages of 14 and 21 and senior members who are over 21.

The Order of DeMolay seeks to foster the development of good citizenship and sound character among youth. It teaches clean and upright living by inculcating and practicing the virtues of comradeship, reverence, love of parents, patriotism, courtesy, cleanness and fidelity. Its supreme purpose is to create leaders and develop character. It is sponsored by recognized Masonic bodies.

Since its founding in 1919, DeMolay has grown steadily in numbers and in stature. Its alumni have made great contributions to our country. In a little more than three decades after its founding more than 6,000 DeMolay chapters had been launched in the United States and 12 other countries, and nearly 3 million teenage young men had taken vows to be better sons, better men, and better citizens.

I take pride that, in the 1962–63 International Sweepstakes Contest, Arkansas DeMolays won first place. The Governor of Arkansas has issued a proclamation designating this week as DeMolay Week in our State.

I wish to extend my congratulations to this fine organization on its 45th anniversary. I am sure that many more years of service and fellowship lie ahead of them.

THE PRESIDENT'S MESSAGE ON FOREIGN AID

Mr. MANSFIELD. Mr. President, the President's message reflects a hard look at what is needed in the foreign aid program. It seems to me that this time the President has done the paring beforehand instead of waiting for Congress to do it. The $3.4 billion request is the most realistic estimate of financial requirements for aid that has come up in many years. It would appear to be about what is required and what it is practical to attempt.

The President's emphasis on self-help as the key to development is admirable as is his reference to sharing the aid burden with other prosperous Nations. The proposed program is not a free-spending giveaway program but a responsive, prudent, and responsible request which will serve our national interests and help the less developed Nations to help themselves.

I know, Mr. President, that the Congress will give this request most serious and careful consideration. I have every hope that there will be a favorable response to its prudence and its realism.

Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of H.R. 7152, the Civil Rights Act of 1964.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief quorum call at this time. I am sure there will be a live quorum call later.

Mr. HILL. Mr. President, reserving the right to object, I understand that there will be no objection to a live quorum call following the present brief quorum call.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on February 26, by decision of the Chair, H.R. 7152 was placed on the calendar. The decision of the Chair, may I say, was that of one man, the Presiding Officer. However, his decision was upheld, in effect, by the Senate as a whole when it voted to table the Russell appeal. The presence of H.R. 7152 on the calendar, therefore, is entirely in order under the rules, notwithstanding any suggestions or inferences to the contrary from the floor.

On March 9, almost 2 weeks later, the leadership moved that the Senate proceed to consider H.R. 7152. Let the meaning of this motion be clear. The leadership did not ask the Senate on March 9 to begin consideration of the civil rights bill, of what it contains, of how well it is drafted, of what its implications may be, and of whether or not it should be passed. Rather, it asked the Senate to decide on March 9 if there were a sufficient reason, in the light of the Senate's other responsibilities, to consider these questions with regard to a major bill passed by a very substantial majority of the House. In short, Mr. President, on March 9 the leadership asked the Senate not to consider the civil rights bill itself but whether it wished to proceed to consider it.

It is now 10 days later by the Gregorian calendar, although it is still March 9 by the Senate Calendar. Something, Mr. President, has happened to the 10 intervening working days. The Senate has been occupied every day, including Saturday. There has been a very substantial discussion and debate on the floor of the Senate. I regret to say, Mr. President, that while much of this debate has been of a very high caliber and extremely informative, it has not been to the point of the leadership's motion. Let me repeat, the leadership did not ask, with its motion, that the Senate debate the civil rights bill—the contents, the substance of H.R. 7152. It asked the Senate to decide whether or not it wished to consider a debate of H.R. 7152. Apparently, the Senate does wish to do so, for in what has been essentially, if not strictly speaking, a largely nongermane debate, it has talked preponderantly about the substance of the bill for 10 days—all without deciding in the first place whether or not it wishes to talk about it.

So I wonder, Mr. President, if the time has not come for the Senate to proceed in a little more normal fashion. I wonder, since we are already doing little else but talk about H.R. 7152, if we ought not to agree at this point that we are going to talk about it.

Normally this question of agreeing to proceed to consider—the leadership's motions—is disposed of in anywhere from 10 seconds to 10 minutes. Just a few days ago, for example, the question insofar as it involved the military construction authorization was decided in that time range and billions of dollars were involved as well as the security of the entire Nation. Normally, we decide to consider the simple questions of private claims bills in a matter of seconds. In short, Mr. President, from the most trivial to the most awesome questions which confront us, the time range on whether or not to consider is usually somewhere from 10 seconds to 10 minutes. Now surely, the civil rights question falls somewhere between the most trivial and the most awesome of our responsibility. I am at a loss, therefore, to understand why it has already taken 10 working days and we have still not reached a decision on whether to consider it. When one realizes how much time will yet be needed on the substance of the matter, 10 days on the simple procedural question seems to be somewhat lavish if not wasteful.

It seems to me that the Senate is prepared to debate this issue on its merits, on substance, because it has already begun to do so at great length even before the matter is pending. I wonder, therefore, whether or not the Senate might curb its eagerness long enough to keep the records neat and proper by deciding the issue of making H.R. 7152 the pending business.

I say that, not to be facetious, Mr. President, but rather because there is an important procedural question still to be disposed of and that cannot be done under the rules until H.R. 7152 is the pending business. I refer to the intention of the Senator from Oregon [Mr. MORSE] to move to refer the measure to the Judiciary Committee. His intended motion represents a different approach to a consideration of the question than that which is now being followed. A continuance of the debate on the substance of the bill such as has been going on, and will go on for much longer, denies an opportunity to consider the approach offered by the Senator from Oregon. If he is denied that opportunity much longer, he may in the end find that his motion has become somewhat anachronistic.

Therefore, Mr. President, I should like to propound at this time a unanimous-consent request. I propose that the Senate agree to vote on the leadership motion to proceed to consider 1 hour after the Senate convenes on Monday next, with the further understanding that a motion of the Senator from Oregon to refer H.R. 7152 to the Judiciary Committee shall be the next order of business before the Senate, in the event that the bill is laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Mr. President, reserving the right to object, I have listened with extraordinary interest to the remarks of the distinguished majority leader. He was eloquent, as he always is.

I was particularly impressed by his appeal for the ordinary procedures. I think he mentioned "normal procedures" and "normal fashion" seven or eight times in the course of his eloquent discourse.

He said that normally it requires from 10 seconds to 10 minutes to determine whether or not the Senate will consider a bill on the floor of the Senate when the motion is made by the leadership.

The big difficulty that the Senator has encountered in his appeal for normal procedure, for the ordinary procedure of the Senate, is the fact that he has refused to follow the ordinary and normal procedure of the Senate in this matter until it was in his interest to do so.

As I said at the outset of the debate, this bill has not been handled in the ordinary and regular legislative fashion at any stage of its career. It was not given ordinary consideration in the other body. It was met at the door of the Senate and placed upon the calendar, without reference to any committee.

The majority leader says—and correctly so—that a majority of Senators have voted that the procedure that has been followed with respect to this bill is ordinary, or is proper, or is in accordance with the rules. Unquestionably, in most instances, a majority of this body can ravish the rules of the Senate if it sees fit. It can disregard them. It can depart from them. It can discard them when it can get to a vote. But in this case we have a lesson that should be very clear to everyone, and that is that when Senators depart from the ordinary procedure of the Senate, when they undertake to the shortcuts, they do not actually save any time. When Senators abandon the ordinary procedures in an effort to circumvent the ordinary procedures, a Senator should not complain later when he encounters some extraordinary procedures.

The situation is somewhat unusual. That I do not deny. We who oppose this measure have insisted, from the time the bill came to the door of the Senate, that it should have ordinary handling. It did not receive it; yet we are expected to stand quietly by and acquiesce in the discard of all the practices of the Senate at a time when our voices are beginning to be heard.

Now we are asked not to speak because the majority leader wishes at this late date, at this 11th hour, after having disregarded the ordinary practices of the Senate, to recall the ordinary procedures of the Senate and to vote at a fixed time upon this motion to proceed to consider the bill.

I am not being critical of the majority leader. I can appreciate his feelings. He naturally would like to use any avenues that are open and available to him to expedite all legislation on the floor of the Senate. But there are those of us here who have strong convictions with respect to this legislation. Our convictions not only go to the purport and intent of the legislation and its impact upon the lives of the American people, but also to the procedures that have been followed up until now to bring the bill before the Senate.

We have the strong and deep-seated feeling that the bill has not been presented in the proper light to the American people through the media of communications that are supposed to carry to the American people the proceedings of the Congress.

I was not in the Chamber when the subject was discussed, but I read in the CONGRESSIONAL RECORD this morning the account of an effort which has been made on the part of some who oppose the bill in placing an advertisement giving their construction of the bill. This effort was met on the floor of the Senate with a short and ugly word that is not ordinarily used in debate; the effort was characterized as being a lie.

Until now all the odds have been against those who oppose the proposed legislation. We feel that we have been making some progress in this debate. We may be completely in error, but we feel that if we could persuade Senators to approach the subject with open minds, as they would in the case of ordinary legislation, the bill could be defeated in the Senate.

We believe that even though the progress is slow and tedious, we are getting across to the American people some of the pitfalls and dangers in the bill. The majority leader stated that we would have the opportunity to call attention to them when the Senate reached the stage of consideration of the bill after the vote to take it up.

Mr. President, with the strong-arm methods being employed, we have a better opportunity to debate now than we shall have when the bill is laid before the Senate and made the unfinished business.

If the proponents of the bill are to use brute strength and say, "We have a majority, and we will treat you as we like. We will impose the views of the majority upon the minority," we have a better opportunity to debate now than we would if we were in the amendment stage and amendments were being laid on the table without discussion.

There is another reason why we felt justified in debating the motion. The Senator from Oregon [Mr. MORSE] who unfortunately has not yet had the scales stripped from his eyes with respect to the evils of the bill, but who is conscientious and keenly sensitive to flagrant abuses of the parliamentary processes, has stated that he intends to make a motion to refer the bill to committee, with instructions to report it back within a specified time. I regard the time the Senator would specify as being short for a bill of this magnitude but at least, it would be referred to the committee, and would have at least one dip in the ordinary procedures of the Senate.

It has not been dipped in the ordinary procedures up until now. It did not have the opportunity for the bill to have its face washed in the House committee before it reached the floor of the House.

While the bill was before the House, something very remarkable happened. Ordinarily, the House of Representatives does not amend legislation on the floor to the same extent as does the Senate. It is a somewhat unusual procedure for the House of Representatives to amend legislation on the floor when it has come before the House under ordinary processes. But despite the fact that the opponents of the bill were in a hopeless minority, in spite of the fact that they were caught up in the vast lobby in the Capitol to force the bill through the Congress, the House of Representatives did approve some 35 amendments to the bill on the floor.

When has that happened before? It showed the need for committee consideration of this bill as nothing else could do.

We hope to point this out on the floor of the Senate when the time comes. We do not intend to make the main fight on the bill in connection with the motion to take up; but having been victimized once by the sheer force of numbers, in what we regarded as a motion in derogation of the rules of the Senate, and unquestionably a derogation of the ordinary procedures of the Senate, we availed ourselves of the opportunity to discuss the bill to some extent before it was laid before the Senate as the unfinished business. We did it in the hope that the majority of Senators would come to realize what violence had been done to the rules and ordinary procedures of the Senate, and would wish to return to them. There has not been even a pretense of following them until now.

We hope that Senators, even though they support the bill as vigorously as does the Senator from Oregon [Mr. MORSE], will be willing to have the bill sent to committee for at least a brief study. I would hope that the Senator from Oregon would make his motion on the basis of 2 weeks instead of 10 days, because there are 11 titles in this 56-page bill, and 10 days would not even allow 1 day's consideration by the committee for each title in the bill.

Mr. President, we have debated the bill to this point on a line of defense that could not be overrun as summarily as was done in the case of the motion to table the appeal. A motion to table is about as summary a gag rule and about as quick a way to accomplish a legislative "lynching" as is possible under the rules. But the distinguished majority leader is not likely to move to table his own motion to take up the bill. If he decided to make such a motion, I would support him; but it is highly unlikely that he would do so.

Thus, we who are opposed to the bill find one strategic defensive position available, and we have availed ourselves of this opportunity to undertake to overcome the massive and overwhelming odds that have already been arrayed against us by discussing this legislation, in an effort to convince our colleagues at least of the propriety, and decency of approving the motion of the Senator from Oregon to let the bill have one little sojourn in normal legislative procedure.

No bill of greater magnitude has come before Congress in a great many years; and its supporters expect to put it on the statute books without its ever having touched the ordinary legislative procedures anywhere along the line. It has not touched even one up until now, unless it is considered ordinary procedure for the chairman of the House committee to allow himself 1 minute, and the ranking minority member 1 minute to debate this 56-page bill, as actually happened.

I am glad that the majority leader has come around to appealing for ordinary procedures. I regret that the light dawned so late to let him see the importance of following regular legislative procedures.

We do not propose to debate indefinitely. I shall be glad to confer with Senators who have felt that they not only have been put to a disadvantage outside the Chamber, but also within the Chamber by the processes which have been followed up to this time.

We have not taken all of the time in debate during the past 9 days. There has been a great deal of discussion on a wide range of other subjects. The distinguished Senator from Alaska [Mr. GRUENING] enlightened the Senate in several addresses on the situation in South Vietnam. I am glad the Senator from Alaska brought that matter to the attention of the Senate, because there is nothing more important or of greater concern to the American people. We also have heard a great deal about what is called the Bobby Baker case. I suppose all that debate will be charged against the opponents of the bill.

There was discussion on a subject of great importance to a great many Americans; namely, a proposed constitutional amendment to undertake to set aside the decision of the Supreme Court in the public school prayer cases. I shall not go into any details.

However, Mr. President, we are not apologizing. I am merely pointing out the facts. I do not believe we need to render any excuse for not following the ordinary procedures when no attention has been paid to them up to now. We have stuck to the subject as long as we were able to debate the bill.

I shall be happy to discuss the matter with those who are associated with me in this effort to bring the evils of the bill to the attention of the American people. We encounter all kinds of collateral matters, side issues, and things of that kind. I had hoped that the debate might be kept on a high level.

Of course, there are those who wish to bring it down to the barroom level. I am not referring now to what I said a moment ago, but to some other statements that have been made on the other side.

We can play the game that way too, if they wish. I realize where they are. We do not propose to be frightened off the floor. I believe we are making progress before the country. We have faith in the innate fairness of the Senate.

In order that the Senator from Oregon may present his motion, as only he can present it because he is above suspicion of any ulterior motive and has great ability in addition, we hope that some time in the next several calendar days, or so many days on the Gregorian calendar, as the Senator from Montana has stated, we shall be able to vote on the motion to take up the bill. Then the Senator from Oregon may make his motion and present his reasons why this matter should be referred to committee.

For the time being, I feel constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, I was interested in what the distinguished senior Senator from Georgia had to say, especially in his remarks about group strength, and also in what he had to say about normal procedure.

I am sure the distinguished Senator knows that certain duties are laid down which are the responsibility of the leadership; and that if those duties were not carried out the leadership would be derelict in discharging the responsibilities which have been thrust upon it.

Mr. RUSSELL. I intended to say that, if I did not say it. I fully appreciate the feeling of the distinguished majority leader, that he is primarily charged with seeing to it that the business of the Senate is expedited. If I did not say that, I amend my statement now to include that statement.

Mr. MANSFIELD. Very well. I point out, speaking of normal procedure, the Senate Judiciary Committee held hearings over a number of days—9 days, I believe—and heard one witness, with one Senator doing the questioning. Other witnesses were present to be heard. They were not called. Other Senators were there to question. They were not given the opportunity. We know that no bill would have been reported from the Judiciary Committee.

We did follow a procedure which is in accord with the rules of the Senate. All one has to do is examine rule XIV.

I know that there are arguments on both sides to be heard. I do not think that one side is made up of the "good guys," and the other side is made up of the "bad guys," to use a colloquialism. I want to see the arguments advanced, so that this matter can be debated, sifted, and discussed, title by title, and a consensus arrived at. I do not care about any particular group in this body, from any part of the country.

I do care about the Senate as a whole, including all Senators from all parts of the country.

I believe we have a responsibility. Our responsibility is to get down to a discussion of the business of the Senate. After the Senate in its wisdom agreed to put the civil rights bill on the calendar, the majority leader asked unanimous consent to refer the bill to the Committee on the Judiciary, with instructions to report it back on a day certain, without recommendation or amendment. The Senate, with one exception, was prepared to go along with that suggested referral—with one exception.

So I believe we have tried to follow at least the letter of the law and the rules of procedure. It would be a good thing if in some way, not through brute strength, the bill which we are considering taking up could be laid before the Senate and made the pending business so that we could consider the motion of the Senator from Oregon to refer, which motion, of course, I will oppose all the way; and if that is defeated, to get on to the bill itself, on as high a plane as possible, and not on the basis of barroom brawling. Senators should discuss the issue, which is very important. It applies not only to the South, but also to all segments of the country, and all parts of the country. There are differences which should be brought out into the open. The American people should have the benefit of the discussions, and the discussions should be legitimate; they should not be sidetracked by matters of other interest.

I would point out that the Judiciary Committee has had 121 civil rights bills referred to it in the 10-year period from 1953 to 1963; that in those 10 years 67 days of hearings were held; that in those 10 years only one bill was reported, and that one in 1960, when the bill was sent to the committee with instructions to report it back on a day certain.

That is why the procedure of the Senate under rule XIV was chosen. It is a prescribed procedure. It is fully within the rules of the Senate. It was the only way we could place the bill on the calendar. The leadership had no other choice. It has no apologies to make.

But I would hope that at an appropriate time a meeting of minds could be arrived at, so that this issue could be faced, and that this travesty of spending at least 10 days, and possibly longer, merely on the question of considering taking up the bill, could be done away with.

May I say to my colleagues in the Senate, on both sides, that they also have a duty to perform; namely, to keep as much extraneous material out of this debate as possible, so that Senators who desire to speak on the bill, even under these conditions, may have that opportunity. If they will do that, I think the chances for bringing this motion to a vote and making the bill the pending business will be furthered to that extent.

Mr. HOLLAND obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Florida yield?

Mr HOLLAND. Mr. President, both the Senator from Oregon and the Senator from North Dakota have asked me to yield to them. I intend to yield to both of them, provided I may have unanimous consent to do so without losing my place on the floor. I first agreed to yield to the Senator from North Dakota. But I take it the Senator from Oregon desires to discuss the subject just discussed by the majority leader, so if the Senator from North Dakota is agreeable to my doing so, I will first yield to the Senator from Oregon, provided my doing so will be without losing my place on the floor.

The ACTING PRESIDENT pro tempore. With that understanding, the Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I wish to comment on some of the observations made by the majority leader with respect to the procedural problem that confronts the Senate concerning the pending motion. I want the majority leader to know that I completely agree with him. I believe we should proceed at the earliest possible moment to consider his proposal to have the civil rights bill made the pending business of the Senate, after which I shall make my motion to refer the bill to the Judiciary Committee for 10 days for appropriate hearings.

I am somewhat at a loss to understand all of the observations of the majority leader in regard to the handling of the bill. Assuming that it was appropriate to proceed under rule XIV, instead of rule XXV, the fact remains that after that choice was made, the majority leader himself, following the vote on Senator RUSSELL's point of order, which was laid on the table, asked for unanimous consent to have the bill referred to the Judiciary Committee until March 4.

In the debate in recent days, the majority leader has referred to that point several times, and has stressed that only one Senator objected to his unanimous-consent request. If Senators will read the RECORD, they will recall that the majority leader said, in making his unanimous-consent request, that he had been impressed by the position taken by those of us who thought the bill ought to be referred to committee for a period of time. If he thinks there is merit in having the bill referred to committee, he ought to be one of the most enthusiastic supporters of the motion to refer the bill to committee, because if he was willing to refer the bill to committee under a unanimous-consent agreement, he ought to be just as willing to have it referred under a motion, when a majority vote of the Senate will determine whether or not it should be referred.

The majority leader speaks of the large number of civil rights measures which have been referred to the Judiciary Committee, and mentions that only one, in 1960, was reported by the committee. Then he quickly points out that it was reported by the Judiciary Committee because it was referred to that committee under instructions. That is what the senior Senator from Oregon proposes to do with regard to H.R. 7152. We all know what would happen. Let us take judicial notice of it. Let us not parry over it any more. We know there is not a committee of the Senate which, if it were given instructions by the Senate, would not report a bill in accordance with such instructions. We all know the position any committee would be in. A committee of the Senate is our agent. It is bound by the instructions of the principal. If the committee did not report the bill under those instructions, the Senate would have the authority to take it back.

I stress again that in the Judiciary Committee a majority of the members—I believe 9 out of 15—favor a strong bill. The majority leader seems to be a little concerned because there was a bill before the Judiciary Committee as to which one witness was called, and that for many days only that witness was examined, and no bill was reported.

I want to ascertain whether a substantial majority of the Judiciary Committee, when the bill is referred to it under instructions, will permit that kind of procedure. I would like to believe that my Judiciary Committee—and I say "my Judiciary Committee" in the sense that it is the Judiciary Committee of each one of us—is the kind of Judiciary Committee that will respect the spirit and intent of the instructions given to it by the Senate under majority vote, if the majority of the Senate votes to refer the bill to the committee for 10 days. I believe it will. I think the committee will act in good faith.

If the committee proceeded to divide its time and did not do the best it could to hear representative witnesses on the major issues involved in the bill, so that it could prepare a report that could be used as the legal foundation so essential in litigation ahead for the making of an adequate record for use by the courts as to what the congressional intent is, the committee would be the loser. In any event, do not forget that if the Judiciary

Committee followed the dilatory tactics that the Senator from Montana seems to imply it might follow, based upon what it did in some past Congress, the majority of the Judiciary Committee, at the end of 10 days, could still file a report with the Senate. It is that report that I want. I want a report on the basis of which we can cross-examine the so-called managers of the bill in committee, in the debate on the civil rights bill. The law is perfectly clear that that is the best way—not the only way, but clearly the best way—to express legislative intent.

Ten days is not very long. The 10 days will fly, for the Senate has other important business to consider. In Washington today are the U.S. ambassadors to all the Latin American countries. Talk with them. They will tell us how vital to United States-Latin American relations the coffee treaty is, and that such a treaty ought to be considered by the Senate. While the civil rights bill is in committee, the Senate could consider a coffee treaty and vote it up or down.

Take a look at the Senate Calendar. The consideration of bills pending on the calendar would make 10 days flit by almost like an eyelid flash. Time will move fast, so far as the work to be done by the Senate during that 10-day period is concerned.

I hope Senators will thaw themselves out of their frozen positions on this procedural matter. Many Senators—some are sitting in the Chamber now, looking at me—have said to me in the cloakroom, "Wayne, you are right about it; but it comes too late. We cannot do it now. We should have done it in the beginning. We should have sent the bill to committee, but we cannot now because the pressures have become too great."

I refuse to accept that kind of rationalization. If any Senator thinks the kind of legislative record for which I am pleading ought to be made, he has a clear duty to support my motion, because when the 10 days have expired, I am satisfied that he will come to me and say, "I am glad we referred the bill, because we now have a committee report. Let us move on and have the kind of debate that the committee report will make possible. It will be a better debate than without the committee report."

Mr. MILLER. Mr. President, I can well understand the concern of the majority leader about having the Senate get on with the business at hand; and I must say, too, that the Senator from Georgia [Mr. Russell] has presented some very persuasive comments in regard to why he cannot agree at this time to such a unanimous-consent request.

I wonder whether this impasse could be resolved in one of two ways: first, instead of agreeing to handle that business on Monday next, it be agreed that it be handled on Wednesday next; or, second, as an alternative, if the Senator from Georgia is still concerned regarding the possibility of having extraneous matters come into the debate in the interim, that we agree to get on with the motion on Wednesday next, provided that if Senators on the opposition side have not then completed their speeches, they be permitted to do so without interruption, following which the Senate would then act on the motion to make the civil rights bill the pending business. In that way there would be something definite to go on.

Mr. MANSFIELD. Mr. President, I wish the Senator from Iowa would not press for action on that request at this time. Although personally I would favor it, I should like to continue to discuss this matter with the distinguished minority leader [Mr. Dirksen] and the distinguished Senator from Georgia [Mr. Russell].

Inasmuch as one unanimous-consent request was made today and was objected to, I believe that at least for 1 day we should permit things to lie as they are.

Mr. MILLER. Of course I shall defer to the preference of the majority leader on that point.

However, I have observed that on many occasions when a unanimous-consent request has been made and when an objection has been raised, when suitable modifications of the request have been made, it has been possible to reach a meeting of the minds, and thus to have the Senate proceed with its business. I was trying to reconcile the two viewpoints which have been expressed here in the last few minutes.

Mr. MANSFIELD. The Senator's suggestion is a helpful one, and is appreciated. I have arranged with the distinguished minority leader [Mr. Dirksen] a meeting in regard to this matter. I thank the Senator from Iowa for what he has said.

Mr. MILLER. I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield without losing his right to the floor so that I may suggest the absence of a quorum?

Mr. HOLLAND. Mr. President, I yield to the distinguished majority leader for that purpose, provided I do not lose my right to the floor, and that it does not count as a speech against me.

The PRESIDING OFFICER (Mr. McGovern in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and, as usual, it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 88 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from North Dakota [Mr. Burdick], the Senator from Nevada [Mr. Cannon], the Senator from Missouri [Mr. Long], the Senator from Wyoming [Mr. McGee], and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Randolph] is absent because of illness.

I further announce that the Senator from California [Mr. Engle] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] and the Senator from Vermont [Mr. Prouty] are necessarily absent.

The Senator from New York [Mr. Javits] is detained on official business.

The PRESIDING OFFICER. A quorum is present. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, the distinguished majority leader has asked me to yield to him at this point without losing my right to the floor, and I am glad to yield to him for that purpose provided that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 11 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. SATURDAY, MARCH 21

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 11 o'clock a.m. Saturday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator from Florida for yielding to me for this purpose.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. Mansfield that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HOLLAND. Mr. President, I have twice attempted to make this speech on title IV of the pending bill—the title which deals with public school education—but, as most of the Members of this body know, on each occasion—after waiting patiently for some hours—I was prevented from doing so because, through no fault of anyone's in particular, inadequate time remained to do so.

On each of those occasions, however, to accommodate the interests of both the acting majority leader, and also my leader in the debate on this matter, the distinguished senior Senator from Alabama [Mr. HILL], I made some preliminary remarks on the subject—the first time on Wednesday, March 11, of last week, and the second on Monday, March 16, of this week. My remarks may be found in the CONGRESSIONAL RECORD of those dates.

Before I begin my principal remarks on this subject, I wish to express my sincere appreciation to the acting majority leader [Mr. HUMPHREY] who on both of those occasions accommodated himself to my reluctance to attempt to deliver what I believe to be a constructive speech on this subject when there was not adequate time available. I thank him—and the other Senators—who have cooperated in this matter.

Mr. President, with regard to title IV—and the education of the Negro in particular.

I believe implicitly that what the Negro youngsters of America and their parents need and want, and what most of them would gladly accept, is better schools rather than integrated schools.

We all know that too many of the Negro schools are inferior—are substandard—not just in the South, but in the North and the East and the West—and especially in the great metropolitan areas of the North where slum conditions exist—and the great problem of Negro education is to improve the schools in those areas.

I shall call as my witness on this point not a citizen of the South—because we are always suspect, somehow, in this kind of debate—but a very distinguished citizen of this Nation, the Honorable James B. Conant, formerly president of Harvard University and one of our greatest Americans, relied upon by all of us as one of those who is best in a position to advise the people of the United States as to how they may make progress in the field of education.

Mr. President, in his recent book, a commentary on schools in metropolitan areas, entitled "Slums and Suburbs," Dr. Conant deals with the question of nonuniformity in schools. He deals with it not in the southland, Mr. President, where there is, of course, nonuniformity, also, but in the great metropolitan centers in which he conducted a very careful survey.

Dr. Conant was authorized to conduct the survey by a great foundation which put up the money for the survey and which likewise gave him adequate staff personnel to make it. I should like for the record to show the name of that organization which made possible the effort by Dr. Conant.

In the foreword, appearing on the flyleaf of the book I have mentioned, Dr. Conant says:

> The present volume is based primarily on observations made during my study of education in the junior high school years, which was financed by a grant from the Carnegie Corp. of New York to the Educational Testing Service of Princeton, N.J.

I think it is of interest to the whole Nation that Dr. Conant had no thought at all of ever being quoted in this debate. He was not interested in the question of legislation pending in the Senate. He was interested solely in the inequality of opportunity of students at various schools in our country. As a great educator, a great research head, he reports the results of his investigation in this very fine book published in 1961. I commend the reading of it to every Senator.

On page 2 of his book, Dr. Conant writes:

> The contrast in money available to the schools in a wealthy suburb and to the schools in a large city jolts one's notions of the meaning of equality of opportunity. The pedagogic tasks which confront the teachers in the slum schools are far more difficult than those which their colleagues in the wealthy suburbs face. Yet the expenditure per pupil in the wealthy suburban school is as high as $1,000 per year. The expenditure in a big city school is less than half that amount. An even more significant contrast is provided by looking at the school facilities and noting the size of the professional staff. In the suburb there is likely to be a spacious modern school staffed by as many as 70 professionals per 1,000 pupils; in the slum one finds a crowded, often dilapidated and unattractive school staffed by 40 or fewer professionals per 1,000 pupils. The contrast challenges any complacency we may have about our method of financing public schools—even within a rich State like New York.

In chapters 1, 2, and 3, Dr. Conant considers, and I quote him:

> The special educational problems * * * in the big central cities of our largest metropolitan areas—especially New York, Chicago, Detroit, Philadelphia, and St. Louis.

He states in chapter 1, on page 7:

> In each one of these cities one can find neighborhoods composed of various minority groups. * * * In particular one finds large Negro neighborhoods and often somewhat smaller areas made up entirely of Negro slums. The schools serving such neighborhoods must be visited in order for one to understand the nature of the difficult tasks which the teachers face.

And he continues on page 7 and page 8:

> The slum areas of certain big northern cities are today largely inhabited by Negroes. * * * New York State now has the largest Negro population of any State in the Union.
>
> Since I am going to be completely frank about Negro education in the largest cities, it may be well to take a few paragraphs to set forth my own interpretation of the distressing history of the Negro in the United States. At the outset I must make it plain that I approach the delicate and complex problem of interrace relations with the background of a 100-percent New Englander.
>
> My family tradition was that of the strong abolitionists. My mother, who remembered the Civil War, used to say that as a child she was brought up to think Negroes were, if anything, better than white people.

On page 9, Dr. Conant makes this additional statement:

> The idea of the Negro and the white living together peacefully on equal terms in a free society was literally inconceivable to Jefferson.
>
> Yet after nearly 200 years we are endeavoring to accomplish the building of just that type of society—

This is Dr. Conant speaking, let me say to Senators—

> We make a great mistake, I believe, if we fail to recognize the rough and weary road we have had in our attempt as a free and independent people to remove the social consequence of the inherited curse of Negro slavery.

Dr. Conant there lays emphasis upon the social implications of this question, and I invite the attention of the Senate to the fact that this is a great, internationally respected northern educator, the son of an abolitionist family making that statement in his book.

This statement, Mr. President, appears on page 19:

> These Negro slums seem to vary considerably with respect to the social mores. In some there are very bad gangs with gang warfare among the boys. There are also vicious fights outside of school between Negro girls. The condition in one such neighborhood was summed up to one of my staff by a principal of a junior high school who said even he was shocked by the answers to a questionnaire to the girls which asked what was their biggest problem. The majority replied to the effect that their biggest problem was getting from the street into their apartment without being molested in the hallway of the tenement.

Mr. President, those are not pleasant things to read into the RECORD, but they come from Dr. Conant, a source whom everyone must respect.

I continue; from page 21:

> I ask the readers of this volume, many of whom live in wealthy suburbs, to ponder the contrast between the lives and the education of their children and the lives and education of the boys and girls in the neighborhoods I have been describing. It is after visits to schools like these that I grow impatient with both critics and defenders of public education who ignore the realities of school situations to engage in fruitless debate about educational philosophy, purposes, and the like.

From page 24:

> In one school I visited, the teachers themselves, mostly Negroes, felt that the only way to improve the reading of the children in the first three or four grades was to do something with their mothers. If the head of the family unit could be located and brought into communication with the school, attempts were made to stimulate an interest in newspapers, magazines, and possibly even books.

From page 68:

> Within the large cities the problem is complicated by the fact that the turnover rate of teachers in the slum schools is very high.

> Teachers who have achieved some seniority rights often apply for transfer to schools away from the slum neighborhoods, where working conditions are at best difficult. The result is that slum schools are often staffed by either newly hired or substitute and emergency teachers. This is a real problem if one wishes to improve education in these neighborhoods. I suggest that school boards might examine the possibility of paying teachers in these schools more than teachers in other schools.

In his concluding observations, Dr. Conant makes this observation on page 14, under the subheading "As to the Schools in the Large City Slums":

> The contrast in the money spent per pupil in wealthy suburban schools and in slum schools of the large cities challenges the concept of equality of opportunity in American public education. More money is needed in slum schools.

On page 146 he makes these further observations:

> The answer to improving Negro education in the large northern cities is to spend more money and to upgrade Negro schools, many of which are in slums, rather than to effect token integration by transporting pupils across attendance lines.

I invite attention to that, Mr. President, because here is a clear statement by Dr. Conant to the effect that the schools in the communities where the children live should be upgraded, that it is no right or proper answer to the problem to "effect token integration by transporting pupils across attendance lines."

Dr. Conant continues:

> More teachers and perhaps more pay for teachers are necessary for schools in the slums than in either the high-income districts of the large cities or the wealthy suburbs. Special training programs for teachers in slum schools are needed.

Mr. President, these are disturbing observations made by a distinguished American citizen whom I am sure every member of this body holds in high regard—both as a distinguished educator and as a patriotic American.

It must be clear from the quotations I have read—and I invite the attention of Senators to the whole text—that Dr. Conant is firmly of the feeling that mere accomplishment of integration by law, when the segregation which now results is de facto and not by law, would accomplish nothing whatsoever. In the schools, to which he refers, there is already integration by law. It is the neighborhood from which the children come which prescribes the family and the home background which their children have.

I hope—with all sincerity and fervently—that those who, in haste without considering the harmful results of what they would do to both the white citizen and the Negro citizen, will read Dr. Conant's wise counsel and give heed to it. I can think of no better service to their country they can perform—and no greater contribution they can make in seeking to help the Negro citizen.

I trust all Senators—from both sides of the aisle—will take the time to study Dr. Conant's book, as we continue the debate upon the great issue facing us—and the country.

Dr. Conant has made it clear that where de facto segregation results from residential patterns, there is found the acute problem in the public schools which he mentions and describes so clearly, and that it is largely a racial problem because of the low economic status of Negroes in the great cities, which are becoming more and more crowded with Negro citizens. How futile would it be if we enacted the proposed law without any hope whatsoever that its provisions, no matter how well planned or how well motivated, would apply in such a way as to correct conditions of the kind which Dr. Conant mentions.

Mr. President, in Monday's Washington Post the well-known columnist, Joseph Alsop, writing from New York City under the title "The White Reaction," goes right to the heart of many of the points Dr. Conant makes in his book, and to which I am addressing myself today.

I do not believe anyone can charge Mr. Alsop with being prejudicial to the cause of the southern people, any more than one would dare to charge Dr. Conant with feeling such prejudice.

As the title of Mr. Alsop's column indicates, he brings into sharp focus what he refers to as "the first signs of northern white reaction to Negro action."

He points out that the Negro movement against de facto school segregation, which had been gaining emotional momentum in New York City for a long time, culminated recently in a citywide school boycott.

I digress, Mr. President, at this time to point out that on the very day Mr. Alsop's column appeared, on Monday of this week, New York City had its second civil rights boycott of its million-pupil public school system—the second within the last 6 weeks, the first of which Mr. Alsop referred to.

He then points out that white parents, who object to forced transfer of their children to schools outside their neighborhoods, have organized a counteractive movement which, started on a shoestring, has mushroomed to a claimed membership of 500,000 persons. It is the organization which turned out the 21,000 demonstrators who marched on New York City Hall last week, about which I make further reference in my remarks. In other words, Mr. President, the Negroes in New York City boycott the schools protesting the inadequacy of the school system's program for the mixing together of the races by crossing attendance lines, whereas the white people of New York angrily protest against it.

I request permission, Mr. President, to include Mr. Alsop's article in the Record as part of my remarks at this point. I should also like to read several paragraphs from it.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 16, 1964]

The White Reaction

(By Joseph Alsop)

New York City.—Ever since the civil rights movement entered its present phase, sensible political observers have waited, glumly and forebodingly, for the first signs of northern white reaction to Negro action.

The signs are now very clear indeed. On the Pacific coast last Tuesday, Seattle voters turned down a city ordinance forbidding discrimination in real estate sales by a shocking majority of about 2 to 1.

Here in New York, meanwhile, the trouble is just beginning between Negroes protesting de facto school segregation and the white parents who favor the established system of neighborhood schools.

American society's injustice to its Negro minority is so obvious and so unpardonable that most members of the northern white majority feel guilty. Guilt feelings have thus delayed and deterred northern white resistance to the Negroes' demands. But the resistance has now begun.

Furthermore, unless all concerned take realistic note of what is happening, this emerging northern white resistance can too easily have profound long-term political effects. To cite one symptom, former Vice President Richard M. Nixon has lately taken to dropping hints that are apparently aimed at suburban homeowners like those in Seattle, who fear a loss of their real estate values because of Negro home buyers.

So this is a problem which is unpleasant to face, yet needing to be faced. The form the problem takes here in New York is worth trying to summarize because it is so illuminating.

To begin with, the Negro movement against de facto school segregation has been gathering force and gaining emotional momentum for a long while. It culminated recently in a citywide school boycott. Most of the established Negro leaders in New York had no real sympathy for the boycott, yet in view of the feelings of their people, few other leaders openly opposed the boycott organizer, the Reverend Milton A. Galamison.

The boycotters were protesting the inadequacy of a reform recently approved by the board of education. Under this program, where a predominantly white school and a predominantly Negro school are not too far apart, the pupils will be mixed together; and buses will be provided, where necessary, to carry pupils from their own neighborhoods to the new mixed schools.

White parents who object to their children being taken to schools outside their neighborhoods have in turn organized what is called the Parents and Taxpayers Movement. The movement was started on a shoestring, but it has mushroomed to a claimed membership of 500,000. It turned out demonstrators for a march on city hall last Thursday.

Despite the deference to minorities usually shown by New York City politicians, an estimated majority of more than two-thirds of the city councilmen oppose bus-transfers of schoolchildren out of their own neighborhoods. The problem belongs to the board of education rather than the city council, yet the feelings of the councilmen are probably an even more important indicator than the recent protest march.

In short, the white majority seems to regard as excessive the same concessisons which the Negro minority has already condemned as wholly insufficient. If this proves to be the case, the two groups are on a collision course; and the question is whether a collision can be avoided.

Especially in view of the moral justice of the Negroes' cause, some boldness is needed to suggest that a collision certainly ought to be avoided.

But it is a practical fact that the real trouble with the schools in New York's Negro ghettos is not that they have almost no white pupils. Merely changing a school's complexion from brown to pepper and salt does not after all improve the school. Those who believe in such a remedy believe in a kind of racialism.

The real trouble with these schools, and with most other schools of their type right

> across the United States, is that they are pretty bad schools. Furthermore, they serve neighborhoods which in fact need schools finer and better in every respect than the city's middle class neighborhoods, for in these teeming slums, the school must do much of the work that the home normally does in neighborhoods that are not so horribly deprived.
>
> Besides less of the old discrimination, in truth, a quite new kind of discrimination is also needed. Invest twice as much per pupil in schools in deprived neighborhoods. Discriminate in favor of the slums, then the slum school will become a social lever and the lever will pry open the ghetto doors in the end. It is right to ask for justice, but it is also necessary to ask for useful justice.

Mr. HOLLAND. Mr. Alsop writes:

> In short, the white majority seems to regard as excessive the same concessions which the Negro minority has already condemned as wholly insufficient. If this proves to be the case, the two groups are on a collision course; and the question is whether a collision can be avoided.

This is Mr. Alsop speaking. Mr. Alsop also goes right to the core of the educational issue when he points out most effectively that the answer is really not integration or segregation, but the improvement of schools for both races. I would like to quote the following sentences from his excellent article on that point:

> But it is a practical fact that the real trouble with the schools in New York's Negro ghettos is not that they have almost no white pupils.
>
> Merely changing a school's complexion from brown to pepper and salt does not, after all, improve the school. Those who believe in such a remedy believe in a kind of racialism.
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> The real trouble with these schools, and with most other schools of their type right across the United States, is that they are pretty bad schools.
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>
> It is right to ask for justice, but it is also necessary to ask for useful justice.

Just yesterday, Wednesday of this week, Mr. Alsop wrote a second article on the serious situation existing in New York City which appeared in the Washington Post of March 18.

He told of a visit he made to Public School 184 "a high, narrow, bleak structure like an Edwardian jail, where 1,500 kids from the most leprously rundown part of Harlem get their primary schooling."

I shall read only the most pertinent points Mr. Alsop makes, after which I shall insert his article in the Record for all Senators to read.

Referring to the principal of Public School 184, a Mrs. Kate Tuchman, whom he described as a "cheerful, determined self-confident woman who has been a New York City teacher for 19 years," Mr. Alsop wrote, quoting Mrs. Tuchman:

> "What you have to understand if you're going to get anywhere as a teacher in this sort of neghborhood," Mrs. Tuchman began briskly, "is that these children are different. They're not different because they are poorer human raw material than children in a middle-class or suburban neighborhood. Most certainly not.
>
> "They're different because so many of them come from homes that are hardly homes at all—often without a father, often with a working mother, almost always without a single book. Lots of children first come to school barely knowing the simple words to express what they feel."
>
> Then Mrs. Tuchman stated the theme, which she and young Wright—

This refers to Bobby Wright, a Negro, her assistant for community affairs—

> then developed antiphonally, as it were. Almost everything they said arose, in one way or another, from the central problem. The problem is that in a hideously deprived neighborhood, the children are special cases, simply because of the environment which nourishes them—or rather, fails to nourish them.

Mr. Alsop concluded:

> The schools of the slums have a harder, heavier task than the schools of the middle class neighborhoods and if the task is to be fulfilled, America's slum schools need special support, in the form of extra money, extra teachers, finer buildings, larger playgrounds, and so on and on. Furthermore, every dollar invested to make these schools into effective social levers will save $10 later on.

I request permission to insert Mr. Alsop's article at this point of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Mar. 18, 1964]

THE REAL SCHOOL PROBLEM

(By Joseph Alsop)

New York City.—The time was just before the second round of the New York City school boycott. The place was Public School 184, a high, narrow, bleak structure like an Edwardian jail, where 1,500 kids from the most leprously rundown part of Harlem get their primary schooling.

Earl Brown, deputy borough president of Manhattan, and one of the few Negro leaders who has openly criticized the school boycott, had brought me to Public School 184 "to see how far you can go if you just make a start—even if you have hardly anything to begin with."

Unlike too many other of slum schools, Public School 184 has a cheerful interior that belies its forbidding facade. The halls and classrooms are clean and neat—although here and there teachers have been forced to use bright children's drawings to cover peeling paint and crumbling plaster.

The children are gay and well mannered, there is no hint, here, of the "Blackboard Jungle."

To be sure, this school, like so many others, has no playground of its own, but the kids can use the playground and even the swimming pool of a private social welfare center across the street. And for 2 whole years Public School 184 has even boasted its own small school library.

"The point is," Earl Brown told me, "that the teachers here haven't given up. In a lot of schools in this kind of neighborhood, they give up. They think that if they can just keep order, more or less, they are doing pretty well. They don't even try to teach. They even say so, right out loud. But you'll soon see what I mean about not giving up."

What he meant indeed became clear when we reached the principal's office. The principal of Public School 184, Mrs. Kate Tuchman, is a cheerful, determined, self-confident woman who has been a New York City teacher for 19 years. She received us with her assistant for community affairs, Bobby Wright, a young Negro who was a lieutenant-paratrooper in Korea before he took up teaching.

"What you have to understand if you're going to get anywhere as a teacher in this sort of neighborhood," Mrs. Tuchman began briskly, "is that these children are different. They're not different because they are poorer human raw material than children in a middle class or suburban neighborhood. Most certainly not.

"They're different because so many of them come from homes that are hardly homes at all—often without a father, often with a working mother, almost always without a single book. Lots of children first come to school barely knowing the simple words to express what they feel."

Then Mrs. Tuchman stated the theme, which she and young Wright then developed antiphonally, as it were. Almost everything they said arose, in one way or another, from the central problem. The problem is that in a hideously deprived neighborhood, the children are special cases, simply because of the environment which nourishes them—or rather, fails to nourish them.

"Take schoolbooks," said Wright, "what's the use of giving our children books about blond-haired kids in pretty houses in the suburbs with trees and gardens? They've never seen a house like that. They've hardly seen a tree. Only this year, we've begun to get books adapted to our needs."

The central problem has a score of aspects. More men teachers are needed, for instance, because as Mrs. Tuchman put it, "with so many homes with no men in them, lots of our children need men teachers in order to have a man to relate to." Again, the hard conditions of jungle-slum life produce an unduly high percentage of nervously disturbed children, and more special schools are needed to help these unlucky ones, whose presence is also a handicap to the healthy majority.

Yet the job can be done, "if you just understand the basic problem," as Mrs. Tuchman put it. The job is being done, in fact, at Public School 184. There are very few substitute teachers here, internes come to Public School 184 from the teachers' colleges, to learn the ways of the school; and many of the internes apply for permanent appointment.

"They like the challenge, once they get over their fear of the neighborhood," said Mrs. Tuchman.

This challenge, is to prepare the children to pry open the door into the other America, the affluent America, whose very culture, whose whole way of life, is absolutely foreign to the culture of the ghetto-slums.

But if this challenge is to be met in full, more will be needed than the dedicated efforts of the Bobby Wrights and the Kate Tuchmans of the teaching profession.

The schools of the slums have a harder, heavier task than the schools of the middle class neighborhoods and if the task is to be fulfilled, America's slum schools need special support, in the form of extra money, extra teachers, finer buildings, larger playgrounds, and so on and on. Furthermore, every dollar invested to make these schools into effective social levers will save $10 later on.

Mr. HOLLAND. Mr. President, much has been said—and much has been made in the northern press of what has been said—and has been distorted completely out of all reason—to the effect that the Negro is deprived of an education in the South and only can acquire an education by the integration of all schools in both the North and the South.

That, Mr. President, is a fallacy for which many who should know better, have fallen, and many who do not know better, have taken it as the truth—which it is not. I shall now proceed to disprove that contention—not with emotion, not with prejudice, and not with propaganda, which is so artfully used by many advocates on the other side of this issue—but with the cold logic of facts, backed by statistics prepared by three of our most highly regarded governmental institutions—the Bureau of the Census, the Office of Education, and the Library of Congress.

The information which I shall hereafter present has been prepared only after long and careful study over a period of many weeks by experts in this field who have given as much as a quarter of a century of their life's work in the educational field—and who have specialized in the very area under discussion today—the education of the Negro.

Contrary to what others may state—and to what others may believe—and I do not doubt the sincerity of many of the advocates of this phase of the civil rights issue—the Negro student and the Negro teacher in America has far greater opportunity for advancement and recognition in the States where segregation in education has been prevailing for so many years—than in the State where it has not.

The 1960 census shows that in the 17 Southern States classed by the Bureau of the Census as such, the ratio of Negro teachers, educators, and school administrators to Negro population in those States was in 1960, 8.4 per thousand population. Mr. President, I request permission to insert the table from the Bureau of the Census in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Ratio of Negro teachers to Negro population in 17 selected Southern States*[1]

Alabama	9.7
Arkansas	7.5
Delaware	6.7
Florida	8.5
Georgia	8.5
Kentucky	5.9
Louisiana	8.7
Maryland	7.6
Mississippi	7.9
Missouri	6.1
North Carolina	9.9
Oklahoma	8.2
South Carolina	9.3
Tennessee	8.7
Texas	9.3
Virginia	9.0
West Virginia	10.4
Average	8.4

[1] Per 1,000 Negro population.

Mr. HOLLAND. Mr. President, the ratio for the remaining 33 States in the Union where integration of educational institutions is required and practiced was 3.7 teachers per thousand of Negro population in 1960.

That 3.7 per thousand outside the South contrasts with 8.4 teachers per thousand in the Negro population in that part of the country where segregated education exists.

I ask unanimous consent to have printed in the RECORD a table supplied by the Bureau of the Census.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Ratio of Negro teachers to Negro population by States (per 1,000 population), 1960 census

State	Total Negro population	Teachers	Ratio
Alabama	980,051	9,483	[1] 9.7
Alaska	6,858	31	4.5
Arizona	43,585	379	8.7
Arkansas	388,140	2,908	7.5
California	880,486	3,240	3.8
Colorado	39,827	195	4.9
Connecticut	107,066	340	3.2
Delaware	60,847	408	6.7
Florida	880,128	7,500	8.5
Georgia	1,120,999	9,543	8.5
Hawaii	4,694	16	3.4
Idaho	1,694	--------	--------
Illinois	1,037,068	4,280	[2] 4.2
Indiana	268,358	1,259	4.7
Iowa	24,941	44	1.7
Kansas	91,027	424	4.7
Kentucky	215,402	1,272	5.9
Louisiana	1,038,668	9,055	8.7
Maine	3,396	5	1.5
Maryland	518,257	3,929	7.6
Massachusetts	111,086	304	2.8
Michigan	717,209	2,762	3.8
Minnesota	22,313	87	3.9
Mississippi	915,722	7,274	7.9
Missouri	390,574	2,395	6.1
Montana	1,460	18	12.3
Nebraska	29,648	79	2.7
Nevada	13,424	23	1.7
New Hampshire	2,089	9	4.3
New Jersey	513,663	2,059	4.05
New Mexico	17,109	77	4.5
New York	1,414,184	3,707	2.6
North Carolina	1,114,970	11,042	9.9
North Dakota	899	18	20.1
Ohio	784,239	2,892	3.7
Oklahoma	154,662	1,274	8.2
Oregon	18,225	23	1.2
Pennsylvania	850,852	3,234	3.8
Rhode Island	18,170	35	1.9
South Carolina	829,337	7,699	9.3
South Dakota	1,181	19	16.1
Tennessee	586,210	5,084	8.7
Texas	1,185,476	10,993	9.3
Utah	4,172	16	3.8
Vermont	543	--------	--------
Virginia	814,134	7,358	9.0
Washington	47,904	122	2.5
West Virginia	89,393	930	10.4
Wisconsin	74,511	180	2.5
Wyoming	2,156	4	1.9
District of Columbia	411,612	3,540	8.6

[1] Per 1,000 Negro population. Of every 1,000 Negroes in Alabama, 9.7 hold teaching, instructional, or administrative positions in public or private schools and colleges.

[2] Per 1,000 Negro population. Of every 1,000 Negroes in Illinois 4.2 hold teaching, instructional, or administrative positions in public or private schools.

Mr. HOLLAND. Mr. President, these statistics, prepared by the Bureau of the Census, in cooperation with the Office of Education, show quite conclusively that the Negro educator in the States where segregation in education prevails has more than twice the chance to be employed and advance in his chosen profession than does the Negro educator in the States where integration prevails.

I find the highest ratio in those States of the Old South is that in North Carolina—9.9, and the second highest in Alabama—9.7. I am proud that the State which I represent in part, Florida, has a ratio of 8.5. The lowest ratio in any Southern State is in Kentucky, 5.9.

Now let us see what the ratios of Negro teachers and educators to Negro populations—per thousand population—are in some of the other great States of the Nation where legal integration prevails.

Take the great State of New York. New York has a total Negro population of 1,414,184. It has 3,707 Negro teachers and educators. The ratio of teachers to Negro population is—I regret to say—only 2.6. I also say with regret that New York's ratio is the 10th lowest in the entire Nation.

In connection with that, I recall vividly the article written by Dr. Benjamin Fine, formerly the educational editor of the New York Times, and one of the country's foremost authorities on education, which was published in the New York Times of August 26, 1957.

Dr. Fine's article showed clearly how difficult it was for a Negro to obtain a teaching job in New York City—and how much out of proportion the ratio of white teachers to Negro teachers was in that great metropolis—and probably still is today—although I do not have available statistics at the present time to show just how much. I intend to obtain the statistics if it is possible to do so and bring them into this debate at a later date.

Unfortunately, the U.S. Office of Education and, I understand, the National Education Association and many State educational authorities, no longer publish information which would give accurate answers with respect to such questions as:

First. How many Negro students are attending desegregated colleges, universities, medical schools and other institutions of higher education throughout the United States outside of the South?

Second. How many Negro candidates who have applied for admission to these institutions have not been able to meet the qualifications to be admitted to them?

The Legislative Reference Service of the Library of Congress, which, in my opinion, is one of the finest research organizations in the country, has been unable to obtain information for me on such matters from either Government or privately published sources. The only way I know to possibly obtain such data would be to contact institutions of higher education throughout the Nation directly—and I have been informed that the registrars of many of the Nation's educational institutions do not maintain a distinction on the basis of race, and if they had such information, in all probability they would decline to give it out.

I wonder, Mr. President, how much the pressures brought to bear by the NAACP, the Congress of Racial Equality, and other militant Negro organizations has had to do with the blackout of this kind of information concerning Negro education.

I have been informed that certain educators, Government officials, and representatives of private educational associations have been subjected to intimidation by the more aggressive Negro organizations which are causing such great turmoil in the country today.

The point made by one such highly credible individual, none of whom I would identify, when an inquiry was made concerning certain information, was "that the NAACP would not like it."

I shall never forget one particular—and to me, very sad—point Dr. Fine made. He reported that in 1955, when some 500 southern Negro teachers lost their jobs because of desegregation following the unwise decision of the Supreme Court in 1954, New York City school authorities suggested that they apply for positions in New York City. He then reported that 2 years later, in 1957, it appeared from his investigation that not a single one of those discharged Negro teachers "had found his way into the New York City public school system."

I, of course, have no way of knowing today how many, or whether any, of those 500 discharged Negro teachers to whom Dr. Fine referred ever found their way into the New York City school system or how many more discharged Negro teachers, if any, have gone to New York since that time in search of jobs.

However, New York was not alone in its difficulties that integration of the public school system brought then—as Dr. Fine reported in 1957—and brings today.

In his article, which I shall shortly place in the RECORD, Dr. Fine reported upon the problems which existed in Philadelphia, Cleveland, Detroit, Chicago, and elsewhere, which problems, as we all know, continue to exist and, as a matter of fact, have increased in their intensity as almost every day's newspaper reports.

For instance, Dr. Fine's article showed that in 1957 there were four all-Negro high schools in Cook County, of which Chicago is the heart, along with three others whose student populations were more than 90 percent Negro. He stressed the point that the big problem the Cook County School Board faced was the difficulties involved in the placement, employment and advancement of Negro teachers. In 1957—and this is a startling statistic—of 10,000 teachers in the Greater Chicago area, only 100 were Negroes—and 60 of those were in one school district—Robbins. Bear in mind that Illinois State law barred discrimination because of race, but Dr. Fine stated flatly:

> Many districts do not hire Negroes.

I do not have available comparable statistics reflecting the situation that exists in Chicago or the other great cities of the North. I do not have them, Mr. President, for the reasons which I have previously given—the Legislative Reference Service of the Library of Congress, which has looked into this matter for me, has not been able to obtain the figures for me because, apparently, the public school systems of the North either no longer compile statistics on that basis or if they do they keep them secret.

For the benefit of Senators who may not remember Dr. Fine's devastating, but forthright and objective analysis of the plight of the Negro schoolteacher in our country's largest city and who, perhaps, would desire to read it again or make further reference to it, I ask unanimous consent to have Dr. Fine's article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Aug. 26, 1957]

NORTH MOVES TO ELIMINATE COLOR LINE IN ITS SCHOOLS

(By Benjamin Fine)

The North has its integration problems, too. The Supreme Court's decision outlawing separate but equal schools has left its mark in all parts of the country. During the 3 years since the ruling on May 17, 1954, there has been considerable agitation to end segregation in States north of the Mason and Dixon line.

The problems are somewhat different from those in the South. Most of the woes are caused by the residential patterns in the North, as well as the South. Negroes usually live in certain districts or areas within a community. As a result, their children attend schools that are predominantly all Negro.

Of late, there has been a slow shift in population trends. Some Negroes are moving to the suburbs. Others are entering public housing developments, on a biracial basis. Schools are getting a greater proportion of Negroes, under these circumstances.

A SURVEY MADE HERE

The result has been agitation by leading Negro groups to hasten integration. New York City is a prime example. The fight over integration is gaining momentum. Two years ago the board of education appointed a commission on integration to survey existing conditions and make necessary recommendations.

This last spring the six subcommissions reported to the board. Their recommendations covered such areas as community relations, zoning, teacher placement, and substandard school facilities. Two of the reports—those dealing with zoning and with teacher assignments—created considerable controversy.

The commission urged the school board to reevaluate its present policy on integration. It proposed that wherever possible, existing de facto segregation be modified. They urged that experienced teachers be assigned to the difficult all-Negro or predominantly Puerto Rican schools. And they asked that school districts be modified on the junior and senior high school levels to permit greater integration patterns.

MAJOR PROBLEMS FOR NORTH

The integration commission is not satisfied with the efforts by Dr. William Jansen, superintendent of schools, or the board of education, in implementing the recommendations. The commission will meet with Charles H. Silver, board president, early next month to air its grievances.

What are the major problems facing the Northern States on the desegregation issue? Legally, these States have outlawed segregation. The statute books insist that all children, regardless of race, creed, or color, attend the same schools. In practice, though, there are often gaps between what the law says and what actually takes place.

Recently the National Association for the Advancement of Colored People, New York State Conference of branches, presented a memorandum to Dr. James E. Allen, New York State commissioner of education, outlining the steps some communities take to circumvent the laws on segregation. The association charged that in some instances segregation had been preserved or extended by these means:

The manner in which school zone lines have been drawn.

The selection of sites for new schools.

The practice of permitting white children in predominantly Negro zones to transfer to other schools.

The failure or refusal to alter school zone lines to include white children attending overcrowded schools in proximity to all-Negro or predominantly Negro schools when the latter schools become underenrolled because of population shifts.

The practice of expanding schools in all-Negro or predominantly Negro areas to take care of increased Negro populations in these areas rather than alter school zone lines to permit Negro children to attend other noncapacity schools.

EMPLOYMENT OF TEACHERS

In addition to the de facto segregation, the charge is frequently leveled at northern school boards that they discriminate in the employment of Negro teachers. Some of the metropolitan suburban areas are gradually appointing Negro instructors. But thus far it is done on a token basis. A suburban school system will boast that it has employed one or two Negroes on its faculty.

A case is now pending in the courts to compel the Union Free School District 16, Elmont, Nassau County, N.Y., to employ a Negro teacher. Mrs. Dorothy Brown applied for a teaching post, but when it was learned that she was a Negro, the suit charges, she was not employed.

Whatever the outcome of the Brown case, it is well known that it is not so easy for a Negro to get a teaching post as a white teacher.

When some 500 Southern Negro teachers lost their jobs because of desegregation, school officials in this city suggested that they apply for positions here. Vacancies exist in junior and senior high schools.

That was 2 years ago. It now appears as if not a single one of the discharged Negro teachers found the way into the New York City school system.

New York is also plagued with law suits over its zoning laws. Two are pending in the courts, seeking to overthrow the district lines that separate all-Negro from white or mixed schools. Here the pupils were assigned to schools in their own district. But the suit charges that the pupils would be forced to go to inferior all-Negro schools. The parents say they are ready to transport their children to schools out of their district, and a mile or more away from their homes.

These suits are being watched with great interest by school officials as well as parents. Upon their outcome may well depend the speed with which this city ends de facto segregation.

But New York is not alone with its woes and integration headaches. Comparable problems exist in many major cities of the North.

In the Philadelphia school system, most schools are mixed. Where they are not, it is because of residential patterns.

Where schools are all-white or all-Negro, the teachers and administrators also are either all-white or all-Negro. There is some agitation for faculty integration but the board of education has rejected the request. It points to the peaceful and wonderful progress over the last decade. In the public schools where the pupils are mixed the teachers are, too.

The Philadelphia Teachers Association, a 6,000-member affiliate of the National Education Association, recently elected its first Negro, a woman, as its president.

Gov. George M. Leader reported on May 15 that a survey by the department of public instruction has showed that three Pennsylvania school districts practiced limited segregation of Negro pupils. The Governor threatened to cut off State funds and invoke legal sanctions against the districts unless segregation was eliminated. Governor Leader fixed October 1 as the deadline for compliance.

In Chicago and its surrounding area, the integration question is beginning to attract attention. There are four all-Negro high schools in Chicago and three others that have more than 90 percent Negroes.

The big problem the county school system faces is the placing of Negro teachers. Their numbers have been increased by migration from the South.

Of 10,000 teachers in the county districts, only 100 are Negroes; 60 of these are in one district—Robbins. Although Illinois law bars discrimination because of race, many districts do not hire Negroes.

Elsewhere in the State all-Negro schools exist because of residential patterns and in some cases because of traditions and habits. An example of the latter is in Cairo, where the Negro population is fairly evenly distributed in the community and children may choose their school. Although they have the option, Negro children continue to attend the schools Negro children have always attended.

The National Association for the Advancement of Colored People in Chicago is making a study to find means to end de facto segregation. Two workshop conferences on the problem have been held this month.

FACING THE PROBLEM

One suggestion is that integration would be promoted in Chicago by changing school districts to run from east to west instead of from north to south. Integration in high schools could be increased if the arrangements for feeding elementary school graduates into high schools were revised, it has been suggested.

A bill that would have required Chicago to redraw its school district lines was defeated in the legislature at the last session. Incidentally, the rezoning issue is giving New York City school officials their greatest headache.

The nonwhite population of Detroit is estimated at 360,000 out of a total population of 2 million. Here, as in the other northern cities, the most serious racial problem stems from residential segregation. As a consequence, Detroit has many schools with a great preponderance of Negroes and others with great preponderance of whites.

Although there is concern about this situation, there is evidence that the board of education and citizens groups are facing up to this problem. The Commission on Community Relations reports increased moves at various economic levels toward integrated housing patterns. If continued, this trend would mean more mixing in the city's schools.

In general, the situation in suburban communities is similar to that in Detroit. However, a few have maintained a lily-white status through tacit residential restrictions.

The Greater Cleveland school boards are confronted with many integration problems. A few Cleveland schools in predominantly colored districts have a 100-percent Negro enrollment. Others have from 5 to 70 percent.

In Cleveland's numerous suburbs, segregation is a matter of boundaries. In recent years Negroes have been moving in large numbers to the outskirts of the city, but with several minor exceptions have not succeeded in moving into the suburbs.

Despite the setbacks for integration in the North, one fact emerges clearly: segregation is not encouraged, nor is it the policy of the school boards. It is a community problem, based on the reluctant or even cynical acceptance, in some communities, of Negro residents. It is basically a residential pattern, which has concentrated the bulk of all Negroes within definite areas in each community.

But with this residential trend breaking down, and with a gradual spreading of Negroes into other districts, the question of school integration will assume growing proportion in the next few years.

As New York City has found, integration will not lie still much longer. The North, as well as the South, has learned that the Supreme Court decision of May 17, 1954, has left a host of still to be answered questions in its wake.

Mr. HOLLAND. Mr. President, to continue—with reference to the ratios of Negro teachers to Negro population in other States where segregation in education has not been in effect—the ratio for the great State of Massachusetts, to many the cradle of higher education, especially those of Harvard descent, is but two-tenths percent higher than New York's—2.8 per thousand, as contrasted with the 8.4 per thousand in the Southland.

California—which has the second largest number of public institutions of higher learning of all the States—and those, indeed, are institutions of the highest caliber which are doing a magnificent job of educating our young people—has a ratio of but 3.8 per thousand, compared to the 8.4 per thousand in the Southland.

To mention but a few more—Connecticut, the homeland of another great American university, Yale, as well as many other fine colleges—has a ratio of 3.2 per thousand. Ohio, 3.7; Michigan, 3.8; Pennsylvania, 3.8, also; Minnesota, 3.9; Illinois, 4.2. In each case, except for Illinois, the ratio is well below half the number found in the South, indicating a much greater opportunity for Negroes both for employment and advancement in the teaching profession which exists in the South.

I single out those I have mentioned merely to portray as clearly as statistics can, the situation which exists—and to show how forced integration of our public school system is injuring both the Negro teacher's chance to get a teaching position and to advance in his profession after he obtains it.

There are two other tables which bear directly upon this problem—to which I attach the greatest significance, Mr. President, and to which any fairminded person who really has his fellowman's interest at heart—would attach significance and be concerned about. I ask unanimous consent that these two tables be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Total Negro population, 1960, and total instructional staff of predominantly Negro schools and colleges in selected States and the District of Columbia, 1961–62

State	Negro population [1]	Instructional staff		
		Public schools [2]	Colleges [3]	Total
Alabama	980,051	8,959	593	9,552
Arkansas	388,140	3,262	167	3,429
Delaware	60,847	705	54	759
Florida	880,128	8,302	608	8,910
Georgia	1,120,999	10,705	723	11,428
Kentucky	215,402	1,400	64	1,464
Louisiana	1,038,668	10,030	759	10,789
Maryland	518,257	[4] 6,000	324	6,324
Mississippi	915,722	7,801	571	8,372
Missouri	390,574	2,542	104	2,646
North Carolina	1,114,970	11,719	1,163	12,882
Oklahoma	154,662	1,115	73	1,188
South Carolina	829,337	8,004	441	8,445
Tennessee	586,210	5,589	720	6,309
Texas	1,185,476	11,712	695	12,407
Virginia	814,134	7,762	711	8,473
West Virginia	89,393	849	197	1,046
District of Columbia	411,612	3,514	1,114	4,628
Total	[5] 11,694,582	109,970	9,081	119,051
Without District of Columbia	[6] 11,282,970	106,456	7,967	114,423

[1] U.S. Census of Population, 1960. Series PC(1)D, table 96.

[2] "Statistical Summary of School Segregation-Desegregation in Southern and Border States," Southern Education Reporting Service, Nashville, Tenn., November 1961.

[3] Unpublished data from U.S. Office of Education.

[4] Estimated by U.S. Office of Education.

[5] Ratio of Negro teachers to Negro population per thousand is 10.2.

[6] Ratio of Negro teachers to Negro population per thousand is 10.1.

Total, Negro population, 1940, and total instructional staff [1] of schools [2] and colleges [3] for Negroes in specified States [4] and the District of Columbia, 1943–44

State or the District of Columbia	Negro population	Instructional staff		
		Schools	Colleges	Total
Alabama	983,290	6,001	432	6,433
Arkansas	482,578	2,654	121	2,775
Delaware	35,876	253	45	298
Florida	514,198	3,341	184	2,525
Georgia	1,084,927	7,642	361	8,003
Kentucky	214,031	1,412	59	1,471
Louisiana	849,303	4,360	245	4,605
Maryland	301,931	1,757	85	1,842
Mississippi	1,074,578	6,499	173	6,672
Missouri	244,386	1,560	128	1,688
North Carolina	981,298	7,410	406	7,816
Oklahoma	168,849	1,475	101	1,576
South Carolina	814,164	6,007	281	6,288
Tennessee	508,736	2,980	295	3,275
Texas	924,391	6,590	394	6,984
Virginia	661,449	4,370	401	4,771
West Virginia	117,754	999	120	1,119
District of Columbia	187,266	1,243	341	1,584
Total	10,149,005	66,553	4,172	70,725

[1] Includes; for schools, teachers, supervisors and principals; for colleges, instructional and administrative staff.

[2] Public day schools.

[3] All institutions of higher education.

[4] States having separate educational systems for Negroes.

Sources: Second column—U.S. Department of Commerce, Bureau of the Census, Statistical Abstract of the United States, 1947, p. 20. Third column—U.S. Federal Security Agency, U.S. Office of Education, Biennial Survey of Education in the United States, 1942–44, ch. II, Statistics of State School Systems, 1943–44, p. 71. Fourth column—Unpublished data obtained from the Research and Statistical Service, U.S. Office of Education.

Mr. HOLLAND. Mr. President, these tables—prepared for me by the Office of Education, show, according to the 1960 census, that the Negro population in 17 Southern States and the District of Columbia, has increased from 10,149,005 in 1940 to 11,694,582 in 1960—an increase of 1,545,577, or 15 percent.

But—and this is the significant point, Mr. President—the number of Negro teachers who are teaching in predominantly Negro institutions in those 17 States where segregation of educational institutions has been the custom, and including the District of Columbia which the Bureau of the Census includes in its tabulation, the number of teachers in those States has increased from 70,725 in 1943–44, the year for which the teaching data was first compiled—to 118,906 for the latest year for which the data was compiled, 1961–62. This, Mr. President, is an increase of 68 percent, as compared with the 15 percent increase in population.

The first table was prepared for me by the Office of Education in 1948. It was first inserted by me in the CONGRESSIONAL RECORD of May 13, of that year.

The second table was prepared for me by the Office of Education just a few days ago, on March 6. It is identical to the first—the same States, and the same categories of institutions and instructional staffs.

As I have mentioned, the District of Columbia is included in the geographical category in these lists of Southern States where the great increase in Negro teachers in relation to Negro population has occurred during the last 20 years—and during which time the Supreme Court made its fateful decision which forced integration down the throats of those very States where the Negro teacher has benefited most.

As the Office of Education compiles statistics on instructional staffs on a slightly different basis than does the Bureau of the Census, as will appear from the lists I have already placed in the RECORD, as well as on a different geographical basis, its ratio of Negro teachers to Negro population for the 17 Southern States and the District of Columbia is slightly higher than that of the Bureau of the Census—10.2 for 1961–62, for every 1,000 of Negro population.

Its report for the same group of Southern States in 1948 showed a ratio of 7 per 1,000 population, including the District of Columbia.

For the 31 other States in the Union at that time, the 1948 report showed a ratio of Negro teachers to Negro population of 1 teacher per 1,000 population.

As stated earlier in my remarks, the Bureau of the Census shows a 1960 ratio for the other 33 States in the Union today, of 3.7 per 1,000 population.

Mr. McCLELLAN. Mr. President, at this point will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield for a question.

Mr. McCLELLAN. I seek clarification. I may have misunderstood the Senator from Florida; but did I correctly understand him to say that in the States—other than those in the South—to which the Senator from Florida has been referring, the ratio of Negro teachers to the population is only approximately 1 per 1,000?

Mr HOLLAND. That was based on the 1940 census, as shown by the 1948 report.

Mr. McCLELLAN. What was the ratio in the Southern States?

Mr. HOLLAND. Seven per thousand, or seven times greater, at that time. Today it is more than twice the number in the North. In both areas, the number of Negro teachers has increased, although, as to the actual numbers, it has increased more greatly in the South. As to the ratio, it has increased more greatly in the North. But still the rest of the Nation, other than the South, has a good deal less than half the opportunities for Negro teachers to be employed and to gain advancement—as shown by the tables I have introduced in the RECORD, prepared either by the Office of Education or by the Legislative Reference Service of the Library of Congress.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield for another question?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. Would the statistics the Senator from Florida is citing be indicative of the fact that, with respect to the selection of schoolteachers in the South and the selection of schoolteachers in areas other than the South, there has obviously been greater discrimination in the North against those among the Negro race in the teaching profession than there has been in the South?

Mr. HOLLAND. There has either been greater deliberate discrimination, or less opportunity has been afforded—whichever reason the Senator wishes to state. This situation has shown a greater unwillingness in the other States to allow Negro teachers to be employed—less employment opportunities for them than those which have existed over a period of many years in the Southland.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield further to me?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. Why cannot we accept both reasons, instead of singling out only one, and let those who are able to do so, and who have some ability, I believe, make an explanation as to why such conditions obtain, and point out which is the real cause or justification for them?

Mr. HOLLAND. That is a fair suggestion, and I am perfectly willing to have them point it out. But I must say that the most distinguished Negro educator I have ever known, and whom I shall quote a little later, has said to me, personally, several times, that complete integration and desegregation of the public school system at all levels would be the greatest disservice which could ever be done to Negro people who wish to teach and who have qualified themselves to teach.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield for another question?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. Is there any reason why those in other States cannot correct that condition without the enactment of this so-called civil rights bill? In order for them to have authority to do so, is it necessary that this bill be enacted?

Mr. HOLLAND. Of course, as the question the Senator from Arkansas has asked indicates, they already have authority to correct that situation; and if they want to show an equally fair attitude and if they wish to provide an equally great opportunity for the Negro educators, there is the place where they can begin to do so. The article by Dr. Fine, which I have placed in the RECORD, made it clear that in the border States, which were the first to be affected by the 1954 decision, there had been a sizable displacement of Negro teachers, because even in those States the school officials and the boards of education are composed of white persons who will be responsive to the wishes of the white people; and the Negro teachers were the first to be affected by that decision. But when those teachers came to New York, by invitation of the New York Board of Education, to obtain employment, after 2 years—so Dr. Fine says, I am quoting him—not one of them had been given employment in the New York public school system.

Mr. McCLELLAN. I thank the Senator from Florida. It is significant that those who are insisting upon the passage of this bill should be at least—if they come in good faith—measure up to the same level of achievement that we in the South have been measuring up to in this area, before they insist that we are the ones who are discriminating against and oppressing the Negro race. First they should come with clean hands and should show their own good faith, by exercising the authority and powers they now have to correct this condition in their own States.

Mr. HOLLAND. Of course I agree completely with the distinguished Senator from Arkansas.

However, I am not trying to tell others what they should do. I hope their fairness will be such that they will realize the complete inadequacy of their own showing, as compared with the showing which has been made in the South, and that, being fairminded, they will address themselves to the provision of increased opportunities within their own areas.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield further to me?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. I am not trying to tell anyone else what to do; but I point out that those who seek the passage of the proposed legislation, and are attempting to tell us what to do, have not measured up to their own responsibility to reach the same level of accomplishment and achievement that we have reached, even though they have the authority and the power to do so if they wish to.

Mr. HOLLAND. Of course, that is correct. The law of those States requires integration. The fact remains that the Negro teachers have not had opportunities to gain employment in those

States. There is no question about that point. Those are the finest statistics that are available. An infinitesimally smaller opportunity for employment as well as for advancement exists—and I shall deal with the question of advancement in a moment—in the rest of the Nation outside of the South. I thank the Senator for his comments.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I gladly yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Will the Senator inform the Senate the proportion of Negro teachers to white teachers who are teaching in desegregated white public schools in any of the Southern States?

Mr. HOLLAND. The segregated white public schools have white teachers exclusively. The segregated Negro schools have Negro teachers exclusively.

The point I make is that under that system there is much greater invitation to service; there is much greater opportunity for employment; there is much greater opportunity for advancement; and there is much greater opportunity to gain eminence in their profession given to Negroes who have trained themselves for a life's vocation in the field of education.

Mr. PROXMIRE. Is it true that what the Senator is saying is that the way to provide educational opportunities for teachers is to have a segregated system, so that if it is found that any group—whether the group consists of Italians, Poles, or any other nationality—is not represented in the teaching profession in the same proportion as the rest of the population, that group should be segregated and told that only people of that race or a certain particular identity would be allowed to teach pupils who were of the same race and of the same identity?

Mr. HOLLAND. No; that argument would not follow at all, because generally the people in the groups which the Senator has mentioned are members of the Caucasian race. They are found in all the white schools both in the South and elsewhere.

The point applies to Negroes. Dr. Conant has made very clear in his book that the real problem in the North is with the Negro who lives in the slums and the great concentrated residential areas.

I am seeking solely to show that the Negroes in the North have not found a door open to them when they have trained themselves for years to be educators. They have not found that door open to them in the so-called integrated universities and colleges in the North either. As I shall show later, when they have been applicants for training in the learned professions—such as medicine or dentistry—most of them have had to come either to Howard University in Washington, which now claims to be integrated—we all know what the situation is there—or to Meharry in Nashville, Tenn. The last figures that I saw indicated that practically 90 percent of the doctors and dentists of the Negro race serving in our country were graduates of one or the other of those two institutions.

Mr. PROXMIRE. I agree that the Negroes should be given more opportunity everywhere. But the sad and pathetic fact is that the Negroes have not had an opportunity to obtain the kind of training in the North that in many cases would give them the necessary qualifications to teach in integrated schools. In the South, they are not allowed to teach in the white schools. Their only opportunity to teach is in the Negro segregated schools. So we have a situation in which the teachers in the Negro schools in the South have not really had an opportunity to develop the kind of qualifications which would enable the pupils to get the kind of education and training which, as American citizens, they deserve to have and should have if they are to have equality of opportunity.

Mr. HOLLAND. I am glad that the Senator has asked that question, because it is founded upon a predicate which I have been insisting upon; namely, that the opportunities for education under the integrated system have proved to be not so good insofar as Negro children are concerned. The Senator in his questions has twice admitted that fact. That is the point upon which he predicates his position.

Mr. President, in Florida—and I can speak now only for my own State, although I believe the situation obtains generally—the Negro and white teachers must stand exactly the same examinations. Certification gives them certain standards, depending upon how they pass the examination, and also what their educational background and experience have been. Teachers in the State of Florida are paid exactly the same, whether they are white or black. Their pay depends entirely upon their status. It depends upon where they are certified, their stature as educators, and what college or university training they have had. No other distinction under our law is permitted. The only distinction that is made—and I believe it is a salutary one—applies to Negroes who wish to serve their own race. Incidentally, Negro teachers are very highly regarded by their own race. They are regarded almost as missionaries to their own people. I am sorry to say that teachers in Negro schools in the South generally are more highly regarded by their own people than white teachers are regarded by members of the white race. Of course, they like to teach in their own group. Many of them are as dedicated as missionaries in foreign fields. They are trying to raise the standards of their own people, and they regard themselves as dedicated people. My hat is off to them because they have shown that quality. But so far as their rate of pay is concerned, it is identical with that of the white teachers, depending upon their status, their certification, and their education and experience.

Mr. PROXMIRE. Mr. President, I should like to ask the Senator another question or two about his reference to the book by Dr. Conant.

Mr. HOLLAND. Yes. Has the Senator from Wisconsin read the book?

Mr. PROXMIRE. Yes, indeed. It is an excellent book. It is one of the great books of recent years.

I should like to ask the Senator if it is not true that when President Conant, and also Mr. Alsop, took a position on the assignment of students to various schools in order to overcome racial imbalance, they were taking a position which was completely in accordance with the bill. The last 2 lines on page 13 and the first 2 lines on page 14 of the bill specifically state:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That statement is four-square with the implications of the whole argument, as I understand, which the Senator from Florida has been given from both Mr. Alsop and Mr. Conant. They indicated that the transfer of students around within a city by bus so that some of the de facto segregation could be overcome, would not solve the problem. The bill not only does not attempt to do so, it explicitly defines desegregation to exclude that.

Mr. HOLLAND. If the Senator will read the report in the House of Representatives, he will find that at one or more places it is stated that the very use of the word "discrimination" is interpreted by many to mean what the Senator is talking about—the removing of imbalance. Those words were stricken from the administration's bill, and the provision which the Senator has read was put in the bill. It did not satisfy Members of the House that imbalance was removed from the coverage of the bill.

Mr. PROXMIRE. Does not the Senator agree that the language is clear?

Mr. HOLLAND. The language seems reasonably clear. But the fact remains that many Members of the House felt that the courts are interpreting the question of discrimination in a certain way. If the Senator has read the debates that took place on the floor of the House of Representatives and has read the report, he knows that the very use of the word "discrimination" and the understanding of what that word implies are broad enough to include the question of imbalance and the question of enforced redrafting of district lines.

Mr. PROXMIRE. Is it not also true that the heart of the Conant book was the point that what the Negro student needs more than anything else is motivation based on the pride of really belonging. There is a lack of motivation in the home. There is lack of motivation in the entire society. There is lack of motivation in the schools.

Mr. HOLLAND. That was certainly a very important point made by Mr. Conant. But, as I read his book—and I read it several times—the main point that he makes is that the people in the great cities—and, as I have studied the question, it has happened only in the great cities of the North, though I am not pretending to say that we may not find the same situation in some of the great cities of the South—the schools in the slum areas, many of which were wholly Negro, or most of which were predominantly Negro, were not sufficiently well supported. He said that they needed new buildings, new equipment, and new teachers. They did not need to be under a system under which the teachers tried to graduate from the slum schools as quickly as they could to get into richer districts where they could be paid more and living conditions were better.

The Senator cannot read the book without recognizing that the point which the Senator makes and which Dr. Conant makes is well taken. Bettter motivation of Negro youngsters is desirable; not only for Negroes, but for white people living in a modest status which requires them to live in slums. Also those schools should be more generously supported. Mr. Alsop, in his column, said they must be more generously supported.

I am calling attention to the fact that there is something that can be done by people who are perhaps looking away off yonder and not seeing what is happening in their own areas. I do not think anyone would suggest that the States of Connecticut or New York or Illinois, for example, could not do more for their schools in slum districts if they cared to do so. The point has been made that it has not been done. That is the main point in Dr. Conant's book, and in Mr. Alsop's two columns, which I have placed in the RECORD.

Mr. PROXMIRE. Is the Senator familiar with the name of Dr. Shepard, the famous Missouri school superintendent?

Mr. HOLLAND. I have heard of him.

Mr. PROXMIRE. In a St. Louis school district which was overwhelmingly Negro under his jurisdiction between 1957 and 1963 Dr. Shepard instituted reforms in which he brought about the opportunity for Negro parents and Negro students to get a feeling that they belonged to society, that what they did really mattered, that they could have economic hope, that they had a future, and to get a feeling that if the students studied hard at home, planned their time, were conscientious in their schoolwork, they would advance.

The showing in that particular school district was almost magical. Whereas in 1957, the statistics showed the school district was far below average, as shown by the Iowa tests, by 1963 the results showed remarkable improvement all along the line, pulling the schools in this district up to a level comparing very favorably with students throughout America.

This showing was based on a solid motivation developed in parents and teachers and students. It took tough, painful, hard work, but excellent results were shown when Negroes were motivated to the point where they felt they had a place in society, and when they knew they could move into the whole society of America, and belong to America as a part of the whole society.

One part of this wonderful Shepard story is that adult Negroes who had succeeded in life as business and professional men, came into the schools to speak with the students and parents there. Once the students and parents had the understanding and belief that with hard work that they could succeed, they were able to move ahead. This was a school district that has been legally desegregated. What helps a great deal in such a situation is when the community gets behind it, when there is a feeling by a student that he is of some value, that he does not have to go to schools where there are only Negro teachers, when a student has an opportunity to consider that he himself is a part of the human race, that he is a part of all the American citizens.

That is a part of the motivation in helping to give these people the kind of drive and determination needed to move ahead.

That, it seems to me, is a part of the thrust of title IV of the civil rights bill.

Why is it not a very modest, simple procedure to provide for assistance to districts that want to desegregate, to help provide an additional motivation on the part of both teachers and students?

Mr. HOLLAND. There are two fatal defects in this title so far as the Senator from Florida is concerned. The first is the open-end appropriation provision. The bill, if passed, would authorize the appropriation of countless billions of dollars with no limitation whatsoever so far as I know. That is one objection.

The second objection is to giving the Attorney General the right to file injunctions in this area, which is so close to the home and to the parents and the whole community, upon his own finding that there exists a case in which he should do it, upon his finding that the complainants themselves might be prejudiced—that is one of the grounds—if they brought the suit themselves.

There is a separate provision that there shall be no review by any court of that decision. I object to that.

There is a further provision that criminal contempt proceedings would lie, and that there would be no jury trial. I object to that.

The Senator will not find that specific language in the provision, but he will find ample reference to the use of injunction, and he will find the basis for the use of injunction in this field upon the sole finding of the Attorney General.

One of the features of the bill provides for the use of injunction, and the use of criminal contempt proceedings, without jury trial, the accused person to be tried by the very person who has sought to hold the accused in criminal contempt.

I do not approve this particular title for those reasons.

There is one feature in the title I could approve, and that is the matter of technical assistance to districts that might want to better their conditions. I would want to see that provision enacted into law.

Mr. PROXMIRE. That is most heartening. That is the main thrust of the title.

Mr. HOLLAND. That is a very minor part of the title. If the Senator would reduce it to the point where it meant only that the Senator from Florida, as the one who is handling that title on this side of the question, would have nothing further to say about the title. But this provision is all-pervading. It covers the whole front of the schools of the South——

Mr. PROXMIRE. With reference to section 407, with respect to suits to be brought by the Attorney General, is it not true that the typical Negro family does not have the $20,000 or $30,000 it takes to bring a lawsuit; that unless language is provided for the Attorney General to bring a suit when he receives information, the provision will not amount to anything? When it is said that impoverished families can bring a lawsuit, what does it mean? The overwhelming majority of the families affected have limited means and money, many are actually poverty stricken, and they could not dream of bringing a suit; whereas the Attorney General has the means to do it.

Mr. HOLLAND. The Senator has not read it all. If he will read the words that go beyond the point he has referred to, he will see that the Attorney General is authorized to bring a suit on his own finding that complainants might be injured economically or otherwise if they brought the suit.

I cannot agree that the Negro people of the United States have shown no capacity to bring suits, because they have brought suits right and left, on every hand; and they are pending in various courts.

I am still saying that the objections I have in mind are the 2 major ones I have stated. So long as those provisions are in the title, I shall object to it. So long as the title exists in its present form, I must oppose it as vigorously as I know how.

Senators who have said that Negroes have no pride or motivation and do not know where to turn do not understand the situation. I was present last Saturday at Sarasota, Fla., at the annual pageant where old King Neptune is supposed to come up out of the water and, with his train, parade through the streets. I was one of the people in the train. Two of the finest performances I saw were by 2 Negro bands, one from the high school at Sarasota and the other from the high school at Palmetto, Fla. If the Senator from Florida ever saw a look of pride and joy on youngsters' faces, and a willingness to stand up and be counted as American citizens, it was shown by those some 200 Negro youngsters who were in the bands and their majorettes. I did not see any lack of it in the strutting anywhere. The Senator does not know what the situation is in the South.

I wish to go a little further. The Florida Agricultural and Mechanical University at Tallahasse, Fla., has an enrollment of nearly 3,000 Negroes, and not a single white. The staff is completely Negro, from its president on down. It has a great hospital to which Negroes from all over the State go when they have something seriously wrong with them. The school has engendered such respect from the Negro people in my State, that I do not believe there is a Negro in Florida, no matter how much of an agitator he may be in this field, who would wish to give it up. They have won the football championship time after time after time among the Negro schools in the Nation. They have a coach named Jake Gaither who has won the title of "outstanding coach" several times among the small colleges of the Nation. They have developed very fine people who have reflected credit upon themselves and the State of Florida.

For example, Althea Gibson came down from New York to Florida to be trained, among other things, to eventually become the greatest tennis player in the world. Willie Galimore, who plays for the Chicago Bears, a few miles from where the distinguished Senator from Wisconsin lives, received his training in Florida. Other Negroes on professional football teams have attained a high level of excellence. Bob Hayes, who won all the dash races in the recent invasion of Europe by our own carefully selected American track team, and only the other day broke the world record in Madison Square Garden for the 60-yard dash in an indoor affair, is likewise a product of that institution.

They have the finest band one could possibly imagine, a band which is in demanded everywhere to take part in Florida State fairs and also fairs outside the State. They engage in a football game each year in Miami, which is roughly 500 miles from there. I believe it is called the Orange Blossom Game. They play the best Negro teams in the Nation. Negroes have made the finest record for themselves, and the high standard is gratifying to them. People from many States come there not only to see a football game, but to see the great band perform. The Negroes are proud of their school and of themselves, and of the fact that they have an opportunity to show what their race can do.

If anyone believes Negroes do not take pride in their race, he does not know the facts.

Zora Neale Hurston, who wrote a best-seller not long ago, made it clear that her own father had never been fully accepted by her mother's family, who were full blooded Negroes, because he was a mulatto. They were proud of their race. Zora Neale Hurston I happen to know rather well, because one of her best books is dedicated to my own wife, and my wife is proud of that. And so am I.

So, I hope no one believes that the Negro people, particularly in the Southland, do not take pride in their race, do not wish to preserve their race pure, and do not wish to be given the opportunity to show what they can do.

When I was Governor of Florida during World War II, a group of about 30 of the most distinguished Negro citizens of my State came to visit me to ask that they be allowed to carry on separate civil defense activities in the cities where there were large Negro populations, for the sole purpose of showing what they could do through their own race and through their own efforts. They made a fine record, which I commended repeatedly, and which all the good citizens in our State commended.

They turned out auxiliary police and firemen so that on weekend vacations when some of the many thousands of Negro troops that were being trained in Florida would go to the cities, these auxiliary police serving without compensation, supplemented the regular police, who were Negroes, and helped to uphold the authority of those who were enforcing the law. The auxiliary firemen also helped the police patrol the beaches. Every foot of the beach needed to be patrolled, because enemy submarines were just offshore. The Senator will perhaps remember that subversives were landed on the coast of Florida. Some of those subversives, I believe, were caught later in various places—the last one in Washington. The Negroes played their part in that operation. They asked to be able to do it alone and independently so that they could show that they were good Americans.

So anyone who believes that they do not have motivation must live in a part of the country with which I am not familiar, because in my State they do have motivation. They are proud of their race and proud of the record their race is making. And I am proud of the record they are making in my State.

So far as I am concerned, while I agree with that motivation, the sense of being wanted, the sense of being proud of one's status is a necessary ingredient—for whites, for Negroes, or for anybody else.

Mr. COOPER. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield.

Mr. COOPER. I should like to propound a question to the distinguished Senator from Florida. First, I do not wish to question the statements he has made about the quality of Negro schools in the South. I am not familiar with the schools in every State, but I would accept the judgment of the Senator from Florida, who has been Governor of Florida, about the quality and the condition of Negro schools in Florida.

From my observation in my own State of Kentucky, we have many Negro schools, or did have, which maintained in the quality of their facilities and plants conditions equal to those afforded white students. I agree with the Senator that the Negro teachers compare favorably in their dedication and ability to white teachers.

On one occasion, 3 or 4 years ago I spoke in Tuscaloosa, Ala., the seat of the University of Alabama. The mayor of that city was Mayor Van Tassel. I was interested in his name, and when I questioned him, he told me that he was one of the Van Tassels from the Hudson River, but he had decided to settle in Alabama. He was a very able and fine gentleman—with a good southern accent.

He showed me the Negro schools in Tuscaloosa. In some cases they were superior, in their plants and facilities, to those existing in white schools.

But, assuming the Senators premise to be correct this is my question: Is it not correct that the argument the Senator is making is one of the arguments that was made before the Supreme Court in the Brown against Board of Education case and later in Cooper against Aaron. The Supreme Court took all such arguments into consideration, and after lengthy hearings, which included consideration of the Senator's main argument, the Court reached its decision that enforced racial segregation in public schools of a State was a denial of equal protection of the laws prohibited by the 14th amendment.

Mr. HOLLAND. No; it did not reach that decision, if the Senator will permit me to interrupt him at that point. The decision reached was that no Negro child could be prevented from attending a publicly financed school by reason of his race, but by no means did the Court hold that there should be a complete end of either Negro schools or white schools. The whole question revolves around what the citizen will tolerate, what the citizen wants, and what the citizen prefers.

So if the distinguished Senator from Kentucky would reread those two decisions, he will find that to be the case.

Mr. COOPER. It is not true that the argument the distinguished Senator is now making was one of the arguments considered by the Supreme Court, before it rendered the Brown decision?

Mr. HOLLAND. I believe that is correct, and I believe that the Court in rendering the decision ruled in substance, that no Negro child should be deprived of the right to attend a publicly financed institution of learning by reason of his color. I stated on the floor of the Senate that the decision of the Supreme Court should be obeyed; and I also stated, under very difficult circumstances, when other States in the South were affected, that it should be obeyed. The scope of the decision was not as broad as the Senator from Kentucky believes, because it merely said that no Negro child should be deprived of the right to attend a publicly financed institution of learning by reason of his color.

That is what was held.

Mr. COOPER. I will read what the Court said in *Cooper* v. *Aaron*—358 U.S. 1, at page 4—in referring to the Brown case. It is a very short statement, consisting of only one sentence.

> That holding [in the Brown decision] was that the 14th amendment forbids States to use their governmental powers to bar children on racial grounds from attending schools where there is State participation through any arrangement, management, funds, or property.

Mr. HOLLAND. That is what the Senator from Florida has been saying.

Mr. COOPER. That is what I have said and it is the holding of the Supreme Court. With all due respect to the argument of the Senator from Florida the Brown decision and subsequent cases present many facts concerning the condition of Negro schools in the South. Nevertheless, existing conditions in those public schools cannot affect the validity of the decisions of the Court.

Mr. HOLLAND. The Senator from Florida would freely grant that. The quotation shows that the Senator from Florida is correct. The Court has held that the State cannot by State law bar a Negro from attending a publicly financed school.

Mr. COOPER. The decision goes further than that. A few days after the first Brown decision, the Court rendered a decision in which it determined the means by which its first holding should be carried into effect. In the second decision it was declared that desegregation of the schools was to take place as quickly as possible. The phrase employed was "with deliberate speed." Every board of education in the United States that had not done so, was directed to take steps to make effective the basic holding of the Brown case.

Mr. HOLLAND. Which means that every State had to remove any legal prohibition against a Negro child being banned from attending a publicly financed school by reason of his race. That is as far as it went.

Mr. COOPER. That is correct. Since then the Supreme Court has gone even further in several cases and held that if a State in any way fails to act, or if a board of education, as an instrumentality of the State, fails to act, or if it is clear that constructive steps are not being taken to remove segregation in the schools, that the courts have the right to step in and act, so that existing obstacles may be removed.

Mr. HOLLAND. Yes; the Court has held that Negro children who say they are being kept out of a publicly financed school by reason of their race shall have the right to be admitted. There is not the slightest shadow of doubt that every public school, regardless of whether such a complaint is made, must recognize the decision.

I believe this news item will give some light on the subject. I have spoken about the superb quality in many areas that Negro education provides in the South. I have just had brought to me a UPI ticker tape. I should like to read a part of it at this point:

> CHICAGO.—Segregated high schools in the South may be superior in many respects to northern segregated or interracial schools, a Michigan State University psychiatrist said today.
>
> Negro youngsters in southern segregated schools "place a higher emphasis" on academic pursuits than do their northern counterparts, David Gottlieb said in a speech prepared for a meeting of the American Orthopsychiatric Association.
>
> Part of the difference, he said, was in classroom methods and the identification of the Negro students with teachers of their own race.

This is a trained educator from Michigan State University.

Then the ticker tape item continues:

> "The all-Negro schools found in many of our northern innercity areas are not achieving the kinds of goals which we hold to be of importance in the formal educational process," Gottlieb said.

If that does not bear out what Dr. Conant said, what Mr. Alsop has said, and what I have just said, I would not know how to bear it out.

Mr. COOPER. I was not questioning the Senator's statement about the quality of Negro schools in the South. I have already discussed the quality of public schools in my State of Kentucky, which is at least a border State. I am not questioning the suggestion that in some northern States Negro teachers may experience discrimination. I would even go a little further and say that I have heard some Negro teachers express concern that as a result of desegregation, in public schools, they might lose their position as teachers.

Mr. HOLLAND. That bears out my experience.

Mr. COOPER. But even if we assume the facts to be as stated, it still does not reach the problem. The quality of Negro schools cannot be used as an argument against the decision of the Supreme Court that desegregation of public schools must take place.

Mr. HOLLAND. The Senator from Florida freely admits that when there is a complainant of that race who wants to get into a publicly financed school under the law now announced by the Supreme Court, he is entitled to admission. That does not mean that every one of that race who wants to be admitted would be admitted.

Every one of the cases the Senator has mentioned is a case in which a complainant or complainants were before the court, and in which the decision of the court applied to the particular complainants.

Mr. COOPER. I am not questioning that. Whenever there is an action in court someone must file a complaint. This section of the bill would not change that principle or procedure.

Mr. HOLLAND. I do not believe that the Negro parents of my State would be willing to give up the Florida Agricultural and Mechanical University, which has an enrollment of nearly 3,000 Negro students, some of them from our State, and a great many from other States, who come there because of the superior advantages they find there. I do not believe they would give up the high schools which are located within their own residential areas and which are producing fine, trained youngsters, with pride and determination to move ahead. I believe that the vast majority of Negro people in my own State—I have talked with a great many of them, and I am not speaking recklessly—would much prefer to see the agitators stop their agitation, and see their children continue to receive training under people of their own race, with other youngsters of their own race, and move ahead to the finer life which is open to them only if they can continue with their education, but which they think will not be open to them in integrated schools.

Recently I read a very fine article in the Progressive magazine. I have it somewhere in my file. I am sure no one can claim that the Progressive magazine is a conservative publication. The article was written by a learned writer, whose article was felt to have sufficient merit to be printed in that magazine. The writer stated that it was basically unfair to Negro children to have them put into integrated schools with predominant or great majorities of white children, because he thought they would get the idea that that meant they were going to be admitted to white society, whereas he knew perfectly well that that was not going to be the case, and that disillusionment was as sure to come as the day when they graduated, and that he felt it was a great disservice to the Negro children to have that done. There is much to be said for that point of view. I should like to have my friend consider it.

Mr. COOPER. I have read the Brown case many times. My conception of the Brown case is that it provides that a State may not, in any way or by any means, enforce segregation in a public school.

Mr. HOLLAND. The Senator means in a publicly financed school?

Mr. COOPER. That is correct. We know that if a Negro child chose to continue attending a Negro school that he would be free to do so.

Mr. HOLLAND. There is no prohibition against the State continuing Negro schools under that condition.

Mr. COOPER. No. If they want to go to that school, that is their right.

Mr. HOLLAND. That is correct.

Mr. COOPER. If school districts are fairly arranged, and not gerrymandered, I do not see why any child should be compelled to attend a school in some other school district merely to prove or show that desegregation has taken place. But I believe that the Brown case holds that a positive effort toward desegregation should be made. The court outlined the method by which desegregation should be implemented. We are aware of the practical reasons why court actions to enforce desegregation have not been more successful. It is because parents of Negro children either do not have the funds to go into court or because conditions may prevail in a particular State which make it very difficult for them to bring a court action, even when funds may be available. The purpose of section 407 in the bill is to offer to such a child who wants the protection of the 14th amendment, as expressed in the Brown case, and who chooses to attend a desegregated school, the authority, the power, and the financial support of the United States to secure what the Supreme Court has said are his constitutional rights. I see nothing wrong with that. I will go further. I think this section of the bill is right because, if a parent wants to secure for his child this constitutional right, then the Congress has an obligation, under the second section of the 14th amendment, to enact appropriate legislation to enable him to do so.

Mr. HOLLAND. The point I make is that the vast majority of Negroes with whom I have talked, and I believe also the vast majority of them in my State, much prefer to have their children associate with their own, to be taught by their own, and to have the group pride of attainment which comes through that course. They are by no means content to go in large groups to the white schools, I wanted to inject that idea, about which we are hearing much under that system. That seems to be the opinion of the learned educator from Michigan, whose statement just appeared on the news ticker at a very happy time, so far as I am concerned, and which I have just asked to have printed in the RECORD.

Mr. COOPER. I believe that all our Negro citizens want to know that whatever choice they may make about attending a desegregated school, within a proper school district or about voting, or about going into places of public accommodation, is that they will be able to do so if they so choose. I have limited my remarks to these three choices because they involve rights protected under the 14th amendment and are matters specifically mentioned in the present bill. I think a Negro citizen wants to believe, just as I want to believe, that whether he exercises his choice to attend a desegregated school or not, that he will have the right to do so. I think that is what Negro citizens are seeking. They want to know they have the right if they choose to exercise it.

The greatest problem is that no matter how many Negroes want to make that choice—and the Senator from Florida says the majority do not—that if there is but one who wants to make that choice, we must assure him that he will be able to do so.

Mr. HOLLAND. Does not the Supreme Court decision give that assurance?

Mr. COOPER. It does protect that choice in public schools, in its basic decision. We must implement that decision but the problem we are dealing with is that implementation has been refused in some areas and has not been undertaken. Ten years have now passed since the Brown decision became the law of the land.

Mr. HOLLAND. The courts are still open.

Mr. COOPER. Yes.

Mr. HOLLAND. And they will remain open.

Mr. COOPER. Yes; but we cannot simply ignore these decisions.

Mr. HOLLAND. I must bow to what the Supreme Court says the 14th amendment means. But I smile every time I think of its ruling that the 14th amendment was designed to take care of the school integration matter, when I know so well, as does the distinguished Senator from Kentucky, that the same Congress that submitted the 14th amendment to the people for ratification established a desegregated school system for the District of Columbia. There could be no stronger showing than that those 2 actions had different meanings. But the Senator from Kentucky and I must go along, even though smiling, with that decision, which is as far from the motives of the Senators who submitted the 14th amendment as it is possible to be.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. I have been interested in the colloquy between the two distinguished Senators. I emphasize that Negroes not only have the right to have a desegregated school and send their children there, but also the right to send them to an integrated school. That is being insisted upon. Where is the equity in that position, when we say to the white person: "I do not care what you want. You must take integration."?

That is the force of the argument to which we have just listened. I have heard it said in the Chamber that the Negro should have the right to send his child to a Negro school. But when a white person says: "I would like to have the same right," he is said to be discriminating.

Notwithstanding all the admissions, facts, and statistics that the distinguished Senator from Florida has cited, and assuming them to be true for the sake of this argument, I would go further and say if they are true and that assumption prevails, certainly the Supreme Court decision of 1954 was a great disservice to the Negro race. If we can continue to point that out and enlighten the country, perhaps some day we may return to the basic rights, liberty, and freedom of the American people.

Mr. HOLLAND. I thank the Senator for that comment. It would seem logical that if, under the argument of the distinguished Senator from Kentucky, a Negro child should have the right to stay in a segregated Negro school, and if he chose to do so—as I think the vast majority of Negro children do—or to go to a formerly white school, it would be somewhat illogical and unjust to leave the decision of the question whether the white child can go either to a segregated school or an integrated school, to the agitator of the Negro race, who alone has brought these suits.

Mr. McCLELLAN. That is correct.

Mr. HOLLAND. In addition, Mr. President, it must be borne in mind that in 4 of the 17 Southern States hereafter listed, the Negro population has declined since 1940.

I am glad the Senator from Arkansas is present, because there is an outstanding instance of that in his own State.

For example, in Arkansas the Negro population has declined from 482,578 in 1940, to 388,140 in 1960—almost 100,000—whereas the number of Negro teachers has increased from 2,775 to 3,429—indicating anything but an ignoring of the rights of the Negro children educated in that State.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. If I correctly understand the statistics for the period from 1943 to 1962——

Mr. HOLLAND. They are for the period from 1940 to 1960; we have to take the figures prepared by the Census.

Mr. McCLELLAN. Very well. As I understand, in the 20 years between 1940 and 1960, the population of Arkansas decreased by 94,438—nearly 100,000; but during the same period of time, the number of Negro teachers in the public schools in Arkansas increased by 608—even while there was a population loss of nearly 100,000.

Mr. HOLLAND. According to the statement made to me by the Bureau of the Census—and I have placed that statement in the RECORD—the figures show that the number of Negro teachers in that period increased from 2,775 to 3,429.

Mr. McCLELLAN. That is the overall figure. I was coming to the breakdown.

I said that in the public schools there was an increase of 608 in the number of Negro teachers. In the colleges, the change was from 121 to 167—or an increase of 46.

In the overall situation in that period of time, notwithstanding the loss of one-fourth of the Negro population in the State, the number of teachers in the Negro schools increased by 654—or an increase of one-quarter in the number, although in that period the population decreased from 482,000 to 388,000

Mr. HOLLAND. That is correct; and that is in accordance with the statistics provided by the Bureau of the Census.

Mr. McCLELLAN. But the agitators on the other side of the question challenge the South and charge that it is oppressive to the Negroes. However, this is a record which I challenge any State in the Union to excel. I do not think it can be excelled. Not only is this true with respect to increasing the number of Negro educational personnel and their teacher strength throughout the schools, but the same ratio will also apply to other facilities. Yet that situation is what our opposition calls "oppressing the Negroes in the South."

I am glad to have this record pointed out, and I am glad to have it compared with the statistics for many of the States from which the opposition is coming.

Mr. HOLLAND. I am glad the Senator from Arkansas has made that point; and in a short time I shall submit for the RECORD further evidence in that connection.

In Alabama, where the population decline has not been so severe, the increase in teachers has been dramatic—from 6,433 in 1940, to 9,552 in 1960. In Georgia, where the Negro population has increased only slightly, the increase in Negro teachers has been equally significant—from 8,003 in 1940, to 11,428 in 1960. In North Carolina, the increase in teachers has been from 7,816 in 1940, to 10,789 in 1960. In Florida, the State which I represent in part, the number of Negro teachers increased from 3,525 to 8,910—a very great increase which I shall explain in a moment or so.

In Texas, the increase has been from 6,984 to 12,407; in Louisiana, the increase has been from 4,605 to 10,780.

In Virginia, the increase has been from 4,771 to 8,473.

The statement I wished to make with respect to Negroes in Florida is that a large part of the increase in teachers is attributable to the increase in the number of junior colleges for Negroes. In a few minutes I shall submit those figures for the RECORD.

It may be that there is a silver lining behind this entire discussion and the distressing experience through which the Nation has been passing. It may be that they have made all the people more keenly aware of the fact that this race should receive better treatment. The figures show very clearly that better treatment has been given the Negroes in every Southern State. That is definitely shown by the figures I am placing in the RECORD.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield again to me for a question?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. The record was investigated at very great length prior to the time of the 1954 Supreme Court decision, was it not?

Mr. HOLLAND. Certainly that is true as to my State.

Mr. McCLELLAN. And I know it is true as to my State.

I say that the 1954 Supreme Court decision has retarded progress, rather than accelerated it.

Mr. HOLLAND. It is possible that that is the case. But I think the real harm that has been done by that decision has been the distressing decrease or lessening of good feeling between the two races which has followed. That has been very noticeable in my own State.

It used to be the case—if I may make a personal reference—that when I would go to various towns in my State, the principal of the Negro school would always come to see me. Whether he is staying away now because he does not feel as kindly or because he thinks that either his people or the white people of the area would frown upon his coming to see me, I do not know; but it is true that I am no longer having as much visitation of that kind; and I believe it is entirely true that the feeling between the two races has worsened greatly during these 10 years.

I think it is also entirely true that the problem has become more serious, and that it will become more serious, every time an attempt is made to handle such a problem by means of compulsion or coercion—whether by the passage of a law, or by a court decision, which has not accomplished much in these 10 years; by the sending in of troops; or by the withholding of funds, which has been attempted in impacted areas in my State and, I believe, in similar areas of other States of the South.

All those attempts at coercion tend to have an adverse effect on free Americans and, I believe, on all people wherever such attempts are made. Such attempts do not tend to bring about the desired result. Instead, they tend to bring about a result exactly opposite from that which is desired. Certainly it is not effective to attempt to use coercion, rather than persuasion. I believe the experience since 1954 clearly shows the establishment of such a pattern; namely, that there has been a great worsening of relations between the two races and of the conditions in the Southland and also—as shown clearly by the experience over these years—in the other areas where there are concentrations of Negro people.

Mr. McCLELLAN. Mr. President, at this point, will the Senator from Florida yield for a question?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. The Senator from Florida has stated my own position most eloquently. That is what I was referring to with respect to progress. I am sure the Senator from Florida agrees with me that such goodwill relationship between the two races is vital and indispensable to the proper kind of progress and growth. Does the Senator from Florida agree?

Mr. HOLLAND. I thoroughly agree. If all of us are to be the right kind of Americans, if all of us are to pay taxes together, if all of us are to worship the same God, and if all of us are to help improve relationships between the races, there must be kinder feelings than those which have developed more recently. But I judge from all these experiences that feelings between the two races have, instead, become less kindly and more bitter during the attempts to force integration in the schools.

Mr. McCLELLAN. Does not the Senator from Florida agree that such attempts do not help to achieve the desired result?

Mr. HOLLAND. I entirely agree. I do not believe that improved relationships result from the passage of a law or a Federal mandate. That does not improve the situation—it worsens it.

I do not believe that people can be made to love each other by passing a law, if that is what the Senator means. It does not make sense at all. There is no real logic in such a position.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. I have been listening with a great deal of interest to the colloquy that is being carried on. I cannot by my silence accept the conclusions that my very good friend from Florida has drawn except in very small part.

I agree that perhaps a status quo situation as between the races could have been preserved if it had not been for the 1954 Supreme Court decision.

At that time we did not recognize the importance of the development of the Negro in the life of the United States.

I recall that during the 1930's, as a country lawyer, I traveled to Denver. When I got to Denver, I would get my shoes shined. The man who shined my shoes for several years was a college graduate. I did not know it at the time. So, during this period in our custom, there was perhaps an easy relationship in some respects. If the Negro had been satisfied to keep that place, and if we had continued to accept the idea that he is competent only to shine shoes and to push a broom, but is worthy of nothing more, then we might have kept that relationship—if the decision of 1954 had not intervened.

I do not envision the kind of country that existed then as the kind of country our forefathers envisioned when they said that all men are created equal. I make that statement for myself; and I am no better than the Senator from Florida in that respect.

It is as true as anything the Senator has said that the events that have occurred since the 1954 Supreme Court decision have caused an increase in the tension between races. There may even be more. But the price that we must pay for the lack of tension in the price of letting those people continue, or forcing them to continue, at the economic, social, educational, and opportunity level which they occupied in the United States at the time to which I referred.

Mr. President, I intend to speak on this subject later. I had not intended to remark on it at the present time. I realize that tensions have arisen. I do not like them. I am sure that no one else in America likes them. They are a part of the price that we shall have to pay for the evolution through which we are going in attempting to give the black man for the first time his rightful place in the social, political, and economic system of the United States. I do not see how we can avoid it.

If I may advert to one other remark that was made, since the Senator has been so kind as to permit me to say a few words, there is one facet of the question which I agree no legislation can ever touch. That facet pertains to what is actually in a man's heart or in his mind. We may be able to cure some of the educational disadvantages. We may be able to equalize rights before courts. We may be able to equalize the right to vote. We may be able to cure other inequities, if there are others. We may even be able to increase opportunities. But there is one thing we cannot do, and we might as well recognize it. We cannot change the hearts and minds of men. But certainly if by law we establish a precept, we may have reasonable hope that the hearts and minds of men will follow along.

Mr. HOLLAND. I thank my friend for his moderate and scholarly statement. However, I remind him that, as shown by the statement of the educator from Michigan, and as shown by the almost daily newspaper articles of recent months and for that matter, years, the trouble in this field is not occurring in the areas in which there are segregated school systems in anything like the same degree as it is occurring in areas where by law for a long time schools have been integrated.

I do not believe there is any way for us to look at the picture and come to the conclusion that the mere enactment of a law requiring the integration of schools—that law having been in effect in most States outside the South for many years now—will have any great bearing on the question. The statement of the educator from Michigan showed rather conclusively that he felt that the Negro children of the South in segregated schools under teachers of their own color were getting a better education. That is what he said in so many words.

I should like to point up what I said about the confusion which now exists. Last Wednesday when I spoke very briefly on the subject I asked to have printed in the RECORD a bulletin issued as of the next day—the following Thursday—by the National Education Association. That institution is not a southern instrumentality. It is certainly not a conservative instrumentality. In so many words, it was stated that the violence that was occurring in the schools in the northern part of the Nation was becoming so bad that something had to be done about it. That is where integration exists. For example, the bulletin stated:

> The principals of the junior high schools in New York consider that the outbreak of violence there is a byproduct of the civil rights demonstrations, which have tended to lower the children's respect for schools and teachers.

Another article, which I shall later ask to have printed in the RECORD, issued by the superintendent of schools of the city of Chicago tells the same story. The article of the NEA recites violent conditions prevailing in four of five different cities. It recites that in a period of 3 days of the week before in New York there had been 15 major acts of violence—attacks upon teachers. It recited also that in another city, Detroit, the situation was becoming so bad that policemen should be stationed in the schools and outside them to curb pupil violence. I am quoting now from the National Education Association bulletin:

> Teachers are asking for life insurance or indemnities to be paid in case the teacher is killed.

Those are the things that are happening, not in areas where there is segregation, but where there is integration.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. ALLOTT. There is no question about the facts and the situation to which the Senator has alluded. In some ways it is a natural phenomenon, although I do not condone it. I use the word "natural" in the sense of human phenomena because it follows the weaknesses of human nature. Those people have seen, perhaps for the first time in their lives and in their history, an opportunity to attain an equal status. They have gone to excesses to enforce it.

I wish to make my position perfectly clear. If I were in any of the governing bodies of any of those schools, I would rid the schools of those persons, not temporarily but permanently, because we have tried to make our schoolteachers, not only in the North, but also those all over our country, and particularly in this district, caretakers for a group of people a good many of whom should be under the jurisdiction of the State, with bars around them.

Let me make it clear that I do not condone this sort of conduct in any respect. We have a right to ask that our teachers not be called upon to take on the duties of caretakers in reformatories.

What the Senator speaks of is a human phenomenon. I am sure we shall see other misguided excesses in the future, before the question is resolved. I hope not, but I am sure we shall.

I would hope that, as we developed the law, we could develop a pattern of sound thinking for our people and resolve this problem.

Mr. HOLLAND. I join in a part of what my distinguished friend has said. I hope we can develop a better pattern of living. My feeling is that those chargeable with the terrible violence, as stated by the principals association in New York and the supervisor of schools in Chicago, are the adults who are permitting their children to go on rampaging demonstrations which get them so "riled up" that the first teacher they meet suffers from their violence. That is appalling. Nothing like that will be found in our part of the country. I do not think I have to tell the Senator that. It would not be tolerated down there.

Before I leave this point, I again call attention to the fact that this violence is happening not where there are segregated schools, but in areas where there is integration by law.

Mr. ALLOTT. That may be true; but the peace in the areas where there is segregation is not due to the fact that there is segregation, any more than the trouble in the North has resulted because the schools have been desegregated. What has been occurring has happened because of the evolutionary process which, over the years, has finally come to a head, and which has come to a head in the Senate at this time.

Mr. HOLLAND. The principals of the New York schools, make it very clear that they think a contributing factor to these demonstrations is the encouragement of children and pupils by adults to enter into these demonstrations. The superintendent of schools in Chicago, though in different words, makes exactly the same point.

Mr. ALLOTT. I am sure that is true, but it is not the result of integration per se.

Mr. HOLLAND. Does the Senator think that as a result of passing this bill a better situation would be created in New York, Chicago, Philadelphia, Cleveland, and St. Louis?

Mr. ALLOTT. I do.

Mr. HOLLAND. Why?

Mr. ALLOTT. Because I believe after this long period we have a particular opportunity to provide equality for those people. I believe it has to be an economic equality. I believe there has to be a right to vote. I believe there has to be equality before the law. I know the Senator is going to say he does not see how this will encourage them in his State, but we are both lawyers and we know there is no true equality for particular groups, and that inequalities do exist.

Mr. HOLLAND. So far as Florida is concerned, no literacy tests for voting are required, there is no poll tax, and there is no handicap of any kind. Negroes are free to vote. Over 200,000 of them have qualified themselves for registration. Gradually they are overcoming the inertia of generations when they did not vote. There has not been the slightest inhibition upon their right to vote since 1937.

I agree with the Senator that we should protect our citizens otherwise qualified to vote. The Senator will remember that the Senator from Florida has shed a good deal of legislative blood in that same objective for many years in the effort to have submitted to the States such an amendment as has now been approved, guaranteeing the right to every citizen to vote in every State in every Federal election without payment of a poll tax.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. Do not the people have a right to vote in the States where the conditions referred to prevail? How would passing a law guaranteeing the right to vote remedy those conditions? They already have the right to vote.

Mr. HOLLAND. Yes, except that in New York State there is an added requirement, which is not discussed on the floor. I see my friend from New York [Mr. KEATING] present. There is an extra requirement which is so applied that many of their several hundred thousand Puerto Rican citizens are unable to vote in New York elections because they can speak only Spanish. To me that is a much more ridiculous requirement than some of the requirements aimed at this bill.

Mr. McCLELLAN. The point I wished to have settled is that the pending bill, insofar as the right-to-vote title is concerned, could add nothing in places where the conditions to which the Senator from Colorado has referred prevail. How does he think this bill would cure that situation?

Mr. ALLOTT. If the Senator will yield, it would not cure it immediately. It would not cure it tomorrow or next year, or in 5 years, but ultimately the passage of this bill would create a pattern which would ultimately solve this problem. It would not solve it overnight.

I know that the Senator from New York [Mr. KEATING] wants to ask the Senator from Florida a question, but the point I wanted to make, before I concluded on this matter, was that the violence which has occurred, and which we all deplore, has been recognized as being the responsibility of parents and is the result of a lack of control by parents, and perhaps even a result of instigation by parents. But it has not occurred by reason of desegregation per se. I do not think the Senator could point out that that is the reason.

Mr. HOLLAND. I yield to the Senator from New York.

Mr. KEATING. Mr. President, it is not my intention to be goaded into an extensive debate on the subject of the New York law on voting.

Mr. HOLLAND. I would not think of goading the Senator from New York into anything.

Mr. KEATING. Some of us who support the bill have, in our zeal to see something done, sometimes yielded to that temptation too much. But for the sake of the record, I know of no State in the Union whose laws on the subject of voting I criticize. It is not a question of the law itself in the States; it is a question of the way the law is administered. I know of no instance that has ever come to my attention in which the law as written in New York State, whether good or bad, and whether or not it should be changed, was administered in a discriminatory fashion in order to disfranchise certain people and permit others, equally qualified, to vote.

We know of hundreds of such cases in other States of the Union, from the reports of the Civil Rights Commission.

Mr. HOLLAND. The Senator knows, of course, that the report of the Civil Rights Commission calls attention to the disfranchisement of hundreds of American citizens living in New York who are Puerto Ricans, because they cannot speak the English language.

Mr. KEATING. I believe the Commission recommended a change in the New York State law in that regard.

Mr. HOLLAND. No information has been brought to me to the effect that the New York law has been changed. Does the Senator know whether it has been?

Mr. KEATING. The law of New York State has not been changed. But notwithstanding whether or not it should be changed, the existing law is administered fairly.

Mr. HOLLAND. I ask the Senator to compare that situation with the situation in the State which I, in part, represent. It has no literacy tests, no poll tax, and no inhibition on any citizen who has the requisite age and residence and freedom from a bad criminal record, from registering and voting.

I frankly believe that the Senator from New York has a situation in his own State which he would be glad to correct. I know that is the case, but I am suggesting that the place to correct it is in New York.

Mr. KEATING. I agree with the Senator that it is a matter of New York State law and something about which we can do nothing on the floor of the Senate. All the Senate can do with regard to voting is to insure that the Constitution of the United States is not violated, and that discrimination is not practiced in the way a State law is administered. We cannot change State law on the subject. I know the great fight made by the Senator from Florida over the years for the antipoll tax amendment, and I commend him for it. I was happy to join him in his efforts.

Mr. HOLLAND. I appreciate the Senator's joining me in that fight.

Mr. KEATING. I have no criticism to make of a State which does not wish to impose any literacy requirement, but, likewise, I do not criticize the imposition of a literacy requirement. The point that we who support the bill criticize is the practice in some States of saying, "All right, those of one color line up here," and if the Negro voters happen to have Ph. D. degrees, or are graduates of some of our finest universities, they are barred under a literacy test administered by someone who may have no more than a third or fourth grade education. Time after time the group on the Negro line is disenfranchised, and those with the white skins are permitted to vote. This is one of the most glaring examples brought out by the Civil Rights Commission, and in our own committee hearings.

Mr. HOLLAND. I thank the distinguished Senator from New York for his moderate comments. I believe he and I would both like to see things made more nearly ideal. My suggestion is that they cannot be made more nearly ideal by passage of the proposed legislation. To the contrary, every bit of evidence indicates that the feeling between the two races has become progressively worse since the 1954 decision, which has made certain things compulsory in the field of education. The section of the bill to which the Senator has referred refers to voting rights, which I have not discussed; but through compulsion it would seek to impose upon the States an interpretation of their own laws which was not intended by their legislators, and which is not applicable. The Senator's own city of New York is a good example of that, because in the case of Dr. Conant's book, he makes the statement apply particularly to the schools in the city of New York, where a student in the sixth grade in various schools cannot read as well as a student in the third grade should read. An arbitrary condition is applied to anyone who has passed the sixth grade of any school—good, bad or indifferent, slum school or suburban school—that, regardless of the real stage of his understanding and education, he is perforce entitled to vote, regardless of the fact that the State has passed a literacy test. Of course, some similarity with the laws and the problems of the country are involved in connection with the requirement of literacy. It is my feeling, therefore, that it is compulsion and coercion of the law, directly sought, to attempt to level at a State a requirement under which any person—no matter how completely uneducated or illiterate he may be—would be held conclusively to have passed a literacy test, imposed not by Congress, but by the State, if he could show that he had gone through the sixth grade somewhere. I believe that is far from any real, reasonable standard.

I had really sought in my speech today to confine myself to title IV, on the subject of education, and I am sorry that the distinguished Senator from New York may have tempted me to go outside that subject.

On the subject of voting rights, I believe that I have done probably as much to assure voting rights as has the Senator from New York. I shall continue to do so, but I will try to do it within the four corners of the Constitution of the United States. I cannot forget section 2, article I of the Constitution, either; or the 17th amendment of the Constitution, which makes it clear that except as to being changed by the Constitution in connection with colored people, and in connection with the poll-tax requirement, the States' standards of qualification must apply.

I hope that if the Senator is serious about imposing a different standard in this field of literacy, he will offer a constitutional amendment on that subject.

Mr. KEATING. Mr. President, will the Senator yield further?

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. HOLLAND. I yield.

Mr. KEATING. The Senator from Florida has tempted me to reply. It was not my intention to engage in any debate on this subject. I know the Senator was not talking about voting rights, but he did get into a discussion of New York schools and New York voting, and that is what prompted me to speak.

I wish only to add that it is difficult for me to understand how anyone who is competent and has, in the words of the bill "completed the sixth grade in a public or private school, accredited by any State or Territory, the District of Columbia, or the Commonwealth of Puerto Rico, where instructions are carried on predominantly in the English language," and who possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election, could be barred from voting unless an effort is made to discriminate against certain people.

I adhere completely to the point of view of the Senator from Florida in his interpretation of the Constitution of the United States, that the qualifications for voting are fixed by the States. But countless pages of testimony and hundreds of witnesses, have demonstrated a pattern of using literacy tests as a disqualifying factor of a racial kind in voting. It is that point which has led to the presentation of this legislation and, in my judgment, it must be upon that basis, that its constitutionality must rest.

Mr. HOLLAND. I thank the Senator. My own feeling is that it is completely unconstitutional to apply a standard that is not uniform and that is shown not to be constitutional by the States' educational authorities.

Dr. Conant's book clearly shows that the nonuniformity of education in the great city of New York—of which we all are proud—is so nonuniform as to be not mentionable in that term at all. As between the well-organized and well-financed schools which do a great job and the slum schools which do not, the variance is so great that, as Dr. Conant states, there are students who finish the sixth grade in some schools who cannot read as well as students in the third grade in other schools.

Mr. KEATING. I agree that there is not complete uniformity. That has been recognized by the fact that a great deal of money is being spent by the city and State of New York in an effort to bring up some of the schools with low standards to the point where they will be comparable to the higher standard schools. The higher horizons program, in New York City, for example, is an attempt to enrich the curriculum content in culturally deprived neighborhoods. But even in the lowest standard school in any State in the Union I am certain that a person who has been able to finish the sixth grade can certainly read and write and has a considerable amount of comprehension. It seems to me not extreme to say that such a person should be allowed to vote.

Mr. HOLLAND. I thank the Senator. I shall be glad to debate that point with him at any time, but this is not the time and place when I am speaking on educational title, IV.

These statistics are significant from several viewpoints.

First. The impressive increases in the number of teachers in the Southern States which are so much greater even in the States where the Negro population has decreased, indicate the responsible attention the authorities in those States are giving to the education of the Negro—by teachers of his own race.

Second. They show clearly how much greater the opportunity for advancement is in the teaching profession in that section of the country for the Negro teacher than in other sections of the country—as the teacher ratios I have already given by the various States prove.

Third. The significant increases in the Negro college teaching staffs—in several Southern States as much as 1,100 percent or more—indicates the increasingly greater opportunity presented to the Negro student in the South—as well as the greater opportunity for the Negro college teacher to, first, obtain a teaching position, and second, advance in highly specialized fields.

Comparable opportunities do not exist elsewhere in the country for the Negro in education—either to obtain an education or to teach.

Mr. President, I believe I know what I am talking about. If I may make reference to my own experience when a member of the Senate of the Florida Legislature, the State I represent in part, I should like to recall to Senators' attention the comments made by Dr. Lee to me, who at that time was president of the Florida A. & M. College for Negroes, which now has become the Florida A. & M. University. As I remember, Mr. President, Dr. Lee's initials were the same as Gen. Robert E. Lee's. He was very proud of that fact.

As I served on both the Florida Senate Education Committee and its appropriations committee, it was customary procedure for Dr. Lee, along with other educators in the State, to confer with me at the beginning of each legislative session. Dr. Lee would present his budget to me—and it always was a modest one—and ask me to handle it for him in the appropriations committee. I was happy to do so because I believed, and still do, that one of the most important solutions to our problems of racial living is better education for our Negro citizens. I believe this more strongly than ever in the crisis we face today.

I mention Dr. Lee, because I learned from him directly of his strong conviction, which he voiced to me many times, that integration of the public schools—especially those of higher learning—would be disastrous both to the advancement of the education of Negroes and the advancement of the Negro teaching profession. Dr. Lee said in substance: "Governor, I want you to understand that nothing could sound the death knell of the hope and ambitions of the colored teachers more quickly than to bring about integration of the schools."

He called to my attention at that time the fact that there were over 100 college and university presidents throughout the Southland who were Negroes—and that there was no Negro college president of any institution of higher learning outside the Southland at that time.

I am pleased to say, Mr. President, that I have just recently obtained through the good services of the Legislative Reference Service of the Library of Congress, some additional interesting information relating to Negro educators who are presidents of institutions of higher learning in the country today, which information I shall subsequently discuss.

Dr. Lee's point, and his point is as logical today as it was then, was that he understood that in a State where white people were always in a majority, where the boards of education from the State board of education, which the Governor heads, down through the county and district school boards, were composed mostly of all white people, the worst thing which could happen to the Negro professional educator would be to have integration of the public schools.

So long as Negro schools are segregated, there is not only the legal requirement in my State, but there is complete acquiescence on the part of school officials at every level, to see that they have educators of their own race. If the schools were all mixed, and if the school officials were being subjected to consistent pressure from the great majority of citizens, who are white, that by no means should Negro teachers be placed over their own children in the public schools, we all know what would occur; it would be just a matter of complete reasonable consequence.

I believe I have made Dr. Lee's point clear. I would also like to say that since that time other fine Negro educators have said the same thing to me. For obvious reasons, I shall not disclose their names. Dr. Lee has already passed on to his reward. The others, whom I could mention, are still living and still teaching.

Mr. President, there is another point to which I would like to address myself briefly. I recall that in 1948 on an occasion when I happened to be in Philadelphia, I learned that there was only one Negro in the classes of the medical college of the great University of Pennsylvania, located within that city. I subsequently had the Library of Congress check on that matter for me and verify that fact.

The number that were at Howard University here in Washington—my recollection now is that it was 17—and the number that were in the Meharry Medical at Nashville—it was about 21, as I recall the figure—from the State of Pennsylvania—called attention to the fact that the Negro youths who wanted to serve their own people, who wanted to advance their own capacities by becoming doctors, dentists, and nurses, simply had to go to segregated schools. These statements represent the facts of that year—and I would not pretend that they have been brought up to date—in fact I have not been able to bring them up to date, as I have already said—but I would be greatly surprised, while I would expect some improvement in the situation, that the ratios have changed greatly in the intervening years.

Mr. President, at that time, after inquiry by the Library of Congress, I also found that the Harvard Medical School, another great private educational institution in our country, had one Negro in its classes. How many there are now I do not know.

I received lastly—and I am quoting directly from my remarks on this matter on March 1, 1960—the CONGRESSIONAL RECORD, volume 106, part 3, page 3298—perhaps the most enlightening report during the entire research on the matter at that time, in the form of a letter from the assistant dean of the School of Medicine at the University of Southern California in Los Angeles.

Mr. President, I hope Senators will listen to this. An assistant dean of a great medical school was trying to get Negro students. There were many applicants, but they could not measure up to the highest standards. Many of them could meet the minimum standards. However, he had a great many more applicants than he could accommodate. He had not been able to take a single Negro into his medical school. He wanted to do it, by his own preference, but could not.

That letter, which I request unanimous consent to be included in the RECORD at this point in my remarks for all Senators to see, was addressed by Dr. J. N. DeLamater, M.D., assistant dean of the University of Southern California School of Medicine, to Michael J. Bent, M.D., dean, School of Medicine, Meharry Medical College, Nashville, Tenn.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF
SOUTHERN CALIFORNIA,
SCHOOL OF MEDICINE,
Los Angeles, February 10, 1948.

MICHAEL J. BENT, M.D.,
Dean, School of Medicine,
Meharry Medical College,
Nashville, Tenn.

DEAR DR. BENT: In answer to your enclosed inquiry of February 4, I should like to say that this school of medicine has not had any Negro student enrolled while I have been here, nor do our records show that any Negro students have ever been enrolled. I should like to tell you, however, that our committee on selection and promotion would be delighted to entertain applications from superior Negroes. In the past there have been a number of applicants who have applied but upon the basis of their scholastic record, their aptitude scores, and recommendations, our committee has not found it possible to accept them.

If a recent article in the Saturday Evening Post truly represents the facts, you must have numerous superior applicants whom you cannot satisfy. I would greatly appreciate any effort on your part to divert two or three outstanding applicants toward this school. While I as an individual cannot promise that any who apply will be selected, I can forthrightly say that they will be given the utmost conscientious possible consideration.

I shall look forward to hearing from you in the near future concering this matter.

Sincerely yours,
J. N. DELAMATER, M.D.,
Assistant Dean.

Mr. HOLLAND. Mr. President, the letter stated that the University of Southern California School of Medicine earnestly desired to have Negro students in its medical school; that they had a great number of Negro applicants for admission to their medical school; that they had given them fair examination, and that while some of them could meet the minimum standards, they had so many other better qualified applicants, and they were forced to take those best qualified, of course; that as a result, they had not been able to place a single Negro student in their medical school.

This was not a matter of theory or idealism. This man sincerely wanted to have Negro students in his school. He knew that there were a great many interested, serious-minded young Negroes who wanted to be doctors or dentists. He had not been able to find one that he could allow to register in the medical school, in spite of the fact that he had many applicants, and even though many of them could pass the minimum examination standards.

To me, the most significant part of Dean DeLamater's letter to the dean of Meharry Medical College, was his request to divert two or three outstanding candidates who applied to Meharry, to the University of Southern California Medical School.

The letter speaks for itself. It shows the reason why Meharry and Howard have produced the vast majority of all Negro doctors and Negro dentists. They cannot compete with the competition from white youngsters, which is always supplied by many more applicants than can be received, who desire to go to schools all over the Nation, when by law and intent the schools are open to all races.

I do not wish to reflect in any way upon either the character or ability of the Negro youngsters who were trying to get—and who today are trying to get into outstanding integrated educational institutions, but I remind the Senate that despite how deserving they may be, they are facing—especially under the academic pressures of today—the stiffest competition from youngsters of the white race who have had their premedical training at the best colleges in the North and South and East and West.

This is more evident, Mr. President, that the Negro who aspires to better himself, to better members of his own race through obtaining a good education, can so much better do so in the segregated predominantly Negro institutions—where he lives with members of his own race, is taught by members of his own race, and later, when equipped, is better trained to serve members of his own race.

Mr. President, earlier in my remarks I mentioned the fact that Dr. Lee, who was then president of Florida A. & M. School, in the thirties and forties, had informed me that there were over 100 Negro college or university presidents in the South—but that there was not one in the North, which I have had verified by the Library of Congress.

I have today learned that in 1962 there were 125 Negro universities, colleges, and junior colleges having predominantly Negro enrollments in the United States. All but four of these institutions are located in States which are generally geographically classed as Southern States, if we include the District of Columbia, in which two of these institutions are located—namely, Howard University and the District of Columbia Teachers College. Each of these is an institution of which any educator might well be proud to be the president.

I am also informed, Mr. President, that Negro educators are the presidents of all these 125 Negro institutions, with the exception of perhaps 2 or 3, the identity of which I do not know—because that was not given to me by the Library of Congress. I would be led to expect that two of the three which may have white presidents are probably in the two Northern States which have Negro institutions of higher learning, although I am informed a white nun—and this is an interesting fact—is president of a Negro Roman Catholic women's institution in the South, the exact location of which I do not presently know.

What is the significance of this? It means that only in the South can a Negro, regardless of his qualifications, hope to become a college president. To me, this is the clincher of the case. In the South the door is open wider to Negro educators and to Negro students than it is anywhere else in the Nation.

I request, Mr. President, that the tabulation prepared from information contained in a published report of the House Committee on Education and Labor, and also through the cooperation of Howard University, from which I have quoted the above statistics, be included in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Number of Negro universities, colleges, and junior colleges in the United States, by State (institutions having predominantly Negro enrollments)

Alabama	10
Arkansas	4
Delaware	1
District of Columbia	2
Florida	14
Georgia	10
Kentucky	1
Louisiana	6
Maryland	4
Mississippi	16
Missouri	1
North Carolina	15
Ohio	2
Oklahoma	1
Pennsylvania	2
South Carolina	7
Tennessee	8
Texas	13
Virginia	6
West Virginia	2

According to information obtained from Howard University, all of these institutions, except perhaps two or three, have Negro presidents.

Sources: (1) Integration in Public Education Programs. Report of the Subcommittee on Integration in Federally Assisted Public Education Programs of the U.S. Congress, House, Committee on Education and Labor. U.S. Government Printing Office, Washington, 1962, pp. 117–126. (2) Information obtained from Howard University, Washington, D.C.

Mr. HOLLAND. Mr. President, finally I should like to speak briefly about what I consider a rather astonishing fact, in view of the intensive emotionalized crusade which some in this very body have continued to force the admittance of Negroes into the institutions of higher education in the South. That point is, Mr. President, the very small number of Negro candidates who have applied to the desegregated but predominantly white institutions of learning in the Southland.

For example, I point out from the statistical summary published by the Southern Education Reporting Service—and it is right down to date 1963–64—that out of 40,804 students attending 21 formerly all-white colleges or branches of colleges in Georgia, 40,769 are white—and only 35 are Negro. The University of Georgia, the first to desegregate, has 15 Negro students; Georgia Tech, which desegregated in 1961, has 10; Georgia State, which desegregated in 1962, has 6; and Armstrong College, which desegregated last year, has 1.

On the contrary, of the predominantly Negro colleges in Georgia, of which there are 4, 3,487 Negroes attend, and 1 white person is enrolled.

I ask unanimous consent that the table appearing on page 17 of the statistical summary, which includes the Georgia statistics to which I have referred, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GEORGIA

Elementary and high schools

[197 districts: 181 with Negroes and whites; 4 desegregated]

	White	Negro	Total
Enrollment	689,323	337,534	1,026,857
Teachers	24,432	10,899	35,331

Colleges and universities

[8 desegregated]

	Predominantly white	Predominantly Negro	Total
Institutions	16	3	19
Enrollment	40,804	3,488	44,292

STATUS OF SEGREGATION-DESEGREGATION

Public schools

Georgia has 4 desegregated school districts, with 95,731 whites and 77,599 Negroes enrolled. Atlanta, the first to desegregate, admitted Negroes to the 11th and 12th grades in four formerly all-white high schools on August 30, 1961, under a U.S. district court order in *Calhoun* v. *Latimer*. Dougherty County (Albany) is under order in *Gaines et al.* v. *Dougherty County Board of Education et al.* to desegregate and the U.S. district court has approved a grade-a-year plan to begin with the first grade in September 1964, but the case is on appeal. Muscogee County (Columbus) Board of Education has a committee to formulate plans to desegregate the public schools, but no date has been announced. The desegregated districts are:

District	Enrollment		Negroes with whites	Biracial schools	Grades	Date desegregated
	White	Negro				
Atlanta	[1] 58,041	[1] 55,764	145	12	9 to 12	1961–C
Chatham County	24,013	15,336	21	2	High	1963–C
Clarke County	5,927	3,194	5	3	3, 7, 11	1963–V
Glynn County	7,750	3,305	6	1	High	1963–V
Total	95,731	77,599	177	18		

[1] Estimated.

Teachers

Segregation is maintained.

Higher education

Georgia has eight desegregated, eight all-white, and three all-Negro public colleges and universities. The University of Georgia was the first to desegregate. In January 1961, the school admitted two Negroes under court order in *Holmes* v. *Danner*, briefly suspended them because of disorders on the campus then readmitted them under court order. In 1959, a U.S. district court had prohibited consideration on the basis of race for admission to Georgia State College, although the plaintiffs in the case (*Hunt* v. *Arnold*) were not orderded admitted. Georgia State voluntarily accepted its first Negro student in the summer, 1962. Although West Georgia College desegregated voluntarily in the summer, 1963, no Negroes enrolled for the following fall quarter. The college enrollments are:

	White	Negro	Date desegregated
PREDOMINANTLY WHITE			
Abraham Baldwin Agricultural	835	0	
Armstrong	783	1	1963–V
Augusta	1,204	0	
Colombus	786	1	1963–V
Georgia Southern	2,381	0	
Georgia Southwestern	593	0	
Georgia State	4,503	6	1962–V
Georgia Institute of Technology	6,299	10	1961–V
Southern Technology Institute	992	0	
Evening school	1,371	0	
Medical College of Georgia	371	0	
Allied medical sciences	61	0	
School of nursing	103	0	
Middle Georgia	771	0	
North Georgia	960	0	
South Georgia	675	0	
University of Georgia	11,016	15	1961–C
Continuing education center	3,641	0	
Valdosta State	1,144	2	1963–V
West Georgia	1,268	0	1963–V
Women's College of Georgia	1,012	0	
Total	40,769	35	
PREDOMINANTLY NEGRO			
Albany State	0	1,024	
Columbus center	0	67	
Fort Valley State	0	1,246	
Savannah State	1	1,150	1963–V
Total	1	3,487	
State totals	40,770	3,522	

Faculties

In higher education, all-white college and university units have white teachers and Negro units have Negro teachers.

Special schools

Complete segregation is maintained in the State's special schools for blind, deaf, mute, mentally retarded, and delinquent children. Four Negroes were admitted to the former all-white DeKalb Area Technical School near Atlanta in October 1963. One Negro was accepted at the Bibb County Vocational School in Macon in June 1963. The Coosa Valley Vocational School near Rome has announced a desegregation policy for September 1964.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the same table which appears on page 14 of the statistical summary covering the State of Florida be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Florida

Elementary and high schools

[67 districts: 67 with Negroes and whites; 16 desegregated]

	White	Negro	Total
Enrollment[1]	964,241	237,871	1,202,112
Teachers	34,712	9,463	44,175

[1] Estimated.

Colleges and universities

[11 desegregated]

	Predominantly white	Predominantly Negro	Total
Institutions	20	13	33
Enrollment	69,031	10,007	79,038

STATUS OF SEGREGATION-DESEGREGATION

Public schools

Florida has 16 counties with desegregated schools, and Negroes attend 116 schools with whites. Six counties were under court orders to desegregate at the start of the 1963 term, four of them having begun some desegregation in 1962. All counties with some desegregation, with one exception, assigned additional Negroes to white schools in 1963. Resegregation due to residential factors reduced desegregation in Broward County by almost one-half. The first school district to desegregate in the State, Dade County (Miami), acted voluntarily in 1959 in advance of a court order. Estimated enrollments in desegregated districts for 1963–64 are:

County	Enrollments[1]		Negroes with whites	Biracial schools	Date desegregated
	White	Negro			
Broward	69,574	10,916	50	6	1961–V
Charlotte	1,208	176	6	1	1963–V
Dade	163,720	38,220	3,012	41	1959–V
Duval	90,225	19,814	12	5	1963–C
Escambia	39,139	7,049	50	11	1962–C
Hillsborough	82,323	12,904	94	7	1961–V
Leon	12,198	2,284	4	2	1963–C
Monroe	8,439	1,030	100	5	1962–V
Okaloosa	4,127	1,771	14	3	1963–V
Orange	54,408	11,249	37	5	1962–V
Palm Beach	47,590	7,224	61	12	1961–C
Pinellas	57,124	10,197	118	10	1962–V
Saint Johns	2,914	1,382	6	2	1963–V
Santa Rosa	2,818	1,294	14	2	1963–V
Sarasota	7,225	985	39	2	1962–V
Volusia	26,343	4,172	33	2	1961–V
Total	669,375	130,667	3,650	116	

[1] Estimated.

Teachers

Two counties, Dade and Sarasota, have desegregated teaching staffs—Sarasota at one school and Dade at "several." Dade has formally notified all teaching and administrative staff that they will be assigned without regard to race. Desegregation orders by a Federal court for Volusia and Duval Counties included instructions to begin teacher desegregation.

Higher education

The first Negro to attend the University of Florida, George H. Starke, enrolled in the law school in September 1958, by a court order in *Hawkins* v. *Board of Control*. The university enrolled its first Negro undergraduates for 1962–63. Negroes have been attending summer classes at the University of Florida and Florida State University. The University of South Florida has had some Negro students since it was opened in 1960. The 29 junior colleges are operated under the county school boards and most have separate campuses for white and Negro students. Dade Junior College is completely desegregated. Three others have some Negro students. The 1963-64 college enrollments are:

	Enrollment		Date desegregated
	White	Negro	
PREDOMINANTLY WHITE			
Senior colleges:			
Florida State University	11,102	5	1962–V
University of Florida	14,624	2	1958–C
University of Southern Florida	4,584	6	1960–V
Total	30,310	13	
PREDOMINANTLY NEGRO			
Senior college: Florida A. & M. University[1]	0	2,884	1963–V
29 junior colleges	38,721	7,110	
State total	69,031	10,007	

[1] Desegregated in policy although no whites have attended.

Individual enrollment figures for the junior colleges this year were unavailable and the following figures are for 1962–63:

Junior colleges	White	Negro	Date desegregated
Bay County:			
Gulf Coast	922	0	
Rosenwald	0	106	
Brevard County:			
Brevard	2,478	[1] Some	1963–V
Carver	0	130	
Broward County: Broward	1,741	[1] 100	1962–V
Columbia County: Lake City	377	0	
Dade County: Dade	6,114	812	1960–V
Escambia County:			
Pensacola	3,128	0	
Washington	0	179	
Jackson County:			
Chipola	1,078	0	
Jackson	0	77	
Lake County:			
Lake-Sumter	361	0	
Johnson	0	133	
Lee County: Edison	563	0	
Madison County:			
North Florida	467	0	
Suwanee River	0	132	
Manatee County: Manatee	2,059	0	1962–V
Marion County:			
Central Florida	1,189	0	
Hampton	0	349	
Palm Beach County:			
Palm Beach	2,505	[1] 19	1961–V
Roosevelt	0	188	
Pinellas County:			
St. Petersburg	4,397	[1] 18	1961–V
Gibbs	0	636	
Putnam County:			
St. Johns River	855	0	
Collier-Blocker	0	74	
St. Lucie County:			
Indian River	1,157	0	
Lincoln	0	162	
Volusia County:			
Daytona Beach	3,396	1	1962–V
Volusia County	0	2,344	
Total	32,787	5,224	

[1] Negroes reported attending in 1963–64.

Faculties

Dade County Junior College has about 10 Negro faculty members and Gibbs County Junior College in Pinellas County, which is all-Negro, has had some white faculty members.

Special schools

Two State industrial schools for boys and two for girls are segregated. The two schools for boys have duplicated facilities separated by a street. The girls institutions have two duplicated facilities in the same towns. The Florida School for Deaf and Blind at St. Augustine has no duplicated facilities but keeps the races separate. The segregation is contested in *Singleton et al.* v. *Board of Commissioners of Public Welfare et al.*

Ethnic groups

All Indians go to regular white schools except those attending two federally operated schools on Federal reservations at Dania and Brighton.

Mr. HOLLAND. Mr. President, in general the same situation applies to Florida as it does to Georgia. The Florida table shows that in the three major predominantly white higher institutions of learning in the State—of 30,323 students attending them, only 13 are Negroes. At the State's only major predominantly Negro college, Florida A. & M. University at Tallahassee—which I have already referred to—2,884 Negroes are in attendance there, and no white students.

Of the State's 29 fine junior colleges, or 2-year colleges, which have been unheld recently as a model for America, 38,721 white students attend the white institutions, and 7,110 Negroes attend the Negro institutions.

In other words, Mr. President, in the fine white and Negro junior colleges in my State there is relatively little mixture of the races—although they are generally desegregated throughout the State. Here, again, is proof that most members of the Negro race prefer to attend predominantly Negro institutions—and in Florida they do so.

It is of interest to note, Mr. President, that in 17 counties where there is a white junior college and also a Negro junior college there is complete segregation of the races with no Negroes attending the white junior colleges although they could if they met the entrance requirements and desired to do so.

That is the point, Mr. President, Negro college students in my State prefer to attend the Negro junior colleges and not the white junior colleges as statistics which I have inserted in the RECORD prove.

For example, in Bay County, Fla., 922 white students attend the fine Gulf Coast Junior College and no Negroes attend. On the other hand, in that same county, 106 Negroes attend the equally fine Negro junior college in Bay County, Rosenwald Junior College—and no white students attend.

In Escambia County, Fla., 3,128 white students attend the white Pensacola Junior College and no Negroes attend; 179 Negroes attend the Negro Washington Junior College and no whites attend. Likewise in Marion County, 1,189 white students attend Central Florida Junior College and no Negroes attend, and 349 Negroes attend Hampton Junior College and no white students attend.

In a few of the counties in the tabulation which I have inserted in the RECORD which have shown white and Negro junior colleges a few Negro students attend the white junior colleges but the number is infinitesimal in comparison to the total populations of the schools as the tabulation shows.

There are only two junior colleges in Florida which have any substantial attendance of Negro students in white colleges. They are the two that are located in counties which have no established Negro junior colleges.

In Dade County which embraces the greater Miami area there is only one white junior college—Dade Junior College. There are 6,114 white students attending Dade Junior College and 812 Negro students. Dade Junior College was desegregated in 1960.

This is of very great interest compared to what has happened in counties which I think have very wisely established and operated two junior colleges—not only counties, but areas, because some of the junior colleges are area junior colleges rather than merely pertaining to one county.

I repeat, Mr. President, the above statistics which I have just quoted present irrefutable proof of the point that I have been making throughout this speech—the Negro student on the whole prefers to attend Negro institutions of higher learning. This is not true just in Florida, but in Georgia, Arkansas, and other States across the Southland which provide fine institutions of learning for members of both races.

Earlier in my remarks I did not mention, in referring to the various tabulations, another outstanding example on this point. In Daytona Beach Junior College, in Volusia County, Fla., there are 3,396 white students and one Negro student; and in Volusia Junior College, also in Volusia County, there are 2,344 Negro students and no white students.

It is just a law of nature that white people like to associate with white people, and Negro people like to associate with Negro people, and that such a pattern of association preference will extend into the field of education, if all are given good educational opportunities. The records in connection with the Florida junior colleges established in recent years—and that development is part of the effort of our State to give fairer treatment and more just opportunities to all of our young people—clearly show that the people of the two races do prefer to associate with members of their own race, and do not like to associate with members of the other race.

For further information on this subject, I refer Senators to the statistical summary by the Southern Educational Reporting Service, which reports on all the Southern States as of this year. I listed only Georgia and Florida, because I did not wish to encumber the RECORD; but Senators will not find any material difference between the facts for other Southern States and the facts in connection with the two States to which I have referred.

CONCLUSION

In conclusion, Mr. President—and I do not wish to belabor the issue—the point is clear. The Negro student—and the Negro teacher—has the greatest opportunity to obtain an education and to advance in the teaching field—in those States where institutions of higher learning are predominantly segregated; and better education is given there. I have called as my witness on this point today the educator from Michigan State University, whose statement was reported on the news ticker just a few minutes ago. He clearly states that the Negro children who come from the South are better trained. The reason for that has nothing to do with the climate in the South or with any difference between the people of the Negro race in the two areas; that difference exists because of the deliberate policy in the South to increase the opportunities for the members of the Negro race and to improve more and more the conditions existing between the two races.

As I stated in my brief, impromptu remarks on this subject last Wednesday evening, title IV of this bill is bad for the country and—most important—for the Negro. It is wrong—it is dangerous—and should be defeated.

I wish again to refer most briefly to just two points in this title—which, in my opinion, are so obnoxious and dangerous. The first is the unlimited Federal spending authority to bring about compulsory integration of schools which are not yet integrated—nothing more than outright subsidization by the Federal Government to speed integration of the schools—against their wishes—or in accord with their wishes, as the case might be.

The carrot and stick philosophy is clearly the one proposed to be followed by the Federal Government, as is clearly shown by the attitude of the Federal Government toward the schools.

The second is the broad, unlimited power the title would give the Attorney General to bring injunction suits at his own discretion upon almost any finding he personally saw fit to make. The use of injunction is, of course, the most arbitrary way to proceed in public matters—and this proposal is the most arbitrary use of that power in such a delicate area which I have seen suggested.

I do not wish to go again into the details of this part of title IV, but I do wish to read this paragraph from my remarks of last week, because of the great threat which not only I, but many others, as well, believe it poses to that imperishable document we all hold so dear, the Constitution, and to the rights it grants all citizens of the United States of all races.

On that occasion, I said—CONGRESSIONAL RECORD, March 11, page 5017:

> It is too bad that the ardent advocates of this great revolutionary measure choose to impose upon an unsuspecting public the right of the use of injunctions, in which citizens of this Nation can be virtually shorn of the great protections that are thrown around them otherwise by our Constitution.

In reference to the above statement, I should like again to point out, as I did last week, that in this section, title IV, dealing with public education, no allowances are provided for a jury trial in criminal contempt proceedings.

I ask the Senators who advocate this rash move to consider the statements of Congressmen MEADER, CRAMER, and POFF in the report on this bill from the Judiciary Committee of the other body—for we do not have the benefit of such a report from our own committee, Mr. President—because the peril of destroying or diluting the rights of the constitutional guarantees to all citizens—mark my words, Mr. President—is contained in the fourth title of the bill, dealing with education.

Incidentally, the report of the committee of the other body makes very clear that the determination of the Attorney General was to proceed by way of injunction which would not be reviewable in any court, but that, instead, he would thus have full liberty and license to proceed on a very broad basis, as provided in that bill—to which I shall not refer again at this point.

Mr. President, I shall speak but a few moments more at this time.

I remind Senators that the main distress over the Negro's plight in the schools is not in the South, today. It is in the North and in the East and in the West. Each day's newspaper is witness to that. Again I call attention to the bulletin of the National Education Association. I also state that the Associated Press ticker of Monday carried the story of a second boycott in New York City against the public schools there—though the dispatches make it clear that this particular effort has brought out of the schoolrooms and onto the streets, as demonstrators, only about half of the large number of students who demonstrated during the first boycott of a few weeks ago.

How many school boycotts has Chicago had in recent weeks? How many have taken place in Philadelphia, in San Francisco, in Detroit, in Boston and in New York? I do not know; but the news from those great cities of America has been most disheartening and discouraging—and in some instances, frightening.

And, speaking of that great city of New York, think of the harrowing thing that happened, or almost happened, there just 8 days ago when 21,000 white parents marched angrily on city hall, to protest that city's program of "the token integration by transporting pupils across attendance lines"—meaning their children, and meaning transportation of their children away from their own community, away from their own parent-teachers' association, and away from their normal activities, to distant schools, in an attempt to change the racial ratio in those schools—of which Dr. Conant spoke so forcefully in his statement to which I referred earlier in my remarks today, and to which Mr. Alsop referred as late as Monday of this week.

In Chicago—the heartland city of the Midwest—we have boycotts or blackouts, or whatever one wants to call them, with hundreds of thousands of Negro children refusing to go to school because integration has not come fast enough or gone far enough, spurred onward by professional agitators not only to boycott schools, but to acts of vandalism and assault which I shall subsequently discuss.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Has the Senator from Florida noted that the white majority in that area has begun to rise up and protest against all the demonstrations and efforts to bring about racial balance, and so forth, in the schools—and even in the great northern city of Chicago?

Mr. HOLLAND. I have noticed that; and in a moment I shall read into the RECORD the recent report of the superintendent of public instruction of Chicago—Mr. Benjamin C. Willis.

I also noted the reports included in the National Education Association pamphlet of last week—indicating that in Detroit the situation was becoming so bad that teachers were insisting that they have their lives insured, because of the strong probability of their being hurt. The Senator from Louisiana knows what happened in Seattle and in Tacoma a week or so ago. More than 200,000 of the people of Seattle voted, by a margin or more than 2 to 1, that they did not want open housing, but, instead, wanted the residential pattern to remain as it had been fixed by the will of the people who settled there; and in Tacoma, Wash., by a vote of 3 to 1, the same attitude was clearly demonstrated the day before.

Mr. LONG of Louisiana. Did I correctly understand the Senator from Florida to say that the teachers in Detroit feel that their lives should be insured, as a precaution?

Mr. HOLLAND. Yes. The bulletin which the National Education Association issued last Thursday—and the Senator from Louisiana knows that that organization is not a southern institution, and certainly is not a very conservative institution—contained quite a number of statements applicable to New York, Chicago, Detroit, and perhaps other places. I wish to read a part of that statement to the Senator from Louisiana:

The other two cities are New York and Chicago—

> Proposals have been made that policemen be stationed in the schools and outside them to curb pupil violence. Teachers are now asking for life insurance or indemnities to be paid in case a teacher is killed.

That is for the information of teachers and people interested in schools all over the Nation. It is a rather disgraceful thing, but they are telling the facts, and I respect them for telling the facts. It is stated, as I believe I mentioned earlier that there were 15 major assaults reported in a period of 3 days in New York City, a few days before that, by pupils upon teachers. The statement was made that they knew there were other such incidents which were not reported, because there was very strong resistance on the part of some of the overaggressive Negro groups to the reporting of such incidents and, perhaps, some pressures brought to bear to black out the facts in some cases.

Mr. LONG of Louisiana. Has the Senator ever heard it suggested previously that the occupation of classroom teacher was an extrahazardous profession, or has the Senator regarded the profession, as the Senator from Louisiana has always regarded it, as a peaceful profession?

Mr. HOLLAND. The Senator from Florida taught for 4 years. At that time he thought the profession was peaceful. Since then he has served in Army warfare and later political warfare, which is about as savage as the other, and he has come to believe that the teaching profession is the most peaceful one in which he has ever been privileged to participate. But these alarming conditions—brought about by enforced integration overnight—put a different picture on the situation.

Mr. LONG of Louisiana. I regret to say that the situation has become quite the opposite in several northern schools. I suspect very much that our northern friends will force that situation upon the South.

Mr. HOLLAND. To continue, in New York 21,000 white parents demonstrating angrily—and I understand from the Associated Press bulletin the distinguished Senator from Virginia [Mr. ROBERTSON] read into the RECORD at the very time the demonstration was taking place that it was not a peaceful one, by any means—against the forced transfer of their children to other parts of the city far from their homes.

On the day of my speech, information came over the wire service that 500,000 white parents in the city of New York were members of that group.

In my remarks of last week, as I have stated, Mr. President, I inserted in the RECORD the Bulletin of the National School Public Relations Association, Department of the National Education Association entitled, "Return Engagement: The Blackboard Jungle," the CONGRESSIONAL RECORD for March 11, 1964, page 5019, which told of the terrible situation existing in New York City when 15 attacks on teachers with knives, chairs, baseball bats, and zip guns were reported during 3 school days last week.

Today, Mr. President, I ask unanimous consent to have printed, at this point, in my remarks the attached article from the Chicago Tribune dated March 11, 1964, in which Chicago School Superintendent Benjamin C. Willis confirmed reports that assaults on teachers and vandalism in Chicago public schools have doubled since last September.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILLIS LINKS ATTACKS TO TWO BOYCOTTS—LAWLESSNESS UP 100 PERCENT, HE SAYS

School Superintendent Benjamin C. Willis yesterday confirmed reports that assaults on teachers and vandalism in Chicago public schools have doubled since last September. He added that there is an "extreme degree of correlation" between these increases and the two school boycotts.

Willis rejected a proposal that teachers be allowed to use corporal punishment to deal with rowdies in schools. He said that conferences with parents, rather than with law enforcement officials, are needed to stem the increase in lawlessness.

ALDERMAN ASKS PROBE

Meanwhile, Alderman Robert J. O'Rourke [48th] asked the city council to hold hearings on reports of violence in the schools and, if evidence warrants, to pass new ordinances or recommend State legislation to stop it. He also asked for a study of the feasibility of assigning police cadets and firemen to schools to augment the small force of policemen now assigned there.

Breakage * * * totaled 4,931 since September, as against a total of 5,376 for the whole 1962–63 term.

Window breakage increased 56.4 percent between January 1963 and last January, he added.

LINKS BREAKAGE TO BOYCOTTS

He said that the two school districts which suffered the greatest increases in window breaking also led in absentee percentages during the two boycotts, October 22 and February 25. They are district 13 on the South Side and district 8 on the West Side.

District 13, with a window breakage increase of 138.5 percent, had 94.5 percent absent during the first boycott and 74.6 percent during the second boycott.

District 8 had a window breakage increase of 106.9 percent during the 1-year period and had absentee percentages of 75.7 and 57.5, respectively, during the two boycotts.

SEES REGRET IN FUTURE

"There is an extreme degree of correlation between the area of assaults and the boycotting of classes," Willis said. "Some time in the future, a lot of people are going to regret the bad advice given to children."

This was taken as a reference to boycott leaders.

The superintendent commented on a proposal by John M. Fewkes, teachers' union president, that a conference be held with law enforcement officials to halt the increase in attacks.

"The people you need to get into the conference are the parents," Willis said. "Adults must recognize that, despite differences in viewpoints, influencing and aiding children to flout the law on one hand, and expecting them to respect the law and duly constituted authorities on the other, cannot be condoned."

ALSO APPLIES TO DISRESPECT

"This refers not only to school boycotts, but to the inculcation of attitudes of disrespect for teachers—their persons, their qualifications, and their motivations."

Concerning corporal punishment, Willis said:

"Surely we have reached a sad state in our society, if teachers who are dedicated, professional people are expected to resort to corporal punishment to protect themselves in and around school buildings. * * * Schools cannot take over all of the problems of growing children."

Willis said that daily absenteeism not connected with boycotts also is on the increase and that he is making a study to determine how much of it is due to increased truancy.

WILL CUT SCHOOL INCOME

Average daily attendance has dropped below 90 percent, Willis added, and this will be reflected in reduced income from the State, which is based on average daily pupil population.

Willis said the 35 policemen now assigned to specific schools are handicapped because some schools are 3 stories high and a block long and attacks have occurred at one end of the school while the policeman was at the other end.

Alderman O'Rourke's proposal was sent to committee for study. Alderman Bohling's move for enactment of the law was blocked by two parliamentary maneuvers. Alderman Keane (31st), Mayor Daley's floor leader, said the corporation council ruled that the language of the proposed ordinance was too vague. Bohling said he would renew his attempts to attain enactment of the ordinance at the next council meeting.

Rev. Carl A. Fuqua, executive secretary of the Chicago branch of the National Association for the Advancement of Colored People, said yesterday that his organization suspected that the interest in violence in the schools might be a smokescreen to divert the public from the basic problem of racial inequality.

"The Chicago Board of Education," the Reverend Mr. Fuqua continued, "has proceeded on the unrealistic premise that 'we're a teaching institution, not a social institution.' The facts suggest that the schools of our city cannot divorce themselves from the necessary concomitants of an academic education in a society of rapid social change."

Fuqua said he would take the issue with those who would indicate that a 1-day protest in the interest of eliminating racial segregation could be the cause for a reported upsurge of violence in the schools.

Mr. HOLLAND. I shall not take the Senate's time to read the entire article into the RECORD but I point out that Superintendent Willis stated that "45 assaults on teachers were reported to the Board of Education's safety division from September 1963, to February 29, 1964," compared with "44 during the whole school term last year."

Most important, Mr. President, Superintendent Willis stated there was an extreme degree of correlation between the increases in teacher assaults and vandalism and the school boycotts which have occurred in that city. He said:

> There is an extreme degree of correlation between the area of assaults and the boycotting of classes. * * * Sometime in the future a lot of people are going to regret the bad advice given to children.

This, of course, Mr. President, was a reference to the boycott leaders of the militant Negro groups.

Mr. President, we here have a measure which is fraught with danger, which is fomenting disaster, and which bodes no good for anyone—and especially the Negro—but which has within it great harm for all of us and the country.

The measure must, as I have said, be defeated. I shall do everything within my power to defeat it, lest the so-called "summer of decision" of last year which was climaxed by the march on Washington in August, becomes this year a "summer of devastation," which may put back for a hundred years the progress that has been made in racial relations and destroy the peace of our land.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. I have been a Member of the Senate for a quarter of a century. I do not believe I have known an abler, more devoted, or more indefatigable Senator than the distinguished Senator from Florida.

Mr. HOLLAND. I thank my dear friend.

Mr. HILL. The Senator is always present. He is always on the job. He is always working for his people in Florida. He is always serving the interests of the Nation. I warmly commend him on his speech today. It has been rich in information and in facts, and the arguments that he has presented have been compelling. The speech constitutes a notable textbook on the vital subject of the education of the races in the United States. The Senator has made a great contribution to the debate, and he has done a great deal to inform and enlighten the Senate and the country on the problem which confronts us now, particularly in the field of education. I heartily congratulate him.

Mr. HOLLAND. Mr. President, I appreciate, more than he will ever know, the generous remarks of my distinguished leader in the debate, the distinguished Senator from Alabama.

I promised to yield to the Senator from Colorado; then I shall yield to the Senator from Wisconsin.

I close my remarks by saying that, after having spent most of a fairly long lifetime studying the biracial question, having many friends in both groups, and having tried to serve both groups, to the best of my ability, justly as a judge, as a prosecutor, as a State senator, as a Governor, and here in the Senate, I am fully convinced that compulsion and coercion are not the answer. Anyone who believes that the answer to those grave questions lies in compelling legislation, compelling court decrees, by compelling the use of arms, and by compelling use of pressure or deprivation of needed Federal funds, will find the exact opposite result. We have had enough evidence in the past 10 years to cause us to look and listen, and realize that that certainly will be the case.

Mr. President, we must let the problem work itself out a bit, helping as we can. We have helped through the passage of the anti-poll-tax amendment. We have helped through various other measures that are clearly legal to give better opportunity to Negreos. We have helped through the increase of vocational education—and I am willing to go further. We have helped through the increase of apprenticeship training—and I am willing to go further. We could help through the setting up of mediation boards to give good advice to areas torn by racial strife and to help by giving technical assistance to those who need it.

When we start using compulsion and coercion, we get exactly nowhere. The measure of the solution of those vital questions to our Nation—and they are vital questions—will be the measure of what each race is willing to tolerate, after trying out various things that are open to them.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield now to the Senator from Wisconsin.

Mr. PROXMIRE. Is it fair to say that much of the thrust of the speech of the Senator from Florida was to show that educational segregation by race guarantees jobs to Negro teachers and to argue also that if whites go to those Negro schools and Negroes go to the white schools, it will rapidly destroy the opportunities that Negroes now have to teach and to become school principals and administrators and in some cases university presidents? Is that the burden of much of the speech of the Senator from Florida?

Mr. HOLLAND. I would not say that is the whole burden, but that is certainly a part of the burden of the statement I have made, which I feel is clearly shown by the statistics from States outside the South that practice integration, where Negroes do not have anything like the number represented by their race as teachers, where there are no Negro presidents of Negro institutions of learning, because the opportunity to advance does not exist, and where also, in spite of the fact that, by law and by preference, the doors are open to Negroes in medical and dental schools and other places where the learned professions are taught, nevertheless they have not been admitted in large numbers, not because anybody wanted to keep them out, but due to the fact that pressures for such educational opportunities are so great that the top qualified people are admitted and Negroes too frequently are too far down the list.

That fact could not be more clearly shown than by the letter from the assistant dean of the medical college of the University of California to the dean of the medical college of Meharry at Nashville, a segregated college, imploring him to send to California two or three of their best qualified youngsters, stating that many had applied, a few had passed the minimum requirements, but none had been able to qualify at such a level that they could be admitted to the school.

Mr. PROXMIRE. Did not the Senator's statistics show that since 1946 or 1947—perhaps not either one of those years, but at least in the decade of the 1940's—there was an improvement both in the South and in the North, a very rapid percentage improvement in the North, and a very substantial and absolute improvement in the South, in the opportunity for Negro teachers? Far more Negroes have the chance to teach than ever before by far. Does not a large part of this improvement coincide with the desegregation decision of the Supreme Court, which desegregated teaching institutions in the border States and some of the Southern States, and has given greater impetus and emphasis to desegregation throughout the Nation? Have not the opportunities for Negro teachers improved at the same time the desegregation decision by the Supreme Court has been in effect?

Mr. HOLLAND. I believe that is correct in general, but I do not believe the Supreme Court decision did it. The efforts of the States, especially in the South, to improve the schools is responsible for the improvements along with greater numbers of teachers, again, especially in the South. I stated, in a part of my speech, that the only silver lining in the forbidding cloud that has hung over us since the 1954 decision, with respect to the relations between the races, has been the improvements in the schools where they have been made. In both areas there has been improvement—in the schools and in the teaching ratios. There has been much greater improvement in the South, because, for example, in my own State, as the statistics will show, there has been established a system of junior colleges which was held up by one of the great magazines of the Nation in the last 2 or 3 months as a model for the whole country to follow. We have included opportunities for both races in the educational system of our State.

Mr. PROXMIRE. As the Senator pointed out, there has resulted a greater percentage increase in the North, and a lesser one in the South——

Mr. HOLLAND. No. Not exactly.

Mr. PROXMIRE. The Senator pointed out that there was a greater absolute increase in the South because there are far more teachers and Negroes there. As the Senator pointed out, in the segregated schools in the South there are only Negro teachers, whereas in the North, teachers are chosen on the basis of qualifications, and there has been some discrimination.

Mr. HOLLAND. Let me correct the Senator's statement to this extent. In the segregated schools, where there are only colored students, there are only Negro teachers. In the segregated schools, where there are only white students, there are only white teachers. Each group of students has received instruction from well-trained people of their own race.

Mr. PROXMIRE. In view of the fact that the Senator from Florida has conceded that since the decision of the Supreme Court in the Brown case, and the ending of legal segregation in our country in every section, there has been an improvement in Negro opportunities in teaching, why should the Senator oppose this very mild bill. To continue the Brown case philosophy a bit further, a large part of this title the Senator concedes he will support——

Mr. HOLLAND. No.

Mr. PROXMIRE. So far as title IV is concerned. One section which the Senator from Florida does not want is section 406. Another section he does not want is the open-end appropriation provision in this title. He opposes section 407 which deals with suits to be brought by the Attorney General.

Mr. HOLLAND. I am glad the Senator has brought on this colloquy, because he misunderstood the Senator from Florida. What the Senator from Florida said was that there was one part of title IV which he approved, and that was the reference to the offering of technical training for schools that wanted to progress in this field. I did not approve of any other title.

I would not want the Senator from Wisconsin to get the idea that there are not other parts of the bill which are equally objectionable to the Senator from Florida. He objects very strongly to the FEPC provision, which is put under four different initials, but which is the same old thing. I did not know that certain persons would think that with the ostrich's head in the sand nobody would recognize the ostrich, but that is what the situation is. This is obviously nothing but the old FEPC. I disapprove of that completely.

I think the right of anyone to pick his associates, to pick his own employees, to pick his employers and his fellow employees, is a sacred right. If the Federal Government tried, with this tremendous, sweeping power, to cover the employment practices, through its minions from Maine to Hawaii and from Alaska to Florida and Puerto Rico, we would be coming much closer to being a police state than we have ever done before.

I object equally strongly to the injunction feature.

I object to the title which would give the President, in his sole discretion, and subject to the review of no court, the right to cut off appropriations, approved in Congress in good faith, from communities, agencies, or States where he felt racial discrimination was being practiced even though it is already being done.

I would not want the Senator from Wisconsin to go away with a mind so completely unappreciative of the fact that the Senator from Florida was making more than two objections to the bill.

Mr. PROXMIRE. Yes, indeed; but the objections of the Senator from Florida to title IV went only to the open-end appropriation provision and to the provision providing for suits by the Attorney General.

Mr. HOLLAND. I named them as my two principal objections to this title. I said, in as clear language as I could employ, that there was only one section of which I approve. I think the Senator will find this statement upon an examination of the record.

Mr. PROXMIRE. I think it is extremely helpful, since the Senator from Florida is an experienced Senator and has been a great Governor of his State and has a fine understanding of educational problems as well, that he approves this section of the bill.

Mr. HOLLAND. The Senator from Florida approves only one small part of title IV. I am glad the Senator from Wisconsin thinks that is an important part. I wish he thought it were so important that he could forget the rest of the title, which is so objectionable, and proceed only with the granting of technical assistance. If we are to provide technical assistance to almost every other nation in the world—the last time I saw the list there were about 100 nations to which we grant technical assistance in many fields—I can see no objection to our Nation giving technical assistance to schools which are trying to devise procedures for improvement in this field.

That is the only part of title IV that I approve.

Mr. PROXMIRE. One other point. It is now 3:30 p.m. The Senator from Florida started his address at 12:20. He has given an excellent and interesting speech. He has certainly very eloquently defended his viewpoint of title IV most exhaustively. I should like to ask the Senator—and I do this with all respect—if it is not true that we are now debating taking up the bill, and that the Senator from Florida has not spoken at all in his long speech—and in his fine speech—

about the point that is before the Senate—namely, the motion before the Senate to take up the bill.

Why would the Senator object to acceding to the majority leader's persistent request, and that of the assistant majority leader as well, that we move ahead now and have an opportunity to debate the bill as such, and not tie ourselves down to this question now before the Senate which makes the Senator from Florida's speech wholly irrelevant, and not at all germane, because the Senator has not said anything about whether we should take up the bill or not.

Mr. HOLLAND. The majority leader made it clear, at the time the Senate voted to sustain the Presiding Officer on the first question that arose, that he was willing to have the bill go to the Judiciary Committee for a limited time, for its study, in order that the committee might report back. My recollection is that the unanimous-consent request was for a 10-day reference. If I am in error, the distinguished majority leader will correct me.

The distinguished Senator from Oregon [Mr. MORSE] is expected to make a motion to accomplish about the same thing, to refer the bill to the committee, so that we may have the advantage of its comments, not merely on title IV, but on the other parts of the bill, some good, some bad—much more bad in it than good from my point of view, at least. But the majority leader has advised us that he proposes to move to lay on the table the motion of the Senator from Oregon as soon as the Senator from Oregon is finished speaking. If I have misunderstood the distinguished majority leader, he can correct me.

My feeling is that we must call attention to the manifest injustices, the manifest un-American provisions in the bill at this stage, if we hope to win. We shall not have an opportunity to argue at the time the Senator from Oregon makes his motion, but instead will be cut off at the discretion—and I hope it will be the discretion—of the Senator from Montana, the majority leader—from making any debate at that time as to the wisdom of reference to the committee by a motion to lay on the table. That should make it clear that the subject requires some discussion at this time.

Perhaps the Senator can correct me, but I believe I am the first Senator to discuss title IV. I believe the Senator will also agree that it is an important title. I believe the Senator has already said that my remarks were creditable considering my point of view. If we are to discuss the things which we believe are vital in the bill, now is the only time available to discuss them.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HOLLAND. If we are to have an opportunity to discuss them prior to the summary laying on the table of a motion to refer, which would give us an opportunity to have a committee report which should become part of the legislative record of the consideration of the bill, I hope it will never be passed—we must do it now.

I understand the attitude of the distinguished majority leader. I understand that he intends to move to lay on the table the motion of the Senator from Oregon, even though it will be substantially the same proposal as the Senator from Montana made for unanimous consent only a few days ago.

So I have felt, whether rightly or wrongly—and I hope the Senator will be tolerant toward me—that there is enough of vital importance to this Nation in title IV, which has not been discussed by any other Senator, to make it worthy of discussion.

I have talked for a little more than 3 hours—or rather, I have held the floor for a little more than 3 hours and I could hold it longer, if I wished, but I do not propose to do so. I believe the Senator will admit that I have not been talking about impertinent or annoying things. I have been talking about title IV. I have been talking about this title with the thought that it must be discussed before Senators vote on the question of whether the bill shall go to the committee, to have the benefit of the committee's judgment on this and other important titles in the bill.

Mr. PROXMIRE. I believe the Senator will agree, of all the Senators who have ever served in the Senate with the possible exception of the Senator from Florida, there is no one that can talk at greater length and with greater persuasiveness and eloquence and force than can the Senator from Oregon. I am sure he can take care of himself in spades on the issue of his own motion. He can discuss it for hours and hours and hours. He has shown that he can do it and with great force.

If the Senator from Florida feels that it is not necessary to enlighten the Senate on the issue of whether the bill should go to committee, he could talk on that issue, but the Senator has chosen not to do so in his long talk today. The Senator has talked on title IV of the bill and given an eloquent, persuasive, and masterly presentation of his viewpoint. But it is something that has nothing whatsoever to do, No. 1 with taking up the bill; and No. 2, with referring it to the committee. We should proceed and have an opportunity to vote on the motion of the Senator from Oregon. We should then call up the bill and have an opportunity to discuss the bill, title by title, as it deserves to be discussed, in an orderly way, and not while we have pending the issue of whether we should discuss it.

Mr. HOLLAND. In view of the fine and glowing adjectives the Senator from Wisconsin has used in describing me, in his impassioned way, my answer will have to be mild. I know perfectly well that the Senator from Oregon does not agree with me on the merits of the bill. I know he does not have the advantage of a direct knowledge of the biracial educational situation. It so happens, since a considerable part of my life has been spent in the field of education, and with my interest in it, that I do have some qualifications to speak on it from the standpoint of the firm convictions I hold with reference to title IV. I could not feel that I had done my duty to my own people, or to the Senate, or to the country, if I did not ventilate this provision of title IV of the bill before we reach the point where the distinguished majority leader is to raise his poleax and knock out the motion of the Senator from Oregon. I believe this will be based on procedural grounds only. Although I am not too much concerned with procedural grounds, I am concerned with the Senate's having the advantage and benefit of a report which will go into the details of some of these very bad provisions of the bill, of which title IV, with small exceptions, is one. I hope the Senator will be tolerant in understanding my point of view.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 89 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Brewster
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 950) to amend the Internal Security Act of 1950.

COMMITTEE MEETINGS DURING SENATE SESSIONS NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration may have permission to meet during the sessions of the Senate next week.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE FOREIGN AID MESSAGE OF THE PRESIDENT

Mr. HUMPHREY. Mr. President, the Senate has received a sensible and affirmative message on foreign aid from the President.

The President has found, as did three Presidents before him, that foreign aid is essential not only for expressing our national purpose but also for serving our national interests. In the words of the message:

> The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals.
>
> We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance.

I congratulate the President on his message, and on stating his convictions about foreign aid with the same good sense that led him to support the program during his entire service in this Senate.

A few days ago, the President sent a message to Congress about poverty at home. Today, he has sent us a message on poverty abroad. He could have combined the two into a single message on "poverty at home and abroad." They are a part of the same problem—the problem of helping people to help themselves, be it in West Virginia or west Africa. Destitution is a common enemy of all mankind and destitution abroad is as much a moral, political, and economic concern for the United States as destitution in our own land.

The President's message also follows on the heels of the McNamara mission to Vietnam, where foreign aid is playing a key role in preventing communism from scoring another victory.

It is difficult to understand how anyone can oppose foreign aid in today's world. As the President says in his message:

> I recommend this program to the judgment and the conscience of the Congress in the belief that it will enlarge the strength of the free world, aid in frustrating the ambitions of Communist imperialism, reduce the hazards of widespread conflict, and support the moral commitment of freemen everywhere to work for a just and peaceful world.

Besides finding foreign aid essential, the President has also found that it would not be desirable to change substantially the present organization of foreign aid activities. The only organizational change of any significance being made is to vest operational responsibility for the Alliance for Progress in the Assistant Secretary of State for Latin America. This is a step which the Senator from Minnesota, among others, had urged in order to give greater impetus to the Alliance.

Other forms of organization were considered, but after careful review it was found that the present organization is basically sound for carrying out the present program.

Consideration also was given to separating economic and military assistance. This, too, was found undesirable for a variety of reasons, not the least of which is that what is sauce for the Senate is not sauce for the House. And even within the Senate there was sharp disagreement on this point.

In these and other respects the message reflects the President's earnest effort to take into account congressional attitudes and objections, as well as his own concern for a program which is prudent, economical, and effective. This is shown by the request for $3.4 billion, which is the amount available for the current year and the smallest request ever made for foreign aid. It is shown also by the emphasis in the message on greater selectivity and concentration, termination of aid in countries achieving self-sustaining growth, better administration, improved personnel, and greater use of resources and advice outside the agency.

Wisely, I think, the President refrained from naming specific countries or fixing particular dates for the termination of aid. It would be foolish to give the Communists a timetable of our plans for the future. Nor is it desirable to set into motion forces which could interfere with the orderly and successful completion of aid activities in countries nearing economic independence.

One of the recommendations of the President, which I strongly support, is a tax credit for U.S. investment in less developed countries. The Europeans already have similar plans. German investors, for example, can now take an immediate depreciation allowance of 15 percent, and transfer another 42.5 percent of initial capital into a profit-reducing reserve, thus reducing taxable profit in the first year by up to 57.5 percent of the cost of investment.

We need a tax credit for investment in less-developed countries if we are to compete successfully in world markets with other countries, as well as promote new investment which can augment U.S. Government funds in helping developing countries to become self-supporting.

INCREASING USE OF OTHER GOVERNMENT AGENCIES AND PRIVATE GROUPS

I am especially pleased by the increasing use being made of resources and advice outside the foreign aid agency, and by the emphasis on this point in the message. The Executive Service Corps, or businessman's peace corps, which is being privately launched with the encouragement and assistance of Congress and the executive branch could be a promising and even historic new foreign aid dimension. Drawing on active as well as retired American businessmen, the Executive Service Corps would provide entrepreneurial and managerial assistance to less-developed countries. Experience has shown that in many countries the chief obstacle to economic growth is lack of trained manpower. A number of countries are at the point of having to train more people before they can effectively use greater amounts of outside capital. Particularly scarce are entrepreneurial and managerial skills of the kind which would be exported under this new plan. Even the shortage of scientists and technicians in less-developed countries is less acute than the shortage of entrepreneurs and managers. Americans are, I might add, particularly well equipped to render this kind of assistance, having the most advanced entrepreneurial and managerial system in the world.

A privately organized program for exporting American management know-how has unlimited possibilities not only for assisting with the development of other countries, but also for providing invaluable business experience for American business executives, and for contributing toward the development of democratically organized and operated business around the world.

This project, which I think has as much potential as any foreign aid enterprise ever conceived, originated, I am happy to say, with two Members of this body, the Senator from Indiana [Mr. HARTKE] and the Senator from New York [Mr. JAVITS]. I think both Senators deserve a great deal of credit for initiating the plan and encouraging the study of the proposal made last year by AID. Credit should also go to David Rockefeller, who independently suggested a similar plan, and is now cochairman, along with Sol Linowitz, the very talented chairman of the board of the Xerox Corp., of an organizing committee to establish the project. I congratulate these two gifted American businessmen for their leadership, together with other members of the committee—C. D. Jackson, vice president of Time-Life; John H. Johnson, president of Johnson Publications; Adm. Dan Kimball, chairman of Aerojet-General; and William S. Paley, chairman of CBS. This is an extraordinary group of men, and I have great confidence in their ability to organize what may well prove to be an extraordinary human endeavor.

Two other important steps toward greater use of resources and advice outside the foreign aid agency are also announced in the President's message. These are the Advisory Committee on Private Enterprise in Foreign Aid, which results from last year's Senate amendment sponsored by the Senator from New York [Mr. JAVITS], and a general foreign aid advisory committee which is being established largely in response to the urging of the Senator from Kentucky [Mr. COOPER]. Both Senators are to be commended for their efforts to stimulate greater utilization of advice from knowledgeable people outside the Government. These committees can make a unique contribution toward improving the foreign aid program, as well as toward increasing public understanding of the program.

The foreign aid program cannot be effectively operated solely by officials of any one Government agency, or even of all agencies combined. The role of Government should be primarily to facilitate and to stimulate rather than to operate. We are fortunate to have so many well-qualified specialists in AID. But for every AID specialist there are 10 specialists in private business, the universities and the foundations with the skill and experience needed in foreign aid. Here, too, progress is being made in making our foreign aid program more effective. This is very gratifying to me personally, I might add, because of my own efforts to encourage AID to make greater use of other Government agencies as well as outside groups.

An impressive number of steps have been taken to implement my technical-services-for-peace" amendment, section 621 of the Foreign Assistance Act, which calls for the utilization by AID, to the fullest extent practicable, of the technical services of other Government agencies and private groups. During the current fiscal year AID has entered into more than 20 new agreements with other Government agencies to provide for their participation in the foreign aid program. Under these new arrangements the Housing and Home Finance Agency is processing all Latin American housing guarantees; the Internal Revenue Service is conducting special training for foreign officials on tax collection, as well as sending teams overseas to assist in improving tax administration in less-developed countries; the Public Health Service, which is presently being used by AID for most of its health projects, may assume full operating responsibility for the malaria eradication program. Here are some examples of the types of technical assistance being performed under AID auspices by the various Government agencies:

In Vietnam, the Bureau of Docks of the Department of the Navy is providing technical assistance for an integrated telecommunications network.

In Indonesia, the Maritime Administration is providing an 11-man team to the Indonesian Merchant Marine Academy to upgrade merchant marine graduates.

In Burma, the Corps of Engineers has performed a feasibility survey on the proposed Rangoon-Mandalay Highway and will supervise the construction contract on one section of the highway.

In Thailand and Laos, the Bureau of Reclamation has a 19-man team surveying the water resources of the Mekong River.

In Laos, the Bureau of Public Roads is providing a 24-man team to assist with the development of the Laos National Road System.

In the Philippines, the Federal Aviation Agency is assisting the Philippines Airline System in the development of a comprehensive traffic control system.

AID has some 200 agreements of this type with 14 other Government agencies involving about 1,500 people, compared to 1,100 a year ago.

Increasing use also is being made of private organizations. AID now has about 1,000 technical assistance contracts worth $390 million with American companies, universities, and individuals—a 10-percent increase over the previous year. Under these contracts men and women from all over America, specialists in their chosen professions, are working in 69 different countries training teachers, establishing agricultural extension services, improving public administration, training rural health personnel, to mention only a few.

A construction firm is rehabilitating a hydroelectric plant in South Korea. A Midwestern land grant college is helping to strengthen the agricultural curriculum of a new school in Sierra Leone. A trade union group is training non-Communist labor leaders in Latin America. A financial consultant is helping Pakistan advisers develop ways of diversifying local industry and encouraging private investment.

The development of cooperatives is another extremely important new foreign aid program being conducted by AID in partnership with private American organizations. Here, too, I have a vital personal interest, having been the sponsor of the Humphrey amendment, which is part of section 601 of the Foreign Assistance Act, on encouraging the growth of cooperatives, credit unions, and savings and loan associations.

Professional service organizations such as the Cooperative League, the National League of Savings and Loan Associations, the Credit Union National Association, and the National Rural Electric Cooperative Association are being used for the development of cooperatives for agricultural credit, marketing, housing, and electric power, as well as for establishing savings and loan associations.

These facts illustrate the progress being made:

Ninety-three major cooperative assistance programs are under way in 48 countries compared to 25 in 36 in fiscal 1962, the year AID launched an intensive effort to foster cooperatives.

In 1963 nearly $100 million in new capital, from AID, from the Social Progress Trust Fund and from private groups backed by AID investment guaranties became available for development of all types of cooperative enterprises, with emphasis on Latin America.

AID's grant funds spent for technical assistance to cooperatives rose to $8.5 million in 1963 from $2.8 million in 1962. Private U.S. cooperative institutions spent $700,000 on additional technical help.

Persons trained outside their countries in cooperative management rose from 203 to 1,675, with even more being trained at home.

U.S. cooperative institutions furnished 133 specialists in 1963 for employment by AID, against 49 in 1962. The institutions themselves fielded 213 specialists.

Credit unions in Latin America had 217,500 members as of September 30, 1963, with over $8 million in savings. The number of credit unions increased from 524 to 987 in the first 9 months of 1963. It was estimated that by 1970 Latin America will have 3,000 credit unions with more than a million members and $34 million in mobilized savings.

Few people realize that 72 American colleges and universities from 32 States, compared to 61 such institutions a year ago, are now playing a key role in our foreign aid program by providing technical assistance in 40 different countries under 129 different contracts with AID worth $159 million.

Another encouraging development in the effort to broaden public participation in foreign aid is the new program of State and local participation in the Alliance for Progress. With the help of AID committees are being formed in several communities and States. These grassroots "partners of the alliance" will provide, with the advice of our aid missions, direct assistance to countries, municipalities, and projects in Latin America. They range from the partnership between Oakland County, Mich., and the area of Cali, Colombia—where a total area development program is beginning, including exchange of staff, advisory help in improving public administration, university scholarships, and preinvestment surveys—to more simple arrangements supplying needed items, such as sewing machines for an orphan's home. Other partnerships are being formed—the State of Utah with Bolivia, Idaho with Ecuador, Ohio with Brazil. Other groups are being organized in Alabama, Texas, Arizona, Massachusetts, Minnesota, Nebraska, Oregon, and Illinois.

These facts dramatize the extent to which foreign aid is rapidly becoming, I am happy to say, a national effort, embracing the many great institutions and organizations of American society.

Under the leadership of both the late President Kennedy and President Johnson, and with the able administration of David Bell, the foreign aid program has been greatly improved in the last several years. The message of the President reflects these changes, and makes recommendations for new improvements.

Congressional and public criticism of foreign aid for its lack of selectivity and concentration, its overemphasis on short-term political and security objectives, its lack of emphasis on self-help, its piecemeal support of individual projects rather than more general development programs, and the excessive direction of field programs from Washington has led to a number of reforms in the concept and organization of the program.

Today, foreign aid is highly selective and concentrated. Only key countries with real potential for development or significant security interest are being assisted to any appreciable extent. But the central question is not how many countries are being added. To argue about number of countries receiving foreign aid, as if a certain number were sacred, is like arguing that we should provide grants-in-aid to only a certain number of States, or educational assistance to only a certain number of colleges. There are reasons for aiding a number of countries, just as there are reasons for giving grants-in-aid to all 50 States, or lending money for educational facilities to the Princetons of the country as well as to the smaller, less endowed colleges.

This preoccupation with the number of countries receiving foreign aid, as if that were a reliable or meaningful guide to the soundness of the program, would make some sense if the issue were one of saving money. But this is clearly not the case. What would the savings be if the number of aid-receiving countries were cut from around 80 down to 50, as was suggested during the debate last year? The answer is that out of a total AID budget for the last fiscal year of about $2.4 billion, only $40 million could have been saved if aid programs were eliminated in 30 out of 80 countries, a little more than a million dollars per country. This shows two things—first, that the aid program is already highly concentrated, and second, that if there is any logic to the argument about number of countries it certainly cannot be supported on grounds of economy.

It makes a great deal more sense, as far as tightening up the program is concerned, to argue for strengthening the terms of our assistance, based upon each country's potential for growth, amount of self-help, importance to American and free world interests, and present state of development. Foreign aid terms should vary, of course, depending upon ability to pay, but terms for all countries should be strengthened as countries become more economically independent. U.S. lending for capital projects should gradually shift from AID to the Export-Import Bank. Technical assistance should increasingly be assumed by private organizations through direct contractual relationships with the country concerned.

Here, too, there is progress, as reflected by the emphasis in the foreign aid message on strengthening aid terms wherever possible, and quickening the pace of growth in order to produce economic self-support as soon as possible. According to the President's message, some 14 countries are now approaching the point where aid terms can be strengthened and grants can be terminated. In addition, seven countries are being dropped from the new request for military equipment grants. This is all to the good, provided we do not move so rapidly that we terminate programs prematurely. This would be like building a new factory and leaving off the roof.

As countries become self-supporting, terms of aid should be strengthened, but great care must be taken to protect our investment. For the administration to cut off all aid, or to cut off aid prematurely in order to be able to brag to Congress about how many country programs have been eliminated would be a serious mistake. This is one reason why the argument about the number of countries receiving assistance is so dangerous. Pressure to reduce the number of countries receiving assistance can contribute toward premature strengthening of loan terms or termination of aid, either of which would both jeopardize our investment and penalize the very countries which have made the most progress. In the end, this could cost more money than it would save.

The foreign aid message also reflects the administration's emphasis on self-help, which the President rightly calls the most important ingredient in development. If we have learned any one fundamental in our foreign aid experience, it is this lesson. Foreign aid can never be a substitute for local effort. We can help, but we cannot provide the motivation and the hard work required for development, nor can we transplant to other countries our institutions and way of life. Each country must be its own master, relying primarily on its own people and resources for achieving social and political progress.

The principle of self-help was explicity recognized and formalized in the Alliance for Progress. Under the Charter of Punta del Este, every member of the Alliance is committed to undertake certain self-help measures. Aid is conditioned upon the necessary structural reforms and measures for the mobilization of internal resources. I would hope that similar steps could be taken in other areas of the world to recognize and establish specific self-help measures as conditions for aid.

Tax reform, a basic self-help measure, is an example of the new emphasis in our foreign aid program on helping countries to help themselves. In 1963, AID with the collaboration of the Internal Revenue Service launched a new, high priority technical assistance program in tax administration. Directed primarily toward Latin America, this program, in my opinion, is one of the most significant foreign aid improvements in recent years. And it is already achieving results in a field, as we know from our own experience, where reform is stubbornly slow. Examples are three of the key countries of Latin America, Chile, Peru, and Colombia.

NEED FOR CONSTRUCTIVE DEBATE

Foreign aid is the most ambitious and difficult endeavor in history. The concept itself is revolutionary. One hundred years ago England forcibly prevented her technicians from leaving the country for fear they would make their knowledge available to others. Today, it is a mark of enlightenment for a country to make available its technical skills and knowledge, and even to provide the capital necessary for economic growth. Yet part of our problem, as the recent debate in this Chamber has demonstrated, is that despite all the evidence to the contrary some are still reluctant to accept the validity of the concept itself. Others rightly argue that although the concept is valid, it has not been properly executed. But it is one thing to say that there have been mistakes, and quite another to say that the concept of foreign aid is not valid. It is one thing to offer constructive criticism—that is our duty, but it is quite another to find nothing but fault. It is one thing to say that foreign aid needs to be improved, but it is quite another to criticize without suggesting any alternative except less aid to fewer countries by a smaller staff with lower appropriations.

Every Member of this Senate wants to see improvements made in the foreign aid program. There is not a Senator who does not have his own ideas about how this could be accomplished. Some of the criticisms and suggestions of the Senate have been put into effect and have helped to improve the program. It is important for Senators to continue to suggest changes and improvements. If anything, there is need for even greater congressional examination of the strengths as well as the weaknesses of foreign aid. But there are any number of ways in which Congress can influence the course of foreign aid without casting doubt on the concept, undermining confidence in the program, and creating a negative political climate which favors restrictions and reductions rather than healthy, constructive criticism, and support. Foreign aid will never be made more effective if it continues to be subjected to the attack which characterized last year's congressional action.

We cannot again afford the spectacle of 1963, when the Congress of the United States—and especially the Senate of the United States, which should know better—did great injustice to the cause of freedom by its attacks on a program so vital to our country and to the future of the human race. In 1964, let there be criticism, but let it be constructive. Let there be debate, but let it be prudent. Let there be legislative action, but let it be responsible.

AMERICANS SUPPORT FOREIGN AID

There is, of course, another side to this question. The executive branch has an equal obligation and responsibility. It has the responsibility of making the foreign aid program more dynamic, more imaginative, more responsive to the crying needs of the world, and more in accord with the generous impulses of the American people and the traditions of the permanent American Revolution. What the American people want is not less foreign aid, but better foreign aid. Give them a better program, a more effective program, and they will give it greater support. Help them to gain a better sense of the value of foreign aid, and of the quality of our program, and they will underwrite it with greater confidence.

Americans understand the historic importance of foreign aid. They do not like having to spend their hard-earned dollars for foreign aid any more than they do for military defense. But they know that foreign aid is one of our responsibilities as the champion of democracy, and most powerful nation on earth. They know that rich, powerful countries, like rich, powerful men, have a moral obligation to the less fortunate. They know that ours is a great nation, not because we have selfishly served our narrow national interests, but because we have acted in the common interests of all mankind.

Nothing better symbolizes America's role of world leadership than foreign aid. Of all of the great acts of American statesmanship, foreign aid is the most outstanding, and, I might add, the most in keeping with our own history and traditions.

The United States of America was the first new nation. Ours was the first modern, democratic revolution. We were the first colony to win our freedom. We were the first newly independent people to face the wilderness. The word "bootstrap" is an American word. Americans know what it takes to lift yourself by your own bootstraps, because America was created by the determination and hard work of its people.

Americans were political pioneers as well. We were the first people in history to establish a new government in a new land. Ours was a political revolution, which, once it succeeded, left us without adequate government. This is why we understand the problems in beginning with a revolution and building a nation. We know how difficult it is, once freedom is gained, to unify the people of a country, to create one from many, to establish a government which can govern. The words inscribed over the rostrum of this Senate—"E Pluribus Unum"—describe our unfinished task, a task we have in common with every other country of the world which, having gained independence, is trying to build one nation.

We understand—because it has also been our problem—the great dilemma faced by the other new nations in keeping faith with freedom, while at the same time maintaining the political stability necessary to prevent anarchy and self-destruction.

Foreign aid is the American Revolution in action in the 20th century. Conditions differ, but the basic problems facing the new nations are similar to those which we faced and continue to face. It is through foreign aid—conceived not just as economic development, for that is only part of the problem, but conceived as a total plan of action for bringing about social, economic, and political change in less-developed countries—that the ideals and goals of the permanent American Revolution, and the permanent interests and aspirations of the human race best find expression.

RESPONSIBILITY OF THE LESS-DEVELOPED COUNTRIES

Finally, there is, of course, the responsibility of the less-developed countries, not just to undertake the self-help required for development, but to conduct themselves as responsible members of the community of free nations. This is not easy for a newly independent nation, faced with heavy burdens at home, the pressures of the cold war, increasingly unfavorable terms of external trade, and an increasing gap between the rich nations and the poor. By and large the less-developed countries of the free world have acted in a remarkably mature and responsible manner, especially considering the circumstances. It is often difficult for us, even though we were the first new nation, to appreciate the predicaments they face, and the cruel choices they have to make. We can applaud the patriotic freemen of every less-developed country who strive to set their people free from misery, disease, and economic helplessness. They, and the patriots of the developed countries working with them, are the heroes of the war being waged against time and the enemies of freedom in which foreign aid is the major weapon.

The temptation of any group or country faced with such overwhelming problems is to find a scapegoat, a devil, an enemy. This temptation will surely grow as developing countries have to grapple with rising external debt, increasing internal economic difficulties, and mounting domestic strife. "The Morning After," as one author calls this aftermath of freedom, will be a dangerous period during which real statesmanship will be required of developed and less-developed nations alike.

One of the first real tests will occur in the next few weeks, as more than 100 nations confer in Geneva on problems of trade and economic development. Trade is vital for development, just as markets are necessary for trade. Yet the cruel fact is that even increased trade has not been helping the less-developed countries. In recent years the prices of primary commodities sold by less-developed countries have fallen by about 10 percent while the prices of manufactured goods which these countries must buy have increased by about the same amount. Steps have been taken to stabilize world commodity markets, one of the most important of which is the coffee agreement now on the Senate calendar. There is also a new compensatory financing program operated by the International Monetary Fund. But pressure has been mounting for new measures, such as more preferential tariffs and other trade advantages, together with higher levels of aid.

These are the problems which will be discussed in Geneva, where all nations concerned will have to show considerable restraint in order for positive and constructive results to be obtained. The developed nations—the haves—must act in a responsive and responsible manner, but the less-developed countries must not let the fact that they are the have-nots lead them into taking irresponsible positions. They must particularly guard against blaming their problems on everyone and everything but themselves. Scapegoating cannot be a substitute for facing their own problems realistically.

THE MEASURE OF OUR GREATNESS

The world is entering a period of great uncertainty and stress, which will tax the patience and tolerance of every nation. It could become a time of trouble, with the poor turning on the rich, and the rich turning away from the poor. Or it can become the beginning of a new age, with freemen working together for their common good. That choice is in our hands.

Now, more than ever, our response to the challenge of development is a measure of our greatness as a people and our enlightenment as a nation. And now, more than ever, American genius is required to make foreign aid a more effective answer to the great questions facing the less-developed world.

President Johnson has asked for our support. Let us now give it, not grudgingly, or in a spirit of despair and defeat, but in full awareness that although the way be perilous and long, there can be no turning back. With a community of free nations as our ultimate goal, let us rededicate our country to the ennobling and historic task of helping two-thirds of the human race to win, not just freedom, but the blessing of life, liberty, and the pursuit of happiness.

I am very much impressed with the emphasis given to private enterprise in the new foreign aid program. American private investment is a tremendous boast to the economic progress of the less-developed countries of the free world. In 1962, total new American long-term investment in companies and plants overseas totaled $2.7 billion—half again the total expenditures of economic aid under the Foreign Assistance Act. Most of this flow of investment went to the developed countries rather than to the less developed countries, but it shows the possibilities for investment if adequate incentives and encouragement are given.

And investment by private companies not only supplies necessary capital but it also brings with it technical skills, managerial talents, and administrative organization. In many developing countries these are even more of a bottleneck than shortage of capital. Although much is now being done by AID in the private field, further studies should be made to determine how the present program can be strengthened and supplemented to make sure that private investment makes the maximum contribution. I was, therefore, pleased to see that in accordance with the Senate amendment of last year, an Advisory Committee on Private Enterprise in Foreign Aid is being appointed by the Administrator. This Committee will report by the end of 1964 and make recommendations for achieving the most effective utilization of the private enterprise provisions of the [Foreign Assistance] Act.

The main new legislative actions requested by the President for fiscal year 1965 are in accordance with the new emphasis upon the private community; the investment tax credit, increased funds for investment surveys, and increases in extended risk guaranty authority and Latin American housing guaranty authority. Further legislation may well be recommended next year as a result of the report of the Advisory Committee.

I. LESS DEVELOPED COUNTRY INVESTMENT CREDIT ACT

Potentially one of the most powerful devices for mobilizing private resources for development is the proposed tax credit legislation, the Less Developed Country Investment Credit Act designed to encourage a greater flow of U.S. private capital to developing countries. It provides for a U.S. investor to receive a tax credit against his total tax liability equal to 30 percent of his investment in developing countries. It also authorizes a credit on reinvested earnings in excess of 50 percent of total earning if they remain at work in the developing country. This tax credit leaves the investment decision freely to the private investor, but it should tip the balance in many cases in favor of a decision to invest in one of the less developed countries.

One of the important problems in mobilizing private enterprise for development is how to make businessmen aware of the opportunities that do exist and of how to encourage them to give serious consideration to such opportunities.

II. BUSINESSMEN'S INFORMATION CENTER

A Businessmen's Information Center has been established within AID to help businessmen learn where and how they can participate in AID private enterprise programs. The Center will provide information and guidance to American businessmen on those functions of the agency which affect business and whom to contact on each of them. AID is also compiling a list of investment opportunities which have been studied by numerous public and private organizations—international banks, foreign governments, U.S. and foreign corporations, universities, and foundations—for use by the investing public.

III. INVESTMENT SURVEY PROGRAM

Authorization of $2.1 million for the investment survey program has been requested by the President because the program has expanded rapidly in the past year. Under this program AID can agree to pay up to half of the cost of investment surveys undertaken by prospective investors. If the survey results in an actual investment project, the investor pays the full cost of the survey. The modest AID costs under the program give promise of opening the way to millions of dollars of investment. In 1963, AID participated in the financing of 60 surveys by companies wishing to explore new investment opportunities in less-developed areas—a significant jump from the 5 surveys authorized in 1962.

The leverage of this program is so high that even a relatively small proportion of successes would produce an impressive increase in investment—much of which might not have taken place without this encouragement.

IV. EXTENDED RISK GUARANTY PROGRAM

To overcome the higher risks—which act as a major barrier to U.S. investment in developing areas, an expanded guaranty authority is needed.

A crying need in developing countries is for boldness in pursuing investment opportunities entailing considerable risk, beyond those that can be insured against, through the specific risk guarantee program—covering convertibility, expropriation, and war risk. Authority to grant extended risk guarantee coverage on commercial risks to U.S. investors is granted in the authorizing statute. The act now authorizes up to $180 million for assuring against loss of any loan investment for housing projects, or against loss of not to exceed 75 percent of any other investment. I understand that the first contract granting such coverage was signed with a group of U.S. companies to cover an $8 million additional investment in a petrochemical complex in Argentina. Rapid expansion is now anticipated by the AID agency, with amounts under this guarantee expected to rise to $50 million in fiscal year 1964 and to $140 million in fiscal year 1965. To allow this expected expansion, the President has asked that we increase the authorized guarantee issuing authority by $120 million, bringing the total to $300 million.

The extended risk guaranty is one of the most powerful investment incentives we can offer U.S. private enterprise; the experience of the next year should prove a guide as to how much further this program can be advanced in the future.

V. LATIN AMERICAN HOUSING PROGRAM

As is well known, the housing shortage in Latin America is incredible. Without even the barest minimum of a place to live, it is hardly surprising that unrest, strife, and despair cover the continent. The Latin American housing guarantee program is a start toward providing a measure of social justice in this hemisphere. In 1963, AID approved eight investment guarantees for self-liquidating demonstration housing projects in Latin America; in addition, two projects were guaranteed in 1962. These 10 projects in Peru, Chile, El Salvador, Honduras, Mexico, and Panama will produce approximately 13,000 housing units, representing a total investment guarantee commitment of almost $55 million. More than 5,500 homes are already under construction, and 100 of the first 400 houses to be built and financed under this Alliance for Progress housing guarantee were formally dedicated and delivered in Lima, Peru, on January 18, 1964.

The President has asked us to raise the authorized guarantee issuing authority by $100 million to a total of $250 million. This will accommodate the continued rise in demand for these guarantees—close to $190 million is expected to be in force by the end of fiscal year 1965.

The introduction of low downpayment, long-term mortgage financing in Latin America—aided by the United States guarantee—is broadening the possibilities for private home ownership and serves as a demonstration to local builders and financial institutions.

VI. SPECIFIC RISK GUARANTEE

The oldest AID program to assist the U.S. investor is the specific risk guarantee program, covering convertibility, expropriation, or war risk. From the inception of the program through December 1963, 778 guarantee contracts worth $1.4 billion had been written for specific political risks. Outstanding guarantees have doubled again over the last 2 years.

In 1963, the Congress increased guarantee issuing authority by $1 billion to a total of $2.5 billion; this authority is sufficient to meet the needs for the coming fiscal year.

The pressure of unprecedented demand for these guarantees has called for administrative improvements to handle the backlog and to clear the ground for even higher demands. New staff has already been added to the Investment Guaranties Division, and further administrative improvements are underway. I understand that Administrator Bell has appointed Leigh Miller, the former legislative programs coordinator, to head up this Division. The tremendous potential of this program must be realized, and I believe that Mr. Miller will provide the necessary leadership.

VII. EXECUTIVE SERVICE CORPS

The President's proposal for an Executive Service Corps will help to mobilize the technical and managerial skills of American business for development. There are many Americans with high skills and long experience in business who would welcome the challenge and opportunity to put their know-how to work directly to help the growth of free enterprise in developing countries. At the same time, a major limiting factor in the growth of private enterprise in most of these developing countries is the great shortage of managerial and technical manpower.

The Executive Service Corps should bring together the needs of the developing countries and the available skills in the United States. But I also applaud the President's view that the Executive Service Corps should be operated outside of the Government—working with similar local groups in the developing countries. This should be a private program, assisted by AID as appropriate, but outside of usual Government channels.

The proposed new Executive Service Corps should emphasize placing people directly in private enterprises and in actual operating jobs overseas rather than purely advisory functions. Those going abroad should go as individual volunteers and not as U.S. Government representatives in any formal sense, though we hope that through their deeds they may become effective ambassadors for development through private enterprise. This has been the key to success of the Peace Corps—and is a noble example for older citizens.

This program offers an opportunity to mobilize business know-how and skilled manpower—which are one of the greatest strengths of our system—to meet the challenge of world development; it also offers the opportunity for Americans to practice what they preach and to show by example why we as a nation believe so strongly that a free enterprise system is the most effective way to achieve both prosperity and true freedom.

This program seems likely to get the enthusiastic cooperation of American business and preliminary indications are that it will be well received in the developing countries. It should be an important addition to the many voluntary organizations already working to strengthen free peoples overseas.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a press release I issued on President Johnson's foreign aid message:

There being no objection, the release was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE FOREIGN AID MESSAGE

In his foreign aid message for this year, President Johnson has submitted a streamlined modernized foreign aid program which the Congress can and will support. It makes clear that we intend to meet our commitments abroad, that we intend to support those who are defending free institutions around the world. The amount requested by the President—$3.4 billion—is $1½ billion less than the original request for last year.

The new program will accelerate the trend toward concentration of our aid program in a few high priority countries. It will phase out our regular aid missions in a substantial number of countries in the near future. It will reduce the number of AID employees by 1,200 persons by the end of fiscal year 1965.

The new foreign aid message indicates that the administration has consulted key officials in the Congress, in the executive branch, and outside the Government in planning the aid program for this year. They have accepted many of the suggestions made by Senators and by knowledgeable leaders in the private sector. The new program features an enlarged role for private agencies and institutions—for businesses, for foundations, for universities, for labor, and cooperative organizations. It indicates that AID officials are aware that much of the technical assistance work must henceforth be done through contracts with qualified private organizations, rather than through direct-hire personnel. The message indicates also an awareness of the need to utilize to the fullest possible extent the resources of existing Government agencies for assistance in the health, labor, agriculture, and education fields.

The new aid program gives special encouragement to private enterprise by granting a tax credit for businesses investing in

> underdeveloped countries. And it encourages us to share the managerial skills of our business community by establishing an Executive Service Corps.
>
> In conclusion, the aid message gives a clear indication that improvements in our aid program are being made, that it is being concentrated in high priority areas, that it is being distributed in ways (chiefly through multilateral agencies like the World Bank and IDB) that encourage other developed nations to carry an increasing share of the aid burden.
>
> Most important of all it reaffirms the commitment of the U.S. Government to meet its responsibilities as the leader of the free world in defending freedom against the ever present threat of totalitarian tyranny.

Mr. TOWER obtained the floor.

Mr. KEATING. Mr. President, will the Senator from Texas yield?

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MATZOTH SITUATION IN THE SOVIET UNION

Mr. KEATING. Mr. President, I have just received a report from the Department of State regarding the results of an on-the-spot investigation of the matzoth situation in the Soviet Union. Most regrettably, officials of the U.S. Embassy in Moscow find conflict and controversy in the stories emanating from Soviet sources. It is further proof of Soviet efforts to conceal the truth and to pretend that matzoth is available when, in fact, that is not the case. Altogether the situation is certainly not encouraging.

I must, however, most strongly dissent from the conclusions of the Department of State that:

> Since this question concerns Soviet domestic policies, there does not appear to be any useful action which the Department could take to remedy this situation.

The Department did not take a similar view in urging approval of the wheat deal to relieve domestic food problems, and we will never halt the attacks on religious freedom in the Soviet Union by a head-in-the-sand attitude.

The United States is a member of the United Nations, and the United Nations Charter clearly states:

> The United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

It is evident from the facts that the Soviets are conducting a campaign of harassment and intimidation of members of the Jewish faith, and that if pressure is not promptly brought to bear, there will not be an adequate supply of matzoth for observance of the Passover. I strongly urge a direct appeal by our Government to the rulers of the Soviet Union, and increased efforts through the U.N. to alleviate the present policies of discrimination and deprivation which face the Jewish people of the Soviet Union at every turn.

I ask unanimous consent to have printed at this point in the RECORD the text of the report from the Department of State, dated March 17, 1964.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF STATE,
> *Washington, D.C., March 17, 1964.*
>
> Hon. KENNETH B. KEATING,
> *U.S. Senate.*
>
> DEAR SENATOR KEATING: On March 10, 1964, the Department advised you that the American Embassy at Moscow had been asked to ascertain the present attitude of the Soviet authorities toward furnishing matzoth to Soviet Jews for the Passover season.
>
> The Embassy has now informed the Department that conflicting stories have emanated from Soviet sources about the availability of matzoth. The Soviet press agency, Novosti, in the latter part of February issued a release stating "special premises" had been made available for baking matzoth. This information was confirmed by a representative of the Moscow synagogue who simply stated that some sort of premises were available. The Chief Rabbi of Moscow informed New York Times and New York Herald Tribune correspondents on March 1 that his congregation had a building for baking matzoth but that it was in need of repair.
>
> It is understood that Moscow Jews doubt whether sufficient matzoth could be produced in the indicated building to take care of the forthcoming Passover season. There seems to be some question about the availability of flour. Most importantly, it is understood that no matzoth have been prepared at the premises up to the present time.
>
> The Embassy further informed the Department that it understands that Soviet Jews will not be permitted to have matzoth baked in State bakeries as in some previous years. The Soviet authorities are said to be permitting Soviet Jews to receive matzoth from abroad but it is doubtful whether these shipments will satisfy the needs of Jews in Moscow and other Soviet cities.
>
> The Department realizes that this information will not be very encouraging to Americans who are concerned about the availability of matzoth for Soviet Jews. Since this question, however, concerns Soviet domestic policies there does not appear to be any useful action which the Department could take to remedy this situation. The Department hopes that the Soviet Government will see fit to change its policies toward the baking of matzoth in answer to the many pleas which it is receiving on this question.
>
> If the Department can be of any further assistance, please do not hesitate to let me know.
>
> Sincerely yours,
> FREDERICK G. DUTTON,
> *Assistant Secretary.*

STRATEGY OF SILENCE

Mr. KEATING. Mr. President, one of the primary functions of a Federal agency or department is the dissemination of information to the public. I wonder how many are aware of the Department of Agriculture's strategy of silence with regard to the operation of the proposed wheat certificate program. Unless the Department abandons its present policy, it will be responsible for untold financial disaster to those who have contracted to buy wheat and wheat products with delivery after July 1.

Yesterday I was contacted by the Gioia Macaroni Co., Inc., of Buffalo, N.Y., which has authorized the use of its name. It will be disastrous to this company and others similarly situated if the certificate plan is applicable to wheat already under contract. This company is obligated to purchase 200,000 bags of flour at $6.31 per hundredweight which will be processed from 516,000 bushels of 1963 wheat already in the possession of its millers. If the 70-cent wheat certificate is imposed on this wheat the company has been advised by its miller that the price of flour will be increased from $6.31 to $7.91. Is this the effect of a wheat bill we were told repeatedly would not increase the price of wheat to the user?

Millers who purchased 1963 Durum No. 1 for future milling and those who have contracted to buy 1964 Durum No. 1 at $2.38 a bushel will end up paying $3.08 a bushel if the certificate is required. If the farm bill of 1964 is passed by the House of Representatives, those who purchase after July 1 will pay $1.30 a bushel plus 70 cents for a certificate, plus 25 cents as a premium for Durum No. 1, plus transportation costs of approximately 34 cents, or a total of $2.59. This imposes an initial inequity of 49 cents a bushel. Since it takes 2.58 bushels of wheat for each bag of flour, those now under contract will have to pay $1.26 more than those who buy in the future. This disparity is enough to destroy many users of this one type of wheat who have purchased for future delivery.

The company in question can avoid financial ruin by canceling its contracts right now, at a loss of $50,000. The decision to cancel is dependent upon knowing whether they will have to pay for wheat certificates on their flour. If they wait until later, they will lose over $200,000, and will be wiped out. But the Department of Agriculture stated only yesterday afternoon that it will not announce its operating procedures for wheat certificates on forward delivery contracts until the farm bill of 1964 has cleared both the House of Representatives and the Senate.

Mr. President, this strategy of silence is a disastrous policy, and is one which the Senator from New York cannot condone. Does this Department have no responsibility for the possible financial ruin to the exporters and millers who have 1963 wheat in supply for post July delivery and those who have already obligated themselves to buy 1964 wheat which may now have the price of certificates added thereto? Some adjustment could be made by all, if the Department of Agriculture would make its policy clear at this time. Unless the Department does so, the House of Representatives is compelled to vote upon a bill without adequate knowledge of its effect. Before the House votes on the bill, the Department of Agriculture should issue a statement in regard to what it intends.

Personally, I opposed the wheat legislation because it was not in the interest of the farmers—I believed it was not in the interest of any farmers, and certainly not in the interest of the New York State farmers or the consumers. Already my concern that the price of wheat would be increased is being confirmed by the refusal of the Department of Agriculture to state whether contract wheat will have to bear certificates. If certificates are required, that can mean the destruction of many companies in New York State and elsewhere and the loss of jobs.

I fervently hope the Secretary of Agriculture will speak out on this matter. If he refuses to do so, the only remedy is for the other body to provide in the bill itself that no certificates will be required on 1963 and 1964 wheat covered by existing contracts.

GEORGE SKOURAS

Mr. KEATING. Mr. President, it is with profound regret that I learned of the death of George Skouras, a pioneer in the development of the motion picture industry.

George Skouras' life is characterized by achievement, dedication, and imagination. The son of a poor Greek sheepherder, he, along with his two brothers, came to the United States, and decided to seek his fortune in the motion-picture industry—an industry which at that time was one of little stability and uncertain reward. But with the courage and determination that George Skouras demonstrated all his life, he rose to become chairman of the board of United Artists, and president of Magna Pictures Corp. A distinguished New Yorker, a colorful personality, a fine businessman, and a warm friend, George Skouras devoted his magnificent talents to many worthy public causes; and he will be sorely missed by all of us who knew him.

I extend my deepest sympathy to his widow, his two daughters, and his brother, in this hour of their bereavement.

Mr. President, I thank the Senator from Texas very much for allowing me to speak at this time.

Mr. TOWER. I have been glad to yield.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MORSE. Mr. President, will the Senator from Texas yield to me, with the understanding that in doing so he will not lose his right to the floor?

Mr. TOWER. Yes, with that understanding.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PERSONAL STATEMENT BY SENATOR MORSE

Mr. MORSE. Mr. President, I rise to a point of personal privilege.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The Senator from Oregon will state it.

Mr. MORSE. Earlier today, I spoke on the floor of the Senate, and stated the reasons why I believe the civil rights bill should be referred for 10 days to the Judiciary Committee.

I pointed out, in essence, that I think it is of great importance that there be a committee report on the bill, for such a report can subsequently be used in litigation in the courts, in connection with a showing of the legislative intent in connection with the passage of the bill. I pointed out that after the bill was thus referred to the Judiciary Committee, and after 10 days of committee hearings and committee consideration had been had, and, of course, it is realized that I intend to make my motion after the Senate has taken up the bill, at which time my motion would be in order—thereafter, by means of the committee report on the bill, it would be possible to show the congressional intent in connection with the passage of the bill; and the showing of the congressional intent would be of very great importance in connection with court decisions.

It seems that sitting in the Senate gallery at the time I made my speech this afternoon was Clarence Mitchell, chairman and director of the Washington Bureau of the NAACP. He has sent me a telegram; and I think it is due him that the telegram be placed in the RECORD. I am sure the references in the telegram to Senators will not be objected to by them; and certainly it is due me to make the reply which I shall now make to Mr. Mitchell's telegram, because of what he has stated in the telegram he intends to do with it.

I also wish to state to Senators that, in my opinion, such a demonstration of emotionalism and such an attack by Mr. Mitchell in sending me this telegram, prove, in my judgment, how important it is that the bill be before the committee for 10 days, so that a committee record can be made in regard to it and there can be a committee report on it.

I repeat that a majority of the members of the Judiciary Committee favor the bill, or at least favor a strong bill; and, being a majority, nothing in the world could prevent those nine members of the committee from filing a committee report with the Senate. The filing of that committee report is inevitable, if the nine members of the Judiciary Committee wish to file a report on the bill; and I point out that they have a clear obligation to file a report on it, for that is one major reason why I am urging that the bill be referred to the committee—so the Senate can receive the committee's report on the bill, and so there can be, as a result, clarification of any ambiguities which may be found to exist in connection with the bill, and so there can be a presentation of any amendments which the members of the committee feel should be offered to the bill.

Mr. Clarence Mitchell has sent me the following telegram:

> Being unable to speak on the floor of the Senate, I have chosen this method to reply to your statement today about referring the civil rights bill to the Senate Judiciary Committee. I shall read this telegram at the Civil Liberties Clearing House Conference where I am speaking today.

I hope he will also have an extraordinary meeting of that conference called, and will read to it the speech I shall subsequently make on the floor of the Senate when I state the reasons why I believe that, as a matter of sound legislative practice, the bill should be referred to the committee.

I continue to read the telegram:

> If there is any one thing that strains the faith of citizens, it is the persistent effort to give an aura of respectability to committee hearings on civil rights run by Senator JAMES O. EASTLAND of Mississippi. To the man in the street this is the equivalent of the stacked deck, the hanging judge, and the executioner who enjoys his work. Every Member of the Senate who takes the trouble to read the CONGRESSIONAL RECORD on the day that Senator EASTLAND was named chairman of the Judiciary Committee knows that he was committed to a program of keeping civil rights bills in his hip pocket. Through the years as the civil problems have become more acute, he met them by getting a bigger pocket and a larger supply of pigeonholes.
>
> There are very few judiciary hearings on civil rights that I have not observed personally. These hearings are as remote from orderly process as the outermost corner of space is from Main Street in Topeka, Kans. Most questions are really one thousand word speeches. Most of the time is spent with Senator SAM ERVIN telling jokes about Uncle Remus, Brer Rabbit or some other king of folklore. It is this type of mauling of civil rights issues that has forced thousands of colored citizens to turn to the sidewalks and the picket line to get redress by direct confrontation.
>
> It is shocking and depressing to one who considers himself a man of compassion and good will to hear the suggestion made that referral of this bill to the Judiciary Committee would make possible the consideration of legislation affecting coffee. Surely our country should not ask its colored citizens to stand aside for international coffee problems when they are being arrested, beaten, and bitten by dogs simply because they seek to purchase this beverage at public lunch counters. Surely our Latin American friends would be unfaithful to their own aspirations, if they would be willing to gain an advantage for coffee at the expense of human freedom in the United States.
>
> CLARENCE MITCHELL,
> *Director, Washington Bureau, NAACP.*

Mr. President, I am in complete sympathy with Mr. Mitchell's desire to have civil rights legislation enacted; but I am in complete disagreement with him if he thinks that following the tactics set forth in that telegram is the way to best serve the interests of the Negroes of America, irrespective of the fact that he may be director of the Washington Branch of the National Association for the Advancement of the Colored People.

Neither Mr. Clarence Mitchell nor any other Negro leader serves a civil rights issue well by resorting to such tactics as are employed in the telegram. In the Senate we have a duty to follow procedure which in our judgment will best serve the passage of a sound civil rights bill and will lay a foundation for a law that will stand the test of the courts. I wish Mr. Clarence Mitchell to know that he can read any telegram that he desires to send to me, no matter what its contents may be, to any group in this country to which he wishes to read it—the Civil Liberties Clearing House Conference or any other conference—for I have never yielded to duress, abuse, coercion or tactics such as are employed in the telegram.

But I wish Mr. Clarence Mitchell to know also that I do not yield to Mr. Clarence Mitchell in my dedication to seeking to have passed in the Senate, and ultimately through the Congress and signed by the President, the soundest possible civil rights bill that will for the first time in the history of our country deliver the Constitution to the Negroes of our country.

I hope that others do not make the mistake in judgment that Mr. Mitchell has made by sending this telegram, because he makes perfectly clear the tactics of those in the civil rights movement who are seeking to prevent the Senate from referring the bill to committee for further deliberations. He will discover, when Senators stand up to be counted, that they will not surrender to the kind of coercion and duress that is implied in the Mitchell telegram.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from New York for 2 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am grateful to the Senator from Texas and other Senators who are standing aside so that I might say a word about the speech of the Senator from Oregon [Mr. MORSE], which fortunately I happened to hear as I came on the floor of the Senate.

Today I was a speaker on the same program with Clarence Mitchell, who signed the telegram to which the Senator from Oregon referred, at the Civil Liberties Clearing House Conference. I heard the telegram read.

I assure the Senator that if I had felt the least threat in it or an effort to hold him up to public obloquy, whether it was my role to speak at that point or not, I would have asked Mr. Mitchell to yield and I . would have corrected the record then and there, but I did not. I believe the telegram represents the passionate feeling of a man who is deeply engaged in the struggle and is very much opposed to what the Senator from Oregon [Mr. MORSE] has proposed, namely, reference of the civil rights bill to the Judiciary Committee. I am, too. Many others are, also.

I really would hope, because I believe it is important that it should be made clear, that the Senator would not feel that the telegram was an effort at coercion. I heard it read. I knew the frame of reference and heard the tone in which it was read. I feel that I can give the Senator my personal assurance. As I have said, if I felt otherwise, since I respect the Senator and have such affection for him and respect his right as a Senator so greatly, I would have protested in his name, even without consulting him. But I felt no such thing.

Mr. Mitchell does send a strong telegram, but he feels strongly. I can understand why he does.

It is fair to Mr. Mitchell to point out that he did what he said he would do—read the telegram to the Civil Liberties Clearing House Conference. But the telegram did not have the implication or frame of reference of a threat or punitive quality or anything like that that I could detect.

Mr. MORSE. Mr. President, will the Senator yield 30 seconds to me?

Mr. TOWER. I yield 30 seconds to the Senator from Oregon, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I am very glad to have the interpretation of the telegram by the Senator from New York. I completely disagree with the telegram. I know Mr. Mitchell. I have been carrying on some correspondence with Mr. Mitchell. As the Senator from New York has pointed out, it is quite true that he feels deeply and is highly emotional about the question. But it is emotionalism that I think has beclouded and blinded his sights as to how best to handle the proposed legislation on the floor of the Senate.

It is certainly not the best way to handle the proposed legislation on the floor of the Senate to send telegrams of this type to U.S. Senators and make the attacks, innuendoes, and implications that are clearly embedded in the telegram.

I have no doubt that, on the basis of other mail I have received from some pro-civil-righters, much of which mail should have come in asbestos envelopes, they are very much concerned about my motion to send the bill to committee for 10 days, for two main reasons: First, they do not want it amended—and it should be amended; and, second, they want to get this bill through the Senate as it came from the House, so it will not have to go back to the floor of the House, where a majority of the House will have to stand up and be counted on the final vote.

I completely disagree with the tactics of Mr. Mitchell and those who have joined him in thinking that, by this kind of pressure, they can succeed in having me refrain from making the motion to refer the bill. They are in for a surprise.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Idaho without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I have just received, within the hour, a conference call by telephone from the bishops, reverend ministery, and lay spokesmen of the Catholic, Protestant, and Jewish faiths in Boise, Idaho, expressing their united support for the enactment of civil rights legislation.

I have told them how immensely I appreciated their call, expressing their strong endorsement of the civil rights bill now pending in the Senate. They who speak with such legitimate authority for so many churches, have given voice to a central principle of Christian belief, the essential equality of man.

We are blessed to have a Constitution which, like the Christian church, is also color blind. People with black skins are as much entitled to equal justice under law as white-skinned people. Negroes have the same right as others to vote, to attend public schools, to use public facilities, and to patronize those businesses which cater to the public trade.

To implement these rights—to uphold the Constitution—the civil rights bill is necessary. It represents another step forward in our historic striving to extend and perfect the writ of freedom to all our citizens.

It is not the right of any State to deny Negro citizens the equality of treatment guaranteed them by the supreme law of the land. If it were otherwise, we could not have one great country "dedicated to the proposition that all men are created equal." In the place of the United States, we would have 50 separate principalities in constant strife with one another, and of as little consequence as the Balkans to the mainstream of history.

Mr. President, I ask unanimous consent that the names of the bishops and ministers, who joined together in making this plea, appear here in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

The Reverend Harry Steger, minister of education of the Boise First Baptist Church; the Reverend James F. Moore of the Southminster Presbyterian Church; the Reverend Victor Bendsen of the Mountain View Church of the Brethren; the Reverend Charles Easley, eastern district superintendent of the Methodist Conference; Archdeacon William Johnson of the Episcopal Missionary District; Bishop Sylvester Treinen of the Catholic Diocese of Boise; Mr. Robert Hamersley, representing members of the Jewish faith; the Reverend David Choate, minister of the First Congregational Church; Dr. Karl Ladwig of the Immanuel Lutheran Church, and the Reverend Ira D. Crewdson, district superintendent for the Disciples of Christ.

EMPHASIS ON PRIVATE ENTERPRISE

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Indiana without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, our foreign aid program has been the focus of considerable controversy since its beginnings. The complex problem of how to make the world safe for democracy has no easy solutions and precious few, if any, answers offered by Government win complete approval at home and abroad.

There is one approach, though, that has been neglected in the past and, in my mind, should be pushed to the forefront now. This is an all-out effort to build private enterprise abroad. There is no question in my mind that the foundation for and the success of our democracy has been our strong private enterprise system. If we are to see democracy succeed abroad, then we must boost private enterprise in every way possible.

It was for this reason that I recommended more than a year ago the establishment of a "businessmen's peace corps" and I am happy to report that this organization, called the Executive Service Corps, is on its way to reality. I also was pleased to note that President Johnson, in his foreign aid message, cited the corps as the key move to expand private initiative in the United States and the developing countries.

As any exercise in private enterprise should be, the corps will be a businessman's organization, with the Government serving only in an advisory capacity. Retired, semiretired, and midcareer businessmen will be offered the opportunity to volunteer their skills and know-how in private enterprise abroad. Corps members will work directly for businessmen overseas, thus avoiding again the government-to-government approach.

The Executive Service Corps, when fully operative, is going to bring about substantial reductions in our foreign aid requirements, simply because the boost in private enterprise will reduce the need for help from outside. Private enterprise accounts for our power and prosperity in the United States today. By exporting this great American dream—with businessman helping businessman—we will not only lift living standards, but point the way to freedom and strength.

THE PRESIDENT'S FOREIGN AID MESSAGE

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, first, I should like to make a comment upon the President's foreign aid message, because for many years, both in the House and in this body, I have been deeply concerned with this program.

It seems to me we are near a path of disaster for foreign aid if we pursue the line of continually treating it as if it were a tentative program, as subject to an overhauling and reevaluation that has not yet been made.

As I have stated before, I think it is the best defense we have against communism, and that it must be vigorously pursued.

I do not agree with those who think the program is a failure. There have been instances of need for correction in one place or another, but foreign aid has been a success in great measure, and is largely responsible for keeping the world where it should be—on the side of the free.

I say this because of the President's message. If we continue to temporize with reevaluation and overhauling, it will hurt the program, even though the President is now asking that we provide the minimal amount he, himself, could possibly ask for.

I hope, when hearings are held, that the administration will make a firm proposal, and not come in later with a reevaluation or reorientation. In this way the Congress could inaugurate a new program rather than continue to labor under the idea that we are acting tentatively and that we will throw foreign aid whatever bones are necessary to keep it going, but that we will really have a program later on. That is the real danger to the present program.

I say this at the same time that I hail the President's recommendations on use of the free-enterprise system in foreign aid. If the President wants a line on which to overhaul and change the program, that is the line. He ought to embark on it and use it as an aspect of the Executive Service Corps, about which the Senator from Indiana [Mr. HARTKE] had something to say.

In this approach there are also guarantees of housing loans in Latin America and the advisory committee on the private enterprise system which is to be made available. All this can be highly effective in meeting the great needs. Technical assistance is available from the private sector, which the developing nations so urgently require.

The Advisory Committee on Private Enterprise Participation resulted from an amendment which I sponsored. I am glad the President is "picking up that ball." But it was done 3 months ago, and nothing has happened yet. The Committee is required to report by the end of 1964. This is true of many other aspects about the use of the private enterprise system.

I think we are coming dangerously close to shortchanging the foreign aid program, which will always be needed in the public sector, to a considerable extent, no matter how much private enterprise participates.

We are coming close to materially endangering it, probably disastrously, because of the tentative character of the way we approach this problem, with the attitude of "just wait; we will bring something in."

So, much as I commend the President for what he is seeking to do to save the program, I hope he will go further and count on a program heavily premised upon the private sector as well as the public sector and bring it to Congress in connection with the message on the subject, instead of leaving the bill on foreign aid on a tentative basis, as was done last year.

I am grateful to the Senator from Texas for yielding to me.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island [Mr. PELL], provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CHARACTER AND PERSONALITY OF JOHN F. KENNEDY

Mr. PELL. Mr. President, while glancing through a book entitled "Four Days" published by the United Press International and the American Heritage magazine about the assassination of President Kennedy, I came across a warm and penetrating piece by Bruce Catton into the character and personality of John F. Kennedy that gives us an even greater appreciation of him.

This excellent article, which serves as an introduction to the book, tells how President Kennedy "personified youth and vigor," how he came to symbolize change in our Nation; "we began to look ahead once more and to realize that it was not only possible but imperative to think about the limitless future."

In the perceptive words of Mr. Catton, "What President John F. Kennedy left us was most of all an attitude." In President Kennedy's wonderful words from his classic inaugural address—

> Let the word go forth from this time and place to friend and foe alike that the torch has been passed to a new generation of Americans, born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed.

And because of my own abiding and expanding interest and respect for the youth of our Nation, our great resource for the future, I feel it fitting that these good words about President Kennedy by Mr. Catton should be called to the attention of the Congress and the Nation.

I ask unanimous consent to move this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FOUR DAYS"

(Introduction by Bruce Catton)

What John F. Kennedy left us was most of all an attitude. To put it in the simplest terms, he looked ahead. He knew no more than anyone else what the future was going to be like, but he did know that that was where we ought to be looking. Only to a limited extent are we prisoners of the past. The future sets us free. It is our escape hatch. We can shape it to our liking, and we had better start thinking about how we would like it.

It was time for us to take that attitude, because we thought we were growing old. We had lived through hard experiences and we were tired, and out of our weariness came caution, suspicion, and the crippling desire to play it safe. We became so worried about what we had to lose that we never began to think about what was still to be gained, and sometimes it looked as if we were becoming a nation of fuddy-duddies. The world was moving faster than ever before and we were beginning to regret that it was moving at all because we were afraid where it might take us.

But President Kennedy personified youth and vigor—and perhaps it was symbolic that both his friends and his foes picked up his Boston accent and began to say "vigah." He went about hatless, he liked to mingle with crowds and shake the hands of all and sundry, for recreation he played touch football, and for rest he sat in an old-fashioned rocking chair as if in sly mockery of his own exuberance. He seemed to think that things like music and painting and literature were essential parts of American life and that it was worthwhile to know what the musicians and artists and writers were doing. Whatever he did was done with zest, as if youth were for the first time touching life and finding it exciting.

With all of this there was a cool maturity of outlook. By itself, vigor is not enough. Courage is needed also, and when youth has courage it acquires composure. In the most perilous moments President Kennedy kept his poise. He challenged the power of darkness at least once, and during the hours when his hand had to stay close to the fateful trigger he was composed and unafraid. Once in a great while a nation, like a man, has to be ready to spend itself utterly for some value that means more than survival itself means. President Kennedy led us through such a time, and we began to see that the power of darkness is perhaps not quite as strong as we had supposed—and that even if it were, there is something else that matters much more.

It was his attitude that made the difference. Performance can be adjudged in various ways, and we have plenty of time to appraise the value or the lack of value of the concrete achievements of the Kennedy administration. The President who called on us to stop thinking about what our country could do for us and to think instead about what we could do for our country may or may not have given us specific programs that would embody that ideal in actual practice; the point is that he wrenched us out of ourselves and compelled us to meditate about the whole that is greater than the sum of its parts. From the beginning, the whole of our American experiment has been made up of an infinite number of aspirations and unremembered bits of heroism, devotion, and hope, lodged in the hearts of innumerable separate Americans. When all of these are brought together, the Nation goes forward.

That, in the last analysis, is the faith America has wanted to live by. We are always uneasy when we find ourselves keeping our noblest ideals in mothballs, carefully shielded from contact with the workaday world; deep in our hearts we know that we are supposed to take them out and work for them even if contact with harsh reality occasionally knocks chips off of them here and there. Whether this man knew the best ways to put our ideals into practical use is a secondary consideration now. He did think that we ought to try our best to do something about them, and that belief his death did not take away from us, because we came to share in it.

We turned some sort of corner in the last few years. Almost without our knowing it, one era came to an end and a new one began. The change had little to do with formal acts of government—with specific programs, bits of legislation, or exercises of Presidential power. It reflected a change in the times themselves. For a whole generation we had had to face terrible immediate problems—depression, war, cold war, the infinite destructive power of the nuclear mystery that we knew how to release but did not quite know how to control. Then came a breathing spell, a faint but definite easing of the tensions. Almost for the first moment in our lifetimes we began to look ahead once more and to realize that it was not only possible but imperative to think about the limitless future rather than about the mere problem of warding off disaster.

President Kennedy came to symbolize that moment of change, not because he caused it but because he fitted into it; not because of what he did but simply because of what he was. He might almost have been speaking from Shakespeare's text, telling us that being ready is what really matters—being ready to meet any challenge, to assume any responsibility, to lose fear for ourselves in an abiding concern for the common good. The 4 harrowing days that began on November 22, 1963, brought us face to face with the future. What happens next is up to us. The readiness is all.

That is why those 4 days are worth reexamining. We relive that time of tragedy less to commemorate a departed President than to dedicate ourselves. When the Army bugler sent the haunting notes of "Taps" across that grave in Arlington Cemetery he sounded a long goodbye and a commitment to eternal rest for John F. Kennedy. For all the rest of us, that was the trumpet of dawn itself.

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

Mr. TOWER. Mr. President, there apparently is no further business under the "morning hour," so I will get on with my speech.

Much has been said and written about the tragic event that took the life of President Kennedy. Much of it has been good, much of it has been hysterical. By the same token, much has been written and said about the city of Dallas, where fate decreed that a bullet fired from ambush by a confirmed Marxist should find its target.

The American people are fortunate in that, while we have gloryseekers and muckrakers among those who report the news and explain its meaning, we also have able and conscientious men and women who honestly want the truth to be known. To these dedicated persons we are all indebted.

Recently, two articles have been published which I believe deserve special recognition by the Senate and by the American people. One was written by the distinguished columnist Eric Sevareid, one of our most discerning reporters and commentators. His story appeared recently in the Washington Star and many other papers. The other article was written by Larry Grove, an award-winning reporter with the Dallas Morning News. Mr. Grove's article was accepted for publication in the Quill, the official publication of Sigma Delta Chi, the professional journalism society. I commend both articles to Senators, particularly those who have been prone to heap scorn on Dallas, and on Texas, because of the evil deed of an avowed, and itinerant, Marxist.

Mr. President, I ask unanimous consent to have these two articles printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Dallas Reaches the Awkward Age—Recent Events Blamed on Retention of Small-Town Easiness in Big City

(By Eric Sevareid)

The sense of civic pride, like the sense of nationality, becomes part of a man's personality in this life. When news came of the absurd county jail break, a friend in Dallas said to me with a groan, "They hated us last November, now they will laugh at us."

People are just people. In no fundamental sense whatsoever are the people of Dallas, Tex., different from other Americans, though their professional boosters at times like to think they are. What happened to Dallas is that the principle of randomness in nature—including human nature—caught up with them. It is the principle that makes events come in clusters, from the grouping of the galaxies to the run of luck at poker.

The murder of President Kennedy led to the murder of Oswald, which led to the trial of Ruby which led to the jail break. "People will think," said my stricken friend, "that we just can't do anything right."

But Dallas has done many things right, and some things much better than some other American cities, including, it may be argued, its handling of the most difficult civic problem extant—the process of racial integration. Racial hostility is certainly there, but it hardly compares with the massive, sullen hatred developing in New York or Chicago. Dallas has more than enough of crime, but nothing like New York, where the nightly, nonfatal shootings and stabbings are so numerous they do not even make the papers. It has acquired more than its share of those bitter little political hate groups, and one reason they stand out so sharply is that they exist in the middle of a human climate that is breezy and openhanded in the best tradition of western friendliness.

And this brings one to the specific practicalities of why Dallas, or Dallas officialdom at least, has done some things wrong, at critical moments, unfortunately, of her civic history. The mistakes were not due to corruption; they were not due to laziness or ignorance. They were a direct result of this same western casual, smalltown easiness of nature. The "Big D" is a metropolis in body, but not yet in spirit. It got big too quickly for that. It doesn't want to part with the chummy, blackslapping, first-naming spirit of its youthful Main Street days, and I can't say that I blame it. With sophistication goes formalities; Dallas wants the former but instinctively resists the latter.

By the book, a city hall or a county courthouse ought to be centers of formality, rules, and—if possible—dignity. In a medium-sized western city they become centers of informality. The nickname camaraderie around the Ruby courtroom both beguiles and astounds the European journalists covering the trial.

To go back to the beginning when the law of randomness caught up with Dallas; when the first policemen to rush into the Book Depository Buildings saw Oswald sitting in the refectory, of course the man in charge said, "He's OK, he works here." And of course, for the policeman, that was enough. When the press and cameramen wanted a look at Oswald during his transfer from the city jail, of course the chief of police wanted to be accommodating. When Jack Ruby joined the throng, of course the officers let him stay; what was familiar was okay. The courthouse jailer who failed to lock the door behind him, I can't fully explain; I suspect those desperadoes had become familiars, too; he probably called them "the boys."

Dallas wants the rewards of big cityness, but it doesn't want to pay the penalties. One of the certain penalties is the sacrifice of cozy good-fellowship in high places. The police chief who was in office last November 24th is still in office. Everybody likes him as a decent man. Everybody likes Sheriff Bill Decker, too. On the evening of the county jail break, while two or three of the criminals were still at large, Sheriff Bill took his wife out to dinner as he had promised.

The newspaper accounts next morning seemed to take this as a reassuring sign of steady calm.

Dallas has reached the awkward age. It's part boy, part adult; and at the awkward age, very awkward things happen.

[From the Quill, March 1964]

Did Press Pressure Kill Oswald?

(By Larry Grove)

If it matters, as a preface to this piece—and perhaps it might—my personal politics are liberal. And, like many other reporters, I often quarrel with editorials appearing in the newspaper I work for.

I'm neither a native of Texas, nor a police beat reporter. I'm not overly sensitive to criticism fired at the State of Texas.

What I mean is, I can take the Alamo or leave it.

I have never managed to get a traffic ticket fixed. And, so far as I know, our family has never produced a policeman.

And now, Quill, the magazine for journalists, has asked me to explore the question: "Did Press Pressure Kill Lee Harvey Oswald?"

From repetition alone, the question is one that should be explored—and, if possible, answered.

The American Civil Liberties Union bulletin charged in its January issue that the killing is "directly related to police capitulation to the glare of publicity." And further, that police in Dallas "arranged Oswald's transfer from the city to county jail to suit the convenience of the news media—and thereby exposed Oswald to the very dangers which took his life."

Cleveland Amory, in the January 4 Saturday Review, made almost the same point with the comment that "if we can try to get on the moon, surely we can guard a man in a motorcade * * *. As for the aftermath in the Dallas station's subbasement, Dallas as a city will live it down; but for the police force, it's hard to find words that are, shall we say, subadequate * * *. It is high time to take a long critical look at the often suprapolice powers of the ladies and gentlemen of the pressure."

It may be difficult to see how getting to the moon has anything at all to do with the difficulty of guarding a man in a motorcade. We have it on authority of a high Secret Service official that it is impossible to prevent an assassin from killing a President riding in an open car.

As a rider in the motorcade that President Kennedy rode in Dallas on November 22, 1963, it would be my opinion that any of the estimated 300,000 persons lining the motorcade route could have killed the President had they been willing to trade their lives for his.

But Mr. Amory's insistence on the examination of suprapolice powers of the press still is in order.

A logical start might be: What kind of pressure?

The man who drew the most criticism was Dallas Police Chief Jesse Curry. As near as words in news media can come to it, Curry was drawn and quartered.

Curry told me:

"I think it was pretty obvious to everybody that there was a lot of pressure. There was no direct pressure, but there were pointed requests that the press should be allowed to see Oswald, the man who shot the President.

"Think what the American Civil Liberties people would have said if the press had not been allowed to see Lee Harvey Oswald.

"Some of the newsmen—and I don't mean the local reporters—were rather insistent.

"They were like a pack of animals.

"The pressure wasn't directly on me. But misrepresented reports and snide comments on television began to create an atmosphere that Dallas was to blame, as a city, for the death of the President.

"Had we kept news media away from Oswald, they were all too ready to accuse us of running a police state, a Gestapo."

(A television newsman, shortly after Oswald was captured showed a photograph and said "This is what Lee Harvey Oswald looks like." He made a point of correcting himself to say the picture showed what Oswald did look like and we don't know what he looks like now after 3 hours in the custody of Dallas police.)

Even Voice of America was telling the world that Dallas, Tex., was a center of extreme rightwing activity. This was a theme that caught on.

Radios and television sets and newspapers bristled with conclusions that the shooting "had to happen" in Dallas. Because, because, well, hell, because there was a vocal rightwing in Dallas.

Strangely, this did not stop even after the killer proved to be an avowed Marxist, who had given up his citizenship in Russia as a means of expressing his contempt of the U.S.A., one who had taken a Russian bride, and, months before, had ordered the rifle he used to kill the President.

On another day, the statements and the jumping-at-conclusions may have been merely libelous. On the emotion-packed afternoon and evening of November 22, 1963, the careless indictments could easily have led to a bloody pogrom had not cooler heads in the news craft and cautious police work prevailed.

Dallas police were being subjected to unmerciful criticism from the time the shots echoed and a saddened world heard the news that the President had been killed.

It happened that this was the police force that had maintained order along a motorcade route lined with 300,000 people clamoring to see their President. Where the Secret Service had asked for 350 Dallas city policemen to assist it, the department put more than 400 at its disposal.

Police helped prevent what could easily have raged into widespread panic when the assassin's shots struck the President and Texas Gov. John Connally.

And, 90 minutes after the President was slain, the same Dallas police force had the assassin in custody and safely spirited to jail ahead of a glowering and angry crowd.

One brave policeman, J. D. Tippit, gave his life. Oswald killed him.

Alone, the department by 9:30 p.m. that same November 22 had gathered a mass of evidence that would have convicted Oswald in any court in America.

To reassure the world that Oswald's rights weren't being trampled upon, the prisoner was brought before the live television cameras that evening.

Oswald was sullen, surly. And he looked, for all the world, as he had looked before he was taken into custody by Dallas police.

Even so, an examination of tapes of radio and TV programs and copies of newspapers on the following morning shows a central theme: Dallas, Tex., had killed the President. The police department allowed this to happen.

What else could one expect in a city in which its rightwing was allowed to be vocal?

Overlooked in most of the stories that developed the theme that Dallas is a mean, mean city were some pertinent facts:

The Secret Service is directly charged with protection of the President. Dallas police gave more help than was asked for.

The FBI was aware that Lee Harvey Oswald—defector, potential assassin, Marxist—was working in a building along the President's motorcade route. It had not notified the Dallas Police Department, nor the Secret Service.

This was part of the evidence which Capt. Will Fritz, chief of the Dallas Police Department's homicide bureau knew about, and had questioned Oswald about.

What was the name of an FBI agent—James Hosty—doing in Oswald's notebook?

Had this evidence been bared at the time, perhaps some of the police department's detractors may have turned their fire on the FBI. Perhaps they would not have turned their fire at all.

But would the Nation have been prepared, in that hour, to receive the news that the FBI had been aware of Oswald's whereabouts before President Kennedy stepped in his car for his fateful ride in the motorcade?

Police Chief Curry elected to suffer in silence while his city took the worst that irresponsible members of the outside news media could dish out.

The words of John Dryden might apply to some of the words broadcast and written that weekend by men and women who knew the story they wanted to write and looked only for bits of fact that would justify their conclusions:

> "They value not the right or wrong,
> Save as it serves their cause.
> Their business is to please the throng
> And win its loud applause."

Newspaper readers won't have to be reminded that some of the words written during the time of the Nation's agony reached splendid heights. There were words written with heavy hearts by newsmen who loved their President and felt a responsibility to the truth that, they believed deeply, President Kennedy loved.

Journalism also reached some of its sorriest depths.

Bob Considine reviewed the weekend in Dallas this way:

"Yes, and a collection of some of the dumbest cops in the annals of crime—squares in modified 10-gallon hats, the best of whom couldn't make the 6-man force of the Borough of Allenhurst (N.J.) Police Department. They'd be rejected as extras in Mack Sennett's Keystone Comedy Cops."

In another reference, Considine said the 10-gallon hats covered "pin-size" heads in the Dallas Police Department.

No purpose could be served now in reminding Mr. Considine that one of those dumb cops, J. D. Tippit, died trying to capture the assassin of our President. If he doesn't feel cheap already, then, I, personally, feel cheap for my chosen profession.

But a purpose is served with the illustration. Because, regrettably, Considine wasn't alone among the old pros who might have been expected to have been cool-headed professionals in a world that had, temporarily, lost its sense of balance.

A segment of the journalistic profession was painfully slow in giving up its fantasies. One could fill a book with references that should embarrass any fairminded man.

Since Dallas had a vocal rightwing that most reasonable men could honestly despise, wouldn't it be convenient if the evidence didn't point so clearly to a Communist, who had—with premeditation—killed the President?

And wasn't it maddening in some quarters that the pieces of truth that could be found weren't fitting together, in some amorphous way, to segregation?

Drew Pearson was hammering away at the rightwing theme 2 weeks after the tragic weekend.

A New York Herald-Tribune sports story supplied these gems about Dallas. It was, as its headline proclaimed, "a city that don't back no losers." (Honestly, few cities do.) A Dallas barber, unidentified by name, supposedly supplied the quaint quote.

A bylined writer himself supplied the color: a local (Dallas) strip joint was featuring Candy Barr (former Mickey Cohen girl friend) while all this was going on, he wrote.

The stripteaser hadn't performed in Dallas for 4 years.

Those were samples from a heavy file that defiled an American city for no purpose that comes to mind at the moment.

This was the "pressure" of which Police Chief Curry spoke. The Nation is poorer if the press impaired police work because of this pressure.

The newspaper I work for had printed a full-page advertisement on the day of the President's visit that, bitingly I thought, questioned his policies.

At the same time, in an editorial, an editorial cartoon and a feature column, the Dallas Morning News warmly welcomed the President to Dallas.

As a personal matter, I would have enjoyed living immensely if no one at all ever disagreed with President John F. Kennedy.

But to keep the record straight, President Kennedy himself had announced that his visit to Texas was "political."

Would the journalism profession all join in now and abhor a newspaper's right, even the responsibility, to sell advertising to persons or groups with dissident viewpoints?

Would the President have wished an America in which opinion of dissent and questioning of administration policies could find no expression?

In the tortured reasoning that prevailed, the advertisement in the News was found somehow to have caused the President's death. Though it appeared November 22, it prompted nonsubscriber Lee Harvey Oswald, 6 months earlier, to order a weapon to kill the President.

(The News supported Richard Nixon editorially in the 1960 presidential race. But it allowed me and some of my colleagues to buy space and identify ourselves and our personal preference for John F. Kennedy and Lyndon B. Johnson. It editorially supported a Democratic candidate in the Governor's race in 1962—John Connally.)

At a time when the Nation and the world sought a scapegoat—a condition not unknown in many other periods of history—the press media might have been expected to have made a stronger appeal to reason. Facts were difficult to come by, and so conjecture was allowed to serve.

Not all of us had the rare opportunity on the century's biggest Presidential story that my energetic colleague, Hugh Aynesworth, had.

Only Aynesworth—among the hundreds of newsmen who converged on Dallas that tragic November weekend—was witness to the three biggest stories:

(1) He eyewitnessed the assassination of President Kennedy from a position in the crowd near the school depository building;

(2) He was one of only three newsmen who went inside the Texas theater with police officers when they arrested the assassin, Lee Harvey Oswald; and

(3) He was present when Jack Ruby, a striptease club operator, lunged through a crowd of newsmen and fatally wounded Oswald.

Aynesworth is a vice president of the Sigma Delta Chi chapter in Dallas, the professional society of journalists. He was true to the highest ideals of the profession in his search for facts, and he found them.

Aynesworth was first with valuable exclusive investigative stories including (1) Oswald's testing of his mail-order rifle at the Sportsdome Rifle Range, (2) the discovery and an interview with Ruby's brother who held to his anonymity for a time by refusing to visit the assassin of the man who killed the President, (3) first to unfold the escape route of Oswald before his eventual capture. On the latter story, copyrighted in the Dallas News, I was privileged to work with him. He led the way.

If, for no other reason than his spectacular work and widespread use made of facts he gathered under difficult circumstances, Aynesworth should be allowed an opinion on the topic at hand:

How did press pressure relate to the slaying of Oswald?

Says Aynesworth: "I doubt that many of the newsmen, among the dozen I talked with that weekend, believed police actually would move Oswald during the daylight. Naturally, the television people would have preferred the move to be made during the daytime hours.

"But the story would have been covered well, regardless of the hour Oswald was moved from city jail to county jail.

"Many newsmen remained around the clock, waiting. Many others were staying at the Statler Hilton, just a stone's throw away.

"A telephone call would have brought all of them running.

"To say the 'press pressure' was responsible for Oswald's death, I think, is overdrawing a point. It didn't. There is no doubt in my mind that the large numbers of newsmen working the story hindered police.

"My own credentials were checked twice as I passed through the cordon of officers guarding the station. I didn't see Jack Ruby until he brushed through the crowd, pushed a radio newsman aside, and fired the shot into Oswald."

Jim Ewell, regular police reporter for the News, said he is certain the insistence of the press, notably television people, forced the police department to call moves that it would not normally have made.

And the great number of newsmen, he believes, hampered the interrogation of Oswald.

"The walls couldn't have held out all the noise from the newsmen standing thick in the hallways. Under anything like normal conditions," Ewell said, "I am sure in my own mind that Capt. Will Fritz would have obtained Oswald's confession.

"I have seen many, many hardened criminals break and confess under the captain's interrogation; Fritz is a thorough, soft-spoken man."

From another angle, Ewell believes police could have eased the chaotic situation themselves—"by appointing a liaison man to brief reporters and prevent their running over the whole place."

There were instances of radio newsmen barging into offices, grabbing police telephones and relating their stories for broadcast in distant cities. Invariably, the broadcast berated the same police department whose officers were extending courtesies.

The same condition—hundreds of competing reporters crowding into small spaces—is facing Judge Joe B. Brown, who, at this writing, is preparing to hear the State's case against Jack Ruby.

Judge Brown saw the possibility of similar chaos, with more newsmen swarming to Dallas to cover the Jack Ruby hearings.

He asked help. The Bloom Advertising Agency, a prominent Dallas public relations firm, took on the chore free and voluntarily.

It's job: assist with seating arrangements and identification of news media covering the Jack Ruby preliminary hearings.

And even this has been misinterpreted by some prominent news media. They have written that the judge has hired a firm to handle his publicity. They will insist that their readers see it printed that way; they are writing it that way.

A simple telephone call could have set them straight. Why get the facts when conjecture will serve?

There is a lesson to be learned from the tragic November weekend in Dallas.

And, in one newsman's humble opinion, some members of the press of America have not yet learned it.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TOWER. Mr. President, at the outset of my remarks, I should like to emphasize that I am not a segregationist. I should like to state further that I believe that the established constitutional rights of all Americans should and must be protected. I wish further to note that I believe that discrimination in hiring, or in serving, or in any other field, is morally wrong when such discrimination is practiced solely because of color. But I submit further that this is a difficult type of immorality to legislate out of existence.

Mr. President, I believe that many people, regardless of their attitude on civil rights, feel that in a number of areas and in a number of ways, this civil rights bill is an out-and-out unconstitutional extension of Federal Government power over the private rights of every single American citizen. This legislation is violative of the constitutional prerogatives of all Americans to live their own private lives and to conduct their own private businesses in accordance with their own individual wishes and desires.

Certain sections of this proposed legislation are today requiring our Nation to face a constitutional crisis. We are now being called upon to determine once again, just as our forefathers determined at an early date in our history, whether a citizen is entitled to own, control, and dispose of private property in this Nation. This is a subject that is completely entwined with our history, our culture, and our future.

The right of a citizen to own property, his ability to produce capital for investment and expansion, the right to be secure in his own property—these are things that place a citizen on a par with government and provide him a means for effectively withstanding the natural trend of Central Government to grow larger and larger at his own expense. If ownership, or control, of a nation's property is lodged in government, it should be quite obvious that the citizen will be utterly dependent upon government for his every want and need. This Nation cannot long survive a completely regimented economy, a completely controlled cultural atmosphere, a completely ordered society.

Mr. President, portions of this civil rights bill, if enacted into law, would be an unconstitutional extension of Federal governmental power over areas which our Constitution has reserved to each State and its people, that is, the power to regulate certain matters within the respective State borders, through duly elected State legislatures.

In the formation of our Constitution, the citizens, acting through their States, apportioned the powers of government in a most unique and providential manner. Instead of delineating certain areas of activity to the citizens, certain powers were set aside for the Central Government. All other powers, as American schoolchildren know, were reserved to the States and to the people. This reservation was not made contingent upon the States or the citizens performing certain acts. The reservations were made, period. Certain areas of government were reserved for the States, to act in, or not act in, as they saw fit.

The wisdom of such reservations should be obvious to us all. In addition to preventing the Central Government from becoming all-powerful, this quite simple reservation assured the individual citizen that in matters directly affecting the local community, local opinion and feeling would have a preponderance of weight. Thus, the problems of the States, aside from the broad and generalized problems of national defense, sound currency, and trade, would be solved by the people most directly affected.

Mr. President, the Constitution is crystal clear as to the power of the Federal Government in non-Federal matters. There is no constitutional power given to the Federal Government in non-Federal matters.

One of the most sacred of constitutional rights which is beyond the power of the Federal Government, is the complete freedom to select, to choose one's own friends and colleagues; and yes, one's own customers in private business.

As I have stated, I do not believe in discrimination. I do not propose to pass upon the economic wisdom of a businessman turning business away from his door. I believe he would be foolish to do so, but in my opinion he has the right to be foolish or wise, as he himself determines.

II. PRIVATE PROPERTY RIGHTS

The right of the individual to own and use private property is a cardinal tenet of American constitutional heritage. In the early years of our history, Justice Chase, speaking in the 1798 case of *Calder* v. *Bull*, 3 Dallas 386, 388 (1798), declared:

> There are certain vital principles in our free republican governments, which will determine and overrule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law; or to take away that security for personal liberty, or private property, for the protection whereof the Government was established—the legislature * * * cannot violate * * * the right of private property.

In American Jurisprudence, section 355, we find the statement that:

> The right of property is a fundamental, natural, inherent, and inalienable right.

It is not ex gratia—as a matter of grace—from the Legislature, but ex debito—in accordance with justice—from the Constitution. In fact, it does not cue its origin to the constitutions which protect it, for it existed before them. It is sometimes characterized judicially as a sacred right, the protection of which is one of the most important objects of government. The right of property is very broad and embraces practically all incidents which property may manifest. Within this right are included, states American Jurisprudence, the right to "acquire, hold, enjoy, possess, use, manage, insure, and improve property."

By some, it is proclaimed to be one of the natural rights of man. Blackstone wrote:

> The third absolute right, inherent in every Englishman, is that of property: which consists in the free use, enjoyment, and disposal of all his acquisitions, without any control or diminution, save only by the laws of the land (Blackstone, Commentaries).

In the formative years of our Nation, the Supreme Court declared in *Vanhorne* v. *Dorrence*, 2 Dallas 304, 310 (1795):

> From these passages it is evident; that the right of acquiring and possessing property, and having it protected, is one of the natural, inherent, and inalienable rights of man. Men have a sense of property; Property is necessary to their subsistence, and correspondent to their natural wants and desires; its security was one of the objects that induced them to unite in society. No man would become a member of a community, in which he could not enjoy the fruits of his honest labor and industry. The preservation of property then is a primary object of the social compact.

The recognition of the right of private property is said to distinguish the civilized from the primitive man.

In Kent 2, Commentaries, Lecture 34, it is said:

> To suppose a state of man prior to the existence of any notions of separate property, when all things were common, and when men, through the world, lived without law or government, in innocence and simplicity, is a mere dream of the imagination. The sense of property is inherent in the human breast, and the general enlargement and cultivation of that sense, from its feeble force in the savage state to its full vigor and maturity among civilized nations, forms a very instructive portion of the history of civil society and government, and the acquisition and enjoyment of property. It is, to speak correctly, the law of his nature; and by obedience to this law, he brings all his faculties into exercise, and is enabled to display the various and exalted powers of the human mind.

Indeed, Blackstone in book II, chapter 1, ascribes a Biblical sanction to the concept of individual property.

The thesis that the framers of the Constitution were striving primarily in the formation and adoption of the Constitution to safeguard property interests, a thesis so authoritatively documented by Charles A. Beard in "An Economic Interpretation of the Constitution of the United States," 1913, is now generally accepted. So fundamental were the rights of property considered by the Founding Fathers, that property was placed on a par with life and liberty. The fifth amendment reads:

> Nor shall (any person) be deprived of life, liberty, or property, without due process of law.

The framers of the 14th amendment continued this juristic tradition, of incorporating guarantees of property in the Constitution itself, by including an identical prohibition on State action. See *Munn* v. *Illinois*, 94 U.S. 112, 141 (1877).

Yet as the old common law rules on property show, the law has always balanced the right of the individual to the free and untrammeled use of his property against the interests of society. Thus the doctrine of nuisances evolved. A man is free to use his property as he sees fit only to the extent that he does not do so to the injury of others.

The power of the Government to tax property or the profits thereof is itself a recognition of the rights of the Government to limit the profits of property for public purposes.

The concept of eminent domain should also be mentioned here. This doctrine of the right of the sovereign to take the property of an individual was recognized by the courts subject to two stringent restrictions. The taking must be for a public use, and the owner must be paid just compensation.

Blackstone expresses well this inherent limitation on private property:

> So great moreover is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men to do this without consent of the owner of the land. In vain may it be urged, that the good of the individual ought to yield to that of the community; for it would be dangerous to allow any private man, or even any public tribunal, to be the judge of this common good, and to decide whether it be expedient or not. Besides the public good is in nothing more essentially interested, than in the protection of every individual's private rights, as modeled by the municipal law. In this and similar cases the legislature alone can, and indeed frequently does interpose, and compel the individual to acquiesce. But how does it interpose and compel? Not by absolutely stripping the subject of his property in an arbitrary manner; but by giving him a full indemnification and equivalent for the injury thereby sustained. The public is now considered as an individual, treating with an individual for an exchange. All that the legislature does is to oblige the owner to alienate his possessions for a reasonable price; and even this is an exertion of power, which the legislature indulges with caution, and which nothing but the legislature can perform (1 Blackstone).

These instances illustrate the fallacy behind an assumption that the right of property is historically an absolute right. The right of property is indeed one of the most sacred of our rights. But it has always been subject to certain well-defined restrictions. The right of property, as the writer Richard Ely has so succinctly stated, is an exclusive, but not an absolute right.

The words of the Court in *Loan Association* v. *Topeka* (20 Dallas 665, 662–663 (1875)) are relevant here:

> It must be conceded that there are such rights in every free government beyond the control of the State. A government which recognized no such rights, which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power, is after all but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so, but it is nonetheless a despotism.
>
> There are limitations on such power which grow out of the essential nature of all free governments. Implied reservations of individual rights, without which the social compact could not exist.

A great part of our legal and political history is the story of the shifting of the balance between the broader demands and interests of the community on the one hand, and the individual rights and privileges of private property on the other. The development of American jurisprudence may be said to reflect and indeed to represent the struggle between these two aspects of private property, the individual side and the social side.

The early ascendancy of the individual side has, in many respects, yielded to the claims of the social side. The eminent authorities on property law, Profs. James Casner and W. Parton Leach, suggest that the Founding Fathers would be astounded at the restrictions that have been made upon the right of property and in the use and enjoyment by the owner as he sees fit. Their comments are worthy of note:

> We, in the United States, have always prided ourselves on our system of private property. Frequently we boast that in our country a man is free to do what he pleases with what he owns. Anyone who stops to think for a minute, however, realizes that our system of private property is not what it used to be and that a man's freedom to do what he wants with what he owns has changed from time to time.
>
> Inroads which have been made on the freedom of owners of private property and which are now accepted as commonplace would have been unthinkable to our grandfathers, and it is within the realm of possibility that inroads which are unthinkable to us now may be commonplace to our grandchildren. Time will tell * * * Casner and Leach, "Cases and Text on Property," 985 (1959).

This expansion of the power of the Government with respect to property has taken place under the police powers of the State government and, for the most part, the commerce power of the Federal Government.

A DEFINITION OF PROPERTY

It has been said that property is a bundle of rights. Under this definition, the owner of property is conceived of as drawing unto himself the whole bundle of interests, the aggregate of rights, privileges, powers, and immunities, in regard to the "thing" which he calls his property—Conflicts Restatement, property sections 1–5. But this property, this bundle of rights, is meaningless except insofar as the owner, the possessor thereof, is protected by the law in the exercise of these rights.

Further, the fundamental characteristic of property is the right to exclude others. Of this Blackstone wrote:

> There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property; or the sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.

A contemporary writer has denoted the right to exclude others as the essence of property. H. R. Cohen, "Property and Sovereignty," 13 Cornell Law Review 12 (1927).

In *Munn* v. *Illinois* (94 U.S. 113, 141 (1877)), Justice Stone, dissenting, eloquently stated another basic attribute of property:

> All that is beneficial in property arises from its use, and the fruits of that use; and whatever deprives a person of them deprives him of all that is desirable or valuable in the title and possession.

Again, the actual value of these attributes of property, and therefore of property itself, is determinable only in proportion to their judicial recognition and their legal enforceability. Property then is the bundle of rights which the law accords to the owner.

Certainly there has been a changing concept of private property in American jurisprudence whenever the law in the course of its development changes so that the owner of property is limited anew in respect to the dominion and control of his property. He has lost one of the rights from his bundle. He has lost some of his property. Thus when the Government rules that businesses affected with a public interest are subject to certain regulations, the property of the owners of such businesses has been correspondingly diminished.

In *Nebbia* v. *New York* (291 U.S. 502, 523, (1934)), the case where this monumental step was taken, the Court declared:

> Under our form of government the use of property and the making of contracts are normally matters of private and not of public concern. The general rule is that both shall be free of governmental interference. But neither property rights nor contract rights are absolute; for government cannot exist if the citizens may at will use his property to the detriment of his fellows, or exerercise his freedom of contract to work with harm. Equally fundamental with the private right is that of the public to regulate it in the common interest.

Similarly, when the law, though recognizing the power of the owner of property to make certain stipulations respecting the use of his property, refuses to give legal redress for the violation of contracts or covenants made in regard to the property, the owner's property is pro tanto decreased. (See *Shelley* v. *Kraemer*, 334 U.S. 1 (1948).)

The Constitution as originally framed recognized a virtually unlimited right of private property—subject to certain traditional restrictions of the common law. Even property in human beings was protected therein. The absolutist concept of property, prevailing in the 19th century, held private property inviolable against any restrictions by the legislature, even on the grounds of public interest and social welfare. This resulted in the turn of the century emphasis upon the substantive aspects of due process as a limitation upon the remedial social legislation enacted by the States to alleviate problems arising in the wake of industrial expansion. In accordance with the laissez faire tenets of the time, social legislation was deemed contrary to the adequate protection of private property rights and constitutionally prohibited. The words of Justice Stone dissenting in Munn against Illinois are illustrative of that doctrine:

> If the legislature of a State, under pretense of providing for the public good, or for any other reason, can determine, against the consent of the owner, the uses to which private property shall be devoted * * * it can deprive him of the property as completely as by a special act for its confiscation and destruction (24 U.S. at 142).

Today zoning laws, licensing laws, and numerous trade and business regulations give evidence of the modern understanding of property as requiring a balancing in favor of the social aid. Of this development, Marcus R. Cohen, in his essay on "Property and Sovereignty," supra at 22, writes:

> Our students of property law need, therefore, to be reminded that not only has the whole law since the industrial revolution shown a steady growth in ever new restrictions upon the use of private property, but that the ideal of absolute laissez faire has never, in fact, been completely operative.

It is then, commonly accepted doctrine, Cohen says that—

> There must be restrictions on the use of property not only in the interests of other property owners (referring to the law of nuisance) but also in the interests of the health, safety, religion, morals, and general welfare of the whole community.

The extension of, not the existence of, restrictions on private property is the crucial matter. As Professor Philbrick declared "ownership today is vastly different from the dominium—property—of the Roman law." In a manner of speaking, the test of the validity of legislation has become the greatest good for the group. The comments of Profs. Casner and Leach, who, while endorsing this as a valid test to apply as "our society develops and changes," strike a warning note, are significant:

> One thing to keep uppermost in your mind when traveling down this road of curtailing a man's freedom of action is the basic belief that the greatest good for the greatest number comes from making man free and while some regulation is justified because it enables men to enjoy their freedom, too much regulation may destroy the freedom entirely. Keeping the proper balance in this regard should guide the development of law. (Casner and Leach, supra at 985.)

Today "the position of property in constitutional law is somewhat anomalous—the coming of industrialism has made of 'liberty' and 'property' convenient names for changeable bundles of specific equities." (Hamilton, "Property-According to Locke," 41 Yale L.J. 864 (1932)). Yet with all these analyses as to the present fluidity of the rights of the individual in his private property, it is still true that the right to own, use and enjoy private property is one of the most cherished tenets of American constitutional law. The recent decision of the Supreme Court in *Griggs* v. *Allegheny County* (369 U.S. 84 (1962)), attests the continued vitality of this. It is only on a showing, first, of overriding public interest and, second, of full compliance with due process, that the Court will recognize the power of the legislature to make inroads upon one of the basic principles of Anglo-American jurisprudence, the right of the individual to own, use, and enjoy his property as he sees fit. These words of Justice Story in *Wilkinson* v. *Leland* (2 Pet. 627, 657 (1829)), are apropos:

> The fundamental maxims of a free government seem to require that the rights of personal liberty and private property should be held sacred. At least, no court of justice in this country would be warranted in assuming that the power to violate and disregard them—a power so repugnant to the common principles of justice and civil liberty—lurked under any general grant of legislative authority. * * * A different doctrine is utterly inconsistent with the great and fundamental principle of a republican government, and with the right of the citizens

> to the free enjoyment of their property lawfully acquired.

I think I know something of constitutional law myself, Mr. President, having taught the subject in college for quite a number of years. But others far more knowledgeable than I, a number of those whom I believe may be objectively termed "experts" in the field of constitutional law, have voiced their sincere convictions that much of this bill is baldly unconstitutional.

I do not think there can be any real argument against the belief of many people that the nature and scope of the most objectionable features of this proposed legislation are due, for the most part, to the exercise of political pressures. We are here witnessing a drive for compete and immediate "equality" on the part of some of our citizens. In playing to the crowds, so to speak, we are considering the enactment of legislation that, as I have said, would be a dangerous Federal infringement upon the right of this Nation's citizens to own and control property. This dangerous infringement, this violation of basic rights, should be of particular concern to all citizens, of whatever color or national origin, for in this country the brown man or the black man has the same right to own property that the white man has, as he well should. If this is lost, if all is submerged in the drive for "equality," and if the Federal Government is to end up as the big brother dictator of "rights" and "morality," it is not too difficult to see what the end result will be. The minorities will be in far worse shape than now, for now they may stand in court as the equal of any man.

In my opinion, the passage of this unconstitutional bill would be violative of our sovereign duty to uphold the Constitution.

Since this proposed Federal legislation is inherently unconstitutional, its support must necessarily fall on the basis that the end justified the means. I, for one, cannot accept this basis; I cannot support inherently, fatally unconstitutional proposed legislation, no matter how noble its intentions and purposes may be said to be.

Mr. President, I do not oppose all facets of this proposed legislation. I have been fairly described, I believe, as a moderate on the overall subject of civil rights. I supported, and voted for, the extension of the Civil Rights Commission.

I have consistently supported and voted for nondiscrimination in federally assisted programs, having myself introduced, on various occasions, amendments precluding any such discrimination. But the measures I have supported were, I believe, consistent with our Constitution, and not in violation thereof.

Certainly the unconstitutionality of this legislation centers around the titles of public accommodations and equal employment opportunities. Civil rights, equal employment, public accommodation are all words which sound good to the American citizen. However, the increasingly large numbers of individuals who are reading and studying this legislation, or in other ways becoming more aware of certain provisions and implications of the bill, are now realizing just how misleading are the terms civil rights, public accommodations, and equal employment in respect to this legislation.

Mr. President, I would next like to trace briefly the historical concept and development of the commerce clause.

III. COMMERCE CLAUSE

Article I, section 8, clause 3, reads:

> The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States.

This clause has two aspects. First, in a negative manner, it can be said to act as a limitation upon the power of the States.

Second, in a more affirmative manner, the commerce clause can be said to be a source of national power. The general principles delineating the scope of this power were set forth in the classic 1824 case of Gibbons against Ogden. In this case, Justice Marshall asks the question:

> What is this power? It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than those prescribed in the Constitution of the United States.

The Constitution speaks of commerce among the several States. It has long been recognized that this phrase was:

> Not one which would have been said to indicate the completely internal traffic of a State. It was said in *Gibbons* v. *Ogden* that the genius and character action of the Federal Government is to be applied to all external concerns of the Nation, and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government. It is well understood and long established that Congress may exercise regulation over what would otherwise be beyond its constitutional bounds where the subject of the regulation may reasonably be held to burden or obstruct interstate or foreign commerce or its free flow. Acts which have this effect, however they originate, are subject to Federal control. The criterion has been held to be upon commerce and not the source of the injury.

The power of Congress over commerce is often described as plenary. An inquiry into the practical delimitations of the power of Congress in this respect reveals that the word plenary is one which, while denoting much, also misleads much.

Congress may pass a measure designed to eliminate a burden once it has made its appearance, or it may act in anticipation of a probable obstructing effect on commerce.

The effect upon commerce may occur in an enterprise lying in the main stream of commerce. Obviously public accommodations do not fall into this category. The necessary effect may be found in activities "which restrain a substantial part of the commerce in a particular commodity." There has been no showing here that discriminatory practices have this effect. Nor has there been any finding that the completely free choice by an individual proprietor of his customers restrains the movement of a substantial volume of goods which would otherwise move in interstate commerce. No serious argument can objectively be made that the exercise by a businessman of his constitutional rights to be individually and arbitrarily selective in his dealings with the public restrains a substantial volume of goods from moving in interstate commerce.

We must be told more than merely that the measures prescribed or the practices proscribed in this civil rights bill are necessary to the free, unobstructed and unimpeded flow of commerce and therefore within the preventative power of Congress under the constitutional grant to regulate commerce among the several States. The facts upon which this power is asserted must be capable of delineation with definiteness. He who would bring an action on legislation based on the commerce power must clearly establish incontrovertible facts showing, not a conjecturable effect, but actual evidence of the recurrent burdens produced on interstate commerce by the specific practices regulated in that legislation. Federal regulation of local industry pursuant to the commerce power must deal with matters closely connected with commerce, must not go beyond what is necessary for the protection of commerce, and must not attempt a broad regulation of business or industry within the State.

Even in those cases where the Court has upheld a statute extending the power of the Federal Government pursuant to the commerce clause, it has made undeniably clear, said Chief Justice Holmes, speaking for the Court in the 1914 *Pipe Line* cases, 234 U.S. 548, 561, that

> The control of Congress over commerce among the States cannot be made a means of exercising powers not entrusted to it by the Constitution.

As a guide to the inquiry of whether or not Congress has the power to pass a law prohibiting discrimination in places of public accommodation substantially engaged in commerce, the following statement of the Court in *Swift* v. *United States*, (196 U.S 375, 398), should be borne in mind:

> Commerce among the States is not a technical legal conception, but a practical one, drawn from the course of business—

Said the Court in the Swift case. Thus an establishment is subject to regulation under the commerce power if it is in commerce, or if it substantially affects commerce. This test of a substantial effect should be emphasized. The relation to commerce of the subject or object to be regulated must be such that its regulation is necessary for the effective regulation of interstate commerce. The effect upon commerce must not be "accidental, secondary, remote, or merely probable—from Swift against United States, we find that local activities may be regulated under the commerce power only where those local activities are an integral part of interstate commerce.

The finding of the necessary tie between a local activity and interstate commerce was at one period of constitutional adjudication presented by describing the effect on commerce as substantial or direct. Under a more sophisticated approach, questions of the power of Congress are not determined by reference to any formula which would give controlling force to nomenclature and would foreclose consideration of the actual effect of the activities in question upon interstate commerce. Thus the continuing statements of proponents of this legislation that the burdens imposed on interstate commerce by discriminatory practices and the resulting obstructions to the free flow of commerce are serious and substantial is not conclusive. The actual effect imposed upon interstate commerce by the practices of catering to selected clientele in privately owned places of public accommodation must still be shown. It would only be upon an objective determination that such practices exert a real impact on interstate commerce that the necessary link between local activity and interstate commerce would be found.

By objective determination is meant a determination based on incontrovertible evidence of facts and figures, and not a conclusion leaped to by the device of affixing the labed "substantial" to the area to be regulated.

There is not one shred of evidence to support this bill's hypothesis that there are such burdens obstructing and impeding commerce by reason of the absence of Federal public accommodations laws or that Federal regulation of public accommodations is essential to its exercise of its constitutional power over commerce. Not one scintilla of evidence to this effect has been presented. Those who drew this bill confused subjective moral beliefs with constitutional principles, and started with the hypothesis that discrimination in places of public accommodation was to be prohibited. They then sought to bottom the constitutional power on a catchall argument that such discrimination substantially affected interstate commerce. The only correct procedure in framing constitutional legislation is to lay the proposed measure beside the constitutional grant and determine whether the power granted in the Constitution comprehends the power to enact the particular measure—whether the proposed legislation would contravene the Constitution.

In 1824, in the previously referred to case of Gibbons against Ogden, Chief Justice Marshall warned that effective restraint on the exercise of this embracing and penetrating power must proceed from political rather than from judicial processes. This warning was reiterated in a case which has gone as far as any in upholding the power of Congress under the commerce clause to regulate local activities, in *Wickard* v. *Filburn*, (317 Supreme Court Reports, 110, 120 (1942)).

In assessing the extent of the commerce power, let us recur to broad concepts of this grant. Take the words of the Court in *U.S.* v. *Wrightwood Dairy Co.* (315 U.S. 110 (1942)):

> The commerce power is not confined in its exercise to the regulation of commerce among the States. It extends to those activities intrastate which so affect interstate commerce, or the exertion of the power of Congress over it, as to make regulation of them appropriate means to the attainment of a legitimate end, the effective execution of the granted power to regulate interstate commerce. * * * The power of Congress over interstate commerce is plenary and complete in itself, may be exercised to its utmost extent, and acknowledges no limitation other than are prescribed in the Constitution. *Gibbons* v. *Ogden*, (9 Wheat. 1, 196). It follows that no form of State activity can constitutionally thwart the regulatory power granted by the commerce clause to Congress. Hence the reach of that power extends to those intrastate activities which in a substantial way interfere with or obstruct the exercise of the granted power.

Broad as this is, and unquestionably it is broader than the framers intended, there is not one word recognizing a power in Congress to regulate such peculiarly local activities covered by this bill.

The central controversy here is whether this Congress proposes to seize upon a slender reed and attempt to inject the Federal regulatory power into all areas, into the most local of local activities.

Although the commerce power has been held to permit Federal regulation to reach a farmer growing wheat on his own farm for his own consumption (*Wickard* v. *Filburn*, 317 U.S. 111 (1942)), and to govern the labor relations of a retailer whose sales are entirely intrastate and whose purchases are eight-ninths intrastate (*Meat Cutters* v. *Fairlawn Meats*, 353 U.S. 20 (1957)), these extraordinary extensions of the commerce power under special acts are not determinative of the power of Congress to regulate all local activity under the commerce power.

They cannot be extended to give the Federal Government power to prohibit private property owners, operating their own local business, from choosing their customers according to their own desires.

This public accommodations measure is predicated on the doctrine that where the Government has the power to deny a privilege altogether, it may grant it upon such conditions as it sees fit to impose. The privilege is said to be interstate commerce, with the Government having the power to deny the right to engage in interstate commerce or in activities affecting commerce. The argument continues with the allegation that the Government may condition this right as it sees fit. The analysis is completed with the conclusion that the Government may prohibit racial discrimination by the operators of local establishments. Now let us examine this thesis. Congress may deny the right to engage in interstate commerce or in activities affecting commerce for failure to conform with a regulation, if, and only if, there is a link or valid relation between the unobstructed operation of interstate commerce and the regulation. Thus, in order for Congress to dictate who local establishments may serve, it must first show either that these establishments are in interstate commerce or that, though local, they are an integral part of that commerce and the activity sought to be regulated. Neither the first nor the second requirement has been met, or can be met in this legislation.

Moreover, the right of regulation does not imply an unlimited power of regulation. Congress' power over interstate commerce itself is not unlimited. There are inherent limitations on the right to regulate activities affecting commerce and on the power to deny access to interstate commerce. Congress may not impose conditions which require the relinquishment of constitutional rights. In *Frost* v. *Railroad Commission* (271 U.S. 583, 594 (1929)), it was said:

> If Government could compel the surrender of one constitutional right as a condition for its favor, it might, in like manner, compel a surrender of all. It is inconceivable that guarantees embedded in the Constitution of the United States could thus be manipulated out of existence.

In the *Civil Rights Cases* (109 U.S. 3 (1883)), which held unconstitutional under the 13th or 14th amendment the power of Congress to pass a law prohibiting discrimination in places of public accommodation, the Court categorically declared:

> No one will contend that the power to pass [this law] was contained in the Constitution before the adoption of the last three amendments.

The commerce power did not support this legislation in 1883. And it does not in 1964.

The commerce power has been expanded by the courts, it is true, since the turn of the century, but the fundamental distinction between what is local and what is national remains. In a recent case, *Williams* v. *Howard Johnson's Restaurant*, 268 Federal 2d 845 (4th Circuit 1959), the court observed:

> We do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

This reasoning applies to all privately owned places of public accommodation.

Mr. President, the commonsense and good judgment possessed by the American citizen is enough for him to determine for himself the inherently fatal defect of the public accommodations section of the bill. Attempts at legislative definitions determining interstate commerce formulas, which fly in the face of plain commonsense and ordinary good judgment, will not be accepted by our citizenry. Legislative declarations that restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, motion picture houses, theaters, concert halls, sports arenas, stadiums, hotels, motels, lodging houses, and so forth, are henceforth to be classified as interstate in character defy sound reason.

The accommodations to which I refer are privately owned and operated, and if they are not involved in interstate commerce, there is no power anywhere in the Constitution given to Congress to regulate their respective customers.

It is poor judgment and unsound reasoning to now attempt to redress grievances by destroying the constitutional, the private right of each American citizen to run his or her business affairs, not involved in interstate commerce, as he or she sees fit. It is certainly hoped by many opposing the bill, that no business would discriminate among customers solely on the ground of race, religion, or color. I am sure it is hoped by many that any business that did so discriminate would lose business, and eventually be forced to close its door because of public opinion. But I do not believe a local business should be forced to close because of actions by the Attorney General of the United States based on a complaint of discrimination when the fact of the matter is that the owner just did not want the complainant as a customer—and this in my opinion is the prerogative of the owner.

Nowhere that I can determine under the Constitution is the Federal Government given any power to legislatively determine that a private citizen, desirous of engaging in a business endeavor, must never discriminate in the selection or acceptance of customers. And there is one interesting point that should not be overlooked—a good many customers prefer to be selected much more than just accepted.

When private establishments within the confines of the respective State, in the lawful and legitimate exercise of their private discretion, wish to select their customers, there is no constitutional power, under the Constitution or any of its amendments, giving the Federal Government the right to regulate the private establishment.

As one of our colleagues, the Senator from Oklahoma [Mr. MONRONEY], has stated:

> The delicate balance of power between Federal and all local governments could be forever destroyed, if to accomplish even a laudable purpose we do violence to the clear intent of the Constitution that limits Federal activity to matters substantially affecting interstate commerce.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. TOWER. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 31 minutes p.m.) the Senate took a recess, pursuant to the order previously entered, until tomorrow, Friday, March 20, 1964, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 19, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I John 4: 19: *We love Him because He first loved us.*

Almighty God, at this noon hour, as we engage in a moment of prayer, we are manifesting a feeling and a faith to seek Thee which Thou hast implanted in us and that Thy gracious presence alone canst satisfy.

We penitently confess that we are so slow of heart to feel and so dull of vision to see that we often fail to understand that if we are seeking Thee it is because Thou hast first sought us.

May our minds and hearts this day become animated and aglow with a sense of the supremacy of duty and a passion for righteousness.

Grant that the spirit of love and light may pervade our souls and may the good seed, that we sow here and there, bloom and become fragrant with the flowers of kindness, of mercy, and good cheer.

When we fail to attain unto that spiritual growth and dignity of soul, which we covet, may we have the will to try again for Thy love will never let us go.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on March 18, 1964, the President approved and signed bills of the House of the following titles:

H.R. 5306. An act for the relief of Paul James Branan;

H.R. 7491. An act for the relief of William L. Berryman; and

H.R. 10051. An act to amend Public Law 86–272, as amended, with respect to the reporting date.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7967. An act for the relief of certain individuals employed by the Department of the Air Force at Hickam Air Force Base, Hawaii.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District; and

S. 1445. An act for the relief of Archie L. Dickson, Jr.

SWEARING IN OF MEMBER

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1964.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the secretary of state, State of Tennessee, a letter was received today stating that the unofficial returns of the special election conducted on March 10, 1964, in the Second Congressional District of Tennessee to elect a Representative in the Congress of the United States to fill the unexpired term of the Honorable Howard H. Baker, deceased, show that Mrs. HOWARD H. BAKER was duly elected by a margin of 8,982 votes. There has been no indication of any election contest or dispute.

Sincerely yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Tennessee [Mrs. HOWARD H. BAKER] be permitted to take the oath of office today. Her certificate of election has not arrived, but there is no contest, and no question has been raised with regard to her election.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. BAKER appeared at the bar of the House and took the oath of office.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 74]

Abele
Ashbrook
Ashley
Baring
Barrett
Bass
Battin
Blatnik
Brown, Calif.
Buckley
Carey
Clancy
Clawson, Del
Curtis
Daddario
Daniels
Dawson
Dowdy
Edwards
Finnegan
Fogarty
Forrester
Fulton, Tenn.
Giaimo
Grabowski
Gray
Hagan, Ga.
Halleck
Harvey, Mich.
Hébert
Hoffman
Holland
Jarman
Jensen
Jones, Ala.
Karsten
Kee
Kirwan
Landrum
Lankford
Leggett
Lloyd
McFall
McIntire
McMillan
Martin, Calif.
Martin, Mass.
Miller, N.Y.
Minshall
Monagan
Montoya
Norblad
O'Brien, Ill.
Pilcher
Powell
Rains
Rhodes, Ariz.
Roberts, Ala.
Roybal
Saylor
Schadeberg
Selden
Sheppard
Sibal
Thompson, N.J.
Ullman
Van Pelt
Weaver
Wydler

The SPEAKER. On this rollcall, 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN AID—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 250)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The most important ingredient in the development of a nation is neither the amount nor the nature of foreign assistance. It is the will and commitment of the government and people directly involved.

To those nations which do commit themselves to progress under freedom, help from us and from others can provide the margin of difference between failure and success. This is the heart of the matter.

The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals.

We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance. These are the grim recruiting sergeants of communism. They flourish wherever we falter. If we default on our obligations, communism will expand its ambitions. That is the stern equation which dominates our age, and from which there can be no escape in logic or in honor.

NO WASTE, NO RETREAT

It is against our national interest to tolerate waste or inefficiency or extravagance in any of these programs. But it is equally repugnant to our national interest to retreat from our obligations and commitments while freedom remains under siege.

We recognize that the United States cannot and should not sustain the burden of these programs alone.

Other nations are needed in this enterprise of mutual help. Encouraging signs exist that the process of sharing the burden is steadily growing.

The best way for the United States to stimulate this growth and to broaden this partnership in freedom is to make our own example an incentive to our friends and allies.

We need the assurance of stability and progress in a world restless with many dangers and anxieties.

PRUDENT AND RESPONSIBLE PROGRAMS

In this program we do not seek to cover the whole world. Aid on a worldwide scale is no part of our purpose.

We seek instead, through prudent and responsible programs, to help carefully selected countries whose survival in freedom is essential—and whose collapse would bring new opportunities for Communist expansion.

There are no easy victories in this campaign. But there can be sudden disasters. We cannot ask for a reprieve from responsibility while freedom is in danger. The vital interests of the United States require us to stay in the battle. We dare not desert.

Economic and military assistance, used at the right time and in the right way, can provide indispensable help to our foreign policy in enabling the United States to influence events instead of merely reacting to them. By committing a small part of our resources before crises actually occur, we reduce the danger and frequency of those crises. Our foresight becomes a shield against misfortune.

The recommendations contained in this program for fiscal year 1965 are designed to move the aid program in that direction. They reflect views and experience of the Congress, of the executive branch, and of informed private citizens.

FIVE FUNDAMENTAL CONCEPTS FOR A SUCCESSFUL PROGRAM

First. The request for funds must be realistic.

For economic assistance, new authorizations of $917 million for fiscal 1965 are recommended. Specifically, I recommend $335 million for supporting assistance, $225 million for technical cooperation, $134 million for contributions to international organizations, $150 million for the President's Contingency Fund, and $73 million for administrative and miscellaneous expenses.

For military assistance, I recommend that the Congress provide a continuing authorization, subject to an annual review of each year's proposals by the authorizing committees in both Houses.

For fiscal 1965, I recommend no additional authorizations for the Alliance for Progress or for development lending assistance in Asia or Africa. Existing authorizations for these programs are adequate.

The appropriations recommended for fiscal 1965 total $1 billion for military assistance and $2.4 billion for economic assistance.

In fiscal 1964, the initial request was $4.9 billion, later reduced to $4.5 billion. This fiscal year, the request of $3.4 billion is $1.1 billion less than last year's request, although about the same as was available last year, taking into consideration the unexpended balance from the year before. Moreover, more than 80 percent of aid funds will be spent in the United States. The impact of the program on our balance of payments will be less than ever before.

INSURANCE TO AVOID COMMITTING AMERICAN MEN TO WAR

These requests reflect a determination to continue to improve the aid program both in concept and administration. The overall request represents a great deal of money—but it is an amount which we should, in all prudence, provide to serve essential U.S. interests and commitments throughout the world.

More than 1 million American men in uniform are now stationed outside the United States. As insurance to avoid involving them and the Nation in a major conflict, we propose to spend through aid programs less than 4 cents out of every tax dollar.

If there is any alternative insurance against war, it might be found in an increase in the defense budget. But that would require not only many times more than $3.4 billion, for a military budget which already takes more than 50 cents out of every tax dollar, but also a severalfold increase in our own military manpower.

The foreign assistance requested will provide: The crucial assistance we have promised the people of Latin America who are committed to programs of economic and social progress; continued economic development in India, Pakistan, and Turkey under the major international aid-consortia to which we are a party; the U.S. share of voluntary contributions to the United Nations technical cooperation programs and to such special international programs as the work of the United Nations Children's Fund, and the development of the Indus Basin; funds to meet our commitments to the freedom of the people of South Vietnam, Korea, and for the other obligations we have undertaken in Asia and Africa.

Second. The funds I am requesting will be concentrated where they will produce the best results, and speed the transition from U.S. assistance to self-support wherever possible.

Two-thirds of the proposed military assistance will go to 11 nations along the periphery of the Sino-Soviet bloc, from Greece and Turkey through Thailand and Vietnam to the Republic of China and Korea. These funds are a key to the maintenance of over 3.5 million men under arms, raised and supported in large measure by the countries receiving the assistance.

The need for supporting assistance: Funds used primarily in countries facing defense or security emergencies will continue to be reduced. Fourteen countries which received supporting assistance 3 years ago will receive none in fiscal year 1965.

Four-fifths of the present request will go to four countries—Korea, Vietnam, Laos, and Jordan.

Two-thirds of the development lending proposed for fiscal 1965—including Alliance for Progress lending—will be concentrated in six countries: Chile, Colombia, Nigeria, Turkey, Pakistan, and India.

Funds for educational and technical cooperation to help start schools, health centers, agricultural experiment stations, credit services, and dozens of other institutions—are not concentrated in a few countries. But they will be used for selected projects to raise the ability of less fortunate peoples to meet their own needs. To carry out these projects we are seeking the best personnel available in the United States—in private agencies, in universities, in State and local governments, and throughout the Federal Government.

Wherever possible, we will speed up the transition from reliance on aid to self-support.

In 17 nations, the transition has been completed and economic aid has ended. Fourteen countries are approaching the point where soft economic loans and grants will no longer be needed. New funds for military equipment grants are being requested for seven fewer countries for fiscal 1965 than for the present year.

Third. We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad.

During the past year the first new houses financed by U.S. private funds protected by AID guarantees were completed in Lima, Peru; the first rural electrification surveys, conducted by the National Rural Electric Cooperative Association under contract to AID, were completed and the first rural electrification loan—in Nicaragua—was approved; the first arrangement linking the public and private resources of one of our States to a developing country was established, between California and Chile. This effort must be expanded.

Accordingly, we are encouraging the establishment of an Executive Service Corps. It will provide American businessmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries.

During the present year, the possibilities for mobilizing increased private resources for the development task will be developed by the Advisory Committee on Private Enterprise in Foreign Aid established under the Foreign Assistance Act of 1963.

In this connection, two specific legislative steps are recommended: One, legislation to provide a special tax credit for private investment by U.S. businessmen in less-developed countries; two, additional authority for a final installment of the pilot program of guaranteeing private U.S. housing investments in Latin America.

Fourth. We will continue to seek greater international participation in aid.

Other free world industrial countries have increased their aid commitments since the early 1950's. There are indications that further increases are in store. Canada recently announced that it expects to increase its aid expenditures by 50 percent next year. A 1963 British white paper and a French official report published in January 1964 point in the same direction. Other nations have reduced interest rates and extended maturities on loans to developing countries.

Of major importance in this effort are the operations of the International Development Association. Under the agreement for replenishing the resources of this Association, which is now before the Congress for approval, other countries will put up more than $1.40 for every dollar the United States provides to finance on easy terms development projects certified as sound by the World Bank—projects which the developing countries could not afford to pay for on regular commercial terms. This is international sharing in the aid effort at its best. For, to the extent we furnish funds to IDA, and they are augmented by the contributions of others, the needs of developing countries are met, thus reducing the amounts required for our own bilateral aid programs.

Under the program before you the United States would be authorized to contribute $312 million over a 3-year period. Against this other countries have pledged $438 million which will be lost in the absence of the U.S. contribution. Action is needed now so that the Association may continue to undertake new projects even though the first appropriation will not be required until fiscal year 1966.

I urge the Congress to authorize U.S. participation in this continued IDA subscription.

Fifth. Let us insist on steadily increasing efficiency in assistance operations. After careful study, I have decided to continue the basic organization of aid operations, established after intensive review in 1961. Economic assistance operations will continue to be centered in the Agency for International Development, military assistance operations in the Department of Defense. Both will be subject to firm foreign policy guidance from the Secretary of State.

STEPS TO INCREASE EFFICIENCY OF AID

One officer, Assistant Secretary of State Mann, has been assigned firm policy control over all aspects of our activities in Latin America.

Full support will be given to the newly created Inter-American Alliance for Progress Committee which is designed to strengthen the aspect of partnership in the Alliance.

The AID Administrator has instructions to embark on a major program to improve the quality of his staff—and to reduce the total number of AID employees by 1,200 by the end of fiscal year 1965.

The AID Administrator has been directed to continue to consolidate AID missions with U.S. Embassies and, wherever possible, to eliminate altogether separate AID field missions.

The Secretary of Defense has been directed to continue to make substantial reductions in the number of personnel assigned to military assistance groups and missions.

In this connection, I recommend two specific legislative steps: One, legislation to provide the AID Administrator with authority to terminate a limited number of supervisory and policymaking employees notwithstanding other provisions of law, and to extend the existing Foreign Service "selection out" authority to other personnel.

This is essential if the Administrator is to carry out my desire—and that of the Congress—that he improve the quality of the AID staff, and at the same time, reduce its total size.

Two, legislation to permit outstanding U.S. representation on the Inter-American Alliance for Progress Committee under the leadership of Ambassador Teodoro Moscoso.

Finally, I am appointing a general advisory committee, as suggested by Senator COOPER and others, on foreign economic and military assistance problems. It will be composed of distinguished private citizens with varied backgrounds and will serve as a continuing source of counsel to me. In addition to its general responsibility the Committee will examine aid programs in individual countries. These reviews will be made by members of the advisory committee, augmented as necessary by additional persons. I would hope that at least four or five country reviews, including two or three in Latin America, will be completed in the present year.

A PROGRAM TO STRENGTHEN THE FAMILY OF THE FREE

I am convinced this program will enable the United States to live in a turbulent world with a greater measure of safety and of honor.

There is in our heart the larger and nobler hope of strengthening the family of the free, quite apart from our duty to disappoint the evil designs of the enemies of freedom.

We wish to build a world in which the weak can walk without fear and in which even the smallest nation can work out its own destiny without the danger of violence and aggression.

This program, based on the principle of mutual help, can make an essential contribution to these purposes and objectives which have guided our Nation across the difficulties of these dangerous years.

I recommend this program to the judgment and the conscience of the Congress in the belief that it will enlarge the strength of the free world; aid in frustrating the ambitions of Communist imperialism; reduce the hazards of widespread conflict; and support the moral commitment of freemen everywhere to work for a just and peaceful world.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 19, 1964.*

PRESIDENT JOHNSON'S MESSAGE ON FOREIGN AID

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, the foreign aid message of the President is honest, realistic, and practical. Without mincing any words, it says that foreign aid is indispensable to our security. But it also says that foreign aid must be given on a selective basis, to those countries which are really trying to pull themselves up by their own bootstraps. It says that other wealthy nations should bear more of the foreign aid burden. It says that whenever possible U.S. assistance should be reduced and brought to an end.

According to the message, 14 countries are now reaching the point where they can support themselves without our help. It would be unwise from a diplomatic standpoint to call those countries by name, or to fix a specific date for the end of our aid. But the President is determined to speed the transition from U.S. aid to self-support, and I am confident that we will see considerable progress in this direction in coming months.

For the next fiscal year the President is requesting $3.4 billion, which is the amount available in this fiscal year, and the smallest request ever made for foreign aid. This does not mean that the President is cutting the program below what is essential. The stakes are too big for that kind of penny ante.

It does mean that the President is not playing the usual game of asking for more than you need in order to compromise on an amount you can live with.

I commend the President for making this honest and realistic request, and for presenting a message which should help to restore public confidence in foreign aid.

We now have the basis for renewed support in the House this year for this vital arm of our foreign policy.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the President's message on foreign aid.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FOREIGN AID RECOMMENDATIONS OF PRESIDENT JOHNSON

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, President Johnson's foreign aid recommendations are, in my opinion, a hardheaded, commonsense, fiscally prudent appraisal of what is necessary for the free world's and our own survival. It merits strong bipartisan support.

Several points stand out in the message:

First. Our sister nations in the free world are stepping up their own contributions to foreign aid for underdeveloped countries.

Second. We are emphasizing more than ever before the indispensable role which private enterprise must play in the developing nations. I hope that phase of the program is enacted first.

Third. We are rapidly reducing the number of free nations which must rely on our military assistance funds for self-defense.

I commend the President on his message.

Mr. ZABLOCKI. Mr. Speaker, I join the distinguished majority leader and Chairman MORGAN in commending the President for his message on foreign aid.

It is a realistic, forthright, and clear-cut statement of the policy, direction, and intent of our U.S. foreign assistance to cooperating nations.

The amount of $3.4 billion, $1.1 billion less than requested last year, reflects a truly realistic approach.

The decision to concentrate U.S. assistance where it will produce the best results, to cut back supporting assistance, to utilize private initiative, and to increase efficiency in assistance operations, should rally support for the AID legislation.

Although the message does not contain all of the improvements desired, it is a most praiseworthy, positive approach to strengthening our foreign aid program.

Mr. MATSUNAGA. Mr. Speaker, the President has recommended an austerity foreign aid program, conforming to his economy program for the Federal Government. Congress cannot reduce it further without endangering the balance of power against communism in the underdeveloped countries.

It is in our national interest that the underdeveloped countries remain free of Communist influence and that those which have democratic governments be strengthened. We are engaged in a battle for men's minds. Democracy works best where there is hope for the future; communism is the politics of despair and can best take over when the people lose faith in their future. Our aid programs have strengthened democracy in many nations by providing them with hope for the future.

President Johnson is to be congratulated upon the new and bold approach of his Executive Service Corps. It is a challenge to American private business to help our country through this difficult period in world history.

Let us, the Members of Congress, support this worthy program.

Mr. FRASER. Mr. Speaker, the House has received from the President his message on foreign aid. The President's statement is excellent. With a minimum of words it deals wisely with several major concerns which the Congress has expressed about the foreign aid program.

The President has reduced the money request to a minimum. Many of us feel that the United States should be expanding our programs of foreign aid. Nevertheless, in deference to the goal for 1965 of keeping expenditures to a minimum, the President has presented an authorization request roughly equal to the final appropriation of last year. The House can approach this year's requests with the assurance that the executive branch made every cut which they felt was possible.

Often it is said that the United States is trying to do too much for too many through its programs of assistance to other nations. The President's message makes abundantly clear that apart from educational and technical assistance which necessarily goes to many nations, the bulk of our aid is going to a very few nations—nations who are deserving of our aid because of their strategic location or their own success at self-help.

The President's statement contains many important proposals. He emphasizes the need to strengthen the role of private enterprise in our development efforts, and proposes a new Executive Service Corps and a tax credit for investments made in less-developed countries. Steps to strengthen administration of AID accompanied with a reduction in personnel, emphasis on increased help from other nations, and a plea for our support of the new IDA authorization round out one of the most effective and concise statements on foreign aid which we have received for some time.

Mr. Speaker, a few can quarrel with the objectives outlined in this program for fiscal 1965. What must be done in this House—this year—is to decide whether or not we are going to turn our back on the rest of the world, or whether we will shoulder the responsibilities to which we have fallen heir since the end of World War II. That question must be faced firmly, and now. We meet head on the steady erosion of support for the aid programs and the mounting attacks by those who offer no alternative course of action. We must decide whether this bill and the companion appropriation measures are going to be the subject of an accommodation with those who are bent on destroying one of the United States most effective weapons in the struggle for freedom, or whether the House will take to itself the full responsibility for resolving these questions after full and complete debate.

Mr. Speaker, the President's message on foreign aid graphically describes the nature of the decision which must be made by the House during the coming months when he says that:

> We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance.

Mr. ALGER. Mr. Speaker, the foreign aid message is fallacious. It is not supported by the facts of foreign aid as it has developed over the years. On the contrary, foreign aid has become, as this message indicates it will continue, self-contradictory and self-defeating.

Even a cursory study of the President's message proclaims its errors. Let us examine it.

The President says:

> To those nations which do commit themselves to progress under freedom, help from us and from others can provide the margin of difference between failure and success.

On the contrary, we give aid to dictators and Communists, and punish our freedom-loving friends.

The President says:

> The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals.

On the contrary, our outpouring of dollars, our apparent efforts to buy friendship, indicate a godless materialism, rather than our God-fearing spiritual beliefs and our championing dignity and respect of the individual whose rights come from God. Our foreign aid does not embody our beliefs in individual initiative and our consecration to a Supreme Being.

The President says:

> We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance.

Here again the fallacious assumption that communism breeds in poverty. It does not, as history clearly shows. It feeds on ignorance, not poverty. There is a great difference. The entire message here again rests on a fallacious premise.

This fallacy is compounded by what follows:

> They flourish wherever we falter. If we default on our obligations, communism will expand its ambitions.

We have already faltered on our obligations to the freedom loving and our allies, by outright subsidy, trade, aid, and deals with the implacable enemy, so that we feed, cultivate, and arm the Communists. Our friends are hard pressed to understand, therefore, our castigation of their trading with Castro. We act foolish and our friends see this. Our foreign aid to Communists is part of the measure of this foolishness.

The President goes on:

> It is against our national interest to tolerate waste or inefficiency or extravagance in any of these programs. But it is equally

> repugnant to our national interest to retreat from our obligations and commitments while freedom remains under siege.

After admitting that we are against waste and inefficiency, the President seems to make it plain that if these are part of foreign and obligations, it is all right.

The endless examples of waste, corruption, privately padded bank accounts and bad judgment suggest to our world neighbors that we lack judgment, have an inexhaustible source of money, and welcome the opportunity to give it away. Of course, we lose their respect and fail to attain any goal but that of looking foolish.

It may be as the President then says:

> Other nations are needed in this enterprise of mutual help. Encouraging signs exist that the process of sharing the burden is steadily growing.

If others do participate we can expect some sense being introduced to correct our extravagance. Even so, we should lead, not be disciplined by others.

If we abandoned all foreign aid to the Communists, socialists, and neutrals; if we offered our help only on a self-help basis, by letting others earn our help, for which they could pay and keep their self-respect, we might salvage a measure of the prestige we have lost. Then it might be agreed as the President next says:

> The best way for the United States to stimulate this growth and to broaden this partnership in freedom is to make our own example an incentive to our friends and allies.

Foreign aid must be stopped. Only friends should be helped, only those who value and practice freedom in a democratic form of society. The help then given can be whatever projects the benefited countries want, and then only with the major contribution made by themselves. We could, when asked, provide advice and technical help—the rest would be up to the recipient nation.

But first and foremost our national leaders, the President most of all, owe the American people, an explanation of how our gifts to Communists help the cause of freedom.

How is freedom strengthened when we give aid to and help to strengthen governments which do not express the will of the people or hold their people in slavery? What answer do you give, Mr. President, to the fact brought out in hearings before the Appropriations Committee last year which follows?

Testimony revealed that our aid program is being continued in countries where one of the following illegal actions has occurred:

A dictator has taken over control of the country.

A military junta has overthrown a friendly government.

A president or premier has been assassinated.

A newly elected President has been prevented from taking office.

A monarch has been dispossessed by a rebel force. The hearings disclosed that 29 countries receiving U.S. aid between 1948–63 have experienced an illegal change of government. Of these 29 countries, Cuba is the only one which is not now receiving direct U.S. aid, although she does receive assistance indirectly from us through the United Nations.

Specifically, how does a gift of $25 million of wheat to Russia converted into ethyl alcohol to make weapons of war benefit the United States? Such a gift makes the earlier scrap iron to Japan look quite innocent by comparison. If treason is giving aid and comfort to the enemy, wherein does aid to Communists differ from treason, and since when was not treason a crime against the Constitution of our Nation? It is time for an accounting, Mr. President. How about it?

BIBLE READING AND PRAYER IN PUBLIC SCHOOLS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, as chairman of the Committee on the Judiciary, I wish to announce that on April 22 next at 10:30 a.m. the full Committee on the Judiciary will start hearings on Bible reading and prayer in the public schools and other places. I wish to announce that 144 resolutions have been filed with the committee taking some 35 different forms with 103 sponsors, indicating rather widespread interest in this very important topic. The nature and importance of the subject requires that the committee have the best thinking of all schools of thought in its consideration of the pending resolutions. For that reason announcement is being made that on April 22 hearings will begin.

MINORITY VIEWS ON H.R. 5990

Mr. MULTER. Mr. Speaker, I ask unanimous consent that the minority views on H.R. 5990 may be printed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ANOTHER VICIOUS RED ATTACK

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, the Red Communist-controlled Moscow radio beamed to all of Central and South America on January 16 in Spanish another vicious and sinister attack upon me and upon other Members of this Congress. Moscow radio through these cheap distortions, false propaganda, and downright lies hopes to divert the attention of the world from their aggressive design to eventually control the Panama Canal. This is an old Communist-Fascist trick to abuse and vilify those who attempt to bring the people the truth and those who expose the schemes and machinations of the Communist conspiracy.

Mr. Speaker, the open, bold, and aggressive attack on U.S. territory, the Canal Zone, in early January, once it began was taken over and led "lock stock and barrel" by Communist agents from Red Russia, Red China, and Red Cuba. This open attack was a bid for control of the Panama Canal by the Communists. It is part of their strategic plan to seal off and box in the United States in its own backyard which, of course, would eventually result in the collapse of our leadership of the free world and leadership of the Western Hemisphere.

Mr. Speaker, the Moscow attack upon me followed almost immediately a statement I made to this House in which I pointed out Communist agitators, subversives, agents, and saboteurs were promoting mob violence and trying to undermine U.S. sovereignty over the canal. In that speech I defended President Lyndon Johnson and placed in the Congressional Record a statement issued by President Johnson on the canal crisis. The following, Mr. Speaker, is part of President Johnson's statement which I inserted in the Record at that time:

> The United States cannot allow the security of the Panama Canal to be imperiled. We have a recognized obligation to operate the canal efficiently and securely, and we intend to honor that obligation in the interest of all who depend on it.

Two days after I placed President Johnson's statement in the Record and charged the Communists with mob violence and subversion in Panama, Moscow radio made the following attack upon me. This, Mr. Speaker, is an exact translation of its broadcast made on January 16:

Imperialism in U.S. Congress

(Moscow Radio in Spanish to Cuba 2330 GMT, Jan. 16, 1964)

> Summary: Mr. Dorn, of South Carolina, had a dream that the U.S. Congress had decided to send him on an inspection journey to the Canal Zone in Panama. After having been given a thick wad of dollars, Mr. Dorn went to the airfield and flew to the Canal Zone, where he found everything quiet. But, to his amazement, instead of the Stars and Stripes which had been flying at the masthead since 1903, the flag of the Republic of Panama was flying and the Panamanians were strolling about as if they were in their own land.
>
> Mr. Dorn awakened in a cold sweat and looked around his apartment, anxiously awaiting the opening of the ordinary session of the U.S. Congress, of which he is a Member. He would then climb to the rostrum and shout with patriotic fervor: "Capitulators, you have dragged the Nation so far that in one of its parts, I mean in the Panama Canal Zone, a foreign flag is fluttering."
>
> "Murmurs would come from the gentlemen from Texas, Florida, and Alabama who would growl: "This is against the law, treaties, and international justice."
>
> But what is clear and unequivocal is that the continued occupation of the Panama Canal by the United States is illegal and it contradicts the principles of international law, and particularly U.S. obligations as a member of the United Nations.
>
> The people of the Republic of Panama, with the support of all the peace-loving peo-

> ples in the world, demand with vigor the return of national property which was snatched from them; namely the Canal Zone. They struggle with valor and determination against the U.S. imperialists, against the Mr. Dorns and similar types. Panama must be master of the Canal Zone. The Panama Canal must be nationalized. These are now the aspirations of the Panamanian people.

Mr. Speaker, I might remind the House that Moscow Radio only attacks an American when he is working for the United States and what he says is constructive for the United States and the free world and is opposed to the diabolical plan of the Communist-controlled world to subvert and conquer the free world.

ATTITUDE OF PRESIDENT JOHNSON TOWARD NEGOTIATIONS WITH PANAMA

Mr. CASEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASEY. Mr. Speaker, I was interested in the interpretative report on the front page of the Washington Post this morning concerning the President's attitude toward negotiations with Panama. Of course, this reporter had to rely on hearsay, if you will, as the source of his information. He indicated that Assistant Secretary Mann might not be in accord with the President. I doubt that seriously, knowing Tom Mann as I do. Furthermore, he indicated some of the Latin American officials felt that the image of President Johnson had deteriorated. On the contrary, I think President Johnson's image has grown vastly with all of the people of the world and especially this country in view of the fact that he shows when he feels he is right he is going to stand firm and will not give in to further erosion of our position in the Canal Zone. It is true some of the ambitions of those in Panama who would like to take over the canal may have deteriorated some, but I say to President Johnson, "Congratulations on your stand, and I for one feel you have the full backing of the citizens of the United States."

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. CASEY. I certainly will.

Mr. ALBERT. I commend the distinguished gentleman from Texas for the statement he has made. I know he knows whereof he speaks, and it is a statement that should have been made. I congratulate him.

Mr. CASEY. I thank the distinguished majority leader for his comments.

PRESIDENT'S MESSAGE ON FOREIGN AID

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I want to associate myself with the distinguished majority leader and the distinguished majority whip in their remarks on the foreign aid message of the President.

This is a tough message which should be well received by the Congress. According to my count on 23 occasions the President of the United States used words such as "waste," "reduction of personnel," "promotion of efficiency," "private business," and so on.

This message provides for reduction in requests for money. It provides for aid only to countries which are helping themselves.

It proposes a concentration of aid, the rifleshot approach, if you will, instead of a shotgun blast.

Two-thirds of the military aid would go to 11 countries. Four-fifths of the supporting assistance would go to four countries. Two-thirds of the development lending would go to six countries.

This is a message which the Congress can support.

CHIEF JUSTICE EARL WARREN LAUDED

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, today a native Californian, a distinguished jurist and a great American, Chief Justice of the United States, Earl Warren, celebrates his 73d birthday.

Few Americans, Mr. Speaker, have contributed so much to their country. Few have insisted on and maintained such high standards of public service. Few have been so faithful and selfless in their dedication and devotion. Few so richly deserve our gratitude and appreciation. It is a measure of our free society—a society which Earl Warren has played such an outstanding role in defending—yet a blot on our sense of decency and fairness, that he has been so viciously vilified by uninformed extremists and malicious malcontents.

Chief Justice Warren is a distinguished graduate of the University of California and its noted school of law.

As Governor of California he served for 11 years with a distinction clearly appreciated and evidenced by widespread voter approval.

As holder of the highest judicial office in the land he has, for another 11 years, been a steadfast and unrelenting guardian of the rights of the individual citizen.

A tough and vigorous public prosecutor in his younger years, Chief Justice Warren has recognized that strict adherence to the rules of fair procedure is an indispensable condition of a free society. His concern for individuals reflects not sentimentality or softness, but a conviction that freedom affords the key alike to public welfare and the national security.

As Earl Warren's representative in Congress, Mr. Speaker, I bring him a special message of congratulations from people who remember him with particular fondness.

But congratulations are not limited to his home or his State. I know that all Members join me in paying tribute to the Chief Justice on his birthday and on the vigor with which he faces the useful years ahead. The people of this country are fortunate indeed to have this man with his rare blend of wisdom, commonsense, compassion and integrity in their highest judicial post.

Happy Birthday, Mr. Chief Justice.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I yield to my colleague.

Mr. MILLER of California. Mr. Speaker, I would like to associate myself with my distinguished colleague from Alameda County, the gentleman from California [Mr. COHELAN] in what he has said about the great and good Chief Justice Earl Warren.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that all Members have 5 days to extend their remarks on the anniversary of the birthday of the Chief Justice, following the remarks of the gentleman from California [Mr. COHELAN].

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

OUR PROBLEMS IN VENEZUELA

Mr. STINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. STINSON. Mr. Speaker, in last night's Evening Star, there was an article by the Associated Press which perhaps outlines the problems which the United States and the other freedom-loving people of the Western Hemisphere face. The article states, and I quote:

> U.S. Ambassadors to Latin America are reported to be divided over the degree to which the United States should support Venezuela's demands for action against Cuba by the Organization of American States.

The article went on to say that:

> Some of our Ambassadors suggested that it might not be wise for the United States to go all out for Venezuela's proposals because this could split the OAS.

If some of our Ambassadors to Latin American countries are opposed to taking strong action against Castro, then no wonder communism is so successful in the Western Hemisphere. How discouraging for Venezuela to try to stand up against the Soviet-backed might of Cuba when her ally to the north, the United States, hesitates to take a positive stand in her behalf. How discouraging for

Venezuela and other Latin American countries when instead of opposing communism the United States imposes a naval blockade around Cuba to prevent any anti-Communist Cubans from attacking the oppressors and dictators of their homeland. No wonder the prestige of America continues to sink when some of our own diplomats are opposed to ridding the Western Hemisphere of communism. How can we expect the other nations to oppose the Communists if we, their strongest ally, refuse to act? Mr. Speaker, it is high time that the United States stops listening to the appeasers and accommodators and starts to assume the position of leadership which is our responsibility. The appeasers of the State Department and Foreign Service should be relieved of their duties and replaced with men of courage and initiative.

BACK ALLEY TACTICS IN THE BOBBY BAKER INVESTIGATION

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, the chairman of a congressional committee, allegedly investigating the activities of Bobby Baker, apparently wants to clamp the lid on that smelly mess, and he is quoted in the newspapers as saying those who oppose him are engaged in "back alley" tactics.

Well, Mr. Speaker, there must have been some chasing through "back alleys," and some "back alley" tutelage to make it possible for Baker, a page boy and former legislative employee, to gallop to a $2 million fortune at the ripe old age of 35.

Yes, let us find out what went on in the "back alleys" of the Capital, the wall-to-wall, lavender-carpeted townhouse on N Street, as well as other countinghouses in Washington, D.C., and elsewhere.

THE PRESIDENT'S MESSAGE ON FOREIGN AID

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, we have listened with interest to the reading of this year's foreign aid message. I believe from it we may gain two quick impressions. First of all, the thing that many of us in the legislative branch have been saying and fighting for in the past many years is now vindicated, that is that there is not the need for the very large sums of money which have in recent years been requested for this program.

Mr. Speaker, we are pleased to find now that the Executive apparently finds agreement with the legislative point of view on this matter and therefore sends up a reduced request for this year. However, the bill still seeks too much money, in addition to its other deficiencies.

A second thing, which goes along with that and should not by any means be forgotten is the fact that expenditures or prospective expenditures are not to be measured by the amount of the authorization and the appropriation requested.

We must remember that the unexpended balances still continue at very high levels and will be available for expenditures in the coming fiscal year. Thus, it is entirely possible that in spite of an apparent reduction, our expenditures may continue at the level that they have maintained in recent years.

THREAT TO THE CITRUS FRUIT INDUSTRY IN FLORIDA

Mr. GURNEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GURNEY. Mr. Speaker, down in the Sunshine State of Florida, our No. 1 industry, with the exception of tourism, is the production of citrus fruit.

Last week, the very life of this vital industry was threatened by a nefarious scheme to permit Latin American fruit to be shipped into the United States without the payment of import tariffs.

The Board of Directors of the Virgin Islands Corporation which includes Secretaries Freeman and Udall, was prepared to lease Government land in that territory to shipping czar, D. K. Ludwig, who planned to import oranges from the Republic of Panama to the free port of St. Croix—Saint Kroy—manufacture orange juice concentrate, then ship the product into this country duty free.

Mr. Ludwig withdrew his lease offer at the request of the White House, after that dwelling on Pennsylvania Avenue was flooded with thousands of telegrams from Florida growers. But I am suspicious the deal is only temporarily forgotten, perhaps only until November.

In this belief, I have today introduced a bill to remove the tariff exemption from any citrus product manufactured in the Virgin Islands if it contains any foreign material. Presently, the regulations grant duty-free status to a manufactured product if it contains less than 50 percent foreign material.

This modification of the tariff schedules will allow Mr. Ludwig to devote his efforts hopefully, to activities more wholesome than undermining an industry which provides jobs, Government revenue, and health-giving fruit for our Nation in Florida, Texas, and California.

FOREIGN AID

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, the President has prepared a strong and, at the same time, a realistic foreign aid program.

He spells out the fact that the program has been adjusted to changes in the world situation. He has reduced the size of the program to $3.4 billion, which is the approximate level established by the Congress during the last session, taking into account the unexpended balances which were reappropriated.

In 17 countries, economic aid has ended.

New funds for military equipment grants are being requested for seven fewer countries for fiscal 1965 than for fiscal 1964.

The President wants to cut the number of AID employees by 1,200 by the end of fiscal 1965.

The Committee on Foreign Affairs begins hearings on the foreign aid bill on Monday morning. We are going to take a careful look at the program, and I am sure we will find that further savings will be possible.

Every one of us has to face the fact that we cannot go overboard in cutting foreign aid.

We are in the middle of a cold war and we cannot fight a cold war without foreign aid. We do not get rid of the cold war by pretending it does not exist and eliminating foreign aid.

The security of our country depends on our following the course which the President has outlined for us.

Mrs. FRANCES P. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, we have just had the message of the President of the United States read. I was particularly interested to find that in the message the President suggests that we have had some padded budget heretofore, and this time we have taken all of the padding out. I hope that is true.

We were told many times in past years that there was no padding. Now, we find that all along there has been. I have always tried to be very fair with this bill. Sometimes I have leaned so far over backwards that I have nearly fallen trying to believe all of the things we were told. One thing I have done consistently.

I have tried for years to get in simple terms how much they had last year, how it was spent; how much they were asking for and for what purposes. I have asked for that information again this year, and I hope we may receive it.

I thank the Speaker for being permitted to say a few words in behalf of this bill.

AMENDING THE INTERNAL SECURITY ACT OF 1950

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 950) to amend the Internal Security Act of

1950, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 5, after line 7, insert: "(c) Notwithstanding section 133(d) of title 10, United States Code, any authority vested in the Secretary of Defense by subsection (a) may be delegated only to the Deputy Secretary of Defense or the Director of the National Security Agency, or both."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. WILLIS. Mr. Speaker, on behalf of the gentleman from Texas [Mr. TEAGUE], I ask unanimous consent that the Subcommittee on NASA Oversight of the Committee on Science and Astronautics may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

VIRGIN ISLANDS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10170) to continue until the close of June 30, 1965, the existing exemption from duty enjoyed by returning residents arriving from the Virgin Islands of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, I think we should have a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, the purpose of this legislation is to continue until the close of June 30, 1965, the existing additional $100 tariff exemption presently afforded returning residents of the United States arriving from the Virgin Islands, which would otherwise expire on April 1, 1964.

Under the tariff schedules of the United States, a resident of the United States returning to this country before July 1, 1965, if he has remained outside the territorial limits of the United States for at least 48 hours, generally may claim an exemption from duty for $100 worth of articles acquired abroad. In the case of persons arriving directly or indirectly from the Virgin Islands before April 1, 1964, however, a duty exemption of $200 is allowed, not more than $100 of which shall apply to articles acquired elsewhere than in the Virgin Islands. No absence from the United States for any specific time is required before the duty exemption may be claimed with respect to articles acquired in the Virgin Islands. With respect to articles acquired elsewhere in the Virgin Islands an absence from the United States of 48 hours is required before any exemption may be claimed. These exemptions from duty may be claimed once every 30 days.

The existing temporary reductions in the exemptions from duty for returning residents of the United States stem from the action of the 87th Congress in Public Law 87–132, approved August 10, 1961. Prior to the effective date of that law, returning residents could generally bring back $500 worth of purchases made abroad duty free. Public Law 87–132, which generally reduced the exemptions to $100 with respect to U.S. residents returning to this country before July 1, 1963, was enacted as a result of one of the recommendations in the President's February 6, 1961, message to the Congress on the balance of payments; this legislation also initiated the special provisions with respect to residents returning from the Virgin Islands waiving the 48-hour absence requirement and granting an additional $100 exemption with respect to articles acquired in the Virgin Islands.

Public Law 88–53, approved June 29, 1963, continued the effect of Public Law 87–132 to July 1, 1965, except that the additional $100 for residents returning from the Virgin Islands was extended only to April 1, 1964. This was done in order to afford the interested executive agencies an appropriate period of time within which to make a study and report back to the Congress as to the direct and indirect effect of the provisions on the economy of the Virgin Islands. This report, which was prepared by the Department of the Interior in cooperation with the Departments of Treasury and Labor and other agencies of the Federal Government and the Government of the Virgin Islands, represents an obviously thorough and exhaustive study, and in the opinion of the Committee on Ways and Means its findings support the judgment of the Congress in 1961 in initially granting the special provisions for the Virgin Islands. At that time it was felt that the islands' close relationship to the United States, the importance of an expanding tourist industry to their economy, and the minimal effect on our balance-of-payments position of expenditures of U.S. residents in the islands justified the special provisions.

Favorable reports on this bill, which provides for the special Virgin Islands provisions an expiration date simultaneous with that for the temporary reductions in tariff exemptions generally provided by Public Law 87–132 as extended by Public Law 88–53, have been received from the Departments of State, Treasury, Commerce, and Interior, and the Committee on Ways and Means unanimously recommends its enactment.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 915.30 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 434, Aug. 17, 1963) is amended by striking out "before April 1, 1964,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. BYRNES] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 10170 is very important to the economy of the Virgin Islands.

When Public Law 88–53 was enacted by the 88th Congress and approved June 20, 1963, continuing the reduction from $500 to $100 in the amount of purchases abroad that a returning resident of the United States might bring back duty free, the provision whereby U.S. residents returning from the Virgin Islands might bring in $200 of goods duty free was extended to March 31, 1964.

As passed by the House, Public Law 88–53 extended the temporary $200 provision then applicable to the Virgin Islands to July 1, 1965, and included the other American possessions. The Senate struck out the $200 provision with respect to the Virgin Islands and all other possessions. In conference, the special provision for the Virgin Islands was extended to March 31, 1964.

In presenting the conference report, the chairman stated that a study could be made of the overall effect of the $200 exemption as applied to the Virgin Islands, on the basis of which an evaluation could be made of the desirability of continuing the additional exemption beyond March 31, 1964. In the interim such a study was made. This study clearly demonstrates the importance of this additional exemption to the Virgin Islands.

All interested groups, including the Governor, the Legislature, and the Chamber of Commerce of the Virgin Islands have submitted statements urging that the $200 exemption be continued. H.R. 10170 provides for a continuation of the special $200 exemption to June 30, 1965—the same date at which the regular $100 exemption for U.S. residents returning from places other than the Virgin Islands will expire. It deserves our support.

COMMITTEE ON RULES

Mr. TRIMBLE. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

NATIONAL BUREAU OF STANDARDS

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up

House Resolution 556 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5838) to amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and pending that, I yield myself such time as I may desire, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TRIMBLE. Mr. Speaker, as you have heard from the reading of this resolution, it makes in order the consideration of the bill H.R. 5838, from the Committee on Science and Astronautics. I know of no opposition to the rule, Mr. Speaker.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. I yield to the gentleman from Ohio.

Mr. BOW. Will the gentleman explain to the House why there is a waiver of points of order in this rule?

Mr. TRIMBLE. There are items in the bill which would be subject to a point of order.

Mr. BOW. I would think so, but certainly the gentleman must have some reason why the Committee on Rules has come in here with a rule waiving all points of order. There ought to be some explanation of it before we adopt the rule. The gentleman says there is no objection to the rule, but until that has been cleared up, there is opposition to the rule.

Mr. TRIMBLE. I regret to hear the gentleman objects to the rule.

The first thing that the bill proposes is to provide statutory authorizations for appropriations for the Bureau to remain available beyond 1 fiscal year. Now that may be subject to a point of order.

The second provision would permit the transfer of appropriations from other agencies and merger with appropriations of the National Bureau of Standards. That may be subject to a point of order.

The third proposed amendment would allow the discretionary expenditure from undesignated gifts and bequests to aid and facilitate the work of the Bureau. That may be subject to a point of order.

Mr. BOW. I think the gentleman is correct in most instances. What I am trying to find out is why we have a rule brought in which waives points of order. I recognize the authority provided under the rules for the Committee on Rules to do this. But it is a rather unusual procedure. I am just wondering why we are setting aside the rules of the House in this particular instance with this particular rule.

Mr. TRIMBLE. May I say to the gentleman from Ohio, it is not an infrequent thing for the great Committee on Rules to report a rule waiving points of order.

Mr. BOW. I know it happens occasionally, but generally they have a pretty good explanation of why it is in the national interest to do it. I am just wondering whether there is any explanation as to why it is in the national interest and just why we should set aside the rules of the House in order to bring this sort of bill before the House today. I recognize the rules provide for a Committee on Rules to do this sort of thing, but I would like to have some explanation of why this is necessary.

Mr. TRIMBLE. I have been informed that there is a gray area in the area concerning the National Bureau of Standards and the bill authorized by the rule now before us is to allow the House to work its will in clearing the fog.

Mr. BOW. I am delighted that we have someone here who can enlighten us.

Mr. TRIMBLE. This is a piece of legislation that is within the twilight zone. Under the present situation, the Committee on Appropriations could not make appropriations because it was not authorized.

Mr. BOW. If the gentleman will wait just a moment, Mr. Speaker, does the gentleman mean that the Committee on Appropriations could not make appropriations?

Mr. TRIMBLE. That is what is in doubt. That is where the fog is. We are trying to get out of the fog. The authorization committee does not know just what authority it has and neither does the Appropriations Committee know what authority it has, and the purpose of this kind of rule is to make it possible for the House to work its will.

Mr. BOW. If the gentleman will yield further to me on that point, I might say I have the privilege of serving as ranking minority member of the subcommittee that handles appropriations of the National Bureau of Standards. The gentleman from New York [Mr. ROONEY] is chairman of that subcommittee. In that room, when we come to appropriate for the Bureau of Standards, I have never seen any fog. I think the committee pretty well understands what it is doing.

Mr. TRIMBLE. I know the gentleman is a very able Member and this legislation is proposed to strengthen his arm.

Mr. BOW. The fog is being created by this kind of rule coming to the floor of the House which is going to start bypassing the Appropriations Committee procedures and this is going to create this fog, I am afraid.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. I yield to the gentleman.

Mr. GROSS. Could not the gentleman who has just informed the gentleman from Arkansas that the waiver was necessary because of all this fog also tell him what caused the fog?

Mr. TRIMBLE. It is not clearly defined under the present law whether the authorization committee can go into certain areas and if they cannot go into certain areas they are not sure whether the Committee on Appropriations can do it. This legislation seeks to clarify the situation.

Mr. GROSS. Can the gentleman who informed the gentleman from Arkansas of the foggy situation, also tell him who is actually responsible for the waiver—where it originated—or did it come from the committee?

Mr. TRIMBLE. Does the gentleman mean the Committee on Rules?

Mr. GROSS. No. I refer to the committee which brought the bill to the House.

Mr. TRIMBLE. These remedies came from the committee of authorization.

Mr. GROSS. I should like to know where the waivers originated.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. The problem here involves what to do with funds already authorized and appropriated to other agencies, which funds become necessary to the Bureau of Standards, since the work is in that field. There has been a previous authorization of the funds and there has been a previous appropriation of the funds to other agencies for overall, larger national programs. Then, in the course of research and development, it is found that certain research leads in a direction of national interest in research much beyond the program in question. In those particular instances there is an agreement with the agencies; that is, the Department of Commerce or the Bureau of Standards. There is an agreement with the agency which transfers the funds, and, under the authorization and approval of the Bureau of the Budget, the funds then can be transferred for the research and development purposes.

As the gentleman well knows, research and development funds are appropriated according to the discretion of the Appropriations Committee either on an annual basis or for a longer period, in any particular instance when the Appropriations Committee feels it best to do so.

So the gentleman should not take the position that these funds have not been originally authorized and appropriated for a general purpose. The funds are transferred to the Bureau of Standards for a specific purpose of research and development because the Bureau has laboratories and physical equipment to do the job.

The gain by this procedure is easy to see. If we in the Congress do not authorize this, then each one of the agencies will have to set up its own physical equipment to do a quick, hurry-up job.

As Members will see from reading the hearings, if the process runs longer than a fiscal year, if it goes beyond the end of a fiscal year, then the Bureau of Standards itself goes to the Appropriations Committee and justifies further appropriations.

I believe there is a misunderstanding. I hope the gentleman from Iowa will listen to this. I believe in the case of entertainment there is a small amount of money involved, received either as fees for people at the Bureau of Standards who go out to speak or give papers, or as gifts. In that case, unless there is a waiving of a point of order that money—up to around $1,000—could not be put into a fund for entertainment for these international conferences and scientific agencies. So, for about $1,000 there might be a lack of authorization in the field of expenses which usually go along with such international conferences. That is a doubtful case.

I believe by this method we can eliminate the need for an authorization of a small part of this, but a very small part.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me briefly?

Mr. TRIMBLE. I yield to the gentleman from Iowa.

Mr. GROSS. From what source originated the request for the waiver of points of order? Did that come from the committee, when the committee appeared before the Rules Committee?

Mr. TRIMBLE. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. If the gentleman would like to know where the language originated for this particular type of transfer—it is under section 16 of the bill and amends section 11 of the act—that particular language came from the Bureau of the Budget. On the request for the rule, our committee felt that it should have a waiver on these small provisions so that there would not be this gray ground or uncertain ground.

Mr. GROSS. Did the gentleman from Pennsylvania ask for a waiver of points of order before the Rules Committee? I cannot find anyone on the legislative committee who will admit to having requested a waiver from the Rules Committee.

Mr. FULTON of Pennsylvania. I personally was not asked to authorize it. I am on the minority side, as the gentleman well knows.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I enjoyed this discussion very much, and I intend, if you want me to, to yield to my very able friend and colleague the gentleman from Ohio [Mr. BOW], who, of course, started the discussion today on this rule, all of which discussion, of course, refreshed my memory, because as I look at this resolution I realize that it was reported out of the Committee on Rules last October, and since that time there has been considerable water not only over the legislative dam, but a great deal of legislative wisdom has spilled on the floor of the House or, I should say, lack of wisdom has spilled on the floor of the House.

This rule does call for a waiver of points of order. Someone came to me here on the floor—and I will not say just who at the moment, because I do not recall, but someone called and said, "Why, you are violating the rules of the House when you waive the rules of the House." Of course, the Committee on Rules is obeying the rules of the House when it waives the rules of the House, because it is a rule of the House that the Committee on Rules does have the right to waive a point of order at certain times; that is, a rule on a point of order at certain times when they believe that it will expedite the public business and be in the best interests of the House.

Let me say further—and this is a good opportunity and a good place to say it—that I as one member of the committee, and I believe all of us, will agree that the Committee on Rules does believe in permitting the House of Representatives to work its will. All we are doing by the waiver of points of order here is to permit the House itself to work its will on this particular bill and to decide for itself as to whether or not these tag end appropriation funds that can be transferred under the provisions of this bill should be transferred without going through all of the processes that have been required in the past.

Let me say that if you will do just a little studying and a little investigating, I think you will find almost every day, without too many days passing to the contrary, that some fund is being transferred downtown from one agency to another to some particular use in some small amount.

So the Committee on Rules in its wisdom, or in its lack thereof—and I spoke a moment ago about the lack of wisdom at times around here—did see fit to waive points of order on this particular section.

So what could happen? Not only could the House itself work its will on this bill but so that one individual Member of the House, whoever he might be, could not get up and say, "I make a point of order against this provision of the bill" and by his arbitrary action, perhaps being the only individual in the House who would desire to defeat this particular provision of the law or this particular section that is written in here, he being the only person who opposed it, will say to the House, "Well, you cannot work your will, and I object."

Therefore, by waiving all points of order, you make it impossible for that individual to stop the processes of the House of Representatives by a single objection and instead give the full House an opportunity to pass on the subject. All the objector has to do is to have behind his position, if he offers an amendment to strike it out or change it, a majority of the votes in the House of Representatives to do just that.

Therefore, I do not believe that the great Committee on Rules committed any serious crime or any violation of the rules. I know they did not, and I know that they did not do anything wrong in adopting this or reporting out this sort of rule. It does not stop anybody from doing anything except one individual from preventing the House from working its will on this particular section of the bill in connection with the transfer of small tag ends of appropriations.

For that reason I am hoping the rule will be adopted and we will proceed and let the House decide. I do not care what happens to the bill, particularly; I am not personally interested. You can chew it up, you can spit it out, you can do anything you want to do with it, I say to my good and genial friend from Iowa [Mr. GROSS]. But let us do it the regular way for once.

Mr. Speaker, I have promised to yield time to my very good friend and colleague from Ohio [Mr. BOW], who will probably espouse a different view from my own.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Speaker, I thank the gentleman from Ohio for yielding to me. I was afraid he was going to say that he was going to yield to his arbitrary friend who might, by his single voice, enter an objection to this, and if he had he would have been telling the truth, because that is what I would have done. Mr. Speaker, I have great respect for the gentleman from Ohio who has laid the groundwork here for this action, and who sometimes makes it a little difficult to answer. I have great respect for him because probably as much as anybody, he is responsible for my being a Member of Congress. I know that he will say that he has had to apologize for that for a good many years. Be that as it may, I think the gentleman's argument does not hold water when we know him, because if the gentleman from Ohio [Mr. BROWN] had some piece of legislation brought to this floor, that he did not like, that he thought was wrong, and by his own single objection he could stop it, he would do so. At that particular moment this idea of the majority working its will would be wrong. And he would feel that he was doing a great favor to the majority by stopping it before it got to that point.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to my colleague from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I have often supported the gentleman from Ohio [Mr. BROWN] in his opposition to closed rules and to waiving points of order on bills. I have heard him make some splendid speeches in opposition to waiving points of order. He is a very capable and veteran Member of the House. He has convinced me of his position in opposition to exactly the same resolutions on other occasions. So it is more than a little difficult for me to understand him in his position today. I do not understand the language in which he is speaking today with reference to this bill.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to my colleague from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, let me say that if I have ever been proud of my service in public life, I am today. Today I have reached the peak of that pride because I have reached the place where I have been able to convince the gentleman from Iowa, who is my good friend [Mr. GROSS], of anything, and if I have done that I have accomplished something that no one else in this Congress has ever been able to do. I accept the accolade with great pride.

Mr. BOW. Mr. Speaker, if I may now discuss the question before us, I would have objected, too. I am opposed to this rule. I am opposed to rules on an ordinary bill of this kind, which is brought in here and waives points of order, because although we recognize that under the rules of the House the committee has the right to do this, it seems to me this is a rather unusual action to be taken by the Committee on Rules. Here is a regular bill that comes to us and that waives the rule which takes away from one committee its right that has been established by a majority. The gentleman from Ohio speaks about the right of the majority to do its will. The majority has adopted a rule that gives an individual Member the right to object. Since these rules were adopted by a majority, it would seem to me that the great Committee on Rules, except in a matter of great emergency, would recognize that the majority of the House in establishing these rules said that since a majority has adopted these rules we should follow the rules, except in most exceptional circumstances.

Now, it has not been pointed out to us here where there is any exceptional circumstance.

Mr. Speaker, what do we have? They make it look as though it does not amount to very much. However, in their hearings, and I shall read from the testimony of those hearings, section 17 would permit the transfer to NBS the appropriation of research and development funds appropriated for other agencies.

When? When the Secretary of Commerce determines it is right.

Mr. Speaker, are we again going to delegate the powers of the Congress to the executive branch? We appropriate funds. We designate how they should be spent in research and development. But here we say to the Secretary of Commerce that he may make a decision or judgment different from that of the House of Representatives as to whether we were right when we made that appropriation.

Mr. Speaker, I am not one who is ready to turn over to the Secretary of Commerce the right to upset and change a decision which has been made by a majority of the House of Representatives when we appropriate the funds for research and development. That is exactly what is proposed to be done here. If we are going to talk about the protection of the majority, the majority of the House does these things and makes these appropriations. Yet under this type operation we would turn over to one man, the Secretary of Commerce, the right to change these appropriations and to transfer them over to the Bureau of Standards for research and development. Gentlemen, I believe that is wrong.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. BROWN of Ohio. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. BOW. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, may I remind my dear friend that the majority of the House when it adopted the rule that I mentioned a moment ago, also adopted a rule giving the right to waive points of order whenever the Committee on Rules believed it necessary and wise to do so. That is exactly what has been done in this instance.

I would like to remind the gentleman that he knows as well as the rest of us that the Bureau of the Budget has transferred funds and other agencies have transferred funds in the past.

Mr. BOW. The gentleman has made reference to the rules and I agree with the right of the Committee on Rules to do this. However, the gentleman has further said that it was wise to do so. What was the thinking of the Committee on Rules that made it wise in this instance?

Mr. BROWN of Ohio. Exactly the same thing that has caused the Committee on Rules to waive points of order upon the request of the Committee on Appropriations for various branches of Government. No committee in the Congress has appeared more often before the Committee on Rules asking for such authority than the Committee on Appropriations.

Mr. BOW. On that point I must differ from my friend.

CALL OF HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. MORRIS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 75]

Abele
Ashbrook
Ashley
Baker
Barrett
Bass
Battin
Boland
Buckley
Burkhalter
Chamberlain
Clancy
Clawson, Del
Curtis
Davis, Tenn.
Dawson
Dowdy
Edwards
Finnegan
Fogarty
Forrester
Fulton, Tenn.
Gray
Halleck
Hanna
Hansen
Harsha
Harvey, Mich.
Hébert
Hoffman
Holifield
Holland
Jarman
Jensen
Jones, Ala.
Karsten
Kee
King, Calif.
Landrum
Lankford
Lloyd
McIntire
McMillan
MacGregor
Mailliard
Martin, Calif.
Martin, Mass.
Miller, N.Y.
Minshall
Montoya
Moorhead
Morton
Norblad
O'Brien, Ill.
Powell
Rains
Reid, N.Y.
Rhodes, Ariz.
Roberts, Ala.
Rogers, Tex.
Roybal
Saylor
Schadeberg
Selden
Senner
Sheppard
Teague
Thompson, N.J.
Ullman
Van Pelt
Weaver
Widnall
Wydler

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. Without objection the previous question is ordered. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman from Ohio objects to the vote on the ground that a quorum is not present. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 99, not voting 70, as follows:

[Roll No. 76]

YEAS—264

Abbitt
Abernethy
Adair
Addabbo
Albert
Anderson
Andrews, Ala.
Arends
Aspinall
Avery
Baring
Barry
Beckworth
Bell
Bennett, Fla.
Bennett, Mich.
Betts
Blatnik
Boggs
Bolling
Bolton,
Frances P.
Bonner
Brademas
Brock
Bromwell
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Bruce
Burke
Burkhalter
Burleson
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Casey
Chenoweth
Clark
Cohelan
Colmer
Cooley
Corbett
Corman
Daddario
Davis, Ga.
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Fino
Fisher
Flood
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gilbert
Gill
Glenn
Gonzalez
Grabowski
Grant
Gray
Green, Oreg.
Griffiths
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Halpern
Hanna
Hansen
Harding
Hardy
Harris
Harsha
Harvey, Ind.
Hawkins
Hays
Healey
Hechler
Hemphill
Henderson
Herlong
Horton
Hosmer
Huddleston
Hull
Hutchinson
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilburn
Kilgore
King, Calif.
Kirwan
Kornegay
Latta
Leggett
Lennon
Lesinski
Libonati
Lindsay
Long, La.
Long, Md.
McClory
McCulloch
McDade
McDowell
McFall
Macdonald
MacGregor
Madden
Mahon
Marsh
Mathias
Matsunaga
Matthews
May
Miller, Calif.
Mills
Minish
Monagan
Moorhead
Morgan
Morris
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pilcher
Pirnie
Poage
Pool
Price
Pucinski
Purcell
Quie
Randall
Reid, N.Y.
Reuss
Rhodes, Pa.
Rich
Riehlman
Rivers, S.C.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Schwengel
Scott
Secrest
Shipley
Short
Sibal
Sickles
Sisk
Smith, Iowa

Smith, Va.
Staebler
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Tex.
Thomas
Thompson, Tex.
Toll
Tollefson
Trimble
Tuck
Tupper
Tuten
Udall
Van Deerlin
Vanik
Vinson
Waggonner
Wallhauser
Watson
Watts
Weltner
White
Whitener
Wickersham
Widnall
Williams
Wilson, Bob
Wright
Wyman
Young
Zablocki

NAYS—99

Alger
Andrews, N. Dak.
Ashmore
Auchincloss
Baker
Baldwin
Bates
Becker
Beermann
Belcher
Berry
Bolton, Oliver P.
Bow
Bray
Broyhill, N.C.
Broyhill, Va.
Burton, Utah
Byrnes, Wis.
Cannon
Cederberg
Chamberlain
Chelf
Clausen, Don H.
Cleveland
Collier
Conte
Cramer
Cunningham
Curtin
Dague
Derounian
Derwinski
Devine
Dole
Dorn
Findley
Flynt
Ford
Foreman
Goodell
Goodling
Griffin
Gross
Grover
Gubser
Hall
Harrison
Hoeven
Horan
Ichord
Johansen
Johnson, Pa.
Jonas
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Lipscomb
McLoskey
Martin, Nebr.
Meader
Michel
Milliken
Moore
Natcher
Nelsen
Osmers
Ostertag
Passman
Pillion
Poff
Quillen
Reid, Ill.
Reifel
Rivers, Alaska
St. George
Saylor
Schenck
Schneebeli
Schweiker
Shriver
Sikes
Siler
Smith, Calif.
Snyder
Springer
Stinson
Teague, Calif.
Thomson, Wis.
Utt
Westland
Whalley
Wharton
Whitten
Wilson, Ind.
Winstead
Younger

NOT VOTING—70

Abele
Ashbrook
Ashley
Ayres
Barrett
Bass
Battin
Boland
Buckley
Carey
Celler
Clancy
Clawson, Del
Curtis
Daniels
Davis, Tenn.
Dawson
Dowdy
Edwards
Finnegan
Fogarty
Forrester
Fulton, Tenn.
Halleck
Harvey, Mich.
Hébert
Hoffman
Holifield
Holland
Jarman
Jensen
Jones, Ala.
Karsten
Kee
Kluczynski
Landrum
Lankford
Lloyd
McIntire
McMillan
Mailliard
Martin, Calif.
Martin, Mass.
Miller, N.Y.
Minshall
Montoya
Morrison
Morton
Norblad
O'Brien, Ill.
Powell
Rains
Rhodes, Ariz.
Roberts, Ala.
Roberts, Tex.
Roybal
Schadeberg
Selden
Senner
Sheppard
Skubitz
Slack
Thompson, La.
Thompson, N.J.
Ullman
Van Pelt
Weaver
Willis
Wilson, Charles H.
Wydler

So the resolution was agreed to.

Until further notice:

Mr. Hébert with Mr. Skubitz.
Mr. Morrison with Mr. Curtis of Missouri.
Mr. Daniels with Mr. Martin of Massachusetts.
Mr. Holifield with Mr. Abele.
Mr. Slack with Mr. Jensen.
Mr. Barrett with Mr. Weaver.
Mr. Fogarty with Mr. Halleck.
Mr. Holland with Mr. Ashbrook.
Mr. Sheppard with Mr. Wydler.
Mr. Kluczynski with Mr. Rhodes of Arizona.
Mr. Jones of Alabama with Mr. Mailliard.
Mr. Buckley with Mr. McIntire.
Mr. Carey with Mr. Clancy.
Mr. Celler with Mr. Morton.
Mr. Fulton of Tennessee with Mr. Battin.
Mr. Roberts of Alabama with Mr. Harvey of Michigan.
Mr. Roybal with Mr. Minshall.
Mr. Davis of Tennessee with Mr. Schadeberg.
Mr. Thompson of Louisiana with Mr. Del Clawson.
Mr. Karsten with Mr. Van Pelt.
Mr. Ullman with Mr. Ayres.
Mr. Thompson of New Jersey with Mr. Martin of California.
Mr. Bolling with Mr. Norblad.
Mr. Roberts of Texas with Mr. Hoffman.
Mr. Willis with Mr. Miller of New York.
Mr. Charles H. Wilson with Mr. McMillan.
Mr. Landrum with Mrs. Kee.
Mr. Ashley with Mr. Dawson.
Mr. Finnegan with Mr. O'Brien of Illinois.
Mr. Lankford with Mr. Powell.
Mr. Rains with Mr. Dowdy.
Mr. Montoya with Mr. Bass.
Mr. Senner with Mr. Selden.
Mr. Jarman with Mr. Forrester.

Mr. SMITH of Iowa changed his vote from "nay" to "yea."

Mr. ARENDS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

IN THE COMMITTEE OF THE WHOLE

Mr. MILLER of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5838) to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5838, with Mr. Diggs in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. Miller] will be recognized for 1 hour and the gentleman from Pennsylvania [Mr. Fulton] will be recognized for 1 hour.

The Chair recognizes the gentleman from California [Mr. Miller].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill H.R. 5838 proposes four amendments to the Organic Act of the National Bureau of Standards to permit the following:

First. To provide that appropriations made for the Bureau may remain available beyond a fiscal year.

Second. To permit the transfer of funds from other agencies for research and development to be merged with appropriations of the Bureau of Standards.

Third. To allow discretionary expenditure from undesignated gifts, donations, and bequests to aid and facilitate the work of the Bureau.

Fourth. To permit the Bureau to perform its services for international organizations of which it is a member and for governments of friendly countries.

This is not legislation calling for drastic changes. This bill is an administrative proposal that would clarify certain aspects of the Organic Act of the National Bureau of Standards that would aid and facilitate its operation and enable it to provide more effective service in the areas of its responsibility.

Mr. Chairman, let me discuss in some detail these four proposed amendments.

The first amendment adds a section 16 which would provide that authorizations for the Bureau of Standards be made on a multiyear basis; that is, without fiscal-year limitation. Now, as I said earlier, this is not drastic legislation, and virtually every Government agency doing research and development has this so-called no-year money. This amendment merely brings the research and development appropriations of the National Bureau of Standards into line with other Government agencies that are engaged in doing research and development work.

The jusification for such no-year funds is found in the uncertainties that are ever present in science research programs and the high incidence of unpredictable factors that of necessity compel readjustment of that program activity and the ever-present need for flexibility which would enable the Agency to respond promptly to a change in the circumstances to which a particular research and development program is oriented.

This fiscal-year deadline on availability of funds often induces premature decisions concerning the initiation of a research program or even the purchase of equipment required because a postponement of the decision would mean the loss of funds and thus the elimination of that program or of such a purchase.

This is in the interest of economy.

This amendment would not remove the Bureau from congressional control, for the no-year appropriation would be only in those instances approved in the appropriation bill itself.

The proposed legislation is, therefore, merely the first step that must be taken before the question of no-year appropriations can be raised with the Appropriation Committees.

The requested authority here in this amendment will substantially increase the flexibility of the conduct of research and development operations in the National Bureau of Standards.

The second amendment proposed by this bill, H.R. 5838, will add another new section 17 which would permit the transfer or merger of R. & D. funds of other agencies with those of the Bureau. In the first place, this transfer would require not only the approval of the Director of the other agency but the approval of the Bureau of the Budget as well. This amendment is a proposal worked out with the Bureau of the Budget as a means to provide the mechanism to enable the Bureau to respond more readily to the urgently needed services arising out of major national programs.

As you know, about 40 percent of the work done by the Bureau is done at the request of other agencies and is therefore supported with funds transferred to the Bureau by these other agencies. In some cases it is appropriate for the other agencies to reimburse the Bureau for its services in the same way they would pay a contractor and the Bureau continues to provide the services until the project is terminated or there is no further need for their continuation.

In other situations, a Government agency such as the Department of Defense, NASA, the Atomic Energy Commission, or other agency has an immediate need for services or information which is clearly the responsibility of the Bureau to provide on a continuing basis, not only for the particular agency immediately requesting the service but for the whole scientific and engineering community. This type program would be clearly in the province of the Bureau to continue for a number of years.

The amendment as proposed here would provide a means through which major new research programs which are basically the responsibility of the National Bureau of Standards but which have become an unforeseen development in the program of another agency may nevertheless be accommodated in the Bureau's fiscal program for future years by the transfer of such appropriations. This is not new, this is not unique. The authorization bill of the National Aeronautics and Space Administration contains a provision that such funds may be transferred to other Government agencies. This is an example of such a situation as would come under this proposed amendment.

The third amendment is a change to section 11 of the Organic Act of the Bureau which would allow the Bureau to accept gifts and bequests to be used for certain purposes for which appropriated funds may not be used. The National Bureau of Standards is in many ways comparable to a university laboratory or a research foundation in its relationships with scientists and scientific societies. An informal relationship is established which is of great benefit to the Bureau in the performance of its mission. However, that informal relationship is hampered by some of the normal restrictions on Government expenditures.

The Bureau believes that these restrictions are, by and large, appropriate, but it would welcome some relief from their rigid application. Recognizing that Government funds cannot be used to provide coffee and food, for example, when the Bureau is host to scientific meetings it does not provide them, although this is a failure to reciprocate in such amenities received by Bureau representatives at meetings elsewhere. A moderate relaxation of the restriction would serve an extremely valuable purpose, promoting informal interchange and cooperative activities.

The proposed legislation would amend the existing authorization to allow the acceptance of gifts and bequests to aid the work of the Bureau, permitting the use of certain gifts for purposes for which appropriated funds may not be used. It would also clarify the status of royalties and honoraria received by the Bureau.

I might say that there is nothing unusual regarding this entertainment fund, for the heads of most of the Government agencies have such a fund. Indeed, in nearly every case in my knowledge, the fund is far in excess of the $1,000 sought by this amendment. These are not appropriated funds; therefore, they should not, in my opinion, be hampered by the restrictions that cover the expenditure of appropriated funds.

The final amendment proposes to amend section 3 so as to clarify the authority of the Bureau to perform its functions for international organizations to which the United States belongs and for friendly foreign countries and their laboratories.

This amendment clarifies the Bureau's authority to sell samples and provide certain calibration and standard services to these friendly foreign countries and to the international organizations. Although the Organic Act of the Bureau of Standards does not contain express language authorizing these services on an international level, it is implied that the Department of Commerce, acting through the Bureau, has such authority from the broad authority of the Department of Commerce "to foster, promote, and develop the foreign and domestic commerce."

The sales of standard samples and the services performed by the Bureau are not controversial; the materials are not strategic nor classified in nature.

I have here a descriptive list of the prices of standard samples as prepared and issued by the Bureau of Standards. Here is standard sample No. 349, which is a steel alloy containing some 17 component parts, the primary parts being nickel and cobalt. This is a sample of a high-temperature steel alloy used in making such things as jet engines or other items subject to very high temperatures.

And this is standard sample No. 1180, a white cast iron standard for X-ray spectroscopic analysis, with a list of its component elements.

Such sales and services would remain subject to the policy review of the Departments of Commerce and State, and obviously they would be subject to applicable export control regulations.

This amendment is certainly not a drastic, sweeping change in policy. They have engaged in such services as the sale of samples under the implied power of the Department of Commerce for many years through the means of cooperating with National Standard Laboratories in other nations and through the International Bureau of Weights and Measures.

As a matter of fact, the sale of these samples to foreign countries now amounts to about 30 percent of the Bureau's total activity in this area. Under this amendment the sales and services authorized would be for friendly countries, which generally consist of countries with which the United States maintains diplomatic relations. Sometimes there may be countries with which we have diplomatic relations which are not considered friendly under our foreign policy. In the event of doubt regarding their status, the Department of Commerce would consult with the Department of State before filling orders for samples or services.

The sale of standard samples is on a cost basis. The calibration services of the Bureau are on a cost-reimbursable basis. This proposed legislation does not alter this procedure. There would be no additional cost to the United States.

The procedure authorized under this amendment is clearly consistent with the many governmental policies and practices aimed at increasing U.S. leadership in science and technology, and the authority would be subject to existing rules and regulations and to such other rules and regulations as the Secretary of Commerce may publish.

Mr. FLYNT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 77]

Abele
Ashbrook
Aspinall
Auchincloss
Ayres
Barrett
Barry
Bass
Bates
Battin
Buckley
Burkhalter
Carey
Celler
Clancy
Clark
Clawson, Del
Curtis
Davis, Tenn.
Dawson
Dowdy
Edwards
Finnegan
Fogarty
Forrester
Fulton, Tenn.
Gubser
Halleck
Hansen
Hardy
Harrison
Harsha
Harvey, Mich.
Hébert
Hoffman
Holland
Jarman
Jensen
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Kluczynski
Landrum
Lankford
Lloyd
McIntire
McMillan
Martin, Calif.
Martin, Mass.
Miller, N.Y.
Milliken
Minshall
Monagan
Montoya
Morrison
Morton
Norblad
O'Brien, Ill.
Pepper
Pike
Powell
Rains
Rhodes, Ariz.
Roberts, Ala.
Roberts, Tex.
Rogers, Tex.
Roybal
St. Onge
Schadeberg
Selden
Sheppard
Steed
Thompson, La.
Ullman
Utt
Van Pelt
Weaver
Westland
Willis
Wilson, Charles H.
Wilson, Ind.
Wydler

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. DIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill, H.R. 5838, and finding itself without a quorum, he had directed the roll to be called when 350 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. DIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5838) to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities, had come to no resolution thereon.

MEDICARE AND THE ANATOMY OF POVERTY

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I take this time to inform the Members that I have again urged the Committee on Ways and Means to expedite consideration of meaningful legislation to provide medical care for our senior citizens. Time is running out for a whole generation of Americans. We must act speedily on medicare.

I believe this legislation is as necessary as our maintaining the thrust and purpose of Western civilization, as necessary as our maintaining our national pride and self-respect, and as necessary as defending ourselves against military aggression.

Few other bills have evoked as much response from the general public, and particularly those for whom the legislation is intended. The central point is that the need is very great, and the vast majority of our older people do not have the means to care for themselves. This "vast majority" of which I am speaking is made up of retired people who struggle through their working lives to set aside money for their nonearning later years. But the forces of inflation, particularly in the area of medical expenses, have far too often resulted in the necessity of expending a family's life savings for one illness. In addition, the cost of private hospital insurance has spiraled to such an extent that payment of further premiums has imposed an impossible financial burden. Further, many private insurance companies have an age limit to their coverage, and hundreds of thousands of those who have carried insurance over a period of years have been notified at age 65, or even less, that such policies, are being canceled by the insuror. Most of these people find they are not accepted by another insuror.

Some people who agree that the need is obvious in this field, nevertheless argue that some new procedure should be utilized to solve the problem. It seems to me the most efficient and economical procedure should be the one which is already in operation, the one with which we are already familiar—the social security system.

Admittedly, we cannot be absolutely positive that the costs of this plan are precisely anticipated, or that the tax rates set out in the bill will prove perfectly adequate to balance the costs. But these are details that can be perfected with experience and do not, in my opinion, justify further delaying institution of this important program.

Mr. Speaker, I have some very vivid memories, very personal memories, of the controversies that raged when the first social security bill was put forward. There were predictions of dire consequences, breakdowns in the moral fabric of America, and expressions indicating little faith in the American people. All of these fears have proved to be without foundation, and the social security principle has proved a sound one.

It has been frequently said that the longest journey must begin with a first step. Manifestly, Mr. Speaker, if the King-Anderson bill is enacted promptly, our journey will begin with a giant step. So let us move with dispatch to pass this bill, in order that at least provision will be made for paying the hospital bills where major medical disasters strike.

The Congress can, and I believe will, then move on to the next step, which is to raise the incomes of our impoverished elder citizens. This is the way to make it possible for our senior citizens to pay the doctors, to have private medical insurance, and to have a sufficiency of the other services and goods one must have if he is to spend his declining years in some comfort and dignity.

To encourage attention to this important facet of the problem, I have introduced two bills during this 88th Congress which would have an immediate mitigating effect in this area. H.R. 8826, introduced last fall, would produce the most far-reaching result by raising pensions under the Social Security Act to provide an income equal to the minimum wage, on a 40-hour week basis. At the present minimum wage, this would provide a minimum monthly income of $216.50 for all qualified retired persons at the age of 62, for the blind, and for the totally and permanently disabled.

H.R. 4328, introduced shortly after the beginning of the first session would provide a 20-percent across-the-board increase in benefits, would reduce from 72 to 70 the age at which deductions cease to be made from benefits on account of outside earnings, and would further provide for Federal Government participation in additional contributions. Please permit me to urge your consideration of these bills at the earliest opportunity.

President Johnson has made a magnificent declaration of war on poverty in the United States. Certainly in this kind of war the first and foremost attack must be made where we know the greatest concentration of the enemy to be—poverty among the aged.

In the Economic Report of the President, just released, the Council of Economic Advisers has given us a superb description of the anatomy of poverty. As the report shows, poverty has many faces. It is found among the poorly educated, among our nonwhite citizens, among the city slums and the rural slums—North, East, South, and West.

But most of all, poverty is a disease of the aged. Fully one-third of all the poor families in the country are those whose family heads are 65 or older. These number some 3,200,000 families having money incomes of less than $3,000 a year. Another 2,790,000 persons 65 or over who live without family, but not in institutions have money incomes of less than $1,500 a year. What a tragedy—in a nation with so much idle productive capacity and so many unemployed.

Using the definition of "poverty" adopted in the President's report, my computations show that it would take an average of only $1,190 per family—or a total of $3.8 billion—to raise the incomes of these families up to $3,000 per year; and it would take an average of only $604—a total of $1.6 billion—to raise the money incomes of these unrelated individuals up to $1,500 per year. In other words, a total cost of $5.4 billion a year to eliminate poverty among our citizens 65 years old and over. Looked at realistically in terms of our productive capacity and our problem of consuming what we can produce, this is indeed a small price to pay; and it is a price which would set in motion forces that would be beneficial to the whole country.

The President's report tells us that the Nation's output of goods and services would be increased by $30 billion a year if unemployment were only reduced to a rate of 4 percent, instead of the present rate of 5.6 percent of the labor force. The report also tells us that only $11 billion would be needed to raise every family in America up to a level of living of at least $3,000 a year.

I have no doubt that the battle plans for the war against poverty must, as has been suggested, call for action on many fronts. To give the young and the middle aged a fair opportunity for productive work in the age of automation, we must have better education, better health, less discrimination against the minorities, better work in retraining, and several other courses of human improvement.

But it does seem to me that we should act promptly to raise old-age pensions to provide an income at least equal to the minimum wage, on a 40-hour week basis. This will permit our senior citizens to live with a modicum of dignity and freedom from fear.

It is very sad to realize, Mr. Speaker, that the prospect of further automation and the prospect of peace are both widely regarded as threats to the stability and workability of our economy. It is thought, and with some reason, that a reduction of Federal spending for armaments will cause a shrinkage of jobs, and so, too, will the further adoption of laborsaving devices.

Yet in truth what we are threatened with is an opportunity for peace and plenty, a condition that previous societies have dreamed of from the beginning of time. Let us seize on this opportunity. And let us begin by making it possible for our impoverished older citizens to better share in the plenty that threatens to overwhelm us.

PAY RAISE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I think the immediate adoption of the pay bill is strongly indicated by all the circumstances.

It seems to me that the 1,700,000 faithful, capable, Federal employees are abundantly and richly entitled to the increases which the bill provides, and I will not belabor the arguments on that point. Clearly, on a comparable basis, Federal employees have been behind employees in similar, or comparable private positions in the rest of the country in receiving deserved pay increases. They should have them now.

To my mind, they are entitled at this time, late as it is, to have the benefits of this legislation, late as this also is.

I also believe that congressional salaries, and salaries for the executive department, and the judiciary, should be increased as is proposed by the bill.

The Randall Committee was comprised of some of the ablest, most dedicated leaders of the Nation, embracing practically every field of endeavor. The bill represents the strong recommendations of this committee, coming from a source outside the Government and outside the Congress that has impartially, diligently, and expertly studied these salary questions and has come up with answers that reflect the needs of the Federal employees, Congress and other branches of the Federal service for higher pay schedules, the comparability factors which so strongly justify them, and the great desirability of taking action now before the current injustices are compounded.

In taking this position, I am not speaking for myself alone, or in my own interest alone.

In fact, if my own interest were the only element concerned in my decision, I might well take a different view. But I feel that on all the evidence that has been presented here that Members of Congress and of the judicial branch should not be expected to make sacrifices that not only relate to them but to their families.

What is perhaps more important is the need for making congressional salaries truly comparable to those that obtain so generally throughout our economy for services of a similar and comparable nature.

As measured by our responsibilities, the increasing burdens we now carry, the special aptitudes and experience required of us, the many exacting demands made upon our time and energies, the case for increased pay is persuasive and irrefutable in my judgment.

Of course, if there are those here who do not believe that their services are worth the amount of the proposed increase, that must be their decision. They may stand by it.

So far as I am concerned, having in mind the urgency of encouraging people of commensurate training, ability, experience, idealism, and dedication to remain in, or come into, our national public life, it is of greatest significance and consequence to the best interests of the Nation and the perpetuation of this Government to pass the pay bill.

To continue a situation where honest, faithful, capable, well-trained, and well-experienced people must choose between continuing their services at a loss and a sacrifice, or leave the service altogether, seems to me to involve totally unacceptable and needless alternatives.

To have underpaid people in the Congress and in executive government positions and the Federal Judiciary at this time, when we have reached the highest economic peak in the history of our Nation and civilization in economic development, strikes me as being entirely unjustified as well as unsound, unwarranted and unnecessary.

Of course, anyone who does not desire to accept the proposed congressional raise would be in a position to waive it. Those among us who cannot get along on their present pay without practicing personal and family austerity of a kind they would not have to undergo in private life present indeed a curious anomaly in our present day life.

I hope that the House will support the bill to do justice to our 1,700,000 faithful, deserving Federal employees. These employees come first. They have first claim on our consideration and favorable action and we must not let them down. The House must pass the pay bill with all possible speed. Present delay is most regrettable. Let us act now.

Whether the congressional features of the bill are approved by the House or not, we certainly should not allow the bill to be finally acted upon without providing pay increases for Federal employees. That must be our first duty. Let us pass the pay bill now, primarily to do some measure of justice to them. This is overdue and must not be delayed.

MR. CORBIN, AGAIN

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, a very interesting name has cropped up in the political news in the last few days.

I refer to reports published in the New York Times of Wednesday, March 11, and in the March 12 Washington Post, regarding one Paul Corbin.

These reports relate to the resignation of Mr. Corbin as a special assistant to the Democratic National Committee and to speculation as to Corbin's possible role in the New Hampshire write-in campaign for Attorney General Robert F. Kennedy for the Democratic nomination for Vice President and in a current draft-Kennedy campaign in Wisconsin.

The New York Times article, written by that newspaper's Washington correspondent, Joseph A. Loftus, includes these statements regarding Corbin:

> The recent departure of a Democratic National Committee employee was traced today to President Johnson's belief at one point that the employee had engineered the New Hampshire write-in for Mr. Kennedy for Vice President. The employee, Paul Corbin, a special assistant to the committee who had a reputation for outspoken, exclusive loyalty to the Attorney General, was allowed to resign.
>
> One version of the tale said to have been carried to the President was that Mr. Corbin not only generated the write-in but also that the Attorney General had put him up to it.
>
> Both the simple and embroidered versions of the tale appear to be wrong.
>
> The Wisconsin development, however, raised new questions. Mr. Corbin's home is in Wisconsin and he has been in that State for the last few days. He could not be reached by telephone today.
>
> His name was not overtly connected with the Wisconsin movement.

The New York Times' article further states:

> When Mr. Kennedy heard about Mr. Corbin's departure recently, and the reputed reason for it, he called Mr. Corbin to check it. Mr. Corbin assured the Attorney General he had not set foot inside New Hampshire.
>
> The belief prevails that Mr. Corbin, in an excess of zeal, made one or more telephone calls to New Hampshire. However, Mr. Corbin's contacts in New Hampshire are slight.
>
> Aquaintances of Mr. Corbin said he was attached to Robert Kennedy even more than he was to President Kennedy. He could articulate this with impunity while President Kennedy was alive. Thereafter, his zeal was deemed indiscreet at the national committee, where President Johnson's man, Cliff Carter, is now the de facto chief.
>
> Mr. Kennedy has been embarrassed by Mr. Corbin's reported zeal and has sought to assure the President that he has given it no support.
>
> An extended version of the recent tales about Mr. Corbin is that the Attorney General had placed him on the staff of the Joseph P. Kennedy, Jr., Foundation.
>
> As of today that had not happened. But it would surprise no one if Mr. Kennedy befriended Mr. Corbin with a harmless nonpolitical post.

Following are the references to Mr. Corbin in an article by Edward T. Folliard, staff reporter for the Washington Post, in the March 12 issue of that newspaper:

> He [Mr. Kennedy] and the President did talk about one aspect of the New Hampshire primary. Their talk concerned Paul Corbin, at that time special assistant to John M. Bailey, chairman of the Democratic National Committee.
>
> Mr. Johnson had heard that Corbin was encouraging the write-in campaign for the Attorney General in New Hampshire, and evidently he did not like it. Corbin "resigned" from the National Committee on February 12.
>
> The Attorney General is amused when it is suggested that he had Corbin work for him in New Hampshire. Why should he assign Corbin when he could call on some of the most brilliant politicians in the country to take on the chore? Besides, he has been told that Corbin never went to New Hampshire—that the most he could have done was to make some telephone calls.

The reappearance of Mr. Corbin's name in the political news is, as I have said, interesting.

On October 1, 1962, the House Committee on un-American Activities released testimony by and concerning Paul Corbin which had been received during a series of executive hearings held between September 6, 1961, and July 2, 1962.

This testimony is available in full in published hearings of the committee.

Also a résumé of the committee hearings may be found in the "Annual Report for the Year 1962" of the House Committee on un-American Activities, which was ordered printed March 28, 1963.

This annual report contains, in its own words, "a brief summary of some of the contradictory sworn testimony received in the course of these hearings."

The truth is that the testimony in these hearings is replete with contradictions. To date, these contradictions are unresolved.

For example, Joseph C. Kennedy, president of a publishing company in Cedar Falls, Iowa, who admitted under oath that he was a former member of the Communist Party, testified that Corbin had told him in personal conversations that he—Corbin—was at that time a member of the Communist Party. Corbin, testifying at his own request, declared under oath that he had never been a member of the Communist Party and denied categorically that he had ever told Kennedy he was a member of the Communist Party.

Another witness, Perry E. Wilgus, of Marion, Ind., also an admitted former Communist Party member, testified that in 1943 he was informed by a Communist Party functionary in Chicago that Corbin was "acting up" and that he was asked to, "see what you can do about it." Wilgus said he met Corbin two or three times but could not recollect their conversations or what results were obtained from his visits with Corbin.

Corbin testified that he recalled having conferred with Wilgus on one or two occasions, but that the conversations related to union organizing activities. Corbin said he never knew Wilgus was a Communist and that he never knowingly accepted Communist discipline in regard to his union organizing efforts.

A particularly interesting example of contradictions in the record related to conversations between Corbin and a Rockford, Ill., police detective in connection with detention of Corbin by Rockford police. In a sworn affidavit, this former police detective, now a retired Army colonel, flatly contradicted Corbin's testimony on four points. The text of this affidavit will be found on page 1395 of the hearings and it is also referred to on page 67 of the "Annual Report for the Year 1962."

The enigma of the unresolved contradictions in this testimony is all the more striking because the hearings were initiated in consequence of various statements appearing in the press subsequent to Mr. Corbin's appointment as a special assistant to the Democratic National Committee. These published statements alleged that Mr. Corbin had been active, in prior periods, in the Young Communist League in Canada and the Communist Party of the United States—allegations which, as I have pointed out, were denied under oath by Mr. Corbin.

In this connection, it is worthy of note that Edward S. Kerstein, a reporter for the Milwaukee Journal, appeared as a witness November 27, 1961, and submitted affidavits he had acquired from three individuals in regard to Corbin's alleged membership in, or statements about, the Communist Party. Kerstein also testified as to information he had gathered, as a part of his research, regarding Wisconsin unions and publications which had been Communist dominated or infiltrated and which were subsequently "cleaned out" in union anti-Communist drives. Kerstein stated that "Paul Corbin was a member of some organizations which the rightist elements of labor had cleaned out" and that Corbin "had associated and participated in activities in which known Communists had participated." Kerstein stated that he had no "personal observations of [Corbin's] participation in Communist activities."

The foregoing is only a partial citation of the conflicting testimony in the hearings on Paul Corbin.

The reappearance of Mr. Corbin's name in the headlines once more calls attention to the impasse which so far confronts the House Committee on Un-American Activities.

I am speaking solely on my own responsibility and with no criticism, overt or implied, so far as my colleagues on that committee or the committee staff are concerned.

I am completely unwilling to accept this impasse as the conclusion of the Corbin matter. I believe the unresolved contradictions in the record of these hearings add up to a commission of perjury on the part of one or more of the witnesses.

How familiar is the Attorney General with these unresolved contradictions and has the Department of Justice exhausted all possibilities of resolving them? At this point I do not profess to know.

Have any of the witnesses who appeared before the committee, including Mr. Corbin himself, any interest in further efforts to resolve these obvious contradictions in sworn testimony and do they have any further information which can clear up the enigma? I do not profess to know.

My one clear conviction is that the entire matter is presently left in a most unsatisfactory status. So far as I am concerned it is an important matter of unfinished business.

Especially, in view of the reported new political activities of Mr. Corbin, I am totally unwilling to regard the subject as closed.

MANNED BOMBER FORCES

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SHRIVER. Mr. Speaker, despite the continuing insistence of the Congress and the experienced recommendations of the U.S. Air Force, there is growing evidence that the present leadership in the Department of Defense intends to go its own way in regard to our manned bomber forces.

This morning's press dispatches quote former Deputy Secretary of Defense Roswell L. Gilpatric stating that if present relations with the Soviet Union continue, the United States could eliminate all its strategic bombers and cut defense spending 25 percent by 1970.

In Geneva, our disarmament negotiators again have proposed the joint destruction of the United States and Soviet bombers.

We all look forward to the time when we can reduce defense expenditures and the peoples of the world can live together without fear of war or surprise nuclear attack. However, until that day comes our best deterrent to war lies in a policy of firmness and strength.

It is disturbing to find the administration making conciliatory proposals to the Soviet Union at the same time that American airmen are being held by Communist authorities after their plane was shot down by a Soviet fighter.

It is disturbing to find former administration officials suggesting the elimination of all strategic bombers despite the recommendations of the Chief of Staff of the U.S. Air Force that there is an urgency to develop a follow-on bomber for the aging B–52.

Only last month the distinguished chairman of the House Armed Services Committee confirmed that SAC bomber strength will drop from about 1,300 today to 935 by June 1965 as a result of the deactivation of all but five B–47 wings.

The B–52 production lines have been closed since October 1962.

The B–58 production lines have been closed since October 1962.

We do not have a replacement either in the design or production stage today.

Congress, upon the strong recommendations of the Joint Chiefs of Staff, has authorized $52 million for the development of a follow-on bomber. But there is no assurance that civilian leaders in the Pentagon will use these funds.

Mr. Speaker, time and again we have heard assurances that this Nation will continue to have a proper mixture of missiles and bombers in its defense system. However, public pronouncements and actions indicate otherwise.

The Air Force has a continuing program of modification and maintenance to keep our aging B–52 fleet operational and safe. Sooner or later we know they will wear out. What do we have to take their place? Nothing at the moment. Unless we get started on a follow-on aircraft, it is very possible that this Nation will be faced with a "bomber gap" by 1968.

We cannot afford to gamble with the security of our Nation. Time is of the essence.

BEET SUGAR QUOTA INCREASE NECESSARY

Mrs. MAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. MAY. Mr. Speaker, today I introduced in the House of Representatives a bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966.

The State of Washington, as you know, historically produces beet sugar, and this is a vital crop. Unless the basic beet sugar quota in the Sugar Act is increased, Mr. Speaker, established sugarbeet growers will be faced with a 40-percent cut in acreage. A beet sugar quota increase of 750,000 tons is necessary and this is why a number of my colleagues from sugarbeet producing areas and I are introducing similar legislation.

A very large number of sugar producers are unanimously agreed on the provisions of this legislation, Mr. Speaker, and under leave to extend my remarks, I include a statement agreed to by these sugar producers and growers, together with a list of all those supporting the statement.

It is my hope that we will have the support of all of my colleagues in this body who are interested in allowing our American farmers to grow the crops they have so effectively demonstrated they can and desire to, if only given the opportunity by the Congress and the administration.

The material referred to follows:

Why a Beet Sugar Quota Increase of 750,000 Tons Is Necessary

1. PRESENT BEET SUGAR QUOTA IS GROSSLY INADEQUATE

The basic beet sugar quota (sec. 202 (a)(1)) of the Sugar Act should be increased by 750,000 tons—from the present 2,650,000 tons to 3,400,000. The higher levels of production requested by the Government for 1963, 1964, and 1965 make an increase of this amount necessary. This increase is in the interest of U.S. sugar consumers, and is vital to American farmers who need sugarbeets as a cash crop and as an alternate or replacement for crops now in surplus production. Also it is important to the welfare of factory and field labor in the 25 States in which the beet sugar industry is now located.

2. WHY BEET SUGAR PRODUCTION IS ABOVE EXISTING QUOTA

To encourage "growth and expansion of the beet sugar industry" in new areas (sec. 302(b)(3)), the Congress in 1962 provided for erection of six new beet sugar processing plants in the 1963–66 period. And early in 1963, when the critical foreign sugar supply situation became alarming, the executive branch of Government turned to the domestic beet sugar industry as the quickest dependable source of greater production in the period ahead, and announced that there would be no acreage restrictions on sugarbeet planting in 1964 and 1965 as well as in 1963. The industry responded with immediate and substantial increases in production far above existing quota levels.

3. DRASTIC ACREAGE CUTS INEVITABLE UNLESS BEET SUGAR QUOTA INCREASED

Unless the basic beet sugar quota is increased, established sugarbeet growers will be faced with a 40-percent cut in acreage. Moreover, authorization of additional new beet sugar factories would be out of the question. It would be grossly unfair thus to penalize present growers who have contributed so importantly to the national sugar supply, and to prohibit sugarbeet production in new areas where the crop is so urgently needed.

4. BEET SUGAR INDUSTRY SAVED MILLIONS OF DOLLARS FOR CONSUMERS IN 1963

Consumers are benefiting materially from the beet sugar industry's response to the congressional intent and Executive requests. The industry produced a half million tons more sugar in 1963 than in 1962, and is in the process of producing an additional quarter million tons of sugar this year—thus contributing substantially to relieving the supply problem. Moreover, the beet sugar industry has significantly recognized its obligations to consumers under the Sugar Act. In 1963 beet sugar sold from $1 to $3 a hundred pounds less than cane sugar in the same markets. Both the volume and price of beet sugar helped keep U.S. prices of imported raw cane sugar lower than many other countries had to pay for the same sugar.

By saving millions of dollars for U.S. consumers in 1963, the beet sugar industry was continuing its tradition of serving consumers: beet sugar never sells for more than cane sugar, and usually sells for less. It is significant that in the one section of the country where only cane sugar is normally available—the Northeast States—the basic price for sugar has been the highest in the United States for many years.

Recognition of the importance of domestic sugar production for American consumers was given by President Johnson on January 31, 1964, when he urged Congress to authorize unlimited 1964 marketing of domestically produced sugar.

5. INCREASE IN BEET SUGAR QUOTA WOULD COME FROM UNALLOCATED "GLOBAL" QUOTA

The 750,000-ton increase in the basic beet sugar quota could be made without disturbing any of the present individual country quotas. The increase would come from the so-called global quota. Under changed world sugar supply-demand conditions it would appear undesirable to continue a system wherein a large quantity of U.S. supplies is not specifically allocated.

6. OTHER DOMESTIC PRODUCER QUOTAS NOT AFFECTED BY INCREASED BEET QUOTA

The transfer of 750,000 tons from the global quota to the beet area quota would not adversely affect the quotas of the other domestic producing areas—Mainland Cane, Hawaii, Puerto Rico, and the Virgin Islands.

7. SUGAR ACT BENEFITS TO CANE SUGAR REFINERS

Can sugar refiners had their position materially improved by 1962 amendments to the Sugar Act. These added 450,000 tons to the cane refiners' volume by prohibiting future importation of that amount of foreign refined sugar authorized by the previous law. This brought total volume of cane refiners to nearly 7 million tons, and left only 75,000 tons of foreign sugar which may be imported as refined sugar. The slight increase in the beet quota in 1962 was offset, in the cane refiners' favor, by the transfer of Hawaiian and Puerto Rican deficits from domestic areas to foreign countries, which were required to ship the sugar in raw form.

It should be noted that 100,000 tons of protected beet sugar expansion have already been awarded to cane sugar refiners and that cane refiners' interests have applied for another 100,000 tons of the reserve. Thus, cane sugar refiners are prime recipients of the benefits of the beet sugar expansion authorized by Congress.

8. WORLD SUGAR SITUATION CONTINUES TO BE UNCERTAIN

Many changes have taken place in the sugar world since Congress wrote the 2,650,000-ton basic beet sugar quota into the law in 1962. No longer is there a world surplus. World reserve stocks of sugar, large in mid-1962, are now almost nonexistent. Even if talked-of increases in foreign production are eventually realized it will take time and a vastly improved investment climate.

Nearly a third of world sugar production is under Communist control. Instability and political turmoil plague many of the other sugar-producing nations of the world.

Therefore, in this uncertain atmosphere, it is in the public interest to rely on the domestic beet sugar industry for an additional 7½ to 8 percent of our total sugar supplies—which a 750,000-ton increase in the basic beet sugar quota, to 3,400,000 tons, would achieve. Even after adding 750,000 tons to the beet area quota, foreign countries would still be guaranteed a third of the total U.S. market of about 10 million tons.

March 17, 1964.

The foregoing statement is supported by the present sugarbeet growers and beet sugar processors of the United States as well as organized groups of farmers and many others seeking allocation of sugarbeet acreage reserves for expansion of the sugarbeet industry into new areas, as follows:

Arizona: Arizona Sugarbeet Committee.

California: California Beet Growers Association, Ltd.; Spreckels Sugar Co.; Union Sugar Division, Consolidated Foods Corp.; Holly Sugar Corp.; American Crystal Sugar Co.

Colorado: The Mountain States Beet Growers Marketing Association of Colorado; Southern Colorado Beet Growers Association; the Western Colorado Beet Growers Association; the Great Western Sugar Co.; American Crystal Sugar Co.; Holly Sugar Corp.; the National Sugar Manufacturing Co.

Delaware: Delaware Sugar Corp.

Idaho: Idaho Sugarbeet Growers Association; Lower Snake River Sugar Beet Growers Association; Nyssa-Nampa Beet Growers Association; Amalgamated Sugar Co.; Utah-Idaho Sugar Co.

Illinois: Wabash Valley Beet Growers Association; Joint Industrial Development Commission of Adams County.

Indiana: Wabash Valley Beet Growers Association; Paulding Sugar Beet Growers Association.

Iowa: Mason City District Beet Growers Association; American Crystal Sugar Co.

Kansas: Ash Valley Beet Growers Association; the High Plains Beet Growers Association; Southwest Kansas Sugar Beet Growers Council; Tri-County Beet Growers Association.

Maine: Maine Sugar Beet Growers Association.

Michigan: Alma Sugar Beet Growers Association; Blissfield Sugar Beet Growers Association; Caro Sugar Geet Growers, Inc.; Croswell Sugar Beet Growers Association; Monitor Sugar Beet Growers, Inc.; Saginaw Sugar Beet Growers, Inc.; Sebewaing Sugar Beet Growers Association; Michigan Sugar Co.; Monitor Sugar Division of Robert Gage Coal Co.

Minnesota: Red River Valley Beet Growers Association; Southern Minnesota Beet Growers Association; Tri-County Beet Development Association of Minnesota; Mid-Valley Beet Development Association; Minnesota-Dakota Beet Development Association; Mason City District Beet Growers Association; American Crystal Sugar Co.

Missouri: Western Missouri Beet Growers Association; Pemiscot-Dunklin-New Madrid Sugar Beet Growers Association.

Montana: Montana Wyoming Beet Growers Association: the Mountain States Beet Growers Marketing Association of Montana; Western Montana Beet Growers Association; Great Western Sugar Co.; Holly Sugar Corp.; American Crystal Sugar Co.

Nebraska: Central Nebraska Beet Growers Association; Nebraska Nonstock Beet Growers Association; Northwest Nebraska Beet Growers Association; Great Western Sugar Co.; American Crystal Sugar Co.

New Mexico: Texas-New Mexico Sugar Beet Growers Association.

New York: Finger Lakes Beet Growers Association, Inc.

North Dakota: Red River Valley Beet Growers Association; Lake Agassiz Sugar Corp.; Minnesota-Dakota Beet Development Association; Mid-Valley Beet Development Association; American Crystal Sugar Co.

Ohio: Buckeye Beet Growers Association; Findlay Beet Growers Association; Fremont Beet Growers Association; Paulding Sugar

Beet Growers Association; Northern Ohio Sugar Co.; Buckeye Sugars, Inc.

Oklahoma: Southwest Oklahoma Beet Growers Association.

Oregon: Nyssa-Nampa Beet Growers Association; Amalgamated Sugar Co.

South Dakota: Black Hills Beet Growers Association, Inc.; Utah-Idaho Sugar Co.

Tennessee: Northwest Tennessee Sugar Beet Growers Association.

Texas: Texas & New Mexico Sugar Beet Growers Association; Dimmit Beet Growers, Inc.; North Plains Sugar Beet Growers Association; The High Plains Sugar Beet Growers Association; Trans-Pecos Sugar Beet Growers of Texas; Holly Sugar Corp.

Utah: Utah Beet Growers Association; Utah-Idaho Sugar Co.; Amalgamated Sugar Co.

Washington: Washington Sugar Beet Growers Association; Columbia Basin Beet Growers Association; Utah-Idaho Sugar Co.; Washington State Sugar Co., Inc.

Wyoming: Montana-Wyoming Beet Growers Association; Big Horn Basin Beet Growers Association; Goshen County Beet Growers Association; Holly Sugar Corp.; Great Western Sugar Co.

Regional and national organizations: California Beet Growers Association, Ltd.; Farmers and Manufacturers Beet Sugar Association; National Beet Growers Federation; Western Sugar Beet Growers Association; U.S. Beet Sugar Association.

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to ask the majority leader, the gentleman from Oklahoma [Mr. ALBERT] if he would kindly announce the program for next week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, there will be no legislative program for the remainder of this week.

In response to the inquiry of the gentleman, Monday will be District day. There are no District bills. On Monday there will be a continuation of H.R. 5838, amending the Organic Act of the National Bureau of Standards.

On Tuesday there will be the 1965 appropriation bill for the Treasury and Post Office Departments.

On Wednesday and Thursday there will be the bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, which will come under an open rule with 3 hours of debate.

It is our hope, if the legislative program will permit, to adjourn on Thursday night March 26, and to reconvene for the purposes of legislative business on Monday, April 6.

Mr. ARENDS. I thank the gentleman.

Mr. ALBERT. Mr. Speaker, may I also advise that conference reports may be brought up at any time, and the usual reservation is made that any further program may be announced later.

Mr. COOLEY. Mr. Speaker, I should like to ask the majority leader whether or not he intends to call up the food stamp program, which is now before the Rules Committee, if the Rules Committee grants a rule for the consideration of that measure.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I wish to advise that if legislative business is in order we will call it up; and that my announcement with respect to an Easter recess is contingent, of course, upon our being able to dispose of necessary legislation. That is a part of the announcement. That must be thoroughly understood.

Mr. COOLEY. I have one further inquiry, Mr. Speaker.

Mr. ALBERT. We do hope to adjourn on Thursday evening and to go over, as per custom, but we will not leave urgent unfinished business for an Easter recess.

Mr. COOLEY. May I ask another question? Does that mean that if we also obtain a rule on the cotton-wheat bill, that will be scheduled, if there is time?

Mr. ALBERT. That decision will be made when we get the rule.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Georgia.

Mr. FLYNT. Does the gentleman say that the cotton-wheat bill is not unfinished business?

Mr. ALBERT. It is unfinished business, of course.

Mr. FLYNT. If the rule is granted, then, it will be brought up before an Easter recess?

Mr. ALBERT. That question is an entirely different question. We will consider the matter of an Easter recess and the matter of programing the bill when and if it is ready. I believe I must protect the House with regard to those matters.

Mr. BEERMANN. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Nebraska.

Mr. BEERMANN. I did not understand the response on the food stamp plan. Was the response that if we passed it we could have an Easter vacation?

Mr. ALBERT. No. That was not the response. The response was that we will make a decision on when the food stamp program will be programed when it is eligible for consideration on the floor of the House.

Mr. BEERMANN. If the gentleman will yield further, does that mean it will be called up next week?

Mr. ALBERT. Will the gentleman not press that at this time? I am not prepared at this time to answer that question.

Mr. ARENDS. Mr. Speaker, will the gentleman from Oklahoma yield to me?

Mr. ALBERT. I yield to the gentleman.

Mr. ARENDS. Might I express the hope that in view of the fact that this is a rather loaded calendar for next week, the consideration of the food stamp program could be put off until a little later time?

Mr. ALBERT. I would like to advise that I have consulted with the acting minority leader on this matter and that the ability of the House to proceed with the consideration and the disposition of these matters, and of the Rules Committee being able to proceed, are conditions precedent to having an Easter recess.

The SPEAKER. The time of the gentleman has expired.

UTAH POWER & LIGHT CO. RATE INCREASE PROTESTED

Mr. HARDING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. HARDING. Mr. Speaker, on March 17 the Washington Post carried the following article stating that the Virginia Electric & Power Co. is cutting its rates effective April 1. The estimated savings will be approximately $4.80 per customer annually.

VEPCO TOLD TO CUT BILLS $2.2 MILLION: CONSUMER SAVES ABOUT $4.80 A YEAR, EFFECTIVE APRIL 1

(By William Chapman)

The Virginia Electric & Power Co. yesterday was ordered to cut its rates and pass along the bulk of the $2.2 million in savings to home-owning consumers.

About 75 percent of Vepco's residential customers will benefit from the rate cut after April 1. The average user will see 20 cents cut from his monthly utility bill and the maximum savings would equal $4.80 a year.

The State Corporation Commission, which regulates Virginia utilities, ordered the reduction yesterday in Richmond, attributing it to the lower Federal taxes Vepco must pay as a result of the tax cut.

The SCC also cited the tax cut last week, ordering a $1.8 million reduction in rates of the Chesapeake & Potomac Telephone Co.

Even before the tax cut, Vepco's electric rates had been under criticism from such diverse quarters as the Arlington Public Service Commission, U.S. Senator LEE METCALF, Democrat, of Montana, and Gov. Terry Sanford, of North Carolina.

METCALF, relying on a survey of the National Rural Electric Cooperative Association, accused the utility of overcharging customers by $83 million between 1956 and 1960.

In Norfolk yesterday, a group of mothers picketed the Vepco offices, protesting that rates are too high. They carried signs reading "Heat or Eat" and "Monopoly Is Not the American Way."

The utility and the SCC repeatedly have denied that the rates exceed the reasonable limit required by Virginia's constitution.

Yesterday's rate cut was based on the Federal tax reduction from 52 to 50 percent this year. The tax rate falls to 48 percent next year, possibly clearing the way for another cut in electric rates.

Commercial and industrial users got only a small share of the $2.2 million reduction ordered by the SCC.

The above article points out that this rate cut was based on the Federal tax reduction from 52 to 50 percent this year and that the further reduction to 48 percent next year may result in another cut in electric rates.

I point this out, Mr. Speaker, because at this same time the Utah Power & Light Co. is requesting an increase in power rates in Idaho. I would suggest that inasmuch as they have the advantage of the same tax cut that has resulted in the reduction in the rates charged by the Virginia Electric & Power Co., that both the Utah Power & Light Co. and the Idaho Public Utilities Commission consider, instead, a reduction in the power rates charged Idaho citizens.

We are already extremely hard pressed, economically, in the agricultural State of Idaho without adding an unnecessary economic burden on every power user served by the Utah Power & Light Co.

Mr. Speaker, I first protested this unreasonable rate hike on February 24. The following Thursday two of my colleagues from Utah and Wyoming made speeches praising the Utah Power & Light Co. for the fine job it is doing in their respective States. One called attention to the record of Utah Power & Light in supporting reclamation in Utah.

In Idaho, the Utah Power & Light Co. has been the main opponent of the Burns Creek project which would store much needed irrigation water for our farmers, provide a beautiful reservoir for the enhancement of fish and wildlife and water sports, and generate the power that would pay for the project.

However, Utah Power & Light Co., who with the Idaho Power Co. is attempting to monopolize the power industry in Idaho, has spent thousands of dollars lobbying against the Burns Creek project and have succeeded in stirring up powerful national opposition to this much needed Idaho project. So we have the spectacle of a Utah power company supporting reclamation in Utah and opposing it in Idaho.

The irony of this whole matter is that Burns Creek would complete the Palisades project. The Palisades project with its 114,000-kilowatt generating capacity has been one of the outstanding western reclamation projects. Utah Power & Light Co. is one of the major purchasers of power from the Palisades project. It is interesting to note that they purchase power from Palisades at about 2 mills per kilowatt while it is costing them about three times that much to generate power at their plants in Utah and Wyoming. And yet ridiculous and unfair as it may seem, the Utah Power & Light Co. is charging customers in eastern Idaho right under the shadows of the Palisades Dam more for electricity than they are charging their customers in Utah and Wyoming where the company's generating cost is three times higher.

The Federal Power Commission's report of typical electric bills, effective January 1, 1963, shows that the typical monthly bill for 750 kilowatts for lighting, appliances, refrigeration, and water heating in areas served by the Utah Power & Light Co. in Idaho is $11.61 per month. The same amount of power from Utah Power & Light is costing their Utah customers only $11.30 a month and their Wyoming customers $11.35 a month.

So we find that the cheap power purchased in Idaho, which I believe is the cheapest power obtained anywhere in the Utah Power & Light system, is being used to subsidize Utah and Wyoming customers who pay smaller monthly electric bills from the same power company than do our Idaho customers.

Mr. Speaker, I intend to protest this unfair, unneeded, and discriminatory power rate increase as long as this out-of-State power company is attempting to take unfair advantage of my Idaho constituents.

EQUAL JUSTICE UNDER LAW

Mr. WELTNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WELTNER. Mr. Speaker, the Federal judiciary has restrained a Georgia court from prosecuting a group of defendants charged with misdemeanors. During recent months, groups of demonstrators—hardly nonviolent—have been arrested. Their trials were in process before Superior Court Judge Durwood T. Pye in Atlanta, Ga.

Atlanta is a city that takes pride in its history of fair play for all citizens. That Federal intervention should come in Atlanta is a cause for major concern. Yet it came, upon defendants' petitions they they were unable to obtain a fair trial before Judge Pye.

The hard truth is that their claim is well founded. This judge, an excellent legal scholar with punctilious regard for niceties of the law, has been oblivious to the demands of simple justice. By imposition of harsh punishments, setting of excessive bail, and forfeitures for negligible cause, he has intimidated defendants. By effectively requiring continued attendance of virtually all defendants during weeks of exhaustive hearings he has deprived them of the benefit of bail, and of a speedy trial.

By directing his officers to disregard Federal writs, he has left one hapless defendant a pawn in a conflict of powers.

I do not argue the innocence of these defendants. I do not condone their actions, nor would I justify their motives. I do not approve their associations or their political persuasions.

But, as American citizens, they are entitled to the full protection of the law. They are innocent until proven guilty. They are entitled to a speedy trial and to reasonable bail.

Courts are of especial dignity and should never be criticized for light or transient causes. Yet, here, the machinery of the law, designed as the servant of justice, has been manipulated so as to become its oppressor. And none can speak without jeopardy of contempt.

Such a train of events must not go unchallenged. My community must not, by an imposed silence, be charged with the conduct of a single judge. Nor must men of good will be without a spokesman when justice has been denied.

FOREIGN POLICY ON AGRICULTURAL TRADE

Mr. WHALLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LANGEN. Mr. Speaker, I had occasion today to write to the U.S. Tariff Commission, with copies to the Departments of Agriculture and State, and Mr. Herter of our Geneva negotiating team. I would like to share my thoughts with my colleagues.

The American farmer continues to feel the cost-price squeeze and is rapidly becoming this Nation's forgotten man. His share of the food dollar dwindles while the standard of living for other Americans increases. His markets become further depressed, his income decreases and he faces the future with uncertainty.

When agriculture suffers, the Federal Government focuses attention on the problems through further restrictions and new control programs. But each new control carries with it a loss of freedom for the farmer and creates a new set of problems not only for rural America but for every U.S. taxpayer. Therefore it is important that other solutions than further Government controls be sought.

Therefore, I have requested a complete study and review of our entire foreign policy in regard to the relationship between agricultural imports and falling prices paid to domestic producers of farm commodities. It is my feeling that one of the reasons for the worsening U.S. farm situation is the unfavorable condition in which American agriculture finds itself in world trade. With drastically increased imports coming into this country, such a review at this time is paramount if we are to negotiate from a position of strength at Geneva this year. We have a rare opportunity for positive action.

Some efforts have been made to curb imports of certain commodities that have suddenly glutted the American market. However, such efforts have, to this point, been defeated or were merely disjointed gestures that offered no real solutions or consistent policies.

It is interesting to note that the United States is importing well over one-half of all of the beef offered for export by the rest of the world. An answer to this situation can be found in the February 17, 1964, edition of Foreign Agriculture from the Department of Agriculture's Foreign Agricultural Service, which explains that this enormous increase in beef imports was encouraged by the increase in import restrictions in other countries, while the United States remained the only major market without any quantitative restrictions and with a very nominal fixed import duty.

Just last month we noted two significant developments in the egg market.

Shipments of eggs from Denmark began in the amount of 300,000 dozen, with more on the way despite the fact that we received no eggs at all from Denmark last year. Why did we suddenly get an influx of Danish eggs? Recent hikes in Common Market tariffs forced Denmark to seek new outlets, so it was only natural that the eggs would find their way into a low-tariff country, namely the United States. This happened during the same month that the Department of Agriculture announced the details of an egg purchase program for distribution to needy families. This is supposed to bolster the low-price condition of domestic eggs, which is a neat trick in the face of increasing imports.

Even with just these two examples, it becomes clear how many countries protect their own agricultural commodities through the raising and lowering of variable import levies, forcing surplus commodities to be exported elsewhere. The United States, with constant and low tariffs and practically no nontariff levies, then attracts the foreign surplus to the disadvantage of the American producer. While I am well aware of the difficulties encountered when comparing tariff systems, equalization taxes, and other restrictive levies, it is my sincere opinion that the United States has been placed in the unenviable position of being on the short end of such transactions. This is why it is so terribly important for this picture to be drawn clearly if we are to negotiate at Geneva with any semblance of reality and fairness.

Our Departments of State and Agriculture announced agreements with Australia, New Zealand, and Ireland to hold meat imports into the United States in 1964 to the 1962–63 levels. But this was not a reduction. It guarantees meat imports at the already record levels, actually putting a floor under rather than a ceiling over unwarranted imports. These agreements do not even cover canned, cured, and cooked meats, or live animals, which still leaves the barn door wide open.

The unfavorable import situation also has an effect on grain, feed producers, equipment dealers, to say nothing of the fact that it is adding to our already burdensome grain surplus. Just considering beef imports, not to mention pork, lamb, cheese, cream, and other commodities, we see the effect on other segments of agriculture. If the record 1,750 million pounds of foreign beef that was imported last year had been produced in this country, more than 20 billion pounds of feed grain equivalent would have been consumed, which would have saved the taxpayer money through the Commodity Credit Corporation, which showed a loss of $1.2 billion during just the last 6 months of 1963.

The Department of Agriculture started buying canned beef last September for needy families. But the total of $37 million worth purchased so far has had no appreciable effect on bolstering prices to U.S. producers, since it is a drop in the bucket compared to the imports crossing our borders.

The dairy industry is now seeing an increasing trend of imports that depress its market. Over 7 million pounds of cream crossed our shores in 1963, while not a drop was imported as recently as a year and a half ago. This was in addition to 3.3 million pounds of Junex-type products containing up to 44 percent butterfat.

Cheese imports continue to rise. In 1963 the United States imported almost 83 million pounds of cheese, including substantial amounts from Italy, a country we in turn provided with Commodity Credit Corporation stocks of cheese for the Italian school lunch program for only 14½ cents a pound, a net loss of millions of dollars to the United States.

The same situation can be found in the dry milk trade and other dairy products. We imported the milk equivalent of almost a billion pounds of dairy products in 1963, plus nonfat milk products, almost double the amount imported in 1958. The Commodity Credit Corporation spent over a half billion dollars during the last fiscal year for dairy products. No amount of U.S. Government buying can erase the adverse effects of too rapidly increasing imports.

The United States must take with it to Geneva the full realization and the firm conviction that the American farmer's commendable ability to produce is not the sole cause of the problems he faces. The cause, to a great extent, lies with the protectionist attitude displayed by other trading countries of the world who close their own doors while demanding and getting free access to our markets. With those thoughts firmly in mind, I believe we can realistically negotiate so that U.S. agriculture has a full voice at Geneva.

We are told that half of the Nation's poverty is centered in rural areas. If we are to declare war on that poverty, here is a place to start, without cost to the taxpayers of this Nation.

WOOL IMPORTS: CONGRESSIONAL INVESTIGATION NEEDED

Mr. WHALLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, for the past 2 years, I have been urging the administration to keep its promises and commitments to the wool industry by effectuating quotas on the imports of wool-manufactured products. Quotas on imports have been promised to the wool industry for a long time. In the business section of today's New York Times, I noticed, in an article by Leonard Sloane, that the wool manufacturers are still urging the U.S. Government to help them with the problems of ever-increasing wool imports into the United States. I also noticed that 14 Senators and Representatives called on Secretary of State Dean Rusk to increase the pressure for voluntary agreements regulating imports of wool textiles.

I commend the wool industry for its efforts and I commend the Senators and Representatives for their action. Mr. Sloane's reporting, however, is somewhat inaccurate and, in my opinion, the wool manufacturers are entirely too easygoing in their assessment of the situation.

The fact of the matter is, Mr. Speaker, that solemn promises and commitments made by the Democratic administration to the wool manufacturing industry have been flagrantly and shamelessly broken while similar commitments to the cotton industry have been kept. It is a sad situation when Americans are not permitted to trust their own Government to keep its promises to them. The situation calls for action more drastic and far-reaching than that proposed by the National Association of Wool Manufacturers or the Congressmen who called on Dean Rusk.

A congressional investigation is clearly called for. Such an investigation should inquire as to why promises to the American woolen industry have been broken and by whom. In addition, the investigation should inquire as to whether the State Department is properly equipped to represent American business interests in negotiations with foreign countries. I am becoming convinced that the legitimate interests of American industry are being sold down the river by this administration in connection with their negotiations with foreign powers. In my opinion, our negotiators are not properly equipped to represent American interests and are more interested in assuming a friendly posture toward foreign countries than doing their job at the bargaining table which, in the final analysis, is to represent the legitimate economic interests of their own country. The articles in today's New York Times, to which I have referred, follow:

WORLD PARLEY ON WOOL IMPORTS IS URGED TO STOP FLOW INTO UNITED STATES

(By Leonard Sloane)

An international governmental conference within 4 months to consider the problems raised by wool imports into the United States was called for yesterday by a textile industry leader.

If an agreement to restrain wool imports is not promptly negotiated, the U.S. Government should "act unilaterally to impose quantitative limitations by category and by country of origin," said Morton H. Darman, president of the Top Co.

Speaking at a luncheon meeting of the National Association of Wool Manufacturers at the Astor Hotel, Mr. Darman also urged that wool products be put on the exceptions list at the Geneva tariff reduction negotiations scheduled for May 4 by the General Agreement on Tariffs and Trade. No duty reductions would be made on products on the list.

Mr Darman, who also is chairman of the association's executive committee, headed the American delegation to the 14-nation wool industry meeting in Paris last week. Representatives of United States and foreign textile and apparel companies agreed at that time to a resolution citing "a recognized need for an early agreement among governments covering world trade."

QUOTAS LONG SOUGHT

The American wool industry has been pressing for some type of quota system on woolen fabric and apparel imports similar to that enjoyed by cotton textiles. Its spokesmen say that the present tariffs are insufficient to stop an increasing flow of woolen goods from abroad.

Some American companies blame imports for their inability to sell woven fabrics profitably. Only last Friday, India Head Mills, Inc., announced its withdrawal from wool production and the closing of two plants.

Imports of woven wool cloth and apparel amounted to 56.5 million linear yards in 1963, says the wool manufacturing group, slightly more than 20 percent of U.S. fabric production which totaled 276 million yards.

Also, American fabric production is sharply on the decline, according to association figures. Last year's output was 8 percent lower than the 1962 production level of 301 million linear yards and 38 percent less than the 448 million yards produced in 1947.

Mr. Darman's call for governmental and international action on woolen imports was enthusiastically received by his audience of woolen men. The luncheon was sponsored by the association's Collateral Group—so named because it is an organization originally formed by the mills' selling offices and therefore was collateral to the association itself.

FOR POLITICAL PRESSURE

Mr. Darman, whose company manufactures wool tops, urged his listeners to "bring political pressure to bear" in order to help achieve an international agreement on wool quotas. Such quotas should be established, he said, by category—tops, yarns, fabrics, knit apparel, and woven apparel—as well as by individual country.

An agreement of this nature, Mr. Darman declared, would be "a foundation for dynamic growth" for wool textiles. But if no action is forthcoming, he added, there will be "a continued erosion" of the domestic industry.

The textile executive said that because of the unanimous accord at the Paris conference on the need for a prompt meeting on the governmental level, the "opposition" here to woolen quotas had hardened.

While he did not elaborate on this opposition in his address, he noted in an interview later that he was referring "almost entirely to United States agents of foreign companies who obviously have a point of selfish interest."

Mr. Darman said that foreign woolen industry officials had assured him at the Paris meeting that their governments were receptive to an international woolen conference.

"Speaking only for myself," he declared, "if no conference develops, I would point in the direction of our negotiators and not at the foreign bodies."

FEDERAL AID SOUGHT

American woolen companies have been waiting for greater Government aid since a seven-point program for textile assistance was announced by President Kennedy on May 2, 1961. Two other international woolen conferences were held since then, but neither was able to resolve completely the disparate points of view.

A London meeting in December 1962, of the International Wool Study Group was "a failure," according to Mr. Darman, because the U.S. position on the necessity for quotas "evoked no response" from the other nations attending.

A year later an international industry conference was convened in Rome. While the American delegation included representatives of the entire industry, from wool tops to finished apparel, the European groups did not include knitters or apparel manufacturers portions of the industry that are vitally concerned with any international agreement.

Last week's meeting in Paris brought together all branches of the woolen industry on both sides of the Atlantic and produced the resolution calling for quick action by their governments.

Congress Group in Appeal

Washington, March 18.—Fourteen Senators and Representatives called on Secretary of State Dean Rusk today to increase the pressure for a voluntary agreement regulating imports of wool textiles.

Citing cases of plant shutdowns and workers laid off, the group urged rapid action. Mr. Rusk promised to look into the matter and report back to the delegation soon. However, the prospect for an international wool agreement similar to that governing trade in cotton textiles is not good.

Only yesterday the British Government reaffirmed its strong opposition to such an agreement. Italy and Japan, the other two main exporters, also are opposed, although they might go along if the United States and Britain agreed to negotiate an agreement.

FOR HIGH-LEVEL PLEA

The congressional delegation, it was learned, urged Mr. Rusk to carry the appeal to the key exporting nations and to the level of the heads of state, if necessary. That is, they wanted President Johnson to throw his personal weight into the scale.

It was undoubted no mention was made of the question of inclusion of wool textiles in the Kennedy round of global tariff negotiations. The industry has made a strong plea that wool textiles be put on the United States exceptions list of products for which no duty reductions would be made.

Those who saw Mr. Rusk today included: Senators John O. Pastore, Democrat, of Rhode Island; Edward M. Kennedy, Democrat, of Massachusetts; Herman E. Talmadge, Democrat, of Georgia; Frank Church, Democrat, of Idaho; Gale McGee, Democrat, of Wyoming; Leverett Saltonstall, Republican, of Massachusetts, and Wallace F. Bennett, Republican, of Utah.

Also Representatives W. J. B. Dorn, Democrat, of South Carolina; John H. Dent, Democrat, of Pennsylvania; Leonard Farbstein, Democrat, of New York; Ralph R. Harding, Democrat, of Idaho; John J. Flunt, Jr., Democrat, of Georgia; Horace R. Kornegay, Democrat, of North Carolina, and Charles R. Jonas, Republican, of North Carolina.

TEXTILE INDUSTRY

Mr. WHALLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Keith] may extend his remarks at this point in the Record and include tables and extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KEITH. Mr. Speaker, the U.S. Government is now preparing to enter into a new round of tariff negotiations. Over the past few weeks, hearings have been held by the Tariff Commission under the Trade Expansion Act. One of the industries in the United States which will be vitally affected by the contemplated negotiations is textile manufacturing.

For many years now, this industry has been plagued by economic conditions which literally threaten its complete destruction. It is well known that competition from foreign companies, which are able to produce textile goods at a much lower cost than our domestic producers, has been a major factor in the deterioration of the economic health of our manufacturers. We have seen many plants closed in the past few years—we have seen unemployment in the industry rise at a most alarming rate—we have seen textile manufacturing become a marginal industry which frequently hovers near the brink of economic disaster.

I firmly believe that we in Congress, as well as in the executive department, should be aware of the conditions under which our textile manufacturers seek to compete. I believe that there must be a recognition that this industry is one of those most profoundly affected by the trade policies that this Government adopts. For this reason, I should like to draw the attention of my colleagues to certain facts which I am sure will amply illustrate the necessity for a thorough reevaluation of our policies toward the import of foreign textiles.

The rapid increase in the volume of imported textiles is an important element to be considered. Total imports in fiscal year 1963, for example, were nearly 12 times the amount imported in 1948. During a substantially similar period, 1947 to 1962, U.S. exports of textile goods dramatically declined by 69 percent. We have become a textile importing rather than a textile exporting country. We now import half again as many textile goods as we export, despite the fact that in 1948, the positions were reversed.

In 1961, this trend was accurately recognized by the subcommittee of the Senate Commerce Committee which conducted hearings into the problems confronting the U.S. textile industry. In its report, the Pastore committee stated:

> Examination of long-term trends indicates clearly that we are rapidly approaching a major turning point in the domestic textile industry. For more than 10 years the story has been one of contraction and severe dislocation. During this time, imports have been rising. At first the rise was relatively slow, but in recent years it has been accelerated.

Mr. Speaker, I believe that the figures that I have quoted above are ample evidence of this acceleration.

One of the main reasons that the foreign manufacturers are able to undersell our domestic producers is their low labor costs, particularly in certain Eastern countries. In 1962, over 75 percent of U.S. textile imports originated in countries which paid average wages of only 26 cents per hour or less to their textile workers. The U.S. average, on the other hand, was six times that amount at $1.69 per hour. When these low wage costs are coupled with an increasing technology in textile manufacture, the ability of these countries to offer ruinous competition with our domestic industry becomes abundantly clear.

The problem of unemployment in the United States has become almost a staple of discussion. The domestic textile industry has been experiencing a severe deterioration in the availability of employment. Between 1947 and 1963 employment in the mills declined by approximately 29 percent. This represents the loss of 350,000 jobs. In certain areas where whole communities were dependent upon the continued operation of a textile mill, the closing of that mill created a critical concentration of unemployment. For example, in the New England area, textile mill employment declined by 63 percent during this 15-year period. The U.S. Department of Labor has found that there are 2,181 cities and towns in which textile mills are located that the unemployment problem is classified as substantial and persistent.

The number of textile plants closing their doors has been growing rapidly in the past few years. Since 1947, no less than 942 such plants have been liquidated. They are not located in one particular area of the country. However, New England and Massachusetts mills have been most critically affected. Pennsylvania has been hard hit. Certain of the States represented by my southern colleagues have felt that impact of foreign competition and have also experienced a decline in textile mill employment.

Mr. Speaker, this is not a minor U.S. industry that I am discussing. This is the largest manufacturing employer in the Nation. The textile industry employs approximately 2.2 million workers—this represents 13 percent of all the manufacturing workers in the United States. These jobs are essential to the economic well-being of many of our States. For example, in North Carolina and Georgia, employment in the textile industry accounts for over half of the total manufacturing employment. Also, it is the largest single employer in New England with 13 percent of the total manufacturing employment.

The economic health of the industry is very poor. It has lagged far behind the rest of the economy, particularly in the manufacturing area. The percentage of profits on sales of textile mill products after taxes has averaged about one-half that experienced by all manufacturing for the past 10 years. The earnings of workers in the mills have declined in relation to the average hourly earnings of workers in all manufacturing. In 1950, the textile workers average hourly pay was 85 percent of the average for all manufacturing. But, by 1961 it had dropped to 70 percent of the national average.

These are startling facts. They cannot be ignored or shunted aside. A very important segment of our national economy is experiencing a deterioration which must be halted if there are not to be far more serious consequences. It is in a perilous fight for survival against a rising flood of cheap-labor imports. It is my hope that the President and the Tariff Commission will be fully cognizant of the impact that any reductions in tariffs on textile product imports will have. Even the present tariff levels have not served to prevent the damaging effects of foreign competition. They should be revised. They should have the effect of equalizing production costs in order that U.S. producers can compete on a fair and equitable basis.

Mr. Speaker, following is a series of tables upon which the above facts are based. I believe that the information they contain will be of interest to many of my colleagues. I should like to insert them immediately following my remarks.

TABLE 1.—*U.S. imports for consumption of cotton, wool, and manmade fiber manufactures, 1954–63*

[In millions of square yards equivalent [1]]

	Total	Cotton	Wool	Manmade fiber
1954	257	207	32	18
1955	427	356	46	25
1956	507	414	60	33
1957	438	348	55	35
1958	600	492	57	51
1959	924	720	91	113
1960	1,292	1,054	111	127
1961	938	722	93	123
1962	1,481	1,166	145	170
1963 [2]	1,514	1,150	165	199

[1] Converted from units by Commerce Department and industry factors.

[2] Estimated.

Sources: U.S. Department of Commerce, Bureau of the Census Reports Nos. FT-110, TQ-2002, and 2003.

TABLE 2.—*U.S. imports of cotton, wool, and manmade fiber manufactures, by broad groups, 1954, 1958, and 1962*

[In millions of square yards equivalent [1]]

	Total imports				Fabric imports				Imports of apparel and other made-up goods			
	Total	Cotton	Synthetic	Wool	Total	Cotton	Synthetic	Wool	Total	Cotton	Synthetic	Wool
1954	357	207	18	32	102	77	5	20	149	128	13	8
1958	600	492	51	57	201	148	19	34	388	340	32	16
1962	1,436	1,166	127	145	613	485	63	65	712	586	64	62

[1] Converted from units by Commerce Department and industry factors.

Source: U.S. Department of Commerce, Bureau of the Census Report No. FT-110.

TABLE 3.—*Areas in the United States currently classified as having substantial and persistent unemployment [1] in which textile mills are located, November 1963*

State	Areas of unemployment		Number of cities and towns included	
	Substantial	Substantial and persistent	Substantial	Substantial and persistent
Alabama [2]	13	10	125	89
Arkansas	4	3	99	75
California	2		44	
Connecticut	7	3	57	16
Georgia [2]	11	9	86	64
Illinois	1	1	56	56
Kentucky	3	2	20	15
Maine	6	5	145	142
Maryland	2	2	70	70
Massachusetts	17	8	136	46
Michigan	3	3	69	69
Minnesota	1	1	23	23
Mississippi	2	2	12	12
Missouri	1		12	
New Jersey	4	3	65	53
New York	13	6	424	157
North Carolina [2]	13	6	171	67
Ohio	4	2	68	32
Oregon	2	1	47	11
Pennsylvania	19	14	1,432	917
Rhode Island	1	1	34	34
South Carolina [2]	3	2	22	16
Tennessee	14	9	126	56
Texas	3	2	19	11
Vermont	1		21	
Washington	3	1	73	20
West Virginia	5	4	82	67
Wisconsin	3	2	102	63
Total, 28 States	161	102	3,640	2,181

[1] Substantial unemployment means a ratio of 6 percent or more. Persistent unemployment refers to a period of 1 to 3 years, depending upon how large the ratio of unemployment is.

[2] Textile mill employment in these States constitutes the largest segment of manufacturing employment, thus affecting additional nontextile substantial unemployment areas as follows:

	Areas	Cities and towns
Alabama	6	49
Georgia	19	43
North Carolina	10	102
South Carolina	1	16
Total	36	210

Source: U.S. Department of Labor, Bureau of Employment Security, "Area Labor Market Trends November 1963."

TABLE 4.—*Textile industry average hourly earnings in selected foreign countries and United States, 1962–63*

[In U.S. dollars]

Country	Date of earnings	Average hourly earnings [1]	Comparative U.S. average hourly earnings	Ratio of foreign to United States (percent)
Belgium	October 1962	$0.55	$1.69	33
France	January 1963	[2] .61	1.69	36
Hong Kong	Year ending March 1962	.11	1.64	7
India	June 1963	[3] .11	1.65	7
Italy	December 1962	.42	1.69	25
Japan	1962	[4] .26	1.68	15
Pakistan	February 1962	[3] $0.08	$1.60	5
Portugal	2d quarter 1963	[3] .14	1.65	8
Spain	October 1962	[3] .19	1.65	12
Taiwan	do	[3] .10	1.65	6
United Kingdom	April 1963	.80	1.69	47
West Germany	May 1963	.75	1.70	44

[1] Converted from local currency at official exchange rate.
[2] Paris region only.
[3] Cotton textiles only.
[4] Production workers in establishments employing over 30 people.

Source: U.S. Department of Labor, Bureau of Foreign Labor Conditions, International Comparison Division.

TABLE 5.—*Apparel exports, by selected countries, 1951–62*

[In millions of U.S. dollars [1]]

	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962
Hong Kong	(2)	39	39	46	57	69	76	91	141	178	152	[3] 192
Italy	32	32	37	35	40	50	63	72	105	164	227	274
Japan	35	38	38	56	107	122	143	149	206	220	191	[4] 200
Spain	2	2	(2)	2	2	2	2	2	11	43	74	(2)
Total		111		133	216	243	284	314	463	605	644	

[1] Converted from local currency.
[2] Not available.
[3] Estimated; based on 1st 2 quarters' actual data.
[4] Estimated; based on 1st 3 quarters' actual data.

Source: United Nations, "Yearbooks of International Trade Statistics," 1952, 1954, 1958, 1960, 1961; Commodity Trade Statistics, vol. XII, Nos. 1-18.

TABLE 6.—*Textile employment in the United States and New England, by selected groups, 1947, 1954, 1958, and 1963* [1]

	Textile mill products		Cotton and synthetic [2]		Woolen and worsted	
	United States	New England	United States	New England	United States	New England
1947	1,232,293	281,939	656,738	110,879	186,140	113,114
1954	1,037,440	167,129	576,518	78,574	96,334	46,281
1958	901,677	124,037	494,496	51,471	78,004	35,622
1963	878,233	105,570	464,826	40,464	64,509	29,265

[1] Estimated.
[2] Includes dyeing and finishing.

Sources: U.S. Department of Commerce, Bureau of the Census, Census of Manufactures, 1947, 1954, and 1958. U.S. Department of Labor, Bureau of Labor Statistics, "Cotton, Wool and Synthetic Occupational Wage Structure Surveys Nos. 82, 87, 184, 192, and 1,372—Employment and Earnings."

TABLE 7.—*Wholesale price indexes for all industrial commodities and textile products, 1954–63*

[1957-59=100]

	All industrial commodities	Textile products	Cotton products	Wool products	Manmade fiber products
1954	90.4	102.0	98.8	105.0	105.7
1955	92.4	102.6	101.4	100.7	106.8
1956	96.2	101.5	103.0	99.8	100.4
1957	99.0	101 5	100.5	105.3	101.1
1958	100.0	98.0	97.9	96.9	99.0
1959	101.0	100.5	101.6	97.7	100.0
1960	101.3	101.4	104.4	98.2	97.5
1961	100.8	97.7	100.4	97.1	93.4
1962	100.8	98.8	101.7	99.1	93.9
September 1963	100.8	98.1	99.8	100.6	94.0

Source: U.S. Department of Commerce, Bureau of the Census.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRESIDENT JOHNSON, EXECUTIVE BRANCH VIGOROUSLY SUPPORT THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. REUSS. Mr. Speaker, President Johnson's message today on foreign aid contains a well-reasoned section devoted to the need for continuing U.S. participation in the International Development Association. I include the fourth point in the President's remarks:

> Fourth. We will continue to seek greater international participation in aid.
>
> Other free world industrial countries have increased their aid commitments since the early 1950's. There are indications that further increases are in store. Canada recently announced that it expects to increase its aid

expenditures by 50 percent next year. A 1963 British White Paper and a French official report published in January 1964 point in the same direction. Other nations have reduced interest rates and extended maturities on loans to developing countries.

Of major importance in this effort are the operations of the International Development Association. Under the agreement for replenishing the resources of this Association, which is now before the Congress for approval, other countries will put up more than $1.40 for every dollar the United States provides to finance on easy terms development projects certified as sound by the World Bank—projects which the developing countries could not afford to pay for on regular commercial terms. This is international sharing in the aid effort at its best. For to the extent we furnish funds to IDA, and they are augmented by the contributions of others, the needs of developing countries are met, thus reducing the amounts required for our own bilateral aid programs.

Under the program before you the United States would be authorized to contribute $312 million over a 3-year period. Against this other countries have pledged $438 million which will be lost in the absence of the U.S. contribution. Action is needed now so that the Association may continue to undertake new projects even though the first appropriation will not be required until fiscal year 1966. I urge the Congress to authorize U.S. participation in this continued IDA subscription.

A similar endorsement is contained in a letter of March 18 from Secretary of the Treasury Douglas Dillon, Secretary of State Dean Rusk, Secretary of Commerce Luther H. Hodges, Federal Reserve Board Chairman William McC. Martin, Jr., and Harold F. Linder, President and Chairman of the Export-Import Bank of Washington. This letter, addressed to the distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas [Mr. PATMAN] follows:

THE SECRETARY OF THE TREASURY,
Washington, March 18, 1964.

The Honorable WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that your committee will shortly be hearing testimony on the bill to authorize U.S. participation in an increase in the resources of the International Development Association (IDA).

Our unanimous views recommending the proposal embodied in the bill have been set forth in the report of the National Advisory Council on International Monetary and Financial Problems submitted to the Congress on September 13, 1963, and in subsequent executive branch testimony before your committee. However, in view of the fact that the bill has been recommitted to your committee, and because U.S. participation in the replenishment of the resources of the IDA is of such importance to our national interest, we wish to reiterate at this time our strong support for this proposal.

IDA was soundly conceived as an affiliate of the International Bank for Reconstruction and Development, to provide long-term loans repayable in hard currencies on repayment terms which are needed by many of the developing countries and which the World Bank could not provide. It is efficiently administered by the World Bank and has conducted its operations effectively.

The IDA is of great value to the United States, not only because its operations complement and support those of the United States in the development field, but because IDA is one of the best ways we have of getting other advanced countries to share with us the financial burden of helping the developing countries to help themselves.

The principle of burden-sharing is clearly demonstrated in the present proposal. For every dollar to be contributed by the United States other nations would provide $1.40. It is highly appropriate that these nations—to many of which we provided large amounts of aid after World War II—should, under this proposal, be providing more than the United States. But without our pledge of $312 million, IDA will lose the $438 million to be contributed by these other nations. Moreover, without our participation, the essential operations of the IDA will soon come to a halt.

We are hopeful that an early and strong endorsement by your committee will lead the way to final congressional approval of this legislation which is so much to the advantage of the United States and the entire free world.

Sincerely yours,
DOUGLAS DILLON,
Secretary of the Treasury, Chairman, National Advisory Council on International Monetary and Financial Problems.
DEAN RUSK,
Secretary of State.
LUTHER H. HODGES,
Secretary of Commerce.
WILLIAM MCC. MARTIN, JR.,
Chairman, Board of Governors of the Federal Reserve System.
HAROLD F. LINDER,
President and Chairman, Export-Import Bank of Washington.

THE LATE SENATOR JAMES M. MEAD

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. STRATTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STRATTON. Mr. Speaker, I have already had occasion on this floor to make some comments on the late Senator Mead and his contribution to our Nation's life and growth. I am delighted, of course, to see that this opinion is shared by so many newspapers in New York State regardless of their particular political affiliation. This is reflected by their thoughtful editorials commenting on the sad news of Jim Mead's passing.

Under leave to extend my remarks, I include an editorial from the Buffalo Evening News of March 16 and one from the Watertown Daily Times of the same date, both dealing with the life and contributions of James M. Mead:

[From the Buffalo Evening News, Mar. 16, 1964]

JAMES M. MEAD

Former Senator James M. Mead will be long remembered for distinguished service in many important posts in Washington. But the most enduring monument to the genial legislator remains in the memories of those of his constituents whom he helped with infinite patience to have wrongs redressed and whose lives were the richer for his perceptive interest in their problems, many of which he helped solve.

It was an astonishing fact that in Jim Mead's office no letter went unanswered. That, in itself, set him apart from the run-of-the-mill legislators. He was available personally to anyone who knocked on the door, not only the big and influential personages, but those of no political stature who merely wanted to shake his hand and be exposed to his famous grin and affability.

Senator Mead's public services in many capacities are on the record. His personal service to the "little" people is the less widely known facet of the character and nature of a man who honored his high office. Anyone who knew Jim Mead, dead in Florida at 78, will sorrow. Thousands of others who benefited from his help in time of trouble won't forget a fine legislator and a compassionate human being.

[From the Watertown Daily Times, Mar. 16, 1964]

JAMES M. MEAD

When James M. Mead, who died Sunday night at the age of 78, was Senator, he was particularly effective in his backing of Pine Camp's wartime expansion. That was in 1940. He was the Senator from New York from 1938 through 1947. Previously he had served as Congressman from 1919 until 1938.

The late Congressman Francis D. Culkin represented this district then. Although Culkin was a Republican and Mead was a Democrat, they had been congressional friends for many years. When Congressman Mead was elected Senator Mead, the close relationship continued with the result that the two legislators made for a strong team in pursuit of northern New York problems in Washington. In those days the two Senators were always Democrats. It wasn't until Irving M. Ives went to Washington to succeed Senator Mead that a Republican occupied the Senate seat from New York. Nowadays both seats are Republican. A Republican Congressman in the thirties and early forties, therefore, had to do business constantly with Democrats on New York State matters in Washington.

Senator Mead was an upstate Senator. This again was a part of a tradition in which New York City would send one Senator and the upstate the other. To a large extent Senator Mead was effective in behalf of the upstate constituency for one reason. In spite of the fact that he was a Democrat, he lived in Republican territory. His old congressional district, of course, was Democratic, but he was ringed around by Republicans. Because he was an upstater, he found himself more often than not helping out Republican upstate Congressmen as a Democrat who had strong connections first in the White House of the late Franklin D. Roosevelt, and later even closer connections with his old Senate friend, Harry S. Truman. When Mr. Truman became the vice-presidential nominee in the fourth Roosevelt term, he was the chairman of the Senate's War Investigating Committee. Senator Mead succeeded Senator Truman as chairman of the committee. President Truman in 1949 appointed Senator Mead as a member of the Federal Trade Commission in Washington.

The only major difference between northern New York and Senator Mead during his career in Washington was on the subject of the St. Lawrence Seaway. The Senator represented Buffalo sentiment against the seaway, as well as his own. His personal opposition came out of his role, once upon a time, as a railroad worker, together with the strong railroad sentiments which existed in his original congressional district.

Senator Mead's death occurred in Lakeland, Fla., General Hospital. He moved to Florida in 1954, and at the time of his death he was the owner of an orange grove.

TRIUMPH OF DEMOCRACY IN VENEZUELA

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the Honorable Teodoro Moscoso, U.S. representative on the Inter-American Committee for the Alliance for Progress, addressed the international meeting of Financial Institutions for Development at Caracas, Venezuela, on February 17, 1964. In his speech, Mr. Moscoso refers to the triumph of democracy in Venezuela last December, when in the national elections a man who stands for democracy in the tradition of Western civilization was duly elected by the people despite the terroristic and totalitarian attempts by subversives and fanatics to disrupt those elections. The point cannot be emphasized too much. For the tendency has been to place the blame for every unhappy incident that occurs in Latin America on the Alliance for Progress. This is an unfortunate practice because the deep and fundamental problems that beset practically every one of the 22 different and distinct countries which we refer to in one neat package as "Latin America," predate by centuries the Alliance for Progress. This fact must be grasped before one can even begin to comprehend the mammoth task that the Alliance for Progress has set for itself. So it is imperative to note the forward steps as well as the setbacks when they occur, and no more encouraging sight can be seen in any country in the world than when democracy triumphs in the beautiful and traditional framework of a free election.

Under the unanimous consent of the Members of this House, I include the address of the Honorable Teodoro Moscoso in the RECORD:

ATTITUDES AND INSTITUTIONS CONDUCIVE TO ECONOMIC AND SOCIAL DEVELOPMENT

(Address by the Honorable Teodoro Moscoso, U.S. representative on the Inter-American Committee for the Alliance for Progress, international meeting of Financial Institutions for Development, Caracas, Venezuela, February 17, 1964)

I. INTRODUCTION

I am grateful to my good friend Luis Vallenilla for asking me to join you at this meeting and to exchange thoughts which may make us all wiser and richer in knowledge than before we came here. It's especially gratifying for me to make another visit to Venezuela, which was my first diplomatic post—whose President, Romulo Betancourt, has taught me so much about political leadership, economic development, and social advancement—and among whose government leaders, businessmen, labor leaders, intellectuals, students, and people in many other walks of life I count so many friends and advisers. Less than 2 weeks ago, Venezuela's Development Corporation again broke new ground by organizing a highly successful industrial promotion conference which brought together the people from private and government life whose cooperation is vital to economic growth.

Rarely in the recent period of political ferment, economic problems, and social tension in Latin America has an event buoyed the hopes and aspirations of our peoples as much as the triumph of democracy in Venezuela last December. It has been said and written time and again that any harm that comes to constitutional government in the hemisphere is a setback for the Alliance for Progress. I am not sure that we are realistic in saddling this very young program with black marks caused by and large by men and forces whose motivations predate or disregard the Charter of Punta del Este. Nor would it be fair to credit the young Alliance with developmental accomplishments that preceded the signing of the charter, such as many achievements of Venezuela in the initial years of the Betancourt administration. But if we charge setbacks to the Alliance, we should in all justice let it draw strength from progress. Seen in this light, the elections in Venezuela are the greatest vindication of the principles of the Charter of Punta del Este since that document was signed. For here was a demonstration that it could be done. Here was proof that courageous and imaginative political leadership could, indeed, move a country forward toward its developmental goals—and do it in a climate of political freedom and against the determined onslaught of the saboteurs of democracy.

II. THE CHALLENGE: RESTRUCTURING SOCIETIES

Effective political leadership means searching out the priority problems, and then unhesitatingly moving in to solve them. In most cases, it is necessary to strike directly at the core of the economic and social structure. Traditions arising out of subsistence or plantation farming and of outdated commercial practices in the cities must be changed. Social mobility must be greatly increased. Education systems must be revamped completely so as to convert them from a privilege of the few into an opportunity for the many. These are the directions that lead to industrialization—which, soundly conceived and applied, is just another word for development.

A recent study by Simon Kuznets illustrates graphically the need for a basic restructuring of underdeveloped economies and societies. Kuznets points out that countries with a $100 per capita income per year generate more than half their national product in agriculture and only some 13 percent in industry. At the other extreme, he finds that in countries with a per capita income of $1,700 agriculture supplies only 13 per cent of total national product. But manufacturing does not account for the bulk either, producing a mere 38 percent of the total. Close to half of the national product in these highly developed countries is to be found in the area of services. Kuznets finds that mature development is reached when per capita income begins to exceed $1,000 a year, and when the output of services expands more rapidly than manufacturing.

Another interesting point brought out by Kuznets' study, with a direct bearing on the dividends that restructuring of the society yields, is related to productivity. He shows that the difference in productivity between industrial and farm workers narrows rapidly as agriculture's share in the total product of the country declines. In short, the productivity of farm labor rises as the number of people on the farm and the relative significance of their output in the national product drops. In Britain, for example, agriculture is responsible for only about 5 percent of national product, but productivity of the agricultural worker is actually higher than that of the industrial worker.

All the evidence we have shows that the long-range strategy for achieving higher living standards for the population as a whole must be aimed at the conversion of economies primarily dependent on agriculture into diversified economies with a strong manufacturing sector.

Such a strategy does not imply that industrialization should be emphasized at the expense of agricultural development. Rather, it means that, along with industrialization, agriculture must be modernized and made more efficient and productive. Where agricultural capacity may be idle due to lack of irrigation, the land tenure system, insufficient agricultural credit, or lack of technical advice, appropriate action must be taken to make the land productive, and to spark improvements in the life of the farm population.

The world's industrialized nations made the basic modernizing changes over periods of many decades. Today, in the nuclear age, in the time of rapid mass communications, the pressures of the peoples in the developing nations for a better life do not permit the leisurely pace of the 19th century.

The very technology which made industrialization possible also is a prime cause of the worldwide demand for its fruits. Radio and television have opened the eyes and stimulated the appetites of millions of people who in the past lived in virtually complete ignorance of the world around them. But modern technology has not as yet been able to replace the time-consuming educational process required to inculcate an understanding of the problems that must be solved if the urge which technology has created is to be satisfied.

Fortunately, the developing peoples need not start from scratch. But even the transfer and adaptation of the attitudes and skills required for rapid development takes longer than most of our understandably impatient fellow men in the southern half of the globe realize or believe.

Acting on this disbelief, and desperately looking for shortcuts, some people are permitting themselves to be led down the blind alley of economic and political irresponsibility. These shortcuts either lead to totalitarianism or, if the headlong rush can be stopped before it is too late, they require repair work which would not have to be done if good sense had prevailed in the first place.

All of us are aware of the highly charged emotional atmosphere in which development work is being done these days. But since there is no substitute for sound strategy and intelligent tactics, the question is whether the developing nations will produce the political leadership that can keep aspirations from becoming delusions while pushing sound development at a fast enough pace to provide evidence of accomplishment. Our political leaders must provide the shield, must gain the time for us developers to do our work.

III. PROPITIOUS ATTITUDES AND POLICIES

Before turning to the purpose and usefulness of specific development institutions, let me say a few words about the general climate which I believe is required for their effective functioning.

The first requirement is integrity in government. Attempts to obtain special privilege from government, or the use of governmental power for the benefit of special interest groups without regard to national needs constitute one of the most serious drags on developmental progress. These practices are bad enough in developed countries. They are all the more damaging in nations where resources are scarce and where the strictest adherence to national priorities is imperative.

Secondly, there must be not merely understanding, but leadership for development on the part of those who have had the benefit of a broad education and who wield economic and political influence. I have seen it happen in the United States, where the

Roosevelts, the Harrimans, and the Rockefellers have done and are doing it. And I have seen it in Latin America, where more and more scions of leading families are doing it. Between the unacceptable alternatives of the status quo and violent revolution lies peaceful change. No one has a greater stake in the success of this third and civilized alternative than those who have come to know and appreciate the fruits of civilization.

Third, there must be hospitality to outside investment. Today, it is neither politically realistic nor socially just to generate resources for investment the way industrialized countries did it in the past—by squeezing their own people. The alternative is investment from abroad. Part of this comes in the form of public funds. But much of it must come from private sources. What is more, the inflow of foreign investment is generally indispensable to the growing society. Thus, as Kenneth Boulding has put it, one of the primary requirements for the development executive is the skill of striking clever bargains with foreign capitalists. To do this, the developing nation must offer the foreign investor returns large enough to take account of the growth risks he faces with his investment in an alien environment. There must also be full acceptance on all sides of the sanctity of contracts. An investor cannot be expected to locate extensive capital assets and highly skilled human resources in a country which invites him only grudgingly and which makes him suspicious that his contract may not be inviolate.

On the other hand, the foreign investor should and generally does realize that the door must always be open to negotiation if conditions change, as long as the basic purpose and premises of his investment remain intact. By and large, foreign investors realize today that they cannot operate in a political vacuum—that they must be willing to adjust their practices to the rapidly changing conditions in the developing countries and that, above all, there is a rising desire among the peoples of these countries to control their destiny and their resources.

The question today is no longer whether the developing countries are sufficiently protected against potential excesses of foreign companies. The question is whether they will permit excessive nationalism to jeopardize the satisfaction of their national aspirations by failing to attract or frightening away badly needed investment and skills.

The distinguished Latin-American writer Victor Alba has made an interesting comment on this aspect of the problem. He says:

"Slogans and easy labels have contributed to some degree to paralyzing Latin America, by closing paths to progress. For example, there is no doubt—and experience shows it, although we may close our eyes at it through submission to these slogans—that foreign capital, when it is invested in our countries in accord with their laws, is a factor for the liberalization of society. But despite that, both the extreme left and the extreme right have attacked foreign investment, not, in reality, because it could be dangerous, but because there is a liberalizing effect to it, because it creates conditions which make the reform of social structures both possible and necessary. Foreign capital which respects national laws is a factor for progress, and therefore, leads to social reform. So foreign capital must be attacked.

"Since the true motive of this attack cannot be revealed, it is disguised on grounds of nationalism, of anti-imperialism, or other matters, when, in reality, it is an attempt—one attempt more—to maintain Latin America immobile within the straitjacket of anachronous social structures that still prevail among us. The United States, Germany, Italy, Scandinavia, Canada, all industrialized with foreign as well as national capital. And none of these countries has lost its independence for that reason. But it is certain that in none of them were the forces of immobility more powerful than the forces of change, as among us. And in none of them were the slogans and the fear of labels more powerful than the desire for progress."

Fourth, both local and foreign entrepreneurs must make it their responsibility to work with other key sectors of society in seeing to it that the fruits of economic growth are fairly distributed. This can be achieved through collective bargaining between management and labor, through soundly conceived and executed fiscal policies and by converting the economy from high margin, small volume type to mass production with a lower per unit profit margin. Broad distribution of the national product perhaps more than anything else speeds the modernization of an economy without coercion and violence.

Fifth, the educational system must be revamped to meet the requirements for economic development. The most immediate need is to get away from excessive concentration in higher institutions of learning on humanistic studies, and to move toward a curriculum more heavily weighted with physical and social studies. Engineering, public, and business administration are top priorities.

Sixth, there must be a minimum of dogmatism and a maximum of pragmatism—suited to the conditions and requirements of each developing country—in the division of labor between Government and private enterprise. Instead of dominance by either or rivalry between them, there must be created a partnership relation which makes the two sectors formidable allies in achieving modernization and growth. Allowing for differences from country to country, it is generally true that Government tends to operate most effectively in those areas of infrastructure development which do not seriously affect the competitive cost structure of economic production. Because of Government's capacity to accumulate large amounts of capital, and because Government is willing to accept the long waiting period before infrastructure projects pay off, it is better equipped to undertake activities such as roadbuilding, power and port development. In some cases, Government can also play a useful part in stimulating industrial development by breaking bottlenecks through the construction of key industrial enterprises such as steel mills, where private initiative fails to act. However, the wisdom of Government action in this field depends very much on local economic conditions and Government management should cease long before a full capacity market exists so as to leave room for plenty of private competitive investment.

IV. INSTITUTIONAL TOOLS

Operating in a propitious climate, the developer can make effective use of a wide range of existing institutions and move to establish new mechanisms to help him do the job.

On the international level, the last decade and a half has witnessed the establishment and growth of multilateral agencies which have already proved their effectiveness throughout the newly developing regions.

I am referring to the United Nations Expanded Technical Assistance Program; the U.N. Special Fund; the International Bank for Reconstruction and Development; the International Finance Corporation; the International Development Association; the Inter-American Development Bank and other multilateral public institutions equipped to provide financial and technical assistance. In addition, individual capital-exporting countries have their lending and technical assistance institutions, such as my country's Agency for International Development which either alone, or in cooperation with multilateral organizations or in consultative groups with other industrialized countries are cooperating with the developing nations in a wide variety of ways. In the private sector, we find financing and operating corporations, such as the Chase International Investment Co., the recently founded Atlantic Development Corp. for Latin America (Adela), the long-established International Basic Economy Corp. (IBEC), and others which lack of time does not allow me to mention. In addition, European and Japanese investors are increasingly moving into the Latin American area.

The record of effectiveness of these multilateral or foreign-based institutions in the developing countries is too well known to require elaboration in this forum.

I would like today to dwell more extensively on the role of some key domestic institutions of developing nations in the quest for economic growth and social progress.

The first is the development bank. Its primary function is to provide medium- and long-term funds for private enterprise activities conducive to national development. A second purpose of the development bank is to exercise leadership by example and to attract other domestic sources of long-term capital which are reluctant to take long-range risks. Once the development bank has demonstrated success in a given area, experience shows that capital from other sources will begin to flow into this field. The development bank can and should then move on to pioneer in a new area of development financing.

Nevertheless, I have found that the development bank's approach is not broad enough to tap all the domestic resources required for economic development. This is likely to be true whether it is a private or public institution. It is particularly true in countries where prevailing banking practices have been heavily influenced by commercial or crop-lending activities.

It is therefore useful that the activities of development banks be complemented by those of a soft-window credit institution, such as a development company, with a broad range of activities. One function of the development company is to provide capital on softer terms and for projects which entail more than normal risks of financial failure, but nevertheless are needed for economic development goals. If it has been determined that a particular industry is vital to the growth of the country, but private enterprise appears unwilling to undertake the project, the development company can either provide a substantial portion of the equity capital or, preferably, build and operate the facility through a management contract with a reputable private firm.

The operations of a development company must be closely adapted and tailored to prevailing economic conditions if it is to be effective. For example, in one case which I know rather intimately, small scale factories are desirable from the developmental point of view. In this case, one of the primary responsibilities of the development company has been to maintain about a year's inventory of standard empty factory buildings to be either sold or leased. Because of the need to provide factory buildings for new industries, the development company plays a crucial role in developmental planning. It can guide the creation of industrial centers away from the major urban centers of the country toward remote areas and thus play a significant part in spreading the benefits of development to large numbers of people throughout the country.

Finally, there is a third type of development institution that I have found especially effective and that is not getting enough attention from developers who are concentrating almost exclusively on financing problems. I am referring to the research and promotion agency, whose primary function is to stimulate the establishment of new industries.

The promotion agency should be separate from the development company, since the important promotion function might be diluted in an institution which is chiefly absorbed in operations. Promotion also requires very different skills. It calls for personnel schooled and experienced in the techniques of research and public information. A concentrated effort to investigate what sectors are ready for development, to press the search for all relevant facts and statistics, and then to bring this information to the attention of investors and entrepreneurs in concise and effective form is a vital element of a nation's quest for development.

The promotion agency is the sales force of the economy. It must approach its task like the sales department of a large company. It should use all the research, marketing, and merchandising techniques known to the private sector. It should be financed out of the country's general budget, since it is working on behalf of the nation as a whole and the results of its efforts benefit the entire economy. Budgetary control and review of the agency's work also tends to insure that the agency's activities are in line with national development objectives.

Aside from these three types of institutions—the development bank, the development company, and the research and promotion agency—there may be room for additional specialized organizations, such as agricultural development banks. This depends on the needs and objectives of each country. I would like to warn, however, against too extensive a proliferation of agencies. The number of institutions should be held to the minimum, and close links should be established between all the development agencies. Coordination is best achieved through the use of interlocking boards of directors so as to minimize rivalry and to generate a sense of involvement on the part of each agency in the work of all.

V. SOME HIGH PRIORITY ACTIVITIES

In large countries with considerable natural resources, such as Brazil or India, development agencies can and should concentrate on promoting the development of industries which produce substitutes for imports. During the first few years these industries may need assistance not only in the form of financial and technical aid, but also some protection. However, the duration and level of protection should be either established by law or subjected to frequent reviews, lest protection become an umbrella for inefficiency.

When internal markets are small, as in most of the Latin American countries, expansion of export markets should be a top priority. I have found an unjustifiably defeatist attitude in Latin America on the possibilities of producing for export. The fact is that the Latin American countries enjoy some clear advantages in competing in export markets; but so far, they have made little use of them. Latin American wages are well below those of many industrialized countries, including the United States. If combined with relatively efficient capital equipment and technical assistance, Latin America could, in my view, produce for export at competitive prices. The recent ECLA report prepared for the U.N. Conference on Trade and Development, to be held in Geneva next month, confirms this view with ample backup information.

The Commission notes "the enormous difference in worker productivity between Latin America and United States export industries." On the other hand, the ECLA study points out that "even though productivity is lower in Latin America, this deficiency is made up by the (lower) average of the wage level." ECLA concludes that "there is no doubt that, given certain conditions, Latin America can compete in foreign markets in all those products requiring a heavy investment of labor or in those calling for a considerable input of materials which are available in Latin America's own reservoir of natural resources."

A little further on, ECLA ventures an analysis of the factors responsible for Latin America's low competitive standing in the marketing of international products of manufactured products. It comes up with the view that "entrepreneurial decisions have been made, understandably, on the basis of supplying a secure and protected internal market rather than venturing into the riskier export field, which requires the manufacturer to meet a wide variety of criteria resulting from competition."

The problem is strikingly illustrated when we compare some Asian with some Latin American statistics. In two Asian countries which are in the process of industrialization but which by no means are the most developed nations of that continent—India and Taiwan—manufactured products account for 40 and 30 percent, respectively, of total exports. For Mexico, which has a higher proportion of manufactures in her export total than any other Latin American country, the ratio is only about 10 percent. For all of Latin America manufactures constitute a mere 6 percent of total exports.

As ECLA has said, there is nothing that prevents Latin America from sharply improving this ratio. What is needed above all to achieve it are these elements: the adaptation of the educational and vocational training systems to the new requirements; Government, management, and labor union policies geared to the objective of manufactured exports; and imaginative management techniques designed to adapt new and more modern production methods to the psychological characteristics of the labor force.

Another major area of concern for development agencies should be marketing and distribution for export.

Frequently, the financing and manufacturing phase of export industries is the simplest. It is the marketing and distribution phases that usually cause problems to newcomers. Here, foreign-based firms with already established markets can do the job best, at least at the outset. Nearly all U.S. sewing machine companies, for instance, have factories outside the United States, especially Western Europe and Japan. These produce not just for the internal market of the countries in which they are located, but for export as well. There is no reason why Latin American countries should not attempt to attract plants of foreign companies to manufacture for export with similar benefits all around.

But internal distribution also needs considerable attention from Latin American development agencies. For one thing, a more efficient distribution system lowers the prices of goods to the consumer, thus increasing the market and raising living standards. Secondly, efficient distribution increases the returns to the producer, thus providing an incentive for expansion or entry into other industrial areas.

Finally, I would like to single out tourism as a field for special effort by development agencies. Tourism can be a major foreign exchange earner. With more hours of leisure, the improvement in travel technology, lower fares, and the vast rise in international vacationing, the tourist industry is bound to expand. How well a particular country does in this area will depend upon the facilities and services it has to offer and on the image it creates in the eyes of the potential tourist through its promotion activities.

VI. CONCLUSION

These are some of the thoughts I wanted to share with you today. They arise out of practical experience over a good many years.

This experience was gathered throughout—first in Puerto Rico, then here in Venezuela, and most recently in the broader Latin American context—in a climate of intense nationalism. I mention this because too often I find that my conversation partners from the developing nations are under the impression that, as a North American, I disregard the political and psychological facts of life in the developing countries. Therefore, they feel that my seemingly practical suggestions have only limited application in the emerging nations.

The fact is that when we started Operation Bootstrap in my home island, we were faced with a degree of suspicion toward the foreigner—and that meant every non-Puerto Rican—that exceeds anything I have witnessed since in any Latin American country. But we found that there was no substitute for pragmatism, and that effective political leadership meant that we had to articulate national aspirations in terms of developmental goals and thus to convert nationalist fervor into a powerful constructive force.

This identification of deep emotion and burning aspiration with the dry disciplines of economics and planning is one of the most difficult and challenging tasks before the leadership of any emerging nation. It must be approached with political skill and imagination, but also with candor and intellectual integrity. It can be done.

Thank you.

JUDGE BEN H. RICE, JR.

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, a great judge and a great man has passed away—Judge Ben H. Rice, Jr., presiding judge over the U.S. District Court for the Western District of Texas for the last 19 years.

Judge Rice was born in Marlin, Tex., December 12, 1889. He received his LL.B. degree from the University of Texas, located in the city of Austin, in 1913, and his LL.M. degree from the University of Texas in 1914. He was admitted to the Texas bar in 1913. He was married and is the father of Ben H. Rice III and William H. Rice.

He served as assistant county attorney of Falls County, Tex., for 3 years and city attorney of Marlin, Tex., for 9 years. He was elected chief justice of the 10th Court of Civil Appeals, Texas, in 1940. He was appointed Federal judge for the western district of Texas in 1945, and served as chief judge, U.S. District Court, Western District of Texas, since 1950. He served with the USAS in World War I.

Judge Rice dedicated almost his entire adult life to the framework of our legal system, first as a lawyer, then as a member of the judiciary. The services he rendered toward his fellow man and to the development of American jurisprudence are incalculable. It is characteristic that he passed away at the age of 75, fully active as a Federal judge. It is an age when most men have entered into a period of retirement or have otherwise ceased being publicly active. Judge Rice was a lawyer and a patriot as well as a judge. His was a noble career and the good he did will live on for many years.

PRICE OF BEEF

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Poage] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. POAGE. Mr. Speaker, about 10 days ago I went into a local supermarket intending to buy a nice steak for dinner. Being fully aware of the low prices farmers have been receiving for the past several months for beef cattle, I was anticipating a bargain in the steak I was intending to purchase. You can imagine my surprise, Mr. Speaker, when I found no steak bargains in the store but, on the contrary, prices on all beef items at a surprisingly high level. For example: a full-cut sirloin steak, including a substantial amount of bone and fat, was priced at $1.35 per pound.

Needless to say, I did not buy a sirloin steak. I bought a chicken instead.

This experience led me to wonder whether prices such as I had seen in this store were general throughout the Washington area or whether this was an exception. So last Thursday—the customary day for advertising weekend food bargains, I paid particular attention to the advertised beef prices.

Again I was surprised, Mr. Speaker. In spite of the more than adequate supply of beef which has depressed farm prices for cattle far below their usual level, many of the weekend "bargains" in beef cuts advertised last Thursday did not appear to me to be bargains, and several of the local supermarkets did not include any beef prices at all, or only a very few, in their Thursday advertisement.

This rather unusual situation led me to extend my inquiry, Mr. Speaker, and I have come, regrettably, to the conclusion that the food chains operating in the Washington area appear to be doing little or nothing to help move the plentiful supply of beef which is now glutting the stockyards and the farmers' feed lots, nor do most of them appear to be passing on to consumers the benefits of the ruinously low prices which farmers are now receiving for their cattle.

Here are the facts: Live cattle are selling at prices substantially lower than a year ago. In the week ending March 8, 1963, the average price of all choice steers sold on the Chicago market was $23.91 per hundred pounds. In the week ending March 6, 1964, that average price was $21.48—$2.43 per hundred pounds lower than a year earlier.

This reduction in live cattle prices appears to be adequately reflected in wholesale beef prices received by meatpackers. The following table shows the weekly average price at Chicago of choice beef carcasses in carload lots and of three typical wholesale cuts in less than carload lots for the weeks ending March 6, 1964, and March 8, 1963:

U.S. Choice beef, weekly average prices at Chicago for weeks ending Mar. 8, 1963, and Mar. 6, 1964

	Cents per pound	
	Mar. 8, 1963	Mar. 6, 1964
Carcass	36.0-36.5	34.0-34.5
Square-cut chucks	36.0-38.5	31.0-32.0
Full loin	66.0-69.0	63.0-65.0
Rounds	47.5-49.5	45.0-47.0

The drop in wholesale prices over a year earlier runs from 2 to 5½ cents per pound and would appear to be a reasonable reflection of the decrease in live cattle prices.

Turning to retail prices in the Washington area, Mr. Speaker, we have a different story. Let me describe how the prices I refer to below were obtained. The 1963 prices were obtained by searching the food advertisements in the Washington Post for Thursday, March 7, 1963, and for Thursday, March 14, 1963. These were advertised beef prices of the respective stores 1 year ago.

I had assumed when I started to make this study of beef prices that it would be possible to compare advertised prices of a year ago with those which are being advertised currently. However, on examining the Washington papers of Thursday, March 5, 1964, and Thursday, March 12, 1964, I found so few beef items advertised that it was necessary to send a staff member of the Committee on Agriculture to the stores on Friday afternoon and Saturday morning to obtain prices.

I found the absence of beef advertising in the local papers rather surprising in view of the significant surplus of beef which is now on the market. Even more surprising was the rather limited display of beef cuts which our committee staff member found in some of the stores visited. In three of the six stores, for example, he could find no rib roasts on display. In two of the six stores there were no rib steaks offered for sale at the time of his visit. In two of the six stores he could discover no boneless rump roast for sale.

Following is a table of prices on nine common beef cuts found in six different supermarkets on March 13 and 14 by the Agriculture Committee staff member:

Rib roast	------	$0.79	$0.65	------	------	$0.75
Rib steaks	$0.79	------	.75	$0.89	------	.89
Porterhouse	.98	1.29	1.29	1.19	$0.85	.89
Sirloin	.89	1.19	1.15	1.09	.75	.79
Round steak (top)	.98	1.19	1.19	1.09 1.29	------	.79
Ground beef	.59	.53	.55	.55	.59	.55
Chuck roast	.59	.69	.59	.53	.57	.49
Stew beef	.66	.75	.69	.79	------	.79
Boneless rump	.99	1.19	1.19	------	------	.79

COMPARISON WITH 1963

The following comparison shows beef prices last weekend compared with the same period a year ago, where such comparisons were possible from advertisements.

STORE A

This store advertised beef actively on March 7 and 14, 1963, but did not advertise any fresh beef in the morning papers of March 5 and 12, 1964. Comparisons were made by checking 1963 advertised prices with prices found in the store on March 14, 1964:

	1963	1964
STORE A		
Rib steaks	$0.69	$0.89
Porterhouse steaks	.87	1.19
Ground beef	.49	.55
Sirloin steak	.77	1.09
Top round steak	.77	1.09 1.29
STORE B		
Boneless chuck roast	.59	.57
Delmonico steaks	1.29	1.15
Beef liver	.35	.27
Corned beef briskets	.69	.59
Rib steaks	.63	.69
STORE C		
Chuck roast	.39	.44
Boneless cross cut roast	.79	.75
Cross cut roast	.59	.59
Fresh ground chuck	.69	(1)
Rib steaks	.63	.69
Ground beef	(2)	(2)
Rib roast	.55	.69
STORE D		
Chuck roast	.30	.49
Arm roast (bone in)	.55	.69
Boneless chuck roast	.59	.69-.79
Stew beef	.59	.75
Short ribs	.29	.39
Ground beef	.45	.53

[1] 3 pounds for $1.98.

[2] 3 pounds for $1.29.

Price comparisons on the basis of advertised prices have been found to be relatively unsatisfactory because of the lack of beef advertising of any kind in the papers of March 5 and 12, 1964. One major chain, for example, advertised only corned beef, and another advertised only rib roasts.

In order to make a better comparison of prices, I have asked the major stores operating in the Washington area to submit price schedules for their beef items in effect on March 13, 1964, and March 15, 1963.

When I have received these I will be in a better position to form a judgment, which I shall report to the House, as to whether these retailers are trying to take advantage of low wholesale beef prices to collect unusually high retail profits.

From the evidence cited above, however, I think it can be said fairly most of these stores are at least not cooperating with beef producers and consumer to move as much beef as possible during this period of oversupply and to give consumers the lowest possible prices.

RELIGIOUS FREEDOM

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include a speech of Mr. Kornegay.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, I believe the vast majority of the American people are becoming increasingly aware of the full meaning and the dangerous consequences of the decisions of the Supreme Court on the subjects of prayer and Bible reading in public schools.

I doubt that any decision of the Supreme Court on any other subject has evoked so much alarm and concern as have these.

I doubt that any decision or group of decisions of the Court have prompted the introduction of as many pieces of legislation as have the prayer and Bible reading decisions.

Most Members of the Congress have either introduced a bill or are prepared to support an appropriate and proper proposal to amend the Constitution of the United States so as to permit in our public schools both prayer and Bible reading and other acts reaffirming our religious heritage and acknowledging that God is the source and strength of our Nation and our way of life.

I believe in the complete freedom of all men to worship God as they see fit and in the equality of all churches before the law as a matter of right and not of favor. I believe in the separation of church and state, and in the enforcement of the constitutional declaration that Congress shall make no law respecting an establishment of religion or—and just as important—prohibiting the free exercise thereof.

At the same time, I do not believe that the doctrine of separation of church and state compels the separation or elimination of all religion from public schools or public affairs. A nation's leadership is not merely political, economic or military. It is also moral and spiritual.

Yes, I believe strongly in the first amendment to the Constitution. The vast majority of our people do. Unfortunately, the Supreme Court seems to have paid little attention, if any, to that very important second portion of the amendment "or prohibiting the free exercise thereof." As one writer has put it:

> A great voiceless mass of Americans are dismayed and angry with the decisions.

If some of the observations, comments and intimations contained in these Court opinions are hereafter confirmed by additional decisions restricting and limiting in public schools or other public institutions the right of the individual to the free exercise of his religion or the free expression of his faith in God and his appreciation for our American heritage, founded upon such faith, we may in truth and in fact become a godless nation. What a horrible thought. An appropriate constitutional amendment is, therefore, imperative.

In this connection, I want to pay tribute to my very distinguished and able colleague from North Carolina, the Honorable HORACE R. KORNEGAY, of Greensboro, for the great interest he has shown in this subject and the effort he has exerted to provide this House with an opportunity to submit for the approval of our people an appropriate and proper constitutional amendment. His bill—House Joint Resolution 528—was one of the first proposals on the subject. He has met with many groups and served on a number of informal committees with this thought in mind. He was one of a committee of six men who drafted what is known as the Becker resolution, House Joint Resolution 693.

I am confident that his efforts are substantially responsible for the decision of the chairman of the House Judiciary Committee, the gentleman from New York [Mr. CELLER], to announce recently that hearings will soon be held on the Becker and other resolutions on this subject.

On March 13 past, Representative KORNEGAY delivered before the High Point Kiwanis Club at High Point, N.C., in his congressional district, one of the most eloquent and thought-provoking speeches which I have had the opportunity of hearing or reading relating to the first amendment to the Constitution, the Supreme Court decisions, their unfortunate impact and the necessity for the Congress to do something about them, and so forth.

Congressman KORNEGAY's speech was given widespread attention by the press and highly praised by those who heard him. I commend its reading to every Member of this House—in fact, every American.

To make that possible, under leave to extend my remarks, Congressman KORNEGAY's speech follows:

RELIGIOUS FREEDOM

(Address by HORACE R. KORNEGAY, Member of Congress, to the High Point Kiwanis Club, the Sky Room, High Point, March 13, 1964)

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

This guarantee of freedom of religion for every citizen of the United States is a part of the first amendment to our Constitution. It was not put there by chance or just because it sounded good. It was added to the original Constitution for a definite purpose: to insure the right of every American to worship in his own way.

This guarantee was demanded by the people. Before they would approve the original Constitution, George Washington had to assure them it would be amended to guarantee the freedoms for which many Americans had fought and died. Representative James Madison in the first Congress introduced a series of proposed amendments to the Constitution. Ten of these were approved by the people.

Madison said he proposed the amendments "to quiet the apprehension of many, that without some such declaration of rights the Government would assume, and might be held to possess, the power to trespass upon those rights of persons and property which by the Declaration of Independence were affirmed to be unalienable."

It is significant that in the first amendment—which guarantees the freedoms of speech and of the press and the right to peaceably assemble—the first freedom guaranteed is that of religion. For almost 200 years this stood as an assurance of the separation of church and state and as the bulwark of the religious freedom of the individual.

Now, however, the first amendment to the Constitution has been interpreted in such a fashion as to jeopardize the very religious freedom it was written to guarantee. Within the last 2 years, the U.S. Supreme Court has handed down decisions in three cases which together threaten to remove religion from our schools. They establish a clear trend toward leaving God at the school gate.

Let us look briefly at these three decisions:

In *Engel* v. *Vitale,* the Supreme Court in June of 1962 ruled that a State could not require a prayer to be recited in the public schools. A board of education at New Hyde Park, N.Y., acting in its official capacity under the State law, directed that the following prayer be said aloud by students, if they so chose, at the beginning of each school day: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country."

Shortly after this prayer was adopted in this school district, the parents of 10 pupils brought action in the courts insisting that use of this official prayer was contrary to the beliefs, religions, or religious practices of both themselves and their children. The Supreme Court agreed with the parents. By using its public school system to encourage recitation of the prayer, New York adopted a practice wholly inconsistent with the establishment clause of the first amendment, the Court said.

In a dissenting opinion, Justice Potter Stewart said, "I think this decision is wrong * * *. With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an 'official religion' is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these schoolchildren to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation."

A year later, in June 1963, the Supreme Court handed down decisions in two other cases which further jeopardized the freedom of religion guaranteed in the first amendment. In *Abington School District* v. *Schempp,* a Pennsylvania law requiring 10 verses from the Bible be read "without comment" at the opening of each public school day was challenged by the Schempp family. The Schempp family said this practice was "contrary to their religious beliefs."

In *Murray* v. *Curlett,* a 1905 rule of the Baltimore City Board of School Commissioners was challenged by Mrs. Madalyn Murray and her son, William J. Murray III. The Murrays were professed atheists. The rule they challenged provided for the holding of opening exercises in the city schools consisting of the "reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer."

Religion lost again. The Supreme Court ruled that in both cases the laws required religious exercises and that such exercises were being conducted in "direct violation of the rights of the appellees and petitioners." It added: "Nor are these required exercises mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the establishment clause" of the first amendment.

Again it was Mr. Justice Stewart who dissented. He said, "I think the records in the two cases before us are so fundamentally deficient as to make impossible an informed or responsible determination of the constitutional issues presented." He did not agree that on the records presented, the Court could say that the establishment clause had been violated, and wanted to remand these cases for the taking of additional evidence.

I would like to excerpt Mr. Justice Stewart's dissenting opinion. I believe it points up the reasons why the Supreme Court should not have ruled as it did in these cases.

Mr. Justice Stewart said: "The first amendment declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.' It is, I think, a fallacious oversimplification to regard these two provisions as establishing a single constitutional standard of 'separation of church and state,' which is mechanically applied in every case to delineate the required boundaries between government and religion."

"We err in the first place," he added, "if we do not recognize, as a matter of history and as a matter of imperatives of our free society, that religion and government must necessarily interact in countless ways. Secondly, the fact is that while in many contexts the establishment clause and the free exercise clause fully complement each other, there are areas in which a doctrinaire reading of the establishment clause leads to irreconcilable conflict with the free exercise clause."

Mr. Justice Stewart also noted, "As a matter of history, the first amendment was adopted solely as a limitation upon the newly created National Government * * *. Each State was left free to go its own way and pursue its own policy with respect to religion." He later pointed out that earlier Supreme Court decisions "make clear that there is no constitutional bar to the use of Government property for religious purposes."

Regarding religion in the public schools, Mr. Justice Stewart declared, "a compulsory State educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion."

I want to emphasize that point. Permission of religious exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion.

"And," Mr. Justice Stewart added, "a refusal to permit religious exercises thus is seen, not as the realization of State neutrality, but rather as the establishment of a religion of secularism, or at the least, as government support of the beliefs of those who think that religious exercises should be conducted only in private."

Despite the validity of Mr. Justice Stewart's dissenting opinions in the cases, the decisions of the Court still stand. Prayer in some public schools has been banned. Bible reading also has been outlawed in others. And, in the wake of these decisions, a number of other incidents have occurred which follow the trend.

One education commission ruled that public school children could not recite the fourth stanza of "The Star-Spangled Banner" because it contained reference to God. A suit was filed on the west coast claiming the recitation of the "Pledge of Allegiance" to the flag in the school classrooms is unconstitutional because it contains the phrase "under God." The saying of grace before meals has been prohibited in a nursery school in California. And, one board even ruled that its schools could no longer call Easter or Christmas programs by those names.

There has been talk of suits to deny American servicemen the comfort and guidance of chaplains. And, there has been rumored a suit will be filed to remove our motto "In God We Trust" from our money. The whole situation reeks of a conspiracy. It appears that a very, very small minority is determined to stamp out the time-honored practices of the great majority of our citizens. They have started with our schools, but will they stop there?

This trend toward removing all religion from our schools already has gone too far. Separation of church and state is basic, but public school segregation of children from their own religion is as unconstitutional as it is wrong. The trend must be reversed now before our God-fearing Nation becomes a God-forgetting nation. We have become great as a nation because of our religious heritage, and we cannot long remain great without it.

Something is being done to curb this trend. For example, within hours after the Supreme Court decisions were handed down in June of last year, I had introduced a joint resolution calling for a constitutional amendment to provide that "prayers may be offered and the Bible read as a part of the program of any public school or other public bodies in the United States." This resolution would have only reemphasized what is already allowed under our Constitution.

Mine was not the only such resolution introduced in Congress. More than a hundred similar resolutions came in the House of Representatives and a number were introduced in the Senate. Because of the interest in the bill, about 50 Congressmen got together and decided to coordinate our efforts to get action on legislation to curb the Court's decisions in this area. A six-man committee was named, and I was selected to be one of its members. Congressman FRANK BECKER of New York, was chairman of this committee.

Our committee met many times for many hours and came out with a proposed constitutional amendment which would provide that "nothing in this Constitution shall be deemed to prohibit the offering, reading from, or listening to prayers or Biblical Scriptures, if participation therein is on a voluntary basis, in any governmental or public school, institution, or place."

Further, the proposed amendment would provide that "nothing in this Constitution shall be deemed to prohibit making reference to belief in, reliance upon, or invoking the aid of, God or a Supreme Being, in any governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States."

This resolution was sent to the House Judiciary Committee and there it has stayed. We cannot get it out. Even the seldom used discharge petition has been utilized but at the present time not nearly enough Representatives have signed it. However, the situation in the Judiciary Committee is beginning to look up. I was told this week that a staff study on the resolution has been completed and has been submitted to the members of the committee. Public hearings on the resolution are now expected to begin sometime next month.

The reason that things are beginning to move now is that people are becoming more and more aware of the situation. People across the country are concerned over the threat to religion. I have received more individually written mail on this threat than on any other issue. And, I have yet to receive a letter favoring the trend being followed by the Supreme Court in this area. Many other Congressmen are having the same experience. People want Congress to take some positive action now before it is too late. This positive action could be the proposed constitutional amendment.

The amendment to the Constitution is the way to spell this out so that everyone can know exactly what the people want. An amendment would have to pass the House of Representatives and the Senate by a two-thirds majority. Then it would have to be submitted to the people, and would have to be ratified by three-fourths of the States before it would become a part of our Constitution.

The amendment process is a long and sometimes difficult course to follow. This was the means chosen, however, in the infant days of our Nation when our people wanted added assurances of religious freedom from the Federal Government. It produced the freedom of religion guaranteed in the first amendment. And, if it is necessary to amend the Constitution again to further emphasize the demand of the people for religious freedom, then it must be done.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UDALL (at the request of Mr. ALBERT), for the week of March 23, on account of illness in the family.

Mr. ROOSEVELT, for the week of March 23, on account of official business of the Committee on Education and Labor.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. GUBSER (at the request of Mr. WHALLEY), for 1 hour, on March 24.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROUSH.

Mr. SAYLOR.

Mr. GILBERT.

Mr. CORBETT and to include extraneous matter.

(The following Member (at the request of Mr. WHALLEY) and to include extraneous matter:)

Mr. DEROUNIAN.

(The following Members (at the request of Mr. FUQUA) and to include extraneous matter:)

Mr. FISHER.

Mr. CELLER.

Mr. FLOOD.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2189. An act for the relief of Morris Aronow and other employees of the Post Office Department;

H.R. 2724. An act for the relief of Davey Ellen Snider Siegel;

H.R. 4681. An act for the relief of CWO James A. McQuaig;

H.R. 5584. An act for the relief of Capt. Ransom C. Aplin;

H.R. 6748. An act for the relief of the J. D. Wallace & Co., Inc.; and

H.R. 8470. An act for the relief of Warren A. Jeffers and Francis H. Leik.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District; and

S. 1445. An act for the relief of Archie L. Dickson, Jr.

ADJOURNMENT

Mr. FUQUA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, March 23, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1836. A letter from the Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to further amend the Federal Civil Defense Act of 1950, as amended, to provide for shelter in Federal structures, to authorize payment toward the construction or modification of approved public shelter space, and for other purposes"; to the Committee on Armed Services.

1837. A letter from the Secretary of the Air Force, transmitting a draft of a proposed bill entitled "A bill to amend title 10, United States Code, to authorize officers detailed for the purpose to dispose of the personal effects of certain persons who die while serving with, employed by, or accompanying the Army or Air Force outside the United States"; to the Committee on Armed Services.

1838. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a draft of a proposed bill entitled "A bill to amend section 5(d) of the Home Owners' Loan Act of 1933, as amended"; to the Committee on Banking and Currency.

1839. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the 17th semiannual report of its activities as of December 31, 1962, pursuant to section 9 of the War Claims Act of 1948, as amended, and of section 3(c) of the International Claims Settlement Act of 1949, as amended; to the Committee on Foreign Affairs.

1840. A letter from the Comptroller General of the United States, transmitting a report on unnecessary cost to the Government in the leasing of electronic data processing systems by the Aerospace Division of Martin Marietta Corp., Baltimore, Md.; Denver, Colo.; and Orlando, Fla.; to the Committee on Government Operations.

1841. A letter from the Comptroller General of the United States, transmitting a report on overpricing of the nuclear frigate U.S.S. *Bainbridge* purchased from Bethlehem Steel Co., Quincy, Mass., by the Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MULTER: Committee on the District of Columbia. Part 2, minority views on H.R. 5990 (Rept. No. 1222). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1242. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 5159. A bill to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; with amendment (Rept. No. 1243). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 5498. A bill to promote the sale and beneficial use of public lands by amending section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), and for other purposes; with amendment (Rept. No. 1244). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 8305. A bill to provide that until June 30, 1968, Congress shall be notified of certain proposed public land actions; with amendment (Rept. No. 1245). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 660. Resolution for consideration of H.R. 10456, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; without amendment (Rept. No. 1246). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORGAN:

H.R. 10502. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FALLON:

H.R. 10503. A bill to authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. CRAMER:

H.R. 10504. A bill to authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. ASPINALL (by request):

H.R. 10505. A bill to provide for the restriction of a certain area in the Outer Continental Shelf for defense purposes, and for other purposes (Matagorda Water Range); to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 10506. A bill to amend section 8 of the Clayton Act with respect to interlocking relationships between financial institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 10507. A bill to clarify the relationship of interests of the United States and of the States in the case of the waters of certain streams; to the Committee on Public Works.

By Mr. DERWINSKI:

H.R. 10508. A bill to amend the Trade Expansion Act of 1962 to provide that the authority to enter into trade agreements under such act will expire at the close of 1965; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 10509. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for expenses of higher education; to the Committee on Ways and Means.

By Mr. GURNEY:

H.R. 10510. A bill to provide that citrus fruits and citrus fruit juices imported into the United States from the Virgin Islands shall not be exempt from duty if they contain any foreign materials; to the Committee on Ways and Means.

By Mr. HECHLER:

H.R. 10511. A bill to amend title II of the Social Security Act to include West Virginia among the States which may obtain social security coverage, under State agreement, for State and local policemen and firemen; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 10512. A bill to amend the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. RICH:

H.R. 10513. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer or spouse who has had a laryngectomy; to the Committee on Ways and Means.

By Mr. ROOSEVELT:

H.R. 10514. A bill to amend section 212(e) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. STAEBLER:

H.R. 10515. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

By Mr. ANDREWS of North Dakota:

H.R. 10516. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. BROTZMAN:

H.R. 10517. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. DOLE:

H.R. 10518. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. HARRISON:

H.R. 10519. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mrs. MAY:

H.R. 10520. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. REIFEL:

H.R. 10521. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. SHORT:

H.R. 10522. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. SKUBITZ:

H.R. 10523. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. QUIE:

H.R. 10524. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. HERLONG:

H.R. 10525. A bill to amend the Internal Revenue Code of 1954 relating to the manufacturers excise tax on television sets to alleviate the economic burden on consumers caused by the enactment of the all-channel law; to the Committee on Ways and Means.

By Mr. STINSON:

H.J. Res. 955. Joint resolution proposing an amendment to the Constitution of the

United States; to the Committee on the Judiciary.

By Mr. OSTERTAG:

H. Con. Res. 282. Concurrent resolution authorizing and requesting the President to proclaim September 14, 1964, as Star Spangled Banner Day; to the Committee on the Judiciary.

By Mr. O'BRIEN of New York:

H. Con. Res. 283. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Ohio:

H.R. 10526. A bill for the relief of Marvin S. Kline; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R. 10527. A bill for the relief of Joanna Bruckner; to the Committee on the Judiciary.

By Mr. MARTIN of Massachusetts:

H.R. 10528. A bill for the relief of Manuel da Mota Fragata; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 10529. A bill for the relief of Maurice Schriqui; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 10530. A bill for the relief of Mrs. Sadie Brimberg; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 10531. A bill for the relief of Steve Elias; to the Committee on the Judiciary.

By Mr. HANNA:

H.J. Res. 956. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. SHEPPARD:

H.J. Res. 957. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. CHARLES H. WILSON:

H.J. Res. 958. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

807. By the SPEAKER: Petition of Francis A. Peltack, borough clerk, Borough of Manville, N.J., petitioning consideration of their resolution with reference to the Borough of Manville expressing its support to the Gallagher bill, H.R. 9793, relating to narcotics peddlers and addicts; to the Committee on Interstate and Foreign Commerce.

808. Also, petition of Maurice R. Franks, Searcy, Ark., relative to requesting the Congress of the United States to have an immediate and public investigation of the facts behind the tragic assassination of our President made by the appropriate committee of the House of Representatives, on a basis of concurrent jurisdiction with the extraordinary commission, and to release all the facts to the public within the lifetime of the petitioner; to the Committee on Rules.

809. Also, petition of Hosei Hiyane, Kochinra-son, Okinawa, relative to solution of the problem of compensation for damages sustained prior to peace treaty; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

U.S. Marshal Clayburne A. McLelland

EXTENSION OF REMARKS
OF

HON. DANIEL J. FLOOD

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 19, 1964

Mr. FLOOD. Mr. Speaker, in the wake of the Red-directed Panamanian mob assaults on the Canal Zone on January 9–11, 1964, I received from various parts of the Nation a number of letters from loyal citizens expressing their concern over the safety of Clayburne H. McLellan, U.S. marshal for the Canal Zone judicial district.

Published reports at the time were to the effect that Marshal McLelland had arrived by air at the National Airport with plans to make a statement to the people of the country on the Canal Zone crisis, that promptly on arrival at the airport he started to give a report over communications networks, that he was promptly stopped by an officer of the Air Force under instructions, and thereupon escorted away before he was able to speak.

Subsequently, I had an exchange of letters with the Secretary of the Army, who is the official of our Government charged by the President with supervision over the Panama Canal enterprise, and with the Attorney General of the United States.

From these, it now appears that, as reported, Marshal McLelland was intercepted on his arrival at the Washington Airport by an officer of the Air Force on request of the Department of Justice. The blame for such interference is now being placed by the Department of Justice on an Air Force officer who is accused of taking the Justice Department request too literally.

In order that the legislative and investigating committees of the Congress may be informed in the premises, I include the indicated exchanges:

FEBRUARY 17, 1964.

Hon. STEPHEN AILES,
Secretary of the Army,
Department of the Army,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: The following excerpt from a letter dated February 8, 1964, is quoted for information:

"At this time we respectfully call your attention to the treatment afforded one Clayborne R. McLelland, U.S. Marshall, Canal Zone, by our U.S. State Department.

"When last seen, McLelland was—shall we say—'kidnaped' by State Department officials, as was his briefcase, upon arriving at District of Columbia's airport.

"Four days later—a private source tells us—he was shipped back to the zone, apparently 'muzzled' and without briefcase.

"The American people have a right to know what has happened to McLelland and his story."

Although the excerpt does not involve an employee of the Panama Canal enterprise, it does involve an officer of the U.S. district court of the Canal Zone and no doubt involves Canal Zone matters as well as an officer of the Air Force who met Marshal McLelland at the Washington airport and escorted him.

Because of these facts, I desire full information in the premises.

An early reply is respectfully requested.

Sincerely yours,
DANIEL J. FLOOD,
Member of Congress.

DEPARTMENT OF THE ARMY,
OFFICE OF THE UNDER SECRETARY,
Washington, D.C., February 20, 1964.

Hon. DANIEL J. FLOOD,
House of Representatives.

DEAR MR. FLOOD: This is in reply to your letter of February 17, 1964, to Secretary Ailes about the alleged "muzzling" of U.S. Marshal Clayburne A. McLelland of the Canal Zone.

Then Secretary of the Army Vance and Under Secretary Ailes spent approximately 1 hour with Mr. McLelland, and I joined them the latter half of this period. This meeting was at Mr. McLelland's request and took place although he had failed to keep an earlier appointment with the Secretary.

At this discussion he had a briefcase in his possession containing various documents to which he referred during our conversations. At the end, he requested our assistance in obtaining transportation back to the Canal Zone. Although his trip was entirely on his own initiative, we did find space for him on a partially empty aircraft bound for the Canal Zone the following day. To the best of my knowledge he boarded the aircraft with his briefcase intact.

I have no knowledge of any "muzzling" of Mr. McLelland. No doubt your letter refers to the interruption of a TV interview with him upon his arrival in Washington. I am informed by the authorities concerned that the officer involved, Capt. W. J. Kelly of the U.S. Air Force, was acting as a bearer in relaying a message from the Department of Justice. Under the circumstances, any additional inquiries about this aspect of Mr. McLelland's visit should be referred to the Department of Justice.

Sincerely,
HARRY C. MCPHERSON, Jr.,
Deputy Under Secretary of the Army (IA).

FEBRUARY 27, 1964.

Hon. ROBERT F. KENNEDY,
Attorney General of the United States,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: In connection with other correspondence on the case of U.S. Marshal Clayburne A. McLelland, I enclose an exchange of letters with the Secretary of the Army.

Full information is desired and an early reply requested.

Sincerely yours,
DANIEL J. FLOOD,
Member of Congress.

U.S. DEPARTMENT OF JUSTICE, OFFICE
OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., March 4, 1964.

Hon. DANIEL J. FLOOD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FLOOD: I am pleased to reply to your letter of February 27 concerning U.S. Marshal Clayburne M. McLelland.

The television incident referred to was the result of an unfortunate misunderstanding. For our part, we had asked the Air Force to see that Marshal McLelland came to the Department of Justice promptly after his arrival from the Canal Zone. An Air Force officer took our request somewhat too literally. Plainly, there was no intention either on our part or that of the Air Force of preventing Marshal McLelland any chance to present his views.

Marshal McLelland spent 4 days in Washington and while he was here we arranged for him to confer with officials in the White House, State Department and other agencies. He also met with Members of Congress and following his meetings with officials, he was perfectly free to talk with anyone, including reporters. Marshal McLelland told us he was leaving pleased knowing that he had received every opportunity to present his views to all the appropriate persons.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

Economic Measuring Stick

EXTENSION OF REMARKS
OF

HON. J. EDWARD ROUSH

OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 19, 1964

Mr. ROUSH. Mr. Speaker, one of the major measuring sticks employed to assess the state of our Nation's economic health is the sum spent each year by the American industry for plant expansion and equipment outlay.

Capital investment by industry is made only after a most careful study of a myriad of factors. One which weighs heavily in the final decision is the estimate of what lies ahead in the Nation's economy.

We have had demonstrated this week, in a most emphatic manner, that one of our country's largest industrial organizations has looked into the future and has determined it must be prepared to meet a truly remarkable increase in demand for its product.

The General Motors Corp. announced on Wednesday, March 18, 1964, it will spend almost $2 billion in the next 2 years in a capital expenditure program. This will increase the corporation's passenger-car production capacity by almost 20 percent. Corporation officials look forward to an increase in employment of almost 50,000 jobs when the new plants are built and the added capacity is utilized.

In my own congressional district the General Motors plant in Marion, Ind., will be increased more than 10 percent. Another General Motors plant in Kokomo, Ind., is scheduled for the addition of 250,000 square feet of manufacturing space. At Anderson, Ind., the General Motors plants will be expanded by 450,000 square feet.

A program of this magnitude lends further support to the surveys; our national economy is spurting ahead. This huge corporation provides facts to back up these surveys. They are facts made up of brick, mortar, concrete, and steel. They represent conclusions reached after the most intensive study by men who cannot afford to be wrong.

It is an example of confidence in the future of the corporation and, more importantly, confidence in the future course of our economy.

Poll of Public Opinion in the 18th Congressional District of Pennsylvania

EXTENSION OF REMARKS
OF

HON. ROBERT J. CORBETT

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 19, 1964

Mr. CORBETT. Mr. Speaker, recorded below are the tabulated results of my latest poll of public opinion in the 18th Congressional District of Pennsylvania on 14 vital issues. Certain other equally live issues were not included because they had been part of another poll.

The 18th Congressional District is made up of an almost equal number of Republicans and Democrats. It is all in the metropolitan area to the north, east, and west of the city of Pittsburgh. None of the city itself is included. The district is quite heavily industrialized along the Allegheny and Ohio Rivers and contains a large number of purely residential communities. Because of the variety of employment and economic well-being, we believe that the district provides an excellent cross section of public opinion.

Not only have these polls served as an excellent means of communication between me and my constituents, but they have proved to be a perfect antidote against pressure propaganda. We ignore all replies to our queries that are not signed by the sender.

The poll follows:

Tabulated results for poll conducted January 1964

	Percent	
	Yes	No
1. Should the Constitution be amended to permit voluntary Bible reading and prayer in the public schools?	87	13
2. Do you think that our crash program to land a man on the moon is worth the cost and effort?	22	78
3. Would you vote to expand our area redevelopment program?	56	44
4. Should we broaden the food stamp program?	41	59
5. The United States now permits sale of wheat and other grain to Russia by our exporters. Should the U.S. Government guarantee payment?	15	85
6. Would you vote to establish a domestic National Service Corps like the foreign Peace Corps?	51	49
7. Do you believe that the Alliance for Progress in Latin America has been worth the cost?	30	70
8. Do you favor hospital insurance for the eligible elderly financed by social security taxes?	57	43
9. Do you favor Federal financial assistance to public primary and secondary schools?	46	54
10. Should the civil rights bill contain a public accommodations feature (i.e., access to hotels, restaurants, theaters, etc., cannot be denied because of race)?	57	43
11. Do you favor cutting the Federal income tax by about $11,000,000,000?	72	28
12. Should the Congress continue to act as a brake on the President's programs?	88	12
13. Do you favor a continuation of the nuclear test ban treaty?	83	17
14. Do you agree with President Johnson that we can carry out his program and still reduce the budget?	45	55

Dowdy Report

EXTENSION OF REMARKS
OF

HON. O. C. FISHER

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 19, 1964

Mr. FISHER. Mr. Speaker, JOHN DOWDY is, as we all know, one of the most able, respected, and conscientious Members of this body. He has established an enviable reputation here because he is always honest and truthful.

He recently made a report to his constituents concerning the misnamed civil rights bill. The report includes an exposure of a sinister conspiracy on the part of leftwingers to defeat him and others who joined him in opposing this monstrous legislation. His analysis is accurate and forthright. It should be read by everyone, regardless of race, creed, or color.

Under leave to extend my remarks I include a copy of the Dowdy report. It follows:

YOUR CONGRESSMAN REPORTS

The pending civil rights bill is now being debated in the Senate. Strong efforts will be put forth by all the left-wing pressure groups, the socialists, and the other extremists, including the threat of mob demonstrations, rioting, and violence, to force this unconstitutional, totalitarian bill into law.

Centralized power in Washington is their aim. Coercive tactics and blackmail will be used. To accomplish this, they favor giving the Federal Government the power, as set out in this bill, to stop old-age assistance, veteran's benefits, and social security and civil service retirement payments to any State which will not knuckle under to their demands. They want to force racial mixing in cafes, motels, hotels, roominghouses, boardinghouses, barbershops, beauty shops, etc.; they want to have authority to tell each employer how many of each race he must hire, in order to maintain a racial balance. They want to give the Federal Government the power to control your local schools, the curriculums, and the faculties. These people want to control every detail of your life from Washington.

A purge of the Members of Congress who oppose their evil schemes is a part of their plan. A fundraising cocktail party was given in Washington on February 25 of this year to raise money to purge your Congressman. News reports of the affair made some newspapers, in spite of the fact that Musselwhite tried to suppress the story. Seymour Chase, a left-wing Washington lawyer, in introducing Musselwhite to the assembly, said it was their intention to defeat the Members of Congress who led the fight against the totalitarian civil rights bill. He boasted that his group beat one southern Member 2 years ago, and they would do it again. He said that their purpose is to arrange to knock off the Congressmen one by one, and if they could succeed, they would strike fear in the hearts of other Congressmen who dare oppose their schemes.

Among those present at the party were Joseph L. Rauh, of ADA, a group of wealthy socialists who are all-out for forced mixing of the races; Richard Lyon, a cosponsor of the cocktail party, president of another group supporting forced racial mixing; Franklin Jackson, a Negro man, who, along with Martin Luther King, whose views you already know, is active in organizations which have been promoting mob demonstrations, rioting, and violence; the ACLU, the organization which actively opposed my subcommittee's investigation of the activities of the Mattachine Society, which is a group of homosexuals; the organization which promoted and financed the cases in which the Supreme Court barred Bible reading in schools, and prayer in public places, which ruling I have introduced a bill to overturn; also represented was the group which is using Urban Redevelopment to forcibly take the homes of poor people, mostly Negroes, so as to use the land for their own selfish gain, to build luxury, high-rent apartments for rich people. Because I am attempting to block their selfish desires, they also joined the "purge John Dowdy drive."

After Chase told the group they could make other Congressmen fear them, Musslewhite told them that what he wanted was their money, and, if elected, he would be guided by their wishes on the issues in which they were interested. He told them that the people in our district "don't know what they are," and that if he, as a liberal, can beat John Dowdy, it would be a blow to conservatism. He called it a race between liberal and conservative. Evidently, he doesn't think much of the intelligence of the people he seeks to represent. As for me, I do not believe you want a socialistic government any more than I do. This shows you how power politics works in Washington. At any rate, he got their money, and they got his promise. I have always represented my constituents, and I promise to continue to do so.

The War on Poverty

EXTENSION OF REMARKS

OF

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1964

Mr. GILBERT. Mr. Speaker, I am wholeheartedly in favor of the President's war on poverty plans, and have introduced H.R. 10462, identical with the administration's bill, to show my strong support.

The bill provides programs which will strike at the roots of poverty to end the vicious cycle which begins with low income and continues through inadequate education to the final point of economic incapacity. This cycle must be broken.

Assistance to the youth of our Nation is one of my primary objectives. I consider the provisions relating to the three new programs to benefit our young people, of greatest importance. I believe that the Job Corps, the work training program, and the work-study program, will prove most efficacious in opening job and school opportunities to the one-half million young Americans whose future otherwise would be filled with endless frustrations, hopelessness, and poverty. A cry of despair is heard throughout our land; it is shocking to realize that although we are the richest nation in the world, one-fifth of our people suffer cruel deprivations and lack of opportunities which in turn entrap the young in the continuing environment of hopelessness, often through generations.

The Job Corps aims for the social rehabilitation of 100,000 young men. It is emphasized that the conservation camps and job training centers which would be established in various parts of the country would serve as educational institutions rather than as mere camps for the underprivileged. The proposed work-training program would provide vocational training and part-time work for 200,000 young men and women in projects to be administered by State and local governments and nonprofit agencies. The work-study program would help our deserving and qualified young people who are now denied college education by economic circumstances. Thus we would utilize brainpower and skill presently being wasted. There are numerous other helpful provisions in the bill; among them, the authority to recruit and train volunteers for the war against poverty.

The investment we make in carrying out the provisions of the Economic Opportunity Act of 1964 will be repaid many times over, and measured against the inestimable benefits which will accrue to the youth of our Nation and our future economy, it is a modest one.

Congress must hear the pleas of the despairing, underprivileged people, young and old, of this Nation. It is my earnest hope that the Congress will pass this necessary and beneficial bill which will enable us at least to start the long, uphill fight against poverty, which has been aptly termed a "domestic enemy which threatens the strength of our Nation and the welfare of our people." The sooner we can implement the programs provided by the bill, the sooner we start to save the youth of our country. Our enemy, poverty, can and must be conquered.

Civil Rights and the Arts

EXTENSION OF REMARKS

OF

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, March 19, 1964

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement prepared by me relating to civil rights and the arts.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS AND THE ARTS

(Statement of Hon. JACOB K. JAVITS, a U.S. Senator from the State of New York)

The support for civil rights expressed by the famous pianist Artur Rubinstein and by other great artists and performing groups in response to an appeal by the NAACP should be warmly applauded. The excellent report by Henry Raymont on March 10 provides one of the finest demonstrations of the readiness of artists to accept the moral responsibility of fostering civil rights. The arts are for all mankind and the basic principle that artists are to be judged on their merits and not by their race or religion has been maintained for centuries.

The artist has always fought for the right to be free for himself as well as for the society in which he lives. No one who recognizes the prestige and the international impact of the arts in projecting American civilization can minimize the importance of art as a vital force in our country and this action by our performing artists and musicians as an expression of their support for civil rights.

The article by Henry Raymont, entitled "Rubinstein Hails Rights Campaigns," which appeared in the New York Times, March 10, follows:

"RUBINSTEIN HAILS RIGHTS CAMPAIGNS—PIANIST SAYS ARTISTS HAVE PLACE IN RACE DISPUTE

"(By Henry Raymont)

"WASHINGTON, March 9.—Artur Rubinstein said today that musicians should 'actively participate in fostering' civil rights. He praised those artists who refuse to play to segregated audiences.

"The pianist expressed strong disagreement with the thought that artists should not become involved in the race controversy.

"Discrimination on religious or racial grounds, Mr. Rubinstein said, 'is a human problem from which no one can escape.'

"The celebrated musician gave his views in an interview as the National Association for the Advancement of Colored People began to circulate an appeal to leading concert artists to join a boycott of southern communities that practice segregation. Two other civil rights groups, the Congress of Racial Equality and the Student Nonviolent Coordinating Committee, have started a similar campaign.

"ONE OF FIRST TO PROTEST

"Dr. John Morsell, assistant executive secretary of the NAACP, said Mr. Rubinstein would receive a special invitation because of his well-known stand on segregation. He was one of the first concert artists to publicly protest the exclusion of Negroes from concert halls.

"There were immediate indications that the same controversy that has developed among civil rights proponents over the most effective methods would also afflict the artistic community.

"Nathan Milstein, the violinist who played here last night, said he did not believe in an organized boycott. Such a move, he said, would antagonize white liberals in the South 'and serves no useful purpose.'

"On the other hand, it was learned that George Szell, conductor of the Cleveland Symphony Orchestra, is prepared to join other artists in support of the NAACP's appeal.

"Today, Julius Katchen, the pianist, and the Marlboro Trio announced they had asked their respective managers to accept no concerts where Negroes were excluded.

"Similar steps were taken last week by pianist Gary Graffman and Leon Fleisher and by Jaime Laredo, the Bolivian violinist.

"Mr. Katchen, who plays widely in Europe and Asia, said that segregation was 'a deep source of shame and embarrassment' to Americans abroad.

"With the civil rights bill now before Congress, he asserted, 'it becomes the duty of all artists to refuse to perform in auditoriums where segregation policies are practiced.'

"Although Mr. Rubinstein did not go so far as to endorse an organized boycott, he said the young artists who had made a public stand on segregation had taken 'a right and natural step.'

"The dangers to a free society, he said, are 'apathy and complacence' in the face of injustice.

"Mr. Rubinstein said that, as a Jew, he had personally experienced the painful consequences of prejudice. He noted that only 10 years ago he was refused an apartment in New York because of this.

"Mr. Rubinstein strongly disagreed with a statement by the German pianist, Hans Richter Haaser, that musicians should stand apart of race and political problems. Mr. Richter Haaser cited this conviction as the reason why he filled an engagement in Jackson, Miss., that had been canceled by Mr. Graffman because Negroes were not admitted.

"'Musicians are human beings too,' Mr. Rubinstein said, 'and they have the same moral responsibility toward their society as everybody else.'"

An article by Theodore Strongin, entitled "Boycott Efforts in Arts Continue," which also appeared in the New York Times, March 11, follows:

"BOYCOTT EFFORTS IN ARTS CONTINUE—PERFORMERS ASKED TO CANCEL DATES IN SEGREGATED SOUTH

"(By Theodore Strongin)

"The Student Nonviolent Coordinating Committee approached individual performing artists and groups in the continuation of its efforts, supported by other civil rights organizations to impose a cultural boycott on the segregated parts of the South.

"The Pittsburgh Symphony Orchestra, the sopranos Birgit Nilsson and Eleanor Steber, the American Ballet Theater and the Chicago Opera Ballet have been asked by John Lewis, chairman of the Students Nonviolent Coordinating Committee, to cancel their appearances before segregated audiences this season. The Pittsburgh Symphony is scheduled to play Sunday at Columbus, Miss. Miss Steber is to sing in Greenwood, Miss., on Monday, and Miss Nilsson has a Mississippi date in May.

"Representatives for the orchestra, for Miss Steber and for Miss Nilsson say there is no decision yet on the suggestion. Mr. Lewis reports that attempts to persuade the Chicago Opera Ballet and the Ballet Theater to cancel have failed.

"Mr. Lewis has also sent a letter to John Gassner, drama professor at Yale, asking him not to participate in the annual Southern Literary Festival, April 23-25 at the Mississippi State College for Women.

"Julian Bonds, director of communications for the committee, reports that the boycott attempts have so far been limited to Mississippi. But he says his group will probably get in touch with performers at a benefit for a segregated school, scheduled in Albany, Ga., for Saturday. Among them are Molly Bee, Mamie Van Doren, Dale Roberts, James Drury and three cast members of the TV show 'The Virginians.'

"The boycott efforts in Mississippi followed the arrest on last November 2 of two Negro students who tried to attend a concert in Jackson by the Royal Philharmonic of London.

"A folk singing group, Original Hootenanny, U.S.A., canceled a mid-November appearance in Jackson. In January, three stars from the "Bonanza" program canceled their scheduled appearance at an exposition there. Al Hirt, the trumpeter, canceled a January 25 benefit for the March of Dimes benefit. Gary Graffman, the pianist, canceled a February 27 appearance in the Jackson Municipal Auditorum.

"The pianist, Artur Rubinstein, has come out strongly against segregrated concert halls, and George Szell, conductor of the Cleveland Symphony, is said to be willing to support an appeal by the National Association of Colored People for a boycott. Julius Katchen, pianist, the Marlboro Trio, Mr. Graffman, Leon Fleischer, pianist, and Jaime Laredo, violinist, have asked their managers not to book concerts where Negroes are excluded."

No Haggling About a Matter of Honor

EXTENSION OF REMARKS

OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1964

Mr. SAYLOR. Mr. Speaker, in the spring of this year of 1964, the Corps of Engineers expects to close the gates on the Kinzua Dam on the Allegheny River in Pennsylvania. With the closing of these gates, over one-third of the Allegany Indian Reservation will be flooded, and as the land disappears, so, too will the treaty of the United States—the treaty of 1794—with the Seneca Indians.

It is regrettable that the Kinzua Dam project was ever approved, since there was an alternative available to the Corps of Engineers, and which engineering experts state must still be built to provide for the flood control and water supply which the city of Pittsburgh is so anxious to obtain. The ironic part is that Kinzua will not prevent flooding in Pittsburgh, but rather will be in the words of Dr. Arthur E. Morgan, former chief engineer of the Tennessee Valley Authority, a "$100 million blunder of the Corps of Engineers."

It is even more regrettable that the United States—who continually reminds our foreign friends and foes alike of our unfailing adherence to all commitments made in treaties and agreements—should willingly break the oldest active treaty of this Nation, but now be even more willing to refuse to accept its moral responsibility in providing just compensation for the taking of these Indian lands.

Were the lands within the Allegany Reservation which are required for the Kinzua project other than Indian land, there would be no occasion for intervention by the Congress. Acquisition thereof could proceed through the normal processes of negotiated purchase and sale, or if necessary, condemnation, as in the amount paid to the Pennsylvania Railroad Co. of $20 million. In view, however, of the treaty provision which states:

> All land * * * to be the property of the Seneca Nation; * * * but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

The special duties which the United States owes to its Indian wards, and the precedents which have been established during the 87th Congress as to the Lower Brule and Crow Creek Sioux Reservations, the House Committee on Interior and Insular Affairs believed that something more than usual was called for in this case.

This committee, of which I have the honor to be a member, after long and extensive consideration over a period of many, many months, approved a bill—H.R. 1794—to provide for the acquisition of rights-of-way over the Indian Reservation in New York for the Kinzua Dam project, and which would provide for the relocation, rehabilitation, social, and economic development of the members of the Seneca Nation.

The total cost involved in H.R. 1794 is $20,150,000 as it was approved in the U.S. House of Representatives last February. The bill provides for the payment of three classes of money to the Senecas: First, that which would be required in any event for the acquisition of interests in land within the Allegany Reservation; second, that which is necessary to compensate the Senecas for certain indirect damages which, in an ordinary condemnation action, are not compensable; and third, that which is necessary to rehabilitate and reestablish on a firm footing the Senecas' economy and to cover certain other expenses, as promised by President Kennedy.

As a part of the committee's report on H.R. 1794, there is the following statement which was signed, incidentally, by every member of the committee:

> We wish to recognize the patience and understanding shown by Representative JAMES A. HALEY, chairman, Subcommittee on Indian Affairs, in pursuing the cause of justice for the Seneca Indians in their negotiations with the Federal Government.
>
> We commend him for his undeviating perseverance in achieving a fair settlement for the Seneca Nation in accordance with our American ideals.

Because of the above, I was deeply concerned and shocked at the hasty action yesterday of the Senate Interior and Insular Affairs Committee, which, after only 1 day of open hearings, proceeded to cut the amount in the House-approved bill to approximately $9 million.

I cannot believe that the Senate committee acted in good conscience, for as the following editorial states, in a matter of honor, the Government of the United States should not haggle about the payment of compensation.

The courts of our land have determined that our Government has the legal right to acquire the lands within the Allegany Indian Reservation, but it has a moral responsibility in paying for breaking the treaty of 1794 with the Seneca Nation.

NO HAGGLING ABOUT A MATTER OF HONOR

Though there might have been an alternative to the Kinzua Dam in northwest Pennsylvania which will flood one-third of the Seneca Indians' Allegany Reservation—and, the Indians say, 90 percent of their residential land—this project has gone too far now to be stopped. And it will, of course, reduce the flooding of the Allegheny River down to Pittsburgh, and the Ohio beyond that.

But in taking this land the Federal Government has violated a very old treaty with the Seneca Nation, and it cannot deny this violation of treaty rights. It can, however, compensate properly the Senecas who have been deprived of their land, and provide generously for their relocation.

The Senate Indian Affairs Subcommittee last week reduced a $20 million assistance bill which had been passed by the House, and cut it back to $9 million. The rehabilitation fund for the Senecas was reduced from nearly $17 million to a little more than $6 million.

Under normal circumstances, in the condemnation of land for public purposes it would be expected that the Federal Government would try to get the land at no more than its fair market value. The circumstances in this case are far from normal. And if the Senecas are disturbed by this example of Federal economy, the rest of the people of this country should be disturbed too.

The U.S. Government is guilty of abrogating a treaty with the forefathers of the Senecas, and it should pay for that offense. It should not haggle about the payment. We yield to no one in our desire for economy in Washington, but not when the honor of the United States is concerned. And it is deeply involved in this case.

Report to the People of the Third Congressional District of New York

EXTENSION OF REMARKS

OF

HON. STEVEN B. DEROUNIAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1964

Mr. DEROUNIAN. Mr. Speaker, it is my pleasure to place in the RECORD a report, which I endeavor to send to every household in my congressional district:

[No. 2]

MARCH 1964.

DEAR FRIEND: No matter how long or short a time you may have lived in our Third District, you can be justly proud—as I am—of our northern Nassau County region.

The most recently available figures published here in Washington show that our Third District of New York ranks fourth among the Nation's 435 congressional districts in the educational attainment of our residents, second in the United States in median annual family income, and well above both the National and State employment averages.

To have been able to serve the people of such an outstanding area as ours for these past 11 years in Congress is a source of great gratification to me.

Our local newspapers continue to do a fine job of keeping us well informed about public affairs. To help them perform this essential public service—to help you keep posted—I have recently inaugurated a weekly newspaper column from our Nation's Capital. My commentary on national and world affairs is distributed to every newspaper in the district. If you're not already a regular reader of your local papers, I'd suggest that you become one—it's a great way to keep yourself up-to-date on events in your community, town, county, State, and Nation.

My column will supplement my news releases on specific subjects, and this report to every family in our district. I'd like to be able to send you these letters more often, but they're not published at taxpayers' expense, and thus can appear only as funds are collected by a citizens' committee of public-spirited residents. My weekly report in the papers will serve to fill the gaps between these letters.

Now, what's going on in Washington, and in the world?

In the field of foreign affairs, I regret to state that the U.S. position has deteriorated to the point where I foresee tremendous peril to this Republic if steps are not taken quickly and firmly to correct the situation.

Do we have an American foreign policy today? We do not. We have nothing more than a confused, contradictory collection of many differing, often mutually self-defeating policies toward various countries.

Why? Because today, as the free world continues to look to us for leadership against Communist aggrandizement, some so-called experts in our State Department are obsessed with the notion that a soft, yielding U.S. policy toward the Kremlin will transform the power-hungry Russian Bear into a cuddly, harmless puppy. This fond hope defies almost a half-century of history; it ignores the long record of Red treachery in foreign relations. But that seems to make no difference to these "soft liners"—and under the Johnson administration, they have their way.

With what result? We're trying to face in two opposite directions at once.

We're supporting both sides in the cold war. While with one hand we spend billions for defense (justified only by the threat of world Communist aggression) and more billions in foreign aid to help stop Red expansion abroad, our other hand signs a test ban treaty giving Khrushchev a nuclear arms advantage, and grants U.S. credits for huge wheat shipments to Russia, relieving Khrushchev of internal pressure and of the need to send his soldiers and arms-plant workers to labor on Soviet farms.

This administration has made a tragic error. It has misinterpreted the American public's strong desire for peace to be a desire for appeasement—which history has proved time and again to be a sure road to war.

Has this "soft" attitude made the Communists our friends? Read your papers: The Reds shoot down a lost U.S. training plane over East Germany. Pro-Communists in Zanzibar expel our diplomats at gunpoint. Laos sinks deeper into the Red morass, dragging Cambodia along. Communist Vietcong guerrillas in Vietnam gain ground, and are reported to have offered a $250 bounty for every American killed. The Reds incite deportation of U.S. educators from Ghana: President Johnson is hanged in effigy in Greece.

Closer to home (as predicted in my last report to you), Castro exports men and arms to foment rebellions in Latin America. Cuban weapons are smuggled into Venezuela, where Americans are kidnaped and U.S. property burned. Castro's agitators encourage bloody riots in Panama; U.S. soldiers are killed and relations are severed for the first time in history. Castro arrogantly shuts off the water supply for our naval base at Guantanamo, which I visited in January.

Our alliances grow shakier. Our NATO "partner," General de Gaulle of France, now snuggles up to Red China. Britain's Prime Minister Home points caustically to our Government-backed wheat sale to Khrushchev, then (using our error to justify his own) defies our "blockade" by selling buses to Khrushchev's stooge, Castro.

All across the globe, our enemies are spitting into American faces, tearing down American flags, stoning and bombing American installations, shooting down American planes, stealing American property (or destroying what they can't steal), murdering American citizens—and laughing at the impotent "giant of the West."

What has our President done? He has issued a statement to the effect that we are beloved all over the world—that those who express concern about the situation are nothing more than "bellyachers."

I care far less about our being "beloved" abroad than I care about our being respected, by both our friends and our enemies.

Our superb human and natural resources, our unexcelled economic system, our long-established devotion to liberty—all these cause free nations to look to us for leadership. But true leadership demands the respect of those whom one would lead, as well as one's adversaries—and, even more important, the will to lead.

We have already lost the respect of our enemies; we are fast losing that of those we count on our side in the struggle of freedom against slavery, because—by catering to the slave masters—our administration seems to have lost the will to exercise the strong, positive leadership which the struggle requires.

I, therefore, suggest to the President that he (1) abandon at once the present appeasement of the Soviets and their satellites, including Cuba; (2) remove from influential posts in Government those who have not learned that coddling of aggressors leads only to war; (3) make no more agreements with the Reds unless what we do is matched by enforceable concessions from them; and (4) take whatever steps are necessary, now, to regain respect for the United States, our flag, and our citizens everywhere in the world.

Those who understand world communism's goals support a strong American defense system. I will continue to vote for all measures necessary to keep our country secure against enemies within and without. An effectively planned and administered program of military and economic aid to our real friends abroad is a vital part of our defense system, and I have always supported foreign aid which served this purpose.

In recent years, however, much of our money has been ladled out to governments hostile to the United States, to political grafters, and for projects of questionable value. The President has been urged to reassess our whole program, reduce our aid, and concentrate it where it will work to the best effect.

I agree with these suggestions, and I voted for the reduced $2.8 billion aid fund approved by the House—but I refused to vote for the President's amendment authorizing U.S. credits for Soviet wheat purchases. To combine in one bill financial support both for and against communism violates the whole purpose of foreign aid.

Voting for all appropriations and against all taxes may be one road to reelection, but it just doesn't make sense in terms of our national economy. Fiscal responsibility is the cornerstone of our strength and prosperity. Our Government cannot forever continue to spend more than it takes in. Deficit spending must stop; a limit must be set and observed. That's why I voted against increasing the U.S. debt limit to $307 billion (June), to $309 billion (August) and again (in November) to $315 billion—an incredible $1,750 Federal debt in the name of each man, woman, and child in America in your name.

I have always fought for tax reduction—but only if accompanied by reduced Federal spending toward a balanced budget. This has been my position as a member of the tax-writing House Ways and Means Committee. After President Johnson submitted a budget which (on the surface, at least) trims U.S. expenditures, I voted for the tax cut—but I intend to hold the President to his promises, and will vote for no unnecessary new expenditures which will make our monstrous debt even bigger.

My proposed constitutional amendment permitting the recital of a noncompulsory, nondenominational prayer in U.S. public schools, has been bottled up (with similar bills) in a committee, for almost 2 years. I've written to the President, asking that he demand action; not having had the courtesy of a reply, I have signed the discharge petition to bring this bill to the House floor for a vote. The House Republican Policy Committee has approved the prayer amendment: one word from the President would assure the prayer bill of bipartisan support and prompt enactment.

My proposal allowing tax deductions for college tuition was beaten in the Senate by three votes, when Senators HUMPHREY, SMATHERS and HARTKE, cosponsors, switched and voted against their own bill. The President opposed it, and the AFL–CIO called it a "rich man's bill"—a ridiculous charge. This defeat denied middle income parents much needed relief. I voted for the Vocational Education and Higher Education Acts, and would have supported the Health Professions Education Act had it not been badly drawn.

The Civil Rights Act of 1964 has won its first round, in the House. I voted for this bill, as I have for every measure intended to protect the rights of all Americans on an equal basis, regardless of race, creed, color, or national origin. The real test will come in the Senate, where I trust that President Johnson's newly found enthusiasm for civil rights will persuade his 2 to 1 majority to ratify our action. In the final analysis, only commonsense and understanding can make this legislation effective; neither violence nor civil disobedience is the solution.

"Medicare," the misnamed King-Anderson bill to provide very limited health services for persons 65 or older out of social security taxes, is again before my committee—and I still oppose it, as being (1) inadequate, covering only one-third of needs, or $9 per month, (2) inequitable, overtaxing younger workers to pay others' bills, and taxing millionaire and worker at the same rate, (3) costly, eventually boosting your social security taxes to 11 percent or more, (4) dangerous, further weakening the solvency of the whole social security system, now $330 billion in the red, (5) inefficient, creating new bureaucratic red tape, hiking costs and paperwork and delaying needed hospitalization, and above all (6) unnecessary, in that the Kerr-Mills Act (which I supported, and which is now in effect or going into effect in 42 jurisdictions including New York) provides more and better medical-care aid for people 65 and over who can't afford it.

By 1968, with King-Anderson medicare, you will be paying $253.50 (average) each year in social security taxes, with a like amount paid by your employer—but to provide only limited hospital and after-hospital nursing home care, plus some home health services. In contrast, the existing Kerr-Mills Act covers all these, plus doctors' and surgeons' services, private nursing, physical therapy, dental work, lab and X-ray services, prescribed drugs, eyeglasses, dentures, and prosthetic devices. Under Kerr-Mills, any senior citizen who needs financial aid for medical care can get it. I am willing to consider other feasible solutions to the problem, but up to now the administration has been adamant in its insistence on compulsion.

Because I am interested in the health problems of our older people, I would appreciate being informed of any case of a citizen 65 or over in our district who is being denied any physician-prescribed hospital or after-hospital nursing home care because he or she cannot afford such services. Names, addresses, and details will be held strictly confidential.

In the 1963 session of the 88th Congress, I was unrecorded on only 6 of the 119 record votes taken, for a 95 percent on-the-record commitment score. My 1964 record is 100 percent.

Among the votes I've cast, in addition to those mentioned above and others to cut costs of certain U.S. programs, were votes for the Equal Pay Act (equal pay for equal work regardless of the worker's sex), against the "political pork" Area Redevelopment Act, for necessary Space Agency funds, for grants for vital work in mental retardation, for a long-overdue pay hike for servicemen (who have been leaving the services in alarming numbers), against farm subsidies which keep your food prices too high, for the Clean Air Act to stem pollution, against the unneeded "Department of Urban Affairs," and for extension of the Civil Rights Commission's life.

Your response to my "Washington Report No. 1" was most heartening. Everyone who wrote to me about it received a reply, including the comedian who wrote: "Some nut sent me a newsletter and signed your name to it." I appreciate all views, and all visitors to my offices, both in Washington and in the district, are most welcome—as are your letters. I continue to be proud and honored to represent you.

Your Congressman,

STEVEN B. DEROUNIAN.

Bank Interlocks Should Be Curbed

EXTENSION OF REMARKS

OF

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1964

Mr. CELLER. Mr. Speaker, I have today introduced a bill to amend section 8 of the Clayton Act as it relates to bank interlocks. Section 8 forbids interlocking directorates among corporations generally, and it also contains special provisions relating to bank interlocks.

The bill I introduced today would bring the bank interlock provisions of section 8 up to date by prohibiting interlocks through officers, directors, agents, trustees, employees, and substantial stockholders between banks subject to regulation by the Federal banking agencies and other commercial banks, savings banks, trust companies, and savings and loan associations. This prohibition is qualified by certain exceptions in accordance with regulations to be prescribed by the Federal banking agencies.

The general interlock provisions of section 8 were enacted in 1914 and have remained unchanged ever since, despite the vast changes which have taken place in our commercial practices and our expanding economy. The business enterprises of 1914 were mere prototypes of today's huge, diversified, interdependent corporations.

Comparable changes have occurred in our banking structure. Yet, the bank interlock provisions were last amended in 1935.

I am convinced the time has come for a fresh look at interlocks generally—their nature, extent, and effect on competition and on our business and financial structure. I am equally convinced that clarification and strengthening of existing law is long overdue.

Interlocks pose three dangers: First, they provide a golden opportunity to restrain competition both through the exchange of plans and information, and through the exercise of common control or influence over two or more competing enterprises. Second, they are a fertile breeding ground for conflicts of interest. No man can serve two masters, and the interlocking officer, director, or controlling stockholder cannot give the last full measure of devotion to the conflicting interests of two competing enterprises. Third, where leading businessmen undertake directorships of many different enterprises, it becomes increasingly difficult to give to each the time and attention it deserves and often chronic absenteeism results.

The need to revise section 8 as it applies to bank interlocks is widely recognized. The provisions of section 8 relating to bank interlocks were enacted at a time when the power of the Congress respecting interstate commerce and financial institutions was much more in doubt than it is today, and at a time when the activities of financial institutions were generally more limited than they are now. As a result, the provisions of section 8 regarding bank interlocks are quite unrealistic in today's economy. For instance, section 8 does not presently prohibit interlocking relationships between commercial banks and savings banks or between banks and savings and loan associations, or between those banking institutions and insurance companies, even though they may compete directly for deposits or investments, for mortgage financing and other types of financial activity.

On September 17, 1962, a distinguished Advisory Committee, consisting largely of leading bankers, made the following recommendation to the Comptroller of the Currency:

> Interlocking directorates:
>
> The financial structure of the Nation needs to be guarded against conflicts of interest. This means that the law and its application by the supervisory authorities should restrict interlocking directorates, and not only between competing commercial banks (as is now the case) but also between commercial banks and certain other types of competing financial institutions, notably, mutual savings banks and savings and loan associations. As presently interpreted, the law prohibits various specific types of interlocking directorates as between member banks but does not similarly restrict interlocks involving other classes of financial institutions to the extent desirable. Hence, there is a clear need for legislation dealing with this problem.
>
> The prohibitions of the present law on interlocking directorates should be made applicable between banks, savings and loan associations and mutual savings banks, whether chartered under Federal or State law.

Even more recently, on April 10, 1963, a Presidential Committee on Financial Institutions, composed of the principal officers of the executive branch concerned with banking, likewise recommended:

> Section 8 of the Clayton Act has two parts. The first part, which applies only to banks, prohibits (with exceptions) interlocking relationships between member banks of the Federal Reserve System and other banks in the same or a nearby community. But interlocking relationships among nonmember banks, savings and loan associations, and other financial institutions are not covered by the law. Mutual savings banks are explicitly exempted, as are relationships involving a member bank if the banks are not located in the same or "contiguous" or "adjacent" city, town, or village. The Committee sees no reason why these limitations on interlocking relationships should apply only to member banks.
>
> Although the second part of section 8 deals with corporations in general, it contains a reference to banks and is therefore

> pertinent to the work of the committee. * * * It might be interpreted, however, as exempting an interlocking directorate between a bank and a competing financial institution even though the latter type of interlocking relationships is not covered by the first part of section 8. This committee believed that the Clayton Act needs clarification in this respect.
>
> Conclusion 21: The Committee believes that the provisions of section 8 of the Clayton Act which govern interlocking relationships involving financial institutions should be clarified and probably strengthened.

The bill I introduced today is designed to fill these gaps in the bank interlock provisions of section 8.

While I am not introducing a bill on this subject today, comparable inadequacies and anachronisms exist in the provisions of section 8 which relate to interlocking relaitonships between commercial and industrial corporations generally.

These provisions are presently confined to interlocking directorates between competing corporations. This leaves glaring deficiencies. Section 8 does not prohibit one man from acting as an officer of more than one competing company, or as an officer of one and a director of another competing corporation. It does not apply to interlocks between supplier and buyer. Nor does it apply to a common controlling stockholder of two competing companies. It fails to cover indirect interlocks between competitors through a common lender.

Section 8, in a word, is as full of holes as swiss cheese. Its shortcomings have been highlighted again and again in reports by Government agencies charged with antitrust enforcement, by the Antitrust Subcommittee on the Select Committee on Small Business of this House and by legal scholars and experts.

Thus existing law leaves the door wide open to interlocking relationships between the managers of our great industrial, commercial, and financial enterprises. The twin dangers of widespread restraints of trade and conflicts of interest are obvious. As Mr. Justice Douglas, has observed:

> The web that is woven may tie many industries, insurance companies, and financial houses together into a vast and friendly alliance that takes the edge off competition. *United States* v. *W. T. Grant Co.*, 343 U.S. 629, 637 (dissenting opinion).

Accordingly, I have directed the staff of the House Antitrust Subcommittee, of which I am chairman, to undertake a study of interlocking relationships between our major industrial, commercial, and financial companies, and to survey the American business establishment.

I am also considering legislation to plug the loopholes in existing general interlock law.

SENATE

FRIDAY, MARCH 20, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

Rev. Thomas Basich, pastor, Advent Lutheran Church, St. Paul, Minn., offered the following prayer:

Dear God, our Heavenly Father, God of history, we see Thy hand in the history of this land. Thou didst guide into being a new nation on a new continent. Thou hast protected us in danger, provided wise leaders in times of crisis, judged our wickedness, and punished our sins. But through all the long decades Thou hast steadily called us to be something new, something splendid, a city set on a hill, a beacon light, that all men everywhere might see incarnate the meaning of freedom, the meaning of justice, and the possibilities of righteous human enterprise.

Continue to look with favor upon this Nation, this chosen people—chosen not for privilege, but for leadership; not for dominance, but for servanthood; not for honor, but to carry responsibility.

And so that we may be worthy of Thy continuing favor, help us to be faithful to Thy moral law as it is reflected in our best ideals.

Forgive us for the sin of withholding freedom and justice from so many in our midst; and so stir our conscience and change our hearts that in the hour of decision, recognizing our ultimate accountability to Thee, and rejecting all counsel but the counsel of conscience, we may make speedy restitution to those so denied, and thus become a purified instrument of Thy further purposes among the peoples of the world. May it not be said of us that we did not know the hour of our visitation.

We pray for a new unity in this land: a unity based on justice for all; a unity expressed in partnership between those who labor and those who manage and those who till the soil and those who govern; a unity transcending color, class, and region; a unity galvanized by the peril we face; a unity inspired by the challenge of good things that might yet come to be.

Heal our divisions, so that with a happy conscience and a new will and a glad song we may turn our undivided attention to the great unfinished tasks of this age at home and abroad. Amen.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 19, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Henry L. T. Koren, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of the Congo, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 10170) to continue until the close of June 30, 1965, the existing exemption from duty enjoyed by returning residents arriving from the Virgin Islands of the United States, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10170) to continue until the close of June 30, 1965, the existing exemption from duty enjoyed by returning residents arriving from the Virgin Islands of the United States, was read twice by its title and referred to the Committee on Finance.

TRANSACTION OF ROUTINE BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

REPORT ENTITLED "FEDERAL WATER RESOURCES RESEARCH PROGRAM FOR FISCAL YEAR 1965"

A communication from the President of the United States, transmitting, for the information of the Senate, a report entitled "Federal Water Resources Research Program for Fiscal Year 1965" (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS ENTITLED "NATIONAL OCEANOGRAPHIC PROGRAM, FISCAL YEAR 1965, PARTS I AND II"

A communication from the President of the United States, transmitting, for the information of the Senate, reports entitled "National Oceanographic Program, Fiscal Year 1965, Parts I and II" (with accompanying reports); to the Committee on Commerce.

REPORT ON CONSTRUCTION OF ARTHUR HOLLY COMPTON RESEARCH LABORATORY, WASHINGTON UNIVERSITY, ST. LOUIS, MO.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on construction of the Arthur Holly Compton Research Laboratory, at Washington University, St. Louis, Mo.; to the Committee on Aeronautical and Space Sciences.

Amendment of Home Owners' Loan Act of 1933

A letter from the Chairman, Federal Home Loan Bank Board, Washington, D.C., transmitting a draft of proposed legislation to amend section 5(d) of the Home Owners' Loan Act of 1933, as amended (with an accompanying paper); to the Committee on Banking and Currency.

Report on Excessive Costs Incurred in Using Contractor-Furnished Personnel Instead of Government Personnel

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs incurred in using contractor-furnished personnel instead of Government personnel by the Pacific Region of the Ground Electronics Engineering Installation Agency, Air Force Logistics Command, Department of the Air Force, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Followup Review of Department of Defense Action To Obtain Reimbursement From Certain Foreign Countries

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the followup review of Department of Defense action to obtain reimbursement from foreign countries for administrative expenses under the military assistance program, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

Proposed Amendment to Concession Contract in Lake Mead National Recreation Area

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract of Overton Resort, Inc., in Lake Mead National Recreation Area (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report on Contractual Actions Taken To Facilitate the National Defense

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on contractual actions taken to facilitate the national defense, covering the calendar year 1963 (with an accompanying report); to the Committee on the Judiciary.

Reports on Visa Petitions Accorded First Preference Status

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on visa petitions accorded first preference status (with accompanying papers); to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a letter from Representative T. Ashton Thompson, of Louisiana, transmitting a letter from the Ladies Auxiliary to the Veterans of Foreign Wars of the United States, Department of Louisiana, signed by Essie Fontenot, of Opelousas, La., favoring the establishment of a standing Committee on Veterans' Affairs in the Senate, which was referred to the Committee on Rules and Administration.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALTERS:

S. 2668. A bill to provide that the U.S. District Court for the Winchester Division of the Eastern District of Tennessee may be held at Manchester, Tenn.; to the Committee on the Judiciary.

By Mr. MONRONEY (for himself and Mr. Edmondson):

S. 2669. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Monroney when he introduced the above bill, which appear under a separate heading.)

By Mr. McCLELLAN (by request):

S. 2670. A bill to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States; to the Committee on Government Operations.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. METCALF (for himself and Mr. Mansfield):

S. 2671. A bill to redefine the silver content in silver coins; to the Committee on Banking and Currency.

(See the remarks of Mr. Metcalf when he introduced the above bill, which appear under a separate heading.)

By Mr. SYMINGTON:

S. 2672. A bill for the relief of Robert L. Wolverton; and

S. 2673. A bill for the relief of Debra Lynne Sanders; to the Committee on the Judiciary.

MOUNTAIN PARK RECLAMATION PROJECT, OKLAHOMA

Mr. MONRONEY. Mr. President, for my colleague, the junior Senator from Oklahoma [Mr. Edmondson], and myself, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes.

The project report will shortly be forwarded to the Congress by the Secretary. This is a good project, one which is badly needed and for which the sponsors have waited patiently. They are willing to cooperate fully with the Government to the extent necessary. The State of Oklahoma has likewise agreed to underwrite the reimbursable costs that will be required of them.

I hope that the Interior and Insular Affairs Committee will be able to schedule hearings promptly and will give us a chance to authorize the Mountain Park project without undue delay.

The Mountain Park project is a multipurpose proposal to provide urgently needed new and supplemental municipal and industrial water supplies, flood control, conservation of fish and wildlife resources, and recreation opportunities. The proposal would provide some benefits from control of water quality during the initial years of project operation; but, as the entire yield of the project water supply eventually would be required for municipal and industrial use, the monetary benefits from water pollution control have not been evaluated.

The cities of Altus and Snyder have expressed strong interest in developing this project and in contracting for repayment of the reimbursable costs of the project allocated to the municipal and industrial water supply function. Inadequate water supplies for urban growth and industrial expansion constitute a major problem in the further development of Altus and Snyder. Altus presently obtains its water supply from Altus Reservoir of the W. C. Austin project under a contract for a maximum of 4,800 acre-feet of water annually. The city of Snyder presently obtains its supplies from wells, but the Oklahoma Department of Health has warned the city concerning the high nitrate content in its emergency wells. In 1960 the city of Snyder petitioned the Bureau of Reclamation to be included as a participant in the Mountain Park project.

The plan for development of the Mountain Park project involves the construction of Mountain Park Dam and Reservoir on Otter Creek; Bretch diversion dam and canal on Elk Creek to divert and convey Elk Creek flows into Mountain Park Reservoir; an aqueduct system to deliver water to the cities of Altus—including Altus Air Force Base—and Snyder; the acquisition of lands for and construction of recreation facilities at the reservoir; and the acquisition of lands for creation of a wildlife management area.

The dam would be a rolled earth structure which would create a reservoir having a total initial storage capacity of about 230,700 acre-feet, of which 101,500 acre-feet would be surcharge capacity. The remainder of the capacity is allocated 20,800 acre-feet to flood control storage, 99,400 acre-feet to conservation storage, and 9,000 acre-feet to dead storage. At the top of the conservation pool, elevation 1,411 feet above sea level, which is considered normal pool, the water surface would have an area of about 6,800 acres.

Bretch diversion dam would be located on Elk Creek about 8 miles northwest of the city of Roosevelt in Kiowa County. A 1,000-cubic-foot-per-second-capacity canal, 10.8 miles long, would extend from Bretch diversion dam on Elk Creek to a point on west Otter Creek about 7 miles above Mountain Park Dam site to convey the diverted Elk Creek water into Mountain Park Reservoir for storage and utilization.

The plan provides for construction of the project in two stages, the second stage of construction to be accomplished as the demand for the ultimate yield of the project develops. Inasmuch as the regulated flows of Otter Creek are expected to meet initial water requirements, the first stage of construction is planned to include Mountain Park Dam and Reservoir and the aqueduct system for utilization of Otter Creek flows only. The second stage, which would be constructed after about 10 years of operation of the first stage, includes the Bretch diversion dam and canal to divert the Elk Creek flows needed to meet the ultimate demands for water.

Recreation facilities, estimated to cost $300,000, including the cost of acquisition of about 450 acres of lands therefor, would be provided at the dam and reservoir as part of the Federal project, as recommended by the National Park Service. Accessory facilities in the form of concessionaire developments, additional recreation facilities, and improvements are planned to be provided with non-Federal funds.

As recommended by the Bureau of Sport Fisheries and Wildlife, the plan provides for fee title acquisition of 830 acres of lands, including some 210 acres of reservoir land that would normally be covered by easement, for wildlife management use at a Federal cost of $210,000 and, in addition, would make use of 2,270 acres of land acquired for general project purposes.

The plan also provides for 20,000 acre-feet of inviolate flood control capacity in the reservoir after 100 years of sediment accumulation, as recommended by the Corps of Engineers in its report. This storage capacity would be operated for flood control in accordance with regulations prescribed by the Secretary of the Army.

Project construction costs, which were based on October 1960 prices, are considered essentially representative of current prices. On this basis, the total estimated construction cost of the Mountain Park Project is $18,758,000, which is tentatively allocated as follows:

Municipal and industrial water supply	$13,383,000
Flood control	2,428,000
Fish and wildlife	2,111,000
Recreation	836,000
Total construction cost	18,758,000

Prior to construction, concerned local interests would be required to form an organization under Oklahoma State law to execute a contract with the United States for the repayment of reimbursable costs and to operate and maintain the project. Existing legislation permits formation of a master conservancy district which would include the cities of Altus and Snyder. It is anticipated that supplemental contracts between the master conservancy district and the municipal water supply users would establish individual water deliveries and repayment. Officials of the project cities have expressed willingness to enter into contracts for repayment of the reimbursable costs of the project.

The ultimate yield of the project is estimated at 18,600 acre-feet annually. The maximum annual requirement for project water by the two cities of Altus and Snyder during the repayment period is estimated to total 11,200 acre-feet annually for Altus and 900 acre-feet annually for Snyder. This then leaves 6,500 acre-feet which is not needed in the foreseeable future by the two project cities. This remainder has been assigned to future water users. Repayment of the cost allocable to the future users, including interest during construction, would be deferred and interest charges thereon during the deferral period would be waived as provided by the Water Supply Act of 1958, as amended July 20, 1961. The State of Oklahoma, in its letter to the area engineer, dated July 3, 1962, states that assurance for the repayment of costs apportioned to future demands as required by the Water Supply Act is afforded by the resolution of the Water Resources Board, adopted May 8, 1962.

Under the terms of the Water Supply Act, the reservoir storage project on which a deferment is allowable consists of the Mountain Park Dam and Reservoir and the Bretch diversion dam and canal. The total allocated investment cost of the storage works is $13,905,000, which includes $9,248,000 for the dam and reservoir and $4,657,000 for the Bretch diversion works. Thirty percent of this total of $13,905,000 is $4,171,500, the maximum deferment permissible under the Water Supply Act. Based on the relative uses of water, 35.18 percent of both stage I and stage II investment costs are allocated to future demands of unidentified users. These amount to $1,453,000 for stage I and $1,638,000 for stage II, or a total of $3,091,000. This is less than the maximum allocation of $4,171,500 permissible under the Water Supply Act by an amount of $1,080,500. As there will also be storage space in Mountain Park Reservoir assigned to Altus and Snyder which will not be utilized during stage I operation, the interest on this additional amount of $1,080,500 would also be waived during the first 10 years of operation. Thus, it is proposed to waive interest on $4,171,500, the maximum amount permissible under the Water Supply Act.

The plan of repayment contemplates that the master conservancy district or appropriate repayment entities would contract with the United States for repayment of the costs assigned for repayment by Altus and Snyder. The State of Oklahoma would give assurance of repayment of the costs assigned to future demands.

The city of Altus presently supplies water to the Altus Air Force Base under a contract agreement. The city has expressed its desire to continue supplying water to the base after completion of the Mountain Park project. The Altus pipeline, therefore, has been designed with capacity for both the city of Altus and the Altus Air Force Base.

Studies of alternative financing indicated that the financing and construction of water treatment works and the facilities required for delivery of the water from the project aqueduct system to the water users can be accomplished by bond sales subject to the approval of the electorate. Construction of these facilities by local interests is therefore contemplated.

The plan for development of the Mountain Park project is engineeringly feasible and economically justified. Average annual total benefits are estimated to be about $1,450,000 on the basis of a 100-year period of analysis. Comparison of these annual benefits with the estimated annual project costs of $685,400 results in a benefit-cost ratio of 2.12 to 1.

Mr. President, I ask unanimous consent that following my statement, the statement of my distinguished junior colleague [Mr. EDMONDSON] may be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The statement of Mr. EDMONDSON is as follows:

> Today my senior colleague from Oklahoma, the Honorable MIKE MONRONEY, will introduce a bill authorizing the Secretary of the Interior to establish the Mountain Park reclamation project in Oklahoma.
>
> I have joined my distinguished colleague in sponsoring this bill and hope that the Senate will give it prompt and favorable consideration. Not only will this project provide needed flood control and other conservation facilities, but of equal importance will be the creation of adequate water supplies for the economy of this area. Southwestern Oklahoma is unique in that it has moved into the new age of agriculture with highly mechanized, irrigated farming establishments, has successfully attracted new industry utilizing its natural resources, and is assuming a vital role in our Nation's defense program as the home of the Altus Air Force Base, Clinton-Sherman Air Force Base, and the Army's Fort Sill at nearby Lawton, Okla.
>
> The Mountain Park project will increase the recreational facilities for this growing part of Oklahoma. With the opening of Oklahoma's new southwest turnpike, many more residents of the Oklahoma City metropolitan area will have a greater opportunity to enjoy the outdoor recreational facilities provided by the project.
>
> Finally, and to me most important, the Mountain Park project will provide water for municipal, domestic, and industrial uses in an area touched periodically by drought. With this new source of supply, the cities of Altus and Snyder can be certain of adequate water for their present and future growth.
>
> I recommend this project to my distinguished colleagues of the Senate. It will return longrun benefits greatly in excess of its initial cost.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2669) to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes, introduced by Mr. MONRONEY (for himself and Mr. EDMONDSON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

REIMBURSEMENT OF CERTAIN MOVING EXPENSES OF CIVILIAN EMPLOYEES

Mr. McCLELLAN. Mr. President, by request, I introduce for appropriate reference, a bill to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States.

This bill is being introduced at the request of the Chairman of the Civil Service Commission, and has the approval of the Bureau of the Budget as being consistent with the objectives of the administration.

According to the Chairman of the Civil Service Commission, the enactment of this bill would be a significant step toward the goal of minimizing financial losses to employees transferred from one duty station to another for the convenience of the Government. It is contended that at the present time many employees who move at the request of their agencies incur expenses greater than those for which they can be reimbursed under the terms of the Administrative Expenses Act. The bill I am introducing proposes to reduce those losses by authorizing reimbursement for, first, the shipment of greater amounts of household goods; second, family travel expenses en route to the new duty station; third, living expenses while occupying temporary quarters; and fourth, storage of household goods for persons assigned to isolated locations where there is no residential housing.

Mr. President, I request unanimous consent that the letter addressed to the President pro tempore of the Senate, dated March 13, 1964, together with statement of purpose and justification and a section-by-section analysis of the bill which was prepared by the Civil Service Commission, be printed in the RECORD at this point as part of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter, statement, and section-by-section analysis will be printed in the RECORD.

The bill (S. 2670) to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States, introduced by Mr. MCCLELLAN, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter, statement, and section-by-section analysis presented by Mr. MCCLELLAN, are as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., March 13, 1964.

Hon. CARL HAYDEN,
President pro tempore,
U.S. Senate.

DEAR MR. PRESIDENT: We are submitting with this letter, for the consideration of the Congress, proposed legislation which would authorize the reimbursement of certain of the moving expenses of civilian employees who are transferred in the interest of the Government to a place other than the one in which they have been living and working. There are enclosed a draft bill, a section analysis of the proposed bill, and a statement of purpose and justification.

The bill has three principal features. First, it would raise the current statutory limit on the weight of household goods shipped for which reimbursement can be made. Because of changes in the pattern of living of Federal employees in the 18 years since enactment of the Administrative Expenses Act, the existing limit is not adequate to cover the weight of goods shipped by a substantial proportion of Federal employees. We believe that increasing the weight limit from 7,000 pounds to 11,000 pounds will more adequately reflect these changing needs. The proposed bill would also allow agencies to choose whether to ship employees' goods by Government bill of lading or under the commuted rate system now generally used, whichever is more economical.

Second, under regulations to be issued by the President, the proposed legislation would permit reimbursement of two types of moving expenses not now reimbursable: travel expenses of the employee's family and expenses while occupying temporary quarters at rates not to exceed authorized per diem rates for up to 30 days. In addition to the transportation of household goods, the Government now pays only for the transportation of the employee's family and for the travel expenses and transportation of the employee himself.

Third, employees or new appointees assigned to a permanent duty station at an isolated location in the continental United States (except Alaska) where there are no residence quarters other than barracks or furnished rooms, or the like, would be reimbursed for storage of household goods for up to 3 years under regulations to be issued by the President. Alaska is excluded because storage of household goods for employees in Alaska is covered under Public Law 88-266.

Although the bill is intended primarily for the benefit of civilian employees moving within the United States, a small number of employees engaged in oversea moves who are not covered by military or Foreign Service Act moving expense provisions would be covered under this bill. They would not, however, be reimbursed under this bill for temporary quarters overseas.

The Civil Service Commission is proposing this legislation both as a matter of equity for employees and as a matter of good administrative practice for Government. Underlying this proposal is a basic principle that employees are transferred to improve operating efficiency and effectiveness. Transfers are usually made at Government convenience with respect to time, location, and frequency. Financial losses should, therefore, be largely assumed by the Government. A well-conceived and administered reimbursement plan will insure equitable treatment, encourage employees to transfer willingly, and implement internal promotion and career development programs.

We have data, obtained in a study of more than 5,000 employees, which clearly establishes that most Federal employees who move at the request of their agencies have to pay substantial costs, directly related to moving, out of their own pockets. On the average, the out-of-pocket loss is about $558. This loss is not reimbursable despite the fact that the agency rather than the employee is both the initiator and the prime beneficiary of the move. We believe it only right and proper that this situation be corrected, and that Government provide its employees more substantial protection against financial hardship resulting from moves they make at its request. While the proposed legislation does not assure the elimination of all losses on moving expenses, it is a significant step forward.

Nonreimbursable costs of moving are, for some employees, significant deterrents to relocation. If these experienced employees are unwilling or unable to take the financial loss, their agency loses their services; in addition, the agency may have to promote less well-qualified people or spend time and money finding, hiring, and training replacements. This is poor economy in the short-range view. It is even poorer economy in the long-range view, for a reasonable degree of geographic mobility is an essential element in a sound career service serving a farflung Government.

The proposed legislation would reduce employee losses on moves and should, therefore, increase the acceptability of transfers necessary in the interest of the Government. It would bring Government's practices with respect to its civilian employees closer in line with the more progressive and realistic practices of the Military Establishment, the Foreign Service, and private business. It deserves sympathetic consideration by the Congress.

In accordance with the provisions of the act of July 25, 1956 (70 Stat. 652; 5 U.S.C. 642a), we estimate the Government-wide cost of the proposed legislation for the first year after enactment at about $3,750,000. Costs for the following 4 years are dependent on the extent to which the Federal agencies will find it necessary to transfer personnel from one locality to another, but are not expected to exceed the first year's cost estimate.

The proposed legislation will not involve any expenditure for personal services. Funds to pay the reimbursements authorized by the proposed legislation would be secured by the individual agencies through their regular appropriation requests to the Congress. When spread over the many Federal agencies which are authorized to transfer employees, these added costs would not be such that they would require additional funds to be budgeted. In other words, the differences in costs would be too minor in any one place to involve anything but the most nominal budget impact.

The Bureau of the Budget advises that enactment of the recommended bill will be consistent with the administration's objectives.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr.,
Chairman.

STATEMENT OF PURPOSE AND JUSTIFICATION OF A DRAFT BILL TO AMEND THE ADMINISTRATIVE EXPENSES ACT OF 1946, AS AMENDED, TO PROVIDE FOR REIMBURSEMENT OF CERTAIN MOVING EXPENSES OF EMPLOYEES, AND TO AUTHORIZE PAYMENT OF EXPENSES FOR STORAGE OF HOUSEHOLD GOODS AND PERSONAL EFFECTS OF EMPLOYEES ASSIGNED TO ISOLATED DUTY STATIONS WITHIN THE CONTINENTAL UNITED STATES, EXCLUDING ALASKA

PURPOSE

To reduce the financial losses of employees transferred in the interest of the Government, thereby increasing the acceptance of transfers by employees with consequent benefit to the morale and efficiency of the Federal work force.

JUSTIFICATION

Most of the time when an employee moves from one permanent duty station to another it is for the convenience of the Government. Under such circumstances, that is, when a Federal agency has decided that it is necessary or desirable for an employee to move, the agency should pay the expenses. The employee should not have to contribute, sometimes substantially, to cover the cost of a move primarily for the benefit of the Government.

Agencies move employees for two basic reasons. On the one hand changes in the amount of work, or shifts in program emphasis or organizational structure may require the transfer of people and functions. On the other hand, periodic moves of personnel are a requirement of certain kinds of occupations and agency career programs. Regular changes of duty stations are a feature of occupations such as bank examining, in which it is important to maintain objectivity. Certain career systems such as that of the Forest Service are built around progressive shifts of personnel to locations which have positions of greater responsibility.

Under the Administrative Expenses Act of 1946, as amended, the Government pays for some of the basic costs of moving its employees, i.e., per diem for the employee and transportation of the employee, his family, and his household goods. There is ample evidence to indicate that for most employees these payments fall substantially short of covering all the necessary and reasonable expenses related to moving. Understandably, this leads to reluctance to move. When employees are unable or unwilling to transfer, Government's efficiency drops and its costs go up. Besides losing the services of experienced employees, agencies may have to promote less well-qualified people or spend extra time and money to find, hire, and train new people to do the work. Agencies say that the certain prospect of financial losses which the employee can ill afford frequently tips the scale against the experienced employee's making the move his agency needs to have him make.

HOW MUCH DO EMPLOYEES LOSE?

The Civil Service Commission, with the cooperation of a number of Federal agencies, conducted a voluntary survey of the expenses of more than 5,000 Federal employees moving in the United States in fiscal 1962 for the convenience of the Government. The results showed that more than 4 employees in 5 lost money on their move. The average loss was $558. A significant number of respondents (17 percent) lost more than $1,000.

WHAT WERE THE LOSSES FOR?

Closing costs on the sale of the employee's old home (average $677) accounted for the greatest losses, followed by closing costs on new homes (average $297), above normal living costs of employees reporting to the new job ahead of their families (average $257), and cost of temporary quarters for the family (average $134). Other types of losses averaged $100 or less and included cost of househunting trips, above normal food and lodging costs for dependents, trips to the old home to help move, and losses on shipment of household goods (1 respondent in 5, with dependents, shipped goods in excess of the 7,000-pound limit for reimbursement). None of these losses typically incurred by employees are reimbursable under existing law. In addition, employees reported many other incidental or unforeseen expenses not included in the figures given above.

WHAT IS DONE FOR OTHERS?

The Government already provides a special relocation allowance, equal to the basic monthly allowance for quarters, for members of the uniformed services whose dependents move when the man has a permanent change of station. (Career Incentive Act of 1955, Public Law 20, 84th Cong.)

The Government already provides, for officers and employees transferring under the Foreign Service Act of 1946, allowances and reimbursement covering many expenses of the kinds that produced the loss figures cited (60 Stat. 1025, 1026, and 1027). Legislation passed in the 86th Congress provides other civilian employees assigned to foreign areas with special transfer allowances for extraordinary, necessary, and reasonable expenses, not otherwise compensated for (Public Law 86–707).

Business, too, is far more generous in reimbursing its employees for company moves than is the Government in dealing with its civilian employees. As periodic studies by the National Industrial Conference Board have shown, the great majority of businesses surveyed reimburse employees for such items as travel expenses of the family and temporary living expenses. In addition, other allowances or combinations are granted, especially in the case of management and professional employees who frequently are afforded various types of assistance in disposing of homes and in meeting other expenses.

The financial penalty imposed on employees who move at Government request should be reduced. The burden on employees is substantial and far less assistance in meeting it is provided civilian employees transferred within the United States than is provided for military personnel, persons on foreign assignment, and business employees. Accordingly, the bill would apply to expense items associated with travel for family, transportation and storage of household goods, and temporary living quarters.

ITEM COVERAGE

The proposed bill is broad enough to provide needed flexibility within the types of expenses covered. For example, the bill would raise the current reimbursable limit of 7,000 pounds on shipment of household goods to 11,000 pounds. About one in five persons with dependents ship goods in excess of the present statutory limit for reimbursement, but the weights shipped by most of them, would be well within the proposed limit.

The bill also provides a technical change to authorize the use of Government bills of lading instead of the commuted rates system when employees are transferred between posts of duty in the contiguous 48 States and the District of Columbia. Prior to 1946, the Government arranged to ship their household goods on Government bills of lading. This involved the Government in many administrative operations, such as, negotiating and awarding contracts to carriers for transportation and accessorial services, inspecting the packing and crating operations, paying bills, auditing payments and settling loss and damage claims. The commuted rates system was authorized in section 1(b) of the Administrative Expenses Act of 1946 to simplify the administrative problem. Under this system, the employees make their own arrangements with carriers, pay for the transportation and then are reimbursed by the Government according to a scale of commuted rates. Although this system is satisfactory for many types of shipments, occasions arise when very substantial savings can be accomplished through use of the Government bill of lading system. In these instances Government agencies should have discretionary authority to take advantage of the savings by using Government bills of lading. The system would continue to be subject to regulations of the President as at present.

Reimbursement for family travel and for temporary quarters would be determined by regulations within the limits set by reference to the maximum per diem rates prescribed in or pursuant to section 3 of the Travel Expenses Act of 1949, as amended. Reimbursement for family travel could be set at appropriate rates for the spouse and for dependents. Reimbursement for temporary living expenses on an actual expense basis could be structured according to a similar scale, with additional features such as diminishing rates over a 30-day period to encourage rapid moves to permanent quarters. Payment for these out-of-pocket expenses would be of substantial assistance in reducing losses on employee moves.

Storage expenses for household goods of employees moving to isolated locations in the continental United States (excluding Alaska) where there are no residence quarters could be paid for up to 3 years. In contrast to other provisions of the draft bill, this proposed authority for reimbursement for extended storage of household goods would not be broadly applicable to employee moves. It is a special provision designed to meet the unique situation of agencies which must assign employees for permanent duty at places where housing is not available.

The Army and the Air Force, for example, are engaged in activating missile sites at remote, sparsely populated locations. The relatively short duration of the projects to activate these sites (8 to 36 months) makes it difficult to interest builders in putting up housing. Consequently Federal employees assigned to such locations must live in contractor-furnished trailers or similar makeshift quarters where they cannot use their households goods. The costs of storing household goods for extended periods makes employees reluctant to accept such assignments and hampers recruitment. Thus the proposed authority is intended to alleviate this situation where there are no residence quarters at the site or within reasonable commuting distance.

EMPLOYEE COVERAGE

The proposed legislation would not cover employees who are reimbursed for moving expenses under other statutes, e.g., Foreign Service personnel and other personnel who are reimbursed for moving under the terms of the Foreign Service Act. It would not apply to intermittently employed experts and consultants on per diem pay, employees transferring in their own interest, and all other persons not entitled to Government-paid travel.

While the provisions for reimbursement for transportation of household goods and for family per diem apply to employees moving in the United States or overseas, reimbursement for temporary quarters applies only to employees moving to duty stations within the United States (including the District of Columbia), its territories, Puerto Rico, and the Canal Zone. Reimbursement for temporary quarters overseas is already provided by the Overseas Differentials and Allowances Act. The provision for storage of household goods would apply only to employees in the continental United States, excluding Alaska. Employees in Alaska were recently covered as to storage of household goods by Public Law 88–266 of February 5, 1964.

ADMINISTRATION OF THE PROPOSED LEGISLATION

Regulations for administration of the proposed legislation, would be issued for the President by the Director, Bureau of the Budget, who prescribes other regulations under the Administrative Expenses Act. For interagency moves, the head of the agency to which the move is made would determine whether a transfer is in the Government's interest. Heads of agencies using the extended storage authority would issue implementing regulations.

ESTIMATED COSTS

In accordance with the provisions of the act of July 25, 1956, 70 Stat. 652 (5 U.S.C. 642a), we estimate the governmentwide cost of the proposed legislation for the first year enactment at about $3,750,000. This figure is based on cost data obtained from the moving expense study and other studies as applied to an estimated 35,000 employees relocated each year in the interest of the Government. It assumes a structure of payments such as that indicated in "item coverage" above and a continuation of the pattern of moves as to distance, family size, time in temporary quarters, and so on as found in our survey. Costs for the following 4 years are dependent on the extent to which agencies will find it necessary to transfer personnel from one locality to another, but are not expected to exceed the first year's cost estimate.

The proposed legislation will not involve any expenditure for personal services. Funds to make reimbursements authorized by the proposed legislation would be secured by the individual agencies through their regular appropriation requests to the Congress. When spread over the many Federal agencies which are authorized to transfer employees, these added costs would not be such that they would require additional funds to be budgeted. In other words, the differences in cost would be too minor in any one place to involve anything but the most nominal budget impact.

SECTION ANALYSIS

SUBSECTION (1) (a)

(1) Reference to section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837), is substituted for the reference to the act of February 14, 1931, as the latter was repealed by section 9(a) of the Travel Expense Act of 1949 and replaced by section 4 of that act.

(2) Substituting 11 for 7 in the second parenthesis would permit reimbursement for the transportation of up to 11,000 pounds of household goods and personal effects, rather than 7,000 pounds.

(3) This subsection provides new authority to pay a per diem allowance in lieu of subsistence expenses of the employee's immediate family while en route between the old duty station and the new duty station, and subsistence expenses for both the employee and his immediate family for up to 30 days while occupying temporary quarters at the new duty station.

Payments for per diem expenses of family members could not be made at rates greater than the maximum per diem rates established pursuant to section 3 of the Travel Expense Act. Payment for subsistence while occupying temporary quarters would be made on an actual expense basis. Average daily rates per person will be prescribed by regulation. However, payments may not be made at rates in excess of maximum per diem rates pursuant to section 3 of the Travel Expense Act for the localities in which the temporary quarters are located.

Per diem expenses may be paid for family travel inside or outside the United States. Payment for subsistence while occupying temporary quarters could be made only if the new duty station is within the United States, the territories, Puerto Rico, and the Canal Zone. (Temporary quarters overseas are now covered under the Overseas Differentials and Allowances Act.)

(4) Reference to section 5 of the Travel Expense Act of 1949 (5 U.S.C. 838) is substituted for the reference to the Subsistence Expense Act of 1926 (5 U.S.C. 828), as the latter was repealed by section 9(a) of the Travel Expense Act of 1949 and replaced by section 5 of that act.

SUBSECTION (1) (b)

This subsection inserts the words "and when determined to be more economical for the Government" after the words "United States" in subsection (b) of section 1 of the Administrative Expenses Act.

Subsection (b) presently authorizes, under regulations of the President, the use of the commuted rates system for transportation of employees' household goods between posts of duty in the contiguous 48 States and the District of Columbia. Ordinarily, it is believed that this system should be retained for use but occasionally transportation costs to the Government can be substantially reduced through use of Government bills of lading. Some flexibility is needed so that the Government bill of lading system may be used when these savings can be accomplished. By the insertion, flexibility would be provided so that either system could be used depending on which would be more economical to the Government. The Government bill of lading system presently applies outside the contiguous 48 States and the District of Columbia.

SUBSECTION (1) (c)

The changes in this subsection are necessary so that the language concerning availability of the funds will be consistent with the proposed subsection 1(a)(3) above.

SECTION 2

This section would add a new section 23 to the Administrative Expenses Act. Subsection (a) of section 23 provides that under regulations to be established by the President, when transferred employees or new appointees are assigned to permanent stations in isolated locations in the continental United States which do not have residence quarters, they may be reimbursed for storage of household goods for up to 3 years. The weight of goods stored plus the weight of any goods moved may not exceed the total weight the employee would be entitled to move if no goods had been stored. Alaska is excluded from coverage because employees in Alaska may now store household goods under Public Law 88-266.

Under subsection 2(b) reimbursement for storage expenses would not be authorized for persons whose travel orders were dated more than 60 days before the effective date of the section.

SECTION 3

By setting an effective date of 60 days after enactment this section would provide time for necessary changes in travel regulations to be made.

TO REDEFINE THE SILVER CONTENT IN SILVER COINS

Mr. METCALF. Mr. President, inasmuch as the House Appropriations Committee today recommended against further coinage of silver dollars and suggested that study be given to melting down the existing supply, I, on behalf of myself and my colleague, the senior Senator from Montana [Mr. MANSFIELD], introduce the following bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, To amend section 321 of title 31, U.S.C., by changing "nine" to "eight" and "one" to "two" to read as follows:

"The standard for silver coins of the United States shall be such that of one thousand parts by weight eight hundred shall be of pure metal and two hundred of alloy. The alloy of the silver coins shall be of copper."

The intrinsic value of the silver in the dollars is such that it is almost profitable for silversmiths to melt them down for metallic uses. Passage of my bill will make it possible for the Federal Government to make a profit from the coinage of silver dollars, and to permit the continued use of silver dollars as a medium of exchange in Montana and other Western States where they are the traditional and the accepted monetary unit.

I ask unanimous consent that the bill be held at the desk through Friday, March 27, for additional cosponsors.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Montana.

The bill (S. 2671) to redefine the silver content in silver coins, introduced by Mr. METCALF (for himself and Mr. MANSFIELD), was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF CONSTITUTION RELATING TO RELIGION—ADDITIONAL TIME FOR JOINT RESOLUTION TO LIE ON THE DESK

Mr. KEATING. Mr. President, at the request of the distinguished Senator from Wyoming [Mr. SIMPSON], I ask unanimous consent that the joint resolution (S.J. Res. 161) proposing an amendment to the Constitution of the United States relating to religion in the United States, be allowed to remain on the desk through March 30, for additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON COMBATING POVERTY—EXTENSION OF TIME FOR RESOLUTION TO LIE ON THE DESK

Mr. NELSON. Mr. President, I ask unanimous consent that the resolution (S. Res. 305) establishing the Select Committee on Combating Poverty, submitted by me last week, remain at the desk until next Wednesday, for additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, on behalf of the chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Henry L. T. Koren, of New Jersey, to be Ambassador to the Republic of the Congo.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

OUR NATION'S GOLD RESERVE—STATEMENT BY SENATOR ROBERTSON

Mr. ROBERTSON. Mr. President, since I was quoted in today's issue of a New York newspaper as being opposed to the recommendation of the Joint Economic Committee that Congress repeal the present 25-percent gold backing for our currency, I ask unanimous consent to have printed in the RECORD a brief explanation of my opposition to that proposal.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OUR NATION'S GOLD RESERVE

In 1933 the United States went off the gold standard over the bitter protests of my predecessor, Carter Glass, but continued it for the benefit of foreign governments and central banks holding our dollars. Under the Gold Reserve Act of 1934, a reserve was established against Federal Reserve and other notes and deposits in Federal Reserve banks.

However, with the exception of a brief period in 1945, just before the reserve requirement for Federal Reserve notes was reduced from 40 to 25 percent, there was sufficient gold over and above the required reserve so that, if the Federal Reserve Board had not exercised caution, excessive inflation could have occurred, and could still occur. For example, the $2.6 billion of "free" gold at the present time could be used by the Federal Reserve to increase bank reserves by about something like $10 billion, and even at present reserve requirement levels, this could generate up to almost $75 billion in demand deposits.

The U.S. Government now maintains a gold reserve only for two purposes: First, to provide the statutory 25-percent backing for Federal Reserve and other notes and deposits in Federal Reserve banks; and second, to enable the Government to maintain our international gold standard under which we stand ready to supply gold to foreign governments and central banks at $35 an ounce in exchange for dollars.

As everyone knows, our gold balance has shrunk over the past 15 years from a high of $24.8 billion in August 1949 to $15.6 billion at the end of 1963. During the same period the "free" gold—the gold not required as backing for Federal Reserve notes, etc., and therefore available to support our international gold standard—has shrunk from $14.3 billion to $2.6 billion.

This decline in our "free" gold stock is the visible symbol of the balance-of-payments situation. It is the net cost of our $100 billion foreign aid program.

In the last few quarters, the decline in our "free" gold supply has slowed down greatly. Our balance-of-payments situation has improved, and I hope we will be able to continue this improvement until we have eliminated the deficit.

In the meanwhile, suggestions have been made from time to time to eliminate the 25-percent gold reserve behind our currency. The purpose usually given for these proposals is to free additional supplies of gold to meet our international commitments and to maintain our international gold standards.

I do not agree with these proposals. I do not think the elimination of the 25-percent gold reserve at this time is either necessary or desirable.

The gold reserve behind our currency was fixed at 25 percent in 1945. This was a reduction from the previous figures, 40 percent on Federal Reserve notes and 35 percent on deposits. Obviously, the precise figure has no vital significance in and of itself.

My objection is not based on the theory that 25 percent is the perfect figure. My objection is based on my view that the elimination of the reserve would provide for the executive branch an additional $15.6 billion of "free" gold which it could use to carry along an unfavorable balance of payments without taking the unpleasant actions which will undoubtedly be necessary in order to eliminate the unfavorable balance of payments.

Under the present arrangements, if our balance of payments is not corrected before the $2.6 billion of "free" gold we now have is gone, the Federal Reserve System is authorized to suspend the reserve requirements for 30 days and for succeeding 15-day periods, but the Board of Governors must impose on the Reserve banks a tax, depending on the amount of the deficiencies. These taxes would, in turn, increase the discount rates charged by the Reserve banks.

When this happened, the Congress would be in an excellent position to require the executive branch to exercise the sound fiscal and monetary policies which would be necessary to correct the balance of payments. Some of these measures we might find as unpleasant as those the International Monetary Fund seeks to impose on financially unstable governments around the world. The United States, like other nations, finds it hard to exercise financial self-restraint.

Of course, even if the 25-percent gold reserve requirement is abandoned now, the United States would have to face up to its balance-of-payments problems in the long run. I should greatly prefer, however, for Congress to review the matter and have an opportunity to correct the balance-of-payments problems while we still have $15.6 billion of gold kept as a reserve against our currency.

In short, I think keeping this 25-percent gold reserve requirement is a symbol to the world of our determination to face up to and to solve our balance-of-payments problems and to maintain a sound dollar.

DEFENSE OF PAUL DELANEY

Mr. ROBERTSON. Mr. President, when Paul J. Delaney, of Hudson, N.Y., ascertained that I was a charter member of the American Legion Lexington Post No. 186, he wrote me that he was a charter member of the Legion Hudson Post No. 184. With his letter, he sent me a copy of his letter of February 27, written on American Legion stationery, to his two New York Senators.

Today, I received a letter from Mr. Delaney's hometown friend, Germond Buffington, Esq., with which he enclosed his answer of the 16th to Senator Keating's attack upon our mutual friend, Mr. Delaney. I ask unanimous consent that the Buffington letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hudson, N.Y., *March 16, 1963.*

Senator Kenneth B. Keating,
Senate Office Building,
Washington, D.C.

My Dear Senator: I have read with considerable interest and apprehension your attack in the press on Mr. Paul Delaney.

According to the press, you termed Mr. Delaney's letter an example of the increasing amount of "hate" letters which you are receiving from the Northeast.

Had you searched from Plattsburgh to New York City, you could not have found one person less capable of writing a "hate'" letter.

Mr. Delaney is a devout Roman Catholic who has absorbed and lived the best that the Catholic Church has to offer.

The writer is a Protestant and I assume that you also are a member of the Christian Church. But if either you or I have absorbed half the Christianity, or practiced it in our daily living that Mr. Delaney has, you and I are indeed fortunate.

Mr. Delaney has made a lifelong study of the Constitution, and the defense of it has consumed much of his time. I know of no one whose detailed familiarity with the Constitution is more complete.

It would seem that the citizens of the United States have a right to expect that their Senators and Congressmen be at least as familiar with the Constitution as are some private citizens.

Furthermore, the citizens have a right to expect that these representatives conduct their activities within the framework of the Constitution which they have sworn to uphold and defend.

With a piece of legislation as all encompassing and as fatal to republican form of government as is this piece of legislation, the citizens have a right to expect that their representatives will make an especially exhaustive study of the Constitution as regards that particular legislation. Apparently for some unknown reason you either have not chosen to do that or you deliberately plan to circumvent the Constitution.

Inasmuch as both of Mr. Delaney's statements about the Communist action directives and the provisions of the present so-called civil rights bill are so unquestionably true according to Senate and congressional records, one is forced to ask you if your unjustified attack upon Mr. Delaney is to be construed as simply a personal attack, or may we now assume that you are at last coming out openly in defense of the Communist conspiracy.

Sincerely,

Germond Buffington.

EFFORTS TO RESUME DIPLOMATIC RELATIONS BETWEEN SOUTH VIETNAM, LAOS, AND CAMBODIA

Mr. MANSFIELD. Mr. President, a very heartening news story from South Vietnam appeared in the New York Times yesterday. In an article written in Saigon, Peter Grose reported that General Khanh is making efforts to resume normal diplomatic relations with Laos and Cambodia, and that his initiatives have been welcomed by the heads of government of these countries. The United States has wisely encouraged General Khanh in this course. I am especially hopeful that this improvement in relations will lead to a settlement which will not only close the Cambodian-Vietnamese borders to the infiltration of supplies and men from the North and otherwise prevent misuse of Cambodian territory by the Vietcong, but will also allay Cambodia's longstanding fear of Vietnamese territorial expansion at the expense of the Khmer people. This fear, deeply rooted in Indochinese history, has been a serious destabilizing influence in this area, irrespective of its present validity.

I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, Mar. 19, 1964]

Saigon Seeking Accords With Laos and Cambodia—Khanh Acts To Normalize Vientiane Ties and End Rift With Sihanouk

(By Peter Grose)

Saigon, South Vietnam, March 18.—Premier Nguyen Khanh seized the diplomatic initiative in southeast Asia today. He disclosed two moves aimed at drawing neighboring Cambodia and Laos into an anti-Communist accord.

The Premier said he was ready to reestablish normal diplomatic relations with Laos, putting his government on record as not objecting to sending diplomatic representation to a capital where the Communist regime of North Vietnam also is represented.

At the same time Premier Khanh named a delegation to meet Prince Sihanouk in Pnompenh as quickly as possible to discuss delicate border issues. The Foreign Ministry anounced that an 11-man delegation headed by Brig. Gen. Huynh Van Cao would fly from Saigon to Pnompenh tomorrow morning.

Swift diplomatic developments in the last few days led officials here to the guarded hope that the North Vietnamese regime could be isolated or at least hampered in its support for the Communist insurgents in South Vietnam.

Accords with Laos and Cambodia could have an immense effect on South Vietnam's struggle against the Communist guerrillas. For this reason American officials, including Secretary of Defense Robert S. McNamara, have been urging Premier Khanh to adopt a position of flexibility in settling old scores with neighboring countries.

The aim of the talks with both Cambodia and Laos will be to cut off as much as possible border supply routes and safe havens that have permitted recent large-scale Communist attacks.

Reliable sources disclosed that General Khanh met last weekend with Gen. Phoumi Nosavan of Laos for a military planning session in the Vietnamese mountain resort of Dalat. General Khanh left Saigon immediately after Secretary McNamara and Gen. Maxwell D. Taylor, head of the U.S. Joint Chiefs of Staff, ended their 5-day visit Thursday night.

The sources said the Laotian general was conferring with the full support of Prince Souvanna Phouma, the neutralist Laotian Premier, who, following a recent visit to Cambodia, is believed to have moved toward the rightist position of favoring an accord with South Vietnam.

Premier Khanh declined to discuss military aspects of his talks with the Laotians. Independent observers noted that military coordination between General Khanh and Gen. Phoumi Nosavan would be hampered by the weakness of the Laotian general's forces and the terrain along the Laos-South Vietnam frontier.

Asked about normalizing diplomatic relations with Laos, however, Premier Khanh said: "We are ready to send representation to Vientiane as soon as possible." He said his government had no objection in principle to the presence in Vientiane of North Vietnamese diplomats. This so-called two Vietnams question led to the disruption of relations with Laos by the late South Vietnamese President Ngo Dinh Diem, toward the end of 1962.

As in the two-Chinas situation involving the Communist and Nationalist regimes, the Saigon Government has refused to post diplomats in capitals where the Hanoi regime also was represented.

Commenting on the position of the Diem regime, which was ousted in a coup d'etat last November, Premier Khanh said, "We are now more realistic."

Western diplomats have long urged reestablishment of ties with Laos if only to maintain valuable contacts and intelligence sources in a neighboring country that also is close to North Vietnam.

The opening for an accord with Cambodia arose when Prince Sihanouk abruptly canceled plans to send a delegation to Hanoi to seek an agreement with North Vietnam. There had been reports that the Cambodian leader wanted to open diplomatic relations with Hanoi.

Diplomatic informants here believe that the Hanoi regime gave only half-hearted response to the Prince's approach, offering to support Cambodian neutrality, but hesitating on the question of entering into border discussions as Prince Sihanouk requested. Cambodia and North Vietnam do not have a common frontier but the Prince was believed to have hoped to entice Hanoi into negotiating in the name of all Vietnam on the southern frontier issues.

Diplomats noted that if this was Prince Sihanouk's intention, recognition of Hanoi as the Government for all Vietnam went well beyond any claims of the Communist North Vietnamese regime. They suspect that the North Vietnamese leaders were as mystified by Prince Sihanouk's frequent changes of position as are the Western Governments. They believe that the Communists were unwilling to enter into close accords because of the unpredictability of the Cambodian leader.

SALINGER, HATCHER, AND REEDY

Mr. MANSFIELD. Mr. President, it was with surprise and regret that I heard last night and read in this morning's papers that Pierre Salinger had resigned as press secretary to President Johnson. The same feelings mark my reaction to the resignation of Andrew Hatcher, who was Mr. Salinger's assistant in this most important position.

Mr. Salinger and Mr. Hatcher have both been outstanding in their individual capacities under the Presidency of the late John Fitzgerald Kennedy and President Lyndon B. Johnson. I know that they both worked in close accord with President Johnson and they gave to him their utmost in devotion, ability, and integrity.

Pierre Salinger brought to the White House an exuberance and a talent which will be sorely missed. Andrew Hatcher brought a stability and a soundness of outlook which made them a very effective team. To both of them I wish to extend my very best wishes for a job very well done, and to express the hope, also, that their manifold talents will continue to be used by the Democratic Party in the months and years ahead.

Though I regret the leaving of both of these devoted public servants, I am extremely pleased that George Reedy, a long and honorable friend of many of us here in the Senate, has been designated to succeed Mr. Salinger. George Reedy is a first-rate newsman, and will make an excellent press secretary to President Johnson, whom he has served so long, so faithfully, and so well. It is good news, indeed, that in this transition period the reins will be taken over by a man of experience, knowledge, and ability.

The job of White House press secretary is not an easy assignment, but, rather, a demanding one. It calls for integrity, devotion, and know-how; and, in all these respects, Pierre Salinger and Andrew Hatcher lived up to expectations. George Reedy will do no less; and I know I speak for his many friends in the Senate when I wish for him good health, good work, and good luck in the difficult period which faces this country in the months and years to come.

Mr. President, it is with deep regret that I watch Pierre Salinger and Andrew Hatcher leave us; it is with confidence that I look forward to George Reedy's taking over the reins.

I ask unanimous consent that the exchange of letters between President Johnson and Pierre Salinger be printed in the RECORD, together with an article entitled "Exuberant Newsman," which was published today in the New York Times.

There being no objection, the letters and the article were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Mar. 20, 1964]

LETTER EXCHANGE

WASHINGTON, March 19.—Following are the texts of Pierre Salinger's letter of resignation as White House press secretary and President Johnson's acceptance:

SALINGER LETTER

"DEAR MR. PRESIDENT: It is with sincere regret that I submit my resignation as White House press secretary. It has been a privilege which comes to few men to serve in this great office for over 3 years. I leave the office with sadness and with many warm recollections.

"I have made this decision for personal reasons which I will explain to the public in the very near future.

"I want to tell you what an honor it has been to serve you since that dark day in November when President Kennedy was killed. You have grasped the reins of Government with a sure and firm hand and restored faith not only in our country but throughout the world in our constitutional system. I am confident that the country will continue to grow and prosper under your able leadership in the years to come and I hope that the opportunity will come at some future time to serve you and your administration.

"With my warm gratitude for many and repeated kindnesses, I am,

"Sincerely,

"PIERRE SALINGER."

PRESIDENT'S REPLY

"DEAR PIERRE: I accept your resignation—but only with the greatest regret and with a reluctance that bows only to your strong personal desire to return to California.

"You have served your country well in the past 3 years. I greatly appreciate the faithful and competent service you have given me since I became President. Your energy and talents have been indispensable, and they will be sorely missed.

"I hate to see you go. I will always be grateful for the help and devotion you have shown me—but above all, for your friendship.

"Sincerely,

"LYNDON B. JOHNSON."

[From the New York (N.Y.) Times, Mar. 20, 1964]

EXUBERANT NEWSMAN: PIERRE EMIL GEORGE SALINGER

WASHINGTON, March 19.—Pierre Emil George Salinger, gourmet, cook, bon vivant, confidant of Presidents, poker player extraordinary and manager of news, flew back to California yesterday, a big Washington figure no more. Mr. Salinger, who resigned as President Johnson's news secretary for the uncertain future of a California Senate campaign, left behind him a host of friends, a host of critics, a lot of questions, and an empty place at the luncheon table at Sans Souci, a French restaurant of local repute.

No one knew for sure why Mr. Salinger and President Johnson had come to a parting of the ways, but the departure of the portly, cigar puffing news secretary with his spectacular vests, informal manner, and flair for the headlines, was one more indication that the Washington of John F. Kennedy's day was slowly, surely disappearing.

Few Government officials were more closely identified with Mr. Kennedy than was Mr. Salinger. It was he at whom Mr. Kennedy aimed his quips during the 50-mile hike craze. It was Mr. Salinger who drank milk at a news conference when Mr. Kennedy tried to assure the public against a radiation scare (and it was the correspondents, who knew the news secretary's real habits, who gave him a bottle of wine in compensation).

DRIVE HIT CLUBHOUSE

It was "Lucky Pierre," as some of his poker and golf companions call him, who earned fame for hitting the clubhouse with his drive when he and Mr. Kennedy played golf at the Hyannis Port Country Club last summer.

Mr. Salinger once held a news conference around a piano at a Hyannis Port restaurant, and played tennis at the staid Newport Casino in a yellow shirt and blue shorts—or vice versa. He appeared in party hats in his White House office, smoked cigars of Churchillian length, and probably threw more raises into more poker pots than any White House habitue since Warren G. Harding.

For all his colorful ways and what reporters thought was a masterly inattention to detail, Mr. Salinger helped effect profound changes in presidential press relations. He put Mr. Kennedy on live television for news conferences, and that had never been done before. And he helped arrange Mr. Kennedy's unusual interview with Aleksei I. Adzhuboi, the son-in-law of Premier Khrushchev.

When Mr. Johnson took office, Mr. Salinger was a guiding spirit in the impromptu news conferences the new President held in his office and over a bale of hay at the L.B.J. ranch.

STRESS ON TELEVISION

He came within an inch of arranging an exchange of television appearances in the Soviet Union and the United States for Mr. Kennedy and Mr. Khrushchev, and he put more emphasis on live television than any press secretary ever had—Mr. Kennedy's and Mr. Johnson's nationally televised interviews with network correspondents, for instance.

Reporters who worked with Pierre Salinger day by day viewed him as convival, talented and dedicated to Mr. Kennedy, but none too devoted to the interests of the press. Few accused him of underhanded dealings; but even fewer believed he lived up to his own ideal of being a reporter for the press, a man who would provide other reporters with straight news of the President's activities.

Mr. Salinger came to the White House staff by way of an investigating reporter on the San Francisco Chronicle, the old Collier's magazine and services as an investigator on the Senate committee that investigated labor racketeering. Robert F. Kennedy was counsel and Senator John F. Kennedy was a member of the committee.

When Mr. Johnson took office last November Mr. Salinger seemed to have adjusted to the Texan's new ways better than any other member of the Kennedy staff. But within weeks of the new President's swearing in, there were rumors that neither man was entirely happy in the relationship.

Mr. Salinger was born in San Francisco, January 14, 1925. He has been married to the former Nancy Joy of Spokane, Wash. He has three children.

Mr. Salinger's past includes a period as a child pianist of prodigious ability. His future is unknown, California being a State the politics of which are extremely difficult to predict.

As he leaves Washington, those who knew him here have mixed reactions. There are few who will not concede that working with him was usually fun, frequently exciting, and sometimes delightful. Nobody ever accused Pierre Salinger of being a bore.

TWENTY-FOURTH ANNIVERSARY OF KATYN FOREST MASSACRE

Mr. KEATING. Mr. President, the first day of this month recalled tragic memories of the merciless slaughter of the cream of Polish youth at Katyn Forest 24 years ago. The New York Division of the Polish-American Congress has adopted a resolution requesting that the Secretary of State transfer the documents of the congressional investigation into this horrible event to the General Assembly of the United Nations. I entirely support this effort to publicize the barbaric acts of the NKVD.

I request unanimous consent that at the conclusion of my remarks this resolution be included in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED AT COMMEMORATIVE EXERCISES OF THE DOWNSTATE NEW YORK DIVISION OF THE POLISH-AMERICAN CONGRESS, SUNDAY, MARCH 1, 1964, AT THE POLISH NATIONAL HOME IN NEW YORK CITY

Assembled on this 24th anniversary of the massacre of nearly 5,000 Polish Army Officers by Soviet NKVD agents in the Katyn woods near Smolensk, Russia, we, Americans of Polish birth or origin, resolve as follows:

Whereas the people of Poland are unable to express their true sentiments regarding the Katyn massacre; and

Whereas the guilt for the said massacre has been duly established by a Special Congressional Katyn Committee under the chairmanship of Representative RAY J. MADDEN, of Indiana; and

Whereas a congressional resolution to have the voluminous documentary data of the said Special Katyn Committee transmitted to the General Assembly of the United Nations—was never carried out; and

Whereas previously, the Nuremburg War Crimes' Tribunal failed to convict the said NKVD culprits in the Katyn massacre, as were some Nazi war criminals: therefore

We respectfully petition the Secretary of State of the United States to order the transmission of the aforesaid Katyn documents to the General Assembly of the United Nations for proper action; and

We also entreat the Secretary of State to consider the grave dangers to our national security implicit in some phases of the execution of the present cultural exchange program with the U.S.S.R.

IGNATIUS MORAWSKI,
Chairman Resolution Committee.
FRANCIS J. PROCH,
Executive Vice President.

AN APPEAL OF CONSCIENCE FOR THE JEWS OF THE SOVIET UNION

Mr. KEATING. Mr. President, I am honored to join in a most significant appeal for religious freedom and an end to discrimination and persecution of members of the Jewish faith in the Soviet Union. This appeal, signed by prominent authorities on Soviet political life, as well as religious leaders, authors, union leaders, educators, and attorneys, should serve an important purpose in arousing the people of this Nation and the world as to the extent of the Soviet repression of Jewish cultural and religious practices. It deserves the endorsement of national leaders in all fields as part of an all-out effort to apply pressure on the Soviet Government and to make known the dismay and revulsion with which the civilized world looks on Soviet behavior toward Jewish life and traditions.

Mr. President, I ask unanimous consent to have printed in the RECORD a document entitled "An Appeal to Conscience for the Jews of the Soviet Union." It is a very moving document, and points out the plight of the Jews in the Soviet Union.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

AN APPEAL OF CONSCIENCE FOR THE JEWS OF THE SOVIET UNION

We appeal to all those in the U.S.S.R. who genuinely desire the eradication of the evils of Stalinism and who, with us, thirst for truth, justice, and decency.

We appeal to the Soviet authorities to act in this matter on the basis of their own ideological, constitutional, and legal commitments.

We fervently hope that the following specific steps may be taken:

1. Jewish education in all its forms should be permitted.
2. Jewish cultural institutions should be reopened and Jewish artistic life—literature, theater, music, in Yiddish and Hebrew—should be allowed to develop fully.
3. Central institutions to serve the religious needs of Soviet Jewry should be established; obstacles to the performance of sacred rites should be removed.
4. Formal religious and cultural bonds with Jewish communities abroad should be allowed, official exchange visits permitted, and the right to make religious pilgrimages to the Holy Land granted.
5. Permission for Jews to leave the U.S.S.R., so that they may be reunited with families in other lands from whom they have been separated, should be implemented.
6. The anti-Jewish character that so strongly colors the official campaign against economic crimes should be eliminated.
7. A vigorous educational campaign against anti-Semitism should be undertaken.

We issue this appeal in all solemnity as a matter of urgency and elementary decency. We cannot keep silent so long as justice is not done on this problem.

Dr. Stringfellow Barr, Professor of Humanities, Rutgers University; Dr. Markus Barth, Professor of Theology, Pittsburgh Theological Seminary; Mr. Paul Barton, Chief, Economic and Social Affairs, International Confederation of Free Trade Unions; Dr. Raymond A. Bauer, Professor of Business Administration, Harvard University; Mr. Ralph Bellamy, Actor; Mr. Saul Bellow, Novelist; Dr. James H. Billington, Professor of History, Princeton University; Miss Patricia Blake, Writer; Dr. Sarah Gibson Blanding, President, Vassar College; Mr. Irving Brown, United Nations Representative, International Confederation of Free Trade Unions; Dr. Zbigniew Brzezinski, Director, Research Institute on Communist Affairs, Columbia University; Dr. F. Byrnes, Chairman, Department of History, Indiana University.

Mr. James B. Carey, President, International Union of Electrical, Radio, & Machine Workers; Dr. Lawrence H. Chamberlain, Vice President, Columbia University; Dr. Kenneth B. Clark, Professor of Psychology, City College of New York; Dr. Lewis A.

Coser, Professor of Sociology, Brandeis University; Mr. Norman Cousins, Editor, Saturday Review.

Dr. Henry David, former President, New School for Social Research; Dr. William C. Davidon, Associate Professor of Physics, Haverford College; Dr. Herbert A. Deane, Professor of Government, Columbia University; Dr. Fred W. Dupee, Professor of English Literature, Columbia University.

Dr. Samuel Eilenberg, Professor of Mathematics, Columbia University; Mr. Ralph Ellison, Novelist; Dr. Thomas I. Emerson, Lines Professor of Law, Yale Law School; Dr. Alexander Erlich, Associate Professor of Economics, Columbia University; Dr. Victor Erlich, Bensington Professor of Russian Literature, Yale University.

Dr. Merle Fainsod, Director, Russian Research Center, Harvard University; Professor of Government, Harvard University; Sponsor, Conference on the Status of Soviet Jews; Mr. James Farmer, National Director, Congress of Racial Equality; Dr. Lewis S. Feuer, Professor of Philosophy, University of California; Mr. Louis Fischer, School of Politics, Princeton University; Rev. George B. Ford, Pastor Emeritus, Corpus Christi Church; Dr. Harry Emerson Fosdick, Minister Emeritus, Riverside Church; Dr. James Franck, Nobel Prize Laureate in Physics, 1925; Professor of Chemistry, University of Pittsburgh; Dr. Charles Frankel, Professor of Philosophy, Columbia University; Mr. Seymour Freidin, Executive Editor, Foreign News, New York Herald Tribune; Dr. Maurice Friedberg, Professor of Russian Literature, Hunter College.

Mr. Oscar Gass, Economic Consultant; Mr. Mark Gayn, Political Analyst, Toronto Star; Dr. Leo Gershoy, Professor of History, New York University; Mr. Robert W. Gilmore, Executive Director, Turn Toward Peace; Dr. Eli Ginzberg, Professor of Economics, Columbia University; Director, Conservation of Human Resources Project; Mr. B. Z. Goldberg, Journalist; Mr. Erich Goldhagen, Lecturer, Department of Political Science, Hunter College; Dr. Marshall I. Goldman, Associate Professor of Economics, Wellesley College; Dr. William E. Griffith, Research Associate, Center for International Studies, Massachusetts Institute of Technology; Mr. Leo Gruliow, Editor, Current Digest of the Soviet Press.

Dr. Louis M. Hacker, Professor of Economics, Columbia University; Dr. Fowler Harper, Simeon E. Baldwin Professor of Law, Yale University; Rev. Donald S. Harrington, Minister, the Community Church of New York; Rev. Theodore M. Hesburgh, President, University of Notre Dame; Mr. William J. vanden Heuvel, President, International Rescue Committee, Mr. Granville Hicks, Literary Critic; Mr. Herbert Hill, Labor Secretary, National Association for the Advancement of Colored People; Mr. Maurice Hindus, Author and Journalist; Dr. Irving Howe, Professor of English Literature, Hunter College; Editor, Dissent, a Socialist Quarterly; Rev. Blahoslav S. Hruby, Associate Editor Religion in Communist Dominated Areas; Dr. H. Stuart Hughes, Professor of History, Harvard University; Cochairman, Committee for a Sane Nuclear Policy.

Dr. Alex Inkeles, Professor of Sociology, Harvard University; Dr. Homer A. Jack, Executive Director, National Committee for a Sane Nuclear Policy; Dr. Norman Jacobs, Director of Publications, Foreign Policy Association; Mr. Julius Jacobson, Editor, New Politics, a Socialist Quarterly; Dr. Peter Juviler, Assistant Professor of Political Science, Hunter College.

Dr. Arcadius Kahan, Associate Professor of Economics, University of Chicago; Dr. Horace M. Kallen, Emeritus Professor of Philosophy, New School for Social Research; Dr. Abraham Kaplan, Professor of Philosophy, University of Michigan; Mr. Alfred Kazin, Literary Critic; Mr. H. L. Keenylside, Chairman, British Columbia Hydro and Power Authority; Rev. Dr. Martin Luther King, Jr., President, Southern Christian Leadership Conference; Sponsor, Conference on the Status of Soviet Jews; Mr. Stanley Kunitz, Poet.

Mr. Arthur Larson, Director, World Rule of Law Center, School of Law, Duke University; Mr. Joseph P. Lash, U.N. Editor, the New York Post; Dr. Abba P. Lerner, Professor of Economics, Michigan State University; Dr. Daniel Lerner, Director, Center for International Studies, Massachusetts Institute of Technology; Professor of Sociology, Massachusetts Institute of Technology; Mr. Edward Q. Lewis, Brotherhood of Sleeping Car Porters; Dr. C. Eric Lincoln, Professor of Social Relations, Clark College; Dr. Leon Lipson, Professor of Law, Yale Law School; Mr. Robert Lowell, Poet; Rev. John A. Lucal, S.J., Associate Editor, America.

Dr. Dwight Macdonald, Writer; Dr. Robert M. MacIver, President, New School for Social Research; Mr. Archibald MacLeish, Poet, Playwright; Mr. Bernard Malamud, Novelist; Dr. Jacques Maritain, Professor Emeritus, Princeton University; Former French Ambassador to the Vatican; Dr. Rufus W. Mathewson, Jr., Associate Professor of Russian Language and Literature, Columbia University; Mr. B. F. McLaurin, Vice President, Brotherhood of Sleeping Car Porters; Dr. Seymour Melman, Professor of Industrial Engineering, Columbia University; Mr. Arthur Miller, Playright; Dr. Ashley Montagu, Anthropologist; Miss Marianne Moore, Poet; Mr. Edward P. Morgan, Political Commentator; Dr. Hermann J. Muller, Nobel Prize Laureate in Medicine and Physiology, 1946; Professor of Zoology, Indiana University; Dr. A. J. Muste, Editor, Liberation Magazine; Secretary Emeritus, Fellowship of Reconciliation.

Dr. Ernest Nagel, John Dewey Professor of Philosophy, Columbia University; Dr. Jerome Nathanson, Member of Board of Leaders, The Society for Ethical Culture; Dr. Henry Neumann, Member, Board of Leaders, The Society for Ethical Culture.

Mr. William S. Paley, Chairman of the Board, Columbia Broadcasting System; Dr. Jan Papanek, Vice Chairman, International League for the Rights of Man; Rt. Rev. James A. Pike, Episcopal Bishop of California; Sponsor, Conference on the Status of Soviet Jews.

Dr. Eugene Rabinowitch, Editor, Bulletin of the Atomic Scientists; Sponsor, Conference on the Status of Soviet Jews; Mr. Alan Reitman, Associate Director, American Civil Liberties Union; Mr. Walter Reuther, President, United Automobile Workers of America; Sponsor, Conference on the Status of Soviet Jews; Dr. David Riesman, Henry Ford II Professor of Social Sciences, Harvard University; Dr. John P. Roche, Morris Hillquit, Professor of Labor and Social Thought, Brandeis University; Chairman, Americans for Democratic Action; Mr. Harold Rosenberg, Art and Social Critic; Dr. Alvin Z. Rubinstein, Associate Professor of Political Science, University of Pennsylvania.

Mr. J. B. Salsberg, Writer; Mr. Maurice Samuel, Writer; Dr. Meyer Schapiro, Professor of Art History, Columbia University; Mr. James H. Scheuer, Former President, Citizens Housing and Planning Council of New York City; Dr. Benjamin I. Schwartz, Professor of Government, Harvard University; Mr. Max Shachtman, Socialist Leader; Historian; Dr. Samuel L. Sharp, Professor of International Relations, the American University; Mr. Howard K. Smith, Political Commentator; Dr. Gene Sosin, Director of New York Bureau, Radio Liberty; Mr. I. F. Stone, editor, I. F. Stone's Weekly; Mr. Rex Stout, Writer; Miss Marie Syrkin, Associate Professor of Humanities, Brandeis University.

Dr. Telford Taylor, Professor of Law, Columbia University; Mr. Norman Thomas, Socialist and Peace Leader; Sponsor, Conference on the Status of Soviet Jews; Dr. Lionel Trilling, Professor of English, Columbia University; Dr. Melvin Tumin, Professor of Sociology, Princeton University.

Mr. Robert Penn Warren, Novelist and Poet; Sponsor, Conference on the Status of Soviet Jews; Dr. Herbert Wechsler, Harlan Fiske Stone Professor of Constitutional Law, Columbia Law School; Dr. Morton White, Professor of Philosophy, Harvard University; Mr. Roy Wilkins, Executive Secretary, National Association for the Advancement of Colored People; Mr. David C. Williams, Former National Director, Americans for Democratic Action (ADA); Mr. Edward Bennett Williams, Attorney; Dr. Avrahm Yarmolinsky, Former Chief, Slavic Division, New York Public Library.

GENERAL MOTORS EXPANSION PROGRAM

Mr. KEATING. Mr. President, on Wednesday of this week Mr. Frederic G. Donner, chairman of the board of General Motors Corp., made public General Motors' capital spending plans for plants and equipment for the years 1964 and 1965.

In dollars and cents terms, it was revealed that General Motors' program will entail capital expenditures over the 2-year period of almost $2 billion, the largest for any such period in its entire history. Mr. Donner is quoted as having said that when the projected plants are built and equipped and the added capacity is put to use, General Motors anticipates an increase of about 50,000 jobs nationwide.

Mr. President, this is an outstanding example of how American private enterprise is coping with highly competitive conditions by plowing huge capital outlays into research and engineering development and the modernization of plant and equipment. These outlays today will insure the quantity and quality production in future years to meet an ever-expanding demand for automotive products. And within the context of a strong profit system, investment in income-producing assets today will mean generation of tomorrow's profits to sustain continuation of the cycle of investment and expansion required of all segments of our economy if we are to obtain maximum employment opportunities for all Americans.

As announced by Mr. Donner, General Motors will undertake substantial facilities programs at various locations in the United States by all five General Motors car divisions and by a number of divisions that supply parts and accessories to the car manufacturing and assembly divisions. I am delighted that three of these facilities programs will be undertaken in the State of New York: the first, entailing construction of an additional 216,000 square feet of floor space at the Ternstedt Division at Syracuse, N.Y., which manufactures certain plastic parts, wheel discs and zinc-based die-cast parts; next, construction of a 171,000-square-foot addition to the Chevrolet Motor Division's engine plant at Tonawanda, N.Y.; and finally, a one-story addition of 150,000 square feet of manufacturing area, plus the installation of new boiler house equipment, at the West Lockport plant of the Harrison Radiator Division of General Motors.

These three expansion projects, Mr. President, in my judgment, represent a vote of confidence by the respective divisions of General Motors in the industry and skills of the labor force in these three fine manufacturing cities in New York State. It is a vote of confidence, I am sure, which the employees, both those presently employed and those who will be employed in new jobs, will vindicate. It is also a tribute to the improving industrial climate in New York State, a favorable climate which has been generated by the educational and training systems in which New York leads the Nation and the progressive labor protective laws which foster that high degree of employee welfare and security which enhance their production efforts.

I am sure that Senators from other States entertain like gratification for those portions of the facilities program of General Motors that are located in their States. But whatever may be the effect of the expansion program upon particular States, the important thing is that the program is one that fosters an overriding national interest in a strong, productive, and growing economy, enabling us to go out into today's marketplace and confer upon this Nation and other nations in the free world the great material abundance that characterizes free economic systems.

REPORTERS ACCLAIM CAPITOL EXPERIENCE

Mr. RIBICOFF. Mr. President, the members of the working press have a great responsibility: To inform and interpret, in accurate and fair-minded fashion, with the public interest ever in mind. Since 1953, the American Political Science Association has sponsored a program uniquely designed to furnish newspapermen with knowledge necessary to meet this responsibility when reporting congressional affairs.

The congressional fellowship program includes a select group of newsmen who spend 9 months on Capitol Hill, functioning as members of office and committee staffs. They carry out regular office duties, and soon are immersed in the legislative process. They are able to examine firsthand the numerous forces and considerations that shape our country's laws.

To date, more than 100 men and women have taken part in the congressional fellowship program. Half of them have been professional newspaper people. The other participants have been political scientists from our colleges and universities and, in recent years, representatives of the executive branch of the Federal Government and several foreign nations.

A program this broad is of immense value to the Congress. Shortly after I came to the Senate, I was fortunate to have a congressional fellow join my staff.

Tom King came to my office from the Atomic Energy Commission and was of great help in the planning and initiation of the pesticide hearings I have been conducting. He has since returned to the AEC. Currently serving in my office is Bill Kagler, a most able reporter from the Cincinnati Enquirer, who I am sure will have a most successful career in journalism.

I am pleased to have been able to afford them an opportunity for professional growth, and simultaneously to have contributed to their understanding of the role of Congress in Government.

The March 14 issue of Editor & Publisher, the trade journal of the publishing industry, contains an article describing the reactions of current journalistic participants to their congressional experience. I ask unanimous consent that this article be printed in the RECORD with a list of all 1963–64 congressional fellows and the offices to which they are attached.

There being no objection, the article and list were ordered to be printed in the RECORD, as follows:

REPORTERS ACCLAIM CAPITOL EXPERIENCE

(By Caryl Rivers)

WASHINGTON.—Seven newspapermen have stored their notepads in mothballs and are learning how the other half lives.

They are spending 9 months working on Capitol Hill through the congressional fellowship program of the American Political Science Association.

The program—largely financed by the Ford Foundation—has been operating since 1953. This year, 14 fellows, including the newsmen and 7 political scientists, were selected for the $4,500 grant that accompanies the fellowship.

The fellows work in staff positions in House or Senate offices. They can choose to divide their time between both Houses or remain in one office for the duration of their stay. The legislators, often hard pressed for staff workers, are delighted to get an extra worker without making a dent in their office payroll.

MEMBERS OF THE GROUP

This year's fellows from the ranks of the press corps are Bill Kagler, of the Cincinnati Enquirer; Steve Lesher, of the Winston-Salem Journal; Roger Blobaum, of the Associated Press; Eliot Carlson, of the Honolulu Advertiser; Richard Conlon, of the Minneapolis Tribune; Neal Gregory, of the Memphis Commercial Appeal; and John Heritage, of the Atlanta Constitution.

The group arrived in Washington in November, and after a 2-month orientation period the fellows plunged into their jobs on the Hill. They often find themselves doing routine chores like helping with the mail and high-level tasks like writing speeches for their boss in the course of a single day.

Steve Lesher, in Senator BIRCH BAYH's office, is working on an article for the Senator for a national magazine on the problem of presidential disability and succession. He is also arranging to get witnesses for a congressional hearing on the problem.

Richard Conlon, working for Representative FRANK THOMPSON, coordinated the whip system in the House during the vote on the civil rights bill.

Eliot Carlson is handling "the whole spectrum of office problems" for Senator FRANK CHURCH, from "routine tasks to high-powered projects."

Most of the newspapermen who win the fellowships return to the field after they leave Capitol Hill. But they think that their leave of absence from journalism makes them better journalists.

"When you've been part of the system, you're more sensitive to why it may or may not work," says Bill Kagler, a staffer in the office of Senator ABRAHAM RIBICOFF. "So much of what goes across an editor's desk today involves the Federal Government—even in the 'boondocks.' As an editor you are a lot more equipped to provide leadership if you understand the workings of the Government. More and more papers are going into intensive reporting in the area of government."

Mr. Kagler found that after coming to Washington, he had to make a mental switch from the objectivity of a newsman to the necessity for being subjective. He thinks the fellowship is a good opportunity "to find out if I can function in a government climate or if I was born to be a newsman."

Eliot Carlson admits to a "passion for politics" and says "the big need in journalism is for writers able to go in depth. A journalist has to present more than just facts. He has to write in greater depth about the political process."

AREAS OF INTEREST

The fellows decided for themselves what offices they wanted to work in, and they offer a variety of reasons for their choices.

"I am interested in the South" says John Heritage, who works for Congressman JOHN LINDSAY, of New York, "but I wanted to get an idea of what a Northern politician is like and how a Northern liberal feels. LINDSAY is young, energetic, and I think he's right courageous. They call him a minority in a minority but I think most of his stands are reasonable."

Roger Blobaum picked a spot in the office of House Majority Whip HALE BOGGS, of Louisiana, because it is "the real center of operations in the House and gives me an opportunity to see how the leadership works." Steve Lesher decided to work for BIRCH BAYH, of Indiana, because "I wanted a bright, young, liberal Democrat. I wanted a spot where I had the freedom to walk into the Senator's office whenever I wanted to and where I would be permitted to do a variety of things."

Lesher likes the job because "You can do things. You can really influence things. I am contributing significantly in working on the question of presidential disability to what may be the 25th amendment to the Constitution."

SPEAKS FOR SENATOR

He says that swapping the byline of a reporter for the relative anonymity of a staff job is not too difficult. "I have carte blanche to speak for the Senator," he says, "so what I say carries weight with a lot of weighty people. That can fill your ego just like seeing your name in print."

Mr. Lesher says that the problem for a newsman-fellow is that "you have to decide whether you want to be a Scotty Reston and believe that 'the truth shall set you free' or whether you want to put up with the facade and nonsense that politics requires but where you are in a position to do things." He adds that the monetary aspect—a staffworker in a Hill office can earn two or three times as much as most good reporters—often draws good men away from journalism.

Most of the newsmen came to Washington with a critical attitude toward the Congress. For many, their views have been changed completely.

"I have found things here completely different from the way I expected," says Neal Gregory, who is in the office of Representative Charles Weltner. "I have become more conservative in my views. I think that in the area of civil rights, many people are more interested in the issue than in getting a bill through Congress. Senator Humphrey once said his worst problem is with the liberals. He's a pragmatic liberal, which is the only way to be."

Eliot Carlson says, "I've seen how little the reformers understand the workings of Congress. The big problem as I see it is a lack of liberals, not the need for drastic reforms."

LEARNS TO RESPECT A VIEW

"I came here a big liberal," says Steve Lesher. "I thought Howard Smith (chairman of the House Rules Committee) had horns. But I have come to respect the southern Democrats. I'd rather have a man like William Fulbright signing the southern manifesto and staying in Congress than not signing it and getting beaten. The Congressman has to be responsive to the views of the people in his district. If he isn't, who is?"

Roger Blobaum says, "I came here very concerned about freedom of information in Government. I have found that in Congress this problem is not as important as I thought. There is a great deal of off-the-record briefing here. I also didn't like the idea of holding executive sessions, but when I see how complex these bills are and the importance of compromise, I've become convinced that these session are necessary."

Mr. Blobaum says that he has heard the debate about the evils of the seniority system, but asks "What are the alternatives? You are going to have problems with any system."

John Heritage says that "my whole idea of the kind of people in District of Columbia has changed. I have discovered that most people in responsible positions here are sincere, articulate, and sophisticated about most subjects. Many are political experts as well as votegetters. When you are looking in from outside, much of what you read about Congress is critical. When you get close and see the problems Congressmen have in time and the amount of information they have to absorb, you can see how Congress has a hard time running smoothly sometimes."

EYES ON PRESS CORPS

The fellows have also watched—with a critical eye—the way the press corps covers congressional issues. The main complaint is that congressional issues often get only superficial treatment.

"I am personally not satisfied with the kind of coverage you get out of Washington," says Stever Lesher. "When you just read the wire stories about some of the big issues, I have found that you only get a vague idea of what is going on. The press tends to picture congressional debates in terms of black and white, which is easy to do but doesn't give an accurate picture."

"I have talked to a number of Washington officials who were very critical of the kind of reporting they are getting," says John Heritage. "They felt that many reporters didn't understand what was going on sometimes, and that the result was distortion out of ignorance. I think that the way reporters are spread around you can't expect more than superficial coverage."

Neal Gregory adds, "As a newspaperman, you like to seize on a lead. But there are very few yes-and-no values or black-and-white issues—but many areas of gray. I think the main problem is that much reporting is lacking in depth. I don't think that this is always the reporter's fault. Most newspapers don't have enough space to cover Washington adequately."

MEN OF EXPERIENCE

Each of the fellows has had from 2 to 10 years' experience in the newspaper field, and they feel qualified to comment on the performance of the press. They range in age from 25 to 33, and most of them took leaves of absence from their newspapers to take part in the program.

The criteria for selecting the fellows are flexible, according to Donald Tacheron, director of the program and a former newsman and fellow. The association prefers newsmen or women in the age bracket of from 25 to 35 who have had at least 2 years of experience on a daily newspaper. Mr. Tacheron says that most of the fellows go back into the newspaper field after their stint on the Hill, and find that their Washington experience is a great help professionally.

The newspapers whose reporters win the fellowships are usually enthusiastic, Mr. Tacheron says. A number of papers not only give leaves of absence but grant stipends as well. The New York Times Fund, the Louisville Courier Journal Fund, Time, Inc., and Nelson Poynter, publisher of the St. Petersburg Times and the Congressional Quarterly are among the contributors to the program.

CURRENT CONGRESSIONAL FELLOWS AND THE OFFICES TO WHICH THEY ARE ATTACHED

Shamsuddin Ahmed, House Rules Committee.

Stanley V. Anderson, Representative Henry S. Reuss, of Wisconsin.

Richard E. Ashcraft, Representative Richard Bolling, of Missouri.

Robert H. Bendt, Senate Committee on Interior and Insular Affairs.

Roger J. Blobaum, House majority whip's office.

Clifford H. Block, Representative George E. Brown, Jr., of California.

Elliot W. Carlson, Senator Frank Church, of Idaho.

Richard P. Conlon, Representative Frank Thompson, Jr., of New Jersey.

Bartolome deCastro, Representative Ronald B. Cameron, of California.

Lewis A. (Creel) Froman, Senator Paul Douglas, of Illinois.

Daniel W. Fulmer, Subcommittee on Military Operations, House Government Operations Committee.

Irwin H. Gertzog, Representative Lionel Van Deerlin, of California.

Wayne G. Granquist, Representative John Brademas, of Indiana.

C. O. (Neal) Gregory, Representative Charles L. Weltner, of Georgia.

Nelson P. Guild, Representative James G. O'Hara, of Michigan.

Mohammed Hakki, Representative Donald M. Fraser, of Minnesota.

John M. Heritage, Representative John V. Lindsay, of New York.

Wallace E. Hutton, Representative Carl Albert, of Oklahoma.

William G. Kagler, Senator Abraham Ribicoff, of Connecticut.

Chin Kim, Senate Judiciary Committee.

Stephen Lesher, Senator Birch E. Bayh, of Indiana.

Robert D. Loevy, Senator Thomas H. Kuchel, of California.

Edward A. Mainland, Representative Glenard P. Lipscomb, of California.

John F. Manley, Representative Thomas B. Curtis, of Missouri.

Lyle L. Miller, Representative Samuel S. Stratton, of New York.

John N. Shouligian, House Interstate and Foreign Commerce Committee.

Narayan D. Tiwari, Representative Spark M. Matsunaga, of Hawaii.

Sadanand S. Varde, Representative John Kyl, of Iowa.

Marvin G. Weinbaum, Senator Lee Metcalf, of Montana.

PROPOSED ORDER FOR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 10 o'clock Monday morning.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not know that the Senator from Mississippi will object—will the Senator withhold his request until I can check?

Mr. MANSFIELD. Certainly. I withhold the request.

WATER RESOURCES RESEARCH

Mr. McGOVERN. Mr. President, senior Senator from New Mexico [Mr. Anderson] delivered an excellent address last night at the New Mexico State University Water Conference on the needs for expanded research in the water resources field.

Senator Anderson pointed out that the seemingly considerable sum we are spending for research in the field of water problems—$73 millions annually—is actually inadequate measured by the diversity of water problems throughout this large Nation, measured by the crucial importance of water conservation and supply, or measured by sums devoted to research in other fields. It is about seven-tenths of 1 percent of our current $10 billion annual outlay for water facilities of various kinds compared to 3 percent spent by the oil and gas industry on research, 6 percent spent by the chemical industry and 12½ percent spent by the automotive industry.

I ask unanimous consent that the text of Senator Anderson's address be printed in the Record, for it is a splendid statement of the merits of S. 2, which would draw our colleges and universities into water resources research and help fill our need for trained people in this vital field.

There being no objection, the address was ordered to be printed in the Record, as follows:

REMARKS OF SENATOR CLINTON P. ANDERSON, NINTH ANNUAL NEW MEXICO WATER CONFERENCE, NEW MEXICO STATE UNIVERSITY MARCH 19, 1964

I am especially pleased to participate this evening in the New Mexico Water Conference. You are dealing with one of the most serious problems confronting this part of the Nation. But your accomplishments in the water field will have an impact far beyond the borders of our own Southwest. I say this because the basic knowledge that you gain and the application of that knowledge to achieve practical solutions is applicable to many other areas of this continent and the rest of the world.

Your conference is dedicated to the exchange of information and the cross pollination of ideas. This process of exchange is fundamental to the advancement of science and technology. Without it, the solution to problems would never come within reach.

Another reason for this conference is to promote cooperation among many professional disciplines, because the water problem is so complex that it defies easy assignment to one specialty. And in the same way there must be cooperation among the States of a region because the problems involved in water extend beyond State lines.

I think Harold E. Thomas and Luna B. Leopold said this quite clearly in their recent article in Science. They wrote:

"Water habitually does not subscribe to our efforts at compartmentalization according to special interests in irrigation, industrial use, recreational use, municipal use; or to allocations of fields for the chemist, for the geologist, for the sanitary engineer, for the physicist, for this or that Government agency, any more than it does to separation into areas bounded by property lines, county lines, State lines, or even some river-basin boundaries. As the areas of heavy demand expand toward each other and the necessity for water management increases, these artificial boundaries and classifications will have to yield more and more to the realities of the hydrologic cycle."

Additionally, the projects which we hope will assure the water essential to water needs are vast enterprises; and if they are to be successful, they require the mutual effort of several States.

This is the kind of joining of hands proposed in the Pacific Southwest water plan, which is now under review by the Bureau of the Budget. In the words of the Department of the Interior, the plan proposes that "the States of the Pacific Southwest put aside the long and wearisome controversies that have plagued Lower Colorado Basin development for over half a century, and unite in support of a broad regional approach to assure that water as required would be developed and made available to meet all needs within the region wherever they occur."

And those needs grow greater each day. Population of the Pacific Southwest, now in the neighborhood of 11 million, is forecast to multiply threefold by the year 2000. I need not ask: Are we prepared for such a growth? Obviously, we are not; and far-sighted planning and far-reaching action are needed now.

The cost of the portion of the plan proposed for immediate authorization is estimated to be $1,704 million, of which 92 percent would be fully reimbursable. The total construction cost of the entire initial plan—to meet just the most immediate needs—is estimated at $3,126 million, of which 95 percent would be fully reimbursable. While these costs may seem high, they are modest in relation to the value of the extensive and diversified economy of the five-State area.

We cloud-watchers in Congress who come from the Southwest must debate long and hard with our friends from the rest of the country over support for reclamation. But I believe the economic facts favor us.

Soon after the Reclamation Act of 1902 brought the Federal Government full square into the water development picture, the Carlsbad and the Rio Grande projects were authorized. Today, they furnish irrigation for nearly a quarter of a million acres of land and provide municipal and industrial water—as well as some electric energy—for the area. The cumulative gross value of crops grown on these projects over the years amounts to nearly 39 times the cost of construction of the projects. Other returns, in the form of taxes generated by development in the area, and industrial and transportation profits would materially increase that figure. This is wise use of available water.

But the Rio Grande, the San Juan, the Pecos and the Canadian Rivers, and our ground-water basins underlying the Mimbres and Roswell areas are very close to—or beyond—full development for appropriation and use. After completion of the San Juan-Chama and Navajo Indian projects, and after the building of Hooker Dam on the Gila River, there will be only a relatively few, relatively small, water projects remaining to be developed in New Mexico.

Incidentally, I understand that a week from today bids will be opened on the contract for construction of Azotea Tunnel, the first and probably the biggest job of the $86 million San Juan-Chama project. The Bureau of Reclamation expects to call for bids on a contract for more tunnels in about December, and the one for the final tunnel will in all probability be let next year.

We know that present and impending population growth is rapidly outstripping available water resources. The University of New Mexico's Bureau of Business Research estimates that our population, which grew from 530,000 in 1940 to 960,000 in 1959, will grow to about 2¼ million by 1980. What does that mean in terms of our water problem? In 1959, State Engineer Steve Reynolds estimated that about 125,000 acre-feet of water was being withdrawn for municipal and industrial uses. With the prospect of population more than doubling by 1980, it is a very conservative view to expect at least a doubling of the 125,000 acre-feet for municipal and industrial use. Those figures, it seems to me, typify New Mexico's water problem. What can we do to get practical solutions?

One of the key recommendations of the Senate Select Committee on National Water Resources was for markedly increased research in all phases of water resources conservation and development. That certainly makes sense in this State. New Mexico's average annual precipitation is about 90 million acre-feet; but the runoff from our watersheds averages only slightly more than 3 million acre-feet per year. We are not getting the greatest possible use out of the 90 million acre-feet of precipitation that we should.

We know, for example, that we have only begun conservation of water lost through evaporation from the surface of reservoirs and from the lands. That loss is estimated at 332,000 acre-feet annually—more than double the withdrawal for municipal and industrial use.

We have only begun to salvage the water lost through nonbeneficial phreatophyte growth in the stream courses and lowlands. But we are making some headway. A major program of channelization, carried on by the Bureau of Reclamation since 1951, has saved approximately 700,000 acre-feet of Rio Grande water. Estimates are that when the work is completed about 100,000 acre-feet will be saved annually. Poured into an empty Alamogordo dam, this amount of water would leave it more than three-quarters full.

We have only begun to conserve the water lost through seepage from the canals and ditches in the valleys. Seepage is a real villain in the water story. Irrigation systems on farms are estimated to deliver only about two-thirds of the water diverted into them, and the application efficiency is rated at anywhere from 65 percent down to 35 percent.

The Senate Select Committee on National Water Resources identified 18 major subjects on which additional research is needed for improved water conservation and utilization. I believe that such research into every one of those subjects is pertinent in New Mexico.

Let me digress a bit to illustrate why I have confidence in the promise of research. Some years ago, I sponsored legislation to authorize the Department of the Interior to construct and operate saline and brackish water conversion demonstration plants. Some of us in Congress felt that 1960 was not one bit too soon to start acquiring information and competence in the construction and operation of large-scale conversion plants. But there were others who thought that this was unrealistic and visionary.

As you are all aware, about 2 months ago Cuba shut off the flow of fresh water to the U.S. Naval Base at Guantanamo. Within 48 hours the Navy arranged to move the Interior Department saline water demonstration plant—built under the 1958 legislation—from near San Diego to Guantanamo. The year of operating the plant showed that not only is it capable of producing the 1 million gallons of water per day for which it was designed; but that, in fact—by improved operating procedures—the plant is actually capable of producing about 50 percent more than its design capacity. As a consequence of what some people considered was impractical just a few years ago, the Navy will have a saline water plant capable of supplying a substantial part of the fresh water requirement at Guantanamo.

If Congress approves, another demonstration plant will be built at San Diego designed to operate at higher temperatures than any of the other demonstration plants.

While I am on this subject, I will mention that the Interior Department is now giving very active consideration to a research proposal from Dr. N. N. Gunaji of the New Mexico State University. His proposal involves the utilization of solar energy in connection with the brine effluent from the Roswell desalting plant.

In October 1962, here at State university, I joined in the observance of the 100th anniversary of the establishment of land-grant colleges. My remarks to that centennial celebration touched briefly on the past century of the land-grant colleges and, at somewhat greater length, looked forward to their next century. The land-grant colleges' great contributions to increasing agricultural productivity, I suggested, can be matched in the years ahead by equally great contributions in other resources fields. One of these is water resources.

Toward that end, I sponsored a water resources research act in 1962. This bill was circulated among experts in the field of research and education for their advice and suggestions for perfecting it. Early in 1963, I introduced the improved bill known as S. 2. The bill was passed by the Senate last April. A more limited bill has been reported out of the House Interior Committee. I am hopeful that a measure will be formulated acceptable to both Houses of Congress and to the President and that action may come early enough to permit at least a modest start in the universities next fall.

Some people ask what university water research will do that is not being done by the eight major Federal agencies engaged in such activity. And they also ask how much larger the total program of water resources research should be. In the year ending June 30, Federal support of water resources research will total about $71 million, and about $73 million is requested for next fiscal year.

Isn't that large amount enough? Well, let's do some comparing. The proposed $73 million for water research is less than 6 percent of the $1¼ billion per year that the Federal Government now spends on national programs of water conservation and development. It is only seven-tenths of 1 percent of the approximately $10 billion that is spent each year for Federal, State, and local government and private water facilities; about double that rate of annual expenditure for water facilities will have to be made to meet water needs. In contrast, the oil and gas industry annually spends about 3 percent on research and development, in the chemical industry the figure is about 6 percent, and in the automotive industry it is around 12½ percent.

Less than 1 percent for water research is too little.

If water research expenditures were only 3 percent of the present $10 billion annual expenditure for water facilities, it would be $300 million, or more than three times the present water research program. It seems to me that water research activities are not by any means overly endowed. If research enables us to improve the efficiency of water conservation and development by only 5 percent, it could reduce our annual capital investment in water facilities by $500 million alone.

One major difficulty in expanding water resources research activities, however, is that qualified research people are in short supply. In this matter, universities are eminently well suited to produce the needed research personnel. Universities can do this in the field of water resources in the same way that they have done it in agriculture, or nuclear energy, or the space sciences—by training graduate students through association with the research work of senior faculty scientists.

Even more than the size of the water resources research program, we are concerned with the character of the research. The water research programs of the Federal agencies, in general, are excellent.

There are, however, certain limiting characteristics built into Federal research programs. The research done by Federal agencies, quite properly, is directed to national rather than to local problems. While this provides the technical basis for national programs, it is not well suited for solving the specific problems that are important to specific localities—the Roswell Basin, or to the Mesilla Valley, or the Estancia Valley, for example. Such specific problems are understood best by research workers who are familiar with the special physical and economic characteristics of the local situation. I believe that many such specific problems can be worked out best by a combination of the broad general research results obtained from nationwide investigations together with their specific application to local areas.

University research can make another important contribution more readily than can most Federal agencies. Increasingly, water resources problems are not just engineering problems or just legal problems, or problems amenable to any one technology or any one scientific discipline. Solution of almost any major water problem now requires a mixture of engineering, biology, hydrology, law, chemistry, economics, and other technical subjects. Although the multidisciplinary character of water matters is generally an accepted fact, few, if any, Federal agencies are in a position to deal with them in those terms. This is a limitation that is built into most of the agencies, and not much can be done to modify that aspect of agency organization.

Universities, on the other hand, embrace many disciplines by their very nature. Most universities have on the same campus faculties representing some or all of the elements involved in water problems—engineering, law, the physical, biological, and social sciences, and other branches of knowledge. This makes for an ideal setting for water resources research. At a number of universities there is encouraging evidence that cross-discipline seminars and research teams already are coming to grips with water resources matters.

It seems to me that the water resources research centers to be supported under the proposed legislation would be one of its major accomplishments. Such centers could be influential not only in university research; they should also be influential in orientation of the new crop of water scientists who will receive advanced training in a multidisciplinary climate. Furthermore, through research work under the auspices of those centers, badly needed new research methods intertying various callings should become widely available to others, including the Federal water resources agencies.

A realistic view of the universities in most States reveals that many of them are equipped with faculty competence in less than the full range of subjects that are needed for effective, broad-gaged research. The systems of higher education of many States are geographically dispersed through the State. Generally, there will be several more or less coordinated educational institutions in each State, often with some specialization at each institution. One university will have a strong college of law, another will have a strong college of medicine, one may be strong in economics and other social sciences, while engineering and physical sciences may be dominant elsewhere.

To a considerable degree this is the situation in a number of the Western States, including New Mexico. It will be extremely important that in each State ways be worked out to assure the full participation in the water research program of all the institutions of higher education. That will be necessary in order to conserve and take full advantage of limited resources of competent manpower. I certainly hope that this will be the pattern in New Mexico.

This brings me to a final comment on water resources research. In addition to stressing the need for more research, the Senate Select Committee on National Water Resources strongly recommended comprehensive river basin planning as essential for full conservation and use of our limited resources. President Kennedy accepted that recommendation and he directed the Federal executive agencies to carry out their responsibilities in that undertaking. Congressional authorization is necessary especially to provide for appropriate participation by the State and local governments. I introduced S. 1111 in this Congress to provide such authorization. It passed the Senate last December, and is now pending before the House of Representatives. I hope that early enactment of the measure will clear the road for vigorous progress in the much needed Federal-State river basin planning work.

The specific point I make in this connection is that effective river basin planning will need to rely heavily on knowledge and understanding of water resources, and that means that there will need to be a considerable involvement of research workers in the planning activities. The water resources research centers at the universities, I am confident, will have an important role in river basin planning.

Some years ago, Dr. Warren Weaver, then vice president of the Rockefeller Institute, said that science cannot avoid being practical. By that he meant that research that adds to our knowledge and understanding becomes a basis for some applied use—just as theoretical physics became the basis for the great developments in nuclear energy. I am confident that university research, both basic and applied, will make important contributions to solving water resources problems, and I am confident that New Mexico's institutions of higher education will participate fully in this effort. I come here to wish you well in that endeavor.

FORMER NO. 2 DEFENSE CHIEF SEES 25-PERCENT REDUCTION IN DEFENSE SPENDING BY 1970

Mr. McGOVERN. Mr. President, the former Deputy Secretary of Defense, Mr. Roswell Gilpatric, has authored a highly important article which appears in the April issue of the Foreign Affairs Quarterly.

Mr. Gilpatric believes that if presently eased relations with the Soviet Union continue, the United States can by 1970 reduce its military spending by 25 percent, for a saving of $12.8 billion in the current rate of annual spending.

The recently resigned Defense Department official suggests that our present strategic bomber force can be phased out over the next few years. He argues that adequate deterrent force can be secured through land-based missiles and Polaris submarines.

Mr. President, on August 2 of last year, I took the floor of the Senate to plead for a reexamination of present levels of military spending. I suggested then that our military forces have already reached a point where substantial cutbacks can be made without in any way jeopardizing our national security. There comes a point of diminishing returns in the acquisition of additional weapons.

President Johnson has seemed to recognize this fact in the military budget which he has submitted for fiscal 1965. That budget calls for a $1 billion reduction in arms expenditures. I applaud the President and the Secretary of Defense for this sensible step.

It is regrettable that the Congress has recently forced an authorization of $52 million on the Department of Defense which our defense officials do not want and say they cannot effectively spend for the development of a new bomber.

I do hope when this unwise and wasteful authorization is reviewed by the appropriations committees that it will be eliminated.

The United States should maintain a defense force fully adequate to meet any reasonable security need. But we should not waste our resources on destructive weapons that go beyond our real security requirements. To do so is to deprive us of other urgent national needs.

The late President Kennedy as well as President Johnson have taken steps to strengthen our conventional warfare capability. We also have many tactical missiles and tactical aircraft that can be used in the event of limited warfare, but we should be very careful about launching new ventures to add to an already enormous strategic war capability.

The President has very properly called to our attention the problems of poverty that afflict large sectors of American life. We are also aware of the needs of our society for better education, increased job training, the development of our rural areas, the improvement of our cities. If we are to undertake these important tasks to strengthen our country, we cannot afford to waste money on expensive surplus armaments.

I hope that Mr. Gilpatric's article will be given the careful reading that it deserves.

Mr. President, I ask unanimous consent that news accounts of this article appearing in yesterday's Washington Post and New York Times be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 19, 1964]

GILPATRIC TERMS ARMS CUT LIKELY: 25-PERCENT REDUCTION IN SPENDING POSSIBLE BY 1970, HE SAYS

(By Jack Raymond)

WASHINGTON, March 18.—Roswell L. Gilpatric, former Deputy Defense Secretary, suggested in a magazine article today that if the current détente with the Soviet Union continued, the defense budget could be cut 25 percent by 1970.

This would mean that annual defense spending, estimated at $51.2 billion for the fiscal year 1965, would be reduced to $38.4 billion, a saving of $12.8 billion a year.

It is the largest reduction in military spending envisioned publicly by a defense source. Moreover, as outlined by the former Pentagon official, the reduction would not depend upon either a disarmament agreement or a military breakthrough.

He also suggested that all manned bombers might be "retired from active deployment" in the 1970's. Congress, which recently authorized $52 million for the development of a new manned bomber despite some official objections, has opposed any proposals to eliminate manned bombers from the Nation's defenses.

Mr. Gilpatric, a lawyer, was the No. 2 civilian in the Defense Department, under Secretary Robert S. McNamara, for 3 years until he returned to private practice 2 months ago.

His article, in the April issue of the quarterly magazine Foreign Affairs, distributed today, appeared to reflect some of the current strategic thinking by administration leaders.

CONSEQUENCES UNDER STUDY

The Government's leading economic officials, for example, are already examining the consequences of a sizable cutback in defense spending on the assumption that such a cutback is possible. They are thinking of an expanding antipoverty program to offset the prospective decline in defense spending.

However, the extent of the cut that Mr. Gilpatric considers feasible has never been advocated publicly by officials. On the contrary, a widely publicized proposal by Prof. Seymour Melman of Columbia University, suggesting substantial defense cuts on the premise that the armed forces already have more power than is necessary, has been consistently rejected in official quarters.

Mr. Gilpatric stressed in his article that he was "not talking about an inevitable major decline in U.S. defense spending, but about one that might be feasible should the present amelioration of East-West relations prove more permanent than the 'Spirit of Geneva' or the 'Spirit of Camp David.'"

He added, however, that "there is evidence" of the increasing awareness of the leaders of East and West of the dangers of the nuclear war. He said he thought it was "at least possible, though not assured, that we shall at last find a more than temporary easing of East-West tensions."

WOULD RETIRE MANNED BOMBERS

On that premise, Mr. Gilpatric described a strategic retaliatory force "consisting only of hardened and dispersed land-based and mobile sea-based missiles, with all of the vulnerable, earlier-generation missiles deactivated and all manned bombers retired from active deployment."

The former Deputy Secretary conceded that the proposal to drop the strategic bombers by 1970 was controversial. He said that improved B-52 and B-58 planes now in service could be kept "into the seventies," but that there "seems to be no compelling reason why the bombers need be kept in the active force."

He did not mention the controvery that is taking place in Washington over manned bombers. Congress recently authorized a development program for a new manned bomber, providing $52 million for this purpose that the administration did not request.

Mr. Gilpatric wrote that the missile force he envisioned would be invulnerable to surprise attack and "would be capable of destroying the centers of Soviet and Chinese Communist society."

Discussing air and missile defense forces, Mr. Gilpatric proposed dropping manned interceptors in view of the Soviet Union's present policy of concentrating strategic power in missiles.

A continuation of the present détente, Mr. Gilpatric continued, would make feasible reductions of troop strength in some areas.

[From the Washington (D.C.) Post, Mar. 19, 1964]

GILPATRIC SEES BOMBERS ELIMINATED BY 1970

(By John G. Norris)

Former Deputy Secretary of Defense Roswell L. Gilpatric believes that if presently eased relations with the Soviet Union continue, the United States could eliminate all its strategic bombers and cut defense spending 25 percent by 1970.

Writing in the April issue of Foreign Affairs, Gilpatric outlines what he believes could be an adequate future level and type of U.S. Armed Forces if there are no more "major confrontations" between the Soviet Union and the West.

These comments of the recently resigned No. 2 man at the Pentagon are significant because his military views largely have paralleled those of Secretary of Defense Robert S. McNamara. They will be carefully scanned abroad, in Congress, and by military men at the Pentagon.

Gilpatric's article is bound to arouse some opposition, particularly in the Air Force, for he would concentrate reductions in the offensive and defensive strategic forces. He stressed that he was neither presenting a 1970 defense plan, nor a formal disarmament proposal.

"It merely suggests the kind of program that might be adequate to meet our commitments and defend our interests," Gilpatric said, "while at the same time contributing to general military stability, provided the present movement toward detente with the U.S.S.R. continues to progress."

He calls for the following:

Deterrent forces made up only of underground land-based missiles and Polaris submarine missiles. All manned bombers and vulnerable, above-ground missiles would be "retired from active deployment."

Such a force, Gilpatric stated, would be immune from surprise attack and "capable of destroying the centers of Soviet and Chinese Communist society." This suggests that he proposes a cities-only retaliatory force, rather than larger "counterforce" strength to destroy enemy missile sites.

Continental air defense forces consisting only of warning systems and "current generation antiaircraft missiles." Manned interceptors would be phased out of service unless Russia gave evidence of building new manned bombers.

Continental missile defense forces, consisting only of warning systems such as the BMEWS stations in Alaska, Greenland, and Scotland. There would be no production or deployment of antiballistic missile systems such as Nike X, unless Russia went beyond its present experimental installations of this type.

Maintenance and continued improvement of reconnaissance systems, both aircraft and satellite.

"No significant change" in general-purpose conventional forces, except that the number of Army divisions might be cut if Russia reduced its army in East Germany or if increased air mobility made possible the withdrawal of U.S. forces from Korea.

Continued "strong" efforts in research and development, improvements in command and control and upgrading of the reliability and flexibility of strategic missile forces. But there would be less effort on final engineering and testing of new strategic weapon systems, assuming Russia used similar "restraint."

Gilpatric's suggestion that present B-52's and B-58's be deactivated by 1970—short of their expected lifespan—threw cold water on Air Force proposals for a follow-on bomber and interceptor unless Russia heats up the cold war or builds new warplanes. He said mothballing of bombers might be considered.

The former Pentagon official made it plain that he was not predicting a detente, but trying to stimulate debate on after-the-cold-war defense policies. He urged that the United States both keep strong and try to lower tensions, policies that have been mutually incompatible in the past.

One way, Gilpatric said, would be to make military power "more unobstrusive," perhaps by substituting sea-based power for U.S. forces on foreign soil.

Any greater military reduction than he advocated, he said, would have to be achieved by formal disarmament treaties, providing inspection.

POVERTY AND ARMS REDUCTION

Mr. McGOVERN. Mr. President, in several Senate speeches last year, I suggested that it might be possible, without endangering our national security, to decrease the vast sums we spend each year on armaments and apply that money toward the alleviation of some of the human and economic ills that beset our society. Such a shift in resources would, I suggested, enhance the strength of our Nation. I posed the question on August 2 in this manner.

> The question is whether the United States can afford the vast overkill capacity which seems to underlie much of our military budget.
>
> My own conviction is that we cannot afford this policy economically, politically, or morally and that if we persist in following it we will weaken our Nation both at home and abroad.

Expressions of support have come from all parts of the Nation for the idea that we might work on some of our human problems with money saved from superfluous defense spending. A particularly fine example of this heartening trend is the lead editorial in the New York Times of February 22 entitled "Poverty and Disarmament."

The Times editorial poses the same question in a slightly different form:

> What could be more appropriate than to establish now, as a matter of conscious national policy, a clear link between cutbacks in defense spending and increased investment in human welfare and community services?

The connection is clear, Mr. President, for all who are truly concerned with the strength and security of this Nation. For surely all the weapons in the world could not save this Nation nor guarantee the future of freedom and democracy in the world if we are unable to provide employment and a respectable standard of living for our own citizens.

We have reached the point in weapons procurement where we can literally destroy the society and population of any aggressor nation. Further increases in our weaponry will yield sharply diminishing returns in terms of additional security.

The President has called for an all-out war on poverty. We can finance this campaign out of funds saved from defense procurement. The connection between our economic resources and the economic and human health of our Nation must be made. In the words of the Times editorial:

> The campaign against poverty could eventually be turned into the world-wide undertaking it must be for true security and the abolition of want.

Mr. President, I ask unanimous consent that the Times editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

POVERTY AND DISARMAMENT

Profits, wages and employment are all at record levels today, yet 4 million Americans are jobless and 30 million live in families whose incomes are less than $3,000 a year. At all levels of Government—from the White House to city hall—programs for combating poverty are being feverishly drafted, with next November well in mind.

No undertaking could be more deserving of total national commitment than aggressive war against urban and rural slums, against undereducation, against inadequate medical care and other manifestations of encrusted social neglect. The danger is that the campaign will degenerate too quickly into empty sloganeering and thus leave in greater despair than ever those whom it is supposed to help.

The conquest of poverty will be neither swift nor cheap. For the first year President Johnson says he hopes to make nearly a billion dollars in new money available for Federal antipoverty programs. However, the indications are that the amount actually to be spent for the 1964–65 fiscal year will not exceed one-third that amount. This is perhaps as much as can be usefully applied at the start; but vastly larger appropriations will be necessary later if the assault is to attain the massive dimensions essential to chop away the root causes of dependency.

The Nation's awareness of this need comes just as it has been found possible to make the first modest cuts in the billion-dollar-a-week military budget. What could be more appropriate than to establish now, as a matter of conscious national policy, a clear link between cutbacks in defense spending and increased investment in human welfare and community services?

Improved international understanding, plus the overkill capacity already possessed by both sides in the cold war, may in the foreseeable future permit dependable agreements for scaling down outlays for weapons. How quickly such cuts can be made with safety we do not yet know. But already the possibility that a development so beneficial to all peoples would upset the domestic economy has prompted President Johnson to appoint a special Cabinet Committee on Disarmament Planning.

By a decision now that a large part of the funds released from defense will be earmarked for schools, housing, health and public works, the movement away from military war could be coupled with a movement forward in the war against poverty. By this example, a powerful spur would simultaneously be applied to other governments to make similar commitments for reallocation of their resources to peaceful programs. The campaign against poverty could eventually be turned into the worldwide undertaking it must be for true security and the abolition of want.

SPEECH BY MISS AYAKO KIKUSHIMA AT GRADUATION EXERCISES OF EVERGREEN PARK COMMUNITY HIGH SCHOOL, ILLINOIS

Mr. DIRKSEN. Mr. President, I do not know whether the Chair is proficient in the Japanese language, but the following words are in Japanese as rendered.

The ACTING PRESIDENT pro tempore. The Senator from Illinois can take judicial notice that the Chair is not proficient in the Japanese language.

Mr. DIRKSEN—

> Tomo ni aruko, tomo ni kataro. Sekai heiwano tameni.

Translated, it means:

> Walk together, talk together, all ye people of the earth. Then, and only then, shall ye have peace.

That was the title of a short speech that Miss Ayako Kikushima, American Field Service student from Japan, delivered at the graduation exercises of the Evergreen Park Community High School, at Evergreen Park, Ill.

It is quite a little gem, and I think it deserves wide currency. I therefore ask unanimous consent that it be made a part of my remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

TOMO NI ARUKO, TOMO NI KATARO

Tomo ni aruko, tomo ni kataro. Sekai heiwano tameni. Translated, this means: "Walk together, talk together, all ye people of the earth. Then, and only then, shall ye have peace."

This is the motto of the American Field Service whose exchange program serves to open the door to understanding and friendship. I am honored to be a part of this program and to have been the first AFS student in Evergreen Park.

My home in Japan is completely surrounded by mountains, and we would often talk about the world beyond the mountains and speculate on how different it must be. When I crossed those mountains to come to America I did find what at first seemed to be a different world. But as I lived with you—as we walked together and talked together—I discovered that our similarities in values and ideals far exceed our physical and cultural differences.

There is an old Japanese proverb that says: "There are many roads to the top of the mountain, but once we reach the top the view is the same." Perhaps the real meaning of this proverb is that we are all surrounded by invisible mountains of misunderstanding and distrust that must be climbed each in his own way, before we can see the road to world peace and harmony. As we of the graduating class leave here today, we will set out on many different roads, but it is our duty and the challenge of our generation to find roads to the top of the mountains and not to wander aimlessly in the valleys below.

And it is the duty of the youth of America to lead the way in this difficult task, because you are a part of a country that has grown great and strong from the merging of many different cultures from many different parts of the world. The names on the diplomas you will receive are all American names, but they originated in Sweden, Italy, the Netherlands, England, Ireland, Germany—from all over the world. The United States could not have become the great country that it is today if its past generations had not been willing to climb the invisible mountains that surrounded them when they came here. We of the present generation, and those that follow us, must continue the struggle to surmount the invisible barriers that now prevent all peoples of the earth from living together in peace and understanding.

In a short while I will return to Japan and once again cross the mountains. I will be happy to see them, because they are very beautiful, and I have missed them very much. But my pledge to you, to the people of America and to the people of Japan, is that I will never go back down the invisible mountains that we have climbed together during my stay here in Evergreen Park. May we always continue to walk together and talk together in ever increasing friendship and understanding.

BASIC FACTS ON THE RIGHTS ISSUE

Mr. STENNIS. Mr. President, the Senate is now engaged in a much needed debate to alert the people of this great Nation to the real dangers of the so-called civil rights bill. For the first time, there is a chance to bring the full truth to the people. It is a helpful, beneficial, and necessary part of the legislative, deliberative process of the Senate.

In addition to Senate debate, many good newspaper columnists and commentators are helping to educate the public about the basic issues and facts regarding this most controversial piece of legislation.

The able and distinguished William S. White, had an excellent column which appeared in the Washington Evening Star of March 18, 1964.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

BASIC FACTS ON THE RIGHTS ISSUE

(By William S. White)

As the Senate proceeds with the gravest debate in our history on civil rights, some basic facts need to be pointed out, lest the onlookers lose their sense of perspective.

The central danger to an orderly solution of the century-old issue of passion and recurring crisis is that of oversimplification as the long struggle goes on. Too many are already reaching easy conclusions that are quite wrong.

One fiction is that all this is a mere political power play in which the politicians of both parties in the North are only out to grab minority-group votes by pressing Federal controls onto the South.

SITUATION IS CHANGED

The fact is that while all this was partly so many times in the past, things are not nearly so simple any more, because this time there is a whole new set of national circumstances. In the past, civil rights bills were openly directed exclusively at the South. Now, racial disorders have moved to the North and the Johnson administration's bill would apply with no less force above than below the Mason-Dixon line. This is especially true of the section to forbid racial discrimination by privately owned businesses.

This time, there is no assurance that a vote for this bill will necessarily be politically beneficial in all areas, even in the North. There have been many indications of late that northern white voters in unusually crowded urban areas—notably Italo-Americans and Polish-Americans—are developing a marked hostility of their own to Negro demands. Every big-city Democratic organization in the Nation is presently in fear of this countermovement.

Again, a fiction is that the Senate debate simply separates the good guys, those who wish to do something real for the Negro rights, from the bad guys, who wish to do nothing. The bad guys are presumed to be all the southerners and such crusty Republicans as are more or less allied with them.

The fact is that quite apart from that part of the southern wing that is against doing anything at all there is honest concern within the resisting group that the bill goes too far.

A fiction is that the southerners have already opened a bitter filibuster, an effort by a minority to dominate a majority. The fact is that no filibuster has as yet been begun, unless one wishes to assume that any discussion whatever of this profoundly difficult question is in itself an obstruction of majority will.

A Senate debate running 3 weeks or more on far less complicated issues is not uncommon. Discussion reaches the point of a filibuster only when those fighting a measure cease all effort at rational persuasion and occupy themselves in irrelevant time-killing to prevent any vote at all. It may come to this; it has not yet remotely come to this yet.

Moreover, it should be remembered that in the Senate to be a minority is not necessarily to be wrong. Actually, it is a minority institution, deliberately created to serve not as a docile yes-sayer to majorities but as their toughly skeptical critic. Its very makeup shows its fundamental mission of check-and-balance; the smallest State in population, a Nevada or a New Mexico, has precisely the same voting strength as the largest, a New York or a California.

Those who are demanding "action" right now, therefore, should curb an impatience based upon ignorance of the root meaning of the American legislative system. No responsible man should want this thing settled under a stopwatch.

SOMBER INQUEST

This is no footrace; this is a somber inquest upon a proposed policy without example in our national life. To make such an inquest is precisely what the Senate is for in our scheme of things. Let it work its will; and let it not work its will until every viewpoint has been heard and examined and heard and examined yet again.

We have lived with this terrible problem for a hundred years; a hundred days are not too many to try to solve it in dignity and in reason—as the party leaders of the Senate, MIKE MANSFIELD, of Montana, for the Democrats, and EVERETT DIRKSEN, of Illinois, for the Republicans, are in simple truth trying to do.

A WOMAN WRITER TAKES A CRITICAL LOOK AT AMERICA—ARTICLE BY MRS. MAY CRAIG

Mr. STENNIS. Mr. President, the U.S. News & World Report of March 2, 1964, reprinted an article by Mrs. May Craig, able and active reporter for the Portland, Maine, Sunday Telegram, which she had written for her newspaper on February 9, 1964.

The timely article merits careful reading because it is full of the commonsense and sound philosophy which are the bedrock of our American way.

Mrs. Craig, perceptive and searching in her skill with the pen, mentions some of the fundamental principles and standards which must be followed if we are to remain strong as a nation and a free people.

Her article, entitled, "A Woman Writer Takes a Critical Look at America," is most worthy and helpful and should be widely read and thus strengthen our people and our Nation.

I ask unanimous consent to insert this article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WOMAN WRITER TAKES A CRITICAL LOOK AT AMERICA

Unless there is a change, deep down, in the American people, a genuine crusade against self-indulgence, immorality—public and private, then we are witnesses to the decline and fall of the American Republic.

Death on the highways, a pack a day, cheating from top to bottom in our society, get rich quick, breakup of the family, faltering in foreign policy, reckless debt—these have destroyed nations before us. Why should we think we can take that path and change history?

Look around you, and everywhere you see lack of principle and steadfastness in the right and brave. The disgraceful cover on the recent issue of a publication with a nationwide circulation and its palliating story of sexual immorality adds adult consent to the looseness of our youth, already far down the road of delinquency, shiftlessness, derogation of virginity in our girls who will be the mothers of tomorrow.

There is no financial morality in our Government—"charge it," is the accepted practice.

Round the world they think they can take our money with one hand and slap us in the face with the other. We talk of our "leadership," but we are apparently incapable of giving leadership.

One listens with dismay to the campaigning for the Presidency that is going on. Oh, for a crusader to call us back to dignity and strength and austerity.

What was that last word? "Austerity"—plain living and high thinking, putting our money into the real things of life, not mink-handled saucepans and three cars in every garage; public servants who are not Bobby Bakers. Schools for the young, care for the elderly, strength so that none will dare attack us, a worthy succession to those men with feet wrapped in bloody bandages at Valley Forge to give us liberty. How have we used the liberty they bought for us so dearly?

Because it is unpleasant to think of unpleasant things, we say the Soviet Union may be changing its determination to "bury us." Red China is bad, of course, but maybe not Khrushchev. Halfheartedly we send American men to die in jungles, where we do not have the guts to go in to win or to stay out.

We sell wheat to Russia to save her from a demonstration that communism cannot produce enough food for its own people. If we do this to get rid of surplus wheat, which we have already subsidized and which we will subsidize again to give it to the Communists cheaper, we might try discouraging the production of surplus wheat and remember the old-fashioned private enterprise where one grows for the market, not the Government storage bins.

We faltered in Cuba and now she is the homeland of subversion of all Latin America and Africa. Where will we find a strong man to lead us? Would we vote for one if he campaigned, crying in the wilderness that we come and be saved—from ourselves? We could have saved Cuba for freedom, and saved ourselves and the rest of Latin America from this nest of communism, but we did not. Around the world they do not believe what we say; they look at what we do.

The United Nations was founded in this country. Now it is a messy combination of polyglot nations, old and new, grabbing for our money and ignoring our half-hearted arguments.

The idea of letting in a small nation of fewer than a half million people, utterly inexperienced in governing itself, unproved as a stable, honest state—letting them in within a few days of their establishment. We might at least insist on a period of probation.

The United Nations itself should be forced into financial honesty by the United States refusing to keep on paying the bills while many get a free ride while outvoting us. The idea of letting in Red China in the face of the Charter which says, "peace-loving nations." True, we are against letting Red China in, but all we do is get out our handkerchiefs and weep into them while the majority in the U.N. does as it pleases.

We waste untold sums on useless defense, and fail to keep ourselves truly strong in all fields, to be able to fight small as well as missile wars.

We sign test ban treaties with known enemies, known defaulters on treaties, that we will not test as we may need to. Why should we put our defense in such an agreement? If our defense experts—not Businessman McNamara [Secretary of Defense]—say we need to test, then let us test without asking permission of friend or foe.

We fiddle-faddle in southeast Asia, and may be ignominiously pushed out. Maybe we should never have gone in there—let the Reds take it—but there is one thing for sure: If we go in anywhere, we should go in to win.

We are losing the respect of the world, and respect is more necessary to a nation, as to a person, than affection. We get little affection from the people we have helped over the years—and we are losing respect.

Nobody respects a fumbler, a weak man, a wobbler, in policy or deeds.

First, every one of us has to clean out weakness and selfishness and immorality of all types. Then choose leaders who with strength and principle and intelligence will lead us to where we can have self-respect and respect of others.

Would we elect such a man if he campaigned on such a platform?

WHEN THE PEOPLE HAVE AN OPPORTUNITY TO VOTE ON OPEN OCCUPANCY POLICY

Mr. STENNIS. Mr. President, on March 18, I commented on the remarks of the junior Senator from New York [Mr. KEATING] concerning the fact that his mail was running about 50–50 on the civil rights bill. I also pointed out that, in my belief, the more the American public learns what is really in this bill, the more it will be against it.

In line with this thought, I would like to observe that on March 10, 1964, the voters in the city of Seattle, Wash., rejected a proposed antidiscrimination housing ordinance. The vote was 112,448 against and 53,453 for, a margin of more than 2 to 1. Only a little more than a month ago, the voters of Tacoma, Wash., did the same thing and the margin there was 3 to 1.

This is a very significant thing, coming at the time that it does. It shows that when the issues are put directly to the people themselves, who have to live with these problems, they vote them down. I think it was natural for a great majority of the voters to say that they did not want to be forced to an open occupancy policy in real estate—that is, to sell, rent, or lease to people of all races, creeds, color, and national origins alike.

I believe that if the broad, sweeping provisions of this bill were explained to the voters of this country and that they had to vote on it—title by title if necessary—it would be defeated at the polls.

These voices directly from the people on the issue clearly drawn, fully discussed with a free choice fairly made, are a wholesome influence. Such issues, so intimate and close to the daily lives of the people, should be decided by direct vote of the people.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. KEATING. The Senator does not contend that there is any housing title in the bill or any section relating to housing; does he?

Mr. STENNIS. The main point the Senator from Mississippi makes is that the bill is full of provisions for executive orders, and the housing order already in effect, taking it as a sample and framework and pattern of what may happen, certainly makes anything that is happening under the housing order or on votes of the people on similar matters relevant and direct and overwhelming.

Mr. KEATING. I am not questioning the relevancy or propriety of the Senator's entering this matter in the RECORD, but it seems to me it is not conducive to an explanation and understanding of the bill to talk about State or municipal problems relating to housing.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that the Senator may have 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KEATING. So far as I know, the only provision that could have a remote connection with housing is the provision in title VI which states that the administrator shall have the right to cut off Federal funds collected from both white and Negro taxpayers to aid a federally subsidized housing project if it is a segregated project. Beyond that, I know of nothing else in the bill.

Mr. STENNIS. I do not think there is any doubt that it can be demonstrated. The civil rights bill provides for express Executive authority to go into loans—not only grants but loans—for housing. At any rate, the Executive order on housing now is a fact of life. This was an instance in which the people had a chance to vote on an open housing ordinance, and in one case they voted against it 2 to 1, and in another case they voted against it 3 to 1, which shows that the people are against it.

Mr. KEATING. It has nothing to do with what is contained in the civil rights bill.

Mr. STENNIS. It has nothing to do with it except that it has the same effect, of taking away the people's civil rights.

GOVERNOR REYNOLDS' EXCELLENT JOB IN EMERGENCY TRANSPORT PROGRAM

Mr. PROXMIRE. Mr. President, Gov. John Reynolds of Wisconsin was recently commended by Chairman Goff of the Interstate Commerce Commission for the outstanding progress our State has made in the initiation and implementation of an emergency motor transport program. This organized effort is intended to meet any possible national emergency arising from enemy action.

Wisconsin was among the first States to establish an Emergency Motor Transport Board and is among the first 17 States to adopt the 12 Emergency Transport Mobilization Orders issued by the ICC. In addition, Wisconsin has designated motor transport officers throughout the State so that, in an emergency, damage to motor transport will be quickly assessed and a determination made as to remaining capability.

Mr. President, this represents Federal-State cooperation in the finest tradition. I am very proud not only of my State but of Governor Reynolds, A. Wilford Larson, Miles F. Fenske, John P. Varda, and Charles W. Buckner, who devoted their time and energy to make this achievement possible. I ask unanimous consent that letters to Governor Reynolds and to me from Chairman Goff detailing this accomplishment be in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., March 17, 1964.

The Honorable WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: The enclosed copy of a letter to Governor Reynolds covers the motor phase of our joint planning effort and reflects, without exaggeration, the tremendous contribution responsible State officials have made to the program. I am sure you will share with me the sense of pride and gratification that the State of Wisconsin has quickly and sensibly organized to meet a possible national emergency from enemy action.

What we believe to be a very flexible, sound, and self-triggering arrangement dealing with emergency rail and inland water transportation has also been effected with executive reservists strategically placed, ready to function should the occasion call for on-the-spot survival and rehabilitation measures. Here, too, your State has responded to suggestions or calls with alacrity and complete cooperation.

This is intended solely as information regarding major developments in our Federal and State cooperative effort. Meanwhile, should you have any questions, please do not hesitate to let me hear from you.

Sincerely yours,

ABE MCGREGOR GOFF,
Chairman.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., March 12, 1964.

Hon. JOHN W. REYNOLDS,
Governor of Wisconsin,
Madison, Wis.

DEAR GOVERNOR REYNOLDS: As you know, the coordinated emergency motor transport program, initiated jointly by the State of Wisconsin, this Commission and the motor carrier industry, has accomplished much since its establishment. This program is designed to develop and assure a continuous state of readiness in motor transport for any national emergency that may be thrust upon us. The tremendous progress made to date in furtherance of the program must be attributed in a large measure to the excellent cooperation that has been given by your office and the Public Service Commission of Wisconsin.

The Wisconsin Emergency Motor Transport Board was created and a chairman appointed by you. Thus, Wisconsin was among the first States to establish such boards, of which there are now 49. Since that time Wisconsin is among the States whose Civil Defense Transportation Annex gives recognition to the board. Your State is among the first 17 to adopt the 12 Emergency Transport Mobilization Orders issued by this Commission or prescribe comparable orders, thus making the requirements applicable in a national emergency to intrastate as well as interstate transportation.

In addition to all of the foregoing significant actions, Wisconsin has designated motor transport officers throughout the State. Thus, an effective means is established whereby, in an emergency, the damage to motor transport will be quickly assessed and a determination made as to the remaining transportation capability. It seems clear that only by such an organization can motor transport be quickly mobilized in an emergency to assure transportation to meet the survival needs of the State and the Nation.

In forming a resources task group for transportation as suggested in the comprehensive program of the Office of Emergency Planning you wisely included representatives from the motor transport board in the task group membership. Thus, the task group becomes an effective coordinating instrument. By your action in this matter the motor transport board is established as the single planning agency to which motor transport can look for guidance and direction now or in an emergency.

Much time and energy has been expended in achieving those major accomplishments. For their diligence and dedicated effort in this matter, I commend highly Mr. A. Wilford Larson, Chief, Transportation Division, Wisconsin Public Service Commission; Mr. Miles F. Fenske, III, Administrative Assistant, Wisconsin Public Service Commission; Mr. John P. Varda, general manager, Wisconsin Motor Carriers Association; and our District Supervisor Charles W. Buckner.

There is a feeling of comfort and confidence in the knowledge that in a national emergency capable hands would guide the mobilization of motor transport in Wisconsin and assure emergency transportation upon which our very survival could well depend.

My sincere thanks to you and your staff for joining hands with this Commission and the motor transport industry in doing a job that could not be accomplished singly by any one of us.

Sincerely yours,

ABE MCGREGOR GOFF,
Chairman.

NORMAN KRAEFT OF ABC COMMENTS ON IMPORT PROBLEMS AND AGRICULTURE

Mr. SIMPSON. Mr. President, the national agricultural editor of American Broadcasting Co., Mr. Norman Kraeft, authored a comment for his February 19 "American Farm Daily" program which, unfortunately, escaped the high measure of nationwide attention it deserved.

Although the Senate dialog on beef imports in connection with the farm bill is over for a few months, the questions of imports still remain with us. The Senate Finance Committee is holding hearings on that important question now, and as long as foreign beef and mutton products threaten to destroy those domestic industries in the United States, discussion on the issues will continue.

I would like to call Editor Kraeft's commentary to the attention of my colleagues with special reference to the writer's observation that:

> Australia and New Zealand built up a beef business in the United States—and we settled with them at a level near the peak of their exports to us. In chickens, we built up an export business to Western Europe—we finally settled on a basis of little better than 50 cents—on our lost poultry dollar.

which is a graphic way of saying the administration cut our throat on "voluntary" meat agreements with Australia, New Zealand, and Ireland even after losing its pinfeathers in the so-called chicken war.

Editor Kraeft concludes his comment with this salient right hook:

> We trust the chicken and beef settlements are not typical examples of what is in store for U.S. agriculture.

Mr. President, I ask unanimous consent that the commentary by ABC's Norman Kraeft be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

AMERICAN FARM DAILY

(As broadcast on Wednesday, February 19, 1964, by Norman Kraeft, national agricultural editor of ABC radio)

The settlement with Australia and New Zealand under which they voluntarily agree to limit their exports of certain meats to the United States to the average amount they exported to us in 1962–63 raises at least one question. How well are we doing in the international trade arena, especially in the bargaining on behalf of U.S. agriculture?

Cattlemen, livestock feeders and their organizations have complained for over a year about the damage they said they were suffering because of the rapid rise in imports of beef and other meats from abroad. Congressmen of both parties tell me that they have received more mail on the issue of beef imports than they have on any other agricultural topic in many a moon. Stockmen have taken note of the fact that beef imports from the down-under countries increased nearly a hundred percent in the past 2 years. They have suggested a rollback based on the average imports of the past 5 years and are not happy with the new agreement which rolls back the 1963 level a mere 6 percent.

It is interesting to note a comparison between the beef import situation and the recent chicken export business we had with the European Common Market. Australia and New Zealand built up a beef business in the United States over the past several years and we settled with them at a level near the peak of their exports to us. In chickens, we built up an export business to Western Europe. When they raised trade barriers against our chickens, we finally settled on a basis of little better than 50 cents concessions on our lost poultry dollars, and even this settlement did little—if anything—to maintain our poultry markets in Western Europe.

We trust the chicken and beef settlements are not typical examples of what is in store for U.S. agriculture in the forthcoming trade negotiations when, as Agriculture Secretary Freeman has so often said: "Agriculture and industry will be negotiated as a single package."

ADDRESS BY NORMAN M. CLAPP, ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an address delivered by Mr. Norman M. Clapp, Administrator, Rural Electrification Administration, at the 22d annual meeting of the National Rural Electric Cooperative Association, in Dallas, Tex., on March 10, 1964.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF NORMAN M. CLAPP, ADMINISTRATOR, RURAL ELECTRIFICATION ADMINISTRATION, BEFORE 22D ANNUAL MEETING, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION, DALLAS, TEX., MARCH 10, 1964

It was 3 years ago that I spoke to you very briefly from this platform as the REA Administrator-designate. President Kennedy had announced it was his intention to appoint me to this position but at the time of your annual meeting here in Dallas I was still officially unappointed and unconfirmed although, thanks to your generous hospitality, not uninvited.

For all of us the occasion marked the threshold of a new period of reinvigoration for the rural electrification program.

In 1960, President Kennedy, then a candidate for the Presidency of the United States, had made a commitment to the rural people of America, a commitment to you. He had promised that as President of the United States he would, "restore REA to its former role of preeminence, freeing it from constant concern over political interference, higher rates of interest and budgetary starvation and enabling that remarkable American institution to get on with its work of providing low-cost electricity and telephones for every American farm family."

For the 3 years which have followed, this commitment has been the mandate for the REA program.

These years are now history. They have been years of great problems and progress, crisis and decision, tragedy and triumph.

Meeting again as we are at this time and in this place we cannot help but be mindful of the supreme tragedy these years have brought, but we should be mindful, too, of the triumph of American democratic institutions in rising to meet it. It can be truly said that never has the inner strength and dynamic stability of American democracy been more dramatically demonstrated than it was in that dark hour when President Kennedy was taken from the Nation. When all the world seemed to stand still in shocked disbelief, one great American President was promptly succeeded by another—and America continues to move forward.

And I am here today to assure you that the mission of rural electrification continues to move forward. The commitment of President Kennedy is still the mandate of REA under President Johnson.

This, I am sure, comes as no surprise to you who know firsthand the great contribution President Johnson has already made as a Member of Congress, U.S. Senator, majority leader of the Senate, and Vice President of the United States, to the legislative history of rural electrification. I am sure it is no surprise to all his longtime friends and associates in Texas where he personally worked side by side with you in building the rural electrification program in this, his home State.

President Johnson has been a part of the great American story of rural electrification. He knows what you have done in bringing light and power to rural America. He knows its importance to rural people. He knows what it means in terms of better living. He knows what it means in terms of greater business opportunities in rural areas, for there are very few businesses which can operate today where there is not good electric—and telephone—service.

He knows the importance of rural electrification in the all-out war against poverty, a war he himself has declared on behalf of all Americans as President of the United States.

So, although the President deeply regrets his inability to be with you at this annual meeting as he has been on other occasions, I bring you his personal assurance of his continued support for the full purpose of rural electrification. He wants the job of rural electrification pressed forward toward the ultimate goal of providing parity of electric service for rural people. If rural America is to share fully in the Nation's prosperity, if rural people are to make their full contribution to the Nation's progress, we cannot allow either inadequate electric service or the high cost of electric service to retard better living or business opportunity in a rural area.

We cannot allow such handicaps to contribute to the persistence of poverty in rural areas.

President Johnson knows the problems of bringing low-cost electric service to thinly populated rural areas. He knows the importance of technical assistance and low-cost capital as essential equalizers in overcoming the handicaps of rural service. He knows the magnificent job you have done in working together through nonprofit cooperatives, using the assistance offered through REA and developing systems of growing strength, to provide rural light and power.

And he wants you to keep at it, not simply to supply temporary stopgap service until someone else is ready to take over, but, as growing, vital, permanent rural electrification organizations, to continue the job you have begun so well.

And I can tell you that President Johnson wants REA to continue to help you do it.

The theme of your annual meeting in this year 1964 is "New Dimensions in Rural Electrification." As I recall my high school geometry there were the usual dimensions of length, breadth, and depth. But now there is a new fourth dimension—time. In rural electrification we have worked quite successfully in establishing the usual dimensions of the length and breadth and depth of the program. We need now to consider the new dimension of time, the new dimension of the future, the new dimension of permanence for what you have built and are still building.

If the rural electric systems are to be enabled to bring service to rural people of a kind and cost comparable to that enjoyed by consumers in the more densely populated urban communities, they must have assistance in overcoming the inevitable handicaps of low-consumer density and the limited revenue base of present-day rural service.

At the close of 1962, REA borrowers and the class A and B commercial power companies were operating 2.8 million pole-miles of distribution line and were serving 49.2 million consumers. The rural electric systems accounted for 1.4 million miles, or over half of this mileage, but only 4.8 million, or less than 10 percent, of the consumers. The rural systems financed by REA serve only 3.3 consumers per mile of line, while the commercial companies average 33.2, or 10 times as many, consumers on each mile of their lines.

This handicap in density is further compounded for the rural systems by a lack of large power users in rural areas and a lack of load diversity. The electric business is a volume business. It is a business of large capital requirements necessary to build the basic plant to reach the users who must be reached, and the capacity to meet the maximum demand which must be met.

That basic plant investment must be there whether it is used to deliver 1 kilowatt-hour or a thousand, whether it is used 1 hour of the day or 24 hours each day. It is therefore a simple fact of electric life that the unit cost, the cost per kilowatt-hour delivered, goes down as the facilities are used to their maximum capacity. Load volume and load diversity make this possible.

Less than 20 percent of the 1961 revenues of REA-financed systems came from commercial and industrial loads. The class A and B commercial utilities drew more than 50 percent of their revenues from these sources.

The load factor of the rural systems on a nationwide average is only about 45 percent. This is substantially below the 65-percent load factor of the class A and B commercial utilities.

Altogether this adds up to a contrast in revenue base even more startling than the gap in consumer density between the REA-financed rural systems and the commercial urban-based utilities. In 1962, the annual gross revenue per mile of line on the REA-financed systems was $460. On the class A and B commercial utility systems it was $7,164.

Low-cost REA financing and REA technical assistance have been indispensable equalizers in the development of feasible rural electric systems in the face of these handicaps of rural service. For many systems across the country these equalizers will continue to be indispensable for some time to come if we are to continue to work toward the goal of parity electric service and costs for rural people.

But, as I have said on many occasions, there are other equalizers which can be developed and which, if developed, can eventually eliminate the need for the equalizers provided through REA.

And this is where we can well look to the future in emphasizing such basic equalizers as rural area development, territorial protection, and full access to the lowest cost power the rapidly advancing technology of the industry can provide.

Three years ago as I met with you here in Dallas I cited these three problems as the major challenges of the rural electrification program, and we have been working together ever since to help you meet them successfully.

Since that time, REA borrowers generally, and rural electric cooperatives in particular, have contributed significantly to the economic development of the rural communities they serve. They have become a key factor in the Department of Agriculture's rural areas development program, revitalized and given new impetus by Secretary Freeman. They have provided valuable local leadership and support for the Area Redevelopment Administration's program in designated rural areas.

REA has helped you in this effort through trained staff people who are specially qualified to guide you in initiating local development projects and assist you in finding necessary financing for sound and feasible ventures. We have pointed to the availability of section 5 loan funds in those situations where no other financing is available, where section 5 loans for the financing of electrically operated machinery and equipment, which also builds load and revenue for your cooperatives, can supply the missing credit link for launching a successful project.

In August 1961, we approved the first section 5 loan in connection with a rural areas development project. It was a loan of $25,000 to finance electrically operated gravel crushing and washing equipment to be run with electricity off the lines of a North Dakota rural electric cooperative. Since then, we have approved 16 more such RAD-type section 5 loans. Two of these were later rescinded as a result of changes in the borrowers' plans. All told, these loans have totaled $1,300,000 over a 3-year period.

This is a very small part of the REA loan program because the section 5 loan has been used very sparingly and only as a last resort when absolutely necessary. Its real significance is found not in the total volume of such loans but rather in its function as "seed money" in making it possible for electric cooperatives to help communities utilize whatever other resources have been available for expanding economic opportunity.

Nor is the use of section 5 loan funds an adequate measure of the far greater contribution made by REA borrowers in stimulating, assisting, and bringing to fruition a growing number of commercal and industrial development projects which are making rural areas better places in which to live and work. Although our surveys are by no means complete, they do indicate that since July of 1961 REA borrowers have helped to launch 937 commercial and industrial projects in rural America creating direct employment for 62,500 people and providing employment indirectly for 57,500 more people.

These new and expanded businesses represent a total additional investment in rural America of over three-fourths of a billion dollars. Of this capital, more than 92 percent is coming from non-Federal sources. The amount of section 5 loan funds provided through REA-financed electric systems is less than one-fifth of 1 percent of this total investment in new opportunity for rural America. This is a record of prudence and care. It is also a record of significant results. It is a record of which you—and we—can be proud.

If the rural systems are to successfully overcome the handicaps of low consumer density and limited revenue to support the cost of capital investment in their facilities, they must not only be able to stimulate growth within their service territories but hang on to it when it develops. This means they must be able both to protect their right to retain their complete service territories and serve all electrical loads in them, the large ones as well as the small ones.

While the protection of your cooperatives' territorial integrity continues to be a serious problem, there are hopeful signs of progress. You have made some progress in the field of State legislation. Moreover, in Washington and in the State courts and commissions there has been new recognition that your cooperatives are entitled to equal treatment with other segments of the electric industry.

There is encouragement in recognition by important congressional committees that dual rates and similar restrictive wholesale power provisions are not looked upon with favor and are recognized as sound reasons for turning to REA-financed power sources. The Comptroller General of the United States has likewise recognized that an REA generation and transmission loan can properly be based upon the need to protect the security and effectiveness of REA borrowers. Such warnings ought to promote a greater respect in the industry for cooperative service territories.

In the commissions and courts on the State level, efforts to make the cooperative's right to serve subordinate to certain asserted power company priorities have, in hopeful measure, been repulsed. There are welcome and increasing indications that the cooperative's right to serve its area is not to be prejudiced and watered down simply because its consumers are its members and owners, or because it has borrowed from REA.

The complete acceptance of the equal status, within the electric industry, of the rural electric cooperative's territorial integrity, is an important factor in bringing closer the day when rural electric systems can be self-sustaining.

Perhaps our greatest progress these past 3 years has been in the field of power supply. Whereas in the last 3 years of the previous administration, REA financed the addition of 717,000 kilowatts of new generating capacity, we have made loans in the 3 years of this administration for a total additional capacity of 1,700,000 kilowatts, or more than twice as much.

More than that, through the development of larger scale, more complex generation and transmission arrangements, substantial economies have been made in reducing the cost of power for rural electric systems under the present G. & T. program. The average generating unit size involved in our G. & T. loans of the last 3 years is over twice the average unit size for which loans were approved from 1958 to 1961. The average cost of power under the generation and transmission loans approved since 1961 is 8 mills. The average cost of power under the G. & T. loans approved in the 3 years before 1961 was 9.2 mills.

The wholesale cost of power represents almost half of the REA-financed distribution systems' cost of operation. Low-cost power, the lowest cost power possible, is therefore one of the basic equalizers we must develop if the rural distribution system is to overcome its handicaps of low density and low revenue and still make electric service available in rural areas at parity rates.

The third criterion which was added to REA generation and transmission loan policy in 1961 under this administration is a straightforward avowal of the role of REA-financed generation and transmission in both the protection of rural systems from the retail encroachments of hostile wholesale suppliers, and increasing the distribution system's effectiveness in delivering low-cost power to its rural consumers.

There are other equalizers, too. One of these which you are developing is the very important equalizer of nonprofit operation through your cooperative organizations. Your members are supplying free use of their equity capital in their respective systems. This interest-free capital provided by your member-consumers is growing into very substantial amounts. It totals now $950 million or 23.7 percent of the total assets of all REA-financed rural electric systems.

All this is progress which enables the rural electrification program to move closer to its ultimate objective of parity of electric service for rural people. We are still substantially short of this goal. Exactly how far short we are is hard to determine precisely. The limited studies we have been able to make indicate, for instance, that rates on REA-financed rural systems are generally about 30 percent higher for the first 250 kilowatt-hours than the rates of city consumers. For the first 500 kilowatt-hours, our limited studies indicate that rural consumers on REA-financed systems are paying between 20 and 25 percent more than are city consumers.

But the progress we have been making these past 3 years is showing up in rate reductions for consumers on REA-financed systems. In fiscal year 1961 only 14 REA borrowers

rowers made reductions. In fiscal year 1962, 31 systems made rate reductions. In fiscal year 1963, 77 systems made rate reductions. During the first 7 months of this present fiscal year, 70 borrowers have already adopted rate reductions which will amount to savings of almost $2 million annually for rural consumers. Forty-nine other borrowers are considering recommendations for rate reductions which, if adopted, will amount to annual savings of another one-half million dollars.

But what of this new dimension in rural electrification—the future?

The best estimates available would indicate that all of the electric systems of America—cooperative, private and public—will need more than $140 billion of new capital for expanded plant facilities to meet the growing demand for service by 1980. For your rural systems the need for new capital will grow accordingly. This projection inevitably leads us to consideration of where this capital is coming from and how it will be provided.

In the light of probable future requirements for new capital in this rapidly expanding electric industry, it certainly is sensible for you to explore the possibilities of supplemental financing in the private money market as your national association proposes to do.

Without in any way attempting to prejudge the results of your study, I think we may reasonably anticipate that the evolution of the REA-financed rural electric systems probably divides into three stages.

In the first stage, where there has not been an opportunity to fully develop the basic equalizers to narrow the gap of low consumer density and low revenue, not only is REA financing the only possible source of initial capital but the low 2 percent interest rate is an indispensable factor in the feasibility of the system.

As the basic equalizers of rural area development, low-cost power supply, adequate territorial integrity and effective management are developed, and as the revenue base per dollar invested is increased, there will be systems which will move into a stage where rural parity of electric service is possible and feasible at a higher rate of interest but where REA still remains the only source of new capital for development and expansion.

The third and ultimate stage on which so many of the outside experts seem to be counting these days is that stage of development at which these systems will attract the resources of the private money market.

I doubt if there are many rural systems in the country which have net worth and market or territorial security in the style to which private investors in utility securities have become accustomed. If to qualify for private investment it is necessary to add to this a need for margins which will produce the usual "times charges earned" ratios of utility companies, and do this all with parity rural rates to keep faith with the objectives of rural electrification, the number of rural electric systems which can qualify for private financing will be still further reduced.

We have heard references to the approach of the Ohio cooperatives for private financing, and they are indeed breaking new and challenging ground. However, even if they are successful, it must be recognized that there are elements in the arrangements they are developing which are by no means typical of the present potential of rural electric cooperatives generally.

In between the present basic type of REA financing and the ultimate access of rural electric systems to the private money market, there is a middle ground which ought to be studied and explored.

To the extent that the present 2-percent interest rate on REA financing is held to involve a cost to the Federal Government, it can be expected that, from the public standpoint, there will be resistance to providing the full future capital needs of rural electric systems on such a basis if these needs increase as they are presently expected to increase. At the same time, from the REA borrower standpoint, there are growing indications that the restrictions on the use of REA present basic loan funds may in the future be an obstacle to the most efficient and effective development of maturing rural systems.

There may well be a need then for developing, in addition to the present basic 2-percent REA financing, a new type of financing for rural electric development which offers the borrower greater freedom of financial planning and system development but at an interest rate that is fully compensatory to the Federal Government.

Let me cite for you just one or two examples to indicate the type of problems which arise with the present restrictions on REA financing.

In the State of Oregon there was enacted in 1961 a territorial allocation law which provides a procedure whereby electric utility systems have the opportunity to negotiate territorial settlements among themselves and the sale or exchange of facilities to eliminate duplication by competing systems in the same areas. These settlements, if approved by the Public Utility Commissioner, then become the basis for exclusive territorial allocation.

This procedure can result in a very desirable untangling of competing facilities and consequent improvement in the maximum utilization of the capital facilities of all systems concerned, including rural electric systems. The Rural Electrification Act, however, limits the Administrator's loan authority to providing service for unserved persons in rural areas. There is a grave legal question as to whether this authority would fully and in all cases cover loans for the acquisition of facilities involved in settlements such as are possible in Oregon.

In some instances we have been able to justify loans for acquisition of existing facilities, either because the service they rendered was so unreliable as to constitute no service, or because the acquisition became a necessary but incidental act in the extension or continuance of service to other rural consumers who qualified under the Rural Electrification Act as unserved persons. But there is reason to believe that not all of the situations which will arise in the future can be met on these grounds. Yet everyone will agree that there are many situations in which the acquisition of existing facilities is a thoroughly desirable and proper business step in the interest of better and more economical service for all the consumers concerned.

In the State of Nebraska legislation has been under consideration to reorganize on a more orderly and efficient basis the generation, transmission, and distribution functions in that public power State. If this comes to pass, it is very possible that the rural systems may find they are expected to acquire some existing facilities belonging to other power systems of the State, and it may be very difficult for REA to finance such acquisitions under its present lending authority. Even though the effect of such a reshuffling of properties and service responsibilities might be extremely beneficial to the rural consumers through the greater effectiveness and efficiency of their distribution systems, it might fail because of present limitations on REA loan authority.

In the Ohio situation to which I made a passing reference, there is illustrated another problem of REA's limited lending authority. It has traditionally been REA policy to limit the size of a generating plant financed with REA funds to the capacity which would be fully required by the needs of Rural Electrification Act beneficiaries, rural persons previously without central station service, within a period of 10 years. In most cases, the projected capacity is planned to meet the load requirements of act beneficiaries within 5 to 7 years. In the plan the Ohio cooperatives are endeavoring to develop, it is proposed to use the power cost economy of a very large generating unit to offset the higher cost of capital which will be required if they go to the private money market. To get this kind of power cost economy, the Ohio cooperatives are proposing to build a 615 megawatt unit which, on the basis of present load projections, will not be fully loaded with Rural Electrification Act beneficiary loads until 1984, or 17 years after the time the unit is expected to be in operation.

With these problems in mind, I would propose that while you, through your national association, are studying the possibilities of supplemental financing in the private money market, we in REA undertake a study of the possibilities of a type of intermediate financing for rural electrification which would on the one hand be free from some of the restrictions placed upon the present basic REA financing and, on the other hand, return a rate of interest which would fully compensate the Federal Government for the cost of its money.

I make this suggestion for your thoughtful consideration and let me make it clear that we would welcome your counsel.

In making this suggestion I also want to emphasize that such intermediate financing should not be considered as a replacement of the present basic financing of REA at the present 2 percent rate. For the foreseeable future there will continue to be a need for the present basic 2 percent REA financing. For new systems just getting started, for systems in areas of slow growth and special problems this type of financing and the favorable interest rate remains an indispensable equalizer and must be continued.

For such financing, which is made available at some public cost, it is only fair and proper that its use be carefully confined to the basic program needs. For this reason it can be expected that there will continue to be reasonable restrictions placed upon its use.

The new type of intermediate financing would be designed to fill the needs of those rural systems which through growth and maturity have successfully met the basic program needs but will still need new capital to move toward both greater consumer benefits and the increased operational and financial strength necessary to qualify ultimately for private financing.

If this intermediate financing is made fully compensatory to the Federal Government through a higher interest rate, the Federal Government could clearly afford to make such loans available in the greater volume necessary to meet the anticipated needs of the future. It could afford also to make such financing available on a less restrictive basis offering the maturing systems greater flexibility of development.

As we look to the future of rural electrification, the overriding issue remains what it has long been—is its purpose just to provide some kind of service to rural people at rates which still reflect the high cost handicaps of rural areas, or is it really to bring to rural people and rural communities in America the full-scale blessings of electric service that are available to urban people and urban areas? Are your rural systems which were built through the dedication and sacrifice of rural people themselves to be considered as merely stopgap systems or are they to be so built and strengthened that they will endure to serve rural America on a sound, permanent and self-sustaining basis?

On this issue we in REA have taken our stand. This administration has made a clear and unmistakable record. But our efforts alone cannot bring the achievement we seek in rural electrification unless they are supported by yours.

Today as we have together looked back briefly over the progress of these past 3 years, I want to acknowledge with deep personal feeling the magnificent way in which you have supported this great national program, for the way you have borne your responsibilities in it, for the zeal and public dedication with which you have carried it forward. I want to pay personal tribute to your national association, the National Rural Electric Cooperative Association, your president Al Hauffe, your other distinguished officers and board of directors, your great general manager, Clyde Ellis, and your dedicated staff for their unceasing devotion to the true objectives of rural electrification.

Working together we have made progress these past 3 years.

As we turn to this new dimension of rural electrification, the future, let us, together, draw fresh inspiration from the achievements of the past but add to it fresh thinking for the problems at hand and ahead. Let us, together, make certain that the lights which have been turned on in rural America never go out.

EXPANDING SOVIET TRADE

Mr. SYMINGTON. Mr. President, earlier this week some of us had the opportunity to discuss foreign trade with Mr. Fritz Berg, president of the Federation of German Industries. Some of his thoughts were most interesting.

In that connection I ask unanimous consent to insert at this point in the RECORD a thoughtful editorial from the St. Louis Post-Dispatch entitled "Expanding Soviet Trade."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXPANDING SOVIET TRADE

Albeit with caution, the administration appears to be moving toward an expansion of trade with Russia and the Communist satellites, joining a movement that has been underway among the Western allies for some time. The shifting of the United States attitude is not entirely voluntary, but reflects in considerable degree the imperatives of today's international scene.

There is not likely to be a sudden and dramatic change. As Secretary of Commerce Hodges said the other day, "more education" will be required. Mr. Hodges believes the main barrier to increasing trade with the Soviet Union is "political feeling" in the United States; otherwise, he thinks, "we are now at the stage where we could go a long way toward normalizing trade relations" with Russia.

Secretary of State Rusk took much the same line in testifying before the Senate Foreign Relations Committee on Friday. The United States, he said, is taking a realistic look at the possibility of expanding trade with Communist countries, particularly with those countries of Eastern Europe which are seeking to reduce their economic dependence on Russia. He suggested that inflexible restrictions on trade with the Soviets might be helping them to become more self-sufficient; certainly it is hard to see how they have hampered Soviet growth.

Since the consummation of the wheat deal, the Russians have expressed heightened interest in more trade with the United States; trade is now at the rate of about $50 million a year. Last week First Deputy Premier Kosygin advocated a long-term United States-Soviet trade agreement, reflecting views expressed by other Russian officials and publications.

The U.S. position on trade has been that a substantial expansion cannot precede at least a start on settlement of major East-West political issues. Is it not possible, however, that political settlements would follow the resumption of normal commercial relations? Trade could be the means of breaking political stalemates.

Americans who react on a moral plane to trade with Communists overlook the matter of national self-interest and what is actually afoot in the world. The West Germans profess violent objections to Communist business, for example, but actually conduct the most extensive trade with the Soviet bloc. In the last 16 months West Germany has agreed to exchange trade missions with every East European country except Albania.

This may be hypocrisy, but it reflects the German national interest; and national interests are not always exactly what they may superficially appear to be. Some cynics say the United States can afford to be tougher than its allies because it hasn't as much at stake. Foreign sales are two to three times as important to the leading Western European countries as they are to the United States, and these countries have been increasing trade with the Communists (and other nations) at a rate of about 7 percent a year.

This rising volume is exerting steady pressure on U.S. policy, and it is almost certain to bring a liberalization unless some East-West political disaster intervenes. If education is needed, as Mr. Hodges says, then the administration ought to provide it so the public will be aware of the issues.

There should be a fine opportunity to make a start on this in connection with the United Nations trade conference opening at Geneva March 23. The Russians have been preparing to exert a dominant role at this conference. The United States is not going to be able to prevent its allies from seeking more trade where they can find it, and it will eventually be forced to liberalize its own policies. Here is a field in which the United States should be a leader, rather than a reluctant follower.

THE OUTSTANDING RECORD OF THE PEACE CORPS

Mr. SYMINGTON. Mr. President, the Peace Corps' outstanding record has won the approval of those who cast doubts about its future some 3 years ago.

In this connection, I ask unanimous consent to insert at this point in the RECORD an editorial from the Kansas City Star "Peace Corps: A Shining Face of America."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PEACE CORPS: A SHINING FACE OF AMERICA

On a grim day in Washington, when crises are crackling all over the globe, the President can always rear back in his oval room office and smile at thoughts of the Peace Corps. This organization is 3 years old today and a sparkling success. It has been strikingly effective in aiding nations that need help. And it has been a brilliant means of putting this country's best face forward to the world.

Almost everybody with a free choice seems to love the Peace Corps. It is even distinguished for the hatred it draws—mainly from the bleaters of Communist propaganda.

But in Washington the Peace Corps ranks just behind home and mother as an object of political veneration. Even though the corps is a prize brainchild of the Kennedy-Johnson administration, Republican leaders are eager to praise it. Among the conservatives in Congress, no one has commented more enthusiastically on the Peace Corps record than Senator BARRY GOLDWATER, Republican, of Arizona, and Representative HOWARD W. SMITH, Democrat, of Virginia, the hard-to-impress chairman of the House Rules Committee. They say it's great.

Still, as the adage goes on Capitol Hill, appropriations are the payoff. For its size, the Peace Corps does as well or better in this respect than any agency in the Government. Starting with $30 million in 1961, the Corps is in line for $115 million to finance its operations during the 1965 fiscal year. In the same period other items in the foreign aid money bills have been slashed heavily.

With election-year economizing in full bloom, the Peace Corps is being encouraged to expand as rapidly as it can. That is being done. As of last week, the Corps has 7,300 volunteers, 6,668 of them abroad in 46 countries. This number is scheduled to rise to 10,500 by next September and 14,000 the following year. Qualified Americans are clamoring to join and foreign nations will take all the volunteers they can get.

With all of this growth, no one has accused either the organization or its director, R. Sargent Shriver, of empire building. Shriver, who was at first known mainly as a brother-in-law of President Kennedy, is generally credited with an outstanding job. He is often mentioned as a possible vice-presidential running mate for President Johnson.

Some of Shriver's best work has been in public relations. He has crisscrossed the land, taking the story of his organization to cities and towns, colleges and universities, as he has sought out volunteers. There has been no shortage of applicants—40,000 last year and an expected 55,000 this year. The quality is so high that only one in four or five has been accepted up to now. Of those signed up, the average age is 25.

So it is primarily a legion of totally dedicated young men and women. They receive no pay, only living expenses and $75 monthly severance pay. They are not even exempt from the draft. Over half of those who returned from overseas have gone back to the campus. Several universities have set up special fellowships and scholarships for the Peace Corps returnees. The absence of pay and benefits probably is one of the secrets of success. A lot of people would love to go to foreign climes with a large salary, staff car, and all the comforts of the American material civilization. These people are not attracted to the Corps.

As a group, the record of the volunteers is remarkable. So far, only about 4 percent of the Peace Corps have been returned home from overseas for failing to measure up to standards. Originally, it was expected that about half would be dropped from the untried, pioneering program. Eight volunteers have died on foreign service, either in plane or motorcar accidents or from natural causes. There have been numerous marriages within the Corps.

So the Peace Corps represents a slice of America at work for other people in foreign places. The volunteers do not regard themselves as earth shakers but as good Samaritans. They go into the backlands of the world for the purpose of helping people of little progress learn to help themselves.

Their efforts take many forms. For example, the University of Kansas became the first State university 2 years ago to contract for a project for a country. It undertook a Peace Corps project for Costa Rica, trained the members on the campus, and sent a professor on leave to direct the program of teaching English, the sciences and library services in the high schools and the University of Costa Rica. The project followed a student exchange program with Costa Rica.

Other typical programs include: Helping build roads and draw geological maps in

Tanganyika; working on rural development and farm projects in Guinea, Venezuela, Pakistan, Turkey, Malaysia, Nepal, and Chile; helping control malaria in Thailand; teaching a variety of skills in Afghanistan, including the operation of printing presses; organizing community action programs in turbulent Cyprus, where the Greeks and the Turks have yet to learn mutual tolerance and cooperation.

Education probably is the most important single type of activity. But hundreds of special skills have been enlisted for the various projects. The Peace Corps—and the United States—are represented abroad by qualified surveyors, geologists, nutritionists, carpenters, nurses' aids, plumbers, veterinarians, and even professional fishermen.

There is a kind of fundamental humility about these volunteers and their work. Most live not in comfortable great cities but in remote villages out in the boondocks, far removed from modern convenience. Many have stayed with native families.

Sometimes their missions take dangerous turns. Robert Ferguson, a volunteer from Honolulu, was one of four Americans held hostage for 10 days by tin miners in Bolivia. It was not an anti-American move but a derring-do retaliation for the arrest of two Communist-line union leaders by the Bolivian Government.

Only one government—that of police-state Ghana—has decided to ask Peace Corps volunteers to leave. The Ghana Government accused American teachers of subversive activities. It was nonsense concocted for domestic political reasons in a country that has swung far to the left.

In Peru a Communist demand for expulsion of the Peace Corps as spies for the United States got nowhere. An organization speaking for 50,000 city slum-dwellers rallied to the defense of "the noble and humane mission of the members of the Peace Corps who are working in Peru." Last week Tunisia asked for at least 200 more of young Americans in addition to the 90 now aiding that North African country in its struggle toward development.

Only one embarrassing incident has occurred and that was in the first few months of the program overseas. There was a brief uproar over a girl in Nigeria whose indiscreet postcard fell into unfriendly hands and was twisted into anti-American propaganda. This is the only known case of its kind, yet the possibilities for blunder were enormous.

Since the Corps was started by the late President Kennedy, more than 9,000 volunteers have served overseas. Most were in their early twenties, scattered over the earth in unfamiliar settings. They were the "guinea pigs" for a new type of international program, with floodlights of attention fixed on their every move. The way they have handled themselves is superb evidence of the high selection and training standards.

In all of the dozens of projects in the 46 countries benefited, there has been no hint of a boondoggle. The results up to this time are of course impossible to measure exactly. But the Peace Corps is training teachers, farmers, and craftsmen who not only can do their own work but can impart their newfound skills to others. The long-range effect will surely be to create whole new classes of teachers and artisans for people who have lacked such human resources.

The American people obviously like what the Peace Corps is doing. This general approval at home is reflected in the enthusiastic support which the volunteer organization receives from Congress. It also explains why some strictly practical men in Washington regard the Peace Corps as a superb political exhibit for the Johnson administration in the approaching election.

Moreover, the place of John F. Kennedy in history may well depend in part on his origination and sponsorship of the Peace Corps. He came out for such a program in the fury of the 1960 campaign and he kept his pledge less than 2 months after being sworn into office.

We believe that the record of the last 3 years is clear on one point: Dollar for dollar, in terms of both good will and positive benefits, the Peace Corps has already paid for itself many times over. There is no better investment of foreign-aid funds in sight.

Thus the United States has cause to be delighted with the report card on this organization for its first 3 years. It has given greater luster to this Nation's image before the world. The outlook for further splendid service by the rapidly maturing Peace Corps could scarcely be more promising.

The ACTING PRESIDENT pro tempore. Is there further morning business? If there is no further morning business, morning business is closed.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. Mansfield that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. Mansfield] that the Senate proceed to consider the bill (H.R. 7152).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 90 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from North Dakota [Mr. Burdick], the Senator from West Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Oklahoma [Mr. Edmondson], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Washington [Mr. Jackson], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Wyoming [Mr. McGee], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Rhode Island [Mr. Pastore], the Senator from Texas [Mr. Yarborough], and the Senator from Ohio [Mr. Young], are absent on official business.

I also announce that the Senator from West Virginia [Mr. Randolph], is absent because of illness.

I further announce that the Senator from California [Mr. Engle], is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater], and the Senator from New Mexico [Mr. Mechem], are necessarily absent.

The Senator from New York [Mr. Javits], is absent on official business.

The PRESIDING OFFICER (Mr. Walters in the chair). A quorum is present.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio without losing my right to the floor and without a subsequent speech counting as a second speech on the pending motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLD BACKING FOR U.S. CURRENCY

Mr. LAUSCHE. Mr. President, I am putting it mildly when I say I was deeply shocked this morning to learn that the Joint Economic Committee of the House of Representatives and the Senate has recommended the repeal of the present law, under which our currency is backed by a reserve of 25 percent in gold. The Federal Reserve bank must maintain reserves in gold certificates of no less than 25 percent against its deposits and its Federal Reserve notes in actual circulation.

The recommendation is direct. It states:

> The U.S. gold stock should be freed immediately of its domestic reserve function and made fully available for international monetary purposes.

The requirement that there shall be 25 cents in gold for every Federal Reserve dollar issued is an anchor against printing-press money. If that requirement is removed, there will be no limitation of any character except the judgment of Federal officials which changes like the winds concerning what the limitation shall be on the issuance of paper currency.

I wish to make my statement early disapproving this recommendation. I have been anticipating for 2 years that the avenue of escape finally would be the recommendation that the gold support be removed. I think we shall be in for a bad day if the tax-cut expectations go wrong. If the gold support requirement is removed, we may experience the inflation that exists in Brazil and Argentina and other places in the world.

I shall have more to say on this subject. I thank the Senator from Iowa

[Mr. Miller] and the Senator from Idaho [Mr. Jordan] for their dissenting opinion with respect to this recommendation. I thank the Senator from Mississippi for yielding.

Mr. MILLER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I make the same request, that I may yield to the Senator from Iowa without losing my right to the floor, and that my subsequent speech will not be counted as an additional speech on the pending motion.

Mr. MILLER. I thank the Senator from Mississippi.

I clearly endorse what has been so ably said, not only this morning, but on many other occasions by the able Senator from Ohio [Mr. Lausche]. I point out that we are on the minority in our views with respect to this problem, so far as the Joint Economic Committee of the Senate and the House of Representatives is concerned. I regret that it is so, but a majority of the members of this committee has subscribed to this report, with the recommendation therein that the gold requirements backing up our dollar be repealed. Only a minority of us have dissented.

I like to think that the minority represents the views of the majority of the Members of Congress. I believe it would be tragic to compound the creeping inflation which is already occurring in the economic status of our country.

For a long time there has been a steady decline in the purchasing power of our dollar. This decline is at the rate of 1½ percent a year. It would be tragic to compound that situation with a repeal of the gold standard requirements.

There are those who say superficially that the gold stock in Fort Knox is only a pile of gold which is lying there and not doing anybody any good, and that we ought to free this gold to meet our requirements with respect to the gold holdings, dollar holdings of our friends overseas.

There are two answers to that. The first answer is that if we handle our fiscal affairs properly, we shall not have to use this gold. Instead of having a problem, let us eliminate a problem. The second answer is that while the gold supply may not be doing anybody any good from a materialistic standpoint—the standpoint of the morale and the integrity of our country—it stands as a psychological barrier to depreciation of our currency. There may come a time when this gold requirement can be modified. But the time is certainly not now. At the rate we are going, I do not see that it is going to arise in the immediate future. So I want to make it clear that a few of us on the Joint Economic Committee feel very strongly about this point. I express my continued appreciation to the Senator from Ohio for his leadership in stressing the importance of following a proper and safe policy on this very important matter.

Mr. ROBERTSON. Mr. President, will the Senator from Iowa yield to me?

Mr. MILLER. The Senator from Iowa does not have the floor; the Senator from Mississippi has the floor.

Mr. ROBERTSON. Mr. President, will the Senator from Mississippi permit me to respond to the remarks of the Senator from Iowa?

Mr. STENNIS. Mr. President, I make the same request that I made heretofore, and ask that I may yield to the Senator from Virginia under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, the junior Senator from Virginia has heard the interesting statements of his colleagues, especially the statement by the Senator from Iowa that it is his belief that he and the Senator from Ohio [Mr. Lausche] are in the minority on the Joint Economic Committee. I assure them that some members of the Democratic Party fully share their view that it would not be at all wise or desirable for the U.S. Government to repeal the 25-percent gold backing. That question has been before Congress, off and on, for 3 years.

As chairman of the Committee on Banking and Currency, which is the committee that would handle the matter if it were in bill form, I have repeatedly said that I do not approve of that recommendation. Incidentally, I placed in the Record this morning a three-page statement explaining why such a proposal would not help the United States in its balance of payments.

If we treated all the gold that now is behind our currency as so-called free gold, it still would not pay off all the dollars outstanding in foreign hands and foreign institutions if they should lose confidence in us. Why do they want our dollars? Why do they use our dollars as backing? Because it is the best currency in the world. They have confidence in us. What we should do is to manage our own affairs so that we will not have galloping inflation and so that foreign nations will continue to have confidence in us.

Incidentally, I have just learned that tremendous pressure is being placed on the Swiss franc. That information has not yet appeared in the press, but I have learned from an unimpeachable source that the Swiss franc is now under the gun. Swiss money has always been considered to be the refuge of hot moneys. If we go into the banks of Switzerland, we will find that the Swiss are living beyond their means. Their balance of payments is running to the point where they will have inflation of a serious character. That is true, more or less, all over Europe. And other European money is not as good as it may appear to be.

Our money today is the best money in the world. It is vital that in the months that lie ahead we control our spending and our fiscal program so as to maintain essential confidence in the soundness of the processes of our Government and our currency. I explained the situation in the memorandum I placed in the Record. I hope Senators will take the time to read it. I explained in my previous statement, which I did not read into the Record, why I do not believe that at this time the recommendation of the Joint Economic Committee is sound or desirable.

Mr. MILLER. Mr. President, will the Senator from Mississippi yield, so that I may respond to the Senator from Virginia?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Iowa for the same purpose and with the same understanding as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, will the Senator from Missouri permit me to respond first?

Mr. SYMINGTON. Yes.

Mr. MILLER. When I said I would like to think that a majority of the Members of Congress did not agree with the majority of the Senate-House Joint Economic Committee, uppermost in my mind in that majority would be included the distinguished and able junior Senator from Virginia [Mr. Robertson] and his colleague the senior Senator from Virginia [Mr. Byrd], together with others, because I do not know of any two Senators who adhere more closely, not only to the words "sound economic and fiscal policy," but also to the deeds and to the rollcall votes to support them; and I wish to let the Senator from Virginia know how I feel about him and his colleague in this respect.

Mr. ROBERTSON. Mr. President, on behalf of the senior Senator from Virginia, the junior Senator from Virginia expresses appreciation for the high compliment the Senator from Iowa has paid both Senators.

Mr. SYMINGTON. Mr. President, will the able Senator from Mississippi yield?

Mr. STENNIS. I yield under the same circumstances, if I may have unanimous consent in that connection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, the colloquy we have just heard is not too surprising. Last fall I made five talks on the balance-of-payments situation, and pointed out that our Government had only some $3 billion of free gold with which to honor $28 billion of current liabilities redeemable in gold and now owned in the main by foreign central banks.

Mr. ROBERTSON. Our free gold has now decreased to $2.6 billion.

Mr. SYMINGTON. Then that shows even further deterioration of our position.

Not long ago an article on the flight of the U.S. dollar was published in the Saturday Evening Post. The article pointed out that the term "unfavorable balance of payments" was in effect a nice term for weakening of the dollar. Inasmuch as many of the countries of Europe own a great many U.S. dollars, it would seem this proposed action not only would hurt the United States but also impinge on the solvency of other countries which accepted in good faith the statement our dollars would be backed by a 25-percent gold reserve.

I would present some of the figures incident to this situation. They are interesting: 15 years ago the United States has nearly $25 billion in gold bullion and owed the foreign central banks of the world, a little more than $5 billion in current liabilities. Today our gold reserve has been reduced from some $24.5 to $15.5 billion; and our current liabilities—obligations redeemable in gold, and owned by foreign central banks—have increased from $5 billion to approximately $28 billion.

Therefore, even if we now do away with this pledged gold reserve against our currency—which, in effect, would mean we would at least partially go off the gold standard, insofar as our commitments are concerned—we would still be many billions of dollars short of being able to honor those obligations owned by foreign countries, redeemable in gold, in case they demanded payment.

So, I hope the distinguished chairman of the Banking and Currency Committee, the Senator from Virginia [Mr. ROBERTSON] and other Senators such as the distinguished Senator from Iowa [Mr. MILLER] and the distinguished Senator from Ohio—will have some committee discussion of this situation, in order that the people will know the latest with respect to our unfavorable balance of payments.

In the last 6 years, the United States has lost not less than $16 billion through the unfavorable balance: $2 billion in the private domain; $7 billion by selling our own gold; and $7 billion through additional borrowings by means of such short-term securities as the so-called Roosa bonds.

If this condition continues, regardless of whether the Congress approves of the elimination of this guarantee of a 25-percent gold reserve behind our dollars, we shall have fiscal and monetary troubles in our economy.

I thank the able Senator from Mississippi for yielding to me.

Mr. ROBERTSON. If there were introduced a bill calling for complete abandonment of the anchorage of our currency to gold, I think I could commit the leadership to the proposition that the bill would be referred, for study and hearings, to the Senate Banking and Currency Committee; and if it were so referred, I assure the Senator that all interested parties would have a full and free opportunity to express their views; and that the bill would not be rushed back to the Senate or brought to the Senate without a full understanding of what is involved.

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. Yes. Mr. President, I ask unanimous consent that I may yield to the Senator from Montana, under the same conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have been interested in the debate about financial stability, the flight of the dollar, and the outflow of gold.

The distinguished Senator from Virginia [Mr. ROBERTSON] is chairman of the Committee on Banking and Currency, and is also chairman of the Appropriations Committee Subcommittee on Treasury and Post Office Appropriations.

I wish some serious consideration could be given to the inflow of silver. Montana is a silver-dollar-using State. There is a great scarcity of silver dollars in Montana; and we would like to see something done, by means of which an appropriation would be made, so that the Director of the Mint could mint some more silver dollars. As I understand it, paper money is turned in on the average of about every 3 months because it wears out and becomes useless. A silver dollar lasts for decades. It is something solid, something one can throw on the counter—or perhaps on the bar.

Mr. President, a man knows he has something in his pocket when he has a silver dollar there.

Furthermore, the Government does not lose any money on the minting of silver dollars; in fact, I believe that, under seigniorage, the Government makes a little money, a reasonably good profit.

I understand that at the present time the mint is dipping into the last silver dollars it has, and is even releasing those under date of 1880. I also understand that those silver dollars have a value in excess of $1, insofar as collectors are concerned. At the start of 1963, there were 94 million silver dollars in the Treasury; today there are only 28.5 million silver dollars remaining and they are going fast.

There is a great deficiency of silver dollars in the State of Montana. Montana, along with Nevada, is the only State which looks upon the silver dollar as a far better and more durable item of currency than a paper bill.

So I would hope, and I would plead with the distinguished chairman of the Subcommittee on Appropriations for the Treasury and of the Banking and Currency Committee, that the necessary funds be allowed, so that up to $150 million of silver dollars can be minted so that the demands of the people—not only those in my State, although primarily the ones there, so far as I am concerned, but also the people in the other States—can be met.

Mr. ROBERTSON. Mr. President, I assure the Senator from Montana that he has touched on a very vital issue. When he refers to the fact that paper money wears out, but that silver dollars will last, he reminds me of the Scotch-Irishman in the valley of Virginia who told me, "Senator, I like money that the dog can't chew up." He was so right; and all of us like every now and then to put our hands in our pockets and feel something tangible.

I show to my colleagues a Chinese penny which I obtained in Hong Kong in 1935. It is made of copper. The inscription on the penny has long since worn off, but I still keep the penny. I got it when I visited Hong Kong, where the people have an average income of only $90 a year. This is only a penny, but a penny is important to them. I have kept it in my pocket to remind me of the fact that the many people who are not under our form of government and our free enterprise system would be very glad to get that penny. So I carry it around.

In reference to the silver situation, I should like to point out that there has been such a demand for the memorial Kennedy coins that they are being offered for $2 and $3 apiece before the coins have even come from the mint.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. I would hope that in his dual capacity as a chairman of that particular subcommittee of the Committee on Appropriations and as chairman of the Committee on Banking and Currency, the Senator from Virginia would undertake an investigation into the subject of the accumulation or the taking of orders before the Kennedy silver half-dollars are made available. I understand, also, that they are being offered, when they become available, for $2.50 to $3 each when the coins have a value of only 50 cents.

Mr. ROBERTSON. That is true.

Mr. MANSFIELD. I hope that an investigation of that subject will be undertaken.

Mr. ROBERTSON. Some people believe that a silver dollar will be worth more than $1.29 for the value of the silver in the coin. When the value rises above $1.29 an ounce, which is the price we have now fixed, the silver in a silver dollar will be worth more than a dollar. So collectors are buying up the coins and holding them, speculating that prices will be inflated.

My friend has brought up a vital issue and, if the distinguished majority leader would lay aside the civil rights bill, the chairman of the Committee on Banking and Currency would go into the investigation immediately.

Mr. MANSFIELD. Mr. President, I do not intend to be diverted from my main theme. I am not being facetious about the silver dollar. It is solid and durable. It is something that we know represents money, in contrast to paper. I would most certainly hope that to supply the deficiency which we are feeling in my own State, which along with Nevada, I repeat, is the only silver-dollar-using State in the Nation, and in which we desire to continue to use silver in preference to paper, I would hope that the distinguished Senator from Virginia, in his dual capacity, would see to it that the necessary funds are forthcoming to continue the minting of this vitally needed coin, because solid silver to us is most important and needed. Even some of our banks are out of or running out of silver dollars. The situation is indeed serious.

Mr. ROBERTSON. The Senator from Virginia fully recognizes the importance of the subject, both to the State of Montana and to the Nation. He also admits a dual capacity in committee assignment. But he is not twins, unfortunately. When he is required to sit here for one reason, he cannot be in a committee room for another.

Mr. MANSFIELD. That is understood. I know that the distinguished chairman will give the subject his most serious consideration, not only so far as funds for the minting of silver dollars are concerned, but also in the matter of investigating the exorbitant prices now being suggested for the Kennedy half dollar.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio under the same conditions previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. The Senator from Virginia [Mr. Robertson] and the Senator from Iowa [Mr. Miller] have mentioned that if we are to cope with the problem of fleeing gold, we had better do something domestically. The record will show that dollars spent by foreign visitors coming to the United States amount to between $1,200 million and $1,400 million a year less than the dollars spent by American tourists in foreign countries. In other words, we suffer an imbalance adverse to us in the amount of about $1,300 million a year, which is spent by tourists from our country going around the world.

Our Department of Commerce is carrying on an intensive campaign to urge foreigners to visit our country. In my judgment, a far more effective service could be rendered if the the Department of Commerce began to appeal vigorously to the people of the United States that in this hour of peril, with respect to the gold reserves, they could render a patriotic service to our country by visiting the scenic and historic sites within our boundaries rather than visiting those of foreign nations. They can visit the Rockies, the Appalachians, the Great Lakes and other places, and they will behold grandeur exceeding that of the Alps. They will find historic sites within our Nation, inspirational and enriching to the mind. My appeal would be that probably the Congress ought to do something to encourage people to visit areas of the United States and abstain, for the time being, while our gold reserve problem is so serious, from going on tourist expeditions to foreign nations.

Mr. ROBERTSON. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I yield.

Mr. ROBERTSON. The Senator has made a good point. I wish to mention for the benefit of our distinguished majority leader that the first national park in the entire world was established in Montana. That is the Yellowstone National Park.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield, under the same conditions.

Mr. MANSFIELD. In addition to Yellowstone Park and Glacier National Park, we have the Custer Battlefield Monument. We have the Rockies and rangeland. We have high plains, at the average elevation of 3,000 feet. Fewer than 700,000 people live in 148,000 square miles. If people wish to go somewhere and see something, I suggest that they come to Montana, and we will even give them some silver dollars, if we are able to.

Mr. LAUSCHE. Visitors will not make a mistake if they come to Ohio.

Mr. MANSFIELD. I point out also that the headwaters of the Missouri River and the Columbia River are in Montana.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. STENNIS. I ask unanimous consent that I may yield to the Senator from New York under the conditions previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. New York State would like to get in on this. The Senator from Ohio has referred to the grandeur of the West. We have innumerable tourist attractions in New York including a World's Fair which will be the greatest attraction that has ever been seen. The Catskill and Adirondack Mountains, the Finger Lakes, the magnificent beaches of Long Island, and the fabulous city of New York, are just some of the reasons for visiting the Empire State.

I agree with the Senator from Ohio in that we would like to have a great many of our people spend their money at home. There will be plenty of opportunity to spend some money in New York, especially at the World's Fair, and tourists will get more than a dollar's worth for every dollar spent.

While I am on the subject, I wish to add a word to what the distinguished majority leader has said. I have been very disturbed by reports that the shortly to be issued Kennedy half dollar is being sold in the market, or at least offers are being made, at $2 and $3 apiece for the coin. I have taken it upon myself—and I should like to have the statement in the Record for the benefit of any New Yorkers who may be interested: to obtain these 50-cent pieces, they are available to New Yorkers who apply, at their face value—50 cents. I do not expect to lose any money, but I shall not make any money, either. Many other Senators have done the same thing.

Numismatists are interested in getting the first issues. They should not be required to pay more than 50 cents for a 50-cent piece. There will be at least 100 available in my office to all comers, provided they live in the State of New York, as long as they last. My constituents are welcome to them. If I have any left over, I shall be glad to distribute them to others.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Wyoming under the conditions previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I must take issue with my distinguished and beloved friend the junior Senator from Virginia [Mr. Robertson]. Beautiful Yellowstone National Park was carved out of the State of Wyoming. Some 98½ percent of Yellowstone National Park is within the confines of the State of wonderful Wyoming. A very small portion of it is in Montana, and a very small portion is in Idaho. It was dedicated by President Theodore Roosevelt in 1906. Wyoming holds civil jurisdiction over it.

Mr. ROBERTSON. The Senator will admit that there is enough glory to go around even in big States.

Mr. SIMPSON. There is much glory. The State of Montana has beautiful parks within the confines of that State. As I pointed out a few days ago, the States of Montana and Wyoming are each larger than Texas, but they are not properly rolled out as yet.

There are 350,000 people in my State. We are the eighth largest State in the Union. The State has a mean altitude of 6,500 feet. We call it the "land of high altitude and low multitude." Our State university is located at an elevation of 7,200 feet above sea level, and is known as the highest school of higher education in the world.

I join the Senator from Virginia and the Senator from New York in requesting that people throughout the country and abroad come to visit us in the Alps of America—Montana and Wyoming.

Mr. ROBERTSON. I am sure the Senator has not forgotten that on the 23d of July last year I rode with him in the Pioneer Parade for the Cheyenne rodeo, which is the greatest rodeo in the world. Next summer I shall return, and we shall go to Yellowstone, and see that the Senator gets full credit.

Mr. SIMPSON. And the Senator has a standing invitation to come back. I recall so well when we rode horseback in the famous parade. As I said then, "Here we are, sitting in our saddles looking for our horses."

I thank the Senator from Mississippi for yielding.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. Mansfield that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. STENNIS. Mr. President, as I begin my remarks with reference to the pending motion concerning H.R. 7152, the civil rights proposal, I have a brief statement regarding a resolution of the House and Senate of the Mississippi Legislature.

Mr. President, the Mississippi Legislature recently adopted a resolution, offered by the house of representatives and concurred in by the senate, relative to the civil rights bill now under discussion in the U.S. Senate.

This resolution reflects the deep concern of the people of Mississippi as to the contents of the extreme measure now pending on the Senate floor.

I wish to deeply thank all members of the Mississippi Legislature, on behalf of all members of the Mississippi congressional delegation, for this fine expression, and to assure them that our fight in opposition to this measure will continue. The proposed bill is without constitutional authority and usurps far more civil rights of all the people than it could possibly bestow upon the minority.

I ask unanimous consent that this resolution be inserted in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION 20

Concurrent resolution expressing appreciation to the Mississippi congressional delegation for their uncompromising stand on the civil rights bill, and urging Senators EASTLAND and STENNIS to continue the fight

Whereas the civil rights bill has passed the House of Representatives despite the determined and uncompromising opposition of our Mississippi Representatives in that body; and

Whereas the Mississippi delegation stood firm for the principles of constitutional government upon which this Nation was founded in the face of overwhelming forces; and

Whereas this bill will now go to the U.S. Senate for its deliberations, and we would like to extend to Senators JAMES O. EASTLAND and JOHN C. STENNIS our unqualified and wholehearted support in their efforts to defeat this infamous legislation: Now, therefore, be it

Resolved by the House of Representatives of the State of Mississippi (the Senate concurring therein), That we do hereby publicly acclaim our gratitude to our Members of the House of Representatives for their dedicated efforts on behalf of all Mississippians; be it further

Resolved, That we now urge our Senators to continue this fight with all their strength and dedication, with the full knowledge that all Mississippians stand back of them in prayer for ultimate victory; be it further

Resolved, That an enrolled copy of this resolution be sent to Congressman WILLIAM COLMER, THOMAS G. ABERNETHY, JAMIE WHITTEN, JOHN BELL WILLIAMS, and ARTHUR WINSTEAD, and to Senators J. O. EASTLAND and JOHN C. STENNIS.

Adopted by the house of representatives, February 12, 1964.

WALTER SILLERS,
Speaker of the House of Representatives.

Adopted by the senate, February 20, 1964.

CARROLL GARTIN,
President of the Senate.

Mr. STENNIS. Mr. President, I wish to make a few general remarks with reference to the pending motion to take up H.R. 7152, the so-called civil rights bill.

The Senator from Mississippi has been present during much of the debate which has occurred on the floor of the Senate on H.R. 7152. As a lawyer and as a Member of this body, I have been tremendously impressed with the very fine arguments that have been made, some by the proponents of the bill, and some by Senators opposed to the bill, and for the skillful discussion of the many legal points involved.

I point out again that this is not merely a single bill. I have previously called it a bundle of bills. It has 11 titles, at least 9 of which have extreme and far-reaching implications that will affect every single phase of governmental affairs and the daily lives of every single citizen of our great Nation.

The argument has been made that debate on the bill has not started, and that the motion to take up the bill should be disposed of so that there may be debate on the bill. With all deference, it seems to the Senator from Mississippi that that argument is ridiculous. Everyone knows the debate has started. It is in full swing. The debate is on the merits. That is true, and it has been true whenever this kind of proposed legislation has been brought before the Senate. The debate has been in progress for 10 days. There have been many fine discussions on the merits, pro and con. The merits will continue to be discussed.

The far-reaching implications of the bill can be illustrated by the fact that the title, having to do with the withholding of Federal funds, grants, loans, and contracts, will affect over 100 different so-called Federal aid programs. Some of those programs are more than 100 years old. Those programs are already being partly cut to pieces by the courts. They have been changed somewhat from time to time by the legislative branch. That is a legislative prerogative. But that title of the bill, with one stroke of the pen, so to speak, would affect more than 100 different aid programs, extending all the way from the Land Grant College Act, originally passed in 1863, to the most recently passed Federal Aid Act.

This bill will affect a major part of the business world. A substantial portion of the financial and economic life of the Nation is tied up in Federal programs.

This is the most sweeping piece of legislation, in its field, that has ever been presented to this body. Proof of that statement is shown by the fact that even the press that is favorable to it states it is the most far-reaching civil rights bill within the past century.

A few days ago I read in the Senate from an editorial in the Washington Evening Star, a local newspaper in this city, which is supporting the bill as a whole. It called the FEPC title a "draftsman's horror." Even so we cannot have the bill sent to a committee.

I have before me the House committee report on the Civil Rights Act of 1963. Beginning on page 104 of the report, and continuing through closely printed pages 104, 105, and down to the middle of page 106, there is a list of Federal aid programs by title and code reference. A substantial part, if not all, of these Federal aid programs would be most seriously and substantially affected by this legislation.

Under the rules of the Senate, as every Senator knows, and under their strict construction, major speeches on the bill itself are limited to only two speeches for each Senator. How else in the world can there be full discussion of it when the bill has not been considered by a committee of the Senate? It came from the House Judiciary Committee, but there have been no hearings on the bill. How could there be any understanding of it by Senators who will have to vote on it, much less those who will have to live under it, unless there is extended debate on the merits?

Mr. President, today I have some remarks addressed to the proposition that there should be adequate hearings. Not only should there be sufficient consideration, but we should have a committee report to furnish us needed guidelines. Debate has already demonstrated the great difference of opinion among the proponents of the measure as to the meaning of the far-reaching provisions of the bill.

My first remarks will be directed to the need for consideration of the bill by a committee.

If the Senate objects to any particular regular committee, why could it not be referred to a special committee? If the Senate is not satisfied with that, it could give instructions to a committee as to time of consideration, the number of witnesses that could be heard, and the time the bill would have to be reported back.

One effort was made in the Senate to refer the bill to committee with instructions not to bring back any amendments, or even any report. With all due deference, that seemed a ridiculous proposal and a precedent to haunt us later.

My point is that the Senate cannot adequately understand much less pass on the far-reaching provisions of the bill, unless something is done to place it before the Senate in more understandable form.

If there are no hearings and no consideration by an expert staff, the Senators will have to get along the best way they can, giving their own opinions and interpretations of the bill.

Mr. President, the Senate is now on the eve of two major and far-reaching votes. I refer, of course, to the vote on the pending motion to take up H.R. 7152, the mislabeled civil rights bill, and the motion which will follow to refer this measure to the Committee on the Judiciary for proper hearings and consideration.

In my considered opinion, an abundance of evidence has already been presented to the Senate since Monday, March 9, 1964, to arouse the concern of even the strongest proponents of the bill as to its wisdom and constitutionality. I would be somewhat more than naive, however, to presume that the motion to take up will not receive a majority vote. Those of us who have deep and sincere convictions which compel us to oppose this measure are aware of the facts of life—we know that we constitute a small minority of the Senate membership. It is for this reason that we are so concerned and insistent that a sufficient forum be afforded for the advocacy of our position. In addition, we respect and honor the traditions of this great body which through the years have justly earned for the Senate the appellation of "the greatest deliberative body" in the world. Those are not just lofty sounding phrases, Mr. President; they reflect a well-deserved reputation because the U.S. Senate has, since the beginning of our Republic, acted consistently with maturity, judgment, foresight, and conscious concern for the welfare of our total national interest. In the words which Daniel Webster used to define "due process of law," the Senate has jealously guarded and defended the right to hear before it condemns, to proceed upon inquiry, and to render judgment only after trial.

This heritage has developed and carried over to contemporary society largely because of the wisdom of the rules and legislative procedures which have been followed through the years. A truly great parliamentary body must provide an avenue for the expression of the will of the majority, tempered at all times, however, by a respect for minority rights. Our history has proved that the legislative process normally followed in the Senate meets this criterion. In times of national emergency and the demonstrated need of all the people, the Senate has acted and acted largely with wisdom. Such action is taken, however, with due regard for the opinion of the minority, which finds its best opportunity for expression through the committee process. Our system of jurisprudence presupposes the rights of all interested parties to present evidence, to be confronted with the accusers, and to insure the trustworthiness of opposing viewpoints by cross-examination of all witnesses. The only forum of the U.S. Senate for such safeguards is through its duly constituted committees.

We are now confronted, however, with the announced intent of the leadership to deprive a minority of Senators of this committee forum on one of the most drastic and far-reaching proposals that has ever been presented to the Senate. Certainly not during the tenure of the Senator from Mississippi have we ever been asked to enact a broader, more comprehensive measure or one which so clearly strikes at the very foundation of our Federal system of government. I do not intend, Mr. President, to indulge in demagoguery or an appeal to emotionalism, but it seems apparent to me that even the proponents of this legislation must recognize these two characteristics of this bill. It is so all-encompassing that it traverses the entire spectrum of the social, political, and economic activities of our Nation; and, even should we assume its many provisions to be constitutional, can anyone question the fact that, if enacted, it will provide the basis for a radical change in the traditional relationship of the Federal and State Governments? In one swift step the Federal Government will have moved into fields which historically have either been occupied by the several States or reserved to the people without governmental regulation.

If this description of H.R. 7152 as now written is accurate and valid, Mr. President, and I sincerely believe that it is, can there be any doubt that it should have the closest and most thorough examination through traditional legislative processes of any measure ever considered by the Senate? I think there is no room for doubt, for even the most inconsequential proposals first receive specialized consideration in an appropriate committee before being presented to all members for final disposition.

I cannot overemphasize the fine and fruitful work performed by Senate committee staffs, men who are well-versed specialists in the subject matter of the committees they serve. Some of those men are outstanding lawyers. Others are outstanding in their particular professions. They are unsung heroes, in many ways. They are the steady workhorses in connection with much of the sound legislation that comes from Congress. Their fruitful work on a bill of this kind is of incalculable advantage to the membership of this body.

In addition to the frightful significance of this legislation and notwithstanding its merits or demerits, Mr. President, we should never subvert and prostitute the standing procedures of the Senate. To do so in any branch of the Government is the first step along the road to a change in the form of government through extralegal and unconstitutional methods.

I digress to say that those of us who heard the debate yesterday between the Senator from Georgia [Mr. RUSSELL] and the Senator from Montana [Mr. MANSFIELD] listened with great profit. I believe it made all Senators proud to be Members of this body to observe men with opposing points of view displaying statesmanship of such a high order. The history of civilization conclusively demonstrates that orderly, established, and regular methods of determining the soundness of proposed legislation are necessary.

The history of civilization conclusively demonstrates this to be true, for if established procedure can be bypassed for the most deserving of all measures, it can likewise be ignored in the interest of less worthy or devious and even ulterior measures. I can think of no greater expression of this fact or more wise admonition than that of Mr. Justice Bradley in *Boyd* v. *United States,* 116 U.S. 616, 635 (1886) that:

> Illegitimate and unconstitutional practices get their first footing * * * by silent approaches and slight deviations from legal modes of procedure.

It is not a question, Mr. President, of the intent and good faith of those who would bring this legislation to the floor of the Senate without prior consideration by the Judiciary Committee. To the contrary, it is a question of preserving orderly procedure and proven legislative processes. To do otherwise is an acceptance of the philosophy that the ends justify the means, and I am disturbed with the evidence I see that this Government proceeds more and more on this basis. Every day we hear proposals which are justified solely on the ground that there is a need for action; there is a problem, so let us take what steps are necessary to provide relief. Concern for the needs of mankind is a worthy attribute of any individual or nation. But need must be balanced with regard for all of society, and privilege must be weighed against responsibility. This Nation was not founded and has not grown strong on the theory that the end justifies the means; no democratic society can long exist if such a philosophy prevails.

Two arguments have been advanced, Mr. President, by those who would bypass committee consideration of the civil rights bill. We are first warned that if this measure is referred to the Committee on the Judiciary it will never again see the light of day; second, the proponents have assured the Nation that sufficient study of the proposals in this bill has already been made by House and Senate committees.

As to the first reason, I point out that the Senate is the master and creator of its committees. Any bill can be referred to a standing committee with instructions to report back on a day certain. It matters not that the committee be authorized to consider the bill for a week or a month; any reasonable consideration of this measure by a committee, no matter how brief that study may be, would be of significant benefit to the Senate and the Nation. This bill is so vague and uncertain, so far reaching and incomprehensible, that any study by an expert committee would be of great value.

I believe it would require far more than 1 week to make a real analysis of the meaning of these far-reaching provisions. Many of the clauses and sentences are vague, uncertain, and of doubtful meaning. This measure would be a paradise for lawyers; and many years of litigation would ensue if the measure should become law before we really find out what it means.

I come back again to the fact that the genocide provision, as the Senator from Georgia calls it, would, in its sweeping language, affect many and varied existing Federal aid programs that many of our people deal with every day in their lives. Those programs operate in every one of the 50 States of the Union.

Programs are different, and laws governing them are different. What might be discrimination in one program might not even be even a hint of discrimination in another. If we do not try to write some kind of definition of discrimination, all kinds of litigation will result from the interpretation of that one word alone. In connection with every one of these programs the courts could give many different definitions as to what the word means. There are 55 pages in this voluminous bill. Yet there is no definition of the word "discrimination." No sufficient guidelines are given. There may be some minor exceptions to that statement in some parts of the bill, but it is the case with respect to the measure as a whole.

Even if the reference of a bill to committee does not include instructions to report back, the Senate by a simple majority vote may discharge a committee from further consideration of a bill at any time.

Just as the Senate may refer a bill with instructions to report back, the Senate may create a special committee to hear and consider a particular bill. In this manner a bill can go to a committee which unanimously approves that bill and then there would be no question of prompt consideration and a favorable report of the bill. I would attribute the leadership with a sense of justice and fair play, however, and would certainly expect the opponents to be given a voice of expression on such a committee.

So, Mr. President, I must strongly criticize and condemn the position of the proponents of this civil rights bill to refuse to allow any committee consideration on the ground that it would die without the Senate as a whole being allowed to act.

Another extraordinary situation is found in this picture. I was shocked to read the statement in the minority report that after the House Judiciary Subcommittee had worked on a bill and had reported its recommendations to the full committee, one morning almost out of a clear sky another bill was brought in and put before the full committee. The chairman of the committee announced that 2 minutes of debate would be allowed on the new proposal. He assigned 1 minute to himself and the other minute he assigned to a minority member. Each one used his full time—1 minute. Then a vote was called for. That is the bill now in the hands of the Senate, subject to the modifications I shall mention, for consideration. No further committee hearings were held except for brief hearings before the House Rules Committee. That bill is now on the Senate Calendar. A motion has been made to proceed to its consideration.

Word had been sent out that there must not be even one amendment adopted, and that the bill must go back to the House of Representatives intact, without one letter changed or one "i" dotted or one "t" crossed, so it can become law speedily.

When I first read the statement in the report that only 2 minutes of discussion and consideration were permitted on a new bill, I could not believe that that was correct. I was certain that a mistake had been made and that the gentleman who signed the minority report must have been talking about some other bill. However, lo and behold, when we get into the matter we find that that statement is not even disputed. The facts are not contradicted by anyone.

The second argument advanced for not referring this measure to a committee is that we already have the benefit of sufficient study and consideration by committees of both the House and the Senate. I am aware that certain hearings have been held on portions of the bill, but it cannot be disputed that a total of only 2 minutes' consideration has been given this identical bill by a legislative committee. That treatment—I will not say hearing or argument or consideration—was given—and I speak with all deference—by the House Judiciary Committee.

The Senate Committee on the Judiciary conducted hearings on the original omnibus civil rights proposal as introduced in the Senate as S. 1731. A review of those hearings is very informative and beneficial and I commend them to the reading of each Senator. One very interesting fact to note is that, after a rather thorough review of the voting rights section of that bill, one of its major and most objectionable features was removed from the companion House bill by the House Judiciary Committee. I refer to the provision which would have automatically placed registration procedures in the hands of the Federal courts simply upon an allegation that less than 15 percent of a racial group in a particular area was registered to vote. The enactment of such a provision would have constituted the most flagrant violation of the principle of due process of law ever witnessed, and I am glad that even the proponents of this type of legislation decided to delete it from the bill. I do not know what caused this change of opinion, but I believe it safe to conclude that the committee hearings at least contributed to the decision. This perfectly illustrates the service which can be and is rendered through committee deliberation.

I point out, as I intended to do a few moments ago, that the bill under discussion contains a great many amendments that were adopted on the floor of the House after the bill left the House committee. I illustrate that by citing one of the amendments, which attempted to strike out the provision dealing with a so-called racially imbalanced situation among the pupils in a school.

That provision was ostensibly stricken out on the floor of the House of Representatives by an amendment. At least it was greatly modified by the amendment.

I do not know whether any or how much testimony was taken on that subject. But as I read the RECORD, it is rather striking to me that the chairman of the House Committee on the Judiciary, Mr. CELLER, accepted, on the floor of the House, an amendment to provide that "desegregation" shall not mean the assignment of students to overcome racial imbalance. Overcoming "racial imbalance" means transporting white pupils from the community where they live and go to school, across the city, and placing them in a school which, even though it is integrated, is predominantly colored. Conversely, it calls for the transportation of colored pupils out of the community where they live and attend school and enrolling them in an integrated but predominantly white school. This is done for the purpose of achieving a so-called racial balance.

That provision was greatly modified, if not stricken out, on the floor of the House of Representatives. It is strikingly strange to me—and I say this with all due deference to him—that the chairman of the House Judicial Committee so readily accepted that amendment on the floor. It was one of the subjects upon which there was an adverse reaction in the section of the country where the chairman of the committee lives—the State of New York and surrounding areas such as the State of New Jersey. That is a fine area of the country. But the reaction of the racial balance theory there was far from favorable. In fact, it was unfavorable. The chairman did not even make a fight to keep it in the bill. There was unfavorable reaction from other parts of the country to other provisions of the bill. But, by and large the other parts of the bill were stoutly defended. That is a strange situation. I observe the Senator from New York in the Chamber. I know he is vitally interested.

According to newspaper reports which I read, there was a strong reaction against the proposal to overcome a State racial imbalance by disturbing the children and transporting them out of their community.

As I recall, a vote was taken on the subject in that area. It might have occurred in an indirect way, such as in an election of a member of a board of trustees; at any rate, there was strong opposition to it. The proposal was surrendered. It came out of the bill, and no fight was made for it on the floor of the House, according to the record. My information is based upon newspaper reports.

The House may have held some hearings on that provision; I do not know. But there is no opportunity for the Senate to have hearings. It is a strange section, to my way of thinking, but if we are to have to accept all the other provisions of the bill, I would favor restoring the one that was stricken, so that we may see how it will work.

Much of the bill would be an experiment anyway. Let us see whether we cannot convince the people of New York and New Jersey that this might be a good provision after all. Let them realize that the bill is not written to apply solely to Alabama, Mississippi, and a few other States.

I am happy to yield to the Senator from New York, an able Senator, who is most diligent in presenting the bill.

Mr. KEATING. I thank the Senator from Mississippi.

I have no quarrel with the Senator's interpretation of what the bill contains. I think it is important to have the legislative history of this particular section entered in the RECORD. The original civil rights bill proposed that funds could be used under the section relating to desegregation of public education for the purpose of correcting racial imbalance in the schools. That provision was expressly stricken out on the House floor.

As the Senator from Mississippi has pointed out, the language was negative, so the express provision was included:

> But "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

I commend the distinguished chairman of the House Judiciary Committee, Representative CELLER, for not opposing this amendment.

There was strong objection to some of the efforts that have been made in this area. It seems to me that this is a particularly appropriate area in which the States, the cities, and the boards of education should act. There is nothing in the bill on this subject except the definite statement that the Federal Government shall neither force nor finance the plans to eliminate racial imbalance in the schools of any State or city.

Referring again to some of the mail which many Senators have received on this subject, many people throughout the country have been led to believe that there is something in the bill which would require that children be transported from one neighborhood to another in order to correct racial imbalance in the schools.

I am glad that the Senator from Mississippi and I are in agreement at least on the point that the bill has nothing to do with and does not affect that situation.

Mr. STENNIS. I thank the Senator from New York for his remarks. I wish to make one reservation with respect to the portion of title IV which was stricken out in the House and the language which was added. I am concerned that this same matter may still be in the bill in a less, although clear and specific form. Frankly, however, I am not prepared to speak on that point today. However, it may still be in the bill by being included in the definition of "discrimination."

When Federal funds are made available to a school, the administering authority could well say that there is a racial imbalance or that the governing board has not prescribed attendance properly so as to keep a racial balance in the schoolrooms. It might be said that, even though the school was integrated, the racial imbalance itself was an act of discrimination, and therefore the school district was not eligible for the Federal funds to which it might otherwise be entitled.

I am serious about that. As a lawyer, I believe that that would be a reasonable argument to make on this point. Under such sweeping language, such a situation of racial imbalance might be deemed to be discrimination which would result in the cutting off of Federal funds. To that extent, I shall preserve my right to argue the point.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. KEATING. I shall be interested to hear the reasoning advanced by the Senator from Mississippi, whom we all recognize as a fine lawyer, and a fine judicial officer of his State. His views, I understand, however, relate to another title to the bill; namely, the bill relating to the cutting off of Federal funds. The Senator realizes that no general Federal funds go to schools throughout the country. I suppose the Senator refers to funds which go to schools in impacted areas.

Mr. STENNIS. Yes; and also perhaps to some other Federal funds. I am not prepared to point out exactly what funds would be affected; but the point I make now is the definition of discrimination.

Mr. KEATING. I believe that is rather a far-fetched interpretation of the bill, inasmuch as it contains, in that connection, a positive and clear statement in regard to the meaning of "desegregation"—namely:

> (b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

So, I shall be interested to hear the Senator's discussion of that point. Does he expect to deal with it today?

Mr. STENNIS. Not today. I have referred to it as a possibility which I believe can be developed very strongly. I also reserve the right to offer an amendment dealing with that subject. If the provisions now in the bill are to be enacted into law, we should, of course, and we will, have an opportunity to offer an amendment based on the experience with situations of racial imbalance.

Mr. KEATING. I realize that the Senator from Mississippi, who opposes this bill, would like to see it encumbered with provisions which would make it unsatisfactory to many of us. Undoubtedy, one of the factors which caused the chairman of the House Judiciary Committee not to oppose this provision during the debate in the House was the practical necessity of having the bill passed by the House; and he succeeded in having that done—thanks to the joint efforts of his Republican colleagues and his Democratic colleagues. The bill was passed in the House by an overwhelming vote, which was joined in by Members of both parties. I trust that the bill will receive similar treatment in the Senate.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. I thank the Senator from New York. He is always courteous to his fellow Senators and always gracious and cooperative.

However, I believe that if the bill is to contain provisions which would affect adversely one part of the country, other parts should not be neglected, insofar as their problems are concerned; instead, the bill should apply across the board.

Mr. President, at this point in my speech I do not intend to engage in a discussion of the substantive provisions of H.R. 7152; but I do believe that a reference to several sections of the bill will reveal the necessity for further committee hearings.

Later, I intend to discuss the legal implications of the title which includes the FEPC provisions. I will also refer to some of the other titles.

Section 101(d) of title I provides that in any proceeding instituted in any district court of the United States under title 42, section 1971 of the code, the Attorney General or any defendant in the proceeding may file with the clerk of the court a request that a court of three judges be convened to hear and determine the case. A copy of such request shall then be immediately furnished to the chief judge of the circuit, whose duty it shall then be to immediately designate three judges in such circuit to hear and determine the case. It is provided that at least one of the three judges shall be a circuit judge and another shall be a district judge of the court in which the proceeding was instituted. The Attorney General or the defendant requesting the appointment of a three-judge court does not have to give any reason whatsoever as to the necessity of such action, and the chief judge of the circuit must, without any hearing or evidence of any type, proceed to appoint such a court. There is no requirement that a finding be made that the complainant cannot receive a fair and prompt trial of his case; there need be no evidence that anyone has or reasonably apprehends a denial of any right at all. The Attorney General may simply decide that he does not like the judge in whose district the suit was filed and that judge can automatically be removed from the case.

Mr. President, it is argued that such authority would be proper in connection with laws providing injunctive relief and possible contempt proceedings. It is argued that judges who live in the very bosom of the communities and States would not be the proper ones to hear such cases. Never before have I known of a bill which provided that the Attorney General—the prosecuting officer—would be allowed to file a suit and file therein a statement to the effect that he did not think the local judge could properly try the case, and thus have the local judge superseded by a three-judge court, which would include two judges brought in from other places. Such a provision is unprecedented in our country. I do not know of any country where a precedent for it could be found. Certainly there is none based on the common law. I do not know what the civil law of Rome is in that connection; but I do not know of any judicial system of long standing which would allow the prosecuting attorney—and I was once a district attorney—to appear in court and, without alleging any supporting facts, to displace the appropriate judge and convene a special court.

If it were possible to prove that there were valid reasons which disqualified the judge from the case, that would be a different situation, of course.

The other day I received from my home State a copy of an order signed by a judge who has been on the bench for 30 years. It was a mandate in connection with the admission of children to public schools within a few miles of the place where he was born—in other words, an order for integration of the schools. That gentleman has served with great honor and distinction, and has one of the national records for the expeditious disposition of court business. I do not mean to indicate that he agreed originally with the decision in the Brown case; but he felt that the question had been thoroughly litigated and the law had been clearly established. On the basis of controlling precedents he was satisfied that there was nothing else that he could do.

I point out that no provision of this sort is proposed in connection with any subject other than a civil rights matter. But this provision of the bill would permit any Attorney General of the United States—past, present, or future—to supersede the local judge merely because the Attorney General might think the judge would not be the proper one to hear the case. Actually, in many cases that decision would not be made by the Attorney General; his judgment would not be controlling, for he would not have time to pass on such a matter. Instead, someone whose nomination never had come before the Senate would perhaps make the decision.

So I plead for the integrity of our judicial system and for due process of law, so to speak, for our judges. I point this out as another illustration of the tendency of some Senators to favor extreme provisions if they are included in a so-called civil rights bill. Certainly, Mr. President, more care should be exercised in connection with such provisions pertaining to judges. The subject ought to be considered by experienced members of the bar, both in and out of the Senate. There ought to be substantial testimony before any such step is taken.

What kind of procedure is this, Mr. President, that allows a complainant the right to arbitrarily say "I do not want this judge to hear my case"? It can be nothing less than an undermining of the integrity of our judicial system. Even the Attorney General of the United States admitted this during his testimony to the House Judiciary Committee on October 16, 1963. Let me quote a colloquy between Congressman MATHIAS and the Attorney General, as reported on pages 2764 and 2765 of that committee's hearings:

> Mr. MATHIAS. Referring to title I of the bill, I have had many visits from members of the clergy and representatives I think primarily of the Student Nonviolent Committee, expressing some lack of confidence in Federal district judges to discharge the duties imposed under title I in assigning cases—rather the administrative and judicial functions that would fall to their lot.
>
> Do you have any such doubts in your mind about this—does the Justice Department have any question?
>
> Attorney General KENNEDY. We have disagreement problems with district court judges on some of these matters. It is my judgment, however, we are going to have to have confidence in the judiciary. I think they will fulfill their duty and meet their responsibilities.
>
> Mr. MATHIAS. This is my own view. But these people have pressed very hard that we should consider the possibility of bringing the circuit judges into the picture.
>
> Attorney General KENNEDY. I would be against that. I think that is a real extension, and I think that we should—members of the judiciary—take an oath of office, that we must have confidence in them, or otherwise it questions our whole system.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from South Carolina.

Mr. JOHNSTON. The Senator from Mississippi has brought out the power which the Attorney General would have. As the Senator said a few moments ago, the Attorney General would employ a group of attorneys who would make investigations in the field. We are all human. There might be a contractor who wished to do business with the United States. He might have enemies who would report that he, the contractor, had discriminated. Perhaps the charge would discourage the contractor from bidding, and other contractors would come in and submit higher bids than the contractor against whom the charge was made would have bid if equal rights had prevailed.

We speak about equal rights. There would be a denial of equal rights in many instances in which contracts are entered into throughout the United States. Does not the Senator agree?

Mr. STENNIS. I believe the Senator is correct. He has given a good illustration of what might happen.

Mr. JOHNSTON. Instead of rights being equal, they would be unequal with respect to some contractors who would not be looked upon with favor. Is that not true?

Mr. STENNIS. That is unfortunately true. That is one of the problems in our Government. We do not wish to give the Attorney General, or any member of his staff, the power to displace a judge.

As a practicing lawyer, I know that lawyers become fully absorbed in their cases. A lawyer believes that right is on his side. He is disappointed if the judge hearing the case does not rule with him. He wants a favorable forum. That is natural. Under our system both sides must be vigorous in their presentations.

Mr. JOHNSTON. In my State judges travel throughout various districts in the State. There are 15 districts. Many lawyers become sick when certain judges come to their districts, because those lawyers know how those judges decide cases. When a lawyer comes before a certain judge, he knows that the judge will not rule with him. Is that not true in some courts? I have knowledge of it.

Mr. STENNIS. There may be some elements of that kind. Mississippi does not have the type of system which the Senator has described.

Mr. JOHNSTON. As I have said publicly many times—and I do not deny it—I remember very well that among the 15 judges in my State, there were 2 before whom I almost became sick every time they came around. If I had any criminal cases to come before those judges, I knew that they would throw the book at me. When I was Governor for two terms I made a public statement that when I looked over the application for parole or pardon and I would see that an applicant had served half the time given to him by one of the judges to whom I have referred, I did not care to receive any more evidence because I knew that on the average those judges sentenced defendants to serve more than twice as long a time as the sentences imposed by other judges in the State. I thought probably 13 judges outruled 2 of them in the State. If we should give the Attorney General the right to select judges, we can imagine what kind of judges he would select.

Mr. STENNIS. That is the point. As I have said, it does not make any difference who the Attorney General is now or who may be the Attorney General in the future. He and his assistants become interested in their cases and their side of the issue. If they made a decision to bring a case in a certain instance, they would then take advantage of every provision of law which would help them to win their case.

The proposal would be an infringement of the basic rights of litigants. It would lead to the lynching of the judicial system to that extent.

Attorney General Kennedy has said that there have been some disagreement problems with the district judges, on various subjects. However, it is my judgment that we ought to have confidence in the judiciary.

Mr. JOHNSTON. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. JOHNSTON. The Senator is familiar with our Federal judicial system. Every district and every circuit is far behind in the trial of cases. Some areas are as much as 2 or 3 years behind in the trial of cases. Is that not true?

Mr. STENNIS. That statement is true of various areas.

Mr. JOHNSTON. If three judges instead of one were hearing cases, would matters be helped or hurt?

Mr. STENNIS. The dockets of our courts would be further congested, and the cases would take up more of the time of the judges. The Senator has made a good point.

Mr. JOHNSTON. It would slow down the processes of law.

Mr. STENNIS. It would slow them down a great deal. Frequently travel would be involved, and that would add to the difficulty.

Mr. JOHNSTON. I commend the Senator for the way in which he has brought the problems to the attention of the Senate. Having been a judge, he knows what we are facing in regard to the bill.

Mr. STENNIS. I thank the Senator greatly. He has contributed much to the debate.

Let me first say, Mr. President, that I am thankful that the Justice Department has some "disagreement problems" with the judiciary. If the day ever comes when any agency of Government can go into our courts and secure the orders it wants without any question, then this Nation will no longer be a democratic republic. But what I want to emphasize is the fact that on October 16, 1963, the Attorney General of the United States, in response to a proposal to replace district judges in certain actions with circuit judges, stated unequivocally: "I would be against that." However, on October 29, 1963, less than 2 weeks later, the House Judiciary Committee ordered reported a bill which authorizes the Attorney General, arbitrarily and without the necessity of any proof or hearings, to bring in circuit judges on voting rights cases. The press reported, and it is widely believed, that the Attorney General himself was largely responsible for drafting the new bill reported by the full committee. At any rate, he certainly has not denied authorship and he has not publicly stated his opposition to this provision.

I do not say that the Attorney General had personal knowledge of the provision being inserted in the bill at the last moment. Perhaps it was not called to his attention or he overlooked it in some way. I cannot understand why his position was reversed either by himself or the committee of the House.

I do not say this in criticism of the House. These are legislative processes, but I am saying it was unsound to have done it. It should not have been done, in the interest of sound legislation.

What caused the Attorney General to completely reverse his position, Mr. President? Were there events which transpired between October 16 and October 29 of last year which conclusively proved to him that our district judges are no longer competent to hear voting rights litigation? Was someone able to simply convince him that he was wrong? Or is it simply true that in the dark of night or the secrecy of those who collaborated in rapidly drafting this bill, very hasty decisions were made and provisions included without proper deliberations?

I point that out that there were hasty decisions not only in connection with this provision and its possible impairment of our judicial system, but also with respect to the bill now on the Senate Calendar. It was hastily devised and received only 2 minutes' consideration by the competent House Judiciary Committee, following which it went through the House in a hurry.

I raise the point that this is unsound legislative procedure. Only satisfactory hearings and further consideration can bring us to a sound conclusion on this legislation.

I want to know the answer to this question, Mr. President. Is there evidence so conclusive that would justify this body's approval of a provision that completely displaces Federal district courts in voting rights cases? The Attorney General did not think so on October 16 of last year, but 2 weeks later he apparently did. We are entitled to know the answers, Mr. President, and we can only know if we are allowed to conduct further hearings and call the Attorney General to testify and submit to cross-examination. If there is justification for this proposal, let it be made known; and if there is no justification, let those responsibile admit it. I respectfully suggest that the only explanation of this turn of events is that those who drafted this bill and now seek to prohibit further inquiry are trying to pull the wool over the eyes of the American people.

If experts, in and out of the Senate, do not pass on it, and reach a composite conclusion, we shall have to debate all the provisions at length. The brief, 2-minute consideration to which I referred, and the consideration given to the measure on the floor of the House, with no special study in the Senate, is not enough.

Let me examine another provision included in title I of this bill, which conclusively proves the absolute necessity of additional committee deliberations. In so doing, I would first remind the Members of this body that the provisions of H.R. 7152 cannot be considered in a vacuum. Its provisions would add to and supplement existing law and its effects cannot be understood without closely examining the present code. With reference to title I, we must refer specifically to title 42, section 1971, which provides that a complainant may file in the proper district court of the United States a suit alleging that he has been denied the right to register or vote because of his race, color, or previous condition of servitude. The court, after finding that such a denial has occurred, may then determine whether such deprivation is pursuant to a pattern or practice of discrimination in the "affected area." If the court finds that such a pattern or practice exists in the particular voting district, it is then empowered to receive "applications" from any other members of the same race as the complainant who reside in the affected area and who also allege that they have wrongfully been deprived of the right to register or vote.

With reference to title I, an examination of the present code leads me to believe that thousands of sections would be affected by the bill. I have pointed out that title VI affects Federal funds for programs which go back a hundred years. It affects loans, aid, and grants of one kind or another. I referred to a hundred different acts creating various Federal aid programs, some of which go back for a period of 100 years. Many of them would be substantially affected by the title relating to withholding of funds.

Subsection (e) of section 1971 further provides that such an applicant shall be entitled to an order declaring him qualified to vote, upon proof that at any election or elections first, he is qualified under State law to vote and, second, he has—since the original findings of the court that a pattern or practice of discrimination exists—been deprived under color of law the opportunity to register to vote or has been found not qualified to vote.

It is then provided that the court may appoint a voting referee to receive such applications and take evidence, but such evidence is to be taken under the terms of a sentence which provides:

> In a proceeding before a voting referee, the applicant shall be heard ex parte at such times and places as the court shall direct.

Those of us who are members of the legal profession know, Mr. President, that this means that the opposing party shall not be heard by the referee. There will be no adversary proceeding, no presentation of evidence by anyone other than the applicant, and no cross-examination of the applicant. The State and local election officials will not be allowed to be present or to be represented by counsel. After the referee concludes the hearing he must then submit a report to the court, which then orders the State attorney general and each party to the proceeding to show cause why any order of the court should not be entered in accordance with such report. Within 10 days or less, as determined by the court, exceptions to the report may be filed with the court. The existing law then provides:

> The issues of act and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

It therefore appears at this point, Mr. President, that the State will have an opportunity to be heard and present its case; however, the law then provides, and this is very important, that:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

Let us remember these provisions of existing law as we examine section 101(b) of title I of the bill under consideration. That subsection provides that the following new sentence be inserted in section 1971(c) of title 42:

> If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election.

That refers to the sixth-grade-education qualification, in connection with which there would be a rebuttable presumption.

It is argued, Mr. President, that this proposal does not constitute the establishment of a Federal qualification for voting, and I assume at the present time solely for the sake of argument that no one, even the proponents of this bill, will contend that Congress has the authority to enact such legislation. In my opinion, this provision standing alone violates the exclusive constitutional right of the several States to determine voter qualifications; however, it is not my purpose to develop this point at the present time, but I do want to examine the provisions of section 101(b) of H.R. 7152 in the perspective of the existing law which I have briefly mentioned.

Although section 101(b) purports to establish a rebuttable presumption of literacy in behalf of any applicant who has completed the sixth grade in a public or accredited private school, the effect of subsection (e) of title 42, section 1971 would be to preclude the State or local election officials from presenting any evidence as to the literacy of an applicant who has had a hearing before a voting referee. In such case, the rebuttable presumption will be transformed from a rule of evidence into a conclusive presumption, and consequently will amount to the establishment by Congress of a substantive voter qualification. This is true, Mr. President, because the hearing before the voting referee was conducted ex parte with only the applicant and possibly his counsel and witnesses appearing. The State would not be presented and would be unable to present any evidence of any kind. Then, in a subsequent hearing before the court, the applicant's literacy shall be determined solely on the basis of the answers included in the referee's report. The court would, consequently, not be permitted to inquire into the actual qualifications of the applicant if the referee's report includes a finding that the applicant had completed the sixth grade. The State would not be allowed to question the authenticity of the applicant's proof of completion of the sixth grade nor present evidence to prove the applicant's illiteracy notwithstanding the fact that he had completed the sixth grade. The effect of these provisions will be to deny the State the opportunity at any time throughout the entire proceedings to present witnesses and cross-examine the applicant in an effort to determine his ability to meet qualifications as established by the law of the State.

In other words, the hearings before the referee are ex parte. The other side is not notified and is not represented when proof is introduced about the sixth-grade education. True, a case can be transferred later to a court which presumably would follow due process of law. However, by this provision we would preclude the court from inquiring into the findings of the referee with reference to the sixth-grade education.

So it is erroneous to say that there is a rebuttable presumption with respect to sixth-grade education. It becomes a conclusive presumption if the referee concludes that the requirement has been met because there is no way to rebut it. In other words, the judge—if the case ever gets into a court—who tries the case cannot go back into that issue; and at a hearing before the referee, without notice to the other side, all the person testifying would have to do would be to say, "I have a sixth-grade education," or, "I finished the sixth grade." If the referee were satisfied on that point, the record would be closed, and the district judge, or whoever tried the case—even a circuit judge—would not be permitted to inquire into the issue. It becomes an "unrebuttable" rebuttable presumption, as the Senator from North Carolina pointed out a few days ago.

Mr. President, this issue is rather involved. It is complex. It may also sound technical, but it is as clear as a bell to anyone—whether lawyer or not—who carefully examines, compares one section with another. The bill is so intricate and smooth, and fits so well, that it is bound to have been deliberately designed.

This example clearly indicates, Mr. President, the absolute necessity of further detailed study of this bill by a committee which, under the time-honored safeguards of receiving expert testimony and cross-examination of witnesses, can explore all of the many ramifications of this proposal. I do not know whether the cumulative effect of the existing statutes and this provision of H.R. 7152 just mentioned has been innocently proposed, or whether it constitutes a conscious effort at subterfuge.

It is up to Senators not only to further explore the subject, but also to have the opportunity to bring the provisions of the bill to the attention of other Senators. It should be the subject of an official report of some kind, based upon the testimony of witnesses, and not on the statement of some Senator who may be accused of bias or prejudice for or against the civil rights bill before he even reads it. It should be considered by some disinterested group or body.

I am willing to ascribe good faith to those responsible for drafting this legislation, but in either event it illustrates the necessity for additional consideration of this measure by a properly constituted and qualified committee.

There are many other questions raised by the numerous provisions of this bill which have not been answered.

Mr. SPARKMAN. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. I am happy to yield to the Senator from Alabama.

Mr. SPARKMAN. I was interested in the Senator's discussion with reference to the literacy tests and the voter qualifications. The point was made that even though so much of the procedure was outside courtroom procedure, there was the possibility of bringing a case to the courts under certain conditions.

A question was raised in my mind. With respect to the provision for special three-judge courts and special procedures, what would be the impact on the courts, taking into consideration the large backlog of cases already built up?

There is hardly a court in the country that does not have a crowded docket, to the extent that sometimes it requires not only months, but even years to dispose of a case. When we start to bring in new three-judge courts, to be comprised of one circuit court and the local district judge, and one other local district judge, would we not be clogging up the dockets even more?

Mr. STENNIS. The Senator is correct. With the great increase in the number of Federal programs and the natural trend toward the Federal courts—in interstate commerce cases and many other cases will go to the Federal courts and the dockets will become more congested than ever. Many new judgeships have already been created. As the Senator pointed out, there would be special three-judge courts under the bill. The Attorney General, merely by nodding his head or moving his thumb in the direction of the door, could require the creation of a special court, which would frequently involve travel by one or more of the judges, and would interfere with the disposition of cases on their regular dockets. They would have to travel from city to city, thus adding further to their already overloaded burdens.

Mr. SPARKMAN. Would there not be an inevitable slowing down of the disposition of regular cases on the dockets?

Mr. STENNIS. It would slow down a great deal, not to the injury of the judge so much as to the injury of those who have business before the court.

Mr. SPARKMAN. The Senator is familiar with the old saying, "Justice delayed is justice denied"?

Mr. STENNIS. Yes; I am familiar with it.

Mr. SPARKMAN. The Senator believes that to be true, does he not?

Mr. STENNIS. That is particularly true of the so-called little man whose case is postponed time after time. He takes the best he can get, which is usually some kind of compromise, and that is the end of his case.

I believe the Senator has raised a serious point, and a practical one also; but even graver than that, I object to any Attorney General being able to wave a judge off the bench without any proof of wrongdoing, bias, or prejudice, based upon the judgment of some investigating attorney with whom we have no contact and who has no responsibility, particularly, to the Senate, or even to the President of the United States.

For example, I have in my possession a booklet which purports to explain the many provisions of this measure. This booklet was sent to my office under a cover letter of Mr. David B. Filvaroff, Assistant to the Deputy Attorney General of the United States. The letter states that the "booklet was prepared by majority and minority counsel and staff of the House Committee on the Judiciary in conjunction with the Department of Justice." On page 33 of the booklet is a series of questions and answers dealing with title III which provides for injunctive relief against discrimination in public facilities. The following questions appear thereon. I use these examples merely as illustrative of the need for further hearings.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Before the Senator passes from the voting section, I should like to ask him some questions. I hold in my hand a little booklet entitled "You Can Vote—Summaries of State Registration and Voting Laws," which was prepared by the Democratic National Committee. It sets out the voting requirements in all the States of the Nation. Is it not true that under the Constitution of the United States a person can vote in a Federal election if he is qualified to vote for the most numerous branch of the State legislature, which means the House of Representatives? The Constitution is clear on that, is it not?

Mr. STENNIS. The Senator is correct. He is well versed in the Constitution. Nothing could possibly be clearer than that provision. A few years ago there was under debate that question, and the Senate refused to pass the bill regarding a sixth-grade education. It is an outstanding illustration of the fact that continued debate and full consideration prevent the passage of such a bill. Less than a majority of the Senate voted to close debate on the bill relating to voting qualifications. There is no question that the States prescribe the qualifications for electors for their house of representatives, and those qualifications are automatically adopted by the Federal Constitution as the qualifications for electors in Federal elections. I am glad the Senator brought out that point.

Mr. THURMOND. Therefore, the Constitution has adopted, for voting requirements in a Federal election, the same requirements that a State has for the most numerous branch of its legislature?

Mr. STENNIS. The Senator is correct. He has quoted almost verbatim from the language of a Supreme Court decision on that point.

Mr. THURMOND. Then, if the Constitution of the United States has fixed the same voting qualifications for those who vote in Federal elections as for those who vote for the house of representatives of their State, how can Congress enact a statute fixing a different voting qualification?

Mr. STENNIS. Congress has no authority to enact such a law. To do so would be to enact a law that was invalid and unconstitutional. It is the clear opinion of the Senator from Mississippi that the U.S. Supreme Court would render a unanimous decision in unmistakable language, under the Constitution, that the law was invalid.

Mr. THURMOND. For at least 20 years an effort was made to get Congress to enact a law to repeal the poll tax as a prerequisite for voting. Pressure was brought and efforts were made to obtain action on that measure. I remember that when I was Governor, from 1947 to 1951, strong efforts were made to induce Congress to pass a law repealing the poll tax as a prerequisite to voting, but Congress rightfully refused to do so, because voting qualifications were left with each State.

In the past 2 years Congress did submit a constitutional amendment to the States, and a sufficient number of States have now ratified such a constitutional amendment. As a result, no longer can a State have a poll tax as a prerequisite to voting in a Federal election. However, Congress never did pass a law repealing the poll tax as a prerequisite for voting, because the Members of Congress evidently considered such a law to be unconstitutional. Congress finally submitted the constitutional amendment to the States, and it was acted upon.

It is desired to make a sixth-grade education or any other level of education a requirement for voting, does not the Senator feel that the only way in which it can be done properly under the Constitution would be for Congress to submit a constitutional amendment to the States, as it did on the repeal of the poll tax, and let the States act on such an amendment?

Mr. STENNIS. Without doubt, the Senator has stated the only possible legal manner by which such a result could be reached.

As one who was present during the debate on the poll tax repeal proposal and also during the debates when the proponents changed their approach, the Senator from Mississippi can say with pride that the Senate has never yielded on the constitutional question the Senator has raised, that is, that the States have the sole power to prescribe voter qualifications. That poll tax bill could never be passed. However, when the proponents changed their approach and proposed a constitutional amendment, the Senate readily adopted that proposal, which has been approved by a sufficient number of States. The Senator is correct.

Some people say the Constitution does not mean anything any more. As one who loses a great many of these battles, I still think the Constitution means a great deal to a great many people. Once this matter is fully explained, the Senate, I am sure, will follow the correct interpretation.

Mr. THURMOND. The people of the Nation may decide they wish to have, as a requirement for voting, a sixth-grade education, but would not those who favor such a proposal be following the path of wisdom and following the Constitution if they pursued the constitutional amendment route, rather than asking Members of Congress to pass a law which clearly violates the Constitution, because the Constitution now fixes as voting qualifications for Federal elections the same qualifications that are fixed for voting for the members of the most numerous branch of the State legislature.

Mr. STENNIS. The Senator is correct. That is the only way I believe it will ever be done. The proposal to fix the qualification of electors would never reach the floor of the Senate except as a part of a civil rights bill. The Senator from Mississippi illustrated a few moments ago that no proposal would be made to give the Attorney General the power to wave a judge aside without giving any reason, if such a proposal were not a part of a civil rights bill.

A great many people are in favor of civil rights generally, as they understand that subject. Perhaps they would vote for a civil rights bill in a public opinion poll, for example. However, when we show them what such a bill means, how it violates the Constitution and how it will affect them, they do not like it, and are against it.

A moment ago I illustrated to the Senator from New York that originally there was a provision in the House bill which the people of New York and New Jersey did not like. It would have required moving little white children from their communities and their church neighborhoods, and transporting them across town to another school, and to bring little colored children to white schools in white communities, so that there would be a so-called racial balance.

The people up there did not like that provision, and it was stricken out on the floor of the House. It was eliminated, not by a vote, but by agreement with the chairman of the Judiciary Committee, a very eminent man from New York. The people up there did not like that provision, and it was stricken. However, other provisions in the bill that people in other areas of the country do not like were left in it.

Mr. THURMOND. I am in favor of every person being allowed to vote if he is qualified to vote, whether he is a white man, a Negro, an Indian, a Chinaman, or a member of any other race. But is it not true that we have sufficient laws on the book now to permit anyone to vote who wishes to vote?

Mr. STENNIS. I believe so. The Senator is correct.

Mr. THURMOND. It is claimed that there are isolated instances in which someone is not allowed to vote. It is claimed that the law is violated in those cases. Is it not true the law is violated in certain instances with regard to larceny, housebreaking, assault and battery, and other crimes? Is it not also true that the mere enactment of a law would not remedy this situation? Is it not true that we have laws in existence now against those crimes, but still they are being perpetrated?

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. Many crimes are being perpetrated in Washington every day. There are laws against such crimes. So, what good would it do to enact another law about voting when we already have numerous laws? If anyone is deprived of his right to vote, or claims he is, or thinks he is, he is entitled to apply to the court and obtain relief under the present law. What additional laws do we need to insure that people are permitted to vote?

Mr. STENNIS. The Senator is correct. There are in operation State laws and Federal laws. The laws have been put to use, and we are getting results. We do not have a perfect system yet. Of course, some laws are abused. The Senator has raised such an excellent point in connection with the qualification of electors that we should read from the Constitution so that the RECORD will show the point which he has raised.

In article I, section 2 of the Constitution, we find these words:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States.

Then there arose the great question of who was to be qualified to vote in those elections. The Constitution provides:

> * * * and the electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislature.

That was the decision. There is a very interesting constitutional history of the debates on that very point. I know the Senator is familiar with it. But the drafters of the Constitution finally settled on this language. It is as clear as a bell. That provision was reaffirmed when the Constitution was amended to provide for the direct election of Senators by the people.

Mr. THURMOND. It was incorporated again in the 17th amendment.

Mr. STENNIS. Yes; we cannot take from that. We cannot add to it. Congress cannot change it. Only the people can change the Constitution. They have a right to do it.

I thank the Senator for his very fine contribution to this debate.

(At this point Mrs. NEUBERGER took the chair.)

Mr. THURMOND. When those who wrote the Constitution prepared this section upon voting, I gained the thought from reading the notes of the Constitutional Convention—as I gained the thought on reading many other provisions—that they desired to leave as much authority as possible with the States.

I admit that the qualifications for voting could be transferred from the States to the Federal Government, by a constitutional amendment, but that is the only way I know of in which it could be done. The men who wrote that provision and left the matter of voting qualifications with the States had in mind keeping the Government close to the people back home, who will do the voting and who will be governed by this Government. Does not the Senator feel that if Congress attempts to enact a law upon this subject, we are not only violating the Constitution in attempting to pursue such a course, but also we are violating what those who wrote the Constitution had in mind? They had in mind leaving with the people of the States of the Nation the question of solving as many problems as possible, and in this instance, leaving the voting qualifications to be fixed by the States, by the people who vote in a particular State.

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. Does that not appear to be a wise course? Why should Congress attempt to fix voting qualifications, even by a constitutional amendment. Why not leave them to the people of the States? Do not the people of the States of Alabama, California, New York, or any other State, know what they desire in the matter of voting qualifications? If they desire certain voting qualifications, under the Constitution they have all powers that were not specifically delegated to the Union. Very limited and restricted powers were delegated to the Union. That is all the power which the Union has. That is all the power the Federal Government has. That is all the power that Congress has. That is all the power we have, together with the 24 amendments to the Constitution which have been passed since the adoption of the Constitution. Why should we wish to shift this power from the States to the Federal Government? Is it not better to leave as much power as we can where those who wrote the Constitution placed it? Is not local government after all the best government?

Mr. STENNIS. The Senator is entirely correct, particularly on a subject like this. I would not feel competent to legislate on the qualifications for voters in Hawaii. As I understand, the State of New York requires that a person must be able to speak the English language. Mississippi law does not have such a requirement. We do not know any other language to speak except English, except what one might call the "southern" language. It is for each area of the country to decide what best fits its needs. Those needs will not be met if the Federal Government is to determine what the qualifications of voters shall be. The Constitution provides that the qualifications for voting shall be those for electors for the members of the most numerous branch of the State legislature. As the Supreme Court of the United States has said, the Constitution has said that that standard, whatever it may be, shall be the qualification for voting in Federal elections in each of the States, and only the people of the United States can change that requirement. They can amend the Constitution. But the only way the change can be made is through an amendment to the Constitution.

Mr. THURMOND. In South Carolina, the qualification for voting is that a person shall be able to read and write the Constitution. Even if he cannot read and write the Constitution, he may still vote. Of course, that provision means merely the ability to read and write. If he cannot read and write, he may still vote if he owns $300 worth of property. That is really a lower requirement than the requirement for a sixth-grade education, which is being proposed in the bill, is it not?

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. So, in South Carolina, which has more than 100,000 Negroes registered to vote, nobody is denied the right to vote. I do not think anyone should be denied the right to vote. Everyone who is entitled to vote should have that right. However, the Federal Government should not have the right to preempt the entire field of voting by striking down the South Carolina constitution and South Carolina law. Indeed, a provision of this bill might well raise voting standards to the point that many Negroes who may now vote and are voting might be deprived of their right to vote in the future if the bill should pass.

Mr. STENNIS. The Senator from South Carolina has given a good illustration, a classic illustration, of State voting laws. If press reports are correct, Cassius Clay could not vote under the proposed sixth-grade qualification, although I judge that under the law of the Senator's State of South Carolina, Clay could vote. I judge that he could vote under the laws of Mississippi, too.

Mr. THURMOND. I commend the able and distinguished Senator from Mississippi for his clear insight into the provisions of the bill, and for the excellent analysis he is making of the provisions of the bill. I believe it will be helpful both to the Senate and to the American people, because after they know what is in the bill, I believe they will not favor it.

I do not wish to deprive anyone of his rights; but this bill does not involve the question of whether one favors integration or whether one favors segregation. The bill is an effort to remove power from the place where the Constitution put it—that is to say, in the States and in the people—and to bring it to Washington.

In my judgment it would be a great mistake to further centralize power in Washington. The history of mankind is the history of the suffering of people; people have suffered under government because government has been strongly centralized and because the powers of government have been channeled into one place.

Those who wrote our Constitution wisely provided for a delicate balance of power in government. They gave to the Federal Government certain powers, which are listed in article I, section 8—such as those relating to national defense, interstate commerce, foreign affairs, the coining of money, and post offices and post roads. They reserved all other powers to the States and to the people.

At the Constitutional Convention at Philadelphia, in 1787, when some of the delegates raised questions on this point, because they were not sure that sufficient safeguards would be provided by the Constitution, and some of them even refused to sign the Constitution because at that time the Bill of Rights was not spelled out in it—it was made clear to those who had such doubts that they could resolve them in favor of the Constitution, because the proposed Constitution listed the fields of activity in which the Federal Government would operate, and the Constitution stated that the Federal Government would not operate in any others. Most of the delegates who had such doubts—but not all of them—had their doubts resolved by being told that a bill of rights would be later submitted. Accordingly, a bill of rights was submitted and it was composed of the first 10 amendments to the Constitution. They were adopted 4 years later—in 1791. The 10th amendment provides that all powers not specifically delegated to the United States are reserved to the States and to the people.

Madam President, in my judgment, if more power were taken away from the States and the people by a statute which is illegal, or even by a constitutional amendment, which would be the best course, if such a course were to be followed—then we would be following a course which would lead to the building up in Washington of a stronger, concentrated centralized, tyrannical government which eventually would result in great oppression and tyranny to the people.

In my judgment we are making a great mistake to consider any bill which would bring more powers to Washington. Our forefathers who wrote the Constitution studied it for months and worked out this delicate balance—stating clearly the powers the Federal Government would have and the powers the State governments would have. Of course, some of the State governments have delegated some of their powers to subdivisions of the State governments. In addition, other powers were reserved to the people, and never have been delegated to the Federal Government or to the State governments; they are still reserved to the people.

We had better keep our Constitution as it is, and we had better keep the framework of our Government as it is, because under our type of government our country has made the greatest progress ever made by any people in the world. Today our people are the best fed, the best housed, and the best clothed people in the world. Our people receive the largest per capita income received by any people on the face of the earth; and in this country the people own 75 percent of all the automobiles in the world, and have approximately 60 percent of all the telephones in the world, approximately 55 percent of the railroad mileage in the world, and half of the improved highway mileage in the world.

Although the Communists accuse us of oppressing minority groups—the Negro groups—I would remind our Government agencies that I believe they would do well if they would broadcast to the world some of the material benefits our minority groups have, because I do not think countries have gotten this message. I believe it would be well if there were broadcast to other countries the fact that the 6 million Negro families in America own 3 million automobiles—which is one automobile for every two Negro families in the United States, and that is 30 times more automobiles than all the automobiles owned by all the people in Russia. I repeat that the Negroes in America own 30 times more automobiles than the total number of automobiles owned by all the people in Russia.

I believe it would also be well if other countries in the world understood, too, that 40 percent of the Negro families in America own their homes. I believe it would also be well if other countries in the world understood that 75 percent of the Negro families in America have televisions. I am glad they do; and I point out that those are more television sets than the total number of televisions which all the people of France have, and those are more televisions than the total number of televisions which all the people in Italy have, and those are more televisions than the total number of televisions which all the people in Switzerland have.

I am proud that our Negroes have these things; and I am proud that our country has a framework of government in which the minority group—the so-called underprivileged group, the so-called oppressed group—can own so many automobiles and can own so many homes and can own so many television sets and can have the jobs they do have here in the United States.

Some of the leaders of the minority groups claim that the members of the minority groups in the United States cannot get jobs; but I do not know of any person, either white or colored, in this country who is skilled and is prepared to fill a job in a skilled manner, who cannot get a job. Yes, the Negroes have jobs. If they did not have jobs, how would they be able to own so many automobiles and so many homes and so many television sets? There will always be some persons without jobs—whether they are white people or whether they are Negroes. But we should be proud of the great progress we have made.

In speaking of education, Madam President, I am proud that our Negro people have great opportunities—not only great opportunities to go to high school, but also great opportunities to go to college. In that connection, I point out, for instance, that in Great Britain, 1 out of every 243 people goes to college; but in the United States, 1 out of every 80 Negroes goes to college. In other words, the Negroes in America have three times more chances to get a college education than do all the people of Great Britain, taken as a whole. I am proud of this fact, and I am glad that our Negroes do have that opportunity. I want to see the people of this country—white or Negro, or of any other color—have every advantage and every opportunity and all the rights to do well and make progress. I think we should be proud of what we have accomplished in the United States, and we should broadcast these facts to the world.

I believe that sound Negro leadership would do well to remind the people of their own race of the great progress that has been made here, and to point out to them that they have the opportunity to make great progress in the future. But the way to do that is not through riots, not through demonstrations, not through violence, not by becoming parts of mobs. Their progress is not enhanced when they follow such a course.

I shall not discuss further at this time other parts of the bill. I commend the able and distinguished Senator from Mississippi for the great service that he is rendering to our country on the floor of the Senate today.

Mr. STENNIS. I thank the Senator from South Carolina for his good questions and for his timely and forceful remarks.

I thought the Senator made a very fine presentation 2 nights ago on television with the distinguished Senator from Minnesota [Mr. HUMPHREY] representing the other side of the question. Each Senator presented a very clear, forceful, and forthright discussion of the provisions of the bill. Every word that each said applied to the merits of the bill and went to the hard core of its provisions.

I thought the Senator from South Carolina and the Senator from Minnesota reflected credit on the Senate in the way they presented their points. I thought the Senator from South Carolina was very forceful in presenting at that time some points that he had already presented on the floor of the Senate. It is wholesome for the people of the Nation to have presented directly to them an explanation of the provisions of the bill and to have exposed to them its meaning, which the Senator from South Carolina did so well.

Mr. THURMOND. I thank the able Senator for his kind remarks. On the question of education, about which the Senator has spoken, I call attention to an article which was published in the Washington Daily News of Thursday, March 19, entitled "Are Southern Negro High Schools Better?"

The article is a UPI article written from Chicago, and reads as follows:

HIGHER EMPHASIS: ARE SOUTHERN NEGRO HIGH SCHOOLS BETTER?

CHICAGO, March 19.—Negro high schools in the South may be superior in many respects to all-Negro or interracial schools in the North, a Michigan State University psychiatrist said today.

Negro youngsters in southern segregated schools place a higher emphasis on academic pursuits than do their northern counterparts, David Gottlieb said in a speech prepared for a meeting of the American Orthopsychiatric Association.

Part of the difference, he said, is in classroom methods and identification of Negro students with Negro teachers.

"The all-Negro schools found in many of our northern city areas are not achieving the kinds of goals which we hold to be of importance in the formal educational process," Mr. Gottlieb said.

"If the student fails to see some relationship between what is happening in the classroom and his own goals, there will be a lack of involvement or learning on his part."

As more youngsters enroll in all-Negro northern schools, there is a decrease in the availability of precollege oriented functions, he said.

Hence, he said, there is an apparent belief that "these are not college-going youths and there is no need for college-oriented activities."

Madam President, it is well for the people of the Nation to know what a psychiatrist in Chicago has had to say about the fine opportunities of Negroes in our southern schools. We are proud that our Negroes have that fine opportunity.

Mr. STENNIS. I thank the Senator.

Madam President, I do not wish to detain the Senate too long. There is another phase of the subject which I wish to bring to the attention of Senators.

On page 33 of the booklet prepared by majority and minority counsel and staff of the House Committee on the Judiciary in conjunction with the Department of Justice the following questions appear:

Question. Section 301 authorizes the Attorney General to institute suit only when in his judgment the person aggrieved is unable to initiate and maintain appropriate legal proceedings. Is this determination by the Attorney General open to question in court?

Answer. No. The purpose of the requirement that the Attorney General first find that the injured party is unable to bring suit is to assure that the Federal Government is not involved when private parties are able to undertake necessary legal action.

Question. Will the Attorney General be required to prove in court that he received a complaint and that the persons who made such complaint are unable to initiate appropriate legal proceedings? Must he reveal the names of the complainants?

Answer. No. The bill merely requires the Attorney General to state in his complaint that he has received a complaint and that in his judgment the persons who complained are unable to initiate or maintain appropriate legal proceedings.

These statements by the Attorney General will not be subject to challenge either by the defendants or by the court. Under no circumstances will the Attorney General be required to reveal the names of the complainants.

Similar, if not broader, authority is granted to the Attorney General to initiate proceedings under title II, dealing with public accommodations. If the above interpretation of title III is correct, it would clearly apply to the powers of the Attorney General under title II as well.

Again, Mr. President, on pages 40 and 41 will be found a most disturbing explanation of the power of the Attorney General under title IV concerning school desegregation:

Question. Under subsection (b) of section 407, the Attorney General may sue when private individuals are financially unable to bear the expense of litigation. Since litigation usually imposes a heavy financial burden on everyone, doesn't this in effect give him unlimited authority to sue on behalf of all private individuals?

Answer. No. The financial test which this bill would impose is something more than simply the imposition of a heavy financial burden. The test would be the practical

> availability of a legal remedy to a complainant. Section 407(b) provides that a person shall be deemed "unable to initiate and maintain appropriate legal proceedings" under subsection (a) when he is unable, either alone or with the assistance of other persons or private groups, to obtain effective legal services or bear the expense of the proceedings, or when there is reason to believe that his instituting litigation might result in physical or economic injury to him or his family.
>
> Question. Will the Attorney General be required to prove in court that he received a complaint and that the persons who made such complaint are unable to initiate appropriate legal proceedings? Must he reveal the names of the complainants?
>
> Answer. No. This bill merely requires the Attorney General to state in his complaint that he has received a complaint and that in his judgment the persons who complained are unable to initiate or maintain appropriate legal proceedings. These statements by the Attorney General will not be subject to challenge either by the defendants or by the court. Under no circumstances will the Attorney General be required to reveal the names of the complainants.

I can hardly imagine that anyone with a desire to continue our present form of government could propose that such power be placed in the hands of the Attorney General. Can it be conceived what power could be exercised by that official under the terms of this act if the court should construe its meaning as have the individuals who wrote these explanations? If such interpretation of these three provisions alone be upheld by the courts, one man, the Attorney General of the United States, could bring into court practically every businessman in this Nation, or threaten to bring him into court, without ever having to name a complainant. What coercive power could be granted to any single person or official in any nation of the world which would or could be more destructive of individual rights? The full might and resources of the U.S. Department of Justice, under this interpretation, can be brought to bear on any business or school district in the Nation without the slightest justification if the Attorney General, in his sole discretion, so desires. Again, Mr. President, I am not speaking with reference to any particular individual who may happen to occupy the position of Attorney General, but I am attempting to bring to light the questions raised by this bill as it is now written.

These specific provisions which I have mentioned are merely illustrative of the ramifications of this bill—the examples are legion and I could go on citing them for hours. But I believe I have mentioned enough questions to justify the position that this bill should, in fact, it must be sent to a proper Senate committee for further review. For if it is enacted in its present form, it will lay the foundation for the downfall of our Nation. This is a grave and serious charge which I regret to make, but in devotion to my responsibility I am constrained to do so. I am confident that the Members of the U.S. Senate are not prepared to enact this extreme, unwise, and in many respects, unconstitutional measure. I can only implore all Senators to take another look at this proposal, not in the light of expediency or in blind faith to a cause, but in the light of intellectual and legal objectivity. I trust that all Members have or will take this approach. If your decision is made on this basis, I have no fear.

Mr. PROXMIRE. Madam President, will the Senator yield briefly?

Mr. STENNIS. I am delighted to yield to my friend from Wisconsin.

Mr. PROXMIRE. The Senator from Mississippi has made a very persuasive and eloquent speech, which he always does. I ask the Senator if it is not true, however, that there is a very serious situation in many States of the Union in which a disproportionately low number of Negro students actually vote?

A situation exists in a number of counties in which virtually no Negroes vote, and some counties in which none at all vote. In Mississippi I understand there is at least one county in which the majority of the population is Negro, and yet no Negroes vote. Does the Senator argue that no problem exists in those States, and that there is nothing to prevent a Negro citizen from voting if he cares to do so?

Mr. STENNIS. I can answer that question from experience and observation. For years there has been a steady increase in the number of Negroes who have shown more and more interest in becoming qualified electors in the State of Mississippi. Things were moving along satisfactorily.

Then came the disorders, the "new methods," and the "new formulas" which were forced on the State from people outside. That action has caused dissension and mistrust.

Mississippi still has a poll tax. Many times it has been argued that a poll tax is a deterrent to voting. But the amount of the poll tax in Mississippi is so small that it has had nothing to do with preventing people from voting. But it was, and still is, a qualification for white and colored people to become qualified electors.

The principal cause of the trend to slow down was the unrest, dissension, and troublemaking on the part of marchers and demonstrators who were agitated by outsiders. In spite of that, there has been a steady increase in voting interest. More and more interest has been shown by more and more voters.

In one county about which I know there are approximately 1,500 voters. They would not listen to anything from the outside. So the situation depends a great deal from county to county or area to area in the South.

The situation was being worked out very well indeed until the unrest and disorder came.

Does the Senator wish me to yield for another question?

Mr. PROXMIRE. I should like to ask the Senator a question.

Mr. STENNIS. Madam President, I yield to the Senator from Wisconsin with the understanding previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I should like to know if it is not true that a situation exists about as follows: In county A there is a white population of 2,824, and a Negro population of 6,085. The number of registered white voters is 2,810, or about the same number as there are white people in the county—a few more, in fact, than would normally be expected to be eligible—and the number of Negroes registered is zero. In other words, the Negro population, which is more than twice as great as the white population, did not have a single Negro registered to vote.

Mr. STENNIS. Certainly, as the figures indicate, that is not the general pattern. Does the Senator have any special knowledge of the particular county about which he has spoken? I do not.

Mr. PROXMIRE. The county is not identified by State.

County B is similar. In that county there are 1,900 white people and 5,122 Negroes. The whites are more than 100-percent registered; Negroes, none registered.

According to the Civil Rights Commission, in over 250 counties less than 15 percent of the Negroes of voting age are registered to vote.

May I ask the Senator if it is not true that elected officials will give protection and representation to those who have voted for them, whether it concerns providing access to restaurants, or adequate public school facilities, adequate teaching facilities, and so forth? They will not give the same attention to those who do not have the vote, or at least do not vote. Is that not correct?

Mr. STENNIS. The statement which the Senator has made is not a rule of general application. I now speak from personal knowledge. There were some PWA projects in Mississippi which related to the extension of sewerage and street paving and curbs. Under those programs the city put up part of the money and the Federal Government put up the other part. A great many of the projects were in small towns and small cities in Mississippi. More than half of the paving and sewerage extension projects, as well as other projects, were in areas largely inhabited by colored people.

Last summer we could not get any of those projects approved. They were all "under advisement" and "under consideration." Week followed week, and month followed month, and we could not get any of them approved. We never did get them approved until the Appropriations Committee sent investigators to learn why they were not approved in Mississippi. The formula provided that Mississippi was to get about $8 or $9 million worth. None had been approved except about $240,000 worth. I am still trying to find who put the "black mark" on them. I am sure they were condemned by someone in the administration. I want to make clear that I am not referring to our late President; but someone gave us a "black mark." The funds were not approved, although the projects, in large measure, affected Negro sections. That is only one example.

By and large, many things are being done by the city and county governments in Mississippi for the benefit of the colored people. The Senator does not need to worry too much about the colored people not getting their share of the benefits of these programs. They fare pretty well under them. They share in a great many of them.

As I shall later show by statistics, we have some of the best schools for Negroes in the United States. We employ more Negro schoolteachers than does any other State of the Union, although Mississippi does not have the greatest number of Negroes of any State of the Union.

I would like the Senator from Wisconsin to visit there. I think we would convince him that we are dealing rather generously with the colored people.

Mr. PROXMIRE. It is also true, of course, that Mississippi has the largest proportion of Negro to white population in the Union; is it not?

Mr. STENNIS. That is correct.

Mr. PROXMIRE. As I understand from the discussion I had with the Senator from Florida yesterday, Mississippi has a similar law to that which Florida has; namely, that there are only Negro teachers in segregated schools that have only Negro pupils.

Mr. STENNIS. That is the practice.

Mr. PROXMIRE. Under that kind of situation, there would naturally be more Negro teachers than there would be under a different kind of arrangement.

To pursue this line of questioning, we have figures to show that they do not get proper representation; that the amount spent per pupil for Negroes is not as much as that spent for white pupils; that the amount spent per white pupil is 30 or 40 percent higher than the amount spent for Negro pupils.

Mr. STENNIS. I challenge those figures as to State funds. The Senator will have to prove his case. I do not think they are accurate.

Mr. PROXMIRE. I shall be glad to supply those figures for the Record. I have referred to figures supplied to me. I shall be happy to put those figures in from the Civil Rights Commission report.

Mr. STENNIS. The Commission from which the Senator got his figures is the same Civil Rights Commission that proposed last year that funds be withheld from Mississippi.

Mr. PROXMIRE. I think the Civil Rights Commission is a high-grade Commission.

Mr. STENNIS. It is the same Commission that proposed last year that Federal aid funds be withheld from Missisipi.

Mr. PROXMIRE. This was a study not only of Mississippi, but of all the States.

Mr. STENNIS. But did it not so propose, particularly naming Mississippi?

Mr. PROXMIRE. The Senator may well be correct.

Mr. STENNIS. And President Kennedy was asked if he approved of that, and he said he did not. Is that not correct?

Mr. PROXMIRE. That may be correct.

Mr. STENNIS. I am sure it is correct.

Mr. PROXMIRE. If the Senator from Mississippi says so, I will accept the Senator's word.

Mr. STENNIS. I thank the Senator.

Mr. PROXMIRE. The study made by the Civil Rights Commission, not only of Mississippi, but in general, gave statistic after statistic showing that the Negro schools received far less per pupil than did white schools. It is understandable. If the Negroes cannot vote, for one reason or another, public officials are human, and they will pay attention to those who vote, and, of course, the white people will receive greater benefits.

Mr. STENNIS. With respect to State funds I deny that there is a substantial difference in the grammar schools and high schools of Mississippi. I put the burden on the Senator from Wisconsin to prove that there is a difference. In our State, we have a uniform, graduated pay scale for teachers, regardless of race, color, or anything else. The pay is based on qualification, how much college education the teachers have, and their experience; but it is absolutely the same, on down the line.

Mr. SPARKMAN. Madam President, will the Senator yield to me on that point?

Mr. PROXMIRE. I have another question along the same line.

Mr. STENNIS. Let me yield to the Senator from Wisconsin on the same point.

Mr. PROXMIRE. It is along the same line.

Mr. STENNIS. Certainly.

Mr. PROXMIRE. Is it not true that, under title I, which the Senator has ably and intelligently discussed, the one substantial change is the premise that a sixth grade education shall be a qualification for meeting the literacy standard?

Mr. STENNIS. That is one major change. There is some change in court procedure.

Mr. PROXMIRE. Does the Senator from Mississippi disagree that the principle in itself is wrong, or does the Senator argue that, if this provision is to be imposed, it should be imposed by the State, and not by the Federal Government?

Mr. STENNIS. That is very clear. The Senator from Mississippi read the constitutional provision on that point and referred to the debate in 1960, when the Senate rejected the motion for cloture, when not even a majority vote was obtained for it.

Mr. PROXMIRE. I am asking about the principle itself, the presumption that a sixth grade education should qualify a person from the standpoint of literacy. Would not the Senator agree that it is an acceptable qualification?

Mr. STENNIS. Such a qualification would fit many cases in many States, but I would not say that it would fit all the cases. Such a formal education might perhaps be a little high. I myself think it is a little high. But Congress cannot impose such a qualification, because it does not have the authority.

I think the Senator's questions have been pertinent and very helpful, and I thank him for his contribution.

I yield now to the Senator from Alabama [Mr. Sparkman].

Mr. SPARKMAN. Madam President, in connection with the question addressed to the Senator from Mississippi by the Senator from Wisconsin relating to expenditure per pupil, I have no statistics before me, but in my State the apportionment is made on a per-pupil basis across the board, regardless of color; and the pay scale of teachers is on a graduated basis, according to training, experience, and so forth.

The average pay for Negro teachers in Alabama is higher than the average pay for white teachers. It is a statistic that cannot be denied. It comes about by reason of the graduated scale, which is similar to the scale in Mississippi.

Mr. PROXMIRE. I am delighted to hear that. If the Senator will yield——

Mr. STENNIS. May I make a comment first? Then I shall yield.

I do not have all the figures in mind, and have not seen them lately, but if there is a difference in per-pupil expenditure of State funds in Mississippi as between white and colored, it is due largely to the different qualifications of the teachers. The pay scale is based on experience and college training. The pay scale is identical. In many cases the colored have better school buildings. They have at least equal facilities. I know this to be a fact in many places. I am sure it is true of other States. There cannot be a substantial difference. The only difference would be on the basis I have mentioned.

The Senator from New York [Mr. Keating] had asked me to yield, but I think I should yield to the Senator from Wisconsin until he is through.

Mr. PROXMIRE. The Senator challenged me to put in the Record the material I had cited. Frankly, I am sure there may be Senators, including the Senator from Mississippi, who may challenge the source, but it is the bipartisan newsletter issued by the Senator from Minnesota [Mr. Humphrey] and the Senator from California [Mr. Kuchel]. It has been a completely reliable and accurate publication. They point out in Alabama, an annual expenditure per pupil, for white, $182.68; Negro, $161.77. In Arkansas, white, $246.68; Negro, $197. Louisiana, white, $234; Negro, $182. North Carolina, white, $172; Negro, $165. And Mississippi, white, $173.42; Negro, $117.10.

Mr. STENNIS. These figures were obtained from the bipartisan newsletter?

Mr. KEATING. I believe I can help there. I believe they are from the Department of Health, Education, and Welfare.

Mr. PROXMIRE. I will find the definitive source before the record is closed.

Mr. SPARKMAN. Madam President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. SPARKMAN. I believe there is an explanation for those figures. The figures the Senator has used represent the money actually paid out. It is true in every State of the Union that the payment is based not necessarily upon the mere fact that here is a student, there is another student, and so forth, but upon a combined figure taking into account the days of attendance in school. If there is a higher average for staying out of school or dropping out of school, the amount paid is cut down proportionately. In other words, there are two factors: First, the student; second, the number of days actually attended. That would account for the differential in any State in the Union. I believe every State has the same rule.

Mr. STENNIS. If the Senator from Wisconsin [Mr. Proxmire], will give me his attention, the Senator from Alabama made a material point which I do not believe the Senator from Wisconsin heard. It is not an earth-shaking problem that we are going to solve, but we wish the Senator from Wisconsin to know the facts. Would the Senator from Alabama kindly restate what he said about the subject of attendance?

Mr. SPARKMAN. Yes. The number of students is not the only factor considered. That figure, I am quite certain, is arrived at by taking the number of students and dividing it into the total amount of money spent on that school, or on that number of students. But the number of students is not the only factor. I believe this is true all over the country. The other factor is the days of attendance. If there is a higher level of absenteeism in one group than in another group, it will make a difference.

Mr. PROXMIRE. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. McIntyre in the chair). Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. STENNIS. I yield.

Mr. PROXMIRE. In the statistics I have just provided, I did not read the entire table. After the States of Alabama and Arkansas there is a statement in parentheses which reads "computed on average daily attendance."

Mr. SPARKMAN. I understand.

Mr. PROXMIRE. The figure is computed on the basis of average daily attendance. So it would be accurate, would it not, because it would take into account the fact that on some days students are——

Mr. SPARKMAN. I do not believe that is correct. I believe it is exactly as I stated it.

Mr. STENNIS. That is exactly it.

Mr. SPARKMAN. The attendance factor has a bearing on the statistics.

Mr. PROXMIRE. With regard to Louisiana, North Carolina, and Mississippi it is apparently computed on the total number of students, rather than on the average daily attendance. If this is true, one cannot have it both ways. Of the five States considered, on the basis of average daily attendance, figures for the States of Louisiana, North Carolina, and Mississippi are not computed on the basis of average daily attendance. Two States were. But in all cases substantially less was spent on Negro pupils than on white pupils.

Mr. STENNIS. The daily average attendance, as I understand, means that if there are 100 students in a school, State funds are not distributed to them on the basis of 100, but on the average daily attendance for the month. The absenteeism is greater among the colored than among the white. It is a great problem down home to get the Negroes to come to school. It has been a lifelong problem in our State. However, the situation is improving. But the State law—which I overlooked until the Senator from Alabama reminded me—makes the distribution on the basis of average daily attendance. The law requires that; and it makes a great difference. I do not know anything about the other States. I know that the distributions from the State funds are made under State law. That is one of the elements, and it is made equally. There are local contributions in some counties in the State of Mississippi where the amount will vary. In some counties there are not many colored students. A certain county may yield a high local support to its schools in money but if it has few Negroes, not many colored people would share in it. Some of our counties have a high percent of white students. So those figures must be explained.

Mr. JOHNSTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I had promised to yield to the Senator from New York.

Mr. KEATING. I am willing to defer for a few moments if the Senator from South Carolina wishes to speak.

Mr. JOHNSTON. I thank the Senator from New York.

Mr. STENNIS. I yield to the Senator from South Carolina.

Mr. JOHNSTON. When we look into the school systems, I believe we will find that there are different kinds of school systems in the various States. It is difficult to argue on the floor of the Senate what is taking place throughout the United States, or throughout the South, so far as that is concerned. I know that in 1935, when I was Governor of the State I now represent as a Senator, our schools were operating for only 6 months, and the State paid for only 6 months at that time. However, I was determined that the State should pay for 9 months; and we continued to add a month every year until we reached 9 months of schooltime, paid for by the State. That was the way we did it in South Carolina along about that time. We also established a certification board, and each teacher was given so much money for being a high school graduate; if she taught for a certain number of years she received an additional sum of money for each year; and if she advanced to college and received an A.B. degree, or an A.M. degree, or any kind of degree, she received an additional amount of money.

In establishing the certification board, we tried to work it out for both colored and white teachers. Blank application forms were given to the teachers which they filled out—their names were not written on them, but they put a number on them, something like a social security number—and those application forms were sent to Princeton University which graded the papers, and the teachers were paid by the State in accordance with that information. All teachers were paid alike. They received the same amount of money throughout the State.

If we consider only salaries paid by the State in a local district, we find that some districts are richer than others. Some rich districts in my State have so much money they do not know what to do with it. The students come to Washington in a bus each year, in an effort to spend the money. They supplement the teachers' salaries. We find that in the richer districts the population is about 2 or 3 to 1 white, but when we get down into the lowlands where the colored people stay, out on the farms, they do not have much money to supplement State-paid education. When we come to that particular kind of district, there are other items entering the picture that have something to do with the pay teachers will eventually get from other sources. But the State of South Carolina is paying all of them the same amount of money, and has been doing so for at least the past 20 years.

Mr. STENNIS. The explanation of the Senator from South Carolina covers in part the situation in Mississippi. With respect to State funds, for teachers' pay, for transportation, and so on, no distinction is made. They are distributed on the basis of average daily attendance which, of course, varies. The amount of local contribution varies from district to district. It is somewhat involved, but those are the methods now being used. In the past 10 years a much greater amount of State construction money has gone into Negro schools than into white schools. I will give those figures later.

Mr. PROXMIRE. On the question of average daily attendance, the only way this could be explained, if Negroes have a poorer attendance record, is the attitude of hopelessness because the very fact of segregation is certainly a major factor.

Mr. STENNIS. No.

I yield to the Senator from New York.

Mr. KEATING. Mr. President, I congratulate the distinguished Senator from South Carolina on his aid to education in his State during his tenure as Governor. In my differences with him on the issues on the floor of the Senate I have never had occasion to attack his service as Governor of his State. His efforts for education have been outstanding.

I should like now, to revert to what I understand the principal subject of the address of the distinguished Senator from Mississippi; namely, the registration of voters. I recognize that the Senator from Mississippi does not place as much reliance on the findings of the Civil Rights Commission as some of us do. However, the statistics show that of the 100 counties that were sampled, by the Commission, 38 are in Mississippi, more than in any other State. May I inquire whether the Senator from Mississippi has any reason to challenge the figures which show that 69 percent of the white citizens are registered and 1.1 percent of the Negro citizens are registered? Does the Senator have any explanation for that?

Mr. STENNIS. I have already referred to the fact that this situation varies widely from county to county. The situation has changed within the past 10 years. Then agitation, mistrust, and distrust came into being, with the walk-ins, lie-ins, sit-ins, and other demonstrations. Interest in this subject has grown in various areas, and in many of the counties a great number of colored people do vote.

For example, here in the city of Washington, from the fragments of news I have read about the situation, a great drive has been put on to get people registered. It does not seem to be a very complicated procedure. All one is required to do is to go to the proper place and sign his name. It is a very simple procedure. Still a great effort is required to get the people in the District to register for the presidential election.

With all deference to the colored people, in my area at least, some are totally indifferent, and others are only partly interested. In other areas they have become interested in registering. I do not know how accurate the Senator's statistics are. I have no way of challenging them. In any event, the situation has greatly improved.

Mr. KEATING. In other words, if the figures are correct, the Senator would attribute the wide disparity between 69 percent and 1.1 percent, white and Negro respectively, to apathy or indifference or lack of desire to vote, and not to any other factor?

Mr. STENNIS. That factor has a great deal to do with it. In some areas there has been strife and uncertainty. If the situation was allowed to quiet down, things would improve very rapidly.

Yesterday, I heard on the radio that Alabama had been selected as a special target, and that special drives would be made there. I heard Mississippi mentioned in the same regard a few days ago. I cannot imagine anything that would be worse. I do not know whether the proponents are trying to help pass the bill. Nothing could be less calculated to bring about a better situation than to make the drives that are contemplated.

Mr. KEATING. I join the Senator in the hope that the Senate will be able to debate the bill and bring it to a vote and decision within a reasonable length of time, avoiding anything of the kind the Senator has referred to, because we do not condone violence of any kind for any purpose.

I note in the same computation that in 15 Georgia counties 69 percent of the white citizens are registered and 14.3 percent of the Negroes are registered. The Senator's State, however, shows a greater disparity. The Senator's State is considerably below that percentage ratio.

In 15 Louisiana counties, 64 percent of the white people are registered, and 6.9 percent of the Negro people are registered.

In seven North Carolina counties, 96 percent of the white citizens are registered, and 15.6 percent of the Negroes are registered.

Does not the Senator feel that something other than apathy or indifference to voting accounts for one county having a population of 4,116 white people over 21, and at the same time having 6,130 registered voters, or 148.9 percent of the white people registered? That must include a very large number of absentee voters, to use one interpretation. In the same county, 909 Negroes are living, but only 56 of them are registered to vote, or 6.1 percent.

When one is confronted with a situation like that, must not one attribute it to something other than indifference to voting?

Mr. STENNIS. I have already told the Senator about this. There are contributing factors of various kinds.

I can tell the Senator what Negro leaders have said to me. The new would-be Negro leaders do not come to me. However, the leaders we once had, who know me, from my work as a lawyer and otherwise do come to see me.

Their plea to me is to try to get the situation quieted down, and to stop the outside agitation. Their request is that we do something about the extreme groups, such as NAACP, CORE, and others. They want something done to restore the relations that previously existed between white leaders and Negro leaders, who had made such good progress and reached solid understanding, based upon almost a century of effort and understanding.

The more responsible Negro leaders in Mississippi do not want to have anything to do with this imported, new formula. They resist it. They are hoping for a better and quieter day. As I have said many times in the debate, after this trouble is over, the same ones who cooperated before will have to pick up the pieces and start anew. There is much agitation originating in other States. That does not help the situation. I hear much talk that Negroes are not allowed to vote in the South. If I understand correctly, there is a law in New York State which does not permit anyone to vote who does not speak the English language. Is that correct?

Mr. KEATING. No. There is a literacy test in New York. We have been over this subject time and again. I am glad to go over it again. There is a law in New York which requires a literacy test. It requires a person to be able to understand the English language.

Mr. STENNIS. Does that not exclude a great many of the residents of the Senator's State?

Mr. KEATING. If a person does not understand the English language, he cannot vote in New York. We do not have tests administered on a discriminatory basis. I have never objected to a State enacting any kind of law it wished with regard to literacy. It is up to the States whether or not to have a literacy test. Some do and some do not. That is entirely up to them and the bill would do nothing to change that. The objection of the Senator from New York is to the manner in which such a test is administered. If the test is administered in a discriminatory fashion, the bill would correct the situation.

Mr. STENNIS. The Senator from New York is trying to insert a literacy test in this bill, not only for New York, but for all States.

Mr. KEATING. Will the Senator yield to me?

Mr. STENNIS. Is that not correct? The Senator wants to insert a literacy test in the bill.

Mr. KEATING. If the Senator will yield to me, I would like to complete my statement. If he does not wish to yield, that is his privilege.

Mr. STENNIS. I am happy to yield to the Senator. Proceed.

Mr. KEATING. The objection of the Senator from New York is directed to the manner in which literacy tests are administered. There are repeated instances of this. Many well-educated Negroes, some with Ph. D. degrees, graduates of our finest colleges, are denied the right to vote on the ground that they cannot pass a literacy test. Next to these men and women, in a separate line, there are often applicants who could not get through the first or second grade, who cannot read or write, but who are able to pass a literacy test.

We have had evidence and documentation of that widespread practice in hearings before the Civil Rights Commission. That is the situation to which my objection has been directed.

The Senator from Mississippi put the question to me, "Are you not trying to propose a literacy test in the bill?" I believe that was what the Senator said. The answer is that that is not correct. All the bill provides is that if a State has a literacy test, it be administered without discrimination. The literacy provision is:

> There shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election.

This does not require that the States impose a literacy test, nor does it impose a Federal standard. It merely provides that a rule of evidence; that is, that a sixth-grade education shall constitute a rebuttable presumption of literacy for voting cases in Federal courts. Surely the Senator would not dispute the right of Congress to legislate in this area.

That charge is made repeatedly, based on a factual finding that the right of equal treatment is denied in certain States to voter after voter. People who have completed a college education are not permitted to vote. This bill does not represent an effort to change the substantive laws of the States in any way, because clearly under the Constitution the States are able and qualified and responsible to determine the qualifications of their voters. But the same Constitution requires that those laws be administered without discrimination against any citizen because of the color of his skin.

Mr. STENNIS. I thank the Senator. I will make the Senator a proposition. If he will keep out of our State the agitators and those who stir up trouble we will continue to try to improve our administration of these matters; and the Senator can go back to New York and improve his laws as to voter qualifications. Then perhaps we can all get moving. But I am not trying to reform the State of New York.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. KEATING. I certainly do not want to say that all the sin lies in the State of Mississippi, and all the virtue lies in the State of New York. I know that is not so. We can all improve the situation in our respective States.

I wish to correct one statement that I made in the RECORD earlier. When the Senator from Mississippi asked the Senator from Wisconsin the source of the figures on per capita expenditure on education in the various States, which were cited, and the Senator said that the annual expenditure per white pupil in Mississippi was $173, and for Negro children $117, I interjected that this information came from the Department of Health, Education, and Welfare. I am now informed I was incorrect, and that those figures came from the State superintendent of schools in Mississippi.

Mr. STENNIS. I am sure the explanation is that which I have already given. The difference results from lower average daily attendance, lower teacher qualifications and varying amounts of local contributions. However, the State funds are distributed substantially as I have said. The State construction program has favored the Negro schools by almost 2 to 1 during the last 10 years.

In case the Senator from New York might have to leave the Chamber, I should like to recall our previous discussion about the provisions with respect to racial balance, or imbalance, which were stricken from the bill on the floor of the House, with the acquiescence of Representative CELLER.

I have just had handed to me a dispatch from the news ticker. It hurts rather than pleases me. The item reads:

> Two hundred and fifty white parents from Queens picketed the board of education headquarters in Brooklyn today to protest pairing of schools in a racial balance plan.

Mr. President, this statement bears out what I have said. The opposition to the provision became so hot in New York and like areas that it was necessary to remove it. But the argument still continues. I continue to read:

> One picket said the plan would interfere with after-school religious training.
>
> Under the pairing plan, children from grades 1 to 3 in a predominantly white school and those from a predominantly Negro school would all go to one school and those from grades 4 to 6 in both schools would go to the other school.
>
> The parents said they did not object to racial balance but that they opposed their children being sent by bus or otherwise to more distant schools.

I admire the parents for their opposition. My point is that that provision was taken out of the bill after such protests as these arose. Members of the House were not willing to go to bat and fight for something that was in the bill, because some of the folks back home objected. I wish the Senator from New York would show the same consideration for other sections of the country and not to seek to have rules imposed on us that he is not willing to impose on the people of his area.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. KEATING. The Senator's statement bears out what he said. I think it also bears out what I said. The House, in working its will on the bill—decided that desegregation should not mean the assignment of pupils to public schools in order to overcome racial imbalance.

What I was protesting and am protesting is the representation to the public at large that the bill we are seeking to have considered has something to do with the problem of picketing in New York. But the people who are picketing in New York are directing their objections to the right place, since the New York City Board of Education has authority in this matter.

The bill as written has nothing to do with racial imbalance. The distinguished Senator from Mississippi—and I can understand his tactics in that regard—has indicated that he will offer an amendment to include such a provision, so as to make the bill unacceptable to a greater number of Senators.

The able Representative from New York, Mr. CELLER, in handling the bill on the floor of the House, accepted an amendment which precluded such an interpretation of the bill. I do not believe racial balance in the public schools is a proper subject for Federal legislation. It should be handled locally by boards of education under the general, overall surveillance of the States.

I feel very strongly that the control of education should not be centered in Washington, but should be under State and local control.

Mr. STENNIS. I thank the Senator from New York.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I do not know of any college professor, or even any qualified schoolteacher, who is denied the right to vote in Louisiana. However, if there is one, he has the benefit of the 1957 Civil Rights Act and also the benefit of the 1960 Civil Rights Act, with the Attorney General of the United States already in possession of whatever powers he needs to see to it that that person is permitted to vote. So such a person should pursue those remedies.

The President of the United States felt that those were all the powers that were needed prior to the time of the street demonstrations, the riots, the marches on city halls, and other demonstrations in various areas.

In Louisiana—to mention only one Southern State—approximately 140,000 colored voters are registered. If there were the same percentage as that among the whites, I assume that approximately 150,000 additional Negro voters would be registered in my State. But the latter number is not as great as the number of Puerto Ricans, alone, who are disfranchised in the great metropolitan area of New York City because they cannot speak English. But in Louisiana, the fine French-speaking people and the fine Spanish-speaking people are not treated that way. If they can show that they have a reasonable amount of intelligence and that they can reasonably understand what the government is all about, they can register to vote.

So it seems to me that our good friends from the State of New York should go back to their State and should do all they can to let the Puerto Ricans in New York vote, and should do all they can to eliminate the requirement that they must be able to understand the English language, before Senators try to control the affairs of another State. The first place where one should work for civil rights is in his own area; and clearly the Senators from New York should attempt to persuade the Governor of New York and the Legislature of the State of New York to eliminate that requirement in New York, before they attempt to tell us how to conduct the affairs of our States.

Mr. STENNIS. I thank the Senator from Louisiana very much. I do not know of any case in Mississippi similar to the case of the college graduate to whom the Senator from New York referred.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield.

Mr. KEATING. The report of the Civil Rights Commission is replete with evidence in regard to the instances I have mentioned. Many of those cases arose in Mississippi.

The unfriendly suggestion of the Senator from Louisiana that the Senators from New York be sent back to their State legislature is of course within his rights, and may not be unparliamentary; but we are Senators of the United States, elected to the U.S. Senate, not to the New York State Senate, and it is not our function to tell the New York State legislators how they should handle their affairs.

If the Senator from New York who now is speaking is not popular with the voters in New York, and if subsequently he runs for election to the New York State Legislature, he will deal with that problem at that time.

My point is that it is unfortunate that many people have received the erroneous impression that the bill deals with a matter which is the subject of the picketing which is occurring today in New York—the transportation of schoolchildren. The bill provides that the Federal Government shall have nothing to do with the transportation of schoolchildren, in order to correct racial imbalance.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield again to me?

Mr. STENNIS. I am glad to yield, although I wish to discuss another part of the bill. So I hope Senators who ask me to yield will be fairly brief in their remarks.

Mr. LONG of Louisiana. To be fair about this matter, I wish to make clear that I did not suggest that the Senators from New York should retire from the

U.S. Senate. I only suggested that they recommend that the New York State Legislature be fair in dealing with the Puerto Ricans in New York.

I have recommended a number of things to my State legislature; and, in turn, it has recommended things to me.

I believe the Senator from New York [Mr. KEATING] once said:

> I will go to Georgia, and will tell folks there——

Mr. KEATING. And I did.

Mr. LONG of Louisiana. Very well; the Senator from New York went to Georgia. Therefore, why could not the Senator from New York go to New York and help give the Puerto Ricans there a break?

Mr. KEATING. In Georgia I received a very courteous reception, and while there I learned things which I have found most useful.

Mr. LONG of Louisiana. I suggest that now the Senator from New York go to the people of New York and, in that connection, pay heed to what Jesus said in the Sermon on the Mount:

> And why beholdest thou the mote that is in thy brother's eye, but perceivest not the beam that is in thine own eye?

Mr. KEATING. Mr. President, inasmuch as my name has been mentioned, I should like to have the Senator from Louisiana point out a single official in either Georgia or Florida or Alabama to whom I tried to tell anything. I went there to determine the facts about certain bombings. As a result of that trip, we put the antibombing law on the Federal statute books, by a vote of 80 to 1. That was my objective in going to Georgia. It was not my purpose to try to tell anyone there how to conduct his affairs. Instead, my purpose was to find out facts for myself; and that is what I did.

Mr. LONG of Louisiana. Mr. President, I do not recall that the trip the Senator from New York made motivated the Senate to act on an antibombing statute.

However, my point—and I submit that is a valid one—is that if the distinguished Senator from New York can go to Georgia, to ascertain what should be done in Georgia, certainly he can go as far as to the State capital of his own State and can suggest to the people there that they quit discriminating against the Puerto Ricans in New York.

Mr. STENNIS. I heartily share the sentiment of the Senator from Louisiana; and all of us hope for improvement in those fields.

Mr. KEATING. And so do I.

Mr. STENNIS. I am sure the Senator from New York does.

Mr. PROXMIRE. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield.

Mr. PROXMIRE. Earlier, I promised to supply for the RECORD the source of the figures I cited. I now state that the figures were obtained by the Department of Justice from the State superintendent of public instruction in Mississippi; and those for the other four States were obtained from the State boards of education.

An element in determining the quality of education is to determine the success or failure of the school system to provide incentives for the pupils to attend regularly; and in making that determination, I think health is not a factor. Certainly I do not believe we should expect it to be throughout the whole South.

The big question then is: If this alleged charge of poorer attendance is true, why is it true? Does not attendance indicate the extent of real, genuine educational opportunity? If Negroes do not attend the schools as often as others do, I believe that is a factor to be considered in connection with determining the adequacy or the inadequacy of educational opportunities.

Mr. STENNIS. I thank the Senator from Wisconsin. Those figures were provided. My remarks were directed to the State funds, because the law requires that there be an equal distribution of those funds, under the formula for teachers—and those figures vary—and in connection with the figures for average attendance—and they may vary somewhat. Those figures vary from county to county, and the population varies greatly. So that would explain the difference.

I thank the Senator from Wisconsin for his contribution.

Mr. President, I have spent considerable time preparing some remarks on title VII of the bill, which is ordinarily called the FEPC provision.

First. I wish especially to thank the Senator from New York [Mr. KEATING] and other Senators for their contributions to the debate. I have enjoyed the discussions.

I should like to read a part of an editorial directed to the FEPC provision of the bill which appeared in the Washington Evening Star on Tuesday, February 11. I shall not read the entire editorial, for I wish to conclude my remarks as soon as I can, but I shall read all of that part pertaining to title VII. The editorial states:

> Our third objection goes to title VII, generally known as fair employment practices section. This section hits hard at both management and union practices which keep Negroes from obtaining jobs commensurate with their abilities. We wholeheartedly agree that legislation to accomplish this is needed.

I read the editorial with particular emphasis because it comes from an advocate of the bill.

The editorial writer states further:

> The pending proposal, however, is a draftsman's horror. Once again, key terms are not defined. No standards of evidence are set forth to guide the Commission which would be created to administer the section. In the absence of standards, the Commission might readily fall back on some form of quota system, which by all means should be avoided.

The editorial writer is discussing quota systems as related to the racial picture in employment. That is another provision which the proponents of the proposed legislation do not dare put in the bill. They do not want a quota system. When the subject was brought up last summer, the distinguished Governor of New York said, "We do not want any quota system." In the area of the United States, in which he lives they are against a quota system. They are against it in Washington. The Washington Star does not want such a system. The editorial writer states:

> The Commission might readily fall back on some form of quota system, which by all means should be avoided.

Mr. President, that statement again illustrates that they are against anything related to the bill which, even by implication, might hurt its proponents.

Such proposals draw blood and a quick response. But so long as the provisions of the bill hit other sections of the Nation they are entirely acceptable to the proponents.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. KEATING. I am glad the Senator agrees that no quota system is provided in the bill. The Senator from New York is likewise opposed to any such provision.

We now see another illustration of the misinformation that has been sent abroad about the bill. Much mail has been received by proponents of the proposed legislation objecting to the quota system. The Senator agrees that such a provision is not in the bill. I know of no one who is in favor of any such system as that.

I presume the Senator will offer an amendment proposing a quota system.

Mr. STENNIS. No. It is not my argument that a quota system is or should be provided in the bill. My argument is that the proponents have been careful to keep such a provision out. They will continue to keep it out. They seek to make it clear that the Commission should have no authority to establish a quota system.

The editorial writer states further:

> If this section is accepted by the Senate—

He suggests thereby that it might be rejected by the Senate—

> it should first be drastically overhauled, tightened up, and clarified.

Mr. President, how can a measure of the kind about which we are speaking, containing an FEPC provision as far reaching as title VII, which would affect every industry that employs as many as 25 people, be drastically overhauled, tightened up and clarified on the floor of the Senate? It would be impossible.

The next statement is not mine. The editorial writer said:

> That this bill was railroaded through the House is beyond dispute.

"Railroading" may occur from time to time in the Congress. But it staggers the imagination to think that a bill as drastic and as far reaching as the civil rights measure was railroaded through the House of Representatives. I did not make that charge. It was made by a proponent of the bill. The editorial writer said:

> That this bill was railroaded through the House is beyond dispute.

I read further:

> Representative MEADER, Republican, of Michigan, is a believer in civil rights and was a member of the Judiciary Subcommittee which initiated work on this bill. At first, he says, the measure was seriously considered. Then "a curious change" took place. Without any debate in the subcommittee, three sections were certainly added by the majority—FEPC, broader powers for the Attorney General to intervene in suits, a more sweeping public accommodations section. Then on October 29, the full committee knocked out the language of the subcommittee bill. Substitute language, which was not drafted by the committee and the origin of which is not clear, was approved.

That is not my argument. That is not the argument of an opponent of the bill. It is a statement made by a person who is in favor of the bill generally. I continue to read:

> Mr. MEADER first saw the completed draft when a copy was delivered to his home at 10:10 p.m. on the following Monday.

Mr. President, I point out the time, 10:10 p.m., at night. I continue to read from the editorial:

> The committee met the next morning at 10:30 and declared the bill not subject to amendment.

The members of the committee had 12 hours and 20 minutes to get a night's sleep and consider a 55-page bill. I do not know precisely how many pages the bill contained at that time, but it was approximately the same. I continue to read from the editorial:

> That afternoon, following a recess necessitated by a meeting of the House, the bill was reported out.

In explanation, the words "reported out" mean that the committee approved the bill and voted it out of the committee.

I continue to read from the editorial:

> Fortunately, this sort of thing can't happen in the Senate. The Senators would go over the bill line by line and clause by clause.

That is what the editorial writer said ought to be done, but the majority of the Senate will not permit it to be done. At least, they have not yet decided that it will be permitted. They will not let the bill go to a committee for study by the committee and its staff. If the Committee on the Judiciary is not acceptable, it could be sent to a special committee or to any committee that the Senate might prefer. But this is not acceptable. We must debate it on the floor of the Senate without the benefit of committee action.

Continuing to read from the editorial:

> We hope that an effective bill will be brought to a vote after full debate and passed without a filibuster. This will not happen, however, unless modifications are accepted. If they are not accepted, the only alternatives will be to invoke cloture or wear out the objectors. We do not believe that either can be successful.

As I pointed out, this is an editorial from a procivil rights newspaper, which was written by an exceedingly well-informed editorial writer. It goes to the heart of the whole question of procedure and the contents of the bill.

With all deference to the Senators who favor the bill, it is beyond the understanding of the Senator from Mississippi how a majority of a deliberative body could make up their minds to pass such a far-reaching measure in its present form, or in a form anywhere near it, especially without any hearing or proper consideration.

On the very first day the bill was brought to the Senate, the Senator from Georgia [Mr. RUSSELL] started to speak, proponents immediately started throwing around the charge of "filibuster, filibuster."

Yet, in the editorial which I have referred to, a well-informed proponent of the bill, after mature consideration, expressed himself and said:

> By all means, take a lot of it out, but consider all of it fully.

TITLE VII OF H.R. 7152—EQUAL EMPLOYMENT OPPORTUNITY

At this time I direct my remarks primarily to title VII of H.R. 7152. This title, which is designated "Equal Employment Opportunity," embodies the oft-rejected FEPC concept.

This is by far the longest and most complicated title of the bill. Because of this, and because of its far-reaching implications for millions of Americans, it is vital that it be carefully considered and fully understood. Particularly is this true since it is imprecisely drawn and fails to spell out in a definite and specific manner the limits and boundaries of the authority which it proposes to confer.

When this speech was prepared, the Senator from Mississippi did not have any knowledge of the editorial from which he just read. The editorial calls this title a "draftsman's horror."

Let us remember that title VII of the original administration bill did no more than give specific statutory authority to the President's Committee on Equal Employment Opportunity. That Committee now operates under Executive orders and its authority over alleged discrimination extends only to Federal Government employment, employment by Federal contractors and subcontractors, and employment by contractors and subcontractors working on programs supported by Federal financial assistance. The Committee's authority has never extended to private employers, as such.

That was the situation when the late President Kennedy sent up his civil rights bill last June. The bill had no FEPC provision in it. The only thing akin to it was a proposal to make statutory the President's Commission on Equal Employment Opportunity which then existed by virtue of Executive orders.

Title VII of H.R. 7152, as it was passed by the House, is a much more drastic and sweeping measure. It attempts to prohibit alleged discrimination in employment practices by employers and labor unions if they are engaged in an industry affecting commerce and have 100 or more employees or members during the first year of the law's operation, 75 or more during the second year, 50 or more during the third year, and 25 or more thereafter.

I point out again, Mr. President, that the exact and precise provisions and terms of H.R. 7152 have not been the subject of detailed study and consideration by any legislative committee and have not been the subject of any Senate committee report. It is true, of course, that the FEPC concept was considered by the Senate Committee on Labor and Public Welfare last year and that S. 1937, which embodies this concept, was reported by that committee on February 4 of this year. However, no Senate committee has made a searching, exhaustive, and detailed study of the exact language of title VII of H.R. 7152 and made a report as to the legal significance of such language and of the legal and practical effect and significance of this title if it should become law. We all recognize, of course, that there is a vast difference in studying a concept or theory than in considering a specific bill which is designed to put the concept or theory into actual operation.

It is now proposed to pass this far-reaching bill, which would affect the industrial might of this Nation and all employers with 25 or more employees, without having the language considered by a House or Senate committee, without benefit of a report prepared by a competent committee staff, without any report in which Senators concur, and without those guidelines, which have always been considered necessary both for Senators and for the courts that will be called upon to answer the thousand legal questions that will arise from the application of title VII if it becomes law.

If such a provision were brought in under any label other than civil rights, it would have been kicked out the door before it got here. We would not have taken up 1 minute of the Senate's time until it had run the gauntlet of the procedures I have discussed. In the existing near-hysteria of the Nation, anything that is proposed under the label of "civil rights" receives preferential consideration and treatment both in the Congress and the courts.

Along that line, the abstract idea or concept of civil rights is acceptable generally to most people. If the question was asked in a public-opinion poll, "Do you favor civil rights?" I feel sure that the average person would vote, "Yes." Of course, he favors civil rights as a principle or theory. But when we look at the far reaching and drastic provisions and powers contained in this bill, we find that it would affect in a definite and concrete manner multiplied social, economic, political, and legal questions. It would touch all aspects of our private and governmental lives. When the abstract thus becomes specific and concrete careful, serious, and thorough study and consideration is demanded.

Those who have not made a full study of the bill do not realize the extent to which the bill would affect the Nation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Is it not correct to say that a number of civil rights which Americans now possess are rights of which they would be dispossessed by the passage of the bill?

Mr. STENNIS. Such civil rights would be stricken down for all people, regardless of race, color, national origin, religion, or anything else. There would not be many rights left except those under regulation and control, if this bill should become law.

Mr. LONG of Louisiana. Would it not be fair to say that in a number of instances a person could say he is in favor of civil rights in a Gallup poll when he actually means he is in favor of some of the civil rights this bill would deny?

Mr. STENNIS. Yes; no doubt the Senator is correct. That person might unwittingly express himself as being in favor of curtailing his own rights unless he understood the provisions of the bill. For example, the people in the area we discussed previously, where the question of racial imbalance in the schools was involved, were heard and heeded.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. KEATING. It seems to me I heard the same argument in 1957 and 1960—that if the bill were enacted, it would destroy all the rights anybody ever had. But the Republic still stands.

Mr. STENNIS. No; the Senator from Mississippi did not make that argument. In addition, the 1957 bill had many of its teeth taken out by the Senate.

Mr. KEATING. I realize that, but even after the bill was finally passed, I remember hearing the same argument, that it was going to revolutionize the entire country and destroy the values in which we believe. But we are all still here and everything is going reasonably well.

I do not believe passage of any single law would destroy this Republic.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Is it not true that we took out that nefarious title III, and that we were successful in defeating the most vicious and the worst provisions in that bill, some of which we see back again in the bill in its present form?

Mr. STENNIS. The Senator is correct. The heart of that bill was title III, which was taken out.

Mr. LONG of Louisiana. Is it not correct to say that title III would have given the Attorney General of the United States the power to sue at taxpayers' expense on behalf of practically anyone against practically anyone, on almost any alleged type of discrimination that could be dreamed up?

Mr. STENNIS. That is true; but I believe the power proposed in that bill for the Attorney General, which was taken out, was only a molehill compared with the mountain of power this bill would confer upon the Attorney General.

Therefore, it would appear to me that, in considering this title under the circumstances which the leadership has forced upon us, the Senate necessarily will be passing only upon a concept and an abstract theory rather than upon the specific language and provisions of the practical effect of this proposed legislation. In other words, we are being deprived of the guidance and information which a thorough and detailed study and consideration by the appropriate legislative committee is designed to furnish to us.

Title VII is purportedly aimed at wiping out alleged discrimination in employment opportunities and practices. Its primary basis for support is the commerce clause of the Constitution. Under its terms, it would be an "unlawful employment practice" for an employer—

> (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

It should be clear from the language which I have just quoted that title VII, if it becomes law, will constitute a drastic intrusion into private businesses and will be unjust and coercive to employers and employees alike. This title will arbitrarily interfere with what would be otherwise the informed, considered, and sincere judgment of an employer as to how best to build and maintain the most competent, efficient, and harmonious working force possible.

Let me remind you that until the FEPC concept came into vogue in certain political circles it was never seriously questioned under our concept of individual liberties that an individual had the right to commence a business, to select his own employees on the basis of the qualifications which he deemed important, to establish such employee practices as, in his own free and uncontrolled discretion, he deemed proper and advantageous, and to do all this without governmental hindrance or interference. Such personal freedom of action in these basic fields is fundamental to our free enterprise system and to the whole American concept of individual liberty.

This concept of individual liberty and freedom of action would go out the window if title VII becomes the law of the land. It is idle and more than a little unfair to argue that this title would not, in fact, force the hiring, promotion, and retention of minority group members. As a matter of fact, it should be clear, even to the uninitiated, that the entire purpose, design, and effect of title VII is to force the hiring, promotion, and retention of persons that an employer would not hire, promote, or retain in the absence of governmental interference and coercion.

To the extent that the Equal Employment Opportunity Commission, which the bill would create, would have any power or effectiveness whatsoever, it would be in the field of dictating to private employers whom they shall or shall not hire, promote, or discharge. It is in this field—and this field only—that the Commission would be expressly authorized to exert its authority over private employees. The extent of the continuing supervision over the detailed management of the employees of private firms covered by the title is manifest by the provisions of section 709(c) which require every covered employer to:

> (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed,
>
> (2) preserve such records for such periods, and
>
> (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder.

It is well known, of course, that the Congress has consistently and repeatedly refused to enact FEPC legislation. Such legislation has been repeatedly before the Congress but, just as repeatedly, Congress in its wisdom has refused to authorize such sweeping and dictatorial governmental control over the private industries of our Nation.

There are many valid reasons for the refusal of the Congress to enact such legislation. I propose to discuss these in some detail. However, I would like to point out now that one of the more important reasons is the very real, very practical, and very difficult problem of defining, in a realistic and precise fashion, exactly what constitutes unlawful discrimination in employment on the basis of race, color, religion, sex, or national origin.

In saying this, I am quite aware that sections 704 and 705 of title VII do attempt to lay down definitions of what constitute unlawful employment practices.

However, an examination of these definitions will show very clearly the imprecision and vagueness of them. The language used is general and comprehensive and does not afford any definite standard or precise legal guideline as to the specific practices which would or would not constitute an unlawful employment practice. That is the point which the editorial published in the Washington Evening Star made, Mr. President.

Thus, I believe that if title VII becomes the law of the land, the Equal Employment Opportunity Commission would be left with a general, vague, and apparently limitless area in which to exercise the powers which title VII seeks to confer upon it. In the first instance, at least, the Commission will have the authority to make its own determination as to the proper construction of the act, what the definitions of unlawful employment practices encompass, and the powers which would be conferred upon it. They would make the initial decision. In the hands of political appointees—who almost certainly would be dedicated to the political philosophy that the iron hand of Federal control and compulsion should be used, regardless of the consequences, to bring about their own standards of social and economic equality between the races—such ill-defined power and authority would surely have a disastrous effect and impact upon the private industry of this country.

I believe it is well that we all realize that title VII is no idle and ineffectual collection of high-flown words and phrases which merely pays lipservice to a political philosophy which is designed to capture the votes of organized minorities. By their very vagueness the powers which would be conferred upon and vested in the Commission are formidable indeed. In practical effect the Commission would be granted the power of life and death over substantial segments of our Nation's industry. At the very least, the enactment of title VII would constitute a flagrant, unconstitutional, unauthorized, and unwise extension of Federal interference with and control of private business.

In its present form this title is such a drastic infringement upon our concept of democratic government and the free enterprise system of our economy, that it should literally shock the conscience of constitutionally minded Americans. It is a drastic departure from logic, reason, equity, and basic constitutional principles.

Mr. President, I shall discuss, under the various headings I have before me, some of the main points that come to mind.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. I ask the Senator if he does not understand that those who would be appointed to such a board as the FEPC would probably be persons holding views which would parallel those of the NAACP and CORE; in other words, persons who would be inclined to presume that there had been discrimination, when they looked into a case, in the first instance; and would not they also be subject to the probability that the very judges before whom such cases would be tried would be judges likely to go the extra mile to uphold such an assertion of power as those members of the Commission would claim?

Mr. STENNIS. It certainly would be the trend under the movement of the times, should this bill become law. It would give emphasis to that kind of approach.

Mr. LONG of Louisiana. Has that not been true with the Civil Rights Commission, and was it not true when the Commission was first established, that some little gesture was made to try to see that both sides would be considered, that conservatives and moderates would be on the Commission as well as extreme integrationist elements? Has it not turned out, within a few years, that those who favored integration have been successful in getting at the more extreme advocates on that Commission?

Mr. STENNIS. I believe that was the start that was made by President Eisenhower through the original appointments. I believe there has been a gradual eroding away of those who did not go along, so to speak, with the liberal decisions of the Commission; and it has become highly partisan.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from New York.

Mr. KEATING. Inasmuch as the President of the United States cannot rise to a point of personal privilege in the Senate, I rise in his behalf to suggest that the President would not, any more than would any of his predecessors, allow himself to be dictated to by the NAACP or CORE, and that he would select capable and able members to serve on such a Commission. To imply otherwise is a disservice to the President. I pointed out the other day that it was impossible for me to believe that President Eisenhower or President Kennedy required clearance through NAACP or any other organization for appointments to the Commission. I am sure the same applies to President Johnson.

Mr. LONG of Louisiana. I have no prejudice against President Johnson. I supported him and tried to help him obtain the nomination for the Presidency. I campaigned for him, both before the nominating convention and thereafter. I expect to vote for him again. I wish to make it clear that I have no prejudice against the President. I expect to vote for him, even though he adheres to the view he has previously expressed.

Mr. STENNIS. If industry does not get busy and assert itself, it will not be entitled to much consideration when it comes to making appointments to the Commission.

In my discussion, I shall present a number of arguments, any one of which should be sufficient grounds for the defeat of title VII. I hope to be able to convince those who still have an open mind on the subject that this title is a brazen and unwarranted effort to use the commerce clause to pass social legislation that has been rejected by the Congress on every occasion that it was considered. Let us remember again that there have been no committee hearings on this legislation in its present form. Its advocates have not seen fit to go before a committee to establish its legality and necessity. They refuse to do so now. The fact is that no legislative committee has been presented with any solid or convincing evidence that this title is even needed or desirable.

THE MOST COMPELLING REASON FOR OPPOSING FEPC

There is one overriding reason for the rejection of title VII that overshadows all others. It should compel every individual who is dedicated to preserving our system of government to oppose this title with all the strength a concerned patriot can give to his country.

The Founding Fathers, in establishing this Nation, laid down certain inviolate principles. Through the years, generation after generation of Americans have preserved these fundamentals as the solid cornerstone upon which our free society rests. One of these fundamentals is the absolute right of our people to be secure in and to enjoy the private right to own and control their property and use it as they see fit. This principle is so much a part of our tradition that no Member of the Senate needs legal authority for it or to be reminded of our dependence upon it as a basic rule of government.

In recent years, each Congress has increasingly chipped away this and other constitutional pillars of government until collapse is imminent if the chipping is not stopped. Yet the Congress, yielding to the cry and pressure of groups who will never be satisfied, has conceded time and time again.

To pass a bill which destroys the right of private property by, in effect, taking the authority of management from the owner and placing it in a Federal commission would be a staggering blow to the integrity of our Constitution.

Although immeasurable damage has been done in the past by enacting other aspects of so-called civil rights bills, fortunately the Congress has thus far failed to enact an FEPC law.

This is no time to do so.

It is time to be strong. It is time to adhere to basic constitutional principles. The welfare of the Nation demands it.

NOT CONSIDERED BY COMMITTEE

Title VII in the present bill is a composite of three bills introduced in the 1st session of the 88th Congress. They were the subject of some hearings by the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare. As I have said, at that time the bills were not part of the administration's so-called civil rights package. Neither these bills nor that portion of them now contained in the civil rights bill were considered by the Judiciary Committee to which civil rights matters have been traditionally referred. In fact, title VII, in its present form, has not been thoroughly considered by any legislative committee.

Since we have been deprived of examining the arguments for the FEPC concept embodied in title VII in hearings before a Senate committee, we must turn to the partial and somewhat unrelated hearings before the Labor and Public Welfare Committee as the only available source that will disclose the reasons and justification urged by those who sponsor the equal employment opportunity title of H.R. 7152.

I do not remember precisely when the hearings were held before the Committee on Labor and Public Welfare. But, when the administration's bills were introduced last June, the FEPC concept was not included. It was not thought that any serious attempt would be made to pass an FEPC bill. President Kennedy definitely left it out of his bill. The general thought was that an attempt would not be made to include such a provision. Suddenly, in late October, I believe, it was pitched in and it came out, and it has been rolling ever since. I do not see how, in discharging our responsibility, we can vote for title VII, which is such a marked departure from anything that we have ever subjected our people to, even if we have the authority to do it. I do not believe we have the authority, but even if we did have it, I do not see how we can do it as responsible legislators.

PROPONENTS FAIL TO SHOW AUTHORITY

In an attempt to support the constitutionality of FEPC, there was inserted in the record of the Labor Committee hearings a legal brief purporting to establish that the FEPC bills were:

> Solidly based on the power given by the commerce clause to the Congress.

That statement was based upon the premise that:

> The power of Congress to regulate interstate commerce extends to the regulation by law of intrastate activities which have a substantial effect on the commerce or the exercise of the constitutional power over it.

It should be noted that the proponents of FEPC concede that a substantial effect on commerce must be shown to find congressional authority for its enactment under the commerce clause.

There is no disagreement about this. While the courts have held that the fact that other purposes will also be served does not invalidate the exercise by Congress of its power to protect interstate commerce, it also has held the activities subject to the control of Congress must have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from burdens and obstructions. Under the commerce clause, Congress is powerless to regulate anything which is not related to commerce and it is powerless to do anything about commerce which is not regulation.

Before the Congress can properly enact this Equal Employment Opportunity or FEPC provision under the commerce clause, it must be clearly established that its enactment is necessary because of a substantial relation to or effect on commerce.

This its proponents have absolutely failed to do.

REASONS FOR PASSAGE NOT SUFFICIENT

The FEPC supporters attempted to do so by urging that passage of such a law would increase the Nation's gross national product by permitting nonwhites to make the same contribution to production, given the same educational attainment as whites. They contended that this alleged discrimination is preventing us from reaching our full economic potential and should be removed as a restriction on interstate commerce. However, the record shows the advocates of this contention subjected it to so many qualifications and exceptions that it is reduced to mere abstract theory without foundation and fact.

The validity of this theory was completely destroyed when its chief advocate asked himself the question:

> By how much would the gross national product increase if the nonwhite were able to utilize his present potential (as measured by years of education) as full as has the white?

And answered this question by saying:

> The effect on economic performance does not lend itself to measurement.

If it were real it could be measured.

If it were a restraint it could be measured.

If it were substantial it could be measured.

If it were a substantial obstruction or restriction on commerce our gross national product would not be consistently increasing, as the President so recently pointed out in his economic report of January 1964, when he stated: "The gross national product has increased 16 percent since 1961."

They go so far as to admit that discrimination in wage scales, if it does exist, as between white and colored, has no effect on interstate commerce by decreasing the gross national product. They said:

> On the other hand, there exists a type of discrimination in employment which has little direct effect on output. This is the discriminatory practice in employment sometimes identified as "exploitation"; i.e., paying the nonwhite less than the white is paid for equal work. This type of discrimination results in a redistribution of income favoring the white at the expense of the nonwhite, but with no necessary reduction in total output.

While the proponents have advanced many extended theories and abstract ideas, they have failed to show that alleged discrimination, if it in fact exists, has any substantial effect on interstate commerce. They have, therefore, failed to show any support for equal employment opportunity or FEPC legislation by the commerce clause of the Constitution.

They attempt to circumvent this fatal defect by simply declaring in title VII, section 701(b), of the bill:

> The Congress further declares that the succeeding provisions of this title are necessary for the following purposes:
>
> 1. To remove obstructions to the free flow of commerce among the States and with foreign nations.

What proof do they show to support such a conclusion? What evidence is there that the obstructions referred to actually exist?

Absolutely none.

ADVOCATES TRY TO AVOID PRESENTING PROOF

In the testimony before the Labor Committee the FEPC supporters attempted to avoid the necessity of furnishing such proof by contending that:

> The question whether the conduct of an enterprise affects interstate commerce is a matter of practical judgment, the exercise of which is primarily vested in Congress by the Constitution.

This postulate that this title is necessary, if allowed to rise to the dignity of a conclusion without substantiating evidence, will have the most far-reaching implication of any legislation considered by the Congress in recent years.

It will reach into the very heart of every business in the Nation, taking with it endless and unnecessary regulation and control that will never be removed.

Before acting Congress has the responsibility and the duty to be certain that such a conclusion is based upon fact. This responsibility is unusually great in view of the Supreme Court ruling in the matter in *American Communications Assn.* v. *Douds,* 339 U.S. 382 (1950). There the Court said:

> Congress, not the courts, is primarily charged with the determination of the need for regulation of activities affecting interstate commerce. If such regulation unduly infringes personal freedoms guaranteed by the first amendment, the Supreme Court must declare the statute invalid. But insofar as the problem is one of drawing inferences concerning the need for regulation of particular forms of conduct from conflicting evidence, the Supreme Court is in no position to substitute its judgment as to the necessity or desirability of the statute for that of Congress.

The proponents have presented no acceptable or convincing proof that there is a need for title VII. But even if proof had been submitted it would have to amount to more than mere suspicion or supposition that interstate commerce is affected. It would have to be shown that the effect on commerce was more than incidental or indirect. In *National Relations Bd.* v. *Jones & L. Corporation,* 301 U.S. 1 (1937) the Court said:

> The scope of the power of Congress over interstate commerce may not be so extended as to embrace effects upon interstate commerce so indirect and remote that to embrace them would effectively obliterate the distinction between what is national and what is local and create a completely centralized government.

It said further:

> If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the Federal authority would embrace practically all the activities of the people and the authority of the State over its domestic concerns would exist only by sufferance to the Federal Government. Indeed, on such a theory, even the development of the State's commercial facilities would be subject to Federal control.

The proponents who cite parts of this case as authority for FEPC legislation overlook the fact that the Court restated its previous rule that to come under the commerce clause of the Constitution, a matter must have a real effect upon interstate commerce. In that regard, the Court said:

> Whatever amounts to more or less constant practice and threatens to obstruct or unduly to burden the freedom of interstate commerce is within the regulatory power of Congress under the commerce clause and it is primarily for Congress to consider and decide the fact of the danger and meet it.

No proof having been established that interstate commerce is substantially affected or unduly burdened, it is clear that the Congress is without authority to enact this FEPC provision under the commerce clause and further consideration of it on this basis should be precluded.

TRUE PURPOSE NOT PROTECTION OF COMMERCE

But let us assume, contrary to the facts, that its consideration is warranted and authorized and that the facts do support the contention that this title of the bill will affect interstate commerce. If, as asserted before the Senate Labor Committee, the true purpose is to actually remove restraint on interstate commerce by removing economic losses that result from:

> (1) Inefficiencies in the use of the labor force resulting from failure to utilize fully the existing skills of our population, and (2) failure to develop potential skills fully.

Then to actually serve that purpose this bill should make no reference to race, color, religion, sex, or national origin. It should contain no reference to aliens or atheists. It should simply provide that every person who in any way conducts an activity bearing upon our Nation's economy must use fully the best available skills and operate in the most efficient manner possible. This follows the simple process of logic. It should be clear that the full utilization of existing skills has little, if anything, to do with questions of race, color, religion, sex, or national origin.

Therefore, if commerce is truly affected or burdened because an individual who is more or equally qualified is denied employment because of race, color, religion, sex, or national origin, then in order to protect commerce fully the bill should provide that no individual who is less qualified can be hired in preference to any person more qualified for any reason—without regard to race, color, religion, sex, or national origin. Only by such a provision could we truly "utilize fully the existing skills of our people." If the protection of interstate commerce and the full utilization of existing skills are the real objectives of those who advocate passage of this title, they will readily admit this to be true.

The catastrophic consequences of enacting such a law is, of course, obvious even to the strongest supporters of an all-powerful centralized Federal Government.

FEDERAL GOVERNMENT WOULD OPERATE EVERY BUSINESS

Such a law, if enacted, would, of course, make the Federal Government the operator of every business or other activity that affects the national economy anywhere in the Nation. To enforce such a radical, far-reaching, ridiculous, and impractical law, the Equal Employment Opportunity Commission would have to:

Acquire and maintain a working knowledge of every skill in every trade in every section of the Nation.

Monitor the employment and discharge of every employee of every employer in the Nation.

Monitor the promotion of every employee of every employer in any business or economic activity which affects the gross national product.

Acquire and maintain a detailed knowledge of every productive technique in the Nation.

Maintain a constant surveillance over every instance of productive activity in order to insure that the most efficient method is being used so that the Nation will, in compliance with this law, obtain maximum performance by the utilization of the best available skills.

Almost all of these requirements will, in fact, be necessary even if the bill passes in its present form, with its application limited to instances involving race, color, religion, sex, or national origin. The employer will no longer be responsible for conducting his own business. He will instead be shackled to the bureaucratic whims of an all-powerful and constantly present Federal Government that continually looks with suspicion upon every act of management involving personnel or procedure. The employer, already burdened with limitless Government forms and regulations, will have to assume even more administrative burdens.

The hiring of every employee and the discharge of every employee will be done at the peril and risk of being overruled by the Commission or the courts. Every promotion will stand the possibility of being nullified or delayed pending the outcome of long and involved investigations, Commission hearings, and possible court actions.

The finality of any action by an employer in matters of personnel may be unknown for long periods of time and he will not know whether or not a discharged employee will have to be reinstated, whether a newly appointed employee can remain on his payroll, and whether or not the organizational structure of his particular business will be overturned because of an alleged violation of this title.

It is inconceivable and unthinkable that business enterprises—small, medium, or large—should be subjected to such regulation and control, and that such a great opportunity should be opened up for the smallest and most irresponsible inspector or agent to take undue advantage of an employer and subject him to the penalties—and more than legal penalties; the abuse and uncertainty, blackmail and coercion—that would be permitted under this title.

In brief, it would be a monstrous, unworkable, impractical, and unbearable burden on a major segment of the business and industry of the Nation.

In addition, the Government could move in on the employer or owner of a small business or enterprise and take away from him his basic, fundamental, and elemental rights as a private citizen. Let us remember that we are not talking about regulating a public facility, a public operation, a public contractor, or a public enterprise of any kind. We are talking about going into small businesses employing as little as 25 persons which are purely privately owned enterprises. These are operated by people who have invested their savings of a lifetime, and who have gone into debt to finance the business.

What is sought is to have the Government enter with a club of some kind—the club of a Government in faraway Washington—to cuff him over the head daily—not once every year, as in the payment of taxes, but daily—to regulate the hiring, discharging, and promotion of his employees. I do not know how a Senator could conduct the affairs of his office if he had to operate under the provisions of the FEPC section.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. If it is proper that some Government bureaucrat should have the duty and function of coming into a person's place of business and telling him whom to hire, whom to promote, and whom not to promote, would it not be fair to say that white people are entitled to consideration as well as colored?

Mr. STENNIS. It certainly would. One would get into an impossible field if he tried to regulate everything in that way.

Mr. LONG of Louisiana. Eventually, should it not work both ways—in other words, the whites should be considered for promotion, as well as the colored? If a Federal bureaucrat were to tell an employer whom he should promote and whom he should not promote, and were to decide which ones should be promoted and which ones should not be promoted, which ones should be fired, and which ones should be hired, how would an employer be able to operate his business at all?

Mr. STENNIS. I do not see how he could.

When I was a young boy, I used to marvel at the way the crews operated the sawmills. The sawmill company employed some of the finest workmen to ride on the carriage which moved back and forth from the saw blade. Those men were colored men. Other very skilled colored men were used to sharpen the saw. As I recall, approximately two-thirds of the employees of those companies were colored men. Some complaints were made to the companies; there were complaints that they employed too many colored people. But those men were skilled, and they worked hard, and did a fine job, and helped the companies make profits.

But if the management of that company had been encompassed with all the contention and all the rows that could develop day by day under the provisions of this bill, the company never would have had a chance to give any of its employees, either the whites or the Negroes, a real opportunity to work and to improve and to be promoted on merit. Certainly they could not do this if they had Federal inspectors and enforcement officers looking over their shoulders.

Mr. LONG of Louisiana. Would not this bill be an invitation to any employee subject to the FEPC provisions to call upon the FEPC in various ways, including by means of allegations that his talents were being overlooked, that he was not being used to the best of his abilities?

Mr. STENNIS. Of course. No doubt the Members of the Senate would then receive much mail in which discrimination against such employees was alleged, and Senators would be asked to look into those cases. I think that would be the natural result of a law similar to this bill.

Mr. NELSON. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. INOUYE in the chair). Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. STENNIS. I yield.

Mr. NELSON. For purposes of clarification, will not the Senator from Mississippi agree that section 7 specifically provides the procedure to be followed in a State which has its own fair employment practices law? Is it not clear that section 708 (a) and (b), on page 43 of the bill, under the title "Effect on State Laws," makes it certain that in States which now have in their statutes effective fair employment practices sections, agreements shall be made between the Commission and the Fair Employment Practices Authority in the State, for the purpose of the enforcement of the State law?

Is it not also very clear from page 44, beginning in line 2—I refer to the words:

> No person may bring a civil action under section 707(c) in any case or class of cases referred to in such agreement.

And I say this so there will not be any misunderstanding by those who read the RECORD, although I realize that perhaps the Senator from Mississippi has already covered this point in the course of his speech—every State which has an effective FEPC law will sign an agreement with the Commission, and therefore there will be absolutely no change whatsoever respecting the operations of the fair employment practices law in that State, as compared with the situation today, because it will be enforced at the State level by the State's own Fair Employment Practices Commission, and the State law will be enforced; and as long as that agreement is in existence, no person will be able to make a complaint to the Federal Government and come to the Federal Government for any help in that connection? Does the Senator from Mississippi agree that that is a correct statement of the law?

Mr. STENNIS. Frankly, I must reply by saying to the Senator from Wisconsin that I believe he could obtain a more accurate interpretation of that part of the bill from someone else. I have read it, and I have a few remarks to make about it——

Mr. NELSON. Then I shall state that that is correct.

Mr. STENNIS. Very well; the Senator from Wisconsin states that as a fact.

Mr. NELSON. Of course I do not expect the Senator from Mississippi to answer legal questions on the spur of the moment.

Mr. STENNIS. I am not prepared on that point.

Mr. NELSON. I wish to state, as my interpretation, and I think it is correct, for I have conferred with constitutional lawyers—that as to both the FEPC section and the public accommodations section, if a State has an enforcement agency, an agreement shall be signed, and then the State law shall be enforced at the State level, with no Federal Government connection. That applies to 32 States, as to the public accommodations section. As to the FEPC section, I am not now certain. But in Wisconsin, both as to public accommodations and as to the FEPC, this bill would have no effect at all. As to States which do not now have such a law, of course this part of the bill would be operative in those States.

Mr. STENNIS. Wisconsin has such a law; has it not?

Mr. NELSON. Yes.

Mr. STENNIS. So, I believe it is a fair interpretation to state that the Senator from Wisconsin wishes to have the Wisconsin law remain just as it now is; but as for States which do not now have such a law, he wishes to give them a law of his own making. That is about the substance of his position; and I do not say that in an unfriendly way. But I believe it is fair to state that the Senator from Wisconsin does not want to have the Wisconsin FEPC law impaired by this bill. Is that correct?

Mr. NELSON. The Wisconsin FEPC law is stronger than the law proposed in this bill; and the Wisconsin public accommodations law is much stronger than the Federal law now proposed. So, the bill would have no operative effect in Wisconsin.

Mr. STENNIS. And I assume that I am correct in stating that the Senator from Wisconsin wishes to have that situation continue. Is that correct?

Mr. NELSON. When I was Governor, I attempted to make some improvements in the law. The first Wisconsin public accommodations law was passed in 1885; and during the following 79 years we have continued to improve the law. If the Federal Government had a better one, I would be glad to recommend that our State adopt it.

I am now informed that 26 States have an FEPC law. So, as to those 26 States and as to the 32 States which have public accommodations sections in their laws, if they are adequate to meet the situation, they would not be affected by the bill. That is the only point I wished to make clear.

Mr. STENNIS. I have read those provisions. I really believe that the opinion of someone else in regard to them would be worth more to the Senate and to the Senator from Wisconsin, than my opinion would be, although I wish to comment on lines 5, 6, and 7, on page 44.

I point out that I am not criticizing the Wisconsin law. If it suits the people of Wisconsin, it certainly suits me for Wisconsin to have it. I am sure it is a good law, and that it was strengthened by the Senator from Wisconsin while he was Governor of that State.

My point is that the Senator from Wisconsin does not desire to have the provision changed substantially, and certainly he does not wish to see it downgraded. He does not desire to have a Federal law replacing the statute on the statute books of Wisconsin. At the same time the Senator really wishes to have Federal law apply to another State that does not have an FEPC law; is that not correct?

Mr. NELSON. I should like to clarify the point by saying that any State in the Nation may pass its own FEPC law and its own public accommodations law. If those laws can meet any reasonable standard, the State can avoid any Federal interference with operations in that State in respect to that kind of conduct. I think that is important. In other words, no State must come under the Federal law. A State may enact its own public accommodations law and its own fair employment practices law. It can enact its own voting laws. If such laws met a reasonable standard of fairness, no Federal Government agency would have an opportunity to intervene.

Mr. STENNIS. I should like to ask the Senator a question on that point. If the bill should become law and Mississippi should adopt its own FEPC statute, does the Senator maintain that the law of the State would control?

Mr. NELSON. That is correct.

Mr. STENNIS. And the Federal FEPC law would not control?

Mr. NELSON. Yes. On lines 4 and 5 appears the modifying sentence, of which the Senator is aware:

> The Commission shall rescind any such agreement when it determines such agency no longer has the power or is no longer effectively exercising the power.

But if there is a reasonable statute and a reasonable exercise of the power under the statute, I would interpret that language to mean that Mississippi, or any other State could have its own law with no Federal interference.

Mr. STENNIS. If the legislature of Wisconsin or the legislature of Mississippi should change its law related to the subjects about which we are speaking, it would come from under the agreement and be subject to the Federal law. Is that correct?

Mr. NELSON. It would depend upon how the law might be changed. A State could come back under the Federal law.

Mr. STENNIS. If the proposed legislation were passed, it would more or less freeze the law in Wisconsin and in other States that have a similar law, and it would put the Federal statute in all the other States.

Mr. NELSON. It would amount to some kind of Federal minimum standard.

Mr. STENNIS. I should like to ask the Senator another question. What kind of discrimination in Wisconsin is the Senator talking about? Is it discrimination against religion, race, national origin, or what?

Mr. NELSON. It is race and religion.

Mr. STENNIS. In Mississippi I have never heard of that question being raised in relation to a Jew, gentile, Greek, Catholic, Protestant, or any other such group. I have not heard that question raised. I have heard it raised about Jewish people in other States. In Mississippi there are some fine Jewish people. When I was a youngster, I had to go a thousand miles from Mississippi before I ever heard of any such thing as discrimination with reference to Jewish people. The Senator is talking about an altogether different kind of discrimination from what I am discussing.

With all due deference I ask the Senator how it can be reasoned that the Senator has more knowledge about how to write an antidiscrimination law for Mississippi than I do, since he comes from a State which has 1.9 percent of colored people, while Mississippi has 42 percent?

Mr. NELSON. I did not reason that way. The Senator must have read something into my remarks.

Mr. STENNIS. The Senator is proposing, through this bill, to impose such a provision upon us. The State which he represents would get out from under the law immediately, if I understood him correctly. How did the Senator reach the conclusion that he can write a better law for Mississippi than I can?

Mr. NELSON. I did not say that I could.

Mr. STENNIS. I speak with great respect to the Senator.

Mr. NELSON. The point I am making is that the State of Mississippi, under that section of the statute, could avoid any relationship whatsoever with the Federal Government whatsoever with respect to the questions of public accommodations and FEPC by passing its own laws. We enacted one such law in Wisconsin in 1885. There has been discrimination in Wisconsin. There still is. I can remember, as late as after the Second World War, seeing signs at resorts in my State, which people in many States have seen, stating, "gentiles only." There is not a single sign like that left in the State of Wisconsin, because our law forced compliance with the statute and eliminated that kind of discrimination.

There is discrimination in every single State in the Union. There is no doubt about it. There are bigoted people in every State in the Nation. No State takes first prize for being the only State without bigotry or discrimination, because, deplorably, we find it in every State in the country.

My point is—and I am only trying to make it clear for the record—that the Senator from Mississippi and the spokesmen from many States are saying that they do not want Federal interference. All I am saying is that if a State should enact a statute that provides public accommodations and a reasonable FEPC law, the Federal Government will not be able to have anything to do with that State in that respect.

Mr. STENNIS. That is a good suggestion, but the Senator would interfere with us enough to make us pass an FEPC law which would meet the approval of the Commission. Otherwise, the Federal law would apply.

Mr. NELSON. That is correct.

Mr. STENNIS. So we would have to put our necks in the noose provided by the Senator before we could avoid being subjected to the terms of the law proposed by the Senator.

Mr. NELSON. The Senator suggests that it is my law. I thank him very much.

Mr. STENNIS. I mean the bill which the Senator supports.

Mr. NELSON. A State would have to comply with the standard set. Of course, any arbitrariness on the part of the Commission would be subject to court review, as the Senator, who has been a judge, knows.

Mr. STENNIS. Would not the Senator call it interference if we were forced to pass an FEPC bill which the Commission would approve in order to be released from the Federal regulation?

Mr. NELSON. The objective of the law is to assure constitutional rights to all people of our country without regard to race, color, or creed; and to the extent that those rights are being denied in any part of the country, the measure would be an interference with whatever authority was denying that right. That is correct.

Mr. STENNIS. I appreciate the Senator's question. He has made a contribution to the debate. Our discussion has brought out clearly what we are up against.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. The Senator from Wisconsin referred to a provision relating to the public accommodations section similar to that in the FEPC title. The Senator from Mississippi has not seen that provision and did not know that there was such a provision in relation to public accommodations. There may be. Will the Senator check and see if there is; and if there is, call it to my attention?

Mr. NELSON. I was depending on memory. I hope I did not misstate the contents of the bill. I shall examine it.

Mr. STENNIS. Now is the time to correct the record, if correction is necessary.

I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, a situation arose in the construction of highways in Louisiana recently which will help to illustrate the problems that the bill would tend to create.

About 80 percent of the construction workers working on highways in Louisiana are colored. It is usual to have the colored people working together in one group and the white men working together in another group. That is how the people there want it. Neither the colored people nor the white people have objected to that arrangement. They get along better, work more effectively, and do a better job when they work in that manner. The colored people work together in one group and the white people work together in another group.

The Federal Government would like to come down to Louisiana and integrate all those workers on the theory that there is something wrong with white people working among people of their own kind and colored people working among people of their own kind. They are paid the same wage scale. The colored people have 80 percent of those jobs. Yet someone likes to suggest that there is discrimination involved because the people are working among those of their own kind.

I believe the Senator knows—and we know it—that the work group would not be as effective if it were compelled to include a salt-and-pepper mixture of the races as it would if left the way it is. Yet that is the kind of activity in which someone seeks to impose Federal judgment—which would be in error, by the way—on a prejudiced basis, in trying to assume that there is something immoral about people trying to be among their own kind of people.

That is the kind of problem that people outside seek to create for us by legislation. They do not share our problems.

I should like to ask the Senator, who comes from a State in which 42 percent of the people are colored, and 58 percent are white, whether he can visualize a State with 1 or 2 percent colored people and 98 percent white having any real race problem so far as the Caucasian and the Negro races are concerned.

Mr. STENNIS. I do not think so. As the Senator from Louisiana has said, everyone knows this problem is more acute where there are the larger percentages of colored people. I am surprised, in a measure, that the States which have FEPC laws are not willing to submit to Federal law, while at the same time they are trying to impose a Federal law upon us. I am disappointed.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Minnesota. We have missed him on the floor today. I know he has been very busy on other matters and has not been neglecting his duties, but I am glad he is back.

Mr. HUMPHREY. We have had able lieutenants present. We learned to do that from our southern friends. I was not absent long, always within close range.

Mr. STENNIS. Perhaps the Senator from Minnesota and the Senator from Georgia were in conference.

Mr. HUMPHREY. We would like to have been.

One thing has particularly puzzled me in the discussion over these past days about the attitudes of the opponents of this bill. I recognize the differences in our experiences, but what has always puzzled me is what I experienced during the 1 year or so that I spent in the State of my good friend from Louisiana. I noticed that a colored lady would literally bring up a white family, sharing with them the most intimate and cherished experiences. The children were as friendly and close as they could be. So long as she was taking care of the children and helping the mother of the house and acting like a member of the family, there was no attitude that she did not belong but rather her place in the family was coveted; but outside of the job, it was complete and total segregation. I never could understand that attitude.

In the northern community where I live, in Minneapolis, there is much less genuine sociability than I saw in the South. I could never understand what seems to be such a glaring paradox. In the Southern States many Negro women literally bring up a family of white children, take care of them from immediately after birth, prepare their food, take care of all their needs, willingly, and openly supply the little babies with an abundance of genuine love and affection, and continue these close and cherished relationships until the time they are teenagers and even beyond. Yet when this same woman would go uptown or try to go into a drug-store to have a Coca Cola or a sandwich, she is told, "You cannot come in here. You cannot buy and eat a sandwich here, you must keep out."

I would appreciate it if someone would tell me why a colored lady could literally love their children, coddle them, bring them up, put them to bed, wake them in the morning, take care of their every need, feed them, be like a good and loving mother to them, and yet when she goes uptown she is told, "You cannot come in here." Yet that same woman had cooked the food for the white family sometimes but an hour or two earlier. So it is evidently not a matter of a reverse Midas touch.

I would like to have a sociological or psychological explanation of what seems to me to be a great contradiction.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. STENNIS. May I comment just briefly in answer to the Senator and then proceed, because the Senator from Mississippi has taken some time?

Let me say to the Senator from Minnesota that, wise as the Senator from Minnesota is in so many things, and long as he has lived, if he cannot understand some of the basic relations that occur in human nature, I cannot expect, in the few minutes I have remaining to me, to make him understand.

I remember as a little boy reading the Bible and reading about the conflict between the Jewish people and the Philistines, for example. Now there is a conflict between the Jewish people and the Arabs. I never did understand such conflicts. I do not understand them yet.

There is no conflict between the colored and white in the South on the basis of social patterns and on the basis of individuals, but the social patterns are different there than in other sections. They have been different a long time. They will be different for a long time in the future. I cannot explain such relationships to the Senator, but they exist, and they cannot be changed by legislation.

I have an illustration that I will not give now, but I shall be glad to discuss it further with the Senator some time. I appreciate the colored people.

Mr. HUMPHREY. I know the Senator does.

Mr. STENNIS. The Senator has talked about the Negro women. When I first came to the Senate my children were small, and as I left the driveway of my home and drove onto the highway, the last scene I saw at my home was that of the colored woman I left in charge wiping the tears from her eyes because the children were leaving.

If we could be left alone to look to our own type of leadership, we could solve our problems in the South. If the pro-civil-rights people would give them a chance, we would continue to make headway. We have come a long way in the short time since slavery.

If the colored ministers and the colored teachers, a great number of whom we have trained in our State, were left free to lead their own groups, and if we could encourage those leaders and have the leadership get back to the helm of those people, they would pick up and move. But progress is being retarded by all this agitation.

I read this morning that Alabama was to be a target of such agitation. Thousands of people are going to be brought in there. I heard last week that Mississippi was going to be a target.

I wish the Senator from Minnesota would use his influence in some way to stop that, and not by legislation. I know he cannot stop it by the latter method.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. I know there is no finer man in this body, or no more compassionate or kind man, than the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. HUMPHREY. My comments were not directed in any sense as a criticism of him, but the pattern has always been an enigma to me. I understand there are differences in patterns. I know that in sections of the North there are differences in patterns that come about as a result of differences in ethnic background. But we are now living in a period in which people have an opportunity to travel which they never had before. They move across State lines. They move across international lines. They have a better education. Vast numbers were taken into the armed services. They have had new experiences. The old patterns bother them.

For example, it bothers some of these good people to be told, after they have traveled across the Nation, that, because of color, they cannot come into a particular public place. It does not bother them that they cannot go into one's home, because that is a matter of private choice and that private sphere is not disturbed by this bill.

If a colored man who has gone to Korea, and who has slept in the same barracks with his white neighobrs, wants to visit a person in a State where there is segregation, it bothers him that he cannot. He may come from Chicago, where, by the way, there are more Negroes than there are in most Southern cities. If he goes to visit someone in the South, it bothers him that the rules of segregation apply. Here is a man who is treated as an equal when he is serving his country far away from home. He sleeps in the same barracks, and eats in the same mess halls. He receives equal opportunities and responsibilities. But when he gets back to his own country, he is told, "No."

I know there are certain cultural patterns. I can understand that. All I am saying is that once people have learned and have traveled and have had some degree of education, they break out of these patterns. The question is, Are they going to break out of them by violence or through law? That is the question.

Mr. STENNIS. The Senator has raised a question. I know he is a man of interest and of compassion in questions of humanity. He asked me to illustrate something which is largely unexplainable, but I will try to give the Senator an illustration. This I can vouch for, because it happened in a non-Southern State within the past few weeks.

A little 5-year-old girl attended kindergarten. There were no monthly reports sent out but it was understood there would be periodic conferences between the teachers and the parents. When the time came for a conference, the mother of the little girl went to the teacher, who said, "Your little girl has a good mind. She is quick enough to learn, but she is not scoring high marks on making social adjustments."

The mother said, "I cannot understand that. My little girl is friendly. She plays with her playmates in the neighborhood. She is liked by all of them. She loves them, too. They come to see her, and she goes to see them. Tell me what she has done or failed to do."

The teacher said, "The children were playing the game of building a house and playing house. Your little girl was going to be the mother, and Jimmy was going to be the father. Some of the other little children were going to be the children of the mother and father. We thought we were going to start off all right, but then your little girl would not agree to play the mother in this little game because she would not agree to have Jimmy as the father."

So the mother said, "What was so objectionable about Jimmy?"

The teacher said, "I do not know, except that he is a little Negro boy."

We cannot criticize that little girl——

Mr. HUMPHREY. No, we cannot. We should criticize the elders.

Mr. STENNIS. We cannot criticize a little girl who is 5 years old. With all deference to the little Negro boy, he is not to be blamed for anything. I suppose his conduct has been good. But something came up in the little girl's mind so that she did not want that to happen. I do not know what the mother told the little girl. Apparently, her mother did not know she was playing such a game.

Senators—not the Senator from Minnesota [Mr. HUMPHREY], but other Senators—accuse Members of both the House of Representatives and the Senate from the South of being political segregationists, and so forth. I will tell who the greatest segregationists are. They are the mothers of this country—the mothers of these little girls. That is illustrated in the true story I have just told. I cannot adequately explain these things, but I know life.

Mr. HUMPHREY. Those are the facts of life. These are the facts of social environment. There is no question about that.

Mr. STENNIS. We would not try to pass a law to change a little girl's mind, would we?

Mr. HUMPHREY. Not at all, but we hope we can establish by law the protection of certain rights that are supposed to be guaranteed by the Constitution. There are certain privileges and immunities guaranteed by the Constitution. We are trying to enact a law, so that people will have equal voting rights, so that there will be no enforced segregation in public facilities. We are not enforcing integration. We are merely saying that there shall not be a law which says, "You will segregate." We say that is a violation of the Constitution. We are attempting to pass a law which will provide that when someone seeks a job, he shall be considered on the basis of his qualifications, on the basis of his training, on the basis of his capacity, and that he shall not be excluded on the basis of his race.

I recognize the problems in human relations of which the Senator from Mississippi speaks. They are difficult problems. The proposed law would not solve those problems, but it would give us a legal framework in which to discuss these matters and seek to find some fair and reasonable settlement of the problem. I do not think we can ignore the fact that today many millions of people in this land of freedom and liberty are no longer content to be told, "That is your place, and you have no choice in the matter." At least, not in a country that we say is united. It cannot be. All this bill intends to do is to give all Americans a choice of what their place will be.

Mr. STENNIS. If I may interrupt the Senator at that point, there is room for us all; there is opportunity for us all. Instead of listening to the cries of those who are trying to tell us all the ways they can be discriminated against or can be discounted, let us try to improve ourselves, let us try to build ourselves up, let us make our country stronger, let us all pull together. That is the thing that has made this country great.

The Senator can say what he wishes. I am telling the Senator something he will get from the story about the little girl, something which I have known all the time. It would mean the amalgamation of the races. I am no extremist on the subject, but nothing is more clear in my mind than this story about the little girl and the children playing mother and father when they are only 5 years of age. Something inside that little girl caused her to reject the idea of being the mother when the little Negro boy would be the father.

Mr. HUMPHREY. Mr. President, will the Senator from Mississippi yield further?

Mr. STENNIS. I yield to the Senator, but I should like to finish my remarks.

Mr. HUMPHREY. I do not believe that the Senator's deduction as to what will happen is necessarily one with which I can agree. This bill does not affect these relationships or the choice involved therein at all. Segregation has not prevented mixing of the races; to the contrary. It is a part of the social history of the United States, that mixing of the races took place in the areas where segregation prevailed. It took place illegitimately, to be sure, but it certainly took place.

So, what we are really saying—and I want it to be perfectly clear on the RECORD—is that the primary need is for better educational opportunities, better employment opportunities, better housing, to clean out the slum areas in which people are degraded.

Hardly any State can afford "separate but equal" schools. When we try to have two systems, one of them comes out second best. One of the reasons why we should enact the proposed law is to try to remove some of the roadblocks so that all people can be afforded the same choice of opportunity.

Mr. STENNIS. The Senator is discounting his fellow man too much when he says these things cannot be done. However, I can show him some of the things we have done which should make him understand further how far the South has come in the matter of the two races living side by side and working in harmony.

Mr. HUMPHREY. I know that many areas in the South have made great progress. Some areas have made more progress than others, but that is not the point. Could we not do a little better if we had the framework of law? I believe so.

Mr. STENNIS. We would do much worse. There is no doubt in my mind that such laws would hurt the colored people more than it would the white people.

Mr. President, the Senator from Wisconsin [Mr. NELSON] promised to obtain for me the information on a question which has arisen heretofore, and I should like to yield to him now for that purpose.

Mr. NELSON. The section respecting the public accommodations is not identical with the section on the FEPC. There is concurrent jurisdiction between the Federal law and the State law, but as to the Federal Government, it is clearly spelled out that the Attorney General must notify State officials if there is a question; and if the State officials wish to question the law or the statutes, they are to be allowed a reasonable time to do so. But the two laws are not identical.

Mr. STENNIS. That is on page 11?

Mr. NELSON. That is on pages 10 and 11.

Mr. STENNIS. I thank the Senator. Heretofore, the question arose about support for public education in Mississippi and other Southern States, as between the white and colored students. Certain figures were cited showing a considerable difference.

I said that under State law the support was identical with respect to salaries for teachers, for transportation, and other related matters. I have the figures from the State Department of Education of Mississippi. According to their figures of the distribution of State funds, on a pupil in average daily attendance basis, the figure for white students was $127.04, and for Negro students it was $118.32, or less than $10 difference.

That is based solely on State money and was for the 1962–63 school year.

There are other funds in the form of the local contributions of school districts the amount of which varies from county to county. Some of the counties that are better able to pay have fewer colored people living in them.

There is some disparity, but the State policy and requirement and the law all require the same treatment. The effort is to give them all the same treatment. It comes out almost the same.

The building program is the exception to that rule. In the past 10 years we have built many more schools for the colored than for the white. From July 1, 1954, to December 30, 1963, Mississippi provided State money in the amount of $39,440,160 for the construction of 3,154 classrooms. During the same period $66,575,304 in State funds was provided to construct 5,057 classrooms.

I make one more point about the disparity in the State funds. Teachers are paid on the basis of the degrees they hold, and years of experience. Under that formula, which is uniformly applied, the total amount paid to the white teachers is just a little more.

Mr. President, I now return to my statement with respect to the FEPC title of H.R. 7152.

WHY ENLARGE THE ERROR?

Perhaps one reason why this FEPC legislation is being pushed so strongly is that the State laws in this field have not in reality been successful. If this is true and if FEPC laws fail to serve their purpose on the State level, why should we compound and enlarge the error by expanding such a law to all States?

Such a Federal law is purely contrary to the concept and intent of the constitutional principle of State and local self-government. It, in effect, would make the Commission an all-powerful czar over all matters affecting employment and it reduces the State agencies and individual employers and employees to mere pawns to be played in whatever way, political or otherwise, that political appointees may desire.

It is inevitable that the Commission will be influenced by and will influence politics. The emotionally explosive nature of the subject matter it will consider and the requirement that Commission members be appointed from both parties will make it impossible to avoid political involvement.

EMPLOYERS COULD SUFFER LOSSES FOR VIOLATIONS BY LABOR UNIONS

There is one section of title VII that may force an employer to accept economic losses for violations over which he has no control.

Section 704 provides:

> (c) It shall be an unlawful employment practice for a labor organization—
>
> (1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;
>
> (2) to limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or
>
> (3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.
>
> (d) It shall be unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or

> employment in, any program established to provide apprenticeship or other training.

In many instances certain employers are completely dependent upon labor organizations for supplying many of their personnel. Often apprentice training is also a part of union responsibility over which the employer has little, if any, control. The union selects workers and assigns them as the union determines, having control and supervision over such matters as seniority and upgrading. If the union violates the provisions of the bill and the Commission orders that back wages be paid to a reinstated employee or that certain organizational changes affecting personnel be rescinded or changed, the employer will suffer the loss even though he had nothing to do with the violation.

To place an employer in such a position is clearly an injustice and completely contrary to our American philosophy of government.

KEEPING OF RECORDS A BURDEN

Section 709(c) provides:

> (c) Every employer, employment agency, and other labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

Under this authority, the Commission could require the employer to keep and maintain every conceivable record which was even remotely related to action concerning discharges, employment, promotion, organization, fringe benefits, or any activity or circumstance that might in any way relate to matters which might tend to adversely affect the status of any employee.

In order to protect himself against all the violations possible under the broad scope of this title, employers will be forced to keep voluminous records requiring large and additional expenditures for personnel services. This unnecessary burden should not be imposed upon the great majority of our people under the pretense of protecting a minority from an alleged discrimination that has not, in fact, been established. While the bill provides that an employer may apply to the court or the commission for an exemption from the application of a particular order, the variety of cases and the many instances of complaints that can arise from the broad authority of this bill will make it necessary that each employer maintain these records as a matter of protection.

Businesses which are already overburdened by Government regulation will encounter new orders, new regulations, new reports, new investigations, and possibly special hearings and expensive litigation. If we are not careful, we will sooner or later vex and harass our businessmen to the point where orderly plant management and efficient production may well be almost impossible.

SCOPE OF LAW IS VERY BROAD

Section 704(a) provides:

> It shall be an unlawful practice for an employer * * * to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's race, color, religion, sex, or national origin.

To provide that an aggrieved employee may bring an action with respect to a matter which allegedly tends "to adversely affect his status as an employee" widens the scope and application of this law to the broadest proportions. Almost any act of any employer that is distasteful to an employee could be construed as tending to adversely affect his status as an employee, thus providing legal grounds for a complaint. Whether or not the complaint could be sustained, the employer would be put to the expense and trouble of preparing a defense.

The employer would thus be under the constant threat of possible complaints, and, to avoid expense resulting from frivolous charges, the employer might find it necessary to avoid certain personnel changes, shifts, or promotions necessary or desirable in his business because they might be the subject of complaint under the broad terms of this title.

PRINCIPLE OF MAJORITY RULE IGNORED

Title VII does not even give adherence to the democratic concept of rule by the majority. It provides for a Commission of five members, not more than three of whom shall be of the same political party.

One would think that, in accordance with established procedure, a majority of the Commission—or at least a majority of those present and voting—would have to concur before affirmative action could be taken. This is not so.

Section 707 provides that when a complaint has been filed with the Commission and an investigation has been made if "two or more members of the Commission" determine there is reasonable cause to believe the charge is true, certain positive action shall be taken. Now, this action is not just the making of an investigation. Far from it. By virtue of the action of just two of five members—an absolute minority—the Commission would be required to "endeavor to eliminate any such unlawful employment practice by informal methods."

If this fails, and if the Commission finds reasonable cause to believe that there has been an unlawful employment practice, a civil action "shall" be brought within 90 days.

To compound an already unacceptable situation, it is further provided that, if the Commission fails to bring an action, then the person claiming to be aggrieved may himself bring a civil action "if one member of the Commission gives permission in writing."

This clearly provides for rule by the minority. It permits the tail to wag the dog. Such an undemocratic proposal has seldom, if ever, been urged upon the Congress.

RIGHT TO CONTRACT DESTROYED

Title VII will violate the rights of property and contract guaranteed under the Constitution. The fifth amendment of the Federal Constitution prevents the Federal Government or its agencies from depriving any person of his property without due process of law. Action by a State which would deprive any person of property without due process of law is prevented under the 14th amendment.

It is well established by a long line of decisions that the right of property is a fundamental, natural, inherent, and inalienable right.

The right of property is very broad and embraces practically all incidents which property may manifest. Included as rights of property are the right to acquire, hold, enjoy, possess, use, manage, insure, and improve.

The right to make contracts, to engage in business, and to labor are all embraced in the property right protected by the due process clause.

A person's business, occupation, or calling is a "property" within the meaning of the constitutional provisions as to due process of law and is also included in the right to labor and the pursuit of happiness.

These principles are well founded as the laws of our land, having been pronounced many times in judicial decrees.

In a long line of decisions, the Supreme Court for many years held very closely and tightly to a strict interpretation of the due process clause. While in recent years the decisions of the Court have become more liberal, the early established fundamental principles of the 5th and 14th amendments remain the law of the land.

In each case in which the court has deviated from its earlier holdings, it has been careful to state precisely why, and the exceptions granted in decisions under the due process clause can be clearly distinguished as not applying to situations and circumstances anticipated under title VII. Even the recent decisions do not give support to the claim that the provisions of title VII do not violate the due process clause or that they do not infringe or completely nullify the right of contract.

It has long been custom and law for an employer to use his prerogative in selecting his employees. An individual who invests his money into a business and acquires it as a property to be operated as a business concern has the right in the lawful use of that property to determine for himself how it will be used, who will use it, and for what purpose it shall be used so long as such action is consistent with the law. Likewise, he has the right in exercising his constitutionally guaranteed enjoyment of that property to decide upon management procedures, personnel policies, and other matters pertinent to its operation.

The basic concept of free enterprise has been that each individual has the right to do whatever he is allowed to do under the law and under the practice of the society to make a profit. He is also allowed, subject to the same restrictions and conditions, to refuse to do anything which he feels would prevent him from making a profit or in any way reduce the possibility. This philosophy was established with the founding of our country and it has lived through the years. It has been very jealously protected by the people and by the courts.

In *Highland* v. *Russel,* 279 U.S. 253 (1928) the Supreme Court summed up this philosophy when it said:

> It is everywhere recognized that the freedom of the people to enter into and carry out contracts in respect to their property and private affairs is a matter of great public concern and that such liberty may not lightly be impaired.

The Court in that case recognized the well-known rules of contractual right by saying:

> It was long ago established that the right of contract is protected by the 5th and 14th amendments.

The Court cited as its authority a line of cases which included *Adair* v. *U.S.* 208 U.S. 161 (1908), *Coppage* v. *Kansas,* 236 U.S. 1 (1915), and *Adkins* v. *Children's Hospital,* 261 U.S. 525 (1923).

In recent decisions, the U.S. Supreme Court has somewhat qualified these very forthright and unequivocal statements of principle and law.

It has not, however, nullified them. It has only determined that there are exceptions which may not come within the rule.

For example, it might appear, at first glance, that the cases of *Nebbia* v. *New York,* 291 U.S. 502 (1934), *West Coast Hotel Co.* v. *Parrish,* 300 U.S. 379 (1937), and *Lincoln Union* v. *Northwestern Co.,* 335 U.S. 525 (1949), have completely overturned the law respecting the due process clause and the right to contract in employee and employer matters, as enunciated earlier by the courts and followed for so many years. A close examination, however, shows the contrary. In each instance, the Court reaffirmed the basic principles laid down earlier but decided that on the facts before it in that particular instance and in that particular matter strict interpretation of the due process clause must be relaxed for a particular reason.

The Court acknowledged it was following this procedure when it said in the Nebbia case:

> A regulation valid for one sort of business, or in given circumstances, may be invalid for another sort, or for the same business under other circumstances, because the reasonableness of each regulation depends on the relevant facts.

It then follows that whether or not title VII falls within the exceptions established by the Nebbia, West Coast Hotel, and Lincoln Union cases must be determined by examining the facts and applying them to the exceptions, thereby ascertaining whether or not title VII can be enacted and enforced without violating the 5th or 14th amendments.

In the Nebbia case the Court held that rights of contract was proper subject of legislation because it was necessary that "the public regulate it in the common interest." The proponents of title VII have not given any evidence that such title is necessary in the common interest. Since there have been no hearings on this title as now written, the reasons for its passage are not a matter of record. In the partial hearings on bills somewhat similar to the FEPC title of this bill, there have been vague and indefinite suggestions that passage of the bill is necessary to protect certain individuals from alleged discrimination. However, no evidence has been given that discrimination, in fact, exists, or, if it does exist, that it is so widespread as to work against the common interest and thereby require regulation.

It has been suggested that the bill is necessary to remove obstructions to the free flow of commerce which, if true, might tend to benefit the common interest if its passage would, in fact, remove the restriction, conceding that one exists.

While the Nebbia case held that the 5th and 14th amendments do not prohibit Government regulation for the public welfare but merely condition the passage of a regulation upon the proposition that it be consistent with due process, it held that due process will be met only if the law or regulation shall not be first, unreasonable; second, arbitrary; or third, capricious, and that the means selected shall have a real and substantial relation to the object sought to be attained.

The advocates of FEPC cannot avail themselves of the exception made by the Court in the Nebbia case because the FEPC proposal is, in fact, unreasonable. Its terms are so uncertain, its application is so broad, its purpose is so obscure, and its function so indefinite that it will work such a hardship upon those charged with its administration, and particularly upon those who must comply with its terms, that it is devoid of all reason. As a practical matter, it is unenforceable with any degree of intelligence. It will open the possibility of such extensive litigation that its effect will be to clog the channels of commerce and make it impossible for a business concern to conduct its affairs with any degree of certainty that its conduct is within the law. In this respect alone, any reasonable individual who studied its potential effect would be compelled to reach the conclusion it is impracticable as well as unreasonable.

Neither can they claim an exception for the reason it is not arbitrary.

Their stated purpose is to remove restrictions from interstate commerce by increasing the efficiency of our labor force by insuring that one person more qualified and efficient than another will not be refused employment because of race, color, religion, sex, or national origin. The bill is arbitrary in that it sets up as special classes individuals who fall in these categories. For if the application of the law is limited to those instances in which corrective action is taken only where race, religion, color, sex, or national origin are concerned, the law will fail in its objective in that an individual is afforded protection under the title only if he happens to be an individual who falls within these arbitrary categories.

Neither can they qualify as an exception to the general rule under the Nebbia case by claiming the means selected has a real and substantial relation to the object sought to be obtained. The announced objective is "to remove obstructions to the free flow of commerce among the States and foreign nations, thereby increasing the Nation's gross national product." In the first place, it was not demonstrated that the lack of such a law has, in fact, decreased the Nation's gross national product. Furthermore, they admit that even if it has, its effect cannot be measured. What is more damaging to the contention that the law has a real and substantial relation to the objective is the admission they are not certain the objective can be reached.

They state very frankly that the discrimination that they propose to remove by equalizing the wage scale as between whites and nonwhites does not have an effect on total production and, therefore, has no effect upon the gross national product which it is their purpose to increase. The provisions of the bill are not in truth designed to protect interstate commerce but are instead entirely devoted to social legislation which has no direct relation to interstate commerce. Therefore, this bill has only an artificial—not a real and substantial—relation to the object sought to be obtained and is therefore not an exception.

Relief is not available to the proponents under the decision in the Lincoln Union case, in which the court said the State's power to legislate is not limited by the 5th or 14th amendments so long as the legislation is directed against what are to be found "injurious practices in their internal, commercial, and business affairs." It is true the Court held that the Congress and the State legislatures are not to be put in a straitjacket under the 5th and 14th amendments when the purpose of their legislation is to suppress business and industrial conditions which they regard as offensive to the public welfare. But nowhere has it been shown with any clear and convincing evidence that the practice of employers as now conducted in which they manage their own property, are free to contract, direct their own business, and operate within the free enterprise concept is "offensive to public welfare." Neither has it been shown these are "injurious practices."

The exceptions set out in the Lincoln Union case, herefore, are not applicable to title VII, and its enactment would be clearly contrary to the Constitution, our long-established traditions, and judicial precedent.

CREATES ALL-POWERFUL COMMISSION, DESTROYS AUTHORITY OF STATE AGENCIES

Section 708(b) provides:

> Where there is a state or local agency which has effective power to eliminate and prohibit discrimination in employment in cases covered by this title, and the Commission determines the agency is effectively exercising such

> power, the Commission shall seek written agreements with the State or local agency under which the Commission shall refrain from bringing a civil action in any cases or class of cases referred to in such agreement. No person may bring a civil action under section 707(c) in any cases or class of cases referred to in such agreement. The Commission shall rescind any such agreement when it determines such agency no longer has such power, or is no longer effectively exercising such power.

This section would give the Federal Commission a complete domination and control over State agencies. While it provides the Commission shall seek agreements with the States and will refrain from bringing action in cases covered by the agreement, it also provides that the Federal agency shall rescind the agreement when it determines the State agency is no longer effective. The Federal Commission would be the sole judge of whether a State agency is effective. Although every State official and the people in the State may have moved to solve their problems in this field and are completely satisfied with the solution, this Federal Commission may—without consent or review from anyone—completely disregard the State agency and assume full authority over equal employment matters in the States.

MAY UPSET LONG-ESTABLISHED RULES OF JUDICIAL PROCEDURE

There is another aspect of title VII that is most disturbing. It could lead to a situation in which the long-established rule that the accused is presumed to be innocent until proven guilty is completely reversed in proceedings arising from complaints filed under this title.

If this law is passed and the Commission's agents and investigators begin snooping around, an employer would know that he was "under suspicion." Therefore, he would have to lean over backwards to establish that he was not discriminating against one group. In so doing, and in his effort to allay suspicion, he would inevitably discriminate against another group.

Under this title, as a practical matter, an employer would be forced to assume the burden of proving that he was not guilty of discrimination in hiring workers even in those fields where members of a particular race traditionally have not sought employment. There are some occupations in which whites or nonwhites, for reasons not involving any discrimination whatsoever, have not chosen to seek employment. In areas where this situation exists an employer might be compelled to contend with endless litigation in which he would be required to prove his good faith and lack of discrimination, thus relieving the complaining party from the expense and difficulty of proving his own case.

Such a reversal of the well-established presumption of innocence would be wholly repugnant to our cherished system of justice. However, this result is altogether possible under this title, if it becomes law, and its application to circumstances existing in some areas of the Nation.

SUMMARY

The objections to this title are so numerous and overwhelming that its defeat is imperative. In summary, they are:

First. There is no authority for its passage under the commerce clause of the Constitution because it has not been established that it substantially affects or burdens interstate commerce.

Second. If, even by the greatest stretch of the imagination it is conceded to affect interstate commerce, there has been no proof that discrimination of the nature referred to exists.

Third. In view of the serious and drastic effect which the passage of this law would have on our society, the Senate should not reach a conclusion that it is necessary without complete and convincing evidence.

Fourth. It is proposed, not for the purpose of removing restrictions or burdens upon interstate commerce, but simply as an attempt to pass social legislation under the guise of protecting the channels of commerce.

Fifth. It is so far reaching and so broad in scope that it would reach into every business operation in the country and would, in effect, authorize a Federal Commission to operate privately owned businesses by constantly monitoring and supervising all personnel actions and production techniques.

Sixth. States in which there is an alleged need for the law have already enacted State laws. If they are working well we do not need Federal legislation. If this type of legislation is impractical and is not working in the States, we should not compound the error by passing a Federal law.

Seventh. Under this title it is altogether possible that individuals would be held responsible for violations over which they have no control.

Eighth. Every employer would be forced to keep voluminous records requiring large expenditures in order to protect himself against all the violations possible under the broad scope of this title.

Ninth. It would create an all-powerful Commission destroying the authority of State agencies already performing the function proposed for Federal law.

Tenth. It is possible that the principle of presumed innocence until proved guilty would be reversed in certain circumstances under the provisions of this title.

Eleventh. It would, in effect, destroy the right of private property ownership by taking authority of management from its owner.

Twelfth. It strikes coldbloodedly at the very heart of our constitutional form of government.

I repeat, Mr. President, that the enactment of this title into law would result in a flagrant, dangerous, unauthorized, and unwise extension of Federal interference with and control of this country's private industries. Law, logic, reason, and right are on the side of those who oppose this radical legislation. I hope that—with respect to title VII and the other provisions of H.R. 7152—the Senate will stretch forth a saving hand in protection against further erosion of our liberty and freedom.

Mr. President, I yield the floor.

ORDER FOR RECESS FROM TOMORROW TO 10 A.M. ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate recesses tomorrow, it recess to meet at 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 91 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Brewster
Byrd, Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dodd
Douglas
Eastland
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Mundt
Nelson
Neuberger
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

URBAN RENEWAL DEFENDED

Mr. HART. Mr. President, during the last few days we have been reading in the newspapers a good deal about urban renewal. As in all things, the conflict and the attack make news, whereas the year-in-year-out quiet progress does not make news.

The Albion, Mich., Evening Recorder of February 29, 1964, published an editorial which I believe deserves wide reading. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Urban Renewal: Good or Bad

A people's column letter published on this page a couple days ago has called attention to an article in the March issue of Reader's Digest, entitled by "The Mounting Scandal of Urban Renewal," by Congressman John Dowdy, of Athens, Tex. The Congressman paints a mighty black picture of urban renewal as he sees it, especially in Cleveland, Ohio.

Naturally, many Albionites have been asking questions as to whether this is a true picture concerning the urban renewal situation on the national scene.

Over the Nation as a whole the Federal program is so vast that it would be natural to assume that there had been some "dark spots." And we have no doubt there have been, but we have been interested to see what some other people have said about urban renewal.

Another Texas Congressman, Albert Thomas, of Houston, described by a colleague as one "who isn't known as being very kindly toward a lot of things," made quite a different statement. Said Congressman Thomas:

"It has been fantastic to me the amount of money and the amount of different pieces involved. I think there are 60 or 65,000 pieces of property that have been bought. I have not heard of any scandal. It is fantastic."

This statement came after 5½ days of hearings before a House Banking and Currency Subcommittee on Housing, which decided to conduct extensive hearings concerning urban renewal as a whole and the Cleveland Erieview project, which had been discussed in a June 1963 report of the General Accounting Office. It is upon this June report that apparently Congressman Dowdy based his claims that the program is shot through and through with sad conditions.

Yet the November hearings of the Housing Subcommittee, conducted by Congressman Albert Rains, Democrat, of Alabama, as subcommittee chairman, with the avowed purpose of examining "warts and all" came up with repeated declarations that the program was free of graft and corruption.

Congressman Rains asked Louis W. Hunter, Assistant Director of the watchdog General Accounting Office:

Question. First of all, in all your investigations—and I hope you will continue them in all the places—have you found any evidences of corruption or crookedness or stealing in this program at either the local or regional level of any type?

Answer (by Mr. Hunter). No, we have not, Mr. Chairman.

Question. Have you not found any places in which they are shortchanging the Federal Government on the money or any type of crookedness of that kind? Have you found any of that in the urban renewal program at all?

Answer. No; none of that type.

Later Mr. Rains, mentioning "loose talk," pointed out again that "the GAO told us yesterday that they had run across, in their investigation in this fantastic program, no graft and no corruption of any kind."

Let it be said, too, that Congressman Dowdy, of Texas, has been consistent in his attitude, according to rollcall compilations. He has voted against all public housing and proposals through the years since 1953.

Meanwhile, the State of Texas, as of June 30, 1963, had 22 cities participating in urban renewal projects—numbering over 30 in number—with reservation grants totaling $33,195,905.

Certainly the urban renewal program is not perfect by any means. But we still feel, as we did back in early January, that urban renewal offers Albion its best chance to improve the quality of housing in some of its most deficient areas.

REPORT BY E. BLYTHE STASON ON RESEARCH ACTIVITIES OF AMERICAN BAR FOUNDATION

Mr. HART. Mr. President, certainly one of the foremost authorities on legal research in the country today is E. Blythe Stason, administrator of the American Bar Foundation, and former dean of the Law School of the University of Michigan.

He has worked in the field for 25 years, and is recognized worldwide as one of the great legal educators of this generation.

Recently, Dean Stason presented a report on the research activities of the American Bar Foundation—a report so encouraging and so well written that I wish to call it to the attention of all Senators.

Mr. President, I ask unanimous consent to have the report printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report on Program Activities of the American Bar Foundation

(By E. Blythe Stason, administrator, at the Fellowship Business Meeting, Palmer House, Chicago, Ill., February 16, 1964)

Fellows of the American Bar Foundation, I am glad to report to you that at long last the bar foundation research program is coming of age. This is its ninth year, the fourth since I have been working intimately with it. A long, long time is required to plan a program, to raise funds for its support, to recruit and train research personnel, to embark upon projects, to complete them, and to bring forth the published product. You will be pleased with the foundation's productivity during the next 18 months, for during that time our maturing program will really be bearing fruit. Without trying to list them for you, you may expect, as fellows, to receive complimentary copies of no less than 16 volumes setting forth the result of the efforts of the dedicated staff in a like number of research projects now reaching their conclusion. You will agree, I am sure, that we are coming of age.

Today, however, I do not want to report to you on the past, or even on the present. These are covered in the printed report just placed in your hands. I want to project into the future.

First, though, a panoramic sketch, I have now worked with legal research for 25 years, one full generation. I began in 1939 when as dean of the Michigan Law School I had responsibility for administering the William W. Cook millions specifically earmarked by the testator for legal research. We had no rule book to go by. Legal research as we know it today was very much in its infancy. Those of us who were in responsible positions were groping for guidance. Yet there were stirrings. The American Law Institute had carried on some great doctrinal research, and, also, with the National Conference of Commissioners on Uniform State Laws, it had started on the Uniform Commercial Code; the studies of the Attorney General's Committee on Administrative Procedure had laid the research groundwork for important improvements in that field; a few law professors were devotedly tilling the soil; but the surface was barely scratched. Since that remote point in time we have witnessed an ever increasing research ferment—at Harvard, at Michigan, at Columbia, in Chicago with the jury trial project, and in the new California Center for the Study of Law and Society—these among others that also could be mentioned if time permitted. Then there is the American Bar Foundation—an imaginative concept that will, I believe, if it is wisely handled become a very great contribution by the organized American bar to progress through legal research.

All of this ferment is good, but my message today to you is that it has not been enough, not by any means. We who are involved in legal research have a long, long way to go. Let me try to tell you why. Let's compare ourselves with certain other pursuits.

During this same 25-year period I have lived with and watched my friends in research in science, medicine, and engineering. Some have worked with carbon 14 dating, others with what has been called the "elegant synthesis" of chemicals, including chlorophyll with its near approach to photosynthesis of carbohydrates, still others worked with radiation of boron injected into cancerous tissues, or with kidney transplants, or with the mysteries of "DNA"—probing deoxyribonucleic acid, dealing with the most important molecular substance known to man. The basic mechanics of mutations and many other aspects of life itself are unfolding in scientific research laboratories. On yet another frontier I have personally worked with engineers, scientists, and others on the taming of the atom to produce electric power, making it useful in peacetime affairs of mankind.

We know that the U.S. Government alone expended more than $14 billion in 1963 on research and development in nuclear science, aircraft, missiles, satellites, electronics, communications, medicine, and the other vast areas of scientific and technological advancement. Enormous fiscal support backs those engaged in research in science.

Dr. Paul Gross in his December 1963 presidential address to the Society for the Advancement of Science focused on the status of the Nation's 2,700,000 American scientists and observed about them:

"The public image is made up of respect and gratitude for the miracles of modern medicine, admiration for the know-how of applied science which can put satellites in predetermined orbits, and awe verging on fear of the results of the mysterious release of nuclear energy."

Through magnificent fundamental and applied research, science and scientists are leading the way toward a better and more exciting world.

But the scientists are not alone. Economists, schools of business, and more recently the sociologists are fantastically active in the production of ideas and finding the ways and means of improvement through research in their respective fields of endeavor. I am connected wth just one of the many research organizations in one of these social sciences, and I confess an occasional feeling of envy over the imagination, energy, dedication, and the availability of personnel to carry the torch in that area of human advance. I have watched and even participated in a modest way in studies as widely ranging as management of the dollar in international finance, health insurance, aids to education, what to do about agricultural surpluses, automation and its impact on economic growth and stability, communism in coalition governments, foreign policy, government housing, population explosion, private investments abroad, farm price supports, and monetary policy. We know that foundations and industry have been most generous in providing the wherewithal to carry on these and many other studies in the social sciences. Moreover, confidence had been justified, for social scientists have really become dedicated to and successful in the cause of highly productive and useful research. They have trained hordes of researchers and their devoted efforts are helping the body politic to a better understanding of its problems and their solutions. They, too, are well established and are leading the way toward the world of tomorrow.

What does all this research explosion mean to lawyers and particularly to the American Bar Foundation? It means, among other things, that legal research, compared with these other workers in the research vineyard, is in its infancy, in total effort, in output, and in impact. We are far behind. It means that you and I and all the rest of us who are interested in lawyers assuming positions of leadership in the world of tomorrow must realize that, unless we do something about it, the world will move along its course at breakneck speed and leave the legal aspects of the social order even further behind. Let's look carefully at the prospect. It is doubtless an oversimplification, but, for present purposes, I wish you would think of legal research as falling into three groupings:

First, there is examination of the present system of law and administration of justice as it is revealed in conventional books and records. This is sometimes called "doctrinal research." Here we find the preparation of treatises, many monographs, and law review articles. Many of us have engaged in such studies for years and it has been done with reasonable success, although a great deal, a very great deal, still remains undone.

Second, there is examination of the present system of law and administration of justice in its application to the lives of people, to businesses, to governmental agencies, and to society in general. This involves finding out how the law on the books actually works in practice. It is empirical research in the field, observing the law in action. Here we have only made a start. If time permitted, I could mention a dozen such projects, including four at the American Bar Foundation which has placed emphasis on such research. Two of ours are studies of the handling of mentally ill persons, one involves the administration of criminal justice, and one deals with the representation of indigent accused persons. These and a few others of similar nature around the country; that is, empirical studies of the law in action, how it is working, are first rate so far as they go, but they don't go far enough by any manner of means. If we only had research workers and funds to carry on a hundred or more such projects during the next decade, we could, I am sure, uncover many of the flaws in workings of the present system, and lay the groundwork for building for the future something much fairer, more just, and more efficient. The legal profession would then really begin to assume the position of leadership in the improvement of the social order that it should occupy. It would not sit by and watch the sociologists and the economists taking command. They are doing it today and I cannot think the results will be the best.

Third, there are the studies of the impending legal needs of the future, i.e., new needs for new laws in new areas not now comprehended within our legal system—or, if currently within it, yet requiring renewed attention and revision of the operative legal principles, standards, and rules. Both doctrinal and empirical processes are called for. This is of utmost importance, but it is in this third field that we in the law have done so little that it is pitiful. To name only a few, we are leaving too much to others the solution of such problems as automation and related labor problems; pollution of streams and the air; urban slums and ghettos and urban renewals; education and its relation to government; voter apathy, fraud, and frustration; the rule of law in international affairs; improved diplomatic protection of American business interests abroad; unification or harmonization of laws of international trade and commerce; the upcoming laws of outer space; crop controls and stabilization; land use planning; metropolitan districts; population growth and its relation to our legal system; and the ever-present growth of the jurisdiction and powers of administrative agencies, local, State, and national (a subject that has been my greatest source of personal interest over the years).

These and a host of other problems are on the horizon and they are with us to stay. They will be solved by someone—perhaps by economists, sociologists, scientists, or political scientists working singly or together, or perhaps they will be solved by politicians. Someone will do it for sure. In fact, others are making the beginnings. Yet all of these and many other problems relate intimately to the legal order.

I am one of those who would like to see lawyers and legal research lead the way. I believe we can do a better job than can some of the other disciplines. It is our great challenge of the future. But to do it legal research agencies, including the American Bar Foundation, must have the full support of the profession; also, they must have researchers, people that do not now exist but must be trained; and they must have funds—and I don't mean just a little trickle of fiscal support. I speak of millions. Where will the money come from? I don't know. But I am certain that, if we prove the seriousness of the need along with our own worth as researchers in the public interest, the support will be found. One of my several alma maters, the Massachusetts Institute of Technology, alone has arranged to put 200 mature researchers and 150 students at work probing DNA. Does legal research deserve less dedicated effort? It does not and I predict that it will not long be satisfied with less. The legal profession will see the need and demand performance.

It may not be in my time, but many of you in this room will be on hand to play a very active role in an American Bar Foundation that, with gradually acquired top-level prestige, will be a major factor in this movement and truly compelling force on many fronts in the improvement of the law and administration of justice.

We have come a long, long way in the law since Oliver Wendell Holmes, Jr., wrote in 1865 (about 100 years ago):

"When I began the law presented itself as a ragbag of details. It was not without anguish (he said) that one asked oneself whether the subject was worthy of the interest of an intelligent man."

We have come a long way. We are far from being a "rag bag" of details, but we have much further to go. Yet we have sowed the seed, the beginnings are good, the future challenges the legal profession.

RECREATION AS A GROWTH INDUSTRY

Mr. HART. Mr. President, Michigan is greatly blessed in—among other things—the riches of its Upper Peninsula.

In years past, we have valued the mining and timber resources of this area. While these industries are still of prime importance, we recognize more and more the opportunity for the future in outdoor recreation.

This is a magnificent area. Those in the region are seeing the potential of carefully planned private-State-Federal investment in its recreation resources.

A good deal of work has gone into preparation and development of an ARA project at Copper Harbor, on the Keweenaw Peninsula. The Escanaba Daily Press justly hails the approval of this project as a symbol of the Upper Peninsula's hopes for growth as a tourist and resort area.

I ask unanimous consent that the Escanaba Daily Press editorial of February 15, 1964, entitled "Vision of 1965," be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Vision of 1965

Copper Harbor Corp. is organizing a resort development project at Copper Harbor on the tip of the Keweenaw Peninsula, hard by Fort Wilkins State Park, that is one of the brightest stars in the constellation of the Upper Peninsula's hopes for growth as a tourist and resort area.

The Copper Country is separate and special in the Upper Peninsula. The first part of the Upper Peninsula settled intensively—it was the scene of the first mineral rush in America in the early 1840's—Keweenawland has fascinated geologists always. And it is just as attractive to esthetes, because it is an area of beauty unsurpassed in mid-America.

As copper mining there declined, the reason for going to the Copper Country diminished, except for its recreational attractions. These would be greatly enhanced by the projected development at Copper Harbor. It would be a sort of coastal Sun Valley on the spine of Brockway Mountain and its influence would be felt throughout the Peninsula. Persons attracted by its opulence and fame would discover many other attractions of the Upper Peninsula and the recreational image of the whole area would be enhanced.

With the new Gogebic resorts, Isle Royale National Park, Copper Harbor, Superiorland, Pictured Rocks National Lakeshore, Tahquamenon Falls, the St. Mary's River Ship Canal, Mackinac Island, Big Mac, the furnaces of Fayette State Park, and the peninsula's other attractions, it will have a complex of attractions which will attract the rich and idle, the poor and hustling, the studious and the butterflies.

The Copper Harbor project is a test of the Upper Peninsula as well as of its developers. The latter have been so impressed with the beauty of the area and with its other cash assets in recreational potential that they have spent years of preparation on the plans for the resort. It will be big and handsome, fitted into a setting of natural beauty at the end of a mountainous peninsula that is eye-filling all the way.

The project as it emerges is a pooling of ideas and resources. It grew from area conviction that such a development was inevitable, but its action stage traces to a ski accident at the Porcupine Mountain State Park slope in which Mrs. Bruce Reid of Milwaukee was injured. While she was convalescent her husband, a business enterpriser and developer and former mortgage banker, became impressed with the possibilities of resort development in the area.

His further studies took him to the tip of Keweenaw in company with Jim Westcoat, a local Kit Carson of the motel business at Copper Harbor. Westcoat owned a site for the ideal resort, but when Reid's landscape architects inspected the area they chose another site. Here, where 2 miles of shining great sea waters of Lake Superior fill Copper Harbor and where Brockway dips 515 feet vertically to form a great natural ski slope, the great lodge and other facilities of the resort will be built.

The plans have been off and on several times. They got what should be a clear track to construction with authorization of a $625,000 Area Redevelopment Administration loan. The Upper Peninsula and Michigan will be asked to divvie, too, and the enterprisers will be major investors. The timing seems fortuitous. Recreational business is now well established as a major growth element in the economy and we're near D-day for discovery of the Upper Peninsula as a great natural playground for the Midwest.

It's symbolic that Calumet & Hecla, Inc., and Copper Range Co. own part of the site. They've been historic parts of the Copper country's economy. Now it has opportunity for new dimensions in a new enterprise that isn't a wasting industry like copper mining. The beauty of Keweenaw is as durable as Gibraltar, and much older.

TRIBUTE TO WILLIAM BUSSEY

Mr. HART. Mr. President, it is hard to believe that Bill Bussey is retiring. For 38 years he has been involved in one way or another with weights and measures. He started in the scale business back in 1926, and since then has worked for either the State of Texas or the Federal Government.

For the past 15 years he has been associated with the National Bureau of Standards; in 1948, as Assistant Chief, Office of Weights and Measures; and he was promoted to Chief of the Office in 1950. In 1961, he became assistant to the Director. Beginning in 1950, he has served also as executive secretary of the National Conference of Weights and Measures, and has guided that group of State and local weights and measures officials to its present position of prestige and effectiveness.

Clearly, he has been in every possible area of weights and measures, and knows the field as do few other people. He has a most impressive list of honors and awards.

I became acquainted with him in 1961, when I undertook, for the Antitrust and Monopoly Subcommittee, an investigation into the packaging and labeling of consumer commodities.

Practically everyone I talked to, whether consumer spokesmen, manufacturers, or State officials, asked "Have you spoken to Bill Bussey?"

I did speak to him, and I found out quickly why he is held in such high esteem by everyone concerned with the problems of weights and measures. His high principles and his vast knowledge were both a source of inspiration and information. They did much to mold my own thinking that resulted in the truth-in-packaging bill which is now pending before the Judiciary Committee.

Whether in business or trade association, in State or Federal Government, everyone who knows Bill Bussey respects and likes him. And, Mr. President, I can assure you that this is not easy to achieve. Bill Bussey has a really tough job—he deals with the weights and measures departments of 50 States and numerous localities, as well as the businessmen involved in this area. Many States have different regulations, and it has been his job to attempt to coordinate them all, a formidable task which he has accomplished with great skill.

Under Bill Bussey's directorship, great progress has been made in the improvement of weights and measures administration all over the country. His work culminated in the organization of the National Conference on Weights and Measures, the vehicle through which State and local officials achieve the cooperation so necessary for weights and measures administration in 50 different States and hundreds of local communities.

Mr. Bussey is unusual, in that he has worked in his chosen field his entire life, almost from childhood on. His weights and measures experience began in his father's general store in Hutchins, Dallas County, Tex. His father was in business there for some 55 years before his death in 1923. Bill Bussey literally grew up in the store, which was the old-fashioned kind—it sold everything from buggy whips to silk lace and caviar. There he started using his first scale.

He finished high school in Hutchins, and then took business administration at Buford College, in Dallas. He went into his father's business for several years, until it was sold. After a few more years with several companies, he became—in 1926—serviceman for a scale company in Dallas.

Since then, it has been Bill Bussey and weights and measures. After 5 years in private business, he joined the staff of the Texas Division of Weights and Measures, in 1931. Within 5 years he was promoted to chief of the division; but in 1943 he left, to take another 3-year fling at the scale business. He returned to the Texas Weights and Measures Division in 1946, as chief. Then, in 1948, he began his illustrious career with the National Bureau of Standards, as I have related.

It would take too much time to list all of the regional and State weights and measures associations which are proud to list him as a member, but I should like to mention one unique honor that has been paid him. He is the only person outside Great Britain ever elected as a member—and a vice president, at that—of the British Institute of Weights and Measures Administration. He was accorded this privilege, in the language of the donors, as:

> Acknowledgment of the members' gratitude toward him and because of their admiration of his personal qualities.

So we see that the Bussey "magic" works outside our borders, as well as within.

What more is there to say about a man who has had such an outstandingly successful career—who has made friends with everyone—who is a credit to his State and his country? Only this:

All of us will miss Bill Bussey; but we know he has earned a happy retirement.

NOMINATION OF KATHERINE ELKUS WHITE, OF RED BANK, N.J., TO BE U.S. AMBASSADOR TO DENMARK

Mr. WILLIAMS of New Jersey. Mr. President, we in New Jersey have always been proud of the outstanding contributions made by so many New Jersey women. They have added much to the vitality of our State, through their increasing role in top-level executive and administrative positions.

Today we are extremely proud President Johnson has selected one of our most outstanding women to serve as our Ambassador to Denmark. She is Katherine Elkus White, of Red Bank, N.J.

I have known and worked with Mrs. White; and I most heartily applaud the White House decision. She is a leader of demonstrated ability and sensitivity, and she will be a great asset to our diplomatic corps abroad. As daughter of the late Abram I. Elkus, our Ambassador to Turkey during the Woodrow Wilson administration, Mrs. White does not come to the field of diplomacy entirely a novitiate, nor is she new to public service, for she has been a leader in New Jersey.

Since 1955, Mrs. White has been chairman of the New Jersey Highway Authority, which operates the Garden State Parkway; and she has been a member of the authority since 1954. She served as Red Bank mayor from 1950 to 1956, and was also our first woman State treasurer.

She has served as president of the board of monitors of Marlboro State Hospital, one of our four State mental institutions; and she has been active in the Monmouth County Heart Fund, the YMCA, and other charitable activities, always demonstrating massive concern for the unfortunate.

In private life, Mrs. White, the wife of Arthur J. White, vice president of a management-consulting firm, is the mother of two and the grandmother of six.

We of New Jersey hold her in the highest esteem, and we are happy to make our contribution toward the abolition of "stag government."

Certainly the time is at hand to make the maximum use of the womanpower of our Nation. We can no more afford to waste this human resource than we can afford to waste our young people or our unemployed. The demands of our age require use of the creative energies of every capable citizen; and the women of this Nation have much to give.

This is clearly evidenced by the heartwarming response of the New Jersey press to Mrs. White's appointment. Mr. President, I ask unanimous consent to have printed in the Record a sampling of these comments.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Asbury Park (N.J.) Evening Press]

AMBASSADOR WHITE

President Johnson's announcement of his appointment of Mrs. Katharine Elkus White as an ambassador will be a source of gratification to her friends and political associates. They will recognize the ambassadorship as the culmination of a long career in public life. And they will consider the appointment as a merited reward for faithful service to the Democratic Party.

The President did not designate in his announcement to which country Mrs. White will be assigned. But in the appointment, and in naming nine other women to major posts, Mr. Johnson gave substance to his statement that "this administration is not running a stag party." It would be hard to recall any occasion on which there has been a greater display of confidence in the ability of women to handle major assignments in government. How thrilled Susan Anthony and those to whom she passed the torch would have been to have heard the message the President delivered to the Women's Press Club.

Mrs. White's appointment recalls the fact that her father, the late Abram I. Elkus, served as Ambassador to Turkey during the administration of Woodrow Wilson. Wherever Mrs. White's assignment make take her, she will experience the feeling that she is fulfilling a family tradition.

[From the Newark (N.J.) Evening News]

MADAM AMBASSADOR

Proof that it isn't hard to find able women for high official posts is furnished by President Johnson's most recent appointments, designed, as he says, to end "stag government." Of the 10 nominations, the most important goes to Mrs. Katharine Elkus White, of Red Bank, named as an ambassador.

Not the first woman to represent her country abroad, Mrs. White has served her State also with competence in posts of responsibility. She has broken ground for women in public office by serving as mayor of

Red Bank, State treasurer and, since 1955, as chairman of the New Jersey Highway Authority, which runs the Garden State Parkway. And she has managed to fit all into the schedule of a wife, mother, and grandmother.

Being the daughter of a diplomat, the late Abram I. Elkus, who was Woodrow Wilson's Ambassador to Turkey, may have helped condition Mrs. White to the demands of public life. Otherwise she has shaped her distinguished career on her own.

[From the Newark (N. J.) Star-Ledger]

LADIES FIRST

President Johnson is determined to place 50 women in prominent Government jobs to prove, in his own words, "this administration is not running a stag party."

Ten of the women have now been named, and the most important of the posts they will fill went to Mrs. Katherine Elkus White, the 56-year-old "lady wonder" of New Jersey Democratic politics.

Mrs. White was named a U.S. ambassador. Her diplomatic assignment will be announced following formal acceptance by the nation in which she will serve.

Mrs. White comes to her new job with impressive credentials. She is chairman of the New Jersey Highway Authority, which operates the Garden State Parkway, is president of the board of monitors of a State hospital, has been treasurer of the State, and has served three times as mayor of Red Bank.

Ambassadorial life, certain to make Mrs. White one of the Nation's best known women, is not unknown to her. Mrs. White's late father, Abraham Elkus, was U.S. Ambassador to Turkey in her youth.

The mother of two and the grandmother of six, Mrs. White has had during her political life the active encouragement of her husband, Arthur White, vice president of a management-consulting firm that bears his name. He may also be able to give her a pointer or two on the Federal service. He is himself a former regional director of the U.S. Wage Stabilization Board.

New Jersey, with a proper swell of pride, joins the Nation in wishing Mrs. White well in her new job.

[From the Passaic (N.J.) Herald-News]

OUR LADY AMBASSADOR

President Johnson did very well indeed in selecting Mrs. Katharine Elkus White, chairman of the New Jersey Highway Authority, for an ambassadorial post.

Mrs. White has the talents and personality which could make her a first-rate asset to the United States overseas. "For Ambassador, to create good will, she's ideal," said a person who has known her for years. "She is very gracious, very pleasant, likes to meet people, and is an excellent speaker. She is not pompous. In authority, she does not give orders but makes suggestions. She is the kind of person people like."

This enthusiastic appraisal is supported by Mrs. White's feats as a candidate for public office. She ran for mayor on the Democratic ticket in Red Bank, a Republican stronghold, and won. She was the first woman to be mayor. It was no accident, either, because she was reelected to the same office twice.

Mrs. White was named to the three-member authority which runs the Garden State Parkway in 1954. A year later she was named chairman, and she has held the post ever since. She will take to her new post the qualities needed to impress people favorably and to win friends for the United States. Mrs. White's father was U.S. Ambassador to Turkey during the administration of President Wilson.

McCARTHYISM IN THE STATE DEPARTMENT

Mr. MORSE. Mr. President, I wish to take a very few minutes—I believe the Senator from Alaska [Mr. GRUENING] wishes to follow me—in commenting upon a speech made by the Secretary of State at Salt Lake City last night. It is one of the most unfortunate speeches made by a responsible Government official in many years in this country.

I refer to an article which appears in today's Washington Daily News. Ticker service wire quotations bear out that the article, written by Mr. R. H. Shackford, Scripps-Howard staff writer, expresses views that other correspondents gathered from the Secretary's speech in Salt Lake City. I shall ask unanimous consent to have the entire article printed in the RECORD before I finish, but I shall read most of it at the present time, laying the foundation for the comments that I shall make on the article. The article is headed "Quitters," and states:

"QUITTERS": VIET POLICY CRITICS TARGETS OF RUSK

(By R. H. Shackford)

Secretary of State Dean Rusk has started a quiet campaign to answer those who keep saying: "South Vietnam is not worth the life of one American boy. Bring our boys home."

Mr. Rusk classified these critics as "quitters" who are lending aid and comfort to our enemies.

But he was confident that the American people will reject the quitters, with their prescription for retreat and defeat.

NAMED NO NAMES

The Secretary named no names in a speech last night in Salt Lake City on "The Toilsome Path to Peace." He referred only to "those" who would quit the struggle:

"By gutting our foreign aid programs.

"By letting down our defenses.

"By leaving the United Nations."

Such proposals, Mr. Rusk said, would abandon the field to our adversaries. He added:

"That is, of course, what the Communists want most. It is no accident that their favorite slogan is 'Yanks, Go Home.'

"Insofar as anybody here or abroad pays attention to the quitters, they are lending aid and comfort to our enemies * * *. I believe that the American people have the will and the stamina to push along the toilsome path to peace."

STRONG WORDS

For Mr. Rusk, "the quiet diplomat," these were strong words. His remarks were aimed at the defeatists in both parties, just as earlier this month he rejected the opposite kind of extremists who see the only answer in military action—in Vietnam, in Cuba, or elsewhere.

The Rusk denouncement of defeatists came in the wake of remarks by two Democratic Senators, ERNEST GRUENING, of Alaska, and WAYNE MORSE, of Oregon, both suggesting that the United States should pack its bags, quit South Vietnam and leave that country to the Communists. Senator MORSE also is a leading Senate opponent of foreign aid, having succeeded last year in blocking passage of the bill for weeks.

MORE AID

Vietnam and foreign aid are linked because Senator MORSE has vowed that he would oppose appropriation of a single cent of aid for South Vietnam. President Johnson this week announced aid to that beleaguered country would be increased.

American officials are concerned about the wave of defeatism and pessimism in recent weeks, especially about Vietnam. They point out that for more than 2 years—ever since the United States increased its commitment in Vietnam—Communist North Vietnam has waged a propaganda campaign on the thesis that the Americans would quit.

Politically, this is the major Communist weapon in South Vietnam—to scare the people by having them think the Americans were abandoning them. Communist radio stations have been banging away for weeks on the theme that the Americans have lost their war and their only alternative is to seek a way out.

NO DEBATE

Mr. Rusk has no intention of getting into a debate with extremists on any of the issues on which he disagrees. But, like President Johnson, he intends to hammer at the argument that the world is dangerous, turbulent, noisy, disputatious and that there are no easy, quick, answers—either by quitting or by pushing the button.

I ask unanimous consent that certain dispatches bearing upon the Secretary's Salt Lake City speech coming from the wire service likewise be printed in the RECORD.

There being no objection, the dispatches were ordered to be printed in the RECORD, as follows:

SALT LAKE CITY.—Secretary Rusk said last night that if the country's "quitters" had their way, the United States would be play-into the hands of its adversaries.

"There are those," Rusk said, "who would quit the struggle by letting down our defenses, by gutting our foreign aid programs, by leaving the United Nations.

"They would abandon the field to our adversaries, which is what our adversaries want."

In a speech opening a 3-day meeting of the Western Political Science Association, Rusk said the State Department is working to build a decent world order "bit by bit."

He said the "world struggle is going well from our viewpoint.

"West Berlin remains free and prosperous," he said. "So does Western Europe as a whole. So does Japan. Many of the less-developed nations have moved ahead impressively.

"Meanwhile, the Communist world is not only torn by disputes but beset with economic difficulties.

"The notion that communism is a short cut to the future for developing nations has been proved false."

Rusk noted that "we are living in a world of 120 foreign policies.

"We don't give orders to other nations—we don't believe in the kind of world in which any government takes its orders from others."

He said that world quarrels, no matter how "remote and complex," must involve the United States.

He added that as long as the possibility exists that minor quarrels can result in war, or a confrontation of the major powers, "the United States has a fundamental national security interest in the peaceful settlement of such disputes.

"The role of the peacemaker is usually thankless * * * but it is a responsibility we dare not shirk."

Mr. MORSE. Mr. President, one would think that the State Department would recognize that it had been damaged enough by the application of the tactics of McCarthyism a few years ago not to resort to the use of the same tactics that the Secretary of State did last night in Salt Lake City. He out-McCarthyed McCarthy.

I do not know where Dean Rusk was during the early 1950's when the political disease known as McCarthyism was rampant in this country; but I was right here in the U.S. Senate fighting McCarthyism. I serve clear notice on the Secretary of State tonight that I shall fight McCarthyism practiced by the Secretary of State.

And I can say that the political tactic of equating every dissident with communism does not sound any better coming from the Secretary of State than it did when it came from the late unlamented Senator McCarthy.

I find in the press report of Secretary Rusk's speech last night that he applied the word "quitters" to those of us who disagree with our present policy in South Vietnam and our present foreign aid program. The Secretary is further quoted as saying:

> The American people will reject the quitters, with their prescription for retreat and defeat.

And:

> That is, of course, what the Communists want most. It is no accident that their favorite slogan is "Yanks, go home."
>
> Insofar as anybody here or abroad pays attention to the quitters, they are lending aid and comfort to our enemies.

The Secretary of State knows very well that he is using the phrase which defines treason in our Constitution. But apparently he is reduced to the level of McCarthyism in presenting the case for the foreign aid program and for our policy in South Vietnam. Mr. Rusk would not use those disreputable tactics if our policies on these issues could withstand logical analysis.

When the hearings begin on foreign aid in the Senate Committee on Foreign Relations, Secretary Rusk will have an opportunity to confront in person several of us who voted to cut the overgrown foreign aid bill last year. He will have a chance then to tell us that we who favor reducing it again this year are giving aid and comfort to our country's enemies, and that we are in effect traitors.

He will have a chance to tell it to the American people. If this administration wants to sanction that tactic on the part of the Secretary of State, it will have an opportunity to tell it to the American people in the historic campaign that will be waged in this country from now until November.

This administration is not going to be able to escape the South Vietnam issue in this campaign. It is not going to be able to escape the foreign aid issue in this campaign. I am sure that the American people will hold it to an accounting.

Mr. President, if the Secretary of State wants to talk about quitting, I have a few suggestions as to some things he should quit doing, and some policies he should quit forming.

He should quit trying to mislead the American people into believing that the United States has some vital interest in South Vietnam, without proving it. And he has never proved it except to refer to it in terms of semantic generalities. He should quit trying to fool the American people into believing that we are defending freedom in South Vietnam. What we are doing is involving ourselves in a family war between two factions of South Vietnamese.

He should quit building up the military oligarchy in South Vietnam, instead of trying to help the people of South Vietnam establish a system of economic freedom.

The senior Senator from Oregon is not for quitting appropriate aid for South Vietnam. I am for trying to help the masses of the South Vietnamese people become economically free and enjoy the blessings of economic freedom, the choice of the individual, because the Senator from Oregon is convinced we cannot export political freedom to the South Vietnamese or anywhere else in the world. Political freedom must grow from within the hearts and minds and wills of the indigenous population of any country. It cannot take root and grow unless the indigenous population of any country that is in an underdeveloped state is helped to prepare the seed beds of economic freedom, which will help raise the living standards of the people; which will help protect them from the feudalism that has characterized so many of the underdeveloped areas of the world; which will do something about raising their standard of living so they can develop a care and a desire in respect to the differences between political freedom and political enslavement.

We do not have to worry about beating communism in the world, in the long struggle of the decades ahead, if we help the people in the underdeveloped areas of the world become economically free. But it cannot be done with American arms. It cannot be done by transplanting 15,000 American boys in South Vietnam to help, under the military leadership of the U.S. forces, egg two factions of the South Vietnamese into a civil war.

It cannot be done by continuing a course of unilateral action which characterizes our conduct, militarily, in South Vietnam, and too much so in other places of the world, too, while our alleged allies welsh on us, walk out on us, and turn their backs on us. The SEATO Treaty involves Australia, Pakistan, Thailand, the Philippines, Great Britain, and France, in addition to the United States and there is a protocol agreement on the part of the signatories to the treaty that they consider South Vietnam an area of great interest and concern to the signatories thereto.

That is a pretty slender and weak reed on which to justify military action in South Vietnam, now involving 15,000 American boys, and already costing billions of dollars. It is costing a million and a half dollars a day

The Senator from Alaska [Mr. GRUENING], the Senator from Oregon, and others in the Congress, and many others in the country, are asking this administration for a justification of its policies in South Vietnam. I think the reaction of the administration generally can be described as waving the flag into tatters. The Senate has heard me say before that is no way to pay respect to the flag.

Whether the administration wills it or not, the Secretary of State's speech in Salt Lake City last night has put this administration in a position where it must justify its program in South Vietnam. When such a high spokesman as the Secretary of State, representing this administration, starts using the language the Secretary of State used last night, there are some of us who propose to hold this administration responsible before the bar of American public opinion, even though we belong to the party of this administration.

There are things more precious to some of us than the approval of this administration.

Mr. President, I pause while the Presiding Officer calls the Press Gallery to order.

The PRESIDING OFFICER. May we have order in the Press Gallery?

Mr. MORSE. If we do not get order, I shall then call for the Sergeant at Arms to clear it.

Mr. President, there are some things more precious to some of us than the approval of this administration—our reputations; our record of dedicated public service for years in the Congress of the United States; our deep convictions that we owe to the people in the States that elected us the solemn obligation and trust to follow where the facts lead in reaching decisions, on the merits, on issues in the Senate and the House involving questions of foreign policy; our recognition that foreign policy does not belong to the executive branch of government alone; that under our system of coordinate and coequal branches of the government, the Congress has a coordinate and coequal responsibility to the American people in respect of foreign policy.

Great differences are developing, chasms wide, abysmally deep, between some of us and this administration in respect to foreign policy.

South Vietnam has become a burning issue in American public opinion.

We who disagree with the administration's generalities and its announcements with regard to foreign policy, we who disagree with the policy of the Secretary of Defense in making public announcements as to what American foreign policy is going to be in South Vietnam, as though he were President of the United States, have simply raised our voices in recent weeks, uttering caveats of warning, and asking for proof that will justify this foreign policy.

I assure the Secretary of State that he can resort to all the tactics of McCarthyism he wishes, but I am not going to be silenced by them. On the contrary, I shall press on harder than ever, more determined than ever, to force my administration to come forward with proof that would justify the wasting of millions of dollars in South Vietnam and the killing of precious American boys in what I consider to be an operation of folly in South Vietnam so far as American military involvement is concerned.

I stated the other day that the briefings we obtained brought out that families are divided in the conflict in South Vietnam, that the father may be with the government forces and his sons may be with the Vietcong, uncles may be with the government forces and nephews with the Vietcong—or vice versa.

Then, too, there is a need for some analysis of semantic terms, because when people wish to wave the flag into tatters, at the same time they are prone to use the McCarthy tactic of shouting, "Communist. Communist. Communist."

There seem to be some interesting differences of opinion as to the basis of the revolt so far as some Vietcong people may be concerned. We cannot draw a general line of demarcation and say that the people in the South Vietnamese forces are, by and large, pro-Western.

But do not make the mistake of believing that because the people in some countries are pro-Western it means that they are also democratic.

There are people in power in the Dominican Republic today who claim to be pro-Western, but we would be fooling ourselves if we thought they were democrats. There were many people in Cuba at the time of Batista who claimed to be pro-Western and pro-United States, but we could not have been more wrong if we thought they were democrats. They were as totalitarian as the shocking, vicious, lying, deceptive Castro crowd in Cuba are Communist totalitarian.

So, I say to the Secretary of State that he must talk to me in clear and unmistakable terms, and not in dogmatic semantics characteristic of so much of his discussion in great generalities of American foreign policy in the troubled spots of the world where we are spending millions of dollars. In South Vietnam we are also spending American blood.

The Secretary of State admits before the Foreign Relations Committee that we are paying 97 percent of the cost of the South Vietnamese operation. There is no denying that the other signatories to the SEATO treaty are paying practically nothing, for much of the other 3 percent comes from within South Vietnam itself.

So we are quitters, are we, because we suggest we should stop spending millions of dollars in South Vietnam for military aid?

So we are quitters, are we, because we say to our Government and to our people that there is no justification for continuing the killing of American boys in South Vietnam?

So we are quitters, are we, because Senators have been heard to say on the floor of the Senate, and in other places across the country, that South Vietnam is not worth the life of a single American boy?

Mr. Secretary, I repeat everything by reference now which I have stated to date on South Vietnam, and I ask you to answer me not with McCarthyism, but with facts.

How can you justify it, what is your proof to justify the waste of the largess of this country in South Vietnam? What is your justification for the death of a single boy wearing the uniform of the Military Establishment of this Government in South Vietnam?

Mr. President, I think we should explore a great many possibilities and potential programs for reaching an accommodation with honor in South Vietnam. Only a few days ago spokesmen for the administration sent up one trial balloon after another in this country to see what the reaction would be to "beefing up" our effort, to an escalation by taking the war into North Vietnam. Under cross-examination, we obtained from the Secretary of State the admission that if we got into an escalated posture in North Vietnam, probably we would have to resort to nuclear weapons.

I made clear that I thought that would be most unfortunate, but I say to the Secretary of State that he is not going to have his cake and eat it, too, in this argument. For I am going to tell the American people whatever I find out to be the facts that bear on the decision they must make, because the decision in regard to South Vietnam will probably have to be made by the American people in the months ahead.

I did not draw that battleline. The Secretary of State did it, last night, in Salt Lake City.

It is time we said to our alleged allies who signed the SEATO Treaty: "We are going to call upon you now to stand behind your signatures. You signed the document in which you recognized some mutuality of interest or concern, at least, in respect to South Vietnam. What do you propose to do about it? What are your solutions?"

France is a signatory to that treaty. The RECORD will show that I have not been one of the most enthusiastic supporters of many of the policies of De Gaulle; but we must admit that De Gaulle has at least intimated; he has indicated; he has suggested that some consideration be given to the possible neutralization of Vietnam.

"Are we quitters, Mr. Secretary of State? Are we quitters if we suggest that you explore the possibility of exploring, with honor, and in the interest of peace, various suggestions for the neutralization of Vietnam?"

We cannot separate the South Vietnamese problem from the Cambodian problem. We cannot separate it from the problem of Laos. We cannot separate it from the problem of North Vietnam. We cannot separate it from the whole tip of southeast Asia.

Yet, like irate farmers, we have apparently set up our fence lines and are engaging in a boundary dispute. It is true that in times past, when law and order was not the rule of the day in some of our frontier areas, shootings occurred over boundary disputes.

Gradually and finally a system of law prevailed, and boundary disputes are now settled by the application of rules of reason and of principles of law.

Sometimes I become a little concerned about the posture of my Government. Are questions of morality and principle any different if only a little war, a brush fire, is involved? We all know that such fires have the possibility of getting out of control, and of spreading into a full-blown holocaust.

The principles of morality and of ethical obligations, and our international responsibilities are exactly the same in a little bush war in South Vietnam as they are in any threat over a major war between Russia and the United States and her allies involving, for example, Berlin.

Can we possibly justify any difference on a quantitative basis? Can we possibly justify any difference on the basis that in South Vietnam we would lose probably a relatively few, whereas in a major conflict we would lose many? I believe not.

Mr. President, we have not been doing a very good job in South Vietnam in living up to U.S. professions that we wish to resort to the application of rules of law and procedures of international justice and procedures of conciliation and mediation set forth in some of the articles of the United Nations Charter.

Does it really make any difference if we do not think the opposition can strike back hard?

I raise these questions of wonderment this afternoon, for frankly I am at a complete loss to understand what the motivations of the U.S. State Department and the Pentagon are in regard to the prosecution of our activities in South Vietnam.

The time has come to stop trying to "go it alone." I have been heard to say before, and I wish to include it in these remarks this evening, that France tried that for decades in Indochina, of which present South Vietnam was a part. France killed the flower of her young manhood in the Indochina War. Finally the French people said, "We have had enough."

They said some very unkind things about their Government; and I am satisfied that the American people will say such things about our Government if we continue the French pattern in South Vietnam.

The French people brought down a French administration of government over Indochina. They stopped the killing. They removed their forces from Indochina.

What makes us think that we can do better in Asia militarily than the French? What makes us think that we would be any more right than the French would have been if the French had succeeded?

It is on this matter of right that I await a discussion from the Secretary of State. It is on this matter of his failure to try to use the procedures of international law. Existing institutions of international law come into being in part because of the signature of the United States on solemn treaties and agreements.

I am raising my voice again in protest of unilateral U.S. action in a field of military strife, the very existence of which has all the potentialities of flaming out into a threat to the peace of the world. Does standing for the approach that the senior Senator from Oregon is pleading for in connection with our Asiatic policies—which I respectfully submit epitomize the highest ideals of the glorious history of this country in the field of foreign relations, make me a quitter?

Mr. Secretary, tell it to the American people again and again and again. I invite you to do so, for as you go down the road of McCarthyism, the American people will repudiate you.

I repeat: Secretary Rusk should quit building up the military oligarchy in South Vietnam and start helping the people of South Vietnam to establish a system of economic freedom.

He should quit wasting millions of American dollars and quit sacrificing the blood of increasing numbers of American boys in a war in South Vietnam which is none of our affair and is a hangover from the disproven brinkmanship and domino foreign policy theory that has already caused us untold difficulties in southeast Asia and elsewhere in the world.

If McCarthyism is the new public relations program of the State Department, the most helpful quitting the Secretary could do would be to just quit being Secretary of State; we can get along without him; the country can well afford to get along without him.

The Secretary's real problem is that he lacks factual justification for involving the United States in every issue everywhere. It is the natural inclination of people who work in the field of foreign affairs to wish to have a hand in every international dispute that is going on in the world, just as it is the natural inclination of professional military people to wish to have a hand in every armed battle anywhere in the world. But when they involve the whole United States in these disputes, they must be checked.

That is why the Senate hears me appealing to it time and time again to take note of its constitutional responsibilities and not to delegate its constitutional responsibilities to the executive branch of the Government. We should never forget that we have a duty under our oath of office as Senators to see to it that the system of coordinate and coequal branches of government is maintained, each with the constitutional power set forth in the organic law to check the other branch. The executive department must be checked in the field of foreign policy. There is too great a tendency on the part of too many Members of Congress to want to pass the buck to the executive department. It should not be done. It must not be done. We have a duty to take a long, hard, penetrating, microscopic look at American foreign policy throughout the world at this time, particularly in South Vietnam, in view of the speech of the Secretary of State last night in Salt Lake City.

Because the United States was able to fight a war 20 years ago in every ocean and every continent, our military and diplomatic people have not been able to understand that what we could do in wartime when our own country has been attacked is not necessarily something we can do forever, whether we are attacked or not. The policy of preempting the world, the policy of "pax Americana," is a favorite one of the current generation of American military and diplomatic careerists, just as "pax Britannica" was the favorite policy of generations of British civil servants and military officers. But the lesson to be learned from the British, and from the French and the Dutch and the Belgians and the Spanish and the Germans, is that such a policy cannot be sustained for long.

The British sustained it longer than most. But the Empire dissolved and collapsed a lot faster than it was built up, and I am not in favor of any policy that will put the United States on that same course. If we do not watch out, we will go broke, as the British Empire did, but faster.

It is time to turn away from the old theory that one nation alone can enforce world peace on its own terms if it has the will and the resources to do it. All that has been proved by that theory is that the capacity for unilateral domination only passes from one nation to another. One day it will pass from us, too, and that day will come sooner than the proponents of this theory think. It is that theory that the Secretary of State should quit. No resort to McCarthyism on the part of the Secretary of State makes it any sounder.

The disgraceful and disreputable speech that he made last night in Salt Lake City does not make it sounder. If that is to be the foreign policy of the Secretary of State, the sooner he quits being Secretary of State the better it will be for the American people and the security of this country, and the better the chances will be that my grandchildren and yours, Mr. President, and the grandchildren of all other grandparents in this country will enjoy a heritage of freedom as the legacy we leave behind.

The philosophy of the speech of the Secretary of State last night in Salt Lake City cannot be reconciled with his responsibility, nor can it be reconciled with the great trust that a Secretary of State owes to the American people. But he has drawn the issue. The senior Senator from Oregon proposes to meet it.

I have no doubt that the Secretary of State is very unhappy with me for my disagreement with him at the last session of Congress in connection with the foreign aid bill. I thought the State Department made the poorest presentation in an attempt to justify a foreign aid bill that it has made during my 20 years in the Senate. I tried to avoid what finally happened by telling the Secretary of State, some weeks in advance of the beginning of the Senate debate on the bill, that he was going to walk into a parliamentary massacre unless the State Department recognized, before that bill ever reached the floor, that it must arrive at some needed adjustments—compromises, if we want to call them that—but not compromises of principle.

But apparently the State Department decided they had the votes, and forgot that votes can change. The votes did change as that debate proceeded. I am also of the opinion that undoubtedly the Secretary of State is not very happy with me because I do not think the first foreign aid announcement by the administration offers anything much better in that field than was offered at the last session of Congress.

So, in order to complete the record, I shall close by repeating my brief appraisal of the foreign message which was sent yesterday to Congress. Yesterday, in a press release, I made the following comments, among others:

> On the basis of the presentation of the aid program, it can safely be cut 25 percent. The continued financing of Greek versus Turk and Indian versus Pakistani is a total waste of American money, yet that is what is being proposed.
>
> In the Far East, we are still financing a so-called "domino" theory that has already proved invalid. If there were anything to it, the action of Cambodia in removing itself from alliance with the West and toward closer ties with China would have knocked over all the others.
>
> Presumably the bill also carries out the step-up in aid to South Vietnam which is already running at the rate of nearly $550 million, or $39 per person per year. The word "forever" is now being used in connection with this aid program to South Vietnam. But I am satisfied that the American people are not going to sustain any such level of aid to South Vietnam for long, much less "forever," and I am also satisfied that they are not going to support the continued participation of American forces in that war.
>
> Nor should they. Ever since 1954, we have been pursuing a fallacious and ruinous policy in South Vietnam. All that is being proposed now is to throw more good money after bad, and more American soldiers after those already killed there.
>
> Both the military and economic aid in this foreign aid program should be cut by 25 percent; but before any of it is provided, drastic policy reforms should be enacted that will put a stop to the waste of aid on fruitless political and military objectives. Better that no aid be spent next year than that we continue spending so much money on bankrupt policies.

Such is our policy in South Vietnam and in many other places in the world.

Mr. President, I close by saying that I have given this speech this late afternoon with more sadness than any speech I have ever before given in the U.S. Senate, for it is sad to find one in a position where a Secretary of State will follow the course of action which the Secretary of State followed last night at Salt Lake City. It is sad when there develops in our Government and between branches of our Government the great differences that have developed and give every promise of developing to a more intense degree, in connection with the field of foreign policy, for I believe that those of us who have the trust of serving a free people in a representative government—whether our position be in the executive branch or in the legislative branch—have a mutual responsibility to seek to reach an understanding of each other's points of view in connection with the facts.

I am not concerned about the emotions or the adrenalin glands of the Secretary of State; but I am concerned about having him give me whatever facts can be made available in support of what I think—on the basis of such facts as I presently know—involves a policy in South Vietnam that cannot be justified; and I intend to press the Secretary of

State for the facts. His resort to McCarthy smear tactics of the type to which he resorted will not deter the Senator from Oregon. The Secretary of State tried them on the wrong guy, for I have been abused and castigated and attacked by many demagogs that make the Secretary of State look like an amateur; and last night, at Salt Lake City, he demonstrated that he is quite an amateur. I happen to think he was out of his field; and I hope that, upon reflection, he will recognize that he is out of his field; and I hope that he will return to carrying out the solemn trust that the Office of Secretary of State calls upon him to perform.

Mr. President, I yield the floor.

Mr. JORDAN of Idaho. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may yield to the Senator from Idaho without losing my right to the floor and without having my subsequent remarks charged as a second speech by me.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection, it is so ordered.

Mr. JORDAN of Idaho. Mr. President, I commend the distinguished senior Senator from Oregon for one of the most forceful speeches on foreign affairs, and especially on Vietnam, that I have ever heard. He has drawn a picture which should give all of us cause for great concern. He speaks from a background of years of experience, and he speaks with courage and with conviction. I hope his remarks will be widely read and will be carefully evaluated.

Mr. MORSE. I thank the Senator very much.

Mr. GRUENING. Mr. President, will the Senator from Alabama yield briefly to me?

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may yield now to the Senator from Alaska, without losing my right to the floor, and without having my subsequent remarks charged as a second speech by me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPARKMAN. Then, Mr. President, I yield.

Mr. GRUENING. I thank the Senator from Alabama for yielding to me.

Mr. President, needless to say, I associate myself fully with the remarks of the senior Senator from Oregon. I, too, feel saddened that one in the high position of the Secretary of State should reveal such a lack of knowledge—knowledge which every schoolboy should have—about the basic principle of the separation of powers in the Government of the United States. Does he, an official of the executive branch, think that by leveling the charge of treason at members of the legislative branch, he can gag us. That is what he has done; he has charged that those of us who criticized the U.S. policy in South Vietnam and called for stopping the sacrifice of American boys there, were "lending aid and comfort to our enemies" and, as the Senator from Oregon has pointed out, that is the Constitution's definition of treason. I do not intend to be gagged by any such wanton, reckless, and ill-founded charge.

Does the Secretary of State think that he can gag the Senate by that method? If he does, he had better go back and do some elementary studying on the formation and principles of our American Government.

I hope, with the Senator from Oregon, that upon due reflection the Secretary of State will realize that he went off half-cocked, and that he has done himself, the administration, and the high office which he holds a great disservice.

The Secretary of State is quoted as saying:

> Insofar as anybody here or abroad pays attention to the quitters, they are lending aid and comfort to our enemies. I believe that the American people have the will and the stamina to push along the toilsome path to peace.

It is my view that, on the contrary, in South Vietnam he is pushing us along the ghastly path toward war. That is what our further involvement may well mean. We have heard of both of escalation of our offensive and invasion of North Vietnam. That is not the toilsome path to peace. It is the path toward involving the United States in a major war with staggering casualties.

Lest what I have said—with which Secretary Rusk takes such violent issue—be deemed my opinion alone, I wish to read a few excerpts from some of the many letters I have received since I made my speech, on the Senate floor 10 days ago. With the exception of one letter, which did not take issue with what I said, but raised some questions, every letter—and they came from all over the country—voiced hearty approval of the position that I took when I said that it was time for the United States to pull our boys out of the fighting line, where they are supposed to be only technicians and advisers.

But we know that we have lost over 200 men and the official pretense that they are only advisers is a hypocrisy and a fraud perpetrated on the American people. They are not there only as advisers; they are there also as fighting men. Otherwise those 200 Americans would not have lost their lives.

Among the many letters I have received is one from a retired brigadier general of the Army. He writes as follows:

> DEAR SENATOR GRUENING: May I extend my hearty congratulations on your recent Senate speech opposing U.S. Government policies in Vietnam. These false, tragic policies are costing many lives and much wealth around the world. I hope you, Senators YOUNG of Ohio, and MORSE, have adequate support in changing these evil policies before world war III comes to all of us.

The Senate will note that he too feels we are pursuing not the toilsome path to peace but the road to the third world war. Those are the words of an experienced fighting man who has seen real war and has fought in wars in which the United States was engaged for our security, for our liberties, and for all the things which we hold dear, and not the kind of war, in effect a civil war, into which we were dragged in Vietnam 10 years ago, and continues at a staggering cost in treasure, and more deplorable, in American boys' lives.

Mr. President, I have received many such letters. I have letters from a lady in the State of the distinguished junior Senator from Alabama [Mr. SPARKMAN], who has been kind enough to yield. She writes:

> DEAR SENATOR GRUENING: I've been reading about your ideas on the Vietnam "mess," and I heartily agree with you. I hope you and Senators LAUSCHE, MORSE, and the others will push the fight to get our boys out of Vietnam. We should never have mixed into this miserable affair. Why should American boys be dying over there for who knows what? We aren't winning anything and never will, so get us out of there. We aren't fighting for an ideal, or for an idea. We're just there. And our boys are paying with their lives for somebody's damn foolishness.

I have a letter from a lady in Topeka, Kans., who writes:

> TOPEKA, KANS.,
> *March 13, 1964.*
>
> DEAR SIR: An article in this evening's paper states that you are against having our men in South Vietnam. God bless you.

I have a letter from a man in Detroit. He writes:

> DETROIT, MICH.,
> *March 12, 1964.*
>
> I am gratified to note in the press your concern about the situation in South Vietnam.
>
> The Secretary of Defense has just reiterated that the United States will continue its campaign there. Why he should presume to make such a commitment when the authority is not his to control "the land and naval forces," but by express constitutional provision is solely within the power of Congress, is not at all clear. Our effort in South Vietnam against the Vietcong, with its ability to draw upon the vast manpower of Communist Asia, is like tilting at windmills. Our "allies" appear to realize this, for they are conspicuously absent from the field. Communism would not vanish, even if we could be successful in the jungles of South Vietnam after further wasteful sacrifice of American lives. The goal just is not worth the candle.
>
> I should like to see Congress demonstrate its power under the Constitution by ordering withdrawal of our military force from South Vietnam.
>
> Respectfully,
>
> ——— ———.

Another letter from a lady in Kansas:

> I see by the newspaper that you are and have been opposed to having American troops in Vietnam and I want to congratulate you on this matter. I, too, am opposed to it and have been ever since this business started. All of Vietnam is not worth the life of one American boy.
>
> Keep up the good work in this connection and maybe our boys can all come home soon.

Mr. President, I shall not impose longer upon the good nature of my friend from Alabama who was so kind as to yield to me except to say that I have only started to fight. If, as the news article by Mr. Shackford, which presents Secretary Rusk's views, states that he is starting a quiet campaign, against those who question our policies in Vietnam he will find before he gets through that it may be a very noisy one. Next week I intend to put into the RECORD some more of the letters which I have been receiving from all parts of the country to show what American public opinion is on the issue. I conclude with the hope that the Secretary of State will have the grace to apologize for his totally unwarranted slurs and aspersions against Senators who in the discharge of their constitutional duty have expressed their views on our Nation's foreign policy.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SPARKMAN. Mr. President, last week I delivered my first speech on the civil rights bill. At that time the debate was so lively and interesting that I had an opportunity to deliver only about one-third of what I had prepared. I rise now to repeat my opposition to the motion pending before the Senate; that is, the motion to proceed to the consideration of H.R. 7152.

As I stated before, I object to the fact that the bill has not had the advantage of one committee hearing. I consider that an affront to the committee.

Furthermore, it does not seem right to me to try to put on the lawbooks of our Nation a bill that has not received Senate hearings.

Mr. TALMADGE. Mr. President, will the Senator yield at that point for a question?

Mr. SPARKMAN. I yield.

Mr. TALMADGE. Is it not true that rule XXV states unequivocally that bills shall be referred to an appropriate committee?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. Is that provision not incorporated in the Legislative Reorganization Act of 1946?

Mr. SPARKMAN. The Senator is again correct.

Mr. TALMADGE. Has that rule been complied with?

Mr. SPARKMAN. **It has not been** complied with.

Mr. TALMADGE. Is this not the only piece of legislation during this entire Congress on which the rule has not been followed?

Mr. SPARKMAN. I cannot say that it is the only measure. I am not prepared to make that statement. But it is the only bill of the complexity of the present pending bill and the only important measure.

Mr. TALMADGE. The action in refusing to refer the bill is clearly in derogation not only of a rule, but also an act of the Congress itself. Is that not true?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. Is it not also true that in its present form the bill, with its 11 titles and approximately 55 pages, has not been considered 1 minute in hearings by any legislative committee of the Congress, either of the House or the Senate?

Mr. SPARKMAN. Again I believe the Senator is correct. As I understand, the bill was put together by a subcommittee of the House Judiciary Committee. I brought out in the remarks I made last week that it was pushed through rather hurriedly without hearings on the newly written bill.

Mr. TALMADGE. I believe the report states that the chairman of the committee used 1 minute to explain the bill and then yielded an additional minute to the ranking Republican member, and that was the extent of the discussion. Is that not correct?

Mr. SPARKMAN. Within the committee.

Mr. TALMADGE. No opportunity for any amendments to be offered was at any time given in the committee. Is that not correct?

Mr. SPARKMAN. That is correct.

Mr. TALMADGE. I thank the Senator.

Mr. SPARKMAN. I appreciate the questions from the Senator from Georgia, who for a long time was a member of the Rules Committee, and certainly has mastered the rules of the Senate and knows them well.

I was going to bring out the point, also, that not only is it not in compliance with the rules of the Senate, but it is not in compliance with the reasonable handling of a matter of this kind.

As the Senator pointed out, here is a bill of 55 pages, which contains 11 titles. One might say it contains 11 bills, because each one is really a bill within itself. That kind of measure, a measure as complex as that, certainly should go through the mill. It should go through the committee procedure. Witnesses for and against it should testify on it. Persons who are interested in doing so should be able to suggest amendments. The committee should take it up and consider the bill section by section and provision by provision.

Not all committees do so, but some committees consider bills of this kind line by line.

Surely it needs the careful consideration which this bill has never received.

Mr. TALMADGE. The treatment this bill has received is really a denial of the right of citizens to petition their Government. Is that not true?

Mr. SPARKMAN. I think it could be construed to be true, because they have not had a chance to say, "This bill is pending before the Judiciary Committee or some other committee. I should like to come up to Washington and make my views heard." They have that right. That is a part of the constitutional guarantee of the right of petition granted to citizens of the United States.

Mr. TALMADGE. That is a normal, accepted, tried, and true legislative procedure; is it not?

Mr. SPARKMAN. Yes. I am glad the Senator used the expression "tried and true," because it is the method under which we have proceeded during all these years.

The Senator hears, as I do, from time to time, complaints about the slowness, let us say, of getting legislation through Congress. Sometimes we get a little provoked. I may have a bill, or the Senator from Georgia may have a bill, in which he or I may be interested. He wants to see it put through. But there is a check and doublecheck on it which slows down its consideration. Regardless of how much it may irk us sometimes, it has been proved through the years of the existence of this Government that it is the best procedure.

Mr. TALMADGE. Does the Senator have any idea why the proponents of this proposed legislation want to deny use of the normal rules and procedures in their speed and haste to bypass committee and legislative examination?

Mr. SPARKMAN. I think the Senator has put his finger on the answer with his expression "speed and haste." They are in a hurry. I do not like to use the term "railroaded through," but certainly they want to get it through quickly, and apparently with as little attention as they can.

Mr. TALMADGE. Does the Senator share my view that perhaps one of the reasons for such speed and haste is the fear that 190 million Americans might discover this bill is not a civil rights bill at all, but it a denial of constitutional rights to all American citizens?

Mr. SPARKMAN. I saw a statement by a distinguished lawyer, either the present or a former president of the American Bar Association, in which he said the bill which was proposed as a civil rights measure contained, I think he said, 5 percent of civil rights and 95 percent of Federal encroachment.

Mr. TALMADGE. The only right I have been able to discover in this bill that citizens do not already have is a new right which would be granted to citizens to trespass on private property and have that sanctioned by the Government. Is that correct?

Mr. SPARKMAN. That right is certainly contained in one provision of the bill.

Mr. TALMADGE. All other rights contained in this bill are grants of new powers to officers, officials, and agents of the Federal Government. Is that not correct?

Mr. SPARKMAN. I think the Senator is correct.

I think the Senator is right. I think what are called rights in the bill are grants of power to the Attorney General or to the Civil Rights Commission or to the Federal judiciary or to some army of the Federal Government to do things that I do not believe they are authorized to do under the Constitution.

Mr. TALMADGE. Is it not true that this bill purports to regulate every human relationship in the private areas—not public—from the cradle to the grave?

Mr. SPARKMAN. It has broad coverage.

Mr. TALMADGE. Would it not regulate where people would sleep?

Mr. SPARKMAN. Yes.

Mr. TALMADGE. Would it not regulate where people would eat?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. Would it not regulate where people would work, both employers and employees?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. Does that comport with the Senator's idea of freedom in a constitutional system of government or the free enterprise system of this country?

Mr. SPARKMAN. No; nor with the right of privacy or protection in the enjoyment of private property that was just as essential a part in the thinking of our forefathers who wrote the Constitution, under which this Government has been great, as well as in the enjoyment of human rights.

Mr. TALMADGE. Every principle of our Constitution, particularly the first 10 amendments, and the 13th, 14th, and 15th amendments—in which are guaranteed the true civil rights of all American citizens—is intended to protect the people from the tyranny of government; is that not correct?

Mr. SPARKMAN. The Senator is right. As a matter of of fact, it was the result of the revolt against tyrannical government that the Constitution was born. The founders of the Government, the writers of the Constitution, were eager that we should never again be under the yoke of tyrannical government.

As the Senator has correctly pointed out, we all know the Bill of Rights—which, after all, is the statement of civil rights in the Constitution—was the first 10 amendments of the Constitution, which were agreed upon before the States actually would accept the Constitution as such.

Mr. TALMADGE. And those guaranteed rights—the Bill of Rights and other constitutional provisions—are a prohibition against governmental action; is that not correct?

Mr. SPARKMAN. Yes; that is correct.

Mr. TALMADGE. This bill is the very antithesis of that prohibition, in that it delegates more and more enormous power to the Federal Government.

Mr. SPARKMAN. The Senator is correct in his statement. That is a good analysis of this bill.

Mr. TALMADGE. The Senator from Alabama is not only a great scholar, a great historian, and a ranking member of the Foreign Relations Committee, but it has been his duty and responsibility to study the rights of people in all countries and the liberties of people in all countries. Is it not true that the liberty of the people, from the dawn of history up to the present time, has not been destroyed by his fellow citizens, but by excessive governmental power?

Mr. SPARKMAN. The Senator is right. It was true even of our forebears. The Senator will recall that at Runnymede, under King John, the people of Great Britain wrested from a tyrannical king the first real power or the first real rights that the ordinary people of England enjoyed. It was those freedoms that guided our forebears in this country who drafted the Declaration of Independence and fought the war and then adopted the Constitution.

Mr. TALMADGE. Was not Magna Charta wrested from King John by the barons of England in 1215, if my recollection serves me correctly?

Mr. SPARKMAN. The Senator is exactly correct.

Mr. TALMADGE. Did it not also deny the right of governmental power over the citizens?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. Is it not a fact that the Magna Charta did not delegate additional powers to King John?

Mr. SPARKMAN. No; it took them away.

Mr. TALMADGE. It took powers away from King John?

Mr. SPARKMAN. That is correct.

Mr. TALMADGE. This bill is the antithesis of the Magna Charta, in that it grants more power to Federal officials and agents and officials to regulate the lives of the people. Is that not correct?

Mr. SPARKMAN. Enactment of this bill would result in a backing up on the Constitution of the United States which, particularly with its first 10 amendments, sought to protect the citizens of this country in their rights—their rights against encroachment by a tyrannical government.

Mr. TALMADGE. Have the rights of the people been lost, along with their freedom of action, in the Soviet Union?

Mr. SPARKMAN. Oh, yes; they have been lost, and their freedom of action has been greatly restricted.

Mr. TALMADGE. Who has denied the people of the Soviet Union their rights? Was it other Soviet citizens or the government?

Mr. SPARKMAN. It is the little group that constitutes the government.

Mr. TALMADGE. In other words, it is governmental tyranny that regulates the lives of the citizens of the Soviet Union and which has caused them to lose their rights; is that correct?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. I am sure the Senator has made a study of the history of Italy and the loss of liberty by its people under Benito Mussolini. How did the people of Italy lose their liberty?

Mr. SPARKMAN. They lost it as a result of the concentration of power in the hands of one man. He surrounded himself with subalterns who helped him exercise that power over the people of Italy. It was a surrender to one man who became the head of government, and hence became the Government of Italy.

Mr. TALMADGE. The Government of Italy, by a tyrannical abuse of power, subjected the people of Italy to a loss of their rights; is that correct?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. I am sure the Senator has also studied the loss of liberty of the people of Germany under Hitler. How did they lose their liberty?

Mr. SPARKMAN. It was a great tragedy, and similar to that which took place in Italy. It came almost on the heels of the influence of one man, again, who seized the reins of power and exercised it in such a way as to take away the liberties of the people of his country.

Mr. TALMADGE. In other words, excessive governmental power cost the people of Germany their liberty; is that correct?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. Does not this bill delegate the right to the Attorney General to file suits against citizens in the name of the United States at any time he deems such action necessary in the case of the U.S. Government, and at Government expense, and the defendant will not have a right to trial by jury?

Mr. SPARKMAN. The Senator is correct. I believe one of the most tragic aspects of the proposed legislation—and the Senator will remember that this same question of the right of trial by jury came up during consideration of the so-called civil rights legislation in 1957 and again in 1960, particularly in 1960. If the legislation prevails, the result will be the loss of the right to a trial by jury which is guaranteed by the Constitution.

Mr. TALMADGE. Is not that a basic civil right?

Mr. SPARKMAN. It is a basic civil right.

Mr. TALMADGE. Does the Senator believe that authorizing the Attorney General to file suits in the name of the Government against any citizen whenever he sees fit without a trial by jury enlarges the civil rights of the American citizen?

Mr. SPARKMAN. I believe it would narrow them. In connection with the 1960 proposal, I made an extended speech on the subject of the right to a trial by jury. I thought there was a flagrant attempt to take away that right. One of the saddest parts about this bill is the number of instances in which actions could be taken against citizens, and they shall not have the right to a jury trial to determine whether they are not guilty as charged, or whether they are in the wrong.

Mr. TALMADGE. In other words, all the provisions of this bill would subject every American citizen to the whims and caprices of the Attorney General, and lead to government by injunction; is that not correct?

Mr. SPARKMAN. The Senator is correct—without trial by jury.

Mr. TALMADGE. Without trial by jury.

Mr. SPARKMAN. Without the right to a trial by jury.

Mr. TALMADGE. I ask the Senator if he agrees with the statement which the Attorney General made, when he was testifying before the Judiciary Committee in the House of Representatives, on a related bill of this nature. He was referring to the proposal to give the Attorney General blanket injunctive power allegedly to protect everyone's civil rights.

This is what the Attorney General said:

> These difficulties point to the basic danger of relying on injunctions to control and advance the actions of local police. One result might be that the State and local authorities would abdicate their law enforcement responsibilities, thereby creating a vacuum in authority which could be filled only by Federal force. This, in turn, if it is to be faced squarely, Mr. Chairman, would require creation of a national police force.

Does the Senator from Alabama agree with that statement?

Mr. SPARKMAN. It seems to me that, so far, he is pointing in exactly the direction the proposed legislation would take.

Mr. TALMADGE. Does the Senator from Alabama feel that the creation of a national police force would be in the interest of the civil liberties of all Americans?

Mr. SPARKMAN. We have never accepted that feeling in this country. Some of the features of the Soviet Government, the German Government under Hitler, and the Government in Italy under Benito Mussolini, related to the creation of a national police force and the use of that police force as a threat against the rights of citizens in those respective countries at all times. The Senator knows that we have often said we never wish to see the time come when a citizen of the United States shall sleep in fear during the night, fear of the knock at the door by police. We do not want a national police force. We want to be left to enjoy our liberties as secured to us under the Constitution of the United States.

Mr. TALMADGE. Is the Senator familiar with the enabling act that was passed by the German Parliament, or the Reichstag, I believe it was called, in the year 1933 or 1934?

Mr. SPARKMAN. I am not sure to what the Senator refers.

Mr. TALMADGE. That was the act of the German Parliament which conferred upon Adolf Hitler the power to govern by decree or edict.

Mr. SPARKMAN. That is correct.

Mr. TALMADGE. Does not this proposal in some respects approach a similar granting and delegation of absolute power?.

Mr. SPARKMAN. The Senator is correct. In the remarks that I made several days ago, I stated that this moved very far in the direction of changing our form of government from a government of laws, as we have always thought of it, to a government of men, something we have always sought to avoid in the past. The Senator is correct.

Mr. TALMADGE. Would not the first embodiment of the due process of law principle, as in the Magna Carta, be repealed by H.R. 7152, if it became law?

Mr. SPARKMAN. Magna Carta states that every man accused of something wrong shall have the right to have it determined by a jury of his peers. This bill, if enacted, would repeal a great deal of that principle.

Mr. TALMADGE. As to title I of the so-called civil rights bill, which deals with the right to vote, does the able Senator know that we have on the Federal statute books at the present time 6 criminal laws guaranteeing the right to vote, and 9 civil provisions, making a total of 15 laws which guarantee and protect the right to vote?

Mr. SPARKMAN. The Senator is correct. In the remarks I made several days ago I tried to make the point that request was being made for additional laws when, as a matter of fact, the Government is not using the laws it already has.

Mr. TALMADGE. Does the Senator know of any right that has been so fully and absolutely protected by Federal statute as the right to vote?

Mr. SPARKMAN. I do not.

Mr. TALMADGE. Does the Senator know that title 18, United States Code, section 241, is a law against conspiracy against the right of citizens to vote? Does the Senator know that title 18, United States Code, section 242, is a law against the deprivation of rights under color of law? Does the Senator know that title 18, United States Code, section 594, is a law against intimidation of voters? Does the Senator know that title 18, United States Code, section 595, is a law against the interference by administrative employees of Federal, State, or territorial governments? Does the Senator know that title 18, United States Code, section 597, is a law against expenditures to influence voting? Does the Senator know that title 18, United States Code, section 601, is a law against deprivation of employment or other benefit for political activity?

Mr. SPARKMAN. The Senator has given a correct recital of the various statutes in this field.

Mr. TALMADGE. Does not the Senator believe that that is adequate criminal law to guarantee citizens the right to vote?

Mr. SPARKMAN. It seems to me to be.

Mr. TALMADGE. That is 60 percent of the Ten Commandments. When we add the other nine provisions, which are civil provisions, we have 15 laws protecting the right to vote, which is 5 more than the Ten Commandments. Is that correct?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. Does the Senator believe we need any additional legislation to guarantee the right to vote, which is already protected by 15 laws?

Mr. SPARKMAN. I do not believe we do. As I said a few moments ago, full use has not been made of the laws which are now on the statute books.

Mr. TALMADGE. I thank the able Senator for yielding to me. I compliment him for his able and eloquent responses to the questions I have propounded to him.

Mr. SPARKMAN. I appreciate the participation by the Senator from Georgia. He has brought out some very useful points.

Mr. McGOVERN. Mr. President, will the Senator yield for a brief comment?

Mr. SPARKMAN. I shall be glad to do so, if I may, without losing my right to the floor. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, the distinguished Senator from Georgia, who has carried on the colloquy with the Senator from Alabama, is one of the recognized students of history in the Senate, and a keen student of the history of our country, as well as of international affairs. For that reason, I was somewhat surprised to hear him draw a parallel between the civil rights bill which we are now discussing and the tactics that were used in Nazi Germany by Adolph Hitler.

It has always seemed to me that the greatest single crime that Mr. Hitler perpetrated on mankind was his abuse of a minority group within his country, when he carried his doctrine of racism to the degree that he virtually exterminated an entire group of people in Germany.

It seems to me that the bill attempts to do just the opposite; namely, to use the authority and power of government, not to punish a minority group, not to punish our citizens, but to see to it that every citizen in the country is respected as a dignified individual and given his equal rights under law.

Does not the Senator believe that this is the basic purpose of the bill, and that, far from being in the tradition of what Mr. Hitler tried to do, it proposes that the Government move in exactly the opposite direction?

Mr. TALMADGE. Mr. President, will the Senator from Alabama yield to me, without losing his right to the floor?

Mr. SPARKMAN. I am glad to do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. The point I was making in the recital of the historical process is that people have lost their liberties traditionally, from time immemorial, from the dawn of civilization to the present time, by action of government.

Hitler was the government of Germany, and Hitler deprived the people of Germany of their rights. Hitler could have guaranteed and preserved their rights if he had seen fit to do so. But the Reichstag, the legislative body of Germany, delegated extraordinary powers to Hitler, and he abused those extraordinary powers. The point the Senator from Georgia is trying to make is that we cannot trust any government to be the guardian of the rights of the people. The people must be protected from abuses by the government, from tyranny of the government, and from oppression by the government.

The bill goes far beyond anything Congress has ever done heretofore. It does not restrain the power of the government, but delegates additional powers to the government. It is the opposite of the Bill of Rights. It is the opposite of the Magna Carta. It goes against the lessons of history, which teaches us that we must deny government the power to do these things. Yet we are asked in the bill to grant the government this vast power in order that the government may utilize it to protect the rights of the people. How do we know that it will do so?

Mr. McGOVERN. We all recognize that it is possible for governmental power to be abused. There is no question about that. But there are also many constructive things that we have been able to achieve in this country as a democratic society because we have been willing to work through instrumentalities of government.

A good many of the most valuable programs that have been of assistance to the State of Georgia, the State of Alabama, and the State of South Dakota, and to all our people have been made possible because Congress has recognized the needs of our people, and sometimes the changing needs of our people; and we have responded with legislative action after debate and discussion with programs that we decided were in the public interest.

It seems to me that the Senator is on rather thin ground when he points to the abuse of power in Nazi Germany, which was really an abuse of the equality and dignity of a human being.

Mr. TALMADGE. But the abuse was done by the government.

Mr. McGOVERN. Yes.

Mr. TALMADGE. The Senator from Georgia is trying to draw that parallel. The Senator from South Dakota would grant the government that power on the theory that it would prevent abuse. I say it would curtail the right of Congress to control the exercise of that power. The power would be vested in the executive branch of the Government, and the executive branch of the Government could abuse that delegation of power. The only way we can protect the liberties of the people is to protect the people from their Government. That has been historically true. Of course, I am not saying that every action of government is bad. The Senator and I are in accord on many legislative proposals which come before the Senate.

However, if we make the Attorney General the guardian of the citizens of America, on the assumption that he is going to make everyone free, and if we make the Attorney General the czar or the guardian of civil rights of all the people, it would be within his power to deny the people their liberties.

Mr. McGOVERN. I wish it were possible for all our citizens in this country to be treated equally in the eyes of the law.

Mr. TALMADGE. They are. The Constitution guarantees that right, and it is enforcible in the courts.

Mr. McGOVERN. Unfortunately, some citizens have not been able to enjoy the rights that are guaranteed under the Constitution. That is the purpose of the proposed legislation. I recognize the points the Senator makes about the possible abuse of power. There is a difference of opinion between us as to whether the bill represents such an abuse.

Mr. TALMADGE. The bill would deny constitutional rights that are firmly granted to all citizens now. Every American citizen has the same right before the law as every other citizen. But he does not have the right to be granted preferential treatment under the law to the exclusion of the rights of other citizens. The Attorney General should not be made the arbiter, the czar, the controller of everyone's civil rights. That is what the bill proposes to do.

Mr. McGOVERN. I thank the Senator from Georgia.

Mr. TALMADGE. I thank the Senator from South Dakota for the colloquy. I thank the Senator from Alabama for yielding to me.

Mr. SPARKMAN. Mr. President, I enjoyed the colloquy with the Senator from Georgia and the Senator from South Dakota. I realize that sometimes we encounter the possibility of misunderstanding when we make a comparison with a government such as Hitler's or Mussolini's, or that of the Soviet Union.

The point the Senator from Georgia was making, as I understood it, was that when individuals are restricted in such a way that they cannot enjoy rights that are guaranteed to them under the Constitution, we are moving into a field of tyranny.

Furthermore, when extraordinary powers are given to the Attorney General, or to any other individual or to any agency of Government, to control the actions and the lives of individuals, to bring injunctions against them, to make charges against them, to accuse them of wrongdoing, and then to deny to them the right of trial by jury, we are taking away rights that are guaranteed by the Constitution and have been handed down to us in the Anglo-Saxon world ever since 1215 when, as the Senator from Georgia stated, the barons wrung the Magna Carta from the hands of King John at Runnymede. Another thing which I believe we need to watch carefully in this country is the tendency to shift from a government of laws to a government of men.

We have boasted so often that that is what differentiates us from many of the great governments in the world. We have a written Constitution. That is the reason why our forebears insisted upon the first 10 amendments to the Constitution, the Bill of Rights, as security to the people of their normal rights as citizens of the Republic. We should carefully guard those rights. I believe that every person ought to enjoy the rights guaranteed under the Constitution. I should like to see every person have an equal opportunity to the good things in life. But I know that the time will never come when everybody will have an equal opportunity to enjoy those things.

We often confuse the enjoyment of opportunity with rights that are secured to us under the Constitution. That is one of the dangers of the bill. There has been no opportunity to have it examined carefully by a committee of Congress, analyzed by witnesses who would appear before that committee, or to have it changed in the process of writing or rewriting the bill while it was in committee.

One of the great objections I have to the bill is the method by which it is sought to be brought up. I object strenuously to handling important legislation, and particularly complex, complicated legislation such as this, without going through the committee process.

This situation is highly unusual. It is bound to create problems in the event the bill becomes law. A failure to allow Senate committee hearings means that the debate will require more time on the Senate floor.

In a sense, the Senate is having to act as a committee. Acting in this capacity, we do not even have the opportunity of allowing witnesses to testify directly to Senators in the manner in which it is done in committees. We can, of course, act as witnesses in behalf of others who have worthwhile points to develop. Certainly, I intend to introduce here before this body every germane and worthwhile utterance made in opposition to this bill that I can possibly locate. This will require time, of course, but it will not be extremely difficult because the bill is so vulnerable to attack, and is being so widely attacked.

I am sure that by this time many who went into this debate, dedicated to the various H.R. 7152 proposals, are shaken in their judgments. They are shaken by what they have heard here, and yes, they are shaken by what they are hearing from back home.

These voices from the precincts are growing louder. They are growing stronger and their number is increasing. I feel certain that as we go more into this bill, the effect of these voices will be felt.

The Senate could, to some extent, avoid adverse precinct reaction by allowing this bill to go before the committee. There the voice of the American people could be heard. The public pulse could be taken and perhaps a bill not quite so harsh could be placed before this body.

I began last week a title-by-title attack on this bill. I began citing the dangers inherent in legislation not having the privilege of Senate committee hearings. I had covered titles I and II by the time the leadership agreed to recess. At this time, I move on to title III.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

Title III of H.R. 7152 deals with discrimination relative to so-called public facilities. The bill includes any facility owned, operated, or managed by or on behalf of any State or any of its subdivisions. Public schools and colleges are specifically exempted from the definition. Because the Federal courts in a series of cases have held such facilities subject to the prohibitions of the 14th amendment, this provision adds little to existing law in this respect.

The real object of this title is to vest new and elaborate powers in the Attorney General of the United States. It would enable him to bring civil actions to desegregate so-called public facilities.

Let me point out something that is characteristic of a good many sections of the bill. They look rather innocuous on their face. They purport to do something. They go under the guise of protecting a right. In this particular section, provision is made for actions by the Attorney General, and this should be borne in mind.

That illustrates again the point I made a few moments ago about the trend toward government by men, rather than government by law. Furthermore, there is something else. I said it purports to go under the guise of protecting a right. But, at the same time, in doing that, it hides the fact that it is overriding other rights—other civil rights—that are guaranteed by the Constitution.

Mr. STENNIS. Mr. President, at this point will the Senator from Alabama yield?

Mr. SPARKMAN. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. A finer or stronger point could not be made by the Senator from Alabama. No one wishes to deny individuals their rights. But is not the bill full of raw, naked power; and to carry out the provisions of the bill, would not the Attorney General or some other enforcement officer have to knock down, right and left, the rights of many other individuals? Is not the FEPC title a perfect illustration of that?

Mr. SPARKMAN. Yes.

Mr. STENNIS. Does not the Senator from Alabama find that fundamental defect throughout the bill?

Mr. SPARKMAN. Yes.

Mr. STENNIS. It is misnamed a "civil rights bill"; instead, it would destroy more rights than it would protect; would it not?

Mr. SPARKMAN. Yes.

A few moments ago I said that the Bill of Rights in the Constitution is really the civil rights bill. It guarantees to the individual citizens their rights. That statement of civil rights in the Constitution guarantees, for example, the right of privacy—privacy in their papers and letters and in their homes and in the enjoyment and use of their private property. Yet I submit that under various of the titles of this 11-title bill—it really is an omnibus bill; really, it is 11 bills brought together in one——

Mr. STENNIS. In one bundle.

Mr. SPARKMAN. Yes—in various provisions of this omnibus bill, the right of privacy and, certainly, the right to the use of private property are sought to be destroyed under the guise of securing some other right.

Mr. STENNIS. Mr. President, will the Senator from Alabama yield further to me?

Mr. SPARKMAN. I yield.

Mr. STENNIS. Is not one of those major rights, too—and of course it is a basic right which applies to all people—the right to earn a living and to get ahead and to invest one's savings in an enterprise of some sort—whether a profession or a skill or a small store or restaurant—and, by that means, to earn even more, and to rear a family, and to send one's children to school—all of them basic rights; and one of the principle ones is the right to earn a livelihood—to earn a living for himself and his family. But would not this bill invade all those basic rights?

Mr. SPARKMAN. Certainly it would; and the Senator from Mississippi has well stated one of the basic strengths of our country, one which all of us recognize has, over the years, contributed in a most important way to the greatness of our country. He knows, of course, of my interest in small business—just as he is interested in it. My interest in it also stems from the fact that I serve as chairman of the Select Committee on Small Business. It has been a great pleasure to me to study the small business problems and the small business complex throughout the country.

I have seen many such companies at their very beginning—at the time when they started with only one individual, or when one of them was started by a man and his wife, after they had saved a little nest egg of a few hundred dollars, and put it into the business. As the children grew, perhaps they were brought into the business, so that it became a family enterprise; or perhaps some of the neighbors were brought into the business. We have seen many of them develop into big businesses.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Once there came before the Banking and Currency Committee a witness who was an official of General Motors Corp., one of the giant corporations of the entire world. I asked him a question about small business, and he replied:

> Senator, I want you to know that I am a genuine and typical small businessman. It is true that I am now connected with a very large organization, but it developed by bringing together several small businesses; and throughout the years they grew and grew and grew.

I have seen small businesses in my own State grow into big ones. It is a pleasure to observe that development. I have often said that the real essence of the American free enterprise system is the opportunity for every person to venture into some business, and to operate it as he chooses, as best he can, and to make a profit from it if he can, and to use the profit to expand the business, and to have it grow and grow and grow; and finally to have it become a big business, if he wants it to. I think that is typically American; and certainly I agree with the implication of the remarks of the Senator from Mississippi that this bill contains provisions which invade the rights of such typical small businesses and the right of the citizens to use their private property in a way that will help them develop their businesses or their property.

Mr. STENNIS. Mr. President, I thank the Senator from Alabama for yielding to me. Will he yield in connection with one further point?

Mr. SPARKMAN. I yield.

Mr. STENNIS. The right he has mentioned is employed and enjoyed by people of all groups, in all parts of the country, if they will work and dig in.

Mr. SPARKMAN. Yes.

Mr. STENNIS. Is it not true that those who have taken advantage of that principle and that opportunity comprise our great so-called middle economic class, which in our very prosperous Nation is the bulwark of our free-enterprise system, and is a group which is constantly growing?

Mr. SPARKMAN. That is true. But that part of our citizenry is lacking in so many of the countries we try to help. There is difficulty in stabilizing their economies and their governments if a strong middle class is lacking.

Mr. STENNIS. Yes.

A year or two ago I met a colored man I had not seen for a long time. I said to him, "When I was a boy, my father told me you were the best cotton farmer in Kemper County"—a county in which cotton is extensively grown.

He smiled and said, "Maybe so."

I said, "I'll bet you now have a lot of land."

He smiled again, and said he had 400 acres, 10 or 12 mules, and 2 or 3 trucks.

Mr. SPARKMAN. As the Senator from Mississippi knows, many of our wealthiest farmers are Negroes; and the same is true in the business community there. Many of the Negroes have made a great success. Of course, the Senator from Mississippi knows something of the success they have made in various undertakings. In my State there are Negro millionaires; and in Atlanta, some of the largest organizations and businesses to be found anywhere are headed by Negroes; and the same is true in the Carolinas; and I am sure the same is true in Mississippi.

Mr. STENNIS. If I may make a further comment in regard to the colored man I mentioned a moment ago, he said to me—and I say this because this afternoon I discussed the salaries of teachers in Mississippi: "In addition to my cotton, I have really hit the jackpot now, because my second wife is a schoolteacher."

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SPARKMAN. I am glad to yield to the Senator from Montana, who told me today about some of the Confederate history and connections in the great State of Montana.

Mr. METCALF. The Senator is correct. The great State of Montana was founded by people who came out of the Confederacy at the end of the War Between the States. My own hometown of Helena is on Last Chance Gulch. Last Chance Gulch is named Last Chance because four men from Georgia said, "This is our last chance before the winter sets in to strike gold." They made one of the richest gold strikes in the history of the United States.

Confederate Gulch is the richest gold strike that has ever been made.

Virginia City is named after the wife of Jefferson Davis, and so forth.

We in Montana owe a great deal to the people from the Confederacy.

The Democratic Party in Montana has grown up because of those people.

I wish to go a little further back, if the Senator from Montana will yield to me for a moment.

Mr. SPARKMAN. I am happy to yield.

Mr. METCALF. I can remember reading Chaucer. Even the Lady of Bath had a right under the English common law to go into an inn or tavern. That is a right that has come down through the common law long before our country was discovered; even long before Columbus went to see Queen Isabella and said, "Give me your jewels and let me go over and see what I can find";

and long before Jamestown, Plymouth Rock, and all the other discoveries.

One of our traditions under the English common law is that if a citizen, black, white—or even the Lady of Bath—is traveling down the highway, he or she has a right to go into an inn and be taken care of.

In Montana we still have that right, even if we have the tradition of the Confederacy. Anyone may go into a motel or a restaurant. Rather than being an affront to small business, it is one of the laws that a businessman feels protects him.

As a lawyer, I would enter an objection that the point is immaterial, irrelevant, and incompetent. It is not one of the things that we should be discussing in a bill.

I should like to have the comment of the Senator from Alabama on that subject.

Mr. SPARKMAN. Unfortunately, the Senator from Montana was not present when I made the statement that I did.

Mr. METCALF. I just came into the Chamber.

Mr. SPARKMAN. I realize that. I pointed out that the particular title which I am discussing, title III, is made to appear rather innocuous. But I pointed out the unusual powers which would be given under that title to the Attorney General. I brought out the fact that there was a trend toward government by men rather than government by laws. That is the point which I was really making.

I am sure that the Senator from Montana would agree with me that we do not want to see the time come that we have government by men. We wish to keep our Government a government of laws.

I made the statement—and that is really what provoked the discussion between the Senator from Mississippi and myself—that the real basic civil rights in our Government are to be found in the Bill of Rights—the first 10 amendments to the Constitution.

Mr. METCALF. And in the common law and the Constitution itself.

Mr. SPARKMAN. Yes; in the Constitution itself. When the Revolutionary War came to an end and our forefathers got together and started to talk about setting up a government of some kind, there was a great deal of wrestling, rangling and hasseling. They had a difficult time in reaching decisions. They had one common objective, and that was to insure against tyranny and to insure the rights of individual citizens against tyrannical power. That is what they were trying to do.

They tried for some time to form a government under the Articles of Confederation. The Articles of Confederation comprised a fine statement of the rights, and particularly of the transgressions of those rights, as set forth in the Declaration of Independence.

Our forefathers then concluded that because of the looseness with which the Articles of Confederation had been drawn, they could not make a go of it. They then started to amend the Articles. But in amending them, they wrote a new document—the Constitution of the United States.

After drafting the Articles of Confederation, they went home. But people began to say, in effect, "There is nothing in the Articles of Confederation to tell us that we can be free of tyrannical rule by governments, and particularly by the State governments."

It was made clear in the original Constitution, and was confirmed in the 10th amendment, that the only powers which the Federal Government had were powers that were delegated by the several States, and all other powers were retained and remained in the individual States. So the people began to read the document, and they said, "There is no guarantee to us against tyranny, particularly on the part of the State governments."

Mr. METCALF. It was the great Jefferson, among others——

Mr. SPARKMAN. Jefferson, Madison, Mason, and many others.

Mr. METCALF. Over in France, Jefferson said he would not agree to the Constitution without a bill of rights.

Mr. SPARKMAN. Considerable opposition developed. They had to form an organization. The Senator will remember the great series of letters which were written. For example, there were the Federalist Papers, which were written during that time by our leading statesmen, including Madison, Hamilton, and others, in order to convince the people as to the rightness of the Constitution. But even then the opposition remained so great that the framers of the Constitution had to promise that they would agree to the Bill of Rights if the Constitution was ratified. The Constitution was ratified.

One of the first acts of the first session of the Congress, was the adoption of 10 amendments en bloc. They became the Bill of Rights. They were the ones that provided that private citizens shall be safe and secure against the tyranny of government—State governments primarily—because the Constitution itself had taken care of the Federal Government.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. METCALF. Does the Senator from Alabama believe that when Jefferson was in France contending for the passage of the Bill of Rights in the first 10 amendments he was trying to offset the traditions of the common law of England that provided that an innkeeper or a tavernkeeper had to admit anyone who knocked on his door?

Mr. SPARKMAN. I do not argue that point. I am not prepared to argue the point.

All I am saying is——

Mr. METCALF. I remember basic common law.

Mr. SPARKMAN. What I am saying is that the first 10 amendments were written in a plain and succinct manner to show that there were certain basic rights that governments could not transgress, and they were guaranteed those rights. It was because everything was written down, put in black and white, in the Constitution that governed and controlled, that we became known as a Government of laws, and not of men.

I repeat the point that I made. I think one of the worst things about these bills—because there are actually 11 bills in the omnibus bill we are asked to treat as one bill—is that there are more instances than one in which there is a trend toward government by men, rather than by laws.

I had mentioned this point as one of them. The Attorney General is given the right to bring actions. In several different places, he is given the power to bring actions, to seek injunctions, and to make accusations. He could do things that a citizen would not be entitled to rebut before a jury of his peers—something that has been guaranteed to him ever since 1215.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. Yes.

Mr. STENNIS. Our friend from Montana, able and fine lawyer that he is, brought in the question of the tavern keeper being required, under the old common law, to accept guests. The Senator from Mississippi vaguely remembers some common law along that line.

Was not the reason for the law that it would perhaps be a day's journey to the next inn, and it was a matter of necessity and survival that the man be given food? Now there is an altogether different situation. It was a public utility then, but there is a changed situation now, and there are restaurants, motels, and hotels, across the street.

Mr. METCALF. Not always.

Mr. STENNIS. There may be rare situations where that is not so, but no one would be injured or hurt substantially or seriously in any way.

Mr. METCALF. Will the Senator yield for a comment?

Mr. SPARKMAN. May I interject this thought? This is not completely relevant, but when I was growing up, I lived on a farm in the country, a good distance from town. There was a road that ran near our place from the town to the eastern end of the county. There was another road that ran in the other direction, near our house. I remember that as a boy any traveling stranger who reached there about nighttime and knocked on our door would be admitted to our house. We felt it was our duty. That was harking back to the rule to which the Senator from Mississippi referred. I can remember when farmers in the eastern end of our county would bring cotton into town to sell. It was too far to make the trip back and forth in a wagon in 1 day. They would sell their cotton downtown, and nearly always some of them would stay at our house and some would stay at a neighbor's house. That was harking back to a condition that used to exist, but which no longer exists.

Mr. STENNIS. That was the point of the Senator from Mississippi.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. METCALF. Is it not ironic that the millionaire Negro the Senator from Alabama was talking about can drive down the road in his Cadillac, see a sign of "vacancy" at a motel, and go to the office and, because his skin is black, be told he cannot get in; whereas another man can drive along in his 1950 Ford, drive up to the same motel, though he may be a criminal, or a drug addict, or a person evading the law, and, because his skin is white, be accepted?

Mr. STENNIS. And perhaps not.

Mr. METCALF. He may or may not be. The problem is that these people should be accepted whether they are black, foreign born, illiterate, rich, or otherwise, on the basis of the old traditions and the old common law, because perhaps a little farther along the road he will not have an opportunity. The next inn may be filled. The next tavern may be occupied.

That is all we want to do under this bill.

Mr. SPARKMAN. It is not all that it does. In carrying it out, the Attorney General would be given the unusual powers to which I referred.

Let me say, in all sincerity, that I believe one of the real dangers throughout the whole bill, in many different provisions, is that powers are given to officials and agents of the government to do things, instead of having them prescribed by written law.

The real "hooker" in this title will be found in section 302. Although this title, as already noted, deals with public facilities, and expressly excludes educational institutions, section 302 would grant the Attorney General leave to intervene in "any court of the United States" in cases seeking relief "from the denial of equal protection of the laws." This phrase, of course, encompasses much more than public facilities, specifically school desegregation cases which are eschewed by the immediately preceding section. In effect, section 302 is a modified part III which was rejected in 1957. When this power is coupled with that he already possesses in the area of voting and that which is authorized in titles II, public accommodations; III, public facilities; IV—schools; it becomes apparent that the Congress is being asked to legislate indirectly the discredited part III of the 1957 proposal which was defeated in the Senate and disowned by President Eisenhower himself, who had originally submitted it to Congress for approval.

In brief, the sole purpose of this title is to augment further the powers of the Attorney General. This would enable him to make available to any litigious person the full force of the Nation's legal arm at public expense. Here again, an accused might eventually be subject to criminal penalties without benefit of jury trial.

If there is anything that irks me in this or any other proposed legislation, it is the attempt to bring a citizen into a position in which he is accused of a crime and cannot avail himself of the right which has been guaranteed through centuries of Anglo-Saxon justice; namely, the right of trial by jury. This proposal would do that.

Mr. METCALF. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. METCALF. There are dozens of cases in America in which people are adjudged guilty of contempt of court, and the Supreme Court has held—not only the present Supreme Court of which the Senator from Alabama does not approve, I take it—but many courts including the circuit courts all over America, that these are not violations of the traditional jury trial provisions incorporated in our Constitution, but merely a continuation following those decisions that have been held constitutional time and again; is that not correct?

Mr. SPARKMAN. The Senator is correct. I recognize that there are certain types of contempt citations.

By the way, this question arose a few years ago—I do not know whether it was in 1957 or in 1960—when title III was under discussion, and I made an extended speech on the subject of the right of jury trial.

Mr. METCALF. I believe in a jury trial.

Mr. SPARKMAN. All these cases drew a distinction. I still may have a copy of that speech; and I shall be glad to send a copy of it to the Senator tomorrow to read.

Mr. METCALF. I shall be delighted to read it, but before this debate is over I am sure the Senator from Alabama will make that speech again.

Mr. SPARKMAN. I recognize the type of contempt citation to which the Senator refers; but at the same time I differentiate between those and the criminal citations, under which a person can be convicted and given a penalty for conviction of a criminal offense without ever being given the right to submit his case to a jury. If I can find a copy of the speech to which I have just referred, I shall send it to the Senator.

Mr. METCALF. I shall be delighted to read it, but I cannot sit here and have the Senator from Alabama point out that this bill would deprive a person of his right to a jury trial in violation of the Constitution, without calling his attention to the fact that this question has been settled in case after case, before court after court, year after year, ever since the Constitution was adopted.

Mr. SPARKMAN. If I can find a copy of that speech on citations, I hope the Senator will do me the honor of reading it.

Mr. METCALF. I shall be delighted to receive it, and I shall read it.

Mr. SPARKMAN. I discussed this subject in that presentation.

Mr. President, when we get into the maze that is this bill, and the sweeping measures that constitute its various titles, it is almost impossible not to be repetitive. I noted, in reading the House debate, that the proponents of the bill indulged in much repetition and reiteration, insisting again and again that the changes proposed were not substantive, that title III, for example, confers no new powers on the President or the Attorney General or makes any substantive change in the law of the land.

I simply cannot agree that this is true. Title III does give the Attorney General new powers and new duties. It does increase the powers of Federal employees to get into more areas of life back in our smallest towns and villages as well as in metropolitan centers, and its effect will be to divest local and State officials of their long established authority to operate local institutions.

It will saddle the Attorney General with the responsibility for involving his office into all manner of local, picayune matters.

It is well to remember that this title was not in the original Kennedy bill.

It is well to remember that a similar title III was rejected by the Senate in 1957. It was not desirable then. It is not desirable today.

And certainly it is important that the present Attorney General of the United States, whom no honest person can accuse of being soft on this issue, has said that he does not want this title. The Attorney General urged the full committee on the House side to eliminate title III.

The Attorney General did not ask for it. He did not need it. He did not want it. Furthermore, he asked the House to take it out of the bill.

His reasons were good.

He said that the broad provisions of title III might involve the Attorney General in State criminal proceedings, in censorship proceedings against movies, plays, or books, in church-state relations cases, in cases concerning alleged violations of freedom to worship, free speech, or the freedom of the press. The Attorney General cited other matters which title III might invite the Attorney General to enter, and he by no means exhausted the list of possibilities.

Under title III, the Attorney General would be empowered to intervene in suits of many types, far exceeding the limits of this so-called civil rights area. To do the job with any degree of success, the Attorney General's staff would have to be augmented until it equalled the staff of the Pentagon.

While I feel a little sorry for the Attorney General if the burden of title III is placed upon him, my real sympathies are with the American people, for these vast additional powers proposed to be given to the Attorney General represent a departure from the system of government we have enjoyed in this country.

I believe that any thoughtful person will have some misgivings about this proposed addition of powers to the Attorney General, enabling him not only to intervene in suits, but to initiate suits in several areas. These are in addition to his present right to initiate suits in voting cases, which was granted by the 1957 Civil Rights Act. This title will permit him to institute suits in public accommodations, in public facilities with regard to public education, and under the employment practices title.

Someone has said that this title would make the Attorney General of the United States a commissar of justice, with vast autocratic powers.

No wonder the present Attorney General, sympathetic though he may be with the general purposes of this legislation, asked the House committee to remove this title as of doubtful value and because it would place onerous new burdens on the Attorney General.

My opposition to title III is based on different ground. I do not want the Attorney General burdened with additional duties in this area, either, but this is because he already possesses dangerously great powers to invade the rights of the States, and this title serves but to increase and enlarge these powers.

So, in the case of title III, I urge upon the Senate that it take the advice of the Attorney General and throw out this title in its entirety.

If I may have the attention of the Senator from Montana, I should like to restate the fact that the Attorney General does not want this title. He did not ask for it. He said he did not need it and did not want it. He asked the House of Representatives to delete it from the bill.

Why is it here? President Kennedy did not ask for it when he submitted the bill originally. It was not in the bill originally. The Attorney General did not want it. The administration does not want it now. Why is it here?

President Eisenhower sent the bill to Congress in 1957. Before we were through debating the bill, he disowned it; he disclaimed it; he asked us to throw it out.

President Kennedy was in the Senate at that time. He knew the history of it. He did not include this provision in the bill. His brother, the Attorney General, when he want before the House Judiciary Committee, said he did not want it. The subcommittee wrote it into the bill, according to newspaper accounts that I have read. The Attorney General asked for the privilege of coming before the committee and talking to them about the bill. In the testimony before the House Judiciary Committee he said he did not want title III, that he did not need it. I ask the Senate, and I ask the people of the United States why it is here, when those who must administer the program, those who have been the most eager to do what they think is right for the protection of civil rights, say they do not want it? Why do we need it? Why are we called upon to debate it and to consider it?

Mr. METCALF. Will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. METCALF. I had the honor and privilege of serving for four terms in the House of Representatives with the fine lawyers who are members of the Judiciary Committee in the House.

Mr. SPARKMAN. Including those who wrote the minority report?

Mr. METCALF. Yes.

Mr. SPARKMAN. They are some of the finest lawyers in the House.

Mr. METCALF. I have a high regard and respect for all the lawyers on the Judiciary Committee, those who wrote the majority report, those who drafted the language of the bill, and those who wrote the minority views.

I had the honor to serve for 6 years as a member of an appellate court. Sometimes I wrote minority opinions. Sometimes I did not agree with the respected and reputable judges who wrote the majority decisions. That does not mean that they were not able and competent.

Mr. SPARKMAN. The fact that we have divergent views and the right to express them and in most instances the right to practice them, has helped to make this country the great country that it is, a country of freedom.

Mr. METCALF. The decisions will have to be made in the Federal courts of law. The Attorney General is not the Congress of the United States. Whether the Attorney General comes to Congress and says, "I want something," or "I do not want it," when the Judiciary Committee of the House of Representatives says that these matters should be a part of the basic policy, and when the House of Representatives by a vote of 2 to 1 says that these are matters that should be under the jurisdiction of the Attorney General, it is the duty of the Attorney General to enforce the law.

Sometimes the Attorney General comes before Congress and says, "We do not need this law, we can go ahead without this law." That is not controlling.

For example, must we write into the bill that every time a person is tried he must be tried by a jury? Is the Senator from Alabama suggesting that? No. We need not write that into the bill, because unless there is a provision that a person shall be committed for contempt, he will have a jury trial.

We do not have to provide in the bill that no one shall commit murder in a schoolhouse where Federal money is involved. It is basic law.

However, if we feel that we should write things into law, as the House Judiciary Committee had the right to put this basic principle into the law, and as the House of Representatives felt it should be put in the law, at most it is a redundancy to put it in.

Mr. SPARKMAN. As the Attorney General has pointed out, it would overload his office. As I pointed out earlier in the day, in many instances—not in this instance—where three-court judges are provided for, with so many cases before the district court judges, this would only add to the terrific backlog of cases in the courts.

There are a great many courts in this country—and I am sure the Senator is aware of this—in which cases put on the docket today may not be reached for trial for months, or even years.

I am sure the Senator recalls the old saying, with which I am sure he is sympathetic, that justice delayed is justice denied. As the Senator from Mississippi said earlier in the day, that is particularly true with the great mass of people who find themselves in court, the little people, who cannot maintain a lookout, or maintain defenses, and keep in touch with witnesses, and things of that kind, during the long delays in getting to trial.

The composite effect of these 11 bills in 1 would be to build up a tremendous load in the district courts, and also in the circuit courts, because if we provide for a 3-man court, we must have 1 member of the circuit court sit on that court.

I believe the Attorney General had practical reasons for not asking for this provision. It is his department which would have to enforce this particular title. He said he did not want it. He pointed out that President Eisenhower, who initiated this provision back in 1947, disowned it in a hurry.

The Senate voted it down. President Kennedy, when he sent the bill to Congress, did not include it in the bill. The Attorney General came before Congress and said he did not want it. He said he did not need it. He said he would have great difficulty in administering it.

So I say to the Senator from Montana and to the Senator from Minnesota that I believe, just as title III was dropped in 1957, it should be dropped again.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. METCALF. I must confess that I cannot follow the logic of the Senator from Alabama.

Mr. SPARKMAN. That is one of the rights of American citizens.

Mr. METCALF. One of the rights of colleagues on the floor. It seems to me that to say that we are not going to have a bill to give equal justice to all people in America because it would clog up the courts, because it would place an additional burden on the circuit and district courts, is no reason why equal justice before the law should not be granted to the citizens of America. If it cannot be granted, Congress should pass legislation to grant it. If the courts cannot handle the cases, Congress should provide additional judges to do that work.

Mr. SPARKMAN. I thought the Senator was about to say that Congress should enact another law. Fifteen different laws relating to voting are now on the books.

Mr. METCALF. If it is necessary to give equal justice to all the people of America, let Congress pass 15 more laws.

Mr. SPARKMAN. As I said the other day, full use is not being made of the voting laws now on the statute books.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HUMPHREY. I placed in the Record last week a report of the Department of Justice with respect to cases that are presently in court, and also the number of cases that have been tried in court and have been settled.

All that is sought to be done by title I of the bill is to expedite voting cases.

Mr. SPARKMAN. By cluttering up the docket?

Mr. HUMPHREY. No; special courts could be designated under the bill. Three-judge courts can be established.

Mr. SPARKMAN. That is just the point I made a few minutes ago. Surely, three-judge courts could be established; but when that is done, the work of two district judges and one circuit judge is stopped. It would result in more and more clogging of a docket which is already logjammed.

Mr. METCALF. When someone commits a crime, that stops the other work of the court. When someone files a complaint in a civil suit, and the case comes to trial, that stops the other work of the court.

Mr. SPARKMAN. That is what courts are for.

Mr. METCALF. Exactly.

Mr. SPARKMAN. Let the courts take care of the cases they are supposed to handle, instead of clogging the dockets with cases to be tried by three-judge courts.

Mr. HUMPHREY. The easiest way to dispose of the situation would be to provide equal voting rights under the nondiscriminatory provisions. No Senator will ever deny that there has been discrimination in terms of voting. The record is replete with such cases. The only question I have ever heard is, How is it proposed to remedy the situation?

Mr. SPARKMAN. I am sure the Senator will agree with me that much progress has been made in the last few years.

Mr. HUMPHREY. Yes; but I am at a loss to understand how people can ever justify denying the right to vote. Of all the cases that ought to come to court first, it is a case involving the basic citizenship right, the right to vote. The bill provides that when there is a voting case to be tried, it shall receive priority. By establishing a three-judge panel, the court of appeals would be eliminated. The appeal in a voting case would be directly from the three-judge panel to the Supreme Court.

Mr. SPARKMAN. That is a typical three-judge court case. But it takes away from their benches two district judges and one circuit judge.

Mr. HUMPHREY. If more judges are needed, Congress ought to authorize them. There is no excuse for denying a person the right to vote.

Mr. SPARKMAN. There is no excuse for denying a man an early determination of his rights in court.

Mr. HUMPHREY. That is correct.

Mr. SPARKMAN. The Senator knows that that is true today.

Mr. HUMPHREY. I should say that we possibly need to strengthen our judicial structure by providing additional district judges in certain judicial districts. If that is necessary to protect voting rights, it ought to be done. I believe most Senators would agree with me that the most compelling provision of the whole bill is title I. I know the Senator from Alabama has always supported, unqualifiedly, the voting rights of the people. It is merely a question of how that result is to be accomplished. I think that provision in the bill is a forward step.

Mr. SPARKMAN. I really was not speaking of title I and had not spoken of it in my speech tonight. I mentioned it simply because the subject of a three-judge panel had been brought up.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. METCALF. It seems to me that the provision for the three-judge court would really save the time of the court; otherwise, the case would have to go before a single judge of a district court, then to a panel of at least three judges in a circuit court, and, in the normal process, to the Supreme Court. If the case is sent immediately to a three-judge panel, not only will the time of the litigants be saved, but the time of the district court, the time of the Supreme Court, and appeal time in general will be saved.

Mr. SPARKMAN. I really was not discussing title I today. I was discussing title III.

Mr. METCALF. I understand.

Mr. SPARKMAN. I may say to the Senator from Minnesota that I had just mentioned to the distinguished Senator from Montana, who has been acting majority leader, that this is a very convenient breaking point in my talk. I understood that it was about the hour it was expected to conclude the session. I am ready to conclude.

Mr. HUMPHREY. The Senator is correct; it is about time to conclude.

Mr. SPARKMAN. This is my second speech on the pending motion. Therefore, I am not eligible to speak again.

Mr. HUMPHREY. I am sorry about that, because the Senator always speaks well and speaks wisely.

Mr. SPARKMAN. There is a great deal which I have not yet said. I shall probably say it if and when the bill comes up.

Mr. HUMPHREY. The Senator made such a wonderfully inviting remark then that I am moved to say that whatever he wants to recommend in terms of a recess is more than desirable and more than pleasing. Did I correctly understand the Senator to say, "When the bill is taken up?"

Mr. SPARKMAN. If and when.

Mr. HUMPHREY. I did not catch the word "if." I am sure the Senator meant "when" the bill is before the Senate.

Mr. SPARKMAN. If and when.

I yield the floor, Mr. President.

RECESS TO 11 O'CLOCK A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I first wish to thank the Senator from Montana for his wonderful cooperation. I also wish to thank the Senator from Alabama for his cooperation.

If there is no further business to come before the Senate, I move, pursuant to the order entered on March 19, 1964, that the Senate stand in recess until 11 o'clock tomorrow.

The motion was agreed to; and (at 7 o'clock and 56 minutes p.m.) the Senate took a recess, pursuant to the order entered on March 19, 1964, until tomorrow, Saturday, March 21, 1964, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate March 20 (legislative day of March 9), 1964:

DIPLOMATIC AND FOREIGN SERVICE

Henry L. T. Koren, of New Jersey, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

SENATE

SATURDAY, MARCH 21, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God: This sacred altar at which we bow at the very threshold of the day's deliberations is the witness of our weakness and the contrite confession that in Thee alone is the answer to our needs.

Our hearts grow faint in the dust of our foolish pride. The arm of flesh but fails us. It reaches far short of worthy goals. The cries of the crowd about us but bring us to confusion without and perplexity within.

Weary of fruitless quests and futile arguments that have not Thee in awe, we turn to Thee in the humility of prayer. Give us vision and wisdom, that by the decisions made in this Chamber Thy servants in the ministry of public affairs may have a part in making earth's crooked ways straight when, at last, social and industrial relations will lose their hard antagonisms and will become the sacred cooperation of comrades in human service.

In the Name which is above every name, we lift our prayer. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 20, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting the nomination of Dorothy H. Jacobson, of Minnesota, to be an Assistant Secretary of Agriculture, which was referred to the Committee on Agriculture and Forestry.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, breaking precedent, I ask unanimous consent that I may proceed for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 6 minutes.

THE SILVER DOLLAR—VANISHING AMERICANA

Mr. MANSFIELD. Mr. President, as a former Member of the House, I have the highest regard for its Members and its outstanding committees. Among them, none is held in higher esteem than the Appropriations Committee and its great chairman, CLARENCE CANNON, and the distinguished Virginian, the chairman of the Subcommittee on the Treasury, Mr. GARY.

I know that they and their colleagues have a profound respect for the living symbols of the Nation's traditions. I know, for example, that they have shared the national concern with the threatened extinction of the whooping crane and the bald eagle. They have done their part through appropriations to preserve these birds of America, as others in the past made the successful effort to save the vanishing buffalo. They have played their part in the preservation of the vanishing wilderness areas which link us with a pristine America.

I cannot believe that these distinguished House Members will look with a cold indifference on the vanishing silver dollar. Yet I am at a loss to place any other interpretation on the United Press International report of yesterday that the Appropriations Committee of the House had turned down a request of the Treasury Department for $650,000 to cover the cost of minting $50 million in these coins.

The silver dollar is, in its own way, as much a symbol of the frontier and of the populist tradition of the Nation as the buffalo was of the vast serenity of the empty plains. The silver dollar, moreover, is far more than a sentimentality. And it is more than an historic tradition. It is still a means of exchange in current usage and, may I say, in preferred usage in the State of Montana and, to some extent, throughout the rest of the West.

To be sure, there are arguments against the continued coinage of silver dollars. Coin collectors, for example, tend to hoard them. But I can only say that the committee's announced intention of stopping additional minting will only exacerbate this drain, to the detriment of the people who use them and to the profit of those who hoard them. It will, in short, hasten the day when the "cartwheel" vanishes from American life.

I know, too, Mr. President, that it is the committee's belief that the raw silver stocks already in the possession of the Government might best be used for silver coins of smaller denomination, for the dime or the "two bits" or the "four bits," for which there is no paper substitute as there is for the silver dollar. But, Mr. President, that seems to me, with all due respect, to be a somewhat specious line of reasoning. One might just as readily argue that since the Government has enormous stocks of paper, it ought to use some to print 10-cent or 25-cent or 50-cent paper bills.

Finally, Mr. President, I am aware that the continuously rising price of raw silver has just about reduced the seigniorage in silver dollar coinage to the vanishing point. It may, indeed, soon become profitable to melt the silver dollars down into bullion, with the result that as soon as new coins are minted, they will disappear, to emerge again as silver bowls or candlesticks. But, Mr. President, there is an answer to that. It is provided in the bill introduced yesterday by my able and distinguished colleague from Montana [Mr. METCALF], a bill now at the desk, and available for additional Senate sponsors until April 2. His bill is directly to the point, and I wish to commend him for the commonsense with which he would meet the argument against further coinage of the dollar pieces. His bill would simply authorize the reduction of the silver content in the silver dollar from 900 to 800 grams. This would in no way reduce the legitimate usage of the coin where its usage is preferred. At the same time it would meet the most persuasive argument now raised against additional mintage of silver dollars.

I would express the hope that the distinguished chairman of the Banking and Currency Committee, the Senator from Virginia [Mr. ROBERTSON], would give prompt consideration to this bill, as I know he will. At the same time, it would be my hope that the House Appropriations Committee, bearing in mind the possibility of favorable action on the Metcalf bill, would reconsider a position which, if it stands, will sound the death knell for the silver dollar. I know that neither the able chairman of the committee, Mr. CANNON, nor the able chairman of the Subcommittee on the Treasury, Mr. GARY, take joy in doing violence either to a great tradition or to the current usage of many Americans in Montana and elsewhere in the West. The bill of the Senator from Montana [Mr. METCALF] points the way to the avoidance of an arbitrary injustice. At the same time, it should answer the concern for cost to the Government which is always and properly uppermost in the minds of the members of the Appropriations Committee in the House, for the reappearance of a margin of seigniorage with the reduction of the silver content of the silver dollar may well defray most of the cost of the minting. Indeed it may even leave a margin of profit to the Government.

Mr. President, I hope the silver dollar does not follow the gold piece into oblivion.

Mr. BARTLETT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. BARTLETT. I desire to associate myself with everything the able and distinguished majority leader has said today and heretofore on this subject. I believe it important that the silver dollar be maintained in circulation.

Reference was made previously to its use in Nevada and Montana. It is still widely and commonly in use in my own State of Alaska, and I am sure Alaskans would not want to see it disappear. It is a part of the American scene.

I had not known previously of the bill introduced by the junior Senator from Montana [Mr. METCALF]; but it is my intention to proceed directly, at the conclusion of my remarks, from where I now stand to the desk, to join in sponsoring the bill.

We should keep the silver dollar in circulation; it is a part of America.

I congratulate and commend the senior Senator from Montana for supporting this good cause.

Mr. MANSFIELD. As a former miner, the distinguished Senator from Alaska knows whereof he speaks; and we welcome his support.

Mr. ROBERTSON. Mr. President, yesterday our distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], complained of the shortage of silver dollars in Montana and in other Rocky Mountain States where from time immemorial the silver dollar has been the favorite type of money, and asked me, as chairman of the Senate committee that had jurisdiction over proposed legislation relating to issuance of money, and as chairman of the subcommittee that approved funds for the operation of the mint, to do something to meet the demand for silver dollars. I promised to go into the matter as soon as other duties would permit. But while that colloquy was in progress, the House Appropriations Committee included in its report on funds for the Treasury Department a statement concerning silver dollars, in which it said that the demand for smaller coins is so urgent and of such necessity for the operation of vending machines and for merchants who needed them to make change for customers, that priority would have to be given to the minting of minor coins, and that no funds for the minting of additional silver dollars would be included in the pending bill.

Mr. President, I ask unanimous consent that there be printed in the RECORD the full text of that "silver dollar" report.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SILVER DOLLARS

The committee has disallowed the request to resume the minting of silver dollars at this time. The committee held extensive hearings on this subject and carefully considered statements by congressional delegations representing the silver States. This is not a simple problem of authorizing funds for the minting of additional silver dollars. Many other factors are involved, and the committee carefully considered every alternative. The committee is fully aware of the importance attached to this issue by the silver States; however, in view of the facts developed during the investigations and hearings, the committee could support only one conclusion—that the best interests of all the people require that the total minting capacity of the two existing mints be devoted entirely to meeting the critical shortage in minor coins.

Among the major considerations which support the committee's position are the following:

(a) The shortage in minor coins at the present time is the most critical in the history of the mint, and the demand is increasing at a rate that has outstripped the capacity of both existing mints, even at three-shift, 7-day operation. Every denomination of coin is now being rationed. There is no currency substitute for minor coins such as there is for silver dollars.

(b) The new mint to be constructed in Philadelphia, for which funds are allowed in this bill, will not be in actual production for several years.

(c) Additional silver dollars can be minted only at the expense of minting minor coins.

(d) At the present rate of usage, the supply of free silver in the Treasury will be exhausted in 7 or 8 years. At the present time, the United States is using silver annually at a rate approximately equal to the entire world production. Considerable quantities of silver are being consumed in defense activities and cannot be recovered.

(e) The amount of silver in a silver dollar, at current prices, is worth slightly more than a dollar, while the amount of silver in two half-dollars is worth about 92 cents. The committee feels that additional silver dollars should not be minted until the Congress enacts legislation concerning the silver content of the silver dollar. Should the price of silver continue to rise, even just a few cents per ounce, it would be profitable to melt down silver dollars for the silver content. The minting of additional silver dollars, at this time, would only serve to aggravate the problem.

Mr. ROBERTSON. Mr. President, yesterday there was also introduced in the Senate by the junior Senator from Montana [Mr. METCALF] a bill relating to silver dollars. At the present price of approximately $1.29 an ounce, the silver now contained in a silver dollar is worth approximately $1. Partly on the assumption that the price of silver will go so high that the silver now in a silver dollar will be worth substantially more than the dollar, and partly on the assumption that as collectors' items the Morgan dollars of 1878 which are now being distributed by the Treasury Department will be worth more than a dollar, there has been a tremendous demand in recent days for silver dollars. One hoarder who claimed that he had $80,000 in silver dollars and was buying $11,000 more said it was a deal on which one cannot lose, because the silver dollar would always be worth a dollar and could be worth substantially more. In my opinion, his idea that it was "heads, I win and tails the Government loses" may not be as assured as he thinks. In the first place, the Treasury has an abundant supply of the Morgan dollars to meet the reasonable needs of collectors. In the second place, the time will come when the Government will be minting enough silver dollars to meet the demand, and the silver in those dollars will not be worth more than a dollar. The bill with that in view, introduced yesterday by the Senator from Montana [Mr. METCALF] provides about a 10-percent cut in the amount of silver to be put in a new silver dollar. However, the president of the largest silver mining company in the Nation has for months been advocating that the value of the silver in the dollar and other coins be cut to about 50 cents. As soon as practicable, hearings will be started in the Banking and Currency Committee not only on the silver content of the dollar but also on the silver content of all of the lesser silver coins. The Treasury has been studying this problem for a long time. It is genuinely concerned over the situation that is developing, both as to a shortage of smaller coins and the possibility of the Treasury selling silver dollars for less than their value in silver, and will no doubt be prepared within the near future to make specific recommendations to our committee. Incidentally, there are now in operation vending machines costing over $2 billion which are equipped with electrical devices that will automatically eliminate slugs that do not contain silver. That is just one phase of the problem which indicates not only the necessity for small coins but likewise the necessity to continue the use of silver in their minting.

Mr. President, the Banking and Currency Committee will make every effort to bring to the Senate for action a bill on this subject in time for congressional completion before sine die adjournment of this session of the Congress.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the majority leader.

Mr. MANSFIELD. What my distinguished colleague from Montana [Mr. METCALF] has done is in accordance with the suggestions advanced by the distinguished chairman of the Committee on Banking and Currency who is also the chairman of the Subcommittee on Appropriations for the Treasury.

I point out that we are not interested in collectors or, as they are called, numismatists, because in our country the silver dollar is a medium of exchange. It is hard money. We like it. We like it so much that even the bank robbers are getting into the act. About a month ago the bank at White Sulphur Springs, Mont., was robbed, and, believe it or not, in excess of 20,000 silver dollars were taken from the bank, put into a truck, and carted away.

So I am delighted that the Senator from Virginia, who has always shown himself most cooperative and understanding, will hold hearings and will give full consideration to the bill introduced by the distinguished Senator from Montana [Mr. METCALF] and others who believe that the use of hard money should be continued.

We do not wish to see the silver dollar go the way of the buffalo, the whooping crane, or the gold coin. We desire it to stay. Today we have 500 million silver dollars in circulation, but, unfortunately, outside the West they are being used for hoarding purposes.

Mr. ROBERTSON. I assure the Senator that the man who has 80,000 silver dollars may well be losing, for he could obtain $3,600 a year in interest from any savings and loan association in Washington, D.C., on his investment, to say nothing of his storage charges. I shall see to it that that man is informed that he had better get a very good price for his collector's items if he wishes to make up what he will lose in interest; for if it is within my power, I shall bring to the Senate a bill which would defeat the idea that the Treasury is to be opened as a new silver mine, the only equipment needed being a 2-ton truck.

Mr. MANSFIELD. The Senator is correct.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. CHURCH. I commend the distinguished chairman of the Committee on Banking and Currency for his forthright statement. As the chairman knows, Idaho is the largest silver producing State in the country.

I also wish to associate myself with the remarks of the majority leader. There is a strong attachment in the West to the silver dollar. As a young boy, I recall how my father used to say that he never felt he had a dollar in his pocket when it was a paper dollar. He always asked for silver dollars in place of paper currency, and that feeling still remains very strong in the Western States.

I ask unanimous consent that I may join as a cosponsor of the bill introduced by the distinguished junior Senator from Montana [Mr. METCALF].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHURCH. I hope that hearings will shortly be held.

Mr. ROBERTSON. To give assurance that we mean business, I ask unanimous consent to have printed in the RECORD a letter which I have written to the Secretary of the Treasury asking for a report on the bill introduced by the Senator from Montana [Mr. METCALF]. I did not know about the bill until this morning when I read the RECORD, because I was not present when it was introduced. After reading the RECORD, I went into action.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

MARCH 21, 1964.

Hon. C. DOUGLAS DILLON,
Secretary of the Treasury,
Washington, D.C.

DEAR SECRETARY: Yesterday Senator METCALF, for himself and Senator MANSFIELD, introduced S. 2671, which would amend 31 U.S.C. 321 so as to change the standard for silver dollars from 900 parts of silver and 100 parts of alloy to 800 parts of silver and 200 parts of alloy.

I should appreciate receiving your comments on this bill as promptly as possible.

My attention has also been drawn to the evidences of speculation in silver dollars which were displayed at the office of the Treasurer yesterday. I should like to ask you to look into the matter at once and take such steps as may be necessary to prevent withdrawals of silver dollars which are evidently for speculative purposes, and not for the purposes of trade and commerce for which the United States coinage was established.

With kind personal regards, I am

Sincerely yours,

A. WILLIS ROBERTSON,
Chairman.

Mr. ROBERTSON. Mr. President, in my letter I also asked the Secretary of the Treasury to take immediate steps, so far as possible under existing law, to prevent the kind of speculative scene which occurred at the Treasury yesterday.

I realize that, ever since the creation of the Treasury and the Bureau of the Mint, they have, as a matter of policy, disregarded the numismatic value of the coins the mint produces and the Treasury distributes. As a general principle I agree, but I am by no means sure that it is necessary to apply this general principle to a situation where the Treasury is dealing with bags of old coins minted in the last century, many of which may become collectors' items as soon as they are distributed. In the interest of fairness to the millions of collectors around the Nation, it would seem to me that some more equitable system of distribution could be devised by the Treasury.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. MANSFIELD. Will the Senator from Virginia include in his hearings the question of speculating on the part of those who are delving into the Kennedy 50-cent pieces, and trying to get $2.50 and $3 apiece before their issuance?

Mr. ROBERTSON. I would rather have the Committee on Rules and Administration go into that question.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Ohio.

Mr. LAUSCHE. I have listened in the past 2 days in the Senate to the discussion relative to silver coins. Several months ago some of us voted against the measure that was then pending which repealed the Silver Purchase Act. It was then argued against the proposal that we would merely saddle our gold reserves with an increased burden.

I do not like to say it, but there were those of us who said that what has occurred would happen, and it has happened. The gold reserve problem has grown worse. The cry now is for the silver dollar. If the issuance of silver coins does nothing else, it will relieve the peril with reference to the dwindling gold reserves.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. BIBLE. Mr. President, I wish to associate myself with the earlier remarks made on the silver problem. This is a highly complex and complicated problem. I am sure there is no easy answer to it. Those who are interested in looking at some of the predictions that were made as to what might happen and what the coin collecting problems would be, need only look at the record made when the proposal for repeal of the Silver Purchase Act was before us. Predictions were made that the law of supply and demand would lead to a situation similar to what we now have. I do not believe there is an easy answer.

Mr. President, I ask unanimous consent that I may join as a cosponsor of the bill introduced by the junior Senator from Montana [Mr. METCALF], not that I am convinced this is the answer to the problem at this time, but at least it would give us an opportunity to place the problem before a proper committee and explore the problem further, as we attempted to do at the time we pointed out some of the dangers during consideration of the repeal of the Silver Purchase Act.

Those of us who come from the West take great pride in the fact that the silver dollar is a sound and honorable means of exchange, and that it should be kept. It should not be turned into a situation in which we let the cartwheel go out so the coin collector may move in. We want it to be regarded as an even exchange.

We look forward to having the entire subject looked into in the hearings.

The ACTING PRESIDENT pro tempore. Without objection, the request of the Senator from Nevada [Mr. BIBLE] to have his name added as a cosponsor is agreed to.

Mr. ROBERTSON. We shall be glad to do that. I call attention to the fact that we voted to build a new mint in Philadelphia and voted to enlarge the mint at Denver but under this new surge of prosperity, we cannot meet the demand.

Mr. BIBLE. The problem has many implications. As one Senator correctly said, it ties into a drawdown on the gold back of our currency, and the problem must be explored very carefully.

For some weeks and months now, a more than normal drawdown of silver dollars has been taking place at the U.S. Treasury. This matter has been of much concern to me and other western Senators, who feel that hard money is more desirable than paper money.

What has been permitted to go on at the Treasury the past week is, in my opinion, a disgraceful situation, and that is to permit speculators to cart off silver dollars for the sole purpose of speculating or to check their numismatic value in order that profit may be made at the expense of the Western States, which have long cherished hard money and used it as a medium of exchange.

All have seen the news story in the morning paper, and the only consolation to me, and I must state it is a very small one, is that the Treasury Department took action yesterday to set a maximum of 50,000 silver dollars to a customer and closed the servicing windows to 2 hours a day. This action should have been taken much earlier, for anyone who has watched this situation closely could have seen and must have known what was taking place.

The truth of the matter is simply this: Coin collectors have been aware for many months that old Morgan dollars were being dispensed from the Treasury. Some of these valuable coins went out many months ago and these same collectors were soon aware. Now an actual run is on and there will be no silver dollars in the Treasury within a week if the Secretary of the Treasury does not take action. I think that his Department should make an immediate investigation of this entire matter.

Last May, when hearings were held on the repeal of the Silver Purchase Act, I questioned the testimony given by Secretary Dillon and his advisers. I stated I did not believe that silver stocks would last 12 to 15 years as testimony given in the record. I predicted the period would be much less and that our silver should be held to protect our coinage and to back our paper money.

In the Senate report on H.R. 5389, the committee suggested that retirement of silver certificates and the issuance of Federal Reserve notes would see the Treasury backing these notes by the same regulation as other paper money; namely, 25 percent in gold. I suggested this alone would cause a further gold shortage, but my appeal was for nought.

The report states as of February 28, 1963, $1.8 billion in silver certificates were in circulation and that this would only require $450 million of gold to be set aside, and to some this was an insignificant amount.

The report states on page 4:

> The Nation's money supply included 390 million silver dollars, $1.8 million in subsidiary silver coins (10-, 25-, and 50-cent pieces) and $685 million in minor coins (1- and 5-cent pieces).

This, of course, included money in circulation and in commercial and savings banks.

On February 20, 1964, I wrote a long letter to the Treasury Department asking for certain information which I thought had a bearing on the situation which was and has now developed.

A reply to my letter on March 3 stated in part that on May 31, 1963, the Treasury held 69,688,192 silver dollars and on February 25, 1964, the Treasury held 25,300,720 silver dollars, a decrease of $44,367,572 in less than 8 months. In a telephone call to the Assistant Secretary in charge of fiscal policy on March 17, I was advised that 17,582,767 silver dollars were left in the Treasury.

Now it appears crystal clear to me that in such a situation, someone at the Treasury Department should have been alarmed at such a large drawdown of silver dollars in this short period and steps of corrective action should have been in progress, rather than to permit the complete dissipation of the Treasury's silver dollars to hoarders and coin collectors.

The mere fact that the price of silver has finally pierced the magic 1.2929 point is of little significance at this moment for the amount is much too small at 1.3 to encourage anyone to melt silver dollars down to gain a fraction of a cent in the process. Actually, today's price would not permit a profit for the effort. In addition, why should one even want to do this when they can still go to the Treasury and call for silver bullion simply by exchanging silver certificates.

Now when silver dollars disappear, one will not be able to secure a silver dollar for his silver certificate and as of January 31, 1964, there were $1,970,651,736 outstanding silver certificates of which $1,721,940,308 were in circulation, the remainder being held by the Federal Reserve banks and agents.

Now if we are to carry this matter further, all we have to do to get rid of all of our silver is to permit the complete withdrawal of bullion. And at this point, let me state that six firms in this Nation have withdrawn by redemption of silver certificates through February 20, 1964, sums in amounts varying from $1,772,925 to $9,002,351. Eight other firms, including the small amount of $15,518 drawn by the State of Nevada for medallion purposes, brought the total figure to $31,264,993 in withdrawal of silver bullion.

An investigation and complete study of our fiscal policy with respect to silver is needed at once and anyone familiar with these figures surely will agree, unless the purpose is to demonetize and use other metals for coinage purposes and let the speculators clean house on Treasury stocks of silver.

Should the Congress demonetize the content of our coins, how will this policy affect the silver certificate which is outstanding in large amounts? Will we then permit a stepped-up run on our silver bullion? It seems to me just a little impractical to have silver dollars worth one amount and a silver certificate worth a dollar's worth of silver bullion.

Nevertheless, I have today joined with Senator METCALF on S. 2671, to use this bill as a vehicle for a full Senate investigation. I trust and hope the Treasury Department will, in the meantime, go further into this matter and start an immediate investigation.

When we all know there is a world shortage of silver and that our own Nation imports much of its needs—does it not make good commonsense to protect what we now have, or at least to preserve it for silver coins, which we all cherish?

Mr. ELLENDER. Mr. President, all of the discussion on the silver dollar is interesting, but I am somewhat disturbed by the statement made by the Senator from Montana [Mr. MANSFIELD], who said that robbers recently had taken silver dollars. I wonder if they are better than greenbacks.

Mr. MANSFIELD. I think they always have been. The robbers at White Sulphur Springs took in excess of $20,000 in silver dollars.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ENGLE:

S. 2674. A bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944 with Mexico, and for other purposes; to the Committee on Foreign Regulations.

S. 2675. A bill for the relief of certain aliens distressed as the result of natural calamity in the Azores Islands, and for other purposes; to the Committee on the Judiciary.

Mr. HUMPHREY subsequently said: Mr. President, I ask unanimous consent that Senate bill 2674, introduced earlier today by the Senator from California [Mr. ENGLE], be held through March 25 for additional cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESTRICTION OF IMPORTS OF BEEF, VEAL, AND MUTTON—ADDITIONAL COSPONSOR OF BILL

Mr. MANSFIELD. Mr. President, at its next printing, I ask unanimous consent that the name of the Senator from Florida [Mr. HOLLAND] be listed as a cosponsor of the bill (S. 2525) to restrict imports of beef, veal, and mutton into the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SHRIVER SHOULD GIVE UP PEACE CORPS JOB TO DEVOTE FULL TIME TO WAR ON POVERTY

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be recognized for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from New York is recognized for 6 minutes.

Mr. JAVITS. Mr. President, as a member of the Select Subcommittee on Poverty, which Senator LISTER HILL, chairman of the Labor and Public Welfare Committee, has appointed to consider the recommendations of the President, I would like to make some preliminary observations on this subject.

I make these observations as a friend of this program, and I will demonstrate my own good faith when the Select Subcommittee on Poverty, headed by Senator PAT MCNAMARA, begins its study of the program. I believe the President's initiative in this field is laudable and long overdue. If he has done nothing else, the President has performed a great service by calling attention to a problem which far too long has been ignored. Considering the productivity of our country and the relative well-being of the great majority of our people, the effort to conquer poverty is an essential national issue.

But in praising the initiative, we cannot lose sight of all that must be done before a really effective war on poverty can become a reality.

First, I share the enthusiasm of many Members of Congress over the selection of Sargent Shriver to be chief of staff for the "war on poverty." Mr. Shriver's administration of the Peace Corps has been a model of efficiency and effectiveness.

I must say, however, that I am disappointed that the President, in naming Mr. Shriver as Director of the new Office of Economic Opportunity, has not relieved him of his duties as Director of the Peace Corps. Directing a war on poverty must not be a part-time job any more than running the Peace Corps. I believe both programs could suffer from less than full-time supervision. As the President pointed out in his special message on poverty, a Director is needed to prevent the program from becoming a "series of uncoordinated and unrelated efforts," and he warned that it could "perish from lack of leadership and direction."

Accordingly, I suggest the President should free Mr. Shriver of all other responsibilities. The Peace Corps, which is now underway, should be turned over to another Director; and the "war on poverty" should be Mr. Shriver's one and only concern. Failure to do so would only, in my view, tend to give credence to the unfortunate charge made by some in recent weeks that this war on poverty is accented more by ballyhoo than by substance. For, in the final analysis, the struggle against poverty cannot be won by slogans, public relations devices, and endless conferences. It can be won by a sustained, well-coordinated, long-range effort with a commitment of extensive private and public resources.

I believe the President can at least begin to make clear that he intends to make such a commitment by freeing Mr. Shriver of his Peace Corps duties.

Also, the projected effort in Appalachia to deal with underdevelopment, blight, and economic obsolescence should come under Mr. Shriver in his new job, even if it has a separate branch head; and the Area Redevelopment Administration should be closely tied into this new office. The job is great enough already not to be burdened with divided responsibility or uncoordinated administration.

I believe it also must be said at this point that this administration should learn an important lesson from its experience in launching this war on poverty. The lesson is this: It was a mistake to announce a program before the administration had even begun to draft it. As a result, unemployment was confused with poverty, and the country was treated during the past few weeks to a series of postponements of the details of the program while jurisdictional battles were waged and conference after conference was held. The program which was finally produced shows signs of this hasty approach and bears some stamp of a hurry-up presidential election year; for it is generally unrefined and is not coordinated with existing and pending legislation. It will have to be better organized and supplemented in workable detail by the Congress itself.

Now for a few specifics: First, the President's message mentions generically existing programs or those in process which affect or duplicate what the President is asking for. Not only are such programs in existence, that is, the Manpower Development and Training Act and the recent Vocational Education Act, but two important titles of this program have passed the Senate on high priority from the administration and are apparently dead or dying in the other body. These are S. 1, the bill for a Youth Conservation Corps, passed by the Senate on April 10, 1963, and S. 1321, the National Service Corps passed by the Senate on August 14, 1963. At the very least, the President should put the influence of the Executive Office behind getting these bills passed by the other body now. They are the most immediate blows that can be struck in the first instance in the "war on poverty" and they would also have special meaning for New York and other large cities.

Second, the President's message was mainly concerned with the problems of youth unemployment, and of urban and rural families in endemic poverty. This is, of course, critically important, but the poverty of the aged and their special problems, the poverty of our racial minorities and their special problems, and the problems of the slums were passed off without much comment. These were lumped together in one paragraph where there are recapitulated the principal measures of the Kennedy administration, upon which there has been no action. It would be a serious mistake to distract the Congress from these essential measures, thus giving an opportunity at least for delay, and perhaps for omission, of the programs which have been pending here for a long time.

Third, there is too much emphasis on the Federal effort and not enough opportunity for others to share in the responsibility. The arbitrary allocation of Federal funds for the proposed programs and the ratio of Federal participation—90 percent in most instances and 100 percent in some—are too high. There should be greater emphasis on State matching programs and greater sharing with contributions from voluntary organizations, foundations, State and local governments, depending upon their capacity, their programs and the organization of their activities. The business incentives are good but too small and too limited to make an appreciable dent in unemployment. It is uniquely a program for that purpose.

Fourth, a clear line of distinction is not drawn between the unemployed for whom effective unemployment compensation has expired, and the endemic core of the poor. This is not calculated to help either of these two great groups, for the war on unemployment should have an equal priority with the war on poverty. For example, we should not be diverted from legislation to effect the national adjustment to automation which is estimated to mean a change of 2 million jobs a year; so far the suggestion for a study commission is the only thing which the administration has come up with on that vital subject. I share in this suggestion, but I point out, also, that the war on unemployment now lags far behind the measures and appropriations called for in the war on poverty and therefore should be upgraded in these practical terms. Both fronts must be moved upon simultaneously.

Fifth, the great complex of community facilities and services now existing in this general field are not adequately dealt with. For example, there is an appropriation in the Federal Establishment for Day Care Centers for the children of working mothers, which may very well need to be tied into this program, or at least should be considered in connection with it. There is the program resulting from a revision in the law providing for aid to dependent children, which calls for permissive work requirements, and this also should be tied in with the war on poverty. There are such other problems as, for example, special instruction in the primary grade, schooling of children from poor families, and the provision for social workers and other technicians in sufficient numbers, with adequate training, which will develop as this program is developed.

The important thing now is that before we can be adequately prepared for the war on poverty, Congress will have to do the job which the administration should have done, had it not been under pressure to get this program out before the public. It is most important that the American people understand that the job will have to be done here in the Congress, and in my judgment, I believe it will be done.

NO SUGAR FOR THE ALIANZA?

Mr. JAVITS. Mr. President, I invite the attention of the Senate to an editorial published in the Journal of Commerce on March 18, entitled "No Sugar for the Alianza?" which calls attention to new problems involved in the importation of sugar from Latin America and its impact on the success of the Alliance for Progress.

I have called attention to the problem of trade between the United States and Latin American countries repeatedly during the past months. We are firmly committed to help the economic and social development of Latin America through the Alliance for Progress. Much of our economic assistance will be nullified unless we can assist Latin America to broaden its markets for food and other raw materials in the United States as well as in Western Europe.

I believe that many of the points raised in this editorial are valid and should receive the careful consideration of the Congress as well as the administration. Should we continue to add further restrictions to Latin American imports at this time, the already difficult position facing the United States at the forthcoming U.N. Conference on Trade and Development at Geneva will not be made easier.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Journal of Commerce, Mar. 18, 1964]

NO SUGAR FOR THE ALIANZA?

The differences and inconsistencies that mark the approaches of two or more Federal agencies to one and the same problem develops from time to time in matters of transportation, fuel policy, tariffs, and other fields, but seldom in more egregious fashion than they are cropping up now in the sphere of sugar, as witness the positions of the Agriculture and State Departments, and in some degree of the Administration itself on a proposal now awaiting action in the House Agriculture Committee.

At the behest of the Agriculture Department, the administration has asked that American beet and cane processors be allowed to market as much of their output as they can between now and the end of the year. This would release an estimated 500,000 tons of domestic sugar for marketing during the coming months to help alleviate a still somewhat tight supply situation in this country.

In a complementary move, the Agriculture Department has decided not to ask foreign producers to provide us with an equivalent 500,000 tons of sugar, a supply which Congress already has authorized.

Clearly, the Department would rather get the half million tons (worth roughly $75 million) from mainland U.S. sources than from our friends overseas. The official rationale is that buying overseas would drive up prices in the world market and force us to pay more for our sugar.

This argument raises several questions. For instance, exactly how much less would we have to pay if we use domestic rather than foreign sugar? After all, we pay for our foreign deliveries on the basis of domestic prices.

In any case, the argument for domestic instead of foreign supplies has in recent weeks lost much of whatever impact it formerly had. World sugar prices have been softening and the latest Government survey projects free world sugar supplies at 500,000 tons more than estimated a few months ago.

Then there is a larger issue. How does the latest administration policy move—and in fact its general attitude—on sugar square with our much publicized effort called the Alliance for Progress?

As we understand it, President Johnson, along with the State Department, is firmly committed to do all they can do to make the Alliance work, to raise the social and economic well-being of Latin America. The Alliance's charter, among other things, contains a pledge "to avoid increasing the uneconomic production of goods which can be obtained under better conditions in the less developed countries of the continent, in which the production of these goods is an important source of employment."

Sugar, it is generally agreed, is one item which can be produced in Latin America at considerably less cost than in this country, although right now foreign prices are slightly higher than domestic offerings.

And it was only a few weeks ago that President Johnson and Mexican President Adolfo Lopez Mateos issued a joint communique stressing the intent of both countries to "eliminate discriminatory and restrictive practices" particularly regarding the export of basic commodities produced in Latin America.

Sugar is such a basic commodity and the U.S. Sugar Act could be described as "discriminatory and restrictive." If the administration in its sugar policies is adhering to its fine statements on helping Latin American trade, we would like to know in what way.

Less than 2 years ago, the administration went along with a legislative proposal that cut the foreign share of the U.S. sugar supply from 47 to 40 percent and gave oversea suppliers only 35 percent of future market growth. True, this was done against the background of a written off Cuban supply. But the decision basically was the result of domestic pressure from U.S. farm representatives. Latin American countries, outside of Cuba, were given a larger share of the American sugar market under the 1962 Sugar Act but not so large a basic increase as the more costly producers on the U.S. mainland.

And at the time, nobody was talking, much less justifying their action, in terms of the imminent shortage that was soon to develop in the international sugar trade.

The House Agriculture Committee this spring will again review foreign sugar quotas. The same pressures Congress felt 2 years ago to increase the domestic share of the sugar market are likely to be felt again.

The domestic push for a still large piece of the sugar market will be helped further if Congress agrees to the Agriculture Department request suspending marketing limits.

It would not be very surprising if the overall foreign quota were again revised downward. Of the total foreign quota, Latin American sources provide 60 percent.

If the domestic share is increased at the expense of foreign sources, certain benefits admittedly will acrue. Some new jobs will emerge to help relieve U.S. unemployment and there should be some saving in our balance of payments, though not so much as certain people would have us believe. Trade, it must always be remembered, is a two-way street.

But downgrading the foreign share would raise new doubts about the real concern of the United States over explosive Latin America and the extent to which we are honestly committed to the Alliance for Progress. It would run counter to the gathering chorus of experts who insist that trade, not aid, is what Latin America and other less developed countries need most to develop.

Our foreign friends are likely to be confused at least. Some of our less friendly relations, probably unaware of the subtle differences of approach between our State and Agriculture Departments, may call U.S. policies hypocritical and capricious.

While State Department officials are pointing to Congress for failing thus far to endorse the International Coffee Agreement and the International Development Association, we will have to point to the administration on the matter of sugar.

Sugar, as well as coffee and IDA, may well cause us some uncomfortable moments at the U.N. Conference on Trade and Development this spring, where over 100 nations will have delegates speechmaking, listening and taking notes.

PLIGHT OF THE SENECAS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials, one published in the Washington Evening Star of March 19, entitled "Plight of the Senecas," for whom a bill has just been reported by the Interior Committee, which is far from satisfactory, and the other one entitled "Compounded Injury," published in the Washington Post for March 18.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 19, 1964]

PLIGHT OF THE SENECAS

The U.S. reputation for fast-talking the American Indian out of house and home is not being upgraded by its shabby treatment of the Senecas. Not satisfied with abrogating a treaty made by George Washington, thereby divesting them of the best part of their property, the Government now is repudiating a pledge by President Kennedy which would at least have given them a new start in life.

The locale of this shameful performance is the Allegany Reservation in northwest New York. Its most productive acres soon will be inundated by waters from the Kinzua Dam. It was here that Washington assured the Senecas in 1794 that they alone would decide when and if their land was to be sold. And it is here that the Senecas, their backs to the wall in a losing fight, sardonically submit that they always considered Washington a man of his word.

Neither Congress nor the Supreme Court saw fit to uphold the treaty. However, President Kennedy did what he could by initiating plans which at least would somewhat compensate the Senecas for loss of their homeland. The heart of the proposal included an Indian village restoration with tourist facilities and a chance for many Indians to have dignified employment.

Now this rehabilitation, too, is going down the drain. The Senate Interior Committee has just sliced off more than half the $20.1 million assistance bill unanimously approved by the House. It hurriedly put through its Indian Affairs subcommittee's recommendation without any kind of a hearing. The subcommittee apparently had been influenced by a letter from the Budget Bureau suggesting a formula for putting the squeeze on the Senecas.

This amounts to a repudiation of President Kennedy's promise of assistance and, if allowed to stand by the Senate, will give renewed credence to the Senecas' dry complaint that "our Government sometimes speaks with a forked tongue."

While searching their consciences, Senators might ask a few questions about the $20 million this same Government awarded the Pennsylvania Railroad for 28 miles of right-of-way acquired for the dam project. Economies are always welcome, but at the right time and place. Who can justify depriving American Indians, stripped of their beloved land, of reasonable compensation? Some one had better come up with the right answer.

[From the Washington Post, Mar. 18, 1964]

COMPOUNDED INJURY

One of the imperatives facing the present Congress is enactment of legislation to relieve the Seneca Indians who will soon be dispossessed by the rising reservoir waters behind the Kinzua Dam on the Allegheny River in western Pennsylvania. The decision to build the dam over the protests of the Senecas and in violation of the Pickering Treaty of 1794 raised a prolonged furor. But the dam has been built. Out of an original 30,000 acres the Indians will have only 10,000 acres left, and much of this consists of swamps and high mountains. About 1,000 acres remain in habitable land scattered in small pieces on both sides of the lake to be.

When the last efforts to stop the project proved futile, President Kennedy promised the Senecas in 1961 that the Government would "take every action within their authority to assist the Seneca Nation and its members who must be relocated in adjusting to the new situation." To carry out this pledge the Kennedy administration prepared and the House recently passed a bill, H.R. 1794, to provide for the "relocation, rehabilitation and social and economic development" of the displaced tribe. The bill would go a long way toward healing the wounds caused by the breach of the treaty and the dislocation of these people.

Recently, however, the Senate Subcommittee on Indian Affairs slashed the House-approved rehabilitation fund from $16,931,000 to $6,116,000. The approved plan was to create on the shores of the new lake a recreational, historical and Indian cultural center that would provide employment for the Senecas and relaxation for tourists. Instead of making wards of the Senecas as the Government has done with so many tribes, this project was designed to permit them to retain their independence and to give them some recompense for the destruction of their previous way of life.

Incidentally the bill also carries funds for the relocation of families which must be undertaken promptly to save them from the rising waters. None of the distressed families has received a penny in reparation. At the moment, however, the chief cause for distress is the slashing of the rehabilitation fund, which seemed to offer the Senecas their only avenue of escape from the dire consequences of losing their homeland.

Against the background of broken pledges, this kind of treatment is nothing short of disgraceful. The least the Government can do is to make generous amends for its cruel imposition on a tiny minority. The Senate Committee on Interior and Insular Affairs has an urgent obligation to right this wrong when it meets on Wednesday.

THIRD ANNIVERSARY OF THE ALLIANCE FOR PROGRESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes in the morning hour.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Minnesota is recognized for 6 minutes.

Mr. HUMPHREY. Mr. President, one of the events held this week on the occasion of the third anniversary of the launching of the Alliance for Progress was a conference of all U.S. Ambassadors and Mission Directors stationed in Latin America. I was privileged on Wednesday of this week to address this group and discuss with them U.S. policy in Latin America. I want to congratulate Assistant Secretary Thomas Mann on initiating this conference. I believe it might well be done on a regular basis. Regional conferences of this type can do much to keep our top policy officials up to date on current U.S. policy and also bring to Washington-based officials a better appreciation of problems in the individual countries. I want to commend him, too, for including in some of these meetings Members of the Congress and for appearing before the Senate Foreign Relations Committee to brief Senators on the discussions that were held during the week's conference. This is a part of Secretary Mann's policy of keeping the Congress thoroughly briefed through regular meetings.

I believe that regional conferences organized on a functional basis are also useful from time to time. Conferences of our specialists in the labor field, the housing field, the educational field, and others might be helpful in achieving the best possible utilization of our technical assistance resources.

In celebrating the third anniversary of the Alliance in Washington this week, the major event was the inauguration of the first President of the Inter-American Committee for the Alliance for Progress, the distinguished Colombian statesman, Dr. Carlos Sanz de Santamaria. This was the highlight of an eventful week.

Before commenting on it, I should like to comment briefly on the Alliance for Progress on its third anniversary. Today, we are told by some that the great mistake of Alliance officials was in arousing hopes and expectations that could not be fulfilled. We are told by some that what is needed are fewer statements about the philosophy of the Alliance, the ideology of the Alliance, fewer broadgaged political doctrines and more hardheaded pragmatic emphasis on economic lending programs. Such an appraisal reflects a misunderstanding of current conditions and trends in Latin America. It reflects a misunderstanding of what President Kennedy had in mind in launching the Alliance for Progress. It reflects a misunderstanding of President Johnson's position.

President Kennedy realized that the success of his grand strategy for cooperation with Latin America, the Alliance for Progress, depended on more than economic development. He realized that for his policy to succeed, the Alliance must have a political content and an ideological substance, in addition to a strong program of economic development.

It must come to symbolize the hopes and aspirations of both the elite groups and the masses of Latin American people. It must have a mystique all its own, capable of inspiring a following.

President Kennedy himself was the symbol of the Alliance, the symbol of the hope and imagination which is needed. He realized that though we face grave economic problems in Latin America, these must be seen within a broader political context. It is not just a matter of satisfying physical needs and raising material standards of living. What is more important is the problem of inspiring hope, of commanding the intellectual and emotional allegiance of those who will shape the society which includes both the elite groups and the popular classes. He realized that the hopes and expectations aroused could not all be satisfied in the immediate future—nor need they be. What can be accomplished in a material sense in a very limited period of time will always fall short of expectations. This should not discourage us. What is important is that we be prepared to give some evidence that progress is being made, that material betterment is on the way, and that there is sound reason for believing that the unmet material problems of society will be solved in the future. This means, of course, that we must have both short-range socially oriented projects to give visible evidence of immediate progress, and long-range development projects which are essential to improving the condition of the society. President Johnson shares this view. As a masterful political leader he is keenly aware that mere pragmatic economic programs are not enough. He made it clear once again this week in addressing the OAS, that his administration supports both the political, social, and economic aspects of the Alliance for Progress.

I am among those in the Congress who believe that our programs sometimes move too slowly. I particularly believe that we sometimes concentrate too much on long-range economic development and not enough on meeting immediate social needs which must be met if the democratic political leaders are to stand any chance at all of implementing long-range economic development programs.

We are often told that Latin America is in the midst of a political, economic, and social revolution. Although this has too often become a slogan, I believe in many important respects it is true. In this revolutionary atmosphere which does prevail in a number of the important Latin American countries, ideological factors are often as important as straight economic programs. I am impressed, for example, with the fact that the governments which accomplished the greatest political stability and economic progress in the last decade were the strongly ideological democratic left parties led by Betancourt, Pepe Figueres, and Muñoz Marín. For example, I am impressed with the fact that the two fastest growing political movements in the larger countries of South America today are the two most intensely ideological movements—the Marxist and the Christian Democratic movements.

Both of these are flourishing, particularly among the younger groups. We should not forget that half of the population of Latin America today is under 18. In discussing the present situation in Latin America, a distinguished Latin American visitor to Washington in January, Dr. Rafael Caldera of the COPEI Party in Venezuela, agreed that one reason why his own party and the other Christian Democratic Parties in South America are flourishing today among the impatient, idealistic younger groups is that they offer an ideological alternative to Marxism, an integrated approach to the political, economic, and social problems of society. I know that we pragmatic North Americans find it difficult to understand why a Latin American considers the philosophy and ideology of a party as important as the specific practical measures recommended by the party. We are only now coming to realize that the ideological basis of communism is its principal attraction for students and educated groups in Latin America, not its economic critique. It is for that reason that communism captures the university before the slum. Therefore, in addition to our programs in the economic field, which are absolutely essential, we might well spend more time and resources working in the educational, ideological, cultural, and propaganda fields.

I should like to say a word about the attitude of the Congress toward the Alliance for Progress. Congressional criticism of the overall foreign aid program is growing. Some of this criticism extends to our aid to Latin America under the Alliance for Progress. It should be clear, however, that Congress does distinguish between aid to Latin America and aid to certain other areas of the world. There is genuine support in the country and in the Congress for aid to Latin America under the Alliance for Progress. There is a special concern about this hemisphere—and therefore real constituency support for our participation in the Alliance for Progress.

In my view, we still do not allocate the amount of resources to Latin America that is required to do the job that needs to be done. Although I am quite aware that Latin American countries are less capable of absorbing large amounts of capital than were the European countries under the Marshall plan, it is nevertheless true that our contribution to the Alliance for Progress is pitifully small compared to the billions of dollars—mostly in grants, not loans—that we poured into Europe after the Second World War.

One conclusion which some may be tempted to draw, in view of the continuing congressional criticism, is that we must change our policies in Latin America, that we must be less venturesome, and return to more conventional, less ambitious goals. Some would have us place less emphasis on reform and change in Latin America, and more on working with the established groups to minimize political instability. I believe it would be a mistake to revert to this policy. I believe that it is both good politics and good foreign policy to stick by our commitments to the principles of basic economic and social reform which we adhered to under the Charter of Punta del Este. This means, of course, working with those groups in individual societies who are committed not only verbally but truly committed to accomplishing the reforms prescribed by the Alliance charter. American foreign policy in this area—as elsewhere—should reflect our own national character, should reflect our belief in free political institutions, in social mobility, and equality, in free economic institutions. In safeguarding American national interests, which is one of the goals of our foreign policy, we will naturally use our influence to promote and protect political freedom, economic freedom, and social equality.

Although we must be prepared to work with all kinds of governments, including some we may not like, we should make it our policy to strongly support those governments and those political parties that are really committed to modifying the economic and social structures of society. In many cases this means left of center governments—governments like Betancourt in Venezuela or Belaunde in Peru. We of course cannot determine the type of governments that come to power in Latin American countries. We have no choice but to work with many governments. But we should distinguish between constitutional government pursuing progressive policies and those which shoot their way to power. We may not be able to prevent the emergence of dictators—but we can and should distinguish between dictators and democrats. Our active, wholehearted support should be reserved for those governments committed to the principles enunciated in the Charter of Punta del Este. In those instances when we must temporarily deal with nonconstitutional governments, we should in all cases use our influence to restore constitutional government at the earliest possible time.

In conclusion, it would be a mistake to gear our support to governments and policies that appear to be safe, that will not disturb the status quo. The status quo needs to be disturbed in most countries in Latin America. And most Members of the Senate know this. Much of the opposition in the Senate this past year to Alliance appropriations was from men who were dissatisfied, not because radical political movements were taking over in Latin America, but because too little was being accomplished in the way of economic and social reform. Disaffected liberals, men who had been the strongest supporters of the foreign aid program since its beginning, are the ones whose opposition made the difference. And so one should beware of gaging congressional sentiment only by the hue and cry raised by long-time opponents in the Congress.

There is a substantial bloc in the Senate that has always opposed foreign aid, and will continue to do so. Those who are lukewarm supporters are increasing in number as the tensions of the cold war diminish. This is, of course, the most important reason why we face greater difficulties in Congress with the foreign aid program. The threat to our security—at least in the immediate sense—has declined. With this decline has come a relaxation in public attitudes about the Communist threat abroad. It has combined with an increased awareness of the unsolved problems at home. Thus, foreign aid will continue to face opposition in the Congress. I believe the Alliance will fare better than the other parts of the aid program, but it, too, will continue to be opposed by some.

But so long as there are those in the Congress who are firmly committed to the Alliance and are willing to fight hard for it, the United States will continue to meet its commitments under the Alliance. When it loses the support of these leaders, then the Alliance will be in real trouble. But these leaders will fight hard to support the Alliance so long as Alliance officials face the basic facts of U.S. policy in Latin America today.

What are those basic facts? First, we must face squarely the fact that the unmet social and economic problems of Latin America require basic reforms. I say basic reforms in the sense that the New Deal effected fundamental changes in the structure of society, in the structure of the economy. Next, we must face the fact that the Eisenhower policy for an earlier decade, the policy of firmness and free enterprise did not solve the long-range problems of the hemisphere.

The Latin America of the 1960's is not the Latin America of the 1950's. What we need for this decade is the Kennedy-Johnson policy—which includes flexibility as well as firmness. I am happy to note that President Johnson once again, on the occasion of the installation of the President of the Inter-American Committee for the Alliance for Progress, reaffirmed his support for the Alliance for Progress, the basis of U.S. policy in Latin America today.

At this point I should like to comment on one of the most important developments in the Alliance during the past year, the establishment of the Inter-American Committee for the Alliance for Progress.

At the ceremony inaugurating the President of CIAP, President Johnson reiterated the determination of the U.S. Government to fulfill its commitments under the Alliance for Progress. The President pledged the support of the U.S. Government for the new Inter-American body, CIAP, through which major decisions on the Alliance will be reached. The President has affirmed his intention to support the sharing of Alliance decision-making powers with all member nations of the OAS. He has appointed as the U.S. representative to CIAP a man of great stature and experience in this hemisphere, Ambassador Teodoro Moscoso. I am confident that the President, Secretary Mann, and Ambassador Moscoso will have the support of the Congress for making CIAP a truly effective multilateral agency for making decisions which affect the hemisphere. CIAP is not intended to be a mere appendage to existing organization. It is to be the instrument of multilateral decision-making on economic and social problems in this hemisphere. Our support for it corresponds to the desire expressed by the Senate Foreign Relations Committee last year to increase reliance on multilateral agencies such as the Inter-American Development Bank, the World Bank, and the International Development Association, as channels for economic development assistance.

One problem which should receive high priority consideration by CIAP and other Alliance agencies is the problem of trade. There is little doubt that we will face serious trade problems in the hemisphere in the immediate future. While our own world trade policy the past few years has been aimed toward lowering tariff barriers and promoting competition through freer trade, much of the rest of the world's trade has shifted into regional trading blocs.

In our own hemisphere, the terms of trade for Latin American countries have remained unstable and have generally followed a downward trend. Trade between Latin American countries has not flourished, with the exception of the recently established Central American Common Market. U.S. exports to Latin America have leveled off, and it is clear that the United States will face increasing competition in Latin America with Europe and Japan.

It now seems clear that we must give greater attention to developing trade within this hemisphere. We should give it the priority consideration which our Latin American neighbors already attach to it. It is too early to say exactly what regional mechanisms should be used to bring about increased trade between the United States and Latin America, to promote competition within this hemisphere, to promote stable trade relations. The brief experience of the Central American Common Market indicates what can be achieved on a limited area basis if individual countries are willing to look beyond their borders. The experience with LAFTA—Latin American Free Trade Area—thus far is less promising. Certainly, one of the problems which should be given early consideration by CIAP is the possibility of giving greater impetus to the regional movement in the LAFTA countries. The Inter-American Bank might also give this subject careful consideration and indicate a willingness to help finance the acceleration of regional trade within LAFTA. As for the United States, I would hope that our discussions at the coming U.N. Trade Conference which opens in Geneva next week would leave open the possibility of intensive review of our hemispheric trade policy before the appropriate inter-American regional body. Trade is essential to the political and economic unity of our hemisphere and we should give careful consideration to the possibility of eventually developing a more cohesive hemispheric trade area. We must give trade priority consideration if we are to succeed in achieving the aims of the Alliance for Progress.

Mr. MORSE. Mr. President, I highly commend the Senator from Minnesota for the speech he has just made on Latin American problems. I wish to say for the RECORD that if Latin America will only heed the commonsense advice which the Senator from Minnesota has been offering for some time in respect to the Alliance for Progress program, there will be greater opportunity for the program to succeed.

I also wish to particularly commend the Senator from Minnesota for the comments he has made in regard to United States-Latin American policy. I endorse and join him in those comments. I believe they are important because there is some confusion in the press these days as to just what the present policy is. The confusion, I believe, was clarified the other day when Thomas Mann, Assistant Secretary of State for Latin American Affairs came before my Subcommittee on Latin America and gave assurance that there was no change in policy or objective which existed under the Kennedy administration.

Again I thank the Senator from Minnesota. He has made a number of worthwhile contributions to the whole problem of better understanding of United States-Latin American policy.

For myself, let me say that if there is any potential military junta in Latin America or any potential Communist junta in Latin America who believe they can proceed to overthrow constitutionally existing governments and be embraced by the United States, they could not be more wrong.

All of Latin America should know that there is a strong feeling in the United States that we will be no party after the fact or before the fact in aiding and abetting any revolutionary movement in Latin America that seeks the overthrow of a constitutionally existing government.

Mr. JAVITS. Mr. President, will the Senator yield very briefly?

Mr. HUMPHREY. I yield 1 minute to the Senator from New York.

Mr. JAVITS. I shall be very brief. I wish to say to the Senator that I, too, associate myself with his declaration of policy, and that I, too, feel that the reversal by the State Department of the rumor with respect to a military dictatorship or other military takeover was most salutary.

I have just returned from Chile, and I bear personal witness to the validity of that expectation.

It does not mean that we must be softheaded about Latin America. We can be strong and effective.

On Monday I shall report to the Senate on my visit to Chile. I hope very much that my great partner in the effort which we have been making in Latin America may be present to join in the discussion.

Mr. HUMPHREY. I thank the Senator from New York and the Senator from Oregon.

THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. MONRONEY. Mr. President, I was pleased to learn that the House Banking and Currency Committee, on which I had the honor to serve before coming to the Senate, will hold hearings next week on S. 2214, which would authorize the United States to participate in an increase of the resources of the International Development Association, to provide it with financial resources adequate to carry on its work of making loans to underdeveloped areas.

It was strange, indeed, that in the House opponents attacked this bill, because they felt it was foreign aid and the United States was contributing too large a portion to IDA.

This is the only program in which well developed nations, those with hard currencies and industrial capability, are able to contribute more to the foreign aid program, in which we are working, than the United States is expected to contribute.

We will contribute about 42 percent of the additional amount required, with the rest of the money being contributed by the other industrialized nations of the world.

If the bill is not passed, the agreements which have been negotiated by the directors of IDA will expire, and IDA will have no more money to lend.

The very low service charge for the cost of administering the loans is really a negative figure, because it is done at a rate established by the World Bank, so that practically all the money goes into the underdeveloped areas which have credit, but which otherwise would be unable to borrow on a regular basis.

I am confident that Secretary of the Treasury Dillon and Secretary of State Rusk will make convincing arguments in support of IDA, which has an excellent record.

The money that is asked for is money that would have been put into the bank 3 years ago when it was first organized. However, the directors of IDA felt it was not immediately needed, and therefore asked for only $1 billion, and not the full amount that was anticipated would be required to carry on its work.

When the House voted to recommit a similar bill, H.R. 7406, the New York Times, the Washington Post, and the Washington Star—which has never been too enthusiastic in support of foreign aid—all carried editorials urging the continuation of IDA, which attracts more development funds from other prosperous nations than the United States contributes, and uses them for long-term loans on liberal terms. I ask unanimous consent to insert in the Record at this point the three editorials.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From The New York Times, Feb. 28, 1964]

Defeat for IDA

In turning down the administration's request for a $312 million contribution to the International Development Association, the House of Representatives has committed a blunder of the first magnitude.

The more rational critics of foreign aid have argued with some cogency that there has been some waste and mismanagement in the dispersion of funds. They have pointed out that economic aid has in some instances been dissipated because of political considerations. They have charged that the United States has shouldered too much of the burden of help for the underdeveloped nations. But in voting against IDA, they are only helping destroy a very real corrective for precisely the features of foreign aid that they do not like.

The fact is that IDA, which is operated by the World Bank to provide long-term development loans on liberal terms, is an answer to many of the more reasonable criticisms of foreign aid. It lends, rather than grants, money to projects only after they are demonstrated to be economically sound; it is a multilateral operation, which assures a minimum of political influence; and it offers the prospect of attracting an increasing amount of funds from the industrialized nations of Europe, which have preferred to conduct their aid programs on a purely unilateral basis.

By denying funds to IDA, the House may cause this constructive and cooperative approach to foreign aid to wither away. The initial outlays to set up IDA are now nearing exhaustion. Unless there is a new injection of money it cannot continue its development activities. Without IDA's supplementary lending, the World Bank will be unable to expand its own operations.

Secretary of State Rusk and Secretary of the Treasury Dillon have already expressed the hope that the House will reconsider its hasty and ill-advised rejection of IDA. We join in that hope, and urge the several local New York Republicans who helped massacre IDA—including Fino of the Bronx; Becker, Derounian and Wydler of Nassau; and Barry of Westchester—to change their stand in recognition of the efficient and economical form of aid that IDA provides.

[From the Washington Post, Mar. 2, 1964]

Save the IDA

The House of Representatives should be persuaded to reconsider its tentative rejection of legislation that would permit the United States to join with other advanced countries in supplying the International Development Association with the resources it requires to operate after 1965. Affiliated with the World Bank, the IDA makes loans on generous terms to the poorer nations which find it very difficult to finance their programs for economic development.

A refusal by the House to accept legislation which has been approved by the Senate will have far-reaching consequences. The efforts to place economic assistance on a multilateral basis will be dealt a serious blow and worse still, many of the programs on which the less developed countries rely to raise living standards may have to be abandoned. The more implacable enemies of foreign aid in the House will not be disturbed by the mischievous results of their handiwork. But there is a large and more responsible majority which will respond to a vigorous appeal on behalf of the IDA.

[From the Washington Evening Star, Feb. 28, 1964]

Irrational Vote

The headlines stress the point that the House vote to recommit the International Development Association bill is a major defeat for President Johnson. It could more accurately be called a major defeat for good sense.

The IDA is an affiliate of the World Bank. It makes soft loans for economic development projects in countries that need help, and its record has been good. This bill is not a device to trick Congress into making available foreign aid funds which it had earlier rejected. Instead, it is a sensible effort in conjunction with 16 other countries to extend economic assistance on a rational basis.

If the House action stands the United States may enjoy the unenviable distinction of being responsible for killing this project. In the past, we have opposed and we still oppose wasteful or unnecessary spending for foreign aid. But this is quite a different undertaking, and we hope the House vote can be both reconsidered and reversed.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield to the distinguished Senator from Illinois, an outstanding member of the Committee on Banking and Currency.

Mr. DOUGLAS. The Senator from Oklahoma, with typical modesty, has not mentioned his own connection with the International Development Association. He is the one who originated the idea. It met with a great deal of opposition from the Treasury for many years. Finally, the Treasury accepted it and claimed the idea as its own.

More than anyone else, the Senator from Oklahoma deserves credit for originating the idea of the International Development Association. The Record should show that fact, even though the Senator was so modest that he did not mention his own connection with it.

Mr. MONRONEY. I thank my distinguished friend from Illinois very much for his comment. Of course, a connection with what may be a dead bill is not very encouraging. I hope that the House will study the proposal very carefully and act favorably on it. Otherwise the vast resources of the World Bank, which lends money at commercial terms and provides credit for the industrialized nations, will be serving only the upper level, so to speak. There will be nothing to offer to any country that can go to a banking institution with both good credit and the will to pay, and obtain a loan on long terms, at a service charge, the loan being arranged by the greatest group of experts in international banking.

Mr. DOUGLAS. Is it not a fact that in this way a use can be found for the soft currencies which have been accumulated by the United States under Public Law 480?

Mr. MONRONEY. I regret that the soft currency part of the bill has never been carried out. Ways have been sought to use the soft currencies. There is a great possibility of lending the soft currencies both in IDA and in the Treasury of the United States from Public Law 480 sales, the funds being useful in the local development and in financing institutions which are growing around the world. I believe we shall find some use for the local currency, perhaps through the World Bank, so that underdeveloped countries will not have to convert to the dollar, with their currency going in and coming out, so that trade can be eased through the establishment of comparable currencies.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. CHURCH. I join the distinguished Senator from Illinois in commending the Senator from Oklahoma for what I regard as his authorship of the International Development Association. I also regret the action which was recently taken in the House of Representatives. I hope that the matter will be reconsidered before the end of this session of Congress. It seems to me that we would be well advised to channel a large part of our long-term development capital through legitimate international banking institutions. Last year the Foreign Relations Committee made this recommendation as one of the best ways to reform and improve our foreign aid program.

One of the most vexing problems we have with administering foreign aid today is trying to reconcile the extension of long-term loans to countries, where we feel that improving living standards eventually serves our national interest, even though the government in question may be pursuing policies we regard as inimical to our immediate interests.

This paradox causes the American people to conclude that we are trying to buy friends. Unfortunately, it often causes the recipient government to suspect that we are seeking leverage which in some way will jeopardize its newfound independence.

This jeopardizes the program and often makes it difficult to understand both at home and abroad. But all this can be avoided if long-term capital is channeled through international banking institutions. Those institutions, as Eugene Black has well testified, are in a position to impose realistic terms and to obtain matching contributions from the recipient countries. Our dollars go much further, because other rich, industrial nations contribute their share to the pool of capital from which the loans are drawn.

I commend the Senator for his contribution to the discussion. I hope the House will reverse its decision, and that this country will give increased support to the important functions being served by the international banking institutions and related agencies of the United Nations.

Mr. MONRONEY. I thank the distinguished Senator for his helpful contribution to the discussion. It has always seemed to me that just as individuals would prefer to borrow from an institution rather than from the richest man in town, and learn to hate the richest man because they feel they are under obligation to the richest man, so do small countries prefer to use an institution in which the loan is made on the credit of the borrower and not on the personality or the presumed control of the borrower who secures the loan.

These are good loans. They take longer to pay out. Bear in mind that even the injection of capital for the 3 years we are asking will make our contribution only $100 million a year, while other nations should be contributing more.

NEW NATIONAL LUMBER STANDARDS

Mrs. NEUBERGER. Mr. President, there has been much discussion within the lumber industry of the desirability of changing size specifications under our national lumber standards. Advocates of a change have cited many benefits which could accrue to homebuilders, consumers, shippers, and others from the new proposed standards. Another aspect of the benefits, those accruing to the owners of standing timber, is related in a column written by the business editor of the Oregonian and published in that newspaper on March 14, 1964.

I ask unanimous consent to have the article printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Oregonian, Mar. 14, 1964]

Making the Dollar: Lumber War Brews Over 2 by 4's

(By Gerry Pratt)

This is a story of a new machine that turned around and hit the inventor in the pants. It is the story of the greatest feud in the lumber industry, a feud that began with the invention of the machine that can test the strength of lumber, and when you are talking about lumber strength you are talking about money.

The machine proved what lumbermen have suspected for years, that lumber is much, much stronger than building specifications ever gave it credit for. It found that Douglas fir 2 by 4's were nearly twice as strong as they need be; it also found that the low-value species, species used only for boards, were also strong enough for structural lumber, even red cedar was in some cases strong enough to sell for 2 by 4's.

There began the drive to reduce the size of all lumber to adjust to this new information, a 2 by 4, for instance, could be reduced to 1½ inches instead of 2 inches thick. That kind of a reduction alone is calculated to give the timber owner 8 percent more lumber out of his log than he gets now.

If you were like the Weyerhaeuser Co., and owned more timber than anyone, speculated to be in the neighborhood of 100 billion feet; an 8-percent increase in inventory would be enormous. So the fight to get the new smaller sizes approved began, and it has never been a secret that George Weyerhaeuser, the scion of the family that controls the giant company, led the way.

SMALLER MILLS TAKE ISSUE

On the opposite side of the issue there sprang up a legion of smaller mills under the leadership of the Western Forest Industries Association, a tough little organization headed by Joe McCracken. WFIA contended Weyerhaeuser's proposals to reduce the sizes did not deal fairly with the green lumber mills, but gave an advantage to the dry-kiln mills.

And so they argued for a year or more until March 3 when A. Robert Smith wrote in the Oregonian a report of a hearing on the matter before Secretary of Commerce Luther Hodges. Buried in the story was the testimony of Aaron Jones, Seneca Lumber, Eugene, chairman of the West Coast Lumber Inspection Bureau. It was loaded.

Jones was testifying about a meeting held in the Hilton Hotel suite of his brother-in-law, Nils Hult, president of the West Coast Lumbermen's Association, a meeting that included from the WFIA dissident group, McCracken, Jones, Fred Sohn, John Studs, Roseburg, and a half dozen others, and people of the proponent group headed by George Weyerhaeuser, Cleveland Edgett of the WCLA, Marshal Leeper of U.S. Plywood and Hult. It was June 1963, and everything off the record:

"We asked (Weyerhaeuser) why was the necessity of making these changes," Jones testified. "George Weyerhaeuser, being spokesman of the group, (replied)—that if all they were going to get out of this program was the 8-percent overrun in what the public was being told, they wouldn't waste their time and money on it.

MINOR SPECIES PROVEN STRONG

"The real reason was because the stress machine was proving that lumber was twice as strong as it was presently accorded. This meant minor species of little present monetary value would become merchantable lumber and would compete with their raw materials. I was told that was the reason they were going to inch and a half, to exclude these minor species from the marketplace.

"I was also told by Weyerhaeuser, George Weyerhaeuser personally, that their ownership was over 90 percent presently acceptable species and that they intended to protect that advantage. I was told by Mr. Weyerhaeuser that this inch and a half was only an interim size; that we would go on to an inch and a quarter or an inch and an eighth within the next 5 years, whatever it took to maintain the dominant position of their lumber species.

"I did not wish to bring that up. I tried to keep from bringing it up this last year and a half. But I feel that of necessity and in all honesty and fairness to the independent lumbermen it has to be said," Jones testified.

McCracken this week backed up the story, said he heard it himself and so did some of the other dissidents, if not everyone in the room, he claimed.

Weyerhaeuser, through a statement to Hodges, says it isn't true, denies it "categorically," and says "these statements as reported in the newspapers are totally incorrect and represent a complete twisting of any discussions I have had with Mr. Jones on the subject."

Weyerhaeuser's written statement points out that Weyerhaeuser Co. holds lower grade species as well and adds: "As the harvesters of the Nation's largest privately owned scientifically managed forests we are delighted that the industry has a scientific means to measure strength in lumber.

CONSERVATION SEEN AS FACTOR

He denies that he said lumber would be reduced beyond inch and a half to eliminate the weaker species from the structural lumber market. "I did say that in the interest of even better conservation of timber, future changes in standard lumber sizes should be considered if and when engineering studies indicate they can be made consistent with construction efficiencies and consumer requirements."

The Weyerhaeuser executive immediately was backed up by the West Coast Lumbermen's Association and the Western Pine Association, two organizations that Weyerhaeuser critics claim are dominated by the "Big Wy" because Weyerhaeuser is the principal source of association dues.

A letter from a WCLA public relations source addressed to Smith in Washington suggested the reporter was confused. "I can understand how a person, introduced to it for the first time, might become confused." And while Weyerhaeuser is not mentioned personally the WCLA statement reviews the proponents stand for the size changes and says, of Smith's report: "It seems to me you have been given information that does not conform to the facts."

The Western Pine letters mailed to Hodges were forwarded here in copy form and were from W. E. Griffee, secretary manager of the association, and John S. Richards, president. Writes Griffee: "While we were not present at the discussions by Messrs. Jones and Weyerhaeuser, some of the quotes sound so very unlikely that we cannot believe they are correct."

And Richards: "Of course I was not present at Mr. Jones' discussion * * * however, I am thoroughly familiar with the considerations involved and I know how the Weyerhaeuser Co. people have conducted themselves * * *." He continues to assure the Secretary that Weyerhaeuser was, in effect, misquoted.

So there it now stands, stewing with rancor and charges and countercharges; with the possibility of a full scale Commerce Department investigation in the waiting; with the lumber industry losing friends it will some day need in Washington. The machine has proven that the product is better than ever but the men who make lumber have found cause to fight over that.

NEEDLESS TORTURE OF ANIMALS

Mrs. NEUBERGER. Mr. President, an editorial published in the New York Times of March 17 endorses the humane-treatment-of-animal legislation which Senator CLARK and I have sponsored.

The editorial comments on a common misunderstanding and the only source of reservation by emphasizing that "none of these bills is antivivisection legislation." In sponsoring the Senate bill, Senator CLARK and I have always stressed that it is in no way designed to slow medical and scientific research. It is concerned, rather, with treating the animals that are used in experimentation humanely and compassionately. Mr. President, I ask unanimous consent that the Times editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEEDLESS TORTURE OF ANIMALS

In Washington and in Albany several bills bottled up in committees are designed to protect animals from the cruelty of man's hand or neglect. Animals that are to be slaughtered, or used in medical experiments, or in science laboratories or in classrooms can be saved from unspeakable pain and torture through proposed Federal and State law.

The Clark-Neuberger bill pending in the U.S. Senate and a companion bill in the House would insure decent treatment of laboratory animals, including adequate rest and exercise areas, proper feeding and sanitation. Where subjected to painful tests, animals would be anesthetized—now not always the case.

The existing Federal Humane Slaughter Act covers about 80 percent of the animals slaughtered in this country; but the rest can be covered only by State laws. The McEwen-Feinberg bill in Albany would outlaw cruel practices such as shackling and hoisting of conscious animals. Another State bill would bar indiscriminate experiments with animals in high school classrooms. And the problem of homeless and starving dogs and cats—posing a health hazard in many communities, especially in New York City—would be covered by a law encouraging the spaying of domestic animals.

None of these bills is antivivisection legislation. Medical and scientific research must continue for man's health and benefit. But human carelessness and cruelty to animals are always present—and always unnecessary.

UNIVERSITY OF SOUTHERN CALIFORNIA AND OTHER GREAT SCHOOLS TO FATHOM THE OCEANS

Mr. KUCHEL. Mr. President, our Nation is investing billions of dollars in an advanced program to conquer the mysteries of outer space. As our rockets press ever closer to the moon and surrounding planets, they will unlock great treasure troves of scientific information that will be of inestimable value to the knowledge and well-being of mankind.

But, while we seek to understand the mysteries of space, we cannot ignore the vast worlds of "inner space" on this planet which need to be "explored" and "discovered." One of the most important parts of this "inner space" is the far-flung complex of oceans, and the animal and vegetable life they contain.

As the earth's population increases rapidly over the coming years, natural resources available on land will become badly depleted. When this occurs, enormous reserves of metals, food, water, and vegetation present in the oceans will have to be tapped. We need to set about now acquiring the scientific information and the scientific talent needed to harvest these great ocean resources.

National defense considerations also make it extremely important that we learn more about the depths of the sea. The subsurface navigational domain, with the vast protective cover it provides an attacking enemy, is as important as outer space to our security. The United States now enjoys a commanding lead where knowledge of under-the-ocean warfare is concerned. We must continue working to protect this lead.

To this end, a unique cooperative research and educational program has been organized by the major universities and colleges in the Los Angeles area of the State of California. Led by the University of Southern California, eight institutions of higher learning have banded together to establish a center for marine research and graduate training on Santa Catalina Island.

Santa Catalina, located 20 miles off the Pacific coast at Los Angeles, is an ideal location for such a marine research facility. It is situated close to the Continental Shelf. The sea floor surrounding it is quite varied, offering a number of connected basins and troughs, several steep escarpments, some submarine canyons, and extensive areas of relatively flat sea bottom.

Santa Catalina is also ideal for biological study. There is an overlap of northern and southern fauna and flora in the area. Nearby are such varying biological habitats as a submerged reef, extensive kelp beds, and several sea caves, one of them completely under water.

Because of its insular location, Santa Catalina is one of the few remaining areas off the coast of the United States which is completely free of pollution. The transparency of the water is so great that visibility extends as high as 70 feet and marine vegetation can survive at the unusual depth of 250 feet.

The most outstanding characteristic of the Santa Catalina area, however, is the high sea water temperatures and year-round temperate climate. It thus will be the site of one of the few marine research laboratories in the United States capable of being operated on a year-round basis. This will make it a most worthwhile investment where scientific research funds are concerned.

On Santa Catalina Island, more than 225 acres of land surrounding a protected cove have been provided by Mr. Philip Wrigley for the marine research center and a greenbelt area surrounding it. Laboratories, classrooms, housing, and service facilities are planned which will accommodate 125 persons. The installation has been designed so that it can be rapidly expanded at a future date to house more than 450 researchers, faculty members, and students.

Institutions cooperating with the University of Southern California in this endeavor include the University of California at Los Angeles, the California Institute of Technology, Pomona College, Occidental College, the University of California at Riverside, the University of California at Irvine, and the California State colleges in the area.

The new study center will serve all these schools as a base for research programs in marine science and as the locale for instruction of graduate students. Faculty members of the participating schools will offer formal courses at the site on a regular schedule throughout the year.

To provide funds for the initial phases of this worthy project, a request for a grant of $2,515,000 has been submitted to the National Science Foundation. It is appropriate that the National Government should become involved in this project, because it is a regional laboratory which will inevitably grow into a major national resource.

The National Science Foundation now has this proposal under review. It is my hope that it will consider it favorably. Prompt action on its part will mean that the development of a badly needed marine sciences center can be realized forthwith. The Santa Catalina project is so ideally situated and so necessary that one wonders why it was not built earlier.

It is very gratifying to me, Mr. President, to witness a group of major educational institutions working together wholeheartedly for the advancement of science and the betterment of man. In many areas of intellectual endeavor these great universities compete with one another—for outstanding students, for skilled faculty members, for all too limited sources of financial aid. In this case, however, they have seen that this job cannot be done adequately by one school alone but can be done most successfully by all eight working together. In taking such bold action to provide our people and our Nation with vitally needed knowledge of the seas, I think eight southern California institutions deserve the wholehearted support of the National Government. Their cooperative efforts today will provide oceanographic information of inestimable value to millions of Americans in the future.

The 12-MILE FISHERY LIMIT

Mr. BARTLETT. Mr. President, not for years has so much attention been focused upon the United States and indeed the world fishery as now. And it is well that this is so. The health and vigor of the U.S. fishery are important in terms of commerce. Sadly enough, our industry is not now prospering when compared to the fishing industries of some of the other great maritime nations of the world. In terms of production, the United States has slipped from second to fifth place.

Efforts to revitalize it are being made legislatively and otherwise.

There has been much talk of extending an exclusive fishing zone from the present 3-mile limit to 12 miles. Canada has announced an intention to do this in May. Similar announcement was recently made by Great Britain and other Western European countries. Over half the fishing nations of the world now claim exclusive fishing rights beyond the 3-mile limit. For reasons of defense and other considerations there has been, until recently, considerable resistance in the United States to joining in this movement. Now there is an increasing body of opinion, one with which I am in agreement, that the United States should act likewise.

Mr. President, when the Gulf and Caribbean Fisheries Institute met at Miami last November one of the papers presented was entitled, "The Theory and Practice of the 12-Mile Fishery Limit" by Dr. Wilbert McLeod Chapman of the Van Camp Foundation. Dr. Chapman is a distinguished fishery scientist. I must say that I find myself on the opposite side of the fence from him in respect to some of the main arguments he makes in the paper presented at Miami, but I do believe that all interested in the subject should have an opportunity to read and analyze his views. Therefore I ask unanimous consent to place Dr. Chapman's paper in the RECORD at this point.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE THEORY AND PRACTICE OF THE 12-MILE FISHERY LIMIT

(By Wilbert McLeod Chapman, Van Camp Foundation)

Your secretary has asked me to speak on the "Theory and Practice of the 12-Mile Fishery Limit" in international law. I shall discuss its origin, recent developments respecting it, and how it will affect (or not affect) some of the principal international fishery problems.

In general, one can say that the theory behind the 12-mile fishery limit is that its adoption will protect fish stocks from overfishing and give the fishermen of the adjacent coastal country a beneficial advantage in harvesting them. In practice, such a limit has little, if any, effect on protecting major fish stocks from overfishing and in few major fisheries of the world does it give a critical advantage to the coastal fishermen or do more than create a nuisance for the high-seas, long-range fishermen. As a tool for solving international disputes over fisheries, its short-term utility is minor and transient; its long-term use will be substantially nil.

It is generally agreed that the navigable waters of the world fall into three categories—inland waters, the territorial sea, and the high seas.

The inland waters include all bodies of water within the land territory. Over these waters a nation exercises a complete sovereignty the same as it exercises over its land territory. This includes the right to exclude foreign vessels from the use of these waters. The outer limit of a nation's inland water is the inner limit of its territorial sea.

The territorial sea is a band of water lying between the outer boundary of the inland waters and the inner boundary of the high seas which also forms a part of the national territory of the contiguous country, but foreign vessels have the right of innocent passage through it. This privilege is in the nature of a concession, and it may be conditioned by special regulations laid down by the coastal nation for particular purposes connected with the protection of navigation and the execution of laws of that country.

Seaward of the territorial sea is the high seas. Their essential quality is that they are not subject to the sovereignty of any one nation, but every nation has an equal right to use them. Freedom of navigation over, on, and under them, freedom of fishing in them, and freedom to lay cables and pipelines under them are the essential aspects of the high seas.

The chief arguments among nations in recent years in respect of these types of water has been the manner of delimiting the inner and outer boundary of the territorial sea and the determination of its breadth.

The first of these questions was settled by the terms of the 1958 Convention on the Territorial Sea and the Contiguous Zone. Its third article reads, "Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal state." Article 4 defines the exceptions permitted where the coastline is deeply indented or cut into, or if there is a fringe of islands along the coast in its immediate vicinity. Articles 7, 8, 9, 10, 11, 12, and 13 define the way in which drawing the baseline for the territorial sea may be affected by bays, permanent harbor works, roadsteads, islands, low-tide elevations, and river mouths, as well as between adjacent countries. Article 6 states, "The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea." This convention requires 22 ratifications to come into force, and is in the process of accumulating them. The United States ratified this convention in 1960 and it now lacks only one more ratification before it comes into force. It can be taken as present international law on this subject.

There is a considerable amount of enthusiasm among sea lawyers in our country as well as in others for the thesis that large sectors of the high seas can be incorporated into the national territorial sea simply by drawing lines between far distant headlands and measuring out from these base lines the breadth of the territorial sea.

This is such sheer nonsense as to not justify using time to discuss it. Depite the fact that a base line from the Alaskan Peninsula to Cape Spencer looks fine to Alaskan small boat fishermen, from Cape Cod to Cape Hatteras looks good to menhaden people, and from Key West to Rio Grande looks fine to some American shrimpers, this issue has been examined in detail and has been settled in international law by the International Court of Justice (Anglo-Norwegian Fisheries case) the International Law Commission, and the community of Nations at the Law of the Sea Conference in 1958. Sea lawyers interested in the issue would do well to read the documents.

The breadth of the territorial sea has not been settled upon. There never has been general agreement upon it among nations. In the course of history the pendulum as swung from the Roman concept of mare liberum, to the claims of Spain and Portugal in the 14th and 15th centuries to sovereignty between them over the whole world ocean, and then back again to a 3-mile limit during the 19th century.

The 3-mile limit has never been agreed to among nations. It was imposed by the two prime naval powers—England and the United States, for a long period of time. It was agreed to in the first part of this century by countries whose ships carried upward of 80 percent of the worlds' commerce. However when the League of Nations convened a conference at the Hague in 1930 to consider the codification of the law of the sea there was so much disagreement on what should be the breadth of the territorial sea that no single resolution proposing an appropriate breadth was even put to a vote. That conference was a failure from that cause.

Article 13 of the Charter of the United Nations requires the General Assembly to "initiate studies and make recommendations for the purpose of—encouraging the progressive development of international law and its codification." In 1947 the General Assembly established the International Law Commission composed of independent experts in international law charged with the codification and development of international law. The ILC began its study of the law of the sea at its first meeting in 1949, considered it at each meeting thereafter for the next 7 years, and in 1956 presented its final report on this subject to the General Assembly in the form of 73 articles, each accompanied by a commentary, suitable for adoption as a convention among nations. It recommended that a conference of plenipotentiaries be called for that purpose.

The Commission, in its own sessions, had been unable to reach agreement as to the proper breadth for the territorial sea, although it did say that in its consideration international law did not permit an extension of the territorial sea beyond 12 miles. While it considered several proposals at its 1956 session, none of them received majority approval. The Commission's carefully worded conclusions on this point were:

"1. The Commission recognizes that international practice is not uniform as regards the delimitation of the territorial sea.

"2. The Commission considers that international law does not permit an extension of the territorial sea beyond 12 miles.

"3. The Commission, without taking any decision as to the breadth of the territorial sea up to that limit, notes, on the one hand, that many States have fixed a breadth greater than 3 miles and, on the other hand, that many States do not recognize such breadth when that of their own territorial sea is less.

"4. The Commission considers that the breadth of the territorial sea should be fixed by an international conference."

Pursuant to this recommendation the United Nations convened a conference of plenipotentiaries to consider the Law of the Sea in Geneva, Switzerland, in 1958. It was attended by the representatives of 86 sovereign nations. Four conventions emerged from this conference, and have since been the subject of ratification by nations. These were:

(1) "Convention on the Territorial Sea and the Contiguous Zone."

(2) "Convention on the High Seas."

(3) "Convention on Fishing and the Conservation of the Living Resources of the High Seas."

(4) "Convention on the Continenal Shelf."

The fourth of these has already received more than the required number of ratifications and is in force. The first and second only require one more ratification before coming into force. The third requires about nine more ratifications before coming into force.

While the Conference was able to reach agreement on nearly all aspects of the Law of the Sea, and codify them in these four conventions, two aspects defied all attempts at agreement. They were:

(1) The breadth of the territorial sea, and

(2) The jurisdiction by the coastal country over fisheries lying in the adjacent high seas.

To attempt to resolve these last two remaining points the United Nations convened a second conference on the Law of the Sea at Geneva in 1960, to which the representatives of 88 countries came. The contest was between those who wished a 3-mile territorial sea, and those who wished a 12-mile territorial sea. The 3 milers were willing to compromise to a 6-mile territorial sea plus fishery rights in an additional 6 miles. When, after 6 weeks of intensive debate and maneuver, the final vote came on the compromise proposal on April 26, it failed by one vote to gain the required two-thirds majority.

Accordingly there still is no agreed breadth for the territorial sea among nations.

Much clarification was gained, however, on this point during these years of study, debate, and conference. There remains no reasonable doubt that the proper breadth of the territorial sea in international law is between 3 to 12 marine miles. An interesting sidelight on this was illustrated by the vote brought forward during the 1958 conference on a proposal sponsored by Colombia. In brief, it proposed that there be a 12-mile territorial sea plus a 12-mile zone of exclusive fishery jurisdiction. The only affirmative vote it got was that of the sponsor.

Also it was clear that a majority of nations favored a breadth of territorial sea less than 12 miles. This appeared more distinctly at the second conference even than at the first. The final vote on the United States-Canadian proposal for a 6-mile territorial sea plus 6 miles of additional fishery jurisdiction was 54 nations in favor, 28 against, and 5 abstentions—out of 87 nations voting. This was nine more affirmative votes than the U.S. proposal received at the first conference. By contrast, the proposal of the 12 milers received only 32 affirmative votes at the second conference as against 39 negative votes and 17 abstentions, or well less than a simple majority.

I am unaware of any special concept of a 12-mile fishery zone, considered separately from the breadth of the territorial sea, existing before the International Law Commission began its studies. To the best of my knowledge this concept arose as a special entity during these two conferences as a compromise to gain votes for a narrower than 12-mile territorial sea, rather than arising from any preexisting fishery problem or concept. Prior to this time, where a nation claimed exclusive rights to fishing within 12 miles of its coast this was because it claimed a 12-mile territorial sea. These countries were few in number.

A study of the history of these two conferences shows two things quite clearly:

(1) There was always a clear simple majority in favor of a 3- or 4-marine-mile breadth for the territorial sea (1 marine league interpreted both Anglo-Saxon and Scandinavian ways); and

(2) There was never a two-thirds majority in favor of so narrow a breadth for the territorial sea. The wrangling of Canada, United States, and United Kingdom over the proper compromise of their own fishery problems (as between Canada and the United States among themselves) prevented these three prime exponents of the 3-mile limit from developing a compromise which would protect their fishing interests and military interests simultaneously while being capable of drawing two-thirds majority vote. The great, simple majority strength of the straight 3-mile limit was never tested at the vote, because the wrangle over fisheries between Canada and th United States could not be settled by that. The compromise of 6-plus-6 they settled on between themselves also failed to win the necessary two-thirds majority, and pulled very few votes that a 3-plus-9 formula would not have won as well. In moving to the 6-plus-6 formula, the Anglo-Saxons jeopardized the larger half of their military interests in this issue, while gaining nothing substantive on their fishery interest in it.

The two conferences on the law of the sea occurred during that period of history when the contest for world military and diplomatic supremacy between the United States and Russia was on the ascendancy. The conferences bore squarely on the naval aspects of that struggle. Russia was the prime proponent of the 12-mile limit, the United States of the 3. While there were several other important military aspects to this question the prime one was its effect on free navigation through international straits. It was estimated that there were 116 important international straits under a 3-mile territorial sea that would fall subject to national sovereignty if a 12-mile territorial sea became international law—52 of these would be similarly affected if the 6-mile rule for the territorial sea were adopted.

The United States, being the chief maritime power in the world, and the strongest member of the free world confederacy that was held together by the highways of the sea, could not tolerate this possible restriction on free navigation; Russia being the prime land power in a confederation of land powers, wished to see this restriction on naval power and world commerce capable of being applied. Although both nations are prime fishing nations the interests of their fisheries was quite subjugated to their military and diplomatic interests during these two conferences.

Two other rather adventitious issues compounded this major difficulty for the United States.

The Arab States had little interest in the fishery arguments at these conferences because none of them had much in the way of fisheries. They did not show much more interest in the above-noted power struggle. They were combined vigorously in an attempted economic action against Israel. They conceived that an agreed 12-mile limit for the territorial sea would enable Saudi Arabia and the United Arab Republic legally to deny entry to the Gulf of Aqaba by Israeli shipping and thus cut off that nation's southern port of Elat from access to the high seas. Accordingly their 12 votes were added to the 9 votes of the Communist countries on this issue. There were about five countries having exaggerated claims to very wide territorial seas who could be depended upon to vote for any proposal which would yield them the broadest possible territorial sea. This amounted in total to about 25 or 26 reasonably certain votes that Russia could get for a 12-mile territorial sea proposal, if it left the outer boundary somewhat fuzzy (as it did in its proposals).

It was obvious at all times in both conferences that there was no possibility of a 12-mile proposal coming close to winning. But the rules of both conferences provided that any substantive issue required a two-thirds majority to win. There were 86 possible votes in the first conference and 88 in the second. Thus if Russia could get 29 votes in the first conference, or 30 votes in the second, it could certainly block the adoption into international law of a breadth of territorial sea less than 12 miles. It could then await the course of history to confirm or deny its contention that a 12-mile rule was proper. With the great number of new countries then due to gain their independence in the next few years it might even win a 12-mile vote at a later period, if it could prevent a successful vote for a narrower territorial sea at this time.

There was enough commonsense in this Russian concept to give the United States great concern, and it left no diplomatic stone unturned to win the necessary two-thirds vote for a narrow territorial sea. The drive within the U.S. Government to grasp victory from defeat on this issue was so great that in the last moments of the second conference it was prepared to sacrifice completely the rights of its long-range fishermen and, as well, to accept a 6-mile breadth for the territorial sea which did material damage to its naval and mercantile interests in the issue.

It was unable, in the end, to succeed in this attempt because of the fisheries interests of its allies, particularly its NATO allies, who were unwilling to sacrifice their interests in access to what they considered to be vital food supplies for military objectives, as was the United States. These were two conferences in which the United States experienced no real trouble from its enemies, but in which it had the greatest difficulty in persuading its friends to its side.

Almost the total economy of Iceland is dependent upon fish, which provide over 90 percent of that small country's exports as well as its chief source of protein food. The continental shelf of Iceland has been fished by Western European fishermen in a major way for generations. After the end of World War II, as a result of which Iceland achieved independence as a sovereign nation, her statesmen conceived that their independence could be maintained only be securing this base of Iceland's economy within its sole jurisdiction. What Iceland wanted was plainly stated in its presentations to the General Assembly. It wanted exclusive fishery jurisdiction over the resources in the high seas over the Icelandic continental shelf, and it wished at the same time to retain access to markets for its fishery products in other countries. To its NATO allies it maintained clearly that it had no desire to a breadth of territorial sea greater than 3 miles. It did not wish to disturb military balances in any way, either by denial of its vital harbors or airfields to its allies or otherwise. It only wanted control over the fish its people must have, while remaining a loyal ally.

Icelandic statesmen shrewdly used every strategem of diplomatic skill, compromise, association, international law, and personal persuasion for more than 10 years to achieve this end. This was the solid rock against which U.S. policy at these two conferences foundered. Despite the development of numerous compromises no formula could be found upon which the Western European fishing nations and Iceland could be brought to agreement. In the end Iceland voted against its ally and friend, the United States and its principal customers and allies in Western Europe. Since the Western European countries could count on about 18 votes on the fishery issue, the United States, with its much narrower working margin of votes than that could not give in to Iceland any further than the Western European fishery interest would permit.

The second difficulty from which the United States suffered was the contentions of its friend, ally, and neighbor—Canada.

For a good many years a fishery labor union in British Columbia had been demanding that the Canadian Government adopt the strait baseline rule on the west coast of Canada plus a 12-mile territorial sea. This was for the plain, and only, purpose of excluding U.S. fishermen from Hecate Straits and adjacent fishing grounds. In those years no other foreign fishermen fished along that coast, or close to it.

On the east coast of Canada there was an internal fisheries problem which was just as vexatious to the Canadian Government. To protect the economic welfare of its inshore, inefficient, small-boat fisheries it had, for many years, prohibited its own trawlers from fishing within 12 miles of the Nova Scotian coast. Since Canada was a 3-mile territorial sea country, and strict in its adherence to international law, it did not interfere with foreign trawlers fishing up to within 3 miles of the Nova Scotia coast. This contrasting treatment for foreign and domestic trawlers was a continuing political irritant in the Maritime Provinces.

Canada never attempted to rectify these internal problems by changing the breadth of the territorial sea and over the years, in fact, the fisheries relations between the United States and Canada were exemplary. There were a great many reasons for this. One of the larger ones was that the United States provided the chief market for Canadian fish production.

The first Geneva conference fell at a time when national elections were due to be held in Canada. The Conservative Party's margin was well known to be slight if it existed at all. The vote in the Ridings of coastal British Columbia and the Maritime Provinces were likely to be controlling, and in the event this proved to be true.

Accordingly, the Canadian Government adopted a policy which would rationalize these internal problems. As early as the 1955 Rome Conference on the Conservation of the Living Resources of the Sear, it became evident that the Canadian Government would not vote in favor of any motion which might restrict her ability to claim a 12-mile limit, at least for exclusive fishery jurisdiction. By the opening of the First Geneva Conference in 1958 the Canadian position had become plain, positive, and public. Its delegation introduced a proposal calling for a 3-mile rule for the territorial sea plus a 9 mile additional area for exclusive fishery jurisdiction. Thus the 12-mile fishery limit, as separated from the 12-mile rule for the territorial sea, was officially launched in the international field.

As it only had a margin of four or five votes it could lose, and required to maneuver between its ally Japan (that favored no fishery control beyond the 3-mile limit) and its ally Iceland (that wanted exclusive fishery jurisdiction over its entire Continental Shelf), the United States was caught in a pretty position. The leaders of its delegation were increasingly astounded that firm military allies would risk sacrificing the security of the free world over a mess of fish, which to them meant so little. But these hard facts they had to face, and their failure to rationalize these fishery disputes finally defeated their major objective.

The story of the desperate attempts to compromise these fishery and military issues during these two conferences is a fascinating one, but it is not the one that we are considering today.

The United States was certain that its failure to win at these conferences would result in a wild rush, particularly among the newly independent countries, for a 12-mile limit. There have been a few countries since who have so claimed, but the rush never developed and the proportion today between countries which claim a broad territorial sea and those which claim a narrow territorial sea is not much different than it was in the 1940's when there were only half the independent nations in the world that there are now.

An odd thing has happened in the North Atlantic where the fight between Iceland and the other NATO powers over fishing rights was so severe during the fifties. Directly after the 1960 conference followed the "cod fish war" between Iceland and England. This ended in a compromise settlement which provided, in substance, for a 12-mile fishing limit around Iceland (not the whole Continental Shelf, as Iceland had wanted). At about the same time Norway moved toward a 12-mile fishery limit, as did Denmark in respect of Faroe and Greenland. One could reasonably have expected that the Western European fishing nations were all moving toward a 12-mile fishing limit.

But at this stage a wholly new force stepped in to modify this trend. The Rome treaty establishing the European Economic Community provided for common access to resources and markets among the signatories. The countries of Western Europe split up on this issue among the "Inner Six" and the "Outer Seven" with the latter group seeking to join the former. Two factors related to this great move toward a united Europe interfered with the progress toward 12-mile fishery limits. The first of these was the lack of logic in barring one's neighbors from fishing in such an area by signing one document and then giving them permission to fish in it through signing another document. The second was the incontestible fact that market and production had to go together. The "Inner Six" were the big users of North Atlantic fish and the "Outer Seven" were the large producers of it. It really would not do for one to antagonize the other too much on this straightforward fishery issue especially when they were firmly agreed on the military issue in respect of the narrow territorial sea.

These trade issues are still under contest in the European area and it still is not clear what sort of fishing limits are going to be settled upon in those waters. A strictly European conference will be held on this subject next month. No other considerable group of nations in the world is agitated presently over these issues, as was the case during the fifties. There are a variety of reasons why this is so. One was illustrated this year in West Africa. Ghana pronounced its intention to extend its fishery limit, but Ivory Coast (next door) said that it would do likewise if that happened. This twin move would likely end up by hampering the fishermen of both countries more than it would protect them, so the decrees were deferred by both countries.

There still remains powerful agitation in Canada for the establishment of a 12-mile zone of exclusive fishery jurisdiction. The government of that nation has declared its firm intention to take this step. In reaction, and in sympathy, there has grown up a strong sentiment in the Northeast and Northwest United States to have the United States become a 12-mile fishery limit country also. Senator GRUENING is the strong voice for this on behalf of Alaska; the Atlantic States Marine Fisheries Commission has recently declared in favor of such action on the east coast.

It is useful to examine what the practical effect of such actions by both countries would be on their fisheries positions vis-a-vis each other, and also vis-a-vis countries from Asia and Europe that are increasingly fishing off both the coasts of both countries.

Keep in mind that there are two publicly claimed reasons for an extended zone of exclusive fishery jurisdiction:

(a) Conservation of the resources, and

(b) Protection of the small coastal fishermen from the rapacious big vessels of foreign marauders.

There is a third and principle reason which is most important politically, but is heard little of. That is the desire to perpetuate uneconomic practices in a backward fishery that have arisen from custom, lethargy to change, or unwise legislation. There is a fourth very valid reason in the eyes of fishermen, which is paid little attention to by statesmen. That is the excessive irritation aroused by physical interference between different types of gear fishing on the same grounds in the absence of any rules of the road governing such activities in international law. A fifth reason for such extension is seldom mentioned, but it is a major force: That is to give the fishermen of one country a preferential position in the marketplace of another. Let us examine the United States-Canada fishing problems in the light of these reasons for a 12-mile fishery limit.

In Alaska the resources giving rise to fishery disputes are salmon, halibut, and King crab. Much larger internationally fished resources in the area which have not given rise to extended disputes as yet are ground fishes other than halibut, and sperm whales.

Research of the past 10 years has shown conclusively that all five species of Pacific salmon migrate widely across the North Pacific during their years of feeding in the ocean. Salmon from American streams can be caught abundantly in the western Pacific near Asian shores; salmon from Asian streams migrate far into the Gulf of Alaska. I do not know any serious students of the problem in Alaska or elsewhere who contend that a 12-mile fishing limit, or a 200-mile fishing limit, would be of any more use in the conservation of the salmon resources of Alaska (or Canada) than would be a 3-mile fishing limit.

It has been known for 30 years that the halibut of the eastern North Pacific regularly undertake migrations of as much as 1,000 or 2,000 miles, those tagged off Canada being taken off Alaska, and vice versa, and in the intervening high seas. If Canada and the United States both declared and enforced 12-mile fishery limits it would have no appreciable effect on the conservation of the halibut resources upon which both countries fish. Those resources could be quickly and thoroughly depleted through fishing outside a 12-mile fishery zone. This would still be true even if both countries adopted the straight-base-line method of establishing the outer boundary of their inland waters within the limits prescribed by international law.

The fishery for king crab has become important to Japan, Russia, and Alaska in the postwar years, but in this Canada has not yet been substantially involved. King crab are available abundantly inside 12 miles offshore along the Alaskan Peninsula and off outlying islands. They are also commercially available there outside the 12-mile limit. In eastern Bering Sea, from whence most king crab are taken, substantially all the production is on the shelf outside 12 miles from any land.

Thus it is clear that a 12-mile rule would have no practical effect on the conservation of these three kinds of resources in the Northeast Pacific, despite the fact that these are the three sorts of resources about which most of the public controversy arises, and the fact that most of the controversy is publicly stated to be over the need for conservation.

A very great conservation problem exists in the area in respect of the other bottom fish resources such as ocean perch, flounder, etc. But this is not much talked about and there is substantially no research being done on this problem except as it relates to the halibut. The reasons for this are interesting and not much in the public eye.

Russia and Japan have established trawl fisheries for this sort of resource in the eastern Pacific during the past 10 years which produce well over a million tons of fish per year, much more than the total production of salmon, halibut and king crab in the whole North Pacific put together. During this period of time, Japan built a great fishery for yellow flounder in eastern Bering Sea and fished the resource out so thoroughly that the biggest company involved in the fishery went bankrupt with a crash last year. They appear to be working on the same theory as the logging companies did a generation ago—to harvest the resource as completely as possible, and then wait for a period of years for it to grow up to harvestable level again. This is contrary completely to conservation theory and practice in Canada and the United States, but no great cry has been raised.

The reasons for this are chiefly two—and both rather odd.

The first is that Canada and the United States (in the Pacific Northwest) for upwards of 30 years have been steadily progressing in the direction of securing conservation of their offshore resources by decreasing the efficiency of their fishermen. This has been done by banning completely very efficient gear (such as salmon traps and seines), limiting the size of vessels, limiting what types of gear could be used for particular fisheries, prevention of gear from moving seasonally from fishery to fishery, barring of electronic fish detecting apparatus, etc.

This has been politically pleasing to the small fishermen and the industry of both countries, whose economies are substantially the same, whose companies are much intermixed as to ownership, and whose sea fishermen are in large part of the same racial extraction and much interrelated. Also it has worked quite satisfactorily for the inshore fishermen as long as no fishermen from another country, working under another set of economic rules, and using modern, efficient craft, engaged in these fisheries.

This situation has been changing in the last few years as the modernized fishing fleets of Russia and Japan moved into the eastern Bering Sea, then south of the Alaskan Peninsula, and then into the Gulf of Alaska, fishing on resources that Americans and Canadians were using slightly or not at all, and for which they had neither the modern high seas trawlers to take, or the markets in which to dispose of the catch at prices their inefficient small vessels required to make a profit.

But at this point international politics provided the other reason for no major complaint being raised. Politically the overwhelming fish issue in the Pacific Northwest is salmon. Canada and the United States succeeded, before the occupation was concluded, in getting Japan to agree to refrain from taking salmon and halibut east of 175° west longitude for a period of 10 years. This was under a complicated formula based on the resources presently being used to their maximum sustainable level already by Canada and the United States, this being accomplished by regulations adopted on the basis of scientific research.

From the salmon standpoint this deal was perfect for Canada, Washington, and Oregon because it turned out that few, if any, of their salmon went west of that line. For Alaska it was only partially satisfactory because major numbers of the very important Bristol Bay red salmon did move west of the 175° west longitude line where they could be caught with ease by the Japanese, and were so caught by them except in those years when the Alaskans could raise a sufficient political threat of trade embargo to scare off the Japanese.

While Canada has been able to adopt a more statesmanlike attitude on these issues in the International Commission for the North Pacific Fisheries than has the United States, since its salmon could not be caught by Japanese under this treaty, both countries have been equally intent on keeping the treaty in force and thus keeping the Japanese out of the salmon and halibut fisheries in the eastern Pacific—in perpetuity if possible.

In consequence both Canada and the United States unitedly, no matter what their other disputes, labored vigorously from 1955 through 1960 to get this so-called "principle of abstention" incorporated into international law before the 10-year period of the Tripartite Treaty expired. In this they were quite unsuccessful. During the 1958 conference Russia said quite bluntly that it was poppycock to thus attempt to bar nations from high sea resources on purported conservation grounds that were exclusively economic and it would have no part of any such nonsense. Japan at that time clearly stated that under no consideration would it accept abstention as a general principle, or abide by it even in the North Pacific beyond the 10-year period of the Tripartite Treaty. The other nations failed to give the principle the required majority to include it among the four conventions adopted. Canada and the United States have nevertheless continued, wistfully, to hope that the Japanese would be nice and continue to abide by this exclusion after the 10 year initial period of the Tripartite Treaty in 1963.

Thus there has come about a complicated international fisheries political action in the North Pacific which includes these components, among others:

1. Russia has the same salmon problem in the western Pacific as have Canada and the United States in the eastern Pacific. Japan is able, in both instances, to overfish the salmon arising from both continents while its fishermen stay on the high seas, no matter whether the territorial sea is taken as being in breadth 3, 12 or 200 marine miles. Russia, however, has adopted a position vis-a-vis Japan much in accord with international law as developed at the 1955 Rome Conference, in the International Law Commission, and in the 1958 Convention on Fishing. It has a better case in international law vis-a-vis Japan than has Canada or the United States, whose "policy of abstention" failed to get adopted by the nations.

Nevertheless is it quite apparent that Russia desires to do nothing whatever to exacerbate the salmon problem in the North Pacific. It has a good position in the diplomatic activity over this issue at present and appears satisfied to stand unchanged for now. Accordingly, despite its frank statements that it will pay no attention whatever to the abstention nonsense, it has refrained from taking salmon in the eastern Pacific despite having great fleets in the area of the salmon approaches to the Alaskan streams each year.

This is a quite fortunate balance of strength as far as the United States and Canada are concerned because those countries have nothing in the fish line with which they can threaten retaliation against Russia, as they have with Japan, and all hands realize that when Russia decides it wants to catch salmon in eastern Bering Sea, the whole flimsy house of cards crashes.

2. The Russians do quite desperately require great additional sources of animal protein for the diet of their peoples, and with this objective in mind have undertaken a massive effort in the past 10 years to expand their fish production on a worldwide basis on a scale unprecedented among nations.

Their prewar explorations (during the 1930's) indicated great unused bottom fish resources in eastern Bering Sea, and as soon as they accumulated the strength they moved into these fisheries during the 1950's. In the last few years they have extended their fisheries gradually down the coast of the Americas—and earlier this year their exploratory vessels were as far south as southern California. Their vessels now work on a large commercial scale south of the Alaskan Peninsula and in the Northeast Pacific, as well as in eastern Bering Sea.

The fishery politicians in the United States and Canada have as yet made no great issue of this for three main reasons:

(a) They have no leg to stand on in international law,

(b) They have no club with which to threaten Russia as they have vis-a-vis Japan, and

(c) Above all, they do not wish to provoke Russia into catching salmon in the Eastern Pacific, which would ruin their whole diplomatic approach to this issue.

3. The Japanese have played this part of the action cagily, and so far successfully. They moved into eastern Bering Sea into the ground fisheries with the Russians. This was quite correct, in accordance with the Tripartite Treaty, and besides the Russians provided for them a satisfactory shielding force. They have continued to move south of the Alaskan Peninsula and into the Gulf of Alaska, but rather quietly and always behind the Russians.

4. This penetration of Russian and Japanese trawlers, first into eastern Bering Sea, and then into the Gulf of Alaska, is gradually causing the whole abstention policy of Canada and the United States to come unstuck. The reason is halibut.

It is quite impossible to trawl for other bottom fish in the eastern North Pacific without catching a few halibut, even if you do not want to. There really are not very many halibut in the eastern North Pacific. The entire catch by Canada and the United States only amounts to about 35,000 tons per year. The trawl fishery by Japan and Russia in the area now amounts to more than 1,500,000 tons per year and seems certain to grow to a larger size than 2 million tons per year shortly. If only 2 percent of the catches of these trawlers turns out to be halibut, the whole maximum sustainable yield of halibut in the area will be used up without the Canadian and American halibut fishermen getting any.

To an outsider it looks as if the jig is about up for the halibut, and it appears that this is the way it looks to the insiders too, because in recent negotiations concerning the extension of the Tripartite Treaty the Canadian and American negotiators appear to have practically abandoned halibut in favor of putting maximum force to saving the salmon issue, which is also getting shaky.

These are the major fishery problems in the Northeast Pacific among Canada, United States, Russia and Japan. A 12-mile fishery limit established by both Canada and the United States would have no substantial or noticeable effect on these issues. Undoubtedly Russia would be delighted to recognize such a 12-mile rule at once, as supporting its stand that the proper breadth of the territorial sea is 12 miles in any event. Japan would also be pleased to trade that for the other major harassments it presently has. It would not affect the total fish catch of either Russia or Japan by a decimal point.

On the American side of the Pacific the 12-mile fishing limit is a small, two-bit, side game being played by the small boat fishermen of Canada and the United States with each other. Since the amount of fish involved is not considerable, the odds are reasonably well balanced, and it is just a small game played within the family, nobody really cares much how it comes out.

There are three groups of Americans involved:

(a) Those who trawl with small vessels in Hecate Straits and along the coasts of Vancouver Island and the Queen Charlottes,

(b) Those who troll for salmon (chiefly kings and silvers) in the same waters, and

(c) Those who long line for halibut in those waters.

The 12-mile fishing limit will severely damage the Americans in the first two groups, but they are not very vocal or active politically. Also they seem rather naively to feel that the Canadians will grant them "historic" rights in spite of the fact that it is just exactly them that the Canadians have been wanting to get rid of long before the Japanese and Russians showed up, and the further fact that one thing the Law of the Sea Conferences showed clearly is that the majority of nations do not consider the tenet of historic rights on the high seas to have any validity.

The third group, of halibut men, feel that they have just about got a standoff because the Canadian halibut men will be, they reckon, about as much damaged by a 12-mile rule off southeast Alaska as the Seattle and Ketchikan halibut men will be by a 12-mile rule off British Columbia. I think they are being pretty naive too, and will take considerable damage, but I have stopped trying to advise grandmother how to knit.

To sum up the fishery picture on the Pacific coast, it is clear that a 12-mile fishery limit will do the United States no good with respect to its major fishery problems in the area north of the Columbia River, and will damage its minor fishery interests somewhat, but perhaps in no critical fashion. The U.S. fishermen who will be hurt by it, at least, do not believe they will be hurt badly enough to be howling very loudly.

On the Atlantic side the answer one comes out with is precisely the same and is not so complicated.

Small New England vessels that now trawl for ocean perch in the area between 3 and 12 miles of Canada in the Bay of Fundy and along the Nova Scotia coast will be damaged somewhat because they will have to limit their fishing to the outside grounds. This will not do them any great harm because there are plenty of the same sort of fish on the outside grounds. For the same reason the conservation picture will not be materially altered because it does not make a whit of difference to a fish population if its members are caught inside or outside some imaginary line. They are equally dead.

Although there will be no critical damage to American east coast fishermen from a 12-mile rule off Canada (according to their vocal members), there will be no compensating gain from a 12-mile rule off New England vis-a-vis Canada, for the simple reason that Canadians do not fish much that close to New England. Thus, again, the Canadians will gain a little advantage if both countries adopt 12-mile fishery limits, but perhaps not enough to cry much over.

What has excited the Atlantic coast fisherman to grasp suddenly for a 12-mile fishing limit, like a drowning man reaching for a straw, is the appearance of large fleets of Russian fishermen off their coast (where few foreigners had been before) with much better and more modern vessels, gear, and electronic fish detection apparatus than he had ever dreamed of.

Why the east coast fishermen grasp at the 12-mile rule for salvation completely mystifies me, as it must do the Russians, as well as give them a couple of hearty belly chuckles.

Russia is the prime 12-mile country. It will gladly negotiate with the United States any day of any week a treaty under which the vessels of both countries will keep 12 miles off the coasts of each other. From 1956 to 1960 it used every diplomatic device at its command to whip the United States on this issue. For this same reason you can bet your bottom dollar that the U.S. Department of State will cause the President to veto any legislation establishing any limit of exclusive jurisdiction by the United States over the adjacent sea of greater breadth than 3 marine miles.

Furthermore, a 12-mile rule off Canada and the United States would not materially affect the yield of the Russian fleets. There are plenty of the sorts of fish they want beyond the 12-mile limit. Although the Americans do not now fish heavily the Outer Continental Shelf, or the offshore pelagic fisheries, the big Russian vessels can do so quite comfortably and effectively.

The menhaden people of the middle Atlantic have also become enamored of the 12-mile rule as a means of salvation against the Slavic threat. With all due deference I point out that they do not seem to be very well acquainted with the Russians and their way of going about fishing in these last few years.

The menhaden fishermen apparently have come to this solution of their problem from the fact that their own fishery lies almost entirely within 12 miles of the beach. I point out that their fish disappear from these shallow inshore waters for a period each year and there isn't much place for them to go except out and down. The Russians are perfectly familiar with catching fish of this sort in large volumes in deep water. The *Sardinella* and *Ethmalosa* that they fish extensively off West Africa do not come to the surface for months during the warm season. I fancy that if the Russians take a liking to menhaden they will be able to catch all they want off the east coast of the United States more than 12 miles from the beach.

In the Gulf of Mexico there should be perfect compatibility between Russia and the Gulf States, who have been long restive under the Federal Government's strict adherence to the 3-mile rule. From a fishery standpoint I do not see that there would be any major loss or gain to American fishermen from the adoption of a 12-mile rule except to the Texas shrimpers who fish off adjacent Mexico. Everybody seems to have forgotten about them whilst viewing the salvation aspects of the 12- mile rule for the fish problems of the United States. I trust that one can depend upon it that the Texas Senators and coastal Congressmen, particularly the Member from Brownsville, will not have forgotten the interests of Texas shrimpers when the issue comes to real life, if it ever does.

As will be noted from the above I am quite skeptical about the 12-mile fishing limit solving any major international fishing problem, not only for the United States and Canada, but for the rest of the world as well. In the case of the United States and Canada my suspicion is that 5 years after such a rule is adopted we would still be faced with the same threat of Russian and Japanese fleets off our coasts that we now have, perhaps joined by those of other nations (for instance Spain), who are rather rapidly expanding their long-range fishing efficiency and effectiveness.

To put it bluntly my suspicion is that all of the major fishery resources off of our coast, and most of those in the world, are sufficiently available 12 miles from any land that the same problems of competition, and conservation, that we face under the 3-mile rule will continue with us, unabated, under a 12-mile rule. If so we in the fishing industry would be accused again of having cried "wolf"—lead our followers through a legislative effort of some magnitude incapable of successful issue, and of having again deceived our legislators with agitation that did not lead to the solution of our problems.

Since I am not sufficiently knowledgeable to be able to back up that skepticism with certain knowledge respecting all of the major aquatic resources off the coast of the United States I suggest that before the U.S. Congress is requested seriously to adopt such a drastic departure from historic practice of the United States respecting the law of the sea that it be asked to direct the U.S. Bureau of Commercial Fisheries to make a thorough examination of these matters and to recommend what would be the effect of a 12-mile limit for fisheries jurisdiction on the long-range welfare of the U.S. fisheries.

I wish to point out that this is not a counsel of defeatism nor of gloom. The 1958 "Convention on Fishing and the Conservation of the Living Resources of the High Seas" provides a variety of mechanisms suitable to solving satisfactorily all the fishery conservation problems apparent in the high seas.

I have alluded to this convention earlier in this presentation and have here claimed that it will provide a variety of mechanisms suitable to solving satisfactorily all of the fishery conservation problems apparent in the high seas. It may be that sufficient publicity has not been given, nor sufficient awareness been developed with respect to the effects possible from this convention. It might be useful, therefore, to set forth once more what it purports to do.

Article 1 does two things:

(a) It defines what is meant by freedom of fishing on the high seas, and

(b) Promises that all signatory nations will require their fishermen to conserve high seas resources.

Article 2 defines conservation as being "the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products."

Article 3 defines what a nation can do respecting conservation in a high seas fishery when only its nationals are involved.

Article 4 defines the same where two or more nations are involved.

Article 5 covers the application of such regulations to the fishermen of other countries not involved in the original agreements.

Article 6 defines the right of the "coastal State" to impose regulations in certain fisheries under certain conditions that would be binding upon fishermen of other countries.

Article 7 carefully defines the rights of other nations respecting regulations established under article 6.

Article 8 defines the right of a nonfishing nation to request conservation regulations in a highseas fishery.

Article 9 provides for a mechanism to be established to resolve disputes arising out of articles 4, 5, 6, 7, and 8. Essentially this is an arbitral commission of neutral experts rendering decisions under carefully prescribed criteria.

Article 10 provides the criteria under which the arbitral committee will work.

Article 11 makes the decisions of the Commission binding upon the disputants.

Article 12 provides for new examination of problems when changes affect the factual situation in later years.

Article 13 provides for the situation of fisheries conducted by means of equipment embedded in the sea floor in the high seas.

Article 14 defines the term nationals.

All the other articles (15 through 22) are procedural in nature.

I assume that the problem really is that down deep in their hearts very few in the fishing industry have much interest in conservation beyond using the word as an excuse for gaining a competitive advantage over others either on the fishing grounds or in the market. I further assume that the deep worry all in the industry really have is that if they concentrate upon the real issue of protection from competition, instead of using the shibboleth conservation as a false shield, it will be unable to expect the required assistance from the Department of State.

I suggest that the sooner we address ourselves to the rectification of the real problems at issue the sooner they will be brought to solution.

I point out that the real problems we will face in ocean fisheries off the United States and in the world will rise in these fields—with or without a 12-mile rule.

1. Ignorance of the relationships between the ocean, the fish, and in the fishery so that we will not know when an overfishing problem is developing or what to do about it when it does develop.

2. A division of the profits of conservation among the affected nations. Our successful experience in this field to date on a worldwide basis is pretty well limited to that of the fur seal in Bering Sea and the salmon fisheries of the Fraser River. It is noted that the whale resources of the antarctic are being killed off by the nations failing to deal directly with that problem.

3. A lack of any internationally recognized "rules of the road" to cover the conduct of fishermen on a ground using different types of gear. Although faint voices have been voicing this alarm for the past 15 years none seems to wish to tackle this knotty problem seriously.

I point out that the world fisheries have doubled in their production in the past 10 years and that their rate of increase is growing rather than diminishing. Another doubling of production from the high seas fisheries in the next 10 years, which I confidently expect, will more than quadruple the intensity of these problems in international competition on the high seas.

I suggest that we might better use our energies in working toward solution of the real problems we have before us, rather than burying our heads in the sands of the 12-mile limit and hoping that the problems will go away.

PUBLICATION OF VOLUNTEERS' NEWSLETTER

Mr. HUMPHREY. Mr. President, I would like to call to the attention of the Senate the publication of a new national newsletter—Volunteer's Digest—which will be of great assistance to community volunteer groups throughout the country.

This is the first publication devoted exclusively to news of volunteer groups. It will act as an exchange to give these organizations ideas on how to improve their activities by reporting what others are doing.

This new publication is edited by Mrs. Ruth Wolozin of Washington, D.C., a former Minnesotan, whose parents, Mr. and Mrs. L. B. Schwartz, are living in Minneapolis.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Washington Post about this newsletter.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEWSLETTER AIDS WORK OF VOLUNTEERS

A quarterly newsletter which will act as an exchange for the activities of volunteer groups across the Nation published its first issue last week.

The purpose of Volunteer's Digest is "to tell how volunteers are trying to improve their communities," according to editor Ruth Wolozin. The publication also hopes to give organizations ideas on how to broaden their work by telling what groups are doing, she added.

Volunteer's Digest is published by the Volunteer Community Activities Clearinghouse, Inc., newly organized by Mrs. Wolozin. It has offices at 5507 33d Street NW.

"In spite of our materialistic label, no people in any other country are as enthusiastic joiners and workers for causes and groups," Mrs. Wolozin said. "These quiet improvements never hit the newspaper headlines, yet the constant and continuing voluntary participation of Americans in community activities represents one of the best aspects of our national life."

Among the articles in the first issue is a story about a community meeting in Stamford, Conn., on the problem of civil rights. The article tells a little about the meeting and gives an address where the reader may secure more information.

Other subjects covered in the newsletter include: the aged, youth problems, need for teachers and training the underprivileged. Each ends with an address where more information may be found.

RACE: CHALLENGE TO RELIGION

Mr. HUMPHREY. Mr. President, recently in Minneapolis there was held a Minnesota Conference on Religion and Race, at which religious and civic leaders throughout the State of Minnesota met to discuss the relationship between morality and the quest for civil rights. The principal speaker at this meeting was Mathew Ahmann, executive director of the National Catholic Conference for Interracial Justice. Mr. Ahmann's address constitutes a moving document, and I wish to call it to the attention of my colleagues. Therefore, Mr. President, I ask unanimous consent to have the address by Mathew Ahmann entitled "Race: Challenge to Religion" printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

RACE: CHALLENGE TO RELIGION

(By Mathew Ahmann, executive director, National Catholic Conference for Interracial Justice, at the Minnesota Conference on Religion and Race, February 27, 1964)

Racial events of 1963, some blessed, some evil, unpredicted and unforeseen in 1962, disrupted the programs of religious and secular civil rights organizations. But these events * * * Birmingham, and the March on Washington on the national scene, and countless demonstrations on the local scene—deeply affected the role of the religious communities of our country in race relations.

The "racial crisis" forced the conscience of millions of Americans, leaders and followers, to confront the issue of racial injustice, and provided unprecedented opportunity for attitude and social change. A good part of this openness to change still exists, though a resistance on the part of the white people of our country has manifest itself. Here, I fear, religious groups who should have provided interpretation to their white constituencies, were not ready to take advantage of the change.

It is difficult to unravel and differentiate the effects of the National Conference on Religion and Race, and Birmingham, and the march, but it is clear that the interreligious spirit and approach developed from the January meeting helped gear countless local religious communities to a more adequate response to the crisis of 1963.

Yet despite significant initiatives taken by many national religious denominations, and despite significant initiatives in many cities around the country—within denominational life, and cooperative across religious lines—understanding of the nature of the racial crisis still escapes the religious community. As a result, religious efforts to secure interracial justice generally follow the Negro initiative, rather than appear side-by-side or integrated with it. The one exception, and all of us can thank God for that, has been the forceful role of the Negro ministry.

While significant new trends of constructive social change for racial integration have begun in our religious communities this past year, there are still few signs of voluntary efforts by that portion of the religious population of our cities which are white to secure extensive desegregation or meet the legitimate grievances of the Negro community.

Given the social history and organization of our religious communities, the response to the racial crisis is sadly not likely to change drastically, though the present accelerated trend will continue. Our theology, however, and our claim to inspiration by God, make more radical demands and place no limit on the role of religion. A breakthrough to assuming initiative, along with Negro leadership, is possible but not likely. And generally the problem is the layman. Though clerical leaders have not exhausted their teaching, by and large, in many communities, it is the layman who is behind and hampering the response of the institution.

The more reasonable expectation is a role on the part of predominantly white religious groups to gradually take larger and more significant steps in meeting the just demands and needs of Negroes by desegregation, providing leadership in that creative mediation of conflict which will produce advance to interracial justice, and by the increased use of the moral force of religious leadership to pressure concessions from the white community of the country.

However, we hope, pray, and must work for a more radical response on the part of ourselves and our religious groups. We must work for an effective joining of the demand for justice now, and for those efforts so necessary to demonstrate to our constituencies the need to practice all the dictums of our faith. The toleration of racism within our religious communities is blasphemous, a denial of our God and our relationship with Him, and a "God-damned thing."

What are we doing here this evening? This is the time of the freedom revolution. Why did we bother to come together? It's pretty late for a conference. If you look around the room, we are a pretty white group. There are no poor joining in our comradeship and in our discussions.

There is only worth in coming together for these discussions if it means we are going to redouble our effort, use the power that is ours to affect change—change in the hearts of people, including ourselves, and changes in the nature of our cities and the segregation patterns foisted upon our people. We have within our denominations the bulk of the people of our cities and States. We must admit we have not yet done our job. Our members are the decisionmakers, the men and women who control our resources. Except for the shabby treatment too frequently afforded American Indians, Minnesota does not have the ghettos and the violent conflict of other locales. I am a native of Minnesota. I know that our ghettos are not as large, but our discrimination is as apparent. Our job and housing discrimination is as rank. Our social discrimination is as abominable.

We religious people feel too comfortable with our expanded role in race relations. We don't adequately realize the suffering of those subject to discrimination be they Negro or American Indian. We don't adequately realize the nature of the crisis. We feel what we do is adequate, but we don't do anywhere near all we can. Our programs in race relations—that problem we call the most severe social and moral problem of our country—our programs in race relations are still avocations. We frequently stay off the streets because we are polite, then afraid when deep within us we know that our presence on the streets may make the difference. We say that only the polite Negro, our social equal, can live in our neighborhoods, and face the insidious danger that we will increase our discrimination on social and economic grounds. Is such discrimination any more moral?

Candidly, the Conference on Religion and Race, despite its benefits has not moved this country. It was Birmingham and Dr. Martin Luther King. It has been Negroes who have produced the change—change within us, within our religious groups, within our Government, and in the whole climate of the country. We should repent, yes, for the sins of our past, and true, we should be glad for our accomplishments, especially our new gains. But we must realize how far we have to go and admit that we can and must do much more to forge the community of love our country so badly needs. If the problems raised by the relationship of white people to American Indians and to Negroes cannot be successfully resolved within a short period of time in Minnesota, how much hope is there for Chicago or New York, or Birmingham or Jackson?

The greatest benefit of 1963 has been the growth of the vital spirit and sense in the Negro community which says we are not afraid—no longer are we afraid to make major sacrifices even to lose our lives to bring freedom to our people. The freedom revolution can transform our institutions, our very lives, and we must be part of it.

But remember the Harris Newsweek polls. These indicate where we are: 85 percent of the white people of this country think Negroes laugh a lot; 75 percent of the white people of our country think that Negroes have less ambition than whites; 71 percent of white people think that Negroes smell different; 50 percent of white people think that Negroes have less native intelligence; 36 percent of white people think that Negroes in the United States are inferior to white people.

Only 34 percent of the white people of our country think that the Negro revolt is supported by the rank and file of Negroes. On the other hand, 78 percent of Negroes say integrated housing is desirable; 91 percent of Negroes say the Negro revolt is supported by the rank and file of Negroes; 74 percent of whites say that Negroes are moving too fast. Only 3 percent of the Negroes think that Negroes are moving too fast.

James Baldwin says, "Actually, I don't want to marry your daughter. I just want to get you off my back."

The increased pace of the Negro revolt in 1963 and the obvious conflict between Negro and white values exposed in the two Newsweek opinion polls, indicate continued racial conflict in 1964. The place of breakout of conflict because of these opposing sets of values concerning racial justice is not easy to predict. Nor is it possible to tell in advance which events will be contagious and escalate into affairs moving the conscience of the Nation.

Stiffening white resistance to Negro and white demands for social progress, public pressure techniques may dampen the conflict in some areas, but may quicken it in others, until public authority has to step in to maintain law and order.

It is clear, however, that demands for interracial justice "now" require substantial concessions toward racial integration on the part of the white community.

The opportunities for progress made possible by the stirring of the white conscience resulting from the Negro revolt can best be capitalized on by religious groups. Coupled with Negro pressure, organized religion is the one force which has a possibility of shaping the national consensus necessary to give us a truly integrated society.

To realize the possibility before them, religious groups have to boldly step up their institutional efforts to convert their own adherents, and to use the moral force they represent. This stepping-up process has begun in the Protestant, and the Jewish, and the Catholic communities.

What's happened since January 1963, or since Birmingham, in the world of religion? Some 70 conferences on religion and race have been held in various parts of the country, and many have launched on-going interreligious race programs involving top religious and lay leadership. I've just come from the Toledo Conference on Religion and Race to meet with you in Minnesota. Last spring, at an unusual board meeting of the National Council of Churches, described by some as a religious experience, the council's commission on religion and race was formed and given a mandate to get involved in the Negro revolt. National Council of Church staff, frequently on loan from many denominations, are deeply involved in the racial crisis in many parts of our country, and have taken significant initiative in a host of projects. At its convention in Des Moines, Iowa, last summer, the United Presbyterian Church formed its own commission on religion and race with a budget of $500,000. At the same convention, Presbyterians who felt the official church body would not move rapidly enough, formed the Presbyterian Interracial Council to prod that body on. Work has been going on within the various Lutheran bodies also: I can call to mind especially the work of the National Lutheran Council, and the work of the Missouri Synod's Lutheran Human Relations Association. Similar stepped-up efforts in race relations have been launched by the American Baptist Convention, the National Council of the Protestant Episcopal Church, and many other Protestant denominations.

In the Jewish community, teams of rabbis have been formed by several conferences of rabbis to be available on call to assist the Negro community in various parts of the country. The main secular Jewish agencies, the American Jewish Committee, the American Jewish Congress, have employed staff full time in race relations for the first time. Though long deeply involved in civil rights, these agencies have begun to make use of their resources in a manner similar to the programs of the major civil rights organizations. Also in the Jewish community a new program has been launched by the Social Action Commission of the Union of American Hebrew Congregations and the Central Conference of American Rabbis. Under auspices of this commission, Reformed Jewish congregations the country over are going through an educational process in the adoption of an individual and congregational statement of practical policy in race relations.

In the Roman Catholic community over 40 new pastoral letters have been issued by bishops around the country within the past 12 months, many of them announcing new programs and the commitment of more Catholic resources to the civil rights battle. Those of us who are Roman Catholics have witnessed the marvelous freedom the nun has as she has begun to take her place alongside of others protesting racial discrimination.

And finally thousands of white Christians and Jews joined in the great and dignified tribute to American democracy, the August 28 march on Washington.

Religion has begun to make practical commitments. What does that mean in our local cities and towns across the Nation?

First of all, stepped-up denominational educational efforts are urgently needed; straight-from-the-shoulder preaching of the word of God so that the individual conscience cannot escape the decision that must be made. Urgently needed is an expansion of programs to build human contacts across racial lines to develop the bonds of friendship between Negroes and whites and American Indians. In some cases the Friendship House home visit technique might be used, even though initially it is quite artificial. Negroes and whites and whites and American Indians must step up their work on common civic problems. It is urgent, too, that continued use be made of the public hearing of grievances in keeping with the great American tradition of protest. The Christian churches have an urgent problem before them in dealing with separate white and Negro church traditions. The relationship between the white and the Negro ministry is not much better than the relationship between white and Negro people at large. With the exception of the specific Negro denominations, the major religious denominations of Protestantism and the Roman Catholic Church are considered by the Negro community to be white churches.

Efforts must be made by our religious groups to watch our urban renewal projects like hawks to see that they are used to benefit all of the people of our cities and to see that relocation made necessary by them is used to expand freedom in the housing market. The challenge must be offered to the attempt of the real estate profession to disclaim responsibility for racial segregation in housing. The country over, real estate boards are deeply involved in efforts to repeal those fair housing laws which have been adopted while stating that neighborhood housing patterns are the responsibility only of the property owner. The National Real Estate Board has even drawn up a property owner bill of rights. We must confront our real estate leaders with a religious witness, and demonstrate effectively to them that the ownership of property carries with it social responsibility, and that by no means does any man have the moral right to discriminate in the sale or rental of his property, on the basis of race, or religion. We must launch vigorous efforts to enable Negro people to move freely throughout our communities, if necessary even locating mortgage financing and by protecting the minority group family when he chooses to move into an all-white area.

Now is the time for the religious institutions of our country to use their building, contract and purchasing power to help bring an end to discrimination in the employment field. Now is the time for religious leaders to sit down with the important employer members of their congregations to discuss with them what can be done to launch new employment programs for members of our minority groups.

We hear repeatedly the request for a resolution of our racial problems around the bargaining table. That bargaining table is only meaningful if the white people with the power and willingness to make commitments sit around it too. Very simply, predominantly white religious groups can make or break the civil rights revolution in this country. For we can deliver—if we so choose—the power to that bargaining table.

There are three other major concerns before us where religious influence must be felt. A good civil rights bill is now going on the agenda of our U.S. Senate. It's acknowledged in many quarters of this country that its relatively smooth passage through the House has been due to the resurgence of interest in racial justice on the part of religious groups. Now religious groups have to work to break the filibuster and to see that the civil rights bill retains its public accommodations and fair employment provisions. Attention on our part should be directed not only to the Senate, but also to the White House. We can afford no crippling compromises on the part of the civil rights bill of 1963.

But even if the Senate ratifies the treaty God long ago made with man, our race relations problems will not be solved. Our country is filled with 38 million poverty-stricken people. We need a job for every man. Coupled with the cry for "freedom now" is the claim that a job for every man is a just demand. Whitney Young of the National Urban League has called for a U.S. Marshall plan. We need an unprecedented national effort to improve the economy and the availability of jobs, which will reduce the hostility and conflict produced by the frustration of unemployment, competition for jobs, and lack of job advancement. Progress for full racial justice can best be made in a full economy when all Americans can be gainfully employed at the highest level of their ability. Private and religious resources should be used, too, to eliminate the heritage of poverty and disability inflicted upon members of our minority groups. One religious worker in the civil rights field has properly suggested that we consider mortgaging our debt-free religious institutions to meet the real needs of the poor of today.

Finally I could not leave the list of needed commitments on our part—the list of concrete and practical programs in which we must engage—without a more direct observation of our responsibility to deal fairly with American Indians. Discrimination is rank in the towns around reservations and a transition between the reservation and the city is fraught with insecurity. How is it that a great people such as ours could dispossess those who originally roamed our land, whose land it was, and then turn our calloused backs away? More effective Federal programs to insure the rights of Negroes are surely needed, but in a State such as Minnesota, all of us bear keen personal responsibility.

Let me return to the freedom movement. In the past year we have been witness to a growing movement which can truthfully be called a nonviolent revolution. Negro citizens want their rights—the same rights the average white man has now. And they want human respect and fraternity now. The nonviolent freedom revolution will touch every part of our lives. New up-and-coming Negro leadership is through waiting and is pushing at the seams of our ghettos. The goals of the racial revolution are shared deeply in every strata of the Negro community. Rights will be granted or our country will be in trouble. The summer of 1963 will be but a candle to the summer of 1964.

This revolution can radically strengthen the spirit of our country and our dedication to democracy. It can save our country from mediocrity. It can, as well, help reform the roots of our religious commitment. It is a two-part revolution. It is a revolution of conscience—a moral revolution as well as a practical revolution. Religious relevance to man is at test. What man can live through a Birmingham and not be forced to decide whether he is on the side of right or wrong. What man looking at the 6,000 white pickets circling Chicago's city hall not too long ago cannot recognize racism within their chants against freedom in the housing market. The demands of our Negro citizens are just demands. The religious white man must agree.

The winds of the racial revolution have begun to blow on the reeds of conscience. Now you and I have to decide whether our religious commitment is merely superficial religiosity, or whether we agree with God. Now we have to decide that Negro claims are just.

Now is the time for you and I to go to work.

Now is the time for practical programs.

Now is the time for straight-from-the-shoulder preaching of the meaning of God's relationship with man.

Now is the time for the massive resources of organized religion to flow into the civil rights struggle.

Now is the time to give our energy and ourselves humbly in sacrifice as Negroes and some whites have been doing.

With Dr. Martin Luther King we have a dream of an America where all men can move freely—where the essential rights of all are recognized.

We have a dream of an America of justice.

We have a dream of an America where brother loves brother.

We seek forgiveness for the sins of the past—for our support of prejudice, for what we have done or not done to maintain the status quo.

We dedicate ourselves to a program of action.

We dedicate ourselves to an on-going interreligious conference on religion and race.

We bear the responsibilities for the Harlems of the whole country.

The racial problem has long been a dilemma of conscience—but it is that no more. We feel a righteous anger. And, as never before, we have the opportunity to seize the initiative to make this a country of brothers living side by side in freedom. We all can agree with the American Catholic bishops who have said, "Discrimination based on race or color—cannot be reconciled with the truth that God has created all men with equal rights and dignity." Christians will agree with the 1963 statement of the General Assembly of the National Council of Churches that, "At the point of race, the Christian church must now profess or deny Christ. No imperative requires more immediate obedience than the new commandment which He gave to His church, 'that you love one another'—the clear demand for obedience to Christ in race relations leaves no alternative."

With Rabbi Abraham Heschel we weep and ask, "religion and race, how can the two be uttered together."

Let me close by reference to a dream reported by William Stringfellow, a prophetic Episcopalian layman:

"On one of those steaming, stinking, stifling nights that each summer brings to Harlem tenements, I had a dream:

"I was walking in Harlem on 125th Street in broad daylight. I seemed to be the only white man in sight. The passersby stared at me balefully. Then two Negroes stopped me and asked for a light. When I searched my pockets for a match, one of them sank a knife into my belly. I fell. I bled. After a while, I died.

"I woke quickly. I felt my stomach. There wasn't any blood. I smoked a cigarette and thought about the dream:

"The assault in the dream seemed unprovoked and vicious. The death in the dream seemed useless and, therefore, all the more expensive. The victim in the dream seemed innocent of offense to those who murdered him. Except for the fact that the victim was a white man. The victim was murdered by a black man because he was a white man. The murder was retribution. The motive was revenge.

"No white man is innocent. I am not innocent. Then I cried."

As we set to work—don't offer an ideal—offer yourself.

TRIBUTE TO MISS ROSE McKEE

Mrs. SMITH. Mr. President, President Johnson recently made an excellent appointment in his selection of Miss Rose McKee to be the Director of Public Information of the Small Business Administration. I commend him on his selection and appointment, for Rose McKee is one of the outstanding women of our Nation.

Rose McKee has been an outstanding woman in journalism and in business. I know that she will be an outstanding woman in Government. I predict that she will rise to even greater heights and that this is only a start for her.

Those of us in Congress know her most for her very distinguished career as the congressional correspondent for United Press. While we are delighted that she has been given this so richly deserved recognition, we miss her on the Hill and wish she was back.

She is a person of exceptional intelligence and integrity. In appointing her to a very honored and important position, President Johnson not only does honor to Rose McKee individually and to women generally—but he does honor to his own administration by having Rose McKee on his team.

The PRESIDING OFFICER (Mr. NELSON in the chair). Is there further morning business? If not, morning business is closed.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

[No. 92 Leg.]

Aiken
Allott
Bartlett
Bayh
Bennett
Bible
Byrd, Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Dodd
Douglas
Eastland
Ellender
Engle
Ervin
Fong
Gruening
Hayden
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Monroney
Morse
Mundt
Nelson
Neuberger
Pell
Prouty
Robertson
Russell
Saltonstall
Scott
Smith
Sparkman
Stennis
Thurmond
Tower
Walters
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. HOLLAND], the Senator from Washington [Mr. JACKSON], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], the Senator from Maine [Mr. MUSKIE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. HART], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Rhode Island [Mr. PASTORE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Georgia [Mr. TALMADGE], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senators from Delaware [Mr. BOGGS and Mr. WILLIAMS], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The Senator from Kansas [Mr. PEARSON] is absent on official business.

The PRESIDING OFFICER. A quorum is present.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to consider the bill (H.R. 7152).

Mr. EASTLAND obtained the floor.

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio [Mr. LAUSCHE] with the understanding that I shall not lose my right to the floor, and that it will not count as a speech.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

WAR ON POVERTY

Mr. LAUSCHE. Mr. President, there has been considerable discussion about the war on hunger and poverty. The phrase has taken hold rather deeply. This morning I heard a talk on the floor of the Senate in which the phrase was probably used 20 or 30 times.

I received a letter from a Czech in Cleveland, Ohio. Inasmuch as I do not have his consent to identify him by name I will not do so.

He wrote me about a communication received by him from his brother living in Czechoslovakia. That brother in Czechoslovakia stated that on broadcasts to that country word is coming of the fight being made in the United States on hunger and poverty. The impression there is that people are starving within our Nation.

Based upon the manner in which this theme is being spread and discussed, I can well understand it; and I assume the Communists are unhesitatingly taking advantage of what we broadcast to be the general picture of people in our Nation—in dire hunger and poverty and on the verge of starvation in some places.

The story is not told that in the United States there are 3,342,000 persons who are holding two jobs. There are 11,163,000 families in which both husband and wife are working.

Listed as unemployed in our country are all persons over the age of 14 who contend that they are looking for jobs and are unable to find them. Within this latter category are many of the age of 14 years, and 15 years, and 16 years of age.

Certainly there are persons out of employment, but I respectfully submit that to let the impression stand that hunger is running rampant in the United States is a disservice to our Nation and a disservice to the high purpose of our people to help those among them who are laboring in distress.

We are in an election year, and I anticipate that, in the zeal to win elections, arguments of the type I have just described will be made with increasing frequency.

Mr. President, do we not have two responsibilities—first, to try to take care of those who are in distress; and second, not to belittle, before the people of the world, the true economic and welfare status of our citizenry?

In the United States the per capita disposable personal income after payment of taxes was $2,125 in 1963.

There are nations in the Middle East where the per capita income is $30. In China it is $63. In India it is $60.

This country produces 33 percent of the goods of the world, with only slightly more than 6 percent of the total population of the world.

Our highways are congested with automobiles. Luxury seems to be the sign that dominates.

While it may be true that there are some who are in distress, the fact is that we are not living in hunger within our country. If we are, in this period which is described as one of the greatest prosperity, it is a peculiar paradox.

I mentioned one letter I received. I have received others. I asked my secretary this morning to check into those letters. She was not able to do so immediately. But the one letter I have mentioned is to the effect that within our country people are starving. That is the belief, in many instances, of the Czechoslovaks.

I have not made inquiry to ascertain if the Voice of America is broadcasting such news. Based upon the letter, it would seem that it is, because the letter states that the radio and television stations are telling the people in Czechoslovakia about the hunger and starvation that prevail within our country.

I think it is a serious mistake. The problem, if one does exist, can be solved without besmirching the true economic conditions that prevail in our land.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. EASTLAND. Mr. President, over the past few days proponents of the proposed civil rights legislation on both sides of the aisle have voiced complaints as to the activity of the Coordinating Committee for Fundamental American Freedoms, Inc., an organization that is dedicated to the defeat of any and all civil rights legislation that may be introduced in Congress.

I had previously planned to make some remarks in regard to this organization and certain charges and countercharges that had been made in the House of Representatives as between the advertisements of the coordinating committee, replies by the Attorney General's office and the Commission on Civil Rights, and the coordinating committee's rebuttal thereto. This I shall cover at a later point in these remarks.

Last Saturday the Senator from New York [Mr. KEATING] complained at length that the Coordinating Committee for Fundamental American Freedoms was responsible for a mail campaign that was being directed at him from his State, wherein a preponderance of the Senator's mail was opposed to the enactment of civil rights legislation. I am flattered that the coordinating committee, and inferentially the State of Mississippi, can be held responsible for instigating in New York such a massive campaign in opposition to civil rights legislation. As a matter of fact, it was my understanding that the coordinating committee did not want to waste any money on newspaper advertisements in New York, for the simple reason that the position of the two Senators from the State of New York was so well known that there was nothing the people of the State of New York at the level of the grassroots could do to change the positions of both the distinguished senior and junior Senators. If this letter-writing campaign could thus have been mounted without the expenditure of either money or time, it is a dramatic example of how fertile a field is the State of New York for an educational campaign to alert the people to the evils that are inherent in such legislation as that which is now proposed.

The subsequent remarks of the Senator from New York [Mr. KEATING] in the colloquy with me on Wednesday, March 18, lend even more credence to the possibility that the people of New York are ready and willing to be educated on the exact meaning and implications of the proposed civil rights legislation. He then said:

> It may be some solace to the Senator from Mississippi and others to know that since Saturday—that is, on Monday and Tuesday of this week—I have received about 500 letters commenting on Saturday's speech. About 80 percent of these letters oppose my position on the bill.

If the Senator would just keep on speaking, the time might soon arrive when an overwhelming majority of his constituents would be convinced that the proposed bill is not only bad but unconstitutional legislation. Later, I shall return to the substance of the Senator's complaint in regard to the material prepared by the Coordinating Committee for Fundamental American Freedoms that is being disseminated in the State of New York.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield before going further?

Mr. EASTLAND. I yield to the Senator from New York for a question.

Mr. KEATING. If the Senator does not wish to yield for a comment, I shall put it in the form of a question. Although I have no knowledge about newspaper advertising in New York, is the Senator from Mississippi aware of the circulation in the State of New York of this pamphlet entitled "Unmasking the Civil Rights Bill"?

Mr. EASTLAND. I am not aware that the pamphlet is being circulated in the State of New York. I do have a copy of a pamphlet entitled, "Unmasking the Civil Rights Bill." I did not know it had been disseminated in the State of New York. I did not know where it had been circulated.

Mr. KEATING. I have received hundreds of letters enclosing this particular pamphlet, which deals with the dissenting views of Representatives in the House who dissented from the bill that passed the House. I do not contend that all the letters emanated from that source, but a great many of them obviously did.

Mr. JAVITS. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield to the Senator from New York for a question.

Mr. JAVITS. I noted with interest the Senator's statement that he thought it would come to the point where perhaps the majority of our constituents would agree with his position.

Mr. EASTLAND. I said I hoped.

Mr. JAVITS. He hoped they would. Does the Senator seriously believe that even if the mail increased materially it would change our minds?

Mr. EASTLAND. I have made the statement that the reason newspaper advertising had not been used in the State of New York was that it was thought it would be futile.

Mr. JAVITS. Does the Senator consider that the volume of letters referred to by my colleague [Mr. KEATING], who I believe has rendered a signal service in bringing this matter to light, really represents an appreciable cross section of opinion when one considers the 18 million people in the State of New York and the almost 6 million people who voted in the senatorial election in 1962?

Mr. EASTLAND. There are a great many people in the State of New York. I believe the majority of people there wish to uphold the Constitution of their country. I believe that a majority of them would take a different position from that of the two Senators from the State of New York.

Mr. JAVITS. The Senator is no doubt aware of the fact that I am considered to be—and I say this with not undue modesty—a rather outspoken advocate of civil rights legislation, at least in the number of things I have said and done in its behalf. I was up for reelection in 1962, after enactment the Civil Rights Acts of 1957 and 1960, which I took a very active part in helping to have enacted. I do not believe those acts meant very much, but nonetheless they became law. Yet I was reelected in 1962 by the largest majority of any candidate for Federal office in the United States.

Mr. EASTLAND. A number of factors are involved. What the Senator says is true. First, the people of the State of New York had a choice—but that issue was not pending at the time. The Senator cannot say that the great majority by which he was elected means too much when there is no issue and the people are not voting on issues.

Mr. JAVITS. Is the Senator aware of the fact that before I ran for reelection I authored, together with the junior Senator from New York [Mr. KEATING] and others, bills so comprehensive in their impact in terms of civil rights as to be even more complete in their substantial coverage of civil rights issues—for example; dealing with State as well as Federal elections—than the bill which came over from the House and is now on the Senate Calendar?

Mr. EASTLAND. The Senator knows that he has not been running since those 500,000 people have organized and started demonstrating in the State of New York. Both the senior and junior Senators from New York, I judge, are opposed to transporting children by bus; is that correct?

Mr. JAVITS. The Senator just yielded to me for a question. Will the Senator yield to me for a statement with the understanding, of course, that he will not lose his right to the floor?

Mr. EASTLAND. I yield, with that understanding, and also that it will not count as a second speech.

Mr. JAVITS. Of course, it will not count as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. My attitude on transporting children is defined by the court decree in the New Rochelle School case, which provided limits of distance and of time within which children may be transported. I do not believe, if it can be humanly avoided, in the forcible transporting of children whose parents are opposed to it, but even that may be necessary if there is no school within reach—for example, in our consolidated school districts. So I believe that the fair limitation upon that bus problem, which was posed by the court in the New Rochelle school case, should be the general rule in the State of New York.

Mr. EASTLAND. I remind the distinguished Senator that because of the housing patterns, the distinguished Senator knows that the position he takes means de facto segregation in New York State, just as various organizations say it is. Because of the different housing patterns in the South, schools in the South would be integrated, while in New York State they would be largely segregated. The Senator from New York [Mr. KEATING] stated that he was opposed to transporting children from Brooklyn to Harlem. The Supreme Court of the United States, in the Brown case, said:

> To separate them from others of similar age and qualification generates a feeling of inferiority as to the status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

That is the Chief Justice of the Supreme Court speaking, in the Brown case. There is de facto segregation in New York State. I believe the meaning of what the Senator says, and the meaning of what the Senator from New York [Mr. KEATING] says about this case and its limits, is that there will be de facto segregation in New York City, but the Supreme Court has said that will not do because of the damage it would do to the hearts and minds of Negro children; that if they were segregated they would be damaged in a way unlikely ever to be undone.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. EASTLAND. I yield.

Mr. JAVITS. If the Senator will yield, with the same reservation, I should like to give the Senator a few facts. In the first place, in the city of New York only 20 percent of the public schools have a very heavy racial imbalance or any racial imbalance, in terms of their student populations.

In the second place—and I believe my memory is perfectly clear on this—there are no schools which are 100 percent Negro or 100 percent white within that 20 percent classification.

Third, this is a very different situation from what exists in Mississippi.

Mr. EASTLAND. But the court has said that if the children are not mixed in all the schools, if all the Negro schools are not mixed, in other words, they will be affected, or their hearts and minds will be affected in a way unlikely ever to be undone.

Mr. JAVITS. If the Senator will yield further, so that I may complete my thought, the Court did not say that we must put a school out of business which has only Negro children or only white children. The Court said the opportunity must be present for Negro and white children to go to schools that are open to all children, and that the schools in that respect must be colorblind. That is not the rule in Mississippi. It is the rule in New York.

My colleague from Mississippi is assuming an answer from me that I did not make. My colleague assumes that I said I was against transferring children by bus. I said no such thing.

Mr. EASTLAND. I said that that was, in my opinion, the meaning of what the Senator from New York said.

Mr. JAVITS. I said no such thing, and I cannot allow the Senator to impute that meaning to me.

Mr. EASTLAND. Is the Senator in favor of transferring by bus?

Mr. JAVITS. To a limited extent. I am for limited transfers to the extent it is humanly possible,, without compulsion. In short I am for the city providing necessary services and spending necessary money for transportation up to a certain time limit, which I think is 30 minutes, as specified in the New Rochelle case; and up to the mileage limit, which I believe was set at 4 miles in that case. I may be mistaken about those figures, but I believe they are correct.

Mr. EASTLAND. Does the Senator know that in New York City there are

125 schools which are predominantly Negro or Puerto Rican?

Mr. JAVITS. I said that we have almost 900 public schools, and that roughly 20 percent of them are heavily Negro or Puerto Rican. However, those schools are not segregated in the sense that——

Mr. EASTLAND. Does not the Senator know about the boycott, when Negroes claimed that there was de facto segregation?

Mr. JAVITS. Yes; but they did not claim that they were 100 percent segregated. The fact is that they are not.

Mr. EASTLAND. Was not the ground for the boycott that the situation represented de facto segregation?

Mr. JAVITS. That is different from saying that there are no white children in schools that are attended by Negro children. That is a different situation from the one that exists in Mississippi.

Mr. EASTLAND. Of course, it is different from Mississippi, and it will remain that way.

Mr. JAVITS. We hope not.

Mr. EASTLAND. Of course, the Senator hopes not. The Senator cannot impose on us conditions that prevail in New York, but the bill would impose worse conditions, because the trouble is that there is de facto segregation in New York City. Why? It is because the white people would rather associate with their own kind. The Senator is taking issue with the leaders of NAACP and CORE and with the nonviolence committee. They all said that they struck and conducted the boycott because the schools were de facto segregated. Is that true?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JAVITS. They struck on the ground that there was not enough admixture of white children in schools which are predominantly Negro or Puerto Rican. That is a different situation from that which exists in Mississippi.

Mr. EASTLAND. It is a different situation. The Senator does not have the situation where there is a line drawn, as there is in Mississippi, where there is a school area in which the children live and in which the children attend their own schools within that area. The point is that the bill would set up a double standard if it were enacted and enforced, because under it the schools in the Southern States would be integrated. That is what the Senator is trying to impose on us. CORE and other Negro organizations have called a strike and a boycott in New York City because of de facto segregation in New York City.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. The distinguished Senator from New York goes in a long, roundabout way and uses a great many words and sentences and reasons, and comes back to the conditions in New York City today.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JAVITS. Assuming, upon my legal opinion, that the provision in the bill which would bring about desegregation of public schools would apply to New York and to Mississippi, across the board, is the Senator now in favor of the provision in the bill, if it applies across the board?

Mr. EASTLAND. Does the Senator want my answer?

Mr. JAVITS. Yes.

Mr. EASTLAND. Is the Senator asking me for an answer?

Mr. JAVITS. Yes.

Mr. EASTLAND. I agree entirely with the position taken by the junior Senator from New York [Mr. KEATING]. A week ago today the junior Senator from New York said that the authority should be in New York State to control that situation. He said he thought it was a State policy, and he thought it should be controlled by the people of his State.

I believe it is a State policy and should be controlled by the several States of the Union.

Mr. JAVITS. Mr. President, may I ask another question?

Mr. EASTLAND. Yes.

Mr. JAVITS. Does the Senator believe that the State policy should control in matters of peace and war, coinage, tariffs, interstate commerce, and so forth? In other words, is he going back to the Articles of Confederation?

Mr. EASTLAND. The Senator is discussing powers specifically delegated to the Federal Government in the Constitution of the United States.

Mr. JAVITS. Does the Senator believe that it should apply to State-aid programs, for various types of welfare aid, from which Mississippi gets millions of dollars; or should we cancel those, too?

Mr. EASTLAND. There is no discrimination in welfare programs. Most of that money is spent for the benefit of the black race.

Mr. JAVITS. The point I am making is that we are seeking by the proposed legislation to protect the rights of citizens of the United States who happen to live in Mississippi. What the Senator is trying to tell us is that we cannot reach their rights as citizens of the United States because they live in Mississippi and the Mississippi State government does not like it.

Mr. EASTLAND. The Senator is running all around the ring and is coming out to uphold the school system in New York City, which Negro organizations say carries on de facto segregation. I agree with the Senator's distinguished colleagues, that the matter should be handled by the States.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. EASTLAND. What the senior Senator from New York is trying to propose is a double standard. He is trying to say, "You in Mississippi must do it this way, but we in New York want to handle it ourselves."

Mr. JAVITS. The Senator is begging the question. If the bill is passed, and if the Senator believes that that is true in New York, it will take care of the situation in New York, as well as the situation in Mississippi.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. EASTLAND. I ask that I may yield to the distinguished Senator from New York with the understanding that I do not lose my right to the floor, and that it does not count as another speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, in order that there may be no misunderstanding about the position of the junior Senator from New York, his position is that the control of education should rest with the municipalities and the State governments, with this proviso, also stated, which the Senator from Mississippi did not refer to; namely, that where the Constitution of the United States is involved, obviously there is power in the Federal Government. The Legislature and the Federal Government should legislate within the limits of the Constitution, but they should not seek to control the handling of legislation within the State. Specifically, where no question of equal protection under the Constitution is involved, the transportation of schoolchildren by bus, is a matter entirely for the State and for the municipality to determine and there is nothing in the bill to the contrary. That was the main point the Senator was making, because of some of the mail relating to transporting children by bus. There is nothing in the bill about transporting schoolchildren by bus, except that it provides precisely, directly, and positively that the bill should have nothing to do with the problem of racial imbalance in the schools. The express language of the bill is that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Mr. EASTLAND. Yes. However, we shall offer an amendment that will require transporting by bus. The Supreme Court says grave damage will be done to the Negro children if they do not go to school with the white children. We do not propose to permit de facto segregation in New York State because of the housing situation, and then have the Senator from New York attempt to force something on us that he does not advocate for his own State and his own people.

Mr. KEATING. Mr. President, will the Senator yield further?

Mr. EASTLAND. I yield.

Mr. KEATING. The supporters of civil rights will see through any such amendment offered by the enemies of the proposed legislation. My impression is that the amendment will receive the 18 or 20 votes of the opponents of the bill and no more.

Mr. EASTLAND. When that amendment is offered, it will be a real test, in my judgment, for the distinguished junior Senator from New York as to whether he favors segregation or integration. The vote on that amendment will be the acid test.

Mr. KEATING. I am glad to tell the Senator right now that he does not have to wait for that acid test. I shall support the House bill. I do not believe the House bill favors segregation.

Mr. EASTLAND. The junior Senator from New York told me in the Chamber the other day that he will oppose the amendment. That is the acid test.

Mr. KEATING. That is the view of the Senator from Mississippi. In my view, the acid test will come on whether Senators vote to enforce the equal protection clause of the Constitution, which is what the House bill proposes, or whether Senators vote for obstructionist amendments.

Mr. EASTLAND. Certainly. In my mind, it is the acid test as to whether the Senator favors integration or segregation.

Mr. ERVIN. Mr. President, I should like to ask the Senator from Mississippi to yield for a question, without his losing the floor, and without his remarks being counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. I yield.

Mr. ERVIN. I ask the Senator from Mississippi whether, in view of the fact that members of both races live in the same communities in Southern States, and de facto segregation exists in certain Northern States and certain northern cities—particularly in New York City—the really truthful interpretation of subsection (b) of section 401 on page 13 of the bill is not as follows:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

In Northern States and cities in the North.

Mr. EASTLAND. Will the Senator repeat the question? I was reading the section.

Mr. ERVIN. In view of the fact that members of both races live in the same communities in the South, and members of the Negro race are subjected to de facto segregation in northern cities, particularly in the city of New York, I ask the Senator if the really truthful interpretation of subsection (b) of section 401, for which the Senator from New York manifests such devotion, is not this:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

In the city of New York and other northern cities in which de facto segregation exists?

Mr. EASTLAND. It means they will continue de facto segregation.

Mr. ERVIN. I call the attention of the Senator to subsection (b) of section 401:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin.

Does not the Senator from Mississippi construe that provision to mean that the Attorney General and the Federal courts can even step into southern communities and undertake to say in what seats and in what rooms schoolchildren shall sit?

Mr. EASTLAND. Certainly.

Mr. ERVIN. Can the Senator from Mississippi imagine any greater Federal control over public schools than the power to prescribe in what room and in what seat a schoolchild shall sit?

Mr. EASTLAND. That is certainly what it means. That section would grant that power. But I again say that I agree with the distinguished junior Senator from New York [Mr. KEATING]. Those matters should be handled by the local officials within the States.

Mr. ERVIN. Is the Senator from Mississippi able to corroborate what I think my ears heard; namely, that the senior Senator from New York [Mr. JAVITS] does not favor transporting children by bus for more than 4 miles?

Mr. EASTLAND. The senior Senator from New York is present. I should like him to answer that question, under the same unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I used the example of the New Rochelle school case, which, in my judgment, is not an example which establishes the maximum limits of miles or time, but it adapts the transportation of schoolchildren by bus to the convenience of the children in a particular situation.

I do not wish to be understood—and I do not think I said any such thing—that the maximum limit of transportation by bus is 4 miles. Perhaps in the city of New York it will be 2 miles or less. I think the transportation will have to be adapted to the situation of the convenience and safety of children. But the court in that case did provide for some transportation by bus, and that was the point I was making.

Mr. ERVIN. I ask the Senator from Mississippi to permit me to interpret the remarks of the senior Senator from New York with reference to this subject of transportation by bus. First, I wish to make an observation as a preface to the question, if I may do so without the Senator from Mississippi losing the floor.

Mr. EASTLAND. I make the same unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. First I call the attention of the Senator from Mississippi to subsection (d) of section 401, which begins on line 11 of page 14. I shall omit the words which are not material:

> "School board" means any agency which administers a system of one or more public schools.

The county board of education in the county where I reside has jurisdiction of the county schools. A school is located in Jonas Ridge, which is in the Blue Ridge Mountains at an altitude of almost 4,000 feet above sea level. The only persons who live in Jonas Ridge or close to Jonas Ridge are members of the Caucasian race. The school is under the jurisdiction of the Burke County Board of Education.

Under the provisions of the bill as I construe them, the Attorney General with the assistance of the Federal court, could require the Burke County Board of Education to transport the schoolchildren of Jonas Ridge, who are all Caucasian—over a narrow mountain road in large part—to Drexel, which is 34 miles away, each schoolday, to desegregate the schools. Does the Senator from Mississippi share my hope that the senior Senator from New York [Mr. JAVITS] will assist me in securing the adoption of an amendment to prevent the transportation by bus of the schoolchildren in my county—under the bill which the Senator from New York supports—over a narrow mountain road, in large part, as far as 64 miles a day?

Mr. EASTLAND. Yes, I would join the Senator from North Carolina in that hope.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield, under the same conditions?

Mr. EASTLAND. Yes.

Mr. KEATING. I hope the Senator will deal with the problem as it is dealt with in the bill, because the bill provides that it shall not apply to such assignments of schoolchildren where the equal protection clause of the Constitution is not involved.

Mr. EASTLAND. But that provision is included to protect New York State.

Mr. ERVIN. I ask unanimous consent that I may make an assertion without causing the Senator from Mississippi to lose his right to the floor, or to have his subsequent remarks counted as a second speech by him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I should like to read a part of the bill. Evidently the junior Senator from New York [Mr. KEATING] did not hear the provision I read, which is as follows:

> "School board" means any agency or agencies which administer a system of one or more public schools.

Section 401 also provides:

> "Desegregation" means the assignment of students to public schools and within such schools.

The Senator will see, by reading these provisions and section 407 of the bill, that the Attorney General could bring a suit to compel the involuntary desegregation of every school supervised by a school board having jurisdiction over different schools. Originally that could have been done to desegregate all the schools in New York City; but the bill was amended in the House by its proponents so that it could not be used to desegregate the schools in the Northern States where there are racially imbalanced schools due to de facto segregation. The Senators from New York seem to like the House amendment because it keeps their ox from being gored.

Mr. KEATING. Evidently the Senator from North Carolina did not hear my answer to the argument which was made.

Mr. ERVIN. I heard the Senator's answer. He said that schools could not be mixed under the House amendment merely to overcome racial imbalance. He ignored the fact that the other provision of the bill would authorize the bringing of suits to compel every school board to desegregate all the schools under its jurisdiction. Furthermore, as a practical matter, the racial imbalance prohibition amendment excepts only New

York City and other northern cities from that requirement because of the de facto segregation which prevails in them.

Mr. EASTLAND. I do not blame the two distinguished Senators from New York, for they desire to protect New York City as well as Chicago, Detroit, and similar areas. But why should they attempt to penalize our part of the country?

Mr. JAVITS. Mr. President, will the Senator from Mississippi yield for a question?

Mr. EASTLAND. In my opinion the two Senators from New York are, at heart, pretty good segregationists; but the conditions in their State are different from the conditions in ours. I shall talk with the citizens council about both of them.

Mr. ERVIN. Does not the Senator from Mississippi feel that people who do not have the clairvoyant power to enable them to look into the minds of the Senators from New York and ascertain the pure motives which are there—as the Senator from Mississippi and I can do—might be led to believe that since the Senators from New York favor all parts of the bill, including the parts prohibiting desegregation of racially imbalanced schools by transfers by bus, they really advocate desegregation in the South with greater fervor than they do desegregation in New York City? Does not the Senator from Mississippi believe that many persons might draw that mistaken conclusion?

Mr. EASTLAND. Of course. That is the whole point. The bill provides for a double standard; it calls for desegregation in the South and de facto segregation in New York City.

Mr. ERVIN. Was the Senator from Mississippi in the Chamber the other day when some of our friends, who do not entertain the same sound opinions in regard to the bill that the Senator from Mississippi and I entertain, made some protests about recent advertisements and other documents which were designed to carry light to New York?

Mr. EASTLAND. Yes; I was then in the Chamber; and I am glad to know that the advertisements are getting a tremendous response in New York. That shows that it is fertile ground.

Mr. ERVIN. Does the Senator from Mississippi recall that some of our brethren on that occasion went so far as to intimate that there was a slight deviation from veracity in some of those circulars and advertisements?

Mr. EASTLAND. I heard that, too.

Mr. ERVIN. I ask the Senator from Mississippi whether some of the officials of the committee which allegedly caused the dissemination of those circulars and the insertion of those advertisements in newspapers are very intelligent and patriotic persons who dwell above the Mason-Dixon line, rather than benighted Southerners?

Mr. EASTLAND. That is true. One of them is a former president of the American Bar Association—a gentleman from California, as I recall; the other one is a very able gentleman, one of the great newspaper editors of the country.

Mr. ERVIN. Does not that fine editor happen to be a member of the Republican Party?

Mr. EASTLAND. Yes; he is a Republican.

Mr. HUMPHREY. Please forgive him for that.

Mr. KEATING. Will the Senator from Mississippi yield, to enable me to clear up this point? I understand that the former President of the American Bar Association, Mr. Satterfield, is from Yazoo City, Miss.

Mr. EASTLAND. He is.

Mr. KEATING. Is he the one to whom the Senator referred?

Mr. EASTLAND. I understand that another former president of the American Bar Association, a gentleman from the State of California, is also on the committee.

Mr. KEATING. That may be; but Mr. Satterfield is the one whose name appears.

Mr. EASTLAND. I said that on the committee are two former presidents of the American Bar Association and also a very influential newspaper publisher. Who the other members are, I do not know.

Mr. KEATING. Is that Mr. Loeb, of Manchester, N.H.?

Mr. EASTLAND. Yes.

Mr. ERVIN. Let me ask the Senator from Mississippi another question.

Does he not believe that a bad example of indulging in what may be called a departure from veracity was set by the drafters of this bill?

Mr. EASTLAND. I believe the advertisement was accurate, and that the views of the Members of Congress were accurately stated. Some may differ in that respect; but I respect those gentlemen, and I believe that what they said was absolutely accurate.

Mr. ERVIN. I agree; I believe the interpretation placed upon the bill in the advertisements and circulars was entirely accurate. Moreover, I believe the members of the committee are rendering a highly patriotic service to the country.

I invite the Senator's attention to this part of subsection (b) of section 201, on page 6 of the bill, beginning in line 10:

> (b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce.

Would not the Senator from Mississippi say that that provision means that the provisions of the bill shall not cover such establishments unless their operations affect commerce?

Mr. EASTLAND. That is correct.

Mr. ERVIN. Now I invite the Senator's attention to subsection (c) of section 201, on page 7 of the bill, beginning in line 12:

> (c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b)—

I also invite the Senator's attention to the fact that paragraph (1) of subsection (b) covers hotels, motels, and other establishments providing lodging to transient guests.

I ask the Senator from Mississippi if subsection (b)(1) of section 201 of title II and the first three lines of subsection (c) of section 201 of title II do not assert that all inns, hotels, motels, and lodging places for transients affect interstate commerce as a matter of fact and law, even in instances where such assertion is totally false.

Mr. EASTLAND. The Senator is correct.

Mr. ERVIN. In other words, the bill specifies in subsection (b) that establishments are not covered by it unless their operations affect interstate commerce. Then it declares in subsection (c) that the establishments mentioned in paragraph 1 of subsection (b), inns, hotels, motels, and other establishments providing lodging for transient guests actually affect interstate commerce, regardless of whether they do or not. Is that not correct?

Mr. EASTLAND. That is correct.

Mr. ERVIN. Does not the Senator from Mississippi believe that the bill is an effort to multiply the powers of Congress and extend the coverage of the Constitution by uttering what can only be aptly described as a legislative lie?

Mr. EASTLAND. I agree. I do not like the term "legislative lie." I believe Congress has no such power as that which is claimed here.

Mr. ERVIN. But does not the Senator agree that those provisions construed together declare in effect that an inn, a hotel, a motel, or other establishment providing lodging for transient guests affect interstate commerce, whether they affect interstate commerce or not?

Mr. EASTLAND. Certainly. It is an arbitrary grab for power.

Mr. ERVIN. Does not the Senator know of many inns, hotels, motels, and other places entertaining transient guests that do not have any effect on interstate commerce?

Mr. EASTLAND. Of course, that is true.

Mr. ERVIN. Since the Senator does not like the very forthright Anglo-Saxon term that I used, is not the bill an effort to extend the jurisdiction of Congress and the powers of the Federal Government by deviating from truth and veracity?

Mr. EASTLAND. Yes; by devious means. I do not believe that Congress has the power to declare some business in interstate commerce. The facts must determine the question.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. Yes, I yield.

Mr. JAVITS. Is it not a fact that in Mississippi there is not only de facto segregation, but also de jure segregation, in that there is a law upon the books of the State of Mississippi requiring the segregation of public schools?

Mr. EASTLAND. There was a statute in the State—and I do not remember whether it was repealed or not—that required segregated public schools.

Mr. JAVITS. Will the Senator permit me to ask unanimous consent, as a part of my remarks, to have printed in the Record at the conclusion of the Senator's speech, that statute which will show whether or not it is in effect?

Mr. EASTLAND. Yes, it may appear in the Record at the conclusion of my remarks.

Mr. JAVITS. Mr. President, I ask unanimous consent that the statute to which I have referred be printed in the Record at the conclusion of the remarks of the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, will the Senator yield for another question?

Mr. EASTLAND. I yield.

Mr. ERVIN. Do not members of the two races live closely together in most communities in Mississippi, and other Southern States?

Mr. EASTLAND. That is true.

Mr. ERVIN. So de facto segregation exists largely in the northern cities?

Mr. EASTLAND. It exists in New York, it does not generally exist in the South, except in large urban areas of the South, where the same condition might prevail.

Mr. ERVIN. The Senator from Mississippi might suspect from the inquiry made of him that my friend, the senior Senator from New York [Mr. Javits], is strongly opposed to de jure segregation in the South and strongly in favor of de facto segregation in the North.

Mr. EASTLAND. He has a long line of reasoning and words with which he goes all around the circle, but when he comes back, he is for de facto segregation. In my judgment that is the meaning of it.

On Tuesday, March 17, the distinguished acting majority leader, the Senator from Minnesota [Mr. Humphrey], and the acting minority leader, the Senator from California Mr. [Kuchel], joined together to make a massive attack on a full-page advertisement that appeared in numerous daily newspapers throughout the United States opposing the so-called civil rights bill now on the calendar of the Senate. This advertisement was prepared by the Coordinating Committee for Fundamental American Freedoms, Inc., and bore the title "$100 Billion Blackjack—The Civil Rights Bill," with the picture of a closed fist clutching a blackjack. The ad proceeded to describe in emphatic terms the extent of the coverage of the 11-titled omnibus bill now in the Senate. The effectiveness of this advertisement can best be gaged by the effect it seems to have on the proponents of the proposed legislation. The distinguished Senator from Minnesota characterized the advertisement as containing dozens of distortions and misrepresentations. He said it would take him an hour to set the record straight, and that he proposed to do so at a later date. The Senator from California charged that the ad was "reprehensible, disgraceful, and not truthful." In closing, the Senator from Minnesota charged that such advertisements should be frowned on, should not be respected, and should be repudiated. He characterized the arguments contained therein as "dishonest" and, finally, he said:

> I know that the advertisement does not represent thoughtful consideration by any Senator; no Senator would be a party to it. The advertisement is nothing less than muckraking at its worst. It is the cheapest kind of advertising. It convinces no one; but it insults many and is a reflection on the intelligence of the American people.

I, for one, must respectfully differ with the judgment of the distinguished Senator from Minnesota. The ad does represent my thoughtful consideration, and I subscribe to its content as being a true characterization of what is contained in H.R. 7152. The acting majority leader charged that the Coordinating Committee for Fundamental American Freedoms was an organization supported primarily by financial contribution from the Mississippi State Sovereignty Commission, an agency of the State of Mississippi.

He charged that the Secretary of this organization is Mr. John C. Satterfield, of Yazoo City, Miss., the attorney for former Gov. Ross Barnett. John Satterfield is not only the attorney for former Gov. Ross Barnett, but also a past president of both the Mississippi State Bar Association and the American Bar Association. He is one of the most eminent lawyers in the United States today. Not only is he an eminent lawyer, but he is a profound student of constitutional law. And not only the people of Mississippi but the people of the United States generally are fortunate in that Mr. Satterfield in recent months has been willing to devote his time to organizing and directing a nationwide campaign for the purpose of defeating any and all so-called civil rights legislation and preserving constitutional government in these United States.

While I am certain that he would be pleased and happy to personally assume the responsibility for the text and arguments that are advanced in the advertisement under discussion, he must, in deference, bow to another source as being the inspiration thereof. House of Representatives Report No. 914, 88th Congress, 2d session, was filed on November 20, 1963, to accompany H.R. 7152. The minority report on H.R. 7152 appears from pages 62 to 92 of the document. It is signed by the following Members of the House—the Honorables E. E. Willis; E. L. Forrester; William M. Tuck; Robert T. Ashmore; John Dowdy; and Basil L. Whitener. It contains a masterly analysis and critique on H.R. 7152, and all of the basic categories of criticism that are contained in the advertisement of the Coordinating Committee for Fundamental American Freedoms are drawn from this minority report. Those who are making the outlandish charges against the members of this committee and the State of Mississippi must realize that they are also leveling their fire and criticism at the eminent Members of the House of Representatives who prepared and signed the minority report.

It is true that certain changes were made in H.R. 7152 on the floor of the House. These were taken into account when the ad was prepared. The advertisement says as follows:

> **You should know, through this bill you are to be struck by a $100 billion blackjack—almost the total Federal budget. Your tax money is to be used as a weapon against you.**
>
> **That is the meaning of the civil rights bill:**
>
> **(1) It would amend every Federal law (hundreds of them) that deals with financing so that each Federal department or agency could make its own regulations to manipulate Federal funds; Each Federal department or agency would define for itself what is "discrimination" and apply its own penalties (secs. 601–602).**
>
> **(2) It would empower Federal political appointees—through the use of the blacklist, cancellation of contracts, foreclosure, and other punitive means—to use almost $100 billion a year to force our people to knuckle under to Executive dictation (secs. 601–602).**

Let us examine these statements to ascertain whether they are correct or, as the distinguished Senators from New York, Minnesota, and California have stated, they are "misinformation," "lies," "false," and constitute a part of "an unbelievable barrage of misinformation."

Does this bill or does it not "amend every Federal law—hundreds of them—that deals with financing?" Does this bill or does it not permit "each Federal department or agency to make its own regulations to manipulate Federal funds"? Does this bill, as the ad says, permit each "Federal department or agency (to) define for itself what is 'discrimination' and apply its own penalties," or does it not?

These are the questions to be determined. Let us look to the language of the bill.

Sections 601 and 602 of H.R. 7152 are as follows:

> Sec. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
>
> Sec. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity. Such action may be taken by or pursuant to rule, regulation, or order of general applicability and shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. After a hearing, compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement, or (2) by any other means authorized by law.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. ERVIN. I ask the Senator from Mississippi if he agrees with the Senator from North Carolina that the word "discrimination" without any context means treating one person differently from another.

Mr. EASTLAND. That is correct.

Mr. ERVIN. I ask the Senator from Mississippi if he agrees with the Senator from North Carolina that the use of the word "discrimination" in the context "on the ground of race or color" means treating a man of one race differently from a man of another race.

Mr. EASTLAND. That is correct.

Mr. ERVIN. Does the Senator from Mississippi agree with the Senator from North Carolina that that is a most vague generalization on which Congress is asked to abdicate its legislative functions and transfer them to all the departments and agencies which may administer any one of the federally assisted programs?

Mr. EASTLAND. Yes. It makes them dictators.

Mr. ERVIN. Does not the Senator from Mississippi agree with the Senator from North Carolina that this not only is an unconstitutional delegation of legislative power, but is also a delegation of legislative power to scores of departments and agencies which no Senator could stand on the floor and even name on the spur of the moment?

Mr. EASTLAND. Yes. Congress cannot delegate power without legislative standards; and they are absent in this bill. It is unconstitutional for that reason.

Mr. ERVIN. Does not the Senator from Mississippi agree with the Senator from North Carolina that the Supreme Court of the United States has held that Congress cannot delegate to an executive department or agency the power to make law, and that the power to make a law is the power to determine, first, whether or not a law should be enacted, and, second, whom the law should cover and whom it should include; third, what acts should be required or prohibited by the law, and, fourth, what punishments should be imposed for violation of the law?

Mr. EASTLAND. Certainly. There must be legislative standards for the law to be constitutional.

Mr. ERVIN. Would not title VI of the bill delegate all such powers to innumerable Federal departments and agencies?

Mr. EASTLAND. It gives a blank check to them to do what they want to do.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. TOWER. Does not the Senator from Mississippi believe that delegation to the heads of various agencies of the power to determine what "discrimination" is, and under what circumstances it exists, can lead to leaving such determination to the arbitrary discretion of one man?

Mr. EASTLAND. Of course. He would be a dictator. It would transform our Government into one like that under Khrushchev, Nasser, or Hitler—namely, a dictatorship.

Mr. TOWER. Does not the Senator agree that it is altogether conceivable that such power could sometimes be used for political purposes, for puntive purposes, or to compel a certain course of political action?

Mr. EASTLAND. I think it is certain to be used that way. I do not believe that it merely "could be" used that way. It is certain to be used that way, if the bill is enacted.

Mr. TOWER. In other words, it could be used to——

Mr. EASTLAND. No. It will be used that way if the bill is enacted.

Mr. TOWER. It will be used to influence a course of political action having nothing to do with civil rights or discrimination.

Mr. EASTLAND. That is correct. If it is enacted, the people of this Nation will have lost their country.

Senators may read the 11 titles of the bill, thrown together as one package to be swallowed at one gulp by the Senate and the American people, from beginning to end, and they will not find any definition of "discrimination." There is no definition of "religion." There is no definition of "national origin." Each Federal department or agency is given carte blanche to define these words as it may determine by "rule, regulation, or order." Federal political appointees in the executive departments will invent their own definitions and make their own rules. They will devise their own penalties.

Never has there been a more unconstitutional delegation of legislative power to executive agencies than that contained in these two sections, and that is what the advertisement said.

Some proponents of this legislation have attempted to conceal the extent to which Federal personnel will take over and dictate the business and personal relationships of the millions who "participate in or benefit from" programs or activities receiving Federal financial assistance.

Some proponents have gone so far as to say that this is an innocuous title; that all title VI means is that the Federal and State agencies or federally assisted private agencies which administer the various programs are prohibited from being guilty of "discrimination." Nothing could be further from the truth.

This is already the law.

If that were the true intent and effect of the title, it could be stricken with impunity. It would be innocuous. It would be surplusage.

The Department of Justice knows better. The proponents of the bill know better. And the distinguished Senators should know better and would, I am sure, if the depths of this measure were plumbed and exposed by a committee.

Let us return to the question: Does this bill operate only against agencies and organizations—as its proponents claim—or is it framed to hold a "$100 billion blackjack," to quote the advertisement, over the heads of millions of citizens?

That question cannot be fully answered without a study of the context of the Executive orders and the legislative history surrounding the drafting and proposed enactment of this bill—another reason why this bill should be referred to committee. Although great skill has been displayed in the use of words which conceal the bill's true effect, too great a skill to be fully exposed on this floor, nevertheless, enough of its intent and effect is immediately apparent as to warrant comment.

Mr. HUMPHREY. Mr. President, will the Senator from Mississippi yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. HUMPHREY. Do I correctly understand that the Senator is charging today that the word "discrimination," as used in the bill which we seek to take up for consideration, H.R. 7152, is undefined in terms of statutes and court practice?

Mr. EASTLAND. Yes; I believe it is undefined. Yes; I believe that is true. But I also believe it goes further than that. We must set up a definition and legal standards in a bill for the bill to be constitutional. This has not been done. That is the effect of my argument.

Mr. HUMPHREY. Yes. The Senator is aware of the fact, of course, that the very same language which appears in this proposed legislation using the word "discrimination" is already in the law; for example, the Interstate Commerce Act, 49 United States Code 3(1).

Mr. EASTLAND. I do not believe that means anything. The Senator has two pages of definitions, but he does not have that word defined.

Mr. HUMPHREY. Mr. President, will the Senator from Mississippi yield further for a question?

Mr. EASTLAND. I believe I know the reason it is not defined.

Mr. HUMPHREY. Mr. President, will the Senator from Mississippi yield for an explanatory statement?

Mr. EASTLAND. Mr. President, I ask unanimous consent to yield to the distinguished Senator from Minnesota, provided that in doing so I shall not lose my right to the floor, and that my comments will not count as one speech on the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I appreciate the courtesy of the Senator from Mississippi.

The reason I asked for a discussion is that there is no foundation for saying that the word "discrimination" has no precise, legal meaning. The eminent retired Supreme Court Justice, Mr. Charles A. Whittaker, in the article that was printed in the CONGRESSIONAL RECORD on March 17, page 5437, observes:

> The meaning of the term "discrimination," in its legal sense, is not different from its dictionary meaning.

Webster's New International Dictionary defines discrimination as:

> A distinction, as in treatment; esp., an unfair or injurious distinction.

The term "distinction" is used in a number of statutes without definition. The Interstate Commerce Act provides that:

> It shall be unlawful to subject any particular person to unjust discrimination.

Similarly, the Federal Aviation Act provides:

> No air carrier shall subject any particular person to any unjust discrimination.

The Senator knows that the word "discrimination" has been used in many a court case. What it really means in the bill is a distinction in treatment. It means a distinction in treatment given to different individuals because of their different race, religion, or national origin.

Mr. EASTLAND. To be perfectly frank with the distinguished Senator, he knows that an article written by a former Justice of the Supreme Court is meaningless, because it has no point in law.

Mr. HUMPHREY. It has no point in law——

Mr. EASTLAND. Of course not.

Mr. HUMPHREY. But it is not meaningless; it demonstrates the application or definition that has been attached to the word.

Mr. EASTLAND. There are several pages of definitions, yet the term "discrimination" is used throughout the bill without any definition. Does the Senator know the reason it is there? It is there because the proponents of the bill want it defined by the executive departments if they so desire.

Mr. HUMPHREY. I wish to come to that point.

Mr. EASTLAND. That is my judgment.

Mr. HUMPHREY. That is the judgment of the Senator from Mississippi. Each Senator makes his own individual judgment.

Mr. EASTLAND. That is correct.

Mr. HUMPHREY. The word "discrimination" is used in acts of Congress. It has been used in the Interstate Commerce Act. It has been used in the Federal Aviation Act, where it is clearly stated that there shall be no discrimination because of race. The courts have ruled on the matter. The answer to this question is that if race is not a factor, we do not have to worry about discrimination because of race. If we treat people as citizens, if we treat people as people, on the basis that they are taxpayers and citizens with the obligations of citizens, then the concern of the Senator from Mississippi disappears. We do not enact a law providing that "this law shall apply only to people who have blue eyes." We do not pass laws that provide that if one has brown eyes, he does not have to obey the law. The Internal Revenue Code does not provide that colored people do not have to pay taxes, or that they can pay their taxes 6 months later than everyone else.

The Senator discussed the title relating to public accommodations——

Mr. EASTLAND. Let me state again that what the distinguished Senator says is far beyond the point. There is no definition in the bill. Other terms are defined. Why? Solely in order that the Federal agencies, the bureaucrats who are appointed to do a certain job, may do it as they desire. It is to give them the power to deprive the American people of their inherent rights and liberties. I believe that this term is placed in the bill deliberately in order to increase the power of the bureaucrats and destroy the liberties of the American people. There is no reason why there should not be a definition in the bill. Why is there no definition? Because if there were a definition, it would shrink the power of the bureaucrats.

Mr. HUMPHREY. That is——

Mr. EASTLAND. That is my judgment.

Mr. HUMPHREY. That is the Senator's judgment.

Mr. EASTLAND. But I think it is a sound argument—a legal judgment.

Mr. HUMPHREY. Those of us who know the able Senator from Mississippi have reason to have great respect for his judgment. The Senator is chairman of the Committee on the Judiciary. I am sure he knows that a number of Federal statutes already on the books make it crystal clear that the word "discrimination" has been used repeatedly without any separate statutory definition, because the word "discrimination" is simply defined. It means "different treatment." That is all it means.

Mr. EASTLAND. When the distinguished Senator proposes to confer vast powers on Federal bureaucracy, if we are to protect the American people as they should be protected, let us define the power that is being conferred.

Do not leave it up to his own judgment, to grasp what he can.

Mr. HUMPHREY. The Senator is aware of the Hill-Burton Act, passed in 1946. It provides that a State plan shall provide for adequate hospital facilities for the people residing in a State without discrimination with regard to race, creed, or color. That act was passed in 1946. There was no definition of discrimination, because discrimination means that people are not to be treated on the basis of their being black or short or fat or thin or white or anything else.

Mr. EASTLAND. Does the Senator believe that there are no segregated facilities under the Hill-Burton Act?

Mr. HUMPHREY. The Supreme Court has recently ruled that those who have attempted to provide segregated facilities are in violation of the law.

Mr. EASTLAND. Will the Senator answer my question?

Mr. HUMPHREY. Of course there have been segregated facilities.

Mr. EASTLAND. And they will continue.

Mr. HUMPHREY. That is questionable.

Mr. EASTLAND. The Senator begs the whole point. When power is conferred on Federal agencies it is efficient legislative procedure to define such power. Otherwise, the bureaucrat will grab more than it is intended to give him. What the Senator is doing is leaving the gate open and letting the entire herd run out.

Mr. HUMPHREY. I hope the Senator does not intend to terrify the public with that kind of charge. The Hill-Burton Act provides that the Surgeon General shall by regulation prescribe what each State plan shall be and shall make sure that there is no discrimination. The Senator voted for the Hill-Burton Act, I am sure.

Will the Senator yield further?

Mr. EASTLAND. I yield for a question.

Mr. HUMPHREY. I ask unanimous consent that the Senator from Mississippi and the Senator from Minnesota may continue their colloquy without in any way jeopardizing the rights of the Senator from Mississippi, or having the resumption of his speech considered as a second speech by him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. That is good.

Mr. HUMPHREY. I thank the Senator. My good friend from Mississippi is a skillful debater. He has strong convictions on the bill. The Senator from Minnesota is interested in discussion, and he has strong convictions on the bill.

I refer now to title VI, section 601. Let us also move to section 602.

Mr. EASTLAND. What is the page?

Mr. HUMPHREY. Page 25. It begins at page 25. That is section 601. It provides:

> Notwithstanding any inconsistent provision of any other law——

Mr. EASTLAND. What line is that?

Mr. HUMPHREY. Starting at line 20.

Mr. EASTLAND. All right.

Mr. HUMPHREY. It reads:

> SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

That is the law of the land.

Mr. EASTLAND. Of course it is.

Mr. HUMPHREY. This is merely a restatement of the law.

Mr. EASTLAND. Yes.

Mr. HUMPHREY. Now we come to section 602. That prescribes the means by which the law shall be enforced. It is not a limitation, but it is a description of the means to effectuate the law.

Mr. EASTLAND. Let me emphasize that it is certainly not a limitation.

Mr. HUMPHREY. That is correct.

Mr. EASTLAND. That is correct.

Mr. HUMPHREY. We do not disagree.

Mr. EASTLAND. No; we are letting the whole herd out, not only one cow.

Mr. HUMPHREY. Not only what?

Mr. EASTLAND. Not only one cow or one bull.

Mr. HUMPHREY. I would be a little careful about that last animal.

Mr. EASTLAND. The whole herd is being let out. All the sheep and all the hogs, too. We are letting the whole herd out.

Mr. HUMPHREY. Section 602 provides:

> SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity. Such action may be taken by or pursuant to rule, regulation, or order of general applicability and shall be

> consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken.

The Senator is talking about a so-called bureaucrat. He is empowered, by rule or regulation, to take action "consistent with achievement of the objectives of the statute."

Furthermore, no such rule or regulation shall become effective until it is approved by the President.

Then it provides:

> After a hearing, compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement.

Mr. EASTLAND. In other words, the Senator is in favor of giving a blank check to a bureaucrat.

Mr. HUMPHREY. I do not say that.

Mr. EASTLAND. Wait a minute. The Senator says:

> We shall have government by decree and regulation, approved by the President, after hearing.

That takes us back to Stalin, Khrushchev, Nasser, Hitler, and a dictatorship.

Mr. HUMPHREY. Has the Senator completed his statement?

Mr. EASTLAND. Yes.

Mr. HUMPHREY. What is closer to Stalin and Hitler and Khrushchev is discrimination on the basis of race.

Mr. EASTLAND. I know of no discrimination on the basis of race. I disagree with the Senator on the definition of discrimination, of course.

Mr. HUMPHREY. When we deny people equal protection of the law, when we say that some people shall stand in this line and another group of people shall stand in another line, on the basis of color or race or religion, that can be interpreted in only one way; namely, as discrimination.

Mr. EASTLAND. Wait a moment.

Mr. HUMPHREY. Will the Senator permit me to continue? What the section provides is already the law of the land, which the courts have upheld repeatedly. The courts have held that when citizens pay taxes which go into the Treasury of the United States, and pay taxes, not on the basis of race, but on the basis of citizenship, they shall receive the benefit of the money that is spent, not on the basis of race, but on the basis of citizenship, and there shall be no discrimination or discriminatory use of such funds.

Mr. EASTLAND. As the Senator has said, that is already in the law.

Mr. HUMPHREY. The Senator says it is already in the law.

Mr. EASTLAND. It is already in the law.

Mr. HUMPHREY. Therefore we now prescribe——

Mr. EASTLAND. The Senator would now set up a dictatorship in this country.

Mr. HUMPHREY. I do not believe an elected President is a dictator.

Mr. EASTLAND. Under these powers we would have a "Ja, Ja" election. That is what it would be. It would be a "Ja, Ja" election. No one could stand up to a man who possessed the powers that would be granted under the bill.

Mr. HUMPHREY. The Government already has these powers. What we are seeking to do is to find means of application of powers that are not arrogant, not inflexible, not tyrannical, but fair.

Mr. EASTLAND. The Federal bureaucrat is tryannical. The Federal bureaucrat is arrogant. Tyranny would result under the bill if it were passed. I believe these section are unconstitutional. They represent a delegation of power without legislative standards.

Mr. HUMPHREY. I must respectfully disagree. I point out further that:

> No such rule, regulation——

Mr. EASTLAND. The Senator will kill my vote, and I will kill his vote.

Mr. HUMPHREY. So there will be a head-on collision. The provision, as I started to say, provides:

> No such rule, regulation or order shall become effective unless and until approved by the President.

It also provides that there shall be notice to the party to whom any rule would be applied. It also provides that the committees of Congress shall be notified before any such rule is made. It also provides that 30 days must elapse before such rule becomes effective. It also provides for court review and for a use of the Administrative Procedure Act.

Even the cotton bill does not give the Senator that much protection.

Mr. EASTLAND. I say that is not government by law.

Mr. HUMPHREY. What is it?

Mr. EASTLAND. It is not government by law. It is government by men. I say it is un-American. I say that the whole proposal is un-American.

Mr. HUMPHREY. On that point there is obvious disagreement between us.

Mr. EASTLAND. Yes. That is government, not by law, but government by men. It is not government by law, which is Americanism. This is government under which regulations are made that have the effect of law, and under which a bureaucrat can dream up a regulation, and the President, after a hearing, can approve it. Is that Americanism?

Mr. HUMPHREY. Mr. President, will the Senator yield again?

Mr. EASTLAND. For a question.

Mr. HUMPHREY. Will he yield for a continuation of our colloquy?

Mr. EASTLAND. Yes.

Mr. HUMPHREY. I say most respectfully that if the bill is enacted and becomes law it will be applied and enforced by men; I know of no law that is enforced by butterflies or by some ethereal spirit. Laws must be applied by men. We write the law. This is what Congress has done in every statute.

Mr. EASTLAND. The law is applied by men. I submit that what is proposed in the bill is that some bureaucrat might dream up a theory and send it to the White House, and that some clerk there could get hold of it and have it put into effect, after a hearing with notice.

Mr. KEATING. And a court review.

Mr. HUMPHREY. And a court review.

Mr. EASTLAND. Of course; the courts would have power to review.

But it would not be the enactment of a law by Congress, according to the American system of government. Such a regulation should be enacted by Congress.

Mr. HUMPHREY. I would be moved by this discussion if I did not know of the capability, competence, and intelligence of the Senator from Mississippi. The fact is that there is not a single law passed by Congress that does not give some agency or head of an agency the right—not only the right, but the duty—to prescribe regulations. The unconstitutional part, the un-American part, of the whole proposal is that taxes are collected from citizens of the United States without regard to race, color, or creed, while the benefits of the taxes are used in certain States with discrimination based upon race or creed.

Mr. EASTLAND. Do not look at me. That does not apply to me.

Mr. HUMPHREY. I look right at the Senator.

Mr. EASTLAND. That statement does not apply to me or to my State.

Mr. HUMPHREY. It does not apply to the Senator's State?

Mr. EASTLAND. No; it does not.

Mr. HUMPHREY. I say most respectfully that it does apply to the Senator's State.

Mr. EASTLAND. No; it does not. That is it; the Senator does not know what he is talking about.

Mr. HUMPHREY. That could be; it has happened before. But in this instance the Senator is off base.

Mr. EASTLAND. No; I am not off base. The Senator does not know what he is talking about. But in the case of the bill, the Senator does know what he is talking about.

Mr. HUMPHREY. I thank the Senator. That is a generous admission.

Mr. EASTLAND. Yes; but the bill amounts to a destruction of the American system of government. That is what would be done by the bill.

Mr. HUMPHREY. Is the Senator advocating that we remove from every piece of legislation the power to effectuate legislative policy?

Mr. EASTLAND. No; I favor the establishment of legislative standards.

Mr. HUMPHREY. A standard is provided. The standard is to quit discriminating.

Mr. EASTLAND. No; the standard prescribed in the bill is to permit any bureaucrat to do anything he wants to do. If I were not speaking from the floor of the Senate, I would say "any 'd' thing he wants to do."

Mr. HUMPHREY. I will meet the Senator in the cloakroom.

Mr. EASTLAND. That is how far the law would likely go.

The PRESIDING OFFICER (Mr. McGovern in the chair). The Chair reminds the occupants of the galleries that no signs of approval or disapproval are permitted.

Mr. HUMPHREY. One of the observations that one should make in this argument is that we respectfully disagree.

Mr. EASTLAND. That is correct.

Mr. HUMPHREY. I would add this further point: The reason why section 602 and section 603 were added to the bill in the House of Representatives was to make certain that the policy and statement of the present law which is stated in section 601 was statutorily engrossed and that a means of enforcement was prescribed for the application of that policy. It was included in the bill so that the concerns that people might have about imprudent action, action without advance notice, or action that might be unfair would be obviated or not be possible. Both the House committee and the House itself are to be commended for having taken these salutary steps.

I am sorry the Senator from Mississippi does not agree with me, but I suggest most respectfully that we could get over all these problems, and there would not be any need for debate, if we started to treat Americans as Americans, not as fat ones, thin ones, short ones, tall ones, brown ones, green ones, yellow ones, or white ones, but as Americans. If we did that, we would not need to worry about discrimination. We would not need to worry about regulations.

Mr. EASTLAND. I say again that things have come to a pretty pass in this country if a Department can promulgate regulations and have them approved by some clerk at the White House, so as to have them become law, with the Executive perhaps even establishing the penalty.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield to the Senator from Louisiana.

Mr. ELLENDER. Is it not true that it was the Civil Rights Commission that first suggested that such a program be carried out by the President?

Mr. EASTLAND. Yes.

Mr. ELLENDER. Is it not true that the late President Kennedy opposed such a suggestion, saying that he had no power to require it, and that he would not propose it?

Mr. EASTLAND. That is my understanding.

Mr. ELLENDER. Unfortunately, as I said 2 or 3 days ago, the President, through an Executive order, promulgated rules and regulations, under which departments, or agencies such as the Bureau of Roads, Department of Commerce, were to deny money to any State that refused to integrate. I am sure the Senator from Mississippi is familiar with that order.

Mr. EASTLAND. Yes; I am familiar with it.

Mr. ELLENDER. The matter came to my attention and that of my colleague from Louisiana [Mr. LONG] when an order was issued to prohibit contributions by the Federal Government to the State of Louisiana for roadbuilding. We took the matter up with the President, and the President admitted he was not familiar with the order. Evidently, someone under him had issued the order. The moment the President learned the facts, namely, that those who would be hurt would be the colored people—because 80 percent of those working on the highways of Louisiana were colored—he canceled the order, and the State of Louisiana was permitted to proceed to advertise for roads and obtained money from the Federal Government for their construction.

Mr. EASTLAND. Louisiana is a sovereign State. Does the Senator believe that some bureaucrat in Washington should have been permitted to mistreat his State as the Senator has described?

Mr. ELLENDER. That situation was placed in our laps last October, as I remember. We fought for our rights and won. If we had not taken up the matter with the President, but had left it to the bureaucrats in the Bureau of Public Roads and the Department of Commerce, the probabilities are that Louisiana would not have received its share of money and would have had to go to court to obtain it.

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Wyoming [Mr. MCGEE] with the understanding that I do not lose my right to the floor, and that by so yielding I shall not be charged with a second speech on the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Now I ask unanimous consent that my speech today not count as one speech on the motion.

Mr. KEATING. Mr. President, reserving the right to object, what was the Senator's last request?

Mr. EASTLAND. That this not be counted as one speech on the motion.

Mr. KEATING. I would have to object.

Mr. EASTLAND. The Senator has not objected to such a request by any other Senator. Other Senators have received the same unanimous-consent approval.

Mr. KEATING. That the Senator's speech not count?

Mr. EASTLAND. Why pick on me?

Mr. KEATING. I would certainly not pick on any Senator. I may not have understood what the request was, but I understood the Senator to say that his request was that his entire speech today not count as a speech.

Mr. EASTLAND. That it count as one speech when finished at a later date.

Mr. KEATING. As one speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. I thank the distinguished Senator from Mississippi for yielding the floor with the understanding that he not lose his right to the floor in this regard.

IMPROVED QUALITY OF RANGE IN BLACK HILLS NATIONAL FOREST, S. DAK.

Mr. McGEE. Mr. President, too often these days we hear comments which indicate that in many people's minds the Government is an adversary whose interests are opposite those of the average citizen. Nothing could be further from the truth. The function of our Government is to serve our citizens in the best and most efficient manner possible.

A wonderful example of what can happen when the Government and the citizen work together appears in an article in the April issue of the Farm Journal. This article describes how a Wyoming rancher, Donald Baldwin, of Weston County, participated in a project with the Forest Service to improve the quality of the range in the Black Hills National Forest in South Dakota.

It is no secret that the cattleman is currently in serious trouble because of abnormally low beef prices and anything that can reduce his costs and increase his efficiency is welcome news indeed. I would commend this article to the Senate both for its demonstration of the value of the citizen cooperating with his Government and for illustrating one facet of the multifront attack that must be waged to improve the lot of the cattleman.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IT TAKES TO BRING BACK RANGE

(By Ovid Bay)

Donald Baldwin swung down from the saddle and watched his cattle head up a draw lined with aspen trees last June 10.

"We're turning 10 percent more cattle into the forest today than we did last year," he told me. "It's an across-the-board increase—good for the next 5 years. If the range holds up under the increased grazing, this 10 percent will become permanent and we might even get another boost."

Baldwin and 15 other permittees run cattle on the Crow's Nest-Upper Beaver allotment in the Elk Mountain District of the Black Hills National Forest in South Dakota.

As we talked, Baldwin told me a story with a familiar ring. How, only 10 years ago, they were facing a 20-percent cut, and how they were fighting the U.S. Forest Service tooth and nail.

"Then some of us decided that it was time to change tactics," says Baldwin, a rancher in Weston County, Wyo., who is also president of the Beaver Creek Cattle Association.

"We agree with the new ranger, Dave Johns, that we ranchers would start matching dollars with the Forest Service to improve this range. The Forest agreed to give us a 5-year grace period, during which there would be no further cuts in our allotments."

Baldwin's eyes twinkled. "You know, this was pretty revolutionary. I've been running cattle on the Forest since 1925, and this was the first time we ever matched anything except brickbats and dirty digs."

Just how do you improve public range so allotments hold or go up? In this instance, the ranchers elected a committee to meet with the rangers and talk over what needed to be done. They settled on three main efforts:

Put in more watering spots. Cattle were passing up some of the best grass because it was too far from good water. Five miles, in fact.

With the ranchers contributing both labor and cash, they dammed up draws and scooped out seeps and springs, then fenced them off to keep the cattle from tramping them dry. All told, they've put in more than 90 new watering spots during the last 10 years.

New grazing systems. So grazing could be controlled, they began putting in fences. Today, 35.5 miles of fence—most of it four-strand—divide 23,523 acres of usable range into 5 cow-calf pastures and 5 yearling pastures.

They're using various grazing systems, including rest-rotation. Under such a system, the five pastures are grazed in sequence. In turn, and over 5 years' time, each pasture gets a rest for a full season. The other four are rotation-grazed in early, medium and late season.

The exact timetable depends, of course, on moisture, the overall condition of the range and the amount of growth in each pasture. Other systems, such as simple rotation, deferred rotation, or other combinations are sometimes used.

So far, no reseeding has been done. "Most of the native grasses we want are thickening up by themselves," says Baldwin.

Spraying for weeds and brush. "Biggest surprise to me has been how quickly the grass improves after it is sprayed with 2,4-D," says Clifford Schulze, secretary-treasurer of the Beaver Creek Cattle Association.

Mostly it's a matter of moisture. Research at North Dakota State University, and elsewhere, shows that weeds use from 4 to 11 times more moisture per pound of dry matter than most range and pasture grasses.

"Since 1959, we've sprayed 3,508 acres with a 2,4-D low-volatile ester," says E. M. "Sonny" Stiger, assistant ranger with the Forest Service. "Our usual mixture is one-third of a gallon of 2,4-D—that figures out to 2 pounds of the acid—in 2⅔ gallons of No. 2 diesel oil per acre, flown on with a helicopter."

"They use sprayed pastures for the last rotation of the next season to give them a chance to recover and reseed," Baldwin says:

Several ranchers now report that they're getting 15 to 20 pounds more gain per yearling each season.

"With heavier cattle to sell and a 10 percent increase in the number of cow-calf pairs we can turn out, we're getting back every dime we spend and then some," says David Rawhouser, Jr., another rancher in Weston County, Wyo. "Just knowing that the range is getting better is worth a lot, too."

But it costs. Since 1956, the ranchers have kicked in 35 cents per acre, plus labor. The Forest Service has spent $1.33 per acre, plus labor of its employees. Biggest expense has been fencing.

"We've got a lot of confidence in rangers like Dave Johns, Tony Skufca, Tom Lewis, Jake Baumgartner and Sonny Stiger," says Baldwin. "They've had ideas that work and they've done as good a job as any of us could do on our ranches.

"In fact, when those fellows suggest an idea at a meeting of our Beaver Creek Cattle Association, we pony up whatever they need to get the job done," says Baldwin.

LAW ENFORCEMENT IN WYOMING

Mr. McGEE. Mr. President, when most people think of law enforcement in the State of Wyoming they are inclined to think of the old sheriff, his trusty six-shooter and the showdown on main street. We still have cattle rustling in our State, but the modern thief is more apt to use a pickup truck rather than a horse to run off his booty.

The strides Wyoming has taken to keep its law enforcement techniques in tune with the space age are very well described in an article in the March issue of the FBI's Law Enforcement Bulletin. This article, by my good friend, George M. Nimmo, sheriff of Sweetwater County, details the formation and operation of the Wyoming Law Enforcement Academy.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Statewide Police Training for Sparsely Populated Areas

(By George M. Nimmo, sheriff, Sweetwater County, Green River, Wyo.)

The State of Wyoming, which has only 330,066 residents, is geographically the ninth largest State in the Union and therefore spreads its somewhat sparse population over 97,914 square miles.

While the number of police officers per capita compares favorably with the ratio in any other area of the United States, policing problems become acute through the open western country where officers must gear their tasks to many miles of travel in serving the same number of individuals that the small town or city officer serves.

Adding to policing problems in the low population density in a vast territory are the considerations of fluidity of the large transportation and tourist industries and the vast areas to be covered by the various law enforcement agencies in the State.

WYOMING KEPT PACE

Never a backward State, Wyoming has kept pace with the rising rate of all types of crime. Because few officers must serve such vast areas, mobility and versatility are key words and constant problems confronting nearly all law enforcement officers in Wyoming.

Officers who, a few years ago, could roam the Wyoming plains and hills on horseback experienced great mobility. They could travel almost anywhere in the State with their mounts able to negotiate rough and difficult terrain. The advent of the automobile, however, increased the officer's mobility, and he was able to get around faster, but his travel was limited to established highways and roadways. Distances between points and lack of communication still hampered the officer.

MOBILITY

Then, shortwave radio units became the popular and necessary equipment in police officers' vehicles—and mobility took another great leap forward. Added to all those advances was the advent, after World War II, of the four-wheel-drive vehicles, with which the officer now can conquer almost any terrain—terrain he had not been able to negotiate since giving up his horse.

The problem of versatility, however, remained, as a single officer might be called upon to track a missing child, investigate a homicide, trace a bad check artist, settle a family brawl, or control a mob, all within a relatively short space of time. Officers coming into the State from urban departments often found themselves able to cope with only one or very few of several varied problems with which they were confronted daily. The native son who entered law enforcement faced daily bafflement as he tried to cope with problems he understood but was not equipped professionally to solve.

SOLUTION REMOTE

Sheriffs and administrators realized that the only way to obtain the needed versatility in their officers was through extensive training programs. That solution presented another brandnew set of problems, for those same administrators were faced with small, widely scattered departments, operating on very limited budgets, who could ill afford to have even one officer absent from his duties for any length of time. A solution to law enforcement's multiple problems in Wyoming seemed as remote as ever.

However, a solution was beginning to formulate, when, in 1945, Dr. G. D. (Duke) Humphrey came to the University of Wyoming at Laramie as president and began the enlargement of an already active and vigorous extension and adult education department at the university. Understanding full well the need for officers' training, the FBI assisted representatives of the Wyoming Peace Officers Association in presenting the problem of adequate police training to President Humphrey and university officials.

WYOMING ACADEMY

Out of those meetings evolved the Wyoming Law Enforcement Academy, designed to offer extensive training for all officers of public law enforcement agencies in the State. The basic idea was presented at a general meeting of the Wyoming Peace Officers Association in 1957, and it was immediately accepted by the membership which also voted a sum of $500 a year toward financing the academy.

A board of advisors for the academy was selected by the association, and its members were given the go-ahead in establishing the curriculum and setting forth the rules governing the academy while it was in operation. The board is composed of two sheriffs, a chief of police, a member of the Wyoming Highway Patrol, a representative of the Wyoming Game and Fish Commission, and a representative of the University of Wyoming.

In meetings of the board of advisors with the coordinator of the adult education department of the university and a representative of the Federal Bureau of Investigation, a basic course of 100 hours of instruction was prepared.

Instructors were obtained from the Federal Bureau of Investigation, U.S. Secret Service, Bureau of Narcotics, Alcohol and Tobacco Tax Unit, National Auto Theft Bureau, National Board of Fire Underwriters, University of Wyoming, county attorneys, district judges, chiefs of police, and sheriffs—many of the officers being graduates of the FBI National Academy.

The board decided that the Wyoming Law Enforcement Academy would have to offer a comprehensive list of subjects which would equip an officer with the fundamentals of his profession. It was noted that before a man could enforce the law professionally, a thorough mastery of the fundamentals was absolutely essential. These fundamentals had to be offered within a short space of time, in a comprehensive, almost capsule form, and cover all fields of law enforcement.

COURSE OF STUDY

Consequently, the board decided upon the following curriculum: Burglary investigations, civil rights, sociology, accident investigation, homicide investigation, narcotics, juvenile delinquency and the handling of juvenile offenders, counterfeiting, rape and assault investigations, psychology, alcoholism, fraudulent checks, signed statements and confessions, jurisdiction of law enforcement agencies, and administration of law enforcement. Also included were: Laws of arrest, search and seizure, auto theft, firearms, crime scene searches and laboratory examinations, public relations in law enforcement, descriptions and identification of persons, defensive tactics, testifying in court, handling mentally disturbed persons, disaster and rescue, game laws, aeronautical laws and searches, records and crime reporting, arson investigations, and other technical subjects.

REQUIREMENTS

The board of advisers, which sets the curriculum and keeps it fluid from year to year so as to be adaptable to changing needs and interests and to include advanced technological subjects as they develop, also establishes requirements for entrance of students at the academy.

To attend the academy, the applicant must be a public law enforcement officer whose salary is paid in whole or in part by taxation. The individual must not be over 50 years old and must have had at least 1 year's experience in law enforcement prior to the school.

To attend the academy, individuals are required to submit a written application, together with a physical examination certificate. Each application is reviewed at a meeting of the board of advisors. If the application is approved and the individual accepted, the board extends an invitation to him to attend.

Classes are held from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., Monday through Saturday, over a 2-week period. Each officer-student is required to maintain an up-to-date notebook, and the notebook is checked and graded twice during the session.

Several written examinations also are given to the students while they are attending school.

FOOD, SHELTER, AND COSTS

Breakfast, lunch, and dinner are served to the officer-students at a designated university cafeteria on the campus, where the menu is prepared for those attending the academy. The academy is assigned its own private dining area during the session. Coffee breaks are allowed at midmorning and midafternoon, with an hour at noontime for lunch.

The students also have their own specified dormitory where they are housed during the 2-week period. All student-officers are required to live in the assigned dormitory on the campus during the session.

The arrangements for keeping student-officers together night and day were made after considerable discussion and planning, and this practice over the years has proved to be a wise one. It is an accepted fact that the men, eating together in the same dining room and housed together in the dormitory rooms, gain as much from the exchange of ideas during "bull sessions" and coffee breaks outside class as during formal classroom instruction. Many of the ideas presented and mulled over during those informal-talk sessions, as heavy "homework" assignments are completed, are presented for additional review in class sessions, where their worth has been proved time and time again.

The academy charges no tuition for the school, but each individual is required to pay $65 for board, room, and supplies. The fee is paid by the departments from which the officers are sent to the academy. Members of the board of advisers agreed that the departments sending the officers should pay the fee, and the board encourages the departments to do so. However, the board does not preclude an officer attending and paying his own registration fee if he desires to do so, provided, of course, he meets all other requirements for entry as a student.

Because of the worth and success of the academy, and because it is the only such school in the immediate area of the Rocky Mountain States, the board of advisers decided to permit any and all public law enforcement officers from not only Wyoming, but from any of the surrounding States, to enroll in the academy.

In its last six sessions, held on the University of Wyoming campus at Laramie, the academy has accepted and graduated more than 300 officers from seven States: Wyoming, Colorado, Utah, Kansas, Montana, South Dakota, and New Mexico.

The University of Wyoming has been highly cooperative in setting aside desirable classrooms, conducive to study and research, and the privilege of auditorium facilities with a movie projector for visual education. The officer-students are also privileged to use physical education facilities, including the swimming pool, on the campus.

CONCLUDING THE COURSE

On commencement night, the final Saturday of the 2-week session, a graduation banquet is held and is attended by the administrators who have sent the students to the school. Guests at the banquet and commencement exercises often include many former graduates of the academy, so that the graduation festivities become a combination banquet and reunion.

In impressive ceremonies to conclude the intensive 2-week study course, each officer-student is presented a diploma by a representative of the university. Commencement speakers have been outstanding men in law enforcement or in fields related to it. Those speakers have included Chief Justice Glenn Parker, Wyoming Supreme Court; Hon. J. J. Hickey, former Governor and former U.S. Senator from Wyoming; Mr. Joe Foss, commissioner of the American Football League and winner of the Congressional Medal of Honor; and Mr. C. Lester Trotter, Assistant Director of the Federal Bureau of Investigation.

ADVANCED TRAINING

Because of the success of the law enforcement academy, and because the training in areas covered by the academy met with such success during the years since 1958, the advisory board was requested to enter the field of advanced training. Therefore, a specialized training course, a "Law Enforcement Supervisory and Command School," was inaugurated in November 1962.

To be eligible to participate, the officer must be the head or deputy head of a department or hold a definite supervisory position in the department. It was stipulated that heads of departments could nominate themselves.

COURSE OFFERED

Subjects covered include the following: Professional ethics in law enforcement; what city management officers expect of police agencies, principles of supervision; civil rights; discipline in law enforcement; vice control and effective use of confidential sources; public relations; law enforcement and the press; alcoholism as a police and community problem; accident prevention and safety programs; preparation and administration of police budgets; recruitment; investigation and training of personnel.

Also covered are: Planning and supervision of arrests and raids; interrogation of suspect and subjects; organization and supervision of patrols; organization and effective use of law enforcement records; uniform crime reporting program; cooperation between military and civil law enforcement agencies; classification of personnel and coordination of salary schedules; value of preparation of annual reports; performance rating of personnel; inspections and employee relations; and supervisory function in public service.

Command school sessions, which continue over only 1 week, are held from 9 a.m. to 5 p.m., with no evening sessions. Each officer-student is awarded a certificate at the final session. The certificates are presented to each officer-student by a representative of the University of Wyoming.

The planned school for November 1963 was a seminar on homicide and homicide investigation. The command school sessions involve only lectures and discussions and involve no practical problems.

PRIDE IN ACCOMPLISHMENT

In its brief 6-year history, the Wyoming Law Enforcement Academy has accomplished much. It has grown beyond the board's highest expectation. The board is aware that during the 2 weeks of study, regardless of its intensity, it is impossible to make any person into an ideal law enforcement officer. But it is possible to expose him to the theories and practices of the fundamentals.

If the officer's superiors maintain an atmosphere where professional pride is second nature, the Wyoming Law Enforcement Academy graduate will, and usually does, become a competent officer—which is considered synonymous with being an asset to any community.

The Wyoming Law Enforcement Academy, through its basic teachings, has enabled law enforcement officers to give earnest devotion to and take pride in their profession, and the citizens they protect are getting much for their tax dollars.

THE PRICE OF BEEF—A NATIONAL DILEMMA

Mr. McGEE. Mr. President, I desire to speak this afternoon about beef—beef from the calf to the counter.

The American housewife is puzzled, and rightly so. For months she has been hearing echoes of sharply depressed livestock prices in the great ranges, feedlots, and stockyards of the West and Midwest. And while she may feel some passing sympathy for the cattleman, she nonetheless turns expectantly to her local supermarket for the resulting bonanza in slashed retail meat prices.

What does she find? Retail prices are virtually identical with those of 2 years ago when the cattle market was firm and prices to the rancher, feeder, and packer were sufficient to afford a fair return on their investment. The housewife need not be an economist or a market analyst to know that whoever may be the beneficiary of the cattleman's misery, it is not her family, not the consumer.

I have recently seen a supermarket advertisement from the Washington Post of 2 years ago, March 28, 1962. The big special that day in the chainstores was sirloin at 79 cents a pound. In the stockyards that beef brought the producer 27 cents a pound.

By March of 1964, the producer's price has fallen to 20 cents a pound, a decline of more than 25 percent. What is today's price to the Washington consumer for sirloin? Eighty-nine cents a pound. Is it any wonder that the consumer is confused?

The cattleman is more than confused. He is desperate. He is used to taking his hard knocks from the law of supply and demand. He knows that every year is not going to be a boom year. He may not like it, but he has learned to live with the facts of live competition. However, he cannot cope with a market in which the law of supply and demand has been repealed.

The cattleman has been told that beef imports have ruined the cattle market. There is no doubt that these imports hurt. But if beef imports were the only disruptive force at work in the cattle industry, and if the supply of beef is simply too great for the demand, why have not retail meat prices slumped?

Who repealed the law of supply and demand for the meat industry? The cattleman believes he has the answer. He levels an accusatory finger at the great food chains and the vast economic power that they have acquired over the last two decades. He points to their spiraling accumulation of economic power, to the concentration of thousands of retail outlets in a few hands which has revolutionized the marketing of all food products.

Livestock producers in Wyoming, food canners in California, tomato producers in Texas, and poultry growers in Alabama, have each borne witness to the unholy ability of the great chains arbitrarily to establish and enforce prices to the producer while withholding the advantage of those price concessions from the consumer.

I do not pretend to be a marketing economist. I am no expert in the market structure of food distribution in this country; but the stark facts of life in the livestock industry today demand explanation, for they run counter to the basic concepts and expectations of the free enterprise system.

Where, in the American image of free enterprise, is there room for the practice of bid and acceptance, as allegedly practiced by the powerful buyers for the chains?

The chains, it is charged, utilize this technique to coerce unconscionable price concessions and other onerous terms.

This is the picture that emerges from the charges conveyed to me: The seller is compelled to make his bid without knowledge of the chainstore purchaser's interest, and without the benefit of a competitively established market price. With a costly and perishable product on his hands, obligated to maintain a flow of livestock through his plant, the packer may be forced to cut his offering price below his actual cost. It has even been charged that, in each purchasing area, one dominant chain will effectively dictate the price for all.

Even where his bid is accepted, the supplier suffers arbitrary rejections at the foodchain's dock, or is subjected to burdensome credit demands. What is his alternative? If he chooses not to sell to this mass buyer, he may not be able to sell at all. So he submits meekly, as an unequal partner, to dictated prices and conditions.

Another anticompetitive practice allegedly utilized by the chains is called "group purchasing." In "group purchasing," several chains may combine to hire an agent to procure a certain product. That agent goes out into the market as a single buyer for the group, effectively eliminating competitive buying for the product in question, and in due course distributes the product to each of the chains, in proportion to its needs.

The chains and the meat packers under pressure from the chains are similarly charged with by-passing regulated trade practices at the terminal markets and dulling competitive price making by resorting to "direct buying" from individual feeders. Through "direct buying," stockyard competition is decreased and the stockyard prices are kept correspondingly lower. These artificially depressed prices are then quoted to the feeder as the basis for direct purchases. Moreover the feeder, once he is committed to direct selling, is said to become a captive of his purchaser, increasingly dependent on that purchaser, and thus forced to grant concessions not available to the packer at the established markets.

Direct buying may function as a double-edged sword, exacting additional benefits for the purchaser at the expense of the producer, while simultaneously depressing prices. In the terminal markets, the packer by custom and regulation is required to pay promptly for livestock purchases. In a direct purchase he is often able to force the seller to extend credit. In a direct purchase, the buyer may pay on the basis of an arbitrary "pencil shrink" of the actual weight of the livestock. He may successfully charge back to the seller any losses resulting from the death of cattle or from post-mortem inspection of cattle.

The economic power acquired by the food chains through ownership of thousands of retail outlets has allegedly been reinforced and complemented by backward integration into the feeding and slaughtering of livestock. Such integration need not be accomplished by outright merger, but can be effectively accomplished through tight contractual arrangements. In either case, by withdrawing their buying power from the competitive livestock market or by serving as their own source of meat supply, the chains, it is charged, are able to administer prices at both live beef and dressed beef levels.

These, then, are the charges. Whether they can be proved and, if proved, whether they explain the housewife's and producer's dilemma cannot now be answered with certainty. But these charges cannot remain unanswered. The answers must be found, and remedies must be applied.

President Johnson has clearly recognized this need. In his message on agriculture this year, he warned of the power of the chains.

> There is one more pressing need if American agriculture is to be strengthened. The recent changes in the marketing structure for distribution of food are as revolutionary as those in production. There are some 200,000 retail grocery stores, but we know that $1 out of every $2 spent for groceries goes to fewer than 100 corporate, voluntary, or cooperative chains. Our information about how this greatly increased concentration of power is affecting farmers, handlers, and consumers is inadequate. The implications of other changes that take place as vertical integration and contract farming have not been fully explored.

It is for these reasons that on April 26 of last year I introduced legislation to direct the Federal Trade Commission to "conduct a full and complete investigation of the purchasing, processing, marketing, and pricing practices of chain-store operators. Under the terms of this bill, Senate Joint Resolution 71, the Commission would report to Congress proposals for remedying such restraints of trade or noncompetitive practices as may be revealed by such investigation. The President contemplates the creation of a bipartisan commission to undertake a broad study of the impact of the food chains upon the national economy. There is a great need for such an undertaking and the President's plan for the long-range investigation of chain-store economics is a welcome proposal.

But it will take time to implement the President's proposal. Not only must authorization be procured from the Congress, but once authorization is given, the time-consuming process of organization, staffing, and planning must be accomplished. The final report of the Commission, carrying out this all-encompassing mandate, may not be forthcoming for months, perhaps years.

In the interim, by enactment of Senate Joint Resolution 71, the immediate problems of administered pricing and other questionable practices may well be on the road to a solution. The Federal Trade Commission, as an established investigatory instrument of the Congress, now stands poised and equipped to carry out such an assignment. Moreover, the FTC will be able to provide a base of documentation for at least one aspect of the proposed commission's field of inquiry. Thus, passage of Senate Joint Resolution 71 will enhance the ultimate success of the proposed Presidential commission and complement its objectives.

Growing numbers of individuals and associations testify to the plight of the livestock industry in this country. Just this week in St. Paul 3,000 delegates of the National Farmers Union, representing some 750,000 American farm families, passed the following resolution:

> Livestock producers lost more than $2 billion in 1963 and continue to sustain heavy losses. Although meat imports have contributed to these losses, they have been insignificant in comparison to the disastrously low prices forced upon producers by large food chains through their power to administer prices. To break up this growing monopoly power in the livestock industry and retain competitive markets for cattle and sheep we call for a thorough investigation of retail food chain store buying practices, their degree of vertical integration into packing plants, feedlots, and ranches, their power to subvert competitive free enterprise, and their power to increase the spread in prices between producer and consumer without regard to supply and demand. We urgently petition the President to utilize the resources of the Federal Trade Commission and the Department of Justice to carry out such investigation and should the findings reveal that the antimonopoly laws are being violated, we ask that court action be brought against those food chains in violation, requiring them to divest themselves of their vertically integrated ranching, feeding, and farming operations.

The salient features of the modern food chain is its great size. But size alone is not necessarily evil. It is great size that makes the chain efficient, that enables it to handle great volumes of foodstuffs at generally low prices.

But with great size comes great power. And power, if uncontrolled, too often becomes predatory. This Nation has had visited upon it from time to time in its history the plagues of economic abuse: controlled production, manipulated markets, and administered prices.

The consumer no less than the producer has the right to know whether we are again beset by such a plague—whether the great economic power concentrated in the hands of the mammoth food chains has again disrupted the normal play of market forces.

If we are to find the key to the consumer's dilemma and the producer's disaster, then it is to the chains and to the marketing structure which they dominate that we must look for an answer.

Mr. McGOVERN. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am glad to yield to the Senator from South Dakota, who has been a courageous pioneer in the field of exploring the effects of marketing structures on livestock.

Mr. McGOVERN. First, I have been greatly impressed in listening to the Senator's remarks this afternoon, because I believe that he has clearly identified one of the key factors in the decline of the income of our livestock producers. He has clearly dealt with a double problem today. He has pointed out not only to the disastrous slideoff in livestock prices, which has had most painful consequences in the livestock-producing areas of the country, but, also, he has drawn our attention to the fact that, bad as that situation is, the consumers have not benefited from it.

It might be some consolation to the beef producers if they had knowledge that their losses were at least resulting is some saving of price to the consumers who eventually buy meat in the butcher shops. That would mean a pickup in beef sales and help remove large supplies from the market. But, as the Senator has pointed out so well, even that consolation has not been given to the beef producers.

While their prices have been going down, housewives across the country have been paying essentially the same prices that they paid for retail meat when farm prices were at better levels. I am wondering if the Senator from Wyoming, who has made that point so well, has had an opportunity to examine the current issue of Marketing and Transportation Situation for February issued by the Department of Agriculture. It contains some interesting statistics on the subject.

Mr. McGEE. Indeed, I have. Likewise, I have had an opportunity to scrutinize rather closely the regional effects of certain marketing procedures. For example, in the Rocky Mountain area that includes both of our States—South Dakota and Wyoming—when the price of cattle dropped so abruptly—$7 per hundredweight—between Christmas and the first of March, a year ago, the retail price of beef in December was 68 cents a pound in the Denver area. When this disastrous drop of $7 a hundred occurred at the end of that period, beef was still selling at 68 cents a pound across the counter to the housewife.

This fact suggests not only a static, but a very rigid, fixed retail price, that is costing the housewife dearly. I am sure that the lady who keeps the budget is not unmindful of the high price of beef, and therefore is sorely disturbed by the story that is being unfolded at the present time.

Mr. McGOVERN. Mr. President, will the Senator yield further?

Mr. McGEE. I yield.

Mr. McGOVERN. The table to which I have referred, which appears in the February issue of the U.S. Department of Agriculture Marketing and Transportation Situation, one of their regular reports, shows that 10 years ago the beef producers of Wyoming, South Dakota, and elsewhere in the country received 65 cents out of the consumer's beef dollar. In other words, when the housewife walked into a store and bought a dollar's worth of beef, the producer who produced that beef on the range or in the feed lot received 65 cents as his share of it.

Ten years later, according to the report, the producer's share had fallen to 56 cents out of the consumer dollar.

The problem of what happened to the 10 cents that the producer used to get, and why it has not been passed on to the consumer, is really one of the basic questions which the Senator from Wyoming is trying to get at. Am I correct in that statement?

Mr. McGEE. That is really the pivotal question. It is often answered by an alibi. The alibi is that the housewife demands fancy packaging and other convenient merchandising techniques that take up this cost spread. This does not explain why, when the price dropped so sharply last year, there was no corresponding decrease in consumer prices at the retail level. The costs of packaging, advertising, and other merchandising practices are static. These costs are known in advance and are predictable. The retail prices do not reflect the drastic decline of the livestock market; and pointing to these fixed costs is not a satisfactory explanation.

Mr. McGOVERN. I again thank the Senator from Wyoming for his efforts in this field. As he knows, a week or 10 days ago, when we were debating the question of increased meat imports into this country, he and I disagreed on the matter of strategy on dealing with imports, and whether to amend the wheat bill, or press separate legislation.

We were not in disagreement on the need for limiting beef imports, and I am happy this afternoon that we stand side by side in this area, in which the Senator from Wyoming is so competent and has given such excellent leadership. I commend him for his efforts.

Mr. McGEE. I thank the Senator for his comments. I hasten to add that our previous disagreement was not fundamental, but tactical. I happened to believe that the speed at which our feed lot operators and cattlemen were racing toward disaster in the industry required that we move fast to try to redress the imbalance that has arisen to plague them. I felt that only under those extreme circumstances was that procedure warranted. Even though the amendment was defeated, largely because of the skillful efforts to hold the bill to wheat and cotton alone, I feel that a great deal of education resulted, and that there is widespread sentiment that something be done soon.

I have had many occasions recently to raise a warning finger. With all our rightful concern about imports and import quotas, I firmly believe it would be a mistake to assume that quotas alone would solve the cattleman's dilemma and bail him out of his difficulties. Nothing could be further from the truth.

The imports from Australia and New Zealand, and, to a lesser degree from Ireland, that have so greatly increased are but part reason for the plight of the cattleman. The unwillingness of many to look at the whole picture, instead of only at a part, does a disservice to the possible economic prosperity of the cattle industry in the future. In addition to the problem of imports there are several other pressures bearing on the lowered prices, not the least of which is overproduction.

The cattleman is willing to take his chances on prices going up or down. But, when the price goes up, every Tom, Dick, and Harry wants to go into the cattle business. At times Congress has given them an inducement to do so. A number of businessmen and professionals go into the cattle industry, not to raise cattle, but to make money by losing money. They go into the cattle business to take advantage of the tax loss writeoff and capital gains rates. They jeopardize the stability of cattle prices under those circumstances in addition to contributing to overproduction.

I have long advocated that we reappraise existing tax law features that encourage nonlivestock people to go into the industry, for this in itself contributes to overproduction. Overproduction is one of the main factors that is playing havoc with prices of livestock on our domestic markets. The problem is not imports alone. The problem includes the overproduction factor. The beef problem also has a tangible explanation in terms of tax incentives for those other than cattlemen to enter the business.

Notwithstanding this, we must press urgently for a full explanation of the retail price problem I have spoken of today. The Commerce Committee will start the hearings on Senate Joint Resolution 71, on Monday, March 23.

Mr. McGOVERN. Mr. President, if the Senator will yield for one brief comment, I think the point he has made with respect to imports is important. Probably a good many cattle producers, and perhaps some Members of Congress, have given too much emphasis to this one aspect of the problem, which is the increase in imports, and not enough to other forces. Evidence of that statement is the fact that in previous years there have been disastrous drops in the price of cattle at a time when imports were negligible. So there are other factors that influence the domestic prices of beef and other meat products.

I commend the Senator from Wyoming for recognizing the import problem as important, but also recognizing that several major forces problems bear on the subject to which he is addressing himself today.

Mr. McGEE. The Senator is correct. For example, a price drop of $7 per hundredweight happened at the time of a dock strike when very few imports were trickling into the country; but that did not stop the sharp drop in prices. There were other factors.

In my judgment, those persons who purport to represent the cattlemen's organizations in opposition to the examination of the chainstore prices take a rather shortsighted view in considering the long-range problem.

We shall not get to the core of the declining prices in the livestock industry until we are willing to ask the right questions without being afraid of the right answers. This fear of the answers which hangs over the industry at the present moment, makes some people quite cautious about plunging into a full examination of the many forces that affect livestock prices.

Mr. McGOVERN. I fully agree with what the Senator has said.

Mr. McGEE. I thank the Senator from Mississippi for yielding to me for this purpose.

I yield the floor back to him.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. Mansfield that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. EASTLAND. Mr. President, I ask unanimous consent that when I conclude today, I be permitted at a later date to continue my speech as my first speech against the motion.

The PRESIDING OFFICER (Mr. McGovern in the chair). Is there objection?

Mr. CASE. Mr. President, I reserve an objection; and I ask that, before making a decision on the request, I have an opportunity to discuss the request with the majority whip and other Senators. If the Senator will withhold his request for a little while, until I can confer with them, I would appreciate it.

Mr. EASTLAND. Very well.

Mr. CASE subsequently said: Mr. President, will the Senator from Mississippi yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. CASE. I ask unanimous consent that the Senator may yield to me for the purpose of returning to his unanimous-consent request, provided that he shall not lose the floor and that his speech on the motion will not be considered as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Also that this colloquy may be put at the beginning of the speech. If the Senator will repeat his unanimous-consent request, I shall be glad to withhold my objection.

Mr. EASTLAND. Mr. President, I ask unanimous consent that when I finish speaking today I may be permitted to resume my remarks at a later date, and that it be counted as the same speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EASTLAND. I thank the Senator.

To continue with my statement:

Let us try:

First. To consider the wording of the bill itself.

Section 601 provides that "no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Particular note should be taken of those words, "be denied the benefits of," in relation to Executive Order No. 11063 and Executive Order No. 10925 mentioned below.

Section 602 refers to "termination of or refusal to grant or continue assistance under any program or activity to any recipient." It also provides that notice shall be given to "the appropriate person or persons of the failure to comply with the requirement."

Section 603 in referring to termination or refusing to grant or continue financial assistance provides that "any person aggrieved—including any State or political subdivision thereof or any agency of either—may obtain judicial review."

This wording clearly demonstrates an intention that penal action shall be taken against individual persons who may participate in any program and that the inhibition of discrimination extends not only to the recipients but to anyone who might receive the "benefits of any such program or activity." Later, I shall call attention to the Executive orders which are now in effect and which are reasonably foreshadowed by the bill. Without knowledge of the deadly combination of legislative license granted by title VI with Executive orders, it would be impossible to understand the true intent of the proponents of the bill and the otherwise mystifying willingness of the proponents to accept certain amendments to which I will refer in a few moments.

Second. Let us take a look at the Federal funds involved. The wording is skillfully devised. The words are, "any program or activity receiving Federal financial assistance." The Federal departments and agencies are those "empowered to extend Federal financial assistance to any program or activity, by way of grant, loan or contract other than a contract of insurance or indemnity." There is no limitation to programs or activities in which State funds are matched. There is no limitation to joint programs between Federal and State agencies. "Any program or activity receiving Federal financial assistance" is included. Every program of the Federal Government receives "Federal financial assistance." We have here a "Mother Hubbard clause." If the Congress says everything, it will be held to have meant everything.

Perhaps few of us realize the extent of the programs involving Federal financial assistance to States, counties, local public agencies, private institutions and individual businesses or persons. For your information, I list more than 100 such programs:

Mr. President, I ask unanimous consent that a list of these programs be printed in the Record at this point in my remarks.

There being no objection, the list of programs was ordered to be printed in the Record, as follows:

I. GRANTS-IN-AID (BUDGET ACCOUNTS)

A. National defense:

(1) 1. Office of Emergency Planning: Federal contributions to the States for civil defense purposes, 50 App. U.S.C. 2281.

(2) 2. Department of Defense—Military: Civil defense shelters and financial assistance for civil defense purposes, 50 App. U.S.C. 2271 note.

(3) 3. Construction of Army National Guard centers, 10 U.S.C. 2231–2238.

B. International affairs and finance:

(4) Department of State: East-West Cultural and Technical Interchange Center, 22 U.S.C. 2452.

C. Agriculture and agricultural resources: Department of Agriculture:

(5) 1. Commodity Credit Corporation and Agricultural Marketing Service: Removal of surplus agricultural commodities and value of commodities donated, 7 U.S.C. 612–616, 1431 et seq.

(6) 2. Watershed protection, flood prevention, and resource conservation and development, 16 U.S.C. 1001–1009.

(7) 3. Cooperative agricultural extension work, 7 U.S.C. 341–348.

(8) 4. Agricultural experiment stations, 7 U.S.C. 361a–389a; Public Law 88–74.

(9) 5. Payments to States, territories, and possessions, Agricultural Marketing Service, 7 U.S.C. 1621–1630.

D. Natural resources:

(10) 1. Department of Agriculture; Forest protection and utilization, 16 U.S.C. 582a–582a–7.

(11) 2. Department of Defense-Civil: Corps of Engineers: Payment to California, flood control, 33 U.S.C. 511–523, 540, 701.

3. Department of the Interior:

(12) (a) Bureau of Reclamation: Disposal of Boulder City and Coulee Dam communities. 71 Stat. 530.

(13) (b) Bureau of Indian Affairs: Resources management, 25 U.S.C. 7, 13, etc. See page 481, House Document No. 266, 88th Congress, 2d session.

(14) (c) Drainage of anthracite mines, 30 U.S.C. 572.

(15) (d) Federal aid for fish and wildlife restoration, 16 U.S.C. 777–777k; 669–669j.

E. Commerce and transportation:

(16) 1. Funds appropriated to the President: Public works acceleration, 40 U.S.C. 462; 42 U.S.C. 2641–2643.

2. Department of Commerce:

(17) (a) State marine schools, 46 U.S.C. 1381–1388.

(18) (b) Forest and public lands highways, 23 U.S.C. 201.

(19) (c) Control of outdoor advertising, 23 U.S.C. 131.

(20) (d) Area redevelopment assistance, 42 U.S.C. 2501–2525.

(21) 3. Federal Aviation Agency: Federal-aid airport program, 49 U.S.C. 1101–1119.

(22) 4. Small Business Administration: Research and management counseling, 15 U.S.C. 636.

F. Housing and community development:

1. Housing and Home Finance Agency:

(23) (a) Low-income housing demonstration program, 42 U.S.C. 1436.

(24) (b) Low-rent public housing program, 42 U.S.C. 1401–1435.

(25) (c) Urban renewal and planning, 40 U.S.C. 461–462; 42 U.S.C. 1450–1462.

(26) (d) Open space program, 42 U.S.C. 1500–1500e.

(27) 2. National Capital Planning Commission: Acquisition of lands in Maryland, 40 U.S.C. 70–72.

(28) 3. District of Columbia: Federal payment and contribution, annual authorization.

G. Health, labor, and welfare:

(29) 1. Funds appropriated to the President: Disaster relief, 42 U.S.C. 1855.

(30) 2. Department of Agriculture: School lunch, special milk, and food stamp programs, 42 U.S.C. 1751–1760; 7 U.S.C. 1446; 7 U.S.C. 612.

3. Department of Health, Education, and Welfare:

(31) (a) Hospital construction activities, 42 U.S.C. 291–291n.

(32) (b) Portion to private, nonprofit institutions, ibid.

(33) (c) Construction of waste treatment facilities, 33 U.S.C. 466e.

(34) (d) Community health activities, 42 U.S.C. 247a.

(35) (e) Environmental health grants, 42 U.S.C. 1857–1857f.

(36) (f) National Institutes of Health:

(1) Operating grants, 42 U.S.C. 246.

(2) Mental health facilities, 42 U.S.C. 242b.

(37) (g) Maternal and child welfare, 42 U.S.C. 701–705.

(38) (h) Mental health facilities, Alaska, 42 U.S.C. 273.

(39) (i) Hospital and medical care, Hawaii, 42 U.S.C. 255.

(40) (j) Indian health facilities, 42 U.S.C. 2001–2005a.

(41) (k) Public assistance, 42 U.S.C. 303.

(42) (l) Vocational rehabilitation, 29 U.S.C. 31–41.

H. Education:

1. Department of Health, Education, and Welfare:

(43) (a) Assistance to schools in federally affected areas, 20 U.S.C. 631–645; 20 U.S.C. 236–244.

(b) Defense educational activities:

(44) (1) Assistance for elementary and secondary education, 20 U.S.C. 441–445, 481–484.

(45) (2) Other aid to education, 20 U.S.C. 461–465 (graduate studies); 421–429 (students in institutions of higher learning); 20 U.S.C. 441–445 (mathematics, science, foreign language training); 331–332 (cooperative research).

(46) (3) Higher education construction, Public Law 88–204.

(47) (4) Assistance to land-grant colleges, 7 U.S.C. 301–308, 321–331.

(48) (5) Vocational education, 20 U.S.C. 11–34.

(49) (6) Grants for library services, 20 U.S.C. 351–358.

(50) (7) Teaching for the blind, 20 U.S.C. 101–105.

(51) (8) Training teachers of the handicapped, 20 U.S.C. 611–617 (mentally retarded); 671–676 (deaf).

(52) (9) Educational television facilities, 20 U.S.C. 541–542.

(53) (c) Department of the Interior: Bureau of Indian Affairs: Education and welfare services, 25 U.S.C. 452–454.

I. Veterans benefits and services:

1. Veterans' Administration:

(54) (a) Aid to State homes, 38 U.S.C. 641–643.

(55) (b) State supervision of schools and training establishments, 38 U.S.C. 1645, 1774.

J. General government:

(56) 1. Funds appropriated to the President: Transitional grants to Alaska, 48 U.S.C. (prec.) 21 (Alaska Omnibus Act).

(57) 2. Department of the Interior: Grants to territories and Alaska public works, 48 U.S.C. 486l.

(58) 3. General Services Administration: Hospital facilities in the District of Columbia, see page 703, House Document No. 266, 88th Congress, 2d session.

II. SHARED REVENUE (BUDGET ACCOUNTS)

A. Natural resources:

(59) 1. Department of Agriculture: National forest and grassland funds, payments to States and counties, 7 U.S.C. 1012; 16 U.S.C. 500.

(60) 2. Department of Defense—Civil: Corps of Engineers: Flood Control Act of 1964 payments, 16 U.S.C. 460d.

3. Department of the Interior:

(61) (a) Payments to States and counties from grazing receipts, sales of public lands and proceeds, and national grasslands, 43 U.S.C. 315i, 315j.

(62) (b) Boulder Canyon project, payments to Arizona and Nevada, 43 U.S.C. 1607a.

(63) (c) Oregon and California land-grant fund payments, 16 U.S.C. 583, 594; 4 U.S.C. 1, 2.

(64) (d) Payments to Coos and Douglas Counties, Oregon, 53 Stat. 753–754.

(65) (e) Mineral Leasing Act payments, 30 U.S.C. 191, 285.

(66) (f) Payments to counties, Migratory Bird Conservation Act and national grasslands, and payments to Alaska, Alaska game law and Pribilof fund, 7 U.S.C. 1012, 16 U.S.C. 631e, 715e, 48 U.S.C. 166k.

(67) 4. Tennessee Valley Authority: Payment in lieu of taxes, 16 U.S.C. 831 l.

(68) 5. Miscellaneous shared revenue.

B. General government:

(69) 1. Department of the Interior: Internal revenue collections, Virgin Islands, 48 U.S.C. 1642.

(70) 2. Treasury Department: Tax collections for Puerto Rico, 48 U.S.C. 734.

III. LOANS AND REPAYABLE ADVANCES (BUDGET ACCOUNTS)

A. Agriculture and agricultural resources:

1. Department of Agriculture:

(71) (a) Rural renewal, 40 U.S.C. 440.

(72) (b) Watershed protection, flood prevention and resource conservation and development, 16 U.S.C. 1006a.

B. Natural resources:

(73) 1. Department of Interior: Irrigation projects, 43 U.S.C. 421c.

C. Commerce and transportation:

(74) 1. Department of Commerce: Area redevelopment, 42 U.S.C. 2505, 2506.

D. Housing and community development:

1. Housing and Home Finance Agency:

(75) (a) Liquidation programs: Community facilities loans, 42 U.S.C. 1492.

(76) (b) Low rent public housing program, 42 U.S.C. 1410.

(77) (c) Public facilities, 42 U.S.C. 1491–1496.

(78) (d) Public works planning, 40 U.S.C. 462.

(79) (e) Urban renewal fund, 42 U.S.C. 1452.

(80) 2. District of Columbia: Capital outlays and operations, see page 893, House Document No. 266, 88th Congress, 2d session.

E. Education:

(81) 1. Housing and Home Finance Agency: College housing, 12 U.S.C. 1749–1749d.

(82) 2. Department of Health, Education, and Welfare: Higher education construction, Public Law 88–204.

F. General government:

(83) 1. Department of Defense—Civil: Corps of Engineers: Construction of power systems, Ryukyu Islands, 74 Stat. 461, as amended 76 Stat. 742.

(84) 2. Department of the Interior: Alaska public works, 48 U.S.C. 486–486j.

IV. GRANTS-IN-AID (TRUST FUNDS)

A. Commerce and transportation:

(85) 1. Department of Commerce: Highway trust fund: Federal-aid highway program, 23 U.S.C. 120 note.

B. Health, labor and welfare:

(86) 1. Department of Labor: Unemployment trust fund: Administration of employment security programs, 42 U.S.C. 1104, 1321.

V. SHARED REVENUE (TRUST FUNDS)

A. General Government:

(87) 1. Treasury Department: Bureau of Customs: refunds, transfers, and expenses of operations, Puerto Rico and Virgin Islands, 48 U.S.C. 740; 48 U.S.C. 1642.

FEDERALLY ASSISTED EDUCATION PROGRAMS

1. Colleges of agriculture and mining, 7 U.S.C. 329.

2. Cooperative vocational education, 29 U.S.C. 31.

3. Assistance for school construction (impacted areas) 20 U.S.C. 631–645.

4. Maintenance and operation of schools (impacted areas), 20 U.S.C. 236–244.

5. Library services, 20 U.S.C. 351–358.

6. Defense education activities:

(a) Loans to students in institutions of higher education, 20 U.S.C. 421–429.

(b) Financial assistance for strengthening science, mathematics, and modern foreign language instruction, 20 U.S.C. 441–445.

(c) Aid to graduate fellowships, 20 U.S.C. 461–465.

(d) Aid to State educational agencies for guidance, counseling, and testing, 20 U.S.C. 481–484.

(e) Language development, 20 U.S.C. 511–521.

(f) Aid to research and experimentation in more effective utilization of television, radio, motion pictures, and related media for educational purposes, 20 U.S.C. 541–542.

7. Expansion of teaching in education of the mentally retarded (to States), 20 U.S.C. 612.

8. Expansion of teaching in education of the mentally retarded (to individuals), 20 U.S.C. 611.

9. Cooperative research in education, 20 U.S.C. 331–332.

10. Fellowships and assistance to schools (Atomic Energy Commission), 42 U.S.C. 2201.

11. Research grants awards (National Science Foundation), 42 U.S.C. 241.

12. Fellowship awards (National Science Foundation), 42 U.S.C. 289c.

13. Higher education, construction, Public Law 88–204.

Mr. EASTLAND. Mr. President, there is no need to recite the numberless Federal programs directly supported by "Federal financial assistance." It would be necessary to read in detail the Federal budget to enumerate these programs and activities. The extent to which Federal funds appropriated for the Defense Establishment will be used to bring about the objectives of the social planners embodied in this bill is revealed in minutiae in the Gessell report. The extent to which the words, "who receive the benefit of," will be stretched is well illustrated by this report. These funds are already being used as a club—a blackjack—over the heads of countless citizens who receive an indirect benefit from their expenditure.

The part of the advertisement entitled, "Total Federal Control" specifically points out the titles which sustain the allegations. It says:

> The bill now pending in the U.S. Senate would: "(a) Allow people to be jailed without trial by jury (titles I, II, III, IV, and VII)."
>
> It would: "(b) Allow the Government to hold star chamber sessions and to imprison those who disclose, without permission, what went on behind its closed doors (sec. 501)."
>
> It would: "(c) Deny an individual the right to freely seek employment without Federal interference as to race or religion—it would deny this right (titles VI and VII)."
>
> It would: "(d) Deny the employer the right to hire, fire, promote, and demote without Federal interference as to race or religion—it would deny this right (titles VI and VII)."

It would: "(e) Deny to school boards (public and private) and to colleges the right to determine, unhampered by the Federal Government, how their students and teaching staffs should be handled—it would deny this right (titles IV, VI, and VII)."

It would: "(f) Take from local and State officials their right, without Federal interference to handle local and State elections (title I); to regulate local parks, swimming pools, and other recreational facilities (title II); to regulate hotels, restaurants, motion-picture houses, stadiums, etc. (title III); and to regulate employment practices (titles VI and VII)."

This is also true of the portion styled, "The Mystery Word: 'Discrimination'", which states:

"The bill now pending in the U.S. Senate would:

"(a) Allow each Federal department and agency to determine for itself what is and what is not discrimination (titles V, VI, and VII)—the bill, itself, does not define the word.

"(b) Allow each Federal department and agency to determine for itself what is and what is not 'race' and 'religion' (titles IV, V, VI, and VII)—the bill, itself, does not define either word. Therefore, there would be no uniformity of interpretation. What might be classified as a 'discriminatory practice' by one agency, might not be so classified by any other agency."

Mr. President, like the 55-page, 11-titled bill now pending here in the Senate, this advertisement covers a lot of ground, and I have not begun to describe the extent of its scope. It is a remarkable job of concentrating into one page such a tremendous amount of useful and truthful information. The more you study it, the more you can see why those who are hit by it will howl. At a later time in the debate I am going to return to the advertisement and discuss other portions thereof which have been so harshly criticized by the proponents of the proposed legislation.

I turn now, Mr. President, to the matter discussed first by Senator KEATING on Saturday, March 14, 1964, in regard to the alleged activities of the Coordinating Committee for Fundamental American Freedoms, Inc., in New York State. Mr. KEATING opened his remarks by saying that his mail, received from thousands of New Yorkers over a period of time, had been about equally divided in favor of and in opposition to the bill. He then added that at one point, 2 or 3 weeks ago, the mail ran 10 to 7 against the bill. He attributed this balance of his constituents coming out in opposition to the bill to misinformation and hysteria, which he charged was engendered by "racist" propaganda which has been widely distributed in Northern States. He alleged that the culprit was the Coordinating Committee for Fundamental American Freedoms, Inc., which was a corporation principally financed by the Mississippi State Sovereignty Commission, an arm of the State of Mississippi. Mr. President, it is true that there is an organization such as the Coordinating Committee for Fundamental American Freedoms, Inc., as I have previously described, and that this organization is dedicated to the defeat of any and all proposed civil rights legislation. But, to my knowledge, the Coordinating Committee has not been concerning itself with an educational campaign in New York, and it deliberately refrained from publishing the full-page advertisement that I have previously discussed in detail in the New York papers. Since the primary purpose of the campaign against the bill is to influence the votes of Members of the House of Representatives and the Senate, it is obvious that it would be very difficult to influence or change the vote of either of our U.S. Senators from the great State of New York. However, it is encouraging to see that, without any organized effort, the organization can be charged with engendering such a campaign at the grassroots level and influencing so many citizens of the great State of New York.

I deny, however, wholly and completely, that the information that is being disseminated by the Coordinating Committee is either untruthful or racist. On the other hand, it contains an accurate, detailed and devastating account of what is contained in the civil rights package. I am afraid that my colleague from New York failed to read the pamphlets which he says were forwarded to him.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. KEATING. I have read the pamphlet, which is being sent out by a committee, whose chairman is Mr. William Loeb, and whose secretary-treasurer is Mr. John C. Satterfield. I adhere to my original statement that it is a strongly distorted representation of what the bill is all about.

Mr. EASTLAND. That is the Senator's statement and his opinion. He has a right to that opinion. This is another time when he is in error, in my judgment.

I have one of them in my hand at this time, and it clearly states on its face that it is the dissenting views of six Members of the House Committee on the Judiciary to the civil rights bill, and it does not contain one word or line of text that was prepared by the Coordinating Committee for Fundamental American Freedoms, Inc. If the Senator from New York wishes to take issue with somebody on the substance and content of this bill, let him accuse these outstanding Members of the House of Representatives of being "racist" and of disseminating false and misleading propaganda, rather than selecting the Coordinating Committee for his whipping boy. Let me illustrate, Mr. President, exactly how the gentleman from Long Island happened to get the substance of the indictment that he laid against the bill. The Senator from New York said:

> A man from Long Island called my office last week and was so choked with rage when speaking to a member of my staff that he was barely audible. The man threatened to spend every penny of his savings to defeat me at the polls if I continued to support the bill. He voiced the following objections to the bill:
>
> First. The bill would require him to fire white employees with seniority, in order to hire Negroes.
>
> Second. The bill would abolish the system of union seniority.

Mr. President, the Senator's constituent obtained the substance of these indictments from pages 9 and 10 of the pamphlet. Pages 9 and 10 of the pamphlet are identical in text with pages 71 and 72 of the minority views in House Report No. 914. The exact substance of the criticism of the provisions of the bill is as follows:

LABOR UNIONS AND MEMBERS

To millions of working men and women, union membership is the most valuable asset they own. It is designed to insure job security and a rate of pay higher than they otherwise would receive. As none knows better than the union member himself, these two benefits are dependent upon the system of seniority the unions have followed since their inception. Seniority is the base upon which unionism is founded. Without its system of seniority, a union would lose one of its greatest values to its members.

The provisions of this act grant the power to destroy union seniority. With the full statutory powers granted by this bill, the extent of actions which would be taken to destroy the seniority system is unknown and unknowable.

To disturb this traditional practice is to destroy a vital part of unionism. Under the power granted in this bill, if a carpenters' hiring hall, say, had 20 men waiting call, the first 10 in seniority being white carpenters, the union could be forced to pass them over in favor of carpenters beneath them in seniority, but of the stipulated race. And if the union roster did not contain the names of the carpenters of the race needed to "racially balance" the job, the union agent must, then, go into the street and recruit members of the stipulated race in sufficient number to comply with Federal orders, else his local could be held in violation of Federal law.

Neither competence nor experience is the key for employment under this bill. Race is the principal, first, criterion.

Specific penalties are provided for violation of this bill (title VII). However, in addition, the President "is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice" in connection with title VI of the bill (sec. 711(b)). This, of course, amounts to practically unlimited authority. Unions held in violation of this bill may lose their rights and benefits under such labor statutes as the National Labor Relations Act, the Railway Labor Act, the Davis-Bacon Act, the Walsh-Healey Act, and other legislation beneficial to labor. Representation rights and exclusive bargaining privileges could be canceled. Unions could be denied access to NLRB or National Mediation Board procedures.

Moreover, this bill affects unions from the other end, that of the employer, since the law applies to the employer, as well. It extends to railroads, motor carriers, airlines and steamship companies handling mail or other Government shipments, enterprises receiving loans from the Small Business Administration, construction contractors financed through FHA or GI home loan insurance, the rural electrification program and practically all others (secs. 601, 602).

Consequently, however meticulous a local union may be as pertains to its racial practice, if a contractor, for example, has been adjudged guilty of discrimination and must, therefore, hire 100 or 1,000 workers of a given race—in preference to all others—before his job becomes "racially balanced," it means the local which supplies his labor can send him only union members of that particular race—and the members of other races will sit until that number has been employed. If the union does not have among its membership the number required, it must recruit membership of that race to supply the contractor's needs. This is a specific instance of the Federal Government interfering in the contract rights of unions and employers.

> By threat of contract cancellation and blacklisting, contractors could be forced to actively recruit employees of a specified race and upgrade them into skilled classifications, although this would displace union members in the skilled trades. Where skilled tradesmen of the specified race were not available from union sources, the agency could direct that they be recruited from nonunion sources, notwithstanding existing union shop or exclusive referral agreements.
>
> INDIVIDUALS AT WORK
>
> Union members are not the only working people affected by this bill. All employees of private industry and apparently those under Federal civil service will be affected. Assume that a nonunion individual is employed by a corporation which has more than 25 people on its payroll (title VII), or is employed by a smaller corporation which has an SBA, FHA, or other federally supported loan or contract (title VI, sec. 711 (b)). Assume that his firm, in his job classification, historically has employed people only of his particular race, whatever that race may be. Assume that a demand is made that his firm abide by a Federal regulation requiring racial balance in his department. To comply—unless unneeded employees are to be hired—somebody has to go. Who?

Mr. KEATING. Mr. President, will the Senator yield with the understanding that he will not lose the floor?

Mr. EASTLAND. Surely, and with the further understanding that when I resume, it will not count as a second speech.

Mr. KEATING. It is understood that the Senator has been reading the answers to certain questions and quoting from the minority report of six members of the House Committee on the Judiciary. The Senator has drawn from that report the inference that the bill would require an employer to discharge white employees with seniority and to hire Negroes in their place.

My only comment is that I cannot believe that President Kennedy, President Johnson, the Speaker of the House of Representatives, and the leaders of the House, on both sides of the aisle, in passing the bill so overwhelmingly were doing so to abolish the system of union seniority or to force the discharge of white employees with seniority in order to hire Negroes.

I do not wish to debate this title until the Senate begins the debate on the bill. I simply wish to keep the record straight as to what the Senator from Mississippi said.

Mr. EASTLAND. What the Senator has said is correct. If this power is granted, white people will lose their jobs. Negroes will be employed in their place. The bill would discriminate against white people.

Mr. CASE. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. CASE. Is it not true—assuming that the interpretation made by the minority members of the House Judiciary Committee is correct, which the Senator from New Jersey will reserve the right to question at the appropriate time—that the minority report from which the Senator from Mississippi has quoted relates to the bill as reported by the committee?

Mr. EASTLAND. That is correct.

Mr. CASE. And not to the bill as it passed the House?

Mr. EASTLAND. That is correct.

Mr. CASE. Or the bill that is now before the Senate?

Mr. EASTLAND. That is correct.

Mr. CASE. Is it not true that many of the provisions to which the minority members of the committee took exception in the excerpts from their report, which were read by the Senator from Mississippi, were eliminated from the bill as it was approved by the committee?

Mr. EASTLAND. As will be seen, inherent power would be granted in the bill, if the bill were enacted, to fire white people and give preference to Negro labor over white labor.

We can say all we want to, but we cannot hide the ugly face of the bill, and the great power that is proposed to be granted.

There would be discrimination in the bill. There is no question about it. It could affect me entirely differently, because I have Negro employees. I think I could be forced to run some of them off and hire others of another race. But the intent is to create a preference for jobs and employment and to create another standard for one race over that of another.

Mr. CASE. Mr. President, will the Senator yield further?

Mr. EASTLAND. For a question.

Mr. CASE. The Senator did not, except perhaps by implication, answer my last question.

Mr. EASTLAND. I thought I did.

Mr. CASE. My question was not answered except by implication. My question, if I may repeat it, was, Have not many of the specific objections which were made by the minority members of the committee been met by amendments on the House floor?

Mr. EASTLAND. Some of them were.

Mr. CASE. For example, is it not true that the Civil Rights Commission now has no power to issue orders?

Mr. EASTLAND. Whether that is true or not, I do not know. However, I know what will happen if the bill is passed. I know what will happen if there is a choice between hiring a white man or hiring a Negro both having equal qualifications. I know who will get the job. It will not be the white man.

Mr. CASE. I do not wish at this time, nor would it be appropriate at this time, to interrupt the Senator to engage in colloquy of that sort. I believe we understand each other. I wished to make my point clear. The point is that many of the provisions were changed on the House floor.

Mr. EASTLAND. Yes, but the bill has not been cleaned up.

Mr. CASE. If I may comment without interrupting the Senator, I think personally that it has been cleaned up too much.

Mr. EASTLAND. Certainly the Senator thinks that. But the bill is nothing but the rankest, rawest kind of discrimination against the white race. It is proposed to enact it on the pretext that it would help someone else. However we do not help anyone else when we destroy our system of government, which the bill would do. We do not help any race when this vast power is lodged in the Executive.

The third charge made by the gentleman was that the Federal Government would assume control of curriculum content of the schools and would discharge any employee whose views differed from those of Robert Kennedy. The gentleman found the substance for this indictment at pages 13 and 14 of the pamphlet, which is identical with the language contained in the minority report, at pages 74 and 75. This is the basis for the charge:

> TEACHERS AND SCHOOLS—PUBLIC AND PRIVATE
>
> The proposed legislation ultimately would result in total Federal control of the education processes in the United States.
>
> Under provisions of this bill, the President and his appointees in Federal agencies would have the right to dictate pupil assignments in local schools and to approve the faculties (secs. 601, 602, 711(b), title IV). The alternative would be the loss of all Federal aid (sec. 602). The child who is given lunch through Federal grant must also study under a federally approved faculty. This applies to every school, public or private, benefiting from programs involving Federal aid.
>
> The power contained in this bill to cut off Federal funds is not merely a negative power. Those who have already accepted Federal funds can be compelled, in various instances, by foreclosure, injunction, and blacklisting, to meet the current Federal standards (secs. 601, 602, Executive Order 11063).
>
> The bill gives the Attorney General the power to institute school integration suits, not only against individuals but against States and local governments as well (sec. 407). This action gives to one man a power which has never before existed; previously the Attorney General could only intervene in private suits. This new power, needless to add, can affect the rights of local school boards where no parents or pupils have filed any suits. Under this power the defendants could be deprived of the right of trial by jury. In any contempt actions arising out of U.S. suits, local school officials would be tried by the very judge whose order was allegedly disobeyed.

The fourth charge made by the gentleman was:

> The Federal Government would move buses into New York for the purpose of transporting white children to schools in Harlem.

Mr. President, the original bill, as introduced in accordance with the message of President Kennedy, provided that the Commissioner of Education, in implementing the provisions of title IV of H.R. 7152, would be authorized to furnish assistance regarding effective methods of coping with special educational problems occasioned by desegregation or racial imbalance. The House Judiciary Committee deleted the language "or racial imbalance"; and the House of Representatives amended the definition of so-called desegregation, to add that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance." There was a question as to whether, when the House Judiciary Committee deleted the phrase "or racial imbalance," the Commissioner of Education was, in fact, estopped from rendering assistance and aid to a State, municipality, school district, or other governmental unit seeking to achieve so-called racial balance in the schools. There is still a question as to what will be the attitude of the Supreme Court in regard to the removal of racial imbalance in the public schools; and, as I have previously stated, and as I shall discuss again later, it is my intention to offer an amendment that will restore the language of the bill to that which was recommended by the President.

Mr. President, I shall finish my speech at a later date. At this time I see in the Chamber the distinguished Senator from Virginia [Mr. BYRD].

EXHIBIT 1

(The State constitutional provision and statutes related to segregation in the public schools of Mississippi, referred to by Mr. JAVITS during his colloquy with Mr. EASTLAND, are as follows:)

From Mississippi State constitution, article 8, section 207, Separate Schools Shall Be Maintained for Children of the White and Colored Races.

Source: Mississippi Constitution Recompiled, volume 1.

§ 6220.5. Mixture of races forbidden—penalty.

1. It shall be unlawful for any member of the white or Caucasian race to attend any school of high school level or below wholly or partially supported by funds of the State of Mississippi which is also attended by a member or members of the colored or Negro race.

2. Persons convicted of a violation of this act shall be, in the discretion of the court, fined not less than one dollar ($1.00) nor more than twenty-five dollars ($25.00), or imprisoned in the county jail for not to exceed six (6) months, or both.

Sources: Laws, 1955, Ex. ch. 43, sec. 1, 2.

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§ 4065.3 Compliance with the principles of segregation of the races.

1. That the entire executive branch of the government of the State of Mississippi, and of its subdivisions, and all persons responsible thereto, including the Governor, the Lieutenant Governor, the heads of state departments, sheriffs, boards of supervisors, constables, mayors, boards of aldermen, and other governing officials of municipalities by whatever name known, chiefs of police, policemen, highway patrolmen, all boards of county superintendents of education, and all other persons falling within the executive branch of said State and local government in the State of Mississippi, whether specifically named herein or not, as opposed and distinguished from members of the legislature and judicial branches of the government of said State, be and they and each of them, in their official capacity are hereby required, and they and each of them shall give full force and effect in the performance of their official and political duties, to the Resolution of Interposition, Senate Concurrent Resolution No. 125, adopted by the Legislature of the State of Mississippi on the 29th day of February, 1956, which Resolution of Interposition was adopted by virtue of and under authority of the reserved rights of the State of Mississippi, as guaranteed by the 10th amendment to the Constitution of the United States; and all of said members of the executive branch be and they are hereby directed to comply fully with the constitution of the State of Mississippi, the Statutes of the State of Mississippi, and said Resolution of Interposition, and are further directed and required to prohibit, by any lawful, peaceful, and constitutional means, the implementation of or the compliance with the integration decisions of the United States Supreme Court of May 17, 1954 (347 U.S. 483, 74 S. Ct. 686, 98 L. ed. 873) and of May 31, 1955 (349 U.S. 294, 75 S. Ct. 753, 99 L. ed. 1083), and to prohibit by any lawful, peaceful, and constitutional means, the causing of a mixing or integration of the white and Negro races in public schools, public parks, public waiting rooms, public places of amusement, recreation or assembly in this State, by any branch of the Federal Government, any person employed by the Federal Government, any commission, board or agency of the Federal Government, or any subdivision of the Federal Government, and to prohibit, by any lawful, peaceful, and constitutional means, the implementation of any orders, rules or regulations of any board, commission, or agency of the Federal Government, based on the supposed authority of said integration decisions, to cause a mixing or integration of the white and Negro races in public schools, public parks, public waiting rooms, public places of amusement, recreation or assembly in this State.

2. The prohibitions and mandates of this act are directed to the aforesaid executive branch of the government of the State of Mississippi, all aforesaid subdivisions, boards, and all individuals thereof in their official capacity only. Compliance with said prohibitions and mandates of this act by all of aforesaid executive officials shall be and is a full and complete defense to any suit whatsoever in law or equity, or of a civil or criminal nature which may hereafter be brought against the aforesaid executive officers, officials, agents or employees of the executive branch of State Government of Mississippi by any person, real or corporate, the State of Mississippi or any other State or by the Federal Government of the United States, any commission, agency, subdivision or employee thereof.

Sources: Laws, 1956, ch. 254, secs. 1, 2.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. CASE. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. CASE. Solely for the purpose of enabling Senators to know that the Senator from Virginia is about to commence his speech, I suggest the absence of a quorum. It will not be a live quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, again I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, the issue before the Senate at this time is the current effort to avoid procedures for proper consideration of legislation which are based on 175 years of experience under our system of constitutional government.

I speak, of course, of the proposal to intercept H.R. 7152—the so-called civil rights bill—at the door of the Senate, place it on the calendar, and move it to the position of pending business, without committee consideration.

The bill has already been placed on the calendar, without committee consideration. This was done on February 26, by invoking an old rule which was superseded years ago by provisions of the Legislative Reorganization Act of 1946.

One effort to refer the bill to committee was summarily rejected on the same date, when the door was slammed against examination of H.R. 7152 by an appropriate committee of the Senate for the brief period of 1 week.

As of now, the specific question before the Senate is on agreeing to a motion of March 9 that the Senate proceed to consideration of H.R. 7152, the civil rights bill, with no committee consideration.

Certain proponents of the bill admit their determination to avoid the established procedures for consideration of this legislative broadside. The fact is that few bills ever introduced in Congress were more in need of thorough consideration.

I recall that only recently a bill with respect to the importation of beef cattle, lamb, mutton, and veal from Australia, New Zealand, and Ireland was rejected by the Senate, by reason of the fact that the Senate Finance Committee, of which I am chairman, agreed to hold hearings on the bill. The Finance Committee held exhaustive hearings on the bill, and they have been very profitable. So I believe that all bills of importance should receive committee consideration.

I do not make the charge, but advocates of bypassing committee consideration must know that analysis of the bill provokes questions as to whether they are trying to prevent the Senate and the public from being informed of the omissions, commissions, and potentials of the proposals.

Some of the bill's proponents not only seek to bypass committee consideration, but it is also their stated intention to ram the proposed legislation through the Senate precisely as passed by the House of Representatives, without amendment or change.

I should think they would want to modify such an overzealous attitude, if not in the interest of protecting the rights of all citizens, then to avoid making themselves look ridiculous. For instance:

Virtually one-fourth of calendar year 1964 is gone; but lines 3 and 4, on the first page of the bill, provide:

> This Act may be cited as the Civil Rights Act of 1963.

More seriously, the bill, throughout, fails to define the word "discrimination"; but the title of the bill clearly states that its purpose is to prohibit discrimination.

The bill would prohibit "discrimination or segregation on the ground of race, color, religion, or national origin" in the so-called public accommodations; but "religion" is omitted in the prohibition against discrimination in federally assisted programs.

We have Armed Forces throughout the world. Many of their children go to Government-provided schools overseas. Thousands must have completed the sixth grade in such schools, but the voting title of this bill may not presume them to be literate.

The so-called public accommodation title of the bill applies, among numerous other places, to private dwellings where "five rooms" may be rented. The word "room" is not defined. Would a room with bath be one room or two?

If employers in the past have thought Federal requirements for record keeping were unreasonable, they should contemplate the requirements to justify hiring, firing, promotion, pay raises, transfers, and so forth, under the FEPC provisions of this bill as they stand.

If a man owns a 25-man farm or business and a member of his family, and a relative or a friend, were in need of a job, the employer—under the bill in full force—would be faced with a question as to whether he could give such a person a job without giving someone of a different race an opportunity to compete.

These are only a few examples of what confronts the Senate and the people of the United States in consideration of the bill. Other such examples, which affect virtually every citizen, are countless.

If such omissions, inclusions, lack of clarity, and other defects are accidental, obviously proponents of the bill should wish them found and fixed; this will be difficult without adequate committee consideration.

I have not touched upon unconstitutional aspects of the bill; unjustifiable powers conferred on the Federal Attorney General; provisions which lower the safeguards of trial by jury, property rights, and protection against trespass; or a vast number of other unbelievable provisions included in this measure.

It is doubtful whether most people will have the benefit of detailed analysis of H.R. 7152, or that they will have the opportunity to obtain it, unless thorough public consideration is given the bill by the Senate committee.

I am proud to be a Member of the Senate. I have been honored by long tenure. From experience I know that when we start breaking, bypassing and tampering with the rules of the Senate, we are in trouble which degrades the quality of legislation.

Of course, everyone may have his own opinion, but I think it must be generally conceded that the Congress has not failed to pass many good and necessary bills. And I suspect even fewer good and necessary bills have been killed by Senate committees.

Here we have a bill which, for all practical purposes, has had no committee consideration for perfecting the language, or otherwise. There was no such examination in the House, and it is proposed that there should be none in the Senate.

If Senate committee consideration is bypassed, we shall be deprived of a committee report containing carefully stated majority and minority views. And we shall not have the benefits of the Cordon rule, showing changes this bill would make in existing law.

Even more important, the public will not be given an opportunity to be heard on the bill before the proper committee, and if proponents persist in foreclosing public hearings, the Senate and the public will be without the benefit of testimony by those affected.

When the so-called civil rights proposals, in general, were made last year by President Kennedy, the Senate split the legislation into pieces, and dispersed them among more than one committee. While some of the pieces might have been reported, they were held back waiting for the House omnibus bill.

The House also held hearings at that time. But H.R. 7152 is not the bill on which hearings were held in either House. The differences between the bill on which the House Judiciary Committee held hearings and the bill of which we speak are remarkable, and they will be discussed in due course.

The only hearing this bill has had was an extremely limited examination in the House Rules Committee. We owe Chairman HOWARD SMITH of that committee, who, I am proud to say, is from Virginia, a debt of gratitude for the only recorded examination available on these proposals.

But testimony before the House Rules Committee is necessarily limited to Members of Congress; so there have been no hearings on H.R. 7152 in which the public could be heard, or to which the Congress may refer for formally presented public views.

Even the Rules Committee examination was hampered by a gagging time limitation set by the administration leadership in its effort to force the bill to the floor with or without proper consideration.

In the event that anyone may be laboring under the false impression that hearings were held on H.R. 7152 in the House Judiciary Committee, I quote Representative WILLIAM M. TUCK as he addressed the House of Representatives on February 1, 1964.

Representative TUCK, who represents the Fifth Virginia District, is a Democrat, a lawyer, and a member of the House Judiciary Committee for years. I quote him directly as follows:

> I am grateful for this opportunity to discuss this matter before the U.S. House of Representatives. I am doubly grateful because, although I am a member of the Judiciary Committee from which this bill was reported, I was denied the privilege of being heard despite my repeated and vigorous protests.
>
> You may recall that the consideration of * * * and debate * * * on this bill, when before the Judiciary Committee, was somewhat abbreviated. Other than outraged protests against such procedure, the debate consisted of 1 minute for the gentleman from New York [Mr. CELLER] and 1 minute for the gentleman from Ohio [Mr. MCCULLOCH] * * * both for the bill * * * none against it.
>
> The accent on that occasion was on speed and brevity—not consideration and debate. Obviously, there was a lame effort to comply with the rules governing the House of Representatives, but to say this bill was debated is a sham and a pretense.

Governor TUCK said he was not making "these citations in any captious or unfriendly spirit toward the chairman of the Judiciary Committee." He said:

> I make them because I believe the Members of Congress and the people of the country are entitled to know what occurred.

Mr. President, that was a quotation from the Honorable WILLIAM M. TUCK, who was addressing the House of Representatives as a veteran member of the House Judiciary Committee. I think it sums up the kind of legislative procedure under which this bill is being acted upon in the Congress.

I am no racial extremist. My record in public life, impartially judged, will prove that statement. As an example for the record, when Governor of Virginia, I successfully proposed enactment of the most meaningful antilynching law in history.

There has not been a lynching in Virginia in the more than 35 years since that law was enacted. And it should be noted that Representative TUCK, also a former Governor, was in the Virginia General Assembly at that time and worked for passage of the antilynching bill.

I speak today as a businessman and a farmer. I have been in public life some 50 years, and I know the nature of this legislation, and I suspect I know its origin. I know its practical application to people in all walks of life.

I am not a lawyer, and I leave it to the lawyers to debate the legal technicalities of the bill. Congressman TUCK is an eminent lawyer, a student of the Constitution, a former Governor of Virginia; and before that he had long service in both houses of the legislature of our State.

I quote and paraphrase further from Governor TUCK's views on this bill as follows:

> Relatively few persons understand the impact on our Federal system or comprehend the effect of these proposals upon the activities and private lives of Americans everywhere. This bill, H.R. 7152, does not secure rights as claimed for it. It extends Federal power over the everyday life of every citizen and destroys civil rights of all Americans.

According to the views of Congressman TUCK:

> It is not the worthy and wholesome piece of legislation that its proponents claim.
>
> The real vice of this bill is that it destroys our Constitution and shatters our Bill of Rights.

On the basis of my own layman's study of this bill, I am certain it would violate the intent of the framers of our Constitution in a minimum of a half-a-dozen different ways. In the briefest and mildest summary, these would include:

Tendency to destroy the States' control of their own voting requirements.

Stretching the commerce clause of the Constitution beyond recognition.

Improper invocation of the 14th amendment which was never constitutionally adopted in the first place.

Undermining the rights of property.

Raising grave questions as to a citizen's right to jury trial; and opening new doors to the centralization of power in Federal bureaucracy.

The most extreme proponents of H.R. 7152 could not state the violence it would do to the Constitution more charitably than I have just outlined it in summary. The effects become more evil with examination in detail, which proponents wish to avoid.

This bill which we are asked to take up and pass, without the benefit of hearings or committee consideration, is a massive collection of 11 titles, stated in some 12,000 words, covering 55 printed pages.

Every line and every provision in the bill needs examination for safeguard and perfection. It deals with voting rights, public accommodations, public facilities, education, federally assisted programs, employment, and so on, and it touches nearly every area of human endeavor.

The origin of the bill is questionable. The procedure by which it was brought to the floor of the House of Representatives is subject to serious criticism. Reaction to the bill generally is characterized by emotionalism and national controversy.

It must be described as one of the most drastic bills ever seriously introduced in the Congress of the United States. There is no logical reason to bypass proper and adequate committee consideration.

There is every reason why such a bill should be considered by a responsible committee of the Senate.

I shall not vote to take this bill up on the floor of the Senate in the absence of all due, proper, and adequate committee consideration.

I take this position in the interest of orderly procedure, and, far more important, in the interest of the rights of all citizens of the United States.

My remarks to this point merely indicate the scope, the nature, and the quality of draftsmanship which confront us in this legislation. The reasons for my position become increasingly clear in more detailed discussion.

It is not my intention today to discuss fine points, legalistic questions, or possibilities. But I shall deal generally with several of the more far-reaching provisions in the bill.

Some of the most drastic provisions are found in title VII. This title carries the heading: "Equal Employment Opportunity." Actually, it is a more far-reaching version of what previously has been referred to as so-called fair employment practices—or FEPC.

President Kennedy did not recommend FEPC when he submitted his civil rights proposals last year. It was not in the so-called civil rights bill which was considered at some length at that time by the House Judiciary Committee.

It showed up suddenly and mysteriously in the version of H.R. 7152 which the House Judiciary Committee reported without consideration. It was in that bill as it passed the House of Representatives. And it is in that bill as the Senate is now asked to take it up without hearings.

Title VII opens with a high-sounding declaration of "national policy to protect the right of the individual to be free from—racial and religious—discrimination" in employment.

The policy is said to rest, first, on the commerce clause, and second, on the power vested in Congress to adopt necessary and proper laws "to insure the complete and full employment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States."

In furtherance of this expressed policy, title VII would make it an unlawful employment practice for any employer "engaged in an industry affecting commerce" provided—when title VII is fully effective—he has 25 or more employees:

First. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

Second. To limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

The bill would extend similar provisions both to employment agencies and labor unions. No employment agency could refer individuals for work by any racial, religious, sex, or national origin designation. It would be made unlawful for any labor union:

First. To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin; and

Second. To limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his or her status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin.

Mr. President (Mr. BAYH in the chair), these provisions of the bill would become effective 1 year after the date of the bill's enactment. During the first effective year, the law would affect industries with 100 or more employees; during the second year, it would affect industries with 75 or more employees; in the third year the number would be reduced to 50; and thereafter it would be 25 employees. The same limitations would apply to labor unions.

The title would be administered primarily by a five-member so-called Equal Employment Opportunity Commission, empowered to employ "such officers, agents, attorneys, and employees as it deems necessary." The Commission would be required to establish at least one office in each of the major geographical regions of the country.

During its first year of operation, the Commission would have an appropriation authorization of $2,500,000. Ten million dollars would be authorized for the second year.

The Commission's principal duties would be to investigate charges of racial discrimination in employment, to seek to alleviate discrimination by conferences and conciliation, to bring civil proceedings in Federal district courts against offending employers or unions, and to obtain injunctions against the defendants. Violation of such injunctions would be punishable as contempt of court, through fines and imprisonment.

This section of the bill bristles with other highly objectionable provisions, authorizing agents of the Federal Equal Employment Opportunity Commission to enter upon industrial property, have access to business and union records, question employees, and investigate "such facts, conditions, practices, or matters as may be appropriate."

Employers and unions alike would be required to keep such records of their operations, in terms of race, and so forth, as the Commission might prescribe. Emphasis would be laid upon prohibiting discrimination in apprenticeship and training programs.

Finally, the Commission would be given authority, in conformity with provisions of the Administrative Procedures Act, to adopt regulations having the force and effect of law "to carry out the provisions of this title."

I doubt that in the history of the Congress has legislation been seriously proposed with more drastic effects than title VII of this bill. Once these provisions become fully operative, every business or industry in the United States, having as many as 25 employees, would have to think racially in every aspect of its employment practices.

It would be unlawful for them to discriminate—and discrimination is not defined—among applicants for employment—unlawful to fail or to refuse to hire by reason of race, et cetera; and unlawful to limit or to classify employees in any way that might "tend to deprive" any individual of an employment opportunity because of his race, et cetera.

Consider the impact of this bill upon a small manufacturing plant employing 25 or 30 persons totally. The payroll includes the proprietor, two secretarial workers, a bookkeeper, a shop foreman, a dozen production workers, several salesmen, a shipping clerk, and a couple of custodial employees.

Roughly 188,000 such employers—having 20 to 49 workers—were known to the Social Security Administration 5 years ago—table 650 of the 1962 statistical abstract.

Another 115,000 employers then reported more than 50 employees. The number of such employers is greater now.

How are they to manage their businesses? What is to constitute evidence of discrimination?

If such an employer does business in a community having 15 percent Negro population, is a prima facie assumption to be established that he is discriminating if fewer than 15 percent of his employees are Negro?

If so, then 15 percent of which employees? The production men? The salesmen? The janitors? In many fine restaurants in the South, the historic practice is to hire Negro waiters only. Such a practice would become unlawful under this bill. Would some Negroes have to be laid off and replaced by white waiters?

I ask, What becomes of established seniority under this bill? We may wonder at the manifest difficulties involved in the subjective arguments that permeate employment practices everywhere: Which of two prospective cooks is the better cook? Which prospective salesmen are most likely to bring in sales? Which writers are the more creative?

Not all the differences among men may be measured in standard aptitude tests.

What is to determine whether a Negro cook is hired instead of the white—or the white instead of the Negro? What becomes of business management during the incessant harassment of investigations, reports, hearings, lawsuits?

These observations barely touch upon the practical problems of administration that will fly from this Pandora's box. Unlike the Department of Labor, the proposed five-members Commission would not be dealing with specific hours worked or specific wages paid. Far more is involved.

Some of the evidence presented in hearings before the National Labor Relations Board is tenuous and bizarre, but—contrary to what is proposed in title VII—unfair labor practices in interstate commerce are susceptible to familiar courtroom procedures. I predict the problems of finding discrimination and the correction of discrimination, will carry the practice of law into strange areas.

The assertion by the Congress of a national policy against discrimination is in itself a meaningless statement. What counts, of course, is the law enacted to support such a policy. Such law is subject to the bedrock test of whether the power has been delegated to the Congress by the Constitution to enact such a law as title VII.

I do not perceive such authority. No "right to be free from discrimination" is anywhere enunciated in the Constitution, save in the provisions of the 14th amendment prohibiting the States—as States—from denying equal protection of the laws.

Nothing in previous interpretations of the commerce clause would suggest that private employment practices in this regard affect commerce within the meaning of congressional regulation.

Lawyers call this sumptuary law. Surely the history of Government should teach us that such law—deeply resented, widely evaded—serves a Nation not will, but ill.

In this discussion of the FEPC title, I have not attempted to cite too many examples of the difficulties which are inherent in its provisions. It suffices to say that employers will have to keep cradle-to-grave records on every employee to justify pay raises, promotions, transfers, and so forth.

Imagine the problems to be created for a company like General Motors with assembly plants located all over the country. Imagine an employment agency being unable to describe people available for employment by a prospective client. Labor unions will have similar problems.

I shall deal with these difficulties at a later date, if necessary. Meanwhile, today I am talking in broad generalities, largely in terms of the violence the bill would do to the Constitution and the bad legislation represented by H.R. 7152.

For this discussion I am relying, for the most part, on a study of the bill which has been done by the Virginia Commission on Constitutional Government. The study was made after the bill was reported by the House Judiciary Committee, but before it was passed by the House.

The House made a few changes in the bill as reported by the committee, such as adding sex discrimination in the FEPC title, and attempting to remove FHA insurance and veterans guarantee programs in housing from the federally assisted programs title.

This report by the Virginia Commission is the basis, largely, for what I have said with respect to the FEPC title, and it will be the basis for what I have to say about some of the other titles.

This commission is an agency of the State government, established by an act of 1958. Its purpose is not to deal in racism. Its purpose is to deal in constitutional matters as between Federal, State, and local governments, business, and individuals.

Its membership is appointed with this purpose in view. Its chairman is the Honorable David J. Mays, an eminent constitutional lawyer, and a Pulitzer Prize winner in the field of historical biography.

The Governor, himself, serves as a member of the commission, and Governor Harrison also is highly regarded as a constitutional lawyer who formerly served as attorney general of Virginia.

The commission numbers 15 in its membership. Nine of the members are members of the Virginia General Assembly—five from the house and four from the senate.

In addition to the chairman and the Governor, the commission includes nine other outstanding members of the bar, all chosen for their outstanding reputations in the field of constitutional law.

Among these are: former Representative Burr P. Harrison, who, like his father, has been not only a Member of Congress, but a member of the Virginia General Assembly and a State judge; Dr. William T. Muse, dean of the T. C. Williams School of Law, University of Richmond; Hon. E. Almer Ames, Jr.; Hon. Hale Collins; Judge J. Segar Gravatt; Hon. Frederick T. Gray, former attorney general; Hon. Garnett S. Moore; Hon. W. Carrington Thompson; and Hon. William L. Winston.

In addition, the commission membership includes: James J. Kilpatrick, editor of the Richmond News Leader, and such outstanding businessmen as: Hon. W. C. Daniel, former national commander of the American Legion; Edgar R. Lafferty, Jr., who is both a business executive and a farmer; and Hon. W. Roy Smith.

These are men of fine reputation. They are leaders of their respective communities and in their State. Their patriotism cannot be challenged. Their views, opinions, and findings must be respected.

Title I of H.R. 7152 deals with voting rights; and with respect to this title, the Virginia Commission on Constitutional Government says—and I quote directly:

> TITLE I—VOTING RIGHTS
>
> It will be recalled that the Civil Rights Acts of 1957 and 1960 also were concerned with this problem. The Federal statutes thus adopted are now in effect. The Department of Justice has invoked them repeatedly in the past several years, and where Federal courts have found patterns of racial discrimination, remedial orders have been entered.
>
> At the outset of our argument, we should like to lay in place a great foundation stone: All the remainder of our argument rests upon it. It is simply this: The Congress of the United States has no powers beyond the powers delegated to it by the Constitution of the United States. If authority for a particular act cannot be found in the Constitution, it can be found nowhere else, for the Congress has no innate or inherent powers. And as the Constitution explicitly tells us, all powers not delegated to the United States by the Constituiton, nor prohibited by the Constitution to the States, are reserved to the States respectively, or to the people. This is the bedrock on which stands the whole of our Federal system. In appraising this substitute civil rights bill (or any other bill in the Congress), the primary question to be determined is whether the Constitution has delegated to the Congress the power to pass such a bill. If the power is found to exist, further questions then may be directed to the merits of the pending proposal; but if the power is found not to exist, then under the oath taken by every Member of Congress to support the Constitution, that is—or should be—the end of it.
>
> In the area of voting rights, the powers delegated to the United States by the Constitution are quite limited. The 15th amendment delegates to the Congress a power to adopt appropriate legislation to protect the right to vote from abridgment by reason of race or color. The 19th amendment extends the same power to abridgments by reason of sex. The 23d amendment authorizes the Congress to arrange for the choice of presidential electors in the District of Columbia and now we have the poll tax amendment.
>
> In article I of the Constitution, we find two sections which should be noted:
>
> > "The House of Representatives (and by extension, through the 17th amendment, the Senate of the United States) shall be composed of Members chosen * * * by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.
> >
> > * * * * *
> >
> > "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."
>
> Attention also should be directed, in passing, to the language of article II, dealing with the election of a President and Vice President: "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."
>
> Now, turning back to this civil rights bill, we find the first of the provisions that seem to this commission in patent violation of the Constitution. Section 101(B) would declare that no person, acting under color of law, shall "deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election."
>
> The principle embodied in this murky language might well command support as appropriate State legislation. If a voter's

error is immaterial in a State election, the same error surely ought to be regarded as immaterial in a Federal election. Under our federal system, it always has been the States' responsibility to say which errors are material and which are not; this is so, because the Constitution explicitly provides that the States are to decide which voters are qualified to vote for members of the State legislature, and these same voters thereafter qualify to vote in Federal elections. Here, in section 101(B), the Congress would assert a power to tell the States what is and what is not material information in determining the qualifications of voters.

Where in the Constitution does the Congress find the power to enact such a law? We submit that the power does not exist. Note that the section is not concerned with the rights of Negro citizens as such, or of women voters as such; if this were the case, authority might be found under the 15th or 19th amendments. The thrust of this section reaches to "the right of any individual." We are now moving beyond those areas of racial discrimination generally thought to be embraced in "civil rights." The bill proposes to fix voting qualifications that would apply to everyone. And when it comes to determining whether individuals generally are qualified to vote under State law, the Congress has no power.

The next two paragraphs of this civil rights bill are of even greater significance. Here the Congress would ride roughshod over the constitutional limitations earlier quoted. The first of these paragraphs would deny the States the power to employ a literacy test in fixing the qualifications for voting "unless such test is administered to each individual wholly in writing, except where an individual requests and State law authorizes a test other than in writing, and a certified copy of the test, whether written or oral, and of the answers given by the individual is furnished to him within 25 days of the submission of his request."

The second paragraph has to do with civil proceedings that may be brought by the Attorney General under the Civil Rights Act of 1960 to prevent the denial of a right to vote. New language is here proposed, to say that "If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school or in a private school accredited by any State or territory or the District of Columbia, where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election."

Here, it will be seen, the bill abandons any serious pretense of preserving the constitutional limitations imposed upon Congress by our Federal system in the area of voting rights. Though these several paragraphs technically would be amendments to the Civil Rights Act of 1960, which carefully was restricted to abridgments based upon "race, color or previous condition of servitude," the new language leaves the 15th amendment far behind. No longer is the bill concerned with grievances of the Negro in the South. The bill here thrusts toward the fixing of qualifications for the franchise of all persons in all States.

Notice that the bill refers to "Federal elections." The phrase is defined to include not only elections for the House and Senate, but also "for the office of President, Vice President and presidential elector." Yet as we have noted, the Constitution explicitly provides that "each State shall appoint its presidential electors in such manner as the legislature thereof may direct." The Congress has not one iota of power to interfere with the State legislatures in this regard. The congressional power to make or alter State regulations dealing with the "times, places, and manner of holding elections" is strictly limited, and never has been construed to affect the States' power to determine voter qualifications. Thus in ex parte Yarbrough, 110 U.S. 651, a unanimous court acknowledged in 1884 that the States "define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress."

In *Guinn* v. *United States*, 238 U.S. 347, decided in 1915, the question was the validity of a combined literacy test and "grandfather clause" under the 15th amendment. In the course of its opinion, the Court said: "No time need be spent on the question of the validity of the literacy test considered alone, since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision."

In *United States* v. *Classic*, 313 U.S. 299, in 1941, the Court held that primary elections are among the elections in which racial discrimination is prohibited by the 15th amendment. But in referring to the right of citizens to vote, the Court did not neglect to stipulate that the right belongs to qualified voters: "The right of qualified voters to vote in the congressional primary in Louisiana * * * is thus the right to participate in that choice [of a Congressman]."

The power of the States to fix the right of franchise was reaffirmed by a unanimous Supreme Court as recently as June 8, 1959, in *Lassiter* v. *Northampton County*, 360 U.S. 45. In this case, a Negro woman challenged North Carolina's literacy test. The Court quoted with approval the language cited from the Guinn case, and went on to emphasize the "broad powers" of the States in prescribing qualifications for the franchise. There is a "wide scope" for State authority, said the Court, not only in the area of literacy tests but also in determining age, length of residence, and the like.

In the emotional name of civil rights, the Congress must not be permitted to embark upon a bold venture into voting rights generally. The States must be left free to experiment, to respond to the expressed wishes of their people, and to exercise the powers reserved to each of them by the Constitution. This is a part of the meaning of our Federal system. It is one of the safeguards by which our Constitution works.

But if the people of this Nation have determined that the States must be stripped of the powers they have exercised since the Constitution came into being in 1788, then in the name of the Constitution let us proceed to make the change by amendment as in the case of the poll tax. If the time is ripe for change, let it be by law and not by desecration of the charter of our liberty.

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

It is title II of the pending civil rights bill that has aroused the greatest controversy and provoked the greatest interest across the country. This is the section that would attempt through the force of Federal law to desegregate every restaurant, soda fountain, lunch counter, and boarding house in the Nation. Whether such coercion truly would benefit the cause of good race relations is a question we leave to others. Our concern is the bill's attempt to reach an essentially social and political end through means that flagrantly violate the Constitution.

Let us touch again upon bedrock: The Congress has no powers beyond the powers delegated to the United States by the Constitution. If authority for this drastic portion of the bill may be found at all, it must be found in article I of the Constitution, delegating a power to the Congress "to regulate commerce among the several States," or it must be found in the 14th amendment, delegating power to the Congress to adopt appropriate legislation intended to prohibit the States from depriving persons within their jurisdiction of the equal protection of the laws. No one pretends that authority can be found elsewhere.

Such authority cannot be found in either place. This section of the bill perverts both the commerce clause and the equal protection clause. It attempts falsely to regulate "commerce among the States" where there is no "commerce among the States," and it undertakes to contrive an unconstitutional "State action" out of the State's most basic protections of rights of private property. However strongly the friends of this bill may feel about a person's right to buy a meal here or to be lodged there, we submit that advocates of civil liberties have a higher duty to the great principle that good ends ought never to be sought by bad means. Respect for this principle, we would agree, demands some sacrifice; but it is worth the sacrifice. It is precisely the willingness to make such sacrifices that distinguishes a government of laws from a government of men.

This bill as reported upon October 29, 1963, strips from the administration's original bill the wordy preambles by which some specious justification for title II was attempted under the commerce clause and the 14th amendment. To this extent, the sustitute might be thought an improvement, for the original draft of the bill contained some shameful fakery. That is gone now. But where the original bill sought to be artful, the substitute seeks rather to be arrogant. The former sought to explain and to justify; the latter proposes to bluff its way through by sheer assertion. We discern no real improvement.

Let us see what the Constitution says. The Constitution delegates to the United States the power (1) "to regulate commerce among the several States," and (2) to enact appropriate legislation intended to prohibit the States from denying to any person within their jurisdiction the "equal protection of the laws." These are the sections that concern us here. Title II purports to be predicated upon these two delegations of power.

Under the commerce clause, the Congress has exercised its power historically in three broad areas of regulation. It began (1) by regulating the carriers in which goods were carried among the several States. It moved then (2) to regulating the goods themselves that were moved in commerce among the several States. Finally, it got around (3) to regulating the conditions under which the goods were manufactured for commerce among the several States.

Every reader of this argument will be able to supply examples of legislation within the three established fields. The Congress (1) regulates railways, barge lines, television channels, and airlines; the Congress (2) regulates transportation of narcotics, stolen autos, obscene books, tainted meat, watered drugs, and fallen women; and the Congress (3) regulates mine safety, wages, hours, overtime, and labor relations. Though the arguments sometimes are tenuous, a plausible case may be made for Federal authority in each of these fields. This commission does not accept all of these arguments, for many of them seem to us tortured and contrived, but we acknowledge a certain rationale behind them.

The pending civil rights bill would open up an entirely new area for Federal intervention. For the first time, the Congress would undertake to impose, in the name of interstate commerce. a wholly local regulation prescribing a requirement to serve. This has never been attempted before. Only in the case of public service corporations, such as light and power companies, which are granted exclusive franchise and are treated separately as a matter of law, has the Government undertaken to establish any presumptions of Federal law in terms of a requirement to serve.

This bill would provide that "all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation * * * without discrimination or segregation on the ground of race, color, religion, or national origin."

The bill would affect every place of public accommodation (1) if its operations affect commerce, or (2) if discrimination or segregation therein is supported by State action. Specifically, the bill would apply to every inn, hotel, or other establishment which provides lodging to transient guests (with the exception of "Mrs. Murphy's" tourist home, to which we return in a moment); it would apply to every restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food on premises; to every gasoline station; to every motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment; and finally, to any establishment physically located within the premises of any other establishment covered by this section of the bill.

All that is required, under this title of the bill, is (1) that an establishment serves or offers to serve interstate travelers, or (2) that a substantial portion of the products it sells has moved in interstate commerce, or (3) that the entertainment offerings have moved in interstate commerce, or (4) that it is physically located within the premises of some other establishment "which affects commerce within the meaning of this subsection."

This commission would urge upon Americans everywhere the most thoughtful reflection upon this section of the bill. Granted that human rights are involved, age-old property rights also are involved. It is easy to embrace the idea that any citizen should be free to buy; some hard discipline is required equally to defend the idea that any citizen should be free not to sell. The concept of "commerce among the States" is familiar to every student of constitutional government. We submit that this concept cannot validly embrace the Federal regulation of the customers in a soda fountain because a substantial portion of its chocolate sirup has moved in interstate commerce. Such a law would obliterate altogether the historic distinctions between interstate and intrastate commerce. These distinctions clearly are contemplated by the Constitution of the United States. And the Constitution remains the supreme law of the land. We should obey it.

Title II of the bill does not rely upon the commerce clause alone. The requirement to serve would be imposed upon any covered establishment "if discrimination or segregation by it is supported by State action." Under the bill, State action would be defined to include discrimination or segregation "(1) carried on under color of any law, statute, ordinance, regulation, custom or usage, or (2) required, fostered, or encouraged by action of a State or a political subdivision thereof."

Oddly enough, as we shall have occasion to remark at greater length in a discussion of title VII, neither "discrimination" nor "segregation" is defined; and as a matter of law, it does not do to say that "everyone knows" what is meant by these nouns. This is not the way in which sound law is drafted.

Now, let us attempt to get at what the bill is proposing in this section. There no longer is any question, at law, that State "laws, statutes, ordinances, and regulations" requiring racial separation will be held in violation of the equal protection provisions of the 14th amendment. Our impression is that very few such statutory requirements exist anywhere: They have been repealed, or voided by court decree, or permitted to die for want of enforcement. In any event, our concern does not lie with State laws, statutes, ordinances, and regulations, purporting to require racial segregation.

Of deep concern to us, however, is the bill's attempt to bring under its ban those acts of discrimination or segregation that are based merely upon custom or usage. Here we move away from the historic construction of the 14th amendment, which has told us for nearly 100 years that the amendment does not apply to acts of private discrimination, however wrongful these may seem.

In the *Civil Rights* cases, 109 U.S. 3, decided by the Supreme Court in 1883, just 15 years after the 14th amendment became effective, the Court made this abundantly clear: "It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment."

In the famous case of *Shelley* v. *Kraemer*, 334 U.S. 1, decided in 1948, the Court reiterated this view: "[T]he principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful."

This civil rights bill would uproot from our law these "firmly embedded" constructions of the 14th amendment. Under this bill, private acts of discrimination would be prohibited if they were (1) carried on under color of any custom or usage, or were (2) "required, fostered, or encouraged by action of a State or a political subdivision thereof." The three verbs, coupled with the earlier reference to discrimination "supported" by State action, demand the closest scrutiny. As we have conceded, racial discrimination no longer can be "required" by a State. But what exactly is meant by "fostered, encouraged, or supported"?

The framers of this bill know full well what these rubbery words are intended to embrace. They envision a situation in which the proprietor of a lunch counter or soda fountain refuses to serve potential customers by reason of their race. The unwanted customers refuse to leave. The proprietor summons police to arrest them for trespass. Under this bill, the action of the police and of the criminal courts in preventing and punishing trespass upon essentially private property is to be construed as State action "fostering, encouraging, or supporting" discrimination in an affected establishment.

To embrace this concept, it is necessary only that one discard 10,000 years of property rights and 150 years of government under a written Constitution. One must prepare his mind for the obliteration of freedoms that have ranked among our most cherished rights. One must abandon the principle that governments are instituted among men to make men's rights secure, for no right is more ancient than man's right to hold, manage, and control the use of his property. If a citizen no longer may call upon the police and the courts to make that right secure, the whole concept of property rights is diminished. And we earnestly submit that no right is more important to every American citizen, regardless of race, than his right to property. None of the other familiar rights—the rights of free press, free speech, free religion, freedom to bear arms, the right of jury trial, the protection against excessive bail or cruel and unusual punishments—none of these cherished constitutional rights approaches, in terms of day-by-day living, the right to hold, manage, and control one's own property. The right is vital to poor man and rich man alike. It has surrounded the humblest citizen every hour of the day. There is no "human right" more precious. And this bill, in the name of a social objective for which many persons have sympathy, would fatefully undermine it.

It seems to us important to emphasize that this bill, in the end, would reach to the smallest neighborhood establishments, the most insignificant local inn. Law or no law, the large hotels and restaurants, genuinely engaged in serving interstate travelers, soon enough will react voluntarily to changing times. It is the hypothetical "Mrs. Murphy" that must be most directly affected. Yet perhaps the most glaring flaw in this bill may be discerned in its cynical and hypocritical attempt to exempt certain Mrs. Murphys from its reach. The act would not apply to lodging houses of five rooms or less, whether or not they served transient guests. But the act would apply to boarding houses no matter their size. This is preposterous. If the exemption is an attempt to get around the limitations of the commerce clause, on the theory that such small establishments do not really affect commerce, the provision collapses under the bill's theory of the 14th amendment. If a landlady's custom of taking lodgers of one race only may be supported, fostered, or encouraged by the police and the courts, because she rents no more than five rooms, the concept of State action is reduced to absurdity. In this wonderland view of the law, discrimination becomes moral and legal as to five rooms, but immoral and illegal as to six. At Mrs. Murphy's, the landlady may decline those who sleep, but must accept all who would eat. Her rights begin at some point between the blankets and the tablecloths. Edmund Burke is authority for the maxim that men give up their liberties only under some delusion: We submit that seldom was a stranger delusion more solemnly propounded than this one.

In sum: Title II cannot be justified under the commerce clause, for it would extend the power vested in the Congress "to regulate commerce among the several States" into wholly new fields of purely local regulation. And it cannot be justified under the 14th amendment, without a fearful corruption of the most ancient principles upholding the sanctity of private property rights. The ends sought to be attained by this section of the bill must be sought, in a free society, within the structure of individual freedom. They cannot properly be sought through the machinery of Federal compulsion, supported by Federal injunctions, and in the end by the threat of Federal fines and imprisonment.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Only in the interests of a decent brevity do we pass over these sections. Certain provisions of title III give us grave concern. They would establish "public policies" that seem to us beyond the proper reach of the Congress, and they would vest in the Attorney General certain powers of ominous magnitude. Under title IV, the Attorney General would be authorized to bring civil suits upon complaints "of the failure of a school board to achieve desegregation." The wording is opaque. As a matter of law, what is meant by "desegregation"? If the language is intended to suggest that there is some positive requirement upon local school boards throughout the Nation that they take steps to achieve racial balance in every school subject to their control, this provision of the bill could result in chaos in the field of public school administration. It ought to be kept constantly in mind that the Supreme Court of the United States has not told local school officials what they must do; it has told them what they must not do. Under the 14th amendment, as construed by the Court, the States are under no compulsion "to achieve" anything in this field; the defendant officials are under orders merely to put an end to State-enforced segregation.

TITLE V—COMMISSION ON CIVIL RIGHTS

We pass briefly over this section also. It would establish the Commission on Civil Rights as a permanent agency of the U.S. Government, and it would vest in the Commission some of the familiar powers and trappings of Federal bureaucracy generally.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

This section cannot possibly be passed over. On the surface, it purports to state a proposition so fair and reasonable that no person could raise his voice in protest against it. Under the surface, the provisions of this title would vest in the hands of a few Federal administrators unprecedented power to control the spending of billions of dollars in Federal tax funds.

Section 601 would provide that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

It may be asked, "What's wrong with that?" As an abstract proposition, we would agree there is nothing wrong with that. But the next two sections of title VI take this innocent abstract proposition and convert it into machinery of stunning political power.

Section 602 would apply to every Federal department or agency "which is empowered to extend Federal financial assistance to any program or activity, by way of grant, contract or loan." The quoted clause is mere window dressing. The bill applies to every Federal department and agency, without exception, for every Federal agency is involved at the very least in some "contract." The language is intended to be all-embracing.

Section 602 would lay an immediate mandatory requirement upon these departments and agencies. They shall take action "to effectuate the provisions of section 601." And notice the form this action may take: "Such action may be taken by or pursuant to rule, regulation, or order of general applicability."

All that is required is that these rules, regulations and orders be "consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which action is taken." A looser rein upon bureaucratic power scarcely could be contrived.

None of the key words in this section is defined. No real limitations are placed upon the caprices of a Federal bureaucracy. There is no yardstick for measuring "discrimination." The nouns "program" and "activity" are not defined. A few moments' reflection will disclose, however, that the provisions of title VI reach to the spending of untold billions of dollars in Federal tax revenues. In terms of military and space contracts alone, we deal here with a life-or-death power over the economic existence of whole cities; we are talking of the survival of banks and savings and loan associations; of the well-being of farmers, laborers, homeowners, depositors, businessmen; of the livelihood of persons on relief, of disabled persons, blind persons, abandoned children. Millions of Americans unavoidably are bound up, in their daily lives, in Federal programs or activities based upon Federal grants, contracts, or loans.

This whole section of the bill is based upon an immense irrelevancy. The end that is sought has nothing to do with the means. When the Government contracts to buy a quantity of lumber, or to insure a loan on a house, its proper interest lies simply in the lumber or the loan: How good is the lumber? How good is the loan? Integration of a sawmill is a social objective unrelated to the governmental purposes sought to be served, by the contract.

A careful scrutiny of this portion of the bill will reveal that no adequate safeguards are placed upon the drastic power that would be vested in Federal administrators to order "the termination of or refusal to grant or to continue assistance under such program or activity." This is the ultimate threat: To cut off a State's highway assistance, or a State's welfare funds, or a region's military contracts for want of some degree of racial integration regarded as satisfactory.

All that would be required for such termination of Federal grants, loans, and contracts would be that some Federal agency make "an express finding" of a failure to comply with some undefined requirement against discrimination. That suffices. No rules are laid down for due process of law, for the presentation of evidence, for hearings before impartial examiners, for any of the protections normally provided in matters of far less drastic importance. Each agency is here empowered to make "express findings," and under the feeble provisions for judicial review, such findings would be entitled to great weight in the appellate Federal courts. We do not believe that power over the disbursement of such vast sums, so intimately affecting the lives of so many families, businesses, and communities, should be so lightly reposed in nonresponsible hands.

DIALOGUE WITH YOUTH

Mr. PELL. Mr. President, in accordance with my firm support of President Johnson's message on poverty particularly as it pertains to our Nation's young people, and in keeping with my own efforts to stimulate an expanding dialog with youth and to help to provide a forum through which our young people may make known their needs, their goals, and the obstacles which they see as hindering or preventing their achievement in all their undertakings, I wish to bring to the attention of the Senate some significant excerpts from the columns of two intelligent young journalists writing for the Newport Daily News in my own State of Rhode Island.

They are Susanne Shaw and Douglas Johnson. They write a column for their contemporary teenagers in the newspaper I have mentioned.

Speaking of the need for better education, they say in a recent column:

> Principally, it seems that it is ignorance, not malice that seems to cause a lot of our country's, and the world's troubles * * *. If there is one thing we youngsters can do for our country it's to study its history, its friends, and its enemies. Armed with this knowledge, we'll be better able in the future, in the only war that we will probably ever know (the cold war), to achieve monumental victories over our enemies, great triumphs in arguments for men's souls.

They are eager to get the very best out of their school years.

> Actually we juveniles are participating in history if we could only realize it—

They write. In another column they state:

> Each of us has a very special talent, a talent for doing something exceptionally well. Granted, it may be a very humble offering—and so it is with most of us. Still, it is something we are good for, something which the world cannot, in a sense, do without. This talent is an extremely intricate part of our personality—something which we cannot do without—and we owe it not only to others, but to ourselves, too, to find and develop this talent as much as we can. If we do not do this, then we have nothing to contribute now, nothing to live for later. This talent is our identity—your own, my own, all yours, all mine. School helps us to find it and teaches us to develop it.

Miss Shaw and Mr. Johnson also have this to say:

> A common word in the teenagers' vocabulary today is the term "square." This word denotes someone who has never learned to "get away with it." He volunteers for things he doesn't have to, does an honest day's work or just simply indulges in hobbies or other activities which seem foolish to others. He is regarded as being peculiar and old fashioned because he believes in such ideas as honesty, loyalty, courage, and thrift. However, little do we realize that this country was discovered, put together, fought for and saved by squares. As Charles H. Brower says "this country was built by men who, in the hipster's derisive term, were squares—who believed in such things as pride, patriotism, loyalty, and even hard work. The forces of conformity are still strong, as many people are simply following the crowd. Let's stand up straight when the forces of conformity seem overpowering and "dare to be square."

Mr. President, it seems to me that these viewpoints are significantly related to some of the important problems and challenges facing our young people: the need for originality and new ideas; the need for knowledge to combat ignorance; and above all, the need for broadening the horizons for youth, so that each young man and each young woman in the United States can develop the best of his or her talents in a climate of maximum opportunity.

Through our legislative process in this Chamber, we are helping to create such a climate; but we have a long way to go before it is fully attained. As we proceed toward our goals, I believe we should listen attentively to the voice of young people. The opinions of thoughtful young leaders, such as I have described, can assist us as members of an older generation. That is one reason why I believe that the concept of a "Dialog with Youth" is important.

RECESS TO 10 A.M. MONDAY

Mr. HUMPHREY. Mr. President, I move, pursuant to the order entered on March 20, 1964, that the Senate stand in recess until 10 o'clock Monday.

The motion was agreed to; and (at 3 o'clock and 59 minutes p.m.) the Senate took a recess, pursuant to the order entered on March 20, 1964, until Monday, March 23, 1964, at 10 a.m.

NOMINATION

Executive nomination received by the Senate March 21 (legislative day of March 9), 1964:

DEPARTMENT OF AGRICULTURE

Dorothy H. Jacobson, of Minnesota, to be an Assistant Secretary of Agriculture.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 23, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The Master's Holy Week Prayer, John 17: 21: *That they all may be one.*

Eternal God, who art the Father of all mankind, as we engage in corporate prayer, may we seek together those blessings which none can ever find and enjoy alone, in solitude and selfishness.

Give us a clearer vision of the oneness of humanity. Inspire us to labor for this unity, to love it and be loyal to it.

May we realize more fully how much we need one another and that in fellowship the truth is found and that in love it must be told.

Expand our minds and hearts that they may become large enough to comprehend the love which Thou hast for us and for all men everywhere.

Inspire us to cherish this love and may we be partners in creating and cultivating among the members of the human family an atmosphere of sympathy and appreciation, of peace and good will.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 19, 1964, was read and approved.

SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF LABOR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on tomorrow it may be in order, by unanimous consent, under the general rules of the House, to call up a joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. LAIRD. Mr. Speaker, reserving the right to object, and I shall not object, I should like to take a minute to explain this resolution. The gentleman from Rhode Island [Mr. FOGARTY] would do this but he has been unavoidably detained. I have discussed this with him and we are in complete agreement on what should be done.

This resolution should be brought up tomorrow. It deals with an emergency matter in connection with unemployment compensation for Federal employees and ex-servicemen. There are 12 States in which unemployment checks cannot be issued this next week because they are completely out of funds and all States will have exhausted their funds by the end of the week.

The States that are out of money now are: Connecticut, New Mexico, Pennsylvania, Wisconsin, New York, Oregon, North Dakota, Massachusetts, Indiana, Arizona, Nebraska, and Washington.

It has been known for some time that additional funds would be needed for this program. On January 21 the President requested a deficiency appropriation of $30 million. We held hearings on this February 13. At that time the Department of Labor witnesses testified that $42 million would be needed instead of the $30 million requested. They told us that they had informal approval from the Bureau of the Budget to testify to the larger amount because the formal request from the President would be submitted to the House later that same day or the day following. We have been waiting for well over a month now and, while the official request is not yet physically here, I have a copy of what is on its way from the White House and will be here in a matter of minutes.

Rather than wait until later on in the session for a general deficiency bill, this is the better manner in which to handle this emergency that now exists. I hope this unanimous-consent request will be agreed to.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Iowa.

Mr. GROSS. This then is the first supplemental or deficiency appropriation bill at this session of the Congress?

Mr. LAIRD. This is a joint resolution. We are handling this by joint resolution in order to avoid having to take up a general deficiency bill at this time.

Mr. GROSS. It is the first deficiency appropriation for this session of the Congress, is it not?

Mr. LAIRD. That is correct.

Mr. GROSS. If the gentleman will yield further, let me ask this question: Did Congress fail to appropriate enough money last year or did the various departments affected fail to ask for enough money?

Mr. LAIRD. I would like to state to the gentleman from Iowa that this is a combination of both. The request of the executive branch was underestimated. They requested $119 million in this area. The Congress appropriated $110 million. The total amount which will be necessary is $152 million for fiscal year 1964.

Mr. GROSS. I thank the gentleman.

Mr. LAIRD. This is another good example, Mr. Speaker, of the expeditious manner in which this House can handle important business of the Nation. We will have taken final action on this within approximately 24 hours of the time the long delayed request from the executive branch finally arrived.

Mr. Speaker, I withdraw my reservation of the right to object.

There was no objection.

OFFER OF MILITARY INSTALLATIONS AS CAMPS TO ACCOMMODATE YOUTHS IN THE PROPOSED JOB CORPS

Mr. WINSTEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WINSTEAD. Mr. Speaker, on March 18, 1964, the Washington Star carried a news story that Secretary of Defense McNamara had announced to a congressional hearing that he had offered several military installations as camps to accommodate youths in the proposed Job Corps. He said he had made this offer to Mr. Sargent Shriver, Peace Corps Director, who has been assigned to direct the antipoverty program. The article reads as follows:

IDLE MILITARY BASES OFFERED TO JOB CORPS BY MCNAMARA

> Defense Secretary McNamara announced at a congressional hearing on the administration's antipoverty bill today that he has offered several inactive military installations as camps to accommodate youths in the proposed Job Corps.

Secretary McNamara has no statutory authority whatsoever to make military facilities available to another Government agency, let alone to make such offer to an organization that has not yet received the approval of the Congress.

In this instance Secretary McNamara has not only exceeded his authority, but by virtue of his action has hit a new high in his disregard of the Congress. The law specifically prohibits "the Secretary of a military department, or his designee," from transferring military facilities "to another Federal agency" until "the expiration of 30 days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives."

Mr. Speaker, as a senior member of the Armed Services Committee, I am glad to see the Defense Department save money; and when bases are no longer needed for military purposes, of course, the thing to do is to vacate them. However, when a base is closed there is bound to be an economic shock to the local community; and my committee expects to do everything it can to see that vacated bases are returned to private or, at least, local ownership and to the tax rolls, if possible, in order that they may be developed for industry or by the local community in some other way so as to have an economic return to offset the loss of the military base. The Government owns too much land now. Further, I am sure there is not a single community in the country which would want a vacated military base in its area to be used by the dropouts, misfits, and others who would be in the program to which Mr. Shriver has been assigned.

Mr. Speaker, Secretary of Defense McNamara has enough to do in running the Defense Department without underwriting Mr. Shriver's domestic "Peace Corps."

INTERNATIONAL ROTARIANS

Mr. MARSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MARSH. Mr. Speaker, this morning I had the pleasure of meeting with and welcoming to the United States Rotarians from the 164th Rotary District of France. This district includes the Provinces of Brittany, Normandy, and Anjou.

Part of this delegation will be visiting with Rotary Clubs in the Seventh District of Virginia. Today, they are sightseeing in the Nation's Capital and will leave later this afternoon to travel to communities in the Shenandoah Valley where they will spend several days this week in the homes of Rotarians.

I would like to take this opportunity not only to congratulate Rotary Clubs in my congressional district under the leadership of J. K. "Pat" Patterson, of Staunton, but also Rotary International for the encouragement of visits of this type. Through such means of person-to-person diplomacy, we not only build international good will but we renew and strengthen the ties of all Americans with one of our oldest allies.

Taking part in the program this morning on behalf of the Department of State was Mr. Robert Read, program officer in the European Affairs Division of the Bureau of Cultural Affairs, and, on behalf of Ambassador Herve Alphand, of France, Mr. Gerard de la Villesbrunne, Counselor of Embassy.

HEARINGS ON RESOLUTIONS TO PERMIT PRAYER AND BIBLE READING IN SCHOOLS

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, I was a little amazed that last Thursday the distinguished chairman of the House Committee on the Judiciary announced that he was going to start hearings on the 144 prayer amendments, beginning on April 22.

Mr. Speaker, it was my understanding 2 weeks ago with the chairman of the Judiciary Committee together with the gentleman from Florida [Mr. CRAMER] that the chairman was going to start these hearings right after the 1st of April.

Mr. Speaker, I am quite sure the chairman of the Judiciary Committee knows that the New York World's Fair is scheduled to open on the 22d of April and many Members have been concerned that this will only cause further confusion, and the date is getting late.

Mr. Speaker, the selection of this date means pushing back as late as possible the time for the hearings and for the preparation of the report. As we all know, anything can happen in the House and this is going to make it very late in the session before we can reach debate on the matter.

Mr. Speaker, I do not know just what is happening and why the date of April 22 has been selected. It is 2 weeks after the date that had been agreed upon earlier by the chairman of the Committee on the Judiciary in the chairman's office. I say to the Members of the House that this is a matter of the greatest importance to the people of America who are advocating that something be done.

Mr. Speaker, I am sure that the Members are aware of the fact that there is a discharge petition on the desk and I hope that every Member will sign it. There are 161 signatures presently on the discharge petition. We only need a few more in order to bring this matter before the House and to enact it at this session. Now that the time is late, please sign now.

TRIBUTE TO BRADLEY UNIVERSITY, PEKIN HIGH SCHOOL, AND PEORIA, ILL., BIDDY BASKETBALL TEAMS

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, we in the 18th Congressional District of Illinois are noted for many fine things, not the least of which is the caliber of our basketball teams.

Today I wish to pay special tribute to the Bradley University Braves for winning the National Invitational Tournament in New York last Saturday by the largest margin in any championship game in that tourney. They became the second team in history to win that coveted first place trophy three times.

Also last Saturday the Pekin High School "Chinks" from Pekin, Ill., won the Illinois State High School Championship at Champaign.

To further underscore what a basketball center we are, the Peoria Biddy all-star team, sponsored by the Salvation Army, won the regional tournament in Wichita, Kans., and will now be competing in the world tournament in Jersey City next month.

At the grade school, high school, and university level, we play the finest brand of basketball in the country and are the beneficiaries of the finest coaching in the business.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Glad to yield to my friend from California.

Mr. MILLER of California. Where did they stand in the NCAA tournament?

Mr. MICHEL. The gentleman, of course, is proud to cite the achievement of the UCLA'ns from his home State, and I would join him in congratulating them upon their undefeated season. Incidentally I understand there has been a suggestion made that UCLA, the NCAA champ, be matched with Bradley, the NIT champ, for the benefit of the Olympic fund. This would, I am sure, be a terrific game, for both teams are lightning fast and exceptionally good ball handlers.

Mr. MILLER of California. I will be happy to join with my colleague from Peoria, Ill., who has so much in common with me in another direction to further such an invitation.

Mr. MICHEL. I thank the gentleman. In conclusion Mr. Speaker, I want to extend my personal congratulations to all the Bradley Braves and their nationally renowned coach, Chuck Orsborn—and to the Pekin "Chinks" and their excellent coach, Dawson Hawkins, for winning the high school championship in Illinois with the smallest team of the 16 State finalists, with an average height of less than 6 feet. And finally, Mr. Speaker, a special tribute to Paul Reatherford, who has again done such a great job in molding the Biddy basketball all stars into a winning combination. We wish them well in the world tournament finals next month.

THE VANISHING SILVER DOLLAR

Mr. BARING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. BARING. Mr. Speaker, for the past couple of weeks there has been a rush on the silver dollars from the U.S. Treasury. This is a matter of grave concern to me and my western colleagues both here in the House and the Senate, for we all consider that hard money is far more desirable than paper money.

The drain on the silver dollars is a disgraceful situation and is a direct result of the action taken by the Appropriations Committee in their recommendation against further coinage of silver dollars, and inasmuch as the intrinsic value of the silver in the dollars is such that it is almost profitable to melt them down for commercial use, I am today introducing legislation which would simply authorize the reduction of the silver content in the silver dollar from 900 to 800 grams. This would in no way reduce the legitimate usage of the coin where its usage is preferred. At the same time it would meet the most persuasive argument now raised against additional mintage of silver dollars.

The silver problem is a highly complex and complicated problem and there is no easy solution to it. However, I can say we have been aware of this problem for quite some time, and last year when we repealed the Silver Purchase Act I predicted that a situation similar to what we have before us today would occur.

An investigation and complete study of our silver policy is urgently needed, and even though I do not believe that this legislation which I am introducing today is a panacea for all the ills insofar as silver is concerned, I do think it will at least open the door for a thorough review of the problem.

Furthermore, I sincerely hope that tomorrow when we consider the Treasury appropriations bill that, with a view in mind toward early consideration of my bill by the Banking and Currency Committee, it will be possible to restore the funds requested by the administration to continue the coining of silver dollars.

INDIANA BASKETBALL

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, I could not help but hear the conversation here on the floor a while ago concerning basketball. Indiana is really the capital of all basketball here in the United States. Last week Indiana completed its high school basketball tournament. In the finals of that tournament my home town, Huntington, came through to the final game, which was played last Saturday night against a team from Lafayette, Ind.

We are very proud of the Huntington team. We are proud of the coach, Bob Straight. More than that, we are proud of the type of young men this type of competition has produced in the State of Indiana for this Nation. We trust this great competitive game will continue, and that the rest of you, including the State of California, may continue to draw from Indiana for some of its great coaches and high school players.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. ROUSH. I yield.

Mr. MILLER of California. We would be very glad to draw not only your high school coaches and players from Indiana, we also have some fine scientists from out there.

RELEASE OF AMERICAN AIR FORCE OFFICERS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, Secretary of State Dean Rusk has earned the congratulations of every American for successfully negotiating the release of the three American Air Force officers who were shot down in their reconnaissance bomber over East Germany on March 10, 1964.

Millions of Americans have been anxiously awaiting news of the return of their countrymen. For we in the United States have not developed the mentality that can callously regard the plight of our own with indifference or disinterest. We in America do care. Just as the Lord marks the fall of even a sparrow, so are we deeply concerned with the fate of every American, here and abroad. We reject the notion that in times of peace our citizens are expendable.

The Department of State also deserves to be complimented on the way the release of this information was made. It was announced over a nationwide TV program so that a maximum number of persons had an opportunity to hear of it from an official source at approximately the same time. Surely this is far better than to leak the information from one place or another to one person or another. Surely it is better for our citizenry to have such important information firsthand and from an official source, without the conflicts, inconsistencies, speculation, and rumors that usually result from the leaky method.

Again, I want to offer my most sincere gratitude and thanks to the Honorable Dean Rusk for a job well done and for getting our boys back.

CALL OF THE HOUSE

Mr. STINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 78]

Abbitt
Alger
Ashley
Ashmore
Aspinall
Avery
Barry
Bass
Battin
Blatnik
Bolton,
 Oliver P.
Brademas
Brooks
Broomfield
Brown, Calif.
Buckley
Burleson
Cahill
Celler
Chelf
Clark
Collier
Corbett
Cramer
Daddario
Davis, Tenn.
Derounian
Donohue
Dowdy
Elliott
Ellsworth
Evins
Fallon
Farbstein
Feighan
Fino
Flynt
Fogarty
Foreman
Forrester
Frelinghuysen
Friedel
Garmatz
Giaimo
Gilbert
Grabowski
Grant
Green, Oreg.
Griffin
Hagan, Ga.
Harvey, Ind.
Healey
Hébert
Herlong
Hoffman
Jarman
Jennings
Jones, Ala.
Kee
Keogh
King, Calif.
Kluczynski
Knox
Lankford
Lesinski
McCulloch
McMillan
Martin, Mass.
Meader
Miller, N.Y.
Monagan
Moorhead
Multer
Murphy, N.Y.
Nix
O'Brien, Ill.
O'Neill
Osmers
Pepper
Philbin
Pilcher
Powell
Rains
Reid, N.Y.
Reifel
Rivers, S.C.
Roberts, Ala.
Rodino
Rogers, Colo.
Roosevelt
Rostenkowski
Roudebush
Roybal
Ryan, Mich.
St Germain
St. Onge
Saylor
Sheppard
Smith, Va.
Staebler
Taft
Thomas
Toll
Udall
Ullman
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Wallhauser
Watson
Whalley
Wickersham
Wilson, Bob
Wilson, Ind.

The SPEAKER. On this rollcall 313 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING THE ORGANIC ACT OF THE NATIONAL BUREAU OF STANDARDS

Mr. MILLER of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5838) to amend the act of March 3, 1909 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 5838, with Mr. Diggs in the chair.

The CHAIRMAN (Mr. Diggs). When the Committee rose on Thursday, March 19, 1964, the gentleman from California [Mr. Miller] had 55 minutes remaining and the gentleman from Pennsylvania [Mr. Fulton] had 1 hour remaining.

The Chair recognizes the gentleman from California [Mr. Miller].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to continue the discussion, I would like to digress from the normal sequence of the debate and discuss the proposed section 17. On Friday afternoon during the discussion of the rule pertaining to this bill, there were remarks made which indicated a clear misunderstanding as to the true intent of this new section 17 and the functions of the National Bureau of Standards.

The Bureau is essentially a service organization; that is, it performs services for other Government agencies. For example, under section 2 of its Organic Act are listed its various functions, which include the following:

> The development of methods of testing materials, structures, and equipment, including items for use of Government departments; further, cooperation with other Government agencies and establishment of standard practices in building codes and specifications; and again the performance of advisory services to Government agencies on scientific and technical problems.
>
> And specifically does it have the function to undertake to invent and develop devices to serve special needs of the Government. This new section 17 is the means arrived at by the Bureau of the Budget and the National Bureau of Standards as the method through which these functions may be more efficiently performed.

Section 17 simply states that funds for research and development, or procurement, or production of any Government agency may be transferred to and merged with the appropriations of the Bureau of Standards when the Secretary of Commerce and the head of the other agency agree to do so and this action has the approval of the Bureau of the Budget. This is only to be done in those instances where the purposes of the transferred appropriations can best be achieved by the National Bureau of Standards.

Now let us analyze that a bit. In the first place, there is nothing new about transfer of funds from one Government agency to another. For example, under the provision of title 31, United States Code, section 686, as amended by Public Law 85-726, authority is specifically granted to any executive department or independent establishment of the Government to place orders with any other such department, establishment, or bureau for supplies, equipment, work, or services when it is determined by the head of such department to be in the best interest of the Government to do so.

Now, note specifically that in the provisions of title 31, section 686, subsection (c), the law states that advance payments credited to special working funds shall remain available to the procuring agency for entering into contracts and other uses during the fiscal year for which the appropriation involved was made and thereafter until such appropriation lapses under the law.

The transfer permitted by section 17 would do exactly that—reimburse the working fund account of the Bureau by advance payments.

Now, the functions of the Bureau of Standards include the construction of physical standards and the calibration and testing of equipment and measuring devices. The Organic Act of the Bureau states that it shall exercise its functions for the Government of the United States among others, and that the charges for sale of samples and calibration services may be reimbursed and that the Secretary of Commerce may require such advance payments.

The new section 17, then, is the means by which the Bureau of Standards and other Government agencies using the services of the Bureau may more effectively put into operation the provisions of the statute just cited.

This provision is not new, it is not unique. The NASA authorization bill provides for such transfer of funds, and has done so for the past several years. The appropriation act of the Atomic Energy Commission contains provision for the merger of funds, and I quote from Public Law 88-257: Public Works Appropriation Act, 1964.

> That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

And further, in the Department of Defense Appropriation Act of 1963, under the title dealing with research, development, testing and evaluation, there is permitted the transfer and merger of appropriations as determined by the Secretary of Defense, to carry out the purposes of advanced research, to the appropriations for military functions under the Department of Defense which are being utilized for related programs.

I think the gentleman must not lose sight of the fact that the National Bureau of Standards is a service organization, performing its functions for other Government agencies for which it receives fees. Frequently in the performance of such tasks for another Government agency, it will develop that such task is one that should be performed by the Bureau for the benefit of other Government agencies and the entire scientific community as well.

This transfer of appropriations is then utilized not only for the accomplishment of the work at hand for the specific Government agency, but it provides for the continuation of this particular work in succeeding years by increasing the base of the appropriation of the National Bureau of Standards through this transfer.

Several agencies have authority to make transfer of appropriations. Such authority is meaningless unless, of course, the service organization to the Government, namely the National Bureau of Standards, has the authority to accept and to merge such appropriations with its own.

Mr. Chairman, I feel all we are doing is trying to streamline the work of the Bureau of Standards in order that it may more efficiently do its job.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Iowa.

Mr. KYL. Does the gentleman contemplate there will be any increase in the personnel of the Bureau of Standards if this act is passed?

Mr. MILLER of California. No; I do not think there will be any increase that would not be had whether this act is passed or not. If other agencies of Government ask the Bureau to do certain work and it requires increased personnel, they will have to do it whether their funds are merged or not. This is not building up a Government agency; this is just doing what a dozen other agencies in the Government have the authority to do, putting the Bureau of Standards in the same category with the Atomic Energy Commission; Federal Aviation Agency; General Services Administration; National Aeronautics and Space Administration; National Science Foundation; Department of Commerce; Weather Bureau—for meteorological satellite observations—Maritime; Department of Defense; Advanced Research Projects Agency; Department of the Army; Department of the Navy; Department of the Air Force.

It is adding to this list the Bureau of Standards. It does not mean there is going to be an increase in the work asked for, and the money to go for this purpose will be transferred.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield.

Mr. FULTON of Pennsylvania. Actually this is a matter of convenience. The practice is widespread through the Government agencies, I believe, based on the act of 1915. It is not a new procedure. Secondly, it saves facilities. When a project goes beyond the ability of an agency to accomplish, this Congress would have to provide sufficient research facilities and laboratories to do the work.

Also, there is one additional department that has the right to do this transferring, and that is none other than the Treasury Department of the U.S. Government.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. MILLER of California. I yield to the gentleman from Iowa.

Mr. KYL. May I ask the gentleman from Pennsylvania, when he speaks of new facilities, as I understand it, the space agency is already working on a new center to be constructed in Massachusetts.

Mr. FULTON of Pennsylvania. That is correct. It is an electronics facility to be constructed for space purposes. However, the purposes of the center could very well go beyond this space agency, because its mission is basic research. I may suggest that when it comes to be a matter of building new facilities in Massachusetts or using physical laboratories for research for the Bureau of Standards, under the rules that now exist, the Government must use the particular agency where the facilities exist. This particular statute contains authority to use the facilities where they exist and also where it can be done cheaper. Also, these funds are to be handled in the same way as if they were to be used under a contract with a private contractor. All of these funds must be authorized and appropriated to an agency to begin with. This bill is designed to simply facilitate the transfer of authorized funds for a particular purpose to the Bureau of Standards where they do have technical competence and physical equipment.

Mr. MILLER of California. There is no connection whatsoever between the Bureau of Standards and NASA in connection with any research agencies throughout the country. NASA may ask the Bureau of Standards to do certain work for it in the form of measurement in establishing standards or to use its facilities where they are available for other scientific purposes. There is no connection between these two agencies whatsoever. The National Bureau of Standards is nearly 100 years old. It is a very stable agency of the Government, a very fine scientific research agency. It gets little publicity, and is very little known outside the Government.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield myself such time as I may require.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Iowa.

Mr. KYL. I do have respect for the Bureau of Standards for the work they have done and are doing, but will these bequests to the Bureau of Standards constitute considerable new power for the Bureau?

Mr. FULTON of Pennsylvania. We cannot at this time tell what will be the demands on the Bureau of Standards under this particular authorization. They could be small or they could be large. According to the hearings, they could run into several hundred thousand dollars in some instances. We must remember though that the funds transferred to the Bureau of Standards are merely funds that exist and that have already been appropriated under existing authorization for another agency. That agency must have justified each of these particular plans and programs to the Committee on Appropriations before they got the money. Thus, this is a question of appropriated money that is transferred. I would say this to you. The legislation as it is here set up provides that it be just the funds remaining in any appropriation until the end of the fiscal year. At the end of the current fiscal year when these funds are transferred, they will then go to the House Committee on Appropriations through the Bureau of Standards, if the program is continued for a regular appropriation under the regular appropriation procedures. For example, you have asked about NASA and as to its procedures. The limit it should be seen is the limit of a particular agency. For example, NASA, under current legislation, has a limit of transfer of $20 million and likewise on any particular amount in excess of $250,000 it must have the approval of the particular committee of the House which is the House Committee on Science and Astronautics, and in the Senate, the Senate Space Committee. Now, if there is no action taken within 30 days, then approval is presumed. If either committee objects, however, there is the right then of transfer of funds within NASA. The thing that I point out to the gentleman is this. This is not a transfer of original appropriations but of appropriations already made and existing on the books. The question comes up between the two agencies as to where the work can best be done. Under these circumstances where the head of each agency agrees, then it is transferred to the particular agency that can best do the work. Take the example of the Bureau of Standards. It would be the Secretary of Commerce who would have to agree. Secondly, it would be the head of NASA, if that agency wanted to transfer funds to the Bureau of Standards to get the work done. Likewise, under this statute, the Director of the Bureau of the Budget must approve. Under the statute the President has the right to determine what transfers will be made. He has delegated this right by Executive order to the personal discretion of the head of the Bureau of the Budget, so that by Executive order, the Director of the Bureau of the Budget in this case acts in the place of the President.

Mr. KYL. I thank the gentleman.

Mr. FULTON of Pennsylvania. May I compliment the gentleman on his good questions which have brought out many good points which the House Committee on Science and Astronautics should explain. These are complicated procedures, but they are reasonable procedures; I believe they are necessary procedures. My own comment is that I do not believe this kind of transfer in any way derogates from the full jurisdiction of the House Committee on Appropriations. The reason I say that is that these funds are authorized and appropriated funds to begin with. A particular agency can desire the Bureau of Standards, as a public contractor, to do the work for that particular agency, under the law that is now in existence. However, it is required that it be in the best interest of the particular agency and that it be the cheapest way to do it. Otherwise, contracting must be done on a private contracting basis. I pointed out previously under the provision, the right of transfer of funds and the handling of appropriations and contracting for this work with the Bureau of Standards is handled on the same basis as if the Bureau of Standards was a private contractor and that is under the supervision of the Bureau of the Budget so we do have close monetary control and close financial supervision of all these transfers.

I could give you some more technicalities, but I think I have gone far enough.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, as the members of the Committee will recall, I opposed the rule on the bill because I believe it is a bad bill. I believe some points of order should have been made against it.

I am concerned about legislation of this kind, which undoubtedly is written to bypass a committee of the House. In this instance the bill is written to bypass the Appropriations Committee.

I should like to ask either the gentleman from California [Mr. MILLER], or the gentleman from Pennsylvania [Mr. FULTON], how much is involved under section 2? How much in amount are the funds accepted by the Secretary? How much are the payments and royalties for books, papers, articles, and speeches, involved under the bill?

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from California.

Mr. MILLER of California. The gentleman refers to section 2?

Mr. BOW. To section 2, particularly paragraph (d). This would bypass the Appropriations Committee and permit the use of funds in any way they see fit.

Mr. MILLER of California. I do not believe we would do that in any respect. By regulation, the Bureau requires that the money paid in the form of honoraria for speeches or for the writing of articles, which is done on Government time, be deposited with the Bureau of Standards. How much this might amount to in the course of a year I have no idea.

The Bureau of Standards has no money for entertainment purposes. They have never asked the Appropriations Committee for the money. Many visiting scientists come here.

Mr. BOW. If the gentleman will permit——

Mr. MILLER of California. The gentleman asked me a question.

Mr. BOW. I asked a question, and I should like to have the gentleman answer my question, rather than get off into another realm. I am asking how much is involved.

Mr. MILLER of California. I do not know how much money they take in from this source. I do not know that that question ever came up in the hearings, as to how much money was received from honoraria or for writings, or anything else. I am sorry the gentleman wants to cut this off so short. I will give the answer, and that is the answer.

Mr. BOW. I also am interested in paragraph (c) of section 2. I am not trying to cut the gentleman off. I am trying to make a record. I assure the gentleman of my high regard for him and for his committee.

I believe there is no better agency of Government than the National Bureau of Standards. I hold it in the highest of respect. Dr. Astin, who heads that organization, I believe is one of the great scientists of the world. They do a fine job. I am trying to get a legislative program operating here.

Mr. MILLER of California. It has been pointed out to me that in the hearings held on the bill Dr. Huntoon, speaking for the Bureau, said:

> We get about $4,000 a year of such money, and we are asking here for discretionary authority to use it, including up to a thousand dollars of it for entertainment.

They get about $4,000 of nonappropriated funds. Some of it comes from gifts. Some of it is in the form of honoraria. They are asking to use not more than $1,000 of this in the field of entertainment, to relieve the staff. Every time people come to visit now the staff has to dig into its pockets to entertain them.

How much do we give to the Department of Defense for entertainment? How much do we give to the Department of State? How much do we give to every other department for this purpose?

These people are asking to use $1,000 of nonappropriated funds.

Mr. BOW. I say to my distinguished friend that there seems to be some difference between the Bureau of Standards and the Department of Defense and the Department of State and some others. I note from the hearings that at the Bureau of Standards they intend to have tea for the visiting scientists and the friends who come in. Tea does not cost quite as much as the item for which money is spent in the other areas, when something other than tea is used for entertainment.

Mr. MILLER of California. I know the gentleman serves on the committee which handles the work of the Bureau of Standards. I know, like me, he has visited at the Bureau of Standards.

Mr. BOW. Many times.

Mr. MILLER of California. I know he has participated in and partaken of their entertainment. I have never seen anything stronger than tea or coffee served.

Mr. BOW. I believe that is correct.

Mr. MILLER of California. I have been invited to lunch, as the gentleman has been invited to lunch. This means that somebody at the Bureau of Standards must dig down into his pocket to pay for the privilege.

This is all they are asking.

Mr. BOW. It is very interesting to see this developing in this way, because they have made requests of the Committee on Appropriations for funds and they have been denied. So you see here we do have a bypassing of the Committee on Appropriations. Certain funds are given to the Department of Commerce, and they could be used, but I am not as much concerned there as I am about the "funds accepted by the Secretary under authority of this section may be expended without regard to existing limitations."

Do I take it from that you mean formal honorariums and papers are the types of funds that come in from foundations? You know there are a number of foundations that contribute to the Bureau of Standards. There are other groups who contribute to scientific research for the Bureau of Standards. Are we limited only to this $4,000 of honorariums?

Mr. MILLER of California. I would say that was the intent we had when we wrote this.

Mr. BOW. That is what I wanted to get; namely, the legislative intent.

Mr. MILLER of California. I am very glad to answer the gentleman and say it is my understanding and the reason why I voted to pass the bill out. We were limiting this to the honorariums and the other moneys that come to the Bureau of Standards from this source, for this purpose.

Mr. BOW. Will the gentleman accept an amendment which would limit this, let us say, to $5,000? Would he accept a limitation of the amount that could be expended under this section to $5,000? You say the honorariums now and the amounts that come in amount to about $4,000. Let them earn an extra $1,000 and put a limitation of $5,000 on it. Make it not to exceed $5,000.

Mr. MILLER of California. How do you feel about it?

Mr. FULTON of Pennsylvania. My answer is "No."

Mr. BOW. I can understand why it would be, because somebody wants to donate $1 million out of some foundation and they could go merrily on their way and use it any way they want to, but I think in view of the chairman's answer to the question, which was a straightforward, honest answer that it is about $4,000, I am willing to compromise on it and throw in an extra $1,000 for them and make it $5,000. That is the limitation on the bill. That will remove the objections I have to the bill. Really, this is back door spending.

Mr. FULTON of Pennsylvania. Will the gentleman yield further?

Mr. BOW. I will be delighted.

Mr. FULTON of Pennsylvania. In answer to your previous question as to whether gifts and bequests from individuals or foundations or groups were involved, I would say yes, they are. I would disagree on the previous comments.

Mr. BOW. Then, you agree with me that all gifts and bequests and things of that kind would be in here?

Mr. FULTON of Pennsylvania. That is correct.

Mr. BOW. Which would run it over $4,000.

Mr. FULTON of Pennsylvania. You are correct.

Mr. BOW. So actually what we have here is permitting appropriations or back door spending without control by the Committee on Appropriations of large sums of money that would come into the National Bureau of Standards.

Mr. FULTON of Pennsylvania. This is set out on page 2, at the bottom of the report, where it says:

> Amendment to section 11. Gifts and bequests.
>
> The proposed legislation would amend the existing authorization to allow the acceptance of gifts and bequests to aid the work of the Bureau, permitting the use of certain gifts for purposes for which appropriated funds may not be used.

Mr. BOW. May I interrupt the gentleman right here? I will yield further, but here is a very interesting statement in a report. The permission to use funds is mentioned. This is all money that comes in that should be in the Treasury and it is money being spent by a Government agency. So why not be under the control of the Committee on Appropriations?

Mr. FULTON of Pennsylvania. May I read further?

Mr. BOW. Yes. But as you read, will you explain why it is in the best interest of the National Bureau of Standards that we bypass the Committee on Appropriations?

Mr. FULTON of Pennsylvania. Will you let me read the provisions?

Mr. BOW. I will be delighted to and will keep very quiet.

Mr. FULTON of Pennsylvania. It goes on to say:

> It would also clarify the status of royalties and honoraria received by the Bureau.

May I commend on that? That is about $4,000 a year that has been referred to previously in the colloquy between you and Chairman MILLER of California. It is correct. They had said there would be $4,000, approximately, a year that would be received and about $1,000 of it would be for entertainment purposes. I might add under the other paragraph they have been careful to point out that this has no alcoholic connotation to it.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. Bow] has expired.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BOW. I thank the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman. I am not getting much of my own time here, but the gentleman is very generous.

Mr. FULTON of Pennsylvania. I am trying to give the gentleman an answer to his question.

Mr. BOW. Right.

Mr. FULTON of Pennsylvania. Since I am disagreeing with him on some things, I think we should try to have a meeting of the minds on what is in dispute.

Mr. BOW. By all means.

Mr. FULTON of Pennsylvania:

> At the present time, when gifts and bequests from private citizens or organizations are deposited in a trust account, they take on the character of appropriated funds and can be used only for the same type of expenditure for which appropriated funds may be used. Though it is felt that these restrictions are, by and large, appropriate, the Bureau would welcome some relief from their rigid application. Recognizing that Government funds cannot be used to provide refreshments, for example, when the Bureau of Standards is host to scientific meetings it does not provide them although this is a failure to reciprocate in such amenities received by Bureau representatives at meetings elsewhere. A moderate relaxation of the restriction would serve an extremely valuable purpose, promoting informal interchange and cooperative activities.
>
> The bill would also provide that payments to the Bureau as honoraria or royalties for papers, books, articles, and speeches prepared or delivered by employees of the Bureau may be deposited in the discretionary fund. Such receipts are more in the nature of gifts than payments because they usually are of nominal value compared to the cost of the service provided. Because they do not represent the full cost of the service, or even an identifiable element of cost, and because they are often paid after the fact with no prior advice to the Bureau, it is difficult and expensive to try to set these receipts up as partial reimbursements for the costs of services rendered. Depositing them in the discretionary fund seems to be the most appropriate way to carry out the wishes of the donor to aid the Bureau.

Now, may I comment. If $2,500 or $1,500 research tasks are handled as a separate item rather than receiving support from a discretionary fund, then they must be considered under an appropriation act, either by line or by title. We get into a lot of bookkeeping and administrative work which would probably cost the taxpayer much more than the amount involved here, which is only $4,000 per annum.

Mr. BOW. The gentleman, in his answer, in reading from the report, has made my case for me and I am grateful to him for his answer. I repeat what he read from the report, that:

> At the present time, when gifts and bequests from private citizens or organizations are deposited in a trust account, they

> take on the character of appropriated funds—

Now, if you have something that has the character of appropriated funds it ought to be under the control of the Appropriations Committee. That is exactly what I am complaining about. You have funds here which are appropriated funds, which they can use any way they want to. This is back-door spending of the worst kind. I think from that standpoint that part of the bill is bad.

Mr. FULTON of Pennsylvania. Mr. Chairman, if the gentleman will yield further on that point, is it not true that there must be an authority to accept the gift and the purpose of the bequest must be set out? Anybody who makes a gift to the United States of America must not only state the purpose of the gift, but it must be accepted by the Government. There must be authority to accept it. On this particular type of gift—and generally it is a small gift that we are speaking of here, we find this, on page 16 of the hearings:

> We are asking authority here, not to use appropriated funds, but to use funds given to the Bureau under our authority to accept gifts. Where these gifts are not specifically designated for a particular purpose, as most of them are, we would like to have the funds available for discretionary use. The main source we see for these funds is honoraria presented to our staff members for giving lectures and so on which they turn in to the Bureau as undesignated gifts. We get about $4,000 a year of such money—

Mr. BOW. Let us make it $5,000 and call it a day. Let us put a limitation of $5,000 on it and get it all closed up.

Mr. FULTON of Pennsylvania. Why not make it a little more? Let us make it $10,000.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MILLER of California. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BOW. I thank the gentleman very much. I appreciate it.

Mr. Chairman, I think the $5,000 is good and then we can go on our way. I am not going to complain agout $5,000.

I see one of the gentlemen from the subcommittee is here and I believe probably he would go along with the idea, if we put a limitation in here of $5,000. I believe he feels as I do that it might be a pretty good idea.

Mr. FULTON of Pennsylvania. I will not agree to that.

Mr. BOW. Then I will have to offer an amendment to strike it out.

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I hope if he does offer the amendment to strike it out, he at least recognizes that I am willing to accept the $5,000 figure, if he makes it $5,000.

Mr. BOW. I will.

Mr. FULTON of Pennsylvania. Will the gentleman yield further?

Mr. BOW. May I go to one other item?

Mr. FULTON of Pennsylvania. Will the gentleman yield further before he leaves this point? In an agency such as the Bureau of Standards, to limit them to $5,000 for purposes of entertaining guests and scientists is ridiculous.

Mr. BOW. Now wait a minute. I shall not yield further to the gentleman from Pennsylvania when I am told that this is ridiculous. I am not proposing to limit it to $5,000 on entertainment.

Mr. FULTON of Pennsylvania. You limit them to $5,000 for entertainment.

Mr. BOW. Yes; but for these other specified purposes when it goes into the general fund.

Do I understand from what the gentleman said we are setting up something here to get away from the $1,000 so all of it can be used? The gentleman has stepped into one here.

Mr. FULTON of Pennsylvania. No; I have not.

Mr. BOW. When the gentleman says he does not want to limit them to entertaining to the $5,000 about which I talked, because he is being ridiculous——

Mr. FULTON of Pennsylvania. There are many things which have to be done at conventions, meetings, and symposiums that are not properly called entertaining. When one gets into that indefinite field, I feel there should be a discretionary fund and I believe to limit the discretionary fund to $5,000 is ridiculous.

Mr. BOW. May I say to my friend that there is money in the budget, that we have budgeted money for them, not for entertainment but for these meetings about which the gentleman talks. The Committee on Appropriations has already taken care of that. There is money for them to go to the conventions and to go to Europe and to make these studies. They have had no problem along that line.

Mr. FULTON of Pennsylvania. If the gentleman will yield further, has the gentleman seen any abuse of the funds by the Director of the Bureau of Standards that would lead him to propose a limitation so there is only $1,000 leeway above a $4,000 limit annually on the use of discretionary funds? Has the gentleman observed anything which would make him so tight on the rules at this point?

Mr. BOW. I am not tight on the rules with Dr. Astin. Dr. Astin knows and the Bureau knows that I have a great deal of respect for the House of Representatives and I like to see us follow the rules. The rule says that there shall be appropriations for funds of this kind. There is no reason why we should open the door now and set these things up this way.

Mr. Chairman, this is a matter on which I feel very deeply. I think it ought to come to the committee. I believe when I made the offer of $5,000 I was being very liberal.

Now, Mr. Chairman, to go to this other question, the gentleman from California [Mr. MILLER] was rather surprised when I made a statement along this line the other day and he was going to reply to it but indicated that he would use his own time in doing so. I may have been absent when he did this.

Mr. MILLER of California. No, I did not.

Mr. BOW. However, this is a matter about which I am a little concerned as to the language which is contained in this report:

> Section 17 would permit the transfer into NBS appropriations of research and development funds appropriated for other agencies, when the Secretary of Commerce determines that the purpose of the other agencies' appropriations can best be achieved by the NBS. The concurrence of the head of the other agency and the Director of the Bureau of the Budget would be required.

As I said the other day, we were delegating some of the authority of the House in this matter, when we in making appropriations place certain limitations on projects involving research. This gives the Secretary of Commerce the authority to change this. I was concerned about this and I am still concerned, as we in the House appropriate the funds.

Now, may I say this to the gentleman: Would the gentleman object to an amendment of this kind under section 17 where funds would be available for transfer, "the agency concerned, with the approval of the Director of the Budget and the Appropriations Committee of the House and the Appropriations Committee of the Senate"? These committees, as the gentleman knows, are the committees which originally appropriate these funds.

Mr. MILLER of California. That is right. But the gentleman realizes that this does not initiate, except in the case of perhaps the Weather Bureau or the Bureau of Ships or when some bureau in the Department of Commerce asks to do this. It cannot originate with the Secretary of Commerce.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MILLER of California. I yield the gentleman 3 additional minutes.

The gentleman has asked a question. Most of their work would originate outside of Congress. If NASA asked them to do something, or the Department of Defense, or any of the other bureaus, then the transfer could only take place with the approval of the originating Secretary or head of the agency, the Secretary of Commerce, and with the approval of the Bureau of the Budget.

Mr. BOW. Let me ask a question, and I am very serious about this. This provision has in it that funds appropriated for research and development by other agencies, when the Secretary of Commerce determines the purpose of the other agency and their appropriations concerned, does that not mean that the Secretary of Commerce can make a survey of the Department of Defense and if he determines it could better be done by the Bureau of Standards, if the Secretary is convinced, would it not then be transferred? Does that not mean the overall control of every agency of Government on the determination of whether or not it should be done by the Bureau of Standards?

Mr. MILLER of California. Yes, but it says "with the concurrence of the head of the department or agency concerned."

Mr. BOW. Inasmuch as the Congress has originally appropriated these funds to the Department of Defense, or to some other agency of Government, science, and so forth, is there any reason why this language should not be added in addition to the Bureau of the Budget, that it also be approved by the Appropriations Committee that makes the original appropriation and in making that appropriation says it shall be done by a certain agency? I do not think we should delegate this power to the executive department.

Mr. MILLER of California. Would not the gentleman admit that if, let us say, the Department of Defense or Department of the Navy wants certain work that can be done by the Bureau of Standards, he can also say if it is done perhaps by the Southwest Research Institute, or the Battelle Research Institute or Stanford Research Institute, if he goes to them and makes a contract with them, he does not have to pass through the Bureau, he does not have to get the approval of the Bureau of the Budget?

Mr. BOW. He would if there is a limitation on it, and in this case the limitation is there.

Mr. MILLER of California. If there is a limitation. If the limitation is put on there by the gentleman's committee, it can do it. You can get into trouble on this.

Mr. BOW. I can get into trouble very easily.

Mr. MILLER of California. Please do not say that. You can get into trouble, then, by trying to legislate on an appropriation bill?

Mr. BOW. This will not do it, and that I will never do.

Mr. MILLER of California. All we are trying to do is to write law now that we can follow.

Mr. BOW. I may say to the gentleman I am one member of the committee, and I think perhaps every other member of the committee, who believes we should not legislate on an appropriation bill, and by the same token my objection to this bill goes to these appropriations on legislative bills.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield myself such time as I may require.

It is clear that what we are trying to do here has been in the law for many years for many agencies of the Government; that is, agreement between the heads of agencies to transfer funds and on authorization of the Bureau of the Budget.

For example, what the gentleman from Ohio [Mr. Bow] is trying to do is make a special instance out of the Bureau of Standards, separate and apart from any other Government agency. My position is this: the Bureau of Standards should not receive any special treatment, but they should not be treated worse than any other agency.

For example, in title 31 of the United States Code, page 5694, under the heading "Money and Finance," section 686 provides:

> Purchase or manufacture of stores or materials or performance of services by bureau or department for another bureau or department.

I might add, that is of the U.S. Government.

Here is subsection (a), which I will read exactly so that you will see that many bureaus and agencies of the Government have this power of transfer. When the gentleman from Ohio [Mr. Bow] tries to change it from the general rule, those of us who are saying it conforms to the general rule are not in any way derogating power from the Committee on Appropriations. We are saying: follow the general rule, so that the cheapest and the most effective way can be gotten to have the Bureau of Standards do its Bureau's research work for other agencies.

Subsection (a):

> Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the materials, supplies, or equipment furnished, or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices concerned: *Provided*, That the Department of the Army, Navy Department, Treasury Department, Federal Aviation Agency, and the Maritime Commission may place orders, as provided herein, for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract: *Provided further*, That if such work or services can be as conveniently or more cheaply performed by private agencies such work shall be let by competitive bids to such private agencies. Bills rendered, or requests for advance payments made, pursuant to any such order, shall not be subject to audit or certification in advance of payment.

Then it tells you how amounts as provided in this section shall be credited. Under subsection (b) and subsection (c) it says:

> Orders placed as provided in subsection (a) of this section shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors. Advance payments credited to special working funds shall remain available to the procuring agency for entering into contracts and other uses during the fiscal year or years for which the appropriation involved was made and thereafter until said appropriation lapses under the law to the surplus fund of the Treasury.

We can see by that reading that these funds have already been appropriated. Under the act of March 4, 1915, chapter 143, section 1, 38 Statutes at Large 1084, that is specifically provided and now exists for many of the Government agencies.

The question is, if there is a limit going to be set for a Department, it should not be done by one Member of the House at $5,000, because it might be restrictive. If the Appropriation Subcommittee has a hearing and finds it is not enough, my position is that there should be no deal on the House floor for the $5,000 limit or anything of the kind. It should go back to the appropriation subcommittee and then go to the appropriations committee and then come on the House floor for action.

I would like to read to you likewise from title 31, Money and Finance, page 5696, section 686–1 same, available period of funds withdrawn and credited—it says specifically as to the funds:

> No funds withdrawn and credited pursuant to section 686 of this title—parenthetically which I just read to you—shall be available for any period beyond that provided by the act appropriating such funds.

It is in the act of September 6, 1950, chapter 896, chapter XII, section 1210, 64 Statutes at Large 765 is the citation.

It is all set out in the law as to how this shall be done. We on the Science and Astronautics Committee are following the same rules as have been set up for many Government departments. Mr. Chairman, will you give us the number of Government departments already exercising their authority? My question is, Why be so tough on the Bureau of Standards?

Mr. MILLER of California. I have a partial list of agencies where there are no-year funds:

The Atomic Energy Commission, the General Services Administration, the National Aeronautics and Space Agency, the National Science Foundation, the Department of Commerce, the Weather Bureau, the Maritime Commission, the Department of Defense and, of course, that includes the research projects and research for the Department of the Army, Navy, and the Air Force. The Department of the Interior; Office of Coal Research and Mineral Exploration and Bureau of Reclamation.

These are only some of the agencies.

Mr. FULTON of Pennsylvania. And the Treasury Department, of course.

Mr. MILLER of California. Yes, I thank the gentleman.

Mr. FULTON of Pennsylvania. When this long list of agencies and departments of the U.S. Government can have no-year funds; I do not see why the Bureau of Standards which is under the Department of Commerce likewise cannot do it. That, to me, is the proof of the pudding. If it has been done for these many agencies, certainly—unless there is a showing by somebody that the Bureau of Standards has, at some time, not lived up to its authority, or to its appropriations, has demonstrated a lack of discretion—then certainly we should do the same for the Bureau of Standards.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield gentleman yield?

Mr. CURTIS. I would like to ask some questions about what the gentleman has just said. You asked for a distinction. I can give you one distinction which I think makes quite a difference. The gentleman from California read a list of agencies where there are no-year funds which also require authority from the legislative committee. Armed services gives an authorization to the Bureau of Standards which operates under continuing authority and, therefore, does not require an authorization bill but simply an appropriation bill. So you have a very important distinction that you must cope with. What committee is going to accept your overall ceilings here?

Mr. FULTON of Pennsylvania. Well, that is very easily answered. I am glad the gentleman brought that matter up. These funds have been originally appropriated to an agency that is different from the Bureau of Standards. The reason the transfer is made is because the particular agency does not have the necessary laboratories and physical facilities or that a particular program has become a matter of general research in science of national interest and not solely a matter of the particular agency's jurisdiction. Likewise, many of these research matters may have already been performed or partly performed by the Bureau of Standards. There is no use duplicating research in many of the agencies. The point the gentleman misses which I would like to point out to you is this. The appropriations committee of the House of Representatives as well as the legislative committee have already been authorized for a general purpose. This part is bypassing the authorizing committee or the appropriations committee of the House.

Mr. CURTIS. No, I did not miss the point. I was asking the question of the gentleman and making the point, and I am reading from page 6 of the record:

> Mr. ROUDEBUSH. You operate on what is known generally in Congress as "continuing authority" in the Bureau of Standards. Isn't that true?
>
> Dr. HUNTOON. That is correct.
>
> Mr. ROUDEBUSH. In other words, you don't require an authorization bill—just an appropriations act.

I am not criticizing. I merely comment that this is true in such instances. In regard to defense authorizations, on research and development, that department does not operate under a continuing authorization. Indeed, an authorization bill comes from the Armed Services Committee each time.

Mr. FULTON of Pennsylvania. We are talking on two sides of the same point. I am speaking of the agency which transfer the funds. That agency has previously received an authorization and appropriation for the purpose.

Mr. CURTIS. That is correct.

Mr. FULTON of Pennsylvania. Then they merely transfer the funds to the Bureau of Standards to do the work, as if it were a private contractor.

Mr. CURTIS. That is correct.

Mr. FULTON of Pennsylvania. Further, under the legislation, if the work can be done cheaper outside by private contractor, that is where the work is to go.

Mr. CURTIS. That is correct.

Mr. FULTON of Pennsylvania. The other point the gentleman makes its one with which I agree. I feel the Bureau of Standards, on its general appropriation, should come before the Committee on Science and Astronautics, and get an annual approval of the committee.

Mr. CURTIS. Whether it is an annual approval, or once every 2 or 3 years, at least there should be some check.

Mr. FULTON of Pennsylvania. That is correct.

Mr. CURTIS. That was the only point I was making. There is that distinction. The gentleman asked why the Bureau of Standards should be treated in a different manner from others, and I was pointing out that in this area there is a difference. Possibly that is the reason.

I think the better approach is the way the gentleman suggests.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am glad to yield to the gentleman from California.

Mr. MILLER of California. For the benefit of the gentleman from Missouri [Mr. CURTIS], whereas the Department of Defense and NASA do have authorization bills, I feel certain that the Federal Aviation Agency, the General Services Administration, the Office of Mineral Exploration, the Bureau of Reclamation—there are 15 all together—do not have authorization bills.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Missouri.

Mr. CURTIS. I would stand corrected, but I believe an examination would reveal that all of them have authorization. I believe it is most unusual to have any agency of Government operating under a continuing authority. As I say, I would stand corrected if someone would put into the RECORD which of the agencies on that list the gentleman has read do not require an authorization similar to that of the Department of Defense.

Mr. MILLER of California. They are given the authorization at the beginning, and then it is continuing, so far as I know. I believe that NASA and one or two others are the only agencies which must come in for annual authorization. The others are authorized, and are one-time shots.

Mr. CURTIS. In the area of research and development?

Mr. MILLER of California. Yes.

Mr. CURTIS. As I say, I would leave the record open, because I honestly do not know.

Mr. MILLER of California. Very well. Does the gentleman ever remember the National Science Foundation coming in for an authorization? That agency goes to the Appropriations Committee. There are only two or three which have authorization bills.

Mr. CURTIS. Of course, the largest one of all is the Department of Defense, and that requires an authorization. It would seem that would be a better pattern.

Mr. FULTON of Pennsylvania. I say to the gentleman from Missouri, in regard to the Department of Defense, that is only a recent rule. That has been put on the statute books in the past few years. It has been in existence only 2 years, as a requirement that they come in on the research and development to get an authorization from the Armed Services Committee. Otherwise, there was a continuing authorization, with annual appropriations.

I agree that the Bureau of Standards should come in, on a regular authorization annually, before the House Committee on Science and Astronautics, which has jurisdiction, to justify the program. I agree thoroughly on that.

My position was made known all through the hearings on that particular problem.

On the other—the transfer of funds from other agencies—if it is necessary to go into the small transfers and to have an authorization each time, on the tag end funds at the end of the fiscal year, for the small amounts, that will interfere with the efficiency of the Bureau of Standards.

This is for the routine type request where they are asking the Bureau of Standards to check something out on research and development at a laboratory level, at a machine level, or at a testing level. If the particular agency which wants a small test made has to come up and justify every one of them before a House Subcommittee on Appropriations, every one of us knows, first, that it is not sufficient, and second, that it just will not be done. What we are saying is this on the Committee on Science and Astronautics: Let us give the Bureau of Standards the same rights that about 11 or 12 or 15 other Government agencies already have had ever since the Act of 1915. One provision in our case of the transfer to the Bureau of Standards, the approval of the Director of the Bureau of the Budget must be obtained. In effect that says it must have the approval of the President, because the President by Executive order said that the Director of the Bureau of the Budget shall act for and in behalf of him in all of these instances of transfers. So we are having the top executive approve these transfers as well as the heads of both agencies.

My feeling is that I believe this is a good bill and it ought to be passed. I am very glad to agree with my friend, my other friend, the gentleman from Ohio, CLARENCE BROWN, who likewise felt that the bill should be passed on last Thursday. While I do disagree with my good friend, the gentleman from Ohio [Mr. BOW], I think he is to be highly complimented on protecting the great Committee on Appropriations. When the great Committee on Appropriations of the House of Representatives has possibly in this fiscal year $97.8 billion worth of approvals to make, to go into the ragtag ends of these appropriations and say that likewise the subcommittee of that Committee on Appropriations must pass on each one when the Bureau of Standards is to perform some little test for a Government agency is, to me going much beyond what is necessary. Likewise, when we come to the point where one individual Member on the House floor rather than in his subcommittee of the House Committee on Appropriations tries to limit the Bureau of Standards to $5,000 annually instead of $4,000 for a particular purpose, then my feeling is it should go to the Committee on Appropriations, be taken up by the particular subcommittee. Then they can tell us whether—when they take the money out of the money box—that $4,000 or $5,000 is the right figure. Unless that is done, I do not think any one of us should negotiate on the floor. I felt that $5,000 was too small and it should be $10,000 to give them some leeway, but the gentleman from Ohio [Mr. BOW] did not want to accept the offer. So I make no offer whatever. My point is to leave it to the House Committee on Appropriations to make the decision. I hope you will pass this bill promptly. I do not think it is worth all the time we are spending on it, because it is routine.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, I have no quarrel with the distinguished chairman or the committee which brought before us H.R. 5838. The gentleman from California [Mr. MILLER] is a very distinguished, able, kind, and valuable Member of the Congress. I do have a quarrel with the bill. I would like to try to summarize my objections to it.

I realize this deals with an agency which is held in high regard by the Congress and that some parts of what is proposed here may even be in order now, but it could open the door to abuses in the future.

And, I think it is dangerous legislative procedure. This bill cuts across committee lines. It accomplishes a further erosion of committee procedures and congressional procedures. It shows a disregard for the recognized procedures of the committees and of the Congress and it takes Congress further out of the operations of Government. It is a further abdication of the responsibilities and rights of Congress to deal with the agencies of the Government.

Specifically, this bill comes before us under a rule waiving points of order, and that is usually a questionable procedure. It means that someone is trying to do something which could not be done otherwise, and that usually means it is something that ought not to be done. So I always look a long time at a bill that comes here under a rule waiving points of order.

However, here are some of the things that this one would do: It would provide an annual, permanent appropriation of $1,000 for entertainment. This is a very unusual procedure. I think it is objectionable procedure because items of entertainment normally are determined from year to year by the proper subcommittee of the Committee on Appropriations and then submitted to the House for approval after lengthy hearings to determine the validity of the request. This is a bad feature of the bill.

Section 2 takes off all existing limitations and restrictions on nonappropriated funds. Why should there not be limitations? Why should not these funds be subject to the same limitations or restrictions on objects of expenditure that appropriation items are subjected to? Why should this agency be free of limits and restrictions that the Congress thinks should properly be placed on other expenditures? Why should not they observe limitations which Congress in its wisdom has placed on other agencies?

There is another item under section 2, subparagraph (d). As I read the language there is set up a revolving fund beyond control of the Congress, completely beyond the reach of Congress. It would be in effect year after year after year.

Mr. Chairman, I think because of these weaknesses this is dangerous legislation. I think it is bad now and it sets a bad precedent for the future.

Amendments have been discussed and I consider the amendments which have been discussed are proper amendments. I hope they will be adopted. I shall certainly support them.

Mr. Chairman, this bill is not good legislation. It sets up questionable procedures which will further take Congress out of the operations of Government. We are not here to waive or vote away our responsibility.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SIKES] has expired.

Mr. MILLER of California. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SIKES. I appreciate the gentleman's courtesy.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. MILLER of California. In respect to:

> SEC. 16. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

Mr. SIKES. I do not quarrel with the no-year feature of this bill. I recognize the fact that there are conditions under which there should be no-year funds. This should not be a blanket authorization for no-year funds for all appropriations which go to this agency of the Government. But certainly there are some areas within the operation of the Bureau of Standards where no-year funds are proper, just as no-year funds are indicated for some activities in other agencies of the Government. I did not object to the no-year feature in my discourse.

Mr. MILLER of California. I thought that was one of the things the gentleman objected to. The next point I wanted to raise is with respect to the matter of the $1,000. Of course, these are nonappropriated funds which we are talking about. They are funds that are earned by the people in the Bureau.

Mr. SIKES. If we did not so specify by special legislation, the funds which are received by the agency would go into the Treasury, would they not?

Mr. MILLER of California. They would.

Mr. SIKES. And they would be subject to an annual appropriation by the Congress.

Mr. MILLER of California. The main point is that they have never received any money for this purpose. Your committee may give it to the Department of Commerce but the Department of Commerce does not allocate it to them.

Mr. SIKES. That would indicate to me that the agency has never shown a proper justification for an entertainment fund. If it needed an entertainment fund badly enough, why could it not come to the proper committee and secure approval for an entertainment fund, just as other agencies of Government do?

This bill sets up a permanent, annual $1,000 entertainment fund. I do not think that is good policy.

Mr. MILLER of California. Only from funds that are nonappropriated that come into the Bureau as a result of the gratuitous work of its personnel.

Mr. SIKES. Even so, it does not mean that this fund should be set aside for entertainment. There is a proper procedure whereby entertainment funds are allocated and appropriated.

I am suggesting if they are needed by this agency, then the standard procedure should be followed.

Mr. MILLER of California. If the gentleman will yield further, does the gentleman know of any top-flight person in Government who goes out and gets an honorarium for speaking who turns around and turns it over to his agency?

Mr. SIKES. I have not kept a record of it, but I do not think they do.

Mr. MILLER of California. I have not kept a record of it.

Mr. SIKES. When the gentleman talks about entertainment, I am sure my distinguished friend agrees with me that Members of Congress also have entertaining to do, but we take it out of our pockets. We do not have a fund set up by the Government to take care of this.

Mr. MILLER of California. If the gentleman will yield further, we are requiring these people in the Bureau, whom we all praise, to dig into their own pockets for this purpose, when people in other agencies of Government do not have to do this. We are not saying that this represents money to be taken out of the tax receipts.

Mr. SIKES. I have not quarreled with the idea of an entertainment fund. I know there are occasions when such funds are needed. I quarrel with the method by which this is set up on a permanent annual basis.

Mr. MILLER of California. If the gentleman will yield further, I shall vote for the limitation which was earlier proposed by the gentleman from Ohio [Mr. BOW].

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, I regret to prolong the debate on a matter which in itself I do not think is of great consequence and probably the objectives of which are very good. However, I am very pleased, I might add, that the members of the Committee on Appropriations on both sides are raising some points here as to the basic operations and procedures involved. This bill does go far beyond, in my judgment, correcting the problems that exist.

Mr. Chairman, every Member of the House is deeply concerned about the proliferation of research and development funds throughout all Government agencies. Indeed, some of us were so concerned about this that we brought about the creation of the select committee on this subject. This select committee is headed up by the gentleman from Alabama [Mr. ELLIOTT] and its purpose is to look into this entire problem of research and development funds in order to see what there can be done about a better coordination of research and development funds.

Mr. Chairman, I am distressed, I might say, to find no one of that select committee participating in this discussion or this dialog.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. Yes, I yield to the gentleman from California.

Mr. MILLER of California. I happen to be a member of that select committee. May I point out to the gentleman that the authorization setting up the select committee specifically prohibits them from going into those fields that are already covered. The fields about which we are talking fall within the jurisdiction of the Committee on Science and Astronautics.

Mr. CURTIS. I regret to hear that statement. I heard the allegation to the effect that this select committee was loaded with special pleaders for the various agencies that were heavily engaged in research and development. If what the gentleman says is so, then, indeed, we are not going to obtain the results from this select committee that most of us feel are badly necessary.

Mr. Chairman, whether this committee can go into these matters from a legislative standpoint, it certainly can go into them from the standpoint of study and informing the Congress. This is an area where we are trying to coordinate research and development.

It certainly needs coordination. I have another comment, and this point has become quite clear in the dialog that has been going on here on the floor of the House. This is not an administrative problem peculiar to the Bureau of Standards. It affects all agencies. We have a committee in the House that is supposed to be a standing committee concerned with executive organization and reorganization known as the Government Operations Committee.

I see the very distinguished chairman of that committee present, the gentleman from Illinois [Mr. DAWSON], as well as the gentleman from Ohio [Mr. BROWN], who has participated in the discussion on the rule. They are members of that committee. This involves procedure of other committees, and the procedures in the executive department. There is nothing in the hearings by this committee or in the dialog that has been going on on the floor of the House in that respect.

May I say that this is not necessarily an adverse criticism? We are considering a bill here that had exactly 1 hour and 15 minutes of hearings, with one witness, on something that actually does involve the basic procedures under which we set up the operation of all governmental agencies. I was very interested when the gentleman from Pennsylvania read the law that affects requisition powers.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from California.

Mr. MILLER of California. I would like to say to the gentleman that in 1962 on H.R. 11561, which was the bill that preceded this one in the previous Congress, we had about 2 days' full hearings.

Mr. CURTIS. This same committee?

Mr. MILLER of California. This same committee.

Mr. CURTIS. May I make a statement, and I say this also in criticism of my own committee: Would it not be helpful if your committee report would start out by referring to the fact that you had these earlier hearings, so that it would refer the House Members to those hearings?

Mr. MILLER of California. I will have to say that the gentleman is always right. I hesitate to criticize. I do not think one Member of Congress should criticize another, but I am happy to accept the gentleman's statement, and I bow to his superior wisdom.

Mr. CURTIS. The gentleman's tone indicates he does not possibly agree, and I am sorry he has taken it personally. Everyone on the floor of the House, of course, indulges in what we hope is constructive criticism. I say that I am critical of my own committee, and I can also say I have been critical of myself.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 additional minutes to the gentleman.

Mr. CURTIS. Mr. Chairman, the purpose of this is to bring these things out, and I am just as critical of myself.

I am trying to point out one of the purposes of a committee report, and the debate on the floor of the House is to elucidate a matter and not to hide it, and get the facts. If there have been 2 days of hearings in this matter, and Members become interested in it, it is a simple thing to say these hearings were held, preface the 1-day hearing with the fact that there were 2 days of hearings held before.

Let me get to the things that bother me. I was interested in the gentleman from Pennsylvania reading the law in respect to how various governmental agencies requisition from each other. The Bureau of Standards has been operating as near as I can tell under this requisition authority. But this bill seeks to go beyond the status of requisition to transfer of appropriations. I think that is a considerable step away from the requisition process which presently the Bureau of Standards and other agencies of Government can and do use. The Bureau of Standards does a great deal of this work.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Pennsylvania.

Mr. FULTON. The statute the gentleman is speaking of has in it authority to transfer money for services, and it also has the right to transfer funds. That is the act of 1915, as amended.

Mr. CURTIS. In that act you read it includes not only the requisition processes, but also this transfer of appropriations? I listened carefully, and I did not hear about the transfer of appropriations authority, and I think that was the basic statute in regard to requisitions.

Let me go on to make some points, then I will yield further.

Mr. FULTON of Pennsylvania. Subsection (b) of section 686 of the act of March 4, 1915, chapter 143, section 1, 38 Statutes at Large 1084, says this:

> Amounts paid as provided in subsection (a)—

That is, transferring funds on requisition, as the gentleman says—

> of this section shall be credited, (1) in the case of advance payments, to special working funds, or (2) in the case of payments other than advance payments, to the appropriations or funds against which charges have been made pursuant to any such order.

Mr. CURTIS. Yes, but that is not transferring appropriations. That is a charge against their own appropriation. That is the basic requisition authority.

Mr. FULTON of Pennsylvania. Let me say this, that the transferring agency must already have had authorized and approved funds.

Mr. CURTIS. That is true.

Mr. FULTON of Pennsylvania. Then, with respect to these funds that are really appropriated and that are being transferred, under section 686–1 of the same act I have previously read, it says "available period of funds withdrawn and credited." It says:

> No funds withdrawn and credited pursuant to section 686 of this title, shall be available for any period beyond that provided by the act appropriating such funds.

So the appropriation is simply transferred by transferring funds on requisition with the approval in this case of both agency heads under the authorization of the Bureau of the Budget. It is right in line with this procedure.

Mr. CURTIS. I think we have got to the nub of one of our difficulties and differences of opinion, because that which the gentleman read now was the requisition process and in the bill before us you are using language here for the purpose of transferring appropriations. That goes beyond it.

Now, the other specifics that bother me I think might be clarified. Section 16 talks about appropriations to carry out the provisions of this act, that is, the organic act of 1901.

> May remain available for obligation and expenditure for such period or periods as may be specified in the acts making such appropriations.

Here is where you put on your "no-end" funds, as I understand it, and also take off these limitations. But these appropriations are not just limited to research and development. The whole objective of this bill before us stated in both the report and the hearing is in respect to research and development funds, yet the reference to the basic organic act carries it to any appropriations.

On page 6 of the hearings we find that there are at least three areas of funds that the Bureau of Standards gets. Research and testing funds. Testing; that is a little different from research. Second, funds for plant and facilities, and a third appropriation for construction. So at best this bill should have been limited to research and development funds.

In section 17, I do not see why, if you are going to require going to the Bureau of the Budget for authority on the transfer of appropriations, it should not also provide going before the House Appropriations Committee.

Now, in section 2, the removal of the limitation on expenditures is a carte blanche removal. It does not just refer to spending money for entertainment. One of the things we need to pay attention to, I think, and need to enforce is our statutes that restrict the use of Federal funds for, in effect, lobbying and putting pressures on the Congress, but this bill, the way it is written here, would remove the limitations we have on that. This money could be used, as some of it has been used by other agencies—at least we have laws against it, but the provision—this bill would make it perfectly legal to use funds in here for the purpose of lobbying the Congress. Indeed, other general restrictions that Congress in its wisdom, and I have not done the research on it, to identify them, has put on the use of Federal funds would be waived. This is just a removal without regard to existing limitations of restrictions on the object of expenditure.

The final point is on page 3:

> These functions may be exercised for international organizations of which the United States is a member, or for governments of friendly countries and private institutions therein.

In the committee report the point is made that this would not cost the United States any additional money, and it is simply to give them the authority. My suggestion would be that certainly if they were going to do this, let us put the proviso on there, providing that this will be at no additional cost to the United States. But without that amendment on there, there is nothing that would prohibit them from spending whatever they wanted to and breaking down the procedures they do have now for this sort of exchange arrangement where the foreign countries pay for whatever they ask us to do.

Mr. FULTON of Pennsylvania. I thank the gentleman for a very good statement.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN**. The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act to establish the National Bureau of Standards," approved March 3, 1901, as amended, is further amended by adding the following sections:
>
> "SEC. 16. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.
>
> "SEC. 17. Funds available to any department or agency of the Government for research, development, test, or evaluation, or procurement or production related thereto, may be transferred to and merged with the appropriations for the National Bureau of Standards when the Secretary of Commerce determines, with the concurrence of the head of the department or agency concerned and the approval of the Director of the Bureau of the Budget, that all or part of the purposes of such transferring appropriations can best be achieved by the National Bureau of Standards."

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GROSS: Page 2, after the comma in line 10, insert the following: "and the House and Senate Committees on Appropriations,".

Mr. GROSS. Mr. Chairman, I have no desire to take the full 5 minutes. This amendment would simply write into section 17 of the bill, line 10 after the word "Budget," the words "and the House and Senate Appropriations Committees". Let me read the section with the proposed amendment:

> SEC. 17. Funds available to any department or agency of the Government for research, development, test, or evaluation, or procurement or production related thereto, may be transferred to and merged with the appropriations for the National Bureau of Standards when the Secretary of Commerce determines, with the concurrence of the head of the department or agency concerned and the approval of the Director of the Bureau of the Budget and the House and Senate Committees on Appropriations, that all or part of the purposes of such transferring appropriations can best be achieved by the National Bureau of Standards.

I reiterate that my amendment simply provides that funds spent by the Bureau of Standards must be approved not only by the Director of the Bureau of the Budget but by the House and Senate Committees on Appropriations.

Mr. Chairman, it is too much authority to give the Bureau of Standards and other agencies of Government to permit them to ignore the Appropriations Committees. There is no reason in the world why the House and Senate Committees on Appropriations should not scrutinize what is happening to the public's funds; how they are being spent; the amount of funds being transferred, and for what purpose and so on and so forth.

Mr. Chairman, I ask that my amendment be adopted, and if it is defeated it will be my purpose to vote against the bill. I have no quarrel with the Bureau of Standards, but there is absolutely no reason why every dollar that is being spent by the Bureau should not be subject to the scrutiny by the proper committees.

I am also opposed to the backdoor spending that is implicit in the bill, and I think it is unnecessary that the Bureau have $1,000 each year for entertainment. And that $1,000 will be made available each year in perpetuity under the terms of this legislation, regardless of whether it can be justified before the Appropriations Committees. This is wrong even though the amount of money involved is not large with respect to this one item.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I realize what the gentleman is trying to do. But may I call attention of the House to the fact that if you write this language into the bill here, you are going to impose a great burden upon the Committee on Appropriations because there may be hundreds of these contracts between the Bureau and the agencies of Government in the course of a year, and they would all have to come back to the Committee on Appropriations for approval. So I think you would be placing a great burden on them where the work is practically being done as it is now and is being carried on as it is in the other agencies of Government at this time.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment is obviously inadequate. If an agency such as the Navy had a piece of nickel chromium cobalt and wanted to use this sample as a standard in calibrating their instruments they would send this chromium, called waspolay, to the Bureau of Standards, since the Bureau of Standards has the physical equipment, laboratories, and testing materials. Obviously the Navy would not wish to come to the House and Senate Appropriations Committees to get authority to test a small piece of rock to set their own measuring equipment. That is what the amendment would require.

Under the legislation covering the National Aeronautics and Space Administration there is a limitation on transfer by statute in existence now. The limitation on budget and transfer relate to the agencies, not to the Bureau of Standards. The Bureau of Standards is a technical and research service and has customers among the Government agencies.

The chairman of the committee pointed out some 11 or 12 Government agencies which already have a right of transfer. They have right of transfer under the act of 1915, as amended without any such rigid appropriation requirement.

The amendment goes far beyond the the operations of the Bureau of Standards. The amendment of the gentleman from Iowa would affect the Army and the Navy, the Treasury, FAA, NASA, and all U.S. Government agencies and departments, and would certainly slow down, or almost block interagency cooperation and accommodation.

Mr. GROSS. Why should it not affect them?

Mr. FULTON of Pennsylvania. The amendment would affect the Treasury Department, the Federal Aviation Agency, the Maritime Commission, the

National Aeronautics and Space Administration and the Atomic Energy Commission, and many others. None of those agencies could send any testing or research program over to the Bureau of Standards to have it tested without the House and Senate Appropriations Committee having a meeting and deciding upon it, whether to approve or object.

Under the National Aeronautics and Space Administration the limitation is that the agency cannot transfer more than $20 million of its authorized appropriation in any fiscal year, and cannot transfer any amount in excess of $250,000 without either the approval of the House Committee on Science and Astronautics and the Senate Committee on Aeronautical and Space Sciences or the passage of 30 days without any action being taken by those committees after date of transmittal of notices. That allows some leeway.

This amendment could possibly ruin the Bureau of Standards practices and availability in regard to its present service to Government agencies, if the amendment were agreed to. I strongly oppose it.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to my good friend, the gentleman from Ohio, with whom I disagree.

Mr. BOW. The gentleman said something about the Navy having a small piece of cobalt it might send to the Bureau of Standards.

Mr. FULTON of Pennsylvania. That is correct.

Mr. BOW. The Navy has the greatest radiation laboratory in the world. The Navy would not send any cobalt to the National Bureau of Standards.

Mr. FULTON of Pennsylvania. May I point out what is stated in the hearings, that agencies do send cobalt in order to have the Bureau of Standards test it, so the agency can calibrate their own measuring instruments.

Mr. BOW. I thought the gentleman had yielded to me.

Mr. FULTON of Pennsylvania. For a question.

Mr. BOW. I am sorry. I shall have to take some time for myself, then.

Mr. FULTON of Pennsylvania. Very well, I will be glad to yield you more time, as the gentleman is making good points.

The waspolay and the cobalt were specifically referred to in the hearings as items agencies send to the Bureau of Standards. If the gentleman does not know that, it is the case.

The Gross amendment might ruin the present procedures of the Bureau of Standards as a service agency for all the Government agencies on small tests and research transfers, resulting in too much redtape.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am happy to yield to the gentleman from Iowa.

Mr. KYL. If one of the other agencies of Government today wished to have the Bureau of Standards test a small piece of cobalt or something else, would the Bureau refuse to give that service?

Mr. FULTON of Pennsylvania. No, I believe the Bureau would offer every cooperation.

Mr. KYL. Would the Bureau bill the agency specifically for that?

Mr. FULTON of Pennsylvania. They do now, but I believe under the amendment they could no longer do so, unless it had the approval of the House and Senate Committees on Appropriations.

Mr. KYL. The amendment would not necessarily disrupt that procedure.

Mr. FULTON of Pennsylvania. Yes, because of the limitation in regard to each of these cases. The language refers to all Government agencies:

> SEC. 17. Funds available to any department or agency of the Government for research, development, test, or evaluation, or procurement or production related thereto, may be transferred to and merged with the appropriations for the National Bureau of Standards when the Secretary of Commerce determines, with the concurrence of the head of the department or agency concerned and the approval of the Director of the Bureau of the Budget, that all or part of the purposes of such transferring appropriations can best be achieved by the National Bureau of Standards.

That would stop it.

Mr. KYL. Does not the Bureau of Standards today get funds from the Appropriations Committee to take care of some of these routine services?

Mr. FULTON of Pennsylvania. That is correct, but that money is covered in its own budget. From time to time there are requests of the Bureau of Standards by various agencies for services on particular projects.

Mr. BOW. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am concerned with the statement that the gentleman from Pennsylvania [Mr. FULTON] has made. I again go back to cobalt from the Navy and tell you that they have one of the greatest radiation laboratories in the world. There is not a chance at all of that happening. But when he talks about all of these little things coming over to the Bureau of Standards, what is the Bureau of Standards going to do? Are we going to get ourselves in a position where the Bureau of Standards is doing nothing but taking these little research jobs which everybody that wants to throw things over to them wants them to do, or are they going to continue to be one of the great scientific laboratories of the world and concentrate on doing the things that are necessary to do for the security of our Nation? If this bill is going to open the door for every Tom, Dick, and Harry who finds a rock someplace to send over and take up the time of the Bureau of Standards, then we had better vote down the whole thing.

As far as Committee on Appropriations looking after it, we will be delighted to take a look at these items if they are beginning to take up too much of their time on these small items that they are talking about. That is true. So far as the gentleman from Missouri is concerned, he is quite right in his statement. They are now doing some of this work but on a reimbursable basis, where they are paid out of appropriated funds and the appropriated funds are not transferred to the Bureau of Standards, but, rather, at the end of the year there is a reimbursement and we get a chance to look at the reimbursable funds and know what the money is being spent for and how much they are being reimbursed. We get these figures every year. The gentleman from Missouri is absolutely right. It is a change of procedure when you begin to transfer appropriations from one department to another. A reimbursable basis is one thing, but a transfer of appropriations is another.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to my friend from Iowa [Mr. GROSS].

Mr. GROSS. On the subject of the little rocks that they exchange or whatever they do with little rocks, do you suppose they mean to say they go to the Bureau of the Budget to get approval for the inspection or the evaluation of every little rock that the gentleman from Pennsylvania talks about?

Mr. BOW. Yes. But, we cannot expect them to take up their time to find out whether a rock that they picked up someplace is radioactive.

Mr. GROSS. But if the use of any and all funds must be approved by the Bureau of the Budget, why not approval by the House and Senate Appropriations Committees? Or is Congress supposed to surrender its control of the pursestrings?

Mr. MILLER of California. Talking about little rocks that the Navy may pick up, the gentleman knows that the floor of the ocean is full of manganese nodules and we are looking for supplies of manganese, which is in short supply here, and the Indonesian Government is already dickering to have dredges built to take these off the ocean floor in the area of their country. Suppose the Navy has one of these manganese nodules and it wants to find out whether it is sufficiently strong or of a standard that they desire.

Mr. BOW. I know what they do.

Mr. MILLER of California. They send it to the Bureau of Standards.

Mr. BOW. No. They send it to their own radiation laboratories. They have the finest in the world.

Mr. MILLER of California. This does not deal with radiation.

Mr. BOW. And to the other laboratories they have. They can do that kind of work, as the gentleman knows. You are chairman of the great Committee on Science and Astronautics, and you know they have the capacity to do it.

Mr. MILLER of California. And I know the place they send it to, because I was chairman of the Committee on Oceanography. I know the place they would send it to would be the Bureau of Standards.

Mr. BOW. Is there anything wrong; if they decide to do that and they get the Secretary of Commerce, Mr. Hodges, to agree and they get the Bureau of the Budget to agree and the agency that has charge of the oceanography to agree, then is there any reason at all why it would not be just as well also to let the

Committee on Appropriations agree, because they are reimbursable and are appropriated funds?

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am not sure about it, because the gentleman did not yield to me.

Mr. FULTON of Pennsylvania. I yielded to you several times.

Mr. BOW. And you took my time.

Mr. FULTON of Pennsylvania. And gave you more.

Mr. BOW. But go ahead. I yield to the gentleman.

Mr. FULTON of Pennsylvania. This cobalt we are speaking of is actually waspolay, which is a heat-resisting nickel-chromium type of metal. What is done is this: The agency sends that particular piece or they get a piece and it is checked by the Bureau of Standards. The Bureau of Standards does it to the highest level of competence. Then, when it goes back to the agency, they can calibrate their own instruments on what the Bureau of Standards told them, and then they can use it as a measuring device. So you see that is a Bureau of Standards matter. The calibration standards throughout the Government for every agency are the same. I think that is very necessary. It is not just looking at a piece of rock.

Mr. BOW. Does the gentleman know that this is being done now?

Mr. FULTON of Pennsylvania. Yes.

Mr. BOW. Then why do you need this bill, if it is being done today?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Gross].

The question was taken; and on a division (demanded by Mr. Miller of California) there were—ayes 34, noes 30.

Mr. MILLER of California. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chairman appointed as tellers Mr. Miller of California and Mr. Gross.

The Committee again divided, and the tellers reported that there were—ayes 41, noes 45.

So the amendment was rejected.

Mr. LAIRD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 79]

Abbitt
Alger
Ashley
Ashmore
Aspinall
Auchincloss
Avery
Barry
Battin
Blatnik
Bolton,
  Oliver, P.
Brademas
Broomfield
Brown, Calif.
Buckley
Burleson
Cahill
Celler
Chelf
Clark
Collier
Corbett
Cramer
Daddario
Davis, Tenn.
Dorn
Dowdy
Elliott
Ellsworth
Evins
Fallon
Farbstein
Feighan
Findley
Fino
Flynt
Fogarty
Forrester
Fraser
Frelinghuysen
Friedel
Garmatz
Giaimo
Gilbert
Grabowski
Grant
Green, Oreg.
Griffin
Hagan, Ga.
Harsha
Harvey, Ind.
Hébert
Herlong
Hoffman
Jarman
Jennings
Jones, Ala.
Kee
Keogh
Kilburn
Kilgore
King, Calif.
Kluczynski
Knox
Lankford
Leggett
Lesinski
McCulloch
Madden
Mailliard
Martin, Mass.
Meader
Miller, N.Y.
Monagan
Moorhead
Morrison
Mosher
Multer
Nix
O'Brien, Ill.
O'Neill
Osmers
Pepper
Pilcher
Powell
Rains
Reid, N.Y.
Reifel
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Rogers, Colo.
Rogers, Tex.
Roosevelt
Rostenkowski
Roybal
St Germain
St. Onge
Saylor
Schwengel
Senner
Sheppard
Staebler
Taft
Thomas
Toll
Udall
Ullman
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Wallhauser
Watson
Whalley
Wickersham
Willis
Wilson, Bob
Wilson, Ind.
Winstead

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Albert) having resumed the chair, Mr. Diggs, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5838, and finding itself without a quorum, he had directed the roll to be called, when 312 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Sec. 2. Such Act is further amended by adding to section 11 the following paragraphs:

"(c) Funds accepted by the Secretary under the authority of this section which are not designated as to purpose may be expended without regard to existing limitations or restrictions on the objects of expenditure: *Provided*, That not to exceed $1,000 may be available annually for the purposes of entertainment which will support the functions described in other portions of this Act and that a report of such expenditures shall be made annually to the Congress.

"(d) Payments and royalties for papers, books, articles, and speeches prepared or delivered by employees acting within the scope of their official responsibilities under this Act may be available for expenditure as authorized by subsection (c) of this section."

AMENDMENT OFFERED BY MR. BOW

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: On page 2, line 15, after the word "Secretary" insert "not to exceed $5,000."

Mr. MILLER of California. Mr. Chairman, the committee will accept the gentleman's amendment.

Mr. BOW. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Bow].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 3. Such Act is further amended by inserting after the first sentence of section 3 the following: "These functions may be exercised for international organizations of which the United States is a member, or for governments of friendly countries and private institutions therein."

AMENDMENT OFFERED BY MR. CURTIS

Mr. CURTIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Curtis: Page 3, line 7 after "therein" on line 7 add: "provided this will be at no additional cost to the United States."

Mr. CURTIS. Mr. Chairman, I will not take but a minute to point out that this amendment is no more than the limitation that is expressed in the committee report. I will read the paragraph in the committee report that pertains to this.

> The current practice of cooperation "with foreign nations" can produce only limited assistance from the Bureau. This bill is necessary, therefore, to provide the National Bureau of Standards with the necessary authority to furnish direct service to other countries and their institutions if the United States is to exert more active leadership.

Of course, this is a desirable purpose. It goes on to say:

> The services of the National Bureau of Standards are provided on a reimbursable basis. The proposed legislation would not alter this procedure. The technical assistance provided to the laboratories of other nations under the proposed authority will be at no additional cost to the United States.

The point is, if that is so, then let us make it a part of the bill. My amendment simply says, provided this will be at no additional cost to the United States. I would trust that the committee would accept this amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise to say that I have no objection to the amendment.

Mr. MILLER of California. Mr. Chairman, I have no objection.

Mr. FULTON of Pennsylvania. Mr. Chairman, may I say further that I will have a motion to recommit this bill that would add an additional amendment to section 17. This amendment will provide that no transfer shall be made under section 17 in excess of $250,000 unless the Director of the Bureau of Standards has transmitted to the Appropriations Committees of the House and the Senate a written statement concerning the amount and purpose of, and the reason for such transfer, and, first, each such committee has transmitted to the Director of the Bureau of Standards written notice to the effect that such committees have no objection to the transfer, or second, 30 days have passed after the transmittal by the Director of such statement to those committees. This is the same kind of amendment. I have taken the language from the statute of the National Aeronautics and Space Administration which likewise is a research institution. We have such a limiting provision in the National Aeronautics and Space Administration. Because the Bureau of Standards is also a research agency I believe the same kind of limitation on appropriations should be put on that agency.

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, apparently the gentleman from Pennsylvania is going to offer a motion to recommit which would provide for some restriction, but without bringing into play the Appropriations Committees of the House and Senate on anything less than $250,000; is this correct?

Mr. FULTON of Pennsylvania. As a matter of fact, each of these agencies has had its funds authorized and appropriated originally. The funds are being transferred to the Bureau of Standards. The Committee on Appropriations already has jurisdiction of the original appropriation and as to that particular agency they may simply refuse to transfer.

Mr. GROSS. But the Appropriations Committees have lost control; they have nothing to say about any spending that is less than $250,000. If it is $249,000 they may not scrutinize it under your proposed amendment.

Mr. FULTON of Pennsylvania. On the original appropriation for the particular agency and secondly, under the act of 1915 as amended, that is the method of requesting transfers between agencies.

Mr. GROSS. What you have up to $250,000 is in the nature of back-door spending.

Mr. FULTON of Pennsylvania. No. As a matter of fact what we are doing is this. We are giving the authority to the Bureau of Standards to service Government agencies up to $250,000 with appropriations that are already made and approved by the Appropriations Committees of both the House and the Senate. The agency does not get any new money. It is only previously appropriated money that may be transferred.

Mr. GROSS. Why is it that the gentleman does not want the Appropriations Committees of the House and Senate to scrutinize what the Bureau of Standards is doing and all of it?

Mr. FULTON of Pennsylvania. I will give the gentleman an example, if he would like.

Mr. GROSS. I heard all about the little rocks earlier this afternoon. If that is all there is to it, it does not impress me very much.

Mr. FULTON of Pennsylvania. I was going to say, if there is an organization that has the run of the laboratories of the Bureau of Standards it can be sent down there without going to the Appropriations Committee. But if it runs into an amount similar to the amounts specified in the legislation for the National Aeronautics and Space Agency, Congress has approved the amount of $250,000.

Mr. GROSS. A little while ago the gentleman was making this a very insignificant operation, but if you put together enough items dealing with $250,000 you have quite a substantial sum. I cannot understand why the gentleman does not want the Committee on Appropriations of the House and Senate to scrutinize what the Bureau is doing with all its money.

Mr. Chairman, what we ought to do is to defeat this bill and let the Committee on Science and Astronautics come back without the provision for back-door spending.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I apologize to the Committee for taking so much time, but I am concerned about this legislation.

May I ask the gentleman from Pennsylvania [Mr. FULTON] this question: I do not quite understand the gentleman's motion to recommit. Does the gentleman mean that on items above $250,000 they will have to have the approval of the committees on appropriations?

Mr. FULTON of Pennsylvania. If the gentleman will yield, that is correct. Within 30 days after written notice of transmittal, if there is no action by either one of the appropriations committees, it is automatically approved. This is the same provision as contained in H.R. 10456, which continues the practice for another research agency, the National Aeronautics and Space Administration.

Mr. BOW. Does the gentleman from Pennsylvania have the motion to recommit prepared so he could read it to the members of the committee?

Mr. FULTON of Pennsylvania. It is at the desk. However, I can get it and read it to the gentleman.

Mr. BOW. I do not like to take too much time on this, but I would like to get the details so that the members of the committee will know what is involved. This is something which has come up at the very last minute. There has been no discussion of the motion to recommit at all and no one understands what is contained therein.

Mr. FULTON of Pennsylvania. Would the gentleman like for me to read it?

Mr. BOW. Yes; I wish the gentleman would read it.

Mr. FULTON of Pennsylvania. It reads as follows:

> Mr. FULTON of Pennsylvania moves to recommit H.R. 5838 to the Committee on Science and Astronautics and to report forthwith with amendment as follows:
>
> "Add to section 17 at the end thereof the sentence: 'No transfer in excess of $250,000 shall be made under this section unless the Director of the Bureau of the Budget has transmitted to the respective appropriations committees of the Senate and the House of Representatives a written statement concerning the amount and purpose thereof, and the reason for such transfer, and (1) each such committee has transmitted to the Director written notice to the effect that such committee has no objection to the transfer, or (2) 30 days have passed after transmittal.' "

That is the same language which was taken out of the statute and is the same language as the continuing language under H.R. 10456 of the National Aeronautics and Space Administration. That is another research agency. That is the agency that will do most of the transferring with the Bureau of Standards.

Mr. BOW. Transfers of their appropriated funds?

Mr. FULTON of Pennsylvania. That is correct.

Mr. BOW. The gentleman thinks this agency will be using a great deal of their appropriated funds?

Mr. FULTON of Pennsylvania. I would say so because we in that act have a limitation to the effect that there shall be no more than $20 million transferred in any 1 year. If it is over $250,000, it must be after transmittal to and approval by the Committee on Science and Astronautics and the Space Committee. If either of these committees does not act within a period of 30 days, there is an automatic approval.

Mr. BOW. But the right of transfer is a very dangerous situation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. Is it not a little bit strange that the gentleman comes in with this kind of proposition after being so adamant all afternoon in opposition to anyone looking over their shoulders and with respect to either of the appropriations committees looking over their shoulders as to how to handle this money? I think this is most unusual.

Mr. BOW. I would be rather inclined to believe that that was for the purpose of a motion to recommit, I might say to my friend.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. May I comment to this effect: I believe I was more magnanimous than adamant.

The CHAIRMAN (Mr. PRICE). The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. CURTIS), there were—ayes 91, noes 0.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having resumed the chair, Mr. PRICE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5838) to amend the act of March 3, 1901—31 Stat. 1449—as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities, pursuant to House Resolution 556, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

Mr. FULTON of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FULTON of Pennsylvania. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Motion To Recommit

> Mr. Fulton of Pennsylvania moves to recommit H.R. 5838 to the Committee on Science and Astronautics and to report forthwith with amendments as follows:
>
> "Add to section 17 at the end thereof the sentence: 'No transfer in excess of $250,000 shall be made under this section unless the Director of the Bureau of the Budget has transmitted to the respective Appropriations Committees of the Senate and the House of Representatives, a written statement concerning the amount and purpose thereof, and the reason for such transfer, and (1) each such committee has transmitted to the Director written notice to the effect that such committee has no objection to transfer, or (2) thirty days have passed after transmittal.'"

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. Fulton of Pennsylvania) there were—ayes 76, noes 93.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 151, nays 173, not voting 109, as follows:

[Roll No. 80]

YEAS—151

Abele
Adair
Addabbo
Anderson
Andrews, N. Dak.
Arends
Ashbrook
Auchincloss
Ayres
Baker
Baldwin
Bates
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bolton, Frances P.
Bow
Brock
Bromwell
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cannon
Carey
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del.
Cleveland
Conte
Cunningham
Curtin
Curtis
Dague
Denton
Derounian
Derwinski
Devine
Dole
Dwyer
Findley
Flood
Ford
Foreman
Fulton, Pa.
Gary
Glenn
Goodell
Goodling
Grover
Gubser
Gurney
Hall
Halleck
Halpern
Hansen
Harrison
Harsha
Harvey, Mich.
Hemphill
Hoeven
Horan
Horton
Hosmer
Hutchinson
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kunkel
Kyl
Laird
Langen
Latta
Lindsay
Lloyd
McDade
McIntire
McLoskey
McMillan
MacGregor
Mahon
Mailliard
Martin, Nebr.
Mathias
May
Michel
Miller, N.Y.
Milliken
Minshall
Moore
Morton
Mosher
Natcher
Nelsen
Norblad
O'Konski
Ostertag
Pelly
Pike
Pillion
Pirnie
Poff
Quie
Quillen
Reid, Ill.
Rhodes, Ariz.
Rich
Riehlman
Robison
Rooney, N.Y.
Rumsfeld
St. George
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Shipley
Short
Shriver
Sibal
Sikes
Siler
Slack
Smith, Calif.
Snyder
Springer
Stafford
Steed
Stinson
Talcott
Teague, Calif.
Thomson, Wis.
Tollefson
Tupper
Weaver
Westland
Wharton
Whitten
Wyman

NAYS—173

Abbitt
Abernethy
Albert
Andrews, Ala.
Baring
Barrett
Beckworth
Boggs
Boland
Bolling
Bonner
Bray
Brooks
Brotzman
Brown, Ohio
Burke
Burkhalter
Burton, Calif.
Cameron
Casey
Chenoweth
Cohelan
Colmer
Cooley
Corman
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Dingell
Donohue
Downing
Dulski
Duncan
Edmondson
Edwards
Everett
Farbstein
Fascell
Finnegan
Fisher
Fountain
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gathings
Gibbons
Gill
Gonzalez
Gray
Griffiths
Gross
Hagen, Calif.
Haley
Hanna
Harding
Hardy
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Henderson
Holifield
Holland
Huddleston
Hull
Ichord
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kelly
Kilgore
King, N.Y.
Kirwan
Kornegay
Landrum
Lennon
Libonati
Lipscomb
Long, La.
Long, Md.
McClory
McDowell
McFall
Macdonald
Marsh
Martin, Calif.
Matsunaga
Matthews
Miller, Calif.
Mills
Minish
Montoya
Morgan
Morris
Morrison
Moss
Murphy, Ill.
Murphy, N.Y.
Murray
Nedzi
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Passman
Patman
Patten
Perkins
Philbin
Pickle
Poage
Pool
Price
Pucinski
Randall
Reuss
Rhodes, Pa.
Rivers, Alaska
Roberts, Tex.
Rodino
Rogers, Fla.
Rogers, Tex.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Ryan, Mich.
Ryan, N.Y.
Scott
Secrest
Selden
Senner
Sickles
Skubitz
Smith, Iowa
Smith, Va.
Staggers
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Trimble
Tuck
Tuten
Waggonner
Watts
Weltner
White
Whitener
Williams
Willis
Wilson, Charles H.
Wright
Wydler
Young
Younger
Zablocki

NOT VOTING—109

Alger
Ashley
Ashmore
Aspinall
Avery
Barry
Bass
Battin
Blatnik
Bolton, Oliver P.
Brademas
Broomfield
Brown, Calif.
Buckley
Burleson
Cahill
Celler
Chelf
Clark
Collier
Corbett
Cramer
Daddario
Diggs
Dorn
Dowdy
Elliott
Ellsworth
Evins
Fallon
Feighan
Fino
Flynt
Fogarty
Forrester
Frelinghuysen
Friedel
Garmatz
Giaimo
Gilbert
Grabowski
Grant
Green, Oreg.
Griffin
Hagan, Ga.
Harvey, Ind.
Herlong
Hoffman
Jarman
Jennings
Jones, Ala.
Kee
Keogh
Kilburn
King, Calif.
Kluczynski
Knox
Lankford
Leggett
Lesinski
McCulloch
Madden
Martin, Mass.
Meader
Monagan
Moorhead
Morse
Multer
Nix
O'Brien, Ill.
O'Neill
Osmers
Pepper
Pilcher
Powell
Purcell
Rains
Reid, N.Y.
Reifel
Rivers, S.C.
Roberts, Ala.
Rogers, Colo.
Roosevelt
Rostenkowski
Roybal
St Germain
St. Onge
Saylor
Sheppard
Sisk
Staebler
Taft
Thomas
Toll
Udall
Ullman
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Wallhauser
Watson
Whalley
Wickersham
Widnall
Wilson, Bob
Wilson, Ind.
Winstead

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Oliver P. Bolton for, with Mr. Sisk against.

Mr. Cramer for, with Mr. Keogh against.

Mr. Reifel for, with Mr. Buckley against.

Mr. Hoffman for, with Mr. Alger against.

Mr. Morse for, with Mr. Bob Wilson against.

Mr. Reid of New York for, with Mr. Ellsworth against.

Mr. Kilburn for, with Mr. Utt against.

Mr. Battin for, with Mr. Multer against.

Mr. Collier for, with Mr. Gilbert against.

Mr. Harvey of Indiana for, with Mr. Garmatz against.

Mr. Barry for, with Mr. Fallon against.

Mr. Corbett for, with Mr. Friedel against.

Mr. Fino for, with Mr. Ashley against.

Mr. Frelinghuysen for, with Mr. Aspinall against.

Mr. Osmers for, with Mr. Rogers of Colorado against.

Mr. Knox for, with Mr. Daddario against.

Mr. Cahill for, with Mr. Celler against.

Mr. Taft for, with Mr. King of California against.

Mr. Wallhouser for, with Mr. St. Onge against.

Mr. Van Pelt for, with Mr. Roybal against

Mr. Widnall for, with Mr. Roosevelt against.

Mr. Wilson of Indiana for, with Mr. Toll against.

Mr. Broomfield for, with Mr. Kluczynski against.

Mr. Whalley for, with Mr. Pepper against.

Until further notice:

Mr. Dorn with Mr. Avery.

Mr. Hagan of Georgia with Mr. Saylor.

Mr. Rostenkowski with Mr. Meader.

Mr. St Germain with Mr. McCulloch.

Mr. Powell with Mr. Griffin.

Mr. O'Neill with Mr. Martin of Massachusetts.

Mr. Nix with Mr. Moorhead.

Mr. Monagan with Mr. Brademas.

Mr. Ashmore with Mr. Grabowski.

Mr. Madden with Mr. Ullman.

Mr. Clark with Mr. Lesinski.

Mr. Flynt with Mr. Fogarty.

Mr. Leggett with Mr. Giaimo.

Mr. Sheppard with Mr. Roberts of Alabama.

Mrs. Green of Oregon with Mr. Grant.

Mr. Elliott with Mr. Blatnik.

Mr. Jones of Alabama with Mrs. Kee.

Mr. Wickersham with Mr. Feighan.

Mr. Jennings with Mr. Evins.

Mr. Staebler with Mr. Diggs.

Mr. Vanik with Mr. Vinson.

Mr. Bass with Mr. Winstead.

Mr. Purcell with Mr. O'Brien of Illinois.

Mr. Dowdy with Mr. Udall.

Mr. Forrester with Mr. Lankford.

Mr. Rains with Mr. Rivers of South Carolina.

Mr. Thomas with Mr. Herlong.

Mr. Pilcher with Mr. Watson.

Mr. Van Deerlin with Mr. Burleson.

Mr. BARRETT changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. the question is on the passage of the bill.

Mr. FULTON of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 162, not voting 107, as follows:

[Roll No. 81]

YEAS—164

Adair
Albert
Andrews, Ala.
Barrett
Beckworth
Boggs
Boland
Bolling
Bonner
Brooks
Brotzman
Brown, Ohio
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cameron
Casey
Chenoweth
Cohelan
Colmer
Cooley
Corman
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Everett
Farbstein
Fascell
Finnegan
Fisher
Fountain
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gathings
Gibbons
Gill
Gonzalez
Gray
Griffiths
Gurney
Hagen, Calif.
Halpern
Hanna
Harding
Hardy
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Henderson
Holifield
Holland
Horton
Hosmer
Huddleston
Joelson
Johnson, Calif.
Johnson, Wis.
Karsten
Karth
Kastenmeier
Kelly
Kirwan
Kornegay
Landrum
Libonati
Long, La.
Long, Md.
McClory
McDowell
McFall
Macdonald
Mahon
Mathias
Matsunaga
Matthews
Miller, Calif.
Mills
Minish
Montoya
Morgan
Morris
Morrison
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murray
Nedzi
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen Mont.
Olson, Minn.
Passman
Patman
Patten
Perkins
Philbin
Pickle
Poage
Pool
Price
Pucinski
Purcell
Randall
Reuss
Rhodes, Pa.
Rielhman
Rivers, Alaska
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Ryan Mich.
Ryan, N.Y.
Secrest
Selden
Senner
Sickles
Smith, Iowa
Smith, Va.
Staggers
Stephens
Stratton
Stubblefield
Sullivan
Teague, Tex.
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Trimble
Tuten
Waggonner
Watts
Weaver
Weltner
White
Whitener
Widnall
Willis
Wilson, Charles H.
Wright
Wydler
Young
Zablocki

NAYS—162

Abbitt
Abele
Abernethy
Addabbo
Anderson
Andrews, N. Dak.
Arends
Ashbrook
Auchincloss
Ayres
Baker
Baldwin
Baring
Bates
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bolton, Frances P.
Bow
Bray
Brock
Bromwell
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cannon
Carey
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Conte
Cunningham
Curtin
Curtis
Dague
Denton
Derounian
Devine
Dole
Findley
Flood
Ford
Foreman
Fulton, Pa.
Gary
Glenn
Goodell
Goodling
Gross
Grover
Gubser
Haley
Hall
Halleck
Hansen
Harrison
Harsha
Harvey, Mich.
Hemphill
Hoeven
Horan
Hull
Hutchinson
Ichord
Jensen
Johansen
Johnson, Pa.
Jonas
Jones, Mo.
Keith
Kilgore
King, N.Y.
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lindsay
Lipscomb
Lloyd
McDade
McIntire
McLoskey
McMillan
Mailliard
Marsh
Martin, Calif.
Martin, Nebr.
May
Michel
Miller, N.Y.
Milliken
Minshall
Moore
Morse
Morton
Natcher
Nelsen
Norblad
O'Konski
Ostertag
Pelly
Pike
Pillion
Pirnie
Poff
Quie
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Roberts, Tex.
Robison
Rogers, Fla.
Rogers, Tex.
Rumsfeld
St. George
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Short
Shriver
Sibal
Sikes
Siler
Skubitz
Slack
Smith, Calif.
Snyder
Springer
Stafford
Steed
Stinson
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Tollefson
Tuck
Tupper
Westland
Wharton
Whitten
Williams
Wyman
Younger

NOT VOTING—107

Alger
Ashley
Ashmore
Aspinall
Avery
Barry
Bass
Battin
Blatnik
Bolton, Oliver P.
Brademas
Broomfield
Brown, Calif.
Buckley
Burleson
Cahill
Celler
Chelf
Clark
Collier
Corbett
Cramer
Daddario
Derwinski
Diggs
Dorn
Dowdy
Elliott
Ellsworth
Evins
Fallon
Feighan
Fino
Flynt
Fogarty
Forrester
Frelinghuysen
Friedel
Garmatz
Giaimo
Gilbert
Grabowski
Grant
Green, Oreg.
Griffin
Hagan, Ga.
Harvey, Ind.
Herlong
Hoffman
Jarman
Jennings
Jones, Ala.
Kee
Keogh
Kilburn
King, Calif.
Kluczynski
Knox
Lankford
Leggett
Lesinski
McCulloch
MacGregor
Madden
Martin, Mass.
Meader
Monagan
Moorhead
Multer
Nix
O'Brien, Ill.
O'Neill
Osmers
Pepper
Pilcher
Powell
Rains
Reid, N.Y.
Rivers, S.C.
Roberts, Ala.
Rogers Colo.
Roosevelt
Rostenkowski
Roybal
St Germain
St. Onge
Saylor
Sheppard
Sisk
Staebler
Taft
Thomas
Toll
Udall
Ullman
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Wallhauser
Watson
Whalley
Wickersham
Wilson, Bob
Wilson, Ind.
Winstead

The Clerk announced the following pairs:

On this vote:

Mr. Reid of New York for, with Mr. Utt against.

Mr. Taft for, with Mr. Collier against.

Mr. Ellsworth for, with Mr. Oliver P. Bolton against.

Mr. Cahill for, with Mr. Bob Wilson against.

Mr. Osmers for, with Mr. Fino against.

Mr. Wallhauser for, with Mr. Corbett against.

Mr. Frelinghuysen for, with Mr. Alger against.

Mr. Keogh for, with Mr. Hoffman against.

Mr. Multer for, with Mr. Kilburn against.

Mr. Gilbert for, with Mr. Battin against.

Mr. Grabowski for, with Mr. Cramer against.

Mr. St. Onge for, with Mr. Derwinski against.

Mr. King of California for, with Mr. Barry against.

Mr. Hagan of Georgia for, with Mr. Whalley against.

Mr. Toll for, with Mr. Van Pelt against.

Mr. Aspinall for, with Mr. Broomfield against.

Mr. Rogers of Colorado for, with Mr. Knox against.

Mr. Sisk for, with Mr. MacGregor against.

Until further notice:

Mr. Garmatz with Mr. Wilson of Indiana.

Mr. Fallon with Mr. Griffin.

Mr. Friedel with Mr. Saylor.

Mr. Pepper with Mr. McCulloch.

Mr. Nix with Mr. Harvey of Indiana.

Mr. Madden with Mr. Martin of Massachusetts.

Mr. Lesinski with Mr. Meader.

Mr. Ashmore with Mr. Avery.

Mr. Ashley with Mrs. Kee.

Mr. Buckley with Mr. Pilcher.

Mr. Monagan with Mr. Udall.

Mr. Kluczynski with Mr. Blatnik.

Mr. Daddario with Mr. Diggs.

Mr. Giaimo with Mr. Rains.

Mr. Roosevelt with Mr. Herlong.

Mr. Rostenkowski with Mr. Fogarty.

Mr. Roybal with Mr. O'Brien of Illinois.

Mr. Feighan with Mr. Leggett.

Mr. Burleson with Mr. Sheppard.

Mrs. Green of Oregon with Mr. Grant.

Mr. Flynt with Mr. O'Neill.

Mr. Dorn with Mr. Celler.

Mr. Moorhead with Mr. Winstead.

Mr. Brademas with Mr. Bass.

Mr. Chelf with Mr. Van Deerlin.

Mr. Jennings with Mr. Lankford.

Mr. Elliott with Mr. Staebler.

Mr. St Germain with Mr. Powell.

Mr. Wickersham with Mr. Vinson.

Mr. Vanik with Mr. Jones of Alabama.

Mr. Clark with Mr. Evins.

Mr. Forrester with Mr. Jarman.

Mr. Roberts of Alabama with Mr. Watson.

Mr. Thomas with Mr. Rivers of South Carolina.

Mr. ABERNETHY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MACGREGOR. Mr. Speaker, I entered the Chamber just as the Clerk was completing the second calling of the roll on final passage of H.R. 5838. Although I voted on the motion to recommit, I was obliged to step outside and onto the east steps of the House of Representatives to talk with a group of 80 students from St. Louis Park High School, in Hennepin County, Minn. I returned just after my name was read for the second time, and thus I could not qualify to vote. Had the situation been otherwise, my vote would have been "no."

VETERANS LEGISLATION

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I have introduced a bill today to amend chapter 15, title 38, United States Code, to revise the pension program for World War I, World War II, and Korean conflict veterans.

I believe my proposal is equitable and economically sound. Further, it includes many features endorsed by the American Legion, Veterans of Foreign Wars, and other veterans organizations. This bill is the end product of months of research, meetings, and evaluations.

My proposal seeks to help the low income and seriously disabled pensioner. It is intended to raise income limits, increase pension payments, and provide other benefits for eligible wartime veterans and their survivors.

The essential need which has been presented by many individual veterans and their organizations is to provide pension improvements for those who most deserve a better break, without adding to the pension rolls those with substantial outside income. It also is necessary that we recognize varying degrees of need.

The bill I have drafted seeks to accomplish:

First. Increases in the rates of pensions and modifications of income limitations. From the tables which follow, comparing the existing non-service-connected pensions for veterans and their dependents—Public Law 86-211—with the contents of my bill, it can be noted that, first, monthly pension payments at the lowest of the three income limitation levels are increased by $5; second, the annual income limitations for the two lower levels are raised by nearly 20 percent; third, pension rates for veterans requiring regular aid and attendance are increased from an additional $70 to an additional $85 monthly; and fourth, I have included an additional monthly pension of $35 for veterans whose disability makes them housebound. This last item is a new concept in pension benefits which introduces a comparable provision from the present disability compensation benefits schedule.

Pensions—World War I, World War II, and Korean Conflict

Provisions of Public Law 86–211

VETERAN, NO DEPENDENTS

Annual income		Monthly pension
More than—	But equal to or less than—	
	$600	$85
$600	$1,200	70
$1,200	$1,800	40

VETERAN, WITH DEPENDENTS

Annual income		Monthly pension		
More than—	But equal to or less than—	Veteran and 1 dependent	Veteran and 2 dependents	Veteran and 3 or more dependents
	$1,000	$90	$95	$100
$1,000	$2,000	75	75	75
$2,000	$3,000	45	45	45

NOTE.—Above rates increased by $70 when veteran needs regular aid and attendance.

Provisions of Horton bill, H.R. 10538

VETERAN, NO DEPENDENTS

Annual income		Monthly pension
More than—	But equal to or less than—	
	$800	$90
$800	$1, 300	70
$1,300	$1,800	40

VETERAN, WITH DEPENDENTS

Annual income		Monthly pension		
More than—	But equal to or less than—	Veteran and 1 dependent	Veteran and 2 dependents	Veteran and 3 or more dependents
	$1,200	$95	$100	$105
$1,200	$2,200	75	75	75
$2,200	$3,000	45	45	45

NOTE.—Above rates increased by $85 when veteran needs regular aid and attendance. Above rates increased by $35 when veteran is housebound.

Widows and Children

Provisions of Public Law 86–211

WIDOW, NO CHILD

Annual income		Monthly pension
More than—	But equal to or less than—	
	$600	$60
$600	$1,200	45
$1,200	$1,800	25

WIDOW, 1 CHILD[1]

Annual income		Monthly pension
More than—	But equal to or less than—	
	$1,000	$75
$1,000	$2,000	60
$2,000	$3,000	40

[1] Plus $15 for each additional child.

Provisions of Horton bill, H.R. 10538

WIDOW, NO CHILD

Annual income		Monthly pension
More than—	But equal to or less than—	
	$800	$65
$800	$1.300	45
$1,300	$1,800	25

WIDOW, 1 CHILD[1]

Annual income		Monthly pension
More than—	But equal to or less than—	
	$1,200	$80
$1,200	$2,000	60
$2,200	$3,000	40

[1] Plus $15 for each additional child.

Second. The exclusion from income used to determine a veteran's income and consequent pension qualification of the four following items: First, amounts equal to amounts paid by a veteran for the expenses of burial of his spouse or child to the extent such expenses are not reimbursed under present law; second, profit realized from the disposition of real property other than in the course of a trade or business; third, amounts equal to amounts paid by a veteran or by his spouse for medical, dental, or hospital expenses, including those amounts paid for health insurance, of the veteran, his spouse, or his children; and fourth, payments received for the discharge of obligatory civic duties. Also to be excluded from the pension-qualification income limitations, under the terms of my bill, is all income earned by a veteran's spouse.

Third. The elimination of the 10-percent disability requirement for veterans over age 65 to qualify for a pension.

Mr. Speaker, we are clearly in debt to those who defended our Nation in time of peril. In view of the rising cost of living and our national commitment to afford every individual a basic standard above the line of poverty, I believe the enactment of improved veterans pension legislation is imperative.

The path to enactment of this legislation is marked by high hurdles; yet, it is vital that we clear these barriers so that those truly needy and disabled veterans may not be impoverished by the democracy they fought to save.

ELIMINATION OF MAILING TIME FROM POSTMARK

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. SIBAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SIBAL. Mr. Speaker, for some time I have been protesting the Post Office Department's decision to eliminate the mailing time from the postmark on letters. This procedure went into effect on February 1. Since that time only "a.m." and "p.m." shows in the postmark circle.

Officials of the Department claim this is an economy move but they have not responded to my request for an estimate of how much would be saved. I was told this would have some clerical time and that mail would flow more freely because the stamping machines no longer must be stopped every hour or so to change the time slug.

I believe stamping machines could very easily be fitted with automatic time-changing devices and at small expense.

The point is that this service is not a frill. It was established for a purpose many years ago. It is not only a traditional service to the public; it is important to many businesses and in many legal processes. It is essential for election officials who must validate absentee ballots, which must be mailed by specified times in order to be counted.

The Department tells me there is a procedure by which individuals may obtain the time of mailing if they wish. This involves finding a post office which is open, filling out a form and paying an extra fee. It is not the same thing at all.

There are so many legitimate areas for economy in the Government that this step by the Post Office Department ranks as a petty gesture made at the expense of a long-suffering public which is already paying more than ever for postal service.

A fine editorial on this point was brought to my attention recently. It appeared in the Lafayette (Ind.) Journal and Courier and I submit it for the Record with my commendations to the writer.

Another Postal Rate Hike

> The Post Office Department is going after another rate increase on the promise of reducing its deficit.
>
> This time it's scheduling a 13.1-percent hike in parcel post rates and a similar increase in catalog rates, effective April 1.
>
> As a result, a 2-pound parcel that now costs 24 cents to mail will soon take 29 cents.
>
> The claim is that the rate hike would have reduced the 1962 deficit in these two categories of mail from $146.5 million to $68.7 million, had it been in effect then.
>
> Everyone wants to see the Post Office Department operate on a firmer finnacial basis. So it should be encouraging to see them concerned about deficits and losses.
>
> But we've been through a good many postal rate hikes with them lately, moving from 3- to 4- to 5-cent stamps, all initiated to erase or minimize the huge deficit.
>
> And they haven't done a whole lot to shrink the deficit. So neither, probably, will this.
>
> But they keep trying, both in the revenue department and in gimmicks of operation. And maybe that's all we can expect.
>
> Newest of operational economies is the February 1 dropping of the hour of mailing in the postmark. Henceforth the envelope will carry only a simple "a.m." or "p.m." in the postmark circle.
>
> The excuse is that changing the time manually every half hour in cancellation stamps has slowed mail handling and raised costs.
>
> But there are those cynics who will say that erasing the hour of posting will give the post office up to 12 more hours of handling time without any proof that they took it.

WHEAT SALE TO RUSSIA

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. Shriver] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHRIVER. Mr. Speaker, when the late President Kennedy announced the administration's decision last October to sell American wheat to the Soviet Union, he explained:

> Our country has always responded to requests for food from governments of people who needed it, so long as we were certain that the people would actually get it and know where it came from. The Russian people will know they are receiving American wheat.

Agreements have been concluded by U.S. grain dealers with the Soviet Union for 75 million tons of wheat. Some of this grain already has been delivered.

However, there is evidence that a substantial segment of the Russian populace is being denied the use of the grain on the basis of religious prejudice and discrimination by Communist leaders. Jews throughout the world are preparing for the traditional observance of the Passover which commemorates the redemption of the Jews from slavery in Egypt. The Soviet Union has some 2,385,000 Jews—the second largest Jewish population in the world. It apparently is Russian policy to interfere with or completely forbid the preparation of matzoh—unleavened bread—which is eaten by Jews during the 7 days of Passover.

According to press reports, the last bakery in Moscow authorized to prepare matzoh for the Jewish religious holiday has been closed. Matzoh is made from wheat flour and is used at all meals. It also can be made from barley, rye, oats, or stelt. But only a trickle of matzoh will be available for the Jewish populace in Russia.

Since the Passover observance is symbolic of a rebellion against oppression and tyranny, it is important that the Government of the United States protest this denial of religious freedom and do whatever possible, at this late date, to insure an adequate supply of matzoh to key centers of Jewish life behind the Iron Curtain.

I am introducing an appropriate resolution today which will provide meaningful evidence of this Nation's support of religious freedom, peace, and justice for all people of all nations.

STRANGE CASE OF THE TWO SECRETARY McNAMARAS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Hosmer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HOSMER. Mr. Speaker, the American Security Council's Washington Report for March 23 contains an extremely interesting analysis of the inconsistencies apparent in Defense Secretary McNamara's words and deeds. It was written by the highly respected expert on U.S. strategy and military affairs, Dr. Stefan T. Possony, director, international studies program, the Hoover Institution, Stanford University. Many serious students of our defense requirements have voiced, at one time or another, concern over the direction in which the Nation's defenses are being taken under the stewardship of Mr. McNamara. Dr. Possony's writing cites the details which underlie such concern. It is as follows:

The Strategy of Planned Obsolescence

> Like Nathan Hale, Secretary of Defense Robert S. McNamara may regret that he has but one life to lose for his country. But he may console himself with the thought that he has been offering to his country two strategies. We have two McNamaras, and one of the two must be wrong.
>
> McNamara I has clearly stated that "the struggle against communism is far from over." He said: "Expansionism is so deeply ingrained in Communist doctrine that it would be naive for us to expect any Communist leadership to repudiate it. Much more likely (recent), apparent changes in (Soviet) policy were brought about by forces and pressures beyond the control of Soviet leadership." Yet McNamara II is not making the decisions that are required now to maintain our strength beyond 1969.
>
> McNamara I has denied that he is aiming at the unilateral disarmament of the United States. "This is not the time to relax our efforts and cut back our national security programs." But McNamara II is condemning those forms of firepower and delivery means which constitute the main strengths of the United States, and is thus actually weakening our military posture.
>
> McNamara I professes to believe that .manned bomber aircraft are obsolete. Yet McNamara II ordered the TFX, which he says is more of a bomber than any previous fighter-bomber. If a follow-on bomber to the B–52 or B–58 cannot be a useful weapon, why isn't the TFX obsolete, too? But if the TFX is a good weapon, why wouldn't the far more advanced bomber which can now be built, be an even better weapon?
>
> McNamara I admits the need for a follow-on manned system by recently requesting funds for the study of a next-generation heavy bomber. But McNamara II only asks for 5 million, when to avoid a bomber gap by 1970, he should have asked for a multiple of this amount.
>
> McNamara I explains that "the future of the manned bomber as a major element of the strategic force beyond the end of the decade, I think, is in question" and stopped production of the B–52 and B–58. Yet McNamara II disclosing that there are a number of B–52's in reserve, promised to keep 630 or more heavy bombers in operation till the end of the decade. He is planning to spend $1.6 billion to preserve the bomber force both safe and effective beyond 1969. If a B–52 can function effectively by 1969, could not an up-to-date bomber function better?
>
> The TFX, ordered by McNamara I, is a medium-range airplane. To obtain maximum usefulness, this aircraft would have to be operated from European bases. Yet as the B–47 is being inactivated, McNamara II is abandoning key European bases. The TFX requires an improved, not a more restricted European base structure.
>
> McNamara I does not want bombers. Yet during the Cuba crisis McNamara II used SAC bombers for a massive demonstrative alert operation lasting 1 month, thereby proving our readiness and persuading the Soviets to back down. What would he have done with an all-missile force? Used a press conference? Fired one missile to demonstrate firmness?
>
> McNamara I argues that manned bombers are obsolete because they are more vulnerable on the ground than hardened missiles. Yet McNamara II knows that the accuracy of Soviet attack systems is improving and that the yield of Soviet weapons is extremely high. Hence Soviet capability to destroy hardened missile sites—even sites of maximum hardness—is growing. (A 58-megaton warhead would destroy a 300-pound-per-square-inch site at a miss distance of 1.5 miles.) Thus, aircraft with long endurance characteristics (and mobile missiles) will be less vulnerable than missiles in fixed sites.
>
> McNamara I claims that the missile is the most effective strategic weapon of the present era—it is faster, it is safer on the ground, and it can penetrate defenses more effectively

than the bomber. Yet McNamara II denies to NATO the medium-range mobile ballistic missile which Generals Norstad and Lemnitzer have been requesting.

McNamara I is staking the entire strategic future of the United States upon missiles, but McNamara II does not see to it that these missiles are tested till highest reliability and optimal usefulness are attained. McNamara I acknowledges that our missiles may be vulnerable to radiation damage, yet McNamara II does not want to test the vulnerability of missiles redesigned to withstand radiation hazards.

McNamara I claims the supremacy of the missile over the airplane, but McNamara II has taken no steps to insure follow-on missiles. There is an obvious need for missiles with large payloads and/or vastly improved accuracy, and for replacing liquid-fueled Atlases and Titans with solid-fueled heavy missiles. McNamara I favors vastly improved accuracy of delivery. High accuracy coupled with good nuclear efficiency would allow significant reductions in the size of missiles. This, in turn, would reduce ground vulnerability and permit an increase in the size of the missile force. Yet McNamara II shows little interest in "strategic optimization" and fails to order the development of small ICBM's and MRBM's. He apparently is contriving the early death of the mobile medium range missile program. McNamara I stated that the 100-megaton Soviet warhead would be less effective than four 15-megaton warheads, implying that the United States should choose a system with smaller warheads and a larger number of missiles. However, McNamara II did not order that the yields of existing warheads be brought up to the 15-megaton level, nor did he order missiles (other than Titan II) that could carry such warheads, and he did not order four missiles for each Soviet missile.

McNamara I argued that we need not follow the Soviets on the route of the superyields, which is a defensible point if first-rate accuracy is attainable, but McNamara II fails to take measures that would protect the American people against the genocidal effects of Soviet superyield weapons.

McNamara I gave solemn assurance that he would guard against all risks caused by the test ban treaty, but McNamara II has not requested the funds required to fulfill this promise.

McNamara I advocates a damage-limiting strategy which requires "a force large enough to insure the destruction, single or in combination, of the Soviet Union, Communist China, or the Communist satellites as national societies—and—to destroy their warmaking capability so as to limit, to the extent practicable, damage to this country and to our allies." Yet McNamara II professes to have as yet no "judgment" on the defensive systems which alone are capable of limiting damage. He ignores the threat of 700 Soviet MRBM's against Europe, at least he does not propose to do anything about it, and he does not do very much about the ICBM's that the Soviets might fire against the United States. McNamara I professes to be unconcerned about the dependability and reliability of our warheads during reentry. Yet McNamara II argues against antimissiles, among other reasons on the ground that our knowledge of reentry physics is inadequate to design an effective ABM.

McNamara I claims that Nike-Zeus and Nike X, the antimissile defense systems presently under development, are inadequate. There is no "commitment at this time to ultimate production and deployment." But McNamara II does not provide the impetus needed to remedy alleged shortcomings or to invent and develop entirely new systems that hold greater promise.

McNamara I predicates the effectiveness of the strategy of deterrence on the assumption that the Soviets are "rational." Yet McNamara II believes that the Soviets are acting irrationally in buying an antimissile defense system. What happens if the irrationality is really on our side?

McNamara I puts great emphasis on ship-launched missile systems like Polaris and the proposed European multinational force because their mobility protects these weapons against prelaunch attack. Yet McNamara II recognizes that the Soviet ABM system is most effective against ship-launched missiles.

McNamara I praises the advantages of mobile naval systems. There is "nobody" in OSD who disputes that a nuclear-propelled carrier "is more desirable," Secretary of the Navy Nitze testified. Such a carrier would greatly enhance the U.S. deterrent against both major and limited wars, yet McNamara II insists on buying an obsolescent conventional carrier.

McNamara I has insisted, rightly so, that once there is warning about impending Soviet attack, the President of the United States ought to have maximum flexibility in choosing different courses of action. But McNamara II is buying systems which allow either no response (this could have deadly effects to ourselves), or a minimum response (this would be irrelevant), or a maximum response (this may bring about the war we want to avoid). He does not want to buy systems that may persuade the Soviets from calling off a contemplated attack. In brief, he does not want to heed the lesson of his own strategy which was successful in 1962. McNamara I has placed great emphasis on the need of providing a dependable second-strike force. He has successfully implemented the second-strike concept for the current period but McNamara II does not want to procure the weapons needed to continue with this strategy in the future. McNamara I has insisted on the need for a second-strike capability in the United States. Yet McNamara II has made no effort to create such a capability in Europe; on the contrary, he has been discouraging such efforts. McNamara I announced a counterforce strategy, but McNamara II buys weapons which are chiefly useful for a countervalue strategy. He displays opposition to weapons which could implement counterforce strategy most effectively.

Shortly after McNamara I announced an American counterforce strategy, McNamara II stated that the Soviets would harden their missile sites and therefore a counterforce strategy would become inoperative—as though Soviets hardening had not been predicted. If the proper weapon systems were built, counterforce strategy could be executed throughout the foreseeable future. In arguing the advantages of missiles over bombers, McNamara I stresses the requirement of destroying "time sensitive" (i.e. counterforce) targets. But why bother if those targets are hard and allegedly can't be destroyed anyway?

McNamara I has reiterated the findings of previous Secretaries of Defense that against a full-fledged Soviet attack, Europe can be defended only by means of nuclear weapons. This, McNamara I has claimed credit for a "60-percent increase in the tactical nuclear forces deployed in Western Europe." Yet McNamara II has instituted so many safeguards against the imaginary dangers of unauthorized use and of accidental war that our nuclear strength in Europe may be destroyed before we are able to use it. McNamara II also fails to procure those types of nuclear weapons—mostly clean ones and, in future, all fusion and neutron weapons—which would be most suitable for employment in a European conflict.

McNamara I fears that a conflict that is initially fought with conventional weapons may escalate into a nuclear war. He has fostered the belief that utilization of any single nuclear weapon, whether big or small, even under circumstances which would clearly disprove aggressive intent on our part, automatically would escalate the conflict to the top level of violence. McNamara II fails to understand—or disclose—that escalation from conventional war to full-fledged high-yield nuclear war can be avoided by providing a full spectrum of nuclear weapons. If the United States were superior to the U.S.S.R. in all types of nuclear weapons, escalation would not pay, that is any time the Soviets would try to escalate, their military situation would deteriorate. U.S. policy is "to deter or defeat aggression at any level" (Dean Rusk). Hence, if McNamara I fears escalation, why doesn't McNamara II procure the systems that can effect the deterrence of escalation? McNamara I has announced his belief that Soviet-instigated limited wars, notably "national wars of liberation" are the wars that the United States will be most likely to fight in the future. Yet McNamara II has not indicated awareness of the probability that, if our present strategic weapons systems which are deterring the Soviets from risking full-fledged nuclear war, are allowed to deteriorate, the more total forms of conflict will become more feasible and less "unthinkable." McNamara I has been insisting on the need to increase our counterinsurgency capabilities. Yet McNamara II has not demonstrated a willingness of using the newly created strength—"a sixfold increase in counterinsurgency forces"—to advantage. The incidence of "sublimited" conflict is continuing to grow. Only recently the Secretary was still very optimistic about Vietnam. Now, despite all the counterinsurgency ado, he does not know how to win that war—it's a job for the Vietnamese themselves, he says. So we need allies after all? McNamara I tends to depreciate new technologies, but McNamara II usually denies funds needed to carry out the effective development of new weapons. McNamara II also delays funding with the effect that if there is to be a new weapon, and he can't avoid ordering it, this weapon would be obsolescent before it could be deployed. McNamara I then argues that the new weapon is not needed anyway, since an older weapon already is performing the particular mission.

McNamara I claims that he is acting on the principle of cost effectiveness, but McNamara II completely ignores this principle when it is to be applied to nuclear weapons. In the case of the nuclear propelled carrier, he calculates the wrong cost and overlooks the effectiveness factor. In comparing a bomber with a missile, he starts from the wrong assumption that both of these weapons types are performing the same military function and overlooks the fact that an aircraft can perform the same mission several times, whereas the missile can be used only once. Also, he avoids a comparison between the cost effectiveness of a combined aircraft-missile system and that of an all-aircraft or all-missile system. Thus, cost effectiveness goes by the board in those cases where he does not like a particular type of weapon. There is a long list of weapons he just does not like or hates intensely. No facts, no logic, no calculations—nothing will sway him. "An obstinate man does not hold opinions, but they hold him" (Pope).

McNamara I is convinced that he is absolutely right, but McNamara II has stifled the discussion of military issues, and is inclined to listen only to those who support his preconceived notions.

McNamara has established an autocratic regime in the Pentagon. But this country has a government of law and not men. The position of the Secretary of Defense was not designed to be that of an omniscient Napoleon. According to the law, the Secretary should establish an effective and friendly teamwork with the services. Yet "those he commands, move only in command, nothing in love." (Macbeth, vol. 2.)

The security of the United States is too serious a matter to be left exclusively (or almost so) in the hands of a civilian master of paradox.

WHEAT PROGRAM A POOR WAY TO START ANTIPOVERTY WAR

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FINDLEY. Mr. Speaker, there is one particular aspect of the debates, discussions, and press reports on the wheat certificate plan that has been widely misunderstood. In fairness to the consumers of wheat products—and we all are—and in fairness to all of us who represent them—these misconceptions must be cleared up.

The principal sponsor of the certificate program in the other body said on the Senate floor, and I quote: "we are not changing the price of wheat to the miller one penny." This and similar statements have been taken for gospel. I can assure you that this is absolutely untrue.

With your indulgence, I will show that the wheat bill we are now considering will cost the American consumer of wheat products between $90 and $130 million more in 1964–65 than in 1963–64—for precisely the same amounts and types of wheat foods. This is a great burden to place on the consumers of one of our most basic products and one relied on so heavily by low-income families.

Because of its complexity, this is not an easy explanation to make. So, again, I ask you to bear with me so that we do not realize a few months from now that we have made a serious mistake. Even if we fail to consider the many bad features of the legislation, let us be very sure we know what we are doing to the consumer before we accept this wheat program.

Those who say the certificate plan will not change the price of wheat apparently reason as follows—and throughout I am referring to the impact of the program on the U.S. consumer. In 1964, the price support loan on wheat will be $1.30. For each bushel of wheat the miller processes into flour for U.S. consumption, he must—I repeat—he must pay the Federal Government an additional 70 cents. Therefore, the proponents say, his cost, excluding freight, handling, quality premiums, and so forth, will be $2 per bushel. The proponents then point out that, using the same exclusions I just mentioned, millers are now paying $2. Therefore, the miller's wheat cost in 1964 will be the same as in 1963.

Superficially, this might sound quite reasonable, but I can tell you that it is distorted in a number of respects.

Here is what the supporters of this bill have done. They have taken the highest average price—$2—received by wheat growers in any month so far in the 1963–64 crop year and are comparing it with the lowest price growers are likely to receive in 1964–65—again $2. Let us apply their system in reverse. In July 1963, the average price received by growers was $1.75—not $2—and this is the figure that should be compared with July 1964; that is, $2. On that basis, we have an automatic increase of 25 cents per bushel between 1963 and 1964.

Another way of comparing 1963 and 1964 prices, however, would be to use averages, and also price-support levels. The 1963 loan level is $1.82, and although there is an $0.18 Federal payment made to growers, the miller is not required to provide the funds for this payment. In 1964, however, the support level is $2; that is, $1.30 plus a $0.70 Federal payment which is supplied by the miller. Therefore, using the loan or price-support levels as guides, the miller's wheat cost would increase by $0.18 per bushel, the difference between $1.82 and $2.

Now, let us look at the prices actually paid versus expected prices in 1964. The average price received by wheat growers on the 1963 crop to date is $1.87 or $0.05 above the loan. Since the miller will probably be paying a minimum of $2 in July of 1964, his per bushel cost will automatically increase $0.13 on this basis alone.

But there are a number of other factors that should be taken into consideration, all of which are expected to add to the upward pressure on prices above the $2 level. One such factor is the normal price increase that takes place during the marketing year. For example, from 1955 through 1962, the season average price received by farmers was $0.06 above the July beginning price, on average.

The proponents' assumption that the price of domestic wheat to the miller will be $2 is based on the further assumption that such food wheat at the farm level will trade, before adding the $0.70 certificate cost, at the loan level of $1.30. This would seem to be a very remote possibility.

All indicators I have seen suggest that wheat production in 1964 will be 100 to 150 million bushels less than domestic and export use in the 1964–65 marketing year. Under these conditions it seems highly unlikely that the market would be near the $1.30 loan and could be substantially above. Unfavorable weather—and the outlook is not the best right now—or further shipments to the Communist countries could raise prices substantially.

The Commodity Credit Corporation could attempt to force the market price down by selling from its stocks but probably could not push it below $1.37 at the beginning and $1.47 at the end of the marketing year because of legal restrictions on its sales policies. Therefore, we have a situation in which the market, in terms of farm prices, could not reasonably be expected to go below $1.37 and could go higher.

Let me interpose another thought at this point with respect to CCC's ability to force the market price down—if it decided to do so—which is by no means assured. CCC has virtually no Soft Red Winter or eastern White wheat stocks—the classes used for cake, pastries, pies, cookies, crackers, and so forth. As free market supplies dwindle in 1964–65, CCC will have no ability whatsoever to hold down prices of these wheats since it has no supplies to put into the market. Prices could skyrocket and on top of this the Soft wheat miller would still have to pay the 70 cents processing tax to the Federal Government.

It would be hazardous to estimate how much these factors will add to the basic $2 cost to millers in 1964. At the outset, they are faced with at least an 18-cent increase and experienced grain buyers estimate it—total farm price to miller—may go to $2.13 or more. Should this $2.13 represent the average 1964 price received by farmers it would be 26 cents above the 1963 average.

The milling industry buys about 500 million bushels of wheat per year for domestic human consumption. At 18 to 26 cents per bushel, this means an increase in wheat costs in 1964, as compared with 1963, of $90 to $130 million. Think of it: $90 to $130 million added cost to millers and consumers because of a bill its sponsors say will not add a penny to the cost of a bushel of wheat. And, for every penny by which wheat costs increase beyond this level, the millers of this country will have to pay an extra $5 million.

What will become of this added cost? The milling industry is widely known as one which operates on extremely narrow margins—one whose prices correlate historically very closely with its wheat costs. A graph prepared by the Department of Agriculture shows this rather dramatically with respect to wholesale or bakery flour, which is about 80 percent of all flour sold. The correlation is not as close on family flour—the type sold at retail—because of the greater costs of packaging, selling, and delivery. In other words the steadily increasing costs of these services, many of which are labor costs, tend to obscure the periodic increases and decreases in the cost of the wheat in family flour.

Following the historical trend of this graph, it will be seen that millers will pass on the increased wheat costs, as they have the savings—to their customers, both housewives and bakers. This simply means that the cost of flour and products made from flour will increase from $90 to $130 million in 1964–65. This burden will be shared by the family flour purchased by our consumers and by such products as cakes, cookies, flour mixes, macaroni, spaghetti, wheaten breakfast cereals, and bread. This is not a threat by me or the industries which produce wheat products. It is simply a statement of logical economic fact that these various industries cannot absorb such a tremendous increase in costs.

Some persons have asked what difference it makes whether the consumer or taxpayer pays for this wheat program. After all, they say, we are talking about the same people. I submit that this is not necessarily so, for although all taxpayers are consumers, not all consumers are taxpayers. Another chart also prepared from USDA data shows those families with the lowest incomes rely most heavily on wheat flour. The families with incomes under $1,000 a year consume six times as much flour as do those with incomes over $10,000. Therefore, any increase in the cost of flour would be multiplied sixfold for the lowest income group compared with the highest. Needless to say, our income tax system operates exactly the opposite way—so it makes a great deal of difference whether the consumer or the taxpayer is saddled with the cost of the certificate plan or any other price support program.

THE 1964 QUESTIONNAIRE RESULTS OF MICHIGAN'S EIGHTH DISTRICT

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HARVEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HARVEY of Michigan. Mr. Speaker, I would like to bring to the attention of the Members of this House the views of the citizenry of the Eighth Congressional District of Michigan on questions of major concern to the Congress and the Nation.

Late in January I mailed out our fourth annual questionnaire to thousands of citizens. In addition, most daily and weekly newspapers—as a public service—printed the questionnaire ballot. The bulk of the returns were received in February though, even today, we still are receiving returns.

I have estimated returns of over 11,000. This is a remarkable response. I am personally most grateful to those persons who took the time and trouble to cast their votes. I also am appreciative of the excellent cooperation of the public media in seeing that practically every single resident of the Eighth District had the opportunity to voice his opinion.

The questionnaire results, based on the tabulation of 7,115 returns, are as follows:

1. Do you favor placing medicare for the aged under social security and raising social security taxes in a sufficient amount to cover cost?

Occupation	Total	Yes	No	No answer
Hourly employee:				
Number	1,013	531	467	15
Percent	100	52.4	46.1	1.5
Salaried employee:				
Number	1,082	357	695	30
Percent	100	33.0	64.2	2.8
Businessman:				
Number	868	228	623	17
Percent	100	26.3	71.7	2.0
Professional:				
Number	720	195	511	14
Percent	100	27.1	71.0	1.9
Farmer:				
Number	939	229	690	20
Percent	100	24.4	73.5	2.1
Housewife:				
Number	609	213	368	28
Percent	100	35.0	60.4	4.6
Retired:				
Number	1,117	641	440	36
Percent	100	57.4	39.4	3.2
Other:				
Number	375	136	234	5
Percent	100	36.3	62.4	1.3
Not stated:				
Number	392	176	205	11
Percent	100	44.9	52.3	2.8
Total:				
Number	7,115	2,706	4,233	176
Percent	100	38.1	59.4	2.5

2. Do you favor balancing the budget by restraining growth of existing programs?

Occupation	Total	Yes	No	No answer
Hourly employee:				
Number	1,013	721	218	74
Percent	100	71.2	21.5	7.3
Salaried employee:				
Number	1,082	853	174	55
Percent	100	78.8	16.1	5.1
Businessman:				
Number	868	702	113	53
Percent	100	80.9	13.0	6.1
Professional:				
Number	720	569	103	48
Percent	100	79.0	14.3	6.7
Farmer:				
Number	939	758	128	53
Percent	100	80.7	13.6	5.6
Housewife:				
Number	609	456	86	67
Percent	100	74.9	14.1	11.0
Retired:				
Number	1,117	895	137	85
Percent	100	80.1	12.3	7.6
Other:				
Number	375	286	69	20
Percent	100	76.3	18.4	5.3
Not stated:				
Number	392	299	61	32
Percent	100	76.3	15.6	8.1
Total:				
Number	7,115	5,539	1,089	487
Percent	100	77.8	15.3	6.9

3. Do you favor some voluntary religious activities in public schools?

Occupation	Total	Yes	No	No answer
Hourly employee:				
Number	1,013	823	165	25
Percent	100	81.2	16.3	2.5
Salaried employee:				
Number	1,082	914	146	22
Percent	100	84.5	13.5	2.0
Businessman:				
Number	868	695	156	17
Percent	100	80.0	18.0	2.0
Professional:				
Number	720	551	156	13
Percent	100	76.5	21.7	1.8
Farmer:				
Number	939	777	141	21
Percent	100	82.8	15.0	2.2
Housewife:				
Number	609	521	69	19
Percent	100	85.6	11.3	3.1
Retired:				
Number	1,117	920	157	40
Percent	100	82.3	14.1	3.6
Other:				
Number	375	311	58	6
Percent	100	82.9	15.5	1.6
Not stated:				
Number	392	323	57	12
Percent	100	82.4	14.5	3.1
Total:				
Number	7,115	5,836	1,105	174
Percent	100	82.0	15.6	2.4

4. Do you favor liberalizing trade relations with Communist countries?

Occupation	Total	Yes	No	No answer
Hourly employee:				
Number	1,013	237	727	49
Percent	100	23.4	71.8	4.8
Salaried employee:				
Number	1,082	212	808	62
Percent	100	19.6	74.7	5.7
Businessman:				
Number	868	233	583	52
Percent	100	26.8	67.2	6.0
Professional:				
Number	720	190	482	48
Percent	100	26.4	66.9	6.7
Farmer:				
Number	939	286	569	84
Percent	100	30.5	60.6	8.9
Housewife:				
Number	609	108	457	44
Percent	100	17.7	75.1	7.2
Retired:				
Number	1,117	256	775	86
Percent	100	22.9	69.4	7.7
Other:				
Number	375	80	276	19
Percent	100	21.3	73.6	5.1
Not stated:				
Number	392	99	263	30
Percent	100	25.3	67.1	7.6
Total:				
Number	7,115	1,701	4,940	474
Percent	100	23.9	69.4	6.7

5. Do you favor admission of Red China to the United Nations?

Occupation	Total	Yes	No	No answer
Hourly employee:				
Number	1,013	102	878	33
Percent	100	10.1	86.6	3.3
Salaried employee:				
Number	1,082	103	930	49
Percent	100	9.5	86.0	4.5
Businessman:				
Number	868	91	726	51
Percent	100	10.5	83.6	5.9
Professional:				
Number	720	103	580	37
Percent	100	14.3	80.6	5.1
Farmer:				
Number	939	87	796	56
Percent	100	9.3	84.7	6.0
Housewife:				
Number	609	53	519	37
Percent	100	8.7	85.2	6.1
Retired:				
Number	1,117	74	975	68
Percent	100	6.6	87.3	6.1
Other:				
Number	375	43	314	18
Percent	100	11.5	83.7	4.8
Not stated:				
Number	392	40	328	24
Percent	100	10.2	83.7	6.1
Total:				
Number	7,115	696	6,046	373
Percent	100	9.7	85.1	5.2

6. Do you favor Federal aid to public elementary and high schools for B teachers' salaries?

Occupation	Total	Yes	No	No answer
Hourly employee:				
Number	1,013	326	611	76
Percent	100	32.9	60.3	7.5
Salaried employee:				
Number	1,082	299	742	41
Percent	100	27.6	68.6	3.8
Businessman:				
Number	868	184	633	51
Percent	100	21.2	72.9	5.9
Professional:				
Number	720	223	463	34
Percent	100	31.0	64.3	4.7
Farmer:				
Number	939	206	647	86
Percent	100	21.9	68.9	9.2
Housewife:				
Number	609	192	363	54
Percent	100	31.5	59.6	8.9
Retired:				
Number	1,117	389	593	135
Percent	100	34.8	53.1	12.1
Other:				
Number	375	107	246	22
Percent	100	28.5	65.6	5.9
Not stated:				
Number	392	114	244	34
Percent	100	29.1	62.2	8.7
Total:				
Number	7,115	2,040	4,542	533
Percent	100	28.7	63.8	7.5

7. Do you favor increased Federal spending for community public works programs?

Occupation	Total	Yes	No	No answer
Hourly employee:				
Number	1,013	384	581	48
Percent	100	37.9	57.4	4.7
Salaried employee:				
Number	1,082	282	767	33
Percent	100	26.1	70.9	3.0

Occupation	Total	Yes	No	No answer
Businessman:				
Number	868	204	630	34
Percent	100	23.5	72.6	3.9
Professional:				
Number	720	175	500	45
Percent	100	24.3	69.4	6.3
Farmer:				
Number	939	213	684	42
Percent	100	22.7	72.8	4.5
Housewife:				
Number	609	169	406	34
Percent	100	27.8	66.7	5.5
Retired:				
Number	1,117	380	643	94
Percent	100	34.0	57.6	8.4
Other:				
Number	375	101	264	10
Percent	100	26.9	70.4	2.7
Not stated:				
Number	392	120	248	24
Percent	100	30.6	63.3	6.1
Total:				
Number	7,115	2,028	4,723	364
Percent	100	28.5	66.4	5.1

8. Do you favor our foreign aid program as an effective, continuing part of our foreign policy?

Occupation	Total	Yes	No	No answer
Hourly employee:				
Number	1,013	409	527	77
Percent	100	40.4	52.0	7.6
Salaried employee:				
Number	1,082	462	530	90
Percent	100	42.7	49.0	8.3
Businessman:				
Number	868	316	461	91
Percent	100	36.4	53.1	10.5
Professional:				
Number	720	342	304	74
Percent	100	47.5	42.2	10.3
Farmer:				
Number	939	370	455	114
Percent	100	39.4	48.5	12.1
Housewife:				
Number	609	253	268	88
Percent	100	41.5	44.0	14.5
Retired:				
Number	1,117	387	568	162
Percent	100	34.6	50.9	14.5
Other:				
Number	375	136	209	30
Percent	100	36.3	55.7	8.0
Not stated:				
Number	392	159	193	40
Percent	100	40.6	49.2	10.2
Total:				
Number	7,115	2,834	3,515	766
Percent	100	39.8	49.4	10.8

U.S. OLYMPIC TEAM

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Morse] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MORSE. Mr. Speaker, although Americans, both in and out of Government have expressed concern with the performance of the U.S. Olympic team at the recent winter games in Austria, little has been done to alter the situation which finds our athletes going hat-in-hand to private donees for contributions to support our participation. The American performance at Innsbruck is not a reflection on the athletes who participated; there were some outstanding performances and all the U.S. representatives made the best of very difficult conditions. It may be time, however, to reconsider our traditional reluctance to provide Government support to U.S. Olympic teams.

The present situation is humiliating for the athletes involved and destructive of team performance and morale. Uncertainty of support for training, transportation, and living expenses has restricted participation to the very few who live in proximity to training facilities, have the time to prepare for the games, or are assisted by the Armed Forces. How much athletic talent is lost to the Nation because young people have to spend their summers working at jobs that do not permit the necessary physical conditioning?

The argument that we do not want to make our athletes political minions or adopt the practices of the Soviet Union does not reflect the realities of the situation. Many free world nations provide governmental financial support for participation in the Olympic games—notably the Western European nations. In my view the support of a group of outstanding amateur athletes carries with it no greater political overtones than any other program of cultural or educational exchange.

I am today introducing legislation to authorize the appropriation of funds to the President to pay the expenses of the U.S. Olympic team which will participate in the summer games in Tokyo, Japan, this year. These expenses would include training expenses from the date of official selection of the team, until the conclusion of the games, transportation expenses to and from Tokyo, and food and lodging while in Tokyo.

I hope that the Congress will examine this legislation promptly and carefully. It is not only the image of our Nation abroad which is at stake here; our willingness to afford equal opportunity for all those of athletic ability is also involved. I hope that the Congress will enact this legislation.

EXPORTS TO COMMUNIST-BLOC NATIONS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Lipscomb] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, most Members of Congress, I am sure, would be shocked if the Department of Commerce allowed any American firm to export explosives, ammunition, solid and liquid-fuel missile propellants, or blasting caps to Communist bloc nations.

But amazingly enough, this is exactly what the Department of Commerce may have done, in effect, by licensing export of $123,300 worth of crude sulfur to Communist Czechoslovakia.

The sulfur will be used for Soviet bloc production of sulfuric acid, according to the Department's list of export licenses approved, dated March 16, 1964.

Sulfuric acid is among the most indispensable raw materials in the chemical industry. It is a basic ingredient in the production of mixed acid, nitric acid, and in the nitration process, variously used to manufacture; first, TNT, which, in addition to being a powerful explosive, is the base of many other military explosives such as tritonal, tetrytol, pentolite, tichrotol, and cyclotol, to name a few; second, nitroglycerin and nitrocellulose, used in liquid and solid fuel rocket propellant production, dynamite, and ammunition; third, cyclonite or RDX, a base charge for shells, detonators, and bombs; fourth, ammonium nitrate, a sensitive explosive for blasting and shell charges; and fifth, ethlyne dinitramine, a high explosive our own Armed Forces developed during World War II under the name "haleite."

I would ask one simple question: Is the Department of Commerce willing to take the word of the Czechoslovak Communist regime that this large sulfuric acid production will not be used for military purposes?

I am writing Secretary of Commerce Luther Hodges to inquire what methods of verification the Department possesses to insure that this vital chemical will not end up, for example, in explosives and ammunition used in Red-fomented guerrilla and terrorist campaigns throughout the world. Is the Department willing to gamble, despite the possibility that raw sulfur from the United States may be used eventually to blow up American Embassies and consulates, to take human lives, to destroy the property of American firms and Government activities abroad?

This sulfur export license is a perfect illustration of the absurdity of the administration's longtime attempt to draw a line between so-called strategic and nonstrategic—warlike and peaceful—goods.

The uses of a basic chemical like sulfuric acid are many. In addition to its obvious warlike or strategic applications, sulfuric acid has many so-called peaceful uses in phosphate fertilizer manufacture, paint pigments, dyes, petroleum refining, and in the preparation of other chemicals.

But precisely who is going to find out what the Czechs intend to do with it?

What is the use of having a strategic list which bans the shipment of warlike goods to the Communist bloc, if the Department of Commerce has no better definition of "strategic" than "whatever is on the list at a given time"?

For that matter, is the possible end use of sulfuric acid in petroleum refining, for example, any less strategic than explosives or rocket propellants? A good case can certainly be made that selling an enemy nation something it desperately needs is tantamount to a strategic sale. For instance, is there any assurance that adding to the Soviet bloc petroleum refining capability will not better enable the Soviets to mount an "oil offensive" in Western markets by dumping?

I think most reasonable people would agree that selling even a commodity such as sulfur to the Communists is hedged with so many ambiguities that it must be considered a foolhardy and reckless gamble—unless the Department of Commerce can guarantee to the American people its peaceful use.

Constantly there are far-reaching questions and considerations such as these in the area of export control. Can there be any doubt that there is a continuing need for the Congress and the public to have up-to-date information relating to exports or proposed exports to the Red bloc and for continual evaluation of our trade policies because of their significance to our national security and welfare? We must live up to our responsibilities in this area.

VOTE EQUALIZATION

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Mathias] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MATHIAS. Mr. Speaker, it is rare in the legislative process that Members can have so clear a picture of the consequence of congressional inaction as in the case of the redistricting bill now before the Judiciary Committee of this House. The results of the failure of Congress to act are graphically illustrated in the situation in Maryland. There a Federal court has already intervened to break the paralysis of the State and National legislatures. The implication of the court's opinion, which follows, is that continued inaction in the legislative branches of government will result in judge-made congressional districts.

A Court's Opinion on Districting

Here are the opinion and judgment in the Maryland redistricting case handed down yesterday in Baltimore. They were signed by Chief Judge Simon E. Sobeloff of the U.S. Court of Appeals for the Fourth Circuit, Chief Judge Roszel C. Thomsen of the U.S. District Court for the District of Maryland and U.S. District Judge Edward S. Northrop.

OPINION

Legal questions apart, no court, Federal or State, will accept with any degree of satisfaction a call to redistrict the State for congressional elections—a task primarily legislative in character. With similar reluctance will a court contemplate a proposal to order elections at large, with the consequent lessening of direct contacts between representatives and their constituents, and other disadvantages which have been often pointed out and need not be detailed here.

Heretofore we have indicated our view that both the existing districting law and the measure pending on referendum are unconstitutional, and that relief in some form is due. A formal decree was withheld to allow an opportunity for the general assembly to take appropriate action consistent with constitutional requirements.

The legislative session in progress at the time of our earlier hearing in this case found it impossible or inexpedient to take such action. A special session convened soon thereafter also failed to bring the congressional districts into conformity with constitutional requirements as interpreted by the Supreme Court of the United States, although one house did pass a redistricting bill.

Manifestly, the existing situation cannot be permitted to continue indefinitely, but in determining the precise form that relief should take the Court is permitted—indeed it is expected—to take into account all pertinent equitable considerations.

After weighing the diverse points of view that have been called to our attention and argued to us by the numerous parties and counsel, this court is of the opinion that it would be unwise to undertake at this time a solution governing the future without differentiating between the forthcoming election of November 1964, and later elections. In the exercise of our discretion, we conclude that the spirit of the Constitution and the Supreme Court's decisions in Wesberry against Sanders and Martin against Bush will be best observed by permitting the 1964 elections to be held under the present statute, article 33, SS152–166, Annotated Code of Maryland, 1957. The enactment now pending on referendum, section 1 of chapter 360 of the Laws of Maryland, 1963, fails to meet constitutional standards, and even if approved at the 1964 election, could not be permitted to stand.

We will therefore sign a decree declaring the existing congressional boundaries unconstitutional and void, but will stay the effective date of the decree until after this fall's elections.

The court retains jurisdiction to grant such further relief as future developments may warrant.

JUDGMENT

This duly constituted court, having jurisdiction of the parties and of the subject matter of this cause, and having heard the parties, as well as numerous intervenors, does this 21st day of March 1964, adjudge and decree:

1. That sections 159–166 of article 33 of the Annotated Code of Maryland (1957) are hereby declared null and void, as violative of section 2 of article I of the Constitution of the United States and of the 14th amendment thereto, and defendants are hereby enjoined from the use of said sections in any primary or general election of Representatives to the Congress of the United States, but the effectiveness of this paragraph of the judgment is hereby stayed until after the 1964 general election:

2. That section 1 of chapter 380 of the laws of Maryland of 1963, purporting to redistrict the State of Maryland into eight congressional districts, is declared null and void and in violation of section 2 of article I of the Constitution of the United States and the 14th amendment thereto, and the defendants are enjoined from placing said legislation on the ballot of the November election of 1964; and

3. That this court retains jurisdiction to grant such further relief as circumstances may warrant.

In order that the Members may have a background of facts before the court, I also insert at this point a news story from the Washington Post of March 22, 1964, covering the landmark decision:

Maryland's Districting Valid for 1964: Court Rules Setup Must Be Changed After Fall Election

(By Thomas R. Kendrick)

Baltimore, March 21.—A three-judge Federal court branded Maryland's congressional districts unconstitutional today but said it would permit them to stand through the November election.

The decision means that the 70 congressional candidates will run this year under the present system of seven district races and one Statewide contest.

At the same time, the judges gave the Maryland Legislature one last chance, probably at a special session in November, to map new boundaries in line with the Supreme Court's mandate that districts be as nearly equal as possible.

The judges ordered a Maryland redistricting plan adopted last year by the legislature, but petitioned to referendum, taken off the November ballot. They said it also was unconstitutional.

TEXAS PRECEDENT

In choosing to leave suburban voters underrepresented at least 2 more years, the court followed the Supreme Court's lead in indicating that Texas could use its unconstitutional districts this fall because election preparations are so far advanced.

In declaring the existing districts "null and void" but staying the decree "until after this fall's elections," the court said it was reluctant to take more drastic action requested by opponents of the present system.

"Legal questions apart," the judges said, "no court, Federal or State, will accept with any degree of satisfaction a call that it draw new district lines—a task primarily legislative in character."

COURT RELUCTANT

It was apparently this view that prompted the judges Friday to ignore a redistricting plan that seven Congressmen worked all week to produce at the court's request. The population of present districts ranges from 243,570 to 711,045.

The judges said they were also reluctant to "contemplate a proposal to order elections at large, with the consequent lessening of direct contacts between representatives and their constituents, and other disadvantages."

Today's opinion was signed by Simon E. Sobeloff, of the U.S. Court of Appeals for the Fourth Circuit, Chief Judge Roszel C. Thomsen of the U.S. District Court for the District of Maryland and U.S. District Judge Edward S. Northrop. It was written by Judge Thomsen.

"A formal decree was withheld," the judges said, "to allow an opportunity for the general assembly to take appropriate action consistent with constitutional requirements."

LEGISLATIVE EFFORTS

The general assembly "found it impossible or inexpedient to take such action" at its regular session the judges noted, and a special session also failed to produce results when two bills were killed in the senate.

"Manifestly," the judges said, "the existing situation cannot be permitted to continue indefinitely, but in determining the precise form that relief should take the court is permitted—indeed it is expected—to take into account all pertinent equitable considerations."

"It would be unwise," the court concluded, "to undertake at this time a solution governing the future without differentiating" between the November election and later ones. Marylands' primary is May 19, and the filing deadline has passed.

FINAN COMMENTS

Reaction was swift. Maryland Attorney General Thomas B. Finan said he was convinced of the decision's justice. He said he presumed that Gov. J. Millard Tawes would call a special session "shortly after the election."

Finan said he knew of no authority that would permit additional candidates to file now but that he felt those candidates who had filed in the confusion of the past few months should be permitted to withdraw if they want to.

Such an administrative ruling would apply to candidates such as Virginia Black, Montgomery's Register of Wills, who filed for a proposed new fifth district including her county. Now she would have to run in Prince Georges.

James H. French, attorney for the Maryland Citizens Committee for Fair Congressional Redistricting which pressed for the court to draw fair districts, said the group would meet at 2 p.m. Sunday to consider further action.

CITES TIME FACTOR

But French said he was very pessimistic that an appeal to the Supreme Court would be successful. There is too little time, he said.

Finan raised the possibility that a bill passed the General Assembly this fall could be petitioned to referendum in 1966, staying its effect at least until 1968. The assembly could avoid this possibility by passing the law as an emergency measure by a three-fifths vote. Or the Federal court could intervene.

In commenting on the bills proposing congressional standards the editors of the Washington Post charge that Congress is abdicating power in failing to act. I happen to agree with this judgment, and offer the case in Maryland as evidence that power, like nature, abhors a vacuum. If Congress does not act, the courts will.

Abdicated Power

The hearing before the House Judiciary Committee on congressional redistricting standards should have aroused more interest than it did, if only for reasons of self-interest. The Supreme Court's recent decision in the Georgia case made clear that grossly unequal congressional districts are unconstitutional. The courts are now in the process of correcting these inequalities. In the absence of any legislation, they will find it necessary to lay down guidelines as to what constitutes acceptable districting.

Congress is thus, in fact, abdicating a vital responsibility. It should be first to insist that the States respect the representative principle when they set up their districts from which Congressmen are to be elected. Instead, Congress has acquiesced in shocking disparities between districts. It has been more concerned with protecting the inequitable status quo for a few of its favored members than it has been with keeping the House truly representative.

This little game of hear no evil, see no evid could be played so long as the courts were willing to take a hands-off attitude. Now the situation is drastically changed. Congress must step into the breach or see its authority to require fair distribution of its seats gravitate toward the Bench.

Representative Charles McC. Mathias suggested that Congress enforce rules of fair districting in addition to prescribing such rules. Representative John P. Saylor said that the House itself should redistrict States which fail to comply with the proposed guidelines. We haven't much confidence in Congress doing the enforcement job. But it certainly should lay down appropriate standards of compactness, contiguity and relative equality of population to guide both the State legislatures and the courts.

SOMETHING ROTTEN—PART II

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, on March 16, 1964, I called the attention of the House to some strange inconsistencies in the Bobby Baker scandal as it related to the L.B.J. television interests in Texas. These comments appear in the Record at page 5299. This morning, the Wall Street Journal gave a comprehensive account of the background of this station which is either the success story of the decade or an example of political influence supreme. The President's refusal to clarify the facts involving this case cannot be considered as anything less than a coverup. It would be very interesting to know just who advertised on this television station and how much. We have already seen one political kickback which was routed through the television station. Were there more? How much did influence have to do with the station's commercial success?

Can anybody honestly believe that if this involved anybody except the President of the United States they would be hounded out of office? Do we have double standards at the top?

The article follows:

The Johnson Wealth: How President's Wife Built $17,500 Into Big Fortune in Television—Firm Is Only TV Broadcaster in Austin, Turns a Profit on Other Texas Ventures—Good Luck on FCC Rulings

(By Louis M. Kohlmeier)

Washington.—The L.B.J. success story comes in two volumes: Public service and private enterprise. Lyndon Baines produced volume I, from poor boy to Presidency, as everyone knows. Lady Bird is credited with putting together volume II, the business saga, and in many respects it is equally astonishing.

Its title could be: "How To Put $17,500 Into Broadcasting and Come Out With Multimillions." There could be these chapter headings: "Picking and Planting Texas Acorns," "Elbow Grease and an Eye for Figures Make Them Grow," "A Long Run of Luck With Government Rulings Helps Lots," "Know Your Networks; They Bring Good Fortune, Too."

Today the keystone of the business that Mrs. Johnson built is station KTBC–TV—with its "monopoly" on television broadcasting in Austin, its affiliations with all three networks, its transmitting power boosted with Federal approval, its solitary status protected against competitive invasion by Federal disapproval.

But the tale begins back in 1942, at a time when Lyndon was a 34-year-old Texas Congressman. He'd just finished an active duty stint in the Navy, during which time Mrs. Johnson had kept shop at his House office. That chore complete, she and Lyndon were intrigued when they heard a "for sale" sign was going to appear on KTBC, an Austin radio station serving her husband's constitutents, including those in Johnson City.

FCC APPROVAL

She bought it in early 1943 and the broadcasting purchase was Government approved, as all must be, by the Federal Communications Commission—after she had recited her service on Capitol Hill and experience administering her personal inheritance, had offered her personal balance sheet showing a net worth of $64,332, partly liquid and partly in real estate, and had pledged her full-time and energetic efforts.

The fearsome challenge that faced Mrs. Johnson can perhaps be measured by this fact: The broadcasting company had been headed by Robert B. Anderson—a man whose financial genius was sufficient to lift him later to the post of U.S. Secretary of the Treasury under Eisenhower, but insufficient then to keep KTBC out of the red. The outfit had lost $7,231 in 1942, on revenues of $26,795. If he couldn't make the thing pay, who could?

Lady Bird Johnson. She picked up this moneyloser for just $17,500. Her first move was to grab a mop and bucket and "clean up the place," friends recall. She reshuffled executives, too. But more than that was needed. The basic reasons for financial trouble, recalls one of the former owners, A. W. Walker, were that "we did not have a network affiliation, and couldn't operate at nighttime." As a matter of fact KTBC had only leftover hours of broadcasting, because all that its original owners had been able to win from the Government after a long struggle was the right to share a transmitting wavelength primarily assigned to Texas A. & M. College.

UNLIMITED HOURS GRANTED

In a hustle, Mrs. Johnson asked the FCC to grant her station unlimited broadcasting hours, and quadruple its 250-watt transmitting power. Permission was granted for both; the former required FCC allocation of an entirely different wavelength. And quickly Mrs. Johnson pursued valuable network affiliation. An NBC executive who was a friend of Lyndon at the time says regretfully that Lady Bird's request for his network's programs had to be turned down because of the objection of a San Antonio affiliate. But she rapidly won affiliation with CBS. So now Lady Bird could go out and get business.

Soon she had mopped up that red ink—achieving in August her first profit, $18—and begun building a profitable broadcasting duchy. By the most conservative measurement, this broadcasting investment has grown more than 200-fold; assets of $3,992.902 are shown on the latest (February 28, 1962) balance sheet on file at the FCC. Experts estimate the actual market value of the enterprise today might be around $7 million. One broadcasting executive who is not associated with the corporation but who has long known the Johnsons indicates that net earnings now exceed $500,000 annually. These profits still accrue to the Johnson family even though all family stock has been in trusteeship since Mr. Johnson entered the White House. At that time Mrs. Johnson resigned as company chairman and relinquished managerial duties.

Like two young oaks springing up side by side, the L.B.J. careers in Government and business grew mightily—their trunks rising parallel and branches intertwining. A number of noted men have at different times served on both Lady Bird's broadcasting crew and Lyndon's political team. John B. Connally, now Governor of Texas, is one. Another is "Jake" Pickle, whose election to Congress after the Kennedy assassination was taken as a vote of confidence in the new President. Still another is J. C. Kellam, who in the thirties had been with the National Youth Administration while Lyndon was its Texas director; he became Lady Bird's lieutenant and finally company president.

WALTER JENKINS' ROLES

And there's Walter Jenkins, who for years served simultaneously as Lyndon's administrative assistant, on the public payroll, and as Lady Bird's corporate treasurer, privately rewarded, relinquishing the latter portion of his dual role only after the Johnsons entered the White House.

The statesman husband at no time held stock in the wife's enterprise. Yet the rising family fortune not only freed him to pursue politics but financed handsome hospitality in surroundings appropriate to increasingly lofty office—such as "The Elms," the Washington mansion from which the Johnsons moved to the White House. No one could show, however, that the L.B.J. fortune "bought" the L.B.J. political advancement.

Similarly, it would take a subtle scientist to measure precisely how much Lady Bird's broadcasting business may have benefited from Lyndon's political prominence.

Certainly there was no effort to hide his trademark; the corporate name was officially changed to L.B.J. Co. in 1956, and changed back again to Texas Broadcasting Corp. only after Mr. Johnson entered the White House and Mrs. Johnson put her stock in trusteeship.

What seems at first glance to be one clear bit of evidence that the L.B.J. Co. considered its financial prospects linked to his person—its $100,000 worth of insurance contracts on his life, taken out in 1957, after the heart attack, and another $100,000 worth in 1961, before he flew to Asia—has been explained as due chiefly to tax considerations.

Unlike most businesses, a broadcasting enterprise can exist and expand only with Government approval. From the very beginning and repeatedly thereafter, the fate of the Johnson family fortune has inevitably hung not only upon business acumen but also upon favorable rulings by the Federal Communications Commission. Yet FCC public records show not a single intervention by Representative, Senator, Vice President or President Johnson in quest of a favor for his wife's company.

SOLID BUSINESS SUCCESS

Quite apparently, there was no need for it. Mrs. Johnson was able to present the FCC with a record of solid business success, whenever that was relevant to governmental decisions. When it was not relevant, she was—as one official of the agency remarks—consistently "lucky." The practical effect—disregarding intent—of a long series of FCC rulings has been to create the Johnson local TV broadcasting monopoly, expand its sphere, and defend it against incursion.

Consider first the creation.

In 1948 the FCC suspended granting any new TV channel allocations and launched a prolonged national study of where they should go. It was in this same year that Lyndon Johnson was elected to the Senate; he promptly moved on to the Commerce Committee which is senatorial overseer of the FCC and the body to which all communications bills are referred; by 1951 he had in addition become Democratic whip, thus holding his party's No. 2 power position in the Senate. In 1952 the FCC unrolled the map showing the conclusions of its study, and lifted the freeze on new station grants.

It turned out the Austin area was awarded just one standard (very high frequency) channel, while the Fort Worth-Dallas area got five and some other cities in this slice of Texas also received multiple standard channels. The FCC emphasizes that technical considerations prevailed. Any two stations transmitting on the same channel had to be spaced far enough apart to avoid signal interference. With that guideline, cities were granted stations on the basis of population in the 1950 census. So Austin, with a population of 132,459, deserved just one.

Around the Nation a lot of other towns received similar slim rations; there are today nearly 150, from Manchester, N.H., to Chico, Calif., which depend on a single standard station. But FCC experts say Austin is "among the top four or five single-station markets." Triple network affiliation can be taken as the badge of a rich market for a solitary broadcaster; recent research by one network shows that among those thus linked to CBS, NBC, and ABC, the Austin station boasted the largest audience—203,500 homes with TV sets. Runner-up was Topeka, Kans., with 194,800.

CORPUS CHRISTI STATION

Of course, the Government planners of 1952 were not balancing the claims of the Austin audience against those of remote cities; the spacing requirements meant each region had to be considered separately, and their task in tackling this part of Texas was to take the limited number of channels and deal them out with equity.

Looking back, there seem to have been some quirks. To the south of Austin is Corpus Christi; it had within city limits a smaller population, 108,287, and about half of any telecasting arc outside the town was bound to swing over uninhabited water. Yet the Government study from the beginning projected two standard stations for Corpus Christi—and not considering that sufficient the Federal allocators later added another channel. Furthermore, far from being demonstrably free from any signal-interference problem, this third channel was involved in an interference problem with Mexico which could not be resolved until 1960; the third Corpus Christi station has not gone into broadcasting even yet.

After deciding one station would handle all standard television in Austin, FCC had no difficulty choosing who should have it. The agency announced on April 14, 1952, its formal verdict that Austin would get channel 7; Mrs. Johnson's company had filed for exactly that channel 1 month earlier, and had already nailed down network affiliation. On July 1, FCC began processing 716 applications then on file for the Nation's new stations; 10 days later it issued its first batch of permits to just 18 fortunate applicants—among them, the Johnson company. By October, KTBC-TV was putting pictures on the airwaves.

No rival applicant had contested Mrs. Johnson's TV quest. And by then her record in radio left no doubt of her qualifications. As one male associate has since observed, she was "any man's equal; she reads a balance sheet, like most women examine a piece of cloth." The financial statement her company submitted to the FCC showed the property she'd bought not a decade earlier for that $17,500 now had assets of $488,116, and its net profit during 1951 had reached $57,983. (This, incidentally, was the last profits disclosure ever to go into FCC public records; the agency requires regular earnings reports only for its confidential files.)

As a footnote, it must be observed that there were other people who did want to televise from Austin. FCC had also allocated two nonstandard (ultrahigh frequency) channels to the city; applications for both of these were filed, and granted in the summer of 1952.

Why didn't such groups instead seek the choice standard television channel? An FCC aid remarks it "looks funny now," but explains that "apparently" they were not eager to do battle against the strong Johnson bid before a Federal agency, when the UHF channels were available as an alternative—and at a time when UHF's competitive disadvantages had not become apparent.

One recipient of an Austin UHF channel was Tom Potter, who boasts he had built the first Texas TV station, WFAA, up in Dallas and obtained its FCC permit before the 1948 freeze. His explanation of why no one vied against the Johnson application for Austin's standard channel is simple: "Lyndon was in a favorable position to get that station even if somebody had contested it. Politics is politics."

Actually, it could not take long to see that the commercial outlook for UHF broadcasts in the 1950's was dismal—partly because most TV sets were not manufactured to receive them. Within less than a year both Austin UHF outfits handed back their FCC permits, unused. The channels were reassigned to others in 1961 but have not gone on the air to this day; Government officials say that if present licensees don't build stations soon their permits may be withdrawn.

Even before the Johnson domination of Austin's television was formally assured, events were afoot which were to end with an expansion of the L.B.J. broadcasting realm—96 miles northward to Waco.

In this drama, not Lady Bird but Lyndon appeared first on the stage, and his inconspicuous role gave no indication that the Johnson fortune was ultimately to be advanced.

SENATOR WROTE FCC

In February 1952, at a time when the civilizing influence of video had not reached Waco, and shortly before FCC lifted its freeze on channel allocations, the Senator wrote a letter to the Commission.

He pressed for information on the status of a TV application which had been filed by KWTX Broadcasting Co., operator of a Waco radio station—explaining that he did so on behalf of a constituent who held stock in that company. Competing applications delayed FCC's award of the standard channel; in April 1953, Mr. Johnson wrote the Federal regulators again, now on stationery of the office of the Democratic leader, inquiring about the Waco TV situation and urging "serious consideration to this problem, based on its merits."

On December 2, 1954, the FCC granted KWTX broadcasting its television permit. Almost simultaneously, it became clear that the eyes of Mrs. Johnson's company had been resting on Waco, too.

While still in its swaddling clothes, Waco's new KWTX-TV suddenly found itself subjected to what it later claimed was a two-pronged Johnsonian invasion.

First, on December 1, 1954, FCC authorized Mrs. Johnson's company to pick up for $134,000 a debt-burdened nonstandard (UHF) television station which had started transmission in Waco the previous year. Waco's standard KWTX-TV, which had been seeking network affiliation without success, told the FCC it was then dismayed to observe that under the Johnson proprietorship its UHF rival was armed with both CBS and ABC programs.

Second, in March 1955, Mrs. Johnson's home-base TV station in Austin asked the FCC for a big boost in transmitting power—to 247 kilowatts from 100. At this point Waco's KWTX-TV, just getting into operation, employed its violent opposition. It complained that Austin's channel 7 broadcasting arc, which hitherto had overlapped the southern fringe of its own channel 10 audience around Waco by only 91 square miles, would, with such a jump in broadcasting power, increase the overlap to 740 square miles.

The fledgling Waco station protested to the FCC that Lady Bird's company was violating antitrust law through ownership of its two stations and their network contracts. Stronger transmitting power for Austin, KWTX-TV told the FCC, would not only increase the Johnson station's strength in bidding of ad revenue in the overlap area but enable it to "strengthen and solidify its monopolistic activities" in the enlarged area it alone would serve.

The Johnson company replied these accusations were "entirely without substance." And then, surprisingly, the Waco complainant suddenly seemed to agree. In mid-May KWTX-TV tersely told the FCC it wished to withdraw its objection, "certain facts having been brought to the attention" of its executives. The regulatory agency permitted that withdrawal the same day, though it was given no further explanation—and apparently sought none. FCC granted Austin its requested boost of power. (This has been permitted to rise since, to 295 kilowatts, almost thrice the original wattage.)

What had happened to cool off the fight?

Behind scenes, the conflict had actually been heating up, according to sources intimately involved; the Waco broadcaster, lacking confidence that FCC would heed its complaint, had prepared a private antitrust suit and was ready to file it in a U.S. district court. But this lawsuit served, at most, as a catalyst; it never was filed. Instead, the dispute resolved into a fast-breaking deal.

The Johnson company, paying no cash, received 29 percent of the stock of Waco's KWTX Broadcasting Co.

Further, KWTX–TV received the CBS and ABC network affiliations it had never before been able to obtain. (The ABC affiliation agreement was dated May 16, the same day this station withdrew its objection to the power boost for the L.B.J. station in Austin.)

Finally, ownership of the UHF station in Waco, so recently acquired by the Johnson firm, was transferred to KWTX Broadcasting Co.—which by year's end simply shut down this previous competitor. Waco remains a one-station town even now.

Thus, in short order Mrs. Johnson's company had succeeded both in expanding its audience and ad market around single-station Austin and in becoming the biggest single owner of what was converted into a single-station Waco TV operation. The value of the former feat is difficult to calculate, but industry experts calculate just the 29 percent share of the Waco concern would today be worth roughly $600,000.

After its successful excursion to the north, Mrs. Johnson's company turned southward—to demonstrate that broadcasting expansion can be profitable even without becoming permanent.

WESLACO OPPORTUNITY

This opportunity arose in Weslaco, a town at the bottom of Texas, less than 10 miles from the Rio Grande and about 40 miles from the gulf. There KRGV–TV, owned by O. L. Taylor, had gone on the air in 1954, telling the FCC hopefully it would "propose to affiliate with network if available"—and thenceforward it had sunk into financial trouble.

In 1956, two groups wanted to spring to the rescue. One was the L.B.J. Co., which proposed to take over 50 percent of the stock for $5,000; beyond that it promised to lend $140,000. The other was a Texan named H. C. Cockburn, who protested he had held since 1953 an option to buy 25 percent of the stock for $100,000 and declared he wanted to do it. Mr. Taylor claimed he was too late; the FCC dismissed the Cockburn protest and approved the L.B.J. intervention.

The repair job moved fast. Within months the Weslaco station gained FCC permission to increase broadcasting power generously, from 28.8 kilowatts to 100. New network contracts with NBC and ABC were signed. When a routine FCC questionnaire came along in 1957 the station answered "yes" to the query on network links; for some reason it added the following: "This reference shall not be construed to allow public inspection of the confidential portion of the network contracts."

In 1957 the local radio station, also using the KRGV call letters but hitherto under separate ownership by Mr. Taylor, was transferred to the Weslaco Television Co. Next year, with FCC approval, L.B.J. Co. purchased from Mr. Taylor the remaining 50 percent of the Weslaco broadcasting stock—paying $100,000 for this batch.

BUSINESS SOLD

Having gathered everything into one basket and tidied it up, Mrs. Johnson's company in 1961 sold the whole works to Kenco Enterprises. Though FCC public records disclose no total, according to Mr. Taylor the L.B.J. Co. had put about $600,000 into the venture, counting debt assumed, loans "forgiven" and a long-term consulting contract granted to him. The sales price pocketed by the L.B.J. Co. was more than double that: $1.4 million.

In reconstructing the history and current status of all the Johnson broadcasting ventures, a reporter is forced nowadays to rely on official documents, talks with informed sources outside the corporate hierarchy, and conversations Mrs. Johnson permitted before she became First Lady. Persistent and prolonged efforts to review the success story with company President Kellam proved fruitless. Equally elusive is A. W. Moursund, now senior trustee for all family stock, who suggests inquiries be directed to the White House. At the White House it is officially stated that since Mrs. Johnson placed her stock in trusteeship she no longer discusses the business; her spokesman suggests inquiries be directed to Mr. Moursund.

But there is abundant evidence that Mrs. Johnson deserves credit for effective attention to both grand strategy and minutiae of business right up to the time her husband became President, even though she normally had to exercise control on an absentee basis.

Weekly reports were dispatched from Austin—and they were fantastic in their detail. For one thing, Mrs. Johnson has stated they recited every call made by each ad-time salesman, with "the pitch he gave them, the response he got from the merchant." Also included were the bank balances, and the "daily runs"—how time sales compared with similar periods of the 2 previous years.

As these dispatches arrived in Washington, says one broadcasting executive who is an old family friend, they were studied assiduously by Lady Bird, Lyndon, and Walter Jenkins.

Mr. Jenkins, of course, was administrative assistant to the Senator and Vice President, and few in Washington realized that in addition to his public duties he was also conscientiously serving as Lady Bird's corporate treasurer. The extent of his role in company management is not entirely clear.

One broadcasting industry representative remembers that when he wanted to sell a service to the Austin TV station about a year ago he was directed to Mr. Jenkins—who proved able to decide the proposition without consulting Mr. Kellam, Mrs. Johnson, or anyone else. Mr. Jenkins, by his own recollection, may have played a part in the L.B.J. Co.'s purchase of insurance on Lyndon Johnson's life.

Whether he also solicited advertising is in dispute. The Senate committee probing the business activities in which Bobby Baker engaged when he was secretary to the Senate's Democratic majority has received conflicting stories.

Don B. Reynolds, the Washington insurance agent who wrote the big life insurance policies, testified that Mr. Jenkins requested he use part of his commissions to buy advertising time from the Johnson broadcasting company—time Mr. Reynolds had no use for and resold cut rate to a Maryland pot and pan manufacturer. Mr. Jenkins submitted an affidavit disclaiming knowledge of this ad-time sale and emphatically denying he suggested it to Mr. Reynolds or Mr. Baker.

And Mr. Baker, who was a silent but influential partner in the Reynolds insurance agency, refused to answer questions about that, on the ground he might be incriminated. Mr. Baker similarly declined to answer a senatorial inquiry as to whether he himself had ever urged "certain national advertisers" to buy time on the Johnson station.

GOING TO OUTSIDE SOURCES

One trait of Lyndon Johnson, revealed in his Presidency, is to go outside Government for much advice on governmental affairs. Similarly, the progress of the Johnson business enterprise seems to have drawn some of its inspiration from outside sources. The registration lobbyist for one of the radio-TV networks, who has known Mr. Johnson throughout his Capitol career, is one who takes pride in having "encouraged" the family's broadcasting ventures all along the way.

Among friends of prominence is CBS President Frank Stanton, who now informally advises the President on public relations Among those less well known is Frank Russell, who for years was NBC's Washington vice president and who remains an NBC consultant in semiretirement. Not quite 2 years ago, when a testimonial luncheon honoring Mr. Russell was held at the Mayflower Hotel, Vice President Johnson sat next to him at the head table and then rose to deliver 10 minutes of reminiscence about their long friendship. Among the more than 100 present were all members of the FCC, the president of NBC, other executives of the networks, and key Members of Congress.

While Mr. Johnson happily displayed his friendships with network officials, he constantly avoided any appearance of espousing network causes—or the cause of the Johnson company—when broadcasting matters were before Congress. The official index to records of congressional debates back to 1950 discloses not a single instance of the Senator taking the floor to comment on broadcasting affairs. Men who served with him on the Senate Commerce Committee say Mr. Johnson carefully refrained from using his influence to push or oppose broadcasting legislation.

Friends describe Mr. Johnson as "extremely sensitive" about the family interests, especially the TV "monopoly"; it got under his skin when Republican Senator GOLDWATER flew his plane into Austin during the 1960 campaign and cracked: "When I left Dallas, I asked a man how to find Austin. The man said you just fly down in this direction and when you come to a town with just one great big television tower, that's it."

While such jokes come easy, a serious search of FCC public files discloses no instance in which either Mr. Johnson or his wife's company demanded that Austin be denied a second TV station. And the agency never expressed any desire to maintain the local Johnson TV broadcasting monopoly. Instead, the picture which emerges is that of an FCC which may have merely overlooked some possibilities for creating competition in Austin.

Its early idea that the UHF channel allocations might do the trick was quickly dashed, of course; by 1954 FCC conceded publicly that through most of the Nation UHF couldn't compete against a standard station established in the same community. Gradually the Commission began working up other schemes for introducing more competition all over the land.

One was "deintermixture." The idea was that all channel allocations to any single telecasting area would be moved either into the UHF band, or the standard VHF wavelengths, so each would be on the same competitive footing. At the time the agency announced that any city with only one standard station would be considered a candidate for "deintermixture." It named about a score of cities as candidates for this treatment. Austin never got on the list.

One opportunity to give the Austin audience the service of a second station was presented in 1959 when the FCC opened up to debate its own proposal that it allocate channel 3 to Corpus Christi.

The opposition was led by the two standard stations already operating in that town, who contended it could not support a third station, and they took a hard look at the map.

They suggested it would be better to give Austin the service of channel 3. And they noted that could be done by relocating the transmitter of an existing channel 3 station in Bryan, a small town to the east of Austin. If the transmitter were moved halfway between Bryan and Austin, it could serve both places.

Opponents of the FCC proposal noted also that a channel 3 station in Corpus Christi would be incompatible with Mexico's aim to operate a channel 3 station in Nuevo Laredo, only 135 miles distant.

ARGUMENTS NOT HEEDED

FCC heeded neither of these arguments. In January 1960, it awarded channel 3 to Corpus Christi. It had got the Mexicans to switch their channel 3 allocation out of Nuevo Laredo to Piedras Negras, more than 100 miles to the northwest. And FCC took the view that there was no point in worrying about Austin because in any case that city could not be served by channel 3 "unless it is deleted at Bryan"—and the Bryan station deserved protection.

Events proved that the Bryan station was not wild for such protection. The next year it formally asked FCC permission to relocate its transmitter so it could serve Austin as well as Bryan. But FCC rejected this, naturally enough on the ground that it could not be done without deleting channel 3 at Corpus Christi.

Since the FCC had in effect rejected efforts to introduce a competitor into the Austin television market without in any way indicating that such was its intention, and since the L.B.J. Co. had taken no part in the proceedings, it can all be considered an example of Lady Bird's luck. Nowadays, however, the commission is explicitly attempting to curb a new competitive challenge—posed by a company which recently began to "pipe in" out-of-town television programs to Austin folks willing to pay for it. This will be examined in another article.

PRESIDENT JOHNSON, AS WELL AS HIS WIFE, APPEARS TO HOLD BIG PERSONAL FORTUNE

WASHINGTON.—President Johnson is not merely married to a wealthy lady. He personally holds legal rights to much of the family wealth.

The evidence is indirect, but seems solid.

Though Lyndon Johnson has never appeared in Federal Communications Commission records as a stockholder in the family's broadcasting business, there have been indications that he has in fact had a legal claim upon it.

One dates back to 1947. In that year Lady Bird Johnson, who personally held the license to Austin radio station KTBC, decided to shift to a corporate organization, telling FCC this was "desirable from a business and tax standpoint." So she "sold" her personal ownership of the station to her newly formed Texas Broadcasting Corp. Lady Bird took all but two of the shares in this company, and these went not to Lyndon but to two of her employees who served with her as directors.

Nevertheless, the legal sales agreement was specifically "joined in by her husband, Lyndon B. Johnson * * * as required."

The "as required" phrase doubtless refers to Texas community property law. This law is complex in its application, according to the State's legal scholars, but they say that unless Mr. Johnson has signed away his rights he almost certainly retains a legal as well as sentimental share in the broadcasting fortune.

To the extent that Mrs. Johnson's business was built up from funds acquired before marriage, these law experts say, her husband presumably has an undivided half interest in the income—but no share in ownership of the capital. This would apply also to inheritances or gifts after marriage.

Insofar as the broadcasting concern was built with funds Lady Bird acquired in any other fashion after marriage, however, the legal authorities indicated her husband could have not only a half interest in the income but also a half interest in ownership of the investment. One law professor notes "it is almost impossible to tell who owns what in an estate of this size and duration" without detailed examination of all property records and related documents. And of course these are not public.

The most recent significant evidence that President Johnson himself is a man of substantial wealth appears as a sidelight in a statement sworn to on January 11, 1964, by Walter Jenkins, his special assistant. Mr. Jenkins had long served as Lyndon Johnson's aid—and until he moved to the White House had doubled as Lady Bird's corporate treasurer. In this statement, given to agents of the Senate committee probing activities of Bobby Baker, the ex-secretary to Senate Democrats, Mr. Jenkins explained, in passing, why the Johnson family company bought $100,000 of insurance on Mr. Johnson's life in 1957, and another $100,000 in 1961. He put it this way:

"The company was anxious to get insurance on Mr. Johnson in as large an amount as possible to protect its stock and control—because if Mr. Johnson should die, Mrs. Johnson would have to sell some of her stock in the company to pay estate taxes, etc. The company wanted to be in a position to buy back and retire stock rather than to allow it to be offered on the market."

In other words, the insurance policies would not directly give Mrs. Johnson any funds to pay taxes on her husband's estate. She would pay these herself, and sell some broadcasting stock to raise the money. The purchaser would be the Johnson company, which would have $200,000 in fresh funds from the policies available for this purpose without depleting the corporate treasury. Then the company would retire the shares involved. In consequence, each remaining share outstanding would represent an increased proportion of company ownership, and grow in value. Thus stock still owned by Mrs. Johnson and her daughters (who by now are also major owners), though fewer in number of shares, could be worth about the same as the total previously held.

So, although the company is paying the insurance premiums (Mr. Jenkins thought these amounted to about $80,000 by late 1963, and said they were not booked by the Johnson company as a tax-deductible business expense), the approximate net effect would simply be that $200,000 of insurance would go to help the womenfolk take care of taxes on a Lyndon Johnson estate. But of what size?

According to Internal Revenue Service experts, $200,000 would pay the tax on an estate of about $1 million. But that is an imprecise calculation, and it would appear that more than $200,000 may be available. The Jenkins sworn statement referred to the 1957 and 1961 policies as "additional insurance."

Quite apart from any claim he may have upon the broadcasting enterprise, of course, are other Lyndon Johnson holdings.

Officials have said he owns 5,000 acres of unimproved Texas land, used chiefly for grazing, and that he has placed this under trusteeship with instruction to accept no Federal conservation type payments.

They have stated the President retains control of an undisclosed amount of municipal bonds, which are exempt from Federal taxation, and the house and 40 acres of land which compose the L.B.J. ranch.

As landholder, Lyndon is rivaled by Lady Bird. She inherited about 3,800 acres in the heart of Alabama from her mother and maternal relatives she has referred to as "Aunt Effie" and "Uncle Claude." This acreage in Autauga and Chilton Counties, Mrs. Johnson has said, "has undergone a change that is historic in that section, from cotton and corn and tenant farmers to growing pine trees mostly."

Cash for the original broadcasting investment of 1943 likewise was a maternal inheritance, as Mrs. Johnson has explained: "Daddy had made about three little forays to me about he'd like to pay me off—that is, pay me my share of my mother's estate. He had remarried, and I think he didn't like to have it hanging over his head."

The broadcasting enterprise has gone through name changes and evolved in other ways.

Until 1945 it was Capital Broadcasting Association, Inc. The 2 years of Mrs. Johnson's personal ownership of station KTBC followed; then came Texas Broadcasting Corp.; in 1956 this was transferred to L.B.J. Co.—whose articles of incorporation stated the company's purposes could extend to such varied enterprises as ranching and manufacturing. The company subsequently did acquire the Muzak wire music franchise for Austin. Records of the county tax assessor show scattered real estate holdings; Austin sources say much of this consists of lots turned over as payment for advertising of subdivision homes.

By the latter fifties a few company executives were given option encouragement to buy some stock; a few additional shares went to Johnson relatives and friends. But the bulk remained in the immediately family. Mrs. Johnson put 184 shares into trusts for daughters Lynda and Lucy (now Luci). The two trustees: A. W. Moursund, a wealthy Johnson City rancher, lawyer, and insurance executive who is a family friend of long standing; J. W. Bullion, a Dallas lawyer who has known Lyndon Johnson for many years.

When her husband entered the White House, Mrs. Johnson still held 313 shares, more than half of the 594 outstanding. Within a week she resigned as chairman and placed these in trust with Mr. Moursund and Mr. Bullion. And the company name returned to Texas Broadcasting Corp. At the same time Walter Jenkins resigned as treasurer; his 23 shares, along with 6 shares held for his children, went into trust. Financial benefits still accrue or are passed on for the benefit of stockholders whose shares are in trust.

GENERAL LEAVE TO EXTEND

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JOHN FRANK STEVENS—MARIAS PASS AND PANAMA CANAL

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FLOOD. Mr. Speaker, serious students of Panama Canal history and problems soon learn that the story of this great waterway primarily concerns a few stout and earnest persons, some of whom have been men of true genius.

In 1905, when President Theodore Roosevelt was looking for a qualified chief engineer to head the great construction project, he went to the railroads and found him in the person of John F. Stevens, 1873–1943, who in 1889 had made the dramatic discovery of Marias Pass, Mont., through which he had constructed the Great Northern Railroad.

In the preparation of a 1956 address on "John F. Stevens: Basic Architect of the Panama Canal" before the Panama Canal Society of Washington, D.C., I went deeply into the story of the life and achievements of this great pioneer engineer, which was published in the CONGRESSIONAL RECORD of May 29, 1956.

In many ways a man of universal talents, Stevens left his mark on many lands as well as on his own, among them Panama, Russia, Siberia, and China.

It was therefore, with the greatest interest that I read a brief story of Stevens' discovery of Marias Pass, by Jenkin Lloyd Jones, in the March 16, 1964, issue of the Washington, D.C. Evening Star, which follows:

MARIAS PASS: BEST IN ROCKIES—ROUTE FOR TRAINS THROUGH MOUNTAINS FOUND BY MAN NAMED STEVENS IN 1889

(By Jenkins Lloyd Jones)

SPOKANE, WASH.—All day long the train roars westward across northern Montana.

Hour after hour the featureless plain rolls beneath the dome cars.

But ahead lies the wall of the Rockies. The Bear Paw Mountains, rising white in their snow mantle south of Havre, stand as the first sentinels. North of Chester the flatness is broken again by the Sweetgrass Hills. And, finally, in the afternoon sun, the frozen summits of Glacier Park shatter the horizon.

Now the wall is plain, stretching north and south as far as you can see. You can find no opening. But the train climbs toward it with confident purpose. It is heading for Marias Pass—the best of all the great passes through the American Rockies—and the last discovered.

In the days of Lewis and Clark the Indians told of an easy route to the Great Ocean, but Lewis and Clark never found it. In the 1850's the U.S. Government, recognizing that the railway age was coming, grew interested in surveying the best route to the Pacific.

The southern route, southwest from Fort Smith, across the Comanche lands of Texas, through El Paso del Norte and on through the Apache country to California was easy—if you did not count the Comanches and Apaches.

The Santa Fe Trail with its extension along the 32d parallel was well known. So was the Mormon Trail up the North Plattee, over South Pass and to San Francisco via the Nevada desert. But routes over the northern Rockies were a puzzle.

In 1840 Robert Greenhow published a map showing the great pass right about where it really is. But no one paid much attention to Greenhow's map, an admitted guess.

All the time the Blackfeet Indians knew about the pass, but they feared it as the home of evil spirits and would guide no one there. As the Civil War clouds darkened, the Government gave up the search.

Thirty years went by. James J. Hill, the Canadian boy who started as a steamboat clerk in St. Paul, had become the "empire builder." The rails of the Great Northern had crawled west across the Dakota plains and Hill had driven them halfway across northern Montana to Havre, still hoping to find an easy way. But at Havre he paused, frustrated. His surveyors had returned discouraged. Reluctantly, he began laying rails southwest toward Helena.

As a last shot, in the late fall of 1889, he sent out a tough young engineer, John F. Stevens. Stevens could get no Indian guides. He pressed on blindly westward in the teeth of a deepening blizzard. Finally, he found a little river, named Marias 84 years before by Capt. Meriwether Lewis for his cousin, Maria. In the late afternoon he slogged through deep snow to its headwaters, crossed a low saddle and found the beginning of a creek that trended west and north. It proved to be a tributary of the Flathead which goes into the Kootenai. Marias Pass was found.

That night the temperature dropped to 40 below. He didn't dare cuddle in his blanket next to the fire. There was too much hazard of a sleep that leads to death. All night long he walked back and forth in the snow. The next day be struggled east. Within a week jubilant Jim Hill had his half-frozen coolies grading a right-of-way straight west from Havre.

The beautiful long train with its snaking dome cars passes the winter-closed Glacier Park Lodge and behind its full-throated diesels climbs through the snow sheds along the north bank of the Marias. There at the top, half buried in a drift, is the bronze statue of John F. Stevens in his stocking cap and fleece coat, staring out across his pass. The altitude—5,313 feet—the lowest railroad crossing of the Continental Divide north of the Southern Pacific.

The story of mankind, mostly, is a story of people who, like the Blackfeet, feared evil spirits and never even sought the better way. Beyond these are the fumbling seekers, the easily discouraged who blunder up the wrong approaches and tell the world that the better way is a phantom or the shortsighted and timid who suspect the truth but don't pursue it.

That's why civilization can never get enough John F. Stevenses, the men who brave the blizzards and stubbornly find the way.

The big diesels are silent now. The brakes screech on the curves. The "Empire Builder" glides easily down toward the big ocean.

UNFORTUNATE COMMENTARIES ON JUVENILE DELINQUENCY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, some public commentary on a number of social problems in the United States often conveys the impression that the sins of a few are the sins of many. This unfortunate habit of transferring the minority's guilt to the majority leads to profound misunderstanding of many serious problems in American society and certainly obscures the constructive efforts of many dedicated Americans to overcome those problems.

To be specific, Mr. Speaker, I would call the attention of my colleagues to the many unfortunate commentaries offered almost daily on juvenile delinquency. How easy it is for us to read about antisocial or criminal behavior in the younger set and attribute a tendency toward that behavior to most youngsters. How unjust and wrong it is for us to be caught up in this habit of generalization and oversimplification, particularly at the expense of a vast majority of junveniles whose behavior represents the best traditions of citizenship.

Seven years ago, the Macomb County, Mich., probation department launched a pioneer program to salvage the lives and future prospects of youthful offenders. The story of that admirable and constructive effort appears in a recent article by Staffwriter Leon Goldman, of the Mount Clemens Monitor Leader.

In my judgment, Mr. Speaker, this article serves as a much-needed reminder that 95 percent of our young people often accept the blame for a wayward 5 percent, and that those few who do run afoul of the law—at least in Macomb County—have a second chance to live useful lives thanks to the far-sighted efforts of the probation officers. Under unanimous consent, I include Mr. Goldman's article in the RECORD so that other communities in America may benefit from the example of Macomb County:

HUMAN SALVAGE PROJECT SAVES COUNTY YOUTH

(By Leon Goldman)

All is not lost with the younger generation despite the impression created by the current uproar over juvenile delinquency.

At least, it isn't the situation in Macomb County.

You have the authoritative opinion of those in position to know whereof they speak.

In the first place—it is stressed—here, as elsewhere, only about 5 percent of the youth element can be classified as delinquent.

The other 95 percent behave themselves and are model citizens.

The good conduct of the overwhelming majority is overshadowed by the wayward few.

Even with those who have gone astray, all is not lost. Many can, and are being rehabilitated into good citizens through a "human salvage" program pioneered by Macomb County.

It is a special probation program put into motion 7 years ago by the county probation department. The date was January 2, 1957.

The "guidance without custody" system has since spread to many other counties in the State.

An average of 96 out of 100 beginning offenders a year in this county are now being channeled back into the straight and narrow through the process, statistics show.

Even the most cynical will concede that this is a creditable batting average in any league.

Reached to discuss and comment on the operation are three law-enforcement officials who have worked closely in administering the program.

They are Guy L. Brown, chief of the probation department; County Prosecutor George N. Parris; and County Police Justice Francis A. Castellucci.

This is the operation:

Probation in the lower court probation division is restricted to misdemeanor offenders, for which the maximum penalty is a $100 fine or 10 days in jail or both.

Probation is given in lieu of penalty. Minimum court costs and supervisory fees are paid, the fees going into the county's general fund.

Probationers involved are mainly in the age range from 17 to 20, primarily the youthful offender—both in years and in criminal experience.

Most are first offenders who appear headed for further trouble.

Prior to adoption of the system—to put emphasis on crime prevention and correction by placing a premium on future good behavior—the lower courts had to rely on fines and/or sentences, and let it go at that.

The prospect for the offender was graduation to felonies to be handled by the circuit courts. Prison loomed in the not-too-far distance.

There were no direct means of providing guidance and supervision as a deterrent to further criminal activity. The offender paid the prescribed penalty and walked out of custody with no strings attached.

All municipal and justice courts in the county are now participating in the human salvage program.

Of significant value is a presentence investigation conducted by the probation department which provides the sentencing judge with family history and criminal background along with other pertinent data. Also included is a recommendation as to sentence.

This practice formerly had prevailed only in the handling of felony cases in circuit court.

In some nonviolent felony cases, where the offender oppears to be good salvage material, Prosecutor Parris will permit addition of a misdemeanor count to the indictment. This permits the lower court to retain jurisdiction over the offender rather than binding over to circuit court on the higher count.

Three probation officers, all college trained, handle the lower court probation investigation and supervision under Brown.

They are Harry L. Haller, Paul R. Steele, both veterans of the service, and David E. Schmeiser, a comparative newcomer who divides his time between the upper and lower court divisions.

Significant are latest statistics which show that out of a total of 334 probationers supervised by the probation department for the lower courts in 1963, only 12 failed to meet requirements satisfactorily.

A total of 260 successfully completed probation and received honorable discharges.

Ten of the 12 who flunked probation were sentenced for new offenses.

Of those who failed to make good, only one absconded.

Statistics for the proceding year are comparable.

Other figures further attest to the worth of the probation process and the redemption of manpower.

Total earnings of probationers in the division in 1963 amounted to $407,816, reflecting the earning power unleashed in contrast with the incarceration and its attendant costs to the taxpayer.

"The system permits the individual to remain at home and support his family by working," Brown said, "rather than becoming a public liability."

He noted that approximately $11,000 was collected in court costs last year and turned over to the county's general fund.

An additional $4,000 in restitution was collected from the probationers and returned to ,those who had sustained the financial loss as a result of the crimes.

Moreover, the department collected approximately $4,500 in family support and handed it over to families of the offenders.

The latter, Brown explained, involved cases of criminal neglect of family in which there is no divorce or decree pending and which would not come under the jurisdiction of the friend of the court.

For the most part, older individuals are involved, in the domestic cases, said Brown, adding:

"Generally speaking, youth predominates. I think you will find that situation is true across the Nation. Nipping youthful criminal tendencies in the bud means fewer adult offenders later. Naturally, we are extremely pleased with our results."

Brown went on to comment:

"I don't think there is a county in Michigan that has a better working relationship between law enforcement agencies than we do. I don't think either that we are getting any more crime in Macomb County per capita today than we had 20 years ago.

"Being one of the fastest growing counties in the Nation, naturally crime is keeping pace."

On the other hand, noted the probation chief, increased law enforcement personnel and improved means of crime detection have made it "more difficult to get away with anything."

Brown praised cooperation of the lower courts and the prosecutor's office for making the program "work."

He termed Justice Castellucci's court as "our biggest supplier."

Justice Castellucci referred 133 of the 291 cases handled by the lower court probation division last year. The next highest number was 33, referred by Utica Justice Richard C. Stavoe.

They were among 22 municipal judges and justices who made use of the service.

The others were:

Judges: Malcolm E. Trombley, Mount Clemens; Edward J. Gallagher and Verne C. Boewe, Warren; Herman L. Brys, St. Clair Shores; Raymond R. Cashen and Mary E. McDevitt, Roseville; Martin J. Smith and Harold H. Heins, East Detroit, and John O'Hara, Harper Woods (transfer case).

Justices: Joseph P. Plutter, Shelby; George F. Bunker and Gordon E. Havey, Sterling; Harold L. Lemmer and Henry Klos, Chesterfield; James C. Schocke, Bruce; John E. Donahue, Clinton; Bronson Hill, Armada; Paul Mabley, Richmond, and Thomas W. McDonell, Fraser.

Much of Castellucci's volume stems from the geographical location of his court in the county seat of Mount Clemmens. It is locacated in the same building that houses the county jail and the sheriff's department.

Castellucci, a resident of Romeo and a veteran attorney, is examining magistrate at the jail.

Castellucci, presently serving as president of the Macomb County Bar Association, commented:

"You hear everywhere that the kids are going to pot. Our figures and experience don't reflect that.

"I wouldn't go so far as to say 'there are no bad boys.' There are plenty. I have seen them. But you will find most have redeeming qualities. It's a matter of getting it out of them."

Boys outnumber girls more than five to one in the commission of criminal offenses, the statistics show. Most of the offenses involving women are of the shoplifting variety.

Lauding the junior probation system, Justice Castellucci asserted:

"It's working. You can't argue with success of a system that salvages 96 out of 100 offenders. Look at it this way. Last year only 12 out of 334 probationers failed to make good. Were it not for the system, we would be working with a 334 potential."

He added that the figures are "fairly constant."

The county is blessed, Justice Castellucci said, with having a probation department and allied agencies that understand the problem and are willing to do something about it.

"The easy way out would be to pass sentence of a fine or jail and let it go at that. That's only avoiding the problem. You haven't accomplished a thing."

He added:

"I think I can speak for all in saying that it's highly gratifying to look back over a year's work and know that you have figured in saving 96 out of 100 fellows who have gone astray.

"For me," he continued, "it has been extra rewarding to look back through files and see letters of appreciation from those who have been helped.

"They tell you how they have made good in school, college, or out in the business world. They also tell you of their homes and families, and of their determination that their children will benefit from knowledge of the difference between right and wrong that they learned themselves the hard way."

Noting that figures reflect a sharp reduction in felonies by youthful offenders in the county last year, Castellucci said much credit can be given to the part the program has played in cutting down on "repeaters."

In assessing the success of the program, Justice Castellucci praised the prosecutor's office for its cooperation in saving many of the offenders felony records by a realistic and humane approach to the problem.

He summed up the secret of the program's success in a line: "Cooperation and rigid supervision."

Prosecutor Parris had this to say:

"When I came into office, one of my ambitions was to strive for rehabilitation of youthful offenders, and to keep them separated from hardened criminals.

"With the cooperation of the probation department, under the excellent guidance of Guy L. Brown, Justice Francis A. Castellucci, and the other municipal judges and justices handling criminal cases, we have been successful beyond expectation.

"My policy of allowing first offenders who commit nonviolent felonies—those who are deserving of a break and who have a good chance for rehabilitation to plead to a misdemeanor has worked out exceptionally well.

"A youthful first offender who can be rehabilitated and can become a good citizen of our society needs the assistance immediately after commission of his first felony.

"To convict a youngster of a felony," the prosecutor continued, "practically shuts the door of future hopes and dreams in his face."

He then stressed:

"Of course, anyone committing violent crimes deserves and our office prosecutes to the fullest extent of the law. Our records are indicative of a successful policy."

Resuming comment on the office's attitude toward rehabilitation of youthful offenders, Parris stated:

"The latest probation department statistics makes me more determined than ever to continue this humane and beneficial policy of special consideration for those deemed deserving. Society and the individual are both tremendously benefited.

"Incarceration in jail or prison costs approximately $2,500 a year per inmate, whereas probation costs are virtually nil since the probationer pays probation and court costs. Restitution is generally ordered by the court as part of the sentence."

He then concluded:

"The greatest asset of all is the salvation of these youngsters—since prison means, in more than 40 percent of the cases, a repetition in a life of crime against society."

FEDERAL PAY RAISE BILL

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Sickles] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SICKLES. Mr. Speaker, the House Post Office and Civil Service Committee is seeking to revive a major portion of the Federal pay raise bill which the House recently failed to approve.

It is extremely important that the sections of this legislation providing pay raises for 1.7 million Federal employees be approved. There are two basic reasons for this.

First, for those in the lower and middle grades of the salary spectrum, Congress must act to keep faith with a principle of comparability established in the Federal Pay Act of 1962.

For those in the upper salary brackets, it is necessary that Congress raise salary ceilings that now exist in the Federal Establishment. If pay raises are not approved for this group the Government may lose some of its best managerial talent. Inaction could induce the flight of top-level employees to private industry and also greatly reduce the "in house" capacity of the Government to conduct research projects and other activities that require services of skilled professional and scientific personnel.

While, in my view, an increase in the level of congressional salaries is desirable, the provisions to accomplish this purpose in the pay bill which was defeated last week are expendable. I believe that the 435 Members of the House would sacrifice a personal salary increase, however desirable it may be, to insure the passage of legislation which concerns 1.7 million Federal employees and affects the ability of the Federal Government to attract and retain competent civil servants. Therefore, it is my hope that we can take favorable definitive action on pay legislation before adjournment.

WILLIAM SCOTT STEWART

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. LIBONATI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LIBONATI. Mr. Speaker, William Scott Stewart, noted Chicago criminal lawyer, died of a heart condition on March 8, in Miami, Fla. He was in retirement since July 1963. In recent years he appeared primarily in appellate jurisdictions in criminal causes before the several courts of appeals and the U.S. Supreme Court. His briefs reflected in every respect the work of a master in this field.

He was a graduate of John Marshall Law School and later in his career, filled a professorship in criminal law there. He was admitted to the bar in 1911. His fame as a prosecutor in the early twenties—on States Attorney Robert E. Crowe's staff—gained for him the appellation as "the hanging prosecutor." He sent to the gallows such noted criminals as Harvey W. Church, Carl Wanderer, Harry Ward, and Frank Legrandi—and got death sentences and long prison terms against many others.

After resigning in 1923, he became a defense lawyer wherein he became equally as famous as a trial lawyer as he had been on the side of the prosecution. He acted as counsel for William Darling Shepherd, tried in 1925 for the typhoid germ murder of William Nelson, McClintock, Roger Touhy in the kidnaping of John—Jake the Barber—Factor. Won acquittal for Touhy in St. Paul, Minn., on charges arising in the kidnaping of William Hamm of the brewery family. Other clients included "Golf Bag" Hunt and many others.

For the better part of two decades Stewart was active and acted as Chicago chairman of the civil liberties committee and for a time as president of the International Committee for Human Rights.

It is not necessary for a lawyer to be an orator to be a brilliant criminal attorney. Nor is it the orator who attacks the minds of the jury for the weighing of the evidence in their deliberations.

William Scott Stewart was not an orator, but he was a brilliant lawyer in the knowledge of the law and gained a national reputation as a trial lawyer in criminal cases. His active mind gave him depth in determining errors in the record, of faults in the technical procedures, in causes before the trial court. He was an authority in the interpretation of the law of evidence—and had a commonsense approach to the presentment of argument to the court, in explaining the intricacies of the introduction of evidence or documents under the cardinal rules.

William Scott Stewart, as a respected law school professor, never fully abandoned the meticulous scholastic approach to legal problems.

A few fellows around the criminal court building in Chicago, who have watched the changes in the breed of men who weigh out justice and fill the roles of the prosecution and the defense—know now that the thinning ranks of the actor-lawyer types, on both sides of the table—casting their flippant remarks and innuendoes—stirring up dramatic scenes and humorous incidents—all done to influence the jury as actors before an audience, are gone forever—except for the few remaining now in retirement.

Many of Scott's friends of the early days are gone now—passing through the portals of life to their destiny in the Promised Land.

Nate Gross and Bensinger of Chicago's American; Hildy Johnson, Morning Examiner; and Jim Doherty of the Tribune; Art Summerfield, Clem Lane, and Enoch Johnson of the Daily News. The now-retired, distinguished George Wright of the Chicago Daily Tribune, and Ted Todd, retired of Chicago's American, and Congressman Roman Pucinski of the Sun-Times were celebrated reporters of that era.

The members of the famous criminal bar at that period were Miles Devine, Patrick O'Donnell, Clarence Darrow, Frank McDonald, George Crane, Wilbur Crowley (Judge), Erbstein, Brodkin, Bellows, Petrone, Stewart, Nicosia, Love, Bulger, Brody, E. M. Libonati, Busch, Meyers, the Devine brothers, Schultz, Barbaro Scalise, the Stillo brothers, Altieri, Billy Smith, Ropes O'Brien, Milton Smith, Michael Romano, Emmett Byrne, Harold Levy, Judge Austin, Alex Napoli, Congressmen Edward Finnegan, Barratt O'Hara, Bieber, and Covelli.

Among the outstanding members of the bench were O'Connell, Dougherty, Butler, Crowley, Hartigan, Lupe, Sharbaro, Pope, Cilella, Barth, Geroulis, Cornelius Harrington, Morrissey, Quilici, Greene, Dunne, McDermott, Chelos, Drucker McSweeney, Kula, McCormick, Covelli, Austin, Weiss, Padden, Casey, Normoyle, Wells, Dempsey, Barry, Robson, Holmgren, Roberts, Kluczynski, Ward, Burke, Bicek, Tucker, Leonard, Kiley, Touhy, Lyons, Adesko, Stanton, Helander, Jacobs, Hayes, and Rooney.

He is survived by his son, William Scott Stewart III, a Navy commander; a daughter, Mrs. Mary Welch; three brothers and two sisters.

The Illinois congressional delegation extends to the family our heartfelt condolences on their loss.

HAWAII: STATEHOOD ANNIVERSARY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. GILL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GILL. Mr. Speaker, statehood is still new enough to us in Hawaii for its anniversary to be an occasion. I think an anniversary of this sort should have two purposes: First, of course, we should once again express to the leadership and to our friends in Congress, our continuing gratitude for your gift of full citizenship. We should also express our hope that those who represent the 50th State in these Halls have lived up to your expectations. Second, and most important, we owe this Congress a report on what we as a State have been able to accomplish since statehood, and what we have yet to do.

Let me speak briefly at the second point.

There was some concern at the time the statehood bill was being considered, whether Hawaii could stay afloat economically as a State. You need have no fear. Total personal income has continued to rise from about $1.3 billion in 1959 to about $1.68 billion at the end of 1963. Gross State product at the end of 1963 was estimated to be about $2 billion, a 5.2-percent increase over 1962. In the preceding 2 years, 1960–62, the gross State product had increased at an average annual rate of 5.7 percent. These gross figures do not indicate much detail, but they do show our steady growth in almost all areas.

Hawaii is still heavily dependent on Federal spending and undoubtedly will continue to be because of our strategic military position. However, our contributions to the Federal Treasury have also risen. For example, we paid $232,300,000 in Federal taxes in 1960; this rose to $283,700,000 in 1962 and is still going up. While a recent study of the Tax Foundation, Inc., showed that in 1962 Hawaii put in 50 cents for every $1 received, it also showed that 10 States put in a smaller percentage.

All in all, Mr. Speaker, Hawaii is pulling its share of the load, and, further, is developing at a rate substantially faster than the average for the rest of the Nation.

But we have a long way to go.

We must have a far broader economic base. We must serve as the educational, cultural, and economic hub for the Pacific area, and here we have only made a start. With the help of Congress and the State Department our East-West Center has become known across the Pacific and in parts of Asia as a successful new experiment in cultural and technical interchange; but here too we must regroup and redefine our objectives so that people in Washington can better understand our mission. Our racial harmony has long been a byword, and indeed we have done better in this area than most parts of the Nation; however, we also need improvement and we further need to relate our experiences in some fashion which will help the more troubled sections of our country.

On balance, Mr. Speaker, I think we are meeting our responsibilities and the trust you placed in us by granting statehood. And we expect to better this in the years ahead. It is our pride that our people, to borrow the phrase of our late President, are inclined to first ask what they can do for their country. May this always be our guiding principle.

FIFTH ANNIVERSARY OF HAWAIIAN STATEHOOD

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, more than 1,000 citizens of Hawaii will join tonight to partake of a hundred-dollar-a-plate dinner at the Royal Hawaiian Monarch Room in Honolulu to celebrate the Fifth Anniversary of Hawaiian statehood. The Honorable Edmund G. (Pat) Brown, Governor of the State of California, will deliver the principal address. The affair is being sponsored by the Democratic Party of Hawaii.

It was 5 years ago, on March 18, 1959, that President Dwight D. Eisenhower signed the Hawaii statehood bill into law, making our Paradise Isles the 50th State in the Union. This great body of the Congress had passed the bill on March 12, and the Senate had approved it the day before.

Mr. Speaker, I take this opportunity to call the attention of this august body to this event because I am convinced that the granting of statehood to Hawaii is one of the greatest things that this Congress has done in this Nation's entire history. Let us just pause a moment to think about it. Out there in the middle of the expansive Pacific Ocean more than 2,000 miles off the coast of California, lies a chain of islands represented by almost invisible specks on the map of the world. Who in his sane mind would ever have thought that these islands would some day became a full-fledged State in the Union of States? It was only through the extraordinary courage and bold imagination of the Members of the 86th Congress, many of whom are still serving in this body and in the Senate, that Hawaii's dream of more than half a century became a reality.

How has Hawaii fared in its first 5 years as the 50th State of the Union? The Honorable John A. Burns, Hawaii's last delegate to Congress, who is credited with having carried the ball over the statehood goal line, and who is presently Governor of Hawaii, has praised the people of Hawaii for having proven "in every possible way their willingness and readiness to assume the responsibilities of a sovereign State." He points with particular pride to the "new political maturity that has been demonstrated by our people." He says that Hawaii's people "have much to be proud of and much to look forward to," and foresees a greater role of leadership for Hawaii in the field of commercial and cultural exchange between the United States and the Pacific-Asian nations.

Hawaii's people are willing to accept this leadership. They are not asking that the rest of the Nation do something for them; they are offering their unique qualifications and geography of their State for full exploitation by the United States.

As it has been repeatedly said by anthropologists, sociologists, poets, and politicians, Hawaii is "a showcase of American democracy." There in the middle of the Pacific Ocean, peoples of different races and cultures have proven by actual experimentation that they can live together in harmony and understanding for their mutual betterment. Our late beloved President, John F. Kennedy, recognized this, for when he delivered his first major civil rights speech in Honolulu on June 8, 1963, he told his listeners that he had chosen Hawaii as his platform because "Hawaii is what the United States is striving to be."

The first 5 years of statehood has been of proven benefit to the people of Hawaii, but of greater importance is the fact that Hawaii has been able to make unique contributions to the Nation as a whole. Hawaii's people have proven themselves to be our greatest assets in our struggle to win and maintain the friendship of the Afro-Asian countries. The East-West Center for Cultural and Technical Exchange in Honolulu has worked exceptionally well in the multicultural atmosphere of Hawaii and is fast proving to be one of the best investments in peace that our Nation has ever made. Peace Corps trainees too have found Hawaii an excellent training ground.

What I am trying to say here is that as a nation we must to a greater extent avail ourselves of the benefits that can be derived from the ideal geographic location and climate of the 50th State and the unique character and qualifications of its citizenry. We might begin by establishing a free port and international trade complex on Sand Island, as proposed by Governor Burns, to promote commercial intercourse and cultural exchange among the nations of the great Pacific basin.

On this, the fifth anniversary of Hawaiian statehood, the grateful citizens of Hawaii are ready and willing to continue to serve the United States in its great effort toward peace in a better world.

CLYDE HERRING SHOULD BE RETAINED ON INTERSTATE COMMERCE COMMISSION

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to insert their remarks on the subject of my special order, which is the dismissal of Mr. Clyde E. Herring.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, when the President made his announcement he was going to fill some of the top echelon positions in Government with women, I had no reason to disapprove. I favor making the most of the abilities of all qualified citizens, regardless of sex. I have supported equal rights legislation—in fact, I introduced a bill which would help accomplish this.

It is apparent now that the President's announcement was prompted for political reasons as much as any other. All of us can now claim this with more certainty. In this presidential election year, it is important for him to bolster his image wherever he can, so if he can wrap up a few votes in the name of American womanhood, it is only natural that he would move in that direction.

Whenever there is a vacancy which a qualified woman can fill, I find no fault in bringing her into a Government position. In fact, all other factors being equal, I am sure I would support it.

There is one proposed change, however, to which I strenuously object because all other factors are not equal. That is the replacement for Clyde E. Herring, of Iowa, one of the Commissioners on the Interstate Commerce Commission. The President has recommended that Mr. Herring be replaced by Mrs. Virginia Mae Brown, of West Virginia. Apparently as soon as this appointment is confirmed by the Senate, Mrs. Brown will take over as one of the Commissioners on the Interstate Commerce Commission.

I do not know Mrs. Brown, except that she is the wife of a practicing attorney in Charleston, W. Va. I assume the President feels that she is qualified for this position. This is a determination which the Senate will have to make. I do know that Clyde E. Herring is unequivocally qualified as an ICC Commissioner.

Whereas, I do not know Mrs. Brown, I do know Clyde E. Herring. He is a distinguished Iowan with whom I have been acquainted for a great number of years. The Herring name in Iowa is enshrined in the roster of statesmen from this great State. Clyde Herring's father, Clyde L. Herring, served as Iowa's Governor from 1933 to 1937 before his election to the U.S. Senate where he served from 1937 to 1943.

Clyde E. Herring and I am not of the same political party. He is a Democrat; I am a Republican. I was happy to see him receive an appointment to the Interstate Commerce Commission under President Eisenhower. All of us know that he has served with distinction over the past 5 years.

He left a successful law practice in Iowa to come to Washington to serve his Government. He made some sacrifices as we all do when we are appointed or elected to these positions. The very nature of our system calls for these sacrifices and loyal Americans are glad to make them.

Clyde E. Herring, as his father before him, has made these sacrifices for his party, his State, and his Nation. He and I have worked together on many bipartisan projects, not the least of which was the establishment of the Citizenship Clearinghouse at the State University of Iowa. We helped with the founding of this organization so that we and the cooperating educational institutions could promote a greater interest in government and politics on the part of students at the high school and college level. The clearinghouse has since become the Iowa Center for Education in Politics and is associated with the National Center for Education in Politics. I work closely with the center every year in the sponsorship of the Week in Washington program which brings college students and political science instructors to Washington for a week or exposure to Government and politics at this level. At the end of this session of Congress, I will have been host to an even hundred students and almost a score of political science professors. Clyde E. Herring and I both look upon our association with the clearinghouse and the Iowa Center for Education in Politics as a successful venture and one to which we have been proud to lend a helping hand.

This same dedication to his fellow man and the duty at hand has marked the work of Clyde E. Herring during his tenure as a Commissioner of the Interstate Commerce Commission. We all know that the transportation industry is second only to agriculture as the Nation's largest. Transportation and the allied fields account for one-fifth of our gross national product each year. It represents something like $116 billion a year.

Clyde E. Herring has handled some of the biggest cases to come before the Interstate Commerce Commission. He has measured up in every respect, because he is a qualified individual, who is in a position to make his greatest contribution to the Commission in the years ahead. It is a travesty to sacrifice this wealth of experience because it might be politically expedient to place a woman in this position. I, for one, do object and I take the floor today to give the Members of the Senate who will have to confirm Mr. Herring's successor the benefit of my reasons for this objection.

Mr. Herring's experience is in the transportation and the allied fields. That is why he was chosen as one of the Commissioners in the first place. Yet, by our own laws, we prevent Mr. Herring from representing any client before the ICC for a year after he leaves the Commission. We put him in a deep freeze as far as earning a living is concerned and doing the thing he does best. This is one of the anomalies of our system. After we ask a person to make a sacrifice, we summarily dismiss him and ask him to make an even greater sacrifice. It would appear to me that the least we could do would be to authorize payment of an employee's salary for a year after he leaves Government service in a situation of this kind. We would be showing some semblance of a heart, if indeed, Government has a heart.

Mr. Speaker, and Members of both the House and Senate, Clyde E. Herring is too valuable a man on the Interstate Commerce Commission to sacrifice for political reasons, let alone become a statistic in the box score of the women versus the men in Government.

If Mrs. Brown has qualifications for this high position, by no stretch of the imagination can they compare favorably to Clyde E. Herring's. The President may unwittingly be doing a great disservice to her by placing her on the Commission and expecting that she will measure up to one who has served so faithfully and well.

This may be the 11th hour to ask for reconsideration, but I come at this hour, just as I would come at any other, to speak in behalf of Clyde E. Herring and request that this change not be made.

It may be important that Mrs. Brown be brought into the Government. I will not argue that point. I do, however, argue with the replacement of Clyde E. Herring on the Interstate Commerce Commission. I hope the President has some second thoughts about the recommendation. If he does not, then I surely hope that the Members of the Senate will decide that this is an unwise change and act in their own wisdom to hold up confirmation.

In order that all of you may know more about the qualifications of this man, I submit herewith a brief biographical sketch.

BIOGRAPHY OF CLYDE E. HERRING SHOWING VERY BRIEFLY HIS QUALIFICATIONS FOR THE OFFICE

Clyde E. Herring was appointed a member of the Interstate Commerce Commission to fill the vacancy created by the retirement of Commissioner Richard F. Mitchell. He took the oath of office on September 21, 1959, for a term expiring December 31, 1963.

Born at Des Moines, Iowa, March 24, 1915, the son of former Governor and U.S. Senator Clyde L. and Pearl S. Herring, he received his B.A. degree at the State University of Iowa in 1937, and his LL.B. at Drake University. He was admitted to the Iowa bar in 1940.

From 1941 to 1945, he served as an officer in the U.S. Army and was a prisoner of war in Germany during 1943–45.

Returning to Iowa, he served during 1947 and 1948 as assistant county attorney, Polk County, and from 1949 to 1950 as district supervisor, Bureau of Census. He was elected county attorney in 1950 and reelected in 1952. He was nominated as the Democratic candidate for Governor of Iowa in 1954. He was engaged in general law practice in Des Moines with the firm of Davis, Huebner, Johnson, Herring & Burt when appointed to the Commission.

Mr. Herring is a member of the Iowa State Bar Association, the American Bar Association, the American Legion, and Veterans of Foreign Wars.

Mr. Herring is married and has two daughters.

Mr. HOEVEN. Mr. Speaker, it is indeed regrettable that President Johnson did not accord my fellow Iowan, Clyde E. Herring, greater respect and courtesy when it was decided not to reappoint him to the position of Commissioner on the Interstate Commerce Commission. It is my understanding that Mr. Herring learned of his replacement through a newspaper item, and I have no knowledge as to whether or not he personally received notification from the White House. If there was such notice, it certainly must have been belated.

Clyde Herring is "Mr. Democrat" in Iowa, and he has served with distinction on the Interstate Commerce Commission. His many friends in our State, both Democrats and Republicans alike, are embarrassed by this treatment of such a prominent Iowan by the Johnson administration. We recognize the right of the President to appoint a new member to the Commission but regret that the matter was not handled in a more gracious manner.

Mr. BROMWELL. Mr. Speaker, I wish to commend the gentleman from Iowa [Mr. SCHWENGEL] on the timeliness and appropriateness of his remarks concerning Commissioner Clyde E. Herring, who recently failed of reappointment as a member of the Interstate Commerce Commission.

This is a political tragedy. Minor perhaps, but a tragedy nonetheless. The Commissioner's late father is well remembered and will be long remembered as U.S. Senator, even though he has been gone for some time. But he was a leader of the Democratic Party in Iowa in his day, and left behind him a name for caring for the interests of the individual citizens of the State.

Commissioner Herring carried his father's notions of service into the national office which he occupied. I have known him for a number of years, and although I have had little occasion to make inquiry of the Interstate Commerce Commission in the past 3 years, I have every reason to believe that Commissioner Herring has done a prompt, efficient, and effective job as Commissioner. Such has been the effect of many reports which have been made to me concerning his work and I have yet to hear anyone express himself to the contrary.

Mr. Speaker, I am a Republican, but I am an American first, and I like to think a citizen of the State of Iowa, too. Positions in the Interstate Commerce Commission should not be considered as sinecures, but at the same time it would seem that one who has served faithfully and well would be entitled to a few of the amenities at a minimum. In failing to reappoint Commissioner Herring, the President has done his party no service in my opinion, regardless of the qualifications of the lady who will succeed him. But this is not my concern and I recognize that my opinion on this is presumptuous. But in withholding the common courtesies from Commissioner Herring, the bosses of the Democratic Party have acted in a manner offensive to the State of Iowa and this is the concern of Iowans, and should be the concern of all Americans. Commissioner Herring has the best wishes of those whom he has served well as a member of the Interstate Commerce Commission.

JOSEPH P. McMURRAY—THE MAN WHO MAKES THE SAVING AND LOANS TOE THE MARK

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 20 minutes.

Mr. HALPERN. Mr. Speaker, with great pleasure I wish to call the attention of my colleagues to a man who is well known and highly esteemed on Capitol Hill for his outstanding performance and contributions during both earlier and current stages of his illustrious career.

I speak of the Honorable Joseph P. McMurray, who first served in Washington as economic consultant to the Senate Labor and Education Committee, and later as staff director of the Senate Banking and Currency Committee.

Mr. McMurray left Federal service in 1954 to take on New York's housing problems, first as director of New York City's Housing Authority, and then from 1955 to 1959 as commissioner of New York State's Division of Housing.

In that year, Mr. McMurray's unique abilities were further recognized and he was named as the first president of Queensborough Community College, which under his leadership developed into one of the outstanding community colleges in the Nation and as a vital adjunct of the city university program.

While in that post, he was engaged by the National Association of Home Builders to study the alternatives to public housing through private enterprise. Although Mr. McMurray was an early proponent and strong advocate of low-cost public housing when the need for such facilities was at its greatest, the leadership of the builders' association felt there was no question but that he could produce a truly impartial and balanced report.

I can imagine no greater possible tribute to a man's competence, integrity and objectivity than to be so esteemed by those who once opposed him.

Such are the qualities and experience that singled out Mr. McMurray for appointment to his current position as Chairman of the recently reorganized Federal Home Loan Bank Board. They are qualities which he has brought to bear in working toward solutions to the numerous wide-ranging problems, steeped in both complexity and controversy, that he inherited upon being sworn in on May 1 of 1961.

The concatenation of varied and contradictory advice and pressure representing the narrow viewpoints of opposing factions that confronts the FHLBB would distress ordinary men to the verge of utter frustration and despair. But McMurray's rare penchant for appreciating and appraising divergent opinions, his highly developed historical sense, and his professional competence plus concentrated work and study have enabled him to transform adversity toward a once floundering Government agency into a healthy respect for a smoothly functioning and fully responsible regulatory body exerting a positive influence throughout the banking system it serves. It is to his further credit that what he has accomplished has been done at the expense of none and to the benefit of all, as he has bolstered the banking system's sagging stature by giving clarity to its regulations; rescued public confidence by arresting unsound practices; and revitalized the entire thrift industry with many farsighted innovations both instituted and proposed.

In recognition of such a worthy performance, I commend to my colleagues the recitation of the particulars in this Business Week article of January 18, 1964, on Chairman McMurray which I submit for insertion in the RECORD.

THE MAN WHO MAKES S. & L.'S TOE THE MARK

For years, the Federal Home Loan Bank Board—the agency that rides herd on the Nation's biggest savings and loan associations—toiled in lethargic obscurity as the industry it was supposed to watch grew fat, sassy, and just a trifle careless.

This long slumber is now ended. Whipped into motion—and into the headlines—by its bouncy, strong-willed Chairman of the past 3 years, 51-year-old New Yorker Joseph Patrick McMurray, the FHLBB is shaking the savings and loan industry to its roots.

FRESH GOALS

McMurray is not out to restructure the whole industry. He doesn't see its problems as that severe, nor does he want to hurt the competitive position of S. & L.'s vis-a-vis commercial banks. But he does aim to bring new ground rules to an industry that has grown so fast (assets rose from $5 billion in 1940 to $108 billion last year) that old standards have been left far behind. He also wants to give the FHLBB a stature near that of other, more established regulatory agencies—the Federal Reserve in particular. McMurray is refreshing enough to see that his own future in Washington is tied closely to how well he accomplishes these aims.

Initially, McMurray's chief strategy was to expand the S. & L.'s traditional business of making home mortgages. A housing man—he headed the housing agencies of both New York City and State—he has pushed for lower mortgage rates and given S. & L.'s broader lending powers. Federally chartered S. & L.'s can invest more—and for longer terms—in such areas as multifamily dwellings, and nearly all S. & L.'s can make loans up to 100 miles from home base. A new McMurray proposal up for industry comment would allow nationwide lending. Just last week, a House committee approved a McMurray-backed bill allowing Federal S. & L.'s to lend on mobile homes.

Lately, though, McMurray has been more concerned over what he regards as some deterioration in S. & L. lending practices. This shows up in such storm signals as a rise in the foreclosure rate and in evidence that some associations are compensating for progressively higher dividend rates by putting funds into riskier loans. It's apparent, too, in the dramatic collapse of five Illinois S. & L.'s—victims mostly of slipshod management and ineffectual State controls. So, at ever-increasing tempo, McMurray has been prodding the industry into a new era of tougher regulation.

NEW CURBS

Two new FHLBB regulations covering an S. & L.'s required reserves and fee income (service charges), have just been set to crimp the dividend rate an S. & L. can pay—especially if its portfolio has a high percentage of delinquent loans. McMurray also wants standby authority from Congress to set ceilings on dividend rates. And he wants a broader array of weapons at hand when abuses turn up—not only among the 1,968 federally chartered S. & L.'s over which the FHLBB has direct regulatory control, but also over the 3,000 or so State-chartered S. & L.'s where the Board shares supervision with the States.

Beyond this, McMurray—working 60 hours a week and more—has hired new staff people, and he has rejiggered the Board's internal operations along lines suggested by a Booz, Allen & Hamilton, Inc., management study he ordered.

McMurray's own position was strengthened by President Kennedy. In 1961 Kennedy took control of FHLBB personnel and budget away from the three-member Board and gave it directly to the Chairman. (Unlike most agencies, the Board receives no funds from Congress—only authority to spend its own money.)

FHLBB's three-man Board is so constituted that it can have no more than two men from one party. McMurray and former Small Business Administrator John E. Horne are the Democrats; the Republican is John deLaittre, former president of Minneapolis' Farmers & Mechanics Savings Bank. (The Federal Home Loan Bank System includes 40 mutual savings banks.)

DATA GALORE

Armed with added prestige, McMurray has opened lines of communications to other Government agencies—and he has stepped up the flow of statistics from the Board in the hope for making it the central repository of housing information. The pace has been hectic; a list of new rules, regulations, and statements of policy by the FHLBB since McMurray took office fills nine single-spaced pages.

I. MIXED REACTION

The industry—still a bit shellshocked from all this commotion—can't make up its mind about McMurray. On the west coast, where growth has been the fastest and where the new regulations will cut the deepest, he is seen as arbitrary and capricious. He is charged with stifling industry growth, rapping the knuckles of all for the follies of a few, and parading the industry's woes in full public view. Says one Los Angeles S. & L. executive: "He's got an unstoppable desire to kick our industry in the teeth because he knows this will produce headlines."

Acceptance

For the most part, though, S. & L. men recognize that rapid growth has brought a lunatic fringe to the industry. They may not rejoice over new controls, but they will accept them as the only alternative to a debacle that could shatter public faith in S. & L.'s.

Many an eastern S. & L.—and even a few out West—would even accept FHLBB controls on dividends, if only because high rates by some west coast institutions have drained funds from S. & L.'s elsewhere. Rates in California were as high as 5 percent until recently; the threat of regulation has pushed them back to 4.85 percent.

The industry, too, gives McMurray high marks for bringing vigor and acumen to an agency that needed both—and for being willing to concede a point here and there. "My strength," says McMurray, "is that I am willing to face up to a good argument and recognize it."

The regulation on reserves, as a case in point, is less severe than an earlier version proposed by McMurray. The FHLBB listened to industry criticism and redrafted the proposal. Both industry trade groups, the National League of Insured Savings Associations, and the U.S. Savings & Loan League, concede the regulation now is more palatable.

Getting it done

As a political animal, in fact, McMurray would prefer to rule by compromise rather than by iron fist. He spent years as a staff man on congressional committees and embraces compromise as a way of getting things done. "You have to get acceptance and understanding," he says, "and you can't get it by swinging a hatchet."

II. RISKY PRACTICES

No industry can go through the superheated growth the S. & L.'s have experienced without showing signs of strain. An adolescent in the world of finance before the war, it came of age with a whoosh in the postwar housing boom. There are 6,300 S. & L.'s today, holding 22 percent of the Nation's individual savings (against 5 percent in 1945) and 43 percent of its home mortgages (against 28 percent in 1945).

Greenhorns

So long as the booming housing market could absorb the savings money that cascaded into S. & L.'s, it was hard to worry about the strains that accompanied this growth. Costs could soar; competition could intensify, and new managements that sometimes didn't belong entered the business—especially in stock companies where there was an opportunity to take advantage of a boom in S. & L. stock prices. But when housing markets turned soft, these problems became acute. Last year, a new worry appeared as S. & L.'s, for the first time, began paying any significant Federal income taxes.

To keep attracting savings, S. & L.'s—especially in the Far West—sent dividend rates off on a dizzing spiral. To invest these funds, some S. & L.'s had to take more chances in their lending. The foreclosure rate jumped to 4.4 per 1,000 mortgaged homes nationally. In California, with about 18 percent of S. & L. assets, foreclosures are double that.

What is worrisome in all this is that S. & L.'s still operate under less regulation than most other financial institutions. The system governing S. & L.'s is far less sophisticated than it is for commercial banks.

Store watching

Two-thirds of the S. & L.'s—around 4,400 State-chartered institutions (including nonmembers), with assets of $51-billion—are under State control that ranges from good to ineffectual. Even California—a State with generally good control over its S. & L.'s—has found it hard to keep on top of things.

The rest of the industry—the 2,000 federally chartered S. & L.'s with around $56-billion in assets—comes under direct FHLBB control. Yet regulation by the Board's most potent arms—its 12 banks, its insurance operation, and its offices of examinations and supervision—was mainly passive until McMurray came.

How it started

The Federal Home Loan Bank System was created in 1932 to rescue distressed S. & L.'s and to channel new capital to associations in times of unusual demand. Some observers accuse the system of pouring too much capital into S. & L.'s in recent years—especially in California, which last year took nearly one-third of all bank advances.

There are 12 banks—one in Spokane opened just last week. Each is privately owned, with all capital stock held by the 5,000 S. & L.'s that are System members. Bank capital comes from deposits by member S. & L.'s, retained earnings and sales of bank bonds or notes (close to $1.7-billion were sold last year).

FHLBB supervises the banks, writes policy, picks some of the directors and sets limits on the amount an S. & L. can borrow from the System. Today S. & L.'s can borrow as much as 17½ percent of their savings accounts, up from 12½ percent in 1961. This gives a good deal of leverage in borrowing, but only half the S. & L.'s used advances last year.

In 1963, the banks advanced $5.6-billion to S. & L.'s, associations repaid $4.3-billion, and at yearend there was $4.8-billion in advances outstanding—all three record figures. S. & L.'s paid 3¾ to 4¼ percent for this money—an attractive rate since mortgages yielded 5½ percent and more while S. & L.'s paid roughly 4½ percent to savers.

Insurance

Two years after the System was established, the Federal Savings & Loan Insurance Corporation was created to help rebuild public confidence in S. & L.'s. Today, savings accounts of S. & L.'s with over 90 percent of industry assets are insured, while the FSLIC has reserves of around $950 million. In case of outright calamity, the Treasury could be tapped for still more. Each insured institution pays a premium for its coverage—a talking point for tougher regulation, since a rash of S. & L. failures could make insurance more costly.

III. UP FROM POVERTY

McMurray's Government background made him a suitable candidate to inherit FHLBB—though he got there by accident.

Born and educated in New York, he had spent 1940 to 1954 in Washington—first as economic consultant to the Senate Labor and Education Committee, then as administrative assistant to the late Senator Robert Wagner of New York, and finally as staff director of the Senate Banking and Currency Committee. Among his friends in Congress: Kennedy and a Senator from Texas named Johnson.

In 1954, he became executive director of New York City's Housing Authority, where he rammed through the city's first middle-income housing law. A year later he started a 4-year hitch in Albany as New York State's Commissioner of Housing. In 1959, when the State government changed hands, he returned to New York City as president of its Queensborough Community College.

Back to Washington

A fluke of sorts brought McMurray to the FHLBB. He had been slated to head the Housing & Home Finance Agency. Instead, the job went to Robert Weaver, earmarked by President Kennedy for eventual appointment as the first Negro Cabinet member. McMurray, offered his pick of jobs as consolation, took the FHLBB.

McMurray's attitudes toward housing are visceral; adequate housing is equated to human dignity—a lesson hammered home by a father who scrimped to move his family into a decent house in a good neighborhood.

Once on the job, McMurray found the board neglected, unknown and "penny-pinched," and the industry still practicing "a corner grocery store approach," ill-suited to its new size. McMurray began changing things in a hurry.

His first tool was a 12-man task force, drawn from the industry and Government, which acted both as McMurray's mentor and as his pipeline. The task force—now dissolved—was consulted on each new rule and regulation.

Brain-picking

Similarly, McMurray set up a committee of State supervisors—the men who regulate State-chartered associations—and he stepped up meetings of the board's advisory council.

The board had no economists, so McMurray first borrowed and then hired Federal Reserve Economist Harry S. Schwartz. Economists also have been found for 7 of the 12 Federal Home Loan Banks. More recently, he has plucked N. L. Armistead from the Federal Reserve Bank in Richmond to head the new office of Examinations and Supervision. Last June, he hired California's Chief Deputy Savings and Loan Commissioner—35-year-old Lawyer Kenneth E. Scott—as the board's general counsel.

With the new men came new controls. S. & L.'s now must follow carefully prescribed rules on gifts they give to new savers. To curb the flow of out-of-town funds to S. & L.'s—chiefly eastern funds to western associations—McMurray toughened the board's rule on the amount of money brought in by S. & L. brokers that an institution can hold. And it's harder for a mutual S. & L. to convert to a stock company.

To keep S. & L.'s from taking on riskier loans, FHLBB last year restated its test appraisal program. S. & L.'s know that any signs of trouble may bring in a FHLBB man to see if loans are being made in line with the value of the mortgaged property. Few such appraisals have been made, but industry men agree the threat is enough to keep erring S. & L.'s in line.

What's ahead

More changes are clearly in prospect. The bank system is expected to begin limiting the flow of funds to S. & L.'s with a high share of delinquent loans. Congress will be asked once again to broaden further the areas in which S. & L.'s can lend—to include, this time, unsecured loans for furniture, appliances, and education. The House rejected such a proposal this year.

Finally, the FHLBB wants intermediate powers to correct abuses. The problem now is that when troubles start, the board can't move until the situation has grown critical. Then, all it can do is seize the institution if it is federally chartered, or cancel its Federal insurance if it is State-chartered. Both are drastic steps. McMurray wants the power to issue cease-and-desist orders to force an end to specific abuses—a step short of shutting down the institution.

Eventually, says McMurray, the industry will like the path he is leading them down. It won't happen overnight, he concedes. But "in 2 years," he says, "they will feel I am the best thing that has happened to the industry."

BRAZILIAN PERIL CITED IN OUTSTANDING ARTICLES

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 10 minutes.

Mr. ASHBROOK. Mr. Speaker, on March 15 and 16 two outstanding articles concerning Red infiltration in Brazil were featured in the Mansfield News-Journal, one of the outstanding newspapers in my district. They were excellent in their honest and forthright appraisal of the political situation in that South American country. More important, however, was the tenor of the warning that they sounded. The State Department has consistently been colorblind as to the dangers of Communist infiltration and seems to prefer a course of ignoring it and inferring that it does not exist. These are a blunt warning to the American people.

They probably have another significance to all of us. Richland County of my district was the home of the late Louis Bromfield whose Malabar Farm was internationally known. These excellent articles are the work of Mrs. Ellen Bromfield Geld, daughter of the late author, and I certainly recommend them to every Member of this body for their careful attention. Mrs. Geld is to be commended for giving us the benefit of her firsthand observations. I only hope that we are intelligent enough to heed her warnings before one more nation falls under the Red bloc.

[From the Mansfield News Journal, Mar. 15, 1964]

UNITED STATES WARNED OF RED INFILTRATION IN BRAZIL

(EDITOR'S NOTE.—Ellen Bromfield Geld, daughter of the late author Louis Bromfield, grew up at Malabar Farm near Lucas. She has lived in Brazil for several years, and now she is troubled by the Communists' infiltration of that country. She tells of the situation in Brazil in this letter to a Mansfield friend. Mrs. Geld granted permission to the News Journal to use the letter. Another will appear tomorrow.)

(By Ellen Bromfield Geld)

When first I sat down to write this letter I nearly burst into tears. Not because I haven't much to be thankful for in our wonderful life here, but because I see that the life we have worked hard to achieve is threatened and so in a way is the whole world as we know it. I feel more and more that, being an American, I should do my best to explain our situation here. Perhaps someone like you, with commonsense and understanding, will stop and give it a thought.

This is a fine country we live in and it has a great future; one that, in actuality, ought to be its present. But, unfortunately, while Brazilians long for peace, confidence and stability in which to work and build their country into one of the finest and most prosperous democracies in the world, we are hindered at every step by an opportunistic, would-be dictator for a President who is helped at every opportunity by the Communists to disrupt and destroy Brazil.

One never can fully realize, until one witnesses it, the manner in which the Communists work. Every week there is a new strike somewhere based on some such political expedient as the need for the Government to take over the private oil refineries, communications, lands for an agrarian reform, which they have no desire or intention of carrying through. None of these takeovers have occurred yet but the damage they cause in confusion, unrest, and consequent stagnation is incalculable. They cry out daily in the name of the people but it is the people they are wearing down to nothing; eating up their money with inflation before they begin to receive the next 80-, 90-, 100-percent raise.

Arms and guerrilla instructors are continuously being sent here by Cuba. Only yesterday, a farm manager and some poor sharecroppers were chopped up with scythes by 400 Communist-trained Camponeses in the far north of Brazil. And yet, every time I pick up an American magazine or newspaper, I read of the "Wonderful new era of peaceful coexistence with the Communists." This letter, I know, must not be what you expected from me but I find myself pleading with Americans not to be so blind, so complacent.

Here the Communists intend to take over by a political coup from the top, helped by unrest and agitation at the bottom. If they succeed, believe me, it will not be the will of the people and the United States will have lost the most potentially rich country in the Western Hemisphere and all South America with it; not to mention a nation whose overwhelming majority eulogizes American democracy and thinks of the United States as a great friend and protector.

And yet, our Government persists in helping the enemy, breaking down our friend's resolve by selling wheat to Russia for their lousy gold, helping the Communists more by financing an alphabetization program, among other things, which is intended to turn out, in 40 days, a person who can read and write pure Communist doctrine—nothing else.

I didn't mean to rattle so but I am glad I have. If all this means anything to you, see what you can do to make other Americans realize that the cold war has not lulled one bit. That no country anywhere can ever seek the goals of true democracy and its resultant peace and prosperity as long as our enemies work daily to destroy everything people try so painstakingly to build. There is only one way to treat criminals and if our country doesn't start doing it soon and give up support to those who do, the Communists will, in the end, win out.

GREAT HOPE

Our great hope here is invested in one man, Carlos Lacerda, who has shown that he can stand up to Communists and, as he has done as Governor of the State of Guanabara, can govern and bring progress through honest, hard work.

We sincerely believe America's best hope exists in the future election of BARRY GOLDWATER. I have heard that he oversimplifies but the issues are really straightforward ones. Brazilians once said this about Lacerda but now that the knife is at their throats, he is like a light in the darkness to them. It's not aid the world wants primarily but a firm stand because without the latter, the former is useless.

[From the Mansfield News Journal, Mar. 16, 1964]

FEARS WE ARE BEING BACKED INTO CORNER

(EDITOR'S NOTE.—This is the second and final letter about conditions in Brazil as described by Ellen Bromfield Geld, daughter of the late author, Louis Bromfield.)

(By Ellen Bromfield Geld)

When I speak of dangerous, I do not speak in terms of nuclear war. That is a danger which hangs over us all and which we wish to avoid with all our hearts. The danger I speak of is allowing ourselves to be backed up against the wall to the point where we have the choice of surrender or annihilation. And this we seem to be doing through an incoherent foreign policy.

I won't go into detail about Vietnam, Berlin, selling wheat to Russia, and the weakening effect on the will of other countries to not rush into commerce with the Communists; while at the same time we try to influence them to place an embargo on Cuba.

What I would like to bring more vividly to mind are the things that are happening in South America which could be averted with some coherence in American foreign policy.

VICTORY FOR REDS

Take Panama, for instance. Every moment that we allow the Panamanian Government to accuse us of aggression is a moment of excellence for the Communists. It provides basis for every rabble rouser, crook and thug in the hemisphere to stick his tongue out at America and the rights afforded people under the protection of democracy. The Panamanian Government wants control of the canal, but because it is vital to the defense of the free world, we could not give it to them even if they had a right to it.

In Venezuela, after a long, intensive investigation, the Organization of American States has acquired proof of subversive propaganda, including 100 meters of tape recordings from Cuba, against the Venezuelan Government, financing for Communist terrorists, arms, instructions for subversion, the plans for taking over the capital of Venezuela, etc.

It is already a foregone conclusion that the OAS will only come up with a vague reprimand to Cuba. And yet, wasn't it part of Kennedy's pledge not to take action against Cuba unless proof was found of the Communists carrying the Communist revolution to the rest of the hemisphere? If what they want is more proof, they need only ask any Brazilian how the whole thing works.

First of all, you make sure that the government is filled with Communists and fellow travelers who will support, rather than oppose, subversion. The ascension of Joao Goulart to the Presidency, from the Vice Presidency of Brazil, couldn't have been a better stroke of luck for the Communists.

Because of his inveterate lust to stay in power, we live, at present, in a state of anarchy under which the Communists are able to dominate the industrial unions, the state oil monopoly, to force legislation against foreign capital, and urge the confiscation of the power and communications systems. In short, at once wreck and control the country's economy by placing it in the hands of the government.

FARMERS NEXT

The next step is to ruin agriculture. For the past 2 years in the northeast, the Communists have been organizing Ligas Camponeses with the intention of taking over private properties. To those who only wish to see things on the surface, this is a means of breaking up the properties of the big landholders, whose lands lay fallow, so that they may be distributed among the landless. But the facts are very different.

Many of the fallow lands either are inaccessible for lack of roads or economically not fit for tilling at present. At the same time, in many cases, properties invaded have belonged to small landowners who have been ruthlessly thrown out and left in a state of absolute abjection.

While the "Ligas" form, the Federal Government attempts to find a way to take over the land through expropriation. Thanks to Congress, which fought it loyally for 2 years, Goulart was unable to change the Brazilian Constitution destroying the right of property.

The new gimmick is "expropriation for the public good" of all "unused" lands along Federal highways, railways, and major dams. At this very moment, the Federal Government's Superintendencia de Reforma Agraria has chosen to begin its expropriation of two large Fazendas near Governador Valladares in the rich cattle country of Minas Geraes. One of the Fazendas belongs to the Anglo Packing Co. and certainly cannot be termed as "unused."

SET TO INVADE

To consolidate their claims, the authorities have the Communist-organized Farm Worker's Union (headed by a shoemaker) ready to invade the lands. The farmers of the region are arming themselves, but one wonders what will be the outcome when caches of Russian machineguns have been discovered within the region. Sounds like a nightmare, doesn't it? But I just wanted to describe to you how things work and are working.

Our hopes at present are pinned on a man of heroic proportions, Carlos Lacerda, who, if there are elections, will certainly be elected as President in 1965 for the simple reason that he is an honest and efficient Governor and is not afraid to fight communism tooth and nail.

What has all this to do with U.S. policy? Ever since the Alliance for Progress began, it has supported such things as agrarian reform which is a pure attempt to destroy private property while doing nothing to solve Brazil's tremendous agricultural problems.

It has backed the alphabetization of the people without paying attention to the fact that the books being used are of confirmed Communist orientation. It has allowed Brazil to go ahead with negotiations for confiscating foreign light and power companies which, indeed, are the reason for São Paulo being the great industrial complex it is today and without which industrial progress here can be brought to a halt.

THEY MUST GO

And finally, it has allowed the Cuban Communists to do as they please with South America. The OAS might throw up its hands but ask any Brazilian and he will say, "Sooner or later the Communists have to be kicked out of Cuba." And you know who they naturally expect to do the kicking.

Oh yes, peaceful coexistence. Isn't it wonderful? The most wonderful way in the world to take away the world's freedom, bit by bit, with nothing to stop them but a few million murdered innocents and "energetic protests from Washington."

Well, needless to say, if you think it will do any good, there is nothing I'd rather do than have you use my words and name in print. Tell them we stay here because we believe, still, in brave people like Carlos Lacerda, and because we love the land we worked to acquire. Also, because we believe that the freedom of South America is vital to the freedom of the United States and, thus, the world. Then read GOLDWATER'S article on foreign policy in Life magazine.

BEGGAR-THY-NEIGHBOR PRACTICE OF PLANT PIRATING THROUGH ABUSE OF STATE AND LOCAL TAX EXEMPTION PRIVILEGE MUST BE STOPPED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. REUSS] is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, a growing number of local government units are pirating plants from established industrial centers and creating unemployment and distress in those communities. They do so by offering private business corporations financial benefits derived from Federal tax exemption privileges. These government units or their dummy public authorities are using the traditional privilege of issuing securities exempt from Federal taxation to borrow money cheaply and to build industrial plants or commercial facilities. They then offer the facilities on long-term leases to private business corporations. This is done for the deliberate objective of luring firms away from their established locations, or of persuading them to build additional capacity in locations which might otherwise not be economically rational for such companies.

This is a gross misuse of the tax-exemption privilege accorded to States and local governments. When the Federal Government sacrifices tax revenues on a tax-exempt State or municipal security, it is paying a subsidy to the local government. This burden on Federal taxpayers can be justified if the subsidy goes into public facilities and services. These have ranged from schools, streets, water installations, sewage disposal facilities, public utilities, roads, and bridges, to canals and railroads, in an earlier day, and to urban mass transit ports, and airports today.

Businesses conducted solely for the purpose of making profit, whether they be manufacturing plants or retail businesses are not public services. When the Nation's taxpayers have to shoulder the burden of local governmental participation in such enterprises, it is time to call a halt on the raid on the Federal Treasury.

HOW IT WORKS

How does a State, city, county or its creature use the tax-exemption privilege to build up an attractive "package" for a business corporation?

First, a local government with a good bond rating for its tax exempts can borrow money 1 to 2 percent cheaper than even the most credit-worthy industrial corporations. When the local government uses this cheaper money to build a brandnew, modern plant for a business on a lease arrangement, a business can get an efficient, economical layout at a far lower cost than it could construct by itself.

Second, a company occupying leased quarters can charge off all of its rental cost as a "business expenditure" for tax purposes. By arrangement with the local government, it can elect to pay a high annual rental over a short period rather than a low annual rental over a longer period. In the former case, a company would have the equivalent of accelerated depreciation beyond that which the Federal Government would permit on self-financed facilities. This might be very attractive for some corporations, anxious to offset large earnings from other operations.

Third, when business property is owned by a local government and leased, the lessee is under no legal requirement to pay local property taxes during the term of the lease. Many municipalities permit this extra "sweetener" to remain in deals with private corporations. Others may require that the rent paid by the lessee include an amount equivalent to some portion of what would be levied on business-owned property of the same type.

Fourth, the local government issuing tax-exempt bonds can offer to sell them to the corporation leasing the new plant. This enables the corporation to earn tax-free income at the same time that it enjoys lower rental cost due to tax-exempt financing.

When steps one and four above are combined, the financial gain to a corporation can be enormous. This is illustrated by an actual case described in a study by the Investment Bankers Association. The arithmetic of the gain in this case was as follows:

A municipality issued $400,000 in 30-year tax-exempt revenue bonds at an interest rate of 5¾ percent per annum. It sold all the bonds to a corporation desiring a $400,000 plant, and used the proceeds to build the plant to order for the corporation. The corporation then signed a lease renting the plant for 30 years for an annual rental of approximately $28,000, with a renewal option for another 30 years or more at $1 per year.

The corporation's rent of $28,000 per year, a wholly deductible business expense, helped to reduce its income tax to the extent of 52 percent of the rental cost. Only 48 percent of $28,000 or $13,440 can be considered, therefore, as the true rental cost. But in the first year under this arrangement, the corporation also earned $23,000 in tax-exempt interest. Therefore, that year, the corporation got rent-free premises and made a profit of $9,560, the difference between $23,000 interest income and $13,440 in rental cost. Over the entire 30-year period, the Investment Bankers Association points out, in addition to free rent of a new plant, the corporation would pile up a profit of $48,074 on its $400,000 investment.

GROWTH OF TAX-EXEMPT REVENUE BOND FINANCING AND SOME RECENT EXAMPLES

While tax-exempt industrial revenue bonds were issued by local governments in a few States throughout the 1950's, the idea did not gain much favor in other areas until around 1957. The annual level of borrowing rose from around $6 million in the early 1950's to about $20 million in 1957. From 1957 on, each year has seen a rapid rise in new revenue bonds to an annual rate well over $100 million in 1963. As the tide of tax-exempt revenue bonds rose and businesses were successfully lured to new locations, State after State has decided that it had better get in the race, if only to defend itself from plant pirating by others.

In 1960, only nine States had legislation permitting local governments to issue tax exempts for the purpose of building factories or other facilities on behalf of private businesses. Today, 27 States have passed such legislation. If we do nothing to stop this movement, every State in the union will be forced to follow suit. By inaction, we shall in fact force every State into this beggar-thy-neighbor type of competition at taxpayers' expense.

Before I discuss the consequences of inaction, I would like to cite some recent cases.

CUTLER-HAMMER CORP. OF MILWAUKEE

On March 12, 1964, this Milwaukee company announced that it would move a part of its manufacturing operations to Bowling Green, Ky., by sometime in 1965. Some 800 skilled workers will lose their Milwaukee jobs as a result. While the company stated that lower wages and taxes in the new location were responsible for its decision, an important reason could well be the offer by the city of Bowling Green to build a new factory for the company. The city council on March 13, 1964, voted to authorize the issuance of $6,500,000 in tax-free revenue bonds for use to build a plant for Cutler-Hammer Corp.

HARVEY ALUMINUM CO.

In October 1963, Lewisport, Ky., announced a $50 million revenue bond issue to build a new aluminum rolling mill for Harvey Aluminum Co. This is like a gnat trying to carry an elephant. Harvey Aluminum enjoys $75 million per year annual sales. It is the fifth largest aluminum producer in the United States. Lewisport, Ky., is a community of 780 persons on the Ohio River. How was Lewisport able to find buyers for its huge bond issue? Though Lewisport can confer its tax exemption privilege on the bonds, Harvey Aluminum's soundness as a business was the indispensable ingredient for making the bonds attractive to investors. One of the company's bankers, the Bank of America, took up an $8 million share.

R. H. MACY & CO.

Macy's, the well-known New York department store, suggested to the city of Topeka that it buy land in downtown Topeka, build a store and a 300-car parking garage, and then sell the whole thing to the city, on a lease-back arrangement. To pay for this purchase, the city will this year issue a tax-exempt $3,700,000 revenue bond, and it will rent the facilities to Macy's for 40 years. Since the city will own the building, Macy's will not be subject to real estate taxes for 10 years. In lieu of these taxes, it is reported that Macy's will pay Topeka about $50,000 annually for 40 years on a prime downtown location.

CONSEQUENCES OF INTERSTATE COMPETITION IN TAX-EXEMPT FINANCING OF INDUSTRIAL FACILITIES

Interstate competition to divert tax exemption benefits to private business corporations will not only be costly for taxpayers, it will have other undesirable consequences for the Nation:

First. Unemployment, loss of purchasing power, rising welfare costs, and eroded tax base in communities losing plants: When, as in the case of Cutler-Hammer Corp.'s projected move from Milwaukee to Bowling Green, Ky., a competing locality pirates manufacturing operations from an established center, hundreds of skilled workers can suddenly be deprived of a livelihood. The economy of the city losing jobs will lose the growth-stimulating expenditures of their formerly well-paid workers. As the community faces new unemployment and public welfare costs, its revenue base is eroded by the loss of taxable incomes and property.

Second. Inadvertent Federal favoritism to low-wage areas: The whole country loses when job security rights and good wages obtained through union bargaining are canceled by departures of large corporations to relatively small, nonunionized, low-wage areas. If this happens in the normal course of business competition, it is regrettable, but hardly the responsibility of the Federal Government. But if it happens with the aid of Federal subsidy, the Federal Government must recognize that its power is being thrown in the balance on behalf of low-wage areas.

Third. Overextension of debt and need for costly additions to local public facilities by small communities acquiring plants: When a large industrial corporation moves into a small community, it will usually find that the resident pool of skilled workers is not enough to man a new plant. As hundreds of additional workers are moved in from neighboring areas, the small community's public facilities soon prove inadequate. It will then have to go into further debt, or raise taxes to provide water, utilities, sewers, schools, hospitals, roads, and other public facilities. In the process, local residents and businesses may find the new plant a mixed boon. Moreover, as the needs for additional public services press upon the community, the Federal Government may be called upon to help finance them.

Fourth. Interstate competition for industrial plants will destroy carefully worked out standards on national economic policies: A higher rate of economic growth and, particularly, the elimination of depressed areas, has been a conscious policy of the Kennedy-Johnson administration. It has been an objective of this policy to stimulate added growth and not the uneconomic shifting of plants from one area to another. The antipirating provision of the Area Redevelopment Act, for example, makes it plain that even a depressed area may not receive Federal grants or loans for a relocating industrial plant if unemployment is thereby increased in another area. In the proposed plan for a Federal-State corporation to provide financial assistance to Appalachia, it is made clear that bonds sold by the corporation would be taxable.

Fifth. Beggar-thy-neighbor competition between States is self-defeating and mutually costly: As more and more States enter into competition for industry, the ante will have to be raised, and the game will be extremely costly for all the participants. As the Federal Reserve Bank of Boston said in a December, 1963, report entitled "A New War Between the States":

> If the States continue to vie with each other, they may start offering interest-free loans to encourage industrial development. The next step would be outright capital gifts.

Since much of this competition is for existing plants or for plants already planned by industry, there will be little real gain for the Nation.

Concern about the consequences of unrestrained use of revenue bond financing by State and local governments led the distinguished Advisory Commission on Intergovernmental Relations to make a major study of the problem. The Commission's stated objective was:

> To foreclose the development of destructive interstate competition for industry at the expense of Federal revenues and to the detriment of the public interest.

THE PROPOSED LEGISLATIVE REMEDY

In order to curb the tax-exempt financing of private profitmaking industrial and commercial facilities, there have today been introduced H.R. 10549, by the gentleman from Wisconsin [Mr. Zablocki], and H.R. 10547, by myself. These bills would amend the Internal Revenue Code of 1954 so that whenever proceeds from a tax-exempt State or local government industrial revenue bond are used to construct industrial or commercial facilities for rent to private firms, such firms may not deduct the rent paid in computing Federal income tax liabilities. The bills would apply to all revenue bonds issued on or after January 1, 1964.

The proposal is limited to revenue bonds, because such bonds have been most widely used to borrow capital for plant construction and subsequent rental to business firms. While it is no less damaging to the public interest for States and local governments to issue general obligation, full faith and credit, bonds for the same purpose, the practice is not widespread. Should it become so, it may be necessary for Congress to consider seriously the removal of tax exemption privileges for all State and local government securities.

The continued intervention of a host of local governments in business decisions will tend to weaken the foundations of our free enterprise economy. Government should stick as much as possible to activities affecting the public as a whole, letting business devote itself to profitmaking activities. The Supreme Court of Idaho, in a June 1960 decision, declaring unconstitutional a 1959 Idaho act authorizing municipal industrial revenue bonds, put this point in strong language:

> If the State-favored industries were successfully managed, private enterprise would of necessity be forced out, and the State, through its municipalities, would increasingly become involved in promoting, sponsoring, regulating and controlling private business, and our free private enterprise economy would be replaced by socialism. (*Village of Movie Springs* v. *Aurora Manufacturing Co.*)

The text of H.R. 10549 and H.R. 10547 follows:

A bill to amend the Internal Revenue Code of 1954 to curb the tax-exempt financing of industrial or commercial facilities used for private profit-making purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"Sec. 276. Certain Payments to Issuer of Tax-Exempt Obligations.

"(a) General rule.—No deduction shall be allowed for any amount paid or accrued (including interest on a mortgage and taxes) to a State, the District of Columbia, a possession of the United States, or any political subdivision or instrumentality of any of the foregoing, relating to the use or occupancy of an industrial or commercial facility acquired, constructed, or improved (in whole or in part) out of the proceeds of industrial development revenue bonds.

"(b) Definitions.—For purposes of this section—

"(1) Industrial or commercial facility.—The term 'industrial or commercial facility' means any building or equipment which is used primarily for the mining, manufacturing, assembling, fabricating, storing, processing, or sale of articles or commodities (including any building or equipment the use of which is incidental to such mining, manufacturing, assembling, fabricating, storing, processing, or sale).

"(2) Industrial development revenue bond.—The term 'industrial development revenue bond' means any revenue bond which is issued (whether before or after the acquisition, construction, or improvement of the industrial or commercial facility involved) by a State, the District of Columbia, a possession of the United States, or any political subdivision or instrumentality of any of the foregoing, to finance directly or indirectly the acquisition, construction, or improvement of an industrial or commercial facility, and the interest on which is wholly exempt from the taxes imposed by this subtitle."

(b) The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"SEC. 276. CERTAIN PAYMENTS TO ISSUER OF TAX-EXEMPT OBLIGATIONS."

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act, and only in the case of amounts paid or accrued with respect to the use or occupancy of an industrial plant acquired, constructed, or improved with the proceeds of industrial development revenue bonds issued on or after January 1, 1964.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HAGAN of Georgia (at the request of Mr. ALBERT), for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SCHWENGEL (at the request of Mr. HALL), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. HALPERN (at the request of Mr. HALL), for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK (at the request of Mr. HALL), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. REUSS (at the request of Mr. GONZALEZ), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER.

Mr. POAGE and to include extraneous matter.

(The following Members (at the request of Mr. HALL) and to include extraneous matter:)

Mr. MCLOSKEY.

Mr. BROCK.

Mr. GLENN.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. COOLEY.

Mr. ALBERT.

Mr. FLOOD.

Mr. O'HARA of Michigan.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 950. An act to amend the Internal Security Act of 1950;

H.R. 1759. An act for the relief of Rebecca K. Clayton;

H.R. 7967. An act for the relief of certain individuals employed by the Department of the Air Force at Hickam Air Force Base, Hawaii;

H.R. 8280. An act for the relief of Mrs. Annette M. Rasor and Dr. Robert W. Rasor; and

H.R. 8930. An act for the relief of certain employees of the Bureau of Indian Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on March 20, 1963, present to the President, for his approval, bills of the House of the following titles:

H.R. 2189. An act for the relief of Morris Aronow and other employees of the Post Office Department;

H.R. 2724. An act for the relief of Davey Ellen Snider Siegel;

H.R. 4681. An act for the relief of CWO James A. McQuaig;

H.R. 5584. An act for the relief of Capt. Ransom C. Aplin;

H.R. 6748. An act for the relief of the J. D. Wallace & Co., Inc.; and

H.R. 8470. An act for the relief of Warren A. Jeffers and Francis H. Leik.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 24, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1842. A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for 1965 for the Department of Health, Education, and Welfare in the amount of $47,500,000 for public library assistance (H. Doc. No. 283); to the Committee on Appropriations and ordered to be printed.

1843. A communication from the President of the United States, transmitting proposed provisions and supplemental appropriations for the executive branch in the amount of $15,761,000 and decreases in pending supplemental appropriations of $773,000 for the fiscal year 1964 and a proposed provision for 1965; for the legislative branch a supplemental appropriation in the amount of $211,700 for the fiscal year 1964, and amendments in the amount of $417,800 for the fiscal year 1965; for the judiciary amendments in the amount of $245,000 for the fiscal year 1965 (H. Doc. No. 284); to the Committee on Appropriations and ordered to be printed.

1844. A communication from the President of the United States, transmitting a report by the Federal Council for Science and Technology entitled "Federal Water Resources Research Program for fiscal year 1965"; to the Committee on Interior and Insular Affairs.

1845. A communication from the President of the United States, relative to forwarding advance copies of two publications of the Federal Council for Science and Technology that set forth Government-wide plans and budget details entitled "National Oceanographic Program, fiscal year 1965, parts I and II"; to the Committee on Merchant Marine and Fisheries.

1846. A letter from the Administrator, General Services Administration, transmitting a notice of a proposed disposition of approximately 98,000 short tons of pig tin now held in the national stockpile, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e); to the Committee on Armed Services.

1847. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to increase the loan authorization for the construction of District of Columbia highways and to increase the District of Columbia motor-vehicle fuel tax"; to the Committee on the District of Columbia.

1848. A letter from the Secretary, Export-Import Bank of Washington, transmitting a report by the Export-Import Bank of Washington relating to shipments to Yugoslavia insured by the Foreign Credit Insurance Association and the Export-Import Bank under our short-term export credit insurance program for the month of February 1964, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

1849. A letter from the Comptroller General of the United States, transmitting a report on excessive costs incurred, in using contractor-furnished personnel instead of Government personnel, by the Pacific region of the Ground Electronics Engineering Installation Agency, Air Force Logistics Command, Department of the Air Force; to the Committee on Government Operations.

1850. A letter from the Comptroller General of the United States, transmitting a report on a followup review of the failure to use excess spare parts and assemblies in aircraft production by the Department of the Navy. An initial report was issued to Congress on February 15, 1963; to the Committee on Government Operations.

1851. A letter from the Comptroller General of the United States, transmitting a follow-up review on the adequacy of actions taken by the Department of Defense to obtain reimbursement from foreign countries for administrative costs of the military assistance program, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

1852. A letter from the Comptroller General of the United States, transmitting a report on additional costs incurred in the procurement of P-6M seaplanes from the Glenn L. Martin Co., Baltimore, Md., by the Department of the Navy; to the Committee on Government Operations.

1853. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of January 31, 1964, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

1854. A letter from the Assistant Secretary of the Interior, transmitting proposed amendment No. 2 to concession contract No. 14-10-304-342, as amended, authorizing Overton Resort, Inc., to provide services for the public at Overton Beach in the Lake Mead National Recreation Area, pursuant to

(70 Stat. 543); to the Committee on Interior and Insular Affairs.

1855. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the calendar year 1963 report on extraordinary contractual actions to facilitate the national defense, pursuant to Public Law 85-804; to the Committee on the Judiciary.

1856. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 1(d) of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 142), and to the first paragraph of the general provisions of the Independent Offices Appropriation Act, 1964 (77 Stat. 425, 439); to the Committee on Science and Astronautics.

1857. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated February 7, 1964, submitting a report, together with accompanying papers and an illustration, on a letter report on Indian River Bay via Pepper Creek to Dagsboro, Del., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 13, 1956, and authorized by the River and Harbor Act, approved July 3, 1958; to the Committee on Public Works.

1858. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated February 7, 1964, submitting a report, together with accompanying papers and an illustration, on a letter report on Guilford Creek, Accomack County, Va., authorized by the River and Harbor Act, approved May 17, 1950; to the Committee on Public Works.

1859. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated January 15, 1964, submitting a report, together with accompanying papers and illustrations, on a review of the reports on Damariscotta River, Maine, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted Judy 29, 1949, and April 25, 1951; to the Committee on Public Works.

1860. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions which this Service has approved according the beneficiaries of such petitions first preference classification, pursuant to the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1861. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 143); to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 18, 1964, the following bill was reported on March 20, 1964:

Mr. GARY: Committee on Appropriations. H.R. 10532. A bill making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1247). Referred to the Committee of the Whole House on the State of the Union.

[Submitted March 23, 1964]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 4149. A bill to provide for the satisfaction of claims arising out of scrip, lieu selection, and similar rights; with amendment (Rept. No. 1248). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 8523. A bill to authorize the conveyance of certain lands to the city of Saxman, Alaska; without amendment (Rept. No. 1249). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 8654. A bill to terminate a restriction on use with respect to certain land previously conveyed to the city of Fairbanks, Alaska, and to convey to said city the mineral rights in such land; without amendment (Rept. No. 1250). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 8590. A bill to incorporate the National Aviation Hall of Fame; with amendment (Rept. No. 1251). Referred to the House Calendar.

Mr. CELLER: Committee on the Judiciary. H.R. 10437. A bill to incorporate the National Committee on Radiation Protection and Measurements; without amendment (Rept. No. 1252). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of March 18, 1964, the following bill was introduced on March 20, 1964:

By Mr. GARY:

H.R. 10532. A bill making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes.

[Introduced and referred March 23, 1964]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUCHINCLOSS:

H.R. 10533. A bill to change the name of the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal; to the Committee on Public Works.

By Mr. BARING:

H.R. 10534. A bill to redefine the silver content in silver coins; to the Committee on Banking and Currency.

By Mr. BROCK:

H.R. 10535. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer an additional income tax exemption for a dependent who has attained age 65 or is blind; to the Committee on Ways and Means.

By Mr. CRAMER:

H.R. 10536. A bill to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of American nationals against the Government of Cuba; to provide for the payment of such claims; and to provide that the uncompensated portion of approved claims may be the collateral for certain loans made to claimants by the Secretary of State; to the Committee on Foreign Affairs.

By Mr. HARVEY of Michigan:

H.R. 10537. A bill to continue for a temporary period the existing suspension of duty on certain natural graphite; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 10538 A bill to amend chapter 15 of title 38, United States Code, to revise the pension program for World War I, World War II, and Korean conflict veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORSE:

H.R. 10539. A bill to authorize the appropriation of funds to pay certain expenses of the U.S. Olympic team that will participate in the 1964 Olympic games to be held in Tokyo, Japan; to the Committee on Foreign Affairs.

By Mr. PELLY:

H.R. 10540. A bill to amend section 6334 of the Internal Revenue Code of 1954 to exempt from levy property necessary to satisfy the taxpayer's liabilities to his employees for wages and fringe benefits; to the Committee on Ways and Means.

By Mr. ROOSEVELT:

H.R. 10541. A bill to amend title II of the Social Security Act to permit payment of child's insurance benefits after attainment of age 18 in the case of a child attending school; to the Committee on Ways and Means.

By Mr. SICKLES:

H.R. 10542. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.R. 10543. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURKE:

H.R. 10544. A bill to amend the Tariff Act of 1930 to provide that certain forms of nickel be admitted free of duty; to the Committee on Ways and Means.

By Mr. KING of California:

H.R. 10545. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. MORRISON:

H.R. 10546. A bill to establish the position of U.S. customs inspector (nonsupervisory) in the Bureau of Customs, Department of the Treasury, to place such position in grade 10 of the Classification Act of 1949, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REUSS:

H.R. 10547. A bill to amend the Internal Revenue Code of 1954 to curb the tax-exempt financing of industrial or commercial facilities used for private profitmaking purposes; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 10548. A bill to permanently extend the special milk program for the Armed Forces and veterans' hospitals; to the Committee on Agriculture.

By Mr. ZABLOCKI:

H.R. 10549. A bill to amend the Internal Revenue Code of 1954 to curb the tax-exempt financing of industrial or commercial facilities used for private profitmaking purposes; to the Committee on Ways and Means.

By Mr. OLSEN of Montana:

H.R. 10550. A bill to redefine the silver content in silver coins; to the Committee on Banking and Currency.

By Mr. COLMER:

H.J. Res. 959. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.J. Res. 960. Joint resolution calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the Feast of the Passover which begins at sundown Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition; to the Committee on Foreign Affairs.

By Mr. GIBBONS:

H. Res. 661. Resolution providing for printing as a House document certain opinions of the Supreme Court of the United States in cases involving the offering of prayers and reading from the Bible in public schools, and for other purposes; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to the location of the NASA Electronics Research Center in the Boston area; to the Committee on Science and Astronautics.

Also, memorial of the Legislature of the State of Virginia, memorializing the President and the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States, relating to restricting or limiting any State in the apportionment of representation in its legislature; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States, relating to Federal assistance to the Hawaiian Homes Commission Act; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States, relating to the establishment of a National Environmental Health Week; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of the rule XXII private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Alabama:

H.R. 10551. A bill for the relief of S. Sgt. Billy F. Grimes, U.S. Air Force; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 10552. A bill for the relief of Stanley K. Ott; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 10553. A bill for the relief of Mrs. Khatoun Hazarchahinian; to the Committee on the Judiciary.

By Mr. BEERMANN (by request):

H.R. 10554. A bill for the relief of Lt. Col. Lloyd W. Sittler; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 10555. A bill for the relief of Dr. Julio Cesar Muniz y Sotolongo; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 10556. A bill for the relief of Barbara Vasquez; to the Committee on the Judiciary.

By Mr. HEALEY:

H.R. 10557. A bill for the relief of Giuseppe Ippolito; to the Committee on the Judiciary.

By Mr. LESINSKI:

H.R. 10558. A bill for the relief of Manuel Kassab; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.J. Res. 961. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

810. By the SPEAKER: Petition of the secretary, American Bar Association, Chicago, Ill., petitioning consideration of their resolutions with reference to (1) amending the Railway Labor Act, and (2) relative to ratemaking procedures of the Administrative Conference of the United States; to the Committee on Interstate and Foreign Commerce.

811. Also, petition of the board of supervisors, Washington County, Fort Edward, N.Y., petitioning consideration of their resolution with reference to recognizing Whitehall, Washington County, as birthplace of U.S. Navy; to the Committee on the Judiciary.

812. Also, petition of Thalia S. Woods, chairman, Spencer County Democratic Women's Club of Indiana, Gentryville, Ind., petitioning consideration of their resolution with reference to requesting an amendment to the Constitition of the United States relating to the succession of the Office of President and Vice President; to the Committee on the Judiciary.

813. Also petition of the mayor of Nakazato-Son, Okinawa, petitioning consideration of a resolution with reference to speedy settlement of reparation before the Japanese Peace Treaty; to the Committee on Foreign Affairs.

814. Also, petition of Herman Q. Guerrero, legislative secretary, Mariana Islands District Legislature, Saipan, Mariana Island, petitioning consideration of their resolution with reference to requesting the United Nations Trusteeship Council to exercise its good office in assisting in the relaxation of immigration laws affecting entry of Trust Territory citizens to the continental United States or its territories; to the Committee on Foreign Affairs.

SENATE

Monday, March 23, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. Metcalf].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, Father of all men, as the gavel falls for another week of challenge mid all the traffic of life's busy ways, we turn unfilled to Thee. From the framing of laws and the forming of policies holding in their reach the woe or the weal of the commonwealth and of the nations of all the earth, we would pause amidst the shattering events and tempestuous emotions of our times, at this inner sanctuary where the world's angry voices die, and Thou alone art real.

In spite of temporary rebuffs, give us to see, this Holy Week, that wherever hatred gives way to love, wherever prejudice is changed to understanding, wherever pain is soothed and ignorance banished, there Thy banners go. We ask it in the name of Him who has transformed a cross of defeat into a crown of triumph, and whose kingdom has no frontiers. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, March 21, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 950. An act to amend the Internal Security Act of 1950;

H.R. 1759. An act for the relief of Rebecca K. Clayton;

H.R. 7967. An act for the relief of certain individuals employed by the Department of the Air Force at Hickam Air Force Base, Hawaii;

H.R. 8280. An act for the relief of Mrs. Annette M. Rasor and Dr. Robert W. Rasor; and

H.R. 8930. An act for the relief of certain employees of the Bureau of Indian Affairs.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements not to exceed 3 minutes in length.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

On request of Mr. Mansfield, and by unanimous consent, the Committee on Appropriations was authorized to meet during the session of the Senate tomorrow.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PUBLICATION OF NOTICE OF PROPOSED DISPOSITION OF CERTAIN PIG TIN

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 98,000 short tons of pig tin now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON SHIPMENTS UNDER SHORT-TERM EXPORT CREDIT INSURANCE PROGRAM

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, that shipments to Yugoslavia insured by the Foreign Credit Insurance Association and the Export-Import Bank under the short-term export credit insurance program, totaled $20,393, for the month of February 1964; to the Committee on Banking and Currency.

REPORT ON FOLLOWUP REVIEW OF FAILURE TO USE EXCESS SPARE PARTS AND ASSEMBLIES IN AIRCRAFT PRODUCTION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the followup review of the failure to use excess spare parts and assemblies in aircraft production, Department of the Navy, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Mariana Islands District Legislature; to the Committee on the Judiciary:

"RESOLUTION 37-1964

"Resolution relative to respectfully requesting and memorializing the United Nations Trusteeship Council to exercise its good office in assisting in the relaxation of immigration laws affecting entry of trust territory citizens to the continental United States or its territories.

"Whereas, by an act of the U.S. Congress in the year 1962, the President of the United States has approved the lifting of visa and passport requirements for traveling to the continental United States or its territories; and

"Whereas the demand for passports and other official traveling documents have caused delays, discomforts, and inconveniences on the part of the concerned; and

"Whereas it is strongly felt the relaxing of the existing strict restrictions of immigration policy, will, to an extent, progress the economic, political, social, and educational status of the inhabitants of the Pacific trust islands: Now, therefore, be it

"Resolved by the Mariana Islands District Legislature, That the United Nations Trusteeship Council be respectfully requested and memorialized to exercise its good office in assisting in the relaxation of immigration laws affecting entry of trust territory citizens to the continental United States or its territories; and be it further

"Resolved, That the President certify to and the legislative secretary attest the adoption hereof, and that copies of same be thereafter transmitted to the President of the United Nations Trusteeship Council, President, U.S. Senate, Speaker, U.S. House of Representatives, U.S. Department of the Interior, and to the High Commissioner of the Trust Territory of the Pacific Islands.

"Passed by the Mariana Islands District Legislature, February 10, 1964.

"OLYMPIO T. BORJA,
"President.
"HERMAN Q. GUERRERO,
"Secretary."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION

"Whereas the economic progress of the United States is dependent on the health of its citizens; and

"Whereas the health of its citizens is dependent on the protection, preservation, and development of the natural resources of the United States as well as their expansion for domestic and recreational uses; and

"Whereas the protection, development, and use of the natural resources is directly dependent upon the practice of good environmental sanitation by each citizen, each industry, and each governmental agency; and

"Whereas the establishment of a National Environmental Health Week will help alert each citizen to healthful sanitation practices and procedures in his home and community: Now, therefore, be it

"Resolved by the House of Representatives of the Second Legislature of the State of Hawaii, Budget Session of 1964 (the Senate concurring), That the Congress of the United States be and it is hereby respectfully requested to establish the last week of June in this and succeeding years as National Environmental Health Week; and be it further

"Resolved, That copies of this house concurrent resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives to Congress from the State of Hawaii.

"We hereby certify that the foregoing concurrent resolution was this day adopted by the House of Representatives of the Second Legislature of the State of Hawaii, Budget Session of 1964.

"ELMER F. CRAVALHO,
"Speaker, House of Representatives.
"SIGNETO KANIWOH,
"Clerk, House of Representatives.

"We hereby certify that the foregoing concurrent resolution was this day adopted by the Senate of the Second Legislature of the State of Hawaii, Budget Session of 1964.

"NELSON K. DOI,
"President of the Senate.
"SEICHI HIRAI,
"Clerk of the Senate."

A resolution of the Senate of the State of Hawaii; to the Committee on Labor and Public Welfare:

"Whereas the Hawaiian Homes Commission Act of 1920 was enacted by the Federal Government for the purpose of rehabilitating the people of Hawaiian ancestry in the State of Hawaii; and

"Whereas the growth and expansion of the Hawaiian homes programs since that date have not been maintained and fostered in step with the growth and development of the State of Hawaii, economically, socially and in other respects; and

"Whereas since the inception of the act minimum Federal aid has been made available in furthering the primary purpose of this act; and

"Whereas the people of Hawaiian ancestry and the programs are in need of Federal assistance to bridge the past and to immediately provide for the preservation and expansion of the Hawaiian homes programs; and

"Whereas this assistance is urgently needed to provide assistance for education medical care, agricultural assistance, and community development within the Hawaiian homes programs: Now, therefore, be it

"Resolved by the Senate of the Second Legislature of the State of Hawaii, Budget Session of 1964, That the Congress of the United States be and is hereby respectfully requested to enact such legislation as will make it possible to provide assistance for the Hawaiian homes programs under any existing Federal program that sponsors, assists, subsidizes or makes available Federal assistance to aid in the fields of education, medical aid, public housing, agriculture and development of the Hawaiian homes lands; and be it further

"Resolved, That the members of the congressional delegation from Hawaii be and it is hereby respectfully requested to sponsor and introduce legislative programs to effectuate the intent of this resolution in the event that the existing Federal programs do not meet the particular needs of the Hawaiian homes programs; and be it further

"Resolved, That certified copies of this resolution be forwarded to the Honorable CARL HAYDEN, President pro tempore of the Senate and the Honorable JOHN W. MCCORMACK, Speaker of the House of the United States Congress and to the Honorable HIRAM L. FONG, the Honorable DANIEL K. INOUYE, the Honorable THOMAS P. GILL and the Honorable SPARK M. MATSUNAGA, Hawaii's congressional delegation.

"We hereby certify that the foregoing resolution was this day adopted by the Senate of the Second Legislature of the State of Hawaii, Budget Session of 1964.

"NELSON K. DOI,
"President of the Senate.
"SEICHI HIRAI,
"Clerk of the Senate."

Petitions signed by Seigen Ukumoto, chairman of Nakazato-Son General Assembly, and Shuko Gima, mayor of Nakazato-Son, both of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A resolution adopted by the American Bar Association, relating to ratemaking procedures of the Administrative Conference of the United States; to the Committee on Commerce.

A resolution adopted by the American Bar Association relating to that association's support of legislation to amend the Railway Labor Act; to the Committee on Labor and Public Welfare.

A petition signed by Dwight W. Culver, and sundry other students and the faculty of St. Olaf College, Northfield, Minn., praying for the enactment of House bill 7152, the civil rights bill, as passed by the House; ordered to lie on the table.

REPORT ENTITLED "ORGANIZATION OF FEDERAL EXECUTIVE DEPARTMENTS AND AGENCIES"—REPORT OF A COMMITTEE (S. REPT. NO. 966)

Mr. McCLELLAN. Mr. President, as chairman of the Committee on Government Operations, I am filing a report, on behalf of the committee, on the Organization of Federal Executive Departments and Agencies. The report depicts the number of Federal employees assigned to the Executive Office of the President, the 13 departments and to the 50 independent agencies of the Federal Government, as of January 1, 1964, together with details regarding organizational changes effected during the past calendar year.

The 2,465,805 employees reported by the executive branch of the Government compares to 2,462,262 reported on January 1, 1963, an increase of 3,543 during the calendar year 1963. For security reasons no employees of the Central Intelligence Agency are reported.

The 13 executive departments reported total net increases of 57,643 in 1961 and 32,342 in 1962, but showed a net decrease of 2,730 paid civilian employees in 1963. The independent agencies showed net increases totaling 17,955 in 1961, 11,127 in 1962, and 6,261 since January 1, 1963. This reflects a total of 122,598 more employees in the executive branch of the Government, exclusive of the Executive Office of the President, than was reported on January 1, 1962.

A total of 2,465,805 employees reported by the executive branch represents an increase of 504,776 over the number employed as of January 1, 1950, the low since World War II, and prior to the Korean conflict. During the last 17 years, beginning on January 1, 1947, when this committee released its first report, there has been an overall net increase of 203,180 employees.

The net decrease of 2,730 in the departmental total during 1963 was due to the reduction of 23,029 civilian personnel reported by the Department of Defense. Increases were reported by the other departments—except Justice, which had a reduction of 131—as follows: Post Office, 6,745; Health, Education, and Welfare, 4,290; Interior, 3,521; Agriculture, 1,659; State, 1,429; Commerce, 1,206; Treasury, 1,131; and Labor, 449.

The independent agencies reported a net increase of 6,261 in 1963, which with the increases of 11,127 in 1962 and 17,955 reported in 1961, aggregate a total of 35,343 new employees during the past 3 calendar years. In 1963, the largest increases were reported by the National Aeronautics and Space Administration, 4,505; the General Services Administration, 1,139; the U.S. Information Agency, 525; the Housing and Home Finance Agency, 368; the Atomic Energy Commission, 287; and the Federal Aviation Agency, 255. There was a total increase of 1,397 reported by 29 other agencies. Fourteen of the executive agencies reported decreases in personnel during calendar year 1963, headed by the Tennessee Valley Authority, of 1,653. The remaining 13 reported a combined total decrease of 562 employees.

As of January 1, 1964, 168,078 civilian employees of the executive branch were engaged in activities outside the United States, of which 55,692 were American citizens and 112,386 were nationals of other countries. This was a decrease of 5,831 American citizens and 269 foreign nationals under the number reported on January 1, 1963.

The employment statistics contained in the report were developed by the committee staff, based on information furnished by officials of the executive branch, to accompany a chart outlining the organization of the major components of the Government, both of which are being released by the committee today.

The report outlines a number of internal reorganizations effected by some of the departments and agencies during 1963. The most extensive were reported by the Departments of Agriculture, Commerce—including a complete reorganization of the National Bureau of Standards—Defense—primarily in the Office of the Secretary of Defense—Health, Education, and Welfare, and Labor. The General Services Administration, the Housing and Home Finance Agency, the National Aeronautics and Space Administration, and the Veterans' Administration also reported a number of reorganization actions.

A table prepared by the committee accompanies the report. The table is made available to the public, and we have found from past experience that it is much in demand by people throughout the country who are interested in keeping abreast of employment in the departments and agencies of the Government. A publication of the table has caused many demands to be made upon the committee for copies of the annual report.

Mr. President, I ask unanimous consent that an additional 5,000 copies of the report be printed so as to accommodate the requests that the committee will receive for it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUMPHREY:

S. 2676. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. ROBERTSON (by request):

S. 2677. A bill to amend section 5(d) of the Home Owners' Loan Act of 1933, as amended; to the Committee on Banking and Currency.

(See the remarks of Mr. ROBERTSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S.J. Res. 163. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

INCORPORATION OF GOLD STAR WIVES OF AMERICA

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to incorporate the Gold Star Wives of America.

We in Minnesota are proud of the fact that the national president, Mrs. Joy Dove, lives in Minneapolis. Similar legislation has been introduced in the House of Representatives, and I am most hopeful that the Senate will be able to act on this measure in the 88th Congress.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2676) to incorporate the Gold Star Wives of America, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on the Judiciary.

INCREASED POWERS OF FEDERAL HOME LOAN BANK BOARD

Mr. ROBERTSON. Mr. President, I introduce, for appropriate reference, an administration bill to increase the powers of the Federal Home Loan Bank Board. The bill is introduced at the request of the Chairman of the Federal Home Loan Bank Board, and I ask unanimous consent that his letter be printed in the RECORD, together with an analysis of the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and analysis will be printed in the RECORD.

The bill (S. 2677) to amend section 5(d) of the Home Owners' Loan Act of 1933, as amended, introduced by Mr. Robertson, by request, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The letter and analysis presented by Mr. ROBERTSON are as follows:

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., March 17, 1964.

THE PRESIDENT OF THE SENATE.

SIR: There is transmitted herewith a draft for a bill to amend section 5(d) of the Home Owners' Loan Act of 1933.

The provisions of the draft are summarized and explained in an analysis which is transmitted herewith.

The Bureau of the Budget has advised that from the standpoint of the administration's program there is no objection to the transmission of the bill to the Congress.

Sincerely yours,

JOSEPH P. MCMURRAY,
Chairman.

ANALYSIS OF DRAFT OF FEBRUARY 14, 1964, PROPOSING AMENDMENT OF SECTION 5(d) OF THE HOME OWNERS' LOAN ACT OF 1933, AS AMENDED

The proposed amendment departs from the provisions of sections 5(d)(1) and 5(d)(2) of the Home Owners' Loan Act, as amended, in several important particulars. Thus, it would provide for—

(1) The commencement of proceedings by the board in all cases involving alleged violations of law, rules or regulations, or unsafe or unsound practices, by the issuance of a notice of charges stating the facts constituting the violations or practices and setting a hearing to determine whether a cease-and-desist order should issue against the association (par. (2)(A));

(2) The issuance of temporary cease-and-desist orders in cases where the board determines that the continuation of the alleged violations or practices specified in the notice of charges could cause insolvency or substantial dissipation of assets or earnings of the association or impairment of its capital, or could otherwise seriously prejudice the interests of its shareholders; and such temporary cease-and-desist orders would, unless stayed or set aside by a U.S. district court, remain in effect pending the completion of the administrative hearing and until such time as the board dismisses the charges against the association, or, if a cease-and-desist order is issued by the board after the hearing, until the effective date of any such order (par. (2)(C)(1));

(3) The suspension, and removal after a hearing, of directors and officers from office in a Federal association (par. (3));

(4) The ex parte appointment by the board of a conservator or receiver upon grounds similar to those set out in the present section 5(d)(2) of the HOLA (but also including as a ground the violation of a cease-and-desist order which has become final), subject to the right of the association to bring an action in a U.S. district court for the removal of such conservator or receiver (par. (4)(A));

(5) Judicial review of board orders issued after hearing by the filing of a petition for review in a U.S. court of appeals (par. (5)(B)).

The following analysis covers the major provisions of the proposed amendment:

Paragraph (1): Under this paragraph, the board would be authorized to enforce section 5 of the Home Owners' Loan Act and rules and regulations made thereunder. The board would also be authorized to act in its own name and through its own attorneys in any action or proceeding in which it is a party or in which it is interested.

However, the draft omits the clause in the present section 5(d)(1) authorizing the board "to sue and be sued in any court of competent jurisdiction," a provision usually found in a statute defining the powers of a government corporation rather than an unincorporated agency such as the board. While the legal effect of this provision has not been judicially resolved so far as the board is concerned, omission of the clause will eliminate existing doubts as to its meaning and effect (i.e., whether it is a jurisdictional or a venue provision, or whether it merely renders the board capable of suing and being sued in its own name in any court having jurisdiction over the parties and over the subject matter of the action), and will also avoid the possibility that the courts may hold it to be a general waiver of sovereign immunity, thereby making the board amendable to suits which may not be maintained against other unincorporated Government agencies performing purely governmental functions. Elimination of the "sue and be sued" clause would not, of course, affect whatever right any individual or association, aggrieved by agency action, would have to sue members of the board in their individual capacity for declaratory judgment or injunctive relief for alleged arbitrary, capricious, or illegal action. And, except as otherwise provided in the draft, the board would still be subject to suit by any Federal association "with respect to any matter under this section (5) or regulations thereunder"—but not as to "any other law or regulation" as is now provided in section 5(d)(1) of the Home Owners' Loan Act—in the U.S. district court for the district in which its home office is located, or in the U.S. District Court for the District of Columbia.

Paragraph (2): This paragraph provides for the issuance of cease-and-desist orders after notice and opportunity for hearing, and for the issuance of temporary cease-and-desist orders in advance of a hearing in cases where charges of a serious nature are brought against an association.

Under subparagraph (A), the board would, in all cases involving alleged violations of law, rules or regulations, or unsafe or unsound practices, issue a notice of charges against the offending association. The notice would contain a statement of the facts constituting such violations or practices, and set a hearing to determine whether a cease-and-desist order should issue against the association. Such hearing would be fixed for a date not later than 60 days after service of the notice unless a later date is requested by the association. Failure of the association to appear at the hearing by a duly authorized representative would be deemed to be consent to the issuance of the order. If, upon the hearing record, the board determined that any of the violations or practices specified in the notice of charges had been established, it would issue a cease-and-desist order requiring the association and its directors, officers, employees, and agents to cease and desist from such violations or practices, and, further, to take affirmative action to correct the conditions resulting from the same.

The opportunity for a hearing under the APA would be the only remedy afforded to an association charged with violations of law, rules or regulations, or unsafe or unsound practices. This would, in effect, eliminate the right a Federal association now has when proceedings are instituted by the board under the present section 5(d)(1) to elect to defend itself in an administrative hearing, or to apply to the proper U.S. district court for declaratory judgment or injunctive or other relief with respect to such controversy.

A cease-and-desist order would, under subparagraph (B), become effective at the expiration of 30 days after service upon the association and would remain effective and enforcible except to such extent as it is stayed, modified, terminated, or set aside by action of the board or a reviewing court.

Subparagraph (C)(i) provides for the issuance of a temporary cease-and-desist order in advance of an administrative hearing, requiring an association to cease and desist from the violations or practices specified in the notice of charges issued pursuant to subparagraph (B) of paragraph 2. The board would have discretionary authority to issue a temporary cease-and-desist order whenever it determined that the continuation of such violations or practices could cause insolvency or substantial dissipation of assets or earnings of the association or impairment of its capital, or could otherwise seriously prejudice the interests of its shareholders. The order would become effective upon service upon the association and would remain effective and enforcible pending the completion of the administrative proceedings pursuant to the notice of charges and until such time as the Board dismissed the charges, or, if a cease-and-desist order is issued against the association, until the effective date of any such order.

However, an association could, within 10 days after service of a temporary cease-and-desist order, apply to the proper U.S. district court for an injunction restraining or suspending the enforcement, operations, or effectiveness of the order. Paragraph (2)(C)(ii). And in case of a violation or threatened violation of, or failure to obey, a temporary cease-and-desist order, the board could apply to the proper U.S. district court or the U.S. court of any territory for an injunction to enforce such order; and, if the court determines that there has been such violation or threatened violation or failure to obey, it would be mandatory for the court to issue such injunction as may be requested by the board. Paragraph (2)(C)(iii).

Paragraph (3): This paragraph would endow the board with authority to suspend, and to remove after a hearing, directors and officers from office in Federal associations.

Where a director or officer continued to violate a cease-and-desist order which has become final, after having been warned by the board not to continue such violation, the board could, by written notice served upon such director or officer, suspend him from office and give notice of its intention to remove him from office. Subparagraph (A)(i).

Under subparagraph (A)(ii), the board could also serve a director or officer with notice of its intention to remove him from office in cases where he has (a) committed any violation of law, rules or regulation, or engaged in any unsafe or unsound practice, and continued such violation or unsafe or unsound practice after having been warned by the board not to do so, or (b) committed or engaged in any act, omission, or practice constituting a breach of his fiduciary duty as such director or officer, whether or not he thereby realized any pecuniary profit or secured any demonstrable personal gain or advantage as the result of such breach of fiduciary duty.

The board's notice of intention to remove from office, issued under subparagraph (A)(i) or (A)(ii), would contain a statement of the facts constituting grounds therefor, and would fix a time for a hearing not later than 60 days after service of the notice unless a later date is requested by the director or officer. Failure of the director or officer to appear at the hearing in person or by a duly authorized representative would be deemed to be consent to the issuance of an order of removal. If the board found, upon the hearing record, that any of the grounds specified in the notice had been established, the board could issue an order removing such director or officer from office. In addition, the board could, in connection with any such order, provide for the suspension or invalidation of any or all proxies, consents, or authorizations held by such director or officer in respect of any voting rights in such association. Subparagraph (B)(i).

A suspension of a director or officer under paragraph (3)(A)(i) would become effective upon service of the notice provided for in that paragraph, and would remain in effect until the suspension was terminated or set aside by the board, or the director or officer was removed from office. Subparagraph (B)(ii). But an order of removal from office, issued after a hearing under subparagraph (B)(i), would become effective at the expiration of 30 days after service, at which time such director or officer would cease to be a director or officer of the association. Subparagraph (B)(iii).

Under subparagraph (C), it would be a misdemeanor punishable by fine or imprisonment, or both, for any director or officer, or former director or officer, against whom there is outstanding and effective an order of removal, which is an order which has become final, and who, with knowledge of such order, (i) participates in any manner in the management of the association, or solicits or procures proxies in respect of any voting rights in the association, or votes or attempts to vote any such proxies, or (ii), without the prior written approval of the board, serves as a director, officer, or employee of any institution the accounts of which are insured by the FSLIC.

Subparagraph (D) would prohibit any person, without the prior written consent of the board, from serving as a director, officer, or employee of a Federal association who has been convicted of a criminal offense involving dishonesty or breach of trust. For each willful violation of this prohibition, the association would be subject to a penalty of $100 a day which the board could recover for its own use.

Subparagraph (E) defines the term "violation" as used in paragraph (3) of the proposed subsection, and the terms "cease-and-desist order which has become final" and "order which has become final," as used in the draft.

Paragraph (4): Subparagraph (A) provides that the board may ex parte and without any requirement of notice, hearing, or other action, appoint a conservator or receiver for an association upon any one or more of the following grounds: (i) insolvency in that the association's assets are less than its obligations to its creditors and others, including its members; (ii) substantial dissipation of assets or earnings due to any violation or violations of law or regulation or to any unsafe or unsound practice or practices; (iii) an unsafe or unsound condition to transact business; (iv) willful violation of a cease-and-desist order which has become final; and (v) concealment of books, papers, records, or assets of the association or refusal to submit books, papers, records, or affairs of the association for inspection to any examiner or to any lawful agent of the board. Ground (i) is the same as ground (i) of the existing statute, and ground (v) is similar to existing ground (iii). Ground (ii) combines existing ground (ii) ("violation of law or of a regulation") and existing ground (iv) ("unsafe or unsound operation") but changes the concept of unsafe or unsound operation to unsafe or unsound practices and make both factors dependent upon whether the violation or the unsafe or unsound practice has resulted in the substantial dissipation of assets or earnings. Ground (iii) is new, but identical or similar provisions appear in a number of State laws. Ground (iv) is also an innovation to the present provisions of the statute.

The board would have exclusive power and jurisdiction to appoint a conservator or receiver. However, upon such appointment upon any of the grounds mentioned in subparagraph (A), the association could, within 30 days thereafter, bring an action in the proper U.S. district court for an order of removal. This would be the only remedy available to an association to challenge the appointment of a conservator or receiver.

Subparagraph (B) would authorize the board, without any requirement of notice, hearing or other action, to appoint a conservator or receiver in the event that (i) the association, by resolution of its board of directors, or of its members, consents to such appointment, or (ii) the association's Federal home loan bank membership, or its status as an insured institution, is terminated.

The last sentence of subparagraph (B) would deprive any court, except to the extent authorized by the provisions mentioned above as to proceedings in district courts for review of appointments made under paragraph (4)(A), of jurisdiction to entertain any action for the removal of any conservator or receiver, or to restrain the exercise of the powers or functions of a conservator or receiver except at the instance of the board.

As under the present statute, the board could appoint only the Federal Savings and Loan Insurance Corporation as receiver for a Federal association. By providing in subparagraph (C) that the appointment of a receiver constitutes a "default" within the meaning of title IV of the National Housing Act, the FSLIC would be required upon such appointment to make payment of insured accounts under section 405(b) of that act.

The board would be authorized by subparagraph (D) to make rules and regulations for the reorganization, consolidation, merger, liquidation, and dissolution of associations and for associations in conservatorship and receivership, and for the conduct of conservatorships and receiverships. Also, the monetary penalty for refusing to comply with a demand of a conservator or receiver for possession of the property, business, or assets of an association would be increased from the present fine of not more than $1,000 to not more than $5,000. The punishment by imprisonment for not more than 1 year, alternatively to or concurrently with punishment by fine, would be the same as under the present section 5(d)(2).

Paragraph (5): The provisions of this paragraph relate to hearings and judicial review of orders issued by the board after hearing.

Subparagraph (A) provides that hearings provided for in subsection (d) shall be held in the Federal judicial district or in the territory in which the home office of the association is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the APA. The board would be required to render its decision in each case within 90 days after the parties have been notified that the case has been submitted to the board for final decision, and to serve each party with an order or orders consistent with the provisions of subsection (d). Also, the board could, unless a petition for review is timely filed as provided in paragraph (5)(B), and thereafter until the record in the proceeding is filed in the reviewing court, modify, terminate, or set aside any such order; and upon the filing of such record, the board could modify, terminate, or set aside any such order with permission of the court.

Under subparagraph (B) of paragraph (5), any party to the proceeding or any person who is subject to a cease-and-desist order could obtain a review of the board's order by filing in the court of appeals of the United States for the circuit in which the home office of the association is located, or in the Court of Appeals for the District of Columbia Circuit, within 30 days after service of such order, a petition praying that the order be modified, terminated, or set aside. Upon the filing of the record in the proceeding, such court would have exclusive jurisdiction to affirm, modify, terminate, or set aside any such order, and its judgment and decree would be final subject to review by the Supreme Court upon certiorari as provided in 28 U.S.C. 1254.

Review of the board's orders would be placed in the court of appeals (rather than in the district courts as under the present statute) in line with numerous other statutes governing judicial review of agency action and in order that such review may be expedited. And the provision in subparagraph (B) of paragraph (5) that review shall be had as provided in the APA means that the order under review must be upheld if the court of appeals finds that it is supported by substantial evidence in the record. This is the customary standard governing review of agency action as distinguished from the present requirement in section 5(d) that review by the court shall be upon the weight of the evidence.

Subparagraph (C) provides that the commencement of proceedings for judicial review under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the board. Since both a cease-and-desist order issued pursuant to paragraph (2)(B), and an order of removal from office issued pursuant to paragraph (3)(B)(i), do not become effective until after the expiration of 30 days after service, the association or the director or officer concerned could apply to a court of appeals within such 30-day period for a stay of the order.

Paragraph (6): This paragraph would authorize the board to apply for the enforcement of its orders to the U.S. district court or the U.S. court of any territory within the jurisdiction of which the home office of the association is located. But, except as otherwise provided in the draft, no court would have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order issued by the board under subsection (d) of the draft, or to review, modify, suspend, terminate, or set aside any such order.

Paragraph (7): This paragraph would authorize the board or any member thereof or a designated representative of the board to administer oaths and to issue and to revoke or quash subpenas and subpenas duces tecum. The board would also be authorized to make rules and regulations with respect to such proceedings. Jurisdiction for the enforcement of any such subpenas would be conferred upon the proper U.S. district court or the U.S. court of any territory. All expenses of the board or of the FSLIC in connection with subsection (d) would be considered as nonadministrative expenses.

Paragraph (8): This paragraph simply provides that any service required or authorized to be made by the board under this subsection may be made by registered mail, or in such other manner reasonably calculated to give actual notice as the board may by regulation or otherwise provide.

Paragraph (9): This paragraph provides that the proposed amendment to subsection (5)(d) shall not be applicable to proceedings for the appointment of a conservator or receiver pending immediately prior to the effective date of the amendment or to any supervisory representative in charge, conservator or receiver then in office, or in certain other situations stated in paragraph (9).

INCREASE OF AMOUNT AUTHORIZED TO BE APPROPRIATED TO CARRY OUT PROVISIONS OF THE ACCELERATED PUBLIC WORKS ACT (PUBLIC LAW 87-658)—ADDITIONAL COSPONSORS OF AMENDMENT NO. 469

Under authority of the order of the Senate of March 13, 1964, the names of Mr. ENGLE, Mr. METCALF, Mr. MORSE, and Mrs. NEUBERGER were added as additional cosponsors of amendment No. 469, intended to be proposed to the bill (S. 1121) to increase the amount authorized to be appropriated to carry out the provisions of the Accelerated Public Works Act (Public Law 87-658), submitted by Mr. GRUENING on March 13, 1964.

QUESTIONS AND ANSWERS WITH REGARD TO CIVIL RIGHTS

Mr. HUMPHREY. Mr. President, in recent days, I have observed an increasing number of paid advertisements in various newspapers throughout the country attacking the civil rights bill, H.R. 7152; these advertisements have contained, almost in whole, vicious and distorted half-truths and characterizations. I am pleased, however, to note that Robert S. Boyd, the distinguished journalist with the Chicago Daily News, has taken upon himself the task of setting the record straight and answering some of the most glaring misrepresentations.

The truth is many times less sensational than the fruit of a wild and undisciplined imagination. However, it is encouraging to reflect upon Lincoln's wisdom that the people cannot be fooled all the time. With reporting of the caliber of Robert S. Boyd, the risk of anyone being fooled in this instance, is reduced appreciably.

I ask unanimous consent that the entire article entitled "Questions, Answers to Fears Stirred by Civil Rights Bill" be printed in the RECORD as this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis (Minn.) Star, Mar. 18, 1964]

QUESTIONS, ANSWERS TO FEARS STIRRED BY CIVIL RIGHTS BILL

(By Robert S. Boyd)

WASHINGTON, D.C.—The civil rights bill now grinding through Congress has given rise to widespread fears and misunderstandings.

Congressional mail shows that many whites—Northern as well as Southern—believe the bill will take away some of their rights for the benefit of Negroes.

An intensive publicity campaign by opponents of the bill has added to these fears.

The questions that follow are based on a charge made in a newspaper advertisement, brochure or statement put out by opponents of the bill, notably the Coordinating Committee for Fundamental American Freedoms and its legal expert, Mississippi lawyer, John Satterfield, a former president of the American Bar Association. The committee gets most of its money from Mississippi.

The replies represent the position of the Justice Department.

The explanatory material is based on interviews with Satterfield and civil rights experts in the Justice Department.

Will the civil rights bill destroy your right to sell or rent your home to whom you please?

No. The bill will have no effect on discrimination in private housing.

The President, apparently, already has the power to ban racial discrimination in housing by executive order. President John F. Kennedy 18 months ago forbade discrimination by apartment houseowners and real estate developers who get Federal financing. This order has not yet been tested in the courts.

President Johnson might, if he wished, extend the order to cover private homes with FHA or VA insured mortgages.

The Justice Department says the civil rights bill adds nothing to this existing Presidential power. In fact, a sentence in the bill specifically denies that it applies to Government-insured home loans.

Opponents of the bill argue it would indirectly uphold the President's claim of authority to issue executive orders in this field.

Will the bill cost you your job, your seniority or your promotion to make way for a Negro?

With one exception, no. The bill forbids racial discrimination on the job, but grants Negroes no special privileges.

White fears of being displaced by Negroes stem from the "equal employment opportunity" section of the bill, which requires companies and unions to treat workers of both races on the same basis.

But no preference is granted to either race. There is no requirement that a company or a union take on a certain number of Negroes to achieve a racial "mix" or "balance." All that is required is that an employer, or a union, not turn down an otherwise qualified man because he is a Negro.

Passing over a white man to give preference to a Negro is banned, just as is the reverse.

The exception arises in the case of seniority—where separate white and Negro unions, or separate seniority lists have been maintained.

During the process of merging the locals, a worker who was No. 75 on the all-white list, for example, might find himself No. 82 on the combined list.

Will the bill require businessmen to keep records of the race of employees and job applicants? Will they have to let Federal inspectors check their operations?

Yes. Without records and inspection, the Government could not enforce this act. The records are necessary, particularly from job applicants, to show if there is a pattern of discrimination in hiring.

However, a businessman who feels the recordkeeping burden on him is unreasonable, is specifically authorized to go to court for relief.

Will the bill force some children to ride buses to school outside their own neighborhood?

No. The bill specifically rules out Federal action to require a "racial balance" in schools.

The original draft of the civil rights bill authorized the Federal Government to get involved in efforts to "adjust racial imbalance in public school systems" caused by neighborhood housing patterns, or so-called "de facto segregation."

This authority was removed by the House Judiciary Committee. An amendment was later added on the House floor clearly banning Federal action in this field.

This still leaves the way clear, however, for local school authorities to order the transfer of pupils to achieve a racial mix.

Will the bill threaten you with the loss of your social security or veterans benefits if you don't comply?

No. The Government cannot cut off your pension even if you choose to discriminate.

The bill does permit a cutoff of Federal funds to a program that discriminates against Negroes. However, the cutoff can only be applied to the program that actually discriminates—not to any other.

A community with a segregated school system, for instance, could lose its Federal school aid, but it would still be eligible for Federal road money.

Thus, no pattern of discrimination by an individual, or by local and State officials, would bring a cutoff in your social security or veterans benefits.

How about Federal aid to dependent children, or to the blind, to disabled, or medical care for the aged, or Federal unemployment compensation?

Yes, such assistance can be cut off as a last resort.

These Federal aid programs, and many others like them, are administered by State and local governments. Some are administered in a discriminatory fashion.

If local officials persist in discriminating and Federal authorities think they have no other resort, the funds can be stopped. Thirty days' notice must be given to Congress first, however, and the right to appeal the cutoff to the courts is guaranteed.

Will the bill forbid you to discriminate just because you have an FHA or VA insured mortgage on your home, or carry GI life insurance, or have a bank account insured by the Federal Deposit Insurance Corporation?

No. The bill specifically eliminates this possibility.

Millions of ordinary citizens receive Federal aid in the form of Government insurance on their life, house, or savings. Fears arose that the bill would cover them because of its ban on discrimination in federally assisted programs.

So the bill was amended by the House to make it clear that "contracts of insurance or guaranty," such as FHA and VA home loans, are not covered.

Those few veterans who borrowed money directly from the VA to finance their homes are covered, but not the vast majority whose mortgages are simply insured by the VA.

Will the bill permit you to be sent to jail without a trial by jury?

Yes; if you disobey a Federal court order directing you to comply with the law.

With minor exceptions, the civil rights bill creates no new crimes for which you can be fined or jailed. But it does set forth certain discriminatory acts for which a Federal judge—after a trial—can order you to cease.

Then, if you don't cease, the judge can slap you in jail without a trial by jury.

Your crime would not be violating the civil rights act. It would be contempt of court, and the Justice Department points out that there never has been a right of trial by jury for criminal contempt of court.

Certain safeguards are added: If you defy a court order enforcing the voting rights or public accommodations sections of the bill, you can't be jailed for more than 45 days or fined more than $300 without a jury trial.

For disobeying a court order involving the other parts of the bill, such as the fair employment section, you can be jailed indefinitely.

Will the bill let you be questioned in a secret "star chamber" proceeding, with a jail sentence hanging over you if you reveal what happened?

Yes.

The bill authorizes the Civil Rights Commission to hold hearings to investigate complaints of discrimination. If the Commission thinks the testimony might embarrass or incriminate someone, it can hold the hearing behind closed doors.

Unauthorized disclosure of the proceedings can be punished by a $1,000 fine or a year in jail.

The Justice Department says this provision is to protect people from premature or unfair disclosure or unsubstantiated charges. The secret hearings are only to gather information, since the Commission has no power to make anybody do anything.

Will the bill force doctors, lawyers, barbers, and small businessmen to serve Negroes even if they aren't engaged in interstate commerce?

It depends where your business is located.

If you live in a community where there is a local law actually on the book requiring racial segregation, the new Federal law will apply to every business and professional man. If you serve white people in such a town, you will have to serve Negroes too.

In other communities:

You will have to serve all races if your place of business is located "on the premises" of an establishment, such as a hotel or theater, covered by the bill.

You will also be covered if your place of business, such as a department store, contains a restaurant or lunch counter covered by the bill.

You are not required to serve Negroes just because your store or office is located in the same building, or the same shopping center, with a covered establishment.

A doctor or lawyer could have an office in a hotel, or upstairs over a restaurant without coming under the law.

Will the bill permit discrimination against you if you don't believe in God?

Yes.

An amendment added by the House permits an employer to refuse to hire an atheist—even if he is otherwise qualified.

Will the bill control the selection of members and guests of private clubs?

In most cases, no.

Bona fide private clubs do not come under the provisions of this bill, but there are two exceptions:

If the club is not really private, but allows anybody to join for payment of a small fee, it cannot discriminate against Negroes.

If a club is located on the premises of a covered business, such as a country club connected to a public hotel, and offers its facilities to white guests of the hotel, it must also serve Negro guests.

ARCHITECTURAL BARRIERS FOR THE HANDICAPPED

Mr. HUMPHREY. Mr. President, on behalf of the Senator from Utah [Mr. Moss], I ask unanimous consent to have printed in the Record at this point a statement prepared by him, together with an article entitled "Victims of Paralysis Join in Efforts To Open Doors," written by Paul O'Donnell, and published in the Washington Star of March 1, 1964, dealing with the subject of architectural barriers for the handicapped.

There being no objection, the statement and article was ordered to be printed in the RECORD, as follows:

ARCHITECTURAL BARRIERS FOR THE HANDICAPPED

(Statement by Senator MOSS)

Several weeks ago I made a brief speech in the Senate about the splendid progress being made in Utah to remove architectural barriers for the handicapped. Surveys have been made to locate such barriers in public and other important buildings which the handicapped cannot hurdle, and through the efforts of the Utah Committee for the Elimination of Architectural Barriers, they are gradually being removed.

I read with interest, therefore, a story in the Washington Sunday Star of March 1, written by Frances Lide, detailing the heroic and successful efforts of one young man who hasn't walked for more than 10 years, but who has made himself self-sufficient and relatively active even though confined to a wheelchair.

The young man in question, Paul O'Donnell, has found ways to get around many of the architectural handicaps in his own home, and at the University of Illinois, and he now is working, through an organization called Open Doors, to help other handicapped secure the same amount of independence. One of their projects is a survey to locate architectural barriers and recommend changes.

I submit for the RECORD the Washington Star story, entitled "Victims of Paralysis Join in Efforts To Open Doors."

[From the Washington (D.C.) Star, Mar. 1, 1964]

VICTIMS OF PARALYSIS JOIN IN EFFORTS TO OPEN DOORS

(By Frances Lide)

Paul O'Donnell parked his car, whipped out a folding wheelchair, climbed in and, in a matter of seconds, was at his front door where he bounced the chair up the single step and led his visitor to the living room.

Now "29 going on 27," as he put it, he hasn't walked without the aid of a brace since he was thrown out of a car in an accident when he was 15 years old.

"People say, 'You have adjusted to your injury very well,'" he remarked, "but they should say, 'We have adjusted to the injury very well.'"

By "we" he means just about everybody—his family (six brothers and a sister), his "large number of very good friends," and almost anyone he meets.

CONTINUED IN SCHOOL

He spent 13 months in the hospital following the accident but was back in Georgetown Prep School within a few days after his discharge.

Then he went on to Georgetown University, got his first job not long after he graduated, and has continued to do the things he used to do for fun, including sports.

An athlete before the injury, he turned to coaching youngsters at the St. Thomas Apostle School near his home on 27th Street. "I really believe I receive more satisfaction from coaching than from playing," he said.

He also bowls, has season tickets to the Redskins' games each year, likes to go to the theater, movies, and restaurants ("I am limited on dancing, though") and recently spent 10 days in Orlanda, Fla., where he was best man at a friend's wedding.

Paul said his friends have accepted his injury in such a matter-of-fact way that he doesn't think they are conscious of it when they call up, for instance, and say, "Let's go to a movie."

He doesn't pretend, however, that it doesn't involve some problems.

ASKS ABOUT STEPS

"When you are going somewhere, your initial question is, 'How many steps are there?'" he pointed out. "Or you may want to know if there is a way to get there without using steps at all.

"People have been good to me and I haven't been so bullheaded that I would say, 'No, I want to do everything myself,'" he continued.

"There have been times when I had to put my pride away and scream for help. But then everybody has to ask for help of some kind from time to time.

"I probably have lived a fuller life than if I hadn't had the injury. Most people strive for a purpose in life. Mine is built in.

"And I believe that you never lose something that you are not given a great deal more. I sometimes wonder what I'd be doing if it hadn't been for the injury. I think I'm put here for a purpose and it gives me a tool to work with. I feel I have an advantage over other people—and with it a great deal of responsibility."

Not all paralysis victims are as philosophical as Paul, of course, nor have as sunny a disposition.

But a score or more of traumatic paraplegics and quadriplegics in the Washington area—mostly teenage boys or young men—have banded together in an effort to offer encouragement and assistance to recent victims of injuries who have been similarly affected.

"Opening Doors" is the symbolic name of the group.

It was the brain child of a young college student, Fred Fay, of Fort Sumner Hills, Md., who is now at the University of Illinois—the only university in the world, incidentally, which has educational facilities that are physically accessible to students in wheelchairs.

Fred, who had suffered a broken neck 2 years earlier, learned of Paul's success in surmounting his injury and asked him to come over and discuss the possibilities of a group that might serve others in the same situation.

Both young men happened to know Dr. Margaret Kenrick, director of Georgetown University's department of physical medicine and rehabilitation who lives a couple of doors from Fred, so they called her in as an adviser.

MAJOR GOALS OUTLINED

As a result of their talk it was concluded that there are two major needs for traumatic paraplegics—someone for newly injured persons to turn to for advice on nonmedical problems, and a directory of places in the area which are accessible to persons in wheel chairs.

The name "Opening Doors" was chosen to suggest the doors of opportunity that can be opened to the newly injured as well as physical doors that can be opened, too, by architectural changes if they are too narrow for a wheel chair or accessible only by going up and down steps.

The next move was to recruit members—in the beginning from the ranks of those who already were rehabilitated, holding jobs, attending college, or both. About a dozen were rounded up and were eager to help.

The group meets regularly—usually on the first Sunday of each month. There are no dues; members contribute by doing what they can for others.

Wives, parents, and friends have participated from the outset.

Visits to the newly injured by members who have demonstrated that they can offer real moral support are an important service of the group. Whenever possible, the member chosen has the same level of injury so as to be familiar with the difficulties and opportunities that the patient will encounter.

Opening Doors also has assembled a "library" of information useful to paraplegics, quadriplegics and their families. This is in the custody of Fred's mother, Mrs. Allan B. Fay, who lives at 6116 Overlea Road in Fort Sumner Hills. (Mrs. Fay's telephone number is used on a card the group distributes to those who may want the services of Opening Doors.)

In addition, a leaflet is available listing helpful reading materials concerning paraplegia, constructive use of time, home care, and the like.

SURVEY SOUGHT

Still a major need, according to Paul, who is president of the group, is an architectural barriers survey of the metropolitan area which will produce a directory of places which are accessible to persons in wheel chairs. The District Easter Seal Society has indicated that it plans to work with the Commissioners Committee on the Employment of the Handicapped on such a project.

The society also is eager to get in touch with other paraplegics and quadriplegics in the area. It has been estimated that there probably are about 400 and Opening Doors has been able to locate only a small fraction of that number.

The group tries to publicize any project that will boost the morale of the newly injured. As a case in point, Paul called attention to the fact that tomorrow night's "East Side, West Side" TV program deals with problems of paraplegia.

Also supported by Opening Doors are efforts made to promote building regulations providing for access of wheel chairs in public places—especially educational institutions.

SENATOR HUMPHREY CONGRATULATES RETAIL CLERKS INTERNATIONAL ASSOCIATION ON MEMBERSHIP GROWTH

Mr. HUMPHREY. Mr. President, I rise to call the attention of my distinguished colleagues to the uninterrupted growth of one of the Nation's largest trade unions, the Retail Clerks International Association, an affiliate of the AFL–CIO.

I am confident that all Senators wish to join with me in congratulating the RCIA, and its president, James A. Suffridge, on 20 consecutive years of membership growth. Recently, Mr. George Meany, president of the AFL–CIO, stated that he knew of no other union in the history of the labor movement that had compiled such a record of uninterrupted growth.

Mr. President, the Retail Clerks International Association is comprised of those men and women who work in our retail outlets up and down the Main Streets of America. They assist the housewife in the supermarkets. They sell us shoes, clothes, tools, and even confections when we attend the theater. These white-collar workers are in the mainstream of America's economy.

Today, the membership of the RCIA is nearly a half million, making it the sixth largest union affiliated with the 130-odd international unions of the AFL–CIO.

Last June I had the opportunity, along with several of my distinguished colleagues in the Senate, to address the RCIA at its 75th anniversary year convention in Chicago. I was proud to address this group of organized labor, for I have known from long experience that they exercise the highest democratic principles.

After seeing the vitality of this convention, there is no doubt in my mind why the Retail Clerks Union has grown. I congratulate them on their 20 years of membership growth—without interruption and their diamond jubilee, and I know they are going to have another successful 75 years and keep their record unbroken.

CIGARETTES—TRIED AND FOUND GUILTY

Mrs. NEUBERGER. Mr. President, the writing team of Lois Mattox Miller and James Monahan have produced an informative article, "Cigarettes—Tried and Found Guilty," which appears in the April issue of Reader's Digest.

The outline of the evidence developed through the Surgeon General's Advisory Committee is presented in a popular form for all to read.

The article concludes with a cogent statement and one which I have subscribed to since I became interested in the connection between smoking and disease, and that is, "In the last analysis, the issue of whether to smoke or not to smoke must be decided by each individual."

Mr. President, I ask unanimous consent that this article be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIGARETTES—TRIED AND FOUND GUILTY

(By Lois Mattox Miller and James Monahan)

On Saturday morning, January 11, some 100 reporters entered a Federal auditorium in Washington, D.C. When the press was seated, all doors were locked (to prevent news leaks), and clerks handed out copies of a hefty, 387-page book entitled "Smoking and Health." This was the long-awaited report of U.S. Surgeon General Luther L. Terry's Advisory Committee which was expected to settle the cigarette controversy once and for all.

A glance at the report's main conclusion was sufficient to reveal that the impartial committee of medical experts had produced a blockbuster. The report stated, "On the basis of prolonged study and evaluation of many lines of converging evidence, the committee makes the following judgment: Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action."

Within a few hours newspapers throughout the country bristled with startling headlines. The New York Herald Tribune, for example, presented the story under a front-page banner: "It's Official—Cigarette Smoking Can Kill You."

DAMNING EVIDENCE

Summaries of the voluminous evidence supported the headlines:

Cigarette smoking causes lung cancer in men. The evidence for women, while less extensive, points to the same conclusion. The magnitude of the effect of cigarette smoking "far outweighs all other factors," including air pollution.

Cigarette smoking is the most important cause of chronic bronchitis; it also increases the risk of death from pulmonary emphysema.

Cigarette smoking greatly reduces lung function. Breathlessness is far more prevalent among smokers than nonsmokers.

Women who smoke during pregnancy tend to have babies who are underweight at birth.

Cigarette smoking is a "significant factor" in causing cancer of the larynx in men, and there is some connection between cigarette smoking and cancer of the esophagus and of the urinary bladder.

Male cigarette smokers have a 70-percent higher death rate from coronary heart disease than nonsmokers.

While the cause-and-effect relationship has not been established, cigarette smoking is "associated" with many cardiovascular diseases, including hypertensive heat disease and general arteriosclerosis.

The 10-man Committee, which included 5 nonsmokers, 3 cigarette smokers, and 2 cigar smokers, was unanimous in all its conclusions. Moreover, the conclusions paraleled those of a report nearly 2 years earlier by Britain's Royal College of Physicians.[1]

BURDEN OF DISPROOF

Most commentators noted that the "burden of disproof" had now been passed to the tobacco industry. "The Committee," stated one editor, "has said in effect: the evidence overwhelmingly indicts cigarette smoking; if you have any other theory to explain these findings, prove it with the same quality of evidence we have found."

For once, the tobacco industry had no glib answer. The Advisory Committee not only ruled out air pollution as the chief cause of lung cancer but threw cold water on the industry's pet theory that a virus is the culprit. Said the report: "No evidence has been forthcoming to date implicating a virus."

The report also squelched the industry's argument that charges associating cigarettes with various diseases were based merely on "statistical" evidence. "The Committee was aware," the report stated, "that the mere establishment of a statistical association between tobacco and a disease is not enough. The casual significance of the use of tobacco in relation to the disease is the crucial question. For such judgments three lines of evidence are essential: animal experiments, clinical and autopsy studies, and population or epidemiological studies." Then all three converging lines of evidence were cited.

ANIMAL EVIDENCE

"There is evidence from numerous laboratories that tobacco-smoke condensates [tars] and extracts of tobacco are carcinogenic [cancer producing] for several animal species." Seven compounds found in smoke and tars have been proved carcinogenic; and other substances in tobacco and smoke, though not carcinogenic, promote cancer production. Some irritants in the smoke produce experimentally the noncancerous tissue damage seen in heavy smokers.

CLINICAL EVIDENCE

The report cited the "extensive and controlled study" by Dr. Oscar Auerbach, professor of pathology at New York Medical College, of lung tissue taken from some 1,500 men who had died of various causes.[2] Cancerous and precancerous changes in cells were found in many specimens. Later this evidence was matched with the individual's smoking (or nonsmoking) history. Cancerous or precancerous cellular changes "were much more common in the trachea and bronchi of cigarette smokers and subjects with lung cancer than of nonsmokers and patients without lung cancer. * * * Many of the findings observed by Auerbach have been confirmed by other investigators."

POPULATION STUDIES

Since 1939 numerous population studies have established the connection between smoking and various diseases. Two types of surveys, the report stated, "have furnished information of the greatest value for the work of this committee." The first is the "retrospective study," of which there have been 29, comparing medical records and death certificates of known smokers with those of known nonsmokers. "It is noteworthy," the committee stated, "that all 29 retrospective studies found an association between cigarette smoking and lung cancer."

The second type of study is "prospective." In this, large numbers of living smokers, nonsmokers and ex-smokers are enrolled. Complete histories of their smoking habits are recorded, and over the years, as participants die, from whatever cause, their death certificates are obtained for study. The Committee examined seven such studies made in the United States and Britain.

Of the 1,123,000 men in the seven studies, 37,391 died during the period covered by the combined reports. The Committee found that, for all causes of death taken together, the death rate for male cigarette smokers was "nearly 70 percent higher than for nonsmokers. For coronary-artery disease, the death rate is 70 percent higher for cigarette smokers. For chronic bronchitis and emphysema, the death rate for cigarette smokers is 500 percent higher than for nonsmokers. For cancer of the lung, the most frequent site of cancer in men, the death rate is nearly 1,000 percent higher."

THE FILTER QUESTION

To the dismay of the tobacco companies, the report made no findings on filtertip cigarettes (which account for nearly 60 percent of total cigarette sales). Later, Surgeon General Terry explained: The Committee believed it had insufficient evidence as to the effect of various filters. Since not all the substances in tobacco smoke which have adverse effects on health are yet known, it would be impossible to know whether a given filter might permit the passage of hazardous susbtances. He admitted, however, that it would be "erroneous to conclude that cigarette filters have no effect."

Asked if "standardized research" on the effectiveness and selectivity of filters, as well as additional research on the components of smoke would not be desirable, Dr. Terry answered, "Yes, unquestionably." The Committee felt, he added, that "the development of better or more selective filters is a promising avenue for further research."

In presenting the report, Dr. Terry promised that there would be "no foot-dragging" by the Government. "We will move promptly to determine what remedial health measures the Public Health Service should take." The exact nature of the remedial measures probably will be left to a second advisory committee.

The Federal Trade Commission announced that it was ready to take action in its field. On January 18, it issued a set of proposed regulations which, among other things, would require every cigarette advertisement, package, and carton to carry this warning: "Caution—Cigarette Smoking Is Health Hazard. The Surgeon General's Advisory Committee on Smoking and Health has found that cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate." A shorter warning was designed particularly for television commercials: "Caution—Cigarette Smoking Is Dangerous to Health. It May Cause Death From Cancer and Other Diseases."

THE TOBACCO LOBBY

When the Advisory Committee was formed in July 1962, the tobacco industry welcomed the project and hoped for a "comprehensive review" of the evidence. But when the report was published, the president of the Tobacco Institute, George V. Allen, commented on a remark which Dr. Terry had made at an informal press conference. Said Allen, "As Surgeon General Terry pointed out, 'There is a great deal yet to be known on the subject.' In short, this report is not the final chapter."

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[1] See "Lung Cancer and Cigarettes," the Reader's Digest, June 1962.

[2] See "The Cigarette Controversy: A Storm Is Brewing," the Reader's Digest, August 1963.

No one disagrees. Indeed, the president of the American Cancer Society, Dr. Wendell G. Scott, said of the report, "More research is needed to determine what constituents in cigarette smoke are responsible for lung cancer, how these cancers develop, and whether these constituents can be eliminated." Responsible health officials, however, are unwilling to suspend judgment and sacrifice lives until the "final chapter" is written. Dr. Scott commented, "It is essential that action be taken immediately to make use of the information in this report to reduce the tragic and unnecessary toll of more than 100 deaths a day caused by cigarette smoking in this country."

The tobacco industry, for more than 10 years, has demanded "more research" as a delaying tactic against every authoritative study of cigarettes and disease. But from now on its propaganda, aimed at confusing or beguiling the public, will be subordinated to high-pressure politics. Openly or behind the scenes, the battle will be waged on Capitol Hill.

When the FTC's proposal for regulating cigarette labeling and advertising was announced, it drew fire immediately from tobacco-State Members of Congress. Representative HAROLD D. COOLEY, of North Carolina, chairman of the House Agriculture Committee, challenged the Commission's authority, and added, "I think someone in the FTC must be emotionally disturbed."

The tobacco lobby was already at work. "Tobacco-State Congressmen," according to the New York Times, "were also seeking to round up support from Representatives of other States that have a large stake in cigarettes—areas where cellophane, cigarette papers and aluminum foil, for example, are produced. The suppliers of the cigarette industry are spread from South Dakota to Texas."

The objective is to delay or kill anything that might hurt cigarette sales—specifically the proposed FTC regulations. There may even be a huge handout for the tobacco industry. Representative COOLEY has introduced a bill to provide $5 million for "an emergency research program to make cigarettes safer." He has not explained, however, why taxpayers' money should be spent to try to solve a problem that properly should be the business of an industry which spends over $200 million annually on cigarette advertising.

POLITICS VERSUS HUMAN LIFE

"The smoking report can hardly be kept out of politics," a New York Herald Tribune editorial commented, "but the immediate tendency of tobacco-State politicians to rise up in defense of cigarettes and to question the report's findings is a sorry commentary on their concern for human health or life."

The tobacco industry is desperate, not only because of what may be lost in sales, but because far more may be lost as a result of damage suits brought against the cigarette companies by victims of lung cancer who smoked a particular brand or by the victims' survivors. Five cases already have gone to trial, many more are pending. The legal point at issue is the "implied warranty" that cigarettes are safe to smoke because the manufacturer does not state otherwise. In one case (*Green* v. *The American Tobacco Co.*) the court held that Green's two or three packs of Lucky Strikes per day probably caused the lung cancer which killed him. However, the court refused to award the $1,500,000 in damages sought by Green's estate, and the U.S. Court of Appeals reversed the verdict and ordered a new trial.

The cigarette companies are aware that they are in for trouble and that the Advisory Committee's report may hasten it. Says Edward J. Bloustein, professor of law at New York University, "Unquestionably it will carry great weight with jurors." Ironically, the warning which the FTC would put on labels and in ads would, in the opinion of legal experts, probably relieve the manufacturers of such liability in the future. Yet the industry hesitates to make the admission, and probably will fight to the bitter end.

In the last analysis, the issue of whether to smoke or not to smoke must be decided by each individual. Legislation can provide much-needed controls over the cigarette industry. But "you can't legislate against cigarette smoking," said Dr. Charles W. Mayo of Rochester, Minn., after reading the Advisory Committee's report. "It's up to the individual whether to quit or not."

POLAND GETS U.S. AID: SENDS ARMS TO REDS

Mr. MUNDT. Mr. President, any American encouragement of trade with Communist countries which strengthens either the economy or the military posture of the Reds is detrimental to the cause of freedom and imperils the continued peace of the world. It is axiomatic, Mr. President, that only the Communists are strong enough to threaten the United States with war in this modern age and that only a Communist country strong enough to feel it has a chance for victory will ever upset world peace by attacking the United States. Thus when we recklessly pursue trade and credit policies which enable the Communists to overcome their basic economic deficiencies, we jeopardize our goal of enduring peace and continuing freedom.

Allan H. Ryskind, of California, noted syndicated columnist, has an interesting comment on this proposition which appeared in the Indianapolis News and I ask unanimous consent that it appear at this point in my remarks. It provides serious food for thought for all of us. I hope many other writers and editors will also record their observations:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Indianapolis (Ind.) News, Dec. 18, 1963]

PROFESSOR CONFIRMS IT: POLAND GETS U.S. AID, SENDS ARMS TO VIET REDS

(By Allan H. Ryskind)

WASHINGTON.—Should America increase aid and trade to Communist Poland? This has now become a major—and annual—debate in both the Senate and House, with the Democratic administration engineering lawmakers into supporting this policy, contending these concessions will finally "woo" Poland to the West.

The new President and even some Democratic Members of Congress, however, may be less enthusiastic about it when they learn that Poland has made an arms deal with North Vietnam, whose soldiers have killed 128 Americans in South Vietnam. In other words, trade and aid to Poland, far from winning friends, is helping that Red nation's capacity to put American GIs in an early grave.

The news that Polish arms are reaching North Vietnam has also reached the ears of the State Department policymakers, but the Foggy Bottom crew insists it has no hard information on the subject, that it is all rumor and speculation.

For the State Department's information, then, it would be good to relate an article by Author P. J. Honey, in the October–December 1961, The China Quarterly, a scholarly magazine published in London. Professor Honey, one of the foremost scholars on Vietnam, has indicated in correspondence to this writer that Poland continued to send arms to North Vietnam in 1962 as well. I have not received word regarding Poland's possible delivery of arms to North Vietnam in 1963.

The North Vietnamese Prime Minister, Pham Van Dong, relates Professor Honey, toured Red China, Russia and Eastern Europe in June, July, and August of 1961, where he "secured military aid to the value of 220 million new rubles for the DRV's (Democratic Republic of Vietnam) struggle to reunify Vietnam. The principal donor was Russia, but some of this aid was also given by Czechoslovakia, Poland, and China."

Professor Honey indicates in his correspondence that this news, while not verified by the U.S. State Department, could be verified by Britain, France, or Canada which have diplomatic representatives in North Vietnam. His own information source, relates Professor Honey, also lives in Hanoi, the capital of North Vietnam.

"My articles on North Vietnam," writes Professor Honey, "are always read by the Vietnamese Communist authorities and have frequently been commented on by Hanoi radio. I have no doubt that the Poles have also seen this short article, but neither the Poles nor the Vietnamese have denied my statement.

"Moreover, the big Vietnamese buildup both in South Vietnam and Laos shows that military aid has come in considerable quantities from some source, and there is no reason to doubt my correspondent's information about this source."

A question not only arises then, whether we should supply Poland with any aid or trade concessions, but why the State Department doesn't at least acknowledge, as they have not, that there is good evidence to believe Poland is sending arms aid to North Vietnam. Someone, this reporter insists, should find out the extent to which Poland is aiding North Vietnam before Congress grants that nation any more aid or trade.

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of House bill 7152, the Civil Rights Act of 1963.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 93 Leg.]

Aiken
Allott
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Mundt
Nelson
Neuberger
Pell
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. COTTON. I announce that the Senator from Iowa [Mr. MILLER] is absent by leave of the Senate.

The Senator from Kansas [Mr. PEARSON] is absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from New Mexico [Mr. MECHEM], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The Senator from Vermont [Mr. PROUTY] is detained on official business.

The PRESIDING OFFICER (Mr. WALTERS in the chair). A quorum is present.

The question is on the motion of the Senator from Montana [Mr. MANSFIELD] to proceed to the consideration of House bill 7152.

Mr. ROBERTSON obtained the floor.

Mr. ROBERTSON. Mr. President, I yield to the acting majority leader [Mr. HUMPHREY] with the understanding that I do not lose the floor.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. HUMPHREY. I thank the distinguished Senator from Virginia. Mr. President, it is understood that this in no way shall be interpreted as interfering with the right of the Senator from Virginia to the floor.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LENGTH OF SESSION TODAY

Mr. HUMPHREY. Mr. President, I announce that the Senate will be in session until at least 10 o'clock tonight. All Senators should be on notice, with respect to quorum calls or other activities.

I thank the Senator from Virginia for yielding to me.

ADVERTISEMENT OF COORDINATING COMMITTEE FOR FUNDAMENTAL AMERICAN FREEDOMS, INC.

Mr. STENNIS. Mr. President, will the Senator from Virginia yield to me, without losing the floor?

Mr. ROBERTSON. With the same understanding, I am glad to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, the newspaper advertisement of the Coordinating Committee for Fundamental American Freedoms, Inc., which appeared in many newspapers throughout the Nation was the object of debate on the floor of the Senate last week, but it was not included in the RECORD.

At some later time I shall speak on the factual statements and merits of this advertisement, but I think that the Senators should have the advantage now of the full contents of the advertisement. The information therein contained has very significant value to the people of the Nation, and I therefore ask unanimous consent to have it printed in the body of the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

ONE-HUNDRED-BILLION-DOLLAR BLACKJACK: THE CIVIL RIGHTS BILL—THE BILL IS NOT A MODERATE BILL AND IT HAS NOT BEEN WATERED DOWN—IT CONSTITUTES THE GREATEST GRASP FOR EXECUTIVE POWER CONCEIVED IN THE 20TH CENTURY

THE SOCIALISTS' OMNIBUS BILL OF 1963 NOW BEFORE THE SENATE

The American people are being set up for a blow that would destroy their right to determine for themselves how they will live.

What is being piously presented as a humane effort to redress past wrong—the "civil rights" bill—is, in fact, a cynical design to make even the least of us, black and white alike, subject to the whim and caprice of Government bureaucrats.

Unless American workers, farmers, business and professional men, teachers, homeowners, every citizen awakens now, harsh Federal controls will reach into our homes, jobs, businesses, and schools, into our local and State elections, and into our municipal and State governments.

ONE-HUNDRED-BILLION-DOLLAR BLACKJACK

You should know, through this bill you are to be struck by a $100 billion blackjack—almost the total Federal budget. Your tax money is to be used as a weapon against you.

That is the meaning of the civil rights bill:

(1) It would amend every Federal law (hundreds of them) that deals with financing so that each Federal department or agency could make its own regulations to manipulate Federal funds: Each Federal department would define for itself what is "discrimination" and apply its own penalties (sec. 601–602).

(2) It would empower Federal political appointees—through the use of the blacklist, cancellation of contracts, foreclosure, and other punitive means—to use almost $100 billion a year to force our people to knuckle under to Executive dictation (secs. 601–602).

You should know this.

TOTAL FEDERAL CONTROL

The bill now pending in the U.S. Senate would (a) allow people to be jailed without trial by jury (titles I, II, III, IV, and VII).

It would (b) allow the Government to hold star chamber sessions and to imprison those who disclose, without permission, what went on behind its closed doors (sec. 501).

It would (c) deny an individual the right to freely seek employment without Federal interference as to race or religion—it would deny this right (titles VI and VII).

It would (d) deny the employer the right to hire, fire, promote and demote without Federal interference as to race or religion—it would deny this right (titles VI and VII).

It would (e) deny to school boards (public and private) and to colleges the right to determine, unhampered by the Federal Government, how their students and teaching staffs would be handled—it would deny this right (titles IV, VI and VII).

It would (f) take from local and State officials their right, without Federal interference:

To handle local and State elections (title I);

To regulate local parks, swimming pools and other recreational facilities (title II);

To regulate hotels, restaurants, motion picture houses, stadiums, etc. (title III); and

To regulate employment practices (titles VI and VII).

THE MYSTERY WORD: "DISCRIMINATION"

The bill now pending in the U.S. Senate would:

(a) Allow each Federal department and agency to determine for itself what is and what is not "discrimination" (titles V, VI, and VII)—the bill, itself, does not define the word.

(b) Allow each Federal department and agency to determine for itself what is and what is not "race" and "religion" (titles IV, V, VI, and VII)—The bill, itself, does not define either word.

Therefore, there would be no uniformity of interpretation. What might be classified as a "discriminatory practice" by one agency, might not de so classified by another agency.

OMNIPOTENT PRESIDENT

And always—if this bill becomes law—there will be the omnipotent President or his appointees to rule, thumbs up, thumbs down. Sometimes, yes. Sometimes, no.

Only a dictator has such prerogatives.

It follows, then, under the Socialists' omnibus bill—misnamed the civil rights bill—those who enjoy political favor may expect political favors. Others may expect something else.

Such is the significance of the bill now pending in the U.S. Senate: It would establish the rule of man and abolish the rule of law.

Six members of the House Committee on the Judiciary, each an attorney and each an expert in this sort of legislation have said: "The reported bill is not a moderate bill and it has not been watered down. It constitutes the greatest grasp for executive power conceived in the 20th century."

If you wish this bill defeated, you can defeat it: Write your Senators, both of them. Write them, now, today, and tell them you oppose it. Tell them why.

There is no other way. If you want this bill stopped, write your Senators, now, and tell them so.

Within the coverage of this bill Federal inspectors would dictate to [1]—

Individuals as to:
1. Seniority in private employment.
2. Seniority in civil service.
3. Preferential advance of minorities.
4. Social security.
5. Veterans' and welfare benefits.
6. Employee facilities.

Farmers as to:
1. All Federal farm programs.
2. Employees and tenants.
3. Membership in farm organizations.

Labor unions and members as to:
1. Job seniority of members.
2. Seniority in apprenticeship programs.
3. Racial balance in job classifications.
4. Racial balance in membership.
5. Preferential advance of minorities.

Banks and other financial institutions as to:
1. Approval of loans.
2. Foreclosure of loans.
3. Compensation, terms, conditions of employment.
4. Hiring, firing and promotion of employees.
5. Racial balance of job classifications.

Businesses and industries as to:
1. Hiring, firing, and promoting of employees.
2. Racial balance of job classifications.
3. Racial balance of office staffs.
4. Preferential treatment of minorities.

FEDERAL PROGRAMS AFFECTED

Federal programs subject to manipulation include loans by all Federal agencies; Farm Credit Administration; Federal land banks; banks for cooperatives; production and commodity credit; SBA and FNMA; school lunch programs; Hill-Burton hospitals; highway construction; child welfare services; social security; community health services; school fellowships and research; school and college construction; aid to blind and disabled; vocational education; agricultural experiment stations; Federal Reserve System; national banks; Federal Civil Service; Federal contracts; veterans' benefits.

Within the coverage of this bill Federal inspectors whould dictate to [2]—

Schools and colleges as to:
1. Handling of pupils.
2. Employment of faculties.
3. Occupancy of dormitories.
4. Use of facilities.

Teachers as to:
1. Their employment, discharge, and promotion.
2. Preferential treatment of minorities.
3. Compensation, terms, and conditions of their employment.

Hospitals as to:
1. Medical and nursing staffs.
2. Technical, clerical, and other employees.
3. Patients' beds and operating rooms.
4. Facilities and accommodations.

Hotels, motels, and restaurants as to:
1. Rental of rooms.
2. Service of customers.
3. Hiring, firing, and promotion of employees.

States and municipalities as to:
1. State FEPC acts.
2. State labor laws.
3. Handling of public facilities.
4. Supervision of private facilities.
5. Judges and law enforcement officers.
6. Handling of elections.

DICTATORIAL ATTORNEY GENERAL

This bill would make the Attorney General a virtual dictator of America's manners and morals. It would grant him unprecedented authority to file suits against property owners, plain citizens, and State and local officials, even though the supposed grievant has not filed suit. The Attorney General would become the grievant's lawyer at the taxpayers' expense. The bill grants to the Attorney General:

1. The unprecedented power to shop around for a judge he prefers to hear a voting suit (title I).

2. The right to sue an owner of public accommodations before the owner is accused of a "discriminatory practice" (title II).

3. To sue State or local officials concerning public facilities without an individual having filed suit (title III).

4. To sue local school boards, although no suit has been filed by any schoolchild or other person (title IV).

Last fall, when broad authority to sue in civil rights matters was first proposed, the Attorney General said: "Obviously, the proposal injects Federal Executive authority into some areas which are not its legitimate concern and vests the Attorney General with broad discretion in matters of great political and social concern."

This bill falls within that condemnation.

Tearsheets of this ad, suitable for reproduction in other newspapers, may be had upon request.

The Coordinating Committee for Fundamental American Freedoms, Inc., 301 First Street NE., Washington, D.C., William Loeb, chairman, Manchester, N.H.; John C. Satterfield, secretary, Yazoo City, Miss.; John J. Synon, director, Washington, D.C.

VOLUNTARY RACIAL RELOCATION COMMISSION

Mr. STENNIS. Mr. President, on Monday of last week it was my privilege to join the distinguished Senator from Georgia [Mr. RUSSELL] in proposing an amendment to the civil rights bill. This amendment would create a Voluntary Racial Relocation Commission charged with the responsibility of bringing about a more equal distribution of the races throughout the Nation.

It would accomplish its mission primarily by encouraging and providing financial assistance to the Negro population to move voluntarily from the areas in which they are concentrated in overwhelming numbers to areas and States where very few Negroes live at present.

As the Senator from Georgia pointed out in his discussion of this proposal on the floor of the Senate, the overall objective would be to bring about a racial population mix in all areas of the Nation which will be more in line with the overall percentage of the Negro population of the country to the entire population.

I submit, Mr. President, that this is a fair, reasonable, logical, and equitable proposal. It is generally conceded that the extent and intensity of the racial unrest which prevails in any region bears a direct relationship to the relative size of the minority group. Therefore, a wider dispersal of the minority throughout the Nation would certainly alleviate the alleged problems of conflict and discrimination which upset and disturb those who so ardently support H.R. 7152.

More than this, the passage of this amendment would give those who are so certain and confident that they have the solution to the racial problem—and who are so determined to impose this solution on others—to assume some portion of the problem itself. It has always been strange to me that those who are not really confronted with the problem in their own States are consistently found in the vanguard of those who would impose their solution on those sections of the Nation where the problem is very real.

The adoption of the amendment which has been proposed by the Senator from Georgia and myself will enable those who are so insistent on imposing their will on us to make a contribution to the solution of the problem which will be somewhat commensurate with and equal to that which they propose to impose on those of us who oppose this legislation.

I submit, Mr. President, that it is manifestly unfair for those who do not share the problem to dictate the solution of it to those who face it daily and who have lived with it for 100 years. If they are sincere in their announced purpose, then certainly they will be willing to accept and absorb a fair proportion of the Negro population. If they do so they will acquire a portion of the problem to go along with their patented proposals for the solution of it.

It is clear, Mr. President, that H.R. 7152, if passed, will have a much greater impact on the South than on any other section of the country. Indeed, it seems to be designed to exclude certain sections of the Nation from the more stringent provisions of certain sections. Let me refer to the colloquy which I had with the distinguished Senator from Wisconsin [Mr. NELSON] last Friday. He made it clear that, coupled with his all-out support of the bill, he had the conviction that neither the public accommodations title nor the FEPC provisions would be applicable to his own State. Yet he is very anxious to impose these same titles on the State of Mississippi. I still cannot understand why those who do not share the problem, and who contend that certain important provisions of the bill would be inapplicable to their States, feel that they have such a superior ability to write legislation for Mississippi and other Southern States.

I do not want to dwell on statistics. Let me point out, however, that there are 12 States which have less than 1 percent Negro population. This contrasts with the national average of 10.5 percent. Among these States are Idaho, Montana, Maine, New Hampshire, Minnesota, and Wyoming. The population of an additional 14 States is less than 5 percent Negro. Among these are Oregon, Washington, Wisconsin, Rhode Island, Massachusetts, Connecticut, and Kansas.

On the other hand, Mississippi's percentage of Negro population is in excess of 42 percent. It has 915,743 Negroes.

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[1] Free book: "Unmasking the Civil Rights Bill," a detailed analysis of this bill may be had from this committee. Single copy, free. More than 1 copy 10 cents each.

[2] The outlines appearing affect those persons who fall within the categories to the extent described in the 10 bills ("titles") embodied in this package of legislation, subject to minor exceptions. Detailed analysis may be obtained from this committee.

The 26 States which have less than 5 percent Negro population have an aggregate Negro population of only 779,329. Thus, Mississippi has 17 percent more Negroes within its boundaries than 26 other States combined.

Here, in clear outlines, lies the problem which would be at least partially ameliorated if the proposed amendment is adopted. The program contemplated would be entirely voluntary and no strong arm of Federal compulsion would be involved as is true in the case of the House-passed force bill. It would impose no restrictions on free enterprise or individual liberty and freedom. It would afford new opportunity to many underprivileged members of our society and give them new hope.

Since the amendment is directed toward a peaceful solution of the grave and explosive racial problems which now threaten to divide this Nation, I hope that it will be given careful, conscientious, and openminded consideration by those who are genuinely interested in such a solution.

I thank the Senator for yielding to me.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

TITLE VII—EQUAL EMPLOYMENT SECTION

Mr. ROBERTSON. Mr. President—

> The Congress hereby declares that the opportunity for employment without discrimination * * * is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

So states the opening of title VII—Equal Employment Opportunity—of the Civil Rights Act of 1963.

The title seeks to require all employers, employment agencies, and labor unions to eliminate discrimination in their spheres, and carries the force of injunction law and imprisonment without trial by jury and without appeal for those held in violation.

Does title VII set up a "quota basis" for employment? That is, will businesses be required to hire a proportion of Negro employees approximating the proportion in the population of the area?

The bill does not say so, but its backers in the House gave no assurance in this respect, even when alarmed opponents cited the "quota system" as a certainty.

Title VII sets up an Equal Employment Opportunity Commission of five members—at $20,000 a year each—to administer the act in much the same way as the National Labor Relations Board has administered labor-management affairs. It is to be a permanent addition to the lengthy list of Government Bureaus.

This title shall become effective 1 year after the date of its enactment, and shall, during the first year, apply to employers of more than 100 persons, in the second year to all who employ more than 50 persons, and in the third year and thereafter to all who employ more than 25 persons.

The title takes up 26 of the 54 pages of the printed act as approved by the House.

Mr. President, that takes up more than one-half of the bill. It is by far the most technical section of the bill. For that reason, I ask the indulgence of the Senate to allow me to proceed to a discussion of the legal technicalities before I yield to Senators for questions. Thereafter, of course, I shall be only too glad to yield.

Mr. President, title VII makes it illegal for an employer—

> (1) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
>
> (2) To limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

Employment agencies and unions are placed under corresponding prohibitions.

In the House debate, two groups of people were excluded from the protection of the law—atheists and members of Communist-front organizations.

The bill exempts cases in which religion, sex, or national origin—but not race—is a "bona fide occupational qualification," and releases schools, colleges, universities and other educational institutions which are "in whole or in substantial part, owned, supported, controlled, or managed by particular religions or religious societies."

The Commission is empowered to make written agreements with existing State agencies created for the same purpose and to abstain from action in the areas covered by the compact.

I digress to say that this is a little device inserted in the bill under which some of our friends think that they can have a mild FEPC law passed by their State and be excluded from the bill; but I hope it will not be in any bill that is passed, because if we have a national law on this subject—and God grant that we never will—it should apply to everyone alike.

The Commission has authority to decide whether the State agency does or can exercise its powers effectively, and may assume jurisdiction as it pleases.

It was noted in the House debate that most State laws—I emphasize the words "State laws"—on this subject set up punitive clauses under which an accused may obtain trial by jury, while this bill denies that right.

When a complaint is referred to Federal court, a judge may designate a "master" to hear it and make recommendations to the court. The "master" will be paid at a rate to be fixed by the court, plus expenses.

The Commission's agents are given access to the private personnel records of all companies within its jurisdiction, and to the contents of those personnel files. Employers are required to post notices prescribed by the Commission.

The title authorizes an appropriation of $2.5 million for the Commission during the first year, and $10 million during the second and succeeding years.

Mr. President, the Commission would start at a figure which the National Labor Relations Board has achieved only in recent years—$10 million a year. The Commission would start at that figure, which indicates that this agency will really be a costly outfit.

Since there is no definition of the word "discrimination," and the bill eventually will apply to all employers, there are many who think that the enforcement will become as difficult as the enforcement of national prohibition under the Volstead Act. If I may ask, without violating any Senate rule, Why are the proponents, who are crying to high heaven for an FEPC bill, unwilling to have it effective until after the general elections of next November?

I pause to ask: "Why?"

An echo answers, "Why?"

In any event, it is not generally recognized that there will be two methods of enforcement, depending on whether or not the employment is on a Government contract. As to employment on all contracts with the Government a contractor whom the Commission charges with a violation of a Commission regulation can be punished in three ways:

First, he could have his contract with the Government or the contractor or the subcontractor canceled, in whole or in part. If that means what it says, it means that the Commission could cancel that part of his contract under which he would be paid, but leave in that part under which he would render a service.

The second punishment mentioned would be to blacklist him and deny him the right to any other Government contract at any time in the future.

Third—and as that great constitutional lawyer from North Carolina, SAM ERVIN, has said—this is the most remarkable provision of all, a provision which I have never found in any law or regulation—he may be subject to still another punishment, which would be such other punishment as the Presidential Commission might see fit to impose on him. As Juliet's nurse said to Juliet: "God save the mark."

On private contracts, the Commission will seek the help of Federal courts to enforce its orders. Let no one be deceived by the statement recently made by one of the supporters of the program that this is the mildest of all of the FEPC bills that have recently been introduced. It is true that with respect to projects other than Government contracts, enforcement and punishment proceedings must be in a Federal court, but there is nothing mild about a criminal proceeding in a Federal court in which a defendant's constitutional right of trial by a jury of his peers is denied. Neither is there anything particularly mild about the fact that at the start the bill will apply only to those who employ more than a hundred workers.

I look to my right, to the distinguished Senator from Alabama [Mr. HILL], who served with me in Congress back in 1938. He will recall what a mild bill the fair labor standards bill was said to be.

It was said that sweatshops in New York were paying seamstresses less than 25 cents per hour and so the bill merely provided that they should be paid a minimum of 25 cents per hour. That minimum is now $1.25 and if the Congress enacts the recommendation of President Johnson for double time over 40 hours, the minimum for designated industries will be $2.50 an hour. I ask unanimous consent that S. 2486, which would establish this double rate of pay, be printed at the end of my remarks, together with S. 2487 which would reduce materially the exemptions from the act applying to laundries, hotels, motels, restaurant workers, and would also remove exemptions affecting certain logging, gasoline station, and transportation employees.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROBERTSON. Mr. President, of course in all wage contracts a minimum law merely means a foundation on which to build because only the most incompetent will get the minimum and whenever the minimum is raised the entire superstructure goes up just as when heavy jacks are put under the foundation of a house.

Then, look at how small the original wage and hour coverage was. Bona fide retailers and salesmen, seamen, persons covered under the Interstate Commerce Act or the Railway Labor Act, employees in the taking of fish, seafoods or sponges, employees employed in agriculture and employees exempted by the Secretary—learners, apprentices, and handicapped workers—were specifically exempted. Authority for the bill was, of course, based upon Congress' power to regulate interstate commerce, and the House thus defined that term, as used in the bill, as follows.

I ask my colleagues in the Senate to pay close attention to this definition, written into a bill in 1938 by the House and adopted by the Senate, as a deliberate expression of legal opinion on the application to certain industries of the interstate commerce clause, because all through the bill we are deliberately violating everything that we solemnly declared in 1938 to be a fact. I ask my colleagues in the Senate to listen to this language:

> "Employer engaged in commerce" is defined to mean an employer in commerce, or an employer engaged in the ordinary course of business, in purchasing or selling goods in commerce. Under this definition purely local businesses are excluded from the operation of the Act. Even businesses which do make purchases or sales of goods in commerce are excluded if such sales are casual and do not constitute a settled course or business practice.

That definition, of course, left out all hotels, motels, restaurants, laundries, and so forth. Thus, as in the terms of an old Eastern proverb: "Did the nose of the camel enter the tent?" What is now the coverage? Practically everything. Inevitably, when one employer is brought under an FEPC law, he will demand that all competitors be placed under the same operating handicaps. And, of course, no racial pressure group which for years has been demanding an FEPC law had any part in drafting the one passed by the House nor has any endorsed its provisions. According to the study of the history of the House FEPC bill made by our ablest Senate lawyer, Senator ERVIN of North Carolina, the House bill just blossomed out full blown, overnight, as it were. Its paternity was never identified, no committee hearings were conducted, and it apparently was more than many wanted and not as much as some wanted and, therefore, constituted a most unsatisfactory substitute. On the floor, the bill reported by the committee, without hearings, of course—and we are still denied hearings—was amended to permit an employer to discriminate against an atheist but to prohibit him from any discrimination based on sex.

When we are considering what will, beyond question, be the law of the land and not just a Court decision in a pending case, we must look beyond what reasonable men would do and consider what unreasonable men could do under the law we pass.

The Chicago Tribune said:

> The effect of the section is to attempt to legislate discrimination in reverse through preferential hiring.

Was that a power delegated to the Congress by our Founding Fathers?

The position of the States as repositories of reserved powers was particularly guarded because it was felt that therein lay protection against the establishment of a dictatorship or tyranny. The separation of powers among the legislative and judicial branches had the same purpose.

I believe title VII would be unconstitutional, from the negative point of view, because no adequate authority for its enactment can be found in the Constitution. It is unconstitutional from a positive point of view because it is violative not only of the whole spirit of the Constitution, but also is specifically in violation of the 1st, 5th, 6th, 9th, 10th, and 13th amendments.

If this law is to be valid, a basis for it must be found in the Constitution itself.

The supremacy of the Constitution and the limited powers of the legislative branch were stressed by our great Chief Justice John Marshall when he said in the case of *Marbury* v. *Madison* (1 Cranch 137):

> The question whether an act repugnant to the Constitution can become the law of the land is a question deeply interesting to the United States; but happily, not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established to decide it.
>
> That the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected.
>
> This original and supreme will organizes the Government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.
>
> The Government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written.

I can conclude with that same thought when I reach that same point several hours later today.

I continue quoting from Marbury against Madison:

> To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?
>
> If an act of the legislature, repugnant to the Constitution, is void, does it, notwithstanding its validity, bind the courts, and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory; and would seem, at first view, an absurdity too gross to be insisted on (p. 176).

The doctrine that the States alone can deal with civil rights except where power has been delegated to the Federal Government by the Constitution was laid down clearly by the Supreme Court in the Slaughter House cases in 1872 when it discussed article IV, section 2 of the Constitution and said it did not create those rights which it calls privilege and immunities of citizens of the States. It threw around them in that clause no security for the citizens of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens.

That statement has been reinforced by other decisions such as the Civil Rights cases (109 U.S. 3), decided in 1883 in which the court illustrated the limitation of congressional powers by saying that although the Constitution prohibited the States from passing any law impairing the obligation of contracts, "this did not give to Congress power to provide laws for the general enforcement of contracts, nor power to invest the courts of the United States with jurisdiction over contracts so as to enable parties to sue upon them in those courts"—page 12.

A minute or two before I came to the Chamber, I received excerpts from a case which I had not previously seen. It was decided by the Supreme Court in 1961. In that case the Supreme Court said that while it differentiated the pending case by claiming that it was under State law, which became amenable to the provisions of the 14th amendment, it held that the case decided in 1883 was still the law of the land. It will be recalled that the Senator from Georgia [Mr. TALMADGE] and I placed in the CONGRESSIONAL RECORD a few days ago a most illuminating discussion on the whole civil rights program by former Supreme Court Justice Charles Whittaker, of the great State of Missouri. I inadvertently referred to him as coming from Kansas; I should have said Missouri. Justice Whittaker was a great lawyer and an outstanding jurist. He stated that the Supreme Court had never overruled the decision of the Court in the 1883 case. He said, in effect, that to do so, the Court would have to torture the clear meaning of the language of the Constitution.

That great lawyer, district judge, member of the circuit court of appeals, and, for 5 years, a member of the Supreme Court, became disgusted with his colleagues who differed with him and who thought the end justified the means, or something to that effect. Anyway, Justice Whittaker dissented 90 times and wrote 40 dissenting opinions. Then he gave up in disgust and quit the Supreme Court after only 5 years. He is a Republican. He comes from what might be called a border State, but it certainly is not a full-fledged Southern State. Justice Whittaker gives it as his own unbiased legal opinion that the decision of the Supreme Court in the civil rights cases of 1883 is still as much the law of the land, if a Supreme Court decision is that, as the decision in 1954 in Brown against Board of Education, known as the School Segregation cases.

I remind Senators that members of the Supreme Court have taken the same kind of oath we have taken. One stands at that desk, holds up his right hand, and places his hand on the Bible. The Supreme Court may outlaw that procedure later, but we still follow it. We are asked, "Do you swear to uphold the Constitution?" We say: "I do." Do we or do we not? I am telling Senators what an eminent, unbiased legal authority has said: that the decision of 1883 is still the law. But we are rushing pell-mell into the entire civil rights program to violate and override that decision, thinking that by the clever use of words or by some other means we can prevail upon the Supreme Court to ratify and approve what we do here without constitutional authority.

The Court went on to say that the implication of a power of Congress to legislate for the protection of fundamental rights "is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, the power is conferred upon Congress to enforce the prohibition"—page 15.

"This assumption," the Court said, "is certainly unsound. It is repugnant to the 10th amendment to the Constitution which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively or to the people"—page 18.

Referring then to the authority conferred by the 14th amendment, the Court in the Civil Rights cases decision said:

> It is absurd to affirm that because the rights of life, liberty, and property (which includes all the civil rights that men have) are by the amendment sought to be protected against invasion on the part of the States without due process of law, Congress may therefore provide due process of law for their vindication in every case (p. 13).

That is still the law of the land, if the decision in the case of Brown against Board of Education is the law of the land. Both were handed down by the Supreme Court of the United States, and neither has been repealed or reversed.

Later in this discussion I shall have occasion to quote at greater length from these famous cases as I trace the acceptance by the Supreme Court of the doctrine of States rights, which is involved here, but I mention these particular decisions at this point to illustrate the weakness of the claim to constitutional backing for this bill. It should be apparent that an effort is being made in the pending bill to support Federal antidiscrimination in employment legislation by its own constitutional bootstraps because no firmer foundation can be found.

The framers of the bill seek to justify it under the interstate commerce clause in article I, section 8 of the Constitution, and as I have said, under the 14th amendment.

Most of this argument misses the mark because it relies on cases, with which opponents of the bill need not quarrel, involving discrimination on the part of some official agency of the Government or some organization acting under governmental authority.

There can be no denial of the right and obligation of the Federal Government to avoid the practice of discrimination on racial or religious grounds in connection with its own employment policies. This, however, is quite different from authority to compel private individuals to pursue similar policies in their own business. In doing this the Government would be compelling citizens to enter into employment contracts without their consent and in contravention of the position taken by the Supreme Court in the case of *Baker* v. *Norton* (79 U.S. at p. 157) when it said, "Consent is the very essence of a contract."

The 1948 Senate committee report on the FEPC bill then pending said:

> Within the acknowledged field of Federal jurisdiction the courts have plainly indicated that action by the Federal Government to prevent discrimination on grounds of race or religion is as valid as action to prevent discrimination on grounds of union affiliation.

But the words to be noted in that assertion are "within the acknowledged field of jurisdiction."

Thus, when a union is protected by Federal law in its right to maintain a closed shop and when it relies on the power of the Federal Government exerted through the National Labor Relations Board to sustain its position, it naturally assumes certain obligations including that of submitting to Federal authority to prohibit discriminatory practices.

Taking this into consideration, we can oppose FEPC legislation as unconstitutional and still accept without quarrel the statement of the Court in the case of *Steele* v. *Louisville and N.R.R. Co.* (323 U.S. 192):

> Congress, in enacting the Railway Labor Act and authorizing a labor union, chosen by a majority of the craft, to represent the craft, did not intend to confer plenary power upon the union to sacrifice for the benefit of its members, rights of the minority of the craft, without imposing on it any duty to protect the minority (p. 199).

The part of the decision I have quoted was cited in the 1948 committee report. It might have gone further and quoted from the same decision the statement of Chief Justice Stone:

> The representative [the union] is clothed with a power not unlike that of a legislature which is subject to constitutional limitations on its power to deny, restrict, destroy or discriminate against the rights of those for whom it legislates and which is also under an affirmative constitutional duty equally to protect those rights (at p. 198).

The Court then added:

> We think the Railway Labor Act imposed upon the statutory representative of a craft at least as exacting a duty to protect equally the interest of the members of the craft as the Constitution imposes upon a legislature to give equal protection to the interests of those for whom it legislates (at p. 202).

Of course recognition of the fact that the Court regarded the union as a quasi-public body would have weakened the usefulness of this case to sponsors of an effort to impose legislation on purely private employers.

The FEPC case is weakened still more if we go a little further into this decision and find that although the Court held that the union was required to perform certain functions as a public duty, the Court did not hold that arbitrary exclusions from membership based solely on racial considerations was in itself an act of discrimination which violated the duty imposed on the union.

I repeat what I said in my opening statement; namely, that the bill does not contain a definition of the word "discrimination." The bureaucrats who would be selected to administer the law would have plenary power to define that word as might suit their own convenience; and until they issued their enforcement regulations, we never would know what they were doing.

Now let us see what the Court said in the Railway Labor case.

> While the statute does not deny such a bargaining labor organization the right to determine eligibility of its membershhip, it does require the union * * * to represent nonunion or minority union members of the craft without hostile discrimination * * * and in good faith (at p. 204).

In other words, in this case, the Court affirmed the right of free association on the part of labor union members—a right which this bill would deny to employers. It compared the union to a legislative body and said that any rules it set up, under protection of Federal law, must be fair to all employees involved. This, of course, is merely in line with the doctrine of the 15th amendment, which prohibits discriminatory action by the United States or by States but which makes no pretense of reaching individual action.

Again, we find in the 1948 committee report a quotation from the case styled as *Railway Mail Association* v. *Corsi* (326 U.S. 88), in which the Supreme Court upheld constitutionality of a civil rights statute of the State of New York and said:

> We see no constitutional basis for the contention that a State cannot protect workers from exclusion solely on the basis of race, color, or creed by an organization functioning under the protection of the State, which holds itself out to present the general business needs of employees (p. 94).

The inapplicability of this citation to the issue now before us should be doubly plain. In the first place, the Court was talking about State action, not Federal action. The opponents of a Federal FEPC not only admit but insist that if any such plan is to be adopted it must be on the State level.

I have already called attention to the provision in the bill which some who would prefer that a national law not be enforced among their constitutents very conveniently inserted in the bill between suns, let us say—a provision which would suit those who said, "a weak, watered-down bill is all that is needed; and if it is passed, it cannot be enforced against us." That is the way the bill is viewed in some quarters.

But, the opponents of a Federal FEPC not only admit, but insist, that if any such plan is to be adopted, it must be on the State level, as I have said.

In the second place, the court in this case, as in the case of Steele against Louisville and Nashville Railroad, to which I already have referred, stressed the point that it was dealing with an organization which was, in the language of the decision, "functioning under the protection of the State," and "which holds itself out to represent the general business needs of employees." The organization accepted State protection and, just as is the case with public utilities, acceptance of protection or a franchise necessarily involves being subjected to State control.

It is only too evident that if we accept the doctrine of FEPC and allow the Federal Government to intervene in hiring, firing, and promotion arrangements between individual employers and employees we have yielded one of the basic principles of private enterprise without which the others might be rendered useless.

But, we can go further than to say that a Federal FEPC cannot be justified by reference to the Constitution. Not only does it lack a positive foundation; it is in direct conflict with the letter and spirit of a large portion of those amendments which are known as the Bill of Rights.

The first amendment forbids Congress to abridge the right of the people "peaceably to assemble." Now, what is the right of assembly if it is not the right to gather for some purpose, or in other words the right to associate? And association is something which certainly happens between employer and employee. Therefore, to deny an employer the right to choose freely those with whom he will associate in his business is to infringe one of the rights guaranteed him under the first amendment. Later on when I cite Supreme Court decisions I shall recur to this point and show that the right of association in business has consistently been recognized as a fundamental right.

An FEPC bill also would violate those parts of the first amendment which guarantee freedom of speech and of the press.

Under those regulations a man dare not ask questions indicating his interest in the nationality or color of a prospective employee and he may be subject to prosecution if he says in a published advertisement that he would prefer to hire workers having or not having certain of these characteristics.

It also seems reasonable to assume that newspapers which published these advertisements regarded as objectionable by the Commission might be accused of conspiring with employers to violate the act or might be prosecuted and imprisoned if they should impede the Commission or its agents in the performance of their duties.

It seems apparent also that members of a labor organization might be prosecuted for saying or publishing that they preferred a certain type of fellow employee. Thus freedom of speech and publication of employees as well as employers would be abridged.

As Mr. Donald Richberg said a few years ago:

> In practical effect, FEPC laws attempt to make it a legal wrong for a man to have a preference, a liking, or a confidence in another person because of his race, religion, color, or ancestry. Here is the beginning of a thought control by government which has never before been attempted except by some tyrannical form of government, alien and abhorrent to any free people. Only Communist nations today impose thought control. The mind itself is imprisoned when a man cannot freely speak or publish his opinions.

In short, the right to discriminate against a person, so far as one's associations are concerned, on the ground of racial prejudices is a right of free speech—

As the Supreme Court said in the case of *West Virginia Board of Education* v. *Barnette* (319 U.S. 642):

> Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

The principle involved here also was clearly stated by Mr. Justice Jackson in a concurring opinion in the case of *Thomas* v. *Collins* (323 U.S. 516) when he said:

> It cannot be the duty, because it is not the right of the State to protect the public against false doctrine. The very purpose of the first amendment is to foreclose public authority from assuming a guardianship of the public mind through regulating the press, speech and religion. In this field every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us. * * * This liberty was not protected because the forefathers expected its use would always be agreeable to those in authority or that its exercise always would be wise, temperate or useful to society. As I read their intention, this liberty was protected because they knew of no other way by which men could conduct representative democracy (p. 545–546).

The application to an FEPC bill is obvious. Let us concede that those who indicate racial or national prejudice in advertising for employees are neither wise, temperate, or useful to society in doing so. The fact remains, as Mr. Justice Jackson said that their liberty to express these views was protected not because it is agreeable to those in authority, but simply because our forefathers knew of no other way by which men could conduct representative democracy.

FEPC legislation also violates the fifth amendment.

When a man engaged in business is required to order his hiring and his promotion of employees in a way that may be unprofitable—and that can easily happen under the provisions of FEPC—he is being deprived of property without due process of law. The amendment says private property shall not be taken for public use without just compensation, but this bill would go even beyond that and take property for private use without compensation. The employer also would be deprived of the liberty to pick his associates and to conduct his own business. Again, this arbitrary restraint on the freedom of association would violate another provision of the fifth amendment which says a person shall not be deprived of liberty without due process of law.

The protection against criminal prosecution without a trial by jury, which is guaranteed by the sixth amendment, would also be denied by the section of the proposed FEPC law which would authorize an administrative commission to fine an employer for refusing to hire a particular applicant for employment on a Government contract.

This FEPC bill would attempt to create a new "civil right" to employment without discrimination and then to provide punishment for those who violate this "right." Essentially this is the creation of a criminal offense, and the sixth amendment says:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the State and district wherein the crime shall have been committed.

Now, under this FEPC bill on private contracts a court may fine an offender or put him in jail for contempt if he disobeys. All this is without a jury trial.

As Mr. Donald Richberg said in an able analysis of this point in a previous bill:

> No lawyer would deny that if the law frankly made discrimination a crime, punishable by fine or imprisonment, the enforcement of the law would be a "criminal prose-

> cution" in which a trial by jury would be necessary.

Even clearer evidence of the unconstitutionality of FEPC legislation is found, however, when we consider the ninth amendment which provides:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparate others retained by the people.

And the 10th amendment, which asserts:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

One of the witnesses at the hearings in 1947 summed up the matter by saying:

> The right to choose employees, friends, associates, spouses, falls under the law of natural selection, a natural right, an unalienable right, a fundamental "reserved" to man by the 10th amendment and by the 9th "retained" to him.

As I have suggested previously, and shall emphasize again when I come to the citation of cases, the courts have repeatedly held that any power to create a civil right, unless specifically delegated to the United States by the Constitution, has been reserved to the States. That applies to all of the pending civil rights bills.

Also, in denying the employer the right to choose his employees, and thus compelling him, against his will, to work with those he would not have picked otherwise, the employer is forced into involuntary servitude, in violation of the 13th amendment, which forbids involuntary servitude, except as punishment for a crime.

Proof that such an involuntary association in business as would be required under an FEPC law might be interpreted as involuntary servitude under terms of the 13th amendment may be found in decisions of the Supreme Court.

The Court, for example, has held unconstitutional a State law under which a person who was fined for a misdemeanor, and, upon agreeing to do so, was allowed to work out the fine for the surety who paid it for him. That was in the case of *United States* v. *Reynolds* ((1914) 235 U.S. 133). The Court also knocked down, in the case of *Bailey* v. *Alabama* ((1911) 219 U.S. 219), a State law making it a misdemeanor, punishable by imprisonment, for a person to agree to perform a service, and then refuse to do so after receiving a part of the consideration in advance.

Thus, the right of an employee not to work unless he chooses to do so, even when he has obligated himself, and has accepted payment for work to be done, has been clearly established; and it is clear that he cannot be forced into an involuntary association with an employer.

If "equal rights under the law" is a term that means anything, it should mean that the employer has an equal right not to be coerced into association with an employee, against his will. Yet, we find that under FEPC legislation, an employer not only can be penalized financially for refusing to employ; but if he opposes, impedes, or interferes with the bureaucrats who enforced the act, he may subject himself to imprisonment, and without a jury trial.

In the case of Bailey against Alabama, to which I have just now referred, the Supreme Court called the 13th amendment "a charter of universal freedom for all persons" and said:

> The plain intention was to abolish slavery of whatever name and form and all its badges and incidents; to render impossible any state of bondage; to make labor free, by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit, which is the essence of involuntary servitude (219 U.S. 219).

The Constitution intended that the protection which the Court described in that statement should be given to employers, as well as employees. Yet it seems obvious that an FEPC law would cause one man—an employer—to be coerced for the benefit of another man—an employee—and therefore clearly would violate the 13th amendment.

The fact of the matter is that the type of legislation we are discussing is completely out of harmony with the spirit of the Bill of Rights, despite the effort of its sponsors to label it as "civil rights legislation."

One of the supporters of Senate bill 984 at the hearings in 1947 referred to the purpose of the first 10 amendments to the Constitution as being to protect the rights of the individual and the States, and then added that the FEPC bill represents "a logical extension and implementation of the rights of the individual citizen safeguarded in the Bill of Rights."

A review of the circumstances under which the Bill of Rights became a part of our Constitution will show how erroneous is that conclusion.

In the Virginia ratifying convention, Patrick Henry was largely responsible for the assurance given by Madison that at the first session of the National Congress he would offer the first 10 amendments, now called our Bill of Rights. He knows not his history who does not know that Patrick Henry was fighting to protect the States and the people from the encroachments of the Federal Government. To say that a FEPC bill will implement the rights for which Patrick Henry was fighting is absurd.

The sketchy reports of the debates when the Constitution was being drawn, clearly indicate that the arguments over whether a Bill of Rights should be included did not involve the question of the existence of such rights, but centered around whether it was necessary or advisable to set them out specifically in the Constitution. The division, in short, was between those who felt that the Federal Government in the future could be trusted to recognize and respect these individual rights, and those who felt, as Jefferson did, that in every government there is a germ of despotism which may multiply, if fed on unrestrained power, until it corrupts the body politic.

If we go back to the Articles of Confederation, under which the States originally were united, we find that article II reads:

> Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States, in Congress assembled.

That is the foundation for the fundamental principle of States rights. It is the reason why, when we formed a more perfect Union, which was what is called a federal union—namely, a union composed of sovereign States—it was provided in the ninth amendment that the enumeration of some rights did not deprive the States of others, and in the first 10 amendments, it was said that rights which were not delegated to the Federal Government were "reserved to the States respectively, or to the people."

No comparable section is found in any of the plans or drafts for a Constitution submitted to the Convention or in the document which the Convention submitted to the Congress on September 17, 1787. But in the Convention's letter of transmittal, this statement was made:

> It is obviously impracticable in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all, individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstances as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those whicn must be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

The Congress, which received the Convention report on September 20, set September 26 as the day on which the new plan would be considered; and when the debate started on that day objections immediately were raised.

Richard Henry Lee, of Virginia, quoted from a letter from George Mason and agreed with Mason that the Constitution ought to include a bill of rights. Lee then proposed a series of amendments.

The Constitution went out to the States without these amendments and ran into a new barrage of criticism. Mason and John Randolph, of Virginia, who submitted the most comprehensive plan on which the Constitution was based but who had refused to sign the final draft, and Eldridge Gerry, of Massachusetts, who also refused to sign, all said they were convinced that unless it could be amended at once it would be a threat to the liberties of America.

The debate in Congress continued into December 1787 with the anti-Federalists arguing that lacking a bill of rights the Constitution destroyed the sovereignty of the States while the Federalists said—and this is the point I would emphasize:

> A Federal Bill of Rights was superfluous, since the States had their own and the States gave up their sovereignty only in matters which no one of them had a right to decide upon.

James Wilson, of Pennsylvania, arguing for the Federalists, said:

> My position is that the sovereignty resides in the people. They have not parted with it; they have only dispensed such portions of it as were conceived primarily for the public welfare. The Constitution stands upon this broad principle.

Wilson extended his argument to the point of saying that the power of the States was inferior to that of the people, who could delegate the supreme power as they saw fit, but he did not pretend that the Federal Government had or could have any authority except that which was specifically delegated to it.

In the State ratifying convention, too, we find the argument recurring that a bill of rights was not necessarily because the limited power of the Federal Government was obvious.

Thus, in Connecticut, Richard Law, chief judge of the State's superior court and mayor of New London, said:

> This General Government rests upon the State governments for its support. It is like a vast and magnificent bridge, built upon 13 strong and stately pillars; now the rulers who occupy the bridge cannot be so beside themselves as to knock away the pillars which support the whole fabric.

Ratification was obtained in Massachusetts and New Hampshire only after agreement that amendments to the Constitution would be submitted along with the notice of acceptance.

In South Carolina, Gen. Charles Cotesworth Pinckney met objections by assuring the legislature that the Convention had omitted a bill of rights only because these rights already belonged to the people and the power over them had not been granted to the Federal Government either to affirm or withhold.

In Virginia the leading objectors to the Constitution urged that amendments be submitted and acted on by another Federal Convention before ratification. Patrick Henry and George Mason warned of the danger of loss of State and individual rights unless changes were made to protect them. Thomas Jefferson indicated that he would like to see nine of the Thirteen States ratify in order to assure the new Government but that the remaining four should hold out for what he considered indispensable amendments, including a bill of rights. There was general agreement on the need for amendments, the chief difference being that Federalists in the Convention argued that Virginia should ratify and then seek amendments in the manner provided by the Constitution, while the anti-Federalists insisted that amendments should be made before ratification.

When the Virginia convention finally voted for ratification it included in its action a provision that "in order to relieve the apprehensions of those who may be solicitous for amendments," they should be recommended to Congress to be acted upon according to the mode prescribed.

Similar debates occurred in the New York State convention and to aid their cause in that crucial struggle, Alexander Hamilton, and John Jay, with the help of James Madison, of Virginia, produced the famous "Federalist Papers" to support the cause of ratification. When the final vote was taken it was stated in the motion that New York was ratifying "in full confidence" that until a second Federal Convention should be called for "proposing amendments," certain specified State rights claimed by New York should not be interfered with. A circular letter then was sent by the Governor to the Governors of all other States, recommending the calling of this convention. It was agreed by observers that without these concessions favorable action by New York could not have been obtained.

Some of the arguments used in the Federalist Papers to obtain favorable action on the Constitution in New York are especially significant when we examine the constitutionality of the type of legislation now under consideration.

In the Federalist No. 17, for example, Hamilton referred to fears that allowing the Federal Government to deal directly with individual citizens might render the Government of the Union too powerful and, as he said, "enable it to absorb those residuary authorities, which it might be judged proper to leave with the States for local purposes."

Hamilton then went on to say it was improbable that there would exist a disposition of the Federal councils to usurp such powers as regulation of the "mere domestic police of a State," or of—and note these words—"private justice between the citizens of the same State," because, Hamilton said:

> The attempt to exercise those powers would be as troublesome as it would be nugatory; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the National Government.

Mr. President, those are prophetic words. I remind Senators that one Member of the House said the bill might be as troublesome as prohibition was under the Volstead Act. The bill would permit agents of the Federal Government to examine the confidential files of every businessman in the Nation; first, if he has 100 employees, next if he has 50 employees, next if he has 25 employees, and finally if he has only 1 employee, since that is what we would get down to.

These agents will be swarming all over this Nation, going into the private affairs of every businessman in the Nation. They will not produce a single additional job. Instead, they may cut down on the effectiveness of a company and limit the number of jobs. What they will do is substitute for a member of one racial group a member of a different racial group.

Let us be frank about it; they will put a colored man in a white man's place. That is what the main fight is over, it is not a fight among Catholics, Jews, or Protestants, but a racial fight.

Why did Alexander Hamilton tell the people of New York that they could safely vote to ratify the Constitution? Because he said the Federal Government would never undertake to do anything like that. That was when the Founding Fathers were trying to get the Constitution off the ground and put it into operation.

Now let us go back to Alexander Hamilton's words:

> The attempt to exercise those powers would be as troublesome as it would be nugatory; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the National Government.

What would it contribute to? Some think it would contribute to their carrying the next election, and they do not want this provision to become effective until after the election has been held. That is the plain fact; otherwise they would not be writing: "This Act shall not become effective until 1 year after its adoption." That puts it well past next November.

Hamilton warned us. He said it was absurd to think that any government would attempt to do anything like that. He urged his friends in New York to vote to ratify the Constitution, to form a proper union, because he believed that our Government would never try to do what some might think it would undertake.

Again, in the 39th Federalist, Madison pointed out that the proposed Government would be partially national and partially Federal in its functioning. He said that although it would be national in the operation of its powers it would be Federal in the extent of its authority.

> The idea of a national government involves in it—

He said—

> not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy is completely vested in the National Legislature. Among communities united for particular purposes, it is vested partly in the general and partly in the municipal legislatures.
>
> In the former case, all local authorities are subordinate to the supreme; and may be controlled, directed, or abolished by it at its pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, nor more subject, within their respective spheres, to the general authority, than the general authority is subject to them within its own sphere.
>
> In this relation, then, the proposed Government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects.

These were the solemn words of the man who did much to frame the Constitution. It was not as strong as he wanted it to be, of course. Alexander Hamilton left somewhat in disgust, and let Madison finish the job. However, he thought Madison had done a pretty good job.

An even more specific assurance that the powers of the Central Government would be strictly limited was given in the 45th Federalist, written by Madison, who said:

> The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous

> and indefinite. The former will be exercised principally on external objects, as war, peace, negotiations, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

It was in response to such arguments as these that the people of the various States, in their conventions ratified the Constitution, but with a general understanding that it would be promptly amended.

The attitude of the time was well expressed in the North Carolina convention, which refused to ratify until acceptance by nine States already had made the Constitution effective. In that convention William Goudy is reported to have said:

> I care not whether it (the Constitution) be called a compact, agreement, covenant, bargain, or what. Its intent is a concession of power on the part of the people to their rulers. We know that private interest governs mankind generally. Power belongs originally to the people, but if rulers are not well guarded, that power may be usurped from them. People ought to be cautious about giving away power. * * * If we give away more power than we ought, we put ourselves in the situation of a man who puts on an iron glove, which he can never take off till he breaks his arm. Let us beware of the iron glove of tyranny.

And so I say to Senators today, we should beware of the concealing aspect of the title of "civil rights" on this legislation and recognize that it covers the mailed glove of tyranny.

Returning to the background of the Bill of Rights, we find that the amendments demanded by the various State conventions were proposed by the first session of the Congress which met in 1789; and some of the things said in the debate while they were under consideration may be illuminating to this discussion.

James Madison, urging immediate consideration of the amendments on June 8, 1789, was reported as saying that unless this were done the people "may think we are not sincere in our desire to incorporate such amendments in the Constitution as will secure those rights, which they consider as not sufficiently guarded."

Madison also referred to the "anxiety which prevails in the public mind," and said:

> It appears to me that this House is bound by every motive of prudence, not to let the first session pass over without proposing to the State legislatures some things to be incorporated into the Constitution, that will render it as acceptable to the whole people of the United States, as it has been found acceptable to a majority of them.

He added:

> I wish that those who have been friendly to the adoption of this Constitution may have the opportunity of proving to those who were opposed to it that they were as sincerely devoted to liberty and a republican government as those who charged them with wishing the adoption of this Constitution in order to lay the foundation of an aristocracy or despotism. It will be a desirable thing to extinguish from the bosom of every member of the community, any apprehensions that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled.

Madison said there still were a great many who were dissatisfied with the Constitution, but who might join in supporting federalism if they were satisfied on one point, and "we ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this Constitution."

Enlarging on this point, he said:

> I believe that the great mass of the people who opposed it [the Constitution], disliked it because it did not contain effectual provisions against encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercises the sovereign power.

Madison then outlined the proposed amendments, which at first were intended for insertion in the body of the Constitution itself. The original form of the proposals which eventually became the 9th and 10th amendments are particularly interesting as indicating the thinking of Madison and others who helped to design the form of our Government.

Instead of the ninth amendment, as we know it, reading: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," the proposal offered by Madison read:

> The exceptions here or elsewhere in the Constitution, made in favor of particular rights, shall not be construed as to diminish the just importance of other rights retained by the people, or as to enlarge the powers delegated by the Constitution; but either as actual limitations of such powers, or as inserted merely for greater caution.

That language was not adopted, but I suspect that if Madison and his colleagues had realized the length to which the loose constructionists would go in attempting to construe the rights of the Federal Government, under such parts of the Constitution as the interstate commerce clause, as permitting control over every phase of business activity, they would have been more insistent on the original language, which spelled out the fact that the enumeration of certain rights must not be construed as enlarging powers delegated by the Constitution, but were intended to limit such powers.

In the case of the 10th amendment, changes in language were made to make more plain the fact that it was directed against the Federal Government. Thus, as proposed by Madison, this amendment read:

> The powers not delegated by this Constitution, nor prohibited by it to the States, are reserved to the States respectively.

As adopted, this was altered to read:

> The powers not delegated to the United States by this Constitution—

Inserting the words "to the United States"—

> nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Adding the phrase "or to the people."

In his argument, Madison said he had never considered a bill of rights so essential to the Constitution as to make it improper for the States to ratify the instrument without such an addition, but that he did think it would serve a useful purpose. He pointed out that the Magna Carta was designed to protect the British people against the power of the Crown, rather than the legislative branch of the Government and said:

> Although I know that whenever the great rights, the trial by jury, freedom of the press, or liberty of conscience, come in question in that body—

The British Parliament—

> the invasion of them is resisted by able advocates, yet their Magna Carta does not contain any one provision for the security of those rights, respecting which the people of America are most alarmed. The freedom of the press and rights of conscience, those choicest privileges of the people, are unguarded in the British Constitution.
>
> But although the case may be widely different, and it may not be thought necessary to provide limits for the legislative power in that country, yet a different opinion prevails in the United States. The people of many States have thought it necessary to raise barriers against power in all forms and departments of government, and I am inclined to believe, if once bills of rights are established in all the States as well as the Federal Constitution, we shall find that although some of them are rather unimportant, yet, upon the whole, they will have a salutary tendency.

Discussing the nature of a Bill of Rights, Madison said:

> In some instances they assert those rights which are exercised by the people in forging and establishing a plan of government. In other instances they specify those rights which are retained when particular powers are given up to be exercised by the Legislature. In other instances they lay down dogmatic maxims with respect to the construction of government declaring that the legislative, executive, and judicial branches shall be kept separate and distinct. Perhaps the best way of securing this in practice is, to provide such checks as will prevent the enrichment of the one upon the other.
>
> But, whatever may be the form which the several States have adopted in making declarations in favor of particular rights, the great object in view is to limit and qualify the powers of government.

Note, now the contract between the statement of proponents of FEPC that it is a "logical extension and implementation of the rights of the individual citizens safeguarded in the Bill of Rights," and the statement of Madison, sponsor of the Bill of Rights as proposed in the First Congress, who said "the great object in view is to limit and qualify the powers of government."

There we have the issue set out for us as clearly as it could be stated. On one hand we have proponents of civil rights who seek to establish the constitutionality of their legislation by a power statement in the bill, and who are using the power of the Federal Government against the individual, when Madison said that the purpose of the Bill of Rights was to protect the individual from the powers of the Government.

What a farce we have made of this term "civil rights." As I said in my opening statement, what a dagger they are proposing to drive into the heart of our Bill of Rights in our Constitution, a protection for the individual that does not exist in the organic form of government in any other country of the world, not even in Great Britain.

Continuing the quotation from the debate in Congress on the Bill of Rights amendments, Madison said:

> The great object in view is to limit and qualify the powers of government, by excepting out of the grant of powers those cases in which the Government ought not to act, or to act only in a particular mode.

Oh, how clear he was.

It has been well said that never in the history of organized civilization has there assembled at one time and place a group of men so well trained and versed in the science of government as gathered in the summer of 1787 in Philadelphia to form a more perfect union.

Mr. President, I will continue Madison's quotation.

Continuing his discussion, Madison said:

> In our Government it is, perhaps, less necessary to guard against the abuse of the executive department than any other; because it is not the strongest branch of the system, but the weaker, it therefore must be leveled against the legislative, for it is the most powerful, the most likely to be abused, because it is under the least control.

I interpose again to say "How true." Every student of the Constitution knows that the framers of the Constitution put in the general welfare clause as a limitation upon power to tax. Taxes could be levied to promote the general welfare and not to promote some private, individual or local interest. Congress ignored all of the precedents and the statements of those who framed the Constitution to say it was an unlimited grant of power. The Supreme Court held that with respect to appropriations, it was not going to pass on whether Congress had violated their oath to uphold and support the Constitution or not. They could appropriate for anything they pleased. That was the first action that Congress took to tear down what the framers had intended to be a Government of limited and delegated powers.

Here we find Madison, who did more than any one man both to frame and to explain the Constitution, predicting that the legislative branch would become the most powerful because, he said, "It is under the least control."

And, of course, the framers of the Constitution sought to take some of the pressure off Congress by having a Senate that was elected by the legislators. They would be responsible to the legislators, and the legislators were supposed to be more conservative than most of the voters of a given State.

I refer, of course, to the State legislatures.

In any event, a Member of the Senate who was elected by the legislature would not be under the direct pressure of any one pressure group. That was one of the plans of the original founders.

Mr. President, I digress to call attention to the fact that the junior Senator from Virginia is the first Senator from Virginia to be elected under the constitutional amendment which provides for the direct election of Senators. I cannot help but feel that the Congress which proposed and the States which ratified that change in the plan formulated for the Constitution—namely, in the plan to have the Senate be a restraint upon impetuous action by the more numerous branch of the Congress—did not improve our governmental structure at all.

As I have said, Senators were supposed to be a bit more conservative, and they were to be protected from popular passions.

But what is the situation now? Today, Senators are under the gun, so to speak, of every pressure group; and frequently we find more conservative action being taken by the House, because the Members of the House are here, there, and elsewhere; and pressure groups which control the balance of power do not dominate the election of Members of the House at any given time. Therefore, the Members of the House can exercise independence, under the new plan. But we have changed the plan our forefathers intended; and now Members of the Senate come under more pressure. Members of the House are elected every 2 years, whereas Senators are elected every 6 years. Two-thirds of the Members of the Senate continue in office, and the Senate is a continuing body. Yet, as I have said, when it comes to pressure legislation, I believe that Senators are now under more pressure than are the Members of the House. To that extent, I question the direct election of Senators, although, as I have said, I happen to be the first Senator from Virginia who came into this body under the new plan.

It was to keep the Senate more independent and as more of a balance wheel to the House, which was elected every 2 years and which came under the constant hammering pressures of pressure groups to do this, that and the other, regardless of constitutional limitations.

Thus, according to Madison, we should look to our Bill of Rights as a fortress against the abuse of legislative power and not as a source of authority to invade the field of personal liberties with regulative authority.

Discussing, as he had done in some of the Federalist Papers, the theory of our Constitution, Madison said that some had argued that a bill of rights was not necessary in the Federal Constitution "Because the powers are enumerated, and it follows that all that are not granted by the Constitution are retained; that the Constitution is a bill of powers, the great residuum being the rights of the people; and, therefore, a bill of rights cannot be so necessary as if the residuum was thrown into the hands of the Government."

Madison then said:

> It is true the powers of the General Government are circumscribed, they are directed to particular objects; but even if government keeps within those limits, it has certain discretionary powers with respect to the means, which may admit of abuse to a certain extent, the same manner as the powers of the State governments under their constitutions may to an indefinite extent; because in the Constitution of the United States there is a clause granting to Congress the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested in the Government of the United States, or in any department or officer thereof; this enables them to fulfill every purpose for which the Government was established. Now, may not laws be considered necessary and proper by Congress, for it is for them to judge of the necessity and propriety to accomplish those special purposes which they may have in contemplation, which laws in themselves are neither necessary nor proper?

That statement is so appropriate to the subject under discussion that Madison might almost have been imagining the situation in which we find ourselves today. We have Members of Congress interested in a laudable purpose, which is guaranteeing to every resident of the United States the civil rights to which he is entitled. Since this is an objective which is in itself justified by our Constitution, we find them resorting to the reserved powers of government which permit the making of all laws necessary to carry into execution the powers vested in the Government and its officers. But, as Madison foretold, we find them turning to laws "which laws in themselves are neither necessary nor proper." On the contrary, these laws would in themselves violate the right of the States to control their internal affairs and the rights of individual citizens to associate and do business with one another.

Madison hoped that the limitations of the Constitution would be so clearly recognized that a bill of rights would not be necessary to deal with such a situation, but he also saw the danger and so he advised that the Bill of Rights be adopted as an extra safeguard.

In the course of the debate from which I have been quoting, on June 8, 1789, Mr. Vining, of Delaware, said that a bill of rights was unnecessary in a government deriving all its powers from the people and said the matter was sufficiently covered by the statement in the preamble that "We, the people, do ordain and establish."

In contrast with this was the viewpoint of Mr. Gerry, of Massachusetts, who pointed out in the debate on July 21 that 7 of the 13 States had thought the Constitution very defective, yet, he said, "5 of them had adopted it with a perfect reliance on Congress for its improvement."

The concern of the people of the United States at the time the First Congress was considering the Bill of Rights amendments also was indicated on August 13 when Mr. Lee, of Virginia, asked the House to consider the report of the committee to which they had been referred and Mr. Page said he hoped the House would agree to the motion of his colleague without hesitation, "because he conceived it essentially necessary to proceed and finish the business as speedily as possible; for whatever might be the fact with respect to the security which the citizens of America had for their rights and liberties under the new Constitution, yet unless they saw it in that light, they would be uneasy, not to say dissatisfied."

Madison agreed with his colleagues, asking:

> Is it desirable to keep up a division among the people of the United States on a point in which they consider their most essential rights are concerned?

Mr. Page then went further and said he "was positive the people would never support the Government unless their anxiety was removed." He begged the House to "consider the importance of the number of citizens who were anxious for amendments. If these had been added to those who openly opposed the Constitution," he said, "it possibly might have met a different fate."

Thus we have an assertion that our Government, in effect, owes its very creation and existence to the assurances given in the Bill of Rights—assurances which were to protect the people against too much government and the type of meddling which FEPC represents.

Lee's motion to take up the amendments carried and the first one coming from the committee proposed that:

> In the introductory paragraph of the Constitution before the words, "We the people," add "government being intended for the benefit of the people, and the rightful establishment thereof being derived from their authority alone."

Here again we see the working of minds fearful of too much government insisting that the very first words used in setting up our National Government specify unequivocally not only that it was intended for the benefit of the people, but that the right to establish it was "derived from their authority alone."

As the debate continued the next day, August 14, Mr. Gerry objected to the wording "government being intended for the benefit of the people," because he said it held up an idea that all governments of the earth were intended to benefit the people.

> I am so far from being of this opinion—

Gerry said—

> that I do not believe that 1 out of 50 is intended for any such purpose. I believe the establishment of most governments is to gratify the ambition of an individual who, by fraud, force or accident, has made himself master of the people.

Mr. Page said he saw no need of changing the preamble because "the words, 'We the people,' had the neatness and simplicity, while its expression was the most forcible of any he had ever seen prefixed to any Constitution." He said he did not doubt the truth of the proposition brought forward by the committee, but he doubted the necessity for it in this place.

Mr. Sherman, of Connecticut, agreed with this viewpoint. He said:

> The people of the United States have given their reasons for doing a certain act. Here we propose to come in and give them a right to do what they did on motives which appeared to them sufficient to warrant their determination; to let them know that they had a right to exercise a natural and inherent privilege, which they have asserted in a solemn ordination and establishment of the Constitution. Now, if this right is indefeasible, and the people have recognized it in practice, the truth is better asserted than it can be by any words whatever. The words "We, the people" in the original Constitution, are as copious and expressive as possible; any addition will only drag out the sentence without illuminating it.

Now, there is a point which I think may also be applied quite directly to any proposed FEPC bill. As I previously pointed out, it seeks to create by assertion a Federal right to be free of discrimination in employment. If such a right exists under our Constitution, it can, as Mr. Sherman said of the preamble phrases, be exercised without being spelled out in the bill. But, on the other hand, if such a right does not exist, no amount of wordage in a bill passed by the Congress can create it.

On August 15, 1789, the House took up another proposed amendment which, as it came from the committee, read:

> The freedom of speech and of the press and the right of the people peaceably to assemble and consult for their common good and to apply to the government for redress of grievances shall not be infringed.

Mr. Tucker, of South Carolina, moved to insert the phrase "to instruct their representatives," and touched off an extended debate on the proper role of legislators in our Government.

Mr. Jackson, of Georgia, opposed the Tucker proposal, saying he favored the right of the people to assemble and consult for the common good but not the power to instruct their representatives.

> If we establish this as a right—

He said—

> we shall be bound by those instructions; now, I am willing to leave both the people and the representatives to their own discretion on this subject. Let the people consult and give their opinion; let the representative judge of it; and if it is just, let him govern himself by it as a good Member ought to do; but if it is otherwise, let him have it in his power to reject their advice.

Then the representative from Georgia continued with an observation that is worthy of our particular attention today.

> What may be the consequence—

He asked—

> of binding a man to vote in all cases according to the will of others? He is to decide upon a constitutional point, and on this question his conscience is bound by the obligation af a solemn oath; you now involve him in a serious dilemma. If he votes according to his conscience, he decides against his instructions; but in deciding against his instructions, he commits a breach of the Constitution, by infringing the prerogative of the people, secured to them by this declaration. In short, it will give rise to such a variety of absurdities and inconsistencies, as no prudent legislators would wish to involve themselves in.

I invite attention to the fact that I have been quoting from a speech made in Congress in 1789 on the question of whether a pressure group, which may be the dominant group in a given area, has the right and the power to instruct their representative in Congress how to vote, or whether the Representative in Congress shall be free to honor his solemn oath to support and uphold the Constitution. That was the question which was involved in what I have read.

Mr. Tucker of Georgia came to the inescapable conclusion that Members of Congress must be left free to judge whether or not the requests made by constituents were or were not in violation of their oaths, because he said that undoubtedly priority must be given to the solemn oath to support and uphold the Constitution.

Madison reemphasized that point, asking:

> Suppose they instruct a representative, by his vote, to violate the Constitution; is he at liberty to obey such instructions?

It is important for us to remember that this proposal to allow the people to instruct their representatives in the Congress was not inserted in our Constitution.

We hear talk from time to time of a "mandate from the people," as result of an election, for their representatives to vote a certain way and some of those who have supported FEPC and other so-called civil rights legislation have claimed to be acting on such a "mandate."

As Madison and others brought out so forcibly in their discussion more than a century and a half ago, when a man has taken a solemn oath to support and defend the Constitution of the United States, there can be no such thing as a mandate to violate that oath. And the duty of supporting the Constitution cannot be brushed lightly aside on the ground that we can pass any law we choose and let the Supreme Court pass on its validity.

While I have asked the privilege of proceeding without interruption, and I must insist upon that, I wish to comment on the fact that I see to my right a distinguished Member of this body, the Senator from Florida [Mr. HOLLAND], who recognized the point that I have been trying to urge. That is, if one does not like a provision in a State law, he should not try to exercise unconstitutional power to repeal the State law. I am referring to the poll tax. As George Washington told us in his Farewell Address, "If the time should ever come when you do not think the Constitution is equal to your needs, do not violate it but amend it in the way that the Constitution provides."

The distinguished Senator from Florida did not like a provision for a poll tax to be in State laws. I did not agree with him. But since he did not like that provision, he proceeded in a legal way to remove it, and it was eliminated.

A few weeks ago we witnessed final action on the amendment proposed to the Constitution which would tell the States, "You cannot legally require the payment of a poll tax as a qualification to vote."

Mr. HOLLAND rose.

Mr. ROBERTSON. I am sorry that I cannot yield, but I shall do so after I have concluded. I must treat Senators alike. I know that my friend from Florida would like to ask me a question. If he will bear it in mind and remain in the Chamber for another hour or two, I shall then yield to him.

We hear a great deal of talk about the Great Emancipator, Abraham Lincoln. He was a great man. We hear a great deal of the civil rights he advocated. Let us see what he said on that subject.

Abraham Lincoln put it bluntly when he said:

> No man who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it.

Mr. ERVIN. Mr. President, will the Senator yield for a question along that same line?

Mr. ROBERTSON. While the Senator was not present, I asked the privilege of completing my discussion before yielding, since I am dealing with a technical subject in the bill. After I have concluded, I shall be very happy to yield.

Mr. ERVIN. I thank the Senator.

Mr. ROBERTSON. Going back to Madison and the debate from which I have been quoting, we find he said:

> My idea of the sovereignty of the people is, that the people can change the Constitution if they please; but while the Constitution exists, they must conform themselves to its dictates. But I do not believe the inhabitants of any district can speak the voice of the people; so far from it, their ideas may contradict the sense of the whole people; hence the consequences that instructions are binding on the representative is of a doubtful, if not a dangerous nature.

Somewhat later in the debate, on August 21, when an amendment was under discussion that would have taken away the power of Congress to alter the time, manner, or place of holding elections, Mr. Gerry emphasized another point that has current application.

He pointed to the possibility that the National Government, if in arbitrary hands, might abolish the secrecy of the ballot and order elections at remote places and then said:

> Gentlemen will tell me that these things are not to be apprehended; but if they say that the Government has the power of doing them, they have no right to say the Government will never exercise such powers, because it is presumable that they will administer the Constitution at one time or another with all its powers; and whenever that time arrives, farewell to the rights of the people, even to elect their own representatives.

I have been reading from the debates in the first Congress, but the statements are just as true today as they were then. I reemphasize what I have just read. It is proposed that a certain law be enacted and it is said, "Do not worry about this. The Goverment would not do this," or "it would not do the other." We are told by the men who framed the Constitution what our attitude should be. It was suggested at that time that more power should be given the Federal Government than would be used, from the standpoint of the States and the people. The people were told then, "But do not think the Federal Government would exercise it. Do not think it will not be reasonable."

Listen to what Mr. Gerry said:

> Whenever that time arrives—

That is, whenever some bureaucrat wants to exercise the power it is proposed to give him—

> farewell to the rights of the people.

Some Members of the Senate think that because there is temporarily written into some State laws an FEPC provision, the Federal law will not apply to them under the gun of the Federal bureaucracy. They will wake up some day, if the bill is written into law, and learn that there has been a "farewell to the rights of the people" on a national basis. The people could not afford and would not allow one industry to compete against another without the same restrictions, which would be in full force and effect. We should never vote for a bill to give bureaucrats certain powers on the assumption that they will never use them. The time will come when they will use them.

That is the attitude we must take toward this proposal to allow a Government agency to pass on the propriety of every act of hiring, firing, promotion, or demotion by an employer who has a Government contract. It is said that a Federal fair employment commission would rely on persuasion, negotiation, education, and conciliation. But, the fact remains, as Mr. Gerry said, that when we give any authority to the Government, we must assume that at one time or another all its powers will be used, and, when that time arrives, "farewell to the rights of the people."

Thus, when we consider the thinking of the men who determined the phrasing of our Bill of Rights amendments, the meaning of the amendments themselves—that the Federal Government is prohibited from assuming powers, where interference with personal liberty is involved, becomes unmistakably clear.

The same attitude may be found in the words of the great justices of our Supreme Court who have interpreted the Constitution from the time of its adoption down to the present.

Some of the decisions bearing on the points at issue here have been briefly mentioned. I shall now show in some historical sequence the development and reiteration of the idea that ours is a government of strictly limited powers, and that the limitations apply most forcibly where relations between individuals are concerned.

From the time when our Government was established there have been, of course, two schools of thought as to the way the Constitution should be applied. At the beginning, the Federalists, headed by Alexander Hamilton, believed in a strong Central Government; and the anti-Federalists, headed by Thomas Jefferson, saw the need for keeping the States as effective buffers against encroachment on individual liberty.

On the Supreme Court, our great Chief Justice John Marshall took a broad view of the authority of the Federal Government, as shown by his statement in summing up the case of *Gibbons* v. *Ogden* (9 Wheat. 1,211), in 1824, when, in speaking of State powers which "interfere with, or are contrary to the laws of Congress," he said:

> In every such case, the act of Congress, or the treaty is supreme; and the law of the State, though enacted in the exercise of its powers not controverted must yield to it.

But it also was Chief Justice Marshall who made the statement I previously quoted, and stressed the supremacy of the Constitution as guardian of the rights of the people, when he said:

> The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written.

Thus he asserted that, regardless of the comparative authority of Federal and State Governments in a particular situation, the limits of governmental authority are fixed by the Constitution itself.

A more restrictive view of the powers of the Federal Government than that taken by Marshall, especially in the field of regulating commerce, was taken by Chief Justice Taney, who said, in 1847:

> A State regulates its domestic commerce, contracts, the transmission of estates, real and personal, and acts upon all internal matters which relate to moral or political welfare. Over these subjects the Federal Government has no power. They appertain to State sovereignty as exclusively as powers exclusively delegated appertain to the general government. (*The License* cases, 5 How. 504, 588.)

Now certainly if the theory of Taney—that a State acts upon all internal matters which relate to moral or political welfare—is accepted there can be no question but what FEPC legislation would be invalid. It may be argued that Taney's doctrine has been vitiated by later decisions, but it was firmly grounded on the Constitution and, as I shall show by later citations, has been approved by many distinguished later occupants of the Bench.

We go back to the overriding and controlling decision in the civil rights cases of 1883. I am sure that when the distinguished Senator from North Carolina [Mr. ERVIN], who is our best constitutional lawyer, has an opportunity to ask me a question—which I hope will be soon—he will point out, as I have already done, that in 1961, which was only 3 years ago, the Court still held to the fundamental rule of 1883, namely, the holding that the 14th amendment applies to official action of States, and not to individual action, and is still the law of the land.

As I pointed out before the Senator from North Carolina [Mr. ERVIN] came into the Chamber, Justice Whittaker called attention to the fact that the case had never been overruled. He said, in effect, that we could not put much civil rights legislation on the statute books constitutionally without overruling it.

Mr. President (Mr. NELSON in the chair), I proceed with the historical discussion of the fundamental meaning of what the Federal Government was to do and the powers reserved to the States and to the people.

As a matter of fact, we find Chief Justice Marshall saying, in the case of *Ogden* v. *Sanders* (12 Wheat. 331–356):

> Individuals do not derive from government their right to contract, but bring that right with them into society; that obligation is not conferred on contracts by positive law, but is intrinsic. This results from the right which every man retains to acquire property, to dispose of that property according to his own judgment and to pledge himself for a future act. These rights are not given by society but are brought into it (p. 345).

Again, in 1852, in the case of *Philadelphia & Reading R. Co.* v. *Derby* (14 Howard 486, 487), we find the Court saying:

> The rule of "respondent superior," or that the master shall be civilly liable for the tortuous acts of his servants is of universal application (p. 486). * * * Nothing but the most stringent enforcement of discipline, and the most exact and perfect obedience to every rule and order emanating from a superior, can insure safety to life and property (p. 487).

Now, it is evident that if you take away from an employer, through some such device as FEPC legislation the right to determine whom he shall employ, you deprive him of the freedom of selection which is necessary if he is to be held responsible for the acts of his employees.

In so doing, we would fly in the face of the Supreme Court which stated in the case of *Baker* v. *Norton* (79 U.S. 157) that "consent is the very essence of a contract."

In 1872 the Supreme Court decided a group of cases which have been reported under the title of "*The Slaughter House* cases" (16 Wallace 36), and the rule laid down in these cases as to the limitations of the 14th amendment has been accepted by the Court ever since that time.

The State of Louisiana had passed a law to regulate slaughterhouses near New Orleans and suit was brought on the ground that this law discriminated against certain citizens who had previously engaged in business and that it, therefore, violated the 14th amendment.

In its analysis of the amendment, which occupies more than a hundred pages of the reports, the Court discussed the meaning of the term "privileges and immunities," as used in article IV, section 2 of the Constitution, which says:

> The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States.

It then said that the term "embraces nearly every civil right for the establishment and protection of which organized government is instituted"—page 76—but added that these rights, "which are fundamental"—page 76—have always been held to be "the class of rights which the State governments were created to establish and secure"—page 76.

The Court continued:

> The constitutional provision there alluded to did not create those rights, which it calls privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens.
>
> Its sole purpose was to declare to the several States that whatever those rights, as you grant or establish them to your own citizens, as you limit or qualify, or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction.

That is on page 77 of that case.

Turning then to the 14th amendment, the Court asked:

> Was it the purpose of the 14th amendment, by the simple declaration that no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States to transfer the security and protection of rights which we have mentioned to the Federal Government? And where it declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States? (p. 77).

Rejecting such an interpretation of the amendment, the Court said:

> The argument, we admit, is not always the most conclusive which is drawn from the consequence urged against the adoption of a particular construction of an instrument. But when, as in the case before us, those consequences are so serious, so far as reaching and pervading, so great a departure from the structure and spirit of our institutions, when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character, when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt (p. 78).

That is still the law of the land; and yet we are asked to enact a law for which there can be found neither affirmative support in the Constitution nor opposition, from a negative standpoint, with respect to all the principles governing property rights, contract rights, the right of association, and everything else that comes under the general category of civil rights embodied in the first 10 amendments to the Constitution.

The Court said it did not see in the 13th, 14th, and 15th amendments "any purpose to destroy the main features of the general system" of our Government. The opinion concluded:

> Under the pressure of all the excited feeling growing out of the war—

That was the Civil War—

> our statesmen have still believed that the existence of the States with powers for domestic and local government including the regulation of civil rights, the rights of persons and of property was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the States and to confer additional power on that of the Nation.
>
> But whatever fluctuations may be seen in the history of public opinion on this subject during the period of our national existence we think it will be found that this Court, so far as its functions required, has always held with a steady and an even hand the balance between State and Federal power, and we trust that such may continue to be the history of its relation to that subject so long as it shall have duties to perform which demand of it a construction of the Constitution or of any of its parts (p. 82).

In 1875, 3 years after the Slaughter House cases had been decided, the Court faced the question of State or Federal responsibility for action of one individual against another individual and clearly indicated the unconstitutional nature of such legislation as we are now considering.

In the case of *U.S.* v. *Cruickshank* (92 U.S. 542) the defendant was indicted for conspiracy under the Enforcement Act of 1870, which made it a crime for two or more persons to band or conspire together to injure, oppress, threaten, or intimidate any citizen, preventing him from exercising rights secured to him by the Constitution. The particular right involved in this case was the right to vote in a Louisiana election but the analogy to the claimed right to demand employment is clear. In the case of the statute involved in the Cruickshank case, as in the proposed FEPC bill, the purpose is to punish an individual for acts committed against another individual presumably when both are within the jurisdiction of the same State.

In rendering the decision of the Court in the Cruickshank case, Chief Justice Waite said:

> The 14th amendment prohibits a State from depriving any person of life, liberty or property without due process of law, or from denying to any person equal protection of the law, but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the State upon the fundamental rights which belong to every citizen as a member of society (p. 554).
>
> The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee (p. 555).

It might also be noted that when the Cruickshank case was tried in the circuit court—Federal Cases No. 14897—Mr. Justice Bradley said:

> It [the 14th amendment] is a guarantee against the acts of the State government itself. It is a guarantee against the execution of arbitrary and tyrannical power on the part of the Government and legislation of the State, not a guarantee against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guarantee does not extend to the passage of laws for the suppression of crimes within the States. The enforcement of the guarantee does not require or authorize Congress to perform the duty that the guarantee itself supposes to be the duty of the State to perform (p. 710).

This statement was quoted—pages 638–639—with approval by Mr. Justice Woods of the Supreme Court 7 years later when he delivered the decision in the case of *United States* v. *Harris* (106 U.S. 629). In this case the Court reaffirmed the doctrine that action by one citizen against another individual was not properly within the purview of the Constitution. Dealing with a case in which citizens of Tennessee were indicted under a Federal statute for the crime of lynching, the Court declared the statute was unconstitutional and made this assertion:

> A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them. The only way, therefore, in which one private person can deprive another of the equal protection of the laws is by the commission of some offense against

> the laws which protect the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 is warranted by the 13th amendment, we should, by virtue of that amendment, accord to the Congress the power to punish every crime by which the right of any person to life, property, or reputation is invaded. Thus, under a provision of the Constitution which simply abolished slavery and involuntary servitude, we should, with few exceptions, invest Congress with power over the whole catalog of crimes. A construction of the amendment which leads to such a result is clearly unsound (p. 643).

That is what the court said. That is still the law. Yet we are being asked today to give Congress that power.

If the Court was right in the statement it made in United States against Harris, which I just now quoted, how much more unsound would be a construction of the Constitution or its amendments which would permit the Congress, as is proposed in FEPC bill to create a right by fiat and then undertake to go into the sovereign States to protect that newly created right?

I think we can say of this proposal, as the Court said in the Harris case:

> The section of the law under consideration is directed exclusively against action of private persons, without reference to the laws of the State or their administration by her officers. We are clear in the opinion that it is not warranted by any clause of the 14th amendment to the Constitution (p. 640).

The following year, 1883—this is a very vital case—another important decision which has a bearing on this discussion was given by the Court in the so-called civil rights cases—109 U.S. 3, 25. The statements made in this decision are particularly significant because the Court was then composed almost entirely of men who were friendly to the 14th amendment and who had been appointed from States which did not secede. It could hardly be charged, therefore, that they had a bias in favor of States rights or against the Federal Government.

We heard a great deal of talk during the administration of President Franklin D. Roosevelt about Court packing. Congress marched up the hill and down the hill again, and finally defeated the Court-packing bill. Through a process of attrition the Court was ultimately composed of men favorable to the philosophy of what some have called the New Deal.

One does not hear too much about the fact that President Grant packed the Court to uphold the action of only 19 citizens in a very beautiful part of the Shenandoah Valley when they voted their county into West Virginia, and thereby disfranchised all Confederate soldiers and Confederate sympathizers. Those 19 people voted to take the county out of Virginia and put it into West Virginia.

After the war was over, those who had been disfranchised and did not want to be in West Virginia brought suit to be permitted to go back where they knew they belonged and where they wanted to be.

They did pretty well until they got close to the Supreme Court. Then President Grant did what Mr. Pickwick said, "This cannot go on." He packed the Court. The Court said, in effect, "You are just as wrong as you can be. Those 19 voters were a sufficient number to take the county out of Virginia and put it into West Virginia. It was a perfectly lawful election."

That is the same Court that made the decision on the 14th amendment, which it is proposed to violate. The Court said that the 14th amendment related only to State action.

That was the very Court that President Grant constituted to uphold the 13th, 14th, and 15th amendments, but primarily to let a county in the Shenandoah Valley go out of Virginia and into West Virginia.

Therefore, we can say of the FEPC proposal, as the Court said in the Harris case:

> The section of the law under consideration is directed exclusively against action of private persons, without reference to the laws of the State or their administration by her officers. We are clear in the opinion that it is not warranted by any clause of the fourth amendment to the Constitution.

That was confirmed, as I said, in 1883.

In the civil rights cases the Court held unconstitutional a Federal statute passed in 1875 providing that anyone who denied equal privileges in hotels, boardinghouses, theaters, public conveyances and public amusements to another citizen because of his race or color was guilty of a penal offense.

After raising the question of whether Congress had the constitutional power to make such a law, Mr. Justice Bradley stated:

> Of course no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first in the 14th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power.

That is true about the FEPC provision. Distinguished Senators will say, "There is no question about its being constitutional. We dare anyone to take it to the Supreme Court." They did the same thing when they said that no hotel or motel may deny service to a Negro. Any person who did that could be put in jail. The same provision is in the bill. What did the Court say about such protestations of constitutionality? This is what it said:

> The power is sought, first in the 14th amendment and the views * * * are the principal arguments adduced in favor of the power.
>
> We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass (p. 10).

I would like to emphasize those words of the Court, because they suggest the grave responsibility that rests upon us in this debate. We cannot simply say that we will pass the law because we approve of its objectives and let the Supreme Court determine whether or not it is constitutional. We must recognize that other Justices, as Mr. Justice Bradley said he did in the civil rights cases, will feel "the weight of authority which always invests a law that Congress deems itself competent to pass."

But, I continue to quote from Justice Bradley's decision in the Civil Rights cases:

> But, the responsibility of an independent judgment is now thrown upon this Court; and we are bound to exercise it according to the best lights we have. The first section of the 14th amendment (which is the one relied on) after first declaring who shall be citizens of the United States and of the several States, is prohibitory in its character and prohibitory upon the States. It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person with its jurisdiction the equal protection of the laws."
>
> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment (pp. 10 and 11).

Note that, please: "Individual invasion of individual rights is not the subject matter of the amendment."

Then the Court continued:

> It has a deeper and broader scope. It nullifies and makes void all State legislation and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the law. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts and thus to render them ineffectual, null, void, and innocuous—this is the legislative power conferred upon the Congress and this is the whole of it.
>
> It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation, but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights, but to provide modes of redress against the operation of State laws and the action of State officers, executive or judicial, when these are subversive to the fundamental rights specified in the amendment.
>
> Positive rights and privileges are undoubtedly secured by the 14th amendment, but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to the Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings and be directed to the correction of their operation and effect (pp. 11–12).

The Court cited several previous cases in support of this viewpoint and then continued:

> An apt illustration of the distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give the Congress power to provide laws for the general enforcement of contracts, nor power to invest the courts of the United States with jurisdiction over contracts so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the

> impairment of contracts by State legislation might be counteracted and corrected; and this power was exercised (p. 12).

Remember that in this case the Court was considering legislation which was claimed, just as FEPC claims, to be for the preservation of civil rights and to prevent discrimination against minorities.

The decision stated:

> If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the State may deprive persons of life, liberty, or property without due process of law (and the amendment itself does suppose this) why should not Congress proceed at once to prescribe due process of law for the protection of everyone of these fundamental rights in every possible case, as well as to prescribe privileges of inns, public conveyances, and theaters? The truth is that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, the power is conferred upon Congress to enforce the prohibition. This gives Congress power to legislate generally upon that subject, not merely power to provide modes of redress against such State legislation or action.
>
> The assumption is certainly unsound. It is repugnant to the 10th amendment to the Constitution which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people (pp. 14–15).

Still further emphasizing its viewpoint of the restriction of Federal powers, the Court said in this decision:

> Civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; and invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if it is not sanctioned in some way by the State and not done under State authority, his rights remain in full force and may presumably be vindicated by resort to the laws of the State for redress (p. 17).
>
> It is absurd—

Mr. Justice Bradley said—

> to affirm that because the rights of life, liberty, and property—which includes all the civil rights that men have—are by the amendment sought to be protected against invasion on the part of the States without due process of law, Congress may, therefore, provide due process of law for their vindication in every case (p. 13).

This decision, from which I have quoted at such length was delivered 80 years ago but it is still sound doctrine, as is indicated by the fact that it was cited by the Supreme Court with approval in a 1948 case from which I shall quote before I have finished.

In the case of *Plessy* v. *Ferguson* (163 U.S. 537) the Supreme Court said:

> Legislation is powerless to eradicate racial instincts * * * and the attempt to do so can only result in accentuating the difficulties of the present situation (p. 551).

The Court, in this case, cited the statement of Justice Bradley in the civil rights case:

> It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person might see fit to make as to the guests he will entertain or as to the people he will * * * deal with in other matters of intercourse or business (p. 543).

That certainly seems to apply to what is proposed in the FEPC bill.

The Court also said:

> In determining the question of reasonableness it is at liberty to act with reference to the established usages, customs, and traditions of the people (p. 550).

In deciding the case of *United States* v. *Joint Traffic Association* (171 U.S. 505) the Court emphasized the limitation placed by the Constitution as a whole on the rights growing out of the commerce clause.

> The power to regulate commerce has no limitation other than those prescribed in the Constitution—

The Court said, but it added:

> The power, however, does not carry with it the right to destroy or impair those limitations and guarantees which are also placed in the Constitution or in any of the amendments to that instrument (p. 571).

Another statement which seems most applicable in our present discussion was that made by Mr. Justice Holmes, in the case of *Davis* v. *Mills* (194 U.S. 451) when he said:

> Constitutions are intended to preserve practical and substantial rights, not to maintain theories (p. 457).

The idea that the considerations which cause a businessman to choose his associates can be limited or eliminated by a Federal statute without doing serious damage to our whole economic and social structure is a "theory," and clearly it is damaging to those "practical and substantial rights" which our Constitution was intended to preserve.

Then, in 1908, we come to the case of *Adair* v. *United States* (208 U.S. 161) in which the Supreme Court upheld the right of an employer to contract with his employees or their representatives without governmental interference.

In this decision Mr. Justice Harlan made this quotation from Cooley on torts:

> A part of every man's civil rights is that he be left at liberty to refuse business relations with any person whatsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice, or malice; with his reasons neither the public nor the persons have any legal concern. It is also the right of the individual to have business relations with anyone with whom he can make contracts, and if he is wrongfully deprived of his right by others, he is entitled to redress (p. 173).

Making his own comment on this point, Justice Harlan said:

> The employer and employee have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can justify in a free land (p. 175).

Certainly it cannot be successfully argued that there is "equality of right" under a law which may compel an employer to hire an individual whom he does not choose to hire, but which does not require the employee to accept employment from an employer who is not to his liking for reasons of race, religion, or anything else.

The Court in the Adair case also said:

> It is not within the function of government * * * to compel any person in the course of his business and against his will to accept or retain the personal services of another or to compel any person, against his will, to perform personal services for another (p. 174).

Discussing applicability of the commerce clause in this case, Justice Harlan said:

> We need scarcely repeat what this Court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, cannot be exerted in violation of any fundamental right secured by other provisions of the Constitution (p. 180).

It must be admitted, of course, that the attitude of the Court in its interpretation of the commerce power has changed during the last 30 years, and that the doctrine of the Adair case, as doctrine, has been largely destroyed.

But, the statements made by Justice Harlan still stand as logical argument, and it must be remembered that in his dissenting opinion in the Adair case, Mr. Justice Holmes pointed out that the law prohibiting discrimination against union members involved a very limited interference with the freedom of contract.

In justification for this law Holmes argued:

> The section is, in substance, a very limited interference with freedom of contract, no more. It does not require the carriers to employ anyone. It does not forbid them to refuse to employ anyone, for any reason they deem good, even where the notion of a choice of persons is a fiction and wholesale employment is necessary upon general principles that it might be proper to control (p. 191).

Thus, it cannot be assumed on the basis of this statement that the great liberal Justice Holmes would have approved a law such as FEPC which would result in requiring that an individual be hired, because this obviously is more than "a very limited interference" with freedom of contract.

To determine whether the commerce power is limited by the fifth amendment, we must balance the loss of individual liberty against the benefit resulting to interstate commerce. If the benefit to commerce is great and the loss of liberty quite small, it might logically be argued that the action is constitutionally justifiable, although we must remember, as the Chinese philosopher said, "One step begins a journey of a thousand miles." But, if the benefit to commerce is small and the loss of personal liberty to the employer great, the fifth amendment should be invoked to prevent the denial of due process of law.

I think it is notable that in the arguments for FEPC bills, although authority has been claimed at times under the commerce clause of the Constitution, no accompanying effort has been made to prove its value to interstate commerce.

There have been some generalized statements that discrimination in employment depresses wages for minority groups and, therefore, cuts mass purchasing power and constricts the market for goods and services in general. It would be difficult to prove, however, that FEPC would not have an exactly opposite result. When an employer denies employment, taking into consideration racial or religious grounds, he is not likely to do it simply for his own pleasure or through malice, but rather because it seems to his economic advantage. If an employer is forced to hire persons who would lower the profit capacity of his business because of their disrupting effect on employee morale, or some other reason, it stands to reason that his ability to offer high wages will be decreased, along with his profits, and the total contribution to commerce will be less than if he were permitted to build his organization in the most efficient manner.

In connection with our discussion of the limited extent to which the Federal Government might be justified in interfering with freedom of contract, as defended by Justice Holmes, it may be interesting to examine some statements made by an attorney who made a study of the Court decisions from the standpoint of one who favored further extension of Federal powers.

Writing in the National Bar Journal issue for June 1945 under the title "Individual Invasion of Individual Rights," Mr. Loren Miller, a member of the Kansas and California bars and one of the board of editors of that journal said:

> One of the anomalies of our constitutional system is the professed inability of the courts to find legal safeguards to protect individuals against invasion or deprivation of their rights by so-called private persons or groups.

He was writing in favor, we might say, of FEPC legislation or "civil rights" legislation, or whatever one may call it.

Writing as one who obviously deplored that state of affairs, the author of the article recalled some of the statements, which I have cited from the Civil Rights cases and reviewed later decisions he had found supporting the same viewpoint.

Then he said:

> It may be safely asserted that political subdivisions cannot bar Negroes from employment by law or ordinance but private employers, even when engaged on public works, may do so at will in the absence of legislation. Similarly, labor unions have long exercised the right of barring Negroes from membership on the basis of race even when by the device of closed shop contracts this discrimination deprived Negroes of all opportunity to work or where their right to represent employees was regulated by legislation.

He continued by saying:

> The list of permissible discriminations under the individual-invasion-of-individual-rights doctrine could be extended, but enough has been said to indicate that, so long as the State remains silent and does not require a discrimination by reason of race, color, or other unwarranted classification, the citizen is without judicial protection and, even in the event the States does overstep bounds, all the courts can do, or will do, is to strike down the offending rule, regulation, or law.

In support of this statement he cited the 1914 decision of the Supreme Court in the case of *McCabe* v. *Atchison Ry. Co. et al.* (235 U.S. 151).

This writer found some comfort in recent Court decisions forbidding discrimination by unions which had exclusive bargaining rights and concluded his article by advocating just such a dangerous doctrine as has been advanced in support of FEPC—that "the broad and underlying social effects of contemplated discrimination be stressed and the courts be urged to look at the end sought to be achieved rather than ground their decisions on the means used."

In other words—our courts should admit that the end justifies the means, constitutional or not.

But, returning to our review of Supreme Court decisions, we find that in 1915 the doctrine of the Adair case, was affirmed in the case of *Coppage* v. *Kansas* (236 U.S. 1) and that in this case Mr. Justice Holmes expressed his approval of establishing "equality of position between the parties in which liberty of contract begins."

In the case of *Buchanan* v. *Worley* (245 U.S. 60), the Court said:

> Property is more than the mere thing which a person owns. It is elementary that it includes the right to acquire, use, and dispose of it. The Constitution protects these essential attributes of property (p. 74).

But a man forced to hire an employee against his will is deprived of his right to use the property represented by his business.

In the Buchanan case, which dealt with property restrictions, Mr. Justice Day also said:

> That there exists a serious and difficult problem arising from a feeling of race hostility which the law is powerless to control, and for which it must give a measure of consideration, may be freely admitted. But its solution cannot be promoted by depriving citizens of their constitutional rights and privileges (pp. 80–81).

But that is what we are attempting to do. The Court has said that we cannot do it, but we will do it anyway.

Mr. President, that was the Supreme Court speaking. This is a doctrine which the FEPC seeks to override.

The decision in this case was modified in part by the case of *Shelly* v. *Kraemer* (334 U.S. 1), which was decided in 1947, but as I shall show when I come to that case the Court still maintained the principle of preserving individual property rights.

Again, in the case of *Wolff Packing Company* v. *Court of Industrial Relations* (262 U.S. 522), Chief Justice Taft said of the Kansas Industrial Court Act:

> It curtails the right of the employer on the one hand and of the employee on the other to contract about his affairs. This is part of the liberty of the individual protected by the guaranty of the due process clause of the 14th amendment. While there is no such thing as absolute freedom of contract, and it is subject to a variety of restraints, they must not be arbitrary or unreasonable.

FREEDOM IS THE GENERAL RULE AND RESTRAINT THE EXCEPTION

In rendering the decision in the case of *Truax* v. *Corrigan* (257 U.S. 312), Chief Justice Taft also said:

> The broad distinction between one's right to protection against a direct injury to one's fundamental property right by another who has no special relation to him and one's liability to another with whom he establishes a voluntary relation under a statute, is manifest upon its statement * * * (p. 329) the legislative power of a State can only be exerted in subordination to the fundamental principles of right and justice (p. 329). * * * Our whole system of law is predicated on the general fundamental principles of equality of application of the law (p. 332). * * * The Constitution was intended—its very purpose was—to prevent experimentation with the fundamental rights of the individual (p. 338).

In the case of *United States* v. *Wheeler* (254 U.S. 281) in which the successful argument was presented by Mr. Charles E. Hughes, who subsequently became Chief Justice, the decision of the Supreme Court cited once more, with approval, that part of the decision in the Slaughter House cases which asserted:

> It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing obligations of contracts. But, with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States and without that of the Federal Government (p. 298).

Again, in 1923, in the case of Federal *Trade Commission* v. *Raymond Bros.* (263 U.S. 565) the Supreme Court, citing a number of its previous decisions, said:

> It is the right "long recognized," of a trader engaged entirely in private business, freely to exercise his own independent deal (p. 573).

Three years later, in the case of *Corrigan* v. *Buckley* (271 U.S. 323), the Court, speaking through Mr. Justice Sanford, upheld once more the rule that the 5th and 14th amendments were inapplicable to individual action.

The Court said:

> Under the pleadings in the present case, the only constitutional question involved was that arising under assertions in the motion to dismiss that the indenture or covenant which is the basis of the bill is void in that it is contrary to and forbidden by the 5th, 13th, and 14th amendments. This contention is entirely lacking in substance or color of merit (pp. 329–330).
>
> The fifth amendment is a limitation only upon the powers of the general government and is not directed against the action of individuals. The 13th amendment, denouncing slavery and involuntary servitude—that is, a condition of enforced compulsory service of one to another—does not in other matters protect the individual rights of persons of the Negro race. And the prohibitions of the 14th amendment have reference to

> State action exclusively, and not to any action of private individuals (p. 330).

The Court in this case also repeated and accepted the statement from the Civil Rights cases that "individual invasion of individual rights is not the subject matter of the (14th) amendment" (p. 330).

In 1930 the Court once more indicated the limited nature of interference with individual rights which it would approve when, in the case of *Texas, N. & O. Ry.* v. *Brotherhood* (281 U.S. 548) it said:

> The Railway Labor Act of 1926 does not interfere with the normal exercise of the right of the carrier to select its employees or to discharge them. The statute is not aimed at this right of the employers, but at the interference with the right of employees to have representatives of their own choosing (p. 571).

Then, in 1937, in the case of *NLRB* v. *Jones & Laughlin Steel Corporation* (301 U.S. 1), the Court asserted:

> The (labor relations) act does not interfere with the normal exercise of the right of the employer to select its employees or to discharge them. The employer may not, under cover of that right, intimidate or coerce its employees with respect to their self-organization and representation, and on the other hand, the Board is not entitled to make its authority a pretext for interference with the right of discharge when that right is exercised for other reasons than such intimidation and coercion (pp. 45–46).

That is one of the latest decisions upholding the National Labor Relations Act, but it does not go far enough to authorize an FEPC. On the other hand, it deliberately denies that the Federal Government has any such power.

In other words, the limited restrictions permitted are aimed at abuse of the employers' rights and not at negation of those rights.

As Mr. Justice Brandeis said in the case of *Senn* v. *Tile Layers Protective Union* (301 U.S. 468):

> A hoped-for job is not property guaranteed by the Constitution (p. 482).

And Chief Justice Hughes, in the case of *NLRB* v. *Fan Steel Metal Corporation* (306 U.S. 240), spoke of a company's "normal right to select its employees" (p. 259).

Renewed emphasis was given to the civil rights cases, from which I have quoted, in 1940 when the Circuit Court of Appeals, Fifth Circuit, cited them in the case of *Powe* v. *United States* (109 F. 2d 147) and stated:

> Neither the 14th amendment nor any other part of the Constitution put the matters of conspiracies of individuals touching such matters within the power of Congress, but only gave power to correct wrong action by the State or its officers. The reasoning of these cases though opposed by some dissents is full and convincing, and the conclusion reached as to the effect upon Federal power of the 14th amendment has stood for more than two generations (p. 150).

The holding of the circuit court of appeals in this case is given emphasis by the fact that on further attempted appeal the Supreme Court denied certiorari by a memorandum decision (309 U.S. 679).

The conflict between the Bill of Rights and attempts to interfere with individual liberty was pointedly referred to by Mr. Justice Jackson in the case of *West Virginia Board of Education* v. *Barnette* (319 U.S. 624) in which he said:

> The very purpose of a bill of rights was to withdraw certain subjects from the vicissitudes of public controversy, to place them beyond the reach of majorities and officially to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights, may not be submitted to vote; they depend on the outcome of no elections (p. 638). * * * If there is any fixed star in our national constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein (p. 642).

Now, how shall we square that statement with a law which would permit petty officials to prescribe the way in which an employer should select those who will work for him?

In the Barnette case the court also quoted Abraham Lincoln's query:

> Must a government of necessity be too strong for the liberties of its people, or too weak to maintain its own existence? (p. 636).

It then went on to say:

> Assurance that rights are secure tends to diminish fear and jealousy of strong government, and by making us feel safe to live under it makes for its better support. Without promise of a limiting Bill of Rights it is doubtful if our Constitution could have mustered enough strength to enable its ratification. To enforce those rights today is not to choose weak government over strong government. It is only to adhere as a means of strength to individual freedom of mind in preference to officially disciplined uniformity for which history indicates a disappointing and disastrous end (pp. 636–637).

Finally, I would direct your attention to the case of *Shelley* v. *Kraemer et al.* (334 U.S. 1), decided by the Supreme Court on May 3, 1943. In that decision involving restrictive covenants designed to exclude minority groups from the ownership or occupancy of real property, Chief Justice Vinson referred to the case of Corrigan against Buckley and said that case could present no issues under the 14th amendment, for—and I quote—"that amendment by its terms applies only to the States"—page 8.

The Chief Justice went on to say:

> It cannot be doubted that among the civil rights intended to be protected from discriminatory State action by the 14th amendment are the rights to acquire, enjoy, own and dispose of property. Equality in the enjoyment of property rights was regarded by the framers of that amendment as an essential precondition to the realization of other basic civil rights and liberties which the amendment was intended to guarantee (p. 10).

He referred to the Slaughter House cases and continued:

> Since the decision of this Court in the *Civil Rights* cases (109 U.S. 3 (1883)), the principle has become firmly embedded in our constitutional law that the action inhibited by the 1st section of the 14th amendment is only such action as may fairly be said to be that of the States (p. 13).

Then Justice Vinson significantly added:

> That amendment erects no shield against merely private conduct, however discriminatory or wrongful (p. 13).

After discussing in some detail the right and obligation of the Federal Government to prevent discriminatory action by States or by their agents, the Court's decision indicated that property owners could not come into Court to demand enforcement of restrictive covenants and said:

> The Constitution confers upon no individual the right to demand action by the State which results in the denial of equal protection of the laws to other individuals (p. 22).

If this statement of the Court be accepted, how, then, could we justify a law that would permit an individual to go to a fair employment commission, or to a court, to demand action against another individual who refused to employ him? The would-be employee has the right to work or not to work for the prospective employer. If the employer is to have equal protection of the laws he must have a similar right to hire or not to hire.

The point involved here was well expressed by Mr. Donald R. Richberg in a discussion of the constitutionality of civil rights proposals when he said:

> The great declared purpose of the Constitution was not to achieve an impossible equality among unequal human beings but to secure the blessings of liberty so that men could be free to be different and to realize their differing ambitions with their differing abilities. Every law which seeks to give a man a right to something which as a freeman he cannot gain for himself, must impose burdens and restraints on the freedom of other men.
>
> Let us be watchful against every effort to create by law a right in one man to compel others to associate with him or to accept obligations to him in the domain of private enterprise or private life.

Next to Winston Churchill, my favorite British statesman was Edmund Burke, who said in his speech on Mr. Fox's East India bill in 1783:

> The rights of men—that is to say, the natural rights of mankind—are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicanery, against power and authority, by written instruments and positive engagements, they are in a still better condition; they partake not only of the sanctity of the object so secured, but of that solemn public faith itself which secures an object of such importance. Indeed, this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted, but by rooting up the holding radical principles of government, and even of society itself. The charters which we call by distinction great are public instruments of this nature: I mean the charters of King John and King Henry III. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called the chartered rights of men.

It is for the chartered rights of men that I am arguing today.

They are contained in our Constitution—"the greatest instrument," said Gladstone, "ever struck off by the hand and purpose of man."

In addition to winning freedom on the battlefield and serving as chief pilot when the new "Ship of State" was launched upon the troubled waters of international conflict, George Washington, who served as Presiding Officer of the Constitutional Convention and whose prestige enabled that Convention to report to the Continental Congress a more perfect Union, urged and begged us, in his famous Farewell Address, to preserve that Constitution.

Pending before the Senate today is a bill that violates that Constitution, strikes a blow at the sovereignty of the States, and seriously impinges upon the rights of the people thereof.

> The saddest epitaph—

Justice Sutherland said years ago—

> which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while there was yet time to save it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Alabama.

Mr. HILL. I heartily congratulate the Senator from Virginia. I have heard many speeches on the FEPC, but I have never heard an abler, more logical, or more complete speech than that which has been delivered by the distinguished Senator from Virginia. He comes from the great State of Virginia, a State made famous throughout the world for its great lawyers, statesmen, and orators. I am sure that today the Senator from Virginia has measured up to the immortal heritage of the great State of Virginia.

Mr. ROBERTSON. My colleague has praised me beyond my just desserts, but I am deeply grateful for his high tribute and kind words.

EXHIBIT 1

S. 2486

(Introduced by Senator McNAMARA)

A bill to increase employment by providing a higher penalty rate for overtime work

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Overtime Penalty Pay Act of 1964."

SEC. 2. Subsection (a) of section 7 of the Fair Labor Standards Act of 1938, as amended, is amended by striking the word "and" following the semicolon in paragraph (1) thereof and inserting in lieu thereof the following: "and, whenever such an employee is employed in any industry for which an order has been issued pursuant to paragraph (3) of this subsection, not less than the rate of compensation provided in paragraph (3) shall be required under the provisions of this section for any such overtime employment which is in excess of a maximum number of hours specified for a prescribed period in such order; and".

SEC. 3. Subsection (a) of section 7 of this Act is further amended by adding at the end thereof the following new paragraph (3):

"(3) (A) The Secretary may by order prescribe for any industry, with respect to overtime employment therein of employees to whom the maximum workweek provided in paragraph (1) of this subsection is applicable, maximum hours within a specified period (not less than forty hours per week for the period) beyond which any overtime employment of such an employer shall be compensated by the employer at the overtime rate specified in this paragraph. Such overtime rate of pay shall be not less than two times, instead of one and one-half times, the nonovertime rate on which such employee's overtime compensation under this section is authorized to be computed, except that the overtime rate otherwise applicable may be paid notwithstanding such order if the overtime employment in excess of the hours specified in the order is required only by reason of a period of extraordinary emergency or unusually compelling need (as such terms are defined and delimited from time to time by regulation of the Secretary). The procedures and standards set forth in the following subparagraphs shall be followed by the Secretary in making any such order.

"(B) Upon petition or upon his own motion the Secretary may appoint and convene a tripartite industry committee for any industry in which it is alleged or he believes that substantial and persistent overtime employment exists and that the payment of overtime compensation as specified in subparagraph (A) would increase employment opportunities in the industry without excessive costs. The provisions of subsections (b) and (c) of section 5 shall apply whenever such a committee is appointed.

"(C) The Secretary shall conduct a preliminary survey to estimate the extent and amount of regular and substantial overtime in the various industries subject to the Act and shall submit to a tripartite industry committee appointed for any such industry any relevant information therefrom and a study of the industry together with statistical information and such data as he may have available on matters referred to it, with particular emphasis on the potential impact on costs and employment of the payment of overtime compensation as specified in subparagraph (A). The Secretary shall cause to be brought before the committee in connection with such matters any witnesses whom he deems material. An industry committee may summon other witnesses or call upon the Secretary to furnish additional information to aid it in its deliberations.

"(D) Upon the convening of an industry committee, the Secretary shall refer to it the question of the maximum hours standard to be established for the industry. The committee shall investigate conditions in the industry, and the committee, or any authorized subcommittee thereof, may hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under this Act. The committee shall recommend to the Secretary the maximum hours standard in a prescribed work period (not less than forty hours in a workweek) which it determines will have the effect of translating without excessive costs regular and substantial overtime in the industry into increased employment in such industry. In making this determination the committee shall give due consideration to economic and competitive factors, including whether such recommendation minimizes changes in costs and prices and minimizes dislocations in the industry.

"(E) The industry committee for any industry shall recommend such reasonable classifications within any industry as it determines to be necessary for the purpose of fixing for such classification within such industry a maximum hours standard in accordance with the provisions of subparagraph (D) above.

"(F) The industry committee shall file with the Secretary a report containing its recommendations with respect to the matters referred to it. If a majority cannot agree on a recommendation, the public member or members shall report that fact to the Secretary. Upon the filing of the report, the Secretary, after notice and hearing and based upon the record as a whole, shall by order approve and carry into effect the recommendations contained in such report, if he finds that (i) regular and substantial overtime employment exists in the industry and recommended overtime limitations will increase employment opportunities therein without unduly increasing costs, (ii) the recommendations are made in accordance with law and are supported by the evidence adduced at the hearing, and (iii) taking into consideration the same factors as are required to be considered by the special industry committee, the recommendations will carry out the purposes of this paragraph; otherwise he shall disapprove such recommendations. If he disapproves such recommendations, or if a majority of the committee members have not agreed on a recommendation, the Secretary may again refer the matter to such committee or to another industry committee for such industry (which he may appoint for such purpose), for further consideration and recommendations. After maximum hours standards have been established for an industry, the Secretary may reconvene or establish a committee for such industry for the purpose of making new recommendations in accordance with the procedures and provisions of this paragraph.

"(G) Upon petition or upon his own motion the Secretary may appoint and convene a tripartite industry committee for or including an industry for which an order has been issued pursuant to this paragraph to reconsider such order, taking into consideration the same factors required by this paragraph which shall apply to the appointment, and operation of such industry committee, and to the review of its recommendation by the Secretary."

S. 2487

(Introduced by Senator McNAMARA)

A bill to amend the Fair Labor Standards Act to extend its protection to additional employees, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND PURPOSES

SEC. 101. This Act may be cited as the "Fair Labor Standards Amendments of 1964".

SEC. 102. The purposes of this Act are to—

(1) extend minimum wage and overtime protection to employees of certain laundry, hotel, motel, restaurant, and other food service enterprises; and

(2) consolidate and clarify the agricultural processing exemptions of the Act and narrow or remove exemptions for certain logging, transportation, and gasoline service station employees.

TITLE II—COVERAGE OF LAUNDRY, HOTEL, MOTEL, AND RESTAURANT WORKERS

SEC. 201. Section 3(m) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting after the words "'Wage' paid to any employee includes", the following: "the value of tips or gratuities received and accounted for or turned over by the employee to the employer, and" and by inserting after the words "the fair value of such" in the second proviso to such section the word "tips", and a comma.

SEC. 202. Section 3(s) of such Act is amended by striking out the colon at the end of paragraph (5), inserting a semicolon in lieu thereof, and adding the following new paragraph immediately preceding the proviso:

"(6) any such enterprise which has one or more establishments engaged in laundering, cleaning, or repairing clothing or fabrics if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated;".

Sec. 203. Section 6(b) of such Act is amended (a) by striking out "section 3(s) (1), (2), or (4)" and inserting in lieu thereof "section 3(s) (1), (2), (4), or (6)"; (b) by inserting after the words "the enactment of the Fair Labor Standards Amendments of 1961" the words "or 1964"; (c) by inserting after the words "by the Fair Labor Standards Amendments of 1961," the following: "or (iii) is brought within the purview of this section by the amendments made to sections 13(a) (2) or (3) or the repeal of section 13 (a) (10), (15), (17), (18), or (20) of this Act by the Fair Labor Standards Amendments of 1964,"; and (d) by striking out the words "effective date of such amendments" in paragraph (1) of such section and inserting in lieu thereof the words "date the provisions of this section became applicable to such employee by virtue of the enactment of the Fair Labor Standards Amendments of 1961 or 1964, as the case may be".

Sec. 204. Section 7(a)(2) of such Act is amended (a) by striking out "section 3(s) (1) or (4) or by an establishment described in section 3(s)(3)" and inserting in lieu thereof "section 3(s) (1), (4), or (6) or by an establishment described in section 3(s) (3) or (5); (b) by inserting after the words "the enactment of the Fair Labor Standards Amendments of 1961" the words "or 1964"; (c) by adding the following clause immediately after the words "by the Fair Labor Standards Amendments of 1961": "or (iii) is brought within the purview of this subsection by the amendments made to section 13 (a) (2) or (3) or to section 13(b) (1), (2), or (3) or by the repeal of section 7(c) or section 13(a) (10), (15), (17), (18), or (20) or section 13(b)(8) by the Fair Labor Standards Amendments of 1964; and (d) by striking out the words "effective date of the Fair Labor Standards Amendments of 1961" from subparagraph (A) thereof and by inserting the words "date the provisions of this section became applicable to such employee by virtue of the enactment of the Fair Labor Standards Amendments of 1961 or 1964, as the case may be".

Sec. 205. (a) Section 13(a)(2)(ii) of such Act is amended by striking out "hotel, motel, or restaurant, or".

(b) Section 13(a)(3) of such Act is amended by inserting after "any establishment" the following: "(except an establishment described in section 3(s)(6))"; and by inserting "commercial," after "transportation,".

(c) Section 13(a)(20) of such Act is repealed.

TITLE III—CONSOLIDATION AND CLARIFICATION OF EXEMPTIONS FOR HANDLING, PACKING, AND PROCESSING FARM PRODUCTS AND NARROWING OR REMOVAL OF EXEMPTIONS AFFECTING CERTAIN LOGGING, GASOLINE STATION, AND TRANSPORTATION EMPLOYEES

Sec. 301. Clause (3) of section 7(b) of such Act is amended to read as follows:

"(3) for a period or periods of not more than fourteen workweeks in the aggregate in any calendar year in an industry found by the Secretary to be (i) of a seasonal nature, or (ii) characterized by marked annually recurring seasonal peaks of operation in the places of first marketing or first processing of agricultural or horticultural commodities from farms in which such industry is engaged in (A) the processing of cottonseed or (B) the ginning or compressing of cotton or (C) the making of dairy products or (D) the handling or packing or storing or preparing or first processing or canning of any other agricultural or horticultural commodities in their raw or natural state,".

Sec. 302. Subsection (c) of section 7 of such Act is repealed.

Sec. 303. Section 13(a) (10), (15), (17), (18), and section 13(b)(8) of such Act are repealed.

Sec. 304. Paragraphs (1), (2), (3) of section 13(b) of such Act are amended to read as follows:

"(1) any employee employed during the greater part of any workweek as a driver or driver's helper riding a motor vehicle in the performance of over-the-road transport operations (as defined by the Secretary) and with respect to whose service as a driver or driver's helper the Interstate Commerce Commission has established qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935; or

"(2) any employee of an employer which is an express company, sleeping car company, or carrier by railroad, subject to part I of the Interstate Commerce Act; or

"(3) any employee employed as flight personnel on an aircraft by a carrier by air subject to title II of the Railway Labor Act; or".

TITLE IV—EFFECTIVE DATE

Sec. 401. The amendments made by this Act shall take effect upon the expiration of one hundred and twenty days after the date of its enactment, except as otherwise provided and except that the authority to promulgate necessary rules, regulations, or orders with regard to amendments made by this Act, under the Fair Labor Standards Act of 1938, and amendments thereto, including amendments made by this Act, may be exercised by the Secretary on and after the date of enactment of this Act.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 94 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Mundt
Nelson
Neuberger
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

RIGHT OF PETITION

Mr. STENNIS. Mr. President, the Commercial Appeal of Memphis, Tenn, published an editorial on Thursday, March 19, 1964, which pointedly discusses the real facts about the so-called civil rights bill now being discussed by the Senate.

I commend this timely editorial to the careful reading of all Members of the Senate and I trust it will be of special interest to those who are doubtful about their positions on this vicious and unconstitutional civil rights bill.

The word is now getting over to the people of the country as to the real contents of the bill, and the people are beginning to make their views known.

I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Right of Petition

Anti-civil-rights-bill mail flowing in to Senators from States in the North and Middle West and California has some lawmakers worried.

Their first impulse has been to blame this avalanche of mail on an organized advertising campaign. Several of the Senators charge that the advertising money, or a part of it, is coming out of Mississippi.

Perhaps. But there is nothing wrong with that. Money for so-called civil rights demonstrations conducted in the South has been flowing like a river out of the North and other sections for years.

The heavy pressure for passage of a strong civil rights bill has come from well-heeled organizations which have used advertisements, marches, sit-ins, lie-ins, boycotts, and street demonstrations. All of this has been done in the name of the right to petition the Government for changes in the law. Certainly that right is held equally by all who oppose the civil rights bill, or who think it is overly oppressive.

The same Senators who have defended the nonviolent protests of Negroes must be equally concerned about the rights and wishes of their constituents who are alarmed by the radical bill now before the Senate.

Actually, as readily as we admit the influence of advertising, it cannot convert a neutral populace into a concerted campaign of letterwriting. The people who are writing to Senators Kenneth Keating and Jacob Javits, of New York, and to other lawmakers, were not inspired solely by published advertisements.

They have watched the civil rights groups block traffic, close down businesses, shut school doors—and even cause physical attacks on teachers inside schools. They have seen a new form of dispossession instituted, under which a child would be transported at bureaucratic whim out of his home neighborhood into a slum school, simply to satisfy the demands of race agitators. Some of these upset northerners have resorted to public demonstrations themselves, but they have hardly begun to match the attack they are now under.

The strength of the protest to the civil rights bill from residents of Northern States has come as a shock to some Senators. They have a right to be surprised since this opposition has been largely concealed until now. But so has the depth of meaning in the bill.

Not until they found their lives were to be manipulated by big government—in business, in education, in social life—did they recognize the magnitude of the attack on their own well-being.

Senators who are receiving mail condemning the civil rights bill are wearing blinders if they ignore it. They are jeopardizing their personal futures as Members of Congress if they think it is motivated only by advertising.

They are now seeing the manifestation of the right to petition the Government, used by the majority to protect its constitutional rights.

THE PLIGHT OF THE NATION'S CATTLE FARMERS

Mr. CARLSON. Mr. President, when the administration declared "war on poverty" last month, it evidently forgot the Nation's cattle farmers.

The ever-increasing beef and meat imports and recent agreements on continued imports from Australia and New Zealand will further sacrifice the income of the livestock men of the United States in the interest of international trade and international policies.

Extended hearings have been held in recent weeks in the Senate Finance Committee and every witness has testified to the serious decline in livestock prices for the livestock producers of this Nation.

The Department of Agriculture has stated that agricultural income in 1963 was down $400 million as a result of reduced livestock prices. The year 1964 will be no exception, based on present prices and present imports of beef and meat products.

The average price of fat cattle has dropped below 20 cents per pound for the first time in many years. You have to go back to 1947 to find the price of Prime grade cattle as low as it is today.

Losses have been the rule in the cattle feeding business for three consecutive feeding periods, which covers a period of about 18 months, and the end is not yet in sight.

The decline in these prices resulted in a loss of income of over $1 billion in 1963.

I would be less than frank if I did not state that cattle numbers have increased during the past few years and that this is a factor in our present livestock markets, but it is also a fact that meat consumption has increased during the past decade from 63 pounds to 96 pounds per person, or an increase of about 50 percent. This increase is the result of a high living standard in our country, plus the fact that for the last several years, the livestock industry has carried on a promotion program to increase the consumption of meat.

Present imports and agreements reached by our Government assure imports of beef until 1966 will stay at the high level of 10 pounds per person. We have been able to absorb an average increase of 3 to 4 percent per year in beef imports since 1942 without adverse price effects. However, imports have continued to increase until now we import 11 percent of our beef consumption. This has resulted in disastrously low prices for our livestock producers.

The livestock industry is the most important industry in the State of Kansas. It also represents the largest segment of agriculture in Kansas. In 1962 cash receipts from livestock and livestock products totaled $683,102,000. This is equal to 53 percent of all cash farm receipts in Kansas during 1962. Kansas now ranks fourth in the Nation in cattle population, with a January inventory of over 5 million head for the first time in the State's history.

The economic well-being of the livestock producers and all agriculture is vital to the entire economy in Kansas.

In the April issue of the Farm Journal there appeared an editorial entitled, "The Beef and Sheep Men Pay." This is a factual, thought-provoking editorial that should be read by everyone interested in the future welfare of our livestockmen and our Nation's economy. I ask unanimous consent that the article may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BEEF AND SHEEP MEN PAY

"I am pleased," said Secretary Freeman of the voluntary agreement this country has just completed with Australia and New Zealand over meat imports. Judging by the cries of anger from the cattle and sheep country, he must be the only one who is.

The agreement allows these countries to ship in as much beef (and the Australians as much mutton) as the averages for 1962–63. That's 6 percent less than in 1963 but 10 percent more than in 1962. Furthermore they get an increase of 3.7 percent for the next 2 years, so by 1966 they'll be sending us more than in 1963.

What the agreement amounts to is that things won't get worse, but neither can they get much better.

U.S. stockmen wanted imports set at the average of 1958–63 period, or about half as much as now. Probably we could have gotten it. Why, then, was the level set so high? Simply because our Government has been trying to promote the idea of sharing markets around the world. We're about to go to the meeting of GATT (General Agreement on Tariffs and Trade) at Geneva, Switzerland, to sell the sharing idea. Our negotiators wouldn't want to admit that we ourselves had just put up the bars against anything. So the stockmen of the United States have been offered up as a sacrifice in our attempt to free up international trads. It's not surprising that they don't care for the role.

The cattlemen's plight is simply this: They sent 7 percent more beef to market in 1963 than in the 1958–62 period. Exports added another 1 percent. But our market can absorb an increase of only 3.5 percent to 4 percent without harm to prices. We brought on most of the trouble ourselves, by sending 1.25 million more cattle to market than the year before and making them an average of 19 pounds heavier (33 pounds for steers). We're keeping a record 106.5 million head out in the country, and a higher percentage of them than usual are cows, ready to produce more calves.

However, that's not the whole difficulty. At the very time of our acute distress, the Australians and New Zealanders were rushing an unprecedented quantity of meat here. In 1958, the Australians sold us only 18 million pounds of beef, but by 1963 were sending 517 million. Imports now furnish 11 percent of our entire supply. Our market has paid by far the highest prices in the world, and it has been wide open. Our tariff of 3 cents a pound has amounted to nothing.

Meanwhile other governments are offering their farmers more protection, not less. We got a foretaste of what the Common Market intends in the "chicken war," which we lost. Now Western Europe is trying to keep our feed grains out. Britain has recently established import quotas, as well as import prices, on both beef and pork to protect her stockmen. That's the way the rest of the world is sharing.

It's against that picture that our Government, in an attempt to set a shining example which no one is following, permits meat imports at record levels. This, by the way, is the same Government that recently wanted to graze retired cropland areas because "we need more meat."

Actually, should we get a drought we could have a real disaster on our hands. Our import agreement can't be abrogated without 6 months' notice. We'd better all pray for rain.

What can cattlemen do about it? Well, first, they will have to send less beef to market. Second, they can keep pressure on Congress and the White House for tougher import controls, even though denied them now. Third, they can refuse to be quieted by a little beef buying for school lunch programs and a Tariff Commission hearing, now likely to be meaningless. Failing all else they can resort to the ballot box next fall. That's one recourse they can't be denied, and we think they'll know what to do with it.

IOU NO. 18: THE MONTANA POWER COMPANY

Mr. METCALF. Mr. President, in my 17 statements to the Senate this year concerning electric power company regulation, rates, and advertising, I have only occasionally—and then incidentally—mentioned the major power company in my State. Today, I shall report some of the facts regarding the Montana Power Co., which supplies approximately four-fifths of the electrical consumers of my State.

THE MOST EXORBITANT RATES

Regulators and electric power companies generally agree that a fair rate of return is in the neighborhood of 6 percent. All recent surveys of power company earnings which I have seen, including those compiled by utility consultants and an investment company, show that the rate of return allowed the Montana Power Co. is the highest in the Nation.

Montana ratepayers must provide not a fair 6-percent rate of return—but an exorbitant 9 percent. And of course the earnings on common stock are higher than the rate of return. A 6-percent rate of return on investment frequently means a return of 10 percent or more for common stock in a company, because carrying charges on bonds and preferred stock are less than 6 percent.

The January 3, 1963, issue of Public Utilities Fortnightly reports the speech of Frank D. Chutter, utility analyst with Massachusetts Investors Trust, before the New York Society of Security Analysts. Mr. Chutter listed the 1960 electric utility rate of return for each State. Montana led the list, with 8.7 percent.

A utility consultant, Arnold H. Hirsch, computed rates of return for the largest electric utility in each State, for the years 1958 through 1960, by two methods. In the first instance, he computed the returns based on Federal income taxes actually paid. By this tabulation, which appeared in the May 1962 issue of Public Power, Montana Power led the list, with a return of 9.3 percent. Using the alternative method, based on normalization of Federal income taxes, Montana Power Co. also led the list, with 8.9 percent.

Last year the National Rural Electric Cooperative Association compiled a comparison of overcharges for 80 electric utilities based on taxes actually paid during the 1956–60 period and using data and accounting procedures of the Federal Power Commission. This study showed a Texas company and Montana Power Co., leading the list of overchargers. Montana Power had an average rate of return, over the 5-year period, of 9.4 percent.

The Montana Power Co., overcharge—over and above a 6-percent rate of return—totaled $39,391,000 from 1956 through 1960.

Electric power companies require a larger plant investment than many other industries. Therefore, it would be unfair to compare their revenue, as related to dividends and net profit, with some other industries. However, comparisons of dividends and net profit, as related to revenue, within the electric power industry, are valid and meaningful.

During 1962, according to the July 1963 Federal Reserve Bulletin, 15½ cents of each dollar paid by consumers to private power companies was net profit. In Montana, according to Moody's 1963 Public Utilities Manual, 25.8 cents of each dollar paid by consumers to the Montana Power Co., during 1962 was net profit.

According to the same sources, 11 cents of each dollar paid by consumers to private power companies in 1962 went to stockholders in the form of dividends. In Montana, 17.4 cents of each dollar paid by consumers to the Montana Power Co., went to stockholders in the form of dividends.

During 1962, net profits amounted to 9.5 percent of invested capital for the 35 largest private power companies, 10.9 percent for Montana Power Co.

Mr. President, I believe the foregoing supports the conclusion that the Montana Power Co. benefits from the most exorbitant rate structure of any major private power company in the United States.

Mr. President, the value of stock in the Montana Power Co., has increased fivefold since 1950, according to Moody's 1963 Handbook of Widely Held Common Stock. In other words, the person who had $1,000 worth of stock in the company in 1950 has had his investment almost amortized by dividends, and holds stock worth, at today's market value, approximately $5,000. This increase in stock value does not show by comparing market quotations in 1950 and 1963, because the company split its stock, three for one, in 1959.

Montana Power Co., unlike the neighboring Idaho Power Co., does not see fit to report to the Federal Power Commission the geographic location of its common stockholders. When asked several years ago the geographical distribution of its stock, by the late Senator Richard Neuberger, a company spokesman responded that approximately 85 percent was owned out of State.

The NRECA overcharge study to which I referred previously showed that each year during the 1956–60 period, Montana electrical consumers paid Montana Power Co. about $8 million over and above a 6-percent rate of return. With 85 percent of these $8 million in annual overcharges going out of State, we have an annual "export" of approximately $6.8 million, money which in a State with reasonable regulation would never have left the pockets of the Montana consumers and businessmen.

The company advertises that its industrial and commercial rates are already very low. If the $8 million in annual overcharges were reflected in lower rates for the 134,218—in 1962—Montana Power Co. residential customers, each family's annual electric bill would be reduced, on the average, by approximately $60, or $5 per month.

Montanans thus have more reason than citizens of any other State to refer to their principal "investor owned utility" by the initials of the phrase, "IOU."

The company's president draws an annual salary of $75,000. His holding of 2,022 shares of stock in 1950 have grown to 37,769 which, at the market price this month of 38½, are worth more than $1,450,000.

ADVERTISING

According to a survey conducted for the electric power companies by a research agency, about one-third of the IOU's spent more than 75 cents per customer in 1962—exclusive of ad production cost—on direct advertising in newspapers, radio, television, and outdoors. The electric companies plan to double, this year, the $2 million which they spent last year in their joint electric companies advertising campaign—ECAP.

The Montana Power Co. reported to the Federal Power Commission that it served a total of 156,539 electric customers in 1962, including 134,218 residential customers. It listed $165,946 in electrical sales expenditures for advertising. It listed $35,662 for national and local institutional advertising expenses. It listed $25,345 for "Information program re Buffalo Rapids and Knowles" dams, including $4,500 contributed to the Upper Columbia Development Council. I ask unanimous consent to put a Montana Power Co. report to the Federal Power Commission in the CONGRESSIONAL RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE MONTANA POWER CO.,
Butte, Mont., February 12, 1964.

FEDERAL POWER COMMISSION,
Washington, D.C.
Attention: Mr. Ralph F. Gates, Acting Chief Accountant.

GENTLEMEN: Your letter of January 29, 1964, addressed to Mr. J. J. Harrington, vice president and treasurer, has been referred to me for reply.

Below is the detailed information requested in your letter concerning the expenditures we reported in account No. 426 in our Annual Report Form No. 1 to the Federal Power Commission for 1962 under the heading, "Information Program re: Buffalo Rapids & Knowles Damsites," in the amount of $25,235.79:

The Standard Post	$6,449.55
Mailwell Envelope Co	3,185.78
Flathead Courier	102.90
Upper Columbia Development Council	4,500.00
Tom Greenfield, Inc	597.15
U.S. postage	7,754.49
Supplies from our stock	190.97
Company personnel engaged in mailing literature	2,454.95
Total as reported	25,235.79

Sincerely yours,

E. H. DUFFY,
Assistant Treasurer.

Mr. METCALF. Mr. President, the company listed $80,115.96 for "publishing and distributing information and reports to stockholders and certain other expenses."

While it appears that the Montana Power Co. thus was one of the biggest of the big advertisers, in proportion to customers, among IOU's, I want to be charitable where possible. I did not see many of the company's reports to stockholders. But I did receive indirectly the company's "Letter to Stockholders," subtitled, "Interim Earnings Statement," dated September 30, 1962. This was an eight-page brochure, with two pages devoted to a statement of income and six pages devoted to a personal attack on me. Perhaps that report to the stockholders should be charged to me, rather than the company.

RURAL ELECTRIC COOPERATIVES

Much of the criticism in the Montana Power Co.'s advertising is directed against the rural electric cooperatives, which receive 2 percent interest loans. Persons who have wondered why the rural areas are more costly to serve—and thus require special financing—will be interested in these comparisons:

Rural electric cooperatives, nationally, have 3.3 customers per mile.

The investor owned utilities, nationally, have 33.2 customers per mile, 10 times as much density.

Rural electric cooperatives, in Montana, have 1.5 customers per mile.

Montana Power Co. has 17.5 customers per mile, 12 times as much density, according to the 1963 McGraw-Hill Directory of Electric Utilities.

Despite cheap interest rates, rural electric cooperatives, with less density and less revenue, must put a larger percentage of their revenue into interest payments.

Nationally, rural electric cooperatives spend 7.4 percent of their revenue on interest.

Nationally, commercial utilities spend 6.2 percent of their revenue on interest.

In Montana, rural electric cooperatives spend 10 percent of their revenue on interest.

Montana Power Co. spends 7.1 percent of its revenue on interest.

Nationally, annual revenue per mile of line is $414 for rural electric cooperatives, $6,580 for investor-owned utilities.

In Montana, annual revenue per mile of line is $270 for rural electric cooperatives, $3,648 for Montana Power Co.

In 1963 the average domestic cost per kilowatt-hour was 2.31 cents for Montana Power customers, 2.23 cents for Montana rural electric cooperative customers.

Montana is the only State, except Hawaii, which has no local publicly owned electric utilities.

The Montana Power Co. does not indicate, in its reports to the Federal Power Commission or otherwise, to which account it charged the editorials which a company employee wrote for newspaper editors who wished to use his efforts as their own. Nor does it indicate whether the ratepayer or stockholder pays for their press releases, prepared in the name of county officials, concerning the payments made to the local government by Montana's largest property taxpayer, as the company bills itself. The phrase "taxpaying businesses" has finally been removed from the electric companies' national advertising. The president of the Montana Power Co. is a former president of the Edison Electric Institute, the electric company's trade association, whose managing director, Edwin Vennard, wrote in 1962 in the Electric Power Business that "in effect it is the customers who pay the electric company's taxes." But perhaps the former president of the Edison Electric has not read the managing director's book.

The Montana Power Co. also contributes to a variety of organizations around the Nation. This philanthropy is not publicized, but the ratepayers in Montana are entitled to know something about these expenditures and the recipient organizations. Members of this body will also be interested, because many other IOU's in other States, contribute to the same or similar organizations.

HARDING COLLEGE

From 1953 through 1961, Montana Power contributed $300 each year to the National Education Program, Harding College, Searcy, Ark. The college and NEP produce high school course outlines, films—including "Communism on the Map"—tapes for several hundred radio stations, and newspaper columns by the college president, Dr. George S. Benson. This Benson column enjoys wide circulation in the weekly press. The theme of much of the Harding College material is that the rich should be taxed less and the poor more. This philosophy fits in well with the rate structure in Montana.

In a 1960 newspaper column and in the Harding College National Program letter, Dr. Benson wrote that "any American who loves freedom and is willing to work, work, work to protect it can find intelligent directions and companionship in a John Birch Society group." President Robert Welch, of the John Birch Society, returned the compliment in his next issue of American Opinion, published by the John Birch Society.

AMERICA'S FUTURE

Another national column used in some Montana newspapers—when the subject matter deals in laudatory manner with the Montana Power Co.—is distributed by America's Future. Montana Power contributed $600 to America's Future in 1958, $400 in 1961. During 1961, the president of Montana Power also served as a trustee of America's Future. The editor of America's Future weekly is Rosalie M. Gordon, author of "Nine Men Against America," a book about the Supreme Court which was listed by the John Birch Society as one of three references to be consulted in the Birch Society essay contest, "Grounds for the Impeachment of Warren." Founder Robert Welch, of the John Birch Society, told the St. Louis Globe-Democrat in 1961 that his organization had sold more than 100,000 copies of "Nine Men Against America." America's Future distributes radio programs to 483 stations, and what it terms "millions of copies" of pamphlets. America's Future also has an "Operation Textbook," with the stated purpose of showing that "through the textbooks in the schools, particularly in the field of the so-called social sciences the progressive revolutionaries have done their most damaging work in the past quarter of a century." John Birch Society officials serve on the textbook evaluation committee. One of them, Dr. Hans Sennholz, contributing editor of the society's American Opinion, wrote in 1961 in the Freeman that the Peace Corps was adopted from the Communist Manifesto and is no different from Communist development projects.

FOUNDATION FOR ECONOMIC EDUCATION

The Freeman is published by the Foundation for Economic Education, which has long been a favorite charity of a number of IOU's. Montana Power contributed $1,000 to the Foundation for Economic Education in 1956, $500 in 1960 and $1,000 in 1961. The foundation also receives income from sale of publications such as "The United Nations: Road To War,"—$1.50—which states that the U.N. is "an instrument of unlimited government, tyranny, and war." The foundation's publication, the Freeman, is sent free to any college student who requests it, and readers are encouraged to enter subscriptions for students. Articles which have appeared during the 1960's describe the graduated income tax and the draft as the "two greatest intrusions on individual freedom in the industry of the Republic," attack rural electric cooperatives, urge corporations to be more selective—from their own self-interest viewpoint—in their donations to educational institutions. The president of the foundation urged businessmen to drop the word "fair" from the phrase "business is entitled to a fair profit," lest fairness lead to a planned economy.

AMERICAN ECONOMIC FOUNDATION

The Montana Power Co. contributed $370 in 1955 to the American Economic Foundation, which distributes "economic education" kits for elementary and high school students. AEF literature has characterized the progressive income tax as a "spite" tax. The general chairman of AEF, writing in the March 1961, issue of Public Service Magazine, singled out the electric utility industry as the industrial group showing high interest in his program, with "more than 50 privately owned power companies" having "recognized its importance and done something about it."

COMMITTEE FOR CONSTITUTIONAL GOVERNMENT

The House Select Committee on Lobbying Activities—Buchanan committee—in 1950 provided one of the few instances when the Congress and public obtained a partial view of IOU contributions to various organizations. The Buchanan committee reported that in 1950 Montana Power Co. contributed $200 to the Committee for Constitutional Government and also gave the Committee for Constitutional Government $2,465 for copies of John T. Flynn's "The Road Ahead." In his book, Flynn wrote that the "Socialist planners" had good reason to believe that "they have the private power industry on the run." As it turns out, the private power industry has the consumer on the run.

As I discussed in IOU No. 17 on March 18, according to the Library of Congress it was the Committee for Constitutional Government which complied, sold and circulated the phony Lincoln "quotes" with which the IOU's close their current propaganda film, "The Power Within."

Last fall two Montana Power Co. directors signed a letter circulated among Montanans soliciting contributions to the Committee for Constitutional Government, which was credited with successful leadership during the 87th Congress, with nationwide educational campaigns aimed directly at the grassroots.

Recipients were urged to mail checks for "$50, $100, $250, $500, $1,000 or more for a block of annual subscriptions to Spotlight—published by the Committee for Constitutional Government—at $10 each, to go to names you designate or to committee's screened list of opinion molders nationally."

INTERCOLLEGIATE SOCIETY OF INDIVIDUALISTS

The Montana Power Co. was 1 of 22 IOU's which, during 1961, contributed—most companies gave $200, some gave $100—to the Intercollegiate Society of Individualists. The founder of ISI, Frank Chodorov, now the organization's honorary chairman—both he and his successor, E. Victor Milione, have served on the national advisory committee of Young Americans for Freedom—is author of "The Income Tax—Root of All Evil." Mr. Chodorov also opposes local taxes, when used for education.

He wrote in "Human Events," whatever is wrong with the public school system is due to compulsory attendance laws and the compulsory taxes which support it. The public school is a socialized or politically monopolized institution.

None of the IOU's which contributed either $200 or $100 to the Intercollegiate Society of Individualists reported their donations in either their 1961 or 1962 annual reports to the Federal Power Commission, although one of the companies reported a $3 contribution to "veterans organizations."

Mr. President, it has not been a pleasant task to make this kind of a report to the Senate and to the people of my State. I have good friends who serve the Montana Power Co. The power company, in many ways, has done much for

Montana. I know that my colleagues can say the same about leading utilities in their States.

But there comes a time when the excesses of a favored segment of society must be noticed.

It is difficult to understand how an industry which has profited so much in this country can, through its advertising, its lobbying, its donations, so viciously attack its competitors—the rural electric and municipal systems, can attempt to destroy the tax structure upon which the Nation's continued existence depends, can feed the forces of suspicion which spread malice.

Mr. President, the extent of propaganda activities by the electric power companies is unknown. Tax-exempt organizations are not required to publicize their benefactors. Some power companies are not under Federal Power Commission jurisdiction. Some of the companies which are under FPC jurisdiction report only in general terms concerning their donations and contributions.

Mr. President, candidates for political office and organizations which seek election of candidates are required to publicize their contributions received. The public has the right to know what individual, what organization, seeks to elect or defeat a candidate for President Congress, State legislature, the county board of commissioners, and so on.

Does not the public also have the right to know who puts up the money for campaigns to impeach the Chief Justice of the United States, or to destroy the Nation through abolition of its principal source of revenue?

THE SERVICE OF SARGENT SHRIVER

Mr. McGEE. Mr. President, our Nation has been benefited greatly by a large supply of dedicated, realistic, and resourceful people who are willing to make some sacrifices to head agencies in our National Government.

The particular individual to whom I wish to call attention is Mr. Sargent Shriver, who is so ably directing the destinies of the Peace Corps, and, more recently, President Johnson's war on poverty.

He made a very remarkable and effective appearance on the "Meet the Press" television program last evening.

I ask unanimous consent to include in the RECORD an account of an interview with Mr. Shriver, which was published in the Washington Evening Star of yesterday.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A STRATEGY FOR THE WAR ON POVERTY

Question. Mr. Shriver, you now have two very demanding jobs: The Peace Corps and the war on poverty. What are your plans as far as the Peace Corps job is concerned?

Answer. My plans are to continue to do the job as long as the President wants me to do it. I have not had a discussion with the President about this particular point. I will say, in addition to that, that the Peace Corps over a 3-year period has now been able to create a substantial number of men and women who are fully familiar with its policies, procedures and programs.

Question. Your deputy, Bill Moyers, also has a second job as a special presidential assistant in the White House. Will it be possible for both of you to continue wearing two hats?

Answer. Yes. It is obvious that President Johnson can put somebody else into either of these jobs any time he wants to.

Second, in the last week I have brought two new Associate Directors here to the Peace Corps, Harris Wofford, back from Ethiopia; and Dr. Sam Proctor, who was the president of North Carolina Agricultural and Technical College. We have five associate directors. They are the top men in the Corps. Now is the first time that all five of these jobs have been filled at the same time.

In addition, over the last 6 months or 8 months, I have been bringing experienced Peace Corps men back from overseas to Washington and putting them into the key jobs here.

So we are beginning to get what the New York Yankees call "bench strength." We never had it before. We have it now, so that we are able to get along better today without a full-time Director concentrating exclusively on the Peace Corps than we could have at the beginning.

ON VICE-PRESIDENCY

Question. As far as the Vice-Presidency is concerned, are you a candidate? Could you take the job as Director of War on Poverty for a few months only—and then accept the vice presidential nomination.

Answer. No. First, I hope it is obvious that I am not a candidate. I haven't done anything even by way of lifting a little finger. For example, you will notice, I don't speak at political fund-raising dinners, and I don't go out to political meetings. It isn't that I am against such meetings or don't enjoy them. I used to do those things before I came to Washington. But I have curtailed all activity of that kind ever since I have been with the Peace Corps. So I am not at all behaving the way candidates behave when they are interested in jobs.

Second, it was my intention when I took the Peace Corps job to do it to the best of my ability. The same is true in this effort against poverty. Who knows, I might fall flat on my face. But I am neither looking for a job nor am I looking to get out of a job.

Question. Do you think the war on poverty will be tougher to organize than the Peace Corps was?

Answer. To me, organization is a question of people and not of a chart. If you can get the right people to handle particular sections of this war on poverty, and we are very fortunate in the Federal Government, it is really very easy to run it. So in many respects this is going to be an easier program to run than the Peace Corps.

SCATTERED RESPONSIBILITY

Question. How can you direct the poverty program when its important elements are scattered through departments?

Answer. That is a coordination job rather than a direction job. I don't think that anyone can actually direct other departments and it is not our intention to direct them.

Question. How will disagreements between you and a Cabinet officer be resolved?

Answer. If there were such a disagreement, we would resolve it just as we resolve any issue around here. I am not the kind of person who issues Jovian thunderbolts from the top of Mount Olympus. I have not run anything that way. I feel these are all problems that Bill Wirtz (Secretary of Labor) or Secretary Hodges (Commerce) or Secretary Freeman (Agriculture) or Secretary Celebrezze (Health, Education, and Welfare) or Frank Keppel (U.S. Commissioner of Education) or Stewart Udall (Secretary of the Interior) and I have a common interest in solving and there is not going to be this kind of cataclysmic difference of opinion about what should be done.

Question. Mr. Shriver, would you comment on these reports of great differences between you and the Cabinet members on how to run this war on poverty?

Answer. There just weren't all of those differences. It is one of the most exaggerated stories I ever read, as I keep trying to tell people. There were more differences about how the Peace Corps should be organized than there were about this.

When the Peace Corps got under way, it was in the early days of the Kennedy administration and there were 16 things going on that were new and most of the reporters were running around covering other stories. But in that room behind that wall—if those walls could speak—you would hear people arguing with each other about how the Peace Corps should be run—including the name. A third didn't like the word "peace" and a third of them didn't like the word "corps" and a third of them didn't like putting them together. We started with a great violence of opinion.

OPERATING JOB CORPS

Question. Can we talk a little now about how the new Job Corps will operate with its 100,000 young men?

Answer. There are two parts. One is a conservation component, to be run in conjunction with the Interior Department. It involves work on public lands and forests of the United States by small units, anywhere, let us say, from 50 to 200 men in a unit. The main thrust will be work, but there will also be some educational opportunities.

In addition, there will be the education component, a program of educational centers. Some people call them camps and it might be a Defense Department camp or an Agriculture Department facility and so on. These will be places where people will get basic education, if that is what they need.

Question. Reading, writing and arithmetic?

Answer. That is right. And there will be vocational training. For all, there will be physical education and there will be health education. There will be job orientation: They will be given instruction in how to apply for a job; how to fill out application forms; the necessity for being on time for a job; and how to behave on a job—instruction which many of these boys have never had.

There may even be opportunities for some to leave the confines of the center and get preapprentice work in an industrial enterprise or a plant operation.

HOW ABOUT UNIONS?

Question. Will the unions permit such men to work in a plant without belonging to a union?

Answer. These people would not be doing work which is now being performed by union people. Whatever they do will have to be done in cooperation with the unions. But they will not be going in and taking away jobs.

Question. In other words, no employer could use them as a way to get cheap labor?

Answer. No.

Question. How will you select the young men who come into these camps?

Answer. That will be the Selection Division's problem. But there are today 1,250,000 people who have been rejected by Selective Service who are potential candidates. In addition, there are about 1,500,000 between 16 and 20 years old who have never had a job and are out of school. Our theory is that out of this total of 2,700,000 youths we will be able to select 40,000 the first year who show a reasonably good chance of profiting from this program. Now, you say to me, "how are we going to find out which ones those are?" I don't know precisely how we will do it but we will have exams, references, and interviews, and so on.

One thing we will not do. We certainly won't take the first 20 or 100 or 5,000 out of the delinquent population, narcotics addicts, and alcoholics. It is my personal belief that in these 2,700,000 people there is a terrific number of boys who are perfectly good guys.

CAN THEY BE CHANGED?

Question. Do you think the ones you choose will, on the basis of a year or two in these camps, be able to change their lives sufficiently so that they can pass an Army test or get and hold a job?

Answer. Yes, I do.

Question. What are you going to do about the rest of the 2,700,000 young men?

Answer. As soon as we gain experience, we hope to move up to 100,000. You have to remember that in some of the families from which we select a boy, he may be the first member who ever was given a chance to get out of poverty. As he escapes, it becomes clearer to the others in the family and they too can escape. He becomes not only an example to them but also of assistance to them in doing it.

Question. What kind of camps will these Job Corps facilities be?

Answer. They would probably be former CCC camps, or Department of Interior installations, or U.S. Forest Ranger sites, and so on. To the extent possible, we will use existing facilities.

Question. Will these camps be integrated?

Answer. Surely.

Question. Won't you find some border or Southern States won't take them because of this?

Answer. We have had integrated Peace Corps programs in North Carolina, Tennessee and Alabama. I suppose it is theoretically possible it would pose a problem, but you wouldn't have to use that place for a job center.

ON APPALACHIA

Question. Why isn't the so-called Appalachia program a part of your overall drive on poverty?

Answer. No. 1, it has been under development for a year, and I think the worst thing is to have something going along for a year and then, simply because something new comes along, say, "Now you have to stop that and start all over again and fit it into this."

Second, it involves about eight Governors who have been working very actively for a period of a year. Therefore, it is intrinsically different from what we are talking about.

Question. The biggest single element in this antipoverty program is the community action portion, isn't it?

ON WINNING THE FIGHT

Answer. In terms of money, it isn't quite the biggest. The largest amount of money, we plan, will be spent in the youth program. Community action will be the second biggest, but some people think in terms of long-lasting results it might be the biggest.

Question. Will we ever see the day when we can say that the war on poverty has been won?

Answer. This may not be a good example, but I can remember very well when kids were dying of scarlet fever, diphtheria, and other diseases. Those diseases are gone, so far as the United States is concerned, but doctors still are working on other diseases.

Now, I see this poverty effort in a similar light. Millions of people are stuck in poverty today. I would hope that as a result of this and other efforts, that over a period of years the number of people mired permanently in poverty will be almost eliminated in America. I think technically that can be done.

There will still be problems of health I am sure, and problems of education, and so on with these people, but not a genuine poverty problem.

Question. If this is successful, how many years will it take?

Answer. I really don't know. I have been asked that several times, and I would like to give a facile answer, but I don't know.

Question. Are you thinking in terms of decades, or shorter?

Answer. I don't know. I think it could be done shorter than that; yes. To me, the problem today is to do it. I don't think it is possible for anybody to say exactly how long or how much money it will take; only that it is essentially desirable from the point of good of American society, and it can be done.

SUCCESS OF OUR FOREIGN AID PROGRAMS

Mr. McGEE. Mr. President, the success of our foreign aid programs can be demonstrated by the fact that many nations which were once recipients of our assistance are now economically independent, and more nations are gradually joining that group of independent countries.

Many critics of foreign aid are continually heard to suggest that we are getting nowhere. As a matter of fact, as the very able director of that program, Mr. David Bell, has so well pointed out, 17 nations which had received foreign aid have already been dropped from our aid programs because they have arrived at the point where they can take care of themselves. He alludes to the fact that 14 more nations are on the way to economic independence.

I believe this to be a much more effective yardstick for measuring our progress than the carping criticisms which tend to suggest that we are not getting anywhere or that the programs are not effective in bringing about economic progress around the world.

I ask unanimous consent that an article dealing with the subject, which appeared in yesterday's Washington Post, be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BELL SEES MORE NATIONS OUTGROWING AID NEED

Foreign Aid Chief David E. Bell predicted yesterday that country after country will drop from U.S. aid rolls in future years because of growing ability to pay their own way.

Bell said 17 countries, mainly in West Europe, now are self-supporting after once getting U.S. assistance. Of the remaining 76 receiving U.S. economic help, 14 now are on their way to self-support, he said. He did not list the 14.

While some countries with big economic problems will take a decade or more to finance their own way, he said, "the process has begun for the developing countries—as it did in Europe some time ago—and in the following years it will be repeated in country after country."

Bell, who heads the Agency for International Development, made public a situation report in advance of the Monday opening of House Foreign Affairs Committee hearings on President Johnson's request for $3.4 billion in new oversea assistance funds for the coming fiscal year.

Bell's statement was in the form of a summary of the material the administration intends to present to Congressmen in support of the program. The Foreign Aid Director noted these changes in the program since it began 15 years ago with the postwar Marshall plan for Europe:

In 1949, 86 percent of U.S. aid went to West Europe and Japan. Today none of these countries is receiving American economic assistance.

Ten years ago 60 percent of U.S. aid went for military equipment and training. Today 70 percent of U.S. aid is economic.

Five years ago two-thirds of U.S. economic aid was in the form of gifts. Now two-thirds is in loans repayable in dollars.

The main focus of the program has shifted rapidly from arms and economic gifts to spending for development projects which speed up the economies of the aid-receiving countries.

More than 23 percent of U.S. economic aid in the Johnson budget will go to Latin America, compared with about 2 percent in the years 1948 to 1960. U.S. aid to Latin America in 1960 amounted to 53 cents per person in Latin America. It has climbed now to $2.59, the highest concentration of U.S. aid in any region.

ALLIANCE FOR PROGRESS

Mr. McGEE. Mr. President, there is no shortage of problems in the Alliance for Progress but it has become apparent that these problems have overshadowed the real progress that is being made in Latin America.

An indication of that progress is contained in an article which appeared Sunday in the Washington Post. This article quotes a news conference given by William D. Rogers, deputy coordinator for AID.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUBSTANTIAL GAINS IN AID TO LATINS REPORTED BY UNITED STATES

A weeklong meeting of U.S. aid chiefs has disclosed unsuspected and substantial advances in the Alliance for Progress, William D. Rogers, deputy coordinator of the program, said yesterday.

Rogers gave this report at a special news conference attended by the 19 U.S. aid mission directors who returned from their Latin-American posts for the full-dress review.

A week ago President Johnson said "we are distressed" that the aid-and-reform program hasn't been more successful.

But Rogers presented an array of promising statistics and said they reflect a revolution in Latin-American attitudes that bodes well for better results. Local communities, private businessmen, and even military regimes were said to be pushing economic development.

Rogers said that in the week's meeting of mission chiefs "we found we are substantially further along than we thought." Some of the statistics given to newsmen on the results of the $1 billion a year U.S. aid:

By the end of the next fiscal year, U.S. aid will have helped build 326,600 housing units for lower income groups, build 36,400 classrooms, publish 11,210,000 books, make 300,000 agricultural credit loans, construct 2,120 water systems benefiting 24 million people, establish 624 health centers helping 8.8 million people and feed 22.6 million people through U.S. farm surpluses.

Rogers said that he believed by the end of the 10-year program in 1970 the goal of an annual 2.5 percent growth rate in per person income will have been achieved in a number of the Latin American countries.

It will not be reached in others where there are political problems, he said, but he added that recent progress has made aid officials believe the goal can be reached.

THE FOREIGN AID PROGRAM

Mr. McGEE. Mr. President, there is a distressing tendency in the history of this Nation to let up our efforts when the worst of our struggles are over and thereby forfeit all or part of the end we sought.

Thus, we met the challenge of the Civil War but failed to implement the peaceful extension of the issues over which that war was fought. We have entered into several wars with the determination to preserve our Nation and eliminate warfare from the face of the earth and have then failed to make the further commitments, much smaller in terms of cost and sacrifice, required to solidify the position won at great cost in blood and money.

Mr. President, in the years immediately following World War II this Nation was exceedingly generous in its aid to those nations devastated by war. A free and prosperous Europe was the result. But now that our experiments seem to be paying off we fall back from the final commitment necessary to complete the job. An editorial in the Washington Post for March 22 presents an excellent analysis of how we, by lack of vision, are selling short our own capabilities for improving the world and our position in it. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOO LITTLE

The tone of the President's foreign aid message and the amount of the appropriation for which he asks both reflect a disenchantment with foreign aid in Congress and in the country. He has sent to Congress the smallest request in the history of the program—a billion dollars for military assistance and $2.4 billion for economic assistance. He will be lucky if Congress does not cut this back.

The late President Kennedy was puzzled over the Nation's weariness about foreign aid and wonderingly asked, at one point, why we were tiring of a burden still relatively light and already yielding some progress. There is no disputing the fact that we are tiring. There is good ground to argue that we should not be weary of a task that, in the long view of history, we have only just taken up. What we really set out to do with economic assistance was a revolutionary thing. We acknowledged, by our very attempt, that mankind for the first time in human history, has within its grasp the opportunity to put an end to human want as it has been known in much of the world ever since the beginning of time. Until this generation, it was not within the reach of any society, however philanthropic, to rescue the rest of the world from the want and misery that had been the lot of most people from youth to age. It is only lately that we have awakened to the fact that by a miracle of economic organization we could conquer scarcity. We have arrived at a time when by the right use of resources we could confer on all men relative abundance, in terms of the basic needs of man. This is a purpose so staggering in its implications that it has not yet gained a general understanding.

Perhaps if it were better understood, if the real grandeur of its dimensions were better realized, there would be less impatience at our failure to achieve the millenium in a few short years. In terms of the aspirations of struggling people back to the dawn of history it is really the millenium that we barely glimpse ahead.

Our investment in this purpose, emotionally and financially, has been substantial, but it has not at all been commensurate with the possibilities involved. The privileged nations have been spending on this objective only about $3 a head each year in their investment among the developing peoples, as Barbara Ward pointed out in her Georgetown address here Friday. And while other nations, excited by the vision of a world made safe from want, have steadily increased their contribution—with France spending at the rate of 2 percent of its gross income and Germany, Britain, and Japan steadily increasing their contribution—the United States has allowed its input to drop toward one-half of 1 percent of its gross national income. We have been the first to weary of our exertions at well-doing.

We have been disturbed because the results have not been greater and swifter. The logical response to this disappointment would be a greater effort and not a lesser effort, some differing methods and not less exertion of any kind. The goal of a world living in unprecedented abundance ought to be sufficiently exciting for its own sake. But it can be and ought to be said that in such a world, the United States, by the narrowest standards of self-interest, will be more secure than it will be if worldwide want persists.

The President's proposals reflect our disappointments and our fears and not our hopes and expectations. He has sent to Congress a program that is not large enough in its financial commitment or large enough in those qualities that excite a great people to make great exertions. Congress no doubt will now set about to make both the appropriation and the vision even more limited. We slowly yield to others the leadership in one of the noblest undertakings of the civilized countries of the world.

QUALITY STABILIZATION VERSUS MONOPOLY

Mr. HUMPHREY. Mr. President, I am not surprised that opponents of the quality stabilization bill have chosen to remain silent about the significant passage in President Johnson's farm message relating to monopoly in the Nation's food distribution system.

For this passage, though seemingly related only to the monopoly threat to the country's 200,000 retail grocery stores, carries with it broader implications affecting our entire retail economy.

> There are some 200,000 retail grocery stores—

Said the President—

> but we know that one out of every $2 spent for groceries goes to fewer than 100 corporate, voluntary, or cooperative chains.
>
> Our information about how this greatly increased concentration of power is affecting farmers, handlers, and consumers is inadequate. The implications of other changes that take place, such as vertical integration and contract farming, have not been fully explored.
>
> I urge that the Congress establish a bipartisan commission to study and appraise these changes so that farmers and business people may make appropriate adjustments and our Government may properly discharge its responsibility to consumers.

The President thus recognized the growing threat of monopoly to the American retail food market. And he clearly indicated his administration's concern over the affect which the forced elimination of the independent food retailer could have on the farmer, the consumer, and other segments of our economy. The reason for this administration's concern should be obvious to those who value our competitive free enterprise retail system.

The economic pressure generated by growing monopoly in the food distribution industry has meant fewer outlets for sale of farm commodities and for purchase of consumer needs. This concentration of economic power has to all intents and purposes provided a few giant operators the power to fix prices on both ends of the distribution spectrum. The producer, in this case the farmer, finding fewer outlets to purchase his produce, is soon at the economic mercy of those outlets which remain.

Thus, as the President noted, recent years have seen the development of vertical integration and contract farming to fit the pattern created by concentration of economic power. And of course the spiral continues along this production end of the spectrum, since such vertical integration and contract farming arrangements put even greater pressure on remaining independent farmers. The monopoly processes, like a cancer, is both destructive and self-generating.

We can therefore see that monopoly in the retailing of food is not a sealed economic package. It reaches back to develop the same monopolistic conditions in the production of foodstuff—and it reaches ahead, too.

On the opposite end of the spectrum, we find our American consumer, like the farmer, provided with fewer outlets from which to purchase his groceries. His freedom of choice—the essence of our free enterprise system—is sharply limited. As the cancer of monopoly spreads, one by one eliminating its retail competitors, the consumer soon finds himself at the mercy of a few giant food chains.

At this point, as economic history has demonstrated time and again, the relationship between the monopolist and those with whom he does business can be expected to change. For with competition killed off, those who hold concentrated power to buy and sell can virtually dictate to their suppliers and their customers.

Of course, the end result of this process can only be the complete destruction of the competitive free enterprise system in the American food marketplace. And this no doubt was the specter which impelled the President to ask that the Congress establish a bipartisan commission to "study and appraise" the current situation in the Nation's food distribution system.

Yet if monopoly ownership and concentrated purchasing and selling power threaten our food retail system, what about this same threat as it affects our overall retail economy?

Monopoly ownership threatens all segments of our independent retail economy. The concern which the administration has expressed for the future of our independent food distribution system logically applies to the entire retail distribution system.

The independent grocer faces extinction—and the same prospect faces independent retail operators throughout the country, whether they be grocers, jewelers, hardware dealers, and shoe merchants or general merchandise outlets.

Are the number of food retail outlets diminishing? So are the number of general retail outlets—at the alarming rate of over 1,200 a day.

Is retail economic power then becoming concentrated into the hands of a few food industry giants? The same situation is coming to pass in the general retail field. A spokesman for one of the emerging general retail giants even boasted to a congressional committee that control of the country's retail economy will within 10 years be held by "less than 50 mass merchandise organizations."

Is the farm producer being squeezed as a result of having fewer retail grocery outlets for his products? So is the independent manufacturer, who finds himself increasingly at the price-fixing mercy of a few giant outlets.

The parallel between the food retail and the general retail situation does not end here. So extensive have monopoly retail practices grown in areas throughout the country that many independent retailers have been driven to physically merge, on a retail sharecropper basis, into monopoly store operations. And how does this concentration of retail economic power affect the consumer? Here again there is a parallel between the food and general retail situations. The consumer may seem temporarily to benefit by the growth of general retail monopolies, as is the case with food monopolies. But when the point is reached where all competitive rivals have been eliminated, then the retail giant will have almost unlimited powers to fix such prices and establish such levels of quality as will suit his own narrow business purposes.

President Johnson has raised storm warnings regarding monopoly growth and economic concentration in the food industry. He has asked that a bipartisan commission be empowered to study and appraise economic concentration as it relates to food retailing. If such a commission is named, it might well begin its work by studying the economic evidence and appraising the conclusions reached by another bipartisan congressional group interested in preventing monopoly and preserving free competition in the Nation's overall retail economy.

I refer of course to the bipartisan group of Senators and House Members who are sponsoring S. 774 and H.R. 3669, the quality stabilization bill. This legislation, if not a cure-all to the present ills of the country's retail marketplace, nevertheless represents a considered effort to see to it that in the President's own words regarding the curbing of food retail monopoly:

> Business people may make appropriate adjustments and our Government may properly discharge its responsibility to the consumer.

What effect would the quality stabilization bill have on the growth of monopoly in the Nation's retail marketplace, including those segments of the retail grocery business as its provisions might cover?

The answer is that quality stabilization would serve as a check on predatory monopolistic retail practices by providing the manufacturer of brand-name merchandise some degree of control over the resale of his product. Under this provision, the independent brand-name manufacturer would be receiving only those same rights—no more, no less—as are now exercised by chainstores marketing their own private label merchandise. The retention of these rights over his product by the independent brand-name manufacturer would curb the giant operators' ability to exert competitive pressure on the independent retailer.

We believe that the continued existence of the independent retailer is the consumers' best hope for fair competitive price and good quality standards of merchandise. The force-down of prices by loss-leader marketing techniques is one prevalent method by which the retail giants hope to eliminate small, independent competition.

The elimination of such cutthroat marketing techniques, as they affect the the retail sale of manufactured products, is a primary aim of the quality stabilization bill. And this legislation would achieve this end in a manner entirely consistent with and beneficial to our free-enterprise system. Provisions of the bill are voluntary. No manufacturer would be required to come under its terms, unless he so desired, nor would anyone be required to distribute or retail any product.

These are factors to be seriously considered by any commission or economic study group that takes up the matter of concentration of ownership in our food retail industry. The President's recent message only substantiates what those of us who support quality stabilization have been saying for some time—our independent retail system is endangered by such concentration—and if it is to be saved the Government must take remedial action.

What remains now is for those who recognize this danger to free their minds of preconceived notions and to take another look at quality stabilization. We have come to recognize the economic problem—now let us recognize and do something positive about the best economic solution yet advanced in this area.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HILL. Mr. President, in the opening speech of this debate—on the very first day of the debate—I expressed my grave concern over the inherent dangers of H.R. 7152 to the basic tenets of our democratic system of government and to the principles on which it was conceived and founded. I urged that we carefully consider and ponder the consequences of any rash and expedient action to satisfy the demands and the clamor of any particular group at any given hour. Subsequent debate and discussion here on the floor of the Senate have confirmed my grave concern regarding the bill.

In my 40 years in the Congress of the United States, I have never seen a more sweeping or far-reaching piece of legislation, of any kind, sort, or description than the so-called civil rights bill now before us. Every American—north, south, east, and west—should be concerned with the bill and should fully understand it and its real consequences, for, Mr. President, in the name of so-called civil rights, this bill would trample on the established rights of the overwhelming majority of Americans; it would drastically change the system of laws and justice affecting all Americans; and it would cripple and, in many instances, destroy the constitutional liberties, freedoms, and safeguards fundamental to our form of government. It would place in the hands of the executive branch of the Government, and particularly, I may say, in the hands of politically appointed Attorney Generals of the United States, undue, unlimited, and excessive powers; it would increase to mammoth proportions the wave of Federal Government and Federal bureaucratic control over the lives of our people. In the name of so-called equal opportunities, it would grant special privileges to a particular group.

In short, the civil rights bill, H.R. 7152, would undermine the legal and political bedrocks upon which we base our American heritage of freedom, progress, and opportunity: separation of powers, limited executive authority, no special privilege.

These are the hallmarks of our American system, and they have been the hallmarks of our system since 1787, when the Constitution of the United States was ratified; and on the basis of these hallmarks we have grown to become the mightiest, most powerful, freest, and greatest nation on the face of the earth.

If for the sake of expediency, this Congress enacts legislation that disregards the very principles upon which this Nation was founded, that destroys the legal and political bedrocks upon which we base our American heritage of freedom, progress, and opportunity, that ignores constitutional guarantees and tramples upon legal rights, we will have contributed to the rationalization of those who openly espouse disregard of the law, who call for massive acts of civil disobedience, and who pledge obedience only to a law of their own choosing; we will have succeeded in denying the overwhelming majority of American citizens certain of their civil rights, in order to grant special privilege to a few.

If for the sake of expediency this Congress enacts legislation that disregards the very principles upon which this Nation was founded, then we shall learn from sad experience the wisdom of the words of the late Justice Brandeis, who warned of the dangers of haste in the lawmaking process. He cautioned:

> Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent * * * The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding.

We see the example in the Pilgrims, who nearly 350 years ago fled Europe and sailed across the uncharted Atlantic to establish religious freedom. Once their colony was settled, their leaders oppressed other religious beliefs with an even greater intensity than they, themselves, had suffered. Some members of the colony had to flee, because once again they sought the very ideal upon which the colony was founded—but which then no longer existed—freedom to worship in one's chosen manner.

Mr. President, H.R. 7152 goes to the very heart of the questions of the balance of power among the separate branches of government, of the division of authority between the Federal Government and the States, of the protection that shall be afforded the accused in a civil case, and, more basically, to the question of the extent to which government shall control the businesses, the education, the recreation, the associations and—yes—the very lives of you, of me, of every American.

No object was more important to the founders of this Nation than to insure that its people would never again be subject to the despotic power exercised over the Colonies by George III and his ministers. Two principles embodying this object were woven into the basic fabric of our Government—separation of powers and limited executive authority. The patriots who survived the bitter ordeal of Colonial rule declared to all the world that those who were to be governed knew best how they should be governed and that Government should move only as consent flowed from the people.

Now, 188 years later, we are being asked to destroy these principles of separation of powers and limited executive authority. We are being asked to place into the hands of politically appointed members of the executive branch almost unlimited authority to exercise the vast powers of the Federal Government over virtually every facet of economic and social life in the United States. The exercise of these powers would so tip the balance of power of the executive branch that the division of authority as envisioned by our Founding Fathers and as yet contained as the written word of our Constitution would become passé. The Constitution would no longer serve as a safeguard for the right of the people to govern themselves. Consent would no longer flow from them.

Our Founding Fathers added a third basic feature to their blueprint for democracy, that is, that no class or group shall enjoy special privilege. In the opening speech of this debate I dwelled at length on how title II, the so-called and misnamed public accommodations section of H.R. 7152, violates all three of the basic principles of this blueprint for democracy. I submitted then and I submit again now that there is no way of justifying under either the 14th amendment or the commerce clause of the Consitution giving the Federal Government the power to tell a businessman whom he can or cannot select as his customers and how he may or may not use his own private property.

As I pointed out at that time, the application of the 14th amendment is limited to questions of State action and does not extend to transactions between private individuals. The commerce clause was a negative grant of power to be used to prevent States from interfering with the free flow of interstate commerce. The records of the Constitutional Convention clearly show that the purpose of the commerce clause was basically restrictive and was not meant as a source of national power. Perhaps James Madison, frequently referred to as the "Father of the Constitution," explained most concisely just what the commerce clause was intended to do when he declared that the power to regulate commerce "was intended as a negative and preventive provision against injustice among the States themselves rather than as a power to be used for the positive purposes of the General Government."

The U.S. Supreme Court has ruled again and again on the subject. In my earlier speech I cited the case of *Calder* v. *Bull*, 3 Dall. 386, 388 (1798), wherein the Court declared:

> The Legislature * * * cannot violate * * * the right of private property.

The Court ruled in the 1795 case of *Vanhorne* v. *Dorrance*, 2 Dall. 304:

> The right of acquiring and possessing property, and having it protected, is one of the natural, inherent, and inalienable rights of man. The preservation of property then is a primary object of the social compact.

One of the greatest judges ever to sit on the Supreme Court of the United States was Mr. Justice Story. Mr. Justice Story spoke for the Court when he wrote in the decision in the case of *Wilkinson* v. *Leland*, 2 Pet. 627, 657 (1829):

> The fundamental maxims of a free government seem to require that the rights of personal liberty and private property should be held sacred. At least, no court of justice in this country would be warranted in assuming, that the power to violate and disregard them—a power so repugnant to the common principles of justice and civil liberty—lurked under any general grant of legislative authority—a different doctrine is utterly inconsistent with the great and fundamental principle of a republican government, and with the right of the citizens to the free enjoyment of their property lawfully acquired.

Blackstone eloquently rebutted arguments that individual property rights ought to yield to what could be called the public good. He stated it in the following way:

> So great, moreover, is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community * * * the public good is in nothing more essentially interested, than in the protection of every individual's private rights.

Note Blackstone said, "in the protection of every individual's private right."

We will recall that section 335 of American Jurisprudence declares that:

> The right of property is a fundamental, natural, inherent, and inalienable right. In fact, it does not owe its origin to the Constitutions which protect it, for it existed before them. It is sometimes characterized judicially as a sacred right, the protection of which is one of the most important objects of government. The right of property is very broad and embraces practically all incidents which property may manifest. Within this right are included the right to acquire, hold, enjoy, possess, use, manage, insure, and improve property.

As I declared in earlier debate on this measure, and as has been so eloquently restated in the learned discussions of it that have since taken place, the so-called and misnamed public accommodations provision of H.R. 7152, if enacted, would stifle the very spirit of the American free enterprise system and undermine its most basic principles. It would invade and destroy the inalienable personal and property rights which our forefathers deemed indispensable to liberty. It would create a Federal right to "the full and equal enjoyment of goods, services, and facilities" of privately owned establishments. And let me remind the Senate again—these are privately owned accommodations we are talking about, not public accommodations. Public accommodations were desegregated by court action some years ago—including public accommodations at the airport in my hometown of Montgomery, Ala., and the other public accommodations in my State. It would deny to the owners of privately owned establishments the right to choose their customers. It would deny to owners of business establishments the right to use their private property as they see fit. It would deny to the accused the right to confrontation by his accuser. It would deprive the accused of civil remedies, which would deny him certain of his civil rights.

One of the fundamental rights of our Anglo-Saxon system of justice, along with the right of trial by jury, is the right of confrontation by one's accusers.

Mr. THURMOND. Mr. President, will the Senator yield for a question, with the understanding that he will not lose his right to the floor?

Mr. HILL. I yield for a question with that understanding.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the Senator from Alabama has brought out a very important point, under title II, the so-called public accommodations section of the bill. In speaking of private property, the Constitution of the United States, in the 5th amendment, provides:

> No person shall be held—

To do so and so. Then it states:

> nor be deprived of life, liberty, or property, without due process of law.

I ask the Senator this question: If a man is required to serve or sell to someone on his own private property whom he does not wish to serve or sell to, is that not depriving him of the use of his property, as was contemplated in the Constitution of the United States, which states that he shall not be deprived of it?

Mr. HILL. The Senator is exactly correct. It would deprive him of that use, not only as was contemplated by the Constitution, but as was cited by the Constitution as being a right that was absolutely insured. Under the Constitution he is insured that right. The bill would run roughshod over, and trample under, the rights contained in the Constitution, and take away from a man his constitutional right to the use of his own property according to his own wishes.

Mr. THURMOND. Is not the ownership, management, and control of property one of the distinguishing features as between the private enterprise system of America and the Communist system?

Mr. HILL. The Senator is absolutely correct. There is no feature of our Government that stands out in such contrast to communism as the very right to which the Senator has addressed himself—that of ownership and use of private property according to the desires and wishes of the owner. That is the very bedrock and foundation of our American free enterprise system.

Mr. THURMOND. When Karl Marx, the man in whose brain the theory of communism arose, who was born in 1818 in Germany, but who did not live to see Lenin take over Russia in 1917, 99 years later, made the statement that his goal in life was to dethrone God and destroy capitalism, was he not thinking more than anything else, when he referred to his goal of destroying capitalism, of destroying the right of ownership of private property?

Mr. HILL. That is what he had basically and primarily in mind, and that is what he was teaching through communism—and he was the father or author of communism. That is exactly what communism has brought about.

Mr. THURMOND. He said his goal was to destroy capitalism. Is not ownership of property the very heart of capitalism?

Mr. HILL. It is, indeed. It is the foundation stone of capitalism. Private property is the heart, the bone, the sinew, the very bedrock and foundation, of the capitalistic system.

Mr. THURMOND. In this country a man can own a farm; he can own a home; he can own a factory; he can own other property. In Russia a person cannot do that. When a young couple are married in Russia, the wife does not have the pleasure of looking forward to some day owning a little home over which she can preside like a queen. She does not have the right to look forward to raising a family in her own home, or planting a lawn or shrubbery and making it beautiful, knowing it will be her own. They cannot do that in Russia. Here in American we have the privilege of owning, and controlling property.

The so-called public accommodations title should be labeled "Invasion of Private Property." That would be a better term for it, because it would invade private property.

If this provision should pass, would it not set the precedent along the line of Government control of the private property of the citizens of America?

Mr. HILL. Certainly. It would not only open the door wide, but it would march in through the door the very thing the Senator is speaking of.

Mr. THURMOND. In the very fifth amendment I have referred to, in which it is stated that no person shall be deprived of life, liberty, or property, there is the following provision: "nor shall private property be taken for public use, without just compensation."

I do not know whether the distinguished Senator from Alabama has had the opportunity to read the testimony taken in the hearing before the Commerce Committee on a bill which was similar to the provisions contained in title II of the civil rights bill. In that hearing it was brought out that in Jackson, Miss., a widow was operating a restaurant. It seems her husband left her about $20,000. She went into business and invested in a restaurant at the airport. A few Negroes applied for service, and she explained that her restaurant was for white people. However, they demanded service, and she was later ordered to desegregate the restaurant. When she did, the Negro people did not patronize the restaurant any longer, and the white people stopped patronizing the restaurant. As a consequence, she lost her business. The poor widow lost her $20,000 investment in the business, and she had to go out of business entirely.

Does not the Senator feel that the order she received to desegregate her business was an invasion of her private rights, an invasion of her rights in property, of her right to operate the restaurant as she saw fit, so long as she did not hurt others; and that there was a real, actual, practical taking of her business and property without compensation? Nobody compensated her when she was required to desegregate against her wishes.

Mr. HILL. It was indeed a very clear, direct, specific invasion of private property. As the distinguished Senator from South Carolina, who is a distinguished member of the Commerce Committee, and who heard the testimony, so well says, it amounted to a taking. It was a taking of her private property without due process or compensation or award to her for it.

Mr. THURMOND. If anyone should obtain an injunction to restrain someone from violating title II, the so-called public accommodations provision, and the case in taken to court, is not the provision in the 1957 Civil Rights Act as follows: If the punishment is more than 45 days in prison or more than $300 fine, the accused will get a jury trial; but if the fine is $300 or less, or 45 days in prison or less, the accused will not get a jury trial. Does not that violate the Constitution of the United States, which provides that when a person is charged with a crime he shall get a jury trial, and makes no exception with respect to punishment of 45 days or a $300 fine, but merely provides that if a person is charged with a crime, he shall get a jury trial?

Mr. HILL. He shall have that right. As the Senator well knows, the language in the Constitution is as clear, specific, and direct as it could be. It is a right which a citizen has, and which, under the Constitution of the United States, no one can take away from him.

Mr. THURMOND. Under this procedure, under the so-called public accommodations section, if a man were brought up for contempt before a judge for violating this provision, if he were tried under civil contempt proceedings, which means to bring about compliance, there would be no jury trial. If he were charged with criminal contempt—and criminal contempt means a crime—he still would not get a jury trial of the punishment were $300 or less or imprisonment were 45 days or less.

As I stated, the Constitution is absolutely clear on this question; when a man is charged with a crime he is given a jury trial. Is not this one of the most obnoxious, objectionable, and unconstitutional provisions of the entire civil rights bill?

Mr. HILL. It is one of the most iniquitous, objectionable, and obnoxious provisions in the bill, that a man should be denied his constitutional right of trial by jury, a right which the Anglo-Saxon people have cherished, fought and died to protect and preserve since Magna Charta in 1215.

Mr. THURMOND. Does not the sixth amendment in the Constitution entitle a man to a trial by jury when he is charged with a crime; and when the bill attempts to substitute some other method, is that not an effort to get around the Constitution of the United States and deny him the right to a trial by jury, giving powers to a judge which the Constitution does not give?

Mr. HILL. The Senator is correct. I believe the Senator will agree, upon examination of the debates at the Constitutional Convention in Philadelphia, and further examination of the debates in the conventions held by the several States when they met to determine whether they would ratify the Constitution, that if they had had any idea that this great, fundamental right of trial by jury would be denied and not in every way safeguarded and guaranteed by the Constitution, we would not have had a Constitution.

Mr. THURMOND. Did not a great many States object to signing the Constitution at that time, for fear that these individual rights, such as freedom of the press, freedom of religion, freedom of speech, the right to trial by jury, the right to petition the Government, the right to prevent the quartering of troops in a person's home, and all the other rights which are given in the first 10 amendments to the Constitution, would not be protected? Did the framers of the Constitution not have to promise the States that a Bill of Rights containing these rights would be presented later, before the States would sign the Constitution; and was it not presented later, and adopted 4 years later, in 1791?

Mr. HILL. A solemn promise was given that those rights would be embodied in the first 10 amendments to the Constitution—which we know today as the Bill of Rights—and the records of the Constitutional Convention show that a solemn promise, a definite assurance, was given that they would be included and become a part of the Constitution. Otherwise, the Constitution itself would never have been ratified.

Mr. THURMOND. Was not one of the grievances set out in the Declaration of Independence when we declared our independence from Great Britain, that the citizens of this country were not receiving jury trials; and were not the citizens who attended the Constitutional Convention convinced that this should be a part of the Constitution; and was not a promise made that this right would be made a part of the Constitution? Was it not made a part; and has it not been a part of the jurisprudence of this country ever since that time?

Mr. HILL. Not only has it been a part of the jurisprudence, but there is no right more fundamental, more sacred, or more explicit than the right of trial by jury.

Mr. THURMOND. I thank the able and distinguished Senator from Alabama for the great speech he is making in the Chamber today, and for the wonderful service he is rendering the people of America in analyzing the bill and bringing out the important facets which are so clearly unconstitutional. They are unwise, unnecessary, and would do great harm to our form of government.

Mr. HILL. Mr. President, I wish to thank the distinguished Senator from South Carolina for the timely and excellent contribution he has made today in asking these questions and in presenting these matters in such a fine way. I am grateful to him.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. McINTYRE. Referring to the colloquy between the Senator from Alabama and the Senator from South Carolina, do I correctly understand that the Senator from Alabama is suggesting that for Congress to require places of public accommodations not to discriminate would be a taking of private property without due process of law, in violation of the fifth amendment, and would, in fact, interfere with powers reserved to the States under the 10th amendment to the Constitution?

Mr. HILL. That would be the effect of it. That would be the effect of going into a man's private place of business and telling him how he shall operate that business, after he had set up the business and bought the fixtures and whatever else he may need to use in his business, and tell him what he must do and what he must not do in using that business.

Mr. McINTYRE. The Senator would include motels and hotels and other places of a similar character?

Mr. HILL. Yes. Whenever we tell a man under those conditions what he cannot do or what he can do, we are interfering with his right to use his private property, and we are taking away from him the cornerstone and the basis of our great American free enterprise system.

Mr. McINTYRE. Granting that such places are private business, so long as they are engaged in offering to the public their services or their merchandise, there is sufficient constitutional support for the statement that, so far as the fifth amendment is concerned, just about all Federal regulatory legislation is, to a certain extent, a limitation on the use of private property.

As the court has said:

> It is the essence of regulation that it lays a restraining hand of self-interest, and that advantages from the regulation commonly fall to others.

That was stated in the court in *Wickard* v. *Filburn*, 317 U.S. 111. It was also recited in *German Alliance Insurance Company* v. *Kansas*, in 233 U.S. 389.

Mr. HILL. The American free enterprise system is a profit system. We want it to be that. People go into business so they can make a profit. That is our system. Whenever we do anything to interfere with the operation of a man's business, when we deprive people of the right to operate their business as they see fit, to use their property as they see fit, or to manage their property as they see fit, we are taking from them a fundamental right which they have always enjoyed under the Constitution of the United States and under our private enterprise system.

Mr. McINTYRE. May I ask the distinguished Senator if in the law of his State or in local ordinances in his State there are provisions for segregated operation, and people are operating their businesses in that fashion, what could be more unfair? What better proof is needed of State-aided discrimination?

Mr. HILL. The Senator is talking about cases in which the Supreme Court has struck down ordinances. These ordinances were passed under the power of the State. The ordinances have been stricken down. There was a case, in South Carolina, of Peterson against the city of Greenville, in which the U.S. Supreme Court struck down those ordinances.

Mr. McINTYRE. Regardless of that, the fact is that we know that in the South and in many other States the law provides that a person who is engaged in offering public accommodations is told, "You will segregate."

Mr. HILL. Those ordinances have been stricken down. They are not there now. What the Senator from New Hampshire is proposing is to have the strong arm of the Federal Government reach in and take this property from the man who owns it.

Mr. McINTYRE. Oh, no.

Mr. HILL. That is the result. The Senator would tell a man who operates his own business, "You must operate it in this way. You cannot operate it any other way." That is the effect of what the Senator is saying.

Mr. McINTYRE. In many businesses conducted in the South today the owners are told by State action, "This is what you are to do."

Mr. HILL. Those ordinances have been struck down. If the Senator will read the case of Peterson, he will see that those ordinances have been struck down.

Mr. McINTYRE. I am not referring to ordinances alone. I am also referring to customs. That is the whole tenor and the whole atmosphere involved in this situation.

Mr. HILL. The ordinances, of course, are based on State action. Cities have no power except what they are permitted to do by the State.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. THURMOND. The theory on which title II rests is the 14th amendment and the commerce clause, according to the proponents. I should like to ask the distinguished Senator whether Congress passed a statute almost word for word, or similar, at least, to the statute that is now proposed to be passed in title II, in 1875; and was not that statute passed upon by the Supreme Court of the United States in 1883, and declared by that Court to be unconstitutional?

Mr. HILL. The Senator is exactly correct. It is a well-known case, and was decided in 1883.

Mr. THURMOND. Was there not verbiage in that decision, in a case which had been brought under the 14th amendment, which showed that it could not be sustained under the commerce clause?

Mr. HILL. The Senator is exactly correct. It would not hold up under the commerce clause or under the 14th amendment.

Mr. THURMOND. The decision has verbiage in it to that effect. Is that correct?

Mr. HILL. It has, indeed.

Mr. THURMOND. In the decision in Peterson against Greenville, did not the Supreme Court hold that the State law provided for segregation, and therefore was a State action, and that the 14th amendment prohibited State action in such matters?

Mr. HILL. That is correct.

Mr. THURMOND. There is nothing in the Constitution to prohibit an individual, when there is no State action involved, from taking any steps he wishes to take in handling his own property in the way he sees fit under the Constitution of the United States. The Constitution goes the affirmative way and provides that a person shall not be deprived of his life, liberty, or property. Is that correct?

Mr. HILL. The Senator is exactly correct.

Mr. President, I say again that every American—north, east, south, or west—should be concerned with the bill before us and with every provision of it, for its effects and far-reaching, implications are not sectional. If the bill is passed, it would trample on and destroy rights of Americans on either side of the Continental Divide and on either side of the Mason-Dixon line.

I say again that I am against giving the Federal Government the power to invade the private property and property rights of businessmen throughout the Nation and being able to tell the owner or proprietor of a business how he can run it and how he can use it.

I am against having the Federal Government tell a restaurant owner in San Francisco, Calif., whom he must serve, just as I am against having the Federal Government tell a hotel operator in Des Moines, Iowa, whom he must admit as guests.

I am against having the Federal Government tell a barbershop owner in Providence, R.I., whom he must shave, just as I am against having the Federal Government tell the steel industrialist of Birmingham, Ala., as well as the car manufacturer of Detroit, Mich., whom he may hire, fire, or promote.

I am against having the Federal Government tell my State, or any other State, who within its boundaries is or is not qualified to vote, just as I am against denying to the people of Alabama or to the people of any of the 50 States of this Union the right to trial by jury.

I am against denying to the people of my State, of your State, or of any State the benefits of Federal programs for which they pay taxes, because they may refuse to surrender to social edicts of the Federal Government, as concocted by the Attorney General and the sociologists and bureaucrats of the agencies, committees, and commissions set up by this bill.

These are the purposes and goals of the so-called Civil Rights Act of 1963—title by title. I submit again the proposition that those who would demand these special privileges today may well find there are no rewards tomorrow.

Let us take a closer look at the individual titles of H.R. 7152, and see what they do.

Title I purports to add to the maze of laws already on the statute books to prosecute alleged voting violations in Federal elections. It asks the Congress to strike down the provision of the Constitution of the United States that leaves the setting of voters' qualifications to the individual States, and to record for history that the wisdom of the authors of that great document was wrong and that their toil, all their labors, and all their sacrifices were in vain. It asks the Congress to declare that the will of the ratifying conventions and the people of the several States, who gave so much at that time to bring this Nation into being be completely disregarded and overruled, and that their noble efforts in establishing this Union be erased from the pages of history.

First, let me say that there is no need for this proposed legislation—and no need for the Congress to waste its time in considering it. There are already on the books some six statutes to enforce voting rights.

In fact, last Friday, during the debate, the distinguished Senator from Georgia [Mr. TALMADGE] called attention not only to these 6 statutes, but also to 9 other statutes which would help enforce voting rights—a sum total of approximately 15 statutes, according to the distinguished Senator from Georgia.

As we know, there is section 242 of title 18 of the United States Code, which provides that any State election official who willfully denies to any qualified citizen of any race the right to vote may be fined up to $1,000 or be imprisoned for not more than 1 year, or both.

There is section 241 of title 18 of the United States Code which provides that any election official who conspires with another person to deny any qualified person his right to register and vote shall be fined not more than $5,000 or imprisoned not more than 10 years, or both.

There is another statute, section 371 of title 18, which provides punishment for any public official if he conspires to deny any person any right.

And there is section 1983 of title 42 of the United States Code which gives to any qualified person wrongfully denied an opportunity to vote the right to recover damages against the offending election officials and anyone conspiring with them. It also gives the injured party the right to preventive relief.

In addition to these statutes, the Attorney General has available Public Law 85–315, the Civil Rights Act of 1957, and Public Law 86–449, the Civil Rights Act of 1960, which provide for proceedings without jury and for voter referees appointed by Federal judge to "expedite" alleged voting denial and voting rights.

It is beyond the comprehension of any lawyer, layman, or lawmaking body to understand why additional laws are needed to enforce voting rights or to give redress to anyone who may be denied them.

As to the proposal in title I to automatically substitute 6 years of primary school education for the literacy test, let me say that I am one who still has faith in our written Constitution of the United States and in the wisdom of our Founding Fathers. I am not ready to break faith with those who toiled so laboriously to hammer out the document that has made and kept this Nation so great through the years and with those who in their ratifying conventions made the rights of the individual States to set their voter qualifications an absolute condition precedent to joining and forming this Union.

It is absolutely self-evident to anyone who examines the debates of the Constitutional Convention at Philadelphia and the debates which took place in the State conventions which met to ratify and act upon the Constitution, that there never would have been any Constitution but for the provision which would leave to the States the right to fix the qualification of the electors.

In the wisdom of our Founding Fathers, they balanced the rights of the people with the prerogatives of the various levels of government. The Constitution grants and it restricts; and in the very beginning it was clearly and carefully set out in article I, section 2, that the power of fixing the qualifications of voters is vested in the States. Article I, section 2, reads:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

There is no clearer language in the Constitution. There could be no clearer language. The language of the Constitution and the records of the Constitutional and ratifying conventions clearly show that Congress was not given any power to prescribe the qualifications for voting and that this omission was absolutely deliberate. I intend to go into this in "infinite" detail in another speech.

Some 124 years after the adoption of the Constitution, when the people of the United States saw fit to change their method of electing U.S. Senators, they provided, in the 17th amendment, as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for 6 years: and each Senator shall have one vote.

Then there is this language:

> The electors in each State shall have the qualifications requisite for electors for the most numerous branch of the State legislatures.

The same language—clear, concise, direct, mandatory, compelling, and conclusive—appears in section 2 of article I. In fact, the express language of the 17th amendment, adopted in 1913, ratified and reaffirmed the wisdom and intention of the Founding Fathers and of the original States in providing that the qualifications of the electors for Members of the Senate should be the qualifications requisite for electors of the most numerous branch of the State legislature.

As we know, for half a century some of the finest, most patriotic, and noblest men and women in our country carried on the campaign for the removal of sex as a qualification for voting. But if we examine the record, we do not find anywhere that any leader in the cause for woman's suffrage ever suggested that women could by legislative enactment be granted the right to vote.

The Supreme Court decisions support and confirm what I have said about the power of the States over suffrage. There is a host of them. In addition, there is ample authority for the proposition that State-imposed literacy tests as a qualification for voting are in accordance with the Constitution. Let me read to the Senate what the Court said in *Guinn* v. *United States*, 238 U.S. 347. The Court spoke in clear, specific, and unequivocal terms. The Court said:

> Beyond doubt the amendment [the 15th] does not take away from the State governments in a general sense the power over suf-

> frage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

Proof of literacy as a condition to voting may be established as a qualification within a State's power under the authority reserved to the States by article I of the 17th amendment.

In 1959 the U.S. Supreme Court, in the case of ***Lassiter* v. *Northhampton Election Board*** 360 U.S. 45, put to rest any questions as to State authority to establish a literacy test as a condition to voting.

I quote from this decision, which was so recent as 1959:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States, supra*, at 366, disposed of the question in a few words. "No time need be spent on the question of the validity of the literacy test considered alone since we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."
>
> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised.

Inasmuch as there are already adequate statutes on the books to enforce voting rights, apparently the only purpose of title I is to impose a Federal literacy standard on our States with respect to the qualifications of their voters in defiance of the Constitution of the United States and the laws of the land.

I have already discussed at great length title II, the so-called public accommodations section of H.R. 7152. I said in my first speech, the opening speech in this debate, that before the debate was over I would discuss and expose every title of the bill. I will, therefore, move on to title III, which has to do with the "desegregation" of public facilities other than public schools, which are reserved for title IV.

Actually there is little difference, if any, in the principle underlying both titles III and IV. Title III has traditionally been identified with the denial of the right to trial by jury. In the bill as originally introduced, title III kept this identity.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question, with the understanding that he shall not lose the floor?

Mr. HILL. Yes.

Mr. LAUSCHE. Earlier in his remarks the Senator enumerated a number of statutes providing criminal penalties against persons who deny another the right to vote on the basis of race, creed, or color.

In pursuance to which provision of the Constitution does he understand those laws to have been passed?

Mr. HILL. The 15th amendment would certainly be the main basis. Undoubtedly, it would be the 14th amendment.

Mr. LAUSCHE. The 15th amendment reads:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. HILL. So the 14th amendment would undoubtedly be the main foundation or basis for those statutes.

Mr. LAUSCHE. That is my understanding.

Mr. HILL. I think the Senator is exactly correct.

Mr. LAUSCHE. The Senator takes the position that other provisions of the Constitution set forth how the qualifications of voters shall be fixed in choosing either Senators or Representatives.

Mr. HILL. That is correct; section 2 of article I, and also the 17th amendment, which provides for the direct election of U.S. Senators. The 17th amendment contains the exact, specific, clear, conclusive language of section 2, article I. It makes it specific and clear that the States shall fix the qualifications of electors, because it states that the qualifications of electors for Senators shall be the qualifications as fixed for the electors of the most numerous branch of the State legislatures. That is clear.

Mr. LAUSCHE. Taking Ohio, for example, under the Constitution the Legislature of Ohio could define the qualifications of the electors for Representatives and Senators; and the test would be the qualifications attached to those who vote for the members of the branch of the legislature having the largest number.

Mr. HILL. That is correct. The qualifications of electors for Senators and Representatives would be the qualifications that the State of Ohio had set for the electors of the members of the most numerous branch of the Legislature of the State of Ohio.

Mr. LAUSCHE. I thank the Senator very much.

Mr. HILL. If the Senator wishes, I shall read article I, section 2 of the Constitution. It is clear and specific. Article I, section 2, of the Constitution, reads:

> The House of Representatives—

That is, the House of Representatives of the Congress of the United States; this is the article of the Constitution which provides for setting up the House of Representatives—

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. LAUSCHE. That section deals with the election of Members of the House of Representatives.

Mr. HILL. That is correct. If the Senator will turn to the 17th amendment, he will find that that same language was incorporated in and made a part of the 17th amendment, dealing with Members of the Senate.

Mr. LAUSCHE. That amendment reads:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. HILL. The Senator is correct. The first paragraph reads—I am reading the exact language of the 17th amendment—

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

Then comes the language the Senator has just read, namely:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. SMATHERS. Mr. President, will the Senator yield for an observation?

Mr. HILL. I yield.

Mr. SMATHERS. There is also a provision, is there not, in article II, section 1, paragraph 2, which makes the same reference with respect to electors? It provides:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: But no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The same article provides:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

It makes no reference, and therefore leaves——

Mr. HILL. It leaves those who shall vote for electors as is provided in section 2, article I; namely, that they shall have the qualifications of the electors requisite for the most numerous branch of the State legislature.

Mr. SMATHERS. So the qualifications are specifically mentioned; and, by not mentioning anything else, it is an old legal maxim that by naming some, it is intended to exclude those not named.

Mr. LAUSCHE. Mr. President, if the Senator will yield, the Senator well knows that the Latin base for that doctrine is "inclusio unius est exclusio alterius."

Mr. SMATHERS. I knew the Senator from Ohio would be able to give us the doctrine in its original form. I congratulate him for it.

Mr. HILL. I join the——

Mr. LAUSCHE. That means that the specification or inclusion of the one specifically excludes all others.

Mr. HILL. I join the distinguished Senator from Florida in his congratulations to the Senator from Ohio.

Mr. LAUSCHE. I merely wished to demonstrate that I have not forgotten my law.

Mr. HILL. Mr. President, there is little difference, if any, in the principle underlying both titles III and IV. Title III has traditionally been identified with the denial of the right to trial by jury. In the bill as originally introduced, title III kept this identity.

Mr. LAUSCHE. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield.

Mr. LAUSCHE. Is it correct to say, then, that in determining this issue one should look first to article I, section 2 of the Constitution, which prescribes and defines what the qualifications of electors shall be for Members of the House of Representatives?

Mr. HILL. The Senator is correct.

Mr. LAUSCHE. And then should look to amendment 17, which prescribes the qualifications for electors choosing Senators?

Mr. HILL. The Senator is correct.

Mr. LAUSCHE. And then should look to amendment 15, which prohibits the denial or abridgment to any citizen of the United States of the right to vote on the basis of race, color, or previous condition of servitude?

Mr. HILL. The Senator is correct. I have cited some six statutes for the enforcement of voting rights, subject, of course, to the provisions of the Constitution of the United States.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LAUSCHE. Did the Senator from Florida include another part of the Constitution as being applicable, or was that applicable to electors choosing the President?

Mr. SMATHERS. This is applicable to article II, electors choosing the President.

Mr. LAUSCHE. Yes.

Mr. SMATHERS. But by inference, the use of the Latin principle which the able Senator from Ohio just enunciated, the fact that the drafters of the Constitution did not therein attempt to set qualifications of the electors, except by reference to what the State qualifications were, one can conclude, I believe quite logically, that the intention was always to leave to the States the establishment of the qualification of voters.

Mr. HILL. Mr. President, in the bill as passed by the House, title III took on a more limited meaning than it has had in recent civil rights legislation, but it does not lose its identity regarding the denial of the right to trial by jury—and the denial of other civil rights. For example, it denies to the public officials or employees accused of discriminating, the basic, legal right to confront their accusers.

Title III gives to the Attorney General a blanket authority "to institute for and in the name of the United States" actions for the desegregation of "any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof other than a public school or public college as defined in section 401 of title IV hereof." The only requirement to the Attorney General's bringing suits under title III is that he certify he has received a complaint and is satisfied that if the complaining party filed the suit himself, he would be unable to bear the expense of the litigation or that the filing of the suit might jeopardize his employment or otherwise economically affect or embarrass him and his family.

Under title III of H.R. 7152, there is no requirement that the action must be filed by the individual complaining of some wrongful act, or that any proof must be presented in connection with the certification made to the court. In other words, the Attorney General may initiate the suit, or under another section of title III he may intervene in the name of the United States.

The findings of the Attorney General in determining whether to supply free legal services and whether to withhold the complainant's name are final, as provided by the bill. Therefore, an accused under title III may never know who his accuser was, or if one ever existed, and under the circumstances may be denied the right to be confronted by his accuser.

Playground supervisors, swimming pool managers, public building personnel, librarians, and others accused of discrimination under title III could find the United States its legal adversary, with a Federal judge of the accuser's choosing sitting in judgment without a jury. The harassment, politically and otherwise, that could be given governors, mayors and other public officials would be unlimited.

In 1957 and in 1960, I took the floor of the Senate to oppose proposals that would deny the right to trial by jury. Both times we saw the proposals rejected by the Senate. I am grateful to be in a position to again be opposed to the denial of this right.

Title IV does not stop at denying the right to trial by jury. It goes considerably further. It adopts and embraces the proposition of government by men rather than government by laws and proceeds to expand this proposition beyond any limits previously attempted. It adds to the power of the judiciary, to enjoin without trial in desegregation proceedings, the power of the Attorney General to initiate such suits in the name of the United States with or without the name of the complaining party. It brings into play the same enforcement provisions as in the misnamed public accommodations title. It projects the arm of the Federal Government, through the President, the Attorney General, and the Commissioner of Education, into the local schoolroom and educational processes. Under title IV of H.R. 7152 those who have ever believed in local control of education would be forced to forever consider it a dream. It destroys local control of education.

Section 407(a) of title IV provides that:

> Whenever the Attorney General receives a complaint * * * and the Attorney General certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly achievement of desegregation in public education, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section.

Daniel Webster once asserted that—

> Whatever government is not a government of law is a despotism, let it be called what it may.

Our forefathers based the governmental and legal systems of America on the fundamental concept that our Government should be a government by law and not a government by men—a government in which laws should have authority over men, not men over laws.

Section 407 runs contrary to this principle of government and legal system. It establishes a new procedure for the enforcement of so-called rights, and it confers upon one fallible human being, the Attorney General, whoever he may be at any given time, the absolute and uncontrolled power to decide "in his judgment"—by the express language of the bill—if and when lawsuits should be initiated, in whose name they should or should not be brought, whether the United States should file it in its name with or without the name of the complaining party, when lawsuits by the United States would further desegregation—as defined by the Attorney General—and when the United States should intervene in existing lawsuits.

Heretofore, we have denied this extraordinary grant of power to the Attorney General—and for good, sound and solid reason. The Attorney General may now appear as amicus curiae in school desegregation actions—and has done so on many occasions—but there is no authority for him to institute these actions or to intervene in them in the name of the United States. Under present law, the United States does not become a party to the action. At first glance, this may not appear important, especially to the layman. But I can tell Senators that it is important. In fact, it makes the difference as to whether or not the accused is entitled to his right of trial by jury when charged with criminal disobedience of an injunction brought by the Attorney General.

The sixth amendment to the Constitution of the United States provides in part as follows:

> In all criminal prosecutions, the accused shall enjoy the right to a * * * trial by an impartial jury of the State and district wherein the crime shall have been committed.

Congress has implemented this provision of the Constitution by the wording of certain statutes now on the books.

Section 242 of title 18, United States Code provides in part as follows:

> Whoever, under color of any * * * custom, willfully subjects any inhabitant * * * to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States * * * by reason of his color, or race * * * shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

It follows that any person accused of violating the terms of an injunction involving the desegregation of the schools could also be accused of the substantive crime denounced by this statute. But what are his rights if he is charged with criminal contempt? Rule 42(b) of the Federal Rules of Criminal Procedure, dealing with criminal contempt, provides in part:

> The defendant is entitled to a trial by jury in any case in which an act of Congress so provides.

Title 18, section 401, United States Code, provides in pertinent part as follows:

> A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—
>
> (3) Disobedience or resistance to its lawful writs, process, order, rule, decree, or command.

Title 18, section 402, United States Code, provides that:

> Any person, * * * willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States * * * shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.
>
> Such fine shall be paid to the United States * * * but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

It is said that the sting of the bee is in the tail. Here is the sting:

> This section shall not be construed to relate to contempts * * * committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

In other words, when the United States brings the suit, the right to trial by jury is denied to the accused party.

Thus we see that the limitations on fines and imprisonment imposed in suits between private litigants do not obtain in suits where the Federal Government is a party. And the United States is a party whether it institutes the action or intervenes in it.

Title, 18, section 3691, of the United States Code provides in part:

> Whenever a contempt charged shall consist in willful disobedience of any lawful writs, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to a trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

But, it continues in paragraph 2:

> This section shall not apply to contempts committed * * * in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

Enactment of title IV would clearly give the Attorney General power to bring suits in the name of the U.S. Government and to determine when he would or would not. We are thus giving the Attorney General the power to decide when the defendant shall or shall not have the benefit of trial by jury.

This is not government by law. It is government by the whim of a politically appointed Attorney General, for better or worse.

When the Congress shall assign to the courts the power to issue injunctions never contemplated by the rules of equity in direct violation of constitutional and statutory laws and shall give the right, among other things, to issue injunctions for the purpose of enforcing criminal law, Congress shall have departed from our constitutional concept of courts of equity and equitable remedies in a manner for which there can be no justification. The court will then become the sole judge of the law and of the facts, in derogation of our most cherished liberty which is enshrined forever in our history and consecrated as sacred in our American judicial system—the right to trial by jury.

The philosophy underlying title IV is contrary to the fundamental laws of the land and to our Anglo-Saxon concept of human liberty. We have seen demonstrated the devotion to this concept by the struggles and bloodshed of our people for more than a thousand years to destroy the arbitrary power of kings and judges.

The Peace of Wedmore, concluded between Alfred the Great and Guthram the Dane in 878 A.D. insured that:

> If a king's thane be charged with the killing of a man, if he dares to clear himself, let it be before 12 king's thanes.

Let it be before 12 of his peers; 12 jurors, as we know them.

That great document of human liberty, the Magna Carta of Great Britain, the bedrock of our freedom, states:

> No freeman shall be taken or imprisoned, disseized or outlawed or banished, or in any way destroyed, nor will we pass upon him, nor will we send upon him, save by the lawful judgment of his peers or by the law of the land.

The Bill of Rights enunciated by Parliament for the protection of the common people and signed by William and Mary upon their ascension to the British throne made illegal the pretended power of the suspending of laws or the execution of laws by regal authority without the consent of the people through their Parliament.

The Declaration of Independence proclaims as one of the reasons for the separation of the Colonies from the mother country the deprivation in many cases of the right to trial by jury.

Title IV defines "desegregation" to mean "the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin." This definition of "desegregation" goes far beyond any concept we have previously had attached to the term either legislatively or judicially. It goes far beyond any conception of the word by the courts in connection with so-called school discrimination cases. By use of the word "assignment" we find the term under title IV of the bill more closely meaning "integration" rather than "desegregation." I contend that the proponents of this bill are endeavoring to accomplish by legislative fiat that which the Federal courts, including the Supreme Court of the United States, have ruled that they themselves cannot constitutionally do.

> The assignment of students * * * by a Federal judge—the assignment of students * * * by an Attorney General of the U.S. Government—

Let us see what the Federal judges and Federal courts themselves think of the principle underlying the authority attempted to be given them. The U.S. Court of Appeals for the Fifth Circuit in the case of *Avery* v. *Wichita Falls Independent School District* ((1957) 241 F. (2d) 230) stated:

> The Constitution as construed in the School Segregation cases * * * forbids any State action requiring segregation of children in public schools solely on account of race; it does not, however, require actual integration of the races. As was well said in *Briggs* v. *Elliott*, D.C.E.D.S.C., 132 F. Supp. 776, 777:
>
> "It is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over and regulate the public schools of the States. It has not decided that the State must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. * * * Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the individuals."

Section 404 of title IV authorizes the U.S. Commissioner of Education to make grants to train personnel to desegregate our schools and to deal with special problems occasioned by desegregation. This means that the U.S. Commissioner of Education can use tax monies to endeavor to brainwash the American people into accepting the philosophy and desirability of the public education policies advanced by the administration and the authors of the bill, and embodied in it.

The vesting of vast discrimination powers in the hands of man—public officials—not even elected by or accountable to the people—Daniel Webster has said this is the surest way to despotism.

If this bill passes, freedom of choice and freedom of association become a thing of the past. More than our legal and educational systems would be crippled. We would be well along the way to the erosion of the other freedoms we now know and enjoy and of the very foundations on which the American system is built.

Just as title IV would project the arm of the Federal Government into the operation and control of our schools and the lives of our schoolchildren, so would title V extend a meddling hand of the

Federal Government into the social and economic activities of our States, our towns, our communities and of our people.

There are perhaps no relations as varied as the situations that exist in different localities because of people's different races, colors, religions, or national origins. The situation in certain sections of San Francisco with the sizable Oriental population would not be the same as the situation in certain sections of El Paso with its large influx of Mexicans, or as in sections of Oklahoma with its predominant Indian population.

Title V suggests that the Civil Rights Commission could go into localities when disputes arise and, although lacking the knowledge of a local situation, solve its problems. I believe in the Jeffersonian theory of democracy that government governs most effectively when it is closest to the people to be governed.

I am against continuing this bureaucratic agency to waste the taxpayer's money. Experience has shown that more often than not outside intervention has caused more strife than it has settled. For these same reasons, 7 years ago I opposed the formation of the Civil Rights Commission. The record of the Commission since that time has undeniably proved that the concern of those of us who opposed it was well founded. I contended then, as I have each time we have been asked to extend the life of the Commission, that such an agency is unwarranted and unnecessary and that it would lend itself to unmitigated harassment of local officials and to meddling into local affairs.

In title V, we are again asked to prolong the time during which the American people will have to be subjected to the schemes of this useless and unconstitutional body.

The activities of the Civil Rights Commission have duplicated unnecessarily—and at great expense and waste to the taxpayer—those being performed by other branches of the Government. When the bill creating the Civil Rights Commission was before this body in 1957, we were told that:

> The Commission shall investigate allegations * * * that certain citizens of the United States are being deprived of their right to vote * * * study and collect information concerning legal developments constituting a denial of equal protection of the laws * * * and, appraise the laws and policies of the Federal Government with respect to equal protection of the laws.

And yet we find that these functions, rightfully or not, are also being performed by the Department of Justice. The Department, in justifying its appropriations for 1959 and 1962, made the following statements to the House Appropriations Committee:

> The Department will take on a program of liaison and consultation with law-enforcement agencies and other officials of the States in order to promote understanding of the problems and to place the State and Federal responsibilities in their proper perspective.
>
> We have in mind the great importance of the collection of far greater information—both factually, and legally, in the whole civil rights area.
>
> In the field of civil rights the Department's basic policy is to seek effective guarantees and action from local officials and civil leaders, voluntarily and without court action where investigation has disclosed evidence of civil rights violations.

Mr. President, in view of that statement by the Department of Justice, and in view of the position taken by the Department of Justice, and in view of the actions and activities of the Department of Justice, there is no need for this costly and unnecessary duplication—the Civil Rights Commission.

There is no need for this costly and unnecessary duplication. We hear much about reducing Government spending, and there is no better place to begin than here and now with this Commission. Even more disturbing than the fact that the Commission is mere duplicity and waste of taxpayers' money are the methods by which it has operated. As I have stated, I strongly opposed the initial creation of this agency and I have unswervingly opposed its continuation. My position is unchanged.

Mr. President, because of the lateness of the hour and because of the thorough treatment which is necessary to any discussion of titles VI and VII, which I fully intend to give them, I shall address myself to those titles and discuss them in detail—at a subsequent time.

Mr. President, let me say that for 145 years—since the compromise of 1820 and before—this Chamber has reverberated with arguments on this issue. Since it first broke into the open, it has never been far beneath the surface, and with the years, it has become identified as a southern problem.

Out of our travail has grown a certain wisdom. We have learned that race relations can be improved only through mutual respect, through education—through understanding, if you will. And we have learned that the surest way to defeat the end we all seek is through force, by shackling one man to another. Only through understanding, built solidly and slowly, will that end be truly achieved. There is no other way. You can force privileges and call them rights, but you cannot force understanding and a mutual respect vital to genuine racial harmony.

Our beliefs, our convictions regarding this bill and its approach, were born of experience, in the crucible of time. Ours is not the approach of unconsidered emotion or expediency—but I fear that emotion and expediency are the driving forces behind proponents of this proposed legislation.

The result has been tragic, not for the South alone, but for the Nation, for emotion and expediency are the tinder from which mob passions explode into flames of racial violence.

The racial problem is no longer only a southern problem. It is violently alive in New York, New Jersey, Maryland, Ohio, Illinois, California, and many other places far north and west of the Mason-Dixon line.

Let those who would disdainfully brush aside southern experience in dealing with the sensitive problems of racial relations now consider the bitter fruits of their own approach.

Emotion and expediency have led to violence in our streets—violence and mob passion which threaten the very institutions we in the Senate are sworn to preserve and uphold.

If, then, there was ever a time in the history of our Nation to look to experience—and calm reasoning—to reject the dangerous path of emotion, of expediency, of violence—that time is now. North — South—East—West—northerner, southerner, easterner, westerner, let us join together and let us turn away from the dangers inherent in H.R. 7152.

During the delivery of Mr. HILL's speech,

Mr. COTTON. Mr. President, it has fallen to me to take my turn today, with the assistance of the distinguished Senator from Delaware [Mr. BOGGS], to see that the chair usually occupied by the minority leader is garrisoned, or occupied.

Consequently, this is the first day of the 13 long days that have been used up so far in the debate concerning the taking up of the civil rights bill that I have been rather constantly present. I am glad that occurred, because I have been impressed by one thing, and I believe it should appear somewhere in the RECORD of the Senate, because it may be of some help as this debate progresses.

I suppose many other Senators, besides myself, are receiving a rather constant barrage of letters from people in their home States who are incensed that the Senate does not proceed more rapidly with its business, and demanding to know how soon there will be cloture, and whether we will vote to invoke cloture.

To such letters I have been replying that while I have some reservations regarding the bill before the Senate, certainly in its present form, it is my belief that the Senate should act upon these matters, and that after enough time has elapsed so that all points of view regarding the civil rights bill may be thoroughly aired, and may be reported to the country, and when I feel that debate is no longer necessary and no longer serves any useful purpose, I am prepared t vote to invoke cloture, which probably may well be the crucial vote on civil rights.

Now I am beginning to receive letters saying, "How soon are you going to vote? What do you think is a reasonable time?"

I continued my timekeeping this afternoon, and I discovered that the distinguished Senator from Alabama [Mr. HILL] started to speak at approximately 1:30. It is now a quarter of 4. In other words, about 2 hours have elapsed. One-half of that time, 1 hour, has been occupied by other Senators on various subjects.

With one exception, none of those Senators could be considered a southern Senator or a member of the group that is supposed to be using delaying tactics in the matter of taking up the civil rights bill.

Every speech I heard today has been extremely interesting and to the point, and concerned subjects of grave import to this country. Certainly I would not suggest that any Senator refrain from saying things on the floor that he feels need to be said. However, it would seem to me, if in some not far distant day we are to be called upon—and the country will be watching us—to say whether the Senate is capable of suppressing unnecessary and prolonged debate and keep to a matter of intense public interest and grave concern, that Senators might well search their souls before they contribute to the time that is taken up. In all fairness to Senators who are now discussing the civil rights bill, in prolonged discussion—namely, some of my distinguished friends from the South—it might be well if each day the RECORD should show—if someone would keep track of the time—just which Senators are contributing, however innocently or inadvertently, to the so-called filibuster.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COTTON. I do not have the floor.

Mr. HILL. Mr. President, if it may be understood that I retain my rights to the floor and that my succeeding remarks will not be counted as a second speech, I am glad to yield to the Senator from New York.

Mr. COTTON. Under those circumstances, I yield. I should like to say to the Senator from New York that the mere fact that what I have said happens to follow the remarks of the Senator from New York is not intended as any reflection on the Senator. He was one of many Senators who spoke.

Mr. JAVITS. I am not very sensitive about that. I have a much more serious purpose in mind in rising to ask a question of the Senator from New Hampshire. I believe there are two fallacies in the Senator's remarks with respect to Senators who are yielded to in order that they may speak on other subjects. I should like to have the Senator from New Hampshire address himself to them, because I think it is only fair that he should.

First, does the Senator believe that the total business of the U.S. Senate should grind to a halt because certain Senators feel that they must talk interminably so that they may kill a critical piece of legislation? Second, does the Senator feel that the arguments which are being made by Senators who are addressing themselves to the civil rights bill at such great length are or are not so repetitious and a going over of the same ground so many times, with every speaker using exactly the same grounds, that they are not at all enlightening to the Senate? The Senator, as a most intelligent and able Senator, has heard them time and time again. Therefore, to say that we must let the talk go on, and let the business of the U.S. Senate come to a standstill, no matter how critical it may be to say other things, I believe is asking for a little more than what should be done.

In short, if it is necessary—and this is a question for the leadership to decide—to allow Senators to develop their theses with such fullness, the Senate sessions can be extended. A number of us feel that the only time the country will feel that we are really getting down to business is when the Senate has round-the-clock sessions. It is only after a period of such sessions that there will be a vote on cloture.

Finally, what the Senator has said about his own feelings is most refreshing and most heartening to every civil rights advocate. Therefore, in addressing these questions to the Senator, I am not trying to be contentious; on the contrary, I am delighted that the Senator feels as he does, because he is a tremendously important ally, and I would like to have his judgment based upon the other point of view, which I have presented.

Mr. SMATHERS. Mr. President, will the Senator from Alabama yield to me, so that I may participate in the discussion, without the Senator from Alabama losing his right to the floor?

Mr. HILL. I shall be glad to yield if I may do so, if I may later continue my speech which I started earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. I shall be glad to yield. However, at some time I must, in self defense, reply to the questions of the Senator from New York.

Mr. SMATHERS. Mr. President, I wish to join in the defense—not that he needs any from me—of the able Senator from New Hampshire. What he has said is contrary to what the Senator from New York has been saying on this question over and over again. Every time that we have spoken on this important legislation, facets of it have been developed which theretofore had not been developed. The Senator from New York and others invariably rise to repeat their half of these arguments over and over again. Therefore, it seems to me that if the Senator's argument is that there is no point in saying the same thing over and over again, the other side should not be doing the same thing.

I have not had an opportunity to discuss this particular measure. It has been discussed for 10 or 11 days. During that time my distinguished friend from New York has probably made four or five speeches on this particular measure. I have yet to make one.

Therefore when it comes to the question of repetition on this subject, I would have to say that in this instance, while the Senator's contributions have been repetitive, I have not yet had my first opportunity.

Mr. COTTON. Mr. President, in response to the first question propounded to me by the Senator from New York, whether I feel the entire business of the country should come to a standstill while the debate on the civil rights bill continues, it is regrettable that the business of the Senate does come to a standstill.

However, I was talking about business of the Senate. The business of the Senate is legislating. That is more important than talking.

I made it crystal clear that I would not presume, as a Member of the Senate with not many years of seniority, to suggest that it is not necessary for Senators to say certain things on the floor of the Senate regarding a multitude of subjects. That, incidentally, is what the morning hour is for, and perhaps should be kept down during this debate. But as to the business of the Senate coming to a standstill, the business has come to a standstill. What I have been timing today has not been business. There has not been a confirmation of a nomination. There has not been the introduction of one bill. Not one other action has been taken by the Senate. There will not be, of course, while this debate continues. That is one reason why it must not be allowed to continue forever. I was merely talking about the use of the time and the prolonging of the time.

The fact that Senators speaking on one side of the subject may be lengthening their speeches and may be repetitious, and may even—without impugning their motives—be intentionally repetitious, is a perfectly practical fact that I would not argue with the distinguished Senator from New York. We recognize the facts of life.

Obviously, many of the speeches have been extremely repetitious. I am not suggesting that Senators choke themselves off and sit completely quiet without saying things that ought to be said. I am merely suggesting that the time will come before long when the Senate will have to meet the issue of invoking cloture. One reason I believe cloture should be invoked at the proper time is that each time a new session of Congress starts, the problem of revising the rules, rule XXII specifically, to make cloture more easily invoked arises.

I have voted against liberalizing rule XXII, and I expect to continue to vote that way unless it becomes evident that cloture can never be invoked. So I say to Senators who do not wish cloture to be invoked that the way to have the rule liberalized is to let the debate go on forever and demonstrate to the country that the rule is ineffective because it is not possible to obtain enough votes to invoke cloture.

The Senator from New York knows perfectly well that no business can be transacted. It is a mere matter of judgment and of striking a happy medium. I agree with the senior Senator from New York that there are repetitions on the other side of the aisle. I heard a Senator make a statement to the distinguished majority leader on the floor of the Senate the other day in a private conversation, but there is no harm in repeating it. He said to the majority leader:

> You will never get a vote unless you hold their feet to the fire and hold round-the-clock sessions, or at least sessions that extend for 12 or 14 hours.

I presume that is evidenced by the fact that we shall be in session today from 10 a.m. to 10 p.m.

If it is a matter of compelling the Senators who are prolonging the debate, who are limited in number, and who have only the opportunity of making two speeches apiece on the question, to finally exhaust themselves so that the Senate can come to a vote. That is another problem.

I was impressed by what the stopwatch revealed today. Almost equal time—within 20 minutes of equal time—has been consumed thus far during this day. In the parlance of a Senator, "We are holding their feet to the fire."

Equal time has been used by Senators on a multitude of subjects. I was not criticizing them. I did not intend to participate in the debate or to prolong the matter further. However, it seems to me that the RECORD ought to show that some of the folks who are writing letters and who want cloture tomorrow or next Monday had better bear in mind that apparently Senators have been speaking on a variety of subjects. In all fairness, I should say that if I decide to vote for cloture, my decision be based on the amount of time that has been exhausted by the minority of the Senate, who are obviously, in a sense—I will not use the mean word about it—taking up time in order to stave off a vote on the bill.

Mr. JAVITS. Mr. President, will the Senator yield to me for a brief moment to permit me to finish my talk?

Mr. COTTON. If the Senator wishes, I will yield.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HILL. Mr. President, I ask unanimous consent that the distinguished Senator from New Hampshire may yield to both Senators from New York.

Mr. COTTON. I yield to the whole State of New York.

Mr. HILL. With the understanding that I do not lose my right to the floor, and that I may continue the speech which I began earlier today.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. JAVITS. Mr. President, it is always most difficult to be cast in this role, because, fundamentally, I agree with the Senator from New Hampshire and do not wish to be in the position of appearing to dispute him or dissent essentially from his view. I wish to state only this: First, my reason for saying what I did about supererogation is that we are not debating the bill we are only considering a motion to take up the bill. Every single point that has been argued for a long period of days can be, and I have little doubt will be, argued when the bill is taken up. Anything that I might have interjected, or that others might have interjected, in connection with the civil rights bill, was only in answer to points which are being made many times in very long speeches as against relatively short interjections on the part of the proponents of the bill. This has been done pursuant to a determination, as I think the Senator will agree with me, that we will answer these questions as they are raised, so that the public may have the benefit of both points of view at once.

The other point I wish to make is that I agree with the Senator that we should exercise the greatest discipline as the civil rights proponents with respect to any time we may take. The one thing as to which I do not find myself in complete agreement with the Senator is his statement that the only action the Senate takes is to pass bills or to approve appointments, or actions of that kind. I believe this great forum is a forum in which, occasionally, there must be a cry of warning, a cry for justice, a word of caution to the administration which may be imminently doing something which should not be done. That is the great purpose of this forum.

I agree with the Senator that, with the greatest temperance and self-discipline, we should most carefully screen ourselves at a time like this. But I cannot agree that we should remain mute if, for example, we see Chile going down the drain, or if the Senator from Oregon—although I do not agree with him—thinks he sees a colossal error occurring every day in Vietnam. Within those bounds, I agree with the Senator from New Hampshire.

I assure him that I will try to submit anything I shall have to say to the test of discipline. I take his remarks in the spirit of friendship and helpfulness, as I am sure that was the way in which they were uttered.

Mr. KEATING. Mr. President, primarily I wish to commend the Senator from New Hampshire for the very fine statement he has made, and the excellent analysis he has given us of the working of his own mind. The Senator from New Hampshire might very well not be so quick in voting for cloture as perhaps the junior Senator from New York would be. He and the junior Senator from New York are in disagreement about the amendment of the rule relating to cloture. I have always felt that the rule was too restrictive and should be changed. I believe that the Senator from New Hampshire expresses the views of a good many Senators.

I was asked within the hour by an excellent journalist what I thought about the possibility of invoking cloture. I replied that I had the feeling that there were Members of this body who might not favor every part of the bill, but who would be ready after extended debate, and after they felt that the subject had been exhausted, to vote for cloture. I take it that that is in general the position of the distinguished Senator from New Hampshire. I commend him for it.

If the tables were reversed, I hope my own inclination would be to be as statesmanlike as that—in other words, to reach the conclusion, regardless of whether I favored the bill or was opposed to it, that the time had come when debate on the subject was exhausted, and that it was time to conclude it after 100 additional hours of debate.

The decision as to when an attempt to invoke cloture should be made is always a matter of judgment. My personal belief in regard to the question before us, which is on agreeing to the motion to have the Senate proceed to consider the bill—and certainly if cloture is necessary on this motion, cloture should be ordered somewhat earlier than it should be on the question of the passage of the bill itself—is that certainly, in view of the length of the debate already had, the debate should not go beyond this week; and perhaps within this week serious consideration should be given to this point by the majority leader, who, I would hope, would be the moving force in connection with any cloture motion.

I have seen in the press statements to the effect that it never will be necessary to make a cloture motion, because the opposition will simply be worn out, and finally will agree that the vote be taken. Personally, I regard that as an unrealistic attitude. I believe that in all likelihood a time will come, in dealing with the bill itself, when it will be necessary to make a cloture motion.

I think the Senator from New Hampshire—who represents, I imagine, the thinking of a substantial number of Senators on both sides of the aisle—has rendered a real service by making clear that there is a limit to his patience, and that he is unwilling to listen forever to repetitious arguments, without feeling that the Senate must bring the matter to a conclusion.

I agree with him that all of us should exercise great restraint in regard to speaking on other subjects during this debate, if we feel that cloture should be invoked. I believe that his admonition in that regard is well taken, and that it should be followed by all of us, even though there may be other matters which we would wish to place before the Senate. Unless they are really urgent, I believe the debate on the civil rights bill should be limited to that subject.

Mr. COTTON. Mr. President, I thank both the Senators from New York for their contributions.

All I desire to do—particularly because these various remarks will be printed in the RECORD following the remarks of the Senator from Alabama—is to state that I believe there should be an indication in regard to the amount of time consumed.

I repeat that I do not criticize any Senator for having taken up, here on the floor, other subjects, for I realize that such procedure is in accordance with the tradition of the Senate as a forum which is open for general debate.

Mr. President, I yield the floor; and I thank the Senator from Alabama for his courtesy in yielding.

During the delivery of Mr. HILL's speech,

Mr. RIBICOFF. Mr. President, will the Senator from Alabama yield?

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HILL. I yield with the understanding that I shall not lose my right to the floor.

Mr. RIBICOFF. Last week, the distinguished senior Senator from Florida [Mr. HOLLAND] discussed this section of title IV. He indicated that he would have no objection to this section of the bill. Does the distinguished Senator from Alabama share the view of the Senator from Florida?

Mr. HILL. I am against the whole bill and all its separate provisions.

Mr. RIBICOFF. I was occupying the chair, so I could not enter into the colloquy. The Senator has complained of the lack of a provision for a jury trial when the Attorney General intervenes under titles III and IV. Assuming that a provision for a jury trial were included in the bill, would that satisfy the distinguished Senator from Alabama?

Mr. HILL. The lack of the right of trial by jury is only one of the many objectionable, iniquitous features in the bill. There are many other such features.

Mr. RIBICOFF. Let us assume that a provision for jury trial were included in the bill. Would the Senator then favor this section?

Mr. HILL. I would not.

Mr. SMATHERS. Mr. President, will the Senator from Alabama yield, so that I may ask the Senator from Connecticut a question?

Mr. HILL. I yield to the Senator from Florida for that purpose.

Mr. SMATHERS. Would the Senator from Connecticut be willing to have included in this section of the bill a provision for the right of trial by jury?

Mr. RIBICOFF. If that were a condition for receiving the support of those who object and will filibuster the bill, I would be willing, personally—I cannot speak for the leadership—but as one individual Senator, if a provision for the right of trial by jury were a condition that would stop the filibuster and cause the passage of the bill, I would vote for that provision.

Mr. SMATHERS. I congratulate the able Senator from Connecticut. I know that he, as an able lawyer, recognizes from his training that the right of trial by jury is a fundamental right given to every citizen, and was intended to be given to every citizen, when he is charged with any kind of crime.

May I interrupt the remarks of the Senator from Connecticut to mean that in order to bring to an end what he euphemistically refers to as a filibuster, there are other amendments to which he would agree?

Mr. RIBICOFF. When the Senator says "euphemistically," is there any question in his mind that a filibuster is taking place and will continue to take place in the many weeks ahead?

Mr. SMATHERS. I will say to the able Senator from Connecticut that when the communications satellite bill was before the Senate in 1962, a group of so-called liberal Senators debated and discussed that bill for 6 weeks, and they emphatically denied at all times that anything more than an educational discussion was taking place.

Mr. RIBICOFF. As the Senator realizes, I cannot commit the majority leader or the majority whip. I do not know whether the Senator from Florida can commit the distinguished group of Senators from the southern section of our country who together are making their position clear. However, is the distinguished Senator from Florida suggesting that the junior Senator from Connecticut sit down with the junior Senator from Florida to try to work out a few amendments and cause unanimity in this body and the quick passage of the civil rights bill?

Mr. SMATHERS. I can speak only for myself. I am as helpless to control the vote of any other Senator as is the Senator from Connecticut. The only votes we can control are our own. The Senator can control his vote, and I can control mine. So far as the junior Senator from Florida is concerned, there are particular provisions in the bill which I as an individual Senator could be for. But I could not be for the bill as it is presented in a package. It might be possible to divide the bill or to amend the bill, so as to consider only the areas in which Congress actually has the authority properly to act. Having done that, it might be that we could agree upon a bill.

Frankly, I do not believe any type of discrimination can be eliminated. I agree that discrimination exists in this land. It exists not only among races; it exists among religions. I even know about discrimination among economic groups. I do not really believe discrimination will be ended by passing laws. I believe that discrimination as such is morally bad and that Congress should try to do everything possible to eliminate it. The best way to do it is through education.

So in answer to the query of the Senator from Connecticut, there are certain sections of this bill which I could favor. I would be less opposed to the bill if it actually provided for trial by jury in the many instances in which it now authorizes the Attorney General of the United States to bring an action on his own motion and to bring the weight and majesty of the Federal Government against a private individual, who in some instances scarcely would have the resources with which to defend himself. Yet he could be put in jail without a trial by jury. I think such a provision runs counter to every sound precept of Anglo-Saxon jurisprudence about which I have ever heard.

So I say that such an amendment would make the bill somewhat more palatable; but I also say the "package" contains some proposals which are so extreme that I could not possibly favor the entire "package."

Mr. RIBICOFF. Of course, to be less opposed is a great deal different from being in favor. To be less opposed does not indicate an affirmative vote. I think there should be an indication of what sort of provision dealing with public officials would be acceptable enough to result in an affirmative vote. Certainly it is assumed that all such officials, whether under the Federal Government, a State government, or a local government, would obey the laws of the land.

Mr. SMATHERS. I believe the Senator from Connecticut is not stating the matter entirely correctly. Under this bill, a private individual who might own a rooming house with six rooms, could, in point of fact, be held in contempt and could be fined and could be punished by a jail sentence, without a trial by jury. So private individuals, in addition to public officials, would be affected by the bill. Therefore, I say the bill goes further than anything the Federal Government has ever before requested, and further than anything the Congress ever before has done. There can be no question that the 1957 act and the 1960 act had their application primarily to public officials.

Title II of the present bill also deals with private individuals and with what could be done under the 1960 act, which was to bring them into court and place an injunction on them; and if a violation were found to have occurred, of course they could be fined and could be placed in jail for as long as 45 days, without a trial by jury.

Mr. RIBICOFF. But if for more than 45 days, there would be a trial by jury.

Mr. SMATHERS. Yes. But I would say that by the time a man had been in jail for 45 days and had been fined and had paid $300, by the second time around it would be found that he would simply throw up his hands and would say, "Whenever someone says, 'Wait a minute; you may be discriminating,' just take all of them in. I give up all my rights"—because 45 days in some jails—fortunately, thus far I have not had to spend even 1 day there; but I would say that 45 days in some jails, without the right of trial by jury, would be a very severe penalty. Yet that is one of the provisions of title II.

So the Senator from Connecticut should vote in favor of the motion of the Senator from Oregon that the bill be referred to the Judiciary Committee, where the bill could actually be studied in fact, because, as all of us know, the bill was put through the House with the strong arm of someone or something—I do not know exactly what happened; but there was very little debate, and no public discussion of it; and now the bill has been brought to the Senate.

Now the Senate is trying to conduct sensible debate and discussion of all the provisions in the bill.

I believe we could learn a great deal from committee consideration of the bill.

From the remarks of the Senator from Connecticut, I gather that he does feel sympathetic to the situation of a man who spends 45 days in jail and is fined $300, without a trial by jury. So the Senate should permit the bill to be referred to the Judiciary Committee, of which the Senator from New York, who is a very astute attorney, is a member.

So let us vote for the motion of the Senator from Oregon to refer the bill to the Judiciary Committee; and then let us follow the normal processes of the Senate, and thus be able to learn more about the bill.

If thereafter the bill should become law—although I hope it would not—it would not be quite as iniquitous as it now is.

Mr. RIBICOFF. Let me say that I believe the Senate is composed of 100 able men and women; and I anticipate that before this debate runs its complete course, there will be a complete discussion of every word, every line, every paragraph, and every section of the bill. I believe the 100 men and women who will be debating the bill will make a useful legislative history. They will be debating the bill with a sense of clarity and understanding. That will be true of both those who will favor the bill and those who will oppose it.

I have listened with a great deal of interest to the views of the opposition. Every debate and every argument has been carefully thought out and studied. There has been careful preparation.

I anticipate that in the days ahead, I shall give special attention to certain sections of the bill. Title VI of the bill is one of the controversial titles; and I anticipate that when it is debated, I shall enter into the debate on various aspects of title VI; and I know other Senators will do likewise.

During this debate we shall be able to determine what is right and proper and what may be improper in the bill.

If there are defects—and I would not say every word or clause of the bill is perfect—they should be remedied; but I find it interesting to note, as I sit here day in and day out and listen to the opposition, that although the opponents of this measure talk about defects, yet when we try to pin down any opponent of the bill by asking, "If we remedy this particular defect, will you vote for this section and also for the bill? the answer is "No."

Under ordinary circumstances, when there is a difference of opinion among Senators during debate on the floor of the Senate, at some point there is a meeting of the minds and an attempt is made to reconcile the differences which exist between the two groups. But in this case the opposition is so solid that I submit there is no possibility of getting the opposition to accept the bill, even after making any of the proposed changes. I make this point to the Senator from Florida.

Mr. SMATHERS. Again I speak only for myself; but I say that I can conceive that I would support some of the parts of the bill—although certainly not title VI, the genocide title; and I doubt that I could ever support title VII. On the other hand, I could support some of the sections of the bill if I thought they would be improved.

This is why I strongly support the motion of the Senator from Oregon to have the bill referred to the Judiciary Committee; and at the committee hearings, the committee would hear not only from members of the committee, but also from outsiders, including, I would hope, able constitutional lawyers, and would obtain the benefit of their judgment, and also would obtain the benefit of the judgment of some outstanding persons in the educational field and of some outstanding persons in the labor movement, and of some outstanding religious leaders as to what is really needed.

The Senator from Connecticut says committee reference of the bill is not needed because all Senators are able. However, if that were a sound argument, we should do away with all the Senate committees, because all 100 Senators finally will have to pass judgment on all bills on which the Senate acts. So if the argument of the Senator from Connecticut on that point were good, we might just as well do away with the Senate committee system.

I do not believe the Senator from Connecticut intends to have that done. I know that ordinarily he is a respecter of the congressional committee system. I also state that he is one of the most fair-minded men I have ever been privileged to know.

I feel that if we could eliminate some of the emotion in connection with this matter, and could get down to what really is needed, if anything is needed, and could try to buttress it with better education, better jobs, and better knowledge, and could do something about them, then I believe we could arrive, finally, at some action on this problem—if not a final solution of the problem, because I do not believe there could be a final solution of it; since the first day of recorded history there has been discrimination; and, unfortunately, there will be discrimination, I am afraid, to the last day. It is something that we should try to get rid of. Since the human being is what he is, and since no one has yet arrived at that plateau of perfection and sanctity, I am afraid that we shall always be sort of passing judgment on each other, and certainly we shall be saying, "I like this group better. I would rather belong to that lodge. I would rather go here and work over there."

As long as we do that, we shall have some form of discrimination. People will feel that they are discriminated against.

Speaking of discrimination, we southerners know almost as much about discrimination as anyone, because if there is a minority outside of the South, we are it.

I do not speak critically, but while we get a pretty good press down in our home communities now and then, if Senators think that the Washington Post, the New York newspapers, and the newspapers in California do anything but point out in a ridiculous fashion the position of the southerners, I suggest that they take a look at what those newspapers have done to us. I suggest that they look at the caricatures and everything else. We know what it is to be a sort of minority. Today we are here as a minority. So we understand somewhat the problems of a minority. We wish to protect those minority rights wherever we can on the floor of the Senate.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. RIBICOFF. I agree with what the Senator from Florida has said philosophically in relation to the South as a minority. I agree with the Senator when he states that it is a tragedy because he and others are placed in the position of a minority.

One of the great tragedies of America is that the civil rights issue and the problems of discrimination have denied some of the ablest men in public life in the United States of America the full opportunity to assume roles of national leadership, and the entire Nation has been denied the full benefit of their talents. It is my prediction that when the civil rights bill becomes law, and the civil rights issue is eliminated from American politics, at that time the distinguished Senators, Representatives, and other public officials from the South will no longer be a part of a minority but will then have a national status and a full role to play in the national political affairs of this country.

I have said in the past, and repeat now, that this has been a tragedy for the United States of America.

But further in answer to what the distinguished Senator said, I wish to point out that the last time the bill was before the Committee on the Judiciary, and the Senator from New York [Mr. KEATING] was a member of that committee, 9 days were taken in the questioning of one man by one member of that committee.

The distinguished Senator from Oregon [Mr. MORSE] intends to make a motion to refer the bill to the committee. There is no more learned man in constitutional law and the legal processes than the distinguished Senator from Oregon. He is a brilliant Senator. He is a brilliant lawyer. He is a dedicated individual. Whether I agree with him or disagree with him, I always respect his position and I listen with great interest and delight to him. I always receive an education when the distinguished Senator from Oregon speaks.

Mr. MORSE. Mr. President, will the Senator yield for 30 seconds?

Mr. HILL. I yield.

Mr. MORSE. Will the Senator, as soon the debate is over, come out to Oregon and make that speech? I would like to have him do so.

Mr. SMATHERS. After that statement, I am certain the Senator will support the motion of the Senator from Oregon.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. RIBICOFF. No. I shall not support the Senator's motion. But I believe the Senator from Oregon will recall that when I was part of the executive branch, because of my respect for the distinguished Senator from Oregon, I came out to the State of Oregon. A press conference was held at which the distinguished Senator from Oregon was present. I believe by words and deeds what I am saying today was emphasized and reemphasized at that time for the benefit of the Senator from Oregon.

Mr. MORSE. Mr. President, will the Senator yield for 30 seconds?

Mr. HILL. I yield.

Mr. MORSE. It made me thousands of votes. I believe in reciprocity, and I am at the service of the Senator in Connecticut.

Mr. RIBICOFF. I thank the Senator.

But, seriously I make the point that when the distinguished Senator from Florida [Mr. SMATHERS] the distinguished Senator from Oregon [Mr. MORSE], and the distinguished Senator from Alabama [Mr. HILL] talk about sending the bill to the committee in order to have the benefit of the points of view of distinguished scholars, distinguished constitutional lawyers, and distinguished members of the clergy, I wish to point out that there is not a Senator who does not have available to him that information. The Senator from Oregon, the Senator from Florida and the Senator from Connecticut can call upon the great professors of law at the great universities in their own States and throughout the Nation. There is available to each and every one of us the points of view, the fine points of argument, the differences of opinion in relation to every section of the bill. For the life of me I cannot understand what would be gained by the maneuver of sending the bill to one of the great committees of the Senate for 10 days, for the taking of testimony and with instructions to report the bill back exactly as it is.

I believe in the committee system. I believe in the legislative process. But I have the feeling that 100 Senators in their colloquies and in their debates during the days ahead can present to the Senate and to the people of the United States every conceivable point of view.

The Senator has raised the issue of Anglo-Saxon jurisprudence in connection with jury trial in contempt cases. I should like the Senator to point out where in the common law or under Anglo-Saxon jurisprudence there is a provision for a jury trial in a criminal contempt case.

Mr. SMATHERS. The Senator has asked me where there is a provision for a jury trial in a criminal contempt case. In fact, I think such a provision was included in the 1957 act. I do not happen to have with me one of my legal brains but——

Mr. KEATING. Mr. President, will the Senator yield at that point?

Mr. HILL. I am happy to yield.

Mr. KEATING. It so happens that at the time the act to which the Senator has referred was considered I was the ranking member of the House committee considering the bill. The members of the committee were rather astounded by the action taken in the Senate on the 1957 bill.

To answer the Senator from Connecticut, there is nothing in common law that calls for a jury trial in a contempt action. Since the law was enacted, the question has been clearly and squarely one for the court. But in the Senate at that time a complicated arrangement was agreed to which provided that if the penalty was great enough, there would be a jury trial. Some such formula was retained in the bill. But really, if we were to follow precedent in the English common law or the rules and laws of almost every State in the Union, there should not be any jury trial in that type of action. However, the present arrangement is certainly nothing with which I would quarrel at this late date.

I do desire to ask the Senator to yield further on the point which the Senator from Connecticut was making, but I do not wish to interrupt his train of thought.

Mr. RIBICOFF. The distinguished Senator from Alabama has the floor. I do not have the right to yield.

Mr. KEATING. Mr. President, I ask the Senator from Alabama to yield so that I might comment on what the Senator from Florida has said.

Mr. HILL. I shall yield very briefly for that purpose.

Mr. KEATING. My statement will be brief, I assure the Senator, because I am seeking guidance and help.

Since I am a member of the Committee on the Judiciary, I am interested in learning how the Senator from Florida would suggest that the jury trial provision could be changed, if anyone wished to change it, any other change could be made in the bill. How would the question get to a vote in the Committee on the Judiciary, since the chairman has ruled that the rules of the Senate apply to the rules of the committee and in which committee, as yet, it has never been possible, hard as many of us have tried, to bring any amendment to a vote.

If the Senator knows of some way which we who serve on the committee do not know in which to bring some of these amendments to a vote, I would certainly be happy to have the benefit of his views.

Mr. SMATHERS. I cannot help but believe that the Senator would find that, despite the position of the able Senator from Mississippi [Mr. EASTLAND], who is chairman of the Committee on the Judiciary, that that Senator and chairman would vote, for example, for the addition of a provision which would insure jury trial protection in a case of the character which we are discussing.

Mr. KEATING. If the Senator will yield, I entirely agree that the Senator from Mississippi would vote for it.

Mr. SMATHERS. I thought the Senator asked me, "How do we get to a vote?"

Mr. KEATING. How do we get the chairman of the committee to put it to a vote? When put to a vote, it would be defeated. The chairman knows that. Does the Senator have any idea how those of us who would like to have such an amendment defeated could have it brought to a vote? How would we get the chairman to put to a vote any amendment with which he was in disagreement?

Mr. SMATHERS. I believe, under the proposal offered by the able Senator from Oregon, the bill would be back in 10 days in any event. If there were any prospect of improving the bill, I should think the able chairman of the Judiciary Committee would certainly permit such a particular vote to come up, if, in his judgment, and that of some of his colleagues, it were an improvement to the bill.

If an amendment were offered, under the rules of the Senate—which are used as the rules of the Judiciary Committee also—if the chairman did not like the amendment, I assume he would conduct an extended discussion of it. In any event, the bill would come back in 10 days, and during the course of the discussion in the Judiciary Committee, and before the return of the bill, perhaps the committee would have access to the president of the American Bar Association. He could be called. I do not know who he is. The only time I remembered his name was when he referred the other day to the activities of Belli, who lives in California, and who represented Jack Ruby in the trial at Dallas. That was the first time I remembered his name, but I presume persons of that caliber and knowledge would come before the committee and testify before there was a vote. So there would be a record that Senators could examine, which is the usual procedure in the Senate. We could examine the testimony of at least some of those who are for and some who are against, and get the benefit of a cross-sectional viewpoint.

I am sure it would be very helpful to those of us who supported what part of the bill we could support and would give us an opportunity to try to amend certain provisions we thought should be amended.

I think the hearings would be beneficial even if there could not be a vote in committee.

I agree with the Senator from New York that, looking at the record of the committee, the chances of reaching a vote are somewhat remote.

Mr. KEATING. I appreciate the candor of my friend from Florida; but does he realize that we had, and still have, in midair, dangling in the ether, a very distinguished witness in the person of the Attorney General of the United States, who was the only witness heard on this bill? There were 8 or 9 days of hearings; and the Attorney General was cross-examined during all that time by a single Senator. I am not sure that Senator has finished his questioning of the Attorney General, but assuming he has, undoubtedly the distinguished Senator from South Carolina will take up the questioning. The Attorney General would be the first witness to be called, and there are 13 or 14 other members of the committee waiting to question him.

Mr. SMATHERS. I have the feeling that, if the Senator from Connecticut and the Senator from New York would agree to having this bill referred to the Judiciary Committee for 10 days, the committee might be willing not to listen to the distinguished Attorney General further on this particular matter. I know the Senator from New York admires him greatly and follows him in all these matters on legal precedents and recommendations——

Mr. KEATING. Do not go too far with this; only part way.

Mr. SMATHERS. Anyway, I have the feeling that, if the Senator from Connecticut and the Senator from New York would vote for such a proposal, there would be a disposition on the part of the committee to do so. I have relatively little influence, but I would try to get them to listen to witnesses other than the Attorney General.

Mr. KEATING. The next witness would probably be the Governor of Alabama. We are already familiar with his views.

Mr. SMATHERS. I would recommend that we hear from the bar association president and some of the distinguished jurists who are not necessarily in the political arena, religious leaders, economic leaders, and people of that character, in addition to those representing the bar.

Mr. KEATING. I would be delighted, but the Senator from Florida is not chairman of the committee.

Mr. SMATHERS. That is an unfortunate fact at the moment. At any rate, I have the feeling that if the Senator from New York and the Senator from Connecticut would support the motion, possibly we could persuade the Senator from Mississippi to follow the course suggested.

Mr. KEATING. The possibility is so remote that I could not possibly vote for it.

Mr. RIBICOFF. Mr. President, if the Senator will yield, in the previous colloquy, the Senator from Florida said he controls only his own vote.

Mr. SMATHERS. I still do.

Mr. RIBICOFF. Under the circumstances, I am at a loss to know how the distinguished Senator from Florida is going to deliver the chairman's vote.

Mr. SMATHERS. I did not say I was going to deliver the chairman's vote. I would be the last person to say I could deliver any Senator's vote but my own; but if I have any persuasive powers—and that is doubtful—I would certainly offer to exercise them on the chairman of the Judiciary Committee, so he would not have only the Attorney General as the prime witness, who the Senator from New York has stated is a distinguished and learned jurist, and whose recommendations we should follow, and which I am certain in every instance the Senator from New York would want to follow.

Mr. KEATING. If the Senator would have a colloquy with me, after consultation with the distinguished chairman of the committee, the Senator from Mississippi, and the Senator from Mississippi were to rise on the floor and assure us that if the bill were sent to the committee for 10 days the persons the Senator from Florida has listed would be heard and he would allow all amendments to be offered and voted on in committee, I might feel quite differently about this situation than I do now. I shall wait for word from the Senator from Mississippi with great anticipation, but not with great expectations.

During the delivery of Mr. HILL's speech,

Mr. MORSE. Mr. President, I should like to make a brief comment on the interesting colloquy to which I have listened today. I make these comments only to clarify my position. At whatever time the parliamentary situation makes it possible for me to make the motion to recommit the civil rights bill to the Judiciary Committee for 10 days, I shall make it in this form:

I move that H.R. 7152 be referred to the Committee on the Judiciary, to be reported back to the Senate not later than April 6.

I may have to change that date of April 6, depending upon when I make my motion, or advance the date for whatever period of time will be necessary to give the committee 10 days.

I wish to make two points quickly about the motion. I am about to speak on the legal matters involved in the motion, so far as my objective is concerned, when I make the motion, and I shall not discuss those tonight. The speech is mimeographed and will be placed on the desk of each Senator when I make it. It will principally be a legal argument, and after I finish making the argument I shall then be delighted to answer questions on the speech.

I wish to make clear that my motion will not prevent any amendments in committee. It may well be that the committee, in its wisdom, after it hears witnesses, will decide that some amendments are necessary. I believe that they are. I believe, for example, that the FEPC section as it came over from the House is not nearly so good, either from its legal aspect or its economic aspect, as the provision we have been working on in the Senate. But that is a matter of opinion. I wish to make clear that in sending the bill to committee, the motion does not provide that it shall not be amended. It can be amended, if in the wisdom of the committee, after hearing witnesses, it believes that amendments should be offered.

Next, I wish to make clear that I believe it is up to the Judiciary Committee to demonstrate to the Senate and to the country what its procedural handling of the bill will be, if the bill goes to committee. I am not going to prejudge the committee. I am not going to say that the committee will not follow a procedure that will make it possible for the various cross sections of witnesses representing various points of view on the various sections of the bill to be heard. I should be keenly disappointed if the committee did not follow what I would call an appropriate and normal and regular procedural course of action for conducting hearings on the bill, because I believe the American people are entitled to such hearings.

Let me make perfectly clear to Senators who have expressed fear on the floor of the Senate that sending the bill back to committee would not produce the type of hearings most of us feel we should have, that if I knew in advance it would not, I would still urge that the bill be sent back to committee, for two reasons:

First, I believe this should be demonstrated because, I believe, it is an important operative fact, and I believe that that will have a terrific influence on American public opinion, if it should become a fact, because, as I have been heard to say before, the filibuster will be broken by American public opinion, not by the Senate. We are never going to break this filibuster. We are going to be the instrumentalities for breaking the filibusters. If the American people should bespeak themselves on the subject matter, and if the American people should become convinced that the Judiciary Committee did not follow an appropriate procedure for dividing up the 10-day period of time so that a fair cross section of points of view could be presented to the committee as a basis for possible amendment, they would resent it, and rightfully so. That resentment would cause the American public to say to hesitant Senators, who may find it difficult to vote for cloture, that they had better vote for cloture, and that the American people will hold them to political accounting if they do not vote for cloture. I believe that if the leadership of the Senate holds the Senate in session 24 hours, day and night, for a few weeks, all other business of the Senate should stop. I was a little surprised to learn that the Foreign Relations Committee had met this morning. I did not know about it, or I would have objected.

I am not going to support meetings of committees of the Senate. We are in it now. The issue has been drawn. So far as I am concerned, there is no time left for committee hearings. Stop the business of the Senate, except this business. Focus attention on this business. I believe that the 10-day hearings before the Judiciary Committee would give us a better bill. During that 10-day period, the Senate would be permitted to return to its normal business; but if we are going to keep civil rights on the floor of the Senate I am against any committee hearings. I heard the Senator some days ago say that he was against them, but I understand that some committee hearings are still being held.

I do not know what the parliamentary situation is. I hope that committees have not received permission to hold meetings in continuity during the debate. I announce tonight that I shall object to committee meetings being held. Even if all these fears should materialize, I still wish to have the bill go to committee, for the detailed reasons which I shall set forth later in the week when I make my argument that the bill be sent to committee, if I am privileged to make my motion this week.

It does not make any difference what is done in the committee procedure. If Senators wish to abuse the committee power—and I would consider the type of procedure that has been talked about as such an abuse—that would not stop a majority of the committee from filing a report. Once the bill is before the committee, nothing can stop the majority of the committee from filing a report. The Senator from New York [Mr. KEATING] is a member of that committee. I want to receive a report from the Judiciary Committee of which the Senator from New York is a member. The American people deserve and need the kind of report that a majority of the Judiciary Committee will write.

Let us not forget that once the bill goes to committee neither the chairman nor anyone else on the committee can stop the majority from filing a majority report. That majority report will be of utmost importance to the courts, as I shall show in great detail when I discuss this matter later this week. This issue is going to be litigated over and over again in the courts in the next decade. I want a Senate committee report for the courts to refer to. There is no better evidence. That is the best evidence. That is the best evidence, and I repeat it over and over again. I want the courts to have the best evidence as to what the bill means. We can get the best evidence only by having before us a committee report to which we can refer and to use as a basis of examination on the floor of the Senate in the course of the debate.

I see my good friend from New York [Mr. KEATING] returning to the Chamber. I have great admiration and high respect for him. More than he knows, he is a teacher of mine in the field of civil rights. I want him to have his opportunity to join the majority of the Judiciary Committee to write a report on the bill. That committee cannot stop them from writing the report once the bill is before the committee. Nothing can stop that. Never in the history of this body has any Senate committee ever failed to carry out the instructions of the Senate. Figuratively speaking, any committee which did fail would be in contempt of the Senate. I hope no Senator will believe that the Senate is going to permit any of its committee agents to defy it. No one believes that the Senate would permit an agent committee to take the bill with instructions and then figuratively, when the time had expired, thumb its nose at the Senate.

Senators know what we would do if that were to happen. We would use our power to bring the bill back by majority vote, and then we would have something to say, by way of Senate action, against the committee or members of the committee or the chairman of the committee who defied the Senate. If we did not, I say, "Look out for our control over committees." That is what is involved here, as far as the Senator from Oregon is concerned. Senators can disagree with me. Those who disagree with me are as sincere as the Senator from Oregon and just as dedicated to civil rights as is the Senator from Oregon; likewise, I do not yield to any Senator in supporting a civil rights bill.

My good friend the Senator from Georgia [Mr. RUSSELL] does not disagree with me about sending the bill to committee, although he said the other day that the Senator from Oregon has not yet had the scales removed from his eyes regarding the bill.

I have some reservations with respect to certain parts of the bill. I hope we can clean them up, perhaps by amendment. I mention this only because the question has been raised in the colloquy during the last 45 minutes.

I want to have a committee report. I have great confidence in the Senator from New York and in the Senator from Michigan [Mr. HART] and other Senators on the committee. If we go down the list of the membership of the Judiciary Committee we see that of the 15 committee members 9 are ardent supporters of a thoroughgoing, constitutional civil rights bill. I wish to give them an opportunity to help the courts and to help the Senate, and also American public opinion. I do not believe that we shall be limited to nine members of the committee. I would not be surprised if one or two or three of the other committee members joined in writing the majority report. However, there is a group of nine members on the Judiciary Committee who could write a committee report of inestimable value to the courts, to the Senate, and to the country. I believe that is the way to pass the civil rights bill.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HILL. Mr. President, with the understanding that I retain my right to the floor and that I will be able to continue the speech I have been making since early in the day, I am glad to yield to the Senator from Ohio so that he may ask the Senator from Oregon a question.

Mr. LAUSCHE. Mr. President, what is the recollection of the Senator from Oregon about the vote that was cast when this issue was before the Senate several years ago by the then Senator Kennedy, subsequently our President, and finally our martyred President, and the vote that was cast by Senator Lyndon Johnson, who was then our majority leader and who now is our President?

Mr. MORSE. I say to my good friend, whose views I so deeply respect, that on February 26 of this year, when I presented the rather detailed argument on this subject matter, and was ably supported by the Senator from Ohio, the Senator from Oklahoma [Mr. MONRONEY], the Senator from Tennessee [Mr. GORE], and many other Senators, I pointed out that in 1957, when the same issue was before the Senate, and the Senator from Oregon also moved to send the civil rights bill to committee, we could have had a better bill, not the watered down bill that was finally passed. I do not believe it was worth the paper it was written on. However, that is a matter of opinion. Not much of the civil rights bill was finally passed then.

I led the fight then to send the bill to committee. I was ably supported by the brilliant argument made by the then Senator from Massachusetts, Jack Kennedy. What I said will be found in the RECORD of February 26 of this year. I was also very ably supported by the great Senator from Texas, then the majority leader of the Senate, Lyndon Johnson. I remember that in my speech of February 26 I was also ably supported—and in my judgment an irrefutable argument was made at that time—by the Senator from Montana [Mr. MANSFIELD], now the majority leader of the Senate.

I do not believe I misquote him—the RECORD, of course, will speak for itself—when I say that right up to the time of that debate the Senator from Montana held the view that in principle he thought the Senator from Oregon was correct.

I am always a bit unable to really understand the point of view that Mr. X can be right on principle, but that apparently the expediencies are not with him, and therefore we cannot support him. If we are right on principle, that is all we need to know. If one is right on principle, we should go down the line on that principle.

As we know, my good friend the Senator from Montana, for whom I have deep affection and personal regard, when we were beaten on February 26, when the point of order of the Senator from Georgia was laid on the table, asked unanimous consent to have the bill sent to the Judiciary Committee until March 4. It is true, as I recall, that a restriction was added to the request, that the bill could not be amended. I would be opposed to such a restriction. It was objected to. He tried it again the next day, and it was objected to again. He has made reference in the debate to the fact that there was a time for it to go to committee, and that the request was objected to.

In the first place, we placed an unacceptable restriction on it. In the second place, we all know he does not have a chance of having the bill referred to committee by unanimous consent. If the Senator really believes in the principle, he ought to be willing to support a motion to refer it to committee for whatever period of time can be agreed is fair and reasonable.

Those Senators were not the only ones who supported the proposal. In 1957 there was a good cross section of views among Senators who favored it. I hope all Senators will at least give me the benefit of the doubt and hear me on the legal aspects of my proposal before they finally make up their minds.

I realize how the Senate operates. Sometimes a Senator will come to me and say: "Wayne, where do you stand on the bill?"

I reply that I am against it. The Senator then asks me, "Do you mean you are against it, that your mind is closed and, that you will not listen to argument?"

I reply, "No. I never take that position."

If a Senator can show me in the last 5 minutes of debate that I am wrong on a position, I owe it to the people whom I represent to change my mind.

I hope that between now and the time the Senate finally votes on the motion to commit, enough Senators will have changed their minds so that the bill can be referred to committee for 10 days and that we may obtain a committee report. Whatever we do, we must have the committee report.

Some people do not like to hear me talk about the coffee agreement. I got into a little "hot soup" in the Senate the other day. Some leaders of the National Association for the Advancement of Colored People took affront because I thought the bill ought to be laid aside for 10 days, and that the Senate ought to take up the coffee agreement.

They asked: "Are you suggesting the substitution of a coffee agreement?" My answer is that we could not spend our time in a better way than to have a record made for a report by the Committee on the Judiciary and at the same time get the coffee agreement out of the way.

All the Ambassadors to Latin America were before the Committee on Foreign Relations last week. A surprising number of them talked with me about the coffee agreement. They said, in effect, "We want to stress, Senator, how important the coffee agreement is to the improvement of United States-Latin American relations."

The Senate could probably spend the 10 days on the coffee agreement. But suppose it did not. There is plenty of other business to be considered. Examine the calendar. Many other measures are pending on which we could well afford to spend our time in those 10 days.

Mr. LAUSCHE. Mr. President, will the Senator yield without losing his right to the floor?

Mr. HILL. I yield, with the same understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. What was the theory underlying the opposition that the then Senator Kennedy, the then Senator Johnson, and Senator Mansfield had in urging that the bill be referred to committee for study?

Mr. MORSE. Exactly the same reasons that I have presented. I presented them then, and I have presented them in this debate.

Mr. KEATING. Mr. President, will the Senator yield for a short comment on the remarks of the distinguished Senator from Oregon?

Mr. HILL. Does the Senator mean for 2 minutes?

Mr. KEATING. Approximately, or less.

Mr. HILL. With the understanding that I shall not lose my right to the floor, and that I may continue the speech where I stopped earlier in the debate, I yield to the distinguished Senator from New York for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. I speak primarily to express gratitude to the Senator from Oregon for the extravagant praise he gave me by suggesting that I might be his teacher in the field of civil rights, or indeed in any field, and also for the enlightenment that he felt he and others might receive from a report written by the large majority of the Judiciary Committee, which, as he says, favors meaningful civil rights legislation. I would place the number of those who favor the bill at 10, more likely 11, rather than 9. Such a report might be useful.

However, the committee held hearings on a bill before it for 8 or 9 days. There was never any disposition to submit a report. A report would have been rather meaningless, because we had only heard one witness. If this bill is referred to committee, we will again hear only one or two witnesses. They will be picked witnesses, those selected by the distinguished chairman of the committee as the ones to present their views—such witnesses, for instance, as the Governor of Alabama or the attorney general of Louisiana. So I see nothing to be gained by referring the matter to the Judiciary Committee. If history repeats itself, there will be no record upon which the majority of the committee, strongly as they might feel, would be able to make any report. It will be an entirely inconclusive proceeding.

I am not sure the Senator from Oregon was in the Chamber during my earlier colloquy with the distinguished Senator from Florida. If the chairman of the Judiciary Committee were to say in the Chamber, "If the bill is sent to my committee, we will call as witnesses leaders of church groups, labor groups, business groups, leaders of all groups, and we will allow amendments to be offered and to be voted up or down in the committee during the 10-day period," that would put an entirely different light on the subject, so far as I am concerned.

I suggested to the Senator from Florida, and I suggest to the Senator from Oregon, that the best way to strengthen the case for this motion would be by obtaining a commitment of that nature from the chairman of the Judiciary Committee, so that the referral of the bill to that committee would have some meaning. As the situation now stands, it would be completely meaningless. I can understand how the Senator from Oregon, who is not a member of the Committee on the Judiciary, or any other Senator who is not a member of that committee, would not fully appreciate the utter fruitlessness of talking about civil rights in the Committee on the Judiciary as it is now constituted.

I have an impression that the President and the distinguished majority leader, Senator MANSFIELD, have reached the conclusion that now they should take a different position, so far as referring the bill to the Judiciary Committee is concerned. In that way, they have grown in their thinking, in my judgment, over the years since 1957. The reason is that they have come to the realization of the complete futility of referring any civil rights measure to the Judiciary Committee, no matter how it is referred.

I agree with the Senator from Oregon that it would be a devastating blow to our whole committee system to refer the bill to committee only to have it reported to the Senate as is. That would only make it a ministerial function for a committee that bears the honorable name of Committee on the Judiciary. If I felt that anything would be gained by sending it to that committee, I would like to see that done. However, I cannot see anything to be gained, and 10 more days would be lost in the process.

Mr. SMATHERS. Mr. President, will the Senator from Alabama yield so that I may ask the Senator from New York a question, without the Senator from Alabama losing his right to the floor?

Mr. HILL. Under the previous understanding, I yield to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. I rejoice to hear what the able Senator from New York has said. I would like to think, as the Senator from Oregon has well expressed it, that the committee system has worked, as it should.

Did I correctly understand the Senator from New York to say—I speak for no one but myself, because I am trying to get clear what the Senator from New York is saying—that if it is agreed that there will be witnesses other than the Attorney General of the United States, but witnesses representing every viewpoint with respect to the civil rights bill, if there is an agreement that such witnesses will be produced before that committee during the 10-day period, then, as I understand, the Senator from New York will vote for the motion of the Senator from Oregon?

Mr. KEATING. Oh, no. The very important point is that the witnesses not be witnesses selected by the chairman of the Committee on the Judiciary.

Mr. SMATHERS. I agree.

Mr. KEATING. And that the amendments that many of us would like to offer in the committee are voted up or down in committee. That is the most important part—more than hearing witnesses. We do not need to hear any more witnesses. We called several in our committee, and in three or four or five other committees. I have already placed in the RECORD the list of pages of testimony which we have had. We do not need any more witnesses. That is secondary.

While the hearing of further witnesses would be superfluous, I should be glad to hear additional witnesses. I think the president of the American Bar Association would be a fine witness. However, I understand that the American Bar Association has not taken a position on this measure. If it has, I should be glad to hear such witnesses; and I should be glad to hear witnesses from church groups and other groups. Then I would want the committee to vote the amendments either up or down. If the chairman of the committee would say that would be done in the committee, that would certainly put a different light on the situation, in my opinion; and I am sure the same would be true of the opinions of others.

IS THERE A WEAKNESS IN OUR NATIONAL DEFENSE?

Mr. SMATHERS. Mr. President, will the Senator from Alabama yield for a brief statement without losing his right to the floor?

Mr. HILL. Mr. President, with the understanding that I do not lose my right to the floor, I yield to the distinguished Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Mr. President, last Friday, in Key West, Fla., one of the most surprising and shocking events occurred, it seems to me, with respect to our national defense since the days of Pearl Harbor. We have a $55 billion defense budget this year. We are spending great sums of money setting up defenses for ourselves. We are supposed to have, and I had assumed do have the most advanced and sophisticated radar system in the world. We have all kinds of defense mechanisms calculated to warn us if any enemy should ever start toward us, even if we claim a missile should be fired at us.

Strangely enough, with all of that protection, particularly with so much of it centered around the southern coast of Florida, we find the unusual occurrence of a helicopter taking off from Cuba with a couple of student pilots, and an instructor pilot, plus a gunner. The two students shot the pilot, took over the helicopter and apparently flew it right through our elaborate defenses and landed at the Municipal Airport in Key West, Fla. Apparently no one saw it until it landed. No warning went up from the Navy, the Coast Guard, or the Air Force.

The manager of that airport, George Ferald, is a friend of mine. Apparently he went out and asked these people: "Where are you from? What are you doing here? That is a funny looking design you have on your helicopter." He looked inside the plane and saw the dead pilot. He then called the military to suggest that perhaps they had better come out and check into the situation.

Mr. President, the people throughout south Florida particularly and all Florida are concerned about the kind of defenses we really have.

Mr. MORSE. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I shall be glad to yield in one moment.

This helicopter was under the control of two students, and being obviously a slow-flying and low-flying aircraft, it may have gotten under the radar screens, which seems to be the explanation for it at the moment. Nevertheless, we are supposed to have some Navy personnel down there who claim to be making some observations, because if the helicopter flew low, and if a helicopter can get in that way, it is entirely possible that a whole series of helicopters and low-flying planes could come in and attack installations and cities of south Florida.

Maybe our defenses are absolutely perfect from 5 miles up or 1 mile up; and maybe it is perfect on the water, on the surface, but we have a gap from the surface up to 1 mile up, and we had better do something about it.

Particularly is this situation alarming, in view of the fact that as Joe Alsop wrote in his column this morning that the Soviet Union is now pulling its troops and construction workers out of Cuba and are turning over to Cuba their surface-to-air missiles and other sophisticated armaments which they brought in in 1961 and 1962. Raoul Castro, the brother of Fidel Castro, has said that the one ambition above all in his life is some day to drop a bomb on the United States. Possibly Soviet Union personnel, being tightly disciplined and controlled and recognizing that if they started something precipitately against us it would undoubtedly bring about total war, but remembering the implacable hatred of the Castro brothers for the United States in everything that we stand for, they now have control of these weapons, and, if they can get their aircraft into the United States as easily as this helicopter did, it seems to me it is about time that not only the people of Florida and the people of the Nation be concerned, but the heads of our Defense Command as well.

Today, I have written a letter to the Secretary of Defense, Mr. McNamara, who up until this point I thought was just about as fine a Secretary of Defense as we ever had.

I have read with great interest—and have always been in agreement with him—all the articles showing how well he was doing with our Defense Department.

Recently Secretary McNamara has made about three trips to South Vietnam. All of us know that South Vietnam is important to the United States and the free world, but South Vietnam is not as important nor as of much concern to the eastern seaboard of the United States and to the people of Florida, as is Cuba. If the Secretary thinks these people can conceive of more danger to them from South Vietnam than from Cuba, then he had better take another look, because that is not the case. These people are much more concerned about Cuba than about South Vietnam, for there is much greater danger from Cuba, directly to the United States than from what might happen from South Vietnam.

I respectfully recommend to the Secretary of Defense that he undertake no further trips to South Vietnam for the time being, but that, instead, he go to Key West, to see if he can find out how it was possible for this helicopter to get through this elaborate and expensive defense system and land at the Key West Municipal Airport without anyone knowing anything about it.

I now yield to the Senator from Oregon.

Mr. MORSE. The Senator has covered the point that I wanted to make about the helicopter.

PERSONAL STATEMENT BY SENATOR MORSE

Mr. MORSE. Mr. President, I rise to a matter of personal privilege. Over the weekend, Secretary of State Rusk has denied that his denunciation of opponents of his foreign policy, a denunciation delivered in Salt Lake City last Thursday night, was aimed at me or the Senator from Alaska [Mr. GRUENING]. The Secretary of State did not mention our names specifically.

Let it be clearly understood that the objection that he answers to his foreign policy, which he sought to raise, involved exactly the same objections that the Senator from Alaska and the Senator from Oregon have been expressing on the floor of the Senate and on platforms across America for many months.

It is of interest to note that the press, in writing articles which discussed the Secretary's comments, had no doubt as to whom the Secretary included within his remarks by clear implication. Anyone need only to read the position taken by the Senator from Alaska and the Senator from Oregon over the many months past, particularly with respect to South Vietnam, to know that if the comments of the Secretary of State were to be applied to anyone, they certainly would have to include the Senator from Alaska and the senior Senator from Oregon.

I find it hard to determine just whom the Secretary might have been referring to in that speech of last week. The political editor of the Salt Lake Tribune wrote a front page story on the Rusk speech which carries exactly the same sentences to which the Senator from Alaska and I took exception last Friday. The story written by O. N. Malmquist says in its second paragraph:

> And he sharply criticized as "quitters" those who would "quit the struggle by letting down our defenses, by gutting our foreign aid programs, by leaving the United Nations."
>
> "Insofar as anybody here or abroad," he said, "pays attention to the quitters, they are lending aid and comfort to our enemies. I feel certain that the American people will reject the quitters, with their prescription for retreat and defeat."

Before I prepared this answer to the Secretary of State this afternoon, I very carefully checked with newspapermen and found that the stories that were sent over the wires and the story of the gentleman whom I quoted in the CONGRESSIONAL RECORD on Friday coincided with what they heard in the speech. The Senator from Alaska and I made it very clear that although the Secretary did not name anyone, he caused the newspapermen who listened to the speech to have no doubt as to how all inclusive his remarks were so far as the critics of his policy were concerned.

In his television interview on Sunday, the Secretary indicated that he was directing his comments at persons who have written to the State Department and he wanted to emphasize that "we can't afford to relax our effort" to help South Vietnam fight off Communist guerrillas from the north. "I said let's don't quit."

Surely the Secretary does not think we are all that naive. No one can take seriously his implication that of all those Americans who oppose participation of American forces in Vietnam, he views only those who write the State Department about it as lending aid and comfort to our enemies.

These quotations are enough. He said these things, and he did not direct them at mere letter writers. The press account in the Salt Lake Tribune was written on the scene. The words "quitters lending aid and comfort to our enemies" are the words of Mr. Rusk, not of newspapermen.

Senator GRUENING and I quoted Secretary Rusk accurately in our Friday speeches. He said in the Salt Lake speech exactly what we said he said.

He did not say that his reference to "quitters" refers only to American citizens who have written letters to the State Department opposing the policies of Secretary Rusk and the administration as a whole of continuing their U.S. military intervention in South Vietnam.

I am afraid that on his television program Sunday, when confronted with the question concerning what he said in Salt Lake City, the Secretary of State suffered a convenient lapse of memory. But let me ask him, even if his belated rationalization and alibi concerning his Salt Lake City speech were true—and they are not—does he think that he can justify charging fellow American citizens who write to the State Department in protest of our South Vietnam policy with aiding and comforting the enemy, which is the constitutional definition of treason?

We still—at least, I hope we still—have the right in this country as free citizens to protest and petition our Government when we think our Government is following a course of action that is not in the public interest. American citizens, be they U.S. Senators or any other citizens, should have the right to make such protests without having a Secretary of State call them quitters or traitors or any other McCarthy approbrium he wishes to throw. Let the record be crystal clear that the senior Senator from Oregon now incorporates by reference every word of his Friday speech criticizing the Secretary of State, and the senior Senator from Oregon stands on that record.

I ask unanimous consent that the story of March 20 published in the Salt Lake Tribune, the story of March 23 published in the Washington Post, and the text of the Secretary's speech as distributed by the State Department be printed at the close of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, the most that can be said for the Secretary's evasion is that the senior Senator from Oregon has always opposed the use of American forces in Vietnam. Perhaps the Secretary is trying to say that I cannot be called a quitter because I never favored sending American boys there in the first place.

I was opposed to it in 1954, when Vice President Nixon suggested in a "trial balloon" speech that the United States send forces to take up the Indochinese war, which the French were then losing. France was being licked in that war, despite our American financial contribution of $1.5 billion and her own manpower contribution. The Vice President made a famous speech in New York City on April 17, 1954, that initially could not be attributed to him. But it was not long before the press revealed that it was indeed the Vice President who proposed that the United States try to do what France was failing to do.

The New York Times account of that speech said:

> If France stops fighting in Indochina and the situation demands it, he said, the United States will have to send in troops to prevent the Communists from taking over this gateway to southeast Asia.

It makes no difference to me that it is now an administration of my own party that is doing very much the same thing that Mr. Nixon unsuccessfully proposed in 1954. It is just as unsound now as it was then. It makes no difference to me that large-scale American participation was undertaken in 1961 by an administration of my own party. Not Mr. Nixon, nor Mr. Kennedy, nor Mr. McNamara, nor Mr. Johnson, nor Mr. Rusk has made out a case that it is vital to the security of the United States that we send American forces to fight in the old Indochina.

I said in 1954 that the American people do not want flag-draped coffins returning from Indochina, and that statement is still true today. I said in 1954 that no justification had been offered to Members of Congress or to the American people for sending our forces into Indochina, and that statement is still true today. The name is now South Vietnam, but the place is the same.

In 1954, Admiral Radford was telling Congress that any American military intervention in Indochina should be on an all-out basis, including the use of atomic weapons, and that situation has not changed, either, for that trial balloon has been going up in this country within the past 3 weeks. It is being tried out, but that trial balloon will be punctured. If this administration insists upon it, it will be punctured politically. I am satisfied that the American people will call the administration to a political accounting when the administration starts following a course of action that would result in a continuation of the casualties of American boys in South Vietnam.

The great mass of the American people opposed our going into Indochina in 1954, and I am satisfied that they are still opposed to it. The Secretary of State should understand, when he says that this opposition is lending aid and comfort to our enemies, that he is talking about a very large percentage of the American people, he is talking about me, he is talking about my colleague from Alaska [Mr. GRUENING], and he is talking about a great many others in public life. There is a large body of American opinion that has reacted favorably or with considerable interest to the De Gaulle proposal that this area be neutralized.

I said on Friday, and I repeat today, that I happen to believe that the signatories to the SEATO Treaty have the same obligations with respect to South Vietnam that the United States has. Yet the fact is that the action in South Vietnam is unilateral action by the United States. I asked on Friday, and I have asked for weeks, and I shall continue to ask until I get an answer from this administration, "Where are our SEATO allies? Where are the other signatories to the SEATO Treaty? Where are Australia, Pakistan, Thailand, the Philippines, Great Britain, and France?"

Mr. President, let us not forget that when we consider the international basis for any United States action in South Vietnam outside the United Nations, it is clear that the only weak reed on which one can lean at the present time is the SEATO Treaty—a regional treaty. Regional treaties are generally authorized under the United Nations Charter, if it can be shown that they relate to the security of the countries covered by the region. But in that treaty there is only a protocol agreement by the signatories; and in that protocol agreement the signatories thereto said they had a mutual concern with and interest in the South Vietnam area. I should like to know what they consider it to be; I should like to know whether they think the only mutual concern they have is that the United States do a job for them. I should like to know whether the only concern they have in the area, under the SEATO agreement, is that they have a concern so long as the boys from outside the region who do the dying are American boys—not Australian boys, not Pakistanis, not Thai, not Filipinos, not British, not French.

I say to the administration, "You cannot evade this one. You are going to have to give to the American people some international law justification for the course of action the United States is following in South Vietnam. You are going to have to justify to the American people—and, if you do not watch out, before you get through you will have to justify to the world, also—why the United States is not now requesting United Nations assistance in connection with South Vietnam."

I say to the administration of my own party, "You are going to have to demonstrate what international law right the United States has to be in South Vietnam"—to say nothing, Mr. President, about what I consider to be its complete lack of moral justification. I am at a loss to understand what my country is doing in involving itself in what amounts to a civil war in South Vietnam, in which whole families are split—a son on one side, and his father on the other; an uncle on one side, and his nephews on the other. It cannot be justified unilaterally, Mr. President. The only possible way to justify it is to bring it within the framework of international law and within the jurisdiction of the international bodies which have authority in the premises.

Some are not pleased when I use language which the people can understand. But I am not a diplomat—all my colleagues know that—and I do not intend to be; and I do not intend to use diplomatic gobbledygook—so characteristic of so much of the language used by the State Department—to attempt to pull the blinders over the eyes of the American people, insofar as South Vietnam is concerned. My position is that we had better get right with all the international-law procedures which we may soon discover are applicable to us; and we may find ourselves—before we know it—hailed before existing international tribunals for an accounting of our intervention and our interference in South Vietnam.

In fact, I think we should be taking the lead in first giving the signatories to the SEATO Treaty an opportunity to reach some mutual agreement or understanding as to what should be, in fact, the course of action in South Vietnam. France is a signatory; and De Gaulle has made a proposal, although not too specific, and in my judgment couched in too broad generalities; but at least he has put us in a position where we have to do some explaining. He has made a proposal that we should give some consideration to the neutralization of that area of the world. Well, Mr. President, I should like to explore that proposal, and I should like to see my country explore it. But one cannot very well be working for neutralization, on the one hand, and at the same time be engaging in an offensive military course of action, on the other.

So I am only pleading, as a member of the Foreign Relations Committee of the U.S. Senate, that we start getting from the Secretary of State some specifics to justify not only the course of action now being followed, but also what I fear are courses of action which those in the State Department have in mind if they can get the American people to keep their heads in the sand long enough to permit them to get by with such courses of action.

Regardless of whether those in the State Department fully appreciate it, let me say that millions of the American people have their heads out of the sand and high in the air, these days, and are asking and asking and asking questions about South Vietnam and the justification, if any, of American policy that is resulting in a gradual increase in the casualty list of American boys.

The State Department and the Pentagon are not pleased that I have been asking this question for some time; and the Secretary of State, without mentioning my name, talked about it the other night at Salt Lake City. As I have said on the floor of the Senate, and I repeat today, and as I have said on the platforms from coast to coast in America, and I shall continue to say so, South Vietnam is not worth the life of even one American boy; and I do not intend to sit in the Senate and vote for an American policy in regard to South Vietnam that is resulting in the unnecessary killing of American boys in South Vietnam. The time has come to call a halt; the time has come to use the great force of this Government in the field of international diplomacy to seek to resolve that dispute and to end the bloodshed that is now going on. At least we have a duty to make that our major effort, rather than to have further talk by leaders of this administration—who have made such pronouncements in recent days—that this aid is going to go on—and they used this language—"forever, if necessary."

Well, perhaps; but I do not think the American people will tolerate it forever. I believe the American people have just about caught up on the policy right now.

So, Mr. President, I close my remarks by saying that the Secretary of State must know that he cannot silence all these voices simply by making accusations of the kind he made in Salt Lake City. We are still waiting for a justification of his intervention policy.

Mr. President, I yield the floor.

[EXHIBIT 1]

[From the Salt Lake Tribune, Mar. 20, 1964]

U.S. WINNING, RUSK ASSERTS IN SALT LAKE SPEECH—DON'T DROP DEFENSES, SECRETARY ADMONISHES

(By O. N. Malmquist)

Secretary of State Dean Rusk Thursday night told an assemblage of political scientists in Salt Lake City that the central struggle between international communism and the free world is going well for the United States and the free world.

He declared that despite outbreaks of violence, forcible overturns of governments and disputes within the free world, U.S. foreign policy is succeeding.

And he sharply criticized as "quitters" those who would "quit the struggle by letting down our defenses, by gutting our foreign aid programs, by leaving the United Nations."

"Insofar as anybody here or abroad," he said, "pays attention to the quitters, they are lending aid and comfort to our enemies. I feel certain that the American people will reject the quitters, with their prescription for retreat and defeat. I believe the American people have the will and the stamina to push along the toilsome path to peace."

Secretary Rusk addressed a dinner meeting in Hotel Utah opening a 3-day annual meeting of the Western Political Science Association which was founded at the University of Utah 17 years ago.

The dinner was jointly sponsored by the Western Political Science Association and the International Studies Association.

The Secretary of State did not paint a rosy world picture. He said the State Department is fully aware that Moscow, as well as Peiping, remains committed to the Communist world revolution and a determination to "bury" us. He conceded that the United States is involved in numerous disputes within the free world which places us "in the middle." He pointed out that during 1963 there were 12 forcible overturns of governments and 1964 appears to be proceeding the same way. But he emphasized that the role of peacemaker is usually a thankless one and that it is from the middle that influence for a peaceful solution can often be exerted.

"The first objective of our policy toward the Communist states," he said, "is to prevent them from extending their domains—and to make it costly, dangerous, and futile for them to try to do so.

"In the main, the world struggle is going well from our viewpoint. West Berlin remains free and prosperous. So does Western Europe as a whole. So does Japan. Many of the less-developed nations have moved ahead impressively. And almost all of them, old and new nations alike, are stubbornly defending their independence.

"Meanwhile, the Communist world is not only torn by disputes but beset with economic difficulties. The standard of living in mainland China is even lower than it was in 1957, before the 'great leap backward.' The Soviet Union has done better but has encountered a slowdown in growth rates and critical problems of resource allocation. The smaller Communist countries of Eastern Europe lag far behind Western Europe.

"Even with massive Soviet support, Cuba's economy is limping badly. And nearly all the Communist countries have large and conspicuous difficulties in producing food. The notion that communism is a shortcut to the future for developing nations has just been proved false."

Secretary Rusk recognized several questions frequently raised by foreign policy critics and answered them.

One implied question was: Why do we seek agreements with adversaries and why do policies vary with different Communist countries?

He replied that agreements are sought to reduce the dangers of a devastating war; that policies are varied because "we believe that we can best further our objectives by adjusting our policies to the differing behavior of different Communist states—or to the changing behavior of the same state."

Another question was: Is it really necessary for the United States to become involved in free world quarrels? His answer was "Yes."

"Remote and complex as some of these quarrels may be, the reasons for our interests are direct and simple. Unless they are quickly settled through other channels, most of them come to the United Nations, where we have to take a position. * * * As a responsible member of the U.N. we could not avoid involvement in these disputes even if we felt little real concern about them.

"Usually, however, we do feel real concern. Disputes within the free world give the Communists opportunities to cause serious trouble. And there is often the danger that dispute will lead to crisis, crisis to skirmish, skirmish to local war, and local war with conventional weapons to a confrontation, deliberate or by suction, of the nuclear powers. As long as that possibility exists, the United States has a fundamental national security interest in the peaceful settlement of such disputes."

Another question was: Why, in U.N. actions, the United States assumes so much of the financial burden?

"Of course," he answered, "we think all nations should carry their fair share at all times. But not all nations have agreed with us; some have been opposed to keeping or restoring the peace because they believed their interests would be served by conflict.

"If we have carried a substantial share of the load it has been because we considered it in our national interest to do so. That was the case in the Congo."

He cited the Cyprus dispute as one which is of vital interest to the United States and the free world because it involves NATO allies.

He advocated improvements in the machinery of the U.N. and continuing efforts to build, bit by bit, a worldwide environment that is safe.

[From the Washington Post, Mar. 23, 1964]

RUSK DENIES CALLING TWO SENATORS QUITTERS

Secretary of State Dean Rusk denied yesterday that he had called Senators Wayne Morse, Democrat, of Oregon, and Ernest Gruening, Democrat, of Alaska, quitters for differing with him on U.S. foreign policy. He said no apology to them is necessary.

Rusk, interviewed on the radio and television show "Face the Nation," said his remarks in a speech in Salt Lake City last Thursday were not aimed at the Senators at all.

He said he was speaking against views expressed in mail received at the State Department and wanted to emphasize that "we can't afford to relax our effort" to help South Vietnam fight off Communist guerrillas from the North.

"I said let's don't quit," Rusk said.

Morse and Gruening favor disengagement in South Vietnam and back marked reduction in foreign aid programs.

Morse, who wants the U.S. forces withdrawn, said in a Senate speech Friday that Rusk was resorting to McCarthy smear tactics and spoke of his use of the phrase "quitters." Gruening said he agrees with Morse, and Rusk should apologize.

Rusk said yesterday he is sure the Senators would not feel an apology was necessary once they read his speech. He attributed use of the term "quitters" to a news story, and added:

"Senator Morse is not a man anyone would characterize as a quitter."

Rusk also called President Johnson's Saturday statement on Panama very important and said he was hopeful it would bring the two nations to the conference table soon.

President Johnson said the United States is ready to review every problem that divides the two nations, including any questions raised by Panama.

Rusk said no response had yet been received from Panama.

THE TOILSOME PATH TO PEACE

(Address by the Honorable Dean Rusk, Secretary of State, before joint meeting of Western Political Science Association and the International Studies Association, Hotel Utah, Salt Lake City, Utah, Thursday, March 19, 1964)

Mr. Chairman, members and guests of the Western Political Science Association and of the International Studies Association. I am honored that you have invited me to speak here in this beautiful city, and I am indebted to you for reviving many pleasant recollections of my own years as a student and teacher of political science and international relations, including a stimulating tour in a western college.

The first objective of our foreign policy is, in the words of the Preamble to our Constitution, to "secure the blessings of liberty to ourselves and our posterity." The blessings of liberty lie at the heart of the world struggle in which we are engaged. The central issue in that struggle is coercion versus free choice, tyranny versus freedom. And the most powerful assets we have in this struggle are the ideas out of which this Nation was born and has grown. For these ideas and ideals are shared by most of mankind—including, I am convinced, a majority of those behind the Iron and Bamboo Curtains.

As I said elsewhere last month, I believe that every American boy and girl should be familiar with the American system of Government and the ideas out of which it developed. I believe that each of our young should know that the priceless liberties which we enjoy did not spring into being overnight, that they were worked for and developed and defended—often with blood—over the generations, that they should never be taken for granted, that they can be preserved only by exercising them and by our vigilance and dedication.

Tonight I should like to look with you at the world around us and appraise where we are in the struggle between tyranny and freedom. Beyond question, this is a dangerous and turbulent world; a world of rapid change; of ever-accelerating scientific and technological advance; of transition from old empires to new nations; of the rise of former colonial peoples to independence and equality; of urgent demand for social and economic progress, for a better life for all. It is a noisy and disputatious world. It gives us in your State Department plenty of work to do.

It is quite true that other nations don't always talk or act as we would prefer. President Johnson reminded us a few days ago that we are living in a world of 120 foreign policies. We don't give orders to other nations—we don't believe in the kind of world in which any government takes its orders from others. As President Johnson said, there are "people who feel that all we need to do is to mash a button and determine everybody's foreign policy. But we are not living in that kind of world anymore. They are going to determine it for themselves, and that is the way it should be. And we are going to have to come and reason with them and try to lead them instead of forcing them."

Let me try to put our problems in perspective. Roughly, there are four different kinds of international problems with which we have to deal.

In the first category are strictly bilateral issues between us and other governments. These usually have to do with trade or the protection of American nationals or property. They rarely involve dangerous issues. At present, we do have a painful dispute with our friends in Panama. Formally, it is a bilateral dispute. But, because the Panama Canal is an important international convenience, the dispute affects a great many other countries, especially those in this hemisphere. The Organization of American States has been trying to help move this dispute toward the conference table. We look forward hopefully to the restoration of relations between Panama and the United States and to friendly discussions and adjustments of our common problems and interests.

A second group of problems involves directly the central struggle between international communism and the free world. These include such dangerous and explosive issues as Berlin and Germany, Vietnam and Laos, and Cuba. In these issues, we do and must play a leading role.

Nobody need tell us in the State Department, or in our sister departments or agencies, that this world struggle is for keeps. Knowing what the Communists are up to and understanding their varied techniques are a major order of business in the State Department. We are fully aware that Moscow, as well as Peiping, remains committed to the Communist world revolution—and that, although they may differ over current tactics, both are determined to bury us and are prepared to try to expedite our demise by whatever means they think are effective within the levels of tolerable risk to themselves.

The first objective of our policy toward the Communist states is to prevent them from extending their domains—and to make it costly, dangerous, and futile for them to try to do so. To that end we maintain a nuclear deterrent of almost unimaginable power, and large, varied, and mobile conventional forces. We have also improved our capacity to deal with guerrilla warfare.

Not since Korea has the Communist world attempted to expand by frontal assault. We and other free nations must be determined to put an end also to indirect aggression—to the filtering of men and arms across the frontiers, whether in southeast Asia, Latin America, or anywhere else.

We also combat Communist imperialism by helping the developing countries to make economic and social progress.

In the main, the world struggle is going well from our viewpoint. West Berlin remains free and prosperous. So does Western Europe as a whole. So does Japan. Many of the less developed nations have moved ahead impressively. And almost all of them, old and new nations alike, are stubbornly defending their independence.

Meanwhile, the Communist world is not only torn by disputes but beset with economic difficulties. The standard of living in mainland China is even lower than it was in 1957, before the great leap backward. The Soviet Union has done somewhat better but has encountered a slowdown in growth rates and critical problems of resource allocation. The smaller Communist countries of Eastern Europe lag far behind Western Europe. Even with massive Soviet support, Cuba's economy is limping badly. And nearly all the Communist countries have large and conspicuous difficulties in producing food. The notion that communism is a short cut to the future for developing nations has been proved false.

While we curb Communist imperialism, we seek agreements with our adversaries to reduce the dangers of a devastating war. The Soviets appear to recognize that they have a common interest with us in preventing a thermonuclear exchange. We and they have reached a few limited agreements. These do not yet constitute a detente. We shall continue to search for further agreements. But in the field of disarmament, not much progress can be made until the Soviets are prepared to acept reliable verification and inspection of arms retained. And on many vital issues, Moscow's views and the West's remain far apart.

Beyond curbing Communist imperialism and trying to achieve specific agreements to reduce the danger of a great war, there is a third element in our policy toward the Communist States. This is to encourage the trends within the Communist world toward national independence, peaceful cooperation, and open societies. These trends are visible, in various degrees in different parts of the Communist world. Our capacity to encourage them is very limited. But we may be able to influence them somewhat.

We believe that we can best further our objectives by adjusting our policies to the differing behavior of different Communist States—or to the changing behavior of the same state.

A third category of problems might be labeled "other people's quarrels." The postwar explosion in the number of new states has multiplied disputes about boundaries, some old and some new. These are sometimes accentuated by racial, religious, and tribal frictions whose origins precede the discovery of America. And we are learning that small countries, too, can fear small neighbors.

Then, there are internal outbreaks of violence and coups which add to the headlines, and often to our headaches. In 1963, there were 12 forcible overturns of governments.

Passions are flammable and all too often the fuse is dangerously short. Ambition and guns seem to be in ready supply. Responsibility and public order are too often in short supply.

Two questions therefore arise—understandably. One is: Does the United States really have to be concerned about all of these quarrels? This question is asked frequently in the Department of State when a new dispute within the free world arises or an old one flares again. And the answer almost always turns out to be: "Yes, we do."

Remote and complex as some of these quarrels may be, the reasons for our interests are direct and simple. Unless they are quickly settled through other channels, most of them come to the United Nations, where we have to take a position. The U.N. Security Council is presently seized with 61 matters, of which 57 are disputes. Fortunately, some of these disputes are no longer active. But many are. As a responsible member of the U.N., we could not avoid some involvement in these disputes, even if we felt little real concern about them.

Usually, however, we do feel real concern. Disputes within the free world often give the Communists opportunities to cause more serious trouble. And there is often the danger that dispute will lead to crisis, crisis to skirmish, skirmish to local war, and local war with conventional weapons to a confrontation, deliberate or by suction, of the nuclear powers. As long as that possibility exists, the United States has a fundamental national security interest in the peaceful settlement of such disputes.

Then, too, disputes within the free world dissipate energies and resources which are needed for constructive purposes. We have an enduring long-term interest in building the strength of the free world. And we have a dollars-and-cents interest in the most effective use of the aid we provide to the developing nations. If India and Pakistan would settle their quarrels and cooperate with each other in the common defense of the south Asian subcontinent, not only would that part of the world be more secure, but both countries could improve the living standards of their peoples more rapidly and at less cost, overall, to themselves and to the nations which are assisting them.

Finally, we simply are too big to hide: We happen to be the most powerful Nation in the world. Parties to any dispute like to have strong friends on their respective sides of the barricades.

I do not recall an international dispute of the last 3 years in which each party has not solicited our support and suggested what we should do to bring our weight to bear against its opponent. Much as we may dislike it, this, of course, often puts us in the middle. But it is from the middle that influence for a peaceful solution can often be exerted.

In this process, we obviously cannot agree with all the parties, nor can we usually agree 100 percent with either party. So, to the extent that we are drawn in, we usually leave both sides somewhat dissatisfied, and on occasion a bit angry with us. The role of the peacemaker is usually thankless, at least on the part of the parties to the dispute. But it is a responsibility we dare not shirk.

Does this mean that the United States must be the policeman—and the judge—for the entire free world? That is the second of the two general questions about our role in "other peoples' quarrels." The answer is "No." It is impracticable and would be presumptuous for one nation to try to patrol every "beat" in the free world. There are other—and better—ways of making and keeping peace.

These lie in the activities of groups of nations either informal or organized. The advantages are perhaps obvious. But, as the late Justice Oliver Wendell Holmes once said: "We need education in the obvious more than investigation of the obscure."

In some cases, a few important neighbors or other friends may be helpful. In others, regional organizations, such as the Organization of American States and the Organization for African Unity, may be useful. In still others, the United Nations may be the most effective instrument.

An international organization is often more acceptable politically than any of its members acting individually. The flag of the United Nations is the emblem of a world community. It can be flown in places where the flag of another sovereign nation would be considered an affront.

When we act in concert with others, the responsibility for success—or failure—is shared. And, when we contribute to international peacekeeping missions, the costs also are shared.

There has been some suggestion that the United States has carried somewhat more than its fair share of the financial load while other nations have carried less than their share or none at all.

Of course, we think that all nations should carry their fair share at all times. But not all nations have agreed with us; some have been opposed to keeping or restoring the peace because they believed their interests would be served by conflict.

If we have carried a substantial share of the load it has been because we considered it in our national interest to do so. That was the case in the Congo. President Eisenhower passed up a request from the Government of the Congo to intervene directly and turned, instead, to the United Ntaions. When President Kennedy took office, he reviewed the situation and decided to adhere to that policy. Eventually we bore something more than our normal share of the cost of this United Nations operation, but the expense to us was unquestionably much less than that of alternative ways of restoring order, and keeping the Communists from establishing a base in this potentially rich country in the heart of Africa.

Now, the United Nations has undertaken to restore order and peace in Cyprus and to mediate the dispute between Cypriots of Greek and Turkish descent.

The settlement of this dispute involving two of our NATO allies and the security of NATO's southeastern flank is of vital interest to us and all the free world.

It is in our national interest, and in the national interest of all peaceful countries, to help create, train, and finance workable and effective international police machinery—to share our own capacity to act in the service of peace and to share responsibility for keeping the peace.

We applaud the decisions taken by the Nordic countries and by Canada and Holland to earmark and train special units to be on call for peacekeeping duties with the United Nations. We therefore shall continue to work for a much more reliable system of financing such operations: The thought that the issue of peace or war might turn on the availability of relatively small amounts of money is an offense to mind and morals.

But I do not want to place all the emphasis on a police force ready to rush out after disputes have broken into violence. The first order of business is to seek a resolution before violence occurs. And this, of course, means early recourse to negotiation, mediation, arbitration and any techniques of fact-finding and observation that can help to clarify and defuse incipient threats to the peace.

If this can be done through regional organizations without recourse to the United Nations, so much the better. If it can be done directly—or with the assistance of an impartial third party—better still. But, the world being what it is, more and more of these disputes are likely, in one form or another, to come before the United Nations.

The United Nations is an imperfect organization—no one knows that better than the policymakers and policy executors who work in it and through it. The need for various improvements in the United Nations machinery has become increasingly clear. And not all of these require amendment of the charter. Recently I suggested the consideration of several steps to improve the procedures of the General Assembly—steps designed to limit irresponsible talk and symbolic resolutions and to promote responsible decisions and recommendations—decisions and recommendations which will have the support of the nations which supply the U.N. with resources and have the capacity to act.

Despite the difficulties which it has obviously experienced the United Nations commands our continuing support. As President Johnson said to the General Assembly last December 17: "More than ever we support the United Nations as the best instrument yet devised to promote the peace of the world and to promote the well-being of mankind."

Improving and strengthening the United Nations is an important part—but only a part—of our greatest task; the building of a decent world order. Today, our Nation and our way of life can be safe only if our worldwide environment is safe. By worldwide I mean not only the land, waters, and air of the earth but the adjacent areas of space, as far as man can maintain instruments capable of affecting life on earth. Our worldwide environment will be permanently safe only if mankind succeeds in establishing a decent world order.

An enromous part of our work in the State Department has to do with building, bit by bit, a decent world order. This receives relatively little attention in the headlines, but it goes on, day after day, around the clock. It includes hundreds of international conferences a year, many of them on technical areas of international cooperation and understanding—such as the control of narcotics, commercial aviation, postal services, etc.

This vast constructive task is the heart of all we are doing to develop closer ties between ourselves and other countries of the free world. It underlies our efforts to build under the umbrella of the NATO alliance an effective Atlantic community, and to achieve closer unity with our friends in the Pacific. It underlies our efforts to execute the grand design of an Alliance for Progress among the nations of this hemisphere. It underlies our efforts to create an effective partnership between the economically advanced countries and those that are newly developing.

This vast constructive task involves the lowering of barriers to world trade. It involves our foreign aid programs which support the independence and the economic and social progress of the developing countries. It involves all that we do to promote cultural and other exchanges with other nations.

We do not—and must not—allow the drumfire of crises in the headlines to cause us to neglect the building of a decent world order—the kind of world set forth in the preamble and articles 1 and 2 of the Charter of the United Nations. We are working toward: a world free of aggression; aggression by whatever means; a world of independent nations, each with the institutions of its own choice but cooperating with one another to their mutual advantage; a world of economic and social advance for all peoples; a world which provides sure and equitable means for the peaceful settlement of disputes and which moves steadily toward a rule of law; a world in which the powers of the State over the individual are limited by law and custom, in which the personal freedoms essential to the dignity of man are secure; a world free of hate and discrimination based on race, or nationality, or color, or economic or social status, or religious beliefs; and a world of equal rights and equal opportunities for the entire human race.

We believe that is the kind of world which most of the peoples of the world want. That is the goal toward which we are working, tenaciously and untiringly. And we are making headway. If we persevere, we shall eventually reach our goal: A world in which the "blessings of liberty" are secure for all mankind. We dare not falter. For, unless the world is made safe for freedom, our own freedom cannot survive.

There are those who would quit the struggle by letting down our defenses, by gutting our foreign aid programs, by leaving the United Nations. They would abandon the field to our adversaries. That is, of course, what the Communists want most. It is no accident that their favorite slogan is "Yanks, go home." Insofar as anybody here or abroad pays attention to the quitters, they are lending aid and comfort to our enemies. I feel certain that the American people will reject the quitters, with their prescription for retreat and defeat. I believe that the American people have the will and the stamina to push on along the toilsome path to peace.

Mr. GRUENING. Mr. President, last Friday in the Washington News, a Scripps-Howard newspaper, there appeared an article signed by Mr. R. H. Shackford, a Scripps-Howard staff writer, that reported on and further interpreted a speech the night before in Salt Lake City by the Secretary of State, Mr. Rusk.

As a former newspaperman and managing editor I am familiar with the mechanics of writing and printing a story in a metropolitan daily. I know perfectly well that that story was not composed on Friday morning in time for the afternoon News, after the press dispatches came from Salt Lake City. The story was written the day before with a State Department release containing the text of Secretary Rusk's speech, in the possession of Mr. Shackford. He embroidered it considerably.

Mr. Shackford began his story by saying that Secretary Rusk had "started a quiet campaign to answer those who said, 'South Vietnam is not worth the life of one American boy.' "

I have said that. I have expressed that view on the floor of the Senate. I repeat it now, and I shall continue to repeat it. Those of us who have studied the record of 10 years of tragic futility, 10 years of pouring billions of dollars into the bottomless pit for a people exploited by corrupt dictators who have stolen millions of the dollars we have poured in there and for a people who have shown no heart to fight, feel deeply that it is time to reassess our policies and that we quit, as far as sacrificing any more American lives are concerned. If that makes us quitters, then I say we should indeed quit this costly and bloody folly. How many more lives must we sacrifice in this wanton wasteful pursuit.

Secretary Rusk, in an interview on television on Sunday, stated that he had not referred to any Senators. I am happy to accept that statement. I shall take his word for it.

But in that case Mr. Shackford rendered a great disservice to Mr. Rusk, for in his story he stated that that is what Secretary Rusk intended. The story is definitely tendentious and slanted, for it links the Senator from Oregon [Mr. MORSE] and the Senator from Alaska with the following sins:

First, in addition to asking that we take our boys off the firing line in South Vietnam, where they should never have been, we are charged with "gutting our foreign aid programs."

I am convinced that we greatly improved the foreign aid program, and that events will increasingly prove it. We managed to amend the Foreign Assistance Act of 1963 to eliminate some of its extreme follies. We sought to eliminate the payment of millions of dollars to ruthless dictators who are using these funds to wage war against other recipients of our foreign aid.

We added to the bill amendments, which would deny aid to aggressor nations whose rulers are taking American dollars designed to help their indigent and their poor and using that money to make war against other countries which are also recipients of our foreign aid, bombing their villages, killing their people and keeping the whole Middle East in ferment. Aggression of the Far East is likewise threatened by dictator Sukarno. To that extent the Congress improved and amended the foreign aid program, but did not gut it. We improved it, as events will show. It can be further improved and should be.

In addition, the Senator from Oregon and the Senator from Alaska were charged by Mr. Shackford, interpreting Secretary Rusk, with "letting down our defenses." I doubt that the Senator from Oregon needs any defense from me, but, speaking for myself, I have never failed to vote for any defense appropriation. On the contrary, for 25 years I have contended that in certain aspects our defenses were far from adequate and have sought to have them strengthened. For 25 years I have contended that Alaska holds a strategic position in our defense system which has never been adequately appreciated by our military. The position of Alaska in the world, defensively and offensively was correctly immortalized by Billy Mitchell 29 years ago when he said: "He who holds Alaska, holds the world."

But his wisdom concerning the military importance of Alaska was as little appreciated by the high Navy and Army brass at that time as were his prophetic and sound utterances about the value of air power.

I have contended unceasingly that our defenses in Alaska were inadequate. Alaska is in an area which is within naked-eye view of Soviet Russia, and occupies the only terrain under the American flag that fronts on the strategic Arctic Ocean.

So Mr. Shackford's statement associating the Senator from Alaska with "letting down our defenses" is wholly false.

He further included the two Senators in the charge that we urged "leaving the United Nations." I have not only not so urged, but I feel very strongly that the United Nations should be supported in every way. I have never taken any other position.

In his further biased and falsifying article Mr. Shackford said that the Senator from Oregon [Mr. MORSE] and I both suggested that the United States should pack their bags, quit South Vietnam, "and leave that country to the Communists."

I do not know that it follows that if we take our American boys from the firing line in South Vietnam we shall leave that country to the Communists.

Mr. Shackford inserted these words; they are his, not mine.

It is by no means certain that this will follow, although it is a possibility. But it is equally possible that the Chinese, who certainly may be coveting southeast Asia, will find the attempted absorption of this area, violently anti-Chinese for 1,000 years, as much of a problem as did the French, who lost 175,000 men trying to hold it, and as the United States has found in the last decade. It may conceivably intensify Red China's problems.

In any event, as the Senator from Oregon [Mr. MORSE] has repeatedly urged—and I agree with him—we have no business being there all alone. In Korea we were not only supporting a people who wished to fight, but we were part of a United Nations team, and the troops of a dozen nations fought side by side with ours. That is not the case in South Vietnam.

I am perfectly willing, and have so declared, to give the South Vietnamese arms, ammunition, and transportation facilities to enable them to carry on their fight. It is their fight, but it is a fight in which we should no longer—if indeed we ever should have—sacrifice the lives of American boys.

If Secretary Rusk did not intend to refer to the Senator from Oregon [Mr. MORSE] and to me, but was referring to people who had written to the State Department, and he has so stated, Mr. Shackford certainly owes an apology to him as well as to us and to the newspaper profession, which he has not honored in this highly biased and distorted account.

Since I made my speech on the Senate floor on March 10th urging that we take our boys off the firing line and cease sacrificing American lives I have received some 50 letters. Only one disagrees with my position. So the mail to date runs 50 to 1 in favor of the policy which I urge.

I agree with the Senator from Oregon [Mr. MORSE] that it is time for the administration, the State Department, and the Pentagon to reassess our southeast Asia policy.

There are various ways in which it can be done. I am not prepared to say that the suggestion thrown out by General de Gaulle furnishes the answer, that of neutralizing Vietnam, but it is worth exploring. The plea for such exploration and of other possible alternatives has been voiced on the floor of the Senate by our distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], who is more expert on the subject of southeast Asia than any other Senator, or, indeed, any other Member of Congress. It has been voiced by my colleague from Alaska [Mr. BARTLETT].

I believe it is about time for us to face the harsh realities and stop this senseless killing of our American boys in the most distant area of the globe that has only a remote bearing on the security of the United States.

DANGEROUS PORTENTS IN CHILE

Mr. JAVITS. Mr. President, I wish to report to the Senate upon a visit which I made to Chile, and from which I returned last Tuesday, with respect to the political situation there, which is a difficult one, and with respect to a development there of a more hopeful character for the Americas.

I had the privilege while I was in Chile of addressing the 10th plenary session of the Assembly of Businessmen of the Americas sponsored by the Inter-American Council of Commerce and Production, the short name for which in Spanish is "CICYP."

Attending the session in Santiago, Chile, was probably the most representative group of U.S. executives doing business in Latin America and of Latin American business leaders gathered together in a long time. We met in Chile at a critical time, for that country is not only in a social crisis, but a political crisis as well.

There is a grave danger that Chile may become the first nation in the Western Hemisphere—or indeed, the first nation anywhere—to elect, under democratic processes, a government which includes openly declared Communist participation. The danger is that such a government would prove to be Castroite in nature, and would be, in effect, a new Cuba based on the South American mainland.

I ask unanimous consent that I may include in the RECORD at this point of my remarks a news article from the New York Times of this very morning, which in essence bears out the conclusion I have just mentioned.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COALITION OF CENTER AND RIGHT IN CHILE COLLAPSES

(By Edward C. Burks)

SANTIAGO, CHILE, March 22.—Chile's once powerful alliance of center and right-wing parties finally broke apart this weekend.

As a result, the battle for the presidency is now principally between a Communist-backed Socialist who is a supporter of Premier Fidel Castro of Cuba, and a left-wing Christian Democratic reformer.

Both Senator Salvador Allende of the Socialist-Communist Popular Action Front and Senator Eduardo Frei Montalva of the Christian Democrats are sharp critics of the present Chilean Government. They are also critical of the way the United States has operated in the Alliance for Progress.

Both men call the present regime a false democracy that has preserved the privileges of the upper classes without effectively attacking the misery of millions of the poor.

Both also call for a shake-up of the copper mining industry, Chile's main enterprise, to give the country control of, or a bigger say in, its operation. Three American-owned mines produce more than 85 percent of Chilean copper.

ELECTION IN SEPTEMBER

The presidential election is set for September 4. Senator Frei says communism is undoubtedly the majority force in the Popular Action Front, which is supporting Dr. Allende. Senator Frei declares that if elected he will put through reforms while respecting democracy and the constitution.

Dr. Allende, at a giant outdoor rally, declared: "I am not a Communist. I am the founder of the Socialist party. And because I am a good Socialist I have to be at the side of our Communist brothers."

He asserted that in his long public life, including service as a Government minister, he had always stood for social justice and never for anything that destroyed personal liberties. He promised to protect freedom and declared that his movement rejected violence.

Members of the front say that the well-organized Communists make up slightly less than half of the alliance. They note that in 1946–47 Chile had a popular front, with three Communist ministers under a Radical President.

In the confused array of parties here, the Communists have accounted for about 12 to 14 percent of the total vote in recent national elections. Yet the Socialists are often more militant in demanding sharp reforms.

The collapse of the Democratic Front of middle-of-the-road and right-wing parties came about in just one hectic week.

The executive committee of the moderate Radical party voted Friday to end its alliance with the right-wing Conservative and Liberal parties. For several years this alliance supported the independent President Jorge Alessandri Rodriguez, both in Congress and by making up most of his Cabinet.

The Radicals, the biggest of the three parties in the alliance, were increasingly restless over what they felt was the slow pace of social reforms to give the masses better living standards and greater educational and job opportunities. They withdrew from the Cabinet last year, sensing a growing popular disillusionment with the Government. Since then the economic situation has worsened.

The Radicals executive committee also voted to end their remaining ties with the Alessandri Government. They called for the resignation of Radical subministers and Radical ambassadors abroad, including Carlos Martinez Sotomayor at the United Nations.

Dr. Allende, who has great personal popularity, is making a strong effort to win the Radicals over to his side in what could be a decisive maneuver of the campaign. Some important Radical leaders show considerable interest in his offer.

Other Radical leaders say that the party, at its special national convention set for April 4, should pick a new candidate to replace Senator Julio Durán, whose sudden withdrawal brought the present crisis to a climax. Still others in the party look toward Senator Frei now.

Mr. JAVITS. Mr. President, the people of the United States might be dismayed at this notion of a Castroite Chile, but it is vital that we consider the possibility now, rather than after the fact—if, most unhappily, it should prove to be a fact.

Certainly, the results of the congressional election in the Chilean Province of Curicó—which occurred while I was in Santiago—has been interpreted in Chilean circles as a dangerous portent.

The results in Curicó showed a sharp reversal in the strength of the Democratic front coalition which dominated the municipal elections held about a year ago.

A comparison between the results of this election and the national municipal elections held in April 1963, shows that in April 1963 the Democratic front received 49.5 percent of the vote in Curicó Province, while in March 1964 it received 32.5 percent of the vote.

By contrast, in April 1963 the Socialist-Communist coalition, FRAP, received 29 percent of the vote, while in March 1964 it received 39.5 percent of the vote.

In April 1963 the Christian Democrats received 21.5 percent of the vote, while in March 1964 they received 28 percent of the vote.

The FRAP, or the Socialist-Communist candidate won that congressional by election.

It is a small consolation to those who prefer freedom that the Socialist-Communist alliance was able to gain that plurality only because the Democratic Front and the Christian Democrats were divided.

Now, in the wake of last week's election, the presidential candidate of the Democratic Front has bowed out of the race, leaving only the candidate of the smaller Christian Democratic Party to oppose the Socialist-Communist alliance in next September's presidential elections.

One cannot precisely say what would happen if the Socialist-Communist group won the presidential election, or how our people or our Government would react. But certainly the people of the United States would be dismayed, and our present policy toward Chile reconsidered. This policy is typified by loans—one just recently announced for $70 million—and by a partnership of interest in the destiny of Chile and the well-being of its people—and by a partnership which led to our investment of $768 million out of the total $8.5 billion U.S. investment in Latin America.

Let us also note that the President of the United States, in his foreign aid message just the other day, specifically mentioned Chile as one of the nations in which we intend to concentrate Alliance for Progress funds, and as the country which has established an economic development arrangement with one of our States, California, to underscore the importance of Chile in the eyes of the United States.

The lesson of the Curicó election is that there is an urgent need for indefatigable activity by the freedom parties to counter the indefatigable efforts of the Socialist-Communists, and that the status quo is unacceptable to the people of Chile. They want accelerated development and greater opportunity in education, housing, health, and jobs, including those on the higher management levels.

It is almost inconceivable that the promises of the Socialist-Communist group could be more persuasive than the proven capability of a free society to deliver. The key to giving the people the kind of encouragement, hope and assurance they are seeking is in the private sector, which should be enlisted in this effort to show the responsibility for social progress which has been announced by the declarations of CICYP, on which I am now reporting.

I appeal to the businessmen who gathered at Santiago, under the auspices of CICYP, to treat Chile as its first effort under the Declaration of Santiago and to give the people basic assurances of the acceleration of their development and progress. The Socialist-Communist forces can only promise, but the private section business community can deliver.

The majority—close to 61 percent—who voted for the democratic parties in the Curicó election, show that most of the people want to remain free, and will do so if given hope and opportunity.

Against the backdrop of these developments, the 10th Plenary Assembly of Businessmen of the Americas sponsored by the Inter-American Council of Commerce and Production was momentous in its importance. CICYP is a hemisphere-wide organization, founded in 1941 to speak for free enterprise in Latin America, promote closer association among industrialists and businessmen of the Americas, and to combat the tendency of governments to encroach on the field of business. The assembly last week adopted the "Declaration of Santiago," and appropriate resolutions providing for the effective participation, on an accelerated basis, by the private sector of the Americas—cooperating with the governments of the Americas—in the Alliance for Progress. The assembly caused its president, George Moore, who is also president of the First National City Bank of New York, to communicate its resolution to the President of the United States. It will be noted that the businessmen of the Americas responded to the President's call, made in his address to the OAS last Monday, for private enterprise participation in the Alliance. They committed themselves to active participation in public as well as economic affairs in the fight for freedom and social progress for all peoples, in Latin America, particularly the underprivileged. This is likely to prove to be a historic document, for the businessmen of the Americas have set as their goal: "Promoting the economic integration of the hemisphere, expanding trade, attaining the social progress contemplated by the goals of the Alliance, and improving the education of youth."

It is generally supposed that U.S. policy in Latin America should seek to foster freedom as well as economic development; social justice as well as the safety of American investments. It is also argued that we should not become involved in the internal affairs of the hemisphere's republics.

But two very important supplements must be made to these principles:

First, since private enterprise is vital to the attainment of our objectives, we should join in the development of conditions under which private enterprise can operate effectively and without discrimination to its own and the public interest.

Second, while we may not interfere in the internal politics of any country, we certainly have the right to express disapproval of the denial of free institutions in any country. We can do this directly or through the international organizations to which we adhere.

In this respect, I believe we should not give the impression that the United States intends to recognize rightist and military dictatorships that may emerge in Latin America. I believe we should make our decisions on a case-by-case basis, depending on how the basic principles for which we stand may best be served. I cannot conceive of our country, at any time, being party by aid, comfort, or recognition, to any government which does not promise self-determination and freedom within some proximate time.

The main problem faced by private enterprise in Latin America has been the charge that it is not concerned with social progress. Although this charge is unwarranted in many cases, it has nonetheless persistently plagued the operation of private enterprise there, causing many difficulties in discriminatory taxation, nationalization, exchange, and in many other areas. It must be recognized that at least 70 percent of all economic activity in Latin America is carried on by private enterprise, and that, contrary to a wide-spread impression, 90 percent of this private enterprise is owned by Latin American investors themselves.

One manifestation of the effort of private enterprise to effectively aid in the development of Latin America and in securing it for freedom has been the multinational, private investment project of ADELA—Atlantic Community Development Group for Latin America—which is proceeding most auspiciously with Western European, United States, and Japanese paricipation, as I have previously reported to the Senate—a matter in which the Senator from Minnesota [Mr. HUMPHREY] and I have joined hands in sponsoring in the United States.

The key to success in Latin America is in two programs: First, an acceleration of regional economic integration, and second, expansion of the role of private enterprise in Latin American development. The historic declarations to which I have referred, and the businessmen's assembly which now sponsors them, will prove a real turning point in the success of freedom in Latin America.

Mr. President, in conclusion, I ask unanimous consent to have printed in the RECORD as part of my remarks a copy of the Declaration of Santiago adopted by the 10th Plenary Assembly of Businessmen of the Americas, a statement by the Senator from Minnesota [Mr. HUMPHREY] sent to that assembly, along with an article from the March 17 issue of the Washington Post entitled "Top Candidate Ends Bid for Chilean Presidency," and an editorial published in the New York Times for March 20, 1964, entitled "Storm Signals in Chile."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECLARATION OF SANTIAGO

At the 10th plenary session of the Inter-American Council of Commerce and Production, the businessmen of the Americas reaffirm their resolve to stimulate economic development, to accelerate the social progress of the peoples of the Americas and to achieve a rapid and effective improvement in the standard of living of the needy.

They proclaim also their desire to assume larger responsibilities and to participate more actively in public affairs. To that end, they will contribute fully their knowledge, experience, and spirit of enterprise for the purpose of promoting the economic integration of the hemisphere, expanding trade, attaining the lofty goals of the Alliance for Progress, and improving the education of youth.

They declare that the achievement of these goals will be facilitated by a coordinated economy, which assigns to government and to private enterprise their true and complementary roles. Every effort will be made to eliminate the unnecessary conflicts between private enterprise and government.

They maintain finally, that the economically strong nations must cooperate in the development of the economic weaker nations, with an understanding that the progress of underdeveloped countries depends upon their own efforts.

The businessmen of the Americas, mindful of the ideological war which confronts them in their respective countries, will redouble their efforts to carry out their own specific economic tasks, fulfill their obligations to society, promote national and international unity, strive to make more evident the fruits of democracy and liberty, and raise the material and spiritual level of all social groups.

STATEMENT BY SENATOR HUBERT H. HUMPHREY TO THE 10TH PLENARY ASSEMBLY OF BUSINESSMEN OF THE AMERICAS

I deeply regret that my duties as floor leader for the civil rights debate which has just opened in the U.S. Senate prevents my joining you on this occasion.

I am happy to send a message of greeting with my distinguished colleague, Senator JACOB K. JAVITS, of New York, who has done so much to strengthen the role of the private sector in achieving the goals of the Alliance for Progress.

We have learned during the past 3 years that the goals of political liberty, social progress, and economic development can be achieved only if bold government action is combined with an energetic private sector. The economic progress we seek will come only if the business and financial community display both initiative and vision. When initiative is combined with vision, there need be no conflict between the interests of private enterprise and the public interest. This conference, I am sure, will do much to deepen our appreciation of the importance of close cooperation between business and government in accomplishing the aims of the Alliance for Progress.

My congratulations and best wishes for a successful meeting.

[From the Washington Post, Mar. 17, 1964]

TOP CANDIDATE ENDS BID FOR CHILEAN PRESIDENCY

SANTIAGO, CHILE, March 16.—Julio Duran resigned tonight as the Government-backed presidential candidate in the wake of a surprise Communist victory for a congressional seat in Curicó Province.

Duran bowed to pressure by leaders of the pro-Western ruling coalition of President Jorge Alessandri who wanted a more appealing votegetter to head the Government's ticket in the September 4 presidential balloting. Alessandri cannot run again.

The sudden resignation temporarily left the coalition without a candidate, touched off a flurry of leadership meetings, and strengthened chances that Salvador Allende, Communist-Socialist candidate, would be elected president.

Allende is pledged to nationalize the multimillion-dollar American copper investments in Chile (Anaconda and Kennecott).

Duran, a Federal Senator, was the candidate of the Democratic front, the present ruling coalition of the Conservative, Liberal, and Radical Parties.

It was understood that he had pledged before yesterday's Curicó election that he would drop out if the Communist-Socialist candidate, Oscar Naranjo, won. There was speculation that Duran would be replaced by Orlando Sandoval, former Agriculture Minister and Ambassador to Belgium.

[From the New York Times, Mar. 20, 1964]

STORM SIGNALS IN CHILE

A brief news item from Santiago, Chile, is freighted with a potentially profund meaning for the immediate future of that country. This was an announcement of the resignation of the Government-backed, conservative candidate for the Presidential elections on September 4, Julio Durán. He quit after a leftist victory in a congressional election in Curicó Province last Sunday.

Apart from an extreme rightist, Jorge Prat, who has no party backing, the contest is now essentially between the Christian Democrat, Eduardo Frei, and Salvador Allende, a candidate of the Communist-Socialist leftwing coalition known as FRAP. The latter came within an ace of defeating the present President, Jorge Alessandri, in the 1958 elections.

Either Frei or Allende would bring drastic social and economic reforms, more statism, and a more independent, nationalistic foreign policy. Dr. Frei, however, is left of center rather than leftist, and he is much more democratic in our usage of the word than is his opponent. Should Dr. Allende get a plurality—a majority is most unlikely—Latin America would for the first time in its history be seeing a genuine leftwinger elected to national office by a strictly democratic process.

There is no doubt that Chile is traversing a national crisis. The form it seems to be taking is an effort of the excluded masses to enter the economic, political, and social mileau who make up the traditional ruling classes. Often a nation cannot make this transition without a revolution of the Mexican or Cuban type. The hope of a peaceful transformation in Chile lies in its deep-seated democratic traditions.

The United States is going ahead with new loans—$70 million in the past week. There are about a billion dollars of private U.S. investments in the copper, nitrate, and iron industries, which is a big stake. But the elimination of Senator Julio Durán from the presidential race gives Washington something new to worry about.

ADDRESS OF SENATOR JAVITS BEFORE THE 10TH PLENARY ASSEMBLY OF BUSINESSMEN OF THE AMERICAS, SANTIAGO, CHILE, MARCH 16, 1964

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to the excellent speech which the Senator from New York [Mr. JAVITS] delivered at the conference in Santiago, on which he has just reported. The Senator from New York is one of the most authoritative voices in the Senate on the subject of U.S. international economic policy, and international trade. At the conference in Santiago, he brought his knowledge of trade to bear on the subject of Latin American trade problems. He discussed the development of incipient common markets in this hemisphere; and pointed out the immense potential for development of trade through a Latin American common market. I commend his speech to the attention of all, and ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE AGE OF THE GOOD PARTNER: A PROGRAM FOR THE AMERICAS

(Remarks of Senator JACOB K. JAVITS at the 10th Plenary Assembly of Businessmen of the Americas, sponsored by the Inter-American Council of Commerce and Production, in Santiago, Chile, Monday, March 16, 1964)

The questions that must be answered by the governments and responsible elements of the Western Hemisphere in the next few years are whether we are capable of understanding the social and political ferment which now pervades the hemisphere and whether we are ready to deal with this ferment by making the necessary and sustained adjustments to satisfy the just aspirations of its peoples. How can we—acting together—bring about economic and social change within a democratic framework? Not only the U.S. future relations to the hemisphere but the future of each nation of the hemisphere depends on the answers to these questions.

Accordingly, I propose that the policy of the good partner should succeed the policy of the good neighbor, in the relationships between the United States and the other American republics. To implement this policy, I suggest for your consideration an economic program for the Americas, consisting of two major parts: (1) A basic revision of the trade relations among the Latin American republics on the one hand, and between the Latin American Republics and the United States and Canada on the other hand, leading to a Latin American Common Market and a Western Hemisphere Free Trade Area; and (2) a new role for the private enterprise system in the development of the Americas—a new social direction, with broader responsibilities and commensurately broader opportunities for success.

We all know that in developing countries the political framework within which economics and society operate tends to determine the success of even the most auspicious efforts. I suggest, therefore, that the program which I propose needs to be espoused by the democratic, progressive and non-Communist parties of the American republics.

Great and fundamental changes are taking place in every part of the world which critically affect the future plans of the hemisphere. The nuclear stalemate between the United States and the Soviet Union has lessened the chances of war but increased competition between the two systems in trade, aid, and culture. Longstanding tensions existing between China and the U.S.S.R. over the leadership of the Communist movement have come out into the open for all to see and have considerably weakened the effectiveness of Communist parties everywhere. Nationalism, a desire for self-determination, is causing many nations now undergoing the process of economic development to seek their own direction outside the shadows of the two power blocs. Western Europe is fully recovered, the European Common Market is a reality and France under General de Gaulle has embarked on an effort to create a third force.

In the Western Hemisphere, the centuries-old lethargy towards social injustice, poverty, feudal land systems, hunger, and disease is giving way to an insistent demand for political and social reform and economic improvement.

The response of the inter-American system to this demand, although at first long delayed, has been by no means ineffective. Within the space of 4 short years, there has been brought into existence a new system of inter-American cooperation for economic and social development—the act of Bogotá, the Central American Common Market, the Latin American Free Trade Association, the Inter-American Development Bank, and the Alliance for Progress.

Despite criticisms which may be leveled against some aspects of its implementation, the Alliance is already achieving one of its fundamental objectives—to create an awareness throughout the hemisphere that comprehensive and well-planned social policies and reforms are essential to achieve accelerated economic development in a democratic framework. The new atmosphere created by the Alliance appears also to be exercising a major influence on the internal politics of a number of Latin American countries.

Another encouraging step was the establishment, at the second annual meeting of Ministers of the Inter-American Economic and Social Council last November, of an Inter-American Committee on the Alliance for Progress (CIAP) to coordinate and promote the multilateral implementation of the Alliance. The establishment of CIAP represents a development of historic importance to Latin America, similar to the OEEC, which played such an important role under the Marshall plan in the recovery and unification of Western Europe. Indeed, even today, as I speak here, the President of the United States and the Latin American diplomatic community are celebrating the installation of CIAP, and the third anniversary of President John F. Kennedy's first call for the Alliance for Progress at the White House in Washington, D.C.

The great unfulfilled tasks, however, do not permit a pause over what has been achieved. Gains, which have been made in Latin America in the formulation of development plans, in economic integration and in increasing the economic well-being of millions of people, will now have to be followed by further progress in education, health, industrial development, housing, and institutional reforms of all kinds.

The hemisphere must now turn its attention to the future and take the next steps necessary to give new impetus to the gains already made in its economic development.

First, we must accelerate the process of regional economic integration.

The Latin American Free Trade Association and the Central American Common Market are clear evidence that the idea of continentwide economic integration can become a reality in the foreseeable future. In its brief period of existence, LAFTA, which includes 82 percent of Latin America's population and 78 percent of its income, has closely adhered to its schedule of tariff reductions, resulting in a significant increase in intraregional trade: up 37 percent from 1961 to 1962. The Central American Common Market is much smaller than LAFTA, with a population of 12 million as compared to 180 million for LAFTA, and an estimated total GNP of $2.3 billion as compared with an estimated $55 billion for LAFTA. But during its as yet short life, the Central American Common Market has eliminated trade barriers on about half of the trade of member countries, standardized external tariffs on most commodities, launched a regional development bank, set up machinery for resolving disputes arising among its members, and just last month, established machinery for a Central American Monetary Union as a base for eventual monetary unification. As a result of the activities of the CACM the members' trade with each other has increased from 3 percent of their total trade in 1958 to 11 percent in 1962. The members still do well over 70 percent of their trade with Europe and the United States.

Undeniably, many problems remain before the broader aims of Latin American economic integration are fully realized. LAFTA faces important difficulties in negotiating further tariff concessions, in creating a common market in specific complementary industries within the region, in creating an adequate inland and ocean transportation system and in providing adequate financing for its foreign trade. The CACM, in turn, is faced by problems arising from the existing inequalities in the development levels of its member countries and their dependence on primary commodities for the bulk of their export earnings.

The resolution of these problems, in my view, can best be effected within the framework of a genuine Latin American common market, within which goods, persons, and capital can move more freely and which would comprise the nine countries of LAFTA, five-nation CACM as a unit, plus Venezuela, Bolivia, Panama, and certain of the Caribbean countries. With the emergence of a common external tariff and a phased, across-the-board removal of tariffs on intraregional trade, there would emerge in such an arrangement a mass market of 220 million with a combined annual GNP of between $70 and $80 billion, $18 billion in foreign trade, and $2.5 billion in gold and foreign exchange reserves. Such a common market with a unified commercial policy would greatly increase Latin America's leverage with the industrial countries of the West in the field of trade. It would also provide a powerful pull on private capital from the United States, Western Europe, and Japan which is essential for Latin America's rapid industrial development. It would permit the establishment of a rational regional transportation system, in coastal shipping as well as inland road and rail transportation. It could provide a great stimulus to economic growth through the strengthening of competition in the region, and the expansion of additional local manufacturing. Further diversification in production in domestic manufactures would help to reduce Latin America's dependence on the exportation of primary commodities.

The United States could provide a major impetus to the creation of a Latin American common market by offering to LAFTA and CACM a unilateral reduction in U.S. tariffs on simple manufactures and semimanufactures imported from Latin America in exchange for a speedup in the rate of the integration schedules of LAFTA and CACM, and effective safeguards for new foreign investment. The extension of unilateral tariff concessions to developing nations on this basis would be preferable to proposals now being advanced by developing nations which do not provide some reciprocity to the developed nations.

Once such a Latin American Common Market is a reality, the United States and Canada would have to establish a new relationship with it. Such a relationship could take the form of a Western Hemisphere free trade area limited to raw materials. Under this arrangement, the United States, Canada, and the Latin American Common Market would reduce their trade restrictions—both tariffs and import quotas—on raw materials originating in the Western Hemisphere on a phased annual basis until such trade restrictions, say in 10 years, are at zero.

As the Latin American Common Market is more industrialized and is able to compete with the more efficient industries of Western Europe, Japan, and the United States, this limited Western Hemisphere free trade area could be expanded to cover manufactured products; and could develop further by negotiating arrangements with other regional trading groups, such as the European Economic Community. Its existence would also insure that the Latin American Common Market would be outward looking and competitive.

In 10 years' time, a common market area of 200 to 300 million people (larger even than our own U.S. common market of 50 States) could be created, justifying the establishment of highly efficient, large-scale industries in Latin America.

In proposing the creation of a Western Hemisphere free trade area on raw materials, I am not overlooking the fact that 55 percent of Latin America's exports to the United States already enter the United States duty free and that the forthcoming trade negotiations under the Trade Expansion Act of 1962 may bring additional benefits to Latin America.

For, while it is difficult to estimate with precision the amount of trade that would be generated by eliminating trade barriers on raw materials, a recent study conducted by the Inter-American Research Committee of the National Planning Association suggests that such a move could have a substantial impact on Latin American exports to the United States, which now total $3.4 billion. It was estimated that suspension of U.S. import restrictions on a selected category of Latin American raw materials would increase U.S. imports from Latin America by at least $850 million, and perhaps by as much as $1.7 billion.

Some will protest that such an arrangement would necessitate a departure by the United States from its traditional unconditional most-favored-nation policy. My answer is that GATT has already made a number of exceptions to this principle, notably in the case of the European Economic Community and the European Free Trade Area. I see no reason why GATT should object to a similar exception with respect to the countries of the Western Hemisphere. For the United States, it may be necessary to subordinate the value of continuing the practice of extending U.S. tariff concessions on a nondiscriminatory basis to all countries automatically, to perhaps the greater value of aiding the worldwide movement toward regional economic integration.

Nor am I unaware of the difficulties involved in creating such a Western Hemisphere Free Trade Area, especially in regard to such commodities as sugar, lead, and zinc. But with U.S. cooperation and hemispheric determination, I am confident these problems are not insoluble.

As we examine the future shape of our trade relations, there are problems which can and should be resolved now in our mutual interest.

The United States should utilize the forthcoming "Kennedy round" of trade negotiations to facilitate entry for Latin American exports—primary commodities as well as other products—to the European Common Market. There appears to be some disposition along this line by the EEC, notwithstanding its special relations with the associated African States. Also, together with other Americans, I am doing my utmost to minimize to the greatest extent possible the rigors of U.S. import quotas on such products as lead, zinc, and residual fuel oil. I also believe that the United States should support measures like the International Coffee Agreement, designed to stabilize primary commodity prices.

At the same time, all of us must recognize the dangers of inflation—in some places galloping inflation—which nullifies economic gains. The flight of capital and the grave imbalance of the international balance of payments represent major threats to countries subject to these inflationary forces. To deal with this threat every effort ought to be made to modernize antiquated fiscal systems and monetary policies and to organize capital markets and other institutions to mobilize untapped national savings for productive uses. In short, self-help and mutual cooperation must be the rule, even as we develop Western Hemisphere institutions along the lines which I am charting here.

All of this leads me to the second part of the economic proposal I am here advancing—the role of private enterprise in Latin America.

The Latin American nations must find means for improving the climate for private initiative, while at the same time providing for social justice. These ends are not in the least incompatible. But we must recognize that Latin America is trying to achieve in a decade what has taken a century in the United States and is even yet far from perfected there—the operation of private business in the public interest. What is needed is a new spirit both on the part of government and of private enterprise in the achievement of common goals of progress without sacrificing their own self-interest. In many Latin American countries, leadership in developing such a spirit has been demonstrated to a heartening degree.

Latin American development can be based on a strong foundation of successful private enterprise investment. It should be remembered that not only does some 70 percent of all Latin American economic activity originate in the private sector, but contrary to a widespread impression, 90 percent of this private sector is owned by Latin American investors themselves. A developing economic system so intimately tied to private ownership clearly cannot accelerate its forward movement in the face of the erosion of investor confidence—an erosion signalled by a substantial outflow of private Latin American capital over the past few years and the sharp reduction in net U.S. private investment. I am aware of the selective nature of the investment process and of certain bright spots in the picture. However, these positive currents are bucking a great outward tide caused by private decisions which range from expressions of indifference to acts of panic. To reverse the outward tide—and such a reversal is essential—the positive factors must be greatly augmented. Latin American governments can aid immeasurably in restoring investor confidence. The infusion of Western European private and public investment into these contrary streams can also be an important element in reversing the overall capital outflow and in accelerating the momentum of economic growth in Latin America.

The Atlantic Community Development Group for Latin America (ADELA), under the sponsorship originally of the NATO Parliamentarians' Conference and, in the United States, of myself and Senator HUBERT HUMPHREY, of Minnesota, was established in order to formulate a means for focusing free world economic strength—i.e., the force of private sector activity—on this problem.

The multinational, multienterprise private investment company now being established to implement the ADELA program envisages a revitalization of the private enterprise forces in Latin America by enlisting the partnership of North American, European, and Japanese private enterprise strength. In the first instance, this investment company will focus on expanding the sector of medium-sized and smaller enterprises in Latin America so that they may serve as the essential base for the larger ventures of national and regional economic development. The talents and the capital of many enterprises of many nations will go into partnership with the Latin American enterpriser, in order to supply him with that measure of financial resources and technical assistance which he needs to participate more fully in the success of the social-economic revolution which is intended to carry Latin America toward a new era of freedom.

The implementation of the ADELA program represents a unique experiment. It recognizes that the governments most directly involved in the Alliance—i.e., the governments of Latin America and the United States—cannot accomplish the job of Latin American economic development alone. It recognizes, above all, that even all of the governments of the free world together are not possessed of the combination of capital, skills, initiative, and knowledge needed for the successful economic development of Latin America and that the role of the private sector is indispensable.

In the ADELA project the private sector of the free world has the opportunity to give concrete evidence of a fact which it has too long claimed to be self-evident. It can show that inherent in the processes of the system of private enterprise, which has brought historically unparalleled wealth to large areas of this globe, are qualities of statesmanship and discipline which can give Latin America an opportunity to attain equality of economic status. Indeed, private enterprise can show that it has the moral qualities needed for its own survival, in those areas now threatened from the outside by a system which cannot abide individual initiative, which cannot tolerate private ownership of anything and which affords no person credit. Above all, the leaders of private enterprise can display a political awareness of the shape of the future. Thus, the successful realization of this private enterprise action program in the ADELA investment company can be a turning point in the history of Latin America.

In the ADELA project private enterprises are seeking to turn their capital, manpower and techniques to the creation of economic and social conditions which will assure the viability of the system upon which their own existence depends—not only today or tomorrow, but far into the future. If the peoples in this great Western Hemisphere can be shown that relative freedom from poverty can be achieved by means compatible with individual political freedom, they will decisively choose such means. This is the challenge which the private sector of our economies is uniquely fitted to meet.

I said earlier that the economic program I have outlined here should be espoused by the democratic, progressive and non-Communist parties of the American Republics. I believe the economic and social development of Latin America can be enormously forwarded through the work of political parties which possess the will to express a real evangelism for freedom and free institutions—an evangelism which can be communicated directed to the people in meaningful terms.

In short, the Western Hemisphere needs to develop a flaming morale conducive to values which freedom and private enterprise can foster. And this spirit can be created by an identification of the mutuality of interest in each country of all peoples in the

Western Hemisphere who are fighting for these values on the basis of democratic political organization, our common Judeo-Christian ethic and progressive economic principles.

One way to do this has been suggested by your compatriot and scholar, Felipe Herrera, President of the Inter-American Bank, who has proposed a Latin American assembly with functional participation by capital, labor, and the universities, with a cooperative working arrangement with delegates of the U.S. Congress. Call it, if you will, the Parliament of the Hemisphere.

Whatever steps we take to develop greater hemispheric unity would advance in our time the dream of Simon Bolivar when he envisioned consolidating Latin America into a single nation, united by pacts into a single bond.

"The time has now arrived," said Bolivar 140 years ago, "when the interests and associations which unite the American Republics should secure a firm foundation."

It is a fitting note on which to sum up and to dedicate ourselves to this high purpose—as valid today as it was then—and at least as urgent.

EDUCATION IN THE WAR ON POVERTY

Mr. JAVITS. Mr. President, if the war on poverty is to achieve any lasting degree of success, it should provide the capability of striking at the hard roots of this problem. Adequate and comprehensive education is one of the essentials, but all of the available data on this aspect of the poverty problem show that our schools are not doing the job that is needed. The harsh fact is that many children from disadvantaged homes are not getting the needed education. Many fail in the first grades and continue to fail until they are old enough to drop out, where they join the ranks of the unemployed and delinquent. Moreover, such failure brings with it as a consequence serious deterioration in the standing and prestige of the education system. Yet only peripheral assistance to the schools is available in the present Economic Opportunity Act. Effective remedies can come only from a program of Federal aid to elementary and secondary school education, for only with qualified schools and adequate teaching aids can we back up the belief that many children from disadvantaged homes can perform what is required of them. Given these favorable conditions, there is sound reason to believe that schools can teach effectively disadvantaged children.

Two significant articles in the press emphasize the importance of attacking the poverty problems at this level. I ask unanimous consent to have printed in the Record an article written by Fred M. Hechinger, entitled "Localities With Own Improvement Plans Seen Getting Priority," which was published in the New York Times, March 22; and the feature article written by U.S. Commissioner of Education, Francis Keppel, entitled "Command Posts in New War: Slum Schools Could Be Logical Nucleus of Attack on Poverty If They Were Lighthouses and Not Fortresses," which was published in the Washington Post, March 22.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, Mar. 22, 1964]

Federal School Aid: Localities With Own Improvement Plans Seen Getting Priority

(By Fred M. Hechinger)

President Johnson's $1 billion program of war against poverty assigns a key role to education. It is a role which has been in the talking stage since before the late President Kennedy's inauguration, but has assumed new importance as a result of the pressures by civil rights leaders in the northern cities where the battle for better educational opportunities in the slum schools has become education's first priority.

Although the educational provisions of the Johnson proposals remain vague and, in the President's own word, "flexible," certain broad outlines emerge. Most important among the hints of the future is the President's stress on the importance of local ideas and efforts and the need for new, rather than traditional, approaches.

This puts considerable responsibility on the shoulders of the national, and especially the urban, educational leadership. It will probably mean that those local school superintendents and college presidents who come up with their own plans into which Federal dollars can fit, without danger of waste, may get ahead of the parade. In other words, there is to be an element of national competition in the program, probably because the President and his advisers—particularly U.S. Commissioner of Education Francis Keppel—distrust the routine approach which has been so dismal a failure in the big city slums.

Fortunately, American school leaders have a number of examples of past proposals and actions, here and elsewhere, which may help them on their way.

TASK FORCE REPORT

The broadest hint was contained in the original task force report drawn up at the request of President Kennedy by a group of distinguished educators, including Mr. Keppel, then dean of Harvard's Graduate School of Education. It called for a special fund of Federal aid for distressed areas, particularly the city slums. Such money was seen as an essential ingredient for any large-scale experimentation aimed at providing for slum children the kind of education which substitutes many of the items which are offered to middle-class children at home.

In New York City the original higher horizons program achieved something of this nature. It offered children from underprivileged homes not only improved instruction in school, with greater personal attention by good teachers, but also arranged cultural opportunities, such as visits to concerts, operas, and theaters, for them. Linked with a similar program in the high schools, the experiment was at first startlingly successful. It gave youngsters a meaningful lease on life, with all the aspirations of more economically fortunate children.

One of the pitfalls of such a program is that, once it is proved successful, it must be applied to greater numbers of children. When this happens—as it did in New York—the school system must spread the funds and the special staffs too thin. In the end, as a result of watering down, the original gains are lost and only the label and the publicity value remain.

This is why, with the success of specific pilot programs already shown, substantial and continuing Federal funds are of vital importance.

In a completely different area, the President spoke of the need for programs which combine job training and education. This goes to the heart of the reason why so many past attempts at preventing school dropouts have failed. They often have, in the words of the San Francisco Superintendent of Schools Harold Spears, merely brought youngsters back into school without sufficient thought about the kind of program of education that is relevant to their needs.

THE SAME THINGS

Even so-called remedial programs tend to do the same things after school—often with the same teachers—which failed to do any good during school hours.

Here again educators may look to precedents which have been given too little attention in the past because they departed from the organizational routine. They should not, of course, be blindly imitated, where new situations call for new ideas, but they ought to offer some guidelines.

For example, cooperative education has been applied on the college level, and in some cities (including New York) even in high school, with marked success. Under such programs, pupils study and work, and their work may range from simple jobs in industry or business to highly complicated and advanced scientific occupations.

Northeastern University, in Boston, one of the leaders in the cooperative education movement, has opened up such highly professional fields as graduate mathematics studies to the cooperative approach.

BUILT IN

In many European countries, and most prominently in the Soviet Union, afterwork continuation schools have been built into the regular scheme of public education.

The Scandinavian countries have long established a tradition of the so-called folk high schools and people's colleges—residential campuses on which the children of workers and farmers combine vocational study with liberal education.

One important hint, at least by strong implication, given by President Johnson to American educators is that they must free their profession from narrow, certification-minded confinement.

Instead of pretending that traditionally trained teachers can do the new and unconventional job alone, they will have to welcome volunteers with a wide variety of backgrounds. One of the important byproducts of such a partnership might be the evolution of new approaches to professional teacher training in the future.

Finally, there are already blueprints in some communities which, with the impetus of Federal aid, could be quickly translated into action programs. New York's Superintendent of Schools Dr. Calvin E. Gross has been talking about a saturation program for the slum schools. There is a good chance that any city which, with the Johnson program in the offing, gets its own show on the road, might not only be eligible for funds more quickly but could become a proving ground of new ideas for the national effort.

[From the Washington (D.C.) Post, Mar. 22, 1964]

Command Posts in New War: Slum Schools Could Be Logical Nucleus of Attack on Poverty if They Were Lighthouses and Not Fortresses

(By Francis Keppel)

America's nearest foreign country is a land whose people speak a language much like our own, yet different in tone and style; a land which borders on our prosperous and thriving 20th century society, yet lives apart in a different climate and culture and time zone; a land which requires no passports or visas to enter, yet is seldom seen by most Americans. This is the foreign country no farther distant than our nearest neighborhood slum.

Here in the slums, a focal point in the coming war on poverty, there are potential command posts where battles could be waged and won. These are the public schools. They are central to the community action program called for by President Johnson last week in his message to Congress on poverty. In mounting an effective attack on poverty, the improvement of these schools, of our education of the poor, is essential.

At every turn in our technological age, the statisticians show us that unemployment grows wherever educational levels are low, that incomes rise wherever educational achievement is high, that poverty and lack of education are always linked.

THEY DESERVE THE BEST

The role of education in the slums has often been overlooked in the past. That is no longer true. There is perhaps no other institution in the country of which more is expected and where so much needs to be accomplished. But before the schools of the slums can meet these rising expectations, before they can serve effectively in the attack on poverty, some thoroughgoing alterations are required.

These call for bold approaches not merely by the educational community but by the community at large—a new public awareness of the problems and difficulties in these schools and a determination to resolve them. The first of these problems is priority—or, rather, a lack of priority—for the schools of the slums.

Usually these schools are substandard, and substandard schools are precisely the wrong schools for the children of poverty. These students, deprived in every other aspect of their lives, require more, not less, of educational opportunity if they are to succeed; the most qualified, not the least qualified, of teachers; the least crowded, not the most crowded, of classrooms; the most imaginative, not the least imaginative, of educational efforts.

For too many years, however, education in the slums has been directed to maintenance efforts, to the maintenance of schools which exist in form but not in substance—where teachers seem to teach and children seem to attend, but where the link between teaching and learning is frail and tenuous.

UNWORKABLE METHODS

The second problem is that we have failed to make the indispensable extra effort to reach and teach these children. Far too often, they are regarded as not merely difficult to teach, but as virtually unteachable.

There are difficulties, to be sure. Usually they come to school from families of low educational attainment; their homes lack books and other incentives to learning; they lack the middle-class values and cultural endowments of their teachers.

The overriding difficulty, however, is the persistence in teaching methods that have not worked and will not work. A vast number of these children will reject traditional texts and curriculums even with good teachers and good buildings.

As a basic change, we need new primers and readers for them which—at the least—recognize their existence in our society. When textbooks reflect only white middle-class life, complete with commodious split-level homes, how can we expect to reach poor white, Negro or Puerto Rican children? Instead, we need textbooks written in terms of their own environments, their own lives and aspirations.

Above all, we need teachers who are trained and gifted in teaching these children. All too frequently, teaching our deprived children has seemed a personal deprivation to the teachers sent to their classrooms.

Unfamiliar with the home and community life of their students, they are often frustrated by youngsters who are troublesome as well as troubled. During the school dropout campaign last summer, a few of these teachers made the startling suggestion that the majority of students would best be served if those who wanted to drop out of school were permitted or even encouraged to do so.

The successful teacher of these children needs warmth and insight. These qualities must be in her at the outset. But they will be lost or blunted if those in charge of our schools fail to recognize and stimulate these qualities. We must bring to these teachers a new prestige and status within their profession and within the community.

The third problem that confounds our schools of the slums is their isolation from the communities they are intended to serve. This is the gravest weakness of all.

These are the schools where the iron gates slam shut at 3:30 when classes are over for the day. The bolts are drawn; the lights are turned off; the fortress is secure; the school is protected from the neighborhood.

Teachers come into these fortress schools from the outside world to teach, and, when school is over, they leave again for the outside world. Some of these schools even refuse to list their telephone numbers in order to avoid the distraction of parents calling.

Yet it is in these schools, as nowhere else in the slums, that we could create not a fortress amid the poor but a true command post against poverty.

This exposes the fundamental weakness not merely in education but in all the social agencies which must be corrected if there is to be an effective community attack on poverty. Today, such public agents as the teacher, the social worker, the child guidance counselor, and the health officer all occupy their special compartments and assert their special prerogatives. The private agencies also keep their distance and pursue their individual courses.

THE SCHOOL A FOCUS

With this divisiveness, there is little prospect of dealing with poverty effectively. The problem calls for an unparalleled alliance of community resources.

The agents of education and social welfare must learn to work together. Moreover, they must seek to develop widespread citizen participation, perhaps by generating community councils on poverty. The slum school could provide a focus for action, a center for community service.

Its first effort must be to provide the best of education for its young students. From this beginning, it could move outward into a broad spectrum of service: providing night school in adult education, remedial reading and other remedial education, serving as a center for after-school study, for classes of preschool children, for education and employment counseling, for health and rehabilitation, and other community programs.

With the community's effort behind it, the bleak fortress school of today could become the lighthouse school of tomorrow, bringing to our neighborhoods of poverty a new beacon of possibility, promise, and hope.

THE PLIGHT OF THE SENECA INDIANS

Mr. JAVITS. Mr. President, I invite the attention of Senators to an editorial published in the New York Times, entitled "Our Own DP's—The Senecas." Both the Senator from New York [Mr. KEATING] and I are interested in the plight of the Seneca Nation in respect to the condemnation of the Kinzua Dam area, and their removal from tribal lands on which they have lived under a longstanding treaty made with George Washington, which is now taking effect.

Mr. President, I ask unanimous consent that this editorial may be printed the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Mar. 22, 1964]

OUR OWN DP'S—THE SENECAS

The Senate Interior Committee has drastically reduced the amount in a House bill to compensate the Seneca Indians for construction of the Allegheny River dam and reservior, which will flood their reservation in western New York. Thereby hangs a sorry tale.

Under the oldest treaty of the United States, still technically in force, our Government in 1794 promised never to claim the reservation or "to disturb the Seneka Nation * * * in the free use and enjoyment thereof." The treaty, backed by a promise that George Washington made personally, has been broken. That is now water over the dam; it is too late to argue the merits or morality of the Army Corps of Engineers' project. The eviction of the tribe has been scheduled for October 1.

But it is not too late to compensate the Senecas so that they can begin new lives elsewhere as American displaced persons. A House bill provided a rehabilitation fund of $17 million for resettlement of the tribe; the Senate committee's proposal of $9 million is, by comparison, parsimonious. The relocation funds would be used for housing, industrial and educational programs. The well-being of about 130 families and nearly 700 persons depends on the generosity—and sense of decency—of the Congress.

The Pennsylvania Railroad has been well paid for a right-of-way in this area. Will the Senecas, mere humans, fare as well? If they do not, the Federal Government will be committing double perfidy.

ALLEGATIONS OF RACIAL BIAS—RECOMMENDATIONS SUBMITTED TO HOUSING AUTHORITY OF PORTLAND, OREG.

Mr. MORSE. Mr. President, on December 19, 1963, I commented in the Senate on the allegations of racial bias that had been directed against the housing authority of Portland, Oreg. Previously I had requested the Commissioner of Public Housing Administration to supply a report on this problem. Commissioner McGuire wrote to me under date of February 20, submitting the final report of that agency. Enclosed with Mrs. McGuire's report was a letter of February 1, 1964, addressed to the housing authority of Portland, Oreg., setting forth the details of the review by the Public Housing Administration as well as its findings.

In the concluding paragraph, the letter of February 20 states:

> We know you were informed, also, that the Housing Authority has invited the Greater Portland Council of Churches to work with it in encouraging a greater degree and a better balance of voluntary racial integration in Portland's public housing. We are hopeful that all groups in the community will participate in constructive effort toward this goal.

I have received a letter from Mr. Robert H. Bonthius, chairman, Christian Social Concerns Commission, Greater Portland Council of Churches, dated

March 10, 1964, commenting on the material inserted in the RECORD by me on December 19. I have also received a letter, dated March 10, 1964, from the Citizens League for Equal Opportunity, signed by Mrs. William S. McLennan, executive secretary, commenting on the December 19 CONGRESSIONAL RECORD insertions. I ask unanimous consent to have these letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE GREATER PORTLAND
COUNCIL OF CHURCHES,
Portland, Oreg., March 10, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Our attention has been drawn to the CONGRESSIONAL RECORD of December 19 in which there appears a letter from the Housing Authority of Portland suggesting that it has been adequately investigated, and that it is working well with the Greater Portland Council of Churches. We are writing to provide a fuller picture in the hope that this letter may be made a part of the CONGRESSIONAL RECORD to correct the impression made by the December 19 material inserted there.

The issues with which the Greater Portland Council of Churches, and other groups concerned about HAP policies and practices, are concerned have to do with de facto segregation not discrimination. Our council has studied both sides of the problem for 2 years now, and submitted the results of its investigation to the mayor's intergroup relations commission on January 15, 1964. We have supplied your office with a copy of this report, and are now sending you under separate cover documents which support the finding of the report.

In summary, our investigation of the Housing Authority of Portland shows the following:

1. That the result of HAP policies is increasing de facto segregation in public housing projects in Portland.

2. That public housing opportunities have not been adequately publicized with the result that the public in general, and nonwhites in particular, have not ben properly notified of its availability.

3. That the Housing Authority of Portland has put forth every effort to construct housing projects that could only be occupied, at least eventually, by Negroes only, and located in one of the least desirable areas of the city.

4. That, while critics of HAP have not publicly attacked the motives of HAP commissioners or executives, HAP officials have made many public and personal attacks upon those who are striving for reform in public housing.

5. That HAP has admitted manipulating the list of prospective HAP tenants.

6. That HAP has repeatedly misinformed our organization, the public, public officials, and Government investigators.

The Greater Portland Council of Churches is concerned purely with reform in public policy and practice which adversely affects the community. Since we made our report to the mayor's commission on intergroup relations on January 15, that commission has come forth (February 19) with 10 changes it believes are needed in HAP procedures. We regard these 10 changes as confirming our findings, and as needed first steps in HAP reform. We hope that the Housing Authority will accept them and thus improve its image and its role as a public servant.

Sincerely yours,
ROBERT H. BONTHIUS,
Chairman, Christian Social Concerns Commission.

PORTLAND, OREG.,
March 10, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: Our group, comprised of persons representative of all the civil rights and race relations organizations in Portland, has noted in the CONGRESSIONAL RECORD correspondence and newspaper clippings which suggest that the Housing Authority of Portland has been cleared of charges of racial bias.

The Housing Authority has indeed been investigated by a number of bodies and none has yet found them guilty of any overt act of discrimination. The record should show, however, that none of the race relations groups in Oregon has ever charged the Housing Authority with acts of racial discrimination.

We have charged that HAP maintains racially segregated public housing in Portland and that it has failed and refused to do anything to correct this racial imbalance. Many of us have finally concluded that some of the commissioners and staff have evidenced a lack of good will in responding to valid criticism engendered by public scrutiny of their operations.

In a city which is less than 4 percent nonwhite, HAP has twice attempted to build new public housing projects in the heart of our small but highly concentrated ghetto. Both were to be admittedly segregated projects; both were to be named for the deceased wife of a local Negro leader. Suggestions for ameliorating the racial imbalance in existing projects have either been publicly ridiculed or termed, erroneously, "illegal" or "impossible."

Despite every responsible sociological survey to the contrary, HAP proclaims that Negroes want to live together and persists in excusing the segregated pattern of public housing in Portland as "self-segregation." Organization after organization has tried to work with HAP only to have its face slapped in public. A HAP commissioner has publicly belittled the elected officers of our civil rights organizations as "so-called leaders." At the February HAP meeting a commissioner called the chairman of the Christian Social Concerns Commission of the Greater Portland Council of Churches a "damned liar" for having presented the council's statement on public housing to the Portland Commission on Intergroup Relations. Only last week the mayor of Portland addressed a letter to the chairman of the Housing Authority of Portland criticizing her threat to remove that part of HAP funds deposited with the First National Bank of Portland because an official of that bank had been critical of HAP policy.

Said Mayor Terry D. Schrunk in part: "you have no right to make those decisions based upon vindictiveness or as punishment for someone who might disagree with you * * *. Every citizen of this community has a perfect right to be critical of the housing authority, city government, or me as mayor. I consider it poor public policy for any branch of government to the vindictive or attempt to intimidate those who might disagree with us or be critical of our policies or action."

Without laboring further these examples of tactlessness and poor citizenship on the part of the Housing Authority of Portland, I should like to emphasize again that segregation in public housing is the problem we are faced with in Portland. Investigations into racial discrimination completely miss the point. Public funds are here being used to support a segregated public housing pattern—in a city with a very small Negro population and the sociological possibility of integrated public housing. Although this public housing pattern may not be the result of an overt attempt to discriminate, its perpetuation is a gross misuse of the taxpayers' money. The housing authority commissioners should be obliged by virtue of their office to respond to this unfortunate circumstance with constructive good will and genuine efforts for improvement, and not with evasion and name calling.

We appreciate your continued concern with this matter, and hope that our mutual efforts will eventually result in better public administration of public housing in Portland and elsewhere.

Sincerely,
CITIZENS LEAGUE FOR EQUAL OPPORTUNITY,
JANET MCLENNAN
Mrs. Wm. S. McLennan,
Executive Secretary.

Mr. MORSE. Mr. President, in addition, I have received a letter from the chairman of the Mayor's Commission of Intergroup Relations of the City of Portland. The commission recently completed a set of recommendations which it submitted to the Housing Authority of Portland for consideration. The recommendations were enclosed with the letter. The letter states in part:

> It has been our experience in the past, and records of other organization's dealings with the Housing Authority would indicate, that our recommendations may be passed down to the West Coast Regional Office of the Housing Administration and may even wind up on the national level in Washington, D.C. All this, of course, is very time consuming.
>
> We would appreciate your interest in this matter, Senator, to advise us as to legality of the enclosed proposal as they may or may not affect Federal regulations pertaining to the jurisdiction of the local authority. In other words, is there anything in our proposal which from the Federal point of view would prohibit the local authority to comply with our recommendations.

I have submitted to Commissioner McGuire the recommendations enclosed with the letter and have asked the Commissioner to make a study of the recommendations proposed, and to prepare a reply to the question as to whether or not there is any conflict, from the standpoint of the Federal Government, which would prohibit the local Housing Authority of Portland from complying with the recommendations.

I ask unanimous consent that the commission's letter, my letter to Mrs. Mcguire, and enclosures may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PUBLIC HOUSING ADMINISTRATION,
HOUSING AND HOME FINANCE AGENCY,
Washington, D.C., February 1, 1964.

HOUSING AUTHORITY OF PORTLAND, OREG.,
Portland, Oreg.

GENTLEMEN: As you know, in response to a request from Senator WAYNE MORSE, we recently made a further review of the tenant selection practices of your Housing Authority, particularly in connection with the Northwest Tower low-rent housing project for the elderly. We are now able to advise that we found no evidence of any discriminatory action or practice by the Housing Authority.

Our review disclosed the following:

The project known as Northwest Tower (project No. ORE-2-4) consists of a 150-unit tower structure containing 75 one-bedroom and 75 no-bedroom units designed for occupancy by the elderly, and a 30-unit three-story structure containing 27 two-bedroom units and 3 three-bedroom units for family occupancy.

The Housing Authority maintains lists of applicants in chronological order of receipt of applications, allowing applicants freedom of choice of project to which they wish to be assigned. Separate lists are maintained by unit size; and in 1959 when the Housing Authority began to accept applications for the tower portion of Northwest Tower, it further refined its list for one-bedroom units, since occupancy of the tower was restricted to the elderly.

The order of priority for assignments to units in the tower was on the basis of date the application was made, including applications made by mail. The practice of accepting applications by mail was instituted at the request of aged applicants due to their infirmities, problem of transportation and remote location of the central office of the Housing Authority. Although, in general, further followup was necessary by mail, phone, or personal interview, the date of the application for purposes of priority was determined by the date the application was made by mail. Twenty-five percent of the applications were made by mail. By September 3, 1963, the first 150 eligible elderly applicants had been notified that they had been assigned a unit. Two of these families were Negro. They subsequently rejected the units offered to them.

Without knowing the nature of the complaints received by Senator Morse, but in view of a complaint made to us of the absence of Negroes among the first 150 tenants for the tower, we ascertained also that the elderly Negro population in Portland constitutes less than 1 percent of the total elderly population. We believe this fact is pertinent because, as stated above, the tower is for the elderly.

We learned that your form of tenant application provides a space for designation of the race of the applicant, but were advised that this is solely to accommodate the PHA's reporting requirements and has no significance in the assignment of dwelling units. As you know, the PHA does require local housing authorities to supply breakdowns as to race in reporting active applications and occupancy during the period of initial occupancy of each project and also in other reporting of occupancy, but does not prescribe the means of obtaining or recording such information. The racial information required by the PHA is solely for the purpose of assisting it and local authorities to ascertain whether the needs of the community are being met and whether there is compliance with equal opportunity. Our review of the history of the development of the application list and the assignment of units for the tower revealed no instance of placement on the list or assignment to a unit on the basis of information as to race.

Although Senator Morse expressed interest particularly in the housing for the elderly, we reviewed also the assignment of units in the three-story structure of the Northwest Tower project, and found no action taken with respect to any of those units on the basis of race. Also, we were advised that since this structure contains mostly two-bedroom units, and since most of the eligible applicants for two-bedroom units had stated a preference for projects other than Northwest Tower, the Housing Authority had difficulty obtaining sufficient applicants to fill this structure before September 30, 1963, the date of the scheduled end of the "initial operating period."

In view of a complaint made to us to the effect that availability of Northwest Tower was made known to the Negro leadership for the first time in 1961 at an Urban League meeting, we also obtained specific information as to the publicity given this project. The detailed list supplied to us, stating numerous items of publicity (including newspaper articles, speeches, public meetings, radio and television programs, and widely distributed reports) shows that the general public was repeatedly informed since 1959 of the Housing Authority's plans, actions and programs in relation to its program generally and plans for the elderly. It shows also that in some instances the Negro community was directly informed through the Urban League. For example, it shows that on October 8, 1959, Mr. Gene Rossman, executive director of the Housing Authority, made a speech at the North Area Neighborhood Council covering the results of the citywide survey of housing needs of the elderly and the tentative plans for housing for the elderly, and that the meeting was attended by a key staff official of the local Urban League. As another example, it shows that on April 6, 1960, 2,000 copies of an annual report, with special reference to the Housing Authority's development program, were circulated throughout Portland, copies going to social agencies including the Urban League.

We propose to send a copy of this letter to Senator Morse, but shall withhold doing so for a period of 1 week from date so that you may, if you wish, comment to us on the foregoing.

Sincerely yours,
Marie C. McGuire,
Commissioner.

U.S. Senate,
Washington, D.C., March 19, 1964.

Marie C. McGuire,
Commissioner, Public Housing Administration, Washington, D.C.

Dear Commissioner McGuire: This will acknowledge, with thanks, your letter of February 20, 1964, enclosing a report of February 1, 1964, addressed to the Housing Authority of Portland, Oreg. I note that you have received no comment from the Housing Authority of Portland upon the details of your review and findings of the tenant selection practices of that agency.

Enclosed for your consideration is a letter from the chairman of the Mayor's Commission of Intergroup Relations of the City of Portland, together with the administrative recommendations submitted to the Housing Authority of Portland. I would appreciate your making a study of the recommendations proposed. As soon as possible, would you kindly give me the benefit of your view as to whether or not these recommendations would conflict with the rules and regulations of the Public Housing Administration in such a manner as to prevent the Housing Authority of Portland from complying with the recommendations?

Sincerely yours,
Wayne Morse.

Public Housing Administration,
Housing and Home Finance Agency,
Washington, D.C., February 20, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: As we previously advised you, in response to your request we have been reviewing further the tenant selection practices of the Housing Authority of Portland, Oreg., in connection with the Northwest Tower low-rent housing project for the elderly. The review has been completed, and we are able to report that we found no evidence of any discriminatory action or practice on the part of the Housing Authority.

Details of our review and findings were stated in a letter dated February 1, 1964, to the Housing Authority. A copy of this letter is enclosed. We received no comment from the Housing Authorty in response to the last paragraph of the letter.

From your statement in the Senate on December 19, 1963, we know you were informed of the ruling of the Oregon State Labor Commissioner clearing the housing authority of charges of discrimination filed by Jimmie Proctor. We know you were informed also that the housing authority has invited the Greater Portland Council of Churches to work with it in encouraging a greater degree and a better balance of voluntary racial integration in Portland's public housing. We are hopeful that all groups in the community will participate in constructive effort toward this goal.

Sincerely yours,
Marie C. McGuire,
Commissioner.

Portland, Oreg., *March 9, 1964.*

U.S. Senator Wayne Morse,
U.S. Court House,
Portland, Oreg.

Dear Senator Morse: The mayor's Commission of Intergroup Relations of the city of Portland, of which I am chairman, has recently completed a set of administrative recommendations for the Housing Authority of Portland to consider. These recommendations were based on reports submitted to the Intergroup Relations Commission by such organizations as the Greater Portland Council of Churches, Urban League, NAACP, Citizens League for Equal Opportunity, as well as a statement submitted to us by the Housing Authority of Portland itself. The reason for the study, of course, was that many organizations in Portland felt that de facto segregation exists in public housing, and further, that the administrative practices presently utilized by the local housing authority has created racial tensions.

A copy of the enclosed report was forwarded to the chairman of the Portland Housing Commission with a request that either a formal or informal meeting be arranged by that commission in order that the various recommended points be discussed.

It has been our experience in the past, and records of other organizations dealings with the housing authority would indicate, that our recommendations may be passed down to the west coast regional office of the Housing Administration and may even wind up on the national level in Washington, D.C. All this, of course, is very time consuming.

We would appreciate your interest in this matter, Senator, to advise us as to legality of the enclosed proposal as they may or may not affect Federal regulations pertaining to the jurisdiction of the local authority. In other words, is there anything in our proposal which from the Federal point of view would prohibit the local authority to comply with our recommendations.

Time, of course, is of the essence in this matter, Senator. We realize your very busy schedule, but nevertheless, many of us have now worked months on this matter and are most anxiously looking forward to a solution.

My thanks in advance to you for your assistance.

Sincerely yours,
Fred M. Rosenbaum,
Chairman, Intergroup Relations Commission.

Inter-Group Relations Commission, Committee Report on Portland Housing Authority, February 11, 1964

On January 15, 1964, a committee consisting of Dr. Unthank, Dr. Brown, Mr. Holmes, Dr. Gustafson, and Dr. Bursch was appointed by Chairman Rosenbaum to evaluate reports and documents received by the Inter-Group Relations Commission relative to practices and policies of the Portland Housing Authority. After individual review of documents, the committee, with Chairman

Rosenbaum, met on February 10, 1964, for discussion and adoption of specific recommendations. Dr. Brown, being out of town, was unable to take part in the February 10 meeting. On behalf of the committee, I submit the following conclusions and recommendations for your examination and possible adoption:

The Housing Authority of Portland has been the focal point of public controversy for some time. In the opinion of your committee, the central aspect of controversy seems to be the fact that present policies of tenant selection and placement have resulted in racially concentrated projects. Other critical phases of HAP practice and policy which have produced controversy and tension center around location of projects in areas of racial concentration, and around communication patterns between HAP and interested community leaders and agencies.

It has not been established that the HAP believes in or works for the segregation of races. On the contrary, various official investigations have produced only negative results. It has been established, however, that tensions rising from the phenomenon of racial concentration in public housing have been aggravated by certain practices of the HAP, and by certain statements from members and staff of HAP. These practices, in particular, make it difficult to disprove charges of discrimination or discriminatory intent. While the record, as it now stands, shows no instances of clearly established discriminatory practice, the situation is tension producing and serious—demanding corrective action. It is not the responsibility of the Inter-Group Relations Commission to try, or even to indict the HAP. We propose to enter the fray only in an attempt to ameliorate a regrettable situation.

The Inter-Group Relations Commission is charged by city ordinance with responsibility for making recommendations calculated to reduce intergroup tensions. Pursuant to that authority, your committee recommends a finding that certain practices and policies of the Housing Authority of Portland are, in fact, producing intergroup tensions in Portland, and we further recommend the adoption of the following suggestions in the hope and expectation that acceptance of the suggestions by the HAP will reduce present tension levels.

1. All applications should be made on forms provided by the HAP, and should be acepted only when presented in person by the applicant or an authorized representative.

2. Each application form for housing should be stamped with time and date, and upon acceptance for the waiting list should be assigned a serial number in sequence.

3. The person presenting an application for housing should be provided with a receipt showing the time and date of acceptance for the waiting list, and the serial number of the application.

4. All transactions relative to an application on the waiting list should be stamped with time and date, and should carry an indication of which employee processed the transaction.

5. When a vacancy occurs, it should be classified appropriately, and proffers should be made in strict order of seniority among those eligible.

6. The HAP should regularly publish, by serial number, and in some public place, the current waiting list.

7. When a proffer is made, the applicant should be given 3 days in which to respond, and must either accept, reject without stating reasons, or reject with statement of reasons.

8. When an applicant rejects a proffer without stating a reason, or when the HAP finds the statement of reasons unsatisfactory, the application should be endorsed with a new serial number placing it at the bottom of the waiting list.

9. When the HAP finds the statement of reasons satisfactory, the application should be passed over without loss of seniority, to await the next vacancy for which the applicant is eligible.

10. In considering statements of reasons, desire on the part of an applicant to maintain a segregated pattern of personal housing should not be accepted by the HAP as "satisfactory."

11. The HAP should establish and maintain an up-to-date roster of leaders of interested community agencies and organizations. Minutes and notices of meetings should be sent to the names on this roster, and the HAP should periodically reaffirm its interest in and desire for, the advice and counsel of such community leaders on matters of mutual concern.

12. When special purpose projects are constructed or acquired, a special effort should be made by HAP to give wide publicity to the limited nature of the eligibility requirements.

The foregoing report was approved by the Commission on Inter-Group Relations at its February 19, 1964, meeting.

Mr. MORSE. Mr. President, in my remarks on December 19, 1963, I stated that I was "glad that the investigation has cleared the Portland Housing Authority, and I am glad now to make it a matter of official record." The conclusions of the Intergroup Relations Commission points out that the commission is making recommendations "calculated to reduce intergroup tensions." The commission recommends a finding that certain practices and policies of the housing authority are, in fact, producing intergroup tensions in Portland, and that the tensions have been aggravated by practices of the Housing Authority of Portland. I would join in the hope of the Intergroup Relations Commission that acceptance by the Housing Authority of Portland of the suggestions will reduce the present tension levels. For that reason, in my letter to Commissioner McGuire I have asked that she complete her study on the recommendations as soon as possible in order that this matter may be resolved insofar as the responsibility of the Federal Government is concerned.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 95 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Mundt
Nelson
Neuberger
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Did I correctly understand the Chair to say "A quorum is present?"

The PRESIDING OFFICER. A quorum is present.

Mr. SMATHERS obtained the floor.

COLLEGE STUDENTS LAUNCH WAR ON POVERTY

Mr. RIBICOFF. Mr. President, will the Senator yield for an insertion?

Mr. SMATHERS. I yield.

Mr. RIBICOFF. Mr. President, the war on poverty already has begun in Michigan. College students walk from their tree-shaded campus into shadowy slum streets, eager to strike up friendships with younger and less fortunate children. They seek to demonstrate to those who might otherwise become dropouts that education truly can lead to a better life. Serving as they do, with compassion and understanding, they are sources of great inspiration for those youngsters who frequently lack the motivation needed to engage in the pursuit of knowledge.

In the March 20 edition of the New York Times, an article by James Reston describes this unique program as it operates in Lansing, Mich. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LANSING, MICH.: WHATEVER HAPPENED TO THE BEAT GENERATION?

(By James Reston)

LANSING, MICH., March 19.—The Peace Corps idea is spreading fast. Some 46 countries are now sending their young men and women into the world to help the poor countries, and a spontaneous volunteer student movement is also working quietly and effectively among the underprivileged children in our own cities.

The Student Education Corps here at Michigan State University is merely one of many illustrations of this movement in the United States.

It started over a year ago on the assumption that serious college undergraduates might be able to help the harassed and overworked teachers in the poor districts of Lansing, Pontiac, and other cities within 100 miles of the Michigan State campus.

They had no money from the university of the State, but a few of them reasoned that they might be able to deal with some of the worst of the kids who came from broken homes and had no incentive to get an education.

HOW IT WORKS

Now about 200 of these young college students go out as assistants to the slum schoolteachers several times a week. Some of them take on the backward pupils. Others work with the bright ones who are held back by the drones. A few go around the State with a "Career Caravan" illustrating the kinds of jobs available to students who do their work.

But the main thing is not so much to help the young laggards with their work, but to make friends with them and thus provide good examples that are not available in many homes.

The movement has now arrested the admiration of Gov. George Romney. He addressed a meeting of teachers from all over the State here this week to introduce the leaders of the Student Education Corps to a wider audience, and there is evidence that the movement will grow.

Like the Peace Corps, the student volunteers go only where they are invited. Any school within reasonable range of the university can get them to help if it will only pay 8 cents a mile to bring a carload of undergraduates from the campus.

Nobody gets paid for the work, but David Gottlieb and Sandra A. Warden, who direct the corps, testify not only that they get all the volunteers they need, but that the volunteers themselves feel that they get as much out of the experience as the children they try to help.

The larger Government programs are directed at training the school dropouts. The Student Education Corps attacks the same problem earlier. "The ultimate aim of the corps is to help prevent premature dropouts by showing these children that education is the key to a better life, by providing needed inspiration and motivation to continue with their schooling."

This is not an isolated experiment. Similar activities are going on in other universities. Pomona College in California is another lively center. Gov. Terry Sanford, of North Carolina, is working with William Friday, president of the University of North Carolina, on a corps of volunteers to help the underprivileged, and Yale produced the northern student movement that is now active on many campuses not only in the field of education but of political action.

THE POLITICAL ACTIVISTS

For example, over 1,000 students from various colleges and universities, most of them affiliated with the northern student movement, will be going to Mississippi, Alabama, and Louisiana this summer to live in Negro homes and help the Negroes register for the November elections.

The Commission of Religion and Race of the National Council of Churches will run a training school for these volunteers at Berea College in Kentucky as soon as school is out in June.

Most of this activity, however, seems to start with a few young men and women unorganized by anybody else. For example, David H. Gunning, president of the executive board of student government at Cornell University, has advised the Justice Department that a group of students in Ithaca have collected $1,000 to finance a Cornell student team that will help with voter registration in Fayette County, Tenn., this summer.

Not so many years ago the poor "socioeconomically disadvantaged" professors in the sociology departments were complaining about the postwar "beat generation" in America. A rotten crowd, they said, always dropping out of some school and into some bed: uninterested, uncommitted to anything but money, booze, and sex.

Unlike his contemporaries in other countries, who were knocking over governments and leading the torrent of political change, the American student, it was said, wasn't engaged in anything and didn't care about anything.

Well, something is happening on the campus. In some ways these student leaders are ahead of the Government. And when the Congress finally gets around to backing a domestic Peace Corps and backing President Johnson's "war on poverty," quite a few young American men and women will already be in the field.

PROTECTION OF THE RIGHTS OF INDIGENT DEFENDANTS—ADDRESS BY SENATOR DODD

Mr. RIBICOFF. Mr. President, last week in Hartford, Conn., my distinguished colleague, the senior Senator from Connecticut [Mr. Dodd], called attention to one of the often overlooked battles in the war on poverty—the effort to assure protection of the rights of the indigent defendant.

From his great wealth of experience in dealing with law enforcement issues as attorney for individual clients and as prosecutor for a nation, Senator Dodd has discussed the plight of the indigent defendant with rare insight and offered constructive proposals worthy of the serious consideration of every thoughtful citizen.

I commend his thoughtful remarks to every Member of the Senate, and I ask unanimous consent that his speech may be inserted in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of Senator Thomas J. Dodd, Before the Hartford County Bar Association, Hartford, Conn., Wednesday, March 18, 1964

It is a real pleasure and privilege for me to be able to join with you in this annual dinner of the Hartford County Bar Association.

We in the legal profession are always besieged by many pressing problems. This is so because the legal process is at the very heart of the life of any society and every problem of the Nation impinges upon it to a greater or lesser degree.

I would like to speak tonight about one of the problems facing our profession, the problem of adequate legal representation for people of humble circumstances.

It has been said that the quality of a nation's civilization can be largely measured by the methods it uses in the enforcement of its criminal law.

All of us are familiar with and take pride in the many strengths of our legal system.

One of these strengths is the almost unlimited opportunity for a successful defense which our system of jurisprudence provides for those who can afford it.

But what of the impoverished defendant?

Our record on this score leaves much to be desired.

My views are drawn from experience both in the private practice of law and in the prosecution of criminal acts as a Government attorney in the Department of Justice. And my work as a member of the Senate Judiciary Committee, which maintains a constant surveillance over the operations of our judicial system, has given me a chance to view this problem from still another perspective. In the preparation of these remarks, I have drawn heavily from a recent lecture delivered at New York University by Supreme Court Justice Arthur Goldberg and from the report of the Attorney General's Committee on Poverty and the Administration of Criminal Justice.

Winston Churchill stated my underlying theme more than 50 years ago when he said: "The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of any country. A calm, dispassionate recognition of the rights of the accused, and even of the convicted criminal, against the State—a constant heart searching by all charged with the duty of punishment—a desire and eagerness to rehabilitate in the world of industry those who have paid their due in the hard coinage of punishment—tireless efforts toward the discovery of curative and regenerative processes—unfailing faith that there is a treasure, if you can only find it, in the heart of every man—these are the symbols, which, in the treatment of crime and criminal, mark and measure the stored up strength of a nation, and are sign and proof of the living virtue within it."

The public has become familiar with the almost inexhaustible legal maneuvers of widely known personalities, courtroom gladiators who can string out their defense over a number of years and whose temporary success in staying out of jail frequently appears to the public to be a mockery of justice.

What is not properly understood is the plight of the average person who is accused of crime. More often than not, he is ignorant of his rights and is unable to afford the cost of a successful defense. Suddenly the vast apparatus of the State is turned against him with its whole armament of prosecutors, investigators, expert witnesses, police grillings and the rest of it that is so familiar to all of us. The crucial test of the validity of our legal system lies in the question of whether or not this accused person, regardless of his financial position, has the means for proper defense. All too often he does not have the means, and it is our task to do something about it.

One of the origins of our system of due process, as of so many of our rights and freedoms, was the Magna Carta, the series of royal concessions granted in the year 1215 by King John. One of those concessions was the following: "To no one will we sell, to no one will we refuse, or delay, right or justice. * * * No free man shall be taken or imprisoned, or disseised, or outlawed, or exiled, or anywise destroyed; nor shall we go upon him nor send upon him, but by the lawful judgment of his peers or by the law of the land."

To me this is an expression of the concept of equal justice equally applied to all. But as Justice Black has said: "There can be no equal justice where the kind of trial a man gets depends upon the amount of money he has."

The imbalance operating against the poor is apparent at every stage of the legal process. The poor man is more apt to be arrested in the first place than his middle class or upper class counterpart. When the police are rounding up suspects, they normally will do so in poor neighborhoods, and it is a well-known fact requiring no elaboration that the percentage of poor people who are arrested for crimes they did not commit vastly exceeds their percentage of the population.

Even when these victims of routine arrest are ultimately released they have already been damaged. Many of them lose their jobs or fail to obtain jobs because of his arrest record, even though they are without fault. And these are the very people who don't know enough about their rights to have their arrest records expunged, in those jurisdictions where it is permitted by law.

We cannot know how many people, living in an atmosphere of crime but not yet committed to that course, have been influenced toward a life of crime because of false arrests and the hostility these experiences engender toward society.

But let us go further. What happens after the arrest?

A person of means can arrange to be released on bail. The person without means may not be able to do so and may instead be locked up throughout the period during which he is awaiting trial. Thus he is unable to properly assist his counsel in the preparation of his defense.

In a recent case a defendant was in prison for more than 2 years between the time of his first arrest and the time he was ultimately acquitted on appeal, because he could not raise the small sum necessary to post bail. This man was imprisoned for no reason other than his poverty.

The fact that such a thing could happen, and happens repeatedly in a nation which prides itself on the protection it affords to the accused, should cause all of us to do some thinking.

Here in Connecticut we are, as in so many other fields, in advance of many other parts of the Nation. We have a well-developed public defender system here which, while not perfect, is far superior to the practices in many parts of the country. I am speaking tonight not with particular reference to any local community or to the State of Connecticut but rather about a national problem with which we as a profession must be deeply concerned.

In a typical case the impoverished defendant has counsel appointed by the court to defend him. The amount of effort counsel will put into the defense is a matter of his own integrity and sense of professional responsibility. But as a rule it can be fairly said that in the average case the poor defendant gets far less of a defense than the man of means who can afford to pay adequately for counsel. And the court-appointed counsel has few, if any, of the resources that are in the hands of the prosecution or of well-heeled defendants. By that I mean the investigatory resources, the expert witnesses, the medical and psychiatric testimony, and so forth.

The counsel without adequate funds in back of him may be limited in his very ability to subpena the witnesses necessary in the presentation of his case. Under the present Federal rule the defendant who has the money to pay the prescribed fee may automatically obtain all necessary subpenas, but the defendant who cannot pay the fee must submit a detailed affidavit stating not only why he needs to subpena various witnesses, but also the substance of their expected testimony. Thus the defendant is required to disclose his case in advance, something that is not required either of the Government or of a defendant with means.

The discrimination against the impoverished defendant continues long after the trial is over. After conviction, the financial status of the accused can have a telling effect on whether he is placed on probation or put in prison; whether he is institutionalized or permitted outside psychiatric care within the normal framework of his life; whether at length he is paroled or not paroled. If his family or friends can give assurances about employment and a stable environment his chances of probation or parole are vastly improved.

Justice Goldberg quotes Warden Lawes, of Sing Sing, a man who has witnessed the execution of many inmates, as saying the following: "If a wealthy man or the son of a wealthy man kills, he is insane or deranged and usually either goes scot free or to an insane asylum. If a poor and friendless man kills, he is a sane man who committed willful murder for which he must die."

Now, because of the limitation of time tonight this has been a cursory and limited treatment of this subject; but almost all of you from your own experience know other instances and other circumstances which operate to the disadvantage of the poor man accused of crime.

The number of people who are unable to afford adequate defense are legion. I would say without fear of contradiction that half of the people of this country if suddenly accused of crime would be unable to pay for an adequate defense without going headlong into debt.

In effect, the innocent person of humble circumstance who is accused of crime is often suddenly faced with a grim choice between two terrible alternatives: going to jail or going bankrupt to stay out of jail.

A man of average means who sacrifices his small savings, mortgages his home and borrows up to the hilt to pay for his defense or the defense of a loved one and who eventually succeeds in getting an acquittal has already been damaged almost as much as though he were convicted.

The time has come when this progressive, affluent society of ours must turn its enlightened, compassionate thought to this subject.

I am going to put forth a number of exploratory propositions, not detailed recommendations, but proposals that we in the legal community ought to be thinking about. These proposals are not new and I know very well that there are specific objections to most of them. But the problem these proposals seek to remedy is a real and valid and significant one, and we must resolve to do something about it.

First of all the Congress should pass, and pass promptly, the administration bill that would set up a system of public defenders in our Federal courts.

I believe that all courts, in addition to appointing counsel for indigent defendants, must assure to that counsel adequate resources for a proper defense. He must be permitted to perform as an advocate in the full sense of the term and he must have access to expert witnesses and investigators and all the machinery of successful defense.

Some courts hold that the right to effective defense includes interpreters, accountants, and medical and scientific assistance at government expense where the defendant is unable to afford them. I wish this view would prevail everywhere.

Justice Goldberg cites an example for us to ponder, the administration of justice in the Scandinavian countries. There the government provides all the services, and they are available to all accused persons. This includes not just the providing of counsel but the services of government laboratories and experts. If the accused is acquitted, there is no charge for the cost of defense. If he is convicted, he is charged in accordance with his means.

It is time to revise our practices on the question of bail. The requirement of posting bail ought never to be an impediment to the proper defense of an accused. We must devise methods that will make it easy for the defendant of humble means to obtain the funds necessary for bail.

Certainly procedures regarding the issuance of subpenas, such as the Federal rule I discussed earlier which required the poor defendant to spell out his case in advance, ought to be changed. There should be no discrimination between rich and poor defendants in so vital a matter as obtaining witnesses.

And our systems of probation and parole can be vastly improved. I believe society should play a positive role in providing the job opportunities and the out-patient psychiatric care which spell the difference between parole and probation on the one hand and imprisonment or being committed to a public institution on the other.

There is another aspect to this. What about the victim of a crime, the person who is maimed, or robbed, or whose property is destroyed, or who is incapacitated and unable to continue working? I believe, along with others, that we should move ahead in our thinking on this question and start to provide the same assistance to these victims of misfortune as we do in other circumstances.

The victim of a crime has been denied the protection of society to which he is entitled, and society should bear the burden collectively rather than leaving the wronged individual to bear it all on his own shoulders.

I believe that some approach should be made toward reimbursing citizens for losses sustained through criminal acts against them.

We cannot, of course, find ways to rectify all human misfortunes but this is one area that we can operate in and should do so.

There are many community and private efforts going on which show great promise. One of them is in New Haven. Under a program there, a team, consisting of a social worker, an investigator, and a lawyer, is assigned to a poor neighborhood and seeks to uncover and get at the root of the causes of legal problems at their source, before they come to the stage of litigation. This program can be a very significant one and let us hope that it will succeed and will be emulated all over the country.

Every year more than 1 million of our fellow Americans stand before judges, after conviction, awaiting sentencing. The vast majority of these convicted persons are people of humble circumstances.

I make no sentimental plea here in their behalf. I am well aware that the laxity, the leniency, and the inadequacy of our law enforcement poses a greater threat to society than cases of undue severity.

But each of us who lives by the legal profession, when thinking of these millions of people convicted over the years must ask, "Did they have the fairest possible trial? Would they have been convicted had they had at their disposal the resources of a professional gangster or the money of a wealthy malefactor?

All too often I am afraid the answer to these questions is "No." And it is our duty as Americans and as members of the legal profession to take those steps necessary to guarantee that every citizen of this country will be provided, in the fullest meaning of the term, the right which we justly hold as sacred, and have enshrined in our Constitution, "the equal protection of the laws."

Let us resolve to take a leaf from the book of the most famous of all lawyers, Abraham Lincoln, who once said: "Determine that the thing must and shall be done and then we shall find the ways to do it."

Thank you.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SMATHERS. Mr. President, last Sunday evening, in a telecast from the White House over the major networks, the President of the United States stated his creed. It went as follows:

> I have always said that I was proud that I was a free man first and an American second, a public servant third, and a Democrat fourth—in that order.

I am certain that creed expressed by the President of the United States struck a sympathetic chord in the hearts and minds of every American who observed and listened to that broadcast.

While all aspects of the President's statement deserved great commendation, I believe the first statement deserves the most—where he says:

> I was proud that I was a free man first.

That is what we in this country are, and that is what I am sure every human being in the world longs and strives to be. They, like we, want to live in a free society where they too will have the opportunity to have a choice as to what kind of work they want to do, a choice as to the type and character of work they do; they want the right to select the man for whom they labor; they want the right to worship as they choose; and they want the right to be free to associate with those with whom they would like to associate, and the freedom not to associate if they do not wish to associate.

In short, this is the expression of all mankind, this is the real meaning of a free society.

A man has the right to exercise his free will and the dictates of his own conscience, and to do so without the requirement that he conform in his actions or deeds to the dictates of the state, or the king, or for that matter the dictates of any other man.

The root problem that we are really confronted with in this so-called civil rights debate we are now involved in is what, in fact, do we really mean by individual freedom and civil rights.

Is it a legal or judicial problem, or is it, in the final analysis, a moral problem or an ethical problem?

Is the problem of discrimination—wherein one person or one group choses another person or group as their associates, or business partners, or employees, or even their friends—is this discrimination and, if so, is it legal or moral? Certainly it has existed since the first day of recorded history in this and every other land through the world. Is this problem one that can be answered and solved by a legislature or a congress or by the stroke of the pen of a chief of state?

Mr. President, I do not believe so. I believe this is a problem of human mores and human judgments and human beings, with all the foibles and weaknesses involved therein.

But, Mr. President, I feel certain that this problem is one than can only be met, in the final analysis, in the hearts and minds of free men and women, men and women of good will, men and women of brotherly love, of education, tolerance, and understanding.

If we took the laws we now have on the Federal statute books and put them together with the laws of the various States of the Union, which we euphemistically call civil rights laws, and all of which are seeking in some manner or another to eliminate discrimination, prejudice, and bigotry in our work and daily lives, they would add up to some 600 pages of fine print of a large-sized legal document.

Mr. President, despite all those laws, we still have discrimination, intolerance, and bigotry. We could put another 600 pages of laws on the statute books with respect to this same problem in all its ramifications and we will not come any nearer to the solution of this problem than we are at this moment.

We have municipal ordinances on the statute books now which call for a halt to any type of discrimination because of a man's race, color, or religion. These laws were proclaimed to be the answer to the problem. It was said over and over again that if we would only be patient with these laws, they would provide a solution to the problem, that shortly thereafter there would be no problem with respect to the races, and that we would have no further problems with regard to discrimination. There is a plethora of statutes on the books, and yet discrimination continues.

We have Federal statutes and we have State statutes and yet discrimination goes on.

I would imagine that the State of New York has as many laws as any other State of the Union with respect to this particular subject, and it occurs to me that in my visits into that great State I have observed there as much discrimination and segregation between the white and colored races, if not more, than anywhere I have ever seen in the South. I have observed as much discrimination with respect to how certain minority groups are treated in New York City as I have ever seen anywhere in the world.

It is my recollection that the Civil Rights Commission, in its report for 1959, on page 365, which I have before me, states—and I shall read it exactly, word for word, in a moment—that there was more segregation in New York and Chicago than in any other city in the United States.

The Civil Rights Commission came to this conclusion even after all the laws were put on the books with respect to the elimination of segregation, in the hope that discrimination would be eliminated.

The Civil Rights Commission Report of 1959, at the top of page 364, states:

> It is interesting to note that the maps show more racial concentration—

That is a nice way of putting it—

> in northern cities and more dispersion of nonwhites in the southern cities.

The conclusion can be drawn that there is less segregation, actually, in the South than there is in the major cities of the North.

The Civil Rights Commission report of 1959, at page 365, also states:

> The general metropolitan residential pattern is shown by Chicago—now said, on the basis of census tracts, to be the most residentially segregated city in America.

The report goes on to state that in New York much the same situation prevails.

This has been accomplished despite the fact that there have been many laws on the books, enacted by State legislatures, and many ordinances adopted by municipalities and city councils providing that it is illegal to practice segregation. Yet it is done. It will continue to be done until we can bring about a transformation within the hearts and minds of our people.

We could not only put a 600-page law on the books, but a 1,600-page law, and it would not answer the problem that we are seeking to solve. Giving everyone credit for the purest motives, a solution to the problem of segregation cannot be found in the enactment of more and more laws.

There is ample law on the books today to rid us of all discrimination—if laws could do it. The courts have made it clear over and over again that they will not allow discrimination under the law or under the color of the law, and anyone who feels so aggrieved has the right, under the 14th amendment, to go into any Federal court and receive redress for this alleged or imagined discrimination.

But the discrimination goes on, and the reason it goes on is because the real discrimination which we are talking about today does not result from either a lack of law or authority of existing law, but rather because human beings are human beings who like their right of choice—their right to associate with whom they like, their right to work and worship as they choose, their right even to be wrong in their judgment.

It seems to me these rights are the very cornerstone of our individual freedom in our free society. To attempt to legislate these rights away from the majority of our people to try and gain some rights for a minority, is indeed embarking on a dangerous course that could well stifle liberty rather than advance it.

Last year in the case of *Peterson* v. *the City of Greenville* (373 U.S. 244, 1963) Justice Harlan wrote this:

> Underlying the cases involving an alleged denial of equal protection by ostensibly private action is a clash of competing constitutional claims of a high order: liberty and equality. Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference.
>
> This liberty would be overridden, in the name of equality, if the strictures of the 14th amendment were applied to governmental and private action without distinction. Also inherent in the concept of State action are values of federalism, a recognition that there are areas of private rights upon which Federal power should not lay a heavy hand and which should properly be left to the most precise instruments of local authority.

Mr. President, the distinction which exists between governmental and private action has been drawn over and over again for us by the courts, and over and over again the great weight of authority has ruled that the right of free men to act according to their own will in the conduct of their private lives and personal relations should not be tampered with. This right to act as a free individual in matters of private affairs is the very cornerstone of our system. It is this right which makes the difference between a free country and a dictatorship.

Mr. President, for one who believes deeply in all the implications of freedom and who believes in the human dignity of every American irrespective of his race, color, or creed, the Civil Rights Act of 1963 which we are discussing in 1964 poses a terrible dilemma.

This dilemma, I believe, is resolved in the final analysis by the fact that this act attempts to gain for one group of men more freedom by depriving another group of theirs.

It clenches the heavy hand of the Federal Government into a fist which crushes into our concept of a Federal system recognizing the rights of 50 States. It waves the noble banner of human rights by permitting the exercise of unrestricted power on the part of too few people with too few assurances that that exercise of power will be fair and judicious.

Mr. President, I was born in the North. I was born in the great State of New Jersey. My father had the privilege of serving as Woodrow Wilson's southern New Jersey campaign manager when Wilson ran for Governor. He had the distinct honor of serving as a judge in New Jersey. My uncle, who was born in North Carolina and moved to New Jersey, was honored by the citizens of New Jersey by being able to serve them as, first, the junior and then the senior Senator from that great State here in this body.

My first impression of life was as a northerner rather than as a southerner, and even though a citizen of Florida since 1919 and a citizen of Southern parentage, my father having been born in North Carolina and my mother in Virginia, I have had the opportunity to see, in the 18 years I have been privileged to serve in the U.S. Congress, the 3 years in the Marine Corps, and the 2 years I served in the Department of Justice, some of the areas around this Nation and even in other parts of the world and to make comparisons. So I do not speak from hearsay nor from information supplied me by some organization that has an ax to grind, and there is no doubt in my mind that the provisions in the pending bill are based on a wrong assumption of facts or are an assumption that the people of the South should be punished, both of which assumptions, of course, are incorrect.

We do not deny that we have problems in the South. Certainly we do and we are desperately trying to solve those problems ourselves. We have made great progress in recent years with respect to our schools. For example, in my State we appropriate as much money for a colored student in our public schools as we appropriate for a white student. We spend more on schoolrooms for colored children than we do for those for the white children.

From the end of World War II until last year we appropriated more for each colored student than we appropriated for each white student, because it was found that for many years less educational opportunity had been offered to colored students of our State than had been offered to white students.

Under the present law and with present appropriations, there is no discrimination with respect to the amounts of money made available to colored students and white students. We spend more on schoolrooms for colored children than we do on schoolrooms for white children.

We have 1 teacher for every 16 colored students, while the ratio in the white schools is 17 students per teacher. Much has been said about the jury system. On county juries, State juries, and Federal juries, Negroes today serve with the same facility and the same opportunity as do white citizens.

With respect to voting in Florida, according to the Southern Regional Council, in 1956, 70.6 percent of all registered Negroes voted. That is a higher percentage of voting than is shown for the whites. Registration in most counties is on the increase.

Therefore, this particular bill, as it pertains to voting, does not make any great difference so far as we in Florida are concerned, except that we do not need it.

I have told the people of my State that under no conditions would I defend any public official who sought to deprive any citizen, regardless of his race or color or creed, of his right to vote. Voting belongs to all qualified Americans.

I can tell Senators that I believe that position was approved by the people of my State.

On three occasions I have run for statewide office in my State. I have participated in numerous campaigns. I have participated in campaigns on behalf of Governors and Democratic nominees for President. I have yet to encounter any instance in the State of Florida in which anyone has been able seriously to maintain that the Negro citizen was in any fashion deprived of his right to vote.

I am satisfied that if the Negro citizens in any Southern State could speak here today, they would say to the Senators who have recently appointed themselves defenders and self-appointed Messiahs: "Do not spend your time talking about us as poor, benighted, backward people who need your unsolicited help." Rather, I think they would say, "Start spending your time in passing legislation which will be of real benefit to us."

Negroes would say to those who loudly champion the right of the Negro citizen to vote, and who make it appear that large numbers of Negroes are deprived of their right to vote, when in fact there are very few instances in which they are deprived of their right to vote—and the number is rapidly diminishing—"Don't spend your time talking about my right to vote, because I am getting it. Spend your time worrying about how I am going to get a better job. How are we going to get better classrooms? How are we going to improve the school system for everybody?"

They would say, "Do something about the farm problem," because a great many of the Negroes engaged in farming in the South are small farmers. They would say that something should be done with respect to small business, because many of the Negroes of the South engaged in business are primarily small businessmen. They need credit and encouragement to modernize and advertise and expand, in order to compete with chainstore operations.

There are a number of provisions in the bill which will stimulate and encourage the orderly solution, by voluntary means, of the problems confronting Negroes in the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice. I refer to the provisions of title V providing for the continuance of the Commission on Civil Rights and those provisions of title IV providing for Federal programs and funds to assist in the educational problems occasioned by desegregation. If Federal power is to be used effectively to improve the plight of the Negro, it should be concentrated on expanding the American economy and developing the public facilities of the Nation.

The heart of the problem is the need for equal economic opportunity at an adequate level in jobs, housing, and schooling. There are not enough jobs, not enough good housing, and not enough good schools in the South or in the North. The recent passage of the tax bill is an excellent step toward stimulating the economy and producing the jobs needed for improving the economic status of American Negroes. Congress must take additional action of this kind.

Mr. President, I was reading the Wall Street Journal earlier today. The mention of the tax bill brought to mind an article in that newspaper, entitled, "Power Firm Says Tax Cut Spurs $1 Billion Expansion." I mention this because there was some argument at the time the tax bill was passed as to whether or not the passage of that bill would in fact stimulate the economy. The article reads in part:

> According to the Associated Press, Donald Cook, president of the power company, outlined the plans to President Johnson as concrete evidence that the President was right in pressing for the $11 billion-plus tax cut bill.

We who supported the tax cut bill read with great interest and approbation that General Motors announced it was spending an additional $2 billion on the expansion of plant facilities, which it would not have spent had Congress not passed the tax cut bill. This is the kind of thing which will provide jobs. General Motors said it would provide 50,000 additional jobs by virtue of the tax cut bill and by virtue of the intended expansion of its plant facilities. Of those 50,000 jobs, many will go to Negro citizens and all other citizens who need jobs.

As a result of the announcement that was made by the American Electric Power Co., undoubtedly many thousands of jobs will be created. This will help to take care of the needs of Negro citizens, because when a Negro citizen has the money to send children to school, when he has the money to provide an adequate house around him and a roof over his head, when he has the money to obtain the medical attention he needs, he can obviously become as fine and useful a citizen as anybody else. But a job is what he needs first. He does not need protection from above called the elimination of discrimination. What he needs is help in the ordinary daily living with which he is so intimately involved.

The answer to the racial problem is understanding and education and tolerance. The bill under consideration does not provide for these elements. On the contrary in my judgment, it divides us, it creates distrust and doubt; it will result in fear and intolerance; it will stop the progress now being made, and set us back in our efforts to solve our problems.

PROCEDURAL PROBLEMS UNDER SENATE RULES

The pending question is the motion to proceed to consider the bill H.R. 7152, to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, the so-called Civil Rights Act of 1963.

As the distinguished senior Senator from Arkansas [Mr. McClellan] so ably pointed out the other day, the motion raises a serious procedural question with respect to proper application of Standing Rule of the Senate No. XXV, which makes it mandatory to refer a bill of this kind to the proper committee—the Committee on the Judiciary, in this case.

Rule XXV, "Standing Committee," unequivocally states the correct procedure in the following language:

> 1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:
>
> * * * * *
>
> (k) Committee on the Judiciary, to consist of 15 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
>
> 1. Judicial proceeding, civil and criminal, generally * * *.
>
> * * * * *
>
> 3. Federal courts and judges * * *.
>
> * * * * *
>
> 5. Revision and codification of the statutes of the United States * * *.
>
> * * * * *
>
> 12. Civil liberties * * *.

Note how clearly the intention of the Senate rulemakers was expressed, "to which committee shall be referred all proposed legislation relating to civil liberties."

There is no ambiguity in the language, no "weasel wording," to raise doubts in the minds of those who seek the correct procedural application of the Standing Rules of the Senate.

In the light of the concise and forceful expression of intention of this rule XXV to have proposed civil rights legislation referred mandatorily to the Committee on the Judiciary, how can rule XIV, paragraph 4, the device being used by the majority to nullify orderly Senate procedure, be interpreted otherwise than a limited means of delaying discussion on a proposed measure for 1 day.

True, paragraph 4 of rule XIV of the Standing Rules of the Senate, when read alone, seems to make this undemocratic method of bypassing the standing committees of the U.S. Senate its purpose. The rule states, in its pertinent paragraph:

> 4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the calendar in the order in which the same may be reported; and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the calendar.

So, on its face, it would allow objection by just one Member "to further proceedings thereon," to force the bill from the Senate and to be placed on the calendar, without being referred to the proper committee. This rule, when read with intelligence, cannot mean that one Member has the power to circumvent the orderly process of committee hearings, solely by objecting to the measure at the assigned time.

To so interpret paragraph 4 of rule XIV of the Standing Rules of the Senate plays havoc not ony with all reasonable concepts of majority rule, so necessary for a representative body in a democratic process; to so interpret not only rides roughshod over all time-honored ideals of order and tradition, which are so wisely respected in this lawmaking body; to so interpret not only makes a hollow mockery of the entire committee process, with the years of specialized experience of the long-standing members gone for naught; but to so interpret paragraph four of rule XIV flies in the face of normal methods of interpretation.

In other words, while the paragraph at its face value seems to require the rather extreme result that one Member of the Senate can impose his private will on the entire Senate by this rule, close study shows this apparent meaning to be patently erroneous.

To begin with, paragraph 4 of rule XIV of the Standing Rules of the Senate is in direct conflict with rule XXV of the Standing Rules of the Senate. Where conflict exists, the later in time is given precedence over the earlier conflicting words, if they cannot be harmonized. And, on their face, they cannot be harmonized, for they dictate inconsistent alternatives.

A bill obviously cannot be sent to committees as per the mandatory "shall be referred" phraseology of rule XXV, and at one and the same time be placed on the Calendar, following objection by one Member, as per paragraph 4 of rule XIV. So one or the other must be so interpreted that harmony between the conflicting rules results, with one or the other rule being so construed that its interpretation is not apparent from the words read alone.

It has been suggested that rule XXV be so construed; its clear, concise "shall be referred" being read to the effect "providing paragraph 4 of rule XIV is not invoked by some one Senator, then any remaining bills shall be divided up amongst the various committees as follows." Besides negating the committee principle entirely, this neglects the telling point that rule XXV was rewritten in 1946, while rule XIV has remained unchanged since 1877.

Mr. HILL. Mr. President, at this point will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield to the Senator from Alabama.

Mr. HILL. Is it not a fact that rule XXV came about as a result of a careful study which was made by a joint committee headed by the late Senator LaFollette, a distinguished Member of the Senate, and by the then Representative Monroney of Oklahoma, now the senior Senator from Oklahoma, and that the joint committee spent months studying this entire subject?

Mr. SMATHERS. That is entirely correct. The result of their work is generally known as the Congressional Reorganization Act of 1946; and it was because they did such magnificent and yeoman work on it that, in my opinion, both the late Senator LaFollette and the then Representative Monroney, now the senior Senator from Oklahoma, were given Collier awards and were praised and eulogized by the press of the Nation for having modernized the operations of Congress. In that act a new committee system was established. Once again they emphasized the fact that when proposed legislation came from the House to the Senate—as was the case with the civil rights bill—there was no question that the measure would, in the orderly processes of the Senate's business, be referred to the appropriate committee.

Mr. HILL. Is it not also true that with that very thought and intent in mind, the rule, as adopted, included the word "shall," and that therefore there is no possibility of equivocation? That rule means that all measures shall be referred to a committee, does it not?

Mr. SMATHERS. That is correct.

So only by the most tortuous reasoning and construction of rule XXV, which was adopted in 1946, could one possibly arrive at the course now being followed, which obviously is not based on sound logic or procedure.

Mr. HILL. Yes. In fact, under that course there would be no possibility of following the procedure the Senate regularly follows—namely, to have the bill referred to a committee; is that not correct?

Mr. SMATHERS. That is correct.

Of course the Senator from Alabama knows more about this subject than I do, for I did not become a Member of the Senate until long after he had become a Senator. I first began to serve in the House of Representatives in 1947, after having been elected to the House in November 1946; and I was first elected to the Senate in November 1950, and began my Senate service in 1951. However, I believe it is generally understood that, apparently under the old rule XIV, one Senator could make an objection to having a particular bill referred to a certain committee; and then, on the basis of that objection by only one Senator, the bill would not be referred to that committee, but, instead, would be placed on the calendar.

So clearly the intention in 1946 was to provide, as a definite part of the rules of the Senate, that all bills and other measures, after having been introduced in the House of Representatives and sent to the Senate, would be referred to the appropriate Senate committee.

The most common rule of interpretation would make the recent rule control and would construe the older rule so as to fit the purpose and aims of the new rule. But here, we are asked to do the opposite of normal legal interpretation of conflicting articles within a single document.

We generously assume, when asked to act contrary to normal rules of construction, that overpowering reasons exist for such behavior. But when we look outside the Standing Rules of the Senate, to past performances of the Senate under both of these rules, we find all of the evidence indicates the unusual standard of interpretation we are being asked to swallow is also the most rare and extraordinary behavior ever seen on the part of the Senate. On the other hand rule XXV's mandatory words, the ones we are being asked to disregard—rather the one we are being asked to interpret as a rule of allocation among committees—are the very essence of past senatorial procedure itself. The entire day would be consumed by an attempt to cite those instances where rule XXV was faithfully followed. And on the other side of the question, what precedents support an interpretation which would make rule XIV, paragraph 4 controlling? We might generously assume, once again, that any interpretation of a rule that has had an 87-year history and is now proposed for serious discussion will have great precedent on its side too. But no, our generous assumptions again appear unwarranted by the history of the proposed interpretation.

The history of section XIV, paragraph 4, while long in years, is short in precedent for any but its original use. This original use, the only one proffered for some 60 years, was a limited, delaying tactic, as explained in the informative and noteworthy speech of my honored colleague from Arkansas on March 12. The true meaning of the words were explained in their historical context on page 5067 of the RECORD for that day as follows:

> In the 1870's and 1880's, there was generally a brief morning hour followed by a call of the calendar which occurred almost every day. Senators were naturally interested in finishing the morning business and getting on with the calendar. Other Senators were anxious to make insertions in the RECORD and leave the floor to return to other duties. However, at that time, when a Senator introduced a bill, or when a bill was messaged from the House, it was the normal procedure to move to refer it to a specific committee, following the second reading, and this question of appropriate references was debatable. As a result, Senators were obliged to sit around and wait. They were unable to make their routine insertions in the RECORD or finish morning business and proceed with the calendar until debate on the appropriate reference ended. Accordingly, provision was made to enable any Senator to object to further proceedings on a bill which would then place the bill on the calendar from which position it could ultimately be referred to committee.
>
> The second reason for this paragraph was to prevent precipitous action on a bill before Senators had an opportunity to examine it and become familiar with its provisions. From time to time, bills would be introduced or come over from the House which had not been printed and which Senators desired an opportunity to examine. By objecting to further proceedings with respect to such bills, prior to their reference to committee, an opportunity was afforded to have the bill printed and to examine its provisions.

So matters stood until the past 15 years. In 1948 a bill to repeal the tax on oleomargarine was calendared upon the objection of a Senator under paragraph 4 of rule XIV, but as no one objected to this move, and there was no ruling from the Chair, this was not a precedent.

On the following day, during some discussion about which committee should take the tidelands oil bill, the junior Senator from Arkansas [Mr. FULBRIGHT] made the point of order that rule XIV would permit immediate calendaring of the bill. This point of order was debated at length, and then submitted to a vote before the Senate. The result was a 56-to-15 vote against the motion of the Senator from Arkansas and for the commitment to the proper committee. So that is not a precedent for this action.

This leaves the action of the Senate during the 1957 civil rights bill as the sole precedent, and this is scarcely enough to outweigh the precedent favoring rule XXV as the desirable guide. The worthiness of this single, solitary precedent is fully discussed by the senior Senator from Arkansas [Mr. MCCLELLAN] in his masterful presentation of March 12 on pages 4890–4891 of the RECORD.

But leaving aside past precedents as a motivation for our discussion, consider for a moment, if you will, future precedent. Consider the corroding effects on the fabric of the legislative process. Today, the majority may favor this ramrod technique.

But consider tomorrow, when this corruption of legislative due process may be used to calendar bills Senators might desire to have referred to committee. Gentlemen, we are going to strengthen our senatorial procedure, or we are going to weaken it. And, as we choose, to either strengthen procedure, or weaken it, we choose to either strengthen our result, or weaken it. What else can result from hasty, ramrodded laws, from ill-considered and expedient measures, from disregard of known workable process, what else can result but not only a deterioration of Senate procedures, but also the passage of poor laws and ill-considered laws?

And these poor laws will not even have the benefit of a committee report to aid the judicial department of our Government in applying them. For without a full committee investigation, with the beneficial disclosure, debate, and publicity flowing therefrom, there will be no committee report to guide the court. And no committee report to indicate how the limitations and extensions of the statutory law are intended by the Congress to guide the executive agencies in establishing these procedures, drafting their regulations, and the like. In short, we are being asked to vote on a bill far reaching in effect and powerful in sanctions, but without adequate history to insure that even its own strong terms are somewhat restrained and tempered to stay within the intent of Congress.

Perhaps it can be said that a report from the appropriate senatorial committee is not the only element in creating a satisfactory background in which to place so all-encompassing a bill as this one.

Perhaps it is thinkable, of and by itself, to forgo the committee, and rely on other means. Not that this would be generally admirable on the part of men who have a duty such as ours, but supposing, then, for the sake of discussion, we seriously consider following the rule XIV paragraph 4 ramrod route on all measures. Then what?

A cursory examination of the history of this bill thus far shows more than a desire to evade the due procedure of a committee hearing, as demanded in rule XXV of the Standing Rules of the Senate, but evinces a determined plan to dishonor all procedure and policy that stands in its way. Gentlemen, from its inception this bill has followed the dangerous course of expediency, makeshift, and jury rig, an-anything-goes philosophy of action, provided the bill goes through the Congress as written by the office of the Attorney General.

I respectfully submit that this approach is inappropriate for any bill, and it would be a dereliction of our duty for us to stand idly by and allow the Senate of the United States to partake of this deed, in view of the grievous consequences attendant upon a misconceived Federal civil rights bill.

Mr. President, I have been stressing precedent for some time now, and rightly so. I have been praising due procedure, and rightly so. For when precedent and due procedure are shunned the result is bad legislation.

But to us personally, as Members of this great body, procedure and precedent are a means of respecting the reputation of our fellow Senators. As an example, let me read a portion of the Minority Report Upon Proposed Civil Rights Act of 1963, House Committee on the Judiciary, Substitute for H.R. 7152, at page 62:

> HISTORY OF THE LEGISLATION
>
> This legislation is being reported to the House without the benefit of any consideration, debate, or study of the bill by any subcommittee or committee of the House and without any member of any committee or subcommittee being granted an opportunity to offer amendments to the bill. This legislation is the most radical proposal in the field of civil rights ever recommended by any committee of the House or Senate. It was drawn in secret meetings held between certain members of this committee, the Attorney General and members of his staff and certain select persons, to the exclusions of other committee members.
>
> Sometime prior to October 22, 1963, Subcommittee No. 5 of the Judiciary Committee of the House of Representatives had prepared a substitute bill for H.R. 7152. Title

> I of the substitute was read and discussed by the full Judiciary Committee prior to October 22, and at a meeting held on that date a motion was made by the gentleman from West Virginia to report the subcommittee substitute to the House of Representatives. Before final action could be had on this motion, a point of order was made that the House of Representatives was then in session. The chairman of the committee called a meeting for the following morning, the 23d, and then on the 23d, within an hour of the time of the meeting it was postponed to the 24th, and then on the 24th, a short while before the meeting was scheduled, it was postponed again, and later postponed to Tuesday, October 29.
>
> These various postponements were made by the chairman without any prior consultation with any of the signers of this report.
>
> On October 29, the full committee met at 10:30 a.m. The motion of the gentleman from West Virginia was promptly voted down, after which Chairman CELLER offered a 56-page mimeographed substitute which he described as an amendment and moved that the committee approve the bill. The chairman announced that he would recognize a member of the committee to move the previous question and in it were ordered that no amendments could be offered to his proposal; no debate had; and no questions asked or answered.
>
> The bill was, upon order of the chairman, read hastily by the clerk, without pause or opportunity for amendment. Several members of the committee repeatedly requested to be permitted to ask questions, have an explanation of the bill, discuss it, consider its provisions, and offer amendments. The Chair refused to grant such requests or to recognize these members of the committee for any purpose. After the reading of the bill in the fashion hereinabove described, the chairman announced that he would allow himself 1 minute to discuss the bill, after which he would recognize for 1 minute the ranking minority member, the gentleman from Ohio. This was an ostensible attempt to comply, technically, with the rules of the House but did not amount to debate as debate is generally understood. Neither of these gentlemen discussed the bill for more than 1 minute; both of them refused to yield to any other member of the committee; and neither of them debated the bill or discussed it in any fashion other than to say that they favored it. They made no effort in the 2 minutes consumed by both together to even so much as explain the provisions of the bill. In short, there was no actual debate or even any opportunity for debate.

I may say parenthetically that it was clear that Mr. McCULLOCH, from Ohio, the ranking minority member, was for this particular bill, as was the chairman. Both of them refused to yield to any other member of the committee. Neither of them debated the bill or discussed it in any fashion other than to say they favored it. They made no effort, in the 2 minutes they consumed together, even so much as to discuss the provisions of the bill. In short, there was no actual debate, or even an opportunity for debate.

I continue to read from the minority report:

> Immediately upon the conclusion of the remarks from the gentleman from Ohio, the ranking minority member, the chairman recognized a member of the committee friendly to the chairman's proposal who moved for the previous question. The clerk of the committee immediately called the roll upon the motion to approve the bill and before the tally could be completed or the vote announced, the House was in session. The committee met later in the afternoon and, the tally of vote upon the motion to approve the bill having been completed and announced at the morning meeting after the House session had commenced, a motion was made and adopted that H.R. 7152 be reported to the House. The chairman treated the vote taken upon the bill at the morning session as being valid.
>
> The signers of this minority report in reciting these facts relating to the procedures employed in the full committee do not do so in any captious spirit, but relate these facts to inform the Congress of the tactics employed to bring this bill before the House.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield.

Mr. HILL. The Senator from Florida was a distinguished Member of the other body for several years, and has been a Member of this body since 1951. Has he ever heard of any such action—I might say lack of action—as has characterized the reporting of this bill by the House Judiciary Committee?

Mr. SMATHERS. Never, in the time I have been in either the House or Senate, have I ever seen an attempt to railroad or ramrod through any legislation such as I have seen attempted with this legislation.

Mr. HILL. Even on some minor bill?

Mr. SMATHERS. No such instance has come to my attention, even in connection with a minor bill. There is more justification for haste on a minor bill than there is on a bill of this import, which reaches into the lives of every man, woman, and child in the United States, and, in my opinion, in an adverse fashion. If there ever was any justification for putting a bill through in a ramrod fashion, it is not in connection with this bill, which affects the life of everyone in the United States.

Mr. HILL. Is it not a fact that the report from which the Senator from Florida has read was signed by six Members of the House?

Mr. SMATHERS. The Senator is correct. If it had been possible, I am sure many other Members of the House would have signed it. There was a sizable vote against the bill. I am sure one of the reasons for the sizable vote against the bill was the manner in which it was considered.

When we talk about trying to follow sensible legislative processes, it is obvious that there must be some discussion or debate in order to tailor a bill to fit the existing conditions.

If we are to eliminate the legislative processes as we have known them heretofore in the House and Senate, where there are orderly committee hearings, and where witnesses both for and against a bill can be heard, I fear it will not be long until it will be said, "Why not eliminate the whole Congress, and take orders from the executive branch of the Government?" That is what is being done in this particular instance.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. HILL. Does not a committee, in its hearings, give the people of the United States their best opportunity to exercise the right of petition, as guaranteed in the Constitution?

Mr. SMATHERS. The Senator is correct. When we fail to follow the procedures outlined in our rules of procedure, we deny the people the opportunity to come before us. There has been no opportunity, so far as I know, for any witness to come before a committee of the Senate to express his disapproval of the bill in its present form. It has been said that 26 days were spent in hearings on one section, and 26 days on another 2 years ago, 26 days some other time, and so forth; but on this particular bill there has not been 1 day of hearings, so far as I know, before any committee.

The able Senator from Connecticut said in the colloquy a moment ago, when the distinguished Senator from Alabama was speaking, that we are all Senators, that we are going to have discussion here today, tomorrow and the next day, and we are going to arrive at the right conclusion. I pointed out to him—and I repeat—that if that is the way we should proceed, if he believes that, then we should eliminate the standing committees and take up every measure on the floor of the Senate. We know that we could not very well do that in the complicated society in which we live today.

I am afraid that we would not have much justice. I am afraid we would not have orderly procedure. I am afraid that in time we would not have much democracy if we proceeded in that fashion.

I know there is a great hue and cry for haste. I have listened to the comments of many distinguished Senators who wish to get the bill on the statute books because they believe it would solve all problems. The bill, even if enacted, would solve none of the problems which it purports to solve.

The distinguished Senator from Alabama [Mr. HILL] has been on the floor with great regularity but has just left the Chamber, after having made a 4-hour speech, to provide himself with sustenance for the inner man and the physical man. While he was absent, I said that we could put another 600 pages of laws on the books, and it would not change anyone's ideas as to where he wishes to live, for whom he wishes to work, and with whom he wishes to associate.

It is strange that in the States having the most laws on the books with respect to eliminating segregation, and with respect to eliminating discrimination, there exists the most discrimination and segregation. All one has to do is look at the 1959 report of the Civil Rights Commission to see the situation with respect to segregation. All one needs to do is travel a little to see it with respect to discrimination.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am very happy to yield to the Senator from Minnesota. I have been waiting for him with great anticipation to rise and ask a question.

Mr. HUMPHREY. I appreciate the enthusiasm and the anxiety of the Senator.

Mr. SMATHERS. I remember the days when the Senator from Minnesota and I used to go on the old American "Forum of the Air," Ted Granik's Sunday program. That was in the days before TV came along, but we spilled each other's blood at such regular intervals every Sunday afternoon that it became the first color program. This was in connection with the civil rights debate. I am delighted to yield to him for a question.

Mr. HUMPHREY. That was before color TV.

I am particularly happy to have the Senator yield to me for a question.

Mr. President, I ask unanimous consent that without in any way jeopardizing any rights of the Senator from Florida, he may yield to me for the purpose of dialog as well as a question.

Mr. SMATHERS. I am happy to yield to the distinguished Senator from Minnesota for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Senator and the Chair.

First, I should like to say to the Senator from Florida, who is accompanied here this evening by the senior Senator from Alabama [Mr. HILL], that I cannot think of better company to be with, or two finer gentlemen with whom I would rather be associated. So whatever I may say in this argument is only to state a point of view, and in no way to cast reflection upon two of the most able and distinguished men in the Congress.

The Senator from Florida indicates that the bill would settle nothing. On that point, let me say that it would provide the legal framework in which some of the problems that exist could be settled; or at least an honorable, peaceful attempt could be made to settle them.

The bill is not a sectional measure. It is national in its application and scope. I would not wish any of my remarks to be interpreted as casting a reflection on the South, the East, the North, or the West, but would rather have my remarks interpreted as applying to all 50 States. There are instances of discrimination and segregation, some by law and some de facto. We are all somewhat guilty of this offense.

But to say that since a law does not prevent a problem there is no reason not to have the law is absurd. The laws against robbery do not prevent robberies, but they provide a way to punish those who may be robbers, and they provide court procedures to assure justice.

The laws relating to public health do not prevent all disease, but such laws provide a means of bringing about actions and conduct by human beings that minimize disease.

So, when we talk about law, we do not indicate that the law is the answer, but that law is a process which can lead toward an answer.

I do not believe any Senator will deny that there has been impairment of voting rights, and infringement and disenfranchisement of this right. I do not believe that anyone can deny that hundreds of thousands of people have literally been denied the right to vote.

Let me give an example. About a week or 10 days ago the Senator from Louisiana [Mr. ELLENDER] noted on the floor of the Senate how few citizens were registered for voting in the District of Columbia.

I believe the facts will show, however—and I intend to bring them more definitely to the attention of the Senate in specific terms—at a later date—that more voters have been registered in the District of Columbia in the past month than were registered in the States of Mississippi, Alabama, and Louisiana in terms of new voters in the past year.

No effort is made in the District of Columbia to restrict registration. Some effort is made to restrict registration, as we found recently in the Civil Rights Commission report, in certain States, such as Mississippi. What we are discussing is not so much that a man is registered or not registered to vote, but whether there are impediments to his registration, and whether all people are treated alike.

If I were to describe the bill I would call it "the freedom of choice bill," the right to let people go into a place of public accommodation or not, the right to vote or not to vote, without any roadblocks, without any impairment.

I do not believe the Senator from Florida, able, wise, and prudent as he is—and also adroit in the art of debate—can stand before the Senate, or before any of his own good constituents, and deny that there is infringement of the right to vote, or deny that title I in the bill would help to correct that situation.

Does the Senator deny that there is infringement of the right to vote?

Mr. SMATHERS. I do not deny that there has been infringement of the right to vote, but I want to get to the Senator's argument regarding the District of Columbia. He finished by saying that there have recently been more people registered in the District of Columbia than have ever registered before. They registered before the bill was ever considered. It has not passed yet. That is my point. It is not needed. There is sufficient law on the books now.

Mr. HUMPHREY. Just a moment——

Mr. SMATHERS. That is what I am saying. They do not need it. They already have it. The Senator has made my argument for me.

Mr. HUMPHREY. Oh, no; I have not made the Senator's argument for him.

Mr. SMATHERS. Some 65,000 people have just registered in the District of Columbia, which indicates that the current laws are sufficient. We have begged Negroes to register and vote in Florida. The Senator from Minnesota was not in the Chamber when I said I had been in several campaigns in behalf of Democratic nominees for President—and I hope to be in others, and will be in others—with my distinguished friend the Senator from Minnesota. We shall be working together arm in arm. He will be in the South and will see that we are begging Negroes to come in and vote. We say, "Please come in and register to vote." The law allows them to vote.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield further?

Mr. SMATHERS. No further laws are needed. As the Senator says, in the District of Columbia there has been the greatest registration ever. I pointed out earlier that in my State of Florida in the last election a higher percentage of registered Negroes voted than was the case with white people. The white people do not need any additional laws.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. The Senator has shown what a good job can be done when there are no impediments to voting. Does the Senator deny that when colored people are forced to stand in line all day, for 8 hours, and only 6 persons are registered in those 8 hours, there is an impediment to the right to vote? The evidence shows that to have happened.

Mr. SMATHERS. I do not believe that is right, based on what the Senator has said.

Mr. HUMPHREY. What is the purpose of the bill? The purpose of the bill is that if a citizen brings a suit to protect his right to vote and he goes into court, that suit will be given priority attention at court, without his having to wait 6 months or 12 months before the case can be heard by the court. Title I also provides that the Attorney General may come into court to protect that person's right to vote, when he is denied the right to vote and he brings a suit. Of course the District of Columbia does not have any problem with registration. Why? Because the officials have been standing with open arms, saying to the people, "Come in and register." However, the registrars of the State of Mississippi do not do that. Does the Senator deny that?

Mr. SMATHERS. I would say——

Mr. HUMPHREY. Does the Senator agree?

Mr. SMATHERS. I have read the reports.

Mr. HUMPHREY. What do the reports reveal?

Mr. SMATHERS. The reports reveal what the Senator says is correct. However, the reports were made with respect to what happened some years ago. Things are changing. After the Civil War, it was almost impossible to get anybody to vote. There were times when it was not possible to get anybody to vote. There were times when it was not possible to get white people to register and vote. I have seen long lines of white citizens trying to get the opportunity to register and vote. Does that mean that we should have more laws, or a new civil rights law, so that white people may have an opportunity to vote? There are a few instances in which that has happened; and the Senator from Minnesota would subvert the Constitution to give to the Federal Government the right to start conducting elections and to set qualifications for voters. That power is given specifically to the States. The Constitution itself does not permit it.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. The Senator cites a few instances which have occurred in Mississippi, and which may have happened in some other States. Such happenings are on the decline. The Senator likes to call the bill a freedom-of-choice bill. He wants people to have the right to go where they please. He does not say anything about the right of a man who has built up a little business to say what he wants to do with that business or whom he wants to hire.

I do not see how this measure can be called a freedom-of-choice bill. Does not a small businessman have the right to make a choice as to how he wants to operate his business and whom he wants to have in his business?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. I will come back to that, because I expected the Senator to bite on that bait. I will come back to it. I have been waiting for the Senator.

Mr. SMATHERS. I will stay with that bait as long as the Senator desires.

Mr. HUMPHREY. Title I of the bill was not conceived in a vacuum. It is the result of an explicit investigation which revealed the incontrovertible fact that an effort is made to deny citizens of the United States the right to vote, through denying them the opportunity to register. No lawyer, no court, no commission of the Government of the United States denies that. We have here an attempt to write protections into law that are needed, in order to eliminate consistent, determined abuses of law. The difference between the District of Columbia and certain counties in the State of Mississippi on voter registration—and I select that State because evidence shows it to be the fact——

Mr. SMATHERS. The reason why the Senator selects it is that it is the only State where this practice has existed.

Mr. HUMPHREY. It is true of Louisiana with respect to certain counties.

Mr. SMATHERS. In certain counties of Louisiana. In about seven counties throughout the Nation that is still happening.

Mr. HUMPHREY. There are six counties in the State of Mississippi, as I recall—I will obtain the facts—in which the majority of the adult population is Negro, but in which not a single Negro is registered.

Mr. SMATHERS. This is not the point that I really wish to debate. I have said that if this section were written so as to eliminate the provision under which Congress would set the voter qualifications, which I believe is unconstitutional, the section, standing by itself, would not be objectionable, and I would be glad to vote for it. However, I think it is unnecessary.

Mr. HUMPHREY. The Senator says that Congress sets the voter qualifications. It does not. What Congress says is that in national elections, when national officers are to be selected, the qualifications must be uniform. It is not right to set one literacy test for white people and another for black people.

Mr. SMATHERS. Does not the bill provide that there shall be a sixth-grade presumption, and that anyone who has a sixth-grade education is presumed to be literate?

Mr. HUMPHREY. There is created a rebuttable presumption.

Mr. SMATHERS. Does the bill so provide?

Mr. HUMPHREY. Yes.

Mr. SMATHERS. Who is putting that into the law? It is Congress, is it not?

Mr. HUMPHREY. The Congress is determining a rule of evidence for the Federal courts; if a literacy test is prescribed, the person disqualified as illiterate will, in a subsequent lawsuit, be presumed to be literate if he has completed 6 years of formal education. This rule of evidence shifts the burden of persuasion to the public official who claims the disqualified person is illiterate.

Mr. SMATHERS. That is not a presumption of law, I respectfully submit to my friend, because if that were the rule, if a sixth-grade education were to be a qualification for voting, let us do it right, and say that every one who reaches the seventh grade shall be entitled to vote. My brother has a 14-year-old daughter. Let us assume that she and all others who have finished the sixth grade are eligible to vote. If that is the qualification which the Federal Government is to set; if it is intended to set voter qualifications, and if that is the rule to be followed, that anyone who gets through the sixth grade is thereby presumed qualified to vote, why not let every junior high school child vote? Congress is trying to exercise a power that is specifically reserved to the States. All one has to do is to look at article I of the Constitution, to see that I am correct.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. All that this title seeks to do is to provide that the voting requirements or standards for voting that are established by the States shall be applied uniformly. The literacy test is only a rule of evidence, a rebuttable presumption being created that shifts the burden of persuasion to the one who seeks to deny a person the right to vote on the ground that the person who seeks to vote is illiterate.

There is nothing in the Constitution that denies the Federal Government the right to establish what is called a rule of evidence in the Federal courts. It is not the same as the Federal Government prescribing voter qualifications. I am fully familiar with article I.

Mr. SMATHERS. I respectfully disagree.

Mr. HUMPHREY. Many lawyers agree. I do not believe the American Bar Association disagrees.

Mr. SMATHERS. I do not believe that the American Bar Association agrees.

Mr. HUMPHREY. They have not expressed any disagreement.

Mr. SMATHERS. That is why the bill should be sent to committee. Let us invite the representatives of the American Bar Association to say what they have to say. I have a strong belief that the American Bar Association would come forth with the conclusion that this is an intrusion on the part of the Federal Government into what has always been left to the States. Article I, section 2 provides that the "electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Mr. HUMPHREY. Exactly.

Mr. SMATHERS. That is what was said in the case in 1959. The Supreme Court emphasized this very point. This is a modern court. So this section would not bother me particularly, were it not for the fact that it goes too far.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. The Senator can read the provision of the Constitution dealing with the rights of citizens. It prescribes the standards and all the conditions relating to elections. But I say most respectfully that the 14th amendment to the Constitution also provides that no State shall deny any citizen life, liberty, or property without due process of law. That no State shall abridge the privileges and immunities of citizens of the United States and that no State shall deny to any person the equal protection of the laws.

Mr. SMATHERS. That is right.

Mr. HUMPHREY. The reports from the U.S. Commission on Civil Rights, and the reports from the Justice Department which will be presented in the Senate once this bill is laid before the Senate are stacked as high as this Chamber. All contain outright denials of the right to vote in thousands of cases—none of them justified. The reason why this additional law is needed is because the cases in the courts today are so far behind. Justice delayed is justice denied; and a vote delayed in an election is a vote lost. The Senator cannot deny that the evidence is replete with such cases. Does the Senator deny that there is a total absence of the establishment of the right to vote by reason of the acts of officials? Does the Senator deny that?

Mr. SMATHERS. I do not believe in destroying the rights of some people in order to give rights to other people which I think they should have, but which I admit under certain conditions have been denied them.

Mr. HUMPHREY. What rights are destroyed?

Mr. SMATHERS. I do not believe the rights of everyone should be denied by having the Federal Government take over local problems. I do not believe there should be taken from a State a right which properly belongs to it, thereby creating a greater central government in an effort to give some minority group, no matter what group it is, something which has been denied to it. I believe the Senator will agree that such situations are decreasing rather than increasing, with respect to number of occurrences.

The Senator speaks of what happened in Mississippi. But let us talk about what happened in New York City.

Mr. HUMPHREY. Yes.

Mr. SMATHERS. Let us talk about the laws on the statute books of New

York. Let us talk about whether laws will accomplish the desired result. Does not the Senator agree that of all the States in the Union there are more laws on the statute books in New York with regard to antisegregation and nondiscrimination than in any other State in the Union?

Mr. HUMPHREY. I am not familiar with all the laws of New York, but I suppose that New York, being a rather modern and up-to-date State, has a fairly good system of law.

Mr. SMATHERS. That is correct. I say to the Senator that I have seen more segregation and discrimination in New York than in any other State. There is more segregation in the city of New York than in any other place in the country.

That is my point. We can place laws on the statute books, but we are not going to make a great change in anything, because when people do not want to do something, they are not going to do it unless we are going to shackle them. I know the Senator does not want to do that, and I do not want to do it. But suppose some less kindly man than the Senator from Minnesota, or some less kindly man than the President or the Attorney General, walked in and started shackling people?

Mr. HUMPHREY. I do not say that the law answers every problem. But I do say that reasonable men are men who believe in the principle of law, rather than merely the actions of men. There are laws protecting the institution of marriage. But there are divorces and in those cases we have lost in the attempt to hold the family together.

Mr. SMATHERS. Does the Senator from Minnesota believe that we would stop it if we were to pass more laws and say, "We are going to make it even tougher for you to get a divorce"?

Mr. HUMPHREY. No, but if we were to enact adequate laws that would assist in the conciliation of marital difficulties it would help.

Mr. SMATHERS. The Senator agrees that it would not be stopped?

Mr. HUMPHREY. Not all of it.

Mr. SMATHERS. That is correct.

Mr. HUMPHREY. What I am saying to the Senator from Florida is that all we need do is treat citizens as citizens, and not as black men or white men with different degrees of citizenship.

Mr. SMATHERS. I am for it.

Mr. HUMPHREY. If the Senator is for it and he concedes that it is not being done, then he should agree to the establishment of standards so that it can be done.

Mr. SMATHERS. The standards exist, and they are inadequate in and of themselves. When the Senator spoke of the 1957 act and the 1960 act, I remember that by good friend and others of my good friends said, "This is it. When we pass this law, we are going to eliminate this evil. It is going to be all over."

Mr. HUMPHREY. To the contrary.

Mr. SMATHERS. They said, "We have a fine bill. There will be no more discrimination. Everybody will get to vote." That unfortunately was not true, and it will not be the case if we pass this particular bill, I regret to say. All we need do is to start a little crusade. We need individuals like the Senator from Minnesota who are as interested as he is in the root problems, the root questions. We need better education, better economic opportunities. Ultimately we must lift the standards of living of those citizens, not only Negro citizens, but also white citizens.

Mr. HUMPHREY. We agree thoroughly on that point.

Mr. SMATHERS. We must operate where the lowest economic standards exist. Many white people are in that area. And when we eliminate that particular problem, we shall eliminate most of the other problems.

Mr. HUMPHREY. No one would be more interested in seeing educational improvements than the Senator from Florida, the Senator from Alabama [Mr. Hill], the Senator from Minnesota, the Senator from Delaware [Mr. Boggs] and the Senator from Hawaii [Mr. Inouye], our distinguished Presiding Officer. Each of us who is present this evening has voted time after time for improvement in education, and for improvement in public health. I know of no Senator more interested in improvement in health than is the Senator from Alabama. We have voted for all of these programs. We have made a distinguished contribution to the health of our citizens.

Mr. SMATHERS. This is an area in which we must do more.

Mr. HUMPHREY. This is an area in which ultimately the success of what we seek will be found.

Mr. SMATHERS. Amen. That is where the ultimate solution will be found. Let us work on it.

Mr. HUMPHREY. We will work on both problems. In the meantime, there is indisputable evidence that registrars have refused to register voters. There is evidence that every trick in the book has been used to deny citizens the right to vote and that large numbers of court cases have been delayed. There is evidence that many individual citizens do not have the means to fight their cases through the courts. In all of these cases, we must find the answer.

The same persons who are required to pay taxes to the Federal Government, the State government, or the local government are denied the right to vote. The tax collector gets them, but the registrar cannot see them. All I ask is that registrars be colorblind. It should not be necessary to enact more laws to enable them to look at a Negro and say, "That is an American citizen; we will give him the same test we give the white man." If Negroes were judged in the same way as other citizens, more laws would not be needed. But that is not being done; and the Senator from Florida knows it.

I know the Senator from Florida will say that in most places the situation is different. And I could cite many areas in the Senator's own State in which commendable work has been done. He is correct when he says we ought to carry on a crusade to register voters. But we are grown men. The Senator from Florida is one of the wisest, most perceptive Members of this body. He knows of case after case in which good citizens have been denied the right to vote—in which professors having the degree of Ph. D. have been declared illiterates, based upon the way they are judged in literacy tests. Yet persons who could not find their way out of the rain have been declared literate because they are white. Such action is plain racial discrimination. We seek to eliminate it.

Mr. SMATHERS. The Senator is most kind and generous with me when he speaks about how perceptive I am. I appreciate his compliment.

Mr. HUMPHREY. The Senator from Florida is a modest man.

Mr. SMATHERS. But I am sure the Senator from Minnesota, being fair and perceptive in everything, recognizes that the number of cases of denials of the right to vote, of which he complains, is rapidly diminishing. Such cases are disappearing from the American scene. That is a fact in which we can all take great pride.

Mr. HUMPHREY. Except in a few limited areas.

Mr. SMATHERS. I do not believe that even the present Civil Rights Commission is objective. The program started with a rather objective Civil Rights Commission. But now the Commission has turned the other way. I do not believe the Senator from Minnesota will be able to show that there is an increasing denial of the right to vote anywhere.

Mr. HUMPHREY. Yes, I will, I regret to tell the Senator.

Mr. SMATHERS. It is hard for me to believe that statement, because although a time existed when there was widespread denial of the right to vote, the truth is that most of those citizens were illiterate, and many of them were white. Conditions being what they were, most of the Negro citizens and many whites were illiterate. So it was necessary to have some kind of qualifications, if it was believed there should be some standard of literacy to enable people to cast their votes.

But I do not believe that in modern times one can find many indications of an increasing disposition not to permit people to vote.

Mr. HUMPHREY. Will the Senator from Florida yield again?

The PRESIDING OFFICER (Mr. Hill in the chair). Does the Senator from Florida yield again to the Senator from Minnesota?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. We shall go further into the question of whether additional law is needed in order to take care of instances in which there has been denial of the right to vote; but I ask the Senator from Florida whether he agrees with me that in certain instances and certain areas there has been a denial of the right to vote.

Mr. SMATHERS. Yes.

Mr. HUMPHREY. I agree with the Senator that we have enacted considerable law in endeavoring to get at that situation.

Mr. SMATHERS. That is correct.

Mr. HUMPHREY. But, regrettably, the law we enacted has been found insufficient in certain areas.

About 2 weeks ago I presented evidence in regard to certain counties in some of the Southern States in which registration had decreased, rather than increased, during the past year. That evidence indicated clearly to me that there had been open denial of the right to vote, by denying people an opportunity to register.

We think this bill attacks institutional segregation and discrimination. It attacks discrimination by public officials and public bodies, and it attacks segregation by public bodies. The sphere of personal prejudices and discrimination is not affected by this bill. We hope that by education these personal prejudices will disappear. However, public bodies and institutions must assume the obligations and responsibilities of public facilities. The right to vote will not be subject to any institutional racial prejudice.

Mr. SMATHERS. Let me ask about the areas in which the Senator says that decreasing registration is found. Are not those areas of decreasing population?

Mr. HUMPHREY. I cannot say; I shall look up that situation; it may be a point. But it is still true that despite the 1957 act—which I believe was a singular advance—and despite the 1960 act, the courts find themselves with their dockets too full and with voting cases far down on the dockets.

The bill would give voting cases priority. The bill also provides that a 3-man court can be provided, so that the voting cases can more readily reach the Supreme Court, when there is a need to appeal. The bill also provides that there shall be uniformity of standards. The bill does not establish any qualifications for voting; it merely provides for equal treatment for all voters, so that if there are literacy tests, they will be equal, and will be applied equally; and if there are other voting requirements, they, too, will be applied equally.

The States set the requirements for voting; but the bill provides that they must be applied without regard to color, and they must be applied equally.

Mr. SMATHERS. Inasmuch as apparently it will not be possible to have a committee hearing held on this particular bill, I believe we probably shall have to go into some detail on that point, in the course of the debate in the Senate.

I notice that in title I, paragraph (B) provides, in part, as follows, following paragraph (2):

> 2. No person acting under color of law shall—
>
> * * * * *
>
> (B) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material—

And so on.

Who would determine that? Would the State determine it?

Mr. HUMPHREY. The registrar must determine it and the courts would insure that his judgment in the matter was accurate.

Mr. SMATHERS. The registrar of the State?

Mr. HUMPHREY. Yes. If the individual citizen thinks he has been treated unfairly, he will have a right to appeal, and his case must be taken up quickly by the court.

Mr. SMATHERS. That is a good point, and I want to get it into the RECORD, because if we are making legislative history, this RECORD becomes important. In other words, the Senator agrees, as I understand, that at the point in the bill where it is provided that no citizen is to be denied certain rights, the meaning is that the State—not the Federal authorities — shall determine whether there has been an error or an omission. Does the Senator from Minnesota agree?

Mr. HUMPHREY. However, it is crystal clear that the citizen is a citizen of the United States; and that if a State makes a determination that is discriminatory, that person may take his case to court; or the Attorney General may take it to court for him.

Mr. SMATHERS. Then who would decide whether the State had been discriminatory?

Mr. HUMPHREY. The Federal court would decide that.

Mr. SMATHERS. Is that where the Attorney General would select his own judges?

Mr. HUMPHREY. No; the bill does not provide for that, at all.

Mr. SMATHERS. But the bill would authorize that to be done.

I want people to vote; but I think this section is very badly conceived. I know of no other instance in judicial proceedings in which the senior circuit judge is authorized to do that, on motion of the Attorney General, who would say, "I want a three-judge court appointed to hear this case." The chief judge of the circuit would then select one judge, who probably in the first instance—I regret to say—had been appointed by the Attorney General, as a practical matter.

Mr. HUMPHREY. No; not at all.

Mr. SMATHERS. But I believe approval from the Department of Justice and from the Attorney General is always obtained before a judge is appointed. Does the Senator from Minnesota know of any exception?

Mr. HUMPHREY. But many judges live a long time, whereas the present Attorney General has not been in office very long.

Mr. SMATHERS. I realize that; but judges are being appointed quite regularly; and all he would have to do would be to hunt all around the circuit—and the fifth circuit includes six or seven States, stretching from Florida all the way to Texas—and he could find judges who would be satisfactory to him, and thus he could say, "Take this one and take that one." I do not think that would be a very fair American type of proceeding.

Mr. HUMPHREY. I ask the Senator from Florida to wait a moment. He is a good lawyer, and he does not need to cast any aspersion on Federal judges.

Mr. SMATHERS. No; but it would only be necessary to read the judges' decisions, and thus one would know how they would rule in these cases. In other words, that could be determined in advance.

Mr. HUMPHREY. But they are required to uphold the Constitution.

Mr. SMATHERS. However, they differ in their rulings and in their judgment on matters of interpretation. That is why it finally is necessary to appeal to the Supreme Court in certain cases.

So if it were possible to hunt around the circuit, and find a judge who had been ruling a certain way, it could be said, "We will take you, because we know how your decisions have been running." And then they could pick another judge and say, "We will take you, and now we know we have a majority on our side."

Mr. HUMPHREY. But, first, one of the judges must be from the district in which the citizen who has the grievance resides; and the selection of the judges is made solely by the chief judge of the circuit in which the suit is commenced.

Mr. SMATHERS. Yes.

Mr. HUMPHREY. And the chief judge of the circuit generally is of so fine a reputation that I do not believe any reflection should be cast upon his reputation. Furthermore, I do not believe there is evidence to show that the courts of the United States are prejudicial. Also, there is ample precedent for the appointment of a three-judge court. Section 44 of title 49 and section 28 of title 15 of the United States Code, for example, provide that in certain transportation or antitrust suits in which the United States is plaintiff, the Attorney General may file with the court a certificate seeking the appointment of a three-judge court and expedition of the case. When that is done, the certificate is sent to the chief judge of the circuit, and it is made the duty of the chief judge to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge, to hear and determine the case. It is made the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause this case to be in every way expedited. Thus, the three-judge provision in title I is quite similar to the examples given.

So appointment of a three-judge court, as set forth in title I, is supported by solid American precedent. It has precedent in some of the most important cases in U.S. law—cases relating to transportation and to the antitrust laws. If that can be done to protect transportation facilities and to protect American business, why cannot a three-judge court be appointed to do exactly the same thing for American voters?

Mr. SMATHERS. I do not believe that it has ever been done in a case involving personal rights. I do not know of any. I am a lawyer, but I have not practiced law in approximately 20 years.

Mr. HUMPHREY. The Senator is a good lawyer. He may have forgotten that little piece of law.

Mr. SMATHERS. When was that done with respect to transportation? Ask that fellow with a red pencil sticking out of his shirt.

Mr. HUMPHREY. I do not know when it was done. It was done recently.

Mr. SMATHERS. That is what I thought. The distinguished occupant of the Chair [Mr. DODD] could probably tell us more correctly. He is a member of the Committee on the Judiciary.

Mr. HUMPHREY. I believe it was done in about 1958 or 1959.

Mr. SMATHERS. It was a recent development.

Mr. HUMPHREY. We are beginning to catch up in human rights with what we have had in relation to property rights.

Mr. SMATHERS. I do not believe that the argument is one between human rights and property rights. I do not believe property has any rights. I wish the Senator to listen to what I am about to say.

Mr. HUMPHREY. I am listening.

Mr. SMATHERS. I do not believe that property as such has any rights, but humans have rights. One of the rights that a human has is the right to own property. Owning it, a human has the right to do with it what he wishes.

Mr. HUMPHREY. Provided that what he does would not injure the public interest.

Mr. SMATHERS. Again that is a matter of judgment. Shall we give to the Attorney General the power to determine when an action would be against the the public interest and when it would be in the public interest? So far as I am concerned, the issue is not one between human rights and property rights, but rather whether humans may own property; and owning it, whether they can control it.

Mr. HUMPHREY. The problem is serious. I do not wish to put it on the basis of slogans or symbols.

Mr. SMATHERS. The Senator is correct.

Mr. HUMPHREY. I do not believe that should be done.

Mr. SMATHERS. The Senator has said that we shall advance human rights. I know people who have worked hard. They have saved their pennies. Finally they bought themselves a little place. They are at liberty to choose to work for them a certain kind of people only.

In a case in 1963, Justice Harlan—and I certainly approve of his decisions, if not the decisions of some of the others—said that people have the right of choice. People have the right to be wrong sometimes, if it is their own judgment.

I should like to read to the Senator an editorial that was written by a distinguished editor named John S. Knight, who owns the Miami Herald and several other newspapers.

Mr. HUMPHREY. I believe I saw that editorial this weekend.

Mr. SMATHERS. That is correct. I do not agree with everything that is contained in the editorial, because in the editorial Mr. Knight states that he approves of the public accommodations provision. He thinks it would be right morally and legally. I think he may be right morally, but I do not think he is right legally.

At any rate, Mr. Knight has discussed the proposed Equal Employment Opportunity Commission. He tells about a case which is quite interesting. He said—

> I am puzzled, however, by the seeming lack of interest in another section of the civil rights bill which, in seeking to broaden job opportunities for Negroes, does at the same time severely limit the freedom of employers, labor unions and employment agencies.
>
> This is the section which would establish an Equal Employment Opportunity Commission, a new Federal agency empowered to police their hiring, firing, and advancement practices.
>
> The EEOC, with headquarters in Washington and field offices in all areas of the country will have authority to take legal action against alleged violators if the following proposals are enacted into law:
>
> 1. Employers may not deny jobs to Negroes because of race.
>
> 2. If a Negro is discharged, the employer must prove the dismissal has nothing to do with race.
>
> 3. When promotions and pay increases are given, the employer must show the absence of bias.
>
> 4. Government inspectors can examine a firm's records in search of bias. Officials and workers may be questioned.

I wish to repeat the first part of 4:

> 4. Government inspectors can examine a firm's records in search of bias.

Apparently they do that all the time. Continuing—

> 5. The new bureaucracy can tell employers what kind of employment records to keep.

I believe it would be agreed that most of our citizens who are trying to operate a business are harassed already by Federal bureaucracy telling them what they can do and what they cannot do.

Mr. Knight continues—

> In the event that the EEOC finds neglect of these and other related provisions of the law, the Commission can file a civil suit in Federal court against the employer, union, or employment agency accused of the violations.
>
> If the court agrees with the EEOC, the employer can be ordered to (a) change his employment practices; (b) hire an individual who was turned down, or reinstate a discharged worker with back pay.
>
> Failure to comply with the court's order will bring contempt charges, punishable by fines and possible imprisonment.
>
> Even enlightened employers who do not discriminate in hiring and personnel policies must produce records and be able to prove their innocence.

In other words, the burden of proof would be shifted in many respects to one who operates his own business. The businessman would have to prove that there is no discrimination in his mind and that he did not discriminate against anyone. He has the burden of proof.

I continue to read from the editorial—

> In some instances, the employer is not permitted to turn down women applicants for jobs unless he can convince the Government that men are needed in these particular tasks.

Mr. Knight continues—

> I am quite aware that many well-meaning people justify these extreme measures as the means to a desirable end.

First, I wish to persuade the Senator from Minnesota to agree with me that he has great respect for John S. Knight.

Mr. HUMPHREY. I have.

Mr. SMATHERS. Mr. Knight is a very objective and sound citizen, in addition to being a very fine publisher. I do not always agree with him. I do not always agree with the manner in which he operates his newspaper.

Mr. HUMPHREY. I read that editorial to which the Senator has referred. It appeared in the Detroit Free Press, which I believe is one of the Knight papers. That editorial made a definite impression on me. It necessitates a very careful examination in the debate of the particular section about which the Senator is speaking, because if everything Mr. Knight has stated in that editorial is true—if his conclusions can be fully substantiated—that particular section could be a very bothersome section and it might be an undesirable section. I do not happen to believe that all the points which Mr. Knight seeks to make are to be found or justified in the bill. I shall speak on this subject on my own time when the opportunity arrives.

Mr. SMATHERS. I shall finish reading the editorial because, judging from the amicable manner in which the Senator from Minnesota has responded to my inquiry, since he is always a reasonable and fairminded man, it may be possible to amend the bill. I believe the Senator would probably not object to an amendment of that section or its elimination.

Mr. HUMPHREY. I ask the Senator not to keep that hope too bright.

Mr. SMATHERS. I continue to read from the editorial:

> But the piling on of Federal regulations to bring about equal opportunity is in basic conflict with our American concept of individual freedom.

I am sure the Senator from Minnesota agrees with that statement. He is not trying to drag everyone down in the efforts to give certain rights.

Mr. HUMPHREY. I am not for pulling anyone down. I am trying to help to enact a law which would help some people to get up.

Mr. SMATHERS. But the danger is that in helping some to get up, we might pull everyone else down. We desire to leave to people the right of choice, the right to be free, and the right to do the things free enterprise has always stood for, and to have the opportunities which free enterprise has always made available. We do not wish to destroy that freedom in an effort to give an opportunity to some to get up.

Continuing to quote—

> As Justice Whittaker, a former member of the U.S. Supreme Court, has said: "Democracy, as a system of government, was never intended to be a leveler of men. It permits, and was intended to permit, the gifted, the energetic, the creative, and the thrifty * * * to rise above the masses.
>
> "If men really want permanent economic equality," continues Justice Whittaker, "they may find it only in communism, for such is the central theme of that philosophy. Generally men who are free do not remain economically equal, and men who remain economically equal are not free."

The writer states a case history:

> ### A CASE HISTORY
>
> A foretaste of what will occur if the EEOC is created by Federal law was shown recently by a ruling made in Illinois.
>
> In this case the employer (Motorola) gave general ability tests to all prospective job applicants. A Negro who failed the test charged that he was denied employment because of his race.

> The Illinois FEPC then gave a reexamination to the applicant, said that he passed the test, and ordered the corporation to hire him. An FEPC examiner held that Motorola's test was unfair "to culturally deprived and disadvantaged groups."

Whatever that means. Coming from the South, I sometimes felt, because of the way we were treated, that perhaps we were considered "culturally deprived."

Mr. HUMPHREY. As one who comes from the Midwest, I have great sympathy for the South.

Mr. SMATHERS. I thank the Senator. We both stand in a status where we might both seem to some to be disadvantaged and culturally deprived.

To repeat, the FEPC examiner found it was unfair to these culturally deprived and disadvantaged groups.

I continue with the quotation:

> That the questions did not take into account "inequalities and differences in environment"; and that the standards for passing were based only on those of "advantaged groups."
>
> In other words, merit and ability and Motorola's standards of performance were cast aside and the employer lost his "rights." This case, which is now pending before the full commission, has created quite a furor in Illinois, and the warning is clear.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. I am interested in this case, because I am disturbed about it. I try to be fair with my colleagues——

Mr. SMATHERS. I think the Senator is fair with his colleagues.

Mr. HUMPHREY. I understand the case is proceeding only at the hearing examiner stage.

Mr. SMATHERS. I do not know. It is the first time I have read about the case. It is before the full commission.

Mr. HUMPHREY. And is subject to appeal in the courts.

Mr. SMATHERS. Does the Senator agree that this is the danger when we get into the question of whether or not a man has discrimination in his heart? Let us consider the case of an employer who perhaps has only Methodists working for him. He says, "I am a Methodist and I like Methodists working for me." Someone comes in and asks for a job. The employer says, "No. Hold on here. I want only one kind of people." This applicant files a complaint and says, "This man discriminated against me because of my religion."

I know exceptions are provided for religious institutions, but this is a case where the employer happens to be a Methodist but not a religious institution. The Senator and I would not go that far in preferring members of our own denomination, but there are people like that. Should not this man have the right to employ only Methodists? Does he have to take on an Episcopalian or a Lutheran, or someone of a different religion, if he does not wish to do so? According to the proposed law, he will, because there is no other basis for such a practice to be called anything but discrimination, because he happens to like one group better than another.

Mr. HUMPHREY. The Senator is absolutely correct in his description of what would happen. The proposed law seeks to prevent the factor of race, creed, or national origin from being a factor in determining employment.

An employer is not to discriminate on that basis. He is to hire on the basis of merit.

The hearing examiner's decision in the Motorola case disturbs me. I am anxious to see what happens in terms of the full commission. If the commission decides a certain way, undoubtedly it will be appealed, and we can then see what happens in the court.

I have had a little experience in this area. I have heard Members from the South say that some of us northerners have not had much experience in this field. I grant there is some truth to that statement, but when I was mayor of Minneapolis, Minn., there was a large number of colored people there——

Mr. SMATHERS. Less than 1 percent.

Mr. HUMPHREY. Yes, but we had 26,000.

Mr. SMATHERS. In the whole State?

Mr. HUMPHREY. In the city of Minneapolis. We had other ethnic groups. There is an Indian population there. I regret to say that my city at one time had a considerable bias against those of the Jewish faith. Thank goodness, that is over.

We established what we called the Municipal Fair Employment Practices Commission. It was the first one in the Nation. I offered that bill to our city council. We put it into effect. It included enforcement power. I watched that commission work. Frankly, it has not corrected all instances of discrimination in employment, but the cases which were brought—with the exception of seven since 1947—have resulted in amicable settlements, wherein the employer and employee, or the union and the employee and the employer, were able to get together and adjust their difficulties.

I can honestly say that the employment pattern is better today. There are certain instances in which race is a factor in employment. I want to make it crystal clear that I do not believe that, because a man has had bad luck early in life, he should automatically be given a job if a company has certain standards for that job. People can go too far in these cases. If there are to be standards that are nondiscriminatory, that is exactly what they should be. There should not be swept into the question many outside issues, such as whether or not one has been culturally deprived. A company needs a certain number of people to do the job. The job must be done properly. The culturally deprived are given an opportunity to catch up.

Mr. SMATHERS. But not necessarily in this man's factory.

Mr. HUMPHREY. But not necessarily in this man's factory.

Mr. SMATHERS. That is correct. I congratulate the Senator from Minnesota on what he accomplished when he was mayor of Minneapolis, because that is the way such problems should be handled. The local community should get together under the leadership of a dynamic and aggressive mayor, which undoubtedly this great man was——

Mr. HUMPHREY. I agree with the Senator.

Mr. SMATHERS. I would even go to Minnesota and say it, but if I did, it would probably hurt the Senator.

Mr. HUMPHREY. Not at all.

Mr. SMATHERS. That is the way the problem should be handled. The leaders of a community should get together and say, "We do not want this to happen." I do not know what kind of law was enacted, but I venture to say that the whole weight of the Attorney General was not thrown against those who were found guilty, and contempt proceedings were not brought against them. Perhaps they never went to jail.

Mr. HUMPHREY. They could have, but they had more sense.

Mr. SMATHERS. As mayor, the Senator probably brought them together around a table to discuss the problem. The employer probably was told, "There is no point in discrimination. One person has no right over another because of a difference in color."

I agree. I do not know of anyone who chose the color with which he was born. I did not have anything to say about my color, and I would not want to be discriminated against if I had been born of a different color. I would not want to be discriminated against if I had been born into a family that practiced a different religion than I do. That kind of discrimination should not take place. There are two ways to get around that kind of discrimination: First, under the 14th amendment; and, second, under the general protection that is provided already by our laws.

The courts are generally open for the protection of the rights of citizens wherever there is discrimination by action of States, or municipalities. But when we are dealing with private citizens, we may find a man who practices discrimination. For example, he may not like to hire Puerto Ricans. I do not share such discrimination, because I happen to like Latin Americans, but I know many people in New York City who do not like them and will not hire them. The question is, if a man has a store or a factory which he has worked and sacrificed to acquire, whether or not the Federal Government should be brought into the case. Should we let the Attorney General, with all the majesty and power of the Federal Government, move in against a man and say, "Wait a minute. There has been a claim of discrimination."

I say that in a case like that, where one tells a private citizen whom he must hire and brings him into court and fines him $300, or lets him go to jail for 45 days, from that time on that man will avoid such conflict with the Federal Government. Every time someone comes to him he will start operating a quota system, saying, "I must have so many Puerto Ricans, so many Negroes, so many people of the Jewish faith. I must do this or else."

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DODD in the chair). Does the Senator from Florida yield to the Senator from Minnesota?

Mr. SMATHERS. I will yield in a moment. This policy is dangerous. I believe the bill should not allow it. We say that people should not be discriminated against, that they should have rights and an opportunity to work, but in trying to give them their rights, let us not take away from other people their right of choice, their right to employ whom they wish to employ, their right to operate their businesses in the way they wish to operate them.

I yield to the Senator from Minnesota.

Mr. HUMPHREY. The Senator is persuasive, and he makes a powerful argument; but, first of all, the Senator is in error when he says that the Attorney General may come in on these cases and do as he wishes. The Equal Employment Opportunities Commission would be established. The Commission would not go snooping around. The Commission must receive from a person who believes he has been discriminated against a written complaint. There would be a preliminary hearing. I read from page 40 of the bill:

> If two or more members of the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such unlawful employment practice by informal methods of conference, conciliation, and persuasion and, if appropriate, to obtain from the respondent a written agreement describing particular practices which the respondent agrees to refrain from committing. Nothing said or done during and as a part of such endeavors may be used as evidence in a subsequent proceeding.
>
> (b) If the Commission has failed to effect the elimination of an unlawful employment practice and to obtain voluntary compliance with this title, the Commission, if it determines there is reasonable cause to believe the respondent has engaged in, or is engaging in, an unlawful employment practice, shall, within ninety days, bring a civil action—

Not criminal, I point out to the Senator.

> to prevent the respondent from engaging in such unlawful employment practice, except that the Commission shall be relieved of any obligation to bring a civil action in any case in which the Commission has, by affirmative vote, determined that the bringing of a civil action would not serve the public interest.

There is no enforced quota. The quota system which has been discussed is nonsense. Everyone knows that it is not in the bill, and that where there are State FEPC quotas, it is not the pattern.

There would be no Attorney General referred to in the bill with the powers of the Federal Government to smack down some poor, unsuspecting employer. No criminal penalty would be provided. There would be only a civil suit, and it must go to a Federal court. All the procedures of law must be followed, and all the rules of evidence must be followed. The only thing that the court would do would be to ask the defendant to cease and desist, to tell him to stop this practice, if it can be proved that the practice has been unlawful.

This particular section of the bill is so close to what the late Robert Taft offered in the Senate in 1949 that I have almost felt as though we should call it "the Taft proposal," because it would be essentially a fair employment practices proposal. The only enforcement would be the enforcement procedure which a citizen would have, anyway, to go into a Federal court. But one cannot enforce a section and take the case to court to find out if there is any need of evidence to require it to go to court.

Mr. SMATHERS. The Senator has explained this provision in its most favorable light.

Mr. HUMPHREY. Oh, no; I have not gotten around to that yet.

Mr. SMATHERS. The Senator has failed to refer to the bringing of civil action. It is not said that a criminal action is involved.

Mr. HUMPHREY. No.

Mr. SMATHERS. What happens when an order is issued to take affirmative action, including reinstatement of employees, and when the respondent says, "I do not wish to do it?"

Mr. HUMPHREY. He is held in contempt of court.

Mr. SMATHERS. Yes, he is held in contempt of court. Then he can go to jail. He can also be fined $300. He can go to jail, without a trial by jury. But, of course, a civil action is brought on the equity side in order to get around the difficulty, because if a criminal case were brought, then under the sixth amendment he would have to be given a trial by jury. The case is brought in under the equity side of the law.

Mr. HUMPHREY. The Senator does not wish to recommend criminal penalties, does he?

Mr. SMATHERS. No. I recommend against the whole section. But I would not wish the Senator to have people believe that this is a sweet, voluntary, lovely, nice little patty-cake arrangement. The thing that can happen to a defendant is that he may receive a $300 fine or go to jail for 45 days without a trial by jury. It is said that there is no quota system. But if by refusing to hire a prospective employee he is going to run the risk of going to jail, they do not have to ask him any more about that. The first time a prospective employee of a particular type comes in the employer says, "If he looks like a troublemaker, perhaps I had better put him on."

This is what is happening, and what John Knight is talking about. That is why the proposal is dangerous. I meant to finish reading the column. In any event this is what happens. It is not the sweet, lovely, voluntary program that the Senator from Minnesota would have us believe it is. There are hidden dangers in it. An appropriation authorization of $10 million is proposed. Employers are required to keep records over a number of years to show whether bias exists. So what will happen—if you do not have some employees of a particular faith, or some employees of a particular color, the presumption may be that you must be biased, so immediately you start by defending yourself. The burden of proof is on you, not on the Federal Government. The Federal Government will have $10 million to spend this year. Perhaps it will be $20 million next year, and heaven knows how many investigators there will finally be, sitting around in every factory. I say this proposal is dangerous. I do not wish to sound like an alarmist, but this is the kind of thing that leads to a totalitarian state. It is not good law. It is not good in its conception.

I agree with what the Senator did when he was back in his own community in Minneapolis, in getting people together. I do not believe we should give the Federal Government such power as is proposed in this bill.

Mr. HUMPHREY. Will the Senator from Florida yield further before he finishes reading the remainder of the editorial, which represents one editor's and publisher's point of view, and does not represent the law?

Mr. SMATHERS. I yield, but this does not——

Mr. HUMPHREY. It represents the point of view of a distinguished American citizen. I believe that the editorial should be placed in the RECORD. It bothered me when I read it. I wish to examine one section with meticulous care. That is why I am asking these questions and engaging the Senator in debate. He is much better when he is tested a little. I find that I occasionally perform a useful role in the Senate by acting as a sort of senatorial "gadfly" and stinging my colleagues into greater intellectual activity.

At this moment I am having a good time. The Senator's estimate of the budget amount for the equal employment opportunity section is off by about $6 million. Mr. Katzenbach, the Deputy Attorney General, in a letter to Hon. EMANUEL CELLER, chairman of the Judiciary Committee of the House of Representatives on February 6, 1964, estimates that the total for the equal employment opportunity section to be $3,800,000. This is the first year. The total authorization, which is a far cry from what we get—because an authorization is to make happy those who want more, and the appropriation is to make happier those who want less—is $3,800,000.

Mr. SMATHERS. Very well. I wish to read from the bill. What the Senator has read is the estimate of Mr. Katzenbach for the first year. We all know how Government agencies start, with the exception of the foreign aid program, which we have been cutting back a little. The Senator does not know, in his experience, of more than one or two instances in which that situation does not prevail. The pattern is that the agencies start by asking for $2,500,000; the next year they ask for $5 million; and the following year they ask for $10 million. That is the way it goes. That is one of the reasons why the cost of Government has reached astronomical figures. It is because every little department wants more money each year.

The bill provides:

> There is hereby authorized to be appropriated not to exceed $2,500,000 for the administration of this title by the Commission during the first year after its enactment, and not to exceed $10 million for such purpose during the second year after such date.

They will ask for $10 million in the second year. We can be sure that they will ask for that. The chances are that if it takes only 51 votes in the Senate to get that amount for them, the third year will see them asking for as much as $30 million, if they follow the pattern that is usually followed by such agencies. For example, consider the Civil Rights Commission.

Mr. HUMPHREY. The Appropriations Committee has among its membership such illustrious Senators as the senior Senator from Arizona [Mr. HAYDEN], the senior Senator from Georgia [Mr. RUSSELL], the senior Senator from Florida [Mr. HOLLAND], the senior Senator from Alabama [Mr. HILL], the senior Senator from North Dakota [Mr. YOUNG], the senior Senator from Arkansas [Mr. MCCLELLAN], the junior Senator from Virginia [Mr. ROBERTSON], and the distinguished junior Senator from Mississippi [Mr. STENNIS].

Mr. SMATHERS. And the distinguished Senator from Minnesota, Mr. HUBERT HUMPHREY. I did not want the Senator to be left out.

Mr. HUMPHREY. I was about to get in, but I wanted to name the senior members of the committee first. I do not believe that there will be any great rush through the Appropriations Committee process to vastly extend the operations of this Commission about which the Senator is worried. I will let him continue with his speech for awhile.

Mr. SMATHERS. I enjoy these little conversations with the Senator. Sometimes he is so busy performing the many duties he must perform as the whip that he does not have an opportunity to talk with me. Therefore, I appreciate the opportunity to carry on this little conversation with him in a spirit of friendliness and in a spirit of developing facts with respect to the bill.

Mr. HUMPHREY. Whenever I am so busy that I do not have time to talk to the Senator from Florida, I am the loser.

Mr. SMATHERS. I cannot agree with the Senator. When that happens, it is not his loss, but my loss. I have the greatest affection for the Senator from Minnesota and the highest respect for him. We are usually on the same side.

Mr. HUMPHREY. I expect to convince the Senator before this debate is over.

Mr. SMATHERS. I do not want the Senator from Minnesota to hold his breath until that happens.

The editorial states:

> If a State commission can riddle good management practices in the cause of "social significance," you can visualize the degree to which employers and unions will be shackled by a horde of inspectors operating under Federal law.

Let us remember that we are operating in our society under a free enterprise system. It is the free enterprise system which distinguishes us from any other system of government on earth.

The other evening, when the President of the United States was delivering his address over all three networks, CBS, NBC, and ABC, I recall his saying that the Soviet Union may have more people, and more resources—and I think he mentioned one other factor in which the Soviet Union was apparently more favorably situated than we were—but he said there is one thing that we have which makes us superior to them in every respect—and this was the President of the United States speaking—and that is the free enterprise system.

That is what has made America great. That is what will keep America great. That is what we mean by the free enterprise system. It means that a man has some rights as to what he will do with his money and his business, and whom he will hire. It means that a man who has built up a little business can hire the kind of people he wants to have work for him, and that he must not be required to keep records for this agency and the other agency, and to be worried to death, when a Negro citizen shows up, as to whether he might not be accused of discriminating and perhaps be hauled into court and put in jail. He should be free to employ the man he thinks can do the best job for him.

I remember when the Attorney General's Office was picketed downtown. The claim was made that the Department of Justice had not hired a sufficient number of Negro employees. He was quite angry, and he got on the back of a truck, as I remember, and said, "I will not hire anyone because of his color. I will not refuse to hire anyone because of his color. I will hire a man on the basis of ability."

Does the bill so provide? Does the bill provide that a person can hire another person on the basis of his ability?

The bill provides that a person cannot refuse to hire on the basis of race, color, or religion, which means the reverse of that; it means that every time a person hires any employee, he must worry whether he will be charged with having discriminated against another applicant. In such a case, what does a person do to protect himself? It means that a person might not hire the best man to do the job.

That is what this editorial refers to when it states:

> If a State commission can riddle good management practices in the cause of "social significance," you can visualize the degree to which employers and unions will be shackled by a horde of inspectors operating under Federal law.

The bill provides that if an employer wishes to promote, for example, No. 3 man, who has a great deal of ability, and No. 2 man does not have quite as much ability, he will be unable to promote No. 3 man because No. 2 man may say, "Wait a minute, you are doing it because of my race or my color or my creed."

What does the employer do? He is put on the defensive. He says, "I will not promote No. 3, even though he is a better man."

Therefore, the process interferes with employment practices and interferes with an employer's getting the top man. It interferes with ability. What has made our country great is ability.

The editorial states:

> If a State commission can riddle good management practices in the cause of "social significance," you can visualize the degree to which employers and unions will be shackled by a horde of inspectors operating under Federal law.

Consider for a moment what this proposal would do to the seniority systems of unions and other organizations. Suppose a job opens up. What happens? It is in an area where there it not too much employment. Now, under a seniority system the senior man of three men would be chosen. But suppose this title becomes law and there is a man down the line who says, "Those three are white men, and you have not taken any of us Negroes." So the employer would have to take one of the others, and thus destroy the seniority system. That is what the bill would do.

Talk about proposing to do a little social justice: I am afraid this particular section would be one of the most dangerous that this Congress or any other Congress has ever considered in the history of the Nation.

Mr. Knight continues:

> Let no one be deceived by the claim that the Equal Employment Opportunity Commission will be a toothless agency, or that enforcement will be less zealous or vigorous once the presidential election is over.
>
> The civil rights bill now under consideration is a tough law. It can be used by well organized and amply financed Negro groups to harass business and industry suspected of unfair practices.
>
> It discriminates against the best workers by attempting to bring all down to a common level.
>
> The EEOC provision is dangerous to free competition; it stifles initiative; it negates freedom of action and it dilutes the American concept of advancement to the best qualified.
>
> DOWN THE ROAD?
>
> As stated previously, I see no valid reason for refusing public accommodations to a Negro, or to a man or woman of any other color who observes normal and acceptable standards of conduct.

Neither do I, even though I do not believe a law is needed which violates another guarantee of the Constitution in order to obtain such a right.

Mr. Knight continues:

> But there is great peril in the police state methods under which the EEOC would be authorized to operate.
>
> For this is not freedom but tyranny, and the exercise of discrimination in reverse.
>
> Surely, there are better ways to cope with discrimination in employment than for the Federal Government to forge chains for one segment of our society while pleading the need of more freedom for another.
>
> To again quote Justice Whittaker: "Those who would seek to solve our problems through socialistic process, rather than democratic ones, are heading down the road to darkness."

Mr. President, I ask unanimous consent that the entire editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Mar. 22, 1964]

Discrimination in Reverse—Equal Jobs Legislation Wrongs a Right

Most of the southern and other spirited opposition to the civil rights legislation now before the U.S. Senate is based upon the public accommodations section.

This clause would forbid discrimination against Negroes in restaurants, hotels, theaters, and all places of business normally open to the general public.

It is my personal view that commercial enterprises which seek business through advertising or other means have no moral or legal right to deny service to a prospective and orderly customer of any color.

In fact, Congress passed just such a law back in 1875. Its constitutionality was attacked in 1883 and after full hearing, the Supreme Court decided it was violative of the Constitution on the ground that Congress sought "to establish a code of municipal law regulative of all private rights between man and man in society."

And so, unquestionably, any new civil rights legislation may have to survive the constitutionality test, but in modern times and under vastly changed conditions.

BOSS FOR BUSINESS

I am puzzled, however, by the seeming lack of interest in another section of the civil rights bill which, in seeking to broaden job opportunities for Negroes, does at the same time severely limit the freedom of employers, labor unions, and employment agencies.

This is the section which would establish an Equal Employment Opportunity Commission, a new Federal agency empowered to police their hiring, firing, and advancement practices.

The EEOC, with headquarters in Washington and field offices in all areas of the country, will have authority to take legal action against alleged violators if the following proposals are enacted into law:

1. Employers may not deny jobs to Negroes because of race.
2. If a Negro is discharged, the employer must prove the dismissal has nothing to do with race.
3. When promotions and pay increases are given, the employer must show the absence of bias.
4. Government inspectors can examine a firm's records in search of bias. Officials and workers may be questioned.
5. The new bureaucracy can tell employers what kind of employment records to keep.

AND DISCIPLINE

In the event that the EEOC finds neglect of these and other related provisions of the law, the Commission can file a civil suit in Federal court against the employer, union, or employment agency accused of the violations.

If the court agrees with the EEOC, the employer can be ordered to (a) change his employment practices; (b) hire an individual who was turned down, or reinstate a discharged worker with back pay.

Failure to comply with the court's order will bring contempt charges, punishable by fines and possible imprisonment.

Even enlightened employers who do not discriminate in hiring and personnel policies must produce records and be able to prove their innocence.

In some instances, the employer is not permitted to turn down women applicants for jobs unless he can convince the Government that men are needed in these particular tasks.

FREE OR UNEASY?

I am quite aware that many well-meaning people justify these extreme measures as the means to a desired end.

But the piling on of Federal regulations to bring about equal opportunity is in basic conflict with our American concept of individual freedom.

As Justice Whittaker, a former member of the U.S. Supreme Court, has said: "Democracy, as a system of government, was never intended to be a leveler of men. It permits, and was intended to permit, the gifted, the energetic, the creative and the thrifty * * * to rise above the masses.

"If men really want permanent economic equality," continues Justice Whittaker, "they may find it only in communism, for such is the central theme of that philosophy. Generally men who are free do not remain economically equal, and men who remain economically equal are not free."

A CASE HISTORY

A foretaste of what will occur if the EEOC is created by Federal law was shown recently by a ruling made in Illinois.

In this case the employer (Motorola) gave general ability tests to all prospective job applicants. A Negro who failed the test charged that he was denied employment because of his race.

The Illinois FEPC then gave a reexamination to the applicant, said that he passed the test and ordered the corporation to hire him. An FEPC examiner held that Motorola's test was unfair to "culturally deprived and disadvantaged groups"; that the questions did not take into account "inequalities and differences in environment"; and that the standards for passing were based on those of "advantaged groups."

In other words, merit and ability and Motorola's standards of performance were cast aside and the employer lost his "rights." This case, which is now pending before the full Commission, has created quite a furor in Illinois, and the warning is clear.

TOUGH, DANGEROUS

If a State commission can riddle good management practices in the cause of "social significance," you can visualize the degree to which employers and unions will be shackled by a horde of inspectors operating under Federal law.

Let no one be deceived by the claim that the Equal Employment Opportunity Commission will be a toothless agency, or that enforcement will be less zealous or vigorous once the presidential election is over.

The civil rights bill now under consideration is a tough law. It can be used by well organized and amply financed Negro groups to harass business and industry suspected of unfair practices.

It discriminates against the best workers by attempting to bring all down to a common level.

The EEOC provision is dangerous to free competition; it stifles initiative; it negates freedom of acton and it dilutes the American concept of advancement to the best qualified.

DOWN THE ROAD?

As stated previously, I see no valid reason for refusing public accommodations to a Negro, or to a man or woman of any other color who observes normal and acceptable standards of conduct.

But there is great peril in the police state methods under which the EEOC would be authorized to operate.

For this is not freedom but tyranny, and the exercise of discrimination in reverse.

Surely, there are better ways to cope with discrimination in employment than for the Federal Government to forge chains for one segment of our society while pleading the need of more freedom for another.

To again quote Justice Whittaker: "Those who would seek to solve our problems through socialistic processes, rather than democratic ones, are heading down the road to darkness."

Mr. SMATHERS. Mr. President, I shall return to my speech, following the delightful excursion with the able, charming, and challenging senior Senator from Minnesota [Mr. HUMPHREY]. I was speaking at the time about the failure to follow the rules. I should like to read into the RECORD at this point an interesting commentary on this point. I am sorry I did not do so while the able Senator from Minnesota was in the Chamber. Many times an argument has arisen as to whether the Senate should conduct extended discussions of this type. Soon an attempt will be made to cut off debate by voting cloture. One of the most respected columnists I have ever read or of whom I know is Mr. Walter Lippmann. I do not believe that by any classification one could say that Mr. Lippmann is a strong reactionary or an overzealous conservative. I have been reading Walter Lippmann since my college days. It has been my observation over the years that he has been as sound a man as I have ever read. Were I ever privileged to hold a high and exalted position, in which I had to make decisions on numerous matters, there is no doubt in my mind at this moment, and I do not believe there would be then, that I would call upon Mr. Lippmann and his exceptional talents for perception and wise judgment. I would call upon him frequently to advise me. I know that Presidents have done that. I have personal knowledge of some Presidents who have talked with him about matters of the day.

As we move into the debate on the bill, we might get some light and learning from Mr. Walter Lippmann and what he has said as to whether the Senate should have full and free, and sometimes even lengthy, discussions—even filibusters, if that is what it is desired to call them—on questions of great importance to a region, to an area, or to a group of people.

A book entitled "The Essential Lippmann" has been compiled by Clinton Rossiter and James Lare, and published by Random House, not too long ago. I obtained a copy, because I am interested in Mr. Lippmann's writings. The book contains a chapter entitled "The Tensions of Constitutionalism." I wish to read what Mr. Lippmann said at one time in his column entitled "Today and Tomorrow." Actually, the book is a compendium of statements and speeches Mr. Lippmann has made, including many of the columns he has written over the course of many years. In a section entitled "The Uses of Constitutionalism," Mr. Lippmann wrote:

The Uses of Constitutionalism

("The Democracy," Today and Tomorrow, November 26, 1936. The angry reaction to the Supreme Court's nullification of critical parts of the New Deal program offered Lippmann an opportunity to examine the significance of constitutionalism in a democracy.)

> Through all the comment it is implied, and apparently never questioned, that the American Government would be more progressive, more democratic, and more liberal if the courts ceased to interfere with Congress and the State legislatures.
>
> Thus the whole argument assumes that in one way or another the lawmakers ought to have a freer hand, in fact that any temporary majority of elected representatives ought to be able to make the law of the land.
>
> This assumption needs to be examined for it is altogether opposed to the spirit of American constitutional democracy. In Britain, Parliament is supreme and in theory anything can be done by the act of any Parliament. In theory Parliament can abolish the monarchy, the House of Lords, the courts, the civil service, private property, civil liberty. Actually these things are not likely to be done because custom and usage are powerful restraints upon the supremacy of Parliament. But the authors of the American Constitution were establishing a government for a new nation, for a nation in the making, for a nation without a strong and well-defined unwritten law. And being men of great insight into the art of government, they set up a constitution intended by its own provisions to do what the unwritten law does in England.

I hope that Senators who, I regret to say, are not now in the Chamber in great numbers, will perhaps read in the RECORD tomorrow what Mr. Lippmann has written. At least, I should like to think that they will do so.

> They made a constitution which deliberately denies that the opinion of a temporary majority is to be regarded as the will of the people. The ultimate authority, of course, is in "the people." But the will of the people is not confused with the opinions of 51 percent of the votes at any particular election. Therefore the whole American system is devised to see to it that in fundamental matters affecting the liberties and the property of individuals, and the rights of local communities, the will of the people shall be thoroughly known before great changes are finally adopted. The authors of the Constitution were interested not only in what 250 Congressmen think ought to be done, not only in what 51 percent of the voters think they think on election day, but in what these politicians and voters will think when they have cooled off and learned more. The founders were equally interested in the 49 percent, and they meant to see to it that before anything final and radical was done, the minority should have plenty of time to make themselves heard. Nor were they interested only in counting heads. They meant to create a system in which sections and regions could not suddenly override smaller sections and smaller regions.

That has some application to this debate, because there is no doubt that the South today is a minority group, a smaller region than the rest, and is about to be overridden. Mr. Lippmann continues:

> This is the purpose of the famous system of checks and balances and of constitutional supremacy and judicial construction. It is based on a refusal to believe that a true democracy means the dictatorship of transient pluralities.
>
> This is a more deeply democratic conception of popular rule than one which gives transient majorities supreme power. Compare it with the kind of popular rule by which Napoleon III made himself Emperor, by which Hitler made himself dictator, by which the people of the Saar voted away their right to vote again on how they shall be governed.
>
> There you have the naked result of the doctrine that passing majorities should be supreme. They are so supreme that in one hysterical plebiscite they can vote away their own and their children's right to change their minds. They are so supreme that they can vote away their supremacy. And so Hitler in planning to have the Nazis rule Germany for a thousand years as a result of an election held in the winter of 1933.
>
> This is the reductio ad absurdum of popular rule, and our system recognizes no such nonsense. It conceives the people as varied and differing human beings, liable to be swept away by passions but capable of learning from experience and of listening to reason. In great matters the will of the American people is not to be formed overnight, in a whirlwind campaign, in the midst of a passing emergency, but slowly, after prolonged argument, after repeated opportunity to make the opposition effective, by consulting the voters several times and in different ways, by letting Philip sober make up his mind when Philip is no longer drunk. We recognize, in short, the simple truth that we are human, not very wise, not very far seeing, likely to do foolish things, and that it takes time to find out what we really mean, and to correct our mistakes.
>
> This system is worth defending, particularly by those who believe in democratic government. That does not mean that the Supreme Court is infallible, or that the Court itself has invariably seen the issues clearly and dispassionately, or that enlightened judges are not preferable to unenlightened ones. But it does mean that the system of checks and balances which compel passing majorities to reconsider their opinions and enables minorities to challenge those opinions is more truly democratic than one which allows majorities to do what they want when they want to do it. That other system is not democracy but the dictatorship of the majority. And the dictatorship of temporary majorities leads, as the constitutional fathers saw so clearly, to the dictatorship of oligarchs and demagogs.

Mr. President, it seems to me that that article is most appropriate to this debate, because here we are, in the heat of passion, with demonstrations going on around the country, and great irritations and frustrations on the part of numbers of people, and we have become frightened and worried about the situation; and now it is said that if the civil rights bill is passed, it will solve the problem and will let off steam and will be the answer. So what do we do? If cloture is invoked—and a two-thirds majority is required to do that—51 Senators will be able to vote to deprive our citizens of some of their constitutional rights, in order to try to ameliorate another situation and to pacify a certain minority group who now are not particularly satisfied with the situation in which they find themselves.

I wish to read from another article in this book by Walter Lippmann; this one is entitled "The Right of Filibuster."

I should like to ask the Senator from Minnesota and other Senators for their judgment about Walter Lippmann. I think it would be what mine is; namely, that he is a great man and a highly respected man. He has been writing for a long time, and he has, I believe, as good an understanding of our government and of what is transpiring today as that of anyone else I know of.

This is what Walter Lippmann has written about the filibuster:

> It is generally assumed that it is rather undemocratic and disreputable to carry on a filibuster in the U.S. Senate. The filibuster is, of course, a weapon of the minority. It is a device for prolonging the debate in order to prevent the majority from voting to pass a bill, and those who feel that democracy means that any majority should be able to do whatever it chooses, whenever it chooses, naturally condemn the filibuster.
>
> They are, I think, mistaken. It can be shown, I feel sure, that the filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and that it is one of the very strongest practical guarantees we possess for preserving the rights which are in the Constitution.

Yet there are here those who are less wise, but who, somehow, now have the majority power, and they wish to eliminate the filibuster because they do not understand it. They do not realize that the day may soon come when they will be in the minority, and that then in a situation of heat and passion, such as the present one, they could be overridden.

As Walter Lippmann has written, they must understand that the right of filibuster helps preserve the rights which are guaranteed in the Constitution.

I read further from the article by Walter Lippmann:

> The apparent objection to the filibuster—that it obstructs the rule of the majority—is easily disposed of. The majority of the Senate has the power to apply cloture at any time.

Apparently this was written before the adoption of the present rule XXII—

> In other words, whenever a majority wishes to stop a filibuster it can vote to stop it, and after that no one may speak more than once or longer than 1 hour on the pending measure. Therefore, though the filibuster is conducted by a minority it can only be conducted with the consent of the majority.

That rule has since been changed somewhat, in that respect.

I read further from this article by Walter Lippmann:

> Behind this more or less technical justification of the filibuster there is a much more substantial justification. Democracy, as we have always understood it in America, has never meant the unrestricted rule of the majority. Our whole constitutional system is based on a conscious and deliberate rejection of that principle, and the insistence, in place of it, upon the principle that it is not the bare current majority but the great ultimate majority, the majority which is formed after there has been plenty of time for debate, which is sovereign in this democracy.
>
> Thus there is no guarantee in the Constitution—of freedom of conscience, of the press, or even of the prohibition of human slavery—which a great majority of the voters cannot repeal. The final power is in the people and they can, if they decide, amend the Constitution in order to establish a complete despotism. But they cannot do it as the German Reichstag did 5 years ago when by majority vote it consented to commit suicide. American liberty is ever so much more strongly entrenched, and the majority of the moment cannot vote away the democratic

> system or the constitutional rights of the individual.
>
> That can be done in America only if there is an overwhelming majority and then only after the minority has had time to make a thorough appeal to the conscience of the people. That is what is meant by the checks and balances of the American Constitution. That is why we have a Constitution which limits the power of Congress, of the President, of State legislatures and of Governors. That is why the Constitution is interpreted by an independent judiciary. That is why this Constitution cannot be amended until an enormous and deliberate majority speaking through two-thirds of both Houses of Congress and three-quarters of the States consents to the amendment. And that is why in one of these Houses, the Senate, we have the jealously guarded tradition of unlimited debate, and why a majority of the Senate is very reluctant to apply cloture and stop debate.
>
> No frame of government can absolutely guarantee human liberty. But the American system, whatever its other faults may be, is the most ingeniously and elaborately contrived mechanism on earth to make it difficult to abolish liberty in a gust of popular passion.
>
> If we ask ourselves how we are to know when a minority is justified in using the mechanism to obstruct the majority, the answer is, I think, clear enough. Only a minority with deep convictions facing a majority with weak convictions can under the present rules conduct a filibuster.

Mr. President, I think that kind of statement is worthy of consideration. I think it is worthy of the consideration of even those who would in effect, by the passage of the bill, actually change our system in some respects by giving to the Federal Government authority which it was never intended that it have—the authority to regulate businesses which are not really in interstate commerce.

We know that when the Founding Fathers talked about commerce, they were not talking about the type and character of commerce that exists today. They recognized the rights of States. That is why in the 10th amendment they reserved to the States every right which was not specifically given by the States to the Federal Government. We forget those things, as Walter Lippmann said, in a "gust of popular passion." It is something that becomes popular in the day. That is why in the Senate we must take the time to explain at some length whát we, the minority, think really might be happening to us.

In 1949 Mr. Lippmann wrote in "Filibusters and the American Idea"—

> In the American system of government the right of "democratic decision" has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of "democratic decision."
>
> The American idea of a democratic decision has always been that important minorities must not be coerced.

I did not make that statement. I do not know of any southerner who made that statement in those beautiful words. Mr. Lippmann said it.

Who is the minority today? The South is the minority. On this issue it has been in the minority since 1860. As I said to someone today, "They talk about a minority. I know what it is to be in the minority." No southern Senator or southern politician is ever considered for any office above one representing his State.

We have one in the White House now, though he is a little farther west, only because a great President who was assassinated November 22 of last year saw the wisdom of breaking this habit and this discrimination which had existed for 100 years, by putting Lyndon Johnson on the ticket as Vice President. Most of the press does not treat Members of Congress who represent their States in the South very generously. All we need to do is to pick up the newspaper and look at the caricatures of southern Senators and the cartoons, and look at the things which they say about them in Baltimore, the New York Times, some of the Chicago newspapers, the Washington Post, and some others that we read every day. I do not know of any minority that is insulted more every day than southern Members of Congress, who get the feeling that they are definitely in the minority and in some places are not particularly wanted. But we have a bill before us which seeks to coerce the minority. That is what Walter Lippmann is talking about. He said—

> When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision—to respect the opposition and then to accept the burden of trying to persuade it.
>
> For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.

That is what I tried to say a moment ago. If we are really trying to eliminate discrimination—and that is what apparently they are trying to do in the bill—we cannot do so by passing more laws and putting more laws on top of more laws, because that does not get at the real problem. Those who in their hearts and minds wish to discriminate will discriminate. The only way we shall really eliminate discrimination is to eliminate it from the hearts and minds of people.

Mr. Lippmann continued:

> For that reason it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by the vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.
>
> This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device, to prevent large and determined communities from being coerced.
>
> The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.

Mr. HUMPHREY entered the Chamber.

Mr. SMATHERS. My delightful friend from Minnesota has returned. I missed him.

Mr. HUMPHREY. I am here.

Mr. SMATHERS. I wish to ask the Senator his opinion of that very great writer, Mr. Walter Lippmann.

Mr. HUMPHREY. It depends on which year the Senator is quoting from.

Mr. SMATHERS. The Senator is not only delightful; he is very astute.

Mr. HUMPHREY. Mr. Lippmann is a great writer, but a man who obviously, like most other people, has matured. In the last decade he has become one of the outstanding statesman and writers of our times.

Mr. SMATHERS. Does the Senator desire to categorize him, and to say that in the 1940's and the 1950's he did not know very much?

Mr. HUMPHREY. Oh, no. I did not say that. I said that, as a great man, he learns. Great men do learn. That is the process of change.

Mr. SMATHERS. For that reason I have great hope for the Senator, who is also a great man. He, too, will learn.

Mr. HUMPHREY. The Senator gives me much encouragement.

Mr. SMATHERS. I am reading from a book entitled "The Essential Lippmann," in which the author speaks about filibusters, why they are essential, and why they protect the minority rights. He speaks of a transient majority, which is sometimes a very dangerous thing. He points out that 51 percent of the people in Germany voted themselves out of existence. He points out that no despot ever came to power who did not come to power in the name of helping the little man protect certain individual rights and liberties. Then, after having come into power, he turned on the people.

Mr. HUMPHREY. Does the Senator tell me that the people in Germany voted themselves out of existence with a 51 percent vote? Hitler never got over 40 percent of the vote.

Mr. SMATHERS. The Reichstag voted Hitler in. It is more accurate to say that the German Reichstag consented by majority vote to the demise of its power.

Mr. HUMPHREY. The people of Germany never gave Hitler a majority vote.

Mr. SMATHERS. The people of Germany did not, but the Reichstag did.

The point that Mr. Lippmann has tried to make is that if we give the people time to know what the issue is all about, in time it will be proved that the people are always right.

Mr. HUMPHREY. Correct.

Mr. SMATHERS. That is Mr. Lippmann's fundamental point. In time the people are always proved right. But if a people lets its legislative body and spokesmen respond to certain passions—transient passions and transient issues that occur—and they vote on issues in a moment of great urgency, or the legislative body feels that it is a question of great urgency, inevitably it ends up at the wrong solution.

Mr. HUMPHREY. Will the Senator tell me whether the article from which he is reading was written in about the middle of the 1930's?

Mr. SMATHERS. No; I am now reading from a portion of the book which was written in 1949, one year short of 1950. I believe the Senator has already said that in the decade of the 1950's he was pretty good.

Mr. HUMPHREY. What is the name of the article?

Mr. SMATHERS. "Filibusters and the American Idea."

Mr. HUMPHREY. "Filibusters and the American Idea." Does Mr. Lippmann come out for the filibuster or does he come out for extended debate?

Mr. SMATHERS. I will read it:

> In the American system of government the right of democratic decision has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of democratic decision.
>
> The American idea of a democratic decision has always been that important minorities must not be coerced. When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision—to respect the opposition and then to accept the burden of trying to persuade it.

Mr. HUMPHREY. That is what we are trying to do.

Mr. SMATHERS. The article continues:

> For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance, having been overriden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.
>
> For that reason it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by the vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as, for example, in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.
>
> This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device, to prevent large and determined communities from being coerced.
>
> The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.
>
> The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.
>
> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

That is what Mr. Lippmann had to say. I am trying to say that I think it has great application to the particular situation in which we find ourselves today.

Mr. HUMPHREY. A very fine article.

Mr. SMATHERS. We are all disturbed by the demonstrations. We would like to see the demonstrators get in the courts and off the streets. I know that this is what some of my good friends who are very much in favor of this bill believe is going to happen. On the other hand, I think we must agree that the bill would reach into the lives of the majority of the people and in some ways regulate and redirect the lives of many people. It really goes much further than we may think it does at this moment. It actually goes to the point, in the minds of some people—certainly not the Senator from Minnesota, but in some areas—that the South should be punished again.

I know the Senator from Minnesota [Mr. HUMPHREY], the majority leader [Mr. MANSFIELD], and the acting minority leader [Mr. COTTON] do not subscribe to that theory at all, but I know in some areas they want to see the bill passed for that very reason.

The South is a minority at the moment. If the majority, on the basis of demonstrations and all the heat which has been generated by reason of the various problems which we recently have seen publicized in the papers, passes a far-reaching bill, we are likely to do a great detriment to our constitutional system. That is not intended, but there will be a great detriment done to our constitutional system.

In the long run, rather than accomplish the mission that is sought to be accomplished, which is to bring about a better understanding among people of different races, creeds, and color, I am afraid antagonisms and divisions will be created. Rather than increase anyone's liberties, I believe it would stop the people's liberties and deprive a certain group of people of constitutional liberties.

Mr. Lippmann deserves to be considered in the debate. As I said earlier, I think he is a wise man. I do not draw a time limitation on that statement. I thought he was great in 1936. I thought he was great in 1946. I thought he was great in 1956. I think he is particularly great in 1964. I think almost everybody else has the same respect and feeling for him.

I continue with my statement.

Is this respect for procedure? Is this simple respect for one's colleagues? I think not. Were this an isolated example of the "win at any cost" philosophy surrounding this proposed bill, the danger would not be so great, perhaps, to warrant the attention I have given the subject.

But it is not an isolated example, it is part of a preconceived plan to push aside all those who cherish order and principle, and thrust home the passage of a hastily and ill-written bill.

This plan is evidenced throughout, from the limitation of floor debate in the House of Representatives to 5 minutes per Member, to the proposal to forbid floor amendments in the Senate.

Where is this bill to get the desired study necessary for good legislation? Not in the House committees, according to the report I quoted before. Not in the 5 minutes of debate per Member on the floor of the House of Representatives. And not in the Senate Judiciary Committee if we do not put principle before expediency. And if not in the Senate committees, with this no-amendment rule in effect, this legislation will never have anything comparable to the study and unhurried discussion so necessary for a bill of this nature.

In short, without touching on the merits of the bill itself, it is obvious that the one proper course open to us as men of honor, mindful of our duties to the citizens of this country, is to refer the so-called civil rights bill of 1963 to committee for appropriate action.

This is technically correct, and despite the pressures of power politics, it is the morally correct choice, both for ourselves as honorable men dealing with honorable men, and as Senators of the United States dealing with the trust of this Nation.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD an article which appeared in tonight's Washington Star, by David Lawrence, another great editor. I do not happen to agree with him quite so much as I do with Mr. Lippmann, but I must say I think he is a great American, a great citizen, and a great writer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIVATE CLUBS FACE RIGHTS FIGHT—FACILITIES OPEN TO MEMBERS' GUESTS ARE NOT EXEMPT IN PROPOSED LAW

(By David Lawrence)

The private club in America is headed for legal trouble—maybe lots of it. The civil rights bill already passed by the House and awaiting action in the Senate stipulates that in certain respects private clubs will no longer be private under the proposed law.

Not all private clubs will be affected, but primarily those which provide lodging as well as a restaurant service or swimming pools or the use of golf courses to guests of members or which allow patrons of a nearby hotel to use their facilities.

Read literally, the proposed law would seem to mean that, while the private clubs are exempted in many respects, the exemption does not cover club facilities which are made available to guests of members.

Are these guests to be regarded as part of the public? If a member chooses, for instance, to give a guest card to a Negro, the visitor must be furnished lodging or permitted to use the golf courses or swimming pool. If any of these facilities are denied to him, discrimination on the basis of color

> can be charged, and the club officers can be hauled into court. The same thing would be true with respect to guests who happen to be of a particular religion or national origin.
>
> The bill pending in the Senate says under title II, section 201:
>
> "(A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.
>
> "(B) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:
>
> "(1) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence."
>
> Also, in other parts of the bill, among the facilities specifically listed as "public accommodations" which cannot engage in any form of discrimination are restaurants, cafeterias, lunchrooms, "or other facility principally engaged in selling food for consumption on the premises," and "places of exhibition or entertainment," such as movie houses, theaters, sports arenas, and concert halls.
>
> It has been assumed by many Members of both Houses of Congress that private clubs are to be exempted, but a careful reading of the exemption clause now raises doubts. This subsection of the House bill pending before the Senate says:
>
> "(E) The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (B)."
>
> But an "establishment" is defined under subsection (B), as one "which provides lodging to transient guests" or one "principally engaged in selling food for consumption on the premises." Can private clubs be sure that, when they furnish such facilities to guests of their members, the "public accommodations" provisions and penalties do not apply?
>
> Many private clubs operate eating places for members and guests and provide rooms for lodging, as well as such other facilities as barbershops, recreational rooms, massage parlors, and even swimming pools. In the larger cities, some clubs are, for all practical purposes, just like hotels. These are usually organized by alumni of various colleges and universities and are owned by their members. Some of the exclusive clubs which are in reality hotels that serve transient guests have been established primarily by business and professional men.
>
> What is meant, moreover, by the words "bona fide private club," or the words "any other establishment open to the public"? There are some hotels in resort areas which function as private clubs because they issue membership cards and require a nominal payment of dues annually. A membership card entitles the holder to send his friends to the hotel as guests.
>
> In a "bona fide private club," there are often restrictions as to the use of lodgings and other facilities. The fact remains, however, that under the proposed law, the courts will have to decide whether any private club which permits as guests persons of certain races or creeds or national origin to use its lodgings or its restaurant or its barbershop or its golf course or swimming pool can be compelled to open these facilities to guests of all other races or creeds and irrespective of national origin.

Mr. SMATHERS. The article is headed "Private Clubs Face Rights Fight—Facilities Open to Members' Guests Are Not Exempt in Proposed Law."

This is another particular evil with respect to the bill that I had not originally intended to discuss at this time, but so long as I am placing the article in the RECORD, I shall discuss it. Perhaps we can get into a little dialogue with the Senator from Minnesota and discuss some of the uses to which the provisions of the bill can be put.

The article continues:

> The private club in America is headed for legal trouble—maybe lots of it. The "civil rights" bill already passed by the House and awaiting action in the Senate stipulates that in certain respects private clubs will no longer be private under the proposed law.
>
> Not all private clubs will be affected, but primarily those which provide lodging as well as restaurant service or swimming pools or the use of golf courses to guests of members or which allow patrons of a nearby hotel to use their facilities.
>
> Read literally, the proposed law would seem to mean that, while the private clubs are exempted in many respects, the exemption does not cover club facilities which are made available to guests of members.
>
> Are these guests to be regarded as part of the "public?" If a member chooses, for instance, to give a guest card to a Negro, the visitor must be furnished lodging or permitted to use the golf course or swimming pool. If any of these facilities are denied to him, discrimination on the basis of color can be charged, and the club officers can be hauled into court. The same thing would be true with respect to guests who happen to be of a particular religion or national origin.
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> The bill pending in the Senate says under title II, section 201:
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> "(A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.
>
> "(B) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

Paragraph 1 reads as follows:

> (1) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

Also, in other parts of the bill, among the facilities specifically listed as "public accommodations" which cannot engage in any form of discrimination are restaurants, cafeterias, lunchrooms, "or other facility principally engaged in selling food for consumption on the premises," and "places of exhibition or entertainment," such as movie houses, theaters, sports arenas, and concert halls.

It has been assumed by many Members of both Houses of Congress that private clubs are to be exempted, but a careful reading of the exemption clause now raises doubt. This subsection of the House bill pending before the Senate says:

> (E) The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).
>
> But an "establishment" is defined under subsection (b) as one "which provides lodging to transient guests" or one "principally engaged in selling food for consumption on the premises." Can private clubs be sure that, when they furnish such facilities to guests of their members, the "public accommodations" provisions and penalties do not apply?

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am glad to yield, but I should like to finish this article.

Mr. HUMPHREY. Why does not the Senator finish the article and then we will make some legislative history.

Mr. SMATHERS. Yes, let us make some legislative history. I am for it.

I read further from the article:

> Many private clubs operate eating places for members and guests and provide rooms for lodging, as well as such facilities as barber shops, recreational rooms, massage parlors, and even swimming pools.

I know the Senator from Minnesota belongs to the Army and Navy Club, which has a variety of types of facilities, but it is still considered to be a private club, open only to certain military people and Members of Congress or the Government. No one else can get in unless he has a card.

Now, I shall continue reading the column by David Lawrence:

> In the larger cities, some clubs are, for all practical purposes, just like hotels. These are usually organized by alumni of various colleges and universities and are owned by their members. Some of the "exclusive" clubs which are in reality hotels that serve transient guests have been established primarily by business and professional men.

We know about this type of club. There is the New York Athletic Club; there is one in Washington called the Washington Athletic Club. There is the Yale Club. There is the Alumni Club of Princeton, and so forth.

I read on:

> What is meant, moreover, by the words "bona fide private club" or the words "any other establishment open to the public"? There are some hotels in resort areas which function as private clubs because they issue membership cards and require a nominal payment of dues annually. A membership card entitles the holder to send his friends to the hotel as guests.
>
> In a "bona fide private club," there are often restrictions as to the use of lodgings and other facilities. The fact remains, however, that under the proposed law, the courts will have to decide whether any private club which permits as guests persons of certain races or creeds or national origin to use its lodgings or its restaurant or its barbershop or its golf course or swimming pool can be compelled to open these facilities to guests of all other races or creeds and irrespective of national origin.

That is the end of the article as it was published in the Washington Evening Star this evening.

I should like to ask the Senator from Minnesota what is his understanding with regard to the bill as it pertains to so-called private clubs?

Mr. HUMPHREY. David Lawrence in his article has quoted generously and accurately from title II of the bill. He quotes from subsection (b), section 201, and also quotes subsection (a) and subsection (e). First of all, I direct the attention of the Senator to subsection (e) which was quoted in the column, which provides:

> The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

Section (b) reads:

> Each of the following establishments which serves the public—

"Which serves the public"—that is the controlling phrase, and is the controlling language that relates to subsection (e) when a private club loses its identity as a private club and becomes a public facility.

To put it more precisely, the Army and Navy Club which the Senator mentioned is well known in this community. It has a fine golf club, recreational facilities, swimming pools, dining rooms, recreational halls. It is a membership club. It is a private club and has within its bylaws provisions for members to bring in guests. It is not open to the public.

Not everyone can stop by and say, "Hello, my name is John Jones, and I would like to come in and have dinner," because he would be asked for his membership card. Each membership card generally carries a number.

If, however, a member of the club called up the manager and said, "My friend, John Jones, is coming out to the club, and I want you to see that John Jones, his wife, and family have a nice dinner, and put it on my club card." That means John Jones would be a guest, enjoying the hospitality of a member of the club. There is nothing in the bill that applies to such a club, except that it would be exempt.

However, if on Saturday night, let us say, the Army and Navy Club decided it did not have enough income from its membership, and that once a week it had to open its facilities to anyone and everyone around the District of Columbia, Maryland, and Virginia, or anyone that came through; in other words, suppose it put up a big neon sign out at the gate which read, "Tonight these facilities are open to one and all. Come one, come all. Reasonable rates, good dinner, lots of fun, dancing, and pretty girls, swimming pools, and so forth," the club would give the whole treatment when that sign went up. But it would cease to be a private club, it would take on the character of a public facility or a public business under which it would become an institution or a facility serving the public.

It is that simple.

Whenever a private club loses its identity for whatever purpose it may be and becomes a facility that readily serves the public, then it is a public facility, and the effect of the proposed statute would apply.

Take, for example, the Cosmos Club, the Army and Navy Club, the University Club, the Union League Club, the Minneapolis Club, or the Minneapolis Athletic Club, to one of which I am privileged to belong. Those are private membership clubs. In fact, the Minneapolis Club is so private that my wife cannot even go in the front door. They make her use the back door.

Mr. SMATHERS. That is discrimination.

Mr. HUMPHREY. It really is discrimination. I protested, but to no avail. But this bill would not eliminate that kind of discrimination. It is a private club. I wish to make it clear that I do not believe there should be a Federal law which provides that a private club should be managed this way, or managed that way. A private club is a fraternal, civic body. It has a purpose for existing. It has a charter, it has bylaws, and its members agree to live up to those bylaws.

Mr. SMATHERS. I agree with the Senator from Minnesota. I am frankly pleased to hear his explanation. I gather Mr. Lawrence is concerned about the phrase in section (e), subparagraph (e), which reads "except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b)."

Mr. HUMPHREY. The Senator is correct.

Mr. SMATHERS. Subsection (b) has only to do with the public, and he apparently has overlooked that. What he thought was——

Mr. HUMPHREY. The Senator is correct.

Mr. SMATHERS. Because one had restaurants——

Mr. HUMPHREY. The Senator is correct.

Mr. SMATHERS. Because one had restaurants there, and people came in and guests were admitted. Thereafter it would lose the characteristics of a private club, because there was a restaurant serving a guest and, therefore, the whole thing would be opened up and the Federal Government would be able to take it over.

Mr. HUMPHREY. Exactly. My view is that that is not the case. I might go further. The Senator from Florida is a very generous, hospitable man. He likes to entertain his friends. I can well imagine that the Senator from Florida would have membership in a private club—let us take the Army and Navy Club as an example—and might decide that in the next week or two he would like to take to dinner about 15 of his colleagues in the Senate and their wives, for a little friendly get-together. Personally I would hope that he would bring along a few other people, to liven up the party.

Mr. SMATHERS. If the Senator from Minnesota were among the guests, we would not need anyone else.

Mr. HUMPHREY. That might be true. I was trying to wangle an invitation. If the Senator were to do that, even though not one of those 15 persons was a member of the club, inasmuch as the Senator picked up the tab—because it was the Senator's evening, so to speak—that little party would not make the club take on public characteristics. It would still be a private club, because those people would be there because the Senator from Florida had invited them.

However, if the club were trying to make ends meet—and that is not unusual these days—and the board of directors decided that a substantial section of the club's facilities should be open to the public, it would then take on the characteristic of a public place, and it thereby would lose its special exemption. That is all that is provided in the bill. I do not believe that Mr. Lawrence's worry is justified.

If a club were established as a way of bypassing or avoiding the effect of the law, and it was not really a club—I am sure the Senator knows what I mean—and there are clubs like that in existence, where anyone can step up and pay $2 and in that way become a member, with the $2 being used as a kind of cover charge, that kind of club would come under the language of the bill.

However, the kind of club Mr. Lawrence is worried about would be exempt. If the proposed statute is not adequate to give that kind of club an exemption, and to make it crystal clear that it would be exempt, I would favor writing in clarifying language to that effect.

Mr. SMATHERS. I do not know what clubs Mr. Lawrence belongs to, but I am sure that what the Senator has said will relieve in a great measure his apprehension on that point, and that of many people who enjoy the privilege of belonging to a private club.

In view of the failure of proponents of the bill to follow the procedures of Congress in presenting this bill for consideration, it is not surprising that the procedures provided in the bill to accomplish its goals are deficient.

Every person versed in the working of law, in the administration of justice, and in the preservation of liberty recognizes that procedural guarantees transcend substantive goals in relative importance. The value judgments of nations change as the composition of the majority of the governed changes, as economic, social and other conditions change, and as individual concepts of morality change. While most "end goals" change, basic standards of procedural fairness should be preserved in order to assure the preservation of our democratic society and our individual liberties.

The importance of the manner in which goals are accomplished is perhaps best illustrated by the Constitution itself which is almost entirely concerned with procedures—

With the manner in which Congress is constituted and how it shall operate;

With the method of Presidential selection;

With the jurisdiction of judges;

With the effect of laws of one State in another;

With the prohibition of retroactive criminal laws;

With guarantees of expression; and

With the procedures that assure a fair trial.

Traditionally, those professing liberalism have meticulously sought to preserve these procedural guarantees of fairness. When the substantive goal has become too passionately desired, however, there has been a tendency by those of all political persuasions to abandon faith in our normal democratic processes designed to permit the achievement of substantive goals. A problem which has existed for years and which has been gradually solved through human interchange over these years, must suddenly be resolved in a few months without discussion by those charged with the responsibility for resolution. The "solution" achieved requires its implementation in a manner designed to avoid justice.

The procedures prescribed by the Civil Rights Act of 1963 are deficient in many respects, but for the present I wish to focus the attention of Senators on only a representative few of these deficiencies. These are the provision of criminal sanctions without appropriate procedural safeguards, including jury trial; the abandonment of traditional appellate and trial procedures; and the abandonment of deference to administrative procedures and State-created remedies.

Mr. HUMPHREY. Mr. President, the Senator has studied the bill carefully. I should like to ask him where there is any abandonment of appellate procedures.

Mr. SMATHERS. I will go into great detail on that point. If I start to ad lib at this moment I will not do as understandable a job as I will do if I read my prepared text. I shall give the Senator the alpha to omega on the question.

CRIMINAL SANCTIONS WITHOUT PROCEDURAL SAFEGUARDS

One of the major procedural deficiencies of the bill is its employment of criminal sanctions to enforce a so-called civil right without the safeguards that normally accompany criminal charges. The method of enforcement generally employed with respect to the various titles of the bill is injunctive relief. For example, under title IV the Attorney General may seek to enjoin segregation of public schools, and under title VII of the bill the proposed Equal Employment Opportunity Commission may seek to enjoin employment practices which the title declares to be unlawful. Finally, the public accommodations title of the bill employs the injunctive process to achieve its goals.

Proponents of the bill describe the sanctions employed in the bill as "civil suits." Any harshness of remedy is disclaimed. For example, the report of the House Judiciary Committee states:

> The prohibitions of title II would be enforced only by civil suits for an injunction. Neither criminal penalties nor the recovery of money damages would be involved.

Thereafter, however, the report notes that "persons violating an injunction would, of course, be subject to contempt sanctions. * * *"

How do these so-called "civil suits" operate? A typical example of how the injunctive process prescribed by the bill might work follows:

An automobile dealer in Washington, D.C., employs 25 persons, including 4 Negroes employed as mechanics and car salesmen. A complaint is made to the Equal Employment Opportunity Commission that this dealer discriminates against Negroes in employing salesmen. Without utilizing informal procedures to obtain voluntary compliance, the Commission exercises its discretion to seek injunctive relief. A hearing is held before a judge who issues an injunction ordering the employer not to discriminate, and ordering him to hire as a salesman one Joe Jones, who had previously applied for, but had been refused, a job. The dealer does not believe that Jones will be an honest, hard-working employee and, notwithstanding the court's order, the dealer refuses to employ Jones.

In the meantime, the dealer refuses to hire one other job applicant. The dealer is charged with the crimes of violating the injunction in two respects: First, failing to hire Jones, as directed, and second, discriminating by refusing to hire the other job applicant. This charge is not made by an indictment returned by a grand jury but is made by the judge who issues a "show cause" order. When the dealer is tried, he is not permitted to have a trial by jury, but he is tried by the judge who issued the contempt charge in the first instance. Upon trial by the judge without jury, the dealer may be sentenced to jail for substantial periods of time.

I think that is a rather good illustration of what we mean by the failure to follow ordinary legal protections. We have a situation here in which a judge issues the first order. The judge issues the injunction. The judge issues a contempt citation, and then he tries the whole case himself. He punishes the man and puts him in jail.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Is this an unusual procedure?

Mr. SMATHERS. Yes. This is an unusual procedure.

Mr. HUMPHREY. Has the Senator ever voted for this type procedure before?

Mr. SMATHERS. I may have. I do not recall it. I hope I have not.

Mr. HUMPHREY. Does not the Federal Aviation Agency have the same type of procedure?

Mr. SMATHERS. I do not believe so.

Mr. HUMPHREY. Does not the Interstate Commerce Commission have the same type of procedure?

Mr. SMATHERS. I am not talking about the three-judge court.

Mr. HUMPHREY. No. I am talking about the type of cease-and-desist order and injunctive relief which is typical when there is an administrative proceeding and the agency is not empowered by itself to mete out discipline or punishment. The agency must go to a court. The court enforces the cease-and-desist order. This is true under the National Labor Relations Act. This is true under the Interstate Commerce Act. It is true under the Securities and Exchange Commission Act. This is true under the Wage and Hour Act. I hardly know of any bill or law which we have passed, Senator, in which this type of action is not typical.

Mr. SMATHERS. Frankly, I am not in a position to debate that particular point, because I do not know what the procedure is. I would be much surprised, however, if that were so. This is something on which I will educate myself in the next 24 hours, and I shall find out. I would be much surprised, however, if when one has a case before the Interstate Commerce Commission with respect to certain rules and regulations, an order is issued after a finding. In the first place, the procedure before the Interstate Commerce Commission is a little different than it would be before this Equal Employment Opportunity Commission. In such cases the burden of proof is usually on the complainant all the way through. The burden of proof is not shifted, as it would be with an employer in this particular case. Suddenly, the employer has to undertake his own defense, rather than being presumed innocent under the law until proved guilty. By the mere action of the Commission or investigator of the Commission, he suddenly is placed on the defensive and brought before a judge. Then he must prove his innocence. He has the burden of proof.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from New Hampshire.

Mr. COTTON. I am glad that the distinguished Senator from Minnesota, in quoting the illustrations of other cases in which this sort of procedure has been used, mentioned the National Labor Relations Board. I have vivid recollections of exactly what happened under the Wagner Act when it was first put into force. I think of it every time I read this portion of the bill.

I was a young practicing lawyer. An employer of a few workers in a small plant in the city in which I practiced law found it necessary to discharge an employee. The employee, it turned out, was engaged with others in organizing a union in that plant. We were hailed before the New England representative of the National Labor Relations Board in Boston.

The testimony was that the employer did not know of this particular individual's connection with the proposed union. The testimony further was that this man was repeatedly drunk, that he was disorderly, that he was engaged in fights with other employees and was disrupting the morale of the plant. But the man who heard the case found that the employee was discharged because of his union activities. He disregarded all of the rest of the evidence. The order was issued. The employer had the choice of taking the employee back, paying all of his past wages and taking the man back into his plant, or suffering the penalty for disregard of an injunction.

Those things have been corrected as time went on. I do not say that is common practice. Much was done under the much abused Taft-Hartley Act to remedy this situation. But it is one thing for the FAA to issue an injunction in the case of some kind of practice that endangers the lives of people flying in the air; but it is another thing to place the case in the hands of a tribunal, or any one man, or any group of men as commissars to deal with the rights of individuals.

I never forgot the bitterness I felt as a 29-year-old lawyer when I encountered the first example of what happens when we disregard the Anglo-Saxon rules of legal procedure and place somebody in power who issues orders that some citizen must obey. That is precisely the thing the distinguished Senator from Florida has been so ably describing. The examples used by the Senator highlight the situation at least in my opinion. Before I take my seat, I compliment the distinguished Senator for the very able speech he has been making, as well as the distinguished Senator from Minnesota for the points he has so ably brought out.

Mr. SMATHERS. I thank the able Senator from New Hampshire for his statement and recitation of his own experience before the National Labor Relations Board. I might supplement what he has said. I do not know whether he was in the Chamber at the time I read an article about an FEPC case in Illinois, in which an employer had refused to hire a Negro. He rejected the man on the basis that he was not qualified for the job. Thereafter, an examiner for the Illinois Employment Commission, upon looking into the case, said that the employer had exercised discrimination in his refusal to hire the man because the test given by the employer had failed to make allowance for the fact that the man was socially disadvantaged. I do not know what that meant. No one else knew exactly what it meant.

The examiner further said that the employer failed to take into account that the applicant came from a place less cultured and had less opportunity to become cultured. On that basis or on those grounds he ruled that the employer was wrong in not hiring the man. He said that the employer had discriminated; that he had not taken into account that the man was disadvantaged because of his background.

If social and theoretical reasons are to be considered in determining whether an employer has discriminated in hiring someone, we shall have opened up the greatest can of worms that has ever been opened in the history of the Senate. The process will never end, because those who comprise employment commissions will be telling employers exactly who ought to be hired in all kinds of business. In my opinion, the American people do not want that to happen.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. We are coming to the end of a very fruitful day in the debate on the bill; and I join the Senator from New Hampshire in complimenting our good friend, the Senator from Florida, on his very able presentation of his side of the issue. His presentation has been very well documented, and he has been very generous in being willing to debate the issue without seeking to abide by all the formalities ordinarily required by the Senate procedure. I thank him.

I should like to have this part of the debate close on a note of clarification, if the Senator from Florida will permit, because I do not wish to see happen what the Senator from New Hampshire indicated had happened in the Boston area, under the Wagner Act. In fact, the Senator from New Hampshire indicated what generally happens. The American people generally respond to any excesses which are committed either within the law or outside the law; and, thank goodness, the American people are devoted to that sort of civic response.

But the bill states categorically, in section 707:

> SEC. 707. (a) Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this Act has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge.

So, first, it is clear that the Commission will not run around looking for work. The Commission must first receive in writing a charge, under oath, that an unfair employment practice has occurred. Then the Commission must notify the employer or employment agency or labor organization that a particular citizen has filed that charge; and the Commission must state the facts, as the Commission determines them to be from the complaint and the complainant.

Then the bill provides:

> If two or more members of the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such unlawful employment practice by informal methods of conference, conciliation, and persuasion—

That is what must be done first. Then the bill provides:

> and, if appropriate, to obtain from the respondent a written agreement describing particular practices which the respondent agree to refrain from committing. Nothing said or done during and as a part of such endeavors may be used as evidence in a subsequent proceeding.

Now we come to subsection (b):

> (b) If the Commission has failed to effect the elimination of an unlawful employment practice and to obtain voluntary compliance with this title—

The emphasis in step No. 1 is that the procedure must be voluntary. Actually, step No. 1 is that the employer or employment agency or labor organization must be informed of the nature of the charge.

Step No. 2 is that two or more members of the Commission must ascertain, after an investigation, that there is some merit to the charge.

Step No. 3 is that if the Commission ascertains that there is some merit to the charge of an unfair employment practice, the Commission must use its good offices to seek a remedy through voluntary action—through persuasion, conciliation, and conference.

Step No. 4 is that if the Commission cannot succeed in all those endeavors, then it must, as the bill states, proceed as follows:

> the Commission, if it determines there is reasonable cause to believe the respondent has engaged in, or is engaging in, an unlawful employment practice, shall, within ninety days, bring a civil action to prevent the respondent from engaging in such unlawful employment practice—

The Commission will not order anyone; the Commission will not say to Employer A, "We have found you guilty, and we are imposing a penalty upon you."

Instead, the Commission will say, "After our investigation, we think there may be an unfair employment practice in this case. Let us talk over this situation; perhaps we can get something done."

But if the employer says, "No," then the Commission—and let us make this point quite clear—must determine, by affirmative vote, whether a civil action will be in the public interest or whether it will not be. That must be determined by an affirmative vote.

Then the Commission will go to court—but not to seek the enforcement of an order. Instead, it will go to court with the evidence it has gathered after the decision by the Commission that an unfair employment practice had occurred; and if the court decides the evidence is adequate, the court will issue injunctive relief. That is a far cry from the procedure in the early days of the National Labor Relations Act.

Mr. SMATHERS. I should like to ask about the words used with respect to the action of the Commission "by affirmative vote." There would be five members of the Commission, would not there?

Mr. HUMPHREY. Yes.

Mr. SMATHERS. Does the Senator from Minnesota understand that the Commission would operate by majority vote?

Mr. HUMPHREY. In this sense that is correct. Two or more of the members of the Commission would have to agree, before even an investigation could be initiated. But a majority of the votes of the Commission would be necessary before the court would be asked to intervene.

Mr. SMATHERS. I should like to ask the Senator from Minnesota another question. Of course, that procedure could result in a criminal penalty, even though it were a civil action. It could result in a man being put in jail or being fined $300. That could be done on a complaint by one person and on a finding by a Commission.

Mr. HUMPHREY. That is correct. But—and I state this, to make sure the record is clear—that complaint could not be made by someone walking into the office of the Commission and saying, "That employer up the street would not let me have a job." Instead the complainant must make a written statement, under oath. In addition, his statement must be such that, under preliminary investigation, it must be judged by two or more members of the Commission to warrant further investigation and a voluntary seeking of compliance.

The Senator from Florida has been very fair and most cooperative, and I wish to join him in helping to clarify matters which relate to procedures in connection with our laws and constitutional rights. Sometimes we have to have such procedures, but I am not particularly happy about this.

Mr. SMATHERS. The Senator from Minnesota agrees, does he not, that before the respondent would go to jail, he would have to be found to have violated the court's injunction?

Mr. HUMPHREY. Well, of course, the court would, upon the initiative of the Commission, or of the alleged aggrieved party, have to determine whether an unlawful employment practice had occurred. If, in the judgment of the court, such an unlawful practice had occurred, undoubtedly the court would issue a cease-and-desist order, or would say, "This practice must stop."

If the employer or respondent refused to abide by the order of the court, then—exactly as in any other case in the United States, if a respondent or defendant refuses to abide by a court order—he would soon see what would happen to him. After all, if a man is in court on an income tax case, and if the court makes an assessment, the respondent will find he is "in the pokey" if he does not pay the assessment or, if the court issues an order, if he does not abide by the court's order.

Mr. SMATHERS. But the procedure under this bill would be a little different. In the bill, I see there is provision for the appointment of a master.

Mr. HUMPHREY. That is correct.

Mr. SMATHERS. And the master would take the testimony, if facts were in issue; and he would report to the court.

Mr. HUMPHREY. Yes; that is subsection (f):

> (f) In any case in which the pleadings present issues of fact, the court may appoint a master and the order of reference may require the master to submit with his report a recommended order. The master shall be compensated by—

And so forth.

The hour is late. The Senator has been very generous with his time. While the particular section about which we have been speaking may have its limitation—and there are those who feel very strongly about the section—I wish to say that when I studied it I was very much impressed by the fact that it was as moderate a fair employment section as I have ever read. It is based essentially upon voluntary compliance, and it provides for the right of the Commission to take its facts to the courts. If an effort needs to be made to ascertain what the facts really are, the court may appoint a master. The master may take evidence and make recommendations as to a court order.

This particular section would require a good deal of discussion here. I hope that the Senator from Florida will again, at the proper time, give us the benefit of his knowledge on it. I appreciate the spirit in which the Senator has discussed the entire bill. It has been a very helpful discussion for the Senate.

Mr. SMATHERS. I thank the Senator. When I discuss the question again, which I expect to do, in some respects I shall be better informed in relation to certain of its technical features than I am today.

If we are getting ready to conclude for tonight—and we have had a 12-hour 10-minute day up to the present time—I wish to emphasize the fact that I do not really believe that this is the way to answer the problem.

In my judgment title VII is a particularly dangerous section. I believe that it would create more problems than now exist. I think that we would see it stultify the business community in many respects. It would take away from what we have had up to this point. The businessman who under our free enterprise system has the right of choice, the right to exercise his own managerial judgment, the right to employ people whom he thought would be most useful in his particular concern, would no longer be able to do so if the particular section to which I have referred should be adopted.

Furthermore, I think it would be a great harassment to the American business community and the free enterprise system, because while the able Senator from Minnesota has said that the bill is moderate with respect to its FEPC sections, I do not really believe that in the long run it would do anything other than require a businessman to hire a prospective employee because of his race or religion. For example, there might be a businessman who has had a history, we will say, of never having hired anyone of the Jewish faith previous to the time that the Commission would be set up. Perhaps if the bill is passed, he would be afraid the Commission would find that the fact that he had not previously hired anyone of that faith had "set a pattern."

The Commission might become like the National Labor Relations Board and some of the other commissions that lean all one way, or the employer might believe the Commission was that way. Immediately, the first time someone of that faith comes to the employer seeking employment, the employer might think the Commission would find: "The pattern has already been set because we see that the businessman has never hired any men of the Jewish faith. He has never hired a Puerto Rican. We see that he has never hired any men of the colored race." Therefore he is almost guilty before he is started, and he might feel it necessary to hire that applicant regardless of his appraisal of his ability. There is no provision in the bill about the prospective employee's ability. The bill merely provides that the employer may not refuse to hire the prospective employee because of his race or color. The employer might refuse to hire him and say, "I am not refusing to hire him because of his color but because of his lack of ability." When we look at what he has been doing over the years, and knowing the pressures that will be on him if he does not hire that man, who may have some ability, but who may not be up to quite the ability of the man whom the employer would really like to have, the result might well be that employer would then be hailed into court. He then would have to go to the expense of what would obviously be a somewhat protracted piece of litigation.

The employer is liable to be found guilty. He must either hire the prospective employee—even though he does not want him, even though he does not think he would fit into his shop, and even though he believes hiring the man would be detrimental to his own business—or if he did not hire him, he would be subject to a $300 fine and 45 days in jail.

I cannot believe that proposed legislation of the kind of which we are now speaking would achieve the very lofty objectives which its sponsors have for it. On the contrary, I believe that it would interfere very seriously with rights guaranteed to all of our citizens, irrespective of race, color, or creed. It would have a devastating effect on our free enterprise system. I believe it would lead to more bureaucracy. I think it is a most unfortunate section. I hope that it will be dropped from the bill.

Mr. HUMPHREY. The Senator has not been reading the correct bill. I can understand after I have heard him discuss it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. HILL. I heartily congratulate the Senator from Florida on his able speech and the masterful way in which he has presented the case against the civil rights bill.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ADDITIONAL BILLS AND JOINT RESOLUTION INTRODUCED

An additional bill and joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLAND:

S. 2678. A bill for the relief of Dr. Victor M. Ubieta; to the Committee on the Judiciary.

By Mr. McCARTHY:

S.J. Res. 164. Joint resolution calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the Feast of the Passover which begins at Sundown, Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition; to the Committee on Foreign Relations.

(See the remarks of Mr. McCarthy when he introduced the above joint resolution, which appear under a separate heading.)

FURNISHING OF MATZOTH TO JEWISH PEOPLE IN SOVIET RUSSIA

Mr. McCARTHY. Mr. President, I introduce, for appropriate reference a joint resolution calling upon the President to use the full facilities of our Government to make arrangements on an emergency basis for the delivery of an adequate supply of matzoth to the key centers of Jewish life in the Union of Soviet Socialist Republics, so the Feast of the Passover may be observed in keeping with over 5,000 years of Jewish tradition.

This joint resolution is a companion to one introduced in the House of Representatives by Representative Feighan on March 18. I ask that it remain at the desk until the close of Senate session Wednesday, March 25, so other Senators may have an opportunity to sponsor the resolution.

The Feast of the Passover commemorates the great event in Jewish life of the liberation of Israel from bondage in Egypt. It is the festival of freedom, and this year it will be observed from sundown on March 27 to April 4. Of course, the unleavened bread, matzoth, is a necessity for observance of the feast.

Last week the New York Times carried a disturbing article about the recent Soviet action in closing the only matzoth bakery in Moscow. This was the latest in a series of actions by the Soviet officials which have resulted in a shortage of matzoth available to the Jewish people. Shortages of matzoth are reported in other cities, and even if the Moscow bakery is reopened, it is inadequate to meet the need.

I have also had reports from other sources about the seriousness of the situation and about the need for emergency action to make it possible for the Jewish people in the Soviet Union to observe the Feast of the Passover.

I ask unanimous consent that the news report in the New York Times be printed in the Record, along with the text of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and article will be printed in the Record, and the joint resolution will be held at the desk, as requested by the Senator from Minnesota.

The joint resolution (S.J. Res. 164) calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the feast of the Passover which begins at sundown Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition introduced by Mr. McCarthy, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Whereas religious liberty is one of the most cherished rights of American democracy, and

Whereas the securing and protection of religious liberty is a desired objective of the United Nations, and

Whereas the limitation or denial of religious liberty to one religious group or sect by any member of the United Nations is a threat to the liberty of all religious groups and sects, and

Whereas the studied practice of religious discrimination or persecution by any permanent member of the United Nations Security Council does violence to the charter of that organization and gives rise to a serious threat to peace: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that the cause of peace with justice is served by calling upon the Chairman of the Council of Ministers and the membership of the Council of Nationalities of the Union of Soviet Socialist Republics to cause an immediate cessation of all measures which deny to members of the Jewish faith the free, devotional, and historic observance of the Feast of the Passover; and be it further

Resolved, That the President of the United States is hereby authorized and requested to use the full facilities of our Government to make arrangements for and to bring about the delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics, on an emergency basis, so that the Feast of the Passover which begins at sundown on Friday, March 27, and ends at sundown Saturday, April 4, of this year may be observed in keeping with five thousand seven hundred and twenty-four years of Jewish tradition.

The article presented by Mr. McCarthy is as follows:

Soviet Shuts Down Bakery for Matzoth

(By Henry Tanner)

Moscow, March 15.—Moscow's only matzoth bakery has been closed by the Soviet authorities after only 2 days of operation.

Chief Rabbi Yehuda Lev Levin, said today that the bakery, which had been set up in a rented dwelling, had been closed temporarily and for sanitary reasons. He appeared to hope that he might get permission to reopen it later this week.

The bakery was opened last Wednesday to produce the unleavened bread for Passover, which begins March 28. According to unofficial Jewish sources, it produced only 220 pounds of matzoth on the first day and a similar amount on Thursday.

Members of the Jewish congregation said the closing on Friday was at the request of the fire department. The action came at a time when it had become clear that there would not be nearly enough matzoth to satisfy the need of devout Jews during Passover.

There were angry scenes at the Central Synagogue this morning as elderly Jewish men and women, who had come to collect their share of matzoth, had to be turned away empty-handed.

Many of these persons said they had turned in the flour for their matzoth at the synagogue and had been promised an equivalent amount of unleavened bread.

Now they have neither flour nor matzoth, they said. Flour is fairly difficult to get in Moscow these days and buyers often have to queue for limited quantities.

Matzoth supplies are also reported to be insufficient in Leningrad and Kiev, two other Soviet cities with large Jewish populations. In Leningrad the Central Synagogue has not been able to bake matzoth even though it has its own baking facilities, according to unofficial reports.

Georgia is the only part of the country where matzoth has been baked in approximately sufficient quantities in past weeks, private reports said.

The Central Synagogue in Moscow was permitted to improvise a bakery to alleviate the plight of devout Jews since state-run bakeries were ordered to stop baking matzoth two years ago.

There has been no ban on the baking of matzoth by individual families. If a person bakes more than is required for his own needs and sells the surplus, however, he is breaking Soviet laws against private commerce.

Last year three persons were given jail sentences for the illegal sale of matzoth.

SUPPLIES FROM ABROAD

Earlier this month Georgi Lieb, president of the congregation of Moscow's second synagogue, said he expected shipments of matzoth from abroad to alleviate the shortage.

He said that about 10,000 pounds of matzoth would be sent from Denmark by Dr. Isaac Levin of New York, president of the American section of Agudas Israel, and that 1,500 pounds would be sent by Britain's chief rabbi, Dr. Israel Brodie. There are also reports of offers from Belgium and Israel.

The Soviet authorities are reported to be allowing private shipments from abroad.

ADDITIONAL TIME FOR JOINT RESOLUTION 163 TO LIE ON THE DESK FOR ADDITIONAL COSPONSORS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Senate Joint Resolution 163, which was introduced earlier today, be allowed to lie on the desk for 2 additional days until Friday, March 27. I do this on behalf of the senior Senator from Washington [Mr. Magnuson].

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (10 o'clock and 15 minutes p.m.) the Senate took a recess, under the order previously entered, until 10 a.m. tomorrow, Tuesday, March 24, 1964.

NOMINATIONS

Executive nominations received by the Senate March 23 (legislative day of March 9), 1964:

In the Air Force

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

Abbott, William B., Jr., AO3118698.
Acheson, Densel K., AO3107857.
Adams, David A., AO3116488.
Adams, David A., AO3119480.
Adams, George B., Jr., AO3108234.
Aiken, Gerald G., AO3116865.
Alcini, Gerald L., AO3108509.
Aldridge, Robert P., Jr., AO3109171.

Allen, Glenn D., Jr., AO3118699.
Alsip, Thomas E., AO3096196.
Alston, Harold R., AO3080214.
Ambrose, William C., AO3100228.
Andersen, Jack T., AO3115980.
Andersen, Niels B., AO3104681.
Anderson, James E., AO3106357.
Anderson, Richard C., AO3122215.
April, Paul K., AO3118467.
Arendt, Melvin L., Jr., AO3108066.
Arnaiz, Donald R., AO3107395.
Arnold, John D., AO3108510.
Arnold, William E., AO3117949.
Arthur, Thomas W., AO3119171.
Asakura, Takazumi, Jr., AO3095576.
Ashe, Braxton W., AO3107141.
Asher, Laurence F., AO3118447.
Atchison, Richard M., AO3122705.
Attix, Harold B., Jr., AO3122451.
Atwater, Clayton F., AO3105720.
Atwood, Daryl G., AO3108667.
Ausman, William H., AO3107486.
Auth, Edward G., Jr., AO3117443.
Avizonis, Petras V., AO3072359.
Ayers, Norman D., AO3118826.
Ayers, Richard G., AO3120533.
Baber, Gary P., AO3107205.
Bailor, Ronald O., AO3128232.
Baily, Joseph J., III, AO3118427.
Baker, Guy F., AO3115979.
Baker, Marion K., AO3116706.
Baker, Roy T., AO3106252.
Baker, Willard L., Jr., AO3108368.
Balalis, Paul L., AO3107593.
Barazzone, Samuel W., AO3116718.
Barber, Hugh W., Jr., AO3108403.
Barker, John L., Jr., AO3107517.
Barker, William V. H., AO3116895.
Barkhurst, Paul D., AO3109329.
Barranco, Stephen S., AO3121996.
Barsanti, Ronald F., AO3122161.
Barsotti, Paul J., AO3118828.
Barthelemy, Richard P., AO3118353.
Barton, Roland S., AO3116663.
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Bauernschub, John P., Jr., AO3107921.
Bauhahn, Paul E., AO3116914.
Bayer, Peter F., AO3105306.
Bayer, Roger T., AO3116709.
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Beam, Richard M., AO3072668.
Beasley, Earle C., AO3108369.
Beaudry, Richard G., AO3108439.
Beers, L. N., AO3118155.
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Berry, John S., AO3121793.
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Bodmer, Charles E., AO3104793.
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Bogart, Paul C., Jr., AO3119174.
Bogemann, Lawrence L., AO3107866.
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Brame, Charles E., AO3118836.
Branch, Kirby P., AO3105538.
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Bray, David C., AO3128297.
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Brinkley, Vernon C., AO3119044.
Brinson, James E., AO3116402.
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Bussman, William F., AO3118543.
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Butler, Ronald L., AO3117756.
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Calder, David M., AO3119079.
Callaway, Patrick W., AO3118957.
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Camerlo Ronald J., AO3117871.
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Choulet, Robert A., AO3107874.
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Church, James B., Jr., AO3121323.
Ciesko, Robert, AO3116846.
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Coate, Larry C., AO3109551.
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Collins, Billie K., AO3053962.
Colvin, Charles G., AO3108776.
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Congleton, Charles W., AO3108153.
Congleton, Roger V., AO3122001.
Conlan, James T., AO3128458.
Connor, Laurence N., Jr., AO3085857.
Conrad, Joseph P., AO3061321.
Constant, Dennis L., AO3117250.
Conway, Melvin E., AO3047521.
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Cook, Loyal S., AO3116988.
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Cox, Homer M. Jr., AO3121108.
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Crane, Robert D., Jr., AO3118958.
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Cribbs, John A. Jr., AO3116848.
Crossley, Robert W., AO3104684.
Crossman, Charles K., AO3121151.
Crowley, Jackson O., AO3120754.
Croy, Otto E. Jr., AO3107838.
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Culhane, Peter K., AO3119132.
Culver, John N., AO3109245.
Cuneo, William J., Jr., AO3109052.
Cunningham, Robert G., AO3099676.
Cunningham, William L., AO3118848.
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Cushman, Clifton E., AO3108114.
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Czech, Felix, AO3119499.

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Daly, Robert M., AO3108820.
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Danigole, Simon A., Jr., AO3108249.
Dannenberg, William J., AO3122610.
Danner, James E., AO3109332.
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Daubek, Hugh G., AO3106684.
Davey, Jack N., AO3108745.
Davie, Thomas E., Jr., AO3105868.
Davis, Allan S., AO3122607.
Davis, Charles W., AO3106012.
Davis, David P., AO3122752.
Davis, James L., AO3109197.
Davis, Joseph T., Jr., AO3107573.
Davis, Kenneth D., AO3116498.
Davis, Lowell K., AO3100488.
Day, Carroll N., AO3097989.
Dean, Robert L., AO3127989.
Debolt, Donald C., AO3109389.
Decker, Carl G., AO3108103.
Delestine, Gary R., AO3121433.
Demaret, Richard J., AO3118545.
Demel, Kenneth J., AO3118849.
Dempsey, David D., AO3108634.
Derks, Eugene L., AO3108086.
Devaney, James E., AO3118750.
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Dichte, Rudolph J., AO3107780.
Dick, Charles R., AO3108157.
Dierlam, Mark J., AO3118850.
Dieterly, Duncan L., AO3109453.
Dietz, Frank E., Jr., AO3107231.
Dillon, Dan V., AO3121232.
Dippel, William A., Jr., AO3128304.
Dix, Alfred C., AO3099960.
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Dockum, Robert R., AO3105651.
Dodd, Robert T., Jr., AO3093091.
Doerr, Albert F., AO3122206.
Doherty, John A. F., AO3108926.
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Donnellan, James L., AO3107879.
Doonan, William W., Jr., AO3118645.
Dorman, Ralph T., AO3118546.
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Dorsey, James E., Jr., AO3109053.
Doten, Eric S., AO3108917.
Douglass, Joseph W., AO3122477.
Downey, Robert L., Jr., AO3096675.
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Draper, Charles T., AO3122479.
Drew, Ernest H., AO3093558.
Droubay, John E., AO3119081.
Duell, Thomas L., AO3109454.
Duemme', John W., AO3120937.
Dueweke, James E., AO3108471.
Dufour, Joseph L., AO3118388.
Duke, Jimmy R., AO3097136.
Dulaney, Elliott D., AO3121456.
Duncan, Donald K., AO3119245.
Duncan, John K., AO3109198.
Dunlap, Richard O., AO3117881.
Durham, Harold R., Jr., AO3120555.
Dutton, Robert D., AO3107996.
Dvorak, James E., AO3106993.
Dyer, Dana D., AO3099791.
Early, Tom E., AO3106685.
Eastman, John W., AO3105144.
Eastwood, Donald V., AO3118855.
Ebert, Paul J., AO3083672.
Echelberger, Arthur D., AO3107115.
Eckerman, Dale H., Jr., AO3130803.
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Elsam, Eric S., AO3106800.
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Faber, Brian R., AO3108069.
Fabian, Ralph R., AO3100849.
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Fane, Gary R., AO3108042.
Farber, Melvyn E., AO3109068.
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Field, Henry W., AO3107307.
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Figgins, Jerry M., AO3117002.
Finch, Edward C., AO3109054.
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Fisher, John C., AO3108677.
Fisher, Leslie J., AO3109055.
Fitzgerald, James D., AO3119066.
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Fletcher, John E., AO3097888.
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Foltz, Warren L., AO3121250.
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Gunst Robert P., AO3118454.
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Guyton William L., AO3106595.
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Hand, Douglas K., AO3128626.
Hand, George L., AO3068017.

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Schlereth, Peter H., AO3120673.
Schlue, Joseph W., AO3107540.
Schmarje, David P., AO3085905.
Schmidt, Frederick E., AO3107449.
Schmitz, Charles L., AO3100390.
Schmutzler, David L., AO3107909.
Schneck, Thomas, Jr., AO3122308.
Schoeffler, Frederick W., AO3108291.
Scholes, William O., AO3107706.
Scholz, Alfred F., AO3109414.
Schott, Delyle J., AO3128204.
Schrade, Bobby D., AO3122543.
Schroeder, Lowell J., AO3122309.
Schulz, Raymond E., AO3109113.
Schulze, Carl J., AO3108660.
Schulze, David L., AO3121414.
Schuneman, Stephen T., AO3109353.
Schwalm, Arthur E., AO3108022.
Scott, Lynn P., AO3098955.
Scott, William T., AO3108331.
Sealy, Robert B., AO3118682.
Seidt, Richard J., AO3122269.
Seifert, Karl E., AO3067085.
Seip, Barry L., AO3118506.
Senn, Gene B., AO3118684.
Sessoms, William R., Jr., AO3109223.
Sewell, Billy C., AO3118913.
Sewell, Mario W., AO3122021.
Shackson, James L., AO3109416.
Shane, Larry L., AO3105578.
Sharer, Joyce R., AL3121419.
Shea, Robert, AO3122025.
Sheets, Robert C., AO3107964.
Shelton, Harold A., AO2260007.
Shepherd, Robert L., AO3121421.
Sheppard, Richard R., AO3108464.
Shera, Thomas L., AO3109323.
Sherman, Frederic G., AO3107081.
Shields, David L., AO3118342.
Shine, Anthony C., AO3108940.
Shivers, Walter W., AO3105154.
Shockley, Jackson C., AO3080733.
Shonts, John M., AO3066156.
Short, Charles D., AO3122314.
Shotz, Donald S., AO3108397.
Shuler, Henry K., AO3119019.
Shupp, Richard W., AO3118507.
Shurley, John R., III, AO3103284.
Siders, Marvyn J., AO3109354.
Siegel, Charles J., AO3107301.
Sikorski, Paul M., AO3108661.
Silberberger, Leon R., AO3108817.
Sill, Noel K., AO3119120.
Simko, Edward J., AO3128134.
Simpson, Laird E., AO3107202.
Sims, John N., AO3118718.
Sinclair, George M., AO3107292.
Sisk, Jerome M., AO3127949.
Sittinger, Edward J., AO3122031.
Skeels, Ronald D., AO3121817.
Slater, Richard G., AO3122034.
Smallwood, Richard, AO3073073.
Smart, Wayne G., AO3122036.
Smeby, Alan J., AO3108076.
Smedley, David R., AO3118347.
Smedley, Gerald F., AO3116967.
Smith, Arthur D., AO3080400.
Smith, Bridges W., Jr., AO3107646.
Smith, David W., AO3107418.
Smith, Gary R., AO3100441.
Smith, John C., AO3118349.
Smith, John L., AO3108204.
Smith, Joseph E., AO3108865.
Smith, Ned L., AO3119294.
Smith, Richard P., AO3097281.
Smith, Rowland F., Jr., AO3119495.
Smith, William C., AO3121428.
Smith, William H., II, AO3118917.
Smithe, Lee B., Jr., AO3119227.
Smrek, Walter J., AO3109115.
Solum, James L., AO3116802.
Sommer, Arthur B., AO3118406.
Sowa, Joseph P., AO3107240.
Spaan, James T., AO3096458.
Spence, Jerry M., AO3120688.
Spence, Maynard R., AO3118422.
Spencer, Bennie F., AO30118954.
Spencer, Exton L., AO3107152.
Spencer, Gary K., AO3057031.
Spencer, John C., AO3120689.
Spencer, Richard L., Jr., AO3120503.
Spicer, Richard C., AO3109418.
Spodnick, Joseph, AO3122041.
Staden, Arthur L., AO3104969.
Stanbery, Charles E., AO3107913.
Starbuck, Ronald J., AO3100113.
Starkey, James F., Jr., AO3107484.
Starnes, Thomas E., Jr., AO3106829.
Steck, Charles G., AO3105761.
Steckler, Richard H., AO3108181.
Stefferud, Curtis M., AO3108546.
Stein, Ronald D., AO3128432.
Steinig, Norman B., Jr., AO3107293.
Stenback, Paul R., AO3107391.
Stenson, Stephen S., AO3121852.
Stetson, John A., AO3121153.
Stevenson, Samuel J., AO3121434.
Stewart, Leslie W., Jr., AO3107138.
Stewart, Roger I., AO3108365.
Stice, William H., AO3107215.
Stock, Harold S., AO3119122.
Stoffel, Charles L., AO3107941.
Stohosky, Francis J., III, AO3118407.
Stoll, Carl A., AO3108868.
Stolp, James T., AO3120691.
Stouder, Kyle, AO3121912.
Stremlau, Leon E., AO3120510.
Strickland, Billy E., AO3107661.
Strong, Lowell B., AO3120692.
Strong, Ronald D., AO3100750.
Stroud, Walter G., AO3107090.
Studer, William A., AO3107647.
Stump, Kenneth H., AO3107914.
Sturniolo, Lawrence R., AO3108981.
Suits, Norman L., AO3120693.
Sumner, William A., Jr., AO3121436.
Sunderman, Charles K., AO3107992.
Sung, William K., AO3107355.
Surles, Becky F., AL3120694.
Susi, Ronald A., AO3122059.
Swanson, Harold J., Jr., AO3120513.
Swanson, John W., Jr., AO3100394.
Sweazy, Stewart B., AO3107852.
Swiler, William G., AO3119086.
Symons, John R., AO3109420.
Synnott, Thomas W., III, AO3093267.
Talbert, Roger A., AO3120514.

Tall, Raymond R., AO3108963.
Tateishi, William N., AO3107294.
Taylor, Edwin H., AO3105188.
Taylor, John H., AO3119436.
Taylor, Robert G., AO3108904.
Taylor, Thomas L., AO3108059.
Teague, Harold K., Jr., AO3107993.
Terry, Sidney C., AO3105899.
Thackray, Robert G., AO3122324.
Theobald, Robert E., Jr., AO3118689.
Thomas, James G., AO3108933.
Thomas, Lowell D., AO3121442.
Thomas, Richard N., AO3118720.
Thomas, Richard W., AO3121101.
Thompson, Edwin J., AO3073431.
Thompson, Gary W., AO3122065.
Thomson, David W., AO3096460.
Thomson, Ian R., AO3127961.
Thuma, Thomas C., AO3109423.
Thurston, Jerry L., AO3109047.
Tidrick, Ralph L., AO3108060.
Tilford, Philip B., AO3122639.
Tilghman, Dorothy J., AL3120699.
Tilton, Charles E., Jr., AO3128673.
Tilton, William T., AO3116975.
Timmerman, Joe A., AO3061624.
Tinsman, John L., Jr., AO3118442.
Tod, George R., AO3109063.
Todd, Jerry C., AO3107968.
Todd, Rodney L., AO3128438.
Tokar, Paul, AO3105763.
Tokarski, John T., Jr., AO3120518.
Toler, John R., AO3122328.
Tomb, Robert, AO3109510.
Tomme, Warren J., AO3073287.
Tommey, Charles D., AO3100751.
Torbenson, Robert V., AO3105579.
Torkelson, Roger A., AO3108573.
Torline, Norbert K., AO3121445.
Toups, Leon H., AO3100269.
Toups, Roland M., AO3100270.
Trautschold, J. F., Jr., AO3096314.
Travis, George S., Jr., AO3128588.
Tribo, Ronald J., AO3107295.
Triquart, William A., AO3108916.
Tumey, Lincoln E., AO3116977.
Turner, Louis W., AO3109449.
Turner, Mary N., AL3121169.
Underwood, Charles R., AO3107649.
Unverzagt, John G., AO3108304.
Uribe, Henry T., AO3121031.
Valva, John G., AO3122554.
Vanbrunt, Donald L., AO3122555.
Vanbrunt, Peter R., AO3109133.
Vanden Bos, Lawrence J., AO3071176.
Vanderbilt, William D., AO3109357.
Vanderhyde, Kenneth D., AO3108506.
Van der Sluys, Peter C., AO3108905.
Vanhecke, Carl D., Jr., AO3107942.
Vecchio, Raymond R., AO3128441.
Vellturo, Anthony F., AO3093541.
Vickers, Franklin A., Jr., AO3100169.
Viele, Brian N., AO3128354.
Vilensons, John J., AO3121175.
Vining, Robert L., AO3108231.
Vinup, Glen W., AO3119380.
Vipond, George H., AO3108582.
Visel, David P., AO3128213.
Vitito, Thomas E., AO3120521.
Vlasek, James L., AO3107327.
Vogtli, Joseph H., Jr., AO3118090.
Voiers, William C., AO3108466.
Voland, Paul M., AO3107916.
Volden, James O., AO3107773.
Voorhis, Byron E., AO3107835.
Wagener, Wayne F., AO3121458.
Wagley, Ardith N., AO3108696.
Wagner, Albert M., AO3119298.
Wagner, Gervase J., AO3108554.
Wagner, Richard J., AO3097214.
Wagner, Robert Z., AO3118443.
Wahl, William R., AO3109009.
Wajda, Walter L., AO3122434.
Walcott, Eustis, Jr., AO3108407.
Walder, Glen W., AO3107774.
Waldron, Lynn K., AO3120522.
Waldrop, William R., AO3122078.
Walker, Arthur B. C., Jr., AO3073017.
Walker, David E., AO3100878.
Walker, Edgar S., AO3122252.
Wall, Robert L., AO3107650.
Walla, Gary O., AO3107304.
Walla, Gerald J., AO3118925.
Waller, Robert W., AO3119230.
Wallgren, Garner G., AO3122435.
Walsh, Robert M., AO3107465.
Walter, Larry R., AO3120524.
Walters, Arthur E., AO3119299.
Walther, Glen P., AO3107826.
Walton, Richard C., AO3121855.
Walton, Willis R., AO3106693.
Wantiez, Harold N., AO3122253.
Ward, Lucius M., AO3119087.
Ward, Willis N., AO3118926.
Watkins, Franklin W., AO3108183.
Way, James P., AO3128512.
Webb, Keith W., AO3121747.
Webb, William J., AO3120526.
Weber, Glen D., AO3122436.
Weber, Richard L., AO3122557.
Weber, Thomas R., AO3119451.
Weinberg, Alfred, AO3029947.
Weinhagen, George L., AO3109324.
Wellington, Leonard E., Jr., AO3118793.
Wells, Frank F., Jr., AO3128513.
Wells, John H., AO3100720.
Wells, Sidney R., AO3122558.
Wells, Walter E., AO3120708.
Welsh, Donald M., AO3100049.
Welsh, Warren P., AO3122437.
Wendt, Douglas M., AO3118956.
Werner, Robert M., AO3109450.
Wessinger, Lon H., Jr., AO3107654.
Westbrook, Albert E., AO3109259.
Westenhaver, Herbert, AO3117508.
Westerberg, Alfred, Jr., AO3109540.
Wetherholt, John R., AO3120712.
Weyland, Drew C., AO3108419.
Whaley, Edward K., AO3105532.
Whaley, John M., AO3107919.
Wharton, Thomas W., AO3122086.
Wheat, Warren D., AO3108184.
Wheeler, Joseph C., AO3118928.
Whichard, Willis K., Jr., AO3109225.
Whisonant, Clinton T., AO3122087.
Whistler, Lehman P., AO3107328.
Whitcomb, Harold C., AO3122088.
White, George W., AO3122677.
White, Gurney D., AO3117632.
Whitehead, John P., Jr., AO3108308.
Whitteker, Richard L., AO3122091.
Whittenberger, Steven J., AO3107970.
Whittier, Henry R. J., AO3117747.
Wichman, William M., AO3108965.
Wickham, Kenneth J., AO3102095.
Wietzke, John E., AO3100639.
Wilcox, David E., AO3109151.
Wilcox, Smith B., AO3108029.
Wilkie, Jack E., AO3105533.
Wilks, Linus R., AO3120530.
Willard, John D., Jr., AO3128591.
Williams, James C., AO3118464.
Williams, Jerry C., AO3118993.
Williams, Jimmy L., AO3109548.
Williams, Michael C., AO3108604.
Williams, Perry E., AO3121003.
Williams, Richard L., AO3118929.
Williams, Robert M., AO3109261.
Williams, Robert W., AO3120717.
Wilson, Frank S., AO3116820.
Wilson, Fred A., Jr., AO3128443.
Wilson, James R., AO3109359.
Wilson, James R., AO3109569.
Wilson, John L., AO3118694.
Wilson, Larry F., AO3120532.
Wilson, William R., AO3108030.
Wimpee, Victor R., AO3122100.
Winkler, Anthony J., AO3106512.
Winstead, Robert L., AO3122256.
Winston, Charles C., III, AO3107065.
Wise, Phillip R., AO3122101.
Wiser, Joe B., AO3119042.
Wisner, Warren M., AO3122159.
Wisniewski, Thomas D., AO3107776.
Withey, Thomas G., AO3106513.
Woempner, Stanley W., AO3116821.
Wojciechowski, William A., AO3128144.
Wojcik, James F., AO3105191.
Wojnar, Peter J., Jr., AO3117349.
Wolf, Richard G., AO3128593.
Wolfe, Bruce R., AO3122102.
Wolfe, John G.. Jr., AO3107243.
Wolk, Stuart R., AO3086763.
Wolovich, William A., AO3095806.
Wood, Douglass G., AO3118465.
Wood, George C., AO3108077.
Wood, Jerry D., AO3120718.
Wood, Thomas W., AO3119125.
Wood, Wayne L., AO3121826.
Woodcock, Larry A., AO3107777.
Woods, William J., AO3108605.
Woodson, Raymond E., AO3106352.
Woolley, Robert B., AO3108713.
Wright, Jack E., AO3108108.
Wright, Larry J., AO3119471.
Wyatt, Ralph E., AO3109570.
Wyatt, Richard H., AO3121475.
Wyman, James P., AO3104813.
Yeagle, Paul H., AO3120534.
Yoder, Frederick D., AO3118513.
Yohe, Wayne I., AO3118445.
Young, Duke A., AO3108606.
Young, Ernest L., III, AO3108233.
Young, James W., AO3119108.
Young, Larry N., AO3108666.
Young, Robert J., AO3096321.
Youngberg, Richard H., AO3107339.
Yungfleisch, Francis M., AO3121185.
Zack, Richard J., AO3108908.
Zahrobsky, Frank M., AO3118466.
Zalewski, Zigmund W., AO3118538.
Zamolyi, Laslo L., Jr., AO3119481.
Zehnder, Charles B., AO3109300.
Zehrung, David F., AO3117638.
Zeltman, Francis E., Jr., AO3122112.
Zieg, Duane H., AO3108775.
Ziegwied, George O., AO3119343.
Zine, Richard E., AO3120537.
Zitzow, Uwe, AO3107566.
Zylstra, Corliss E., AO3116326.

The following distinguished military graduates of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade indicated, under provisions of section 8284, title 10, United States Code, with dates of rank determined by the Secretary of the Air Force:

To be second lieutenants

Allan, Donald F., AO3130995.
Baughman, Richard W., AO3155943.
Blount, Douglas R., AO3132819.
Branch, Robert H., Jr., AO3132479.
Byrne, Kenneth E., AO3156850.
Carlen, Clark D., AO3155631.
Chapman, John M., AO3132675.
Ciplickas, Algimantas J., AO3131048.
Cohen, Marshall A., AO3130977.
Cowherd, William R., AO3119960.
Cox, Artemus J., Jr., AO3131034.
Crispe, Ronald E., AO3119817.
Crocker, Clyde E., Jr., AO3156385.
Dahlberg, Walter G., AO3132540.
Darby, Donald B., AO3131969.
Davis, Jimmie C., AO3155901.
Dixon, Roger W., AO3133004.
DuBois, Robert L., AO3131304.
Edwards, James W., AO3120156.
Flaherty, Richard J., AO3120159.
Godfrey, Martin J., AO3155433.
Greeley, Philip J., AO3119670.
Hagenau, Herbert R., AO3132256.
Hamilton, Jay W., AO3133007.
Hanson, Richard A., AO3120294.
Healy, Raymond G., AO3119913.
Higham, William T., AO3156042.
Hiller, James W., AO3132897.
Hitchcock, Lee C., AO3120297.
Holmes, Donald L., AO3132559.
Howo, William Y., AO3119747.
Jamieson, Douglas W., AO3132952.
Jones, Richard W., AO3134116.
Kuefner, Robert E., AO3131001.
Lee, Joseph A., AO3130961.
MacDonald, Malcolm L., AO3130985.
Marshall, Anthony G., AO3131221.
Martin, Larry E., AO3130526.
McConnell, Allan D., AO3133098.
McNamee, James W., II, AO3131794.
McQuary, Willard L., AO3133041.
Mitchell, Michael D., AO3107288.
Mitsakos, Peter L., AO3130776.
Moorman, Thomas S., III, AO3131239.

Murphy, Thomas M., AO3133173.
Nash, Thomas, AO3132664.
Nugent, James M., AO3119653.
Petty, Arthur P., III, AO3130651.
Picciotti, Ermogene F., AO3155249.
Pourciau, Richard A., AO3108300.
Powell, James D., AO3132719.
Price, Steven E., AO3131566.
Quade, Arthur W., AO3131322.
Rakowski, Douglas E., AO3130967.
Rone, James W., AO3118680.
Sydnor, William C., AO3132921.
Templet, Joseph L., Jr., AO3130661.
Thompson, Kenneth B., AO3131618.
Thornbrough, Preston J., AO3120325.
Wiley, Lloyd R., AO3132735.
Wilkerson, Danny F., AO3119235.
Wilson, Arthur J., III, AO3130628.
Wilson, Richard L., AO3130746.
Wright, Kenneth D., AO3131800.
Wright, Lyle H., AO3131196.

EXTENSIONS OF REMARKS

Results of Legislative Questionnaire

EXTENSION OF REMARKS
OF
HON. W. E. (BILL) BROCK
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Monday, March 23, 1964

Mr. BROCK. Mr. Speaker, I feel it is most important to our democratic Government that the American people have ample opportunity to fully express their views on important issues before the Congress. This is a complex and fast changing era in which we live, and it is sometimes difficult for individuals to feel a part of their Government.

By use of a legislative questionnaire I recently sought the opinion of citizens in my district on major issues. I believe effective representation in Congress depends on carefully studying pending legislation and knowing the effect such measures will have on the Nation, State, district, and individual citizen. By making their voices heard through the opinion survey, each citizen can become a participant in our governmental process.

Questionnaires were mailed to approximately 87,000 households in the Third Congressional District of Tennessee, and 15,608 answers were returned. In hopes the results of my questionnaire may be helpful to other Members of Congress, I insert the tabulations, in percentages, in the RECORD.

	Percent		
	Yes	No	Other
1. Budget: Do you believe the Federal Government must operate within a balanced budget?	90.9	6.7	2.4
2. Bible: Do you believe schoolchildren should be permitted voluntarily to say prayers or read the Holy Scriptures in class?	94.7	3.7	1.6
3. Youth Corps: Do you favor the creation of a Federal youth program such as the Domestic Peace Corps?	30.3	54.5	15.2
4. Education: Do you favor Federal aid to education (answer all 3)—			
A. For teachers' salaries?	25.0	67.0	8.0
B. For school construction?	35.4	56.7	7.9
C. Through a tax reduction for parents?	37.1	51.9	11.0
5. Civil rights: Do you favor Federal civil rights legislation (answer all 4)—			
A. To guarantee the right to vote?	80.5	15.4	4.1
B. To enforce school integration?	12.5	83.2	4.3
C. To grant equal opportunity for employment?	54.0	38.0	8.0
D. To withhold Federal money from States permitting discrimination?	11.9	81.8	6.3
6. Foreign aid: Do you favor a sharp reduction in (answer all 3)—			
A. Foreign aid to Communist nations?	86.2	10.4	3.4
B. Foreign aid to our allies?	64.2	29.5	6.3
C. All foreign aid spending?	69.3	24.5	6.2
7. Government controls: In general do you feel there are enough laws regulating (answer both)—			
A. Business?	83.3	10.1	6.6
B. Labor Unions?	36.5	56.2	7.3
8. Farm program: Do you favor an agricultural program which has (answer only 1)—			
A. Rigid controls and quotas to regulate farm economy?	6.4	-------	-------
B. Flexible price supports and voluntary land retirement?	27.0	-------	-------
C. No controls, no supports—free farm economy?	55.9	-------	10.7
9. Taxes: Do you favor a Federal income tax cut this year (answer only 1)—			
A. Without a reduction in Federal spending?	11.3	-------	-------
B. Only if Federal spending is reduced?	82.7	-------	6.0
10. Medicare: Do you favor a medical care program for the elderly through (answer only 1)—			
A. Increasing social security taxes?	17.9	-------	-------
B. A tax reduction to purchase private insurance?	20.8	-------	-------
C. Voluntary plans without Federal participation?	53.1	-------	8.2

Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. MILTON W. GLENN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, March 23, 1964

Mr. GLENN. Mr. Speaker, I am in sympathy toward the nations enslaved by Russian communism, and take this opportunity to pay tribute to the Byelorussian people on their independence day. On March 25, 1918, these brave people proclaimed their independence, becoming a democratic republic. Despite all sacrifices, the young Byelorussian state was unable to preserve its independence against the onslaught of Bolshevik forces. The new Byelorussian Soviet Socialist Republic created in its place and reoccupied by Soviet forces remains today dismembered, an administrative arm of the Moscow Government, not representing the hopes of the Byelorussian people.

Efforts by Moscow have failed to eradicate the national spirit of the Byelorussians, who have not renounced their desire for the restoration of democratic government, as embodied by the Republic which the Soviets overthrew in 1920.

March 25 is being celebrated by these stalwart and courageous people throughout the free world as a symbol of their national aspirations. Americans of Byelorussian descent in New Jersey, as well as Byelorussian immigrants in this country, will celebrate the 25th of March this year.

It is fitting that we pause to commemorate their struggle for liberation.

Greek Independence Day—A Salute to Americans of Hellenic Origin

EXTENSION OF REMARKS
OF
HON. HAROLD D. COOLEY
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 23, 1964

Mr. COOLEY. Mr. Speaker, March 25 marks the 143d anniversary of Greek Independence Day. It was on this day in 1821 that Archbishop Germanos of Patras raised the flag of freedom over the monastery of Aghia Lavra and the courageous people of Greece began their struggle for independence from the Ottoman Empire.

The war raged for 7 bitter years before the heroic and greatly outnumbered Greeks won their freedom, thus ending 400 years of subjugation under Ottoman masters.

American sympathy for the Greek cause came from the eloquent words of President Monroe and Daniel Webster. The hearts of all freedom loving men were stirred by the inspired pen of the great English poet, Lord Byron, who gave his life in this struggle for freedom.

The rebirth of a free and independent Greece 143 years ago should remind us not only of the great and eternal contributions of Greece to the world and to America but also to her fierce and unwavering devotion to freedom, democracy, and the dignity of man.

The long friendship and close association of the peoples of Greece and the United States flow from their dedication to the ideas of freedom, liberty, and national independence. These bonds were further strengthened when our sons fought side by side in two world wars and in Korea to preserve these ideals.

Prostrate and bleeding from these holocausts—the flower of her manhood strewn lifeless over the world's battlefields—Greece once again displayed the courage of Thermopylae by becoming the symbol of successful resistance to Communist aggression in the eastern Mediterranean.

There are more than 1½ million Americans of Hellenic origin. As loyal and industrious citizens they have contributed notably to the development of the United States. They have distinguished themselves in all fields of endeavor, including government, medicine, law, education, architecture, business, engineering, and the arts. Through them the bonds uniting the peoples of Greece and the United States have become closer and stronger.

On this anniversary, all the people of the United States join in paying tribute to the gallant people of Greece as faithful allies and steadfast partners in our mutual stand against the forces and ideologies inimical to our concepts of freedom and democracy.

Sara Kay Bohrer

EXTENSION OF REMARKS

OF

HON. ROBERT T. McLOSKEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1964

Mr. McLOSKEY. Mr. Speaker, those of use who are privileged to serve in this great legislative body consider it a great honor and from time to time receive accolades because of the service we render.

I am sure, however, if we are honest with ourselves we would have to admit that the unsung heroes of any congressional office are the staff members. I, for one, realize that in order to properly carry out my duties and responsibilities it is necessary to have loyal, efficient, and competent office help.

Not only do the services of these employees mean so much to each of us, but in a larger sense contribute greatly to the successful operation of the Congress as a whole.

I take this time today to pay tribute to a wonderful lady who on March 1 retired from congressional service after more than 30 years of faithful and meritorious service. I refer to Sara Kay Bohrer who at the time of her retirement was my assistant.

Kay Bohrer began her congressional employment with Representative Moorehead, of Nebraska, in 1930. Subsequent to that time she worked with Representative Paul Kvale, of Minnesota, and Senator Dirksen when he was a Member of the House. She then began a long and successful career with the Chiperfield family of Illinois, serving first with B. M. Chiperfield and continuing from 1939 to 1963 with Congressman Robert B. Chiperfield, my predecessor from the 19th Illinois District.

Kay Bohrer was very helpful to me in my first term as a freshman Congressman and did much to help me over the rough spots during my indoctrination and transition from a State legislator to a U.S. Representative. For her advice and understanding patience I shall always be grateful.

After these many years of loyal and devoted public service she is certainly entitled to a well-earned rest. I am sure members of the Illinois congressional delegation and their staffs join with the many other persons, both in and out of Government, in wishing for Kay a very pleasant and happy retirement.

Panama Crisis: Investigation by International Commission of Jurists

EXTENSION OF REMARKS

OF

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1964

Mr. FLOOD. Mr. Speaker, in my remarks in the daily Record of March 16, 1964, on the subject, "Panama Crisis: High Panama Officials Prevented National Guard From Preserving Public Order," I commented at some length on a recently reported inquiry on the isthmus by an International Commission of Jurists conducted upon the request of the National Bar Association of Panama.

Because the press accounts about this Commission, its authority, purpose and scope were not complete in some respects, I requested specific information from the Secretary of State and have received a reply.

In order that the Congress, especially its appropriation, investigating, and legislative committees with cognizance over Panama Canal policy matters, may be fully informed in the premises, the indicated exchange of letters follows:

Congress of the United States,
House of Representatives,
Washington, D.C., March 6, 1964.

Hon. Dean Rusk,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: A news story by Bernard D. Nossiter in the Washington Post of March 1, 1964, copy attached, summarizes a Reuter's report from Geneva, Switzerland, that three observers from the International Commission of Jurists would leave on March 1 for Panama to investigate Panama's charges that the United States, during the January 1964 Panamanian outbreak, violated human rights.

Full information is desired about this reported inquiry, including (1) the name of the organization represented by the three observers, (2) under what authority are they acting, (3) what specific charges will they investigate, and (4) any instructions that the Department of State may have issued, or contemplates issuing, relating thereto.

An early reply is respectfully requested.

Sincerely yours,

Daniel J. Flood,
Member of Congress.

Department of State,
Washington, March 17, 1964.

Hon. Daniel J. Flood,
House of Representatives.

Dear Congressman Flood: I am replying to your letter dated March 6, 1964, concerning the International Commission of Jurists investigation in Panama. In response to your questions:

1. The full name of the organization is the International Commission of Jurists, and the three observers are: Prof. A. N. Belinfante, professor of law at the University of Amsterdam, Netherlands; Mr. Gustaf Petren of Sweden, assistant professor of public law at the University of Stockholm and secretary general of the Nordic Council; and Mr. Navroz Vakil, attorney-at-law and former solicitor to the Government of Bombay, India.

2. The Commission sent the three observers in response to a request from the National Bar Association of Panama.

3. The National Bar Association of Panama charged that U.S. military and police forces stationed in the Canal Zone violated articles 3, 5 and 20 of the Universal Declaration of Human Rights. These articles provide: Article 3: "Everyone has the right to life, liberty and security of person;" article 5, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;" article 20, "(1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association." It is our position that these charges are completely unfounded.

4. The United States is represented at the investigation by a team headed by Mr. Joseph Califano, General Counsel of the Army. He has been in Panama with his assistants for some time preparing to answer the Panamanian charges. The Commission observers have been hearing testimony and receiving evidence since last week and expect to conclude the proceedings shortly.

For your information I am enclosing a copy of the ICJ report on Cuba. The membership of the ICJ is shown in this report. As this is one of two copies of this report available in the Department, I would greatly appreciate it if you would return this copy when it has served its purpose.

If I may be of further help in this matter, please let me know.

Sincerely yours,

Frederick G. Dutton,
Assistant Secretary.

War on Water Pollution Picks Up Under Representative Bob Jones and His Subcommittee on Water Resources and Power

EXTENSION OF REMARKS

OF

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1964

Mr. ALBERT. Mr. Speaker, Americans are a proud people, justly pleased with their accomplishments, and this is as it should be.

But they also are quick to recognize their shortcomings, especially when bad conditions are honestly exposed. And when they discover these imperfections, the typical response is a remedial action in which Government and private enterprise join hands to cooperate in finding the proper solutions to the problems, each assuming that portion of the task which it can best do and for which it should be responsible.

Illustrative of this is the current campaign to conserve our national water resources.

Only a few years ago, there was genuine alarm and deep concern that the American people soon would be faced with a national crisis, due to lack of water. Nature provides the United States regularly with 8 inches of rain every year. Half of it is evaporated, used by vegetation and runs back into the seas. Only 4 inches is available to us, and now we are using almost 3 inches of it. With an expanding population, growing industry, and better incomes with more leisure for our people bent on outdoor recreation, the demand for water threatened to bring us to a catastrophic state by 1980.

The threat to our national existence and defense, public health, industry, agriculture, science, and recreation was real and is by no means diminished now. But there are growing evidences that we at last have recognized the gravity of our water problem and a concerted program to cope with it is imminent.

One of these evidences is the recent report by the Committee on Water Resources Research, a branch of the U.S. Office of Science and Technology. Under the auspices of 25 governmental agencies, scientists and technicians are making minute and exhaustive studies into every aspect of water and its uses. But all the effort basically is to restore our waterways from the open sewers most of them are now to the pure state they were when our forefathers first saw them. Dirty water is waste water and until our streams are cleaned and kept clean, the threat of a crisis will not abate.

Much of the coordination of effort to stop pollution of our water supply now evident between Government agencies, States, and municipalities, and industry is due to the efforts of the Subcommittee on Natural Resources and Power of the House Government Operations Committee, of which Representative Robert E. Jones of Alabama is chairman.

Without fanfare and without much publicity about what it has and is doing, the Subcommittee on Natural Resources and Power has made notable accomplishments in the less than a year it has been in existence. It discovered that while some agencies were working to prevent water pollution, there was little coordination of effort. Much of it overlapped and there were some revelations of one agency polluting water which another agency was attempting to clean. Through efforts of Congressman Jones and his staff there now is improved cooperation and effort within the Government, including liaison with States and municipalities. Every State and territory now is alerted to the threat of a water crisis and programs for correction of water waste is underway or planned.

New industries locating on waterways now know that water pollution will not be tolerated. Older, established industries have been spurred to self-policing to correct the old custom of dumping wastes into the nearest stream, regardless of what it costs communities and people downstream in wealth or health. The Jones committee is credited widely with hastening detergent manufacturers to perfect new cleaners which do not deface the waterways.

The Jones committee has held hearings in all sections of the country. These have alerted American people and their civic leaders to what a water shortage can mean to them, their children, and the future of their cities. Within the past year, public and private organizations in the hundreds have added special groups or committees to study the water problem and find means to prevent it accelerating into reality instead of a threat.

It has been said repeatedly that prevention of water pollution has been retarded and always would be, because the subject lacks heroics or glamour. Nobody, it is added, boasts of the waste treatment plant in his town to a visitor. It is one of the triumphs of the Jones committee that it is overcoming the average American's distaste to even discuss the water pollution problem.

An aroused public opinion supporting their Government on every level is one of the most hopeful signs that a threatened national crisis for our children to cope with, may be averted. The Subcommittee on Natural Resources and Power has done exceedingly well and all Americans have reason to wish its continued success.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1964

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the Record, I include the following newsletter of March 21, 1964:

WASHINGTON REPORT

(By Congressman Bruce Alger, Fifth District, Texas)

March 21, 1964.

Dallas, my native city, I honor thee

No community in America has been so villified as has Dallas. A concerted effort continues to discredit the city and its people. The lynching of Dallas has been joined by noted columnists, some Federal officials, politicians, local and national, who would sacrifice the city for political advantage, well-known Communists and the Communist Party, and lately by a prominent lawyer. It is peculiar that, in spite of the facts which proved that President Kennedy was murdered by a Communist, a single thread runs through all the attacks on Dallas—that it is a city of hate, that its people are right-wing extremists. Why? Why the continued attack on Dallas? Why the repetition of untruths? Who is masterminding the massive effort to destroy one of America's greatest communities and what is the reason?

For the first time in the 10 years I have been writing this newsletter, I am repeating a previous letter. I am doing so because it was written on November 2, 1963, in defense of my city and I would not change a single word today. I repeat it now to remind the people of Dallas of what things our city is truly made and to answer some of the filth that is being spread across the land about our city and our people. Here is what I said in November:

NOVEMBER 2, 1963

Dallas—Proud, courageous—Truly the home of the free and the brave

Dallas is second to none as an American community standing for all the highest ideals of Americanism. Its people are the finest type of citizens—courageous, courteous, determined, daring, industrious, kind, patriotic—possessing all the qualities which set apart those who founded this Nation and the pioneers who began its development. Through the years Dallas leaders have been unselfish, forward looking builders with giant ideas and giant abilities. Dallas has now, and has always had, one of the most effective and respected police forces anywhere in the world. Dallas has enjoyed capable, hard working, successful administrators.

Dallas is America. Its people are Americans, remembering and inspired by the tradition of the Alamo. Dallas' contributions to business, industry, art, culture, have been an integral part of the greatness of America.

Dallas—What it is—What it stands for

1. Dallas is a community of people who believe in the individual and in capitalism.

2. No city in the Nation can outstrip Dallas in growth figures, in job opportunities, in new car registrations, in homebuilding, in tackling slum problems, in rejuvenating its blighted areas, and all on its own through private, individual initiative.

3. Dallas has never had racial demonstrations, violence against minorities, bombings, race riots that have plagued so many other communities in both the North and South without apology.

4. Dallas peacefully integrated, quietly and through its own efforts.

5. Dallas citizens of all races, religions, and economic status have joined their talents and their efforts in creating a great, beautiful, dynamic, free community.

I am for Dallas

What I said in November about my native city I have always believed, and I believe it now. Whatever the cost, whatever political consequences to me personally, I am for Dallas. I will never knowingly utter a word or commit an act that will bring discredit upon my community. The people of Dallas, all the people of Dallas, are my neighbors, to be respected, to be treated as intelligent human beings. In whatever capacity I serve I am firmly convinced that I can serve America best by serving Dallas, by doing all I can to perpetuate its strength, to correct evils when we find them, but above all in having continued faith in this city and in these people. This is the message I am carrying across America in the many speeches I am privileged to make.

War on poverty

America has always conducted a war on poverty. Our concern with raising the standard of living of all the people of the Nation did not begin with the President's message this week. The efforts of every generation has gone into creating more wealth, more opportunity, greater educational facilities, a better life, new avenues for the pursuit of happiness. This has been done by the people, not by the Government. Individuals contributed their time, talents, abilities, and dreams to the building of America. Business and industry contributed to the development of our boundless resources and created jobs for more people at better wages than any other country has ever done in the history of the world. We are all agreed on eliminating poverty. But we can do it only through expansion of the private enterprise system. The Government cannot create jobs, nor can it for long feed and clothe and house the people without taking from them their most precious commodity—freedom. The brass band approach to giving people a better life may be good for votes in an election year, but after the ballots are in, precious few will find their lot improved. Only through the unleashing of the powerful forces of private enterprise, with less Federal dictation and less restrictive taxes, will the war on poverty be won.

The foreign aid message

The President's foreign aid message is as fallacious as his repeated statement that "we are beloved around the world" when all the evidence points to the contrary. Details next week.

Twenty Years at Texas Research Foundation

EXTENSION OF REMARKS

OF

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1964

Mr. POAGE. Mr. Speaker, Texas Research Foundation at Renner, a research and educational institution dedicated primarily to finding solutions to agricultural problems, is observing its 20th anniversary this month.

The story inherent in the establishment of this famous scientific institution on 57 acres in the north Texas blacklands on March 1, 1944, and in its growth and achievements during the ensuing 20 years is a heartening chronicle of the efficiency of private enterprise in solving pernicious economic and social problems.

Texas Research Foundation was established specifically to work out solutions for a number of ominous farm problems, chief of which was a decline in soil fertility that threatened eventual bankruptcy to the agriculture on millions of blackland acres in the central part of Texas.

By 1900, this decline in regional soil fertility had depressed cotton yields from three-quarters or a bale to a fourth or a third of a bale an acre. Corn dropped from 40 or 50 to fewer than 20 bushels an acre. Wheat yields slumped from 20 or 25 to 8 or 10 bushels an acre. In some areas of the central blacklands wheat had been discontinued as a grain crop.

Oats dropped from 75 or 100 bushels to only 40 bushels an acre. Pastures deteriorated. The grazing ratio dwindled from one head to the acre until four or more acres were required to support one animal.

Persistence of this decline in the blacklands after 1900 caused serious concern. All elements of business, industry, and commerce were alarmed over the decrease in revenues from farm and ranch commodities.

Dr. C. L. Lundell, who has been director of the institution since its founding, had envisioned the type of research organization needed to stem the tide of agricultural decay. In 1943, while he was on leave from the University of Michigan for wartime service with the Foreign Economic Administration, he met with Dr. Umphrey Lee, president of Southern Methodist University at Dallas, to hold a series of conferences for studying the most practical means for meeting the problem.

As a result of these conferences, Dr. Lundell joined the university's staff and presented his plan before the university's executive committee. Mr. Karl Hoblitzelle, Dallas philanthropist and theater chain executive who was a committee member, wholeheartedly endorsed Dr. Lundell's proposal and pledged support for it.

The executive committee then authorized the establishment of an institute of technology and plant industry and approved a budget of $43,941.80 for immediate purchase of land and improvements. The committee also approved an annual operating budget of $15,000 for the project.

On February 8, 1944, the board of trustees of Southern Methodist University established a division of the university to be known as the Institute of Technology and Plant Industry. The original 57-acre site at Renner had been acquired, and Dr. Lundell and three part-time employees began operations on March 1 of that year.

During the first 30 months, Southern Methodist University backed the program at Renner, putting more than $200,000 into the project. The first private support was received in these months—a $5,000 gift from Mr. G. B. Dealey, of Dallas, and one of $1,000 from Mr. John Alford, of Henderson. It became evident, however, that more financial support than Southern Methodist University could supply was needed to put the institute on a firm basis and to carry out the research essential to the success of the project.

Mr. Karl Hoblitzelle then volunteered $250,000 for expansion of the research facilities at Renner, if other business and industry in the area would underwrite the operating expenses. The offer solved the immediate problem; and Southern Methodist University on June 24, 1946, authorized the transfer of the institute's facilities and land at Renner to a new corporation known as Texas Research Foundation.

The new corporation was activated on July 1, 1946, and since that date it has functioned as an independent, nonprofit research and educational institution operated wholly by funds contributed by businessmen, farmers, and ranchmen.

The 20th anniversary points up the success of the foundation's work and the growth of its facilities into a modern scientific research center that is a powerful force throughout the Southwest in promoting farm and pasture systems based on soil and water conservation, and in demonstrating proper land, crop, and livestock management.

The foundation's annual operating budget has grown from the original $15,000 in 1944 to $452,000 in 1964, and its personnel from 4 to 40 persons, of whom 10 are Ph. D.'s. Facilities for industrial and basic scientific research and for graduate training now implement its facilities for agricultural research. The Renner headquarters in Collin and Dallas Counties presently includes more than 800 acres, of which 309 are in a demonstration farm.

During the last 20 years, foundation research has discredited a number of traditional farming practices as being harmful to the land. Clean cultivation and continual row cropping, together with widespread burning of small grains stubble and pastures, accelerate the decline in soil fertility by robbing the land of its plant nutrients, humus, and organic matter.

On the other side of the ledger, positive achievements of foundation scientists in reversing the downward trend of soil fertility have contributed in many ways to the development and betterment of the agricultural economy of the region.

First, Renner research demonstrated that commercial fertilizers, contrary to popular belief, do increase crop yields in the blacklands, and that the use of such fertilizers are necessary for a sound agriculture

In 1945—the first year commercial fertilizers were used at Renner—cotton doubled in yield, and oats made more than 100 bushels an acre. Based on these initial successes, long-term investigations were set up at Renner to determine the economics of commercial fertilizer usage. From these investigations have come specific recommendations for the use of each kind of commercial fertilizer, its correct amount and proper time of application.

Second, Renner research proved that wheat rather than perennial grass sod or legumes is the most valuable crop blackland farmers have for improving soil fertility, controlling erosion and increasing income.

Foundation scientists have proved a number of highly significant facts about wheat. This annual is a much more economical user of moisture than perennial grasses. The root system of wheat is more effective than that of perennials in conserving soil and water and in preventing soil erosion. The straw left on the land by a 30-bushel wheat crop is as valuable as the income from the grain itself.

The scientists also proved that the residues of other small grains are comparable in value to the residue of wheat. Small grains, moreover, can be grazed for winter pasture and still be managed to provide a profitable grain crop.

Third, another solution to the problem of declining soil fertility and waning crop yields lies in the proof that other fibrous rooted crops such as grain sorghum, when properly managed, are as effective as wheat in adding organic matter to the soil, preventing erosion and conserving moisture.

Under old farming systems, after the harvest of such crops as grain sorghum, the farmer left the plants in the field to grow and draw upon the available moisture supply.

Under the technique perfected by the foundation, the plant is uprooted immediately after harvest, shredded, and the shreds then worked into the top 2 inches of soil to form a protective mulch over the surface of the land.

Using the discoveries about fertilizers, wheat and residue treatments as a base, foundation scientists have developed the Renner farming system as a counterforce against the creeping decline of blackland soil fertility.

The Renner farming system is a 3-year rotation of two fibrous rooted cash crops, such as wheat and grain sorghum, with a tap rooted crop, such as cotton, in a scientific program that utilizes commercial fertilizers and crop residue management.

Coupled with this system is the foundation's Renner pasture system, a scientific program for the use and improvement of grazing land through the production of warm season forage of high protein content and through maximum use of small grains for winter pasture.

The foundation has incorporated these two systems into its demonstration farm at Renner, a farm which has operated at a profit every year since its establishment in 1953.

Demonstration yields now compare favorably with those prevalent in the blacklands before 1900. Cotton makes from three-fourths to a bale an acre, wheat 30 to 40 bushels an acre, oats 75 to 100 bushels an acre, and grain sorghum 3,500 to 4,000 pounds an acre. Dr. Lundell believes that the annual farm income of the region would more than double if the per-acre income of the demonstration farm could be projected to all blackland farms and pastures.

The foundation's crop improvement program—notably the pioneering of corn hybrid development in north Texas and the breeding of adapted sesame and soybean varieties—has been of economic importance. From the forage program at Renner have come button clover, Ermelo lovegrass, Columbus grass, and the demonstration of the adaptability of coastal bermuda as a superior grass for hay and grazing in Texas.

Texas Research Foundation has succeeded without question in discovering ways and means to stop the downward trend of blackland agriculture. The No. 1 problem now confronting the foundation, according to Dr. Lundell, is getting those ways and means applied to most of the acres in the Texas blacklands.

Use and Misuse of Public Resources

EXTENSION OF REMARKS

OF

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1964

Mr. O'HARA of Michigan. Mr. Speaker, as our population continues to grow, the need to protect our remaining recreation resources becomes more and more imperative. Unless we remain vigilant, we stand in danger of losing forever some of our most precious natural resources, and our children will not have an opportunity to enjoy that which our forefathers left to us.

There are few who have done more to promote wise conservation of our natural resources than the junior Senator from Montana [Mr. METCALF], with whom many of us have had the privilege of serving in this body.

I noticed recently that our former colleague has not lost his zeal as a conservationist. An article by Senator METCALF in the January 1964 Sierra Club Bulletin relates how a legislative effort to help preserve our fish, wildlife, and recreation resources apparently has been resolved by an administrative decision. I was pleased to note that one of my State's great conservationists, our colleague, Congressman DINGELL, was associated with the junior Senator from Montana and others in this endeavor.

In calling the attention of the House to Senator METCALF's article, I should like to remind my colleagues that he is no Johnny-come-lately in the conservation field. He was elected to the House of Representatives in 1952, and during his first term he was cited for distinguished service to conservation by the Izaak Walton League of America, the National Parks Association, the National Wildlife Federation, the Wilderness Society, and the Wildlife Management Institute. As the Sierra Club pointed out in an editor's note, Senator METCALF "has earned a reputation as one of the best friends of conservation on Capitol Hill."

Mr. Speaker, I ask unanimous consent that the article by Senator METCALF be inserted at this point in the body of the RECORD.

STREAMS AND HIGHWAYS: USE AND MISUSE OF PUBLIC RESOURCES

(By Senator LEE METCALF)

This is the story of the use—for a time—of vast public resources to damage or destroy other vast public resources. That this use, or misuse, of public resources has been stopped is a tribute to the strength and effectiveness of America's great conservation organizations, among them the Sierra Club.

With Public Law 87–61, enacted in 1956, this Nation embarked on the biggest road construction program in its history. As amended, it provided for the 41,000-mile national system of interstate and defense highways to be completed by 1972. Basically, 90 percent of the cost of this system is coming from our Federal taxes, the other 10 percent from taxes collected at the State level. By 1972, there will have been a steady flow of Federal aid money for 15 years, averaging more than $2 billion a year.

Soon after ground was broken on this expanded program, we began to realize that those farsighted conservationists of the past, who had laid out what was to become a nationwide network of recreation lands, were in reality the master highway planners of all time. This was documented by reports from throughout the Nation that present-day highway planners were indeed building on the past—through one recreation area and on to the next.

It became obvious that the public investment in the highway program was damaging valuable public fish, wildlife, recreation, and other resources. Reports were of direct and indirect damage and came from most of our States. Direct damage resulted from building highways in stream beds and from removing—for fill and for use in making concrete—the stream bed gravel that is so vital to fish spawning and fish food production. Meandering streams, lined with erosion-controlling vegetation, were bulldozed into sterile chutes, alternately scoured and silted, always ruined.

If there were no considerations except economic ones, this construction could be defended only by the economically ignorant. Much of our recreation is water based; a study in California found 80 percent of it to be. Hundreds of fishermen who spend thousands of their dollars in nearby communities are attracted to a mile of good fishing stream. If that meandering stream is replaced by half a mile of high speed, limited access highway, these fishermen, sitting on their billfolds, will speed past the communities and go on to areas that are either unspoiled or that have been developed with a consideration of recreation resources.

In 1962, Director Walt Everin of the Montana Fish and Game Department wrote of a highway being routed into a trout stream to avoid the cost of moving a powerline. In Utah, State engineers opposed spending $325,000 to redesign part of a high-speed highway and thereby save the sport fishery resource of part of the Logan River, where fishermen spend more than $400,000 a year. A California survey showed that the gravel being scooped out of salmon-spawning beds in Sacramento Valley to build highways produced a crop of salmon worth up to more than $1,600 an acre per year and that the average annual value to sport and commercial fishermen of salmon spawned in this region is $6.5 million.

When it became apparent that highway planners were not even consulting the agencies charged with managing the recreation resources being threatened, I introduced S. 2767 of the 87th Congress. It would have required clearance by the Secretary of the Interior for Federal aid highway projects. Acting through the U.S. Fish and Wildlife Service, the Secretary would satisfy himself that conservation of recreation resources was considered in highway plans and surveys.

Support for this measure and its successor, S. 468 of the 88th Congress, came from every part of the country. So did evidence of publicly financed destruction of public resources. Among the reports were ones from:

California: Arthur Grahame, in Outdoor Life magazine ("Are You a Sap for the Ribbon Cutters?"), wrote: "Construction of Interstate Route 80 ruined Donner Creek, a trout-productive tributary of Truckee River in the beautiful Lake Tahoe country. The Fish and Game Department didn't learn of the stream's danger until after roadbuilding had been started. Then it was too late to make changes in the contract."

New York: The New York Times editorially called attention to a proposed expressway aimed at a wildlife sanctuary in Westchester and Putnam Counties. Conservationists petitioned Gov. Nelson Rockefeller to change the proposed routing of a highway that they said would destroy 23 miles of the historic Beaverkill-Willowemoc Rivers in Sullivan and Delaware Counties.

New Hampshire: The State Audubon Society protested the routing of a highway through Franconia Notch, some of it through State recreation land that had been purchased by private citizens, many of them schoolchildren.

Massachusetts: Although recognizing that the Neponset River "in its present condition has little to recommend it from the recreational water use point of view," Publisher Henry Lyman of the Salt Water Sportsman wrote that pollution of that river "is gradually being lessened" but that highway plans would "destroy the marsh habitat."

South Dakota: Biologists report that where there were once 1,200 miles of trout streams in the Black Hills, a renowned recreation area, there are now only 160 miles that will support trout. They attribute the major portion of this loss to highway construction and the sediment pollution it produces.

Montana: A report, published late in 1961, showed that 24 streams or segments surveyed that year had lost 78 miles of their original channel to highway and railroad construction.

Utah: Highway construction threatened both the scenic beauty and the fishery resource of spectacular Logan Canyon.

Maryland: The Baltimore Sun commented editorially on what highway builders did to the most popular trout stream in that area: "Throughout most of its length the stream has been scooped out, diverted, and generally manhandled, and the wilderness along its borders which provided much of its charm scraped off by bulldozers, the banks bare, the stream itself a river of mud."

Pennsylvania: Executive Director Albert M. Day, of the Pennsylvania Fish Commission, wrote that a trout hatchery and 8 miles of "beautiful trout water" above it would be ruined from siltation and that "the blasting in this limestone area may even disrupt or ruin the springs."

As Gen. Omar Bradley put it: "If we are not careful, we shall leave our children a legacy of billion-dollar roads leading nowhere except to other congested places like those left behind. We are building ourselves an asphalt treadmill and allowing the green areas of our Nation to disappear."

Integral parts of the "green areas" to which General Bradley referred are the streams, rivers, and lakes that provide millions of Americans with recreational opportunities.

As this pressure of highway construction on natural stream values increased, nearly every major conservation organization went on record in support of legislation to counteract it. At its March 1962 meeting, the Water Pollution Control Advisory Board approved the principle of S. 2767 "because of the beneficial results that must come in the field of water pollution abatement as a necessary result of this action."

The Izaak Walton League of America, at its 1962 convention, resolved that "in highway construction, advance planning definitely provide for the protection of water resources, fish and wildlife, and recreational values, and that the costs of adequately protecting the range, the watersheds, the forests, the wildlife, and the scenic values be considered normal cost of highway construction and included therein."

Among resolutions adopted by the National Wildlife Federation in 1962 was the one headed "Public Roads":

"Federal and State highway programs are causing major problems in the management of natural resources, particularly fish and wildlife. Not only are major amounts of land being removed from agricultural use, but highway construction is disrupting streams, invading the sanctity of public parks, forests, and wildlife refuges, and creating barriers to migrations of big game herds. Some do not allow access to public lands. The National Wildlife Federation proposes the principle that highway construction be considered in the same light as water development and that fish and wildlife and recreational values be adequately considered in the advance planning of any road program and any wildlife losses be fully mitigated."

Part of my voluminous files on this subject include my own effort to determine the extent to which highway construction was threatening our rivers and streams. I addressed questionnaires to fish and game management officials in each of our 50 States. All replied.

I asked 10 questions, one of them being: "Are trout streams or other important fishing streams or lakes adversely affected by highway construction in your State? Thirty-six of the 50 States answered affirmatively, although the extent of the damage varied.

Perhaps more significant were the responses to the question: "Do you feel that additional legislation at the Federal or State levels is necessary to bring about a satisfactory degree of coordination of highway and wildlife conservation interests and objectives in your State?" To this question, fish and game management men in 41 States replied: "Yes." Two States were undecided, and seven saw no need for action in this area.

Early last year I reintroduced the bill to protect streams from highway damage, cosponsored this time by Senators FRANK MOSS, of Utah; ERNEST GRUENING, of Alaska; and GAYLORD NELSON, of Wisconsin. In the House, companion legislation was introduced by Congressmen ARNOLD OLSEN, of Montana, and HENRY REUSS, of Wisconsin. Congressman JOHN DINGELL, of Michigan, took a different route to the same objective. He proposed to amend the Coordination Act to make it apply to Federal-aid highway projects. (The act now provides for mitigation of damage to fish and wildlife resources and their possible improvement as a a result of Federal construction projects.)

Our concern was shared by Secretary of the Interior Stewart Udall and Secretary of Commerce Luther Hodges, who has jurisdiction over the Bureau of Public Roads. After making its own inquiry into the problem and after consultation with others concerned, the Bureau of Public Roads issued an instructional memorandum last June 12. It set as its goal suitable coordination between State highway departments and the conservation agencies.

As a minimum, the Bureau order requires State highway departments to submit plans to State fish and game agencies "at an early stage," and to give those agencies "full opportunity to study and make recommendations" to the State highway department prior to submission of the plans to the Secretary of Commerce for his approval.

The memorandum set the first of this year as the deadline, after which State applications for Federal aid for highway construction "shall contain a statement that the State highway department has considered all facts presented by the State fish and game agency and the effect the proposed construction may have on fish and wildlife resources."

According to the memorandum, this statement should include:

"(1) a description of the measures planned as project expenditures to minimize the effect of the proposed construction on fish and wildlife resources;

"(2) a description of any measures proposed by the State fish and wildlife agency to accomplish this purpose, which differ from those proposed by the State highway department; and

"(3) to the extent that measures proposed by the State highway department and State fish and game agency differ, an explanation of the factors considered by the State highway department in arriving at its proposal."

Thus, administrative action apparently has achieved the objective of legislative proposals that sought consideration of fish and wildlife resources in our highway program. From now on, planning for the preservation and conservation of our streams will be a component part of highway programing from the survey stage. It will be, either under this administrative action, or under legislation that will be introduced and pressed if administrative coordination is not effective. The effectiveness of the regulation will depend upon the cooperation of those concerned with building highways and with managing our recreation resources. It also will rest on the awareness and alertness of conservationists. The demonstration of those characteristics in forcing the administrative action leaves me no reservations about the conservationists. Already there are suggestions that coverage of the Public Roads Bureau order, or subsequent legislation if it is necessary, be broadened to include State and local parks, historical sites, and recreation land around cities acquired under the "open spaces" program.

We legislate on the basis of experience. In a year or so, we will have documented experience on which to judge the effectiveness of administrative coordination.

SENATE

TUESDAY, MARCH 24, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of life and light, our glad hearts thrill at the risen glory of the awakening earth robed in the blooming garb of spring. As common bushes, lately so bare, are now aflame, and the time for the singing of birds has come, may a spiritual springtime make our own hearts even as the garden of the Lord, where barren branches may be clothed upon with the beauty of holiness and the fair flowers of humility and charity lift their fair petals above the fallow ground.

In this week of weeks, as we are driven to the strange Man lifted up from the earth, as He climbs new Calvaries with the Cross that ne'er turns back, may we know that it is by that sign that we, too, must conquer as we face those who would exploit and degrade the holy temple of human personality.

Whatever the future holds, in the might of that conquering sign, may we face it, calm and confident in the assurance that there lives the beauty that man cannot kill.

May we hold that faith, and hold it fast. Amen.

THE JOURNAL

On request of Mr. MCINTYRE, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 23, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill

(S. 1057) to promote the cause of criminal justice by providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. RODINO, Mr. ROGERS of Colorado, Mr. MCCULLOCH, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a joint resolution (H.J. Res. 962) making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 962) making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TRANSACTION OF ROUTINE BUSINESS

Mr. McINTYRE. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements not to exceed 3 minutes in length.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. GRUENING. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 96 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], and the Senator from Utah [Mr. MOSS] are absent on official business.

I also announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from California [Mr. ENGLE], and the Senator from Tennessee [Mr. GORE] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from Iowa [Mr. MILLER] is absent by leave of the Senate.

The Senator from Kansas [Mr. PEARSON] is absent on official business.

The Senator from California [Mr. KUCHEL], the Senator from New Mexico [Mr. MECHEM], the Senator from Wyoming [Mr. SIMPSON] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON CONSTRUCTION OF AN ASTRONAUT PHYSICAL CONDITIONING FACILITY

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of an astronaut physical conditioning facility, as an extension of the Translation and Docking Simulation Facility at the Manned Spacecraft Center, Clear Lake, Tex.; to the Committee on Aeronautical and Space Sciences.

REPORT ON UNNECESSARY PER DIEM PAYMENTS FOR MILITARY PERSONNEL REPORTING EARLY FOR TEMPORARY DUTY ASSIGNMENTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary per diem payments for military personnel reporting early for temporary duty assignments, Department of the Navy, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DEFICIENCIES AND PROBLEM AREAS RELATING TO ADMINISTRATION OF FEDERAL-AID HIGHWAY PROGRAM IN STATE OF NEW YORK

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on deficiencies and problem areas relating to the administration of the Federal-aid highway program in the State of New York, Bureau of Public Roads, Department of Commerce, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON ADDITIONAL COSTS INCURRED IN PROCUREMENT OF CERTAIN SEAPLANES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on additional costs incurred in the procurement of P-6M seaplanes from Glenn L. Martin Co., Baltimore, Md., Department of the Navy, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF SECTIONS 2275 AND 2276 OF THE REVISED STATUTES, RELATING TO CERTAIN LANDS GRANTED TO THE STATES

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend sections 2275 and 2276 of the Revised Statutes, as amended, with respect to certain lands granted to the States (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition signed by Marvin J. Andersen, for the Jack Fork Creek Watershed Ranchers, of Sardis, Okla., praying for a congressional hearing with reference to the Clayton Dam on Jack Fork Creek in Pushwataha County, Okla.; to the Committee on Public Works.

A petition signed by Marvin J. Andersen, and sundry other citizens of the State of Oklahoma, praying for a congressional hearing and reconsideration of the Clayton Dam approved for construction on Jack Fork Creek in Pushwataha County, Okla.; to the Committee on Public Works.

A memorial signed by Stanley H. Smith, Jr., and sundry other citizens of the State of Arizona, remonstrating against the enactment of the civil rights bill; ordered to lie on the table.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARTKE:

S. 2679. A bill to make a supplemental appropriation for the Department of Agriculture for the fiscal year ending June 30, 1964, for watershed protection in the State of Indiana; to the Committee on Appropriations.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mrs. NEUBERGER:

S. 2680. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

(See the remarks of Mrs. NEUBERGER when she introduced the above bill, which appear under a separate heading.)

By Mrs. NEUBERGER (for herself and Mr. MORSE):

S. 2681. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin Federal reclamation project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mrs. NEUBERGER when she introduced the above bill, which appear under a separate heading.)

WATERSHED PLANNING SUPPLEMENTAL APPROPRIATION FOR INDIANA

Mr. HARTKE. Mr. President, on March 12 I was one of an inspection group who flew by Convair and helicopter over the drought-stricken Ohio River area from Louisville to Evansville, Ind., and along the flooded Patoka River. The worst floods in 20 years have brought uncalculated damage, damage which would undoubtedly have been worse a few years ago before the progress in reservoirs and watershed development which has been made.

But the progress to date, Mr. President, has not been sufficient. I refer particularly to the watershed development under the Department of Agriculture conservation program. This program for work to prevent the kind of runoff which is a prime cause of floods such as we have seen is vital. To date 2 watershed projects in Indiana have been completed, work plans for 15 have been prepared, and 12 approved for operations.

This sounds like real progress. But alongside of this must be put the fact that in the State of Indiana a survey by the Department of Agriculture shows 182 areas which should be developed as watersheds. In order to proceed, a greater effort must be made in planning. Federal funds in fiscal 1964 for the two watershed planning parties for Indiana were $100,000, but this year's figure has been reduced to $85,000. The organization on the larger sum is geared to produce 6 to 8 work plans a year, but applications being received are from 12 to 15 a year. This is double the achievement on the present $100,000, which it is now proposed to reduce.

Therefore, Mr. President, in view of the great need for flood protection in the State of Indiana as evidenced by the recent disastrous floods in the area, I introduce, for appropriate reference, a supplemental appropriation bill to remedy this situation. I ask unanimous consent that the text of the bill be printed in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2679) to make a supplemental appropriation for the Department of Agriculture for the fiscal year ending June 30, 1964, for watershed protection in the State of Indiana, introduced by Mr. Hartke, was received, read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1964:

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Watershed Protection

For an additional amount for expenses necessary to conduct surveys, investigations, and research and to carry out preventive measures in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954 (16 U.S.C. 1001–1008), and the Act of April 27, 1935 (16 U.S.C. 590a–f), to remain available until expended, $100,000, and to be available only for such activities within the State of Indiana.

ANNUITY INCREASES NEEDED FOR RETIRED FEDERAL EMPLOYEES

Mrs. NEUBERGER. Mr. President, I introduce, for appropriate reference, a bill which would provide a 5-percent increase in annuity benefits for retired Federal employees and their survivors.

The plight of retired Federal employees who devoted a lifetime to Government service is a difficult one. Inflation is their great enemy, and the 5-percent annuity increase voted in 1962 by Congress was all too small.

Legislation is being actively promoted for pay increases for postal and Federal employees. It seems only fair that some increase be provided in annuity benefits for those Federal employees who hav retired.

Mr. President, it is a pleasure for me to introduce proposed legislation requested by the National Association of Retired Civil Employees, which actively and ably represents the needs and welfare of all retired Federal employees.

I ask unanimous consent to include in the Record at the conclusion of my remarks a letter of March 19, 1964, to me from Glenn R. Simcox, president of the National Association of Retired Civil Employees, which discusses the bill I have introduced.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 2680) to increase annuities payable to certain annuitants from the civil service retirement and disability fund, introduced by Mrs. Neuberger, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The letter presented by Mrs. Neuberger is as follows:

National Association of
Retired Civil Employees,
Washington, D.C., March 19, 1964.

Hon. Maurine B. Neuberger,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Neuberger: Enclosed is a draft of a bill to increase annuities paid from the civil service retirement and disability fund which we hope you will sponsor in the Senate.

Inflation is the greatest enemy of the retired employees of the Federal Government and their dependents and survivors who are trying to live on meager retirement annuities. Congress made an effort 2 years ago a bridge part of the gap between annuity dollars and the cost of living but the 5-percent adjustment effective as of January 1, 1963, was only about half enough to make ends meet.

The two outstanding changes in the Civil Service Retirement Act were made in 1948 and in 1956. The revisions in 1948 increased the annuity formula for persons who would retire in the future and also at the same time granted 25-percent increases in the annuities of most of those previously retired. On the other hand, the further revisions in the formula approved in 1956 for those who would retire in the future made no provision whatsoever for persons previously retired. It was not until 2 years later, in 1958, that a 10-percent increase was approved for persons retired before the effective date of the 1956 revisions.

In the meantime, salaries were rapidly climbing in both Government and private industry, and inflation was squeezing the purchasing power of annuity dollars. In 1962, when the Congress took up the bill to increase annuities, it adopted the base year of 1958, in determining that cost of living had then risen at least 5 percent, which overlooked a number of essential facts. The increase in 1958 was not a general adjustment of annuities, but only a belated correction of an adjustment neglected for 2 years. The real gap in cost-of-living deficiency started in 1956 and not in 1958.

We believe that an analysis of cost-of-living figures from July 1956 through December 1962 will disclose that there was an increase during that period of approximately 10 percent. One half of this gap was covered by the increase which became effective in 1963. We hope you will help us get a further adjustment to cover the rest of the gap.

If I, or any member of our staff can assist you or members of your staff at any time, please call upon us.

With best personal regards, and thanking you for the splendid cooperation we are always receiving from you, I am,

Glenn R. Simcox,
President.

AUTHORIZING CONSTRUCTION OF TUALATIN RECLAMATION PROJECT

Mrs. NEUBERGER. Mr. President, a rapid change in land and water uses in Washington County of Oregon has presented the people of that area with a critical problem. This particular section of Oregon is drained by the Tualatin River. The Tualatin is relied upon as the source of supply for irrigation of farms and orchards and for municipal and domestic water for a thickly populated and intensively farmed section near Portland, Oregon's largest city.

The water supply situation for all uses has become acute. However, some years ago the Bureau of Reclamation conducted a thorough-going investigation and determined that it would be feasible to build a storage dam at the Scoggins Creek site on the Tualatin River, thus assuring an adequate supply of water for the urban and rural demands of the area.

I have just received word that the Bureau of the Budget has given its approval to the proposed report on the Tualatin project by the Secreary of Interior. The Secretary's report which has received the approval of affected State and Federal agencies has found the Tualatin project on Scoggins Dam economically feasible. I am, therefore, introducing for myself and for my colleague, the senior Senator from Oregon [Mr. Morse], a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin Federal reclamation project, Oregon, and for other purposes.

The Tualatin project plan of development provides for a 61,000-acre-foot reservoir behind the proposed Scoggin Dam to store excess wintertime flows of the river and release the water as needed for municipal and industrial supplies, irrigation, the maintenance of fish life in the river, flood control, and water quality control.

Included in the plan are some 70 miles of main canals and necessary pumping plants, laterals, drains, and appurtenant facilities to irrigate 17,000 acres of productive lands. Project facilities would provide for the foreseeable water needs of three cities in the project area and for other nonagricultural uses. Specific facilities would also be provided at Scoggin Reservoir for recreation and fish enhancement, and modifications at an existing downstream industrial diversion dam will insure the passage of anadromous fish.

Washington County cites of Hillsboro, Forest Grove, and Beaverton, Tigard Water District, as well as the Lake Oswego Corp., will require about 14,000 acre-feet of water annually from the project.

Construction cost of the Tualatin project is estimated at $19,235,300 of which $14,431,500 is reimbursable. Tentative allocations of the project cost to functions are as follows:

Irrigation, $13,089,000; municipal and industrial water supply, $1,342,500; water-quality control, $1,720,700; fish and wildlife, $1,977,200; recreation, $795,100; flood control, $30,800; highway transportation, $280,000.

Mr. President, this project has been strongly endorsed by the Oregon State Water Resources Board, as well as the local units of government concerned.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2681) to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin Federal reclamation project, Oregon, and for other purposes, introduced by Mrs. NEUBERGER (for herself and Mr. MORSE), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate of March 16, 1964, the following names have been added as additional cosponsors for the following bills:

S. 2635. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes: Mr. BYRD of West Virginia, Mr. CARLSON, Mr. COOPER, Mr. GRUENING, Mr. HARTKE, Mr. RANDOLPH, and Mr. WILLIAMS of Delaware.

S. 2637. A bill to provide a new program for wheat and to provide a long-range program for the retirement of excess land from the production of agricultural commodities: Mr. BARTLETT.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. YARBOROUGH:

Address delivered by John A. Gronouski, Postmaster General, at dedication of New York World's Fair Post Office, on March 11, 1964.

NOTICE OF INTENTION TO OBJECT TO COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. MORSE and Mr. AIKEN addressed the Chair.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The Senator will state it.

Mr. MORSE. I should like to have the Chair state what understanding or agreement has been reached with regard to committee meetings being held during the sessions of the Senate, and whether there is any agreement that permits them to hold meetings during the Senate sessions without obtaining further unanimous-consent agreements daily from the Senate.

The PRESIDING OFFICER. The Committee on Appropriations is authorized to meet today only. The Committee on Rules and Administration has been authorized to meet for the remainder of the week. No other committees are authorized to meet while the Senate is in session.

Mr. MORSE. The Senator from Oregon wishes to announce that, in the absence of any prior commitment, the senior Senator from Oregon will object to any committee hearings being held while the civil rights bill is before the Senate, at least for the time being.

I wish to explain why I make that statement. The Senate should either fish or cut bait. We should either follow orderly procedure or not. The civil rights bill should be referred to committee for 10 days. If that could be done, it would be possible for the Senate, in keeping with regular procedure, to conduct its business during that period of time. When the committee reported the bill back after 10 days, it would undoubtedly be made the pending business before the Senate, and we could get on to disposing of the proposed legislation.

With all respect to the disagreement Senators may have with the Senator from Oregon on this matter, I am convinced that the only way the Senate can dispose of the bill in a reasonable period of time is by directing its attention to it, and not doing anything else but work on the civil rights bill. Also this would result in directing the attention of the people of the country to the floor of the Senate and to the importance of passing a civil rights bill.

It is with some reluctance that I make this announcement. Nevertheless I am convinced, after observing civil rights fights in the Senate for many years, that when we get into this kind of situation, all the time and attention of the Senate should be directed to this issue. The Senate should not be transacting other business while the civil rights issue is before it.

I close by saying that every American should understand that this is a great, historic issue. The price of liberty comes high for everyone. I do not believe we can justify making exceptions for any group that wants this legislation, or that legislation, or some other legislation considered, when the job of every Senator is to be present on the floor of the Senate every moment of the time the Senate is in session until the civil rights bill is enacted.

Therefore, I announce to my leadership that I shall make it my business to see to it that I am on the floor of the Senate to raise objections. I hope, if I am not on the floor of the Senate, I may have the courtesy of a quorum call in order to give me an opportunity to raise an objection to any request for permission for a committee to meet while the Senate is in session.

Mr. MANSFIELD and other Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, I am indeed sorry to hear the statement just made by the Senator from Oregon. I do not know whether he knows it or not, but another Senator on the Democratic side has made it very plain that he would not accord the Appropriations Committee the usual courtesy of meeting during sessions of the Senate. This program has been in operation for many decades, and it is one committee which has been given that consideration because of the multiplicity of its duties.

I point out to the Senator that even yet, on this the 14th day, I believe, since the debate began, we are not considering the civil rights bill, but only the question of taking it up and making it the pending business.

I would hope that there would be some way by which arrangements could be arrived at whereby some of the other business of the Senate could be carried on by duly constituted committees, because if we stop everything for civil rights, it means that everything will be stopped, in my opinion, not for the weeks ahead but for the months ahead, and the business of the people in other respects will be neglected.

There is other business to attend to, even though this particular matter is of paramount importance at the moment.

Mr. MORSE. In my judgment, the best way to get a civil rights bill before the Senate and to proceed to consider it is to do nothing but devote all our attention to the civil rights issue.

One of the reasons I shall object to committee hearings is that, in my judgment, it will help us get the civil rights bill before the Senate. Second, I have already intimated that I do not believe any other business should be transacted by the Senate until the matter of delivering the Constitution of the United States to the Negroes of America, for the first time in our history, is finally settled by the Congress.

Mr. MANSFIELD. Even though I disagree very much with the Senator from Oregon in his announcement to the effect that he would oppose any committee meetings, I must in all honesty recognize that he is acting within his rights under the rules of the Senate.

Mr. RUSSELL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. I was somewhat confused as to why the Senator from Montana thought it was of such paramount importance that committees meet to consider run-of-the-mine legislation that is of little or no consequence, when he is not willing to have a committee even consider the civil rights bill, which he says is of paramount importance to the people of the country.

Mr. MANSFIELD. If the Senator from Georgia will allow me to reply, I would point out that the majority leader did attempt to have the bill referred to committee and he did almost succeed in so doing. However, one objection was made, and the unanimous-consent request was thereby lost. So the attempt having been made, I believe it would be far better to get on with the business rather than to refer this proposal to the Judiciary Committee, where we know the kind of treatment it will receive.

Mr. RUSSELL. There was a rather pale attempt to get the bill before a committee for only a few days with the clear instructions of the Senate that the committee could not amend the bill, and could not make a recommendation with respect to it. I do not see that the committee hearings would serve any useful purpose with such an understanding.

Mr. MANSFIELD. Pale or lurid, it was an attempt, and the attempt was defeated.

Mr. RUSSELL. Let us see what happens in other areas such as the one in which the Senator from Oregon has given notice, which he is within his right.

Mr. MANSFIELD. The Senator is correct.

Mr. ALLOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. I am very much disappointed to hear the distinguished Senator from Oregon make the statement that he has just made. Of course, I realize that he looks very fine and handsome in the great cloak of virtue which he has drawn over his shoulders and which he wears over his shoulders like a halo, except it is in the wrong place.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MORSE. The Senator from Colorado has the appearance of Apollo.

Mr. ALLOTT. I have all the respect in the world for the Senator from Oregon, but I should like to engage his attention for just a moment, to comment on the fact that last year the Senate was kept in session for 12 months, and that even during the month of December we were still trying to dispose of the appropriation bills.

Perhaps the distinguished Senator does not realize the amount of detail and the number of hours and weeks required to dispose of these bills.

If the Senator from Oregon is willing to remain into September, October, or November, and will attend Senate sessions every day while it is working on appropriation bills, his point is well taken.

But what we shall be doing, in effect, is slowing down the work of the Senate that must go on day by day, without waiting until July or August, because the people will be rendered a disservice if the Senate cannot dispose of appropriation bills.

The opinion of the Senator from Oregon may be that if there are no committee meetings civil rights legislation will be expedited. The Senator's position on civil rights is no stronger than mine, and I will not accord to him any credit in this field that I would not take for myself. But the Senate must transact other business. It is a blind policy not to realize that the Senate must take care of appropriation bills.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from Oregon to reply.

Mr. MORSE. I am sure the Senator from Colorado did not hear my parliamentary inquiry. I asked if there was any prior commitment for standing committee hearings. My understanding is that the Chair advised that such a commitment exists in the case of the Appropriations Committee. I would that it did not, I hasten to add, but I understand that it does, and that the Appropriations Committee will meet.

Am I mistaken about that, may I inquire of the Chair? Has the Appropriations Committee a standing unanimous-consent agreement?

The PRESIDING OFFICER. Only for today.

Mr. MORSE. As I just said, I would that it had not. I am glad to learn that it does not. Our difference is this: I believe that the Senate must plan to be in session for 12 months. I do not believe the work of this session of Congress can possibly be finished in less than 12 months. I believe there will be an opportunity within the next few months or more to get rid of the civil rights bill; and afterward the Senate must handle other pieces of legislation.

The Senator from Colorado need have no concern about whether I shall be present. I will place my record of attendance alongside that of the Senator from Colorado any time.

I shall be present.

Mr. MANSFIELD. Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I somewhat agree with what the Senator from Colorado has said as to the importance of appropriation bills.

In the previous session of Congress, Congress finally enacted an appropriation bill for 29 agencies during the latter part of October, 5 months after it should have been passed. Most of the agencies have to do with the economy of the country, and whether it keeps moving or not.

Last year, the same thing occurred. Weeks of time were spent, in 29 hearings, on 29 agencies alone. The bill reached the proportions of about $12 to $14 billion. Incidentally, because our time was spent that way, the budget was cut $1,400 million-plus. That much money was saved.

I shall continue to ask for that time. If Senators wish to object, very well. I will be around the corner for anything that happens on civil rights. I have spoken about civil rights for some 26 years in the House and in the Senate. I hope my position is clear on it. If it is not, I do not know what more I can do about it. The committee is going to meet. If Senators wish to object, very well. We can do what I am doing with the Commerce Committee. We have been at a hearing since 8:30 this morning. There is nothing wrong with coming down at 8:30 to carry on the business of the Senate and to get some work done that has some priority.

I do not know what the situation will be when the bills come to the floor. However, one of the greatest drags on the economy of this country is when Congress stalls around with its annual appropriations, and denies the work of the Government and the lifestream of the economy what both require, for many months.

I know what is involved, because people in business, particularly people in small business, and also State governments, do not plan until Congress passes appropriation bills. If they drag along, an obstacle is placed against the development of our country.

If the committee must meet at 7 or 7:30, it is all right with me. If Senators object, very well. Appropriation bills are very important. I hope in this particular case, now that the House, for the first time in a long time, has started early in getting the bills through the House—hearings are being held now—I hope that the Senate will be able to proceed with appropriation bills, because so much depends upon what the Government does from the standpoint of appropriations.

Mr. MORSE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. I wish to take 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I know that no one agrees more completely with me than does the senior Senator from Georgia [Mr. RUSSELL], who knows that even in the field of the Nation's defense a great deal is lost if appropriation bills are not passed on time.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I hope the Senator will not object. I yield to the Senator from Oregon.

Mr. MORSE. The Senator from Washington will be within his parliamentary rights as a Senator to ask unanimous consent that his committee may meet during sessions of the Senate. The Senator from Oregon will be within his parliamentary rights in objecting. I shall object every time the Senator asks for that privilege. The Senator can have his committee meet early in the morning. If he does, I shall applaud him for it. I believe that by objecting we shall hasten the day when cloture will be applied in the Senate. We shall not get it until we bring the Senate to a dead halt and the country realizes what the situation is. Then I believe the Senate will hear from the country. When the Senate hears from the country, we shall get the votes for cloture, not before.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. I ask for 1 more minute.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. MAGNUSON. I wish to answer the Senator's statement. I do not disagree with the Senator, because I, too, believe that we should put our nose to the grindstone. However, I do not believe that stopping appropriation bills would have the desired effect. Stopping them might have the opposite effect. Of course the committee can meet early or late. We have a tremendous task, particularly when witnesses are scheduled to be heard. They should be heard during the day. I appreciate the position of the Senator from Oregon. I am sure he appreciates my position. Some of us have the responsibility to the country with regard to appropriation bills. They have a great effect on the country, and on the question of whether the country moves or does not move.

Mr. MORSE. The Senator from Oregon and the Senator from Washington are good friends. We disagree as to the proper procedure in this instance.

CIVIL RIGHTS AND CASSIUS CLAY'S BOXING TITLE

Mr. RUSSELL. Mr. President, is the Senate still in the morning hour?

The PRESIDING OFFICER. The Senator is correct.

Mr. RUSSELL. Then I shall hasten to make a few brief remarks.

On February 28, I commented in the Senate about the religious and social philosophy of Cassius Clay who had just won the heavyweight boxing championship and who had announced his adherence to some sect of the Islam religion.

I read from newspaper articles which quoted him as saying among other things:

> I don't believe in forced integration * * * stay with our own—tigers stay with tigers, red ants stay with red ants, Cubans stay with Cubans. This fighting and stuff is unnecessary. Why do two Negroes have to go 2 miles out of the way to a white school upsetting the whole school * * *. We believe that forced and token integration is but a temporary and not an everlasting solution to the Negro problem. It is merely a pacifier. We don't think one people should force its culture upon another * * *. I don't impose myself on people who don't want me. If I go in somebody's house where I am not welcome, I am uncomfortable so I stay away.
>
> I like white people. I like my own people. They can live together without infringing on each other.

At that time I stated that I feared a storm would break around the head of Cassius Clay such as he had never even imagined and that it would require a great deal of courage for him to maintain his position.

That prediction has been borne out. Preachers, the heads of national Negro associations and other Negro leaders have denounced Clay because he does not consider himself insulted or demeaned, even though he is the heavyweight champion, by associating with his own kind and the members of his own race.

I again say, Mr. President, that I know nothing about the Islamic sect with which he has associated himself. However, I was shocked to read an article in the paper where the World Boxing Association was proposing to strip Clay of his championship title apparently because of his philosophy of life and his adherence to a religion in which he believes.

Mr. President, I have pointed out before that a wave of intolerance accompanied by a determination to enforce conformity of thought and action on all men was sweeping through the Nation. I repeat that intolerance and the demand for conformity poses a serious threat to the rights of every American citizen.

Cassius Clay, in common with 180 million other American citizens has a right to join the religious sect of his choice without being blackmailed, harassed and threatened with the severe punishment of being deprived of the heavyweight boxing championship. Incidentally, this is a very valuable property right, but these arrogant men who apparently are directing the World Boxing Association propose to take it away from Clay without the slightest pretext of a court hearing.

This is an example of the sort of intolerance that grips this country today. What if the situation had been reversed and Patterson had been the champion and had joined a sect of any kind which believes in utilizing the Federal power to mix the races? If any boxing association or even any individual had undertaken to take his title away from him for believing in integration and race mixing, the editorial pages in every newspaper in the land would have sizzled with ringing denunciations of such proposal.

Where are your defenders of individual rights?

Nothing could better demonstrate the grip of intolerance on this country today than the lack of criticism of this threat against Cassius Clay.

Since when can any citizen of the United States be deprived of any of his rights because of a religious belief, no matter how peculiar it may seem to others? In this country a man not only has the right to worship as he sees fit, he has the right not to worship at all if his conscience and judgment so dictate.

Not the least of the rights of an American citizen, Mr. President, is the right to be wrong and, indeed, the right to make a fool of oneself.

I note that Clay has now changed his name to Muhammed Ali. This may seem strange, but the right to change one's name for boxing purposes has been exercised by hundreds of boxers without anyone questioning the right.

If there were real liberals in this country today, they would not quietly acquiesce in the announcement of the leaders of the World Boxing Association that the association intends to vacate Clay's title for what is called "conduct detrimental to boxing."

If they are in possession of any facts that were not known at the time of the Liston-Clay fight, the World Boxing Association should announce them to the American people. Everyone is entitled to know the reasons why it is proposed to strip Clay of his title.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL. I ask for 1 more minute.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. RUSSELL. Let me commend the head of the New York Boxing Commission, a former Marine Corps general, who is quoted as having said:

> Within the limits of the Constitution, the right to freedom of speech and to religious belief are inviolate. No title of a world champion has ever been vacated because of religion, race, or personal beliefs.

I do not know Clay personally, but he bears the repute of being a clean living fighter which is more than can be said for some of the champions that preceded him. Where was this commission that sits in judgment on Clay when there were world champions who had no religion at all, or who had long criminal records and who repeatedly were involved in difficulty with the law even while holding the championships?

I do not know Clay and hold no especial brief for him, but I insist that as a freeborn American citizen he has the right to associate himself with any group, even if they do not believe in the current craze to utilize the Federal power to compel race mixing in every area of life. We have come to a pretty pass in this country where a man who conscientiously believes in separation of the races is to be penalized and denied his rights as a citizen on account of his beliefs.

Let me say, Mr. President, that I do not think that it is adding anything to the stature of the Senate to have a Senate committee following this association and probing into this question at this time.

No one denies that professional boxing has now fallen to a low estate. I must say, Mr. President, that if those who direct this World Boxing Association are so intolerant, narrowminded, and bigoted as to threaten to strip a champion of his title because of his religious belief, it is no wonder that professional boxing is at a low ebb. Any American citizen who becomes the head of the World Boxing Association should maintain that great principle of the American Constitution that every citizen is entitled to worship according to the dictates of his conscience.

Mr. President, my time has expired. I had hoped to quote from an article which appeared in today's Washington Post and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OTHERS ALSO DISAGREE WITH BOXING GROUP: NEW YORK WON'T JOIN WITH WBA IN STRIPPING CASSIUS CLAY OF TITLE

NEW YORK, March 23.—Cassius Clay scored three victories today in his campaign to remain heavyweight champion when:

New York State's Athletic Commission announced it would continue to recognize "Gaseous Cassius" as champion regardless of any action that the World Boxing Association (WBA) might take.

The Illinois Athletic Commission also voted unanimously to reject a recommendation by the WBA that Clay be stripped of his title. Illinois is a WBA State.

WBA President Ed Lassman, who hopes to have Clay's title vacated within the week "for conduct detrimental to boxing," said at

Miami, Fla., "of course, Clay might be reinstated as champion within 5 or 6 months" if his conduct improves.

In New York, Clay's summation of the situation was this: "That New York commission is the smartest. It knows I'm the greatest, and that I certainly can't lose my title outside the ring, anyway."

Meanwhile, at New Orleans, chairman Emile Bruneau of the WBA's world championship committee began a telephone poll of his seven fellowcommitteemen to see whether they will vote to dethrone Clay.

LISTON NOT SO LUCKY

Former heavyweight champion Sonny Liston was unluckier today than Cassius, his conqueror.

In announcing continued recognition of Cassius (Muhammed Ali), former Marine Gen. Melvin L. Krulewitch—chairman of the New York commission—ruled out the possibility of a return Clay-Liston title fight at the New York World's Fair.

Krulewitch emphasized that New York does not approve return bout contracts. Liston has no boxing license in the State of New York. And no fighter can participate in the promotion of a New York fight. Liston is president of Inter-Continental promotions.

It was Inter-Continental that staged the February 25 match at Miami Beach, where 22-year-old Cassius stopped 31-year-old Liston in the seventh round and took the crown.

CLAY'S MAN "AMAZED"

At Salt Lake City, Utah, Bill Faversham—head of the Louisville (Ky.) sponsoring group that manages Clay—said "I'm amazed that the WBA is trying to take away Clay's title. He has done nothing illegal or immoral. No one ever threatened to take away Liston's title despite his run-ins with the law."

General Krulewitch's New York assurance of Clay's continued recognition as champion said:

"Within the limits of the Constitution, the right to freedom of speech and to religious beliefs are inviolate. No title of a world champion has ever been vacated because of religion, race, or personal beliefs."

One of Clay's happy reactions to the Krulewitch statement was:

"New York State—that's my new home State, man. I'm moving to New York—the center of the whole world and where the people are so smart."

In Tacoma, Wash., Dr. Charles P. Larson, the past president of the World Boxing Association, said any move to strip Clay of his title "for any reason other than dishonesty is ridiculous.

"After all, this is the United States of America," said Dr. Larson, "and a man is entitled to his personal beliefs, to membership in any group he wants and to belong to any religion."

Dr. Larson, who stepped down as head of the WBA last September after two terms, said he disagreed unalterably with the position taken by his successor, Lassman.

ATTORNEY SPEAKS

Attorney Sol Silverman, who heads Gov. Edmund G. Brown's committee investigating boxing in California, said he does not believe courts would uphold any WBA move to strip Clay of his title.

"While the attitude of the WBA for a cleanup is praiseworthy, unfortunately it lacks legal right to divest Clay of his championship, a valuable property right," said Silverman.

"And should Clay take a decision against him to the courts, he could upset the move of the WBA and thumb his nose at it. This would hardly be a sobering influence on Clay or anyone else."

WBA Commissioner Abe J. Greene said in Paterson, N.J., that Clay should be given a chance to decide whether he wants to be a religious crusader or the heavyweight champion.

"As a champion he is neither a Muslim nor any other religionist, because sports are completely nonsectarian," Greene said.

"I think Clay should be given the choice of being the fighter who won the title or the fanatic leader of an extraneous force which has no place in the sports arena. The decision will be his."

AN ELIMINATION

In London, Jack Onslow Fane—president of the vast British Boxing Board of Control and chairman of the European Boxing Union—said: "If the WBA does declare the title vacant, the decision would almost certainly be upheld by us (British), as we are on friendly terms with them."

The Krulewitch announcement added that the commission is calling a meeting of four leading heavyweight contenders here this Thursday to "complete arrangements" for an elimination tournament to produce a challenger for Clay, since Liston is "out."

The four invited to the meeting were former champion Floyd Patterson, Doug Jones, Eddie Machen and Cleveland Williams.

New York is the only boxing State that does not belong to the WBA.

At New Orleans, Chairman Bruneau of the WBA championship committee, said "if we withdraw recognition from Clay as expected, we'll probably stage a four-man elimination tournament to produce a new champion."

Mr. JAVITS subsequently said: Mr. President, I propose to speak concerning the New York City school system and the correction of its racial imbalance. I am presenting these facts in the morning hour, as we have been enjoined to do by the distinguished Senator from New Hampshire [Mr. Cotton] who thinks it is better for us to do this in the morning hour. Although I do not necessarily agree with him, I will do it when it can be done.

First. I was much pleased to hear a good word said for New York by the distinguished Senator from Georgia in regard to the matter of Cassius Clay. I agree with the Senator on this matter. I am proud of the statement made by Gen. Melvin L. Krulewitch, chairman of the New York State Boxing Commission. I know him very well. He is an ex-Marine general who has an outstanding war record. It is typical of him and typical of my State that we are not panicked by the ukase of the World Boxing Association, that one should be deprived of his title because of some affiliation of which the association disapproves and of which I disapprove. As General Krulewitch so properly says, that is no reason for taking a man's title away from him. That is not the American way.

So I register my pride in New York for standing up in this way, as it always will, in my judgment, for the dictates of the basic constitutional functions of our country. Perhaps it is a good thing to demonstrate to the country that whatever may be the differences between the Senator from Georgia [Mr. Russell] and me—and probably they are as pronounced as any in this Chamber on the issue of civil rights—we can also see eye to eye on a question such as this without inhibition.

PUTTING FIRST THINGS FIRST IN REA

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the Record a speech delivered by Senator Karl E. Mundt, of South Dakota, before the national convention of the National Rural Electric Cooperative Association, at Dallas, Tex., on March 9, 1964.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Putting First Things First in REA

(Speech of Senator Karl E. Mundt, Republican, of South Dakota, before national convention of NRECA, Dallas, Tex.)

Mr. Chairman, I have been asked as my subject here today to discuss the activities which took place last year when the agriculture appropriations subcommittees of the Senate and the House tried to work out the language affecting the future programs of the Rural Electrification Administration.

Let me say first of all that it is generally not considered "kosher" for a Senator or Congressman to reveal what has happened at an executive session of any committee of Congress.

However, since most committees of the Congress have as many leaks as rusty plumbing, much of the infighting over so-called REA language which took place in the Appropriations Committee last year is already public knowledge. In fairness to the future planning for REA, the members of the REA cooperatives and the farmers of America, however, I feel that all of the cards should be placed face up on the table for all to see and evaluate. In the brief time allotted to me I will give you one Senator's off-the-cuff reaction to the REA situation as I watched it develop during the committee discussions in 1963. I am confident I can do so without violating committee rules by discussing personalities.

The issue centered around just how much control was to be exercised over REA by the House and Senate Appropriations Committees. All types of suggestions were made which would have severely hampered the REA. Suggestions were made that complete information be furnished before a loan was made. That surveys should be made of what private suppliers would offer. That information be furnished for loans pending as well as for new generation and transmission purposes. That information be furnished within 30 days and that section 5 loans be severely curtailed.

You all know the end result of all this.

The controversy occurred when report language was incorporated in the House Committee report which tended to exercise control over the administration of the REA program by a committee of the Congress. While I felt that Congress could establish guidelines for an administrator—there should never be an attempt by the committees of the Congress to invade the administrator's decision making processes or the entire program could be undermined and thrown into utmost confusion.

You will remember that in their report the House Appropriations Committee inserted language establishing definite criteria for the administrator to observe with regard to generating and transmission loans above $2 million and for section V loans. Certain steps requiring certification by the REA Administrator to the Secretary of Agriculture on such loans was required by the language.

While the Senate committee concurred in part in this language in the House report it then added language which was worked out by Senator Humphrey and others which we could take to conference with the hope that we could iron out the differences and come forth with language which would not hinder or interfere in the actual administration of the program but would establish guidelines for the administrator.

I am opposed to language which would permit a committee of Congress to backstop any administrator. I do feel that Congress has the right and the duty to establish guidelines within which an administrator should move but they should be broad enough so as not to hamper and hamstring the operations of REA. After all, if an administrator of the program in approving loan applications does not follow the guidelines established by the Congress there will always be another session of the Congress which can more firmly impress on the minds of an errant administrator just what Congress had in mind.

In the conference report it was determined that the Senate and House indicated that both insisted on their respective versions of the language as incorporated in the two reports. Senator HOLLAND, of Florida, the chairman of the Senate subcommittee, stated on the Senate floor on December 21, 1963, that "there was some differences in wording. I note from the report of the managers on the part of the House that they have said they do not agree with some of the requirements which the Senate committee put in its report. Because the Senate very strongly believes in those recommendations and desires to reiterate them, the portion of the committee report relating to those recommendations should be printed at this point in the RECORD. I intend to insert the committee report statement to show that it is the understanding of the conference that we stand by that report and we will expect the administrator and the Secretary of Agriculture to carry out our recommendations in that report in its dealings with this body."

In line with the action which was completed by the Congress last December, the REA has now published in the Federal Register the procedures which it is to follow in carrying out the intent of the Congress to comply with the reporting language.

It has now been about 4 months since the committee set forth its directive in the committee report. It matters not whether or not we approve or disapprove what has been done. What matters now is that we as advocates of a strong REA must analyze most carefully the problem created by the committee action and plan intelligently for the future so that we do not incur for REA more restrictions and more congressional action limiting the freedoms of REA in the continued efforts to fulfill the expanding needs for electricity on the farm and in the many small towns served by REA cooperatives.

It is most imperative that we consider the makeup of Congress, the national political scene, the next election—and most assuredly and emphatically the recent Supreme Court decision on size of congressional districts. To me it is highly conceivable that the recent Supreme Court decision on redistricting will have the most far-reaching implications insofar as REA cooperatives and their programs are concerned.

So, let us take a minute or two—like all good poker players—and look our cards over carefully. Let us make a realistic appraisal of the new hole card just dealt—the Supreme Court decision. Almost every analysis which I have seen indicates there will be at least 35 new urban congressional districts and between 5 and 15 new big city districts. In reverse this means that if the urban areas and large cities gain from 40 to 50 congressional seats then since we can only have 435 congressional seats it only means that the small towns and rural areas stand to lose from 40 to 50 seats in the Congress and the deduction has to be that REA loses some friends or at least ardent supporters.

Right now these congressional seats are held in the main by stanch, tried and true friends of REA. Obviously REA will have some friends among those elected in the newly created districts; but if we look at this new hole card which we have just been dealt, we can see that it just doesn't add much to the strength of our hand. We know that we will have to give up a number of our proven friends but we do not know for what.

Nor is the anticipated change in the makeup of the membership of the House of Representatives limited in its impact to the House alone. After all, in the eyes of Senators as well as many others, every Representative is a potential candidate for the Senate. Consequently, more and more the votes and the attitudes of Members of the House are having an effect upon the votes and attitudes of Members of the Senate.

Today, for example, the Senate has more ex-Congressmen in it than we have ex-Governors and for many years just the reverse was completely true. For example, both Senators from many States were former Members of the House, including my own State of South Dakota, Nebraska, New York, Washington, Arkansas. Alabama, Connecticut, Montana, and West Virginia, and in many other States one of their Senators is a former Congressman.

What does this mean to friends of REA in terms of their public relations and in terms of keeping first things first in advancing the basic goals and mobile objectives of REA? It means with a switch in membership in the House of perhaps 35 to 40 rural friends of REA being replaced by a similar number of new Representatives from large city areas or urban communities we stand to suffer a net loss of 70 to 80 ardent supporters of REA unless we make sure that our programs are carefully planned, prudently explained, and clearly demonstrated as being in the overall interest of our country.

Votes which formerly came from knowledgeable rural people with firsthand information on the blessings and services of REA must then be won from Members of the House with city constituents who are not REA patrons and who must be convinced that our programs and policies are just, necessary, and in the national interest.

You and I know that REA has precisely those types of programs and policies. We live with folks who are REA patrons and we recall the tremendous advances made in rural living because of REA services. Many of us can recall farm life in the era of the kerosene lamp and the hand lantern. But to the fellow from the city those votes must be justified on the basis of reason and logic rather than from personal experiences with REA services, we must be both patient and persistent and we must carefully scrutinize our requests to make sure that they are both necessary and defensible.

Senators from States with large numbers of these newly developed urban congressional districts cannot help having their judgments and their votes influenced in part by the decisions and the declarations of their colleagues in the House—each of whom, it must be remembered, some Senator is likely to be watching as a possible future opponent for his Senate seat.

I have confidence that REA can and will win its fair share of friends among the Representatives of these new constituencies but our support must be developed on the basis of the soundness and attractiveness of our proposals instead of receiving it on the basis of requests from rural people that their Representatives in Congress support this highly significant service to their farms and families.

We all know that the views of Appropriations Committee members relative to REA are many and varied and that certain adverse views of REA are not limited to any one political party or to any one area of the country—rural or urban.

For variance of views let me recite a few I have heard as a member of the committee:

I have heard Democrats and Republicans declare that REA has grown too large and must be reduced in size.

I have heard Democrats and Republicans complain about the established 2 percent interest rate for the REA lending program and make determined pledges that every effort will be made to legislate realistic interest rates on REA loans.

I have heard Democrats and Republicans state that REA is attempting to spread out beyond the field of service for which it was originally conceived and that it is time for the Congress to act to define limits of areas of service and types of customers which REA's could serve.

I have heard Democrats and Republicans in committee meetings say it is time to give some consideration to the many legislative proposals introduced for curbing the effectiveness of REA.

I join you in the hope that punitive and unreasonable attacks upon REA will fail because in my opinion their success could only result in the destruction of the REA program as we know it today.

But, my friends, when we operate in a climate such as this it takes only one small unwise or indefensible incident through REA operations to fan the legislative fires and the lines are drawn; the battle is on; and the future of REA becomes clouded.

I, therefore, urge and hope that in the planning of the development of your REA program you study exceedingly carefully all loan requests—to make doubly sure that their use will not ignite the fires of opposition against our entire program. You should study its need as well as its public relations aspects—and whether it provides propaganda for those who oppose the very concept of REA.

While they were blown all out of proportion the "Ski loans" of last year about which we have all heard, were in my opinion the match which started the brush fire which we had to put out in our committee but not until we had a burned over patch in our REA picture and many new restrictions had to be accepted.

Let me say, and I believe the record bears it out, that I have always considered myself a good friend of the REA program. I know from experience what it has meant to the economy, the comforts, and the conveniences of rural America. I know that without REA the development and growth of rural America would have been hopelessly retarded. I want that growth to continue. To stimulate this growth we must have a strong and resilient REA program which is dedicated to the improvement of the lot of the farmers of America and the other patrons of REA.

But, the attacks against REA came in from every side. Some were acrimonious; others resorted to ridicule and hyperbole; others used these highly exceptional and greatly sensationalized loans to attack the entire REA loan program for every reason other than transmission lines even though the Ski loans comprised but one or two transactions out of an entire year of operations.

The Ski loan was discussed from coast to coast in the newspapers and on the radio and television. It helped trigger off some bitter REA attacks in slick-paper magazines. Members of the Congress took the floor and discussed what they called the flagrant abuse of the REA act in the administration's approval of the loan. With all this press and radio and television coverage, it wasn't long before all Members of Congress were receiving large volumes of mail bitterly protesting—not just the Ski loan but all of REA's activities. Bills to limit REA activities were introduced. Demands were made to eliminate the 2 percent interest stipulations. Detailed studies and investigations of REA were made and carried out at the suggestion of Members of Congress. Many more suggestions were made for much tougher language to be incorporated in the Senate Appropriations Committee report.

As a result of this, REA became the chief topic of discussion at session after session of our Appropriations Committee on Agriculture. We had to give a little and certain restrictions were placed in the administrators operations. More avenues of redtape were created in the loan approval process. And unfortunately we wound up with language which in my opinion makes it more difficult for an REA cooperative from my home State of South Dakota and your home State to obtain expeditious approval of a needed loan.

While in the end we won the fight to maintain the essential current functions and loaning privileges of REA, the battle left some scars both upon REA and its defenders. Perhaps some of the new restrictions can be alleviated by future action or REA may be able to function successfully with the present language but it is well to recognize the camel-shaped cloud which appeared on the horizon and to make certain that totally unacceptable conditions are not developed to cripple the essential programs of REA. For example, during consideration of the tax bill this year, I was one of those supporting the REA backed Proxmire amendment giving authority to the Federal Power Commission and other regulatory agencies to require public utilities to pass on to the consumers certain tax savings. Existing law gives a 3-percent investment credit to utilities for equipment purchases. The Proxmire amendment was defeated so these savings need not be passed along in lower power rates to the purchasers of private power. The REA position was rejected in a Senate rollcall vote. You should study that rollcall which appears on page 2078 of the Congressional Record. To me it clearly indicates we have work to do in the matter of developing additional good will for REA. On that vote we received support from quite a number of Senators who voted for the Proxmire amendment for reasons other than their affection or support for many REA positions. However, even despite that welcome support from unusual and unexpected sources, the proposal lost by a vote of 43 to 48. As you analyze that voting record, I am sure you will recognize the significance of what I have in mind.

This is the history of where we are today. I am one of those who believes that we as REA friends should not sit back and bask in the light of our partial victory. Let us not in complacency with victory, bemoan what might have been and once again find ourselves in another fight which we could conceivably lose. We need to study the lessons of the past and in learning from them to prepare for the future. Perhaps in all candor it is time for us to reassess the situation. As a friend of REA and as a member of the Appropriations Committee for the Department of Agriculture I sincerely hope that "Ski lift type" loans do not pop up again; arousing the opponents of REA and giving them an opportunity again to attack and endanger the greatest program ever devised for the benefit of the farm families of America. Let us make sure we do not get in the position of using up so much of our strength to win a skirmish that we lose the war.

As salesmen for REA we cannot be smug in our success. We must go out into all the congressional districts—those of today—and those of tomorrow—and sell the REA program and what it means not only to rural America but to the overall economy of all Americans. Let us as salesmen for REA follow tried and true advertising methods. Let us sell our good product and let the other fellow worry about his own pet causes or his personalized political products. Let us permit no politician, political party, purpose, program, or philosophical presentation to divert us from our basic objectives or to divide our friends, weaken our forces, and exhaust our resources in fighting battles not directly related to the goals and the guidelines of REA.

The mistakes made by REA—and being human we all make mistakes—but the mistakes made by REA are few indeed compared with its mighty contributions to our American way of life.

As sure as I stand here today I am confident that if the true facts about REA are presented to peoples everywhere then even if Congress is changed through apportionment and gets 100 new Members from urban and city areas the REA program will still continue to grow and to prosper and to retain the respect both of its farmer members and the general public whose needs Congress is elected to serve.

Let us emulate the good shoemaker and stick to our last. Let us remember the REA is in strict keeping with our American concepts of private ownership and individual enterprise. It is neither socialistic in form nor is it a segment of public power. It is in fact private power, privately owned by the patrons who use it. It operates in strict conformity with the great American cooperative concept which has built and operated grain elevators, creameries, insurance companies and other thriving enterprises throughout our American history. Its local co-ops borrow money from a banker in Washington called the REA Administration but their decisions are made by elected directors chosen to represent the wishes and the attitudes of its own patrons. Let us, therefore, fight the good fight for REA but avoid being seduced or lured into exhausting our reservoirs of good will by becoming adversaries for other public causes be they good or bad—be they partisan or nonpartisan—be they fostered by our friends or opposed by our foes. By keeping our eyes on the targets which symbolize the goals we must achieve. we can continue to command the respect and the support which throughout the life of REA has enabled it to do more good for more people at less expense than any rural service ever devised by any government anywhere in the history of the world.

Ours is a great story to tell. We have a great service to sell. We cannot fail to move forward and to strengthen our functions if we answer our critics with facts and if we avoid fortifying our foes with ammunition which means little to us but which might mean sufficient to them to provide the opportunity and the strength to reduce our opportunities to serve. Thus by putting first things first and by concentrating on those functions essential to the success and expansion of REA, we can look forward to smooth sailing ahead.

If there is one thing which I have learned from my more than 25 years of service in the Congress from South Dakota it is that demagogs and fast talkers cannot undermine or destroy a well-conceived, well-operated program for the benefit of our people or of groups of people—if the rest of the people know the facts.

We must go forth as disciples of the gospel of REA and present the true facts of its needs, its mission, and its basic purpose. If we do not do this we can meet in committee forever and a day but even such good friends of REA as Hubert Humphrey, Karl Mundt, Dick Russell, George Aiken, Clarence Cannon, and many others will not be able to prevail.

And unless they prevail, REA will be hurt.

Our farmers will be hurt.

Our country will be hurt.

Missionary work is hard work but it pays rich dividends. Let us go forth as good missionaries and explain the REA program to the people, and make them our supporters and our friends.

THE BOTANIC GARDEN

Mr. ROBERTSON. Mr. President, although the mood of the Senate these days is one of sadness, as we approach the anniversary of the Crucifixion of the Prince of Peace, I wish to sound the happier note of an Easter resurrection.

Nearly 30 years ago, I secured employment at the Botanic Garden for my constituent, Ivan Frommelt, who previously had been the chief gardener for Thomas F. Ryan at his luxurious estate in Nelson County, Va. Because of my personal friendship with Mr. Frommelt, I took an interest in what he was doing at the Botanic Garden, which, as Senators will recall, is located at the foot of Capitol Hill on the west side of the Capitol. On June 30, 1957, Mr. Frommelt reached the usual retirement age. But his work had been so outstanding that the Architect of the Capitol, Hon. J. George Stewart, made arrangements to reemploy him, and on June 20, 1957, Mr. Stewart, in writing me of his plans to continue Frommelt at the Botanic Garden said:

> I assure you that your interest in him some 20 years ago, was justified, because he has proven to be a very desirable and competent gardener over a period of years.

No one can fully appraise the contribution which Frommelt and his coworkers at the Botanic Garden have made to those privileged to view their floral exhibits. For years, I have been a regular visitor and, of course, never miss what might be called the Easter parade. That parade of Easter flowers always is good, but I cannot recall a better one than the one that can now be seen at the Botanic Garden.

The beauty of those spring flowers is breathtaking and the gentle perfume of the white, pink, and purple hyacinths is like the balm of Gilead to a Member of the Senate who has become a bit weary of the present war of nerves. They will remind us of the words of William Cullen Bryant, who said:

To him who, in the love of nature, holds
Communion with her visible forms, she speaks
A various language; for his gayer hours
She has a voice of gladness, and a smile
And eloquence of beauty; and she glides
Into his darker musings with a mild
And gentle sympathy, that steals away
Their sharpness, ere he is aware.

NEW YORK CITY SCHOOL BOYCOTT AND THE SOUTH

Mr. JAVITS. Mr. President, on the issue of the New York City public schools, New York has done an extraordinary job in dealing not with segregation, but with racial imbalance.

In New York City, there are 1,037,757 public school pupils, of whom 440,000 are nonwhite, including both Negroes and Puerto Ricans.

There are 860 schools in the system. Due to housing patterns, 165 of them have enrollments which are 90 percent or more nonwhite. In another 100 schools, one-half are nonwhite. No school in the city of New York is 100 percent white or 100 percent nonwhite. That is exactly what I said a few days ago, when the subject was under debate. No question has been raised about the 81 percent of all the public schools which have substantial racial diversity.

Compare this with the situation in the South, where, according to the September 1963 report of the U.S. Commission on Civil Rights, in the 17 Southern and border States, schools in 2,074, or 67.9 percent, of the 3,053 school districts, in which both white and nonwhite students live, have either no white or no nonwhite students at all. Even in the 979, or 32.1 percent, schools where both white and nonwhite students are permitted to attend together, a total of only 8 percent of the Negro pupils attend schools with white children; and in three States—Alabama, Mississippi, and South Carolina—there are no Negro pupils attending any desegregated public schools at all. That is point No. 1—the disparity. The difference is the difference between day and night.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary, prepared by Jacob Landers, assistant superintendent of the New York City public schools, of an objective study, dated November 1963, conducted by the Commission on School Integration of the National Association of Intergroup Relations Officials.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE PLACE OF NEW YORK CITY AMONG THE GREAT CITIES WITH REFERENCE TO INTEGRATION

(Prepared by Jacob Landers, assistant superintendent)

INTRODUCTION

During the last few months, there has been a critical examination of the integration program of New York City by many segments of public and professional opinion. Some of the judgments have been laudatory, others have been harsh and unfavorable.

It may be timely to consider the progress toward integration of this city as compared to that of other great cities of our country. If the school system itself were to embark upon such an examination it might reasonably be accused of lack of objectivity.

Fortunately, however, this task has been accomplished by an organization whose standards are above reproach. The Commission on School Integration of the National Association of Intergroup Relations Officers has recently published a pamphlet entitled, "Public School Segregation and Integration in the North." The chairman of this group is Richard L. Plaut, president of the National Scholarship Service and Fund for Negro Students, and its vice chairman is Will Maslow, executive director of the American Jewish Congress. Among the members of the Commission on School Integration are June Shagaloff, special assistant for education of the NAACP, and its director of research is Doxey A. Wilkerson of Yeshiva University.

The few pages which follow are devoted almost entirely to direct quotations from this authoritative pamphlet, with only a few explanatory comments.

It is important to note that this document is quite current, including references as late as September 1963.

I. Overall educational leadership of New York City (p. 45): "Thus, considerable organized pressure from Negro citizens and their allies was brought to bear on the New York City Board of Education to move it into its current program of school integration. Thanks largely to wise educational and civic leadership, however, such conflict as there was did not develop to the point of intense and bitter community strife. As continuing—indeed, increasing—struggles over school segregation attest, New York City has by no means solved the problem; but school authorities are grappling with it, and with much more substantial measures than have yet been developed in any other big city."

II. Public opinion (p. 30): This study points out that New York City is one of the few cities in which the board of education, in the field of integration, is willing to move ahead of public opinion in some areas.

"Further such evidence is seen in organized efforts by white parents and other citizens in a few communities to block desegregation measures undertaken by school authorities. For example in New York City's Borough of Brooklyn, a suit filed by white parents succeeded, at least temporarily, in preventing school officials from rezoning to promote integration in a new junior high school opened in the fall of 1963."

III. Investigation by outside agency (pp. 34–35): This study implies (although it does not state so specifically) that New York City is the only one which, thus far, has had an independent outside agency (PEA-NYU study) investigate the education received by Negro and Puerto Rican pupils. This was in 1955; no other city has followed this lead.

IV. Site selection: This study verifies the fact that, in terms of site selection as an aid in integration, little can be done in many areas of the central city.

Page 27: "It is frequently necessary, of course, for school authorities to expand capacity or to replace outmoded buildings in the heart of a widespread Negro ghetto, such as * * * New York City's Harlem. Under such circumstances, there is little that site selection can do to further integration."

Page 54: With regard to placement of schools: "This approach * * * is of little or no relevance where schools are needed in the heart of an extensive minority-group residential area."

V. School responsibility (p. 62): This report points out that the increasing number of schools with large concentration of minority-group children is often beyond the control of school officials.

"This trend toward increasing numbers of minority-group schools is partly due to the continued increase and residential segregation of the Negro and Puerto Rican populations."

VI. Leadership in approaches and techniques: The booklet outlines (pp. 47 etc.) a number of general approaches available to public school systems which point up the leadership of New York City.

A. Policy statement (pp. 47–51): "There seems to be a consensus that the desirable first step is a forthright declaration of policy. Among the local school board statements here reported which deal explicitly with this problem, all but that for New York City were adopted in 1962. [Note that New York City's declaration of policy came in 1954, only a few months after the famous Supreme Court decision.] About nine-tenths of the local officials said that no such policy statements had been adopted."

Among the other largest cities, only Detroit has adopted such a statement.

"The outstanding fact here revealed is that such formulations are extremely rare. Although there may be a few other communities, and perhaps some other States, where school authorities have adopted formal statements of policy on school segregation, it is clear that the vast majority of Northern public school systems which are faced with this problem have not yet taken this initial step toward desegregation."

B. Ethnic census (pp. 51–52): "One essential for a school system which seeks to correct existing segregation—or even to understand its problem—is reasonable accurate information about the ethnic composition of enrollments in the several schools. Yet, all but a handful of the respondents to this study's questionnaires answered 'No' to the question: 'Has a census been made of the ethnic composition of enrollments in the public schools?' "

New York City conducted its first ethnic census in 1957. The only other large city to do this to date has been Detroit (1961).

Study commission (pp. 52–533): "Another useful general approach to school desegregation is for public school systems to establish official commissions or committees to study and make recommendations for solving the problem. The vast majority of the respondents to this commission's questionnaires report that no such study groups have been established in their communities."

New York City established its commission on integration in 1955. The next big city to do so was Detroit, in 1960. Since then, Minneapolis (1962), Los Angeles (1962), San Francisco (1962), and Philadelphia (1963) have followed suit, and Chicago has promised to do so.

C. Zoning (pp. 54–56): New York City is cited as the only example of a city which has actually used zoning as a method of securing greater integration.

"During the late 1950's the commission on integration in New York City made—and school authorities approved—several recommendations designed to promote desegregation through zoning. One was 'that the board of education, in addition to the traditional objectives of zoning, establish as a cardinal principle the objective of integration * * *.' The commission also urged 'the formulation by the superintendent of schools of a comprehensive zoning plan to be administered by a new professional bureau, the central zoning unit.' The 1960 'progress report' of the superintendent of schools notes many procedural measures undertaken for the purpose of implementing these and other zoning recommendations, together with some evidence of actual accomplishments. And the central zoning unit reports that, on the basis of proposals by assistant superintendents, almost 19,000 pupils in some 200 schools were moved during 1960–61 as a result of school boundary changes."

"In the fall of 1963, New York City school authorities scheduled a substantial number of school-zone changes explicitly for the purpose of promoting integration. In a report to the New York State Commissioner of Education, the local board and superintendent listed the following among 'Programs for Immediate Action in September 1963 or Shortly Thereafter: zoning changes—100 new changes, all conforming to policies promoting integration, and 12 providing large numbers of children with a newly integrated situation—644 high school zoning variances to improve ethnic balance.

" 'Constant and detailed consideration by staff and the board of the integration recommendations of central zoning unit with regard to the selection of school sites'."

D. Princeton plan (pp. 56–57): New York City is cited as the only large city which is contemplating the use of this plan.

E. Feeder patterns (p. 58): "This commission is informed that the feeder pattern approach to desegregation is used in the New York City system as a part of its overall zoning operations. No information is at hand concerning its use elsewhere."

F. Plant utilization (pp. 58–59): New York City is cited as the outstanding example of the use of this technique.

"In deference to potential—and sometimes actual and virulent—opposition from the white community, school authorities are generally very emphatic in disavowing that such transfers are undertaken for integration; 'better utilization of school plant,' they insist, is the sole purpose. Nevertheless, the objective result of such transfers is to move large numbers of children from minority group schools to white schools. Early in 1963, for example, it was reported that 'since 1958' in New York City there had been effected the transfer of over 48,000 pupils from overcrowded to underutilized schools in the plant utilization program. Indeed, this program is said to have achieved more school desegregation in New York City than other approaches avowedly designed for this purpose."

New York is further praised as the only city in which pupils so transferred were integrated in classes with children in the receiving school.

"In the case of transfers for 'better utilization' in New York City, the minority-group pupils were not moved as class units; rather, principals of receiving schools were instructed to disperse the incoming pupils among the several classes for their respective grades.

G. Open enrollment (pp. 60–65): This program is unique to New York City. In its evaluation, it concluded:

"However, these approaches do lead to the desegregation of substantial numbers of predominantly white schools; and in the process tens of thousands of Negro and Puerto Rican children are transferred to 'receiving' schools which afford more favorable learning environments that the 'sending' schools from which they come. Further, limited evidence suggests that such transfers are associated with heightened interest in school and improved school behavior on the part of the minority group pupils involved."

VII. Compensatory education (pp. 75–78): This report lauds the programs of compensatory education in New York City, and points up its leadership in this vital area.

"The pioneer among these programs was New York City's demonstration guidance project in two schools in the borough of Manhattan—Junior High School 43 (86 percent Negro and Puerto Rican enrollment out of a total of 1,400) and George Washington High School (38 percent Negro and Puerto Rican enrollment out of a total of 4,700). The project grew out of a recommendation of the Subcommission on Guidance, Educational Stimulation and Placement (whose chairman is also the chairman of this commission) of the board of education's Commission on Integration. The subcommission called for immediate development of 'an effective program to assure every child the educational opportunity and stimulation consistent with his intelligence and potentialities.'"

In talking about the higher horizon program, this report states: "It is, by far, the outstanding program of compensatory education in the country."

Mr. JAVITS. Mr. President, New York City has made various changes in school zoning laws which are bringing about a greater mixture of the races in the schools. New York City has a plant utilization technique under which underutilized schools are taking Negro and Puerto Rican students by bus from schools which are overutilized. Between 1958 and 1963, 48,000 children were involved in that program. There is open enrollment, under which parents may choose to enroll their children in schools away from their own neighborhoods if they believe their own schools have a racial imbalance.

Compensatory education and special consideration are given to children who are behind in terms of the aggregate instruction which we wish them to have.

We can only hope that the other States and cities will do what New York City is doing. Then we would indeed be in a golden age for our country.

It is critically important that the facts on this subject, which speak so eloquently, be given widespread publication.

Within a day or two, New York City will announce a new plan for consolidating various individual schools, which will even further deal with the subject, not of segregation, but of the kind of racial imbalance which does not satisfy us even though it may not constitute a violation of law.

I think that is the only way in which a community should act; and I am very proud that the city of New York—even with all its deficiencies and all the arguments about them—is doing all it can, and, in this instance, is doing it through its board of education. This is what millions of persons in New York are backing with all their hearts and souls.

PROCEDURE IN CONNECTION WITH COMMITTEE MEETINGS DURING SESSIONS OF THE SENATE

Mr. MORSE. Mr. President, I rise to propound a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator from Oregon will state it.

Mr. MORSE. If a standing committee of the Senate were to hold a meeting while the Senate was in session, and without obtaining consent to do so, who would be responsible for payment of any expenses incurred by the committee while holding such an illegal session—for example, the cost of the transcript or any other expenses of the committee?

The **PRESIDING OFFICER.** The Chair has been advised by the Parliamentarian that it would be appropriate for the Senator's inquiry to be directed to the disbursing office of the Senate, for determination of whether the vouchers were signed by the committee chairman or by a subcommittee chairman, and whether the chairman had legal authority to sign them.

Mr. MORSE. I propound my inquiry only to make perfectly clear that it will be my intention, in connection with objection to the holding of any committee meetings while the Senate is in session, to hold legally responsible, under the law, to whatever extent legal responsibility exists, any such Senators for any violation of the Senate rule if a committee meeting is held without Senate authority while the Senate is in session. I feel that this matter is so serious that it should be clearly understood, before we encounter problems which may lie ahead, that I was never more serious or more determined to exercise my senatorial rights on the floor of the Senate to have the Senate enforce the Senate rule in regard to no committee meetings while the Senate is in session.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator from Massachusetts will state it.

Mr. SALTONSTALL. Will the Chair please repeat his answer to the parliamentary inquiry of the Senator from Oregon?

The **PRESIDING OFFICER.** The Chair has been advised by the Parliamentarian that appropriate inquiry should be made by the Senator to the disbursing office, to determine who signed the vouchers—whether the chairman of the committee or a subcommittee chairman, and whether authority existed therefor.

Mr. SALTONSTALL. Do I correctly understand that the Chair's statement is that if the chairman of a committee or the chairman of a subcommittee signed such a voucher, it would be honored unless there was objection by a Senator and unless the Senate itself voted otherwise? Is that a fair interpretation of the Chair's statement?

The **PRESIDING OFFICER.** The Chair has been advised by the Parliamentarian that the matter would be handled by the disbursing office, and that the disbursing officer is the appropriate authority to receive such an inquiry. The Chair would have no authority to pass upon it.

Mr. SALTONSTALL. Mr. President, a further parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator from Massachusetts will state it.

Mr. SALTONSTALL. Does the Presiding Officer mean, by his statement, that the disbursing officer would go back of the signature of the chairman of the committee?

The **PRESIDING OFFICER.** The Chair is advised that since he is not privy to the conduct of the disbursing officer, the Chair would be unable to respond to that inquiry.

Mr. SALTONSTALL. In other words, the disbursing officer would have to decide for himself whether he would go back of the signature of the chairman of the committee or the chairman of a subcommittee—for example, the chairman of the Appropriations Committee or the chairman of a subcommittee of that committee; and it would be up to the disbursing officer to decide whether he would go back of that signature, would it?

The **PRESIDING OFFICER.** The disbursing officer would be charged with the responsibility of making appropriate inquiry in regard to the authority for the signature on the vouchers, to determine upon whose authority they were signed; and if there were objection to the holding of a meeting of a committee or of a subcommittee while the Senate was in session, such objection would take the form of an objection stated on the floor of the Senate; and the determination as to whether payment would be made would be made by the disbursing officer.

Mr. STENNIS. Mr. President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. Yes, if I may do so without losing my right to the floor, for I have several other inquiries to make.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I rise to propound the following parliamentary inquiry: Is it not true that the Senator from Oregon has raised a question of law which cannot be decided by a ruling by the Chair? Is it not true that the Presiding Officer of the Senate cannot change the law?

I also propound a further parliamentary inquiry: Is not that a matter upon which the Chair should not attempt to rule, inasmuch as it is foreign to the province of the Senate?

The PRESIDING OFFICER. The inquiry made of the Chair, in regard to disbursing of the funds, can be made only of the disbursing officer; and the Chair has no authority to make a ruling on that point.

Mr. STENNIS. I understand that the Chair has declined to rule on that question; and I also understand that the Chair is correct.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield to me?

Mr. SALTONSTALL. Yes, if I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MORSE. It may be helpful to the Senator from Massachusetts if I advise him that some 3 or 4 years ago this issue was raised when it was planned to hold an illegal meeting of the Foreign Relations Committee. I blocked the holding of the meeting because I checked into the law and found that holding such a meeting would be an illegal course of action on the part of any members of a committee who might convene a meeting of a committee in violation of the Senate rule requiring unanimous consent. By holding such a meeting they would be personally liable, financially, for all expenses incurred during the meeting.

I think this matter is so important and I think such a course of conduct would be so reprehensible that I will take whatever steps are necessary to hold legally responsible any Member of this body who participates in such an act of malfeasance and misuse of Federal funds by holding a committee meeting under such circumstances. Such an illegal meeting would amount to spending taxpayers' money in paying the expenses for that committee meeting while the Senate is in session, in violation of the Senate rule.

Mr. SALTONSTALL. Mr. President, I wish to try to ascertain—and I believe I have—whether in such circumstances, the disbursing officer will have the responsibility of determining whether the signature on the vouchers was correct and whether the expenses were properly and legally incurred. How far he might wish to go in making that inquiry, and how far he might wish to go thereafter, would be for him to determine, as I understand.

The Senator from Oregon has said—and correctly, I believe—that this is a question for the Senate to decide, if such a problem develops.

I bring up this matter because at present—and for the first time, according to my understanding—the Senate Appropriations Committee does not have blanket authority to hold meetings during the sessions of the Senate. The Senator from Oregon probably is correct in calling attention to that situation; but I point out, in addition, that it is obvious that certain great expenditures must be made by the Government, in connection with the conduct of its essential business.

Some expenditures of our Government must go on. A great question will arise if the Senate Committee on Appropriations cannot act on the appropriations. What then will occur?

This morning I read in the newspapers that the President had sent in another bill requesting various supplementary appropriations that are of immediate concern to our Government. I believe another supplemental appropriation bill is still pending in the House. At the moment I cannot say what expenditures itemized in that bill are vital to carry on our Government this year, but I bring out these questions because it seems to me the time may come when it will be very necessary in order to continue the functions of our Government and its various departments for the Committee on Appropriations to act. If it must act at 8 o'clock in the morning or half past 8 in the morning, that is a subject for the chairman to decide. But I do believe that it is a question of vital concern, or may become a question of vital concern to our Government in the days to come.

TRIBUTE TO TED PATRICK

Mr. HUMPHREY. Mr. President, I have recently learned that Mr. Edwin Hill Patrick, known to his friends as Ted Patrick, editor of Holiday magazine, died in New York City several weeks ago.

It was my pleasure to know Ted Patrick personally and to admire his excellent editorship of Holiday. His personality pervaded this most interesting and exciting magazine and it was a personality which brought an excitement of foreign lands and places to millions of people throughout the world upon the monthly publication of Holiday.

The publishing world and many individuals have lost a true friend with the death of Ted Patrick. I wish to extend to his surviving relatives my personal condolences on their loss. I know that the American publishing industry is much poorer for his passing.

Mr. President, I ask unanimous consent that an article describing the many accomplishments of Mr. Patrick be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Mar. 13, 1964]

TED PATRICK DIES—MAGAZINE EDITOR—MAN OF MANY INTERESTS BUILT UP HOLIDAY'S CIRCULATION

Ted Patrick, editor of Holiday magazine, died Wednesday night in New York Hospital, which he entered on March 1 suffering from hepatitis. He was 62 years old and lived at 455 East 51st Street.

Perhaps the happiest circumstance in Mr. Patrick's life was the natural blending of his personality with his job. When asked how many hours he spent working, he replied, "Just about everything I do relates to Holiday."

What he did covered a wide field. Good food and drinks, travel, watching baseball and playing tennis, breeding champion Airedale terriers, writing about these matters and living life to the full occupied Mr. Patrick over the years.

Although he was an old hand at advertising, Mr. Patrick greatly preferred editing, for he observed:

"The difference is that an editor is left more to his own devices. He doesn't have a client—that's the biggest difference in the world. Your only client is the reader, and for that reason you can go directly to him."

In 1946 the Curtis Publishing Co. took Mr. Patrick off a secret magazine project to assign him to Holiday, which had four issues out and was sagging. He tackled the problem vigorously, making the magazine bigger and better with respect to both editorial content and graphic display. During his career, Mr. Patrick sent 215 issues to press and saw, on the day before his death, guaranteed circulation raised to 1 million copies.

The last signed article he wrote for Holiday appeared in January 1963. It was about the mud baths and curative waters of Ischia, an Italian island in the Mediterranean.

ENTHUSIASTIC GOURMET

An enthusiastic, albeit modest, gourmet, Mr. Patrick was a member of the Conferie des Chevaliers du Tastevin. Few indeed were the first-class restaurants here or abroad that had not served him, and he wrote about them appreciatively.

"This affinity with food was quickly brought into the editing of Holiday," Mr. Patrick noted in 1960. "Food is a determining factor of where to go, where to stop. Food is a determinant in the enjoyment of any place or on any carrier. Food can make or mar any holiday. Food can play a potent part in making life dull or exciting. Strange and wonderful things have been happening to food and to eating in the United States."

On January 20 of this year, in a rare tribute, 13 advertising executives inserted a full page advertisement in the New York Times. Lauding Mr. Patrick, it said in part:

"Month after month, year after year, you entertain us and you enthrall us. You have pursued excellence, and you have achieved it. You are a great editor."

Edwin Hill Patrick, invariably known as Ted, was born in Rutherford, N.J., on September 3, 1901. Although no record of his education can be found, it is known that he became a sportswriter on the Rutherford Republican at a time when he was a semiprofessional baseball player and was better than fair on a tennis court.

SERVED WITH OWI

Mr. Patrick embarked upon an advertising career in 1928 as a copywriter with Young & Rubicam. During the 1930's he wrote emotional, pacifist copy, without pay, for World Peaceways. The most striking of these displays in national magazines showed a steel-helmeted skeleton captioned "Cornfed Kid from the West."

Nevertheless, in World War II, he served as head of the graphics section of the Office of War Information, where he was responsible for all printed material. Mr. Patrick joined Compton Advertising as vice president and a director in 1944, remaining until he went to Curtis 2 years later.

Last September he was elected first chairman of the American Society of Magazine Editors, which, he hoped, would "keep magazines strong and free."

"The choice of Ted Patrick was a good one," a magazine executive said. "This man has the respect of the industry for the kind of job he's done at Holiday. And he'll get things done for the industry."

Mr. Patrick's office at Holiday had the usual appointments of a successful editor but also a scattering of spices and sauces. French and Italian decorations are framed, together with his Tastevin certificate, and one other, in Chinese script, with the translation on the back: "To Ted Patrick—a virtuous pine tree with a great degree of zeal and strength."

Mr. Patrick's wife, the former Vera Yerance, died in October. Surviving are two brothers, Arthur, of Cedar Knolls, N.J., and G. A. Patrick, of Rutherford, N.J.

THE NETHERLANDS CARILLON SUMMER CONCERTS

Mr. HUMPHREY. Mr. President, earlier this year I discussed on the Senate floor the need to reactivate the Netherlands carillon which is situated on the banks of the Potomac near Arlington National Cemetery. I subsequently learned that efforts were already underway to reactivate the carillon and that an expanded schedule of concerts would be presented in the 1964 season. Mr. Frank P. Law, carillonneur of the Washington Memorial Chapel at Valley Forge, Pa., was one of those persons working to utilize the Netherlands carillon more fully.

I have had correspondence with Mr. Law and recently he sent to me a schedule for the summer concerts series. The next concert will take place on Easter Sunday at 3 p.m., and Mr. Law will be the carillonneur at this time. I urge all Members of Congress and residents of the Washington metropolitan area to attend this concert on Easter Sunday afternoon. This is an unusual opportunity and I hope many persons will take advantage of it.

Mr. President, I ask unanimous consent that the schedule for the summer concert series at the Netherlands carillon at Arlington, Va., be printed in the RECORD.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

THE NETHERLANDS CARILLON, ARLINGTON, VA. SUMMER CONCERT SERIES—1964

Sunday, March 29 at 3 p.m., Easter Sunday—voluntary concert, Mr. Frank P. Law.

Sunday, April 5 at 3 p.m., Mr. Leland Richardson.

Friday, April 10 at 3:30 p.m., Cherry Blossom Festival, Mr. Charles Chapman.

Sunday, April 12 at 3 p.m., Mr. Leland Richardson.

Sunday, April 19 at 3 p.m., Mrs. Janet Dundore.

Sunday, April 26 at 3 p.m., Mr. Frank P. Law.

Sunday, May 3 at 3 p.m., Prof. Percival Price.

Tuesday, May 5 at 3:30 p.m., Liberation of the Netherlands, Prof. Percival Price.

Sunday, May 10 at 3 p.m., Mrs. Frances Rogers.

Sunday, May 17 at 3 p.m., Mr. Remy Muller.

Sunday, May 24 at 3 p.m., Mr. Frank P. Law.

Saturday, May 30, at 3 p.m., Memorial Day, Mr. James R. Lawson.

Sunday, May 31 at 3 p.m., Mr. James R. Lawson.

Sunday, June 7 at 3 p.m., Mr. Frank P. Law.

Sunday, June 14 at 3 p.m., Mr. Leen 't Hart.

Tuesday, June 16 at 3:30 p.m., Guild of Carillonneurs in North America—voluntary concert, Mr. Leen 't Hart.

Sunday, June 21 at 3 p.m., Mr. Milford Myhre.

Sunday, June 28 at 3 p.m., Mr. Sidney Giles.

MINUTE MAN AWARD

Mr. BARTLETT. Mr. President, a recent outstanding event of the winter season in Washington was the annual banquet of the Reserve Officers Association at which the association's Minute Man Award was made to the senior Senator from Maine, the Honorable MARGARET CHASE SMITH.

The presentation was made by another Member of this body, the Senator from Texas, Mr. YARBOROUGH. Many Members of the Senate and of the House of Representatives as well as Secretaries of the Military Services and uniformed military leaders joined with ROA officials from throughout the world on this occasion.

This was a richly deserved tribute to Senator SMITH. In his remarks, Senator YARBOROUGH quite properly declared that MARGARET CHASE SMITH has made for herself a place in history alongside the outstanding women who are noted for historic accomplishments in various walks of life.

Of significance to me, in addition, was the fact that this presentation, and this occasion, exemplified the fine bipartisan spirit which Americans can achieve in the name of national security. The Reserve Officers Association itself is an exemplar of the nonpartisan spirit. Its annual banquet, held here in Washington, brings us from the two great competing political parties together in unity for national security which always has and always will mark the greatness of our Nation and our citizenry. Senator SMITH, of course, is a great Republican leader; Senator YARBOROUGH a spendidly motivated and gifted leader in the Democratic Party. In the cause of national security, however, there is no party label and in the YARBOROUGH to SMITH presentation there is inspiring harmony and understanding.

I ask unanimous consent to have Senator YARBOROUGH's address placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Senator YARBOROUGH. Mr. President, Senator SMITH, Senator THURMOND, Senator BARTLETT, all you in Congress, distinguished service Secretaries and able leaders of our armed services, distinguished guests, fellow members of ROA: You have given me a great privilege, that of presenting a great award to a great lady.

I have seen, and applauded, the award of this Minuteman citation to other national leaders.

To Senator RICHARD RUSSELL, the chairman of the Senate Armed Services Committee and truly a champion of the cause of national security.

To Congressman CARL VINSON, chairman of the House Armed Services Committee and dean of the U.S. House of Representatives.

Other Americans who have made substantial contributions as citizens to national security have been likewise honored within recent years, and this occasion honors anew these recipients of the Minuteman Award: Brig. Gen. David Sarnoff, who has served his country in two wars as one of its great communications experts; Mr. Bryce Harlow, who rendered extraordinary service to his country on the staff of the Armed Services Committee of the House and the Office of the Chief of Staff of the Army, and on the staff of the President of the United States; Mr. Hugh Milton, who responded to a call to service in World War I, World War II, and again in the Korean war era, during which he served first as Chief of Reserves and ROTC in the Army and as Assistant Secretary and Under Secretary of the Army; and last year, to the late Senator Dennis Chavez, whose devotion to his country and to the cause of national security as chairman of the Senate Defense Appropriations Committee made him a legend in his time.

Here tonight we honor more than an individual whose service has been in the traditional pattern of selflessness and dedication to the highest ideals of freedom.

We pause amid the crises which beset us to restate an historic national policy and to bring into new focus a basic national tradition.

That is that every citizen who is guaranteed his freedom by the Government of the United States owes to that Government a portion of his goods and his personal services.

Our first President gave us this statement of our citizenship responsibility. It has been stated over and over again many times—by many Presidents. It must be ingrained into the consciousness of us all, generation to generation, throughout all the generations of our people's posterity.

We have seen in every national threat how the people of the United States rally behind our common cause. Not for more than 100 years has there been any faltering in national unity behind a common national purpose.

You assembled here from throughout the United States—and Europe, and from the Far East—have given your time, your energies, and a portion of your lives to the part-time military service. You understand fully these words, because your acts have given testimony to this acknowledgment of a transcendent national duty.

From all walks of life you were moved to fight under the Stars and Stripes for our freedom. Some of you are businessmen, some are from the farms, some are teachers, doctors, lawyers, public officials. Some of you are Governors, some mayors, some legislators—and a sizable group of you are from the Congress of the United States.

I salute you all, and honor you for your service.

I can say, as did Winston Churchill a few years ago, and as did George Washington and Abraham Lincoln, Teddy Roosevelt, Franklin Roosevelt, Harry Truman, and John F. Kennedy—and as Lyndon B. Johnson now says—all in different words, perhaps, but all with the same meaning—"As military reservists you are indeed 'twice the citizen.'"

What tribute we pay tonight is done in the name of this national tradition.

Our honor guest is here as a witness to the citizen-soldier tradition. She is also here as a reminder that the citizenry of the United States is a total citizenry. From the days of the Revolution, the women of America have fought for and achieved our freedom by the sides of our men—and sometimes alone, without the men.

Their names are legend—Molly Pitcher, Betsy Ross, Jane Addams, Susan B. Anthony, Elizabeth Stanton, Julia Ward Howe, Frances E. Willard, Belva Ann Bennett Rockwood, Helen Keller, Frances Perkins, Eleanor Roosevelt—all have pursued legendary careers.

To this list now must be added the name of MARGARET CHASE SMITH.

America's women have beauty, charm, and delightful femininity. They also have stout hearts, free spirits, and a sturdiness of character that thrills and motivates us.

Our honor guest tonight belongs in the company of the great ladies—the brave women—the citizens whose loveliness can also be sturdiness, and whose devotion and love also can be fixed on the flag and on the duty which guarantees our freedom.

We know what American womanhood can do. History tells us—what we know of our women of America in 1964 tells us.

I could speak at length tonight of my admiration for our distinguished—and brave—honoree—of the arduous duties survived on the floor of the Senate, in legislative conferences, and in public forums.

Let it suffice that I assure you she never asked for, nor needed, any special consideration.

This charming lady here at my right can hold her own in any fight; many a Member of the Senate has worked diligently to avoid one with her.

She is a worthy recipient of ROA's award as the citizen who has contributed most to national security.

And now I add my personal endorsement to the words of your achievement award of this distinguished lady: She was a lieutenant colonel in the Air Force, is now a very distinguished Senator of the United States, and has pushed the boundaries of woman's hopes and aims for achievement in government out to new frontiers—though I doubt that she herself would use the term New Frontiers.

Now, your citation I will read to her in your presence:

"AN ASSOCIATION RESOLUTION WITH RESPECT TO THE CAREER OF THE HONORABLE MARGARET CHASE SMITH

"Whereas throughout her career in the Congress Senator SMITH's:

"(a) devotion to the purest concept of duty to country;

"(b) nobility of her purpose in leadership for adequate national security;

"(c) steadfastness of her dedication to the citizen-reservist tradition;

"(d) clarity of her judgment to insure strength, effectiveness, and high morale in the Nation's military force, have given confidence to her generation, inspiration to posterity, and safety to this Nation's institutions and ideals: Therefore, be it

"*Resolved*, That in the name of the Minuteman, whose genius in patriotism gave our citizens the will to exist as a free people, in recognition of her great service to the United States, this association proudly recognizes her service as a patriot and its meaningful contribution to the national security shared by every American citizen in these times,

"JAMES E. FRANK,
"*Brigadier General, U.S. Army Reserve,*
"*President of the Council.*
"JOHN T. CARLTON,
"*Colonel, U.S. Army Reserve,*
"*Secretary of the Council.*"

And now, representing my fellow ROA'ers, and on your behalf, I present to Senator MARGARET CHASE SMITH the Minute Man Award of 1964, beautiful in words and in appearance.

CIVIL RIGHTS—ADVERTISEMENT BY COORDINATING COMMITTEE FOR FUNDAMENTAL AMERICAN FREEDOMS, INC.

Mr. ALLOTT. Mr. President, on March 16 a full-page advertisement appeared in the Denver Post under the heading "One-Hundred-Billion-Dollar Blackjack, the Civil Rights Bill." I have talked with other Senators and find that this advertisement has generated large quantities of mail in many offices, as it has in mine. Our people are concerned, and rightfully so, about the allegations which this advertisement makes. A mere reading of the headlines is enough to make this bill sound ominous beyond belief — "One-Hundred-Billion-Dollar Blackjack"; "Total Federal Control"; "The Mystery Word: 'Discrimination' "; and "Omnipotent President."

I am always pleased when our citizens are aware of the issues confronting our country and being debated in the Congress. I would not take from anyone the right to present his side of a real issue which confronts us if he does so fairly and honestly. Again, I say, our people are concerned. Some of my constituents who have written have apparently accepted this advertisement at face value. Others ask what is the truth about the civil rights bill. The advertisement has obviously generated more heat than light and its very size, combined with the vagueness of its accusations, make it difficult to refute, point by point. Let me, within my available time, point out some of the more grievous half-truths and distortions.

The central points, the main points, the guts of the whole advertisement, if I may use that term, seem to be contained under the heading "Total Federal Control." There the advertisement sets out six things which the civil rights bill would do if enacted.

First. The advertisement says that the bill would allow people to be jailed without trial by jury. This, as far as it goes, is true, but it is a half-truth. What the advertisement does not say is that people can now be jailed without trial by jury under the same circumstances as would be covered by this bill; that is, disobedience of a court order.

The bill would allow suit to be brought for certain discriminatory practices and if the court found in favor of the complainant—that is, found that discrimination was being practiced—then, it could issue an injunction forbidding those discriminatory practices. If the person against whom the injunction is issued then continued to discriminate in disobedience of the court order, he could be jailed.

The second charge made under that heading against the civil rights bill is that it would allow the Government to hold star chamber sessions and to imprison those who disclose, without permission, what went on behind its closed doors. This charge, too, is true as far as it goes, but again it does not go far enough and tell the whole truth. The provision for a so-called star chamber proceeding is contained in the title dealing with the Commission on Civil Rights. That Commission is not given the power to order anyone to do anything except appear and give testimony in a matter which is being investigated by the Commission. Its main duties are investigatory and it is directed to make reports, from time to time, to the President and to Congress, as to its activities, findings, and recommendations. It is authorized to hold executive sessions and the bill provides:

> If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session.

That evidence or testimony taken in executive session then is privileged and must not be released without the consent of the Civil Rights Commission. The section is designed to protect innocent persons against whom a charge has been made and which the Commission is investigating. I would be, personally, very reticent to take away the authority of any investigatory body to hold executive sessions and I dare say that my southern friends would not be any happier with this bill if it were to provide that all sessions of the Civil Rights Commission were required to be public.

Third. This advertisement under the heading "Total Federal Control" charges that the bill would deny an individual the right to freely seek employment without Federal interference as to race or religion. This is patent nonsense. What the bill would do is prohibit an employer or a labor organization engaged in an industry affecting commerce from discriminating against an individual on the basis of his race or religion. What title VII says, and this is the title to which this refers, is that any individual should have the same opportunities to seek employment and the right to compete on equal terms, for getting a job, getting membership in a union, getting equal pay, and an equal chance for promotion, regardless of the color of his skin or the faith to which he may subscribe.

The fourth charge made against the civil rights bill, under the heading "Total Federal Control" is that it would deny the employer the right to hire, fire, promote, and demote without Federal interference as to race or religion. This is true. But, I would underscore the words "as to race or religion." As I said before, title VII, the equal employment opportunities section, is designed to give every man the right to compete on equal terms for job opportunities, without regard to his race or religion. It would require employers to hire, fire, promote, and demote on the basis of merit and without regard to race or religion. If the employer were engaged in an industry affecting commerce, he would be required by the Federal Government to follow nondiscriminatory hiring, firing, promotion, and demotion policies.

I feel that reasonable men may differ on the desirability of giving the Federal Government the power to interfere in this field, but it should be stressed that it is a limited control, based on the premise that discrimination in offering employment, based on the color of a man's skin, is unconscionable. Furthermore, I think it should be said that an employer does not now possess the unlimited right to hire, fire, promote, and demote without Federal interference in other fields than race or religion. Union membership, for example, cannot be held against a man by an employer in his hiring, firing, promotion, and demotion policies.

The fifth accusation under the heading which I have been discussing is that the civil rights bill would deny to school boards, public and private, and to colleges the right to determine, unhampered by the Federal Government, how their students and teaching staffs should be handled. This, Mr. President, is one of those accusations which I had in mind at the beginning of my talk, when I said that the accusations were vague. I am not quite sure what the sponsors of this advertisement had in mind when they used the word "handled—how their students and teaching staffs should be handled." They do, however, give us a clue when they say that they have in mind titles IV, VI, and VII. Title IV deals with desegregation of public education. Note that it deals only with public education. It does not have any effect whatsoever on private schools. Of course, we all know that desegregation of public education has been the settled policy of this country and the law of the land since the case of Brown against Board of Education was decided by the Supreme Court in 1954. Title IV embodies no charge in policy. Rather it does two things: First, it would allow the Attorney General to institute a civil action to compel desegregation of public schools, when he has received a complaint, a signed complaint, and when he determines that the person who has made the complaint is unable to bring the legal action himself and that the institution of an action will materially further the public policy of the United States; second, it would make available assistance to public schools and school boards in coping with special problems which may be posed by desegregation. This assistance, by the way, is not forced upon any school system, but is given only upon the specific request of the school involved. It certainly is not clear to me how this title would deny to school boards and to colleges the right to determine how their students and teaching staffs should be handled.

Title VI declares the public policy of the United States that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. It requires Federal departments and agencies to establish rules, regulations and orders which must be consistent with the achievement of the basic objective of the statute authorizing the financial assistance in the first place. Those rules must be approved by the President of the United States. If the agency determines that funds are being used in a discriminatory manner, contrary to the rules, regulations or orders which it has established, it may terminate the assistance under that specific program. This may be done only after a hearing and an express finding of failure to comply with the rule. This action, the terminating of assistance, is subject to review in the courts. It is plain that many safeguards have been thrown up around this right given to the Federal Government to cut off assistance funds, which are used in a discriminatory manner. However, to the extent that schools, whether public or private, are receiving Federal financial assistance, this accusation in the advertisement is true. The Federal Government in a specific program which is being aided would be authorized to take such steps as it might deem necessary to be sure those Federal funds were not being used to support segregation or discrimination. It is conceivable that both students and teaching staffs could be affected, under this title, depending upon the particular program to which the Federal Government is giving assistance. However, the termination of funds is limited to the specific program. For example, the bill would not require that the school lunch program be terminated, and, in this manner work a hardship on the students, if a school system maintained a segregated teaching staff.

I have discussed title VII previously, in some detail. It could conceivably have the effect claimed in the advertisement under this subheading, if a court found that the educational institution involved was engaged in an industry affecting commerce. There is, incidentally, an exemption contained in title VII for an educational institution which is owned, supported, controlled or managed by a particular religion, or the curriculum of which is directed toward the propagation of a particular religion. This title would have no bearing on how students are to be handled, but, as I said, it is conceivable that an educational institution, if a court found it was engaged in an industry affecting commerce, could be forbidden to discriminate in its employment policies on the basis of race, color, religion, sex, or national origin.

The final accusation under this heading in the advertisement sets out the dire effects which this bill would have on local and State regulations of various local affairs. It charges that the civil rights bill would take from local and State officials their rights without Federal interference to handle local and State elections; to regulate local parks and swimming pools and other recreational facilities; to regulate hotels, restaurants, motion picture houses, stadiums, and so forth; and to regulate employment practices.

Mr. President, the title which relates to elections and the right to vote is title I. Briefly, that title would provide that in any Federal election, the local officials could not deny the right to vote to any individual by applying different standards, practices or procedures to that individual than are applied to other individuals in that political subdivision of the State, nor deny the right to vote for an immaterial error or omission in the individual's application or registration form. Local and State officials would still establish the qualifications for voters, but simply would be forbidden, under this title, to apply those qualifications in a discriminatory manner, in any Federal election. If a local or a State election is held at the same time as the Federal election, then we find a germ of truth in the accusation, that the local and State officials will not be allowed to discriminate in voter qualifications for local and State elections. Again, this is no departure from established law. The right to vote cannot be denied on the basis of race, creed, or color and this title is designed to overcome some of the more subtle forms of discrimination, which have grown up, in denying the right to vote.

The advertisement says that local and State officials could not regulate local parks, swimming pools and other recreational facilities. This is true, if the park, swimming pool, or other recreational facility is a public facility "owned, operated or managed by or on behalf of any State or subdivision thereof," but only to the extent that the local or State officials will not be allowed to require these facilities to be segregated. The local and State officials still would have the right to make all reasonable regulations for their public facilities, but could not deny the use of those facilities to a man because of his race, or religion. This, again, is no departure from present public policy and law. What is new in this bill is the authorization for the Attorney General to institute suits when he receives a signed complaint that an individual is being deprived of the right to use the public facilities, which the advertisement speaks of, and when the Attorney General determines that the signer of the complaint is unable to initiate and maintain appropriate legal proceedings and that the action will materially further the public policy of the United States.

The bill will not take away from local and State officials their right to regulate hotels, restaurants, and so forth, except to the extent that they will not be allowed to enforce segregation or discrimination in these places of public accomodations.

Finally, the advertisement says that local and State officials, under the civil rights bill, will not be allowed to regulate employment practices. This has been discussed by me earlier under some of the other headings in the advertisement, but I will simply repeat that the local and State officials can still make reasonable regulations as to employment practices and are forbidden only to require an employer to segregate or discriminate in his choice of employees.

Mr. President, I regret that I cannot discuss, in more detail, the many fallacies and half-truths contained in this advertisement. In the Denver Post of March 19 an article entitled "Rights of Non-Negroes Under Civil Rights Bill Spelled Out" appeared. It seems to be based on the advertisement about which I have been speaking and answers some of the questions which have been raised in letters from my constituents. I ask unanimous consent that the article may be inserted at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RIGHTS OF NON-NEGROES UNDER CIVIL RIGHTS BILL SPELLED OUT

(By Robert S. Boyd)

WASHINGTON, March 19.—The civil rights bill now grinding through Congress has given rise to widespread fears and misunderstandings.

Congressional mail shows that many whites—northern as well as southern—believe the bill will take away some of their rights for the benefit of Negroes.

An intensive publicity campaign by anti-civil-rights forces, partly aimed at earlier, most drastic versions of the bill now in the Senate, has added to these fears.

The questions that follow are among the most common in the minds of many citizens.

Each question is based on a charge made in a newspaper ad, brochure, or statement put out by opponents of the bill, notably the Coordinating Committee for Fundamental American Freedoms and its legal expert, Mississippi lawyer John Satterfield, a former president of the American Bar Association. The committee gets most of its money from Mississippi. The ad was carried in a number of papers, including the Denver Post.

The replies represent the position of the Department of Justice.

The explanatory material that follows is based on interviews with Satterfield and civil rights experts in the Justice Department.

Question. Will the civil rights bill destroy your right to sell or rent your home to whom you please?

Answer. No. The bill will have no effect on discrimination in private housing.

Explanation: The President apparently already has the power to ban racial discrimination in housing by Executive order.

By such a "stroke of the pen," President John F. Kennedy 18 months ago forbade discrimination by apartment house owners and real estate developers who get Federal financing. This order has not yet been tested in the courts.

President Johnson might, if he wished, extend the order to cover private homes with FHA or VA insured mortgages.

The Justice Department says the civil rights bill adds nothing to this existing Presidential power. In fact, a sentence in the bill specifically denies that it applies to Government-insured home loans.

Opponents of the bill admit it has no direct effect on private housing. But they argue it would indirectly uphold the President's claim of authority to issue Executive orders in this field.

Question. Will the bill cost you your job, your seniority or your promotion to make way for a Negro?

Answer. With one exception, no. The bill forbids racial discrimination on the job, but grants Negroes no special privileges.

Explanation: White fears of being displaced by Negroes stem from the "equal employment opportunity" section of the bill. This section requires companies and unions to treat workers of both races on the same basis.

But no "preference" is granted to either race. There is no requirement that a company or a union take on a certain number of Negroes to achieve a racial mix or balance.

All that is required is that an employer, or a union, not turn down an otherwise qualified man because he is a Negro.

Passing over a white man to give preference to a Negro is banned, just as is the reverse.

The exception arises in the case of seniority—where separate white and Negro unions, or separate seniority lists have been maintained.

During the process of merging the locals, a worker who has No. 75 on the all-white list, for example, might find himself No. 82 on the combined list.

Question. Will the bill require businessmen to keep records of the race of employees and job applicants? Will they have to let Federal inspectors check their operations?

Answer. Yes.

Explanation: Without records and inspection, the Government could not attempt to enforce this act.

The records are necessary, particularly from job applicants, to show if there is a pattern of discrimination in hiring.

However, a businessman who feels the recordkeeping burden on him is unreasonable, is specifically authorized to go to court for relief.

Question. Will the bill force some children to ride buses to school outside their own neighborhood?

Answer. No. The bill specifically rules out Federal action to require a "racial balance" in schools.

Explanation: The original draft of the civil rights bill authorized the Federal Government to get involved in efforts to "adjust racial imbalance in public school systems" caused by neighborhood housing patterns, or so-called de facto segregation.

This authority was removed by the House Judiciary Committee. An amendment was later added on the House floor clearly banning Federal action in this field.

This still leaves the way clear, however, for local school authorities to order the transfer of pupils to achieve a racial mix.

Question. Will the bill threaten you with the loss of your social security or veterans benefits if you don't comply?

Answer. No. The Government cannot cut off your pension even if you choose to discriminate.

Explanation: The bill does permit a cutoff of Federal funds to a program that discriminates against Negroes.

However, the cutoff can only be applied to the program that actually discriminates—not to any other. A community with a segregated school system, for instance, could lose its Federal school aid, but it would still be eligible for Federal road money.

Thus no pattern of discrimination by an individual, or by local and State officials, would bring a cutoff in your social security or veterans benefits.

Question. How about Federal aid to dependent children, or to the blind, to disabled, or medical care for the aged, or Federal unemployment compensation?

Answer. Yes, such assistance can be cut off but only as a last resort.

Explanation: These Federal aid programs, and many others like them, are administered by State and local governments. Some are administered in a discriminatory fashion.

If local officials persist in discriminating, and Federal authorities think they have no other resort, the funds can be stopped.

Thirty days' notice must be given to Congress first, however, and the right to appeal the cutoff to the courts is guaranteed.

Question. Will the bill forbid you to discriminate just because you have an FHA- or VA-insured mortgage on your home, or carry GI life insurance, or have a bank account insured by the Federal Deposit Insurance Corporation?

Answer. No. The bill specifically eliminates this possibility.

Explanation: Millions of ordinary citizens receive Federal "aid" in the form of Government insurance on their life, house or savings.

Fears arose that the bill would cover them because of its ban on discrimination in federally assisted programs.

So the bill was amended by the House to make it clear that "contracts of insurance or guaranty," such as FHA and VA home loans, are not covered.

(NOTE.—Those few veterans who borrowed money directly from the VA to finance their homes are covered, but not the vast majority whose mortgages are simply insured by the VA.)

Question. Will the bill permit you to be sent to jail without a trial by jury?

Answer. Yes, if you disobey a Federal court order directing you to comply with the law.

Explanation: With minor exceptions, the civil rights bill creates no new crimes for which you can be fined or jailed.

But it does set forth certain discriminatory acts for which a Federal judge—after a trial—can order you to cease.

Then, if you don't cease, the judge can clap you in jail without a trial by jury.

Your crime would not be violating the Civil Rights Act. It would be contempt of court.

But the result is the same—you're in jail.

The Justice Department points out that there never has been a right of trial by jury for criminal contempt of court. So the bill is not taking away any right you already have.

In fact, certain new safeguards are added. If you defy a court order enforcing the voting rights or public accommodations sections of the bill, you can't be jailed for more than 45 days or fined more than $300 without a jury trial.

For disobeying a court order involving the other parts of the bill, such as the fair employment section, you can be jailed indefinitely for contempt.

Question. Will the bill let you be questioned, in a secret "star chamber" proceeding, with a jail sentence hanging over you if you reveal what happened?

Answer. Yes, but it's not as bad as it sounds.

Explanation: The bill authorizes the Civil Rights Commission to hold hearings to investigate complaints of discrimination.

If the Commission thinks the testimony might embarrass or incriminate someone, it can hold the hearing behind closed doors. Unauthorized disclosure of the proceedings can be punished by a $1,000 fine or a year in jail.

The Justice Department says this provision is not meant to hurt anybody—just to protect people from premature or unfair disclosure of unsubstantiated charges.

The secret hearings are only to gather information, since the Commission has no power to make anybody do anything.

Congressional investigating committees hold such closed-door hearings frequently.

Question. Will the bill force doctors, lawyers, barbers, and small businessmen to serve Negroes even if they aren't engaged in "interstate commerce"?

Answer. It depends where your business is located. Sometimes the answer is yes; sometimes no.

Explanation: If you live in a community where there is a local law actually on the book requiring racial segregation, the new Federal law will apply to every business and professional man. If you serve white people in such a town, you will have to serve Negroes too.

In other communities, the rules are different.

You will have to serve all races if your place of business is located "on the premises" of an establishment, such as a hotel or theater, covered by the bill.

You will also be covered if your place of business, such as a department store, contains a restaurant or lunch counter covered by the bill.

But you are not required to serve Negroes just because your store or office is located in the same building, or the same shopping center, with a covered establishment.

A doctor or lawyer could have an office in a hotel, or upstairs over a restaurant, without coming under the law.

Question. Will the bill permit discrimination against you if you don't believe in God?

Answer. Yes.

Explanation: An amendment added by the House permits an employer to refuse to hire an atheist—even if he is otherwise qualified.

This amendment was added over the objection of the bill's sponsors. A Justice Department spokesman called it "foolish."

Question. Will the bill control the selection of members and guests of private clubs?

Answer. In most cases, no.

Explanation: Bona fide private clubs do not come under the provisions of this bill. There are two exceptions:

If the club is not really private, but allows anybody to join for payment of a small fee, such as the Playboy clubs, it cannot discriminate against Negroes.

If a private club is located on the premises of a covered business, such as a country club connected to a public hotel, and offers its facilities to white guests of the hotel, it must also serve Negro guests.

Mr. ALLOTT. Mr. President, it is easily apparent that this advertisement about which I am speaking argues, by innuendo, that anyone who would accept this bill is a socialist. It distorts the truth and in some cases it completely disregards the truth. Its purpose seems to be not to inform, but to inflame. Its authorship has been set out at the bottom of the page. The advertisement is placed by the Coordinating Committee for Fundamental American Freedoms, Inc. This is a high-sounding title, but if we go behind the title we find such organizations as the Mississippi State Sovereignty Commission supporting this coordinating committee, by contributing at least $120,000 to support the lobbying activities of the coordinating committee. I mention this fact simply to indicate what interests lie behind the committee.

Mr. President, I do not claim that the civil rights bill, which we are now debating, is without spot or blemish. There are sections which I would like to see changed. There are two titles in particular about which I still have reservations. I am not yet sure how I will vote on those two titles, but, Mr. President, this advertisement does nothing to help me arrive at a well-considered decision. It sheds no light on the real problems involved. It makes one uneasy, but it is a vague uneasiness, based on vague accusations. When the accusations are examined in light of the full truth, many of them do not stand up. In short, it has no place in the forthright and honest debate which we have every right to expect in the discussion of this issue now before us.

IDEAS IN CONGRESS

Mr. DODD. Mr. President, my distinguished colleague from Connecticut [Mr. Ribicoff] has written a very penetrating analysis of one of the serious problems before the Congress—the lack of initiative on the part of Congress itself. This article appeared in the current edition of the Saturday Evening Post.

The Senator can view the legislative process from a unique perspective because, as the Saturday Evening Post points out, he is the only living American to serve as Governor, Congressman, Senator, and Cabinet member.

In this article he points out the growing dependence of the Congress upon the executive branch in the very area that is supposed to be the peculiar province of Congress itself—the making of legislation. My colleague contends, and rightly so, that the Congress has allowed its role to be diminished to one of merely approving or rejecting legislative proposals of the executive branch rather than its rightful role of being the initiator and moving force in making laws and originating legislative ideas.

I fully agree with the thesis of my colleague, and I congratulate him on the persuasive manner in which he presented it.

For the benefit of my colleagues and those readers of the Congressional Record who did not have an opportunity to read it in the Saturday Evening Post, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Saturday Evening Post magazine, Mar. 21, 1964]

Doesn't Congress Have Ideas of Its Own? A Senator Charges That Congress Merely Reacts to the President's Proposals Instead of Coming Up With Its Own Legislation

(By Senator Abraham Ribicoff)

In all the recent uproar about Congress—the public dismay with its balkiness, the cries for its reform—the real trouble with Congress has been overlooked. It is simply that Congress has surrendered its rightful leadership in the lawmaking process to the White House.

No longer is Congress the source of major legislation. It now merely filters legislative proposals from the President, straining out some and reluctantly letting others pass through. These days no one expects Congress to devise the important bills. Instead, the legislative views of the President dominate the press, the public, and the Congress itself.

This is all wrong. Making laws, not just scrutinizing them, is the job of Congress. That job requires initiation, not simply passive reaction to executive branch requests. Yet Congress has surrendered the job—so completely that the press and the Nation now "score" a President's success by the number of his requests he gets through Congress. In the scoring, a Presidential request approved by Congress counts as a victory, and a rejected request counts as a defeat. Since January, when President Johnson delivered his eloquent and farsighted state of the Union message and the requests began to flow from the White House to Capitol Hill, the scorekeepers have been busy.

It is not the President who is at fault. His Office is, under the Constitution, a position of extraordinary leadership—in the Nation and the entire world. It is part of his job to give Congress his recommendations for needed legislation.

This is President Johnson's rightful responsibility, and I believe that he is discharging it well, as President Kennedy did before him. Both submitted to the Congress a wide range of constructive and imaginative proposals. Many Kennedy proposals have been placed on the statute books, and the country is the better for them. Many of President Johnson's legislative proposals must and will be enacted.

I have no quarrel with the way the President discharges his responsibilities. My point is that Congress has failed to exercise its own.

I do not mean just a failure to pass bills. There have been failures in this respect. Some needed bills have not been passed and many that were approved were unduly delayed. For these failures Congress has received much criticism. Some of that criticism is deserved, though the accomplishments of Congress last year are far greater than is generally recognized. The test ban treaty and major bills for college aid, vocational education, medical schools, air pollution control, mental health, mental retardation, and job retraining were all approved in 1963. In fact, I predict the complete record of the 88th Congress, including the tax cut and, in all likelihood, a strong civil rights law, will mark it as one of the most productive in recent years.

The critics of Congress have really missed the point. Their sole concern is the failure of Congress to enact Presidential bills. They don't even consider whether Congress is doing any lawmaking on its own. What these critics really prefer is a parliamentary form of government. They want executive and legislative power to be joined, as in the British Parliament, so that a policy decision made by the government's leadership can be automatically made the law of the land. But the genius of our constitutional system is that it separates executive and legislative power and provides for two coequal branches of government. This is a great strength of our Nation and it should not be diminished. But if the system is to work effectively, both branches must fully exercise their constitutionally assigned functions.

My concern is the failure of Congress to realize the full extent of its own role in the legislative process. Congress need not and should not be content simply to react to Presidential requests. Congress should makes its own independent assessments of the Nation's problems and come up with its own answers. If legislation is needed, Congress, too, has prime responsibility for developing a bill. Yet this is not what happens in practice.

Look how the process works. There was widespread agreement last year that there should be legislation to revise the income tax laws. What happened? Congress convened on January 9, 1963. Did it start to conduct hearings into the entire problem of taxation? It did not. It did absolutely nothing until the President had drafted his tax proposal and sent it to the Hill. Then the Ways and Means Committee of the House began hearings—not a general inquiry into the entire problem, but a hearing into the pros and cons of the President's program.

The first witness was the Secretary of the Treasury. He said the program was good. Other witnesses followed who said part of the program was good and part was bad. When the hearings were over, the committee met in executive session and began a line-by-line examination of each recommendation sent up by the President. Some of these proposals were adopted, some rejected and a few modified. The committee added scarcely any provisions on its own initiative.

The committee then drafted a bill to put its decisions—or, more accurately, the decisions of the executive branch as modified by the committee—into legislative language. (Congress deserves credit for doing this bill-drafting. Usually the executive branch sends its recommendations to Congress with draft bills already prepared.) After Rules Committee approval, the bill went to the House floor, where amendments were not permitted.

Then the whole process began again in the Senate. In February, the bill completed its round trip and ended up back where it started: on the President's desk.

The process is simply wrong: The President's proposal should be looked at with care, but it should not be the beginning, middle, and end of the story. There is absolutely no reason for Congress to spend all its time deciding whether the President's proposal is good or bad. Let Congress provide its own answers to the problem. Let the hearings roam broadly over the entire field of taxation and the economy, and when they are concluded, let the people's elected representatives draw up a bill that they believe is right.

When I entered the President's Cabinet 3 years ago, I was frankly surprised at the deferential attitude some Members of Congress exhibited toward the executive branch. Of course, I know they make critical speeches and cut budget requests, but beneath these headline-making events is an unreported story of silent acquiescence to administration views.

Representatives and Senators often called me to find out what position the administration would take on a bill of theirs or what type of draft legislation would be submitted by the White House. I was sorry they put so much emphasis on what position I would take. I was more interested in knowing what position they would take.

It is the same story here in the Senate. I have heard ranking members privately admit that their pet bills were doomed because of opposition from the executive branch. "Why don't you ask for hearings on that bill?" I asked a colleague the other day, "It sounds to me like a really good idea."

"It's no use," he replied. "The administration is dead set against it. It wouldn't have a chance."

In the House Education and Labor Committee last year, the Kennedy aid-to-education bill was being considered. The President had packaged many separate proposals in one bill and urged Congress to pass the entire bill. What was the reaction in the committee? "This is terrible; the President has got to set priorities. He should tell us which proposals he really wants; otherwise how are we to proceed?"

When I served in the Cabinet, I had an obligation to present the administration's view of what was important. But now that I serve in the legislative branch, I should not just mark time until the executive branch makes up my mind for me. I was elected to make judgments for myself and my constituents. That is the business of everyone in Congress.

A practice that started many years ago as an orderly procedure for consolidating views within the executive branch has now grown into an unofficial preveto power. This is the practice of referring nearly all proposed legislation to the Budget Bureau and the various agencies of Government for a report of the administration's position. Say you have a proposal to cut the tariff on widgets. You draft a bill, and it is referred to the Finance Committee. Then the bill goes downtown for reports from the administration. It may be looked at by the Commerce Department, Treasury Department, State Department, Tariff Commission, and the Budget Bureau.

Weeks later the replies come back. "No," says the executive branch, "we have carefully considered this bill and we would be just as happy if it didn't pass." Unless your bill has acquired the popularity of apple pie, that reply from the administration means the end of the line. Chances are there won't even be a hearing. Prospects for ultimate passage are virtually nil.

Let us have the views of the executive branch. Often extremely constructive suggestions are made in executive reports; they improve the proposed bill. But if the Congress permits the administration's disapproval to bring the legislative process to a complete stop, it makes a great mistake.

If the administration seriously believes that a proposed bill is contrary to the public interest, the Constitution sets out the appropriate procedure to be followed—the Presidential veto. Yet many people have come to believe that when a political party controls both the White House and the Congress, the veto should be put on the shelf. If a Democratic Congress passes a bill that so displeases a Democratic President that he must veto it, then—people think—somewhere along the line somebody goofed. According to this popular notion, Democrats in Congress should not embarrass the President by sending up a bill he doesn't like.

This is nonsense. The Congress has a job to do—making laws. The President has one too—reviewing those laws and either signing or vetoing them. Yet, when one party controls both branches, it is rare for Congress to send the White House a major bill that will be vetoed. To some, this may show harmony between the executive and legislative branches. To me it shows that Congress is not doing the job the people elected it to do.

I think that, no matter which party controls the executive and legislative branches, the legislative process would work far better if several bills incurred vetoes during each Congress, including bills dealing with matters of high public interest. These vetoes would show that Congress has thrown off its complete dependence on administration approval. It would also make the issues more meaningful to the country.

In the election of 1948, the Taft-Hartley Act was a clear-cut issue before the voters precisely because it had been vetoed by President Truman and passed over his veto. Again, the need for housing legislation was brought clearly into focus in 1959 when President Eisenhower vetoed a housing bill. The broad scope of the bill that ultimately became law 2 years later under President Kennedy is due in large part to the sharpening of the issue after the Eisenhower veto. The same can be said of the Water Pollution Control Act Amendments of 1961. A broad, national antipollution program was enacted the year after President Eisenhower referred to the problem as "uniquely local."

Because lawmaking in Congress is now so heavily influenced by the views of the executive branch, a subtle distortion has occurred in the press and so in the minds of the public. Whenever the President sends one of his proposals to Congress, reporters immediately ask Senators and Representatives what they think of the President's bill. They don't ask Senator X what he thinks should be done—whether he thinks any bill is needed, and if so, what kind of a bill he thinks best. Their inquiry is always confined to the alternatives of being for or against the President's bill.

The result is that a large part of the public, especially people who do want something done about the particular problem, tends to think that the only answer is the President's answer. Being for the President's bill is a good position, and being opposed is bad. And as the bill goes through the legislative process, these people are led to believe that any change in the President's bill is a setback for him, and the elimination of some provision a total defeat.

NO MORE FILIBUSTERS

Meanwhile the critics go right on urging Congress to change its procedures, make reforms and generally reorganize itself. I agree that some rule changes are called for. The filibuster should not be allowed to block a vote on measures favored by a majority, and some delays in committee and floor consideration of bills should be eliminated. Some rule changes are needed, but the basic difficulty lies not in rules of procedure but in the entire process of government.

Perhaps the critics should take a step back from the details of the process and view it in its entirety. Then they would see the heart of the matter: Pennsylvania Avenue has become a one-way street. For as long as Congress is more concerned about the proposals that go from the White House to the Hill than about the bills that go from Congress to the President's desk, congressional critics will go right on attacking the Senate and House for lack of responsibility.

I believe the best way to insure responsible action by Congress is to give Congress heavy responsibilities. The men and women here want to do a good job for their constituents and their country. They are capable of doing it.

But if all the emphasis is on whether they approve or disapprove of what the President has recommended, then they will continue to spend too much of their time reacting to the White House. Turn the spotlight on what they think should be done and what they are prepared to do, and there will be constructive results.

Congress has a big job to do—and an important one. But first Congress must decide to do it.

THE EROSION OF CONSTITUTIONAL GOVERNMENT

Mr. STENNIS. Mr. President, for a number of years, I have addressed the Senate from time to time about the gradual erosion and chipping away of the Constitution of the United States. This change has taken place not as a result of constitutional amendment, the only legal way our form of government can be changed, but by Executive order, administrative decisions, decisions of the Supreme Court, and even acts of Congress.

The so-called civil rights bill now under discussion in the Senate is the latest and most flagrant example. If this bill is enacted, it will represent a sweeping change in our whole system of government, entirely without constitutional authority.

One of the truly great political observers and analysts of our time is Mr. David Lawrence, editor of the U.S. News & World Report. In the issue of the magazine dated March 30, 1964, Mr. Lawrence discusses "The Big Change" in a most effective and accurate way. I ask unanimous consent that this editorial by Mr. Lawrence may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BIG CHANGE

(By David Lawrence)

A fundamental change in our constitutional system of government is underway.

Neither the Congress nor the State legislature have adopted an amendment providing for such a change.

Yet the States have, in effect, lost rights specifically granted or reserved to them in the Constitution itself.

The people's representatives in Congress, though doubtful of the constitutionality of the civil rights bill, for example, have been threatened with demonstrations and violence in the streets of their cities back home unless they accede to the demand for the passage of the pending measure.

The so-called intellectuals insist that to fail to interpret our written Constitution in conformity with "the spirit of the times" is to be reactionary or old fashioned. The end is supposed to justify the means.

The Supreme Court of the United States has fallen victim to this insidious doctrine. It has yielded to sociological or even political tides in reversing decisions previously established as "the law of the land."

Assuming that each period in history does need different laws and perhaps even new functions for the Federal Government to exercise, is it not desirable to give the people a chance to express their agreement or disagreement by submitting to them specific changes in the Constitution for approval or disapproval?

The liberals cannot have it both ways—insist that the Constitution be obeyed in upholding the civil rights of the citizen and yet permit the laws to be written by means of decrees issued by the lower courts at the behest of the Department of Justice or by rulings of the Supreme Court, which now has assumed the right to pass on what is or is not "discrimination" or "integration" or "racial imbalance."

The change in our system—from a government of laws to a government of men—has been developing gradually over the last three decades, but never before have the American people been confronted as they are today with such a flagrant intrusion by government into the private rights of the citizen.

The present civil rights bill, if passed by Congress, would bestow on the courts the power to compel anyone engaged in business to give up his privacy—the right to hire the employees of his choice or to serve whatever customers he wishes.

A retired Justice of the Supreme Court, Charles E. Whittaker, in an expository address—delivered recently at Southeast Missouri State College and printed in full text in last week's issue of this magazine—touched on the difference between the words "public" and "private" in the eyes of the law. He said:

"Many people seem to be quite nonspecific and unclear in their use of the term 'public accommodations.' Those espousing passage of the pending bill seem to take the view that all, or nearly all, entrepreneurial establishments that do business generally with the public are, or ought to be held to be, 'public.'

"Those who resist passage of the pending bill seem to take the view that, in the presently existing legal sense, as in the dictionary sense, only those enterprises which are carried on by, or are lawfully and fully regulated by, the State or Federal Government—usually tax supported or subsidized enterprises—are 'public,' and that all others, such as one's home, club, store, shop, or office, or his restaurant or hotel, are 'private' enterprises, to which only those who are expressly or impliedly invited may, of right, come, and enter.

"And they contend that, inasmuch, and so long as, this is so, any invitation expressly or impliedly extended to members of the public may be withdrawn or negated by any private entrepreneur for wholly arbitrary reasons, or for no reason, simply by the giving or posting of a notice accordingly, and that it is beyond the constitutional power of the Federal Government—distinguished from the State government—as held by the Supreme Court in the civil rights cases in 1883, to do anything about it."

Justice Whittaker added that the proponents of the pending bill "seem to hope that the Court, if again presented with the question, would find its 1883 opinion to be an erroneously narrow interpretation of the Constitution."

Obviously, if it is desirable to overthrow the decision of 1883, there's a lawful way to do it—by a constitutional amendment. The American people would then have a chance to decide whether they wish to surrender their rights of privacy.

But today the Constitution is ignored by a stampeded, if not intimidated, majority in Congress and by a Supreme Court obsessed with the idea that it has the right to override at will any previous rulings.

This is a profound change in the American system of government. But even more startling is the seeming acquiescence of so many citizens in the idea that, if the objective seems worthy, it doesn't matter what lawless methods are used to achieve the desired result. This, too, is part of the big change that has come over the American scene.

CIVIL RIGHTS MAIL

Mr. KEATING. Mr. President, during the course of the past 2 weeks, I had occasion to speak about the fact that the mail in my office on the issue of civil rights was running approximately equally opposed and in favor of the bill, although last year it had been strongly procivil rights.

I wish to announce that yesterday we achieved a breakthrough. Without counting the out-of-State mail, of which I received 238 letters yesterday, I received 1,079 civil rights letters yesterday, 849 in favor of the bill and 230 against it.

I am pleased to report that yesterday, we reached an alltime high, since debate on this measure began, of four letters to one in favor of the bill.

But our troubles are not over.

For example, I wish to read two of the letters which came in yesterday. The first one says—and I quote it in its entirely:

> MY DEAR SENATOR KEATING: Stop the civil rights bill. Make speeches. Influence others. Filibuster. Don't let them put this fraudulent dictator power grab on America. Hack it to pieces. Fight, fight, fight. Please vote down this bill in any form.
>
> Gratefully,
>
> ——— ———.

That one was from outside the State of New York.

This really pitiful letter, was written from one of the boroughs of the city of New York:

> DEAR SENATOR: Please they are going to pull down our Board of Education building. They are going to get rifles to shoot us. Oh dear Senator, don't—don't put that civil rights bill over. I beg you. My missus and me are scared to death.

That, Mr. President, is really a pitiful letter. We have a long way to go in educating the public to combat the "Fight, fight, fight" people and to comfort those who are "scared to death," entirely without cause. But I believe we are beginning to see the light.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 7152), the Civil Rights Act of 1963.

Mr. JOHNSTON. Mr. President, a few moments ago the Senator from New York [Mr. JAVITS] said that in South Carolina there was no desegregation.

Mr. JAVITS. Yes.

Mr. JOHNSTON. I wish to correct the Senator. In South Carolina there are schools which are desegregated, including both colleges and grammar schools. So I believe the Senator ought to be corrected in the statement that he has made. I can verify that statement.

Mr. JAVITS. I referred only to public schools.

Mr. JOHNSTON. The James Simons Grammar School in Charleston, S.C., is desegregated; also the University of South Carolina is desegregated; Clemson College is desegregated. I thought I should correct the RECORD in that respect.

Mr. JAVITS. I repeat that I did not refer to colleges; I referred only to public schools.

Mr. JOHNSTON. The James Simons Grammar School in Charleston is a public school.

Mr. JAVITS. I ask the Senator if that is the only one? Are there others? Can the Senator give us the figures?

Mr. JOHNSTON. There are others, but I happened to have the name of that particular school at my fingertips when the Senator mentioned the subject. I can probably furnish the names of other schools.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. JAVITS. For the RECORD, will the Senator give us the names of the particular schools in which he claims there is some desegregation and the number of pupils in the desegregated schools and in biracial school districts in South Carolina?

Mr. JOHNSTON. I believe I can obtain that information for the Senator. I did not know that he intended to bring that subject up. Therefore I did not have the information with me at the time. But I remember the James Simons Grammar School. That school in Charleston County is desegregated at the present time.

Mr. JAVITS. Does the Senator have the breakdown in respect to white and colored children?

Mr. JOHNSTON. I have not. I am sorry that I cannot give the Senator that information at the present time.

Mr. JAVITS. Does the Senator have the breakdown as between white and colored children?

Mr. JOHNSTON. I have not. I am sorry that I cannot give the Senator that information at the present time, but I believe I can obtain it by arranging for a telephone call to be made, or get the information in some other way. I did not know that the subject would arise.

Mr. JAVITS. I relied upon information furnished to me from what I consider to be a very accurate source, the U.S. Commission on Civil Rights. I, too, will check every one of the statements that I have made again and hasten this very day, if it is humanly possible to do so, to see that the RECORD is entirely correct.

Mr. JOHNSTON. The Senator will have no trouble in calling the James Simons Grammar School. I may be able to get the information from my office. I may have it in my office.

Mr. JAVITS. I would be very pleased to have the RECORD accurate.

Mr. JOHNSTON. I shall be glad to seek further information. I knew that the Senator would be glad to have his statement corrected.

Mr. JAVITS. I thank the Senator.

Mr. JOHNSTON subsequently said: Mr. President, earlier today I questioned the statement by the Senator from New York [Mr. JAVITS] that there were no public schools integrated in South Carolina and at that time I agreed to obtain for the RECORD the names of such schools in South Carolina that have integrated. In South Carolina, to my knowledge, the following public schools have integrated: James Simons Elementary, Charleston; Rivers High School, Charleston; Charleston High School, Charleston, and Memminger Elementary School, Charleston. These schools, of course, do not include the colleges that have integrated nor the parochial schools which have done likewise.

Mr. JAVITS subsequently said: Earlier today, Mr. President, a question arose in colloquy with the Senator from South Carolina [Mr. JOHNSTON], in regard to the actual, factual status of desegregation in the public schools in three States—Alabama, Mississippi, and South Carolina. I stated that there was complete segregation in the public schools in those States.

I find that insofar as Alabama and South Carolina are concerned, the RECORD must be corrected, due to events which occurred subsequent to the issuance of the figures on which I based my statement: My statement was based on figures in the 1963 report of the U.S. Civil Rights Commission, which was accurate in regard to the 1962–63 school year.

The facts on which I based my statement are contained in table 1 on page 64 of the report of the Civil Rights Commission, which shows that in Alabama, out of 114 school districts which have both white and Negro pupils, none were desegregated; the same was true for Mississippi, with 150 biracial districts; and the same was true for South Carolina, with 108 biracial districts.

I ask unanimous consent that the entire table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Status of desegregation of school districts, 1962–63* [1]

	Total school districts, 1962–63	Total with white and Negro pupils, 1962–63	School districts desegregated	School districts segregated
Alabama	114	114	0	114
Arkansas	416	228	12	216
Delaware	87	87	87	0
District of Columbia	1	1	1	0
Florida	67	67	10	57
Georgia	198	182	1	81
Kentucky	205	166	149	17
Louisiana	67	67	1	66
Maryland	24	23	23	0
Mississippi	150	150	0	150
Missouri	1,607	[2] 213	[2] 203	[2] 10
North Carolina	173	173	18	155
Oklahoma	1,180	241	196	45
South Carolina	108	108	0	108
Tennessee	154	143	26	117
Texas	1,461	919	177	742
Virginia	130	128	32	96
West Virginia	55	43	43	0
Total	6,197	3,053	979	2,074
Percent			32.1	67.9

[1] Southern Education Reporting Service, Statistical Summary, November 1962, revised especially for the U.S. Commission on Civil Rights to Aug. 1, 1963.

[2] Estimated.

Mr. JAVITS. Mr. President, in table 2, on page 65 of the Commission's 1963 report, the number of students enrolled in the various States are given. I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—*Status of segregation and desegregation, 1962–63, in 17 States and District of Columbia* [1]

	Enrollment			Negroes enrolled in desegregated schools	Percent of total Negro pupils enrolled in desegregated schools
	Total	White	Negro		
Alabama	[2] 807,287	[2] 527,075	[2] 280,212	0	0
Arkansas	448,616	331,552	117,064	247	.211
Delaware	90,761	73,769	16,992	9,498	55.9
District of Columbia	132,900	22,141	110,759	87,749	79.2
Florida	1,183,714	956,423	227,291	1,551	.682
Georgia	987,385	662,244	325,141	44	.014
Kentucky	655,000	[3] 610,000	[3] 45,000	24,346	54.1
Louisiana	759,990	[3] 458,270	[3] 301,720	107	.035
Maryland	667,528	[4] 514,313	[4] 153,215	69,147	45.1
Mississippi	590,000	[3] 300,000	[3] 290,000	0	0
Missouri	857,620	[3] 767,620	[3] 90,000	[3] 35,000	38.9
North Carolina	1,141,641	800,289	341,352	879	.258
Oklahoma	560,000	[3] 515,200	[3] 44,800	[3] 10,557	23.6
South Carolina	630,628	[3] 365,340	[3] 265,288	0	0
Tennessee	829,686	[3] 670,387	[3] 159,299	1,810	1.14
Texas	2,255,593	[3] 1,951,613	[3] 303,980	[3] 7,000	2.30
Virginia	933,830	[3] 704,725	[3] 229,105	[3] 1,230	.537
West Virginia	438,128	[3] 412,878	[3] 25,250	[3] 15,500	61.4
Total	13,970,307	10,643,839	3,326,468	264,665	8.0

[1] Southern Education Reporting Service, Statistical Summary, November 1962, revised especially for the U.S. Commission on Civil Rights to Aug. 1, 1963.

[2] 1961–62.

[3] Estimated.

[4] Official total; racial breakdown estimated.

Mr. JAVITS. Mr. President, since the time when these tables were prepared, the facts have changed somewhat. First, I shall deal with South Carolina, because it was the State to which the Senator from South Carolina referred. I believe it only fair that these statements appear in the RECORD immediately following the earlier debate. Therefore, I ask unanimous consent that the statement I am now making be printed in the RECORD in connection with the earlier colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. The report of the U.S. Civil Rights Commission, up to date, is as follows: In South Carolina, under court order of September 1963, Charleston School District No. 20, including four public schools, was ordered desegregated. A single school district was desegregated. It admitted a total of 11 Negro students; there are now 10. It was desegregated pursuant to a court order of the U.S. district court. That desegregation was appealed and affirmed by the circuit court of appeals. Therefore, it is a fact that in South Carolina there is one school district, including four schools, which now is desegregated, pursuant to court order, with 10 Negro pupils out of a total of 265,288 in the State as of 1962–63, as shown by the table I have placed in the RECORD.

I have just been informed that the Senator from South Carolina [Mr. JOHNSTON] has, since our colloquy earlier today, corrected his remarks, so as to give the correct names of the four schools in Charleston, S.C., which have been the subject of these desegregation actions. So my remarks will now jibe with his.

As to Alabama, again the figure can no longer be shown as zero; four school districts were ordered desegregated by the courts in September 1963. It will be recalled that as to one of them, Governor Wallace sent State troopers to Tuskegee High School, which was the subject of a white boycott and was then closed.

A Huntsville school district was relatively quietly desegregated, with about 20 Negroes in the school.

A Birmingham school district is reported to us to have a small white attendance.

A Mobile school district is reported to us to have a small white attendance also.

This means that as of now, 110 districts remain segregated; we are sure that one is desegregated; two probably are desegregated; and one of the total of 4 is closed. The number of school children to be considered there is 280,212 Negro school children, out of a total of 807,287 enrolled.

As for Mississippi, we have checked and find that it remains a fact that no school district in Mississippi is desegregated. That is exactly what the table showed for 1962–63 and it remains the case for 1963–64.

We understand that one school district has been ordered desegregated beginning in September 1964, by the district court. What will happen to that, we cannot tell.

Mr. STENNIS. Mr. President, in connection with the reference the Senator from New York has made to Mississippi, will he yield?

Mr. JAVITS. Of course.

Mr. STENNIS. I do not believe we should overlook, however, the fact that there is a very prominent graduate from Mississippi, perhaps the best known graduate during the last 2 or 3 years in the entire Nation—one James Meredith, who finished there not long ago—in 1963. I believe the RECORD should bring out that fact.

Mr. JAVITS. I thank the Senator from Mississippi for adding that piece of information, which we are glad to have.

Mr. President, it seems to me that, based upon this record of such very meager activity in connection with desegregation in the States I have mentioned, coming when it did, there is ample justification for my conclusion that only the most minuscule progress has been made in this respect in the States to which I referred.

Mr. JOHNSTON. Mr. President, at present we are discussing the question of whether the procedure under which we are now operating in the Senate, which has stopped a bill that came from the House of Representatives to the floor of the Senate. Without referring the bill to a committee, it is proposed to take up the bill immediately and start the discussion of it on the floor of the Senate, is the best procedure in the Senate or not. When we act in that way I believe we are setting a precedent. We shall find that it will cause us a great deal of trouble in the future. For that reason naturally it is necessary to bring out the provisions in the bill to discover why it is given such preferential treatment. The question is particularly important when the Senate itself has a perfect right to refer a measure to an appropriate committee, a committee which was set up under the Reorganization Act of 1947, and decide how long the committee may have the bill. We have a perfect right to say that the bill should be referred to the committee for 10 days, 2 weeks, or whatever time would seem fitting. So that is the question which is before the Senate at the present time.

When I last spoke on the subject of taking up the civil rights bill in the Senate without referring it to the Senate Committee on the Judiciary I did not complete my speech, as Senators may recall. The speech was started on a Saturday afternoon. I had been speaking for several hours. It was the consensus of Senators that the Senate ought to cease its deliberations for the week. The recess occurred when I had completed only about one-third, or hardly that much, of my speech. I should like to refer the Senate to page 5281 of the CONGRESSIONAL RECORD of March 14. Senators will find at that point that on late Saturday afternoon I asked unanimous consent that I be allowed to finish my speech without being charged with a second speech at a later date.

Mr. JAVITS. Mr. President, I did not hear the request. What was the request?

Mr. JOHNSTON. I am reading from the RECORD. I obtained permission to continue my speech without being charged with a second speech at a later date. There was no objection. I am now bringing out the RECORD at that time.

In the absence of objection, it was so ordered and so I speak as a continuation of my original speech. I had been discussing some of the information contained in the minority report filed in the House of Representatives by members of the House Judiciary Committee.

The reason I have been quoting from the House report is because the Senate has no report; the Senate has no information upon which to base a legal, legitimate or logical decision on the civil rights bill which has been passed to us by the House. The Senate committee could go even further than the House committee and bring out facts that the committee in the House did not bring out. That is the minority committee report. That being so, I find it quite necessary to continue to place into the RECORD the information taken from this minority report.

I quote now from the minority report of the House Judiciary Committee:

> Although Congress has been unwilling to include movie theaters under the interstate commerce concept of the Fair Labor Standards Act, this bill would cover every remote motion picture theater in every isolated hamlet simply because the film it screens was at some time transported across State lines. By the same process of reasoning the shoeshine boy could be said to be involved in interstate commerce because the shoe polish he uses was manufactured in another State. If the reach of the interstate commerce clause is to be extended to such lengths, then there is no longer any such thing as intrastate commerce.
>
> Having named these three categories of private business establishments, the bill adds a "catchall" category. Any retail establishment in which one of the three foregoing categories of business places is located, or any retail establishment located in any of those three categories is covered. Ergo, if a lunch counter is located in a drug store or a department store, the entire store is covered. If a doctor or lawyer has an office in a hotel building, he is covered.
>
> Again, even if we assume that Congress has the power to legislate with respect to some of these business establishments in some of these three categories (which we are not willing to concede), still prudence would dictate the exercise of legislative restraint.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. BENNETT. Did the Senator see the column of David Lawrence the other day, which raised the interesting question whether, if a private club has a restaurant in it, it might be covered even though it might be exempted as a private club?

Mr. JOHNSTON. Yes. I think he is correct.

Mr. BENNETT. On the theory that private clubs give their members the right to authorize guest cards. If a guest card is prepared for a man who is not a member of the club, and he presents himself with his card and asks for service in the restaurant, if it refuses to give him service the whole club is covered.

Mr. JOHNSTON. The way the provision is written, it looks like a catchall to bring in everything, even beauty shops and barbershops. All of them would be covered under the bill, according to my interpretation, if it should be passed in its present form.

Mr. BENNETT. I thank the Senator.

Mr. JOHNSTON. I now continue to read from the minority report of the House Judiciary Committee:

> C. THE 14TH AMENDMENT
>
> The second constitutional base upon which title II is sought to be predicated under section 201(d) is the 14th amendment.
>
> On October 15, 1883, the Supreme Court, by an 8 to 1 vote, rendered decisions in five cases which have come to be known as the civil rights cases. Involved was the interpretation of the act of 1875 entitled, "An act to protect all citizens in their civil and legal rights" (18 Stat. L. 335). The defendants had been indicted for violations of that act in that they refused service in their hotels and theaters to Negroes. The Court ruled that the equal protection clause of the 14th amendment does not relate to the private conduct of private individuals in their private places of business but only to action by a State, some arm of the State or some

> State official acting under color of State or local law. The essence of this decision has been repeatedly reaffirmed by the Federal courts, including the Supreme Court as late as 1961. *Williams* v. *Howard Johnson's Restaurants* (268 F. 2d 845 (1959)); *Slack* v. *Atlantic White Tower System* (284 F. 2d 746 (1960)); *Burton* v. *Wilington Parking Authority* (365 U.S. 715 (1961)).

That was a decision handed down by the Supreme Court in 1961, stating that it was unconstitutional to hold otherwise.

I continue reading from the minority report:

> What Mr. Justice Harlan, in a recent dissenting opinion, had to say on this point is worth repeating here:
>
> "An individual's right to restrict the use of his property * * * lies beyond the reach of the 14th amendment. Freedom of the individual to choose his associates or his neighbors; to use and dispose of his property as he sees fit; to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from Government interference."
>
> We realize that there are those, including Mr. Justice Douglas, who feel that the granting of a State franchise or a city or county license to private business firms, or the use of State and local police officers to protect the business and property of such firms, constitutes State action within the meaning of the 14th amendment. Those who feel that human rights in property constitute an essential thread in the American fabric of individual liberty can never accept such specious reasoning, and unless the Congress is prepared to upset the decisions the Supreme Court has rendered over the last 80 years, the public accommodations section of this bill cannot be constitutionally based on the 14th amendment.

Ours is a society of free enterprise based upon private ownership of property and exercising of individual liberties. The American system of business was founded on the principle of individual choice: One can buy from whom he wishes to buy and sell to people of his choosing. When one buys a home, he chooses a home in a neighborhood containing the environment which he desires. Some people like to live in a country club atmosphere; some in a city apartment house; some on a farm; some in the neighborhoods of $30,000 homes; and some in an area that is predominated by people of their own class, economic status, race, or religion. Hundreds of our fraternities and social organizations have been founded by people of a particular group whose endeavors many times have been the furthering of their own kind. In our society, we have always been able to make an individual choice.

Cannot the sponsors of this vicious civil rights bill not see that this legislation contains the awful authority to destroy the character of American free enterprise?

We do not need a crystal ball to see that the civil rights legislation as now proposed to the Senate will enslave our economic system. The Senate, instead of trying to bypass the Judiciary Committee to avoid hearings on this civil rights legislation, should be clamoring for full hearings to gather complete information as to the effect this bill will have on our business world. We need to determine whether or not this civil rights bill will put American business, and American labor unions, and American consumers in an economic slave state comparable to that which now controls people in communistic nations. If we were to hold hearings in the Senate Judiciary Committee, we could find out in an orderly, legal, and logical fashion, the rigid controls that this bill contains and forewarn the American people, as well as the Members of the Senate, as to just what they are voting on.

I warn the labor unions of this Nation that this bill will cause them more headaches than any other legislation heretofore passed. I want that warning to sink in with all labor unions. I have always been a great believer in organized labor. Coming from the State of South Carolina, where there are few organizations, I have always spoken out for labor organization. I believe they have a perfect right to organize, just as bankers and all other businesses have a right to organize for the good of the people who make their living by the sweat of their brows.

But, watch my prediction. If enacted, this bill will cause labor unions more headaches than any law that has ever been put upon the statute books. The FEPC feature, under which someone comes in and says he has been discriminated against, will cause trouble. At the present time, I am chairman of the Committee on Post Office and Civil Service. Senators would be surprised to know how many people in the civil service come to the committee and complain that they have not been promoted, or that they have been degraded, in some instances, because of their religion, or because of their color. These complaints are made in spite of existing law.

But if this law is put on the statute books, we will find our headaches multiplied 100-fold. So I would be derelict in my duty if I did not call the attention of the labor people of this Nation to what they will be facing in regard to this particular legislation which they are trying to put upon the statute books.

I now continue to read from the House minority report which has further reference to what I am talking about.

> D. MRS. MURPHY'S ROOMINGHOUSE
>
> Excepted from coverage under both the interstate commerce concept and the 14th amendment concept is an owner-occupied lodging house with five or less rooms.

What kind of roominghouse would it be with less than five rooms whose owner wanted to rent out rooms?

> During the Attorney General's testimony before the full committee, he was asked on what rationale, legal or moral, this exemption was based.

Five rooms.

> His reply was that the "relationship" in such establishments was primarily social rather than commercial. This indicates that coverage of lodging establishments is intended to be based on the interstate commerce clause and that Congress has power to make exemptions in such coverage.
>
> Assuring that Congress has such power, should Congress exercise such power?

I hope that they do not.

> Should one private businessman with six rooms to let be subject to a lawsuit when he denies accommodations to a Negro while his competitor next door does so with impunity? If morality is involved, why is it moral for one businessman to discriminate and immoral for another?
>
> But the inconsistency is even more aggravated. In answer to another question, the Attorney General said that while a five-room roominghouse would be exempt, a boardinghouse serving five diners would be covered.

If they happened to serve diners in a five-room roominghouse, it should be covered, too.

> Is it legal or moral to discriminate in the renting of rooms but not in the serving of food?

They were asking questions of the Attorney General. We have had no opportunity in the Senate to ask any questions about the bill, or to try to find out any facts about it. That is the reason we have been advocating that it be sent to the committee.

Personally, I believe it should be sent to the committee. It should be treated by the Senate like other bills by being sent to a committee with definite instructions to report back on a day certain.

I believe that if we send the bill to committee, the committee should have a right to make recommendations or suggestions when it reports it back, and not waste its time discussing it. If it came back with certain recommendations of the Judiciary Committee, it would tell us what it found in the bill or what amendments should be made to it to make it better and more workable. Even though I personally am not for this kind of legislation, I am for enacting legislation that is within the constitutional rights of the Government rather than passing an unconstitutional bill. I honor the oath which I took. Each Senator has the right and privilege to make up his own mind what is constitutional and what is not constitutional. But as I see it, many features of this bill are unconstitutional.

> If coverage of lodging establishments is based on the 14th amendment rather than the interstate commerce clause, then surely there is no legal justification for an exemption. How can there be equality under the equal protection clause of the 14th amendment when the clause itself is applied unequally?
>
> And yet, we believe that these very exemptions are themselves the best possible evidence, indeed a confession, of the impracticability of extending Federal controls to small localized private business enterprises, commanding private property regulations, and compulsory customer acceptance by the businessman while leaving the customer free to choose the business establishment he patronizes.

If we continue to pass on to the Federal Government power and authority, and continue to take power and authority away from the States, we shall wake up some day and have only one government, the U.S. Government, and that will be a consolidated Government of the United States, with the States having no rights left whatever.

I see that tendency grow more and more every day. In my lifetime I have seen it develop. I have seem it develop in the school system. I have seen it develop in the road system. When I was a boy, the roads were kept in repair in a community by each one giving 1 day a month to the repair of the roads in the community where I lived. That was true in a great many States of this Union. Then there was formed what was known as a road commission in a section of the community. Then it was not very long before the sections or districts were taken over by the county. Then along came the State and gobbled up the county's work, and took charge of all the roads in the county. Then along came the Federal Government, and began to take over the roads in the Nation.

The same thing has been true in the school systems of the United States. The next thing we know, we shall find that the school systems of the United States are being controlled and operated by the Federal Government. Perhaps it will not happen in my lifetime, but it will not be long after my lifetime, when there will not be any State system or any school system or any health system or any other kind of system in the local areas. That is what we are coming to in the United States, if we are not very careful. I hope to see the day when people in the byways and local communities will still have a little authority, without all the authority being taken away from them.

With reference to Mrs. Murphy's roominghouse, while it draws smiles when a real Mrs. Murphy complained about the threat of this civil rights provision against her, it is no joking matter when we consider what this bill will do to the thousands of people across the land who are in the same shoes—or you might say business—as Mrs. Murphy. There is no question but that this is the most criminal form of legislation ever to be presented to the Congress, this thing, this monster, called a civil rights bill.

Mr. President, before the Senate takes action on this bill and before it decides with some degree of finality to bypass the Judiciary Committee process, I would like to discuss title III of the proposed legislation as outlined in the minority report from the House.

The reason we must quote from the House report is that we do not have a report from the Senate committee. It has not had a chance to see the bill. Therefore, we cannot pick out flaws in the bill, and we must use the House report for that purpose. We must go to the House report and look into it and see what the findings of the House Members were, and then bring all this to the attention of the country.

III. SUITS BY THE GOVERNMENT UNDER THE EQUAL PROTECTION CLAUSE

A. Suits by the Attorney General

> It is important to recognize that this title is divided into two parts. The first concerns suits instituted by the Attorney General and the second concerns suits instituted by private citizens in which the Attorney General is authorized to intervene.

I have often thought that when these agents are out harassing the people in business, there ought to be a provision in the bill that if the Government joins these people in carrying on the suit, and Government money is paid for it, if a man is not found guilty of what he has been charged with, he ought to be paid his expenses. There ought to be a section in the bill which provides that when the Government's position is not sustained, the man who has been accused ought to be paid for his trouble. Of course, that is asking for something different from what is in the bill.

> The Attorney General is empowered to initiate suits to compel the desegregation of any public facility "owned, operated, or managed" by or on behalf of a State. (In purpose and effect, this is similar to the power to initiate suits to compel desegregation in schools and colleges granted to the Attorney General in title IV, and the power granted the Attorney General in the public accommodation provision of title II, and accordingly the comments made here are applicable to these titles as well.)
>
> We have no difficulty understanding the words "owned" or "operated." We do have trouble understanding the import of the word "managed." What does it mean? Surely, it means something more than "owned" or "operated." Does it mean regulation? All public facilities which are licensed or franchised by a State, including public utilities, radio and TV stations and private intrastate transportation companies, are regulated by the State. Is the Attorney General's power to institute suits intended to reach licensed business firms regulated by the State? If so, then the public accommodations provisions of this legislation are not confined to those business categories enumerated in title II.
>
> *B. Intervention in individual suits*
>
> The second part of this title empowers the Attorney General to intervene in any suit instituted by an individual citizen charging denial of equal protection of the laws on account of race, and is broader in application than title III of the 1957 bill which the Senate deleted from the bill at that time. The inventory of the different kinds of such suits is too long to recite. Suffice it to say that the inventory would include suits charging racial discrimination in local elections, legislative apportionment, civil service employment, composition of grand juries, and petit juries in criminal trials, etc. Indeed, if a Negro were arrested for unlawful conduct as a member of a violent mob, he could petition a Federal district court for a writ of habeas corpus on the grounds that he had been denied equal protection of the laws on account of his race, and the Attorney General could intervene as a party in the proceeding.
>
> The Attorney General objected to title III as it appeared in the subcommittee bill on the grounds that it vested too much power in his hands and interjected the Department of Justice too far into too many fields of litigation. The amended version of title III does no less. Moreover, the present version makes the Attorney General a free lawyer for private litigants in civil litigation at the expense of the taxpayers in suits against some of these same taxpayers. Defendants in these suits, of course, must pay their own lawyers, after having paid taxes to pay the costs of the Government's suits.

This minority report on section III has but skimmed the surface to explain the gross dangers. I have made a further detailed study of this section, which I intend to present to the Senate Judiciary Committee if we are given an opportunity to study this bill. Of course, I will certainly make it available to the Senate if the Senate bypasses the Judiciary Committee to take this bill up. This is a punitive bill making the American taxpayer finance the legal expense of all private litigation in civil rights cases and at the same time requiring defendants in these cases to pay for their own expenses and legal fees. This is completely against our American system of jurisprudence. If the Senate is going to make a welfare state out of our business community in the field of civil rights, then the yardstick of welfare and free services should be applied to everyone, plaintiffs, defendants, and so forth.

I have wondered how many lawyers the Justice Department will employ in the 50 States if the bill passes. I suppose the appropriation bill will be increased somewhat at that time. Perhaps the Appropriations Committee will have to meet while the Senate is in session in order to raise the appropriation. The Finance Committee may have to meet in order to raise the taxes of the people so that more money can be raised and passed on to the commission which will be created.

I shall go on with the minority views of title IV of this bill. It is a bit of irony to find in this legislation powers being delegated to the President of the United States which the President does not even want and which the President of the United States has declared as unwise. I refer, in my quotes, of course, to the late President John F. Kennedy, who was asked for a comment on this particular proposal.

> ### IV. CUT OFF THE FUNDS
>
> In its April 1963 report, the Civil Rights Commission recommended that the President seek power to cancel or suspend Federal aid funds to States which fail to "comply with the Constitution and laws of the United States." At his April 17 press conference, the President was asked to comment on that recommendation. In response the President said, "I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power * * *."
>
> Title VI of this bill gives the President "that kind of power" and we share the President's feelings that it is "unwise." Assuming, as the Supreme Court has said, that "what the Federal Government subsidizes it can control," should the Federal Government, acting through the executive branch, be vested with control powers to terminate or suspend by administrative fiat programs of financial assistance which the legislative branch has authorized and funded? True, this bill makes provision for judicial review of agency actions upon the demand of the State or individual aggrieved by such actions. However, agency action will have been taken, the funds will have been cut off, and the State and its citizens will have already been injured before any judicial determination of racial discrimination has been made. The cart is before the horse. Why should not the judicial determination be made first, and why should not the burden of bringing the suit rest upon the Federal Government rather than the State government or its citizens? Surely the accused should not be punished until guilt has been established under the rules of evidence and constitutional safeguards which our American system of jurisprudence provides.

I read further:

> It will be seen that the judicial review authorized by this legislation (as distinguished from an original judicial proceeding) is keyed to the Administrative Procedure Act. This entails at least two pertinent consequences. First, under the Administrative Procedure Act, the review is conducted, not

> by a district trial court, but by the circuit court of appeals; in all respects, this proceeding is a review rather than a trial. Second, the Administrative Procedure Act requires the circuit court to uphold the administrative findings of the agency if they are supported by substantial evidence—

Not by the preponderance of the evidence, but by "substantial" evidence. There is a great deal of difference between the two.

I read further:

> "Substantial" evidence does not mean a majority of the evidence; it does not mean a preponderance of the evidence; according to judicial construction, "substantial" evidence means only a reasonable quantum of evidence in support of the agency's decision. Why is this significant? It is significant because title VI requires the agency only to make an "express finding" of discrimination; it does not require the agency to conduct a formal hearing into that question. Accordingly, the administrator of the agency need only gather information (not under oath), treat it as evidence of discrimination, reach an "express finding" that discrimination exists, cut off the funds, and then sit back and wait for the State or other recipient to take an appeal under the Administrative Procedure Act to the circuit court of appeals. If the circuit court determines that "substantial" evidence exists, the agency finding is affirmed and the State is out of court, without ever having had its full day in court.

Now it can be seen why we are so afraid of this proposed legislation. Furthermore, it is only one of the beginnings of the attempts to break down the safeguards of individual citizens in the courts of the United States. For that reason, I am bitterly opposed to this proposed change in our court procedures and in the presentation of facts before the courts.

I read further:

> We will assume, however, that although title VI does not so require, the agency would decide to conduct a full formal hearing at which the State would be permitted to produce its evidence. Even so the State would not enjoy full protection of its rights. The limited review procedure authorized in the Administrative Procedure Act was justified when the act was written, on the ground that administrative agencies were supposed to have more expertise in their particular fields than the courts themselves. That is why the courts were allowed to reverse administrative findings only when they were not supported by substantial evidence, were clearly erroneous, or were contrary to law.

Mr. PASTORE. Mr. President, at this point will the Senator from South Carolina yield?

The ACTING PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. JOHNSTON. I yield.

Mr. PASTORE. Does the Senator from South Carolina feel that it is fair to use money which belongs to all the taxpayers of the United States—the whites, the colored people, the Indians, or what you will—as Federal grants to a project in a State, and then have the State use that money in a discriminatory way against certain people in the complex of our society?

Mr. JOHNSTON. I am not contending that; but I am saying that a man against whom a suit is brought should be given a fair trial when the case reaches court.

Mr. PASTORE. Of course. But this bill provides that rules and regulations will be formulated by the agencies, and will have to be approved by the President; and once that is done, they will become the rules and regulations, not to affect any particular State alone, but to affect the entire country.

In other words, there could not be one rule for Rhode Island and another one for South Carolina and another one for California. The rules and regulations which are made must be uniform, on a nationwide basis, to apply to all the people of the country.

Once such a rule is made, the agency must determine whether a violation of it has occurred. Even after it is found that a violation has occurred, the bill provides a procedure for voluntary compliance. And even after that, the bill contains a provision to the effect that the agency's decision must be referred to the appropriate committees of Congress and cannot take effect until 30 days have expired; and thereafter there will be a right of appeal to the courts. So how much fairer could the bill be?

Mr. JOHNSTON. But when an appeal is taken, under what system will it be taken?

Mr. PASTORE. Under the American system of jurisprudence.

All this bill provides is that when money of the taxpayers of the Nation is used to support a program in a particular State, the program must be administered in accordance with the American way—in other words, that in connection with the program, it will not be permissible to say "yes" to one person; but to say "no" to another person, only because of the color of his skin.

Many persons claim the President has such authority today, and I am inclined to believe that he does have authority to guide the use of U.S. taxpayers' funds in order to make sure that it is spent in a constitutional way, without prejudice or without discrimination against any person or group.

Mottoes are engraved on many of the walls in this Capitol Building. I point to the one over the seat of the Presiding Officer—"E Pluribus Unum"—"one out of many." We are people, regardless of any differences of color or origin or religion.

The bill provides that when Federal funds are granted for a program—let us say they are granted for a program of aid to dependent children—a State cannot discriminate in the use of that money; for instance, it cannot grant $20 to a white widow with four children, but only $2 to a colored widow with four children. Such discrimination is not American. So this part of the bill is intended to result in equality, without discrimination against anyone.

Really, the bill will not result in usurpation of authority. Under the bill, it would not be permissible to be either more generous or less generous to one group or person, as compared with another.

So I urge all Senators to read the bill carefully, word by word and line by line.

Mr. JOHNSTON. Mr. President, the Senator from Rhode Island has stated, in effect, that if Federal funds are granted to a hospital in my State, perhaps to the extent of $200,000, the Federal Government will thereafter be allowed to determine how the hospital is to be operated.

Mr. PASTORE. No; and the bill does not so provide.

Mr. JOHNSTON. Yes; it does.

Mr. PASTORE. But if a man is struck by an automobile and is brought to the hospital, under the provisions of this bill it will not be permissible for the hospital authorities to deny him admission because he is colored.

Mr. JOHNSTON. I should like to have the Senator from Rhode Island tell me of one case in which that has happened.

Mr. PASTORE. I am not saying it has happened; I am saying it must be avoided.

Mr. STENNIS. Mr. President, will the Senator from South Carolina yield to me?

Mr. JOHNSTON. I yield.

Mr. STENNIS. I agree with the Senator from South Carolina; and I call upon the Senator from Rhode Island to prove such an accusation.

Mr. PASTORE. I am not saying and did not say that it has happened. I said it must not happen. There has been no accusation—only an intent that conditions may not arise.

Mr. STENNIS. May I finish my statement? The Senator from South Carolina yielded to me. I agree with the Senator from South Carolina. The Senator from Rhode Island ought to prove such accusations, withdraw them, or say that he was mistaken. I deny that anything like what the Senator has described has taken place in my State. There has been no semblance of such treatment. I am familiar with the Hill-Burton hospital program. In all the cases pertaining to hospitals with which I am familiar no such thing has ever happened. It has never happened, and there is no design for it to happen.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. PASTORE. That goes to prove how we can go emotionally off on a tangent. I did not say that it happened. I am saying that it cannot be permitted to happen. That is all I am saying. If it should happen, the money would be cut off. I did not say that it has happened. I did not make such an accusation against anyone. All I am saying is that all the section to which I have referred seeks to do is to promote equality. The section provides that when Federal grants are used, they must be used for all the people on an equal basis. That is all the bill provides.

In case there was discrimination, the funds would be cut off. But if there is no discrimination, there is nothing to fear. If there were no discrimination, there would be no violation of the law.

I am not making an accusation that anyone has done what I have suggested. I merely say that the provision should be in the law so that no one could do it. That is the American way.

Mr. JOHNSTON. It has not happened in South Carolina hospitals. That is all I can speak for. I believe that statement would also be true of Georgia.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. TALMADGE. The Senator from South Carolina is a member of the Committee on the Judiciary.

Mr. JOHNSTON. The Senator is correct.

Mr. TALMADGE. Was the Senator from South Carolina present when Attorney General Robert Kennedy testified on the civil rights bill, S. 1731, proposed by the administration in July of last year?

Mr. JOHNSTON. I was present.

Mr. TALMADGE. Does the Senator from South Carolina recall hearing the Attorney General make the following statement in his testimony:

> I think that a mandatory withdrawal of financial assistance is too sweeping. School lunch programs, disaster assistance programs, the emergency granting of defense contracts and the like should not be cut off suddenly, certainly not until every other avenue has been explored.

Does the Senator recall hearing the Attorney General make that statement when he testified before the Committee on the Judiciary?

Mr. JOHNSTON. I remember hearing him make that statement at that time. If the Senator from Rhode Island had been present, he would have heard me quote the former President of the United States, President Kennedy, in regard to the proposal to cut off all funds.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. PASTORE. No Senator has more affection, respect, and admiration for his colleagues, or has found more enjoyment and pleasure in working with other Members of the Senate, than I have found in working with the Senator from South Carolina. I hope that we are not making the debate personal. But in answer to the question raised by the distinguished Senator from Georgia, for whom I have great admiration and respect—I believe he has one of the most intelligent minds in the Senate—all I am saying is that there is no such provision in the bill. No one wishes to sweep anything away suddenly. Voluntary machinery is provided for bringing about a solution of problems.

We continually refer to what President Kennedy said at his press conference. We continue to take it out of context. No one opposing the bill ever reads the whole statement of President Kennedy. Instead two or three lines are selected. I should like to state what happened.

The Civil Rights Commission made a recommendation that the President of the United States should be given general authority to cut off all grants to a State if it violated any one of the programs for grants. The President said that such action would be unwise. We agree with him. He said the President should not have such general sweeping power. And no such general sweeping power is provided in the bill.

For example, if there were discrimination on grants having to do with the building of a road, grants for aid to dependent children could not be cut off; grants for other Federal programs could not be cut off. The President said that such action would be unwise. If the Senator will forgive me and indulge me, I should like to read what he said.

Mr. Hill, the interrogator, said:

> Mr. President, will you attempt to cut off Federal aid to the State of Mississippi as proposed by your Civil Rights Commission?

The Civil Rights Commission had recommended general sweeping authority to cut off all grants for all programs if there was discrimination in one program.

The President, speaking off the cuff, said—and his statement is momentous:

> I do not have the power to cut off the aid in a general way as was proposed by the Civil Rights Commission. I would think it would probably be unwise to give the President of the United States that kind of power, because it could start in one State, and for one reason or another it might be moved to another State which was not measuring up to what the President would like to see it measure up to in one way or another.

The following statement is important:

> I do not think we should extend Federal programs in a way which encourages or really permits discrimination. That is very clear, but what was suggested was something else, and that was a general wholesale cutoff of Federal expenditures, regardless of the purpose for which they were being spent, as a disciplinary action on the State of Mississippi. I think that is another question and I could not accept that view.

I believe the President was being very clear and explicit. He did not desire sweeping authority to cut off all programs, but he did say that we should not enact any grant programs that would encourage discrimination. That is all the section to which we refer would do. I recommend that the critics of the section take the time and the trouble to read it. If they will read it, they will understand that it is a very mild section.

Mr. TALMADGE. Mr. President, will the Senator from South Carolina yield at that point?

Mr. JOHNSTON. I yield.

Mr. TALMADGE. I invite the attention of the Senator, on page 25 of the bill, to title VI, which is now being discussed by the able Senator from South Carolina and the able Senator from Rhode Island:

> TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS
>
> SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

I do not think any State has been denied participation in any program in which financial assistance has been involved; but as I construe that section, it is broad enough so that if two people should ask for a job cutting weeds on the shoulders of the roads in the State of California, and one of them happened to be of one color and the other happened to be of another color, and the chairman of the highway board or the employing authority of the State of California happened to pick someone for that particular job who was displeasing to the Federal Bureau of Roads, under that interpretation, all Federal highway funds for the State of California could be cut off.

Mr. PASTORE. That is not so.

Mr. TALMADGE. Why is it not so?

Mr. PASTORE. If the Senator stops reading at page 25, the construction he has stated might be given. I suggest that he turn to page 26.

Mr. TALMADGE. Where is the language that would change that interpretation?

Mr. PASTORE. The language is as follows:

> SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601—

Which was just read. The following are important words:

> with respect to such program or activity. Such action may be taken by or pursuant to rule, regulation, or order of general applicability and shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken.

The following statement is the clincher:

> No such rule, regulation, or order shall become effective unless and until approved by the President.

The idea that some job foremen would capriciously make a statement that "this is this, and this is that," and the grant for the program would be cut off, is poppycock.

Mr. TALMADGE. The Senator still has not pointed out any provision which would deny authority to the Federal Bureau of Roads to withdraw funds if the Bureau determined that the wrong man was hired to cut weeds in California.

Mr. PASTORE. No; on the contrary. If there is no such rule, if there is no such regulation——

Mr. TALMADGE. Of course, I am assuming the regulation would be that all people shall have equal rights to this job. Let us say that a rule or regulation has been promulgated and that it has been approved, but the man who handles it says, "You have hired the wrong man. We are going to cut you off."

Mr. PASTORE. He would not get away with it, because the first man to see that he would not get away with it would be the Senator from Georgia.

Mr. TALMADGE. But it is proposed to take the authority away from the Senator from Georgia and the Senator from Rhode Island and give the right to Federal officials to repeal all the laws that have been passed by Congress since the inception of Congress and to vest in Federal officials the power to say, "It is mine. You are going to handle it my way or you are going to starve to death."

Mr. PASTORE. Not at all.

Mr. TALMADGE. That is the provision.

Mr. PASTORE. First of all, we are starting with money belonging to all the people of the United States.

Mr. TALMADGE. Yes.

Mr. PASTORE. Before anything is done, Congress will have to enact the law. If the law is enacted, there will have to be rules and regulations that are national in scope, and they will have to be approved by the President.

If there should be deemed to be any violation, the person involved must come before the agency. A hearing must be held. After holding a hearing and making a determination, there must be an effort to arrive at a voluntary solution, if possible. If there cannot be a voluntary solution, there must be a move to enjoin. Before it can take effect, there must be a referral to the appropriate congressional committees and then a wait of 30 days. Then they have to go to the courts.

How can anyone be so fearful of this governmental framework, with all these juridical procedures of the United States of America, if it must be taken from the bottom to the top, the Supreme Court? How can anyone say that one individual, because he wants to hire a white man instead of a Negro, can stop grants in aid to States?

Mr. TALMADGE. Because the Federal agency will determine what is or what is not discrimination. The Federal official will virtually be given complete latitude to make the determination. The bill gives him power to withhold aid, when approved by the President. We would delegate to any bureaucrat in the Federal Government the power to withhold aid from any county, State, or political subdivision at any time he determines, for reasons sufficient to himself, that discrimination exists.

Mr. PASTORE. No. The language is, "on the ground of race, color, or national origin." That is the standard. The Senator states he could do it for "any reason." What I have just read is the standard. That is the formula. If a foreman says, "You can do the work far better than a white man can, but I will not take you because you are colored," I do not think anyone would say there should not be some reprisal against action of that kind.

Mr. TALMADGE. The Senator and I know that these programs are being handled, and should be handled, in a nondiscriminatory way. What I object to is the Congress abdicating its responsibility under all the statutes that have been enacted from 1789 to the present time, and under all the appropriation bills that have been passed or will be passed, to give to one individual in the Government, when approved by the President, authority to establish his standard as to what constitutes discrimination, and starve out whole regions and whole States in one fell swoop.

Mr. PASTORE. That is where the Senator from Georgia and I disagree, because the standard is established in section 601.

Mr. TALMADGE. Who determines what the standard is?

Mr. PASTORE. Who does it today? The executive department does it today; it will do it tomorrow; and it will do it next year. Congress does not assume the procedures of the executive department; it enacts a law and prescribes the procedures, but the administration of the law is always in the executive. We are not changing that.

Mr. TALMADGE. But Congress has never, at any time, passed laws or appropriations and then delegated authority so that a Federal official could cut off those funds if he so decided.

Mr. PASTORE. That is correct. We have never enacted a civil rights bill before. That is what we are trying to do, and the opponents are trying to stop us. If we can come to a vote, we can determine whether or not a majority wants the bill.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield to the Senator from Mississippi.

Mr. STENNIS. Reference was made by the Senator from Rhode Island, in his remarks, to what he said was an illustration about the colored man who was injured in an automobile accident and, on being taken to the hospital, was not admitted whereas a white man, under the same circumstances, was admitted.

If the Senator from Rhode Island will follow me, so he can correct any inaccuracy, he gave another illustration, which he said was only an illustration, of dependent children of the colored being granted less money, under certain circumstances, than white dependent children, or that the white dependent children were granted more money.

The clear implication of the strong argument the Senator made was that such conditions exist now, and that the purpose of the proposed legislation is to stop them.

I am speaking for myself only. I am familiar with these programs in my State. I assure the Senator that in my State there is no such practice.

The illustration of the Senator from Rhode Island was a very unfortunate one, because it sounded as if it was based on facts. So far as my knowledge goes, it is not based on facts. It is, therefore, farfetched and, to the uninformed, it is entirely misleading.

I do not think the Senator from Rhode Island intended any such implication, but the illustration certainly is misleading. The further implication is that these events are happening in the South. I am sure he did not suggest it ever happened in Rhode Island.

Mr. PASTORE. But it could happen in Rhode Island.

Mr. STENNIS. May I continue, please?

Charges like that, although they are not expressly charges, are misleading and represent statements that are not based on fact. Ninety percent of the bill is based upon either emotional feelings or misinformation. Perhaps the Senator from Rhode Island had something in mind. So far as I can, I am going to challenge those statements whenever they are made, by whomever they are made. I do it for the sake of accuracy, and point out that the bill would amend the Constitution merely as a result of Senators becoming a little excited on the floor and making an emotional appeal. We are a group of limited authority; and we are limited by the facts.

Mr. PASTORE. Mr. President, will the Senator from South Carolina yield so I may answer the comments of the Senator from Mississippi?

Mr. JOHNSTON. I yield.

Mr. PASTORE. First of all, I do not apologize for the example I gave. I have said before, and I will say again, that the purpose of the bill is to avoid discrimination. The proposed law would apply to Rhode Island as well as to Mississippi, South Carolina, or any other State. I did not mention the name of any particular State. I know of many cases of discrimination. If there were no discrimination, we should not be wasting all this time. We have been trying for more than a dozen days to bring the bill up.

I hope no Senator is under the impression that there are no civil rights problems in the United States, because if that is so, I have been misled by what I have read for the past several years, and perhaps I have lived in vain for 57 years.

This is not a bill aimed at the South. I know the South is sensitive to it, but there are places in the North where perhaps discrimination is worse than it is in the South. If that shoe fits anybody's foot, let him wear it.

The fact is that the measure, if enacted, would be a national law. There has been discrimination because of the national origin and the color of skin of some people. That is what we are trying to avoid. All the Senator from Rhode Island said was that the provision refers to Federal grants in any program where there is discrimination practiced against a citizen of the United States; and I gave an example.

There was no implication that this applied to Mississippi or South Carolina. It could apply to Rhode Island as well. I make this point, that if there has been no discrimination, and if there will not be any, then it would have no applicability.

What we are trying to do is carry out the mandate of the taxpayers of the United States of America. Everyone pays taxes regardless of the color of one's skin. Everyone must file his return by April 15. If we earn an income we have to pay an income tax. Everyone's money goes into the U.S. Treasury, and when everyone's money goes into the U.S. Treasury that money may be distributed in grant programs throughout the country.

All we are saying is, treat all these people the same way, as equals, as they are treated when they are inducted into the Army or when their money is collected on income tax day. That is all we are trying to do.

That is why, if, when and where, there is discrimination, the money should be shut off. And why should it not be shut off? If taxpayers' money, our common wealth, is being used to discriminate against color, nationality, or religion, then of course, the money should be shut off. That is the sum and substance of what we are saying. If there is no such discrimination, then there is nothing to worry about.

Mr. RIBICOFF. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Will the Senator from Mississippi kindly remain for one moment? I should like to keep the record clear. The Senator from Mississippi made a proper point regarding the aid for dependent children's program, because under present law, if there were discrimination, there would be lack of conformity and the funds would be cut off from the State. The way the program is administered in all States, the same amount of money must be given to people in every aid program, whether they are colored or whether they are white, whether they live in Mississippi, Connecticut, or in Rhode Island. But under present law there would be a cutoff, if there were nonconformity, by a different rate of payment between people whose skins are colored.

The Senator from Rhode Island makes the proper point that in many other programs, unless we have title VI, there could be discrimination because there is a difference in the statutes, especially under the Hill-Burton or Land-Grant College Acts, where one specifically writes "separate but equal." This, of necessity, is the reason why there should be a program such as title VI.

Mr. JAVITS. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield for a question, with the understanding that I do not lose my right to the floor.

Mr. JAVITS. Very well. If the Senator yields only for a question and with the understanding that he will not lose his right to the floor, I ask that the Senator may yield to me so that I may make a comment.

The ACTING PRESIDENT pro tempore. With that understanding, the Senator from New York is recognized.

Mr. JAVITS. Of course, with that understanding, that the Senator from South Carolina will not lose his right to the floor.

First, on hospital desegregation, Senators will remember that I have tried for years to put desegregation provisions in various appropriation bills, without success. In many instances southern hospitals are segregated. The Supreme Court recently denied certiorari in the Cone case, in which the Fourth Circuit Court of Appeals had decided that the hospital should not be segregated, because it received funds from the Hill-Burton Act, and the hospital was ordered to desegregate. The hospital defended itself on the ground that it wished to stay segregated. There can be no question whatever that there is hospital segregation in certain parts of the country, and that it should not be permitted. Many persons have been refused admission to those hospitals notwithstanding being injured in an accident.

There is a famous play entitled "The Death of Bessie Smith," which was written around that theme based on an actual case. I read parts of that play into the RECORD in previous debates.

Another important point is the interpretation of title VI. We went over that in great detail in debate with the Senator from Mississippi [Mr. STENNIS]. I wish the Senator from Rhode Island would give me his attention, because the legislative history is important. The Senator from Rhode Island has stated the law accurately, in my judgment. We laid it out before the Senator from Mississippi [Mr. STENNIS] that this is a case-by-case situation; in other words, all Federal aid going to a State is not cut off if it has violated this particular section in a particular program or activity. The Senator from Rhode Island has stated certain facts. I hope he will agree with me about the following:

First, where a general rule or regulation is made by a Government department under this title and approved by the President, that, too, is subject to judicial review, so that the argument as to what is comprehended within the word "discrimination," when contained in such rule or regulation, will be subject to judicial review under section 603.

In short, the rulemaking power, as well as the application of the rule, will be subject to judicial review.

Mr. JOHNSTON. Let me ask the Senator a question at that point. When it is approved by the President, it must go to the Supreme Court for determination. Does the Senator realize what kind of decision we might get, when we read the provision that gives the President certain authority?

Mr. JAVITS. As for the vexation of going to the Supreme Court, what about the hundreds of cases of poor people trying to get their children into public schools, with an average case costing $17,000, who have had to go to the Supreme Court to assert that right in the absence of a bill of this character?

But here we are discussing the subject of a State going to the Supreme Court, because State activity has been challenged. We are not talking about some poor, beaten up individual going to the Supreme Court when we deal with this section. It seems to me the equity is completely disparate.

We are talking about State power, going to the Supreme Court with its attorney general and all the resources of the State, to protest any rule like that of a Government department. I respectfully submit that that is a perfectly proper provision.

Mr. JOHNSTON. Mr. President, in South Carolina there are two colleges, the Clemson Agricultural College and the University of South Carolina, both of them integrated. A part of the University of South Carolina is colored. It is located in Orangeburg. It is known as a State college and is part of the university. At the present time, Negroes can go there, too, if they wish; or they can go to the University of South Carolina, or to Clemson.

Mr. JAVITS. There is surely no denial that many segregated programs and activities are carried on with Federal funds. There is no point in arguing the case of colleges, because it has been debated and there have been many cases in the courts for several decades in which some progress has been made. The point we are trying to deal with, in cases in which progress has not been made, is in regard to hospitals, where we have to begin to proceed now on a case-by-case basis. I am checking the facts as to a public school in South Carolina, and will produce the information for the RECORD. But on the matter of legislative history, it should be noted that section 601 states:

> SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

That, it seems to me, protects against all of the contentions. First, the qualifications relate to discrimination, and the courts will pass on the way in which that word is implemented. "Discrimination" is defined in terms of race, color, or national origin. Second, the application is to particular programs or activities. Third, there must be actual Federal fund support. Fourth, the rules and regulations, as to how the ban against discrimination shall be administered, must be approved by the President and are also subject to judicial review.

It seems to me that the statute spells out a workable and fair program, subject to judicial review, and that the judicial review protects in every stage not only the application of the law but even the rulemaking power.

I thank the Senator from South Carolina for yielding to me.

Mr. JOHNSTON. Mr. President, I notice that it is always the colored man who is being talked about and for whom this interest is being whipped up. As chairman of the Committee on Post Office and Civil Service, I have had 10 times as many complaints coming to me from other people than colored people. I have had Jewish people come to me and Catholic people and Protestant people, saying that the head of the department is controlling promotions right down the line.

How are we going to regulate that practice? That is in the mind of man. It makes no difference what law or how many laws we pass or put on the statute books, we shall have the same complaint coming from people. I am having a great number of complaints at the present time about what is going on in the post office in Washington, D.C., right under our nose, so to speak. I have heard many white people say they cannot obtain employment down there. They say that 80 out of 100 people are colored people. That is in Washington, D.C. White people are complaining. We will have more and more of that in America, so long as we have various races. We shall always have complaints. What I am bringing to the attention of the Senate and the United States is that we should quit bringing before the people of the world our dirty wash, and washing it out in the open before the world, so that everybody can see it and take it into various nations and make use of it against the United States. That is what is taking place.

We shall hear more and more complaints. When white people are thrown out of employment, we shall hear complaints about that. Under the bill, the white people would have as much right to come in and complain as the colored people have. They will come in and complain that they are not receiving fair treatment, that some other race or some other color is getting better treatment. That is human nature. It is going on now. We may expect more of it in the United States as long as we have so many different races. The Federal Government had better stop trying to regulate everything in every nook and corner of the Nation. That is what I am complaining about.

Let us continue to see what Members of the House had to say about a somewhat similar bill. That kind of bill was before the committee. We have had no opportunity to have a report from a Senate committee presented to us on this important bill, that many people feel is one of the most important bills that has come before the Senate in many years. I think it is important. I believe it will cause a great many headaches in the years to come.

It is for that reason that I am speaking today, to try to call it to the attention of the people and to let them know that I do not approve of such legislation, and never will.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I yield to the Senator from Alabama.

Mr. SPARKMAN. The Senator refers to the bill as being an important bill. Actually, it is 11 bills, is it not?

Mr. JOHNSTON. The Senator is correct.

Mr. SPARKMAN. It is an omnibus bill.

Mr. JOHNSTON. It has 11 titles.

Mr. SPARKMAN. It is an omnibus bill with 11 different titles incorporated in it.

Mr. JOHNSTON. Yes.

Mr. SPARKMAN. Many of those titles have appeared before us in years past as separate bills. The Senator will recall, I am sure, that it is not many years since we have had some trouble over the question of FEPC. It may not be called that in this bill, but is there not a title covering that point in the bill?

Mr. JOHNSTON. The Senator is correct.

Mr. SPARKMAN. Congress voted it down time after time after time. Is that correct?

Mr. JOHNSTON. The Senator is correct.

Mr. SPARKMAN. Are there not other titles in the bill which have been before us in the form of bills? The Senator recalls, does he not, that in 1957 President Eisenhower submitted the old title III, giving the Attorney General the right to bring injunction suits against individuals, virtually at will. Finally, when it was shown to be as bad as it was, President Eisenhower himself disclaimed that part of the bill, did he not?

Mr. JOHNSTON. He certainly did.

Mr. SPARKMAN. I believe it was by unanimous vote that the Senate voted down that proposal. Yet, is it not included in the bill?

Mr. JOHNSTON. It is included in the bill, and it is just as strong as it was at that time in the other bill. That proposal was killed in the Senate. The reason was that it placed a man in an embarrassing position, as the present provision does also. If by injunction a man can be prevented from doing anything, and he violates that injunction, the judge, without any trial, without any jury, and without anything being done, can put that person in jail. He can sentence him to 45 days in jail and fine him $15,000. A man cannot obtain any redress.

Mr. SPARKMAN. When that provision was before us, I made a speech in the Senate on the question of the right of trial by jury. That is one of the oldest rights known under our Anglo-Saxon jurisprudence.

Mr. JOHNSTON. That was the first thing that the people demanded. It was at Runnymede.

Mr. SPARKMAN. They demanded that right of King John.

Mr. JOHNSTON. Yes. The people demanded that they be given the right of trial by jury.

Mr. SPARKMAN. A trial by a jury of their peers. That was in 1215.

Mr. JOHNSTON. That is correct.

Mr. SPARKMAN. That has been a part of Anglo-Saxon jurisprudence ever since, has it not?

Mr. JOHNSTON. I do not know of any nation with an Anglo-Saxon form of jurisprudence that does not have the right of trial by jury, or that has ever done away with the right of trial by jury.

Mr. SPARKMAN. Does not the Senator feel that there are provisions in the omnibus bill—not merely one, but more than one—in which it is sought to proceed against citizens of the United States with a criminal penalty, without the right of trial by jury, as is guaranteed to American citizens under the Constitution of the United States?

Mr. JOHNSTON. The Senator is absolutely correct. That right was included in our first 10 amendments to our Constitution.

Mr. SPARKMAN. The first 10 amendments, which are generally known as the Bill of Rights. Are not those first 10 amendments to the Constitution the true civil rights as contained in the Constitution of the United States?

Mr. JOHNSTON. Yes.

Mr. SPARKMAN. They are known as the Bill of Rights.

Mr. JOHNSTON. The Bill of Rights.

Mr. SPARKMAN. They insure a citizen of the United States the right of trial by a jury of his peers.

Mr. JOHNSTON. The Senator is correct. In bills of this kind the attempt is always made to whittle away such rights. It would do great damage to our Constitution if it were allowed to continue to exist.

Mr. SPARKMAN. The Senator is absolutely correct. I should like to ask the Senator one further question. The Senator from South Carolina has been a member of the Judiciary Committee for many years, and certainly has had all these questions of procedure and constitutionality before him in various forms. What disturbs me is the trend, contained in the omnibus bill, away from a government of laws to a government of men. Am I correct in my fear as to what is happening?

Mr. JOHNSTON. I am very fearful of that. I said so earlier in my speech. I am fearful that the trend is toward taking away more and more power from the counties and States and giving the power to the Federal Government. Eventually there will be a monster, so to speak, for a government, far removed from the people. It would be a dangerous thing.

Mr. SPARKMAN. Referring to the old title III, which was first proposed to us by President Eisenhower in 1957, it was disclaimed. It was requested that this section be left out of the bill. Is it not true that the Attorney General himself testified before the House Judiciary Committee to the effect that that part of the bill was not desired? Did he not testify against it and ask that it be dropped?

Mr. JOHNSTON. He testified that it went too far and that there was too much power. That was his statement in general. He said:

> Outside the Department of Justice itself, no administrative agency can claim to have any special expertise in the field of racial discrimination. Accordingly, the theoretical justification for the limited procedure established in Administrative Procedure Act does not exist, and because it does not exist, tying the judicial remedy of title VI to Administrative Procedure Act is not justified because it does not fully protect the rights of those charged with racial discrimination in the administration of Federal aid programs.
>
> The foregoing consideration has to do with the judicial remedy which would be made available to those charged with acts of discrimination. It should also be remembered that this judicial procedure is available to those who bring charges of discrimination and who are aggrieved by the negative ruling of the administrative agency. Thus, no matter how frivolous the charge may be, the complainant may demand and the circuit courts must entertain petitions for judicial review. It is obvious that the passage of this legislation would clutter the docket of the circuit court with an unmanageable workload.
>
> To what Federal aid programs would title VI apply? The subcommittee bill embraced all Federal financial assistance programs involving a grant, contract, loan, insurance, guarantee, or otherwise. The bill finally reported by the full committee "narrows" the scope of the act to grants, contracts, and loans. This does not mean, however, that the scope of the legislation is narrow. While it is impossible to compile a complete list, the following is a partial list of existing Federal aid programs which apparently would be embraced:

I think it is amusing to realize the programs which are included. For that reason, I shall read them:

Agricultural experiment station (7 U.S.C. 361A–361I).

Agricultural experiment station (Public Law 88–74).

Agricultural marketing service (7 U.S.C. 1621–1630).

Agricultural and the mechanic arts, colleges for (7 U.S.C. 777–777K).

Civil defense (50 U.S.C. App. 2281–2286).

Fish restoration and management projects (16 U.S.C. 777–777K).

Highway construction (23 U.S.C. 101–133).

Housing: farm housing (42 U.S.C. 1471–1485).

Housing: slum clearance and urban renewal (42 U.S.C. 1450–1462).

Housing: urban planning (for smaller communities) (40 U.S.C. 461–462).

Public works planning (non-Federal) (40 U.S.C. 462).

School lunch program (12 U.S.C. 1751–1760).

Soil conservation (16 U.S.C. 590g, 590h).

Veterans' State homes (38 U.S.C. 641–643).

Watershed protection and flood prevention (16 U.S.C. 669–669i).

Juvenile Delinquency and Youth Offenses Control Act of 1961 (Public Law 87–274, 42 U.S.C. 2541–2546).

International research and training (International Health Research Act of 1960, Public Law 86–610, 22 U.S.C. 2101–2104, 42 U.S.C. 242f, and sec. 104(k), Agricultural Trade Development and Assistance Act of 1954, 7 U.S.C. 1704(k)).

Cooperative research or demonstration projects on social security or related programs (sec. 1110, Social Security Act, 42 U.S.C. 1310).

Federal aid to Cuban refugees (Migration and Refugee Assistance Act of 1962, Public Law 87–510, 22 U.S.C. 2601–2605).

Child welfare services (pt. 3, title V, Social Security Act, 42 U.S.C. 721 et seq.).

Research, training, or demonstration projects in child welfare (sec. 526, Social Security Act, 42 U.S.C. 726).

Temporary assistance to repatriates (sec. 1113, Social Security Act, 42 U.C.S. 1313).

Hospitalization of mentally ill repatriates (Public Law 86–571, 24 U.S.C. 321–329).

Surplus property disposition and utilization (Public Law 152, 81st Cong., sec. 203, 40 U.S.C. 484) (based on acquisition cost of property, not depreciated value at time of disposition).

Financial assistance for maintenance and operation of schools in federally affected areas (Public Law 874, 81st Cong., 20 U.S.C. 236–244).

National Defense Education Act of 1958 (Public Law 85–864, 20 U.S.C. 401–589). Title II, "loans to students in institutions of higher education". Title IV, "graduate fellowships". Title V, part B, "counseling and guidance training institutes". Title VI, "language development". Title VII, "educational media".

If a college does not accept a colored person because it does not have room for him, or it turns him down for some other good reason, it is accused of discrimination and the case goes into court. That kind of situation will happen.

I continue the list:

Area redevelopment program (Public Law 87–27, 42 U.S.C. 2501–2525).

Cooperative research in education (Public Law 531, 83d Cong., 20 U.S.C. 331–332).

Teaching of mentally retarded children (Public Law 85–926, 20 U.S.C. 611–617).

Grants for teaching in education of the deaf (Public Law 87–276, 20 U.S.C. 671–676).

Manpower development and training (Public Law 87–415, U.S.C. 2571–2620).

Community health services, particularly for chronically ill and aged (sec. 316 of the Public Health Service Act, 42 U.S.C. 237a).

Cancer demonstration and control (Department of Health, Education, and Welfare Appropriations Act, 1963, Public Law 87–582).

Hospital and medical facilities research and demonstrations (sec. 636 of the Public Health Service Act, 42 U.S.C. 291n).

Air pollution (Public Law 158, 84th Cong., 42 U.S.C. 1857–1857g).

They are getting into the air now. They are leaving the ground.

The list goes on:

Radiological health (sec. 314(c) of the Public Health Service Act, 42 U.S.C. 246(c); Department of Health, Education, and Welfare Appropriations Act, 1963, Public Law 87–582).

Public health traineeships (sec. 306 of the Public Health Service Act, 42 U.S.C. 242nd).

Professional nurse traineeships (sec. 307 of the Public Health Service Act, 42 U.S.C. 242e).

Schools of public health and public health training (sec. 314(c) of the Public Health Service Act, 42 U.S.C. 246(c)).

Graduate training in public health (sec. 309 of the Public Health Service Act, 42 U.S.C. 242g).

Research, field investigations, and general research support (sec. 301 of the Public Health Service Act, 42 U.S.C. 241).

Fellowships, traineeships, and training grants (secs. 301 and 433 of the Public Health Service Act, 42 U.S.C. 241, 289c).

Health research facilities construction (title VII of the Public Health Service Act, 42 U.S.C. 292–292i).

Water treatment works construction (sec. 6 of the Federal Water Pollution Control Act, 33 U.S.C. 466e).

Domestic agricultural migratory workers (sec. 310 of the Public Health Service Act, 42 U.S.C. 242h).

Intensive vaccination programs (sec. 317 of the Public Health Service Act, 42 U.S.C. 247b).

Old-age assistance and medical assistance for the aged under title I, Social Security Act, 42 U.S.C. 301–306.

Aid to families with dependent children under title IV, Social Security Act, 42 U.S.C. 601–609.

Maternal and child health services under part I, title V, Social Security Act, 42 U.S.C. 711–715.

Crippled children's services under part 2, title V, Social Security Act, 42 U.S.C. 711–715.

Aid to the blind, under title X, Social Security Act, 42 U.S.C. 1201–1206.

Aid to the permanently and totally disabled under title XIV, Social Security Act, 42 U.S.C. 1351–1355.

Aid to the aged, blind, or disabled, and medical assistance for the aged under title XVI, Social Security Act, 42 U.S.C. 1381–1385. (Hearing provisions, 42 U.S.C. 1383(c) (2) and 1384.) (Effective fiscal year 1963; as of June 30, 1963, no State had an approved plan.)

General health, tuberculosis, mental health, heart disease control, and venereal disease control (sec. 314 of Public Health Service Act, 42 U.S.C. 246).

Vocational rehabilitation services (sec. 2, Vocational Rehabilitation Act, 29 U.S:C. 32).

Vocational rehabilitation extension and improvement grants (sec. 3, Vocational Rehabilitation Act, 29 U.S.C. 33).

School construction in federally affected areas (Public Law 815, 81st Cong., 20 U.S.C. 631–645).

Library services for rural areas (Library Services Act of 1956, 20 U.S.C. 351–358).

Vocational education in practical nurse training (Public Law 911, 84th Cong., 20 U.S.C. 15aa–15jj).

Area vocational education programs (title VIII of the National Defense Education Act of 1958, Public Law 85–864, 20 U.S.C. 15aaa–15ggg).

Hospital and medical facilities construction (Hill-Burton). Title VI of the Public Health Service Act, 42 U.S.C. 291h(a), 291j(a).

Water pollution control programs (sec. 5 of the Federal Water Pollution Control Act, 33 U.S.C. 466d).

Land-grant college program (7 U.S.C. 301–308, 321–333).

Vocation education (20 U.S.C. 11–34).

The report goes on:

Not only is it uncertain what programs would be covered, it is unclear what phases of covered programs would be reached in the application of the law. Action to cut off funds can be taken not only when the agency finds that a person has been excluded from participation in or denied benefits of a Federal aid program. Such action can also be taken when the agency finds that a person has been subjected to discrimination under such programs. It may be clear enough what the first two clauses mean, but if it means more than the first two, what does the clause "subjected to discrimination" mean? To what does that phrase apply? Does it apply to only the direct monetary benefits under the Federal aid program or does it also extend to the employment practices of Federal contractors? For example, could Federal highway funds be withheld because the administrator found that some person had been subjected to discrimination when he applied to the contractor or his subcontractor for a job or promotion? Can funds for the construction of hospitals under the Hill-Burton Act be denied because the administrator feels that nurses, orderlies, and other job applicants have been discriminated against because of race? Motorists receive the primary benefits under the Federal highway program; patients are the primary beneficiaries of the Hill-Burton program; but those who work for contractors constructing hospitals and building highways could be called secondary beneficiaries. To what depths may the Federal administrator descend in searching out discrimination practiced under or incidental to Federal aid programs?

Citizens of all colors of all States pay Federal taxes. All should be entitled, without discrimination on account of race, to share in the benefits financed by Federal taxes. This cannot be, and the innocent are damned with the guilty, if a Federal executive agency can terminate Federal programs in an entire State or in some geographical portion of that State because one citizen was discriminated against by one State official or by a fellow citizen.

Mr. President, no Member of the Senate, and certainly no Member who is an attorney, can conscientiously come before the Senate and state without reservation that this bill does not contain the equipment, the tools, the temptation and the power to establish a vast Federal network of blackmail against the people in every community of this country. No one can conceive of the stark terror and fear that will be instilled in the hearts of every American in every walk of life and in every business once this civil rights bill has been made the law of the land.

I shall be proud of one thing. It will not be made the law with my vote. It makes no difference what I believe, what others believe, or what the people back home believe. I venture to say that if the bill were submitted to the American public and voted upon, and the bill were properly interpreted to them, it would experience the worst defeat that any bill has ever received.

In East Germany, in Russia, in Hungary, and in Red China it may be called a police state; and in the United States it may be called a set of civil rights laws;

but they will be one and the same. I see no difference between having the Federal Government of the United States tell its citizens they must go to school here, that they must live over there, that they must do business like this, and that they must hire and fire at the will of a Federal agency, commission or bureaucrat and the doing of the same thing in Russia, although under another name. If this civil rights bill is enacted into law, it will be a giant step down the road to a dictatorial, regimented form of government; and the only difference between it and totalitarian communism will be in name.

FAIR EMPLOYMENT PRACTICES COMMISSION

Mr. President, let us now consider the proposed Fair Employment Practices Commission. In that connection, I read from the report of the minority of the House Judiciary Committee:

> V. FEPC
>
> First, this title extends coverage to any employer engaged in any industry "affecting" interstate commerce who employes 25 or more workers, to any labor union with 25 or more members and to any employment agency.

Mr. President, some years ago I was asked to speak to the Chicago Executives Club, on the subject of the then proposed Fair Employment Practices Commission. I venture to say that present at the meeting were at least 1,000 Chicago executives. I found many of them very reluctant to the proposed legislation. I received a wonderfully fine ovation—perhaps the most enthusiastic I have ever received at any meeting I have addressed. In my remarks there I analyzed the Fair Employment Practices Commission proposal, and pointed out that it was an attempt to tell executives whom they should hire and whom they should fire.

I believe that the FEPC title of this bill is quite similar to that former proposal. Again I point out that the Government does not have a right to tell private employers whom they should hire and whom they should fire.

It is also important to bear in mind the fact that in most instances the Federal Government has not invested one penny in those private businesses.

On the other hand, the Federal Government regularly receives very large amounts of revenue in income taxes paid by the private businesses. It is possible for those businesses to pay such large income taxes because they are efficient and are carefully and wisely operated. For instance, in an efficient, profitable business, the employer is careful to employ capable persons who are familiar with the various aspects of the business; for example, employees who learn the prices of the various articles sold in a store, or who know how to tell the customers the qualities of the various articles which are for sale, or who have in the community friends who may make purchases at the store. A successful employer carefully takes all those factors into consideration. If an employer does not do so, but, instead, employs solely on the basis of color—picking out so many of one race and so many of another—certainly his business will not last very long. In that event, the Federal Government will no longer receive the present large annual income tax payments.

So it is clear that this bill goes much too far, not only in its other titles, but also in its FEPC title.

I read further from the report by the minority members of the House Judiciary Committee:

> A. ANALYSIS OF TITLE VII
>
> Second, this title enumerates a series of acts or omissions on the part of an employer which it declares to be "unlawful employment practices." These include:
>
> 1. Failure to hire a job applicant on account of his race—

Mr. President, does any Senator think that an employer is likely to tell an applicant for employment that he will not employ him because of his race? Such a charge would probably exist only in the mind of the applicant; but under the provisions of the bill it would be easy for an applicant to make such a complaint to the agency which would be established under title V. However, such a complaint would be far from ordinary under existing law.

Next:

> 2. Refusal to hire a job applicant on account of his race.
>
> 3. Discharge of an employee on account of his race.

Perhaps an employee would be discharged because he was drunk while he was on the job. But today many persons who are discharged for that reason attempt to claim they were discharged because of their color. I can cite a number of instances of that sort.

Next:

> 4. Discrimination in compensation against an employee on account of his race.

What employer pays all of his employees at the same rate? Some do better work than others, and the better workers receive higher pay. Some employees bring more customers to a business; and they, too, should and usually do receive higher pay. But under the provisions of this bill, a lower paid employee could institute proceedings before the Fair Employment Practices Commission, on the ground that his lower pay was based on discrimination because of his race.

Next:

> 5. Discrimination in terms of employment against an employee on account of his race.
>
> 6. Discrimination in conditions of employment against an employee on account of his race.

Many employees probably would complain on such grounds; and the bill would make it easy for them to stir up trouble in that way.

> 7. Discrimination in privileges of employment against an employee on account of his race.

No doubt many complaints would be based upon such claims.

Next:

> 8. Limitation of employees on account of race in such a way as to tend to deprive an individual employee of employment opportunities (promotions) or otherwise adversely affect his employee status.

It might be that the job to which an employee was assigned was the only one he was competent to perform, although he might think otherwise; he might think he should have the best job in the store or business. The bill would encourage many complaints based on such notions.

Next:

> 9. Segregation of employees on account of race in such a way as to tend to deprive an individual employee of employment opportunities or otherwise adversely affect his employee status.
>
> 10. Classification of employees on account of race in such a way as to deprive an individual employee of employment opportunities or otherwise adversely affect his employee status.
>
> 11. Discrimination against any job applicant or any employee who makes a charge under this title or assists or participates in an investigation or proceeding conducted pursuant to this title.

If the wrong words were used, one could be brought in on the charge that he was discriminating.

I continue to read from the report:

> 12. Publication of any notice of advertisement relating to employment which indicates any preference, limitation, specification, or discrimination, based on race.
>
> 13. Discrimination on account of race against any individual in an apprenticeship program.

Suppose that people were being prepared for different jobs, and some of them, white or colored, were offered a different kind of apprenticeship from that which they might think they ought to have. Those people might go into court, or perhaps merely call the Attorney General, who would handle the case for them. Then trouble would start for that company or corporation or individual employer.

I continue to read from the report:

> (Similar conduct on the part of labor unions and employment agencies is also defined as "unlawful employment practices.")

The seniority rule applies to labor as it does in the Senate. In laying off employees, a company usually lays off the employee who came in last. Suppose more colored people are laid off than white people, or more white than colored. The aggrieved employee might then file a petition claiming that he had worked for that employer once before, and that employment ought to be counted. He might say that he had been in the organization before, and that service ought to be counted.

More headaches would result from attempts to enforce the bill than we have ever had before.

Under the bill more money would be requested than has been requested for any similar endeavor that I know anything about. The amount would be increased next year, the year following that, and so on. There would be no stopping of the requests.

If a person desired to become President of the United States, he could arrange to be named Attorney General, and then he could work up enough cases against various and sundry people to put him in office as President. Such action could result under the bill. Senators had better watch that feature of the bill.

I continue to read from the report:

> Third, this title establishes a Federal Equal Employment Opportunity Commission, consisting of five members appointed by the President, with its principal office in Washington and with regional offices located wherever the Commission "deems necessary," staffed by attorneys, officers, agents, and employees, unlimited in number, which the Commission deems necessary to carry on its assigned duties.
>
> Fourth, this title establishes the procedure to be followed. An individual claiming to be discriminated against can deliver to the Commission a verified written complaint that an employer has committed an "unlawful employment practice"; or such charge can be made "on behalf" of such person by another person or organization. The Commission furnishes the employer with a copy of the complaint and proceeds to make an investigation, in pursuance of which, the Commission may "enter and inspect" the employer's place of business, examine and copy his records—

A man is entitled to a little privacy. I continue—

> question his employees and investigate such facts, conditions, practices, or matters as may be appropriate—

According to their way of thinking. I continue to read from the report:

> If as many as two members of the Commission (less than a majority) decide that reasonable cause exists—

Senators will notice that a majority is not specified. Only two would be provided. I do not know why the number would be cut down. I thought a majority usually ruled, but in the present instance two would do so. Continuing to read:

> The Commission attempts through conciliation and persuasion to eliminate the unlawful employment practice. If it fails, the Commission is required to bring a civil suit in the Federal district court against the employer. If the Commission prevails, the court will issue an injunction preventing the employer from engaging in the practice with which he is charged and compelling him to take such affirmative action as may be appropriate, including hiring of the job applicant or reinstatement of the employee, with or without back pay.

Mr. President, I wish to conclude my remarks at this time. I believe that some other Senator desires to have something to say concerning the subject. I believe it is necessary for me to stop. I do not like to do so, but I think it only fair to my colleagues to yield at the present time under the circumstances.

The PRESIDING OFFICER. The Senator from South Carolina yields the floor.

Mr. THURMOND. Mr. President, I commend the distinguished Senator from South Carolina for the excellent address which he has made on the floor of the Senate today. I hope the American people will heed the message that is being brought by the various Senators who are speaking in opposition to the vicious piece of legislation which is sought to be considered. I especially wish to commend the distinguished Senator for his excellent address.

Mr. JOHNSTON. Mr. President, I thank my colleague for those kind remarks. I wish I could remain and listen to his speech. He understands why I must leave at this time.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from South Carolina.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the Senator from Texas with the understanding that I do not lose the floor, and that such yielding will not count as another speech.

Mr. YARBOROUGH. I thank the distinguished Senator.

EXCESSIVE MEAT IMPORTS SHOULD BE CUT BACK TO AVOID RUIN TO LIVESTOCK RAISERS

Mr. YARBOROUGH. Mr. President, the Finance Committee is currently holding hearings on the Mansfield bill which is designed to regulate the importation of meat into the United States. I am happy to say that my name is on the list of cosponsors of this very important measure which was introduced as S. 2525 in the Senate last month by our distinguished majority leader.

This measure would limit the annual importation of beef, veal, and mutton to an amount equal to the 1959–63 average of such imports. Specifically, it would limit imports of beef and veal to 1,119 million pounds, and lamb and mutton to some 117 million pounds.

I shall not at this time go into details of the livestock situation and the recent sharp increases in beef and veal imports, more than to repeat some of the most salient statistics. Beef and veal imports in 1963 totaled nearly 1.7 billion pounds—an increase of 16 percent over 1962, and nearly 50 percent above 1959. Last year, these imports were equivalent to 10.7 percent of our domestic production of beef and veal; 5 years ago, they were equal to only 8.6 percent of domestic production. The deep concern which compels us to seriously study this situation rises out of the sharp declines in nearly all livestock prices, particularly in the past year. Prices of choice steers at Chicago last month averaged only about $21.35 per hundred—more than 12 percent below a year ago, and 20 percent below February 1962; last month, utility cows at Chicago brought 10 percent less per hundredweight than a year ago.

The livestock industry is no longer a sectional industry. More than 10 percent of the gross farm income in 34 States comes from the sale of cattle and calves; in 27 others, more than 15 percent comes from this source; in 20 States, 20 percent; in 12 States, 30 percent; and in 9 States, more than 40 percent.

Last year, in my own State, cash receipts to Texas farmers from the sale of livestock and livestock products was nearly $1.1 billion—44 percent of total cash receipts. Of this $1.1 billion, more than 60 percent—nearly $660 million—came from the sale of cattle and calves. Texas farmers in 1962 and 1963 marketed an average 3.6 million beef cattle—13 percent of the Nation's total. Apply this percentage to the $170 million which Secretary Freeman estimates was lost by American farmers in the past 2 years due to the drop in beef prices, and the loss to Texas livestock producers exceeds $22 million.

In the past few years, foreign livestock producers have been confronted by growing import restrictions in the major consuming nations of the world as those countries strive to protect their own livestock economies. The United States is the only market left open to them. While most of us are in agreement with the national policy of freer trade, as expressed in our negotiations with other nations under the General Agreement on Tariffs and Trade, we cannot allow unlimited imports of beef to jeopardize the solvency of our own producers.

The measure under consideration by the Finance Committee is not an unreasonable one; it would still allow foreign exporters a very liberal share of the U.S. markets. Moreover, there is the growing belief that such an action by the Congress might have a beneficial effect in the forthcoming GATT negotiations by emphasizing the importance of adjusting the pattern of world trade to the action requirements of the member nations.

The United States has recently effected voluntary agreements with our principal foreign beef and veal suppliers—Australia, New Zealand, and Ireland. While these efforts are to be commended, they nevertheless fall far short of a solution to the problem. In the first place, the use of 1962 and 1963 as base years means that combined shipments from Australia and New Zealand in 1964 will be less than 7 percent below 1963 shipments; the built-in growth factor of 3.7 percent per year will soon negate even the moderate gains made by these agreements. Moreover, the efforts by Latin American producers to overcome hoof-and-mouth disease, which has limited imports of beef from those countries in the past few years, appears to be bearing fruit; Mexican shipments of beef and veal to the United States in 1963 rose 23 percent over 1962, nearly equalling 1958 shipments of 75 million pounds. Argentine shipments of 87 million pounds are still short of 1958 levels, when that country shipped 217 million pounds of beef to us, but last year Argentina shipped 55 percent more beef to us than in the previous year. The beef-producing—and export—potentials of Argentina and Mexico—not to mention Brazil—are great, and voluntary agreements such as those concluded with Australia, New Zealand, and Ireland would be totally inadequate in dealing with shipments of the magnitude these countries would be capable of shipping.

The affection of Texans for the cattle industry is legendary, and rightly so. The Texas economy, to a large extent, was founded on livestock. Texas is the largest cattle-producing State in the Nation. On January 1, 1964, beef cattle and calves on Texas farms numbered 9,394,000 head—12 percent of all beef cattle and calves in the United States. Agriculture is a $2.5 billion business in Texas, and the sale of cattle and calves constitutes some 27 percent—second only to cotton—of that enormous business. In several other States, as I have just mentioned, the cattle industry is an even more critical sector of the agricultural economy.

I believe, therefore, that this measure deserves the support of every Member of Congress. It will afford a degree of protection to the most important sector of our agricultural economy. It does not "shut out" foreign exporters of beef to the United States. In the forthcoming "Kennedy round" of negotiations under the general agreements, it will serve to illustrate that the United States never intended—as I am sure other contracting parties never intended—that it become a wide open market for unrestricted imports so great as to disrupt its internal economy, and cause distress in our domestic industry, upon which so much support for the entire free world is dependent.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the text of the Mansfield bill, S. 2525, together with a list of its cosponsors.

Mr. President, I also ask unanimous consent to insert in the RECORD a statement made by the senior Senator from Wyoming [Mr. MCGEE] yesterday in opening hearings aimed at discovering the effect of marketing practices on the disturbing drop in livestock prices. Although the livestock market is depressed, practically no reduction has been passed on to the consumer. The Senator from Wyoming [Mr. MCGEE] made a forceful statement this morning in outlining the work the Commerce Committee will undertake to investigate this aspect of the livestock price problem.

There being no objection, the bill (S. 2525) and statement were ordered to be printed in the RECORD, as follows:

S. 2525

In the Senate of the United States, February 20 (legislative day, February 10), 1964: Mr. MANSFIELD (for himself, Mr. METCALF, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CARLSON, Mr. CURTIS, Mr. DOMINICK, Mr. EDMONDSON, Mr. GOLDWATER, Mr. HARTKE, Mr. HAYDEN, Mr. HICKENLOOPER, Mr. LONG of Missouri, Mr. MCGOVERN, Mr. MECHEM, Mr. MILLER, Mr. SIMPSON, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota) introduced the following bill; which was read twice and referred to the Committee on Finance.

A bill to restrict imports of beef, veal, and mutton into the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the total quantities of beef, veal, and mutton (in all forms except canned, cured, and cooked meat, and live animals) originating in any country which may be entered, or withdrawn from warehouse, for consumption during any period of twelve months shall not exceed the average annual quantities of such products imported from such country during the five-year pediod ending on December 31, 1963: *Provided,* That beginning January 1, 1965, there may be an annual increase in the total quantities of such products which may be entered, or withdrawn from warehouse, for such purpose, corresponding to the annual rate of increase in the total United States market for such products, as estimated by the Secretary of Agriculture.

OPENING STATEMENT OF SENATOR GALE MCGEE BEFORE THE SENATE COMMITTEE ON COMMERCE, MARCH 23, 1964

The hearings which we open today arise from the swelling tide of consumer and producer concern over alleged unfair competitive trade practices in food distribution.

As early as 1958, the Federal Trade Commission warned of disturbing trends in the food industry: "There have developed tendencies to concentration of economic power, to collusive price action, and to unfair competition methods."

Again in 1959 and 1960, a subcommittee of the House Select Committee on Small Business conducted an exhaustive inquiry into practices in food distribution. Some of the conclusions of that subcommittee were stark and compelling:

"The evolution of food distribution of the food industry in recent years has developed tendencies to concentration of economic power, to collusive price action, and to unfair competitive policies, practices, and methods which, if continued unchecked, will preclude the maintenance of fair competitive conditions and threaten the growth and survival of small business in the food distribution industry."

"Unless Congress acts to strengthen the substantive and procedural provisions of our antitrust laws, makes available to the enforcement agencies greater resources, and more attention is directed to these problems, we may expect an acceleration of these tendencies to concentration of economic power, to collusive price action, and to unfair competitive methods in food distribution."

Nearly 4 years have passed since that solemn verdict was delivered, yet just last week 3,000 delegates of the National Farmers Union, representing some 750,000 farm families, passed the following disturbing resolution:

"Livestock producers lost more than $2 billion in 1963 and continue to sustain heavy losses. Although meat imports have contributed to these losses, they have been insignificant in comparison to the disastrously low prices forced upon producers by large food chains through their power to administer prices. To break up this growing monopoly power in the livestock industry and retain competitive markets for cattle and sheep we call for a thorough investigation of retail food chain store buying practices, their degree of vertical integration into packing plants, feedlots, and ranches, their power to subvert competitive free enterprise, and their power to increase the spread in prices between producer and consumer without regard to supply and demand. We urgently petition the President to utilize the resources of the Federal Trade Commission and the Department of Justice to carry out such investigation, and should the findings reveal that the antimonopoly laws are being violated, we ask that court action be brought against those food chains in violation requiring them to divest themselves of their vertically integrated ranching, feeding, and farming operations."

Nor has the consumer been the beneficiary of depressed producer prices. Retail prices for red meat today are the same and in some cases higher than those of 2 years ago when the livestock market was firm and prices to the rancher, feeder, and packer were sufficient to afford a fair return on their investments. In the attempt to explain the apparent paradox of high consumer prices and low producer prices, serious charges have been leveled at the great food chains and the massive economic power that they have accumulated over the last two decades. Professional analysts of marketing behavior point to the concentration of thousands of retail outlets in a few hands which has revolutionized the marketing of all food products.

Livestock producers in Wyoming, food canners in California, tomato producers in Texas, and poultry growers in Alabama, have each borne witness to the unholy ability of the great chains arbitrarily to establish and enforce prices to the producer while withholding the advantage of those price concessions from the consumer.

I do not pretend to be a marketing economist. I am no expert in the market structure of food distribution in this country, but the stark facts of life in the livestock industry today demand explanation, for they run counter to the basic concepts and expectations of the free enterprise system.

Where, in the American image of free enterprise, is there room for the practice of "bid and acceptance" as allegedly practiced by the power buyers for the chains?

The chains, it is charged, utilize this technique to coerce unconscionable price concessions and other onerous terms.

This is the picture that emerges from the charges conveyed to me: The seller is compelled to make his bid without knowledge of the chainstore purchaser's interest, and without the benefit of a competitively established market price. With a costly and perishable product on his hands, obligated to maintain a flow of livestock through his plant, the packer may be forced to cut his offering price below his actual cost. It has even been charged that, in each purchasing area, one dominant chain will effectively dictate the price for all.

Even when his bid is accepted, the supplier suffers arbitrary rejections at the food chain's dock, or is subjected to burdensome credit demands. What is his alternative? If he chooses not to sell to his mass buyer, he may not be able to sell at all. So he submits meekly as an unequal partner to dictated prices and conditions.

Another anticompetitive practice allegedly utilized by the chains is called "group purchasing." In "group purchasing," several chains may combine to hire an agent to procure a certain product. That agent goes out into the market as a single buyer for the group, effectively eliminating competitive buying for the product in question, and in due course distributes the product to each of the chains in proportion to its needs.

The chains and the meatpackers under pressure from the chains are similarly charged with bypassing regulated trade practices at the terminal markets and dulling competitive price making by resorting to "direct buying" from individual feeders. Through "'direct buying," stockyard competition is decreased and the stockyard prices are kept correspondingly lower. These artificially depressed prices are then quoted to the feeder as the basis for direct purchases. Moreover, the feeder, once he is committed to direct selling, is said to become a captive of his purchaser, increasingly dependent on that purchaser, and thus forced to grant concessions not available to the packer at the established markets.

Direct buying may function as a double-edged sword, exacting additional benefits for the purchaser at the expense of the producer, while simultaneously depressing prices. In the terminal markets, the packer by custom and regulation, is required to pay promptly for livestock purchases. In a direct purchase he is often able to force the seller to extend credit. In a direct purchase, the buyer may pay on the basis of an arbitrary "pencil shrink" of the actual weight of the livestock. He may successfully charge back to the seller any losses resulting from the death of cattle or from post mortem inspection of cattle.

The economic power acquired by the food chains through ownership of thousands of retail outlets has allegedly been reinforced and complemented by backward integration into the feeding and slaughtering of livestock. Such integration need not be accomplished by outright merger, but can be effectively accomplished through tight contractual arrangements. In either case, by withdrawing their buying power from the competitive livestock market or by serving as their own source of meat supply, the chains, it is charged, are able to administer prices at both live and dressed levels.

These, then, are the charges. Whether they can be proved and, if proved, whether they explain the housewife's and producer's dilemma cannot now be answered with certainty. But these charges cannot remain unanswered. The answers must be found and remedies must be supplied.

President Johnson has clearly recognized this need. In his message on agriculture this year, he warned of the power of the chains.

"There is one more pressing need if American agriculture is to be strengthened. The recent changes in the marketing structure for distribution of food are as revolutionary as those in production. There are some 200,000 retail grocery stores, but we know that $1 out of every $2 spent for groceries goes to fewer than 100 corporate, voluntary, or cooperative chains. Our information about how this greatly increased concentration of power is affecting farmers, handlers, and consumers is inadequate. The implications of other changes that take place as vertical integration and contract farming have not been fully explored."

Senate Joint Resolution 71, now before us, would direct the Federal Trade Commission to "conduct a full and complete investigation of the purchasing, processing, marketing, and pricing practices of chain store operators." Under the terms of this resolution, the Commission must report to Congress proposals for limiting such restraints of trade or noncompetitive practices as may be revealed by the investigation.

It is the hope of the committee that these hearings will determine the need for such investigation, the immediacy of the problems involved, and the capacity of the Federal Trade Commisison to discharge such responsibilities.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 97 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. HART in the chair). A quorum is present.

Mr. THURMOND. Mr. President, as I have previously pointed out, the Reconstruction Acts passed in the spring of 1867 did not constitute a precedent for the abusive force bill which is misnamed the Civil Rights Act of 1963. The distinction, however, between the Reconstruction Acts of 1867 and the bill now on the calendar arises from the fact that the Reconstruction Acts were limited in application to particular sections of the country, which were obviously considered by the Members of Congress to be enemy territories. The Members did not make a force bill applicable to their own constituencies, as would be the case should Congress stoop to the passage of H.R. 7152.

In other respects, there is a very great similarity between the Reconstruction Acts of 1867 and the compulsory retardation bill, which it is now proposed that the Senate proceed to consider.

The Reconstruction Acts were passed over the veto of President Andrew Johnson. The veto message of the first of the Reconstruction Acts is a classic in constitutional exposition, but unfortunately, the Congress in 1867 ignored this wise and judicious counsel of President Johnson.

Mr. President, there are many who mistakenly view the consideration of so-called civil rights legislation, such as that embodied in H.R. 7152, as a continuation of the same cause which the United States of America pursued by combat during the years 1861–65. Such is not the case. As President Johnson pointed out in his veto message which accompanied the return of the first of the Reconstruction Acts to the Congress, the Union had professed to fight the war for the sole purpose of preserving the Constitution. The Reconstruction Acts, which were the subject of the message, were in obvious contravention of the Constitution and, as so eloquently articulated by President Johnson in his veto message, undermined the very principles to which the Union had professed such costly devotion during the years of hostility. H.R. 7152 parallels the Reconstruction Acts, and in a similar way, seeks to bypass the Constitution and undermine the principles enunciated in that document. It is in this sense that H.R. 7152 would undermine and, indeed, renege on the principles on which the United States of America based its position during the bloody conflict of the 1860's.

The message of President Johnson which accompanied his veto of the Reconstruction Acts of 1867 has, therefore, a very profound meaning both to our times and to the question which is now before the Senate. So cogent is the discussion of constitutional principles in President Johnson's message that I have deemed it appropriate to send copies of this message to each high school in my State. So applicable is that message to the issue before the Senate that I believe it is quite worthwhile to review the message for the benefit of Senators on the floor today.

On March 2, 1867, President Andrew Johnson sent the following message to the Congress:

WASHINGTON, *March 2, 1867.*

To the House of Representatives:

I have examined the bill to provide for the more efficient government of the rebel States with the care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent, for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

The bill places all the people of the 10 States therein named under the absolute domination of military rulers; and the preamble undertakes to give the reason upon which the measure is based and the ground upon which it is justified. It declares that there exists in those States no legal governments and no adequate protection for life or property, and asserts the necessity of enforcing peace and good order within their limits. Is this true as matter of fact?

It is not denied that the States in question have each of them an actual government, with all the powers—executive, judicial, and legislative—which properly belong to a free State. They are organized like the other States of the Union, and, like them, they make, administer, and execute the laws which concern their domestic affairs. An existing de facto government, exercising such functions as these, is itself the law of the State upon all matters within its jurisdiction. To pronounce the supreme lawmaking power of an established State illegal is to say that law itself is unlawful.

The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries are in substance and principle the same as those which prevail in the Northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world.

There, as well as elsewhere, offenders sometimes escape for want of vigorous prosecution, and occasionally, perhaps, by the inefficiency of courts or the prejudice of jurors. It is undoubtedly true that these evils have been much increased and aggravated, North and South, by the demoralizing influences of civil war and by the rancorous passions which the contest has engendered. But that these people are maintaining local governments for themselves which habitually defeat the object of all government and their own lives and property insecure is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge. All the information I have on the subject convinces me that the masses of the southern people and those who control their public acts, while they entertain diverse opinions on questions of Federal policy, are completely united in the effort to reorganize their society on the basis of peace and to restore their mutual prosperity as rapidly and as completely as their circumstances will permit.

The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate in any State where certain events shall have happened. These events are, first, the selection of delegates to a State convention by an election at which Negroes shall be allowed to vote; second, the formation of a State constitution by the convention so chosen; third, the insertion into the State constitution of a provision which will secure the right of voting at all elections to Negroes and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the constitution for ratification to Negroes and white men not disenfranchised, and its actual ratification by their vote; fifth, the submission of the State constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of the legislature elected under the new constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purpose of order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment.

I submit to Congress whether this measure is not in its whole character, scope, and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure.

The 10 States named in the bill are divided into five districts. For each district an officer of the Army, not below the rank of a brigadier general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are "to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace or criminals." The power thus given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law. The law of the States is now the only rule applicable to the subjects placed under his control, and that is completely displaced by the clause which declares all interference of State authority to be null and void. He alone is permitted to determine what are rights of person or property, and he may protect them in such way as in his discretion may seem proper. It places at his free disposal all the lands and goods in his district, and he may distribute them without let or hindrance to whom he pleases. Being bound by no State law, and there being no other law to regulate the subject, he may make a criminal code of his own; and he can make it as bloody as any recorded in history, or he can reserve the privilege of acting upon the impulse of his private passions in each case that arises. He is bound by no rules of evidence; there is, indeed, no provision by which he is authorized or required to take any evidence at all. Everything is a crime which he chooses to call so, and all persons are condemned whom he pronounces to be guilty. He is not bound to keep any record or make any report of his proceedings. He may arrest his victims wherever he finds them, without warrant, accusation, or proof of probable cause. If he gives them a trial before he inflicts the punishment, he gives it of his grace and mercy, not because he is commanded so to do.

To a casual reader of the bill it might seem that some kind of trial was secured by it to persons accused of crime, but such is not the case. The officer "may allow local civil tribunals to try offenders," but of course this does not require that he shall do so. If any State or Federal court presumes to exercise its legal jurisdiction by the trial of a malefactor without his special permission, he can break it up and punish the judges and jurors as being themselves malefactors. He can save his friends from justice, and despoil his enemies contrary to justice.

It is also provided that "he shall have power to organize military commissions or tribunals"; but this power he is not commanded to exercise. It is merely permissive, and is to be used only "when in his judgment it may be necessary for the trial of offenders." Even if the sentence of a commission were made a prerequisite to the punishment of a party, it would be scarcely the slightest check upon the officer, who has authority to organize it as he pleases, prescribe its mode of proceeding, appoint its members from his own subordinates, and revise all its decisions. Instead of mitigating the harshness of his single rule, such a tribunal would be used much more probably to divide the responsibility of making it more cruel and unjust.

Several provisions dictated by the humanity of Congress have been inserted in the bill, apparently to restrain the power of the commanding officer; but it seems to me that they are of no avail for that purpose. The fourth section provides:

First. That trials shall not be unnecessarily delayed; but I think I have shown that the power is given to punish without trial; and if so, this provision is practically inoperative.

Second. Cruel or unusual punishment is not to be inflicted; but who is to decide what is cruel and what is unusual? The words have acquired a legal meaning by long use in the courts. Can it be expected that military officers will understand or follow a rule expressed in language so purely technical and not pertaining in the least degree of their profession? If not, then each officer may define cruelty according to his own temper, and if it is not usual he will make it usual. Corporal punishment, imprisonment, the gag, the ball and chain, and all the almost insupportable forms of torture invented for military punishment lie within the range of choice.

Third. The sentence of a commission is not to be executed without being approved by the commander, if it affects life or liberty, and a sentence of death must be approved by the President. This applies to cases in which there has been a trial and sentence. I take it to be clear, under this bill, that the military commander may condemn to death without even the form of a trial by a military commission, so that the life of the condemned may depend upon the will of two men instead of one.

It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall "punish or cause to be punished." Such a power has not been wielded by any monarch in England for more than 500 years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the 10 States—all persons, of every color, sex, and condition, and every stranger within their limits—to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons.

It may be answered to this that the officers of the Army are too magnanimous, just, and humane to oppress and trample upon a subjugated people. I do not doubt that Army officers are as well entitled to this kind of confidence as any other class of men. But the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely trusted in human hands. It is almost sure to be more or less abused under any circumstances, and it has always resulted in gross tyranny where the rulers who exercise it are strangers to their subjects and come among them as the representatives of a distant power, and more especially when the power that sends them is unfriendly. Governments closely resembling that here proposed have been fairly tried in Hungary and Poland, and the suffering endured by those people roused the sympathies of the entire world. It was tried in Ireland, and, though tempered at first by principles of English law, it gave birth to cruelties so atrocious that they are never recounted without just indignation. The French Convention armed its deputies with this power and sent them to the southern departments of the Republic. The massacres, murders, and other atrocities which they committed show what the passions of the ablest men in the most civilized society will tempt them to do when wholly unrestrained by law.

The men of our race in every age have struggled to tie up the hands of their governments and keep them within the law, because their own experience of all mankind taught them that rulers could not be relied on to concede those rights which they were not legally bound to respect. The head of a great empire has sometimes governed it with a mild and paternal sway, but the kindness of an irresponsible deputy never yields what the law does not extort from him. Between such a master and the people subjected to his domination there can be nothing but enmity; he punishes them if they resist his authority, and if they submit to it he hates them for their servility.

I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, certainly not, if we derive our authority from the Constitution and if we are bound by the limitations which it imposes.

This proposition is perfectly clear, that no branch of the Federal Government—executive, legislative, or judicial—can have any just powers except those which it derives through and exercises under the organic law of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the Southern States were, in truth, out of the Union, we could not treat their people in a way which the fundamental law forbids.

Some persons assume that the success of our arms in crushing the opposition which was made in some of the States to the execution of the Federal laws reduced those States and all their people—the innocent as well as the guilty—to the condition of vassalage and gave us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects, he may deal with them according to his pleasure, because he had that power before. But when a limited monarch puts down an insurrection, he must still govern according to law. If an insurrection should take place in one of our States against the authority of the State government and end in the overthrow of those who planned it, would that take away the rights of all the people of the counties where it was favored by a part or a majority of the population? Could they for such a reason be wholly outlawed and deprived of their representation in the legislature? I have always contended that the Government of the United States was sovereign within its constitutional sphere; that it executed its laws, like the States themselves, by applying its coercive power directly to individuals, and that it could put down insurrection with the same effect as a State and no other. The opposite doctrine is the worst heresy of those who advocated secession, and cannot be agreed to without admitting that heresy to be right.

Invasion, insurrection, rebellion, and domestic violence were anticipated when the Government was framed, and the means of repelling and suppressing them were wisely provided for in the Constitution; but it was not thought necessary to declare that the States in which they might occur should be expelled from the Union. Rebellions, which were invariably suppressed, occurred prior to that out of which these questions grow; but the States continued to exist and the Union remained unbroken. In Massachusetts, in Pennsylvania, in Rhode Island, and in New York, at different periods in our history, violent and armed opposition to the United States was carried on; but the relations of those States with the Federal Government were not supposed to be interrupted or changed thereby after the rebellious portions of their population were defeated and put down. It is true that in these earlier cases there was no formal expression of a determination to withdraw from the Union, but it is also true that in the Southern States the ordinances of secession were treated by all the friends of the Union as mere nullities and are now acknowledged to be so by the States themselves. If we admit that they had any force or validity or that they did in fact take the States in which they were passed out of he Union, we sweep from under our feet all the grounds upon which we stand in justifying the use of Federal force to maintain the integrity of the Government.

This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts, life, liberty, and property are secured by State laws and Federal laws, and the National Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill proceeds? The title of the bill announces that it is intended "for the more efficient government" of these 10 States. It is recited by way of preamble that no legal State governments "nor adequate protection for life or property" exist in those States, and that peace and good order should be thus enforced. The first thing which arrests attention upon these recitals, which prepare the way for martial law, is this, that the only foundation upon which martial law can exist under our form of government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection—none of these appear; and none of these, in fact, exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause here to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Court of the United States in Ex parte Milligan.

I will first quote from the opinion of the majority of the Court:

"Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration."

We see that martial law comes in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes martial law operate as though we were in actual war, and becomes the cause instead of the consequence of the abrogation of civil authority. One more quotation:

"It follows from what has been said on this subject that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course."

I now quote from the opinion of the minority of the Court, delivered by Chief Justice Chase:

"We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists, the laws of peace must prevail."

Mr. President (Mr. McIntyre in the chair), I continue the quotation:

This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress, in time of peace, to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power. Again, and, if possible, more emphatically, the Chief Justice, with remarkable clearness and condensation, sums up the whole matter as follows:

"There are under the Constitution three kinds of military jurisdiction—one to be exercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of the States maintaining adhesion to the National Government, when the public danger requires its exercise. The first of these may be called jurisdiction under military law, and is found in acts of Congress prescribing rules and articles of war or otherwise providing for the government of the national forces; the second may be distinguished as military government, superseding as far as may be deemed expedient the local law, and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called into action by Congress, or temporarily, when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights."

It will be observed that of the three kinds of military jurisdiction which can be exercised or created under our Constitution there is but one that can prevail in time of peace, and that is the code of laws enacted by Congress for the government of the national forces. That body of military law has no application to the citizen, nor even to the citizen soldier enrolled in the militia in time of peace. But this bill is not a part of that sort of military law, for that applies only to the soldier and not to the citizen, whilst, contrariwise, the military law provided by this bill applies only to the citizen and not to the soldier.

I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one—that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument. I will not enlarge on the inestimable value of the right thus secured to every freeman or speak of the danger to public liberty in all parts of the country which must ensue from a denial of it anywhere or upon any pretense. A very recent decision of the Supreme Court has traced the history, vindicated the dignity, and made known the value of this great privilege so clearly that nothing more is needed. To what extent a violation of it might be excused in time of war or public danger may admit of discussion, but we are providing now for a time of profound peace, when there is not an armed soldier within our borders except those who are in the service of the Government. It is in such a condition of things that an act of Congress is proposed which, if carried out, would deny a trial by the lawful courts and juries to 9 million American citizens and to their posterity for an indefinite period. It seems to be scarcely possible that anyone should seriously believe this consistent with a Constitution which declares in simple, plain, and unambiguous language that all persons shall have that right and that no person shall ever in any case be deprived of it. The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant, at the pleasure of a military commander. The Constitution declares that "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury." This bill holds every person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that "no person shall be deprived of life, liberty, or property without due process of law." This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that "the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion, the public safety may require it"; whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is a trial "without unnecessary delay." He has no hope of release from custody, except the hope, such as it is, of release by acquittal before a military commission.

The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in 10 States and puts the life, property, liberty, and honor of all the people in each of them under the domination of a single person clothed with unlimited authority?

The Parliament of England, exercising the omnipotent power which it claimed, was accustomed to pass bills of attainder; that is to say, it would convict men of treason and other crimes by legislative enactment. The person accused had a hearing, sometimes a patient and fair one, but generally party prejudice prevailed instead of justice. It often became necessary for Parliament to acknowledge its error and reverse its own action. The fathers of our country determined that no such thing should occur here. They withheld the power from Congress, and thus forbade its exercise by that body, and they provided in the Constitution that no State should pass any bill of attainder. It is therefore impossible for any person in this country to be constitutionally convicted or punished for any crime by a legislative proceeding of any sort. Nevertheless, here is a bill of attainder against 9 million people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9 million was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freemen to the condition of slaves.

The purpose and object of the bill—the general intent which pervades it from beginning to end—is to change the entire structure and character of the State governments and to compel them by force to the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The Negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a constitution with prescribed articles in it and afterwards elect a legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the southern part of our territory, I would simply ask the attention of Congress to that manifest, well-known, and universally acknowledged rule of constitutional law which declares that the Federal Government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of the white people and into the hands of the Negroes is an arbitrary violation of this principle.

This bill imposes martial law at once, and its operations will begin so soon as the general and his troops can be put in place. The dread alternative between its harsh rule and compliance with the terms of this measure is not suspended, nor are the people afforded any time for free deliberation. The bill says to them, take martial law first, then deliberate. And when they have done all that this measure requires them to do, other conditions and contingencies over which they have no control yet remain to be fulfilled before they can be relieved from martial law. Another Congress must first approve the Constitution made in conformity with the will of this Congress and must declare these States entitled to representation in both Houses. The whole question thus remains open and unsettled and must again occupy the attention of Congress; and in the meantime the agitation which now prevails will continue to disturb all portions of the people.

The bill also denies the legality of the governments of 10 of the States which participated in the ratification of the amendment to the Federal Constitution abolishing slavery forever within the jurisdiction of the United States and practically excludes them from the Union. If this assumption of the bill be correct, their concurrence cannot be considered as having been legally given, and the important fact is made to appear that the consent of three-fourths of the States—the requisite number—has not been constitutionally obtained to the ratification of that amendment, thus leaving the question of slavery where it stood before the amendment was officially declared to have become a part of the Constitution.

That the measure proposed by this bill does violate the Constitution in the particulars mentioned and in many other ways which I forbear to enumerate is too clear to admit of the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed, for reasons which I will proceed to give as briefly as possible.

In the first place, it is the only system of free government which we can hope to have as a nation. When it ceases to be the rule of our conduct, we may perhaps take our choice between complete anarchy, a consolidated despotism, and a total dissolution of the Union; but national liberty regulated by law will have passed beyond our reach.

It is the best frame of government the world ever saw. No other is or can be so well adapted to the genius, habits, or wants of the American people. Combining the strength of a great empire with unspeakable blessings of local self-government, having a central power to defend the general interests, and recognizing the authority of the States as the guardians of industrial rights, it is "the sheet anchor of our safety abroad and our peace at home." It was ordained "to form a more perfect union, establish justice, insure domestic tranquillity, promote the general welfare, provide for the common defense, and secure the blessings of liberty to ourselves and to our posterity." These great ends have been attained heretofore, and will be again by faithful obedience to it; but they are certain to be lost if we treat with disregard its sacred obligations.

It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority that we carried on a bloody war of 4 years' duration. Shall we now acknowledge that we sacrificed a million of lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

Those who advocated the right of secession alleged in their own justification that we had no regard for law and that their rights of property, life, and liberty would not be safe under the Constitution as administered by us. If we now verify their assertion, we prove that they were in truth and in fact fighting for their liberty, and instead of branding their leaders with the dishonoring name of traitors against a righteous and legal government we elevate them in history to the rank of self-sacrificing patriots, consecrate them to the admiration of the world, and place them by the side of Washington, Hampden, and Sidney. No; let us leave them to the infamy they deserve, punish them as they should be punished, according to law, and take upon ourselves no share of the odium which they should bear alone.

It is a part of our public history which can never be forgotten that both Houses of Congress, in July, 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion the contest should cease, with the constitutional rights of the States and of individuals unimpaired. This resolution was adopted and sent forth to the world unanimously by the Senate and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South as well as in the North as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse and to which I cannot voluntarily become a party.

The evils which spring from the unsettled state of our Government will be acknowledged by all. Commercial intercourse is impeded, capital is in constant peril, public securities fluctuate in value, peace itself is not secure, and the sense of moral and political duty is impaired. To avert these calamities from our country it is imperatively required that we should immediately decide upon some course of administration which can be steadfastly adhered to. I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils, instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coordinate branches of the Government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the Nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guarantees of that instrument are those which declare that "each State shall have at least one Representative," and that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." Each House is made the "judge of the elections, returns, and qualifications of its own Members," and may, "with the concurrence of two-thirds, expel a Member." Thus, as heretofore urged, "in the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress." "When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a Member that he possesses the requisite constitutional and legal qualifications. If refused admission as a Member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the Nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union." And is it not far better that the work of restoration should be accomplished by simple compliance with the plain requirements of the Constitution than by a recourse to measures which in effect destroy the States and threaten the subversion of the General Government? All that is necessary to settle this simple but important question without further agitation or delay is a willingness on the part of all to sustain the Constitution and carry its provisions into practical operation. If tomorrow either branch of Congress would declare that upon the presentation of their credentials Members constitutionally elected and loyal to the General Government would be admitted to seats in Congress, while all others would be excluded and their places remain vacant until the selection by the people of loyal and qualified persons, and if at the same time assurance were given that this policy would be continued until all the States were represented in Congress, it would send a thrill of joy throughout the entire land, as indicating the inauguration of a system which must speedily bring tranquillity to the public mind.

While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children. At present 10 States are denied representation, and when the 40th Congress assembles on the 4th day of the present month 16 States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

(Signed) ANDREW JOHNSON.

Mr. President, the country has still not completely recovered from the tragedy which resulted from the failure of Congress to heed the wise counsel of President Andrew Johnson when it was given in 1867. Once again, we are faced with the basic question of whether we shall throw the Constitution, which has enabled our Nation to achieve greatness, to the winds and replace the government of laws which it prescribes with a government of men. Let the Congress belatedly heed the cautions offered by President Johnson and stand by the Constitution which has benefited us all so greatly. The Senate can affirm its belief in and adherence to the Constitution by refusing to undertake consideration of H.R. 7152.

Mr. President, the Senate has before it at the present time a motion to take up a package of the most dangerous, obnoxious, inflammatory, and objectionable so-called civil rights proposals that has ever been presented to this body. I do not want to dignify this measure even to the extent of calling it a genuine civil rights bill, because it far exceeds in viciousness any previous proposal which has masqueraded under the euphemism "civil rights."

This package of political power has been hailed in many quarters as the most far reaching so-called civil rights program in 100 years. I cannot deny that fact, Mr. President. The trouble is, however, that it is reaching far beyond the bounds of the Constitution and also far beyond the bounds of reason. In reality, this entire package of proposals is nothing but a further accumulation of powers for the Central Government at the expense not only of States rights, but primarily at the expense of individual rights.

The particular proposals to which I wish to address my remarks at this time are the so-called public accommodations provisions.

Whereas in the past legislation of this type has been largely predicated upon either one or a combination of the 13th, 14th, or 15th amendments, S. 1732 and title II of H.R. 7152 represents a new departure in the so-called civil rights field. These proposals are based on a combination of the 14th amendment to the Constitution and the powers granted to Congress in the commerce clause of the 8th section of article I .of the Constitution. This provision reads as follows:

> The Congress shall have power. * * * To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Over the years since the ratification of the Constitution, the commerce clause has been the basis for many congressional enactments, some very beneficial and some of more questionable benefit. A representative list of acts of Congress based upon the commerce clause can be found on page 19 of the hearings on S. 1732 before the Senate Commerce Committee. However, it is important to note that never before has this clause of the Constitution been considered as a possible or appropriate one upon which to base any civil rights legislation. While it was contended throughout the hearings before the Senate Commerce Committee that the commerce clause alone was sufficient constitutional authority for the enactment of S. 1732 and similar so-called public accommodations proposals, the 14th amendment was nevertheless also included for reasons that have yet to be adequately explained. Also, during the hearings, the 13th amendment was prominently mentioned as a further basis for the constitutionality of this provision. The 13th amendment to the Constitution reads as follows:

> SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
>
> SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

This amendment was intended to abolish slavery as it existed up to and during the War Between the States. There is no merit in the contention that it can now be relied upon as a constitutional basis for a public accommodations law. On the contrary, its only valid application in this instance is as further proof of the unconstitutionality of these proposals. In this same vein, the 5th, 10th, and 14th amendments contain provisions which mitigate against the constitutionality of S. 1732 and title II of H.R. 7152.

Perhaps the most important and certainly the most fundamental principle of the Constitution which should concern us is the doctrine of the division of powers between the Central Government on one hand and the States on the other. The doctrine of division of powers is basic to our federated system of government. There was wide recognition among the Founding Fathers that local self-government was preferable for the large majority of governmental functions. The need for a Central Government, however, was paramount for those things which, by their very nature, demanded national attention and uniformity. In accordance with this irrefutable logic, the doctrine of the division of powers was implemented so that the Central Government was granted specific, but limited, governmental functions; but the powers not specifically granted to the Central Government in the Constitution were understood to have been retained by the individual States, local communities, and the people. Even though this was clearly understood at that time, the 10th amendment to the Constitution was insisted upon in order to insure the perpetuation of the division of powers doctrine. The 10th amendment was intended to be a bulwark against the eroding effects of the passage of time, faulty memories, and an ever-grasping Central Government.

In implementing the time-tested and proven doctrine of the division of powers, the Founding Fathers adhered closely to the rule that that which could best be dealt with locally should be left to local control. Those things which are basically national in scope and in functional utility were specifically placed in the Federal domain. For example, the defense of the country against external attack, the coining of money, the conduct of foreign relations, the raising and supporting of armies, and the operation af a postal service were all considered of a national nature and were therefore delegated to the Central Government. The framers of the Constitution did not consider it necessary or wise to enumerate those things which are essentially local in nature, nor those areas in which the local governmental bodies were to be the sole and decisive authority. Instead, it was deemed sufficient to expressly state that all powers not specifically delegated to the Central Government in the Constitution were reserved to the States or to the people.

Judge Story, in his commentaries, said:

> The Constitution was, from its very origin, contemplated to be the frame of a national government, of special and enumerated powers, and not of general and unlimited powers. This is apparent * * * from the history of the proceedings of the convention, which framed it; and has formed the admitted basis of all legislative and judicial reasoning upon it.

The postulate upon which this governmental system was constructed was formulated by these words of the 10th amendment to the Constitution:

> The powers not delegated to the United States by the Constitution, nor prohibited by its to the States, are reserved to the States respectively, or to the people.

As the Supreme Court observed in United States against Darby, this amendment states but a truism; for it is declaratory of the true relationship between the Central Government and the States as it was established by the Constitution (*United States* v. *Darby*, 312 U.S. 100, 1941). However, this is a truism which carries with it the vitality of the ages and cannot be restated or revered enough, for upon this truism rests the solidarity of our Government. In considering S. 1732 and title II of H.R. 7152, questions of expediency, considerations of practicality, messages of social urgency are all secondary to the primary issue: Whether the Constitution confers upon the Federal Government the power to pass this legislation.

There is no question but that neither S. 1732 nor title II of H.R. 7152 have any constitutional basis in the 14th amendment. Even the most ardent supporters of these proposals must be forced to this conclusion.

The pertinent provisions of the 14th amendment read as follows:

> ARTICLE XIV
>
> SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
>
> SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

In 1875 the 43d Congress enacted a statute entitled "An act to protect all citizens in their civil and legal rights." This act, which had as its constitutional basis the 14th amendment, stated in part as follows:

> All persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; * * * applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Eight years later, in 1883, the Supreme Court, in the celebrated *Civil Rights cases* (109 U.S. 3), held this statute unconstitutional. The holding of the Court in the civil rights cases as the definitive statement on the lack of power in Congress to enact a measure of this nature on the basis of the 14th amendment. The Court construed the 14th amendment to be a prohibition upon State action only. In speaking for the Court, Mr. Justice Bradley said:

> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibition of State laws and State acts, and thus to keep them effectually null, void, and innocuous. This is the legislative power conferred upon Congress and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect: And such legislation must be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.

This language clearly states that the 14th amendment prohibits only State action and was never intended to encompass purely private action by individuals. The act which the Supreme Court held unconstitutional 80 years ago is the same type of measure which the 88th Congress is presently considering.

The decision in the civil rights cases is the landmark decision insofar as the proper meaning of the 14th amendment is concerned. Not only has it not been overruled, but it has been repeatedly reaffirmed by the Supreme Court. This decision is a sound one and Congress should consider it a valid precedent, as should the Supreme Court.

And yet, there has been much conjecture, as well as insistence, that the present Supreme Court would overrule this decision if it were given the opportunity to do so. In fact, the Attorney General in testifying before the Commerce Committee last summer stated:

> In my personal judgment, basing it (S. 1732) on the 14th amendment would also be constitutional.

The Attorney General made this statement in spite of the fact that he seemed to have a general understanding of the holding in the civil rights cases. On the strength of objective principles of constitutional interpretation, it can be categorically stated that the rule of the civil rights cases is as good law today as it was when enunciated in 1883. The 14th amendment can no more support legislation of this nature in 1964 than it could three-quarters of a century ago. It is regrettable that anyone should entertain the notion that the present Supreme Court would not be guided in its decision by such a clear and correct precedent in the field. Such insinuations do little toward generating a feeling of confidence among the public in its attitude toward the Court. Even among laymen not so well attuned to the niceties of constitutional law, there is the knowledge that a court should be guided by its prior decisions, except under most unusual circumstances. The constant assertion that the Supreme Court in this instance would cast aside firmly established principles of constitutional law casts a reflection upon the Court. In fact, the correct interpretation of the 14th amendment as established in the civil rights cases were reaffirmed as recently as May 20, 1963, in *Peterson* v. *City of Greenville*, 373 U.S. 244. In that case the Court stated:

> Individual invasion of individual rights is not within the purview of the 14th amendment, and private conduct abridging individual rights does no violence to the equal protection clause.

In a separate concurring opinion in the Peterson case, Mr. Justice Harlan went even further when he said:

> Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference.

This is a correct statement of the law as it applies to personal action and attitudes as contrasted with that of the State or local governmental body. The 14th amendment has absolutely no application to individual action.

The holding of the Supreme Court in the civil rights cases was specifically reaffirmed by the Fourth Circuit Court of Appeals as recently as 1959. In the case of *Williams* v. *Howard Johnson Restaurants*, U.S. C.A. 4th, 268 F. 2d 345, which arose out of the denial of service to a Negro by a Virginia restaurant, the plaintiff alleged a cause of action based on both the 1875 statute and the commerce clause of the Constitution. The Court reaffirmed the doctrine of the civil rights cases and said:

> Sections 1 and 2 of the Civil Rights Act of 1875, upon which the plaintiff's position is

> based in part, provided that all persons in the United States should be entitled to the full and equal enjoyment of accommodations, advantages, facilities, and privileges of inns, public conveyances, and places of amusement, and that any person who should violate this provision by denying to any citizen the full enjoyment of any of the enumerated accommodations, facilities, or privileges should for every such offense forfeit and pay the sum of $500 to the person aggrieved. The Supreme Court of the United States, however, held in Civil Rights Cases, 109 U.S. 3, 3 S. Ct. 18, 27 L. Ed. 835, that these sections of the act were unconstitutional and were not authorized by either the 13th or 14th amendments of the Constitution. The Court pointed out that the 14th amendment was prohibitory upon the States only, so as to invalidate all State statutes which abridge the privileges and immunities of citizens of the United States or deprive them of life, liberty, or property without due process of law, or deny to any person the equal protection of the laws; but that the amendment did not invest Congress with power to legislate upon the actions of individuals, which are within the domain of State legislation.

Again, as late as 1961, the Supreme Court restated this principle:

> It is clear, as it always has been since the Civil Rights Cases * * * that individual invasion of individual rights is not the subject matter of the (14th) amendment * * * and that private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it. (*Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, 1961.)

Those who would sustain any public accommodations measure on the grounds of the 14th amendment are hard pressed to find any substantial State involvement, sufficient to uphold its constitutionality under the doctrine laid down time after time by the Supreme Court. These individuals are forced to admit that the 14th amendment reaches only State action, and to date they have not been so revolutionary as to suggest that it be read to apply to individual action as well. The argument relied upon is that State action encompasses individual action where the action of the individual would be unconstitutional if committed by the State and the State does not likewise prohibit such action when committed by individuals. Any more circuitous and specious reasoning is difficult to imagine, even in the wildest of dreams. The question which is posed can be best stated as follows: Is failure of a State to act to prevent individuals from doing that which they have the right to do as individuals tantamount to State action? The answer to this is obviously no. An affirmative answer would be to require a State to take positive action. Positive action is not required by the 14th amendment. All that this amendment requires of the State is that it remain neutral.

States and local governmental bodies in many instances confer the privileges of operating a business by the act of licensing. This is frequently a grant which is a necessary condition precedent for the maintenance of a private business. Likewise, many States which require a business establishment to obtain a license do so, not for purposes of regulation, but simply to raise revenue. In these instances, the license fee is no more than a tax and is in no way a form of regulation. However, the argument advanced to sustain this measure on this theory of the 14th amendment assumes that the operation of any private enterprise becomes State business and subject to all the limitations and conditions imposed upon the States by the 14th amendment by the mere act of licensing. Particularly pertinent at this point is the comment of Prof. Herbert Wechler, Harlan Fiske Stone professor of constitutional law at Columbia University. In answer to this argument he said:

> One need not be a lawyer to perceive that the fact that a State requires a lunchroom to obtain a license as a means of protecting the public health does not make the lunchroom a State agency. Are all private corporations to be viewed as organs of the State because their corporate existence is conferred by their State charters? It puts the matter with excessive charity to say that this is a submission which is most unlikely to persuade the Supreme Court and, what is more important, should not do so. In the entire history of the judicial interpretation of the 14th amendment, only Justice Douglas has accorded the position color of support in an opinion.

Mr. STENNIS. Mr. President, will the Senator from South Carolina yield?

The PRESIDING OFFICER (Mr. INOUYE in the chair.) Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. THURMOND. I am pleased to yield to the able and distinguished Senator from Mississippi.

Mr. STENNIS. I commend the Senator from South Carolina very highly for his speech. I did not interrupt him during his delivery of it because I knew he wished to have continuity of his speech preserved for purposes of the RECORD.

Again I commend the Senator from South Carolina—as I did the other day—for his very fine knowledge of the bill and for his excellent presentation.

Does he not find that the more he studies the bill, the more he realizes how involved it is and the more he becomes aware of the legislative and legal entanglements it involves? In addition, does he not find that the bill is very cleverly put together and has a meaning which is not readily apparent; but that actually, after long and careful study, it will be found that the bill would be far reaching, indeed, when considered in light of the various provisions in it? In total, does he not find the bill to be very far reaching and involved?

Mr. THURMOND. There is no question that the bill is very far reaching and involved. Title II, which I discussed a few minutes ago, is almost word for word the same as the act of Congress of 1875, which in 1883 was declared by the Supreme Court of the United States to be unconstitutional.

Furthermore, this title, which I have been discussing, provides, on page 11, in section 205(c):

> (c) Proceedings for contempt arising under the provisions of this title shall be subject to the provisions of section 151 of the Civil Rights Act of 1957 (71 Stat. 638).

That means, in effect, that that part of the Civil Rights Act of 1957 would be a part of this bill; and that part of the 1957 act provided for punishment for contempt, as follows: If a fine of more than $300 or if a sentence of more than 45 days of imprisonment were imposed, the defendant could demand a de novo jury trial; but if the punishment did not exceed a $300 fine or 45 days imprisonment, the defendant could not obtain a jury trial.

Mr. STENNIS. Yes.

Mr. THURMOND. This provision of the bill—as that one in 1957 was—is in direct contravention of the Constitution of the United States. The Constitution provides that a person charged with the commission of a crime shall be entitled to a jury trial; and the Constitution makes no exception.

So it is clear that by means of this bill, Congress would attempt to enact an exception to the U.S. Constitution by means of a provision that if the punishment did not exceed a certain amount or a certain number of days in jail, a jury trial could not be had. However, the Constitution provides that one who is charged with crime shall have the benefit of a jury trial.

So this title, and also title I, title III, and title IV, and title VII—all five of them—would deny one the right of a trial by jury. Those provisions are directly in contravention of the U.S. Constitution. Therefore it seems to me that these provisions in and of themselves should require any Member of Congress to wake up and look well and carefully at the bill, because all Members of Congress should exercise the utmost care and precaution to preserve the very important provision of the Bill of Rights of the U.S. Constitution which guarantees the right of trial by jury.

When our forefathers wrote the Declaration of Independence, one of the grievances that they stated in that document was that they had been denied the right of trial by jury. So when the Constitution was written and the Bill of Rights was added, great precaution was taken to be sure that any man charged with a crime would get a jury trial.

Mr. STENNIS. I should like to ask the Senator one or two additional brief questions. We have heard the claim made to the effect that everyone knows what is contained in the bill. We have even seen people asked in the Gallup poll whether or not they favor the bill. In view of what the Senator has said, unless someone has really made a careful study of the bill, he could not begin to have a full appreciation of what it contains. Even then he would be required to have some knowledge of the law and the operation of the law. But even under those circumstances, would he have more than a meager appreciation of the substance of the bill?

Mr. THURMOND. I thoroughly agree with the able Senator. The bill does not set out the arrangement for contempt, but, as I stated, it refers back to the Civil Rights Act of 1957. From a mere reading of the bill one would never know that a jury trial would be denied.

Mr. STENNIS. That is correct.

Mr. THURMOND. The same principle applies to the other titles of the bill which I have mentioned. A jury trial could be denied to a person charged with violating those titles.

Mr. STENNIS. The Senator has made clear the points I wish to bring out. I commend him again for his fine address.

During the delivery of Mr. THURMOND'S speech:

Mr. ERVIN. Mr. President, I wonder whether the Senator from South Carolina will yield to me for a few questions.

Mr. THURMOND. Mr. President, I shall be pleased to yield to the distinguished Senator from North Carolina, provided I do not lose the floor, and provided that such yielding by me and my commencing thereafter does not constitute another speech.

The PRESIDING OFFICER (Mr. HART in the chair). Is there objection?

Mr. PASTORE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I should like to ask the able and distinguished Senator from South Carolina if at the time the Reconstruction Act was passed, which was the subject of the veto by President Johnson, it had not been 2 years since the last Confederate soldier had laid down his arms and returned to peaceful pursuits.

Mr. THURMOND. The Senator is correct. The war ended in 1865. The soldiers had laid down their arms and had returned to their homes. Some of them had to walk all the way back home from Virginia. The reason I know that to be a fact is that my grandfather was one of those who had to walk all the way home from Appomattox Court House to South Carolina after the war had ended.

Mr. ERVIN. Is it not a fact that at the time the first Reconstruction Act was passed, every Southern State government had been reconstructed in accordance with the presidential plan of reconstruction, first envisioned by President Lincoln and then carried into effect by President Andrew Johnson?

Mr. THURMOND. The Senator is eminently correct. The Southern States had reconstituted their governments and were proceeding as usual.

Mr. ERVIN. Were not the Reconstruction Acts passed for the purpose of continuing in power the majority which controlled Congress at that particular time?

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. Is it not true that military government was then established in the South under the Reconstruction Acts in order that the military government could coerce the Southern States into adopting State constitutions approving, in effect, the action of the Federal Government in usurping and attempting to exercise the power of the States to prescribe the qualifications for voters?

Mr. THURMOND. The Senator is correct. After the Confederate War ended, the South was allowed to send its Senators and Representatives back to Congress, and they participated in the passage of the 13th amendment to abolish slavery. When the question arose as to the 14th amendment, and it was indicated that the South did not favor the 14th amendment, the southern Members were excluded from Congress and were no longer allowed to participate in and vote in the proceedings of Congress. Therefore, the 14th amendment was never legally submitted to the States.

Mr. ERVIN. Is it not true that virtually every Southern State, acting through the Government which had been reconstituted in accordance with the Presidential plan of reconstruction, had ratified the 13th amendment, which abolished slavery?

Mr. THURMOND. The Southern States, along with other States, had ratified the 13th amendment, abolishing slavery.

Mr. ERVIN. In many cases, the same legislative bodies which had been recognized as valid for the purpose of ratifying the 13th amendment rejected the 14th amendment; did they not?

Mr. THURMOND. That is correct.

Mr. ERVIN. Congress then passed the Reconstruction Acts to coerce those States into ratifying the 14th amendment. Did not Congress provide in the Reconstruction Acts that those States should be denied all representation in the Senate and House of Representatives until they ratified the 14th amendment and adopted a Constitution which was satisfactory to Congress?

Mr. THURMOND. The able and distinguished Senator is eminently correct.

Mr. ERVIN. When those States rejected the 14th amendment, Congress then deprived them of the right of self-government. It deprived them of representation in Congress, and established military governments to coerce them into ratification of the 14th amendment, did it not?

Mr. THURMOND. That is true.

Mr. ERVIN. If any individual were to make a simple contract under the circumstances of duress and coercion which were applied to secure the colorable ratification of the 14th amendment, that contract would be set aside in any court of law, as to an individual, would it not?

Mr. THURMOND. I do not think there is any question about it.

Mr. ERVIN. Does not the Senator from South Carolina see great similarity between some of the present-day civil rights bills and some of the events which occurred in those days?

Mr. THURMOND. Yes. As I mentioned a few days ago, and as I intend to mention again, there is strong similarity between the present bill and those bills, except that the Reconstruction bills at that time were applied to the 10 States to which they referred, whereas the present so-called civil rights bill will apply to all the people in all the States of the Nation, and ultimately will bring tyranny to all of them.

Mr. ERVIN. Would not the present bill undertake to confer upon departments and agencies of the executive branch of Government the arbitrary power to deprive individuals of their constitutional and legal rights on a more expansive basis than did the Reconstruction Acts?

Mr. THURMOND. That is my opinion. I visualize that the present bill could do more to destroy the rights of the individual citizen than any other piece of legislation that has ever been promulgated or advocated in Congress.

Mr. ERVIN. Does the Senator from South Carolina recall that when the Supreme Court declared the Civil Rights Act of 1875 unconstitutional, Justice Bradley, the writer of the majority opinion, stated in substance that that act, which was declared unconstitutional, undertook to make the recently emancipated slaves favorites of the law and to excuse them from having their rights adjudicated by the same laws by which all other men's rights were adjudicated?

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. Does not the Senator from South Carolina agree that the present bill, instead of giving its beneficiaries equal rights with all other Americans, attempts to give them rights greatly superior to the rights ever sought by or given to any other citizens of this Nation?

Mr. THURMOND. That is true.

Mr. ERVIN. Does not the Senator from South Carolina agree that this is a bill to make second- and third-class citizens of all Americans for the special benefit of only one group of Americans?

Mr. THURMOND. In my opinion, the present bill is designed in such a way as to bring great harm to all the American people. It would deprive them of fundamental rights that are guaranteed by the Constitution.

Mr. ERVIN. Would it not deprive its supposed beneficiaries of many of their most fundamental constitutional and legal rights?

Mr. THURMOND. That is true.

Mr. ERVIN. I thank the Senator from South Carolina for yielding.

Mr. THURMOND. The Senator from North Carolina is one of the ablest lawyers in the country. He has propounded some important questions and has rendered the country a great service in so doing.

A REVIEW OF FOREIGN POLICY PROBLEMS AS THEY RELATE TO THE COUNTRIES OF LATIN AMERICA

During the delivery of Mr. THURMOND'S speech,

Mr. MORSE. Mr. President, there appears in the current issue of the quarterly Foreign Affairs an interesting and useful review of our foreign policy problems as they relate to the countries of Latin America. I ask unanimous consent that the article by Philip Quigg be reprinted in full at the conclusion of these remarks. The author is managing editor of Foreign Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, in particular, I call attention to the list of points made by Mr. Quigg when he suggests how our policy toward Latin America might be improved. He points out that few Americans realize how little of the money we put into the Alliance For Progress goes for genuine economic development, and how much of it goes to fight inflation and to balance budgets.

Last year I said, and I repeat today, that this misuse of foreign aid money ought to stop, and that once we can get the American taxpayer to understand how their money is being misused, they will demand that the Government stop the expenditure of so many billions of dollars for what I consider to be these illegitimate and improper purposes.

It was this very issue I tried to meet with an amendment I offered to the foreign aid bill last year. Let it also be noted that the United States spends a great deal in non-Alliance aid to Latin American countries to fight inflation and to balance budgets.

The confidence of the American taxpayer in the Alliance and other aid to Latin America will dwindle rapidly if that aid takes the form of a subsidy. Americans will support economic development in Latin America, but they will not support a continuing subsidy to Latin America.

It is about time this issue was met by the administrators of the aid program. I intend to raise it again this year when Congress considers the foreign aid bill.

I also call attention to his comment:

> For what is retarding development in the major Latin American countries is not so much lack of wealth and technology nor the vested interests of landed or commercial classes; it is the prevalence of corrupt and demagogic leaders, often the legacy of dictators, governing people whose cynicism about politics leads them to alternate between fatalism and violence.

Surely those officials of our Government who are responsible for U.S. policies toward Latin America must appreciate that the essentially economic objectives of the Alliance can be subverted by the corrupt and demagogic leadership to which this author refers. That is why I think it so important that the United States cling to the charter of the Alliance as contained in the Act of Bogotá which outlined an economic program we have come to call the Alliance for Progress, not for its own sake but for the "preservation and strengthening of free and democratic institutions in the American republics." That is what the economic objectives of the Alliance are designed to promote.

We do not advance the Alliance when we furnish economic support to any and all types of political leadership in its member republics. Failure to observe the political qualities of the Act of Bogotá will destroy it as surely as failure to observe its economic qualities. We do not have to support venal governments there simply because they were elected. But we must make it clear that coups will not be supported at all. If we have no standards in this respect, why should we expect recipient countries to have any standards?

I close by saying that I do not know where I could go to call on a more competent witness than Mr. Quigg, the editor in chief of Foreign Affairs magazine. His objectivity and his scholarship are well recognized in the Senate and in the country. I appreciate very much his presenting this penetrating article dealing with some of the shortcomings of our expenditure of Alliance money in Latin America.

The article follows:

EXHIBIT 1—LATIN AMERICA: A BROAD-BRUSH APPRAISAL

(By Philip W. Quigg)

In dealing with nearly 100 countries that in varying degree look upon the United States as their deus ex machina, surely one of the most difficult problems is to achieve a set of foreign policies sufficiently coherent to be comprehensible to ourselves and to our friends and at the same time sufficiently responsive to the enormous differences even among those nations which for convenience we group together. The maker of policy must always, in some measure, strike a compromise between consistency in our relations among many countries and flexibility in shaping our relations to the peculiarities of each one. At the highest levels of government, however, the pressures are inevitably toward generalization and simplification as a means of making administration manageable and of attracting political support for policy decisions.

When Secretary Rusk asked, "Who speaks for Europe?" he reminded us that our tendency to generalize in terms of continents is not very valid even where shared experience is oldest, development is most uniform and integration has progressed furthest. To generalize about Latin America is far more difficult. The dangers of thinking of Latin America as an entity have frequently been pointed out, yet the practice continues among the public, if not within the State Department. In dealing with Asia no one presumes to generalize about the whole continent; at the very least we break it into regions, and in fact our bilateral relations vary enormously from country to country. Even Africa, which is at least self-consciously African, we divide into north, central, and southern, though throughout the continent the drive for unity is intense, communication is close and stages of economic development are widely comparable.

Despite the importance and appearance of hemisphere solidarity, these factors do not apply to the countries of Latin America. Their common Hispanic culture and certain similarities in the way they look upon life and the world around them obscure a vast indifference to one another and a marked desire to be considered unique. They look to the United States above all and secondarily to Europe, but their knowledge or awareness of other countries of South and Central America is limited largely to contacts sponsored by public or private agencies of the United States. Pan Americanism has not cut deep, and even the effort to establish a common market has not much strengthened the Latins' sense of involvement with one another. Though an incident in Panama or Cuba will remind them how closely their destinies are linked, it is easier to find unity in what they are against than in what they are for.

Though we may be accused with some justice of being inadequately informed about Latin America, there are some 30 North American correspondents in Mexico City; none from other Latin American countries. There are at the very least a dozen universities in the United States where one can study the history, culture, politics, and economics of Latin America in some depth; there is no Latin American university offering more than the most superficial survey course in the same field. Until very recently there was no direct air or passenger ship service between the two largest countries, Mexico and Brazil.

It is said that in the Mexican Foreign Ministry, 60 percent of the officers work on U.S. affairs, 20 percent on international organizational affairs, 15 percent on European affairs and 5 percent on all the rest of the world including Latin America. In some other countries the disproportion would not be quite so high, but the pattern is uniform. Similarly, the average cultivated Latin American will have made several trips to the United States and to Europe, but none to other parts of Latin America.

To him, this does not seem surprising. As in other less developed parts of the world, the lines of communication have been to the centers of industrialization. Even today the opportunities for trade within Latin America remain limited. In any case, he looks to Europe and the United States for sources of interest and inspiration—cultural or technological—and does not expect to learn anything of value from other countries of the Western Hemisphere.

Moreover, he is likely to be more conscious of the differences between his country and others in Latin America than he is of their similarities. The most obvious, but not necessarily the most significant division is between those who speak Spanish and those who speak Portuguese (nearly 40 percent). Even the Spanish language, which would seem to others so close a bond, can be a source of minor friction, for each country takes its own version to be authentic and others offend the ear. Similarly, the racial mixing which has occurred in the Caribbean basin and which is a source of pride to a Mexican does not excite the admiration of a Chilean. And 21 million all-white Argentines can feel themselves vastly superior to 75 million Brazilians because the latter are intermixed with Indians and Negroes—indeed have created one of the most admirably integrated nations on earth. Parochial attitudes aside, a country like Argentina, where the whole population participates in the economy and where literacy is 85 percent, is a very different country from others where the majority have not yet entered the economy or the society.

In addition, of course, Latin America has had its quota of border wars, ancient rivalries, and interventions—overt and covert. Recent political history, too, plays a part in separating the countries from one another. Differences in political orientation and forms of government are an obvious source of tension. Venezuela refuses to recognize half a dozen governments that came to power without benefit of elections. Mexico makes no such distinctions but is sure that its revolution has put it 50 years ahead of the rest of Latin America; its attitude toward its southern neighbors is, at best, patronizing. Geography, too, has been a cause of division, for the Andean range or the Amazon jungles have been more effective than oceans in inhibiting travel. And by the sheer difference in size alone, Brazil feels that it has little or nothing in common with Costa Rica. Finally, there are the obvious but profoundly important differences in the extent of economic development. When all of these distinctions are toted up and overlaid with nationalism, it is hard to find the common denominators on which a policy for Latin America can be based.

II

One result of the differences described—and the Latins' own awareness of them—is that while the United States is trying to develop a coherent body of doctrine on which to base multilateral relationships such as the Alliance for Progress was conceived to be, each of the Latin American countries wants to be treated by the United States as a special case.

A Mexican may say: "We have achieved political stability under a democratic system; in land reform we are pioneers; high social mobility has been attained and we have a large middle class; our money is sound and our growth rate is well ahead of population growth. On the testimony of no less a person than Eugene Black, former President of the World Bank, we are close to the point of self-sustaining growth. If nothing else, our proximity to the United States makes our needs and problems exceptional. How can you compare us with any other Latin American country? What we want from you more than anything else is respect for our right to differ with you and understanding of our desire to make our own way in the world."

A Venezuelan may say: "We have just had a completely free election under a multiparty system (not like those Mexicans with their one-party system and controlled elections); we have achieved a broad consensus on basic issues and perhaps we are at last breaking out of the cycle of coups and dictatorships. We have honest government, extensive land reform and rapid development. We have no race problem, no religious problem and no class problem. How can you compare us with any other Latin American country? What we want from the United States above all is a good oil policy, and secondly, some technical assistance and—again in contradistinction to Mexico—vigorous measures against Castro."

A Brazilian may say: "In size and population we are between two and three times that of the next largest country; we are continental in scope and have unlimited potential; our colonial experience was altogether different from that of the Spanish countries; our history is a record of political stability and nonintervention by the military; our traditions support nonviolence and compromise. Our industrialization is unequaled in South America and, until recently, our rates of economic growth were the highest. How can you compare us with any other country in Latin America? What we want from you above all is respect for our primacy and understanding in our present economic and political difficulties brought on by the desertion of our elected leader (Quadros). Also, a fairer price for coffee."

A Chilean may say: "We are the most politically sophisticated of all Latin American countries and our dedication to constitutionalism and democracy is the most deeply rooted. In over a century we have only twice suffered civil strife. We excel in the progressiveness of our social legislation, the integrity of our courts, the freedom of our elections, the excellence of our police, and the quality of our universities. We were the first to comprehend the meaning of the Alliance for Progress and the first to present a plan in conformity with its requirements. What we want above all from you is appreciation of our capacity to set standards for Latin America and recognition of the need to be masters in our own house where the influence and scope of U.S. foreign capital is oppressive to us."

These hypothetical arguments, all of which are essentially true, if overstated, could be multiplied almost indefinitely. Each would appeal for comprehension of the distinctive qualities of the country concerned, for recognition of its special virtues and handicaps. In sum, each country would argue for bilateral arrangements with the United States, because only then can its uniqueness be taken account of.

There is no desire to add here to the vast literature on the Alliance for Progress—its ills and shortcomings. Like a color wheel that, when spun, comes out a neutral gray, all the criticisms finally cancel one another out. Where the United States is concerned, what it boils down to is that we cannot have 1 foreign policy for Latin American, nor can we have 20 different policies. Every measure we try to implement will in some degree be a compromise between generalizations which have limits to their validity and specifics which lack vitality for peoples, parliaments or politicians. Without generalizations there can be no concepts and without concepts there can be no policy. Therefore, it serves no useful purpose to criticize the Alliance for Progress for presupposing an entity which does not exist or for trying to develop broad conceptions which in fact have varied applicability. But to be aware that this is the case is very important if we are to achieve the necessary flexibility within an overall plan.

Take, for example, the question of land reform, a key element of the Alliance and a subject on which President Kennedy spoke eloquently, though in very general terms. If by land reform is meant redistribution of land (as is too often the case), then the question is irrelevant or very secondary in four of the most important countries of Latin America: Mexico and Venezuela, where the problem was being attacked long before the Alliance for Progress; Argentina, which needs agricultural modernization, not land redistribution; and Brazil, where requirements vary enormously from state to state but where land redistribution is secondary to the need for resettlement, agricultural research, taxation of uncultivated land, farm credit, rural development, and the like. But since in Brazil land reform is synonymous with land redistribution and since the term itself has been expropriated by the Communists, a quite unnecessary battle is raging in which leftists and opportunists are using the good name of the late President of the United States to stir up controversy and feather their political nests. As a result, urgent and feasible reforms of agriculture are blocked.

Other examples could be cited in the requirement for national planning where no planners exist or for matching funds where no money exists unless, as in inflation-ridden Brazil, the government prints it. None of these obstacles and exceptions is a reason not to encourage agrarian reform, planning and a matching effort by the recipient nation. But they show how difficult it is to develop grand conceptions that are responsive to the real needs and problems of particular countries.

III

One of the areas in which flexibility has been most limited—and by our own hand—is the effort to combat communism. Here our Cuban policy, and its involvement in our domestic politics, tends to dominate everything, so that our responsible officials have little room for maneuver. But in fact the nature of the danger and the tactics being used by the Communists vary greatly from country to country. A U.S. policy or attitude which may be right for a country with a strongly anti-Communist government but with heavy Communist infiltration among the unions will hardly be appropriate for a country where there is little popular sentiment in favor of communism but where leftists are eating away the Government at the top—supervision, as one close observer has called it. And a policy or attitude which may be appropriate for a country where the Communist Party is illegal and driven underground will not necessarily be effective in a country where the Communist Party is actively campaigning in a free and wide-open election.

Our alarms and excursions over Castro have had a whole series of undesirable effects in Latin America. First, our constant preoccupation with Castro and our disposition to credit him or his Moscow superiors with every act that offends us throughout the hemisphere built up his prestige, even among those who are stanch anti-Communists but not above enjoying the sight of Uncle Sam discomfited. Second, the enormous prestige and respect we gained in the missile crisis of October 1962 have been sullied much less by our failure to obtain Soviet adherence to every particular of the agreement than by the undignified image that we, as a people, afterward created of fear and petulance. Third, our insistence that everyone stand up and be counted on the Castro issue has embarrassed some countries and annoyed others, without achieving the unanimity we sought. In fact, the nations of Latin America have taken most of the important steps we thought necessary, but they would prefer not to talk about it. For example, the Mexicans, the most reluctant of all to take a vigorous anti-Castro position in public, are actually cooperating with us in ways which may be, strictly speaking, illegal under their constitution. For a country which has used legalism as its chief weapon of defense for more than a century and whose dearest ambition is to exercise its independence of the United States, this is not easy to do. Fourth, and now looking at the other side of the coin, the Latin American Republics are in truth using our "Castrocentrism," as one foreign minister referred to it, as a stick to beat us with. Indeed, it doubtful if a majority of the countries of this hemisphere want to see Castro brought down, not because they are soft on communism, but because they feel he has served them well without ever constituting a serious threat to them. They are inclined to believe that without the apparent threat, the sources of largesse might dry up and that the United States would return to its attitude of indifference toward its southern neighbors. And several look forward with foreboding to the day when Cuban sugar reenters Western markets.

Meanwhile, Castro himself has been more successful in discrediting the cause he serves and in alerting the hemisphere to the fact that danger does exist. The economic disaster that Castro has inflicted on his people is well known; what once looked like healthy nationalism and a desire to be free of U.S. domination looks now like a sellout to another foreign power, which may be better or worse depending on the individual's point of view, but is not what it wanted. Castro's name is heard less and less in Latin America, and where Communist parties are trying to attain power by constitutional means—as in Chile—his name is hardly mentioned; he simply is no longer a selling point. Only where the Communist parties are illegal and have turned to violence, as in Venezuela, or where they are legal but splintered and unpopular, as in Peru, does one hear Fidelisimo praised as a model, and then not insistently or effectively. Communism itself has lost some of its luster; it just is not as fashionable as it used to be, partly, at least, because since the Sino-Soviet split, it has become less the stirring ideology it once was and more a protest movement, taking many guises from ill-defined leftist nationalism to ineffectual fanaticism. With so many angry gods in the pantheon—Stalin, Khrushchev, Mao, Castro, and (still) Trotsky—it becomes difficult for the fellow traveler to know whom to worship, while the infighting among the leaders is often sharp and destructive. Except in a few places, such as Chile, which has the best organized and proportionately largest party in the hemisphere operating in an atmosphere of unequaled freedom, communism remains a danger in Latin America not so much because of its own strength, but because of the weaknesses in the societies into which it burrows; not because there are so many disciplined Communists working efficiently round the clock, but because there are so many politicians in default of their minimum obligations to their people; not because there is so much poverty but because there is so much corruption and inefficiency; not because communism is considered an ultimate good but because there is so much with which to discredit democracy.

It needs to be remembered, too, that communism is only one brand of extremism found in Latin America. For every disciplined Communist or ideological fellow traveler there is probably at least one opportunist without political commitment of any kind who may be trying to use the Communists for his own purposes or who may hope for personal gain through a fascistic power structure. In any case he finds it advantageous to destroy whatever is healthy in society and obstruct whatever promises sound progress. To brand all rogues and extremists as Communists is a dubious tactic, for it confuses the issue and makes them appear stronger than they are. Indeed we might profitably declare a moratorium on words like communism and democracy and talk more about good government and representative government. This would help to clarify our own thinking, too. For Latin America is replete with examples of governments which are relatively good—in the sense of honest and efficient—without being representative, and others which are technically representative without being good. To plump quite so hard as we do for freedom and democracy, without reference to the enormous variety of experience and tradition in the countries of Latin America, may only succeed in blackening the name of democracy where constitutional regimes are immobilized, corrupt or unresponsive to the wishes of the people.

IV

It has been widely believed in the United States that the slow progress in Latin America has been due either to the almost insurmountable nature of its problems or to the resistance to change of its privileged classes. For parts of Latin America these explanations still have some validity, but for the major countries of Latin America—those on which all else depends—they are far from the point. What impresses a visitor to Argentina or Brazil or Mexico is that, as compared to other parts of the less developed world, the problems are so manageable, so near, and yet so far from, solution. In these countries and many others there is general acceptance of the need for change, sometimes even a consensus on the general lines that change should take. The leadership groups, the men of power and influence, are for the most part only one or two generations removed from the peasantry or are the sons or grandsons of European immigrants.[1] Even in a country like Peru, which has had no revolution and no populist dictatorship, the President and a majority of Congress are progressively minded. But unfortunately this is no guarantee that progress will be made with sufficient speed.

For all too often party comes before country and the question as posed is not what shall be done, and how, but who will get credit for it if it is a success. To be sure, this is in the nature of politics, but in Latin America it is carried to extremes. Thus one finds parties opposing what they have been promoting for years, simply because they are not in the government. It is not to be expected that good of country will be put above all other considerations; it would be enough if the party were thought of as existing to represent the interests of the individuals and groups that compose it rather than as an instrument for the aggrandizement of its leaders.

Another factor in the incapacity of Latin American governments lies in the nature of the much-heralded middle class that has emerged. There are exceptions, but in general it does not perform the same function in Latin American societies today as the similar class served in 19th century Europe or America.[2] It arose not in opposition to the aristocracy, but in potential conflict with the industrial worker and the urbanized proletariat. Therefore it has not spurred evolutionary forces, but has been essentially conservative; and it has placed a higher value on social acceptance than on political power. This is not to say that the middle class has accepted the standards or the political ideas of the old aristocracy; but neither has it accepted the social responsibility nor the political leadership which, for good or ill, the aristocracy once exercised. As the old order crumbled, nothing has been offered to take its place.

Having defaulted on one set of responsibilities, it became easier to default on another. Since the government was not "theirs" and in any case was corrupt, it was not difficult to justify cheating the government out of the means of governing. Tax evasion is a national pastime in Latin America and a matter of individual pride. When collections are only a fraction of what is due the government, taxes are increased, often to such absurd heights and in such irrational ways that tax evasion becomes a necessity for survival. Meanwhile, the factory worker and a few others whose taxes may be collected at the source become the chief supporters of government.

The middle class, then, has not always exercised the political function that we assume it serves. This has left a vacuum to be filled too often by incompetents and opportunists. The Brazilians, whose sense of humor is a virtue carried to a fault, are wont to say that Brazil is the land of the future and always will be. The joke has the ring of truth and what makes it particularly poignant is that to bring that bright future into the present requires only a modicum of political leadership of strength and integrity. And so it is, in varying degree, with many other Latin American Republics. They may not all be on the eve of a bright future, but there is not one whose prospects could not be altered out of recognition by a decade of consistent political leadership, integrity in public office, and evidence of responsibility to the electorate.

Latin America has recently had a striking example of what honest and purposeful leadership can accomplish. Romulo Betancourt has bequeathed to Venezuela a sense of pride and achievement, which in the climate of Latin America is a gift beyond price. The admiration which flooded down on the President and people of Venezuela from North America after the December election stirred them deeply and there was hardly a literate Venezuelan who did not know of the letter in Time, nominating the Venezuelan voter as Man of the Year. No one can say whether the sense of unity and purpose now prevailing will have finally broken the tradition of dictatorship and violence, but there is a hope and optimism abroad in the land that is rare in Latin America today.

It will be said that few countries have the advantages of Venezuela's wealth, and this is true. But it is not the crux of the matter, as is demonstrated by a comparison of, say, Argentina, which has done so little with so much, and Costa Rica, which has done much with so little. The crux of the matter is that, with the possible exception of the Middle East, Latin America is the most politicized area in the world which has not evolved an adequate tradition of public service or political responsibility. While we must guard against applying Anglo-Saxon standards to a very different environment and culture, it is clear that until Latin America's political underdevelopment is corrected, its economic development will continue to lurch and stumble. For what is retarding development in the major Latin American countries is not so much lack of wealth and technology nor the vested interests of landed or commercial classes; it is the prevalence of corrupt and demagogic leaders, often the legacy of dictators, governing people whose cynicism about politics leads them to alternate between fatalism and violence.

The climate of uncertainty thus created, the unpredictable exercise of arbitrary powers by government, whether elected or not, are insuperable obstacles to sound economic growth. Governmental planning becomes a political football and private capital moves into the least productive areas, where the interest rates are highest and where the investor can get in and get out with the fattest profits and the least risk.

The Argentines and Brazilians know as well as anyone that there simply is no excuse for the conditions found in their countries today—try as they will to explain them or blame them on others. The new and almost freely elected Government of Argentina has done only two things of the least consequence in its first 4 months in office: One is to renegotiate the foreign oil contracts to its advantage; the other, to increase its borrowing from the central bank so as to become current in its payments to employees and suppliers. What characterizes these acts is that they require no courage, no imagination, and solve nothing. Already there is talk of more golpes, more military intervention. The situation in Brazil is worse, because there the Communists are in a position to take advantage of the economic chaos which already seems near, and which may be allowed or encouraged to become a reality.

It would be inconsistent with an earlier thesis of this article if there were not innumerable exceptions and qualifications to be made concerning these sweeping generalizations. Chile does have a tradition of public service, though it also has a tradition of protecting private monopolies; the Argentine landowner does exert political influence out of all proportion to his numbers; individuals of great eminence do serve as government ministers, often in maddening frustration; there are some individuals of great courage and integrity in public office; the incapacity or unwillingness of the Latins to organize and to cooperate for defined objectives would sorely try the best of leaders; our press has exaggerated some crises and failures out of proportion; and it should go without saying that we in the United States are not faultless either in our domestic affairs or in our relations with Latin America. The list of qualifications could be extended, but the generalizations hold, on the testimony of the Latins themselves. In the words of a democratic labor leader who had just survived a bitter battle with the Communists, "What we need is more patriotism." It is a word which, for all the rampant nationalism in Latin America, is almost unknown there in other than a flag-waving sense.

In countries which prize dynamic leadership above all else, it is particularly tragic that there is so little of it. The truly astounding outpouring of grief in Latin America on the death of President Kennedy was probably not so much because of any new initiatives he took or more sympathetic attitudes he reflected toward them, as because he epitomized what they themselves are looking for in a leader; personal appeal, energy, eloquence, ability, and integrity.

V

One senses that our responsibile officials in Washington and our Foreign Service officers in the field are being ground fine between the sensitivities of the Latin Americans and the need to state harsh truths; between their very lively affection for the Latins—so generally reciprocated—and the awareness that the United States is being outrageously used; between the Latins' private respect for the United States and their public abuse of it; between American commercial interests and the national interest, which are too often assumed to be the same; between the American public's unwarranted sense of guilt about Latin America and our Congressmen's periodic outbursts of wrath; between * * *.

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[1] It can be argued that Argentina today is more Italian than Spanish. One indication is that the majority of politicians, including the President and his two most recent predecessors, are of Italian extraction.

[2] See Claudio Veliz, "Obstacles to Reform in Latin America," The World Today, January 1963.

The tensions and conflicts are innumerable. What few generalizations can be drawn which will have validity for some appreciable part of this diverse area we call Latin America? After acknowledging that diversity and realizing that no policy will be relevant for all parts of Latin America, we might consider some of the following:

1. Talk more about responsible and responsive government and less about democracy.

2. Try to put our own fears of communism in better proportion to the extent and nature of the threat. Cuba was not subverted, but had communism clamped on it from the top. The country which today is most in danger is probably Chile, where a Communist-Socialist coalition stands a better than fighting chance of being freely elected to office next September, with a plurality of at most 30 percent of the vote. Elsewhere the threat may be altogether different, and more remote. Most of the things we can do to fight communism in Latin America have to be done quietly, and they are being done. But there are limits to what we can accomplish, and sooner or later we will have to be resolute in resisting the gentle blackmail which is posed as, "Help us or else." One day, perhaps in Brazil, the second option may have to be taken up. To assume that the alternative must be communism seems very dubious.

3. Distinguish more clearly in our own minds between technical and genuinely developmental aid programs, which more often than not are admirable in conception and accomplishment, and other forms of assistance which are unproductive and merely protect irresponsible governments against the day of reckoning. One reason the American people seem disillusioned with the rate of economic development in countries we have helped is that they do not know how small a proportion of our total aid has been used for development, how much to balance budgets or unsuccessfully fight inflation.

4. Avoid giving the impression that we look upon the OAS merely as an instrument for fighting communism. It has rarely been used effectively on issues of primary interest to the Latin American countries or as a means of drawing them more closely together.

5. Avoid making a fetish of consistency where circumstances in fact differ. For example, though we must do what we can to discourage military coups, we cannot thereby be put in the position of defending—simply because they were elected—venal governments which have wholly defaulted on their minimal responsibilities.

6. Do not let our own need for resoluteness and realism become an excuse for getting tough or an unwillingness to discuss and act in areas of friction between us and the Latin American nations—whether it be the Panama Canal or water disputes with Mexico or the price of coffee.

7. Give the highest priority in our programs of training, education and exchange to the search for leadership and the cultivation of a sense of individual responsibility for government.

8. Do not expect that the unwarranted abuse we are subjected to from Latin America will cease until the discrepancies between us and them—in size, power, and accomplishment—have disappeared. It will be a long time.

9. Though our big stick is too obvious to need to be carried, the first half of Teddy Roosevelt's dictum—to speak softly—still has great merit. Latin America is of two worlds. One is that of Cuba and Panama and damn-Yankeeism and demagogy and scalding headlines. The other is a quiet world where public statements are avoided, where emphasis is on the spoken word exchanged between a few individuals, where genuine respect and even affection for the United States is demonstrated. This is not only the world of diplomacy, as it ought to be, but the world of thousands of other individual relationships that tie us to Latin America. It is the world where things get done, away from those who would use any means to destroy those relationships and away from the temptation even of honorable men to take political profit from their dealings with us.

THE CASE FOR RESIDUAL OIL

During the delivery of Mr. THURMOND's speech,

Mr. PASTORE. Mr. President, I regret that I must make this interruption, especially on the civil rights bill, but this matter concerns not only the entire New England area, but the entire Atlantic seaboard.

As this administration turns its sights on our common war on poverty, it is to be regretted that men in places of responsibility in areas of poverty should distort the facts of life and try to throw coal dust into the eyes of workers who have a right to look up to them for the truth.

I have in mind statements recently credited to a Mine Workers official. The very violence of his language indicates that he realizes himself that his tirade lacks logic. It is so pointedly vicious in its attack on the good faith of President Johnson and the wise procedures of Secretary Udall of the Interior in allocating desperately needed imports of residual oil that one must look beyond and behind the screen and screed of the attack to discover that it is the old fashioned defense technique.

The mining workers official knows that the poverty of his region lies at the door of the operators who bled their region dry while neglecting to provide for the future of the miners who made them rich—a future threatened by the march of progress not only in the competition of new fuels but in the development of intricate mining machinery that sounded the death knell of miners' jobs by the hundreds of thousands.

Let me quote from an attractive booklet of the National Coal Association which I hold in my hand:

> The mine mechanization program has largely eliminated the need for hand labor. Above and below ground, giant machines mine, carry, crush, size, and clean the coal. Modern marvels of machinery load it into trains, trucks, river barges, coastal vessels, and oceangoing ships.
>
> Ninety-five percent of the bituminous coal mined underground is cut, drilled, blasted, loaded by machines. Output per man-day has reached 15 tons compared with 6½ tons in 1947 when the all time U.S. record of 630 million tons was produced.
>
> Production at surface mines averages 23 tons per man per day. The so-called pushbutton miner which has a single operator guiding its electronically controlled mechanism recovers coal at a rate of some 200 tons per man-day.

The American coal producer exports to more than 50 nations and in the last 17 years these exports of 820 million net tons of bituminous coal gave the miner a little interest in the give and take of international trade.

There is one point in this official's remarks that I would seriously question. He suggests that the late President Kennedy gave him the veto power over the health and welfare needs, in fuel, of the 50 million oil consumers on the east coast.

I would be the last to believe that President Kennedy entered into this secret deal with any person against the experience of his own researches and against the logic of supply and demand.

For years, Senator Kennedy and I worked side by side on these fuel needs. John F. Kennedy was logical and not parochial in his stand that costs and distance and suitability defeated coal in its competition in our New England area; and we sought imports of residual oil only as our domestic oil industry so perfected its processes that their byproduct of residual oil approached the vanishing point.

Residual oil being imported into this country from abroad is not in competition with the domestic supply. We just do not have enough residual oil being produced in the United States to meet the domestic demand.

It was for this reason that the Office of Emergncy Planning, after careful investigation, established that there is no connection between coal mining unemployment and residual oil restrictions.

The increase in residual oil imports allowed on March 6 by Secretary Udall amounts to 11 percent daily and compensates in part for the drop in domestic production which still leaves the east coast consumers in a seller's market.

The tirade may carry the signature of a workers' official but it also carries the sign of the coal lobby which has machined the modern miner off the payroll—just as they browbeat and abandoned the miner of yesterday and built a preserve of poverty in the regions that had made them as operators so rich.

I would like to believe that Mr. Boyle understands all this history of the coal industry. At least, I hope he has been on the mailing list for the story and has seen the pictures of the booklet of the National Coal Association and the Coal Exporters Association of the United States.

It will enlighten him as to how his men were machined into unemployment—and who did it. His angry outburst seems machine made too. Against such an assault I am sure that neither President Johnson nor Secretary Udall—nor the memory of President Kennedy—needs defense.

The whole thing marks a new low in lobbying and I fear Mr. Boyle has been "pushbuttoned" into an auger bit that deeply scars his cause.

My remarks have been as a preface to the introduction of a release by the New England Council so that the lobby may appreciate the resentment of John Kennedy's New England against the gratuitous slanders of this personal attack.

Mr. President, I ask unanimous consent that the release be printed at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

NEW ENGLAND COUNCIL CONDEMNS UNITED MINE WORKERS—PERSONAL ATTACK ON PRESIDENT JOHNSON AND INTERIOR SECRETARY UDALL

WASHINGTON, D.C., March 22.—The New England Council from Washington condemned the vicious personal attack against President Johnson and Interior Secretary Udall launched today by United Mine Workers' president, W. A. Boyle.

Mr. James S. Couzens, chairman of the New England Council's Fuel Committee, in a statement issued this afternoon, described Boyle's attempt to blackmail and bludgeon the administration "as typical of the cheap, tawdy tactics of terror used by the spokesmen for the coal industry and the multimillion dollar Washington coal lobby through the years in their attempt to blame heavy industrial fuel imports for the poverty and misery which exists in the coal fields."

"It is high time," Couzens said, "that Mr. Boyle and his cohorts, who have grown fat off the nickels and dimes of union members, stopped feathering their nests while deceiving their coworkers."

Couzens noted that the UMW's president, in his statement, castigates President Johnson and Secretary Udall for increasing allowable residual imports for 1964 slightly to make up for decreasing domestic production.

The Boyle attack claims that this increase will cost 2,000 American coal miners their jobs. If this is so, Couzens questions why it was necessary for the coal producers to fire over five times as many coal miners last year even while coal production and profits continued their steady increase.

Couzens suggested that on behalf of his coworkers, Mr. Boyle might like to go to the coal producers for public assurances that the replacement of men with machines will cease. For this, as Boyle well knows, is the real reason for the decrease in coal miner employment.

"Mechanization in mining and the related practices encouraged by coal producers have brought about a situation where more production simply means more machines, not more miners," according to Couzens.

When one 7-foot auger, manned by 4 men, can produce 440 tons of coal an hour, it is ridiculous to claim that residual imports represent jobs for 22,000 American coal miners, Couzens said.

The New England Council spokesman further charged that it would be better if these "merchants of misinformation" ceased their baseless attack on the 50 million east coast consumers of residual fuel oil and looked at the coal problem objectively.

"They should face up to the economic facts of life," Couzens said, "and then get on with the job of doing something constructive for the coal industry, instead of seeking an excuse for unhealthy conditions brought about by their lack of foresight."

"It was the coal producers," Couzens added, "who, while draining the economic lifeblood of the coalfields, should have made provisions for the future well-being of their human resources."

Couzens also asked by what right the coal industry and its spokesmen feel that the oil import program is their private preserve, initiated and maintained for the sole purpose of protecting the coal industry. Mr. Boyle should well know, Mr. Couzens added, that if this is so, the entire import program is illegal and should be discontinued. In spite of their loud claims, Boyle and his associates should be well aware that the only legal basis—questionable as it is—for continuing oil import controls is that they are in the interest of the national security—not to provide a Government handout to the coal industry.

The New England Council spokesman also questioned the accuracy of Mr. Boyle's claim that the late President John F. Kennedy had made commitments to administer the oil import program only with the advice and guidance of the coal industry. Let Mr. Boyle look at the record, Couzens said, and he will find that as a Senator, President Kennedy led the New England congressional fight to discontinue residual controls. As President, he was still sympathetic to New England's problems, even while exposed to the constant political badgering of coal spokesmen.

"President Johnson and Secretary Udall are to be commended," Couzens concluded, "for continuing to face facts objectively with regard to their administration of the oil import program, and by refusing to yield to the malicious personal attacks and misleading assertions of those who are working so hard and spending so much money to deceive their supporters, while keeping 50 million oil consumers—from Maine to Florida—in the economic shackles of artificial high fuel and power costs."

MUST I KEEP SILENT?

During the delivery of Mr. THURMOND's speech,

Mr. GRUENING. Mr. President, my steadily growing volume of mail approving my expressed belief that we should pull our men from the combat in which they are now engaged in South Vietnam and stop the needless sacrifice of American lives contains two items that should be read by Senators.

One is a letter which enclosed what I consider to be both a beautiful and a pertinent poem entitled "Must I Keep Silent?" written by Henri Percikow; the other is the leading editorial entitled "Can Khanh?" published in the current, March 28 issue of the New Republic.

I ask unanimous consent that the letter, poem, and editorial be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.,
March 21, 1964.

Hon. SENATOR GRUENING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: I wish to commend you for your courageous stand against U.S. intervention in Vietnam. I agree wholeheartedly with your position of bringing every American soldier home from Vietnam immediately and thereby saving the useless slaughter of American boys and of Vietnamese people.

I am taking the liberty of enclosing my poem, "Must I Keep Silent," and hope you may enjoy reading it.

Respectfully yours,
HENRI PERCIKOW.

P.S.—The enclosed poem was originally printed in the Hartford Times in Connecticut.

H.P.

MUST I KEEP SILENT?

(By Henri Percikow)

Must I keep silent walking among young men
Who through the seasons have been driven
On to Calvary to be crucified—
For whom, for what?

How can I keep silent when treading on dewdrops
Among fields strewn with white crosses
That tell of youth cut down
Of stillborn dreams and faith dissolved—
For whom, for what?

How can I stroll through lover's lane
And be deaf to the whispering vows of love
That ache to germinate life—
For whom, for what?

How can I watch silently the unfledged
That live dejected and brutalized,
Prey for tomorrow's death—
For whom, for what?

How can I remain silent
When your children, my children
Clustered on the tree of life
May be gathered and consumed—
For whom, for what?

CAN KHANH?

Since the administration does not seem to be able to think of anything better to do in Vietnam, it has decided to do more of the same. At this point, the situation begins to resemble an old movie in which the camera speeds up the action to produce a ludicrous effect. Episodes follow one another so fast that it becomes necessary to recapitulate. Last November, no Nhus were good news, and all bets were on Big Minh; now however, with what in happier circumstances might be regarded as merely due recognition of French cultural influence, the question seems to be: Can Khanh? If he can't, it won't be the fault of Washington. The White House last week announced that the United States will back up the new Vietnamese leader with substantial increases in economic aid, as well as additional military aid. But let no one think that such aid has been anything other than substantial in the past. In the last decade, this country has put nearly $3 billion into Vietnam, two-thirds of it for economic assistance and almost all of it in the form of outright grants. That $3 billion figure may take on more meaning if we are reminded that it is only a little less than half of the total of grants and loans made by the United States during the same decade to all of the 25 countries of Latin America.

There is a bit of irony in the satisfaction which the administration has officially expressed over General Khanh's new intention to put into effect a national mobilization plan that will provide conditions and terms of service in appropriate jobs for all able-bodied South Vietnamese between certain ages. If the same intention had been voiced by the Communists in the north, many an indignant column would be written in the American press about the evils of a police state.

At the end of January, some days after Secretary Rusk had announced that the then new measures of the South Vietnamese Government would bear good fruit, that Government was toppled by the regime of General Khanh. Toward the end of last month, the Secretary of State shot down with great dispatch a balloon sent aloft in a Presidential speech to the effect that it might be necessary to attack North Vietnam; Mr. Rusk said with unaccustomed bluntness that the problem was in South Vietnam, and that no miracle in the North could eliminate it. This month, Secretary McNamara and the Chairman of the Joint Chiefs of Staff have risked their lives in South Vietnam in order to put on a display of handshaking and head patting that was manifestly intended to bolster Khanh among his own people. One protecting helicoptor crashed, killing two American soldiers on board. An eyewitness remarked that security broke down to the point where anyone could have put a grenade into Mr. McNamara's pocket. Mr. McNamara attempted to explain his and General Taylor's extraordinary mission by saying that we went in order to emphasize that Khanh has our full support. Alas, it is not the full support of the Americans that General Khanh needs so much as the full support of the South Vietnamese. And although Mr. McNamara sought to encourage and astonish peasants by shouting, "Vietnam, a thousand years," there may be yet another coup, and then another.

What does it all mean? A reasonable series of guesses would be that the dependence of the insurgents of South Vietnam on North Vietnam is still exaggerated; that they manage to live off the country and to fight mostly with arms that they capture from the Government forces; that therefore the bombing of Hanoi or taking other military measures against the North might not have much immediate effect on the war in the South; that the risks of such action so clearly outweigh the possible gains and so rouse some of our allies, that Mr. Rusk felt obliged to turn aside from the idea; and that hoping against hope, the United States has decided to keep General Khanh propped up at almost any cost. In spite of Mr. McNamara's assurance of last November and again this January that American personnel could be withdrawn—at least by 1965—the American presence may in fact have to be enlarged. The U.S. commitment deepens month by month, with no end in sight for a war which Khanh himself admits is likely to continue for another decade or longer.

There is an alternative, though it might not be thought politically prudent to mention it aloud before the November election. It is the alternative suggested by a Republican newspaper editor and publisher, John S. Knight: "Recognize the impossibility of a military victory and negotiate for whatever political advantages can be found in a stalemate."

VISIT TO THE SENATE BY HON. GASTON DEFFERRE, DEPUTY-MAYOR OF MARSEILLES, FRANCE

During the delivery of Mr. THURMOND's speech,

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished assistant majority leader [Mr. HUMPHREY], with the understanding that I do not lose my right to the floor and with the further understanding that with such yielding the continuance of my speech shall not constitute another speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I thank the Senator from South Carolina for his thoughtful consideration and courtesy in yielding to me at this time.

I asked the Senator from South Carolina to yield to me, so that I might make a brief announcement and introduction.

Today, the Senate is singularly honored by the visit of and the presence of a distinguished and noted member of the French Chamber of Deputies, as well as a distinguished public servant who has for 11 years been the mayor of Marseilles, France. In the Republic of France it is possible to be a municipal official as well as a national official.

I refer to Hon. Gaston Defferre.

Mr. Defferre has been the deputy mayor of Marseilles, France, for 11 years. He has served in that important capacity as mayor of that great city of almost a million people.

For 3 years he served as a senator of the French Republic. For 16 years he served as a deputy representing his district in the French Chamber of Deputies.

M. Gaston Defferre is visiting our country. Yesterday, he delivered a very fine address at the National Press Club. He has had a number of visits with members of the executive branch of the Government as well as members of the legislative branch. He is known as a distinguished European as well as a great and distinguished Frenchman. He is a friend of the United States. He is a great fighter for democracy and freedom.

He is also a candidate in the coming elections in France for the office of President.

I welcome him to the Senate, and we extend to him heartfelt and fraternal greetings. It is always good to welcome a distinguished citizen of France, because in the hearts of the American people France will always find a very special place of honor and affection.

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I am glad to yield.

Mr. JAVITS. We on the minority side join in welcoming M. Gaston Defferre, with whom I have just shared the privilege of discussion about the great matters affecting the Atlantic community at the so-called Bilderberg Conference in Williamsburg, Va., presided over by Prince Bernhard, of the Netherlands. I had the honor to hear M. Defferre's views expressed at that conference.

As the Senator from Minnesota has said, M. Defferre is a distinguished citizen of France, and an outstanding public official. What I heard about his views and his deep interest in the integrity and the integration of the Atlantic community made me understand the reason why he is held in such high esteem, and why he occupies a place of such distinction.

So I take great pleasure in joining all Senators on the Democratic side in welcoming Deputy Mayor Defferre to the Senate of the United States.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the address by M. Defferre given at the luncheon of the National Press Club, on Monday, March 23, may be printed in the RECORD, because it states so clearly the views of our distinguished friend, and I wish to have the privilege of sharing them with all Members of Congress.

There being no objecion, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. GASTON DEFFERRE, DEPUTY MAYOR OF MARSEILLES, AT THE LUNCHEON OF THE NATIONAL PRESS CLUB, ON MARCH 23, 1964

I do not see eye to eye with General de Gaulle on relations between France and the United States—that much I think you already know. I would not have crossed the Atlantic and taken any of your time for that declaration.

But my conflict of views with the present French President does not at all mean that France, or any of our European countries, should be subordinated to the United States; I have come here to make it very clear. I have come to discuss it as a friend, but with frankness with the American officials, and I shall have the great pleasure and the honor to talk with President Lyndon Johnson tomorrow. I also came to discuss it with you.

The time is now past when two great nations, two supernations, two blocs, could dominate the world. In a few years we shall find it indeed surprising that we were not more clearly aware of this fact in 1964.

France and Europe are now economically strong enough to find unacceptable any form of tutelage or domination. In your own history you have experienced this situation and this state of mind. I am sure you will understand how we feel.

National self-respect is a natural feeling. It is healthy that this feeling should exist. It is normal that it should be expressed. What is unhealthy is the way in which it is now being exploited in France, both internally and externally, to justify certain policies.

It is possible to create a genuinely united Europe which will transcend present nationalist feelings, and it is possible to establish good relations between such a Europe and the United States—a true partnership. But to do so, we shall have to meet a number of conditions. Of these I came here to speak.

1. Frenchmen must not have the impression that the United States wants to keep them in a state of dependency.

2. Therefore we must agree on the objectives to be attained: equality of rights and the consequences deriving therefrom.

3. The method to be employed is that of frankness. We must not be afraid to admit that in some important cases our interests are not, at present, the same; and we must say so. But we must do it with the intention of finding solutions and it must be well understood that no one can impose his own point of view.

The most actual problem is not in the field of our military alliance; it lies in economic competition between the United States and Europe.

This problem must be stated in clear, objective terms.

It must not be obscured by the spectacular actions of any chief of state, nor by his desire to annoy his allies, nor by the reactions that this policy might provoke. For such reactions, however justified they may seem, are no more realistic than the actions which provoke your irritation.

Behind appearances we must try to look at the economic and industrial realities.

It is true that Europe's rate of economic growth in recent years has been perceptibly greater than that of the United States. The yearly average growth of the European Economic Community is 5.6 percent. That of the United States is 3.3 percent.

It is also true that American monetary reserves have diminished. From 1950 to 1960 they dropped from $22.8 to $17.8 billion; whereas in the same period the European Economic Community's reserves rose from $3.1 to $15.1 billion. This dollar drain is a source of worry for the American Government and the American people. We understand that.

Now, many Americans believe that this weakening of the U.S. external balance is mainly due to Europe's increasing competition, and to its being increasingly shut off from the currents of trade, notably American trade. But reality is different. It is a main point, and one usually much obscured by vague and passionate controversy. And that point I would like, if I may, to analyze rapidly.

First of all you are still very much stronger, in absolute terms and in comparison to us, than you think. The industrial strength of Europe remains far behind that of the United States.

The national product per capita in the United States is still about three times greater than in Europe.

Also American corporations have production capacity and financial possibilities far superior to those of, for example, French corporations. And this fact entails even more serious consequences in the future, since very large companies are better equipped obviously to finance scientific research and further progress.

I shall mention only one example, that of the General Motors Corp. The gross income of General Motors is the equivalent of the whole national budget of France. General Motors' profits alone are as great as the gross income of our largest automobile company, the Renault Works.

You are today very much stronger, especially in comparison to us, than would appear from the surface difficulties of your balance of payments.

What are the real reasons for the dollar drain, that is a primary concern to the American Government, and rightly so?

This balance-of-payments deficit does not result solely from foreign aid spending. It results also, and even more so, from the investing of private capital abroad by American citizens and business firms.

The current trade balance of the United States for 1962 was favorable to the extent of $3.6 billion.

The special charges borne by the United States because of its civil and military spending abroad, amount to $3.5 billion.

Thus there is equilibrium, and even a slight surplus, if we compare the current trade balance and foreign aid spending of all kinds.

But the outflow of private capital amounts to $2.5 billion, consisting of investments outside the United States.

So the general deficit in the American balance of payments is $2.2 billion, that is to say, a little less than the outflow of private capital.

Two points must be added:

1. Investments of American capital abroad will in future yield revenue which, reentering the United States, will improve the American balance of payments, and will impair the balance of payments of the countries where the capital is invested. We shall see in the future—and perhaps sooner than we think—a reversal of the present tendency in favor of the United States.

2. Also the deficit in the balance of payments is far greater than the actual gold drain on the United States. Why? Essentially because the European countries are willing to hold considerable quantities of dollars, which they do not try to convert.

My next point is this: The trend of commercial exchanges between Europe and the United States is not at all due to Europe's enjoying higher rate protection than the United States. The very opposite is true.

Contrary to a widely held opinion, Europe is rather weakly protected by tariffs. The average tariff barrier is 18 percent for U.S. tariffs and 12 percent for European tariffs.

The illustration and consequence of this we find in the rapid growth of imports in Europe in the last 5 years.

Growth of imports from 1958 to 1962:

European Community: $16,156 million to $22,327 million—plus 38 percent.

United States: $13,208 million to $16,240 million—plus 23 percent.

Growth of agricultural imports into the EEC: $4,020 million to $4,973 million—plus 24 percent.

Thus the accusation of autarchy has no basis. Europe depends greatly on world trade. It has contributed more than anyone else to the development of this trade in recent years. This is so true that today the Community must worry about reducing a commercial deficit that has reached alarming proportions, notably with regard to the United States.

Having made these few observations, we must draw conclusions, and make some political proposals.

America and Europe must become aware that they are facing the problem of what John Kennedy called the New Frontier. The important frontier no longer cuts through any continent, nor does it separate Europe and North America, the two most powerful continents, from the rest of the world. Instead, it cuts between the rich countries and the poor countries. The rich countries must settle their mutual problems among themselves in order to stand together in facing the challenge of this New Frontier.

To keep pace with the rapid evolution of scientific and technological progress, and with the expansion of the world's population, the point of view adopted must be a long-range one. The objectives which constitute our Horizon 80—true and complete partnership—can be attained only on condition that the policy adopted is defined without delay, and that successive targets are fixed and the ways of attaining them are decided.

No solution to the vital problem of economic development can be found in Europe autarchy and in American isolationism. These solutions are out of date, and are moreover in conflict with the current of world evolution.

But also to be rejected is the tendency to try to solve the difficulties of the United States and Europe, by setting up an immediate Atlantic zone in which America would exercise a heavy leadership over isolated nations. Such a policy would end in very sharp reactions from people who would regard American influence as a new form of economic colonization. Europe must first be united and strong.

Europe does not speak with a single voice. That is a grave cause of weakness in dealings with the United States.

For this dangerous, unhealthy, situation the responsibility of France, or rather of General de Gaulle, is, of course, very great. But you would, I believe, commit a serious error, which would compromise the future of relations between our countries if you were to take advantage of this situation by trying to establish economic domination over Europe.

Our one, major, great problem is to become equal partners. How?

First of all, by strengthening Europe economically, by accepting a certain level of protectionism and a certain amount of European preference during the time needed for consolidating a united Europe.

Europe must not be autarchic, but its European units must be given time to grow to Common Market, and then world size.

Also Europe must keep its authority over the key sectors that will be decisive for its development.

For instance, an excessive proportion of the active European population is engaged in agriculture. (In France nearly 20 percent, compared to 8 percent in the United States and 4 percent in Great Britain.) It will have to decrease, but it must be over a period of time and by methods which will not provoke social troubles. The greatest internal risk for Europe in the next 10 years is that of agricultural rebellion. This year we have had many blockades all over our country roads. We want to solve this problem, but we need time. A common farm policy in Europe is needed, it must not be considered by you as a device for economic warfare against the United States.

That was only one example. The European coordination of economic investments is also an absolute necessity. And these observations lead us to these conclusions:

1. No genuine economic equality can exist between the United States and any isolated European country.

2. An economically united Europe can become a reality, in time, only on condition that it also becomes a political unit.

It is in this perspective that the Kennedy round on tariff negotiations, starting this year, will be a test of reciprocal goodwill on the part of the United States and Europe. We must bear in mind the various factors I have tried to sketch here before you.

Before I finish this address I would like to speak of a current problem creating difficulties and excitement in American-French relations—nuclear armament.

I have already stated clearly, in my own country, my opposition to the French national atomic force and my opposition to the dissemination of nuclear weapons. I repeat it here.

But for the purpose of developing a true equality of rights between Europe and the United States, the idea of the multilateral force cannot be considered a real solution; and this fact must be faced.

As for the idea of a European atomic force, it is not possible to decide about it as long as a political Europe does not exist. Only when it does exist will the European government and parliament be able to decide if they want to build a European atomic force.

So, there again, we see that a united Europe is the very first step. And, for the future, you must understand that the present situation in the control of atomic weaponry will have to be modified between the United States and the future European power. At present you can use your atomic bombs anywhere without our advice, for possibly purely American ends, for reasons that are your own. It is true that you bear their expense. But if an atomic war breaks out, the whole world will be involved, and we shall all be destroyed.

If we establish our future relations as nations having equal rights in all domains, beginning with the economic, it will, of course, be necessary to reexamine the domain of military power. Equality and true partnership must exist there also. But let us deal first with the problems of trade and industrial growth; I firmly believe that the economics of peace are more vital and also more difficult than the weaponries of war.

All these problems are of such importance, of such gravity, that we cannot trust traditional diplomatic procedures for their solution, even in the framework of the present OECD (Organization for Economic Cooperation and Development).

Experience shows that in those diplomatic exchanges much too great a role is played by flurries of bad temper and issues of personal pride. What must be created, therefore, especially between Europe and the United States, is a set of procedures and institutions that will make possible a coolheaded, dispassionate, complete, permanent, examination of the great issues on which our common future depends.

I want to say in conclusion that I feel a great step forward would be made if we could begin to agree on new procedures and institutions that would make permanent consultation possible across the Atlantic. We should, at last, be able to study the real issues and discard the phony ones.

The old continent is giving birth to a young economic giant, and then a new era of partnership between true equals will begin—some 20 years after the military liberation of Europe as, in the words of General MacArthur, the "old soldiers will fade away."

Mr. HUMPHREY. Mr. President, I believe we should give M. Defferre a good old-fashioned American welcome. [Applause, Senators rising.]

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 98 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER.** A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. **LONG** of Louisiana obtained the floor.

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent that, without prejudice to my rights to the floor, and without its appearing as a second speech when I resume my presentation, and on condition that interrogatories and insertions will appear elsewhere in the RECORD, I may yield from time to time for insertions and also for questions and brief statements, reserving the right to insist on my right to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **LONG** of Louisiana. Mr. President, for months many people have been laboring under the misinformation and the misimpression that the Senate was to be studying a piece of so-called civil rights legislation whose main impact would be to expand upon the freedoms and rights now enjoyed by our citizens. Yet, the more I look through the 55 pages of these forced-integration acts, the more evidence I find that H.R. 7152 does more in the way of taking away personal rights than of conferring them.

Unfortunately, the bill is so cleverly drafted that neither the average person, nor even the average Senator, is able to appreciate fully its impact by merely reading it through once or twice—or even several times. As the distinguished Senator from North Carolina [Mr. ERVIN] said last week, even he, one of the country's outstanding constitutional lawyers, is surprised to discover several more boobytraps in it each time he reads through the bill. If a probing, highly trained legal mind such as his experiences such difficulty dredging up the muck from the bottom of this dark legislative pitfall into which the Senate has been led, then what possible chance does the American public have of appreciating the disastrous overtones of these forced-integration bills? In fact, the American public cannot possibly know the true nature of this bill, whose real effect—irrespective of its proclaimed design and purpose—is to destroy the backbone of our constitutional form of government and to change this Government into one of men rather than one of laws.

The thing which both proponents and the public have failed to realize is how arbitrarily this bill tampers with the basic structure of American government, with the American free enterprise system, and with our fundamental freedoms of privacy and property. They forget that the Constitution was drafted and instituted with an object of protecting privacy and property. It was intended to protect these vital elements from the shackles of dictatorial Federal control. But these forced-integration bills reintroduce into our institutions of privacy and property just such dictatorial control as our Constitution was designed to protect against.

Proponents claim that the forced-integration acts are intended to insure equal protection of the laws; but I believe that, if such radical laws as these are ever enacted, the American people will soon rise to demand protection from these laws, protection from the dictatorial powers which propose to be granted by the forced-integration acts.

One important element which all Senators should take into consideration is that these proposals seek to create new governmental powers which will immediately be subject to wholesale expansion, reinterpretation, and revision by the courts of this country, which today engage so very freely in judicial legislation. What may appear to be a relatively mild provision today will provide a very convenient vehicle for the creation, by judicial enlargement, of a grossly expanded provision tomorrow.

Consider what has happened to the very commerce clause upon which one of the main titles of the bill is based. The commerce clause came into our law as a mere power to regulate transportation of persons and things across State boundaries. Today, the courts feel no compunction whatever about upholding use of that power to permit the Federal Government to regulate wages, hours, prices, and just about every activity from a popcorn stand to a barbershop, from a manufacturing plant to a window washer, on the theory that the activity affects commerce. Are Senators so naive as to believe that the honorable court across the street will treat the provisions of this bill any less liberally than it has the commerce clause?

The commerce clause, which came into our law like a lamb, has now assumed the character of a ravenous wolf. And the wolf is threatening to swallow up many of our rights of free enterprise, privacy, and property through the provisions found in title II of this forced-integration bill.

Mr. President, this radical legislation would create a whole pack of wolves to be used against the rights of individual American citizens. This pack of wolves could be made as hungry and as ravenous as the Attorney General or the FEP Commission or the courts want to make them. Our only hope as a nation at that point would be the hope that the American people would not be content to sit back and have their historic rights destroyed forever by an all-powerful government; but by that time these powers may have been expanded to such an extent that the American public could no longer do anything about them.

That is why I and other opponents of these extreme measures are attempting to inform the people of this country about the contents and the consequences of H.R. 7152. We would like for their informed reaction to this wholesale invasion of their individual rights to come now rather than later, when it may be too late to kill these forced-integration bills or to make them safe by substantial modifications. Later, the wolfpack of arbitrary powers may be too powerful and too liberally nourished and encouraged by the courts and by the executive branch of the Government to be overcome by the American people.

On the subject of general public reaction to these extremist bills, I must say that it was heartening last week to see growing evidence that tens of thousands of citizens outside the South are at last beginning to make their opposition known to their representatives in this body. Several of my distinguished friends have been candid enough to indicate that they were beginning to smart under the snowballing attacks against their support of H.R. 7152 by thousands of thinking citizens who have begun to voice their disapproval of this legislation.

Of course, many proponents who have begun to receive adverse comments through the mails from their constituents still talk of these letters as the work of hatemongers and outside agitators; but, as the tide continues to mount, they will have to come face to face with the facts and realize that it is simply those good, honest, freedom-loving people who elected them to office who are now up in arms against the forced integration bills.

Fortunately, a trickle of factual literature is at last beginning to flow into States outside the South, explaining the noxious nature of this legislation to the citizens there. Millions of interested people are finally hearing another side to a story which the press has for more than a year been handling as though there were no other side. At last, the truth is filtering into extensive areas where the northern press has been just about as objective in its commentary on

H.R. 7152 as Pravda and Izvestia are objective in their commentary on the subject of capitalism.

People in all sections of the United States have for too long seen it become the expected thing and the fashionable thing for the powers of the Federal Government to be used for punishing people and threatening them in matters which had nothing whatever to do with the purposes and restrictions involved in the law which bestowed the power originally. So it would be well for the American people, before they allow themselves to be trapped by the provisions of H.R. 7152, to understand fully the nature of the "ball and chain" regimentation which this legislation places on their necks.

Many in our midst approve of an all-powerful autocratic state in which the government arbitrarily and inequitably dictates the amount of income a citizen may retain, or the kind of business in which he may engage, or the customers he may serve, or the number of employees of each race or religion or other classification he may employ.

We observe within our country today harassments of all sorts by government that tend to blunt the initiative of our successful and competent citizens and thus destroy the capitalistic system. It is as if we were helping to fulfill Nikita Khrushchev's fateful prophecy that communism will eventually "bury us."

The provisions of these forced integration bills provide an opportunity to bury ourselves, and proponents seem to be intent on achieving just that goal.

Many Senators seem prepared, in their enthusiasm for this legislation, to accept the intellectual aphorisms of those who say that each age is better than its predecessor, that to follow the spirit of our times is more important than to adhere to a written Constitution.

If the many other generations of Americans who lived under the Constitution before us had regarded the Constitution as lightly as do many in our midst today, we would probably have no Constitution by now. Now, however, many here are acting in such a manner as to suggest that most of the limitations placed by the Constitution on the exercise of Federal powers no longer match the spirit of the times and should be discarded.

Are the Ten Commandments also outmoded because they are old? Are they the reactionary doctrines of a bygone day? Some would make it so because we are now forbidden even to teach them in public schools. The highest court of our land—decrees that, if we wish to teach morality regularly in the classroom, we must not quote the written words of the Bible itself.

Now come also restrictions on initiative, the burdens of an artificial equality and the new legislative experiments outlawing "discrimination," an open end word which the bill before us fails to define in any way whatever. The competent are to be told to make room for the incompetent. The successful men in business are ordered to obey the Government, which at a moment's notice can interfere in ever more ways with their private ventures into capitalism. It is proposed that private enterprise now will be superseded by a public enterprise system.

Thus, in the year 1964, the Government proposes that every business enterprise shall no longer be considered private but public and that, irrespective of an owner's judgment or wishes as to the customers he would select, the Government will make the decision for him. The mob, encouraged by Government, stands at the threshold of our legislative halls demanding such laws.

This Senator will continue his efforts to point out to his colleagues and to the American people the dangers and, indeed, the unavoidable tragedies which await this Nation if we are so careless as to permit the national legislature to join the Supreme Court in allowing the structure of our constitutional democracy to become further diluted. These forced integration bills propose to accomplish just such a result, for they attempt to incorporate into our laws the extra-legal or super-legal machinery.

Mr. President, I do not suggest that the Constitution is a document of completely inelastic or petrified words and phrases. The late Justice Sutherland, one of our Nation's greatest constitutional lawyers, said many years ago that the Constitution "is made up of living words that apply to every new situation." But, Mr. President, this is only part of the statement. Mr. Justice Sutherland continued as follows:

> But to say * * * that the words of the Constitution mean today what they did not mean when written * * * that they do not apply now to a situation to which they would have applied then * * * is to rob that instrument of the essential element which continues it in force as the people have made it, until they, and not their official agents, have made it otherwise.

Mr. Justice Hughes expressed this same idea in the Carter coal case when he stated that "it is not for the Court to amend the Constitution by judicial decree." And it is my purpose to contend until hell freezes over that it is not for the Congress to amend the Constitution by legislative decree.

There is sometimes a tendency here in the Congress, where so much power resides, to forget that the whole theme of our Bill of Rights is to limit governmental powers. Our system of freedom is built on limited rights, limited duties, limited powers, and limited privileges. Restrained by this obvious truth, no Member of this body should presume to extend the scope of legislation on any subject beyond the limits of the Constitution on that subject. If by their actions proponents succeed in creating a right which is not within the scope of the Constitution—or in destroying a right which is within the protection of the Constitution—then they have engaged in an act which amends the law of the land. But the Congress has absolutely no power to do this. Proponents would have acted unconstitutionally.

Pressure both real and imagined have built up behind some of the proponents of these forced integration bills to the extent that many well-intentioned Members of the Senate are now prepared to dole out extra rights and privileges of all sorts—at the expense of rights and freedoms which have existed for generations under our constitutional system. I warn them to beware of the reaction of millions of American citizens when our people finally become aware of the well-concealed fact that this bill sells their freedoms and their constitutional form of government down the river of no return.

Senators know well that a basic problem in any democracy is the problem of preventing the usurpation of unwarranted power by any one man, by any group of men, or by the Government itself. But do they also realize that these bills propose the greatest usurpation of powers in the history of our Nation? Have they bothered to recall President Washington's sober warning on the subject of usurpation? Has it occurred to them that this is the sort of legislation to which the Father of our Country may have been referring in his Farewell Address when he warned:

> Let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Do Senators realize how much legislation on this subject is already in our lawbooks? In this Senator's estimation, there is already in our books just about as much forced integration legislation as the people of this country need or are willing to accept. More of it—especially the kind of it which was rammed through the House and which is now before us—will only drive the white and the colored races further apart and undermine healthy race relations at all levels.

Such legislation as this totally disrupts the normal patterns by which the Negro has for years been gaining acceptance by white citizens. Such acceptance has been and must necessarily continue to be voluntary to be genuine. If it is forced and coerced, it cannot be of any value at all to the Negro. It is this Senator's observation that until this controversy reached such heated stages in the past few months, there was a strong current of acceptancy on the part of white citizens in the South toward their Negro neighbors. This, I repeat, was the only type of acceptance which will ever be of any true meaning to the Negro; it was voluntary acceptance by people who found themselves relatively free from harassment and free from extremist pressures. But today we are asked to embark on a course of action which will do a great deal toward closing the door to voluntary action. It is my prediction that, if H.R. 7152 is enacted, the reaction by the American public will be so adverse that the process of voluntary acceptance will be set back by a decade or more. The public reaction against the sort of coercion embodied in this bill will unfortunately be taken out on the very Negroes in whose behalf this legislation is supposedly intended. This is no way at all to encourage better race relations; it is the way to undermine the sort of voluntary action which, until last year, was building up considerable momentum in the South and in other parts of the country which experience the problem of race relations on a large scale.

In this area of so-called public accommodations or public facilities, I think there are some very basic and fundamental definitions of which we need to be mindful. There is a difference between publicly owned facilities and the Government's duty thereunder, and privately owned facilities. There is also, I think, a very fundamental difference between rights and conveniences. They are not the same; they are not remotely the same.

Certainly, I could list at great length the constitutional rights which belong to the people of this country. There is the right to trial by jury. There is the right to freedom of speech. There is the right against improper search and seizure. There is a right to due process of law. And so on and so forth. These things, Mr. President, are not mere conveniences; they belong to a select classification known as constitutional rights.

But the convenience of stopping at a certain hotel or theater or restaurant, even though understandably important to people, is quite another thing. A convenience, it seems to me, is fundamentally different from a right. While the Government has the unquestioned authority and duty to enforce the protection of constitutional rights, the Government has no duty with respect to conveniences, as distinguished from rights. The area of conveniences would seem to be one in which voluntary action should be preferred wherever possible, lest we invade one man's rights in an attempt to protect those of another.

The Federal Government has already assumed too much authority and power in the direction of protecting conveniences as though they were constitutional rights, and the further this power is allowed to go the more injury it will cause the Negro.

There is already in our law books just about as much forced integration legislation as the white majority of the people of this country are willing to accept. More of it will drive the white citizens and the colored citizens into opposing camps and will thereby injure both races. Such radical legislation disrupts and often destroys the normal patterns by which the Negro has for years been gaining acceptance by white citizens. Such acceptance has to be voluntary to be genuine and to be of any value at all to the Negro.

Until this controversy reached such heated stages in the past few years, there was a strong current of acceptance on the part of white citizens in the South toward their Negro neighbors. It was the only type of acceptance that really means anything to the Negro; it was voluntary acceptance by people who found themselves free of harassment and pressures from extremists. There was no coercion and thus no strong element of resentment either on the part of the white citizen who was learning to accept the Negro or on the part of the Negro who was slowly being accepted. But the prospect of coercion is disrupting these patterns.

The old adage tells us that "you can lead a horse to water but you can't make him drink." These bills force the citizens of this country to swallow something that they are not at all prepared to accept and that many of them simply will not accept. They will have the opposite effect.

I suppose that in the last 30 years alone the Negro race has advanced more rapidly in this country than any other race in the history of mankind, Mr. President. If we take time to look at the positive side of the matter, it seems that the colored people have made phenomenal progress. But to try to coerce the white citizenry to provide more progress at the cost of their own rights and liberties can only bring disaster, both to the white and the Negro races.

People who are truly concerned for the welfare of the Negro should always remember that in the Southern States, notwithstanding the considerable numbers of Negroes, the majority of the people are white. With the single exception of Mississippi, not a mere majority but an overwhelmingly majority of the citizens of these States are white. Furthermore, the whites as a class control most of the wealth and most of the positions of power—economically, socially and politically. There is no question that this will continue to be the case for generations to come.

Therefore, anyone who pretends to understand the political, social and economic situation in the South will quickly be forced to the inescapable conclusion that little can be done for the colored minority without the cooperation and assistance of the white majority. As a white southerner, I have been pleased to see the tremendous progress made by the Negro people of my State during the past 3 decades. It has been a progress which, until recently, was accelerating from year to year. The progress of the colored man in the South was continuing to pick up speed and momentum until the unfortunate—and in some ways disastrous—decision of the Supreme Court ordering an end to segregation in public schools. Now, however, much of the good will which has been of such benefit to the Negro in years past is being attacked and alienated by extremists and by the prospect of radical legislation.

Prior to the 1954 decision, there was no organization in my community, nor anywhere else in my State to my knowledge, directed toward resisting integration of the races. Individuals were left to their individual standards and tastes in the matter—almost always to the great benefit of the Negro. Today, almost every locale has its white citizen's council or some other similar group. The atmosphere is becoming one that resembles a dogfight between persons who until recently were living side by side in peace and harmony.

The sympathy and good will of the white majority in the South is indispensible to the progress of the Negro citizen in that area. The southern white and the southern Negro are alined inexorably with a common interest in one another. In general, they will share the same fate economically and in many other respects. The outside meddlers who set southerners against one another are serving no useful purpose for the Negro or for the white; they serve only their own selfish, misguided purposes. Much harm will be accomplished both by them and by laws which contribute to a movement that loses for the colored man the support and assistance of great numbers of influential white citizens.

Perhaps the particular community from which the junior Senator from Louisiana hails is an exception, but I certainly do not think so. It is a very fine community so far as harmony among the races is concerned. But it will do race relations there no good at all to enact legislation which is repugnant to the basic principles and the basic freedoms upon which the American Government is founded. The simple fact that this legislation is virtually unenforcible speaks badly enough of it to give ample reason for its defeat. Since the time of Aristotle, it has been said that a law is a good law and a sound law only if it is enforcible, in the sense that the majority of the people in the community want to see it enforced.

Senators remember and know very well that prohibition was never accepted by large numbers of our people. Because of this, the laws prohibiting the use of alcohol proved ineffective and eventually had to be repealed. When the majority of people regarded the moderate use of alcohol as not wrong, they disregarded and violated the law which claimed that it was wrong. The disregard for these laws tended to result in disregard for other laws and to the breakdown of law enforcement generally.

Mr. President, if these forced-integration bills were to be enacted and attempted to be enforced on the South and on other parts of the country where there are substantial numbers of Negroes and where the majority of citizens believe strongly in segregation of the races, I feel that there would be a general disregard for this law and, to some extent, a general contempt for other Federal laws as well.

As much as the advocates of racial integration believe the end sought is desirable, let them never forget that the end will be defeated if the means used violate the sense of justice of the citizens. They should address themselves to the sense of justice of white citizens rather than by force and coercion to force their views on them.

It would be my guess that very few if any Members of this Senate are actually integrationists, in the sense that they themselves participate actively and personally in the process of integration or encourage their children to mix freely with the Negro race. Every man in this body knows full well that to a greater or lesser extent he daily segregates himself from the Negro race. There is nothing wrong with this. It is merely the result of the human trait which makes us gravitate toward creatures of our own kind. Most of us believe that this is a basic law of nature, and that more evil lies in ignoring it or in pretending that it does not exist than in following this law of nature.

One of the great concerns of many white people in this country involves the prospect of racial mixing through intermarriage. The misgivings which people have about racial intermarriage are for the most part based, not on prejudice, but on well-informed, long considered judgments by the people. White citizens who fear the consequences of intermarriage base their appraisal of the matter both on their own lifelong experiences and on the expert testimony of many highly trained experts who predict that the increase in racial intermarriage is not desirable for either race.

Regardless of what innate superiorities and inferiorities may or may not exist between races, there is evidence galore of the differences which exist between them. Such differences need not represent either superiorities or inferiorities. The important consideration is that there are differences and that logical, intelligent, enlightened persons are justified in wanting to protect themselves and their children from elements alien to their own culture, their own physical makeup, and their own heritage. All of us should have the right to protect and to preserve what we are. Perhaps we should call it the freedom to be what we are.

One of the very best commentaries I have seen concerning the subject of race relations and concerning attempts to enforce a sort of equality which simply does not exist was written last year by a Presbyterian minister from Nashville, Tenn. It seems to this Senator that by studying his words we might come a good bit nearer to an understanding of just what this thing called "equality" should or should not mean in terms of reality and in terms of the free-enterprise society in which we live.

The gentleman whose words I shall now submit for consideration and study by Senators is Dr. Walter R. Courtenay, minister of the First Presbyterian Church of Nashville, Tenn. He wrote:

During the past summer the air was filled with the raucous sounds of conflict in Birmingham, Chicago, New York, and Danville. It was also redolent with discord within the United Nations, and within the backward countries demanding recognition. Accompanying these was the endless struggle of labor and capital, and the seemingly endless drain of our resources into the giveaway programs at home and abroad. The air was charged with social electricity as individuals, groups and nations fought for new status under the banner of equality.

Equality has intoxicated the modern world. Men walk starry eyed through streets and halls dreaming of new days and improved status. The whole world seems in a pep-rally mood, and the bonfires grow larger and burn more fiercely, even as the songs, chants and shouts of the participants become louder and more fervent. In a thousand tongues men scream their demands for equality, for place, for recognition, for rights, for privileges.

As one listens, he frequently hears the words, "All men are created equal, and are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." But the words never end there, but hurry on to declare that it is the responsibility of government to make all men equal and to maintain equality amongst men. Still other words are heard, declaring that democracy has failed to establish equality, and that men, therefore, must now turn to socialism and communism.

In my summer setting, close to nature, I looked around for evidences of equality in nature, and found none. Trees and hills are not the same in breadth and height. Rivers and lakes are not of uniform size. Not all animals and birds are swift and beautiful. The lion does not recognize the equalness of the antelope, nor the fox, the rabbit. Some fields are fertile and others sterile, and clouds and puddles are not the same, though both are water-created. In nature inequality seems to prevail, and yet the inequalities of nature produce the beauty we admire.

As I thought of it, the same seemed to be true of history. Nations and races do differ in size, wealth, prestige, power, creativity and vision. Some soar like eagles. Some build like beavers. Some grow like vegetables and weeds in the garden called the earth. Between individuals, races, groups and nations there are broad differences, and equality is not a characteristic of either nature or human nature.

Having reached this point, my mind asked the question, "Can we have both freedom and equality?" Someone has said, "Freedom without equality tends to become license. Equality without freedom tends to produce stagnation." How can these great objectives be secured without damage to the highest social system men have yet devised—democracy?

Looking back across history, I realized that the Jews preached concern for the poor, but not equality. The Greeks preached democracy, but not equality. The Romans preached justice under law, but not equality. The Middle Ages in Europe preached Christ, but not equality. In fact, not until the French Revolution did men openly affirm that "Men are born and always continue free and equal in respect to their rights," and not until our Declaration declared that "All men are created equal" did the world come alive to the possibilities of equality. These two events placed a new chemical in the cup of life, and the contents of that cup are changing men.

Here I paused to rethink the words, "All men are created equal." Are they? I could see that all men are created equally helpless, equally ignorant, equally inexperienced, equally sin-touched, but I could not see how they could be said to be created equal in any other sense. Men do not begin life with an even start for all. Their beginnings are marked by differences in pedigrees, health, educational and moral levels, economic strength, social status and personality potentials. There are broad differences in temperament, talents, drives and desires. They do not begin life on a common line.

And what of the so-called unalienable rights, such as life, liberty and the pursuit of happiness? Life is the gift of God, and so are liberty and happiness—in a certain sense. But being born is never enough. Getting here alive is only a beginning. In order to really live, one needs medical science, proper nutrition, adequate care, and a chance to become educated and equipped for adult responsibilities. As to liberty, it is not something that comes with birth. Liberty is man-created, man-achieved, and man-maintained. God approves it, but man must win it.

Happiness is a byproduct of a way of life rather than something granted us by birth. It, too, is something we achieve by effort. It depends on many things: employment, purpose, personal development and the right use of the opportunities and duties of life. Life God gives, but liberty and happiness we must achieve.

Having reached that state of mind, I wondered why men ever thought that Government could make men equal and keep them equal. How can mere laws produce equality amongst men on a heart level? How can coerced fellowship ever become real fellowship?

WHAT GOVERNMENT MUST DO

That Government has a role to play in the mighty, moving drama of man's progress is not to be denied. Our Constitution and our Bill of Rights stand to affirm it. It is the function of government to state the conditions of liberty, equality and responsibility, but unless it is the will of the people to give life to the law, it will not work. The prohibition era proved that beyond our contesting.

Then why do we believe and state in our legal documents that "all men are created equal," and have "unalienable rights"?

I presume it is because we must find some means of limiting the powers of the powerful and of protecting the rights of the weak. Great power, unpoliced, tends to become destructive power. The right of the weak tend to be lost in a land where only the strong prevail.

We all understand this, even as we all realize that the clamor for equality is always a push from below rather than a pull from above, although it has often been both in these United States. Slaves have never enjoyed being slaves. The poor have never enjoyed being poor. The exploited have never been happy with exploitation. Those who fail have never been proud of their shortcomings, and the employed have always felt that it would be better if they were the employers.

It is from this level of life that the hunger for equality rises. It is here that utopia displays its broad green fields and still waters. It is from here that the valley of Shangri-La appears as the answer to all the ills of man. It is the hopelessness of the masses that provides the soil for hope in those who will not surrender to the accidents of birth and environment, and it is well that it is so.

And yet, one must face facts. In any classroom of pupils only a few qualify under the letter A. Below these leaders of the class are the B students, and then the C's, and then the D's, and then the F's. Some, by ability and effort, rise to the top, while others, because of lack of ability or application, take their places on the descending curve of scholarship.

In every nation it is the same. Only a small percentage of people have the ability, the desire, the drive, the willingness to work and sacrifice, to foresee and prepare for success in any realm. The people who struggle to succeed are never interested in equality, but in superiority. Their goal is never the level of the masses, but a level above the masses. They endorse and espouse liberty because it creates for them a favorable climate in which to think, plan, create, work and achieve according to their abilities and desires. They never pace themselves by the speed of the mediocre, but by the speed of the best. They are never satisfied by crumbs; they want half loaves and whole loaves.

PEOPLE WHO MAKE PROGRESS

It is such people who made America possible, and who have always led men in the upward climb. They are, in truth, the benefactors of the race. It is their ideas and creativeness that establish businesses and industries, thereby providing employment for others, and the taxes that make community and national progress possible. They furnish our best leadership, and give to the Nation our best guarantee of security. It is because of them that progress is produced in all areas of life—the intellectual, the artistic, the economic, the governmental and the social. While they did not build America alone, they provided the means whereby our Nation came into existence and has continued on its upward way.

Looking critically at such a line of thought, I suddenly realized that the success of the few creates the inequalities that loom large in the minds of the many. The haves highlight the have-nots. It is the successful who outlive the failures and all others who take their places on the curve of life as it sweeps downward.

During my summer days it seemed to me that:

It is the nature of some men to succeed, and others to fail.

It is the nature of some men to get by, and others to achieve.

It is the nature of the have-littles to want more.

It is the nature of the successful to seek to dominate.

It is the nature of those who are unsuccessful to resent it.

It is the nature of the poor to envy.

It is the nature of the wealthy to assume unjust privileges.

It is the nature of those who inherit wealth to use it well, to misuse it, or to feel guilty because they have it.

It is the nature of the intellectuals who receive their compensation from taxes or the gifts of the economically successful to advocate a change of system in order to get one wherein the intellectuals will be as generously rewarded as business executives under free enterprise.

It is because men are unequal in ability and drive, in opportunities for recognition and advancement, in rewards for work done and services rendered that people become restless socially. It is the inequalities of humanity that create the crusaders for equality. In the 18th century men looked to democracy as the answer to the inequalities amongst men, and now in the 20th men look toward socialism and communism.

Democracy, as we have tried to shape it in America, has been heavily impregnated with the Ten Commandments of Judaism and the spirit of Jesus. Because of this, we are suspicious of any system that advocates the big lie, covetousness, greed, the stealing of property, the destruction of life, and the taking away of liberties. Democracy condemns without reservations the confiscation of private property and capital by the state and the regimenting of human beings like animals on a farm. Our democracy is not perfect. Imperfections exist, but its virtues exceed those of any other system mankind has tried.

These observations moved me then to reach certain opinions concerning American democracy:

1. Democracy was never created to be a leveler of men. It was created to be a lifter, a developer of men.

2. Democracy was created to let the gifted, the energetic, and the creative rise to high heights of human achievement, and to let each man find his own level on the stairway of existence.

3. Democracy was created to help men meet responsibilities and shirk no duties. That is why our Nation has been concerned about the honest needs of its citizens. We lead the world in justice, even though justice does not always move with prompt alacrity. Our Nation has been noted for the size of its heart, and not merely for the size of its pocketbook.

4. Democracy demands that the Nation be governed by the capable, the honorable, the farseeing, the clear seeing, and not by mediocre men. In the beginning, it was so. May it be so again.

5. Democracy demands more from men than any other system in the realm of self-discipline, dependability, cooperativeness, industry, thrift, and honor. Democracy will not work when party politics are not guided by basic ethical principles. For a party to foster class consciousness, class conflict, misrepresentation, covetousness, violence, theft, and an open defiance of established law is to breed anarchy.

6. Democracy must give to all its people the following rights:

The right to equal learning.
The right to equal employment.
The right to equal treatment.
The right to equal justice.
The right to adequate housing.
The right to vote.

The meditations of the summer convinced me that governments of themselves cannot make men equal or remake men into the beings they ought to be. That is a spiritual venture, not an economic and political one. A change from democracy to either socialism or communism, or a change from private capitalism to state capitalism, will not solve the basic problems of mankind; it merely shifts the areas of power.

I am disturbed, therefore, when church leaders and church groups seem to advocate socialistic means and objectives as the answer to the problems of democracy, and especially the problems of equality. This is especially true when certain leaders voice slogans that appear logical and Christian, but are not. Let me name four:

1. "The world owes every man a living." No, it doesn't. Christian ethics have never said so, and I have never known any man worth his salt who has claimed special rights under such a slogan. It is the cry of the lazy, the inept, and the failures. Such a slogan is a far cry from our meeting the needs of the needy, which, of course, is our duty.

2. "Production for use, and not for profit." That sounds good, but it is as phony as a Russian promise. It is profits that have produced the blessings of our Nation and enabled her to be a blessing to the nations of the world. Profits are essential to the general well-being of society. When the state takes over under the slogan of "use, not profits," men lose their liberties and their standard of living. Such a switch merely augments the insatiable appetite of the state.

3. "Human rights, not property rights." As I look out over the world, one thing is clear: Where there are not private property rights, there are no human rights. Private property rights form the seedbed in which human rights mature. As long as private property rights are clear, human rights will flourish.

4. "The end justifies the means." According to Christian ethics the statement is not true. It was just such a statement that produced the crucifixion of Jesus, the torture of the martyrs, the burning of witches, and the denial of life and liberty to the inhabitants of current communistic lands.

Churchmen, whether lay or clerical, who seek to solve the problems of our society through socialistic processes, rather than democratic ones within the free enterprise system, are heading down a road that leads toward darkness. Only by encouraging Christians to envy, to covet, to be class conscious, to foster class conflict, and to approve stealing and even murder, can such objectives be attained. To realize them, would bring about a broad denial of law and order, and the orderly handling of social problems. Whenever we as a church, an educational system, or a Supreme Court encourage people to misrepresent facts, to use force wrongfully, to flaunt law and order, and to stimulate bitterness and hatred, we depart from logic, Americanism and Christianity.

I unhesitantly oppose the use of socialistic and communistic methods in the solving of the problems of our free-enterprise democracy. Our problems are problems of human nature rather than of economics and sociology. The man who has two cars is not preventing another from having one. The man who earns $50,000 a year is not robbing him who receives $300 a month. The man who owns a good house does not thereby force another man to dwell in the slums. And the people who prosper under our system cannot be blamed for the problems that plague the lives of those who compose the lower 25 percent of the Nation. The so-called privileged are not always a credit to either church or state, but they are not, in the main, parasites on the body politic. We are, therefore, wrong when we damn the successful, the wealthy, the enlightened, and the patriotic in order to gain what we call equality.

Having said that, let me hasten to add that the redistribution of wealth will not solve the human problem that plagues us. Wealth is not fairly distributed in any land under the sun; it never has been and, I presume, never will be. Nor do we solve social predicaments when we blame the top 20 percent of our people for the inequities that seem to mark the 80 percent.

Nor is it logical for our Government to be forever emphasizing the neglected duties of the employer, while ignoring almost totally the neglected duties of the rest of us. The wealthy have many sins to confess, but so do we all. And when we come to the advocacy of moving from private capitalism to state capitalism, and the listing of the sins of democracy while ignoring its multiple virtues, and assuming that virtue resides in the have-nots, but not in the haves, I can only shake my head at the presumed wisdom of such positions.

Let no one hearing my voice conclude that I am speaking as a have or a defender of the haves. Let no one believe that I am unconcerned about those in our midst whose rights are often ignored and whose status is questioned. I am not blind to the sins of the privileged any more than I am the sins of the underprivileged. The business leaders do not need my voice to defend their position; they are strong defenders of themselves. But I have walked the roads of life with men of all classes, and have reached one conclusion: "There is none righteous, no, not one." We are all bearers of the telltale gray of selfishness. The 5 o'clock shadow is on all our faces.

The Lord I love and serve was not overly optimistic about humanity. He knew man as he is, and worked with him for what he could become. He ministered to the multitude, teaching, healing, feeding, encouraging, comforting, but He never assumed that equality was part of the human scene. He talked of love and neighborliness, but not equality.

Perhaps that is why the New Testament puts the emphasis on brotherhood and not equality. It emphasizes responsibilities, not privileges. It stresses love toward God and love toward neighbor. It seeks to create a church that will be brotherly within, and concerned for those without. It urges men to find the God-way to selfhood, success, and happiness, and offers a heat-treated cell to all who misuse life, be they rich or poor.

Paul, in his letter to the church of Corinth, denounced the lack of brotherhood within the church, and urged men to be concerned for one another, but he did not assume equality to be one of the "must" characteristics of Christianity. It was not a matter of love without differences, but love in spite of them.

The church, as someone has said, learned a long time ago that it is easier to create liberty than it is to establish equality. It has always known that equality can only be had by a loss of certain liberties. If men want equality above all else, they may best find it in communism. If men want liberty and a fair portion of equality, they must turn toward democracy.

What the world needs is a change of heart, a change of climate born of faith in God, a reaching up that there may be a reaching out, a confession that produces a new dedication. This governments and laws cannot create, for governments and laws are but the reflection of the standards of a people.

Everything in social Christianity depends on the wise use of possessions, time and talents, and only when we, Christian members of a democracy, become good stewards of the things that bless life do we begin to move in the direction of righteousness and justice, peace and true prosperity.

LIBERTY FIRST—THEN EQUALITY

The problem of equality may be in many ways the greatest problem of our day. We cannot solve it by government, and we shall not solve it en masse. Only when we as Christians take seriously the teachings and example of Jesus shall equality and liberty exist without detraction or subtraction. Only when we stand before God confessing our needs shall we be empowered to meet the needs of others.

If I must choose between liberty and equality, I must choose liberty and then hope and work for equality, for such seems to me to be the Christian's way.

Mr. President, the conclusion to which this Senator comes is that there is no legitimate place in our law for these forced-integration bills. The only thing this sort of legislation can do is to drive a firm wedge between the colored and the white populations of this Nation—a wedge of fear, ill feeling and misunderstanding. Such laws do not create or expand rights; instead they take away rights which already exist among our people.

Mr. President, human nature has not changed during my lifetime and it will not change very much—no matter how much legislation is passed on this subject. Such legislation, while accomplishing nothing of a positive nature will most certainly rob this Nation's citizens of their basic freedoms of association and privacy. We have heard all too little about this freedom of association which has been so dear to the American way of life since our beginnings as a nation. Like the 10th amendment, it is conveniently forgotten by the proponents of this legislation, because as long as anything resembling complete freedom of association remains in our law, there will be no place for major parts of the legislation we have before us today.

I wonder how many Senators have considered the matter of the freedom of association at any length or have seen anything written on the matter. Frankly, I have seen very little material on the subject, probably because we have always viewed it as too basic a right and too fundamental a freedom even to question its existence or its nature. One commentary I did run across recently might be of interest to Senators. It appeared in a 1957 issue of U.S. News and reads as follows:

The Supreme Court of the United States on June 17 last added to the Bill of Rights of the Constitution a new phrase—"political belief and association."

The Court said: "Nor can the first amendment freedoms of speech, press, religion, or political belief and association be abridged."

The words "political belief and association" have never been in the Constitution, nor has there ever been a definition by the Supreme Court of what is included under "political belief and association."

We are ordered now, however, to accept as the "supreme law of the land" this edict from the Court:

"Merely to summon a witness and compel him, against his will, to disclose the nature of his past expressions and associations is a measure of governmental interference in these matters."

This means that the citizen who knows, for instance, through his "associations" that members of a so-called political party are plotting the overthrow of his own government, is under no obligation to divulge his knowledge of a prospective crime of treason.

This raises a significant question: Does such ironclad protection for Communists and subversives extend to the political belief and association of loyal Americans?

Many workers, for example, conscientiously hold, as a right of political belief and association that they should not be compelled to join a labor union organization—and, of course, labor unions are in politics. But employees are forced to sacrifice their beliefs as the price of a job.

Many employers hold, as a right of "political belief and association," that they should not be compelled to dismiss employees who decline to join unions. But Federal law today compels the employer to dismiss such employees unless they are willing to conform to the "belief" of the majority in a plant.

May we assume now, therefore, that the right of association—which, in theory, is a right given to the employee and the employer alike—cannot hereafter be abridged and that this provision of the existing law now violates the first amendment?

What shall be said, moreover, of the "compulsory process" visited on the employer by the same statute requiring him to bargain collectively with the agents of a majority of his employees? The employer today is not permitted to recognize any minority of individuals who may wish to make separate arrangements with him for compensation.

Since by mere fiat of the Supreme Court the Constitution is now so readily amended, it would appear logical to petition the Court to add just a couple more words so that the phrase will read: "political, economic and sociological belief and association."

An economic or sociological right is as precious as any political right. Indeed, the three are inseparable.

As for sociological belief and association, the Supreme Court can hardly forget that it specifically emphasized "sociological" considerations when it ruled in 1954 in favor of mixed schools. Sociology can be regarded now as a part of political science, anyway.

Surely citizens who band together to choose the companions for their children in public schools are entitled to all the privileges and immunities that members of the Communist Party now are to enjoy. Should not "freedom of association" be applicable also to education generally? Is it to be limited solely to the professors and teachers and not granted to the parents or to the students themselves?

If, for instance, some citizens wish to join with others in establishing mixed schools for their children, should not this right of association be respected, along with the right of a community to provide separate but equal facilities so that all-white associations and all-Negro associations can be preserved through processes of volition rather than compulsion?

For if freedom of association is now an integral part of the Constitution, this freedom should be available to the millions of citizens who never have faltered in their faith in the American system of government. It should not be confined to those who now have been given by the Supreme Court the right to advocate publicly the forcible overthrow of our Government and to conceal their association with a political party having secret alliances with a foreign government that is hostile to us.

Let us hope that the Supreme Court, which now has become virtually a legislative body, will, as Congress does, respect the right of petition.

May the Supreme Court of the United States listen to the pleas of the people and apply the equal protection of the laws to all citizens, so that not just a few thousand Communists but everybody may enjoy freedom of association.

I digress to say, as one who fought for his country and comes from a section of the Nation where the disloyal elements represent a very small percentage of the population, that I resent the Supreme Court assuring greater rights for those who would destroy our country than for those who would preserve it.

Strictly on principle, there is theoretically no reason why a man should be denied a job by reason of his color if he is as capable as a white applicant, or why he should be denied hotel accommodations solely because of race. But this theory runs up against another basic principle—the right of a businessman to choose his customers or his employees on whatever basis he wishes.

The 30 States which have antidiscrimination laws on their statute books have not been able to wipe out discrimination, and neither will the Federal Government be able to do it. This was the experience with the constitutional amendment prohibiting the manufacture and sale of intoxicating liquors. National prohibition simply couldn't be enforced by the Federal law officers or courts as against local sentiment. The citizen could not be compelled to drink only what the Government told him he could drink—nonalcoholic beverages. This, too, was publicized by churchmen and lawyers as a moral issue. After 13 years—during which law enforcement generally broke down—the Constitution was amended to permit the States to handle the problem as best they could.

The Nation is going through another such crisis, and it may mean years of strain in law enforcement as the Fereral Government tries to deal with the mess that is bound to be created.

Many companies, for instance, which have always hired some Negroes complain that in certain categories they cannot get competent applicants. Still they are accused of discrimination and threatened with picketing.

Agitation in a worthy cause does draw attention to neglected fields of legislation. But, to be successful, the measures must gain the compliance of the majority of citizens—not imposed by coercion but won by persuasion.

Freedom of association comes when individuals win their way by their own qualities of mind and their capacity to mingle congenially with others on a basis of mutual respect. There are plenty of whites who aren't hired and who are turned away because they do not seem personally to fit into a particular job. There are plenty of whites who are not invited to other people's homes or into clubs because today, as always, human beings select their own friends and associates. Sometimes the process of selection involves an injustice or unfairness. But freedom of association is essential to a well-ordered society and will not be repealed by a generalized demand for equal rights to jobs or in public accommodations.

The problem of the future is to preserve the right of selection while at the same time all citizens are urged to let their con-

> sciences guide them away from acts of racial discrimination in every field.

Mr. President, besides the dilution of our freedom of association, one more basic and most fundamental right being removed by this legislation is the right to own property in the true sense of ownership.

The right to own and use property to make profit provide the basic economics of private enterprise under capitalism. This should be among the most inviolate of all our rights. But now we are told that by the personal interpretation of an employee of the Federal Government the right to own and use one's own property will be removed wherever a discrimination is shown.

Yet, the term "discrimination" is never defined. It is left open to the most ridiculous and harassing definitions that can be conjured up by the Attorney General or by the Civil Rights Commission or by the Fair Employment Practices Commission. We have the entire weight of the Federal Government alined against the property owner and the employer without our once having tried to define the terms—such as "discrimination"—by which the Government enters the controversy, and on which it bases its heavy-handed regulation.

It is hardly prudent for us to adopt such drastic bills merely on the basis of findings that various racial differentiations exist and without regard for the individual's right to own and operate his personal property as he sees fit.

Such action would violate the Constitution and the fundamentals of capitalism. It would shake the very foundations of the United States of America. At a time when communism and capitalism are locked in a life-and-death struggle, with the right to own property as the principle ingredient of that struggle, we should be particularly careful not to dilute in the slightest our constitutional right to own and operate property.

Let us not make a tragic error in the mistaken name of conferring civil rights. This section on public accommodations throws many fundamental American civil rights right out the window.

Mr. President, from the time of the first equity courts there has always been a strict protection of property rights. Most constitutional historians will tell you that the Constitution was drafted with the primary goal of securing and protecting property rights. But I say that the way this legislation is worded, we are being asked to vote for a law which will permit the Attorney General to single out any businessmen and proceed to pummel their rights of privacy and property to death.

Certainly, Mr. President, I make no pretense at being an authority in matters of legal and constitutional interpretation, but I do lay claim to a reasonably sound understanding of the fundamental concepts underlying our American system of government. Therefore, being firmly convinced that the so-called civil rights bill now under consideration would have the effect of dangerously undermining the system of personal liberty and private property rights which are basic to the American way of life, as well as infringing further on States rights, my remarks today are intended as an appeal to reason.

I simply cannot believe, it is the will of the American people that a network of special privileges for one minority group, created at the expense of the traditional freedoms of the majority of our citizens, should be written into law. Nor can I believe that the American people wish for the Congress, no matter what the pretext may be, either to ignore or attempt to nullify clearly stated provisions of the Constitution.

Certainly, every American has the constitutional right to be let alone in the operation of his business, so long as his operations are carried on in an orderly manner. It appears to me to be quite clear that the Federal Government does not have the authority, under the Constitution, to tell the individual citizen the persons with whom he must associate, and require his compliance, or, either, how he must use his property, or whom he can or cannot serve in his business establishment.

No person can conscientiously deny, I believe, that the right of self-determination on the part of the individual is a fundamental right, and one which is essential to a free society. And if this is so, as surely it is, to enact legislation which would deny this basic right to the citizen, which would prevent the individual from choosing, or deciding upon, the persons he will, or will not, serve in his place of business, no matter what type of business it may be, is to take a destructive step in the direction of the elimination of all freedoms and, in doing this, to bring domination by the Federal Government over the individual lives of all Americans.

The proponents of this bill see nothing disturbing in the fact that if we can tell a man who he can serve and who he must admit in his hotel or motel, then certainly there is no reason to believe that at some future date, another group will succeed in convincing a majority of the elected representatives that Congress must dictate what can be served, the price that can be charged, and the manner in which it will be served; and perhaps even the type of sheets that will be used in the motels, the kind of soap that will be used in the lavatories, the kind of rugs that will be placed on the floor, and the kind of materials with which the hotel or motel must be built.

Mark my words and mark them well; if this becomes the law of the land, those who today are clamoring the loudest for these alleged rights, will be the first to clamor that this proposal is depriving them of their rights—for they are vesting in the Federal Government the last vestige of personal rights and States rights. This proposal does more to remake the nature of our form of government than any proposal since the founding of the Nation.

I shall vote against it, and I sincerely hope that all others who have the sincere best interests of the Nation at heart will vote against it. But I am not so naive as to believe that commonsense and cool analysis will prevail in the atmosphere that exists today. But there will come a day, just as surely as I am standing here, when those who support this proposal will wish that they could recast their vote in the negative.

I have received messages from small businessmen from all over the Nation who have asserted that if people of a certain race—whom the Attorney General could force upon them—should come into their places of business, the trade upon which they depend for economic success would cease, and they would lose their business. This destruction of one's business is as much an invasion of one's private business enterprise as if the Government set fire to the building in which the business was housed. The only difference is that this legislation would make the taking perfectly legal.

Mr. President, some of the Members supporting this legislation, in order to bring in every argument for its passage, talk about our image before the rest of the world, arguing that what we have not done is being used against us all over the world, et cetera. I, as one Member of the Senate, am getting sick and tired of being told that we must pass practically every piece of radical social legislation that comes before this body because, if we do not, it will create a bad image all over the world. If, after spending billions upon billions and then more billions on our world image, we have been unable to create a favorable picture, it is high time that, relative to H.R. 7152 at least, we stop paying homage to this false god of our so-called world image—especially when every step we take toward passage of this bill is another subtle step toward the destruction of the very system we wish to make look so good in the eyes of the world.

Proponents of this legislation have been pressured by those who have called the 88th Congress a do-nothing Congress for having delayed so long in acting on these nefarious bills. But, in this Senator's opinion, it is doing a great deal when it delays and attempts to stifle action on proposals which are bound to bring ruin to our system of government by allowing our rights of privacy and property to be overrun. I should like to point out a comment made on this subject by Dr. Charles R. Brown, former head of the History Department at Roanoke College. It is entitled "Do Nothing Congress or Guardian of Freedom." I ask Senators to pay close attention to the interesting comments offered by Dr. Brown and to ask themselves if perhaps he is not correct in his thesis:

> When the 1964 national election campaign gets underway some of the candidates will be shouting here and there that the 88th Congress was a "Do-nothing Congress." In my opinion that designation of the longest Congress in peacetime will be improper, unfortunate and untrue. In fact the 88th Congress was not only a busy Congress, but one that was definitely aware of a trend in this Nation that should be challenged and checked in keeping with constitutional principles.
>
> The reference is to the trend that permits the executive department and its courts to make the laws that should be emerging from

the legislative department empowered by the "fathers" to legislate for the needs of all the people all the time. The struggle that went on in the 88th Congress was not an inept desire to block legislation but a courageous desire to prove to itself and the people that too much of the legislation in the last 30 years has been set up by the Chief Executive or handed down by the Nation's high courts, the membership of which the President appoints and in a large measure controls. In short, the Congress has grown tired of receiving the bills to be passed instead of creating them according to its best judgment. The legislators in both House and Senate were elected by the people to formulate the necessary laws for the guidance of "We the people" and not to simply receive and stamp them as they flow in from the White House and the courts—hence the rebellion of the 88th Congress soon to be called a "Do-nothing Congress."

The 88th Congress also concluded that our people—a too much governed people—needed a rest from numerous regulations, having the force of law, now flowing in from almost every branch of the executive department. No doubt some one alerted this Congress to remember Thomas Jefferson, the great Democrat who believed in and advocated a minimum of legislation for a Democratic society. Jefferson had great faith in the people's judgment as to what constitutes proper legislation and judicial activity in a government of and by the people. Whether a bill sent in will have the proper effect on human liberties and well-being should be of great concern to any Congress.

Therefore, instead of calling the 88th Congress a "Do-nothing body," the American people should recall that the Founding Fathers carefully considered the need for a separation of powers and gave the lawmaking power to the Congress—not to the executive department and its branches. This Congress, therefore, did much to check the growing power of the executive which seems determined to turn this land into a welfare state in which the people would no longer use their judgment, but be forced by spurious laws to follow the Chief Executive into a leveling-off process where the rich would feed the poor and all the peoples everywhere would be graded as equals; in our old fashioned and highly competitive economy which has made this Nation great and the envy of the less fortunate peoples in other parts of the world, that sort of life would be exceedingly dreary.

This Congress, instead of doing nothing, has asked some very pertinent questions about the policy of this Nation's federalized bureaucratic regime to continue the practice of trying to buy friendships from those peoples around the world who refuse to accept our way of life—only our money—with the conclusion that if we continue to spend our money to revive our enemies the more we will wreck our own integrity and our will to resist those foreign principles and interests that would drag us down to their level.

The final conclusion, therefore, would seem to be that the 88th Congress should be complemented as a thoughtful and courageous Congress for throwing a roadblock against those executive philosophies and forces that are leading the American people away from their constitutional rights of yesteryear into a life of compromise, weakness, and indecision—with glorious promises to succor all people everywhere who may be in trouble whether they profess to be friend or foe. No wonder the do-nothing Congress (soon to be so labeled) refused to honor a package of bills calculated to lead us away from our constitutional moorings.

We shall live to thank the 88th Congress for its timely intervention in behalf of our constitutional rights as free men and women.

Mr. President, I have read that commentary from a very thoughtful author; and I only hope the outcome of this debate will prove that he was correct.

My worry at this point, Mr. President, is that, despite all our efforts to defeat this proposed legislation, substantial parts of it may yet be passed by this body and signed into law. Why am I worried? Mr. President, I am concerned because, in my considered opinion, the powers which this bill would give are so far reaching, so all encompassing, and so undermining of personal freedom and private enterprise that I do not believe a Member of this Senate can truly foresee the ultimate effects of its enactment. If this bill were enacted into law—and the powers conveyed therein would be used to the fullest extent possible—the future of democratic government in America would be greatly endangered. In the guise of insuring civil rights, the bill extolls civil wrongs; it fosters unrest; and it puts a premium upon mob demands.

By all odds, this is the most iniquitous, liberty-destroying proposal that has ever been reported to Congress by one of its committees. In a way, I am almost happy this bill was deprived of its proper and legal privilege of going to a Senate committee. The committee system on this side of the Congress is perhaps better off without the smell of this sort of proposed legislation on its hands. Even in the days of the Reconstruction—when the wrath of the congressional radicals was poured upon the South—nothing so far-reaching or so devastating to American freedoms was ever conceived by those who sought to implement the 14th and 15th amendments to the Constitution.

The people of this country have been led to believe that the bill before us is a toned-down version of a more extreme proposal which had been pending for many months in the Judiciary Committee. The press has made much of the assertions that this measure is a compromise between more rigid proposals and no bill at all. Nothing could be much farther from the truth.

The bill has not been toned down. The whole underlying principle is the same. The objectives are the same. It still regiments; it still projects the Federal arm of power into areas where the Constitution never intended it to go. The political purposes which the bill would serve are still active and forceful; and, in my opinion, therein lies the basis for this entire issue.

The architects of this proposed legislation did their work well; I shall have to concede at least that to them. There is not very much in the way of private rights and freedoms that is not touched.

Every segment of society, every facet of our free enterprise system, and every nook and cranny in the country could be policed and regimented by the Federal Government, under the powers contained in these proposals.

Every business in America would be affected in some way, and the rights of the businessman under our private enterprise system would be undermined.

The strangest thing about the whole matter is that much of this despotism over individuals and their rights of privacy and property is pegged on the 14th amendment. As I read the 14th amendment, that provision in our Constitution speaks only in terms of State action. The amendment provides in very clear and very explicit language that "no State" shall deny any person the equal protection of the laws. But, by some stroke of the pen which this Senator fails to understand, the authors of this title have sought to control individual action not only on the basis of the commerce power—which is appropriate—but also on the basis of the 14th amendment—which applies only to State action. By definition, this title employs a fiction, in order to assume that individual action somehow is State action. We are asked to provide that if there happens to be a custom or usage in a community which has been tolerated or fostered at some point by a public official, then any action on the part of an individual proprietor which happens to be consistent with it, is tantamount to State action.

There are in our law books numerous Supreme Court decisions which assert that the 14th amendment has nothing whatever to do with individual invasion of individual rights, Mr. President. The Court has already said that we cannot, by using the 14th amendment, step in and dissolve an individual's rights to privacy and property, on the ground that through the individual exercise of these rights he has discriminated against some other individual.

I wish to read to Senators two brief paragraphs from two decisions of the U.S. Supreme Court, the second one having been handed down in 1963.

In the case of Burton against Wilmington Parking Authority, the Court said the *Civil Rights Cases*, 109 U.S. 3 (1833), embedded in our constitutional law the principle that—

> The action inhibited by the first section (equal protection clause) of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

In the case of *Peterson* v. *City of Greenville*, 373 U.S. 244 (1963), the Court stated that "individual invasion of individual rights" is not within the purview of the 14th amendment, and "private conduct abridging individual rights" does no violence to the equal protection clause.

So, Mr. President, in that case, handed down not more than 1 short year ago, the Court asserted that as far as individual actions are concerned, we have no right to peg such a law as the proposal found in title II on the 14th amendment. Let me repeat, we have no constitutional right to pass such a law.

If we are asked to enact this sort of provision by relying on the already bloated and overexpanded commerce clause of the Constitution, we should at least put the language of the proposal into commerce-clause terminology. At present it is plainly 14th amendment terminology that forms the framework of title II. I think there should be adopted to this bill a number of amendments such as the ones proposed by Congressman Edwin Willis during the House debates. As an example, he suggested, correctly, and wisely, that to keep this section constitutional, we should change the wording of section 201(b)(1) to read:

> Any inn, hotel, motel, or other establishment which predominantly provides lodging to interstate travelers—

And so forth. This would peg the bill on the commerce clause, from which it is alleged to come, and would remove from it any reference to the 14th amendment, which obviously does not belong in it.

Surely, Mr. President, every time the Senate passes a bill, it should have a very clear understanding as to what basis, and upon what delegated power, we are proceeding. This should be particularly true of legislation so important and so far reaching as H.R. 7152.

So, the first item in opening debate on title II should be for us to ask ourselves this question: Upon what delegated power, in the Constitution, is title II allegedly based? The proponents, of course, rely on the so-called commerce clause of the Constitution and on the 14th amendment to the Constitution.

In order, in turn, to bring in hotels, motels, and other establishments under the control of the Federal Government, reliance is placed primarily upon the commerce clause. But what power under the commerce clause is delegated to the Congress?

The Constitution itself is very simple on this point. It says that the Congress shall have the power to regulate commerce among the several States. It does not cover all commerce. It must be commerce among the several States. We can only regulate interstate commerce. We cannot regulate intrastate commerce.

Let me read the language employed in the bill so that Senators can understand the thrust of what is said there. Senators will note that there are only three brief sentences which are used as a device by the bill to extend the jurisdiction of Congress over this wide range of private business enterprises.

The first of these is found in section 201(b)(1) to which I referred a few minutes ago. It states that this act shall apply to "any inn, hotel, motel, or other establishment which provides lodging to transient guests." To whom? To transient guests. Such an establishment is defined as ipso facto and automatically "affecting interstate commerce."

What does that mean? It means that the test is not interstate commerce. The sole test for a hotel, inn, or lodginghouse to be included is if it provides lodging to transient guests.

What does that mean? It means that it does not necessarily relate to interstate travel. It means that if one travels from one town in his State to another town 3 miles away and wants to stop at a lodging place, he is a transient guest.

What does that mean? It means that even if one does not cater to and does not have interstate travelers, he is covered.

Mr. President, if we pass this bill as it now reads, we will have taken a giant step toward the day when there is no such thing as intrastate commerce. That day is not far in the future if we are so willing to ignore the standards of action that the Constitution sets for us. The overtones of this kind of action can and will reap a bitter harvest in years to come, if we do not awaken now to the need to protect our rights of property and privacy from wholesale usurpation by the Federal Government.

This Senator belongs to a group in this country who happen to believe that it is not constitutional to tell a man who has invested his personal savings in a hotel or motel or some other facility that he must accommodate to the Federal Government's views in this matter without any remuneration back to that man who has invested his personal savings. There are other ways to make adequate facilities available and in a way more acceptable to the individuals who wish to use them.

I do not deny that there may be many a Negro traveling the highways of America and having some difficulty finding adequate accommodations for himself and his family. But I do not believe that his difficulties makes it constitutionally proper for the Federal Government to step in and to deny property owners along his route their basic rights.

What this Nation needs to solve such situation is what one House Member has called a voluntary accommodations act. What the Government needs to do is to assist people to find housing and other facilities that are needed by providing for Federal financing of loans at low rates or at no rates of interest to people who would establish motels, hotels, and other needed facilities. Such legislation would protect the freedom of association and the rights of privacy and property which form so integral a part of this Nation. Such a plan would assure adequate housing, motel, hotel, and eating accommodations for all people in the United States, would do away with the atmosphere of apprehension or ill will now prevalent in many parts of the country. A Negro could have the assurance of a safe and sound night's sleep, and there would be no need for the compulsive and probably unconstitutional legislation introduced by administration leaders.

Frankly, I believe that such a loan program would in the final analysis cost much less to finance than the cost of enforcing this so-called public accommodations section of the bill promises to cost. It seems, therefore, that both opponents and proponents of this legislation should begin thinking of alternative approaches in which this would not be the case.

I should like to ask Senators a question:

Do Senators who are going to vote for this bill believe that the right of individuals should go to the point where the Government through this means will destroy the income and the property and perhaps force into bankruptcy those who have worked and saved and earned, in order "to help interstate commerce"?

If so, then we have vastly different concepts of the American free enterprise system. Under this law and the consequences that will follow in its wake, the free enterprise system in this country will be subject to massive reshaping and remolding at the hands of Federal injunctive power.

Mr. President, we have been talking at length about property and property rights. Senators should ask themselves what is "property." In its strict legal sense, "property" signifies that dominion or indefinite right of user, control, and disposition which one may lawfully exercise over particular things or objects. As so used, the word signified the sum of all the rights and powers incident to ownership. So defined, property is composed of certain constituent elements, including the unrestricted right of use, enjoyment, and disposal of the particular subject of property. Owners of real estate have the right under the Constitution to use, lease and dispose of it for all lawful purposes. The right of free and untrammeled use for legitimate purposes is fundamental and within the protection of the Federal Constitution.

The sum total of all of the foregoing constitutional provisions and the foregoing illustrations of the meaning of property and property rights is the foundation of our free and competitive enterprise system, just as the sum total of the foregoing constitutional provisions dealing with individual rights is the foundation of all civil rights. And under our Constitution we can no more protect individual rights by impairing or destroying property rights than we can protect property rights by impairing or destroying individual rights. Nor can one freedom be advanced or protected by impairing or destroying others.

Title II of the bill draws under Federal control inns, hotels, motels, and other lodginghouses, restaurants, cafeterias, lunchrooms, soda fountains, gasoline stations, motion picture houses, concert halls, theaters, sports arenas, stadiums, and other places of exhibition and entertainment.

Having named these categories of private business establishments, the bill adds a "catchall" category. Any retail establishment in which one of the foregoing categories of business places is located, or any retail establishment located in any of these categories, is covered. Therefore, if a lunchcounter is in a drug store or a department store, the entire store is covered. If a doctor or lawyer has an office in a hotel building, he is covered under many circumstances.

In executive session, the Attorney General expressed concern about the broad coverage of the subcommittee substitute. He said:

> What businesses are covered by this provision (in the subcommittee substitute) are unclear—I have no objection to broadening the bill's reliance on the 14th amendment or

> broadening its scope **if the Congress so desires.** But invoking the 14th amendment generally is no substitute for specifying those establishments which Congress, enacting national law to solve a national problem, intends to cover.

Title II is said to be based on two concurrent constitutional provisions. The foregoing enumerated establishments are found by Congress to be "places of public accommodation" and are covered, first, if they affect interstate commerce, or second, if segregation is "supported" by State action. The word "supported" is defined as meaning that segregation, first, "is carried on under color of law, statute, ordinance, regulations, custom, or usage, or second, is required, fostered, or encouraged by action of a State."

The constitutional grounds utilized in title II reflect new extremes in the attempted application both of the commerce clause and of he 14th amendment.

Senators will be hearing a great deal about the commerce clause in the Constitution. The exact clause reads as follows:

> The Congress shall have power to regulate commerce among the several States.

That is all the clause provides. It does not provide that Congress shall have power to regulate commerce. It provides that Congress shall have power to regulate commerce among the several States. In other words, Congress cannot regulate intrastate commerce; it can only regulate interstate commerce. And the commerce clause does not say that Congress has the right to regulate habits, customs, human behavior, morals, or attitudes; it can only regulate interstate commerce.

Senators will hear about court cases concerning the manufacture of goods and farming operations, and so on. There is no doubt that the courts have gone far in this field. But one can at least see and feel corn and wheat; he can measure and buy these grains by the ton, and he can put them in a truck or a boxcar and ship them across State lines. But that is a far cry from what the proponents of this bill would twist the commerce clause to mean. I ask even Senators who are not lawyers to remember the simple provision of the powers of Congress under the commerce clause—that is, to regulate commerce among the several States.

In respect of "commerce," title II indulges the presumption that "transients" generate "commerce," and that offers to serve travelers affect "commerce" in the area of the 14th amendment and the concomitant requirement of some sort of State action; but this provision touches on matters which have nothing to do with affirmative action by a State. In both respects, title II constitutes a novel and dangerous experiment in political theory. Its adoption could work a revolutionary change in the existing balance of Federal-State relationships.

In my opinion, however, the attempted utilization of the 14th amendment and the commerce clause to support title II cannot be defended on constitutional grounds. Senators are well aware of the decision of the Supreme Court in the *Civil Rights* cases, 109 U.S. 3, which held squarely and unequivocally that the act of Congress of 1875, entitled "An act to protect all citizens in their civil and legal rights" and proposing to do exactly what is proposed to be done by title II, was unconstitutional and could not be supported under the 14th amendment.

Since my guess is as good as anyone else's, I venture to say that the reason no effort was made to base the 1875 statute on, or to justify it under, the commerce clause was the feeling that there was far less chance to support its constitutionality on the commerce clause than there was to have its constitutionality upheld under the 14th amendment.

One of the recent decisions of the Supreme Court of the United States reaffirming the principles announced in the Civil Rights cases is that of *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715, 6 L. ed. 2d 45 (1961), in which the Court said:

> The *Civil Rights* cases, 109 U.S. 3 (1833), "embedded in our constitutional law" the principle "that the action inhibited by the first section (equal protection clause), the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful."

As late as May 20, 1963, in *Peterson* v. *City of Greenville,* 373 U.S. 244, the Supreme Court stated:

> "Individual invasion of individual rights" is not within the purview of the 14th amendment, and "private conduct abridging individual rights does no violence to the equal protection clause."

In his concurring opinion in the Peterson case, Mr. Justice Harlan said:

> Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference.

In 1959 the Fourth Circuit Court of Appeals in the case of *Williams* v. *Howard Johnson,* 268 Fed. 2d 845, 847, stated clearly this well-recognized rule when it said:

> This argument fails to observe the important distinction between activities that are required by the State and those which are carried out by voluntary choice and without compulsion by the people of the State in accordance with their own desires and social practices. Unless these actions are performed in obedience to some positive provision of State law they do not furnish a basis for the pending complaint. The license laws of Virginia do not fill the void.

It is clearly unconstitutional to bottom any claim of Federal control of State action upon custom or usage involving acts which constitute merely private conduct.

The attempt to base Federal regulation of public accommodations upon the interstate commerce clause is equally unconstitutional.

The broken package doctrine is succinctly stated by the Supreme Court in *Dahnke-Walker Co.* v. *Bondurant,* 257 U.S. 282, 290, as follows:

> Where goods in one State are transported into another for purposes of sale, the commerce does not end with the transportation, but embraces as well the sale of the goods after they reach their destination, and while they are in the original packages.

The claim that the intrastate sale or renting of goods which have moved in interstate commerce is in itself interstate commerce is in the teeth of the long line of cases illustrated by the statement of Mr. Justice Brandeis in *Pacific States Box & Basket Co.* v. *White,* 296 U.S. 176, 80 L. ed. 138:

> The operation of the order is intrastate, beginning after the interstate movement of the containers has ceased, and after the original package has been broken.

That the basis used in this bill to attempt to transform intrastate commerce into interstate commerce is untenable, is demonstrated by the decision of the Court of Appeals of the Fourth Circuit quoted above, *Williams* v. *Howard Johnson,* 268 F. 2d 845 (1959), as follows:

> We think, however, that the cases cited are not applicable because we do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

See also *Elizabeth Hospitals, Inc.* v. *Richardson,* 269 F. 2d 167, decided by the Court of Appeals of the Eighth Circuit in 1959, which cites the decision of the Supreme Court supporting the rule as follows:

> We think that the plaintiff's operation of a hospital, to include rendition of hospital services to some persons who came from outside the State, is no more engaging in interstate commerce than was Dr. Riggall in rendering medical services to persons who likewise came from other States. The fact that some of the plaintiff's patients might travel in interstate commerce does not alter the local character of plaintiff's hospital. If the converse were true, every country store that obtains its goods from or serves customers residing outside of the State would be selling in interstate commerce. Uniformly, the courts have held to the contrary. *ALA Schechter Poulty Corp.* v. *United States,* 1935, 295 U.S. 495, 55 S. Ct. 837, 79 L. Ed. 1570; *Lawson* v. *Woodmere,* 4 Cir. 1954, 217 F. 2d 148, 150; *Jewel Tea Co.* v. *Williams,* 10 Cir., 1941, 118 F. 2d 202, 207; *Lipson* v. *Socony-Vacuum Corp.,* 1 Cir., 1937, 87 F. 2d 265, 267, certiorari granted 300 U.S. 651, 57 S. Ct. 612, 81 L. Ed. 862, certiorari dismissed 301 U.S. 711, 57 S. Ct. 788, 81 L. Ed. 1364.

In this Senator's opinion, Congress cannot constitutionally enact a statute converting intrastate commerce into interstate commerce, as is here proposed, without upsetting every one of the original "unbroken package" cases and their long line of successors.

If Congress has the supposed power over hotels, motels, and lodging houses here sought to be asserted, then Congress has the right to regulate them in every respect, even as to the rates they can charge for rooms. If Congress can say what guests they must take, then it can say what rates they must charge for their rooms, or even can tell them what they can put on their bill of fares, and maybe not to serve things that are objectionable to certain people.

If Congress can make a finding that the business of these private and independent operators constitutes "places of public accommodation," then we may as well make a finding that such private and independent businesses are "affected with a public interest" and regulate them like public utilities, guarantee them a return on their investment, or maybe just run them by the Government.

In the teeth of previous rulings of the courts to the contrary, title II undertakes to order that from here on the 14th amendment shall mean that the private owner of a place of business, such as a restaurant and many others, cannot choose his customers.

Despite previous court decisions, and beyond and contrary to the provisions of the commerce clause itself, title II undertakes to regulate intrastate commerce and to make a finding, intended to be binding on the courts, that the activities of the owner of a private establishment, such as a local hamburger stand, a local gasoline station, or a local grocery store constitutes interstate commerce.

Before discussing how and on what basis all of this is to be accomplished, let us consider certain fundamental provisions of the Constitution dealing with both civil rights and property rights.

We must and do respect all the provisions of the Constitution protecting the rights of the individual—the 5th amendment and other provisions of the Bill of Rights, the 14th amendment, and the 15th amendment, upon all of which civil rights are based.

But certainly without putting them above those dealing with individual rights, we must also respect and abide by the provisions of the Constitution dealing with property rights, upon all of which our system of free and competitive enterprise is based.

Mr. STENNIS. Mr. President, before the Senator leaves title II, I wonder if he will yield to me for a question or two.

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. LONG of Louisiana. I am glad to yield.

Mr. STENNIS. I was very much impressed with the way the Senator presented his case on the floor of the Senate. He cited the 1883 case, one of the so-called civil rights cases, in which the Senator pointed out that the Court clearly held that the 14th amendment gave Congress no power whatsoever to enact legislation based upon private rights and the invasion of private property, that it had to be a State action to be controlled; otherwise, the amendment was not effective.

In the Senator's research——

Mr. LONG of Louisiana. Let me interrupt the Senator at that point to say that the case has been affirmed and reaffirmed. It was reaffirmed not more than a year ago.

Mr. STENNIS. The Senator is correct. That was to be my second question. In the Senator's research, did he find any case that overruled it or even detracted from it one bit? Rather, it has been affirmed on down to the present day?

Mr. LONG of Louisiana. There is absolutely no case, no authority anywhere for the contrary position. I found nothing to breach that position.

The Senator knows that those who seek to assert this power contend that they can support it on the commerce clause rather than on the 14th amendment. But, as I point out in the course of my presentation, and as the Senator knows, the Supreme Court has always known of the existence of the commerce clause. The Supreme Court of 100 years ago or 2 years ago, or any time in between, when it passed on cases in which someone urged that he could do these things because of the 14th amendment, could have upheld him, on the ground that while he did not have power under the 14th amendment, the commerce clause gave the Government that power; but the Senator knows the Court never did.

The people who make the argument that the provision is constitutional and based on the 14th amendment did so because they knew that the commerce clause would be a weak reed upon which to lean. So the Court never thought much of it and neither did those who were making the argument that they could act under the 14th amendment.

Mr. STENNIS. They therefore selected the other way, either under the civil rights case of 1883 or the Howard Johnson case of 1959, one of the two mentioned in connection with the commerce clause, and stated that the commerce clause was always applicable, and that it could be used as a basis for this kind of case or legislation. Is that not correct?

Mr. LONG of Louisiana. The Senator is absolutely correct. The businesses we are talking about are not engaged in interstate commerce. Therefore, the Federal Government has no power to regulate them in the manner proposed. It does not have the power under the commerce clause, because the businesses are not engaged in interstate commerce. It does not have the power to do so under the 14th amendment, under the cases which have been decided on the basis of the 14th amendment as late as last year.

I object to some of the decisions of the Supreme Court, as does the Senator from Mississippi; but the present Supreme Court would really have to reverse its own decisions in order to arrive at a contrary result. Therefore, when we oppose the bill we are upholding our oath as Senators, in which we swore to uphold the Constitution. Anyone who makes the kind of assault on the Constitution, as is being made in connection with this bill, is in my opinion in direct violation of his own oath as a Senator. I leave each Senator to be the judge of his own conscience; but before a Senator votes on a matter of this kind, I suggest that he look at the oath he swore when he became a Senator, to protect and preserve the Nation and to uphold the Constitution and the laws of the land. If he voted for this bill he would be voting, in my opinion, for what is clearly an unconstitutional act. In doing so he would be making an assault upon the Constitution.

Mr. STENNIS. I agree with the Senator. Of course, in the final analysis, it is up to each Senator to be the final judge of his own duty and his own conscience.

Mr. LONG of Louisiana. I agree.

Mr. STENNIS. If he felt that this was an encroachment on the Constitution, it would be his duty to reject the bill, rather than to let the courts make a decision on it.

Mr. LONG of Louisiana. One of the things that keeps me happy is that from time to time, when I have fears for the future of this country, I indulge myself in the presumption that perhaps the other fellow is right and I am mistaken. In this case, however, I cannot see it that way.

I do not seek to disparage the views of others who take the contrary position. In my judgment, based on what the Constitution provides, and on the precedents up to this date, I feel that I would be violating my oath of office if I were to vote for the bill, because I would be voting for what in effect would destroy the Constitution. We should not present that kind of act to the Supreme Court. We should not try to force that kind of outrage on the American people.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Merely to buttress the Senator's argument, I should like to read briefly from the testimony of the Attorney General, Robert Kennedy, when he appeared before the Committee on Commerce on July 1:

> We recognize that in 1883 the Supreme Court held in the civil rights cases (109 U.S. 3), that Congress did not have power, under the 14th amendment to prohibit discrimination in privately owned places of public accommodation, and that Congress' power under that amendment is only over discrimination accomplished by the action of a State.

The Attorney General said further:

> The 1883 decision has not been overruled and remains the law of the land.

He further stated:

> It is for this reason that we rely primarily on the commerce clause.

In fairness, I should say that he later said:

> I happen to feel that if this law were predicated on the 14th amendment, it would be declared constitutional by the Supreme Court.

The only possible interpretation we can give to that statement is that the Attorney General thought the Supreme Court would reverse itself, as it has on other matters. However, he pointed out further that there was disagreement on that subject. He said:

> For instance, the Solicitor General feels that it makes far, far more sense to base this on the commerce clause than on the 14th amendment. There are others who feel the same way.

I will not quote all the Attorney General said with reference to this point. However, he upholds, in substance, the Supreme Court decision, and says that it is the supreme law of the land, and therefore, for that reason, this provision is based on the commerce clause.

My question to the Senator is this: Based on the testimony and on the cases and on the continuation of the holdings, is it not absolutely necessary that there be a State action of some kind on the part of the State before any law can be bottomed on the 14th amendment?

Mr. LONG of Louisiana. There is not the least doubt about it. That is how the law stands. The Supreme Court has held that to be the law as late as last year. There is no doubt that under those decisions the proposed law would be an unconstitutional act.

Mr. STENNIS. I should like to get the Senator's opinion on one other point. In Mississippi there is a statute which does not require the separation of the races in a restaurant. It provides, in fact, that a person can serve whom he pleases.

Further it permits the proprietor of a restaurant to put up a sign to the effect that he reserves the right to choose his own customers.

My question is, If an altercation were to occur between the proprietor and a person who sought to be a customer, and the proprietor asserted his right to choose his customers, and had to call the police in order to maintain order in his establishment, would that action by a State policeman give validity to a law which we might enact, if the bill were passed, in an effort to regulate a proprietor to the extent of saying whom he would have to serve in that restaurant? The calling of a policeman to preserve order is no more than the calling of the policeman into a man's home, or calling him out in the street or into a store or out on the sidewalk. It is merely the preservation of law and order. Any person who is attacked or wronged has the right to call the police. If the bill should be passed, it would be possible for the authorities to try to make this kind of situation a State action on the ground that the man has called the police, as in the case of a man coming into a restaurant and the proprietor of the restaurant having to call the police.

Mr. LONG of Louisiana. I believe that the argument that a State action was involved because a person might have to call the police in order to maintain peace and harmony and tranquillity, or to protect his property, is really a very tenuous argument. It is a ridiculous basis upon which to assert that State action is involved and that, therefore, in some way the private discrimination involved was a State action. It would be ridiculous to so hold.

If such a decision were made, of course, everything would be subject to Federal regulation under the 14th amendment, for one could say that, because a State has a law dealing with sanitation, and because everyone in a city enjoys sanitary facilities, therefore everyone who uses the sanitary facilities is subject to State regulation.

The same thing could be said with respect to a building code governing the construction of buildings in a city, and even in rural areas, because the construction of an edifice requires that it be built according to the building code, and therefore a State action is involved.

The same thing could be said of a State itself, namely, that every person living in the State would be automatically subject to State action.

The Senator knows what the decisions have held. They have been correct and have been accepted. They hold that if a person, by law, tries to require a person not to serve persons of a particular race, or to require discrimination on the basis of race, creed, or color, that is a State action which is null and void, and cannot be enforced. However, a private person has a right to discriminate in any way he wishes.

When the Senator was discussing a related point earlier in the debate, I said that if it is contended that the 14th amendment prevents a person from discriminating on the basis of race, creed, or color, for the mere reason that the State has something to do with an action, the contract of marriage would come within the scope of this proposed legislation because it is regulated by State law. A number of things in the marriage union are spelled out under State law, with respect to the rights of the husband, the rights of the wife, the rights of the children, and the rights to property that result from the marriage.

Therefore it could just as well be contended that a person loses his right to choose his mate, when he marries, because the State has a law that requires a license in order to marry. Naturally the Court could not be expected to uphold that kind of ridiculous proposition.

The Senator knows that the Court is not going to uphold such doctrine. But that is the kind of ridiculous proposition that could be injected. It could not be any more illogical than the suggestion of those who say it is a State action when a person in his private capacity decides to whom he is going to serve a meal, because he is relying on law enforcement to protect his property.

Mr. STENNIS. I might give another illustration. Not only has the Senator answered the question; he also gave the opinion that if those cases should stand up on the ground that a State action was involved if the police came to restore order, there would be a universal application of the 14th amendment to everybody. If a man going in a church door to worship should have an altercation of any kind and it was necessary to call the police, the 14th amendment would apply. Is not that a good illustration?

Mr. LONG of Louisiana. The Senator is correct. The 14th amendment could be applied to innumerable things to which it was never intended to apply, if one wished to use that sort of ridiculous, farfetched argument in an effort to bring the 14th amendment into play.

Mr. STENNIS. I am pleased that the Senator has brought out these cases so clearly and that he also has examined the Howard Johnson case, which has really the effect of the Supreme Court decision, in a way. The Court denied certiorari in that case, did it not?

Mr. LONG of Louisiana. The Senator is correct. The fact that the Supreme Court denied certiorari clearly implies that it affirmed the lower court, which in turn was relying on a 100-year-old decision of the Supreme Court.

Mr. STENNIS. I thank the Senator. I shall continue to listen to his speech.

Mr. LONG of Louisiana. I thank the Senator for placing his finger on the real point involved in the attempt to misuse the 14th amendment in ways that were never intended, and for pointing out so clearly that this is an unconstitutional proposal. It is clearly in violation of the Constitution. It is one of the strong, impelling reasons why the motion to take up the bill should not be agreed to. The bill is both morally wrong and in violation of the rights reserved to the people under the 10th amendment to the Constitution.

I thank the Senator from Mississippi.

Mr. President, title II enters a completely new field for the Federal Government. There has been sufficient discussion of title II today, it seems to me, to show that this is a wide, broad, and sweeping extension of the area of power of the Federal Government. It employs for enforcement the sanction known as government by injunction. Why is that important?

Not only is this an extension of Federal power by a stretching of the interstate commerce clause and a stretching of the equal protection of the laws clause; and not only does it deprive a citizen when he is proceeded against by his Government of the protection guaranteed to all citizens of the first 10 amendments to the Constitution, known as the Bill of Rights. But beyond that the phraseology of this title is fuzzy and without definitive bounds. It is vague and ambiguous in its dispensation of enormous power, so much so that not one of us here today can possibly foresee its ultimate limits.

At this point in our deliberations, I think it is the clear obligation and responsibility of each Member of this great Senate to take a serious, sober look at precisely what we are being asked to do here. We should make an honest analysis of what the consequences of this matter are likely to be. For if we misjudge what we are doing and if we misjudge the nature of the aftermath of our decision, we can only hope to produce tragedy, lawlessness and the possible destruction of our constitutional system of government.

It is necessary and vital that we confine our actions to the expansion and not the contraction of constitutional rights. And let us never forget that there is no such thing as a "civil right" which is not also a "constitutional right"; and if an alleged right cannot be found to exist under the Constitution itself it does not rank as a civil right.

We should remind ourselves, therefore, that it is not within our constitutional authority or our legislative power to dole out to the public anything outside the scope of constitutional rights. We have not been empowered by the great Constitution of this country to grant extra-constitutional rights to any group—especially when such action serves to weaken or to abandon the established constitutional rights and privileges of other groups. Senators should be prepared to act in accordance with the realization that it is neither within our purpose nor our authority to transform private social and economic relationships into public ones.

As I have said before and as I shall say again, it would be comforting indeed to those of us who oppose this legislation to know that every one of its proponents had pledged to himself that he would vote for nothing which would undermine this Nation's continued status as a constitutional democracy. In a constitutional democracy it is not within the power of the legislature to create a right which is not intended by the Constitution, nor to dissolve rights which do exist under the language and meaning of the Constitution. Yet this is what H.R. 7152 asks us to do under the guise of the commerce clause, which was never intended for such purpose.

This bill goes way beyond what was ever intended by the commerce clause. It goes way beyond what the Supreme Court ever agreed to do or in my opinion ever would agree to do under the 14th amendment. In other words, it simply opens up the door to changing the Constitution of the United States. It does absolute violence to the basic concepts of the law under which we now live. It destroys the prohibition against the impairment of the right to contract. Yet Members of the Congress have gotten up on this floor and have said that we must extend these powers and give people rights against other people, which actually works as a reverse denial of rights.

Proponents cite many cases to show how the scope of the commerce clause has been expanded by judicial interpretation in recent years. True, there are many decisions which hold that certain transactions were in interstate commerce, but none of these decisions go nearly so far as do the provisions of this title.

As a practical matter, I think everyone else knows that insofar as this restaurant situation is concerned, this bill is intended to cover every restaurant in the United States of America. Why do they not say so in the bill and be fully honest about it? There is not a restaurant in the United States that would be exempt under the language of this bill as it stands. We know what the Supreme Court has done with regard to the interstate commerce definitions in the past, and we know there is not a restaurant anywhere that would not be covered. So why do we not say that? Why mislead the people and lull them into a false sense of security?

Can we not all see that within a few short months or a few short years at most the courts will have expanded the scope of this already-outrageous bill in the same degree as it has already expanded the original scope and intent of the commerce clause? Even on its face, title II represents a fantastic extension of the commerce clause; and once the courts get hold of the matter, there will be absolutely no bounds to the scope of title II. Let Senators make no mistake about that. They are not voting for the language of title II merely as it appears on paper—broad and unconstitutional as that language might be. They are voting for much, much more than this, when they stop to realize what the courts will most certainly do with such language.

Here is a salient point that I think the Members of this Congress ought to think about—namely, that the bill would vest in the Attorney General of the United States powers never before enjoyed by any officer of this country, including the Presidents of the United States. That may sound all right to some at the present time, and they may say, "Oh, we are on an emotional trend, and we have to protect John Doe here, and Richard Roe there." But let me point out that if this proposed law were ever put on the statute books, it would affect a lot of little people who do not have the wherewithal to hire the attorneys that would be necessary in order to protect them from economic disaster. They would say to their Members of Congress, "We have been descended upon by Federal officers and by young attorneys dedicated to the destruction of our business and we need your help—we have to have your help." I predict that Senators who vote for this bill will rue the day they failed to heed my warning.

Senators may be interested in hearing some of the comments I have already received from some of these little people from outside my State who already are beginning to sense what would be in store for them if this bill were ever enacted. I shall be pleased now to quote from a few of the letters I have received from persons who live outside the South. I believe the letters of this sort which I am receiving are indicative of the sort of mail other Senators are receiving, and show that many people throughout the Nation do not approve of the bill, and that the more they learn about it, the more they disapprove of it.

The first letter I shall read has come to me from Dr. F. J. Babb, of Stockwell, Ind.:

> DEAR SENATOR LONG: I have today written letters to my Indiana Senators, HARTKE and BAYH, informing them that I am opposed to the Civil Rights Act of 1963.
>
> I am writing you to inform you of this fact, and to ask that your reported uncertainty might be influenced in the direction of opposition to this legislation.
>
> It is my considered opinion that this is as advertised—90 percent Federal regimentation and only 10 percent civil rights—and that the enemies of America have duped many unthinking people into supporting this act on an emotional basis, and that many others have very simply failed to pay any attention.
>
> I feel certain that you will find much more support from your constituents in opposition to this legislation than from voting in favor of it.
>
> Thank you for taking the time to listen to the urgings of a nonconstituent.
>
> Sincerely yours,

Mr. BAYH. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Indiana.

Mr. BAYH. I thank the Senator. I do not intend to interrupt his speech because I have been listening to his remarks with a great deal of interest. But I thank him for calling to my attention the fact that one of my constituents has been corresponding with him. That may be a quid pro quo in response to some of the correspondence my constituents have been receiving from organizations outside the State of Indiana that are desirous of seeing the bill defeated. It might be interesting to debate the validity of some of the comments of the Senator and others. I do not know whether the Senator from Louisiana has been the recipient of such letters, but a great deal of mail has been coming into Indiana from outside our State. I am happy to see that some of the correspondence is flowing from Indiana to other areas. I am glad that the Senator brought the fact to my attention.

Mr. LONG of Louisiana. The Senator has been very pleased to see the very large amount of protest against the forces which generated the bill. The Senator knows that the civil rights bill was generated by the mobs marching in the streets. President Kennedy had made the statement that no additional civil rights legislation was needed, and he did not expect to recommend any. Subsequent to that statement the professional race agitators started to stir up the marchers.

After some time the pressure became so great that the President felt he had to place himself in the forefront of the procession. Poor Mayor Daley of Chicago attempted to lead the procession and he was almost booed off the stand, the mob feeling that he had not been sufficiently sensitive to what the groups had been demanding. They proceeded to take charge.

In some of the northern cities they took charge in such an effective manner that, for example, seven colored folks were able to tie up the traffic on the Triborough Bridge, and the police were afraid to haul them off to jail in the paddywagon. People outside the South, as well as those in the South, know that some of those people have been so emboldened that the police will not stand up to them. In New York they are now demanding that a plan for racial balance be carried out. That plan provides that in areas where there are predominantly colored schools or white schools, the authorities should determine what the appropriate racial balance would be, and then proceed to haul two-thirds of the colored children from what had been predominantly a colored school to a school which had been predominantly white, and in the same manner to haul two-thirds of the whites to the predominantly colored school.

I presume the Senator noticed that on a cold, snowy day in New York City 15,000 white mothers got out and protested. I have heard that half a million whites have joined in a counter protest to the mobs marching and taking over. It could happen even in Indiana.

Incidentally, I have the highest admiration for both the Senator and his State. My mother was born in Indiana. She was one of the few Democrats in that State at one time. They found that there was more to their liking in the State of Louisiana, and they returned to the land of their forebears and resided there. But I have a great admiration for the great State of Indiana.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BAYH. I am certain that at times the political climate is more welcome in the Senator's State than it is in mine.

I do not wish to interrupt the Senator's speech, because I am listening with a great deal of interest. But I am afraid that after the Senator's remarks about the bill being sponsored in response to mob protest, my silence might be construed as agreement. Although I agree with the Senator from Louisiana on many legislative issues, I do not agree with him on the proposed legislation. I entered the colloquy only because the Senator pointed out that he had received mail from my constituents, and I wished to point out that my constituents are receiving a great deal of mail from the neighboring State of Louisiana. The documents do not exactly paint a true picture of the proposed legislation as some of us see it. I do not believe that they paint the picture of the proposed legislation as the Senator from Louisiana sees it. But that question will be subject to a great deal of debate before this question of passage is resolved; this I am quite sure.

Mr. LONG of Louisiana. Mr. President, I have a great interest in the Senator from Indiana because the junior Senator from Indiana is a grandson of a citizen of Louisiana. He has a warm spot in his heart for that State.

If the bill passes, the Senator will find that the day will arrive when he will have to get off the civil rights wagon, because he will find that people will not be content with the result brought about by this proposed legislation. If it becomes law, this bill will be the most unpopular act ever to go on the statute books. People will feel that they are entitled to enter every place of business and that they cannot be excluded. They will feel that the next assault must be upon private clubs. They will feel that no one has a right to his own privacy. They will continue to oppose the moral idea that a person should enjoy the freedom to associate with those of his own kind and to encourage his own children to do so. We shall be told that those are old-fashioned ideas.

Passage of the bill would certainly not bring about the end of demands.

I do not know of any of the so-called civil rights leaders who are even suggesting that they will stop their activity if the bill passes. They will make additional demands.

For example, we now see efforts to dispense with qualifications in civil service tests for those who apply for such jobs. The next move will be to say that it is not fair to require that people take a test to qualify in order to obtain a good job, and that we must make up for the fact that the colored man has had the worst of it for the past 100 years; and that the only way to make up for it is to give him a job even if he is not qualified for it. If some white person who is better qualified must be passed over in order to provide a job for a colored man, that must be done. The demand will come. It is now being made in New York.

The trouble in getting seven colored persons off the Triborough Bridge arose from a similar demand. The demonstrators desired a quota system to see to it that on various construction jobs a certain percentage of the workers are colored, even though someone else might be better qualified for the work.

Mr. BAYH. Mr. President, will the Senator yield at that point?

Mr. LONG of Louisiana. I yield.

Mr. BAYH. I have had no confrontation or correspondence with Negro leaders in the States which the Senator has mentioned. I have had extended formal and informal conferences with Negro leaders from my own State.

I should like to have the record show that men and women with whom I have discussed the problem in Indiana have an attitude quite to the contrary of the picture which the Senator paints. They are very much opposed to special privilege. The junior Senator from Indiana is opposed to special privileges for any group, majority or minority. What they are interested in and what I am interested in is equality of opportunity. If they are given an equal choice of opportunity, it is their responsibility to rise and fall on their own merits.

In my State we are opposed to the barriers that have been raised in some areas that have prevented an individual citizen from having an equal opportunity to develop. We are not seeking special privilege—at least I am not—and the leaders with whom I have discussed the question are not seeking special privilege.

Mr. LONG of Louisiana. I should like to discuss a simple matter which would not affect Indiana at all, but would create a problem for Louisiana. Perhaps there would be no problem in Indiana, but if the Senator votes for the bill and creates a problem in Louisiana, he ought to feel some degree of responsibility if it works an injury on us.

As the situation stands in my State today, in what I may call a bar-and-grill type of facility, where people do more drinking than eating, but nevertheless do a little of both, the owner serves the colored on one side and the whites on the other. Those who patronize such places are often not the best educated people, and some of them have not had the benefit of studying Emily Post as to what their etiquette should be. So once in a while there is a little trouble between persons of the same race. If the Ku Klu Klaners and the Black Muslims were to be in the same bar, it would not take more than two or three drinks before there would be a fight similar to what we see portrayed on television as having taken place in the wild West, where they get into a fight and start tearing up a barroom. We should have concern not only for those who would be maimed and injured, but also for the person who owns the barroom, and whose furniture and glassware will be broken up.

In my State we do not view it as discrimination to have one side of such a place serve one race and the other side serve the other race, where the members of each race have their own facilities.

The word "discrimination" as used in the bill will be interpreted to mean that it exists if there are such facilities for one race on one side of a building and facilities for the other race on the other side of the building.

It may be that in Indiana liquor is not served in barrooms or in bar-and-grille types of facilities, so that passage of the bill would not create that kind of problem in Indiana; but I have no doubt it would create all sorts of trouble in Louisiana.

Once in awhile fracases break out between two colored people in one place, or between two white people in another place. But if the two races are to be mixed in such places, we are only asking for trouble. There is no question that there will be trouble if the bill is passed.

At present we can handle our problems in Louisiana but we would not be able to handle them under the new situation which would be created by enactment of the bill.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BAYH. I think I speak for all who feel very strongly about the fact that the legislation is needed. We have the greatest compassion for those who would be affected to a greater degree than would some of us who have moved along the road somewhat further than have other areas.

Mr. LONG of Louisiana. I am not sure the problems have been solved. There is a colored population of 32 percent in our State, which is a much higher percentage than exists in Indiana; but I understand there are some problems in the Senator's State.

Mr. BAYH. The Senator is absolutely correct. I don't condone the fact that the problem has not been solved completely. I did not say we had solved the problem. I said we had moved further along the road toward solving the problem. It is my opinion that neither the passage of the bill nor all the Executive orders in the world would solve the problems. The law and the Executive orders are needed, but the problems will have to be solved in the hearts and minds of the people, by what is said from the pulpit, by what is done in the courtroom, by what is said in our own homes. This legislation would be only a step in that direction, it would provide a legal framework in which the solution should be made easier.

I ask the Senator to excuse me for interrupting his remarks, and thank him for the courtesy in permitting me to express my views while he has the floor.

Mr. LONG of Louisiana. I appreciate the Senator's statement, and the spirit in which his suggestion is offered. I know he will use his best efforts to see that an effort is made to solve the problems in a manner that will be fair to all.

I contend that this measure would create many more problems in my State of Louisiana, and that it would not answer many problems. Unless I am sadly mistaken, my guess is that it will cause many people to be outraged and what is expected to be accomplished will be frustrated in one way or another. In the final analysis, the legislation will not achieve what is hoped for it.

We have seen what has happened as a result of efforts to integrate buses in certain areas. The fight is waged, and then the decision is made to seat the whites and blacks together. When that happens, the whites stop riding the buses. Then there is not enough business to justify continuing operation of the buses, so neither the whites nor the colored have any bus transportation. The move to integrate the buses merely succeeds in eliminating bus transportation facilities for both races.

I am reminded of the situation I once heard described about what happened in the French Revolution. The peasants criticized the noblemen for riding in carriages. The peasants could be heard to say, "Why should they ride in carriages while we walk in the mud?" So there was a revolution in France. The carriages were destroyed. The noblemen were destroyed. In the end, everybody walked in the mud because there was no transportation for anyone and everyone was reduced to the same level. That, to me, does not seem to be the best answer.

It seems to the Senator from Louisiana that that is the general direction in which Senators are moving when they support this kind of legislation. They propose to create a false sense of equality. A presumption of equality is created which the Government cannot create or enforce. Those who create such a belief are doing nothing more than deluding and misleading people who think they are going to achieve their utopia by legislating equality among the people.

Most people do not seek equality; what they seek is to be superior. The better they are, the more superior they seek to be. They do not seek to be mediocre. Most people try to be superior and utilize to the best the talents which the good Lord has given them.

Mr. BAYH. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. BAYH. I agree wholeheartedly that when we talk about equality, we can be talking about mediocrity. America did not become the great country it is today under a mediocre atmosphere or attitude. The Senator is also correct when he states that we shall not be able to legislate equality.

That is not what this bill proposes to accomplish. We are looking for equal opportunity to be established. We want to be able to give all citizens an equal opportunity to utilize their God-given talents to achieve whatever goals they are able to achieve.

Mr. LONG of Louisiana. The situation which developed in New Orleans recently seems to be one which we should be encouraging. Some of it was brought about by picketing and other pressures. Pressure was brought to have a national chain of hotels permit colored visitors to share the facilities of the hotels. The chains yielded to that pressure. Some of the managers thought they had a moral obligation to admit colored visitors to share their facilities. So they agreed to admit colored guests.

There are two major hotels in New Orleans, both locally owned, that did not see fit to go along with that policy. Those two hotels continue to be segregated hotels; the others accept colored guests. It may very well be that those two hotels may have better business over the short run, but over a longer period of time the other hotels may have as much business. However, in New Orleans one can go to a hotel that will accept as guests only those who are members of the Caucasian race; or he can go to a hotel—which includes the majority of the big ones—that admits all who apply, such as most hotels do in the District of Columbia.

They are required by law to accept all guests regardless of race, but I believe they do a little bootlegging on segregation in the District of Columbia, because some hotels have a higher percentage of colored guests than do others. But that, to me, would seem to be the preferable way, to leave it up to the individual businessman to decide whom he wishes to serve in his hotel.

There are many motels in my State of Louisiana doing a poor business. They would do well to accept any guest who might apply. I do not think they need a Federal law to force it on them. But so far, most of them prefer either all white or all colored patrons. There are many facilities available to both races.

I know one colored man who built a motel especially for colored people, but they did not patronize it because it was too expensive. There has been much criticism that motels for whites are better and have a greater variety of prices than motels for colored. One reason for this is that when a colored man who was enterprising, energetic, and forward-looking, built a very nice motel for colored folks, he could not get them to use it.

That is a part of the answer. The colored patrons would much prefer to stay at facilities already available to them, or where the price is not so expensive.

It may be that Rev. Martin Luther King, James Farmer, and others, if they paid for it themselves out of the funds available from CORE or similar groups, could get someone to apply at a more expensive motel and thereby seek to break down any segregation that might exist there. But the reason more expensive facilities are not available to the colored people is that there are not many colored people seeking that type of accommodation. They seem to seek out the less expensive motels. I believe that accounts for a considerable portion of the problem.

However, in my opinion, every businessman has a responsibility both to himself and to his family to conduct his business so as to make it successful; and he should have a choice as to whom he wishes to serve in his place of business. That is how I feel, and I believe that is how many people all over the United States feel about it.

Here is a letter from Mr. and Mrs. C. E. Cornell of Garden Grove, Calif.:

> DEAR SENATOR LONG: We respectfully request and urge you to oppose with all of your powers, and to vote against the presently pending civil rights legislation. We believe in basic civil rights but we are convinced that the present civil rights legislation is sponsored and backed by persons and groups who are sympathetic to communism and who want to use minority votes to insure election of so-called liberals. The Civil Rights Act of 1963 is a blueprint for total Federal regimentation and is skillfully drawn with the patent, deliberate intent to destroy all effective constitutional limitations upon the extension of Federal governmental power over individuals and the States.
>
> Never in the history of nations governed be elected officials has the head of any state demanded the naked untrammeled power embodied in this act, except when such state was upon the verge of becoming a dictatorship. If it is enacted, the States will be little more than local governmental agencies, existing as appendages of the central Government and largely subject to its control. The legislation assumes a totally powerful National Government with unending authority to intervene in all private affairs among men, and to control and adjust property relationships in accordance with the judgment of Government personnel.
>
> The Civil Rights Act of 1963, if enacted, will be the first major legal step in establishing a brutal totalitarian police state over the American people, and will delve into the intimate, personal property rights of the individual.
>
> Yours very truly.

From Mrs. Gwen M. Schofield, of Tiverton, R.I.:

> We respectfully petition against passage of the vicious, so-called civil rights bill now pending in the United States Senate. The bill constitutes the greatest grasp for executive power conceived in this century and is part and parcel of the Communist revolutionary plot to enslave each and every American citizen from the cradle to the grave—and who knows?—perhaps envisions control of their souls in the hereafter.

I am not saying these things in these letters. This is how these folks feel strongly about the question.

Continuing with the letter:

> This civil rights bill which so threatens American liberty is a very bad bill and is obviously unconstitutional—though this would not trouble our present anti-American Supreme Court.
>
> The words of Justice Oliver Wendell Holmes should be heeded: "The traditions and habits of centuries were not intended to be overthrown when the 14th amendment was passed."

From Mrs. J. Shelby Daniel, of Phoenix, Ariz.:

> DEAR SENATOR LONG: Since southern Senators are strong supporters of constitutional rights, I hope and pray that you will vote against the so-called civil rights bill now before the Senate which would destroy the Constitution.
>
> I am sure that if the American people knew what it contained, they would repudiate it with one voice. It takes away the personal and property rights of about every individual in the United States. Federal inspectors with powers to enforce will be able to investigate our businesses, homes, schools, and farms. It gives almost unlimited power to the Attorney General. It establishes a huge, new Federal bureaucracy with unlimited powers. It will eliminate in its entirety the basic concept of States' rights.
>
> No motive, however worthwhile, can justify this legislation, which will endow the Federal Government with police state powers. I urge you to vote against it.

From Mr. and Mrs. T. M. Swaja, of Portland, Oreg.:

> DEAR SENATOR LONG: If the several analyses of the civil rights act which we have read are only partially correct, this legislation would do more harm than good.
>
> According to many learned legal authorities, this bill would deprive many citizens of their constitutional civil rights and confer massive police power on the Federal Government.
>
> Let's not allow our sympathy for the Negro and other minority groups to be swallowed up by Communist-inspired crises and solutions which help no one but the Communists.
>
> The rights of all American citizens must be given equal consideration. This would not be possible under the current civil rights legislation.
>
> Therefore, we urge a no vote against this bill.

From Mr. and Mrs. Aubrey W. Archer, of Akron, Ohio:

> DEAR SENATOR LONG: We vehemently oppose the civil rights bill, as it is.
>
> Such an extremely radical bill puts our U.S. Constitution in jeopardy.
>
> This bill would provoke concern for even ones who sincerely believe in civil rights. This bill, as it stands, should be rightfully named "Federal dictatorial bill" or "communistic agitation bill" because personal liberty and individual right of free choice is destroyed by Federal Government control which in reality is unconstitutional usurpation of power. Honestly, I appeal to you, is this what we want?
>
> A vote against this outrageous, vicious bill will mean you stand for individual freedom for all, Negro and white.

From Miss Genille Bradly, of San Diego, Calif.:

> DEAR SIR: The impending civil rights act disregards the Constitution on the asumption that the noble idea of desegregation through legislation has precedence over the civil rights guaranteed all citizens of all races. It is folly indeed to usurp the civil rights of all, which the Constitution guarantees, with an act that ultimately deprives civil rights to the very people it purports to protect. Why then, is it necessary to pass a bill that is unconstitutional and which destroys civil rights in toto and in the interim delivers such absolute power to the Federal Government to cover those areas it already does not dominate but so desperately wishes to.
>
> I personally espouse integration and have no compunction whatever in working with, renting to or riding with a member of any minority group, but by the same token, as a member of a free society, I reserve the right, as guaranteed in the Constitution of my Government, to manage my property, business, education, and moneys without duress from the Federal Government which derives its power from me and not me deriving my power from it, because when the latter occurs we have no longer a free republic but totalitarianism.
>
> In conclusion, a noble concept is not furthered by ignoble means; the governmental restraint of one group at the behest of another implies necessarily the restriction of the civil liberties and the destruction of the coexisting rights of both.

Mr. President, this letter comes from a person, who says she favors desegregation, and even integration, but is opposed to this means of bringing it about. That is typical of a good many white people.

I have before me a copy of a letter sent to the Senator from Minnesota [Mr. HUMPHREY]. I hope he has no objection to my quoting the letter, because it was sent to me under separate cover by the author of the letter.

It reads:

> Senator HUBERT H. HUMPHREY,
> *Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR: Your comments on "Meet the Press," which I have just heard over NBC radio, interest me greatly.
>
> My sympathy goes out to you for what clearly appears as your misunderstanding of the civil rights bill. I particularly refer to your assertion that the House bill, now before the Senate, is a compromise bill.
>
> In order to aid you in acquiring a more accurate understanding of this vital measure and to clarify your perception of the methods used to force this unconstitutional legislation through the House Judiciary Committee, I am happy to present to you the enclosed pamphlet, "Unmasking the Civil Rights Bill," which, I am sure, you will be happy to study carefully.
>
> America is waking up, Senator HUMPHREY. The intelligent Negro and the intelligent white is not planning to put himself in a straitjacket manipulated by an all-powerful Federal executive.
>
> * * * * *
>
> Respectfully yours,
>
> ——— ———.

The following is a letter from Mr. and Mrs. Ross E. Leitch, and 17 other signers. It comes to me from Phoenix, Ariz., and reads:

> DEAR SENATOR: We have just read the text of the proposed civil rights bill. This bill will do more harm to our country if it is adopted than if it is defeated. It will arouse dislike and mistrust among citizens.
>
> This bill will bring Federal control into so many areas of our affairs that the U.S. Constitution will have been repealed without a vote of your constituents. This bill will bring Federal control of our elections—will take away the rights of private property—will take away the basic freedoms of our constitutional system and will place dictatorial powers in the hands of the Federal Government to the detriment of all citizens.
>
> We urge you to vote against this bill when it comes to a vote in the Senate.

I have heard some Senators talk about efforts to inform the public about the bill as efforts to misinform the public.

This letter is a very good example of people who know what they are talking about, and of people who have an understanding of what the bill is all about. The better the bill is understood, the more people will write to their Senators, and the more Senators will vote against the bill, I hope.

Senators should realize that it means something when 15,000 white mothers in the city of New York walk out into the snow to march in protest. There probably would have been 50,000 if the weather had been more favorable. It should mean something when a half million people in the city of New York sign a statement that they are against forced integration and racial quotas being forced upon them.

The day will come when Senators will have to reconsider their position, just as certain others have been forced to do.

Mayor Wagner, of New York, is one of the most liberal of persons on the civil rights issue. However, when some of his constituents began demanding the quota system, the Mayor held to the same position that Governor Rockefeller held to; namely, that it is not possible to assign a racial quota to the performance of a job, and that people should be hired on the basis of who would be best qualified to do the work and who the employer and the unions thought should be hired.

A group began to picket city hall. After a while, not being content, they chained themselves to trees and posts in front of the city hall in New York.

The Mayor put up with that performance for a while. I suppose he thought he might as well stick it out. Then the demonstrators wrapped chains around the building, and in that way prevented people from going in and out of the building. After a while he was compelled to call the police to take the demonstrators away.

That is typical of what Senators will eventually find taking place if they continue to favor this kind of bill; and that is what they will be hearing from those who press Senators to enact this kind of legislation.

I have before me a letter from Lebanon, Oreg., signed by 74 signers. This comes from Oregon, and I am from Louisiana. This illustrates the extent to which people are becoming concerned about this subject. Oregon has only a minor race problem compared with that in Louisiana. I suppose Oregon has a population of about 1 percent colored and 99 percent white, whereas in Louisiana there are one-third colored and two-thirds white. These people call themselves the Committee To Preserve the American Republic. They write:

> We feel that if the Civil Rights Act of 1963 is enacted it would give the Federal Government far too much control over the lives of the citizens of this Republic. There is a tremendous amount of opposition to this Communist-inspired legislation but we are not organized to make a march on Washington to show our disapproval. We want you to know that you have the grassroots support in your opposition to this bill.
>
> Thank you for your consideration in this matter.

From Mr. Stephen M. Weld of Milton, Mass.:

> DEAR SENATOR LONG: Such study of the detailed provisions of the so-called civil rights bill as I have been able to make convince me that the two past presidents of the American Bar Association who termed it a "blueprint for total Federal regimentation" were substantially correct. Attempts to get this idea across to the Massachusetts delegation in the House met with no success at all and both Massachusetts Senators seem likely to support the bill. Therefore, those of us in Massachusetts who feel that the civil rights legislation in the form that it passed the House is a menace to some of our most cherished liberties will have to rely on Senators from States other than our own to fight our legislative battles for us.
>
> I hope that you will not only exert every possible effort to eliminate from the House version of the civil rights bill those features which are of doubtful constitutionality or contain the potentials of Federal despotism, but will, in the course of making this effort, do your best to arouse the public to the threats to their fundamental liberties which I fear are carried by this bill.
>
> In view of the lopsided vote in the House the second part of this task may be fully as important as the first. An aroused public opinion seems essential if elimination of the objectionable features of the this legislation is to be achieved.

Here is an excellent letter from the National Retail Merchants Association. This is a nationwide organization, which would be confronted with the results of the bill, if enacted, in ways both direct and indirect. I should like to read this letter. It comes from the national offices in Washington, D.C. It reads:

> NATIONAL RETAIL MERCHANTS
> ASSOCIATION,
> *Washington, D.C., August 14, 1963.*
> Hon. RUSSELL B. LONG,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR LONG: As the Congress considers the President's proposals in the field of civil rights, we wish to report to you the results of a recent survey by the association.
>
> The National Retail Merchants Association is a voluntary association of department, specialty, and chain stores located in every State in the Union and in most communities. At the request of the Attorney General we asked our members to advise us what progress had been made with regard to problems relating to racial matters. The results of this survey indicated quite clearly that an overwhelming majority of our members had made substantial strides in integrating their operations.

Let us keep in mind that these people are under pressure from the Attorney General and others to achieve integration.

> Several of our southern stores reported that for the past 3 years they have been hiring non-whites in selling and non-selling capacities. One of the largest stores in a nearby Southern State reported that out of 3,000 employees, 400 are Negroes and that some 60 are employed in selling and non-selling functions, with several classified as junior and senior executives. These jobs were formerly held by whites.
>
> On the basis of our study it would seem that a Federal statute such as the one being considered dealing with public accommodations is neither needed nor advisable.
>
> Sincerely,
> JOHN C. HAZEN,
> *Vice President, Government.*

They are the views of the National Retail Merchants' Association. Do they want the bill? No; they are against it. They are against it—North, East, South, and West.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HUMPHREY. Does not the letter reveal that integration or the employment of colored persons in a retail establishment did not cause any difficulty? The organization seems to report on conditions with a great deal of enthusiasm. The fact of access to public accommodation is established by the letter. The letter reveals and demonstrates that it is a good practice to have people treated as people; to hire them on the basis of merit; to permit people who are citizens of the United States to trade and to do business in public places.

What the letter also says, in effect, is that, "Since we do this freely and voluntarily, we need no law." For those who act as the letter indicates, no law is needed; but for those who do not, some law is needed.

Mr. LONG of Louisiana. The Senator from Minnesota reads into that letter something that is not there. Of course, he has every bit as much right to read between the lines as I have to read between the lines. What the letter is saying, by the light of the Senator from Louisiana, is this: "We have been pushed by the use of all the powers at the executive level. An attempt has been made to make us integrate the stores. We have yielded to quite a bit of pressure. People have been picketing out front, saying, 'Do not buy where you cannot be hired.' So we have yielded to a considerable extent to all these pressures, to all the picketing of our stores, and to one thing and another. In doing so, we have gone a long way with you, voluntarily, to the extent that we integrated, although no law required it. However, in some respects we have been forced to do this. We think there is no case for passing a law which makes it necessary to have the Attorney General enter into the picture and impose racial quotas on us. We think we have gone far enough in cooperating with the Government and do not think the kind of law that is proposed is justified."

Mr. HUMPHREY. Is that what the letter states?

Mr. LONG of Louisiana. That is what I would read into it.

Mr. HUMPHREY. That is what the Senator thinks it states.

Mr. LONG of Louisiana. The Senator just finished reading what he would put into the letter; but the letter speaks for itself. The association is against the bill.

Mr. HUMPHREY. That is correct. The letter states that the association is against the bill. But the Senator from Minnesota says, most respectfully, that the letter also states that the stores are hiring without discrimination; that access to public accommodations is feasible. The letter is witness to the fact that there can be employment without discrimination, and it works very well. The letter states that there can be access to public accommodations without regard to race, and that the system works very well. That is what the writer of the letter is boasting about. He did not say anything about the Government coercing or anything about picketing or about demonstrations, did he?

Mr. LONG of Louisiana. I am reminded of a controversial bill that was debated before the Louisiana State Legislature when I was a minute clerk there. As I recall, the Senator from Minnesota was one of the outstanding students in the School of Government at Louisiana State University at the time. Some old boy from a rural section got up and made an eloquent speech, explaining that he could understand both sides of the argument. He ended with a great peroration. By the time he finished, someone got up and asked him one question: "Are you for or against the bill?"

The association that wrote this letter clearly said it is against the bill.

Mr. HUMPHREY. I do not doubt that at all.

Mr. LONG of Louisiana. In the course of the letter, they said they had gone as far as they thought they should go to cooperate with the Attorney General and the various organizations that were pressuring them, both by picketing establishments and pressuring them with moral persuasion and other measures available to them. They said, "We have gone as far as we think we ought reasonably to go. We do not believe the bill is justified."

The Senator from Minnesota read into the letter what he thinks should appear between the lines. The Senator from Louisiana read into it what he thinks should appear between the lines. It is like the colloquy that occurred between Pontius Pilate and Jesus. When Pontius Pilate asked, "Art thou the King of the Jews?" Jesus replied, "Thou sayest it"; meaning, "That is what you think. You said it; I am not saying it." But the letter speaks for itself. In effect, it says, "We are against the bill."

Mr. HUMPHREY. What does the letter state? Will the Senator reread the first three paragraphs? Will the Senator read the letter again? It gladdens my heart. It is somewhat like going to an oldtime church meeting, where the people get up and confess and give testimony. I like to hear such testimonials. I would enjoy hearing the Senator from Louisiana read that letter once again, especially the part about how wonderfully everything is working out with integration, the elimination of segregation, fair employment practices, and access to public accommodations. That is what I understood the letter to say, as I heard the Senator read it.

At the end, the writer said, in effect, "We are doing so well in our business that we do not need a Federal law."

I agree. If every association said that there was no need for a Federal law, and if everybody behaved, there would not be any need for policemen. If everybody was free from sin, there would not be any need for ministers, priests, and rabbis. But I regret to report tonight that everyone does not behave. Not everyone is without sin. Therefore, we hire more police; we build more churches.

Mr. LONG of Louisiana. If everybody who has been guilty of immorality or sin at one time or another were put in jail, there would not be enough buildings to hold them all.

Mr. HUMPHREY. But a convention of those left over could be held in a telephone booth. The Senator and I could agree on that. I thought we should develop the theme of that letter. The Senator from Louisiana has given his interpretation of what he thinks is between the lines; I have given my interpretation of what I think is on the line.

Mr. LONG of Louisiana. I shall be glad to have the letter returned. If the Senator can find from that letter how the association favors the bill, based on what is in the letter, he may do so. The Senator from Minnesota heard the letter read the first time. He is an apt student. Ordinarily, the Senator from Minnesota does not have to have something repeated.

Mr. HUMPHREY. It is a little late; and the Senator from Minnesota confesses he is growing older. He is not as alert as he used to be. But when he hears a testimonial to the principle of a bill, when he hears a testimonial to the purpose of the proposed legislation, he feels so gratified that he likes to hear it once again.

The fact that a man is for the principle and for the purpose, and then comes out against the program, does not mean that he has missed his calling, so to speak, or is lacking in good judgment. It is evidence of the fact that he did not quite realize that the purpose and principle were there, and that the bill seeks to accomplish these purposes and principles.

Mr. LONG of Louisiana. What the association said was that it had heard the argument of the Senator from Minnesota. They have probably heard him on television a dozen times as he discussed this subject. They had been approached by the Attorney General with his recommendations; they had been called upon by the Nixon committee and the Johnson committee; they had been picketed and had been subjected to all sorts of pressures and indignities by labor unions. After everyone was through, they yielded, to some extent. They believe they have done as much as the circumstances justified and required, and they do not want this bill.

Mr. HUMPHREY. Is that what they said?

Mr. LONG of Louisiana. That is how I understand the letter.

Mr. HUMPHREY. One of the problems of diplomacy is understanding language.

Mr. LONG of Louisiana. A similar problem exists in New Orleans. Pressures have been brought upon national hotel chains to permit Negro guests to register in their hotels in the South as well as in the North. The Hotel Association of New Orleans, with the exception of two locally owned hotels—which are big hotels, incidentally, but are locally owned—including those that are parts of national chains, as well as several that are not parts of national chains, have agreed that they will accept colored guests in their hotels. However, two of the hotels say that they will not accept colored guests, unless they are forced to do so.

Since all but two of the hotels have agreed to accept colored guests voluntarily, I would hope that the other two might be permitted to continue to limit their patronage to white guests.

Incidentally, the owner of one of the hotels that does not accept colored guests is one of the outstanding Jewish citizens of my State.

There are in the United States many hotels to which that Hebrew gentleman cannot go—hotels which accept only gentiles. But he makes no complaint about that, and he never has. So he does not understand why hotels which wish to accept as guests only persons of one group or race or religion should be compelled to accept persons of all groups or races or religions.

In the hotels he operates, he accepts both Jews and gentiles. In fact, as the Senator from Minnesota probably knows, in the South there is probably less segregation as between Jews and gentiles than there is in any other part of the country.

Mr. HUMPHREY. I believe that is correct, and I am glad the Senator from Louisiana has mentioned it. I believe the record in that respect in the South is an extremely good one, whereas the corresponding record in the West and in the North is not so good. So I believe that record is one of which the Senator from Louisiana should be proud.

If the Senator from Louisiana will permit me to do so, and I appreciate his courtesy in permitting remarks to be made by other Senators during the delivery of his speech, that the difficulty is not with those who seek to make these adjustments voluntarily. Instead, the difficulty is with the limited group of those who decide that they will refuse to make these adjustments in satisfaction of the obligations of running a public accommodation.

I believe that the average tavern operator tries to run a respectable place of business in a responsible manner. When I was mayor of my home city, there were a number of places which sold alcoholic beverages. They were licensed. They knew the rules, including the time they were supposed to close and the time they were allowed to open. I think it is fair to say that 95 percent or perhaps even a larger percentage, of those who owned and operated such establishments really respected the law and wanted to do what was right. They had invested their lifesavings in those businesses, in which both food and beverages were served; and they operated good establishments.

However, there were a few who decided that they could not "make a buck" fast enough. They had what we called clock trouble; they seemed unable to remember what was required by the ordinance which was in effect, one which required 1 o'clock closing. When I was mayor, I used to send a squad to visit them. That squad would give them what we called the baseball treatment—"three strikes, and you're out." In other words, one warning would be given the first time they violated the ordinance; and if later they were found to still be violating the ordinance, a second warning would be given. But if, later, we found that they continued to violate the ordinance, a third warning would be given, and then they were "out"—out of business, under the law. It was not necessary to do that for over 95 percent of the taverns there, which were operated in a perfectly legal, honorable manner, and were good business places.

We also had a State law provision that if liquor were sold to a juvenile, there would be a mandatory revocation of the license of the establishment concerned. Of course, one would think that anyone who had any sense would not want that to happen to his business; and I think it fair to say that 98 out of every 100 of those taverns tried to abide by the law. But it seemed that there were a couple of "slickers" who just could not sell enough whisky to people 21 years of age and older, and felt that in order to "make a fast buck" they had to sell to younger people, including teenagers. So one or two of them started selling liquor to young people 18 or 19 years of age.

We had a law which applied to them—not to the great majority, who observed fair standards of conduct, but to the 2 or 3 out of 100 who felt that they had to make more money than they could make legally, and therefore tried to sell liquor to teenagers. As mayor, it was my duty to put them out of business; and I did.

This bill is for the purpose of dealing with the few persons who would not be willing to do what was right. I believe it is true that most of the merchants and business people to whom the Senator from Louisiana has referred will do the right thing and want to do the right thing.

Today, many of our colored citizens are quite well off economically. In the New York Times Sunday section in the last 6 or 8 months I have noticed that whereas the advertisements used to show only beautiful young ladies with blond hair, today occasionally the advertisements show a very attractive colored young lady; and in the advertisements of sport shirts, the pictures show three or four Caucasians and then an Oriental and then a person of the Negro race. Why is that done? It is done because Negroes have money to spend, and also because they are part of the citizenry of the United States; and anyone who runs a place of business should be interested in the profit motive. So today the advertisements are including pictures of people as they are found in the United States. Not all the people of the United States are blond or Caucasians; so the advertisements use pictures based on the situation which actually exists in our country; they show both blonds and brunets and members of the Caucasian race and members of the Negro race. In fact, they show a cross section of the makeup of our society.

I repeat that most merchants and most hotel operators and most other business people in the United States treat their fellow citizens with respect and, I believe, without discrimination; but sometimes certain persons apply discrimination because they are afraid that if they do not, they may suffer some retaliation.

What is the purpose of this measure? It is to establish minimum standards of conduct and a legal framework with which we shall be able to work out these problems. In other words, no such law is needed for the 98 out of 100 merchants who do as is stated in the letter the Senator from Louisiana read. For instance, there is no need to have a law which would tell my mother that drunkenness is a sin and that those who drink must go to jail, because my mother does not drink, and she never has. But there may be times when it would be desirable to have such a law in connection with the conduct of some persons.

Similarly, there is no need to have a no-speeding law for those who do not drive their automobiles too fast or for those that do not drive at all; but it is necessary to have such a law for those who are inclined to indulge in speeding.

So the purpose of the law now proposed is to have on the statute books a measure which will be sufficient to care for the problems caused by the 2 or 3 out of each 100 who do not maintain the fine standard of conduct that is maintained by the person who wrote the letter the Senator from Louisiana has read.

Perhaps some would think the law we propose would be too stringent; but I am not sure about that, for the gentleman whose letter the Senator from Louisiana has read to the Senate states that, in his opinion, desegregation has been working very satisfactorily. Does the Senator from Louisiana agree?

Mr. LONG of Louisiana. I am not sure that I would agree, although I agree that the Senator from Minnesota has a right to say that.

Mr. HUMPHREY. I realize that the Senator from Louisiana—"Mr. Voltaire"—takes that position.

Mr. LONG of Louisiana. I will defend the right of a businessman to operate his business on the basis of what he believes would be best for his business—as I know many of the businessmen do. So I would both agree and disagree with the Senator from Minnesota. If a businessman thinks it would be good for his business if he accepted colored guests, and that it would also be good morally, I believe he has a right to do so. But if he believes that would drastically injure his business, I believe he has a right to conduct his business accordingly.

A gentleman I know who operates a lunchroom told me that he found that as long as he had one lunch counter for his white customers and another lunch counter for the colored people, although with the same food served at both counters, everyone seemed satisfied, and there were long waiting lines. He said that his business was a virtual gold mine for him; it was very profitable, and he was making a profit of approximately $2,000 a month. But after he voluntarily agreed to integrate those facilities, his profit fell off from $2,000 a month to $200 a month, and he is lucky to be making any profit at all. Perhaps his business would improve if there were general acceptance.

Mr. HUMPHREY. That is why a law such as the one we propose is needed.

Mr. LONG of Louisiana. The trouble is that under the course the Senator from Minnesota advocates, there would be complete integration in all places of business, and a citizen would be unable to go to a lunchroom or other establishment which was not integrated. And after that happened, no doubt the Senator from Minnesota would want to have Congress enact a law which would prevent private clubs from being segregated, too, so as to end any discrimination in them. In my opinion, the private clubs have a right to discriminate—in other words, a right to dislike someone, so to speak, provided that is done in a purely private way.

Mr. HUMPHREY. I would agree.

Mr. LONG of Louisiana. So far as they are concerned, they believe they have a right to do what the voters do when the Senator from Minnesota and I and others are seeking election.

When they walk in there and see our names on the ballot, they have a right to discriminate in any fashion they wish to.

Mr. HUMPHREY. But they ought to have the right of choice, and they ought to have the right to walk in.

In the State of Louisiana the voting booths do not bear signs stating, "Colored voters here" and "White voters here," do they?

Mr. LONG of Louisiana. No. There are no such signs at the polls.

Mr. HUMPHREY. We live in Washington, D.C. I believe that some of the finest hotels in America are in Washington, D.C.

Yesterday at the Mayflower I visited one of my constituents who flew in from Minneapolis. The Mayflower Hotel is one of the finest hotels in the Nation. There happened to be a conference of social workers there. I saw a half dozen or more people of color. Business was good. It was so good that my constituent was told that he could not stay tonight because the room had been rented to someone else for the night and no more space was available.

Such operation has not hurt their business.

All I am saying is that the bill would not affect personal attitudes or personal discrimination. When a public facility or a public business is established and a sign is erected inviting people to "Come one, come all; this place is open for business," I believe that place should treat all people as citizens of the United States.

I grant the Senator that private clubs are membership matters. They are highly selective. They are not open for profit to the general public. That is a different question. The Senator is concerned that if the bill is passed, we shall take the next step, which will include private clubs. I do not believe so. I have lived in a community where that has not happened.

Mr. LONG of Louisiana. The Senator from Louisiana does not believe that we ought to take the step which the Senator from Minnesota now desires to take. What the Senator from Minnesota is attempting in the bill would in effect make public property of a man's private property. That is his private business. He has a right to do business with those with whom he wishes to do business. If he thinks that his business would be hurt by integrating and going contrary to the local customs and traditions, he has a right to continue his practice. I contend that he should continue to have the right to operate his business in the way he thinks is best for him.

The average small businessman has a heavy responsibility to his own family when he makes a decision of that kind, because if he should operate his business in such a way that he would go broke, his wife and children would suffer.

Mr. HUMPHREY. The Senator from Louisiana has made a point which I know means a great deal to him about the right of a man who owns his own business to operate it. I am sure that most of us who have any background in business have pretty strong feelings on that subject.

My community of Minneapolis, Minn., is a rather modern and progressive community. It is one of the better off communities in the Nation, with high employment, high per capita income, the Minnesota Twins, the Minneapolis Symphony, the Walker Art Gallery, the Minnesota Institute of Fine Arts, the Guthrie Theatre, and an urban redevelopment center. It is a marvelous community. Nevertheless, recently in that great community there was quite an argument over what was called Sunday closing.

Some States have blue laws. Some cities have what are called blue ordinances, which require that on Sunday business places must be closed. The laws were the subject of one of the big arguments in our city.

A man who owns private property does not have a complete right to use it as he wishes, because when a legislature provides that a business be closed on Sunday, it must be closed on Sunday. That is the law. Such a statute denies the owner of a business the unlimited use of his property.

I remember that the argument was made, "If I could stay open on Sunday, I could make more money. Whose business is this? It is my business. Why do you legislators tell me that I cannot remain open on Sunday?"

The difference is that the legislature told them that it was the law of the State—as it is in certain other States—that they be closed on Sunday. That is true in many areas.

Returning to the entertainment industry, the Senator can go to Chicago, and he will observe that in the city of Chicago nightclubs are open until 4 o'clock in the morning. But if he goes to the city of Minneapolis, he will observe that the latest hour a nightclub can be open during the week is 1 a.m., and Saturday the closing hour is 12 midnight.

In our part of the country one never feels better than he does on Saturday night. That is the great night of the week. But despite the fact that all of us country boys always looked forward to Saturday night as the night of the week for all the enthusiastic good living that we had wanted to have all week long, when we would go to the big city on Saturday night, the city ordinance required that at 12 o'clock sharp the nightclubs close. There sits that businessman with all the goods and goodies on his shelves. There are the customers pounding on the door, rattling silver dollars, and shaking $5 bills, saying, "I want to do business. Sell me something." The merchant is eager to make some money. The tavern keeper is anxious to sell some of his "tonic"; but the law says, "Sorry, Mr. Private Enterprise, but your business must close at 12. Sorry, Mr. Customer, the laws says there shall be no business after 12."

If that is not interference with private property, I never heard of it; but it is done in the name of community interest.

Mr. LONG of Louisiana. Let us look at that situation for a moment. That law was enacted by the State of Minnesota or the city of Minneapolis. It was adopted by the local people to carry out what they believe is morally right. A great portion of the law relates to what is taught in the Bible or relates to religious teaching, and therefore is parallel to what most people believe is morally proper.

The Federal Government has no right to enact a blue law. It may assert it under the commerce clause, but it is completely beyond the power of the Federal Government to do it. It is also completely beyond the power of the Federal Government to destroy someone's business by saying it affects commerce, and that therefore the Federal Government can tell him which persons he shall hire, fire, promote, and serve, and deny him the freedom of choice which he has enjoyed for 200 years.

It would be a complete violation of the Constitution and the rights that the Constitution has always protected for the citizen. It would be a Federal usurpation of powers which the Federal Government does not have and was not intended to have.

If the citizens of Minneapolis want to enact such a blue law, they can do it. They would feel just as we in Louisiana would feel if a law were enacted which the people felt was not morally right, or if there were forced on the people of Minnesota a law which the majority of the people of Minnesota felt was morally wrong. The people in both States would feel it would be not only a usurpation of power, but tyranny.

That is the way the people feel about certain provisions contained in the bill.

The Senator spoke about barrooms getting out of hand. In Louisiana there are many people who try to make a decent living by serving liquor to both white and colored. In most areas where both races are served, the colored are served on one side of an establishment. The kitchen is in the middle, and the whites are served on the other side. The same food is served, and it is served in the same way.

The people who tend to pass their time in such places, on either side of the kitchen, are not too highly educated. If they intermingled, there would be a battle royal after a few rounds of beer or hard liquor. If the Senator thinks he can mix the Black Muslims with the Ku Kluxers, he is a better man than I am. Some of the bartenders are pretty good at the work they do, but they would have their hands full. If the Senator thinks such mixing is going to work, he is sadly mistaken. There will be bloodshed. The least that should be done is provide for some survivors' benefits and property insurance for the damage that will be done when the people start breaking up furniture.

I am not guessing. We are having enough trouble now. There have been enough situations of a white man cutting another white man, and a colored man cutting another colored man. If the white and colored are mixed together in such places, there will be a real explosion. That is something somebody did not foresee in writing the bill.

The people in our State think that, if there is to be a fight, it should be a white person fighting another white person, or a colored man fighting another colored man. That is how we keep the peace. We get along that way. The people are satisfied with that arrangement until someone raises the point that this is not the way it should be. The people are used to it. That is the custom, and they are satisfied until someone from the Congress of Racial Equality makes the point and says, "It is not right. Why should you be on your side and he be on the other side?" The same liquor and food are served. The same waitresses serve both. If they are forced to mix, I make the prediction it will mean a great deal of trouble.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HUMPHREY. What I was trying to point out was not the field of the police power of the State or city. We take it for granted. I believe I am correct in saying, however, that a State legislature or a city council represents constituted Goverment and Government does have the right, or at least has exercised the power or privilege, of regulating business, and thereby has denied the entrepreneur freedom of action as to how he would like to use his property. That is the first point.

The Senator indicated a while ago that it was being proposed to take away the right of a person to operate his business as he saw fit. I have given an illustration of how a local or State law affects a man's right of property. It is an instance of how private property is restrained or is under limitation. I know the Federal Government does not have general police power. The police power generally rests in the States and subdivisions thereof. But the Federal Government does have the Constitution, and so do all people; and the 14th amendment provides:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

That is the famous 14th amendment, section 1.

My point in reading that language is that a citizen of the United States may very well have his rights abridged or adversely affected by State law.

The Senator from Louisiana has pointed out that he does not want Federal law to interfere with the opportunity of a private entrepreneur to operate his business. How about a State law that directs a man who believes in integration to segregate his business? Let us say, for example, that the Senator from Minnesota, who has lived in a community in which there are not many of the problems the Senator from Louisiana has referred to, operates a business. The Senator from Minnesota thinks it is good business for "Humphrey's Drugstore" to be desegregated and believes in it as a matter of conviction and as a matter of economics. Let us assume I go to the State of Mississippi and in my drugstore I have a lunch counter. I say, "So far as I am concerned, I believe in desegregation. This is my business. I like it. I am going to operate it. I believe in desegregation, and I am going to desegregate."

What does the Senator think would happen to the Senator from Minnesota if he operated the drugstore that way in violation of the law and custom in Mississippi? His store would be closed up.

Mr. LONG of Louisiana. No; I do not think it would be closed.

Mr. HUMPHREY. If a State law provided for integration, I would be in violation of the law.

Mr. LONG of Louisiana. The law would be declared unconstitutional.

Mr. HUMPHREY. That is correct; it would be declared unconstitutional. But I point out that laws providing for segregation, which have been accepted and defended for years in certain States, are actually an infringement on the rights of private property, as well as on the rights of citizens.

Mr. LONG of Louisiana. Let us analyze how the rights of the individual citizen compare with the Government's right to regulate him. So far as a citizen is concerned, if there were no law one way or the other, he would have the freedom to do business with whomever he wished to deal. He could integrate or segregate. He could accept any custom he wanted to. That is what most citizens would like.

There is one school of thought in which the people of the South believe we should segregate. So there are a great number of laws on the statute books requiring segregation. That is the moral view of the great majority in the State. Such laws are enacted relying upon the police power of the State. While the courts have not passed on some of these laws, the three-judge court in Louisiana recently declared the law relating to hotels unconstitutional. That has something to do with the fact that most of the hotels in New Orleans now accept colored people.

The judge's concurring opinion very much impressed me in that case. The judge wrote what I thought was a great opinion, and he indicated himself to be a fine, perceptive man.

He said that a man has the right to determine with whom he will do business; and any law that provides that he does not have that right is unconstitutional under the 14th amendment. That is the beginning and the end of it, so far as the judge is concerned. He should be completely free. He has that right. It would be a much better approach, in my judgment, to make sure that accommodations are available to anyone who wants them, without trampling upon the rights of others who do not want it that way.

I saw the point made on TV, or I read it somewhere. I believe Roy Wilkins emphasized, at the time of the march on Washington, that approximately one-third of the marchers were white. Those white people believed in integration. They believed in mixture. Let them mix. If someone does not wish to mix, he should not be made to mix.

My idea is that a man should have complete freedom to decide whether he wishes to mix or not. If he wishes to do so, that is all right. If he does not wish to, he does not have to. Federal compulsion one way or the other should not coerce him.

Observing what is going on in the Southern States, I know what the majority of people down there are up against. The people and their local government officials believe it would not only not be a good law—just as the majority of Americans believed that prohibition was a bad law from its very beginning—but they believe it is evil and morally wrong. That is how they feel about it. They believe it would lead to an amalgamation of the races. They believe it would lead to a great deal of pressure for racial intermarriage, and things of that kind. They believe it is a bad idea. They feel that if they had been subject to such laws over the period of the past 200 years, the South would be like the populations in Central and Latin America, where one cannot tell one race from another. It is said that there is no color line down there. One race cannot be distinguished from another. They believe it is a mistake. They believe it is wrong.

They would like to see the colored man advance. They want to help him. They have the kindliest of feelings toward him, but they have a strong moral judgment against racial mingling to begin with. Passing a Federal law that the people of the South are against as a matter of moral judgment would be a mistake. It could not be enforced. It would make for all kinds of hard feeling, ill will, and evasion. It would tend to make the colored man believe that he has those rights but the whites will not respect them.

Many people remember what happened after the Civil War. I never considered being a member of the Ku Klux Klan and at times I have been attacked by some of those people in the Ku Klux Klan. My father had the same experience. I never attended a citizens council meeting, but I so well know that the Ku Klux Klan was organized because of the situation which developed down there. I am sure that if the Senator from Minnesota had been a Senator from Louisiana at that time, his family would have either joined or had cause to join it. It was organized at the time when Federal troops had come in and had thrown out all the local officials, disenfranchised the citizens, especially those who were loyal to their State governments, enfranchised the slaves, and brought in the carpetbaggers.

The only way the South could protect itself, its homes, its women, and children, was to take the law into its own hands. What did that mean? They had to organize by night and undertake to redeem their rights by force of arms if possible.

The Senator knows that when President Hayes took office, the South regained control of its State governments. I believe it was General Forrest who was given credit for creation of the Ku Klux Klan, yet he was the same person who advocated disbanding it when the South was in a position legally to enforce the law.

What happens when people think the law is oppressive and morally wrong, that the law is forcing upon them that which is evil? They feel that it is tyranny, and they tend to take the law into their own hands. That is Anglo-Saxon history. That is the history of our country when it was a colony, when its forebears were British. That is how Americans feel. That is how people react anywhere in the world when they feel that way about the law.

Mr. HUMPHREY. Mr. President, will the Senator from Louisiana yield further?

Mr. LONG of Louisiana. I yield.

Mr. HUMPHREY. I respect the Senator's argument. I do not wish my comments here to be interpreted in any sense as in opposition to what I know to be the spirit and philosophy of the Senator from Louisiana; namely, one of aiding people to help themselves, of expanding their educational and health opportunities.

No Senator has demonstrated by his actions, his words, and his deeds a greater sense of social consciousness for the welfare of the people of the United States than has the Senator from Louisiana. I mean that in all sincerity.

We are approaching a most difficult piece of legislation, and I appreciate the restrained and thoughtful manner in which the Senator from Louisiana has argued his case.

What I see in the bill is not forced integration. What I see in the bill is statutory law that will bring into effect clearly and unmistakably the elimination of segregation, that is, public segregation, segregation imposed by State law or local ordinance or imposed against a citizen of the United States by custom.

This bill definitely does not demand "Mix the races all up." I consider the bill as providing opportunity for every citizen of the United States to enjoy the benefits of his community and his Nation.

With due respect for all Senators, after a man has worked hard to get an education in high school, and perhaps a college or technical education, and has received this blessing of enlightenment, it means more to him that he will be accepted as a desired member of the community than the fact that he exercises that acceptance.

After a man of color has received a degree from a great university, if he is to be rejected at a lunch counter, or at an ordinary drugstore because of his color, it is an insult to him.

What he needs is freedom of dignity or freedom from indignity.

I spoke at a dinner the other night called the Four Freedoms Foundation Award dinner. We remember Franklin Roosevelt's four freedoms: freedom of speech, freedom of conscience, freedom from fear, and freedom from want.

I believe there is a fifth freedom—that is, freedom of dignity.

It is not so much that the individual may want to go into every hotel, or will go into every hotel, or into every tavern, or into every restaurant. If he should want to do that as a human being, he should not have a hand put out and have someone say, "Stop. The reason you cannot come in here is the color of your skin."

A Negro has no control over the color of his skin. He did not select his color at birth. He did not select the country of his birth. But he is an American. He is a citizen.

This question boils down basically to a situation in which thousands of people are privileged to have this great education, who know the literature of our civilization and the history of our country, and who have been called upon to perform every service for their country in peace and in war but suffer indignities solely because of the color of their skin.

Such a man may be a citizen of the State of Ohio who attended Western Reserve University, a nonsegregated school, and perhaps he obtained a Ph. D. degree in engineering or in physics or in medicine. Then he travels to another part of the country, even if it is only on a mission of tourism. He is a refined gentleman. He has a good income. He has a nice family. He has a good car. He is a man of good manners. He walks up to the desk of a hotel and the clerk looks at him and says, "I am sorry; we do not take colored people here."

This man knows that there is another hotel where perhaps he can sleep. It is not sleep he wants. It is acceptance; it is respect; it is the right to refuse. No amount of sleep or food will cure the injury that the man has suffered.

That is what the bill is all about. I am not unmindful of the fact that the Senator from Louisiana has told us a number of truths tonight. I dislike some of them. However, we know there are certain facts of life, and we are realists. We know that there are customs and habits of people, which will take many generations to change.

I wish to be frank with the Senator. If we pass the bill, it will not cure all our civil rights problems. If anyone thinks it will, he is only deluding himself and perhaps attempting to delude others. We believe that this would be a legal framework in which we could hope to find means of adjudicating and moderating and settling some of the problems of human relations.

As someone has put it—this may be an extreme way of putting it—what we seek to do is to take the issue of civil rights off the streets and to put it into the legislative assembly and into the courts.

I believe that is the better way to do it. We are trying to solve the problem. It is better to do it this way than to hand the problem to people who might become violent. It is better to have respect for one another and to talk these things out and try to find means of solving the problem. I do not know whether we shall be able to do it. The Senator from Louisiana has given a great deal of his life to helping people. Anyone who thinks that the Senator from Louisiana, because he opposes the bill, is against so-called civil rights, is doing a disservice to the Senator and the Senate.

I know that some of the Senators who oppose the bill are as much in favor of human rights as is the Senator from Minnesota, and perhaps more so. I hope that during the debate on the bill we can honestly try to find ways and means of having it work when it is passed. I hope it will pass. If it passes I hope it will be a blessing and not a troublemaker. If it does not pass, I am afraid there will be all sorts of trouble, because the hopes of the people have been raised, and the people in America are really upset and disturbed about the situation that exists in connection with race relations.

I look upon the bill as a means of keeping the peace and doing what the preamble in our Constitution describes. It is a very beautiful preamble, and it states the whole purpose of the Constitution. The preamble states:

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

That is the purpose of the whole governmental structure. That is the purpose of our legislative deliberations. I would not want to do anything to violate that purpose. It is my view that H.R. 7152 would forward that purpose. It is the view of others that it would not. I am confident that we shall have ample discussion before the passage of this bill and I hope that all the fears expressed by its opponents will be soothed and they will join in adopting this bill as the real solution for the real social problem facing our Nation.

I thank the Senator from Louisiana for his generosity in yielding to me.

Mr. LONG of Louisiana. The Senator from Minnesota is as strong for the bill as the junior Senator from Louisiana is opposed to it. The Senator has conducted his part of the debate according to the highest standards of Senate debate. Those of us who oppose the bill recognize that fact and appreciate him as that kind of debater. In some respects I regret that the bill has such an able spokesman as the Senator from Minnesota, because he does an extremely good job in anything he undertakes. I recall suggesting that the Senator, when he was a student at LSU, represent State University in the debate to which I have referred. Those Englishmen really would have gotten the worst of it if they had to take on the Senator from Minnesota.

He has done a fine job and has done himself proud by the way he has conducted himself. I must give the Senator credit for his good intentions and his feeling that the bill, if enacted, would do a great deal of good for the colored people and for the Nation in general.

I have been severely criticized for expressing the view that we should not impede the right of any qualified colored man to register and vote. It may not be true now, but Louisiana has for many years led the way in the Southern States in the enfranchisement of colored voters. There is more to be achieved, but we have gone a long way. Some of those who bear my family name have had a great deal to do with it. It has been a good thing for the State, on the whole, and we will continue to solve many of these problems if we are permitted to do so.

The Senator from Minnesota feels there should be a freedom of dignity. I feel that recognition and respect and dignity that a person may acquire is something that he must do for himself. It cannot be done for a person by law. It is an acceptance which a great many colored people have had. That is true in other Southern States also. A great number of colored citizens have acquired a good education in southern colleges and universities, and they have proved their right to stand alongside the best of any race. They have made a great contribution to our State. A considerable number of colored citizens are highly regarded and highly respected.

This acceptance and this appreciation of our colored citizens is something with regard to which a great deal of progress has been made. The effort to impose by Federal legislation the acceptance of colored people in areas where they were willingly accepted previously has done more harm than good. I could give a number of examples of instances in which colored persons were formerly freely accepted and admitted, but where whites, because of agitation, have tended to back away, particularly because of the coercion in the Supreme Court decision of 1954, and because of various pressures brought by the Federal Government, including the effort to pass a bill of this sort.

Unfortunately, I do not believe that the passage of the bill would bring peace or end demonstrations. The passage of the bill would lead to more. If we are to carry out the purposes of the Constitution, to insure tranquility, and to obtain the blessings of liberty for our people, we must maintain enough authority in the southern communities so that the radical elements can be kept in hand. That is one of the things that the original version in the House bill sought to prohibit. As I understand it, when the bill was first introduced in the House it contained a provision to strip the local law enforcement officers in the South of the right to deal with riots, at least to a considerable degree. Fortunately, that provision was dropped from the bill. I suspect that the determined opposition of some of the cooler heads, particularly the opposition of southern Representatives, led to at least that provision being dropped out of the bill.

In addition to these excellent letters directed to me, I should like to read two brief letters addressed to Congressman GEORGE W. ANDREWS, of Alabama, by national restaurant and motel associations. I am certain that many proponents also received copies of these letters, but, since they would not be expected to read statements directed against their cause, this Senator is happy to perform that function for them:

> DEAR CONGRESSMAN ANDREWS: On September 23, 1963, the board of directors of the National Restaurant Association met and adopted a strong policy of opposition to title II, the public accommodations section of H.R. 7152, amended, and to title VII, the section which establishes a Fair Employment Practices Commission.
>
> These proposals provide an unprecedented and undesirable extension of Federal control over private business. The National Restaurant Association has no desire to impede or restrain the rights of any citizen. On the contrary, it is the association's firm belief that the realization of these rights will come only through voluntary cooperation on the local level. Indeed, through a policy of encouraging voluntary integration, the National Restaurant Association has rapidly achieved widespread success in this area.
>
> The public accommodations feature of the bill and the establishment of a Fair Employment Practices Commission provide no meaningful guarantee of constitutional rights. Instead, by subjecting private business to unnecessary harassment and by enabling the Federal Government to exert more control over individual rights and over private business, the proposals, if enacted, can only result in the elimination of free enterprise and of the rights and freedoms of all citizens.
>
> For these reasons, the National Restaurant Association is opposed to the public accommodations and the Fair Employment Practices Commission provisions of the bill H.R. 7152.

The letter is signed by Ira H. Nunn, Washington counsel of the National Restaurant Association, and is dated November 5, 1963.

I point out that that letter is from a nationwide organization. That entire association is opposed to this provision, feeling that it would do a great deal more harm than good so far as the communities across the country are concerned.

Next, I have a letter from the American Motor Hotel Association addressed to Representative ANDREWS.

> DEAR CONGRESSMAN ANDREWS: The American Motor Hotel Association, the trade organization of the motel industry of America, believes that title II of the President's proposed Civil Rights Act of 1963 is a violation of amendments 10 and 14 of the Constitution and should be defeated as a matter of protecting the personal constitutional rights of all Americans.
>
> Title II represents an unwarranted extension of the commerce clause. Since the Congress has no power to legislate in a matter which is purely intrastate, such legislation would violate amendment 10 of the Constitution, which provides that the powers not delegated to the Federal Government by the Constitution are reserved to the States or to the people. We believe that Congress has no power to so legislate under the 14th amendment, since the 14th amendment has been interpreted as clearly applying to State action. The actions of an individual proprietor in his decision to serve or not to serve, are not State actions, but the exercise of a private business decision by the individual operator (Civil Rights Case 1883, with citation).
>
> The American Motor Hotel Association is opposed to this legislation, which puts more power into the hands of the Government, enabling it to exercise more control over individual rights and private businesses.

The letter is signed by S. Cooper Dawson, Jr., chairman, governmental affairs, of the American Motor Hotel Association.

Next I have a letter from the Douglas County, Nebr., Women's Republican Club. I am pleased to see the Senator from Nebraska [Mr. HRUSKA] present. I am sure he has high respect for the Republican women of Nebraska.

At the January meeting of the Douglas County Women's Republican Club, this committee was authorized to study and report upon the civil rights bill of 1963, H.R. 7152, now being considered in the House of Representatives.

The title of this act is "A bill to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes."

As Americans we believe that in their divine origin, all men are created equal; and being equal before their Creator, they should be equal before the laws of the land.

We believe in the integrity of the individual, and his right to life, liberty, and the pursuit of his happiness. We do not believe in the right of any individual, or group of individuals, to infringe on the rights of others.

All U.S. citizens regardless of race, color, religion or national origin are entitled to equal protection under the law and to the rights of the individual guaranteed under the Constitution.

Because the individual is born with inherent traits, and mankind with a diversity of talents, the founders of our Government could not, and did not, provide for social rights. Men were to be free to exercise their individual talents, and build their own lives in the pursuit of their own happiness, within the limitations set, of course, by laws.

We should not confuse social inequalities and injustices with the rights guaranteed under the Constitution.

The committee wishes to make it clear that we believe that the elimination of discrimination is right and desirable in society. We also believe that legislation against discrimination is justified in tax-supported public facilities and federally assisted programs.

But, if in the attempt to legislate nondiscrimination, there are more rights lost by all than are granted to a part of all citizens, this not a desirable law, nor even a constitutional law, and should be opposed.

The rights that would be lost under this bill are very fundamental to our life as free citizens in the United States and would apply equally to all people, including those whom the civil rights bill is attempting to help. These constitutional right are: the right to hire and fire, or otherwise administer one's own business establishment; the right to buy, sell or rent one's own property as he sees fit.

Enforcing the terms of the civil rights bill would impose Federal control over individual action in the above-mentioned areas to an extent which has never before been proposed in the history of the United States.

This civil rights bill of 1963 goes beyond the purpose for which it is said to be intended and would establish dictatorial control over many vital areas of American life. The proposed legislation is destructive of free government, and of the rights of individuals guaranteed under the Constitution; therefore, we recommend that the Douglas County Women's Republican Club ask the Members of Congress to vote "no" on this legislation.

Respectfully submitted this 6th day of February 1964.

Mr. President, these are but a sample of the many letters I have received from citizens who live in States other than Louisiana. Their letters indicate that a very large number of the people of the United States are very greatly concerned about this bill and are in strong opposition to it.

I should like to read several other letters which indicate the way my mail on this subject has been running.

For example, I received the following letter from Mrs. Virginia F. Rogers, of Hemet, Calif.:

DEAR SENATOR LONG: Never in my life have I read a piece of legislation as evil as the Civil Rights Act of 1963, passed in the House of Representatives as H.R. 7152. They very language of the act with its open-end provisions gives the President, Federal departments and agencies, and Presidential appointees revolutionary authority to do whatever they desire. Passage of the act could only bring our beloved Republic to a dictatorship. Consider Arkansas and Mississippi; it has already happened here in two test runs.

George Washington wrote to Lafayette concerning the new Constitution "that these powers * * * are so distributed among the legislative, executive, and judicial branches into which the General Government is arranged, that it can never be in danger of degenerating into a monarchy, an oligarchy, an aristocracy or any other despotic or oppressive form, so long as there shall remain any virtue in the body of the people."

America is basically a country of moral people. You have the distinction of being a leader among these people and by virtue of this, the glorious opportunity by voting "No" on the Civil Rights Act, to stand for moral strength and courage. Virtue.

I received a letter from the Utah Constitutional Redress Committee, of Salt Lake City, Utah, Mrs. Fred Morrison, president. Her letter reads in part as follows:

DEAR SENATOR: This is to advise you that we, the members of the Utah Constitutional Redress Committee, as a committee and as individuals, are unequivocally and absolutely opposed to the civil rights bill, as it is, or in a watered-down condition.

So she leaves no room for doubt; it is not necessary to read between the lines of her letter, which is perfectly plain. It is entirely clear that the members of that committee are unequivocally opposed to the bill, either in its present form or in a watered-down form.

I read further from her letter:

There is very little about it to recommend it to either whites or blacks. It is discriminatory, and will end in taking away the rights which it purports to uphold.

We expect our Senators to do all in their power to defeat this bill, and we are watching proceedings.

We realize that there is very much pressure being put upon the lawmakers in Washington. It is evident that there are those who wish this legislation passed for selfish reasons, and not essentially because they are interested in the welfare of the Negroes. They just want it passed.

As your constituents, and as those who have an interest in the best welfare of the country at large, we expect you to use all honest means at your disposal to defeat this bill.

Let me read the following letter from Mr. and Mrs. John E. Ryan, of Burlingame, in the great Western State of California:

DEAR SENATOR LONG: We are writing you because of our deep concern over the consequences that will result if the civil rights bill now pending should pass. We who love our country and our people—all of our people—are apparently a small voice in the babble of ignorance that seems to prevail. The tragic and frightening things is that most of our elected officials seem to have lost sight of what is best for our country. We, the quiet citizens, have not organized demonstrations, nor has the side of freedom been presented objectively in our news media, but we are certainly very aware of what is happening.

There has been much talk of hate and bigotry the past few years and emotions have run high. Nobody can deny that discrimination is morally wrong and there are few who will try. This has given the champions of civil rights a tremendous emotional advantage; they have exploited our people and can surely not have the best interests of our country at heart. The Negroes have been exploited to the point where the rational majority within their ranks cannot be heard. Let us not forget the basic, underlying philosophies that have made our country great, particularly limited government, which allows the individual to rise to his highest attainment. The encroachment by the Federal Government into the private affairs of our citizens, especially the speed with which it has taken place in recent years, was never intended by our farsighted founders. The legislation now pending would give unprecedented power to appointees, not responsible to the electorate, to control even further the activities of citizens.

Please, Senator LONG, remember that our country has been built on the foundation of many minorities. We have worked our problems out best without interference from the Federal Government. We urge you to place freedom above all else and vote "No" on this legislation.

Sincerely,

And I have received the following letter from Mr. Gary L. Blocker, of Florissant, Mo.:

DEAR SENATOR LONG: After critically reviewing the civil rights bill, I firmly believe this bill should not be made a law. Since you represent the American citizen in the U.S. Senate, I ask you to vote against the civil rights bill.

This bill protects the civil rights of certain minorities, but will destroy the civil rights of all citizens of the United States. This means we will lose; our right to rent, sell or lease our homes as free individuals, our right to hire or discharge any individual and determine his pay, privilege or employment, etc. Basically many civil rights we now enjoy will be distorted in such a way that we will no longer have any civil rights.

Again, I ask that you vote "No" on this bill as I personally believe this bill is unconstitutional.

Mr. President, I believe these letters and petitions—and at a future time I shall undertake to submit many more—show how the people of this country feel about the bill. They represent the feeling of the great majority of the people that there is no real need or justification for the enactment of this bill, and that this matter should be left to the private efforts of individuals.

At a future time, if the Senate sees fit to insist on proceeding to consider the bill, I shall discuss it at greater length.

However, I believe it would be the best part of wisdom for the Senate to decline to take up the bill. On the other hand, if the bill is taken up by the Senate, I hope the Senate will decide to refer the bill to the committee, where it can be considered and where the amendments which should be offered could perhaps be voted on, in the effort to correct the many abuses which I find would result from this highly objectionable piece of proposed legislation.

MISSISSIPPI WELFARE AID TO DEPENDENT MOTHERS AND CHILDREN

Mr. STENNIS (during the delivery of the speech of Mr. Long of Louisiana): Mr. President, will the Senator yield for a brief statement on a subject of debate earlier today?

Mr. LONG of Louisiana. Mr. President, I yield to the Senator from Mississippi under the same conditions under which I have yielded previously for Record insertions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I thank the Senator. I ask unanimous consent that my remarks be printed in the Record at the conclusion of the speech and colloquy of the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, while the Senator from South Carolina had the floor this morning, I entered into a discussion with reference to the withholding of Federal funds. The Senator with whom I was debating later said that he made the remarks which he did merely to illustrate and not to refer to any State or any condition in a State.

However, the illustration that he mentioned related to greater welfare payments to white dependent children than to colored children, or more such payments to white mothers than to colored mothers.

Reference was also made to the treatment of colored people and white people at Hill-Burton hospitals. It was suggested that a white man who had an automobile accident would be admitted to such hospitals but a colored man would be rejected.

The Senator from Mississippi stoutly rejected any such possibility or practice—past, present, or future—in his State.

I now have before me the actual figures to reject the thought that there was any discrimination between the white and the colored children in Mississippi.

The Senator from Missisippi was supported in his statement by the Senator from Connecticut [Mr. Ribicoff], the former Secretary of the Department of Health, Education, and Welfare, who stated on the floor of the Senate that there was no disparity in such payments.

I now have an official letter from the director of the welfare department in Mississippi.

He said in the letter:

> We now send welfare checks to such needy children, 78 percent of whom are colored and 22 percent are white.

Of course, the amounts are the same as testified to by the former Secretary of the Department of Health, Education, and Welfare.

I have the breakdown of the figures relating to State and Federal aid: 50,770 of the children receiving such aid are Negro; 11,742 are white; 227 are Indian are other nationalities. As I have said, in round numbers, 78 percent of the aid goes to Negro children and 22 percent to white children.

I wish to place in the Record those figures to complete the statements with reference to that subject. Although I am sure that the Senator did not intend to do so, his argument sounded as though such practices were prevalent.

When implications such as the one to which I have referred are in error, they should be stoutly challenged and the actual facts should be placed in the Record. The debate illustrates many things that are unknown about the conditions which exist. The facts upon which bills such as the one we are discussing are based do not pan out when they are examined.

I thank the Senator for yielding to me.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HUMPHREY. I am glad that the Senator from Mississippi has placed in the Record the statistics to which he has referred. At times, in the enthusiasm of debate, implications are drawn that were never intended by the speaker and it is only in keeping with the high level of debate thus far on this bill that any mistaken impressions about the bill be corrected promptly.

Mr. STENNIS. As I have said, the Senator did not make the statement as a charge, as he explained, but it was an implied charge.

Mr. HUMPHREY. I understand. I am pleased that the Record will be complete. We ought not to exaggerate the facts, even by implication.

RECESS TO 10 A.M., TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time, I move, in accordance with the order previously entered, that the Senate take a recess until tomorrow, at 10 a.m.

The motion was agreed to; and (at 9 o'clock and 5 minutes p.m.) the Senate took a recess, under the order previously entered, to tomorrow, Wednesday, March 25, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received March 24 (legislative day of March 9), 1964:

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Lt. Gen. Frank Shaffer Besson, Jr., O18662, Army of the United States (major general, U.S. Army), in the grade of general.

In the Navy

Having designated, under the provisions of title 10, United States Code, section 5231, Vice Adm. Thomas H. Moorer, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of admiral while so serving.

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Bernard A. Clarey, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

The following-named officers for appointment to the grade of vice admiral on the retired list in accordance with title 10, United States Code, section 5233:

Vice Adm. Bernard L. Austin, U.S. Navy.

Rear Adm. Laurence H. Frost, U.S. Navy.

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. William E. Ellis, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

Rear Adm. Robert T. S. Keith, U.S. Navy, for appointment to the grade of vice admiral on the retired list in accordance with title 10, United States Code, section 5233.

In the Marine Corps

Maj. Gen. John C. Munn, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title 10, United States Code, section 5233, effective from the date of his retirement.

In the Army

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Carl Henry Jark, O17556, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. Lawrence Joseph Lincoln, O18968, U.S. Army, in the grade of lieutenant general.

In the Air Force

Maj. Gen. Leighton I. Davis, 1111A, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

Navy Department

Rear Adm. Allen M. Shinn, U.S. Navy, to be Chief of the Bureau of Naval Weapons in the Department of the Navy for a term of 4 years.

HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

John 17: 4: *I have glorified Thee on the earth; I have finished the work which Thou gavest Me to do.*

God of all goodness, by Thy grace we have entered upon Holy Week, commemorating days in the life of our Lord whose solemn and sacred significance our finite minds cannot fully comprehend.

Grant that the observance of the week of our Lord's passion may be for all of us not only a time of commemoration but of renewed consecration to glorify Thee and do Thy will.

May our President, our Speaker, and the Members of this legislative body daily enter upon the duties and responsibilities of their high calling richly endowed with the spirit and power of the Master's sacrificial love.

Inspire them with faith and fidelity as they steadfastly set themselves to the arduous task of building a social order in which righteousness reigns supremely and Thy glory is the law of life.

In Christ's name we bring our needs and longings. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

COMMUNICATION FROM THE CLERK

The SPEAKER laid before the House the following communication which was read:

Office of the Clerk,
House of Representatives,
Washington, D.C., March 23, 1964.

The Honorable the Speaker,
House of Representatives.

Sir: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office at 7:45 p.m. on March 23, 1964, and said to contain a veto message on H.R. 1761, "An act to confer jurisdiction on the court of claims to hear, determine, and render judgment upon the claim of R. Gordon Finney, Jr."

Respectfully yours,
Ralph R. Roberts,
Clerk, U.S. House of Representatives.

R. GORDON FINNEY, JR.: VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 286)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return, without my approval, H.R. 1761, a bill to confer jurisdiction on the court of claims to hear, determine, and render judgment upon the claim of R. Gordon Finney, Jr.

This bill would permit Mr. Finney to claim a salary for the years between 1946 and 1963, when he was not employed by the Federal Government. He had occupied a temporary position with the Federal Government between 1933 and 1942, when he entered the armed services. Mr. Finney first raised this question in 1960.

At present, the statute of limitations bars claims not raised within 6 years of the date they accrue. Mr. Finney seeks relief from the effect of this statute on the ground that he was under the impression that an opinion of the Attorney General, announced in 1945, prevented him from successfully asserting a right to reemployment by the Federal Government at the conclusion of his military service. He therefore sought and found private employment. He was unaware of a subsequent opinion by the Attorney General in 1946, which indicated he had reemployment rights after his military service.

The record does not disclose any reason for the 14-year delay in filing the back salary claim. The statute of limitations is designed to give finality to actions after a reasonable period of time. To permit Mr. Finney to assert a claim now would not only do violence to the purpose of the statute of limitations, it would also permit his delay to increase the amount of the claim. There is no justification for charging the Government with the consequences of the failure of a claimant to pursue his remedy.

In these circumstances, I believe the policy of the statute of limitations should be maintained.

Lyndon B. Johnson.

The White House, *March 23, 1964.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and, without objection, the message and the bill will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.

CRIMINAL JUSTICE BILL OF 1963

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1057) to promote the cause of criminal justice by providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York?

The Chair hears none, and appoints the following conferees: Messrs. Celler, Rodino, Rogers of Colorado, McCulloch, and Moore.

SILVER DOLLARS

Mr. WHITE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. WHITE. Mr. Speaker, today I am introducing two bills having to do with silver and our monetary system. Just about a year ago we passed out of this House a bill demonetizing silver and issuing Federal Reserve notes for silver certificates. At that time there were in the Treasury of the United States 100 million silver dollars. Last week this amount was reduced to 13 million, indicating that this recent raid on the stock of silver dollars in the Treasury was not of recent origin. It is something that has been going on all year. Now it is becoming acute, and people are beginning to realize the value of silver dollars and the silver therein.

The bills I have introduced will increase the monetary value of silver and will order the Secretary of the Treasury to stop the sale of silver bullion that is now in stock at West Point. I believe that the legislation has been well considered and will answer many of the arguments that we no doubt will hear today concerning the minting of additional silver dollars. I hope that during the course of the debate today I will be able to make available to the House this information.

NEW MONETARY PRICE FOR SILVER

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, I join my colleague from Idaho [Mr. White] in introducing a bill providing for a new monetary price for silver and for a prohibition against the continued sale of bullion from the stores of West Point. Like my colleague, the gentleman from Idaho [Mr. White], I think that the silver bullion that is stored by the Treasury should be used for its monetary use and not as a cheap silver mine for the users of silver.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DAILY LIST OF EXPORT LICENSES APPROVED BY DEPARTMENT OF COMMERCE

Mr. LIPSCOMB. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, it is encouraging to be able to report that the Department of Commerce has decided that it will continue publication of the daily list of export licenses approved by the Department.

News of this decision is contained in a letter I received from Secretary of Commerce Hodges which was delivered to my office late yesterday afternoon, March 23, 1964.

The daily lists provide day-to-day information on export licenses issued by the Commerce Department outlining the type of commodities, their value, and the destination of exports authorized, including shipments to Communist nations. The Department had announced in February that as of April 1, 1964, it would discontinue their publication.

When that move was announced I wrote to the President and to the Secretary of Commerce urging that the publication be continued because I believe it is important for the Congress and the public to have access to such information on a timely basis, which would be impossible without a publication of this sort. I also introduced a resolution in the House to require that the daily export license list be continued.

According to the Secretary's letter the decision at this time calls for continuation of the daily list of approved export licenses at least for another year. While I know of no substantial reason why the decision could not have been to the effect that the daily lists will be continued indefinitely, at least we are assured that they will be available for the year and I am confident that sound reasons for their continuance will still exist at that time.

SUPPLEMENTAL APPROPRIATION, DEPARTMENT OF LABOR, FISCAL YEAR 1964

Mr. FOGARTY. Mr. Speaker, in accordance with the unanimous consent granted yesterday, I call up House Joint Resolution 962, making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1964, namely:

DEPARTMENT OF LABOR

Bureau of Employment Security

Unemployment Compensation for Federal Employees and ex-Servicemen

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen", $42,000,000.

Mr. FOGARTY. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this joint resolution will provide a deficiency appropriation of $42 million for unemployment compensation for Federal employees and ex-servicemen.

The original result of the Department of Labor for 1964 was $119 million. This request was reduced to $110 million by the Congress. Late in calendar year 1963 it became obvious that even the original request of the Department was somewhat on the low side and that additional funds would be required to carry the program for the full fiscal year. On January 21, we received a request for $30 million. This request appears in House Document 203.

When the request for an additional $30 million was received there did not appear to be any great urgency, however, we proceeded to consider this request in a reasonably prompt manner and held hearings February 13. We were a little surprised that the Department of Labor presented revised justifications and testified that the then current outlook was that at least $42 million would be required rather than $30 million. We were told that the Bureau of the Budget had approved their testifying to the larger amount and that the formal documents to the Speaker of the House requesting this larger amount would be forthcoming later that day, February 13. As you all know, this request was not actually received until about 1 o'clock yesterday afternoon.

Whether this long delay in the submission of this request is due to the not uncommon fumbling and indecision on the part of the Bureau of the Budget or was for some particular purpose, I do not know. This is really beside the point anyway. The facts of the matter are that about half of the States have completely exhausted their funds and the rest will have exhausted theirs by the end of this week. This means that if we do not appropriate funds at once there will be approximately 100,000 Federal employees and ex-servicemen who have not been able to find jobs, and who will not get the benefits of unemployment insurance which they are entitled to under the law. We have checked the amount of this request and as near as we can determine, if it is in error, it is because it is too low.

Under these circumstances, Mr. Speaker, I do not think there is the slightest question that we should pass this resolution and hope that the other body takes as prompt action as we have.

Mr. LAIRD. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the gentleman from Rhode Island [Mr. FOGARTY] has given the House a very factual and I must say restrained statement explaining the situation with which we are faced. I say restrained because I know that he cannot be happy with having to come to this House a second time this session and ask unanimous consent to circumvent our rules in order to take care of an emergency which is occasioned solely by inexcusable delays in the executive branch. As the gentleman from Rhode Island stated, we held hearings on February 13 at which hearings we were formally advised that the best estimates of the Department of Labor were that $42 million was needed and that a request for this amount would formally be presented to the Speaker of the House later that same day. Now, let us take a look at the timing of this actual submission. The Appropriations Committee met last Friday. This meeting has been public information since January 16. The chairman of the Committee on Appropriations, the gentleman from Missouri [Mr. CANNON] had also announced publicly that the next meeting of the Appropriations Committee would be on April 7. When was this request sent to the House? Immediately after our last full committee meeting.

Now, Mr. Speaker, I, of course, cannot prove that this timing was a deliberate attempt to embarrass the Committee on Appropriations and the House, but certainly those responsible for this timing knew full well that we were being placed in the position of either having to circumvent our rules or deprive unemployed ex-servicemen and ex-Federal employees of compensation due them under the law.

Of course, we can all well understand why the executive branch would not like to send up this additional supplemental. It must be rather embarrassing to talk of our booming economy on one side and on the other have to ask for more and more money because these people cannot find jobs and the U.S. Employment Service cannot find jobs for them. One really cannot blame the President too much for not wanting to send up a request for $42 million on February 13 when he had sent up a request for $30 million on January 21. That would not fit in very well with the concept of a booming economy.

Mr. Speaker, to make matters even worse, it now appears that the $42 million is not going to be sufficient to carry this program through the full fiscal year. Things appear to be getting worse instead of better. We were told that just the prospect of the tax cut was resulting in increased economic activity. And most of us thought that this shot in the arm was going to help some and probably would not wear off until after election. When we look at what is happening in this program, however, one begins to wonder. The total of payments during the full month of February was $15,570,415. We are advised that the total of payments during the first 2 weeks of March was $8,458,000, or almost 10 percent above the February rate. With 14 weeks left in this fiscal year it does not take much of a mathematician to see that $42 million is a very optimistic estimate indeed.

Mr. Speaker, we have no course open to us but to pass this joint resolution. I just hope that those who have been so critical of Congress because it, at times, acts in a deliberate manner as was intended by those who framed our Constitution, will take note of the relative speed with which the legislative and the executive can act when there is urgent business of the Nation to be taken care of.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 82]

Alger
Aspinall
Barry
Bass
Bolton, Frances P.
Bolton, Oliver P.
Brock
Brown, Calif.
Buckley
Burkhalter

Burleson
Celler
Chelf
Corbett
Cramer
Diggs
Dorn
Dowdy
Elliott
Evins
Flynt
Forrester
Gill
Grant
Gray
Hagan, Ga.
Harsha
Harvey, Ind.
Hawkins
Herlong
Hoffman
Jarman
Jones, Ala.
Jones, Mo.
Kee
King, Calif.
Kluczynski
Knox
Martin, Mass.
Meader
Morrison
Morse
O'Brien, Ill.
Osmers
Pilcher
Powell
Rains
Reid, N.Y.
Rogers, Colo.
Roosevelt
Schadeberg
Selden
Sheppard
Staebler
Thomas
Udall
Ullman
Utt
Van Pelt
Vinson
Williams
Wilson, Ind.
Winstead

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REPORT OF A COMMITTEE

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 662, Rept. No. 1523) which was referred to the House Calendar and ordered printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

TREASURY CASH ROOM RUNS OUT OF KENNEDY HALF DOLLARS IN 2 HOURS' TIME

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I have just learned that the cash room of the Treasury Department sold 60,000 John F. Kennedy half-dollars this morning between 8:30 and 10:30 a.m. to about 1,500 people, most of them buying the maximum $20 worth, or 40 coins. Many hundreds of people who stood in line for coins were turned away when the supply was exhausted.

Mr. Speaker, this is exactly what we were warning would happen if the Treasury insisted upon selling its supply in bulk quantities, after having officially asked the commercial banks of the country to limit the sale of the new coins to a few per person.

Until Secretary Dillon testified on another matter before the Banking and Currency Committee yesterday morning, and I asked him some questions about the plans for Treasury sale of the coins, the limit the Treasury had intended to observe on its direct sales to the public was $100 worth per person, or 200 coins. Under that unrealistic limit, the Treasury supply would have been exhausted in less than a half hour instead of 2 hours. Only 300 people rather than 1,500 would have been able to obtain the new coin if all had bought the maximum, as I am sure most of them would have done.

The Secretary told us yesterday, in answer to my questions, that this coin will be minted in quantity for many years and will not be a scarce collector's item. We all realize that. But millions of Americans who loved John F. Kennedy want—and have a right to demand—one or several of the coins honoring his memory. They want a Kennedy coin now—not just after dealers and coin investors and speculators have gotten bulk quantities first. Now it is up to the banks to show a better appreciation of the importance of limiting quantities than the Treasury Department did this morning.

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATION BILL, 1965

Mr. GARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10532) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 3 hours, one-half of the time to be controlled by the gentleman from New York [Mr. Pillion] and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The question is on the motion.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10532, with Mr. Blatnik in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Virginia [Mr. Gary] will be recognized for 1½ hours and the gentleman from New York [Mr. Pillion] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Virginia [Mr. Gary].

Mr. GARY. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, we are considering today one of the largest appropriation bills that comes before this body. The bill carries a total appropriation of $17,400 million. Of this amount, however, $11,200 million represents permanent appropriations over which our committee has no control.

The largest item of the permanent appropriations is interest on the public debt which for fiscal year 1965 is estimated at $11 billion—an increase of $400 million over 1964.

In passing, Mr. Chairman, I would like to call attention to the fact that the interest on the Federal debt alone today amounts to more than the entire expenditure of the Federal Government in 1940. This interest is on a public debt which as of March 18, 1964, last Wednesday, amounted to $310,468,292,132.75.

I think it is well to call attention to the fact at the beginning of our consideration of appropriation bills that the Federal budget has been balanced only six times during the last 33 years; and that the estimated deficit for the present fiscal year is $10 billion. The estimate for fiscal year 1965, concerning July 1, next, is $4,900 million.

Mr. Chairman, for a while it was the custom to invite the Director of the Budget and the Secretary of the Treasury to appear before the full Committee on Appropriations each year for the purpose of receiving the budget.

That procedure was discontinued about 2 or 3 years ago, but as a substitute our committee has adopted the practice of inviting these two gentlemen to review the budget before our subcommittee; and we had a full and complete discussion of the budget for 1965.

I suggest that any Members of the Congress who are interested read the beginning of the Treasury Department hearings where this review and discussion is recorded. There they will find the budget completely outlined, and will obtain more information, in my judgment, than from any other source now available.

The part of this appropriation bill over which our committee does have control amounts to $6,225,420,000, which represents an increase of $179,954,000 over the appropriations for the previous fiscal year. Of that amount, the mandatory increases are $121 million.

Our committee cut the amount requested in the entire bill $46,571,000.

There was a request in the bill for new personnel totaling 4,420, compared to fiscal year 1964. Most of the personnel, of course, are for the Post Office Department and the Internal Revenue Service. Many people do not realize the fact, but this country is growing, and as the population increases we are forced to increase our expenditures to take care of the increased population.

In this bill, instead of the 4,420 additional personnel requested, we recommend 2,350 additional personnel, a cut of 2,070.

The bill, as all Members know, covers the Treasury and Post Office Departments and the Executive Office of the President.

The two departments are the oldest departments of the Federal Government.

In my judgment, they are the most economically operated departments of the entire Government.

In the days of Secretary Snyder, he organized, in the Treasury Department, a committee on management. That committee has functioned until this day. It studies continuously the various operations of the Treasury Department, with the idea of recommending economies and better management procedures. It has been most successful in that connection. Were it not for the work of that committee, the appropriation for the Treasury Department before you would be much larger today than the figure we present.

The estimate for the Treasury Department this year was $1,236,990,000. Our committee recommends $1,207,080,000, which is an increase over the figure for fiscal year 1964 of $103,430,000, of which $48,660,000 is for the mandatory increases demanded by the salary increases the Congress voted.

The cut in 1965 requests is $29,910,000. This budget request contemplates increases in personnel of 2,715 which would raise civilian employment in the Department of the Treasury to slightly less than 82,000.

The bill recommends an increase of approximately 1,650 rather than the 2,715 requested. I might call attention to the fact that the Treasury Department is one of the Government pioneers in the use of electronic equipment. Through the use of this modern machinery it has saved many millions of dollars. Our subcommittee has encouraged the use of this machinery since it was first available. In the initial use all machinery was leased at very costly rentals. Within the last 2 to 3 years our committee has insisted upon the various departments investigating the question of the purchase of equipment and owning the equipment wherever it is feasible. As a result the purchases for 1963 and the planned purchases for 1964 and 1965 total $22 million. It is estimated that by 1970 these purchases will result in a net saving of $26 million. In other words, they will more than pay for the investment within the next 3 years, which we think is an accomplishment well worthwhile.

I shall now review briefly the recommendations for the various divisions of the Department of the Treasury. The request of the Office of the Secretary was for $5,580,000. We recommend $5,550,000, which is an increase of $550,000 over 1964, but, I will add, last year the Office of the Director of Practice, which had been in the Internal Revenue Service, was transferred to this office, and that cost $200,000 a year, which has the effect of reducing the budget increase over 1964 for the Office of the Secretary from $550,000 to $350,000.

The Bureau of Accounts—and let me say to you this is one department that has profited greatly by the use of electronic equipment—have actually estimated their needs for the fiscal year 1965 at $1.8 million less than it cost them to run the department last year. Their request was for $33,390,000. We recommend $33 million. Since they had already decreased the amount, our committee recommended a further cut of only $390,000, which we thought they could save by the use of the electronic machinery that they have been operating so effectively.

Here is one of the big divisions of the Department of the Treasury, and it is a most important one; namely, the Bureau of Customs. The request of the Bureau of Customs for 1965 was $78.2 million. We recommend $76 million, which is an increase of $3,630,000 over 1964, but of that amount $2,544,000 is the mandatory increase. The cut in the 1965 request that we recommend is $2.2 million. In that connection let me say to you that the workload of the Bureau of Customs has increased rapidly during the past few years. The number of persons arriving in the United States has increased from 158 million in 1962 to an estimated 171 million in 1965.

Formal entries of merchandise increased from 1.5 million in 1962 to 1.8 million in 1965.

In addition, several new responsibilities have been assigned to the Bureau, such as the control of poronographic literature and Communist propaganda coming into this country. Activities have increased also in the Caribbean and Florida areas because of the Cuban situation. That additional workload necessarily calls for additional personal. They requested 375 additional personnel. We recommended 150.

For the Bureau of Engraving and Printing we do not have a regular budget request. Several years ago we placed the Bureau of Engraving and Printing on a so-called business budget. Their work consists entirely of work for other Government agencies. We gave them a revolving fund. They charge the agencies the cost of the work they do for them. Consequently, they ask for no appropriation except for capital outlays, which we do not think should be charged to the Bureau operations. However, this year they asked for an appropriation of $5,750,000 to air-condition their building. Our committee considers that most important, not only because of the comfort of the employees working in the building, but because their work is of a peculiarly sensitive nature which requires temperature and humidity control. It is amazing they have gone this far without requesting this air-conditioning for their building. It probably should have been put into the building some time ago because, in my judgment, it is one building in Washington that needs it most.

Congress authorized $300,000 in 1963 for drawings and specifications. They came in last year and asked for $5,750,000 to install the machinery. We did not think that the plans and drawings and specifications would be completed in time to use it during tthe current fiscal year, and we were right. They are just now completing the drawings and specifications, but they will be ready to proceed in the new year which begins on July 1. Consequently we are allowing them the full amount for that very important addition to the Bureau of Printing and Engraving.

Mr. Chairman, I am going to skip over the next item for a few minutes but shall return to it shortly.

The following item is for the Bureau of Narcotics. The estimates for that Bureau was $5,550,000. We allowed the full amount, which is an increase over 1964 of $200,000. That increase is accounted for entirely by mandatory costs and the oversea program to suppress sources of narcotics, which was recently transferred to the Bureau of Narcotics from the Bureau of Customs. No increase in personnel is requested. We thought certainly that this is one Bureau that should be maintained at its present level because they are engaged in the most important work of controlling narcotics in this country. And let me say they are doing a magnificent job in that respect.

They are working with the local agencies and have had some remarkable seizures of narcotics during the past year.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GARY. I am glad to yield to the gentleman from Massachusetts.

Mr. CONTE. I wonder if the gentleman would comment upon the study that has been made which recommended the transfer of the Bureau of Narcotics from the Department of the Treasury to the Department of Justice and also comment upon the discussion which we had in the committee and how the subcommittee took the stand that they were very much opposed to this transfer?

Mr. GARY. I thank the gentleman from Massachusetts for those remarks. The facts are that our subcommittee was unanimously opposed to the recommended transfer. We feel that it is so closely connected with the Bureau of Customs and with the other activities of the Treasury Department that it should be kept in the Treasury Department. I think the general idea was that all enforcement agencies should be put together. However, we felt at the present time that this Bureau should be kept with the Bureau of Customs. The Bureau of Narcotics and the Bureau of Customs are charged with the responsibility of enforcement in the narcotics field and they work closely together where narcotics are being smuggled into this country. We felt that no change should be made in that connection.

Mr. Chairman, the next item is the Bureau of the Public Debt. The request was in the amount of $49,250,000. Our committee recommends $49 million, which is an increase of $1 million over last year, of which $361,000 represents a mandatory increase. The cut that we recommended is in the amount of $250,000.

Mr. Chairman, they requested a reduction of 25 people. Of this amount that we have allowed, $512,000 is for the purchase of electronic data processing equipment which our committee strongly supports because we feel that in the long run, as I stated a few moments ago, it will save money.

Mr. Chairman, the next item I shall pass over but come back to a little bit later. I shall now proceed to the request of the Internal Revenue Service.

They requested $594 million. We recommend the appropriation of $583 million. The increase requested over 1964 was $31 million, of which $21,201,000 represents a mandatory increase. We recommend a cut of $11 million.

Mr. Chairman, we feel that the Internal Revenue Service—and by the way, they are doing an excellent job now—is going to have to economize to live within the amount we have recommended for next year. However, we think this is very important in view of our present fiscal situation that all of the departments economize. We feel they can live under this recommended appropriation.

Mr. Chairman, the next item is for the Office of the Treasury. Most of the members of the Committee will recall that the Treasurer is a former colleague of the Members of this body, Mrs. Granahan. We always welcome her before our committee. She requested a reduction of $10.7 million. However, I must admit that this was not a savings. It came about by reason of the fact that the Congress last year voted to switch from the silver certificates over to the Federal bank notes.

The cost of printing the silver certificates came under the Office of the Treasury. The cost of printing the Federal bank notes is borne by the Federal Reserve banks. Consequently, the amount was shifted from one agency to another. In the long run the Government is going to have to pay this amount. But the Treasury Department came in with a request of $6,290,000. We recommend the appropriation of $6 million.

The reduction over the amount appropriated for fiscal year 1964 was $10.7 million. The mandatory increase was $99,000. We cut the request of the Treasury only $290,000.

In the Secret Service operations the request was for $7,550,000. We recommend an appropriation of $7.5 million, which is an increase of $670,000 over 1964, of which $487,000 represents the mandatory increase. The cut in the 1965 request is $50,000. This will put them practically where they are today and represents neither an increase nor decrease in their operations.

For the White House Police we have allowed their full request of $1,730,000, which is an increase of $30,000 over last year, and for the guard force we allowed $420,000, which is an increase of $20,000 over last year.

With reference to the Post Office Department, the post office request was for $5,018 million. We recommend $5,001-500,000, which is an increase of $76 million over 1964, of which $29,905,000 is the mandatory increase and the cut is $16,500,000.

May I say in connection with the Post Office Department appropriation that during World War II the mail increased tremendously. It went to a new high. All of us thought that was a temporary increase, consequently we expected after the war was over that the volume would begin to reduce. But instead of that it has increased every single year. There has not been a year since the war that the volume of mail has decreased and, of course, as they have a larger volume they have to have more personnel to take care of it, and additional personnel costs additional money. The approximately $30 million mandatory increase is for increased salaries which the Congress has voted and over which the Department has no control.

Each year the Post Office has come in with estimates of increase in volume which our committee thought was more than was justified. They have been estimating the annual increase at from 3.5 to 4.5 percent each year. We have been estimating an increase of 2.8 percent. In the past that has been much closer to the actual figure than the Post Office Department estimate. But this year they have dropped down to our estimate of 2.8 percent, therefore our cut in the Post Office could not be as large as last year.

Mr. WHITE. Mr. Chairman, may I suggest that on such an important measure as this we should have a better attendance, therefore I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-one Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 83]

Alger
Aspinall
Barry
Bass
Bolton, Frances P.
Bolton, Oliver P.
Bow
Brock
Brown, Calif.
Buckley
Burkhalter
Burleson
Chelf
Clausen, Don H.
Corbett
Cramer
Dawson
Diggs
Dingell
Dorn
Dowdy
Elliott
Evins
Fallon
Fisher
Flynt
Forrester
Fraser
Friedel
Garmatz
Gill
Goodell
Grant
Gray
Hagan, Ga.
Harvey, Ind.
Hawkins
Hébert
Herlong
Hoffman
Jarman
Jones, Ala.
Jones, Mo.
Karth
Kee
King, Calif.
Kirwan
Kluczynski
Knox
Lankford
Leggett
Martin, Mass.
Meader
Morrison
O'Brien, Ill.
Osmers
Pilcher
Powell
Rains
Reid, N.Y.
Rhodes, Ariz.
Rivers, S.C.
Rogers, Colo.
Rogers, Tex.
Roosevelt
Rostenkowski
Schadeberg
Selden
Sheppard
Sibal
Smith, Calif.
Springer
Staebler
Taylor
Thomas
Udall
Ullman
Utt
Van Pelt
Vinson
Williams
Wilson, Ind.
Winstead

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BLATNIK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 10532, and finding itself without a quorum, he had directed the roll to be called, when 348 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. GARY].

Mr. GARY. Mr. Chairman, as I stated before the quorum call, the budget which has been submitted this year is one of the most realistic budgets that I have seen for these two agencies since I have been handling the bill, and that is about 16 years.

The estimates for mail volume, as I stated, while they varied in the past, this year they accepted the estimate that this committee has agreed on and which has been accurate during past years; that is, an increase in volume of 2.8 percent over last year. We think, therefore, that the estimate is more accurate than it has been in the past and we were not able to cut the budget as much as we have in the past. That accounts for the fact that there is not the decrease this year that we have had previously.

The other item in the bill is that of the Executive Office of the President. The President himself not only recommended decreases in other departments but he set an example by holding down appropriations in the Executive Office to a minimum. We have allowed the amounts that he requested. The total reduction in this item is $111,000, all of which was in the Bureau of the Budget.

Mr. Chairman, as I understand it there are two points of controversy in this bill. One relates to the U.S. Coast Guard.

The Coast Guard appropriation is divided into several items, the chief of which is the item for operating expenses. For that item the request was $274,400,-000. Our committee recommended $270 million even, which was an increase of $21 million over 1964. Of that amount $18,060,000 represents the mandatory increase? Our cut amounts to $4.4 million.

Mr. Chairman, we know that this agency has been operating most economically in the past. We know that it will continue to do so in the future. However, we feel that this represents a very reasonable cut. As a matter of fact I do not look upon it as a cut. I consider we just trimmed them a little bit. We feel that they can live within those operating expenses.

Mr. Chairman, the item on which there is some controversy is the item for acquisition, construction, and improvements. This item is for the acquisition of their planes and ships and their shore installations. They requested $90 million for this item. Our committee recommends the appropriation of $80 million, which represents an increase—and bear this in mind—of $29 million over last year. It represents a cut of only $10 million in their request.

Mr. Chairman, some of the members of the committee will recall that this year for the first time the Congress required an authorization bill to authorize these expenditures. We have never followed that procedure heretofore. They requested authorizations for $72 million. The Congress increased that by $21.5 million, to $93,299,000.

Mr. Chairman, after that increase was made the President came out in a statement which I am sure many members of the committee probably have read saying that the $72 million that they were requesting was all that they wanted for that item. We let that item stand at $72 million. But in addition to that they had unauthorized items amounting to $18 million. We thought that could stand some cutting. So we cut that item $10 million.

Now, I understand that an amendment will be offered to restore the $10 million that we have cut from that budget. I can say very frankly that the Coast Guard can spend it and it would not be wasted. However, our committee felt that in view of the situation that now exists with reference to our fiscal affairs they could stand that additional cut of $10 million for this year.

Mr. Chairman, we increased the request for retired pay by $3.9 million. We allowed approximately what they requested for the Reserve training program.

Now, Mr. Chairman, there is one other item, and this is very important. I hope that the members of the committee will give me their closest attention on this item because it is most important.

Permit me to say to the members of the committee that our Government has not minted a silver dollar since 1935. At that time we had a very large supply on hand, which dwindled very slowly until within the last year or so speculators got into the market. They have been buying up these coins primarily in a search for prize coins. These silver dollars are put into bags of 1,000.

Speculators have been purchasing these bags of 1,000, and looking through them in the hope of finding premium coins, then disposing of the balance. Consequently, the supply has dwindled until at the last count I heard there were about $13 million on hand.

Our committee considered this matter very carefully. We had quite a number of the Representatives from the West to come in from the silver States, and ask us to resume the minting of these dollars. Let me say to my friends from the silver States that nothing would give me more pleasure than to do so; I would love to accommodate them and there would be no objection except for two facts.

One of these facts is that we have today a very serious shortage in every denomination of coins except silver dollars. Nobody uses silver dollars in this country except in the few silver-producing States. But we do use quarters, half-dollars, dimes, nickels, and pennies, and we have had a shortage of those coins which has been increasing until now it has become most serious. Every single denomination of coin today is rationed by the Government. If any bank—and my bank has been calling me from Richmond saying "We sent to the the Federal Reserve bank trying to get $1,000 worth of quarters, and they would only allow us $250 worth." That, notwithstanding the fact we have had the mint operating on a 24-hour basis for 5 days a week. We have increased our present facilities in every way that it is possible for us to do. For example, without any request from the Government we appropriated money last year to add a wing onto the Denver Mint to increase the production there 400 million coins. We gave money for improvements to the Philadelphia Mint just about 5 years ago and in order to make the improvements—we were so cramped for space—we had to run one of the conveyor lines outside of the window of the building and bring it back in through another window in order to get the space to operate successfully.

It is absolutely impossible to increase at the present time the facilities at our present mints. Notwithstanding that fact, we have gone from 497 million coins in 1950, to 4.1 billion in 1964. We are still running behind and we cannot catch up. We do not have any inventory on any of these coins.

The only way we can manufacture these silver dollars is take the presses off of the scarce, minor coins, and put them to manufacturing silver dollars. That is the first situation.

The second consideration is that the value of silver in a silver dollar today is $1.0005. In other words, the value of silver today in a silver dollar is worth more than a dollar. Of course, if we would go back to minting silver dollars, with the other coins, we are going to increase the price of silver. If it goes up one or two points it means that it will be profitable then for the silversmiths to melt those coins down to get the silver content out of them. That is what would happen.

In the face of this shortage of other coins it would mean that we would be minting silver dollars to enable other people to turn around and melt them down. The value of the silver in two half-dollars is only 92 cents. A bill has been introduced in this body and also in the other body to decrease the silver content in a silver dollar. We have said to our friends from the West, "If you will get this bill through so that it will not be profitable to melt down silver dollars, we will do what we can to increase production." We have done that in this bill because we have a new mint that is already planned. We have already appropriated the money for the planning of it.

In this bill today we recommend $16,500,000, the entire amount requested for its construction, so that the work can start immediately, and when completed it will mint 3 billion coins a year, which will take care of the need for some little time to come.

We have said then that if you will get this content changed by legislation—we have no authority over that—we will go ahead with this mint, and as soon as we possibly can we will recommend the minting of these silver dollars. What we do, we take a part of the money that was requested for that purpose and we appropriate enough of it to enable the mint—at the present time it is operating 24 hours a day 5 days a week—to operate 24 hours a day for 7 days a week. We recommend the appropriation of money so that they can operate on Saturdays and Sundays, which will still further increase the production of minor coins in order to keep up with the shortage that is becoming very, very serious.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Idaho.

Mr. WHITE. May I ask this question: First of all, if this appropriation is approved making additional money available for minting facilities, how long will it be before they will be in operation?

Mr. GARY. September 1966.

Mr. WHITE. I thank the gentleman. I appreciate the problem of the additional capacity needed for the silver dollars. I should like to state to the gentleman, however, that the Secretary of the Treasury in the statement he made last fall said that when these silver dollars were all gone, when they were being taken out of the Treasury at a rate of roughly half a million dollars a day, before this last run, they were going to mint silver dollars. He, however, has had to analyze it the same way you are analyzing it today.

I should like to point out to the gentleman that his argument about melting down silver dollars, with 1,491 million ounces of silver available at the Treasury Department today from the storage at West Point, at $1.29, I do not see people melting down silver dollars at $1.0005 for the silver that is contained therein as long as that particular possibility of acquiring silver exists today. So, as I said earlier today, I have introduced bills to demonetize silver from the value it is today, to reduce its monetary value, but also to stop the sale of that silver.

Mr. GARY. My answer to the gentleman is that the United States today is using annually more silver than the annual production of silver throughout the entire world. We are using a great deal of it now for electronics that we need in our Defense Department. They have found that silver is very adaptable to some of these new electronic devices, machines and weapons, and it is being used very largely for that purpose. We have ample use for the silver that is now on hand in the United States.

Mr. WHITE. I would point out to the gentleman that the purpose of my legislation was to put into the strategic reserve as an exotic metal this silver that will be needed for that use and hold it for use as coinage, and to have a fair distribution.

Mr. GARY. The bill to reduce the content of silver I think is certainly a step in the right direction.

It may be that we will have to do away with the silver in our coins altogether as practically every other nation in the world has done except the United States. We are one of the few States today using silver in our coins and we may have to follow the lead of the other States in that respect. The gentleman's bill is certainly in the right direction, and I will support his bill—and if we can get that content down to the point that we could manufacture silver dollars without having them melted down, as soon as we have the machinery available in the mint, I would certainly recommend it and gladly so.

Mr. WHITE. I thank the gentleman.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman.

Mr. MONAGAN. I would like to ask the gentleman from Virginia a question related not to the silver problem that we have been discussing but to the shortage of coins that exists. As I understand it, the Bureau of the Mint purchases strips and blanks coins and mints them. There are really three processes that are involved in this production. The strip is purchased from private producers. But at the present time, the Government is not purchasing the blanks from private producers. Why would purchase from private sources not be a practical method of procedure which might be less expensive than the procedure that the Government is now following and a new method which would also contribute to reducing the shortage of coins.

Mr. GARY. I will say to the gentleman that our colleague, the gentleman from Massachusetts [Mr. Conte] has the facts and figures on that. Even the strips are costing us millions of dollars more today than it would cost us to manufacture those strips ourselves in the mint. But we have been forced to purchase the strips because we cannot keep up with the production and at the same time manufacture these strips. But I will gladly yield to our colleague, the gentleman from Massachusetts [Mr. Conte] at this point to answer the question raised by the gentleman from Connecticut.

Mr. CONTE. The only strips that we are purchasing at the present time are nickel strips for the production of the 5-cent coin and we are doing this simply because we want to run the mints 100 percent of the time for the silver coins—the 10-cent piece and the 25-cent piece and the half-dollar coin and the $1 coin. But as our chairman, the gentleman from Virginia [Mr. Gary] has pointed out, this is a very costly operation. For a 10-month period, it has cost the Treasury over $700,000 extra for nickel strips. This would be a very costly project if we ever went into that any further.

Mr. MONAGAN. Mr. Chairman, if the gentleman will yield further, of course, to determine the comparative costs between Government and industry would be a very complicated procedure. I do not think you can simply go on the basis of what we buy the strip for from private sources in comparison with subsidized Government costs. But I do not want to go into that at the present time. However, in view of the shortage, it seems to me it would be practical not only to buy strip but also to buy the blanks when we know there are facilities throughout the country that are available for that purpose and could be used at least temporarily until this shortage has been alleviated.

Mr. GARY. We may be forced to do that before we get the new mint in Philadelphia.

Mr. CONTE. If I may answer the gentleman's question further, Mr. Chairman, we are purchasing nickel strip and keeping our equipment both at Denver and Philadelphia operating 100 percent of the time on silver coins, and not counting the 150 million silver dollars, and putting both mints on a three-shift basis 24 hours a day, 7 days a week, we will not meet the shortage at the present time.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman.

Mr. McCLORY. First, I would like to commend the chairman of the committee, the gentleman from Virginia [Mr. Gary], for the very significant statement he has made particularly with regard to the critical coin shortage and the need for new and additional mint facilities at Philadelphia. I represent, as the gentleman knows, an area in northeastern Illinois. I know there is a great need for additional coins in that area. I understand that the greatest coin use in any single metropolitan area in the United States is in Chicago and northeastern Illinois. I want to ask the gentleman this question. As I understand it, the new mint facilities at Philadelphia will still leave the minting facilities inadequate to meet the necessary coin demand in the country; is that correct?

Mr. GARY. No, not for the present. They estimate the new mint at Philadelphia will take care of the present need and as the country grows and as the population increases, we may need further facilities.

Mr. McCLORY. So there will be a need for additional mint facilities in another year or two?

Mr. GARY. There probably will be.

Mr. McCLORY. Is my understanding correct that the authorization for new minting facilities is substantially larger than the amount of the appropriation contained in this bill (H.R. 10532), so that additional minting facilities could be appropriated for in subsequent legislation?

Mr. GARY. The authorization is for $30 million. We are recommending $16.5 million.

Mr. McCLORY. So there will be remaining $13.5 million of authorization for additional minting facilities in some other area, presumably, in the future?

Mr. GARY. The gentleman is correct.

We used to have a mint at San Francisco. Why they stopped minting there I do not know. That happened before I came on this committee. We need a mint in the western part of our country and one in the eastern part of our country.

The gentleman is incorrect as to the greatest use of coins, which is in the Northeast, in the area served by the Philadelphia Mint, where I believe approximately 70 percent of the coins of the country are used.

Mr. McCLORY. If the gentleman will yield further, I was talking about a single metropolitan area. I believe the Northeast includes Philadelphia, as well as New York and Boston and other cities.

Mr. GARY. That is correct.

Mr. McCLORY. I believe at one time there was also a mint in Louisiana, at New Orleans.

I wish to suggest that the Chicago metropolitan area is a likely spot for new minting facilities, because of transportation facilities and also because of the demand for coins in that area.

Mr. GARY. I am glad to have the suggestion from the gentleman. I fear that before the time comes for the building of another mint, after Philadelphia, since I am retiring at the end of this year, I will not have anything to say about it. I suggest that the gentleman make his suggestions to the Secretary of the Treasury, or to the wonderful Director of the Mint, Eva Adams.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GARY. I am glad to yield to the gentleman from Louisiana, a member of the committee.

Mr. PASSMAN. Mr. Chairman, I wish to take this opportunity to endorse what has been said by our distinguished colleague, the gentleman from Virginia [Mr. Gary], with relation to this bill and to urge that the committee's recommendations be approved.

But most of all at this time, Mr. Chairman, I wish to express my personal esteem for Vaughan Gary, who I regard warmly as a dear friend, a fine gentleman, an industrious and dedicated colleague, and an outstanding Congressman.

The Congress and our beloved Nation have been served faithfully and well by Vaughan Gary. And, although I recognize fully that he has richly earned the retirement which he plans from the vitally important tasks that he has performed so long and so excellently, and relief from the arduous duties and heavy responsibilities that he bears, I genuinely regret that he will no longer be with us in this body after this year.

In expressing my appreciation for our distinguished colleague and his works, I want now also, Mr. Chairman, to wish for him many more years of health, happiness, and service to his God, his country, and to his fellow man.

Mr. MATTHEWS. Mr. Chairman, will the gentleman yield?

Mr. GARY. I am glad to yield to the gentleman from Florida.

Mr. MATTHEWS. Mr. Chairman, I am not a member of this great committee, but I feel I am expressing the sentiments of my colleagues on both sides of the aisle when I say to the distinguished gentleman from Virginia [Mr. Gary] how much we appreciate the consecrated work he has given not only to this particular bill but also to all the various matters of legislation to which he has attended throughout the years he has been with us in the Congress.

The gentleman, as we know, has announced that he will retire at the end of this year.

I am now in my 12th year as a Member of Congress. As a colleague of the gentleman from Virginia, I want him to know how greatly indebted I have been to him for his great legislative leadership. I say to him how much I know he will be missed by all of us in this great body. He is a great Virginian, and a great American. We are proud of him.

We say "Thank you" from the bottoms of our hearts.

Mr. GARY. I thank the gentleman. I appreciate those remarks greatly, especially since they come from my dear friend from Florida.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GARY. I am glad to yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Chairman, I feel that all the members of the Illinois delegation—I hope I can speak, though I am not certain I can, for the Republican Members on a matter of sentiment—feel that the gentleman from Virginia is not only a great Virginian but also a great American. We are proud that there was once a connection between Virginia and the present State of Illinois. We love the gentleman from Virginia. We regret his retirement.

But that, Mr. Chairman, is not the reason I asked the gentleman to yield to me.

I was interested to find my dear and beloved friend from Illinois has discovered that in the State of Illinois there is a city of Chicago, because it was only last week that in his eager-beaver desire to get something for his district he forgot that there was a Chicago and he wanted to spend what will amount to $12 million of the taxpayers' money to take from a Democratic district in Chicago to a Republican district outside of Chicago the headquarters of the 5th Army. I am glad to know that at last he has learned that there is a Chicago.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Illinois.

Mr. McCLORY. I certainly want to say that I know there is a city of Chicago, a city which I love and respect, and it is the hub of a great metropolitan area of the State of Illinois, a part of which metropolitan area—Lake and McHenry Counties—which I have the honor and privilege of representing. I would also like to say that the proposed transfer of the 5th Army headquarters from the South Side of Chicago, where it is now located, in what was formerly a hotel and hospital, to Fort Sheridan in Illinois, is consistent with what the Department of Defense recommended, and I am happy to support the Department of Defense and the administration in that behalf. I think there will be a great saving to the taxpayers in this move. I regret exceedingly that it may impair some business or some relationships in the district of the gentleman from Illinois, Mr. O'HARA. I wish it were not so, but I am sure he must agree that since it must go from his district, it could not go to a better district than the one which I have the privilege of representing.

Let me say further in suggesting that a new mint facility in the Chicago metropolitan area would be advisable, I recognize the great metropolis of Chicago and the great financial institutions which are there. For some reason the demand of the banks, merchants, and others for coins in the Chicago metropolitan area exceeds the demand of any comparable metropolitan area in the United States, as I understand it. So I have introduced this bill which would authorize a new mint in Cook County, from which the gentleman from Illinois comes, or in Lake County, the county which I represent. If it goes to either county, I will be very, very happy.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. GARY. For just one moment. I must leave some time for my colleagues from the West who want to speak on this very important matter. Therefore, I do not feel I can yield any longer, because I must yield them some time. However, I will yield for just one moment to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. I will take just one moment.

Chicago is glad to receive our dear friend as a repentant but I can assure him, Mr. Chairman, that Chicago does not need his service until he has served a period of penance.

Mr. BURKE. Mr. Chairman, will the gentleman yield for one moment?

Mr. GARY. I yield to the gentleman from Massachusetts.

Mr. BURKE. I would like to ask our distinguished chairman what safeguards the committee has taken to protect our fishing industry up in the northeast part of our Nation where the Russian fleet is presently operating. Has the committee taken sufficient steps to improve the Coast Guard fleet whose vessels now are over 20 years of age and are practically obsolete?

Mr. GARY. We think we have. We are giving them $29 million more next year for the building of ships, airplanes, and shore facilities than they had in this current fiscal year. We think that is about all that they can economically spend during the next year. I agree with the gentleman that the fleet ought to be brought up to date, but we cannot do it overnight. It has to be done gradually, and we think this is a proper step forward.

Mr. BURKE. Is the Chairman aware of the fact that the Russian fleet at the present time is operating up in the northeast part of this country and have large vessels which are catching fish with extremely small nets, processing them, and canning them and is operating there 6 months at a time? They are wiping out our entire fishing industry in the northeast part of this country. Does not the Chairman think more money should be appropriated in view of this serious condition which exists there?

Mr. GARY. We have discussed that matter, and if the gentleman will examine the record of our hearings, he will find we went into that very fully. We think we have taken the proper steps to take care of the problem.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, we have been very cognizant of this situation. We have flown in helicopters over the Russian fleet, not only off Massachusetts, but up in the Aleutians. The gentleman makes a very good point. Unfortunately, there is nothing the Coast Guard can do. These people are fishing beyond the 3-mile limit and have large ships.

There is a bill pending in the Congress to subsidize the American fishing industry so they may construct large fishing vessels to be able to compete with the Russians. I know that the Chairman has been dedicated to the Coast Guard, has done more than any other single individual in the House and Senate in the history of the Congress for the U.S. Coast Guard. There is very little that can be done in this area.

Mr. PILLION. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, before addressing myself to this bill, I will take a brief interval to express my deep and personal regret over the decision of the gentleman from Virginia [Mr. GARY] to retire from public service.

As a member of this subcommittee, it was my privilege to have been closely associated with him for 6 years at these appropriations hearings.

He presided over the hearings with unfailing courtesy, dignity, and impartiality. He maintained, at all times, a judicial objectivity.

He extended to every witness a kind welcome, a quiet patience, a full hearing.

He has a superior knowledge and understanding of the operations of both the Post Office and the Treasury Departments. His wisdom and good judgment have saved for the people of this Nation hundreds of millions, if not billions of dollars, annually. Yet, he never irresponsibly reduced appropriations in a bill to a point where needed public services had to be curtailed.

During all the time I have known him, I have never heard him utter a harsh word or express a mean thought, to anyone, or about anyone.

We, in this House, respect him highly and admire him greatly.

His retirement is a great loss to this Congress, to his constituency, to this Nation.

I am sure that every Member of this House will join me in wishing VAUGHN GARY a long and a happy retirement.

Mr. Chairman, this bill, which the gentleman from Virginia so ably and adequately presented, is a good bill.

Although the bill provides an increase of $179 million above the 1964 appropriations, about two-thirds or $120 million, is in the nature of mandatory increases.

Compared to the administration's 1965 budget request, there is a reduction of $46 million. These reductions are just about as much as we could make, without endangering the mail service or reducing revenue collections.

In my opinion, both the increases over the 1964 appropriations, and the reductions from the 1965 budget, are fully sustained by the testimony presented to the subcommittee.

I trust that this bill will merit the favorable consideration of the House.

Mr. Chairman, I would like to recognize the cooperation given, and the valuable contributions made by my associates on the subcommittee in bringing this bill to the House. This bill represents the consensus of our best judgment. The gentleman from Louisiana [Mr. PASSMAN], the gentleman from Oklahoma [Mr. STEED], and the gentleman from Massachusetts [Mr. CONTE] equally shared the work of the subcommittee in the hearings and the draft of this bill.

Mr. Gunnels, our staff assistant, deserves special mention for his valuable advice and patient cooperation.

Mr. Chairman, there is one portion of the appropriation bill that warrants the most serious attention on the part of this Congress.

It is well known that there is a serious and persistent shortage of coins. The banks throughout the country have been rationing coins. The coin shortage is now reaching a stage where it is harmful to the normal conduct of the Nation's business.

The coin shortage cannot be satisfactorily and permanently solved without relating this problem to our Government's economic, political, fiscal, and monetary policies. We must look at, and understand the whole picture if we are to arrive at the best possible solutions.

COIN DEMAND

There is no one or two factors that can account for the increasing demand for coins. This demand continues to increase and accelerate.

The fantastic increase in coin demand can be measured by these production figures of our two mints:

In 1950, we minted 497 million pieces, which was sufficient to meet our needs.

Seven years later, in 1957, we minted 1.5 billion pieces, which was also sufficient to meet our needs.

Seven years later, in 1964, this year, we will be minting 4.5 billion pieces, which will be insufficient to meet the demand.

In 7 years from 1950 to 1957, the demand was tripled. In 1964, 7 years later, the demand is again tripled. We have had more than a ninefold increase in demand over the past 14 years.

This continuing, accelerating demand was completely unforeseen. It caught the mint officials and the Treasury Department by surprise. Two years ago, the mint engaged the firm of Little & Co. to prepare plans for, and estimates to construct a mint to meet our coinage requirements. A year ago, they submitted their report. This report is now outdated. The demand for coins far exceeds their highest estimates. The mint officials say that the shortage is about 4 billion coins, a full year's production.

COIN SUPPLY—MINTING CAPACITY

The immediate cause of the coin shortage is the lack of mint production capacity to supply this fantastic demand.

The bill contains a number of items designed to relieve the shortage.

NEW MINT—PHILADELPHIA

First. This bill contains an item of $16 million for the site, building, and machinery to construct a new mint at Philadelphia. This mint will have an initial capacity of 3 billion coins per year. It will be adapted to quickly increasing capacity to 4 or 5 billion coins per year.

There will continue to be a shortage of coins until this new Philadelphia mint is completed in from 2 to 3 years.

APPROPRIATION FOR FULL CAPACITY, 1964

Second. This bill provide a supplemental appropriation of $600,000 to increase production during this fiscal year, 1964, by about 200 million coins.

APPROPRIATION FOR FULL CAPACITY, 1965

Third. This bill contains an item of $650,000 to increase the production of coins in fiscal year 1965, by about 270 million coins.

The appropriations in this bill will allow both the Philadelphia and the Denver mints to operate three shifts a day, for either 6 or 7 days a week.

The Appropriations Committee has recommended, and this House has appropriated, in the past, all funds requested in the budget for increasing coinage production. In fact, this committee last year insisted upon appropriations, exceeding the budget request, to enlarge the Denver Mint.

This increased capacity of 400 million coins per year at Denver is expected to come into production by this next October or November.

DISALLOWS 150 MILLION NEW SILVER DOLLARS

Fourth. This bill disallows $1,925,000 requested for the minting of 150 million silver dollars. The committee was placed in the unhappy position of choosing between the appropriation for the minting of 150 million silver dollars or the minting of about 500 million subsidiary coins.

There is an alternative currency for the silver dollar—the 1-dollar bill. There is no alternative to the smaller coins.

I must admit that I had a serious reservation about the committee's recommendation. I had asked the committee to consider an appropriation for the minting of 75 million silver dollars, based on psychological reasons—to maintain a supply of silver dollars by a strict rationing program.

I had hoped that this Congress would enact legislation in the next 2 or 3 months to reduce the silver content of the dollar.

But, the supply of silver dollars is now just about exhausted and the damage is done.

CONTRIBUTING CAUSES TO DEMAND

The ultimate cause of our coin shortage is the unprecedented demand. This is a most complex combination of factors.

The following concurrent conditions appear to influence this great demand:

First. There is close correlation between vending machines and coin demand.

Second. There are increasing uses for silver in industry.

Third. There has been a psychological wave of coin collecting as a hobby, or as a fad.

Fourth. There has been an element of hoarding.

Fifth. There is an element of speculation and hedging in anticipation of higher silver prices.

Sixth. There is a fear that our Government might replace our silver coins with coins of base metals.

SUPPLY AND DEMAND

In the field of silver coins, our basic problem is an economic one to bring into balance, both nationally and on the world market, the supply of and the demand for silver.

The world silver consumption amounts to about 360 million ounces a year. The world new production is about 210 million ounces a year. The salvage and other silver recoveries are about 50 million ounces a year. That leaves a net world deficit of about 100 million ounces per year.

The balancing of the world silver supply and demand would require a combination of actions. I would suggest the following steps to be taken to alleviate this situation.

SOLUTIONS

The first step should be: To redefine and equalize the silver content of the silver dollar and our subsidiary coins.

The present silver dollar contains seventy-seven one-hundredths of an ounce of pure silver. At the present market price, and at the Government's legally fixed price, of $1.29 per ounce, the silver dollar contains just about $1 worth of silver.

Our subsidiary coins—the 10-, 25-, and 50-cent pieces, contain seventy-two one-hundredths of an ounce of pure silver. The silver value, in $1 of these coins is 92 cents, compared to the $1 for the silver in the silver dollar.

There is no monetary or logical reason why these coins should have different silver contents.

All of our silver coins should have their silver content reduced to somewhere between 50 and 66⅔ percent of the present silver content of the silver dollar.

Our Government consumed 111 million ounces of silver last year. We could save 40 to 50 million ounces of silver per year by this reduction. It would reduce the world silver deficit by this amount.

One of the most serious causes of hoarding, hedging, and speculation in coins and silver is the present high value of the silver content in our coins.

The second step should be: To discontinue the present authority of the Treasury to sell silver to industrial users at the fixed price of $1.29 per ounce.

Last year, this House passed H.R. 5389, which became law. Both President Kennedy and Secretary of the Treasury Dillon stated that its primary purpose was to substitute Federal Reserve notes for $1 and $2 U.S. silver certificates. The silver reserve freed by the substitution of the U.S. silver certificates would become available for coinage.

This has taken place. But, the bill had a gimmick in it. Although it prohibits the sale of silver, it does not prohibit the redemption of silver. This technical, legalistic language and interpretation makes all of our silver stockpile available to industry at $1.29 per ounce.

This places a ceiling upon silver prices. It is, in effect, a subsidy to the silver manufacturers and users.

Last year, the U.S. Treasury sold or redeemed 70 million ounces of silver to industry, compared to the 110 million ounces of silver used for coinage.

This stoppage ought to be gradual reduction of the availability of silver to industrial users over a period of about a year.

The stoppage of sales to industry would just about balance the world supply and demand for silver.

Congress should make a comprehensive review of our entire coinage system, silver policies.

POLITICAL DECISION

There is a sharp conflict of interest between the western silver-mining influence interest and the eastern silver-using industrial interests.

The mining interests want a continuation of the minting of silver dollars and silver coins with as high a silver content as possible.

They would also like to see the Treasury relieved of the authority to keep silver prices at a ceiling of $1.29 per ounce.

On the other hand, the eastern manufacturing interests want to retain the present law which guarantees to them a fixed price, and makes available to them silver at the price of $1.29 per ounce, which is below what the world price would be if the Treasury would be prohibited from selling its silver to them.

The people and our Government are caught in the middle. The public and national interest would be best served by a permanent solution. We should not permit either the mining or the manufacturing interests, to interfere with the establishment of a stable silver coinage that commands the confidence and respect of our people and that of the rest of the world.

Mr. Chairman, I think the American people should be fully informed that the U.S. Government is not suffering from a lack of silver. The coinage shortage is not due to a lack of silver. The shortage is a world shortage, a shortage, at present prices, for industrial users.

The United States has on hand today, 1,550 million ounces of silver—sufficient for coinage purposes for more than 10 years.

If the steps that I have broadly outlined were to be followed, the silver coinage problem would be solved for the foreseeable future.

I trust that the appropriation items relating to minting of coinage will be adopted without amendment.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Connecticut.

Mr. GIAIMO. The gentleman said there is no reason why the silver content of the dollar should not be reduced. I am informed by people who are familiar with this that there is a good reason, and I should like the gentleman's comment on this; that is, by reducing the content of the silver in the one-dollar piece the result would be that it would increase the price of silver, which presently is at $1.29, because it would also have a corresponding effect on the subsidiary coins. If that is so, I am sure the gentleman would agree there would be a great deal of harm involved in devaluing.

Mr. PILLION. No, the price of silver is fixed. The Government should not engage in speculating in silver. We should free silver so that it could find its own price in the world market.

Mr. GIAIMO. Would not the way to do that then, perhaps, be to remove all silver from these subsidiary pieces? In which case we would then free silver for nonmonetary uses and increase the amount of silver available for industry and for the space program and for everything else and avoid at least having silver prices rise as a result of the Government's involvement in coinage, and the fixing of prices which is fixed as a result of the $1 piece.

Mr. PILLION. As the gentleman knows, our prime responsibility in this field is to maintain a stable currency that the people have confidence in and that the world respects. As the gentleman knows, for 2,500 years or more, silver and gold have been accepted as the proper metals for coinage. We should not take all of our coins and turn them into base metal coins or token coins. We should maintain a certain content of silver in our coins. But I think by maintaining a dollar's worth of silver in our $1 silver pieces, we are encouraging the hoarding and speculating in silver, and we ought to do something to restore the confidence of people in our silver coins.

Mr. CONTE. Mr Chairman, will the gentleman yield?

Mr. PILLION. I yield to the gentleman.

Mr. CONTE. I have to take issue with the gentleman on that particular point.

Mr. PILLION. Yes, we disagree on that point.

Mr. CONTE. If we reduce the silver in a silver dollar, we will do exactly what you are suggesting on the floor of the House today—we will find that the world will lose faith in the United States—at least in our coinage. The world views the silver dollar today as it looked at the gold coins many years ago. But the world looks at a 10-cent piece, the 1-cent piece, the 5-cent piece, the 25-cent piece, and the 50-cent piece as a token coin. If you remove the silver from the 10-cent piece, no one would even give it a thought. No one considers this question today when they go into the supermarket and get 10 pennies back for a 10-cent piece. Not one person ever thinks that they are giving up 9 cents worth of silver for a fraction of a penny of an alloy of copper that go to make up the penny coin. No one even thinks about that because they look at the 10-cent piece as a token coin. But they look at the silver dollar as something that has intrinsic value and the minute you start fooling around with that coin and take the silver out of the silver dollar, it is going to cause inflation and further fan the fires on our balance-of-payments problem because we import at least 31 million ounces of silver a year. The price of silver will go up automatically and, as you say, it will double, if you take 50 percent of the silver out of the coin because the commercial users of silver will have to melt down silver dollars when we run out of silver, and instead of melting $1 silver, they will have to melt $2 silver. If the silver content of the subsidiary coins were reduced to 50 percent silver and 50 percent copper the market price would then rise to approximately $2.50 an ounce.

Mr. PILLION. Now the gentleman says that all these dire and terrible things will happen if we reduce the silver content of our subsidiary coins to 50 or 60 or 70 percent of the present content. If all these terrible things are going to happen because we reduce the silver content, what is going to happen if we take the gentleman's suggestion that we take all of our silver out of our coins and have our coins made of nickel, lead, steel, or some other very cheap metal that has no intrinsic value whatever? What happens then? Why do we have a stockpile of 1,500 million ounces of silver? That stockpile was gathered together and purchased by our Government not for the purpose of having a stockpile for jewelers or for manufacturers of tableware or for manufacturers of photographic equipment and materials. That stockpile was gathered together as a base for our coinage and as a stock for the coinage of our Nation.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. PILLION. I yield to the gentleman.

Mr. CONTE. That stockpile was gathered for two purposes. One purpose was for our coinage, as the gentleman has said. The other purpose was to back up our silver certificates. Now with the law that was passed by this Congress last year, we are going to have our silver certificates changed into Federal Reserve notes. Once we recall all the silver certificates by paying out in silver for these silver certificates, which the Treasury states will take about 2 years, there is no need for this great reservoir of silver in the Treasury any longer. The only silver we are going to need is for coinage, and that is for our lesser coins.

I repeat, because I want to make this point. The lesser coins are token coins. People do not put 9 cents worth of silver into a 10-cent piece, nor do they put 23 cents worth of silver into 25-cent piece, nor do they put 46 cents worth of silver into a 50-cent piece. Those coins are for the convenience of exchange in the commercial world. Therefore, if the silver is taken out it will not cause any chaos or any loss of confidence in the American monetary system.

In answer to the gentleman's question—and I plan to speak on this point—we have metals which are in great abundance, such as zirconium and columbium. They have the same glitter as silver. They have the same intrinsic value as silver. The lesser coins could be made of those metals, and no one would lose any faith in the coin itself, because it would have the same intrinsic value.

Mr. PILLION. I have a high regard for the gentleman's views on this subject, as he knows.

May I suggest, rather than the use of zirconium or columbium or beryllium or some other exotic metal, the use of plain steel or iron or even plastic, which would be a lot cheaper.

Mr. CONTE. Because zirconium and columbium have been tested by private manufacturers for several years, and they feel that such coins have a strong resemblance to the present coins. With the use of these tested metals, there will not be any loss of faith, about which there is so much concern.

Mr. PILLION. Yes.

Mr. CONTE. They also have an intrinsic value, and it would be more difficult to counterfeit a coin made of zirconium or columbium than it is to counterfeit even a coin made of silver, at the present time.

Mr. PILLION. Our coinage system has worked pretty well for a long time.

Mr. CONTE. There is no doubt about that.

Mr. PILLION. I do not like to experiment with it. Silver has always been accepted by the world at large as one of the proper precious metals for coinage. While I know the gentleman has a fine intent in mind and is idealistic about the problem, I wonder about experimentation. I know that other nations have done it, and successfully.

Mr. CONTE. Mr. Chairman, will the gentleman yield further?

Mr. PILLION. I yield.

Mr. CONTE. I certainly would not be here advocating this if we had an overabundance of silver. We do not. We in the United States alone are using the total world production of silver.

Mr. PILLION. I am talking about that problem now.

Mr. CONTE. We must look ahead. If something is not done soon we will have a catastrophe in this country. We must look ahead, in the Congress today, with regard to the use of other metals, because we do not have sufficient quantity of silver to mint the coins needed. We imported 31 million ounces of silver last year. This doesn't help our balance of payments. If we follow a system of taking some silver out of the silver dollar, it will in effect increase the price of silver. That specific action would raise havoc with our balance of payments.

Mr. PILLION. I will talk a little along those lines, if I may.

Mr. GROSS. Mr. Chairman will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Iowa.

Mr. GROSS. How about making coins out of plastic so that the soybean farmers can get into this?

Mr. PILLION. Well everybody else is being subsidized. Perhaps the soybean people should have more subsidy.

Mr. GROSS. And the coins would be nice and light to carry.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr PILLION. I yield to the gentleman from Massachusetts.

Mr. CONTE. This is really a serious matter.

Mr. PILLION. I understand.

Mr. CONTE. The gentleman from Iowa can joke all he wants, but from what I know about soybeans, soybean farmers do not need any help at all.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Iowa.

Mr. GROSS. I was not kidding. The gentleman has a perverted idea of kidding. I hope there will be no shortage of coins of small denomination——

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I do not have the floor.

Mr. CONTE. I am asking the gentleman who has the floor to yield.

Mr. PILLION. I yielded to the gentleman from Iowa.

Mr. GROSS. Has the gentleman yielded to me?

Mr. PILLION. Yes. I yielded to the gentleman from Iowa.

Mr. GROSS. I wish to add: I hope there will be no serious shortage of coins of small denomination, no matter of what they may be made, because I understand that Bobby Baker is in the vending business, and I would not want to see his business in a slump.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Idaho.

Mr. WHITE. I would like to point out to the gentleman that we have at present, as he has already mentioned, a billion and a half ounces of silver. If we did devalue the coinage, as he suggested, we would have 30 years' supply at our present rate of coinage from the stocks of silver that we now have.

I suggest to the gentleman from Connecticut that spoke a moment ago, that the price at which we are now selling silver, $1.29 per ounce, is a bargain price and that the suggestion of the gentleman from New York that the silver users should go on the open market to establish a price would be a realistic approach. The American people should not be made to bear the brunt of subsidizing this industry by selling off silver at a pegged price of $1.29 when it has a value far in excess of that if the users had to go on the world market to acquire it. I am sorry the gentleman is not listening.

Mr. PILLION. The greatest and most true economic law is the law of supply and demand.

Mr. CONTE. Mr. Chairman, I am listening to the gentleman. He let the cat out of the bag. All they want to do is increase the price of silver and further cause inflation in this country. That is the reason why there is this great stampede, because people think silver prices will increase. They are being fooled, because the silver dollar has $1.0005 worth of silver when it is minted and if you keep it in your pocket and it goes through the normal wear and tear for a few days, it will wear out that $0.0005 worth of silver. But they are all hoarding these silver dollars in anticipation that the price of silver will double—and then they have a hoard of silver they can cash in on.

Mr. WHITE. Who has the hoard? It is the American people, and I do not know a better group to cash in on the profit when we are fixing the price of silver artificially at present.

Mr. CONTE. Will the gentleman yield further?

Mr. PILLION. I yield to the gentleman.

Mr. CONTE. You leave that silver pegged at $1.29 an ounce and those silver dollars will come out of more holes in the next 30 days than you think exist. There are more than 400 million silver dollars in circulation. Our inventory in the Treasury has been depleted at the present time, but once this bill goes through and they find out that the price of silver is not going to be increased they will have a pig in a poke, they will release them as fast as they picked them up.

I recall several years ago we had a witness who was telling us they had so many silver dollars out West and they were costing so much money for storage that they came up with a brainstorm of making a shipment of them to Washington, D.C., to pay all of the Federal workers for 1 week in silver dollars. They transported them to Washington, D.C., and paid off all of the Federal workers and in a short time all of those silver dollars went back in the bank and they had to sack them again and ship them back out West at tremendous cost to the taxpayers. This will happen to all of those people waiting in line at the Treasury and hoarding those sacks of silver dollars when they find out the price is pegged at $1.29. When the word is out, by the hundreds they will try to sell them for $950 for a $1,000 bag.

Mr. BURTON of Utah. Mr. Chairman, will the gentleman yield?

Mr. PILLION. Surely.

Mr. BURTON of Utah. I believe I correctly understood my friend the gentleman from New York to say that the Government should not be in the silver market and the business of pegging the silver market?

Mr. PILLION. That is right.

Mr. BURTON of Utah. If the gentleman will yield further, he feels that it should be free to seek its own level on the world market. I wonder if my distinguished friend would extend this same logic to include gold? Is the gentleman in favor of pegging gold at $35 an ounce and permitting it to seek its own level in the world market?

Mr. PILLION. We have a different situation with respect to gold. Gold is a medium of international exchange. Silver is not. Silver to a large degree is a commodity rather than a medium of exchange. In its capacity as a commodity, as a metal, it should not be pegged but should be permitted to seek its own level in accordance with the laws of economics and supply and demand. So, there is a difference between gold and silver. Gold is pegged because of its use with reference to the balance-of-payments structure, deficits, and other balances.

Mr. BURTON of Utah. I think the gentleman has very correctly given about the only answer that can be given to the question. However, I suggest to the gentleman that his position may not be consistent.

Mr. PILLION. I think my position is consistent with all valid and logical principles of economics, very consistent. I think anything else would be inconsistent.

Mr. BURTON of Utah. I thank the gentleman for yielding.

Mr. GARY. Mr. Chairman, I yield 5 minutes to the gentleman from Nevada [Mr. BARING].

Mr. BARING. Mr. Chairman, I have the highest regard for the Appropriations Committee and its great chairman, CLARENCE CANNON, as well as my colleague, the distinguished Virginian [Mr. GARY], chairman of the Subcommittee on the Treasury.

However, I am just wondering if they truly realized the disastrous effect their decision to reject the administration's budget request for funds for the continued coining of new silver dollars in the amount of $1,250,000 would have on the stockpile of silver dollars in the U.S. Treasury.

I am sure that every Member here in the House this afternoon has by now seen the newspapers and are aware of the long lines forming to purchase the vanishing American tradition, the silver dollar. Yes, even here in the Sergeant at Arms Office when I stopped by this morning I noted several Members of Congress scurrying to purchase silver dollars because it is now apparent that our silver "cartwheels" are about to disappear from the American scene.

I am fully aware that the usage of the silver dollar is not a habit here in the East, but out in the West where I come from we simply do not like paper money, and use, in the main, hard money. This is an old tradition stemming back to when the State of Nevada was born, and this year Nevada is celebrating its 100th year anniversary of statehood, and we reflect on the turbulent events which brought Nevada into the Union.

In 1861, when the Civil War started, Nevada's silver mines became virtually important to the Federal Government and provided much of the funds necessary to finance the Civil War, thus Nevada is often referred to as the Silver State.

At the time the Comstock lode was discovered, Virginia City was a very small settlement, but news of the discovery spread like wildfire and miners and adventurers from California and the East flocked to the diggings to see if they could strike it rich, and in a very short time Virginia City became a bustling mining center.

Again in 1873, the discovery of the "big bonanza" in the Comstock lode provided a new source of high-grade ore and in 1900 prospectors found huge new deposits of rich silver ores at Tonopah.

The discontinuance of silver dollars, however, would have a tremendous effect on all of the Western States, for as I mentioned before we take great pride in the fact that the silver dollar is a sound and honorable means of exchange, and I urge it be kept in usage.

It is all too apparent that just about overnight the silver dollar has become a collectors item, and we have left the western businessman high and dry and let the coin collectors move in. To give you an idea just how grave the situation is I can tell you that as of today there are a mere 4 million silver dollars left in the U.S. Treasury, while on March 17 the supply of silver dollars was some $17½ million.

Of course, it must be realized that the silver problem is an extremely complex one, one which needs thorough study and investigation by the Banking and Currency Committees in both the House and the Senate. Certainly, it would have been well to have initiated such a study before this disastrous action was taken by the Appropriations Committee creating a rush on the silver dollar, a rush which will drain the remaining supply from the Treasury Department's stockpile in a day or so.

Furthermore, last year when the Congress repealed the Silver Purchase Act I predicted that a situation similar to what we have before us today would occur. For when we proposed to pull the silver certificates in and replace them with Federal Reserve notes, the Secretary of the Treasury stated at the time that the silver stocks would last up to 15 years, but it was frankly already then apparent that the period would be ever so much shorter but my pleas were not heeded.

Few, however, realized that the action taken by the House Appropriations Committee would shorten this period to what it is today, alarmingly short.

Also, and of prime importance, the action to replace the silver certificates with Federal Reserve notes created a further drain on the gold shortage, as each Federal Reserve note must be backed by 25 percent in gold and this is the critical problem we are faced with right at this moment, for our gold balance is at an alltime low.

Yesterday, I introduced legislation which would simply authorize the reduction of the silver content in the silver dollar from 900 to 800 grams. This would in no way reduce the legitimate usage of the coin where its usage is preferred, and at the same time it would meet the most persuasive arguments now raised against additional mintage of silver dollars that of melting the silver dollars.

I do not think that my bill is a panacea insofar as silver is concerned, but I do think it will at least open the doors for a thorough review of the situation.

Today, I am urging that you join me in support of the amendment offered by the gentleman from Montana [Mr. Olsen] to the Treasury Appropriations bill restoring the administration's budget request of $1,250,000 for the coinage of new U.S. silver dollars and put a temporary stop to the drainage of the coins from the Treasury due to the scarcity caused by the proposed discontinuation of mintage of the silver dollars recommended by the Appropriations Committee, until such time as a proper solution can be reached insofar as our Nation's silver policy is concerned.

From a different angle, and in response to the stated storage of silver, I can tell you that there is no shortage of silver in the ground throughout the Western States, if it only would be possible to once again open up the silver mines in this country and resume production again.

I have always said we must have intrinsic value behind our paper money and I certainly would hate to think that this administration or any other administration would be leading us toward fiat money.

Mr. PILLION. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Don H. Clausen].

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to associate myself with the remarks of the gentleman who just preceded me, the gentleman from Nevada [Mr. Baring], and also the other western Congressmen who have expressed some concern over the recommendation to delete the continued coinage of the silver dollar.

Mr. Chairman, I have in my hand today a silver certificate and a Federal Reserve note. These two distinctive pieces of paper are commonly known as $1 bills.

The Federal Reserve note says only that "this note is legal tender for all debts, public and private." The Federal Government started printed these in November of last year as a result of an act of the 87th Congress. A total of 69,516,799 of these notes were in circulation on January 31, 1964.

The silver certificates bears the legend as follows:

> This certifies that there is on deposit in the Treasury of the United States of America one dollar in silver payable to the bearer on demand.

There were 1,523,683,900 of these in circulation as of January 31.

This means that to live up to the pledge printed on the silver certificates, there must be 1,523,683,900 silver dollars or other silver in the vaults of the U.S. Treasury to redeem these certificates. There still is plenty of silver to meet all demands, but the measured amounts as in silver dollars is fast dwindling.

At the start of the year, there were 28.5 million silver dollars in the Treasury. A "run on the Treasury" by coin collectors and speculators has taken 6 million silver dollars in 1 week and the total now available is something under 13 million.

Mr. Chairman, it would appear that the Treasury Department is purposely creating the demand for silver dollars in three ways:

By proposing that the minting of silver dollars be dropped.

By offering relatively rare silver dollars for "sale."

And by "selling" them openly to all comers, not just those seeking to redeem silver certificates.

Not only are our silver certificates being redeemed on demand with silver dollars, so are Federal Reserve notes. Such Reserve notes account for some 90 percent of all U.S. currency.

The silver dollar is a part of the West, Mr. Chairman. It should not become simply a collector's item but should remain a part of western life—it is truly one of our great traditions.

True, problems have arisen, including the increased cost of silver and the shortage of minor coins as a result of the major increase in the vending machine industry. Perhaps a major study of the monetary system is called for.

Pending this, however, one possible solution is to reduce the amount of silver in the silver coins. This would remove the present threat of possible profit from melting silver dollars for their silver content.

Accordingly, I join with the gentleman from Nevada [Mr. Baring] and the Senator from Montana [Mr. Metcalf] in proposing a bill to reduce the silver content of silver coins. I hope this will help retain the famous "cartwheel" in our monetary system.

Further, I hope it will help to retain the sparkle and color of our western way of life—the silver sparkle.

Mr. CONTE. Mr. Chairman, I yield myself 25 minutes.

Mr. Chairman, it is with great sadness that I reflect upon the fact that the distinguished gentleman from Virginia [Mr. GARY] will not be with us next year, and that his appearance here today marks his final appearance as a chairman of a subcommittee coming before the full House.

And I think that the bill we are presenting today is a reflection of the gentleman's devotion to duty, and his distinction as one of the outstanding members of the Appropriations Committee.

The gentleman from Virginia, Congressman GARY, has always been interested in projecting sensible economy cuts without hampering essential services. And the cuts made in this budget—as they have been enumerated—reflect these interests.

In a subcommittee which handles many revenue producing agencies, the gentleman has managed to present a budget that is remarkably strong in every respect.

When the gentleman from Virginia, Congressman GARY, retires at the end of this year, our committee will be losing one of our best men, and the Congress will be losing one of its most able legislators. He has been a great credit to this Nation ever since he arrived during the 79th Congress.

But at the same time that I voice regrets, I do not want to sound gloomy, because I am aware that Mr. GARY will continue to contribute to the country that he loves so profoundly.

Those fine citizens of Richmond who have been fortunate to have VAUGHN represent them through these years know better than we the complete devotion that he has always shown to the area he calls home. In the cities of Colonial Heights and Richmond, he is known as one who—despite the high regard in which he is held here—has never forgotten the value and purpose of his roots. And he not only attended local schools but continued at the University of Richmond, where he also received his law degree. But his record is a lengthy one—I want to say now that the gentleman from Virginia, VAUGHN GARY, has been, and will continue to be—a source of inspiration for me. I know that we will all continue to benefit from his example, long after he has retired.

Mr. Chairman, the great and historic issue we face in these Chambers this afternoon is whether or not we are going to allow the minting of 150 million silver dollars at this time while there is critical coin shortage, indeed, a desperately critical shortage of coins in all denominations throughout the United States.

Mr. Chairman, in 1964, a total production of 4.4 billion minted coins was needed after 2 supplemental requests raised production from 4.1 billion coins.

Even with this extraordinary amount, we found ourselves with great shortages throughout the land. In a few words, coins in all denominations have become as scarce as "hens' teeth." In many areas, coins are being rationed.

Let us look at a few examples. The following statement is from Boston, and is an excerpt from the Federal Reserve bank report of December 1963, to wit:

> In summary, the need for additional coins of all denominations is now more acute than at any previous time. We have been rationing coins of all denominations during 18 of the past 23 months.

And from other parts of the country, the story is the same, such as this report from Chicago:

> In spite of the increase of 52 percent in shipments received from the mint we have been unable to meet the demand of member banks for coins.

There are also "critical shortages" in Philadelphia, Cleveland, Richmond, Atlanta, and St. Louis, to name a few.

Therefore, in order to meet these increasing requirements, we are going to increase the production to 4.7 billion coins. This increase in production will mean that we will have to complete a third shift at the Philadelphia Mint with overtime work on the sixth and seventh days of the week. We will also have to consider overtime work at the Denver Mint, which already has three shifts working 24 hours a day, with work on Sunday at both mints.

Let us not forget either that since September 1963, the mints had to purchase rolled nickel strip for producing 5-cent coins.

This has kept our melting and rolling equipment at both mints in full operation to produce silver coins. Previously, they alternated between silver and nickel. In order to do this, however, they increased the cost by $737,000 for a 10-month period. And, in all probability, we will have to continue purchasing rolled nickel strip—a very costly practice—until the Philadelphia Mint is completed.

The point I am trying to make here is this—that we cannot take this vitally needed time or stop our equipment at both our mints in order to produce silver dollars. If we do, we will not be able to meet the critical shortage of coins needed for everyday commercial purposes.

And listen to this—with the knowledge that as I speak the figure is decreasing. On Friday, for example, we had approximately 13 million silver dollars in the Treasury. A few days previous to that last week, the figure of 17 million was quoted. On Saturday, there were about 8 million left in the Treasury. At this time I would estimate that the remaining silver dollars are almost exhausted, if we continue this depletion trend. Incidentally, we do not have an inventory of our other coins.

In regard to silver dollars, Congress passed on June 4, 1963, a law which provides that silver certificates shall be exchangeable on demand at the Treasury of the United States for silver dollars or—at the option of the Secretary of the Treasury—for silver bullion—at 1,000 ounces or 100 ounces.

In 1964, commercial users redeemed silver certificates for 60 million ounces of silver and the United States used about 149 million ounces for coinage. In this respect, it is easy to visualize and determine that the United States uses about the total world production.

If the need should increase more than world production, then it follows that commercial users of silver will melt down silver coins for domestic use. It may be interesting to note at this point that the commercial breakdown of silver users is as follows—silverware, jewelry, 25–30 percent; photo industry, 30 percent; electronics industry, electrical circuits and contacts, 20–25 percent; brazing alloys, 15 percent; batteries, 5 percent; mirrors, dentist fillings, ceramics, and miscellaneous, 10 percent.

And the commercial use is also growing steadily. According to aerospace metallurgists, rocket nozzles made of silver infiltrated tungsten may soon become the largest U.S. industrial consuming category of silver, replacing photofilm.

According to John P. Ruth in a bylined article in the American Metal Market—February 26, 1964—silver "is in a tightening supply" and the Treasury's silver note redemption metal which is feeding industry and coinage may be exhausted in 7–8 years.

Mr. Ruth quotes Robert E. Matt of Aerojet General Corp. to the effect that silver content rocket nozzles for firing Polaris weapons now represent one of the leading uses of silver and that the demand is now growing and also leading to some new uses which are now classified. Others state that the Polaris program will need "almost fantastic amounts" of silver and tungsten, since the nozzle is about 85 percent tungsten by weight. And there is a strong feeling at the Defense Department that silver is urgently needed for defense purposes.

While suppliers of silver tungsten material cannot disclose the actual amounts of metal used, but if that use exceeded photofilm, it would have to exceed 30 million ounces of silver per year, or over 900 tons.

The total silver industrial use last year was about 110 million ounces, about the same as in 1962. And three refractory metal firms have received contracts each valued at $474,000 to supply silver tungsten. World silver use by industry is about 247 million ounces and total world coinage last year was about 172 million ounces. New mine production last year in the free world was only about 210 million ounces.

World silver production, 1953–62

[In fine troy ounces]

Calendar year	United States [1]	Total world [2]
1953	37,735,500	196,800,000
1954	35,584,800	189,400,000
1955	36,469,610	199,000,000
1956	38,739,400	200,600,000
1957	38,720,200	206,100,000
1958	36,800,000	214,000,000
1959	[3] 23,000,000	197,000,000
1960	36,800,000	215,500,000
1961	34,900,000	211,500,000
1962	36,345,000	215,400,000
Total, 10 years	355,094,510	2,045,300,000

[1] Refinery production.

[2] Excludes the U.S.S.R.

[3] Decrease due to strikes at copper mines, smelters, and refineries during latter part of 1959.

There have been statements made here today that we should desilverize—on a percentage basis—all of our silver coins, including the silver dollar.

Mr. Chairman, I certainly would oppose such a move. The amount of silver in a silver dollar and backing each paper dollar at seventy-seven one-hundredths of an ounce should not be changed. The effect of this action would permit the market price to rise. If this happens, all existing silver dollars would disappear. It would be interpreted throughout the world as a devaluation and a step toward devaluation of gold. It could cause an international catastrophe.

Many foreign citizens do not understand the difference between the gold dollar and the silver dollar. For instance, the reducing of the silver content of the dollar to two half dollars would cause the market price to rise immediately to $1.38 an ounce, because there is only 92 cents of silver in two half dollars.

It is my opinion that we should take all of the silver out of some of the lesser coins. For instance, if we took all the silver out of 90 million half dollars that we are minting this year, it would liberate 31 million ounces of silver.

A great deal of research has been undertaken by outside firms to make a refractory metal for our lesser coins. One firm has simulated a coin in columbium and the other in zirconium. Both of these metals have longwearing qualities, corrosion resistance, and brilliant surface. These metals are plentiful and the coins would be most difficult to counterfeit. In fact, if there was a shortage of coins and we could not meet the production at our mints, the cutting of the coin without the finished stamp on it could be done by private industry. Furthermore, columbium and zirconium have about the same intrinsic value as silver.

What I am proposing to the Congress is nothing new. A leading British bullion dealer, Samuel Montague and his company, noted in their 1961 review in "The Silver Market" that no country now remains on a silver money standard. Since World War II, many countries have discontinued minting silver. In the United Kingdom, silver coins are no longer issued, and the following countries have reduced the silver content of coins are in the process of discontinuing minting silver altogether; they are: Australia, Austria, Iran, Ireland, Mexico, New Zealand, Pakistan, and South Africa.

We must not procrastinate any longer. The day of reckoning is here and we must face up to our responsibilities. Congress must immediately consider passing legislation which would allow the Treasury to mint some of our smaller coins without silver content. I reiterate the issue here is not whether we should stop minting silver dollars forever—I don't believe we should—the issue is that silver dollars have never circulated in the United States—they are not needed commercially. There is a substitute in paper dollars. They are used only in a few western States. There are no silver dollar vending machines. Silver certificates can be redeemed with seventy-seventh one-hundredth of an ounce for silver if there are no silver dollars available. The critical shortage today is the lack of coins for commercial use. We cannot mint silver dollars at this time at the expense of other coins which are in a severe shortage. If we do otherwise, the reaction of the business community, the banks, and the public at large would be unfavorable to say the least. The responsibility of the Congress at this time requires our immediate attention, and I urge the House of Representatives to uphold the position of the Chairman, the gentleman from Virginia, VAUGHAN GARY, and his committee, and defeat this amendment, that will be proposed, to mint extra silver dollars.

Let me say this. If this amendment should prevail and this shortage of coins for commercial use becomes more acute—and it will become more acute if we take those machines away from minting the coinage that we need—you will certainly hear from your banks and you will hear from the housewives all over the United States.

Mr. PILLION. Mr. Chairman, I ask unanimous consent that the gentleman from Washington [Mr. HORAN] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORAN. Mr. Chairman, I am aware of most of the problems involved in this silver question. I know that the subcommittee in charge of this bill is a serious-minded and alert group of men, who are genuinely concerned with the problems posed by the present situation posed by a real "run" by coin collectors on the Treasury armed with silver certificates.

I am aware that the San Francisco Mint was allowed to become obsolete until it was finally closed a decade ago. I am aware of the demands on silver for coinage and that we are working our remaining mints almost every breathing second of the week, the year around. I think there has been real shortsightedness here.

I am also aware of the greatly increasing use of silver in industry. For silverware, for photography, in the pyramiding electronics industry, and increasingly in missilery.

But I am also aware of the plight of our domestic lead-zinc mining industry since World War II. I am aware of the imports of concentrates, mined by cheap labor, that has so badly maimed our lead-zinc industry at home. That is a principle present source for silver as a byproduct. Any protection or encouragement we can give to that industry will help enormously to solve our present very serious silver picture.

Mr. BARING. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Nevada.

Mr. BARING. Mr. Chairman, the gentleman said something like this, that we would have to substitute paper dollars. Surely the gentleman is not proposing that we turn to fiat money. The gentleman does not suggest we turn to fiat money or paper money. He feels that we ought to have something intrinsic behind our coinage?

Mr. CONTE. Definitely; and columbium and zirconium have the same intrinsic value as silver.

Mr. BARING. But we have had silver for a hundred years now. I am wondering why this rush to do away with silver.

Mr. CONTE. It is a matter of necessity. I tried to point out in my remarks here today that there has been a great deal of silver used, especially in the electronics industry. They could consume all of the silver that is produced. We are now using, between coins and industrial use of silver, just about all the silver that is produced throughout the world. We imported about 31 million ounces of silver last year. I think the year before that we imported over 63 million ounces of silver. So we have to face up to reality. There is a shortage of silver at the present time and something has to be done about the situation.

As I said, I am not against minting silver dollars at some future time when we are in a position to do so. And when we do so I hope the Congress will stand pat and say that the silver dollar shall contain the same amount of silver, seventy-seven one-hundredths of an ounce of silver in each dollar.

Mr. BARING. The point that I wanted to bring out is that we do not have to import 31 million ounces of silver. We can go out to our own mines where we have the silver.

Mr. CONTE. But they are not producing it; the silver is not available.

Mr. BARING. That is because we cannot compete with slave labor overseas. That is what has put all of our mines in darkness. That is the way tungsten went and silver is going the same way. We just cannot compete against foreign-mined minerals.

Mr. CONTE. I am willing to stand corrected on this, but I think last year industry used about 110 million ounces of silver for commercial purposes. The mint used about 79 million ounces of silver. Even at that we had to import about 31 million ounces of silver. So we did produce a great deal of the silver, about three-fourths of it, right here in the United States.

Mr. BARING. I realize that, but the gentleman went on and said that we ought to do what the other countries are doing with their coinage. I do not see why we have to coincide our action with the action of foreigners all the time and do what they do, just because they are doing it. I was overseas last fall and I was disgusted with their line of coinage.

Mr. CONTE. I agree with the gentleman from Nevada. We certainly do not have to follow the lead of any foreign country in this regard. However, I think these countries that have gone off the silver content in their token coins realize the tremendous shortage of silver. This is true not only in our own country but there is a world shortage of silver. We have to face reality.

Mr. Chairman, I certainly can understand the position of the gentleman with respect to silver dollars, because they represent a means of commercial transaction in Nevada and Montana. However, I also have to be realistic and realize that we do not have enough silver throughout the world for commercial use. We will have to go to another metal and be realistic about this thing.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Connecticut.

Mr. GIAIMO. I would like to commend the gentleman from Massachusetts for a very fine statement and one in which I concur. However, the problem is, as the gentleman has well pointed out, that there is a shortage of silver because of the increase in usage, both commercial and industrial, and also because of the great increase in coinage needs on the part of the American people. But the thing which I would like to make crystal clear—and I agree with the gentleman who alluded to it—is that in order to solve this problem the solution is not to reduce the content of silver in the silver dollar, because the effect of that would be to increase the cost of silver.

Mr. CONTE. The gentleman is absolutely right. This would be disastrous. If it should ever happen it would immediately cause the price of silver to rise.

If we cut 50 percent of silver out of a silver dollar, it would immediately project the cost of silver twice the amount it is now, to $2.58 an ounce.

Mr. GIAIMO. And if the gentleman will yield further, if that should happen the users of silver would take their silver dollar coins and melt them down for use.

Mr. CONTE. That would completely take out of circulation the 400 million silver dollars which are in existence today because they have a dollar's worth of silver in them. We would thereby lose the circulation of those silver dollars. When we ran out of those, they would go into the new silver dollar and they would have to melt down 2 silver dollars for the same content of silver. This would further confuse and further harm the shortage problem of silver. It would do damage not only with reference to the silver situation in the United States but it would fan the fires of inflation. It would hurt tremendously our balance-of-payments situation because we would have to go outside the United States for silver. Therefore, the price of silver would be doubled over what it is now.

Mr. GARY. Mr. Chairman, will the gentleman yield to me?

Mr. CONTE. I am delighted to yield to my distinguished chairman of the subcommittee.

Mr. GARY. Mr. Chairman, I want to commend the gentleman from Massachusetts [Mr. CONTE], a member of my subcommittee, for the very excellent statement that he has made. The gentleman has devoted a great deal of study to the subject. His statement today reflects that study. However, I want to take this opportunity to say that this is another illustration of the very excellent committee it has been my privilege to chair during the last 16 years. The members are dedicated Members of the Congress. What has been accomplished by that committee I can assure the Members of the House has been by reason of their loyalty and their untiring efforts. They have even called me "the slave driver." Frankly, we have driven pretty hard and I will acknowledge that at times I have been a real slave driver on this committee insofar as its work is concerned. However, the members of the subcommittee have responded most graciously, and even when they have applied the term "slave driver" they did it with a twinkle in their eye which showed that they were with me all the way.

Mr. Chairman, I want to pay my respects not only to all of the members of the subcommittee, which is composed of the gentleman from Louisiana [Mr. PASSMAN], the gentleman from Oklahoma [Mr. STEED], the gentleman from New York [Mr. PILLION], and the gentleman from Massachusetts [Mr. CONTE], but to the other members of the full committee and to thank them for the cooperation that they have given me through the years.

Mr. Chairman, I will say that the one thing I shall take with me when I leave this Congress is my memory of the prodigious work of this subcommittee and a memory of its members which I shall cherish to my dying day.

Mr. CONTE. I thank the gentleman very much.

Mr. GARY. Mr. Chairman, I yield 10 minutes to a distinguished member of the subcommittee the gentleman from Oklahoma [Mr. STEED].

Mr. STEED. Mr. Chairman, despite the fact that for the last little while we have been engaged in a most important and interesting discussion of the silver situation, I would like now to ask the House to digress a little bit and take a broader view of the bill now before us.

The Treasury, Post Office, Executive Office Appropriation bill, which we have here today, is an unusual bill in several respects. It not only is the second largest of all appropriation bills in total amount of money involved, but it is also the largest appropriation bill in terms of the number of Government employees that it affects. We have upwards of three-quarters of a million American civil servants who are funded in this bill now before us. About 600,000 are in the postal service, some 65,000 or more in the Internal Revenue Service, 35,000 or more in the Coast Guard, and so on.

The reason I call the attention of the House to the magnitude of this bill and to the fact that it deals with some of the oldest and certainly the most important agencies of our entire Government is for the reason I want to make some comment about the gentleman from Virginia [Mr. GARY], who has brought this bill to us for so many years in such a fine and excellent manner.

When we deal with the Post Office Department we deal with an agency that affects the lives of more Americans, more places, more different ways, than any other activity of our Government. When we deal with the Coast Guard, the Secret Service, the Internal Revenue Service, and the Customs Service, we are dealing with agencies that not only have a long history in our Government but which perform daily some of the most important tasks we have to look to the Government to perform.

The gentleman from Virginia [Mr. GARY] chairman of this subcommittee, who has been such an outstanding public servant for all these years, has in spite of the urging and protest of his friends, all of us, decided that he will voluntarily retire from this Congress at the end of this term. With him will go knowledge and experience that we will probably never live to see duplicated again.

I have served on this subcommittee with the gentleman from Virginia [Mr. GARY] and I have been constantly amazed and impressed with the zeal, skill, and the particular experience and knowledge he brings to his work. He has been all over the United States and outside the United States studying firsthand the activities he supervises. He not only knows the agencies he supervises, but he knows what they do, where they do it, and how they do it, and he also knows the people who do this work. I dare say there is not a Member of Congress who has a personal knowledge, friendship, and acquaintance with people who carry on and perform the different Government services than does the gentleman from Virginia [Mr. GARY].

I do not know how we will have an opportunity for any one man to gain the skill and the knowledge of the many important Government agencies that he has acquired and that he has given to this country.

It is with a great deal of regret that we see him go because we know with him goes so much valuable ability. It is going to be very difficult for his services to be replaced because of the fact he has made himself so outstanding in this particular, ordinary service in performing a job which is of vital importance to our Government.

I want to say that I know the Members of the House who year after year have supported his bill that he has brought here is because they knew he was bringing in a good, dependable bill, and they feel, as I do, when we have witnessed his presenting this bill for the last time.

We know that in the years to come services like this, so rare, so necessary, so important, and so valuable, will no longer be available because he has seen fit for good reasons to himself to end his service here.

I do not want the consideration of this bill to be completed without making these remarks about what I think his retirement means in terms of loss of valuable services to our country that is involved.

I know of no man who is mode dedicated, who works harder, who is more intensely interested, who is more fair and objective in his work than VAUGHAN GARY. One of the really fine privileges of my life has been the opportunity I have had to serve with him on this subcommittee. I will say I have learned more about my Government and about my job here in Congress by associating with him than any other activity I have had occasion to be involved in. I will treasure it all my life, due to the fact that I have had him as a leader and tutor and fellow worker in all these years we have worked together.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield.

Mr. MILLER of California. I have never had the privilege of working on a committee with the gentleman from Virginia [Mr. GARY]. We came here at the same session of Congress. I have had the pleasure of knowing him and the privilege of seeing the way he has worked. I want to join with my friend in paying my compliments to him and in expressing the regret that I have in seeing him leave Congress.

Mr. STEED. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I, too, wish to join my colleagues in paying tribute to the fine services of our colleague VAUGHAN GARY. I have served with him for many years on the Appropriations Committee. It has been said it is only the best Members who retire, and sometimes I think that is true. Certainly VAUGHAN GARY is one of the best. I know we will miss his services here. We wish him Godspeed and a long life and happiness in whatever he set out to do.

Mr. STEED. I thank the gentleman.

We always regret to see our colleagues leave, whatever the reason. We love them because we have worked with them. I know there will be few times in the history of this Congress when a man's departure will take from us as much skill, knowledge, value, and dedicated spirit as VAUGHAN GARY will take with him when he leaves.

I have been told that there are only two real tests to know a successful politician. I assume that all of us here pass the first test, because that is knowing when to run. I guess we knew when to run because we are here. The other test is to know when not to run. So here today there are few among us who can prove they can meet both tests, and the gentleman from Virginia [Mr. GARY] has passed that, too.

In conclusion, let me express to you in the most sincere way all of our great appreciation for your service, for the privilege of associating with and working with you. I wish you all the good things that a deserving, fine American can possibly have coming his way in the years you will have after you leave our midst.

Mr. PILLION. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. BURTON].

Mr. BURTON of Utah. Mr. Chairman, I would like to take just a moment to tell my colleagues what silver mining has meant to the State I represent. From 1860 to 1963 the State of Utah produced more than 820 million ounces of silver. The value has been nearly $620 million. The last several years we have been producing silver at the rate of 4 million ounces a year. So economically, silver dollars are of some personal interest to me and it certainly is of interest to the geographical area I represent. But it is not on that sort of basis that I think this issue ought to be decided. I think the gentleman from Massachusetts has done a real service to the House in pointing out, in his judgment, the issue is one of intrinsic value. I certainly agree with the gentleman, but not with his final conclusion. I think a dollar ought to be worth a dollar, whether it is paper or silver. This could easily be just one more step toward the debasement of U.S. currency. I urge my colleagues—most earnestly—to support the amendment to be offered by the gentleman from Montana [Mr. OLSEN].

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNGER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names.

[Roll No. 84]

Alger
Auchincloss
Barrett
Barry
Bass
Belcher
Bolling
Bolton,
 Frances P.
Bolton,
 Oliver P.
Brademas
Brock
Brown, Calif.
Buckley
Burkhalter
Burleson
Celler
Chelf
Corbett
Cramer
Davis, Tenn.
Derwinski
Diggs
Dorn
Dowdy
Elliott
Evins
Flynt
Forrester
Garmatz
Gill
Grant
Hagan, Ga.
Harvey, Ind.
Hawkins
Hébert
Herlong
Hoffman
Jones, Ala.
Jones, Mo.
Kee
Kilburn
King, Calif.
Kirwan
Kluczynski
Knox
Long, Md.
McIntire
Martin, Calif.
Martin, Mass.
Meader
Morrison
O'Brien, Ill.
Osmers
Pilcher
Pool
Powell
Rains
Reid, N.Y.
Rivers, S.C.
Rogers, Colo.
Roosevelt
St. George
Schadeberg
Selden
Sheppard
Smith, Calif.
Thomas
Thompson, N.J.
Udall
Ullman
Utt
Van Pelt
Vinson
Whitener
Williams
Wilson, Ind.
Winstead

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. BLATNIK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 10532, and finding itself without a quorum, he had directed the roll to be called, when 355 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. GARY. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. LIBONATI].

Mr. LIBONATI. Mr. Chairman, the appropriation for the Treasury, Post Office and Executive Office for 1965 as incorporated in H.R. 10532 provides the sum of $1,207,080,000, some $179,954,000 in excess of the 1964 appropriation and a cut of $29,910,000 under the budget request.

Mandatory increases such as the Military Pay Act—of 1963—and the civilian pay increase—year of 1964—account for $121 million. Other costs and capital expenditures—purchase of electronic data processing equipment—to reduce rental costs, the replacement of aircraft and vessels—Coast Guard—account for $84 million. This volume and workload increases account for the increases.

The permanent appropriation and trust funds over which the Congress action remains at status quo amount in 1965 to $11,175,295,000, an increase of $390,880,000. The interest on the public debt included in this figure estimated at $11 billion, an increase over 1964 of $400 million.

The increases in personnel allowed over 1964 were as follows: 1,650 for Treasury and 700 in the Post Office.

The Treasury Department was provided with an appropriation of $1,207,080,000, an increase of $103,430,000 over 1964. Increase of civilian personnel 1,600—including 1,400 for the Internal Revenue Service. The entire Department of the Treasury is represented by about 82,000 employees exclusive of nonappropriated and revolving fund employment.

The increase in funds were a result of mandatory increases in costs—both military and civilian pay raises—about $48.6 million—equipment and facilities, $32 million; and the vessel and aircraft replacement program of the Coast Guard, $29 million.

Office of the Secretary: Committee recommends $5,550,000, increase of $550,000 over 1964. Office of the Director of Practice was transferred from Revenue to the Office of Secretary. Seven new positions were provided for.

Bureau of Accounts: Salaries and expenses, $33 million—less than 1964, $1,800,000.

Bureau of Customs: $76 million—$3,630,000 more than 1964—workload increasing continuously. Increase in travelers at port of entry for 1965 estimated at $171 million—$158 million, 1962. Formal entries of merchandise increased from $1.5 million in 1962 to $1.8 million in 1965.

Bureau of Engraving and printing, 1965, $5,750,000.

Bureau of the Mint, 1965, $9,380,000; increase of $1,880,000 over 1964. Salaries and expenses, $600,000, to be used exclusively to mint an increased number of coins to serve a critical need, and $650,000 for minting of 100 million silver dollars—100 employees increase allowed.

Construction of mint facilities: $16,000,000 appropriated. New mint construction in Philadelphia, and for the improvement of machinery for coin production.

Bureau of the Public Debt: Appropriated for 1965, $49 million; increase of $1 million over 1964.

Bureau of Narcotics: Appropriated 1965, $5,500,000, increase of $200,000 over 1964 mandatory costs and oversea programs.

Coast Guard: $270 million 1965, $21 million over 1964—to provide for mandatory cost in salary increases and full year round operations of vessels, aircraft, and shore installations.

Internal Revenue: $583 million, an increase of $31 million over 1964. Mandatory increases including purchase of automatic data processing equipment and the increase of personnel—1,400.

Office of the Treasurer: $6 million, 1965; a reduction of 10,700,000—1964.

Secret Service: $7½ million, 1965; increase of $670,000 over 1964.

White House Police: $1,730,000, 1965; $30,000 increase—1964. Guard Force: $420,000, 1965; $20,000 increase—1964.

Post Office: Appropriation 1965, $5,001,500,000, an increase of $76 million over 1964—$72 million represent mandatory costs increases such as salaries, increased mail volume, increase in personnel, amounting to $23 million. Also an increase of 700 in personnel. Also in addition to the 380 accruing for consolidation of the accounting centers, making the total increase 1,080—a total personnel of 594,000.

Independent agencies: Tax court, $1,960,000, 1965; an increase of $70,000 over 1964.

Advisory Commission of Intergovernmental Relations: $395,000, 1965, an increase of $10,000—1964.

President's Advisory Committee on Labor-Management: $150,000, 1965, $50,000 less than 1964.

The committee is to be congratulated on its thorough evaluation of the needs of these Government divisions both as to their financial needs and in terms of personnel and mechanical modernization of the improvements in machinery implementation of use to the efficient operational services of the various bureaus and departments considered by this bill.

The passage of this legislation marks the end of the legislative chairmanship of the distinguished Congressman from Virginia [Mr. Gary] whose diligent and intelligent leadership has guided the efforts of his committee through the years of his chairmanship. At each session he was secure in his determination to procure the basic data and evidentiary facts to sustain the decisions of his committee. There is no more important matter than that of fixing the financial costs for the functioning offices and bureaus of Government—hence the excellent results of the committee in serving so well these heavy responsibilities of the whole Congress calls for a salute in appreciation for this splendid report reflecting the accomplishments of Chairman Vaughan Gary and the members of his efficient and dedicated committee.

Mr. GARY. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. White].

Mr. PILLION. Mr. Chairman, I yield the gentleman from Idaho an additional 3 minutes.

Mr. WHITE. Mr. Chairman, today we have under consideration an appropriation bill for the Treasury Department, Post Office Department, and the executive offices of the Government. The bill does not include a proposed appropriation for the minting of silver dollars. We have entered into a subject here today that has many ramifications, mainly as to the intrinsic value of the silver coinage of the United States.

If the 30 pieces of silver that were offered to one of Christ's disciples had been other than silver the transaction would probably have fallen flat. During all periods of history, silver and gold have been the monetary metals of the world.

At the time that China could not maintain its economy, we created trade dollars that went into China. When the British were having trouble maintaining the economy of India we furnished them with the silver to back up the rupee.

I take particular exception to those people who suggest today that we should completely demonitize silver and completely debase our coinage.

From speaking to Members of this Congress, and sensing the needs of the people and their opinions I find they do want a coinage with an intrinsic value.

It has been pointed out here today that we are not producing silver in sufficient quantities to supply the needs of industry and coinage, but the suggestion is made, "All right, we will debase our coinage and we will have additional silver for industrial needs." This argument is most insignificant because it has already been pointed out we are not producing enough silver to supply the demands for industry alone. We are fortunate in having 1.5 billion ounces of silver presently at West Point, which is obligated for the silver certificates now in circulation.

Today I have introduced two bills, one that would increase the monetary value of the silver in silver dollars from 1.2929 to 2.5858, and the other which would stop the sale of silver from that stock that we now have.

I believe that our real purpose here is to set the monetary value of silver at a realistic price. Realistic value does not mean the value that is the world price, because if we set the value of silver at the world price we will be in the same position that has been threatened here several times, that the silver coins will be melted down for the silver they contain.

Historically silver coins have always contained less silver than the face value of the coins, thereby preventing the melting down of those coins. We have silver pegged at $1.2929, and we got it at 40 cents, 70 cents, and ultimately under the Silver Purchase Act at 91 cents, but the monetary value was $1.2929. This served the purpose of coinage and at the same time prevented those coins from being melted down.

We are going to have to take a real look and attempt to determine the real price of silver. The only way we can do this is to stop selling silver at $1.2929, that silver that we now have in the Treasury of the United States. Then we can use this silver for our coinage reserve and also use it as a strategic reserve. This silver can be provided to those agencies that need silver for rocket nozzles, as the gentleman suggested a while ago; also for photographic materials for defense purposes, but that silver must stay there as a strategic reserve as well as a reserve for the minting of silver coins. An easy way to do this is to reduce the amount of silver in coins by one-half. This gives us a common denominator of 2, so that in case we want to increase the value of our coins, we could double their face value and at the same time keep the value of the silver in the coins above the world price.

We need silver. Rather than calling all of the silver certificates out of circulation, the silver certificates can be replaced in an orderly fashion by exchanging them for Federal Reserve notes.

We have talked about the need for silver dollars in the West. I will agree with my colleagues from the West that we do have a need for silver dollars. They are an integral part of our life. I went into a store in my hometown the other day and made a small purchase and laid a $10 bill upon the counter, and received in change 6 silver dollars. This shows that the people of the West want silver dollars. I have had requests from my district for silver dollars so that they can be continued in circulation in my area as long as possible. I have sent them out to my area every chance I have had, because they are a part of our way of life.

The gentleman from Virginia suggested we do not have the capacity to make these silver dollars, and I agree it is a limited capacity, but I also suggest to the gentleman that there is a need for those dollars in the western part of the United States as well as a need for the subsidiary coinage. I believe that a small portion of this appropriation could be made available for that purpose, and also that a small capacity of the mint could be used for that purpose as well. I would suggest to the gentleman that the mint that was closed in San Francisco could be utilized to fill that western need for silver dollars. I believe that the facility is there, and the coinage machines could be made available there. They would be close to the area where they are needed, and silver dollars could be made available.

To rebut the suggestion of the gentleman from Massachusetts that the price of silver should not be increased, we can remember not many years ago when the price of silver was below the monetary value. It was selling in the world market for 70 cents an ounce, and the U.S. Government through the Silver Purchase Act of 1934 was buying silver at the price of 91 cents. At that time Members from the silver-fabricating States decried the monetary value of $1.2929 per ounce. Today those Members hold out the $1.2929 price as sacred. I believe there is an inconsistency here, generated by the hope of the silver users to obtain the precious metal at a bargain price, a price much below its real value. I maintain that a realistic monetary value should be established and that the market value should be allowed to reach its level without the depressing effect that U.S. Treasury sales cause.

Mr. PILLION. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. Schenck].

The CHAIRMAN. The gentleman from Ohio [Mr. Schenck] is recognized for 15 minutes.

Mr. SCHENCK. Mr. Chairman, I want to express my appreciation to my very distinguished colleague from New York [Mr. Pillion] for yielding me this time and I also join with all of our colleagues in paying tribute to the very fine and worthy and great gentleman from Virginia, my friend [Mr. Gary]. He was one of the first men I met when I came here to the Congress some 13 years ago, and he has always been most gracious by assisting me when he could and in answering questions that I had in mind from time to time.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I want to join the gentleman and others who have spoken with reference to the very distinguished and outstanding chairman of the subcommittee who has brought this measure to the floor, the gentleman from Virginia [Mr. Gary]. The gentleman from Virginia has been an invaluable—I would say irreplaceable Member of the House. I take this time now only because this is the occasion of his appearing for the last time as chairman in charge of this bill.

I hope, as I am sure other Members do also, that before we adjourn this session of the Congress, we will have a more appropriate and more extensive opportunity to address the House on the subject of the fine service and distinguished representation that our beloved, able, and dedicated colleague, the gentleman from Virginia, has given to his district and his country.

Mr. SCHENCK. Mr. Chairman, because of the lateness of the hour and also because I understand there are some amendments to be offered, I will not take all of my time, I hope. But there are some matters that are of special interest to our area and to me personally as its Representative here in the Congress.

The first federally built post office in Dayton, Ohio, was built back in 1892 for $161,200. Then in 1915 when the population of Dayton was about 136,000 they built a million-dollar post office. It is my understanding that there have been no post office buildings built, that is Federal post office buildings as such, since World War II with two exceptions—one in Webster, Mass., and one in Thomasville, N.C. Otherwise post office buildings are built under an arrangement where they are financed by individuals or groups of individuals and leased back to the Federal Government.

The Dayton post office in 1962 was the 21st in the entire United States in total postal receipts and the third largest in Ohio. For many years, and ever since I first came here to the Congress, we recognized fully the inadequacy of these facilities and have worked unceasingly to get urgently needed new facilities. I have been very fortunate in having been assisted in these efforts by civic officials and officials of the Dayton area, the chamber of commerce, and other civic leaders in the community.

We have always received fine, courteous treatment from the Post Office Department, which has made a number of surveys. The surveys have resulted in some redecoration, some better ventilation, and some remodeling, which has meant that some areas not originally intended for postal use are now used for postal purposes.

The crux of the entire problem, however, has not been in the improvements already made, but in the dire need for new and larger facilities. Last year H.R. 5366 was considered which included appropriations for the Post Office Department of approximately $4.9 billion, the largest appropriation in the history of the Post Office Department and I voted for it. This represented a reduction of $92 million from the budget request but it was also an increase of $227 million above the amount for the preceding fiscal year: $10 million of the $92 million reduction was for facilities, and yet there was $18 million more for facilities than was provided in the preceding year for this purpose.

The present Dayton postmaster has served in the Dayton post office in various capacities for many years, including serving as assistant postmaster. Soon after the present administration took office in 1961 the present Dayton postmaster was appointed acting postmaster in place of the acting postmaster and was promptly confirmed, in the place of the previously acting postmaster. This same present Dayton postmaster, although he knew better, issued a scathing statement last year criticizing me, which was published in the Dayton newspapers, and charging that because of my vote for the appropriation bill last year, that not only did I not know what I was doing and what was in that bill, but that he did and that because of my action the urgently needed Dayton post office would not be built.

Naturally, I kept a file of clippings, and discussed them with my colleagues who serve on this appropriations committee.

As shown on pages 65 and 66 of the hearings, the gentleman from New York [Mr. Pillion] asked questions about this subject. He referred to the fact that the postmaster last year claimed that the House cut in the Post Office buget last year meant the $4 million post office would not be built. Of course, he placed that blame on me. The gentleman from New York [Mr. Pillion] asked the Postmaster General if that were true and also whether it was a proper statement, or a statement which came within the law concerning lobbying and politics, the Hatch Act.

Mr. Gronouski said:

> Very clearly, that it was not concurred in by this Postmaster or, I presume any other Postmaster General from a long list of Postmasters General and that it was not a proper thing to do.

I invite attention to page 65 of the hearings. I also invite attention of the Members of the House to page 66 of the hearings, concerning the delay in construction of the Dayton post office and the statements made by the gentleman from New York [Mr. Pillion], Mr. Abell, and Mr. Gronouski. I then called attention to the hearings.

As shown on page 82 of the hearings, my good friend and colleague, the gentleman from Massachusetts [Mr. Conte] brought this subject up and asked for some definite data. In response to these specific questions, Mr. Nicholson stated:

> We are advertising for bids.

Mr. Abell indicated arrangements for the site were about completed and Mr. Gronouski indicated construction of this Dayton post office would be between June 1964 and July 1965.

Now, Mr. Chairman, I should like permission to ask my colleague on the committee, the gentleman from New York [Mr. Pillion], some questions to make it abundantly clear for the record. Never once, through all these years, have I ever sought to inject partisan political influence in my efforts to obtain a much needed and adequate postal service and facility in the Dayton area, because I have felt that any such partisan political effort on my part would be a reflection on the integrity and the knowledge of the top Post Office officials. My efforts have been based entirely on factual information which clearly demonstrates the need, yet the record shows that the postmaster sought to publicly discredit me politically.

Mr. Chairman, disregarding the personal criticism made of me by the Dayton postmaster, is it proper, I ask the gentleman from New York [Mr. Pillion], for a postmaster to criticize the Post Office Department officials of his own political party and to indict them by implying that their actions are based upon political considerations? And is such criticism proper and right under the rules, regulations, and policies of the Post Office Department or under the Hatch Act?

Mr. PILLION. I raised that question with the Postmaster and the Deputy Postmaster and asked them to explore whether or not the remarks of the postmaster in Dayton were in violation of the rules and regulations of the Post Office Department and whether or not those apparently intemperate and perhaps malicious remarks were in violation of the Hatch Act. We have asked Mr. Gronouski and Mr. Belen both to check on that and report to us.

Mr. SCHENCK. May I continue with this question: Has any evidence of any kind been developed to show that because of my continuing interest and action in behalf of economy and efficiency in Government, this has caused any delay in the authorization, planning, and construction of the greatly needed new postal facility in Dayton?

Mr. PILLION. Absolutely not. The testimony shows that Mr. Abell in response to that question said:

> No. Your vote on the appropriation bill last year had no bearing whatever on the scheduling or on the progress of the Dayton post office.

Mr. SCHENCK. I thank the gentleman.

Mr. PILLON. That is clearly indicated in the record.

Mr. SCHENCK. I thank the gentleman for answering those questions, but I wonder if the gentleman or Mr. Gary, or someone else on the committee will answer as to whether or not the Department has assured this committee that land acquisition, plans, and decisions have been made to provide this postal facility in Dayton.

Mr. PILLION. Yes.

Mr. SCHENCK. And, if so, has a firm timetable been developed?

Mr. PILLION. Yes. The Department in answer to our inquiry on the committee stated that the Dayton post office structure is on schedule and the site is under control and is under I think what they call an assignable option.

Mr. SCHENCK. Are the funds available in this appropriation bill here now being considered to provide for the rental to be paid for this facility which I understand is to be built by private funds?

Mr. PILLION. Not particularly, because we do not appropriate for a particular post office in lease payments, but there are funds here for the operation of that and any other post office.

Mr. SCHENCK. Are there also funds, then, I ask the gentleman from New York [Mr. PILLION], in the appropriation bill for needed mail-handling equipment to be used in this and other facilities?

Mr. PILLION. I do not think the post office will be ready for the equipment, and whenever it does become ready, I am sure funds will become available without delay.

Mr. SCHENCK. Then, I wonder, if the gentleman from New York [Mr. PILLION] feels, as I do, that in accordance with these questions as shown in the hearings, the citizens of Dayton, Ohio, can now feel with complete confidence that this urgently needed postal facility will be completed without further delay and that it will be completed on the schedule that has already been announced?

Mr. PILLION. In my opinion, it will proceed without delay.

Mr. SCHENCK. Thank you very much.

Mr. Chairman, I want to thank the committee and particularly again to pay my respects to the gentleman from Virginia [Mr. GARY] and his colleagues on this committee for the fine job they are doing and for bringing this fully considered bill before us as they have.

Mr. GARY. Mr. Chairman, will the gentleman yield to me?

Mr. SCHENCK. I am happy to yield to the chairman.

Mr. GARY. Thank you, sir. I want to say to the gentleman that I do not think the Post Office Department is playing politics. If so, they are certainly playing it in reverse English, because it so happens that they have at the present time 14 data-processing centers in the United States. They have decided to combine those into six centers. The first center was in the city of Richmond, but they are moving the data-processing center from the city of Richmond to Atlanta, Ga., and, although the city of Richmond was one of the 14, it is not one of the 6.

Mr. SCHENCK. I thank the gentleman, and I yield back the balance of my time, Mr. Chairman.

Mr. GARY. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. OLSEN].

Mr. OLSEN of Montana. Mr. Chairman, silver dollars in the West are truly a common currency. The paper dollar in the West is not a common currency. To get a paper dollar in the West, particularly the intermountain West, one must go to a bank and some of our banks do not carry many paper dollars.

The use of silver dollars, however, has been growing greatly, not just in the intermountain West but all over the country. I want to cite that before the great coin collector rush that has developed in the last 2 years the use of silver dollars grew at the rate of about 18 million a year to 26 million a year between 1957 and 1961. Then it jumped to 34 million in 1962, 53 million in 1963, and 65 million this year so far. Now in the last 2 weeks it has jumped even more rapidly to where, on inquiry this morning I was advised that there are only between $3 and $4 million worth of silver dollars in the Treasury in Washington today.

What brought this all about? First of all, a year ago we silver people were told that the silver bullion was needed for the use of coining the subordinate coins; the silver bullion that had been used as the guarantee for the $1 paper silver certificate was needed for the coinage of subordinate coins. Many of us from the silver States calculated that the industrial users would then take the silver certificate and surrender it to the Treasury and in turn get silver bullion to be used for industrial purposes.

As a matter of fact, the bill passed last year which provided for the withdrawal of silver certificates and the surrender to people of silver bullion therefor was actually a vehicle that had been used by industrial users of silver to get silver bullion from the Treasury at $1.29 an ounce or less; and in effect they have been using the Treasury of the United States as a cheap silver mine. That is what has come to pass. Added to that is the rumor growing over the past year that there would be an abolishment of the silver dollars and that brought the rush on for silver dollars.

Ordinarily a silver dollar is worth just a dollar. But with the present fever, that the silver dollars for sale in the Treasury might turn out to be worth several times their face value numismatically, to coin collectors, it is said now that we have the greatest lottery in the world down in the Treasury, that there is no possible way you can lose; that is, if you buy $1,000 worth of silver dollars the worst that can happen is that you get a bag that is worth only $1,000. But if you get a bag of silver dollars some of which are valuable to the coin collectors, you may be paid many times the face value of the coins.

Mr. Chairman, all of these elements put together have brought a run of silver dollars. An example of this is the 1880 coin minted in Carson City, Nev. In good condition that $1 in silver is worth $10. If it is uncirculated and brand new, it would be worth $30.

Mr. Chairman, added to this comes the rumor this spring that there is not going to be appropriated any money for the coinage of new silver dollars. Then last week comes the fact that this subcommittee—and I have the highest regard for its members—would recommend no appropriation for the coinage of silver dollars. Then last Friday and Saturday the real rush was on. Our supply of silver dollars has dwindled down to the point of less than 4 million or just a little more than 3 million.

Mr. Chairman, I submit that there is only one remedy. That remedy is to resume the coinage of silver dollars immediately.

Mr. Chairman, I shall offer an amendment at the appropriate time to provide for such coinage.

Mr. GARY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

BUREAU OF THE MINT

Salaries and expenses

For necessary expenses of the Bureau of the Mint, including purchase and maintenance of uniforms and accessories for guards; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and not to exceed $1,000 for the expenses of the annual assay commission; $9,380,000.

AMENDMENT OFFERED BY MR. OLSEN OF MONTANA

Mr. OLSEN of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN of Montana: Page 3, line 21, strike out "$9,380,000" and insert in lieu thereof the following:

"$10,630,000, of which $1,250,000 shall be available for the minting of 100 million silver dollars."

Mr. OLSEN of Montana. Mr. Chairman, I rise in support of my amendment.

Mr. Chairman, this amendment simply provides for the appropriation of an additional $1,250,000 for the minting of 100 million silver dollars. I wish to point out to the members of the committee that this will cost only $1,250,000—$1,250,000—to make 100 million silver dollars.

Mr. Chairman, we already have the silver bullion in the Treasury from which to mint the silver dollars. Therefore, as a matter of fact, I am pleading for an economy move when I call for the minting of silver dollars. The cost of minting a silver dollar is at the rate of $13 per thousand, or just a little bit more than a penny each. The cost of printing a paper dollar is about $9.19 per thousand, or almost a penny apiece. The silver dollar will last for 25 years. I am advised by the leadership of the Committee on Appropriations that a paper dollar will not last longer than 18 months of circulation. Therefore, in those areas where a silver dollar is currency, the minting of a silver dollar is a real economy.

Mr. Chairman, we can mint 100 million silver dollars for the sum of $1,250,000, just about the same price it would cost to print paper money of the same amount.

Mr. Chairman, I remind my colleagues that a year ago when the House passed, over my objection and the objection of many people from the silver States, an act for the withdrawal of silver certificates, it was announced on this floor, and there was a commitment by the Congress and a commitment by the Secretary of the Treasury that it was for minting money; it was for the purpose of minting money that they were withdrawing the silver certificates and that there would be a minting of silver dollars, and that the silver dollar was safe.

Mr. Chairman, I simply ask for fairness, I cry out for fairness, in asking for the support of this amendment. I ask that the Congress and the Secretary of the Treasury do not break faith with the Rocky Mountain West and destroy the silver dollar.

Mr. Chairman, there is only one way to stop the run on silver in this country and to stop the hoarding of silver dollars in this country. This can be stopped through the minting of more silver dollars and, of course, particularly for currency use in the Rocky Mountain West.

Mr. Chairman, I submit that a firm policy to the effect that we will continue the minting of silver dollars and that that policy will be our policy henceforth, will stop the run on silver dollars and that we will quiet the hoarding of silver dollars.

I want to emphasize, too, that there are of us from the silver States those who have introduced legislation that will adjust the silver content of the coins. I do not pretend to give the exact answer today. As a matter of fact, there were introduced two different bills on what the silver content should be.

I agree with the bill that has been introduced in the Senate as a vehicle that we simply reduce the amount of our silver content of the dollar from 900 fine to 800 fine. I also go along with my colleague from Idaho [Mr. WHITE] and recommend that we declare the monetary value of silver to be $2.58 instead of $1.29.

I submit that the industrial users of silver do not care at all what the monetary price of silver is; but here for a moment they find that the monetary price of silver serves as a ceiling on the price of silver, and that is why they want it pegged at $1.29. I think in due course we can change the silver content of the silver coins of the country in an orderly manner and continue with the minting of the silver dollar and silver coins to satisfy the needs of the intermountain West as well as the coin users of the rest of the Nation.

There is a great deal of discrimination in the bill presented on the floor here today. This discrimination can only be eliminated by recognizing the need of the intermountain West that we need our silver dollars in currency for trade and that we should have them and have consideration every bit as much as the rest of the States, and the rest of the communities of the country, who have their interest in the subsidiary coins of four bits, two bits, dimes, and nickels.

Mr. GARY. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I assure you that the cost of manufacturing paper dollars or silver dollars is not of sufficient moment to influence this important question. It costs $8.95 per thousand, if you want to know the cost, to manufacture a paper dollar. It costs $13 per thousand to manufacture a silver dollar.

Here is the question we have here: We can print all of the currency that is necessary, but we cannot manufacture the coins that are necessary. We must use our machines for manufacture of minor coins.

Let me tell you that this is not a new question which has just arisen. I think it is interesting to know if we trace the history of this matter that the Government started to mint the silver dollars back in 1794. From then until 1805 they minted 1,439,517 silver dollars. Now, listen to this: On May 1, 1806, President Thomas Jefferson ordered the minting of silver dollars discontinued, in consequence, he said, of a representation from the Director of the Bank of the United States that considerable purchases have been made of dollars coined at the mint for the purpose of exporting them, and it is probable further purchases and further exportation will be made.

A similar situation is going on now. He ordered the manufacture of silver dollars stopped for practically the same reason that we are recommending it at the present time.

Coinage was resumed in 1837. Then it was discontinued a second time, on February 12, 1873.

Let me say right here we are not stopping the minting of silver dollars. We have not minted a silver dollar since 1935.

What the author of this amendment wants to do is to force us to resume the minting of silver dollars at the most inopportune time in the history of this Nation.

Mr. BARING. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Nevada.

Mr. BARING. President Kennedy had this in his budget before his untimely death. President Johnson placed it in his budget, and Mr. Dillon recommends this.

Mr. GARY. Our committee has considered this very carefully and we cannot recommend it. I agree with the gentleman, I would be glad to mint silver dollars. All we are saying to you is that certainly there is nothing wrong with the minting of silver dollars, but this is an inopportune time. What we are saying to you is, wait until after your bill is passed reducing the silver content in the dollar so that we will not be minting them simply to have some silversmiths melting them down to obtain the silver out of them. Let us catch up on the minting of small coins and complete the mint which we are trying to do. We have gone just as far as we can in the building of the mint. Then we can consider the minting of silver dollars.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from New York.

Mr. PILLION. Is it not true that the question considered here is the question of the capacity of the mint to mint sufficient coins to meet the coinage shortage? If we make an appropriation here for 150 million silver dollars, we will then be reducing the production of coins by somewhere around 500 million other silver coins that are in greater need and greater demand than the silver dollar.

Mr. GARY. The gentleman is absolutely correct. The Government will be tremendously embarrassed if it cannot meet the need for the minor coins because there is no substitute for them, whereas we do have currency for the silver dollar.

Let me say to you that what we are trying to do is to serve all of the people of the United States rather than one small segment of the United States that wants to use silver dollars. I would be glad to serve them separately and give them this full privilege of circulating silver dollars if we had the means of doing so. But since our mints are operating at full capacity and cannot supply the demand for minor coins, we ask the Congress to postpone resuming the minting of silver dollars until a more propitious time.

Mr. BATTIN. Mr. Chairman, I rise in support of the amendment, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BATTIN. Mr. Chairman, one of the statements made in debate was that some people are now melting down silver dollars, but the gentleman knows from the testimony before his committee that the silver dollar was pegged at $1.0005, and there is not any problem at the present time with silversmiths melting down silver dollars.

The great problem we have come about when it became public knowledge that a request had been made by the Executive to mint 150 million silver dollars. And it also was learned that the committee was not looking with favor on the request. There were 16 million silver dollars on hand here in the Treasury at Washington, everybody wanted to get in the act and the hoarding began.

I have lived in Montana since 1929. I left there yesterday to come back to Washington. I bought lunch at the airport, and my bill was such that I had some change coming. It was the first time in all the time I have lived in Montana that I received three paper dollars back as part of my change. I would rather have had three silver dollars back, because this is customary, it is actually a part of the tradition in that part of the country.

We are a small segment of the economy. There is no doubt about that. If you take any given area of the country and compare it to the 190 million people in the United States, then any area is a small segment of the economy. But I did not think it was the purpose here in Congress to pit one section of the country against the other.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. BATTIN. I am happy to yield to the gentleman.

Mr. GARY. I would like to state I would be very happy if the Treasury today would take every single silver dollar that they have in the Treasury and send them out to the Federal Reserve banks in those sections where silver dollars are used in general circulation and, thus, stop this speculation that is going on at the Treasury building right now. I understood that the Treasury was going to do that and I hope it will.

Mr. BATTIN. I thank the gentleman. They did send 2 million of the 16 million silver dollars out to the Federal Reserve bank in Helena, Mont. But you know when I wrote to the Treasury about this matter some months ago, I was informed that requests for silver dollars would be filled in areas traditionally using silver dollars. But that is not happening. They can still ship the remaining dollars out of Washington and put them in areas where they are used. But $2 million is not going to last very long in a State where silver dollars are used as the basic currency. I put in the record at the time I testified before the gentleman's committee something that I thought was interesting—even bank robbers in Montana prefer silver dollars. They took 20,000 of them out of a bank and left the paper there. That was an error on their part, perhaps, but they were used to what they were after—and that was the silver.

I think the amendment would serve a purpose even if minting did not take place this fiscal year. The fact that the authority is given and the appropriation made would stop the speculation of the coin collectors and stop people from standing in line down at the Treasury Department to try to pick out of a thousand dollar sack a few coins that might have value as a collector's item.

I plead with the House to adopt the amendment. It seems strange to me that on the day we are fighting to save the silver dollar as part of our currency we see the issue of a new silver 50-cent piece. Refusal of the Appropriations Committee to approve funds for more dollars has been regarded as a State catastrophe in Montana. Silver dollars have always been used for exchange in Montana and paper dollars are actually considered a nuisance. It is a tradition and heritage and this also happens to be our centennial year.

As one columnist put it, we would hate to remember our centennial year as the one when we lost our silver dollars.

We would not even mind seeing the silver content reduced, but it is just unthinkable for Montana to be without silver dollars as we soon will be unless new ones are minted. The cartwheel is really a trademark in Montana and some other parts of the West and not just a collector's item.

We have spent millions of dollars to preserve the buffalo and the whooping crane from extinction and this means just as much to the folks out West. If the silver dollar disappears, it is just something they would not understand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, since this bill calls for spending $180 million more than was spent last year for the same general purposes, I would like to suggest that the sponsors of the amendment double the order for $100 million silver dollars, make it $200 million, and take care of the increased spending in this bill. That would also take care of the million-dollar increase to service the public debt which is now up to $49 million a year. When the $11.5 billion tax reduction bill came up for consideration, the chairman of the Committee on Ways and Means told the House it would have to travel the road of economy; that all these spending bills would have to be cut. But here today is another one that calls for $180 million more than was spent last year. I repeat what I have said before, that I hope to live to see the day when an appropriation bill comes to the floor of the House with a reduction in spending below the previous year.

Yes, I will yield to the gentleman from Louisiana who, I hope, will bring the foreign handout bill to the House floor with a substantial cut in it.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. GARY. I will say to the gentleman that $120 million represents mandatory increases that the Congress of the United States voted last year for salaries and military pay increases.

Those are mandatory. The departments can do absolutely nothing with items of that kind. That constitutes by far the larger part of the increase about which the gentleman is talking.

Mr. GROSS. That leads me to another observation. The Post Office and Civil Service Committee was told, when the pay bill was before it—the last pay bill that was approved; not the bill which was defeated the other day; that

> If you will just pass this bill, we will absorb the cost in efficiency and productivity. This is not going to cost the taxpayers anything.

By the gods, we cannot find an appropriation bill——

Mr. GARY. Did the gentleman believe that?

Mr. GROSS. I cannot remember an appropriation bill, which was brought to the floor of the House, this year or last year, which did not include an appropriation for increased pay.

Of course I did not believe it. I voted against the bill. That is one of the reasons why I did so.

Let us stop some of this nonsense. I cannot understand why at least one appropriation bill cannot be brought to us at a figure below the previous year's spending. Can anyone tell me of one bill that has been before the Congress this year or which it is anticipated will be brought before the Congress this year which calls for a cut from last year's spending? Yet, with the greatest of ease, this House cut taxes $11.5 billion. You cut down revenue and increase spending. This cannot go on forever.

Mr. GARY. If the gentleman is looking at me, I voted against the tax cut.

Mr. GROSS. I am not looking at anyone in particular, but a majority of the House voted for the tax cut and a majority will probably vote for this bill. The gentleman will agree with that, I am sure.

And let me say that I did not vote for the tax cut, either.

Incidentally, the minting of silver dollars would also take care of these growing entertainment fund—or funds—to be found in the bill.

There is $5,000 for representation and entertainment for the Treasury Department, and $6,000 for the Treasury Department for entertainment and representation. I suppose the Treasury Department has to entertain foreigners in order to give our money to them.

Then, under the account for the President, which we have not gotten to yet in the bill, I believe his allowance for entertainment are to go up. For the upkeep of the Executive Mansion and Grounds I notice there is to be an increase. I thought there was going to be a saving.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I thought there was to be a saving when he turned off the lights.

Mr. GARY. Will the gentleman yield to me?

Mr. GROSS. Was that what I heard?

Mr. GARY. Will the gentleman yield?

Mr. GROSS. I will yield, but was that not what I heard? Did I not hear that there was to be a saving at the White House when the lights were turned off?

Mr. GARY. They are making a saving. The $20,000 increase to which the gentleman refers for the grounds and buildings is to paint the White House next year, which is customary every fourth year, just before inauguration. That is the only increase.

Mr. GROSS. I thought perhaps they could save enough on the lights so that they could take care of the painting. That is what I thought he was going to do, but apparently that is not the case.

Mr. Chairman, this bill calls for the spending of $6.2 billion, an increase of almost $180 million over last year. With the dire need for economy and for financial responsibility in Government, I cannot support any such increase and I want the record to show my opposition to the bill.

Mr. WHITE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the gentleman from Iowa is very much interested in saving some money. I should like to point out to the gentleman that if we mint 100 million silver dollars, we will displace the same amount of Federal Reserve notes, and the Federal Reserve notes are drawing, based on the best analysis I can make, about 5 percent a year. If we mint $100 million worth of silver dollars, we will save about $5 million in interest a year. I should think that the gentleman from Iowa would be interested in a saving of that magnitude.

I would like to have the gentleman support this amendment, because it will result in such a saving.

The amendment of the gentleman from Montana [Mr. Olsen] is one which I can honestly support, and I should like for the Members of the House to support it. I am also in agreement with the other gentleman from Montana [Mr. Battin], who says that even if we cannot mint dollars at this time, the authority will tend to soften the silver dollar demand; not only the demand by collectors and hoarders but the demand for coinage in our area. It will give stability to our coinage, and as soon as the minting capacity is available, the authority will be available and we can proceed with the minting of silver dollars.

I believe it could even be accelerated a little. We have a minting facility in San Francisco, which we are not using, and we could acquire a couple of minting machines, put them there, and do this job. So I would like to say, the arguments presented here have been well presented, but I still believe we have room to supply the need, which is as real for silver dollars in my area as it is for nickels, dimes, pennies, quarters, and halves in the rest of the United States.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Washington.

Mr. HORAN. I certainly want to associate myself with my neighbor and colleague from Idaho, and I hope his amendment carries.

Mr. WHITE. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Can you tell me why the San Francisco mint was closed?

Mr. WHITE. I am told the San Francisco mint was closed because the main need for coinage was in the northeastern part of the United States and it cost too much to ship the coins back to the eastern part of the United States from San Francisco. I agree with this, so let us use that mint to supply the western need for silver dollars.

Mr. DON H. CLAUSEN. So it does point out there is minting capacity available.

Mr. WHITE. I am told the machines at San Francisco have been moved to Philadelphia and are being used at the present time for subsidiary coinage, but in the San Francisco assay office we can put in the minting facilities for silver dollars and supply the western need.

Mr. GARY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, with 5 minutes reserved for the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman and members of the committee, I rise in support of this amendment for the simple reason that in the State of California the silver dollar is used to a great extent for our ordinary, everyday exchange of moneys. There was a time when most of our payrolls were paid in gold and silver. Gold coinage was stopped and the gold was called in, but we still use a great deal of silver. Some of the concerns up and down the area I represent still pay their employees for their labor in silver dollars each and every week. It was brought out here that we do have a closed-down mint in San Francisco. I imagine it would cost a great deal to put that mint back in operation, but I want to say the other minting capacity throughout the United States I do believe is sufficient to take care of the minting of the amount of dollars that this amendment calls for. I want to say I think the Secretary and the Director of the Mint could very easily get together and provide this minting capacity to do this job.

As was stated earlier the use of the silver dollar is on the uptrend, in the West especially, and throughout the United States. Here recently the run on the dollars that are being put out from the Treasury Department has been tremendous. But in the everyday use prior to that time for the past 3 or 4 years and back to 1955 there has been an increase. I do believe that the President of the United States, the Secretary of the Treasury, the Director of the Mint, the Bureau of the Budget, in requesting this amount of money knew exactly what was needed and what was sufficient to do the job. Therefore, Mr. Chairman, I ask support for this amendment for the increased amount of money that will allow for minting of this number of dollars.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, during the past few days we have been witnessing an extraordinary occurrence at the Treasury Department, where thousands of people have been turning the Department courtyard into what Jesse W. Lewis Jr., called a "coin husksters market."

Just yesterday, about 1,500 people were part of the silver dollar "sweepstakes" with the hopes of making a bundle of money. And it has been the same for the past week—ever since this subcommittee, and then the full committee upheld our requests to disallow the minting of any silver dollars at this time.

Everyone is familiar with the silver dollars sweepstakes, but I wonder how many remember reading about the so-called tulip mania which reached its height in Amsterdam in 1636. In fact, in most of the Dutch cities, regular markets were established for speculation in the roots.

In the final analysis, these tulips were bought and sold like shares in a gold mine for purely speculative purposes.

Throughout the craze—there was not any intention of actually growing the flowers—incredible prices were paid for single bulbs. For example, 2,500 florins—1 florin at this time equals about 40 cents in American coins—were paid for Viceroy, while Semper Augustus brought 5,500 florins, and there were many other examples.

I do not want to give a lecture here in botany but rather in history. Manias and crazes have a tendency to repeat themselves and I am afraid that we are right in the middle of another craze at the present time.

In the same manner that the tulip mania spread, to some extent, to London and Paris, and tulips were dealt in by stock jobbers of both cities, this silver dollar mania has spread throughout the country. I am certain that many Members of Congress have been asked to purchase silver dollars for constituents who could not come to Washington.

It is the purpose of this committee to put the matter of silver-dollar shortage back into proper perspective. In fact, there will not be a shortage of silver dollars. As soon as the many speculators have gone through their bags and found that the coins they have are worth a dollar, they will return them to the banks.

Shakespeare has said: "Though this be madness, yet there is a method in it" and I know that some people are expecting to make a cool million with one extremely rare silver dollar out of the thousands they will purchase.

But even our own U.S. history has examples which show that the issue we face today is not as serious as some would have us believe. In fact, at one time in American history, Federal employees were paid in silver dollars because of the great amount that existed in the Treasury. I contend that there will be great quantities left over in the Treasury when the speculators, hoarders, and coin collectors return their excess silver dollars back into the Treasury.

It would be unwise, and unjust to the great majority of Americans who depend upon lesser coins to remint additional silver dollars at this time when the Nation does face a critical coin shortage, and when our mints are so pressed for time.

For the many reasons I have stated, I think it is imperative that this Congress place the matter of the present silver dollar craze into the right focus. The subcommittee worked long and hard on the potentially serious issues involved in this subject. We heard witness after witness, and we think that we have arrived at the fair solution. It is my hope that the full House will accept our recommendation.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. OLSEN] for 3½ minutes.

Mr. OLSEN of Montana. Mr. Chairman, all we are asking for in the Rocky Mountain West is equal treatment. We are not asking for anything special. There is a shortage in the silver dollar just as there is a shortage in the other subsidiary coins. However, the severity of the shortage in subsidiary coins has not been reflected to the extent that they have completely disappeared from the Treasury. The shortage of silver dollars has come virtually to that situation of complete disappearance when there is only 4 million left in the Treasury.

Mr. Chairman, we feel it is time that there be some minting of silver dollars. There has not been a silver dollar minted since 1935. Is it any wonder that there would finally be a run on silver dollars, because of the virtual shortage of them?

Mr. Chairman, the only way to alleviate the situation is to relieve the shortage by the minting of silver dollars. I call upon the members of the committee to extend to us equal treatment to that which is given to subsidiary coins.

Mr. Chairman, I do not feel that the Philadelphia Mint should be turned over to the minting of silver dollars exclusively, but that some proportion of its production be given to the currency needs of the Rocky Mountain West. We should have the use of silver dollars just as users of subsidiary coins should have the use of those coins.

Mr. Chairman, we do not have a lot of votes in the House, those of us from these few silver States. But we appeal to the sense of fairness of the members of the committee.

Mr. Chairman, I submit that the House has a sense of fairness. We ask for equal treatment and that the few States in the Rocky Mountain West which use silver dollars as currency be provided proportionately with their needs with that of the needs of the rest of the country for subsidiary silver coinage.

Mr. Chairman, I do not think it would require a lot of the facilities of the mint to turn out enough silver dollars to convince the public that the silver dollar is here to stay. That is all the convincing we will need to stop the run on silver dollars. What we need is a commitment from the Congress that there will be 100 million silver dollars minted. Through this method we will relieve the rush on silver dollars. We will relieve the hoarding of silver dollars and to a substantial degree the shortage of silver dollars.

Mr. Chairman, all we are asking for, I say again, is equal treatment. To provide this equal treatment it will only cost $1,250,000. We already have the silver bullion with which to coin these silver dollars.

Mr. Chairman, just one other point. In the alternative, the people who are using silver for industrial purposes are using the Treasury as a kind of a silver mine. They are cashing their silver certificates and are going to the Treasury and are getting silver for $1.29 to use for industrial purposes. We want that silver bullion to be used legitimately for what this House last year committed it to be used for. That is the minting of silver money.

The CHAIRMAN. The Chair recognizes the gentleman from Nevada [Mr. Baring] for 3½ minutes.

Mr. BARING. Mr. Chairman, I agree that the action of the hoarders has been disgraceful in this country over the last 2 weeks. But I cannot agree that this is not the right time to mint some dollars.

Mr. Chairman, Secretary of the Treasury Mr. Dillon in this morning's paper asked that new silver dollars be minted at once. He went before the Committee on Banking and Currency yesterday to this effect. The late President Kennedy had a provision in his budget for the minting of silver dollars. President Johnson has continued it in his budget.

Mr. Chairman, it is not the people downtown who are fighting us. It is the Committee on Appropriations. I believe this time the committee is wrong.

Mr. Chairman, I call upon the members of the committee to not let us down out in the Mountain States. This is a way of life under which we have lived for many, many years. We are proud of using silver. We do not want paper money. We want to use our silver.

Mr. Chairman, I ask the members of the committee to go along with the Olsen amendment and put $1,250,000 back in the budget so we can get these silver dollars. In the long run they are more durable and it is cheaper than printing paper money.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. BARING. I am glad to yield to the gentleman from Illinois.

Mr. COLLIER. In listening to the debate here this afternoon, it seems to me this issue resolves itself to that which is desirable on the one hand and that is absolutely necessary on the other.

There is really no need for these silver dollars in the inter-mountain area. Instead it is merely desirable to have them, is that correct?

Mr. BARING. It is a way of life. We have always had them. For the last 100 years we have been using silver.

Mr. COLLIER. In other words we will sacrifice badly needed coins of smaller denominations to provide silver dollars which are desirable but not necessary.

Mr. BARING. No. It is necessary right now because these hoarders have taken all of these silver dollars.

Mr. COLLIER. If you do not have the silver dollars but instead have paper dollars, it will not create a major problem of any kind, will it?

Mr. BARING. We do not like the paper dollar. We are proud of our hard money and do not wish to turn to flat money.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. Cannon].

Mr. CANNON. Mr. Chairman, no greater economic fraud can be perpetrated against the future than resumption of the coinage of the silver dollar.

It is not its intrinsic value. It is the industrial value. We have a need in our modern economy for silver, yet we are driving headlong toward a situation and the day in which there will be no silver to be had. One of the most valuable factors in modern industry will be at an end.

The consumption of silver in industry is in the manufacture of photographic films and plates. Scientists have labored for years in the endeavor to find some reagent that would equal silver nitrate in sensitivity to light. That is the basic constituent of photographers today. They have not been able to find chemicals to take its place. We must have silver nitrate if we are to have photography of any kind in art or industry.

Go down the corridors of this Capitol and you will see the youngsters thronging in. Most of them have cameras. Note the traffic along the tourist highways, a large proportion of them have cameras. The demand for film grows steadily.

But the production of silver is declining. No producing areas remain.

The great Comstock lode back in 1848—the Big Bonanza discovered in 1873, and Tonopah, the last of all is now exhausted. No further deposits have been found anywhere in the United States. We are reaching the end of the world supply.

It was generally believed that Russia was mining a large amount of silver, and that Russia had in store something like $17 billion of silver. But when the wheat famine compelled a showdown Russia apparently had only about $2 billion in stored silver, and a large part of that was used in the purchase of wheat. Our industries in the United States alone consume indispensible silver in manufacturing, more than the total products of the entire world.

Production from the silver mines of the United States have largely been discontinued. All the silver produced today is a byproduct in the production of zinc and lead so that we are nearing the end of production of silver in any material quantity.

When it is exhausted, as someone said the other day about certain extinct species of game, "only God can make a bird, and even He requires a million years to do it. That is the only source from which we can secure a further supply of silver once it is exhausted.

Silver is also essential in electronics, and numerous other branches of industry.

And yet we propose to hasten process of exhaustion of world silver by coining unneeded dollars. When a dollar comes back to the Treasury it has been worn slick, a large part of it has been worn away. That silver is gone forever. It cannot be recovered. And for what purpose?

Two classes are demanding resumption of coinage—those assaulting the Treasury expecting to get some easy money.

And the gentry of Carson City and Reno who say they have $2 million worth of slot machines that take only silver dollars. I believe we would rather favor national industry and the amateur philanthropers of coming generations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. Olsen].

The question was taken; and on a division (demanded by Mr. Gary) there were—ayes 59, noes 52.

Mr. GARY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Olsen of Montana and Mr. Gary.

The Committee again divided, and the tellers reported that there were—ayes 68, noes 75.

So the amendment was rejected.

The Clerk read as follows:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); $80,000,000, to remain available until expended: *Provided*, That repayment may be made to other Coast Guard appropriations for expenses incurred in support of activities carried out under this appropriation.

AMENDMENT OFFERED BY MR. BONNER

Mr. BONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bonner: On page 6, line 20, strike out "$80,000,000" and insert in lieu thereof "$90,000,000".

Mr. BONNER. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Chairman, a little more than a month ago this House, without a dissenting vote, approved the bill, H.R. 9640, authorizing appropriations for procurement of vessels and aircraft and the construction of shore and offshore establishments of the Coast Guard.

The bill was reported to the House after thorough, careful, and searching hearings by the Committee on Merchant Marine and Fisheries. On the basis of these hearings our committee learned of the deplorable condition of the major working tools of this vital agency, with particular regard to the aging, inadequacy, and obsolescence of the vessels.

The authorization bill which our committee considered covered items of vessels, aircraft, shore and offshore establishments, with an estimated cost for 1965 of approximately $72 million.

We learned that the program transmitted to the Congress for these capital items was $40 million less than requested by the Coast Guard and approved by the Secretary of the Treasury.

In other words, when the appropriation bill submitted by the Treasury Department went to the Bureau of the Budget, the Bureau of the Budget cut it $40 million. When it came to the Committee on Appropriations of the House, the committee cut it an additional $15 million. Thus the total cut was $55 million in this request.

In the light of all the circumstances, our committee concluded, at the time of the hearings, that the minimum beginning on the important vessel replacement program should be accelerated. At that time the committee added three vessels to the authorization bill which this House passed without a dissenting vote. These vessels are absolutely necessary because the life expectancy of the average vessel in the Coast Guard has passed and the vessels are indeed, on an average, obsolescent at the present time.

The overall bill cuts $15 million from the basic budget estimate. Ten million dollars, or two-thirds of the total amount, was taken from the important category of "Acquisition, construction, and improvements."

Mr. Chairman, this is an interesting matter. It is a matter every Member of this House should be interested in.

This is an agency in which the chairman of the Appropriations Committee has been greatly interested.

He has done as much for it as anyone else of whom I know. I cannot, for the life of me, understand why, after the Bureau of the Budget reduced this request $40 million, the committee cut it another $15 million. That totally ignores the increased authorization which, I have said, was passed by the House.

Thus, this appropriation bill would delete $31½ million from the capital account authorized by the Congress.

In the appropriations hearing the Secretary of the Treasury supported the ceiling in the authorization bill, with its provision for three major vessels in addition to what the Bureau of the Budget requested.

The Appropriations Committee report states that the $10 million reduction below the budget estimate "can be absorbed in the items not requiring authorization, in order that the budgeted capital items can be procured without disrupting the planned replacement schedule of vessels and aircraft, and the modernization of shore installations."

The second major decrease below the budget estimate was the sum of $4.4 million for "Operating expenses."

The report states that the operating expenses of the Coast Guard have increased at an alarming rate in recent years. Mr. Chairman, everything else is increasing at an alarming rate. The report further states in the fiscal year 1955, for example, the operating expense was $155 million compared with nearly $275 million as requested in 1965.

Mr. Chairman, that is due to the fact that Congress assigned to the Coast Guard additional functions. The Coast Guard now has to operate for the Customs Service and for the Department of the Interior and Fish and Wildlife and for other agencies which heretofore they did not have to do. Also they deleted $400,000 from the item of retirement pay and $300,000 from the item of reserve training.

My principal concern is with the acquisition, construction, and improvement item and the operating expense items, although I regret there is a substantial reduction in the important item of reserve training.

Mr. Chairman, I called on the Commandant of the Coast Guard with respect to how they would live within this cut. Here is the answer:

As to the acquisition, construction, and improvement item, not only were the three additional cutters eliminated, but, in order to accomplish the cut, one medium endurance cutter for fisheries patrol off the New England coast will have to be eliminated. This additional patrol vessel is made urgent by the incursions of the Russian fishing fleet into the New England coast waters.

There will also have to be eliminated three of the seven authorized 82-foot patrol craft intended to provide rescue and law enforcement coverage in such areas as Long Island Sound, in Florida, in California, in the State of Washington, and in Alaska. At an amortization rate of less than $19,000 per year for each of these vessels over a 20-year period, does this seem an excessive cost for vessels of this great utility and flexibility as law enforcement facilities? The existing obsolescent vessels in this category were unable to overtake a Russian vessel off the coast of Florida that was violating the laws of the United States. We did not have a Coast Guard vessel there that could keep up with this vessel and capture it.

Among the items not specifically required to be authorized there will be eliminated an item of $3.5 million intended for major modernization of one of the prewar, high-endurance cutters whose useful life was proposed to be extended. Without rebuilding, its continued operation will require heavy, wasteful maintenance.

Planned improvements to the small, overworked, and aging ocean-going icebreaker fleet will have to be deferred. Improvement of the Great Lakes icebreaker *Mackinaw* will have to be deferred.

Design work on modern icebreakers will have to be deferred. And, finally, the replacement of an overage gantry crane at the Coast Guard shipyard at Curtis Bay, Md., at Baltimore, will have to be deferred.

I want to tell the House that the icebreakers now in service with the Coast Guard were World War II ships and they are rapidly becoming worn out. There is no provision, if this cut exists and sticks, to bring the Coast Guard up to a modernized fleet where they can carry on the responsibilities they have in the Great Lakes and in the northern ports of this country.

Agreed that these items are substantial, I must say that in my view, considering their nature, they can hardly be called either unjustified or alarming, as is mentioned in the committee report.

Mr. Chairman, I would like to say this, also: I have the highest respect for the chairman of this subcommittee, and I, like many others of this House, hate to see him leave here, but I do think in this instance, Mr. Chairman, it is a mistake, because this total reduction is $55 million.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. BONNER] has expired.

(By unanimous consent (at the request of Mr. CLARK) Mr. BONNER was given 2 additional minutes.)

Mr. BONNER. Mr. Chairman, I do not like to keep the House here this late in the afternoon. But here is a service that works night and day, in season and out. It works, Mr. Chairman, when we are asleep and when people around this country are in distress, in trouble. You do not see them at work, when they are really working, because they work when life is at issue, both on sea, on the coast, and in the inland waters.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield.

Mr. CASEY. Mr. Chairman, I gather from the remarks of the distinguished gentleman that we are way behind in upgrading the Coast Guard; is that correct?

Mr. BONNER. The Coast Guard is just about to fall to pieces, if the gentleman wants to know.

Mr. CASEY. It is doing one of the most important jobs in the country, protecting the safety of sportsmen, boaters, as well as our coasts, apprehending those in violation of the use of our coastal waters, such as Russians and Cubans, and what-have-you; is that correct?

Mr. BONNER. Not only on the sea and in the inland waters, but in the air, in search and rescue, which is necessarily delegated to the Coast Guard.

Mr. CASEY. And if they are going to do this job, we have got to give them the equipment with which to do it; is that correct?

Mr. BONNER. The chairman of this very committee realized that the planes that the Coast Guard had in the air one time were dangerous and should be grounded and he, himself, was responsible for putting money in the bill for that purpose. The Coast Guard was forced to use them and they are using outdated planes today.

Mr. CASEY. Mr. Chairman, will the gentleman yield further?

Mr. BONNER. I yield.

Mr. CASEY. This is really not a frivolous request. This is a necessity for the proper operation of this function in Government.

Mr. BONNER. It is. Those who oppose this amendment will come down here and say that we have given them more money than we gave them last year. That is true; but nevertheless it does not contradict the fact that this amendment should be adopted and this $10 million should be restored. I am not given to offering amendments to appropriation bills. This is the first one I have ever offered in my 24 years in the House of Representatives.

Mr. CASEY. Mr. Chairman, I want to commend the gentleman for the action he has taken.

Mr. BONNER. Mr. Chairman, I hope this amendment is adopted.

Mr. GARY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us look at the facts. The Coast Guard has several items in the bill. For operating expenses they requested $274,400,000. Our committee recommended $270 million, which is an increase of $21 million over 1964. I want to be perfectly fair. $18,060,000 of that is for mandatory increases. The cut in the 1965 request is $4,400,000. Mr. Chairman, let me say in answer to my dear friend, the gentleman from North Carolina [Mr. BONNER] that the Coast Guard is certainly doing an excellent job for an agency that is about to fall to pieces.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield.

Mr. BONNER. Of course, they are doing an excellent job. They are risking their own lives for the service of this Nation out on the high seas and in the air; and the gentleman knows it.

Mr. GARY. Let me say this to the gentleman. No one in this entire Congress has a greater regard for the Coast Guard than I have. No one has worked harder than I to see that they were upgraded and were given a proper appropriation to carry out the very important assignment which they have both in peace and in times of war. Several years ago their planes were about to fall to pieces. We told them to get an operating plan for rehabilitation of their entire fleet of planes. They worked out that plan. It took them 10 years to get it up to us. When it was presented to us, we approved it.

Then, Mr. Chairman, we insisted that they draw up a plan for the rehabilitation of their ships. That plan did not come through until last year.

Then, we told them to draw up a plan for the rehabilitation of their shore installations. That just came in this year.

Mr. Chairman, these plans will give them an opportunity to rehabilitate their ships and their shore operations. They have already built up their planes to a point that they are now perfectly safe.

Mr. Chairman, this year they asked $90 million for "Acquisition and construction"—that is for planes and also for ships and shore installations. We allowed them $80 million, which is $29 million more than they had last year for this item. This represented a cut of only $10 million.

Mr. Chairman, the gentleman from North Carolina [Mr. BONNER] referred to the fact that in the authorizing legislation the Congress just a short time ago authorized more than we have allowed here.

Mr. Chairman, permit me to read to the members of the committee what President Johnson has had to say in this regard. This is a newspaper report. It reads, in part, as follows:

> JOHNSON SIGNS COAST GUARD BILL, CALLS IT TOO BIG
>
> While the additional funds are intended to accelerate a "desirable vessel replacement and augmentation program" the President said yesterday the essential needs of the Coast Guard can be met and reasonable progress made toward its long-range objectives with the amount he requested.

Now, Mr. Chairman, we cut that request by the sum of $10 million. We did not cut the request from the long-range items.

In addition to the long-range items, they asked for $18 million in the items that do not require authorization. We felt that they could stand some cut there.

Mr. Chairman, we believe that the amount we have given the Coast Guard is all that they can reasonably spend. They will have for construction, for new ships, new planes, and shore installations next year $80 million.

This amendment would increase that amount to $90 million. Now, that represents new money, new vessels, and new machinery.

Mr. Chairman, I agree that the Coast Guard needs some rehabilitation. But we cannot do it all in 1 year. We have asked them for years to bring in their plans. They will not deny that it has taken a long time, under our insistence, for them to get these plans worked out so we can have uniform annual replacement rather than a big budget one year and in the next year a small expenditure.

Mr. Chairman, we now have orderly plans. I feel that this amount will enable them to proceed with dispatch under those plans.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. STEED. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GARY. Mr. Chairman, I shall not use the full 5 minutes. The time is getting late.

However, I will say finally that the whole question is whether we are going to try to remedy what has been done in years past in 1 year, or whether we are going to gradually improve the situation.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the distinguished gentleman from Oklahoma.

Mr. STEED. The situation is this simple: Every vessel that the Bureau of the Budget has authorized is funded in this bill. The additional amount asked for in this amendment will not add one thing to that; is that right?

Mr. GARY. The gentleman is absolutely correct.

Mr. STEED. If the gentleman will yield further, the $8 million that is left for these unbudgeted items is as generous as they have had in the past?

Mr. GARY. The gentleman is correct.

Mr. STEED. The only thing this cut of $10 million does is to take away from the Coast Guard the things which they said they could afford to do without? It does not affect a bit their shipbuilding program as outlined by the Bureau of the Budget?

Mr. GARY. Frankly, I think $80 million is all that they can properly spend next year for acquisition, construction, and improvements.

Mr. STEED. If the gentleman will yield further, the information that the committee got, not only from the Coast Guard but the Bureau of the Budget, was the fact that they would have $71 million for ship acquisition, which was the amount they can adequately and efficiently expend in the coming year?

Mr. GARY. And which the President said was sufficient after the Congress had authorized more.

Mr. STEED. This amendment is not going to have any effect at all on the shipbuilding part of the program?

Mr. GARY. That is correct.

Mr. TOLLEFSON. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Washington.

Mr. TOLLEFSON. In that connection I think the record should be made clear that the Coast Guard itself said if the $10 million is not restored it will affect their ship replacement program to the tune of four ships they will not be able to build if they do not get the $10 million.

Mr. GARY. They would be rather small ships under those circumstances.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Virginia.

Mr. DOWNING. I concur with the gentleman from Washington. We were told this would eliminate certainly one medium-endurance vessel that the Coast Guard needs. The gentleman must be in error when he said no ship facilities are envisioned in the $10 million.

Mr. GARY. That ship was included in the additional amount that was authorized by the Congress over and above the amount that was requested by the administration.

The administration did not request the ship to which the gentleman refers. There was no request made for that.

Mr. STEED. This $80 million the subcommittee has approved permits the Coast Guard to carry out all of its shipbuilding program; does it not?

Mr. GARY. The gentleman is correct. They can cut elsewhere.

Mr. TOLLEFSON. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, like the chairman of our committee, I am reluctant to oppose the subcommittee which under the leadership of the gentleman from Virginia has over the years done such a tremendous job. On the other hand, I do happen to be a member of the House Committee on Merchant Marine and Fisheries that has jurisdiction over Coast Guard legislation, and I feel I have some responsibility toward the Coast Guard.

Over the years I have been concerned over the deterioration of the Coast Guard facilities, especially in the area of ships. This same concern was shared by the gentleman from Virginia [Mr. GARY], who stated that because of the concern over the deterioration of facilities he himself and the subcommittee urged the Coast Guard to come forward with a replacement program for planes, and a replacement program for ships. According to the gentleman from Georgia [Mr. GARY], the replacement program for planes is going along very well. But that is not the case with respect to the program so far as vessels are concerned.

He made reference at the outset to operating expenses. We have no quarrel with the operating expense figure at all. We think it is all right. But we are worried about this ship replacement program. That program is not going according to schedule. We were told by the chairman of the subcommittee that in the original instance the program of replacement for ships was a 5-year program because it was an urgent program. But, now, the committee has gone on the theory that the 5-year program should be stretched out to a 10-year program. This is not a fast enough replacement program to take care of the desperate needs of the Coast Guard.

I would like to say also that every State in the Union with the exception of one is affected by Coast Guard activities. There is only one State in the Union that does not receive Coast Guard service. That is the State of Wyoming. All of the rest of them do. If this amendment does not carry a great many of the States will have to have their Coast Guard services cut down.

Just to repeat what happened so far as this bill is concerned, the House by unanimous vote approved the authorization legislation which contained $21.5 million of the $40 million that the Bureau of the Budget cut out. It may be that the President thinks the authorization bill was too large, but the Treasury Department does not think so. The Treasury Department is alarmed at the condition of its fleet and shoreside facilities. They do not think the authorization bill as approved was too high at all.

All we are asking you to do is to restore $10 million of the $35 million or so that the subcommittee cut out of the authorization bill. As I have already stated I hesitate and am reluctant to oppose the committee but I feel so strongly in this instance that the committee has erred, and that the $10 million ought to be restored.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. TOLLEFSON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Can the gentleman show me where the subcommittee cut $55 million out of this bill?

Mr. TOLLEFSON. I may not have stated the situation correctly. The Bureau of the Budget eliminated $40 million from the Treasury requests. You cut an additional $15 million as I see it.

Mr. CONTE. That is right, not the subcommittee.

Mr. TOLLEFSON. Our legislative committee presented an authorization bill which added $21.5 million to the Bureau of the Budget figure. You cut that $21.5 million out, you ignored it, which was your prerogative. You also cut an additional $15 million, so that the total is in the neighborhood of $35 or $36 million.

Mr. CONTE. The only thing the committee cut here was $10 million. We cut only $10 million from the entire program. The program was $90 million. We brought that down to $80 million. We took that $26 million, which did not need any authorization or authority.

Mr. TOLLEFSON. I do not have the report before me, but I think if you read it carefully you will find you cut the $21.5 million that we had put in our authorization bill plus an additional $15 million.

Mr. CONTE. There has been some question asked of me about this matter: The Coast Guard closed 17 Coast Guard stations, including many in Massachusetts. This amendment to restore the $10 million has no effect on that?

Mr. TOLLEFSON. It has nothing to do with that.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I think if all of us will devote a minute or 2 to a consideration of the action of the committee—and no one is trying to say they are not doing a conscientious job, which they always have done for the Coast Guard—but may I submit that the authorizing committee, the Committee on Merchant Marine and Fisheries, has just held extensive hearings and brought to this floor a bill which this House approved. Not only does this appropriation bill cut greatly from that bill that the Merchant Marine Committee brought to the House, approved by this body, but also the bill before us also cuts into the budget figure, and the budget figure had cut $40 million out of the request presented to it by the Treasury and the Coast Guard. So this is a large cut.

Now let us look and see what some of the problems are that the Coast Guard has. Do you know there are instances when they do not even have a vessel to replace one that goes into drydock? Think of that. Not enough ships to keep an active Coast Guard vessel there for rescue work, and this is happening time after time.

Further, when there is an increased demand for service somewhere, what happens? They have to pull a ship from some other district, some other area. Then that area is deficient in its needs for sea and air rescue work. In the Florida area alone we have had over 6,000 rescue calls in 1 year. Think of the demands on the Coast Guard for this service alone.

The chairman just told you what happened with Russian trawlers in our waters. Do you recall only this past year that there were some 33 Russian trawlers off our Florida coast?

These Russian trawlers have been penetrating into the waters of the United States. They have been doing it for the past 2 years. The Navy itself in its official publication, and I have it here, says the Russians have constantly had two of these vessels in intelligence work right off our coast. Who has the responsibility for surveillance in such a situation? It is the Coast Guard. Do you know there is not even any request in this bill to take care of the vessels to have a continuous surveillance? That evidence is in the hearings too.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman.

Mr. CLARK. I wonder how many Members here today realize that this patrol system of the Coast Guard that is trying to patrol these waters on the east coast, the west coast, the Florida coast, the Texas coast, and the Alaskan coast is using 15-year-old planes and 15-year-old helicopters to do this patrolling? I think it is time for us to wake up. Let us wake up and realize before it is too late that we must put in this money; we must put this money back in so that the Coast Guard can do a 100-percent job and an effective job.

Mr. ROGERS of Florida. I thank the gentleman.

Mr. Chairman, I think anyone who will read the hearings of the Committee on Armed Services where they directed the Coast Guard to set up a surveillance of the Russian trawlers and then read the hearings of the Committee on Merchant Marine and Fisheries where it sets forth what the Coast Guard will need to do this surveillance work will see that the Coast Guard will need at least three 95-foot patrol boats and five 210-foot patrol boats and planes as well. Yet, these are not even taken care of in the bill and this bill cuts even what they have asked for as a very minimum.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS of Florida. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman.

Mr. TEAGUE of California. It is always a pleasure to find myself in agreement with the gentleman from Florida. I have about 200 miles of salt water along the edge of my district. It is a very dangerous bit of sea. I know from personal knowledge the magnificent job that the Coast Guard does and how obsolete many of their vessels are. I support the amendment.

Mr. ROGERS of Florida. I thank the gentleman.

Mr. BURKE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman.

Mr. BURKE. I wish to associate myself with the remarks of the gentleman from Florida. I think time is of the essence and right now we should put this $10 million back in the budget. How long can this country wait? The Russian fleet is operating in the northeastern part of this country with small nets cleaning up entire fishing banks in that area, and it is a question as to whether or not they are violating our territorial waters. Certainly, the Coast Guard needs this money and it should be put back in the bill.

Mr. ROGERS of Florida. I thank the gentleman and agree with him entirely. I may say too the Porter Hardy subcommittee of the Committee on Armed Services in its hearings brought out in two instances our Coast Guard vessels could not even catch the Russian trawlers off the coast of Florida because we do not have modern enough equipment.

Mr. TUPPER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman.

Mr. TUPPER. Would the gentleman elaborate for the benefit of our colleagues as to the number of Cuban refugees coming into the United States at this time—to the extent of 250 a month. Now anything that hits the Coast Guard piecemeal hits the entire effectiveness of the operations of the Coast Guard. In other words, when a vessel is taken from the State of Maine to go down to the gentleman's district or State that affects the entire effectiveness of the Coast Guard off our coastal area. I certainly support this amendment.

Mr. ROGERS of Florida. I thank the gentleman.

Certainly, the need is quite apparent for these vessels. It is just a question of whether we want to say—"Oh, well, we are going to meet these needs but it should not be done now." But, Mr. Chairman, we know that this should be done and done now, so let us do it by adopting this amendment offered by Chairman Bonner of the Merchant Marine Committee of this House.

Mr. STEED. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a member of this subcommittee I do not yield to anybody in this House in these expressions of high regard for and interest in and friendship toward and good will toward the Coast Guard. We work very closely with the Coast Guard. We have gone into this thing very carefully. They do need a lot of things and we are very aware of it. But all these tear-jerking remarks that you are hearing today are not going to produce any solution to these problems.

We have given to the Coast Guard all that the Bureau of the Budget said they could spend economically this year in the ship replacement program. We intend to keep on, in the years ahead, doing that very thing.

The money being talked about today will not solve any of these problems. That is in an entirely different area. It will be years before the Coast Guard gets to where it should be, though we are headed in that direction. This is a sound program which has been worked out carefully.

I do not know what the Coast Guard representatives told the other committees, but I know what they told us. I have been listening to Coast Guard problems for many years, and those representatives have always told us the truth. I believe they did this year.

I believe the Coast Guard is being well taken care of, and this amendment can be defeated without doing any harm.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from Florida.

Mr. PEPPER. I strongly associate myself with the able remarks of my distinguished colleague, the gentleman from Florida [Mr. Rogers].

Mr. STEED. Mr. Chairman, I yield back the remainder of my time.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts, a member of the committee, is recognized for 5 minutes.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Virginia.

Mr. GARY. I wonder if we can get an agreement on time on this amendment. I ask unanimous consent that debate on this amendment be limited to 15 minutes, with the last 5 minutes reserved for the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts [Mr. Conte] has already been recognized for 5 minutes.

Mr. CONTE. Mr. Chairman, I do not intend to use the 5 minutes. I merely rise in opposition to the amendment.

Like many of the speakers before me who favor the amendment, I have a high regard for the Coast Guard. I have visited just about every Coast Guard station in the country. I have been on their ships. I have been on their aircraft. I have been on their helicopters.

I believe there is no service in the United States which does the job the Coast Guard does for our citizens.

On the other hand, Mr. Chairman, the committee has worked hard and laboriously on this budget. It is amusing to me to see many people who cloak themselves with the conservative flag but when their ox is being gored scream like the dickens to put the additional money in the bill.

We are trying to be frugal this year. We are trying to balance the budget. We are trying to go along with the President of the United States on frugality. We feel that all the Coast Guard could spend this year, without hindering the shipbuilding program, is $80 million.

Some remarks have been made that the coastline is being patrolled by helicopters which are 15 years old. This may be so, but some of the finest, newest, most up-to-date helicopters are operated by the Coast Guard, and they can compete with any other branch of the service.

Two or three times today the subject of the Russian trawlers has been brought into this debate. If Members will read the record they will see that we have gone into this quite extensively, with Admiral Roland. If Members are worried about Russian trawlers off the coast of Massachusetts or off the coast of Maine, they should turn to page 758 and see the stations which have been closed by the Coast Guard in Massachusetts, which closing I fought against. From those stations the ships, aircraft, and helicopters were patrolling the waters of Maine, of Massachusetts, and on down to the coast from Maine to North Carolina.

A great deal has been said about the 6,000 boats that have been in trouble off the Florida coast.

This may be so, but the question I want to direct to my good friend from Florida is, how much do those yachts, those highly expensive yachts, in Miami, Key West, and Fort Lauderdale, contribute to the Coast Guard for its air search and rescue operations?

Mr. ROGERS of Florida. I will be glad to answer the gentleman.

Mr. CONTE. And I limit it just to that question.

Mr. ROGERS of Florida. I will be glad to try to answer the gentleman's question by saying this: The air-sea rescue is more involved with lives than it is with boats. That is what we are concerned with. We have no fight with the gentleman. We simply want to do the job maybe $10 million faster than the gentleman does. There is no question of the need. The gentleman has admitted that. We have the Russian trawler problem, as he admitted, off his own coast. Certainly we have the problem in Florida, and the Navy said they are spying on us. Why spend $50 billion on defense all over the world and then let them come in here and spy on us right on our front door when we can do something about it.

Mr. CONTE. Our coasts are being well protected. This is true not only with the Coast Guard but the Air Force and other agencies, such as the CIA, which has plenty of people and personnel in airplanes and ships not only along the Massachusetts coast and the Atlantic coast but the Pacific coast, and all along the Aleutian Islands. We know every ship that moves into those waters.

Mr. Chairman, we have been up there with the chairman of the subcommittee in the Aleutian Islands and have gone up with the Coast Guard patrol. They have done a magnificent job. But I do not find anywhere in this hearing, and I challenge anyone to show me anywhere in this hearing, where the Coast Guard are not doing their job of patrolling Russian trawlers or Cuban ships because they do not have the necessary boats.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Florida.

Mr. FASCELL. I believe the gentleman when he says the Coast Guard has kept track of every vessel off our coasts based on the evidence that he has, but something is wrong somewhere when a helicopter can fly in from Cuba and land at Key West with Cubans on it and Russian markings on it and it passes undetected by the Coast Guard or anybody else.

Mr. CONTE. I tell my good friend from Florida that he had better check with the Defense Department and the Pentagon. If this is so they are falling down on their job, and he should bring it to their attention.

Mr. FASCELL. I think they are both responsible, and I want to make sure that we are kept safe.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. LENNON].

Mr. LENNON. Mr. Chairman, I rise in support of this amendment, and I say in all sincerity and faith to the membership of this House, if they knew the facts as those of us on the Coast Guard Subcommittee believe we know them, they would all support this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. MCINTIRE].

Mr. McINTIRE. Mr. Chairman, I rise in support of the amendment. There have been Coast Guard stations discontinued on the coast of Maine, and as these were closed, there was positive assurance it would not diminish the services of the Coast Guard to the 2,400 miles of coastline of my State. I want to join in support of this amendment because I think this will help the Coast Guard in assuring the vital services needed on the coast of Maine.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in support of the amendment because I think I know something about the Coast Guard. The Coast Guard is a sort of "poor-cousin agency" in the Department of the Treasury. It has nothing in common, no commonalty with the Department of the Treasury. They give it no consideration. The Coast Guard has done a wonderful job. I know from my own experience that it has never been fully funded and fully supported. I support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. TUPPER].

Mr. TUPPER. Mr. Chairman, I rise in support of the amendment to restore $10 million to the Coast Guard for acquisition, construction, and improvements.

It is a very peculiar type of economy that allows Government-owned vessels to sink into disrepair—with the increased risk to the young men assigned to these vessels.

The Coast Guard appropriation this year is $55 million under that which the Treasury Department requested.

When the Coast Guard authorization bill was heard in this House, March 11, 1964, for these items for fiscal 1965 totaling $93,299,000, there was not a dissenting voice.

This is a familiar story of the Coast Guard being forced to take what it could get over the years. It has been severely penalized by virtue of not being under the Department of Defense except during war.

I doubt if there is a Federal department or agency of Government that is giving comparable service to the American taxpayer for the dollars allocated to it.

The State of Maine—with an important commercial fishing industry, and with private boating off our coast growing heavier each year—appreciates the value of the Coast Guard perhaps more than many States.

I recently joined the gentleman from Florida, Congressman PAUL ROGERS, and the gentleman from Pennsylvania, Congressman FRANK CLARK, on February 13 and 14 inspecting bases at Miami, Key West, St. Petersburg, Jacksonville, and Port Everglades.

In addition to the search and rescue responsibility of the Coast Guard, their law enforcement role has multiplied many times over due to the Cuban situation, the Russian trawler traffic in the North Atlantic and along the entire eastern seaboard, and intensified fishing by Japanese and Russians off the coast of Alaska.

The U.S. Coast Guard has the responsibility of picking up Cuban refugees coming in from Cuba in all types of small craft. Since 1961 over 6,300 Cuban refugees have fled to Florida in all sorts of small craft, some even coming in rowboats. The Coast Guard rescues over 250 refugees a month. It is also the Coast Guard that is directed to keep anti-Castro raiders from leaving U.S. ports. When Soviet trawlers are spotted within or just outside the U.S. 3-mile limit, the Coast Guard is entrusted with surveillance.

Cuba has developed a modern fishing fleet during the past year and it can be anticipated that Cuban and Soviet fishing operations will be intensified.

The Coast Guard is badly handicapped by a lack of public information throughout much of the country concerning the various unique duties of this service.

The saving of lives at sea and surveillance that contributes greatly to our national security are extremely important tasks. It makes sense to me to provide budgets for the Coast Guard commensurate with their current responsibilities.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I rise in support of the amendment. I believe that the limitation requirement by the subcommittee that the $10 million cut should come out of the nonbudget capital items is an unrealistic requirement, since the cut will probably be spread throughout the entire acquisition and construction program. Even with the restoration the item will be below the budget request. Therefore, I believe, in the interest of safety, in the interest of speed in the acquisition program, the amount requested ought to be restored and the amendment adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. KEITH].

Mr. KEITH. Mr. Chairman, I commend the distinguished Member from North Carolina [Mr. BONNER] whose leadership and foresight as chairman of the important Merchant Marine and Fisheries Committee has been of invaluable service to the Nation in maintaining a strong merchant fleet, in working to meet the many problems of our beleaguered fishing industry and in helping shape the mission of the modern Coast Guard by insuring that this dedicated sea service has the men and tools to meet its ever-increasing responsibilities.

This discussion today is particularly timely. Tomorrow morning at 10:30 the Merchant Marine and Fisheries Committee will consider, in executive session, a bill aimed at protecting our important coastal waters from intrusions by alien vessels. This bill, which I had the privilege of cosponsoring in the House, would, for the first time, provide for effective sanctions against encroachments within our territorial waters by foreign fishing vessels, and against the unlawful exploitation of the valuable fishery resources of the Continental Shelf appertaining to our coasts. If reported favorably by the committee and enacted by the House, this measure would be an effective first step in strongly reasserting America's rights in an area where there have been rights, in an area where there have been many abuses by the Russians and lately the Cubans off Florida.

But to be effective this important legislation needs to be vigorously enforced—a task that will be impossible if we do not provide the Coast Guard the badly needed equipment the authorization we are now considering will provide.

An illustration of the expanding responsibilities of the Coast Guard, and the need for modern, high-endurance patrol vessels, is that fact that if enacted my bill will assert a U.S. claim to certain fishery resources out to the 200-meter depth off our coasts, obviously well beyond the traditional 3-mile limit. This provision is based on a concept of international law recognized by many seafaring and littoral nations, but, again, to be effective the law must be backed up by the Coast Guard.

The importance of this matter would be more apparent to my colleagues if they had had the opportunity to see at firsthand, as I have, the great fleets of Russian vessels operating close off the New England coast. The Soviets have literally overwhelmed our own smaller fishing boats and have dominated by sheer size and weight of numbers fishing grounds that have been fished by Americans since the earliest days of our history.

Our Members from the west coast and Alaska can cite similar examples of concentrated foreign activity off our shores and a number of incidents where foreign vessels have actually invaded the 3-mile limit in search of fish, whale, and king crab. The same is true of Florida, where

Russian trawlers have been sighted on more than one occasion practically within hailing distance of Cape Kennedy.

It is not only a matter of fishery resources being exploited. There is a definite question of national security in many instances when these 200- to 300-foot modern Communist vessels, equipped with extensive electronic gear and manned by reserve naval officers, inch in close to our shoreline.

There is an equally important question of public safety involved in the increasing responsibilities of the Coast Guard. In my district, where we have well-traveled bodies of water like Buzzards Bay, Cape Cod Bay, and Nantucket Sound, with dozens of little harbors and new marinas springing up every year, the Coast Guard must be ready to come to the aid of thousands of small boat operators. The number is growing every year. And these people many times have little or no blue water experience. They are forever getting lost, going aground in some desolate spot, or, worse, capsizing in bad weather. When the Coast Guard gets a call from a small boat operator it may be a matter of life and death and many times it is.

The importance of the Coast Guard to the people of my district, the several hundred fishing boat owners and captains and the increasing number of smallboat owners, was dramatized recently by the loss of Cuttyhunk Lifeboat Station, an installation that was eliminated to comply with an administration economy move, one which I sincerely hope will not prove to be a tragic case of false economy in the coming boating season.

Mr. Chairman, I support the Bonner amendment because I recognize the vital importance of a modern sea service to our national security, to our valuable ocean fishery resources and, increasingly, to the public safety. Let us not economize when a reasonable and well-considered program, long overdue, can well spell the difference between life and death for our thousands of boating enthusiasts, can help protect our multimillion dollar fishing industry and can prevent blatant violations of the integrity of our coastal security.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I am a member of the Coast Guard Committee. In time of war the Coast Guard comes under the armed services. This is the most underappreciated branch of our Federal Government; underfinanced, undermanned, underappreciated. They have worldwide loran responsibilities.

For the want of $10 million you will be neglecting one of the most important branches of your Government. For the want of $10 million you could lose the security of this country. For the want of a nail a shoe was lost; for the want of a shoe a horse was lost; for the want of a horse a rider was lost. For the want of a rider an army was lost and for the want of an army a nation could well be lost.

Are you going to be part and parcel of a $10 million reduction in one of the most important branches of your Government? Let us put this $10 million in. It is already authorized.

The CHAIRMAN. The Chair recognizes the gentleman from Alaska [Mr. RIVERS].

Mr. RIVERS of Alaska. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from North Carolina and associate myself with his remarks as to the need for restoring the $10 million in question.

The gentleman has spoken of the seriousness of the rundown condition of Coast Guard equipment on the east coast. I can vouch for the inadequacy of the Coast Guard equipment and scope of operations on the west coast, with particular reference to Alaska. Our territorial waters need patrolling and protecting. The search and rescue service is invaluable. This money has been authorized. Let us appropriate it.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Chairman, I rise in support of the amendment. I wish to state that I think someone is playing a little bit of the old shell game. Here they say that they can pick up this $10 million out of the nonbudgeted funds. That is like telling them they can build a boat, but they will not have the gasoline to run it on. They need $10 million for a start on the rehabilitation program. It is not going to do the entire job. They will have to continue this program in order to get this service up to the standard at which it needs to be.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. PILLION] for 1 minute.

Mr. PILLION. Mr. Chairman, the $10 million which is requested in this amendment for the vessel program is not needed. It represents a waste of money.

Mr. Chairman, in the hearings this year Admiral Monroe of the Navy appeared before our Committee on Appropriations and stated that there were WAPD vessels of 314 feet available, WMSF vessels of 314 feet available, and WMSF vessels of 180 feet available.

Mr. Chairman, these vessels are available to the Coast Guard. They are the type vessels that the Reserves are training in or would train in in the event of war. They are vessels that the Coast Guard can use, instead of purchasing new vessels.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from North Carolina.

Mr. BONNER. The gentleman from New York did not say how old these vessels are.

Mr. PILLION. They are in perfectly good condition.

Mr. BONNER. Did they tell you how old they are?

Mr. PILLION. That is what the Navy representative stated they would use in case of war. They are going to use them in case of war.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. GARY] for 5 minutes.

Mr. GARY. Mr. Chairman, I am not going to take the full 5 minutes. However, I ask everyone in this Chamber to give me their attention for just one moment.

In fiscal year 1964 we gave the Coast Guard $48,820,000 more than they had the year before. We cut them $12.1 million. Not one single complaint was made. What happened? At the end of this year, the present fiscal year, they will have unobligated—that does not mean unspent but unobligated, they have not been able to even obligate it—$43,942,000 of the amount that we gave them last year.

Mr. Chairman, for fiscal year 1965 we have recommended an increase of $55.8 million over 1964 and cut them only $15 million.

Those figures speak for themselves and in view of those facts I ask the House to defeat the amendment.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Massachusetts.

Mr. BATES. I wonder if the gentleman will give me the assurance that with the closing of these Coast Guard stations the people of this country will be afforded the same kind of protection which they have had previously?

Mr. GARY. I wish the gentleman would give me that assurance. I told the gentleman that five of those stations are located in my State. We have been given the assurance by the Coast Guard that that will be done, and that is all the assurance I can give to the gentleman.

Mr. BATES. If the gentleman will yield further, I am sure the gentleman has looked into the matter further.

Mr. GARY. I will say that the gentleman is from Massachusetts and no one has looked into it any closer than the gentleman's colleague who serves on the subcommittee, the gentleman from Massachusetts [Mr. CONTE]. I certainly looked into it. Both of us examined the entire program, but particularly with reference to Massachusetts and Virginia. I can assure the gentleman of that.

Mr. BATES. Does the gentleman believe that we ought to add funds to this bill in order to make certain that we have the same kind of protection?

Mr. GARY. I think the whole purpose in closing those stations was for economy reasons. If we add funds to the bill, we will lose the effect of that economy.

Mr. BATES. If the gentleman will yield further, we will lose the economy. The question is will we save lives?

Mr. GARY. They say they will provide just as good service as they have provided heretofore.

Mr. BATES. And the gentleman is willing to accept that?

Mr. GARY. The gentleman from Virginia has supported the Coast Guard down through the years and I certainly take their word for it.

Mr. BATES. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BONNER].

The question was taken; and on a division (demanded by Mr. GARY) there were—ayes 122, noes 73.

Mr. GARY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GARY and Mr. BONNER.

The Committee again divided, and the tellers reported that there were—ayes 108, noes 75.

So the amendment was agreed to.

The Clerk read as follows:

EXECUTIVE MANSION AND GROUNDS

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, $696,000.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

I take it we are now down to the $696,000 for the "Executive mansion and grounds," and that is where the additional money for paint is included?

Mr. GARY. That is right; $20,000.

Mr. GROSS. I want to suggest to the gentleman that when he goes to conference with the other body on this bill perhaps he can work out a deal with Members of the Senate whereby some of the unused Bobby Baker investigation whitewash could be made available and thus save the taxpayers some money.

Mr. GARY. We will take care of the White House. I will let the gentleman take care of Bobby Baker. I think that is a matter for the other side of the Capitol, not for us.

The Clerk read as follows:

BUREAU OF THE BUDGET

Salaries and expenses

For expenses necessary for the Bureau of the Budget, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $75 per diem for individuals, $6,750,000.

Mr. BEERMANN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to inquire of the chairman of the committee regarding this item. I note that $75 a day is allowed to the tune of $6,750,000. That is 90,000 days at $75 a day. Would the chairman of the committee explain what this is to be used for?

Mr. GARY. It is the regular Bureau of the Budget item, for preparing the budget of the United States. The $75 per diem is only for the consultants that they call in at certain times. That is the regular pay for consultants, recognized in all of the agencies.

Mr. BEERMANN. Then do we have the regular employees of the Bureau of the Budget plus this 90,000 days of additional employment?

Mr. GARY. The $6,750,000 is the total appropriation for operating the Bureau of the Budget. The $75 is only to take care of situations when they call in consultants and we permit them to pay up to $75 a day for these special people whom they call in, that is, consultants who are called into the Department.

Mr. BEERMANN. And how about the regular employees?

Mr. GARY. Everything is paid for out of the $6,750,000. The entire operating expenses of the Bureau of the Budget, the printing of the budget and everything else connected with it is paid for out of the $6,750,000.

Mr. BEERMANN. I thank the gentleman.

The Clerk concluded the reading of the bill.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask why this bill provides $100 per diem and $30 per diem in lieu of subsistence for each member of the advisory committee on labor-management policy. Why are they paid $100 a day; that is, these consultants for management improvement? What makes them so expensive?

Mr. GARY. These are people who are serving without compensation and that is the amount for their services. They do not receive any salary. That is their entire compensation. Only when they are acting as members of the committee in conducting the affairs of the committee are they allowed anything, and then they get $100 a day and $30 per diem.

Mr. GROSS. Why $100 a day to them and $75 a day to those who are advising on management improvement? Why are these labor-management people so expensive?

Mr. GARY. Because the Congress put that in in the authorizing legislation. We have not changed that at all. That is exactly the same amount that has been all along and it is taken from the authorizing legislation.

Mr. GROSS. I hope that next year the gentleman's committee will find out why these people are paid $130 a day.

Mr. GARY. They only meet once or twice a month so it is comparatively a small expenditure.

Mr. GROSS. Well, I repeat that I hope the committee will find out why they are paid $130 a day—I do not understand it.

Mr. GARY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose and the Speaker having resumed the chair, Mr. BLATNIK, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 10532) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes, he had directed him to report the bill back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the amendment.

Mr. GARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 193, answered "present" 1, not voting 79, as follows:

[Roll No. 85]

YEAS—160

Ashley
Aspinall
Ayres
Baring
Bates
Beckworth
Bennett, Fla.
Bennett, Mich.
Blatnik
Bonner
Brooks
Burke
Byrne, Pa.
Cameron
Carey
Casey
Celler
Chamberlain
Clark
Clausen, Don H.
Cohelan
Colmer
Cooley
Corman
Curtin
Daddario
Dague
Daniels
Davis, Ga
Dent
Dingell
Donohue
Downing
Fallon
Farbstein
Fascell
Fisher
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Gathings
Gibbons
Gilbert
Glenn
Gonzalez
Goodling
Grabowski
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Hall
Harding
Hardy
Hays
Healey
Hemphill
Henderson
Holifield
Holland
Horton
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Karsten
Keith
Kelly
Keogh
Kilgore
Kluczynski
Kornegay
Landrum
Leggett
Lennon
Libonati
Long, La.
McDowell
McIntire
McMillan
Macdonald
Madden
Mailliard
Marsh
Mathias
Matsunaga
Matthews
Miller, Calif.
Minish
Morgan
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Norblad
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
O'Neill
Pepper
Philbin
Pike
Pool
Price
Purcell
Randall
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Rodino
Rogers, Fla.
Rooney, Pa.
Roybal
Rumsfeld
St. Onge
Saylor
Scott
Sibal
Sickles
Sisk
Staggers
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thompson, La.
Thompson, Tex.
Toll
Tollefson
Tupper
Tuten
Van Deerlin
Vanik
Wallhauser
Watson
Weaver
Weltner
Westland
White
Whitener
Widnall
Willis
Wilson, Bob
Wyman
Young
Younger
Zablocki

NAYS—193

Abbitt
Abele
Abernethy
Adair
Addabbo
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Avery
Baker
Baldwin
Battin
Becker
Beermann
Bell
Berry
Betts
Boggs
Boland
Bow
Brademas
Bray
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Calif.
Burton, Utah
Byrnes, Wis.
Cahill
Cannon
Cederberg
Chenoweth
Clancy
Clawson, Del
Cleveland
Collier
Conte
Cunningham
Curtis
Dawson
Delaney
Denton
Derounian
Derwinski
Devine
Dole
Dulski
Dwyer
Edmondson
Edwards
Ellsworth
Feighan
Findley
Finnegan
Fino
Flood
Fogarty
Ford
Foreman
Fraser
Frelinghuysen
Gary
Giaimo
Goodell
Gross
Haley
Halleck
Halpern
Hanna
Hansen
Harris
Harrison
Harsha
Harvey, Mich.
Hechler
Hoeven
Horan
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Joelson
Johansen
Jonas
Karth
Kastenmeier
King, N.Y.
Kirwan
Kunkel
Kyl
Laird
Langen
Latta
Lesinski
Lindsay
Lipscomb
Lloyd
McCulloch
McDade
McFall
McLoskey
MacGregor
Mahon
Martin, Calif.
Martin, Nebr.
May
Miller, N.Y.
Milliken
Mills
Minshall
Monagan
Montoya
Moore
Moorhead
Morris
Murray

Natcher
Nelsen
O'Brien, N.Y.
O'Konski
Olson, Minn.
Ostertag
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pillion
Pirnie
Poage
Poff
Pucinski
Quie
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Roberts, Tex.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Roush
Ryan, Mich.
Ryan, N.Y.
St Germain
Schenck
Schneebeli
Schwengel
Secrest
Senner
Shipley
Short
Shriver
Sikes
Siler
Slack
Smith, Calif.
Smith, Iowa
Smith, Va.
Snyder
Springer
Stafford
Steed
Stinson
Taft
Thompson, N.J.
Thomson, Wis.
Trimble
Tuck
Waggonner
Watts
Whalley
Wharton
Whitten
Wickersham
Wilson, Charles H.
Wright

ANSWERED "PRESENT"—1

Everett

NOT VOTING—79

Alger
Auchincloss
Barrett
Barry
Bass
Belcher
Bolling
Bolton, Frances P.
Bolton, Oliver P.
Brock
Brown, Calif.
Buckley
Burkhalter
Burleson
Chelf
Corbett
Cramer
Davis, Tenn.
Diggs
Dorn
Dowdy
Duncan
Elliott
Evins
Flynt
Forrester
Garmatz
Gill
Grant
Gray
Hagan, Ga.
Harvey, Ind.
Hawkins
Hébert
Herlong
Hoffman
Jones, Ala.
Jones, Mo.
Kee
Kilburn
King, Calif.
Knox
Lankford
Long, Md.
McClory
Martin, Mass.
Meader
Michel
Morrison
Morse
Nix
O'Brien, Ill.
Osmers
Pilcher
Powell
Rains
Roberts, Ala.
Robison
Rogers, Colo.
Rogers, Tex.
Roosevelt
St. George
Schadeberg
Schweiker
Selden
Sheppard
Skubitz
Staebler
Talcott
Thomas
Udall
Ullman
Utt
Van Pelt
Vinson
Williams
Wilson, Ind.
Winstead
Wydler

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Cramer for, with Mr. Utt against.

Mr. Everett for, with Mr. Davis of Tennessee against.

Mr. Morrison for, with Mr. Dorn against.

Mr. Morse for, with Mr. Kilburn against.

Mr. Garmatz for, with Mr. Hoffman against.

Mr. Osmers for, with Mr. Brock against.

Mr. Martin of Massachusetts for, with Mr. Schadeberg against.

Mr. Duncan for, with Mr. Dowdy against.

Mr. Hébert for, with Mr. Grant against.

Mr. Roosevelt for, with Mr. Alger against.

Mr. Barrett for, with Mr. Barry against.

Mr. Nix fór, with Mr. Skubitz against.

Mr. Rogers of Colorado for, with Mr. Herlong against.

Mr. Lankford for, with Mr. Michel against.

Mr. Hagan of Georgia for, with Mr. Sheppard against.

Until further notice:

Mr. King of California with Mr. Auchincloss.

Mr. Thomas with Mr. Meader.

Mr. Williams with Mr. Belcher.

Mr. Rains with Mr. McClory.

Mr. Winstead with Mr. Harvey of Indiana.

Mr. Buckley with Mr. Robison.

Mr. Rogers of Texas with Mr. Wydler.

Mr. Roberts of Alabama with Mrs. Frances P. Bolton.

Mr. Pilcher with Mrs. St. George.

Mr. Long of Maryland with Mr. Talcott.

Mr. Flynt with Mr. Corbett.

Mr. Staebler with Mr. Oliver P. Bolton.

Mr. Burleson with Mr. Van Pelt.

Mr. Evins with Mr. Wilson of Indiana.

Mr. Jones of Alabama with Mr. Knox.

Mr. Chelf with Mr. Gill.

Mr. Burkhalter with Mr. Powell.

Mr. Brown of California with Mr. Diggs.

Mr. Elliott with Mrs. Kee.

Mr. Forrester with Mr. O'Brien of Illinois.

Mr. Hawkins with Mr. Udall.

Mr. Ullman with Mr. Vinson.

Mr. Selden with Mr. Bass.

Mr. EVERETT. Mr. Speaker, I have a live pair with the distinguished gentleman from Tennessee, Mr. Davis. If he were here he would have noted "nay." I voted "yea." I ask that I may be recorded as "present."

Mr. MILLIKEN and Mr. MARTIN of California changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CONTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CONTE. In its present form; yes, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conte moves to recommit the bill H.R. 10532 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 326, nays 20, not voting 87, as follows:

[Roll No. 86]

YEAS—326

Abbitt
Abernethy
Adair
Addabbo
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ashmore
Aspinall
Avery
Ayres
Baldwin
Bates
Battin
Becker
Beckworth
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Blatnik
Boggs
Boland
Bonner
Bow
Brademas
Bray
Bromwell
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burke
Burton, Calif.
Byrne Pa.
Byrnes, Wis.
Cahill
Cameron
Cannon
Carey
Casey
Cederberg
Celler
Chamberlain
Chenoweth
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Cooley
Corman
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Derounian
Dingell
Donohue
Downing
Dulski
Dwyer
Edmondson
Ellsworth
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Fisher
Flood
Fogarty
Ford
Foreman
Fountain
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Gary
Gathings
Giaimo
Gibbons
Gilbert
Glenn
Gonzalez
Goodell
Goodling
Grabowski
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Halleck
Halpern
Hansen
Harding
Hardy
Harris
Harrison
Harsha
Harvey, Mich.
Healey
Hechler
Henderson
Hoeven
Holifield
Horan
Horton
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Jonas
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilgore
Kirwan
Kluczynski
Kornegay
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
McCulloch
McDade
McDowell
McFall
McIntire
McMillan
Macdonald
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin, Calif.
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Miller, Calif.
Miller, N.Y.
Milliken
Mills
Minish
Minshall
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Norblad
O'Brien, N.Y.
O'Hara, Ill.
Olson, Minn.
O'Neill
Ostertag
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pillion
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Roberts, Tex.
Rodino
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schenck
Schneebeli
Schweiker
Schwengel
Scott
Secrest
Senner
Shipley
Short
Shriver
Sibal
Sickles
Sikes
Siler
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Steed
Stephens
Stinson
Stratton
Stubblefield
Sullivan
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Toll
Tollefson
Trimble
Tuck
Tupper
Tuten
Van Deerlin
Vanik
Waggonner
Wallhauser
Watson
Watts
Weaver
Weltner
Westland
Whalley
Wharton
White
Whitener
Whitten
Wickersham
Widnall
Willis
Wilson Bob
Wilson, Charles H.
Wright
Wyman
Young
Younger
Zablocki

NAYS—20

Abele
Ashbrook
Baker
Baring
Beermann
Burton, Utah
Conte
Curtis
Derwinski
Devine
Dole
Findley
Gross
Hall
Hays
King, N.Y.
Kyl
O'Konski
Olsen, Mont.
Quillen

NOT VOTING—87

Alger
Auchincloss
Barrett
Barry
Bass
Belcher
Bolling
Bolton, Frances P.
Bolton, Oliver P.
Brock
Brown, Calif.
Buckley
Burkhalter
Burleson
Chelf
Corbett
Cramer
Davis, Tenn.
Diggs
Dorn
Dowdy
Duncan
Edwards
Elliott
Evins
Flynt
Forrester
Friedel
Garmatz
Gill
Grant
Hagan, Ga.
Hanna
Harvey, Ind.
Hawkins
Hébert
Hemphill
Herlong
Hoffman
Holland
Jones, Ala.
Jones, Mo.
Kee
Kilburn
King, Calif.
Knox
Lankford
Long, Md.
McClory
McLoskey
Martin, Mass.
Meader
Michel
Morrison
Morse

Nix
O'Brien, Ill.
O'Hara, Mich.
Osmers
Pilcher
Pirnie
Powell
Rains
Rivers, S.C.
Roberts, Ala.
Robison
Rogers Colo.
Rogers, Tex.
Roosevelt
St. George
Schadeberg
Selden
Sheppard
Sisk
Smith, Va.
Staebler
Talcott
Thomas
Udall
Ullman
Utt
Van Pelt
Vinson
Williams
Wilson, Ind.
Winstead
Wydler

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holland with Mr. Brown of California.
Mr. Sisk with Mr. Selden.
Mr. Sheppard with Mr. Smith of Virginia.
Mr. O'Hara of Michigan with Mr. Pilcher.
Mr. Long of Maryland with Mr. Burkhalter.
Mr. Thomas with Mr. Bass.
Mr. Hébert with Mr. Wilson of Indiana.
Mr. King of California with Mr. Pirnie.
Mr. Barrett with Mr. Osmers.
Mr. Duncan with Mr McClory.
Mr. Rains with Mr. Alger.
Mr. Davis of Tennessee with Mr. Cramer.
Mr. Evins with Mr. Michel.
Mr. Buckley with Mr. Morse.
Mr. Garmatz with Mr. Harvey of Indiana.
Mr. Vinson with Mr. Barry.
Mr. Dorn with Mrs. St. George.
Mr. Morrison with Mr. Oliver P. Bolton.
Mr. Jones of Alabama with Mr. McLoskey.
Mr. Dowdy with Mrs. Frances P. Bolton.
Mr. Rivers of South Carolina with Mr. Kilburn.
Mr. Roberts of Alabama with Mr. Utt.
Mr. Rogers of Colorado with Mr. Wydler.
Mr. Rogers of Texas with Mr. Brock.
Mr. Roosevelt with Mr. Talcott.
Mr. Herlong with Mr. Robison.
Mr. Hagan of Georgia with Mr. Belcher.
Mr. Hemphill with Mr. Auchincloss.
Mr. Burleson with Mr. Knox.
Mr. Elliott with Mr. Meader.
Mr. Friedel with Mr. Martin of Massachusetts.
Mr. Nix with Mr. Corbett.
Mr. Flynt with Mr. Schadeberg.
Mr. Williams with Mr. Van Pelt.
Mr. Winstead with Mr. Hoffman.
Mr. Powell with Mr. Hawkins.
Mr. Ullman with Mrs. Kee.
Mr. Udall with Mr. Lankford.
Mr. Chelf with Mr. Staebler.
Mr. Edwards with Mr. Diggs.
Mr. Forrester with Mr. Gill.
Mr. Hanna with Mr. Grant.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCHWEIKER. Mr. Speaker, on rollcall No. 85 I was unavoidably detained. Had I been present I would have voted "nay."

SECRETARY FREEMAN'S LETTER

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HOEVEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HOEVEN. Mr. Speaker, each Member of the House recently received an amazing piece of literature, in the form of a letter, from the Secretary of Agriculture.

The Secretary urged us to endorse the "gag rule" procedure under which the House is being asked to swallow completely all of the Senate amendments to the Cooley cotton bill, H.R. 6196 and send it to the President.

Under this procedure there will be no opportunity for the House to amend, alter, change, or modify a single provision of this important legislation which the Secretary is asking us to accept hook, line, and sinker.

As it passed the House, H.R. 6196 was exclusively a cotton bill. It carried the amendment by the gentleman from Maine [Mr. MCINTIRE], to establish an orderly but modest reduction in the level of cotton price supports during the next 3 years. The Senate amendment has completely deleted the McIntire amendment and has restored to the Secretary the same broad discretionary authority he has so unwisely exercised in contributing to the current cotton dilemma.

When H.R. 6196 passed the House it also carried the amendment by the gentleman from Missouri [Mr. JONES], to reduce the cost of mill subsidies. The Senate amendment has also deleted the Jones amendment and has fixed the amount of the mill subsidy at a rate exactly equal to the export subsidy during the next 2 years.

The Senate has also limited the proposed program to 2 years and has added still another subsidy to the already overburdened and patchworked cotton program. Cottongrowers who plant approximately two-thirds of their present allotments will be given an additional 4½-cent-per-pound bonus. Small growers holding allotments of less than 15 acres will not be required to cut their acreage further to receive these bonuses.

In spite of all these additional and complex subsidies, the Secretary says this legislation will save taxpayers money and will help consumers.

Is it not strange that the same bill which subsidizes cotton processors and taxes wheat processors at the same time produces the same alleged results as far as consumers, taxpayers, and farmers are concerned?

The chairman of the Senate Committee on Agriculture, Mr. ELLENDER, apparently does not share the Secretary's cost appraisal of the Senate-approved cotton plan. As he pointed out at page 3857 of the RECORD of February 28, 1964:

> Under the Senate amendment the program would cost $753 million in the following way: Trade incentive payment; that is, to the textile mills to enable the textile mills to obtain cotton at world prices—$312 million. The export subsidy is $162 million, Public Law 480 $117 million—producer payment $102 million—that is the difference between the fixed 30 cent and 15 percent additional. Carrying charge, $60 million. The total is $753 million.

In the Secretary's letter to the Senate Committee on Agriculture and Forestry which is reproduced at page 15 of Senate Report No. 874 accompanying H.R. 6196, the cost of the cotton program is estimated to be $566 million in fiscal year 1965 under present law. If Senator ELLENDER's estimate is correct, and I have the greatest confidence that it is correct, the bill before the House is indeed more expensive, some $187 million more expensive than the cotton program under present law.

The wheat certificate plan is even more harmful to farmers, consumers, and taxpayers.

The average return to wheat farmers in terms of wheat parity prices under the bill would be only 72 percent of parity, hardly an admirable accomplishment for those who have promised "parity of income" or even "90 percent of parity."

Neither the cotton or the wheat program is voluntary. Farm marketing quotas and penalties will be in effect on the 1964 crop of cotton whether or not cotton farmers elect to reduce their allotments by one-third.

While wheat farmers will not have farm marketing quotas and penalties for 2 years, they will be denied price supports, certificates, and diversion payments if they do not comply with their allotments. They will also lose valuable acreage history in 1964. The difference between compliance and noncompliance is so great that farmers depending on wheat for a substantial portion of their income have no real choice at all. They must participate "voluntarily" or else.

The Department of Agriculture itself has testified that in the absence of this legislation, Government costs on the wheat program will drop sharply from $1.2 billion per year to $755 million per year—$463 million. This would be primarily due to discontinuation of land diversion payments of $175 million, price support payments of $90 million, and a sharp drop in export subsidies which were $375 million last year.

The Secretary claims that consumers would not suffer under this legislation. I dispute that statement and predict here and now that if this legislation is enacted, the processing tax on bread, spaghetti, cookies, cake, macaroni, and the host of other wheat products that Americans consume will raise retail prices significantly.

In support of this statement, I draw your attention to the following telegram I received from the Archer Daniels Midland Co., Minneapolis, Minn.:

> MINNEAPOLIS, MINN., *March 19, 1964.*
>
> Hon. CHARLES B. HOEVEN,
> *Member of Congress,*
> *Washington, D.C.:*
>
> I have sent the following message to all 435 Representatives in Congress:
>
> "The Secretary of Agriculture and proponents of the wheat certificate plan persist in claiming that 1964 wheat costs will not be higher than the price of wheat in 1963. This is in variance with the facts. It is the judgment of our wheat marketing experts that the wheat price outlook plus the 70-cent-per-bushel tax will amount to approximately 50 cents per hundredweight of flour under the certificate plan. This will necesarily result in increased costs to the consumers in their purchase of flour, bread, and other bakery products. According to USDA's statistics, approximately 40 percent of the wheat used is purchased by the consumer in the form of flour.
>
> "We feel that you should be especially concerned in view of the fact that the low-income consumer will bear an inordinately high share of this additional cost since they spend a higher percentage of their

budget on wheat and wheat products than any other consumer group.

"The Millers National Federation estimates a minimum increase of 26 cents a bushel on wheat for U.S. consumption. This 26-cent-a-bushel increase would result in a price of $2.13 a bushel in 1964, whereas the 1963 farm average was $1.87. We concur with the Millers National Federation's figures.

"We hope that you will keep this in mind when deliberating your position on H.R. 6196."

W. G. McFadzean,
Director of Civil Affairs,
Archer Daniels Midland Co.

The cotton-wheat bill is, in my opinion, an extremely bad piece of legislation. The House should examine it carefully and deliberately before buying a "pig in a poke" as the Secretary asks us to do.

MANNED AIR AND AEROSPACE CRAFT AND U.S. NATIONAL SECURITY

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. Stinson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. STINSON. Mr. Speaker most of our military experts seem to be in agreement on the fact that manned bombers are essential to our national security. I am inserting a paper written by the scholarly Dr. James Atkinson, associate professor at Georgetown University, on the subject. I am sure all Members will find it informative.

Manned Air and Aerospace Craft and U.S. National Security

(By Dr. James D. Atkinson)

(Editor's Note.—Dr. James D. Atkinson is associate professor at Georgetown University and a research associate in its Center for Strategic Studies. He is president of the American Military Institute and has written widely in the field of military affairs.)

Throughout military history, no search has been more persistent than the search for the ultimate weapon, the impregnable position, the invulnerable force. Now in America in this decade of the 1960's, the search seems finally to have centered on the ballistic missile as the invulnerable answer to the complex problems of defense which beset us.

Underlying this missile strategy is a quantity theory of warfare. It assumes that X numbers of missiles directed against Y targets will equate with absolute deterrence. But now, and especially in the future, armaments competition is not solely quantitative. The United States might, for example, be able to convince the Soviet Union that we can and will maintain superiority in the production of missiles. We are unlikely, however, to convince the Soviets that they will be unable to achieve scientific and technical breakthroughs which might give them overall military parity and perhaps even superiority at some period in the future.

Within the next decade, both the United States and the Soviet Union can be expected to devote strenuous efforts to countering or neutralizing threats posed by the ICBM and the IRBM. Should Soviet efforts prove successful even to a limited degree, the present and projected numerically superior missile capability of the United States may be largely neutralized. Conversely, the possession by either the United States or the Soviet Union of a manned, continuously powered, nonorbiting spacecraft would have a strategic impact quite without relation to quantity.

All of this is not to say that missiles are worthless. They may be most useful, but they are inherently inflexible and thus should be complemented and supplemented by the flexibility provided only by manned systems.

It is to say that we must avoid the Maginot-line-thinking which assumes that a future war (or its prevention) is based on a ballistic missile exchange. Despite the most careful mathematical measuring and weighing, warfare does not develop according to preconceived images.

The current debate over the RS-70 will alone have served a useful purpose if it causes us to rethink the entire question of manned air, aerospace, and space craft. During and beyond the next decade, there appear to be vast new possibilities for using manned systems in preventing general thermonuclear war and in controlling limited and unconventional warfare. VTOL's (vertical takeoff and landing) convertiplanes, air cushion vehicles, very low level penetration aircraft, ultrahigh altitude aircraft, aerospace and space craft—all indicate the expansion of ideas, the development of tactics, and the utilization of technology in support of strategy that can be applied to present and to future modes of conflict facing us.

In the coming decade and, even more importantly, in the years beyond, manned systems will offer these significant advantages over missiles:

1. Operational capabilities: Among these are an unpredictable flight pattern; a superior ability to carry out electronic countermeasures and to operate foxing devices to foil enemy defenses; an enhanced versatility, notably standoff capability; propulsion systems based on nuclear fuel or, perhaps, on fuel cells; and an enhanced reliability factor as a result of the ability to improvise and to make repairs in flight.

2. Controlled launch: Manned air or aerospace craft can be launched in response to a low-grade equivocal warning and can later be recalled. This permits a significant safety cushion with reference to unverified warnings for which missiles cannot at all be launched, but which should require a controlled reaction on our part.

3. Show of force: Manned systems provide the show of force so often important in deterring a potential enemy military move. This role is automatically denied to missiles. The importance of the show of force in maintaining the general peace has often been demonstrated. The display of strength through the deployment of obvious military power has a psycho-political value which can scarcely be obtained from missiles buried deep in underground silos. The rapid response and controlled presence of a squadron of RS-70's, for example, would give significantly observable evidence of U.S. intensions to safeguard the peace in a threatened area.

4. Sustained information gathering: Missiles are incapable of reporting what has been accomplished by their strikes. Manned systems can do more than just report their own mission achievements; they also can supply continuous assessments of missile strikes, target damage, shifting of mobile targets, and the like. The side with such continuing information fights with clear vision, the other side fights blindfolded. Such sustained information gathering can best be performed—and in most instances only be performed—by manned air or aerospace craft.

5. The mix factor in deterrence: The variety of our possible choices of action adds immeasurably to an enemy's complications in preparing responses to our capabilities. The "mix" compounds the task of the enemy. This makes deterrence meaningful. There are many uncertainties and unknown factors in working out the problems of offense versus defense, since the acid test is—and only is—actual war. Hence those things which complicate the enemy's task set up cautionary signals for him. Those things—such as complete or even too great a reliance on missiles—which simplify this problem, reduce his uncertainties and unknown factors. Such simplification may tempt the enemy to deliver a surprise attack. Above all, the "mix" is significant in the load factor which it places on a potential enemy's defense structure. The Soviets are not all powerful; there are many limitations on what they can do. Every time we force another defensive requirement on them, it limits their capability in the development of qualitative breakthroughs in offensive weapons.

While manned systems can be expected to take on increased importance in the next decade and beyond, there are three areas that seem worthy of special note. These are:

1. Low altitude penetration aircraft: Increasingly, it would seem that very fast and ultra-low-level aircraft will have high survivability in face of enemy defense capabilities. Advances now on the horizon in terrain avoidance equipment suggest that low altitude penetration aircraft will have very great utility in unconventional, limited, and general war situations.

2. Carrier aircraft: Deployed aircraft-carrier-based forces appear to be less vulnerable to surprise attack, particularly to ballistic missiles. Carrier-based aircraft will in many cases be more efficient than land-based aircraft because of the geographic considerations involved. In fact, carrier aircraft may be the "door-opener" for land-based aircraft in an area in which it is desirable to assist forces friendly to the United States. Additionally, carrier-based aircraft can put up a maximum air effort immediately upon arrival in an area. This latter factor can be expected to have increased importance in the sublimated challenges with which we will be confronted in the coming years. The contribution of carrier task forces to the "mix" is likewise important since there is much evidence to suggest that no small portion of the Soviet military effort is directed toward countering them.

3. Manned "low space" and spacecraft: The X-15 rocket research aircraft has flown at 314,750 feet. Manned aerospace or "low space" craft will be operational at altitudes well in excess of this figure in the next 10 years. Such craft will possess obvious attack capabilities. Equally important will be the intelligence capabilities which will flow from the operation of manned low space craft.

In the 1960's and 1970's, the outer space environment offers intriguing new possibilities for the exercise of power by the United States in the interest of maintaining peace. Manned systems in space have the potential for controlling the communications utility and the military threat of attack from space. Thus, for example, the United States might well preclude a trouble-inciting nation from effective functioning on earth and from conducting operations in and from space.

The military exploitation of space will require large expenditures and much vision. Most of all it will require the abandonment of the naive belief that we can treat space as a peaceful arena while the Soviet Union actively pursues a course in which the scientific side of space is merely incidental to the military.

SUMMARY

Whether one envisions manned systems operating at very low levels, at high altitudes, in low space, or well out in space, present and projected technological advances indicate that manned systems are not obsolescent. Rather they will assume new and higher roles in the makeup of a credible strategic deterrent, and in winning and rendering harmless limited or unconventional wars.

The creative, competitive thrust of the American free enterprise system offers us significant advantages in the research and development of the material for advanced manned systems. The American heritage of drive-to-win offers equally great advantages in the area of human resources. These factors do not guarantee success. They do offer the potential—if we have the will to develop and employ them—for victory.

Our present policies with reference to research for and development of manned weapons systems will—if continued—jeopardize the future security of the Nation to an irretrievable degree. Equally dangerous for the future is the temptation held out to the Soviets to play the game of strategic blackmail, or, worse, the temptation to gamble on a first strike against America.

SOMETHING ROTTEN—PART III

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, if I lived in an area which had upward to 400,000 people and there was only one television station, I would think one of two things. Either there is a deficiency in the economy of the area and it is not able to support more stations or there is something rotten. In the case of Austin, Tex., the record pretty clearly indicates that the former is not the case. In fact, the records show that there has been a significant interest shown in establishing another station but the one-station monopoly has persisted. Is there really something rotten? Has political influence been used to prevent a fair hearing by other applicants for the valuable television franchise?

In today's Wall Street Journal, another fine article pinpoints what they refer to as a "touchy" issue. I suggest that it is a lot more than "touchy" and the President of the United States should do some explaining to set the record straight, if he can, or let us continue to believe that monopolies are bad for people unless you are a majority leader of the U.S. Senate and, even more preferable, a President.

Texas has only five cities which are larger in population than Austin. Assuming that the television marketing area is only the 10th Congressional District, and it most surely is more, there are well over 350,000 people in the district and according to the census, over 80 percent of the homes have television sets. Pretty good for a monopoly. I live in a rather densely populated, small State by comparison to Texas. All things being equal, I would think a monopoly would be much more valuable in a large, sprawling State with few overlapping metropolitan areas such as we have in Ohio. Of course it is a good thing and I can well see why the Wall Street Journal is cautious in referring to this as a "touchy" issue.

The article follows:

[From the Wall Street Journal, Mar. 24, 1964]

Johnson and the FCC: Agency Curb on Rival of Wife's TV Station Spotlights Touchy Issue—Some Cable TV Blacked Out in Austin—FCC Concerned by Relation to Presidency—Rulings Could Affect Fortune

(By Louis M. Kohlmeier)

Washington.—Since Lyndon Johnson entered the White House, the Federal Communications Commission has been silently squirming.

Now Mr. Johnson rules as President above the Commissioners, while the Commissioners must rule above the multi-million-dollar Johnson family broadcasting ventures. No matter how carefully they move, no matter how virtuous their motives, they must make decisions that will affect that wealth, favorably or unfavorably.

In the brief time since Mr. Johnson became Chief Executive, and without hearing from him on the matter, the FCC has already made one ruling that protects the monopoly television station in Austin, Tex.—the Johnson-owned KTBC-TV—against the full force of an infant competitive challenge.

The challenger is a far smaller company, TV Cable of Austin, Inc., which has begun to "pipe in" out-of-town television shows. An Austin household willing to pay $4.95 a month can now see programs relayed from the San Antonio TV stations.

ISSUE HEATING UP

Some shows, but not all. For the FCC, pursuing a policy which it says is designed to protect local television broadcast stations from competition by such enterprises, is explicitly requiring that many of these out-of-town programs be blacked out. TV Cable of Austin, still hopeful of becoming profitable itself, is now seeking a reversal; the issue remains alive before the FCC and is heating up.

The Commissioners are well aware that this is only the first of a number of problems concerning the broadcasting enterprises of the Presidential family which are likely to come before them. Next year, for instance, licenses of the Austin television and AM and FM radio stations will come up for normally routine renewal.

The Commissioners know FCC is an independent agency. They also know that in practical terms it can never completely escape the orbit of Presidential power. The agency's budget (rising to $16.4 million for fiscal year 1965) clears through the White House. Its Chairman, 35-year-old William Henry, serves as such only at Presidential pleasure. No Commissioner can serve beyond his present term unless the President reappoints him.

Commissioner Frederick Ford knows his term expires this June. Commissioner Robert Bartley, nephew of the late Speaker Rayburn and longtime friend of Lyndon Johnson, knows his expires the next June. A majority of the Commission will be up for reappointment or retirement by 1968.

THE TRUSTEESHIP

The discomfort at FCC has not been perceptibly diminished by the fact that Lady Bird Johnson, almost immediately after entering the White House, placed the family broadcasting stock under the trusteeship of two old Texas friends of her husband, A. W. Moursund and J. W. Bullion, for so long as Mr. Johnson retains Federal office.

"That means nothing," remarks a Republican Commissioner, "The Johnson's retain beneficial interest—and they'll get the management of the stations back when Lyndon leaves office."

Says a Democratic member of the FCC: "Of course, every Commissioner and every member of the staff is aware" of the Presidential family's financial interest in the Austin stations. He terms Mrs. Johnson's trusteeship of the stock "a half-way measure that does not divorce the family from the stations."

In practice, the Johnsons have not permitted the trusteeship to insulate them from contact with top executives of the family broadcasting company—formerly known as L.B.J. Co., now as Texas Broadcasting Co. Its president, J. C. Kellan, has made trips from Austin to the White House, on at least two recent consecutive weekends. There is no indication whether business was discussed with this old associate; his only publicized move was to go to church with the Johnsons. Officials at FCC are quite ready to assume the Johnsons are scrupulously avoiding company management decisions—yet this does not relieve their concern in the least.

COMMISSIONERS' KNOWLEDGE

What bothers the Commissioners is that there is no way they can blank out their own knowledge that the Johnson fortune, under trusteeship, remains the Johnson fortune—and that there is no way they can avoid acting in the light of that knowledge.

The situation seems unique; officials are unable to recall that any other Presidential family has had its wealth concentrated in a Government-regulated industry with the full knowledge of the regulators.

Senator Kennedy, before he was sworn in as President, disposed of all his personally held corporate stocks and bonds and put this money—plus all additional funds that accrued while he was in office—into Federal, State, and municipal bonds. General Eisenhower's holdings of corporate securities were placed in trust under a New York investment banker, just before he became President. By terms of the trust, Mr. Eisenhower did not know how the funds were managed or in what securities they were reinvested. Perhaps more important, subordinate Federal officials never knew what companies were represented in the portfolio.

One Commissioner says that since Mr. Johnson became President he has "been afraid" to ask to see the agency's own files on the Johnson broadcasting business, figuring somebody would think he was preparing to do favors. Yet failure to consult the files limits his information and could influence his judgment on matters affecting the Johnson fortune. This Commissioner declares he was "amazed" that the family retained, after reaching the White House, its clearly visible interest in a business so heavily dependent upon Federal regulation.

Against this background, there is concern within the FCC about the new competitive challenge to the Johnson television station, and about the agency's own current posture restricting the effectiveness of this incipient competition.

It was last October that the little challenger, TV Cable of Austin, for the first time offered those in Austin who wanted to pay for it a choice of television programs beyond the fare offered by Austin's solitary station. TV Cable had erected a "community antenna" tower on a mountaintop about 30 miles south of town, to pick up telecasts from all four television stations in San Antonio. It beams these shows on to Austin pickup points via microwave, and from there they move through house-to-house cables for delivery to subscribers' sets.

ONE SHOW AT A TIME

Why would anyone want to pay $4.95 a month when broadcasts of the Johnson station in Austin could be tuned in free? The local KTBC–TV is affiliated with all three networks, but can of course air only one show at a time. It records many network programs on tape and airs them later. So its delay should be TV Cable's golden opportunity; TV Cable has technical capacity for immediate relay of all network shows simultaneously from San Antonio, where CBS, NBC, and ABC each has an outlet station.

That it's not working that way in practice is due to FCC's insistence that TV Cable "black out" precisely the San Antonio shows which the Austin station holds up. TV Cable is forbidden to relay these from San Antonio to its customers prior to the time the Johnson station gets around to televising them, unless KTBC–TV holds them up for more than 15 days; it must also wait for at least 15 days afterward. To facilitate compliance, the Johnson station has been sending its program schedule to TV Cable in advance, the FCC has been assured by Mr. Kellam, the Johnson firm's president.

Receipt of the latest KTBC-TV weekly schedule, for instance, eliminated the Lucy show from yesterday's offerings by TV Cable according to its officials. Today the Richard Boone show and Combat will be numbered among the casualties, and tomorrow Ben Casey will vanish into the blackout.

TV Cable of Austin, which foresees a potential market of 50,000 subscribers and declares it needs at least 3,600 to break even, reports it has so far signed up about 2,200. Recruiting of new customers has slowed up some, executive declare, and some clients are dropping out. TV Cable contends the FCC is crippling its capacity to compete, grow and survive.

And especially so in view of the fact that a rival community-antenna enterprise named Capital Cable Co. has also started up in Austin and has managed to free itself from the FCC's blackout rules—by turning to a transmission system which escapes the Agency's jurisdiction.

Since it launched service in December, Capital Cable has won some 600 paid subscribers, and it is winning more as it extends its distribution lines. Interestingly, the Johnson Broadcasting Co. was granted an option right to acquire half ownership of this second new entry. Surprisingly, the Johnson firm paid nothing for this option, according to officials of the company which granted it.

LOEVINGER'S POSITION

On December 13, just 3 weeks after Lyndon Johnson became President, FCC formally rejected a request from TV Cable that the Government relax its blackout rules to permit freer competition. The only dissent came from Commissioner Lee Loevinger, formerly antitrust chief in the Justice Department.

Curbs should not be placed on business enterprises, Commissioner Loevinger argued, "unless and until some need has been established that is related to the public interest. In the absence of any evidence, the presumption should be in favor of free and competitively untrammelled enterprise." And, he noted, the Johnson company had offered no evidence whatever that it has need for protection.

TV Cable has asked FCC to reconsider and reverse its position; the Agency is expected to hand down a verdict soon.

Stakes are high; one of the lawyers involved in the fight estimates that if one firm wins the full potential community-antenna market in Austin—whether that winner be TV Cable or Capital Cable—it will be worth $10 million. Tempers are high, too; charges of ex parte back-door attempts to influence the FCC, and countercharges of a smear on highly respected persons are appearing in briefs filed with the Agency. Back of all this is an intriguing and intricate history.

The story must go all the way back to 1957, when a number of firms began applying to the Austin City Council for a franchise to supply townsfolk with community-antenna television. They figured the size of the audience, its appetite whetted by dependence upon a single local station, made Austin one of the most promising markets in the Nation for delivery of out-of-town TV programs.

Among those scrambling for the franchise was Midwest Video Co., headquartered in Little Rock, Ark.; it was already an experienced community-antenna operator, with systems in Texas, New Mexico, and Mississippi towns.

Another applicant lacked experience in this new field of cable-delivery TV, though it had other sources of strength. This was none other than the Johnson's local broadcasting company.

UNITED FRONT

Quickly, however, these two joined hands and proclaimed a united front against other applicants. Replacing their separate bids, a new outfit, Capital Cable, was created to seek the franchise. What had brought the two together?

According to Midwest's president, C. Hamilton Moses, it was done "at the suggestion of the mayor and some prominent citizens." The mayor was Tom Miller, since deceased; he was a close friend of Lyndon Johnson and so firm a political ally that he later attended the 1960 National Democratic Convention as a delegate backing the Senator's attempt to win presidential nomination.

As a business arrangement, terms of the pact—described by Midwest Video officials—may seem remarkably favorable to the Johnson broadcasting company. Without paying a cent, the Johnson concern was given an option to acquire 50 percent ownership of the new Capital Cable Co., at any time up to 3 years after receipt of a franchise from the Austin City Council. (This deadline now works out to be January 1966.) Meanwhile Midwest foots all the bills; officials say Capital Cable is already committed to an outlay of $780,000. The agreement even specified the Johnson company was to be paid for use of its television tower, upon which Capital would erect an antenna to pick up the out-of-town broadcasts. (This now works out to be $1,000 a month.)

The terms have this significance: If the Capital Cable venture seems to be headed toward failure at the option deadline, the Johnson company can let it lapse and Midwest will have taken all the risks and be left with all the losses. If Capital seems headed toward success, on the other hand, the Johnson company can exercise its option and claim half the profits thenceforward. For that right, it will then be obliged to pay up its half of the outlays which Midwest is making. If the venture is booming, of course, this might be much less than market value of Capital Cable's stock at that time.

Midwest controls Capital Cable until the Johnson firm exercises its option, but thereafter it can lose working control. Then Midwest will name just three of Capital's directors; the Johnson concern will name three—and the balance of power will rest with a seventh director installed by the mayor of Austin.

Midwest, when it entered into this 1957 pact, was in a hurry to get community-antenna television going in Austin. But the Johnson broadcasting concern, though it had obtained potential participation, perhaps still had little reason to wish for the intrusion to come quickly, since it was already operating in Austin and in the meantime would continue to have the market to itself. In any case, the decision was in the hands of the Austin City Council, and certainly it felt no sense of urgency. It sat on the franchise application for more than 5 years.

Yet pressure from other applicants gradually built up; one group seeking the franchise (futilely, as it turned out) included a newspaper executive who knew how to stir Austin voters on the issue of their limited TV diet. Finally, on January 28 of last year, the council handed its franchise to Capital Cable, overlooking other contenders. This was a stormy session in a crowded chamber; reporters present noted heckling and booing when the decision was announced.

STATEMENTS BY OFFICIALS

Evidently, there was some local feeling that the Johnson dominance in Austin television was not being decisively ended. On February 6, statements denying that the council was fostering TV monopoly were issued by the incumbent mayor, Lester Palmer, and by other city officials. On that same day, the council issued a second, competitive community-antenna franchise.

This second grant went to TV Cable of Austin—in which the Johnson firm held no interest. TV Cable is headed by John Campbell, former owner of a small community-antenna system at Mineral Wells, Tex.; it has obtained financial backing from a New Orleans broadcasting group and from several Washington attorneys who specialize in broadcasting law.

So TV Cable and Capital Cable seemed set to begin their race to bring television competition to Austin—but at this point they encountered another governmental hurdle, at the national level. During February 1963, both filed applications with the FCC in Washington. The necessity of their doing so is in itself a twisting tale.

Actually, Congress has never granted the FCC specific authority to regulate community-antenna systems. And the agency originally had no intention of doing so. When these systems first began appearing on the American scene, it was to bring television to towns with no stations of their own and beyond the normal reception range of transmitters in other cities. Folk in Cumberland, Md., for example, were beyond the reach of any TV station; now about 16,000 subscribe to a community-antenna service which brings in telecasts from Washington and other cities.

But FCC sentiment swung to doubt and alarm as community-antenna promoters seemed ready to intrude into towns which did have a TV station or could have one. The fear expressed was that a marginal station in a small town might not survive the competition, and that its disappearance would infringe the "public interest."

CALIFORNIA EXAMPLE

Prize example cited: Santa Maria, Calif., to which the FCC long ago allocated a station that only now is getting airborne. A community-antenna firm proposed to bring in the programs of all seven Los Angeles stations to communities near Santa Maria. Whatever the yearnings of the local citizenry may be, the FCC is convinced the embryo of the Santa Maria station must be protected against uncontrolled competition from Los Angeles.

To enforce its convictions, the agency's obvious recourse is to ask Congress for authority over community-antenna systems. And in fact it is trying to stir support for such legislation; if a bill is introduced, and passed, and signed by the President, then FCC will have clear legal authority. Lacking that, it is now using a power which Congress granted for quite different purposes. This is the authority to regulate transmission of microwave beams, on wavelengths allocated for communications use by all sorts of businesses.

Both TV Cable and Capital Cable, like most community-antenna firms, wanted to use microwave beams—to relay the out-of-town television shows from their receiving antennas at some distance from the city to other antennas located within the city. (From the central points, the shows would then move on to subscribers by cables strung along the phone company's poles.) The FCC had no formal rule forbidding or regulating this, and still has issued none. But just 2 months before it received the Austin microwave applications, it had promulgated a notice of proposed rulemaking.

So when TV Cable and Capital Cable came to the FCC seeking microwave permits, the agency made it clear that the right to use such relay beams to Austin would be granted to each only if it voluntarily agreed to a blackout provision protecting the local Johnson television station.

APPLICATION STALLED

Eager to start operating, TV Cable originally agreed to this sharp restriction. Nevertheless, its microwave application filed in February was stalled at the FCC until last July. Why so slow? Now in FCC's own file is an allegation by TV Cable's Washington lawyer, John P. Cole, Jr., stating that he was told by a member of the agency's staff that "orders from the top had been received to the effect that the (TV Cable) application was to be acted on simultaneously with" the similar microwave request by its competitor, Capital Cable. And Capital Cable was balking at the voluntary restriction.

Capital Cable, be it remembered, was linked to the Johnson television operation in Austin by option rights, but since these had not been exercised it was still wholly a subsidiary of Midwest Video in Little Rock. Midwest, having been so badly disappointed in its 1957 expectation that its alliance with the Johnson broadcasting empire would assure quick entry into Austin, was by 1963 in no mood to accept curbs on Capital's community-antenna competition with the Johnson TV station. Capital Cable refused to accept the FCC's proposed rule; in consequence the agency informed the company in July that it was getting no permit for a microwave relay beam. And it never has received one.

Instead, Capital has laid a cable to the city from its receiving antenna (which it has placed, as agreed upon, atop the 1,280-foot Johnson TV tower on Mount Larson). This and other reengineering required to eliminate use of microwave—and thus escape FCC jurisdiction—added $100,000 to the company's costs, according to company officials, and delayed starting of service. Capital Cable finally began operating last December, a couple of months behind TV Cable. With fewer subscribers as yet, Capital has been pushing hard to catch up and pass, with its newspaper ads hammering the theme of freedom from blackouts. "Total television * * * no delays, no rebroadcast" they proclaim. "Television programs at the time they are broadcast direct from network stations."

TV CABLE'S ADS

These are claims which TV Cable cannot make, of course. Instead, TV Cable has been appealing to what President Campbell describes as tremendous resentment against the Johnson broadcasting monopoly. Its ads have featured the theme that there are no options for stock. In recent days, this pitch has been softened, with current advertising more subtly plugging your independent cable company.

Beyond that, TV Cable is still trying to convince the FCC it should be granted a waiver from the blackout rule, arguing this should not be enforced against only one Austin community-antenna system now that its competitor is escaping. And it contends the Johnson station needs no protection anyhow. Though the plea was rejected in December, the firm has renewed it, producing new evidence that the Commission has been subjected to ex parte contracts, outside normal and formal channels.

One bit of evidence: A letter to FCC Chairman Henry from G. R. Morrell, vice president of Capital Cable and general manager of Midwest Video, which recalls Mr. Morrell "had the pleasure of a very interesting conversation with you" concerning the competitive contest, and which warns Chairman Henry of efforts that "can only be considered a smear on highly respected persons."

Mr. Morrell confirms he wrote this letter; and that by highly respected persons he meant the Johnsons, that by smear he meant to include TV Cable's emphasis of the Johnson company's option to take half ownership of Capital Cable. He vehemently declares the Johnson option agreement was a perfectly legitimate transaction which carried with it no favorable treatment either in Austin or Washington.

"We have never attempted to cover up, or cash in on any influence," says Mr. Morrell. Capital Cable argues that since it escaped the FCC blackout rule only by a difficult shift to all-cable transmission, it would be unfair competition if TV Cable were now permitted to end the blackout while still using microwave beams.

FCC'S CONCERN

From the beginning, however, the FCC's primary concern has been not to create either free or equal competition between the two community-antenna systems but to place obstacles in the way of both invaders. The agency's general policy of protecting local telecasters against piped-in programs from other cities was specifically applied to Austin with the consequence that both TV Cable and Capital Cable have been handicapped—in different ways—as they sought to compete with the prosperous Johnson television station.

Before making its December decision against TV Cable, the FCC sent three letters of inquiry to the Johnson concern, though officially the L.B.J. Co. was never a party to the proceeding.

In the first of these, FCC Secretary Ben F. Waple emphasized the intent of agency policy was "to protect local television broadcast stations from competition" by community-antenna systems, "in order to preserve continued local television broadcast services." But FCC told the Johnson firm that in this Austin instance "a serious question is presented" as to whether the protection was justified and needed.

The Johnson company was invited to supply facts—or, at least, to "state" that it "needed" continued governmental restrictions upon TV Cable to insure its own preservation.

The replies of the L.B.J. Co., signed by President Kellam, avoided offering any evidence that the Johnson TV station required Government protection from competition, for its survival or prosperity. And they even avoided stating any need. The company said it had "nothing whatsoever to do" with the agency's policy, that the company was "not insisting on anything." TV Cable's plea for relief, Mr. Kellam said, was "a matter to be resolved between that company and the FCC."

In answer to FCC questions, he confirmed the option right to half-ownership of Capital Cable, said there was no "present intention" of exercising it. and provided a little other information.

Then, in its final letter to the FCC, December 9, the Johnson company did offer a bit of advice. It told the FCC that "the situation in Austin, Tex., is the same as in other cities where community-antenna systems operate." So, after all, the Johnson company—though still officially refraining from becoming a visible party to the dispute—did have a request: "Station KTBC-TV seeks the same protection afforded to all other television stations similarly situated."

Four days later, the Commissioners accepted that view of the affair, by a vote of 6 to 1.

In rejecting TV Cable's plea to escape the "blackout" rule, the majority argued that "at least 15" other community-antenna outfits around the country have accepted this curb. One thing the Commissioners did not note is that in a number of such cases the obedience to FCC wishes is currently meaningless—because the town involved has no station, just a TV channel allocation which may be used some day.

For the present, such a community-antenna firm can therefore operate without "blackouts" and build its business without hindrance. Towns in this category, according to FCC staff men, include Globe and Paradise Valley in Arizona; Independence, Calexico, Holdville, and Brawley in California; Alpena, Mich.; Pendleton, Oreg.; Comanche, Tex.; and Gallup, N. Mex.

In other cases community-antenna plans have involved audiences currently served by telecast stations, of course. Among these are systems projected for San Angelo, Tex.; Casper, Wyo.; Fort Smith, Ark.; Tallahassee, Fla. (which is served by a station in Thomasville, Ga.); Wabash, Ind. (the stations concerned are in Fort Wayne); and Myrtle Beach, S.C. (the stations are at Wilmington, N.C.).

If the Commissioners reverse their decision on the "blackout" for Austin's TV Cable, as that company urges, it will be highly unusual. Yet they could find themselves equally uncomfortable if they do not. For they appear in the position of applying to a highly lucrative station, which has made no claim of vulnerability, the protection of a proposed rulemaking theoretically intended to assure the survival of marginal stations in financial peril.

And that strong station which is being shielded from free competition is one which channels profits to the Presidential family.

FURTHER DESTRUCTION OF COAL EMPLOYMENT

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BRAY. Mr. Speaker it appears very inconsistent that at the very time the administration is launching its antipoverty program, the Secretary of the Interior by permitting increased oil imports is destroying the jobs of more than 2,000 American coal miners.

In this connection, I submit the statement of the UMWA president, W. A. Boyle, which was made March 22, 1964:

FURTHER DESTRUCTION OF COAL EMPLOYMENT

WASHINGTON, D.C., March 22.—President Johnson is permitting the destruction of his antipoverty program before it even gets started, W. A. Boyle, international president of the United Mine Workers of America, charged today.

The head of the 500,000-member union of coal miners and allied workers accused Mr. Johnson of preaching jobs and prosperity for all Americans while permitting his oil czar, Secretary of the Interior Stewart L. Udall, to practice the extermination of jobs in the already destitute and poverty-stricken Appalachian region.

"President Johnson, in an unprecedented delegation of authority has, in effect, passed the buck to the Secretary of the Interior, and the oil industry representatives who surround, advise, and counsel him, on the question of the damage being done to American coal miners and their families by the flood of residual oil being dumped into the country," the coal miners' leader charged.

Udall, on March 5, announced an increase of 23 million barrels annually in the maximum amount of residual (waste) oil that may be brought into east coast ports of the United States starting April 1. The arbitrary action by the Interior Secretary was taken without prior consultation with either the coal industry or the UMWA.

UMWA President Boyle emphasized that it was just about a year ago that the late President John F. Kennedy, during a conference between the two men, promised the UMWA and the coal industry that there would be no further increase in residual oil imports allowed without giving coal interests an opportunity to be heard.

"President Johnson claims he is following out the policies of his predecessor and Udall is well aware of the commitment made to us by Mr. Kennedy," Mr. Boyle said.

"Udall's heartless and coldblooded action will destroy the jobs of more than another 2,000 American coal miners and will bring further depression to Appalachia, the most poverty-stricken area in America today," Mr. Boyle said.

The UMWA executive said it is incomprehensible to the United Mine Workers of America how Mr. Johnson can permit such a doublecross of American working people, especially at a time when the whole emphasis of his administration is supposed to be directed at elimination of poverty.

"The President of the United States must be aware of the fact that nearly 300,000 American coal miners have lost their jobs since 1947 leaving cancerous pockets of poverty to fester in formerly prosperous coal areas throughout the Nation," Mr. Boyle said.

He noted that Secretary of Labor W. Willard Wirtz, on January 28, reported to Mr. Johnson that 288,000 coal mining jobs have been destroyed in the past 15 years. This represents a 70-percent loss of jobs in the American coal industry.

"How long is the President of the United States going to give lipservice to fighting unemployment while permitting his Secretary of the Interior to sell out to the international oil cartel?" Mr. Boyle asked.

Mr. Boyle said the time has come for Mr. Johnson to inform Udall that there is "hunger, joblessness, and privation in the coalfields of America" and that his actions are making the situation worse.

"This is the second time in about a month," Mr. Boyle said, "that Udall, drunk with arrogance and power, has given a slap in the face to jobless coal miners and their hungry wives and children." Mr. Boyle noted that Udall recently gave his blessing to a plan to destroy more coal miners' jobs by bringing hydroelectric power into New York City from Canada.

"If Mr. Johnson means what he says—which we are beginning to doubt—about fighting poverty in America, he will either have to make Stewart Udall comply with announced administration policy or give the Secretary of the Interior his marching orders."

The United Mine Workers of America has been fighting to restrict imports of foreign residual (waste) oil since the end of World War II. The reason is simple: Residual oil is a waste product imported into the United States for the increased profits of the international oil cartel and to the detriment of hundreds of thousands of American coal miners and their families.

In addition to destroying another 2,000 coal miners' jobs, the latest action by Udall will mean a loss of an estimated $10 million in wages to the hard-pressed coal areas in which these men work. It will further weaken the UMWA Welfare and Retirement Fund by cutting off royalty payments that would otherwise provide medical care, hospitalization and pensions to coal miners and their families.

Mr. Boyle noted that the total residual oil scheduled to be imported in the next 12 months amounts to 232 million barrels.

"This," Mr. Boyle said, "will be the equivalent of 56 million tons of American coal. This represents the jobs of 22,000 American coal miners and would, in addition, destroy the employment of approximately 11,000 railroad workers who would otherwise be employed to haul the coal."

Mr. Boyle noted that Secretary Udall recently made a trip to Venezuela, the principal exporter of residual oil to the United States.

"We would urge Mr. Johnson to send Udall to the coal-producing States of the Appalachian region," Mr. Boyle said. "Perhaps he would like to explain personally to jobless coal miners and their wives and children his policy of job destruction.

"We urge, in behalf of all American coal miners and their families, that President Johnson forthwith direct his Secretary of the Interior to rescind his directive increasing residual oil imports. Unless this is done, Mr. Johnson should remove Stewart Udall from office and name to the post someone who will not engage in the emasculation of the President's announced domestic policies."

Mr. Speaker, there follows the text of a telegram from W. A. Boyle, international president of the United Mine Workers of America, to Secretary of the Interior Stewart L. Udall, with a copy to President Johnson, and the text of a statement issued by Mr. Boyle on March 22, 1964.

The telegram follows:

The coal miners of America are appalled and alarmed at your intention to add to the poverty in the Appalachian region by increasing the residual-oil import quotas by 23 million barrels. This increase, unjustified by any economic logic, strikes coal miners with a crushing blow to, and hopes for, job and income stability. It is inconceivable that an administration which declares its dedication to the alleviation of poverty would allow an action which brings unemployment to an additional 2,000 coal miners and which takes over $10 million in wages from the coal miners of this Nation. We challenge you to explain to those impoverished people in Appalachia why you are willing to further deprive them of an opportunity to share in the prosperity of this Nation.

The Boyle statement follows:

President Johnson is permitting the destruction of his antipoverty program before it has gotten underway. It would appear that Mr. Johnson is preaching jobs and prosperity for political purposes while permitting his Secretary of the Interior to practice the extermination of more jobs in the already destitute and poverty-stricken Appalachian region.

President Johnson, in an unprecedented delegation of authority, has, in effect, passed the buck to the Secretary of the Interior, and the oil industry representatives who surround, advise, and counsel him, on the question of the damage being done to American coal miners and their families by the flood of residual oil being dumped into the country.

The United Mine Workers notes with astonishment that Secretary of the Interior Udall, on March 5, arbitrarily announced an increase of 23 million barrels annually in the maximum amount of residual (waste) oil to be permitted into the United States from foreign countries. Despite pledges to the contrary, Udall's action was taken without prior consultation with either the American coal industry or the United Mine Workers of America.

The late President John F. Kennedy pledged to me, personally, less than a year ago, that the administration would not permit any further increases in residual oil imports without giving the coal industry and this union a chance to be heard.

President Johnson claims he is following out the policies of his predecessor and Udall is well aware of the commitment made to us by Mr. Kennedy.

Mr. Udall's heartless and coldblooded action will destroy the jobs of another 2,000 American coal miners and will bring further depression to Appalachia, the most poverty stricken area in America today.

This doublecross of American working people is incomprehensible to us, especially at this time when the whole emphasis of the Johnson administration is supposed to be directed at the elimination of poverty.

The President of the United States must be aware of the fact that nearly 300,000 American coal miners have lost their jobs since 1947, leaving cancerous pockets of poverty to fester in formerly prosperous coal areas throughout the Nation.

It was just a month ago that Secretary of Labor Willard Wirtz, at Mr. Johnson's direction, reported that 288,000 coal mining jobs have been destroyed in the past 15 years in America.

How long is the President of the United States going to give lipservice to fighting unemployment while permitting his Secretary of the Interior to sell out to the international oil cartel?

The time has come for the President to inform Secretary Udall, in no uncertain terms, that there is hunger, joblessness, and privation in the coalfields of America and that his actions are making the situation worse.

This is the second time in about a month that Secretary Udall, drunk with arrogance and power, has given a slap in the face to jobless coal miners and their hungry wives and children. Just a few weeks ago the Secretary gave his blessing to a proposal to import Canadian hydroelectric power into New York City from Labrador, a plan that would bring still further unemployment to our coal miners.

If President Johnson means what he says—which we are beginning to doubt—about fighting poverty in America, he will either have Stewart Udall comply with administration policy or give the Secretary of the Interior his marching orders.

Secretary Udall's latest stab in the back to hungry coal miners not only would destroy 2,000 more jobs but would bring a loss of $10 million annually in wages to coal areas. It would further weaken the UMWA Welfare and Retirement Fund by cutting off royalty payments that otherwise would be used to provide medical care, hospitalization and pensions to coal miners and their families.

Under Udall's program 232 million barrels of residual oil will be permitted into the United States in the next 12 months. This will be the equivalent of 56 million tons of American coal. This represents the jobs of 22,000 American coal miners and would, in addition, destroy the employment of approximately 11,000 railroad workers who would otherwise be employed to haul coal.

Mr. Udall recently made a trip to Venezuela, the principal exporter of residual oil to the United States. We would urge Mr. Johnson to send Mr. Udall to the coal-producing States of the Appalachian region. Perhaps he would like to explain personally to jobless coal miners and their wives and children his policy of job destruction.

We urge, in behalf of all American coal miners and their families, that President Johnson forthwith direct his Secretary of the Interior to rescind his directive increasing residual oil imports. Unless this is done, Mr. Johnson should remove Stewart L. Udall from office and name to the post someone who will not engage in the emasculation of the President's announced domestic policies.

REVENUE MEASURES IMPROPERLY IN COTTON-WHEAT BILL

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, today I testified before the Rules Committee in opposition to the rule being requested for the so-called wheat-cotton bill. I desire to put this article in the CONGRESSIONAL RECORD for the consideration of all of my colleagues.

Mr. Chairman and members of the committee, I have requested the opportunity to appear in regard to the special order requested for H.R. 6196, the so-called wheat-cotton bill, because of my great concern as to the manner in which this legislation has been handled. In my view, this bill is a revenue measure of substantial proportions. Using the Secretary of Agriculture's own estimates, he will tax U.S. millers and exporters approximately $500 million each year of the program.

Title II, section 202(16) (p. 29 of the bill) amends section 379(b) of the Agricultural Adjustment Act of 1938 by inserting the following language:

"(b) During any marketing year for which a wheat marketing allocation program is in effect (i) all persons engaged in the processing of wheat into food products shall, prior to marketing any such food product or removing such food product for sale or consumption, acquire domestic marketing certificates equivalent to the number of bushels of wheat contained in such product and (ii) all persons exporting wheat shall, prior to such export acquire export marketing certificates equivalent to the number of bushels so exported." (Pp. 29–30 of H.R. 6196 as amended by the Senate.)

H.R. 6196, as reported by the House Agriculture Committee and passed by the House, contained no taxing authority. Title II, which contains the taxing authority, was added by the Senate Committee on Agriculture and Forestry. The Senate Finance Committee, which has jurisdiction over revenue measures in the other body, did not have this bill referred to it. The bill has now been returned to the House, and you are being requested to authorize a procedure in which the House of Representatives would accept these new provisions without referral to the House Ways and Means Committee. The procedure being requested would also foreclose any member of the Ways and Means Committee from even offering an amendment to the bill should his judgment indicate that an amendment would be appropriate.

Article I, section 7 of the Constitution states "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

In my opinion, this committee is being asked to cooperate in an effort to obtain from the House of Representatives a waiver of its precious right to initiate tax legislation. A nonrevenue House bill was sent to the Senate where the Senate Committee on Agriculture and Forestry attached significant revenue raising features. The House is now being asked to accede to this new proposal without even having its tax committee—the House Ways and Means Committee—consider the matter. Mr. Chairman, if the House of Representatives will not defend its constitutional prerogatives, who will do it?

The Congress of the United States is being requested to send an act to the President authorizing the raising of $500 million of revenue under circumstances in which neither body of the Congress has had its tax committees consider. This is not sound legislative procedure. It could be considered irresponsible. The seriousness of the legislative situation is compounded by the fact that the tax proposals contained in this bill are extremely controversial and raise questions not only of wisdom but also of constitutionality. I shall make specific reference to the following questions:

1. Is a processing tax levied in this manner by the Federal Government constitutional?
2. Is a tax on exports constitutional?
3. Should the Secretary of Agriculture have the direct power of taxation with wide discretion as to rates, a power which this Congress has refused to give even the President of the United States?

1. Under section 202(16) every U.S. miller of flour would be required to pay the U.S. Government an amount to be determined by the Secretary of Agriculture for the privilege of milling and selling flour. The Secretary of Agriculture has estimated this assessment to be 70 cents per bushel. Approximately 500 million bushels of wheat are milled in the United States for consumption. Using the Secretary's own figures, he is therefore being authorized to raise approximately $350 million worth of revenue. The committee is familiar with the landmark case: *The United States* v. *Butler, et al., Receivers of Hoosac Mills Corp.* (297 U.S. Reports, 1). In this case, the Supreme Court of the United States held that a Federal processing tax was not constitutional. Now, many will argue that the Supreme Court was wrong—today's Supreme Court would rule differently. This is not the place nor the time for that particular debate, but the situation does suggest strongly that the least Congress should do before passing the type of tax which the Supreme Court in the past has declared unconstitutional would be to have its tax committee consider the matter.

2. Section 202(16) also authorizes the Secretary of Agriculture to require any person who wishes to export U.S. wheat to pay a tax to the U.S. Government at an amount which he determines. He estimates that amount at 25 cents per bushel. Our wheat exports could run as high as 800 million bushels. Using the Secretary's estimate, this empowers him to raise approximately $200 million worth of revenue. Article I, section 9 of the Constitution of the United States states (inter alia): "No tax or duty shall be laid on articles exported from any State."

In the past we have rarely had difficulty in understanding this clear prohibition against export taxes. Since we are now supposed to be having an all-out drive to expand U.S. exports, some may feel it is appropriate to test again the constitutionality of a tax levied on exports. Certainly I do not intend to debate the wisdom or constitutionality of this provision at this time, but again I suggest that the Ways and Means Committee should at least have the opportunity to review the proposal.

3. There have been numerous proposals made in the past for Congress to delegate to the President the power to adjust upward or downward various tax rates. Of course, the power to levy taxes has been given to the Congress under title I, section 8 of the Constitution. Congress in its wisdom has not seen fit to turn over to the President the power to adjust taxes. H.R. 6196 authorizes the Secretary of Agriculture to levy a tax on U.S. flour millers which is virtually without any practical limitation upward or downward. Section 202(14) states that the certificate tax "shall be the amount by which the level of price support for wheat accompanied by domestic certificates exceeds the level of price support for wheat not accompanied by certificates." The Secretary has the power to set the price support for domestic certificates at anywhere from $1.64 to $2.27 per bushel. He has the power to set the price support for noncertificate wheat at anywhere from 0 to $2.27 per bushel. This means that this bill delegates to the Secretary virtually complete discretion as to what rate he will tax millers. The Secretary's power to tax exporters is "the amount by which the level of price support for wheat accompanied by export certificates exceeds the level of price support for noncertificate wheat." Since the Secretary can support wheat accompanied by export certificates at anywhere from 0 to $2.27 per bushel there again appears to be considerable flexibility. It should be pointed out that the Secretary is given the authority to rebate part of these export taxes if he so determines. The debate on flexible taxing authority in the executive branch is an important one and a very complex one. I do not believe that this committee will want to authorize the delegation of this authority at this time without any recommendations from the House Ways and Means Committee.

The provisions contained in H.R. 6196 raise many questions. Some of the delegations of authority are without precedent; some strike at the heart of the power of Congress to appropriate money. I must oppose a proposal to have such a measure considered by the House of Representatives under a rule which would deny Members the right to offer amendments. I must most earnestly urge that the revenue provisions of this measure be referred to the House Ways and Means Committee for most careful study and recommendations.

GET WELL, MR. PRESIDENT

The SPEAKER pro tempore (Mr. MILLS). Under previous order of the House the gentleman from California [Mr. GUBSER] is recognized for 60 minutes.

Mr. GUBSER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUBSER. Mr. Speaker, I have several unanimous-consent requests before I commence my special order.

Mr. Speaker, I ask unanimous consent that the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], be permitted to extend his remarks immediately following the conclusion of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. GUBSER. Mr. Speaker, I ask unanimous consent that permission be granted to all Members to extend their remarks as a part of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUBSER. Mr. Speaker, as the last unanimous-consent request, I ask unanimous consent that statements made by Senators HAYDEN, HUMPHREY, and KUCHEL be included in this special order as a part of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUBSER. Mr. Speaker, I hope the House will forgive me for knowingly perpetuating a delusion. Herbert Clark Hoover, the 31st President of the United States, has been a legal voting resident of the great State of New York for many years. But as the Representative of Palo Alto, Calif., where Mr. Hoover attended Stanford University and where he made his home for so many years, I shall always consider myself to be Herbert Hoover's Congressman. Likewise the city of Palo Alto and Stanford University will never release their claim to Herbert Hoover.

It was at Stanford where Mr. Hoover won his A.B. in engineering and in 1898, met and married his college sweetheart, Lou D. Henry, who shared his life until her death in 1944.

Palo Altans saw Mr. Hoover ride through the gates at Stanford University on that day in November 1928, when he was to be elected the 31st President of the United States. Almost exactly 4 years later, Palo Altans again saw Mr. Hoover come home to vote clearly showing 4 years of the pain and pressure that only a President bears. Palo Alto was a part of Mr. Hoover's being through those many years. It cannot now relinquish its claim to him.

Today Herbert Clark Hoover is ill and I, as the Representative of Palo Alto who has assumed the honor of being Mr. Hoover's Representative, take this time to say, "Get well, Mr. President." I know many of my colleagues will wish to join me in wishing "the Chief" a speedy recovery.

One of the most remarkable things about Herbert Clark Hoover is that to most Americans he is known first as a great humanitarian, and second as a former President. For almost a half century Mr. Hoover's name was to be identified with the humanitarian activity of feeding the hungry and helping his fellow man in time of calamity. As a young bridegroom of 1 year and while serving as chief engineer for the Imperial Mines in China, he directed food relief for the victims of the Boxer Rebellion in 1900. He became a world figure in relief work and administered the distribution of more than $5 billion worth of food between 1914 and 1923 . He directed the American Relief Committee in London from 1914 to 1915. During World War I he served as the head of the Belgian Relief Commission and Chairman of the food section of the Council of National Defense and was U.S. Food Administrator at the close of the war. After the fighting stopped, he became Director General of the American Relief Administration which fed the children of the defeated nations. He worked in Russian relief from 1918 to 1923, and in 1927 he was chosen by President Coolidge to oversee Federal operations for the relief of Americans threatened by the great Mississippi floods of 1927.

At the close of still another world war, President Truman entrusted him with the responsibility of coordinating the European food program in 1947.

In addition to his humanitarianism there are many other accomplishments of Herbert Hoover which justify the image of greatness. Among them are: the two Hoover Commissions and their great savings to the taxpayers of this Nation, his organization of the Reconstruction Finance Corporation, the home loan banks, the farm loan banks, his leadership in the field of conservation, and his foresight in beginning the necessary Federal regulation of radio and aviation.

The list of his accomplishments is long but somehow they cannot outshine the bright image of Herbert Hoover—the tolerant and patient man of good humor who was and is a humanitarian first, last, and always.

The author Will Irwin stated this well when he wrote of his work during the Mississippi flood:

> I would like to leave him as I saw him one May morning of 1927—standing on the tottering Melville levee, his aeroplanes scouting overhead, his mosquito fleet scurrying below, a group of prominent citizens about him listening to the wise, quick terse directions which were bringing order out of chaos. It symbolizes the man, that scene—"The one tranquil among the raging floods," the transmuter of altruistic emotion into benevolent action. On that side of him his friends and intimates base their fanatical affection.

Vernon Kellogg, an official in the Belgian Relief Commission, had this to say of Hoover:

> Those of us who have lived through the difficult, the almost impossible days of Belgian relief * * * have come to an almost superstitious belief in his capacity to do anything possible to human power.

A great admirer of Hoover for his work in all areas of human endeavor was the Belgian financier, Emil Francqui. At a food conference in London, at the close of World War I, Francqui was gratified to hear that Hoover was on hand to serve as Food Administrator.

> "Mr. Hoover," Francqui declared, "We in Belgium are today faced with the life and death of our people. There is only one man in the world who can organize the job. You are the man."

But it was America's greatest humorist, Will Rogers, who best summarized the humanitarian work of Herbert Hoover. Shortly after the great Mississippi floods of 1927 a catastrophic earthquake hit Turkey and the Near East. Will Rogers expressed surprise that Herbert Hoover was not called over "to fix things up" since he was not doing anything "at the moment." "Bert was only resting in between calamities," said Rogers.

As Mr. Hoover approaches his 90th birthday on August 10 of this year, it would be wishful thinking to expect the intensive and vigorous activity on behalf of mankind which has characterized Mr. Hoover's entire life. But the great storehouse of experience and knowledge which he has amassed and the patience and tolerance with which he can apply that knowledge to current problems are things of greater value than physical energy.

Mr. President, you are only resting between calamities. Mankind has problems which are great and overpowering. Your advice and counsel, your wisdom are needed. Get well, Mr. President.

Mr. ALBERT. Mr. Speaker, it is a pleasure to join with those who take this occasion to wish renewed good health to former President Herbert Hoover. Mr. Hoover is the dean of our very small corps of former U.S. Presidents. The years of his life cross the barrier from the 19th century into the 20th century, and his adult professional life encompasses both the Boxer Rebellion and the space age.

We may assume that technological advances are the peculiar hallmark of our post-World War II environment and particularly of the decade of the sixties. Yet before World War I, our former President was introducing technological advancements into the creaking machinery of Chinese mining.

We may think that the airlift, the Marshall plan, the food for peace program, Care, and myriad other chief programs are the most revolutionary known to man, yet Mr. Hoover as far back as World War I, organized one of the greatest international relief programs the world has ever known.

Having made his mark as the most outstanding mining engineer of his day, having garnered prestige as administrator, humanitarian, and writer, he succeeded to the highest office in the land, the Presidency of the United States.

And in the administration of still another former President, Harry S. Truman, his genius for administration was utilized by his country to head up the Hoover Commission assigned the task of making recommendations to improve the efficiency of the Federal Government.

President Hoover is unquestionably one of the most distinguished men of this century. He is one of our most humanitarian statesmen who has sought to do, and has done, enormous good for the people of this country and people throughout the world. He has won many accolades in many different areas of human achievement; he also has won the love and affection of this and other nations.

The rising creeks and riverbeds of spring are beginning to beguile the fisherman; I hope for Mr. Hoover's return to good health and perhaps to the enjoyment of his favorite avocation. Whether he fished for sport or for men's hearts, he was always a gallant gentleman, a fine, and gentle human being, and a great American. May he be restored to good health and enjoy many added years of life.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the distinguished minority leader, the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, it is surely a pleasure to be here on this very fine occasion. I want to say at the outset that I am most happy to join in these expressions of affection for one of the truly great public servants of our time, the Honorable Herbert Hoover.

Mr. Speaker, just about a year ago a book was published which reflects the human side of this fine American statesman whom so many of us hold in such high esteem.

The title of the little volume is "Fishing for Fun—And To Wash Your Soul." The author is Mr. Hoover himself.

Mr. Speaker, if for no other reason, the fact that Mr. Hoover likes to fish would endear him to me. I, too, like to fish. As a matter of fact, among my pleasant memories are several occasions when I fished with Mr. Hoover, for trout in western rivers and for bonefish on the Florida Keys.

In his book, our former President observes that "If more people took time off to go fishing, the world would be a better place," and I happen to think he is absolutely right.

In another of his essays, this one entitled "The Affinity of Boys and Fish," Mr. Hoover recalls that:

> One time, in the spring, our grandmothers used to give us nasty brews from sulfur and herbs to purify our blood of the winter's corruptions.

"They knew," he writes, "something was the matter with the boys." Then he adds: "They could have saved trouble by giving them a pole, a string, and a hook."

Mr. Hoover goes on to say that:

> Some wise grandmothers—among them my own—did just that.

Mr. Speaker, I chose to comment briefly on this aspect of Mr. Hoover's life, because if I were ill, I do not think anything would inspire me to get around quicker than the thought of going fishing. Having this in mind, and with spring again upon us, my fondest wish for this grand friend is a speedy recovery and an early return to his favorite sport, fishing, with all the therapeutic magic it holds for body and spirit.

Mr. HALPERN. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from New York.

Mr. HALPERN. Mr. Speaker, I would like to take this opportunity to express my most sincere best wishes to our beloved elder statesman, Herbert Hoover, for a speedy and complete recovery.

President Hoover is an exemplification of the American spirit, and his years of service to his country as to mankind in general have been exceptionally noteworthy.

He is blessed with great ability—ability which he developed and sharpened through many years of industrious hard work, and which he has generously made available to all who found a need for his unique capability.

All of us remember well his herculean relief efforts during the time of both World Wars I and II. We remember his years as President and the great sorrows he carried with him from that high office.

We remember, too, how many times since his wise and well-seasoned counsel has been sought by our successive Presidents, and we remember, also, the brilliant work he performed through the Hoover Commission during the Truman and Eisenhower administrations.

And, most recently, we remember his successful campaigns for the Boys Clubs of America.

As we think back on Mr. Hoover's many years as a public servant, it is with deep appreciation for the numerous worthy things that he has accomplished in our behalf, and with a great feeling of pride in him as an outstanding American, that all of us in common unison wish him Godspeed in his recovery.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from the congressional district that includes Palo Alto, Calif., yielding to me at this time.

Mr. Speaker, I do not blame the gentleman one bit for perpetuating an illusion of representing the past President, President Herbert Hoover. I feel it is well worthwhile in the instance of a man who has lived to see himself vindicated in the minds and hearts of all the people of America, that this be done.

Mr. Speaker, I would that we had him back with some of his great conservative ways and his philosophy.

But most of all, Mr. Speaker, I rise on this particular occasion because I too am a fisherman, not only of the species in the waters, but a fisherman of men, as was former President Herbert Hoover. I too hope that he gets well. I would that he could fish with me in a clear Ozark stream, where each vista is new as you turn the gravel pile and cast your eyes upon yon shore bordered by white water, with deep blue limpid pools, where the bass and even the catfish abound and which are available for the hot frying pan on the gravel hearth.

May his tribe increase, and may he recover to go fishing, as has been so well stated by the Member now in the well of the House, the minority leader, and our majority leader.

Mr. GUBSER. I thank the gentleman.

Mr. Speaker, under permission granted earlier, I include at this point statements by Senators Carl Hayden, Hubert H. Humphrey, and Thomas H. Kuchel.

Statement by Senator Carl Hayden

Herbert Hoover had graduated before I went to Stanford University. However, those who became our wives graduated together from the Los Angeles Normal School and later belonged to the same sorority at Stanford. It was through them that we became acquainted when he came from Europe to Washington in 1917 to be appointed Food Administrator by President Wilson.

He was Secretary of Commerce in the Coolidge administration when I joined in persuading him to become Chairman of a Commission which drafted the Compact that the Supreme Court has approved as a basis for apportioning the waters of the Colorado River among the States of Arizona, Nevada, and California.

And now, Mr. President, as one old-timer to another, I want to join with your many friends in wishing you a prompt recovery from your illness and the best of health in the future.

A Get Well Greeting to President Herbert C. Hoover

U.S. Senate,
Washington, D.C.,
March 28, 1964.

Dear Mr. President: I am sure your millions of friends throughout the United States join with the many Members of Congress today in wishing you a prompt recovery.

Each one of us, regardless of party affiliation, look upon you as an American who literally has devoted his entire life to the service of our Nation and to all humanity. Your many areas of interest since your service as President have further demonstrated your remarkable vitality and enthusiasm for constructive labors.

We look for a speedy and complete recovery and hope to have the privilege of greeting you personally in the very near future.

Sincerely,
Hubert H. Humphrey.

Comment of U.S. Senator Thomas H. Kuchel on Herbert Hoover

The chronicle of selfless, effective, dedicated labors to advance the welfare of mankind is studded with outstanding characters from countless lands and every era of civilization.

The chapters covering the 20th century will record imperishably and conspicuously the monumental services of Herbert Hoover, a beloved and universally respected figure who has been one of America's most noble and illustrious citizens.

Throughout a lifetime devoted almost exclusively to benefiting his fellow man, our Nation's 31st President, a beloved adopted son of my native State, has been a most inspiring leader in humanitarian causes and a constructive counsellor for several generations of his countrymen.

Not only Americans but peoples around the globe pray for his recovery in the unfortunate illness now—momentarily, we hope—incapacitating him. All humanity fervently trusts that he will enjoy many more years of merited relaxation and an opportunity to carry out the unfinished undertakings to which he is committed.

Mr. MARTIN of Massachusetts. Mr. Speaker, I am happy to join with my colleagues in paying tribute to my old friend, Herbert Hoover.

I was close to him throughout many years of public service. I would not want this special occasion to pass without raising my voice, along with other Members of Congress, to speak a word of gratitude to this great man.

Herbert Hoover served his country well, in many capacities. His dedication was always an example to all of us.

I wish him many more years of health and happiness, so that the wisdom of his years may continue to be of benefit to the Nation.

Mr. BOGGS. Mr. Speaker, I am pleased and honored to join with so many of my colleagues on both sides of the aisle in this great House in wishing a speedy and lasting recovery for President Herbert Hoover. President Hoover has devoted a lifetime of service to our country in many and varying capacities, including his service as our Chief Executive, 1929–33.

One of President Hoover's greatest contributions to our Nation was his humanitarian service during World War I as a leader of war relief efforts for the ravaged countries of Europe, and as the U.S. Food Administrator from America's entry into that war in 1917 and signing of the Treaty of Versailles in 1919. Not only has Mr. Hoover rendered devoted service to America as the Secretary of Commerce and then the President of the United States in Republican administrations, but also he has answered the call of several Democratic administrations to give of his time and wisdom for the advancement of our country. In 1946, as you know, Mr. Hoover answered President Truman's summons to serve as America's Food Supply Coordinator following World War II; the next year, he directed a study of economic conditions in Austria and Germany in the wake of the ravages of World War II on those two countries.

President Hoover performed a fine service to his country and to our National Government when he directed the conduct, at President Truman's behest, of a thorough, extensive study of the executive branch of our Government with a view toward streamlining the executive departments and conserving on the appropriations for operating these departments. Mr. Hoover was Chairman of the Hoover Commission, as it was called, for President Truman, 1947–49, and again for President Eisenhower in the first 2 years of his first term, 1953–55.

I know that all of us are proud of President Hoover's record of service, and I am happy to join in extending to him the Congress wish for his quick and lasting recovery.

Mr. BYRNES of Wisconsin. Mr. Speaker, I commend the gentleman from California for obtaining this time so we may pay tribute to Herbert Hoover, a truly great American.

All of us are in debt to Mr. Hoover. His long and productive life has been devoted almost entirely to his fellow men. He has been an outstanding engineer, a noble humanitarian, one of our great Presidents and a kindly philosopher whose numerous contributions to the Nation he loves would require volumes even to list. Herbert Hoover's life and public career will long serve as a model for the youth of America.

I join my colleagues in wishing Mr. Hoover an early recovery from his untimely illness. I sincerely hope that he will soon be able to resume his busy life in the best of health.

Mr. SCHWENGEL. Mr. Speaker, today I join my colleagues in wishing Herbert Hoover well. He certainly is the grand old man of the Grand Old Party, and a grand American.

We in the First District of Iowa have a special interest in Herbert Hoover—the place of his birth, West Branch, Iowa, is located within the district.

On August 10, 1962, the people in this historic Iowa town dedicated the Herbert Hoover Library. Graced by the presence of two former Presidents, Hoover and Truman, and of a host of other dignitaries that sunny day of summer will be a day West Branch, the First District, and Iowa will never forget.

Herbert Hoover, as do all of our statesmen, belongs to all Americans, and we in Iowa are proud to claim him as a native son. He comes from a rich heritage and a fine tradition.

In honor of the Republican Party's eldest statesman, I would like to trace the Hoover trail to success and high reputation.

The following of the Hoover trail is a historic, meaningful American experience. The life of this Nation has been and will continue to be enriched by its revelation.

Herbert Hoover himself would admit that the appeal of Iowa's countryside is strong and the citizenship values that we can get from appropriate thoughts from the reflection on his experience here cannot be doubted.

The combination of the life of Herbert Hoover and the Iowa woodlands and countryside is a rare and beautiful combination that should give to us a special message of confidence in and hope for the future of America.

All who have visted West Branch, Iowa, have received from the surroundings of that small First District town, some of the inspiration which it gave to Herbert Hoover as a boy, and in turn what Herbert Hoover has given to America and the world. He often has testified to the influence of this community on his life.

I invite you to explore with me for a few moments the trail that President Hoover took through life—a trail that began in the peaceful and charming community of West Branch, Iowa.

For centuries before the advent of Herbert Hoover, his ancestors had been Quaker pioneers. The American part of their story started in 1725—half a century before the Boston Tea Party. America was still the red man's country. White settlements, except for the outposts of fur traders and explorers, were scattered only along the Atlantic coast. Trails were important then—not only as routes to adventure, but as the routes of travel—there were no roads as we know them today.

It was in 1725, according to family tradition, that three small boys, landed in Boston from a sailing vessel just in from England. Their father and mother had died during the hard 3-month voyage, and they were taken into religious, kindly, stern New England homes. Papers in their baggage showed their name to be Minthorn and the oldest of the three, William, was Herbert Hoover's great-great-great grandfather—his first ancestor to live in America.

Many trails were followed by the Minthorns and the Hoovers from the eastern seaboard into Maryland, Virginia, North Carolina, Ohio and eventually across the Mississippi to a spot they decided to call home. The little community in Iowa named West Branch grew quickly. It was not long before there appeared a Quaker meetinghouse, frame homes, stores and a blacksmith shop. These were in the midst of some of the most fertile land in America.

West Branch and surrounding settlements never became a metropolis but it did grow into a pleasant, prosperous town and the good Quakers carried their faith into their relations with one another. They did not consider written agreements necessary to bind any business deed—an oral promise was all that was asked. And as the boy Herbert Hoover grew to manhood, his word held high the Quaker tradition of honesty.

The ability to stand and walk erect is the most distinguishing characteristic of man. No one typifies this characteristic more than Herbert Hoover.

In 1927 in a speech to the Iowa Society in Washington, D.C., Mr. Hoover spoke of the old swimming hole near West Branch under the railroad bridge "which needs to be deepened" because it was "hard to keep from pounding the mud with your hands and feet when you shove off for the 30 feet of a cross-channel swim." He spoke of fishing with his friends in the creek for "sunfish, suckers and catfish with a willow pole, a line of butcher's string, a cork salvaged from a rubbish heap, and angleworm and a 1-cent hook." He recalled in the wintertime "sliding down Cook's Hill in a homemade sled and thawing our young chilblains with icewater." He remembered the tasty wild strawberries and wild grapes to be had for the picking along the trail he followed; the skating in winter over the frozen swimming hole in a pair of heelplate skates and the collection of fragments of coral, agate or other bright-colored stones from the ballast along the railroad tracks. Perhaps here is the introduction of Herbert Hoover, the mining engineer.

Apart from these outdoor pastimes and school attendance there was the quiet, gentle, homelife, with its family Bible reading at the day's close.

Herbert Hoover followed the trail across America, to Oregon when his parents died. He earned his way through Stanford University, graduating with a degree in geology and engineering. He was employed in mines in several Western States and then in Australia, and held numerous important mining jobs around the world.

It was when World War I broke out, that Mr. Hoover's trail took him to Europe. Thousands of Americans were stranded in London. Herbert Hoover organized resources to help them back home, and then worked to send relief to the overrun population of Belgium and France. His success in this endeavor brought him wide fame and led to his appointment as U.S. food administrator in 1917. He was able to get cooperation from the United States and successfully supplied the Allied food demands. The war over, he headed the American Relief Administration and when that agency was liquidated he raised a private fund for the same purpose.

Ambassador Walter Hines Page wrote President Wilson when Hoover had completed the refugee job:

> Life is worth more, too, for knowing Hoover. He's a simple, modest, energetic man who began his career in California and will end it in Heaven; and he doesn't want anybody's thanks.

A Secretary of Commerce under both Harding and Coolidge, Hoover reorganized the Department and sought to maximize its usefulness to business. At the same time he organized several famine relief campaigns. Four years later, in 1928, he was the Republican nominee for President and won the election.

Many of the disturbing factors prevailing in 1929 were international in character while others were manifestations of domestic trends in particular countries. Basically, World War I had thrown the economic and financial organization of the entire world completely out of balance. It was difficult to maintain the balance of economic and financial equilibrium in the United States.

Before he took the oath of office as President, Mr. Hoover stated and I quote that he:

> Conceived the Presidency more than an administrative office; it is a power for leadership bringing coordination of the forces of business and cultural life in every city, town and countryside. The Presidency is more than executive responsibility. It is the symbol of America's high purpose. The President must represent the Nation's ideals and he must also represent them to the nations of the world.

After 4 years in the White House Herbert Hoover still regarded the Presidency "as a supreme obligation."

A basic tenent of his faith in the American way of life—a phrase which he is said to have originated—was "voluntary cooperation within the community." It included perfection of the social organization, care of those in distress, advancement of knowledge, scientific research, education, and the many phases of economic life.

This—

And I again quote President Hoover—

> is self-government outside of government; it is the most powerful development of individual freedom and equal opportunity that has taken place in the century and one-half since our fundamental institutions were founded.

Mr. Hoover believed in voluntary cooperation of all the people in all of the Nation's communities, along with a growing sense of individual responsibility, rather than an extension of Government into our social and economic life which would find the correct "solution of many of our complex problems."

He once stated before a group of Young Republicans:

> While the inspiration to reform comes from the human heart, it is achieved only by the intellect. Enthusiastic hearts have flooded us with illusions. Ideals without illusions are good. Ideals with illusions are no good.

This advice is timeless, indeed, and we with the complexities of our age could really make something of this earth if we approached the solutions of our problems with high ideals and advanced programs with intelligence and enthusiasm.

The direction which individuals and nations have traveled has always been of tremendous concern to Mr. Hoover. The direction of the trail that he took through life has continued to keep him active and interested in public affairs through his boyhood days into the present. He was born August 10, 1874, in West Branch; he soon will be 90. He is still alert with the characteristics that took him to the White House, to head the Hoover Commission, and again in more recent years as Chairman of a Famine Emergency Committee to serve the food requirements in 38 countries around the globe. In February of 1960 President Hoover advised Americans:

> In looking over the current scene in our national life, if we take a worm's-eye view of the crises and forces which surround us, we may worry that we are approaching the decline and fall of the greatest nation in history. If we take a bird's-eye view, we see the fundamental strength of the American people.

These words of admonition come from one who followed the trail with an aim so high and so clear, with the spirit of the out of doors filling his being, that his usefulness to mankind will continue to reverberate for years to come.

Learning from the life and work of men like Herbert Hoover and the training and experience that shaped their destinies can be very important in retaining and promoting those ideals that made and can keep us the great Nation that we are.

In my opinion, one of Mr. Hoover's greatest speeches was made in his hometown, West Branch, Iowa, on the occasion of the dedication of the Herbert Hoover Library.

That day he talked about the strength of America. He said:

> The mightiest assurances of our future are the intangible spiritual and intellectual forces in our people, which not by the words of the United States, but by the word America.
>
> That word America carries meanings which lie deep in the soul of our people.
>
> It reaches far beyond the size of cities and factories. It springs from our religious faith, our ideals of individual freedom and equal opportunity, which have come in the centuries since we have landed on these shores.
>
> It rises from our pride in great accomplishments of our Nation and from the sacrifices and devotion of those who have passed on. It lifts us above the ugliness of the day.
>
> It has guided us through even greater crises in our past. And from these forces, solutions will come again.
>
> If you look you will find that the Bill of Rights is an enforced law of the land; that the dignity of man and equality of opportunity survive more in this land than in any other on earth.

On that day now almost 2 years ago, Herbert Hoover concluded:

> May I say to the boys and girls of America that the doors of opportunity are still open to you. Today the durability of freedom is more secure in America than in any place in the world. May God bring you even more great blessings.

On behalf of the First Congressional District of Iowa and the town of West Branch, again today, Mr. President, we salute you. Our prayers are with you. We wish you a speedy recovery and may the blessings of good health once more be extended to you.

Mr. OSTERTAG. Mr. Speaker, it is a pleasure to join with my colleagues today in paying tribute to one of our Nation's finest elder statesmen, former President Herbert Hoover. President Hoover has been a resident of my home State of New York for many years now and we are always honored by his presence there.

Herbert Hoover is one of the greatest humanitarians in the history of our Nation; he has served and aided untold millions of people throughout the world during his lifetime. His term as President of our country marked only one episode in a lifetime of service and dedication to mankind. In World War I, as Chairman of the American Relief Committee, he gave direction to aiding Americans stranded in Europe. Throughout the war he brought hope for survival to the people of Belgium as chairman of a special relief committee, and he headed American relief efforts for Europe after the war. Following World War II, President Hoover assumed similar responsibility to clothe and feed millions of victims of the war.

Here in Congress we are all familiar with his great contributions to reorganization of the Federal Government. As Chairman of the Hoover Commission, he directed the efforts which recommended monumental improvements and changes in the Federal Government. The Hoover Commissions demonstrated clearly the benefits to be achieved by a periodic independent review of Government operations, so that consideration might well be given to renewing the work of these commissions in each decade.

In the years since World War II, each of our Presidents has turned to Mr. Hoover for advice and counsel because of the great breadth and depth of his experiences. He has always willingly given his help. Now we are told that he is ill; I wish to join all my colleagues in saluting him at this time for his great service to mankind, and I express my sincerest hope that he will soon recover from his present illness to continue his inspiring role in our society.

Mr. YOUNGER. Mr. Speaker, it is with real pleasure that I join our colleague from California in paying tribute to former President Herbert Hoover and wishing him a speedy recovery.

History is going to treat Mr. Hoover very kindly and give him the credit to which he is entitled for he proved himself an administrator of unusual ability in all the executive positions to which he was called. Contrary to the usual character of an outstanding engineer he was first and foremost a humanitarian in the finest sense.

The most cherished memories I have are of the two visits I was privileged to have with Mr. Hoover in his apartment in the Waldorf Astoria Hotel where he now lives. As a college student at Stanford University he became well-acquainted with San Mateo County, which is the district I represent, and which contains some of the Stanford Farm.

So I am pleased to add my praise and thanks to this dedicated American, Mr. Hoover, for the contributions he has made to our country and the world. May he be spared for many more years of service.

Mr. AUCHINCLOSS. Mr. Speaker, it is very difficult to put into words the powerful emotions which activate one's mind in thinking about a very great man like Herbert Hoover who has not only served our beloved country in a very unselfish and farsighted manner but also whose influence over the entire world has been felt during his lifetime.

During the final days of his administration as President our country went through a very severe industrial depression during which time he was bitterly assailed by many people, especially those of the opposite political party, but Herbert Hoover showed his courage and character and never retaliated in kind. His honest thinking and broadmindedness were abundantly shown in his magnanimity.

During the years of his retirement respect for him and what he has always stood for has grown deeper and is appreciated more and more by people in all walks of life the world over. He has continued to maintain this serenity of mind in spite of all of the vicissitudes of fortune and has set an example for all of us on how to be better citizens and greater Americans.

It is a privilege to join with everyone in wishing him well and a speedy recovery to good health.

Mr. BOB WILSON. Mr. Speaker, may I add my voice to those millions of Americans who are earnestly wishing Herbert Hoover a rapid and full recovery. Few Americans have done more for their country than this distinguished American.

Over the past half century, he has served his Nation in a variety of capacities, including the highest possible one—President of the United States. In his later years, Mr. Hoover's contribution to the efficiency of government—through the famed Hoover Commission recommendations—has been immeasurable.

Few have given so much and asked so little as Mr. Hoover. He has asked throughout his long, distinguished career, little more than be assigned new tasks in which to serve his fellow Americans. We all join in wishing him a speedy return to health.

Mr. DAGUE. Mr. Speaker, one of the most shocking examples of man's inhumanity to man was the studied and deliberate attack on the character of Herbert Hoover by the then Democrat publicity director Charles Michaelson, back in 1931–32. The entire blame for the worldwide depression was placed on Mr. Hoover's shoulders and his every attempt to cope with the problems confronting him were completely frustrated by a political party bent on capturing the Presidency.

Through all of this villification Mr. Hoover bore himself with dignity and courage and it is to his everlasting credit that he never stooped to reply in kind. It is also to the credit of the American people—of both parties—that they have since tried to undo the damage done to the character of this great statesman and while most of his traducers have gone on to answer to their Maker he remains in our midst to enjoy, in the twilight of his life, the praises of his admiring countrymen.

We have been distressed to learn of his latest illness and we are grateful to our colleague—CHARLIE GUBSER—for permitting us to join with him in wishing our former President a speedy improvement in his health, to be followed by many more years in which to receive the encomiums of a grateful citizenry that appreciates true greatness based on dignity and integrity to the exclusion of all malice.

Mr. BELCHER. Mr. Speaker, I bow my head with all America in prayerful wishes for your complete and quick recovery, Mr. President, and know that these good wishes cannot but bring fruition.

But as low as I might feel at this your moment of difficulty, I must also raise up my head with confidence, and joy, in knowing that "this too will pass"—you will weather it and see it through, just as you have overcome every other obstacle in your long and illustrious career.

I think perhaps I have become accustomed to holding you, Mr. Hoover, as an example of American inner courage, stamina, and spiritual strength. In fact, to me, the very name, "Herbert Hoover," has long been associated with the wonderful American Christian qualities that have carried our Nation over rugged hill and wilderness into the land of freedom and opportunity.

I know, Mr. President, that the same morning dawn that broke upon a nation a warm sunlit day of promise is your dawn, too, which must gently touch its dewdrops to your brow and waken you with freshness and renewed vitality.

Mr. ALGER. Mr. Speaker, it is a great privilege to join in this tribute to one of America's alltime outstanding citizens. Herbert Hoover is remembered not only as one of our great Presidents, but far more important as a human being who has been a giant among his fellow men.

His deeds as President will always remain an important part of the history of this Nation, but his service to humanity will stand throughout all time, throughout all the world among the more noble contributions of man to man in the world's recorded history. His kindness, his wisdom, his counsel, have been and will continue to be an inspiration to all who strive to serve God and man.

We who serve in public office have had no greater teacher nor no predecessor of nobler stature upon which to pattern our service. His strength of character is matched by his physical strength which has enabled him to meet head on and to conquer many illnesses which would have felled a lesser man.

All of our prayers are with you today, Mr. President, in the sincere wish for a speedy recovery so that we and the world may have the benefit of many more years of your example in living.

Mr. TEAGUE of California. Mr. Speaker, I feel greatly privileged to have the opportunity to join in today's tribute to one of the greatest Americans of our times, Mr. Herbert Hoover, and to wish him full and speedy recovery from the illness which recently struck him.

Now nearly 90, former President Hoover has devoted literally a lifetime to service in behalf of his fellow man as miner, engineer, author, humanitarian and public official. His career, his accomplishments and the affection in which he is held by Americans without regard to their party affiliations established Mr. Hoover as a man who has gained an enviable place in the historical annals of our country.

Few men remain as active in later life as has Mr. Hoover. Not long ago, he said:

> Nobody has any right to retire. You should take some job that will benefit the community, even if you don't get paid for it. Otherwise, a person just sits around talking about his pills and his ills. Naturally he talks to the neighbors, who will answer with accounts of their pills and ills. I don't go along with that.

My father had the honor to serve for several years in the late twenties and early thirties as an appointee by Mr. Hoover to the Federal Farm Board. During this rather intimate relationship he, my father, became thoroughly convinced that Herbert Hoover was—and is—the greatest American of his time.

In every year of his long and useful adult life, Mr. Hoover has grown in stature in the hearts and minds of his countrymen. I know of no one who has more richly deserved their appreciation and reverence.

Mr. CHENOWETH. Mr. Speaker, I am happy to join my colleagues in wishing President Hoover a rapid and complete recovery. All of us have been greatly concerned over his recent illness and I hope he soon regains his full strength.

Some years ago when President Hoover was a welcome visitor to Colorado I had the pleasure and honor of introducing him on several occasions. I always referred to him as our No. 1 citizen, and in my opinion he is still entitled to that distinction.

Mr. Hoover, we love and revere you for your great achievements. We hope you will be with us for many years to come.

Mr. PIRNIE. Mr. Speaker, the illness of our beloved former President, Herbert Hoover, causes us all deep concern. We are reminded of his great service to the Nation as an able public servant and distinguished "elder statesman." He has given of himself, with dignity and unselfishness, to great causes and enduring ideals.

For nearly a half century his thoughts have been focused on our needs and our goals. Few men have displayed the wisdom and courage which have marked the true course he has followed.

I trust he will be given new strength through the knowledge that his great contribution has endeared him to the people of America who join with us in wishing him speedy recovery.

Mr. DOLE. Mr. Speaker, Herbert Hoover is a great American. While his greatness has been unnecessarily obscured by the misery and poverty of the thirties, it has persisted through the course of years and withstood the harsh test of history. There can be no doubt that all Americans love "the Chief."

Mr. Hoover, the son of an Iowan blacksmith and an orphan at 10, worked his way through college and became an outstanding mining engineer and a dedicated public servant. As President, he recognized the duty of Government to insure equal opportunity for all and, in this regard, was responsible for Federal Farm Board which contributed much to the orderly marketing of agriculture goods and provided a method by which enterprising farmers could solve their own problems.

As a self-made man, as an honest believer in "work," and as the living expression of charity, Herbert Hoover is to all Kansans a pioneer citizen. Certainly his example is an ideal worthy of all Americans and especially desirable at a time when the growing forces of collectivization threaten to mar the traditional identity of the American man.

Mr. Hoover has remarked he owes his long life to his "recipe of work" and his faith in our governmental system to the "genius of our people, their devotion to personal liberty and their sustaining religious beliefs." From all Kansans, I wish Mr. Hoover many more days of hard work and promise in the process the contagion of his faith will be felt by all Americans.

Mr. McCLORY. Mr. Speaker, I am pleased to join in this tribute today of our beloved former President, Herbert Hoover.

It was my privilege to cast my first vote for Herbert Hoover, and I have been a devoted admirer and student of his since my earliest years. The well-worn pages of the three volumes of his memoirs which adorn my office bookcase betray my frequent references to Herbert Hoover's great life and works.

Herbert Hoover's sound and sturdy traits of character enabled him as a young man to achieve a position of prominence and independence, as well as worldwide recognition and respect. His later humanitarian accomplishments and American and world leadership have earned for Mr. Hoover a place at the top of my list of modern "Great Americans."

Perhaps Mr. Hoover's humanitarianism is most significant in today's troubled world. Just as he led the fight to help the people of distressed and underdeveloped nations, in an earlier day, so his example might well serve as a guide for us, in these days, in which people in our and other lands are reaching out for a greater measure of individual freedom and independence.

I commend the gentleman from California [Mr. GUBSER] for his initiative in setting up this "Get well, Mr. President" tribute and I am proud to join with him today in every good wish for the rapid and complete recovery of Herbert Hoover.

In expressing good wishes and warm affection, I speak not only for myself but on behalf of the tens of thousands of the admirers of Herbert Hoover from the 12th District of Illinois.

Mr. McLOSKEY. Mr. Speaker, at the outset may I congratulate my friend and colleague from the great State of California, CHARLES GUBSER, for taking the time to pay tribute to a great American.

I appreciate the opportunity to participate in this special order today and I join with the many Members of Congress on both sides of the aisle in saying to former President Herbert Hoover:

> Mr. President, my thoughts are with you and it is my fervent prayer that you will soon be restored to health.

It is my humble opinion that Herbert Hoover is truly one of America's greatest citizens. For the many years of devoted service to mankind all the world owes this distinguished citizen a vote of gratitude.

Engineer, statesman, politician, humanitarian, loyal party leader—in every endeavor he has undertaken he has been honest, forthright and a success.

Though his loyalty to the Republican Party can never be questioned it is more important that he has always placed principle above political expediency.

America and the world is a better place because of the many contributions Herbert Hoover has made. I am delighted to have had the privilege of knowing him and I am happy to join with my many colleagues in saying, "Get well, Mr. President."

Mr. DERWINSKI. Mr. Speaker, I am pleased to join my colleagues in wishing a speedy recovery to that great American, former President Herbert Hoover.

Over the years he has steadily acquired the respect and admiration not only of Americans but from leaders throughout the free world, who at the present time can calmly analyze his contribution to the well-being of people throughout the world.

At one time Mr. Hoover was the most maligned political figure in the United States. Now he has reached the height of affection and esteem. He dramatizes the fact that a calm proper analysis of history rather than political emotions of the day places a public official in proper perspective.

I am pleased to join my colleagues on both sides of the aisle in this tribute to our great former President.

Mr. BARRY. Mr. Speaker, during his long, productive, and patriotic lifetime Herbert Hoover has earned the gratitude of all Americans for many things. His work as an administrator of war relief for Europe's starving millions during and after the First World War and after the Second World War, his contributions as Secretary of Commerce, his Presidency which pioneered many of the concepts for which a later administration assumed the credit, his role as an elder statesman, his chairmanship of the two Hoover Commissions designed to bring order out of chaos in the executive branch of the Federal Government—these landmarks in one of the great careers of the American 20th century are known and respected by everyone. Yet, we should recall that his early years were spent as one of the most successful engineers that this country has produced. In later years, his approach to the problems of Government was never that of the mere technician; rather, he combined the informed, incisive judgment of the trained mind with the pragmatic and energetic attitude of a man accustomed to large undertakings. And with these were joined the emotions of a compassionate heart.

Herbert Hoover brought to his various public roles the insight and the training of an engineer. It is not strange, then, that one of his most far-seeing—and most neglected—speeches was one made before the American Society of Mechanical Engineers in New York City on December 1, 1925. The topic has a familiar ring to it now. But he was addressing himself in those distant days to a theme that is familiar to us only because of the technological revolution that has occurred in this country during the past 40 years. His topic was "The Vital Need for Greater Financial Support of Pure Science Research." In this speech are to be found insights and recommendations that show a true statesman's mind at work. The trends of the present are projected with acuity and informed judgment into the future. Present needs are recognized, and remedies for them are proposed.

With the practical insight of the public man, Hoover noted that although there were many moral and spiritual reasons for finding the money to pay researchers in pure science, such reasons as "the unfolding of beauty, the aspiration to knowledge, the ever-widening penetration into the unknown, the discovery of truth," and though he believed these to be ample justification, yet, "Since I am proposing to support an appeal for dollars," he said, "I propose to discuss the dollars' results as well."

He proceeded as follows:

> Not only is our Nation today greatly deficient in the number of men and equipment for this patient groping into the sources of fundamental truth and natural law, but the sudden growth of industrial laboratories has in itself endangered pure science research by drafting the personnel of pure science into their ranks—depleting at the same time not only our fundamental research staff, but also our university faculties, and thus to some degree drying the stream of creative men at the source. This is no complaint against our great industries and their fine vision of the application of science. It simply means we must strengthen the first line of our offensive. Compared with other expenditures of far less importance to human welfare, the amount of money annually devoted in the United States to the aid of investigators and investigation in pure science is absurdly small. The wealth of the country has multiplied far faster than the funds we have given for these pure science purposes. And the funds administered in the Nation today for it are but a triviality compared to the vast resources that a single discovery places in our hands. Men of science know, from their own experience, how seriously scientific work has been impeded by lack of resources, and they will appreciate how great in the aggregate must be the resulting loss to the Nation and to the world.

Hoover was alert to the future prospects of atomic energy in 1925:

> No newspaper headlines noticed Becquerel's discovery of radioactivity from which long after sprang the whole train of discoveries leading to radium and its vast human service. No one reads in the popular journals of the theory of the hydrogen ion. The rise of the Einstein theory, which has revolutionized physical science and fundamentally affected modern thought, was rendered possible by the most abstruse developments of mathematics over long terms of years, and who may say that some day it may not become the raw material of our industrial laboratories with a fine outpouring of benefits in added human comfort and convenience.

Naturally enough, Mr. Hoover viewed the future use of this marvelous source of energy in peaceful terms, but the vision that could foresee its benefits for peace could have been relied upon to anticipate its terrible use in war.

He ended this prophetic address with these words:

> We have prided ourselves on our practicality as a nation. Would it not be a practical thing to do to give adequate organized financial support to pure science? And if by chance we develop a little contribution to abstract learning and knowledge, our Nation will be immensely greater for it.

In recent months this great man, engineer, leader, President, and patriot, has been ill. We rejoice that he is recovering and in the prospect that it gives of his further service to his country. But his illness has been a reminder. Let us not conceal our admiration for him personally, our respect for his achievements, our veneration for his wisdom, and our pride in him as an American.

Mr. DON H. CLAUSEN. Mr. Speaker, it is with great pleasure that I join with my colleagues today in this verbal "get well card" to former President Herbert Hoover. I, too, wish him a speedy recovery and many more years as one of our most respected elder statesmen.

Some of you may know President Hoover's great attachment and frequent visits to the Bohemian Club on the Russian River in my district. The north coast of the State of California is deep in his heart and thoughts, I am sure.

It also is appropriate at this time to mention one or two things about this fine gentleman, the most basic of which is his prevailing efforts for preservation of the American way. He was the victim of one of the worst character assassinations of the 20th century. One of the most maligned men of his time, perhaps his was the first of the trials by propaganda we have seen. But he has emerged from this by his own constant effort and unswerving dedication to free enterprise and individual freedom and responsibility—by his work on the Hoover Commission for Good Government and in many other areas. History will have a high place for him. May God give him strength and health to continue.

Mr. RICH. Mr. Speaker, it is my great privilege along with my distinguished colleagues to send to former President Herbert Hoover our very best wishes for a speedy recovery and early return to good health. He is one of the truly great Americans of all times and is beloved by millions of people all over the world.

Mr. BROYHILL of North Carolina. Mr. Speaker, I am grateful for the opportunity to join with my colleagues in extending best wishes to a great American.

Although our former President, Herbert Hoover, has been ill of late, it is my sincere hope and desire that he will soon be back at work, active and vigorous as ever.

Herbert Hoover had merely been a respected name to me before our first meeting in New York in 1949. My first impressions on meeting him personally have been confirmed and reregistered ever since. He is a man of dignity, sincerity, and his life story is an inspiration to all Americans. His great mind is familiar with the broad sweep of human affairs. Despite his years, Herbert Hoover has always been alert to the times. His thoughtful judgments have consistently been sought by all those who know him.

He has distinguished himself in many fields, and his unquestioned integrity has caused him to be selected for many assignments of importance and of a delicate and trying nature.

Herbert Hoover has served the Nation and the world well and long. It is with utmost affection that I wish him well, and hope and pray for his return to work and service in full health for many years to come.

Mr. GUBSER. Mr. Speaker, the distinguished president of Mr. Hoover's alma mater has authorized me to convey the following message which I read at this point:

> DEAR CHIEF: I understand some of your friends are putting together a packet of get well wishes. I'm happy to be one of them. All Stanford joins me in wishing you the best.
>
> Yours,
>
> J. E. WALLACE STERLING,
> *President, Stanford University.*

In today's issue the Palo Alto Times will join in this "Get well" wish for President Hoover. Under the terms of my unanimous-consent request I am pleased to include an advance copy of the Times editorial which will appear today.

> The House of Representatives made it a special order of business today to tell Herbert Hoover with deep feeling, "Get well, Mr. President."
>
> Representative CHARLES S. GUBSER voiced that wish for himself and his constituents—including the people of Palo Alto, the town Mr. Hoover called home while President. He also conveyed greetings from Stanford President Wallace Sterling and other university officials.
>
> Mr. Hoover is convalescing in New York City from an illness that grew critical for several days last month. He fought it off with typical determination.
>
> "The Chief" long ago convinced his Stanford community admirers that his physical constitution is as exceptional as his far-ranging mental powers. He has set a peerless example of remaining productively occupied in retirement.
>
> We look forward to marking Mr. Hoover's 90th birthday in August.

Mr. Speaker, with a minimum of effort I could have filled this RECORD with hundreds of tributes and wishes for Mr. Hoover's speedy recovery. But quantity is not a true measure of sincerity.

Herbert Clark Hoover is revered and respected by all Americans. So on behalf of them we, who have been privileged to join together in this modest tribute, extend our good wishes and say again: "Get well, Mr. President."

RELIGIOUS PERSECUTION INCREASES IN U.S.S.R.

The SPEAKER pro tempore (Mr. MILLS). Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, the March 1964 issue of Freedom's Facts, published by the All-American Conference To Combat Communism, carries a timely and important article on "Religious Persecution Increases in U.S.S.R." The information contained in this article points up the systematic persecution of all people of all religious faiths in the U.S.S.R. It is timely because Christian believers the world over will observe this week the Feast of the Resurrection and Jewish believers the world over will observe the Feast of the Passover beginning at sundown on Friday, March 27.

All who believe in God or a Supreme Being have concern and compassion for those who suffer religious persecution in lands across the sea. Religious liberty is one of the most cherished rights of American democracy and we protect that right because we know that without its safekeeping all our liberties will be lost.

The article reads as follows:

RELIGIOUS PERSECUTION INCREASES IN U.S.S.R.

In 1958 the Kremlin launched a 7-year campaign to destroy religion in the U.S.S.R.

The campaign's main elements are:

1. Tightening restrictions upon priests, ministers, and rabbis.
2. Isolation of children and young people from religious contacts and instruction.
3. Prohibition against the raising of funds for the support of churches, or synagogues.
4. Constant barrages of antireligious propaganda in schools, on radio and TV, in speeches at factory and club meetings, and elsewhere.
5. Persecution, arrest and even execution of believers on whatever charges can be trumped up.

This antireligious campaign has been running in the Soviet Union for over 5 years with little notice from the outside world. Now the lid is blowing off.

JEWISH GROUPS TO MEET

Twenty-four Jewish religious and secular groups will meet in Washington, D.C., April 5 and 6 to consider the problem of oppression against Jews living in the Soviet Union.

Two of the 24 groups—the American Jewish Committee and the Jewish War Veterans of the U.S.A.—are participants in the All-American Conference To Combat Communism.

What are the particulars? Over the past few years Jews have been singled out for persecution and even execution for alleged commission of economic crimes against the Soviet Union.

These crimes have included baking and distributing matzoth, unleavened bread, used in the observance of Passover; the sale of items to raise money to support the few synagogues left in the U.S.S.R.; manufacturing and selling consumer goods which the official Communist State apparatus are unable to provide for its people.

FEW SYNAGOGUES OR CHURCHES LEFT IN U.S.S.R.

Today there are fewer than 100 synagogues and religious institutions in the U.S.S.R. to care for one-fifth of the Jewish population of the world.

Based upon exhaustive research, Jewish leaders have concluded that the Jews in the U.S.S.R. are now threatened with disintegration and obliteration. As under the Nazis, in fact, Jews in the U.S.S.R. now must carry cards identified with a large "J."

But Jews are not alone the victims of persecution and arrest. Passports have been taken from orthodox monks who are then arrested and imprisoned for living without the proper identification papers. Monks have been forced from monasteries into parishes; the parishes are closed, and the monks have been arrested for being homeless vagabonds.

In Poland, supposedly a liberal area in the Communist bloc when it comes to religion, priests have been prohibited from visiting parishioners in their homes. They have been prevented from speaking of religion outside of their churches, and the number of churches has been severely limited.

Cardinal Wyszynski a few weeks ago displayed extreme courage in delivering a sermon in a tool shed to dramatize the Communist policy of limiting the number of churches permitted in the country.

SOVIET AIM: STAMP OUT RELIGION

The unmistakable Communist aim is to stamp out all religion in the U.S.S.R., and then follow through by stamping it out in all areas under Communist rule.

Why this hysterical persecution of religion? Communism is the doctrine of materialism, the doctrine of atheism. Religion—whether Jewish, Christian, Moslem, Buddhist, or Hindu—is the belief in a power higher than man, higher than all visible matter. Religious belief is a direct denial of communism. Ultimately, one or the other must rule men's minds.

And this scares the masters in the Kremlin. Young people in the Soviet Union are restless now. They are bored. They see little future for themselves in a life-stifling totalitarian system. They are ripe for new ideas. They are ripe for religion.

The Communist reaction is to intensify its drive in schools, on radio and television, in the press, in talks at factories and in clubs to extend indoctrination of the public in atheism.

A recently issued Kremlin order proclaims that children and young people "will be increasingly protected from the influence of church people and from their parents should they force them to carry on religious activities."

So a life-and-death struggle between communism and religion is now going on inside the Soviet Union. Can you do anything about it? Of course.

ACTION YOU CAN TAKE

Whether you do anything or not, naturally, is up to you. Here, however, are some ideas of what you can do if you do decide to do something:

Support every effort of your church or synagogue to revive and stimulate religious life inside of the Soviet Union and elsewhere behind the Iron and Bamboo Curtains.

Support the broadcast of religious programs to peoples of the U.S.S.R. and of all captive nations.

Support public demands for a complete disclosure and condemnation of Communist oppression of religion and persecution of believers.

Consistently point out and urge others to point out that Communists are atheists who aggressively seek to undermine and obliterate religious observances and religious belief everywhere, including in the United States.

Your support, however much or little it may be, can be the needed extra measure to turn the tide against tyranny and toward freedom inside of all Communist-ruled countries.

ANTI-SEMITISM AND THE UNITED NATIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 20 minutes.

Mr. HALPERN. Mr. Speaker, recently I learned that the Human Rights Commission of the United Nations, in its consideration of the Draft Convention on Racial Discrimination, had discussed and forwarded to the Economic and Social Council a provision condemning anti-Semitism as an international offense.

It is my understanding that although the Economic and Social Council may not have time to take up the issue at its forthcoming July meeting, the General Assembly will definitely deliberate upon the matter during its regular session in the fall.

I should make clear that the Human Rights Commission did not adopt the anti-Semitism clause in the usual sense of that term; nor did it formally vote or debate the language of the section as proposed by the American delegate. It decided, very simply, to forward the proposal as a suitable insertion in the Draft Convention on the Elimination of All Forms of Racial Discrimination.

Nevertheless, this accomplishment cannot be underestimated. The American delegation to the Human Rights Commission deserves our gratitude and praise for its stanch perseverance. The initial success was not at all assured. It is our hope that this small, yet meaningful, first step will eventually yield the forthright universal condemnation of anti-Semitism which we seek.

The article, as proposed by Mrs. Marietta Tree for insertion in the Draft Convention on the Elimination of All Forms of Racial Discrimination, reads as follows:

> States parties condemn anti-Semitism and shall take action as appropriate for its speedy eradication in the territories subject to their jurisdiction.

In advocating this step, we are recognizing anti-Semitism as a form of racial discrimination. That is to say, manifestations of anti-Semitism are primarily ethnic; they arise as an attack upon a culture, tradition, language, and inheritance, rather than constituting an exclusively religious bias. We are not saying that the Jews constitute a separate race. But we are recognizing that the Jewish community possesses a common ethnic origin, and that anti-Semitism as such directs itself most frequently against that distinctness.

Within the context of the pending treaty we are speaking of anti-Semitism as a public policy, actively or subtly perpetrated by a government. The article, realized as an organic part of the Convention, will depend upon the Convention's implementing clauses for its proper execution.

This may involve the International Court of Justice at The Hague, or some more informal avenue. In any case, there must be more than strictly national enforcement, and I am certain that our Government accepts this view as a necessary adjunct of the Convention as a whole.

Mr. Speaker, we shall be watching developments carefully throughout the year, and I am hopeful that the organs of the United Nations will act to incorporate an anti-Semitism clause in deliberating upon the draft covenant on racial discrimination. I am aware of the difficulties and complexities. But our initial success makes me reasonably optimistic, and I urge upon our Government the energetic perseverance which to date has yielded impressive results.

In 1962, I submitted a resolution expressing the sense of this House that the United States work through the United Nations in securing a U.N. General Assembly condemnation of anti-Semitism. This resolution was directed at the Soviet Union, which hitherto has been the most flagrant violator of the human right to preserve and extend an ethnic, religious, or cultural identity. I still advocate this step.

It is true that the recently proposed article does not mention a state by name. We must realize that as far as the Draft Convention on the Elimination of All Forms of Racial Discrimination is concerned, any attempt to single out a nation by direct reference, especially a great power, would doom the entire effort at the start.

But it is indisputably clear that the proposed clause has universal application. Anti-Semitism will be condemned by all signatory states, and all those states, including the Soviet Union if she ultimately ratifies, will pledge themselves to erase the ugliness of this outrageous practice.

So I commend the progress evidenced of late in the United Nations. I further urge upon our Government to exert its full powers in the future for the ultimate incorporation of an anti-Semitism provision in the Draft Convention on Racial Discrimination. This country can make no more meaningful contribution toward the achievement of universally recognized human rights than to lead, and to succeed in, this endeavor to eradicate the disgrace of anti-Semitism wherever it exists.

I would like at this point to include in the RECORD the statement of Mrs. Marietta P. Tree, U.S. representative in the United Nations Human Rights Commission, which the American delegate gave before the Commission on March 12:

STATEMENT BY MRS. MARIETTA P. TREE, U.S. REPRESENTATIVE IN THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Mr. Chairman, my delegation has asked for the floor in order to introduce the U.S. proposal for a new article condemning anti-Semitism. We would like this proposal to be included in the record on this item even though the Commission may not have time to consider it in detail.

That such condemnation is needed is clear. Anti-Semitism has been a danger in the past and it is a danger today. The daily press constantly carries reports of Jews singled out for heavier punishment than others convicted of the same crimes, and of Jewish groups denied rights to publish and to carry on activities permitted without question to other groups. While the burden appears greater in some countries than in others, the study made by the Subcommission on Discrimination and Minorities in 1960 showed anti-Semitic incidents occurring in many different countries—often ignorant mischief but all too often persecution and destruction. Surely no one here can deny facts coming to us from many sources or the need to reach into the attitudes and habits of thought which nourish anti-Semitism. My purpose in this statement is to deal with only two questions: Why there should be an article on anti-Semitism in this particular convention, and what form it should take.

First, does an article on anti-Semitism belong in a convention on the Elimination of All Forms of Racial Discrimination?

The convention defines racial discrimination as any distinction based on "race, color, national, or ethnic origin." Inclusion of a special article against anti-Semitism does not imply that Jewish persons are to be considered as constituting a separate race. Anti-Semitism is ethnic, in terms of culture, tradition, language, and inheritance. In addition to their religion, the vast majority of Jewish persons share an historic, cultural, and linguistic past, which constitutes a common ethnic origin.

Anti-Semitism has often used a difference in religious practices as a pretext for discrimination, and I am sure that the declaration against religious intolerance will deal with its religious aspects. However, Jews who have associated themselves with other churches and modes of thought continue to suffer prejudice and discrimination because of their ancestry. Under these circumstances, our convention would be less than complete if it failed to take cognizance of what in our own day has been the most horrifying result of racial hatred ever known, the planned program of annihilation that reduced the world population of Jews by one person out of every three. Furthermore, omission of a specific reference to anti-Semitism in this convention might be subject to misinterpretation. We condemn anti-Semitism in any form, and regardless of any pretext for it, and this is the reason we have sought its inclusion in this convention.

In short, the purpose of this article is to condemn anti-Semitism whether manifested as a form of racial discrimination or otherwise. To make this crystal clear, the United States is submitting a slightly revised text to read as follows:

"States parties condemn anti-Semitism and shall take action as appropriate for its speedy eradication in the territories subject to their jurisdiction."

Second, as to the form in which we should condemn anti-Semitism. The U.S. proposal is in the form of a separate article, rather than an amendment to some more general article, because we believe anti-Semitism is a particularly virulent form of ethnic discrimination and that all countries should be alerted to its danger.

For that reason I regret that the U.S.S.R. has suggested a series of amendments to our proposed article which confuse anti-Semitism with nazism, genocide and other terms to make it only one of a list of possible errors in recent thought. Let us be honest here and recognize that anti-Semitism is a present as well as past danger, that it exists in countries where nazism is unknown and in forms which are infinitely cruel but may not be genocide, that it cannot be covered up forever by recalling the crimes of Hitler and the horrors of concentration camps, and that people everywhere must become freshly sensitive to its meaning and its reality. Let us be honest to realize how anti-Semitism has fed the evil purposes of dictators, Hitler included, and is being exploited even today to turn groups against each other and deflect attention from the failures of governments and the ineptitude of public administrators. We are opposed to the amendments of the U.S.S.R. because we believe they tend to minimize the urgency of this question, and suggest that anti-Semitism is not a matter of immediate and basic concern.

Since the defeat of Nazi Germany no state has pursued an overt and declared policy of genocide against an ethnic group. But we must recognize that some states where laws forbid discrimination in the most forceful terms nevertheless carry on policies which are designed to have the effect of obliterating an ethnic group. The biological differences of race cannot be exterminated by cultural deprivations, but ethnic differences, and sometimes nationality differences, are absolutely dependent on language, schools, publications, and other cultural institutions in order to survive. Cut an ethnic or national tradition off from these, and it will die, however nourished the body of the citizen is by food, clothing, and shelter.

We must deal with anti-Semitism even when it takes the forms of deprivation of the religious and cultural heritage which makes this group unique. We should make it clear that a state which makes provision for German language schools for that ethnic group should not deny Yiddish or Hebrew schools to its Jews; that a state which can permit national and regional organizations of some ethnic groups should, under the principle of nondiscrimination, permit the same for Jews; that a state which permits recognized leaders of every other group to travel abroad to conferences and holy places should not be able to deny that right to Jewish leaders; that a state that finds facilities to publish textual materials in the language and traditions of some groups should not be able to deny this right to Jewish groups; that a state which is able to tolerate the differences in 100 nationalities should have no right whatever to extinguish those differences in the 101st.

We are not living in a world in which racial genocide would be permitted, but there can be such a thing as cultural or even ethnic genocide.

Mr. Chairman, if we are serious about this convention, if we are really trying to construct a document which will be meaningful in eliminating racial discrimination in all its forms, then let us strike boldly at all the forms of racial and ethnic discrimination. Let us strike frankly and speak plainly of anti-Semitism.

Our amendment is designed to do this; to represent at least a starting point by putting the United Nations on record as opposed to this violent and hateful disease of anti-Semitism. We hope that all other nations will support our proposal.

Mr. Chairman, the intention of the General Assembly, as stated in the declaration on the elimination of all forms of racial discrimination, was to condemn all types of discrimination based on the simple fact of prejudice against the group into which a person is born, whether that group is distinguished by race or color, or by ethnic origin. That is also the basis of this convention, as spelled out in the definition, and as stated throughout the articles we have already adopted. I hope the U.S. proposal will be adopted unanimously in this Commission, without crippling amendments.

PRESIDENT SHOWS SKILL IN BROKEN FIELD RUNNING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. Ashbrook], is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, it has been most interesting to view the broken field running of President Johnson in regards to what apparently was a slip of the lip in a January 15, 1964, White House chat with leaders of the promedicare lobby. He stated very clearly at the time:

> We are going to try to take all of the money that we think is unnecessarily being spent and take it from the "haves" and give it to the "have nots" that need it so much.

Of course, this was directly in line with what many senior citizen lobbies are holding out as the answer to medical problems confronting their generation. All of the way through his remarks he alluded to this type of approach—free basic medical care for those over 65 regardless of need, to be paid for by assessing or taking from those who have or who are earning a livelihood. Everything in his remarks indicated that he knew very well what he was talking about.

In his March 15, 1964, television interview on his first 100 days in office, he fielded the question concerning this strong statement and declared that he was really talking about taking this money from departments and agencies which had more than enough and giving it to a new poverty program which would be a have not. A close reading of the statement which was issued by the White House following the January 15, 1964, meeting with medicare leaders would not seem to support this contention. I am including the complete text of his statement at the conclusion of these remarks.

There are several glaring holes in the President's explanations. First, he was not talking about the poverty program when addressing the promedicare group. He was talking about meeting health care needs of the elderly—those needy and those not needy—through a compulsory social security approach. His exact words were:

> Many of our citizens have reached their senior years without adequate medical means to solve their economic, social and medical problems. Many of them are poorly housed and poorly fed and are actually dependent on charity for the medical care that they get. So I think that it behooves all of us to share these burdens, because their problems are not of their own choosing, but rather due to a changing society.

Now this pretty well sounds like the point of his "haves" and "have nots" reference. Of course, the latter is a little blunter than he probably wanted to put it but there can be little doubt that, reduced to its simple elements, this is exactly what he had in mind.

This broken field running brings to mind his former position on civil rights and medicare. In 1950 he wrote the following letter which professed his opposition to socialized medicine. I suppose he would now say that in opposing socialized medicine he was not really talking about the compulsory medicare approach which he is now advocating. If there is a difference, it is in degree and not in basic substance. It is socialized, compulsory medicare. Of course, his letter is another good example of political sleight of hand—it can mean just about anything to anybody.

The letter follows:

U.S. Senate,
Committee on Armed Services,
April 28, 1950.

Mrs. Thos P. Caughlin,
Dallas, Tex.

My Dear Friend: Thank you for making available to me a copy of the resolution passed by your organization, opposing any form of compulsory health insurance.

Ever since my election to Congress 13 years ago I have been in complete opposition to socialized medicine. I assure you that I shall always work against legislation which in my judgment would circumvent the right of our citizens to select physicians of their own choice.

If you will convey this information to your members, I shall be very grateful. Please tell them, too, that I hope I may continue to share their views on legislation pending here.

With best wishes, I am,

Sincerely,

LYNDON B. JOHNSON.

Another prime example of this type of artful dodging was his March 19, 1957, letter to an Arlington, Va., voter on the civil rights bill. The Senator from Texas sounded like a Dixiecrat when he wrote:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., March 19, 1957.

Mr. ——— ———,
Arlington, Va.

DEAR MR. ———: I do not know where you could have gotten the idea that I am supporting "the so-called bill for civil rights legislation now before Congress." Certainly I have made no statement to that effect nor have I intimated to anyone that I plan any such support.

The bill that has been introduced is one to which I am very much opposed, as I do not believe it would advance any legitimate cause.

Sincerely,

LYNDON B. JOHNSON.

The letter to which he responded was as follows:

MARCH 11, 1957.

Hon. LYNDON B. JOHNSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHNSON: I, personally, am very much disappointed to see by the press that you are supporting the so-called bill for civil rights legislation now before Congress. In reality, such a law, under the control of a rabid politician like Brownell, will deny to every American rights and liberties which we now have.

Certainly anyone can see that we are in grave danger of losing our constitutional rights under some of the fantastic decisions now being made by our Federal courts, without the Congress passing any political laws to aid in the further destruction of our Bill of Rights, which has been our protection and shield for almost 200 years.

If you have not read over our Bill of Rights lately, I am attaching a copy and I would be greatly pleased if you would be kind enough to spend a few minutes in contemplation as to how it is possible to fit such political legislation into amendments 1, 6, 7, and 10 of this great document.

Your great leadership in the Senate for what is morally right certainly has been an inspiration to millions. Therefore, I urge you not to support a politically designed bill which will deny to every American certain rights now granted to us by our Constitution.

Please, Senator, don't use your great influence for this political legislation which will destroy more civil liberties and civil rights than it will ever protect.

Sincerely yours,

——— ———.

Mr. Speaker, I feel that President Johnson should have nothing to fear from a frank and straightforward statement of his views. We certainly look for more than artful dodging from the leader of this great Nation. Maybe he stated the case a little strongly when he was surrounded by the friendly champions of socialized medicine and referred to taking from the "haves" and giving to the "have nots." If he did, however, there was little reason to later retract his views simply because they sounded a bit drastic. The American people are looking for honesty in high office and they will support it if and when they find it.

The complete and official White House transcript of the January 15 remarks are as follows:

REMARKS OF THE PRESIDENT TO A GROUP OF LEADERS OF ORGANIZATIONS OF SENIOR CITIZENS IN THE FISH ROOM

Mr. Celebrezze, ladies and gentlemen, I am sorry that I have been delayed a little bit in getting in here this morning, but I am happy that you are here and that you have a chance to come to this house that belongs to all of us.

There is one thing you can say about the Presidency: You have a variety of matters and you never get bored with handling one problem. But I don't know any problem that has ever faced all of our people that should concern us more than the one about which we meet this morning.

The 20th century, in which we live, has blessed most of us with much longer lives, but this blessing has brought with it a very great responsibility. That responsibility is one that you, as very special messengers, must see that all of the people of this country live up to. Many of our citizens have reached their senior years without adequate medical means to solve their economic, social, and medical problems. Many of them are poorly housed and poorly fed and are actually dependent on charity for the medical care that they get.

So I think that it behooves all of us to share these burdens, because their problems are not of their own choosing, but rather, due to a changing society.

One problem that I think we have met this morning to tackle is the need for a social security health insurance plan. This great Nation, the most powerful of all nations, should no longer continue to ask our old people to trade dignity and self-respect for hospital and nursing home care. This is something that I think is good for all of us to realize, and most of us to remember.

Our older people are likely to be hospitalized three times as often as younger people, but their income is less than half that of people under 65. The end result is what? They then turn to public welfare. This is not the American way. The social security health insurance plan which President Kennedy worked so hard to enact is the American way; it is practical; it is sensible; it is fair; it is just. It says that the average worker and his employer would each contribute an average of only 25 cents a week during the employee's working career. In his old age a retired worker can take care of his own hospital and nursing home expenses with dignity. More than that, he can choose his own doctor. He can choose his own hospital. He can do it all without being crushed by the intolerable burdens of extensive hospital care.

That kind of a program makes sense to two of America's most distinguished public personages, men of great vision and compassion and experience—Senator ANDERSON, of New Mexico, and Congressman KING, of California, who honor us with their presence and who, through the years, have led fights like these that bring better life to more people. They have come here this morning to let you know that they have enlisted for the duration, and while we do not have many sailors in the crowd, we are going to answer all of the opposition with the statement that "We have just begun to fight."

We think this program is just. We think this program is necessary. We think this program makes sense. We think this program is going to be the law of the land. This is the prudent American way to make sure that elderly citizens can retain their dignity and retain their solvency.

We have so much to be proud of in this country, so much to be thankful for, so much to preserve and so much to protect, but nothing that we want to protect more than those who have reached their later years and want the privilege of, in dignity, providing for themselves.

I wish that somehow, some way, that each of us in this room who feels the needs of this program for a moment could put himself in the position of some older person that we know—that could be a grandmother, a mother, to some of us a brother—and put ourselves in their position and ask ourselves how would we feel if the positions were reversed? Would we want to stoop and bend and plead for funds to be shoveled out of the State and Federal Treasury by means of a means test to determine whether we could go to a hospital and, if so, how long we could stay, or would we prefer a program of our own where we could take 25 cents a week and our employer could take 25 cents a week, and then deduct it—it would really only cost him about 12 cents when it is over with—and put that in a plan that ultimately would provide these benefits?

I think we are fortunate to be Americans, but America is particularly fortunate to have so many citizens like those in this room who are especially interested in a plan of this kind, and with the help of the good Lord, Senator ANDERSON and Congressman KING, and you people who speak for so many other folks, we are going to pass it.

You know, I have a little contest going on among my Cabinet members. One of the great legacies President Kennedy left me was the finest Cabinet that any President could assemble. They are so good that I didn't even want one of my own. I wanted all of them to stay right where they are.

We are determined that this Nation is going to be strong enough to secure the peace and to protect this country, but we are not going to throw our weight around. We hope we are going to be wise enough to prevent the necessity of ever using that strength.

This Nation is going to be prudent enough to be solvent, where we can pay our bills and where our checks will be honored.

We are going to try to take all of the money that we think is unnecessarily being spent and take it from the "haves" and give it to the "have nots" that need it so much.

So we are going to have a solvent Nation, but strength and solvency alone don't quicken the heartbeat. The thing that really makes a great nation is compassion. We are going to have strength and solvency and compassion, love for thy neighbor, compassion and understanding for those who are less fortunate.

Secretary McNamara will start down that long road of explaining all of our decisions of the last 50 days this week before the Congress.

Secretary Dillon is already reporting for duty every morning early and staying late in the evening to try to get that tax bill that is so essential to the economy of this country.

Not to be outdone, Secretary Celebrezze has already evolved a plan and a program where we hope that in due time we will all meet here in this same house and have a signing ceremony for the program that means so much to all of us.

Mr. Secretary, you give us some indication of the date and we will all be here.

A tour of the White House has been arranged for those of you who can spare the time and would like to see it. I would like very much to spend more time with you myself. I am going to have a chance to walk around the room for a moment, if you will just delay the rest of your deliberations, but if any of you want to, we would be very happy to have you tour the White House.

THE SILENT TARIFF

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. DENT] is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, "The Silent Tariff" is an interesting news item that should be read by all Members of the House.

In this connection, I submit a report I have made on the question recently:

THE SILENT TARIFF

(By John J. Snyder)

There will be a silent issue in this year's election. It rarely will be mentioned, but it will influence every action which the next President will take. It will never make the headlines, but it influences everyone, everyday. Identity: the tariff.

No other problem carries so many far-reaching implications as the tariff. Although the word "tariff" may customarily be relegated to the history book, we can no longer ignore its existence. If we continue to shun the tariff issue, we may awaken to find world trade shunning us. But why, you ask, is a tariff so important this year?

For 34 years the United States has been operating under the same tariff, and the record for those years is not praiseworthy. At best, many tariff measures have proven to be shortsighted, temporary remedies for a problem which is not well understood. For example, the General Agreement on Trade and Tariffs, which the United States entered in 1948, sought to raise world living standards through reciprocal trade. However, the agreement failed not only to promote reciprocal trade, but actually contradicted numerous existing U.S. tariff laws. The United States is left in the embarrassing position of being an organizer of an organization which brings it no benefits.

Not only do the faulty tariff policies of the past call for immediate change, but the challenge of the future alerts us to our potentially precarious position in world trade.

Today the European Economic Community has a gross national product with a growth rate twice that of our annual rating. The actual challenge of the Common Market may not be here today, but it looms as a specter in the future. A continuation of present policies could lead to economic isolation; conversely, a removal of all tariffs would destroy our economic system. Only a carefully conceived, long-term program can amend our policies, and 1964 is the perfect time to start.

SPECIAL REPORT

It is interesting to note the reaction of a steel town newspaper when the problem of the local mills because of trade were publicized by a public statement from Dr. George A. Roberts, president of Vanadium Alloys Steel Co., Latrobe, Pa.

The editorial shows the relationship between free trade and reduced wages. The specter of foreign competition sits at every contract conference between labor and management, it haunts every new legislative proposal on labor standards, wage and hour laws, compensation, social security, and all public spending.

The editorial follows:

TARIFFS, COSTS INTERRELATED

Excluding certain labor leaders, little enthusiasm can be found for the 35-hour work week idea as the answer to unemployment. In fact, all indications point to an increase in joblessness if this principle is adopted.

Most opponents, including the Johnson administration, are quick to point out that 40 hours pay for 35 hours work would increase product costs to do serious damage to international trade.

Rejection of arbitrarily increased labor costs at this time solely on the basis of the effect on international trade is justified.

Never before in the memory of most Americans has it been as tough to compete with the rising industrial empires of Europe, Japan, and Canada as it is today.

Even in the U.S. domestic market, foreign producers of steel, automobiles, and other products are giving American producers a race for their money.

One specific example is the tool steel and products and tool materials business, whose operations have a decided impact not only on the United States as a whole but more particularly on this district where four of the world's leading concerns in these areas of production are located—Vanadium Alloys Steel Co., Latrobe Steel Co., Kennametal, Inc., and Newcomer Products.

This segment of the U.S. industrial empire is right in the thick of this foreign competition, which could wreck it if it must assume higher costs such as certainly would result with a shorter workweek.

Pointing up this observation is the recent testimony given to the U.S. Commerce Department in Washington by Dr. George A. Roberts, President of Vanadium Alloys, who spoke for the tool steel producers of the American Iron and Steel Institute at a special session of the Business and Defense Services Administration in the first round of an all-out fight against lower tariffs on imports.

Dr. Roberts emphasized domestic tool steel producers have lost an increasing share of the U.S. markets in recent years, while exports of U.S. tool steel and tool steel products generally have declined in the past 10 years.

Arguments by Dr. Roberts against lower tariffs also is an argument against higher costs. The two are interrelated.

"It is difficult for American mills to compete on a price basis because their employment costs are two to three times higher than those of most foreign competitors," Dr. Roberts told the Commerce Department.

If the tool steel and tool materials industry is finding foreign competition difficult under the present tariff-production cost structure, imagine what would happen to it if this condition were aggravated by higher costs and lower tariffs?

Currently, foreign producers can and are underselling U.S. producers.

"Foreign tool steel makers are underselling us by 15 to 18 percent in most cases," Dr. Roberts said, "but spot prices are sometimes as much as 50 percent below ours."

Odd as it may appear, the biggest seller of tool steel in the United States is Canada. In the first 10 months of 1963, Canada, with only one tool steel producer, provided 43 percent of the import tonnage. Sweden was second (21.7 percent), followed by Austria (16.8 percent), Japan (6.8 percent), United Kingdom (6.4 percent), France (2.8 percent), and West Germany (2.3 percent).

Obviously, other segments of the U.S. business complex which participate in international trade are faced with similar adverse competitive conditions.

Labor, management, and the farmer have finally started to recognize the bogeyman in our economy, the will-o'-the-wisp of foreign trade mixed with foreign relations.

Thomas Jefferson put it well when he said "Commercialism knows not patriotism." How true. We have a trade war with our very good friends, the British and Canadians, leading the pack fighting for trade with Russia, China, and even Cuba.

While we are being kept busy in Ghana, Cyprus, Vietnam, and elsewhere our other good friend, the Common Market, is slowly but surely building its protective tariff wall against the United States. Following their 13 cents a pound on chickens, 90 cents a day on eggs, we now get another boost in steel tariffs. The story of Brussels tells it better than I can.

COMMON MARKET UPS STEEL TARIFFS

BRUSSELS.—Brushing aside an appeal from President Johnson, the six member nations of the European Common Market Saturday increased tariffs on 150,000 tons of special American steel from 6 percent to 9 percent.

The higher duties will also apply to steel imported from Austria, Britain, Norway, Sweden and some countries behind the Iron Curtain.

In a visit to Europe last year before President John F. Kennedy was assassinated, the then Vice President Johnson asked the Common Market not to raise steel tariffs on grounds such increases might jeopardize international tariff negotiations scheduled this spring.

But France, Germany, Italy, Belgium, the Netherlands, and Luxembourg ignored the appeal.

Coming on top of recent heavy increases in tariffs on poultry and eggs, the steel increases are expected to raise new accusations of "protectionism" against the Common Market nations.

The Common Market justifies the increases by charging that nations in Eastern Europe are dumping cheap steel on the community and that local manufacturers forced to mark down prices to meet the competition are working on narrow margins of profit.

The germ of poverty comes from many sources but in our present day trade program the infection can be traced to trade policies in every ailing industry.

The following is the lament of the independent oil industry:

IPAA URGES STRONGER IMPORT PROGRAM AS INDUSTRY DECLINE CONTINUES

In stressing the need for a stronger import program, True said 1963 was the seventh consecutive year of declining trends in domestic exploration, drilling, and development. In contrast to an expanding general economy in the United States, the domestic petroleum industry has been suffering from a recession reflected in decreased activity, lower employment, and erosion in prices for crude oil and refined products.

"This situation demonstrates the need to revise the import program," True said. "IPAA at its recent annual meeting recommended specific changes designed to make the program more effective. In the interest of assuring adequate U.S. petroleum supplies for the future, these changes should be made. We will continue to urge their adoption."

True said one disturbing aspect of the 1964 import program is the uncertainty as reflected by press reports, as to the imports from Canada. "As a means of alleviating this uncertainty, we believe that overland imports should be based on certifications from importing companies, rather than on estimates by the Interior Department."

Interior set allocations of imports of crude oil, unfinished oil and finished petroleum products (excluding residual fuel oil) into the United States and Puerto Rico during the first half of 1964 at 1,153,328 barrels daily.

This amounts to 7,069 barrels daily more than quotas for the first half of 1963 and 27,576 barrels a day more than for the last half year of 1963.

The level of imports of crude oil, unfinished oils, and finished products, other than residual fuel oil, is equal to 12.2 percent of the Interior Department's estimate of domestic crude and natural gas liquids production during the period.

The ratio of imports (excluding residual fuel oil) in districts I–IV should be reduced so that a proper balance will be reached that will encourage the necessary expansion of U.S. petroleum resources.

Finished petroleum products now being imported into the United States for military use should be supplied from domestic sources.

IPAA also voiced grave concern "as to the rapid expansion of natural gas imports." These imports constitute a potentially serious threat to the markets for both domestic oil and domestic natural gas.

One down—tax cut—and one to go—civil rights. That's the box score insofar as these two bills have caused the most controversy and delaying action in Congress in many years. The civil rights bill is still in the Senate and faces a rocky road before final passage.

The tax bill is passed and signed. The cuts are beginning to show up in some of the pay envelopes of the workers. The President holds high hopes for a great new economic boom as a result of the tax cut. Coupled with this bill the Congress just passed another bill advocated 5 years ago by your Congressman. This act will put an extra 15-percent tax on the purchase of foreign investments.

Although this is a step in the right direction the economy will not be helped too much so long as American employers can close plants in America, move to a foreign country, produce under the same trademarks and ship their low wage made products back to the United States. A mere 15-percent tax which may or may not be collected because of loopholes in the law would not make up the difference between Japanese labor and U.S. labor.

As to be expected all of us are hoping the tax cut dollars are spent in the United States for American-made goods so that more Americans will have jobs; however, some of us have our doubts. It is a hard temptation to the consumer when he finds wash-and-wear shirts from Hong Kong for a dollar and a U.S. shirt for $2.95.

To say that it does not do the glassworker or any other worker any good when he puts the American shirtmaker out on the street does not do much good because too many of our leaders have built up the impression that it is practically unpatriotic not to buy imports.

This past week as your Representative I was one of a group of Senators and Congressmen speaking for both labor and management at a conference with President Johnson over the very serious situation in the textile industry because of imports.

Many Congressmen, Senators, labor leaders, and industrial leaders are coming around to the position I took on the Trade Expansion Act. I said then, and repeat now, no matter how low the Japanese or Europeans cut their tariffs we will not be able to undersell them in their own markets except in products they need. My amendments to protect the U.S. industry and job economy by retaining the escape clause were rejected and the results are beginning to show. No person can help any industry except the President himself. Congressional protection has been placed so far out of reach by the Trade Expansion Act that unless Congress amends the act itself industry and labor must depend upon the judgment or good will of the President.

The following is the wool textile and clothing industry report I prepared for the Presidential conference:

THE WOOL TEXTILE AND APPAREL IMPORT PROBLEM

The wool textile and apparel import problem was already recognized as serious when President Kennedy in May 1961 announced the special program for the textile industry. Exhaustive investigations had already been made, including one by the Special Senate Subcommittee on Textiles, chaired by Senator PASTORE, which had unanimously recommended quantitative limitations by country and by category. President Kennedy declared the time for investigation was past and "It is time for action."

The President also had the benefit of the investigation and recommendations of the Dent Committee on Impact of Imports on Employment and the Special Cabinet Committee on Textiles which he appointed on February 16, 1961. Pursuant to the textile program, a series of assurances was given to various Members of Congress and to industry that steps would be taken to limit the importation of wool textiles.

At the meeting of the International Wool Study Group in London, convened at the request of the United States in December 1962, our Government representative announced to the 40 nations assembled that the United States would not stand by and watch the continued attrition of its wool textile industry, but that some action was necessary to arrest this trend. However, no effective action on wool textiles was taken.

Various groups of Senators and House Members met with the President in 1962 and twice in 1963 and received his assurances that such action would be taken. The President instructed Secretary Rusk and Under Secretary Ball on at least two occasions to arrange for an international conference on wool textiles. No such conferences were held. This pressing matter was under consideration just prior to President Kennedy's death.

The level of wool textile imports has been rising rapidly. Imports of wool textiles and apparel have increased from 32 million square yard equivalents 10 years ago to 155 million square yards in 1963. The increase has been 90 percent between 1961 and 1963 and now represents 20 percent of domestic consumption.

The chief sources of wool textile imports have been Japan, Italy, and the United Kingdom, but the threat from other low-wage areas is increasing as more and more developing nations expand their textile production and enter the export field. This developing trend has become a cause of deep concern to textile industries in many industrialized nations. Their industries have recently expressed themselves in accord with the view of the United States industry that an international arrangement for quantitative limitation by country and category is essential.

New legislation is not necessary to control imports of wool and manmade fibre textiles. The President has the authority under the Agricultural Act of 1956 to make agreements with foreign governments for this purpose.

The situation in the wool textile industry is critical. Mills are shut down. Some are in liquidation. Virtually all plants, large and small, north and south, are presently on short time. The textile and apparel unions have been concerned for some time about import-caused unemployment, particularly in already distressed local areas. Significantly, the AFL–CIO at its New York convention in November by resolution urged the establishment of quantitative limits by international agreement and the exclusion of textiles and apparel from the forthcoming GATT negotiations.

The interests of the wool growers are also at stake. The domestic wool growers depend solely upon the U.S. domestic wool textile and apparel industry for their market. Wool growers are in accord on the necessity for immediate action to meet the present emergency. They also feel that the appropriate solution can be brought about by action on the part of the U.S. Department of State.

More is at stake than self-interest. The National Wool Act calls wool "an essential and strategic commodity" and the Office of Defense Mobilization has declared that "* * * past experience in national emergencies has established beyond doubt that an adequate wool textile industry is essential to national security."

We believe that in the present climate of thinking abroad, new efforts, firmly undertaken by our Government representatives by Presidential direction, will produce the desired results.

While U.S. production dropped from 448 million yards to 301 million yards from 1947, imports climbed from 5,000 pounds of knit wools to 2,272,000 pounds, woven cloth jumped from 3 million yards to 43,250,000 yards, and tops and yarns rose from 654,000 pounds to 14,900,000 pounds in the same period.

American looms and spindles dropped from 36,972 looms to 15,136 and spindles dropped from 3,331,000 to 1,162,000. Plants shut down in woolens alone number over 300 with employment dropping from 167,000 workers to a little over 60,000. At the same time, woolen suits and dresses jumped fantastically from 1,176,000 pounds to 22,900,000 pounds.

The wage levels tell a story; even though our textile workers at $1.83 an hour are the lowest paid production workers in the United States, they cannot compete with British workers at 64 cents an hour, and Italians at 30 cents an hour, Japanese at 26 cents, and Hong Kong anywhere from 9 to 15 cents an hour.

The import of wool products equals 68 percent of U.S. wool production and 20 percent of our apparel cloth output. Since 1962 our woolen cloth output has dropped another 8 percent. So that there's no mistake about how serious this matter is, just read the following statement about the closing of the Wyandotte worsted mills in Massachusetts:

The Honorable JOHN H. DENT,
The House of Representatives,
Washington, D.C.

DEAR SIR: We are enclosing with this letter a copy of our liquidation catalog on the Pittsfield Division of the Wyandotte Worsted Co.

> This plant, which at one time employed more than 500 people, has died. Not from old age, not from inadequate management or inferior equipment, and certainly not from lack of interest on the part of employer or employee. This fine mill, which meant the livelihood of 500 American citizens, has been killed by foreign imports.
>
> I am sure you will realize that far more than 500 people have been affected by the closing of this plant. The merchants of the city of Pittsfield will suffer as well.
>
> The purpose of my letter and in sending you our catalog is to bring your attention to the serious need for curbing foreign imports, not only in textiles, but on other goods that are in direct competition with American industries.
>
> We cannot long stand competition from foreign millowners who pay their labor slave wages. It is an economic truth that we cannot sell goods for less than it costs to make them.
>
> Our standard of living is the highest in the world today. I urge you to keep it that way by voting for higher tariffs on goods coming in from foreign countries that are in direct competition with American industry.
>
> It is a fine and charitable thing to be your brother's keeper, but it simply does not make sense to starve your own family so your neighbor across the sea can be well fed. May we have your views on the above?
>
> Very truly yours,
>
> DUNN CORP.,
> J. H. DUNN, *President*.

A year ago almost everyone was hailing the praises of the European Common Market, what it could do to lift living standards, especially if Britain joined, and the necessity of giving the then President Kennedy, wide powers to regulate U.S. tariff rates in negotiations with the enlarged and growingly prosperous continental trading area.

Right now the bloom is off the rose, with President Charles de Gaulle giving Britain the bum's rush, while the Common Market boosts its tariffs in a way to exclude many of our agricultural products. Not only are Europeans critically reevaluating the Common Market, but hostility to freer trade is rising in this country, as Europe and other world areas step up their low cost exports of manufactured goods to the United States. In this atmosphere President Johnson will find it difficult to dicker with aggressive traders overseas who raise barriers of all kinds against American products.

Pennsylvania is especially hard hit by the new foreign protectionists, plus those pouring an immense flood of manufactures into U.S. markets. We had new evidence of this last week when our steel industries protested imports of steel products before the Tariff Information Commission.

It would take another "Gone with the Wind" to bring you even a part of the material that comes across my desk every day on the loss of jobs, loss of profits for expansion, and loss of community income because of trade.

However, this report would be remiss if I failed to quote recent items showing how much concern the tariff-cutting sessions, to begin in Geneva under GATT sponsorship, is causing to labor, management, and to some politicians. If we could only get the ofttimes overpaid, overrated academic economist to recognize the problem for what it is—a commercial moneymaking, profiteering exchange in trade of unneeded goods and unwanted surplus. As it is we have to listen to statistics that are changed to suit the needs of the statistician without regard to the hunger, the privation, the desolation of people and places when low cost imports take U.S. jobs, U.S. plants, and U.S. markets.

The following letters accompanied by reports were presented to the Tariff Commission. The one from Pittsburgh Steel is of particular interest to the people of western Pennsylvania because of its forthright statement of losses of 900 jobs in Monessen because of imports. One wonders how much this means to the Mon Valley with the Donora mills and the American Chain & Cable Co.—Page Works, Monessen—on record with losses because of imports.

Those of us in Congress with consistent records for aid and relief for people, business, and local governments wonder if it is worthwhile trying to keep up with the job losses because of imports. The massive program against poverty completely ignores this facet of our loss of gainful employment for our people.

This Member has been invited to a trade expansion conference called by Governor Scranton to promote Japanese-Pennsylvania trade. Unless the glass, tennis ball, steel, aluminum, beef, and mushroom producers, the coal miners, and the textile workers of Philly are all wrong—any new expansion of trade with Japan will only add to the 440,000 Pennsylvanians on relief. If this promotion is like all the others I have studied, we are in for a bad horse trade.

This is a serious matter for many a town the size of Monessen, Pa. So far as Pennsylvania is concerned, it is not an isolated result of the changing world trade picture. Rising glass imports not long ago helped force the closing of many glass plants that had functioned there for decades. The poultry industry has been hit between the eyes by the sliding duties imposed by the Common Market against exports to Europe of frozen poultry. The competition of Asian cheap cotton imports with the products of U.S. cotton textile mills has long been an economic fact of life here. The same was true of the clothespin industry, the economic mainstay of several Maine towns. I remember the laughter and scoffing of the freetraders when this industry was fighting for its life, small as it was.

There is a vast difference between free trade and freer trade. During what might be called the protectionist era of this country, a strong movement developed in favor of free trade as a reaction against higher and higher U.S. tariffs manipulated purely to protect special interests in the United States. The late, great Prof. Frank Taussig of Harvard University could give innumerable reasons for abandoning protective tariffs and gradually they have been greatly lowered. Yet with the diffusion of technological progress, accompanied by immense disparities in wage levels, there is more to be said today for the kind of adjustments of trade barriers that will make trade freer without causing damaging dislocations to towns like Monessen, Jeannette, and Donora and goodness knows how many more. We trust this fact of trade life will reach enough Americans to awaken them to the seriousness of the situation and the relationship between trade and pockets of poverty.

The President of the United States, Lyndon B. Johnson, recognized the threat to the textile industry when he said in his farm message to Congress:

> COTTON
>
> The needs of neither the cotton grower, the cotton handler, the cotton textile mill, nor the consumer are being satisfied by the existing legislation. The cotton industry as a whole is our second largest. More than 1 million people are engaged in growing cotton—an additional 1.5 million people are employed in the production of cotton cloth and cotton products for consumers—and additional millions work in firms which supply the goods, machinery and services to the industry.
>
> Domestic cotton prices are much higher than world prices. Consequently, our textile mills must pay more for cotton than their foreign competitors.
>
> In addition, despite the fact that the 1963 acreage allotment was held to the statutory minimum, sharply increased farm yields, combined with a continuing loss of markets—as cotton products are displaced by imports and by other fibers—has caused a sharp rise in the inventories of cotton held by the Commodity Credit Corporation. The carry-over on August 1 will be almost 2 million bales higher than it was last year—adding over $300 million to the cost of the cotton program. The carry-over will be enough to supply our domestic needs for 18 months.

The Congress has passed a so-called textile relief bill which if signed by the President will cost the taxpayers billions of dollars in the remaining years of the Trade Act. This act would equalize our foreign market price by giving American textile millowners $42.50 a bale cash credit on cotton for every bale used by the mill.

Instead of following the original Kennedy proposal of adding 8½ cents a pound or $42.50 a bale to customs on imports, the Congress is going to try to stop the flood of imports with a fistful of tax dollars to private enterprise out of the pockets of the taxpayers. This is heralded as a great concession by the free traders since they are against any move that might stop imports or hamper the actions for profiteering by importers.

However, this plan is doomed to failure since the mills will force the Government to buy surplus textile as we do subsidized wheat and other surplus products. This will come about because the textile mills will make more money processing a bale of cotton—$42.50—for the Government than ever before in its history. This subsidy cure is worse than the disease.

Big Steel has finally awakened to the realities of trade life. Trade instead of producing friendship, good will, and world peace has been and will again be the spark that ignites the world unless fairness, equity, need, and local welfare are considered in all international trade agreements.

While discussing the steel industry in general the statistics of Japanese growth ought to be a warning of things to come. The following information comes from the Yawata News, Tokyo:

> Steel production in 1963 is expected to total 20 million (metric) tons of pig iron, 31 million tons of crude steel, and 25 million tons of hot rolled steel (including special steel). This is more than Japan has produced in any year in her history and brings her up to third pace in the world, together with West Germany, in the steel production. These estimates are also between 13 and 18 percent higher than production in 1962.
>
> Japanese exports in 1963 of ordinary rolled steel (including galvanized sheet) totaled 4,200,000 tons. The inclusion of special steel and secondary products brought total steel exports to 5,540,000 tons. This exceeds by 30 percent exports in 1962 when 3,200,000 tons of ordinary steel were sold abroad and total steel exports amounted to 4,130,000 tons.
>
> In terms of crude steel, direct exports in 1963 amounted to some 7 million tons, or 23 percent of the total Japanese production of 31 million tons.
>
> In recent years, an increasing amount of Japanese steel is finding its way abroad indirectly in finished products such as ships and automobiles. Such indirect steel exports in 1963 are estimated to total around 3 million tons in terms of crude steel. And it is expected that in the future the proportion of indirect exports will steadily increase over direct exports.

For many years the United States-Japanese Trade Council—Charles Taft—justified steel imports because we sold Japan coal. Now the worm has turned and Canada is selling Japan its coal. While our exports of coal are dropping, our imports of steel and steel products are zooming. Another quote from Yawata News:

> Japan will buy 2,400,000 tons of coking coal from Canada over a 3-year period starting in 1964 under the first long-term agreement concluded between Japanese steel firms and Canadian coal industry representatives.
>
> Japanese coal purchases from Canada have increased substantially over the past 5 years to meet the expanding needs of the Japanese steel industry.

At first, Big Steel was interested in lowering foreign trade barriers because they thought this would be helpful. It would not, simply because in today's industrial complex no nation has a monopoly on know-how, money, skills, or machinery. The competition between a nation with a high standard of living in its labor and middle class ranks will be suicidal in a trade war with low economy producers in competitive goods.

The plight of Big Steel is told by the following item in the Pittsburgh Press:

> If U.S. negotiators at the Geneva Trade Conference take the advice of the American steel industry, they will take a tough line, indeed.
>
> Major domestic steel producers and the American Iron and Steel Institute have expressed great concern over the growth of import competition, in briefs filed with the Trade Information Committee in advance of next week's hearings here on the matter.
>
> They assert that much of the foreign steel competition is unfair. "Substantial quantities of foreign steel are being dumped in the United States," the institute declares in its brief, on behalf of the industry.
>
> It also points out, as do the individual companies, that foreign steel-producing countries maintain barriers against American steel that often are insurmountable. These are in addition to tariffs.
>
> "The United States does not impose any nontariff barriers against foreign steel," the institute declares.
>
> The Trade Information Committee is an adjunct of the Office of the Special Representative for Trade Negotiations, a White House bureau headed by Christian A. Herter. Mr. Herter, former Secretary of State, will be the American representative at the Geneva talks.
>
> The Geneva Conference will concern international trade generally, but steel apparently will be one of the most important subjects. American producers hear that their foreign competitors will ask for concessions that would give them an even greater share of the American market.
>
> "There are reports that the West German steel industry will propose that U.S. antidumping laws be amended to permit meeting of the price of the price leader," United States Steel Corp. says in its brief.
>
> "This not only recognizes that the Japanese are flooding the market," say United States Steel, "but seeks to assure the West Germans the means of continuing to dump on the ground of meeting Japanese prices."
>
> The Industry understands also, the U.S. Steel brief asserts, that the Japanese will propose that the Buy-American Act be repealed.
>
> "Yet no foreign steel company has, to our knowledge, been able to sell to the Japanese Government," the American firm declared.

The Buy-American Act requires U.S. Government agencies to buy U.S. products, unless a foreign producer's price is substantially lower. There is in addition an armed forces policy that requires buying from American firms regardless of foreign prices in most cases.

> U.S. Steel urged that both the German and Japanese proposals be rejected if they are made at Geneva.
>
> The strongly worded brief from the biggest American producer also declared that "if other nations increase duties or impose other levies or barriers on steel imports from the U.S., United States duty rates should be increased correspondingly."
>
> It cited as an example of unfair non-tariff barriers the French "Turnover tax" of 25 percent which, according to U.S. Steel is "almost prohibitive" to American competition in France.
>
> The Jones and Laughlin Steel Corp. brief declared existing U.S. tariffs and antidumping regulations "inadequate" to cope with the growing import problem.
>
> Jones and Laughlin urged that U.S. tariffs on wire and wire products be doubled, that rolled steel products be placed on the reserve list and that the antidumping rules be strengthened.
>
> It also recommended that the United States engage in no negotiations on import duty reduction on steel, or modification of the Buy-American and Foreign Aid Acts.
>
> Republic Steel Corp. informed the Government Committee that the volume of steel imported into the United States currently is comparable to Republic's total shipments, and it is the third largest American producer.
>
> Barriers should be adjusted to levels of equity "even if it means raising United States tariffs," Republic said.
>
> It noted that imported steel is moving into the Southern States especially heavily.
>
> Lukens Steel Co. asked that plate be put on the reserved list. It complained with the others of foreign barriers apart from tariffs which block U.S. sales in steel-producing countries.

Further evidence is contained in the Pittsburgh Post-Gazette, which incidentally is a free trade paper.

> BIG STEEL CITES TARIFF WALL NEED
>
> The United States Steel Corp. the Nation's largest producer, called on the Government today to hold the line on steel tariffs unless fair competitive conditions with foreign producers are restored.
>
> Henry J. Wallace, the corporation's administrative vice president, told the Tariff Commission that steel imports are now excessive and have already caused serious damage to the U.S. economy.
>
> "The 5.5 million tons of steel that producers imported last year would have generated up to $1 billion in steel company revenues if it had been produced domestically," Wallace said.
>
> He also contended last year's record imports reduced domestic steel employment by 48,000 and payrolls by as much as $400 million—

This means that 7 times 48,000 or 336,000 men, women, and children were moved into the pockets of poverty.

> His statement to the commission was part of the industry's appeal to U.S. trade negotiators for what it terms fair competition with foreign producers.
>
> The industry has called for a bar on the dumping of foreign steel in this country at cut-rate prices and a lowering of trade barriers by other steel producing nations. The industry contends foreign firms are selling steel in the United States at prices lower than the sale price at home.
>
> International trade negotiations are scheduled for later in the year at Geneva. Other industry witnesses have testified before a committee set up by U.S. trade officials.
>
> Wallace said most foreign steel producing nations are still expanding their facilities although most of them are already equipped to handle their domestic requirements. "A considerable part of this expansion is reported to be for planned exportation to the United States," he said. "Thus we should expect that foreign exporters will make every effort further to increase their already huge markets in this country."

Article No. 2 is as follows:

> STEEL SEEKS EQUALITY
>
> As the heart of the Nation's steel industry, the Pittsburgh district has an enormous stake in the industry's ability to compete in world markets. The nature of that stake, and the handicaps under which the industry attempts to compete, were well described this week in presentations industry representatives made before U.S. trade negotiations.
>
> These presentations are preliminary to the "Kennedy round" of tariff negotiations due to begin in May. Efforts will be made to obtain substantial reductions in virtually all tariffs.
>
> Representatives of the steel industry do not retreat from the industry's historic position of low tariffs and freer trade. But they do urge most strongly that the United States take all possible steps to remove nontariff discriminations against this country's steel exports so that they can compete in world markets on a fairer basis.
>
> Speaking for the American Iron and Steel Institute, John P. Roche, formerly of Pittsburgh, told the U.S. Tariff Commission that since 1957 this country has become a net importer rather than exporter of steel. While this country's exports have stagnated at about 2 million tons, its imports have climbed to about 5½ million tons a year. Those imports displaced 40,000 steelworkers and a payroll of more than $300 million. This helps to explain why Pittsburgh has become an area of chronic unemployment.
>
> To equalize the opportunities for competing in world steel markets, Mr. Roche said Government should seek an adjustment of

foreign tariffs, the removal or lowering of nontariff trade barriers and the elimination of destructive and unfair competitive practices.

He spoke out strongly against the "dumping" of foreign steel in this country at cut-rate prices. He reminded the Commission of the European Coal and Steel Community's recent increase in steel tariff rates. He complained justifiably of these foreign practices which work to the detriment of this country's competitive position: transactions, taxes and import equalization taxes, surcharges in addition to tariff rates, import licensing and quotas, foreign exchange controls, customs formalities and exclusive supplier agreements and market practices prohibited by law in this country but condoned in some foreign countries.

Unless the ground rules for international steel trade are equalized, the United States should not offer steel products for tariff reductions at the GATT negotations this spring. In attempting to create more competitive conditions, Washington should avail itself of the skills and knowledge offered by the U.S. steel industry in the form of a permanent corps of industry advisers.

One of the leaders in the union movement who has raised his voice often in the defense of job protection policies is E. L. Wheatley, of the Potters Union. President Wheatley's recent comment on the implications of the Studebaker runaway makes another strong point for a review of trade policies. Mr. Wheatley says:

We Are Exporting the Health of our Economy

The recent announcement that Studebaker Corp. was shutting down its automobile plant at South Bend, Ind., but would continue to produce autos at a Canadian plant points up a rapidly developing corporate practice which may ultimately adversely affect U.S. workers and the U.S. economy generally.

This practice is the one wherein U.S. capital is used to build production plants abroad, foreign workers employed to operate them and the finished product is then sold both in the United States and on the world market in competition with goods produced in the United States. The latter producers pay wages to U.S. workers, who in turn pay income taxes on those wages. The producer pays U.S. taxes on a local, State and National scale. He provides not only production but consumption and taxes to the economy, thus enriching it.

But the U.S. corporation operating abroad pays taxes to the foreign country, wages to foreign workers and then sells its foreign products here in competition with U.S.-based industry, adding only the lowered import duties. The manner in which our tariffs are established give him a definite competitive advantage over his U.S.-based competition. Other than the product, the only benefits returning here are the profits paid to a relatively few U.S. shareholders.

Top corporate officials are not ignorant of this situation. Their foremost obligation is to produce profits for their shareholders. No blame can be assigned to the Studebaker officials; they did what they considered best for their shareholders. Every corporation in a position to do so is doubtless considering some way to follow suit. If this trend continues a large percentage of U.S. industries may eventually establish plants abroad to produce goods intended for U.S. consumption. But if these expatriate industries prosper, who in the United States is going to buy? The workers left jobless in the United States have no purchasing power.

Sales of U.S. industries operating abroad climbed $2.5 billion in 1962 over the previous year to an all-time high of $28 billion. Of this total, $1.9 billion came back to the United States as exports from abroad; 9 percent of our total imports.

Every dollar's worth represents a corresponding decrease in our own exports, working against a favorable U.S. balance of trade.

While foreign-based U.S. firms were exporting $28 billion worth of goods, our own exports totaled only $21.4 billion. In other words, U.S. firms operating abroad exported more goods than all the rest of U.S. domestic industries.

U.S. corporations are not going to voluntarily stop sending our job-producing, goods-producing, profit-producing, tax-producing, consumption-producing industries abroad. The Government is going to have to come up with a formula to stop this trend. If it continues unchecked the alternative will be that industries and their employees who cannot become foreign based because of their natures are going to be paying the welfare checks for unemployed workers who cannot find employment because they happen to be based in this country. It is a serious problem which may soon become much more serious. If you don't believe it, ask the people in South Bend.

The Glass and Ceramic Workers have long been fighting a losing battle with little or no help except in recent months. Now industry has joined labor in a do-or-die attempt to save this industry.

A letter from Enoch Rust, vice president, follows:

Hon. John H. Dent,
House of Representatives,
Washington, D.C.

Dear Congressman Dent: We are writing you concerning GATT negotiations at Geneva in 1964 and their possible effect upon the State of Pennsylvania's economy.

Under the present tariff legislation, the President of the United States might have full authority to eliminate all existing tariffs on plate glass and plate glass products.

Under present duties, the foreign importers have been able to increase imports at will and are making inroads into the automotive glass market.

The most glaring proof that present tariffs are already too low is the recent price pattern of imports. The average cost of imports of plate glass for the first 6 months of 1963 were 7 cents per square foot below prices for the same period of 1962, and 16.4 percent below 1947 average prices.

Three companies in Europe have been licensed to use the Pilkington float process which Pilkington says will reduce production cost by 80 percent. (Glass Digest, January 1964.)

Pilkington is already making glass by this process and when the three companies, on the Continent, get it into operation it will make four. This will increase an already overproduction problem to great proportions and could lead to dumping.

With the ability to reduce prices, while operating under conventional methods, one can easily visualize what can be expected with the advantages of an 80-percent cut in production cost.

We must hold the line. Your help in these matters in the past has been deeply appreciated by our membership. Any aid that you can give us, now, will be equally appreciated.

Respectfully yours,

Enoch R. Rust,
Second International Vice President.

GREEK INDEPENDENCE DAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Boland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOLAND. Mr. Speaker, today marks the 143d anniversary of the successful rising of the Greeks against the Ottoman Empire. It is only right that this ancient land, the cradle of democracy, should have regained its freedom, for the Greeks have always been political, intellectual, and artistic leaders in the eastern Mediterranean and Balkan worlds. Our civilization owes much to ancient Greek thought and art.

However, the contribution of the Greeks did not stop with the era before Christ. While the Western Roman Empire lay in ruins, the Greek Byzantine Empire flourished in the East. Not only did it govern vast lands from Italy to the Levant, but it was the guardian of Europe against the barbarians and Saracens in the East. Its art was a model for Western Europe and its scholars preserved and elaborated on the writings of the ancient Greeks. When this Empire finally fell to the Turks in the 15th century, Western Europe was strong enough to defend itself.

For the next few centuries the Greeks remained a part of the Ottoman Empire. Even though under alien rule, they retained a superior position in the Ottoman Christian community and rose to control much of the commerce of the Empire. Nevertheless, a proud and individualistic people such as the Greeks could not be satisfied with foreign rule, particularly when it was degenerating. On March 25, 1821, they rose in revolt. With the support of European powers and the sympathy of the American President and people, the Greeks threw off the yoke of Turkish rule.

For more than a century, the Greeks governed themselves. Slowly, they developed a modern society and economy on soil which was often rocky and difficult. Their commerce continued to grow, aided by the many stalwart Greeks who sought their fortune in all parts of the globe.

But this happy existence was not destined to last forever. In 1940 Italian armies struck. The Greeks with inferior arms drove them out, only to be invaded by the Nazis the following year. By the end of the German occupation 3 years later, Greece was in ruins. Worse yet, Communist guerrillas threatened the very existence of the democratic Greek state.

At this point the United States, sympathetic with a nation struggling for its existence, gave the Greek Government the vital aid which turned the tide against the Communist insurgents. Since then, we had given Greece more aid which has helped it to recover from the horrible ravages of the war years and to construct its economy anew.

In 1952 when Greece joined NATO, it once again assumed part of its old role of defending Europe against the threat of outsiders, only this time against the Communist states to the north. The Greeks, having personally experienced the threat of communism, have never wavered in their loyalty to the alliance.

I am very glad to join with our allies across the Atlantic in commemorating Greek Independence Day.

PATMAN REPORTS ON HIS FACT-FINDING PROGRESS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, in the field of economics, as in any other, extensive research is necessary to collect the facts on which a good understanding of economic problems may be based. Our system of finance profoundly affects the national economy. Yet there are those who object to congressional investigations and broad research activities in this area. There are those who would go further than merely objecting by actively resisting and obstructing such investigations and research activities. To meet this resistance and obstructionist tactics requires the dedication, courage, and hard work that only a man sincerely concerned with the welfare of the taxpayer can possess. For there are powerful vested interests with a great stake in the preservation of our present system of finance, and it is the taxpayer that foots the bill for this system.

No man in this Congress now or at any other time in our history has shown more of a sincere concern for the welfare of the average taxpayer than has the Honorable Wright Patman. As chairman of the House Banking and Currency Committee he has recently launched a number of hearings on our monetary and financial system, including an inquiry into the Federal Reserve System, established by Congress 50 years ago. Those who object to these hearings even being held need to be reminded that there are no untouchables and no sacred cows in America.

The March 1964 issue of Banking, Journal of the American Bankers Association, features the answers made by Congressman Patman to a series of questions asked of him by the editors of that magazine in connection with these inquiries. Under unanimous consent of the Members of this House, I include the article containing the questions, and Congressman Patman's answers, at this point in the Record:

Patman Reports on His Factfinding Progress

(Last year Chairman Wright Patman of the House Banking and Currency Committee launched a wide-ranging inquiry into commercial banking, the Federal Reserve System, and Government credit activities. In addition to holding hearings, the committee's staff—temporarily enlarged by a group of university and Government economists—undertook some major research assignments. These were described in "The House Banking Committee's Answer Seekers," Banking, August 1963. Some of the fruits of their labors have commenced to appear and others are on the way. For a progress report on the undertaking, Banking interviewed Mr. Patman. His answers to our questions appear below. Elsewhere in this issue is a description of volume I of the staff report on Federal credit programs and a summary of the work on Federal Reserve credit policy in the postwar period.)

Question. Mr. Patman, the Committee on Banking and Currency has been holding a number of hearings on our monetary and financial system, and it has undertaken a number of major staff studies, some of which have already been published. What is the purpose of this series of inquiries?

Answer. It is a privilege for me to have this opportunity to discuss the committee program with you. We feel that Banking serves an important function in bringing before the public a discussion of current issues and problems confronting the industry.

As you know, the Banking and Currency Committee has jurisdiction over a wide range of subjects pertaining to our banking and financial institutions. This is an area characterized by rapid change. Studies are necessary in order to keep abreast of innovations and modifications in financial practices and the institutional fabric, for only by this means can the committee evaluate the current status of the banking and financial industries and assess the need for legislative action.

Question. One area on which the committee has focused particular attention of late has been the Federal Reserve System. Since this has already been the subject of many studies conducted by congressional committees of which you have been a member, how does your present study differ from inquiries undertaken in the past?

Answer. As you know, 50 years have passed since the Congress established the Federal Reserve System and delegated to it, under a broad mandate, the constitutional powers vested in Congress under article I, section 8. In the ensuing years, the original mandate was modified in a major way by congressional approval of the Banking Acts of 1933 and 1935, the Employment Act of 1946, and international agreements.

Along with these changes and the social and political changes that they reflect, there have been major modifications in the powers and structure of the Federal Reserve System, in the scope and complexity of credit and financial markets, in the institutional arrangements that transmit Federal Reserve policy operations to businesses and households, and in the mechanisms on which the Federal Reserve relies to carry out the mandates or directions given by the Congress.

In addition to committee hearings, a major research study in this area is nearing completion. This study attempts to appraise Federal Reserve operations in the light of the congressional mandate. A critical review will be made of Federal Reserve policy guidelines and actions in the postwar period. The Federal Reserve System has sole control of the fundamental money powers of this Nation. This institution controls the supply of money, the rate of interest, and to a large measure the degree of economic progress in this country. The primary vehicle for exercising these functions is, of course, the Federal Open Market Committee. And it is necessary to make a critical assessment of the guidelines used by the FOMC, how these guidelines have changed, and the economic effects of FOMC actions.

Through our current studies of the Federal Reserve, including the hearings, I think it is safe to say that we shall have more detailed, specific, and informative information than has previously been available.

Question. What are your aims with regard to the several systems of private lending institutions: Banks, mutual savings banks, and savings and loan associations?

Answer. It is the function of the Banking and Currency Committee to recommend legislation which will promote competition and an equitable flow of capital into meritorious channels. This objective can be achieved only on the basis of a thoroughgoing knowledge and understanding of the nature of present statutory and regulatory provisions governing portfolio constraints and tax treatment of the major financial intermediaries. Toward this end, the committee recently published a path-breaking compendium in this area.[1] This study brings together for the first time a comprehensive compilation of the principal requirements and limitations imposed by Federal and State authorities upon the more important groups of private financial institutions. As well as serving the committee's needs, this compendium will provide a handy reference for bankers and others connected with our financial institutions.

Question. Last year publicity was given to committee questionnaires then being sent to a wide sample of commercial banks. What is the status of that inquiry?

Answer. You are referring, of course, to the committee's two questionnaires dealing primarily with management succession problems and correspondent banking relationships. The response to these questionnaires, I am happy to report, has been excellent. And I wish to take this opportunity to express the gratitude of the committee for the fine cooperation we have received from the commercial banking industry in providing answers to these questionnaires.

The questionnaires have been edited by examiners on the staffs of the three supervisory agencies, the FDIC, the Federal Reserve Board, and the Comptroller of the Currency. Data from the questionnaires are now being prepared for processing by high speed computers and, in 2 or 3 months, analyses of these findings should be nearing completion.

Question. Are there other studies underway?

Answer. Yes. To be published in February is a survey of the credit policies and practices of some 74 Federal credit programs. These programs have assumed tremendous proportions, amounting to around $31 billion in loans during fiscal year 1962 and aggregating over $100 billion in outstanding credit on June 30, 1962. They have a tremendous impact on the economy and its performance, yet there never has been a coherent presentation of these programs and their interrelationship, size, scope, and function. This survey will be highly useful, and I hope that sometime later we can follow it up with additional analyses of the program interrelations that are highlighted in this initial survey. Certainly it will stimulate this kind of analysis among scholars and professional financial people.

(Editor's Note.—Banking's own survey of the lending activities of various Government agencies is scheduled for publication in the April issue.)

As we have previously announced, we are working on two other subjects of interest to bankers; but it is as yet too early to say whether this will result in committee publications. One of these subjects is financial reporting by commercial banks to their shareholders. This means a degree of disclosure practiced by various banks. The other subject relates to the effects of bank examinations on bank loan and investment policies.

Question. You indicated early last year that the staff would be given a free hand in making the assigned studies, the results of which would be published regardless of the findings. Does that still hold?

Answer. Certainly. As each staff member will vouchsafe, he is free to publish the facts as they are discovered in the process of his research.

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[1] "Comparative Regulations of Financial Institutions," committee print, Sept. 20, 1963, 238 pages. Available from the House Committee on Banking and Currency.

Question. Do the varied research assignments made by your committee comprise a coordinated whole?

Answer. The committee has jurisdiction over such a vast array of topics that the degree of relationship may vary. However, our overall objective is to seek improvements in our financial system, wherever these may be achieved through legislative action.

Question. What results do you foresee as coming from these studies?

Answer. It is obvious, I am sure, to one with a basic knowledge of banking and finance, that all of these subjects under study deal with fundamental banking and finance functions. Moreover, they all concern functions and activities which in the opinion of many people are amenable to constructive improvement. While I am reluctant to say in advance precisely what legislative changes these studies will lead to, there is no doubt in my mind that there will be a number of very constructive recommendations resulting from them. For my own part I am always learning from new facts and experiences, and I expect that I shall learn much from the staff studies.

PRESIDENT LYNDON B. JOHNSON APPOINTS MRS. DOROTHY JACOBSON ASSISTANT SECRETARY OF AGRICULTURE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Fraser] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRASER. Mr. Speaker, President Johnson is determined to gain full use of our Nation's brains and abilities by bringing women to positions of high responsibility in government.

Under this policy the President has nominated Mrs. Dorothy H. Jacobson to be Assistant Secretary of Agriculture for International Affairs.

I have been associated with Mrs. Jacobson in government work and community activity for many years. I know that she brings to this position a record of outstanding public service and a rich background of experience in domestic and international agriculture.

For those of my colleagues who would be interested in Mrs. Jocobson's record, I present the following:

Mrs. Dorothy H. Jacobson

Mrs. Jacobson is a native of Minnesota. She taught school after 2 years of college to earn the money that helped finance her to B.S. and M.A. degrees at the University of Minnesota. There she began achieving a series of "firsts"—becoming the first woman to receive an assistantship in political science from the university, and she held a graduate fellowship there for two years.

From the university, Mrs. Jacobson went to teaching positions in University High School, Minneapolis, and Columbia University, New York City.

During the thirties she served as supervisor and senior research associate with the Minnesota State Department of Education, and in 1936–37 as program secretary for the National League of Women Voters in Washington, D.C.

After 10 years as a political science teacher at Macalester College in St. Paul, Mrs. Jacobson became the first woman to serve on the staff of a Minnesota Governor.

She came to Washington in 1961, as the first woman to hold the rank of assistant to the Secretary of Agriculture. During the past 3 years she has been active in the areas of foreign agriculture, consumer affairs, and preparation of policy statements.

In 1961, Mrs. Jacobson accompanied the Secretary of Agriculture on a tour of the Middle East and southeast Asia to study national agricultural programs and evaluate the food-for-peace program. Last year she was on the study team accompanying the Secretary for a monthlong visit in the Soviet Union and Iron Curtain nations.

President Johnson has made an excellent selection in appointing Dorothy Jacobson to this post. She is able, enthusiastic, and dedicated to making the era of food abundance beneficial to the farm families of our own Nation and a contributor to peace throughout the world. Mrs. Jacobson will respond with skill and vigor to a new opportunity in the field of public service.

COMMENTARY UPON THE RESIGNATION OF THE HONORABLE STEUART L. PITTMAN, ASSISTANT SECRETARY OF DEFENSE (CIVIL DEFENSE)

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Hébert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HÉBERT. Mr. Speaker, I take this occasion to express my deep regret and those of the members of my subcommittee who were informed this week during the course of our hearings on civil defense matters that Mr. Pittman's resignation as Assistant Secretary of Defense—Civil Defense—had been accepted by the President of the United States with greatest regret.

Each member of the committee expressed his own personal feelings upon being notified of Mr. Pittman's resignation. I said to Mr. Pittman:

> Mr. Pittman, I think the most impressive accolade is the unanimous report of the committee on regrets. There was not a dissenting voice. I am sure the expressions which you have heard here are expressions that you will long carry in your heart, in your memory of your service on the Hill. I know of no Secretary or Assistant Secretary in my years here, with the probable exception of James Forrestal, who received the tributes you received this morning, and most deserved tributes.

I believe the feeling of the committee can best be summed up by a statement made by my esteemed colleague, the gentleman from Texas [Mr. Fisher] who said:

> It is difficult to keep the fire going and rouse the interest and inspire the people as to the importance of this phase of our governmental activity. I just don't believe there is a man in America who could have done it quite as well as Mr. Pittman.

I feel it would be most appropriate for the Members of this body to be made aware of the feelings of the committee as this dedicated public servant leaves his Government post to return to his private law practice. I would like therefore to include that part of the hearings that go to this point:

> Before hearing Mr. Pittman, however, I would like to have read into the record a gracious and accurate letter which the President of the United States has written to Mr. Pittman in response to the Secretary's resignation from his post as Assistant Secretary of Defense for Civil Defense.
>
> Mr. Pittman submitted his resignation to the President last week. The President accepted most graciously, and I think the record should show the contents of the President's letter and the transcript of the committee meeting.
>
> Mr. Kelleher, will you read the letter for the record and the committee?
>
> Mr. Kelleher. Yes, sir.
>
> "Dear Mr. Pittman: It is with the greatest regret that I accept your resignation in order that you may meet your other commitments.
>
> "I want you to know that, in my judgment, you have made a unique contribution during your 2½ years as head of the Nation's civil defense effort. You came to your assignment at a time when the complex subject of civil defense was surrounded with uncertainty. Now it is an integral part of our national security programs with a clear and practical objective.
>
> "During this period, when the hard facts of the nuclear age were being digested, you have persisted with courage, energy, and great ability in the development of a sensible civil defense program and in the completion of its first stage. The base established under your leadership will be of continuing value over the years ahead as we improve our capacity to defend ourselves, if need be, at home as well as abroad.
>
> "I know that you have the deep respect of the many Americans at all three levels of Government and in private life who have worked with you in establishing the Nation's first realistic capability to limit damage from nuclear attack. The increasingly dynamic participation in this part of our defense effort by the Governors, mayors, and county officials is a tribute to your leadership. I speak for the many patriotic Americans working on civil defense, as well as for myself, when I thank you for a job which has been done extremely well.
>
> "I am glad to know that your varied experience in Government will continue to be readily available to us.
>
> "Sincerely,
>
> Lyndon B. Johnson."
>
> Mr. Hébert. Members of the committee, and to you, Mr. Pittman, may I say that if I have one criticism of the President's letter of regret in accepting your resignation it is that it is too conservative, because the superlatives are the only way to describe the work that you have done, which the committee knows so well.
>
> As I said on many occasions during the hearings we had last year on the subject, if the bill was defeated it would be in spite of you, and if the bill was reported out, it would be because of you. I can add little to what I have already said publicly and privately in the committee confines of our appreciation for the help that you gave us. Without the dedicated leadership that you demonstrated, the bill never would have gotten out, and while it has not passed the Senate, it certainly is a great tribute that the bill got as far as it did.
>
> We hate to see you go. Certainly this committee has enjoyed working with you. Certainly this committee will go a long way to find someone who can fill your shoes, though we know your successor will be a man of ability and leadership, but it is going to be mighty hard. It is like taking Babe Ruth's place in the lineup to come in behind

you, but we wish you well, we wish you God speed; good luck to you.

Mr. PIRNIE. Mr. Chairman.

Mr. HÉBERT. Mr. PIRNIE.

Mr. PIRNIE. May I just add a word to your comment.

I do feel that the work that has been done by you, Mr. Secretary, the manner in which you have performed it, represents a high standard of public service. We have found you courteous, responsive, and intelligent, and I think you gave to this task the type of direction that was sensible, persistent, and very sound. I join with the chairman in expressing appreciation of that and wishing you success in anything that you undertake.

Mr. HÉBERT. Mr. PIKE.

Mr. PIKE. Mr. Chairman, I too would like to add to your own remarks and Mr. PIRNIE's. Mr. Pittman is a sometime constituent of mine. I have watched him suffer through these proceedings and the frustrations of this job for some time, and I have certainly become an admirer. I think he had demonstrated tremendous forebearance and tremendous patience. He has been accused and abused an awful lot, and has had to turn the other cheek so often and so fast that sometimes I expect he thought he was at a ping pong match. I think he has brought a very tremendous standard of performance to this job. I am proud to have known him.

Mr. BECKER. Mr. Chairman.

Mr. HÉBERT. Mr. BECKER.

Mr. BECKER. Mr. Chairman, I want to join in the remarks made by my colleagues, and say this to Mr. Pittman, that while we have had some disagreements during the course of our hearings heretofore, I think we have kept them on the level of a position where we can both retire this year as friends in our respective positions.

I did not know that you had ever been accused, Mr. Pittman, and certainly before this committee I never knew you were abused, either. I am sure that you tried your level best, just as we do here, to accomplish a task that was assigned to you. If you were not able to do it to its fullest extent, I am sure you will retire with the knowledge that you did your level best to bring about that in which you believed, and if it was not a total success, that is not your fault. It is a combination of circumstances.

I just want on my part to wish the very best to Mr. Pittman in the future, and hope from the association we have had here we may find some time outside of the Congress and the affairs of Washington to renew and continue the friendships we made.

Mr. HÉBERT. Mr. FISHER.

Mr. FISHER. Mr. Chairman, I too am sorry to see Mr. Pittman leave the Government service at this time, particularly the spot he has occupied with so much ability in recent years. He has had a very difficult job. However, I can't think of anything to be undertaken that is more difficult because of the built-in lack of interest on the part of so many people throughout this country in civil defense. It is difficult to keep the fire going and rouse the interest and inspire the people as to the importance of this phase of our governmental activity. I just don't believe there is a man in America who could have done it quite as well as Mr. Pittman. As demonstrated, every member of this committee and the staff are unanimous in recognizing the quality of his leadership and the contribution he has made to this work that he has performed so well. I join with my other colleagues in wishing him the very best in his future activity.

Mr. HÉBERT. Mr. FOREMAN.

Mr. FOREMAN. I just want to say, Mr. Secretary, I don't anticipate that whoever follows you will be anywhere near as persistent as you were. Even though we sometimes disagreed very strongly, you always came back with some very good answers and some very good arguments. I must say I certainly commend you for the outstanding job that you have done as Assistant Secretary of Defense, heading up this civil defense program. I guess I won't miss you as much as you will miss me. I wish you the very best in your future.

Mr. HÉBERT. Mr. ICHORD.

Mr. ICHORD. Mr. Chairman, I want to concur in the remarks of my colleagues. During the course of the fallout shelter hearings, I developed a tremendous admiration for Mr. Pittman's perseverance, to say the least, his determination and his dedicated competence to do his job in civil defense. He made a tremendous contribution to this business of governing ourselves, and I want to thank him for that contribution.

Mr. HÉBERT. Mr. BRAY.

Mr. BRAY. I deeply regret Mr. Pittman's leaving. He sold me on a program that I was very strongly against when the matter started, the shelter program, and I think it is very unfortunate that the other body did not see fit to go ahead with the program, but that is something beyond our power to do anything about, though they may later take it up.

I think with the assistance and leadership of Mr. Pittman, we came out with a very good bill, the very best bill that could have been arrived at. It is my opinion that we ought to go ahead and make that planned program a reality.

I do want to say that I have enjoyed a great deal working with Mr. Pittman, and will deeply regret his departure from the scene here in Washington, and I cannot say that for everybody that has departed the scene from the executive branch since I have been here.

Mr. HÉBERT. Thank you very much, members of the committee.

Mr. Pittman, I think the most impressive accolade is the unanimous report of the committee on regrets. There was not a dissenting voice. I am sure the expressions which you have heard here are expressions that you will long carry in your heart, in your memory of your services on the Hill. I know of no Secretary or Assistant Secretary in my years here, with the probable exception of James Forrestal, who received the tributes you received this morning, and most deserved tributes.

Members of the committee, while we have regret of Mr. Pittman leaving us, I am sure you know already and I will make it official this morning by saying we have an old friend who will continue with us. In the restoration of womanhood to her rightful place by President Johnson—in an election year particularly—one of his first appointments was a most able woman, Mrs. Jane Hanna, who has been named as Deputy Assistant Secretary of Defense and enjoys the distinction of holding the highest office in the Department of Defense by a woman. She has been with us during all of the hearings. We have come to know her and admire her.

Mrs. Hanna, on behalf of the committee, may I welcome you to your anticipated future association with the members of this committee.

Mr. ICHORD. I think the record should also show that she is—

Mr. HÉBERT. That she is from Missouri?

Mr. ICHORD (continuing). That she is from Missouri.

Mr. HÉBERT. Before we go into the public hearings on these bills, we welcome any parting words which you have, and any information, advice, or guidance which you may want to give us at this time, Mr. Pittman.

STATEMENT OF STEUART L. PITTMAN, ASSISTANT SECRETARY OF DEFENSE FOR CIVIL DEFENSE

Mr. PITTMAN. Thank you, Mr. Chairman and members of the committee. I find it difficult to respond to these kind remarks. I am of course deeply moved by them.

I would like to briefly throw it back to you. If this has been a frustrating job and a difficult one, it is because so many responsible Americans have been unwilling to take the time or devote the hard work that is necessary to get around this varied problem. You gentlemen have done that, I am sure some of you feel almost ad nauseam, over the months. It is not an easy thing to do. It is easier for me to do my job, I think, than for you to help me do it. So I really mean it when I say that your committee, in my judgment, has probably kept civil defense from disintegrating at a very critical turning point, when the pendulum had swung to public indifference, hostility in some cases.

The uncertainty as to the future direction of the program, and the tendency of certain cities—very few—to loudly dissent, left us in a condition last summer where it was an open question whether the new civil defense program projected by the Department of Defense could maintain itself, let alone move into a new phase which was at issue in this bill. I am sure as I am sitting here that the record built before this committee and the process of preparing for this hearing, not just by us but by the many people who came before you, did much to resolve the doubts and to make possible the firming up of direction. It generated a deeper involvement by the kind of people that count most, who were asked to organize and present their views to you—that process did quite a lot for their organizations as well as for the program. They had to work at it before they came here.

Then your own contribution of time and energy to not only come to a decision but to go on the floor of the House and, to the amazement of so many people, in 4 short hours persuade a deeply doubting House that it should take a policy position which I think stands today, regardless of what the Senate does. I think the House has identified itself in general through its action on this bill with the growth of a moderate and sensible civil defense program. This wasn't clear until this bill went on the floor, so I think the Nation and the Defense Department are indebted to the subcommittee and you in particular, Mr. Chairman.

INTEROCEANIC CANALS PROBLEM: NICARAGUA CANAL STORY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FLOOD. Mr. Speaker, one of the constructive consequences of the Red-led Panamanian mob assaults in January 1964 on the Canal Zone has been the publication of reliable articles on interoceanic canal history. As all serious students of the subject know, the two major competitors for an isthmian canal for more than a century have been Nicaragua and Panama; and until 1902, the Nicaragua route was the site most favored by the United States.

In the March–April 1964 issue of the Military Engineer was published a highly informative article by Lt. Col. H. R. Haar, Jr., C.E., U.S. Army, on the "Nicaragua Canal Story." As the officer in charge of the Nicaragua Canal Survey from 1949 to 1952, Colonel Haar writes with the precision that comes with definite knowledge gained by study as well as by observation, and supplies much essential background information on isthmian canal history.

In his description of the great French effort to construct the Panama Canal, I note the failure to mention the farvisioned French engineer, Adolphe Godin de Lepinay, who, in 1879, at the Paris Congress called by Ferdinand de Lesseps to consider the questions of site and type for an isthmian canal, gave to the world the plan that solved the problem of the Panama Canal.

While it is true, as stated by Colonel Haar, that the failure of the French at Panama has been ascribed to "mismanagement, extravagance, corruption, and a high death rate from disease," my own studies show that the failure to adopt the simple, obvious, and economic solution offered by De Lepinay was the controlling reason that made failure inevitable even before the project was started. In an address to the House in the RECORD of March 29, 1960, I dealt at length with "Godin de Lepinay: Forgotten Precursor of the Panama Canal."

In dealing with various solutions for the problem of increased transisthmian transit facilities, Colonel Haar properly states that these will have to be weighed by the Congress, but does not present them in a way to facilitate their consideration.

In two addresses to the House, on March 9, 1964, on the subject of "Panama Canal: Focus of Power Politics," and on March 11, under the title of "Panama Canal: Formula for Future Canal Policy," I attempted to present the interoceanic canal problems broadly, to clarify the key issues, and to outline a policy program for our Government.

Colonel Haar's ably written article on the Nicaragua Canal, including the great work of the Isthmian Canal Commission, 1899–1902, headed by Adm. John G. Walker, a line officer of the Navy of a most distinguished career, is further justification for the creation of an independent, broadly based, and highly competent Interoceanic Canals Commission as proposed in current measures before the Congress and as urged in my March 9 and 11 addresses to the House.

Colonel Haar's article follows:

THE NICARAGUA CANAL STORY

(By Lt. Col. H. R. Haar, Jr.)

(EDITOR'S NOTE.—In view of the recent events in Panama and the questions that have arisen as to the future of the Panama Canal, we are reprinting here "The Nicaragua Canal Story," by Lt. Col. (then Maj.) H. R. Haar, Jr. [M. E. May-June 1956]. The article provides background information and pertinent comments on Central American canal sites.)

The history of the proposed Nicaraguan Canal project dates back to the 15th century, when explorers began their search for a new short water route to the East. The Nicaragua Canal story is also, in part, a story of the Panama Canal and other isthmian canal proposals, all of which have been closely related over the years. The fact that the Nicaraguan Canal would probably have been built instead of the Panama Canal except for the notorious but successful lobbying of a small group of individuals makes the story fascinating.

The setting is the Republic of Nicaragua bounded by the Caribbean Sea on the east, the Pacific Ocean on the west, the Republics of Honduras and San Salvador on the northeast and northwest, and the Republic of Costa Rica on the south. It is located approximately half way between the southern tip of Mexico and Panama. Nicaragua has an area of about 59,000 square miles and is about equal in size to the New England States minus Rhode Island and Connecticut, or to the State of Florida alone. The largest of the five Central American republics, it had a population of just over 1 million by the 1950 census.

Erupting volcanoes, intrigue, a postage stamp, international power politics, lobbying on a grand scale, and an American revolutionist and filibusterer who became president of Nicaragua are all a part of the Nicaragua Canal story. It begins with Columbus who touched the Nicaraguan shores while searching for a new route to the East in 1502 and continues to the present day. The first part of the story ends in 1902 with a close finish between Nicaragua and Panama in the race for the canal site with Panama the winner by a nose. The rest of the story is still in progress and includes a U.S. canal treaty with Nicaragua in 1916, a full-scale U.S. Army canal route survey across Nicaragua in 1931, President Roosevelt's order for a barge canal survey across Nicaragua in 1940, and study of Nicaragua by the Governor of the Panama Canal in 1947 as one possible solution to the future expansion program required for the Panama Canal. The final chapter should be forthcoming within the next 15 years.

EARLY DEVELOPMENT

In the year 1513, Vasco Nunez de Balboa, Governor of Castilla de Ora, crossed the Isthmus of Panama in search of the Great South Sea, and discovered the Pacific Ocean in September of that year. Alvaro de Saavedra Ceron, who accompanied Balboa on this trip as engineer, later became one of the lieutenants of Hernando Cortez. Cortez wrote the King of Spain (Charles V) in 1524, that if a strait should be found he would consider it the greatest service he had rendered, and, at the same time, he recommended that if a strait could not be found, that one should be made by the construction of a canal across the Isthmus at Tehuantepec in southern Mexico. Alvaro de Saavedra doubted the existence of a strait and, agreeing with Cortez that one should be constructed, he prepared plans for a canal to be built along the route which he had followed with Balboa in 1513. He died, however, as he was getting ready to lay his plans before the King of Spain. After this, Charles V had surveys made for a canal but reports submitted considered the route impracticable. Philip II (successor of Charles V) sent a party of engineers in 1567 to survey the Nicaraguan route but again the report was unfavorable.

However, the King was still in favor of a canal and laid the proposal before the Dominican Friars. The Friars desired to obey the mandates of the King, but being in ignorance of a solution to this technical problem, turned to the Scriptures for consolation and inspiration. In the Scriptures they found the following verse which they concluded had a direct reference to a canal: "What God hath joined together, let not man put asunder." The quotation was the basis for an unfavorable report by the Friars and was accepted by King Philip as sufficient reason to abandon further consideration of the subject.

Another canal survey was ordered in 1616, and in 1701 a report was published, pointing out the great advantages of a canal to commerce.

Late in the 18th century, England made a series of examinations with a view to constructing a canal. Lord Nelson and Baron Von Humboldt served as England's representatives in this study. Their report considered routes in North and South America but recommended that the four most favorable routes were those of Tehuantepec in Mexico, Nicaragua, Panama, and the Darien via the Napipa and Atrato Rivers. Of side interest on this report is a remarkable prophecy made by Goethe at the time:

"I therefore repeat that it is absolutely indispensable for the United States to effect a passage from the Mexican Gulf to the Pacific Ocean; and I am certain that they will do it. I should like to see another thing—a junction of the Danube and the Rhine; but this undertaking is so gigantic that I have grave doubts of its completion * * * and, thirdly and lastly, I should wish to see England in possession of a canal through the Isthmus of Suez. Would I could live to see these three great works. It would be well worth the trouble to last some 50 years more for this very purpose."

Again in 1814, in an attempt to bolster its waning influence in its Central American colonies, Spain passed a formal decree in favor of the construction of a canal through the isthmus but nothing came of this action.

Although 30 American isthmian canal routes have been studied at one time or another in an attempt to determine the one most practical. The American isthmus is defined as the area limited on the north by the Isthmus of Tehuantepec, Mexico, and on the south by the Atrato River in Colombia. The routes considered are in these general locations: Tehuantepec (Mexico), Nicaragua, Chiriqui (Panama), immediate vicinity of the existing Panama Canal, San Blas (Panama), Caledonia Bay (Panama), Tuyra River (Panama and Colombia), and Atrato River (Colombia).

The American isthmus has a length of about 1,800 miles. The Continental Divide which extends along the full length of the isthmus consists of a fairly continuous mountain range that rises to a maximum elevation of about 14,000 feet above sea level. Possible canal routes occur where the crest of the ridge is low and the isthmus is narrow or intersected by large rivers and lakes.

The Nicaragua route has received a great deal of study and consideration for centuries. In 1825 an envoy extraordinary from the new Federation of Central America (of which Nicaragua was a part) called the canal project to the special attention of the U.S. Government and requested its cooperation in preference to any other nation. The envoy also proposed a treaty to secure the advantages of a canal to the two nations. The United States appointed a chargé d'affaires who was instructed to assure the Government of Central America of his Government's interest in the canal project and to investigate the facilities offered by the route.

In 1826 a contract was made between the Government of Central America and an agent of a New York company which created the "Central American and United States Atlantic and Pacific Canal Company." Many distinguished men of the day, including De Witt Clinton, were connected with the project, but the plan fell through.

As a result of Senate resolution of March 1835 the President of the United States sent a special agent to investigate the canal routes of Panama and Nicaragua. Difficulty in procuring a conveyance to the River San Juan in Nicaragua forced the agent to visit Panama first. Other adverse circumstances prevented his reaching Nicaragua before his return to Washington. Shortly after his return he died, but his report indicated that he did not consider a ship canal practicable across the Isthmus of Panama.

MOSQUITOES AND THE BRITISH

The British made strong efforts to gain control of an interest in a canal through Nicaragua. These efforts consisted in securing control over nearly the entire east coast of Nicaragua by maintaining a loose form of protectorate over an Indian kingdom in that area called the Mosquito Kingdom.

The British claims in the Mosquito territory and in Belize (British Honduras) began around 1630 when small settlements of buccaneers and logwood cutters were established on the coast. Originally, the Mosquito Kingdom covered an area about 225 miles long and 40 miles wide, but it was unofficially expanded by British extremists to include the entire Caribbean coast of Nicaragua. The Mosquito Indians numbered around 1,500 and were a Carib people mixed with Negro and some white stock. The British Government considered that these Indians and their territory did not belong to any of the Republics from the old Spanish Empire as they had never been conquered by the Spanish. The view was created by the British to further their interests in rivalry which was developing between Britain and the United States for commercial supremacy in the Western Hemisphere. The British did not object to the building of a canal through Nicaragua but were determined to prevent the United States from obtaining exclusive rights in or control of such a canal.

The active period of the British intervention in the Mosquito area started in 1841. The British landed at San Juan del Norte in August, whereupon the Mosquito King raised the Mosquito flag in place of the Nicaraguan flag, reaffirmed the British protectorate, claimed the port in the name of the Mosquito Kingdom, and forcefully deported the Nicaraguan commandant of the town. This action secured control for the British of a major portion of the proposed canal route from the Atlantic side. The route was to begin at San Juan del Norte and continue up the San Juan River approximately 100 miles to Lake Nicaragua. The British claimed for the Mosquito Kingdom (in addition to the Caribbean coastline) the area from San Juan del Norte up the San Juan River to the Machua Rapids, which was more than half the length of the San Juan River. Many disturbances between the British and the United States and Nicaragua took place as a result of the British action until around 1860.

The Clayton-Bulwer Treaty in 1850 between the United States and Great Britain was an attempt on the part of the United States to straighten out this affair. The treaty stipulated, in general, that neither the United States nor Britain would obtain or maintain exclusive control over a canal route or would ever take possession of or fortify any part of Central America. The British made one important reservation that actually weakened the value of the treaty. This was a note sent to the Secretary of State (which was not made known to Congress at the time) by the British in which they stated that they did not "understand the engagements of the convention to apply to Her Majesty's settlement at Honduras or its dependencies." The dependencies in this case undoubtedly included the Mosquito Territory. This treaty caused trouble until it was superseded by the Hay-Pauncefote Treaty more than 50 years later.

A major portion of the misunderstanding over the Mosquito Territory was resolved by the Treaty of Managua between Great Britain and Nicaragua in 1860. This treaty provided for: Great Britain to abandon all claims to a protectorate over the Mosquito Kingdom, San Juan del Norte to remain a free port under Nicaraguan sovereignty, Nicaragua to consent to pay the Mosquito Indians $5,000 a year for 10 years as compensation for the loss of their independence, and to establish a reservation for the Indians in which they would enjoy autonomy.

WILLIAM WALKER INCIDENT

From 1850 to 1852 the first accurate survey of the Nicaraguan route was made by O. M. Childs at the instance of the existing transit company. This transit company had established transisthmian communication with California by steamer from Greytown, Nicaragua, via the San Juan River to Virgin Bay on the west shore of Lake Nicaragua, and thence by stage to San Juan del Sur, Nicaragua, a small natural harbor on the Pacific coast about 8 miles southeast of Brito.

The navigation of the San Juan River proved to be troublesome and uncertain at low water and the transit company sought means to improve these conditions and to continue the water route across the narrow neck of land that separated Lake Nicaragua and the Pacific Ocean. It therefore desired to secure a continuous depth of 17 feet. The transit company was active in hauling passengers bound for the gold rush in California at the time. The company's development and operations began in 1849, when Cornelius Vanderbilt contracted with the Government of Nicaragua to construct a passage using the San Juan River, Lake Nicaragua, and a 13-mile canal for the purpose. With this contract he received the right to transport passengers across the isthmus, and for this privilege he was to pay to Nicaragua $10,000 annually and 10 percent of his profits. His accountants saw to it that there were no profits. His line became known as the Accessory Transit Company and it did a rich business. The last stage of the transit—over the 13-mile strip was on the only macadamized road in Nicaragua.

At this point William Walker, an American who played an important role in the manipulation of the transit company (and who became President of Nicaragua in 1856), enters the story.

Walker, after an unsuccessful revolutionary expedition into Mexico in 1853, returned to the United States and entered the newspaper business. However, at the urging of an opportunist friend, Walker sailed from San Francisco in 1855, with a group of 58 men, for Nicaragua. In order to establish himself, Walker had obtained permission from a political party opposed to the government then in power in Nicaragua, to enlist 300 colonists to become citizens of Nicaragua and a guarantee of the privilege of his men to bear arms. Walker became a power in Nicaragua and, in 1856, deposed the President and had himself elected to the Presidency, a position he held until 1857.

While President of Nicaragua, Walker used the transit company to transport additional volunteers for his army from the United States to Nicaragua. However, a few months before becoming President he arranged a deal whereby Commodore Vanderbilt's original partners gained control of the company during the absence of the commodore in Europe.

Walker was deposed as President of Nicaragua in 1857 by a combination of Nicaraguan forces, an allied army from Costa Rica, Honduras, and Guatemala, and action of the U.S. Navy. He was executed by a Honduran firing squad in 1860, during an attempt to return to Nicaragua.

SURVEYS AND PRELIMINARY WORKS

The final route selected by Childs started at Greytown on the Caribbean Sea, thence ran mainly via the San Juan River to Lake Nicaragua to a point a few miles below San Jorge on the west shore of the lake, and thence via the Lajas and Rio Grande Rivers to Brito on the Pacific. This route has more or less been accepted as the best route in Nicaragua. It involves 172-mile lock-type canal to raise ships from each ocean to the summit level of 110 feet of Lake Nicaragua. At current prices, and with modifications required by present-day specifications, it is estimated that this lock-type canal would take 10 years to build and would cost $3.5 billion. Altogether seven possible Nicaraguan routes have been considered at one time or another. Three of these are along the same general route from Greytown via the San Juan River to Lake Nicaragua, thence to Lake Managua, and from Lake Managua via various routes to the Pacific. These three routes are completely impractical today because of their excessive lengths and high cost of construction. Three of the remaining four routes follow Childs' plan except for the exit point on the Pacific, and the fourth route would necessitate skirting the southern tip of Lake Nicaragua to build a sea level canal in order to avoid draining Lake Nicaragua.

After the 1852 survey by Childs the United States had surveys made of the Nicaraguan route by Navy Comdrs. Chester Hatfield and E. P. Lull in 1872 and 1873 (which confirmed Childs' findings); by A. G. Menocal, a civil engineer of the Navy, in 1885; and by the Nicaragua Canal Commission of 1897–99.

The Maritime Canal Co. started construction work on a Nicaraguan canal on October 8, 1889. The Nicaragua Canal Construction Co., which had a contract with the Maritime Canal Co. to do the actual work, suspended operations in 1893, at which time all work ceased. During this 3-year period a telegraph line was constructed from Greytown to El Castillo on the San Juan River. A single-track railroad 11⅓ miles in length from Greytown to a point between the sites of the first two locks was built and 39 buildings were erected. A jetty or pier 42 feet by 937 feet long was constructed to protect an entrance into Greytown Lagoon from the sea. A section of the canal was dredged a distance of a little over 4,000 feet. The canal company claimed to have removed rock from the San Juan River at the Machuca Rapids, and to have cleared timber from the canal line for a distance of 20 miles from the Atlantic coast, and for 8 miles along the west side of Lake Nicaragua on the canal line. Most of the property (including six dredges) of the canal company went to ruin and eventually the Nicaraguan Government took possession of all that remained.

In 1889–1901 the Isthmian Canal Commission headed by Rear Adm. John G. Walker, U.S. Navy, retired, was directed by the United States to make an investigation of the Panama and Nicaragua routes to determine which was the more practical and feasible route. The Commission was also asked to estimate the probable cost and to find out what treaties would be required. This Commission played the deciding role in the eventual selection of an Isthmian canal route.

POSTAGE STAMP INCIDENT

The story behind the final selection of Panama over Nicaragua as the canal route starts in 1879 with the selection of Panama as a sea level route to be built by the French. At an international canal conference in Paris in that year, with the vote for the Panama route and the designation of the builder of the Suez Canal, Ferdinand de Lesseps, as the director of the enterprise, the Panama Canal project was officially undertaken. De Lesseps, described as neither an engineer nor a financier but rather a promoter, estimated the cost for the sea level canal in Panama at $141,720,000. This sum included buying out the rights of another organization which had a concession to build the canal. The cause of the failure of this effort in 1888 has been ascribed to mismanagement, extravagance, corruption, and a high death rate from disease.

A new French company took over the canal project in 1894, and planned a lock type canal. This new company had difficulty in raising sufficient capital and in 1898 it offered to sell the property to the United States. It was at this time that interest in a canal moved from Paris to Washington.

During this period, and for many years prior to it, the principal interest of the

United States for a canal site was in Nicaragua rather than Panama. Two men are credited with changing this interest: Philippe Bunau-Varilla and William Nelson Cromwell. The latter was an American—a director and counsel of the Panama Railroad Co. of which he was also a stockholder. The directors of the French canal project in Panama became alarmed by the continued popularity in the United States of the Nicaraguan route and in 1896 appointed the law firm in which Cromwell was a partner as its general counsel in the United States. Cromwell organized a staff of writers and printed three large volumes covering all phases of the Panama project in a very favorable light.

Philippe Bunau-Varilla, a Frenchman who was born in 1859 and graduated from the Ecole Polytechnique in 1880, went to Panama in 1884 as chief engineer of the Pacific division of the canal. During a 4-month period from late 1885 to 1886, he served as a temporary general director for the entire canal project. In September 1886 he resigned and went to work in a private engineering firm of which his brother was a partner. From the time of the failure of the first French construction in Panama in 1888 until 1894 Bunau-Varilla worked hard in France for the completion of the canal project. When the Compagnie Nouvelle was incorporated and started construction on the canal again in 1894 he purchased stock in the company and took an active interest in the project. Bunau-Varilla's arguments in favor of the Panama Canal were always extremely biased and persuasive.

The United States was not interested in buying the Panama Canal from the French in 1898. At that time the United States still favored the Nicaraguan route and there had been much opposition to the idea of public ownership. This opposition to public ownership, however, was dispelled by an incident in the Spanish-American War. The battleship *Oregon* left San Francisco on March 19, 1898, and after traveling 13,000 miles in 68 days around the southern tip of South America, arrived in Key West on May 26. This journey served to demonstrate the need of a canal and the Government operation of it.

In January 1899 a bill was introduced in the Senate by Senator John Tyler Morgan, of Alabama, chairman of the Committee on Interoceanic Canals, providing for the construction, operation, and fortification of a Nicaragua canal by the United States. The Senate passed the bill but in the House the bill ran into difficulties on four counts: a Representative in the House wanted to sponsor a similar bill with his own name attached; the validity of the title to the property held by an American company was questionable; obstruction was being thrown in the way by the previously mentioned Cromwell; and there was British objection to the fortification clause. These difficulties resulted in postponement of a decision until the next session of Congress, and in the appointment of an Isthmian Canal Commission under Admiral Walker.

The Isthmian Canal Commission investigated not only Nicaragua but also various routes in Panama. Its report indicated that the total cost of a Nicaraguan canal would be $189,864,062 compared to $144,233,358 for the Panama Canal but these figures did not include the sum of $109,141,500 which the French wanted for their assets in Panama. The Nicaraguan route was recommended.

In 1900, Representative William Hepburn of Iowa, who had helped block Senator Morgan's bill the previous year, introduced his own bill for the Nicaragua Canal which passed the House by a vote of 224 to 36 and was sent to the Senate. In the Senate, action on the bill was delayed. In the meantime, the Isthmian Canal Commission report came out and Hepburn secured the passage of another measure in the House, appropriating $180 million for the construction of the Nicaragua Canal by a vote of 308 to 2. Senator Morgan attempted to push the bill through the Senate but a supplementary report of the Isthmian Canal Commission was issued which reversed its original recommendation for Nicaragua and recommended Panama, after the French company reduced their asking price from $109,141,500 to $40 million. Thus the entire situation was altered. The result was the passage by Congress of the Spooner amendment which authorized the President to purchase the French Compagnie Nouvelle's assets and to acquire from Colombia a canal strip and, if this failed, then to negotiate treaties with Nicaragua and Costa Rica to construct the canal through Nicaragua.

Another key figure in Congress in favor of the Panama route had been Senator Marcus Hanna of Ohio. As a member of the Interoceanic Canals Committee, he blocked Senator Morgan's various moves to gain a decision for Nicaragua. He also drafted a minority report recommending the Spooner amendment in the Senate and his outstanding speech in favor of the amendment helped to put it across.

In 1901 Bunau-Varilla came to the United States to push his campaign in favor of Panama. During his visit he had a pleasant interview with President McKinley, and a near fist fight with Senator Morgan. He published a pamphlet entitled "Panama or Nicaragua." After a few months he returned to France and worked hard in an unsuccessful attempt to get the French people and Government interested in the canal again. In 1902 he returned to Washington and published a pamphlet with diagrams designed to show the superiority of the Panama route over the Nicaragua route. Senator Hanna used this pamphlet with great success in his fight for the Spooner Act.

In May 1902, about 1 month prior to the opening of the debate in Congress on the Spooner amendment, a volcano in Martinique erupted destroying a city and killing 40,000 people. This incident played directly into the hands of Bunau-Varilla. Panama advocates had always pointed out the relative mildness of earthquakes in Panama compared to the menace of numerous volcanoes in Nicaragua and the frequent earthquakes there. Although it is true that volcanoes are numerous in Nicaragua, most of them had shown no signs of activity since the time of the Spanish. The nearest volcano in Nicaragua to the canal route was some 13 miles away and 20 miles from the nearest lock. An old Spanish fort with a central tower 60 feet in height, built in 1675 along the canal route in Nicaragua, is still standing, and was used as proof that earthquakes in Nicaragua were not severe.

Bunau-Varilla at this time sent to every Senator a copy of his "Panama or Nicaragua" pamphlet. Senator Hanna called the Senate's attention to a map showing the active craters of Central America. Bunau-Varilla also furnished material to the New York Sun for a series of articles on volcanoes. A few days after the Martinique eruption, the newspapers published an article on the eruption of a volcano with considerable damage in Nicaragua. These reports were promptly denied by the President of Nicaragua which produced favorable reaction for Nicaragua and created some unfavorable publicity for Senator Hanna and Bunau-Varilla. However, Bunau-Varilla was to have the last word. He remembered that in 1900 Nicaragua had issued a stamp series showing the volcano Momotombo erupting. This was the volcano that had been reported as erupting in the newspaper. He secured copies of this stamp and sent one to every Senator and to every doubting Representative 3 days prior to the vote on the Spooner amendment. The amendment passed and the Panama Canal was built.

CONCLUSION

In 1914 a treaty between the United States and Nicaragua was signed in Washington which gave the United States in perpetuity the exclusive proprietary rights to construct, operate, and maintain an interoceanic canal across Nicaragua. This treaty, known as the Bryan-Chamorro Treaty, was ratified and proclaimed in 1916. The United States as consideration paid Nicaragua $3 million for this treaty.

The United States was further granted by this treaty a 99-year lease (with option to renew for a like period) in the Nicaraguan-owned islands in the Caribbean Sea known as Great Corn and Little Corn Islands and the right to establish, operate, and maintain a naval base on any Nicaraguan territory bordering upon the Gulf of Fonseca which is located on the Pacific northern tip of Nacaragua. Costa Rica, Salvador, and Honduras protested this treaty on various occasions on the basis that they held certain rights which should be considered in such a treaty.

In 1929 Congress authorized a new study of the Nicaraguan canal route for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua. This survey was accomplished under the command of Lt. Col. Daniel I. Sultan, Corps of Engineers, who utilized a provisional battalion designated as the U.S. Army Engineer Battalion in Nacaragua consisting of 25 officers and 295 enlisted men. The survey was completed in 1931, and Colonel Sultan stated in his report that a lock-type canal across Nicaragua was feasible; it presented no problems of design; its total cost including defense would be $722 million; and it would require 10 years for the engineering work of construction. In 1939–40 a barge canal survey by the Corps of Engineers across Nicaragua was completed but no action was taken on this survey.

In Colonel Sultan's 1931 report he recommended that congressional authorization be secured for continuing the gathering of hydrological data by personnel operating in Nicaragua under the direction of the Secretary of War and the supervision of the Chief of Engineers. Congressional authorization was granted and this work has been carried on from 1931 to date by Army Engineer personnel in Nicaragua.

The prospect for a Nicaraguan canal is not apparent at this time. A study by the Governor of the Panama Canal was completed in 1947 to determine what should be done when the Panama Canal becomes inadequate (estimated to be between 1960 and 1975) to handle increased traffic. Solutions vary from a second canal to supplement the present Panama Canal to its conversion to sea level. These solutions will have to be weighed by Congress. Meanwhile, Nicaragua still maintains high hope that some day "the big ditch" will be constructed across her country.

SPECIAL POSTAL CANCELLATION MARK

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, I am introducing today a bill which would authorize the Postmaster General to establish a special postal cancellation mark bearing the words, "Have You Registered to Vote?" I should like to explain my reasons for introducing this bill, for while it may appear on its face to be a minor piece of legislation, it is a measure which could help to increase the level of voter participation in the United States.

Permit me to point out first, Mr. Speaker, that most special cancellations are authorized by postal regulations under a procedure which differs from the one set forth in my bill. With one exception, the special cancellation marks we see on our mail are sponsored by particular groups and approved by the Postmaster General. Regulations require that cancellations must celebrate events of general public interest and importance or events of national purpose for which Congress has made appropriations.

Sponsored cancellations may be used for no more than 6 months, plus the duration of the event being celebrated. I am sure we are all familiar with cancellations commemorating certain historical events or certain special efforts of public importance such as heart and cancer fund drives.

Special cancellations, quite properly, may not be used for private gain or profit, nor may they be sponsored by fraternal, political, religious, commercial, or trade organizations.

The one exception to this procedure is the special cancellation mark, "Pray for Peace," which was authorized by the Congress as an amendment to title 39 of the United States Code, section 2509.

Mr. Speaker, the question of voting participation and interest is a matter of continuing concern in the United States. Just a few weeks ago the President's Commission on Registration and Voting Participation delivered its report to President Johnson. That report, compiled by a distinguished panel of business and labor leaders, political scientists, party officials, attorneys, journalists, and civic leaders, spelled out the many obstacles standing between the American voter and the precious act of voting.

I shall not attempt to summarize all of that excellent and much-needed report, but I would like to call the attention of my colleagues to a few of its more salient features. I quote briefly from the Commission's report—pages 11–12:

> Registration systems originally were established to provide up-to-date lists of eligible voters to prevent multiple voting and other electoral frauds. But often the systems used have had a quite different effect. Frequently registration has become an obstacle course for the voter rather than an assistance to voting.
>
> A different problem is posed by registration provisions designed for the simple purpose of preventing people from voting and so keeping political power in the hands of one or another group. For example, one State is considering a plan to cut off registration many months before election day.
>
> In too many States, registration closes more than a month before the election, when political campaigns are not in full swing and peak interest has not been achieved. Early closing dates coupled with the inconvenience of many registration procedures discourage potential voters. Unlike registration systems in other Western democracies, where the initiative is with local officials and the process is simple and direct, registration in the United States often imposes undue burdens on citizens who desire to vote.

The result of such disparity in the procedures and timing of voter registration is widespread confusion in the minds of potential voters. Often this confusion leads people to forget what State and local laws require.

In comparison with other democracies, even allowing for differences in statistical measures, the United States has fallen behind in voter participation since the turn of the century, and there are many reasons for this.

Part of the explanation is found in complex requirements and procedures imposed on the voter by State and local law. Part of it is found in the nature of our party system, in which a low degree of partisan involvement is directly associated with low turnout at the polls. But it is also true, Mr. Speaker, that many Americans do not vote because they are not sufficiently aware of the need to register. Only two States—Arkansas and North Dakota do not require voters to register at all. The other States require registration at different times for different types of elections.

This disparity of registration requirements, combined with the increasing mobility of Americans and their normal preoccupations with jobs, families, and many other responsibilities—these factors, Mr. Speaker, add up to a sizable number of Americans who find on election day that they cannot vote because they did not register.

The President's Commission on Registration and Voting Participation made it clear that there are many sides to the act of voting—and to the neglect of it—in America. There are many ways to stimulate a greater degree of political awareness, interest, and participation. And there are many commendable efforts currently underway to improve the quality and level of voter participation—efforts by civic groups, business concerns, labor unions, and other organizations. There will always be plenty of room for "get out the vote" drives, registration drives and educational campaigns to bring the American voter closer to the political process.

My bill, Mr. Speaker, will perform no miracles. Nor will any other special efforts in this complex area. Very simply, the bill will amend title 39 of the United States Code to authorize a special postal cancellation bearing the words, "Have You Registered To Vote?" The cancellation would be used, as usual, in first- and second-class post offices throughout the United States with the exception of those States where registration is not required.

The timing of the cancellation would be adapted by postmasters to State and local registration requirements. Since it is not a sponsored cancellation, it could be used as State and local circumstances require and it could be used repeatedly in general election years.

Mr. Speaker, I think my colleagues will agree that this is not a "one-shot" proposal. Registration and voting are not matters of temporary interest. They are matters of continuing concern to both the voter and the elected officials who represent him. It is entirely appropriate, therefore, that this special cancellation be embodied in the United States Code and that its permanent importance be recognized by the Congress.

In keeping with the spirit of postal regulations, this cancellation is certainly a matter of general public interest and importance. Surely no one can deny that the proper and timely registration of voters is a matter of general public importance.

Mr. Speaker, I urge my colleagues to support this bill as a service to the American electorate.

RUSSIAN ANTI-SEMITISM

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FARBSTEIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, the perfidy of the Soviet Union again rears its ugly head. Perhaps only a small matter to them, yet it involves the religious beliefs of the Jews in that country.

The Soviet Union stands accused by the president of the Synagogue Council of America, in the press today of breeching an agreement made between the Soviet cultural attachè in Washington and five firms doing business in this country who were licensed to send packages of matzoth to practicing Jews in the Soviet Union.

Rabbi Uri Miller, president of the Synagogue Council of America stated last night that he had learned from reliable sources that the packages of matzoths that were sent from the United States were being held up in customs in the Soviet Union and that the people to whom they were addressed were not notified that the packages had arrived.

It appears also that not alone are they backtracking on their agreement but only a few days before the commencement of the Passover a historic and important Jewish holiday, the Soviet authorities are conducting a campaign against parcels of matzoths, the Passover unleavened bread being sent to Soviet Jews from the West.

This is made apparent by a statement learned of today in the official newspaper of White Russia, Sovietskaya Byelorussia, which said, "Stop your blackmail by parcel."

In closing all I can say is do not look now, but your anti-Semitism is showing again.

REDUCED FUNDS IN 1965 FOR THE COAST GUARD'S URGENT PLANT IMPROVEMENT PROGRAM

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GARMATZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARMATZ. Mr. Speaker, the President's budget, in recognition of the obsolescent condition of the Coast Guard's vessels, aircraft, and coastal stations, recommended $90 million as the 1965 step toward an adequate replacement and improvement program. This amount in an economy year compared to the $51 million appropriated for 1964 in itself carries a message of urgency and awareness. While $90 million is far short of the level which must be provided ultimately to overcome the block obsolescence and overage conditions of the Coast Guard's plant, it is a good start toward an orderly replacement program.

If only $80 million, or $10 million less than the President proposed, is appropriated for this Coast Guard program, the Coast Guard's plight will be further aggravated. First, it means the deferment of plant improvement projects many of which are designed to overcome obsolescence or to extend useful life so replacement may be deferred until adequate funds are available. Next, it means the deferment of medium endurance vessels for fishing surveillance off the New England coast. It also means the deferment of construction of three 82-foot patrol craft for rescue and law enforcement.

A list of projects to be deferred to make up a reduction of $10 million is as follows:

Items not required to be authorized

Rehabilitation and modernization of 1 327-foot cutter in anticipation of extending useful life	$3,500,000
Improve icebreaker (3 ships) stability as one step in extending useful life and delaying replacement	500,000
Improve Icebreaker *Mackinaw* capability so new turbine type helicopters can be used in her operations	125,000
Extend operating capability and minimize hazards of operation of 2 seagoing tenders by installation of bow thrusters. This will make these vessels usable for a longer period	200,000
Design icebreaker—In his statement before the Appropriations Committee the Commandant stated that this project would be sacrificed to provide additional funds found necessary to construct the major endurance cutter provided for in the 1965 budget. Recent construction bids reveal cost will be higher than shown in budget	500,000
Replace overage gantry crane at Coast Guard yard. This is part of program commenced in 1964 to replace the overage cranes procured for the yard during World War II	320,000
	5,145,000

ITEMS INCLUDED IN AUTHORIZATION BILL (PUBLIC LAW 88–281)

Construction of 1 medium endurance vessel for fisheries patrol off New England coast. The use of traditional U.S. fishing grounds by Russian vessels makes the initiation of this patrol urgent	$3,750,000
Construction of only 4 of the 7 82-foot patrol craft authorized in Public Law 88–281 to provide rescue and law enforcement coverage at Eatons Neck on Long Island Sound, N.Y.; Fort Pierce, Fla.; Fort Myers, Fla.; Port Hueneme, Calif.; Seattle, Wash.; Petersburg, Alaska; and American Samoa in the Pacific	1,105,000
Total	4,855,000
Grand total	10,000,000

PRAYER BY REV. BERNARD BRASKAMP, D.D., CHAPLAIN OF THE HOUSE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALBERT. Mr. Speaker, the Democratic Congressional Dinner held at the National Guard Armory in the District of Columbia last Thursday evening was opened with an invocation by our beloved and admired Chaplain of the House, the Reverend Bernard Braskamp.

I was greatly impressed by this prayer, as were all others present. Everyone should have the opportunity of reading it. Under leave to extend my remarks I extend the inspiring words of our Chaplain:

> Almighty God, during the fellowship of these evening hours, may we find our minds and hearts enlarging with a new appreciation of our national blessings and responsibilities.
>
> Bless our President, our Speaker, and all who are engaged in the high vocation of public service. May we understand that a God-fearing leadership and citizenry are essential for the prosperity and preservation of our beloved country.
>
> Inspire us to give democracy that larger expansion which is inherent in its glorious principles. Help us to cultivate our faculties of effort and enthusiasm, for when we see the passion and zeal of communism we sometimes wonder whether the children of darkness are wiser in this generation than the children of light.
>
> May we declare plainly that the faith of democracy, in its profession, is that of the fatherhood of God and in its practice the brotherhood of man, and that if we refuse to be in God, the brothers of men, then we cannot be in God, the sons of God.
>
> Gird us with courage to believe that our troubled world is moving toward a new day when the members of the human family shall be partners in building the highways of peace and good will.
>
> Hear us in the name of the Prince of Peace.

NATIONAL LABOR RELATIONS BOARD

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. ASHMORE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ASHMORE. Mr. Speaker, today I introduced a bill which permits a businessman to go out of business without the approval of the National Labor Relations Board or any other agency of the Federal Government.

It is my understanding of our constitutional form of government that the Congress is responsible for the setting of policy through the enactment of legislation. It is then the responsibility of the executive branch to administer that legislation in keeping with the policy and the intent of Congress.

There is one agency in this Government which, in my opinion, has never been able to confine itself to the policies laid down by the Congress. This agency, since its inception, has departed from the congressional intent at practically every juncture. They do not look upon themselves as administrators of a statute enacted by the Congress. They look upon themselves as self-anointed molders of the national policy. This agency has been so brazen in its refusals to follow clear congressional intent that it has been necessary on two previous occasions to make major revisions in the law for the purpose of closing the loopholes which the agency itself developed.

The agency to which I refer is the National Labor Relations Board. I doubt there is a bureau of the Federal Government which has been so swayed by the political predictions of its members, so unresponsive to the will of Congress. This particularly applies to the present Board which is ruled by the political purposefulness of its present chairman to stretch the law beyond the statute given him by Congress. I doubt there is an agency of our Government which has so flagrantly and so repeatedly ignored cr defied the will of the people expressed through their elected Representatives in Congress.

Because of the sheer volume, it has been impossible to correct all the distortions, the injustices, the misapplications of the law, the false theories and illogical doctrines which this little group of politically motivated bureaucrats have brought forth through the years. All too often they operate behind the shadowed wall of "expertise" and "findings of fact."

But occasionally there surfaces from the complicated maze of these bureaucratic maneuverings a simple, clearly understandable attempt at a major extension of jurisdiction beyond the statute which Congress gave the Board. For the past 2 years the NLRB has been developing a line of decisions which holds that a company does not have an absolute right to go out of business absolutely and permanently. They have held that the right to go out of business does not exist unless it is entirely free of any desire to avoid dealing with a union or of any anti-union feeling. And who is to determine the motivations in the heart and mind of the businessman who determines to cease doing business? The NLRB, in all its expertise, of course. In other words, they hold, a businessman who has a union in the picture must get clearance from the NLRB before he may discontinue his business, stop losing money, withdraw his capital, and devote his energies to other pursuits, albeit he is on the verge of bankruptcy.

Congress never intended that any Government agency should have such power over the life or death of a business. Congress never intended that the free enterprise system should be so impaired that a businessman is no longer free to get fed up and quit. This is clear to everyone except some of the present members of the National Labor Relations Board. I have today introduced an amendment to the National Labor Relations Act which makes clear the true intent of Congress in simple terms which anyone, even the legal-eagle jurisdiction stretcher at the NLRB, will be able to understand. I ask every Congressman who believes that a man in business has not permanently dedicated his capital as a charitable foundation to the management by Mr. McCollaugh, the ADA Chairman of the NLRB, to join with me in this.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McClory (at the request of Mr. Arends), on account of official business as delegate to session of Interparliamentary Union at Lucerne, Switzerland, beginning March 25, through April 5, 1964.

Mr. Oliver P. Bolton (at the request of Mr. Halleck), for the week of March 23, on account of illness.

Mr. Wydler (at the request of Mr. Halleck), for today, on account of death in family.

Mr. Pirnie (at the request of Mr. Arends), for the balance of the week, on account of official business as a delegate to the Interparliamentary Conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Feighan, for 15 minutes, today.

Mr. Patman, for 60 minutes, on Monday, April 6; and to revise and extend his remarks and include extraneous matter.

Mr. Moore (at the request of Mr. Hall), for 1 hour, on March 26; to revise and extend his remarks and to include extraneous matter.

Mr. Halpern (at the request of Mr. Hall), for 20 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Ashbrook (at the request of Mr. Hall), for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Halpern (at the request of Mr. Hall), for 10 minutes, on March 25; to revise and extend his remarks, and to include extraneous matter.

Mr. Dent (at the request of Mr. Gonzalez), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mrs. Green of Oregon.

(The following Members (at the request of Mr. Hall) and to include extraneous matter:)

Mr. Widnall.

Mr. Berry.

Mr. Lindsay.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Cooley.

Mr. Marsh.

Mr. Cameron in three instances.

Mrs. Sullivan.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 950. An act to amend the Internal Security Act of 1950;

H.R. 1759. An act for the relief of Rebecca K. Clayton;

H.R. 7967. An act for the relief of certain individuals employed by the Department of the Air Force at Hickam Air Force Base, Hawaii;

H.R. 8280. An act for the relief of Mrs. Annette M. Rasor and Dr. Robert W. Rasor; and

H.R. 8930. An act for the relief of certain employees of the Bureau of Indian Affairs.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 25, 1964, at 12 o'clock noon.

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS INCURRED IN TRAVEL OUTSIDE THE UNITED STATES AS REQUIRED BY THE MUTUAL SECURITY ACT OF 1954, AS AMENDED, AND BY PUBLIC LAW 86-472

Mr. BURLESON. Mr. Speaker, section 502(b) of the Mutual Security Act of 1954, as amended by section 401(a) of Public Law 86-472, approved May 14, 1960, and section 105 of Public Law 86-628, approved July 12, 1960, require the reporting of expenses incurred in connection with travel outside the United States, including both foreign currencies expended and dollar expenditures made from appropriated funds by Members, employees, and committees of the Congress.

The law requires the chairman of each committee to prepare a consolidated report of foreign currency expenditures and also dollar expenditures from appropriated funds within the first 60 days that Congress is in session in each calendar year, covering expenditures for travel outside the United States during the previous calendar year. The consolidated report is forwarded to the Committee on House Administration, which, in turn, prints such report in the Congressional Record within 10 legislative days after receipt.

There is submitted herewith the report from the House Appropriations Committee which was received within the prescribed time limit:

Report of expenditure of foreign currencies and appropriated funds by the Committee on Appropriations, U.S. House of Representatives

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Congressman Frank T. Bow:											
Netherland Antilles	Dollar		90.00		40.00				7.00		137.00
Puerto Rico	do		100.00		45.00				9.00		154.00
Round trip transportation	do						403.00				403.00
Total			190.00		85.00		403.00		16.00		694.00
Congressman Edward R. Finnegan:											
United States	Dollar						18.85		5.00		23.85
England	do		85.00		55.50		5.00		3.50		149.00
Italy	do		31.00		23.25		2.50		3.00		59.75
France	do		18.00		7.20		2.00		2.50		29.70
Round trip transportation	do						920.65				920.65
Total			134.00		85.95		949.00		14.00		1,182.95

Report of expenditure of foreign currencies and appropriated funds by the Committee on Appropriations, U.S. House of Representatives—Continued

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Congressman John E. Fogarty:											
Italy	Dollar		49.60		37.40		95.80		9.40		192.20
Switzerland	do		150.70		121.50		11.30		36.55		320.05
Ireland	do		15.00		17.55		4.55		21.50		58.60
Total			215.30		176.45		111.65		67.45		570.85
SURVEYS AND INVESTIGATION STAFF											
Francis L. Cashin:											
Panama Canal Zone	Dollar		236.37		236.38		104.26				577.01
Round trip transportation	do						454.60				454.60
Subtotal			236.37		236.38		558.86				1.031.61
Joseph F. Cunningham:											
Panama Canal Zone	Dollar		234.62		234.63		107.51				576.76
Round trip transportation	do						459.90				459.90
Subtotal			234.62		234.63		567.41				1,036.66
Robert M. Franklin:											
Panama Canal Zone	Dollar		236.87		236.88		108.46		1.00		583.21
Round trip transportation	do						461.69				461.69
Subtotal			236.87		236.88		570.15		1.00		1,044.90
R. C. Halstead:											
Austria	Dollar		87.45		71.55				5.20		164.20
Germany	do		78.98		96.52		6.55		4.60		186.65
Netherlands	do		17.60		14.40		14.50		1.30		47.80
France	do		26.40		21.60		2.40		3.00		53.40
Round trip transportation	do						669.55				669.55
Subtotal			210.43		204.07		693.00		14.10		1,121.60
Walter B. Hunter:											
Panama Canal Zone	Dollar		233.13		233.12		10.50				476.75
Round trip transportation	do						464.46				464.46
Subtotal			233.13		233.12		474.96				941.21
M. Singman:											
Austria	Dollar		98.45		80.55		2.75		11.70		193.45
Germany	do		78.98		96.52		6.30				181.80
France	do		47.57		38.93		.60		3.00		90.10
Round trip transportation	do						668.80				668.80
Subtotal			225.00		216.00		678.45		14.70		1,134.15
R. L. Van Wagoner:											
Austria	Dollar		98.45		80.55		2.75		13.70		195.45
Germany	do		51.19		62.56		2.50				116.25
Denmark	do		33.00		27.00		3.50		2.25		65.75
Netherlands	do		17.60		14.40				1.12		33.12
France	do		36.57		29.93				3.00		69.50
Rount trip transportation	do						764.05				764.05
Subtotal			236.81		214.44		772.80		20.07		1,244.12
L. M. Walters:											
Austria	Dollar		87.45		71.55		5.90		3.00		167.90
Germany	do		45.35		55.40		9.10				109.85
Denmark	do		28.05		22.95		3.80		5.35		60.15
Round trip transportation	do						670.30				670.30
Subtotal			160.85		149.90		689.10		8.35		1,008.20
Total, surveys and investigation staff			1,774.08		1,725.42		5,004.73		58.22		8,562.45
Grand total			2,313.38		2,072.82		6,468.38		155.67		11,010.25

FEB. 18, 1964.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1862. A communication from the President of the United States transmitting amendments to the request for appropriations transmitted in the budget for 1965 for foreign assistance—economic and military assistance (H. Doc. No. 285); to the Committee on Appropriations and ordered to be printed.

1863. A letter from the Comptroller General of the United States; transmitting a report on deficiencies and problem areas relating to the administration of the Federal-aid highway program in the State of New York by the Bureau of Public Roads, Department of Commerce; to the Committee on Government Operations.

1864. A letter from the Comptroller General of the United States; transmitting a review disclosing that unnecessary per diem payments, estimated at over $600,000 annually, are made by the Department of the Navy because military personnel report to temporary duty assignments during transfers between permanent posts of duty and are paid per diem prior to the dates that the temporary duty for which the member has been assigned to that station is scheduled to begin. This has been called to the attention of the Department of Defense, with certain proposed instructions of action; Committee on Government Operations.

1865. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to amend sections of 2275 and 2276 of the Revised Statutes, as amended, with respect to certain lands granted to the United States"; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 622. Resolution for consideration of H.R. 10222, a bill to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes; without amendment (Rept. No. 1253). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 287. A bill to amend title II of the Social Security Act to include Nevada among those States which are permitted to divide their retirement systems into two parts for purposes of obtaining social security coverage under Federal-State agreement; with amendment (Rept. No. 1267). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 1608. A bill to amend section 308 of the Tariff Act of 1930 to provide that aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes; with amendment (Rept. No. 1268). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOGGS: Committee on Ways and Means. H.R. 2330. A bill to amend the Tariff Act of 1930 to provide, as a substitute for the existing requirement of production before 1830, that antiques may be imported free of duty if they exceed 100 years of age at the time of importation; with amendment (Rept. No. 1269). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE: Committee on Ways and Means. H.R. 2652. A bill to amend paragraph 1101(b) of the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts; with amendment (Rept. No. 1270). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Texas: Committee on Ways and Means. H.R. 3348. A bill to amend section 316 of the Social Security Amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old-age, survivors, and disability insurance program; with amendment (Rept. No. 1271). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of California: Committee on Ways and Means. H.R. 4198. A bill to amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee; with amendment (Rept. No. 1272). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 4364. A bill to provide for the free entry of one mass spectrometer for the use of Oregon State University; with amendment (Rept. No. 1273). Referred to the Committee of the Whole House on the State of the Union.

Mr. JENNINGS: Committee on Ways and Means. H.R. 7480. A bill to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products; with amendment (Rept. No. 1274). Referred to the Committee of the Whole House on the State of the Union.

Mr. WATTS: Committee on Ways and Means. H.R. 8268. A bill to amend the Tariff Act of 1930 to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States and subsequently reprocessed in the manufacturer's bonded factory; with amendment (Rept. No. 1275). Referred to the Committee of the Whole House on the State of the Union.

Mr. WATTS: Committee on Ways and Means. H.R. 8461. A bill to amend section 311 of the Tariff Act of 1930 to permit the manufacture in bonded manufacturing warehouses of cigars made of tobacco imported from more than one foreign country; without amendment (Rept. No. 1276). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 8975. A bill to provide for the tariff classification of certain particleboard; with amendment (Rept. No. 1277). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of California: Committee on Ways and Means. H.R. 9311. A bill to continue for 2 years the suspension of duty on certain alumina and to make permanent the suspension of duty on certain bauxite; without amendment (Rept. No. 1278). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 9393. A bill to amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aids employed by soil and water conservation districts in Oklahoma; with amendment (Rept. No. 1279). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 98. A bill to amend the Internal Revenue Code of 1954 with respect to exportation of imported distilled spirits, wines and beer; with amendment (Rept. No. 1290). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 2855. A bill relating to the application of the manufacturers excise tax on electric light bulbs in the case of sets or strings of such bulbs; with amendment (Rept. No. 1291). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHELF: Committee on the Judiciary. H.R. 1385. A bill for the relief of Barbara Coloma Sabio; with amendment (Rept. No. 1254). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 1465. A bill for the relief of Rifka Ibrahim Toeg; with amendment (Rept. No. 1255). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 1503. A bill for the relief of Mrs. Hilda Eaves; with amendment (Rept. No. 1256). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 2735. A bill for the relief of Ligia Paulina Jimenez; with amendment (Rept. No. 1257). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 3645. A bill for the relief of Yeghsa Ketenjian; with amendment (Rept. No. 1258). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 5408. A bill for the relief of Jackie Bergancia Smith; with amendment (Rept. No. 1259). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 6568. A bill for the relief of Frances Sperilli; with amendment (Rept. No. 1260). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 6843. A bill for the relief of David Sheppard; without amendment (Rept. No. 1261). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 8964. A bill for the relief of Diedre Regina Shore; without amendment (Rept. No. 1262). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 9090. A bill for the relief of Mrs. Audrey Rossmann; without amendment (Rept. No. 1263). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 9150. A bill for the relief of Miss Leonor do Rozario de Medeiros (Leonor Medeiros); with amendment (Rept. No. 1264). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 9220. A bill for the relief of Elisabete Maria Fonseca; with amendment (Rept. No. 1265). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 9765. A bill for the relief of Mrs. Battistina Gallo Iannuccilli; without amendment (Rept. No. 1266). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 1727. A bill for the relief of Richard G. Green, Jr.; without amendment (Rept. No. 1280). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 5309. A bill for the relief of Russell D. Harris; without amendment (Rept. No. 1281). Referred to the Committee of the Whole House.

Mr. KING of New York: Committee on the Judiciary. H.R. 5571. A bill for the relief of Noble Frank Smith and his wife, Viola Smith; with amendment (Rept. No. 1282). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 6479. A bill for the relief of Jong Wan Lee; with amendment (Rept. No. 1283). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 7132. A bill for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif.; with amendment (Rept. No. 1284). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 8415. A bill for the relief of Maj. Keith K. Lund; with amendment (Rept. No. 1285). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 8479. A bill for the relief of Georgette D. Caskie; without amendment (Rept. No. 1286). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 8879. A bill for the relief of Maryellen Boone; with amendment (Rept. No. 1287). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 9199. A bill for the relief of CWO Stanley L. Harney; with amendment (Rept. No. 1288). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 9475. A bill for the relief of Miss Grace Smith, and others; with amendment (Rept. No. 1289). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITE:

H.R. 10559. A bill to prohibit the sale of silver bullion by the Secretary of the Treasury; to the Committee on Banking and Currency.

H.R. 10560. A bill to increase the monetary value of silver to $2.5858 per ounce; to the Committee on Banking and Currency.

By Mr. HARDING:

H.R. 10561. A bill to prohibit the sale of silver bullion by the Secretary of the Treasury; to the Committee on Banking and Currency.

H.R. 10562. A bill to increase the monetary value of silver to $2.5858 per ounce; to the Committee on Banking and Currency.

By Mr. BARING:

H.R. 10563. A bill to prohibit the sale of silver bullion by the Secretary of the Treasury; to the Committee on Banking and Currency.

H.R. 10564. A bill to increase the monetary value of silver to $2.5858 per ounce; to the Committee on Banking and Currency.

By Mr. HAGEN of California:

H.R. 10565. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed in 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. HARDING:

H.R. 10566. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed in 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 10567. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. OLSEN of Montana:

H.R. 10568. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. WHITE:

H.R. 10569. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. ASHMORE:

H.R. 10570. A bill to amend the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. DON H. CLAUSEN:

H.R. 10571. A bill to redefine the silver content in silver coins; to the Committee on Banking and Currency.

By Mr. DANIELS:

H.R. 10572. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

H.R. 10573. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the Veterans' Hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

By Mr. DENT:

H.R. 10574. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 10575. A bill to establish the position of U.S. customs inspector (nonsupervisory) in the Bureau of Customs, Department of the Treasury, to place such position in grade 10 of the Classification Act of 1949, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HARRISON:

H.R. 10576. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. HEALEY:

H.R. 10577. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

By Mr. LENNON:

H.R. 10578. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mrs. MAY:

H.R. 10579. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. O'HARA of Michigan:

H.R. 10580. A bill to authorize the Postmaster General to provide for the use in post offices of the first and second class of a special canceling stamp or postmarking die bearing the words "Have you registered to vote?"; to the Committee on Post Office and Civil Service.

By Mr. PELLY:

H.R. 10581. A bill to amend the Internal Revenue Code of 1954 to defer recognition of gain in certain liquidations; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 10582. A bill to amend the National Defense Education Act of 1958 to provide Federal assistance to enable States to improve their programs for compiling, evaluating, and disseminating the results of education research and experimentation; to the Committee on Education and Labor.

By Mr. BATTIN:

H.R. 10583. A bill to prohibit the sale of silver bullion by the Secretary of the Treasury; to the Committee on Banking and Currency.

H.R. 10584. A bill to increase the monetary value of silver to $2.5858 per ounce; to the Committee on Banking and Currency.

By Mr. BOLAND:

H.R. 10585. A bill to amend the Federal Employees Health Benefits Act of 1959 to permit until December 31, 1964, certain additional health benefits plans to come within the purview of such act; to the Committee on Post Office and Civil Service.

By Mr. CUNNINGHAM:

H.R. 10586. A bill relating to the determination of sale price of a rebuilt television picture tube; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 10587. A bill relating to the status of volunteer fire companies for purposes of liability for Federal income taxes and for certain Federal excise taxes; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 10588. A bill to require that imported meat be identified as such; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRIS:

H.R. 10589. A bill to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to radio reception; to the Committee on Interstate and Foreign Commerce.

By Mr. KORNEGAY:

H.R. 10590. A bill to amend chapter 15 of title 38, United States Code, to revise the pension program for World War I, World War II, and Korean conflict veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RHODES of Pennsylvania:

H.R. 10591. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 10592. A bill to provide for a Veterans' Administration hospital in the northern part of Dade County, Fla.; to the Committee on Veterans' Affairs.

By Mr. FOGARTY:

H.J. Res. 962. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes; to the Committee on Appropriations.

By Mr. HALPERN:

H.J. Res. 963. Joint resolution calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the Feast of the Passover which begins at sundown Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition; to the Committee on Foreign Affairs.

By Mr. POWELL:

H. Res. 663. Resolution to provide for the expenses of an investigation authorized by House Resolution 103; to the Committee on House Administration.

By Mr. BLATNIK:

H. Res. 664. Resolution relating to a salary increase for the Superintendent of the House Folding Room, Office of the Doorkeeper; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10593. A bill for the relief of Vincenza Crifasi; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 10594. A bill for the relief of Persefoni G. Katarahias; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H.R. 10595. A bill for the relief of Rachel Eigler; to the Committee on the Judiciary.

By Mr. HARSHA:

H.R. 10596. A bill for the relief of Luis Moreiras; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 10597. A bill for the relief of Dr. Concepcion L. Yap; to the Committee on the Judiciary.

By Mr. MACDONALD:

H.R. 10598. A bill for the relief of Mrs. Giuseppa Saporito Telaro; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 10599. A bill for the relief of Ernesto de Melo Mercier de Miranda; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.J. Res. 964. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. MORRISON:

H.J. Res. 965. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. SECREST:

H.J. Res. 966. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

EXTENSIONS OF REMARKS

Postmaster General Gronouski Dedicates World's Fair Post Office and Stamp

EXTENSION OF REMARKS
OF

HON. RALPH YARBOROUGH

OF TEXAS
IN THE SENATE OF THE UNITED STATES
Tuesday, March 24, 1964

Mr. YARBOROUGH. Mr. President, Postmaster General John A. Gronouski, in an address in New York City March 11, 1964, emphasized that the ZIP code program is working, that it is here to stay, and that public support is needed to make it a total and permanent success.

As a member of the Senate Post Office and Civil Service Committee, I have observed how the ZIP code program is speeding the mail of large volume mailers.

Postmaster General Gronouski makes the point that this is resulting in more work time for personal mail, and the ZIP code is benefiting all the public.

I ask unanimous consent that the following address by John A. Gronouski, Postmaster General, at the dedication of the New York World's Fair Post Office and the unveiling of the World's Fair stamp design and embossed envelope of March 11, 1964, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY JOHN A. GRONOUSKI, POSTMASTER GENERAL, AT THE DEDICATION OF THE NEW YORK WORLD'S FAIR POST OFFICE AND THE UNVEILING OF THE WORLD'S FAIR STAMP DESIGN AND EMBOSSED ENVELOPE, MARCH 11, 1964

Our mission here today is twofold. We are dedicating the post office that will service the greatest of all World's Fairs, and we are unveiling the stamp and the embossed 5-cent envelope that will help spread the word about this fair all over the world.

As Postmaster General, I dedicate a good many postal installations, and I unveil a good many stamp designs. But it is a unique opportunity for me to combine these functions for a single occasion, and I am happy to have an opportunity to do so today.

This is no ordinary post office. A working laboratory exhibit of the most advanced technologies in mail processing, it is distinct from any other of the more than 34,000 post offices and 10,000 additional postal stations and terminals.

Here, on one relatively small work floor, we will show millions of fair visitors how mail is processed by hand in the smallest communities—and by the latest high-speed electromechanical devices and machines yet developed for the major cities.

Why are we doing this? The business of the Post Office Department is the public's business. The mails remain this country's principal medium of communication. The World's Fair postal exhibit will be a visual demonstration of the mechanization necessary to move the mails in the immediate future.

Just as the World's Fair, itself, will symbolize man's breakthrough in the field of science, so will this post office symbolize our technological breakthroughs.

Our conservative estimate for the number of individual pieces of mail this year is 70 billion. This figure could be as high as 71 billion. The current 6-month period ending next June 30 is already showing an increase of 6 percent over a year ago.

I want to assure you that your Post Office Department has been working diligently to cope with this "mail explosion." We have a continuing research program into methods and machines that will enable the postal system to keep pace with a growing population and the growing economy on which it depends. And as we strive for higher productivity and greater efficiency, we also strive for economies that will benefit the taxpayers.

Our recently instituted ABCD program, for example, is now operating in the business sections of 268 cities and we are providing more same-day mail collection and delivery than the rest of the world combined.

Within a very few years the electronic scanning machines now being developed by private industry will provide this Nation with more efficient handling of intercity mail by reading the ZIP code numbers on letters.

ZIP code will allow us to "leap frog" mail from sectional center to sectional center, eliminating a number of manual handlings along the way. This will save us money, speed the mails, cut down on the possibility of error, and help us keep pace with the tremendously growing volume of mail.

I know that some news reports have been tolling the death knell for ZIP code. Some declare that we are scrapping the program and others claim that we ought to scrap it.

Well, that's a lot of nonsense and I am here today to tell you that ZIP code is very much alive and healthy.

Scrapping the ZIP code program is about as silly an idea as going back to the Pony Express. ZIP code is absolutely essential to modern postal service and we could not possibly do without it.

It has been claimed that no one is using ZIP code, and yet of the 30,000 business firms that we have contacted to date 87 percent have agreed to participate in the program. Business firms account for 75 percent of all first-class mail, and these 30,000 firms account for a large proportion of all mail in this country. Time-Life, for example, with a mailing of more than a billion pieces annually, will be completely ZIP coded by July. Reader's Digest is now in the process of converting.

The key to the ZIP code process is our 566 sectional centers throughout the country. We have already activated more than 60 percent of these centers. Ultimately, they will act as modern, efficient hubs for local mail distribution and will eliminate our having to put small bags of mail on trains and dropping them off at each community.

This will simplify our operations and speed the mail by cutting down on the number of handlings at the sending end. It is vital because of the continuing decrease in railroad service. Thirty years ago we had 10,000 trains available to carry mail in the United States. Today that number has dropped to 1,200.

For large mailers to take full advantage of this system, the emphasis is on presorting by ZIP code. Modern electronic tape machines permit them to sequence their mail by the numbers and then economically presort it into large bags according to sectional centers. These bags go directly from the mailer to the various sectional centers, bypassing a number of post offices along the way.

It has been claimed that ZIP code has failed because it has not yet speeded personal mail. In reality, it is helping to speed personal mail. As we process large volumes of mail, already presorted to ZIP code destinations, much more time is available in our post offices for the handling of personal mail. And when the program goes into full operation, we will be able to provide even speedier delivery for personal letters.

Thanks to ZIP code, we are already providing speedier delivery for the large volume mailers. McCall's magazine, another major firm which is already being ZIP coded, reports that deliveries in Florida have been speeded up by 24 hours in all cases, and by 48 hours in nearly half the cases. This is a real achievement.

It has also been charged that we are ignoring ZIP code in our post office workrooms. This is simply not true. Instructions have been issued to our 15 regions across the country on manual sorting and 2 of our largest post offices—in Philadelphia and Los Angeles—have already begun to sort by ZIP code.

There is no effort on the part of the Post Office Department to fool anyone about ZIP code. The simple fact is that the more the public uses ZIP code, the more successful we will be in moving the mails. We need the help of the public so that we can provide the best possible postal service.

I am happy about the public cooperation we are receiving. From random checks that we have conducted throughout the country, we have found that approximately 22 percent of the mail from large cities is being ZIP coded—and the figure runs as high as 50 percent in the smaller communities. This indicates a public acceptance that far exceeds any experience we had in the early years of the zoning system.

In the final analysis, ZIP code is sound in principle and sound in fact. It represents our only possible solution to the coming "mail explosion" of which I spoke earlier. We must succeed because there is no practical alternative.

Since 1929, the cost of delivering the average piece of first-class mail has gone up 200 percent. That experience cannot be repeated. If we ignored the opportunities offered by advancing technology and permitted costs to continue to rise at the same rate, the 15-cent letter would be a grim reality by the year 2000.

We must move ahead. We are moving ahead.

While we are sometimes hampered in this public effort by inaccurate reporting, we are much more frequently helped by accurate, objective reporting. Two weeks ago, the Wall Street Journal carried a comprehensive, well-researched article, showing the revolutionary effect that ZIP code is already having on business mail. I am certain that this article will prompt other business firms to speed up their conversion to the program.

I am equally certain that the post office we are dedicating today, which soon will be processing a quarter million pieces of mail daily, will have a similar effect on visitors here at the fair. We will be open for business next Monday.

And now, having dedicated this post office, the most pleasant part of my duty remains. That is to turn it all over to the Honorary Postmaster of the World's Fair—the Honorable James A. Farley.

I do so with the confidence that we are placing it in excellent hands. When Mr. Farley accepted President Johnson's appointment as Honorary Postmaster, the honor actually was ours. During his 7 years as Postmaster General under President Franklin D. Roosevelt, Jim Farley earned the lasting title of "Mr. Postmaster" in the minds and hearts of postal workers throughout the Nation. Many of the great advances in the postal service were instituted during his term of office.

Being an exhibitor, as well as a service agent at this fair, we have a double stake in the stamp and envelope designs which we are unveiling today.

The World's Fair 5-cent stamp shows a scene of the main mall of the fair. It was designed by Mr. Robert J. Jones of the Bureau of Engraving and Printing. Mr. Jones has done a wonderful job of capturing the breathtaking beauty and scope of the fair, and we hope that the stamp will stimulate attendance here at Flushing Meadows. I think, too, that the stamp will serve as an instrument of international goodwill for the United States. Its design depicts much of the greatness of America: Its scientific progress, its beauty, its serenity and its self-confidence.

The maroon, embossed 5-cent envelope shows a stylized unisphere, the fair's symbol. It was designed for us by Mr. Paul D. Kennedy, of the International Paper Co.

Both the stamp and the embossed envelope will go on sale here at the fair on April 22, and throughout the rest of the United States on the following day.

During the months ahead, they will be seen by millions of people the world over. I hope they encourage many of them to come to see for themselves what a magnificent fair this is.

Thank you.

Recrimination Deplored, Crash Research Sought in Smoking Controversy

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

Mr. COOLEY. Mr. Speaker, I am amazed and shocked that a Member of the House is reported to have questioned and impugned the integrity of his fellow Members of this body.

On Thursday, March 19, according to accounts in the daily press, the gentleman from New Jersey, Representative FRANK THOMPSON, JR., made a statement implying that tobacco State Congressmen and the American Medical Association had made a deal whereby the AMA would oppose the labeling of cigarettes as harmful to health and the Congressmen in return would oppose the pending medicare legislation.

Mr. Speaker, I hope that the gentleman from New Jersey has been misquoted, for such an implication not only is untrue, it is fantastic, and it is an outrage to this House.

I have been in touch with all developments since the Surgeon General of the Public Health Service on January 11 issued the report "Smoking and Health," warning of health hazards in the smoking of cigarettes.

Immediately upon the release of this report I introduced a resolution in the House calling for a crash program of research into the production, handling, manufacture, and use of tobacco, designed to ascertain and preserve the desirable quality factors and characteristics of tobacco products and to eliminate therefrom factors, properties, or substances which may be detrimental to health.

Simultaneously, I communicated with the heads of major tobacco companies proposing that they join in the research undertaking by contributing the physical facilities for a complete laboratory, to be operated by Government scientists who would render impartial conclusions on the research undertaken in the crash program.

I then learned that the tobacco companies, working through the Tobacco Institute, already had under consideration a grant of $10 million to the American Medical Association, for independent research such as was contemplated in the resolution I had offered in the House.

Mr. Speaker, I cautioned the Tobacco Institute against making this grant to the AMA, warning that some irresponsible people, with axes to grind, would charge that such a research arrangement actually was an attempt to bribe the AMA in its position on smoking and health.

But it was pointed out to me that the AMA already had begun research on smoking and health, and was ready to proceed immediately with a crash program, under a $10 million grant from the tobacco manufacturers.

My advice was not heeded, and now wild accusations have been flourished in the press, on television, and on radio.

But, Mr. Speaker, I must confess it never occurred to me that a Member of this body would broadcast an implication that the Members from tobacco-producing States had entered any kind of deal whereby the AMA would oppose the labeling of cigarettes as a health hazard in return for the support of these Members in AMA's fight against the current proposal for a health insurance plan—medicare—for the aged under social security.

In fact, I had no prior advice that AMA was to testify at all in the Federal Trade Commission hearings on the proposition of placing some kind of warning label or tag on each package of cigarettes. I doubt if any Member of this body from a tobacco-producing State was aware of AMA's position in this matter until an account of its statement appeared in the press.

I hope that the gentleman from New Jersey will see fit to retract or explain to the House the statements the press has attributed to him.

Mr. Speaker, research—fundamental, exhaustive, and impartial research—is the only sound and sensible approach to the problem presented by the report "Smoking and Health." I have pointed out on numerous occasions that 70 million Americans smoke cigarettes, and I have expressed the opinion that many millions will continue to smoke. Moreover, I have pointed out that the Federal and State governments collect annually more than $3 billion in taxes on tobacco and tobacco products. It is my judgment that the Federal Government has a responsibility to use $5 million to $10 million, of the $2 billion-plus it collects each year on tobacco, to finance a crash research program into the health factors of tobacco.

Our Committee on Agriculture has reported the research resolution. As an indication of our desire to be completely fair and impartial the first witness we called to testify on this resolution was the Surgeon General and he was followed by the Director of the National Cancer Research Institute. Both supported the research embraced in the resolution. Not a single witness appeared in opposition nor did a single member of our 35-member committee vote against the resolution. Research is our answer, and our only answer, to the indictments that have been made against this great American industry.

And now, in conclusion, I will say to the House that it is my hope that this body will promptly pass the research resolution and that the tobacco industry will participate in this research to the extent of building and equipping the laboratory facilities, for the use of impartial scientists under the direction of Federal and State agencies, with the cooperation of the scientists of our colleges.

Mr. Speaker, we have a job to do where the health of our citizens is paramount. Let us have done with recriminations and get on with this job.

Greece and Cyprus

EXTENSION OF REMARKS

OF

HON. JOHN V. LINDSAY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

Mr. LINDSAY. Mr. Speaker, for months the situation in Cyprus has teetered on the edge of catastrophe. Each new day brings the chance of more violence, and the chance that the result will have a serious effect on the solidity of the NATO Alliance. The bloodshed must be stopped. Reason must be maintained. A solution must be found.

My friend and distinguished colleague, Senator KENNETH B. KEATING, of New York, recently made a forceful and forthright presentation of his views on this serious situation. Mr. KEATING's remarks deserve notice, and I present them here in the hopes that my colleagues and others can give them careful consideration. The remarks were made at the biennial meeting of the Order of the American Hellenic Educational Progressive Association—an organization very much concerned with developments in Cyprus:

KEATING URGES MAJORITY RULE GUARANTEES IN CYPRUS

I am happy and honored to be here with you tonight and I know I speak for all colleagues in expressing gratitude to you for this tribute to Congress. I am particularly pleased also to join with you in honoring the eminent publisher and one of the great figures of our time, one who has done so much to illustrate to all the people of America the cultural glory and achievements of Greece—Henry Luce.

I, like you, look upon Greece as a homeland, not because I was born there but because my culture was. Greece is the mother country of freedom and knowledge—and each of us in the Western World is her son or daughter no matter what our national origin may be—for Greece has taught us—as no other nation has—the dignity of the human character, the truth of learning, the inspiration of art, and the glory of freedom.

The people of America mourn with the people of Greece the passing of King Paul—who was an embodiment of the spirit of the Greek people and the ceaseless striving for peace, honor, and freedom, which are so much a part of Greek heritage. In deepest loyalty to his homeland through its days of adversity, and in sincere dedication and humility, King Paul served his nation. And in a larger measure he served the entire free world.

Our hearts go out in sympathy and support to Queen Frederica and to the new heir to an historic throne, the young King Constantine, who faces a heavy burden of responsibility.

On March 25, Greece will celebrate its day of independence. Americans and free people everywhere will recall and be stirred by the grandeur of the struggle for liberation from 400 years of domination by the Ottoman empire.

Freedom is an inseparable element in the Greek character and as we remember the achievements of Athens in the Golden Age, the ancient culture that is still unsurpassed, we must not overlook the achievements of the Greek people in this century.

Greece has been an ally of the United States in two world wars. At great sacrifice, Greek soldiers and Greek battalions have fought for the freedom of the Western World. In World War II, let us not forget the cry of "OXI," on October 28, 1940, which gave a psychological lift to the entire Western World. Greece defeated Mussolini's forces and earned the admiration of the world. We must not forget that if Hitler had not been forced to send his crack Panzer divisions into Greece, Hitler's offensive elsewhere would have been faster and more formidable. The heroic struggle of the Greek people in the most hopeless days of the Second World War is recognized as a turning point in the struggle for freedom.

In 1947 to 1949, Greek courage and Greek blood turned the tide of Communist aggression in Europe. Greece proudly prevailed and proved to the world that the forces of Communist terror and subversion could not survive against the independence and determination of a free people. It was the first complete military victory against Communist aggression in the world.

Today, once again, the people of Greece, in support and sympathy with their compatriots on the island of Cyprus, are examining the meaning and implication of freedom in a complex world. The Cyprus issue is an old one, yet today, as in generations past, the same questions face the inhabitants of that troubled island. Back in 1940, the British Government put up posters in Cyprus asking the Greeks to "Fight for Greece and liberty." The Greeks of Cyprus responded by the thousands and joined the British Army to fight for Greece and liberty.

They are still fighting in a different guise, perhaps, for that same basic recognition of the principle of self-determination.

Today, the world is witnessing on the island of Cyprus a needless tragedy. Two stanch American allies—Greece and Turkey—are drifting toward war on the island of Cyprus. Greek and Turkish communities are at one another's throats in what could become a bitter, bloody civil war. This communal strife does not help the Cypriots. It does not help Greece. It does not help Turkey. And it does not help the free world. Only the Communists can gain through the tragic breakdown of communications, not only between the Greeks and Turks, but also between the Government of the United States and those most intimately involved in the conflict.

Indeed, Khrushchev has moved to exploit the situation in the Security Council of the United Nations and in letters to the various governments involved, including our own Government.

But at the same time, I cannot recognize, and I believe the Government of the United States must not recognize that a permanent solution to any vital political problem can be found by giving a minority of 17 percent a final veto over critical Government activities including taxation, foreign affairs, defense, and security. One did not have to be a prophet or a soothsayer to predict that a government so constituted could not survive the give and take of political life.

Some of us in the Senate of the United States are today engaged in an effort to prove that in the United States a minority of 18 percent or so of the Senate cannot exercise a negative veto over the pressing issue of human rights. I do not protest the right of individual Senators to express themselves and make their views known, but I do question the right of any minority to prevent the majority from taking action, to block the majority from policy decisions that are necessary for the progress of the Nation.

So I can understand very well what the issue is in Cyprus. It is not a question of Turkish minority rights which are and must be fully protected under the Constitution. The issue is the extraordinary veto rights of a 17-percent minority over critical areas of national policy. The people of Cyprus deserve an effective government. And with a minority veto, effective government is impossible, whether it be in the Senate of the United States or on the island of Cyprus.

So far, the Government of the United States has hesitated to take a stand on this point, the Government of the United States has refused to support the basic issue of majority rule, the United States has failed even to suggest a final solution on the merits for Cyprus. This has unfortunately, in my judgment, contributed to the present crisis. Over the month our Government's offer to send troops or to pay for other nation's troops has left the heart of the problem untouched, and the core of discontent unmoved. The events of these months, and particularly last week, demonstrate that we must act on long-term solutions now to prevent a civil war on Cyprus and war between Greece and Turkey.

Yet our own Government seems somewhat reluctant to give open support to the principle which it endorses everywhere else in the whole world—the principle of majority rule. I will yield to no one in my support and defense for the basic individual and civil rights of a minority.

On Monday, March 9, and Thursday, March 12, 1964, I spoke on the Senate floor regarding an admittedly drastic solution to Cyprus—the transfer with indemnification and international assistance of the Turks currently living on Cyprus to the mainland of Turkey. In my judgment this proposal can no longer be postponed as a long-term possibility, but must be considered and evaluated now. It may be the best answer in the short run as well as in the long run. I was interested to learn that last week the noted columnist Walter Lippmann endorsed this proposal.

Whatever the solution—if we are to help we must not sacrifice principle to expediency. the people of Cyprus move toward freedom and peace, if we are to free them from the eroding influence of Communist subversion, We must act now, and we must accept our duty as the leader of the free world to support the legitimate rights of the majority for effective government.

It is not too late for our Government to recall that for the Greek people, as their history demonstrates, freedom is not negotiable.

The stirring words of Pericles, spoken in the fifth century before Christ, the golden age of Greece, are as meaningful today as when he uttered them, as meaningful to the United States as they are to Greece and to the citizens of every free nation who take pride in their origins and achievements.

For Pericles said this, "I would have you day by day fix your eyes upon the greatness of your country, until you are filled with the love of her; and when you are impressed by the spectacle of her glory, reflect that it has been acquired by men who knew their duty and had the courage to do it."

Further Information From Secretary Dillon on the Run on Silver Dollars and J.F.K. Half Dollars

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

Mrs. SULLIVAN. Mr. Speaker, during a hearing by the Committee on Banking and Currency yesterday morning on the International Development Association bill, I obtained Chairman Patman's permission to ask Secretary of the Treasury Dillon some questions on an unrelated but very timely subject: the run on silver dollars at the Treasury and also the announced plan of the Department to permit individual purchasers at the Treasury's cash room to obtain up to $100 worth of John F. Kennedy half-dollars when they went on sale there this morning.

In view of the fact that the Director of the Mint had previously requested the Nation's commercial banks not to sell the new coin in bulk quantities, and to make it possible for millions of Americans to obtain a few coins apiece rather than have nearly all of them diverted into coin dealers' stocks, I said I thought the Treasury action was a case of asking the banks to follow one policy and turning around and following the opposite policy itself.

The Secretary replied that he was not aware of the limits which had been set for quantity sales of the new half dollars today at the Treasury's Cash Room, but that he would immediately look into it. Subsequently, the Department announced that no more than $20 worth of the coins would be sold to any one person at the Treasury Cash Room today.

As I told the House this morning, Mr. Speaker, even this limit was far too high. The cashroom's entire stock of 60,000 Kennedy coins disappeared in about 2 hours, with only about 1,500 of the many people standing in line at 8:30 a.m. able to obtain any. Nearly all of those who reached the counter purchased the full limit of 40 coins. If the $100 limitation previously announced had remained in effect, only 300 persons would have gotten any of the coins, assuming they all purchased the maximum number permitted.

So the 1,200 additional individuals who managed to purchase John F. Kennedy half-dollars at the Treasury Cash Room today, the first day they became available, can be glad the matter was brought up in the Banking and Currency Committee hearing yesterday morning and that the original limitation of 200 per person was lowered to 40. However, I wish it had been reduced to no more than 20 coins per person—and even that would have been quite high considering the widespread public interest in this coin and the great first-day demand on the part of average Americans—not just coin hobbyists—for a coin honoring our much-loved, martyred President.

OTHER QUESTIONS DIRECTED TO SECRETARY DILLON

Mr. Speaker, in addition to several questions on the Kennedy half-dollar, I also asked the Secretary three questions relating to the run on silver dollars at the Treasury and the policies followed by the Department in selling them for several days in almost unlimited quantities. My questions were as follows:

In view of the run on silver dollars at the Treasury—not just because of the fact that some scarce coins might turn up, but also because of the widespread belief it might be worthwhile in the near future to melt down the silver dollars for their silver content—has the Treasury given any thought to proposing legislation to reduce the silver content of the silver dollar? If they have only the same silver content as, for instance, two half-dollars—about 92 cents at present prices of silver—couldn't you resume minting them without the danger of their being melted?

I am puzzled as to why the Treasury has been selling silver dollars in almost unlimited quantities—what is it—$50,000 or $80,000 per person? When you do that, are not you just a kind of "filling station"—the dollars go out in large quantities, are picked over, and then returned. Why not just send them out around the country and give everybody a chance at this lottery, but limiting the number sold to any one person?

In view of the continuing coin shortage, which will no doubt continue until the new Philadelphia mint is built, and maybe longer, what thought have you given to fractional paper money—currency in denominations of 50 or 75 cents?

When this line of inquiry threatened to take too much time from our discussion of the IDA bill, Mr. Speaker, I asked the Secretary to submit in writing last night or today his answers to the above three questions and to two others dealing with the Kennedy coin. I received his letter late today, Mr. Speaker, and in view of the debate in the House on the silver situation in connection with the Treasury-Post Office appropriation bill, I think Secretary Dillon's letter will be of broad general interest to the House at this time.

Therefore, Mr. Speaker, under unanimous consent, I herewith submit the text of Secretary Dillon's replies to the questions I asked him yesterday in the committee hearing in my capacity as chairman of the Subcommittee which has jurisdiction over legislation of coins and currency, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., March 24, 1964.

Hon. LEONOR K. SULLIVAN,
Chairman, Subcommittee on Consumer Affairs, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: I am glad to answer the questions concerning silver in your letter of March 23, expanding on my oral answers before the Committee on Banking and Currency on that date.

First, you ask whether the Treasury has given any thought to proposing legislation to reduce the silver content of the silver dollar. The Treasury has considered this along with other possibilities, but has not felt that such a step would offer sufficient advantages to propose it to the Congress. In recent times, the Treasury has needed silver dollars primarily as a unit with which to carry out the obligation of the Government to redeem silver certificates with silver. A dollar with a lower silver content would not satisfy this obligation. Only in a few Western States has any circulation of silver dollars been traditional, and it is not clear that a new and different coin would serve the needs established by tradition. Moreover, a new and different coin would be sought by coin collectors and the number of the new coins minted would have to be great enough to satisfy those needs fully if any of the coins were to remain in circulation. You indicate that you feel that there is a widespread belief that it may be worthwhile in the near future to melt down silver dollars for their silver content. While we do not have any evidence that there is any hoarding of silver dollars for their silver content, since silver bullion can be obtained from the Treasury at its monetary value and the Treasury's stock thus puts a ceiling on the price of silver, the slight decrease in the silver content of the silver dollar that you suggest would not appear to be enough to guarantee no hoarding if there is indeed any tendency in that direction.

Second, you ask why the Treasury has been selling silver dollars in almost unlimited quantities instead of sending them out around the country. Until the option is exercised to redeem silver certificates only with bullion, they must be redeemed with silver dollars. Hence, it has not been possible to put limits on the amount issued by the Treasury, except to the extent that some physical limitations can be imposed in an attempt to regulate the precise timing of redemptions. The Treasury has continued in recent weeks, as always, to provide silver dollars to Federal Reserve banks up to their capacity to handle them for distribution to banks for traditional circulation purposes.

Third, you ask why the Treasury does not sharply limit the quantity to any single individual of Kennedy half dollars first distributed today. Since 26 million of these half dollars are being put into circulation today and they will continue to be minted and distributed as a circulating medium for many years, it is believed that there will be enough to satisfy all demands. I agree with you, however, that the quantity given to any individual on the first day should be sharply limited in order to speed up the servicing of everyone on that day. I am therefore directing that the cashroom give no more than 1 role of 40 coins to any individual.

Fourth, you asked whether, in view of the continuing coin shortage, fractional currency would be advantageous. Each piece of fractional currency would have an extremely short life and its cost would therefore be prohibitive, both in its production and in the security measures with which it would have to be surrounded during its preparation, issuance and retirement. During the Civil War some of the fractional currency then produced did not contain adequate protective features and counterfeiting was a serious problem. History has not demonstrated the desirability of fractional currency.

Fifth, you ask whether it would not be possible to provide that no one person can obtain more than a limited amount of Kennedy half-dollars at one time? While I agree with you, as I indicated above, that a limit will be desirable on the first day of issuance in order to speed up the number of persons who can be served, I do not believe that limitations will be necessary thereafter. This coin will be regularly available in large quantities for many years and will serve the needs for a medium of exchange in this denomination. In these circumstances I am hopeful that rationing will not be necessary, and I am sure you will agree that it would not be desirable if not necessary.

I hope that this discussion will be helpful to you and that you will call upon me if you have further questions.

Sincerely yours,

DOUGLAS DILLON.

Medal of Honor for John F. Kennedy

EXTENSION OF REMARKS
OF

HON. RONALD BROOKS CAMERON

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 24, 1964

Mr. CAMERON. Mr. Speaker, on March 4 I introduced a bill which would authorize the President to award posthumously a Congressional Medal of Honor to our late and lamented leader, John Fitzgerald Kennedy. In support of the bill I also filed with the Committee on Armed Services numerous resolutions which have been adopted by local governmental jurisdictions, labor unions, veterans organizations, and individuals.

Today I am pleased to file with the committee identical resolutions which were recently adopted by Walter P. Reuther, president of the United Auto Workers of America; the Disabled American Veterans, Department of Idaho, State Executive Committee; the City Council of Pomona, Calif.; Gordon M. Freeman, international president of the International Brotherhood of Electrical Workers; Joseph A. Beirne, international president of the Communications Workers of America; the City Council of Monrovia, Calif.; the City Council of Chino, Calif.; the Sentinel Publications of Covina, Calif.; the San Gabriel Valley Daily Tribune of West Covina, Calif.; W. W. Buck, commander of the Department of California, Military Order of the Purple Heart of the United States of America; and our own beloved William "Fishbait" Miller, Doorkeeper of the House.

Mr. Speaker, as I have noted before, the force behind the drive to secure a Congressional Medal of Honor for John Kennedy is the Frank C. Marpe Chapter

44, Disabled American Veterans, located in West Covina. Much of the credit for chapter 44's success to date in securing wide adoption of its Medal of Honor resolution must go to Mr. Victor James Kordell, who resides at 153 Nearglen in Covina.

A trustee of the Frank C. Marpe chapter, and chairman of the Congressional Medal of Honor drive, Vic Kordell devotes his full energy to this project since it is one which is very close to his heart. Like John Kennedy, Vic Kordell is a disabled veteran who served in World War II.

> I am speaking in behalf of all members of the Frank C. Marpe chapter, commanded by Joe Gibbs—

Vic said recently—

> when I say that we of the Disabled American Veterans suffered a great loss with the untimely death of our Commander in Chief.
>
> Out of respect for all he has done for the veterans of this country, especially the disabled veterans, we would like to show our appreciation in some way, and believe the most fitting tribute would be to stimulate and organize a drive that would result in Congress awarding him the Medal of Honor.

Although the idea originated with the Frank C. Marpe chapter, Vic Kordell correctly stresses that success depends on the interest and support given by other veterans and service groups, by local government and labor unions, and by the press and individual citizens, not only in the southern California area but throughout the United States.

But, in the final analysis, success in securing a Congressional Medal of Honor for John Fitzgerald Kennedy rests with the Congress; and I am hopeful that its judgment will be to pay proper tribute to our late President who, in the words of Victor Kordell, gave his full measure of devotion to his country in the battle for freedom of all men.

Rotarian Good Will Exchange

EXTENSION OF REMARKS

OF

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

Mr. MARSH. Mr. Speaker, on yesterday I had the privilege of calling to the attention of the House the visit of a group of French Rotarians and members of their families to Virginia and West Virginia as guests of Rotarians of these States.

These visitors, representing a wide variety of professional and business pursuits, now are in the host communities as household guests of members of constituent clubs of Rotary District 757.

The French Rotarians are affiliated with clubs of Rotary District 164 in France.

I believe it will be of interest to the House to know the names, home communities, and occupations of those who are spending several days in Virginia's Shenandoah Valley enjoying the hospitality arranged by Rotary District Governor, J. K. "Pat" Patterson, of Staunton, Va., and the officials of Rotary clubs in his district:

Visiting Winchester, Va.: Mr. and Mrs. Jacques Levavasseur from Bolbec-Lillebonne—pharmacy—and Dr. and Mrs. Pierre Seyer from Bolbec-Lillebonne—physician.

Visiting Woodstock, Va.: Mr. Yves Leroux from Guingamp—law, and Mr. and Mrs. Guy Moros, and their son, Patrick Maros, from Guingamp—physician.

Visiting Bridgewater Va.: Dr. Marius Berneau from Bolbec-Lillebonne—dental surgeon—and Mr. Rogers Perrotte and his daughter, Miss Jeanine Perrotte, from Dieppe—education.

Visiting Staunton, Va.: Mr. and Mrs. Louis Andrieux, (insurance), Mr. and Mrs. Henry Kerfant—transportation, and Mr. and Mrs. Jean Kerleau—chemical products, all from Guingamp.

Visiting Waynesboro, Va.: Mr. and Mrs. Jean Guay from Brest—real estate, and Mr. and Mrs. Jacques Godard from Bolbec-Lillebonne—agricultural equipment.

Visiting Front Royal, Va.: Mr. and Mrs. Henri Busnel from Dinan—clothing industry—and Dr. and Mrs. Jean Raoux from Dinan—biologist.

Visiting Harrisonburg, Va.: Dr. and Mrs. Jean Germond from Alencon—physician—and Dr. and Mrs. Francois Trebaol from Brest—veterinarian.

Visiting Luray, Va.: Mr. and Mrs. Jacques Bordet, and their daughter, Miss Aleth Bordet, from Alencon—department stores.

Visiting New Market, Va.: Dr. Bernard Gancel from Bolbec-Lillebonne—surgeon, Mr. Louis Bizien from Guingamp—optician—and Mr. and Mrs. Jean Paul Largenton from Guingamp—jewelry, watchmaker.

Visiting Strasburg, Va.: Mr. and Mrs. Andre Doucet—chemist—and Dr. and Mrs. Henri Gazel de la Contrie—physician—all from Bolbec-Lillebonne.

Cameron Voting Record

EXTENSION OF REMARKS

OF

HON. RONALD BROOKS CAMERON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

Mr. CAMERON. Mr. Speaker, my second congressional voting record report of 1964 contains an itemization of all rollcall votes from February 17 through March 12, plus commentary on the tax cut, International Development Association, the FCC and rules relating to frequency of broadcast commercials, the Peace Corps, Equalization Tax Act, and the Federal employees pay bill.

During a portion of the period covered in the report, I was again privileged to be among those legislators representing the Congress as a delegate to the Fourth Annual United States-Mexico Interparliamentary Conference. The conference, like those held annually since 1961, was designed to develop closer working relationships between the two countries. Delegates diligently sought areas of agreement whereby differences in trade policies can be resolved, and explored ways to strengthen the collective security of the Western Hemisphere.

An important area of discussion was the continuing problem of excessive salinity of Colorado River water which flows into Mexico. This issue is of great concern to our Latin friends who in large measure depend on agriculture for their livelihood. Their concern is certainly understandable since salt water is a killer of soil and further serves to impoverish large areas of Baja California.

According to the International Water Treaty signed in 1944, the objective is to utilize Colorado River water to the greatest advantage. It has been ascertained that salinity is found to result from certain hydraulic operations in the United States, and despite the fact that temporary measures to correct the problem have been more or less satisfactory, U.S. technicians have properly continued to study the situation. The gravity of the problem is such that it was a key area of discussion between Mexican President López Mateos and President Kennedy during the latter's triumphant visit south of the border in 1962. An effective solution to this pressing problem will do much to improve relations between our two countries, and I am hopeful that such a solution will soon be found.

It was largely a result of discussions at last year's interparliamentary conference in Mexico that the Chamizal boundary dispute was settled. Having been a delegate to the 1963 conference the settlement was greatly rewarding to me, not only because it was fair and just, but because it showed our Mexican friends that the "colossus to the north" has a heart and is willing to go to the conference table for equitable solutions to thorny problems.

I was also privileged to join in another effort to strengthen relations between the United States and Mexico when I accompanied President Johnson on his trip to Los Angeles and a summit meeting with President López Mateos. It was indeed appropriate that this executive-level conference was held in the Nation's No. 1 State, a State which has achieved this stature with the help of some 700,000 Americans of Mexican ancestry who live within its borders.

Following the enlightened view held by our beloved John Fitzgerald Kennedy, President Johnson reaffirmed America's pride in its enduring friendship with Mexico when he said:

> In the winning of our independence, in the strengthening of our institutions, in the relentless quest of social justice and human rights, in the pursuit of a better way of life for our people, Mexico and the United States have walked a common road.
>
> For neither Mexico nor the United States leaped into the modern world fullgrown; we

are both the products of inspired men who built new liberty out of old oppression. And neither of our revolutions is finished.

Mr. Speaker, under leave to extend my remarks in the RECORD I include my rollcall report:

Rollcall No.	Date	H.R. No.	Vote				Brief description
			R.B.C.	Yea	Nay	Not voting	
33	Feb. 17		Absent				Quorum call by Mr. Conte, Republican, of Massachusetts (145 Members absent; R.B.C. en route to Washington from California).
34	Feb. 18		Present				Quorum call by Mr. Kunkel, Republican, of Pennsylvania (86 Members absent).
35	Feb. 18	7381	Nay	83	262	86	To recommit bill modernizing and consolidating laws concerning civilian employment of retired members of the uniformed services.
36	Feb. 19		Present				Quorum call by Mr. Hoeven, Republican, of Iowa (80 Members absent).
37	Feb. 19		Present				Quorum call by Mr. Gross, Republican, of Iowa (99 Members absent).
38	Feb. 20		Present				Quorum call by Mr. Gross, Republican, of Iowa (78 Members absent).
39	Feb. 20	9637	Not voting.	336	0	94	On passage of $16,900,000,000 military appropriations bill (1 Member answered "present"; R.B.C. en route from California with President Johnson; would have voted "yea").
40	Feb. 24		Present				Quorum call for Mr. Hall, Republican, of Missouri (103 Members absent).
41	Feb. 25		Present				Quorum call by Mr. Arends, Republican, of Illinois (27 Members absent).
42	Feb. 25		Present				Quorum call by Mr. Hall, Republican, of Missouri (36 Members absent).
*43	Feb. 25	8363	Yea	326	83	23	Agreement to conference report on tax reduction bill.
44	Feb. 25		Present				Quorum call by Mr. Gross, Republican, of Iowa (48 Members absent).
45	Feb. 26		Present				Quorum call by Mr. Haley, Democrat, of Florida (34 Members absent).
46	Feb. 26		Present				Quorum call by Mr. Smith, Democrat, of Virginia (52 Members absent).
47	Feb. 26		Present				Quorum call by Mr. Smith, Democrat, of Virginia (53 Members absent).
*48	Feb. 26	9022	Nay	208	188	36	Motion to recommit bill amending International Development Association Act to authorize increased U.S. participation.
49	Feb. 27		Present				Quorum call by Mr. Haley, Democrat, of Florida (67 Members absent).
50	Feb. 27		Absent				Quorum call by Mr. Hays, Democrat, of Ohio (78 Members absent; R.B.C. addressing seminar of university students).
*51	Feb. 27	8316	Nay	317	43	67	On passage of bill preventing the FCC from making rules relating to length or frequency of broadcast commercials.
52	Mar. 3		Present				Quorum call by Mr. Springer, Republican, of Illinois (51 Members absent).
53	Mar. 3		Present				Quorum call by Mr. Quie, Republican, of Minnesota (63 Members absent).
54	Mar. 4		Present				Quorum call by Mr. Adair, Republican, of Indiana (50 Members absent).
55	Mar. 4		Present				Quorum call by Mr. O'Konski, Republican, of Wisconsin (47 Members absent).
*56	Mar. 4	9666	Nay	90	309	32	Motion to recommit bill amending the Peace Corps Act (1 Member answered "present").
57	Mar. 5		Absent				Quorum call by Mr. Gross, Republican, of Iowa (71 Members absent; R.B.C. attending committee session of United States-Mexico Interparliamentary Conference).
58	Mar. 5		Absent				Quorum call by Mr. Alger, Republican, of Texas (87 Members absent, R.B.C. at Interparliamentary Conference).
*59	Mar. 5	8000	Yea	238	142	51	On passage of Interest Equalization Tax Act (1 Member answered "present").
60	Mar. 9		Absent				Quorum call by Mr. Harvey, Republican, of Indiana (151 Members absent; R.B.C. at Interparliamentary Conference).
61	Mar. 10		Absent				Quorum call by Mr. Smith, Democrat, of Iowa (67 Members absent; R.B.C. at Interparliamentary Conference).
62	Mar. 10		Absent				Quorum call by Mr. Gross, Republican, of Iowa (72 Members absent; R.B.C. at Interparliamentary Conference).
63	Mar. 10	8070	Not voting.	339	29	65	On passage of bill establishing a Public Land Law Review Committee (R.B.C. at Interparliamentary Conference; would have voted "yea").
64	Mar. 11		Present				Quorum call by Mr. Gross, Republican, of Iowa (34 Members absent).
65	Mar. 11	650	Yea	251	147	34	Resolution to permit consideration of H.R. 8986, Federal pay bill.
66	Mar. 12		Present				Quorum call by Mr. Gross, Republican, of Iowa (35 Members absent).
*67	Mar. 12	8986	Yea	184	222	26	On passage of Federal pay bill.

*Items so marked are considered to be of greater significance and a brief explanation is included herein.

ROLLCALL NO. 43: TAX CUT

Of the measures I have strongly supported, nothing affects the American economy more than the tax reduction bill. Signed into law 6 hours after the bill was cleared by Congress, the new act effected the biggest tax cut in the Nation's history and placed in the hands of private consumers and business $11.5 billion with which to buy goods, generate demand, invest capital, and help toward creation of full employment.

Congress took the bold move of cutting taxes after the Johnson administration demonstrated its determination to reduce Federal spending to the most frugal minimum. President Johnson's economy drive meant slashing 7,500 Government jobs and $30 million from Federal appropriations. This move gained for the bill support of southern conservatives and the Republican leadership.

Impressed with the Democratic administration's economy moves, House Republicans who were originally against the bill voted for its final passage. Initially, all but one Republican voted to recommit the bill. On passage of the conference report on the bill, however, 108 Republicans joined 218 Democrats in sending the measure on its way to White House approval.

Representative JOHN BYRNES, GOP spokesman who was against the bill in September, admitted that President Johnson's economy drive made the tax cut acceptable to his Republican colleagues. He avowed faith in the self-imposed restraint of the President in public spending.

REDUCED UNEMPLOYMENT

In my 1963 report on rollcalls 156 and 157, I stated that H.R. 8363 is:

> Designed to stimulate demand and incentives to invest, narrow the gap that now exists between what we produce and what we could produce, and to help reach full employment.

The new act retains the salient features of the same bill.

The tax cut has the immediate effect of increasing income for almost every taxpayer and business in America; those earning the least will benefit the most. Personal income taxes will be cut nearly 20 percent or $9.2 billion a year. Nearly $8 billion of that will be reflected in fatter pay envelopes this year.

Business, especially small business, stands to gain too from lower tax rates. Companies can now pay more of their savings to stockholders and they in turn can increase their investment, which in effect will benefit the economy.

It is hoped that spending of additional dollars in the taxpayer's pocket will create and sustain long-range economic growth. The $25 million released daily to the American consumer is expected to raise the demand for goods. The same is true of the more than $2 billion which businesses will no longer pay in taxes. Much of this money will be used to buy new machinery and finance new construction for the production of demand goods, and most importantly, for the creation of new jobs.

FAITH STRESSED

By its tax cut action, the Congress stressed its faith in the genius of American business to respond to tax incentives and to utilize more fully our growing labor force, our expanding technology, and our increasing quantities of capital in a market economy where these uses will be determined by private decisions of both consumers and investors.

This policy, first enunciated by President Kennedy in January 1963, is now translated into law. It explodes the myth that Democrats are antibusiness and stand for arbitrary Federal manipulation of the free enterprise system.

Passage of the tax cut bill will, I hope, do away with this myth once and for all.

ROLLCALL NO. 48: INTERNATIONAL DEVELOPMENT

Anxious to make an election-year record for "economy," a coalition of Republicans and southern conservatives killed H.R. 9022 through a recommittal motion. This action was extremely regrettable since the bill would have simply continued U.S. support for the International Development Association, a World Bank affiliate.

It should be remembered that IDA was initiated under bipartisan sponsorship during the administration of President Eisenhower, and that the World Bank has an unmatched record of never having had a defaulted loan in 18 years. During debate it was properly stressed that the legislation involved a loan program and not an aid program based on grants, that it is a loan program so designed and it was so initiated. It was also noted that the bill was designed to do something that the United States has sought to achieve for a long time—to bring into the whole area of economic aid and responsibility of world leadership the other strong nations of the world.

The IDA is a decisive step in this direction for through its international mechanism 16 of our wealthier allies, such as Germany, Italy, Japan, Great Britain, and Canada, would contribute substantially toward easing the foreign aid burden which our country has borne for so long.

REDUCED SHARE

Under the bill our contribution to IDA would have been reduced from its present percentage of 43.3 to 41.6. In other words, for every dollar contributed to IDA, our share would have been less than 42 cents. Another point worth noting in evaluating the merits of the bill is that the other participants in IDA had ratified the increase in their share of funds before the House considered H.R. 9022, but they cannot be bound to ratification unless the United States also agrees to participate. With defeat of the bill, our wealthier allies were in effect told that they could duck out on their obligation to aid underdeveloped countries because the United States had done so. In my judgment this is certainly not the direction in which American taxpayers want the worldwide foreign aid movement to drift.

There is no doubt that the need for IDA type assistance is still great. Many of the less developed countries where per capita income has not gone beyond $200 annually are caught in the vicious circle of misery and want. One hundred of these countries contain 2 billion inhabitants, half of whom go to bed hungry each night. These countries invariably lack capital with which to develop their natural resources, and they are not able to afford loans at normal international interest rates. These are precisely the countries where the international Communist movement is struggling to gain a foothold. I do not think that Americans and other citizens of the free world want to turn their backs on this struggle and sit passively by while underdeveloped areas of this planet are balanced on the brink.

In my judgment, IDA presents our best opportunity to pursue a program of meaningful assistance to developing countries, and to share with other affluent peoples the burden of securing economic strength for the starving millions who are haunted daily by the specter of communism.

ROLLCALL NO. 51: BROADCAST COMMERCIALS

Mr. Speaker, H.R. 8316, which I opposed, prevents the Federal Communications Commission from regulating the length and frequency of radio-TV commercials. It strips the FCC of its vital responsibility to protect the public from the abuses of overcommercialization. It ties the hands of the FCC from establishing standards for which radio-TV stations may be held responsible. This leaves a void in a key area of public policy where no mechanism exists for determining the guidelines by which radio and TV stations may be able to keep faith with their license mandate to "serve the public."

The public service character of the American system of broadcasting has been defined by law. The Federal Communications Act provides:

> There can be no proprietary right in any frequency or channel, that the spectrum is a measurable resource belonging to the entire national public, and that the value to be derived from this concept would be destroyed by uncontrolled private exploitation.

Because the airwaves are a scarce natural resource, Congress by law wisely ruled in 1934 that those who obtain a license must serve the public interest. The public interest in the broadcast field is that the various needs and interests of the listening public be served and not, as Herbert Hoover said in 1922, that these needs be shunted aside by an excessive amount of advertising chatter.

REGULATION NEEDED

Ideally, the industry must promote the public interest by self-regulation. But its own radio-television codes have yet to gain effective acceptance. Competition, on the other hand, cannot be relied upon to regulate because broadcasting time is limited. The law of supply and demand cannot apply here.

Meanwhile, the public continues to be at the mercy of individual broadcasters who have almost uncontrolled power to exploit the airwaves. We have but to flip a switch to know that the airwaves are clogged with excessive advertising. The private code authority of the National Association of Broadcasters has conceded that almost 30 percent of member radio stations violated the current limitation on broadcast advertising. Similarly, an association of State broadcasters reported that almost 80 percent of its member stations exceeded the NAB ceiling on commercial time.

During an hour clocked by the FCC in 1962, a radio station in the Nation's Capital saturated its listeners with 33 minutes of commercials as compared with 27 minutes of entertainment. Another FCC check revealed that about 40 percent of some 134 stations surveyed had exceeded the 18-minute maximum in the course of 1 or more hours of broadcasting.

TRUE INFRINGEMENT

Not only has self-regulation fallen short of the mark, but only about 132 of the radio stations across the country subscribe to the NAB code authority, while one-fourth of our television stations are nonmembers. The extent of overcommercialization has been so great that a leading advertising agency characterized the present increase of commercial time as "a true infringement upon responsible use of the free airways," and warned that "this could lead toward a chaos of commercialization."

The need is clear for establishing criteria which would be meaningful to the public and to the industry. The FCC attempt to impose some measure of regulation on a case-by-case basis in dealing with individual licensees seeking renewal has thus far failed.

The FCC recently entered into consultations with the broadcast industry in search of an effective remedy for the evils of overcommercialization, and speculated upon adopting the industry's own radio-TV codes as Federal regulations. A legitimate wonder is why the spokesmen of organized radio and TV resisted standards which the National Association of Broadcasters had evolved and adopted for the industry. It would seem that the industry has no grounds to reject as improper what it has already accepted as proper.

FCC rulemaking would have done justice to legitimate broadcasters. The FCC's policy against overcommercialization has long been shrouded with uncertainty; no clearcut standards spell out this policy for the benefit of broadcasters. Nothing, I think, could be more unfair to the industry than to leave it without definite rules to govern its voluntary compliance with FCC policy. It is sound administrative practice for FCC to express such policy in clearcut regulations. To keep this vital policy vague and uncertain does not, in my judgment, constitute good Government.

It seems reasonable that when Americans turn on their TV or radio sets, they expect to be entertained or informed. No one wants to be bombarded by commercials. The passage of H.R. 8316, however, is an open invitation to abandon the airwaves to more and more commercials and to poor taste. One Congressman summed it up this way:

> I dread the day when the announcer will say, "Now we interrupt this commercial message for a brief program."

ROLLCALL NO. 56: PEACE CORPS

The idealism of John Fitzgerald Kennedy left the American people with the legacy of an effective and working Peace Corps. The overwhelming House and Senate votes to permit enlargement of the Corps from its current 7,000 volunteers to 14,000 represents our determination to keep faith with our late President's highest ideals.

Success of the Peace Corps demonstrates the good that people-to-people foreign aid inspires. Thousands of young American men and women have found in the Corps an opportunity to assume individual responsibility for assisting their foreign neighbors, and volunteers have evoked from their hosts a sense of identity with those ideals which have led our Nation to greatness.

Sitting on the House Foreign Affairs Committee which conducted hearings on H.R. 9666, it was readily apparent to me that most of the caustic critics of the Peace Corps when it was formulated in 1961 have changed their thinking on the program's merits. The skeptics have been convinced by the outstanding record which volunteers have made in all corners of the globe.

MORE VOLUNTEERS

The Peace Corps has been operating in 46 countries and no country has asked that the program be terminated. In fact, most governments want to double and triple the number of Peace Corpsmen they now have. The program for expanding the number of volunteers in 1965 does not contemplate an expansion into additional countries, although there may be some limited activity in this area, but is aimed at increasing the number of volunteers in those countries where the program is already in motion.

Under the able leadership of its director, Sargent Shriver, the Corps has chalked up an outstanding record of administrative excellence and fiscal responsibility. For example, the cost per volunteer has been reduced from $9,000 a year to an estimated $8,560 for 1965. At the end of last fiscal year, the Corps permitted $3.8 million in unobligated funds to lapse. In other words, it did not spend every penny it was allowed out of fear that future appropriations would be cut by a comparable amount. This is fiscal integrity of the highest order and should be properly rewarded.

Perhaps the most eloquent tribute to the Peace Corps is contained in a statement made earlier this year by the Foreign Minister of Thailand:

> We have been struck and inspired by this idea of youth coming to meet with youth, which is in accordance with our belief here in Thailand that peace, good will, and understanding can prevail and remain in this world only if they start from the grassroots. You, ladies and gentlemen of the Peace Corps, you come from the grassroots. You come to work with the grassroots of our country. That is the basis of future progress in the world so much divided today.
>
> I do not have to wish you success because I know you have already achieved success. Many successes will come to you as things go on. As you come here inspired by your own beliefs and inspired by the great conviction that man can live, must live with man.
>
> It is indeed striking that this important idea, the most powerful idea in recent times, of a Peace Corps, of youth mingling, living, working with youth, should come from this mightiest nation on earth, the United States. Many of us who did not know about the United States thought of this great Nation as a wealthy nation, a powerful nation, endowed with great material strength and many powerful weapons. But now many of us know that in the United States ideas and ideals are also powerful. This is the secret of your greatness, of your might, which is not imposing or crushing people, but is filled with hope of future good will and understanding. I hope this idea will thrive and all of you, my friends, will continue. I wish Mr. Shriver success, and continued success to all of you.

ROLLCALL NO. 59: INTEREST EQUALIZATION

Against concerted GOP opposition, I joined my Democratic colleagues in a move to curb the outflow of U.S. gold reserves and assure the continued stability of the American dollar. H.R. 8000 imposes a temporary tax until 1965 on the purchase by Americans of certain foreign securities, and is designed to increase the cost to foreigners of obtaining long-term capital in the United States.

This action will slow down foreign borrowing of U.S. capital—U.S. commercial interest rates being substantially below world rates, foreigners borrow funds in the United States whenever possible—and thereby combat the Nation's persistent balance-of-payments deficit. With the exception of 1 year, since 1949 we have had a deficit. During the last 6 years it has resulted in a gold reserves drop of more than $7 billion. In the first half of 1963, the spurt of foreign securities purchased by Americans sharply increased the country's overall deficit in its international financial transactions. At an annual rate of almost $5 billion, this deficit could not have been sustained for long without calling into question the stability of the American dollar.

EASES POSITION

The House-approved measure represents the most significant contribution toward easing our deteriorating balance-of-payments position. Since announcement of its retroactive effect to July 1963, there has been a dramatic improvement in our international financial situation. Our annual deficit rate has dropped from $4.5 billion in the first half of 1963 to $1.6 billion in the second half of 1963. Consequently, gold outflow was reduced to $170 million in 1963 compared to $890 million in 1962. During the next 22 months that the tax will be in effect, it is anticipated that the deficit will be reduced by nearly $1.5 billion. H.R. 8000 is among the key proposals advanced by President Kennedy and later by President Johnson to eliminate our balance-of-payments deficit and to insure the stability of the dollar. Other proposals include fiscal measures to stimulate the economy and attract U.S. and foreign funds, responsible price and wage behavior, export promotion campaign, and reduction in Government spending overseas. It must be noted to the credit of the Democratic administration that despite our critical payments position, none of these measures took the form of direct governmental controls or increase of domestic interest rates. We again have evidence that Democrats reject heavy-handed Government intervention and rely instead on the free enterprise mechanism for curing our gravest economic ills.

ROLLCALL NO. 67: FEDERAL PAY BILL

H.R. 8986 sought two ends: First, to provide a reasonable increase in the grossly inadequate salaries of key Government personnel; and second, to comply with a legal mandate that Federal career employees shall be paid salaries comparable to those in the private sector.

From the day the House agreed to debate the bill, it was the consensus that it had majority support. Perfecting amendments were carried with substantial margins on nonrecorded votes. A motion to recommit the bill was voted down.

However, faced with the prospect of having to record its vote, the House turned tail and rejected the bill, 184 to 222, chiefly because some Members were afraid to add $10,000 to their own salaries in an election year. They feared that their support for the bill might be misconstrued as being out of step with the general clamor for economy in public spending.

President Johnson, himself, found no merit in this argument:

> It is a false economy—

He pointed out—

> to offer salaries that will attract the mediocre but repel the talented.

The Government is losing numerous top scientists, executives, and professional men simply because its salaries in the upper brackets are so far out of line with those of private business and the professions. Clearly, this is not economy. It is a costly error.

GOOD BILL

Though many Republicans helped defeat the bill, the GOP leadership in Congress was split. Minority Leader HALLECK refused to endorse the measure, but another prominent Republican cosponsored the bill and urged his colleagues to "go home and tell your constituents that this is a good bill for the taxpayers."

After the bill was voted down, it found a new champion in Republican Senator DIRKSEN. He openly declared his intent to insist on congressional and judicial pay raises as soon as the Senate considers a Federal employees pay bill.

The recommended raises for Federal executive, judicial, and legislative personnel were first studied upon the initiative of President Eisenhower. Later, an Advisory Panel on Federal Salary Systems headed by Clarence Randall recommended pay increases which were subsequently scaled down to modest proportions and incorporated in the present bill. These increases were included in the President's budget. It would not have swelled public spending beyond what is currently budgeted.

One veteran observer underscored the compelling need for this legislation when he noted:

> Congressional pay is demonstrably inadequate for all save Members with private income * * * men holding the life of the United States in their hands are being rewarded on a scale that would be absurd in any private enterprise involving even remotely comparable responsibilities.

WIDE SUPPORT

Thirteen top business leaders from Lucius Clay to Henry Ford strongly urged the passage of this legislation. The bill also was supported by the conservative American Bar Association, the Los Angeles County Bar Association, the National Civil Service League, the various associations of postal employees, and other responsible groups.

Aside from effecting pay raises, H.R. 8986 would have established, on a continuing basis, the comparability principle as a basis for fixing salary adjustments for Federal career employees. Past pay raise legislation has been influenced more by pressures than by any systematic appraisal of the needs of the Government and the proper levels of compensation for its employees. This shotgun approach often produced chaos, dissatisfaction, and distortions in the Federal pay system.

I voted for the pay bill because I firmly believe that economy in Government can best be achieved by attracting and holding in public service the best minds and skills that our democratic system can develop.

Limitations on Meat Imports

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

Mr. BERRY. Mr. Speaker, I have asked consent to insert in the RECORD the statement I prepared for presentation to the House Rules Committee in support of my request to make germane the provisions of H.R. 10345 to the cotton-wheat bill, H.R. 6196.

The statement follows:

Mr. Chairman, my purpose in appearing is to ask the committee, when granting the rule on the cotton-wheat bill, H.R. 6196, to make germane the provisions of H.R. 10345 or any of the identical bills introduced on March 11, 1964. All of these bills are similar to the bill offered by Senator MANSFIELD and others in the Senate, placing a limit on beef imports.

These bills, introduced in both the House and the Senate, do not go as far as most of us feel they should go in the limitation of beef imports, but they are a step in the right direction—they are a compromise between what the State Department has given to the importing nations and what the beef producers of this country feel they should be required to live with. As a compromise they have the approval of most livestock organizations.

At the outset, I should point out that while it is absolutely essential that Congress immediately assume jurisdiction over the subject of meat import quotas if American agriculture is to be saved from further ruination (and I shall dwell upon this need later)—there is no other way that this problem can be met, except as an amendment to this cotton and wheat bill.

An amendment similar to this was rejected by the other body on a final vote of 44 to 46. Had two votes been changed in the Senate this provision would be before the House in regular form. Under the circumstances, however, only this committee can remedy this serious error. The Senate subcommittee has been holding hearings on this problem and have heard the testimony of a number of witnesses, but, that body has now gone into continuous session on civil rights and the hearings have been discontinued. Only the Lord and MIKE MANSFIELD know when hearings can be resumed—when legislation which the Senate committee may sponsor may be considered and passed—probably not this session. The result will be that the beef market will continue to be flooded—agricultural income will be further reduced—more farmers will be driven from the land—more land will have to be rented or purchased by the Government and the war on poverty will have lost its first and most important battle.

If, however, this committee makes this amendment germane to the bill under consideration today—the cotton-wheat bill—then this bill, as amended, can go back to the Senate, the amendment can be adopted without delay and this farm legislation can immediately become law. Otherwise there is no chance for passage this year.

NEED

Livestock is the basic industry of a great part of our country. Stockmen are confronted with a kind of competition they cannot hope to meet. They do not ask to have all imports of beef cut off, but they do believe they have the primary claim to the American market.

In 1963 beef imports amounted to 1.8 billion pounds, carcass weight equivalent, on about 4 billion pounds live weight. Translating this into 1,000 pound beef, imports were equal to 4 million head. Not only does this represent 11 percent of all the beef consumed domestically—but it was more beef than was produced and marketed in the States of North and South Dakota, Wyoming, and Colorado combined in the year of 1962. These four States are recognized as great beef-producing areas. The American farmer is required to reduce production, in this country, by an area the size of these four States in order to accommodate these beef imports.

Putting it another way—the USDA estimates that nationwide it required the production of 28 acres to produce and market a 1,000-pound beef. Using the figure of 20 acres, however, we find that beef imports alone displaced the production of 80 million acres. We have before us today a bill intended to establish acreage limitations on wheat. The entire wheat allotment in the Nation is only 55 million acres. Suppose some of these acres, frozen into wheat production, could be used for meat production—would the U.S. Treasury have to guarantee price supports and reduce grain acreages—of course not—that acreage could go into beef production and the 270,000 families who were forced from the farm in the past 3 years would still be producing and earning and using the land for the purpose for which God intended—instead of being squeezed out of business through imports.

Let's put it another way—if the 4 million head which came into this country and onto American tables at full market value had been produced in this country, instead of being imported, they would have consumed 20 billion pounds of feed grain in addition to the roughage production of millions of acres, which is a complete waste to the national economy if not harvested by livestock. In terms of corn it would have required 350 million bushels. Certainly this would have made a tremendous difference in the amount of feed grain the Government has been required to purchase and place in storage or give away all over the world under Public Law 480.

Mr. Chairman, 1963 was a year of disaster for the American livestock industry. Prices dropped 25 to 30 percent. Gross cash income from cattle marketings fell more than $350 million last year and helped account for a decline of 3 percent in net farm income in 1963. This figure of loss was partially, at least, responsible for the farm parity ratio dropping to 76 percent in December of 1963, the lowest since the depression days of the 1930's.

CAUSE

Many today are asking about the cause of this great increase in imports into this country. They are saying why have they jumped from 2.2 million pounds in 1959 and 1.7 million pounds in 1960, and 2.4 million pounds in 1961 to 3.9 million pounds in 1962 and 4.1 million pounds in 1963?

The answer is because of a protectionist attitude displayed by other trading countries of the world who close their own doors to imports while getting free access to ours. Until 1960 and 1961 England and the Common Market countries were a good outlet for free world beef. They raised their tariff rates, either by direct tariff hikes or by some method of import tax. The United States has done none of this with the result that this country has become a "dumping ground" for 60 percent of all beef offered for export by the rest of the world.

Some of the principal importers into this country completely ban any beef imports into their countries. This is true of Australia and New Zealand, the two countries responsible for 70 percent of our imports, and yet not one pound of beef can be exported to either of these countries.

WHY LEGISLATION IS NECESSARY

Acting under authority granted them in the Trade Expansion Act of 1962 the State Department has entered into an agreement with Australia, New Zealand, and Ireland to reduce beef imports in 1964 by 6 percent under the 1963 level. A reduction of 6 percent of the 11 percent of domestic consumption that was imported means that the 1964 imports would equal 10.4 percent of our domestic consumption.

The agreement, however, exempts such items as canned, cured, and cooked beef, veal and mutton. All exporting nations have to do is to increase their exports of these items and they can more than make up the difference. Actually, we may well see imports increased because of this exemption.

In addition to the loopholes in the agreement itself, the agreement hands to importing nations the 3.7-percent growth factor in the United States.

Beef imports have glutted the American market at the 1962 and 1963 levels. How can this surplus be reduced if we give to importers the growth factor in addition to the surpluses which already have broken our market?

In conclusion—the executive branch has failed the American farmer and stockman. On January 28, Mr. Ronald R. Renne, Assistant Secretary of Agriculture said, "Today the United States is the only major beef market without any quantitative restrictions and with a very nominal fixed import duty." We have become the "dumping ground" of the free world. The agreement with Australia, New Zealand, and Ireland will not materially reduce imports. Imports must be reduced to prevent a more serious price bust in beef prices and to prevent agricultural chaos. Agriculture is a basic industry, and our national economy cannot be strong if this basic industry is weak. H.R. 10345, imposing effective quotas on meat imports, will be effective and is absolutely essential to promote an optimistic economic climate in which the meat producers of this Nation can operate.

H.R. 10345 can only be considered and passed if this committee in granting the rule on this legislation makes the provisions of this bill, or similar bills, germane.

Addendum: The March 30 issue of U.S. News & World Report in describing the war on poverty says, among other things, "Under the new plan, the Government would give the farmer up to $1,500 as a gift. This would buy seed, fertilizer and 10 beef cows—and raise his net farm income to $2,000 a year, according to officials." This is fine—but this program will increase domestic beef production. Where will this beef go unless imports are curtailed?

On March 20, Senator HUBERT H. HUMPHREY, Senate majority whip, is quoted by the AP as calling "for curtailment of beef imports and predicted President Johnson will act to offset declining cattle prices." He was quoted as saying "This is the No. 1 economic farm issue in the country right now."

If Senator HUMPHREY's statement is true then certainly President Johnson would support this beef import limitation as part of the cotton-wheat bill.

A Sing on Capitol Hill

EXTENSION OF REMARKS

OF

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

Mr. WIDNALL. Mr. Speaker, there is an old adage that history repeats itself. History is being repeated in a happy and melodious way on Friday, April 3, when the Brown University Glee Club from Providence, R.I., will give a concert at the National Baptist Memorial Church at 16th Street and Columbia Road NW., where the 1922 Brown Glee Club sang 42 years ago at the cornerstone laying ceremony.

On April 22, 1922, the cornerstone was laid by the distinguished Brown alumnus, Hon. Charles Evans Hughes, then Secretary of State, later Chief Justice of the Supreme Court, who gave an outstanding address on "Baptists and Religious Liberty." A year earlier, April 23, 1921, the ground had been broken for the memorial by the President of the United States, Warren G. Harding.

Brown University is celebrating this year its bicentennial, having been founded in 1764 in Warren, R.I. Seventh oldest college in America and the third in New England, Brown is sending its glee club to the Nation's Capital on its spring tour as an event of the bicentennial celebration.

As a 1926 Brown graduate and a director of the Brown University Club of Washington, D.C., it is an honor for me to be cohonorary chairman of the April 3 concert with the senior Senator from Rhode Island [Mr. PASTORE], trustee of Brown University and recipient of its honorary degree of doctor of laws.

Washington Brown Club President Edward R. Place, 1924, as general chairman of the concert, has arranged for the Brown Glee Club to arrive on Capitol Hill at 1 p.m. on April 3. I am joined by fellow Brown graduates and House colleagues, BILL BATES, of Massachusetts, and JOHN WYDLER, of New York, both "loyal sons of good old Brown," in inviting all the Members of this body and their friends and staff members to hear the glee club sing, under the direction of Prof. Erich Kunzel, in the House Office Building rotunda at 1:45.

At 3 p.m., the 45-man group from Providence will be greeted by Senator PASTORE in the Senate Office Building rotunda, and will present several songs there.

Thomas G. Corcoran, who was graduated from Brown in 1922, the year the Brown Club performed here under the direction of his classmate, Chester S. Stackpole, is chairman of patrons and patronesses from the Washington Brown and Pembroke College Clubs, for the bicentennial concert.

Mr. Stackpole plans to attend the concert and will be greeted by three of the members of his 1922 glee club, all now employed in Washington: Ed Place, of the Capitol Hill weekly magazine, Washington World; Earle Vincent Johnson, 1924, local Brown Club secretary, who is with General Services Administration, and Theodore L. Sweet, 1922, Brown Club director, and official of Agency for International Development. Mrs. Sweet is in charge of concert promotion for Pembroke, with Pembroke Club president Mrs. Louise Forstall, 1951.

National Baptist Memorial Church will be host to the glee club, concert committee, patrons, and patronesses, at a dinner at 6:30, preceding the concert at 8:15. Dr. Walter Pope Binns, interim minister, who was president of William Jewell College in Liberty, Mo., 1943–62, will make the address of welcome on behalf of the host church, and Senator PASTORE on behalf of the sponsoring Brown Club.

Brown University glee club continues the tradition that Brown is a singing college, and has become recognized for its appearances in the United States and Canada. Its program April 3 will include sacred and secular compositions, and will feature as an added attraction the singing by the Bruinaires, a group of 12 young men who have been delighting audiences from Miami to Montreal for two decades.

Chairman Place, a member of the District of Columbia chapter of the Society for the Preservation and Encouragement of Barber Shop Quintet Singing in America, Inc., for 19 years and currently chapter vice president in charge of programs, also will present the singing Capital chorus of around 50 men, under the direction of Dr. Robert Howe Harmon and Joseph B. Yznaga, during the intermission break.

The singing Capital chorus will salute the National Baptist Memorial Church by singing Dr. Harmon's arrangement of the Negro spiritual, "Steal Away," featuring tenor Howard Cranford of the Chapel of the Air television quartet.

Mr. Yznaga will lead the chorus in two songs which they plan to sing at the New York world's fair in early September.

Chairman for the dinner is Richard H. Howland, 1931, head curator, Museum of History and Technology, Smithsonian Institution.

A Joint Resolution Authorizing the Issuance of a Gold Medal to Henry J. Kaiser

EXTENSION OF REMARKS

OF

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1964

Mrs. GREEN of Oregon. Mr. Speaker, today I am pleased to join my able colleague, WRIGHT PATMAN, of Texas, in introducing a companion joint resolution authorizing an expression of appreciation and the issuance of a gold medal to Henry J. Kaiser, one of our great industrialists.

My home city of Portland, Oreg., and neighboring Vancouver, Wash., were two of six locales for the remarkable records performed by the Kaiser Shipyards in building ships and other items for the "Arsenal of Democracy" during World War II. They said it could not be done but Henry Kaiser did it—a ship a day.

The Kaiser imprint is found in many areas of the Pacific Northwest. Responsible, venturesome business enterprise combined with a strong sense of social responsibility are synonymous with the Kaiser enterprises. Mr. Kaiser is to be commended and I hope the Congress sees fit to approve this token of recognition to one of America's great industrialists.

SENATE

WEDNESDAY, MARCH 25, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of grace and God of glory: At this altar of prayer, with the glow of Easter already upon our spirits, with its thrilling message of the risen life, may we seek the things that are above. Steady us with the realization that back of all the dark tragedy now plaguing the earth there is the permanent good of Thy purpose for all mankind in which we may steadfastly believe and to which we must be loyal if, at last, life is to be saved from frustration.

May we fare forth, greeting with a cheer the unseen and the unknown, and sure that the third day cometh. With that unshakable faith we pray Thee so to empower these servants of the Nation's welfare that they may bring to their waiting tasks minds to be illumined with kindling thoughts that flame for Thee and for all Thy children; lips to be touched by the burning coals of Thy cleansing, that Thou mayest speak through them; and eyes that may see the invisible with the far look of assurance in things that will abide beyond our earthly years.

We ask it in the name of the Christ of Calvary and of Gethsemane and of the Easter morning garden. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 24, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 10532) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 284) that when the House adjourns on Thursday, March 26, 1964, it stand adjourned until 12 o'clock meridian, Monday, April 6, 1964, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 962) making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 10532) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 9 A.M., TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session tonight, it take a recess to 10 a.m., tomorrow.

The ACTING PRESIDENT pro tempore. Without objection——

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. In view of the fact that we hope the session tomorrow will be the last one before the Easter recess, does the Senator from Montana see any serious objection to having the session tomorrow convene at 9 a.m., instead of 10—because I think the schedule for tomorrow is perfectly clear, and every possible hour will be needed. So I suspect that all Senators would be delighted to cooperate with the majority leader in having the Senate convene at 9 a.m., instead of 10.

Mr. MANSFIELD. Then, Mr. President, I change my request; I ask unanimous consent that when the Senate concludes its session tonight, it take a recess to 9 a.m., tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

SCHEDULE FOR THURSDAY, MARCH 26

Mr. MANSFIELD. Mr. President, there are no certainties in Senate life except by unanimous consent. But from time to time there are what appear to be reasonable expectations, even to one whose experience has taught him to be somewhat pessimistic about these matters. One such expectation is that there will be votes—plural votes—tomorrow.

May I say to the Senate that the schedule for the Easter weekend was first announced months ago by the joint leadership, and has been reiterated at various times since then. In short, the Senate has been on notice that all the days of this week would be working days, except for a short recess from the close of business Thursday night until the following Monday morning.

Thursday, tomorrow, in short, is to be a working day; and it is anticipated that it will be a most important working day. I had considered the possibility of sending telegrams to every Democratic Member, but I have come to the conclusion that this public notice should be sufficient. Therefore, it is hoped that every Member who is physically able to do so will be on hand for these votes, if they should come as expected.

May I say further that it is not anticipated that there will be a morning hour on Thursday.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair, for the President pro tempore, announces the appointment of Senator J. Caleb Boggs as a member on the part of the Senate to the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization, for a term expiring in 1966.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on 1963 Soil Bank Conservation Reserve Program

A letter from the Under Secretary of Agriculture, transmitting, pursuant to law, a report on the 1963 soil bank conservation reserve program, dated March 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Military Construction Contracts Awarded Without Formal Advertising

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on military construction contracts awarded by that Department without formal advertising, for the 6-month period ended December 31, 1963 (with an accompanying report); to the Committee on Armed Services.

District of Columbia Assumed Trade Name Act

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to provide for the registration of names assumed for the purposes of trade or business in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

Disposition of Executive Papers

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. Johnston and Mr. Carlson members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

Petitions signed by Chiyokichi Arakaki, mayor of Iheya-Son, and Kinei Shiroma, chairman, Municipal Assembly of Iheya-Son, both of the island of Okinawa, praying for a quick solution of the pre-peace-treaty compensation issue; to the Committee on Armed Services.

A resolution adopted by the board of directors of the National Council of the Arts in Education, of New York City, N.Y., expressing appreciation to the Congress for appropriating funds for the John Fitzgerald Kennedy Center for the Performing Arts; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PASTORE, from the Committee on Appropriations, without amendment:

H.J. Res. 962. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes (Rept. No. 967).

(See the remarks relating to the above joint resolution, which appear under a separate heading.)

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE (for himself, Mr. Pastore, Mr. Pell, and Mr. Williams of New Jersey):

S. 2682. A bill to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Case when he introduced the above bill, which appear under a separate heading.)

By Mr. BARTLETT:

S. 2683. A bill for the relief of Giuseppe Borsa; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2684. A bill to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to radio reception; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (by request):

S. 2685. A bill to provide for the restriction of a certain area in the Outer Continental Shelf for defense purposes, and for other purposes (Matagorda water range); to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 2686. A bill for the relief of Iluminada Bilgua Cabading; to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 2687. A bill to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GORE:

S. 2688. A bill to amend the Tariff Act of 1930 to provide for the importation free of duty of technical yellow oxide of mercury from Mexico; to the Committee on Finance.

By Mr. KENNEDY:

S. 2689. A bill for the relief of Christos Stratis; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 2690. A bill to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap; and

S. 2691. A bill to extend the period during which Federal payments may be made for foster care in child-care institutions under the program of aid to families with dependent children under title IV of the Social Security Act; to the Committee on Finance.

By Mr. McNAMARA:

S. 2692. A bill authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, and for other purposes; to the Committee on Public Works.

By Mr. PASTORE (for himself and Mr. Magnuson):

S. 2693. A bill to prohibit the broadcasting over radio and television of advertisements of distilled spirits for beverage purposes, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Pastore when he introduced the above bill, which appear under a separate heading.)

By Mr. MILLER:

S. 2694. A bill to prevent schools participating in the school-lunch program under the National School Lunch Act from serving lunches containing any meat, poultry, or fish, or any product thereof, imported into the United States; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Miller when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING (for himself and Mr. Javits):

S.J. Res. 165. Joint resolution to authorize the President to designate the month of April of each year as "America's Founding Month" in observance of the anniversary of the first meeting of the House of Representatives and the Senate, and the first Presidential inauguration; to the Committee on the Judiciary.

(See the remarks of Mr. Keating when he introduced the above joint resolution, which appear under a separate heading.)

ADDITION OF LANDS TO MORRISTOWN NATIONAL HISTORICAL PARK

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill authorizing the addition of lands to Morristown National Historical Park, in the State of New Jersey. I am joined in the sponsorship of this bill by Senators Pastore, Pell, and Williams of New Jersey. I ask unanimous consent that the bill be printed in the Record.

This is a companion measure to H.R. 3396, a bill introduced by Representative Peter H. B. Frelinghuysen, which as amended has passed the House. The bill has the support of a number of historical societies in New Jersey, Massachusetts, and New Hampshire.

Morristown National Historical Park preserves the site of a principal encampment of the Continental Army. Part of this site could not be acquired by the Government when Congress established the park in 1933. Today this additional land, which includes the campsite of a brigade led by General John Stark, the "farmer general" who was a hero of the battle of Bennington, Vt., is available. This bill authorizes acquisition of 281 acres.

Purchase of the land would enable the National Park Service to reconstruct huts, open trails, and provide historical exhibits. The area is relatively unspoiled, still containing visible evidence of historic use, depressions where huts were erected by brave American soldiers working in as much as 6 feet of snow during the winter of 1779–80.

It was from this site in the spring that General Stark's 1,000-man brigade, including many New Englanders, joined the rest of a revived army in turning back the British invasion of New Jersey at the two battles of Springfield.

Mr. President, I ask unanimous consent that a letter written by John A. Carver, Jr., containing the favorable report on this bill of the Department of the Interior, be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 2682) to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes, introduced by Mr. Case (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for the benefit and inspiration of the public certain lands historically associated with the winter encampment of General George Washington's Continental Army at Jockey Hollow in 1779 and 1780, and to facilitate the administration and interpretation of the Morristown National Historical Park, the Secretary of the Interior is authorized to procure by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed two hundred and eighty-one acres of land and interests therein which two hundred and eighty-one acres shall include Stark's Brigade campsite and other lands necessary for the proper administration and interpretation of the Morristown National Historical Park.

Sec. 2. Lands acquired pursuant to this Act shall constitute a part of the Morristown National Historical Park, and be administered in accordance with the laws and regulations applicable to such park.

Sec. 3. There are authorized to be appropriated such sums, but not more than $281,000 for acquisition of lands and interests in land, as may be necessary to carry out the purposes of this Act.

The letter presented by Mr. Case is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., August 16, 1963.

Hon. Wayne N. Aspinall,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Aspinall: Your committee has requested a report on H.R. 3396, a bill, to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes.

We recommend the enactment of the bill.

The bill would authorize the Secretary of the Interior to procure by purchase, donation, exchange, or otherwise, not to exceed 320 acres of land and interests therein, including the Stark's brigade campsite of 1779 and 1780, for addition to the Morristown National Historical Park, N.J.

During the critical winter of the Revolutionary War in 1779–80, the countryside in and around Morristown, N.J., sheltered the main encampment of the American Continental Army. Here only 3 miles southwest of Morristown, on the lands of Peter Kemble, Henry Wick, and Josiah Guerin, General Washington reorganized his weary and depleted forces almost within sight of the British lines at New York City. It was from the Morristown encampment area that the rested and revived Continental Army, including Stark's brigade, rushed forth in June 1780 to stop a major British invasion of New Jersey designed to test and determine whether the war-weary Americans might abandon the struggle for independence. The valiant stand of the American troops from the Morristown encampment at the two Battles of Springfield was so effective that never again during the Revolution was there to be another major British invasion of New Jersey.

Much of this historic encampment area is now preserved within the Morristown National Historical Park, pursuant to the act of March 2, 1933 (47 Stat. 1421), which authorized the acquisition of historic lands by public or private donation. However, one of the most important sites occupied by General Washington's army lies outside the present park. This is the campsite occupied in the winter of 1779–80 by Brig. Gen. John Stark's brigade.

General Stark's brigade comprised a force of 1,000 men including Angell's and Sherburne's Rhode Island regiments, Jackson's Massachusetts regiment, and Webb's Connecticut regiment. Here, and in the other campsites, Washington's men suffered the hardships of the most severe winter of the 18th century in New Jersey, lacking adequate clothing and food. Despite these hardships, Washington's forces, including Stark's brigade, were prepared to meet and forestall British forces at the two Battles of Springfield in June 1780. Both Gen. Nathanael Greene and General Washington praised the men of Stark's brigade for their gallantry at

Springfield, where about 25 men from the Rhode Island regiment alone were wounded.

Compelling reasons exist for the addition of the Stark's brigade campsite to the park. The physical and natural conditions at the site are relatively untouched even after the passage of 183 years, making it superior in this respect to the existing campsites in the park. Better than any campsite within the present park, the Stark's brigade site contains visible evidence of historic use, and it is the least disturbed of the several historic campsites at Morristown. Definite depressions in the ground show clearly the locations of soldiers' and officers' huts, and fireplace remains. Here, soldiers suffering from cold and hunger erected more than 100 of these huts on ground covered by as much as 6 feet of snow.

The campsite of Stark's brigade is also the only such site in and around the Jockey Hollow area for which there exists a detailed and contemporary historical map showing the layout of soldiers' and officers' huts. This map was drawn by the French engineer, Capt. Bichet de Rochefontaine, and was designed to show the positions to be taken by Continental forces in case of attack. It was enclosed with a memorandum on that subject dated January 16, 1780, from Nathanael Greene and Louis le Be'gue Duportail to General Washington. The map and memorandum are both on file at the Library of Congress.

Addition of the Stark's brigade campsite to the park will enable the National Park Service to develop an important interpretive point in the historic encampment area from which can be graphically presented the physical and military relationship of Washington's forces at Morristown to the British Army at New York City. If the site is acquired, archeological explorations of the remains will enable the National Park Service to reconstruct typical camp huts, open visitor trials, and provide interpretive exhibits and viewing facilities which will enable visitors for the first time to receive a comprehensive understanding of the physical scope and historical significance of Washington's encampment at Morristown in 1779–80.

The Stark's brigade site, located adjacent to the present park boundary, is presently part of a tract of approximately 286 acres owned by a corporation which originally expressed willingness to sell it to the Federal Government only if the entire tract could be disposed of in a single transaction. However, the corporation later advised us that it is willing to sell that portion of the tract which is unimproved (about 281 acres) for $1,000 per acre. The improvements (valued at about $36,000) are located on a 5-acre parcel on the periphery of the tract and need not be acquired. Mounting commercial and residential development associated with higher land costs make desirable early acquisition of this property. A recent appraisal obtained by this Department places a value of $343,200 on the 286-acre tract of land, exclusive of the improvements thereon. However, on the basis of the owner's asking price, the cost to the United States on the 281-acre tract of land would be approximately $281,000 a figure well below the appraised value. An estimated increase in annual administrative costs of $25,000 would result from acquisition of the property, and expenditures for interpretive facilities necessary to portray the historic encampment would approximate $22,200. We understand that the local taxing authorities have no objection to the lands being removed from the tax rolls.

H.R. 3396 authorizes acquisition of up to 320 acres of land, or about 34 acres in addition to the tract on which the Stark's brigade site is situated. Additional acreage is not needed for present park development, interpretation, or protection. Therefore, we recommend acquisition of only the 281-acre tract at this time, and we would have no objection to an amendment to the bill limiting land acquisition to 281 acres if the committee saw fit to add it.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

REGULATIONS FOR MANUFACTURE AND USE OF DEVICES WHICH CAUSE HARMFUL INTERFERENCE TO RADIO RECEPTION

Mr. MAGNUSON. Mr. President, by request of the Federal Communications Commission I introduce, for appropriate reference, a bill to amend the Communications Act, by adding a new section pertaining to devices which interfere with radio reception.

I ask unanimous consent that the letter from the Chairman of the Federal Communications Commission, together with an explanation of the bill, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and explanation will be printed in the RECORD.

The bill (S. 2684) to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to radio reception, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and explanation presented by Mr. MAGNUSON are as follows:

FEDERAL COMMUNICATIONS
COMMISSION,
Washington, D.C., March 12, 1964.

Hon. CARL HAYDEN,
President pro tempore of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Commission has adopted as a part of its legislative program for the 88th Congress a proposal to amend the Communications Act by adding a new section pertaining to devices which interfere with radio reception.

The Commission's draft bill to accomplish the foregoing objective was submitted to the Bureau of the Budget for its consideration. We have now been advised by that Bureau that from the standpoint of the administration's program there would be no objection to the presentation of the draft bill to the Congress for its consideration. Accordingly, there are enclosed six copies of our draft bill and explanatory statement on this subject.

The consideration by the Senate of the proposed amendment to the Communications Act of 1934 would be greatly appreciated. The Commission would be most happy to furnish any additional information that may be desired by the Senate or by the committee to which this proposal is referred.

Yours sincerely,

E. WILLIAM HENRY,
Chairman.

EXPLANATION OF PROPOSED AMENDMENT TO THE COMMUNICATIONS ACT OF 1934, AS AMENDED (PROPOSED NEW SEC. 302), TO GIVE THE FEDERAL COMMUNICATIONS COMMISSION AUTHORITY TO PRESCRIBE REGULATIONS FOR THE MANUFACTURE, IMPORT, SALE, AND SHIPMENT OF DEVICES WHICH CAUSE HARMFUL INTERFERENCE TO RADIO RECEPTION

The Federal Communications Commission recommends that Congress enact legislation amending the Communications Act of 1934, as amended, by adding a new section thereto, proposed section 302. Under this new section, the Commission would obtain authority to prescribe regulations for the manufacture, sale, shipment, and import of devices which cause harmful interference to radio communications and thus interfere with radio reception.

The chief purpose of this legislation is to give the Commission adequate authority to deal with increasingly acute interference problems arising from expanded usage of electrical and electronic devices which cause, or are capable of causing, harmful interference to radio reception. This would be accomplished by empowering the Commission to deal with the interference problem at its root source—the sale by some manufacturers of equipment and apparatus which do not comply with the Commission's rules. This new authority to require that equipment be properly designed to reduce radiation to specified and acceptable limits, and, where necessary, to specify operating frequencies before it is sold to the consumer, is not only necessary and in the public interest, but also, will provide a more reasonable basis for dealing with interference problems than is now possible under the present scheme of regulation provided for in the Communications Act.

Presently, the Communications Act of 1934, as amended, particularly section 301 thereof, prohibits the use of equipment or apparatus which causes interference to radio communications, while section 303(f) empowers the Commission to prescribe regulations "* * * to prevent interference between stations." However, the Commission has no specific rulemaking authority under the act to require that before equipment or apparatus which radiates electromagnetic energy is put on the market, it must be properly designed to prevent harmful interference to radio reception. The defects of this scheme of regulation become more obvious with each passing year. Since the prohibition falls on the use of offending equipment, it means that the Commission, in trying to control interference, is confined in large measure to apprehending the users of equipment which interfere with radio communications, even though in most instances such users have purchased equipment on the assumption its operation would be legal without further suppression of spurious radiation. It also means that the Commission is reduced to an after-the-fact approach to preventing interference, for obviously, until the Commission has discovered interference (either through its Field Engineering Bureau or on the complaint of some user of radio equipment), there is no basis for proceeding against the offender.

Of course, when the Communications Act was adopted, interference problems were relatively small, bóth in number and complexity. But especially since World War II, with the explosively rapid growth experienced in the communications industry, there has been a corresponding increase both in the development of new uses for radio and in the number and type of devices capable of causing harmful interference. In many instances, those radiating devices lie outside the area conventionally associated with radio transmission and reception. They include such devices as electronic garage door openers and certain electronic toys, which, because of poor design or for other reasons, radiate radio frequency energy beyond that needed for their functions. They also include other devices, such as high-powered electronic heaters, diathermy machines, welders, and radio and television receivers, which radiate energy either purposely or incidental to carrying out their primary functions.

The cumulative effect of all this excessive radiation (or "spectrum pollution," as one writer has put it) is most apparent in large metropolitan areas. Especially in peak periods of operating of radiating devices, such areas are blanketed by a "radiation smog" which makes it increasingly difficult for any user of radio communications to obtain interference-free reception. To radio listeners and television viewers, this means the reception of distorted and garbled signals, or fluttering images, of a technical quality less than that possible when interference is under effective control. To those who use radio for industrial communications purposes, the cumulative effect of excessive radiation means increased disruption of communications services. In the really vital areas where radio is used for safety purposes, such as in air navigation control, this radiation problem becomes most acute. Here, it poses a genuine threat to safety of life. And finally to those users of radio whose operations must be conducted under conditions of relatively low background interference (such as the Commission's radio monitoring activities, the operation of military communications systems, or radio astronomy observations), high levels of excessive radiation constantly force such users to seek out new areas of low interference or to require that all devices used in a given area (such as a military post) be properly suppressed against radiation before use. Both of these latter-mentioned alternatives impose additional costs of operation on the Government itself.

In our view, the only lasting solution to these interference problems is to require that before a device capable of causing interference leaves the manufacturer, it be properly designed so as to limit its radiation to acceptable values. Under the present scheme of the Communications Act, compliance by manufacturers with our rules and regulations is on a purely voluntary basis. Of course, many manufacturers have voluntarily complied with our radiation requirements. But at the same time, many others have refused to do so, citing in justification of such refusal our lack of legal authority to control the manufacture of such devices under the present provisions of the Communications Act. Quite often, this refusal stems from the fact that compliance would require additional manufacturing costs.

Nevertheless, the effects of this refusal to comply with our radiation requirements are clear. In terms of fair competition between manufacturers, it penalizes the responsible manufacturer who wishes to hold down excessive radiation by placing him at a competitive disadvantage vis-a-vis the marginal manufacturer who prefers to ignore our rules. In terms of the consumer, who generally is unaware that an inadequately suppressed device will cause interference and who purchases the device in good faith, it forces on him the cost of bringing his equipment into compliance. Obviously, it is unfair that the buying public should bear the brunt and embarrassment of our enforcement procedure, but under the present terms of the act, the Commission has no alternative.

Our proposed legislation has been drafted with a view to these problems, and in response to an earlier suggestion by the chairman of the Senate Commerce Committee.

The proposal consists of three subsections. Basically, subsection 302(a) describes the radiating devices which would be subject to our authority as those "* * * which in their operation are capable of emitting radio frequency energy by radiation, conduction or other means in sufficient degree to produce harmful interference to radio communications." In the case of such devices, the Commission would have authority to prescribe rules applicable to the "manufacture, import, sale, shipment, or use of such devices" and would prescribe the permissible degree of emission of radio frequency energy of such devices. Subsection 302(b) prohibits the use, import, shipment, manufacture, sale, or offering for sale of devices which fail to comply with radiation limits duly promulgated by the Commission under the authority of section 302. Subsection 302(c) sets out three exceptions. The proposed legislation would not apply to (a) carriers transporting interfering devices without trading in them, (b) the manufacture of devices which are intended solely for export, or (c) devices which are used by the U.S. Government or any agency thereof.

Several observations regarding this proposal are in order. Perhaps most important of these is that while this legislation may at first seem novel, the United States is perhaps the only major industrial nation in the world which does not approach the interference problem by prescribing permissible radiation limits at the manufacturing level. Over the years, there has been a progressive abandonment by other countries of the "user regulation" approach still followed under the Communications Act, in favor of controlling interference by requiring that radiation be held to acceptable limits before equipment is put in the hands of consumers.

This latter approach, which is reflected in our proposed legislation, has much to recommend it. It constitutes a direct approach to interference control, thus meeting the problem at its source by the application of preventive techniques. Further, it recognizes that from every viewpoint, the ideal time to prevent excessive radiation is before radiating equipment is sold. By so doing, it will bring substantial benefits to both the Government and the public.

From the standpoint of the Commission, rulemaking authority to prescribe permissible radiation limits at the time of manufacture will go far toward reducing the enforcement problems the Commission presently faces. It will avoid the piecemeal, "after-the-fact" approach the Commission must now follow in order to apprehend the users of equipment which causes harmful interference. Of course, this enforcement problem varies with the type of equipment involved. Where relatively few units of a large piece of equipment, such as multikilowatt industrial heaters, have been sold, tracing the owners of this equipment is not too difficult. But when a large number of radiating devices, such as garage door openers, toys, or improperly designed radio or television receivers, have been placed in the hands of the public, the enforcement problem becomes exceedingly difficult, if not indeed impossible. In the calendar year 1962, for example, approximately 178,000 man-hours were devoted to tracing and eliminating interference. This figure does not take into account the large number of interference problems which are never brought to the Commission's attention. Thus, granting the Commission authority to approve radiating equipment before it is sold would, by reducing our enforcement problem, permit more effective utilization of our manpower resources than is now possible.

A further benefit to the Government from a general reduction of levels of excessive radiation (the "radiation smog" over metropolitan areas earlier referred to) is that Government radio services whose operations must be conducted in areas of relatively low radiation limits would, to a great extent, be relieved of the need for relocating to escape high radiation areas. The need for the Commission to relocate its monitoring installations as increasing urbanization brings about higher levels of radiation has already been mentioned. It is also our understanding that the interference problem has become so acute in areas of military installations that military purchase specifications for radiating devices now are written to require that such devices be suppressed or otherwise designed to prevent interference. Finally, from the Government's viewpoint, the Government, as well as the public, would be benefited by enactment of this legislation through the additional protection against interference which would be afforded to those services, such as air navigation control, where the safety of life depends on purity of reception.

The public would also benefit from this legislation because a reduction in the present levels of excessive radiation would permit reception of a better quality than is now possible. Here it might be noted that the public has become so accustomed to a degraded quality of service under present conditions that unless radio reception is seriously interfered with, the public will not complain. The public would also gain reassurance that, except perhaps under extraordinary circumstances, equipment it bought would not need further modification as a condition to its legal operation.

There remains to be considered the problem of additional costs to manufacturers which might be necessary under this legislation. We recognize, of course, that properly designed equipment costs more than improperly designed equipment. But, generally speaking, in most instances, the additional costs to manufacturers stemming from this legislation would be small. Even now, when the Commission orders a user to shield or otherwise adjust his equipment to prevent excessive radiation, this can be accomplished at relatively low cost. If this were done at the time of manufacture, costs could further be minimized by the economies possible under proper design and mass production techniques.

But, in any event, the consumer must now pay the cost of eliminating excessive radiation, as well as the cost of administrative proceedings brought against him. In light of this, we think it preferable that members of the public who buy devices that may radiate should have assurance that such devices are properly designed at the time of manufacture, rather than having purchasers discover noncompliance with our radiation requirements after the sale. By requiring that all manufacturers hold radiation down to acceptable limits, not only does the public gain this warranty that equipment purchased is fit for legal operation, but those manufacturers who now voluntarily comply with our radiation rules would be relieved of the competitive disadvantages they now operate under.

Several remaining aspects of our proposal deserve mention. First, it should be noted that this new section is not intended to supplant our authority under section 301, but rather, to supplement it. While the new section will go far to reducing levels of excessive radiation, there will be instances where properly designed equipment is improperly used, thus calling for application of section 301.

Further, implementation of our authority would necessarily be on a gradual basis. Before promulgating new standards, the Commission would give public notice of rulemaking proceedings, and any person or segment of the industry affected by a particular set of regulations would have ample opportunity in subsequent rulemaking proceedings to comment on the proposed regulations.

Thus, the Commission would be in a position to assess the impact of its proposed regulations on those affected, and, where appropriate, could minimize the effect of new standards on the industry. In short, if the Commission obtains this legislation, it would proceed to implement it gradually, and only after a thorough study of all the problems involved.

Finally, there are the three exceptions to this proposed legislation contained in proposed subsection 302(c). The first exception is designed to exempt carriers which merely transport interfering devices without trading in them. The second exception relates to the manufacture, sale, etc., of devices which are intended solely for export. Even though a device might interfere with radio reception under the standards to be promulgated pursuant to this legislation, its use in some other country may still be lawful. By permitting the export of devices to such foreign countries, American manufacturers will not be placed under any competitive disadvantage. The final exception involves the use of electronic devices by agencies of the Government.

Under section 305 of the Communications Act, the Commission does not have regulatory jurisdiction over stations owned and operated by the United States. This same theory is carried forward into the final exception of proposed subsection 302(c), in order to avoid any jurisdictional confusion which might arise under the new legislation. In many respects, the needs of the Government, in terms of procurement, the development of new electronic devices, security considerations, etc., are unique. Beyond this, the Government agencies are fully aware of the need for suppressing objectionable interference, and in many cases, the standards adopted by individual agencies are more stringent than those which the Commission would impose. In light of these considerations, it was considered desirable to except from the operation of this legislation devices used by the U.S. Government or its agencies, leaving it to the agencies to cooperate through the offices of the Interdepartment Radio Advisory Committee to achieve acceptable levels of radiation.

In conclusion, the direct approach to control of interference inherent in our proposal is, we think, the most logical solution to the problems of excessive radiation, problems which become increasingly acute with the ever-expanding use of radio. What the Commission seeks here is a more rational scheme of regulation which will be possible by shifting the emphasis from the present cumbersome technique of "user regulation" to the preventive techniques of dealing with interference control at the source of the apparatus. The benefits to be derived from reducing spectrum pollution far outweigh any inconvenience to those manufacturers who now place inadequately designed devices on the market, on the assumption that if such devices cause harmful interference to radio reception, the buyer can undertake the necessary equipment modifications.

RESTRICTION OF A CERTAIN AREA IN OUTER CONTINENTAL SHELF FOR DEFENSE PURPOSES

Mr. JACKSON. Mr. President, by request, I introduce, for appropriate reference, a bill to provide for the restriction of a certain area in the Outer Continental Shelf for defense purposes, and for other purposes—Matagorda Water Range.

This measure was drafted and recommended by the Department of the Air Force. I ask unanimous consent, Mr. President, that the text of the executive communication transmitting the proposed legislation, the text of the bill, and a fact sheet on the matter appear in the Record at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, executive communication, and fact sheet will be printed in the Record.

The bill (S. 2685) to provide for the restriction of a certain area in the Outer Continental Shelf for defense purposes, and for other purposes—Matagorda water range—introduced by Mr. Jackson, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) so much of the Outer Continental Shelf as is within the area described in section 2 of this Act is hereby restricted from the operation of the mineral leasing provisions of the Outer Continental Shelf Lands Act (67 Stat. 462), at the request of the Department of the Air Force, for the use of the Department of Defense for a period of three years with an option to renew the restriction for an additional period of three years upon notice to the Secretary of the Interior. The restriction made by this subsection may be terminated, as to any or all of the area described in section 2 of this Act, at any time by the Secretary of Defense upon notice to the Secretary of the Interior.

(b) This Act does not prohibit applications, under laws and regulations then existing, for further restrictions at the time of termination or expiration of the restriction made by this Act.

(c) The right to enter the area restricted by this Act and to use it for the defense purposes set forth in the application for restriction becomes effective upon the date of enactment of this Act.

(d) This Act does not limit the authority of the Secretary of the Interior under section 11 of the Outer Continental Shelf Lands Act (67 Stat. 469), except that the authority may be exercised within the area restricted by this Act only with the concurrence of the Secretary of Defense.

Sec. 2. The area restricted by this Act is so much of the Outer Continental Shelf as is embraced in an area described as follows: Beginning at a point 28 degrees 10 minutes 00 seconds north, 94 degrees 45 minutes 00 seconds west; thence east to 28 degrees 10 minutes 00 seconds north, 94 degrees 14 minutes 00 seconds west; thence south southeast to 27 degrees 22 minutes 00 seconds north, 93 degrees 26 minutes 00 seconds west; thence southwesterly to 26 degrees 00 minutes 00 seconds north, 95 degrees 05 minutes 00 seconds west; thence north northeasterly to point of beginning, being 28 degrees 10 minutes 00 seconds north, 94 degrees 45 minutes 00 seconds west, containing 3,874,291 acres, more or less.

The executive communication and fact sheet presented by Mr. Jackson are as follows:

Department of the Air Force,
Washington, D.C., March 13, 1964.

Hon. Carl Hayden,
President pro tempore of the Senate.

Dear Senator Hayden: There is forwarded herewith a draft of proposed legislation "To provide for the restriction of a certain area in the Outer Continental Shelf for defense purposes, and for other purposes (Matagorda water range)."

This proposal is pursuant to the provisions of Public Law 85-337 and is part of the Department of Defense legislative program for the 88th Congress. The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Air Force has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposed legislation be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to restrict the utilization of certain submerged land, described in the attached draft, of the Outer Continental Shelf off the coast of Texas, and to restrict the operation of mineral leasing laws therein. A letter of intent to restrict the utilization of the submerged land area has been submitted to the Department of the Interior.

The installation involved is the Matagorda water range consisting of 3,874,291 acres of airspace, water, and submerged land which is used by Strategic Air Command B-58, B-52, and B-47 combat aircrews for operational readiness inspections and day-to-day aerial gunnery training. Aircrews from numerous bombardment wings located in the South-Central United States require this range on a full-time basis in the support of live firing training and testing to maintain combat proficiency.

COST AND BUDGET DATA

The area involved replaces the old Matagorda water range and there will be no change in Department of Defense appropriations.

Sincerely,

Robert H. Charles,
Assistant Secretary of the Air Force.

Proposed Restriction of Submerged Land of the Matagorda Water Range

1. Name of—

(a) Requesting agency: Department of the Air Force.

(b) Using agency: Strategic Air Command.

2. Location and description of area involved: This submerged land lies 65 miles off the coast of Texas in the Gulf of Mexico approximately 120 miles southeast of Houston.

3. Area:

(a) Gross land and water areas: 3,874,291 acres of submerged land. (Approximately 526,657 acres lie within the 100-fathom curve.)

(b) Net land and water areas: Same as 3(a).

4. Purpose of withdrawal, reservation, or restriction:

(a) Type of action and use contemplated:

(1) This overwater range is essential to the using agency for aerial gunnery training and operational readiness inspection and simulated combat profile missions for B-58, B-52, and B-47 combat crews from the South Central United States. In addition to the aerial training conducted by SAC bomber crews, the Houston GCI Center, while assisting in controlling aircraft using the range accomplishes realistic training in the identification and vectoring of high-performance aircraft.

5. Statement of contamination anticipated as a result of withdrawal, reservation, or restriction: None.

6. Period of use: 6 years.

7. Whether, and if so, to what extent, the proposed use will affect continuing full operation of the public land laws and Federal regulations relating to:

(a) Mineral resources:

(1) The use of this range will prohibit exploitation of mineral resources. This range replaces the old Matagorda Air Force Range located 3 leagues off the coast of Texas. The old range area is now available for mineral exploitation.

(b) Timber and other material resources: Not applicable.

(c) Grazing resources: Not applicable.

(d) Fish and wildlife resources: Not affected.

(e) Water resources: Not applicable.

(f) Scenic, wilderness, and recreation and other values: Fishing is not limited by this legislation.

8. Effect of withdrawal, reservation, or restriction of State water rights: Not applicable.

PROHIBITION OF HARD LIQUOR ADVERTISING ON RADIO AND TELEVISION

Mr. PASTORE. Mr. President, on August 23, 1961, the Senator from Washington [Mr. MAGNUSON], chairman of the Senate Commerce Committee, and I, as chairman of the Subcommittee on Communications, wrote to the Honorable Leroy Collins, president of the National Association of Broadcasters, concerning the recurrent rumors relating to the plans of certain large distilling companies to use broadcast facilities to advertise liquor. We reminded him that our committee had held numerous hearings on this issue, specifically on bills that would prohibit the advertising of liquor on radio and television. When a broadcast industry spokesman appeared before the committee, he urged that no action be taken because the industry was capable of handling it itself.

It was generally agreed that this type of advertising should not be permitted and, as an indication of its good faith, the broadcasters adopted a provision which is included in their radio and television codes, which states that the "advertising of hard liquor should not be accepted." We applauded the industry for this approach because it was consistent with our view that self-regulation is more desirable than legislation.

I ask unanimous consent to have printed in the RECORD, after I complete my remarks, the August 23, 1961, letter to Governor Collins.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Governor Collins replied by stating:

> The advertising of hard liquor is banned in unequivocal terms in both the Radio and Television Codes of the National Association of Broadcasters. To our knowledge, adherence by code subscribers is complete. This is true despite considerable pressure by some distillers and their agents to breach the line.
>
> You may be assured that every effort will be made to continue this fine record. If a breach should occur, our NAB code enforcement will be prompt and decisive.

In addition, the Distillers Spirits Institute, an organization representing many of the distillers, wrote to the committee and stated as follows:

> DEAR SENATOR MAGNUSON: Your letter of August 23 to Governor Collins of the National Association of Broadcasters, regarding airwaves advertising of distilled spirits, is certainly a vindication of the attitude of this institute whose members have been opposed to such advertising and have voluntarily refrained from its use for more than 25 years.
>
> No legislation, nor ban, for that matter, should be necessary. Far more appropriate is the Distilled Spirits Institute Code which has never been breached by any member.
>
> Your moral support is of value beyond estimate to persuade nonmembers of the institute that its rules of self-conduct are based on commonsense that should be respected by all.

It appeared that the actions of the industry were successful.

In early 1963, we were informed that efforts were being made again by certain distillers to place liquor advertising on radio and television. At that time I stated:

> I would hope broadcasters on their own initiative would see the great error in such a practice and would exercise restraint. That I was ready to introduce legislation, to prevent liquor advertising on radio and television, in the event such a practice was instituted.

Last week in a front page story of the New York Times, it was announced that WQXR would accept whisky ads. Two days later it was announced in the same paper that contracts had been completed for the advertising of whisky that would bring WQXR $70,000.

Governor Collins, the president of the National Association of Broadcasters, indicated that he was extremely disappointed. He stated:

> I am extremely disappointed by reports that WQXR will accept hard liquor advertising, and strongly urge that you reconsider any such action. There is admittedly considerable pressure within the industry for similar action, and therefore your position will strongly tend to undermine mature and responsible self-regulatory action within the entire broadcasting industry. Present longstanding, nationwide policy of the broadcasting industry of refusing hard liquor advertising is based on many factors. Expediency should not be allowed to override these soundly based decisions reached after repeated and thoughtful examination by broadcasters over many years. The broadcast media have demonstrated their impact in encouraging consumer demand. The increased consumption of hard liquor by young or old is easily demonstrated to be damaging to the public interest. It has been a source of great pride and credit that our industry has voluntarily bypassed profits from this type of advertising in promoting the public good. Please do not break down the gates there with your highly respected station.

I need not remind my colleagues that there is a vastly different principle involved between liquor advertising in newspapers and magazines and that broadcast over radio and television. In the latter case, there is no protection against children and teenagers hearing liquor extolled as a fit product for purchase by their parents. Nor is it any answer to say, as some may, that the liquor industry is a legal industry and should have the same right to advertise as any other American industry.

It appears to me that there is a serious determination to break down this self-imposed policy of the broadcasting industry and the Distillers Spirits Institute of refusing to advertise hard liquor on radio and television. The Senator from Washington [Mr. MAGNUSON] and I are introducing a bill which would prohibit the broadcasting over radio and television of advertisements relating to hard liquor. Hearings will be scheduled in the very near future.

Mr. President, I introduce, for appropriate reference, a bill to prohibit the broadcasting over radio and television of advertisements of distilled spirits for beverage purposes, and for other purposes, and ask unanimous consent that the text of the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2693) to prohibit the broadcasting over radio and television of advertisements of distilled spirits for beverage purposes, and for other purposes, introduced by Mr. PASTORE (for himself and Mr. MAGNUSON), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful to broadcast or televise by means of any station for which a license is required by any law of the United States, or for any person operating any such station to permit the broadcasting or televising of, any advertisement of distilled spirits for beverage purposes or the solicitation of an order for distilled spirits for beverage purposes.
>
> SEC. 2. All radio and television station licenses heretofore or hereafter issued or continued in force under the provisions of the Communications Act of 1934, as amended, shall be deemed to be conditioned upon compliance with the provisions of this Act. If the Federal Communications Commission finds that any holder of any such license has willfully violated any provision of this Act, the Commission shall have the same power to revoke such license as it has to revoke licenses for violation of, or failure to observe, any of the restrictions and conditions imposed by the Communications Act of 1934, as amended.
>
> SEC. 3. All basic permits heretofore or hereafter issued under the provisions of the Federal Alcohol Administration Act, as amended, shall be deemed to be conditioned upon compliance with the provisions of this Act. If the Secretary of the Treasury finds that any holder of any such permit has willfully violated any provision of this Act, the Secretary shall have the same power to revoke such permit as he has to revoke permits for violation of, or failure to observe, any of the restrictions and conditions imposed by the Federal Alcohol Administration Act, as amended.
>
> SEC. 4. As used in this Act the term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.
>
> SEC. 5. Any person knowingly violating any of the provisions of this Act shall be punished by fine of not less than $100 nor more than $1,000 or imprisonment for not less than six months nor more than one year, or by both such fine and imprisonment.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON COMMERCE,
August 23, 1961.

Hon. LEROY COLLINS,
President, National Association of Broadcasters, Washington, D.C.

DEAR MR. COLLINS: Recenty our attention has been drawn to the recurrent rumors as well as stories in trade publications concerning the plans of certain large distilling companies to use broadcast facilities to advertise liquor.

> As chairman of the Senate Committee on Commerce, and chairman of the Subcommittee on Communications, we think this is of grave importance to the American public. You will recall that the Committee on Commerce has held numerous hearings with regard to this issue, specifically the bills that would prohibit the advertising of liquor on radio and television.
>
> When the broadcasting industry spokesmen appeared before this committee they urged that no action be taken with regard to the legislation because the industry was capable of handling the situation itself. It was generally agreed that this type of advertising should not be permitted and as an indication of its good faith adopted provisions in its code to the effect that stated "the advertising of hard liquor should not be accepted."
>
> We applauded the industry for this approach because it was consistent with our view that self regulation is more desirable than legislation.
>
> We were, therefore, surprised and amazed with the current flock of stories about the attempts to break down this hard liquor barrier by certain broadcasters. In these trying times with criticism of the broadcast industry mounting—particularly in the programing field—it would be foolhardy to permit the provision of the broadcasting code regarding hard liquor advertising to become meaningless.
>
> We would appreciate a reply from you as to what steps the industry has taken to live up to the code and to indicate whether there is any substance to the stories on this issue.
>
> We think we should point out at this time that we stand ready to move ahead with appropriate legislation in the event self regulation proves to be ineffective. Also, that we propose to call upon the Federal Communications Commission to take into consideration the type and kind of advertising broadcast by a licensee when it considers that license for renewal.
>
> No one, we are sure, will disagree that the public interest, convenience, and necessity is not being served by the broadcasting and televising of liquor advertising into the American home. While we are aware that broadcast licensees are all anxiously looking for new sources of revenue, we never believed that they would be so lacking in their sense of public responsibility as to even consider the broadcast of liquor advertising.
>
> Sincerely yours,
>
> WARREN G. MAGNUSON,
> *Chairman.*
>
> JOHN O. PASTORE,
> *Chairman, Subcommittee on Communications.*

PROHIBITION OF BEEF IMPORTS IN THE SCHOOL LUNCH PROGRAM

Mr. MILLER. Mr. President, during the debate on the beef import problem, it was pointed out that reports had been received that some imported meats had been used in our school lunch program.

In the Friday, March 6, issue of the Sioux City Journal, a story states that Secretary of Agriculture Orville L. Freeman sought to put a stop to what he calls rumors that his Department is buying imported meat for the school lunch program and for donation to needy persons. The article states:

> The Department did not rule out the possibility that some meats bought by State and local procurement officials from local merchants for the school lunch program may be foreign in origin. He said that these officials buy about 80 percent of the food that goes into the program, using funds allotted them by the Federal Government and funds contributed by State and local groups and schoolchildren to help finance the program. The statement said, however, these officials have been strongly urged to limit purchases of domestically produced foods.

It seems to me that while some State and local governments might be inclined to follow the urgings of the Department of Agriculture, it might be a good idea to make sure that they have to in order to obtain Federal funds.

While it is Secretary Freeman's policy not to permit Federal funds to be used for the purchase of foreign imports to be used as food for school lunch programs, it might be a good idea to cover that situation.

Accordingly, I introduce for appropriate reference a bill to prohibit the Secretary of Agriculture from purchasing "any meat, poultry, or fish, or any product thereof, imported into the United States" to be used under the National School Lunch Act.

I ask unanimous consent to have the bill printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2694) to prevent schools participating in the school-lunch program under the National School Lunch Act from serving lunches containing any meat, poultry, or fish, or any product thereof, imported into the United States, introduced by Mr. MILLER, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6 of the National School Lunch Act, as amended (42 U.S.C. 1755), is amended by adding at the end thereof a new sentence as follows: "No funds made available to the Secretary for the direct purchase of agricultural commodities and other foods shall be used by him to purchase any meat, poultry, or fish, or any product thereof, imported into the United States."
>
> SEC. 2. Section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758), is amended by adding at the end thereof a new sentence as follows: "In carrying out the provisions of this Act, the Secretary shall impose such conditions as he deems necessary to insure that schools participating in the school-lunch program under this Act do not serve lunches consisting in whole or in part of any meat, poultry, or fish, or product thereof, imported into the United States."

THE 175TH ANNIVERSARY OF THE FIRST INAUGURATION AND MEETING OF THE CONGRESS

Mr. KEATING. Mr. President, in April of this year we will commemorate the 175th anniversary of three historic events: The first meeting of the House of Representative on April 1, 1789; the first meeting of the Senate on April 6, 1789; and the first Presidential inauguration on April 30, 1789. New York takes pride in the fact that each of these events occurred in New York City. Their significance should not go unnoticed on this important anniversary date.

For 175 years the Government of the United States has functioned without disruption and we are now the oldest Republic in the history of civilization. The very life of our Nation has been challenged on many occasions. But we have grown and prospered in spite of perilous foreign wars, a civil war, and a catalog of other difficulties which have "tried men's souls." Our people have overcome every challenge. Our system of government, for all its imperfections, has proven the most effective and durable yet devised by the mind of man. The genius, understanding, imagination, and wisdom of the Founding Fathers have sustained us in every crisis and allowed us to grow to preeminence in the free world.

Under the Constitution the House and Senate were scheduled to assemble on March 4, 1789. But when March 4 arrived neither the Senate nor the House could muster a quorum—only 8 Senators appeared, and in the House 13 Members were present. There were some who immediately despaired for the future of this Nation. Appeals were made urging absent Members to attend to their responsibilities. The two Chambers meanwhile met and adjourned from day to day, unable to transact any business. A discouraged Congressman Fisher Aims wrote:

> I am inclined to believe that the languor of the old confederation is transfused into the Members of the new Congress. The public will forget the Government before it is born.

How wrong he was. On April 1, the House and on April 6, the Senate, counted a quorum of Members present. Congress could begin to transact its business and what followed was one of the most productive sessions in our Nation's history as the new Government was launched.

On April 6, 1789, the Senate and House met in joint session for the counting of the electoral votes designating George Washington and John Adams as President and Vice President of the United States. Washington and Adams were formally notified and on April 30, 1789, our first President was sworn into office on the balcony of Federal Hall in New York City.

The pomp and ceremony of that day began with the discharge of artillery at Fort George. Church bells rang joyously beginning at 9 o'clock. At 12 o'clock the military marched to the Presidential House on Cherry Street, followed by a congressional delegation and heads of the chief Government departments. Half an hour later the procession made its way to Federal Hall, the President-elect riding in a four-horse-drawn state coach.

Upon his arrival, a joint congressional committee received the President. The Father of our Country was ushered to the open gallery in front of the Senate Chamber overlooking Broad Street. The gathering of grateful citizens which had assembled at the Federal Hall shouted hosannas and other expressions of gratitude when the President appeared. Washington then advanced to the balcony, and there, the oath of office was administered. At the conclusion of the swearing in, guns and cannons erupted with a tribute to the first President. The enthusiastic crowds in the streets renewed their jubilant cheering.

Just imagine the joy of the people at the inauguration of the first President of the United States. The dream of freedom and union, which caused the blood of patriots to flow at Concord and Valley Forge had become a reality. The difficulties that had beseiged the Colonies during the period of the Article of Confederation had been overcome. A new nation of the people, by the people, and for the people, had come to life—a nation which in 175 years has showered more of the blessings of life and liberty on more people than all the other nations in the history of the world—a nation which is always striving for new heights of achievement in service to mankind.

I believe it would be appropriate for Congress to give formal recognition to these historic events and I am today introducing a joint resolution for this purpose. The joint resolution would authorize and request the President to issue a proclamation in commemoration of the anniversary of the first meetings of the Congress and inauguration of the President and invite the people of the United States to observe the month of April as America's Founding Month. In behalf of myself and my colleague, the senior Senator from New York [Mr. JAVITS], I introduce this joint resolution and ask that it be appropriately referred and printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 165) to authorize the President to designate the month of April of each year as "America's Founding Month" in observance of the anniversary of the first meeting of the House of Representatives and the Senate, and the first Presidential inauguration, introduced by Mr. KEATING (for himself and Mr. JAVITS), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas the first meeting of the House of Representatives in the First Congress of the United States was held in New York City, New York, on April 1, 1789; and

Whereas the first meeting of the Senate in the First Congress of the United States took place in New York City, New York, on April 6, 1789; and

Whereas the first United States Presidential inauguration was held in New York City, New York, on April 30, 1789; and

Whereas these events witnessed the beginning of the most durable and effective system of representative government ever devised by the mind of man: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of April of each year to commemorate the anniversary of the first meetings of the House of Representatives and the Senate, and the first Presidential inauguration, and inviting the people of the United States to observe and celebrate "America's Founding Month" with appropriate ceremonies and activities.

NOTICE OF HEARINGS ON CENTRAL ARIZONA PROJECT, S. 1658

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate that our Subcommittee on Irrigation and Reclamation has scheduled a public hearing, beginning at 9 a.m. on April 9 and 10, on S. 1658, a bill to authorize the Central Arizona project. At the same time we are also requesting the Department of the Interior to present testimony on the proposed Southwest water plan.

THE 143D ANNIVERSARY OF GREEK WAR OF INDEPENDENCE—DEATH OF KING PAUL

Mr. SALTONSTALL. Mr. President, the observance today by the people of Greece and by persons of Greek descent all over the world of the 143d anniversary of their War of Independence has been saddened by the death of King Paul on March 6. King Paul reigned with exemplary courage and strength over his nation during the difficult war years and postwar years. His leadership helped his people to overcome the many adversities caused them by the war, and to remain steadfast against the threat of Communist expansion into the vital Mediterranean area.

Just as a study of modern history reveals that in recent years, the Greeks have made many contributions to world progress, a study of ancient history shows the importance of the contributions and achievements of the Greeks of 2,000 years ago. Those of us who believe in the worth and dignity of the individual and the rule of law, and who are fortunate enough to enjoy the blessings of democracy, are indebted to the Greeks who carried on experiments in democratic government in Athens more than 2,000 years ago. Their practices provided the foundation of the democratic institutions which we have today.

The men who wrote our own Constitution and Declaration of Independence and many of the other great documents of American Government were influenced by the Greek political philosophers. In addition, much of our architecture, literature, and drama stand as monuments to the heritage of the Hellenic culture.

On March 25, 1821, the Greeks began a 6-year battle to free themselves from the rule of the Ottoman Empire. Their struggle to preserve the freedom won in 1827 has been bitter and difficult. After the country was liberated by the British, in 1944, from Axis occupation, its people had to take up arms again—this time, to maintain their freedom from Communist penetration. In this they were successful; and today Greece stands practically on the doorstep of the Soviet Union, as an example of a valiant people who successfully resisted the domination of the Kremlin. Greece is now an important member of the NATO alliance of free nations.

On this occasion, all people in the free world pause to pay their respects to the memory of King Paul and to rededicate themselves to advancing the principles in which he believed and in which the people of Greece, have traditionally believed. We extend our condolences to the members of King Paul's family, and our good wishes for success to the new King, Constantine.

I wish to pay special tribute today to the Greek community in Massachusetts. Their influence is widely felt throughout the Commonwealth, and they have provided constructive leadership in many aspects of our community life.

SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF LABOR

Mr. SALTONSTALL. Mr. President, I wish to ask a question of the majority leader. The Senate Appropriations Committee has just approved a joint resolution for appropriations of $42 million to be paid to the States, in order that payments for unemployment compensation to Federal employees and ex-servicemen will not be stopped.

My question of the majority leadership is whether that joint resolution can be passed today, during the morning hour. It was passed yesterday by the House. These payments have stopped. The people in the various States—as many as 72,000 of them; or even more, today—will not receive any more of these payments until this appropriation bill is enacted.

My question of the majority leader is whether it would be possible—I am sure I speak for the members of the Appropriations Committee, even though I am on this side of the aisle—to have this joint resolution passed today, during the morning hour.

Mr. MANSFIELD. Yes, if there is no objection, and if debate on the joint resolution will be kept to a minimum.

Mr. SALTONSTALL. The Senator from Rhode Island [Mr. PASTORE], the chairman of the subcommittee, is about to enter the Chamber. I am confident there will be no debate on the joint resolution. The hearing on it lasted only 15 minutes; and, in executive session, the committee unanimously approved the joint resolution, which was passed on yesterday by the House.

The Senator from Rhode Island has now entered the Chamber; and I say to him that the majority leader has stated that it will be agreeable to have the joint resolution passed today, during the morning hour, if the debate on the joint resolution does not exceed 3 minutes. I replied that I was sure that would be the case.

The Senator from Rhode Island is the chairman of the subcommittee, and I am sure he will confirm and support what I have said.

The ACTING PRESIDENT pro tempore. The time of the Senator from Massachusetts has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Massachusetts may have 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, I yield to the Senator from Rhode Island, who is chairman of the Subcommittee on Deficiencies.

I wish to say to the Senator from Rhode Island that while he was out of the Chamber I commented that the committee considered the joint resolution and reported it unanimously. The people at home are out of money, and they will not get any more money until the joint resolution is passed.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. I yield to the Senator from Rhode Island, who may in turn yield to the Senator from Oregon.

Mr. PASTORE. Mr. President, I yield to the Senator from Oregon.

Mr. MORSE. I heartily approve the passage of the joint resolution. The action is within the procedures of the Senate. I would approve seeking an extension of time under unanimous consent to pass the joint resolution. As I have said, the action would be within the framework of the procedures of the Senate. I have no objection.

Mr. PASTORE. Mr. President, I shall rely and lean entirely upon my recollection of what occurred at this morning's meeting of the committee. If I am in error, I shall correct the RECORD. I believe I can cite the facts accurately.

In the regular 1964 appropriation bill $110 million was appropriated. The original request was for $119 million.

That request was cut from $119 to $110 million.

In February we were told that the money for the purposes stated in the joint resolution would run out about March 20. That is precisely what has happened. We are now asked for an additional amount of $42 million. I was told that up to today all but three States had exhausted funds to pay any claims whatsoever, and that by nightfall those three States would have run out of money, which means beginning tomorrow. Unless the joint resolution is passed, Federal employees and retired servicemen who become unemployed will not receive any compensation whatsoever. They may file their claims, and the claims may be processed up to the point of payment, but no payment can be made unless we appropriate the money. I cannot understand why any Senator should object to or oppose the joint resolution. If the measure could come before the Senate during the morning hour, I believe we would be living up to our fiscal responsibility.

I may further say that for the current fiscal year the Department of Labor requested $119 million for inclusion in the regular bill; this estimate contemplated 1,220,000 weeks of unemployment for Federal employees at an average weekly benefit amount of $38.50 for a total of $49,200,000 after adjustments; and for the veterans' program the estimate contemplated 2,063,000 weeks of unemployment at an average weekly benefit amount of $33.50 for a total of $71,800,000 after adjustments; totaling $121 million less $2 million expected to be recovered from prior year obligations. I might add that the Department had requested $126 million, but the Bureau of the Budget allowed only $119 million.

The House allowed $110 million; the Department appealed for full restoration; the subcommittee approved the House action, which approval was concurred in by the full committee and the Senate. The benefits are paid by the State employment security agencies as agents of the Federal Government, and the funds provided under this heading are available for no other purpose.

The Department has advised the committee that all but four States had exhausted funds for payment to eligibles as of Tuesday, March 24. It is anticipated that all States will exhaust funds during the current week.

The benefits are a statutory obligation of the Federal Government as provided in title XV of the Social Security Act, and no savings can accrue from the postponement or delay in making the additional funds required available.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JAVITS I must consult with the Senator from Illinois [Mr. DIRKSEN], as I am in charge of the floor at the moment. But I have a little morning hour business, and in the meantime we can consult with the Senator.

The ACTING PRESIDENT pro tempore. Does the Senator from Rhode Island ask that the joint resolution be reported?

Mr. PASTORE. Mr. President, from the Committee on Appropriations I report favorably, without amendment, House Joint Resolution 962, and I submit a report (No. 967) thereon.

The ACTING PRESIDENT pro tempore. The report will be received and printed, and the joint resolution will be stated.

The LEGISLATIVE CLERK. House Joint Resolution 962 making supplemental appropriations for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

Mr. JAVITS. Mr. President, for the purpose of dealing with the measure which was reported to the Senate, I yield to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated.

The LEGISLATIVE CLERK. A House joint resolution (H.J. Res. 962) making supplemental appropriations for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PASTORE. Mr. President, for the benefit of Senators who have recently come into the Chamber, I wish to say that I have made my opening statement. There is nothing I can add at the present time.

Mr. PROXMIRE. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. PROXMIRE. The Senator will recall that last December the Senator from Wisconsin tried very hard to add to a supplemental appropriation bill then pending an amendment which would provide milk for schoolchildren in accordance with Federal law and congressional intent. At that time the Senator from Wisconsin pointed out that the school milk program had been cut back by the Department of Agriculture on December 1, 1963, by 2 percent throughout the country, because the program ran out of money. Schoolchildren were being deprived of their milk. There was no reason for the action, no economy, none, because the milk was being bought anyway and put into storage. There was no saving in the process.

At that time the Senator from Rhode Island gave the Senator from Wisconsin what he called a "gilt-edged guarantee."

Mr. PASTORE. That is correct.

Mr. PROXMIRE. That when the next supplemental appropriation bill came along——

Mr. PASTORE. I did not say that. I said the next deficiency and supplemental bill.

Mr. PROXMIRE. At any rate, the Senator from Rhode Island gave the Senator from Wisconsin a gilt-edged guarantee that in January of this year an appropriation bill would be before the Senate on which the item could be added.

Mr. PASTORE. The Senator is correct.

Mr. PROXMIRE. With that understanding the Senator from Wisconsin deferred to the Senator from Rhode Island.

In January another appropriation bill came before the Senate. The Senator from Rhode Island promptly explained that, under those circumstances, it was impossible to add the item to the supplemental bill.

Mr. PASTORE. The Senator is correct.

Mr. PROXMIRE. The Senator from Wisconsin recognizes that the Senator from Rhode Island is in a quandary. He must meet his responsibilities. But the Senator from Wisconsin cannot understand any justification for depriving the schoolchildren of our country of the milk that they need merely because there is no deficiency appropriation bill available on which the item could be added. I am sure virtually every Senator on both sides of the aisle and every Representative would agree they should have it.

What in the world is wrong with adding the proposed appropriation to the joint resolution which is now before the Senate, which would provide a supplemental appropriation? If we do not add it now, I understand that another opportunity will not arise until May, and the fiscal year will be almost over before the item can be added.

Mr. PASTORE. Not only is the Senator from Rhode Island in a quandary, but also obviously the Senate is in a dilemma.

The Senator from Wisconsin is absolutely correct. If the amendment could be added to the joint resolution I would say "Let us do it." But we are up against the same situation that existed last fall.

The House joint resolution is not the supplemental and deficiency bill which is being bottled up in the House for reasons which the Senator from Rhode Island cannot understand for one moment.

Last Saturday I received a call from the chairman of the Committee on Appropriations, the Senator from Arizona [Mr. HAYDEN]. He advised me that he had received a call from the chairman of the Committee on Appropriations of the House, who wanted to know whether, if the joint resolution providing for the unemployment compensation deficiency were reported from the committee would it be amended. The House committee would not act if the Senate intended to add any amendments to the joint resolution.

I feel as indignant as does the Senator from Wisconsin. The necessary money providing for the school lunch program in all probability ought to be in the joint resolution.

But today we are faced with instructions that in effect state, "If you add anything to the joint resolution, you will defeat the joint resolution."

That is a decision which the Senator from Wisconsin will have to make. I agree with the Senator that the supplemental and deficiency bill to which I have referred should be reported from the House committee and passed by the House of Representatives. It should come to the Senate so that we can meet our responsibility.

But we have an admonition. It is even more than that. It is a threat that if we do not pass the joint resolution in the clear crystal form in which it was passed by the House, there will be no joint resolution. That is the way in which we are shackled. I do not like it. I shall not stand for it much longer. But if the Senator from Wisconsin insists on his rightful position, I am afraid that the joint resolution will be killed.

Mr. PROXMIRE. Mr. President, will the Senator from Rhode Island yield further?

Mr. PASTORE. I yield.

Mr. PROXMIRE. Has the Senator from Rhode Island any alternative to offer?

Mr. PASTORE. All I can say to the Senator from Wisconsin is that the next time we receive a call from the House of Representatives to the effect that it will not pass a bill or a joint resolution if we proposed to amend it, our position ought to be, "You do your job and we will do ours."

Mr. PROXMIRE. Is the Senator from Rhode Island then giving the Senator from Wisconsin assurance that when the next appropriation bill comes before the Senate he will support the Senator from Wisconsin in the proposed amendment?

Mr. PASTORE. The next deficiency and supplemental appropriation bill?

Mr. PROXMIRE. I understand that there will not be a supplemental appropriation bill before May.

Mr. PASTORE. The Senator can always move to amend, and when he moves to amend to add the school lunch program, he will be supported 1,000 percent by the Senator from Rhode Island. The Senator from Rhode Island will vote "yea" as loudly as he can.

Mr. PROXMIRE. Is it not a fact that in December we were faced with the same situation of this threat by the House? We had it again in January, and now we have it again in March. Yet schoolchildren are being denied the benefits of the milk program while the Commodity Credit Corporation is buying milk and putting it in storage.

Mr. PASTORE. I agree with the Senator from Wisconsin. I have already said I agree with him. He is right. But the situation I have described is what we are met with today. I hope the Senator will not press his suggestion. When the next bill comes along I will support his move.

Mr. PROXMIRE. So if such an amendment as I have suggested were accepted, the Senator from Rhode Island believes no unemployment compensation law would be adopted?

Mr. PASTORE. The States will be out of money today.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. There will be 109,108 persons unable to get money. Those are unemployed people of the Federal Government and veterans. On Tuesday, March 24, all but four States had exhausted the money available for these benefits. It is anticipated that the funds of the remaining States will be exhausted on Wednesday, March 25.

I join the Senator from Rhode Island in his plea that the joint resolution be passed as it is now, so these people can get their money. When the next supplemental appropriation bill comes up, I will join the Senator from Rhode Island in supporting an amendment suggested by the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The 3 minutes have expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. With great reluctance, I defer to the Senator from Rhode Island. I feel I have a great responsibility in this regard, particularly in my State. All Senators have a responsibility to the schoolchildren in their States. It is extremely bad for the Senate to cave in under this kind of threat and give up its power to amend. If we give up that right, whenever the House cares to dictate final terms to the Senate, we have no power whatsoever to protect our clear prerogative. We are giving up any authority in crucial controversies to amend, and letting the House reach its own conclusions. With reluctance, I defer to the Senator from Rhode Island, with the clear understanding that at the next opportunity the Senator from Rhode Island will use the great influence he has to have such an amendment adopted.

Mr. PASTORE. I will do what I can.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading.

The joint resolution (H.J. Res. 962) was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MONTANANS LIKE SILVER DOLLARS

Mr. MANSFIELD. Mr. President, in recent weeks there has been a great raid on the U.S. Treasury for silver dollars. There is speculation, with some reason, to believe that the silver dollar may disappear from the American scene. This is of particular concern to the Western States, particularly to my home State of Montana, where the silver dollar is an everyday medium of exchange. We are proud of the silver dollar, and we do not want to lose them. If the present trend continues it is very likely that this will happen.

In recent months both my able colleague, the junior Senator from Montana [Mr. METCALF], and I have conferred with Treasury officials and the committees of Congress about the need for minting additional silver dollars to discourage speculation and to keep them in circulation where it is now the custom.

We were quite disappointed when the House Committee on Appropriations refused to authorize the minting of additional dollars. It is our hope that this action can be reversed here in the Senate. We were, however, very pleased that President Johnson has recommended this legislation and the Secretary of the Treasury this week endorsed the issuance of additional silver dollars in his appearance before the House Committee on Banking and Currency.

The use of silver dollars in Montana is of special importance this year because of our territorial centennial celebration. The dollar is a very important part of the Montana heritage.

Two million dollars were shipped to the Federal Reserve Bank at Helena over the weekend. Yesterday I received a request from Mr. Nels Turnquist of the First National Bank & Trust Co. of Helena for an additional $2 million in silver for their own use. A report from the Treasury Department this morning indicates that it is unlikely that their request can be filled since the supply of silver dollars is being rapidly depleted.

As Senators can see, there is a great demand for these silver dollars in Montana. I am certain that if there is no other State in the Union that is interested in the silver dollar as a medium of exchange, the banks of Montana will pick up all available, on a cash basis, dollar for dollar.

As I indicated the silver dollar is a matter of great pride to my fellow Montanans, and the present situation has given rise to considerable comment in the mails and the press. Mr. President, I ask unanimous consent to have a series of news stories and editorials printed at the conclusion of my remarks in the CONGRESSIONAL RECORD. The silver dollar situation is something that deserves the immediate and favorable attention of the Congress, most especially in this, Montana's centennial year.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Billings (Mont) Gazette, Mar. 10, 1964]

SAY GOODBY TO THE CARTWHEELS

EDITOR, THE GAZETTE:

Senator MIKE MANSFIELD's cause for alarm over the possible disappearance of the silver dollar is interesting indeed. Possibly this type of public announcement by such a prominent and influential individual will help hasten the eventual elimination of these unwanted cartwheels. For years there has been much speculation on the rate at which the silver dollar would and will disappear because of melting down or by hoarding. Occasional releases of sizable quantities of uncirculated silver dollars encourages collecting and stimulates the interest of many to become beginner collectors. Statements such as that made by MANSFIELD should further generate new interest in collecting and hoarding these undesirous pocket-ruining monsters of the coin world.

MANSFIELD claims the silver dollar is part of our heritage. Lots of things that have come and gone that could be considered in the same way, depending upon public or individual opinion. Items of significance that eventually have been accepted as part of our heritage are almost always preserved in adequate quantity so as not to be lost and forgotten. It is not unreasonable to say that the Model T Ford is considered as part of our heritage by many; but most of us don't have one, or particularly wish for one, or ask for pressure to be brought to bear on the Government to sponsor a program for turning out a few thousand new models, simply to satisfy the whims of a few. No, we go to the museum and look at the Model T as we desire, or occasionally see one under other uncommon circumstances.

My 38 years in Wyoming, Montana, and Colorado have not shown me a real good reason to fight for retention of the cartwheel. Many friends of mine feel similarly or even more strongly than I about getting rid of the silver dollar. To me its eventual disappearance is inevitable—the sooner the better.

J. C. SCHILLEREFF.

POWELL, WYO.

[From the Billings Gazette, Mar. 16, 1964]

LETTER TO THE EDITOR—SILVER DOLLARS A REMINDER OF MONTANA'S PAST

EDITOR, THE GAZETTE:

I could not help writing in defense of the silver dollar or cartwheel described as "unwanted" in J. C. Schillereff's letter in the Gazette of March 10. I for one, and I know many others who have preference for the coin over the frogskin and believe that it has a historical, traditional, and sentimental place in the commerce of our community and State.

It certainly has an intrinsic worth and value not possessed by the new Federal Reserve note which is replacing the silver certificate, our present $1 bill. The silver dollar also leaves a lasting, favorable impression upon visitors to our State who receive them in change. They remember where they got them and many are kept as souvenirs of Montana. In my experience as head teller of one of our local banks for 5 years I found that bank customers demanded the coins in such quantities that thousands had to be ordered each week from the Federal Reserve branch at Helena while I accumulated and shipped the frogskins to that bank because there was no demand for them.

I agree with Senator MANSFIELD that our silver dollar is a part of our heritage, dating from our territorial days when silver and gold mining were the industries which formed the foundation stones of Montana's statehood. I was happy to see Representative BATTIN's statement that possibilities are excellent for the minting of $75 million new silver dollars—L. D. Coon, Jr., 2308 Pine Street.

[From the Daily Missoulian, Mar. 17, 1964]

"IRON MEN" PREFERRED—WEST SEEKS SILVER DOLLARS

(By John Kamps)

WASHINGTON.—Members of Congress have voiced concern lest the clinking of silver dollars be stilled in the West, where hard money has long been popular music in cash registers and at gambling tables.

One mining State Member, urging the minting of 150 million silver dollars said that even bank robbers in the West prefer "cartwheels" or "iron men" to paper money.

Their testimony, given at a closed session of a House Appropriations Subcommittee, was made public Monday. The subcommittee was considering funds for the Treasury and other departments.

Senate Democratic Leader MIKE MANSFIELD, of Montana, testified, "Recent developments have given some cause for alarm about the silver dollar disappearing from the American scene."

"The silver dollar is a part of our heritage and its future use should be guaranteed," MANSFIELD said. "There is an adequate supply of silver.

"Any difference in the cost of printing dollar bills and minting silver dollars can be set off by the extended life of the metallic dollar."

Senator LEE MELCALF, Democrat, of Montana, said he and MANSFIELD had introduced a bill to put the likeness of the late President Kennedy on new silver dollars.

Since the Kennedy image is being placed instead on 50-cent pieces, METCALF proposed that at least 50 million new silver dollars carry on one side the image of the eagle, the Montana centennial emblem.

Senator HOWARD W. CANNON, Democrat, of Nevada, pointed out that Nevada, along with Montana, is observing 100 years of statehood. He suggested that Nevada's centennial also be noted by the minting of dollars.

"Like Montana," CANNON said, "Nevada's past and present and I hope, its future, is and will be intricately tied to silver.

"The use of silver dollars has become an essential part of our everyday commerce in every form of retail trade. It is part of our attraction as a tourist State.

"Silver dollars are to the West what corn pone and black-eyed peas are to the South—or what Boston baked beans are to Massachusetts."

Representative WALTER S. BARING, Democrat, of Nevada, said Nevada has been called the silver State since its mines provided "much of the funds necessary to finance the Civil War." He referred also to the clink of silver dollars at Nevada gambling tables:

"We in Nevada rarely carry paper money. It is all silver. This is true because we do have legalized gambling, and coin machines, slot machines, etc., are very legal in our State.

"In Nevada, gambling is as legal as a butcher shop. It is going to hurt our economy very much if you do not have the continuation of the coinage of silver."

Representative DONALD G. BROTZMAN, Republican, of Colorado, to the subcommittee:

"Even a casual and a quick trip through Colorado's once booming mining areas is compelling testimony to the truth of the assertion that our miners need help.

"Through the enactment of this legislation we can put honest miners back to work, remove the crutches of unemployment compensation, and stop the flow of area redevelopment subsidies."

Representative JAMES F. BATTIN, Republican, of Montana, said several Montana merchants are anxious to buy bags of 1,000 new silver dollars during the centennial year.

He submitted for the subcommittee record a story of a Montana bank robbery which he said "exemplifies the importance of silver dollars in Montana."

The robbers took $20,000 in coins, BATTIN said, proving that "even bank robbers prefer silver dollars to the paper variety."

Representative ARNOLD OLSEN, Democrat, of Montana, said silver dollars are used widely in Montana, Idaho, Nevada, Arizona, Wyoming, Colorado, New Mexico, Oregon, and Washington.

"The economy of these areas is growing, and they are, of course, growing in their use of the silver dollar," he said.

OLSEN said dollars should be minted "for the convenience of the public and for the benefit of the silver mining industry."

[From the Daily Missoulian, Mar. 17, 1964]

PILE DIMINISHING

HELENA.—The supply of silver dollars for Montana banks—and businessmen—may run out within 2 or 3 months, a Federal Reserve bank official predicted Monday.

Clement VanNice, managing officer for the Helena branch of the Federal Reserve bank, said he expects to be unable to get more silver dollars from the U.S. Treasury by that time.

This means the shortage could grow worse at the start of Montana's tourist season, when the demand is highest.

Silver dollars will not suddenly vanish from Montana trade, but will gradually become less common as banks cannot get new supplies.

VanNice said the Montana branch had a supply of silver dollars Monday because of a new shipment last week.

The First National Park Bank of Livingston was out of cartwheels Monday. The First National Bank of Libby ran out last week.

VanNice confirmed that stories of the shortage prompt people to hoard silver dollars and thereby make the shortage more critical, but he said the supply would decrease even without hoarding.

[From the Montana Standard, Mar. 18, 1964]

QUILICO LAUNCHES GRASSROOTS CAMPAIGN FOR SILVER DOLLARS

HELENA.—Deputy State Treasurer Jack Quilico Tuesday began a grassroots campaign to impress Congress with the need to mint more silver dollars.

Quilico wrote all Montana chambers of commerce to ask them to write responsible Treasury and Mint officials and Congressmen urging support of the proposed legislation.

Eastern Congressmen have resisted efforts to appropriate $675,000 to mint 50 million silver dollars. The coin has not been minted since 1935.

Quilico said the plight of the silver dollar in Montana is indeed precarious.

The deputy treasurer said his latest information from Washington is that the supply of silver dollars at the Philadelphia Mint is $15 million instead of the $28 million reported earlier.

He pointed out Montana banks are down to less than 20 days' supply of the cartwheels and the Federal Reserve Bank, Helena branch, is unable at present to supply all the demand.

"It is deplorable that Montana faces the possibility of no longer having the silver dollar as a medium of exchange or continuing what has been a century old western tradition," Quilico wrote. "To do nothing will insure that we will lose our silver dollars."

Quilico's plea for support went to presidents and heads of congressional action and governmental affairs committees of chambers of commerce.

He asked them to write to C. Douglas Dillon, Secretary of the Treasury; Eva Adams, Director of the U.S. Mint; Representative CLARENCE CANNON, Democrat, or Missouri, chairman of the House Appropriations Committee; and committee members Representatives J. VAUGHN GARY, Democrat, of Virginia, and JOHN R. PILLION, Republican, of Delaware.

[From the Kalispell Inter Lake, Mar. 18, 1964]

WESTERN CONGRESSMEN PLEAD FOR CARTWHEELS

(By Elmer W. Lammi)

WASHINGTON.—Westerners accustomed to the jingle of silver dollars in their pockets may soon have to put up with the rustle of paper instead.

But they are not likely to be soothed by the sound of crisp, crackling dollar bills, Treasury Secretary C. Douglas Dillon has warned the House Appropriations Committee.

In fact, Dillon told the committee, the westerners probably will come in and raise cain. Dillon's plea was revealed in testimony released Monday by the committee, whose eastern members are adamantly opposed to the production of more of the traditional western cartwheels.

Dillon and Mint Director Eva Adams, a Nevadan, told the committee that the Treasury's supply of silver dollars, not minted since 1935, had sunk to $28 million. They asked for a supplemental appropriation of $675,000 to make 50 million more.

They ran headon into stiff opposition, especially from Subcommittee Chairman J. VAUGHAN GARY, Democrat, of Virginia, and Representative JOHN R. PILLION, Republican, of New York.

"I am absolutely opposed to it," GARY declared. He said full Committee Chairman CLARENCE CANNON, Democrat, of Missouri, who has been known to pass out shiny silver dollars to children, also was opposed to the minting of more dollars.

GARY and PILLION insisted the silver dollars were not needed, that they cost too much to produce, and that they contain too much silver—about $1.005 at today's price of silver.

They suggested westerners could get along with paper dollars or with 50-cent pieces.

The easterners were unmoved by Dillon's testimony and the pleas of such westerners as Represehtative WALTER S. BARING, a Nevada Democrat, who said his State needed the silver dollars for its dice tables and slot machines.

They also paid little attention to Representative JAMES F. BATTIN, a Republican, who said that in Montana "Even bank robbers prefer them to the paper variety." The Montanan submitted a news story describing how thieves had carted away $20,000 in silver from White Sulphur Springs bank but had left paper currency untouched.

Montana Senators MIKE MANSFIELD and LEE METCALF, both Democrats, asked in vain for the minting of 50 millon commemorative dollars to mark the Montana Centennial.

The easterners shrugged off a contention by another Montana Democrat, Representative ARNOLD OLSEN, that silver dollars would last for more than 25 years while paper dollars wore out within a year.

Senator HOWARD W. CANNON, a Nevada Democrat, tried another approach in trying to win over GARY, a Virginian, and Representative SILVIO O. CONTE, a Massachusetts Republican.

"It has occurred to me, Mr. Chairman, that perhaps Members of the House and Senate who are from the East are not familiar with some of our western traditions and followers," CANNON said. "I therefore feel it might serve a useful purpose if I were to tell the subcommittee that silver dollars are to the West what corn pone and black-eyed peas are to the South—or what Boston baked beans are to the State of Massachusetts."

But the easterners, including Representative TOM STEED, Democrat, of Oklahoma, remained unimpressed by the westerners' expressed need for the cartwheels.

"I am afraid any need that might be shown for silver dollars might be the sort of a need that the Government might not be too concerned about," STEED said.

[From the Great Falls Tribune, Mar. 19, 1964]

COLLECTING SILVER DOLLARS MAY TURN PROFIT, STATE TREASURER INDICATES

HELENA.—State Treasurer Edna Hinman's answer to the silver dollar shortage is to collect them.

Her entire office staff does it.

Asked about her office's approach to the increasing shortage, Mrs. Hinman said she and others who prefer handling silver over paper dollars can only hope Congress authorizes the U.S. Treasury to mint more.

One argument against minting 150 million more cartwheels is that they're worth close to their face value in metal alone. And an increase in the price of silver would provide anyone with a furnace a profit motive to melt them down.

The Montana treasurer's office does not have a heavy load of requests for silver dollars because handling money is only a minor function for the staff.

Her office staff is 100 percent collectors. Popularity of the hobby gained most of its momentum during the past year, when the national shortage came into focus.

Montana bank estimates are that demand for silver dollars from the U.S. Treasury was twice as high in 1963 than any previous year.

It's not known how many silver dollars are in circulation in Montana. But the Federal Reserve bank branch for Montana expects its supply—and therefore the supply for member banks in the State—cut off within 3 or 4 months.

The U.S. Treasury said Wednesday an estimated 451 million silver dollars are outstanding and 119.1 million in storage.

The 1963 order to the Treasury by Montana alone totaled more than $12 million in silver dollars.

More about the collecting by Mrs. Hinman and staff: It's a cooperative effort. They have books fitted with slots to receive coins of specific mint and date. And they make lists of coins needed and all watch for them. When a specific dollar is located, it comes out and the collector makes it up from his pocket.

[From the Montana Standard, Mar. 19, 1964]

TREASURER HAS ANSWER TO SILVER DOLLAR SHORTAGE: COLLECT THEM

(By Doug Huigen)

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Her office staff is 100 percent collectors. Popularity of the hobby gained most of its momentum during the past year, when the national shortage came into focus.

Mrs. Hinman is concerned about the shortage because she personally prefers them over paper, which she considers "insignificant. Currency is supposed to really be something. Then you discover it's only a dollar," she says with great disdain.

Gov. Tim Babcock also is concerned and has written several Congressmen for their support. "I've had several answers but they're the type you get out of Washington, they'll see what they can do."

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Deputy Treasurer Jack Quilico is an old hand, having collected for several years.

Mrs. Hinman's series from the first silver dollars issued in 1878 to 1921 has five spaces unfilled. One missing coin would be worth about $2,000 and she said she has no hopes of ever filling that particular slot.

[From the Western News, Mar. 19, 1964]

SILVER DOLLAR NEEDS HELP NOW

An ironic aspect of Montana's territorial centennial year is that 1964 may bring the close of the silver dollar era.

Until now the silver dollar has been king in Montana, Nevada, and a few isolated regions in the vast western domain where the huge silver mines almost a century ago yielded their hoards of the precious metal. Silver dollars have always provided these western regions with an atmosphere that the Nation's paper-dollar areas never knew. A handful of silver dollars gave a fellow a feeling of affluency that a wad of bills can never impart.

The silver dollar is now a vanishing American. Our representatives in Congress have been warning us for several months that the supply is dwindling quickly. No new dollars have been minted in a third of a century, and the recent sudden increase in demand for coins has resulted in the Treasury releasing huge stocks of the cartwheels it has held in reserve for many decades.

The Montana Citizen, the State chamber of commerce publication, explained the dollar drouth:

"Montana banks have been rationing the Treasure State's cartwheels for several months. Bankers indicate that there is nothing in sight now to replenish the short supply. Congress has approved an authorization for minting $50 million of them. But if it does not follow up the authorization with an actual appropriation of funds to the mint, the dollar drouth won't be broken.

"Silver dollar circulation in Montana actually has been higher in the last 2 years than in 1961. Montanans and Nevadans in particular have been making increasing use of them.

"A recent news story datelined from Reno said the days of this hard money may be numbered. In mid-February, it added, Miss Eva Adams, director of the mint, reported the mint had only $26 million of them in storage. Miss Adams is trying hard and arguing her case before Congress, but it apparently believes that the manufacture of additional silver dollars is unnecessary and inadvisable.

"As it is, it's been almost 30 years since any new silver dollars were made.

"The Treasury's problem is that not only are its supplies low. Most of the dollars it has cannot be released because they are pledged to secure silver certificates. For example, at the end of November, the Treasury had $35 million in what are called standards. But only $5 million of these were not pledged to certificates.

"As silver certificates are retired from circulation to be replaced by the new $1 Federal Reserve notes, many of the remaining silver dollars will be available for release. But the Treasury no doubt will always have to hold some silver, since it must redeem the silver certificates if they are presented for such redemption in Washington.

"But, again, even if the Treasury could pay out all the dollars now on hand, they would not last long. The Federal agency paid out between $60 and $70 million in 1963 alone.

"Even if Montanans can't use silver dollars as Nevadans do—to insert in slot machines—they treasure them highly. A great majority spurns the dollar bills, which oldtimers referred to disparagingly and collectively as an 'Indiana bankroll.' "

Montanans—and other westerners—must make a concerted effort to prolong the life of the silver dollar. Write your Senators and Congressman to urge that the new supply of dollars be minted this year and that production be continued as often as the demand dictates.

The silver dollar is a noble citizen of the West, and he deserves our help at this perilous stage in his life.

[From the Billings (Mont.) Gazette, Mar. 20, 1964]

COLLECTORS SWARM TREASURY IN SILVER DOLLAR STAMPEDE

(By Kenneth Scheibel)

WASHINGTON.—Coin collectors and speculators from all over the Nation swarmed to Washington Thursday for what could be a final raid on the Treasury's dwindling supply of silver dollars.

I watched goggle-eyed as hundreds moved through the "cash room" of the U.S. Treasury, across the street from the White House.

A few days ago the Treasury had a total of $20 million in silver dollars. Thursday it was down to $16 million—and disappearing fast.

Men and women, young and old, well-dressed and shabby, working man and dilettante, exchanged currency for bags of silver dollars from a newly opened Treasury vault.

Walking up the steps to the Treasury, collectors found hastily painted signs reading, "Silver dollars in bags window No. 8."

Awaiting their turn in line at a single window were collectors carrying an array of receptacles to tote away their purchase. Most of the purchasers were alone—but some had "partners."

Some had suitcases, others carried small brief cases. A few shopping bags were in evidence. There were some contraptions resembling saddle bags. Other purchasers made no attempt to conceal their silver dollars—slinging bags of them on their shoulders and walking out into the street.

What caused the rush by collectors and speculators to grab every silver dollar in sight?

Nobody in Washington really knows. But one factor might be a recent speech by Eva Adams, a Nevada native, Director of the Mint.

Miss Adams said the odds were "8 to 5" that Congress would not authorize more silver dollars. So what she was saying, in effect, was that existing supplies almost automatically would become collectors' items.

Many collector-speculators toted $1,000 bags of cartwheels. The bags weighed a hefty 60 pounds each. Other buyers were content with $100 or $200. And it was obvious that many came through the line several times—but they were limited to $1,000 each trip.

A reporter was told that dealers were buying heavily, in hopes of finding a modern "bonanza." One man in line was heard to say, "One guy got 50,000 silver dollars—and another got 31,000." There was no way of checking this, or a report one purchaser obtained 200,000 silver dollars. But the reports seemed plausible.

Mr. and Mrs. George Baughman of nearby Alexandria, Va., each purchased a bag. Baughman dropped the two bags of cartwheels into an Army-style handbag. He found he couldn't lift it. So he headed for an exit, dragging his prize along the floor. His wife waited at the curb in their car.

One Treasury official, watching the melee, commented, "Those dollars are going into the hands of collectors, and I don't know why. I understand there are 12 million collectors. Maybe it's for profit, or for a hobby."

A long line of collectors jammed Treasury corridors and the cash room. For 4 hours there was an ebb and flow in traffic. The mob spilled out of the room, into the hallways. Collectors with their newly acquired dollars sprawled into available space, using benches, chairs and window sills, to quickly sort through their dollars. Sorting even went on in washrooms.

"We took the benches out of the hall," a Treasury official said. "But that didn't stop them. We have to keep hustling them out of the cash room."

A traffic jam always brings "the law." And the silver dollar raid was no exception. Burly Treasury guards kept a nervous eye on the foray. They were on the unfriendly side.

The new interest in U.S. silver dollars apparently has rocked Western States where cartwheels are a major form of exchange in commerce.

So tight are supplies of silver dollars that the Treasury is asking Congress for $1,925,000 to mint $150 million new silver dollars. Backing the proposal is Montana's delegation to Congress, including Senator MIKE MANSFIELD and LEE METCALF, and Representatives JAMES F. BATTIN and ARNOLD OLSEN.

The Treasury quit minting silver dollars in 1935, after having produced 875 million.

The other day the Treasury opened a new vault of silver dollars for distribution to banks and to anyone calling at the Treasury. Some of the coins have never been in circulation. Others in this vault had been out of circulation for 30, 40, or 50 years. So perhaps some of the coins have new value.

For example, a dollar minted at Carson City, Nev., might be worth $5, $10, or $100 to $200. Baughman said an 1895 San Francisco minted dollar could be worth $3,500.

Many of the collectors appearing in the cash room of the Treasury were reported from such spots as New York, Chicago, Denver, and other cities. A banker from Mississippi came in. Treasury officials noted many out-of-town license tags on cars toting away dollars.

Reminiscent of the old western gold rush days, rumors of "finds" spread like wildfire.

One collector standing in line said, "I heard one fellow got a whole bag—a thousand Carson Cities—yesterday. He sold 'em to a dealer for $75,000." But this was a rumor and could not be verified.

Another collector showed a reporter a silver dollar, bearing a "CC" for Carson City. "That's worth $2.50," he said.

A Treasury official remarked, "Every bus that comes to town brings more collectors. This is sure hitting us hard—right when we are getting out the new Kennedy half dollars."

Every day collectors haul away $500,000 to $600,000 in silver dollars. Some will carry them home. Others, from near Washington, will return them to the Treasury the same day they buy them, after they have pored over them to determine value. The coin room in the Treasury receives the dollars—which go back to the vaults, for later distribution.

In addition to dispensing silver dollars across the counter in Washington, the Treasury also is shipping supplies to Federal Reserve banks at Los Angeles, San Francisco, and Helena, Mont. These are the only such banks getting cartwheels.

"What caused all the excitement," said one Treasury official, "is opening up a new vault. People thought maybe we had something there."

Maybe the Treasury did—but if so it won't be there long.

Baughman was asked what he would do with the dollars which he did not plan to keep—obviously the bulk of his $2,000 purchase.

"Well," he said, "I'll ship them to my cousin in Oklahoma. He's a banker. And he can't get silver dollars."

[From the Billings Gazette, Mar. 20, 1964]

BILLINGS BANKERS WORRIED

Montana and Nevada Congressmen, mint officials, and the U.S. Treasury are worried. So are Billings bankers.

The silver dollar is vanishing. Fast, too.

The cartwheel will be gone in 60 days, one Billings banker estimates.

"Within 60 days, you'll be getting dollar bills at the grocery stores," he said.

"We're starting to use some bills now," he said, "and it won't be long until all the silver dollars are gone."

"I don't see any hope for the future, either," he said. "Only Montana and Nevada want the silver dollars. Not even our neighboring States, Wyoming and Idaho, care much."

He forecast the complete disappearance of the silver dollar with gloom.

FEELS LIKE MONEY

"Silver is much nicer to handle than the old dog-eared paper. It even feels like money," he said.

His bank is noticing a definite decrease in the amount of silver dollars on hand, he said.

All the bankers questioned said their banks are having a hard time getting the cartwheels.

Collectors, too, are out of luck at Billings banks. At least, if they are known collectors. So are Wyoming banks who call with frantic messages to "please send us some silver."

"We're trying not to sell them to known collectors," another banker said. "And we're just doing our best now to satisfy our commercial customers and business firms."

Only one banker said his bank "has an ample supply right now."

"But about a month ago, the Federal Reserve bank couldn't fill our order," he said.

Most of their orders are being filled only partially, most of the bankers said. One man said "many orders" to the Federal Reserve bank in Helena have been turned down completely.

"But so far, we've been able to fill our orders every day for business firms and commercial customers," he said.

OUT OF CARTWHEELS

Banks in Wyoming, in the 10th Federal Reserve District, particularly in the Big Horn Basin, call him every day, he said.

Powell and Cody, Wyo., banks are completely out of silver and can't get more.

Their district started rationing silver about 2 years ago.

Another bank official said, "we've noticed a shortage of silver from time to time."

"And we don't know from week to week if our order to the Federal Reserve bank will be filled," he said.

"We've supplied some to Wyoming banks in the past," another banker said, "but we aren't even trying to do that now"

"We've been very close to running out in the past few weeks, just trying to satisfy our own commercial customers in our immediate community," he said.

"We're trying not to sell them to known collectors, but that's where some of them are going. The collectors get them anyway, whether or not the banks sell to them," he said.

His bank's standing order with the Helena branch was cut in half several weeks ago, he said.

"That indicates they don't have as many," he said. "So what you read isn't scare propaganda. It's for real and I don't like it a bit," he said.

He too hopes the silver dollar, like the once-famous buffalo of the Great Plains, doesn't just disappear.

"The paper dollar doesn't even seem like money. And when you go back East, your pocketful of silver dollars is most of the fun of being from Montana," he said.

"Maybe it's hard on pockets, but at least silver seems like money."

[From the Great Falls Tribune, Mar. 20, 1964]

Probe of Bank Robbery at Standstill

White Sulphur Springs.—Meagher County Sheriff Mike Bergan said Thursday that investigation of the February bank robbery here is in kind of a standstill.

With the supply of silver dollars around the State gradually declining toward a shortage, the decline at the First National Bank of White Sulphur Springs was very rapid over the weekend of February 22–23.

Burglars entered by a rear window of the bank, drilled open the safe, and removed nearly a ton of silver—mostly silver dollars.

Representative James F. Battin brought the robbery to the attention of a House Appropriations subcommittee last week when he submitted a news story describing how the thieves took $20,000 in silver from the bank, but left paper currency untouched.

Adding his arguments to requests for the minting of new cartwheels, Battin said, "Even bank robbers prefer them to the paper variety."

Bergan said there were no leads so far in the robbery. Although the some 40 sacks of coins would have required a stout getaway truck, a new snow covered all tracks by the time the burglary was discovered.

[From the Montana Standard, Mar. 21, 1964]

Answer Is "No" to Silver Plea

Washington.—The House Appropriations Committee decided Friday it would be dimewise and dollar-foolish to use the Government's dwindling silver supply for $1 coins.

The committee rejected a request by the Bureau of the Mint for $650,000 to strike 50 million new silver dollars to add to dwindling supplies.

The Treasury has only about $27 million in silver dollars in its vaults and western Senators and Congressmen have urged it to mint some new ones. The big cartwheels haven't been minted since 1935, and westerners, including Nevada gamblers, are afraid their favorite coins will vanish.

But the committee said all kinds of coins are in short supply and even with around-the-clock shifts at U.S. mints, all denominations are being rationed. The committee noted that there were no substitutes for pennies, nickels, dimes, quarters, and halves, while silver dollars have paper currency counterparts.

The committee also said the amount of silver in the silver dollar already is worth slightly more than a dollar, and if the price of silver goes up "even just a few cents per ounce, it would be profitable to melt down silver dollars for silver content."

It also said the supply of free silver in the Treasury, at the present rate of use, would be exhausted in 7 or 8 years.

[From the Montana Standard, Mar. 21, 1964]

Montanans Up in Arms

(By David C. Beeder)

Helena.—The House Appropriations Committee couldn't have caused more of a fuss in Montana Friday if it had suggested melting down copper in the Capitol dome to make ashtrays.

What the committee recommended was to stop making silver dollars and melt down existing supplies.

"I can't believe it," Gov. Tim Babcock said and immediately telephoned Representative James F. Battin, Republican, of Montana, who was in Baker.

"I hate the idea," said the State Treasurer, Mrs. Edna Hinman. "Paper dollars are just trash."

Angry cries came from as far away as California where Gov. Pat Brown, in a letter to Babcock, expressed "deep concern * * * silver is vital."

There were verbal explosions up-and-down Last Chance Gulch, the name of Helena's main street.

"I don't want any of those shinplasters," one businessman said. "I was born and raised with a solid, silver dollar."

In a tavern, bartender Don Jenkins said customers were unusually restless because of the action in Washington.

"They don't like it one bit and neither do I," he said. "The silver dollar is part of the West and we should have it."

Meanwhile, in response to Babcock's call for help, Battin was able to report that 2 million new silver dollars have been shipped to Montana by the Treasury Department.

Despite the shipment, it was feared the Appropriations Committee action finally had put an end to the silver dollar and all the king's men can't save it.

In addition to Battin, Senator Mike Mansfield and Senator Lee Metcalf, Democrats, immediately announced they would take action in an effort to save the silver dollar. Mansfield said he would try to get the funds needed to mint 150 million new dollars.

Metcalf said he would recommend reducing the amount of silver in the dollar. There now is enough silver in a dollar to make it profitable for silversmiths to melt down, Metcalf said.

"There's more silver in 1 dollar than in 10 dimes, four 2-bit pieces or two 4-bit pieces," Metcalf said.

"A silver dollar is something solid," Mansfield said. "You can throw it on a table or on a bar," Mansfield said.

In Helena at the Federal Reserve Bank, officials blamed coin collectors for the silver dollar shortage.

John Heath, an assistant cashier, said 10 million silver dollars were distributed in Montana last year compared with an average of 6 million in previous years.

"Some of the banks have been trying to keep them out of the hands of collectors," Heath said.

He said collectors have been more interested in silver dollars than usual because of speculation they never again will be minted.

Bob Worchester, an assistant cashier, said there have been reports that thousands of silver dollars have been shipped out of the State to coin dealers in the East.

"I'm sure some of this is going on, but all we know is hearsay," he said.

Two coin firms, one in Great Falls and Bozeman, confirmed they had silver dollars for sale in sacks of 1,000.

In Bozeman, a dealer said the demand for sackfuls of 1,000 silver dollars had been high from out-of-State buyers until the Treasury in Washington began dispensing them recently to anyone who wanted to cart them away.

The Great Falls coin dealer gave some indication of why collecting silver dollars is popular.

He has 13 silver dollars, minted in Carson City, worth $1,450.

[From the Great Falls Tribune, Mar. 20, 1964]

President Lends Support to 50 Million Cartwheels

Helena.—Gov. Tim Babcock has received support from President Johnson in the silver dollar crisis facing Montana.

Johnson noted in a letter to Babcock Thursday his administration has sent Congress a request for a supplemental appropriation to mint 50 million silver dollars in fiscal 1964. The Chief Executive said the regular appropriation request for fiscal 1965 sent to Congress earlier this year calls for 100 million silver dollars.

A consolidated hearing on both appropriation requests, Johnson said, was held by an appropriations subcommittee of the House of Representatives February 8. The President said officials of the Treasury Department at that time supported his administration's request for additional mintages of silver dollars.

"The Treasury-Post Office hearings in the House are now concluded," Johnson said. "But until such time as the appropriation measure is reported out and action on it is complete, we of course will not know the position of the House on this matter."

[From the Montana Standard, Mar. 20, 1964]

L.B.J. Backs Babcock in Cartwheel Deal

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[From the Great Falls Tribune, Mar. 20, 1964]

Five Billings Banks Ration Cartwheels

Billings.—The five banks here have begun to ration silver dollars for commercial customers and business firms.

One banker said Thursday, "Within 60 days you'll be getting dollar bills at grocery stores."

Only one banker contacted by the Billings Gazette said that his bank has an ample supply of the hard dollars. Most said they can only partially fill their orders.

A primary reason for the rapid vanishing of the cartwheels, according to the bankers, is that collectors have begun storing them away.

[From the Great Falls Tribune, Mar. 21, 1964]

DOLLAR CRISIS WHIPS STATE INTO LATHER

HELENA.—The House Appropriations Committee couldn't have caused more of a fuss in Montana Friday if they had suggested melting down copper in the Capitol dome to make ashtrays.

What the committee recommended was to stop making silver dollars and melt down existing supplies.

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"I hate the idea," said State Treasurer Mrs. Edna Hinman. "Paper dollars are just trash."

Angry cries came from as far away as California where Gov. Pat Brown, in a letter to Babcock, expressed "deep concern * * * silver is vital."

There were verbal explosions up and down Last Chance Gulch, the name of Helena's main street.

"I don't want any of those shinplasters," one businessman said. "I was born and raised with a solid, silver dollar."

In a tavern, bartender Don Jenkins said customers were unusually restless because of the action in Washington.

"They don't like it one bit and neither do I," he said. "The silver dollar is part of the West and we should have it."

Meanwhile, in response to Babcock's call for help, BATTIN was able to report that two million new silver dollars have been shipped to Montana by the Treasury Department.

Despite the shipment, it was feared the Appropriations Committee action finally had put an end to the silver dollar and all the king's men can't save it.

In addition to BATTIN, Senator MIKE MANSFIELD and Senator LEE METCALF, Democrats, immediately announced they would take action in an effort to save the silver dollar. Mansfield said he would try to get the funds needed to mint 150 million new dollars.

METCALF said he would recommend reducing the amount of silver in the dollar. There now is enough silver in a dollar to make it profitable for silversmiths to melt down, METCALF said.

"There's more silver in 1 dollar than in 10 dimes, 4 two-bit pieces or 2 four-bit pieces," METCALF said.

"A silver dollar is something solid," MANSFIELD said. "You can throw it on a table or on a bar," MANSFIELD said.

In Helena at the Federal Reserve Bank, officials blamed coin collectors for the silver dollar shortage.

John Heath, an assistant cashier, said 10 million silver dollars were distributed in Montana last year compared with an average of 6 million in previous years.

"Some of the banks have been trying to keep them out of the hands of collectors," Heath said.

He said collectors have been more interested in silver dollars than usual because of speculation they never again will be minted.

Bob Worcester, an assistant cashier, said there have been reports that thousands of silver dollars have been shipped out of the State to coin dealers in the East.

"I'm sure some of this is going on, but all we know is hearsay," he said.

Two coin firms, one in Great Falls and Bozeman, confirmed they had silver dollars for sale in sacks of 1,000.

In Bozeman, a dealer said the demand for sackfuls of 1,000 silver dollars had been high from out-of-State buyers until the Treasury in Washington began dispensing them recently to anyone who wanted to cart them away.

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He has 13 silver dollars, minted in Carson City, worth $1,450.

[From the Missoulian Sentinel, Mar. 21, 1964]

WEST IN UPROAR OVER COMMITTEE PROPOSAL TO BAN SILVER DOLLARS

(By David C. Beeder)

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[From the Baltimore Sun, Mar. 21, 1964]

DOLLAR COIN OUTPUT ASKED BY MANSFIELD—MONTANAN URGES MAKING OF HARD MONEY TO MEET DEMANDS

WASHINGTON, March 20.—The Senate, talking hard money, heard a plea today for letting the Government resume making silver dollars—something "you can throw on the counter, or a bar" and that a man can feel.

What prompted such talk by a silver-State Senator, MIKE MANSFIELD, Democrat, of Montana, was House Appropriations Committee action earlier in the day withholding $1,925,000 requested for the Treasury to make 150 million more of the cartwheels. None has been turned out since 1935.

MANSFIELD, whose State is a big silver producer, urged Senator ROBERTSON, Democrat of Virginia, to help provide the money. ROBERTSON is chairman of both the Senate Banking Committee and the Appropriations Subcommittee which handles Treasury Department funds.

SPECULATION ISSUE RAISED

MANSFIELD, the Democratic leader, urged also that ROBERTSON look into speculation in the recently authorized half dollars bearing the likeness of President Kennedy. The Montanan said people have been taking orders for them even before they were issued.

The points were raised by MANSFIELD as the Senate had a flurry of debate over a recommendation by a Senate-House Economic Committee that Congress repeal the 25 percent gold backing for Federal Reserve and other notes.

Senator LAUSCHE, Democrat, of Ohio, said he was deeply shocked by the recommendation. He said the 25-percent requirement is an anchor against printing press money.

NOT NECESSARY, HE SAYS

ROBERTSON said elimination of the requirement is neither necessary nor desirable, adding:

"If we treated all the gold that now is behind our currency as so-called free gold, it still would not pay off all the dollars outstanding in foreign lands and foreign institutions if they should lose confidence in us."

ROBERTSON said foreign nations use U.S. dollars because they are "the best currency in the world." He continued:

"It is vital that in the months that lie ahead we control our spending and our fiscal soundness so as to maintain essential confidence in the soundness of the processes of our Government and our currency."

MANSFIELD pitched into the debate at that point to say, "There is a great deficiency of silver dollars in Montana." He added that silver dollars are far better and more durable than paper money.

SUPPLY TERMED DRYING

To westerners especially, MANSFIELD said, "silver dollars represent money in contrast to paper" and the supply is drying up.

The Treasury's holdings of silver dollars have dropped from 94 million at the start of 1963 to about 18,700,000 this week, although it is estimated there are about 485 million in existence.

They are being grabbed by coin collectors and silversmiths since their actual value, because of the heavy silver content, is a little more than $1 at the current market price of silver. It is now 90 percent silver, 10 percent copper alloy.

In view of that the House Appropriations Committee told the Bureau of the Mint it would not provide any money for making more silver dollars unless Congress changes the law concerning silver content.

The committee suggested that the mint concentrate on producing more minor coins, such as pennies, nickels, dimes, quarters, and half dollars for which there is no paper substitute and which are not heavy in silver.

Senator METCALF, the Montana Democratic colleague of MANSFIELD, said he will seek to have the Senate Appropriations Committee authorize minting of silver dollars and introduce a bill to reduce the silver dollar content by one-ninth—to an 80–20 ratio.

RUN ON TREASURY

There has been a $1-million-a-day run on the Treasury for 4 days as a steady stream of coin collectors and speculators came to buy silver dollars. It picked up after the House committee action was announced.

However, a Treasury official said many of the dollars purchased early in the week are flowing back into the Treasury's vault, apparently after the collectors examine them. However, the Treasury's silver dollar inventory is down to about 13 million.

[From the Billings Gazette, Mar. 21, 1964]

BUCK A RUE—THE YEAR WE LOST OUR SILVER DOLLARS

(By Addison R. Bragg)

It'll be nice, won't it, to remember Montana's centennial year as the time we lost our silver dollars.

And, what's more troubling to the sentimental mind, they weren't even allowed to die a natural death.

Everyone knew, of course, they wouldn't be around forever.

But no one expected they'd disappear the way pounds of sugar disappeared before the war when people heard it might be rationed.

Not that anyone should be denied silver dollars any more than they should be denied sugar—but that wasn't why they rushed out to buy every pound in sight.

The same way they're rushing out to buy every cartwheel they see.

DON'T BLAME COLLECTORS

The true collectors aren't to be blamed—nor were the families who loved cakes and fudge to be blamed.

But just as there were diabetics who stocked every shelf they could spare with fast-disappearing sugar against the time they could turn a tidy profit, you'll find coin "collectors" today who scorn such things as albums or pride of accomplishment in filling out a series with a hard-to-get coin.

There's a man in Billings who lacks only one coin of the 123 silver dollars ever minted. He is called a collector.

He drinks coffee occasionally with another man who also collects silver dollars—by the thousands.

This man—along with his fellow-speculators—is more concerned with filling out a bank account than a series.

Even this would be understandable, were he one of the coin dealers in Billings—but he isn't.

OUT FOR A BUCK

He's one of the hundred or more in the fast-buck-for-an-old-buck business and to heck with sentiment and tradition and local color and whatever else goes with the comfortable feeling and sound of silver dollars in a pocket or on a bar.

Multiply him by the thousands and hundreds of thousands and it's easy to see what's happening to the silver dollar.

It's not dying. It's being smothered to death.

And, in a way, it makes you feel the way you do when you see trees in the fall and watch their leaves turn and color and finally drop to the ground and the branches are finally bare—but you don't notice it as much as you would were city trucks to come by and strip every tree in town naked overnight.

And it doesn't hurt as much.

It's said it could cost Congress nearly $2 million to mint $150 million in more silver dollars.

It'll be nice, won't it, to remember Montana's centennial year as the time we lost our silver dollars.

[From the Billings Gazette, Mar. 21, 1964]

WESTERN MONEY—SENATORS PLAN FIGHT FOR SILVER DOLLARS

WASHINGTON.—Members of Congress from silver mining States promised Friday a fight to keep silver dollars clinking in the West.

The House Appropriations Committee refused to approve funds for the coining of silver dollars and recommended that the mint consider melting down what dollars it has.

Senate Democratic Leader MIKE MANSFIELD, of Montana, a member of the Senate Appropriations Committee, said he would try to get funds for the minting of 150 million silver dollars, as was sought in the House.

"The banks are running out of silver dollars," MANSFIELD said. "They are a standard currency item and have been for many years. They are superior to paper money which wears out in three months. Silver dollars last for decades, even centuries.

"A silver dollar is something solid. You can throw it on a table or on a bar. We are running out of money in the West. The banks cannot supply silver dollars * * * the tourists bring in paper dollars."

Senator LEE METCALF, Democrat, of Montana, said he would make two moves:

"First, I will ask the Senate Appropriations Committee to authorize the mining of some silver dollars.

"Second, I will immediately introduce a bill to reduce the silver content of silver dollars by one-ninth."

METCALF said dollars contain so much silver that they may be worth more melted down than as currency.

"There's more silver in one dollar than in 10 dimes, four two-bit pieces or two four-bit pieces," he said.

METCALF'S bill calls for dollars of 80 percent silver and 20 percent copper alloy. The ratio now is 9 to 10.

"The intrinsic value of the silver in the dollar," METCALF said, "is such that it is almost profitable for silversmiths to melt them down for metallic use.

"My bill makes it possible to make a profit from the coinage of silver dollars and to permit their continued use as a medium of exchange in Montana and other western States where they are traditional."

[From the Great Falls (Mont.) Tribune, Mar. 21, 1964]

"SILVER RUSH" ON; ONE BUYER LOADS AUTO

WASHINGTON.—The staid corridors of the U.S. Treasury took on the feverish atmosphere of a bargain basement Friday as hundreds of purchasers lined up to buy silver dollars that may well become collectors' items.

Men, women, and children carrying sacks and equipped with wagons flocked to the Treasury premises where bankers usually tread.

They were drawn there by the prospect that the Government may be dispensing the last store of silver dollars to be minted and has just put on sale a sealed vault of relatively scarce Morgan dollars that have been evaluated by some coin experts at $2.

The silver rush has been quietly gathering steam in recent days and was given further impetus Friday by the refusal of the House Appropriations Committee to allow the coining of any more silver dollars.

STAND IN LINE

It was estimated that about 150 purchasers were in line when the Treasury's coin office opened for an hour at 9 a.m., e.s.t. For the hour-long afternoon exchange at 2 p.m., e.s.t., probably another 125 were on hand.

"It's the biggest thing since the California gold rush of 1849, one Treasury official said.

The Department, because of the sudden rush, imposed a limit of $50,000 for each single purchase. Most sales are made in $1,000 lots which total up to a 60-pound load for a purchaser.

One customer Friday piled a red wagon with a dozen bags and loaded the back of his car until the springs sagged.

Officials said the object of all the excitement was a relatively scarce Morgan silver dollar minted between 1878 and 1904 and named after its designer.

HOPE PRICES RISE

Although Morgans normally retail for $2 apiece, dealers in the crowd said they would hold onto theirs in hopes the price would go higher later.

They did not rule out the chance of finding a rare coin which could bring as much as $2,000.

In recent years, the only kind of silver dollar the Treasury sold was the peace dollar, which was struck following the First World War to commemorate the armistice.

[From the Great Falls Tribune, Mar. 21, 1964]

HOUSE PANEL REFUSES CARTWHEEL REQUEST

WASHINGTON.—The House Appropriations Committee told the Bureau of the Mint Friday not to coin any more silver dollars and to consider melting down the dwindling supply it has.

It directed the Nation's moneymakers to concentrate on production of more minor coins, such as pennies, nickels, dimes, quarters, and half dollars, for which there is no paper substitute.

The committee got its message across by the simple but effective device of refusing to approve funds to make silver dollars.

A short time later, Senator MIKE MANSFIELD, Democrat, of Montana, asked Senator A. WILLIS ROBERTSON, Democrat, of Virginia, to help provide money for minting up to 150 million silver dollars. ROBERTSON is chairman of both the Senate Banking Committee and the appropriations subcommittee which handles Treasury Department funds.

MANSFIELD, the majority leader, also appealed to ROBERTSON to investigate speculation in the recently authorized Kennedy memorial half dollars by people he said were taking orders for them even before they were issued.

MANSFIELD spoke during a flurry of Senate debate over a recommendation by the Joint Senate-House Economic Committee that Congress repeal the present 25 percent gold backing for Federal Reserve and other notes.

The administration had requested that the annual Treasury and Post Office Department appropriation bill include $1,925,000 to manufacture 50 million silver dollars immediately and 100 million more during the year starting July 1.

The plan was to beef up the Treasury's holdings of silver dollars, which had dropped from 94 million at the start of 1963 to about 18.7 million this week. No cartwheels have been coined since 1935 although it is estimated that there are about 485 million of them in existence. They are being grabbed up by coin collectors and silversmiths because their actual value is a little more than $1 at the current market price of silver.

The committee noted that there is a critically short supply of minor coins and the demand for them has outstripped the production capacity of both existing mints, 24 hours a day, 7 days a week. It said emphasis should be centered on small coins at least until the new Philadelphia Mint can take up some of the slack.

Minor coins are not made of pure silver. For example, the amount of silver in two half dollars is worth about 92 cents.

[From the Great Falls Tribune, Mar. 22, 1964]

STATE EYES "LITTER" OF GREENBACKS

MISSOULA.—"We would rather lose our Stetsons than our cartwheels," R. H. (Ty) Robinson, Missoula, president of the Montana Chamber of Commerce, told President Johnson Saturday.

In a telegram urging minting of more silver dollars, he said, "All Montanans respectfully urge you to help us preserve silver dollars. Throwing down a dollar bill on the counter is like dropping dirty paper in the street. There's no kick to it. We know you as a westerner understand this tradition. Please help us to maintain it."

[From the New York News, Mar. 22, 1964]

MANSFIELD OUT TO SAVE SILVER DOLLAR

WASHINGTON, March 21.—If Congress can save the whooping crane, the bald eagle and the buffalo, it surely can save the silver dollar, Senator MIKE MANSFIELD, Democrat, of Montana, said today.

MANSFIELD, Senate Democratic leader, said in a Senate speech that members of the House Appropriations Committee seem to "look with a cold indifference on the vanishing silver dollar."

Why else, he asked, would they reject a Treasury request for $650,000 to cover the minting of $50 million worth of the coins that are now being drained out of the Treasury at the rate of $1 million a day. A Treasury official, MANSFIELD went on, said its supply of $13 million in silver dollars could be exhausted in 2 weeks.

MANSFIELD said Congress had made money available to prevent the threatened extinction of the whooping crane and the bald eagle. Congress also had acted, he said, to save the vanishing buffalo.

"The silver dollar is, in its own way, as much a symbol of the frontier and of the Populist tradition of the Nation as the buffalo was of the vast serenity of the empty plains," he said. "It is still a means of exchange in current usage and, may I say, in preferred usage in the State of Montana and, to some extent, throughout the rest of the West."

The plea for action by MANSFIELD and other western Senators brought a promise from Senator A. WILLIS ROBERTSON, Democrat, of Virginia, chairman of the Senate Banking Committee, for hearings this session.

[From the Great Falls (Mont.) Tribune, Mar. 22, 1964]

WESTERN POSSE DEFENDS DOLLAR

WASHINGTON.—A posse of lawmakers, headed by Democratic leader MIKE MANSFIELD, Montana, cantered into the Senate floor Saturday to defend the cartwheel—the "hard money" silver dollar which is the favored coin of the realm in the great West.

CITES OTHER VICTIMS

"We like it," said MANSFIELD while also declaring that it should not follow the buffalo, the whooping crane, the bald eagle, and the gold piece into oblivion. The coin dollar is, MANSFIELD said, "preferred usage" in his home State.

Target for MANSFIELD's comment was Friday action by the House Appropriations Committee which turned down the Treasury Department's $650,000 request to finance the minting of $50 million in cartwheels. Other Senators quickly chimed in.

"I well remember that my father never felt he had a dollar in his pocket when he had a paper dollar," said Senator FRANK CHURCH, Democrat, of Idaho, describing the West's very strong attachment for the silver piece.

Trouble is, MANSFIELD said, that collectors hoard silver dollars. On top of that, he said, the silver in a silver dollar is now worth about a dollar, and that has led to hoarding by others who may soon find it profitable to melt cartwheels into silver bowls or candlesticks.

PRAISES METCALF

MANSFIELD praised his Montana colleague, Senator LEE METCALF, Democrat, of Montana, for offering a bill which would reduce the amount of silver in the big coin to frustrate that sort of coin collecting. Senator A. WILLIS ROBERTSON, Democrat, of Virginia, who heads the Senate Banking Committee, promised to hold hearings as soon as possible on the bill and the Nation's general shortage of other coins.

Senator E. L. (BOB) BARTLETT, Democrat, of Alaska, said the silver dollar should be kept in circulation. So did Senator ALAN BIBLE, Democrat, of Nevada, who added that the coin is an honorable means of exchange.

"We should not let the cartwheel go out," said BIBLE whose State, like Montana, Idaho, and Alaska, produces silver, and also puts the cartwheel to interesting uses in gambling establishments which are legal there.

[From the Washington Post, Mar. 22, 1964]

SILVER RUSH SADDENS SENATOR, COIN DEALERS

(By Paul A. Schuette)

The Treasury Department's silver dollar crisis has coin collectors turning cartwheels but there was only woe yesterday in the Senate and the rare coin shops.

Senator MIKE MANSFIELD, Democrat of Montana, took the Senate floor to bemoan the silver dollar shortage.

Coin dealers downtown were just as sad. Their complaint was not the shortage, but the surplus.

The silver dollar shortage prompted the Treasury Department to open its reserve vaults this month. That prompted a stampede by collectors anxious to trade paper for silver in the hope of landing a dollar worth much more.

The silver rush was accelerated last week when the House Appropriations Committee refused to approve money for minting more silver dollars.

The committee held that production facilities must give priority to lesser coins, which also are in short supply.

MANSFIELD noted that the committee in the past has appropriated money to save the whooping crane, the bald eagle and the buffalo.

"I cannot believe that these distinguished House Members will look with a cold indifference on the vanishing silver dollar," he said.

Silver dollars may be a collector's item here, said MANSFIELD, but out West (where, incidentally, the silver is mined) the "cartwheel" is more popular than paper.

"In our country, it's hard money," he said. "We like it."

In Montana, he added, even a thief prefers silver. When a bank was robbed in White Sulphur Springs, Mont., a month ago, the bandit lugged away 20,000 silver dollars, making his getaway by truck, MANSFIELD reported.

Coin dealers, meanwhile, complained that the Treasury Department has poured out so many old silver dollars this month that their value has come down to just that—a dollar.

"We're not interested in any of them," said one dealer coldly.

"They released enough of them to break the market," said another.

A 19th century silver dollar that might have been worth $5 or $10 a few weeks ago is down to $1.10 now because there are so many of them, he said.

Is there much chance of a collector striking it rich at the Treasury?

"Sure," said the dealer. "Somebody might find a dollar worth $10."

There was little chance for even that this week, however.

The Treasury Department announced yesterday that most of the silver dollars it will issue this week will be those taken out during the rush last week by treasure-seekers and turned back to the Treasury.

[From the Wall Street Journal, Mar. 23, 1964]

TREASURY SETS DEFENSES AGAINST COLLECTORS BESIEGING IT IN HUNT FOR RARE SILVER DOLLARS

WASHINGTON.—Reinforced by Secret Service men and some crafty future plans, the Treasury is preparing for a showdown with a besieging crowd of coin collectors.

Treasury Secretary Dillon's standby weapon in the weird contest may be a plain silver pellet.

A Secret Service detail goes on duty this morning at the Treasury Building here to help the regular uniformed guards control expected crowds seeking silver dollars. Throngs jammed the Treasury's usually sedate corridors on Friday to exchange fistfuls of paper money for 1,000-coin bags of silver dollars, hoping to find rare specimens among the ordinary cartwheels.

The silver dollars hauled away last week in little red wagons, brief cases, flight bags and Army surplus ammunition boxes reduced the Treasury's stock of these coins to less than 13 million from 19 million the week before and 28.5 million at the start of the year. Friday's crowds were swelled by word that the House Appropriations Committee had denied a Treasury request for funds to start minting silver dollars again after an interruption of nearly 30 years.

SCRAMBLE FOR COINS

If the demand for cartwheels continues undiminished, Treasury men say they will be all out in 2 weeks or so. "Then the scramble will be at the coin dealers' stores, not here," one official remarked, looking forward to relief from "this damned nonsense of coin collecting." Secretary Dillon is said to be willing to continue selling silver dollars to the collectors until the last coin is gone, as long as the crowds remain orderly.

How, then, will he honor the pledge inscribed on silver certificates, mainly dollar bills: "This certifies that there is on deposit in the Treasury of the United States of America one dollar in silver payable to the bearer on demand."

The likely solution: Little chunks of silver, possibly pellet-shaped, shaved from the Treasury's still-plentiful 1,000-ounce bars of silver bullion.

The pieces of silver themselves would be part of the Treasury's cold war against the nonsense of collecting. The tentative battle plan calls for them to be absolutely plain, without so much as a simple U.S. marking or other official emblem. Anyone else could turn up silver in the same shape, one official says, hopefully adding this will keep the silver pieces from becoming collectors' items themselves and starting the problem all over again. No one would want the silver if distributed this way, he contends.

The chunks would contain exactly 0.77 ounce of silver, which at the official monetary price of $1.29 an ounce would be worth a dollar. Silver dollars, which traditionally have been kept on hand at the Treasury to redeem silver certificates, also contain 0.77 ounce of silver mixed with some copper.

The Treasury can't use lesser silver coins—dimes, quarters, and halves—to redeem silver certificates because they don't have a high enough silver content. Two half dollars contain only 0.72 ounce of silver.

If coin collectors decide no more rare prizes are in the bags of silver dollars, Mr. Dillon may yet be spared from making the silver pellets. Many of the collectors specifically are looking for so-called Morgan dollars minted before World War I, some of which may bring fancy prices from coin dealers. After hauling the bags to a hotel across the street or other refuge, where the contents were searched for rare coins, many of the collectors brought their unwanted cartwheels back to the Treasury for redemption into greenbacks.

These picked-over coins are being rebagged or put into new rolls. Officials said pointedly that a lot of the silver dollars to be made available at the counter this week are last week's rejects.

The outcome of an old-fashioned silver fight stirring up in Congress could give the Treasury a longer run respite from collectors who think all silver dollars will be rare someday. The Treasury seeks to replenish the total supply of cartwheels in existence—estimated at 485 million—by resuming production of the coins. The last silver dollar was minted in 1935.

The Treasury asked in January's budget for a $675,000 supplemental appropriation to make 50 million new silver dollars by June 30, and another $1,250,000 to produce 100 million cartwheels in fiscal 1965.

This request was emphatically rejected by the House Appropriations Committee Friday, on the recommendation of a subcommittee that handles the Treasury's money requests. Instead of making silver dollars, the committee ordered the U.S. mint to work full time on combating the worsening shortage of pennies, nickels, dimes, quarters, and halves.

"Additional silver dollars can be minted only at the expense of minting minor coins," the committee's report said. The panel voted $600,000 in supplemental funds—$100,000 more than the Treasury requested—to allow the Denver and Philadelphia Mints to crank out minor coins 24 hours a day, 7 days a week.

CRITICAL SHORTAGE OF MINOR COINS

"The shortage in minor coins at the present time is the most critical in the history of the mint, and the demand is increasing at a rate that has outstripped the capacity of both existing mints," even at a three work-turn, 7-day operation, the committee's report said. The committee approved every penny of a $16 million request for funds to start work on a previously authorized mint in Philadelphia. This facility won't be in production for several years, however.

In denying money for new silver dollar production, the Appropriations Committee will trigger a clash with silver-State lawmakers when the bill containing $6.2 billion in Treasury and Post Office funds comes to the House floor later this week. Representative BARING, Democrat, of Nevada, said there will very definitely be a western attempt on the House floor to insert cartwheel-production funds into the bill.

Because the lightly populated Mountain States can be easily outvoted in the House, however, the real silver fight is expected in the Senate, where each State has two Members. Senate Majority Leader MANSFIELD, Democrat, of Montana, started the campaign on Friday by urging the Senate Appropriations Committee to amend the House bill. "The banks are running out of silver dollars," he warned.

[From the Billings Gazette, Mar. 24, 1964]

MIKE'S POSSE HITS TRAIL TO RESCUE ROUND DOLLAR

WASHINGTON.—A posse of lawmakers, headed by Democratic Leader MIKE MANSFIELD, of Montana, cantered onto the Senate floor Saturday to defend the cartwheel—the "hard money" silver dollar which is the favored coin of the realm in the great West.

"We like it," said MANSFIELD, while also declaring that it should not follow the buffalo, the whooping crane, the bald eagle, and the gold piece into oblivion. The coin dollar is, MANSFIELD said, preferred usage in his home State.

Target for MANSFIELD's comment was Friday's action by the House Aprpopriations Committee which turned down the Treasury Department's $650,000 request to finance the minting of $50 million in cartwheels. Other Senators quickly chimed in.

Even the thieves like "hard money," MANSFIELD said, noting that bank robbers recently trucked $20,000 in silver dollars from the bank of White Sulphur Spring, Mont.

"I well remember that my father never felt he had a dollar in his pocket when he had a paper dollar," said Senator FRANK CHURCH, Democrat, of Idaho, describing the West's "very strong attachment" for the silver piece.

Trouble is, MANSFIELD said, that collectors hoard silver dollars. On top of that, he said, the silver in a silver dollar is now worth about a dollar, and that has led to hoarding by others who may soon find it profitable to melt cartwheels into "silver bowls or candlesticks."

MANSFIELD praised his Montana Democratic colleague, Senator LEE METCALF, for offering a bill which would reduce the amount of silver in the big coin to frustrate that sort of coin collecting. Senator A. WILLIS ROBERTSON, Democrat, of Virginia, who heads the Senate Banking Committee, promised to hold hearings as soon as possible on the bill and the Nation's general shortage of other coins.

Senator E. L. (BOB) BARTLETT, Democrat, of Alaska, said the silver dollar should be kept in circulation. So did Senator ALAN BIBLE, Democrat, of Nevada, who added that the coin is "an honorable means of exchange."

"We should not let the cartwheel go out," said BIBLE, whose State, like Montana, Idaho, and Alaska, produces silver, and also puts the cartwheel to interesting uses in gambling establishments which are legal there.

The rush on the cartwheel market by collectors was prompted by the fact that the Treasury, digging into vaults sealed in 1935, has been issuing the so-called Morgan-type dollar which has occasionally been valued as high as $2 by collectors.

The run on the dwindling stocks has reduced the Treasury's stock from $18 million on March 11 to about $13 million.

As MANSFIELD commented, the drain will be speeded by the House committee's action. "It will, in short, hasten the day when the 'cartwheel' vanishes from American life," he said sadly.

PASSING OF JAMES A. CAMPBELL, FORMER PRESIDENT OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. CARLSON. Mr. President, this morning's press dispatches announced the death of James A. Campbell, former president of the American Federation of Government Employees.

Jim Campbell, as he was affectionately known by all of us who had the honor and privilege of working with him in behalf of the problems of Federal employees, will be greatly missed in this field of service. Jim Campbell was one of the best friends that the Federal employees of our Nation ever had. He personally had been a Federal employee for many years, and therefore he knew their problems. He was a dedicated servant of this great group of people who are so important in the administrative affairs of our great Government. It is true that he was a quiet and an unassuming man, but who was completely dedicated to his work. He had a great heart and one that never hesitated to stress the value of the public servant in our Federal Government.

As a member of the Senate Post Office and Civil Service Committee, it was my privilege to have worked closely with him for many years. I know for a fact that the Federal employees of our Nation are greatly indebted to him for many of the fine programs, including fringe benefits, increased pay, and many other aspects of the program that have been so helpful through the years of Federal service. We shall miss him very much.

CIVIL RIGHTS

Mr. JAVITS. Mr. President, first, sitting in the chair of the "management," as it were, for the debate on this subject this morning, I should like to join the majority leader in emphasizing the importance of tomorrow's votes. They will be hailed throughout the press and throughout the country as the first indication of the sentiment of the U.S. Senate on the civil rights bill. It is extremely important, in terms of domestic order and tranquility, which is being so sharply challenged now in Jacksonville, Fla., and other places, that we let the word go out that the Senate intends to deal with civil rights decisively and promptly.

For that reason, I should like to emphasize the critical importance of the vote of the Senate on the motion to refer the bill to committee, which I hope the Senate will not do.

Had the Senate complied with the unanimous-consent request when it was first made 2 weeks ago, we would not have gone as far as we have now. The measure would have come back to the Senate and still would not have been made the pending business. Now we have the opportunity to make it the pending business. There would be no point in referring the bill to the Judiciary Committee, with all the debate that has been going on, with the record on the bill which we have from the other body and from several committees of the Senate, and with the foreknowledge that we are not going to get any particular addition to this debate from the Judiciary Committee. That seems to me to be indicated by the sharp division which has already been indicated by members of the committee in the debate, and also by virtue of the fact that when the committee did hear the matter of civil rights during this Congress, the hearing was taken up, practically every day of the hearings, with the questioning of one witness by one member of the committee—which was his right, but which nevertheless indicates what the course of the measure in the committee would be.

I hope the Senate will send word forth to the country by making the bill the pending business, and that it will then reject the motion to refer the bill to the committee by sustaining the motion to table which the majority leader will make. If that is done, the country will then see that the votes in the Senate mean that the Senate will, at long last, pass a meaningful civil rights bill and place such legislation on the statute books of the United States.

U.N. CONFERENCE ON TRADE AND DEVELOPMENT AT GENEVA

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have 3 additional minutes on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this morning Under Secretary of State George Ball made an address before the United Nations Conference on Trade and Development at Geneva announcing the American policy with regard to the efforts to accelerate the development of the so-called have-not nations, the newly developing nations of the world.

During the preceding days there was fear that the United States would play a negative role in this conference, that it would contend for the status quo. It was feared that such a role would result in some violently worded resolutions under the leadership of the Russians, perhaps, or the Communist Chinese, gathering the so-called have-not nations together to bitterly protest the fact that they are falling back rather than moving forward in the race for development.

In his speech, Under Secretary of State Ball has made some constructive suggestions. He has made a good start but it will have to be followed up with positive, creative action, if the United States is to lead the conference into historic achievements.

The first phase of the United Nations Conference on Trade and Development which opened on Monday will continue for the next 3 months. Whether it will worsen the relationship between the developed nations and the developing nations, or strengthen the bonds between them, will depend largely on whether we offer proposals that will effectively meet the difficult problems confronting them. In my judgment, we must do so.

The basic argument made by the developing nations, must be seriously considered and supported as much as possible, by the United States, together with other free world developed nations, through constructive proposals.

I am pleased to see that the United States is not doing so as shown by Secretary Ball's speech. There is more frustration among the developing nations than the free world can afford to leave there. These nations must leave Geneva with results and hope. We know that the Communist bloc, both from Moscow and Peiping, is there to sow the seeds of discord and of rebellion—of more "wars of national liberation" Communist style.

The best way to confound Moscow and Peiping is by giving the developing countries reasonable satisfaction at Geneva—and we can do that without being imposed upon or muddleheaded—not denials and spurious defenses. Let that be our policy.

It is without question that developing countries are to a large degree dependent on the developed free world countries for markets, for private capital, for governmental financial assistance—through bilateral aid alone Western governments provided $7.1 billion in 1962. They also must have the assistance of the IBRB, the IMF, the European Investment Bank, the International Finance Corp., the International Development Association and the Inter-American Bank. Each of these international agencies is, in turn, dependent on the industrialized countries for financing. It is also true that we need the markets of the developing countries for our manufactured products and we need their foods, raw materials, and fuels to keep our industrial machinery operating. In other words, we are interdependent.

In his address, Under Secretary Ball declared that industrialized countries must be prepared to reduce tariffs and other barriers to the imports of primary products, semiprocessed materials, and manufactured goods of special interest to the developing countries. He called for across-the-board tariff cuts in the Kennedy round, the benefits of which, he said, the United States is prepared to accord to developing countries without asking reciprocity. He called on the industrialized nations to cooperate in perfecting arrangements that would reduce demand and price instabilities associated with trade in commodities. He also indicated U.S. support for efforts to stabilize prices of commodities in chronic oversupply at levels consistent both with market forces and development requirements on a commodity-by-commodity basis. He declared that the United States is in favor of the integration of national markets into regional ones and the changing of GATT rules to give developing countries more flexibility to pursue various forms of economic integration—partial or comprehensive. In other words, he favored preferential arrangements among groups of developing countries.

Our commitment to bring about social and economic development in a democratic framework, our role as the principal source of Government aid and private capital, as a major market for the products of the developing countries and as the source of industrial and agricultural know-how requires that we take a more positive, a more creative role at Geneva.

There is no doubt that the developing countries are confronted with enormous problems in the field of trade that materially reduces the effect of much of their gains from economic development and of the billions of dollars we are investing in them. The developing countries share of world trade has declined from 30 percent in 1950 to 20 percent in 1960. Their balance-of-payments position has shown little improvement since 1953—while their total export earnings have increased somewhat, their import requirements consistently exceeded income from such exports. Prices of foods and raw materials exported by developing nations have steadily declined relative to prices of imports purchased—in other words, their terms of trade have steadily deteriorated. Processed and manufactured goods continue to remain but a small percentage of their total exports—in 1961 such products accounted for but 15 percent of their export earnings.

To alleviate their condition, the developing countries have put forth proposals calling for new international commodity agreements, new financing arrangements for imbalances in payments, new development programs and a new institutional framework to replace GATT, some of which involve drastic innovation and a departure from present practices. They are also asking, reportedly, that Western bilateral aid be at least doubled to at least $15 billion per year. I sincerely doubt that the developing nations led by the Secretary General of the Conference, Dr. Raul Prebisch, really expect that the industrialized countries would embrace all of their proposals. I rather believe that the main objective of this Conference is to strengthen the position of developing countries at the forthcoming GATT negotiations by documenting their trade problems and to educate the industrialized countries concerning the seriousness of the problems confronting nations undergoing development.

I believe that the United States should be ready to conclude commodity stabilization agreements with the developing countries on a case-by-case basis. I believe the facility created in March 1963 by the IMF to assist primary producing countries facing short-term declines in their balance of payments due to a decline in raw material prices, should be strengthened and expanded. I believe the United States should give careful consideration whether our present unconditional most favored nation policy is warranted in face of the worldwide movement toward regional economic integration, which we should support. The GATT has already recognized the importance of such regional preferential arrangements by granting waivers to the EEC and the European Free Trade Association. The United States should be ready, along with other nations, to grant unilateral tariff concessions to developing nations at the forthcoming GATT trade negotiations to speed economic integration and to improve their terms of trade. The industrialized nations have already agreed to do so in principle when they agreed last May in Geneva not to require reciprocity when extending tariff concessions to less developed countries. There is much that can be done by the EEC as well as the United States to eliminate nontariff barriers to tropical, temperate zone, and semimanufactured products from developing countries, both in Western Europe and specifically the EEC countries and in the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD the address by Hon. George W. Ball, the Under Secretary of State, before the United Nations Conference on Trade and Development in Geneva.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE GEORGE W. BALL, THE UNDER SECRETARY OF STATE, BEFORE THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, GENEVA, MARCH 25, 1964

I

Within the past few years the world has focused great attention on the relations between what we have come to call the developed and the developing nations. There has been a wide acceptance of the proposition that 20th century concepts of humanity require that all the world's peoples have the opportunity to secure a decent standard of living. There has also been recognition of the fact that, until this goal is secured, the world will not attain the stability essential to the maintenance of peace.

The tasks of development are familiar to all nations no matter what may be their average levels of income. In the United States, for example, within this generation we have seen the development of a substantial part of our South, many of whose problems approximated those of the developing nations. And, as you know, President Johnson has launched a comprehensive program to push back the margins of poverty which still remain in the United States. But it is a major achievements of the postwar years that we have all come to accept the problem of economic development as a matter of international interest and obligation.

We have had many conferences to discuss separate aspects of this general subject. This Conference is, I think, unique. It is organized on a world scale and it is addressed to the whole problem in its full dimensions.

The general frame of our discussions in the next few weeks must inevitably be the relations between the industrial and the developing countries, but this Conference should reduce those relations to practical terms. It should consider all of the means by which the developing countries can obtain capital—and particularly foreign exchange—necessary for development—whether through the transfer of public resources in the form of foreign aid, through external private investment, through the enlargement of internal markets, or through the expansion of external trade. And all of these questions must be considered in the context of a world environment that is compatible with our larger objectives.

In the careful and imaginative papers that have been drafted in preparation for this Conference, the problem facing the developing countries has been expresed in terms of a trade gap. I think none of us—least of all, our distinguished Secretary General—believes in a mechanistic approach to this question. I am sure he would agree with me that the trade gap should be regarded, not so much as an arithmetical statement, but as a figure of speech broadly suggesting the scale and the challenge of the problem of development.

I know he would agree also that there are no single or easy or even independent, solutions to this problem. It is the responsibility of this Conference to consider all the feasible ways of expanding our efforts in all relevant fields.

Of necessity, therefore, the Conference must grapple with a series of interdependent issues. It is altogether proper that the major focus for this Conference should be on the means for making trade a more effective instrument for development. But these possibilities cannot be considered in isolation. We must also explore the means of increasing and making more effective use of the flow of foreign captial and technical assistance—both public and private; the economic merits of forming or expanding regional economic groupings; and generally the full range of internal policies that are critical to the mobilization and use of capital and that will necessarily shape the contribution that the external environment can make to development.

Given the magnitude of the development problem, there is ample room for imagination and fresh ideas. At the same time, we must be wary of approaches that do not closely reflect the economic or political realities—approaches that begin and end in discussion and thus obscure the actions really needed for progress.

The representatives of my country are here to participate in the full and responsible discussion of all the relevant problems—problem by problem and policy by policy. Since the end of World War II, we Americans have been greatly preoccupied with the task of creating better economic conditions in the world. This preoccupation has been manifest in our trade policies, in our economic and technical assistance programs, in our food-for-peace program and in the Peace Corps.

I am not here, however, to point out the merits of the policies my Government has followed. We have a great deal of business to do together in the weeks ahead, and I hope that we will all set aside the temptation to file self-serving briefs that consume the time of the Conference without advancing its objectives. Our problems lie ahead of us—not behind us.

It is in this spirit that I wish to comment briefly on the broad questions before the Conference—not as separate issues, but in terms of how they fit into the requirements for an effective development strategy.

II

I shall begin with the central assumption of this meeting—an assumption in which, I am sure, we all concur—that if the developing countries are to achieve self-sustaining growth, they must be able to earn a growing volume of foreign exchange in world markets. To do this, they must develop expanding markets for their raw materials at reasonably stable and equitable prices. They must also find growing world outlets for the products of their nascent manufacturing industries. This will not happen automatically. The expansion of trading opportunities involves difficult problems of policy and decision for both the industrial countries and the developing countries.

Let me begin by reviewing the contributions that the industrial countries can make to the trade prospects of the developing countries and, at the same time, to the more effective use of world resources which expanding trade can promote.

First, and in my view most important, is the need for industrial countries to achieve and maintain full employment and a high rate of economic growth. These conditions will improve both demand and prices for the exports of the developing countries. For example, sustained economic recovery in the United States and Canada and continued high growth in Western Europe and Japan were largely responsible for the recent sharp turn around in prices for industrial materials. They also contributed to a stronger market for some tropical products. This improvement in demand and prices, if sustained, will make a difference of at least $1 billion on an annual basis in the export earnings of the developing countries.

Full employment in the industrial countries is also necessary to create a favorable climate for the structural readjustments that accompany trade liberalization. We must devise ways and means of cushioning sudden and sharp disruptions in the markets of importing countries. On the basic issues, however, we in the industrial countries need more education in trade—both to deflate the mythology that still surrounds competition from the so-called low wage countries and to produce a better understanding of the large potential for gains from freer trade. Such education can best be conducted in an atmosphere of full employment.

Second, the industrial countries as a group must be prepared to reduce tariffs and other barriers to the imports of primary products, semiprocessed materials, and manufactured goods of special interest to the developing countries. The industrial countries have done much in recent years to reduce these barriers. More can be achieved by deep, across-the-board tariff cuts in the Kennedy round—and we are prepared to have these benefits accorded to the developing countries without asking reciprocity. Such tariff cuts can be of immediate help to the developing countries. But even more important they can provide an environment that will make it possible for them to build productive export industries. It is at this point that the present Conference and the GATT Conference, which is to follow, so strongly complement each other.

Third, the industrial countries should be prepared to cooperate, wherever and whenever feasible, in perfecting arrangements that would reduce instabilities associated with trade in commodities and thus enhance development.

We have made some progress in cushioning the effects of fluctuations in commodity prices through the new drawing rights in the International Monetary Fund.

We also support efforts to stabilize prices of specific commodities in chronic oversupply at levels consistent both with market forces and development requirements. These problems can be usefully approached only on a commodity-by-commodity basis, and the arrangements we work out must be designed both to deal with the underlying supply imbalances and to promote development. There is no grand design for the myriad of individual commodity situations and problems. We should frankly recognize that such agreements, important as they may be for some commodities, are feasible for only a small number.

III

These lines of action all stem from the responsibilities and obligations of a multilateral and nondiscriminatory trading system. We have worked throughout the postwar period to try to build such an open trading society in the conviction that it would promote a rational and effective use of the world's resources; that it would benefit all participants in world trade; and that it would be most fully responsive to the constantly changing conditions of a dynamic trading world.

We still hold this conviction. We believe that the principle of nondiscrimination has great inherent values; that proposals to depart from that principle should be rigorously scrutinized; and that we should encourage such departures only where the case for doing so is strong and fully proven.

During the period of preparation for this conference, there has been considerable discussion of various forms of preferential tariff arrangements designed to benefit the developing nations. Proposals have also been put forward for the organization of regional or global markets for the products of these countries. As I mentioned earlier, the United States believes that we should objectively examine any proposals that might contribute to development. But we must all be quite sure that proposals are defined with sufficient precision so that there is no misunderstanding as to their meaning. This is essential if their implications are to be fully comprehended and thoughtfully considered.

We must be sure also that such proposals will not create more problems than they solve. In other words, we must satisfy ourselves that they will produce significant economic benefits for at least some countries, and that those benefits will outweigh the costs to all countries of departing from the principles of nondiscriminatory trade.

With respect to preferential arrangements, for example, we must be clear whether a proposal is global or regional in character—whether it contemplates an application to all countries or only to specific countries or groups of countries.

In the post-war world there have been two competing concepts as to how the industrial and developing countries might most usefully organize their relations. In principle, my Government has assumed that all industrial countries should accept a responsibility to advance the economic well-being of all developing countries. But the view has also been advanced—sometimes more by way of emphasis than as an assertion of discreet principle—that it would be better to organize these relationships on the basis of special responsibilities between individual industrial countries or groups of countries and individual developing countries or groups of countries.

I do not think that we can fully resolve this major conceptual question in the course of this Conference. But I do feel that, in discussing proposals for special trading relationships between the industrial and developing countries, we must be quite clear whether they fall within one pattern or the other. Moreover, we should conduct our discussions during the coming weeks in full awareness that special trading arrangements have historically evolved in the context of special political relationships, and that special responsibilities in the area of trade are likely to carry with them special responsibilities in the areas of politics and even of defense.

I do not make these points to support either one approach or the other but rather to point out that serious departures from the principles of nondiscriminatory trade—particularly in relation to trading arrangements between the industrial and the developing countries—inevitably involve the question as to how key relations among nations should be organized.

IV

I have mentioned certain measures that industrial countries can take to improve access to their markets and to expand their demand for imports from the developing countries. Simply stated, the more access the more trade—and the United States strongly favors lower tariffs and greater market access.

But tariffs have become less of a barrier to exports and this will be true all the more after the Kennedy round. To exploit the opportunities that stem from greater market access for their manufacturers the developing countries must be able to compete not merely with other exporting countries but with the domestic industries of the importing countries.

It is essential, therefore, for the developing countries to market their manufacturers on a competitive basis. This, in turn, will often depend on their ability to develop mass national markets—or, where necessary, regional markets.

It is in such markets that the economies of scale originate. This fundamental point is well documented in the history of countries going through the process of development. Apart from a very few special cases, manufactures have been sold massively abroad only after they have been produced for an extensive market at home.

Under these circumstances, we might all give more consideration and support to ways of expanding internal markets in the developing countries. In most cases, this will require actions in both the rural and urban areas, and the use, in combination, of private and public capital—domestic and foreign.

In rural areas, higher priority might well be accorded to raising agricultural productivity and modernizing systems of marketing. In urban areas, more could be done to break away from the traditional and restrictive marketing patterns that characterize many of the narrow based industries in the developing countries, and to aim at larger scale and lower cost production for the home market.

These two lines of action could reinforce each other and result in a rise in productivity, a reduction in costs, and an increase in demand. In these ways, production for a large domestic market could help the developing countries produce and sell manufactured goods competitively on the world market.

V

Many countries, of course, are too small to provide domestic mass markets. The benefits of such a market may be achieved by economic cooperation on a regional basis.

Unquestionably the postwar dismantling of colonial arrangements and the birth of 51 new countries has involved some serious economic costs. As our Secretary General has pointed out, nearly 100 of the nations represented at this Conference have populations of less than 15 million. Of these, two-thirds have populations of less than 5 million.

The integration of national markets into regional markets offers possibilities for recouping these economic costs—and much more. Manufacturing industries based on the larger internal needs of a regional market will reach a competitive position in international markets much earlier and much more effectively.

The United States supports further efforts in this field. We favor changing the GATT rules to give developing countries more flexibility to pursue various forms of economic integration—partial or comprehensive. But the industrial countries should continue to be subject to strict standards in this regard.

This is, in other words, a case where special trade preferences among groups of developing countries could make a contribution to economic growth large enough to outweigh the costs of a departure from nondiscriminatory trading principles.

But let us have no illusions as to the underlying requirement for real progress through integration. The economic advantages of such a course depend on the degree to which competitive principles are permitted to guide the use and movement of labor, capital, and materials within an economic union or trading group. This requires that the participating nations put aside considerations of political prestige and advantage and that they commit themselves from the outset to a full line of action. Thus, each step forward will make it that much more difficult to reverse the entire process.

VI

When we talk of a development gap, we are talking in large measure of the need of the developing countries to be able to draw on greater capital resources for investment. Part of these capital resources must be used to finance the import of equipment and other materials from abroad. All these capital resources are required to enable a nation to use its human and material resources more effectively and to gain access to the benefits of the constantly widening revolution in technology.

Private foreign investment can itself provide a major source of such capital.

In addition it can stimulate the mobilization of domestic capital in the developing countries.

Finally, it normally brings with it technological skills and a knowledge of foreign markets that can facilitate the efforts of developing countries to expand their export industries.

However, the data on the flow of private investment in recent years are very disturbing. In 1956 the net flow of private capital from all member countries of the Development Assistance Committee to the developing countries amounted to $2.4 billion, or 43 percent of the total flow of foreign capital moving to those countries. By 1962, the contribution of private capital was still $2.4 billion, but it represented only 29 percent of the total capital flow.

Over the past two or three decades standards of conduct in international business have undergone drastic change for the better. Yet many developing countries are, I fear, still influenced by the cliches of the past. Would it not be useful to examine carefully the experience of countries that have been attracting a flow of private foreign investment? Would it not also be useful to study the new techniques, new attitudes, and new procedures that have arisen in this field in response to the conditions of this century?

In raising these questions, I do not wish to be misunderstood. My country, while itself committed to free enterprise, does not seek to dictate the form or shape of the economic systems of others. I recognize that there are internal political and emotional pressures that may create opposition to the investment of external capital in many countries. I am well aware of differences in conditions and outlook among the nations of the world that require diversity in business as well as in other forms of social organization. I am aware also that even the facilities and organizational modes for providing such capital require adjustment to changing conditions. They have evolved in the past and further evolution is in progress.

But nations must make their choices of national policy with full awareness of inescapable economic facts. Nations that elect to pursue policies that tend to eliminate the private sector or discriminate against outside investment should be aware that they are denying themselves a source of capital that could otherwise greatly speed their own economic development.

I suggest, therefore, that in the course of these proceedings, we reexamine the possibilities of expanding the flow of external private investment capital.

Private capital admittedly cannot be more than one element in an interrelated approach to development. Yet, with regard to this question as to so many others, the developing countries have it within their own hands to determine how fast they will move in achieving growth. Their attitudes and their laws and their procedures will, in most cases, determine whether the flow of external private capital and technology takes place. Experience gives us no limits on how far the process can carry.

VII

I turn finally to the question of foreign aid—bilateral and multilateral. Clearly this is neither the least important, nor the residual, element in the package. But economic assistance is made more—or less—effective by what happens in the other fields we have discussed.

My government believes that foreign aid should assist developing countries with a supplemental source of capital. This capital can contribute to development in the following specific ways:

First, as a supplemental source of long-term capital for certain projects that will not produce immediate returns, but which are a necessary base for other projects and a stimulant to the development process as a whole.

Second, as a source of capital to finance imports of materials and equipment that cou'd otherwise become serious production bottlenecks in a situation of foreign exchange stringency.

Third, as a source of seed capital that can stimulate the mobilization and effective use of capital from internal sources.

We believe, in short, that foreign aid will play an essential role if it exercises the catalytic effect it is designed to produce. This, in turn, will depend on cooperation between donor and recipient countries.

We are looking forward to an extensive and frank discussion at the conference of the requirements for aid and the functions aid can perform. At this point such a discussion could serve a healthy purpose. Almost without exception the industrial countries now command the resources that enable them to participate in supplying foreign assistance. Yet more and more of the donor countries are becoming concerned over whether their efforts are producing the results for which they had hoped. In allocating capital assistance they sometimes find a shortage of what they consider to be soundly conceived projects. The developing countries on the other hand, have now acquired the experience to speak with some assurance on how they themselves can contribute to the process.

A constructive exchange of views can resolve misunderstanding. It can lead to the time when industrial countries, in speaking of the need for self-help, and developing countries, in emphasizing their requirements for foreign capital, will not be talking at cross purposes. In fact, at the working level where development decisions are made from day to day, there is already a wider common basis of concepts, vocabulary, and experience than is generally understood. I believe this conference can enlarge these understandings among us.

VIII

There are, it seems to me, a few general comments that we should bear in mind during our discussions:

First, the economic growth of any nation is a mixture of interrelated elements. We can emphasize one element or another at this conference but it would be unwise for us to focus on any single element to the exclusion of the others.

Second, economic development should not be studied simply in terms of aggregates. It is a phenomenon of individual countries. It is not the summation on a world basis of unrequited needs, but the reflection of individual country programs—carefully drawn up, faithfully executed, and reflecting a national purpose.

Third, economic development is an intricate and difficult process. It has proved difficult for the industrial countries who have gone through it in the past, and it will be so for the newer countries that are going through it now. The developing countries of today, however, have the advantages of today's technology and of close international cooperation. These advantages can accelerate the process of growth.

These three propositions could, I think, set the tone for the Conference. After all this is no adversary proceeding between the industrial and developing countries. The distinction between the two groups is not a clear one and the differences within the two groups are very large.

We are here to solve problems we accept as common problems—not to debate. We are here to draw nations standing at different points along the historic paths of growth closer together, not to divide them.

The progress of the developing countries requires the cooperation of all and it is futile to test proposals on the assumption that what one gains the other must necessarily lose.

All of us—the industrial and developing countries—have unfilled aspirations at home. But we are also part of an interdependent world with collective obligations and responsibilities. We each have vested interests in the other's welfare.

My country believes strongly in this kind of interdependence and in these kinds of vested interests. We have been, and continue to be, committed to help those who wish to help themselves and we undertake this commitment, as President Kennedy said in his inaugural address, for one reason only: "because it is right."

Mr. JAVITS. Mr. President, I urge our Government to follow through on the initiative which has been shown by Secretary Ball and to give satisfaction to those who seek results at Geneva.

MARYLAND DAY—MARCH 25, 1964

Mr. BEALL. Mr. President, this is an important day in my State, the great Free State of Maryland. Today is Maryland Day.

Three hundred and thirty years ago today the Maryland colonists landed at a Potomac island just off where St. Marys City now stands. Here they founded what subsequently became the State of Maryland.

One of Lord Calvert's first edicts was that there was to be freedom of religion, that every person had the right to worship according to the dictates of his own conscience. This emphasis on freedom of religion became a part of the ideals and principles of our people.

The Maryland Act of Toleration of 1649 was the first such document to espouse the idea of freedom of religion, and was the forerunner of the incorporation of that principle in the American Constitution. This led to Maryland's becoming known as the Free State.

Mr. President, this day, March 25, Maryland Day, is important not only to the citizens of Maryland but to all freedom loving people of our Nation.

MODERNIZATION OF SENATE RULES

Mr. CLARK. Mr. President, the current parliamentary chaos in which the Senate finds itself gives renewed urgency to the need, as soon as possible, for drastic reform and change of the rules of the Senate which have completely immobilized it, and brought this great body into contempt all over the country and the civilized world.

Let me point out that the calendar of business which is on each Senator's desk this morning recites that the date is—as we all know—Wednesday, March 25. But underneath, in parentheses, are the words "Legislative day of March 9, 1964."

March 9 will go down in current history as the day when the filibuster against the civil rights bill began. In order to acquire some minor parliamentary advantage—and it really is a minor advantage—the Senate has been recessed since March 9 until today. We operate under the fiction that it is March 9 in this Chamber but March 25 everywhere else.

Beginning on March 9 came the filibuster. The filibuster is still in progress. While the filibuster goes on, the legislative business of the country, so far as the Senate is concerned, has ground to a halt.

I noted with some chagrin a vote about 6 weeks ago when an effort was made to permit committees of the Senate to sit while the Senate was in session during the pendency of the filibuster—and indeed for the rest of the session.

That vote was lost by 43 to 36. Had a few more Senators been aware of the corner into which we have painted ourselves by our ridiculous procedures, this might not have taken place.

As the Senator from Oregon [Mr. Morse] has announced, he will object to the meeting of all committees while the filibuster continues. He is well within his rights—but he should not be. We should long ago have eliminated that ridiculous situation in which 1 Senator can prevent the other 99 Senators from voting to permit committees to sit while the Senate is in session.

We find ourselves on the horns of a dilemma. The filibuster is in progress. Many members of the Appropriations Committee are anxious to have the filibuster continue, but wish to have the appropriation bills considered and reported in the meanwhile. The Senator from Oregon has stated that he will not permit that. That is his right.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. CLARK. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. CLARK. Members of the Appropriations Committee are faced with the choice of whether they wish to vote for cloture and thus permit the Senate to terminate this apparently interminable filibuster, and thus make it possible for the Senate committee to do its duty and report appropriation bills, or whether they will persist, as heretofore, in voting against cloture, hoping that at the end of a successful filibuster they can bring out the appropriation bills, have them enacted, and go home, with the legislative program of the President of the United States still stalled in the works.

I hasten to add that I do not speak of all members of the Appropriations Committee, but only those who by their record votes in the past—and often in the extended past—have always insisted on a privileged condition for that committee with respect to hearings on appropriation bills and, nonetheless, have always and without exception voted against cloture on civil rights.

I invite the attention of Senators to this matter in the hope that in the foreseeable future we shall do something to fight our way out of this "paper bag," to come out of the corner into which we have painted ourselves, and bring the Senate up to date with the modern world and get about the business of the country.

Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Helpless Senate," which was published a few days ago in the Washington Post.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Mar. 19, 1964]

Helpless Senate

The archaic nature of the Senate's rules has seldom been more pointedly demonstrated than by the current civil rights debate. Although Senators have talked on the subject for 9 days, the House-passed civil rights bill is not yet actually before the Senate. Majority Leader Mansfield has not been able to secure a vote on the motion to call up the bill.

After much discussion, a suggestion that the cloture rule be invoked to limit debate on this preliminary aspect of the contest has been laid aside. Apparently the sponsors of the bill feared that such a move might fail at this time. So the talkfest and the maneuvering go forward and the Senate leadership is helpless even to initiate debate on the bill itself, to say nothing about cutting it off.

Why should a filibuster be allowed on the question of taking up a bill? On the House side most important bills go to the floor accompanied by a rule for their consideration. Before debate can begin on the bill itself the House must approve the rule recommended by the Rules Committee. But there is no chance for endless debate. The majority leader or the committee chairman who calls up the rule is recognized for 1 hour and that time is traditionally divided between sponsors and opponents of the rule.

Under the Senate rules some motions must be voted upon promptly without debate. But nearly all of the major business coming before the Senate has to be done under unanimous consent agreements on procedure. When no such agreement can be obtained, the Senate has no alternative to an endurance contest unless it can invoke the complicated and distrusted machinery of cloture.

The use of cloture is especially cumbersome when applied to the preliminary question of calling up a bill. Whatever may be said about limiting debate on the merits of a bill once it is before the Senate, and we favor majority cloture for this purpose, there should be a simpler method of getting the debate started. Why should not debate on the question of making a bill the unfinished business be limited by a standing Senate rule to 1 hour for each side, or 2 hours or 4 hours? There is not a shred of reason in unlimited debate on mere procedural matters. The least the Senate can do is to give its leadership means of getting administration bills to the floor for debate without having to wait for the consent of every benighted and obstructionist Member.

Mr. ERVIN. Mr. President, I assure my good friend the Senator from Pennsylvania that we are not engaged in a filibuster; we are engaged in an educational debate. A Senator is engaged in an educational debate as long as he is trying to persuade other Members of the Senate to forsake the error of their ways. Those of us who oppose the bill seek to persuade our colleagues to assist in preserving rather than destroying constitutional government, and to assist in preserving rather than destroying the right of all Americans to be free from governmental tyranny.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. I wonder whether the Senator would mind if, after his comment about the educational debate, as it will appear in the Record tomorrow, there were inserted, in parenthesis, the word "laughter."

Mr. ERVIN. I do not believe that would be appropriate. We are engaged in too serious a business. When a Senator tries to persuade other Senators, whose views are erroneous, that it is their duty to stand for the preservation of constitutional government and for the preservation of the right of 180 million people to be free from governmental tyranny, it is certainly not a laughing matter.

Mr. JAVITS. Mr. President, I rise only because of what has been said about the education of the American people. The education of the American people and the education of Congress is entirely proper and entirely permissible and entirely within the right of every Member of the Senate, but it should not be interminable.

That is the issue. Senators have the right to educate, and the right even to duplicate argument after argument; but the process should not be interminable. Without question, everything that has been said in this debate so far on the mere motion to take up the bill will be said time and time again.

If these were ordinary times, we might say, "This is one of those things that we have to live with." But these are not ordinary times. The headline on the newspapers this morning—and this is not an unusual headline—is "Rioting Negroes Stone Police in Jacksonville, Fla."

I do not see how we can sit by in the Senate day after day and assume that we are living in a vacuum.

What is the function of government? The function of government is not to submit to threats or stonings or violence by anyone, no matter how much people have been put upon. I agree. I have voted that way and I shall vote that way again. I agree, whether it is the Negroes who have been treated with the greatest of injustice, or whether it is someone else.

It is the function of government, to find answers to legitimate grievances. There is no reason why there should be disorder and violence. A majority of us are willing to answer a legitimate grievance. A majority of us know it, and a majority of us are willing to cure the grievance. Education is one thing, but interminable "education," when we are dealing with realities, raises serious questions as to the capability of the republic to cure itself, to save itself, and to survive.

These are the issues to which the Senator from Pennsylvania and I have been addressing ourselves this morning.

Mr. CLARK. Mr. President, if there is no further morning business, I ask that the Chair put the pending question.

Mr. ERVIN. Mr. President, in order that the Record may be somewhat balanced, and to show how laws similar to this bill have been working in New York State, where they have been in effect for many years, I ask unanimous consent to have printed in the Record an editorial published in the Wall Street Journal of Tuesday, March 10, entitled "The Pigsty Approach."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Pigsty Approach

Driving in rush-hour traffic in New York, as in other large cities, is no fun at best—which is presumably why a group of civil rights demonstrators chose to make it worse the other afternoon.

The group blocked an approach to the huge Triborough Bridge, dumping garbage in the roadway and lying down, arms linked, in front of the cars, which soon were backed up for blocks. It was an ugly little spectacle, an inconvenience for many people just trying to get home. For some, perhaps worse; at least one car contained a pregnant woman. Or the life of a sick child on the way to the hospital might have been endangered.

But the danger in this sort of tactic lies far deeper than individual inconvenience or harm. It rests on a totally inadmissible theory which increasingly is marring the whole civil rights movement. Some of its leaders hint that more such demonstration may be in the offing.

This is quite different from the ordinary sit-in. The use of that technique may be questioned on various grounds, but it started out as a specific protest against a specific grievance in a specific store or facility. The march on Washington was a more general demonstration but, though it had its dubious aspects, care was taken not to make it more disruptive than necessary.

What the garbage-dumpers and liers-down on the bridge are saying, however, is that their purpose is disruption wrought on the general public. They were allegedly protesting conditions in Harlem, but they were taking their vengeance on people who had nothing to do with those conditions. Indeed, there would be less garbage in Harlem's streets if some of its inhabitants made more effort to practice elementary cleanliness.

The notion that it's perfectly proper to attack the general public—the majority of law-abiding, hard-working people—in pursuit of minority aims is an extremely distorted theory of rights. The essence of civil rights is that they should be as equal as the law and society can make them. But that proposition gives no one a right to vandalism.

And it is difficult to see how this kind of performance should be otherwise described. It is just as much vandalism as if the demonstrators arbitrarily select a community and go around throwing rocks through the windows at random. Maybe they will come to that also. Certainly their school boycotts, taking out their grievances on the children, and their bridge and other obstructions indicate they expect to go pretty far.

Unfortunately this theory that civil rights means trampling on the rights of the public has also found its way into proposed legislation. The bill now before the Senate, along with its unobjectionable features, does seem to infringe what long have been accepted as individual rights of property. Perhaps that fact is encouraging the demonstrators in their random attacks on the public.

It would seem in the interest of the civil rights spokesmen to disavow and discourage pigsty tactics without delay. One important consideration is that the majority of people in this country, including us, do believe that the position of the Negro, particularly in regard to his legal rights, should be improved where shortcomings still remain. The civil rights bill itself is testimony to that feeling.

But probably not many people believe that the problem of one-tenth of the total citizenry is the only or necessarily the overriding problem before the Nation. It may be that some are already getting a little tired of hearing about it so incessantly. No one at all can be expected to enjoy being attacked for conditions over which he has neither responsibility nor control.

Some of the frustrated motorists yelled imprecations at the demonstrators on the bridge, which can be taken as a clue to how public sentiment can change. That is what the rights leaders risk if they don't get their movement back on the track of legality and dignity and out of the road of vulgarity and lawless disregard of the public.

GREEK INDEPENDENCE DAY

Mr. DODD. Mr. President, the locale of the Greek nation, at the crossroads of the Eastern and Western Worlds, has made it a convenient battle area for wars of ideas as well as of arms.

All of us living in freedom today should say a prayer of thanksgiving for the Greek character which is in large measure responsible for the survival of the ideals by which we live and on which we base our institutions.

On this day 143 years ago the Greeks began a struggle, which was to last for more than 6 years, to end the domination imposed by their Ottoman conquerors. This effort culminated in 1827 in the establishment of an independent Greek state.

This free and independent country has been constantly beseiged, and has survived threats from countless would-be aggressors. The stalwart Greek people have resisted these assaults, and as a consequence, freedom-loving people the world over have looked with confidence to Greece as a protector and defender of our cherished liberties.

In recent years, Greece successfully resisted and repulsed the Communists who attempted to infiltrate their country during a period of dissension after World War II. Since that time, they have been one of our stanchest and most valued allies in the cold war.

The tenacity of the Greek in clinging to his democratic traditions, his valor in securing his own freedom, and his vigilance in maintaining it combine to furnish inspiration to all of us today. We can only hope that whenever it is necessary we will fight always with the same spirit and determination for our beliefs.

In paying tribute to the Greek nation on this, their independence day, I feel that it is proper and fitting to acknowledge again the debt that Western civilization owes to the Greeks.

Our lives are touched every day in many ways by the imagination and creativity of those Greeks who fathered Western culture.

The principles upon which our Nation and other free countries have based their governments are direct descendants of Hellenic political theory.

Many of us go to work each day in a building inspired by the art of some Greek genius.

Our philosophy, drama, and other literature, no matter how modern we think them, have their origins in the classics produced thousands of years ago in Greece.

The very idea of political debate as practiced in this and similar bodies can be traced to the discussions of the brilliant men who frequented the marketplaces in the ancient city of Athens.

So for Americans particularly there is a special kinship with modern Greeks which ranges back through the centuries to our common spiritual forebears.

To the brave and individualistic people of Greece it is a pleasure to wish them well and to extend congratulations to them on the anniversary of this day of such important significance in their history.

To our valuable NATO ally, Greece, I say today that people who value the rule of law, who believe in individual liberties, and who hold dear their democratic institutions salute you.

In addition, I should like to express our appreciation for the many Americans of Greek ancestry who have contributed leadership in so many aspects of our community life. Our country is much richer because of the industry and art of these people.

The vitality, creativity, and skills of Greek immigrants and their descendants are, I think, conclusive proof of the benefits to our country of immigration. I hope we will soon liberalize our statutes so many more can come to the United States.

PRESIDENT'S REPORT ON WATER RESOURCE DEVELOPMENT

Mr. JACKSON. Mr. President, every Member of this body is vitally interested in and concerned with water, its distribution, control, use and the development of additional water resources for our expanding population and economic development. On behalf of the Interior Committee, the unit of the Senate that has primary initial responsibility for legislation affecting water resources development, I call to the attention of the Congress and other interested persons a highly important communication from the President of the United States on the subject.

President Johnson, who has firsthand knowledge of some of the problems of the water and power-hungry west, has sent to the Congress a comprehensive progress report by the Interagency Committee on Water Resources Research of his Federal Council for Science and Technology. This report is entitled "Federal Water Resources Research Program for Fiscal Year 1965," and I am glad to announce that the Interior Committee has a supply of copies of this report for distribution.

In his letter transmitting this interagency report, President Johnson outlines its salient features, pointing out both immediate activities and the current steps underway in the long-range program.

Because of the basic importance and the need for this activity of the Federal Government, I ask unanimous consent that the text of President Johnson's executive communication be printed in full in the CONGRESSIONAL RECORD at the conclusion of my remarks.

I am happy to be able to report that the Senate already has taken some of the action urged by the President. I refer specifically to S. 2, the bill establishing water resources research centers at land-grant and other colleges and at State universities. This measure has passed the Senate and is before the appropriate committee of the other body.

Another measure urged by President Johnson which we have acted upon is S. 1111, providing for coordinated river basin development, and providing financial assistance to the States to increase State participation in water resource planning and development. This bill likewise has passed the Senate and hearings now are underway in the other body.

Several other measures carrying out parts of the program outlined by the President will come before the Senate within a relatively short time and I urge every member to study the President's report with care.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 16, 1964.

Hon. CARL HAYDEN,
President pro tempore of the Senate,
Washington, D.C.
Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. PRESIDENT, DEAR MR. SPEAKER: Recognizing the continued interest of the Congress in the Nation's water problems, I am pleased to transmit the accompanying report entitled "Federal Water Resources Research Program for Fiscal Year 1965." This report of the Federal Council for Science and Technology sets forth agency plans and interagency coordination of water research programs contained in the budget.

The report deals with an area which is essential to the future growth and well-being of the country. The importance of our water resources has been well recognized during the past 4 years in the Congress, the scientific community, and the public press, as well as in proposed legislation. Out of this attention has come the widely held conviction that in view of our growing water problems, increased attention and an effective research effort will be required of the Federal Government as well as the States, the universities, and private institutions.

The accompanying report contains an account of the projected program in water resources research for fiscal year 1965 which totals $72,464,000 as compared with $71,473,000 in the current fiscal year. The program and budget were developed under stringent budgetary constraints associated with my economy program in Government, and therefore are considered the minimum effort consistent with the necessity for making progress in this area.

The Federal program of water resources research involves the efforts of 25 agencies within 5 major departments and 3 independent offices. Involved, therefore, are many cooperative interrelationships and joint undertakings. The research program is also closely related to programs concerned with agriculture, public and industrial water supplies, pollution control, fish and wildlife, and river basin planning. Thus, the report also deals with matters of coordination and administration designed to avoid possible program gaps or unwitting duplication. A substantial beginning has also been made at determining the scope of a long-range program which will be adequate to meet our needs, and to priorities which will give attention to the most urgent problems.

I share the concerns of Congress regarding the growing water problems and, therefore, commend this report for your consideration in connection with the budget request and the need for new legislation to stimulate research in the field of water resources at the colleges and universities. The Office of Science and Technology and the Federal Council for Science and Technology will continue to give this area the attention required to achieve and maintain effective interagency planning and coordination of an adequate effort in water resources research.

Sincerely,

LYNDON B. JOHNSON.

THE NEED FOR A FIRM FOREIGN POLICY

Mr. TALMADGE. Mr. President, it is my belief that American citizens are becoming increasingly concerned over the need for a firm U.S. foreign policy. They are growing weary of seeing us back down when we should stand firm, and they are tired seeing us appease and placate where we ought to maintain an unwavering insistence upon our rights.

On St. Patrick's Day, Alexander A. Lawrence, one of the finest and ablest lawyers in Georgia, addressed the Hibernian Society at Savannah and delivered what I believe to be a scathing but justified criticism of our foreign policy in recent years. Mr. Lawrence's indictment can be summed up in these words, taken from his address:

> Where firmness is demanded, we get timidity. Where decision is required, we get vacillation. Where insistence upon our rights is necessary, we get negotiation and appeasement. And we always get another brickbat through an embassy window.

Mr. President, I recommend Mr. Lawrence's speech to everyone who shares his views that a reappraisal of our foreign policy program is long overdue if the United States is to continue to demand the respect due it as the leader of the free world.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

HIBERNIAN SOCIETY BANQUET, MARCH 17, 1964

President Brennan, Most Reverend Bishop, members of the Hibernian Society, and honored guests: I am greatly flattered by the very generous introduction of my friend, Kirk Sutlive.

He has made me feel welcome, indeed, at your head table tonight. The truth is, I always feel very much at home at Hibernian banquets. This is the 33d of these annual dinners I have attended and I might add:

"I've drunk your health in company,
I've drunk your health alone,
I've drunk your health so many times,
I've damned near ruined my own."

I have reached the conclusion that, so far as Hibernian audiences are concerned, the issue of whether or not to put fluoride in drinking water is purely academic.

I am deeply honored in being invited to speak before this distinguished and venerable society—an invitation particularly valued, since I am not only one of the few people in Savannah today who do not claim at least some Irish blood in their veins, but I am also a member of the Church of England. With this unfortunate background, all I can say about being honored with this invitation to speak at your banquet is that the ecumenical spirit is really running high in Rome these days. I am so moved by everything that I am almost tempted to confer upon this audience the ignominy of an Anglican benediction.

On the credit side, I am proud to say that I have a lot of wonderful Irish-American friends. For 364 days out of the year they act just as normal as any other Savannahian. But, come St. Patrick's Day, and a remarkable change seems to take place in them. Overnight they turn into Gaels, or maybe it's Celts. I don't know what the difference is between a Gael and a Celt but I'll bet you one thing: if both Gaels and Celts lived in Ireland at the same time there was a difference between them.

But when March 17 rolls around my otherwise perfectly normal Irish friends seem to go off their rockers. They run around their native city dyeing our river, painting green stripes down the streets and going to the trouble of flying over Shamrock in order to remind them of a country 90 percent of them never saw.

Somebody once said that "There's nobody in the world smarter than one Irishman and that there's nobody wackier than two Irishmen." And on St. Patrick's Day I can believe it. Some of my Irish-American friends even go around town talking a strange language, using such expressions as "Cead mile failte" and "Erin go bragh."

Now let me confess to something right now. I don't speak one word of Gaelic. Like most of you, Geechee is my mother tongue. I can only hope and pray that I will be able to get through to you Hibernians across the language barrier that comes between us on St. Patrick's Day.

One thing I like about the Irish is their sense of humor. They would rather laugh at somebody else but they can even laugh at their own expense. And not every group has this quality. Several years ago I spoke at the banquet of a society whose members are possessed of a national trait which is not generally associated with generosity of the pocketbook. I shall not identify them other than to say that judging by the way its members sang tonight they are even less distinguished for musicality than liberality.

At the banquet at which I spoke the president of this unidentified society read, as is usually done there, that eloquent toast by Sir Walter Scott to his native land which, as I recall, went in part: "I give you every river, I give you every loch, I give you every hill from Tweed to John O'Groat's Cottage."

Here, if ever I saw it, was true Scotch generosity and I was tactless enough to say so. Sir Walter Scott not only didn't own a single thing he was giving away, he was even trying to give away poor John O'Groat's cottage.

I won't repeat that mistake tonight with you Hibernians. In fact, I'll go to the opposite extreme. I'm not just going to kiss the Blarney Stone; I'll put my arms around it and embrace it. The Irish are a wonderful people. In fact, there's nobody in the world quite like them. Don't take my word, take theirs. As the resolution creating this society in 1812 informs us, the Irish possess "traits with which it has pleased God to distinguish them from other peoples on earth."

Well, the Lord certainly made them different, I'll agree. There is a story that on the third day of creation Ireland had just been completed and the Lord Jehovah was so impressed with His masterpiece that He stopped to admire it. He could not help but brag about it to one of the archangels. And no wonder. For there had come into existence an enchanting land of verdurous hills and mountains, misty vales carpeted with shamrock and turquoise lakes and streams—in short, the incomparable Emerald Isle.

"But is it fair," the archangel asked, "to favor one little island so much?" The Lord Jehovah thought a moment and replied, "Just wait 'til you see the kind of people I'm going to put down there."

But whether for good or bad, or better or worse, has it ever occurred to you how much Ireland and the Irish people possess in common with our own South and with Southerners? They are both lands scarred by the ploughshare of war and billowed by the graves of patriot dead; they are lands of legend, of song, and tears and folly; lands of lost causes; lands inhabited by proud people with long, sometimes too bitter, memories; lands peopled by men with a heritage of courage; a traditional willingness to stand up for their rights and to fight for what they believe to be just, no matter what the odds.

And my reference to these Irish traits—unwillingness to be walked over or run over, and quickness to resent insult, brings me at last to my subject.

Here I have gone and talked 8 minutes without mentioning it once. I am like the lawyer who was arguing a client's case for the repossession of three goats. After he had spoken to the jury at length the client tugged at his sleeve and complained, "For 1 hour, counsellor, you have talked of nothing but the glory of ancient Greece and Rome, the wisdom of our Founding Fathers, the nobility of General Lee and the majesty of the law, please, in God's name, say something about my three goats."

And I shall. For my theme tonight is that the United States is being made a goat of all over the world.

Look almost anywhere and what do we see? We see the Stars and Stripes torn down; our consulates and embassies raided or bombed; our country shoved around by banana republics; our citizens insulted and killed; American property destroyed; our motor convoys held up; our fishing boats machinegunned; our planes brutally shot down when they innocently stray over foreign borders—a complete lack of respect in widely scattered areas of the world for the most powerful nation that has ever existed.

As former Ambassador Taylor puts it, "The most popular outdoor sport in the world today is to take a sock at Uncle Sam and then laugh when you get away with it."

There are those who contend that these incidents, painful as they may be, add up to nothing really serious, being part of the price of free world leadership. But there are others who believe, and count me among them, that these widespread afflictions and indignities are symptoms of a dangerous sickness in America's manner of conduct of its foreign affairs during the past 20 years.

First, there is the strong influence upon our foreign policy in the way of the traditional hostility of our executive and our State Departments to colonialism in any form. We have a mortal fear of anyone calling us imperialistic. Our policy abroad is marked by an obsessive sympathy for nationalism among backward peoples. To make the world safe for democracy we give our moral support to the French being chased out of Indochina, the English and French out of the Suez, the Dutch out of the East Indies, the Belgians and the Portuguese out of Africa.

It is easy to say that the "winds of change" blowing over the world in recent years would have ended colonialism. While the blame is by no means ours alone, the United States encouraged, if it did not accelerate, the trend. And what have we gotten out of this starry-eyed idealism?

They that sow the wind shall reap the whirlwind. We unloosed chaos in upstart countries wholly unprepared for self-governance or membership in the family of nations. Pandora's box was a hope chest compared to the one we opened up. In destroying governmental responsibility in so-called emancipated areas, we created a vacuum of power into which communism is flowing.

And what do we get from Congo, Ghana, Kenya, Zanzibar and some of these other mumbo-jumbo nations we finance and foster? I'll tell you. "All we [get from them] is a rock through the windshield, a spit in the eye, a fire in the Embassy, a dead soldier on the ground, and a bill for the damages."

The second area of our foreign affairs I wish to explore briefly is the watering down of America's sovereign power and its ability to act in its own interest by virtue of its membership in the United Nations. Of the 113 members of that organization more than two-thirds are what are called underdeveloped nations. They contribute only 5 percent of its annual expenses against our 32 percent. Yet each of them has a voice equal to our own in the General Assembly.

And do not suppose that their collective voice is a small one in the world auditorium in New York that we furnish practically free of charge to them. Our U.N. delegation is acutely responsive to their feelings and it votes accordingly in the General Assembly. When we permit the United Nations to resolve our foreign problems they will never be resolved to the full extent of the self-interest of America.

That the United Nations serves some useful purposes in the mid-20th century will not be denied by any thoughtful person. But if the price we must pay for membership reduces America to the status of a giant fettered to earth by liliputian countries we can ill afford it.

To move into a third area of our foreign affairs, some of our troubles are traceable to treaties that prevent or deter the United States from taking decisive action where its vital interests are involved in the Western Hemisphere. I speak particularly of treaties governing our relations with Latin America that tie the hands of this country and handicap it in dealing with the communistic takeover in that area.

Khrushchev insultingly warns us to lay off Castro. The truth is that there is serious doubt whether we can legally take unilateral action against Cuba because of our participation in the Inter-American Treaty of Reciprocal Assistance, adopted in 1947, prohibiting attack or aggression by one member nation against another.

Intervention other than by collective action would violate the spirit if not letter of these pacts. If there is one rule of foreign policy which should govern a major power, it is to keep itself free in protecting its own vital interests within the sphere in which it is dominant. What we have done is practically throw the Monroe Doctrine out of the window.

Meanwhile Havana daily solidifies itself as the capital of communism in the Western Hemisphere and as a training school for Red saboteurs and terrorists who infiltrate other Latin American nations. We shall perhaps perceive too late that force, not altruism, will prevent a communistic takeover in South and Central America.

Fourthly and lastly, our foreign policy is too much influenced by our desire to create a good world image; by our apprehension of what others may think of us rather than what is best for us. "Our State Department and the President," Senator TALMADGE recently stated, "apparently make decisions affecting our foreign policy on what they think world opinion favors or what they think world opinion will dislike."

This fear of what foreigners may think affects even America's policies at home. We are constantly admonished that we must reform our domestic patterns of life so as not to displease inhabitants of other nations—inhabitants of nations whose own foreign and domestic policy, as far as I can make out, is, "If you can't beat 'em, eat 'em."

In its effort to win friends and supporters abroad, the United States had adopted since 1947 the policy of the purchase of good will through a foreign aid program, under which, up to the present time, we have given away 108 billions of American tax dollars.

All too frequently we are purchasing nothing more than the precarious good will of potential ingrates. Too many recipients of our generosity take our money with one hand and slap us in the face with the other.

Our multibillion-dollar foreign aid program is a luxury we cannot permanently afford. A foreign policy that reduces itself to trying to defeat world communism by giving a handout to every hand out, in the end, defeats nothing but its own purpose.

Such are four phases of America's policy (or perhaps I should say impolicy) that contribute to some of our troubles abroad. I ask you to remember only one word tomorrow that I have said in the way of critical comment—one word only. It is spelled out by using the first letter of each of the four areas of foreign policy I dealt with tonight. N—N is for nationalism and America's obsession for countries that think a tribe can become a nation by putting a tophat on its medicine man; U—U is for United Nations to which we delegate an important say-so in our attitudes, problems and policies; T—T is for treaties that restrict this Nation's freedom of action in combating Communist hegemony in the Western Hemisphere, and S—S is for sucker which is what we are when we make our own interests secondary to a popular world image and when we suppose we can purchase the defeat of communism by a giveaway program.

And this brings me back to where I started—the present-day troubles of the United States abroad and the sorry spectacle of Old Glory serving as a doormat for bush league nations; a Vice President of the United States stoned and spat upon and the same ugly catalog of humiliation I earlier recited.

And what do we do about it? It is a familiar pattern. We talk tough the day after the incident occurs and deliver "a sharply worded protest." Then a couple of days later we decide that the incident didn't amount to very much after all or that the guilty parties didn't really mean it or that we are helpless to do anything except increase our economic aid to whoever kicked us in the teeth.

Where firmness is demanded, we get timidity. Where decision is required, we get vacillation. Where insistence upon our rights is necessary, we get negotiation and appeasement. And we always get another brickbat through an embassy window.

Our foreign policy is too often only the lengthened shadow of our scary-cat Washington and U.N. diplomats with about the same sort of results one would expect from a State Department willing to play pimp and panderer for a playboy potentate.

No one wants hotheads running our foreign affairs but we don't want eggheads doing it either. When our policymakers tell us that the grand design of our foreign policy is to strengthen free governments and improve the economy and trade of less favored nations and through negotiation, conference, and reasonableness eventually build the kind of world Americans want to live in, I say that they are not just way out in left field, they are holed up in some marihuana joint outside the ball park.

All that they are doing is building a world image of Uncle Sam as a softheaded, softbellied, softhearted fool. The poor old fellow has turned his other cheek so often to his malefactors he has almost worn out the bone on which his head rests.

I would not oversimplify complicated matters but surely this country, short of war, can demand and obtain respect for its flag, representatives, and its citizens abroad. Any major power which does not, in its relations with other nations, have that as its very first objective has no foreign policy, it has only scorn and insult and eventual catastrophe. If systematic humiliation is the price of peace the cost will become, in the end, too dear.

If the Hibernian Society still followed the custom of speakers proposing formal toasts I would give you as I close:

"The United States of America—may its symbol never be a chicken grovelling on the ground; let it be, now and forever, the soaring eagle with eyes to the sky."

SPECIAL PRIVILEGES

Mr. TALMADGE. Mr. President, there has been considerable discussion recently about mail to Senators in opposition to the so-called civil rights bill now pending before this body. Senators supporting this legislation seem to register surprise and alarm at finding out that this bill does not have the wholehearted support of their constituencies.

It has been interesting to me to see citizens who have sent these letters opposing H.R. 7152 written off as either grossly misinformed or cranks, or both. Of course, this is always a fairly simple way to dispose of the opinions of those who disagree with you.

I have also had mail, and the latest calculation shows that it is running more than 20 to 1 against the so-called civil rights bill. I believe this would be reflected nationwide if the American people were given the opportunity to become fully aware of the harsh provisions contained in this legislation. I am pleased by indications that the citizens are becoming more and more informed about this bill as each day passes.

As to my mail, I would like to say that it has not come from haters, or from cranks, or from misinformed citizens. Almost to the letter, my mail has come from good Americans, from good people who are sincerely and honestly concerned with the preservation of individual liberty.

They see through its pretenses. They know from whence it came. They know it is not a bill to protect anyone's civil rights. They know it is a bill to grant vast dictatorial powers to the Federal Government.

And consequently, they are concerned. They fear for their rights and liberties. They wonder what will become of private property if this bill is enacted, or indeed what will become of any kind of privacy?

They are not misinformed. They know that this bill would deprive the vast majority of the people of America of their real civil rights, while conferring special privileges upon special classes.

One letter expressing such concern came from Mr. Olin Miller, a writer of Thomaston, Ga., who succinctly put his finger on the nature of this legislation.

Mr. Miller's was a very brief letter. But in just a few words, he went straight to the heart of H.R. 7152, and correctly branded it as a special privileges bill which does more to take away than to give.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THOMASTON, GA.,
March 15, 1964.

Senator RICHARD B. RUSSELL, JR., and
Senator HERMAN TALMADGE,
Washington, D.C.:

Why not call the misnamed civil rights bill the special privileges bill?

Under present laws, any citizen of the United States has identically the same civil rights, of course, that any other citizen has.

This special privileges bill would not add to or strengthen civil rights; it would grant to any citizen (of any race, creed or color) the special privilege of going into any non-tax-supported place of business, service, entertainment or worship, and to intrude into many areas and in many circumstances in which his presence is not wanted, because it would be detrimental, and to demand that he be received and treated equally with customers, clients, communicants, or participants who are welcome—with the backing of the Federal Government that his demand be complied with.

This special privileges bill not only would not add to or strengthen civil rights, but it would deprive a large portion of the citizens of the United States of the important and basic civil right of choosing whom they serve in a business capacity (which in itself would seriously weaken property rights) and whom they associate with in social pleasure and religious activities.

Respectfully,

Olin Miller.

BYELORUSSIAN INDEPENDENCE

Mr. SCOTT. Mr. President, on March 25, 1918, Byelorussia declared its independence and was recognized by other nations as a sovereign state. But in January of 1919 the new republic was crushed by the Red Army and proclaimed a Soviet Republic.

Byelorussia, an example of a small and weak nation seeking its own identity as a sovereign state, was crushed by nations with superior strength whose concept of right was might. Since 1918 she has been overrun by three powers who disregarded the Byelorussian's desire for a government by consent of the people.

In 1945 Byelorussia became a member of the United Nations as an integral part of the U.S.S.R. and not as a sovereign state. Byelorussia's membership in the U.N. has not helped the people of that land come any closer to freedom and independence.

March 25, the 46th anniversary of the proclamation of independence of the Byelorussian Democratic Republic will not be formally celebrated in Byelorussia, but Byelorussians in the free world will mark this day.

We in the United States should commemorate this independence day to remind the world that we have not forgotten the heroic efforts of the Byelorussian people to gain their rightful place among the free nations of the world.

THE CONTRIBUTIONS OF GREECE TO THE UNITED STATES PAST AND PRESENT

Mr. SCOTT. Mr. President, Greece will celebrate the 143d anniversary of its independence on March 25. This day has special significance to the United States and to the rest of the world.

Civilization owes a great debt to Greece, who has made important contributions to religion, philosophy, science, the arts, education, sports, and politics.

Greek concepts of democracy and of republics had much to do with the philosophy of government for all free nations of the world. Greece left the world a model for leaders of democracy to follow. This political philosophy is reflected by our Constitution.

Greece has continued to make important contributions to free societies right up to the present. The United States greatly benefited from those Greeks who have come here over the years and joined our melting pot. These people are outstanding citizens and leaders in all important fields of endeavor.

In two wars the Greeks fought on the Allies' side. After the Second World War, modern Greece began the long hard struggle to build up her war-torn country and simultaneously fight the Communists who sought to undermine her democratic system of government. Today, Greece is a stanch ally of the United States, a member of the Western Alliance system and dedicated to the principles of a free society.

The democratic concepts that were so carefully nurtured and protected by Greece were demonstrated by the latest elections: 76 percent of all registered voters cast ballots in the general election.

It is a special source of pride to me that I was awarded Commander of the Royal Order of Phoenix from the King of Greece. It is an award from a nation that cherishes its freedom, because it has fought long and hard to preserve it and has made major contributions to the freedom of others throughout the world.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. Mansfield that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 99 Leg.]

Aiken
Bartlett
Bayh
Beall
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. Church], the Senator from South Carolina [Mr. Johnston], the Senator from Oklahoma [Mr. Monroney], the Senator from Utah [Mr. Moss], the Senator from South Carolina [Mr. Thurmond], and the Senator from Oklahoma [Mr. Edmondson] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson] and the Senator from California [Mr. Engle] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. Allott] and the Senator from Kansas [Mr. Pearson] are absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from Delaware [Mr. Boggs], the Senator from Arizona [Mr. Goldwater], the Senator from California [Mr. Kuchel], the Senator from New Mexico [Mr. Mechem], and the Senator from Wyoming [Mr. Simpson] are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

PROPAGANDA MAILED TO LIONS CLUBS

Mr. JAVITS. Mr. President, I wish to make a brief statement in regard to a matter which has come to my attention in connection with the debate on the civil rights bill. I did not refer to it in the morning hour, because it is directly pertinent to the debate on the civil rights bill.

Mr. President, of all the methods being used to bombard the people of this country with erroneous and inflammatory interpretations of the current civil rights bill, none is more nefarious than the effort to use legitimate and honorable organizations as a screen of respectability for such a campaign. One organization now being victimized by this sort of propaganda is the Lions International, one of our finest and most hard-working organizations for community betterment.

Mr. William Bird, secretary of the Lions International, with headquarters in Chicago, last night confirmed to my office that anti-civil-rights propaganda had been mailed to Lions members in many parts of the country by a Lions club in Mississippi, and that at least one Lions club official resigned in protest some months ago.

Mr. Bird said the Mississippi club was told to refrain from using Lions club lists or directories to mail this sort of material. But even now, however, Lions club officers are receiving a new dose of anti-civil-rights material, and are being urged to disseminate it as a means of earning money for their local charity funds. Certainly it is a rather grim anomaly to ask that proposed legislation, which would provide justice and equal opportunity, be defeated in the name of earning charity funds.

I have been informed that Lions Club officers have received these letters from a Mr. W. H. M. Stover a resident of Washington, D.C., and that they contained:

First. A proposal to join a project and crusade plan, which, according to Mr.

Stover, could net each club between $500 and $1,500 in 10 to 15 days, by distributing Mr. Stover's yet-to-be-published book.

Second. A copy of a "Memo From a Businessman to His Associates and Friends."

This memo reads in part as follows:

> Should the Senate approve and pass the House version (of the civil rights bill) you no longer control hiring, firing or even determine the type of person you employ.

Mr. Stover is thorough in suggesting that businessmen receiving this memo place it on their bulletin boards, send it as a letter to their local editor, mail copies to key businessmen, and give copies to each staff member. But he did not mention that businessmen in 26 of our 50 States already work under fair employment practices acts, many of them more stringent than the FEPC provision in the present bill, and that the businessmen in the main industrial States of the Nation, including Illinois, New York, Pennsylvania, have not lost the right to hire or the right to fire.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CLARK. I believe it would be helpful to have printed at this point in the RECORD the names of the 26 States which now have on their statute books fair employment practices legislation. If the Senator from New York is willing to have me do so, I shall ask unanimous consent that the list be printed in the RECORD.

Mr. JAVITS. Certainly.

Mr. CLARK. Mr. President, I so request.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

> The following States have fair employment practice laws: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin.

Mr. CLARK. I believe it should also be noted that many State laws go considerably further than title VII of House bill 7152. Many State laws provide criminal penalties for violations, and have broader coverage, and give enforcement powers to quasijudicial agencies, whereas House bill 7152 does not provide criminal penalties, is restricted to establishments which affect interstate commerce and which have 25 or more employees, and gives enforcement powers to the Federal courts. I believe these differences should be noted; and I hope the Senator from New York agrees.

Mr. JAVITS. I do; and I have already said that many State laws are more stringent than House bill 7152.

The letters mailed to Lions Club officers also contained a copy of chapter 13 of Mr. Stover's book—which he urges Lions Clubs throughout the country to sell as part of his project and crusade.

This chapter conveys the studied implication that 55 percent of the Members of the U.S. House of Representatives knowingly "sold the majority and their rights down the stream, under duress, and pressure, and coercion, and greed—all in favor of a minority." This, because the House passed the civil rights bill by a vote of 290 to 130.

According to this chapter of the book, which Lions Club members have been asked to push for charity, there were "approximately 240 Members of the House of Representatives who voted 'yes' against their convictions, or their conscience, or both."

While there are names to describe men who discard their principles under pressure, Mr. Stover does not use all of them. But he uses enough. He asks:

> Why was this shameful thing done by the Congress of the United States? Have our Representatives become patsies, pussyfooters, pushovers? * * * Why the connivance, and collusion, and the sellout? Was it too much demagogery, or too many Negro delegates camped outside the House Chamber, or too much L.B.J. arm twisting, or all three?

It apparently never occurred to the author of this crusade—and book sale—to check the number of Representatives who voted for civil rights legislation in 1957 and 1960. He might have found that since 288 Representatives voted to insure the rights of all American citizens in 1960, and 286 voted the same way in 1957, these same men—when they passed the bill which is now coming before the Senate—were following a previously set path of justice to minorities, upon whom they did not turn their backs. On the contrary, they stood by their consciences and their convictions.

In conclusion, I am sure that most of the Lions Club officers throughout this country will immediately reject the use of any part of their organization as a front for the dissemination of this type of propaganda. But the very fact that they are subjected to such material because their name happens to be in an organization's directory or on a mailing list, requires disclosure so that all may be warned.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TALMADGE. Mr. President, a careful study of the so-called civil rights legislation is imperative in order to ascertain whether it would actually deprive our citizens of more rights than it purports to give to anyone.

I submit that that is the case. The force legislation now pending before this body would not bestow any rights upon any citizens which they do not now have guaranteed to them in the Constitution, in the Bill of Rights, or in the laws of the United States already on the books.

On the other hand, the pending proposals would do violence to our constitutional Government. They would deprive citizens of the United States of their cherished individual liberties. Freedom of association as envisioned by our Founding Fathers would be a thing of the past. These proposals would destroy what precious little remains of the Federal-State relationship as explicitly provided for in our Constitution. The 10th amendment would in effect be repealed. The last vestiges of States' rights would be virtually wiped away. The executive branch of the Government would be given far-reaching and dictatorial powers repugnant to the principle of our republican form of government.

I have prepared a thorough legal memorandum of these proposals, and at this time I should like to state to the Senate why the proposed legislation is unnecessary, unconstitutional, and unwarranted.

First, however, I wish to read to the Senate the text of H.R. 7152, the so-called civil rights bill of 1963. It is my feeling that if the citizens of our country would read the bill and were fully aware of its far-reaching proposals, they would rise up and insist upon its defeat. I now proceed to read H.R. 7152, as passed by the other body:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as "The Civil Rights Act of 1963".
>
> TITLE I—VOTING RIGHTS
>
> SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:
>
> (a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:
>
> "(2) No person acting under color of law shall—
>
> "(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;
>
> "(B) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or"——

COMMUNICATION SATELLITE CORPORATION

Mr. GORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my friend the Senator from Tennessee.

Mr. GORE. I asked the Senator to yield because I wished, if he would so permit, to read one paragraph from today's issue of the Wall Street Journal.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from Tennessee to read from the Wall Street Journal without prejudice to my right to the floor in any way.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, on page 1 of today's issue of the Wall Street Journal I find the following paragraph under the heading of "What Is News";

> WASHINGTON.—An effort to land the Defense Department as a major customer is pushing Communications Satellite Corp. toward adoption of a satellite network designed either by American Telephone & Telegraph Co. and Radio Corp. of America, working together, or by Ford Motor Co.'s Philco Corp. subsidiary.
>
> The satellite corporation has made considerable progress toward agreement with military authorities on a combined military-commercial satellite network, Joseph V. Charyk, president, told a House Government Operations Subcommittee. Under such an arrangement, he said, the Defense Department would lease up to half the capacity of the basic global communications system.

Mr. President, this is a remarkable and bizarre development. The taxpayers of the United States have financed the research and development for satellite communications almost 100 percent. The Congress, despite the opposition of the senior Senator from Tennessee and others, enacted a bill giving to the Satellite Communications Corp.—a corporation organized for profit—the exclusive commercial use of this medium of communication. This was wrong in principle and in fact.

Nevertheless, as the bill was being considered, the Senate was advised frequently that the national Defense Department could develop its own satellite communications system, using the facilities which the Government itself had developed, because of the heavy load that would be required. But now what do we see? Having developed satellite communication, having developed the capacity to place satellites in orbit, and having granted a monopoly for the commercial use of such facilities, we now find the Pentagon on the verge of signing a contract which, according to the president of the Satellite Corp., will make it a user of more than half of the payload.

Thus, the Government develops the capacity to launch communication satellites, we give it away, and then the Government of the United States becomes the biggest customer, paying for its use.

The Congress should reconsider the Satellite Communication Act. It should be repealed promptly.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield further to the Senator from Tennessee for questions or a colloquy with the distinguished Senator from Texas, without prejudice to my rights to the floor in any way.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GORE. I yield to the Senator from Texas.

Mr. YARBOROUGH. I propound this inquiry to the distinguished senior Senator from Tennessee: Is it not true that the U.S. Senate was promised time after time that the Defense Department, the military department of the United States, would not pay out money to the satellite communication system, but that the telephone system, being built for telephone companies by governmental gift, was solely for private use, and that the military department would develop its own satellite system and use its own satellite system, in order to save the taxpayers the money, so they would not have to pay money into the private satellite communication system that was created and given away by the Congress? Was it not upon that representation that the Senate of the United States passed the satellite communications bill?

Mr. GORE. The bill itself contained a specific provision reserving from the giveaway provisions of the bill the right of the Defense Department to provide its own security communications system. Whether the Senate acted as a result of this provision, I do not know; but it acted upon a bill containing such a provision, after many assurances were given to the Senate that the Defense Department could reserve the right to build its own security communication system.

Mr. YARBOROUGH. Was not the Senate assured time after time that the taxpayers of the United States would not have to pay "through the nose" in defense expenditures, through the satellite system, but that the Defense Department would build its own, which could be operated for the protection of the American people and at a saving to the taxpayers?

Mr. GORE. The records of the debate and the committee report and the hearings are replete with references to use of the satellite communications system by the Government itself, without having to pay, as the Senator has said, "through the nose." But now it is about to do so. Even the Pentagon itself, according to the president of the satellite corporation, will contract for more than half the commercial load.

What about the other Government agencies? The U.S. Government will be the overwhelming user of satellite communications, and thus we will pay for the use of what we have given away.

Mr. YARBOROUGH. I propound this further question to the distinguished senior Senator from Tennessee: Did not the hearings further reveal that 80 percent of the use of the space communications system contemplated for the future would be by the U.S. Government, through the military, through weather forecasting, through research, and through other Government research uses?

Mr. GORE. The Senator from Texas is a member of the committee which held the hearings. I am unable to confirm that particular statistic. I take it, from the question, that the Senator from Texas knows that to be a fact.

Mr. YARBOROUGH. It is a fact.

I ask the distinguished senior Senator from Tennessee this further question: After the assurances given us in committee, and after the assurances given Senators on the floor of the Senate, that the Defense Department would operate its own system of space communications, with its own satellite system, is it not a betrayal of the promises made to the Senate for the executive agencies to sign a contract with the giveaway corporation to make the taxpayers pay for military messages sent through this giveaway, private corporation?

Mr. GORE. Indeed so. I point out that the "showpiece" of satellite communications is an occasional intercontinental television show.

Mr. YARBOROUGH. That is the sop for the people, to make them swallow this giveaway.

Mr. GORE. This is not where the making of money is involved; the money is involved in telephone and message transmission. That is where the enormous profits will be made. That is where the U.S. Government gave away uncounted billions of dollars in the use of this asset, which was developed through the skills of our engineers and our scientists, paid for by the taxpayers of the United States.

Mr. YARBOROUGH. I ask this further question of the distinguished senior Senator from Tennessee: Did not the space communication satellite bill provide for the first private monopoly ever created by an act? Was it not the first private corporate monopoly in one corporation ever created by an act of the Congress, and the only one in our history up to today?

Mr. GORE. It is the only one I know of. I hope the precedent is not followed. I would like to see this one repealed.

Mr. YARBOROUGH. I concur with the distinguished senior Senator from Tennessee. I hope this evil example is not followed in the future, and that we shall not enter into the practice of granting to private corporations a complete monopoly in any one field. That was done under the medieval cartel system that was broken up with the advance of the industrial revolution. Permission was given to one interest to produce one type of goods. That was the cartel system, the guild system, of the Middle Ages. The industrial revolution broke up that system as a result of increased productivity. Now we are reverting to it. I think it is a bad thing for our social, economic, and political system that we are picking up the practices of the Medieval Ages that were proved a century ago to be outmoded in a modern industrial complex.

Mr. GORE. I call one additional factor to the Senator's attention. The Senate was told, during the debate, that passage of the Satellite Communications Act was necessary to facilitate the development of a global system of satellite communications.

The Satellite Communications Corp. is not even undertaking to establish a global system of satellite communications at its own expense. They are striving to use the Government of the United States to develop a high payload satellite communications system in the North

Atlantic community. The United States needs satellite communications to project a true image of America to the uncommitted portions of the world. The Satellite Communications Corp. is sitting on its hands, in this regard. And why not? It is organized for the profit of the stockholders of that corporation and not to further the national interests of the United States.

Mr. YARBOROUGH. And who are the stockholders of that corporation? Under the law, they would be divided. Was not the private company to be given control of the Satellite Communications Corp., and permitted to buy a majority of the stock in the private corporation, thereby reaping majority profits out of it?

Mr. GORE. I believe that to be true. Yet a global system of satellite communications cannot come into being except with the consummation of agreements and treaties between the United States and many other nations. This private corporation is not equipped to conduct the foreign policy of the United States. It is not equipped to enter into agreements for its own benefit, but on behalf of the U.S. Government, yet that is the projected pattern. Even so, it has had remarkably little success in establishing these agreements.

Mr. YARBOROUGH. I commend the distinguished Senator from Tennessee for calling this breach of faith to the attention of the Senate.

I thank the Senator for yielding to me.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TALMADGE. Mr. President, I return to the reading of the bill:

> "(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual wholly in writing except where an individual requests and State law authorizes a test other than in writing, and (ii) a certified copy of the test whether written or oral and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88).
>
> "(3) For purposes of this subsection—
>
> "(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;
>
> "(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."
>
> (b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election."
>
> (c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":
>
> "(f) When used in subsections (a) or (c) of this section, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives."
>
> (d) Add the following subsection "(h)":
>
> "(h) In any proceeding instituted in any district court of the United States under this section the Attorney General or any defendant in the proceeding may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. A copy of the request shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge) of the circuit in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.
>
> "In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.
>
> "It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

Mr. ERVIN. Mr. President, will the Senator from Georgia yield to me for questions at this point, provided that he is assured he will not, by so doing, lose his privilege of the floor, or have his subsequent remarks counted as a second speech on the motion to take up?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator agree with me that when this country was established it was founded on the proposition that we should have a government of laws rather than a government of men?

Mr. TALMADGE. I certainly share that view.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me that the provisions of the bill which he has just read, beginning on page 4, line 15, and ending on line 24, page 5, are not absolutely incompatible with the theory that we have a government of laws rather than a government of men?

Mr. TALMADGE. The Senator is correct. It would permit the Attorney General to shop around to secure favorable judges to his liking who would do his bidding.

Mr. ERVIN. Does not the Senator from Georgia believe that that is a substitution of rule by the caprice or whim of the Attorney General for the rule of law?

Mr. TALMADGE. The Senator is absolutely correct, particularly when we consider the fact that the Attorney General in most instances recommends the appointment of these very judges that he selects to the President of the United States.

Mr. ERVIN. I should like to ask the Senator from Georgia if he does not agree with the Senator from North Carolina that the question whether a case should be tried by a one-judge court or by a three-judge court should depend upon a specific act of Congress rather than upon the caprice or whim of the Attorney General or any other Federal official.

Mr. TALMADGE. I fully agree with the conclusion of the Senator from North Carolina. It is a dangerous thing to let the Attorney General of the United States determine whether he wants a three-judge tribunal or a one-judge tribunal before which to try a case, and to give him the power to select a judge who will do his bidding.

Mr. ERVIN. Does not the Senator from Georgia believe that the doctrine of a government of laws rather than a government of men, as applied to the judicial branch of the Government and to the law enforcement function of the Government, clearly contemplates and requires that the rights and responsibilities of citizens and litigants shall be determined according to uniform laws, applying alike to all men in like circumstances?

Mr. TALMADGE. I fully agree with that statement.

Mr. ERVIN. Does not the Senator from Georgia also agree that any just system of laws requires that all cases of a specific nature shall be tried in the same court according to a uniform procedure?

Mr. TALMADGE. I agree; that should be done regardless of the Attorney General's views.

Mr. ERVIN. Is it not true that until the bill becomes law—and we trust that calamity will not befall our Nation—the jurisdiction to try so-called voting rights cases is reposed in the U.S. district courts throughout the Nation?

Mr. TALMADGE. That is true.

Mr. ERVIN. Is it not true that if this provision were enacted into law, the question of where those cases shall be tried would depend solely upon the desires of the Attorney General or defense counsel?

Mr. TALMADGE. That is quite true.

Mr. ERVIN. I ask the Senator, in this connection, if the bill does not have other provisions which are absolutely inconsistent with the theory that the rights and responsibilities of the people should be determined in judicial proceedings, in which uniform and certain laws apply in like manner to all men in like circumstances.

Mr. TALMADGE. That is quite true.

Mr. ERVIN. I call the Senator's attention to a somewhat related passage, namely, title IX, at page 51 of the bill, which reads as follows:

> SEC. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:
>
> "An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

Has not the Senator from North Carolina read that provision correctly?

Mr. TALMADGE. The Senator has.

Mr. ERVIN. I should like to ask the Senator from Georgia if this does not give one side in a case a right of a procedural nature which is denied to the other side?

Mr. TALMADGE. That is quite true.

Mr. ERVIN. The provision relates, does it not, to the right of removal of so-called civil rights cases from a State to a Federal district court

Mr. TALMADGE. It does.

Mr. ERVIN. Does it not provide that if there is a motion made to remand a case from the U.S. district court to a State court and the motion is granted, the defendant can appeal, but the plaintiff cannot appeal in case the motion is denied?

Mr. TALMADGE. That is quite correct. It requires him to shoot with loaded dice.

Mr. ERVIN. Has it not been the claim of the proponents of the bill that the bill is designed to produce equality?

Mr. TALMADGE. The bill is designed to produce favored or special rights for a favored group.

Mr. ERVIN. Has it not also been claimed by the proponents of the bill that the bill is designed to secure speedy action?

Mr. TALMADGE. Title I, which I have read, directs the Attorney General to act with speed on this particular voting rights bill. I know of no other section of the law which directs a court to give priority to certain cases, to the exclusion of other cases.

Mr. ERVIN. How can anyone possessing any intellectual honesty say that the bill produces equality of rights, when the bill gives the defendant the right to appeal and denies the plaintiff the right to appeal?

Mr. TALMADGE. There is no equality there.

Mr. ERVIN. Is it not contemplated that this provision shall apply to such cases as rioting in the name of so-called civil rights?

Mr. TALMADGE. Yes.

Mr. ERVIN. When a State attempts to enforce the criminal laws of the State against such people, they will file a petition for removal of the case to the Federal court. Is that correct?

Mr. TALMADGE. It denies to local and State courts the power to protect the property and citizens of their State in their own courts. It gives to the Federal Government the power to deny them that jurisdiction, and vests it in a Federal judge.

Mr. ERVIN. Under title IX, the State, which may institute such prosecutions in an effort to protect the lives and property of its citizens and enforce its criminal laws against its own citizens for actions done within its own borders——

Mr. TALMADGE. And in conformity with its own laws.

Mr. ERVIN. The State would be denied the right to appeal from the refusal of its motion to remand the case to the State court, but the adverse parties would be permitted to appeal from an order to remand. Is that correct?

Mr. TALMADGE. The Senator has correctly interpreted that statement.

Mr. ERVIN. Does the Senator from Georgia agree with the Senator from North Carolina that whoever drew this section does not believe that what is sauce for the legal goose should be sauce for the legal gander?

Mr. TALMADGE. Whoever drew it certainly does not believe in the equal protection of the law and in equality before the law. It is a provision which Adolf Hitler in his heyday might have devised for his own personal benefit.

Mr. ERVIN. Does not the Senator agree with the Senator from North Carolina that granting this right, in the nature of the right to appeal from an interlocutory order, would prevent States from bringing a citizen of the State to justice for a violation for months, and even years, while the appeal of the defendants is undetermined?

Mr. TALMADGE. It is entirely possible.

Mr. ERVIN. Does not the Senator from Georgia agree with the observation that under this provision the parties could secure the removal of a case from a State to a Federal court, even though they had no sound basis for so doing, and that the Federal judge in ruling on a motion to remand could actually find that there was no foundation whatsoever for the removal, but yet, under this provision the State court would be powerless to have justice administered, without the most extreme delay?

Mr. TALMADGE. The Senator is entirely correct. If this particular provision were invoked, it would destroy the power of the local and State courts throughout the land.

Mr. ERVIN. Does not the Senator believe that there is no better way for Congress to bring the laws of the Nation into contempt than to have one law for one man and an entirely different law for another man in like or comparable circumstances?

Mr. TALMADGE. I share that view fully.

I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from New York.

Mr. JAVITS. I heard with great interest the Senator's comment about the judges of the district courts, with the Senator indicating, if I am not mistaken, that because the Attorney General recommended them to the President for appointment, perhaps they might have some feeling about what the Attorney General came into court to do. I should like to ask the Senator's comment on this news item. It comes from Jackson, Miss., and it appeared in the New York Times of March 9, 1964. It relates to the first judge appointed by President Kennedy under the 1961 law expanding the number of Federal judges, and to a proceeding before that judge by, apparently, the U.S. Attorney seeking under the Civil Rights Acts of 1957 and 1960, to require the Madison County voter registrar to handle Negro applicants more expeditiously. This is the way the judge is quoted. I shall be glad to hand this news item to the Senator:

> At yesterday's hearing Judge Cox, the first judge appointed by President Kennedy under the 1961 expansion of the Federal judiciary, repeatedly referred to Negro applicants as "a bunch of niggers."

I continue to quote from the article:

> Judge Cox agreed that "it is all right for them to get in line if they want to. I guess." He said, however, that it seemed "most of them were just grandstanding; they ought to be in the movies instead of being registered to vote."
>
> "Who is telling these people they can get in line and push people around, acting like a bunch of chimpanzees?" he asked.

I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 9, 1964]

JUDGE DUE TO RULE ON SUIT TO SPEED UP NEGRO REGISTRATION

JACKSON, MISS., March 8.—Federal District Judge Harold Cox is expected to rule Wednesday on a Justice Department suit to speed up the processing of Negro voter applicants at Canton.

The judge has criticized the registration drive as "grandstanding." He took no action yesterday on a request by John Doar, Department attorney, that he immediately order L. F. Campbell, Madison County voter registrar, to handle at least six Negro applicants at a time.

At yesterday's hearing Judge Cox, the first judge appointed by President Kennedy under the 1961 expansion of the Federal judiciary, repeatedly referred to Negro applicants as "a bunch of niggers."

He said he was interested in eliminating discrimination in the registration of voters, "but I am not interested in whether the registrar is going to give a registration test to a bunch of niggers on a voter drive."

More than 200 Negroes tried to apply for registration at Canton on a "Freedom Day," February 28. Judge Cox said it "appeared that these people went to a church and were pepped up by a leather-lung preacher,

> and they gathered in the streets like a massive dark cloud and descended on the clerk."
>
> Mr. Doar asked the judge where he had received such information.
>
> "From the newspapers," he replied.
>
> Mr. Doar contended "there is nothing un-American about registering to vote," and "I think it is quite proper for people to assemble to do it."
>
> Judge Cox agreed that "it is all right for them to get in line if they want to, I guess." He said, however, that it seemed "most of them were just grandstanding; they ought to be in the movies instead of being registered to vote."
>
> "Who is telling these people they can get in line and push people around, acting like a bunch of chimpanzees?" he asked.
>
> The Justice Department suit charged that Mr. Campbell had handled only 1 Negro at a time and processed only 6 of more than 200 Negro applicants who appeared February 28.
>
> Judge Cox took the arguments under advisement and asked further information before ruling on a temporary injunction.

I ask the Senator whether he feels that that judge, appointed by the Kennedy administration, would be solicitious if the Department of Justice brought a case before him under this act; and otherwise what the Senator would think about that kind of judicial conduct in a case of this character.

Mr. TALMADGE. The Senator from New York is not asking me about the bill on which the Senate is expected to vote, but about an alleged newspaper report of what some judge may or may not have said. I know nothing about what the judge said. If he made the statement that the Senator says the article attributes to that particular judge, I do not condone it. Of course, not all judges would be completely responsive to the wishes and whims of the Attorney General. However, human nature being what it is, a man who is selected for a judicial post and is appointed for life at a high salary would be inclined to follow the suggestions of those who placed him in that position of power.

Mr. JAVITS. If the Senator will allow me to say so, without his losing the floor, I would merely say that I believe the very reason why Federal judges are appointed for life is that it is expected that such tenure will give them independence; and that, plus the right of appeal to the court of appeals and the Supreme Court, is as likely to produce independence of thinking and to produce an administration of the proposed law, which would be essentially a law to permit suits to be started, such that, if anything, would be weighted on the side of deliberation and fairness.

I see nothing in the whole bill that provides for anything more than minimal. The ever present reliance on the judiciary for enforcement is one of the big reasons why it is only minimal in its application, and it is extremely desirable and important.

Mr. TALMADGE. I still do not believe the Senator from New York has stated any sound reasons to give the Attorney General power to shop around and pick judges to be placed in positions of power.

Mr. JAVITS. I do not believe the Attorney General is in any position to shop around. His shopping opportunities are extremely limited anyhow, as is shown by what I have just read concerning the first judge appointed by the Kennedy administration. Be that as it may, it seems to me—and I do not expect the Senator particularly to agree with me—that the authors of the bill, which leaves enforcement to the courts, felt that it was high time that the majesty of the United States was imposed to assist the efforts of some of the people affected.

We talk almost in terms of financial sacrifice, which is ludicrous. The people affected are the poorest of the poor, when it comes to asserting their rights in areas where everyone is against them, including U.S. district judges. This is the very least we can do for them in order to right a grave imbalance which has been caused by the so-called social order in many areas of the South.

Mr. TALMADGE. I still do not believe that is any excuse for giving the Attorney General the power that title I and title IX clearly would give him to shop around and pick his own judges.

I yield now to the distinguished Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that foolish remarks on the part of a U.S. district judge do not justify the Senate in voting for a bill which is incompatible with the system of government ordained by the Constitution, and which would destroy the right of all Americans to be free from governmental tyranny?

Mr. TALMADGE. I certainly share that view. I would also state, as the Senator so well knows, that foolish remarks are not attributable to judges in any particular area of our country. I am sure the Senator is aware, as is the Senator from Georgia, that some Federal judges in the highest positions—some of them on the Supreme Court—frequently make speeches that are political in nature and scope. Some judges have gone so far as to say that the right of free speech is virtually absolute and that a man can be called a murderer, a criminal, or a traitor without anyone being held liable in any way.

Mr. ERVIN. Does not the Senator from Georgia know that while the Constitution provides that Federal judges shall be nominated by the President and that their nominations shall be confirmed by the Senate, as a practical matter a person cannot be appointed as a Federal judge in the United States today unless he or she meets with the approval of the Attorney General of the United States?

Mr. TALMADGE. That is true. The Attorney General has the person investigated by the Federal Bureau of Investigation and makes a report to the White House as to whether or not he should be selected. The Attorney General is the appointing authority, for all practical purposes. There may have been instances in which the President did not share the views of the Attorney General. But as a general rule, throughout the history of our country, the President has delegated that function to the Attorney General. The Attorney General initiates the investigation and makes the recommendation to the White House, and the White House then sends it to the Senate, where the appointment is confirmed or rejected.

Mr. ERVIN. Does not the Senator from Georgia realize that the mere appointment of a person to a Federal court, especially to one of the inferior Federal courts—and I use that term to mean inferior to the Supreme Court—does not cause him to obey the injunction which Dante said was inscribed over the entrance of Inferno:

> Abandon hope, all ye who enter here.

Mr. TALMADGE. That is quite true. Judges in the inferior courts would like, ultimately, to be appointed to the circuit court or the Supreme Court of the United States. Many of them hope for such position as a reward from the appointing power. I once heard a very wise politician make a statement which I think went like this:

> There is no gratitude like that gratitude for reward about to be received.

Mr. ERVIN. Does not the Senator believe that that is almost analogous with the expression we sometimes use in North Carolina:

> The gratitude of the politician is for the favors which he anticipates receiving.

Mr. TALMADGE. That is correct. That is the same thing.

Mr. ERVIN. If the country should suffer the horrible calamity of having the bill enacted into law, would not the enforcement of the law be left largely to the Attorney General and Federal bureaus or agencies?

Mr. TALMADGE. The Attorney General would be made in fact the legal guardian of all American citizens. He could grant rights, withhold rights, file suits, or refuse to file suits at his own discretion. He would be a dictator in the field of civil rights and human relations.

Mr. ERVIN. I thank the Senator from Georgia for yielding. If I may do so without the Senator losing his right to the floor, I would like to point out that what Shakespeare calls the temptation "to bend the pregnant hinges of the knees that thrift may follow fawning" also applies to our human brethren who occupy seats on the lower Federal courts. I thank the Senator from Georgia for pointing out that a district judge cannot possibly be promoted to the circuit court of appeals or the Supreme Court, or that a judge of the court of appeals cannot possibly be promoted to the Supreme Court, unless his conduct is satisfactory to the Attorney General of the United States.

Mr. TALMADGE. The Senator from North Carolina is entirely correct.

Mr. JAVITS. Mr. President, will the Senator from Georgia yield for a further question?

Mr. TALMADGE. I yield.

Mr. JAVITS. I thank the Senator from Georgia for yielding.

Is it not a fact that it is most unusual for a U.S. district judge to be appointed, even though his appointment may have been recommended by the Attorney General and by the President, unless approval is obtained from at least the Senator or Senators from that State who are members of the majority party in the Senate; and that in the case of appointments from States in the South, that means the approval of Senators who now are expressing themselves as being opposed to this bill?

Mr. TALMADGE. That is correct.

Mr. JAVITS. So it seems to me that, under those circumstances, to state that the Attorney General would have complete power and authority over every Federal judge is not to shoot directly at the target.

Mr. TALMADGE. However, Senators cannot make such appointments; they can only vote in favor of or in opposition to confirmation.

Mr. JAVITS. But they can, in effect, vote to veto such nominations.

Mr. TALMADGE. Yes; but I point out that some Senators have not been so ready to exercise their senatorial constitutional power of confirmation.

Mr. JAVITS. I doubt that those Senators have been from the area of the country known as the South; those from the South have been rather scrupulous and careful to exercise their veto right in connection with judicial nominations about which they had any doubt.

Mr. TALMADGE. I thank the Senator from New York for his compliment to Southern Senators. They do hold the Constitution in very high regard.

Mr. President, I proceed now to read title II of H.R. 7152.

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunch room, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A) which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which moves in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of a State or political subdivision thereof.

(e) The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

I point out that it has been told by many persons to the people of the country that private clubs are not covered by this bill. But I point out that the bill itself, which purports to exclude private clubs, provides that if they come under subsection (b), the private clubs themselves would be covered; and I point out that subsection (b) specifies the particular categories which would be covered; to wit, any inn, hotel, motel, or other establishment which provides lodging to transient guests, and any restuarant, cafeteria, lunchroom, lunch counter, soda fountain, and so forth.

So if a private club or even a private hospital served food on its premises and accepted any public customers of any kind whatsoever, it would clearly come under the provisions of this part of the bill.

Mr. CLARK. Mr. President, at this point will the Senator from Georgia yield?

Mr. TALMADGE. Yes, I am delighted to yield.

Mr. CLARK. I would take issue with the legal conclusion just voiced by the Senator from Georgia with respect to the nonexemption of private clubs from the public accommodations title of the bill. It is quite clear to me that the exemption granted to private clubs in subsection (e) of section 201, which appears on page 8, at lines 18 to 23 of the bill, would clearly exempt a private club which was a bona fide private club.

Mr. TALMADGE. But it provides an exception; it provides that private clubs will be covered by the bill if they come within the provisions of subsection (b).

That means that if a private club serves food on its premises and permits anyone who is not a member of the private club to pay for his food, the club would come out from under that classification.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. CLARK. All that I believe the Senator is now saying is that if a private club is not a private club, it does not receive the exemption. In my opinion, there cannot be a bona fide private club which would admit members of the general public to its facilities in terms of providing food.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. CLARK. The Senator has the floor.

Mr. TALMADGE. When I was called to active duty for temporary training in the city of New York in 1941 as a member of the U.S. Naval Reserve, I was billeted in the Cornell Club in the city of New York, though I was not a member of the Cornell Club. I paid regular going rates to the Cornell Club for billeting me there. That is frequently done by private clubs throughout the country. That clearly would make the Cornell Club subject to the provisions of the act.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. CLARK. I regret that I find myself in complete disagreement with my friend from Georgia. When he went to the Cornell Club, he was given the privilege of temporary membership, just as I am sure he would have received——

Mr. TALMADGE. I was issued no card. I was a member of the public. I lodged there. I paid the standard rates. Under the exception of section (b), that would render the Cornell Club subject to the provisions of the act.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. TALMADGE. As the Senator knows, that condition exists in many areas of our country. There are private clubs throughout the country that accept friends of members of such private clubs as lodging guests and as eating guests. If they accept those members, exemption (b) would clearly bring them under the inclusion of the act.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. CLARK. I can only express my profound disagreement with my friend from Georgia. He is entitled to his opinion. I think I am entitled to my own. I would be strongly of the view that a bona fide private club—and the Cornell Club of New York is such—would not be subject to the terms of the act, unless it made its facilities available generally to members of the general public. I am sure that before my friend from Georgia was permited the privileges of the Cornell Club he was looked over pretty carefully to see whether he would be compatible with the other members. I am delighted to find that he was.

Mr. TALMADGE. I was honored to be given the privilege of residing in the Cornell Club, but I did not meet any of the members of the Cornell Club before being given that privilege. I paid the standard fee, the standard rate.

That condition exists in many sections of the country. If the distinguished Senator from Pennsylvania came to Atlanta and saw fit to remain at the Atlanta Athletic Club, I feel sure that the Atlanta Athletic Club would permit him to stay there. But clearly if they permited the Senator to stay there they would make themselves subject to the provisions of the act, which would make the club public property, subject to the whims and caprices of the Attorney General, with all of its horrors, by so doing.

Mr. **CLARK**. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. **CLARK**. I am delighted to learn that the Atlanta Athletic Club would take me in. I believe it shares great broadmindedness—perhaps to even a greater degree—with the Cornell Club in taking in my friend from Georgia. I am sure that it was unnecessary for the Senator to have his name submitted to the officials of the Cornell Club. Since his name is so well and favorably known in the "far above Cayuga's waters" atmosphere, they were only too happy to have him in the club.

I hope that the Atlanta Athletic Club would do the same thing for me. I remember that I stayed at the Atlanta Athletic Club in 1923 when I went there to play baseball against the University of Georgia. That was at a time before my views on a civil rights bill were so well known as they are today.

I conclude by saying that I deeply regret that I find myself not in accord with the legal position of the Senator from Georgia in respect to private clubs.

Mr. TALMADGE. The Senator from Georgia did not expect that the Senator from Pennsylvania would be in accord with his position on the subject.

I point out that all the private clubs in Atlanta, Ga., are extremely tolerant. They would welcome the Senator to visit them at any time. The people in my part of the country who are so often and with such regularity accused by people in other sections of the country of such great intolerance will be found to be the most tolerant people in our land today.

Mr. **ERVIN**. Mr. President, will the Senator yield?

Mr. TALMADGE. I am happy to yield to my able friend, the Senator from North Carolina.

Mr. **ERVIN**. Mr. President, I ask unanimous consent that the Senator from Georgia may yield to me for some questions and observations without losing the privileges of the floor.

Mr. TALMADGE. Mr. President, will the Chair rule on that request?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. I am delighted to yield to my friend from North Carolina.

Mr. **ERVIN**. I invite the attention of my friend from Georgia to the provisions of subsection (e), which appear on page 8, lines 18 to 23 of the bill, which he has just been discussing with the Senator from Pennsylvania. I should like to ask him if the section is not susceptible of an interpretation even more drastic than that which the Senator from Georgia has placed upon it.

That provision states that even a bona fide private club must admit everybody to the use of its facilities to the extent that its facilities are made available to the customers or patrons of an establishment within the scope of subsection (b).

Mr. TALMADGE. That is correct.

Mr. **ERVIN**. Suppose the Senator from Georgia, the Senator from Pennsylvania, and the Senator from North Carolina were members of a private club. Suppose we stopped at a hotel or motel or an inn. Would we become customers or patrons of those establishments, which are covered by paragraph (1) of subsection (b) of section 201?

Mr. TALMADGE. We would.

Mr. **ERVIN**. If we had the habit of going to a "restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises," would we not also be customers and patrons of those establishments?

Mr. TALMADGE. The Senator is correct.

Mr. **ERVIN**. If we attended any "motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment," would we not also be customers or patrons of those establishments?

Mr. TALMADGE. The Senator is entirely correct.

Mr. **ERVIN**. So, as the expression is, we would "wear two hats" or have a dual status. We would be members of a private club and also customers or patrons of such establishments.

Mr. TALMADGE. The Senator is correct.

Mr. **ERVIN**. So if we attended our private club and also patronized the establishments I have enumerated, the letter and language of subsection (e) of section 201 would open our private club to the whole wide world, would it not?

Mr. TALMADGE. It is entirely possible to place that construction on the bill from the language quoted.

Mr. **ERVIN**. When one wishes to interpret an act of Congress or to determine what intent Congress had in passing a law, the primary source to which he looks are the words in which Congress expresses itself. Is that not correct?

Mr. TALMADGE. They are words of the English language.

Mr. **ERVIN**. Does not the Senator from Georgia agree that that provision of the bill is subject to the construction I have stated as well as the construction which the Senator from Georgia has put upon it?

Mr. TALMADGE. That is correct.

Mr. **ERVIN**. So there is an ambiguity.

Mr. TALMADGE. That is correct.

Mr. **ERVIN**. Does not the Senator know that the proponents of the bill desire to have it pass without change?

Mr. TALMADGE. And without study.

Mr. **ERVIN**. Does not the Senator from Georgia think that the ambiguity in subsection (e) of section 201 shows that the proponents of the bill are rather impatient men when they demand speedy action without amending, regardless of what the effect of such action would be in view of the uncertainty in the language of the bill?

Mr. TALMADGE. The Senator is so correct. I point out to the Senator that I belong to the Elks Lodge in Decatur, Ga., which is a private organization. I was one of the charter members in 1938 when the then grand exalted ruler, Gov. Dave Sholtz, of Florida, came up and installed the lodge.

In order to serve good food and to earn funds to maintain the club, the Elks Lodge at Decatur, Ga., opened its lunchroom during the lunch hour to certain members of the public to come in and patronize the club by having lunch there. They would clearly come under the provisions of that section. The Elks Lodge at Decatur, Ga., would no longer be a private club, but would be made public property under the terms of the bill.

Last week I received a telephone call from Macon, Ga. Some people wanted to know whether or not a private hospital would come under the provisions of the proposed act. I looked over the public accommodations section. They serve food. They accept members of the general public. They provide lodging. It would certainly be interpreted that such a private hospital would be covered by the provisions of the act.

That is the way it goes. We do not know how far the bill would go. Its language is tricky. Certainly a private hospital would be covered by the act, under the FEPC provision if it had 25 or more employees, or it would become covered after a certain period of time.

The language is trickily drawn, so as to be given any interpretation one wants to give it.

As the Senator pointed out, to make a literal interpretation of this provision according to the English language, a private club could be construed to be one under either the provision the Senator from North Carolina quoted or the example cited by the able Senator from Pennsylvania.

Mr. **ERVIN**. The Senator from Georgia cited the illustration of the Elks Club at Decatur, Ga.

Mr. TALMADGE. The Senator is correct.

Mr. **ERVIN**. Does not the Senator know that throughout the country there are many private clubs whose members are in such economic circumstances that it is necessary for them to extend the facilities of the clubs to members of the general public, in order to finance the clubs and keep them in existence?

Mr. TALMADGE. Certainly.

Mr. **ERVIN**. So, even under the Senator's interpretation of the section, a bona fide private club in the United States would be subject to the use of the whole world unless the members of the club are what my late lamented friend Lum Garrison called "millumaires." In other words, there would be discrimination as between those private clubs whose members are so wealthy that they could afford to belong to clubs which do not have to open their facilities to others and other private clubs which are compelled by economic reasons to do so.

Mr. TALMADGE. I think that would be discrimination as between private clubs.

Mr. CLARK. Mr. President, will the Senator yield, without losing the floor, so I may ask the Senator from North Carolina a question?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield for the purpose of having the Senator from Pennsylvania ask a question of the Senator from North Carolina, without prejudicing my right to the floor in any way.

The PRESIDING OFFICER. (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

Mr. CLARK. A few moments ago my good friend from North Carolina was kind enough to include me in his own company and that of the generous Senator from Georgia in a little tour we took around a mythical city, going from hotel to motel to restaurant, back and forth among various public accommodations which are clearly covered by the bill. I was not quite clear whether the Senator from North Carolina was having the three of us start from some private club or whether the private club came into the act a little later. So I wondered what the connection was between the question the Senator asked about the hotels, motels, restaurants, and the question he asked about the private club. I lost the connection.

Mr. ERVIN. The connection was that members of private clubs are also customers of hotels, motels, restaurants, and theaters. So, under the phraseology of this subsection (e) of section 201 of title II, if the members of private clubs do not stay out of motels, hotels, restaurants, and theaters, they automatically, according to the phraseology of this particular subdivision, open their private clubs to the public.

Mr. CLARK. Mr. President, if the Senator from Georgia will yield further with the same reservation, I think we ought to attempt to interpret this very clear phrase in accordance with the plain meaning of the simple words of the English language on which my friends from Georgia and North Carolina quite correctly laid emphasis.

I ask my friend, the Senator from North Carolina, a question—and I quote from subsection (e):

> The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public—

Let us stop there for a moment. That is just as clear as the noses on our three faces. There is no doubt that the provisions of this section do not apply to a private club under this language.

Mr. ERVIN. If we stop right there, there is no question but that a private club is locked against the public by these provisions. The following language unlocks it.

Mr. CLARK. The following language reads:

> except to the extent that the facilities of such establishment—

My friend agrees that refers to a private club—

> are made available to the customers or patrons of an establishment within the scope of subsection (b).

I am sure my friend will agree with me that subsection (b) is the section dealing with inns, hotels, motels, cafeterias, and the like.

It seems to me that the clear and unambiguous meaning of the section exempting private clubs is that when they cease to be private clubs, they lose their exemption. That is all it means.

Does not the Senator agree with a comment made by the senior Senator from Minnesota [Mr. HUMPHREY] on March 23, 1964, which appears in the CONGRESSIONAL RECORD for that day at page 6008:

> Whenever a private club loses its identity for whatever purpose it may be and becomes a facility that readily serves the public, then it is a public facility, and the effect of the proposed statute would apply.

In other words, when a private club stops being a private club, the exemption no longer applies. That seems to be so clear that I am amazed that my two good friends from Georgia and North Carolina spend so much time arguing about it.

Mr. ERVIN. The Senator is evidently laboring under the misapprehension that when a member of a private club goes to a hotel and patronizes a hotel, he is not a patron of the hotel, or that when he goes to a restaurant and eats he is not a patron of the restaurant, or that when he goes to a theater, he is not a patron of the theater.

Mr. CLARK. The Senator could not be more in error. He completely missed my position. Certainly, when a member of a private club goes to a restaurant he is subject to the act.

Mr. ERVIN. This section opens the private club. It provides that a private club must be opened to the general public if it admits people who are patrons or customers of hotels, inns, motels, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, motion picture shows, theaters, concert halls, sports arenas, stadiums, and other places of exhibition or entertainment. Whenever members of private clubs patronize such places, they become customers and patrons of them.

Mr. CLARK. And therefore they are concerned by the act.

Mr. ERVIN. Also, their private clubs are open to the general public, if they go to those places. The bill does not say the exception only applies to nonmembers.

Mr. CLARK. No. If the private club is open to the general public, it ceases to be a private club. It is that simple.

Mr. ERVIN. It is not that simple. The Senator is reading only a clause. The language of the bill is susceptible of the interpretation that if members of private clubs patronize certain other places, the private clubs will then be open to the public.

Mr. JAVITS. Mr. President, will the Senator from Georgia yield to me under the same reservation?

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senator from New York may propound a question to the Senator from North Carolina without prejudicing my right to the floor in any way whatsoever.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I should like to give my interpretation of this section to the Senator from North Carolina. However, we may disagree on certain fundamental points. We are making a legislative record upon which the courts will act. I do not consider it—and I say it with all respect to my colleagues—to be against their interest, particularly since they feel as strongly as they do, if at the same time the act is given a reasonable construction in the event it should become law. Certainly, the proponents want it to become law, even if the opponents do not, and the opponents also will be subject to the act if it becomes law.

Mr. ERVIN. I would like to hear a reasonable construction placed on an unreasonable provision. I would be delighted if the Senator would do that.

Mr. JAVITS. This is my question to the Senator from North Carolina: My interpretation of the section is that a bona fide private club remains completely a private club as to all its accommodations and facilities. The only time it ceases to be a private club is to the extent that—and I emphasize those words, "to the extent that" it extends its facilities to customers or patrons of an establishment defined as one "which serves the public." This language is from lines 10 and 11 of page 6 of the bill.

Therefore, it would work out practically as follows:

Let us take golf course A, which makes golf facilities available to hotel B in a certain resort—and that is a not unusual procedure. When the hotel sends people to that golf course, their color cannot be a bar to using the golf course if they are otherwise well behaved, pay their greens fees, and obey the rules of the club. If Negroes come to a club which does not admit Negro members, but the club has extended the use of its facilities to that particular hotel, it must if—this bill becomes law—admit those Negroes to play the course when they are sent by that hotel. It does not require the club to admit Negroes to membership. The fact that patrons of the club may also patronize the hotel and its dining room does require the admission of Negro members to the club, apart from allowing them to use the course under the arrangement with the hotel by which club facilities are made available to hotel guests.

That is my interpretation, and I ask for comment from the Senator from North Carolina.

Mr. ERVIN. My comment is, as I stated to the Senator from Georgia, that the language is so vaguely worded that it is susceptible to two interpretations. One interpretation is that which the Senator from New York has placed upon it, and the other interpretation is the one which I have placed upon it. The law should not be written so that it is susceptible to two interpretations; therefore, the bill should be sent to committee for rewriting, so that we may have but one interpretation instead of two.

Mr. JAVITS. I have the highest regard for the Senator from North Carolina as a lawyer. I state it as my considered judgment that the section is capable of only the interpretation which I have made, in my own best judgment, quite apart from being a civil rights proponent. In all sincerity, I believe that any other interpretation would be tortured other than that which a court would make. I state that to the Senator from North Carolina in all sincerity as a lawyer, and on my honor as a lawyer.

Mr. ERVIN. Let me say to the Senator from New York that I respect his right to place his own interpretation upon it.

I concede that the Senator's interpretation may finally be judged to be correct. On the other hand, I assert that the words can be so construed as to mean exactly what I have said they can be interpreted to mean. Therefore, I believe we should remove these uncertainties by sending the bill to committee.

I hold in my hand an analysis of the bill made by the Legislative Reference Service of the Library of Congress. In connection with section 205 this analysis says that actual effect of section 205 on both State and Federal law is somewhat obscure.

I believe the bill is obscure in many other places.

Mr. JAVITS. Obviously, I cannot change the Senator's mind, but I feel the interpretation which the Senator from Pennsylvania [Mr. CLARK] and I have made should appeal to the great majority of Senators, and I believe strongly that they can rely on it.

I thank the Senator for yielding to me.

Mr. TALMADGE. Mr. President, I believe this discussion clearly proves that the bill needs to go to committee for careful study by able lawyers, by able Senators, to consider what it means, and to make its language clear. There is no doubt whatever that if a private club in any way opens any portion of its facilities of any kind to any member of the public, it is clearly covered.

Most of the private hospitals that I know of, which operate cafes and cafeterias for the convenience of the public that comes to visit sick friends and relatives, would be brought under the provisions of the bill. Every private hospital in the State of Georgia would be covered by that provision, if they maintain cafes or cafeterias open to relatives, friends, and visitors of the ill.

Mr. CLARK. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am delighted to yield.

Mr. CLARK. Does not the Senator agree that the moment a private club revokes the privilege of members of the general public to use its facilities and confines the use of all its facilities to its own members, at that minute it would regain total exemption from the bill?

Mr. TALMADGE. Under the interpretation of the distinguished and able Senator from North Carolina, who I believe to be the most able lawyer I know of, and under the plain English language in the bill, it could be said that because members of a club utilize hotels, the law would affect a club having that public interest, and it would be covered.

Mr. CLARK. Mr. President, will the Senator from Georgia yield for a final comment?

Mr. TALMADGE. I am delighted to yield.

Mr. CLARK. I concur with what the Senator from New York said a moment ago. In my legal judgment, such an interpretation would be a tortured one.

Mr. TALMADGE. I thank the Senator from Pennsylvania for his views. I am well aware of them. He has restated them over and over and over again since we have served in the Senate together. I suspect that the Senator will be restating them as long as he and I remain in the Senate.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield to me?

Mr. TALMADGE. I am delighted to yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I ask unanimous consent for the Senator from Georgia to yield to me under the same circumstances as heretofore described.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. The distinguished Senator from Pennsylvania just spoke about tortured construction. I should like to ask the Senator from Georgia a question. If this bill should be enacted into law, would not virtually all American citizens be tortured by the provisions of the bill when they undertook to exercise economic, legal, personal, and property rights which they have enjoyed since the founding of the Republic?

Mr. TALMADGE. The Senator is correct. The bill would regulate private actions of private citizens in every area of human conduct, from the cradle to the grave. It would regulate private citizens where they sleep. It would regulate private citizens where they work. It would regulate private citizens where they eat. That is all private conduct by private citizens, yet the bill would regulate them in each and every one of those categories.

Mr. ERVIN. Under the provisions of subsection (e), of section 201 on page 8 which we have been discussing would not social activities also be regulated?

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. I invite the Senator's attention to subsection (b), of section 201, on page 6, which reads as follows:

> Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. According to my interpretation of that provision of the bill, if there were no State law requiring segregation, the bill would not cover any establishment unless its operations affected interstate commerce. Is that not correct?

Mr. TALMADGE. The Senator is correct. Unless the operation involved a physical building in which some particular operation of interstate commerce was engaged in. As the Senator knows, the meaning of interstate commerce has been distorted to the extent that if one picked up a pebble and placed it in a slingshot and shot it out of his backyard, that would be virtually engaging in interstate commerce these days.

Mr. ERVIN. The Senator is referring to the provisions of paragraph (4) of subsection (b), on page 7, a catchall net designed to catch all the minnows which escape the other nets?

Mr. TALMADGE. The Senator is correct. If one has a roominghouse with six rooms or more, and some lady in that same roominghouse operates a beauty shop, she is engaging in interstate commerce.

Mr. ERVIN. I invite the Senator's attention to paragraph (1) of subsection (b) of section 201 on lines 15 to 20, on page 6:

> Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. I invite the Senator's attention to subsection (c) of section 201 on lines 12, 13, and 14 of page 7 where it says:

> The operations of an establishment affect commerce—

That is, interstate commerce—

> * * * within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b).

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. In other words, the bill contains a congressional assertion that every inn, every motel, every hotel, and every lodginghouse for transient guests, other than those in the five-room exception, affects interstate commerce whether it affects interstate commerce or not; is that correct?

Mr. TALMADGE. The Senator is entirely correct. If a person operates a six-room boardinghouse and someone repairs wheelbarrows in one of the rooms of that six-room boardinghouse, the bill declares him to be engaged in interstate commerce, and therefore he would come under the jurisdiction of the act.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that constitutional government is dead in the United States if it lies within the power of Congress to extend the coverage of the Constitution by a bill uttering what can only be described as a legislative lie?

Mr. TALMADGE. I could not agree more with the able Senator.

Mr. ERVIN. I should like to ask the Senator a further question.

Mr. CLARK. Before the Senator does so, will he yield to me for a question?

Mr. TALMADGE. Does the Senator desire me to yield or to have the Senator from North Carolina yield?

Mr. CLARK. The Senator from Georgia has the floor.

Mr. TALMADGE. Does the Senator from North Carolina desire to yield, or does he desire to propound his question?

Mr. ERVIN. I should like to ask a further question. Then, so far as I am concerned, I shall be glad to let the able Senator from Pennsylvania propound interrogatories to me, provided the Senator from Georgia will yield briefly to me for that purpose and provided that the Senator from Georgia does not lose his right to the floor by so doing.

Mr. TALMADGE. I yield to the Senator from North Carolina.

Mr. ERVIN. My question relates to paragraph (4) of subsection (b) of section 201 on page 7, and the portions of subsection (c) of section 201 on lines 22, 23, 24, and 25 on page 7, and lines 1 and 2 on page 8. This is my question: Do not these provisions specify, in substance, that if a person sells homegrown vegetables at a stand within the physical confines of what is popularly known as a shopping center, and another man runs an entirely independent lunch counter within the shopping center which affects interstate commerce, the person who sells the homegrown vegetables within the confines of the shopping center is covered by title II of the bill even though he does not handle anything that crosses a State line?

Mr. TALMADGE. Everyone in the shopping center, under the terms of the act would be engaged in interstate commerce, even if they were merely playing checkers.

Mr. ERVIN. Does the Senator from Georgia agree with the Senator from North Carolina that if the theory of interstate commerce which is adopted by the proponents of the bill is correct, Congress can regulate marriage, because grooms give brides wedding rings which have moved in interstate commerce; birth, because babies use safety pins which have moved in interstate commerce; and death, because corpses are buried in caskets which have moved in interstate commerce?

Mr. TALMADGE. The absurdities that we are asked to adopt in the bill are of the kind that the Senator has suggested.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that the Supreme Court has said, in many cases, that if something falls within the scope of congressional regulation under the interstate commerce clause, there is no limitation whatsoever upon the power of Congress to regulate it except that found in other provisions of the Constitution?

Mr. TALMADGE. Yes. As the Senator knows, Congress does have power to regulate interstate commerce, but heretofore commerce has referred to interstate commerce moving from one State to another—not to a six-room boardinghouse.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that there is nothing in the Constitution which distinguishes the power of Congress under the interstate commerce clause, as between hotdog stands and lunch counters and the homes of the people?

Mr. TALMADGE. None at all; it would be the same thing; it would be just as much in interstate commerce.

Mr. ERVIN. Therefore, under the theory of the proponents of title II of the bill, insofar as it is based upon the power of Congress to regulate interstate commerce, Congress would have identically the same power to go into the homes of people and regulate activities between husband and wife and parent and child, as it would have under this bill in respect to places of so-called public accommodations?

Mr. TALMADGE. The Senator is correct. Homes would be covered under this bill if they were an integral part of a motel. I know many of them in my State and elsewhere. A house in which the family lives is an integral part of a motel where the people accept the customers, and that home would be declared to be in interstate commerce, and covered by this bill.

Mr. ERVIN. Does the Senator from Georgia agree with me that this is not an attempt to regulate interstate commerce but an attempt to regulate the use of private property and the rendition of personal services entirely within the borders of a State?

Mr. TALMADGE. The Senator is entirely correct. The bill should be entitled "A bill to regulate the American people," because that is what it seeks to do in every aspect of human relations and private conduct.

Mr. ERVIN. Does not the Senator also agree with the Senator from North Carolina that the Supreme Court of the United States has held on many occasions that the 14th amendment, particularly the equal protection of the laws clause, and the civil rights statutes which were passed during Reconstruction, give the Negroes identically the same civil rights as are possessed by white people?

Mr. TALMADGE. The Senator is entirely correct. Every American citizen has the same rights and equal protection of all the laws of the Constitution, and the enforcement of the laws in every court of the land, both State and Federal.

Mr. ERVIN. Does not the Senator from Georgia agree with the Senator from North Carolina that instead of being an effort to secure constitutional or legal rights to Negroes, the bill is an effort to take away from all American citizens basic economic, legal, personal, and property rights, for the supposed benefit of only one group of Americans?

Mr. TALMADGE. The Senator has put his finger on what the legislation is all about.

I now yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I thank my friend from Georgia. I will come to the question in a moment. It occurs to me that my good friend from North Carolina and my good friend from Georgia are going pretty far out on the end of a very thin limb when they come to agreement as to what the bill covers in terms of interstate commerce.

I suggest to them in all candor that it is a pretty extreme statement to say the bill is, in effect, a legislative lie, which I understood was the phraseology used by my friend from North Carolina.

I should like to ask the Senator whether or not he would agree with me that, so far as the exercise of the power of Congress under the commerce clause is concerned, the bill is specific and quite moderate?

I note, in the first place that in line 12 on page 6 of section 201(b), which is the public accommodations title we are discussing, there is the clear provision that inns, hotels, and motels, and so forth, are covered only if their operations affect interstate commerce. That appears in line 12.

Therefore, only when a hotel, inn, or motel provides lodging for transient guests and its operations affect interstate commerce, is it covered by the act.

When my friend from North Carolina turns to page 7 and calls attention to the fact that in line 13 these establishments affect commerce if, as is stated on page 6, they furnish accommodations to transient guests and their operations affect commerce, it seems to me it is going pretty far to say that it is a legislative lie.

It would be perfectly clear to me. I mention to my good friends, who are very able lawyers, that if any remote inn or motel offers accommodations to transient guests, or if the operations of that inn or motel affect commerce, the establishment is clearly within the interstate commerce clause. I cannot see how my friends can take exception to it.

Mr. ERVIN. The only reason I can see why the Senator takes that position is that he has not reached page 7. The first thing he referred to on page 6 is the "cheese." But the "trap" is on the next page. The language reads:

> The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b)—

When the "cheese" and the "trap" are taken together, the meaning is that a hotel or motel or other establishment which provides lodging for transient guests is automatically engaged in interstate commerce, even if all the transient guests live in the same township and have never been outside the State.

Mr. CLARK. I say, in response to the Senator, again in good humor and in the most friendly way, that this is an even more tortured interpretation of the act than the one we discussed in connection with a private club. Obviously the qualified phrase on line 12, page 6, if those operations affect commerce, carries over to all the statements from line 15 to line 20. Also, referring to page 6, I cannot see how, as good a lawyer as my friend from North Carolina is—and I hope he will excuse me for saying this—he could have taken the position which he did in the colloquy with the Senator from Georgia a minute or two ago.

Mr. ERVIN. I will explain to the Senator from Pennsylvania that I took that position because I read all these sections and construed them together. The only possible construction that could be placed on these three provisions is the construction placed on them by the Senator from North Carolina.

I agree with the Senator from Pennsylvania [Mr. Clark] and the Senator from New York [Mr. Javits] that two different constructions may be placed on the section about private clubs. But this is the only possible construction which may be placed on this section. The provisions in lines 12, 13, and 14, on page 7, explain what is meant.

Mr. CLARK. If the Senator refers to lines 16 and 17, he is getting away from the point, because he has not brought that part in yet. I agree with the Senator from North Carolina there is only one interpretation of the provisions read thus far. If the Senator wants to read others, he may. The provisions he has read thus far are susceptible to only one interpretation. I do not wish to seem arrogant about this.

Mr. ERVIN. I told the Senator from Pennsylvania this morning that I was engaged in an educational campaign with the hope of educating him to adopt a sound position. I abandon such hope with much reluctance.

If the Senator from Pennsylvania will read subsection (c) of section 201 on page 7, he will find there proposed statutory definitions as to when these establishments affect interstate commerce. The bill provides, in lines 12, 13, and 14 on page 7, that inns, hotels, motels, and the other establishments covered by paragraph (1) of subsection (b), automatically affect interstate commerce, whether they do or not. Subsection (c) reads:

> The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b).

This provision specifies that inns, hotels, motels, and other lodging establishments affect interstate commerce in law, regardless of whether they do in fact. That is complete.

Mr. CLARK. Perhaps we have gone as far in this colloquy as is useful. I would only take the position again that the provision in line 12, on page 6, clearly carries over as conditions the definitions in line 15 through line 20. Therefore, they are incorporated into the provisions of lines 12, 13, and 14 on page 7. I cannot see how any other legal interpretation is possible.

Mr. ERVIN. The Senator overlooks the fact that lines 12, 13, and 14 of page 7 are inconsistent with paragraph (1) of subsection (b) and nullify it. In other words, under the first three lines, lines 12, 13, and 14 of page 7 the establishments described in paragraph (1) of subsection (b) are covered, regardless of whether they affect interstate commerce in any way.

Mr. CLARK. Which in itself is limited by line 12 if its operations affect commerce. How could it be otherwise?

Mr. ERVIN. Paragraph (1) of subsection (b) deals with inns, hotels, motels, and lodging places. Paragraphs (2), (3), and (4) of subsection (b) deal with other places.

Mr. CLARK. That is something else.

Mr. ERVIN. The third paragraph of subsection (b) deals with motion picture houses, and so forth.

Mr. TALMADGE. The Senator from North Carolina is clearly correct. The language is plain. The English is clear. I point out further, on page 9, lines 21, 22, and 23, which is the enforcement provision, that it is left up to the Attorney General himself to declare what shall be covered in the final analysis, because a suit "may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he satisfies himself that the purposes of this title will be materially furthered by the filing of an action."

All the Attorney General would have to do in order to bring a person under the provisions of the act would be merely to satisfy himself—no one else—and then to file a suit in the name of the United States at the expense of the taxpayers. Such a suit would bring into play the great power of the Government. In doing so, the poor, unfortunate private individual who would bear the brunt of the unlimited power of the United States would be denied a jury trial.

I yield to the Senator from North Carolina.

Mr. ERVIN. I will reverse myself and try to emulate the Lord's example. As a consequence, I will not be hopeless insofar as the Senator from Pennsylvania is concerned. He is a brilliant person, and I am still hopeful that before this debate ends, I shall be able to convert him to an acceptance of my sound views in respect to this particular bill.

Mr. TALMADGE. While we are fortunate enough to have the Senator from Pennsylvania in attendance in the Chamber, we ought to take up and read some further provisions of the bill.

> SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule or order, of a State or any agency or political subdivision thereof.
>
> SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.
>
> SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he satisfies himself that the purposes of this title will be materially furthered by the filing of an action.
>
> (b) In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.
>
> (c) In case of any complaint received by the Attorney General alleging a violation or threatened violation of section 203 in a place where State or local laws or regulations forbid the act or practice involved, the Attorney General shall notify the appropriate State or local officials and, upon request, afford them a reasonable time to act under such State or local laws or regulations before he institutes an action.
>
> (d) In the case of any complaint received by the Attorney General alleging a violation or threatened violation of section 203, the Attorney General, before instituting an action, may utilize the services of any Federal, State, or local agency or instrumentality which may be available to attempt to secure compliance with the provisions of this title by voluntary procedures.
>
> (e) Compliance with the foregoing provisions of subsection (c) shall not be required if the Attorney General shall file with the court a certificate that the delay consequent upon compliance with such provisions in the particular case would adversely affect the interests of the United States, or that in the particular case compliance with such provisions would prove ineffective.
>
> SEC. 205. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.
>
> (b) The remedies provided in this title shall be the exclusive means of enforcing the rights hereby created, but nothing in this title shall preclude any individual or any State or local agency from asserting any right created by any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right.
>
> (c) Proceedings for contempt arising under the provisions of this title shall be subject to the provisions of section 151 of the Civil Rights Act of 1957 (71 Stat. 638).
>
> TITLE III—DESEGREGATION OF PUBLIC FACILITIES
>
> SEC. 301. (a) Whenever the Attorney General receives a complaint signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied access to or full and complete utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.
>
> (b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are

unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

SEC. 302. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

SEC. 303. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

SEC. 304. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Definitions

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

Survey and report of educational opportunities

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

Technical assistance

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

Training institutes

SEC. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for dependents and including allowances for travel to attend such institute.

Grants

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of—

(1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation.

(b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

Payments

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

Suits by the Attorney General

SEC. 407. (a) Whenever the Attorney General receives a complaint—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived of the equal protection of the laws by reason of the failure of a school board to achieve desegregation, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,

and the Attorney General certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly achievement of desegregation in public education, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

(c) The term "parent" as used in this section includes any person standing in loco parentis.

SEC. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 409. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education or in any facility covered by this title.

Mr. JAVITS. Mr. President, will the Senator yield before he leaves title IV?

Mr. TALMADGE. I yield to the Senator from New York.

Mr. JAVITS. I wish to ask the Senator to yield because I have some information that I wish to ask to have printed in the RECORD. The Senator will recall that there has been some controversy on the floor of the Senate as to our situation in New York with respect to Negro and Puerto Rican children. With the Senator's position, I ask unanimous consent that he may yield so that I may make a request.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from New York for the purpose of permitting him to make an insertion in the RECORD without affecting my right to the floor in any way whatsoever.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. I yield.

SCHOOL INTEGRATION IN NEW YORK CITY

Mr. JAVITS. Mr. President, in accordance with the practice which I have begun, to make the record clear as to the difference between integration of schools in the great cities of the North, especially New York City, and enforced segregation of schools in the South, I ask unanimous consent that there be printed in the RECORD at this point in my remarks a summary of statistics and other facts prepared by the New York City Board of Education concerning the efforts of the New York City public schools to meet the special needs of pupils of Puerto Rican extraction.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

MEETING THE NEEDS OF PUERTO RICAN PUPILS IN NEW YORK CITY PUBLIC SCHOOLS

(Facts and figures from New York City public schools, Mar. 2, 1964)

In 1958 under the sponsorship of the board of education and the Ford Foundation there was published a 265-page "Puerto Rican Study" which analyzed the special educational needs of Puerto Rican pupils, and especially of those who must learn English as a second language. This 5-year study by outstanding educational authorities has influenced educational programing for non-English-speaking pupils throughout the country. Together with much probing and exploring by the school system's professional staff, this report indicated what steps need to be taken to provide the kind of quality instructional program that would enable the Puerto Rican pupils to develop to their fullest potential.

Valuable advice has come also from many educators and community persons with particular knowledge about the Puerto Rican child. For example, Dr. Clarence Senior, a member of the board of education and professor of sociology at Brooklyn College, has contributed his knowledge and experience. Dr. Senior was chief of the migration division, Department of Labor of Puerto Rico, from 1951 to 1960. At the present time Miss Antonia Pantoja, executive director of ASPIRA, an agency of the Puerto Rican Forum devoted to raising the sights of Puerto Rican young people, is one of three consultants to the board of education and the professional staff in the implementation of the plans for integration.

In spite of the valuable research, advice, and experience in the matter of meeting the specific educational needs of the non-English-speaking child in addition to those needs which he has in common with others, there are many serious unmet needs. The board of education's recent plan for better education through integration lists among its major educational goals those that reflect these needs.

Notice should be taken, however, of the special steps that have already been taken to assist the Puerto Rican pupils and their parents. The following material is intended to provide that information as well as to point to the unmet needs.

1. Pupils of Puerto Rican background:

Elementary schools	113,996
Junior high schools	37,198
Senior high schools	23,542
Total	174,736

2. School buildings with large numbers of Puerto Rican pupils:

Elementary schools, 169 (schools enrolling among its large Puerto Rican enrollment 100 or more non-English-speaking pupils).

Junior high schools, 32 (schools with 10 percent or more Puerto Rican students).

(NOTE.—The high school pupils are more widely distributed among many schools.

3. Condition of school buildings: 91 of the 169 elementary schools were either built or modernized since 1950. Fifty-two of these are entirely new school buildings. Almost half of the Puerto Rican pupils attend schools built or modernized since 1950; 27 of the 32 junior high schools were either built or modernized since 1950. Seventeen of these are entirely new buildings. A majority of the Puerto Rican pupils attend schools built or modernized since 1950.

4. Competency of pupils in speaking English:

ELEMENTARY SCHOOLS	
Fluent	55,461
Still in the process of learning English	58,535
JUNIOR HIGH SCHOOLS	
Fluent	27,778
Still in the process of learning English	9,420
SENIOR HIGH SCHOOLS	
Fluent	18,387
Still in the process of learning English	5,155

NOTE.—A very substantial number of children leave the mainland and return to Puerto Rico each year and are replaced by approximately the same number of children coming from the island. The latter must also receive special orientation and help in English.

5. Personnel for special services to pupils and parents: All the schools referred to in this fact material are "special service" schools. As such they receive such help as corrective reading teachers, remedial reading teachers, librarians, etc. Some are all-day neighborhood schools or higher horizons schools. In addition special personnel services are planned specifically to help the non-English-speaking child.

ELEMENTARY SCHOOLS

(a) Spanish-speaking (bilingual) auxiliary teachers: 106. These teachers help new arrivals from Puerto Rico to adjust to New York City public schools; they provide liaison between Puerto Rican pupils and parents and the schools and community agencies. Almost all are graduates of the University of Puerto Rico. They have full salary status as regular teachers. By special arrangement with the board of examiners, a Spanish accent does not prevent applicants from qualifying for positions.

(b) N.E. (non-English) coordinators: 83 in schools, plus 2 assigned to headquarters. Special teachers work with school personnel, pupils and the community in order to arrange the best possible educational situation for the children who are learning English as a second language: assist in screening, placement, and testing of new entrants; develop libraries of material for use of pupils and teachers; arrange trips and excursions; demonstrate teaching methods and techniques and prepare audiovisual aids to assist the classroom teachers.

(c) Special N.E. (non-English) teachers assigned to schools: 30. These teachers work directly in small classes with the pupils who are learning English as a second language.

(d) Puerto Rican teachers assigned to New York City schools under an exchange program: 14. This program is called Operation Understanding. Each year the New York City Board of Education sends 14 elementary school teachers to Puerto Rico to work in the island schools and in turn the Puerto Rican Department of Education sends 14 teachers to work in the New York City elementary schools. In addition 50 elementary school principals from schools with a large Puerto Rican population will have visited Puerto Rico for 1 week during the 1963–64 school year in order to observe schools, confer with Puerto Rican educators and in general gain first-hand knowledge and insight to help develop more effective programs of education and adjustment for Puerto Rican children and their parents in this city.

(e) Bilingual program cordinators in central headquarters: 3.

JUNIOR HIGH SCHOOLS

(a) Each of the 32 junior high schools with a large number of Puerto Rican pupils has a coordinator of the program for non-English-speaking pupils. These coordinators teach English in small classes; give demonstration lessons to regular classroom teachers; provide guidance for non-English-speaking pupils; advise parents; act as interpreters for parents or children.

(b) Four of the schools have the higher horizons program with the additional assignment of 17 positions.

(c) Fourteen of these schools have career guidance units for the prevention of school dropouts with the additional assignment of 63 positions.

(d) Sixty corrective reading teachers are assigned to these 32 schools—almost half of the total assigned to the entire junior high school division of 136 schools.

(e) On the average, there are more than two guidance counselors assigned to every one of these schools. One school has three and four schools have four each.

All of these personnel services are in addition to the larger staff normally assigned to special service schools.

HIGH SCHOOLS

There are 116 teachers who teach English to Puerto Rican pupils as a second language. They are supervised by a licensed chairman.

6. Special features of the instructional program: The curriculum is the same as prescribed for all children, with the following special features:

(a) Resource units for classes with Puerto Rican children—teaching guides containing additional suggestions for enriching elementary school curriculum experiences.

(b) Teaching English to Puerto Rican pupils—guide series for English-language instruction for non-English-speaking pupils in elementary schools.

(c) After-school Spanish clubs in 30 elementary schools for Spanish-speaking children who wish to maintain or improve their Spanish language and culture.

(d) Regular program of help in training teachers for overcoming reading disabilities among Puerto Rican pupils.

(e) Half-hour language emphasis lesson each day for all elementary school pupils who are learning English as a second language.

(f) For pupils on all levels, the after-school tutorial and study center program to assist in individual remedial reading and other skills, as well as in homework and use of library.

(g) WNYE (board of education radio station) educational program for pupils, stressing idiomatic English and currently acquainting children with places of interest in the city.

(h) Assignment of non-English-speaking elementary school pupils to regular classes together with English-speaking pupils; limiting the number of non-English-speaking pupils assigned to any one class to a range of from six to nine children.

(i) Assignment of non-English-speaking children as far as possible to classes where the mainland children are not underachievers or retarded pupils.

(j) Fluid policy of interclass transfers throughout the year as pupils make progress in the English language and are able to adjust in classes more suitable to their abilities and learning needs.

(k) A junior high school program of advanced standing in Spanish for Spanish-speaking students.

(l) Columbia University linguistics experiment at one junior high school in teaching English as a second language—subsidized by Ford Foundation. This program will be expanded if found successful.

(m) In an experiment introduced this year, Spanish-speaking pupils are being taught mathematics and science with the help of the use of the Spanish language where helpful. In a project being developed for next year, 15 classes will be taught science in English and Spanish.

(n) An orientation class with a special teacher is provided for Puerto Rican junior high school pupils with difficulty in speaking English—special guidance and intensified instruction in English and in social studies. As soon as pupil can handle English as a tool, he is transferred to regular classes. Maximum time in orientation class is 6 months.

(o) Specially prepared curriculum bulletins have been published for guiding secondary school teachers in planning lessons for English classes for non-English-speaking pupils.

(p) Spanish-speaking Puerto Rican high school students are assigned to Spanish-language classes. In schools with considerable numbers of pupils whose native language is Spanish, special Spanish classes have been organized to meet their specific needs.

(q) In the vocational high schools, each non-English-speaking pupil is paired with an

English-speaking pupil, who helps him, under teacher direction, to learn the basic vocabulary necessary to a trade.

(r) Additional budget allotments for special textbooks and other instructional materials are provided on all levels.

(s) Development of supplementary reading materials for pupils which portray local minority-group personalities as leaders.

(t) A curriculum bulletin is being developed for teachers which will stress the special position of Puerto Rico in Latin American culture and its relationship to the Americas. This bulletin will clearly describe for all teachers the role of the Puerto Rican in American history and culture.

7. Testing:

(a) Together with the educational testing services of Princeton, N.J., the New York City public schools are developing a more apropriate test to assist teachers in assessing the abilities of pupils.

(b) For non-English-speaking pupils, a cooperative inter-American test is administered in Spanish to pupils in grades 2 and 3. Individual interviews are held with parents, teachers, supervisors, and pupils to recommend adjustments in class placement. Under a new policy, intelligence test scores in group or class tests are not placed on pupil record cards.

(c) In cooperation with the department of public instruction of Puerto Rico, a Spanish test of mental ability is given to non-English-speaking pupils in grades 1 to 3, and 4 to 6.

(d) In grades 1 to 3, tests are given to measure ability in basic skills in reading in Spanish. The findings are then used in helping these pupils to learn to read English.

(e) The junior and senior high schools administer to non-English-speaking Puerto Rican pupils the cooperative inter-American test in Spanish with follow-up for accurate placement in grades and classes. A test of general ability, developed and used in Puerto Rico, is now being given to Puerto Rican high school pupils. Under a new policy, intelligence test scores in group or class tests are not placed on pupil record cards.

(f) Spanish language tests of mental ability, developed and used in Puerto Rico, are being given in 15 junior high schools. The scores will not be placed on pupil record cards.

(g) Annual tests in reading will be given in order to emphasize importance of this skill, to provide a continuous check on pupil progress and in assisting teachers in planning for effective instruction and remedial work.

8. Training of staff:

(a) Television courses have been set up for the training of teachers in methods of teaching English as a second language.

(b) Sixteen inservice courses are conducted for teachers in beginning and intermediate Spanish.

(c) Operation Understanding: Exchange of New York City teachers and teachers in Puerto Rico enables the New York teachers to spend a year in Puerto Rico to learn more about Spanish, Puerto Rican culture, and history and about the Puerto Rican pupils, their special interests and needs and how the schools of Puerto Rico are meeting these needs. In addition, 50 elementary school principals from schools with a large Puerto Rican population will have visited Puerto Rico for 1 week during the 1963–64 school year in order to observe schools, confer with Puerto Rican educators and in general gain firsthand knowledge and insight to help develop more effective programs of education and adjustment for Puerto Rican children and their parents in this city.

(d) Members of the board of education, the superintendent of schools, the deputy superintendents, several associate superintendents and assistant superintendents and other top schools officials have visited schools in Puerto Rico and have conferred with education officials there about ways of continually upgrading the New York City program.

(e) Teacher-training films. One film, "Bienvenidos," was developed by the Elementary school division and describes the total program for non-English-speaking children and includes demonstration of a language-emphasis lesson.

(f) N.E. coordinators in junior high schools assist N.E. teachers and other teachers in workshops, classes, etc.

(g) Special teaching units describing Puerto Rico have been prepared to aid teachers in all schools in helping pupils to gain a greater knowledge of the life, history, and geography of Puerto Rico.

(h) Puerto Rican summer workshops for New York City teachers—Each year since 1957, 30 different teachers and supervisors have attended a 35-day workshop in Puerto Rico—observing classes, working with Puerto Rican teachers, with the Department of Education of Puerto Rico and with the University of Puerto Rico and studying Puerto Rican history and culture.

(i) The school system's teacher recruitment unit has been cooperating with ASPIRA, an agency interested in raising the sights of Puerto Rican young people. Coaching sessions have been provided for approximately 60 Puerto Rican college graduates in preparation for licensing as teachers.

(j) Professional seminars for applicants for supervisory positions have been established in order to increase the promotion rate of Puerto Rican teachers and supervisors, among others.

9. Cooperation with parents:

(a) Programs of workshops and mothers' clubs are conducted in Spanish in many schools.

(b) Individual guidance and other help are provided to parents by Spanish-speaking auxiliary teachers.

(c) Translation services are provided at parent association meetings. Letters of invitation are written in Spanish and English.

(d) Auxiliary teachers make home visits in the interest of pupils.

(e) Parents association bulletins are written in Spanish and English in schools where there are many Puerto Rican pupils.

(NOTE.—A television series is being planned by the bureau of community education to teach English to non-English-speaking adults.)

In the present program of the bureau, day and evening classes are conducted for adults for teaching English as a second language. There are also programs for adults in basic education and informal classes for general self-improvement.

In cooperation with the city's labor and welfare departments, the board of education last summer sponsored a program for unemployed men and women between the ages of 19 and 50 for improvement in basic education skills and attainment of elementary school certificates.

10. Major unmet needs (most of these require very substantial increases in budgetary funds):

(a) Construction and modernization of remainder of school plant.

(b) Completion of program to provide full-time instruction for every pupil.

(c) Further reduction of class size as additional classrooms and funds become available.

(d) Strengthening of the kindergarten and establishment of prekindergarten programs.

(e) Continued improvement of the reading and language arts program.

(f) Intensification of programs to reduce dropouts, programs of job training and retraining, and those to assist out-of-school youth in returning to school.

(g) Completion of the comprehensive review now underway of the academic and vocational high school instructional program to determine its effectiveness in meeting current and future needs and to provide greater opportunities for minority groups.

(h) Continued improvement of programs of recruitment and promotion of Puerto Rican teachers and supervisors.

(i) More equitable distribution of experienced teachers and supervisors.

(j) Additional guidance and clinical services.

(k) Expansion of summer school services.

(l) Strengthening of programs to develop bilingualism and biculturalism.

(m) Intensification of the present study of textbooks and supplementary materials with a view to eliminating all those which misrepresent minority group life, history, and contributions or fail to develop a more positive image of these.

(n) Extension of team teaching as one approach to meeting the special educational needs of pupils in minority group areas.

(o) Continued expansion of the community relations program.

Mr. TALMADGE. Mr. President, the people of my State have great respect for the State of New York. They know what a great and outstanding State it is. We view with considerable sympathy and apprehension the fact that the public school system of the city of New York has become a political football, with groups of citizens trying to exercise leadership in handling the schools and encouraging the children to remain out of schools and not to go to the schools with regularity. Some groups of citizens have been encouraging the transportation of students in the city of New York great distances from their homes to schools in other areas. We sympathize with the Senator and his problems there. We hope that the turmoil in the school system of the city of New York will soon be resolved in order that students can go to school instead of becoming political issues.

Mr. JAVITS. Mr. President, will the Senator yield under the same reservation?

Mr. TALMADGE. I am delighted to yield to the Senator from New York.

Mr. JAVITS. I have tried to make clear the great difference between school systems which are segregated, many under State constitutional provisions and laws mandating segregation, as in Mississippi, and the school system in New York, where there is no school which is 100 percent white or 100 percent Negro, and where the various levels of government are dedicated toward dealing with the disadvantages in education which result from racial imbalance in certain schools.

I feel so strongly on that subject that, notwithstanding the unhappiness of some families with the problem of transportation, I have had to say that, in aid of a plan to utilize certain schools for certain grades and other schools for other grades, I would approve of a limited amount of transportation with a limitation upon distance and a limitation upon time.

Mr. TALMADGE. Mr. President, will the Senator permit me to interrupt?

Mr. JAVITS. Certainly.

Mr. TALMADGE. What would be the Senator's view as to the proper ratio to have a well balanced school? What statistics does the Senator have in mind as to the proper ratio that a school should have?

Mr. JAVITS. The Senator from New York would not endeavor to set himself up as an expert on education, and therefore give a percentage figure for schools. I am perfectly satisfied to leave that question to Dr. Calvin Gross, our superintendent of schools, and his very competent staff. I point out to the Senator only that the educational authorities in New York believe that some material movement of those school children is necessary.

Mr. TALMADGE. Will the Senator permit me to interrupt at that point?

Mr. JAVITS. Certainly.

Mr. TALMADGE. I judge that the Senator favors racially balanced schools within the meaning of that term.

Mr. JAVITS. The Senator favors schools which, by virtue of their racial balance, give children the best opportunity to develop as Americans without regard to color.

Mr. TALMADGE. The Senator from New York would not be in favor of transporting students unless the schools were racially imbalanced, would he?

Mr. JAVITS. Mr. President, I believe that is a fair statement. I would not favor transporting children in a very limited way unless the schools were racially imbalanced. Again I point out that the question applies to a minority of New York schools. We have not more than 19 percent of such schools. I placed the figures in the RECORD previously. I rely upon the trained, pedagogical judgment of the school authorities for that purpose rather than my own.

Mr. TALMADGE. How far does the Senator think the students should be transported in order to obtain a fair racial balance?

Mr. JAVITS. There again I would rely upon our authorities. The only point of reference which I made before was to the degree, in the New Rochelle case, in which Judge Kaufman in his decree set a limit—and it is a suburb, and not the city of New York—of 30 minutes in time and 4 miles in distance. But I do not make those rules for New York City. There are places where the distance and time would be less. I prefer, again, to leave the fixing of those limitations to the normal considerations of the educational authorities, when added to the feelings of the parents. I think those are educational judgments which the parties in interest are best capable of making.

Mr. TALMADGE. Will the Senator state what is the farthest distance the children there have been transported in order to achieve a fair racial balance?

Mr. JAVITS. The farthest distance which the children have been transported, by their request, has been more than 4 miles in some cases. I think that is an accurate statement. I know of no transportation as yet undertaken, on a bus transportation basis, against the wishes of the parents. I say, "as yet." They may have to come to it, but it has not happened.

Mr. TALMADGE. Then why have there been so many demonstrations of citizens? I have been reading the papers, and have been quite sympathetic toward my colleagues from New York, about the turmoil and chaos in the public school system. There have been two boycotts in recent weeks, in which hundreds of thousands were ordered to stay home by some political leader. A few days thereafter, people were demonstrating to the opposite effect.

Has it been determined yet what is an appropriate, fair balance in the schools of New York?

Mr. JAVITS. Not yet. I would say the final view as to percentage has not yet been determined, but we feel that the present percentages need improvement. The board of education is endeavoring to improve them.

As to boycotts and counterdemonstrations, let me point out, first, that in New York they can be made, and are made, without suppressive police action. Second, the reason for them on the part of those who boycotted is that they feel that the board of education plans which were announced did not go far enough in that respect.

Incidentally, a new announcement with some additional planning toward the same end is due this week, perhaps as early as today.

With respect to the counterdemonstrations, they are due to the fear of compulsory transfers and the fear of what would happen if Negroes were introduced in greater numbers into schools where they exist in lesser numbers now.

My own view as to the boycotts is that I deprecate them. Nonetheless, people have a right to express their views in any way they choose. However, in my judgment, they may not be permitted to violate the law. I hope the boycotts will not continue. I am glad to see that the second boycott was less intensive than the first.

However, I do not believe we have a right to expect any other eventuality than boycotts if we do not respond to the very sincerely and deeply held views of people, backed by our educational authorities, that we should do the very best we can in the field of racial imbalance.

Also, I deplore and deprecate the counterdemonstrations, for the same reasons. I believe the fears are unwarranted and do not take into account the social needs of our community. I deeply feel that the educational, governmental, and social climate in New York is such that there exists the will to adjust the situation in a fair way. We do not have perfection, so we have boycotts on one side and counterdemonstrations on the other side.

I deeply feel—and it has been the whole thrust of my statements on this subject—that, even granting boycotts and counterdemonstrations, the atmosphere of a desire to do justice in this matter, and serve the best interests of society in a way that I think is most conducive to the national interest, is most auspicious in New York.

I wish the same attitude and climate existed throughout the country. Then I think the country would be under a less grave threat of serious disorder than would otherwise be the case. We are under a grave threat, and indeed we are actually undergoing it in certain parts of the country.

Mr. TALMADGE. Does the Senator favor compulsory transfers of children to achieve an appropriate racial balance?

Mr. JAVITS. The Senator from New York said he would favor some limited amount of transportation and assignments, in aid of the so-called Princeton plan.

Mr. TALMADGE. Is that compulsory or noncompulsory?

Mr. JAVITS. It is no more and no less compulsory than the law requiring children to attend school at a central district, where a bus picks them up or where parents can transport them. If the parents keep them home, they are violating our laws by preventing the children from going to school. So if the Princeton plan is compulsory, it is no more and no less compulsory than school attendance and fixing a place of attendance at a certain point in accordance with the needs of the children. I see nothing wrong or abusive in that.

Mr. TALMADGE. Will the Senator yield further?

Mr. JAVITS. I yield.

Mr. TALMADGE. I read from time to time in the New York press, as well as others, about policemen patrolling the schools in New York. Is it common practice to assign policemen to patrol schools in New York City and other portions of the State?

Mr. JAVITS. Where there are cases of violence by pupils against teachers, which occur in New York on occasion, it is perfectly proper—no more so and no less so than it was proper for the Army to be called out to see that the law of the United States was enforced in Little Rock, or when marshals had to be sworn in to keep people from being killed in Montgomery, Ala.

In short, where there are problems of order, the law must be enforced. Our job is to see to it that we have the foresight, in our policy and laws, to insure that such disorder is minimized, and eliminated so far as possible.

Mr. TALMADGE. It was with great sympathy that I read about attacks on teachers by students in the public schools of New York. Are such attacks increasing or decreasing at the present time? I think I read of nine in 1 day. Is that correct?

Mr. JAVITS. I would not know about the figure of nine in 1 day. I would not challenge the Senator on it. My recollection is that there were about six, but the number is immaterial. There has been a rash of incidents of that character in the New York schools, which is not unusual considering the privations and difficulties under which people live in congested, ghetto-like areas.

No one in the world has been more willing than I to state the truth in terms of the failure to afford to Negroes homeliving opportunities of an adequate character, to free them from ghetto-like situations, to qualify them for greater employment opportunities and greater opportunities for training in respect of employment, to provide more effective means of educating people, and to enable us to deal better with conditions of youth delinquency and many other such conditions.

But I have also pointed out that it is one thing to have a community where the climate of society and government, the money spent, the time and effort given, and the dedication exhibited, are directed toward providing these opportunities, and that it is another to live in a community where people apparently believe that the social order requires one race, because it is black, to be denied these opportunities. That is the whole difference. Unfortunately, I have run into this brick wall of Senators from the South who are agreeable gentlemen in every way, but who do not see the difference and stubbornly argue it is not so, that they are better off than we are, that it is quiet down there. It is also quiet in a tomb—we all know that—but we do not believe that is the way to run the world.

I say to the Senator, with a sense of deep unhappiness, that this is one of those terribly irreconcilable problems in the life of our Nation with which we are now engaged and deliberating upon in an endeavor to do something about it.

Many times have I hoped and yearned that there might be a better way to reconcile these seemingly head-on intellectual differences and the differences in social outlook on this question. But only one prescription has ever been offered by those who think as does the Senator. I have the highest respect for his intelligence. He and I once served uniquely as a 2-man subcommittee. I soon learned of his ability. I have often prayed for some prescription which had some "give" in it, which would be other than, "Leave us alone. Leave it to us and by the process of education we will solve the problem."

We should not leave it alone in terms of validating the Constitution of the United States.

I know that is not an answer to the Senator's question, but it does give me an opportunity to say what has been in my heart for a long time.

Mr. TALMADGE. I am grateful to the Senator for his generous, personal reference to me. It is certainly mutual. I believe the Senator to be an extremely able lawyer. My associations with him have indeed been pleasant.

The next question I should like to ask him is: If New York has all these beneficial laws, such as public accommodations and the FEPC laws, and various other things of that nature, why does the New York public school system lend itself to such turmoil, attacks, strife, and boycotts?

Mr. JAVITS. I shall be glad to answer that question.

The laws of New York have worked well in many respects, but with the increasing number of people and the number of additional problems that an increasing population brings, they have not worked perfectly. The laws regarding fair housing opportunities, even in private housing, are fairly recent. The housing pattern—the concentration of Negroes in certain areas in New York City—has been contributed to by reason of the fact that economic opportunities are behind the times.

Let us remember that there has been a large movement of Negroes from the South into New York and other large cities. They come to us with the heritage in their own lives, and the lives of those who came before them, of being a suppressed class, economically and otherwise. It requires time before we can come abreast of that kind of situation; whereas, in the social order of the South, the system and the fears which it engenders keep Negroes relatively quiet.

Mr. TALMADGE. I am talking about New York now.

Mr. JAVITS. I am getting to New York. As is often true of suppressed people, when they break out and finally see the light of day, they sometimes become a little unruly. Until such time as they come abreast of the development of the communities in which they live—in that sense to the whole North, which has reaped the whirlwind which was sown in the South for 100 years—we must live with it.

However, that does not mean that we should not try to extend Federal authority where it belongs, and do something about it.

Mr. TALMADGE. If law could solve this peculiar problem of human relations, why is not New York a veritable paradise where everyone would wish to remain forever, and never die and go to heaven?

Mr. JAVITS. Because it takes time to develop a paradise when such deep and difficult problems have lasted so long, and are still prevalent in some parts of the country. It also takes time to overcome difficulties of prejudice and patterns of behavior deeply inculcated in people, even in our own areas of the country.

I wish that Senators from the South would gild the lily as little as we did, then we would be making better progress in this debate. We are frank, open, and honest about our troubles, but if we were to listen to the Senator from Georgia and other southern Senators, one would think that they lived in a paradise, that there were no riots in Jacksonville, Fla., or in Montgomery, Ala., or in other places in the South caused by the deep suppression of people who no longer wish to tolerate such suppression.

Mr. TALMADGE. We are talking about the school system. I was interrogating the Senator on that point. Fortunately, for the most part, our schools have been free from strife. There have been no attacks on our teachers. We do not need to have policemen patrolling our schools to preserve order. Teachers in our public school systems are not engaged in hazardous duty. They do not have to pay extra premiums on their insurance policies because they teach in public schools. It is considered a safe profession in my State, and I hope we can keep it that way.

I was merely trying to ascertain some of the problems of the State which the Senator represents. I appreciate the frankness of his statement. I sympathize with him in the problems of his great city. I have the greatest respect for the city of New York and for the State of New York. It is a great and magnificent State. All of us have been somewhat saddened and feel deep sympathy for the distinguished Senator because of the peculiar problems that have remained unsolved in New York after so many years of force bills that the Senator tries so fervently to ram down our throats.

Mr. JAVITS. With all respect to the Senator, I have too much faith in the good sense both of my fellow Senators and of the people of the United States to think that this facade is going to "take us in." We have our troubles and difficulties. We have our unruliness and the dangers attendant thereon. But at least we are living in a free world where freemen can seek legal redress for their grievances, which they have a right to do. In a suppressed world, the trains may run on time in this kind of social order, but who wants to live that way? That is really the essence of this debate. I consider it an honor and a privilege in my service to the Senate to debate this and with so valiant an opponent as the Senator from Georgia. We have been able to reveal to all the naked truth.

Mr. ELLENDER. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. I am surprised to hear the distinguished Senator from New York express a desire for more time to discuss matters in his State. I believe it was admitted some time ago that there have been on the statute books of the State of New York laws similar to the Federal laws that are now proposed.

New York State has had such laws for a long time. Why have they not been enforced, to prevent the trouble that the State has been having?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I agree with the Senator from Louisiana. If laws could solve the problem of human relations, the State of New York, and particularly the city of New York, would be utopias. If that were the case, all of us would eventually hope that our own States and cities could achieve the outstanding success in human relations that had been achieved by the State and city of New York. Unfortunately, what we read in the press does not reveal that to be true.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I now yield to my distinguished friend from New York.

Mr. JAVITS. I said before, and I believe I said it better than I shall be able to say it again, that there is a brick wall which keep Senators like the Senator from Georgia from being ready to accept what we are ready to accept: the difficulties and imperfections and dynamism of human conduct, and the struggle, at least, for the justice and equality of opportunity that it deserves. There is a difference between societies. I believe that the society for which the Senator is contending, with all of its order and regularity, is archaic, and does not give a great number of people the opportunities they deserve. In my judgment, it imposes great restraint upon the majority and upon their development.

After all, the development of the so-called poor whites in the South has been nothing to write home about. I do not believe it is a course which our country desires to choose. However, to get the Senators to admit it will take a much better man than I am.

I pose this difficulty between us, which is that we are ready to admit all the imperfections, but that we are ready to deal with them. We do not believe that the America which our distinguished, and generally very engaging and friendly, colleagues are contending for is the America of today or tomorrow.

That is the real essence of this debate.

Mr. TALMADGE. I believe I read somewhere in Scripture:

> Why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Before the Senator from New York views himself as an expert on how to solve all problems of human relations, which have existed from the dawn of history to the present time, he would do well to solve the problems in his own great State before he helps us solve the problems that tend to exist in our own.

Mr. JAVITS. Speaking of quotations, I suggest:

> There's none so blind as they that won't see.

[Applause in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries will refrain from applause.

Mr. TALMADGE. Mr. President, getting back to the provisions relating to the Civil Rights Commission:

TITLE V—COMMISSION ON CIVIL RIGHTS

Sec. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"RULES OF PROCEDURE OF THE COMMISSION HEARINGS

"Sec. 103. (a) The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

"(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. In the event the Commission determines that such evidence or testimony shall be given at a public session, it shall afford such person an opportunity voluntarily to appear as a witness and receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

"(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

"(j) A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process."

Sec. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 634) is amended to read as follows:

"Sec. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2; 60 Stat. 808)."

Sec. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(b); 71 Stat. 634) is amended to read as follows:

"(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expenses Act of 1949, as amended (5 U.S.C. 835–42; 63 Stat. 166)."

Sec. 504. (a) Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c; 71 Stat. 635), as amended, is further amended to read as follows:

"DUTIES OF THE COMMISSION

"Sec. 104. (a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or nationl origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution;

"(4) serve as a national clearinghouse for information in respect to equal protection of the laws, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice;

"(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election; and

"(6) nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings, and recommendations not later than January 31, 1968."

Sec. 505. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(a); 71 Stat. 636) is amended by striking out in the last sentence thereof "$50 per diem" and inserting in lieu thereof of "$75 per diem."

Sec. 506. Section 105(g) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(g); 71 Stat. 636) is amended to read as follows:

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

Sec. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d(h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

"(1) The Commission shall have the power to make such rules and regulations as it deems necessary to carry out the purposes of this Act."

Mr. President, I have read thus far merely 5 titles of this 11-title bill. It would carry into effect the police power and force of the Federal Government in every area of our lives, in human, private conduct.

I firmly believe in every citizen in every area of our country fully enjoying every right guaranteed him by the Constitution and the Bill of Rights. The civil liberties of our people are contained primarily in the first 10 amendments of the Constitution, and the 13th, 14th, and 15th amendments.

These rights are limitations on the powers of government. Whenever the liberties of people throughout the world have been destroyed, they have always been destroyed not by their fellow citizens, but by the tyranny of government.

In the present bill, which is alleged to be a civil rights bill, we are asked to approve legislation without ever sending it to a legislative committee for hearings, for study, or for the appearance of any witnesses.

The bill itself is not a civil rights bill at all, but is the very antithesis thereof. It delegates more and more power to the Federal Government to regulate and control the daily lives of the people of our country.

Woodrow Wilson, who, I think, is one of the greatest men this country ever produced, stated that the whole history of human existence, of human liberty, was a struggle between the tyranny of government and the liberty of people.

The bill is labeled a civil rights bill. It would restrict the liberties of the people in every area of human conduct. It is not proposed to grant one additional right in this so-called civil rights bill except to government officials. The only new right being created is a special right to invade private property by certain favored citizens. While that special right is being created, the property owner himself is being denied his constitutional right of free enjoyment and use of his private property in accordance with constitutional processes.

I hope that the Senate will not take up this bill. I hope that if it is taken up, the Senate will exercise good judgment in accordance with the rules of the Senate, and particularly rule XXV, and send it to the Judiciary Committee, which has appropriate jurisdiction, where it can be thoroughly studied.

I submit that if the bill is passed in its present form, future generations of American people will be living in an ant-hill society as in George Orwell's "1984." They will look back upon this Congress and say that this Congress had the duty and the responsibility to maintain, protect, and preserve the liberties of all people in this country and that it shirked that responsibility. They will say we vested our liberties in the hands of a powerful government that could from that time on subject its citizens to tyrannies.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROBLEMS IN CONNECTION WITH MISSOURI RIVER DAMS

Mr. LONG of Missouri. Mr. President, Missourians have long cooperated in supporting development projects on the upper Missouri and Mississippi Rivers. Though these projects seldom benefited us directly, we have often lent our efforts in their behalf.

Proposed legislation now in Congress, however, threatens to deprive Missourians of benefits from future river developments similar to those presently enjoyed by our neighbors to the north and the west. The Federal water project recreation bill introduced last fall, H.R. 9032, could have the result of stopping any future reservoir project in Missouri. The reapportionment of project costs provided for in this bill is wholly unreasonable. Demands on local funds would be unjustly high, in view of what they have been in the past on other water-development projects. Should this bill become law, the local share of costs of one flood-control project in my State, for example, would be increased nearly tenfold. This increase might well serve to deprive Missouri of a valuable river-development program.

The Kansas City Star, one of my State's most widely read newspapers, recently pointed out, in an excellent editorial, the great injustice of this proposed legislation. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Mar. 20, 1964]

MISSOURI DAMS COULD BE PRICED OUT OF REACH

Missouri, a late starter in river development, is faced with a possible change in the Federal ground rules that could halt any future reservoir starts. River leaders are just now realizing the implications of the administration-sponsored Federal Water Project Recreation Act introduced last November.

It starts with the reasonable purpose of setting up a uniform policy on allocating costs and benefits of recreation and fish and wildlife enhancement on multipurpose projects. But it includes a new formula for local cost contributions that would be out of reach and reason. On the $278 million Grand River program of seven dams in northwest Missouri, it would push local costs from $2,902,000 up to $26,675,000, according to information obtained from the Army Engineers by Senator STUART SYMINGTON.

Boosters of the Grand River program have complained that such financing arrangements would force them to pay not only Federal taxes but much higher local contributions for their urgently needed dams.

Recreation use of Federal flood control and power lakes has boomed into very big business indeed. There were nearly 150 million visits in 1962 alone. But Congress has established no clear policy recognizing recreation as a benefit which can justify a part of construction costs. The Army engineers now have authority to build public use facilities at their reservoirs, but the Interior Department has not had such authority at reclamation projects. The new bill would correct this inequity. But at the same time it would sharply limit the amount of nonreimbursable benefits (i.e., paid for by the Government) on recreation, fish, and wildlife improvement.

Costs beyond these limits could either be reallocated to other project benefits, such as power, municipal water supply or irrigation, or repaid by local interests in cash or land contributions. Combinations of these three alternatives are suggested.

There is doubt that the House Interior Committee, which reported the bill favorably this month, intends a strict requirement of local cost-sharing at prohibitive levels. Their report concedes that "from a practical standpoint" there would be few cases where local interests would be able to reimburse Uncle Sam to any appreciable extent. And it suggests that "circumstances prevailing in each individual project" should govern. We wonder why such a fearsome formula would be proposed if Congress does not truly intend to enforce it.

The bill, H.R. 9032, is jammed in the House Rules Committee behind several other Interior bills. With Congress hogtied by the civil rights squabble and with a political eye on early adjournment, it may well just lie there this session. A basic change in financing river projects now would be grossly unfair to Missouri and other States, which are just now getting into the program full scale.

MRS. LYNDON JOHNSON'S VISIT TO THE MARSHALL SPACE FLIGHT CENTER

Mr. SPARKMAN. Mr. President, yesterday, the First Lady of the land, Mrs. Lyndon Johnson, visited the Marshall Space Flight Center, at Huntsville, Ala. I wish to have printed in the RECORD her inspiring words on that occasion.

Her own reaction to the tests—as reported in the press—was "if the mind of man can do as much with machines, it can do the same with human engineering."

Mrs. Johnson's trip to Huntsville accented the byproducts of unity which the space program has brought to the South, and the peaceful benefits the space program brings to the world.

Upon her arrival at the Marshall Space Flight Center, Mrs. Johnson made a few brief remarks. Later, at an award ceremony, she also made brief remarks. I ask unanimous consent that a copy of her statements be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

ARRIVAL STATEMENT OF MRS. LYNDON B. JOHNSON, MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALA., MARCH 24, 1964

Mr. Webb, Dr. von Braun, Congressman Jones, Mr. Mayor, friends, there are many reasons I have looked forward to this visit today to this great Space Flight Center.

Not the least of these is the fact that Lyndon has, since 1958, when he authored the Space Act, made the establishment of our national program for the peaceful exploration of space one of his major thrusts. The depth and intensity of his interest has, very naturally, stimulated my own, and I welcome this opportunity to see how our objectives to use space for peaceful purposes are being met.

Too, I am proud because of the vital role women have played in space—nearly 20 percent of this payroll—with jobs ranging from clerk-typists to aerospace engineers. I am looking forward to meeting many of them today.

I am particularly pleased that my own personal exploration of our space program should begin here in Alabama—a part of the world that is almost second home to me.

I am very proud of the vital role which Alabama and the South are playing in our national space program. And, you who have taken such a big hand in it must be very proud.

As I stand here today and gaze out over Madkin Mountain and the rolling lands covered with pine trees, I am mindful how much the story of our country's past and future is written in these red clay hills.

This is the land where the Chickasaw and Cherokee once roamed and hunted. This is the land where the settlers, led by John Hunt, came across the Appalachian Mountains to make a better life on the frontier.

On these very lands, now dotted by rockets to the sky—cotton once was king.

Today, we look not to the past, but to the future. For the South has hitched its wagon to the stars.

It must be exciting for you, here at Marshall, to know that this is the birthplace of our flight to the moon. The men who ultimately go to the moon will be there because of you, and because of facilities in Mississippi, Louisiana, and Cape Kennedy, Fla.

Space research and development already have enriched the economy of the South; and the future for the South is as bright as the stars and as vast and boundless in its promise as the far reaches of outer space.

It is appropriate that this Center should be named after Gen. George Marshall—the only professional soldier to win the Nobel Peace Prize, for it was once a part of an Army missile installation. Established under NASA by Executive order 4 years ago this month, the Center now is dedicated to the peaceful uses of outer space. In his Nobel lecture, General Marshall said, "we are told that we live in a highly scientific age. Now the progress of science depends on facts and not fancies or prejudice. Maybe in this age, we can find a way of facing facts."

Here at Marshall, you are finding that way—as a unified people with a unified purpose.

So many of you in this audience have played a major role in making this center a success. This society has seen the transformation of "40 acres and a mule" to a highly industrialized complex. I am delighted to see for myself what you people know so well.

It is you who have eased the growing pains of a community that grew—in 11 short years—from 16,000 to nearly 120,000.

And no one who knows anything about running a city can fail to realize how many miles of electric lines, pipes, and new telephones, schoolrooms, churches that means.

It all adds up to spell progress for you—for your country—and for the destiny of all mankind.

Thank you.

REMARKS BY MRS. LYNDON B. JOHNSON AT AWARD CEREMONY FOLLOWING PRESENTATION OF GIFT, MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALA., MARCH 24, 1964

Mr. Webb, Dr. von Braun, Mr. Johnson, and all of you here who are so important to our national space program, I want you to know how much I appreciate the opportunity I have had to see the work being done here at the Center to advance our peaceful efforts in space exploration.

I have seen the marvelous machinery being built for space. Both its size and complexity are impressive to any viewer; and I am no exception. I have been impressed; but even more, I have been inspired by the fact that these wonderful machines are the creations of the minds and hands of dedicated men and women who are working to expand the knowledge of the universe.

When I saw the large engine section of the advanced Saturn which you here refer to as the Saturn V, roman numeral five, I recalled that during the past—and hopefully the last—of the world's great wars, the roman numeral five—the V—became our symbol of victory. When, in the near future, the Saturn V, which you will have built, carries three men to the moon, that will be another V-day, but with an important distinction.

For the antagonist over whom we will have won a victory will not be a human enemy or hostile ideology. Rather, it is a vast unknown; and our mission is not conquest, but understanding. Our weapons are not arms, but ideas. Our strategy and tactic are intellectual and scientific ingenuity. Our goal: peaceful cooperation.

This future V-day will belong to all of you—those who do the paperwork and typing at night, compile the information and prepare the reports—as well as the engineers and scientists.

The President often has said that a major strength of our Government are those persons to whom public service is a career—not measured merely in years, but in the consistent excellence with which they perform their duties. This award ceremony, in which I have been privileged to participate, is evidence of that consistent excellence and superior performance which is the best of our Government and which truly cannot be measured adequately in dollars. Your accomplishments and service are an inspiration to us all. On behalf of the President and for myself, I want to express deepest appreciation for your efforts and all they mean to the strength and advancement of our democracy.

Thank you all.

Mr. SPARKMAN. Mr. President, I also ask unanimous consent to have printed at this point of the RECORD a very nice editorial, entitled "Get Out the Red Carpet," which was published in the Huntsville Times of March 20. The editorial relates to the proposed visit by the First Lady to Huntsville.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Huntsville (Ala.) Times, Mar. 20, 1964]

GET OUT THE RED CARPET

The chief assistant to President Johnson is going to be in these parts Tuesday to visit test-stand and hug Alabama relatives. And we're real pleased and flattered.

Claudia has something about her that just reminds us of good, solid Alabama people. And though she actually was born in Texas, we're prepared to overlook that. After all, a lot of good Alabama people have been born in Texas.

Claudia, of course, rarely is called by such a cold, Roman-sounding name. She's Lady Bird to the world now.

You know, we used to theorize that her nickname sprang from right-pretty imagination on the part of some elder kinswoman who sensed true southern elegance in the sound of it. It made us think of cardinals hopping around from branch to branch in a springtime sweetgum or of a lady thrush gliding downward from the yellow-green maze of an April weeping willow.

Then we learned the child got the name from the honey-words a colored caretaker used to heap upon her infant charge. Still nicer, we felt, and even more typically southern.

Not long ago we were roaming about in the unabridged dictionary, however, and discovered that a lady bird really is one of those more-or-less hemispherical, brightly colored little bugs (beetles, is more explicit) scattered all over Dixie. The favorite kind—the variety that usually sets fire to the imagination of all kids—is the bright-red, black-spotted one that can make a carnival out of any backyard grass-clump.

Anyway, there again was the imagination, the color, the close spirit that linked all members of Dixie households. And "Lady Bird" seemed more significant an appelation than ever.

We'll be awfully tickled to have you, Lady Bird. We'll try to have a springtime sun out in full force when your plane puts down Tuesday morning. Do try to get here bright and early, chile.

Mr. SPARKMAN. Let me say that we in Alabama are very proud of the fact that Mrs. Johnson has her roots deep in our State. Both her father and her mother were born there, and lived there until shortly before Lady Bird was born, when they moved to Texas. However, she was orphaned while still a young girl; and she lived most of her childhood in Alabama, and attended school there, and still has many relatives there.

It so happens that President Johnson's people also lived in Alabama. Therefore, we in Alabama claim a rather large stake in the First Family of the country. So we in Alabama, and particularly those of us in my hometown of Huntsville, were greatly pleased to have the First Lady select the great activity at the space program there as a part of her visits to projects, programs, and places where things are happening throughout the country.

While she was there, she witnessed the first firing of the Saturn V, with all eight of its engines running—one of the greatest producers of power for space the world has ever known. In fact, when it is completed, it will far exceed anything which exists anywhere else in the world.

LOW CATTLE PRICES: THE MYSTERY OF HIGH BEEF PRICES

Mr. McGOVERN. Mr. President, a great deal of interest has been expressed in the hearings now in progress before the Commerce Committee on Senate Joint Resolution 71, introduced by the distinguished senior Senator from Wyoming [Mr. McGEE] to provide for an investigation of the impact of chainstore operations on the beef industry.

In testifying before the committee as the first witness, I pointed out that the farmers' share of each dollar spent by consumers for choice cuts of beef has dropped from 65 cents in 1954 to only 55 cents in early 1964.

I ask unanimous consent, Mr. President, that there be printed in the RECORD a copy of my testimony; a table—showing widening farmer-consumer price spreads on pork and beef—which appeared in the February 1964 issue of the

USDA Transportation and Marketing Situation Reports; and an article entitled "The Mystery of Rising Food Prices," from U.S. News & World Report for March 16.

There being no objection, the statement, table, and article were ordered to be printed in the Record, as follows:

A Fair Marketplace

(Statement by Senator George McGovern, of South Dakota, before a subcommittee of the Senate Commerce Committee, Monday, March 23, 1964; re S.J. Res. 71, authorizing an FTC investigation of food chain marketing practices)

Mr. Chairman and members of the subcommittee, at the outset, I want to thank Chairman Warren Magnuson, of the full Commerce Committee, Chairman Gale McGee, of this subcommittee, and each of you participating in this early morning session for launching these hearings in face of handicaps resulting from long Senate sessions. I am sure that hundreds of thousands of agricultural producers and consumers, whose incomes are involved, would join in that expression of gratitude if they were aware of the circumstances.

The producers of most livestock products are in distress. Many of them are in serious financial trouble as a result of low market prices and consequent losses from their operations. A continuation of low prices for beef, lamb, and mutton will mean the liquidation of a great many producers in the coming years. There needs to be the earliest possible relief.

The severe cattle price situation is the result of a number of factors, including the growth of imports of meat. Beef imports amounted to 10.6 percent of our total meat supply in 1962 and 10.7 percent in 1963. Lambs and lamb and mutton imported ran 17.8 percent of supply in 1962 and over 20 percent in 1963. These import problems are now being studied by the Finance Committee, which is considering import limitations proposed by Senator Mansfield, myself, and by others, which are more severe than the 6-percent reduction agreed upon in negotiations with Australia and New Zealand.

The import problem is getting a great deal of public attention, but there are strong indications that changing marketing practices and margins between the farmer-producers and consumers of meat may be equally or even more responsible for low producer returns.

FARMER-CONSUMER PRICE SPREAD

The marketing and transportation situation report issued by the Department of Agriculture for February 1964 contains a revealing table on the changes in price relationships for beef and pork in the past 10 years. The table shows that the farmers' share of each consumer dollar spent for choice grade beef has dropped from 65 cents in 1954 to 56 cents in 1963. (Early 1964 figures indicate that it is down another cent, to 55 cents.)

It shows that the farmers' share of each dollar spent by consumers for retail cuts of pork dropped from 63 cents in 1954 to 50 cents in 1963, off 13 cents.

In other words, the farmers' take from the dollar we spend here in Washington for beefsteak has dropped 14 percent, and the farmers' take from the money we spend for pork chops and roasts has fallen more than 20 percent.

The spread on a pound of beef has increased 12 cents in the 10-year period. The USDA study shows that 75 percent, or 9 cents per pound, of this occurred at the retail level. One-fourth, or 3 cents per pound, was at the wholesale level.

Consumers should know that out of a 12½-cent-per-pound rise in the average price of a pound of choice beef between 1954 and 1963—a rise from 68½ cents to 81 cents per pound—the farmers got exactly one-half cent. That would disappear entirely if the figures were all converted to a stable dollar level.

With your permission, Mr. Chairman, I would like to submit for the record table 6 from the Marketing and Transportation Situation for February 1964, from which I have taken the figures quoted:

Table 6.—*Beef and pork: Retail price, wholesale value, farm value, farm-retail spread, and farmer's share of retail price, annual 1954–63, by quarters 1962–63*

BEEF (CHOICE GRADE)

Year and quarter	Retail price per pound [1]	Wholesale value [2]	Gross farm value [3]	Byproduct allowance [4]	Net farm value [5]	Farm-retail spread			Farmer's share
						Total	Wholesale-retail	Farm-wholesale	
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Percent*
1954	68.5	52.6	48.8	4.0	44.8	23.7	15.9	7.8	65
1955	67.5	51.4	46.7	3.7	43.0	24.5	16.1	8.4	64
1956	66.0	49.5	44.4	3.7	40.7	25.3	16.5	8.8	62
1957	70.6	52.8	47.6	4.0	43.6	27.0	17.8	9.2	62
1958	81.0	61.1	57.1	4.7	52.4	28.6	19.9	8.7	65
1959	82.8	62.4	58.3	5.3	53.0	29.8	20.4	9.4	64
1960	81.0	60.1	54.1	4.4	49.7	31.3	20.9	10.4	61
1961	79.2	56.6	51.6	4.6	47.0	32.2	22.6	9.6	59
1962	82.4	61.2	56.6	4.8	51.8	30.6	21.2	9.4	63
1963 [6]	81.0	56.1	49.4	4.1	45.3	35.7	24.9	10.8	56
1962—January–March	80.6	59.8	54.7	4.5	50.2	30.4	20.8	9.6	62
April–June	80.5	59.4	53.9	4.8	49.1	31.4	21.1	10.3	61
July–September	83.0	62.0	57.4	4.8	52.6	30.4	21.0	9.4	63
October–December	85.6	63.7	60.2	4.9	55.3	30.3	21.9	8.4	65
1963 [6]—January–March	84.5	58.2	51.7	4.1	47.6	36.9	26.3	10.6	56
April–June	79.1	54.6	47.2	3.9	43.3	35.8	24.5	11.3	55
July–September	80.4	57.4	50.8	4.1	46.7	33.7	23.0	10.7	58
October–December	80.0	54.2	47.7	4.0	43.7	36.3	25.8	10.5	55

PORK (RETAIL CUTS)

Year and quarter	Retail price per pound [1]	Wholesale value [2]	Gross farm value [3]	Byproduct allowance [4]	Net farm value [5]	Farm-retail spread: Total	Farm-retail spread: Wholesale-retail	Farm-retail spread: Farm-wholesale	Farmer's share
1954	64.8	51.2	48.4	7.4	41.0	23.8	13.6	10.2	63
1955	54.8	41.0	33.9	4.7	29.2	25.6	13.8	11.8	53
1956	52.1	38.6	31.8	4.6	27.2	24.9	13.5	11.4	52
1957	60.2	45.2	38.9	5.7	33.2	27.0	15.0	12.0	55
1958	64.8	49.3	43.2	6.3	36.9	27.9	15.5	12.4	57
1959	57.1	39.8	31.3	4.0	27.3	29.8	17.3	12.5	48
1960	56.7	41.6	33.9	4.5	29.4	27.3	15.1	12.2	52
1961	59.2	42.4	36.5	5.0	31.5	27.7	16.8	10.9	53
1962	59.5	42.8	35.8	4.4	31.4	28.1	16.7	11.4	53
1963 [6]	57.5	40.3	32.9	4.1	28.8	28.7	17.2	11.5	50
1962—January–March	57.9	41.8	35.3	4.7	30.6	27.3	16.1	11.2	53
April–June	57.8	40.9	33.9	4.3	29.6	28.2	16.9	11.3	51
July–September	62.2	45.6	38.8	4.7	34.1	28.1	16.6	11.5	55
October–December	60.0	42.7	35.3	4.2	31.1	28.9	17.3	11.6	52
1963 [6]—January–March	57.7	39.2	31.8	4.2	27.6	30.1	18.5	11.6	48
April–June	55.5	39.0	32.2	3.9	28.3	27.2	16.5	10.7	51
July–September	59.6	43.4	36.3	4.3	32.0	27.6	16.2	11.4	54
October–December	57.0	39.6	31.3	4.1	27.2	29.8	17.4	12.4	48

[1] Estimated weighted average price of retail cuts.

[2] Beef. Wholesale value of quantity of carcass equivalent to 1 pound of retail cuts, equivalent quantity gradually increased from 1.28 pounds for 1954 to 1.35 pounds for 1960 and later years; pork, wholesale value of 1 pound of retail cuts.

[3] Payment to farmer for quantity of live animal equivalent to 1 pound of retail cuts. Beef, equivalent quantity increased 0.01 pound each year from 2.19 pounds for 1954 to 2.25 pounds for 1960 and later years; pork, 2.13 pounds.

[4] Portion of gross farm value attributed to edible and inedible byproduct.

[5] Gross farm value minus byproduct allowance.

[6] Preliminary.

The table shows that housewives are paying a little less now than they did in 1963 for pork cuts—57.5 cents per pound as compared to 64.8 cents per pound in 1954. This is a decline in retail price of 7.3 cents. I doubt that many of them know, however, that the farm return for that pork had dropped 11.2 cents—about 4 cents per pound more than has been passed on to the consumer.

There is no good reason, so far as consumers are concerned, why farm prices for beef and pork should be as low as they are today. When choice beef was selling in 1958 to consumers at 81 cents per pound, the same price as in 1963, the farmers were getting 53 cents of the consumer expenditure. In 1963, although the consumers were paying the same 81 cents per pound, the farmers were getting only 45.3 cents per pound for the beef—7.7 cents less.

There are obviously two aspects of the situation revealed in the price spread table which need to be investigated. One is the widening of the gap between the producers and the consumers, and why consumer prices haven't come down with farm prices.

The other is why the producers' returns have fallen, and whether manipulations, monopoly influences, inefficiency, or excessive margins somewhere in the chain of middlemen have had a part in keeping farm returns low.

Farm returns for beef today are seriously reduced by imports and large domestic supplies. But it is my belief that marketing practices are also having a major, adverse effect.

S. 1270 TO PROHIBIT VERTICAL INTEGRATION

Mr. Chairman, for some time I have been convinced that chainstore buying practices, contract feeding, and vertical integration have been used to depress farm prices.

Back in 1956, Senator Joseph C. O'Mahoney, then chairman of the Judiciary Committee's Subcommittee on Antitrust Monopoly, conducted a brief investigation into the problem. I am sure the chairman of this subcommittee knows of it.

There was testimony that on the west coast, a grocery chain took early bids on its meat supply for a week, announced bids publicly that they were accepting well in advance, and thereby set meat price levels in the area. All competitors knew what the major chain in the area was paying for its meat supply for the ensuing week. The testimony indicated that this purchasing system was accompanied with manipulations which caused certain cuts or types of meat to accumulate in packinghouses until the holders were willing to cut prices to unload. In other words, retail market power was used to force bargains from suppliers.

Witnesses told of farmer-producers who lacked reliable market information being victimized by direct buying practices. They testified how direct feeding operations, or contract feeding, were used so major retailers could drop out of the public cattle markets when prices were high, and go back in only after the withdrawal of demand had forced prices back to levels satisfactorily low to the retail chain.

As a consequence of a continuing flow of information from the Middle West about such practices, I introduced S. 1270 in the Congress on April 4, 1963, 3 months after I entered the Senate.

S. 1270 amends the Packers and Stockyards Act of 1921 to prevent packers from entering the retail business, to prevent large retailers from entering the packing business, and to keep both out of the feeding business, to prevent vertical integration.

I would like to submit for your record four typical letters of support that I received for that bill from the National Livestock Feeders Association, from a typical small packer in Minnesota, from the U.S. Poultry & Egg Producers Association, and from the Federation of Independent Business.

I was prepared to urge the Agriculture Committee to start hearings on S. 1270 when President Johnson sent up his agricultural message recommending a bipartisan commission to study what he called market power, including the effect of chain stores, vertical integration, and contract farming on farmers and consumers. The proposals in S. 1270 are directly in point. Obviously, if either the Federal Trade Commission, as proposed in Senator McGEE's Senate Joint Resolution 71, or the bipartisan commission recommended by the President is to conduct a study, the Congress will want the prohibition of vertical integration contained in S. 1270 reviewed in that study.

More information is needed. Whoever considers legislation to discharge the Federal responsibility in relation to excessive concentration and abuse of market power will have to probe into vertical integration, whether it is a legislative committee holding hearings on S. 1270, or one of the approaches you are considering.

The principal point I want to make in my testimony here today is that it is time to be going about the job. The price situation in regard to cattle is crucial. Limitations of imports will help, but will not bring producer prices back to reasonable levels. The incentive for independent stockmen to adjust herds and control domestic production is going to be minimized so long as they fear great, integrated operations breeding, feeding, and slaughtering increasingly large numbers of stock to hold markets low. Study and enactment of legislation to prevent antitrust and monopoly power in the food field was never more urgent.

THE FUTURES MARKETS

In his agricultural message, President Johnson advised Congress that he intends to transmit legislation to remedy defects in the present law in regard to futures trading in commodity exchanges.

Although the President separated this statement from his Commission proposal, this is another part of the job of assuring fair markets to the farmer and the consumer, and this committee should be aware of the problem during its consideration of market power, to which the President referred.

Early in February, the price of eggs dropped disastrously in the markets of the Nation.

Heavy egg marketing and a price decline had been foreseen, but the depth of the drop was surprising. I was flooded with telegrams from producers in South Dakota who were faced with serious losses.

The February 14 edition of the Poultryman, national trade paper of the industry, stated that the break was due "to heavier production and extra volume to satisfy futures contracts." On an inside page, the Urner-Barry market report said that "surplus eggs and selling pressures have disrupted the New York and Chicago wholesale (egg) markets. Offerings of short-held cars are reported priced at various discounts below the spot-market levels, and this has exerted a depressing, disruptive and undermining influence."

The full Urner-Barry report will be found at page 2932 of the CONGRESSIONAL RECORD for February 17.

I wrote the Secretary of Agriculture requesting information on the effect of futures trading in the price break, and to determine whether the Department of Agriculture received sufficient reports on the commodity markets to itself make a determination of that effect. I suggested that a congressional inquiry might be in order.

I was disappointed that the reply did not provide the information I sought. I have renewed my request about the extent of futures trading data available to the Department.

THE POULTRYMAN'S VIEWS

Meanwhile, the Poultryman has carried an editorial in its February 28 edition indicating that poultrymen have frequently been hurt by egg price manipulation.

I would like to place in the RECORD the editorial, Mr. Chairman. It suggests that "if the market has outlived its usefulness, as many industry men claim, it should be eliminated. Certainly, an objective appraisal is in order. It may be the first step in a long-needed change in the entire egg marketing mechanism."

I shall not attempt to recommend to this subcommittee a choice between the approaches before it to a study of marketing power and food marketing mechanisms. I have a great deal of confidence in the ability of the Federal Trade Commission and its chairman. Splendid work has been done by commissions and by committees of Congress.

I am sure that your subcommittee will work out a sound mechanism, or instrument, to conduct the work, satisfactory to all concerned. Because of its jurisdiction over at least a part of the subject matter involved, you may wish to invite the Committee on Agriculture and Forestry to assist in the exploration of this important problem.

My major objective in appearing before your committee today is to urge speedy action. Agricultural producers are being put out of business daily by existing abuses of marketing power.

[From U.S. News & World Report, Mar. 16, 1964]

THE MYSTERY OF RISING FOOD PRICES

(NOTE.—The puzzle of rising prices in the grocery stores and falling prices on the farm once more is troubling politicians. Facts and figures tell what it is all about.)

Mystery continues to surround the price that housewives pay for the food that goes on American tables.

The cost of food in stores keeps inching up, bit by bit.

At the same time, the prices farmers get for many kinds of food they produce keep slipping lower and lower.

The result is some irritation in the cities over high food prices and rising resentment in the countryside over low farm prices.

Congress, at the moment, is trying to hammer out a new plan for controlling output of wheat and supporting the price farmers get for that crop.

Warnings are sounded that, if Congress fails to pass the wheat plan, there will be a bad price break in the months just before this year's election.

At the same time, cattlemen are clamoring for a firm limit on imports of beef from abroad. Thousands gathered at protest meetings in Omaha, Nebr., and in Shenandoah, Iowa, early in March.

An amendment to the farm bill that would have put a quota on beef imports missed approval by only two votes in the Senate on March 5.

Cattle prices have nosedived in the past year. Cattlemen fear that disaster lies ahead unless more is done to check beef imports, which have more than doubled in the past 3 years.

The farm problem, in other words, is back again in an election year.

Charts and tables on these pages help to explain what the shouting is about.

At the store: a market basket of groceries that cost the housewife $10 in 1947 rose in price to $11.83 in 1963—an increase of nearly one-fifth.

The farmer, however, got 15.6 percent less in 1963 than in 1947 as his share of the market basket's cost.

Accompanying charts show that, while the prices of cattle on the hoof and wheat in the kernel have trended downward, the trend in price to the housewife for beef and bakery products has been upward.

Actually, in terms of the percentage of the average family's income that goes for food, Americans today are eating for less than ever before.

What farmers resent is that, while their product gets a smaller percentage of the city man's income, they are not sharing in the city man's constantly rising prosperity.

To take the edge off the farmer's resentment, President Johnson is trying to push the farm bill to approval by Congress before spring planting time. To bolster beef prices Mr. Johnson has ordered a Government buying program.

How the farmer got left behind

	Percent change since 1947, up (+) or down (−) in—	
	Price paid by the housewife	Price received by the farmer
Lamb roast, Choice	+24.4	−16.5
Pork, retail cuts	−11.2	−37.9
Beef, Choice	+26.0	−13.8
Bottle of milk	+27.5	+.9
Eggs	−26.7	−36.3
White bread	+63.6	−26.2
Corn flakes	+67.1	−41.9
Potatoes	+28.9	−44.7
Salad dressing	+5.2	−43.1

Source: U.S. Department of Agriculture.

OUR DEFENSE NEEDS

Mr. McGOVERN. Mr. President, in the current issue of Foreign Affairs there is an article by former Deputy Secretary of Defense Roswell L. Gilpatric, which is of great significance for the Nation. The thesis of Mr. Gilpatric's incisive article is that, in his words:

> We had better start thinking now about after-the-cold-war defense policies if we are to be prepared to respond sensibly to the opportunities we hope will arise.

The fact is that, for reasons made clear by Mr. Gilpatric, we have already begun a cutback in our level of defense spending. This cutback is related not so much to the easing of cold war tensions as to our having reached planned levels of military capability. The rate of these cutbacks can be expected to increase even in the absence of a lessening in international tensions. If the current thaw in international tensions turns ought to be more lasting than previous thaws, it may be possible to cut back even more in defense spending. We must be as well prepared for this eventuality as we are for the outbreak of open hostility. The strength and security of our Nation must be maintained in peace, as well as in war.

I ask unanimous consent to have Mr. Gilpatric's article printed in its entirety at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR DEFENSE NEEDS: THE LONG VIEW

(By Roswell L. Gilpatric)

The United States may face a dilemma over the extent and use of its military power in the event the cold war with the Soviet Union eases before major steps are taken toward general disarmament.

This dilemma was foreshadowed in President Johnson's first major policy statements. In his November message to the joint session of the Congress, he rededicated the Government to "the maintenance of military strength second to none," and in his December address to the United Nations he stated a new national objective: "We know what we want: The United States wants the cold war ended, we want to see it end once and for all."

Another indicator of this forthcoming dilemma was in two votes by the U.S. Senate on September 24, 1963. In the morning of that day, the Senate voted 80 to 19 to ratify the partial test ban treaty, and in the afternoon it voted 77 to 0 for the largest defense budget in peacetime history.

In June of 1963 President Kennedy's speech to the American University had also reflected the same two lines of U.S. policy; namely, to keep our defenses strong while seeking to improve East-West relations and stop the arms race. These were his words:

"Today the expenditure of billions of dollars every year on weapons, acquired for the purpose of making sure we never need to use them, is essential to keeping the peace.

* * * * *

"Both the United States and its allies, and the Soviet Union and its allies, have a mutually deep interest in a just and genuine peace and in halting the arms race.

"Let us reexamine our attitude toward the cold war.

* * * * *

"We must, therefore, persevere in the search for peace in the hope that constructive changes within the Communist bloc might bring within reach solutions which now seem beyond us."

In January of this year President Johnson's state of the Union message reemphasized the same points. On the one hand, he pledged that there would be maintained the "margin of military safety and superiority" now possessed by the United States. At the same time, he promised new steps toward the control and eventual abolition of arms and undertook that, even without agreement, the United States would "not stockpile arms beyond our needs or seek an excess of military power that could be provocative as well as wasteful."

There is no fundamental inconsistency between these two policies. Indeed, the lesson to be learned alike from those modern nations which have most successfully avoided wars—the Swiss and the Swedes—or from Roman policies in the long period of the Pax Romana, is the truth of that harsh guidance: "If you wish for peace, prepare for war."

Today it is not too difficult to explain any apparent inconsistency between these two approaches: that one complements and supports the other; and that unless we are willing to credit our rivals with superhuman qualities of goodness of nature and self-restraint, we had best not risk tempting them from a prudent path. Thus, at present there is broad support for a policy which insists both on maintaining adequate military power and on simultaneously seeking out opportunities—of which the test ban, the ban on bombs in orbit, the wheat sale, and the "hot line" to Moscow are examples—to move toward a lessening of tensions and the growth of increasingly normal relations between the two major blocs.

But what about tomorrow? Will we be successful in holding to both lines of policy? Will we be able to decrease our defense effort, supposing a reduction is consistent with our national commitments and national interests, without relaxing our resolve to deter aggression and international lawlessness? Or, on the other hand, will we be able to move as freely as we should toward alleviating cold war tensions, while still maintaining adequate defenses?

Unfortunately, there can be no confident answer to such questions. History does not provide much assurance regarding the ability of nations, especially democratic nations, to keep equally alert to both the possibilities for peace and the dangers of aggression. Too often the tendency has been toward an all-or-nothing approach; an approach which cannot reconcile the simultaneous existence of both danger and opportunity; an approach which leads nations to view wars as either unthinkable (and so discouraging serious attention to defenses) or inevitable (and so requiring a rigid stand against the enemy)—or even as both unthinkable and inevitable, with a consequent breakdown of any semblance of rational policy.

Indeed, even today we sense a fear that the Western democracies will not be able to follow both policy lines, causing some to argue for suppression of one of the other policy goal—not on the grounds that it is unsound, but rather that if it is pursued it will draw support away from the other. Many of those who opposed the nuclear test ban did so not on grounds that there lay in the treaty a significant military risk to the West, but rather because they feared that any easing of tensions would soon find the Western democracies inviting disaster by letting down their guard long before a real resolution of differences between the two blocs was in sight. Similarly, there are those on the other side who argue for massive cuts in defense spending, not on the basis of any serious analysis of the military threat which we must be prepared to neutralize, but simply on the grounds that only by greatly reducing defense spending, and so (in their view) removing the basis of a "cold war mentality," can the Western governments be free to move forward toward reasonable settlements with the Soviet bloc.

There are further variations of these attitudes, but in all of them the central assumption is the same: that we cannot pursue simultaneously more than one of the two goals—reducing tensions and keeping our defenses strong—not because the goals are inherently incompatible but because there are flaws in our societies which make it impossible for governments to pursue both effectively. As noted earlier, there is, unfortunately, a good deal of historical example to support this bleak view. As Walter Lippmann has pointed out (in describing the "malady of democratic states"): "The unhappy truth is that the prevailing public opinion has been destructively wrong at the critical junctures. The people have imposed a veto upon the judgments of informed and responsible officials. They have compelled the governments, which usually knew what would have been wiser, or was necessary, or was more expedient, to be too late with too little, or too long with too much, too pacifist in peace, and too bellicose in war, too neutralist or too appeasing, or too intransigent."

As a result, the best answer we can give to those who counsel that it is dangerous even to attempt a balanced policy is not that they are clearly wrong—for there is too much history which says they may be right—but that to fail to try a balanced policy is even more dangerous. We cannot afford a policy which, in effect, deliberately avoids seeking a reduction of tensions in order to keep the public alert to dangers. Nor can we afford a policy which deliberately seeks to lull the public, and ignore dangers where they exist, in order to make it easier to build support for a policy of peaceful accommodations.

II

I stress all this partly because it is so important that it bears frequent repeating, partly to avoid any misunderstanding about what I have in mind when I discuss, as I now propose to do, the kind of Military Establishment which might be appropriate for the United States should there develop a continued easing of the level of East-West tension such as we have seen during the past year. I am not talking about an inevitable major decline in U.S. defense spending, but about one that might be feasible should the present amelioration of East-West relations prove more permanent than the spirit of Geneva or the spirit of Camp David.

I do not know how permanent the present relaxation may be, and would not attempt to predict. I do know that there is evidence that responsible leaders of both blocs are increasingly aware of the consequences of nuclear war, and of the dangers of limited wars or even of intense crises getting out of control. Consequently, it is clearly in the national interests of nations in both blocs to exercise restraint in the conduct of their foreign and military policies. For no one can foresee what might happen should any nation, through miscalculation or folly, infringe on the vital interests of another or invoke a morally binding commitment given by another nation. Recognizing, as I believe both sides do, the dangers of our situation, the need for restraint and the need to search for greater international stability, I think it at least possible, though not assured, that we shall at last find a more than temporary easing of East-West tensions.

Should that possibility develop into reality, we would not want either to see armaments continue at unnecessarily high levels, with the various dangers and instabilities that could bring, or to see a prematurely drastic cut in military preparedness, with the dangers and instabilities that could bring. And since military planning has so often been out of phase with the realities of the moment, we had better start thinking now about after the cold war defense policies, if we are to be prepared to respond sensibly to the opportunities we hope will arise. It is in that spirit—and in the hope of stimulating attention to these issues—that I propose to discuss a possible military posture for the United States which, it seems to me, might be a reasonable one for a midway point between cold war and a genuinely peaceful world with effective international law and minimal national defense establishments.

Already there has been, in fact, a modest turndown in the arms race. In December 1963, Premier Khrushchev announced a cut of 600 million rubles in the Soviet military budget for the calendar year 1964. Of course, we cannot be sure this is a genuine cut rather than an exercise of statistical legerdemain. But it did follow announcements by senior U.S. officials in the fall of 1963 that our defense budget would probably decline modestly in the years immediately ahead.

The budget for fiscal year 1965 (which begins July 1, 1964), presented to Congress in January, provided approximately $2 billion less for defense than would have been called for by continuing spending at the previous year's rate, after taking into account uncontrollable increases such as military, civilian and retirement pay. By coincidence, both the Soviet and the United States cuts in military spending for the next budget year come out at the same percentage: 4 percent of the base figure.

The principal U.S. budget decreases were not, however, based upon reduction in tension, but were essentially a consequence of the energetic efforts during the previous 3 years to close certain gaps in our defense posture. There was the fact that we were putting behind us the accumulated deficiencies in conventional force equipment inherited from the 1950's. The correction of those deficiences had required an increase in the Army procurement budget from $1.5 billion in fiscal 1961 to $3.2 billion in fiscal 1964. Once this was substantially accomplished, normal programing of conventional equipment procurement could be safely resumed. More important, we are past the peak of the very large expenses involved in building up our Polaris and Minuteman missile forces. A figure of $5.5 billion was included for Polaris submarines in the fiscal 1962–64 budgets, and $2 billion for additional Minutemen in the fiscal 1964 budget alone; and we have increased our alert-force megatonnage by over 100 percent in the past 3 years. As a consequence of these large increments, we were approaching the point at which further increases in strategic delivery vehicles promised little meaningful military advantage. Consequently, we had a substantial decline in the expenses of this part of the strategic force. Finally, the intensive cost reduction program instituted by Defense Secretary McNamara in 1962 allowed for further significant reductions of cost.

Thus, the cut in defense expenses for 1965 does not imply a cut in the level of U.S. military preparedness. Nevertheless, this was the first real reduction in our defense spending in a decade. It reflected the conviction of senior defense officials that the level of defense expenditures in 1 year does not have to be regarded as the floor for expenditures in the following year.

As to the Soviet cut, we can only speculate. Indeed, because of the character of the public Soviet budget, we have no firm data on which to estimate how great a cut is really involved. It might be either more or less than the 4 percent announced, or conceivably no cut at all, although this is not likely. If the cut is roughly equivalent to that announced in the Soviet public budget, we can attribute it, in part, to factors similar to those which allowed a decrease in our own military spending: that is, in part to pressures arising from the desire to allocate a larger share of resources to other sectors of the economy and in part to a desire to take a small symbolic step to indicate that arms budgets need not inevitably spiral upward from year to year.

The question then arises, how far the United States and Soviet military efforts can decline, in the absence of formal arms limitation agreements, through this kind of complementary action—what Khrushchev has called a "policy of mutual example." To the extent that the Soviet cut reflects a genuine reduction in military forces, it reduces the level of the military threat which the West must be prepared to negate, and so allows for some reduction in that countervailing effort. Similarly, to the extent that the U.S. budget decline reflects, as it does, a tapering off in the growth of our strategic nuclear forces, that presumably makes possible a decision by prudent Soviet planners to slow their own effort. The prospect of diminishing marginal returns from further force increments affects the utility of Soviet force increases at least as much as it does those of the United States, although for somewhat different reasons.

Let us assume that this process of "mutual example" continues—perhaps not in an unbroken decline in tensions, but at least with a definite trend toward less troubled relations in the military sphere and a clear, if not uninterrupted, trend downward in the intensity of military preparations on both sides, while we continue to compete vigorously in the economic and political spheres. Under such circumstances, what kind of U.S. force structure might be envisaged by the end of this decade? Our security requirements would remain, in principle, substantially as they are today. But they could lessen quantitatively in face of parallel declines in the balance of forces on both sides.

Several elements must enter into the resulting power equation:

First, the forces, including those for strategic deterrence, which the United States must possess to counter the threat represented by the Soviet forces as they then exist;

Second, the forces needed to contain whatever level of aggression the Chinese Communists and their allies are capable of mounting, bearing in mind that at some time they will have nuclear weapons; and

Third, the forces which may be required for the United States to project its power presence to deter or arrest conflict in areas where there is no confrontation of the superpowers, but where subversive insurgency, aided directly or indirectly by the Soviets or the Chinese Communists, constitutes a threat to the stability of nations alined with the United States or looking to it for assistance. A détente with the U.S.S.R. would not necessarily cause the Soviets to relinquish their objective of supporting what Khrushchev calls wars of liberation.

In recent years there have been a number of instances where a U.S. military presence has served to avoid or damp down conflict in parts of the world where the United States and the Soviet Union have not been directly involved. Such has been the case in South Korea since 1953, in Thailand in 1962, in Saudi Arabia in 1963 during the dispute with the United Arab Republic over Yemen, and in the recent joint United States-United Kingdom air exercises in India. The same motivation lies behind the current proposal for the 7th Fleet to put a task force in the Indian Ocean. The British Commonwealth similarly projected its military power during the crisis over Aden in 1962 and is in the process of doing so again to counter the current Indonesian threat against Malaysia. In order to preserve peace and prevent the spread of externally supported subversion throughout Latin America, it may also be necessary in the years ahead for the United States to maintain a larger military presence in the Caribbean area. The difficulties in Panama may be only symptomatic of more serious troubles to come, particularly if Castro retains, or enlarges, his capacity to foment such troubles.

III

A combination of U.S. military forces tailored to the strategic situation which would prevail in the absence of major confrontations between the Soviet Union and the West could, by 1970, look something like this:

Strategic retaliatory forces: A deterrent force, consisting only of hardened and dispersed land-based and mobile sea-based missiles, with all of the vulnerable, earlier generation missiles deactivated and all manned bombers retired from active deployment. Such a force, comprised of weapons systems invulnerable to surprise attack, would be capable of destroying the centers of Soviet and Chinese Communist society.

Continental air and missile defense forces: Only warning systems, such as the big ballistic missile detection and tracking radars in Alaska, Greenland, and Scotland, and the current generation of surface-to-air missile systems for tactical deployment would be maintained. Manned interceptors with their ground-control counterparts and all other bomber defense and warning systems would be phased out unless the Soviets changed their presently indicated intention of concentrating their strategic power in missiles. There would be no production or deployment of anti-ballistic-missile systems in the absence of Soviet moves to proceed beyond experimental installations of such systems.

Reconnaissance forces: Both aircraft and satellite-based reconnaissance systems would be retained and improved to take full advantage of state-of-the-art developments, so as to provide the United States at all times with a worldwide capability for the collection of both strategic and tactical intelligence.

General purpose forces: No significant changes would take place in this category except for a reduction of Army divisions that might be withdrawn at some stage from Korea or from Europe (if a decline in the Soviet threat there allowed). The remaining Army ground forces and the existing Marine divisions, with presently planned air support and airlift (consisting of all the tactical air and military air transport units, plus the Marine air wings), would be needed to deter or counter threats of aggression not directly inspired or supported by the U.S.S.R. The bulk of the U.S. forces now assigned to the Pacific Command are there primarily to meet the threat from Communist China and her satellites, plus Indonesia. Hence, in the event of a détente with the Soviet Union alone, it would not be safe to reduce U.S. force levels in the Pacific.

It should also be possible to reduce the National Guard and Reserve forces, retaining—in the case of the Army—only the high-priority divisions plus round-out units capable of quick call-up.

Such a cutback force, if made possible by a true détente between the United States and the Soviet Union, should require an annual level of defense expenditure about 25 percent under the current (fiscal year 1964) rate, and 10 percent or so below that at the end of the Eisenhower administration. At the new reduced levels, force strengths would be little below those prior to the 1961 buildup. The main difference between the two sets of forces would be in their mix, those postulated for 1970 being better balanced with far less emphasis on nuclear-weapon components.

The force sketched above leaves many questions unanswered. There probably would be little argument within our national security establishment about retiring the older, unprotected missiles. These weapons do not constitute, in any case, a major element of our force numerically, and are the most vulnerable and least reliable of our missiles. There would be, again, little argument about keeping intact the later-generation missile systems, such as the Minuteman and Polaris. These are the most effective elements of our strategic force, both as deterrents and as fighting weapons in time of war. It is difficult to conceive of circumstances under which it would be sound to cut back these forces in the absence of explicit, effectively policed, arms-control arrangements.

Deactivation of the bombers would raise more of an issue. Modified B–52's and the newer B–58's could probably be kept operable into the 1970's. On the other hand, particularly if the Soviets were undertaking similar steps, there seems to be no compelling reason why the bombers need be kept in the active force. We would have to consider the effectiveness of a bomber reserve force, including the time required for a call-up, should that ever be necessary, and the storage arrangements (presumably reflecting a maximum practical dispersal), and the degree of assurance we could have, lacking formal inspection, of the retirement from active service of the Soviet bomber fleet. We should also take into account the effects on the military balance and on overall stability of various alternatives, ranging from development of a next-generation strategic bomber or keeping a large part of the bomber force on active duty to a complete phase-out of a substantial share of the force. All of these questions, and many more affecting our strategic forces, will have to be looked at carefully in the years immediately ahead if we are to be ready to proceed intelligently should the opportunity for a major slowdown in the arms race develop during the latter half of this decade.

Similarly, in air defense, we would have to consider what degree of confidence we could expect to place in our estimates of Soviet retained bomber strength, if any; the significance of an interceptor force in a period when both sides are heavily armed with long-range missiles; the effect of deployment of ballistic missile defenses, given the limitations on the effectiveness of any system that could be developed in the foreseeable future; and many other questions. We might, as I have suggested, find it consistent with our interests to retain only warning systems and short-range surface-to-air missiles. As with offensive forces, we will be able to proceed with reasonable confidence only if these questions have been carefully considered prior to the time a decision must be made. It was the earlier period of study and debate which made it possible for the new administration to move forward on its defense programs with speed and confidence in 1961. Issues such as survivability, nonnuclear options and controlled response had been extensively examined for several years prior to 1961. Since then we have been living on that intellectual capital, and we have an urgent need to replenish it.

The most difficult problems arise in trying to establish proper levels for our general-purpose forces. These do not lend themselves to the relatively precise analysis of alternatives and mixes that can be applied to strategic offensive and defensive forces. On the other hand, because they are intended primarily for nonnuclear engagements, their effect on problems of military stability in the world is less dramatic than the effect of nuclear forces. Probably it would be prudent to retain substantially the forces we now have, decreased only to the extent that Soviet reductions in Eastern Europe permitted an offsetting decline in NATO in Western Europe. Similarly, it may be possible to make reductions if, through changes in the world situation, and through the improvement in mobility which is playing such a marked role in modernizing our forces, the United States can reduce its garrison forces in Korea.

Strong efforts, meanwhile, would presumably continue in research and development, to assure that we were not left behind in major technological developments that could upset the balance of power between the blocs. Consequently, military research and development expenditures would remain high, such declines as did develop being the result mainly of savings on the large expenses of final engineering and testing of full-scale new strategic systems, rather than from a reduction in the breadth of our research programs or in pushing new frontiers of technology.

We would continue to put major effort into improvements in the command and control, reliability, and flexibility of our strategic forces and would proceed with exploratory development of some new systems. But, assuming similar restraint on the other side, we could probably, without injury to our national security, exercise a good deal of restraint over the deployment of any major weapon systems beyond those already programed.

All of this, I emphasize again, is not to lay out a plan for a military program at the end of the decade. It merely suggests the kind of program that might be adequate to meet our commitments and defend our interests, while at the same time contributing to general military stability, provided the present movement toward détente with the U.S.S.R. continues to progress in the years ahead. Under these conditions, the kind of restraint outlined here (although not necessarily the details suggested) would be in our interest, provided similar restraint were exercised by the Soviets. Greater reductions probably could not be achieved in the absence of explicit arms-control arrangements, including a substantial degree of international inspection.

IV

What is clearest in all this is that the United States, in order to safeguard its best long-term interests in the decade ahead, must remain alert to the changing requirements—and opportunities—that will develop over the remainder of this period. The world changes fast these days, and the state of the military arts fastest of all. We can be quite sure that among the important factors in the military situation at the end of the 1960's will be some which few people are seriously concerned with today. Yet our ability to safeguard the peace is going to depend in large measure on our ability to keep pace with the realities of military defense as they change over the years.

This essay selects one possible situation, and outlines one possible set of military forces that might be appropriate to it. There are other situations we should be thinking about: a hopeful world in which substantial measures toward disarmament and international inspection have begun; a more dangerous world in which the cold war is renewed in bitter form; and a world in which tensions last at about the level where they are today but complicated by various kinds of technological developments. We should be thinking about appropriate military postures in each situation, and thinking through the long-term implications of possible new ventures in armaments—such as, for example, major antiballistic missile deployments—so that we may try to shape the military environment that will exist at the end of the sixties and merely stumble into it.

The power of the United States in the years ahead might take on entirely different forms and proportions than the mix of Armed Forces which comprises our Military Establishment today. New characteristics may be desirable to meet power requirements in the changed conditions that have been assumed. The most important requirement must always be usability, but the qualities which make a military force usable may vary as conditions vary.

Our military power must be such that the President can apply the measure and kind of force appropriate to any provocation, so that he may use force, when justified, with some confidence that history will judge his actions as serving the best interests of the Nation and of the world, and not merely as the trigger for massive mutual destruction. Thus, one constant will be that our military power must always provide a variety of capabilities suitable for dealing with a broad range of contingencies. Our military power must not only serve to deter but also, if deterrence fails, to defend. It may also be important that it assume a more unobtrusive character than it has in the past. Sea-based power, for example, offers political advantages not possessed by the stationing of ground troops and air units on foreign soil.

We can discern some things which will probably remain good guidelines even amid these uncertainties. Readiness will always be an essential requirement for our future military forces. A highly advanced state of technology and a broad industrial base are no longer a sufficient foundation for the projection of armed force to back up foreign policy. Never again can this Nation expect to be allowed the time to start mobilization after a crisis has already developed. Today our contingency plans call for immediate deployment of forces in being or capable of being called up within 60 to 90 days at most. This condition assumes a really Ready Reserve Force and existing stocks of equipment. Mobilization plans for civilian training and conversion of commercial production will not suffice.

Further, there must always be a balance in the U.S. power base. We should never again have troops without modern equipment, or units immobilized by lack of airlift, or ground forces unprotected by air cover. At all times the complexion and shape of the U.S. forces must reflect the forward thrust of military technology and be sensitive to quick shifts in the power equation. In the past, our military doctrines have too often been out of focus with the political realities at the moment. This lack of balance has existed even under relatively static conditions such as we cannot hope for in the future.

In view of the prospect that such a major reshaping of the military and political situation faces the United States in the years immediately ahead, the wisdom and appropriateness of our defense policies may be tested more severely than ever before. Indeed, as suggested earlier, the need for restraint and firmness, for the pursuit of both political stability and military security, for both resistance to aggression and an unfailing search for an honorable détente—all this complexity merely reflects the complexity of the world we must live in and reminds us that the ability of democratic governments to act rationally and effectively to preserve themselves is itself in question.

A DECLINE IN DEFENSE SPENDING, AND THE ECONOMIC HEALTH OF THE NATION

Mr. McGOVERN. Mr. President, there has been rising concern in both Houses of Congress with the problem discussed by former Deputy Secretary of Defense, Roswell L. Gilpatric, in the April issue of Foreign Affairs—the need to prepare ourselves for a decline in defense spending that has already begun, and that may become an important factor in the economic health of this Nation.

Yesterday morning, at a bipartisan breakfast, 11 Members of the House of Representatives met to discuss problems arising from the loss of defense contracts in their districts. They invited Prof. Seymour Melman, of Columbia University, to give them the benefit of his studies in this field. Among other matters, they discussed a bill that I, along with 10 other Senators, have introduced in the Senate. This bill, S. 2274, would create an Economic Conversion Commission to deal with the transfer of funds from defense to nondefense production. Many of the Congressmen attending the breakfast are sponsors of similar bills in the House.

I compliment the initiative shown by Representatives Bradford Morse, of Massachusetts, and Leo W. O'Brien, of New York, who called this important meeting. I hope that other Congressmen and Senators will take heed of the importance of the current and projected decline in defense spending.

I ask unanimous consent to have printed at this point in the Record a New York Times article reporting on yesterday's breakfast in the House of Representatives.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, Mar. 25, 1964]

Congress Ponders Economic Impact of Arms Cuts

(By Jack Raymond)

Washington, March 24.—Recent proposals and forecasts of military cutbacks have reinforced moves in Congress to prepare for converting the economy from a military-dominated basis to a full peacetime one.

At present, annual defense spending by the Federal Government is estimated at $51.2 billion in a total Federal budget of $97.9 billion.

However, defense spending, which has consistently been above 10 percent of the gross national product in recent years, has lately dropped below 9 percent. This ratio is expected to decline further.

Characteristic of the growing congressional interest in the changing economic influence of the defense program was a closed breakfast meeting this morning at which Prof. Seymour E. Melman, of Columbia University, presented his views.

Representatives F. Bradford Morse, Republican, of Massachusetts, and Leo W. O'Brien, Democrat, of upstate New York, arranged the bipartisan session, attended by nine other Members of the House and four aids representing Members.

Mr. Morse said that they did not deal directly with Professor Melman's favorite proposal for drastic cuts in the defense budget but instead considered conversion efforts.

Mr. Morse, who was a Deputy Administrator of the Veterans' Administration under President Dwight D. Eisenhower, said the participants represented a wide variety of political inclinations but were linked by a common interest in jobs for Americans.

Many who took part in the meeting represent areas that have been affected by the closing of military installations or cutbacks in defense contracts. These actions have resulted in unemployment or have presaged future cutbacks.

Four other New Yorkers who attended the meeting were Representatives Benjamin S. Rosenthal, of Queens, and Samuel S. Stratton, of Amsterdam, Democrats, and Steven B. Derounian, of Nassau, and Seymour Halpern, of Queens, Republicans. Others present were Peter W. Rodino, Jr., Democrat, of New Jersey; William H. Bates, and Silvio Conte, Republicans, of Massachusetts; Chet Holifield, Democrat, and Arthur Younger, Republican, both of California.

They discussed a bill introduced earlier this year by Senator George McGovern, Democrat, of South Dakota. The bill, which has backers in the House, would set up a national economic conversion committee to study the problem for a year and make recommendations to the President and Congress.

At the close of the meeting, the group decided to urge Representative Oren Harris, Democrat, of Arkansas, to conduct hearings on the bill. Mr. Harris is chairman of the House Commerce Committee.

The group also expects to ask President Johnson to meet with it.

A recent announcement of plans to shut down a variety of bases throughout the country has caused concern among many Members of Congress.

This has been further reinforced by increasing talk of possible disarmament agreements and military cutbacks regardless of such disagreements.

President Johnson's strong antiwar remarks at a labor union convention today were cited by some observers here as a symptom of the present mood in the Capital.

CHANGING PATTERNS IN DEFENSE PROCUREMENT—ADDRESSES BY SENATOR CLARK AND PROFESSOR BENOIT

Mr. McGOVERN. Mr. President, not only has concern been shown by the Members of Congress over the significance of the declining level in defense spending, but the defense industries themselves have displayed increasing awareness of the changing patterns in defense procurement.

On March 12 the Electronics Industries Association, whose members are engaged to a large degree in defense manufacturing, held a meeting at the Statler-Hilton Hotel, in Washington, D.C., on the subject of "Changing Times in the Defense Industry." Among the several excellent addresses delivered at the meeting were two that I wish to call to the attention of Senators. One, by Senator Clark, deals with the need for congressional awareness of the defense procurement situation and the need for advanced planning, so that the long-sought opportunity to ease the heavy burden of arms can be a blessing, instead of a curse.

The other, by Prof. Emile Benoit, of Columbia University, describes in some detail exactly what the situation is today with regard to defense spending, and what the outlook is. Because of the significance of this problem for all who serve in Congress, I ask unanimous consent to have both of these speeches printed at this point in the Record.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

Congress and National Adjustments to Changes in Military Spending

(Address by Senator Clark, before the Electronics Industries Association, Washington, D.C., March 12, 1964)

Someone is supposed to have once defined democracy as the art of doing nothing until somebody hollers.

There is more truth than humor in that remark, especially when we apply it to our legislatures, local, State, and National. For 190 years, the legislative bodies of America—and that includes Congress—have been negative forces in our national life nudged into reluctant action only after they have been overtaken by crisis.

The persistent failure of Congress to anticipate the inexorable march of history has cost the country dearly.

For example, at this moment—100 years after the Civil War—we are engaged in a ludicrous exhibition staged by the U.S. Senate every few years called the filibuster. The issues which prompt this parody on lawmaking go back 150 years to 1808 when, as provided in the Constitution, the slave trade was outlawed. Congress could have outlawed slavery at the same time. But it did not. And, as a result, a century and a half later we are still trying to get rid of the poisonous problems left over from that early legislative lethargy.

Or again, in the 1850's, had it been willing to recognize the full magnitude of its responsibilities to the national welfare, Congress might have preserved us from an unholy Civil War which pitted brother against brother. Instead it assiduously searched for the easy ways out and found brief solace in such negative palliatives at the Compromise of 1850. So the issues were finally joined on the battlefield instead of in the Halls of Congress. More than 500,000 Americans lost their lives as a consequence.

Or still further, after World War I, it was clearly apparent that Western technology was slowly creating one world of closely interwoven interdependent nations. Woodrow Wilson had the vision to see and recognize this and determined that the only sure route to preserving the peace under such conditions was a League of Nations. But Congress, lost in the enthusiasms of a nationalistic past which had evaporated under its nose, kept the United States of America out of the League and unwittingly sowed the seeds of World War II.

When Franklin Delano Roosevelt warned the country that there was no way it could avoid a confrontation with fascism and asked for an immediate military buildup, Congress stuck its head in the sand and refused to provide the wherewithal to meet that inevitable reckoning. Lend-lease and the draft squeaked by with a majority of one. We entered the war with an Air Force of 2,000 officers and 120,000 men. There was not a single Army division ready for combat duty. And we paid in the unnecessary death of thousands of Americans.

And the process still goes on. It took Congress a year to enact a tax cut that was needed more than 18 months ago. Just that much impetus was removed from the cut thereby.

This is the record of Congress. It is a record of negativism. It is a record of responding to a crisis after the fact. And I submit that, if democracy is to succeed in an increasingly complex world, such a role is no longer adequate. Congress must lead, not just follow. It must do more than react. It must think ahead.

We live in a world of accelerating change. It is a world of fishbowl diplomacy and hair trigger response. It is a world of global, not national politics. It is a world with exploding populations and declining resources. It is a world shaped by invention and the industrial process. And that process feeds and thrives upon innovation and change—constant change. Under such a system the thriving enterprise of today may be obsolete tomorrow; the workman's skill in demand last week may go begging week after next.

The key to democratic survival in such a world is anticipation of the problems which change will bring. It is no longer enough for Congress to respond only to the exigencies of crisis or the heated entreaties of pressure groups. Congress can no longer serve only as a check to Executive action. It must share with the Executive the burdensome responsibilities for bringing some foresight into the conduct of our national affairs.

In a world of growing corporate and government bureaucracies, Congress provides the one point of open contact through which society may shape, mold, and influence the direction of government. Congress legislates, but to legislate intelligently it, as well as the public, must understand.

Perhaps there is no better example of how Congress should not behave than in the field with which your industry is dealing here today.

Ever since the Korean war, the United States has pumped 10 percent of its gross national product, half of its Federal budget, 9 percent of its labor force into the maintenance of national security.

With single-minded devotion we have created in that decade the most mammoth and the most sophisticated defense force ever conceived by man. Under the forced draft of the cold war, industries like your own have made enormous technological leaps forward so that we can talk, in all seriousness about going to the moon, about death rays and about the destruction of the population of entire continents.

No one has yet fully analyzed the changes this has wrought in our society in terms of the structure of industrial enterprise, the labor force, and the economy in general, but none of us, I think, can deny that the changes have been profound. In some areas of the economy, your industry among them, a great dependence upon defense expenditures has come about.

It is in defense-related industry that we find most of the basic research and innovation, most of the expansion which has occurred since 1957.

And suddenly, as we find the strategic weapons systems we have developed going into place in concrete silos we have awakened to what we should have known all along: that now, the massive strategic systems are falling into place, the "forced draft" engendered by defense spending will ease a little and the defense industry will then have to search for fresh breezes blowing from the domestic quarters of the economy. And those breezes are far gentler than those generated in the artificial wind tunnel of defense.

The defense budget has stabilized. Next year, in all likelihood, it will go down. In the following years, the prospect is it will go down still further.

So now we are left with a problem which was already apparent 2 years ago: how do we re-adjust those segments of our labor force and industry heavily dependent upon defense to conditions more like normalcy?

And there is a related question; one which all too many congressional and industrial leaders want to sweep under the rug: what adjustments are feasible should an agreement on arms control and disarmament come about? Or are we prepared to admit that a principal goal of American foreign policy—peace and disarmament—is simply an exercise in hypocrisy?

Until very recently most of the defense industry and the vast majority in Congress were unwilling to talk about this problem. They wanted it swept under the rug. There were even some who were banking on a new international crisis to do away with what they referred to cynically, as the "peace scare."

A few years back, the Disarmament Subcommittee of the Senate Committee on Foreign Relations did a study of industrial dependence upon defense. It was the high-minded belief of my good friend and colleague, the chairman of that subcommittee, HUBERT HUMPHREY, that there was an industrial adjustment problem coming up and he wanted to get Congress and the country thinking about constructive ways to meet it. He conducted such a study. But other Senators wanted that most useful study squashed, so it was classified as secret and could not be made publicly available. To be sure the ingenious Senator from Minnesota put most of the findings of the study into a speech he delivered on the Senate floor; but like most Senate speeches it died a quiet death in the pages of the CONGRESSIONAL RECORD.

Now this is a glaring example of what precisely is wrong with Congress; why it has failed to meet its responsibilities for leadership in a changing world; and why it must change its ways if it is to survive as a viable part of the democratic machinery of government. How can we resolve serious problems if Congress wants to ignore them until the last possible moment? Certainly no solutions lie in a conspiracy of silence.

In all justice to those of you in industry, I must say I can hardly blame you for not looking with great favor upon affirmative efforts by congressional committees to plumb the depths of difficult problems and come up with sound answers. Experience justifies your wariness. You are so used to seeing the Congressional hearing room used as a hippodrome instead of a forum that your skepticism is justified. There is some justification for the view that the trouble with Congress is the men who serve there.

But there is a new concern in the air. We all see certain inevitable changes in the defense program in the very near future and it has become quite obvious that Congress, like it or not, is going to have to recognize them.

That is why a Subcommittee on Employment and Manpower, which I chair, became convinced early last year that it could not intelligently devise legislation to foster better use of our national manpower without taking a look, along the way, at the special problems created by our enormous commitments to national security programs and the possibility that they might begin leveling off or declining in the near future.

Those studies have been concluded and its conclusions are disturbing—not because the problems cannot be solved but because to solve them will require far more effective and intense manpower planning than the Congress is presently willing to permit.

Few industries have found the Defense Department to be a better customer than yours. One study found, for example, that every sixth engineer in the country is working on military electronics. About three-quarters of the nearly 200,000 engineers and scientists in the electronics industry are supported by Government funds. Approximately $10.5 billion, or 55 percent of the 1963 estimated sales of the electronics industry were for military products. This is about one-fifth of the entire defense budget.

Clearly, it will not take much of a decline in military spending to affect your industry. Around the Nation there are already instances of layoffs, not of blue-collar workers, but of highly trained engineers and scientists. I have no doubt all of them will be able to find work. But they may have to get used to a new salary level substantially below the one they currently enjoy. This is an important problem to any breadwinner and his family.

Can your industry shift its emphasis slowly back into the consumer market? I think so. But here again, there will be difficulties. In some respects the domestic side of the American electronics industry has been starved by defense requirements for the innovative talents and developments which would help maintain its competitiveness in world markets. That imbalance can be redressed. Some forecasts for the subcommittee project the sales of thin film and microminiature circuits and components reaching as high as $20 billion in the year 1985. Lasers and related development hold great promise. Electronic data processing can climb to an $8 billion business by 1970.

But it also seems apparent that unless the Government helps to channel your special management and technological expertise into channels of great unmet public need, your adjustment problems will still be appreciable.

We have a national obligation to bring the many lessons we have learned in defense-related enterprise to bear upon the continuing unmet public needs of our communities and our people—needs which the great defense industries and their advanced technologies may be able to help meet in this century of technological revolution. Certainly we have seen in the last decade, in defense and in space, the most remarkable achievement of national goals undreamt of a decade ago. We have assembled, in recognition of new national goals in space, in communication, and in national security, expert teams of engineers, research men, men of industry, and production forces. By a massive infusion of human effort, these teams have put man into space and, hopefully, and in the long-range future, first on to the moon and later on other planets. We have proved through these efforts that when, as a nation, we clearly define for ourselves a priority goal, our 20th century technology can span, in a matter of months or a few years, a human advance which might otherwise have taken decades for its achievement.

In my view the time is soon approaching when we must harness the kinds of energies and technical skills which have been created to meet national goals in defense and in space to improve the conditions of human life. There are vast unmet community and human needs in the United States. There are millions of Americans who wish simply to live in a safe and sanitary house which they can afford to rent or buy. Our technology has the capacity to help them do just that.

I have in mind the millions of Americans who would benefit from a mass urban and interurban transportation system—efficient, speedy, and inexpensive. I believe that the experts on propulsion who can put tons of instruments on the moon or send a man around the earth in 90 minutes, could get a commuter comfortably to his job and back to his home, 30 miles away, in one-half or one-quarter the commuting time presently endured by millions of working citizens.

I have in mind the millions of American children who are waiting for the benefits of 20th century technology to provide them with adequate schools, educational facilities, and teaching aids. I am confident that a communications system which can flash a television picture around the earth in an instant, can solve the communications tangle in our schools and provide a topnotch information and education service to millions of schoolchildren.

Can we harness the technology which has put us in space to meet these pressing human and community goals? What is the proper role of the Federal Government in providing the benefits of 20th century technology to a community's schools, its mass transportation system, its public works, its public and private housing and its productive resources? These are some of the challenging questions for which we must find answers, for I am convinced that in this innovating economy—this economy of systematic invention—the new jobs we need so desperately will not come from the application of sophisticated technology to traditional productive enterprise, but they will come from the application of technology to whole new lines of endeavor and unmet need.

There are questions which must be resolved within your industry and the others heavily engaged in defense and which you must resolve internally. You will have to recoup your instincts for competition. Costs will once again become a factor in development and design. Salesmanship will become a needed talent once more. But I am optimistic enough about American free enterprise to know that you can solve these problems yourselves.

As for the Government, I see, in general terms, the following unavoidable involvement:

The Secretary of Defense will have to develop a system of early warning for communities and industries that will be affected by dramatic shifts in military expenditures. This notice will have to be far enough ahead to permit intelligent planning for a smooth transition.

Legislation will be required to permit areas where abrupt defense shifts are felt to qualify for the various kinds of Federal economic and training assistance already available.

Committees established by the Secretary of Defense to study obsolescence at military installations should also be authorized to investigate industrial and commercial conversion possibilities in order to help guide local authorities in their own planning. The operation of the Federal surplus property program should be reviewed to determine how procedures for disposal of important installations can be improved.

We should take another look at patent policy to assure that the optimum use is being made commercially of government-financed technology in encouraging the formation of new enterprise and employment.

States, communities, and industries should have the foresight to make long-range plans now for any likely adjustments which may have to be made in the future. Perhaps this requirement should be made an integral part of future defense contracts with due allowance for costs.

The subcommittee's studies have convinced me that questions affecting the transfer of defense and space technology to the civilian sector are complex. They involve difficult problems in technology, marketing, patent policy, and occupational adjustment. These difficulties cannot be resolved over night. They cannot be resolved by Government alone. For this reason I favor the establishment of an industry-Government commission instructed to report to the President and Congress within a specified period of time with recommendations to facilitate the transfer of defense technology to civilian needs. Senator PHILIP A. HART, of Michigan, has proposed just such a commission and I expect his bill to be favorably reported by the Subcommittee on Employment and Manpower in the not-too-distant future.

But finally and most important of all, let us openly and frankly recognize the defense adjustment problem. Let us insist upon discussion and study in Congress. Let us require some leadership from our National Legislature. The adjustments we must make must be facilitated by Congress and understood by the public. Congress is the forum within which that understanding can be developed.

The attitudes which put off solution of the slavery problem, which shrugged off the impending collision of civil war, which kept us ill-prepared for two world wars and kept us out of the League of Nations, and which are presently a real roadblock to the quest for disarmament—these attitudes cannot be permitted to govern Congress. In this day and age, Congress, along with the rest of the country, must keep moving with the felt necessities of the times.

In the past we have done a good job planning for war. Should not we have the sense also to plan for peace and prosperity? If we don't we are apt to end up with neither.

NATIONAL AND INTERNATIONAL TRENDS AFFECTING THE U.S. DEFENSE INDUSTRY

(By Emile Benoit)

(NOTE.—Emile Benoit is professor of international business at Columbia University Graduate Schools of Business and of International Affairs; Director of Program of Research the International Economics of Disarmament and Arms Control (RIEDAC).)

A well known chairman of a major New England defense electronics firm was once asked what he would do in the event of disarmament. He is widely reported to have replied: "Well, in that case I would scour the country for the best possible expert I could find in the field of—corporate liquidation." Most officials of defense-oriented firms express little fear of disarmament, but this is probably more a reflection of their assumption that disarmament is unlikely, than of any well-grounded optimism that adjustment to it would be easy.

The political problems of achieving disarmament are still enormous, and it is unrealistic to overlook them. In the U.S. Draft Treaty on General and Complete Disarmament in a Peaceful World these difficulties are mostly buried in the third stage. It seems to me that progress in negotiating the first two stages will remain painfully slow, so long as we are not sure whether these third-stage problems—connected with the establishment of a world peace enforcement authority—are soluble or not. I happen to believe that they probably are soluble—though only by the use of quite novel approaches which have not yet been considered.

In any case, the problems raised for the defense industry now are somewhat independent or whether or not usbstantial progress on disarmament will occur and if so on what time scale. They arise essentially from the beginning of a partial freeze in weapons acquisition. The U.S. Government is giving first priority in the 15-nation U.N. Disarmament Subcommittee negotiations in Geneva to a freeze on strategic weapons systems. However, even without waiting for an agreement we have cut our budget in this sector by $1.1 billion in fiscal 1964 and another $2 billion in 1965.

These cuts are not mere potentialities. They are already causing layoffs in some of the leading defense plants in the country. These cuts do not merely involve a qualitative change within the defense program, as did for example past changes from ground forces to planes, or from planes to missiles; they are occurring within a shrinking total of defense expenditures. Moreover they reflect profound changes in the strategic and political situation, and in our strategic thinking, that provide highly significant portents for future developments.

The basic consideration pushing us in the direction of a weapons freeze is our rapid approach to the practical ceiling of militarily meaningful destructive power, and is related to the Russian move toward acquiring an invulnerable deterrent, by hardening their missile bases and shifting to missile-firing submarines.

Let me explain. The Navy has announced that the eight Polarises in a state of readiness on a recent date could by themselves have destroyed the chief industrial areas and 25 to 35 million people in the Soviet Union.[1] It is anticipated that there will be 41 Polaris submarines carrying 656 missiles deployed by June 1967.[2] In addition it is expected that there will be 600 Minutemen in place by June 1964, and another 200 by June 1965.[1] Beyond this are upwards of 200 of the more vulnerable older ICBM's (Atlases and Titans) now being phased out as well as over 600 heavy and 800 medium bombers, half of the former on a 15-minute ground alert, and a few on airborne alert at all times. The total firepower represented here is almost unimaginable. The Russians on their side are beliveved to have 200 heavy and 1,400 medium bombers, 800 IRBM's and MRBM's and 125 ICBM's of which the number hardened is unknown. Moreover, as of July 1963, it was estimated that they had 30 nuclear missile submarines carrying 90 nuclear missiles.[3] This program continues to grow.

Secretary of Defense McNamara has now pointed out that owing to the Soviet shift to hardened missile sites and submarines—

"We could not have any realistic prospect of being able to destroy the major part of a Soviet submarine missile force in one quick first strike. Neither could we count, with any reasonable degree of assurance, on destroying all or almost all of the Soviet's hardened missile sites, even if we were to double or triple our forces * * * a 'full first strike' capability would have to be accompanied by vast programs of antimissile, antibomber, and civil defense. Even then our calculations show that fatalities would still run into tens of millions. Thus, the paramount conclusion supported by all of our studies is that for any level of force we might practicably build, and even under the most favorable circumstances to us, a nuclear exchange between the U.S. and the Soviet Union would do enormous damage to both sides * * *. This would be true no matter how many Minutemen missiles (within practical limits) or, for that matter, how many of any other offensive or defensive weapon systems, we were to add to our forces."[2]

We are thus close to a nuclear standoff in which both nations can render one another unacceptable amounts of damage no matter what the other does—a situation moreover which no increase in present forces can essentially change. While the possbility of a major technological breakthrough restoring a decisive advantage to one side or the other cannot be absolutely ruled out, it looks highly improbable in the near future. It is rendered even less probable by the nuclear test ban, and the agreement against orbiting weapons, which appear to be primarily intended to reduce the likelihood of a major new weapons race, which would be costly, probably futile, and dangerously unstabilizing even if technically successful.

The implications of such a nuclear standoff are hard to grasp because they invalidate many commonsense assumptions of the past. The whole notion of military superiority, or keeping ahead loses significance once this ceiling of destructiveness has been reached. Not only does deliberate resort to general war become irrational in this context, but even incurring significant risks of such wars through direct confrontations over political issues, or the starting of peripheral wars which may spread, becomes a foolhardly business. "Victories" in such struggles, even if achieved, cannot be decisive, since they cannot affect the opponent's invulnerable deterrent, and if they increase his feeling of insecurity they may raise the chance of irrational responses and thereby lower the real security of both sides. Nuclear blackmail, even if it works, may engender extremely hostile emotions and stimulate damaging reprisals, and it gravely increases the risks of war by accident or miscalculation. Khrushchev's good practical sense has apparently enabled him gradually to learn these points, to which Mao, blinded by dogma, still appears wholly oblivious.

This is the real significance of Khrushchev's key disagreement with Mao over the doctrine of peaceful coexistence—which

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[1] The New York Times, Mar. 4, 1964.

[2] Statement of Secretary of Defense Robert S. McNamara before the House Armed Services Committee on the Fiscal Year 1965–69 Defense Program and 1965 Defense Budget.

[3] Estimates from "Disarmament and European Security"—The Institute for Strategic Studies, London, Aug. 1963, Vol. 2.

(aside from its merely rhetorical and propaganda significance) is a sort of Communist "no-win" policy.

It implies that the hope of an early overthrow of capitalism must be abandoned. Irrespective of who ultimately buries whom, Khrushchev now begins to realize that communism must learn to live in a world which it will have to share with capitalism for a long time to come. From a practical operating point of view, this recognition is a great deal more important than the continued ideological assertion that "ultimately" communism must be the winner.

In this connection I think it is essential to try to understand how cruelly Marxist expectations have been disappointed since World War II. The scheduled collapse of the capitalist economies has not occurred; with the aid of the new Keynesian economics, capitalist economies have entirely avoided the severe depressions of the past, and some, especially in the Common Market countries and Japan, have shown spectacularly high and sustained rates of growth. Far from being increasingly dependent on colonialism, they have given up virtually all of their colonies and flourished by doing so. Moreover, the idea that the capitalist nations would eliminate themselves by going to war with each other gets harder and harder to believe. In the nuclear age there is practically nothing to be gained and virtually everything to be lost of such a war: Even such traditional enemies as Germany and France are making desperate efforts to unite their economies to prevent themselves from ever being tempted to fight each other again.

Indeed, it is the Communist bloc which in fact is rent by severe internal stresses. Here the unifying effect of a common ideology is proving to be far less dependable than was supposed. This "polycentrism," as well as a trend toward liberalization within the Communist world, is an extremely hopeful development.[4] These tendencies reflect not only an irrepressible urge toward diversity, and the inevitable conflicts between personalities in any political structure, but also an apparent desire to break out of the straitjacket imposed by certain Communist dogmas.

A diminished sense of absolute contrast and "holy war" between themselves and capitalist societies may make it possible for Communist countries to abandon or dilute their commitments to intervene in support of world revolution which may become increasingly dangerous in a nuclear age, and a serious barrier to a real detente and an arms agreement.

While the new strategic situation induces caution, it is far from being fully stable and dependable. The risks of accident, miscalculation, and escalation are real, and far from negligible, and they will be greatly increased to the extent that China pursues and achieves a substantial nuclear capacity.

Thus the present nuclear standoff not only discourages the continuation of the weapons race, but also encourages positive measures of arms control or disarmament which will control or remove its dangers. It also helps to make such agreements more feasible. The reduced vulnerability of the Russian strategic forces to a U.S. preemptive strike should result in a lessened emphasis on concealment for protection and thereby should induce a greater willingness to allow inspection as a part of arms limitation agreements. An unwillingness to be inspected has, up to now, been the most serious and obvious obstacle to agreements in this field.

Finally we must take a look at the economic trends which are favoring limitations on the defense programs. Looking first at the Communist bloc we observe that it has recently encountered serious economic difficulties. The Chinese debacle was of near-catastrophic proportions. Russian growth rates, too, have now fallen drastically—and have recently been below the rates of the most rapidly growing capitalist economies. The Soviet satellite countries also are now disclosed to have experienced major declines in growth rates. These difficulties spring primarily from a weakness in agriculture, but also reflect, to some degree, weaknesses in the planning process and in bureaucratic methods, as well as the irrationalities and inflexibilities introduced by doctrinaire ideologies. These economic difficulties have strengthened Communist motives for arms limitation agreements which would permit a reduction in defense budgets. The resources going into defense production in these countries are not only relatively large in amount, but are of an especially high caliber, so that the favorable effect on civilian industries would be particularly large if it were possible to divert some of them to civilian use. Not only steel, but good managers and skilled labor and technicians, need to be diverted from defense production to build the fertilizer plants and agricultural machinery upon which rapid agricultural progress increasingly depends.

Economic factors may also play a part in the United States in stimulating arms limitation agreements. The economy bloc, which plays so large a role in Congress, is pressing for cuts in the defense budget as the strategic advantages of further weapons acquisition become less and less obvious. As we have seen, they have already achieved some cuts even in advance of any very tangible arms limitation agreements with the Soviets.

A more indirect influence may be exerted by continuing efforts to cut taxes, eliminate unnecessary poverty and expand public services. We are currently experiencing the first major tax cut since World War II, and once having discovered its benefits may well try for more. On the other side we are gradually coming to realize that the large amount of severe poverty still remaining in the United States is anomalous in the richest country in the world, and a very bad advertisement for us in our international relations. The attempt to cope realistically with demands of the Negro for equal opportunity will itself require a sustained attack on problems of American poverty.

Finally, we are gradually beginning to realize that the heavy burdens of defense have led us into unreasonable restrictions on public services. Contrary to what is usually supposed, real Federal expenditures for nondefense goods and services have been declining rather than rising over the years. Expressed in 1963 prices, and on a per capita basis, they were $83 back in 1939, $75 in 1953, and only $56 in 1963. And nondefense purchases of all government units—including State and local—have declined from 17 percent of GNP to 12 percent of GNP over the same period. There are now strong political pressures for bigger Federal programs in health, education, urban renewal, etc. Strengthened electoral representation of urban voters, resulting from recent Supreme Court decisions, can only intensify these pressures.

For the time being, so long as there is substantial slack left in the economy, it would be possible to expand Federal welfare programs, and reduce taxes, without necessarily curtailing defense expenditures. Once a high enough rate of employment and business activity has been achieved, however, further steps along these lines will incur inflationary dangers which will stimulate additional interest in the possibility of defense cuts.

An increased familiarity with the favorable effects of tax cuts and new public welfare programs may also reduce some economic inhibitions against arms limitation agreements. As the public learns by experience how such programs increase employment and business activity, it may become less fearful that defense cutbacks need throw people permanently out of work, or lead to severe business downturns.

As a better public comprehension is developed of the key role in our economy of maintaining adequate but not excessive aggregate demand, and as we gain confidence and skill in using the monetary and fiscal tools which can accomplish this, we should become less and less tempted to maintain any particular category of expenditure, such as defense expenditure, through fear of adverse effects on the economy of cutting it out. Reassuring conclusions on this matter emerged from an econometric analysis I prepared of the hypothetical effects of large-scale defense cuts, amounting to $32 billion net, which might be associated with general and complete disarmament.

It was there shown that even such a drastic cutback need produce no drop in income and no significant drop in employment, if we adopted a policy of what I call "balanced offsets," involving, in this case, a shift from defense to nondefense Federal expenditures of $18.5 billion, and a tax cut of $18.5 billion.[5] While this would require an extraordinarily high rate of increase in Federal nondefense expenditures, total Federal spending would decline. Such a program would, it is true, require a small ($3 billion) budget deficit, at a time when many people would expect to try for a surplus, to reduce the national debt. "The propensity to reduce the national debt out of defense savings"[6] is, I believe, a major danger to successful economic adjustment to disarmament.

I am encouraged that we may be able to resist such temptations by the steadily improving public understanding of fiscal policy, illustrated by the strong business support shown for the current deficit-financed tax reduction. Businessmen are coming to understand that Federal borrowing for expansion is more like a corporate bond issue than a consumer loan from a finance company. They know that it is usually sound corporate finance to float or renew a bond issue if this provides the means for sufficient expansion in sales and earnings to increase the return on the equity after interest and amortization payments, and that a rise in cash flow should not always be used to retire an outstanding bond issue if the money can be more profitably employed for expansion. Similarly, in a modern view of public finance, borrowing makes sense when it will sufficiently expand national output, profits, wages, and other income, and by so doing also strengthen the tax base and assure sufficient additional revenue to cover the cost of servicing the debt. Retiring debt, on the other hand, is advised when there is so little slack in the economy that tax cuts or additional Government expenditures would raise prices rather than output. In a period of defense cutbacks which add to the slack in the economy, it will rarely be sensible to pursue a budget surplus. The exceptional case is illustrated just after World War II when aggregate demand, fed by enormous wartime deficit financing, was excessive, and budget surpluses were helpful as an anti-inflationary device.

In any case, the type of adjustment which we seem to be facing within the next few years is far smaller than would be required in the case of general and complete disarmament. Weapons procurement, in total, now costs less than $16 billion, and procurement for our strategic retaliatory forces about $4¼ billion. Some continuing production would be required for replacements of missiles that were test fired, etc. On the other hand, some cuts in the approximately $7 billion of military research and development and the $2.8 billion of AEC expenditures would probably be associated with a weapons freeze, so that we might consider $5 billion as a not unreasonable minimum figure for the net cutback involved in a freeze in strategic weapons.

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[4] See George F. Kennan, "Polycentrism and Western Policy," Foreign Affairs, vol. 42, No. 2, January 1964, pp. 171–183.

[5] "The Role of Monetary and Fiscal Policies in Disarmament Adjustments," Journal of Finance, May 1963.

[6] "The Propensity To Reduce the National Debt Out of Defense Savings," American Economic Review, March 1961.

Such a cutback, amounting to less than 1 percent of GNP, would be only about a fifth as serious, in relation to the size of the economy, as was the real cut in the defense program between 1953 and 1960. It should not, therefore, be seriously destabilizing, and need not be at all destabilizing if properly offset, as we have proposed, by new nondefense Government programs and tax cuts.

The industrial and regional adjustments may nevertheless be difficult. This judgment is based on the considerable regional concentration of defense work, especially of prime contracts for the R. & D. and final assembly of defense end items, and upon the highly specialized characteristics of defense industry. The extensive dependence on defense industry of southern California, of the Seattle area, of the State of Connecticut, of parts of Long Island, of the county of Box Elder in Utah (with nearly $3,000 of defense prime contracts per head of population), and many other parts of the country is well enough known.

What is not so well understood is the extraordinary degree to which the most characteristic part of defense industry has become specialized and different from civilian industry. This difference is partly expressed in defense industry manpower which is to an unusual extent composed of skilled and professional people, with demanding requirements not only as to salary, but also with regard to the intrinsic interest, creativity, and degree of self-direction of their jobs. These people, unlike the warworkers of 1941–45, do not think of their jobs as merely "for the duration." They consider their jobs as permanent; they have usually bought homes and settled themselves and their families into the communities. Furthermore, they constitute a highly vocal and influential group, and are capable of generating a lot of political pressure to avoid getting shortchanged.

Moreover, the actual content of defense industry work has become very different from routine civilian industry. Defense work is to a remarkable degree quality and innovation oriented rather than price and marketing oriented. Its success is based chiefly on inventing new products, processes, or solutions, and meeting extremely difficult performance specifications. It has gradually shifted its emphasis away from large-scale production of end items, such as aircraft and tanks, over to the general management of the whole weapons systems, and from this to the management of large-scale research and development programs. Recently, with the hiring of many economists, operations research people, accountants, and lawyers, defense firms are also developing powerful capabilities in the management of large public programs of various sorts.

The essential economic characteristic of the industry is that it specializes in bidding for and performing large-scale Government contracts requiring advanced and large-scale research and development engineering and systems analysis and management. While there are substantial segments of defense industry where the actual jobs done are not too different from those being performed in nondefense industry, this is not true of the more highly specialized and characteristic parts of defense industry—where the bids for contracts are prepared, the research and development programs developed and implemented, the engineering and construction of defense installations carried out, and the more complex weapons systems assembled and tested.

Now the essential difficulty about converting these industries to nondefense pursuits is that there is relatively little work of this sort going on outside of defense activity. The one big shining exception is the space program, and it is revealing that: (a) this is wholly financed by the Federal Government, (b) much of its work has dual, civilian and defense significance; (c) it is built upon a foundation supplied by previous defense work, and (d) it was designed with an eye to utilizing resources that might be released from the defense program.

A freeze in strategic retaliatory weapons would therefore pose a major problem for defense industry. If it tried to get into existing civilian markets it simply couldn't continue to do the sort of thing that it is particularly good at doing. Defense firms have had relatively poor success at diversifying into civilian industry, even when the products were as much alike as military and civilian aircraft, though they have been highly successful in changing over to new types of defense products. If new markets of a comparable type do not appear, the defense companies will in many cases have to abandon their relatively specialized defense facilities and staffs and, in order to protect the interests of their stockholders, shift their capital into more routine industries. This may be done by acquisitions, mergers, or new ventures—but in any case the existing people and communities in defense work will often be left high and dry. Moreover, the defense companies will have to act fast: They have enormous overheads, and they work on very slim operating margins. A delay of only a few weeks in taking disagreeable steps may be enough to run a good year's profit into a loss.

This is one place where our semantics could create a barrier to sensible solutions. Defense industry constitutes today one of the major concentrations of truly creative and innovational brainpower in American life. It obtains great dynamism by being operated for private profit by private management, yet is almost wholly dependent on nonprivate markets. It is important that we understand why this is necessary. Most of the benefits of its activities are too long range, too fundamental or too diffuse to be captured by market processes. Hence it could not offer tangible, timely, and reliable returns to the private investor unless the Government as trustee of the long-term interests of the Nation stepped in and created a market for such activities.

It so happens that national defense is one field where the long term national interest is so clear, and the futility of expecting to meet this need by spontaneously emerging private demand is so obvious, that there has been almost no dissent in principle to such Government expenditures.

It is important to recognize, however, that there is nothing specific to national defense that makes this pattern of organizing and financing economic activities desirable and feasible. There is not, in principle, any reason why such activities organized on a similar private enterprise basis could not be directed to other broad national objectives such as basic resources conservation and development, including particularly our dwindling water supply, waste disposal, planning and implementing urban redevelopment, commutation and other transport systems, weather control, improved aviation facilities and traffic control, industrial development of the oceans, establishment of worldwide communications networks, large-scale production of teaching machines and programs for the eradication of illiteracy, and the worldwide transmission of development skills, information systems, etc. If these tasks were performed by the companies now holding defense contracts this would be no more "socialistic" than the defense program is now.

Such programs would also have a secondary function of essential importance, closely related to their original goal of national defense. They would provide what might be called "standby capacity in defense R. & D. and production capability." This function would be especially important in the event of a weapons freeze which might at some stage breakdown, as did the moratorium on nuclear testing. It would be extremely important to preserve the Nation's capabilities for resuming the weapons race if necessary—and the retention of such capability might help to prevent it from becoming necessary. Even in the event of a properly enforced agreement on general and complete disarmament, it is likely that for a good many years the Nation would wish to maintain its capability to rebuild a well-rounded national defense system in the event of some breakdown in the treaty's implementation. Such capability would be best preserved by the mounting of bold new programs of the type here advocated which would not only provide continuing opportunity for the talents and the organizations now employed in defense industry but would also maintain a continuing pressure on our educational institutions to develop a large number of able and highly motivated people with the requisite aptitudes and expertise.

It is hard to imagine the vast benefits that the Nation and the world might derive from a program such as suggested here, even if only $5 billion a year were involved. The qualitative aspect here is enormously more important than the quantitative one. The sum of $5 billion spread among consumers, or spent for better State and local government services, or even put into more conventional industrial plant and equipment would have absolutely no comparable effect in raising the Nation's real welfare. There is enormous leverage for welfare in applying advanced systems analysis and utilizing the fantastic skills of the modern computer—to solve our most serious problems. In effect, we would be having a second space program, but one tied firmly to earth. If I see this century aright, it is on such great and ambitious programs which exhibit and continually amplify our capabilities to apply science to the achievement of men's goals that our Nation's prestige and influence, as well as its domestic living standards, will increasingly depend.

In closing I should like to avoid being misunderstood by making it clear what I am not saying. First, I am not proposing that all defense companies be kept going. I realize that some are too inflexible and some are too inefficient and high cost. But I think a lot of the criticism on this score overlooks the inherent expensiveness of doing such extensive innovation at such a rapid pace. When one looks at the miracle of the Polaris or Minuteman system, and the order of magnitude of improvement in efficacy over earlier weapons systems that they achieved in a few short years, and if one then compares this with the failure, for example, of the American automobile industry to put into production a single significant innovation for decades, then one suspects that some of the griping about the wastefulness and inefficiency of the defense and space programs is based on using inappropriate criteria, if indeed it does not actually reflect a certain amount of old-fashioned jealousy.

Second, I am not saying that the country owes the defense industry a living. I am saying that the country needs the productive capabilities which defense industry has nurtured, and which will largely be lost if defense companies are allowed to wither on the vine as soon as the need for new weapons slackens.

Finally, I am not saying that any such proposal as I have made would be politically easy to put over. Without the strong support of defense industry itself it would probably have little chance. Defense industry will not support it so long as it continues in the ostrichlike posture which it has so often preferred—endlessly repeating to itself that the cold war would never end and that the need for bigger and better atomic weapons would go on and on and on. Such a posture, I think, invites the booting which the industry will surely receive the moment the Defense Department feels it can dispense with its services. In any case, defense industry could not back such a proposal so long as its own thinking is still dominated by the dogma that defense is the only legitimate purpose for which public funds, in large quantities, ought to be used in mobilizing the activities of private companies. We have now almost got to the point where we feel such programs are legitimate in space. How long do we have to wait until we can apply similar thinking to our problems here on earth?

WHY WE MUST NO LONGER ASSIGN A SET PERCENTAGE OF NAVAL VESSEL REPAIR WORK TO PRIVATE SHIPYARDS

Mr. McINTYRE. Mr. President, the past two defense appropriation acts have included provisions requiring the Navy to allocate 35 percent of naval conversion and repair work to private shipyards. Such provisions represent an unwise limitation on the discretion of the Secretary of the Navy and give the commercial shipyards an unwarranted subsidy of guaranteed business. I strongly hope that Congress will not perpetuate this provision into fiscal year 1965. As an indication of my position on this question and with an eye to Senate consideration of this question this year, I should like to acquaint the Senate with arguments against this provision I recently offered in a statement for the Department of Defense Subcommittee of the House Appropriations Committee.

I therefore ask unanimous consent that my statement before the House Appropriations Committee be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The ambitious propaganda and lobbying activities of certain of our industrialists in recent years underscores the legitimacy of President Eisenhower's fears that the Nation's "military-industrial complex" is being motivated by other than strict military needs. "Convention," the current bestseller by Fletcher Knebel and Charles Bailey II, portrays in fiction what can happen in reality to those public officials (even presidential candidates) who have the courage to oppose Government contracts which contribute nothing at all to our defense posture, but many dollars to some of our private "profiteers."

PRIVATE YARDS WANT PREFERENTIAL LAWS, NOT COMPETITION

Until World War II, nearly all naval repair work was performed at naval shipyards. Since then, however, the private shipbuilding industry has managed gradually to win an ever increasing share of this work, not through competition but anticompetitive Government regulations allotting work to them. And still they search for more, and more. The private shipbuilders point with relish to the now famous Anderson report to support their claim that private yards can satisfy the Navy's needs at less cost to the Government. Of course if the report really showed the private yards were competitive they wouldn't need the anticompetitive regulations. I would like to address myself to that report for a few moments.

FINDINGS OF ANDERSON REPORT HAVE BEEN EXAGGERATED

The Anderson report compares costs in Government-owned and private shipyards. It deals separately with conversion, repair, alteration, and construction, using work on specific ships as a basis of comparison. The report concludes:

1. That in the area of conversions the cost differential (in favor of private yards) was a mere 1.2 percent based on cost to the Department of Defense; and adds, "Since the percentage differentials are small and the adjustments required to establish comparability were both large and unusual, we can reach no conclusion with respect to the relative costs of these conversions;"

2. That in the field of ship repairs "costs * * * are not reasonably comparable on a ship-by-ship basis," but using this inadequate method of comparison anyhow, the report indicates the costs to the Department of Defense at private yards was only 3.4 percent lower than at naval yards;

3. That no significant difference in costs exists in the matter of ship alterations; and

4. That the apparent cost gaps in new construction are attributable principally to the indirect wages and fringe benefits of naval shipyard workers.

NATIONAL SECURITY AND THE NAVAL SHIPYARDS

Gentlemen, I submit that if there is a differential built into the operation of our naval shipyards, it is the very security of these United States. I need not explain to the members of this subcommittee the necessity for maintaining a maximum degree of readiness in our defense establishment, nor must I dwell on the significant contribution of Government-owned shipyards to that need. One of the greatest stories of World War II was the ability of our shipbuilding and repair facilities, both private and public, to meet and to exceed the demands imposed by a sudden global conflict. It is this very balance, this complementary coexistence which has enabled this Nation to change from a peacetime to a wartime naval establishment with a minimum of headaches and a maximum of success. It is this same coexistence which disproves and destroys the arguments of those of our private shipbuilders who would grab an even larger share of Goverrnment work without regard to the effects on our defense preparedness.

"ABUSING" THE YARDS FOR THE NATION'S DEFENSE

The naval shipyards do not turn a profit to stockholders. But rather than return to the Treasury that part of present costs which could be saved by paring our shipyards to the bone, the public yards turn a profit for the people of this country and their future. The public yards have instituted new management and systems engineering procedures, which have been expensive, but which add to the overall strength of our modern Navy. The public yards have borne the cost of advances in technology. When the private yards refuse to shave vital seconds off combat operations, or install back-up safety devices, or work to the most exacting specifications, such tasks are given to the public yards. "Oh, yes," one naval official told me, "we abuse the public yards, and it adds to their expense." But such additions can be the margin of victory, as they have certainly been the thin edge of advancing progress in naval design. The private yards have now leveled charges of cost inflation against our defense establishment for having pioneered in marine technology and vessel construction techniques. We know from this Nation's proud naval history that our shipyards are more than adequate to the challenges of our times. And we know as well, from the inability of our private yards to win construction awards for the world merchant marine fleet, that they have priced themselves out of their natural market. By skimping on military requirements the private yards could continue to build ships, but without the technical leadership of our naval shipyards and their responsiveness to the Navy command system, those vessels wouldn't be the fighting ships that the times may require.

ADVANTAGES OF MASS PRODUCTION GIVEN TO PRIVATE YARDS

Presently, private shipyards are subsidized to the tune of approximately 70 percent of all Government work. They often build and repair ships in groups of 10 or 12 at a time while the naval yards struggle along with 1 or 2 contracts. Thus, the private yards are not exposed to the normal risks of private investors; but they continue to cry socialism at naval yard proponents while demanding a return to so-called private enterprise in the awarding of Government contracts. Of course, their costs are lower—the advantages of mass production are available to them but rarely to their publicly owned competition. Considering these advantages and the conclusions of the Anderson report which establishes, I think, that cost differentials are reasonably small, I can't help wondering why the private yards are unable to get their costs down substantially from what they are now. I suspect there is a real need for a thorough examination of the accounting procedures employed at both private and naval shipyards to make certain that private yard apples are not being unfairly compared with public yard oranges.

PUBLIC YARDS ARE THE ONLY WAY TO HOLD COSTS DOWN

I would like to ask this question: What would hold down commercial shipbuilding prices if the private yards ever succeeded in their objective of eliminating their competition? The private yards are after a guaranteed, cost-plus, subsidized noncompetitive cartelized construction program that would open the public purse to their unquenchable thirst for funds. I remind the members of the subcommittee that this is an effort to repair the loss of private merchant marine construction markets with public funds, by draining the national security strength of our Government yards.

Gentlemen, there is no saving to the Government in allotting repair work to private shipyards, for this is the area where the Anderson report found the least difference. Thus, for my part, I find no reason to retain the guarantee of 35 percent of naval ship repairs for private yards in this year's defense appropriation bill. Although the Secretary of Defense has said in the past that the 65–35 percent provision allows a desirable degree of flexibility in work assignments, I respectfully suggest that the Secretary be granted a fuller measure of flexibility by the elimination of this legislative restriction which serves only to support private interests at the expense of the traditional role of America's naval shipyards.

SUGAR LEGISLATION

Mr. FULBRIGHT. Mr. President, Congress will be required to consider sugar legislation again this session, and there is little prospect that the bill this year will be any less controversial than the ones in the past. If anything, it appears that there will be more difficulty than ever in reconciling the increasing number of special interests involved in sugar trade.

I ask unanimous consent to have printed in the RECORD an editorial concerning this matter which appeared in the March 23 issue of the Wall Street Journal.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STABILITY GONE SOUR

The Government annually divides up the American sugar market among foreign and domestic producers and, in the process, indirectly controls U.S. sugar prices. No one has ever been completely happy with the process, and things don't seem to be getting any better.

For years foreign nations have fought for the right to supply the United States; a cut in one country's quota could touch off something of a diplomatic crisis. On one occasion a Latin nation even threatened to turn down U.S. foreign aid unless its sugar quota was raised (it was).

American consumers have had no real reason for happiness either. Though the Sugar Act's elaborate quota system is supposed to assure stable domestic prices, such stability as has existed has usually been at levels above those that would have prevailed in a free market. In effect, U.S. sugar users have been helping to subsidize the economies of a sizable group of foreign nations among which Cuba for a long time was prominent.

Now it's the domestic producers who are dissatisfied. Because world sugar prices currently are high, the U.S. sugar growers would like an increase in their allowable output. Agriculture Secretary Freeman is planning to permit the U.S. sugar men to increase production by 500,000 tons a year, and bills have been introduced in Congress to authorize an even bigger rise. But this would call for a cut in the amount of sugar to be supplied from abroad, and that prospect is stirring discontent in another quarter.

The latest group to get upset about sugar is composed of the dockworkers who belong to the United Weighers' and Sugar Samplers' Association, Local 3, and to the Scalesmen's Local 935. A cutback in imports could mean less work for them on the docks; they plan to urge Congress to stop the domestic producers' raid on sugar imports.

So after years of international pulling and hauling, the Government's sugar controllers soon will be in the middle of a tug of war between domestic producers and labor unions. To some officials in Washington, the idea of a free market should be growing sweeter day by day.

FOREIGN POLICY—OLD MYTHS AND NEW REALITIES

Mr. FULBRIGHT. Mr. President, there is an inevitable divergence, attributable to the imperfections of the human mind, between the world as it is and the world as men perceive it. As long as our perceptions are reasonably close to objective reality, it is possible for us to act upon our problems in a rational and appropriate manner. But when our perceptions fail to keep pace with events, when we refuse to believe something because it displeases or frightens us, or because it is simply startlingly unfamiliar, then the gap between fact and perception becomes a chasm, and action becomes irrelevant and irrational.

There has always—and inevitably—been some divergence between the realities of foreign policy and our ideas about it. This divergence has in certain respects been growing, rather than narrowing; and we are handicapped, accordingly, by policies based on old myths, rather than current realities. This divergence is, in my opinion, dangerous and unnecessary—dangerous, because it can reduce foreign policy to a fraudulent game of imagery and appearances; unnecessary, because it can be overcome by the determination of men in high office to dispel prevailing misconceptions by the candid dissemination of unpleasant, but inescapable, facts.

Before commenting on some of the specific areas where I believe our policies are at least partially based on cherished myths, rather than objective facts, I should like to suggest two possible reasons for the growing divergence between the realities and our perceptions of current world politics. The first is the radical change in relations between and within the Communist and the free world; and the second is the tendency of too many of us to confuse means with ends and, accordingly, to adhere to prevailing practices with a fervor befitting immutable principles.

Although it is too soon to render a definitive judgment, there is mounting evidence that events of recent years have wrought profound changes in the character of East-West relations. In the Cuban missile crisis of October 1962, the United States proved to the Soviet Union that a policy of aggression and adventure involved unacceptable risks. In the signing of the test ban treaty, each side in effect assured the other that it was prepared to forego, at least for the present, any bid for a decisive military or political breakthrough. These occurrences, it should be added, took place against the background of the clearly understood strategic superiority—but not supremacy—of the United States.

It seems reasonable, therefore, to suggest that the character of the cold war has, for the present, at least, been profoundly altered: by the drawing back of the Soviet Union from extremely aggressive policies; by the implicit repudiation by both sides of a policy of "total victory"; and by the establishment of an American strategic superiority which the Soviet Union appears to have tacitly accepted because it has been accompanied by assurances that it will be exercised by the United States with responsibility and restraint. These enormously important changes may come to be regarded by historians as the foremost achievements of the Kennedy administration in the field of foreign policy. Their effect has been to commit us to a foreign policy which can accurately—though perhaps not prudently—be defined as one of "peaceful coexistence."

Another of the results of the lowering of tensions between East and West is that each is now free to enjoy the luxury of accelerated strife and squabbling within its own domain. The ideological thunderbolts between Washington and Moscow which until a few years ago seemed a permanent part of our daily lives have become a pale shadow of their former selves. Now, instead, the United States waits in fascinated apprehension for the Olympian pronouncements that issue from Paris at 6-month intervals while the Russians respond to the crude epithets of Peiping with almost plaintive rejoinders about "those who want to start a war against everybody."

These astonishing changes in the configuration of the postwar world have had an unsettling effect on both public and official opinion in the United States. One reason for this, I believe, lies in the fact that we are a people used to looking at the world, and indeed at ourselves, in moralistic rather than empirical terms. We are predisposed to regard any conflict as a clash between good and evil rather than as simply a clash between conflicting interests. We are inclined to confuse freedom and democracy, which we regard as moral principles, with the way in which they are practiced in America—with capitalism, federalism, and the two-party system, which are not moral principles but simply the preferred and accepted practices of the American people. There is much cant in American moralism and not a little inconsistency. It resembles in some ways the religious faith of the many respectable people who, in Samuel Butler's words, "would be equally horrified to hear the Christian religion doubted or to see it practiced."

Our national vocabulary is full of "self-evident truths" not only about "life, liberty, and happiness," but about a vast number of personal and public issues, including the cold war. It has become one of the "self-evident truths" of the postwar era that just as the President resides in Washington and the Pope in Rome, the Devil resides immutably in Moscow. We have come to regard the Kremlin as the permanent seat of his power and we have grown almost comfortable with a menace which, though unspeakably evil, has had the redeeming virtues of constancy, predictability, and familiarity. Now the Devil has betrayed us by traveling abroad and, worse still, by dispersing himself, turning up now here, now there, and in many places at once, with a devilish disregard for the laboriously constructed frontiers of ideology.

We are confronted with a complex and fluid world situation and we are not adapting ourselves to it. We are clinging to old myths in the face of new realities and we are seeking to escape the contradictions by narrowing the permissible bounds of public discussion, by relegating an increasing number of ideas and viewpoints to a growing category of "unthinkable thoughts." I believe that this tendency can and should be reversed, that it is within our ability, and unquestionably in our interests, to cut loose from established myths and to start thinking some "unthinkable thoughts"—about the cold war and

East-West relations, about the underdeveloped countries and particularly those in Latin America, about the changing nature of the Chinese Communist threat in Asia and about the festering war in Vietnam.

The master myth of the cold war is that the Communist bloc is a monolith composed of governments which are not really governments at all but organized conspiracies, divided among themselves perhaps in certain matters of tactics, but all equally resolute and implacable in their determination to destroy the free world.

I believe that the Communist world is indeed hostile to the free world in its general and long-term intentions but that the existence of this animosity in principle is far less imporant for our foreign policy than the great variations in its intensity and character both in time and among the individual members of the Communist bloc. Only if we recognize these variations, ranging from China, which poses immediate threats to the free world, to Poland and Yugoslavia, which pose none, can we hope to act effectively upon the bloc and to turn its internal differences to our own advantage and to the advantage of those bloc countries which wish to maximize their independence. It is the responsibility of our national leaders, both in the executive branch and in Congress, to acknowledge and act upon these realities, even at the cost of saying things which will not win immediate widespread enthusiasm.

For a start, we can acknowledge the fact that the Soviet Union, though still a most formidable adversary, has ceased to be totally and implacably hostile to the West. It has shown a new willingness to enter mutually advantageous arrangements with the West and, thus far at least, to honor them. It has, therefore, become possible to divert some of our energies from the prosecution of the cold war to the relaxation of the cold war and to deal with the Soviet Union, for certain purposes, as a normal state with normal and traditional interests.

If we are to do these things effectively, we must distinguish between communism as an ideology and the power and policy of the Soviet state. It is not communism as a doctrine, or communism as it is practiced within the Soviet Union or within any other country, that threatens us. How the Soviet Union organizes its internal life, the gods and doctrines that it worships, are matters for the Soviet Union to determine. It is not Communist dogma as espoused within Russia but Communist imperialism that threatens us and other peoples of the non-Communist world. Insofar as a great nation mobilizes its power and resources for aggressive purposes, that nation, regardless of ideology, makes itself our enemy. Insofar as a nation is content to practice its doctrines within its own frontiers, that nation, however repugnant its ideology, is one with which we have no proper quarrel. We must deal with the Soviet Union as a great power, quite apart from differences of ideology. To the extent that the Soviet leaders abandon the global ambitions of Marxist ideology, in fact if not in words, it becomes possible for us to engage in normal relations with them, relations which probably cannot be close or trusting for many years to come but which can be gradually freed of the terror and the tensions of the cold war.

In our relations with the Russians, and indeed in our relations with all nations, we would do well to remember, and to act upon, the words of Pope John in the great Encyclical, Pacem in Terris:

> "It must be borne in mind," said Pope John, "that to proceed gradually is the law of life in all its expressions, therefore, in human institutions, too, it is not possible to renovate for the better except by working from within them, gradually. Violence has always achieved only destruction, not construction, the kindling of passions, not their pacification, the accumulation of hate and ruin, not the reconciliation of the contending parties. And it has reduced men and parties to the difficult task of rebuilding, after sad experience, on the ruins of discord."

Important opportunities have been created for Western policy by the development of "polycentrism" in the Communist bloc. The Communist nations, as George Kennan has pointed out, are, like the Western nations, currently caught up in a crisis of indecision about their relations with countries outside their own ideological bloc. The choices open to the satellite states are limited but by no means insignificant. They can adhere slavishly to Soviet preferences or they can strike out on their own, within limits, to enter into mutually advantageous relations with the West.

Whether they do so, and to what extent, is to some extent at least within the power of the West to determine. If we persist in the view that all Communist regimes are equally hostile and equally threatening to the West, and that we can have no policy toward the captive nations except the eventual overthrow of their Communist regimes, then the West may enforce upon the Communist bloc a degree of unity which the Soviet Union has shown itself to be quite incapable of imposing—just as Stalin in the early postwar years frightened the West into a degree of unity that it almost certainly could not have attained by its own unaided efforts. If, on the other hand, we are willing to reexamine the view that all Communist regimes are alike in the threat which they pose for the West—a view which had a certain validity in Stalin's time—then we may be able to exert an important influence on the course of events within a divided Communist world.

We are to a great extent the victims, and the Soviets the beneficiaries, of our own ideological convictions, and of the curious contradictions which they involve. We consider it a form of subversion of the free world, for example, when the Russians enter trade relations or conclude a consular convention or establish airline connections with a free country in Asia, Africa, or Latin America—and to a certain extent we are right. On the other hand, when it is proposed that we adopt the same strategy in reverse—by extending commercial credits to Poland or Yugoslavia, or by exchanging Ambassadors with a Hungarian regime which has changed considerably in character since the revolution of 1956—then the same patriots who are so alarmed by Soviet activities in the free world charge our policymakers with "giving aid and comfort to the enemy" and with innumerable other categories of idiocy and immorality.

It is time that we resolved this contradiction and separated myth from reality. The myth is that every Communist state is an unmitigated evil and a relentless enemy of the free world; the reality is that some Communist regimes pose a threat to the free world while others pose little or none, and that if we will recognize these distinctions, we ourselves will be able to influence events in the Communist bloc in a way favorable to the security of the free world.

It could well be argued * * *—

Writes George Kennan—

> That if the major Western Powers had full freedom of movement in devising their own policies, it would be within their power to determine whether the Chinese view, or the Soviet view, or perhaps a view more liberal than either would ultimately prevail within the Communist camp. George Kennan, "Polycentrism and Western Policy," Foreign Affairs, January 1964, page 178.

There are numerous areas in which we can seek to reduce the tensions of the cold war and to bring a degree of normalcy into our relations with the Soviet Union and other Communist countries—once we have resolved that it is safe and wise to do so. We have already taken important steps in this direction: the Antarctic and Austrian treaties and the nuclear test ban treaty, the broadening of East-West cultural and educational relations, and the expansion of trade.

On the basis of recent experience and present economic needs, there seems little likelihood of a spectacular increase in trade between Communist and Western countries, even if existing restrictions were to be relaxed. Free world trade with Communist countries has been increasing at a steady but unspectacular rate, and it seems unlikely to be greatly accelerated because of the limited ability of the Communist countries to pay for increased imports. A modest increase in East-West trade may nonetheless serve as a modest instrument of East-West detente—provided that we are able to overcome the myth that trade with Communist countries is a compact with the Devil and to recognize that, on the contrary, trade can serve as an effective and honorable means of advancing both peace and human welfare.

Whether we are able to make these philosophic adjustments or not, we cannot escape the fact that our efforts to devise a common Western trade policy are a palpable failure and that our allies are going to trade with the Communist bloc whether we like it or not. The world's major exporting nations are slowly but steadily increasing their trade with the Communist bloc and the bloc countries are showing themselves to be reliable customers. Since 1958 Western Europe has been increasing its exports to the East at the rate of about 7 percent a year, which is nearly the same rate at which its overall world sales have been increasing.

West Germany—one of our close friends—is by far the leading Western nation in trade with the Sino-Soviet bloc. West German exports to bloc countries in 1962 were valued at $749.9 million. Britain was in second place—although not a close second—with exports to Communist countries amounting to $393 million in 1962. France followed with exports worth $313.4 million, and the figure for the United States—consisting largely of surplus food sales to Poland under Public Law 480—stood far below at $125.1 million.

Our allies have made it plain that they propose to expand this trade, in nonstrategic goods, wherever possible. West Germany, in the last 16 months, has exchanged or agreed to exchange trade missions with every country in Eastern Europe except Albania. Britain has indicated that she will soon extend long-term credits to Communist countries, breaching the 5-year limit which the Western allies have hitherto observed. In the light of these facts, it is difficult to see what effect the tight American trade restrictions have other than to deny the United States a substantial share of a profitable market.

The inability of the United States to prevent its partners from trading extensively with the Communist bloc is one good reason for relaxing our own restrictions, but there is a better reason: the potential value of trade—a moderate volume of trade in nonstrategic items—as an instrument for reducing world tensions and strengthening the foundations of peace. I do not think that trade or the nuclear test ban, or any other prospective East-West accommodation, will lead to a grand reconciliation that will end the cold war and usher in the brotherhood of man. At the most, the cumulative effect of all the agreements that are likely to be attainable in the foreseeable future will be the alleviation of the extreme tensions and animosities that threaten the world with nuclear devastation and the gradual conversion of the struggle between communism and the free world into a safer and more tolerable international rivalry, one which may be with us for years and decades to come but which need not be so terrifying and so costly as to distract the nations of the world from the creative pursuits of civilized societies.

There is little in history to justify the expectation that we can either win the cold war or end it immediately and completely. These are favored myths, respectively, of the American right and of the American left. They are, I believe, equal in their unreality and in their disregard for the feasibilities of history. We must disabuse ourselves of them and come to terms, at last, with the realities of a world in which neither good nor evil is absolute and in which those who move events and make history are those who have understood not how much but how little it is within our power to change.

Mr. President, in an address on February 18 at Bad Godesburg, the U.S. Ambassador to Germany, Mr. George McGhee, spoke eloquently and wisely about the character and prospects of relations between the Communist and the free worlds. I ask unanimous consent that Ambassador McGhee's address, "East-West Relations Today," be inserted in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Latin America is one of the areas of the world in which American policy is weakened by a growing divergency between old myths and new realities.

The crisis over the Panama Canal has been unnecessarily protracted for reasons of domestic politics and national pride and sensitivity on both sides—for reasons, that is, of only marginal relevance to the merits of the dispute. I think the Panamanians have unquestionably been more emotional about the dispute than has the United States. I also think that there is less reason for emotionalism on the part of the United States than on the part of Panama. It is important for us to remember that the issue over the canal is only one of a great many in which the United States is involved, and by no means the most important. For Panama, on the other hand, a small nation with a weak economy and an unstable government, the canal is the preeminent factor in the nation's economy and in its foreign relations. Surely in a confrontation so unequal, it is not unreasonable to expect the United States to go a little farther than halfway in the search for a fair settlement.

We Americans would do well, for a start, to divest ourselves of the silly notion that the issue with Panama is a test of our courage and resolve. I believe that the Cuban missile crisis of 1962, involving a confrontation with nuclear weapons and intercontinental missiles, was indeed a test of our courage, and we acquitted ourselves extremely well in that instance. I am unable to understand how a controversy with a small and poor country, with virtually no military capacity, can possibly be regarded as a test of our bravery and will to defend our interests. It takes stubbornness but not courage to reject the entreaties of the weak. The real test in Panama is not of our valor but of our wisdom and judgment and commonsense.

We would also do well to disabuse ourselves of the myth that there is something morally sacred about the treaty of 1903. The fact of the matter is that the treaty was concluded under circumstances that reflect little credit on the United States. It was made possible by Panama's separation from Colombia, which probably could not have occurred at that time without the dispatch of U.S. warships to prevent the landing of Colombian troops on the isthmus to put down the Panamanian rebellion. The United States not only intervened in Colombia's internal affairs but did so in violation of a treaty concluded in 1846 under which the United States had guaranteed Colombian sovereignty over the isthmus. President Theodore Roosevelt, as he boasted, "took Panama," and proceeded to negotiate the canal treaty with a compliant Panamanian regime. Panamanians contend that they were "shotgunned" into the treaty of 1903 as the price of U.S. protection against a possible effort by Colombia to recover the isthmus. The contention is not without substance.

It is not my purpose here to relate the events of 60 years ago but only to suggest that there is little basis for a posture of injured innocence and self-righteousness by either side and that we would do much better to resolve the issue on the basis of present realities rather than old myths.

The central reality is that the treaty of 1903 is in certain respects obsolete. The treaty has been revised only twice, in 1936 when the annual rental was raised from $250,000 to $430,000 and other modifications were made, and in 1955 when further changes were made, including an increase in the annual rental to $1.9 million, where it now stands. The canal, of course, contributes far more to the Panamanian economy in the form of wages paid to Panamanian workers and purchases made in Panama. The fact remains, nonetheless, that the annual rental of $1.9 million is a modest sum and should probably be increased. There are other issues, relating to hiring policies for Panamanian workers in the zone, the flying of flags, and other symbols of national pride and sovereignty. The basic problem about the treaty, however, is the exercise of American control over a part of the territory of Panama in this age of intense nationalist and anticolonialist feeling. Justly or not, the Panamanians feel that they are being treated as a colony, or a quasi-colony, of the United States, and this feeling is accentuated by the contrast between the standard of living of the Panamanians, with a per capita income of about $429 a year, and that of the Americans living in the Canal Zone—immediately adjacent to Panama, of course, and within it—with a per capita income of $4,228 a year. That is approximately 10 times greater. It is the profound social and economic alienation between Panama and the Canal Zone, and its impact on the national feeling of the Panamanians, that underlies the current crisis.

Under these circumstances, it seems to me entirely proper and necessary for the United States to take the initiative in proposing new arrangements that would redress some of Panama's grievances against the treaty as it now stands. I see no reason—certainly no reason of "weakness" or "dishonor"—why the United States cannot put an end to the semantic debate over whether treaty revisions are to be "negotiated" or "discussed" by stating positively and clearly that it is prepared to negotiate revisions in the canal treaty and to submit such changes as are made to the Senate for its advice and consent.

I think it is necessary for the United States to do this even though a commitment to revise the treaty may be widely criticized at home. It is the responsibility of the President and his advisers, in situations of this sort, to exercise their own best judgment as to where the national interest lies even though this may necessitate unpopular decisions.

An agreement to "negotiate" revisions is not an agreement to negotiate any particular revision. It would leave us completely free to determine what revisions, and how many revisions, we would be willing to accept. If there is any doubt about this, one can find ample reassurance in the proceedings at Geneva, where several years of "negotiations" for "general and complete disarmament" still leave us with the greatest arsenal of weapons in the history of the world.

The problem of Cuba is more difficult than that of Panama, and far more heavily burdened with the deadweight of old myths and prohibitions against "unthinkable thoughts." I think the time is overdue for a candid reevaluation of our Cuban policy even though it may also lead to distasteful conclusions.

There are and have been three options open to the United States with respect to Cuba: First, the removal of the Castro regime by invading and occupying the island; second, an effort to weaken and ultimately bring down the regime by a policy of political and economic boycott; and finally, acceptance of the Communist regime as a disagreeable reality and annoyance but one which is not likely to be removed in the near future because of the unavailability of acceptable means of removing it.

The first option, invasion, has been tried in a halfhearted way and found wanting. It is generally acknowledged that the invasion and occupation of Cuba, besides violating our obligations as a member of the United Nations and of the Organization of American States, would have explosive consequences in Latin America and elsewhere and might precipitate a global nuclear war. I know of no responsible statesman who advocates this approach. It has been rejected by our Government and by public opinion and I think that, barring some grave provocation, it can be ruled out as a feasible policy for the United States.

The approach which we have adopted has been the second of those mentioned, an effort to weaken and eventually bring down the Castro regime by a policy of political and economic boycott. This policy has taken the form of extensive restrictions against trade with Cuba by United States citizens, of the exclusion of Cuba from the inter-American system and efforts to secure Latin American support in isolating Cuba politically and economically, and of diplomatic efforts, backed by certain trade and aid sanctions, to persuade other free world countries to maintain economic boycotts against Cuba.

This policy, it now seems clear, has been a failure, and there is no reason to believe that it will succeed in the future. Our efforts to persuade our allies to terminate their trade with Cuba have been generally rebuffed. The prevailing attitude was perhaps best expressed by a British manufacturer who, in response to American criticisms of the sale of British buses to Cuba, said: "If America has a surplus of wheat, we have a surplus of buses."

In cutting off military assistance to Great Britain, France, and Yugoslavia under the provisions of section 620 of the Foreign Assistance Act of 1963, the United States has wielded a stuffed club. The amounts of aid involved are infinitesimal; the chances of gaining compliance with our boycott policy are nil; and the annoyance of the countries concerned may be considerable. What we terminated with respect to Britain and France, in fact, can hardly be called aid; it was more of a sales promotion program under which British and French military leaders were brought to the United States to see—and to buy—advanced American weapons. Terminating this program was in itself of little importance; Britain and France do not need our assistance. But terminating the program as a sanction against their trade with Cuba can have no real effect other than to create an illusory image of "toughness" for the benefit of our own people.

Free world exports to Cuba have, on the whole, been declining over recent years, but overall imports have been rising since 1961.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at the conclusion of my remarks two tables provided by the Department of State showing the trade of selected free world countries with Cuba from 1958 to 1963.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

Mr. FULBRIGHT. Mr. President, the figures shown in these tables provide little basis for expecting the early termination of free world trade with Cuba. The export table shows U.S. exports to Cuba in both 1962 and 1963 exceeding those of any other free world country. These American exports consisted almost entirely of ransom payments for the Bay of Pigs prisoners and should not be confused with normal trade.

There is an interesting feature to this table, which may not be well known. It is that the exports from Cuba to various allies of ours, particularly Japan, the United Kingdom, Morocco, and others, have been going up, and have been very substantial. This reflects, I believe, the importation from Cuba of sugar to a great extent, and also accounts for the accumulation by Cuba of substantial foreign aid as a result of the dramatic increase in the price of sugar during the past couple of years.

The exports from the free world to Cuba have been going up in similar instances, in the case of Japan, but generally speaking they have not been increasing. Of course, since 1958, when we accounted for more than half of Cuba's exports, they have gone down rather dramatically. In any case, the tables will speak for themselves.

I should like to make it very clear that I am not arguing against the desirability of an economic boycott against the Castro regime but against its feasibility. The effort has been made and all the fulminations we can utter about sanctions and retaliation against free world countries that trade with Cuba cannot long conceal the fact that the boycott policy is a failure.

The boycott policy has not failed because of any "weakness" or "timidity" on the part of our Government. This charge, so frequently heard, is one of the most pernicious myths to have been inflicted on the American people. The boycott policy has failed because the United States is not omnipotent and cannot be. The basic reality to be faced is that it is simply not within our power to compel our allies to cut off their trade with Cuba, unless we are prepared to take drastic sanctions against them, such as closing our own markets to any foreign company that does business in Cuba, as proposed by Mr. Nixon. We can do this, of course, but if we do, we ought first to be very sure, as apparently Mr. Nixon is, that the Cuban boycott is more important than good relations with our closest allies. In fact, even the most drastic sanctions are as likely to be rewarded with defiance as with compliance. For practical purposes, all we can do is to ask other countries to take the measures with respect to Cuba which we recommend. We have done so and in some areas have been successful. In other areas, notably that of the economic boycott, we have asked for the full cooperation of other free world countries and it has been largely denied. It remains for us to decide whether we will respond with a sustained outburst of hollow and ill-tempered threats, all the while comforting ourselves with the myth that we can get anything we want if we only try hard enough—or, in this case, shout loud enough—or we can acknowledge the failure of our efforts and proceed, coolly and rationally, to reexamine the policies which we now pursue in relation to the interests they are intended to serve.

The prospects of bringing down the Castro regime by political and economic boycott have never been very good. Even if a general free world boycott were successfully applied against Cuba, it is unlikely that the Russians would refuse to carry the extra financial burden and thereby permit the only Communist regime in the Western Hemisphere to collapse. We are thus compelled to recognize that there is probably no way of bringing down the Castro regime by means of economic pressures unless we are prepared to impose a blockade against nonmilitary shipments from the Soviet Union. Exactly such a policy has been recommended by some of our more reckless politicians, but the preponderance of informed opinion is that a blockade against Soviet shipments of nonmilitary supplies to Cuba would be extravagantly dangerous, carrying the strong possibility of a confrontation that could explode into nuclear war.

Having ruled out military invasion and blockade, and recognizing the failure of the boycott policy, we are compelled to consider the third of the three options open to us with respect to Cuba: the acceptance of the continued existence of the Castro regime as a distasteful nuisance but not an intolerable danger so long as the nations of the hemisphere are prepared to meet their obligations of collective defense under the Rio Treaty.

In recent years we have become transfixed with Cuba, making it far more important in both our foreign relations and in our domestic life than its size and influence warrant. We have flattered a noisy but minor demogog by treating him as if he were a Napoleonic menace. Communist Cuba has been a disruptive and subversive influence in Venezuela and other countries of the hemisphere, and there is no doubt that both we and our Latin American partners would be better off if the Castro regime did not exist. But it is important to bear in mind that, despite their best efforts, the Cuban Communists have not succeeded in subverting the hemisphere and that in Venezuela, for example, where communism has made a major effort to gain power through terrorism, it has been repudiated by a people who in a free election have committed themselves to the course of liberal democracy. It is necessary to weigh the desirability of an objective against the feasibility of its attainment, and when we do this with respect to Cuba, I think we are bound to conclude that Castro is a nuisance but not a grave threat to the United States and that he cannot be gotten rid of except by means that are wholly disproportionate to the objective. Cuban communism does pose a grave threat to other Latin American countries, but this threat can be dealt with by prompt and vigorous use of the established procedures of the inter-American system against any act of aggression.

I think that we must abandon the myth that Cuban communism is a transitory menace that is going to collapse or disappear in the immediate future and face up to two basic realities about Cuba: first, that the Castro regime is not on the verge of collapse and is not likely to be overthrown by any policies which we are now pursuing or can reasonably undertake; and second, that the continued existence of the Castro regime, though inimical to our interests and policies, is not an insuperable obstacle to the attainment of our objectives, unless we make it so by permitting it to poison our politics at home and to divert us from more important tasks in the hemisphere.

The policy of the United States with respect to Latin America as a whole is predicated on the assumption that social revolution can be accomplished without violent upheaval. This is the guiding principle of the Alliance for Progress and it may in time be vindicated. We are entitled to hope so and it is wise and necessary for us to do all that we can to advance the prospects of peaceful and orderly reform.

At the same time, we must be under no illusions as to the extreme difficulty of uprooting long-established ruling oligarchies without disruptions involving lesser or greater degrees of violence. The historical odds are probably against the prospects of peaceful social revolution. There are places, of course, where it has occurred and others where it seems likely to occur. In Latin America, the chances for such basic change by peaceful means seem bright in Colombia and Venezuela and certain other countries; in Mexico, many basic changes have been made by peaceful means, but these came in the wake of a violent revolution. In other Latin American countries, the power of ruling oligarchies is so solidly established and their ignorance so great that there seems little prospect of accomplishing economic growth or social reform by means short of the forcible overthrow of established authorities.

I am not predicting violent revolutions in Latin America or elsewhere. Still less am I advocating them. I wish only to suggest that violent social revolutions are a possibility in countries where feudal oligarchies resist all meaningful change by peaceful means. We must not, in our preference for the democratic procedures envisioned by the Charter of Punta del Este, close our minds to the possibility that democratic procedures may fail in certain countries and that where democracy does fail violent social convulsions may occur.

We would do well, while continuing our efforts to promote peaceful change through the Alliance for Progress, to consider what our reactions might be in the event of the outbreak of genuine social revolution in one or more Latin American countries. Such a revolution did occur in Bolivia, and we accepted it calmly and sensibly. But what if a violent social revolution were to break out in one of the larger Latin American countries? Would we feel certain that it was Cuban or Soviet inspired? Would we wish to intervene on the side of established authority? Or would we be willing to tolerate or even support a revolution if it was seen to be not Communist but similar in nature to the Mexican revolution or the Nasser revolution in Egypt?

These are hypothetical questions and there is no readily available set of answers to them. But they are questions which we should be thinking about because they have to do with problems that could become real and urgent with great suddenness. We should be considering, for example, what groups in particular countries might conceivably lead revolutionary movements, and if we can identify them, we should be considering how we might communicate with them and influence them in such a way that their movements, if successful, will not pursue courses detrimental to our security and our interests.

The Far East is another area of the world in which American policy is handicapped by the divergence of old myths and new realities. Particularly with respect to China, an elaborate vocabulary of make-believe has become compulsory in both official and public discussion. We are committed, with respect to China and other areas in Asia, to inflexible policies of long standing from which we hesitate to depart because of the attribution to these policies of an aura of mystical sanctity. It may be that a thorough reevaluation of our Far Eastern policies would lead us to the conclusion that they are sound and wise, or at least that they represent the best available options. It may be, on the other hand, that a reevaluation would point up the need for greater or lesser changes in our policies. The point is that, whatever the outcome of a rethinking of policy might be, we have been unwilling to undertake it because of the fear of many Government officials, undoubtedly well founded, that even the suggestion of new policies toward China or Vietnam would provoke a vehement public outcry.

I do not think the United States can, or should, recognize Communist China, or acquiesce in its admission to the United Nations under present circumstances. It would be unwise to do so, because there is nothing to be gained by it so long as the Peiping regime maintains its attitude of implacable hostility toward the United States. I do not believe, however, that this state of affairs is necessarily permanent. As we have seen in our relations with Germany and Japan, hostility can give way in an astonishingly short time to close friendship; and, as we have seen in our relations with China, the reverse can occur with equal speed. It is not impossible that in time our relations with China will change again—if not to friendship, then perhaps to "competitive coexistence." It would therefore be extremely useful if we could introduce an element of flexibility, or, more precisely, of the capacity to be flexible, into our relations with Communist China.

We would do well, as former Assistant Secretary Hilsman has recommended, to maintain an "open door" to the possibility of improved relations with Communist China in the future. For a start, we must jar open our minds to certain realities about China, of which the foremost is that there really are not "two Chinas," but only one—mainland China; and that it is ruled by Communists, and is likely to remain so for the indefinite future. Once we accept this fact, it becomes possible to reflect on the conditions under which it might be possible for us to enter into relatively normal relations with mainland China. One condition, of course, must be the abandonment by the Chinese Communists, tacitly, if not explicitly, of their intention to conquer and incorporate Taiwan. This seems unlikely now; but far more surprising changes have occurred in politics, and it is quite possible that a new generation of leaders in Peiping and Taipei may put a quiet end to the Chinese civil war, thus opening the possibility of entirely new patterns of international relations in the Far East.

Should such changes occur, they will open important opportunities for American policy; and it is to be hoped that we shall be able and willing to take advantage of them. It seems possible, for instance, that an atmosphere of reduced tensions in the Far East might make it possible to strengthen world peace by drawing mainland China into existing East-West agreements in such fields as disarmament, trade, and educational exchange.

These are long-range prospects, which may or may not materialize. In the immediate future, we are confronted with possible changes in the Far East resulting from recent French diplomacy.

French recognition of Communist China, although untimely and carried out in a way that can hardly be considered friendly to the United States, may nonetheless serve a constructive long-term purpose, by unfreezing a situation in which many countries, none more than the United States, are committed to inflexible policies by long-established commitments and the pressures of domestic public opinion. One way or another, the French initiative may help generate a new situation in which the United States, as well as other countries, will find it possible to reevaluate its basic policies in the Far East.

The situation in Vietnam poses a far more pressing need for a reevaluation of American policy. Other than withdrawal, which I do not think can be realistically considered under present circumstances, three options are open to us in Vietnam: First, continuation of the antiguerrilla war within South Vietnam, along with renewed American efforts to increase the military effectiveness of the South Vietnamese Army and the political effectiveness of the South Vietnamese Government; second, an attempt to end the war, through negotiations for the neutralization of South Vietnam, or of both North and South Vietnam; and, finally, the expansion of the scale of the war, either by the direct commitment of large numbers of American troops or by equipping the South Vietnamese Army to attack North Vietnamese territory, possibly by means of commando-type operations from the sea or the air.

It is difficult to see how a negotiation, under present military circumstances, could lead to termination of the war under conditions that would preserve the freedom of South Vietnam. It is extremely difficult for a party to a negotiation to achieve by diplomacy objectives which it has conspicuously failed to win by warfare. The hard fact of the matter is that our bargaining position is at present a weak one; and until the equation of advantages between the two sides has been substantially altered in our favor, there can be little prospect of a negotiated settlement which would secure the independence of a non-Communist South Vietnam.

Recent initiatives by France, calling for the neutralization of Vietnam, have tended to confuse the situation, without altering it in any fundamental way. France could, perhaps, play a constructive mediating role if she were willing to consult and cooperate with the United States. For somewhat obscure reasons, however, France has chosen to take an independent initiative. This is puzzling to Americans, who recall that the United States contributed $1.2 billion to France's war in Indochina of a decade ago—which was 70 percent of the total cost of the conflict. Whatever its motivation, the problem posed by French intervention in southeast Asia is that while France may set off an unforeseeable chain of events, she is neither a major military force nor a major economic force in the Far East, and is therefore unlikely to be able to control or greatly influence the events which her initiative may precipitate.

It seems clear that only two realistic options are open to us in Vietnam in the immediate future: the expansion of the conflict in one way or another, or a renewed effort to bolster the capacity of the South Vietnamese to prosecute the war successfully on its present scale. The matter calls for thorough examination by responsible officials in the executive branch; and until they have had an opportunity to evaluate the contingencies and feasibilities of the options open to us, it seems to me that we have no choice but to support the South Vietnamese Government and Army by the most effective means available. Whatever specific policy decisions are made, it should be clear to all concerned that the United States will continue to meet its obligations and fulfill its commitments with respect to Vietnam.

These, I believe, are some, although by no means all, of the issues of foreign policy in which it is essential to reevaluate longstanding ideas and commitments in the light of new and changing realities. In all the issues which I have discussed, American policy has to one degree or another been less effective than it might have been because of our national tendency to equate means with ends and therefore to attach a mythological sanctity to policies and practices which in themselves have no moral content or value except insofar as they contribute to the achievement of some valid national objective. I believe that we must try to overcome this excessive moralism, which binds us to old myths and blinds us to new realities and, worse still, leads us to regard new and unfamiliar ideas with fear and mistrust.

We must dare to think about "unthinkable" things. We must learn to explore all of the options and possibilities that confront us in a complex and rapidly changing world. We must learn to welcome rather than fear the voices of dissent and not to recoil in horror whenever some heretic suggests that Castro may survive or that Khrushchev is not as bad a fellow as Stalin was. We must overcome our susceptibility to "shock"—a word which I wish could be banned from our newspapers and magazines and especially from the CONGRESSIONAL RECORD.

If Congress and public opinion are unduly susceptible to "shock," the executive branch, and particularly the Department of State, is subject to the malady of chronic and excessive caution. An effective foreign policy is one which concerns itself more with innovation abroad than with conciliation at home. A creative foreign policy—as President Truman, for one, knew—is not necessarily one which wins immediate general approval. It is sometimes necessary for leaders to do unpleasant and unpopular things, because, as Burke pointed out, the duty of the democratic politician to his constituents is not to comply with their every wish and preference but to give them the benefit of, and to be held responsible for, the exercise of his own best judgment.

We must dare to think about "unthinkable things," because when things become "unthinkable," thinking stops and action becomes mindless. If we are to disabuse ourselves of old myths and to act wisely and creatively upon the new realities of our time, we must think and talk about our problems with perfect freedom, remembering, as Woodrow Wilson said, that "The greatest freedom of speech is the greatest safety because, if a man is a fool, the best thing to do is to encourage him to advertise the fact by speaking."

EXHIBIT 1

EMBASSY OF THE UNITED STATES OF AMERICA, U.S. INFORMATION SERVICE, OFFICE OF THE PRESS ATTACHÉ, BONN/BAD GODESBERG

Ambassador George C. McGhee today urged a patient search for even limited East-West agreements "in the belief that the resolution of small differences is not only worthwhile in itself but can prepare the ground for an eventual resolution of greater differences."

The Ambassador of the United States to the Federal Republic of Germany spoke at the Redoute in Bad Godesberg under the auspices of the German Foreign Policy Society (Deutsche Gesellschaft feur Auswaertige Politik e.V.).

His address was entitled "East-West Relations Today." The text, as prepared for delivery, is attached.

EAST-WEST RELATIONS TODAY

It is indeed an honor for me to have been asked to appear before you tonight. The German Society for Foreign Policy is well-known abroad as a group dedicated to purposeful and sober examination of the outstanding international issues of the day. In the United States we appreciate it as a distinguished body of representative leaders from the political, professional, and economic mainstreams of German life, who have consistently recognized and encouraged the value of German-American friendship within the framework of an Atlantic partnership.

The manifestations of the close understanding which exists between your country and mine are many. It was my privilege recently to accompany Chancellor Erhard and Foreign Minister Schroeder on their visit with President Johnson. The subject on which I shall speak tonight figured largely in their very fruitful discussions. I would like to begin my presentation by reminding you of a passage in the communique issued at the conclusion of their talks:

"The President and the Chancellor had an extended discussion of the current state of East-West relations. They were determined that the basic rights and interests of the free nations must be defended, and in particular they agreed that there should be no arrangement that would serve to perpetuate the status quo of a divided Germany, one part of which is deprived of elementary rights and liberties. On this basis, the

President and the Chancellor agreed that it is highly important to continue to explore all opportunities for the improvement of East-West relations, the easing of tensions, and the enlargement of the prospects of a peace that can be stable because it is just. They continue to hope that this effort of the Western powers will meet a constructive response from the Soviet Union."

This statement, issued jointly by the leaders of our two Governments, is, so to speak, the text upon which I shall elaborate. Let me at the outset, however, make an explanatory point. East-West policy is only one aspect of total foreign policy, just as the words I have quoted are an excerpt from a longer document which also covers many other matters. The subject of easing tensions and promoting prospects of peace in East-West relations seems to me, however, particularly to deserve our study. This is true not only because it is important, but because of all the major components of foreign policy it is the most complicated to manage and the most likely to encounter public misunderstanding.

Let me emphasize that in what I have to say I shall not be delineating a new policy, nor do my remarks presage any reconfiguration of or shift of emphasis within total U.S. policy. My aim is the more modest one of presenting for your consideration the line of reasoning which supports an approach to East-West relations which has great continuity in American foreign policy, since it traces back through the last four U.S. administrations.

My method will be to lay before you tonight the arguments for and against two very different approaches to current problems of East-West relations. One is to search patiently for possible areas of agreement, however small, in the belief, that the resolution of small differences is not only worthwhile in itself but can prepare the ground for an eventual resolution of greater differences. The other course is to refuse to seek accommodations on any matter in the absence of progress toward solving the central issues between East and West, in the belief that a general state of tension in world affairs exerts a useful pressure under which the East eventually may yield on these large issues. When I have done I hope you will agree with me that the first alternative—which is the policy of my country—is the course for the North Atlantic nations to follow.

My basic thesis will be that as East-West tensions rise, positions tend to become more inflexible both in terms of principle and in terms of administration of policy. Opportunities for improving the situation consequently tend to become fewer and less promising. However, as these tensions decline, positions can become less rigid and opportunities for improving the situation can become greater in number and more promising. Even though we cannot hope to eliminate tension until we eliminate its causes, the reduction of tensions can help achieve the aims of the Western allies.

You will observe that, in these remarks, I have adopted Horace's advice, drawn from the example of Homer, to begin in medias res. There is at least one way in which you are comparable to Homer's audience. There is no need for me to remind you that long years of struggle have preceded the present moment; there is no need to point out that the issues we shall consider together are not the end of the story, but represent only a short period of history during which the final outcome still hangs in the balance. The members of this society require no instruction in the history of the postwar period. I need, however, to take only a moment to set the scene, so to speak, with a brief description of the situation between East and West as it exists today.

II

In some respects the events of 1963, as have the immediate prospects for 1964, evolved in the shadow of the Soviet Union's attempt to shift the balance of power in its favor by the emplacement of offensive missiles on Cuba. The Soviet plunge at Cuba was sudden and reckless. This very recklessness lent a concentrated and dramatic quality to the Cuban denouement which has, for example, not recently characterized Soviet moves in Berlin. The gravity of the challenge and the firmness with which it was met have led to a recognition of the Cuban drama of 1962 as a watershed for subsequent international affairs.

The Cuban crisis was the continuation of a series of deliberate efforts to intrude Communist power and influence into new areas. Such attempts have been made since 1945 in many areas, but most forcefully in Iran, Turkey, Greece, Berlin, Korea, Laos, and Vietnam. In each case these efforts have been successfully countered by the West—although in Laos and South Vietnam, as in Cuba, the task is not yet completed. The special significance of Cuba is that it presented not only the sharpest, but perhaps also the terminal episode of a menacing strategy of nuclear threat which seems to have dated from the Soviet orbiting of the first sputnik in 1957.

If the last 14 months have given evidence of a new sobriety in the Soviet assessment, this probably traces to the following factors:

1. Western military strength has greatly increased. Even though the Soviet Union since 1958 has overplayed its bid with too weak a hand, the Western position has subsequently been greatly improved by a massive mobilization of resources. As President Johnson pointed out in his budget message of January 21, the United States within the past 3 years has increased by 100 percent the nuclear weapons in our strategic forces, and by 60 percent the tactical nuclear forces deployed in Western Europe. We have increased by 45 percent the number of combat-ready divisions, and by 35 percent the number of our tactical fighter squadrons.

2. We have demonstrated both in Cuba and in Berlin a firm will to commit these forces where necessary. The Communists can remain in no doubt on this point.

3. The Soviet Union is now in deep economic difficulties, as an outcome of the mismanagement of its economy and of excessive diversion of resources to an inflexible military and space budget. The consequences have been a decline in absolute agricultural output and an inability to maintain adequate resource inputs into vital segments of industry.

4. The deepening Sino-Soviet split is another major fact of life with which the Soviets now must deal, although so far its precise impact on Soviet policy toward the West is hard to assess. Peiping has directly challenged the authority of Moscow, and is now engaged in a direct contest to assert its leadership over the world Communist movement and in the developing lands of Asia, Africa, and Latin America.

With the doubtless unnecessary caution that none of these considerations implies in any way a Soviet abandonment of the ultimate goal of world domination, I now turn to the specific topic I have suggested for your consideration.

III

Let us begin by disposing of an argument against seeking agreements with the East which is distinct from the argument already introduced.

The Communists, it is often pointed out, cannot be trusted. The Soviet Union appears to regard international agreements as valid only so long as it is to its own interests to invoke their provisions. Communist China is even blunter in its assertion of its own interests against the rule of law and the peace of the world community. In Berlin, in southeast Asia, and elsewhere the Communist record of disregard for their international obligations is too glaring to require comment. This is, unfortunately, a fact of international life with which Western statesmen must deal. It has led some observers to view that there should be no agreements, since the Western signatories will regard agreements as binding and therefore as limiting their freedom of action, whereas the Eastern Powers will not.

Furthermore, it can be argued that the Communist notion of negotiation is such that the very process of discussing possible accommodation is dangerous. Often enough their offers to talk with us are plainly prompted, not by a desire to reach any agreement but by a hope that they can, without yielding from their own position, pry concessions from the West. They attempt to pocket without payment any concessions put forth as part of a Western proposal for a compromise. They are unembarrassed to suggest that the remedy for their violation of an agreement is a conference to make a new agreement giving them what they want. To them, what is negotiable at any given time is not the difference between the positions of the East and the West, but the difference between what they possess and what they desire. If they had their way, negotiation would be a sort of cattle chute along which the unsuspecting nations of the West would move under Communist prodding—slowly, perhaps, but toward an inevitable destination.

I have no quarrel with those who stress that it is foolish to trust Communist professions of good faith in subscribing to an agreement. It seems to me, however, that no logic leads from this premise to the conclusion that the West should hold no conversations and make no treaties with the East. Such a conclusion reflects, not distrust of the Communists, but distrust of ourselves. It underestimates our resources of skill and experience in conducting East-West talks, and in devising means to ensure the enforcement of agreements reached. It also fails to allow for the fact that, in certain circumstances, the Soviets can be led by their own interests to negotiate an agreement which is also in our interest.

IV

Before I elaborate this point I would like to invite you to scrutinize the idea that at least a certain degree of tension in East-West relations is to the advantage of the West. Here, I believe, we must first of all be careful not to make the common error of discussing tension as if it had an existence of its own, independent of the real issues and real events of our world. We must also be sure to distinguish between the causes of tension and its effects.

Tension between nations and groups of nations arises when their major national and joint objectives overlap and conflict, as now is the case between East and West. There is, first of all, the incompatibility of Communist aims with the desire of other nations to live undisturbed in peace. The dispute over the means they will employ, in which the Communist powers today are engaged, has not shaken their continuing common commitment to world revolution. I should like to underline that point by quoting from a statement by Chairman Khrushchev published last month in the magazine Kommunist:

"It goes without saying that this does not mean that under conditions of peaceful coexistence the contest lessens between governments of differing social structures. On the contrary, peaceful coexistence stipulates an economic fight in the form of economic competition, and political and ideological struggle."

A further source of tension is the fact that the Communist leaders now control large areas of the world, including the Eastern Zone of Germany, in which the satisfaction of legitimate national aspirations has been denied.

The specific issues and situations from which tension can spring are many and varied. Unhealthy tension in an individual frequently occurs in what in medical terminology is called a syndrome, and the analogy is not without usefulness in considering the kind of tension with which we are concerned. A syndrome is a group of symptoms produced by factors which may originally have been unrelated, but which interact to produce a cumulative effect more harmful than the mere sum of the influences each exerts. Similarly, tension between nations is aggravated by the fact that it takes many forms, which can interact and reinforce each other.

One of the most important causes of military tension is the threat to Europe posed by the presence of large-scale Communist arms in the East. Ranged against this is a NATO establishment in Europe, which, whatever its need for improvement, possesses awesome capabilities at every level of force. The tensions arising from this confrontation in Europe are heightened and complicated by the fact that, in other areas of the world—in Cuba, Laos, and South Vietnam—the Communists are pursuing their objectives by means of active subversion and terror. Encompassing all this is the nuclear balance of terror between East and West, based on a destructive capacity which, if employed, would cost hundreds of millions of lives within the space of hours. All these elements enter into the syndrome of world tension.

The fundamental issues between East and West flare into headlines when the Soviets try to put missiles into Cuba, or stop allied convoys on the autobahn to Berlin, or—as happened late last month—wantonly shoot down three American Air Force officers who strayed over East Germany in an unarmed training plane. It would, however, be a gross oversimplification to say that there are no tensions during periods in which the Communist powers choose to refrain from such acts. That the absence of a crisis is identical with the presence of a detente is only something the Communists would like us to believe. It is not to our interest to talk or behave as if it were true.

From that, however, it does not follow that it is to our interest to have the tension between East and West reflect itself in dispute, crisis or confrontation. Indeed, to adopt that view would be to fall in with the Communist argument that tension has no existence apart from its more acute manifestations. We must take the more responsible course of trying to control such manifestations so that they do not lead to general conflict, while we search for a way to penetrate to the real causes of tension.

Some claim that the pressure on the Communist powers to yield gains to the West is greatest when relations between East and West are at their worst. I believe that this view reflects a misappraisal of both the origins and the angers of tension. The fact of the matter is that the West exerts only a peaceful pressure upon the East. Our military might is essential to us as a deterrent and in warding off military pressure from the East; however, we have foresworn its use save for defense, and this fact is known to our adversary.

Thus a worsening of relations gives the West no new lever to move the Eastern powers from their entrenched positions. The real instruments available to us to achieve our own objectives are the resources and the attractive power of our prospering free societies, backed up by a united determination to press for the solution of problems by all peaceful means. These instruments are not more, but less effective in a time of crisis than in a time of relative calm.

There is no reason to expect that the adversary will, unless he is forced to do so, obligingly offer unconditional surrender on our terms. A state of heightened tension and conflict charges the political atmosphere with fear and suspicion. Aroused peoples will not permit their political leaders to make concessions—and even in Communist states the leaders must take some account of these pressures. All prospect that the adversaries might meet each other halfway in a peaceful settlement vanishes. Minor problems, rather than being solved, are aggravated and multiplied. Issues are created which need never have existed. Violence or even war could result from artificial challenges which were never part of the basic conflict of vital interests.

There is another school of thought which alleges that the reaching of minor agreements will lull the West into a false feeling of complacency, arising from an illusion of detente—that the West will find the status quo so acceptable that long-range goals will be forgotten and central issues will be allowed to remain unresolved. This could be so, but it need not be so. National memories are not so short as that. People who have determination, and who take the long view, will never cease trying to achieve their basic aspirations or to regulate their basic problems.

I believe the nations of the West, including both the United States and the Federal Republic, have the necessary determination. That we give each other the credit for having it is the measure of our confidence in each other. We have, after all, labored together for almost a generation now with the problems of East-West relations. I do not believe that our wisdom is so small, or our fixity of purpose so fragile, that we need constantly to be recalled to our duties through crises and clashes with the adversary. We have our common goals clearly in view, and we are not likely to lose sight of them.

The alternative we propose to a policy of no agreements is a policy of search for agreements whenever and wherever possible. Although in practical terms this search is more likely to lead to limited agreements than to major settlements, we do not just for that reason rule out the latter. The Austrian treaty is an example of a major breakthrough, made possible by prolonged and patient exploration which led to an arrangement consistent with the vital interests of both sides.

Such a course requires us patiently to pursue a dialog with the adversary, seeking both to clarify issues and to identify the relatively limited areas in which negotiation may now be possible. The necessity for patience has been recommended by many eminent counselors, including Wilhelm Wolfgang Schuetz of the Kuratorium Indivisible Germany. In speaking of the search for German reunification he said:

"We must have the courage to take the long path, if no one can show us a short path. That means, we must also have the courage under given circumstances, to proceed in stages on this path to unity."

President Johnson, in addressing the General Assembly of the United Nations, put the thought in these words:

"Peace is a journey of a thousand miles, and it must be taken one step at a time."

V

The process of differentiating between the negotiable and the nonnegotiable differences is itself a long and arduous one. However, even at this stage it has not been without result. Merely to achieve a clearer understanding of the hard core issues which divide East and West is a gain for us. One of the pressing dangers of our time is the possibility that the Communist leaders will stumble into war through failure to recognize what our vital interests are. For example, the intermittent discussions of Berlin which have taken place for some time now between the United States and the U.S.S.R. have thus far not been successful. They have, however, permitted us to make unmistakably clear that the West has vital interests in Berlin upon which the Soviet Union must not infringe. To that extent the danger of war by miscalculation has been reduced.

Most talks between East and West are not negotiations at all in the sense in which we use that term in the West. In certain circumstances, however, they can and do lead to genuine and even successful bargaining—even though these circumstances may be limited. Since no person and no nation can willingly concede interests which are vital, real negotiations must be confined to matters which are not regarded by either party as compromising such interests. In other areas, however, discussions can lead to genuine and even successful bargaining.

Parenthetically, I would like to make clear what in the American view, East-West negotiations are not. They are not an effort calculated merely to produce a favorable attitude on the part of the Soviets—or a superficial detente unsubstantiated by concrete evidence of progress. They are not based on the vague hope that somehow, if we make unilateral concessions to the Soviets, we will thereby induce in them a feeling of good will or a sense of obligation to make compensatory voluntary concessions to us. The history of our relations with the Soviets provides no basis for assurance that such expectations would be justified.

Yet, even after the ground is narrowed by prudent skepticism of Soviet intentions, experience has shown that some room for progress still remains. Not all agreements have to be based on trust. The most common transaction between individuals all over the world—the exchange of goods over a counter for cash—does not involve the element of trust. In East-West relations, the doctrine of caveat emptor must be applied with special care. However, if each party has correctly analyzed the advantages that an agreement offers him, and if, as in the case of a purchase, there is a simultaneous exchange of considerations freely agreed upon, then a basis can be provided for successful agreements even in the absence of confidence.

Where an agreement requires a series of actions to be undertaken over a period of time, special safeguards are of course required. There must be some policing mechanism—some arrangement whereby considerations flow equitably and concurrently between the parties, with either being able to stop if at any time it should appear that the other has ceased to fulfill his part of the undertaking. Within these limitations, however—which are well understood by those experienced in the process of negotiation—the carrying out of agreements within well-defined areas is entirely feasible.

The opposition of aims between East and West is so great that areas in which the interests of both coincide are hard to discern. Nevertheless, certain areas have been found and we believe others may exist. We did, for example, find a common interest in ending large-scale nuclear testing, and confirmed it in the partial test ban treaty concluded in 1963. I do not want to overstate the importance of this development. It does illustrate, however, both the persistence and continuity with which successive American administrations have sought progress in this field, and the slowness of progress with which we have to reckon. The test ban treaty is the fruition of ideas proposed by the United States in April 1959, and elaborated by joint British-American initiative in 1961 and 1962.

Other small steps have been taken by mutual consent. The first was agreement to install a "hot line" for direct communication between Washington and Moscow in moments of crisis. This was a limited recognition by the Soviet of a mutual interest in averting the outbreak of war through accident or miscalculation. The United States and the U.S.S.R. jointly formulated the declaration adopted by the United Nations against placing weapons of mass destruction in orbit around the earth. A broad agreement on principles of law for outer space has been reached.

We are also discussing certain purely bilateral agreements with the Soviet Union, and are currently negotiating a consular convention and a new cultural exchange program. Particularly in the exchange program we seek to promote contacts with the peoples of Eastern Europe. These contracts are also multiplied by tourism and by increased freedom of movement between East and West. Such exchanges contribute directly to diversification and liberalization of closed societies.

Thus there is some evidence that the Soviet Union has come to perceive, in certain very restricted fields, a mutuality of interest with the West. You are doubtless familiar with the message sent by President Johnson to the opening session of the Geneva Disarmament Conference on January 20 of this year. The five major proposals put forward by President Johnson are an earnest of our belief that it may be possible further to limit the arms race and the danger of war by agreement.

The issues are too grave, and the dangers too real, for us to dismiss the possibility of more agreements with the facile assumption that whatever the Soviet Union will accept must be against our interests. The assumption is not necessarily valid. If the margin of advantage over disadvantage to each party proves on careful analysis to be roughly equal, an agreement can result in a net advantage to both. The essence of a normal business transaction is that each party, from his own point of view, makes a gain. There is no reason why, with proper caution and much patience, we cannot arrive at agreements of this kind with the Soviet Union.

Nor does a prudent determination to protect ourselves and our interests preclude the possibility of independent, but reciprocally balanced actions being taken step-by-step by both sides, even in the absence of prior agreement. Indeed, unilateral actions of this nature are in fact already taking place The United States has reduced its military budget. It is closing certain plants producing fissionable material, and has invited the Soviet Union to follow suit. The Soviet Union has announced a military budget reduction whose real effect we are now weighing. Real movement in direction of the relaxation of tensions could result if actions on the part of one side are balanced by concurrent movement by the other. This assumes, if balance is to be maintained, that we do not pay for reversible actions on their part with irreversible actions on our side.

VI

Unfortunately the possibilities for limited agreement have not yet directly touched upon the central matters of dispute between East and West. In pursuing the resolution of lesser matters through negotiation and compromise, we must obviously weigh the effect on larger issues in making them harder or easier to settle at some future time.

I will offer two propositions. The first is that history provides little encouragement to believe that major differences between nations can be overcome by peaceful negotiation leading to one massive compromise. Such differences usually persist either until one party succeeds in imposing its will upon the other, or until the passage of time and the evolution of world affairs so change the international environment that the issues themselves are changed in nature or eliminated.

I believe that, in the case of the hardcore differences between East and West, agreement will in most instances have to await an alteration in world relationships sufficiently drastic to remove the particular issue in question from the vital interest category. With respect to these problems, then, we must exercise great restraint. We must seek solutions by indirection—through the promotion of evolutionary change in the context in which the problems appear on the world scene.

My second proposition is that, if the principle of balance of advantage and disadvantage can be achieved, there is no reason why attempts to reach agreement with respect to minor problems should wait upon the solution of the vital ones. Let me again suggest a medical analogy. A physician may find that a patient is suffering, not only from a serious and persistent malady, but from minor ailments which complicate his condition. If the physician cannot cure the major malady at once, he will certainly not for that reason fail to try to cure the minor ones. In East-West relations, the clearing away of minor differences can permit us both to diagnose the major problems more clearly and to eliminate the distractions which hamper us in coming directly to grips with them.

Moreover, the reaching of even a minor agreement creates a confidence and an expectation that more will follow. It begins to be felt that perhaps other differences of a similar nature can be composed. Some hope may even begin to dawn that even larger issues can be attacked with some prospect of success. A beginning of possible movement is sensed in the polar ice pack of opposing positions which had seemed frozen into eternal immobility.

There are dangers in this, of course. I do not suggest that we should lose our caution or our sense of values. We must take great care not to allow a current of optimism to sweep us into a trap of Communist devising. I do believe, however, that there is more possibility for agreement to follow upon agreement than to emerge from a situation in which the two sides have drawn back from meaningful contact in mutual suspicion—to hurl recriminations at each other. Once a sufficient number of minor tensions are removed through isolated agreements, moreover, it might be found that the remaining issues are less formidable than was originally assumed.

Secretary of State Rusk has summed up the prospect for the near future in these words:

"I do not see on the immediate horizon dramatic and sweeping solutions to divisive and dangerous problems. But we must work at them steadily, patiently, and ceaselessly. Small steps are worth taking because we may find them to be the key to larger ones."

VII

In conclusion, then, I submit that it is to the advantage of the West to seek agreements with the East where grounds for a workable agreement in our mutual interests may be found to exist. We should pursue this endeavor without excessive expectations for rapid or spectacular success, but also without discouragement. It must go on at all times, at many levels, and over all questions—including the minor ones but also the most difficult ones.

It cannot be proven with mathematical certainty that through a relief of tension resulting from a succession of minor agreements, one can reach the ultimate goal of a complete relaxation of tensions. I do believe, however, that one can prove the reverse—namely, that a policy of failing to seek relief for such tensions will inevitably foreclose the possibility of reaching this goal.

There are, I believe, agreements which can be sought now in the field of disarmament, in the prevention of war by miscalculation and in trade and cultural exchange—both by nations and by groups of nations. We must always take into account, however, that where groups of nations are involved, they must be in accord on the proposals to put forward. No one nation can get too far ahead of its allies.

At the same time we make proposals for minor agreements we must continue to think in terms of ultimate solutions for the major problems, no matter how remote the chances for successful negotiation may be. The West should always, for example, be in a position of readiness to negotiate for German reunification, in the context of the security of Europe, just as we should be in a position to discuss the nondissemination of nuclear weapons.

Moreover, although necessarily such positions on major issues do not start where a negotiation might be expected to end, they must be more than propaganda positions. Insofar as they can, they must take into account not only the psychology but the vital interests of the adversary. Otherwise the positions of both parties will always remain so far apart that one can never really test whether or not they can be accommodated.

In these remarks I have tried to present in outline a coherent philosophy supporting a positive approach to East-West relations. It seems to me that the formulation of such a philosophy is essential at this time. I express this conclusion now, not with the feeling that the last word has been said upon this subject, but with the hope that many others will be stimulated to speak and write about it.

The stance that we adopt now in our relations with the East will have an important bearing on the future of mankind. We cannot afford to let our posture be determined by an instinctive reaction to a danger we perceive, on the one hand, or to an impulsive hope we might suddenly conceive, upon the other. Neither provides adequate ground on which to base a policy which must deal simultaneously with the dangers we face and the hopes we cherish.

Our democratic nations can best reach a consensus through free discussion and consultation. Neither division of opinion nor an unreasoned acquiescence in a certain course is an adequate response to the problems with which we are confronted. Division weakens us. Passive acceptance of a certain policy robs us of the popular support, and the diverse resources of ideas and diplomatic skills, which, when applied in concert, are the special strength of the West.

In the final analysis, the West as a whole must determine the course it will pursue in its relations with the East. To all of us, and to the generations which will follow ours, nothing can be more important than that we make our respective contributions to the fateful joint decisions we face with wisdom, courage and clear purpose.

EXHIBIT 2

Trade of selected free world countries with Cuba, 1958–62 and 1963 (data are as available)

[In millions of U.S. dollars]

	Exports from free world countries, f.o.b., to Cuba					
	1958	1959	1960	1961	1962	1963
Canada	18.2	16.3	13.9	31.9	10.7	6.2 (Jan.-Sept.)
United Kingdom	26.0	42.6	20.5	12.4	7.2	4.2 (Jan.-Aug.)
Spain	12.1	7.8	9.8	4.3	1.4	1.4 (Jan.-June)
France	9.4	14.3	10.7	5.8	1.8	3.7 (Jan.-Sept.)
Italy	11.0	8.3	5.3	4.0	1.4	.4 (Jan.-July)
Federal Republic of Germany.	31.2	29.6	14.5	11.8	5.7	5.2 (Jan.-Oct.)
Netherlands	6.2	8.2	6.7	10.3	6.2	9.0 (Jan.-Sept.)
Belgium-Luxembourg	13.4	14.9	8.8	4.1	1.3	2.6 (Jan.-Sept.)
Mexico	3.8	2.8	1.6	3.6	.8	.2 (Jan.-June)
Japan	5.4	10.0	6.1	11.8	10.6	2.2 (Jan.-Sept.)
India	9.8	5.6	11.6	15.1	7.4	2.5 (Jan.-Aug.)
Pakistan	.6	3.1	2.4	4.7	1.7	None (Jan.-June)
United Arab Republic	(1)	(1)	9.3	9.8	8.2	(2)
Morocco	.1	.1	(3)	2.8	5.6	.4 (Jan.-June)
Tunisia	(1)	(1)	(1)	1.1	2.7	(2)
Total, selected countries.	147.2	163.6	121.2	133.5	72.7	38.0 (Partial year only)
United States	546.9	438.6	223.7	13.7	13.4	37.0 (Jan.-Sept.[6])
All other free world	93.3	86.0	45.9	28.4	20.0	(2)
Total, free world exports to Cuba.[4]	787.4	688.2	390.8	175.6	[5] 106.1	(2)

	Imports by free world countries from Cuba [7]					
	1958	1959	1960	1961	1962	1963
Canada (f.o.b.)	19.4	12.2	7.5	5.1	2.6	2.7 (Jan.-June)
United Kingdom	49.8	28.5	22.2	15.0	19.9	29.8 (Jan.-Aug.)
Spain	18.4	7.3	10.3	9.2	8.5	3.5 (Jan.-June)
France	7.6	8.4	13.0	1.2	2.3	3.1 (Jan.-Sept.)
Italy	2.3	.6	.5	.3	.2	31.8 (Jan.-July)
Federal Republic of Germany.	7.1	12.1	9.4	2.0	5.8	1.8 (Jan.-Oct.)
Netherlands	16.5	8.3	11.9	4.3	3.6	10.4 (Jan.-Sept.)
Belgium-Luxembourg	4.7	3.2	5.3	.8	1.4	2.0 (Jan.-Sept.)
Mexico	.7	.7	.9	.2	(3)	(3) (Jan.-June)
Japan	48.4	35.1	17.9	24.3	35.8	10.1 (Jan.-Sept.)
India	(1)	(1)	.2	(1)	None	None (Jan.-Aug.)
Pakistan	1.2	(1)	(3)	2.3	(3)	None (Jan.-June)
United Arab Republic	(1)	(1)	1.8	10.2	8.8	(2)
Morocco	16.3	15.7	19.4	6.9	22.4	0.1 (Jan.-June)
Tunisia	(1)	.2	2.0	1.0	4.6	(2)
Total, selected countries.	192.4	132.3	122.3	82.8	115.9	95.3 (Partial year only)
United States (f.o.b.)	527.3	474.7	357.3	35.1	6.8	(3) (Jan.-Sept.[6])
All other free world	65.8	45.5	33.4	46.1	6.4	(2)
Total, free world imports from Cuba.[4]	786.0	652.5	513.0	164.0	[5] 120.1	(2)

[1] Not reported.
[2] Not available.
[3] Negligible.
[4] Based on official foreign trade data of 77 free world countries.
[5] Preliminary, based on incomplete data in some cases.
[6] No United States trade was reported in October 1963.
[7] C.c.f. except as noted.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LONG of Louisiana. Is the Senator familiar with the adage that, "A fool can keep his mouth shut and pass for a sage"?

Mr. FULBRIGHT. I am familiar with that.

Mr. MILLER subsequently said: Mr. President, I believe the distinguished Senator from Arkansas [Mr. FULBRIGHT] is to be complimented for speaking his views on the situation involving Cuba, Panama, and the Soviet Union. In his position as Chairman of the Senate Committee on Foreign Relations it is desirable that his views be made clear. He is possessed of a broad background of experience, and I am sure his conclusions have not hastily been arrived at.

But I think it would be most unfortunate if members of the press and the general public received the impression that other and differing views are not held by other Members of the Senate on the basis of which conclusions of a different nature have been drawn with equal deliberation.

The Senator from Arkansas suggests that we have made the Cuban situation far more important in our foreign relations and in our domestic life than its size and influence warrant.

It is precisely this attitude which has brought about such a sharp cleavage between the Democratic Party and the Republican Party over the conduct of foreign affairs.

Republicans remember that the 1960 Democratic Party platform promised the people of the United States the following:

> The new Democratic administration will also reaffirm our historic policy of opposition to the establishment anywhere in the Americas of governments dominated by foreign powers, a policy now being undermined by Soviet threats to the freedom and independence of Cuba. The Government of the United States under a Democratic administration will not be deterred from fulfilling its obligations and solemn responsibilities under its treaties and agreements with the nations of the Western Hemisphere. Nor will the United States * * * permit the establishment of a regime dominated by international, atheistic communism in the Western Hemisphere.

This was a well-worded and carefully reasoned statement. Unfortunately, as too often has been the case with promises of the Democratic Party, this pledge has been thrown in the wastebasket. As a result of the failure of this administration to fulfill its commitment to the American people, the international Communist conspiracy has firmly established a government 90 miles off our shores. Premier Khrushchev has declared that the Monroe Doctrine is dead. Ever since the blockade of Cuba, called by our late President in 1962 for a short period, was lifted, our prestige in Latin America has steadily diminished.

Spokesmen for this administration have uttered glittering generalities about our hopes for freedom for the Cuban people. Fine words have been said to the effect that Cuba, as a base for subversion and overthrow of Latin American governments, is not acceptable to the United States. But there has been no meaningful followthrough, no action, to reduce these glittering generalities and fine words to deeds.

It is a little late now for leading spokesmen for the Democratic Party, such as the Senator from Arkansas, to imply that the campaign promise of 1960 has not been carried out and should not be carried out because the "size and influence" of the Communist government in Cuba doesn't warrant the effort.

Let us not be so naive as to look upon the situation in Cuba as that of an independent, sovereign nation. The Government of Cuba is under the control of Moscow, because that is the way the international Communist conspiracy operates. It is incorrect to refer to Castro as a mere nuisance. It is more to the point to say that the leaders in the Kremlin and their puppet in Cuba represent a real menace to the Western Hemisphere. This is no old myth. Nor is it a new reality. It is a continuing reality.

I would agree with the Senator from Arkansas that our political and economic boycott, such as it has been, has been a failure. The accommodation policy in dealing with Communist aggression which this administration has been following foredoomed any political and economic blockade.

What is needed is a return to a policy of firmness—the policy which characterized the 8 years of the Eisenhower administration, and a resolve on the part of the leaders of this administration to fulfill the promise made to the American people in 1960. If the proven export of Communist subversives and war materiel from Cuba to Latin America is to be stopped, deeds—not words—will be required. The Organization of American States looks to the United States for leadership. If our Government takes a firm position, I believe the OAS will follow suit—just as occurred when our late President imposed the blockade of Cuba. And, to use his words, if the OAS does not follow such leadership, then we must go it alone.

For almost 4 years now, I have been calling for a war materiel blockade of Cuba. Under such a blockade, we would permit food, clothing, supplies, and even buses into Cuba—and out of Cuba. But no war materiel could come in, and none could go out. Under such a blockade, our allies could trade with Cuba, as they now insist on doing, but Cuba as a base for subversion and overthrow of Latin American governments would end. There will be some who will suggest that this may mean war. They said the same thing when President Kennedy ordered the blockade of Cuba, but they were 100 percent wrong. We should not let their timid and unrealistic suggestions hinder us from carrying out our duty to maintain the security of the Western Hemisphere, because the security of the Western Hemisphere is inseparable from our own security.

I think it most unfortunate that the Senator from Arkansas listed three options in dealing with Cuba, and completely overlooked this obvious option. Perhaps he deludes himself by listing three options in such a fashion that two of them seem to be obviously excluded, leaving us to settle with an option of inaction and a breaking of the promise made by his party in the 1960 campaign. Indeed, his suggestion that the option of invading Cuba carries with it a threat of a global nuclear war is poorly conceived, because we know that Premier Khrushchev is not about to commit suicide—any more than he was at the time of the Cuban confrontation. If, every time our security is menaced by Communist aggression, we are supposed to stand still and do nothing because someone suggests that we might have a global nuclear war, then the United States can no longer claim to be the true leader of the free world. This is a "peace at any price" policy. It inevitably means the loss of our self-respect and national honor, both of which must be preserved if a just and lasting peace is ever to be attained.

In this connection, it could be exceedingly dangerous for our President to say, as he did yesterday, that nuclear war "is impossible." Does this mean that we should forget about a nuclear fallout shelter program? Has Premier Khrushchev ever made such a statement? Soviet military doctrine clearly envisages the possibility of a nuclear war. Why should not we? Is it because we do not like to think about such a thing that we hope the possibility will just go away if we use the word "impossible"? I think it would be much wiser and safer, and infinitely more realistic, if our President and others waited until we had nuclear disarmament, with effective inspection and controls, before talking about the "impossibility" of nuclear war.

I believe that the Senator from Arkansas, sincere as he is in his convictions, has arrived at some very unrealistic conclusions for the simple reason that he has proceeded from some very false premises. I would suggest that he read the campaign promise of his party in 1960 and bend his efforts toward fulfilling it instead of thinking up reasons why it should be repudiated.

Mr. JAVITS subsequently said: Mr. President, I wish to comment very briefly on the speech delivered by the Senator from Arkansas [Mr. FULBRIGHT], which I have had the pleasure of reading.

I make this statement because I am devoted to a bipartisan foreign policy and believe that it consists of our contributing the very best thinking of which we are capable on American foreign affairs without any reference whatever to party interest or party advantage. As the late Senator Vandenberg said, politics stops at the water's edge.

It is for that reason, and in deference to the very considered statements of the chairman of the Committee on Foreign Relations, recognizing the importance which it must assume in the policy of the United States and in the eyes of our allies all over the world, that I believe people like myself, who have been identified with the concept of bipartisanship in foreign policy for so long, ought to make some comment on the Senator's remarks.

I shall reserve the right at another time and on another occasion to deal with the matter at greater length.

On the matter of East-West trade, I find myself in substantial agrement with the Senator from Arkansas. First, nothing will stop our allies from engaging in nonstrategic trade with the countries of Eastern Europe, including the Soviet Union. Of course they will deal with Communist China, but we will not and should not.

Second, this is a very disruptive factor in the NATO alliance, and there is no denying that it is a cause of tension and difficulty between ourselves and our closest allies.

The one condition that I do not find in what the Senator said is that our allies too must give something. I hope they will be wise enough to see their own interest as we see ours; and as we may have to take a broader view of nonstrategic trade with the eastern bloc, so I believe they must at least agree to certain fundamental rules of trade, in light of East European countries' constant threat against the markets of the Western World, which they have shown themselves able to push in matters like residual fuel oil, aluminum, linseed oil, and other products, where their potential is serious.

The Eastern bloc should give some assurance of fair trade practice with the free world, if the United States is to take a more liberal view with respect to trade with them in nonstrategic goods, and to bring them closer together with our allies and in that way be more helpful for the Atlantic Community.

On the matter of Panama, the Senator from Arkansas recommends that we, with all magnanimity, which is the greatest power of the strong, show our willingness to negotiate all questions, including the 1903 treaty with Panama.

I agree with the Senator, and I believe that the President of the United States now has done just that. Whether he has done this later than he should have will probably be debated in the next national campaign. However, he has done it.

Now it is time to say to the Panamanians themselves:

"Do not be guilty of the tyranny of weakness by being unreasonable, even though you are in an election campaign. This is a moment when the people of the United States are offering to be magnanimous, openhanded, and just."

I strongly urge Panama to seize the hand of friendship and clasp it for the good promise which it gives.

This, too, I do not find in the Senator's speech. It is no fault of his own. He suggested the right course, and, I believe, on this he makes a useful statement.

On the matter of Cuba, I find myself in disagreement with the Senator from Arkansas, and for this reason:

Even if we accept the thesis of the Senator from Arkansas that Castro is a nuisance but not a grave threat, and that we cannot get rid of him except by means wholly disproportionate to the objective, Cuban communism—Castroism, in fact—does pose a grave threat to the other Latin American countries because it gives them an object to which they can be led by Communists in trying to realize themselves.

I do not believe that we will get what the Senator from Arkansas prescribed as a prompt and vigorous use of the established procedure of the inter-American system against any act of aggression, which must include—and he does not include it—subversion and inflammatory communism and Castroism, while we accept Castro as a fact. Whether or not we may have failed with our methods of blockade and boycott, we thoroughly disapprove of Castro, and this fact that we thoroughly disapprove of Castroism is essential in American policy and must be continued to be pressed home.

It is only our firm disapproval that will stir the other American nations into the feeling that Castroism is unacceptable; that it should not be accepted; and that there should be a prompt and vigorous use of the procedures of the inter-American system to give the people of Cuba a chance through self-determination to assert themselves. So I do not agree with the Senator from Arkansas on that point. I state my disagreement frankly because what I propose is a fundamental and important aspect of our system.

I cannot go along with the feeling of the Senator from Arkansas that we must accept the idea of violent overthrows of government in Latin America. I believe we fail to understand the capabilities and possibilities inherent in some reconciliation of views with the private enterprise system of the United States and

Europe, which could have, in my judgment, a strong impact upon that system in Latin America and could create conditions in which I believe, in many countries, notwithstanding the vested feudalism and oligarchies to which the Senator refers, there would be much benefit, and which could provide some social justice and make violent upheavals unnecessary.

On the subject of the Far East, I am glad to observe that the Senator from Arkansas, notwithstanding the new look and the idea of dispelling myths, of which he speaks, feels that we should not recognize Communist China or acquiesce in its admission to the United Nations under present circumstances. I agree with that view. I feel that that is our best policy; that considering the way the proposal has been advertised to the world, the Communist Chinese would take it as a complete cave-in by the United States and the whole free world if we now took a position analogous to that of the French.

Finally, on the question of South Vietnam, whatever may be the interim comfort that the Senator from Arkansas gives President de Gaulle in his suggestions for a review of the Far Eastern situation, he ends with the view that there is no course but to support Vietnam—both its government and its army—by the most effective means available. We must do that. We must do the best we can to bring self-government and just government to the people of South Vietnam.

I do not believe in extending the war; neither do I believe in pulling out. I believe we must persevere. That is the best course. So whatever may be the interim reasoning, I feel that is the right prescription.

In deference to an obviously massive presentation by the Senator from Arkansas, and speaking as one who has been for so long devoted to a bipartisan foreign policy, I felt I should make these views a part of the RECORD contemporaneously with the Senator's speech.

Mr. FULBRIGHT. Mr. President, I am about to suggest the absence of a quorum——

Mr. MORSE. Mr. President, will the Senator withhold his suggestion?

Mr. FULBRIGHT. I withhold it temporarily. I yield the floor.

Mr. MORSE. I have an understanding with the Senator from North Carolina [Mr. ERVIN] that I may make a few remarks before the quorum call.

Mr. President, I express my appreciation to the Senator from Arkansas, chairman of the Committee on Foreign Relations, of which I have the honor to be a member, for making the speech on foreign policy that he has made this afternoon. Although I disagree with much of his speech, nevertheless it is of very great importance that in the debate which will be waged in this body for the next few weeks and months on foreign policy, one point of view be presented as cogently as the Senator from Arkansas presented it this afternoon.

However, some of us hold different points of view; and I propose to address myself to some of those differences this afternoon. I say to my chairman that there are parts of his speech and some concepts that he has expressed with which I find myself in agreement. I certainly find myself in complete agreement that the time has come to puncture many American myths with respect to foreign policy. For several weeks and months past I have been seeking to puncture some of those myths.

One of the myths is that the United States has a right to engage in unilateral action in the field of foreign policy by intervening in various parts of the world, for determination by the United States as to what policy shall prevail in those parts of the world, while at the same time we sign treaties, pacts, and international agreements in which we pledge, pontifically, I am afraid—and I fear history will recall somewhat hypocritically, too—our dedication to a substitution of the rule of law for the rule of force.

The unfortunate ugly fact is that, too frequently, American practice cannot be squared with our professions in the field of foreign policy. The Senator from Arkansas has referred this afternoon to some of the trouble spots of the world, and has made certain suggestions as to how American foreign policy in relation to those trouble spots might be improved. I agree with him that there is a sore need for improving our policy. I do not agree with some of his suggestions as to the preferences we ought to follow by way of new policy.

Underlying my criticism of much of American foreign policy is my criticism that we do not take the initiative in trying to lead the factions of the world which have likewise signed international agreements, pacts and treaties to a settlement of our disputes by the application of the rules of reason and of law. For example, I believe that the American signature on the Acts of Bogatá, Rio, Caracas, Punta del Este and Havana and the Organization of American States Agreements imposes a solemn trust upon our country. Yet we have been inclined to honor those treaties too frequently in the breach. We have an obligation in regard to South Vietnam to exercise some world leadership in seeking to bring that trouble spot, a threat to the peace in Asia—and it can become a threat to the peace in the world—into the procedures of the United Nations after we have first tried to arrive at some accommodations with our cosignatories to the SEATO Pact.

The United States has not taken the slightest initiative up to the hour in which I speak to seek to bring this great issue in southeast Asia into the procedures of international law under the organizations created by treaties to which we have affixed our signature. We have followed a unilateral course of action in South Vietnam. I shall use it this afternoon not as my only example, but as the main example of the thesis that I propose to present and shall continue to defend.

Yesterday President Johnson addressed some notable words of foreign policy wisdom to the National Legislative Conference of the Building and Construction Trades Council in downtown Washington. His remarks cannot help but impress the American people and the world with his deep desire to deal with world problems without resort to force of arms.

Therefore it is with great regret that I read his comments about Vietnam. As reported in the New York Times, he said:

> In Vietnam, divergent voices cry out with suggestions, some for a larger scale war, some for more appeasement, some even for retreat. We do not criticize or demean them. We consider carefully their suggestions. But today finds us where President Eisenhower found himself 10 years ago. The position he took with Vietnam then in a letter he sent to the then President is one that I could take in complete honesty today. And that is that we stand ready to help the Vietnamese preserve their independence and retain their freedom and keep from being enveloped by communism."

I ask unanimous consent that, at the conclusion of my remarks, there be printed in the RECORD the New York Times report of the President's speech, which sets forth the verbatim account of what the President had to say about foreign policy in his speech of yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Elsewhere, the President said something that I think he has not applied to South Vietnam. He said:

> The people in this country have more blessed hopes than bitter victories. The people of this country and the world expect more from their leaders than just a show of brute force. And so our hope and our purpose is to employ reasoned agreement instead of ready aggression; to preserve our honor without a world in ruins; to substitute, if we can, understanding for retaliation. My most fervent prayer is to be a President who can make it possible for every boy in this land to grow to manhood by loving his country instead of dying for it.

The President said yesterday that today finds us just where we were 10 years ago in South Vietnam. But that is not quite true. We are $2 billion poorer for the economic aid we have put into that area of 14 million people, and we are, in addition, an unknown amount poorer for the military aid we have put in. We have added 15,000 U.S. troops to the ante since 1954. Over 200 Americans have been killed there.

Even so, the military and political situation in South Vietnam has deteriorated since 1954. That is, in fact, why we have stepped up our rate of financial aid and our rate of military participation. Our rate of aid is apparently well over the mark of half a billion dollars a year.

But certain other factors have changed even more. First, the local government we have been supporting there has changed hands, not once, but twice. The faction that has held power in South Vietnam has, ever since 1954, done so only through American financial and military support. But the faction that holds power now cannot be described as anything but an American puppet.

The pretense of regional security has been dropped long ago. The Southeast Asia Treaty Organization has dropped out of the picture, although it was on the basis of our membership in that Organization that we went into South Vietnam in 1954.

Let us never forget that the signatories to the SEATO compact made a reference to South Vietnam only from the standpoint that that area, which is not a member of SEATO, is an area of mutual concern and interest to the signatories. That is a pretty slender reed on which to lean in order to justify American intervention in South Vietnam.

There is no multilateral policy of SEATO signatories; there is no multilateral action being taken by SEATO to deal with the civil war in Vietnam.

I care not how others may describe it—we cannot escape the realities. The difficulty in South Vietnam is a difficulty of the Vietnamese among themselves. As I have said before on the floor of the Senate and elsewhere, we should not forget that families are split in South Vietnam—fathers on one side, sons on the other; uncles on one side, nephews on the other.

I am at a loss to understand what we are doing in South Vietnam. I understand the alibis and rationalizations, but I am satisfied history will record that the facts do not support the alibis and rationalizations of the Government of the United States vis-a-vis South Vietnam.

We are there, we say, at the invitation of the South Vietnamese Government. But that government is our own creature. We know it and the world knows it. One might as well try to claim that the Soviet army is in East Germany only on the invitation of the East German Government. A puppet is a puppet, and South Vietnam has not had more than a U.S. puppet government in its 10 years of existence.

Freedom in South Vietnam? I do not believe that more than the tiny fraction of its 14 million people who have benefited and prospered from American assistance can be considered to be "free" in any sense that Americans understand the word. Let us keep in mind, when we hear that the United States is fighting for "freedom" in South Vietnam, that what is really meant is that we are trying to preempt the area from what we fear may be communism.

When one takes into consideration, the large percent of ignorant and illiterate people in South Vietnam, people who do not understand the difference between freedom and enslavement, between democracy and communism—and who could not care less—one begins to understand some of the operative facts that must be considered as we come to reappraise and reevaluate our policies in South Vietnam.

We think we are keeping Communists out. That is why we are in South Vietnam.

FAILURE OF DOMINO THEORY

But look at something else that has changed drastically since 1954. Ten years ago we heard about the "domino" theory. Indochina was divided up into four parts—it was virtually quartered. North and South Vietnam were created in the eastern half of the country, both bordering on the South China Sea. Laos and Cambodia were created out of the western half; Laos to the north and Cambodia to the south.

South Vietnam was the first "domino" in the line. Next to it was Cambodia and Laos, then Thailand and Burma. Below Thailand stretches the Malaysian Federation, and beyond that, Indonesia.

These were the row of "dominoes" all of which were expected to drop into the lap of communism if South Vietnam did so.

One of the greatest fallacies of the "domino" theory was that any country not in the Western camp was considered to be in the Communist camp. That was where the theory began to lead us astray.

I shall always be proud of the fact that I spoke out against the Dulles so-called "domino" theory when he first sold it to the American people and persuaded the Government to go along with it. In my judgment, it was a highly fallacious theory when John Foster Dulles concocted it; and it has been a highly fallacious theory ever since.

We convinced ourselves that any nation not imbedded with American economic and military aid programs, and all their attendant advisers, was as good as Communist.

But what has happened to the row of "dominoes" since 1954? North Vietnam has always been outside the scope of American influence. Laos was neutralized by agreement; Cambodia has recently ousted all American aid missions and declared herself neutral.

I digress to say that Cambodia was right, and the United States was wrong, in the recent Cambodia-United States issue.

When the facts are known about the policy of the United States and U.S. advisers in South Vietnam, and the activities of the CIA in that part of the world, the Prince of Cambodia will be sustained in the annals of history.

We had better face our mistakes. We had better recognize that American foreign policy abroad is not always perfect and right. We had better face the fact that some of those who implement, execute, and administer American foreign policy abroad sometimes make "bloopers" in administrative policy.

It is sad to find ourselves in the position that a Prince of little Cambodia becomes so exasperated at American foreign policy that he says to the American Government, "Get out." He made it perfectly clear that he was going to put us out or we would have to fight to stay in. He has not gone Communist. There is this assumption, in the "domino" theory, that if U.S. influence, aid, and military assistance were taken out of some country it would be sure to go Communist. Cambodia has made the domino theory look absurd. The "domino" theory became absurd when Cambodia eliminated American influence in the sense that we like to exercise our influence in that part of the world.

Long ago Burma put herself outside the circle of American military protection. Indonesia certainly is neutral insofar as her sympathies and policies toward America and China are concerned.

The only countries left in the row of dominoes, as we originally conceived it, are South Vietnam, Thailand, and Malaysia. Yet none of the rest, except North Vietnam, which was never in the row, has become a Communist state. Undemocratic and totalitarian, yes, but so are South Vietnam and Thailand.

Does anyone really believe that South Vietnam and Thailand are great showcases of democracy?

Does anyone believe that South Vietnam and Thailand are great examples of democratic self-government on the part of the people?

Nonsense. They are not. I am not one who insists that they must be. I would hope that voluntarily and by conviction, by recognition that after all, economic freedom is for the mass of their people and can be obtained and perpetuated only by realizing that economic freedom will give them political freedom, they would come over, in the course of time, into the family of democratic nations.

Please note my language, "in the course of time." In my judgment, no Senator will live long enough to see political freedom—in the sense that we use the term, somewhat loosely, I admit—prevail in Asia. But, if we can be helpful, if in our generation we can help lay the foundation for economic freedom of choice in some of the underdeveloped areas of the world, we can leave a legacy of inheritance which will give future generations of their people a better opportunity to develop political and economic freedom.

But it will never be done with American bullets. It will never be done with American military force. It will never be done with American military aid. It will be done, as I have been heard to say before, by using the descriptive term "with American bread" as the symbol of American economic freedom.

The only countries left in the row of dominoes, as we originially conceived it, are South Vietnam, Thailand, and Malaysia.

Perhaps one can say that as South Vietnam goes, so goes Thailand; but it cannot be said that as goes South Vietnam so goes southeast Asia. South Vietnam and Thailand are already separated by the neutralist states of Laos and Cambodia.

If any slogan is useful in this part of the world, it would be that as the rest of southeast Asia goes, South Vietnam will go, too, no matter how much American treasure and blood are spent to prevent it.

The "dominoes" are taking themselves out of the Western lineup. We cannot preserve even South Vietnam as an American puppet for long.

The most optimistic American forecast for South Vietnam was made by the Secretary of Defense when he said that we would aid that country "forever."

That is our outlook and our prospect, Mr. President—"forever"—as much as she needs, and as long as she needs it.

That is the announced American policy of recent days. It is a sad commentary that we present that image of the United States to the world, that we present the image of the United States on a unilateral basis, that we offer continuation of our program in South Vietnam "forever," if we deem it necessary.

But I warn today that in due course of time some other nations will have something to say about it. I do not believe that is a myth. I agree that we had better pierce some American myths of American foreign policy. If anyone holds to the mythical view that the United States can continue unilateral military action on a selective basis in various parts of the world and not encounter serious trouble with other nations, he is mistaken. We had better reevaluate that myth, and promptly.

REASON SHOULD BE APPLIED TO SOUTHEAST ASIA

If the policy stated by the Secretary of Defense is the policy of the Johnson administration in South Vietnam, then every President 10 years, 20 years, 50 years from now will find himself where Eisenhower and Johnson found themselves. But the price will go up every decade just to keep the United States in the same place.

President Johnson is proud, and rightfully so, that the United States has not hastened to send marines into Cuba. He rightfully points to the activities of the United Nations to keep the peace in Cyprus, however belated was our support for taking that issue to the U.N.

In regard to the Cyprus issue, for some time the United States opposed taking it to the United Nations. One trial balloon after another was sent up to find out whether American public opinion would accept sending American boys to Cyprus as a sort of peacekeeping force. If there was ever an issue that should have gone to the United Nations, it is the issue of Cyprus. Cyprus is not a member of NATO. Why the United States and Great Britain in their first proposal took it upon themselves to decide that they were going to handle it under NATO procedures, I could never understand.

We must recognize that the signature of our country on the United Nations Charter has a solemn meaning. When an area of the world begins to threaten the peace of the world, and other countries follow the course of action that Greece and Turkey were following, and there is a country which is victimized of its rights by their course of action under the United Nations Charter, we should be in the lead in urging that the dispute be submitted to the United Nations. We should never have permitted Khrushchev to get ahead of us. Then when Khrushchev proceeded to announce that the matter ought to go to the United Nations, that fact made it supposedly wrong.

We must pierce the myth that the origin of an idea can necessarily make it a bad idea. As educated men and women we should never forget that the origin of an idea has nothing to do with the merits of the idea. The internal contents of the idea determines its merits.

As the Senator from Arkansas [Mr. FULBRIGHT] pointed out so clearly in his speech this afternoon, we must face unpopular ideas, too. We must be willing to deal with ideas in the field of foreign policy, and to weigh them and appraise them and evaluate them on the basis of their intrinsic merit.

We muffed it again in connection with Cyprus by throwing away an opportunity to say to the world that we join in urging that the Cyprus issue be taken immediately to the United Nations because the United Nations exists, supposedly at least, to prevent a threat to the peace of the world.

I feel the same way, as Senators will observe before I have finished, with regard to southeast Asia.

I believe American unilateral action in southeast Asia should stop now. It should never have started. I opposed going into South Vietnam, I oppose staying in South Vietnam, and I favor getting out of South Vietnam now. I also favor making some proposals to the peace-loving nations of the world for handling the South Vietnam crisis with honor. That is the greatest obligation of statesmanship that confronts my Government in this critical hour.

The President does not believe it necessary to send Marines into Cuba.

Why, then, does the President believe it necessary or desirable to send our Special Forces to South Vietnam? What American vital interest in South Vietnam deserves the presence of American men in uniform?

Why, too, is not the United Nations the place for the South Vietnam issue, just as it is the place for the Cyprus issue? Why, indeed, does not the President apply his prescription for "reasoned agreement" and understanding to South Vietnam?

FIRST OBLIGATION TO VIETNAM IS THAT OF SEATO

Neither the President's remarks of yesterday nor the speech today of the chairman of the Senate Foreign Relations Committee gives any explanation of why this country has not used the Southeast Asia Treaty Organization or the United Nations for the South Vietnam issue. Is it because none of our treaty partners thinks we are right in trying to hold it as a U.S. area of influence? Is it because the Asiatic members of SEATO do not want to associate themselves with the United States in its campaign to stay in Asia? Is it because France, Britain, Australia, and New Zealand know that the white man is being thrown out of nonwhite countries and that the effort to stay will be increasingly costly?

As I have asked before, I ask again, of the signatories to SEATO: Where is Pakistan? Where is Australia? Where are Thailand, the Philippines, Great Britain, and France? Why should not we take the lead in asking for an extraordinary meeting of either the heads of state or the foreign ministers of the SEATO members and try, to use the President's words, to "sit down and reason together," to see what accommodations, if any, can be arrived at?

The mere fact that an idea comes from De Gaulle should not cause us to reject it. Let us look at the idea. Let us see if we cannot reach an honorable accommodation through SEATO.

Does anyone argue that the difficulty in South Vietnam does not threaten the peace of Asia and could very well spread into a holocaust far beyond southeast Asia? That danger exists.

What are our moral and legal commitments under the United Nations Charter? I believe that our obligations call upon us to seek to exercise some leadership among nations and to have the signatories sit down and reason together, to use the President's words, to see if there cannot be worked out an accommodation in connection with South Vietnam which will preserve legitimate rights, preserve the peace, and relieve the United States of conducting a unilateral military course of action in South Vietnam which I cannot reconcile with our obligations under treaties to which we have already affixed our signature.

Why is there no joint SEATO action in South Vietnam? It is an area of mutual interest to all SEATO partners under the protocol to the SEATO treaty. Why are we acting unilaterally there? The chairman of the Foreign Relations Committee declares that "it should be clear to all concerned that the United States will continue to meet its obligations and fulfill its commitments with respect to Vietnam." What obligations and commitments do we have toward Vietnam that are any more or less than those of every other SEATO member?

None. But we have mistakenly built up many emotional commitments to ourselves. We took a tiger by the tail 10 years ago and no one in high office knows how to let go of it. So we call that a commitment. What is really meant is face and prestige. We backed a puppet there 10 years ago, and we are afraid the world with laugh at us if we recognize that it has been a flop. The government to which we gave the backing in 1954 is gone, and the U.S. Government was glad to see it go.

I say that we have a greater commitment to SEATO, to the United Nations, and to world peace than we ever had to any government of South Vietnam, whichever one it may be at the moment. When are we going to begin honoring those obligations?

So long as the United States maintains a unilateral intervention in South Vietnam it is going to cost ever more American money and American blood. There are no Chinese soldiers fighting in South Vietnam; there are no Russian soldiers. The only foreign troops are Americans.

There are no Thais, or Australians, or French, or Pakistanis, or Filipinos fighting in South Vietnam. Why not?

They signed a treaty obligation in which they joined the United States in recording at least that this area of Asia was an area of mutual concern and was of interest to the signatories. They walked out on us. We walked in. That was a walk in the wrong direction.

Until there is an answer to that question I shall continue to urge that American troops be brought home. Every time an American dies in Vietnam, the flag should be lowered to half mast over the Capitol, over the White House, over the State Department, and over the Pentagon, because those boys are dying in the execution of a unilateral policy that no longer has a direct bearing on the defenses of the United States. They are dying because civilian and military leaders set us on this mistaken course 10 years ago and we have been unable and unwilling to change it for domestic political reasons.

We cannot justify this killing of American boys in South Vietnam. I think it is important, unpleasant as it is, disruptive as it may be to some people to discuss this issue openly and frankly with the American people. The final decision of this foreign policy does not rest with the President. It rests with the American people. Foreign policy does not belong to the President of the United States. It belongs to the American people.

The American people are entitled to know the facts about American foreign policy in South Vietnam. I am satisfied that once the American people obtain the facts about American foreign policy in South Vietnam, they will repudiate the policy of this Government, which policy has continued through a Republican and Democratic administration. It is a wrong policy. It can be righted only by ceasing to follow a course of seeking to solve the problem by American military force, and resorting to the laws of reason as they are epitomized in the existing procedures of international law.

That must be the glorious objective of this Republic. We must stop talking out of both sides of our national mouth in regard to what our objectives are in American foreign policy. We must stop saying to great international conclaves that we stand foursquare for the application of the rule of law, while at the same time using the rule of force in South Vietnam.

France gave up this hopeless struggle 10 years ago. Yet, today it is France that is offering political leadership to this same part of the world. Our military and economic leadership to which the Senator from Arkansas [Mr. FULBRIGHT] accords so much credit, has not kept Cambodia, Burma, Laos, or Indonesia from neutralizing themselves. It is time we provided some up-to-date political leadership, too, and that means a drastic change from the 10-year-old failure known as the domino policy.

"The people of the world, I think, prefer reasoned agreement to ready attack," said President Johnson yesterday. "And that is why we must follow the Prophet Isaiah many, many times before we send the marines, and say, 'Come now and let us reason together.' "

Mr. President, when is the United States going to apply your words to Vietnam?

When are we going to sit down and offer to reason together with the nations of SEATO and the nations of the United Nations in respect to resolving the threat to the peace in South Vietnam?

The same question might be put to the chairman of the Foreign Relations Committee. Why are not the comments he makes about Cuba and how we should deal with it, generally applicable to Vietnam as well? Why is there one policy in Cuba and another policy in South Vietnam?

In the Caribbean, we have the Rio treaty, we have a hostile but not a threatening government in Cuba, and the committee chairman recommends that we not proceed unilaterally to deal with it.

In South Vietnam we have the Southeast Asia Treaty Organization, we have the possibility of a government there that could be neutral rather than Communist, yet he proposes that we continue a unilateral intervention in South Vietnam.

If I understood the Senator correctly, he proposes a wait-and-see policy. He suggests that we wait and see what our leaders downtown decide as to what should be the change in our foreign policy if any.

SENATE HAS ITS OWN FOREIGN POLICY DUTIES

That is not our obligation as Members of the Senate. Our obligation as Members of the Senate under the Constitution is to exercise our checking power, for we are a coordinate and coequal branch of the Government with the executive. When in our judgment the executive branch of the Government is following a mistake in foreign policy, it is our constitutional duty to check the executive branch of the Government by exercising all the constitutional authority that the Constitution gives us.

I have no intention of joining in any policy to wait and see what the executive branch of the Government proposes. To the contrary, I intend to continue doing what I can to draw this issue, not only in the Senate, but across this Nation. Our policy in South Vietnam must be understood by the American people so that they can render their final judgment as to what it should be.

On March 4, I pointed out that we have learned that a Communist government in Cuba does not necessarily call for military action by the United States against it. It calls for U.S. military action only when it undertakes some course or policy that threatens the security of the United States.

I submit that the case for U.S. military action in South Vietnam is infinitely weaker than the case for it in Cuba, and yet there is no good case for it in Cuba, either.

CUBA MUST BE VIEWED IN PERSPECTIVE

I find myself in agreement with much that the Senator from Arkansas said in regard to the problem of Cuba, in regard to our trade policy, our embargo policy, our quarantine policy, our attempt to get our allies abroad to follow our wishes in regard to Cuba. I believe he is quite right. It will never work that way.

I am perfectly willing to take Castro on in any application of the procedures of the United Nations, in any dispute that exists between the United States and Cuba. As the CONGRESSIONAL RECORD will show, when I started the fight against Castro in the Senate, I was the one to start it, and it was some time before other Senators spoke out against Castro. Almost immediately after Castro came into power and started his blood baths and placed under house arrest Judge Urrutia, the first President of Cuba under the Castro regime, I said that all we had was a substitution of one totalitarian regime for another. The CONGRESSIONAL RECORD will show that I said I did not know whether he was a Communist, but that he was following Communist procedure, and there is no more freedom for the individual under a Fascist regime—which was the Batista regime—than under a Communist regime, which has come to be the procedure and, in fact, the admitted policy of Castro.

I am not afraid to take on any of the Communist leaders in an exchange of proof with respect to the differences we have with them, under the procedures of the international law, as administered by the United Nations and its agencies. If that should become our policy, it would take the world by storm; it would set an example of seeking to substitute the rule of law for the jungle law of force. What have we to lose by that? Certainly we are not afraid of our case, are we?

In the matter of international adjudication, one has to be willing to take the decisions that go against him, as well as the decisions that go for him. But if one has a case, he does not have to worry about the decision.

We should not become excited by the nipping at our hind legs by Castro. Any time Castro starts an aggressive action against the United States, the world knows we will take the steps necessary to defend our security. President Kennedy in his great, heroic course of action in October, 1962, proved that to Khrushchev and to Castro, and also to the world. The Communist world knows that.

In my judgment, there is another myth that we must pierce: We must pierce the myth that we have something to lose by a resort to international law procedures for the settlement of disputes between our country and other nations. Quite the contrary is the case, Mr. President; I believe we shall do more to promote the cause of peace in the world by our being willing to adjudicate such differences under existing procedures and principles of international law, than we shall accomplish by all the military aid we are shipping around the world on the pretext that we are containing communism. That is a myth, too.

As we come to examine the myths in our foreign policy and as we come to appraise our foreign policy in what I am satisfied will be a debate on foreign policy in our country for months to come, I hope that our decision will be to speak out strongly in favor of using such international law methods of settling the disputes we have with Cuba. Most of those disputes are economic; and Castro cannot win, in my judgment, in any adjudication in regard to the economic course of action he has taken against the United States and against United States investors in Cuba.

So I ask this question: When are we going to apply this great ideal of President Johnson's to actual, practical foreign policy problems and cases in the world; when are we going to sit down and reason together?

I am at a loss to understand why we find ourselves able to accept a Communist-dominated Cuba 90 miles away, while we send upward of 15,000 special forces 7,000 miles away to Vietnam where we have no vital interests at all.

The American people do not want the Marines sent into Cuba. The President is quite right about that. But neither do the American people want to become involved in a war on the Asiatic mainland, either. The President will find that out soon enough.

RELATIONS WITH PANAMA

The last point I wish to make involves Panama. I am proud of the President of the United States for the great statement he issued recently in regard to Panama. That statement pleases me very much, and I congratulate the President of the United States. I believe he is completely correct. In fact, President Johnson has been correct right along in regard to Panama, for he has made perfectly clear that the United States stands ready and willing to discuss and negotiate with the President of Panama, or with the diplomats whom the President of Panama assigns to the negotiation, on any subject matter that has created misunderstandings between Panama and the United States, after the President of Panama reestablishes diplomatic relations. But certainly the Panamanians and their President have no right to expect the United States to go hat in hand to any bargaining table, prior to the restoration of diplomatic relations, and to sit down and discuss anything with the Panamanians under those circumstances. President Johnson has made that very clear, and I believe he has been completely correct about that matter; in his last statement he has gone even further, by setting forth the details, thus showing his good will and his sincere desire to have the United States reach an understanding with Panama, after diplomatic relations have been restored.

But many persons have overlooked the basis for a settlement of the Panamanian dispute that President Kennedy and President Chiari laid down in an official communique they jointly issued on July 13, 1962. I have it before me now. It will be recalled that a conference was held in Washington, D.C., between the two heads of state—between the President of the United States and the President of Panama—on June 12 and June 13, 1962, and that at the close of their conference, the two Presidents issued a joint communique. I ask unanimous consent that the joint communique be printed at this point in the RECORD.

There being no objection, the joint communique was ordered to be printed in the RECORD, as follows:

JOINT COMMUNIQUE BETWEEN PRESIDENT JOHN F. KENNEDY AND PRESIDENT ROBERTO F. CHIARI, OF THE REPUBLIC OF PANAMA, FOLLOWING MEETINGS IN WASHINGTON, D.C., JUNE 12–13, 1962

> The meetings of the President of the Republic of Panama and the President of the United States of America during the past 2 days have been marked by a spirit of frankness, understanding, and sincere friendship. During their talks the two Presidents discussed general relations and existing treaties between their two countries, their mutual interests in the Panama Canal, and topics of worldwide and hemispheric concern. They emphasized the close and friendly ties on which have been established a mutually advantageous association through partnership in a Panama Canal enterprise. On the conclusion of these talks, they agreed to publish the following joint communique.
>
> They reaffirm the traditional friendship between Panama and the United States—a friendship based on their common devotion to the ideals of representative democracy, and to their determination that both nations should work as equal partners in the cause of peace, freedom, economic progress, and social justice.
>
> The Presidents recognize that their two countries are bound together by a special relationship arising from the location and operation of the Panama Canal, which has played such an important part in the history of both their countries.
>
> The President of Panama and the President of the United States agreed upon the principle that when two friendly nations are bound by treaty provisions which are not fully satisfactory to one of the parties, arrangements should be made to permit both nations to discuss these points of dissatisfaction. Accordingly, the Presidents have agreed to appoint high-level representatives to carry on such discussions. These representatives will start their work promptly.
>
> As to some of these problems, it was agreed that a basis for their solution can now be stated. Accordingly, the two Presidents further agreed to instruct their representatives to develop measures to assist the Republic of Panama to take advantage of the commercial opportunities available through increased participation by Panamanian private enterprises in the market offered by the Canal Zone, and to solve such labor questions in the Canal Zone as equal employment opportunities, wage matters and social security coverage.
>
> They also agreed that their representatives will arrange for the flying of Panamanian flags in an appropriate way in the Canal Zone.
>
> In order to support the efforts of the Government of Panama to improve tax collections in order to meet better the needs of the people of Panama, President Kennedy agreed in principle to instruct his representatives to work out in conjunction with the Panamanian representatives arrangements under which the U.S. Government will withhold the income taxes of those Panamanian and non-U.S. citizen employees in the Zone, who are liable for such taxes under existing treaties and the Panamanian income tax law.
>
> The President of Panama mentioned a number of other practical problems in relation between the two countries of current concern to his Government including the need of Panama for pier facilities and the two Presidents agreed that their representatives would over the coming months discuss these problems as well as others that may arise.
>
> The Presidents reffirmed their adherence to the principles and commitments of the Charter of Punta del Este. They agreed on the need to execute rapidly all steps necessary to make the Alliance for Progress effective; they recognized that the Alliance is a joint effort calling for development programing for effective use of national as well as external resources, institutional reforms, tax reforms, vigorous application of existing laws, and a just distribution of the fruits of national development to all sectors of the community.
>
> The two Presidents declared that political democracy, national independence, and the self-determination of peoples are the political principles which shape the national policies of Panama and the United States. Both countries are joined in a hemispherewide effort to accelerate economic progress and social justice.
>
> In conclusion the two Presidents expressed their gratification at this opportunity to exchange views and to strengthen the friendly and mutually beneficial relationship which has long existed between Panama and the United States. Their meeting was a demonstration of the understanding and reciprocal cooperation of the two countries and strengthened the bonds of common interests and friendship between their respective peoples.

Mr. MORSE. Mr. President, I wish to read three short paragraphs from the communique, because I believe they bear out my statement that the joint communique really laid down the guiding principle which also is reaffirmed in the statements by President Johnson. I now read the three paragraphs:

> They reaffirm the traditional friendship between Panama and the United States—a friendship based on their common devotion to the ideals of representative democracy, and to their determination that both nations should work as equal partners in the cause of peace, freedom, economic progress, and social justice.
>
> The Presidents recognized that their two countries are bound together by a special relationship arising from the location and operation of the Panama Canal, which has played such an important part in the history of both their countries.
>
> The President of Panama and the President of the United States agreed upon the principle that when two friendly nations are bound by treaty provisions which are not fully satisfactory to one of the parties, arrangements should be made to permit both nations to discuss these points of dissatisfaction. Accordingly, the Presidents have agreed to appoint high-level representatives to carry on such discussions. These representatives will start their work promptly.

I repeat the key words:

> The President of Panama and the President of the United States agreed upon the principle that when two friendly nations are bound by treaty provisions which are not fully satisfactory to one of the parties, arrangements should be made to permit both nations to discuss these points of dissatisfaction.

Does anyone believe for a moment that when President Kennedy and President Chiari issued that statement, in which they made specific references to treaty relationships with which one party disagreed and with which one party had found difficulty they did not need to discuss their differences? What an insult to the memory of President Kennedy and what an insult to our intelligence if such an interpretation were to be placed upon that language. It is perfectly clear—as clear as the English language can be—that what those two Presidents recognized in the conference that they had in Washington, resulting in the joint communique, that the Panamanians were very much dissatisfied with the treaty.

They have been dissatisfied with the treaty for some years. That is as clear as a bell. The two Presidents discussed the fact that there was a disagreement over the treaty. They agreed that the differences ought to be talked out—which means, of course, that the differences ought to result in a modification that would be fair and reasonable between the parties.

As I said at the White House at a conference on the Panama question—as the chairman of the Committee on Foreign Relations and the majority leader who are present in the Chamber know—in my judgment, President Kennedy on

June 13, 1962, laid down a pattern for the resolution of the differences between the United States and Panama over the treaty. Of course, if Panama has a case and can present the proof, we ought to be willing to change the treaty in any way warranted by the facts. That question is for the negotiators. It is not for the senior Senator from Oregon to determine.

I have my own personal views. We cannot possibly maintain a perpetuity clause in any treaty in the year 1964. Let us face it.

As the Senator from Arkansas pointed out in his speech this afternoon, we must not forget that Panama came into being because the United States sent its warships into the area at a time when the Panamanians were revolting against Colombia, which had jurisdiction over what is now Panama. We sent in U.S. warships, and we stopped the Colombians from landing on what is now Panamanian soil.

Everyone who knows history knows that. He knows also that following that incident we negotiated the treaty of 1903 with the Panamanians. Whom do we think we are kidding if we think that the treaty negotiations were carried on between parties of equal standing and equal power? They were carried on between the United States and a new weak, little country, that owed its very existence—its very birth—to the United States. Does anyone think that whoever was in charge of the Panamanian negotiations in 1903 could say to the United States, "We will not grant you an 'in perpetuity' clause"?

Of course they would grant it, because we had the bargaining advantage. We took advantage of that bargaining advantage.

It has caught up with us. We no longer have the advantage. The Panamanians now have tribunals to which they can ultimately resort. I am perfectly willing to predict this afternoon that, if we do not negotiate with the Panamanians in regard to the treaty, it will not be many years before they will have us before an international tribunal. I am perfectly willing to predict, too—though honest and sincere people, equal to me in honesty and sincerity can disagree with my conclusion—that we will lose the case. Certainly we are losing it in the tribunal of public opinion in the Western Hemisphere.

Therefore, though I cannot speak for President Kennedy, I can read the great communique that President Johnson has issued. President Kennedy saw the handwriting on the wall; President Johnson sees the handwriting on the wall. We shall have to negotiate a new treaty. As the President has rightfully said, we cannot sit down and even start negotiations until there is a restoration of diplomatic relations.

I have finished my major remarks. I shall be glad to yield to any Senator who may wish to ask me questions. I have presented my speech this afternoon in a spirit of complete professionalism, with no personal criticism of my President or the chairman of my committee, having but honest difference of opinion with each. That is the way debate in the Senate should be conducted; we have some problems in foreign policy which will call for further exchanges of points of views such as have taken place this afternoon between the Senator from Arkansas and the Senator from Oregon.

I now yield to the Senator from Arkansas.

Mr. FULBRIGHT. I should like to have the Senator clarify two points with regard to the question of Panama which he has discussed. I was under the impression that at the very early stages of the controversy, shortly after the difficulties arose, the President of Panama was willing to resume diplomatic relations, and then presumably there were to follow some negotiations. Then a difference arose as to the interpretation of the words "discuss" and "negotiate."

Mr. MORSE. A semantic difference.

Mr. FULBRIGHT. That is what I had reference to. I agree with the Senator. I did not develop it fully. I do not think we ought to negotiate without a resumption of diplomatic relations with Panama.

Mr. MORSE. I so assumed.

Mr. FULBRIGHT. I believe I failed to mention it.

Mr. MORSE. I took that for granted.

Mr. FULBRIGHT. But the point is that at the beginning we were on the verge of a resumption of relations, and later negotiations, and then there arose the unfortunate difference of view in respect to the words "negotiate," and "discuss." Is the Senator in agreement with that interpretation?

Mr. MORSE. I am in complete agreement. But I would supplement it with another incident involved in the early negotiations which I think was most unfortunate. In the early exchanges of notes between the official representatives of Panama and the United States, it was understood among them that the word "discuss" had certain connotations in the United States and the word "negotiations" had certain connotations in Panama. It was most unfortunate that they were willing to have individual interpretations, but somewhat different in meaning, to be circulated in each country, and that they were willing to have the interpretation and understanding of the word used to be interpreted in the United States as meaning "discuss" and in Panama meaning "negotiate." That difference ought to have been scotched right there. They should have reached an agreement that they would use a single word, and that it would have an identical meaning in the public information media of each country.

Mr. FULBRIGHT. I personally have no knowledge about whether what the Senator has said is accurate or not. I was making the point that if the two countries resumed relations and then sat down to discuss the question, I could not see any substantial difference whether one word or the other were used, especially in view of our constitutional processes, which are well known to the Panamanians, under which the Executive could not give a firm commitment to do anything without the advise and consent of the Senate. The Panamanians must have known that, and the proceedings would be in the nature of a discussion or negotiation subject to the provision of the Constitution that the resulting understanding would have to be approved by the Senate.

Mr. MORSE. I always thought this particular controversy was a semantic tempest in a teapot.

Mr. FULBRIGHT. That is what I mean.

I do not want to take too much time. I know the Senator from Alaska [Mr. GRUENING] is waiting to make a comment.

My next question is about Vietnam, which is a much more troublesome one. What influences my views perhaps differently from those of the Senator from Oregon is that this matter has been proceeding for 10 years or longer, and we cannot judge it as if it were to be a new involvement, and the question was whether we should become involved or not become involved. That question might be a very different one from that which faces us. Rightly or wrongly, we are deeply involved.

The Senator mentioned unilateral action. Both from personal discussions and from public documents, and from other sources that have been available to others, I have no doubt that many of our friends and allies, and even neutrals, place great reliance on what we say we are trying to bring about—a condition in which some settlement might take place.

No one suspects us of a wish to acquire South Vietnam or of having any ambitions of that sort. Our motives are quite above reproach; namely, we would like to see the people given an opportunity to obtain their independence and make their own free choice.

If my memory of history is correct, the South Vietnamese were proceeding to do just that quite well until about 1957 or 1958. Then the guerrilla warfare was inspired. Although these are matters on which there can be a difference of opinion as to fact, I believe that the guerrilla warfare was initiated and supplied and urged on dissident groups in South Vietnam by the North Vietnamese.

They were jealous of the progress being made. There was a pretty clear case made to that effect. I believe there have been findings to the effect that the supplies for many of the guerrillas came from the North Vietnamese.

I agree that an element of civil war is involved, but a very strong element of outside interference is also involved. Such facts are difficult to document, but studies have been made. A CIA commission has made a study of the situation. It has been confirmed that the source of much of the trouble is North Vietnam.

I cannot go along with the suggestion of the Senator from Oregon that we just withdraw, in view of the past history. If this country were considering the question merely of whether or not we should go into South Vietnam at this time, there might well be a different answer; but I believe we are committed to the point where it would be quite disastrous for this country to withdraw. I am extremely reluctant to expand the commitment.

The Senator from Oregon is not quite correct in calling the present Government a puppet government. If he means that the Government is dependent on the aid of this country to maintain itself, I think he is correct in that sense; but if he means that this country handpicked the head of the Government and put him in power, that is a different matter.

As I tried to say in my prepared remarks, in this situation we have little choice but to try to stabilize conditions to see if we cannot help the present Government acquire, and I hope merit, the support of the people of that country who are free to exercise any choice. Then the question would be how long this country should continue that kind of support.

The administration itself has indicated that it does not look at this involvement as a permanent one, but as one to provide an opportunity for the Government and the people of South Vietnam to maintain their independence.

Whether or not there will be negotiations will be a matter for the future. I confess that I believe an effort to bring the United Nations into this situation would be a futile one. I do not believe the enemies of the South Vietnam Government would pay the slightest attention to the United Nations. With the difficulty the United Nations has in maintaining peacekeeping troops in other areas—we are about to lose some of them—I do not see that the suggestion is a practical one. Therefore, as a practical matter, I do not see any alternative in this problem, with all due respect to the Senator's sentiments about law.

I believe he and I are the only two Members of the Senate at the present time who voted against the Connally amendment, for whatever that is worth. At the time we thought it worthwhile to give the court some authority.

Mr. MORSE. And we were right.

Mr. FULBRIGHT. All other Senators who supported us have either retired or been defeated.

The Vietnamese situation is one in which I do not see any feasible way in which it will be possible to apply any rules of law.

Mr. MORSE. I understand very clearly the views of the Senator from Arkansas with regard to this question. I respect them. However, I disagree with them.

Mr. FULBRIGHT. Will the Senator elaborate as to how those rules could be applied in South Vietnam?

Mr. MORSE. First let me make some comments I wanted to make before the last interjection. I suppose we ought to have some appreciation of the British viewpoint at the time of the American Revolution, when the British did not look with favor upon the French assisting the American Colonies. We should also recognize that at the time of the War Between the States the Union Government was somewhat concerned about some attempts on the part of the Confederacy to obtain support from England and elsewhere.

The fact that one group in South Vietnam is obtaining assistance from North Vietnam and another group is obtaining assistance from the United States does not change in the slightest degree the fact that it is a civil war. It is a civil war.

We do not like the sources from which the Vietcong are obtaining assistance, and the Vietcong do not like the sources from which the South Vietnamese are getting assistance. But it is still a civil war, and I think we should recognize that fact.

So the question goes back to our entrance into that area. I see no reason why we should continue a wrong course of action. To the contrary, it is important that we correct a mistake. A horrendous mistake was made in this country's going into South Vietnam. We ought to get our troops out. I am not saying we ought to get out tonight, but we should try to use procedures which are available for us to arrive at an accommodation.

The Senator from Arkansas is a little concerned as to how those procedures are to be devised. We never know until we try. We should call for an extraordinary meeting of at least the foreign ministers of the SEATO nations to see what they are willing to do, if anything. Does the Senator know what I think it might lead to? It might lead to an implementation of a neutralization program—naughty as the word seems to be in some quarters, it is, nevertheless, a meaningful word.

There are all kinds of neutralization programs. I do not know what the emphasis would be. However, it might lead to a neutralization program. It might get France back into the picture. It might get Great Britain back in. At least, we should give our SEATO comembers an opportunity to be of assistance in trying to resolve the matter and bring the shooting to an end. France is a member of SEATO. Her views on Vietnam have every bit as much standing as ours do. SEATO was created for the very purpose of handling on a multilateral basis the kind of situation that developed in Vietnam. If it is not going to be used to handle it, SEATO should be dissolved officially, as well as practically.

I do not agree with the Senator from Arkansas that the United Nations has no stake in the problem. I am surprised that certain groups in the United Nations have not been embarrassing us by pressing for United Nations action. The situation calls for United Nations action. The Charter of the United Nations provides that, whenever there is a situation which threatens the peace in any area of the world, the United Nations cannot stand by and not take note of it.

Until we try, we shall never know what can be done by the so-called procedural approach that I, for want of a better description, call a resort to the application of the rules of law.

The United States is not trying. The United States said to the world, as the Secretary of Defense has said, "We are going to do it forever if it is necessary to carry out this policy." I am objecting to the policy. I do not believe we should do it forever. I do not believe it should be done for the immediate future. We must make a choice and follow the procedures.

Mr. ELLENDER. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I am glad to yield to the Senator from Louisiana [Mr. ELLENDER] and then I shall yield to the Senator from Alaska [Mr. GRUENING].

Mr. ELLENDER. This discussion has brought to mind my second visit to Saigon in which I had the pleasure of meeting President Diem. At that time we were in the process of trying to rehabilitate about 250,000 Vietnamese who voluntarily moved down from the north after the partition was drawn.

We constructed a series of canals at a distance of approximately 1 kilometer apart and on those canals certain sections were measured off and given to the newcomers. As it turned out, many of the sections, or plots, were too small for the earning of a good living. Many of the people were given land to farm which was not suitable for farming in the first place. As a result, many of them became dissatisfied. Some of these were located in the northern part of South Vietnam wherein they could not make a living and these grouped themselves in an area within 25 or 30 miles northwest of Saigon. Another group of these dissidents was in the delta.

When I last saw President Diem, I asked him to try and arrange some way to get these dissidents together. I told him I did not believe the newcomers were being treated fairly by his Government. They were not allowed to share very much of our aid, for example. There were other injustices also. I told President Diem that he should meet with these people, who were even then beginning to make trouble, and promise them that justice would be done. I told him then to follow up his promises.

This was never done. The situation went from bad to worse, and I believe this is the reason President Diem refused to see me when I returned to his country some years ago.

I am in complete agreement with what the Senator has said that this is more or less a civil war between the people of South Vietnam and some of those from North Vietnam who moved after South Vietnam was declared independent.

Let us be truthful about it, that is just what it is.

Mr. MORSE. I wish to thank the Senator from Louisiana for his comments. I completely agree with his observations and the observations he made the last time I made a speech on the floor of the Senate in opposition to the United States Government policy in South Vietnam.

I believe it has been helpful. I believe the Senators comments are unanswerably right.

I wish to apologize to the Senator from Alaska [Mr. GRUENING]. I have been keeping the Assistant Secretary of State for Latin America, Mr. Mann, waiting downstairs in the committee room for 35 minutes and I owe him an apology as well; but I apologize to the Senator from Alaska for leaving now when he is about to speak.

Mr. GRUENING. Not at all.

Mr. MORSE. The Senator from Alaska will discuss this matter, as I know he will, and then I shall come back to the Chamber as soon as I can and read the transcript of his speech, because the Senator from Alaska [Mr. GRUENING] is my leader in regard to this question. We have been standing shoulder-to-shoulder in our objections to certain phases of American foreign policy. I know of no one for whom I have a higher regard in his knowledge of foreign policy than the Senator from Alaska. If he will, therefore, accept my apologies for leaving the Chamber at this time to go down to the committee room to meet the Assistant Secretary for Latin American Affairs, I shall return as soon as possible.

Mr. GRUENING. There is no need for the Senator to apologize to me.

EXHIBIT 1

EXCERPTS FROM JOHNSON'S TALK TO LABOR

And before I conclude, for a moment, if I may, I would just like to simply talk to you about your family and mine, about their future and their country.

Last Sunday—Palm Sunday—as I sat in church I thought about all the problems that face this world—ancient feuds and recent quarrels that have disturbed widely separated parts of the earth.

You have seen five or six different wars appearing on the front page of your morning newspaper and you've heard about our foreign policy.

The world has changed and so has the method of dealing with disruptions of the peace.

There may have been a time when a commander in chief would order soldiers to march the very moment a disturbance occurred, although restraint and fairness are not new to the American tradition.

As a matter of fact, some people urged me to hurry in the Marines when the air became a little hot on a particular occasion recently.

But the world as it was and the world as it is are not the same any more. Once—once upon a time even large-scale wars could be waged without risking the end of civilization. But what was once upon a time is no longer so, because general war is impossible. In a matter of moments you can wipe out from 50 to 100 million of our adversaries or they can, in the same amount of time, wipe out 50 or 100 million of our people, taking half of our land, half of our population in a matter of an hour.

So general war is impossible and some alternatives are essential.

The people of the world, I think, prefer reasoned agreement to ready attack. And that is why we must follow the Prophet Isaiah many, many times before we send the Marines, and say, "Come now and let us reason together."

THE QUEST FOR PEACE

And this is our objective—the quest for peace and not the quarrels of war.

In this nuclear world—in this world of 100 new nations—we must offer the outstretched arm that tries to help instead of an arm-length sword that helps to kill.

In every trouble spot in the world this hope for reasoned agreement instead of rash retaliation can bear fruit. Agreement is being sought and we hope and believe will soon be worked out with our Panamanian friends.

The United Nations peacekeeping machinery is already on its merciful mission in Cyprus and a mediator is being selected.

The water problem that disturbed us at Guantanamo is solved not by a battalion of marines, bayonetting in to turn on the water, but we sent a single admiral over to cut it off.

And I can say to you that our base is self-sufficient in lean readiness and a source of danger and disagreement has been removed.

In Vietnam divergent voices cry out with suggestions, some for a larger scale war, some for more appeasement, some even for a retreat. We do not criticize or demean them. We consider carefully their suggestions. But today finds us where President Eisenhower found himself 10 years ago. The position he took with Vietnam then in a letter he sent to the then President is one that I could take in complete honesty today. And that is that we stand ready to help the Vietnamese preserve their independence and retain their freedom and keep from being enveloped by Communism.

We, the most powerful nation in the world, can afford to be patient. Our ultimate strength is clear and it's well known to those who would be our adversaries. But let's be reminded that power brings obligations.

The people in this country have more blessed hopes than bitter victories. The people of this country and the world expect more from their leaders than just a show of brute force. And so our hope and our purpose is to employ reasoned agreement instead of ready aggression, to preserve our honor without a world in ruins, to substitute if we can understanding for retaliation.

My most fervent prayer is to be a President who can make it possible for every boy in this land to grow to manhood by loving his country—instead of dying for it.

ADJOURNMENT OF HOUSE FROM MARCH 26 TO APRIL 6, 1964

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate, House Concurrent Resolution 284, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The concurrent resolution will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, That when the House adjourns on Thursday, March 26, 1964, it stand adjourned until 12 o'clock meridian, Monday, April 6, 1964.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

LET US MAKE THE "NEW REALITIES" REAL REALITIES

Mr. GRUENING. Mr. President, the distinguished junior Senator from Arkansas [Mr. FULBRIGHT], chairman of the Foreign Relations Committee, has delivered a major address entitled, "Old Myths and New Realities." It is a great speech; it is a timely speech; and more than that, it is a historic document. I desire to congratulate him.

In essence the Senator from Arkansas in a sense applies to our changing times the unforgettable words of James Russell Lowell, in his poem, "The Present Crisis," written over a century ago, when he said:

New occasions teach new duties;
Time makes ancient good uncouth;
They must upward still, and onward,
Who would keep abreast of truth.

The Senator from Arkansas most cogently points out that our foreign policies are rigidified by habit, timidity, and fear, and that it is high time we reassessed them; that it is time that we related them to deep-seated current changes. I agree. This sound idea has been expressed for particular areas; namely, southeast Asia, by our distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], and by my able colleague, the Senator from Alaska [Mr. BARTLETT], who gave a masterly presentation on the subject, delivered on March 11.

The Senator from Arkansas [Mr. FULBRIGHT] has included some memorable and happily phrased precepts, particularly in his final paragraph, when he says:

> We must dare to think about unthinkable things, because when things become unthinkable, thinking stops and action becomes mindless. If we are to disabuse ourselves of old myths and to act wisely and creatively upon the new realities of our time, we must think and talk about our problems with perfect freedom, remembering, as Woodrow Wilson said, that "The greatest freedom of speech is the greatest safety because, if a man is a fool, the best thing to do is to encourage him to advertise the fact by speaking."

I could not agree more fully with this other statement of his:

> We must learn to welcome rather than to fear the voices of dissent.

Was not our Nation born of dissent?

And finally, he states:

> An effective foreign policy is one which concerns itself more with innovation abroad than with conciliation at home.

But, as to this, I wonder whether this interjection of not seeking "conciliation at home" does not run the risk of rejecting the importance of considering public opinion in a country dedicated to—maybe it is a myth but should not be—rule by the people. It is certainly desirable that our foreign policymakers not shy away from innovating, especially where old policies are manifestly obsolete and ineffective. But should not they likewise seek to find out what the sentiments of the American people are, and when they are strongly held, be in a large degree guided by them?

I should like to think that such consideration would be applicable to the war we have been carrying on in South Vietnam for 10 years at the cost of billions of dollars and with an increasing loss of American lives, and with no evidence of success—indeed with every evidence of failure—despite the repeated optimistic forecasts of those who made these disastrous policies there, cannot bring themselves to admit that they were wrong, and propose, as the Senator from Arkansas does, to continue to give to the patient more of the same medicine which has failed to cure him.

While I find myself in agreement with the general principles enunciated by the Senator from Arkansas, as I have said I do find myself in disagreement with his conclusions about South Vietnam. He says that—

> It seems clear that there are only two realistic options open to us in Vietnam in the immediate future—the extension of the conflict in one way or another, or a renewed

> effort to bolster the capacity of the South Vietnamese to prosecute the war successfully on its present scale.

To me, the extension of our war there is unthinkable, and this is one of the "unthinkable things" that we should think about and not only think about but act upon. If by saying "we have no choice but to support the South Vietnamese Government and army by the most effective means available" we can interpret that as material assistance, economic assistance, cooperation in efforts at basic reform so that the tyrannies which have oppressed the people of South Vietnam no less than they have oppressed those in North Vietnam may end, but not to the continuation of our troops in combat, I would be inclined to agree. But if the Senator feels—and his speech is not quite clear to me at that point—that we must continue to keep our men in combat, although theoretically they are only advisers and technicians, I would disagree most emphatically, and I hope that in this case he would, as he says earlier, "welcome rather than fear the voices of dissent." Those voices of dissent have been heard very emphatically in my office for the last 2 weeks from all parts of the country, since I made a speech on the floor of the Senate on March 10, urging that we reverse our Vietnam policy—perhaps "innovate" would be the Senator's term—and pull our men out of the firing line. I intend to put into the Record the correspondence that I have received on this subject. It is virtually unanimous in support of the position that I have taken and runs directly counter to the Senator from Arkansas' belief that "we have only two realistic options in Vietnam in the immediate future."

Maybe pulling our American boys out, as I have suggested, is one of the unthinkable things that the Senator properly says we must think about, and I feel we need not only think about them but act upon them.

As I have stated on this floor, President Johnson inherited the mess in Vietnam. It was not of his making. Now if ever is the time to rethink our futile, costly, tragic unilateral involvement begun 10 years ago. That involvement has been perpetrated by the very weaknesses, by the very myths in policymaking which the able chairman of the Foreign Relations Committee has so eloquently decried. Now is the time to put an end to the lethal hypocrisy that our 15,000 Americans there are merely advisers. They are instead, and have been, engaged in combat—combat never authorized or approved by the Congress. They have been sacrificed to a mistaken policy. These sacrifices should cease at once. They have been sacrificed to the myths that the Senator from Arkansas would replace by new realities. The realities are that American boys in uniform have been sent into combat and killed for an unknown and disastrous concept which remains unchanged because the architects of these policies and their successors cannot admit their tragic errors and fit their reports and optimistic forecasts to justify past error.

So I find myself in agreement with the principles which the able Senator from Arkansas has so eloquently expounded, but not with his application of these principles in southeast Asia.

As to their application, I find myself in full agreement with the views of the senior Senator from Oregon [Mr. Morse], as he so forthrightly expressed them in recent days in the Senate and again earlier this afternoon.

MILDRED HERMANN

Mr. GRUENING. Mr. President, a great woman, Mrs. Mildred Hermann, of Juneau, Alaska, has died. To her, as to few others, are applicable the words of Paul to Timothy:

> I have fought a good fight; I have finished my course; I have kept the faith.

A valid and eloquent tribute to Mildred Hermann was rendered her by a former Alaska legislator, Vern Metcalfe, a brilliant and enlightened journalist and now commentator and reporter for station KJNO in Juneau. It tells much and tells it well; but not all of Mildred Hermann's achievements could be included in any one tribute; as, for instance, the organization of the women's clubs throughout Alaska and her unceasing efforts to raise funds for the anticancer campaign. There was much else.

Vern Metcalfe's tribute so impressed the Alaska State Legislature, now in session in the State's capital, Juneau, that the house membership had it spread on the record. They fully appreciated Mildred Hermann's great contribution to good government, to civil morality, to the basic essentials of responsible freedom in her part of America—Alaska—that her life embodied.

I ask unanimous consent that the editorial obituary by Vern Metcalfe, as well as Senate Concurrent Resolution 19 of the Alaska State Legislature, be printed at this point in my remarks.

There being no objection, the editorial and resolution were ordered to be printed in the Record, as follows:

[From the House Journal of the Alaska State Legislature, Third Legislature, Second Session, Mar. 20, 1964]

EDITORIAL OBITUARY

(By Vern Metcalfe)

Mildred Hermann died Monday morning and with her, in effect, came the passing of an era. Mildred was a good friend of this reporter and for that reason I feel that an ordinary notice of death, or obituary, is not sufficient. I feel that way for many reasons other than the friendship she extended to me.

Mildred Hermann, as anyone who knew her can tell you, was not an ordinary woman. She was many things to Alaska and her death takes us back to Alaska's battle to gain admission to the Union. It is not sufficient for me to say that she was one of the foremost exponents of statehood. She was more than that. She made statehood a personal crusade, spent greatly of her time and money in this struggle to make us, in her frequently heard words, "first-class citizens."

I am not certain what inspired this zeal but few people were in the vanguard any longer than was Mildred Hermann. She was the secretary of the Alaska Statehood Committee and capped this long-range effort by being elected a member of the Constitutional Convention. Mrs. Hermann was an attorney and had clerked for Alaska's great Delegate to Congress, James Wickersham. She learned both law and a passion for self-determination from Wickersham and she was one person that kept the late Delegate and Federal judge's memory alive.

During the height of the statehood battle, and it was just that, Mildred Hermann, in the company of many other Alaskans, testified before Congress on the reasons we should be admitted. A portion of her testimony was used in an attempt to embarrass this fine woman and to, in my opinion, degrade her intelligence. A hostile U.S. Senator asked if Mrs. Hermann really believed that Alaska could readily afford this luxury, particularly Alaskan taxpayers. Mrs. Hermann, and I'm not quoting exactly, replied in effect, "that this might cause some belt tightening but Alaskans have eaten beans before and can, if necessary, eat beans again." When she later sought election to the then Territorial Senate opponents constantly taunted her with "let them eat beans" but it did not deter Mildred Hermann. Very little, if anything, ever did.

Mildred was never afraid to express an opinion and for several years right after World War II she pioneered radio legislative commentary. Her blasts at the canned salmon industry and others that she thought were opposed to Alaska's best interests were classics and she also left many a shattered legislative ego as well.

Her interests in community affairs should not be neglected since for many years she was practically a one-woman crusade against cancer. She also was active in the fight against tuberculosis and heart disease. Her other activities included the Soroptomists, the Toast Mistress Club, Beta Sigma Phi, Eastern Star, and membership in the Alaska Bar Association.

I think the thing that most of us who knew her will remember best was that Mrs. Hermann wasn't just a "joiner." She was a "doer", being a leader in everything she became interested in. She was a close friend of Ernest Gruening, although they were of opposite political faiths. This went for Senator Bob Bartlett as well and both men never neglected to mention Mildred Hermann when credit was being given to the really few of those who brought Statehood to Alaska.

Her two children, Russell R. Hermann and Mrs. Barbara Ann Marshall, both knew of all of this and we are certain their children will be told of it as they grow older. The comment today by myself is merely to inform new residents that a great Alaskan died on Monday, March 16th. Those who have been here prior to statehood know this and this, in my own insufficient way, is my farewell to her. We'll all miss her and remember the good she did as she passed this way. Thank you.

SENATE CONCURRENT RESOLUTION 19

Concurrent resolution relating to the late Mildred R. Hermann

Whereas with the death of Mildred R. Hermann the State has lost one of its most dedicated and beloved citizens; and

Whereas the spirit and record of personal and public service of Mildred Hermann established her in the hearts of a generation of Alaskans as a most remarkable woman; and

Whereas as a young widow she managed to raise a family, teach herself to qualify as an attorney, and devote so much of her time and energy to the public good; and

Whereas her enviable and prodigious record as an attorney helping the underprivileged would in itself qualify her for the highest expressions of esteem from her fellow citizens; and

Whereas she served with spirit and outstanding ability in the vanguard of the battle for statehood as the executive secretary of the Alaska Statehood Committee and when the battle was won she was accorded the affectionate sobriquet of "the grand old warhorse of the statehood movement" from one editorialist; and

Whereas in 1955 she was one of the seven delegates elected at large from the Territory to the Alaska Constitutional Convention of 1955–56, served with distinction at the convention, and energetically and enthusiastically campaigned for the ratification of the Constitution; and

Whereas she gave unstintingly of her time and services to many worthy charitable causes, serving as a director of the Alaska Chapter of the American Cancer Society, and as an active worker for and supporter of the Alaska Tuberculosis Association and the Alaska Heart Association: Be it

Resolved, That the legislature joins with the people of the State of Alaska in paying homage to the memory of Mildred R. Hermann as a particularly outstanding Alaskan woman, citizen and pioneer whose personality, service, and accomplishments will long be cherished as inspiring memories for those who knew and worked with her, and to express and extend to her son and daughters the heartfelt sympathy and condolences of the people of Alaska on their loss, which is shared in great part by the people themselves.

GREEK INDEPENDENCE DAY

Mr. HART. Mr. President, 143 years ago on the 25th of March, the Greek nation won its struggle against the Ottoman Empire and achieved its independence.

The 25th of March again this year will be marked by Greeks the world over with joyous ceremony, and I today join all my Greek friends in commemorating this historical event.

Mr. President, throughout the centuries the Greek people have been in the forefront in the struggle for the liberty of the individual. Western civilization is founded on the principle that every individual is born free and, with his fellow man, to form a government to rule over them reflecting the will of the informed majority with protection for the basic rights of minorities.

It can be said with historical accuracy that this principle had its genesis in ancient Greece and was among the most glorious gifts bestowed by that civilization upon Western Europe. On European soil this principle was developed and perfected to the end that the benefits flowing from it might reach all of mankind. And indeed, the democratic form of free society has been carried to all parts of the world bringing civilization and the good life to hundreds of millions of people.

But this glorious principle from ancient times to the present has been constantly threatened with annihilation by an aberration which holds one individual so supreme that his authority is absolute and that all other individuals in the realm are like chattel of the ruler.

This black principle has held sway in the East for centuries and today sits like a plague athwart almost the entire Asiatic continent and has brought such suffering and degradation to masses of people as to reduce Medusa to tears.

In the very dawn of European history, Greek city states began putting into practice the principles and theory of democratic government. But soon the Greek people were called to defend their way of life against the Persians who would carry the Eastern principle of autocracy to European soil. The heroic Greeks met and repulsed the Persians and thus saved Europe from domination by the autocratic principle.

In the Christian era, the Greeks for centuries opposed and stemmed the incursions of the despotic Ottoman Turks into Europe before being overwhelmed. This calamity did not extinguish the flaming spirit of the Greek people. They resisted and fought the Ottoman with all their might until they won their national freedom in 1821 and they established the modern Greek state.

In the Second World War, the vastly superior forces of the Axis Powers overcame a valiant and heroically resisting Greek Army. Throughout the dark days of occupation, the Greek people struggled against their oppressors until the glorious day when the Nazis and Fascists were defeated.

And in the postwar period, the Greek people were again threatened by a tyranny from the East. Soviet Russia attempted to subjugate this freedom-loving people. With timely American aid, the Greek people were again successful in defending their freedom.

Mr. President, our commemorating Greek Independence Day reconfirms our devotion to the principle of democracy which came to light in Greece thousands of years ago and emphasizes our determination to see that its light shall banish the darkness which threatens to envelop our world today.

FEDERAL PAY RAISE

Mr. KEATING. Mr. President, last week President Johnson in a letter to the Speaker urged the other body to reconsider its recent action killing the bill to raise the salaries of 1.7 million Federal employees.

I am immensely gratified that the President's recommendations were followed almost immediately by the introduction of a number of new bills in the House leaving out congressional pay raises, and limited to primarily the classified service, the postal employees, and others in the three branches of Government. I understand the Committee on Post Office and Civil Service in the other body will begin its consideration of these measures tomorrow. The expedition is most heartening, for if action were delayed out of consideration for the opposition that had developed with regard to the congressional pay hike, an immense injustice would be done to those Federal career employees who have been promised that the principle of comparable pay—pay scales more nearly comparable to those in private enterprise—would be translated into concrete form this year.

I have read reports that the new measures may run into heavy weather with some Members of Congress, since upper echelon salaries in the other branches of the Government and among congressional staff might conceivably be raised enough to be higher than the present pay of Congressmen. In my view, while this possibility is present, and poses a genuine problem, that is all the more reason for plowing into consideration of the bill right now and threshing out these problems, so that past promises to classified and postal workers may be redeemed. I know there is a widespread feeling that the Senate may not be able to reach any pay bill until after the civil rights bill is disposed of; but that view neglects to take into account the fact that considerable progress may be made in the other body and, as I have urged, in the Senate Committee on Post Office and Civil Service, while the civil rights bill is pending here, so that we may be in an advantageous position to take final action when the civil rights bill is no longer holding up our other business.

Mr. President, I hope the Committee on Post Office and Civil Service in the other body and, in turn, the House itself will give prompt approval to one of the pending new measures. I am confident that the Senate, if given an opportunity to do so, would follow suit as soon as feasible, consistent with the parliamentary situation now confronting us.

UNNECESSARY EXPENDITURES IN THE DEFENSE DEPARTMENT

Mr. WILLIAMS of Delaware. Mr. President, today the Comptroller General submitted another report in which he sharply criticizes the Defense Department for an unnecessary expenditure of more than $445 million.

In this report the Comptroller General calls our attention to an expenditure by the Navy Bureau of Aeronautics—since reorganized as the Bureau of Naval Weapons—of more than $445.4 million over a 10-year period for the P–6M–2 seaplane program, and according to the Comptroller General they did not receive a single serviceable aircraft as the result of these expenditures.

The most of these expenditures represents payments made to the Glenn L. Martin Co., Baltimore, Md., over the past 10 years.

Continuing, the Comptroller General states that the Bureau ordered quantity production of 24 operational P–6M–2 seaplanes before a reasonably satisfactory seaplane had been developed.

This is another typical example of the irresponsible manner in which the procurement division squanders the taxpayers' money in the name of national defense. In this instance nearly $500 million was spent for planes which never left the ground.

This entire report dated March 23, 1964, No. B–146885, should be read by every Member of Congress and in particular by the Appropriations Committee. I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., March 23, 1964.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE:

Enclosed is our report on additional costs incurred in the procurement of P–6M seaplanes from the Glenn L. Martin Co., Baltimore, Md., by the Department of the Navy.

The P-6M program, which was begun in 1951 to fulfill a need for a fast jet-powered seaplane for laying mines, was terminated in August 1959 because of delays, increased costs, and unexpected difficulties experienced with the aircraft.

Our review disclosed that the Navy Bureau of Aeronautics (since reorganized as the Bureau of Naval Weapons) spent spent more than $445.4 million over a 10-year period for the P-6M seaplane program and did not receive a single serviceable aircraft. The Bureau ordered quantity production of 24 operational P-6M-2 seaplanes before a reasonably satisfactory seaplane had been developed. The award of this production contract for the 24 operational aircraft and contracts for supporting items at a time when it was known that there were serious unsolved problems with the prototype aircraft resulted in expenditures of $209.2 million which might have been saved if these contracts had not been awarded. Also, our review disclosed that significant cost increases were incurred by the Navy in this program because of design and engineering errors committed by the contractor as well as a failure by the contractor to adhere to the Navy's aircraft testing procedures. Under the terms of the contracts, the cost of the contractor's errors are borne exclusively by the Government.

The Martin Co., by letter dated March 29, 1963, commented on a draft of this report. The Martin comments dealt generally with the difficulties anticipated and experienced in making the technical advances needed to develop an aircraft to meet the Navy requirements for the P-6M. The Martin reply did not comment on the specific findings or deficiencies related in our report.

In commenting on our findings and conclusions, the Navy agreed that serious problems with the P-6M were known and that solutions were not certain when it ordered quantity production, but informed us that, in accordance with its policies and practices at the time, the Navy feels that it was justified in entering into and continuing the production program until terminated in August 1959. The Navy acknowledged, however, that, on the basis of a current assessment, it should have terminated the program at an earlier date. The Navy agreed with our proposal that in the future costly quantity production of new weapon systems should not be authorized until the contractor has given adequate evidence that a satisfactory operational product has been developed. The Navy informed us that its current programing system and new program change and review procedures established by the Office of the Secretary of Defense would assure that the objective of our proposal would be carried out. In view of these changes, we are not making any recommendations at this time relative to premature contracting for production quantities of an unproved item.

The Navy, in commenting on the additional costs incurred by the Government because of the contractor's errors, advised us that the contractor could not be held financially responsible for such additional costs in accordance with the contract terms. The contracts provide that the contractor will not be responsible for the additional costs resulting from correction of defective work unless the defective work resulted from fraud, lack of good faith, or willful misconduct on the part of the contractor.

It is unreasonable for the Government to incur the costs resulting from errors or defective workmanship on the part of a contractor. This seems particularly true when the Government has selected that contractor for its competence in the field. Accordingly, we are of the opinion that provision should be included in development and production contracts which will place financial responsibility on the contractor for additional costs incurred due to engineering errors or design deficiencies resulting from poor performance on the part of the contractor. We recognize that a distinction must be made between additional costs incurred in development contracts when the reasons are associated with technological risks in new areas as opposed to lack of competence on the part of a manufacturer in his specialized field or a failure to apply the developed state of the art involved. Therefore, we are recommending to the Secretary of Defense that the present contract clauses be revised and implemented to require the contractor to assume financial responsibility under cost-plus-a-fixed-fee development and production contracts for additional costs incurred due to performance which is less than should be expected of a skilled contractor. We are recommending also that administrative procedures include realistic criteria upon which the quality of the contractor's performance can be evaluated.

Copies of this report are being sent to the President of the United States, the Secretary of Defense, and the Secretary of the Navy.

JOSEPH CAMPBELL,
Comptroller General of the United States.

ALLEGED FORGERIES ON TAX RETURNS IN THE ROBERT BAKER CASE

Mr. WILLIAMS of Delaware. Mr. President, on March 12 I received an affidavit from Mr. Milton L. Hauft, an accountant who on occasions had prepared income tax returns for Mr. Robert G. Baker.

In the affidavit Mr. Hauft charged specifically that on one of the individual tax returns of Mr. Baker on file in the Treasury Department his signature is a forgery; in addition, he insisted that two of the partnership returns prepared for the Carousel Motel as they appear in the Treasury Department's records likewise bear his forged signatures.

I ask unanimous consent that the affidavit of Mr. Hauft, as transmitted to the committee on March 12, be printed at this point in the RECORD.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

MARCH 12, 1964.

I, Milton L. Hauft, living at 3801 Archer Place, Kensington, Md., do give this affidavit to Senator JOHN J. WILLIAMS (Delaware) of my own free will.

On this date I was called to the Internal Revenue Service to give information relative to tax returns I had prepared for Robert G. Baker.

During the course of presenting the information in my possession I was questioned about some partnership tax returns prepared for the Carousel Motel. During the course of my association with Mr. Baker I had never prepared any returns for the Carousel Motel. When presented with the return by the Internal Revenue Service I noted that the signatures purported to be mine were forgeries.

As the result of this I went back to the personal returns for Mr. Baker prepared by me, and on looking at the signatures on these returns I noted that the signatures as to the person preparing these returns were also forgeries and were not my signatures.

This was reported immediately to the investigators of the Internal Revenue Service, and samples and specimens of my handwriting were also presented to them for matching purposes.

MILTON L. HAUFT.

District of Columbia, Washington, D.C.

Sworn to and subscribed before me this 12th day of March, 1964.

KATHRYN M. COULTER,
Notary Public.

My commission expires April 14, 1965.

Mr. WILLIAMS of Delaware. Mr. President, last Friday a representative of the Treasury Department confirmed that the Department agreed that the signatures of the accountant appearing on the Carousel Motel partnership returns were not the bona fide signatures of the accountant.

The accountant likewise stands by his sworn statement that his name has been forged on these partnership returns and that he had never participated in the preparation of these returns.

In addition, one of Mr. Baker's personal tax returns on file in the Treasury Department bears the forged signature of this same accountant.

These charges have not been contradicted by the Treasury Department, the Justice Department, or anyone else.

The accountant's signatures as appearing on these returns are recognized as forgeries.

Mr. President, the question has been raised as to what the penalties are for filing a tax return which bears a forged signature of the preparer of the return. In order that there may be no question as to the penalty, I directed an inquiry to Mr. Colin F. Stam, chief of staff of the Joint Committee on Internal Revenue Taxation.

I have just received a letter from Mr. Stam from which I shall read in part and then place the whole letter in the RECORD. I quote:

> This is in response to your inquiry regarding the penalty provisions applicable in a situation where a tax return has been filed with a forged signature of a preparer of the return.

In the letter Mr. Stam points out various sections of the law under which affixing a forged signature would be a crime and what the penalty would be.

Mr. Stam points out that any person who forges a signature on a tax return "shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than 3 years, or both, together with the costs of the prosecution."

Prosecution could also develop under section 7207 of the Internal Revenue Code. An offender could also be prosecuted under section 1001 of the Criminal Code.

Mr. President, I ask unanimous consent that the letter of March 25, 1964, signed by Mr. Colin F. Stam, outlining the penalties for forging the signature of a preparer on a tax return be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL
REVENUE TAXATION,
Washington, March 25, 1964.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your inquiry regarding the penalty provisions applicable in a situation where a tax return has been filed with a forged signature of a preparer of the return.

Under the Internal Revenue Code, such an offense may be prosecuted under section 7206(1) or under section 7207. Section 7206(1) provides:

"Any person who—

"(1) Declaration under penalties of perjury.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or".

* * * * *

"shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 3 years, or both, together with the costs of prosecution."

Section 7207 of the Internal Revenue Code relating to fraudulent returns, statements, or other documents provides:

"Any person who willfully delivers or discloses to the Secretary or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047 (b) or (c) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

Such an offense may also be prosecuted under section 1001 of the Criminal Code of the United States (title 18, U.S. Code), which provides:

"SEC. 1001. Statements or Entries Generally. Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

Sincerely yours,

COLIN F. STAM,
Chief of Staff.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of House bill 7152.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVED MANAGEMENT AND ORGANIZATION IN FOREIGN AID

Mr. CLARK. Mr. President, the President's decision not to make major organizational changes in our foreign-aid program is, I am sure, based partly on the proven capacities of AID's present management, capacities which are indicated by the Agency's impressive record of recent reforms and by the large number of major improvements now underway.

Let me describe some of these developments which, in my opinion, make the current foreign-aid program a more tightly managed and effectively run operation than any we have seen since the Marshall plan. In my judgment, Congress has been far too critical of the aid program. It is time we appreciated the very real improvements in administration made under the able direction of Mr. David Bell.

During 1963, AID mounted a massive policy and procedures review. Seven separate internal task forces dissected the Agency's day-to-day problems of doing business and examined in detail its major policy needs. After much thought and discussion, the task forces created a consistent, carefully worked out series of directives which now constitute the Agency's system for getting things done and which are, in addition, a repository of Agency policy formulated in light of the past 15 years of foreign-aid experience. New procedures were developed to assure the orderly execution of technical assistance, capital project assistance, Public Law 480 surplus food programs, the use of U.S.-owned local currencies, procurement, and general foreign-aid program assistance.

This work has already begun to yield concrete practical results. The new procedures are taking hold. Throughout the Agency, responsibilities and authorities have been clarified, clearances and documentation requirements have been codified, and obsolete collections of complex and conflicting directives have been replaced by simpler, clearer, more up-to-date issuances.

In the area of personnel administration, there have also been useful changes. Nearly 100 new directives have been issued establishing improved personnel policies. The time required by the process of reassignment of employees has been considerably reduced. The staffing of AID's top and middle management positions has been aided by the recruitment of a number of able and experienced executives.

The President is requesting the same selection-out authority for AID civil service employees which the Agency possesses with regard to its Foreign Service employees in order to facilitate a further improvement in the caliber of AID personnel.

President Johnson has stated that the AID staff will be reduced by 1,500 employees before the end of the next fiscal year.

TREND TOWARD GREATER USE OF PRIVATE GROUPS

In the past, AID has been regarded as the primary and dominant source of U.S. foreign assistance. AID's management is now convinced that the Agency should be viewed as a channel through which the diverse resources of the United States may be marshaled and mobilized to the benefit of the developing nations.

AID has begun to make far greater use of the resources of Federal domestic agencies such as the Department of Agriculture, the Public Health Service, HHFA, and the Departments of Commerce and the Interior. During the past year, AID had approximately 200 separate agreements in effect with other Federal agencies. It paid them more than $20 million, principally for technical assistance. Approximately 1,500 "participating agency" employees worked at least part time for AID.

AID is also expanding its use, through contract, of the vast and diverse skills available in the private enterprise sector of our own economy. The Agency is also working in close partnership with more than 50 American voluntary agencies such as CARE, Catholic Relief Services, the Unitarian Service Committee, and Church World Service.

The agreement which will send teams of experts from the State of California government to Chile to assist in budget and project planning, area development, and educational work within the Alliance for Progress is just one example of AID's determination to make its program more truly a people-to-people effort. Particularly promising is another development in the Alliance for Progress which will enable American school organizations, labor unions, church groups, fraternal organizations, municipal councils, and voluntary associations of every sort to play a role in fostering the development and preserving the freedom of the less-developed world.

Expanded use of local American initiative, private enterprise resources, and Federal participating agencies gives AID more leverage in coping with the enormous problems of underdevelopment, as well as enabling AID to keep its own staff levels within reasonable bounds. In more than 10 of what are called limited operations countries, AID is, in fact, now planning to withdraw its direct-hire employees altogether. U.S. aid programs in those countries will be conducted under contract and supervised from neighboring AID missions or from Washington. This is a promising economy move.

Several significant oversea reorganizations were effected last year—in the AID missions to Vietnam, the Republic of China, Jordan, and Pakistan. The India mission underwent a top-to-bottom overhaul of its operating procedures.

At the moment, a sigificant pilot project is just getting underway in the Ethiopia mission. There, AID is decentralizing to the local mission operating authority normally reserved to Washington.

A new concept will be tried for at least 6 months beginning April 1 in Ethiopia to test the theory that decentralized authority in given areas will simplify and speed up implementation of technical cooperation programs, and at the same time save manpower and funds.

Basically, the pilot operation will cover three major areas, giving the mission Director more freedom of action with regard to personnel, commodity procurement, and contracting

In the Alliance for Progress, steps are being taken to give effect to President Johnson's appointment of Mr. Thomas Mann as his "single voice" on Latin American affairs.

Several other AID operations are now in the process of intensive and critical review. The participant training program has recently been elevated in status from a division to an office, has been put under the direction of a new chief, and is undergoing a reorganization, combined with a policy and procedural overhaul. This is an important program under which roughly 6 000 foreigners are brought to this country every year. Since its inception, it has enabled over 70,000 citizens of foreign countries to receive technical training in, and gain a firsthand exposure to, the United States. The program is a difficult one to administer as it involves providing every conceivable kind of specialized training to participants of every conceivable educational level, culture, and background.

Roughly 65 percent of AID's dollar assistance is provided in the form of development loans. Many procedures were developed to accelerate the processing and negotiation of such loans during last year's implementation project. Recently, the Agency has completed a further extended survey of its lending operation. It has designed more detailed procedures for decentralization of much of the processing to the oversea missions. A program to further augment the missions' skills and capacities has been developed including engineering, legal, and contracting competence.

In the field of procurement, many improvements were achieved last year and many more are now in process. A revised agency regulation governing commodity procurement from American suppliers has ben circulated for comment to hundreds of American businesses. A clearer, simpler regulation corresponding more closely to normal commercial practices will soon be issued.

By utilizing Government surplus property, AID has achieved savings in the neighborhood of $40 million. New policy instructions which should increase the use of surplus property will soon be issued.

AID has contracts with more than 70 American universities in a total of more than $150 million as of the end of last year. An advisory committee has been established under the chairmanship of Mr. John W. Gardner, president of the Carnegie Foundation to improve relations between AID and the universities. AID created a parallel internal committee to examine how agency relations with universities might be improved. While neither committee has finished its work, the existence of both indicates an awareness in AID of the need for a constant evaluation of its own relations with institutional and commercial contractors and of its capacity to make the best use of such contractors in solving the problems of development.

Many of the now completed management improvements already have had a significant effect on AID activities. By the end of 1963, AID's rate of processing loans in soft currency accumulated from the sale of agricultural commodities under Public Law 480 had increased by more than 60 percent from the rate of the previous year. In the first 10 months of 1963, AID processed 51 investment survey agreements with American business firms while in all of 1962 only 5 had been processed.

In another area, the food-for-work program—which involves the use of U.S. surplus food as partial compensation to laborers who work in underdeveloped countries on such projects as irrigation, road construction, and reforestation—AID's streamlining efforts have already paid off. By the end of last October, 27 food-for-work projects involved nearly 2½ million people in 20 different countries. Nine American voluntary agencies were involved in these projects, whereas only one such agency had been involved in the previous year.

The program of assisting oversea cooperatives, credit unions, and savings and loan associations also has been moved into high gear. While in fiscal 1962 only 25 major cooperatives had been established overseas with American aid, in the last fiscal year 93 cooperatives were created in 43 countries. In fiscal 1963, AID also assisted in the establishment of 400 credit unions. They predict that by 1970 there will be 3,000 such U.S.-stimulated credit unions serving over 1 million members in Latin America alone. All this will be at a total cost to the United States of less than $4 million.

These improvements in the management and organization of the foreign-aid program are encouraging signs of the effort being made to make foreign aid more effective. The message of the President reflects the determination of the administration to make the program even more efficient and economical, as well as a better instrument of national policy. In this same spirit, I hope that this year the Senate can give the President's request strong and constructive support.

BYELORUSSIAN INDEPENDENCE DAY

Mr. KEATING. Mr. President, on March 25 we shall commemorate the 46th anniversary of the proclamation of the Byelorussian National Republic by this long-suffering people who, subjugated to foreign rulers for centuries, never forgot their unique heritage and identity. The Byelorussians or White Russians escaped Tartar domination during the Middle Ages, only to succumb to a powerful state to the north. Under these rulers, the Byelorussians were allowed to speak their own language and to practice their own religion; then followed continued foreign domination at the end of the 18th century.

Byelorussians chaffed under the oppressive rule of Czarist Russia. Many Byelorussian Roman Catholics were forced in midcentury to embrace the Russian Orthodox creed; and when White Russian newspapers appeared, they were suppressed by the Russian Government. Finally, during World War I, while German and Russian armies clashed in western Byelorussia, the White Russians were able to proclaim their independence and to establish their capital in Minsk.

However, Byelorussia's neighbors were hardly in the mood to leave the new state to its own fate. With the Germans in retreat, the Russian Bolshevik Army entered, proclaimed a Byelorussian Soviet Socialist Republic in January of 1919, and settled down to impose once again Russian dominance over their smaller neighbor. Their usurpation was soon challenged. In the subsequent 1921 peace treaty, the Byelorussians were split between their two larger neighbors.

The Byelorussians were again to experience the ravages of war. Soviet armies occupied eastern Poland, following a secret treaty with Nazi Germany, in 1939, which carved up Eastern Europe between these two powers. A rigged plebiscite in the territory resulted in the attachment of Byelorussian land there to the monolithic state in the East. By the 1945 treaty between Poland and Russia, all but a small part of White Russia was left in the direct control of the Russians. Even though it does not control its own destiny, Byelorussia's acceptance as a charter member of the United Nations demonstrates the fact that its people are recognized as a separate and distinct nationality.

On this anniversary of Byelorussian independence, we salute this unfortunate, yet courageous, nationality which has suffered under many invaders, but at the same time has kept alive its yearning for freedom. Hopefully, some day it will regain its long cherished independence.

THE FUTURE OF MANNED AIRCRAFT

Mr. MILLER. Mr. President, the question of the future of manned aircraft has been an overriding one for some time. There are those who insist that the United States should rely almost entirely on its missile defenses, that the manned aircraft has outlasted its usefulness.

There are those who feel that the manned aircraft is a vital weapon in that defense.

One such person who has built up a compelling case for the continuation of the manned aircraft program is Dr. James D. Atkinson, associate professor at Georgetown University and a research associate in its center for strategic studies.

He believes that this type of aircraft assumes—"new and higher roles in the makeup of a credible strategic deterrent, and in winning and rendering harmless limited or unconventional wars."

I feel that his views, as expressed in the American Security Council's Washington report of May 6, 1963, merit reading.

I ask unanimous consent that the article, entitled "Manned Air and Aerospace Craft and U.S. National Security" may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANNED AIR AND AEROSPACE CRAFT AND U.S. NATIONAL SECURITY

(By James D. Atkinson)

Underlying our missile strategy is a quality theory of warfare. It assumes that X numbers of missiles directed against Y targets will equate with absolute deterrence. But now, and especially in the future, armaments competition is not solely quantitative. The United States might, for example, be able to convince the Soviet Union that we can and will maintain superiority in the production of missiles. We are unlikely, however, to convince the Soviets that they will be unable to achieve scientific and technical breakthroughs which might give them overall military parity and perhaps even superiority at some period in the future.

Within the next decade, both the United States and the Soviet Union can be expected to devote strenuous efforts to countering or neutralizing threats posed by the ICBM and the IRBM. Should Soviet efforts prove successful even to a limited degree, the present and projected numerically superior missile capability of the United States may be largely neutralized. Conversely, the possession by either the United States or the Soviet Union of a manned, continuously powered, nonorbiting space craft would have a strategic impact quite without relation to quantity.

All of this is not to say that missiles are worthless. They may be most useful, but they are inherently inflexible and thus should be complemented and supplemented by the flexibility provided only by manned systems.

It is to say that we must avoid the Maginot-line thinking which assumes that a future war (or its prevention) is based on a ballistic missile exchange. Despite the most careful mathematical measuring and weighing, warfare does not develop according to preconceived images.

The current debate over the RS-70 will alone have served a useful purpose if it causes us to rethink the entire question of manned air, aerospace, and spacecraft. During and beyond the next decade, there appear to be vast new possibilities for using manned systems in preventing general thermonuclear war and in controlling limited and unconventional warfare. VTOL's (vertical takeoff and landing) convertiplanes, air cushion vehicles, very low level penetration aircraft, ultra-high-altitude aircraft, aerospace and spacecraft—all indicate the expansions of ideas, the development of tactics, and the utilization of technology in support of strategy that can be applied to present and to future modes of conflict facing us.

In the coming decade and, even more importantly, in the years beyond, manned systems will offer these significant advantages over missiles:

1. Operational capabilties: Among these are an unpredictable flight pattern; a superior ability to carry out electronic countermeasures and to operate foxing devices to foil enemy defenses; an enhanced versatility, notably standoff capability; propulsion systems based on nuclear fuel or, perhaps, on fuel cells; and an enhanced reliability factor as a result of the ability to improvise and to make repairs in flight.

2. Controlled launch: Manned air or aerospace craft can be launched in response to a low-grade equivocal warning and can later be recalled. This permits a significant safety cushion with reference to unverified warnings for which missiles cannot at all be launched, but which should require a controlled reaction on our part.

3. Show of force: Manned systems provide the show of force so often important in deterring a potential enemy military move. This role is automatically denied to missiles. The importance of the show of force in maintaining the general peace has often been demonstrated. The display of strength through the deployment of obvious military power has a psycho-political value which can scarcely be obtained from missiles buried deep in underground silos. The rapid response and controlled presence of a squadron of RS-70's, for example, would give significantly observable evidence of U.S. intentions to safeguard the peace in a threatened area.

4. Sustained information gathering: Missiles are incapable of reporting what has been accomplished by their strikes. Manned systems can do more than just report their own mission achievements; they also can supply continuous assessments of missile strikes, target damage, shifting of mobile targets, and the like. The side with such continuing information fights with clear vision, the other side fights blindfolded. Such sustained information gathering can best be performed—and in most instances only be performed—by manned air or aerospace craft.

5. The "mix" factor in deterrence: The variety of our possible choices of action adds immeasurably to an enemy's complications in preparing responses to our capabilities. The "mix" compounds the task of the enemy. This makes deterrence meaningful. There are many uncertainties and unknown factors in working out the problems of offense versus defense, since the acid test is—and only is—actual war. Hence those things which complicate the enemy's task set up cautionary signals for him. Those things—such as complete or even too great a reliance on missiles—which simplify this problem, reduce his uncertainties and unknown factors. Such simplification may tempt the enemy to deliver a surprise attack. Above all, the "mix" is significant in the load factor which it places on a potential enemy's defense structure. The Soviets are not all powerful; there are many limitations on what they can do. Every time we force another defensive requirement on them, it limits their capability in the development of qualitative breakthroughs in offensive weapons.

While manned systems can be expected to take on increased importance in the next decade and beyond, there are three areas that seem worthy of special note. These are:

1. Low altitude penetration aircraft: Increasingly, it would seem that very fast and ultra-low-level aircraft will have high survivability in face of enemy defense capabilities. Advances now on the horizon in terrain avoidance equipment suggest that low altitude penetration aircraft will have very great utility in unconventional, limited, and general war situations.

2. Carrier aircraft: Deployed aircraft-carrier-based forces appear to be less vulnerable to surprise attack, particularly to ballistic missiles. Carrier-based aircraft will in many cases be more efficient than land-based aircraft because of the geographic considerations involved. In fact, carrier aircraft may be the door opener for land-based aircraft in an areas in which it is desirable to assist forces friendly to the United States. Additionally, carrier-based aircraft can put up a maximum air effort immediately upon arrival in an area. This latter factor can be expected to have increased importance in the sublimited challenges with which we will be confronted in the coming years. The contribution of carrier task forces to the mix is likewise important since there is much evidence to suggest that no small portion of the Soviet military effort is directed toward countering them.

3. Manned low space and space craft: The X-15 rocket research aircraft has flown at 314,750 feet. Manned aerospace or low space craft will be operational at altitudes well in excess of this figure in the next 10 years. Such craft will possess obvious attack capabilities. Equally important will be the intelligence capabilities which will flow from the operation of manned low space craft.

In the sixties and seventies, the outer space environment offers intriguing new possibilities for the exercise of power by the United States in the interest of maintaining peace. Manned systems in space have the potential for controlling the communications utility and the military threat of attack from space. Thus, for example, the United States might well preclude a trouble-inciting nation from effective functioning on earth and from conducting operations in and from space.

The military exploitation of space will require large expenditures and much vision. Most of all it will require the abandonment of the naive belief that we can treat space as a peaceful area while the Soviet Union actively pursues a course in which the scientific side of space is merely incidental to the military.

SUMMARY

Whether one envisions manned systems operating at very low levels, at high altitudes, in low space, or well out in space, present and projected technological advances indicate that manned systems are not obsolescent. Rather they will assume new and higher roles in the makup of a credible strategic deterrent, and in winning and rendering harmless limited or unconventional wars.

The creative, competitive thrust of the American free enterprise system offers us significant advantages in the research and development of the material for advanced manned systems. The American heritage of drive to win offers equally great advantages in the area of human resources. These factors do not guarantee success. They do offer the potential—if we have the will to develop and employ them—for victory.

Our present policies with reference to research for the development of manned weapons systems will—if continued—jeopardize the future security of the Nation to an irretrievable degree. Equally dangerous for the future is the temptation held out to the Soviets to play the game of strategic blackmail, or, worse, the temptation to gamble on a first strike against America.

U.S. BALANCE-OF-PAYMENTS DEFICIT

Mr. MILLER. Mr. President, today's Wall Street Journal published an article entitled, "U.S. Payments Deficit Improved Less in 1963 Than Thought; Some Aid Was Temporary."

This brings us up to date on the picture of our balance-of-payments deficit, and I believe it merits the attention of readers of the CONGRESSIONAL RECORD.

I therefore ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. PAYMENTS DEFICIT IMPROVED LESS IN 1963 THAN THOUGHT—SOME AID WAS TEMPORARY

WASHINGTON.—The U.S. balance-of-payments deficit didn't improve as much last year as was thought, and some of the improvement was only temporary.

The deficit is currently calculated at $3,301 million for last year, nearly 10 percent larger than the previous estimate of $3,020 million. The 1963 deficit is still narrower than the $3,573 million of 1962 but is newly placed somewhat wider than the $3,043 million deficit of 1961.

A payments deficit results when dollars acquired by foreigners through U.S. spending, lending, and aid exceed the inflow of dollars here from abroad. The administration has been striving to end the persistent U.S. deficit, which gives foreigners mounting claims on the dwindling gold stock.

Not since 1957, when the Suez Canal closing resulted in an export spurt, has the United States shown a surplus ($520 million that year) in its international accounts.

NEW DATA STRETCHED DEFICIT

The revision in the 1963 deficit results from recent information to the Commerce Department showing that foreigners piled up about $100 million more in U.S. bank accounts than had been calculated; also, shipments of military goods to foreigners, which count as exports, were about $150 million less than initially reported.

And the Government agency, in a payments report, noted that part of the improvement recorded last year reflects developments which have had only temporary significance as well as some basic economic gains.

Exports of farm products, for instance, were exceptionally high due to such strictly temporary factors as bad weather and poor crops in Europe, the report said; such conditions probably boosted farm exports by up to $150 million, mostly in the final quarter. Lower import barriers helped coal exports gain nearly $150 million, the report said, but the rise was accentuated by weather conditions and interruptions in coal production in Europe last spring.

Temporary factors also appear to have pushed up fourth-quarter bank loans and direct investment abroad, which count as outflows. But temporary help came from an unusual inflow of funds from Canadian banks.

Even with the temporary help, however, the revised data put the 1963 fourth quarter gap at $527 million, or a seasonally adjusted annual rate of $2,108 million. Previously the final-quarter deficit had been estimated at $377 million, or a $1,508 million annual rate. While advance estimates are even more subject to error than reports soon after a period ends, so far this year no marked change in trend from the fourth quarter appears to be developing, authorities say.

The fourth-quarter annual rate in the payments deficit, even after being revised upward, is still much less severe than the revised $5,228 million annual rate of last year's April-June quarter. Sharply higher outflows of private U.S. capital then prompted the late President Kennedy to propose an "interest equalization tax on sales of foreign securities here, intending to discourage foreigners' long-term portfolio borrowing by adding one percentage point to their effective interest costs. Other efforts to trim the dollar outflow by reducing military spending abroad and "tying" more foreign aid to purchases here also were accelerated. The tax, which would be retroactive to last July 19, has passed the House, but Senate action probably will have to wait until after the civil rights fight.

PRIVATE CAPITAL OUTFLOW DOUBLED

The new figures show that the total net outflow of private capital in the fiscal 1963 quarter rose to about $945 million—about double the total of the previous period, though well short of the total in the April-June quarter. The $945 million consisted of $215 million in long-term portfolio investment such as American citizens' purchases of foreign bonds and stocks, the area that is the target of the proposed tax; $129 million in short-term capital movement, compared with a small net inflow in the previous quarter when interest rates here were raised; and $601 million in direct investment, including acquisitions of foreign companies and construction of oversea factories and oil refineries by U.S. concerns.

PRESERVATION OF THE CHARACTER OF AMERICA

Mr. MILLER. Mr. President, self-respect has always been a characteristic of a strong people. Reinforced by courage, it is perhaps the greatest hallmark of our national character.

But there are some who overlook that the preservation of the character of America today is a deadly serious problem. They are too prone to forget that we are in a fight to the death with an ideology which has molded a powerful character in its people.

In this struggle—and it is a deadly struggle—our national will to resist must be strong enough to keep from being broken. It must be accompanied by a will to win which is strong enough to take the offensive and break the Communist will to resist.

But, Mr. President, we only have to pick up a daily paper, scan a national magazine, listen to a broadcast, to realize that the public conscience is undergoing a deterioration. It is evident in the morality norm of today; it is present in the national thinking in the willingness to submit to the demands of an alien philosophy which has as its keystone the defeat of America.

One of the best studies I have seen of this decline of values in the United States is that of Washington Correspondent May Craig, a person whose reputation for outspokenness has no peer. Her thoughts on this subject were published in the March 2 issue of U.S. News & World Report. I feel they merit reading.

I ask unanimous consent to have the article, entitled "A Woman Writer Takes a Critical Look at America," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WOMAN WRITER TAKES A CRITICAL LOOK AT AMERICA

Unless there is a change, deep down, in the American people, a genuine crusade against self-indulgence, immorality, public and private, then we are witnesses to the decline and fall of the American Republic.

Death on the highways, a pack a day, cheating from top to bottom in our society, get rich quick, break-up of the family, faltering in foreign policy, reckless debt—these have destroyed nations before us. Why should we think we can take that path and change history?

Look around you, and everywhere you see lack of principle and steadfastness in the right and brave. The disgraceful cover on the recent issue of a publication with a nationwide circulation and its palliating story of sexual immorality adds adult consent to the looseness of our youth, already far down the road of delinquency, shiftlessness, derogation of virginity in our girls who will be the mothers of tomorrow.

There is no financial morality in our Government—"Charge it," is the accepted practice.

Round the world they think they can take our money with one hand and slap us in the face with the other. We talk of our "leadership," but we are apparently incapable of giving leadership.

One listens with dismay to the campaigning for the Presidency that is going on. Oh, for a crusader to call us back to dignity and strength and austerity.

What was that last word? "Austerity"—plain living and high thinking, putting our money into the real things of life, not mink-handled saucepans and three cars in every garage; public servants who are not Bobby Bakers. Schools for the young, care for the elderly, strength so that none will dare attack us, a worthy succession to those men with feet wrapped in bloody bandages at Valley Forge to give us liberty. How have we used the liberty they bought for us so dearly?

Because it is unpleasant to think of unpleasant things, we say the Soviet Union may be changing its determination to bury us. Red China is bad, of course, but maybe not Khrushchev. Halfheartedly, we send American men to die in jungles, where we do not have the guts to go in to win or to stay out.

We sell wheat to Russia to save her from a demonstration that communism cannot produce enough food for its own people. If we do this to get rid of surplus wheat, which we have already subsidized and which we will subsidize again to give it to the Communists cheaper, we might try discouraging the production of surplus wheat and remember the old-fashioned private enterprise where one grows for the market, not the Government storage bins.

We faltered in Cuba, and now she is the homeland of subversion of all Latin America and Africa. Where will we find a strong man to lead us? Would we vote for one if he campaigned, crying in the wilderness that we come and be saved, from ourselves? We could have saved Cuba for freedom and saved ourselves and the rest of Latin America from this nest of communism, but we did not. Around the world they do not believe what we say; they look at what we do.

The United Nations was founded in this country. Now it is a messy combination of polyglot nations, old and new, grabbing for our money and ignoring our halfhearted arguments.

The idea of letting in a small nation of fewer than a half million people, utterly inexperienced in governing itself, unproved as a stable, honest state, letting them in within a few days of their establishment. We might at least insist on a period of probation.

The United Nations itself should be forced into financial honesty by the United States refusing to keep on paying the bills while many get a free ride while outvoting us. The idea of letting in Red China in the face of the Charter which says, "peace-loving nations." True, we are against letting Red China in, but all we do is get out our handkerchiefs and weep into them while the majority in the U.N. does as it pleases.

We waste untold sums on useless defense, and fail to keep ourselves truly strong in all fields, to be able to fight small as well as missile wars.

We sign test ban treaties with known enemies, known defaulters on treaties, that we will not test as we may need to. Why should we put our defense in such an agreement? If our defense experts—not businessman McNamara (Secretary of Defense)—say we need to test, then let us test without asking permission of friend or foe.

We fiddle-faddle in southeast Asia, and may be ignominiously pushed out. Maybe we should never have gone in there—let the Reds take it—but there is one thing for sure: If we go in anywhere, we should go in to win.

We are losing the respect of the world, and respect is more necessary to a nation, as to a person, than affection. We get little affection from the people we have helped over the years—and we are losing respect.

Nobody respects a fumbler, a weak man, a wobbler, in policy or deeds.

First, every one of us has to clean out weakness and selfishness and immorality of all types. Then choose leaders who with strength and principle and intelligence will lead us to where we can have self-respect and respect of others.

Would we elect such a man if he campaigned on such a platform?

GEORGE WASHINGTON—THE FIRST PRESIDENT

Mr. MILLER. Mr. President, former Washington Daily News Correspondent Charles Havlena has furnished me with additional information bearing on the accuracy of referring to George Washington as "the first President." It supplements material which I inserted in the CONGRESSIONAL RECORD, volume 108, part 9, page 12211, and I believe it may be of historical significance to scholars of the future.

I ask unanimous consent that the letter containing the information, entitled "July 4, 1976," be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 4, 1976

WASHINGTON, D.C.,
February 11, 1964.

Eventually, in judgment of the importance of the 1976 Fourth of July celebration, serious consideration, as it should be, is to be given to commemorate the 200th anniversary incident to the signing of the Declaration of Independence, July 4, 1776.

Doubtless, among many living today, July 4, 1976 will be, meaningfully, a gloriously stirring day of observance for them. The observance objectively will be focused not only on the Magna Charta of our liberties—the Declaration of Independence—but also focused on the treasured documents of our Nation's heritage—the Constitution, Bill of Rights—implementing the dignity of our freedoms—now enshrined in the National Archives.

Moreover, July 4, 1976, also will herald merited tribute to the first President of the United States of America, George Washington.

Additional research by me relative to "The First President" has disclosed significant information, of incontrovertible historical perspective, in the 3d volume, page 644, the "Literature Series of the United States George Washington Bicentennial Commission, 1932," being "a gift from the Government of the United States to the American people * * * published upon the authority of the Government itself."

Within the three volumes of the "Literature Series," as printed, "the history represents the most painstaking research of scholars." Accordingly, quoting from page 644, as follows:

"Question. Was George Washington the first President of the United States?"

"Answer. The notion that John Hanson was the first President is erroneous. Hanson was President of the United States in Congress Assembled, when the country was ruled by the Articles of Confederation. He was not President of the United States of America, and he was not the first President of the Congress under the Confederation. After the adoption of the Constitution, Washington became actually, and in the most legal sense, the first President of the United States of America."

The quotation from page 644, submitted in supplement to my article "The First President," is submitted not only supplementally, but also it will, without doubt, serve as useful reference in the interest of the Commission materializing or to materialize the correct historical perspective literature concerning the 200th anniversary observance, July 4, 1976.

Particularly, the Government documentation, page 644, ought appeal strongly to every American citizen, including students of our history, as a refresher.

It is a clarifying documentation from the Government, one historically ultimate in fact, undocumented material to the contrary notwithstanding.

Sincerely yours,

CHARLES HAVLENA.

FOREIGN POLICY

Mr. MILLER. Mr. President, the March issue of the Farm Journal publishes a timely editorial. It is straight to the point. It insists that the American people are entitled to know exactly what our foreign policy is. It asks:

> Isn't it about time the United States of America decided how to fight this cold war, then fought?

How right it is.

Up until February 1, the editorial notes, 175 Americans have died in a faroff place called Vietnam. We have 50,000 Americans facing a Communist enemy in Korea. We have a Communist nation 90 miles off our shores. We are spending billions in foreign aid to contain communism, yet we see nothing wrong in trading with the Communists or making concessions to them.

Almost daily we send troubleshooters to the sore spots of the globe.

And what does all this boil down to? Let me quote from that editorial:

> The less said about it the better, apparently. Let's not look now. Maybe it will just go away.
>
> Too bad about the 175 American boys, of course, but things like that can't be helped.
>
> They can't? Well certainly they can't so long as we have no clear foreign policy versus communism, and so long as we lack the guts to enforce a policy even if our Government had one.

I can assure you that the problem will not just go away. Unless we decide to do something, it will be around longer than we expect. And unless we decide to show to the world that we are capable of handling things, the problem will grow even worse.

I ask unanimous consent to have the editorial, entitled "Let's make up our mind," printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET'S MAKE UP OUR MIND

You'll have to pardon us if we seem puzzled. Like a lot of other ordinary American citizens we don't know too much about the intricacies of foreign policy. But we do know this:

Up to February 1, 175 American boys have died in a far-off place called Vietnam while the rest of us have looked the other way. We've got 15,500 more American boys down there exposed to being shot—and we still have 50,000 facing a Communist enemy in Korea.

We're putting up with a nest of virulent communism 90 miles off our shores—one that tests our resolve by shutting off the water at our Guantanamo Bay Naval Station and that spreads flames all over Latin America and as far as Zanzibar off the coast of Africa, while we patiently traipse around with a bucket trying to douse the fires.

We know well enough where the money and men to make this trouble come from—Moscow. And Khrushchev, embracing Castro for the photographers, tells us to keep hands off this boy—the same Khrushchev with whom we are now trying to buddy up.

Meanwhile—

France, a presumed ally, tries to embrace Red China. She does all she can in other ways to embarrass us in southeast Asia, where American boys are dying.

Great Britain, our friend, comes to Castro's rescue with several hundred buses. For what? For a few bucks.

Canada, another friend, has been bailing out Mao in Red China for years with huge shipments of wheat. Commercially it has paid. These and the big sale to Russia last fall have sopped up all the wheat Canada could raise, while we sat on a surplus here. Now there's a veritable footrace to see who can get to the Communist world with the "mostest firstest."

And how about us? We're no better. For dollars, and nothing but dollars, and without a single political concession or even an attempt to get one, we're almost in a frenzy to sell wheat to Russia (while righteously denying any to Red China and criticizing Britain for selling buses to Castro).

We're so anxious to take in the money that we'll apparently make any concession necessary. We uttered brave words at the time of the deal—to quiet our own citizens. The sale would have to be for cash on the barrelhead. Now we've retreated and let it be for credit. The grain had to be shipped in American bottoms. Well, maybe only half of it in American ships, we were presently saying. And when the Russians wouldn't agree to that, because American ships charge more, we simply paid the exporter an extra 14 cents per bushel, to relieve the Russians of the necessity. This was a quiet little deal in which the U.S. taxpayer footed the bill without ever knowing it.

Meanwhile we shell out billions upon billions to "contain communism." That's what much of our huge "foreign aid" expenditure is really for. Certainly it's what our enormous military expenditure is for.

We send Bobby Kennedy half way around the world to try to quiet Mr. Sukarno in Indonesia; we dispatch other troubleshooters to Africa and Central and South America; we have Adlai Stevenson make another wrist-slapping speech in the United Nations; we get contradictory reports from Secretary McNamara on how our war is going in Vietnam. The less said about it the better, apparently. Let's not look now. Maybe it will just go away.

Too bad about the 175 American boys, of course, but things like that can't be helped.

They can't? Well certainly they can't so long as we have no clear foreign policy versus communism, and so long as we lack the guts to enforce a policy even if our Government had one.

Isn't it about time the United States of America decided how to fight this "cold" war, then fought it?

EXPORT OF AMERICAN GRAIN

Mr. MILLER. Mr. President, a timely editorial was published in the Farm Journal for January 1964 entitled "Will Farmers Be Sold Out?" written by Carroll P. Streeter, editor. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILL FARMERS BE SOLD OUT?

(By Carroll P. Streeter)

About a month ago I saw a lot of your grain being unloaded in the world's great ocean-cargo port—Rotterdam in the Netherlands.

This great harbor was one vast maze of freighters, cranes, and floating elevators which sidle up to the big ships and transfer the grain to barges or smaller vessels. These craft in turn float your corn, soybeans, and wheat up the Rhine clear to Switzerland or coastwise to northern Europe.

You're pouring 10 million tons of grain a year into Western Europe, and a total of $2 billion worth of various kinds of farm goods, most of this for American dollars.

What I have to report to you now is that you stand a real chance of losing much of this great market. Eventually livestock raisers as well as grain farmers could be hurt.

I could come to no other conclusion after attending a symposium in Amsterdam on agricultural trade, after visiting the Common Market Headquarters in Brussels, and after talking with farm leaders from all over Europe.

France is trying to elbow you right out of the picture as grain supplier for the Common Market, and she has the land to do it.

Moreover, a plan recently proposed by the Agricultural Commission of the Common Market would let her do it. It would set uniform high support prices of grain for "the Six" (France, Germany, Italy, the Netherlands, Belgium, Luxembourg). It would also sharply increase the tariffs against us.

A veteran grain man at Rotterdam estimated for me that under such a plan France could have an advantage over us of up to $7 or $8 a ton in selling corn to Germany.

The plan has yet to be adopted by the Council of Ministers, and a fierce internal struggle lies just ahead. But there's great pressure on them to arrive at a semblance of a common agricultural policy before the nations of the free world meet this May in Geneva to revise the General Agreement on Tariffs and Trade (the so-called GATT meetings). If The Six can go to Geneva with something of a united front on agriculture they'll be in stronger position to bargain with the rest of the world.

Chances are The Six will not adopt the plan in one lump but will do it in three steps beginning next year and extending to 1966-67.

What's happened already is amazing.

Here are six nations which through the centuries have been at each other's throats, the last time only 20 years ago. Traditionally they have been highly nationalistic. They have a heritage of different cultures, different customs, different languages.

Even to dream that the diverse farm patterns of centuries could of a sudden be welded into one, to imagine that recent bitter enemies could consider a common market at all, seems fantastic. Yet they're doing it. They've sweat blood to get this far. They still have a long way to go, but I for one wouldn't care to bet they won't make it.

The big hurdle is arriving at a common price for grain, for grain is basic to everything else.

Germany, with the poorest land in Europe, has had to maintain the highest support prices in order for its 3 million farmers to survive.

And to survive, without moving off the land, is just what they are determined to do. They believe in the saying on an old German coin, "Nothing is ever lost until you give it up," and they don't intend to give up farming. Through the powerful German Farmers' Organization, they have told Chancellor Erhard so in no uncertain terms. And since Mr. Erhard's government depends on a coalition, he can't disregard 3 million voters anywhere.

Although German farmers are protectionist, the government has reasons for a more moderate stand. First, her industrialists don't want anything to happen to their exports to us. Second, Germany is the only nation of the Six bordering the Communist world. There are some tough kids in the block, and she isn't anxious to antagonize her big brother, the United States.

France has half of the good farmland in Europe. A lot of it is in grass which could be put to grain any time the price got attractive.

French farmers, staggering under surpluses and low prices, have been rioting. They are shouting for higher prices, and for a chance to take over the big European grain market—at our expense.

The Benelux countries import feed and raise livestock, hence want to keep on buying our cheaper grain. Besides they don't want to see their big port at Rotterdam hurt.

Imagine trying to reconcile conflicting national interests like these and arriving at one price for grain. Yet that's just what the new plan for the Six would do. It has been dubbed the "Manshot plan" after Dr. Sicco L. Mansholt, a remarkable Dutchman who was once a farmer but now is top farm leader in the entire Common Market.

Dr. Mansholt says his plan would lower German farm prices 11 percent to 15 percent, raise French prices 9 percent, and make smaller changes in Italy and the Benelux countries. He claims these prices wouldn't stimulate grain production in France and says U.S. imports would be undisturbed for the next 10 years.

Nobody outside the Common Market is buying this. As one foreign expert told me, "I take eet wiz so much zalt it nauzeates me."

Our USDA figures the rise in the French price at nearer 20 percent.

Secretary Freeman in his Amsterdam speech expressed concern lest the Common Market take a step backward.

Christopher Soames, British Minister of Agriculture, observed in an interview that "if our farmers got an increase like that they would be out sowing wheat amid the rocks.

Of course the French like the plan, and German farmers are infuriated. Imagine how you would feel if you were told to take a 15 percent cut in income to benefit another country, as they are asked to do.

"If I were a German farmer I would be mad, too," Dr. Mansholt told me, "but we have got to come to it."

To ease the pain, there would be a compensation fund for the Germans, Luxembourgers, and Italians, paid by the French, Belgians, and Dutch—or maybe by us. We would pay it if the money ever came from tariff receipts, as someday it might.

When and if a high price for grain is adopted over there our feed grain farmers would take the heaviest blow. We will likely hold about even on wheat sales, simply because Europe needs our hard wheat for blending. Our soybean and cotton sales to Europe are not endangered; Europe can not raise either. For the present no new tariffs on fruit or tobacco are proposed.

This month The Six hope to adopt agreements on livestock, dairy products, and rice. None bodes us any good. We sell little livestock product over there, but Australia and New Zealand do, and if Europe largely shuts them out they will naturally try harder to sell here.

Well what can the United States do about it? Just one thing, but that could be potent if we will use it.

Western Europe sells us $3.7 billion of industrial products a year, only $330 million of farm stuff. If she wants to keep our farm imports out over there we can keep her industrial goods out over here. We would have to in view of our precarious balance-of-payments situation. This kind of action—not talk—is all that can get results.

The key strategy will be to bargain in Geneva on agricultural and industrial concessions in one package. This our Government has announced to the world it will do.

Which is where you come in. Join both a general farm organization and your commodity organization. Strengthen them so they in turn can strengthen our Government's resolve.

It is your business that is at stake. If you, your farm organization, and your Government do not put up a fight, you could be eased right out of your biggest cash market in Europe. And this is no dream.

EGG PRODUCERS MARKET

Mr. MILLER. Mr. President, on February 20, I commented on the state of the market insofar as egg producers were concerned. I expressed the hope that steps would be taken not only to correct a situation in which the bottom had dropped out of the egg market but also to prevent recurrences in the future.

At that time I inserted in the RECORD a table relating to egg exports and imports—see page 3304, CONGRESSIONAL RECORD, February 20, 1964—and this table showed a balance in our favor. This is all to the good.

Little did I realize at that time that the handwriting on the wall was plainer and larger than I thought. Little did I realize that events were shaping up even then to indicate that a change in this favorable balance was or could be in the wind.

I should like to quote in its entirety a small item which was published on the front page of the Wall Street Journal of March 3:

> Danish eggs reach the United States; more are on the way. Egg traders say the shipments, which began in February, will exceed 300,000 dozen, highest in at least a decade. The United States didn't import any eggs from Denmark last year. Despite a 3.5-cent-per-dozen tariff, the imports sell in New York for slightly less than comparable grades of domestic eggs. Recent hikes in Common Market tariffs force nonmember Denmark to seek new outlets.

Mr. President, this news should serve as a warning to us. The United States, because of its easy import policies, is now becoming the dumping ground for every nation in the world. We are seeing that happen in the case of meat. It could happen in the case of eggs. Who knows where it will stop? When the agricultural economy of this Nation is bankrupt, perhaps?

Let us hope that the egg producers will never be faced with the problems that livestock producers now have. But we had better not raise our hopes too high.

ILLEGAL WIRETAPPING AND MAIL SURVEILLANCE

Mr. MILLER. Mr. President, the eminent columnist, William S. White, wrote a to-the-point article which was published in the Washington Evening Star of March 4. I feel it speaks for itself, and I believe it merits the attention of Members of this body.

I ask unanimous consent to have the column, entitled "An Odor of Police-State Methods," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

AN ODOR OF POLICE-STATE METHODS

(By William S. White)

An unpleasant odor of police-state methods—of instances of illegal wiretapping and of Federal snoopery over the mail of private persons—is arising from the vicinity of the U.S. Department of Justice.

The victims of these episodes have been, of course, either highly unpopular or even "bad" men, in the minds of many. This superficial circumstance, however, is wholly irrelevant to the deep, root fact that this abuse of the Federal investigative power is fundamentally alien to a free society. It is mortally offensive to the constitutional guarantees of freedom and privacy which above all it is this same Justice Department's responsibility to shelter rather than attack.

Attorney General Robert F. Kennedy, the Department's head, owes a duty to his position and to the American tradition not simply to put a stop at once to every form of this unfairness. It is his obligation as well to punish those officials involved in it—resolutely and pitilessly.

HAS HIGHER FUNCTION

For the Department of Justice has one function even higher than that of fighting crime and subversion. This is the lofty duty to protect and defend the Constitution and the Bill of Rights of the people—including the bad people—under it.

Though there is no evidence that the Justice Department has been running actually wild in this area, it is all the same a fact that recent examples of extra legal Federal action against so-called baddies are troubling many reasonable men, most notably in the U.S. Senate.

Roy Cohn, the New York lawyer under Federal indictment on perjury and conspiracy charges, complains that his mail is under Government surveillance—a clear and undeniable violation of his basic rights as a defendant in a criminal case brought against him by that same Government. Justice Department spokesmen first deny any Federal mail watch on their behalf. Subsequently, they are compelled to admit the truth of Cohn's complaint; they then blame it on an assistant Federal prosecutor.

A Federal judge, Archie O. Dawson, feels obliged publicly to denounce the incident as "shocking"—as indeed it is, in spite of the fact that Cohn in his day was an eager part of the pack of professional accusers of other men who gathered around the late Senator Joseph R. McCarthy, of Wisconsin.

Edward Levinson, a Las Vegas (Nev.) gambler—albeit, a perfectly legal gambler under the laws of that State—says before a Senate committee investigating the Bobby Baker case that Federal authorities "bugged" his telephones. This sort of thing has repeatedly been condemned by the courts of this country as a dirty business.

It is disclosed at the same time by United Press International that Nevada Members of Congress had gone to President Johnson—himself a lifelong antagonist of all forms of illicit Federal snooping—to protest reported Federal wiretapping in both Las Vegas and Reno, even before the Levinson affair. UPI reports that Senator HOWARD CANNON, of Nevada, had then been assured by a Justice Department official that there would be no Federal wiretapping in that State.

HANDED SUBPENA

And to add to all this unpleasant and disturbing business, Levinson, in the midst of his appearance before the committee in the Baker case, is handed a subpena in an income-tax investigation by a Federal agent who invades the very Senate without its knowledge or permission to work this blatantly intimidating unfairness to a Senate witness.

The point to be stressed in all this is that good intentions are no substitutes for correct Federal procedures. For unless the constitutional rights of all of us—including, and even particularly including the Cohns and Levinsons, whatever their real or alleged sins—are kept safe, the rights of none of us can be guaranteed in the end.

The understandable and proper desire of Federal agents and prosecutors to enforce the law must not be further confused with the fateful duty of these agents and prosecutors to uphold something else called the Constitution of the United States.

CONDITIONS IN SOUTH VIETNAM

Mr. MILLER. Mr. President, a vivid and heart-rending illustration of the conditions in South Vietnam is depicted in a feature article which was published in the February 16 issue of the Des Moines, Iowa, Sunday Register's "Picture" magazine.

It relates to the problems faced by Dr. Robert Norton, son of Prof. and Mrs. R. H. Norton, of Grinnell, Iowa.

In a letter to his parents, Dr. Norton wrote:

> In our 30-bed postoperative ward we have * * * one patient to a bed with sheets. In our other wards we have two or three patients to a wooden bed with a straw mat * * *. Bob Edwards and I have between 200 and 300 patients and 148 beds at our disposal.

His story is that of war at its worst. It is this war which we must take into consideration in the midst of all this talk of uncertain policy in South Vietnam. It is this war we must face up to. Inconsistent, wavering policies which seem to be the rule of thumb nowadays will not lessen these conditions and problems.

It is heartening to see how Dr. Norton sums up his role in South Vietnam. I should like to quote the pertinent paragraph:

> We're doing something vital here. Not just medically. When a Vietnamese, coming out of shock, sees an American trying to save him, the "Ugly American" myth crumbles a bit more.

That one thought makes all our efforts worthwhile.

I ask unanimous consent to have the article, entitled "An Iowa Doctor in Vietnam," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN IOWA DOCTOR IN VIETNAM

"I didn't go into medicine to stay in one part of the world and make money while people on the other side bleed to death," said Dr. Robert Norton of Grinnell recently.

That he meant what he said was obvious, for he was speaking in a crowded hospital in the South Vietnam town of Can Tho, halfway around the world from Iowa.

Dr. Norton went to Vietnam in 1962 as a member of the U.S. operations mission. Can Tho is 80 miles south of Saigon in the Mekong River delta, a huge waterlogged battleground for Communist-led Vietcong guerrillas and South Vietnam troops equipped, trained and advised by U.S. military personnel. The war they wage is a war of ambush, of hit-and-run fighting.

The Vietcong does not limit its attacks to military outposts. In terrorist raids on villages the guerrillas seize weapons and food, then use the threat of similar raids to extort more from other villages. Eighty percent of South Vietnam's battle casualties are civilians; caring for those brought to the hospital at Can Tho is the job of Dr. Norton and an American colleague, Dr. Robert Edwards. These pictures, which appeared recently in Look magazine, show the 33-year-old Iowan in the hospital.

"Sometimes," said Dr. Norton, "an entire village is carried in at once. Most of our cases are 'difficult.' That means they're apt to die."

In a recent letter to his parents, Prof. and Mrs. R. H. Norton of Grinnell, Dr. Norton wrote that "the majority of patients we see are war casualties. My patients are almost all Vietnamese. We also take care of the American civilians in town. This is, of course, mostly general practice. If there are casualties in the immediate area among the Americans, we see them and send them on unless we think they would not live to reach Saigon. So far we have just had to operate on two."

Even without combat injuries, there are plenty of civilian medical problems, as the letter explains:

"We see a lot of typhoid fever with holes in the bowel and peritonitis; diphtheria needing tracheotomies, appendicitis where the appendix has been perforated for days, trapped hernias, wombs torn during delivery * * * and far advanced cancer. When we do not have emergencies, we do elective surgery.

"In our 30-bed postoperative ward we have * * * one patient to a bed with sheets. In our other wards we have two or three patients to a wooden bed with a straw mat. Bob Edwards and I have between 200 and 300 patients and 148 beds at our disposal."

Dr. Norton was born in Grinnell and was graduated from Grinnell College, where his father is a professor of history. He was graduated from Harvard Medical School in 1956, interned at Iowa Methodist Hospital in Des Moines and then spent 4 years there as a resident surgeon. His wife, Jo, whom he met in Denver on a cross-country birdwatching trip, and their three children—Sean, 5; Tad, 4; and Sharon, 2—are with him in Can Tho, which itself is often the target of Vietcong terrorists.

Dr. Norton sees his role in Vietnam as more than that of a physician, even a very dedicated one. "We're doing something vital here," he told a recent visitor. "Not just medically. When a Vietnamese, coming out of shock, sees an American trying to save him, the 'Ugly American' myth crumbles a bit more."

WESTERN TRADE WITH THE COMMUNIST BLOC

Mr. MILLER. Mr. President, Mr. Edwin L. Dale, Jr., a correspondent for the New York Times in Washington, wrote a very scholarly article on the dispute between the United States and its allies over Western trade with the Communist bloc, which appeared in the March 1 issue.

He penetrates beneath the surface to pinpoint the differences among the Western nations in approaches to the trade question.

Mr. Dale draws the conclusion that it is unlikely that those nations will change their thinking or their policies on trade with the bloc. And he believes that the United States will continue to stand alone on several aspects, and, as he puts it, "will continue to get meager results."

He feels, and somehow I must agree with him, that:

> In any case, the political debate will continue and allied nerves will continue to be rasped from time to time. But there is some reason to suspect that much of the debate, and the dispute, is now more for the record than anything else, and that the basic situation is an "agreement to disagree."

I think very much implied in that statement is that the United States cannot be successful in its semieconomic warfare if it declines to take a firm position, as I said earlier in my remarks regarding the speech of the Senator from Arkansas, that any statements this Nation may make are for public edification—an attempt to make the American public believe that the administration wants to do something about the problem.

Mr. Dale says:

> This situation is bound to be frustrating—a frustration likely to find its most acute expression in Congress rather than in the White House or the State Department.

On this, I agree. The Congress appears to be the only one to be greatly concerned about the matter. It is too bad because the image in the world mind of our policies is one of inconsistency and confusion.

But despite this, Mr. Dale does not feel that the NATO alliance, founded on reasons of mutual self-protection, is in any danger of breaking up. This probably is very true but it does nothing in projecting a clear picture of firm leadership on our part.

Our failure to take a firm and concrete position in the blockade of Cuba has resulted in a negation of our avowed aim to break Castro to his knees economically.

This is shown in a New York Times article of March 1.

The lead paragraph of that article by Juan de Onis tells the story.

> The economy of Cuba has taken the Sunday punch of the U.S. commercial and financial blockade and is still on its feet.

In that connection I believe the remarks of the distinguished Senator from Arkansas earlier this afternoon were very appropriate, when he pointed out that the public should not get its hopes up high about Castro being brought to his knees.

Parenthetically, I should add that that "Sunday punch" has been no more than a slight tap.

This failure results in Castro, as set out in the Times of today, being able to ridicule the United States in our economic blockage efforts.

I ask unanimous consent to have the articles, entitled "Dispute Grows Over Western Trade With the Communist Bloc," "Castro Presses the West for Expanded Trade," and "Castro Ridicules United States on Blockade," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 29, 1964]

DISPUTE GROWS OVER WESTERN TRADE WITH THE COMMUNIST BLOC

(By Edwin L. Dale, Jr.)

WASHINGTON, February 29.—Almost since the beginning of the cold war there has been a running disagreement between the United States and its major allies on the question of trade with Communist countries.

The debate has waxed hot and cold, calm and bitter. It has found the allies not only differing with this country but also among themselves. It has found the United States gradually evolving not one but at least six policies, depending on who is trading with whom.

The issue blazes periodically into the headlines: allied differences over what is "strategic" in exports to Communist countries; Italian imports of Soviet oil; German exports of heavy steel pipe to the Soviet Union; British exports of buses to Cuba; French exports of planes to Communist China; Japanese credit financing of a textile plant in Communist China; U.S. exports of wheat to the Soviet Union.

The question will almost certainly never be settled while Communist countries exist because it reflects not only differing national interests, but also the whole gamut of views and feeling, both within and between nations, about communism, the individual Communist countries and the best way to wage the cold war.

I. THE TRADE TODAY

For at least a decade, the total volume of trade between Communist countries and non-Communist countries has had three main characteristics.

1. It has consistently grown. Exports to Communist countries by the nations of Western Europe and Japan have doubled in the last 6 years to about $3 billion annually now.

2. It has consistently represented only a very small part of the growing total exports of individual non-Communist industrial countries, which trade mainly with each other. For the free world as a whole, exports to Communist countries have remained less than 5 percent of the total.

3. This trade has consistently represented an almost equally small part of the total exports of the Communist countries, which also trade mainly with each other.

The biggest single trader with the East by a good margin among the Western countries is West Germany—ironically because she is the heaviest trader with her political enemy, East Germany. Britain, Italy, France and Japan come next in line, in differing order from year to year. The United States is at the bottom of the list.

The bulk of the trade of the Western allies with the Communist countries consists of exports of machinery and a variety of other manufactured goods, all nonstrategic, and imports of products such as timber, coal, oil, and some foodstuffs.

The steady growth of trade applies to exchanges with the Soviet Union and the East European Communist countries. Trade with Communist China has been smaller and has fluctuated up and down with changes in Chinese policies and the change in China's economic situation.

Cuba has shown the most violent fluctuation. In 1958, non-Communist Cuba imported $788 million from the rest of the free world. This had dropped to $175 million in 1961 and even less in 1962 and 1963, for which final figures are not available. This was mainly because of a deliberate shift by the new Communist Government in Cuba toward trade with the Communist countries, chiefly the Soviet Union. Recently, however, the Castro regime has indicated a renewed interest in importing from the West and is trying to set aside enough sugar to export to the West in order to earn the necessary foreign exchange.

II. DEBATE IN WEST

The running dispute among the allies—or, more particularly, between the United States on one hand and most of the allies on the other—stems mainly from an almost subconscious U.S. leaning toward economic warfare against communism, not shared by the allies. Yet, as Secretary of State Dean Rusk explained this week, the U.S. policy amounts to a theme with variations—a policy that has evolved into a somewhat complicated mixture as the Communist world has evolved.

Underlying the diverse policies is a strong current of feeling in this country that trade with any Communist country at any time in any product is evil because it is bound to strengthen Communism. This theme became strongly apparent in the extremely close votes in Congress on the issue of sale of wheat to the Soviet Union.

While it is not necessarily a majority view, it is sufficiently widespread to impose a policy of caution on the Government. Sometimes suggesting that trade with Communists is bad and sometimes hinting that it can be good, the Government has produced its mixed bag of policies.

1. For American trade with the Soviet Union and the countries of Eastern Europe, there is a long embargo list of supposedly strategic goods, which can range down to oil refineries and chemical plants. In addition, imports from these countries must pay tariffs more than twice as high as those from non-Communist countries.

2. For the allies, the United States has struggled in a long, uphill fight for the longest possible strategic list of goods that it is agreed will not be exported to the Communist countries. The allies have steadily whittled down the list to items of direct military application.

3. Again for trade with these same Communist countries, the United States frowns on credit to finance exports, particularly credit longer than 5 years. This is viewed in Washington as a sort of foreign aid to communism, or helping Premier Khrushchev to escape from his economic problems.

4. In the special case of Poland and Yugoslavia, the United States takes a more relaxed view of export control and also imposes normal tariffs on imports. There is a possibility this policy may be extended to other East European countries deemed to be emerging from satellite status.

5. In the case of Communist China, North Korea and North Vietnam, the United States has an outright embargo on all trade in both directions. It opposes allied trade, too, without much success, though there is a strategic embargo list. These are all countries the United States does not recognize.

6. In the case of Cuba, this country not only bars nearly all American trade, but also has been trying in various ways to impose a virtual embargo on allied trade as well. The policy has been adopted under strong,

emotional congressional pressure, and it is clear that many officials have reservations about it.

Pinpricks by United States

This policy was behind the recent seemingly absurd pinpricks in cutting off infinitesimal amounts of military aid last week to France, Britain, and Yugoslavia because they were using their shipping to trade with Cuba. This is also the policy that led to Secretary Rusk's strongly criticized suggestion that American consumers might want to boycott goods from foreign firms trading with Cuba.

The theory behind the special Cuba policy is that any trade with Cuba by free-world countries adds to Cuba's ability to "export revolution" to other Latin American countries and also postpones the day of Cuban economic collapse. With their eyes on the vast amount of Soviet trade with and aid for Cuba, this country's allies and many Americans have great difficulty believing this proposition, though most of them understand and sympathize with the psychological climate that has led to the policy.

Hardly anyone expects the policy to work. That is, if Cuba gains hard currencies by selling sugar in the free world, the Western allies will sell to her.

The Communist countries in general have been able to acquire in the West pretty nearly anything they wanted and could pay for, with the exception of military equipment and some technical items with a clear military specialty. Communist purchases in the West have been limited far more by their ability to earn Western currencies through their exports than by the American policy.

Yet a form of semieconomic warfare, even if not very effective, clearly suits the American mood.

The views of this country's main allies—Canada, Japan, Britain, and the nations of Western Europe—are not identical on the issue of trade with the Communist countries. But in one key sense the allies are in an identical situation: Foreign trade is far more important for all of them than it is for the United States.

What this means in practical terms is that far more businesses depend on export orders to make profits, and all governments, including the American, want more exports in order to balance their international transactions.

In this situation, the first instinct of these governments is: The more trade the better. With that starting point, the arguing and the nuances of differences over policy begin.

Britain's view

At one end, they all agree with the United States in opposing shipments of outright military equipment and advanced military technology. At the other end, they nearly all disagree with Washington in flatly refusing to trade with China, North Vietnam, North Korea, and Cuba. In between they differ.

Britain, for example, believes, and her Prime Minister, Sir Alec Douglas-Home, has said, that a "fat Communist is a less aggressive Communist" and, therefore, the Soviet economy should be helped, not hindered. This is the exact opposite of the widespread American feeling.

With this basic political philosophy, Britain is happy to take the governmental steps necessary to insure long-term private credits for exports of plant and equipment to the Soviet Union. The first such credits, for several hundred million dollars worth of goods, now appear on the verge of being signed.

Yet, with all their desire for trade, the British refuse for various reasons to take the one step that could increase Britain's trade with the Soviet Union most, namely, to accept Soviet oil.

Italy, on the other hand, eagerly grasps at Soviet oil and credits this cheap supply as a major reason for relatively low gasoline prices (before taxes). The Italian Government agreed reluctantly under strong allied pressure to limit Soviet oil to about 16 percent of the total supply, on the sole ground that it would be unsafe to become unduly reliant on this source.

West Germany takes a much stronger line than Britain on the credit question. But she is so anxious to trade with the Communist-bloc countries that she has caused all sorts of difficulty in the Common Market in order to maintain her imports of farm products to Eastern European countries—imports that might be supplied by France or the Netherlands.

Japan refused to recognize Communist China and refuses even to accept an official Chinese trade mission, but she no longer even pretends to oppose expanded trade by private groups.

The question of the outlook divides itself into the prospects for trade and the prospects for political harmony among the allies.

III. THE OUTLOOK

From time to time during the cold war, there have been waves of optimism—optimism, that is, on the part of those like the British, who want more East-West trade—that a major breakthrough was around the corner.

Such a breakthrough has never come. Instead, this trade has continued its steady but unspectacular growth and has remained only a small part of total world trade. The main limiting factor, though not the only one, has always been the limited ability of the eastern countries to expand their exports to the West and thus to earn the foreign exchange necessary to expand their imports.

However, there is now new talk of a breakthrough. One big reason is Mr. Khrushchev's ambitious plans for the chemical industry and his willingness to import plant and equipment from the West—on credit terms. If Britain breaks the ice with, say, 15-year credits, the Continental European nations will be strongly tempted to follow, though up to now they have urged a 5-year limit.

Another reason may be a change in China—both more willingness to deal with non-Communist countries and improved economic prospects making more Chinese goods available for export.

However, other factors, including a reported dwindling of Soviet gold reserves, may work in the opposite direction. It is still too early to foresee a notable and early jump in East-West trade, though a continuation of the past steady expansion is likely.

In any case, the political debate will continue and allied nerves will continue to be rasped from time to time. But there is some reason to suspect that much of the debate, and the dispute, is now more for the record than anything else, and that the basic situation is an agreement to disagree.

A gesture

For example, in the recent talks between President Johnson and British Prime Minister Douglas-Home, the subject producing the main headlines was the disagreement over trade policy, particularly trade with Cuba. The difference was real. But the two leaders actually devoted very little time to the subject in their talks, knowing that it would be a dialog of the deaf.

The United States aid cutoff to Britain, France, and Yugoslavia was obviously only a gesture to satisfy hardliners in Congress, with no important meaning for anyone. In the case of Spain, where an aid cutoff could have some meaning, the aid probably will not be cut.

Few officials here seriously believe that the Allies will change their thinking or their policies. And thus it is likely that the United States will continue to stand alone on several aspects of the trade question, will make appropriate statements and demands from time to time—and will continue to get meager results.

This situation is bound to be frustrating—a frustration likely to find its most acute expression in Congress rather than in the White House or the State Department. But it is not likely by itself to wreck the NATO alliance, which is founded on reasons of mutual self-protection that go deeper than trade.

[From the New York Times, Mar. 1, 1964]

CASTRO PRESSES THE WEST FOR EXPANDED TRADE—CUBAN LEADER ACTS TO AVOID INTERNATIONAL ISOLATION AS WELL AS TO SECURE MATERIAL NEEDS FOR THE ISLAND'S POPULATION

(By Juan de Onis)

HAVANA, February 29.—The economy of Cuba has taken the Sunday punch of the U.S. commercial and financial blockade and is still on its feet.

There are some indications that there may even be an upturn in the standard of living this year for many Cubans who have been on short food rations and harassed by public service difficulties.

This is still going to be an austerity economy, complicated by unresolved problems in production and distribution. Many fixed assets of the Cuban economy, such as housing and urban water works, are deteriorating visibly. The tangible rewards to the Cuban worker for the extra effort the Government asks of him on the job are not very promising.

But more than 3 years after the U.S. goods blockade and shipping blacklist began to make themselves sharply felt, the Cuban economy, now almost entirely socialized, is showing some slight improvement for the consumer, although it is certainly nobody's showcase.

There is more food available now in greater variety than at any time since 1961, according to long-time observers. A big effort is being made to increase the quantity and quality of rationed shoes and cotton clothing produced in Cuba.

If gains are made in these directions, this will depend almost entirely on internal factors—labor efficiency, better organization of existing plants, more supplies and better distribution—but Cuban trade with the non-Communist world could play an important supplementary role.

The first of 400 large buses purchased in Eastern Europe have arrived. If they are augmented with the buses Cuba has ordered from the Leyland works in England, this could improve crowded urban transport and increase bus service between cities.

TRANSPORT A PROBLEM

Public transport is one of the areas hardest hit by breakdowns of existing equipment, much of which consists of vehicles of U.S. origin. The lack of spare parts is repeatedly blamed by officials for interruptions in water and gas supply due to pump failures. Inability of factories to meet production schedules is attributed to machinery stoppages, again for lack of spare parts, and shortages of raw materials, almost entirely of European origin now. All used to come from the United States—finished products, machinery and materials.

The Soviet Union has filled the gap in critical areas. Crude oil for Cuba's refineries has been supplied regularly, at great shipping costs.

Hundreds of Soviet trucks roll through Havana's streets seeming to outnumber the aging fleet of U.S. vehicles, which included 50,000 trucks before Fidel Castro's revolution.

Under the new long-term Soviet-Cuban sugar agreement, which aims at producing 10 million tons of sugar by 1970, nearly 3 times the current output, the Russians are supplying mechanized cane harvesters and lifters.

SUGAR STRESSED

Other Eastern European countries were assigned the supply of equipment for industrial plants, but this program has been sharply cut back, with a deemphasis on industry and an all-out effort in sugar production as the immediate goal. It is widely known that serious difficulities arose between Cuba and East European suppliers of industrial equipment on questions of payment, coordination of plant construction with equipment deliveries and formation of raw-material stocks.

Quite apart from these production problems, the Cuban regime is looking to Western suppliers for goods with high public impact. The Cuban Cinematographic Institute is purchasing at least $300,000 worth of new West European and Japanese films, which are very popular here. Among the major items in Cuban trade talk with Spain and Mexico have been books in Spanish, mostly university texts and technical volumes.

The importance of the Western trade drive for the Cuban regime can be measured by the intense personal effort Premier Castro has made during the last 4 or 5 months in this direction. He has pursued Western Ambassadors at diplomatic receptions to discuss the subject. He has intervened directly in talks with British, Spanish and Japanese salesmen.

Dr. Castro announced that Cuba is willing to discuss with the Shell Oil Co., a British Dutch concern, payment of indemnification for its refineries, which were nationalized here along with U.S.-owned refineries.

DESIRE REFLECTS NEED

Dr. Castro's desire to reopen trade channels with Western countries and Japan reflects not only material needs of the Cuban economy but also, perhaps even more basically, political and psychological needs of the Cuban revolution. These are intertwined with one of Dr. Castro's most constant preoccupations, which is that Cuba avoid international isolation.

The Cuban leader has indicated to diplomats here that he does not want Cuba reduced to an embattled outpost of the Socialist world entirely dependent for her essential imports and sugar market on the distant and complicated centrally planned economies of Eastern Europe and Communist China.

"The Cuban revolution is not alone," has been an insistent theme of Cuban morale-boosting propaganda. In the past, this has referred to Soviet pledges to defend Cuba against foreign attack or to expressions of solidarity from leftist groups in Latin America or elsewhere.

At this point, the emphasis in the Cuban press on the willingness of Western countries to engage in commerce with Cuba has expanded the "we are not alone" concept to include possible trading partners in the West.

The worldwide sugar shortage, which has driven prices up to post-World War II records, has given Cuba the necessary leverage to talk trade with Western Europe, Canada, and Japan. For instance, Spain initiated commercial talks here late last year to cover a domestic sugar shortage, and Dr. Castro pushed the negotiations toward a long-term deal involving large-scale orders for Spanish fishing boats.

Cuba's immediate bargaining potential is linked, therefore, to the Castro regime's ability to make the most of the current Cuban sugar harvest. Cuba is committed to supply 1,600,000 tons to the Soviet Union this year. Last year's harvest produced 3,800,000 tons and this is apparently the target the Cuban authorities are trying to reach this year.

[From the New York Times, Mar. 5, 1964]

CASTRO RIDICULES UNITED STATES ON BLOCKADE—SAYS CUBA AND EUROPEANS DEFEND FREE TRADE

(By Juan de Onis)

HAVANA, March 4.—Premier Fidel Castro said today that Cuba "is now the best country to do business with" in Latin America.

"We pay cash," Dr. Castro said. "We are paying off all our commercial creditors. What is more, there are no revolutionary winds blowing here. Money is very nervous, you know."

He scoffed at the U.S. commercial and financial blockade against Cuba. "We find ourselves in the delicious circumstance of being in the same trench with the Europeans in defense of free trade," Dr. Castro said.

The Cuban leader discussed trade, U.S. politics, dairy farming, political prisoners, Latin American revolutions, President de Gaulle, and the Central Intelligence Agency, among other subjects, during an informal meeting with foreign correspondents early in the day at a Moroccan Embassy Independence Day reception.

Morocco has signed a trade agreement with Cuba to buy 250,000 long tons of sugar this year and supply canned sardines, lentils, and chick peas, and phospate fertilizer.

POSES WITH TWO ENVOYS

Floodlights blazed and cameras whirred as Dr. Castro posed in a green fatigue uniform with Moroccan Chargé d'Affaires, Abdelkader Ismael, and the Soviet Ambassador, Aleksandr Alekseyev, at the Moroccan Embassy residence. More than 300 guests attended.

The residence is a lavish modern house with an illuminated swimming pool. It belonged to a Cuban lawyer and senator during the Batista regime. He is now in exile.

Many similar residences in the area, the once exclusive Cubanacán district, are occupied by thousands of boys and girls studying on state scholarships in various schools.

In most cases, the former owners left Cuba after Dr. Castro came to power in 1959, or later as the victorious revolutionary movement moved toward socialism and alinement with the Soviet Union.

Dr. Castro was in an expensive mood at the reception. The foreign exchange situation, he said, was much, much better today than when the revolutionary regime took power.

In addition to negotiating a settlement with the Shell Oil Co. for an expropriated refinery, he said, Cuba was prepared to settle with other British investors whose properties had been taken over.

Asked if he would negotiate with Standard Oil Co. of New Jersey and the Texas Oil Co., whose refineries were also seized, Dr. Castro replied: "No."

"The attitude of the British Government toward Cuba has been very different from that of the United States," he said.

The only explanation he can imagine for the persistence of the U.S. policy of commercial blockade, Dr. Castro went on, was that President Johnson "is trying to discredit a policy pushed by the Republicans."

ON GOLDWATER AND ROCKEFELLER

"BARRY GOLDWATER is my candidate for President in the next election, but I'm afraid he will not win," he said in mock seriousness. Then he added:

"Send that. The way they feel about me up there that should take some votes away from GOLDWATER."

In a more sober tone, Dr. Castro denied reports that he had any personal preference for Governor Rockefeller of New York as the Republican nominee, or that he had sent him a box of cigars.

He was asked if Cuba had invited President de Gaulle to visit this country during the general's trip to Latin America later this year.

He said no, but added that the French leader would be well received by the Cuban people if he came.

Dr. Castro also said that he would be pleased to visit Algeria but that he could not announce plans for any foreign visits for reasons of security.

Asked if he meant that his life might be endangered if he flew outside Cuban territory, he replied, "We believe that the CIA is capable of anything, however nefarious."

[From the New York Times, Mar. 4, 1964]

U.S. TO CONTINUE AID TO SPAIN

WASHINGTON, March 4.—The U.S. announced today that military aid to Spain would be maintained at normal levels because she had taken "appropriate steps" to prevent her ships and aircraft from transporting commodities to and from Cuba.

The nature of these steps remain secret. The administration has refused to discuss the Cuba trade situation publicly pending consultations with Congress.

Robert McCloskey, State Department press officer, disclosed the settlement of the Spanish problem in answer to a question at a briefing session.

On February 18 the United States ordered that no new aid commitments be made to Spain and Morocco until they clarified what steps they were taking to curb the transport of commodities to Cuba in vessels flying their flags. Because Britain, France, and Yugoslavia refused to consider any such steps, a tiny amount of military aid to them was permanently eliminated.

Spain has been receiving only U.S. military aid. Last year it exceeded $30 million. A rise this year was expected.

DELIBERATE SPEED TOWARD CIVIL RIGHTS GOALS

Mr. McINTYRE. Mr. President, it has been argued that the civil rights bill seeks to achieve too much too soon. This is not a justified charge. We must remember that 9 years have passed since the Supreme Court called for "all deliberate speed" in its equity decree in *Brown* v. *Board of Education*, 349 U.S. 294, at 301 (1955). Yet in the 1963 school year, no Negroes attended public schools with white children on a primary or secondary level in South Carolina, Alabama, or Mississippi. Since then a handful of school districts have been integrated in South Carolina and Alabama by order of the courts. Only 8 percent of the Negro pupils in the South attend schools with white children, and of these the great majority are from the six border States and the District of Columbia.

I do not dispute the fact that segregation of the races constitutes a deep-rooted social problem and the courts have been well aware of its stubborn character. But 10 years after the segregation of schoolchildren was found to violate their constitutional rights, and 9 years after the Supreme Court set a standard of all deliberate speed for compliance, the record is one of evasion and disregard of the law. For how long can respect for our Constitution survive calculated disobedience?

THE RECORD OF DELAY IN SCHOOL DESEGREGATION

Recently the Supreme Court considered the question of delay in complying with the 1954 school desegregation ruling and directed lower courts to take the years of delay into account in deciding whether or not local plans for compliance were offered in good faith. The Court observed that 8 years had passed since the mandate of "all deliberate speed" and 9 years had passed since the first Brown decision. "The context in which we must interpret and apply this language to plans for desegregation has been significantly altered." *Goss* v. *Board of Education*, 373 U.S. 683, at 689 (1963).

H.R. 7152 WOULD PROVIDE A MODERATE REMEDY

Despite the long years of delay, which denied the benefits of the 1954 decision to virtually all the Negro children of the South, the civil rights bill now before the Senate proposes no drastic remedies. The bill would authorize the Department of Justice to sue to compel desegregation where the students or parents involved are unable to bring suit and if such a suit would be important to the orderly progress of desegregation in public education. The Attorney General could bring such an action only after receiving a written complaint. The issue, needless to say, would be decided by a court, and not by the Attorney General's say-so.

OTHER PUBLIC FACILITIES

It was in 1955 that the bar against State-enforced racial segregation was held to apply to recreational facilities, in *Dawson* v. *Baltimore*, 350 U.S. 877. Last year, again after 8 years had elapsed, the Supreme Court considered the question of how rapidly desegregation should proceed in public parks and recreation facilities. Specifically, the Court considered and rejected the argument that equality must be postponed until all danger of violence subsides. The Court also noted that the years of delay since the 1955 ruling constituted an evasion of the responsibilities of the States. In last year's opinion, in *Watson* v. *City of Memphis*, 373 U.S. 526 (1963), the Court stated:

> We cannot ignore the passage of a substantial period of time since the original declaration of the manifest unconstitutionality of racial practices * * * and the many intervening opportunities heretofore available to attain the equality of treatment which the 14th amendment commands the States to achieve. * * * Brown never contemplated that the concept of "deliberate speed" would countenance indefinite delay in elimination of racial barriers in schools, let alone other public facilities not involving the same physical problems or comparable conditions.

The Watson opinion, by Mr. Justice Goldberg speaking for a unanimous Supreme Court, is a forceful statement on the need for corrective legislation in school desegregation and the opening of public facilities on a non-discriminatory basis. I ask unanimous consent that the conclusion of this opinion be reprinted at this point in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM WATSON VERSUS MEMPHIS

II

When, in 1954, in the first Brown decision, this Court declared the constitutional impermissibility of racial segregation in public schools, it did not immediately frame a decree, but instead invited and heard further argument on the question of relief. In its subsequent opinion, the Court noted that "[f]ull implementation of these [applicable] constitutional principles may require solution of varied local school problems" and indicated an appropriate scope for the application of equitable principles consistent with both public and private need and for "exercise of [the] * * * traditional attributes of equity power." 349 U.S., at 299–300. The District Courts to which the cases there under consideration were remanded were invested with a discretion appropriate to ultimate fashioning of detailed relief consonant with properly cognizable local conditions. This did not mean, however, that the discretion was even then unfettered or exercisable without restraint. Basic to the remand was the concept that desegregation must proceed with "all deliberate speed," and the problems which might be considered and which might justify a decree requiring something less than immediate and total desegregation were severely delimited. Hostility to the constitutional precepts underlying the original decision was expressly and firmly pretermitted as such an operative factor. Id., at 300.

The nature of the ultimate resolution effected in the second Brown decision largely reflected no more than a recognition of the unusual and particular problems inhering in desegregating large numbers of schools throughout the country. The careful specification of factors relevant to a determination whether any delay in complying fully and completely with the constitutional mandate would be warranted demonstrated a concern that delay not be conditioned upon insufficient reasons or, in any event, tolerated unless it imperatively and compellingly appeared unavoidable.

This case presents no obvious occasion for the application of Brown. We are not here confronted with attempted desegregation of a local school system with any or all of the perhaps uniquely attendant problems, administrative and other, specified in the second Brown decision as proper considerations in weighing the need for further delay in vindicating the 14th amendment rights of petitioners.[1] Desegregation of parks and other recreational facilities does not present the same kinds of cognizable difficulties inhering in elimination of racial classification in schools, at which attendance is compulsory, the adequacy of teachers and facilities crucial, and questions of geographic assignment often of major significance.[2]

Most importantly, of course, it must be recognized that even the delay countenanced by Brown was a necessary, albeit significant, adaptation of the usual principle that any deprivation of constitutional rights calls for prompt rectification. The rights here asserted are, like all such rights, present rights; they are not merely hopes to some future enjoyment of some formalistic constitutional promise. The basic guarantees of our Constitution are warrants for the here and now and, unless there is an overwhelmingly compelling reason, they are to be promptly fulfilled.[3] The second Brown decision is but a narrowly drawn, and carefully limited, qualification upon usual precepts of constitutional adjudication and is not to be unnecessarily expanded in application.

Solely because of their race, the petitioners here have been refused the use of city owned or operated parks and other recreational facilities which the Constitution mandates be open to their enjoyment on equal terms with white persons. The city has effected, continues to effect, and claims the right or need to prolong patently unconstitutional racial discriminations violative of now long-declared and well-established individual rights. The claims of the city to further delay in affording the petitioners that to which they are clearly and unquestionably entitled cannot be upheld except upon the most convincing and impressive demonstration by the city that such delay is manifestly compelled by constitutionally cognizable circumstances warranting the exercise of an appropriate equitable discretion by a court. In short, the city must sustain an extremely heavy burden of proof.

Examination of the facts of this case in light of the foregoing discussion discloses with singular clarity that this burden has not been sustained; indeed, it is patent from the record that the principles enunciated in the second Brown decision have absolutely no application here.

III

The findings of the District Court disclose an unmistakable and pervasive pattern of local segregation, which, in fact, the city makes no attempt to deny, but merely attempts to justify as necessary for the time being. Memphis owns 131 parks, all of which are operated by the Memphis Park Commission. Of these, only 25 were at the time of trial open to use without regard to race;[4] 58 were restricted to use by whites and 25 to use by Negroes; the remaining

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[1] The factors set out by the Court in the second Brown decision were "problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems." 349 U.S., at 300–301.

[2] Recognition of the possible need for delay has not even been extended to desegregation of State colleges or universities in which like problems were not presented. See, e.g., *Florida ex rel. Hawkins* v. *Board of Control*, 350 U.S. 413, where, in remanding on the authority of Brown, this Court said that "[a]s this case involves the admission of a Negro to a graduate professional school, there is no reason for delay. He is entitled to prompt admission under the rules and regulations applicable to other qualified candidates." 350 U.S., at 414. See also *Lucy* v. *Adams*, 350 U.S. 1. Similarly, both before and after Brown, delay has neither been suggested nor countenanced in eliminating operation of racial barriers with respect to transportation, e.g., *Boynton* v. *Virginia*, 364 U.S. 454; *Henderson* v. *United States*, 339 U.S. 816; *Morgan* v. *Virginia*, 328 U. S. 373; *Browder* v. *Gayle*, 142 F. Supp. 707, aff'd, 352 U.S. 903; voting, e.g., *Schnell* v. *Davis*, 336 U.S. 933; *Smith* v. *Allwright*, 321 U.S. 649; racial zoning of property, e.g., *City of Richmond* v. *Deans*, 281 U.S. 704; *Buchanan* v. *Warley*, 245 U.S. 60; or employment rights and union representation, e.g., *Brotherhood of Railroad Trainmen* v. *Howard*, 343 U.S. 768.

[3] This principle was well established even under the now discarded "separate but equal" doctrine. See e.g., *McLaurin* v. *Oklahoma State Regents for Higher Education*, 339 U.S. 637, 642; *Sweatt* v. *Painter*, 339 U.S. 629, 635; *Sipuel* v. *Board of Regents of University of Oklahoma*, 332 U.S. 631, 632–633. See also *Florida ex rel. Hawkins* v. *Board of Control*, 350 U.S. 413, 414, and notes 2 and 4, supra.

[4] These figures, and others referred to in the text, apparently represent the total extent of progress, as of the time of trial, toward desegregation of recreational facilities since this Court's decision eight years ago outlawing the practices here in question. So far as appears, none of the relevant facilities were open for use without regard to race prior to 1955, and, in fact, several new parks have been opened on a segregated basis since that time.

23 parks were undeveloped raw land. Subject to exceptions, neighborhood parks were generally segregated according to the racial character of the area in which located. The City Park Commission also operates a number of additional recreational facilities, by far the largest share of which were found to be racially segregated. Though a zoo, an art gallery and certain boating and other facilities are now desegregated, about two-thirds (40) of the 61 city-owned playgrounds were at the time of trial reserved for whites only, and the remainder were set aside for Negro use. Thirty of the 56 playgrounds and other facilities operated by the municipal Park Commission on property owned by churches, private groups, or the School Board were set aside for the exclusive use of whites, while 26 were reserved for Negroes. All 12 of the municipal community centers were segregated, eight being available only to whites and four to Negroes. Only two of the seven city golf courses were open to Negroes; play on the remaining five was limited to whites. While several of these properties have been desegregated since the filing of suit, the general pattern of racial segregation in such public recreational facilities persists.[5]

The city asserted in the court below, and states here, that its good faith in attempting to comply with the requirements of the Constitution is not in issue, and contends that gradual desegregation on a facility-by-facility basis is necessary to prevent interracial disturbances, violence, riots, and community confusion and turmoil. The compelling answer to this contention is that constitutional rights may not be denied simply because of hostility to their assertion or exercise. See *Wright* v. *Georgia, ante*, p. 284; *Brown* v. *Board of Education*, 349 U.S. 294, 300. Cf. *Taylor* v. *Louisiana*, 370 U.S. 154. As declared in *Cooper* v. *Aaron*, 358 U.S. 1, 16, "law and order are not * * * to be preserved by depriving the Negro children of their constitutional rights." This is really no more than an application of a principle enunicated much earlier in *Buchanan* v. *Warley*, 245 U.S. 60, a case dealing with a somewhat different form of state-ordained segregation—enforced separation of Negroes and whites by neighborhood. A unanimous Court, in striking down the officially imposed pattern of racial segregation there in question, declared almost a half century ago:

"It is urged that this proposed segregation will promote the public peace by preventing race conflicts. Desirable as this is, and important as is the preservation of the public peace, this aim cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution." (245 U.S., at 81.)

Beyond this, however, neither the asserted fears of violence and tumult nor the asserted inability to preserve the peace was demonstrated at trial to be anything more than personal speculations or vague disquietudes of city officials. There is no indication that there had been any violence or meaningful disturbances when other recreational facilities had been desegregated. In fact, the only evidence in the record was that such prior transitions had been peaceful.[6] The chairman of the Memphis Park Commission indicated that the city had "been singularly blessed by the absence of turmoil up to this time on this race question"; notwithstanding the prior desegregation of numerous recreational facilities, the same witness could point as evidence of the unrest or turmoil which would assertedly occur upon complete desegregation of such facilities only to a number of anonymous letters and phone calls which he had received. The Memphis chief of police mentioned without further description some "troubles" at the time bus service was desegregated and referred to threatened violence in connection with a "sit-in" demonstration at a local store, but, beyond making general predictions, gave no concrete indication of any inability of authorities to maintain the peace. The only violence referred to at any park or recreation facility occurred in segregated parks and was not the product of attempts at desegregation. Moreover, there was no factual evidence to support the bare testimonial speculations that authorities would be unable to cope successfully with any problems which in fact might arise or to meet the need for additional protection should the occasion demand.

The existing and commendable goodwill between the races in Memphis, to which both the District Court and some of the witnesses at trial made express and emphatic reference as in some inexplicable fashion supporting the need for further delay, can best be preserved and extended by the observance and protection, not the denial, of the basic constitutional rights here asserted. The best guarantee of civil peace is adherence to, and respect for, the law.

The other justifications for delay urged by the city or relied upon by the courts below are no more substantial, either legally or practically. It was, for example, asserted that immediate desegregation of playgrounds and parks would deprive a number of children—both Negro and white—of recreational facilities; this contention was apparently based on the premise that a number of such facilities would have to be closed because of the inadequacy of the "present" park budget to provide additional "supervision" assumed to be necessary to operate unsegregated playgrounds. As already noted, however, there is no warrant in this record for assuming that such added supervision would, in fact, be required, much less that police and recreation personnel would be unavailable to meet such needs if they should arise.[7] More significantly, however, it is obvious that vindication of conceded constitutional rights cannot be made dependent upon any theory that it is less expensive to deny than to afford them. We will not assume that the citizens of Memphis accept the questionable premise implicit in this argument or that either the resources of the city are inadequate, or its government unresponsive, to the needs of all of its citizens.

In support of its judgment, the District Court also pointed out that the recreational facilities available for Negroes were roughly proportional to their number and therefore presumably adequate to meet their needs.[8] While the record does not clearly support this, no more need be said than that, even if true, it reflects an impermissible obeisance to the now thoroughly discredited doctrine of "separate but equal." The sufficiency of Negro facilities is beside the point; it is the segregation by race that is unconstitutional.

Finally, the District Court deferred ruling as to the propriety of ordering elimination of racial barriers at one facility, an art museum, pending initiation of, and decision in, a state court action to construe a racially restrictive covenant contained in the deed of the property to the city. Of course, the outcome of the state suit is irrelevant to whether the city may constitutionally enforce the segregation, regardless of the effect which desegregation may have on its title. Cf. *Pennsylvania* v. *Board of Trusts*, 353 U.S. 230. In any event, there is no reason to believe that the restrictive provision will be invoked. The museum has already been opened to Negroes one day a week without complaint.[9]

Since the city has completely failed to demonstrate any compelling or convincing reason requiring further delay in implementing the constitutional proscription of segregation of publicly owned or operated recreational facilities, there is no cause whatsoever to depart from the generally operative and here clearly controlling principle that constitutional rights are to be promptly vindicated. The continued denial to petitioners of the use of city facilities solely because of their race is without warrant. Under the facts in this case, the District Court's undoubted discretion in the fashioning and timing of equitable relief was not called into play; rather, affirmative judicial action was required to vindicate plain and present constitutional rights. Today, no less than 50 years ago, the solution to the problems growing out of race relations "cannot be promoted by depriving citizens of their constitutional rights and privileges," *Buchanan* v. *Warley*, *supra*, 245 U.S., at 80–81.

The judgment below must be and is reversed and the cause is remanded for further proceedings consistent herewith.

Reversed.

Mr. McINTYRE. Mr. President, the civil rights bill before the Senate has been drafted because of the years of delay that have withheld the benefits of Supreme Court decisions from Negro citizens. This bill is intended to overcome delay and denial of the benefits of those Supreme Court decisions, not to lay down any new timetable, and certainly not to force desegregation of schools and public facilities at an unwise speed. We have heard from the opponents of this bill a great deal about the Constitution, but does not the Constitution set up executive departments to carry out the laws, in obedience to the mandate of the Supreme Court? If the courts are not obeyed, how long will respect for our Constitution continue? And finally, Mr. President, if this bill is not passed, how many more schoolchildren will spend all their schooldays in segregated facilities? No one pretends that even 10 percent of the Negro schoolchildren in all the Southern States, including border States, attend public school with white schoolchildren. Do we have a 10-percent Constitution, Mr. President, or has the time finally come to extend its guarantees to all citizens and provide 100-percent citizenship for all?

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[5] It is not entirely clear precisely how many properties have since trial actually been desegregated and how many were merely changed from "white-only" to "Negro-only" use in line with changes in neighborhood racial composition.

[6] Nor, contrary to predictions, does it appear that violence or disruption of any kind ensued upon elimination of racial barriers to use of certain additional facilities subsequent to trial.

[7] Except for the mention of some extra policemen assigned to duty at the city zoo, no showing was made even that additional supervision was necessary or provided at facilities which had been desegregated previously.

[8] Approximately 37 percent of Memphis' 500,000 residents are Negroes; contrary to the apparent assumption of the trial court, the recreational facilities available to Negroes were not at the time of trial all quantitatively proportional to their number and their complete or partial exclusion from certain other facilities evidenced a substantial qualitative difference. Moreover, there was testimony from Negro witnesses that they were excluded from golf courses and playgrounds more convenient to their places of residence than other like facilities open to them.

[9] The city also asserted in the District Court that delay was supported by the fact that desegregation of the Fairgrounds would result in a substantial loss of revenues therefrom and would be unfair to contract concessionaires. This claim appears to have been mooted by the intervening elimination of racial restrictions at that facility, seemingly without difficulty.

MOTOR VEHICLE EXHAUST POLLUTION

Mr. MUSKIE. Mr. President, recently the Special Subcommittee on Air and Water Pollution of the Senate Committee on Public Works concluded a most informative set of hearings in six cities. Testimony was taken from Government officials, technical experts, leaders of civic groups, and interested citizens. The Senators who accompanied me on this trip and I were able to learn not only what the local problems were in each of these communities and what was being done about them, but also how the "Clean Air Act" passed by this Congress could be used to help at the local level.

A review of the testimony demonstrates that even with the passage of the "Clean Air Act" our war on air pollution is in its infancy.

Much more effort on all levels of government is required at an ever-increasing pace if we are to defeat this menace to our health and welfare. The Clean Air Act signed into law last December by President Johnson is a substantial step forward. But when measured against the total need, it reveals how large a gap remains.

Two problems demanding rapid solution stand out sharply as a result of the testimony given the subcommittee.

First, vehicle exhaust must be curtailed if any real progress is to be made in obtaining clean air. We cannot avoid—for much longer—some action which would reduce considerably the pollutants from the millions of vehicles clogging our streets.

Second, communities and States must form regional bodies to cope with this problem and comprehensive plans to eradicate air pollution. Overlapping jurisdictions create unnecessary friction and, in some cases, a lack of action.

The motor vehicle exhaust pollution problem is paramount. Without prompt remedial action the increase in the number of motor vehicles—especially in congested metropolitan areas—can only lead to a corresponding increase in the severity of the smog problem not only in Los Angeles, but in cities in every part of the country. We cannot afford to delay the research and development effort this problem demands. But equally important, we will have to accelerate the application of control procedures, both to insure that automobiles are properly equipped with pollution abatement devices and that such devices continue to curtail pollutants during the course of their use.

Recently the Automobile Manufacturers Association announced that the automotive industry will, beginning with the 1967 model year, produce automobiles for distribution in California capable of meeting that State's requirements for exhaust pollution control. The hearings on air pollution held by the Special Subcommittee on Air and Water Pollution last year in developing the Clean Air Act, heard considerable testimony making it clear that motor vehicle exhaust is a national problem. In our recent field hearings we heard testimony expressing strong concern about motor vehicle pollution in their own States and localities and interest in the possible relevance of California's legislation to their own needs.

This newly announced development demonstrates that there is a solution to the problem and it should be fully explored to determine its potential significance nationally. The recently passed Clean Air Act furnishes a new and appropriate means by which this can be effectively done. The act directs the Secretary of Health, Education, and Welfare to establish a technical advisory committee, with membership from the Department and from the automotive vehicle, exhaust control device, and fuel manufacturing industries, to evaluate progress in this area and make recommendations to the Congress thereon.

I think it is imperative that the information developed and presented to California by the Automobile Manufacturers Association be placed before the department's technical committee for a full evaluation. The problem of auto exhaust pollution is not confined to California. It would be unwise to predicate the future development of control devices and standards solely on the needs of that single State.

However, Los Angeles and the State of California are far ahead of all other areas in their efforts to resolve not only automotive pollution, but also pollution from many other sources. As their experience has demonstrated, the total problem of atmospheric pollution must be attacked on a number of fronts simultaneously with the fullest possible cooperation of government, industry, and the public. Other communities would do well to review Los Angeles' activities.

Our hearings across the country in January and February pointed clearly to the need for broad new approaches to the problem of air pollution control—especially the creation of multijurisdictional air resource management programs. During the hearings in Chicago, for instance, we learned that the city is making considerable progress in establishing a control program responsive to the complex air pollution problems of our time.

But we also learned that adjoining cities and counties in Illinois and Indiana are only beginning to recognize the seriousness and complexity of the problems they share with Chicago. Chicago's efforts alone cannot properly serve the citizens of that great city unless similar programs are launched in adjacent communities and coordinated adequately.

In New York the committee was impressed by the determination of Mayor Wagner to vigorously take advantage of the new law. The importance of this determination cannot be overstated.

While the Clean Air Act's several provisions for increased Federal assistance to regional, State, and local control programs open the door to a broad and effective new attack on the national problem of air pollution, the law will fall far short of its objective if the cities and States fail to make full use of it.

The most heartening development revealed by these field hearings is the interest of local and State officials in a partnership arrangement with the Federal Government to fight air pollution.

A positive feature of the field hearings was the opportunity for the members of the committee to view at firsthand the area's air pollution problems through visits to air pollution control laboratories and on-site inspections.

I hope the hearings just concluded have helped to create the climate in which all levels of government can work together for a common cause.

In summary I would say that the hearings:

First, confirmed our judgment of the real need for "The Clean Air Act";

Second, demonstrated a need to speed up technical research;

Third, revealed how much more help in program support our communities must have;

Fourth, made it clear that antipollutant devices must be incorporated on motor vehicles; and

Fifth, showed greater emphasis must be used to induce cities and States to form regional bodies to fight air pollution.

We intend to continue our hearings. It is the committee's desire to give close attention to the implementation of the Clean Air Act. It is also our hope that the committee may more closely investigate the efforts of the automotive industry to develop means of eliminating vehicle exhaust.

While these matters stand out, they do not preclude the need to examine other technological developments which can aid in eliminating air pollution. These, too, will receive study in the near future.

GREEK INDEPENDENCE DAY

Mr. KEATING. Mr. President, 143 years ago today the world witnessed the resurgence of the Greek nation. It is fitting that we should pause in tribute to this noble people, whose great civilization lives on 2,000 years after its creation, just as it will continue to inspire men in all walks of life.

For centuries in Greece itself, while other people passed on the greatness of Greek philosophy and drama, poetry and science, only a handful of religious leaders kept their heritage alive in the monasteries of that country. It was on March 25, 1821, while America was cementing its independence, that Archbishop Germanos, of Patras, led a group of peasants armed with clubs, scythes, and slings, to raise the banner of freedom at Kalavryta.

There ensued a long and tragic struggle of the Greek rebels against the Ottoman armies. The cause of freedom, of the rebirth of Greece, fired men, women, and children to fight on at all costs

When beseiged at Missolonghi, the women danced into the sea, seeking death, rather than submission. Still today this tragic dance is commemorated by their descendants, who enjoy the independence won for them by their ancestors.

In 1829, the Treaty of Adrianople sanctioned the sovereignty of the Greek nation; and in 1832 the great powers signed the Treaty of London, which added the seal of international recognition. In the years that followed, the tiny kingdom consolidated its territory, adding to its domain Thessaly, much of Epirus, and Macedonia, Crete, and the most of the Aegean Islands.

Once again, foreign armies swept through Greece in the 20th century. Resisting the Nazis passively at first, the Greeks steadily built up a powerful guerrilla force. With the retreat of the conqueror in 1944, Greece lay stripped of much of her wealth; and a new battle for survival began. Now Communist bands ravaged the country; aided by Yugoslavian and Bulgarian supplies, the Communists seized over 24,000 children, as the Ottomans had done in centuries before them.

In 1947, the United States committed itself to assist the Greeks to regain their freedom; and by 1949, the tragic guerrilla war had ended. In the next decade, Greeks fought together the war against hunger, until they had built up a modern nation, represented at ports throughout the world by a modern merchant fleet.

Throughout the United States, Greeks and descendants of Greeks celebrate this day of independence. And we who are Greek in spirit and in heritage join them in extending greetings to their brothers among the Hellenes.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESS BY SENATOR HUMPHREY AT NATIONAL FARMERS UNION CONVENTION

Mr. HUMPHREY. Mr. President, earlier this month the National Farmers Union held its 62d annual convention in St. Paul, Minn. Among the speakers at the convention were Senators McCarthy, Burdick, and McGovern; Congressman Alec Olson; Secretary of Agriculture Orville Freeman; Under Secretary of State W. Averell Harriman; Peace Corps Director Sargent Shriver; A. H. Boerma, Executive Director of the Food and Agriculture Organization of the United Nations; A. J. Hayes, president of the International Association of Machinists; Herschel Newsom, master of the National Grange; and Ed Christianson, president of our Minnesota Farmers Union.

I was unable to attend the convention, due to my duties as floor leader for the civil rights bill. I did, however, send by film my greetings to the officers and members of the National Farmers Union. In that message, I reviewed the progress of the Kennedy-Johnson administration over the past 3 years.

I ask unanimous consent that excerpts from my address to the National Farmers Union Annual Convention be printed at this point in the Record.

There being no objection, the excerpts from the address were ordered to be printed in the Record, as follows:

Excerpts From Senator Hubert H. Humphrey's Address Before the National Farmers Union Convention, St. Paul, Minn., March 18, 1964

Let me give you a very hearty welcome and greeting, you of the National Farmers Union at your 62d annual convention being held in St. Paul, Minn., in our beautiful State of Minnesota. How I wish I could be out there, and I am sure Jim Patton, your national president, already has told you of some of my difficulties in not being able to attend your annual convention.

I am very proud of the Farmers Union. I am proud of the fact it has a fine man as its president, a splendid group of officers and an outstanding board of directors. Jim Patton, president of the Farmers Union, is one of America's truly great citizens. In fact, he is a great citizen of the world. I salute you, Jim, for what you are and what you do and what you stand for; for your sense of democratic conviction and idealism, your decency, your fairness, your humanitarianism, and above all, your understanding of the problems of other people.

Neither would I want to pass up this opportunity to say a word about one of my constituents, the president of the Minnesota Farmers Union, Ed Christianson. We are mighty lucky in Minnesota to have Ed as our Minnesota Farmers Union president. He has built this organization into a powerful farm group. He has given wholesome, clean, dedicated, enlightened, progressive leadership. And Ed Christianson represents the best to be found in America in civil leadership. He truly represents the farmers of our Nation, and he represents them very well in the State of Minnesota. So to you, Ed, I send my special greetings, and I want to publicly thank you for the counsel you have given me as a U.S. Senator, as a member of the Committee on Agriculture and Forestry for many years, and as the majority whip of the Senate.

Now why is it not possible for me to be with you today? Well, I'm sure you've read in the press, or you've heard on radio or television that I have been appointed as the floor leader for the civil rights bill. The civil rights bill is to me the most important legislative program before the Congress of the United States in the last 100 years. We have come to the time when the Congress of the United States must fulfill its responsibility in guaranteeing the protection and the privileges and the immunities of the Constitution of the United States to all of our citizens. There has been a citizenship gap in this country—a citizenship gap that has separated our people, that has denied certain of our people the opportunities they ought to have as Americans. We are closing that gap now and we have to dedicate ourselves to closing it as quickly as we did to closing the missile gap we faced only a few years ago in our military strength. I have been given the opportunity and the responsibility and the burden of seeing to it that this civil rights bill becomes law. I need your help. This is a tremendous task and it cannot be accomplished in Washington. We in the Nation's Capital can go through the procedures and the processes of passing the civil rights bill, but it will be passed only if there is a great national concensus for it, a great national spirit that demands that the Congress of the United States fulfill at long last its responsibilities to the American people. So I ask you to join me in this—my assignment of conviction—to get the job done, and to do it in a manner that will be worthy of this great democracy, to do it forthrightly, to do it honestly, and to do it with determination and yet with understanding and tolerance. The National Farmers Union is more than a farm organization, even if it consists of farmers, and I want to commend you for that. Your program isn't one just around price supports, or farm credit, or rural electrification. Your program is a program for America, and I think there is one word above all that really typifies what you stand for: progress. I might add, progress and freedom.

Progress comes hard. You have to work at it and keep on working at it. And this you do.

To achieve progress, you have to have good leadership as well as hard workers, and you aline yourselves with great leadership.

To make progress, you have to care a lot about other people as well as about your own welfare. And you do care. It often seems to me that the Farmers Union represents the conscience of the Nation. And you bus-trippers make sure that those of us representing you in Washington remember the Nation has a conscience.

Progress does not come from thinking that the past is good enough nor even from a desire to hold on to the present. Progress comes from willingness to face facts, to look ahead, to plan, and to work.

Today let us measure the progress we have been making in the field of agriculture, and let us face the future.

Fortunately, we have in the White House a man who will face facts—a man who looks ahead, a man who is not afraid to plan, a man of conscience, a man of action.

President Johnson, in his message on agriculture, has charted a practical course of action that will go far toward solving the problems of agriculture. He sees our task as threefold:

We need, first, to maintain and improve farm income. This will provide the strength the family farm needs.

Second, we can use our food abundance to raise standards of living here at home and around the world.

Our third task is to accelerate the development and conservation of both material and human resources in rural America.

President Johnson recognizes that farm programs are an indispensable bulwark of our agricultural economy. He has called for needed improvements, for policies that will reflect both the opportunities and the problems which accompany abundance.

Our feed grain program, since 1961 shows with great clarity how farm programs can protect and strengthen the economy.

For 8 years before 1961 we had witnessed a steady rise in production of feed grains, a steady rise in surplus stocks, and a steady decline in prices. With the 1960 crop, we saw Government stocks of feed grains climb to 85 million tons, and the price of corn fall to less than $1 a bushel.

We began in 1961 to consider the alternatives to a program that would not and could not work. We could, however, have continued that program. Had we done so, farmers this spring would be preparing their land in the shadow of 5 billion bushels of piled-up feed grains—20 percent more feed grains than we ever have grown, or used, in a year.

Fortunately, we did not choose to continue along that route to disaster, the route of flexible supports and no controls.

Rather, through the voluntary feed grain program, we have seen our feed grain surplus reduced by 22 million tons, around 800 million bushels.

Farmers have benefited from the feed grain program. Compared with their 1960 returns, improved market prices, plus diversion and support payments, have brought their average income per year up about $1.1 billion.

The savings to taxpayers, through reduction of the surplus stocks from what they were, will amount to about $1.9 billion.

This is one example of what a commodity program can do to serve both farmers and the Nation. It also is a tribute to the leadership of the Secretary of Agriculture, Orville Freeman—one of the most resourceful, forward-looking and dedicated friends of the farmer. And incidentally, he comes from the great State of Minnesota.

The feed grain program is not the only bright spot. In 1961, Secretary Freeman boosted the support price of soybeans to $2.30. Acreage went up. The soybean grower, able to plant his crop with the expectation of a reasonable return, increased the acreage to a point that we could meet the needs of a growing market. The crop moved at good prices. Farmers' return from that crop was over $300 million higher than in 1960.

The experience the past 2 years has been similar. Acreage and production and demand have continued to grow. For the past three crops, farmers' returns from soybeans totaled more than $1.2 billion over the 1960 level. Cash receipts for the 1962 crop were $1.5 billion, compared to just $1.1 billion in 1960. A new high is in prospect from the 1963 crop.

Price support programs provide orderly marketing for all. Price support loans provide money at a reasonable interest rate at harvesttime. They enable the farmer who participates to pay his bills. Then, when or if the market price climbs from its seasonal low, he can repay his loan, with interest, and move the crop into regular markets.

Now who really benefits from this procedure? Everyone who produces for market benefits, particularly the family farm operator.

A price support loan of less than $1,500 is unquestionably not what we expect to show up in the records of a big operator. So, let's look at the percentage of commodity loans made for less than $1,500 on 1962 crops.

On barley, 70 percent of the price support loans were under $1,500. On flaxseed, the total was 61 percent; on grain sorghums, 65 percent; on oats, 77 percent; on rye, 77 percent; on soybeans, 48 percent; on wheat, 39 percent; and on corn, 43 percent.

It is apparent that farms of all sizes can, and do benefit from commodity programs.

The cases of feed grains and soybeans illustrate that with administrative leadership, commodity programs do accomplish their objectives.

Without such leadership, we could again see farm income plummet. Farmers in 1952 realized a net income of $14.4 billion on a realized gross of $37 billion. By 1960 their realized gross was less than $1 billion higher. Their net income was down to $11.7 billion.

During the past 3 years we have had some sound and realistic programs farmers need. We have enjoyed strong, competent administrative leadership at the Washington level.

One result has been $8 billion more gross income to farmers now than they would have realized at the 1960 level. The farm gross income for just the past year was $3.2 billion above that for 1960.

These billions of dollars have been a major contribution to the strength not only of farmers, but of business and labor.

Last May 22, following the defeat of the wheat referendum, President Kennedy promised that his administration would support any new program for wheat that would meet three criteria: Boost farmers income; continue to reduce stocks; and cut Government costs.

Farmers later surprised a lot of the so-called experts, when in the fall they generally seeded within their allotted acreage. Since then, a number of my colleagues and I have been active in drafting new legislation that would end the threat of a $600 million downturn in farm income because of lower prices for wheat.

President Johnson has followed developments in wheat with great concern. He recommended to Congress that the existing law be amended to permit producers to participate in a certificate program on a voluntary basis. He called for immediate enactment in order that the program might be effective for the 1964 wheat crop.

The President also recognized a need for cotton legislation to relieve a price inequity for U.S. mills, and to provide new opportunity for growers to compete in markets here and abroad.

When enacted, the new legislation for cotton should be considered a monument to one man's understanding of farm problems, and to his foresight in developing and suggesting a realistic solution through a commodity price support program. This cotton legislation is a monument to the understanding, the foresight, and to the vigorous efforts and tenacity of Under Secretary of Agriculture Charles S. Murphy.

In the operation of the commodity programs, we observe one of the most heartening examples of the concern of the present administration for the individual, and for safeguarding individual rights through the recognition of local conditions.

This concern is shown in reliance on ASC committeemen for local administration of national farm programs. Beginning in 1961, we have witnessed a return to reliance on the levelheaded commonsense of elected farmer-committeemen for getting things done, and done right. This is a manifestation of the fact that we in Washington do not wish to dictate to farmers. We do not believe anyone in Washington can sit behind a desk and tell a farmer anywhere in the Nation how he is plow, plant, cultivate, or harvest.

We can, with his needs and beliefs to guide us, provide national programs that offer practical ways of balancing supply and demand and of undergirding farm prices. These programs are necessary if farmers are ever going to enjoy the fruits of abundant farm production.

But when it comes to applying national programs on the farm, the best and most equitable decisions on how national programs can be applied can be made by farmers themselves. This is the role of the ASC committeemen. And with each new program, ASC committeemen are finding themselves in the position of exercising more latitude and responsibility in administering that program.

This administration recognizes that commodity programs are useful—in fact indispensable. But they are not the complete answer. They are a part of a concerted drive to improve the rural economy as a whole.

Rural Areas Development now is getting the leadership needed to produce results. There are over 2,000 Rural Areas Development committees organized to prepare economic development plans for use in furthering local economic growth. Before 1961 there were 200 such local committees.

RAD projects underway or being planned now total nearly 11,000. These locally developed products already have created new jobs for more than 130,000 people. An estimated 135,000 more new jobs will be created when all projects are fully developed.

We have begun to use our farm abundance at home and abroad.

Agricultural exports have been lifted to new high levels. Agricultural exports in calendar year 1963 reached a new high of $5.6 billion. There is the expectation of reaching $6 billion in fiscal 1964, compared with $3.7 billion in fiscal 1959.

A vigorous effort is underway to develop and maintain access for U.S. farm products in world markets. The administration put up stiff resistance to the developing restrictive agricultural import policies of the European Common Market. In the Trade Expansion Act of 1962, and in plans for implementing it at the forthcoming GATT negotiations, the administration brought new bargaining strength to American agriculture's trade position.

The record level agricultural exports achieved during the past 3 years is a direct reflection of the intensive work done by Government and industry in carrying out the largest and most vigorous program of agricultural export expansion of the Nation's history. Exports sold for dollars represent about 70 percent of the total.

At home, the USDA food distribution programs now provide one in six Americans with a better diet. Where six commodities were provided to needy families in 1960, there are now 11 commodities.

Meat and other high protein foods now are available for needy families, along with the powdered milk and cornmeal previously distributed.

We are seeing farm abundance build strength at home and abroad.

Food for Peace uses agricultural resources effectively in a worldwide attack on hunger and to support much needed economic development. Shipments reached a record total of $1.6 billion in 1963. This meant that in 100 countries a record 92 million hungry, needy people benefited. U.S. food, in addition, paid a part of the wages of 3.1 million people working on self-help economic development projects in 19 countries.

We are laying emphasis on using Food for Peace to promote economic growth of the less developed nations. This will enable such countries to become self-sustaining and to emerge as new markets.

The volume of credit service through the Department of Agriculture rose to $690 million in 1963, more than double the total in 1960. USDA credit now is serving more than 227,000 farmers or other rural peoples. The major part of the funds for credit services has come from private sources, on an insured basis, or from collections on outstanding loans. Funds go only to those unable to obtain credit elsewhere.

Some 600 rural communities are being assisted to provide modern water service for 175,000 people. This broadened Administration activity is leading to home modernization and improved fire protection.

Through loans to rural electrification cooperatives, in the past 3 years provision has been made for modern electric or telephone service to more than 800,000 rural residents. In addition, these loans totaling $826 million will mean improved service for hundreds of thousands of consumers and a new and cheaper source of power for about 1 million consumers. Electric loans to power-type borrowers have accounted for $417 million of the total.

Total electric loans in the last 36 months of the previous Administration were $640.2 million, with $135.1 million to power-type borrowers.

Since January 1961, crop insurance protection has increased from $270 million to nearly $500 million. The amount of protection offered individual farmers has been increased, while 9 additional crops, making a total of 23, now are available for insurance. Sugarbeets and safflower are the most recent crops for which this protection is available.

Marketing orders have been increased from 121 in January 1961 to 128. Designed and approved by producers, this is a means of assuring orderly marketing, better returns to producers, and stable, adequate supplies for consumers at reasonable prices.

Milk marketing orders now cover almost half the milk sold by U.S. farmers. They cover 40 percent of farm income from all U.S. fruit and vegetable crops.

All agencies of the Department now are working more closely with farmer cooperatives. The Secretary of Agriculture has directed full support of these farmer-owned businesses.

One result has been that the Department helped 18 soybean and cottonseed cooperatives to form a joint sales agency to market here and overseas more effectively.

New approaches, and vigor, have characterized the administration's approach to land use and conservation.

Participation in the agricultural conservation program, which assists farmers to carry out needed measures to conserve soil and water resources, increased 20 percent, or about 200,000 farms more than the 1 million farms participating in 1960. This increase is one of the results of stronger dependence on locally elected ASC committeemen to administer farm programs in their counties.

The cropland conversion program, a pilot program, is another in which ASC committeemen have exercised guidance and helped, in fact, to write the book. Last year the administration launched the CCP to shift use of land from crop production to other uses, including recreational areas. It is opening new economic opportunities for rural areas. The cost per acre for achieving the conversion has been about half that experienced under the soil bank.

Approximately $6.9 million is being paid through 2,800 agreements. Conversion will include 114,000 acres of cropland to grass, 5,900 acres to trees, 296 to wildlife habitat, and 8,200 acres to development of recreational facilities.

Other activities in the field of soil and water conservation in the past 3 years included authorization of 238 new small watershed projects. More than 48 million acres have been added to local soil conservation districts. In the past 2 years, 900 of these districts have updated their programs to implement broadened concepts of economic development of rural areas.

The Great Plains conservation program has been extended up to 10 years, and 34 additional counties were added to the program in this period.

Recreation visits on the national forests are being encouraged. Total visits in 1963 reached about 125 million, compared to 92.5 million in 1960. Construction of additional facilities and rehabilitation of old ones has helped make possible a steady increase in use.

The record of the past 3 years has been a good one. Gross farm income has increased. Grain surplus has been reduced at considerable savings to the taxpayers. Food prices have been stable.

The farm production record in the United States is one of progress. We can look back on 3 years of financial progress for farmers. And with the continued leadership of President Johnson, with an interested, alert Congress, with the help of each of you, we can make a record of continuing progress in agriculture, and as a nation.

I wish so much that I could be there to talk to you about a host of things that trouble me, and yet at the same time challenge me. Be of good cheer. We don't need pessimists in this world. We need sensible optimists. I always have believed it is better to advocate than it is to negate. It is better to speak up for something than it is to speak down. And I'm proud to be associated in a spirit of philosophy with the National Farmers Union because you look to the future. Your eyes are on the stars and you plan for the better life, and you work for it and you pray for it. People who do that make a great contribution to freedom and democracy.

Thank you.

THE CATTLE SITUATION

Mr. HUMPHREY. Mr. President, as one who is deeply concerned with the plight of our cattlemen, I feel that certain basic factors should be considered and definite actions taken to relieve this serious situation.

First it must be understood that President Johnson, both as President and as a Texas cattleman, fully understands the situation. He has expressed grave concern about the financial losses cattlemen are experiencing, and has urged that everything feasible be done to help.

In my own case, I have recognized the economic implications of several factors as they affected the cattlemen, and have proposed realistic actions of benefit to cattlemen, both in the long run and in the short run.

First. I suggested to the executive branch that it stop the heavy sales of feed grains by the Commodity Credit Corporation. This suggestion was adopted. I felt that this CCC activity was not in the best interests of the grain or livestock producer. Also, hog producers have reacted to this situation by showing a 5-percent reduction in the 1964 spring pig crop. This will help prices this fall.

Second. I urged the initiation of a beef purchase program to the maximum amount feasible, using section 32 funds, for distribution of meat to schools and institutions, and for donation to the needy, both at home and abroad. This is being done.

Third. I am today urging congressional action to use the authority provided by section 205, which reads as follows:

> There is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1957, the sum of $500,000,000 to enable the Secretary of Agriculture to further carry out the provisions of section 32, Public Law 320, Seventy-fourth Congress, as amended (7 U.S.C. 612c), subject to all provisions of law relating to the expenditure of funds appropriated by such section, except that up to 50 per centum of such $500,000,000 may be devoted during any fiscal year to any one agricultural commodity or the products thereof.

Mr. President, as one of the original sponsors of this legislation, I feel strongly that in the current cattle situation, the Government has a responsibility to use all its resources to be of material assistance. I am, therefore, urging the immediate appropriation of funds needed to implement this congressional authorization. Incidentally, these additional beef purchases will prove of great value in the war against poverty.

Fourth. As one of the cosponsors of a bill designed to reduce imports of meat, I feel it essential, in view of the impending GATT negotiations, that the responsible committees of the Congress fully assess all the implications of unilateral action on the part of the United States. As leaders of the free world we must be prudent and responsible. The Senate Finance Committee now is engaged in such hearings. It is a responsible committee—a committee responsive to the national needs.

One of the major sources of agricultural income are our exports of farm products. Our agricultural exports, including substantial quantities of hides and tallow, exceed $5 billion. Along with a needed reduction in imports of meat, we must maintain, or possibly increase—but certainly not jeopardize—our healthy export business.

Fifth. It is essential that the consumer demand for beef respond to the reduced cattle prices. This can occur only if the retail prices reflect the reduced prices at wholesale. I am urging the retail store management to join with cattlemen to promote increased beef consumption, through advertising and through price. The cattlemen are selling cattle at bargain levels. Certainly, the retailer should do the same for beef. Price and promotion are the keys here.

Sixth. Strong consumer demand for meat in Europe, as well as in the Near East and Japan, combined with a short fall in production in Eastern Europe and Argentina, have brought about—at least for the months immediately ahead—a number of changes in the world's meat trade. Chief among these are the temporary easement of import restrictions by a number of countries—particularly the Common Market countries and Japan—and their search for new sources of imports.

In view of this situation, I am urging Australia and New Zealand to shift some of their potential exports to countries where additional supplies are needed, especially the West European countries, which temporarily have reduced some of their import restrictions. These are hard currency markets. Certainly, exporting to these markets, where beef is needed, will ease the pressure on the U.S. markets.

Seventh. I am deeply concerned about the credit problems arising for our cattlemen. The losses being sustained have made it difficult for even some of our finest cattle feeders to meet their obligations on time. These gallant people, who are taking the risks of drouth and insects and growth rates and markets, need our sympathetic assistance. I am asking the Department of Agriculture and the Farmers Home Administration to utilize every authority available to refinance loans and to extend the maturity dates of loans, where needed, so that cattlemen can avoid the problems of default. The Nation stands indebted to our cattlemen for our level of nutrition—the highest in the world. A sympathetic refinancing of loans will help us pay our debt only in part to these grand people.

Finally, I state that I am ready to be of further assistance to our cattlemen in any feasible manner, so long as it makes economic sense.

CHURCHES SUPPORT PASSAGE OF CIVIL RIGHTS BILL

Mr. HUMPHREY. Mr. President, it is indeed heartening that so many churches in the United States have spoken out forthrightly and courageously in support of the civil rights bill. From time to time, I shall discuss the specific actions of our various religious faiths and denominations.

During the past week, for example, the United Church of Christ, the denomination resulting from the merger of the Congregational, Christian, and Evangelical Reformed churches, held a "Witness in Washington" in support of the objectives of H.R. 7152. Two historic documents have resulted from this conference, not to mention the many hundreds of personal visitations which were carried on by the participants of the "Witness in Washington."

The delegates to this meeting of the United Church of Christ adopted a declaration entitled "To the Limit of Law's Power." I ask unanimous consent that the full text of this declaration be printed at this point in the Record.

There being no objection, the declaration was ordered to be printed in the Record, as follows:

To the Limit of Law's Power: A Declaration by Delegates of the United Church of Christ at the Witness in Washington, March 16, 1964

In the United States we have reached the time when we must use law to the limit of law's power to emancipate our country from the evil of racial segregation and discrimination.

We can afford to wait no longer.

The legalized humiliation of Negro Americans has passed the point of tolerance.

The daily spiritual injury done to all white Americans by the humiliation of their Negro neighbors can no longer be endured.

Our national life is diminished by arbitrary separations according to race.

Law cannot, by itself, heal the deep sickness that afflicts us. This we know.

Law can forbid public acts that deny the worth and rights of millions of American men, women, and children.

Law can build a legal structure in which education and good will can more effectively do their work.

Law can put government at the side of victims of racial aggression.

Law can lift up a standard, giving hope and support to men of good will. This we also know.

Against those who would rob us of our property we enact laws. Shall we have no law against acts that rob us of our human dignity? Shall the self-respect of a child have no legal protection against those who, to uphold their own position, would destroy it?

In the many-sided struggle to protect the human person in our country—Negro and white alike—we demand the aid of the legislation now before the Congress.

We declare: Let law now be used to the limit of law's power. If stronger legislation than that before the Congress can be devised in support of elemental justice to our citizens, let the legislation be strengthened. Let us not dare to weaken it, giving the people a stone when they cry for bread.

We declare that a solemn moral and patriotic obligation now rests upon every Senator and Congressman of the United States. Old social customs, property rights, congressional rules are now confronted by clear requirements of human well-being.

Let the word go forth—to all Americans and to all the world—that the Congress of the United States is able to do what justice requires.

Mr. HUMPHREY. During one of the evening worship services held at the First Congregational Church of Washington, D.C., in conjunction with the "Witness in Washington," President Ben M. Herbster, of the United Church of Christ, delivered a stirring sermon entitled "Denver—8 Months After." In this sermon Dr. Herbster discussed the various activities of the United Church of Christ undertaken since the historic Denver Synod of the church, where a number of forthright actions to secure racial justice now were taken. President Herbster used the opportunity of the church's Witness in Washington to sum up the accomplishments and the failures which have taken place since Denver.

This is a stirring sermon in support of human justice, equality, and freedom. I urge every Member of the Senate to give it his serious attention.

Mr. President, I ask unanimous consent that the sermon by the Reverend Ben M. Herbster be printed at this point in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

Denver—8 Months After

The text is from the sixth chapter of Galatians, the ninth verse, "And let us not grow weary in well-doing, for in due season we shall reap, if we do not lose heart." If I had come across that sentence in Time magazine or Reader's Digest or even in the New Yorker, I would have been led to believe that it had been written just for us in the United Church of Christ, on this day some 8 months after Denver, for its implications for us are as fresh as tomorrow morning's newspaper. There is a sense in which we stand at a much more critical point in the life of the United Church of Christ, and in the stance which the United Church of Christ has taken in this matter of racial justice, now than where we stood on July 5, 1963. Perhaps some of you will remember that I said on that day that we should agree on action that cries out to God to be undertaken. Few times in our lives have we faced a greater responsibility than we faced then. I said, perhaps more in prayer than in prophecy, "Certainly this General Synod will not adjourn without speaking out prophetically, boldly, courageously, and in compassion so that in the minds of the members of the United Church of Christ and in the Negro community, there will be no questions as to where we stand. We shall not only call our people to law and order, but to justice and brotherhood. We shall back our pronouncements with our lives and by our action in the Church and in the community, our stand shall be evident. To do less than this would be to forsake our responsibility and to be unworthy of our Lord."

By the leading of the Holy Spirit and by the power of God, I truly believe, the General Synod took its stand. Its delegates spoke out forthrightly and gloriously. Perhaps they said more than they thought and more than they knew. There was a heightened spirit in Denver and there we set our course.

We knew not then what that course would cost and how difficult the way would be. Perhaps that was a good thing. We might not have had the courage if we had known; but there has not been a day since those pregnant hours when it has not been demonstrated to us plainly, clearly, and unequivocally, how much that position really cost and how difficult it has been to live up to it. Personally, I thought I knew some of the opposition which we would encounter, some of the bitterness of the struggle, some of the unreasonableness of those who do not want to give racial justice, and certainly do not want to give it now, but actually I had no conception of the depth of prejudice, bigotry, unbrotherliness, hatred, and ill will that exists within the hearts of people, even within the life of the United Church of Christ. This is beyond my comprehension. How can people who count themselves followers of the Lord Jesus Christ, one who had only good will in His heart, harbor such bitterness? But it is not a theory that confronts us; it is a fact.

Lest you think I have the idea that the stance we took was not worth what it has cost, let me quickly disabuse your mind. I have never been so proud of the United Church of Christ and the delegates to the General Synod as I have been in these last 8 months; and there are many facets of this whole struggle that bring me encouragement. The expressions of joy and approval that came into my office in the week just following Denver made it evident that there is a great support in the church for the action that was launched.

Those letters were at least 10 in favor to every 1 against. You must realize that usually the people who are in agreement with what has been done do not write—only those who disagree. The way in which the Committee on Racial Justice Now has thrown itself into the task laid upon it by the General Synod has been thrilling. To see Gary Oniki at work quietly but persistently pursuing the "cause" and leading the church has filled me with a new joy. To see all the help that we have had from the instrumentalities is new evidence that the United Church of Christ is not a loose federation of agencies, but actually a church, a church with a purpose. We have received $162,000 to undergird this cause. Some of us hoped for more but I suppose when one remembers how many special offerings there are and how in every congregation there is opposition to this cause, that we should be thankful for the $162,000. The number of churches that have declared themselves open in these less than 3 months since the call first went out is, I think, truly remarkable. That number stands tonight at 2,300. So I say again, these months have not been without their encouragements. Though the going is rough our struggle has not been in vain.

But it is just at this point where our temptation may lie, where the pitfalls may be in our path, where we are in great danger and it is here where the meaning of this text is clear; "Let us not grow weary in well-doing, for in due season we shall reap, if we do not lose heart."

More battles are lost about 3 o'clock in the afternoon or along about the age of 50, than at any other time. About that time in the afternoon, about this time in a struggle like the one in which we are engaged, and along about 50 years of age, a person gets to the place where he is apt to be ready to compromise. He has become a bit fatigued. The wonder and the glory of the road on which he has started seems to have lost its lure. One is tired, fatigued and disillusioned and it is so easy to lose heart. Then with victory almost in sight, we are so tempted to give up. So I say, 8 months after Denver, what are we going to do? Settle for less than that for which we began this struggle? Compromise and call off the struggle? Be less than the good soldiers which I believe we are? Eight months after Denver—what?

Knowing you, believing in you, and much more important than that, knowing the power of God within your heart, I know what you will do. You will not be weary in well-doing but like your Lord who loved them even unto the end, you will go forward.

Daniel Webster when he stood up in the Congress of the United States to reply to Hayne, began that debate with these memorable words: "When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance at the sun, to take his latitude and ascertain how far the elements have driven him from his true course." I wonder if just as a precaution against our becoming spiritually short winded and settling for less than the best that we can achieve, it would not be well if for a little while I reviewed for you the reasons why last July we took the action that we took.

1. It was right that we do so. Our own liberties are not safe unless they are shared with all mankind. They become dust and ashes in our throat when they are for us alone. It is right that we once and for all achieve that, about which we have talked now for the past 200 years, since the Declaration of Independence and the past 100 years since the War Between the States. In the final analysis, the church dare not do less than what is right. Because of that we voted in Denver.

2. It was necessary to take a stand, for when a struggle is going on, one cannot be neutral. When a scourge sweeps the community, everyone must pitch in to help. Like that, it is necessary for the church to be a part of this struggle. Too long has the church acquiesced in what has become the mores of society, allowing those mores to set the tone of the church's life instead of becoming the leaven that sets the tone of the life of the world. If the church is to be worthy of her birthright, then it is necessary that she be involved.

3. And much more important we voted at Denver because it was the Christian thing to do. Beyond all the motives that operate to cause other people and other organizations to become involved in this struggle for brotherhood, for justice, for righteousness, the church has primarily above and beyond everything else, the call of Christ, backed up by the whole Hebrew Christian tradition. Begin at the beginning of the Book and you will not have read far before you come to see that the whole message of the Book is posited upon the worth and dignity of each human being as a child of God, one upon whom God's love has been showered. This is the message that is implicit in such patriarchs as Abraham, Isaac, and Jacob; such great leaders as Moses and Gideon; such prophets as Elijah and Elisha, Amos, Micah, Ezekiel and Isaiah; and all of these truths culminated in the teachings and example of Jesus Christ our Lord. "If anyone says I love God and hates his brother he is a liar; for he who does not love his brother whom he has seen, cannot love God whom he has not seen. And this commandment we have from Him, that he who loves God should love his brother also." "But whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened around his neck and to be drowned in the depth of the sea." "Are not five sparrows sold for two pennies? And not one of them is forgotten before God. Why, even the hairs of your head are all numbered. Fear not; you are of more value than many sparrows." "For God so loved the world that he gave his only Son, that whoever believes in him should not perish but have eternal life." "Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me." "Bear ye one another's burdens, and so fulfill the law of Christ." The general synod did not dare be deaf to the clear implication of Scripture. If the church is the family of God gathered for worship and then scattered out into the world, "to bind up the brokenhearted, to preach good news to the poor, to proclaim release to the captive, recovering of sight to the blind, to set at liberty those who are oppressed and to proclaim the acceptable year of the Lord," then the church must be in this business of establishing racial justice and we must be in it now. Christ calls, Christ calls, Christ calls, He calls us; He calls His church. The church can only obey if it is to remain the church. One of the very interesting things to me is the fact that people want either to give credit to what the church did last summer or to blame the church. The truth is neither credit nor blame is in place. The church could do no other, for God was calling. We did only the Christian thing.

But the truth of the matter is just because the church heard the call of God last summer and heeded it is no guarantee that we can be certain that we will continue to hear the call of God and continue to heed it. This is the treacherous situation in which we are today. Eight months after Denver, and what. Most of you have heard me quote some words, that express my fear in this connection, better than any other words I ever saw. "The reason why the Kingdom tarries so long is because the good people get tired of being good faster than the bad people get tired of being bad." The truth of the matter is that the people who are arrayed against the church and against the cause of Christ, of civil rights, against the cause of racial justice now, are not going to get tired of their struggle. The people who are in danger of becoming spiritually shortwinded are we; the people who are likely to lose heart are we; the people who are likely to come to terms with compromise are we; the people who may withdraw first are we, and the best defense against this kind of spiritual shortwindedness is to know our vulnerability to it. It has happened again and again and again. How many righteous crusades have been started in our crime- and graft-infested cities? How many times have we commenced with a reform ticket and elected that ticket and then forgotten all about it? It was not long until the last state was worse than the first. Our Methodist brethren had a descriptive word for this. They called it "back sliding." We Calvinists have always been just a little disturbed by the theology of the Methodists, but whether or not we have been disturbed, it has a very practical aspect to it. The Methodists knew that it is easy to forget about that to which one has sworn his allegiance and they are not without some Scriptural support. Here are two sentences out of the Revelation, "I know you are enduring patiently and bearing up for my name's sake and you have not grown weary; but I have this against you that you have abandoned the love you had at first," and a converse of this, "Be faithful unto death, and I will give you the crown of life." The truth of the matter is the United Church of Christ has enlisted itself in this great enterprise, in God's great task, for the duration. That duration is for more than 8 months. There can be no turning back.

That brings me to the next to the last thing I want to say. We have to keep on until this struggle has been won, these rights have been established, and every man treated with the dignity that God expects his children to have, and there can be no question about that final victory. There is only one way this matter can be settled and that is the right way and that is the way it will be settled. Whether that settlement comes this summer or next Christmas or 10 years from now, the victory is as sure and certain as that the sun will rise tomorrow. The question is, Will we remain faithful so that we shall be among those who shall have brought it about? We have proven that the United Church of Christ has something relevant to say, something effective to do in this most important battle of a hundred years. "Let no one grow weary in well-doing for in due season we shall reap if we do not lose heart."

Just one thing more. This battle will not be won for the right and the just and the true, in our own strength. We will be able to do what needs to be done only in the strength of our Lord. There is great power, great potential in the United Church of Christ. Sometimes when I sit at my desk and I think of what 2 million people can do, I am really staggered by it, though we might as well admit that all 2 million are not going to be engaged in this present struggle on the side of racial justice now. But no matter what the potential of that 2 million men is, it is nothing when compared with even half that number, or a quarter of that number, or one-hundredth of that number, or a thousandth of that number, or whatever number is left when they are empowered by the spirit of God. The miracle of our faith is that none of us is expected to go out alone, to struggle in our own power, to achieve by our own cunning. We are expected to go forth in the spirit of the Lord. The women of Israel who went out to meet Gideon and his brave 300 made no mistake about from whence came the victory. They cried out, "the sword of the Lord and of Gideon." So it is with the United Church of Christ. The victory that shall come, the justice that shall be established, the dignity which shall be vouched safe to all men will come not because of the General Synod or not because of Gary Oniki and the Committee for Racial Justice Now, not because of our plans or even our consecration, though all this is important and we cannot expect the blessing of God without it. But it will come because humbly, devotedly, with our whole heart, we say, "here am I Lord, use me." Gideon was God-clothed. That is the reason he was victorious. How else dare we fare forth in this eighth month after Denver? How else dare we hope to establish racial justice now; how else but in the power of God? We had better pray, we had better read, we had better fall upon our knees as a symbol of our willingness to be possessed by the One to whom all power belongs. In these momentous days, in this period of testing, God will not leave us alone. He will come to us. This is His promise and He is one who keeps His promise. Amen.

Mr. HUMPHREY. Mr. President, I also call to the attention of Senators the thoughtful "Letter From Washington" by H. B. Sissel, secretary of national affairs, United Presbyterian Church in the U.S.A. Mr. Sissel makes this telling statement in his article:

> For it (the civil rights bill) will become law, and probably in its present form, unless all those who favor make that assumption and stop working for it. As always, the church is being tested as to its relevance for history, but more immediately and unmistakably these days.

I ask unanimous consent that Mr. Sissel's article be printed at this point in the Record. It should be studied by all Senators who are supporting prompt passage of the civil rights bill.

There being no objection, the article was ordered to be printed in the Record, as follows:

Letter From Washington: A Civil Rights Bill, Unless It Is Taken for Granted

"The civil rights bill will probably pass the Senate in approximately its present form," a high administration official told a group of civil rights leaders shortly after the bill cleared the House, "unless you assume that it will."

His meaning was clear. Only if the level of support thus far maintained by church, labor, and Negro groups continues to be maintained, can President Johnson's skill and commitment to the bill successfully steer its precarious course through the Senate filibuster into law. Otherwise, the most vital—and most controversial—portions of the bill, public accommodations and fair-employment practices, will have to be "traded off" in the Senate in order to break the filibuster.

If that happens, there will almost surely be no civil rights bill enacted at all this year. Representative William O. McCulloch, Republican, of Ohio, more than any other man pulled together and held together the disciplined Republican support necessary to get the bill intact through the House. He and other key leaders who worked with him have indicated they will bitterly oppose anything coming out of the Senate that is substantially less than what they helped send in. In other words, they will not permit their essential contributions to the bill—contributions made at some political risk to themselves—to be used as instruments of appeasement to buy off the southern filibuster. If the bill is "gutted" in the Senate, it may never get out of conference. And if it does, the Republican-Democratic coalition essential to its passage in the House will almost certainly collapse.

There are substantial rumors going around Washington that the Senate leadership, with full cooperation from the White House, will permit the southerners to "have their say" for a few weeks, and then go into extended sessions in an effort to wear out the filibuster. This strategy is quite different from an early effort to invoke cloture, the shutting off of unlimited debate. Good reasoning lies behind it. Any bill that could early command the two-thirds majority necessary to shut off debate would of necessity have been so weakened as to be meaningless (and thus surely rejected by the House). On the other hand a bill that could command a simple majority of 51 Senators, which the present bill almost certainly could do were they given an opportunity to vote, would carry much more weight.

But the skill and persistence necessary to wear down a filibuster by attrition will be extraordinary. At least 51 Senators will have to care as deeply for the bill as a relatively small number of Senators—perhaps as few as 10 or 12—care against it. Those few will fight with the adroitness of years of parliamentary experience and will have the continuous and zealous support of the overwhelming majority of their constituents. The many will be working against both the apathy of the uncommitted and the pressure to get on with the other urgent business of the Senate. Unless they receive the solid and continuous support of the President, the Senate, the Senate leadership, and their constituents, they may not be able to stand.

Meanwhile, behind the immediate need for effectual legislation that will help 20 million Negro citizens obtain the rights guaranteed them by the U.S. Constitution lie two deeply disturbing questions. One is whether or not the seeds of doubt about the capacity of free institutions to cope with the urgent issues of the 20th century can be rooted out of a growing number of young minds. There are many colored and white students eager for some evidence that the democratic process can indeed insure justice and equality of opportunity. The other question is what preparations our society will make for the new forces that will be set in motion when the civil rights bill becomes law.

For it will become law, and probably in its present form, unless all those who favor it make that assumption and stop working for it.

As always, the church is being tested as to its relevance for history, but more immediately and unmistakably these days.

Mr. HUMPHREY. I have also learned of the action program planned by the Pastors' Association of Princeton, N.J., in support of the civil rights bill. The Princeton Pastors' Association is sponsoring a "Vigil of Prayer for Justice," which began at noon on Monday, March 23, in the chapel of the First Presbyterian Church, and will continue for a week at a time in a number of centrally located churches in Princeton until the civil rights bill has been finally passed. The prayer vigil will be maintained during the hours the Senate is in session.

I believe this is a moving and dramatic symbol of the dedication which many Americans feel in terms of ultimate passage of this important bill, and I commend the Princeton churches for their efforts.

Finally, Mr. President, I ask unanimous consent that a news release relating to the "Witness in Washington" be printed at this point in the RECORD, together with an excellent editorial entitled "The Attack on the Civil Rights Act," which was published in the March 15, 1964, issue of Concern, a publication of the Division of Human Relations and Economic Affairs of the General Board of Christian Social Concerns of the Methodist Church.

There being no objection, the release and the editorial were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., March 16.—A group of more than 100 officials and members of the United Church of Christ, one of the Nation's largest denominations, descended on Washington today in what was described as "the first wave" of ministers and laymen who wish to express the "conscience of the churches" on the pending civil rights legislation before the Senate.

The joint, nationwide delegation, called "Witness in Washington," is the first of its kind ever undertaken by the denomination to influence pending legislation. It will hold meetings with Senators from 24 key States tomorrow (Tuesday) and Wednesday to demand passage of the civil rights bill "without crippling amendments."

"This 'Witness in Washington' is the first wave of a great stream of representatives of the churches who will come to Washington," Rev. Dr. Ray Gibbons, of New York, director of the denomination's Council for Christian Social Action, told the delegates at a briefing session at the First Congregational Church this afternoon.

"This gathering is the conscience of the churches of America speaking to the U.S. Senate," Dr. Gibbons told the group at a briefing session this afternoon. "We are determined that this Nation shall provide racial justice now, that all of its citizens shall, in fact, enjoy equal rights, not only in the eyes of the law but in the eyes of their fellow citizens as they go about their daily life and work."

The United Church of Christ, with 2,056,696 members, is a union of Congregational Christian and Evangelical and Reformed churches.

The United Church delegation in Washington this week includes representatives of the denomination's special Committee for Racial Justice Now, the Council for Christian Social Action, United Church Board for World Ministries, Board for Homeland Ministries, Stewardship Council and Office of Communication as well as local church pastors and members.

Special State delegations include California, Colorado, Illinois, Indiana, Iowa, Kentucky, Maine, Missouri, Nebraska, New Hampshire, North Dakota, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Vermont, and Wyoming.

One of the first actions of the group today was to approve a statement declaring: "In the United States we have reached a time when we must use law to the limit of the law's power to emancipate our country from the evil of racial segregation and discrimination.

"We can afford to wait no longer."

The declaration called for stronger legislation than that before Congress "if (it) can be devised," emphasizing that it must not in any case be weakened, "giving the people a stone when they cry for bread."

The United Church delegates stressed the solemn moral and patriotic obligation of every Senator and Congressman to expedite the civil rights legislation. "Let the word go forth to all Americans and to all the world that the Congress of the United States is able to do what justice requires."

Following their visits to Senators tomorrow the delegates will gather again for a general session at 8 p.m. at First Congregational Church. The Reverend Dr. Ben Mohr Herbster, New York City, president of the United Church of Christ, will address the group.

Dr. Gibbons emphasized the religious dimension of the witness in Washington. "We are about our Father's business in Washington. What we are called to do is the work of evangelism * * * to communicate the good news that God intends us to live together as children of God and members of Christ's church."

[From Concern magazine, Mar. 15, 1964]

THE ATTACK ON THE CIVIL RIGHTS ACT

On March 9, 1964, a full page ad appeared in the Washington Post, mounting an all-out attack on the Civil Rights Act now before the Senate. Terming the act a great "grasp for executive power," and "The Socialists' omnibus bill * * *," the ad asserted that were the bill to pass, the result would be "total Federal control," an "omnipotent President," and a "dictatorial Attorney General."

This unrestrained and foolish language recalls reports of similar ads that have been appearing in newspapers in various sections of the country. Late last year Representative HARDING, of Idaho, sent the text of one such ad to the Department of Justice for comment. On December 27, 1963, Mr. Burke Marshall, Assistant Attorney General, Civil Rights Division, replied at length.

After indicating the many distortions, exaggerations, and misrepresentations contained in the ad, Mr. Marshall made this comment: "The legislation will be unwelcome only to those who wish to treat our Negro citizens as second-class human beings." (Letter reprinted in daily CONGRESSIONAL RECORD for Dec. 30, 1963, p. A7870.)

As it now turns out, one principal anti-civil rights lobby has been blanketing the country with these scare attacks on the Civil Rights Act. This organization is known as the Coordinating Committee for Fundamental American Freedoms, Inc. Its personnel and financing have been reported by Ben A. Franklin, of the New York Times. From July through December, 1963, the committee reported total income of $133,000 of which $120,000 came from the sovereignty commission of the State of Mississippi.

Commenting on the civil rights bill, before the Commerce Committee of the U.S. Senate on July 1, 1963, Attorney General Robert Kennedy had this to say: "It seems highly significant to me that the greatest opposition to the supposed 'interference with private rights' in this bill comes from the very States which have in the past decreed segregation by law. Surely it is no greater an infringement to compel nondiscrimination than it has been to compel discrimination."

The chairman of the Coordinating Committee for Fundamental American Freedoms is Mr. William Loeb, of Manchester, N.H. The secretary, and most active officer, is Mr. John C. Satterfield, of Yazoo City, Miss.

Mr. Satterfield, former president of the American Bar Association, has been a close adviser to former Gov. Ross R. Barnett of Mississippi. Mr. Satterfield is a Methodist layman, a delegate to the coming General Conference in Pittsburgh, and a member of the Commission on Interjurisdictional Relations, whose assignment by the General Conference of 1960 has been to carry forward "The continuing program of the Methodist

Church to abolish the central jurisdiction, promote interracial brotherhood through Christian love, and achieve a more inclusive church." To set this record over against the anticivil rights ads of the Coordinating Committee is bewildering, at least.

The surest protection against being misled by the ads of the Coordinating Committee for Fundamental American Freedoms is a simple reading of the proposed legislation (H.R. 7152). To term it a Socialists' bill is so irresponsible a tactic as to require no comment.

The heart of the argument centers around the "rights of citizens." Rights of "private property" are essential to our way of life, but they are not now and have never been regarded under law as absolute in themselves. "Property rights" are supportive of "human rights," and this is their final justification. When property rights are asserted in such fashion as to strike at the fundamental welfare and dignity of an entire class of people, then those so-called property rights must be qualified so as to serve their primary purpose.

The Civil Rights Act will limit States rights at one point. This is the point of continued denial of civil rights to Americans who are members of minority groups. The act will limit property rights at this same point. It takes no mental genius to discern that such alleged States rights and property rights are no legitimate part of any truly civilized way of life. If the American system depends upon the continuation of the old racist and segregationist denials, then we are in terrible trouble indeed. The truth of the matter is, the American system does not at all depend on such denials.

G.C.B.

Mr. HUMPHREY. Mr. President, I am convinced that the civil rights bill, H.R. 7152, will be passed; I am certain that the Senate will go through the necessary parliamentary processes in order to pass the bill. However, the bill will truly be passed by the American public. In this endeavor, the role of the churches and of the great spiritual leaders of all religious groups in America—including the Catholics, the Protestants, and the Jews—will be most important. It is upon them that we have such great dependence, and it is with them that we have such great hope and faith.

RECESS UNTIL 9 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time, I move that the Senate now take a recess, pursuant to the previous order, until tomorrow, at 9 a.m.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate took a recess, under the order previously entered, to tomorrow, Thursday, March 26, 1964, at 9 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 25, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The words of the Master, John 8: 29: *I do always those things that please God.*

Eternal God, grant that during these days of Holy Week, as we continue to meditate upon the sufferings and sacrifice of our blessed Lord, we may feel our minds and hearts kindled with longings and aspirations which are well pleasing unto Thee.

May we share in His glorious mission and ministry of releasing the hidden splendor of humanity and delivering it from everything that defiles and mars the image of God in which man has been created.

Grant that we may have the faith and courage to believe that someday all mankind shall be lifted to higher levels of character and conduct through the regenerating and conquering power of His sacrificial love.

Help us to hasten the dawning of that glorious day which knows no night, when men and nations everywhere shall rise to newness of life, inspired to build a finer and nobler civilization.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 962. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

ADJOURNMENT FROM THURSDAY, MARCH 26, TO MONDAY, APRIL 6, 1964

Mr. ALBERT. Mr. Speaker, I offer House Concurrent Resolution 284 and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 26, 1964, it stand adjourned until 12 o'clock meridian, Monday, April 6, 1964.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SIGNING OF ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until April 6, 1964, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE 143D ANNIVERSARY OF THE GREEK WAR OF INDEPENDENCE

Mr. McLOSKEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McLOSKEY. Mr. Speaker, today, March 25, marks the 143d anniversary of the Greek war of independence. It is most fitting that we here in the House pay tribute to this great group of Greek people for their valiant courage and indomitable spirit.

All of us owe an incalculable debt to the Greeks for the many contributions to our modern world. Not the least of these contributions are the political theories which have been given us. When we think of a democracy and freedom-loving people we immediately think of the Greeks.

Their early philosophers were among the first to believe in the dignity of the individual man and the supremacy of the law. The Greek people continue in their struggle today and we would do well to join them in their efforts.

Modern Greece has been in the forefront in the fight against communism. Today she stands as a bulwark in this fight, a cherished friend of the United States, and I salute her stalwart people for their courageous stand.

Likewise, we are proud and grateful to the almost 2 million Americans of Greek descent who have done so much to strengthen democracy and freedom in our own land.

In my own congressional district there are a number of eminent citizens of Greek descent. Many are my personal friends and to them I pay special tribute. Not only are they influential in their own community, but their influence is felt throughout the great State of Illinois. It is good that we pause to pay tribute to these people today.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 87]

Alger
Baring
Barrett
Barry
Bass
Becker
Belcher
Blatnik
Bolton,
  Oliver P.
Brown, Calif.
Buckley
Burleson
Byrnes, Wis.
Cameron
Celler
Chelf
Corbett
Cramer
Davis, Tenn.
Diggs
Dorn
Dowdy
Duncan
Edwards
Evins
Flynt
Forrester
Gill
Grant
Gray
Gubser
Hagan, Ga.
Hawkins
Hébert
Herlong
Hoffman
Holland
Jones, Ala.
Jones, Mo.
Kee
King, Calif.
Knox
McClory
Martin, Calif.
Martin, Mass.
Meader
Miller, N.Y.
Murray
O'Brien, Ill.
Pilcher
Pirnie
Poage
Powell
Rains
Rivers, Alaska
Rivers, S.C.
Rogers, Colo.
Roosevelt
St. George
Sheppard
Staebler
Thomas
Udall
Ullman
Van Pelt

Vinson
Weltner
Williams
Wilson, Ind.
Winstead
Wydler

The SPEAKER. On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HON. THOMAS P. O'NEILL

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KLUCZYNSKI. Mr. Speaker, our distinguished colleague from Massachusetts, the Honorable Thomas P. O'Neill, this morning was presented the distinguished service award of the Massachusetts State Building and Construction Trades Council for his accomplishments as an outstanding citizen of Massachusetts.

Present for the ceremonies were our distinguished Speaker, the Honorable John McCormack; Senator Edward Kennedy, of Massachusetts; and President Johnson's liaison officer with Congress, the Honorable Larry O'Brien, and the Massachusetts congressional delegation. Also at the ceremonies was the gentleman who presented the award, Neal Haggerty, the president of the Building and Construction Trades Department of the National AFL–CIO, Washington, D.C., Rocco Alberto.

Mr. Speaker, I ask unanimous consent that the award presented our colleague may be printed in its entirety at this point in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The award referred to is as follows:

MASSACHUSETTS STATE BUILDING AND CONSTRUCTION TRADES COUNCIL

DISTINGUISHED SERVICE AWARD—1964

Whereas the Massachusetts Building and Construction Trades Council wishes to recognize the accomplishments of an outstanding citizen of Massachusetts, the Honorable Thomas P. O'Neill, Jr., Member of the National House of Representatives in Washington, D.C., from the Eighth Massachusetts District; and

Whereas, the Honorable Thomas P. O'Neill, Jr., by his voting record and sponsorship of humanitarian legislation both in the Massachusetts Great and General Court, as a member and as speaker thereof, and in the National Congress as a general Member of the House of Representatives and as a member of its powerful Rules Committee, has merited the deep respect of the Massachusetts Building and Construction Trades Council; and

Whereas Congressman O'Neill has been, at both the State and National levels of the legislative branch of Government, a steadfast and consistent supporter of our legislative program;

Now therefore, we the Massachusetts State Building and Construction Trades Council publicly cite and salute you, Congressman O'Neill, in commendation for your more than 27 years of devoted service to our State and Nation, for your dedication to the principles of freedom and the humane concept of government and for your exemplary conduct in public and private life.

Presented at the ninth annual legislative conference of the National Building & Construction Trades by the Massachusetts Building and Construction Trades Council on March 25, 1964, at the Statler Hilton Hotel, Washington, D.C.

Rocco Alberto,
President.
Walter McLeod,
Vice President.
John J. Cotter,
Secretary-Treasurer.

Mr. CONTE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, it is difficult for me to adequately express my congratulations to the distinguished gentleman from Massachusetts, my good friend and colleague of many years, the Honorable Thomas P. "Tip" O'Neill, Jr., of Cambridge who received the "distinguished service award" for 1964 from the Massachusetts Building and Construction Trades Department of the AFL–CIO, this morning at the Statler-Hilton.

As a young senator in the Commonwealth of Massachusetts legislative body, I came to know and respect the gentleman who at that time was serving as the speaker of the House of Representatives in Massachusetts. In fact, he has been called one of the greatest speakers in the history of that body. He managed to do an excellent job in the chambers at Boston and conducted the high office of speaker with great dignity and decorum.

His distinction in Boston has been readily evidenced in the Congress of the United States, and ever since his election to the 85th Congress, he has demonstrated the qualities which brought him fame not only in Boston but throughout the Commonwealth.

As a Member of the vastly important House Rules Committee, "Tip" O'Neill has contributed greatly to the progressive, humane legislative accomplishments of this Nation during the past 10 years.

He has demonstrated continually those sterling qualities of character, of deep personal concern for his constituents, and his love of country that we all admire in an individual.

And "Tip" O'Neill has always remained an individual, a man who knows the value of the independent mind, the clear, fresh approach to issues which confront this body.

Emerson, who once journeyed through the wilds of Cambridge, has said that "self-trust is the essence of heroism." Our colleague has had great trust bestowed upon him. He is a man in whom we all trust. In making a career of politics, "Tip" has shown all of us that trust and confidence could lead to heroism. In saluting "Tip" I know that I salute a great American.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 660 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10456) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Mississippi [Mr. Colmer].

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Kansas [Mr. Avery], and pending that yield myself such time as I may consume.

Mr. Speaker, House Resolution 660 provides for consideration of H.R. 10456, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and for administrative operations, and for other purposes. The resolution provides an open rule with 3 hours of general debate.

The purpose of H.R. 10456 is to authorize appropriations totaling $5,193,810,500 to the National Aeronautics and Space Administration for fiscal year 1965, as follows:

Research and development	$4,327,950,000
Construction of facilities	248,335,000
Administrative operations	617,525,500

Since the provisions of the bill will be fully covered in debate, I shall not go into the provisions further at this time.

Mr. Speaker, I urge the adoption of House Resolution 660.

Mr. AVERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. Halleck].

Mr. HALLECK. Mr. Speaker, as far as the rule is concerned, I shall support the rule and I join too in the hope that it can be quickly adopted.

Mr. Speaker, as one who has had more than just a casual interest in the proposed new electronics center, I would like to make a few observations on the matter.

Last year communities all over the country were invited to compete—if that is the right word—as possible sites for this center.

Purdue University of the greater Lafayette area of Indiana in the congressional district I am privileged to represent, was one of a number of institutions to present a case before the space people, who, we were given to understand, were restudying the question of location with an open mind.

The way the decision turned out, there are some of us who wonder if all the time, money, and effort expended by those schools who sent their officials down here to testify was not something of an "operation in futility."

In any event, the decision when it finally arrived was, I think, a surprise to practically no one.

As far as Purdue University is concerned, its bid for the new space center certainly was not an empty gesture.

Purdue has an "Astronauts Club" that lists among its members Gus Grissom, Neil Armstrong, Andrew Cernan, Roger Chaffee, Malcolm Ross and, may I add, Dr. G. E. Mueller, who happens to be director of the manned space program.

Purdue scientists are in the forefront in the development of propulsion systems for moon rockets. And beyond that, hundreds of graduates of the Purdue School of Electrical Engineering are contributing directly or indirectly to space exploration.

May I recall that on Monday of this week—just 2 days ago—the distinguished chairman of the Committee on Science and Astronautics, the gentleman from California [Mr. MILLER], may I say my good friend for whom I have the highest regard, said to my colleague from Indiana [Mr. ROUSH] and I quote from the RECORD:

> We would be very glad to draw not only your high school coaches and players from Indiana, we also have some fine scientists from out there.

I am certain the distinguished gentleman from California did not intend by that remark to rub salt in our wounds, but that is just about what it amounted to.

Of course, I am glad the gentleman appreciates the caliber of our scientists, but for far too long Purdue University and other great educational institutions of the Middle West have been getting the short end of the stick when it comes to spending Federal funds for scientific purposes.

Argument is heard that we do not have the industrial backup to justify the location of these big research facilities in the Middle West.

I believe it may be fairly asked in this regard: Which comes first, the chicken or the egg?

It has always seemed to me that industry has a way of developing in the orbits of these facilities, once they get underway.

In any event, some of us are getting mighty tired of supporting the appropriation of funds which further concentrate our federally sponsored projects in a few favored areas.

There has been talk about equalizing the situation, but I have seen little evidence to date that anything is being done in that direction.

So I say that though we in the Middle West are not jealous of the other sections, and we realize their desires and ambitions, we have heard many promises, but what we would like to see is some action. I sincerely hope that some such action will in due time be forthcoming.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Illinois.

Mr. SPRINGER. I merely wish to confirm what the gentleman has said. The midwest universities—mostly those in the Big Ten—have been directly interested in MURA for more than 5 years. We have done everything we could to get that off the ground at Madison, Wis., at the University of Wisconsin. It is a great scientific endeavor, looking forward to the future. Nothing has been done on that yet.

I say that if the trend which has been going on continues, there certainly will be some upheaval in our section, because of the fact that these installations in regard to space and future research are entirely on the two seaboards.

The gentleman from Indiana has stated the truth about this administration's neglect of the Middle West on research on Government projects.

Mr. HALLECK. I have discussed this matter with some of the space people. As I indicated in my statement, we have received some assurances that there will be additional consideration given to our section of the country. I felt compelled in this instance to make these observations, in the hope that we can stimulate some such action.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from California.

Mr. MILLER of California. I am very happy to be able to tell the gentleman that NASA is trying to assist the universities named by him. There was a time when fewer than 30 universities of the country were favored universities—not because NASA was prejudiced toward them but because they were the ones which had the know-how and were the ones at which the money could be spent to the best advantage. Today there are more than 100 universities involved. NASA is trying to encourage these universities to help themselves and to expand so that work can go to them. If the universities develop, I am sure they will create the climate necessary for this type of industry to flow to the areas in which they are located. This has been demonstrated in the past.

About every 2 weeks early this year, Mr. Webb had a series dinners at NASA headquarter at which the presidents of universities and their staffs were invited to attend, to discuss with him and with members of his staff how they could participate in the program. I attended many of those dinners. I was present at the dinner when the Purdue University people were present.

Purdue University has made a great contribution; there is no question of that. I am quite sincere when I say that.

The University of Iowa should be commended. It was Dr. Van Allen who extrapolated the information which gave us the Van Allen belts.

NASA has tried to help. It has helped in other States, in an effort to get these things started.

This is a comparatively new program. It is not possible to do in 6 years what some universities have taken decades or generations to build up. We are trying to build them up. I assure the gentleman of this.

Though my State happens to be one which is favored today, I am anxious to see this tone of endeavor and to see all universities raised to the highest level, because, away from space and into the future, this is going to be the thing which will mean much for our civilization.

Mr. HALLECK. I thank the gentleman for his statement. Of course, I have a little prejudice for Purdue. I went to Indiana University myself, but I know that Purdue right now is turning out Ph. D.'s in great numbers and they have been turning out scientists and are still turning them out. Having Purdue and the other fine schools in the Midwest turn out people with these great talents and skills only to have them siphoned off to some other area of the country, as I say, is something that, in my opinion, has to stop, or else there will be some real trouble around here.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. Just briefly.

Mr. GROSS. I want to commend the distinguished minority leader for his statement and say that it applies equally to the State of Iowa.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the distinguished and able chairman of the Committee on Rules, the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE RULE ON THE WHEAT-COTTON BILL

Mr. SMITH of Virginia. Mr. Speaker, this morning the Committee on Rules by a divided vote reported a rule making the wheat-cotton bill in order, and a provision of that rule is that upon its adoption, after 1 hour's debate, the Senate amendment, which is the wheat bill, which has not had consideration on the floor of this House, will be adopted and the bill passed. That is the end of it, after 1 hour's debate.

I think most of you know what is going on around here. Last week the Committee on Rules by a divided vote reported out the so-called food stamp bill, the cost of which nobody but God knows. There is a pretty general understanding that certain people who are supporting the food stamp bill are expected to support the cotton-wheat bill if that is adopted, and the cotton-wheat people are expected to support the food stamp bill so as to make it possible to get the votes for the other bill. Now, that is a pretty frank, blunt statement of what is going on. I do not like that kind of business, and I do not like it for several reasons. In the first place, I do not believe in that kind of trading with the people's money, but this unusual and extraordinary and I think unprecedented situation arises in this rule for consideration of the wheat-cotton bill. It violates or bypasses the rules of this

House. Now we have a rule of the house that in order to suspend the rules of the House it requires a two-thirds vote, but by getting a rule out of the Committee on Rules to adopt the wheat amendment without consideration, you are suspending the rules of this House by a majority vote, instead of the required two-thirds vote.

We have a rule of the House, rule XX, which provides that when the Senate inserts a nongermane amendment in a House bill, which would have required consideration in Committee of the Whole in the House, then the Senate amendment would be subject to a point of order that before it could be adopted in the House, it must go to the Committee of the Whole House and receive due consideration, so that the House will have the opportunity to know what is in it, the House will have the opportunity to debate it, and the House will have the opportunity to amend it. This proposal bypasses that rule.

Then we have a rule that requires that all matters involving a charge on the Treasury be considered by the House in Committee of the Whole. This violates that rule. And it violates the rule that it takes a two-thirds vote of the membership to suspend the rules. Also it violates rule XX that provides for a point of order.

Mr. Speaker, we are all going to take a vacation after today. I am so happy that we are getting a chance to go home and think about some things that we are doing here, mull them over and talk to our home folks about them and see whether this is the right kind of a deal to make when you are dealing with the business of 180 million people whom we all represent.

This is not the right thing to do. I do not know that we have ever done it before. Someone in the Committee on Rules this morning commented that in all his years here no such proposal had ever been strongarmed through this House. And aside from the merits, whatever they may be, of these three connected bills that are sought to be passed by a combination of advocates of each one of them—the wheat, the cotton, and the food stamp bill—aside from all of that, it is just the wrong thing to do and we ought not to do it. And so we are going home and will have 10 days to think about whether it is the right thing to do. I know this House. I believe that every Member of this House wants to do the right thing.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. ARENDS. Mr. Speaker, I simply want to say to the gentleman from Virginia that I wholeheartedly agree with him. I have the deepest resentment of what happened this morning in the Committee on Rules and what is going to happen when we come back here after the recess to take up the cotton-wheat rule. This is the first time in almost 30 years that I have felt such strong resentment of the action proposed to later be followed in this body. I want it to be publicly known. Surely there presently ought to be red faces on some individuals in this Congress at the action taken by the Rules Committee and other actions that will be taken when we get back after Easter.

Mr. SMITH of Virginia. Mr. Speaker, I just hope that when we have had time to reflect on this that we will permit these bills to come into the House in the regular manner and let them be considered, each on its own merits. Let us not barter one bill for another and ask people to vote for something they do not want to vote for in order to get something that they do want.

Mr. Speaker, I am reminded of a famous poem of a great Scottish poet, Bobby Burns.

The title of that famous poem is "On Seeing a Louse on a Lady's Bonnet," and I quote:

> "O wad some Power the giftie gie us
> To see oursels as ithers see us!
> It wad frae monie a blunder free us,
> An' foolish notion."

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I had no intention of speaking on the rule or under the time allotted for the discussion of the resolution which is now pending before the House. However, since the distinguished and beloved chairman of the Committee on Rules the gentleman from Virginia [Mr. SMITH] has discussed the procedures relating to very important legislation, I believe further consideration of the matter is in order.

Mr. Speaker, of course, everything done in the House of Representatives is done under the rules of the House or otherwise it could not be done. The principal reason for the existence of the great Committee on Rules over which my illustrious friend presides is to give special rules under which bills are considered under other than the general rules of the House. In taking the floor I am trying to protect the prerogatives of the Committee on Rules.

The matter of the suspension of the rules only applies to those cases in which the Committee on Rules is not consulted. When the Speaker under his power to recognize for suspension of the rules recognizes appropriate Members of the House to call up a bill to suspend the rules, the effect of the resolution is to bypass the Committee on Rules for that purpose.

Mr. Speaker, I believe a couple of observations are in order. First of all we have before us at a very late date—and I regret that the date is late—a bill which affects two of America's greatest agriculture industries, the cotton industry and the wheat industry. The cotton industry involves not only the future of the cotton farmers of this country, but of the textile industry of this country, as against foreign mills. It involves the livelihood of American textile workers.

Mr. Speaker, the wheat bill is needed to prevent a disastrous $600 million cut in the income of wheat farmers.

Mr. Speaker, I also believe an observation is in order with respect to whether the Rules Committee, which is a servant of the House and which has the authority to recommend resolutions which set aside for special purposes the general rules of the House, should not be entitled to do this. That is why we need the Committee on Rules. It serves a very important function. If we made amendments added to House bills by the other body subject to points of order or if we should require such amendments to be subject to a two-thirds vote of the Members of the House, we would be not only curtailing the prerogatives of the Committee on Rules, but we would also be thwarting the principle of majority rule in the House.

Mr. Speaker, the one thing that has characterized this body as against the other body and as against many other legislative bodies in the world is the power of the majority ultimately to work its will.

Mr. Speaker, in that connection I would like to read from the greatest authority on this subject in the country, our own Rules and Manual for the House of Representatives, signed by the great Parliamentarian of the House, the following paragraph:

> From the beginning of the First Congress the House has formulated rules for its procedure. Some of them have since gone out of existence. More of them have been amplified and broadened to meet the exigencies that have arisen from time to time. Today they are perhaps the most finely adjusted, scientifically balanced, and highly technical rules of any parliamentary body in the world.

Then, there is this next sentence which is really the important one.

> Under them a majority may work its will at all times in the face of the most determined and vigorous opposition of a minority.

I am for majority rule; I am for the rules of the House. That is why, Mr. Speaker, I think the committee headed by our able friend from Virginia [Mr. SMITH] serves such an important function in the House of Representatives. It enables the House to bypass the general rules of the House when the needs of the country require.

Mr. AVERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a privilege that I did not expect to be able to enjoy today. Having attended the Rules Committee meeting this morning, and having participated in some of the proceedings that have been cited here, I did not anticipate that the House would be receptive to a debate on this particular matter this afternoon. But, Mr. Speaker, let me say that in my opinion it is very fine that we do discuss this a little bit today because of the gag rule that was imposed by the majority on the minority this morning.

There is not going to be time to discuss an agricultural bill next week or the week after, or whenever the leadership calls it up. So it is well that we may be permitted to have a few minutes from the time set aside officially for debate on a rule to authorize an appropriation for NASA. And, incidentally, for the benefit of those who came in late, that is what we are here for. If you were not able to follow the remarks that have been made, we are really here to consider House Resolution 660. But since we are going to be foreclosed next week or the week after from any discussion of the wheat-cotton bill and the procedures connected therewith, I would concur that a few observations this afternoon are not only in order so far as the Members of the House are concerned, but they are in the public interest most certainly, too.

Mr. Speaker, when I was first elected to the House, I had great difficulty, as all the other Members, I am sure, have had, in understanding all of the intricacies of the very unique aspects of some of the rules of the House. I conferred very frequently with our very competent Parliamentarian, as I am sure almost every other new Member of the House has. He told me many things. One thing he said that I remember so well is that the rules of the House are to protect the minority. The majority will take care of itself.

I did not really appreciate the full impact of that capital analysis until this morning. Since some reference has been made to what happened upstairs in the Rules Committee, I think a little further explanation is in order because I am not sure you are able to correlate and understand all of the viewpoints that have been expressed or the ones I might express.

For those of you who are not personally concerned about wheat or cotton, let me refresh your memory. By a rather unusual procedure here on the floor of the House a wheat bill was enacted late in the session of 1962. It was rejected by a referendum vote, not last week, but a year ago. The farmers of this Nation rejected the wheat bill that was passed on the floor of this House under duress. Yet there was no attempt to pass any subsequent legislation until we got into this crash program about a month ago. Now, all of a sudden, we have not the time to do anything but just blindly accept a Senate amendment that came over here attached to the wheat bill.

Did this bill ever come out of the Committee on Agriculture? No. It has never been considered in the regular manner in the House Committee on Agriculture, yet it was attached as a Senate amendment in the other body to the cotton bill and it came back to the Speaker's desk.

The rule we had this morning before the committee was to simply take the cotton bill from the Speaker's desk and agree to the Senate amendment, which was what? Which was a wholly new wheat program for 1964 and 1965.

We have spent days in previous years debating a wheat program. Now how long are we going to have to debate it? One hour. One hour; and the time will not even be under the control of the Committee on Agriculture, it will be under the control of the Committee on Rules.

What would be the alternatives? You will be told that because of the legislative situation in which the other body finds itself now the administration cannot tolerate any amendment because it could not be considered by the Senate in time to be enacted into law before the 1964 wheat crop would be harvested or before the spring wheat would be planted very quickly now in the Northern States. This may be true. I cannot argue about that. But I do not think it is the fault of this House and it is not the fault of the Middle West that the other body finds itself in that circumstance.

But there is an alternative. This is what I want to recite for you. The gentleman from Mississippi [Mr. COLMER] offered a resolution whereby the bill could be taken from the Speaker's table and the Senate amendment debated. What is wrong with simply debating an entirely new concept of a wheat program here on the floor of the House before we take a vote? By a majority vote that resolution was defeated, by 8 to 5. This is not classified or confidential information, this is a matter of recorded public information in the Committee on Rules.

After that resolution failed, the minority, by the gentleman from Ohio [Mr. BROWN], offered a resolution that the bill would be sent to conference and the conferees could work their will in the regular manner. Certainly this would conform to the usual legislative procedure. Again by this same arbitrary vote this resolution was denied.

Then what? Well, certainly there is one small reasonable request that the minority could ask for and certainly be granted this very minimum request. So I asked the chairman if it would be permissible for him, representing the Commitee on Rules, to ask unanimous consent when this resolution came to the floor that at least we be granted 1 extra hour to debate it. And what happened then? That was objected to up in the Rules Committee.

If there was ever a more ruthless treatment, if there was ever a more ruthless procedural treatment to a matter as important as this, it has not been in the 10 years I have been a Member of this House.

This is not to say that everything in this wheat bill is bad. This is not to say that a wheat bill does not need to be passed, and passed with expedition. But it is to say that I do not think the majority is assuming the full and rightful and public responsibility that it has inherited by being in the majority position in this House.

Certainly I would hope, and I join my chairman in hoping, that some reflection over the Easter recess might bring about a different position than the gag rule, the position that has apparently been taken by the dominant majority.

Mr. BELCHER. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Speaker, in view of the fact that I think I am as close to the majority leader of this House as any Member on either side, both coming from the same State, both being Methodists, both being former students of the University of Oklahoma, and being bridge partners in several national and international tournaments——

Mr. AVERY. You are fully qualified; now, proceed.

Mr. BELCHER. I was indeed surprised to hear my good friend, my great partner, so fair in all his dealings, take the floor of the House and try to defend the bringing of a very comprehensive wheat bill to this floor under a closed rule.

In the 14 years that I have served on the Committee on Agriculture not a single bill of any kind to my knowledge has ever come out of that committee and been brought to this floor under a closed rule.

At this very moment we are supposed to be debating a rule which permits 3 hours of general debate on the NASA program on which there is no controversy and you are going to see the majority and the minority both get up here and brag on themselves and on each other for bringing out this very fine bill. As I say, this bill gets 3 hours but we get 30 minutes to discuss a bill that is a comprehensive bill. A similar bill was passed under about the same circumstances, as the gentleman from Kansas will recall, that this wheat bill originally came as an amendment from the Senate. I stood on the floor of the House on that day and told all of you that there was no reason for my good liberal friends over on the other side of the House to vote for this bill—their consumers did not want it, the taxpayers did not want it, the wheat raisers did not want it—there was nobody who wanted it except the Secretary of Agriculture.

A lot of them did not believe me. A lot of them believed they could use that device to buy a bunch of farm votes. But the farmers out there roared back a thunderous "no" to that bill. So they did not buy any farm votes. The man who brought that wheat bill to the floor, after serving 8 years in this House and who was chairman of the Wheat Subcommittee, was defeated for the first time by 21,000 votes. Do you think the wheat farmers were anxious for that bill? I told you the truth that time that nobody wanted it except the Secretary of Agriculture.

At this particular time after having over a year, we cannot spend an extra hour to discuss whether or not the wheat farmers might want this particular bill. Now this is the first time in all of my experience that any kind of agricultural bill has been brought to the House under a closed rule. But just keep in mind there may be some other bills sometime in which you fellows will be interested which will be brought to the floor of the House under a closed rule, and you will not get to discuss those bills that you are interested in.

Here we were deprived of discussing that last wheat bill because the chairman of the committee would not grant us half the time to discuss the conference report but permitted us only 20 minutes to discuss the bill that was going to cost the consumers anywhere from $400 to $500 million and that was going to cost the Government a couple of hundred million dollars. We had 20 minutes to discuss the whole program.

However, I do not think any amount of discussion whether it is 2 hours, 10 hours or 12 hours is going to change the result on this bill. This bill is going to come up just like the case that came up before a justice of the peace. The justice of the peace said:

> I will take this case under advisement for 3 days at the end of which time I will render judgment for the plaintiff.

So in the same way the majority will take this bill under discussion whether it be for 1 hour or 2 hours or 10 hours, at the end of which time they will still attempt to buy wheat farmers, with this wheat program, with the same result that they had the last time. I do not know which democratic Congressman will be defeated when this wheat bill is passed, but the chairman of the subcommittee was defeated the last time.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Illinois.

Mr. ARENDS. If I understand the gentleman from Kansas correctly, and I think I do, what transpired this morning, by the will of possibly eight members of the Rules Committee, supported by the administration and by the leadership in the House—they have now precluded the minority or those who may be in oppostion to the so-called cotton-wheat bill working their will in any opposite way. In other words, we are being forced to tell our people who we are privileged to represent that by the greatest machinery of wheeling and dealing we have seen here in Congress, we no longer can express our opinion on a proposal which has not even been considered by the House Agricultural Committee or by the House of Representatives. This is one of the most regrettable actions taken against representative government that I have ever witnessed. Let me repeat, I resent such wheeling-dealing and the denial to the House Members to consider or amend if they so see fit, a most important piece of legislation.

Mr. AVERY. The gentleman is entirely correct.

I repeat that not everything in the bill is bad. Perhaps there would have been some amendments which would have made it acceptable at least to the wheat farmers of the Middle West. It is not the provisions of the bill I am protesting; this is not the proper forum for that. I am protesting against the procedure. I believe I am voicing the thoughts and conclusions of everyone on our side of the aisle and I believe I may assume to be expressing the thoughts of many, many thousands of farmers throughout the land.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Illinois.

Mr. FINDLEY. The gentleman says that this would provide for a wheat program. He could also say that it would provide a measure to raise revenue, which, under the Constitution, should originate in the House of Representatives. By accepting this rather peculiar arrangement in parliamentary situation we are abrogating our responsibilities and duties under the Constitution. Revenue measures should originate in the House. This bill provides for a processing tax on wheat and wheat products, and properly should originate in the Ways and Means Committee of the House of Representatives.

Mr. AVERY. Certainly there is a revenue-raising provision in the bill. I presume it is only reasonable to believe that might be subsequently tested in the courts of the United States.

Mr. Speaker, I now should like to return to the business at hand for a minute, and I observe that the authorization sought in the bill which will be made in order if House Resolution 660 is adopted would authorize to be appropriated just about the same amount as was appropriated last year, approximately $100 million less than was requested by the administration.

I am not one who has been greatly enamored by all this rather expensive exploration in space, but it seems to be the direction we are determined to go, so certainly I would defer to the judgment of the ranking majority member of the committee and the ranking minority members of the committee as to whether the program is at a level which best represents the public interest.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. HOEVEN].

Mr. HOEVEN. Mr. Speaker, may I ask the gentleman from Virginia [Mr. SMITH] whether he has extra time?

Mr. SMITH of Virginia. I believe so. I did not contemplate using any more.

Mr. HOEVEN. Will the gentleman from Virginia yield me 3 minutes?

Mr. SMITH of Virginia. I yield the gentleman 3 minutes.

Mr. HOEVEN. Mr. Speaker, I regret the necessity of taking time now to discuss the matter which has been brought to our attention so vividly, by several speakers, namely, the rule on the cotton-wheat bill. We must take every opportunity to address Members of the House between now and the time this vicious rule comes before the House following the Easter recess. It has now become apparent that we are to be deprived of discussing the rule pro and con for only 1 hour. This is a disgraceful situation.

It is my hope that during the congressional recess each one of you will explain to your constitutents that this rule will prevent their Representatives from even debating or amending the cotton-wheat bill when it reaches the House floor.

I want to say to the Members of the House that, so far as I am personally concerned, I shall do my very best to carry the message to the country and point out how in this maneuver the rights and prerogatives of the House of Representatives are being surrendered for reasons of political expediency.

The honor and integrity of the House of Representatives are at stake, ladies and gentlemen. The question is whether you are going to sit idly by and permit the other body, through their loose rule of germaneness, to shove a wheat bill down our throats without any opportunity on our part to amend it, or to debate it.

I sincerely hope, regardless of party politics, that the Members of the House will show their resentment in voting down the rule when the time comes. I do not see how your conscience will permit you to do otherwise. I do not have the time to tell you about the high-handed methods employed in forcing the wheat bill through the Committee on Agriculture.

May I also remind you that after the wheat referendum was defeated last year, the administration intimated at least, that the wheat farmers should be left to stew in their own juice. Nothing was done for weeks and weeks thereafter in spite of the fact that some 25 bills were introduced to take care of the wheat situation. Finally, several weeks ago, the Subcommittee on Wheat reported out a bill, without recommendation. This bill lay dormant in the Committee on Agriculture until the Senate affixed a wheat rider to the cotton bill. Then, the House bill was quickly revived and the Senate bill was substituted without any opportunity to discuss it in the committee or to amend it. It was a complete railroading operation.

I cannot believe the House is ready to surrender its rights and prerogatives in permitting the Senate wheat bill to be shoved down our throats.

How can you explain to your people that we are willing to approve and condone such a gag rule? This whole operation smacks of dictatorship and arm-twisting of the worst kind. I am simply amazed that the majority leadership in this House would be a party to surrendering the rights and prerogatives of the House of Representatives in this ruthless fashion. I hope the House will undo this wrong by voting down the rule when it is presented. It is the only right and just thing to do.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker and Members of the House, the gentleman directed some remarks at those of us who have some responsibility for scheduling the program of the House, and I think they deserve some attention. To begin with, there is nothing unique or unusual about the rule which has been reported by the Committee on Rules. If the gentleman will take the trouble to check it, he will find the House has done this on numerous occasions in the past. As a matter of fact, the question will be determined by a simple majority vote so that the will of the House will prevail, whether it is up or down. The notion that we are violating any of the democratic procedures or processes is not so. As a matter of fact, I might say that in a way it is a real compliment to the House of Representatives, in that if a majority of this body feels that the situation in the cotton and wheat farming areas merits immediate action and they so vote, it means that the House of Representatives is working its will expeditiously in response to an acute need.

I, for one, am glad that the President of the United States, the Secretary of Agriculture, and representatives of the great cotton industry in all of its component parts, and a great many bipartisan representatives of the wheat industry have expressed their approval of this proposed legislation. This bill was passed by the other body. It was passed with the votes of at least some of the Senators who come from the Republican Party and who represent wheat-producing States which have heretofore voted Republican. So at least those gentlemen disagree with some of the sentiments which have been expressed here this afternoon.

From the point of view of the great cotton textile industry, we are faced with a question of elementary justice, which supersedes any fine points of parliamentary procedure that we may discuss in order to defeat the proposed legislation. We have built up a system whereby the American textile producer has to pay 8½ cents a pound, or thereabouts, more than the foreign producer pays for cotton produced in our own country. The net effect is that the cotton textile industry is fast being liquidated. The further fact is that the synthetics industry is moving in, as all of you know. I do not represent a single cotton farmer nor a single cotton mill, but I know the issue involved here is very, very fundamental to the preservation of not only a great agricultural industry, but also one of the basic industries of the United States of America; namely, the cotton textile industry.

So the issue here is not one of parliamentary maneuver. As a matter of fact, the Rules Committee reported this bill this morning, I understand, by a rather substantial vote; if my information is correct, and if I remember correctly the vote was 9 to 4 which indicates that that committee, that responsible legislative committee of this body, felt that this legislation was of an emergency nature and that it needed consideration.

I am personally glad that the Members are going home, so they will hear from their constituents. I predict that a great many of them, including those in the wheat-producing areas, are going to hear that if the net effect of not passing this bill will be to give us wheat at $1.25 or $1.30 or $1.35 a bushel, there will be considerable support for the bill.

Mr. Speaker, I thank the gentleman from Virginia for yielding me this time.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the pending resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 357, nays 0, not voting 76, as follows:

[Roll No. 88]

YEAS—357

Abbitt
Abele
Abernethy
Adair
Addabbo
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Aspinall
Auchincloss
Avery
Ayres
Baker
Baldwin
Baring
Bates
Battin
Beckworh
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Boggs
Boland
Bolton, Frances P.
Bonner
Bow
Brademas
Bray
Brock
Bromwell
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Bruce
Burke
Burkhalter
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Cannon
Carey
Casey
Cederberg
Chamberlain
Chenoweth
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conte
Cooley
Corman
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Dingell
Dole
Donohue
Downing
Dulski
Dwyer
Edmondson
Edwards
Elliott
Ellsworth
Everett
Fallon
Farbstein
Fascell
Feighan
Findley
Finnegan
Fino
Fisher
Flood
Fogarty
Ford
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Grabowski
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hanna
Harding
Hardy
Harris
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hays
Healey
Hechler
Hemphill
Henderson
Hoeven
Holifield
Holland
Horan
Horton
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Jonas
Karsten
Karth
Kastenmeier
Keith
Kelly
Kilburn
Kilgore
King, N.Y.
Kirwan
Kluczynski
Kornegay
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Leggett
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
Long, Md.
McCulloch
McDade
McDowell
McFall
McIntire
McLoskey
McMillan
Macdonald
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Michel
Miller, Calif.
Milliken
Mills
Minish
Minshall
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen Mont.
Olson, Minn.
O'Neill
Osmers
Ostertag
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pillion
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Rielhman
Rivers, Alaska
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Scott
Secrest
Selden
Shipley
Short
Shriver
Sibal
Sickles
Sikes
Siler
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Va.
Snyder
Springer
Staebler
Stafford
Staggers
Stephens
Stinson
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Toll
Tollefson
Trimble
Tuck
Tupper
Tuten
Ullman
Utt
Van Deerlin
Vanik
Waggonner
Wallhauser
Watson
Watts
Weaver
Weltner
Westland
Whalley
Wharton
White
Whitener
Whitten
Wickersham
Widnall
Willis
Wilson Bob
Wilson, Charles H.
Winstead
Wright
Wyman
Young
Younger
Zablocki

NAYS—0

NOT VOTING—76

Alger
Ashmore
Barrett
Barry
Bass
Becker
Bennett, Mich.
Blatnik
Bolling
Bolton, Oliver P.
Brown, Calif.
Broyhill, N.C.
Buckley
Burleson
Byrnes, Wis.
Cameron
Celler
Chelf
Corbett
Cramer
Davis, Tenn.
Diggs
Dorn
Dowdy
Duncan
Evins
Flynt
Forrester
Gallagher
Gill
Glenn
Grant
Gray
Green, Oreg.
Hagan, Ga.
Hansen
Hawkins
Hébert
Herlong
Hoffman
Jones, Ala.
Jones, Mo.
Kee
Keogh
King, Calif.
Knox
McClory
Martin, Calif.
Martin, Mass.
Meader
Miller, N.Y.
Morrison
O'Brien, Ill.
Passman
Pepper
Pilcher
Pirnie
Poage
Powell
Rains
Rivers, S.C.
Robison
Rogers Colo.
Roosevelt
St. George
Senner
Sheppard
Smith, Calif.
Steed
Thomas
Udall
Van Pelt
Vinson
Williams
Wilson, Ind.
Wydler

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Byrnes of Wisconsin.
Mr. King of California with Mr. Meader.
Mr. Williams with Mr. Alger.
Mr. Gallagher with Mr. Glenn.
Mr. Sheppard with Mr. Martin of California.
Mr. Buckley with Mr. Barry.
Mr. Duncan with Mr. Corbett.
Mr. Evins with Mr. Broyhill of North Carolina.
Mr. Morrison with Mr. Becker.
Mr. Dowdy with Mr. Martin of Massachusetts.
Mr. Roosevelt with Mr. Smith of California.
Mr. Powell with Mr. Hoffman.
Mr. Rogers of Colorado with Mr. Oliver P. Bolton.
Mr. Keogh with Mrs. St. George.
Mr. Pepper with Mr. Miller of New York.
Mr. Dorn with Mr. Van Pelt.
Mr. Barrett with Mr. Robison.
Mr. Herlong with Mr. Cramer.
Mr. Gray with Mr. McClory.
Mr. Celler with Mr. Pirnie.
Mrs. Green of Oregon with Mr. Wydler.
Mrs. Hansen with Mr. Bennett of Michigan.
Mr. Blatnik with Mr. Wilson of Indiana.
Mr. Thomas with Mr. Knox.
Mr. Ashmore with Mr. Flynt.
Mr. Gill with Mr. Diggs.
Mr. Burleson with Mr. Chelf.
Mr. Jones of Alabama with Mr. Forrester.
Mr. Hawkins with Mr. O'Brien of Illinois.
Mr. Senner with Mrs. Kee.
Mr. Jones of Missouri with Mr. Rivers of South Carolina.
Mr. Bass with Mr. Hagan of Georgia.
Mr. Grant with Mr. Davis of Tennessee.
Mr. Cameron with Mr. Udall.
Mr. Brown of California with Mr. Rains.

Mr. Pilcher with Mr. Steed.

Mr. Vinson with Mr. Passman.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

TAKING H.R. 6196 FROM THE SPEAKER'S TABLE AND AGREEING TO SENATE AMENDMENTS

Mr. SMITH of Virginia (on behalf of Mr. BOLLING) from the Committee on Rules, reported the following privileged resolution (H. Res. 665, Rept. No. 1296), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 6196) to encourage increased consumption of cotton, to maintain the income of cotton producers, to provide a special research program designed to lower costs of production, and for other purposes, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

GREEK INDEPENDENCE DAY

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. McCORMACK. Mr. Speaker, all national holidays have their distinct significance in national histories, and among these independence days are of especial importance. This is generally true in the case of all peoples and nations, but particularly so in the case of the Greek people, for a very good and valid reason. As far as we free peoples of the free world are concerned, Greeks were the first to conceive, experience, and appreciate the value of independence and freedom, and as such we look upon their historic land as the birthplace of democracy. That in itself is sufficient reason for the people of Greece as well as their friends everywhere to attach particular importance to the solemn celebration of Greek Independence Day.

More than 2,000 years ago the gifted and gallant ancestors of the Greek people created their model state in which freedom with all its blessings reigned supreme, of which all Greek citizens were justly proud. That was their age of grandeur and glory, but by the beginning of the Christian era their state was in decline and had become part of the Roman Empire. Thenceforth for centuries Greece was ruled by its conquerors and it peoples oppressed and denied liberty. The Ottoman Turks were the last of these foreigners who held down the Greek people for almost four centuries, from the beginning of modern times to early 19th century. And then very early in the 1820's the irrepressible soul of the Greek people were stirred as never before by a bold and brave churchman.

On March 25, 143 years ago, when the Archbishop Germanos of Patras raised the standard of revolt in his monastery at Kalavryta against the Turks, and his people joined him to a man in their national struggle against tyranny, he ushered in a new day for the Greek people. That daring deed of a dauntless churchman was in sharp contrast to all other events in the history of the Greek people when they were held in bondage by the Romans, by Frankish kings and by Turks. That day marked the independence of Greece and of the Greek people, and its annual observance is celebrated not only in all Greek communities throughout the free world, but also in all countries and by all people who prize freedom and independence as their priceless possession.

The Greek War of Independence was one of the fiercest and perhaps the most one-sided struggle between the weak and oppressed but gallant Greeks and their ruthlessly powerful foes, the Ottoman Turks. It was the fight of a liberty-loving and freedom-seeking people against unbridled despotism and heartless tyranny. And how overjoyed were all friends of Greece and all believers in freedom when the righteous and glorious cause of the Greek people won out. It is true that in the course of 7 years' fighting Greece was almost bled to death, and in the face of the inactivity of certain European powers, at times it seemed that the Greek cause was doomed. At the same time in the minds of people on both sides of the Atlantic who were the beneficiaries of glorious Greek heritage there was no doubt as to the justice of the Greek cause. It was this genuine feeling of true appreciation and long-felt gratitude to Greek genius that drove the three principal European governments to intervene in behalf of Greece on the side of humanity and freedom, thus once and for all assuring the independence of the Greek people.

Since those days of storm and stress Greeks have had their ups and downs. They were involved in both World Wars and suffered immeasurably, and soon after the last war they were in danger of being swallowed by the cancerous Communist dragon. Fortunately through their own efforts and also with our own aid under former President Harry S. Truman their freedom and independence were preserved, and today they are among the stouthearted fighters against Communist forces of tyranny. Though only recently they suffered the loss of their beloved monarch, King Paul of the Hellenes, today they are fortunate in having a youthful and vigorous royal leader in the person of King Constantine. On the 143d anniversary of their independence day we all wish peace and prosperity, joy and happiness to the gifted and gallant Greeks in their homeland.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MILLER of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10456) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H.R. 10456, with Mr. ROONEY of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 1½ hours and the gentleman from Pennsylvania [Mr. FULTON] will be recognized for 1½ hours.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, today marks the sixth time the Committee on Science and Astronautics has brought to the floor of the House a bill to authorize fiscal year appropriations for the National Aeronautics and Space Administration. It is the sixth time the members of the committee have come to explain to the House the future course of our national program of space research and development.

Over these comparatively few years, the American people and the people of the world have witnessed an unparalleled peacetime demonstration of American strength, technological ingenuity, and vigor that has been based upon unqualified determination.

The things I will say here in support of H.R. 10456 should not be new to you.

The statements that have been made by the committee members since 1959 on the NASA budgets were, in essence, the same things we will say to you today—with one, however, very important difference. Today we can look back over a record of astonishing success in space accomplishments.

In 1959, we could not. We could only tell you of the hopes, the objectives, and the purposes of the space program in the years ahead. In a great act of wisdom and a greater faith, Congress underwrote those early efforts by enacting into law that first authorization bill. It was then that a new great source of future American economic and industrial energy was brought into being. I sincerely believe that, regardless of the individual sentiments and convictions with regard to our space program held by each Member of the House, no one listening to me now can readily deny some sense of pride, some degree of satisfaction in the way we, as a nation have met and are overcoming the challenges in space that faced us in 1959.

I share that pride, that satisfaction in no small measure—but with an equal measure of humility and gratitude.

My sense of deep humility stems from a sharp awareness of the tremendous tasks in space we must undertake in the future. My sense of gratitude comes from an awareness of the courage of our astronauts, the dedication of NASA scientists and engineers, and the great spur to educational and economic progress the space program has so far provided.

I have tried to view our Nation as peoples of other nations might view us. They have seen our wealth, and the way we live. They have witnessed tremendous outpouring of American energy in two World Wars. They are aware the American people have put bread on the tables, clothes on the backs, and roofs over the heads of millions of people in order to create a world of reasonable security and hope for everyone. And today they see us investing in space not just for ourselves or for our own gain, but for the benefit of everyone. We have proved this beyond question in the past few years. The weather satellites, the communications satellites, our navigation satellites, are tangible evidence of that proof.

Mr. Chairman, I cannot point to a single national effort that is doing more to offset and counter the many assaults upon our free world leadership occurring in every corner of the globe today than is the space program.

And it is the stature we have earned by our labors, by our charity, and by our magnanimity that is an essential element of the responsibilities Americans now shoulder.

H.R. 10456 is a new contribution to strengthening that leadership. It is a new step forward toward the goals we have set for ourselves in space. It has very strong bipartisan support of the Committee on Science and Astronautics.

The total amount to be authorized under this bill is $5,193,810,500. In general categories, this figure breaks down as follows: Research and development, $4,327,950,000; Construction of facilities, $248,335,000; Administrative operations, $617,525,500.

Last year, NASA asked Congress to authorize an appropriation of more than $5,700 million. We actually authorized less than $5,250 million, a reduction of about $450 million. NASA received even less, since $5,100 million was appropriated.

This year NASA has asked authorization for $5,304 million. Thus, the committee has reduced the NASA request by $110,189,500. The amount requested this year is more than $44 million less than authorized last year.

Mr. Chairman, I believe that the committee action on this bill has been the result of strict examination in detail of NASA's needs in relation to achieving our national goals on schedule and at the same time obtaining the greatest possible gain from every dollar NASA will spend in the year ahead.

Even though the NASA budget was drastically reduced by Congress from the original request, our accomplishments in space over the past year were nonetheless outstanding. These accomplishments will be milestones added to many that have been passed along the course of a great research effort that began only 6 years ago.

It might be constructive this afternoon if I quickly reviewed some of these milestones for the Members in order to demonstrate the continuity and the orderly programing that exists within the activities of the National Aeronautics and Space Administration.

More than two-thirds of the 200 satellites and interplanetary probes launched into space have been the product of U.S. scientists and engineers.

Our satellites were the first to confirm the existence of the great radiation belt that surrounds the earth, and later vehicles have measured and defined this belt. Our satellites were the first to determine that the earth was not round, that it bulged at the Equator, a fact of great significance to military planners in plotting flights and targets, to cartographers, and space navigation.

Satellite observation of the ionosphere and deep space probes have made great contributions to solving problems of uninterrupted radio and television broadcasts during periods of solar eruptions.

You are all familiar with the great and continuing achievements we have had in the communication and weather satellite programs.

Mr. Chairman, may I digress from my prepared statement to say that many of you, if you were up early enough this morning, may have seen for the first time a television show, or a television group, originating in Japan and being broadcast in this country via Relay, a NASA satellite.

The Telstar and Relay vehicles have demonstrated the practicability of satellite communication of all sorts, including the transmission of television broadcasts on a worldwide basis.

The Syncom satellites, placed in nearly stationary orbit, in what was the most complex demonstration of guidance yet achieved, probed the feasibility of 24-hour satellite communications systems that would virtually cover the globe with only three spacecraft.

The Tiros weather satellites have been so successful that we have become accustomed to rely on weather data based upon their operations. Even now, a system is being evolved to permit cities and towns, as well as the Armed Forces in the field, with simple inexpensive equipment, to obtain photographs of local cloud cover as the satellite passes overhead.

I need not recount the successes we have had in manned space flight with Project Mercury. These were monuments to courage and determination to succeed.

The present fiscal year, despite the reductions in the NASA fiscal year 1964 budget request, has been one of real progress and accomplishment. Mariner II was an outstanding example, and was probably the most profitable single scientific venture into space.

In its flight to Venus, it transmitted 65 million bits of information over a record distance of 54 million miles from earth. It sent information on the planet and our solar system that could be obtained in no other way.

We have also seen the launch into orbit around the earth of a 19-ton payload by the Saturn 1-B rocket. This is the largest weight ever lifted into space by a single rocket. Hence, no longer does the Soviet Union lead this Nation in booster power.

This fiscal year has been one of significant progress. Yet we are at a turning point in the U.S. space effort. After 5 years of determined, driving effort, with the support of Congress, we are now moving from a time of preparation into a period of fruition.

We are at a point when the technologies, the scientific knowledge, the experience NASA has gained, is producing tangible and practical results. The effectiveness and the extent to which this country will be able to realize the fullest return from what we have already done will depend upon the judicious support NASA will receive from the Congress.

I believe that this is a good bill. It is the product of hardheaded, show-me evaluations by the three subcommittees of our committee. It is based upon the strict standard of fund allocation expressed in last year's authorization legislation.

I am sure that you will be interested to know, Mr. Chairman, that the strict evaluation of NASA's management of its resources and funds is the single responsibility of the NASA Oversight Subcommittee which I established last year for that very purpose, and which is chaired by the very capable and energetic gentleman from Texas [Mr. TEAGUE]. It will have NASA operations under its continuous surveillance during the coming fiscal year.

As a matter of fact, Mr. Chairman, 5 minutes after the full committee voted on H.R. 10456, the gentleman from Texas [Mr. TEAGUE] called the Oversight Subcommittee to order in the hearing room to begin a series of investigations into problems of nuclear propulsion which confront NASA. You can see that he is losing no time at all.

I believe that with regard to planning the future course and the costs of our space programs, both NASA and our committee have reached a level of maturity in experience and judgment that has produced and will in the years ahead produce realistic legislation such as H.R. 10456. I urge the favorable consideration of this bill by the House.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I shall not take very much of the time of the committee in my initial presentation.

Mr. Chairman, it is gratifying to know that the rule providing for the consideration of the bill for the NASA authorization for the coming fiscal year has passed the House by a vote of 357 to 0. Several years ago, when the moon flight program was first authorized, we again had a unanimous vote of the House of Representatives. That meant to me that the policy of the United States was confirmed. We were to go ahead with the program for the lunar flight, expeditiously, economically, and at the least possible cost.

Mr. Chairman, we in the House of Representatives want efficient programs. I believe it is the duty of the committees of this House to make sure, by close scrutiny, study, hearings, and investigations that these programs are well run, that they are also closely watched so that we can be sure of obtaining good and efficient results.

Mr. Chairman, I would make a recommendation to NASA. I would recommend that it try, from here on, to obtain a better distribution of its contracts, its installations, as well as its fellowships for students and grants to colleges and universities on a wider basis and a better spread around the United States of America and its possessions.

I include here a tabular listing of NASA procurement of contracts by States:

U.S. geographical distribution of NASA procurement, direct awards of $25,000 and over, fiscal year 1963

State	Total		Business		Educational institutions	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Total	*Thousands* $2,181,405	100.0	*Thousands* $2,085,639	100.0	*Thousands* $79,639	100.0
Alabama	97,068	4.4	95,097	4.6	1,826	2.3
Alaska	2,057	.1	816	(1)	1,241	1.6
Arizona	6,291	.3	4,742	.2	1,549	1.9
Arkansas	322	(1)	105	(1)	217	.3
California	1,098,486	50.4	1,085,517	52.0	10,218	12.8
Colorado	7,094	.3	6,119	.3	825	1.0
Connecticut	9,015	.4	7,649	.4	1,366	1.7
Delaware	204	(1)	56	(1)	148	.2
Florida	92,393	4.2	91,148	4.4	1,164	1.5
Georgia	6,025	.3	5,603	.3	349	.4
Hawaii	124	(1)	29	(1)	95	.1
Idaho	1,791	.1	1,791	.1		
Illinois	14,837	.7	8,469	.4	4,842	6.1
Indiana	2,921	.1	2,014	.1	831	1.0
Iowa	2,548	.1	907	(1)	1,641	2.1
Kansas	898	(1)	224	(1)	674	.8
Kentucky	82	(1)	32	(1)	50	.1
Louisiana	185,263	8.5	184,852	8.9	411	.5
Maine	192	(1)			192	.2
Maryland	47,185	2.2	45,167	2.2	2,018	2.5
Massachusetts	43,463	2.0	22,320	1.1	17,893	22.4
Michigan	9,088	.4	3,710	.2	5,072	6.4
Minnesota	8,583	.4	5,760	.3	2,670	3.4
Mississippi	86	(1)	45	(1)		
Missouri	197,104	9.0	195,372	9.4	901	1.1
Montana	70	(1)			70	.1
Nevada	484	(1)	443	(1)	41	.1
New Hampshire	585	(1)	425	(1)	160	.2
New Jersey	55,889	2.6	53,014	2.5	2,875	3.6
New Mexico	2.916	.1	906	(1)	1,766	2.2
New York	97,471	4.5	88,490	4.2	6,361	8.0
North Carolina	1,000	(1)	416	(1)	526	.7
Ohio	32,268	1.5	30,330	1.5	1,160	1.5
Oklahoma	1,087	.1	371	(1)	716	.9
Oregon	575	(1)	426	(1)	149	.2
Pennsylvania	30,489	1.4	27,812	1.3	2,380	3.0
Rhode Island	356	(1)	235	(1)	71	.1
South Carolina	76	(1)			76	.1
South Dakota	407	(1)			407	.5
Tennessee	2,301	.1	1,804	.1	497	.6
Texas	54,772	2.5	51,344	2.5	2,620	3.3
Utah	534	(1)	336	(1)	198	.2
Vermont	128	(1)	79	(1)	49	.1
Virginia	23,961	1.1	23,325	1.1	636	.8
Washington	2,516	.1	2,339	.1	177	.2
West Virginia	538	(1)	395	(1)	143	.2
Wisconsin	12,683	.6	11,363	.5	1,320	1.7
Wyoming	38	(1)	38	(1)		
District of Columbia	27,141	1.2	24,204	1.2	1,048	1.3

[1] Less than 0.05 percent.

NOTE.—Excludes awards placed with or through other Government agencies, awards outside the United States and actions on the Jet Propulsion Laboratory contract.

To date, six midwestern universities have received facilities grants in the amount of $6,073,760 out of a nationwide total of $17,642,965.

In fiscal year 1963, universities in the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin received a total of $4,407,000 for training grants. During fiscal year 1964, training grants for these same Midwestern States amounted to $5,307,100.

Facilities

Far West	Midwest	Northeast
$1,990,000	$1,775,000	$1,500,000
792,000	610,000	535,000
2,000,000	704,000	182,685
	442,760	3,000,000
4,782,000	1,750,000	1,500,000
		625,000
	5,281,760	236,520
		7,579,205

Facilities—Continued

Midwest		Northeast	
1963	1964	1963	1964
		$106,900	$116,800
		205,500	248,400
		109,600	109,600
			76,800
		156,000	195,000
		192,000	192,000
			61,200
			106,200
			106,200
			29,200
		310,500	310,500
		50,900	68,500
			58,800
			109,800
			77,000
		230,400	196,600
		108,000	162,600
			108,000
			57,000
			26,400
		216,000	283,500
			62,100
		228,000	275,500
		177,000	212,400
			53,100

Facilities—Continued

Midwest		Northeast	
1963	1964	1963	1964
			$76,800
			31,100
		$220,600	258,800
		192,000	302,200
		183,000	186,000
$4,407,000	$5,307,100	141,600	141,600
	37,900	1,134,700	1,509,500
	5,345,000	3,962,700	5,809,200

Southwest		Other (District of Columbia, Alaska, and Hawaii)	
1963	1964	1963	1964
$79,200	$106,200		$57,600
177,000	177,000		
144,000	144,000	$165,900	192,800
40,600	50,200		
	158,400	109,800	109,800
113,900	153,600		106,200
177,000	177,000		81,600
192,000	288,000		53,100
	54,000		
192,000	230,400		
	51,900		
101,600	101,600		
132,000	158,400		
	40,800		
56,000	73,200		
141,600	141,600		
1,546,900	2,106,300	275,700	601,100

Cost of training program

South		Far West	
Fiscal year 1963	Fiscal year 1964	Fiscal year 1963	Fiscal year 1964
$192,000	$192,000	$268,900	$268,900
			237,000
147,600	176,900	128,700	288,000
			35,400
131,200	128,700	152,400	96,500
177,000	177,000	230,800	193,000
	70,800		310,500
		91,800	
	38,600		39,900
		176,600	86,500
230,400	288,000	100,800	182,200
	153,600		100,800
	153,600		76,500
131,500	127,700		57,600
158,400	158,400	149,400	149,500
	65,300		100,700
	70,800		
177,000	177,000	150,200	148,800
142,000	147,000		
132,000	186,300		
75,600	95,300		
	97,100		
141,600	177,000		
153,600	179,300		
177,000	177,000		
153,400	163,700		
2,340,300	3,201,100	1,449,600	2,371,800

Northeast		Northeast—Continued	
Fiscal year 1963	Fiscal year 1964	Fiscal year 1963	Fiscal year 1964
$169,500	$225,000		$180,000
153,600	153,600	$70,800	70,800
177,000	212,400	48,700	67,800
192,000	230,400	143,000	151,800
180,000	217,600		
	180,000	1,134,700	1,509,500

Mr. Chairman, this is a large program. We are asking for $5,193 million for this year alone. That is 1½ times the total U.S. budget for the whole Federal Government in the last year of the Hoover administration.

If you look ahead to what might be in the future, it might be just as incredible as it sounds today, with this figure.

As a matter of fact, this $5,193 billion figure for NASA is the third largest Government budget figure in the whole Federal Government, if we consider expenditures and not interest. It follows second after the defense in this country.

I would caution the House to remember that this is a research and development program existing under the act of 1958 which established NASA. I was then on the Select Committee on Astronautics and Space Exploration that the Speaker appointed to see what we should do to set up an agency and to set up the basis for the authorizing legislation we are now operating under.

We must also realize that we in the House are acting on research and development. Until we find out what the facts are, we do not know whether it is a peacetime or military problem.

The people who are interested in military space projects, and likewise those in peaceful space projects, must realize we have first to do the research. When the research is once done, then can come these practical applications, such as weapons systems, communications systems, weather systems, navigation systems—systems of every kind and variety.

My recommendation to NASA is that we should emphasize more research and development. We should keep a place in this legislation for basic research and development. Unless we do so, this country will reach a blank wall in technology in about 3, 4, or 5 years. We must do our homework and keep pace with technological development.

We must realize that Russia, in the current fiscal year, is spending more on space than the United States of America, the richest nation in the world. The Russian people have long since realized the gains economically and in every way—prestige in learning, in stimulation to the universities, colleges and students, to be attained by space research.

At some point, the United States of America must make up its mind: Are we going to sit as an Indian in a teepee in complete ignorance and have this solar system operate as a gigantic machine without our knowing what goes on?

As the Chairman has pointed out, we have found that there is a tremendous band of two radiation belts above us that have a tremendous effect on everything from radio to your sun tan, and down to you personally.

I would say, Mr. Chairman, a surprising thing is happening to every one of us. From outer space, coming from 5 billion light years away or more, are cosmic rays that are going through each one of you at the rate of 6 to 8 per second.

You are being bombarded with tremendous, powerful particles of energy. Nobody knows where they come from or where they go. They go through you, as you sit here. They go right through without interference.

What effect does that have on you? It has affected some of you. If you were to talk to your grandfather he would say you ought to be locked up, you are out of your mind, or things like that.

When we talk about speed we are talking about moving speeds from 17,500 miles an hour to 25,000 to 35,000 miles an hour.

Astronauts who come back from the moon must enter the atmosphere at a speed of 25,000 miles an hour, using atmospheric pressures for braking. They must land on a slit of ground 400 miles wide or else, missing that, go into the solar system and be lost.

For me, I am one of those who have been a strong supporter of space research. My activity began in the late forties or early fifties because of my interest as a former serviceman on a carrier in the U.S. Navy.

I followed that up and have been what you might call a radio-space enthusiast. I have had the honor of being on the National Rocket Society Board of Governors.

That is the background that I feel should be examined when we are trying to evaluate the statements of each individual.

I feel that space is the new challenge of this world. Why do I? We are already spending a billion dollars a year on our weather satellite. To me, the weather satellites alone, let alone the navigational satellites, are valuable enough to pay for this program.

Think of it. We can have a system of communication that will be worldwide and instantaneous. Think of it. We can have the world Eisenhower spoke of when he called for open skies.

I must say for President Kennedy he followed the same program. Likewise President Johnson has followed it well, too.

I will point out where we are in the space budget, and then I am through, I feel I have used enough time and I want to let the others speak.

The now completed Mercury program was of course a four-shot, one-man, program. That was successfully completed with every astronaut landing safely.

The Gemini is a two-man spacecraft, the Apollo is a three-man vehicle.

So far in research and development we have spent $340 million on the Mercury through the 1964 fiscal year, $272 million on research and development in Gemini, and $4,277 million on research and development in Apollo. The total to date through 1964 for research and development on the lunar programs is $5,388 million.

Construction of facilities costs of moon program through the 1964 fiscal year amount to $1,355 million, making a total expenditure authorized so far in the moon program of $6,243 million through this fiscal year.

In addition, administrative operations have cost us $420 million. The total moon program so far to date until we conclude here today is $7,213 million.

This committee recommends to you that in the fiscal year 1965 we have for research and development on Gemini, the two-man orbit program, the sum of $308 million. We likewise recommend $2,677 million for Apollo, the three-man program.

Further, we have recommended to you a combined figure, covering for construction of facilities in this particular program and administrative operations of $530 million. This is a total, then, through this fiscal year 1965, of $7,728 million for the lunar program.

This is one-half way to the total of the $20 billion which has been programed to be spent on our lunar program.

But I point out to you that, of the $20 billion scheduled for the lunar programs, only $2 billion is attributable solely to the moon program. Eighteen billion dollars of it is for space research. I hope that this Congress will act to keep America preeminent in space.

My last word is directed to the National Aeronautics and Space Administration. I feel that we should strongly emphasize new propellants, especially high-energy propellants—mechanical, chemical, and nuclear. If we do we will be able to save 2 pounds on the upper stage and 4 pounds on the first-stage booster.

Likewise, we will, on upper stages, be able to save 8 pounds on the first stage if we get into third or fourth upper stages.

I have insisted that we try additives in the present propellants, just as we have in gasoline. I am glad to say that in response to that insistence the Centaur booster already indicates a 30-percent increase in payload by making a fluoride oxygen mix—just like mixing flour and water.

If we have that much of a payload increase already from new propellants, what could we have if we go into research in fluorine diborane, oxygen, hydrogen combinations?

We could have a tremendous increase in nuclear propulsion if we use solid core and we will get two to three times the increase in specific impulse.

If we go further and go into the gaseous core—which will be spoken of later—as a method of propulsion, it will be 50 to 100 times the amount of propulsion or specific impulse that we will gain. Why should we not do that when we see such an advantage ahead?

If NASA will go ahead on high energy propellants research, they will be able to use present installations longer. They will be able to use present booster capsules longer. They will get a higher push per pound in their fuels.

Likewise, they will get higher specific impulses. That will give as a wide variety of vehicles we can operate rather than having to tailor make every particular engine, vehicle, and propellant for each mission into space.

I include here for the information of the Members, the NASA future flight schedule.

The Committee on Science and Astronautics has brought to the floor today an authorization bill that is both adequate and realistic. The bill, H.R. 10456, was reported by the House Science and Astronautics Committee on March 17, 1964, by a favorable vote of 26 to 2, out of a total membership on the committee of 31.

We are asking the House to provide the National Aeronautics and Space Administration with authority for $5,193,810,500 for fiscal year 1965. This amount is $110,189,500 less than was requested by NASA. The NASA request of $5,304 million is the amount set after a $200 million reduction of NASA's original budget estimate of $5,504 million had been made by the Bureau of the Budget prior to submission of the fiscal year 1965 budget to Congress.

The Science Committee reduction amounts to $110,189,500. Therefore, the original NASA budget total estimate for its fiscal year 1965 operations has now been reduced by more than $310 million.

The National Aeronautics and Space Administration over the past year has been faced with serious problems of adjustment in management and fund allocation created by the reduction in funds given by Congress last year.

The reduced authorization bill this year of $5.193 billion from the administration bill last year of $5.712 billion has no doubt been to a great degree the result of the recognition by NASA top-level managers of the committee's critical attitude.

Even so, the committee has reduced the request by more than $100 million.

Many Members of the House have expressed their critical views in regard to the space program as a whole, and to specific programs. Nonetheless, the National Aeronautics and Space Administration has a heavy burden of responsibility to discharge. It is a responsibility that has been given to NASA by the Congress. This is a period when the many space agency programs are close to practical realization. Our moon flight program is now at the halfway mark. Here is the history of the authorization and expenditures of the moon program to this time.

I include here a list of personnel and their assignments in NASA.

	1963	1964	1965
DIRECT PERSONNEL BY PROGRAM			
Manned space flight:			
Gemini	512	796	945
Apollo	6,876	8,495	9,167
Advanced missions	428	559	579
Completed missions	120		
Space science and applications:			
Geophysics and astronomy	1,048	1,257	1,257
Lunar and planetary exploration	179	358	374
Sustaining university program	55	65	65
Launch vehicle development	615	684	679
Bioscience	207	290	296
Meteorological satellites	263	296	287
Communications satellites	147	137	110
Advanced technological satellites		43	84
Advanced research and technology:			
Basic research	1,402	1,451	1,460
Space vehicle systems	1,836	1,843	1,805
Electronic systems	1,098	1,157	1,345
Human factor systems	142	194	189
Nuclear electric systems	679	728	723
Nuclear rockets	626	539	523
Chemical propulsion	503	506	488
Space power	243	263	269
Aeronautics	1,530	1,547	1,529
Tracking and data acquisition	698	865	866
Technology utilization and policy planning	37	40	40
Subtotal, direct positions	19,244	22,113	23,080
DIRECT PERSONNEL BY PROGRAM—continued			
Support personnel:			
Director and staff	445	562	603
Administration	4,068	4,593	4,705
Installation operation	2,795	3,099	3,169
Research and development support	607	742	752
NASA-wide support	745	891	891
Subtotal, support positions	8,660	9,887	10,120
Total, permanent positions	27,904	32,000	33,200
Subtotal, other positions	2,030	600	600
Total, all positions	29,934	32,600	33,800

As indicated in the fiscal year 1964 budget, 600 positions, 466 for students under cooperative agreements for training in NASA installations and 134 temporaries will be utilized in addition to the permanent personnel. This results in the overall NASA personnel plan for fiscal year 1964 of 32,600 as against 33,100 proposed in the fiscal year 1964 budget. In fiscal year 1965 no increases in personnel are planned with the exception of the manned spacecraft center and the Kennedy Space Center, a total of 1,000 additional positions; and 200 additional positions for the electronics research center. All other centers, as well as NASA Headquarters, are planned at the same level as at the end of fiscal year 1964.

The following table reflects the fiscal year 1965 personnel requirements and the realinement of personnel by installation for fiscal year 1964:

Personnel requirements

	1964 column of the 1964 budget	Revision	1964 column of the 1965 budget	1965
Manned space flight:				
Kennedy Space Center	1,200	+476	1,676	2,205
Manned Spacecraft Center	3,980	+210	4,190	4,661
Marshall Space Flight Center	7,492	−28	7,464	7,464
Total	12,672	+658	13,330	14,330
Advanced research and technology:				
Ames Research Center	2,309	−133	2,176	2,176
Electronics Research Center	250	−200	50	250
Flight Research Center	593	+11	604	604
Langley Research Center	4,296	−18	4,278	4,278
Lewis Research Center	5,128	−343	4,785	4,785
Space Nuclear Propulsion Office	160	−57	103	103
Total	12,736	−740	11,996	12,196
Space science and applications:				
Goddard Space Flight Center	3,700	−88	3,612	3,612
Pacific Launch Operations Office	22	−3	19	19
Wallops Station	530	−12	518	518
Total	4,252	−103	4,149	4,149
Supporting activities:				
Headquarters, NASA	2,300	−200	2,100	2,100
Northeast Office	40	0	40	40
Western Operations Office	500	−115	385	385
Total	2,840	−315	2,525	2,525
Permanent positions	32,500	−500	32,000	33,200
Subtotal positions, other than permanent	600	0	600	600
Total	33,100	−500	32,600	33,800

The fiscal year 1965 funding request for administrative operations is approximately $124 million more than the plan for fiscal year 1964. This increase, however, is primarily the result of increases in personnel compensation and a program to purchase rather than lease electronic data processing equipment. It is expected that the procurement of the equipment will result in significant savings over the lifetime of the equipment and that the full purchase price will be recaptured within a 4-year period.

Analysis of resources requirements by object classification

[Thousands of dollars]

		1963	1964	1965
11	Personnel compensation	230,575	289,383	326,782
12	Personnel benefits	15,988	20,117	22,718
21	Travel of persons	15,018	19,800	22,000
22	Transportation of things	6,390	5,901	5,848
23	Rents, communication, and utilities	39,770	54,400	47,489
24	Printing and reproduction	3,201	5,440	5,946
25	Other services	64,741	75,508	82,913
26	Supplies and materials	29,909	25,460	31,109
31	Equipment	27,263	15,931	90,074
32	Lands and structures	5,806	4,900	6,110
40	Insurance claims and indemnities	14	11	11
	Total	438,675	516,851	641,000

PERSONNEL PROGRAM

Personnel compensation and benefits will increase from a total of $309.5 million in fiscal year 1964 to $349.5 million in fiscal year 1965. This increase is primarily related to a larger number of man-years in fiscal year 1965. Man-years for NASA funded personnel will increase from 30,404 to 33,320, an increase of 2,916 man-years, although total employment will increase by only 1,200 positions. As mentioned before, employment was held to a minimum level during the first half of fiscal year 1964, in order to determine the most effective method of assigning manpower. This review was completed in early December and authorizations to recruit personnel to meet the goals on the above table were released. As a result, the man-year totals for fiscal year 1964 will show an unusually high lapse rate. It is expected, however, that full employment will be reached by the end of the fiscal year and that the fiscal year 1965 will have the effective use of the entire fiscal year 1964 end-year complement plus about 900 man-years of the 1,200 additional positions included in the budget request. Another increased cost factor in fiscal year 1965 will be the full-year payment of the second phase of the pay raise which is effective in fiscal year 1964 for only the second half of the year.

Planned flight schedule calendar years 1964 through 1969

	1964	1965	1966	1967	1968	1969
Meteorology:						
Tiros	2	2	----	----	----	----
Nimbus	2	1	----	----	----	----
Communications	3	1	----	----	----	----
Advanced technological	----	----	1	2	2	----
Bioscience	----	1	4	1	----	----
Geophysics and astronomy:						
Observatories	3	5	3	5	6	5
Explorers	12	9	9	9	10	9
Lunar and planetary:						
Planetary	2	----	2	----	2	2
Pioneer	----	2	3	2	----	----
Ranger	4	----	----	----	----	----
Lunar Orbiter	----	----	4	4	2	----
Surveyor	----	4	5	6	2	----
	↑	↑				
Centaur	4(2)	2(2)	----	----	----	----
Gemini:						
Titan II	3	4	4	1	----	----
Atlas Agena	----	2	4	1	----	----
Apollo:						
Little Joe II	2	3	----	----	----	----
Saturn I	4	2	----	----	----	----
Saturn IB	----	----	4	4	4	----
Saturn V	----	----	----	4	6	5
Space vehicles systems	[1]4	[1]2	1	1	1	1
Nuclear-electric	2	----	----	----	----	----

[1] Excludes Saturn launched meteoroid experiments.

Source: NASA letter AC:BJC of Jan. 24, 1964 (enclosure "Planned Flight Schedule," dated Jan. 23, 1964).

The committee this year has approved authorization of $4,327,900,000 for research and development. This represents a modest increase over the amount requested last year, which was $4,370,575,000. This is a logical and reasonable increase in view of the fact that research and development programs are increasing in scope and tempo. We are progressing toward the ultimate flight objectives. This is particularly true in the manned space flight program, which is now concentrating heavily on Project Gemini, two-man flight, the next step beyond the successfully completed four-man flights of Project Mercury. Gemini is the forerunner of Project Apollo, the three-man space flight lunar program, which will ultimately make possible the manned lunar landing.

Competent and properly supported research and development is the heart and soul of our space program. Regardless of any arbitrary schedule that may have been set for landing on the moon, quality research is mandatory. Nor should it proceed at a slower rate. Once the scheduled plans have been set for a research and development program, slowing in its tempo inevitably affects its quality. And no one on this floor should doubt that what we do here could, at some time in the future, indirectly or not, affect substantially the confidence and security of astronauts. We cannot fail to have the highest standards of equipment and operations, or tragedy and the failure of our U.S. space programs will certainly result.

The allocation of funds for research and development has been examined in great detail. The committee believes they represent the minimum we could authorize and yet expect NASA to do a competent job.

The amount asked this year for construction of facilities is $248,335,000. This is $444,024,400 less than what was requested last year. This is a very substantial reduction in fiscal requirements for this activity, and I am sure a welcome one for the Members of the House.

Administrative operations, for which $617,525,500 is $109,340,500 more than was asked for last year. This is due to the expansion of some facilities and operations, but especially it is caused by the second increment of the statutory pay raise of Government personnel that was enacted last year. In addition NASA is following Government Accounting Office policy by allocating $73.7 million for computer equipment.

This is solid evidence that both NASA and the committee have expended every reasonable effort to produce a budget that will accomplish our national objectives in space, and at a minimum cost.

I should point out to the House that the Administrator of NASA James Webb, about 3 years ago advised the Committee on Science and Astronautics that the cost of NASA's programs would level off at around $5 billion. He was more accurate than he knew he would be. Our committee is gratified that the amount of funds granted by Congress to NASA for fiscal year 1964, $5,100 million is very close to the amount authorized originally by the House Science and Astronautics Committee, $5,238 million. This is a difference of only $138 million out of over $5,000 million, or a variation of only 2.6 percent. This shows the careful work our Science Committee has given.

I should emphasize again to the House that the United States has already established, in only 6 years, before the world, a stature in space that is now second to none. In the past year NASA overtook the Soviet Union in the main area in which the United States was behind—booster power—by placing 19 tons in orbit around the earth through Saturn I.

The space and rocket industries have grown to be major factors in our economy. The missile and space industry, in dollar volume and people employed, now equals those of the automobile industry. Businessmen, engineers, and communities with chronic and high rates of unemployment and partial use of industrial and power should get interested and contact National Aeronautics and Space Agency procurement agencies. This opportunity in space is open for business, large and small.

What we do here must be weighed not only in terms of our progress in space, but also in terms of the effect upon important segments of industry.

This is a good bill. It is realistic. It will demand careful and highly efficient management. The Congress can have confidence that the Committee on Science and Astronautics has done its work with thoroughness and care. I strongly urge the favorable consideration of H.R. 10456 by the House.

I strongly favor the bill. I hope it will pass. I may have a motion to recommit and add on one amendment to establish in the National Aeronautics and Space Administration an Inspector of Programs and Operations.

I will submit that later, of course, when it comes time for the final vote. I will give notice of it ahead of time.

Mr. MILLER of California. Mr. Chairman, I yield 25 minutes to the gentleman from Texas [Mr. TEAGUE] to be divided as he sees fit among his subcommittee members.

The CHAIRMAN. The gentleman from Texas [Mr. TEAGUE] is recognized for 25 minutes.

Mr. TEAGUE of Texas. Mr. Chairman, since late January of this year the Manned Space Flight Subcommittee of the Committee on Science and Astronautics has been conducting an extensive series of hearings, briefings, and tours of major NASA and contractor facilities contributing to the manned space flight program.

Twenty separate hearings and briefings have been completed to analyze the $3,011,900,000 research and development program proposed by NASA for manned space flight. In addition a critical review was made of the $224,910,000 construction of facilities program request. The program management was also reviewed and a thorough study made of the proposed $304,570,000 budget request for administrative operations.

Testimony was taken at the manned space flight centers: The Marshall Space Flight Center, Huntsville, Ala.; Michoud Operations of the Marshall Space Flight Center, New Orleans, La.; the John F. Kennedy Space Center, Cocoa Beach, Fla.; and the Manned Spacecraft Center, Houston, Tex.

Standard data were requested from each of these major NASA centers to allow full analysis of research and development programs and management during the current fiscal year 1964 and the proposed program for fiscal year 1965, including the need for the requested fiscal year 1964 supplemental appropriation.

In addition, major contractors were visited to assess progress being made in accomplishing the objectives of the Gemini and Apollo programs, including: McDonnell Aircraft Corp., St. Louis, Mo.; Martin-Marietta Corp., Denver, Colo.; North American Aviation Corp., El Segunda, Calif.; and Douglas Aircraft Corp., Santa Monica, Calif.

To round out and amplify the information obtained, hearings were held and testimony taken in Washington in open and executive session with the management of the Office of Manned Space Flight of NASA. The overall manned space flight program was reviewed with Dr. Mueller, Associate Administrator for Manned Space Flight while testimony on the advanced missions program was furnished by Mr. E. Z. Gray, director of the advanced manned missions program.

The manned space flight medical program was reviewed with Dr. Knauf while Mr. George Low and Dr. George E. Mueller discussed the Gemini and Apollo manned space programs.

Over 1,300 pages of testimony and data were gathered from a thoroughgoing review of our effort to reach the moon in this decade. Special problems such as the increased costs of delaying the lunar landing objective beyond this decade were reviewed in depth with NASA and contractor management. The question of radiation hazard during long duration manned space flight was also considered by the subcommittee. After hearing testimony on the many joint efforts of the Department of Defense and NASA, at the request of the subcommittee, a summary of the NASA-Department of Defense cooperative relationship and the interface between the two organizations in accomplishing the space program is being prepared.

In summary, the subcommittee found that the Gemini program for long duration man-in-space tests prior to the longer Apollo missions is proceeding under aggressive NASA leadership to a successful conclusion. The first manned Gemini flight is expected in late 1964 and will herald the advent of manned space exploration built on the solid base of the successfully completed Mercury program. The subcommittee found that timely solutions are being found to the normal development problems that are to be expected in this great step forward in the space effort. The Nation may have confidence in the successful progress of this program.

A detailed review of the Apollo program indicated that satisfactory progress is being made in the development of the Saturn series of launch vehicles and the associated spacecraft. Problems associated with guidance, spacecraft weight reduction, and propulsion system performance have all been encountered in accomplishing this effort. The success of the Saturn I vehicles in its first four flights, however, is indicative of the sterling performance of the personnel and hardware in this program. Through the Apollo program the United States is now taking the preeminent position in the capability to lift large payloads into orbit. Development tests are proceeding on schedule. With satisfactory funding support the Apollo program is expected to achieve the national objective of manned lunar landings in this decade.

The committee also reviewed the radiation hazard attendant in long duration space flight and based on current information, found that a high probability of success—without excessive radiation hazard—could be expected in the Apollo program. Therefore, the subcommittee discounts the seriousness of the radiation hazard in the current program.

The subcommittee gave considerable attention to the Apollo program to the cost of delaying the lunar landing until the next decade. It found that either an appreciable acceleration or delay of this objective would materially increase the total cost of the program. The subcommittee was convinced that the current scheduled program is at an optimum and should be maintained. To do so requires not only the appropriation as embodied in H.R. 10456, but also the fiscal year 1964 supplemental appropriation to assure the avoidance of slippages in contractor schedules for spacecraft and propulsion crucial to the accomplishment of the program.

In addition, the subcommittee found that NASA is now conducting adequately broad studies to assure efficient and economical extension of the space program in the future. These paper studies allow the early analysis of the future utility of manned exploration and exploitation of the space program for the good of mankind.

Notwithstanding the excellent progress and achievements for the manned space flight program, the subcommittee did find that a number of areas of authorization could be trimmed in the fiscal year 1965 NASA program for manned space flight.

In the area of research and development the subcommittee felt that NASA had not made a substantial case for an increase in the advanced missions program over the amount provided for use in fiscal year 1964. The subcommittee, therefore, recommended and the full committee approved the amount of $22,100,000, or the 1964 level, for the fiscal year 1965 authorization.

A thorough review of the "Construction of facilities" found that the Center requests were indeed necessary for the accomplishment of the program. However, the committee felt that more austere construction standards would allow performance of the necessary functions and, therefore, recommended a general reduction of 10 percent or $22,491,000. The subcommittee recommended and the full committee approved $202,419,000 under "Construction of facilities" for the manned space flight program.

In reviewing the $304,570,000 request for "Administrative operations," the subcommittee recommended a general reduction of 5 percent or $15,228,500 on the basis that requests for equipment, supplies, and other services could be trimmed without seriously curtailing the program. The reduction, however, would be applied across the board without the denial of any specific expenditures to allow NASA latitude in management.

The subcommittee also found in its review of the John F. Kennedy Space Center that the Center had now assumed a position as a focal point to the American public for our national space effort and that the Center in attempting to allow the public to become more closely acquainted with the space program lacked sufficient facilities for accomplishing this aim. The subcommittee, therefore, recommended and the full committee approved the addition of $1 million to the construction of facilities program at the Center to allow adequate facilities for handling public and international visitors and public relations.

In short, the Subcommittee on Manned Space Flight found a vigorous, efficient, and capable NASA-industrial team accomplishing what is perhaps the greatest technological effort of this century, the potential of which can be such as to contribute to this Nation's economic strength as well as contributing to a strong technological base for our national security.

In the bill before the House today, we propose to push the throttle all the way forward on the U.S. effort to achieve supremacy in space. We have come a long way in the 5½ years since Congress passed the Space Act of 1958.

In the Space Act, we made the basic decision to create the capability to explore and exploit space. The important feature of that decision was that we would not wait until the requirements for space activity became evident. Instead, we rolled up our sleeves and got to work on developing the science and technology, the trained manpower, the earth-based facilities, and the flight hardware needed for space flight well in advance of the time when we might need them.

The wisdom of this decision becomes clear when we realize the very long time it takes to create space power. There is now evidence that Stalin ordered the beginning of top-priority work on Soviet rockets in 1947. Ten years later, the Soviets reaped the rewards by launching the first intercontinental ballistic missile and the first satellite.

A similarly long period is involved in our space program. We began the development of the F-1, our larget rocket engine, in 1958. The first flight of the Saturn V, a vehicle using the F-1 engine, is currently scheduled for 1967. We will be doing very well indeed if we achieve operational status for that vehicle by 1968, a decade after the beginning of development of the engine.

In the Space Act, the Congress determined that a prudent national policy calls for steady support year in and year out, for our efforts to build space competence. As the result of the continued support of the Congress, we have progressively built up our capability, in an orderly manner. Three years after the passage of the Space Act, faced with impressive Soviet demonstrations, we were able to accelerate the buildup to a rate that would extend our space flight capability outward to the moon before the end of this decade.

Now, after 3 more years, we are ready to take the last step in this buildup. In fiscal year 1965, we propose to exert maximum effort in our drive to overtake the Soviets in space before the end of this decade.

I am confident we will achieve this goal, perhaps well ahead of schedule. This winter our subcommittee has put in many long weekends of work conducting hearings and inspections at industrial facilities and space flight centers throughout the country. We have seen the tremendous job that is being done by industry on this program. With American industry producing at maximum effort, nothing can stop us from making this country first in space.

We completed the Mercury program last year. In Mercury, we learned many important lessons about space flight. We learned how to establish the industrial base, to set the high quality standards required, to train the personnel, to build high quality standards required, to train the personnel, to build the ground facilities and hardware, to create the worldwide network of tracking and communications stations, and to carry out operations. We learned what man can do in space for periods up to a day and a half.

But the most important lesson of all was the necessity for careful, thorough preparation, for attention to every detail. In Mercury, astronauts were launched into space only after every necessary and reasonable precaution had been taken. This policy has proved its worth. In six manned flights, six men carried out their missions and six men were brought back to earth without harm. The policy is being continued in the Gemini and Apollo programs.

The Gemini program is next on the agenda. In this step-by-step program, we are now approaching the time when it will be feasible to put two men in space in a single vehicle. They will be able to conduct long-duration flights, spelling each other as they sleep. We will train the pilots and people on the ground in rendezvous and docking—that is, we will bring together and join two spacecraft in flight.

The objectives of Gemini are applicable to Apollo. Furthermore, these objectives can be achieved in Gemini well in advance of the comparable Apollo missions. The first unmanned Gemini flight test will take place in the next few weeks. Before the end of the year, we plan a two-man flight.

The value of Gemini is probably best demonstrated by the recent decision of the Department of Defense to make use of Gemini hardware and experience in its manned orbiting laboratory program. In this program, a modified Gemini spacecraft will form the basic unit of a larger vehicle that will be employed for experiments in long duration flight. The Manned Orbiting Laboratory will provide answers to some of the questions relating to an orbiting space station, a program involving more advanced space flight techniques. The space station is being studied jointly by NASA and the Department of Defense.

The largest of our manned space flight programs is Apollo. Here we are developing a three-man spacecraft, which will be capable of orbital flights lasting more than 2 weeks. This spacecraft will provide a capability for advanced exercises in rendezvous and docking. The Apollo schedule calls for 2,000 hours of manned flight in earth orbit. Then, later in the decade, we will extend our flight capability outward from the earth, into lunar orbit and to lunar landing and exploration.

Just as we have already seen a military outgrowth of the Gemini program, I am confident that in time Apollo hardware and experience will be used to fulfill the needs of the Department of Defense.

Let me cite a few examples of what we are buying in Apollo. At first, of course, is the Saturn booster. On January 29, 5½ long years of work in this program paid off when the Saturn I launched the heaviest payload in the known history of space flight. The Saturn I will be used for test flights of the Apollo unmanned spacecraft and for experiments to determine the hazard from meteoroids—dust and tiny pebbles in space. Later, an improved version, the Saturn I-B, will provide thrust to boost into orbit the first manned Apollo spacecraft.

Beyond the Saturn, we are buying the much more powerful Saturn V. This booster will enable us to place in earth orbit a payload weighing a quarter-million pounds, about two dozen times as heavy as the Soviet Vostok. As I stated earlier, we hope we can bring this vehicle to an operational status by about 1968. When we have this kind of power, we will be second to none in space.

With these vehicles, we are buying the earthbased installations needed to support them. In fact, we have bought most of them. The fiscal year 1965 budget for construction of manned space flight facilities is less than half of that for the current year, and our committee has reduced the NASA request by a further 10 percent.

These installations will enable the United States to develop, manufacture, test, launch and control missions using large launch vehicles and spacecraft.

They will provide the country with the ability to produce and launch space vehicles at a high rate if the requirements develop. And most of these installations have a built-in capacity for expansion.

We are training personnel. At present, considerably more than 200,000 persons are at work in the manned space flight effort. When it reaches its peak next year, the number will be about 300,000, more than 90 percent in industry. Of these, it is estimated that about 45,000 will be scientists and engineers, about 2.8 percent of the total national employment of scientists and engineers. Thus it is clear that the national supply is not being strained.

Another thing we are buying in Apollo is the experience of managing a research and development effort of this magnitude. Our experience in this regard has advanced in steady progression. We went from the Manhattan project of World War II to the ballistic missile programs of the 1950's. Now we are taking another step forward to a program that is so large in scope that it cannot be managed by a single field center.

The Apollo program is run by three field centers, at Huntsville, Ala., Houston, Tex., and Cape Kennedy, Fla., all under the direction of the NASA headquarters in Washington. I am glad to report to the House that NASA fully recognizes the vital importance of exercising firm control over this vast effort and is paying continued attention to means of improving management.

At this point I would like to remark that even though the Government portion of this team is centered at a few locations, contractors and subcontractors are at work in most of the 50 States. Let me give a few examples. In St. Louis, McDonnell Aircraft has been at work since 1958, first on the Mercury spacecraft and now on the Gemini spacecraft. In Iowa, Collins Radio of Cedar Rapids is making communications equipment for the Gemini and Apollo programs under subcontract. At Indianapolis, General Motors is making fuel tanks for the Apollo spacecraft under a subcontract. In Wisconsin, the Ladish Co. of Cudahy has a whole series of subcontracts to make quality forgings for the Apollo spacecraft and the Saturn launch vehicles. In Minnesota, Minneapolis-Honeywell is making control equipment for the Gemini spacecraft.

One final thing we are buying in Apollo is experience in manned space flight operations. We have created a corps of astronauts, now numbering 29, to conduct manned space flight missions. We also have a smoothly operating team on the ground, at the control center and at the tracking stations around the world, which is capable of making the split-second decisions needed. We have the support of the Department of Defense—the tracking and recovery ships, the rescue planes and helicopters, and the missile ranges in the Atlantic and Pacific Oceans. I might mention that cool nerves are required to conduct an operation in which the vehicle is traveling at a speed of 5 miles a second. This is experience that will be of tremendous value for this country if we should develop a requirement for military operations in space.

With respect to military requirements, I am grateful to the gentleman from Illinois [Mr. RUMSFELD], my colleague on the committee, for inserting into the CONGRESSIONAL RECORD on March 2, 1964, a significant statement by a military expert, Maj. Gen. Ben I. Funk, commander, Space Systems Division, Air Force Systems Command.

In an article entitled "Steppingstones in Space," in the October 1963 issue of the magazine Rendezvous, General Funk discussed the problems created by the long leadtimes of the development process. He said:

> If we are going to plan, define, and produce systems that will not be overtaken by the events of time, technology, and circumstances, we must do more than simply compress development leadtimes. We must now, in fact, reduce our leadtime on foresight.

Observing that "experimentation and exploration, as ends in themselves, are luxuries that the military services can ill afford," General Funk says the services "benefit heavily from the investigative programs of the National Aeronautics and Space Administration."

The Air Force, he reports, is continually increasing the extent of its working partnership with NASA. Noting that the overwhelming majority of U.S. space achievements to date have depended upon boosters and facilities developed by the military, General Funk makes the following comments:

> We now foresee a clear opportunity during the next several years for the Air Force—in turn—to benefit from certain payload vehicles developed by or for NASA.
>
> The partnership approach to the Defense Department's military space needs and NASA's nonmilitary space responsibilities is a logical course to follow in the fulfillment of common space objectives. It is elemental to our mutual quest for space experience.

Altogether, it is estimated that 90 percent of the investment planned for the manned space flight program would be made even if there were no moon. We would certainly develop the boosters required to move ahead of the Soviets. We would certainly develop two- and three-man spacecraft for flight in earth orbit. We would build the installations and train the people and gain the experience in operations.

So long as we are doing all of this, it would be almost silly not to go to the moon, to explore it, to see what is there. The moon is relatively close, as distances go in space. It is less than a quarter of a million miles away. The trip will take less than 3 days.

Achievement of the first landing on the moon will provide conclusive proof that our country is first in space. We have to recognize that the Soviet space demonstrations have been extremely successful from the propaganda point of view. They orbited the first satellite. They hit the moon first. They photographed the back of the moon. They launched the first man, the first mission involving two manned spacecraft, and the first woman in space. The Soviet space accomplishments are used as an instrument of national policy, to create an impression of strength, with particular attention to the uncommitted nations of the world.

We may well achieve complete U.S. preeminence well in advance of our first landing on the moon. But because of past history, the world may not fully believe that we are first. By putting Americans on the moon first, we will wipe out the last of those doubts.

In this regard, our subcommittee delved rather deeply into some associated considerations. We looked into the matter of whether radiation would create an unreasonable hazard for the astronauts, and we examined the total cost as related to the schedule.

On the matter of radiation, we have determined that there is no substantial risk to the astronauts. Without going into the technical details, let me just say that if an Apollo spacecraft had been in flight during the worst solar flare on record—that of July 1959—the radiation dose received by the astronauts inside would have been 15 percent of the allowable safe dose.

We have examined in considerable detail the desirability of maintaining the present pace of Apollo, which calls for beginning manned lunar exploration in this decade. We found that, although the schedule is tight, it is not unreasonable. It keeps the pressure up, but every present indication is that it can be met.

It turns out that the present schedule is also compatible with economy. Now that the team has been organized, the contracts have been negotiated, and many of the facilities have been constructed, any slowdown would add to the overall cost and people would have to be laid off. Stops and starts are a most wasteful process in research and development. The most economical manner of operation is to set an overall schedule at the beginning and stick to it. If you take each step as soon as you can, you will eliminate the great waste of idle people and idle facilities.

The reason people become idle is that each organization feels it needs a basic minimum of people to remain in business. Every company is reluctant to lay off its best engineers and scientists, even when the work slacks off.

If the Apollo program were stretched out to 1975, an analysis of the increased costs of systems and subsystems indicates that the total program cost would increase by about 30 percent. In other words, keeping this force together and spreading the remaining portion of the work out through 12 years instead of 6 would add about $6 billion to the total cost. We concluded that it would not make good business sense.

There is an even more compelling reason why we should maintain this schedule. The United States is committed. If we were to stretch it out now, the world would conclude that we had run into serious technological problems. Such a decision would lead to serious questioning of our technological capacity and our ability to manage. And it would open the way for another sputnik-type propaganda triumph.

In Apollo, a great national machine is now moving into high speed. After 6 years, we are approaching the period of maximum national effort. Our momentum was built up steadily. We are driving ahead with the full power of American industry. In a few short years, the Russians will be far behind us.

Our committee reviewed very carefully the President's proposals in the bill before you. We determined that there is a fighting chance of carrying manned flight forward to the beginning of lunar exploration in this decade. Therefore, we concur in a supplemental appropriation of $141 million for fiscal year 1964, restoring a part of the $250 million by which the appropriation was reduced below the authorization last fall. The figure represents the portion of that $250 million which NASA would have applied to the Apollo program, had it been appropriated.

For fiscal year 1965, we have concluded that the requests for Gemini and Apollo represent a hard-core effort and we have recommended authorization of the full appropriation requested. However, the bill does include reductions recommended by the Manned Space Flight Subcommittee. We have reduced construction of facilities in our area of responsibility by 10 percent. We have reduced administrative operations by 5 percent. We have reduced advanced manned missions planning and study by 15 percent.

This bill has been soundly conceived and carefully thought out. It has been reduced where the committee felt this could be done. It is not a partisan bill. The space program was begun in a Republican administration and continued in a Democratic administration. Republicans and Democrats alike have supported it through the years. It is an American program, designed to place our country in its rightful position before the nations of the world. It is a program on which our national security may well depend.

In this bill, the House has an opportunity to give a vote of confidence in America's future in space. It is a bill that every Member can support in good conscience. I ask that support.

Almost every committee of the House is affected by the national space program. Space affects almost every aspect of our national life. Let me give some examples.

The Committee on Interstate and Foreign Commerce is concerned with weather forecasting, and thus with the weather satellites. This committee is also concerned with communications, and hence with the communications satellites. In its oversight of health and medicine, this committee is concerned with the many advances in these areas made possible by work in progress in the space program. In its interest in industry and manufacture, this committee is concerned with technological progress made possible in the space program.

The Committee on Merchant Marine and Fisheries is interested in the improvement in navigation made possible by satellites and in the revisions of world maps that are being made with geodetic satellites.

The Agriculture Committee is particularly interested in long-range weather forecasting and the possibilities of weather modification made possible by the weather satellites. It is also interested in the observation of locust swarms from space, improved methods of sterilization and canning, and increased knowledge about bacterial growth that results from space research.

The Committee on Foreign Affairs is concerned with the space program because leadership in science and technology confer distinct advantages at the international bargaining table and because space accomplishments are an important ingredient in national prestige, which creates assurance of national strength.

The space program is of interest to the Committee on Education and Labor because of the interrelationship between the program and the educational institutions of the country and because the space age is encouraging education. It is of concern to the committee also because of its impact on labor relations. About 300,000 persons will be at work in the manned space flight area alone by 1965.

The space program is of concern to the Committee on Interior and Insular Affairs because of the effect of space research on surveying, the search for oil and minerals, and the instruments used by geologists and explorers.

The space program is of especial concern to the Select Committee To Study the Problems of Small Business. In the period of 21 months ending last October 31, more than one-sixth of the volume of NASA's first- and second-tier subcontracts, totaling $156 million, was awarded to small business.

The Post Office and Civil Service Commitee is particularly concerned with the space program. In its function of passing of legislation that sets salaries and other conditions for civil service employees, this committee must deal with the problem of making Government employment attractive to highly qualified scientists and engineers needed to manage this great national effort.

The Public Works Committee is interested in the space program because of the extensive construction of facilities required for space. NASA uses the services of the Corps of Engineers to manage this construction.

The Judiciary Committee is interested in the space program because space exploration is opening up vast areas and issues in which law has yet to be established. The writing of space law promises to provide items for the agenda of this committee for generations to come.

The Joint Committee on Appropriations is clearly interested in the space program because of its function of passing upon the funding requirements for the space program.

The Committee on Armed Services is clearly interested in the space program because of the interaction between the civilian and military space efforts. So much is known to the House about this interrelation that it seems unnecessary to detail them at this time.

The Joint Committee on the Economic Report is interested in the space program because of the impact of space activity on the national economy.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. WYMAN. How much did the single Saturn 1-B launch that the gentleman from California [Mr. MILLER] just spoke of cost the country?

Mr. TEAGUE of Texas. I cannot give you the exact cost or the complete cost of that vehicle. There may be estimates on the cost of research and development that have gone into the project. Of course, the more vehicles that are produced, the less will be the cost per vehicle. I am sure there are figures on it, but I do not have them at the moment. Does any member of the committee have any figures on the cost of the Saturn?

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. DADDARIO. As I understand it, the cost attributable to that particular flight is $100 million.

Mr. TEAGUE of Texas. In other words, the first Saturn flight is estimated to cost $100 million?

Mr. WYMAN. And what do we have flying around in space as a result of that $100 million?

Mr. TEAGUE of Texas. At the moment, a load of sand. But I think the gentleman is being very unfair to our space program, if he is trying to leave the impression that that is all the country got out of this project.

Mr. WYMAN. No, I am not trying to leave that impression and I do not want my remarks to be construed in that way. I support our space program but desire that it be directed more at achieving national security and some reasonable economy in the lunar program. Will the gentleman yield for another question?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. WYMAN. In the present authorization bill that we are now considering, there is a request for $2,677 million for the Apollo program, the moon shot program. How many shots toward the moon are we going to get from our Saturns for that figure?

Mr. TEAGUE of Texas. There are, I believe, 12 Saturns. I can give the gentleman the exact figure. I believe one of the books has that information in it. It gives the exact shots and what is to be in each shot.

Mr. WYMAN. Not exactly in terms of cost. If the gentleman knows, will there be anything left after the Saturn leaves the launching pad? Will the money be all gone, except for the payload in space?

Mr. TEAGUE of Texas. Does the gentleman refer to the booster, when he asks whether there will be anything left?

Mr. WYMAN. Yes.

Mr. TEAGUE of Texas. At the present time in our whole present program, nothing is left after the booster is gone.

Mr. WYMAN. Will there be 12 Saturn shots out of the $2,677 million under this authorization?

Mr. TEAGUE of Texas. No. There will be more money after the next year. This is the money to be spent next year.

Mr. WYMAN. Will any of that which is being requested at the present time actually put a man on the moon?

Mr. TEAGUE of Texas. All of this is toward putting a man on the moon.

Mr. WYMAN. If a man actually gets to the moon, can the gentleman inform us whether he could live on the moon?

Mr. TEAGUE of Texas. The people who are working with the program—the scientists and engineers—expect the man to live on the moon.

Mr. WYMAN. Is there a space suit which has yet been made which can stand the moon temperatures hotter than boiling water or colder than that of dry ice?

Mr. TEAGUE of Texas. The subcommittee at Houston, Tex., spent about an hour in the hearings on this subject of the suit now available, and they say it will be able to stand those temperatures.

Mr. WYMAN. What would such a space suit cost the taxpayers?

Mr. TEAGUE of Texas. I am sorry; I do not have the figure on the cost of the space suit. It costs a lot of money; that certainly is true.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield.

Mr. FULTON of Pennsylvania. On the Saturn program, specifically in answer to the question of the gentleman from New Hampshire, there will be four launches in fiscal year 1964, two in fiscal year 1965, four in fiscal years 1966, 1967, and 1968, and five in fiscal year 1969.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. MILLER of California. The gentleman asked about what was flying around on the Saturn vehicle. He was told, frankly, it was a load of sand.

We could have taken a chance, by spending perhaps $5 or $6 million to fit up the capsule, with a man, and we could have lost the man and lost the whole capsule. If we knew that everything we were going to do would be successful, we could go right to the end product, but this is a research program. As we go along we must develop it and take it step by step.

I commend NASA for not trying to put a man in that capsule. I value the lives of our people too much to do that, and I would rather orbit a load of sand first, to know that all is well.

Mr. TEAGUE of Texas. I am sure the gentleman realizes that the Mercury flights, the Gemini flights, and the Apollo flights each go through certain stages of development. The first Gemini flight should take place in the next 2 weeks. It will be unmanned. According to the success and what we learn and what is determined from the shot and so on and so forth, the next step will be taken.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. WYMAN. I should like to inquire of the chairman of the committee, if I may. The chairman spoke of progress. I, of course, did not intend to refer to the bag of sand as not being a kind of progress or a step along the path of space progress.

I wonder if it is to be taken for granted that the program will be called successful if we assume the billions of dollars are spent, that our astronauts have gone to the moon and have come back with proof that the origin of the universe is materialistic, that the earth is but a chance part of a planetary system derived from the sun, and that the Bible is a big fairy story undermining the basis of faith for millions of human beings?

I wonder if the chairman feels this would be considered to be progress for mankind?

Mr. MILLER of California. I would imagine that any information that could be developed or any positive knowledge which could be gained would contribute to the wealth of mankind.

I may say that there are some scientists who are so interested in this program that one geologist has said that if we could send him to the moon and keep him there alive for 10 days and allow him to communicate back his findings, he would be happy to sacrifice his life in that undertaking.

Mr. TEAGUE of Texas. I wish to say, in closing, there is a very complete description of the suit in the hearings. The committee went into it at length.

Mr. Chairman, I yield such time as he may require to the gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Chairman, the question of financing this program has come up, and I think it is important for us to recognize the depth to which the committee has looked into the state of financing and the effect of acceleration or deceleration of our program, and what it would amount to. In the investigations that our subcommittee has made on this, what effect would a stretchout of this program have on the financing and the increased cost or decreased cost that would come about as a result?

Mr. TEAGUE of Texas. NASA testified every year that the program stretched out would add $1 billion to this program. The McDonnell Co. in St. Louis, Mo., testified to stretch out the Gemini program would make it much more costly. At the Martin Co. in Denver, which makes the Titan, I believe they testified it would run $3 million a month for every month that it was stretched out. The North American Co. in Los Angeles that makes the pilot capsule testified to stretch it out would make it much more costly, and the same with the Douglas Co. in Los Angeles, who testified to the same thing.

Mr. DADDARIO. As I understand it, if we were to try to speed up the program and accomplish the manned lunar program 6 months earlier than now contemplated, it would tend to increase the cost by $1 billion, and, therefore, this would not be a worthy suggestion. The investigation also shows that to speed it up or to slow it down, now that this program has been determined to be a national goal, would be a costly move, and that we are as close to the optimum as we can possibly be at the moment.

Mr. TEAGUE of Texas. That was the testimony before the committee, and I believe the committee members who made the trips and visited the centers and the companies came back believing it was true.

Mr. DADDARIO. I think it is important, too, Mr. Chairman, to refer to the fact that there was an authorization last year of $141 million more than was finally appropriated. This $141 million is a good rule of thumb to gage this whole question of financing by. The $141 million represents some 3 weeks of financing and this, fed into the stream of things, will slow down the program some 3 months. We must take into consideration, therefore, that we have looked at this program and we have cut out as much as possible and that it is a program that seems to be on a steady and even keel. Under these conditions it will in the final analysis do what it is supposed to do within this decade.

Mr. TEAGUE of Texas. That is a very correct statement.

Mr. Chairman, I ask unanimous consent that all members of the Manned Space Subcommittee be permitted to revise and extend their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DADDARIO. Mr. Chairman, by June of 1964 this Nation will have completed one-third of the Apollo program and its objective of a manned lunar landing in this decade. Funds authorized and appropriated by the Congress through fiscal year 1964 will have provided this significant initial step in accomplishing our national space objective. The funding proposed in the fiscal year 1965 NASA authorization will allow the program to reach the half-way point.

The total Apollo request for fiscal year 1965 is $2,677,500,000. The decision has already been made to accomplish a lunar landing within this decade. The only question which can now be raised is whether to maintain this goal or to seek the alternatives of accelerating the program date or extending the lunar landing into the next decade.

In extensive hearings before the Manned Space Flight Subcommittee and the Senate Committee on Aeronautical and Space Sciences this question has been reviewed. Data has also been gathered on this same subject at the major NASA centers and key contractors in the Apollo program to ascertain the effects of such changes. It was found that a very slight acceleration of the program would result in some savings by virtue of the fact that fixed operating costs would be reduced. However, it was found that accelerations of as much as 6 months would increase the total program costs by approximately $1 billion. Thus, this alternative appears to offer little advantage.

In examining the effects of extending the lunar landing into the next decade a number of important factors were determined. Delaying the lunar landing goal by 3 years would increase the total cost of the program by $2.6 billion, while extending the same goal by 6 years would increase the total program cost by $5.9 billion, or an approximate increased program cost of $1 billion for each year of additional time taken to accomplish the lunar landing objective.

These data are based on an analysis in depth, conducted by NASA, which examined all of the interacting factors required to complete the effort, including men, materials, testing, and flight hardware that is necessary.

A paramount factor in the increased cost was the items of fixed expenses which would be required even though the launch schedule might be delayed. It is necessary to maintain thousands of skilled engineers, scientists, and technicians in support of the flight and ground test activities and in the fabrication of hardware throughout the total development program. Consequently the launch of one vehicle every 3 months or every 6 months still accrues approximately the same total fixed costs. This is an axiom which is true of our free enterprise industrial systems as it is of our space program. A good manager of a private business would never extend a product development and marketing program beyond an optimum schedule because of these very same types of fixed costs.

Unlike the average business which encounters a similar problem, the scope and extent of the Apollo program is such that many other factors can be adversely affected by an extension of this program at this time. The likely effect of such an extension would be the technological dislocation of key portions of the NASA-industry team engaged in the program. Retaining or regaining crucial portions of this team would, in fact, increase the cost of our effort by an appreciable and significant amount.

Another factor tending to increase cost with the extension of the program is caused by the necessity of fixing or "freezing," at this time, the design of the vehicle and spacecraft for the initial lunar landing. Whether the program is extended or maintained on its current schedule such a freeze is necessary to avoid a crippling increase in cost through the remainder of the program. Appreciable extension of the program beyond this decade would cause us to rely on 1964–65 technology in the middle of the next decade when new technology, in fact, would be available. Orderly accomplishment of the program on the current schedule will allow the utilization of the technology in a time span that will assure new technology can be incorporated in future—mid-1970's—manned space effort with an expected saving in future program cost.

Finally, the economic impact nationally and regionally cannot be ignored. In some areas our industrial effort would be merely slowed but in others sharp reductions would need to be made. The peripheral scientific and engineering gains useful to the entire industrial community would likely be lost or reduced.

A significant example of the effects of reduced funding is shown by the requested fiscal year 1964 supplemental appropriation for NASA. The $141 million supplemental appropriation request represents approximately 3 weeks of funding in the NASA program. Yet the lack of this funding will telescope into a minimum of at least a 3-month slippage in the Apollo program. Previous experience has shown that in such development programs that it is difficult or impossible to recoup such losses in schedule and, characteristically, program costs increase when such slippages occur. It is also important to note that the fiscal year 1965 NASA authorization is also based on obtaining this supplemental appropriation and thus has a crucial effect on the Apollo objective.

The Apollo program has reached a crucial point in its evolution. An optimum schedule can be maintained if the fiscal year 1964 supplemental appropriation is approved and the 1965 authorization is provided. A serious detour from our national objective of a manned lunar landing in this decade will materially increase the cost of meeting this objective at a later date with the attendant additional loss of technological dislocations and loss of initiative in areas of engineering and science of major importance to the preeminence of this Nation.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I will be glad to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. In answer to one of the questions, I can give the figures on the Gemini two-man program to the gentleman from New Hampshire. There are not yet any firm figures on the Apollo, the three-man program.

It is contemplated under the Gemini program that there will be 50 suits at a cost of $60,000 per suit, a total cost of $3 million. That is for the research and development and the manufacture of the suits.

Those will be used in the present Gemini program, leading to the Apollo program, and that $3 million is in this current fiscal 1965 budget.

Mr. TEAGUE of Texas. Mr. Chairman, I yield to the gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Chairman, you know, I and other Members of the House have a tendency to gage the effectiveness or the diligence of a committee by the amount of dollar reduction or percentage reduction of the requests that are made. This year our dollar reduction and our percentagewise reduction is smaller than that made in the request last year. It was my observation that the reason this reduction was smaller this year was due to the diligence of this committee last year. I think the fact that we were tough on them last year and we did go into every detail and they knew we were going to do it this year and that that was the job of this committee resulted in their requests being more carefully screened by NASA itself, and their requests, therefore, were backed up better.

I want to commend the chairman of our committee, the gentleman from Texas [Mr. TEAGUE], for bringing about this tightening up of the program and this better accounting of the use of this money. I think it has resulted in advantage to the best interests of the whole program. We are getting more for our dollar than we did. We are getting more efficiency. I do think that the House should recognize that the fact that our reduction percentagewise and in dollars is not as large this year as it was last year is due to the fact that we were tough on them last year, and I must say we were tough on them this year. I think this is going to be reflected in a continuation of the work that this committee has been doing.

Mr. Chairman, I want to compliment the chairman of our subcommittee for the work that he has done.

Mr. TEAGUE of Texas. Mr. Chairman, I thank the gentleman from Texas. I think it should also be pointed out that the Bureau of the Budget made a very severe cut. Very frankly, after the trips that we made to all of the centers, I must say that I am more concerned about having sufficient money to make the program succeed more than I am in the matter of solving some of the technical problems.

Mr. CASEY. Mr. Chairman, I appreciate what the Chairman says. I do think we should not be judged on whether this committee did as much work this year as they did last year on a percentage or dollar basis. That is the point that I was trying to make.

Mr. TEAGUE of Texas. That is correct. I am sure the committee did more work than they did in the previous year.

Mr. FULTON of Pennsylvania. I yield such time as he may consume to the gentleman from New York [Mr. RIEHLMAN].

Mr. RIEHLMAN. Mr. Chairman, I am not going to take a great deal of your time to discuss in detail the provisions that are included in the bill that is before us today. When the rule was being considered this morning, several of my colleagues and friends in the House made some reference to an electronics center which is authorized in this bill as it is now before the House. I want to say that if there is any part of the country that is interested in securing an electronics center, and any specific congressional district, that is the city of Syracuse and the county of Onondaga which I represent, and I say that very proudly.

I did everything I could to see that the National Aeronautics and Space Administration was made fully aware of the capabilities of the Syracuse area.

I pointed out that in our area we have fine educational institutions and an industrial complex that is second to none. We have Electronics Park of the General Electric Co. which has many of the finest scientists and technicians in the country.

In addition we have a friendly populace, a dynamic and growing county, wonderful schools, a sympathetic county and city administration, and adequate and reasonably priced housing.

I assisted our people in every way I knew how to make a presentation of our case to NASA officials. And, may I say that a brilliant presentation was made by educators, businessmen, civic leaders, and city and county officials.

Also I want to say immediately that as a Member of Congress I do not have the capability nor responsibility of making a decision on location. Certainly I have the right and the authority and it is my responsibility to make a decision as to whether or not we are going to have an electronics center. I voted in the committee that we should follow through on the committee's position to establish an electronics center somewhere in the United States of America.

Although I would very much like it in my own congressional district—and I say that most seriously—I probably will not have the opportunity to have it. In the final analysis, I am not going to vote against the construction or the initiation of this type of program simply because my district has lost out. This project is more important to the Nation than my own feelings.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. RIEHLMAN. I yield to the gentleman.

Mr. BOLAND. I am delighted the gentleman from New York has made this observation. He is a long-time, respected, and earnest Member of this body. He has served here for a good many years. When he says that he has looked at this problem from the point of view of whether the facility is needed and has come up with the conclusion that the decision ought to be by someone other than himself or this committee, and that he is willing to follow their judgment as to what ought to be built and where, I commend him for arriving at that decision. He has had a long service in this body. I hope that his remarks will be compared with those made by Members who insist that it ought to go somewhere else, to some other area, remarks made by some Member who has not served quite as long as has the gentleman from New York.

Mr. RIEHLMAN. I thank the gentleman for his kind remarks.

Mr. Chairman, I must say that I still feel there are other areas that probably are just as well qualified as the one that has been selected where this installation will be constructed. However, I do want to repeat that my job is to legislate. I certainly cannot properly administer the activities of NASA.

Mr. Chairman, there are some provisions of this bill which I would like to discuss with the Members of the House. I am very much interested in these provisions and I am sure every Member of the House is interested in them as well. However, I think that today we should not look at just the question of putting a man on the moon and spending $20 billion over the long haul. People ask the question "Why put a man on the moon and spend $20 billion?" They have a right to ask this question. But I want to say to the Members of the House that we are not spending $20 billion just for the sake of putting a man on the moon. About one-tenth of that $20 billion will go directly for landing a man on the moon. All the rest of this money that we are spending goes for the construction of facilities and the creating of an interest in industry across this great Nation of ours to follow through with this necessary program.

Mr. Chairman, this money is not being spent in space, may I say. Ninety percent of the money that is being spent in this program is being spent with the industries of the United States of America.

Much is used for a vast complex of facilities, a broad industrial base and valuable management skill.

Thousands of hours of operational experience will be built up in space flight and a series of powerful boosters is being developed.

Versatile spacecraft are under construction and a team of trained engineers and scientists has been assembled.

All of this capability will be available for years to come.

Most of these capabilities are required for leadership in space.

They are required for our national security and for whatever the national interest may require.

This is true whether we go to the moon or not.

We chose the moon as an initial goal at which to direct our national efforts.

The moon is really only a small part of our efforts because it is only a way station in the exploration of space.

It is not an end in itself, but only a beginning.

We are determined to explore much of space and we should do so in a businesslike manner.

When we passed the Space Act in 1958 we did not specify the moon as a goal. As a matter of fact, the moon is not even mentioned in the act. We specified all of space.

The objectives stated at that time included expansion of human knowledge through long-range studies of benefits.

The role of the United States as a leader in aeronautical and space technology and its application was also included.

Those objectives make possible the interchange of information and discoveries between NASA and agencies directly concerned with national defense, and make possible the most effective utilization of the scientific and engineering resources of the United States.

That legislation was passed by a Democrat-controlled Congress working with a Republican administration.

Since that time, Members of both parties, in bipartisan cooperation, have solidly supported the program because they have recognized it to be sound and valuable and consistent with our national interest.

The point I would like to make very clear is that the space program is yielding vast returns to our international prestige and security and also to the national economy.

The standard of living, our technological and scientific capabilities, and our educational system are all affected. The lives of our citizens will be enriched.

From an economic and business standpoint, returns from our space investment are substantial. The funds are not being spent in space; they are being spent in our factories and laboratories throughout the country. The money goes for salaries and raw materials and supplies and for parts, components, and subsystems. These are provided by contractors, subcontractors, and suppliers.

More than 90 percent of the work is done by American industry. Directly, this investment filters through the economy.

Indirectly, scientific discoveries stimulate technology, and improved technology spurs the economy; it is a normal chain reaction.

The aerospace industry is creating and influencing other industries. It is offering new job opportunities at all levels of skills and abilities. It is making beneficial breakthroughs in many fields.

Our space projects require major and rapid advances in the uses of energy and development of new materials, fabrics, and lubricants—advances that benefit all sectors of our economy.

At the same time, the space program is generating hundreds of byproducts, new methods, and processes.

Many of the instruments, equipment, power sources, and techniques developed for the space program have commercial application.

The secondary benefits involve nearly all fields of national endeavor: transportation and commerce, banking, law, food and agriculture, health and medicine, weather forecasting, navigation, communications, and education.

Mr. Chairman, we all know that we are living in a scientific period in this great Nation of ours. We cannot afford to be second to any other nation on the face of the earth.

This program is creating in the minds of the youth of America, who are going to be the leaders of tomorrow, an interest in a program that is vital to our survival in this period, in this era through which we are moving in the world today.

The spinoff from this program is going to be beneficial to humanity in the United States and throughout the world, in the field of medicine particularly.

Many aspects of health and medicine are being advanced by new products and techniques that are being developed in aerospace medicine.

For example, it may be possible to freeze cancer cells to death. New and vastly improved diagnostic tools and equipment will be available. Advanced surgical techniques will be possible, especially in low-temperature and lung surgery, and in the prevention of infection.

New and more effective drugs will be produced. The findings in diet and nutrition will be extensive. Centralized and electronic monitoring of hospital patients by nurses will be possible and treatment of many diseases will be facilitated.

Finally, the international dissemination of medical information will be greatly enhanced. Who can put a dollar sign on the value of any of these? On the economic side, the implications of the communications satellites are obvious, in international communications, business development, and tax-producing revenue.

Many of the manufacturing techniques and knowledge developed in the space program will contribute directly to commercial industry and make possible new and better products.

Some of these products and activities are:

First. New, stronger, and lighter metals, as well as greatly improved processing of existing metals.

Second. Fiberglass technology.

Third. Solar cells for generation of electricity.

Fourth. Nuclear power systems.

Fifth. Manufacturing, design, and quality control.

Sixth. Heating and air conditioning.

Seventh. Insulation in cloth, houses, and refrigerators.

Eighth. Miniaturization, heat-resistant electronic components, and semiconductors—in fact, the whole field of electronics.

Again, who can put a dollar sign on any one of these accomplishments?

In food and agriculture, a great number of applications are involved, including major advances in canning and in food storage and preservation.

Scores of examples having similar impact can be listed in such fields as weather prediction, education, communications, and transportation and commerce.

These indicate the tremendous value of our space program over and beyond the basic national need for pursuing it.

Mr. Chairman, we cannot put a dollar sign on some of the other accomplishments that industry is making in its advance in metal technology and all of the other ramifications of equipment that we are putting together for this great program.

An important question about our space program is: Are we proceeding at too fast a pace? The fact is we do not have a "crash" program.

Some people feel that costs could be reduced by a slowing down of the program. This is not the case.

A few weeks ago, when our subcommittee was visiting the Douglas Aircraft Corp., in Santa Monica, Calif., Don Douglas, the president, made some comments on this subject in response to my questions.

He stated that, once the decision is made by industry to bring out a new product, experience has dictated the necessity to proceed as rapidly and orderly as possible, even with some overtime.

He said that such a course results in the lowest total cost and beats competition.

He also said that the more time you give engineers the more changes they will make—many of which are of marginal value.

Another disadvantage of slow development, he pointed out, is that it adversely affects morale, disturbs momentum, and results in the loss of engineering talent.

If you want to kill a program, he said, slow it down.

Mr. Douglas expressed the opinion that the Apollo program, if anything, is now being pursued at too slow a rate.

Now, in my opinion, our space goals have been well established by Congress and the Nation. The program is moving forward at a rapid and orderly pace. Therefore, because of the tremendous investment in facilities and personnel—which represent essentially fixed costs—any slackening at this time would increase rather than decrease cost.

Mr. Chairman, I say that I have followed this committee's activities since its inception. We have seen a tremendous effort put forward on the part of every member of our committee to familiarize himself with all portions of this budget as best he could.

Since the beginning of our space program, I have served on the Committee on Science and Astronautics and on the Committee on Government Operations, which is, as you know, concerned with economy and efficiency in Government.

I have watched the space program grow in this short period into one of the major activities of this Nation.

Our Committee on Science and Astronautics has—in addition to its normal legislative duties—conducted 144 legislative inquiries into the space program, issued 101 reports, held 597 hearings, and heard a grand total of 1,521 witnesses.

We have visited the launch pads, the Government laboratories, the testing facilities, and the industrial plants.

We have explored every important aspect of the program with Government and industry scientists and engineers, administrators, managers, and experts in related matters.

I feel that our space effort is well-managed, energetic, and businesslike.

I am satisfied that good coordination exists between NASA and the Department of Defense and that the NASA capability—in facilities, personnel, technology, and hardware—is being made available to satisfy national security requirements.

However, we must always continue to improve management and efficiency wherever we can.

I want to say in conclusion that we have a good investment in our space program, one which is vital to the national security and welfare of our Nation.

Mr. MILLER of California. Mr. Chairman, I yield 25 minutes to the distinguished gentleman from Minnesota [Mr. KARTH].

Mr. KARTH. Mr. Chairman. I had the privilege of being chairman of the subcommittee which considered the budget requests of NASA's Office of Space Science and Applications. This office has two main divisions and I would like to begin by saying a few words about the space science and applications program. The scientists and engineers engaged in SS program have the responsibility of conducting experiments in space designed to extend our knowledge and understanding of the stars, the planets, interplanetary space, and the fundamental physical nature of the universe. The objective is the acquisition of new basic knowledge necessary for U.S. preeminence in space.

The tools of the space scientists effort are small- and medium-sized rockets, and unmanned, instrumented spacecraft launched into orbits around the earth, or sent out into interplanetary space. These instruments provide our scientists with the eyes, ears and other senses needed for exploring space. Using these complex tools, our scientists also investigate the properties and phenomena of the earth and its atmosphere from a vantage point unavailable in prior years. The desired information, some of which has already been produced, could not possibly be developed using earthbound telescopes, radar and other equipment. Although we have made astonishing progress in recent years, we have just begun to scratch the surface.

The point I am trying to make is that a dynamic program in space sciences is essential if the United States is to remain in the forefront of space exploration. I might add that perhaps as much as 50 percent of this effort is in direct support of the manned lunar landing program. I want to emphasize, however, that these space sciences experiments would be entirely justified on their own merits, and would be undertaken even if there were no Apollo program. So fundamental is the knowledge that we are attempting to acquire, and so important to the future of our Nation, that it is unnecessary to look to any other project to justify this effort. Still, it is an important fact that this basic research will advance the state of our knowledge so that manned space flight and the growing number of practical applications, such as communications and weather forecasting, can be carried on with greater assurance of success. In short, the space sciences program contributes in a major way to the development of a national space capability. To the extent we are successful in this effort, the United States will be able to mold its own destiny in the space age, rather than being forced to react to crises precipitated by the achievements of other nations which have capabilities in space.

NASA's successful scientific satellite program has encouraged the Office of Space Science to embark upon even more ambitious experiments. NASA is now preparing to launch a series of larger, more complex scientific satellites, which are called the observatory generation of satellites. Compared to the relatively simple, lightweight and spin-stabilized Explorer and Monitor satellites, these orbiting observatories scheduled to be launched during the next decade will be three-axis stabilized platforms with which a large number of correlated scientific investigations can be made simultaneously.

Recognizing the value of the scientific data which is certain to be produced by these experiments, I should like to remind the House that the Soviets have mounted a very significant effort in this regard. Russia has actually launched more lunar and planetary probes than NASA, to date. I am especially pleased to be able to report that NASA's scientific probes have been more successful.

Now I would like to say a few words about the work of the second part of the unmanned spacecraft effort. In the Office of Applications these are the programs which provide the greatest expectation for generous returns on our investment in the immediate or foreseeable future. Regarding meteorological satellites, the Members of the House have read enough in the press to know that this program in well underway. To date, NASA has launched eight Tiros satellites, every one of which has been successful. The data received from these experiments has opened up new areas of research into the earth's atmosphere. An operational weather satellite system based on the Tiros technology has now been undertaken by NASA and the Weather Bureau. We can look to the day, not far distant, when weather satellites, together with other more conventional equipment and techniques, will assist man in predicting significant changes in weather well in advance, with the result that untold savings can be had by farmers, industry and the transportation services. We can only speculate on the amounts of money that will be saved by more accurate and timely weather prediction; but we know that for lack of adequate understanding of and preparation for changes in the weather, staggering amounts are lost each year. Because of NASA's experiments, the future looks much brighter.

The second area of special interest to the Office of Applications is communications satellites. I hardly need to go into detail on what has been accomplished to date. Telstar, Relay, and Syncom are virtually household words. Hardly an American or Western European has not witnessed the miracle of intercontinental television transmitted by the first experimental communications satellite. A great deal of research still needs to be done, but an economical commercial system now appears to be just over the horizon. It is in these areas of applications satellites—meteorological, communications, navigation, to name only the three most obvious—where the United States has its greatest opportunity for achieving leadership in the immediate future. I believe Congress should fully support this effort.

Mr. Chairman, I would like to say that our committee took a very close look at NASA's proposed budget for the forthcoming fiscal year. The total request of the Office of Space Science and Applications this year is roughly comparable to the fiscal year 1964 level. Under the general heading of research and development, this office of NASA is requesting $776.9 million. The subcommittee recommends a total reduction of $34.5 million of that request.

The real impact of these reductions, however, may be felt in future years, and the potential savings to the taxpayer could turn out to be many times this figure. The bulk of the recommended reductions occur in the most expensive research and development projects in the geophysics and astronomy program and the lunar and planetary exploration program. These reductions do not, at this time, reflect actual elimination of projects or parts of projects. Rather, they are simply deferrals of funding authorization, based upon the belief, first, that certain future activities proposed by NASA may ultimately prove to be unnecessary, and second, that NASA's requested authorization is, in some cases, too far in advance of actual requirements. While the space science and applications programs are, in our opinion, fully justified, we believe that these deferrals can be made at this time without damage to the programs, and that there remains adequate time for any reconsideration in future years.

Mr. Chairman, the recommendations of our committee are made to the House after careful study and with a sincere belief in the importance of the work of the Office of Space Science and Applications to the national space effort. I submit that the House of Representatives can endorse these recommendations of the Committee on Science and Astronautics.

Mr. Chairman, I am not going to take all of my time. I think I shall follow in the footsteps of the gentleman from Texas [Mr. TEAGUE], because it does appear there is not too much interest in the general debate on this bill. Then, too, Mr. Chairman, I might point out that the distinguished chairman of the full committee, the gentleman from California [Mr. MILLER], did a very able job in explaining the purpose and the reasons for, and the value we will derive from, the space program in his original presentation, which I should not like to duplicate.

I would, before I get into a little arithmetic, at which time I will talk almost exclusively about the budgetary activities of our subcommittee, make one observation if I may.

It seems to me, Mr. Chairman, while there are some people today who do not really understand the work or value of research, that we have made considerable progress because, as compared to many generations ago, there are a lot fewer people today who do not understand the value of research than there were then. For example, if we went back to 1400 we would all familiarize ourselves with the fact that there were very few people who did not know beyond any question of doubt that the earth was flat; that if you sailed too far out in the ocean you would slide off the end of it, and you would not be heard from again. It happened, and luckily, I think, that one person wanted to conduct some research. The research tool chose was Christopher Columbus. But had it not been for that one person, had it not been for this research carried out by Mr. Columbus, those of us who are here today obviously would not be here, and if we had been born at all we would have been born Europeans or Asiatics. We would not have been born Americans.

As I indicated, I want to talk to you exclusively about the action of the subcommittee as it relates to dollar figures, and what the subcommittee did with the various programs under our jurisdiction. As you know, the Office of Space and Science Application have quite a number of programs for which they are responsible. The geophysics and astronomy program is the second largest program under the jurisdiction of this Office.

This year the committee is recommending for approval of the House an authorization of $174.2 million in this area, which is, incidentally, $15 million less than was requested by NASA and some $12 million less than was actually appropriated for this purpose in fiscal year 1964.

For the lunar and planetary program, the largest program in the Office of Space Sciences and Application, the committee recommends for your approval the amount of $283,400,000 which is some $17.5 million less than was requested by NASA, and which, despite the fact that there are two projects in the overall program, that are this year being funded at a much more rapid pace because the programs are now in the development stage. In spite of this, there is an increase of only $12.5 million in this program area over and above what was actually appropriated in fiscal year 1964.

I come to the sustaining universities fund. This is one of those programs which is most important because it does the thing we ought to do, and that is to better educate the people of this great Nation of ours, and certainly we ought to better educate those in the sophisticated disciplines we are now entering into and will be confronted with in the future. In this area, Mr. Chairman, we recommend to the House some $46 million, which, incidentally, although it is $6 million more than was actually appropriated for fiscal year 1964, is substantially less than was requested in 1964 by NASA.

For the launch vehicle development program we are recommending $128.2 million, which is just $3 million more than was appropriated during fiscal year 1964. I might say that a substantial increase in one of the projects in this program has come about as a matter of necessity. We are upgrading the capability of Centaur, by phloxing the Atlas.

This will increase the launching capability by some 300 to 500 pounds for Surveyor Lander. We certainly think it will be worth the dollars that are being invested. In spite of this there is an increase of only $3 million over what was appropriated in 1964.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield.

Mr. FULTON of Pennsylvania. I should like to compliment the gentleman on his work and that of his subcommittee on the Centaur. It is a matter of gratification to those of us on the committee as well as the other Members of the House to see that NASA has accepted the recommendations of our committee, made through the gentleman's subcommittee, on the Centaur program, and it is now moving ahead well. Likewise, when we realize there is a 30-percent increase in payload on one particular booster, it shows a tremendous increase in high-energy propulsions for the future.

Mr. KARTH. I thank the gentleman for his contribution.

Mr. Chairman, in the meteorological satellites program we are recommending to the House for their consideration an authorization request of $37.5 million, which incidentally is $30 million less than was actually appropriated for this purpose in 1964. For the communications satellite program we are recommending $11,400,000, which is approximately $2,100,000 less than what was actually appropriated in this area last year and $1.2 million less than what was actually requested for fiscal year 1965.

Last but not least, the advanced technological satellites program, which for all practical purposes is somewhat new to the entire national program, and this year is coming in for rather heavy funding as compared with last year. There is a $22.5 million increase over what was appropriated in 1964, and we are requesting your consideration for $31 million in that item.

Mr. Chairman, let me say in conclusion that it is my personal opinion, after having made great personal study of the space sciences and applications program and over a long period of time, that this now is a very tight budget, that this now is a minimum budget, that this in fact, as some people testified, is an austere budget.

I should like to commend some people in NASA for whom I have the highest regard and respect; the Director of the Office of Space Sciences and Applications, Dr. Homer Newell, and his deputy, Mr. Edgar Cortright, two people whom I look toward as being among the greatest scientific leaders of this great country of ours. I commend them for having done a very creditable job not only this year but in the years past, before the subcommittee. They supplied hundreds of pages of written testimony in support of their program. In addition to that, they supplied hundreds of pages of oral testimony; that is, testimony they gave orally and that was later reduced to transcript.

I should like to commend the subcommittee members, too, because our investigation of this year's budget actually began in November 1964, when our subcommittee visited the west coast and the facilities of the contractors who actually have the responsibility for projects under the surveillance of our subcommittee. So I think, first, I can honestly, sincerely, and conscientiously recommend for the consideration of the House, approval of the budget that I have just submitted to you at this time.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman from Missouri.

Mr. RANDALL. Much of the work of the Space Sciences Subcommittee this year had already been done by this same subcommittee in earlier years. By such a statement I mean that the cuts that were made in earlier years made the work easier this year. NASA realized there could be no padding in their requests. Thus the amount of work that had to be performed by our subcommittee this year was reduced. What NASA sent us was a bone-and-muscle request; nearly all the fat had been cut away.

But by careful scrutiny in months of hearings as the gentleman in the well has suggested commencing in November 1963, NASA's request for $776 million was cut an additional $34 million to the finally approved figure of $742 million. My chairman commended the members of his subcommittee. I think our chairman himself deserves commendation. He did a great amount of homework and worked diligently for long hours beyond the length of the regular workday of Congress. As a majority member of the subcommittee I would like to commend the members of our subcommittee on the minority side. The effort which resulted in cuts of $34 million was a bipartisan one under the leadership of our able chairman.

A lot is heard about the overall expense of space programs and it does entail a lot of money. But some parts are more expensive than others. Some seem to yield a quicker peaceful utilization while other parts of the program seem to be only an effort toward further scientific experimentation. That is the job of our committee—to try to strike a balance of expenditures between manned space flight and those things which seem to have a quicker application for use in industry and the business world. I am sure a majority of the members of the Space Sciences Subcommittee sincerely believe that from a cost standpoint the request for this authorization if allowed yields returns and benefits much greater than the costs.

About 5 years ago when we commenced to talk about the exploration of outer space, an expression forced itself into the forefront and was immediately seized upon by opponents of the space program. This is the expression—"race to the moon." It may even have been an unfortunate phrase to be employed at that time and it is still not a realistic expression today. It cannot be denied that there is an urgency in the space program. There is a race—but not necessarily to the moon. While early use of the phrase "race to the moon" was used to described our space program this is no reason it should blur the perspective of our purpose today which is a broad and balanced program of space exploration.

Lunar exploration is not an end in itself. It is but a part of the total overall space exploration program. Then in all of the talk about urgency, there is the impression left that we are working on an inflexible timetable. This is just not in accord with the facts. It is true that if our country achieves landing a man on the surface of the moon within the decade of the sixties, then it would be the greatest achievement in the history of man because it would meet a target date that had been set and announced 10 years earlier.

I hazard to say that a majority of the members of the House Space Committee do not regard the target date of 1969–70 as anything more than a desirable goal. We simply are not engaged in a crash program, without regard to cost or expense. We are, on the other hand, proceeding in an orderly course of progress with the realization that we do have competition in this field of space in spite of any cleverly worded denial by our chief competitors—and, while there exists no crash program, I am sure there is a prevailing attitude within NASA that they are engaged in an urgent effort to make certain that our great country does not come out second best in space and that we may not be victim of some breakthrough by our Soviet competitors that could imperil our security by using such a space breakthrough for military purposes and thus put us far, and away behind, and even forced out of the running, in our world plagued by the ever-present cold war.

Mr. Chairman, the NASA request contains such large figures that sometimes I think there is a failure to place in perspective some of the smaller or particular projects within the overall program. The Space Science Subcommittee does not deal with manned space flight or enjoy the big publicity and headlines of our astronauts. For us there are no spectaculars. But I would like to just discuss for a few minutes the sounding rocket experiments which might be said to result in a further explanation of inner space, that is, the area above the maximum balloon altitude and the area below the minimum satellite altitude.

The average man would indeed be frustrated if his boss raved about 10 percent of his work, while 90 percent of his work which he considers equally good caused little stir. In other words what would the average man think if he were judged on one-tenth of his job as if it were the full job. This is somewhat the situation today in space exploration. The ultimate boss of the space program is the public and they are aware and focus their attention only on the spectacular launches which are certainly under 10 percent of the total effort. Almost the same proportion of 10 to 90 percent applies within even the unmanned space effort. Even some unmanned satellites get publicity, yet about nine times as many sounding rockets are fired which receive little interest and no publicity.

These relatively small rockets fly in nearly vertical trajectories carrying packages of scientific instruments to heights of from 50 to more than a thousand miles above the earth. A sounding rocket's effective lifetime lasts from only a few minutes to about one-half hour until it drops to earth. Its scientific data on its mission must be collected during this brief period. If its life is so short then why is it used?

First. It is the only vehicle than can make effective scientific investigations in the region of about 50 to 100 miles above the earth. Balloons cannot carry equipment much above 20 miles although some can reach 50 miles. On the other hand, satellites are generally impractical below altitudes of 100 miles because of their short life due to atmospheric drag. Consequently, the sounding rocket fills the gap between this area, say, from 30 to 50 miles on the low side and 100 miles on the top side.

Second. The sounding rocket has valuable use for exploratory investigations in geophysics and astronomy to guide the development of the more elaborate experimental equipment used in follow-on tests.

Third. Sounding rockets are used to test prototype instrumentation which will later be used in satellites.

Fourth. Sounding rockets make measurements at the time and place deemed most advantageous. Timing is important and the smaller sounding rocket requires relatively little ground-support equipment and preflight preparation. The 1963 solar eclipse is a good example which might not have been fully observed except for the existence of the sounding rocket.

Fifth. Sounding rockets are a valuable device because of the ease and low cost of its payload recovery.

Finally, a sounding rocket has the ability to carry a large expendable power supply. It can even carry a larger amount of power for a short time than can now be feasible for a satellite for a longer period of time.

Most of our sounding rockets are launched from Wallops Island, the only NASA launch facility. Others go up from Fort Churchill in Canada; White Sands Missile Range in New Mexico; Woomera, Australia; Ascension Island in the South Atlantic; and the Thumba range in India. It is believed it may be possible in the future to set up portable launchers and permit the experimenter to choose the exact location he may prefer for launching.

There is presently a vehicle stable of eight workhorse sounding rocket configurations. These do the lions share of the lifting for NASA. These include two versions of the Nike air defense missile booster, three designs of the Aerobee, and two four-stage sounding rockets—the 49-foot Javelin powered by an Honest John and the larger 60-foot Journeyman powered by a Sargeant and two Recruits.

This reliable staff of proven and potent "horses" are driven by the team that knows where it is going and why Recognition is not the goal of a devoted group of scientists and technicians. Results are their real and only goal.

I observe, attached to the committee report, there were some additional views constituting what might be said to be a minority report, wherein the concern was expressed that NASA should devote itself to more about matters of national security. The feeling was expressed that we should not be so much concerned with outer space as inner space. This, I submit, is the area of space in which the sounding rocket can get us much more results, dollar for dollar, than any other type of experiment and yet only $15 million has been requested, or authorized in fiscal year 1965. For my part, I am proud of this program.

Sounding rockets will continue to be used throughout this decade to obtain a comprehensive picture of the environment of the earth during the rise of the solar cycle and as an aid in the development in astronomical instruments. All of this will be accomplished for a cost not to exceed $17 million in one year and between $11 and $15 million for most of the other years. This I submit is a real bargain for the information to be acquired and tangible proof that all valuable space exploration does not run into the hundreds of million dollars.

Then Mr. Chairman there was a matter considered by our subcommittee which is certainly very important. It is the sustaining university program. NASA requested $46 million and our committee allowed all of it. We feel this program was justified based upon our firm belief not just some theory that we cannot continue to use up our supply of scientists and engineers without replacing them. To resort to the old saying, you cannot continue to take an apple a day out of a barrel for a long period of time without emptying it unless somewhere along the line you put some new apples in the barrel.

This sustaining university program thus has three objectives:

First. Increase the future supply of scientists and engineers required in space related science and technology.

Second. Build laboratories urgently needed for space research within the various universities.

Third. Improve the universities role in support of NASA by encouraging multidisciplinary investigations and a consolidation of space orientated activities.

These three aspects of the program are complementary to project-sponsored research and complementary to each other.

In spite of all the emphasis on training, the first graduates will not become available until 1965. It should be emphasized that no amount of money, no matter how large, can be injected at some later time—no matter what kind of crash program may be started—that will produce scientists and engineers in 6 months to ease or satisfy some suddenly recognized manpower crisis.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman.

Mr. WYMAN. In the course of your work on the subcommittee, have you been familiarized or are you familiar with the Soviet space program objectives?

Mr. KARTH. Yes, we try to keep ourselves as up to date and as current as we can.

Mr. WYMAN. Having due regard to the preamble to the NASA basic legislation as peaceful purposes in space, would the gentleman care to say whether or not the results of the information in respect to the Communist program gives the assurance that that program is directed toward peaceful pursuits in space?

Mr. KARTH. First of all, I would like to comment on what appears to be the gentleman's confusion. While the Space Act of 1958 may very well say that NASA should be concerning themselves with the peaceful uses of space, there is no one I have met inside this Government or out of it, for that matter, who has told me they were so wise that they could predict what parts of these programs being undertaken by NASA could be applied in the future to the national defense and the national security of this Nation. Inasmuch as the gentleman has raised the question of the cost of Saturn, and while the Saturn booster is going to contribute significantly and mainly to landing a man on the moon, there is no question but what it contributes greatly to the national security of this country because we have developed a large booster system. I think you have to take all of these things and put them in their proper perspective. All of the unmanned satellite programs that we have in one way or another, directly and indirectly, in my humble judgment, do make a contribution or will make a contribution in the future to the security of this country. I do not know how that could possibly be avoided, even in the minds of those who may be confused.

Mr. WYMAN. I would like to renew my question to the gentleman. What, if he knows, are the Soviet objectives in their space program?

Mr. KARTH. Let me just say what the Soviets do, and I might be able to satisfy the gentleman's question in that manner. The Soviets, of course, are very vigorously pursuing most of the areas that we in the United States are pursuing. We are ahead in some areas and the Soviets are ahead in other areas. Insofar as the operational capability of a large booster system is concerned, the Soviets are ahead because they have a larger one than we have, and it is operational.

Insofar as communications and weather and meteorological satellites are concerned, we are ahead. There is no question about that. It is not even a contest.

Insofar as the number of satellites we have placed in orbit, I think the United States has placed several times as many in orbit as has the Soviet Union.

But insofar as the total number of pounds of payload in orbit is concerned, I think the Soviets have considerably outdistanced the United States, and I would not care to guess what the total number of pounds of payloads may be.

Now I am going to insist on answering the gentleman's question, if I can. The Soviets have some 1,600 manned orbits—while the United States has 37 manned orbits. The Soviet cosmonaut, for example, logged more time in space than all the United States astronauts combined. While I am not sure I have answered the gentleman's question, it is true that the Soviets are leading us in some areas and we are leading the Soviets in others. But I do want to make it perfectly clear to the gentleman that the Soviets do have a very aggressive space program and I might further point out to the gentleman that the Soviets pay for their space program in terms of bread and in terms of housing and in terms of communication and transportation.

We in this country really are not making that kind of a contribution to our space effort. We are not denying these necessities to the people of the United States just so that we can have a program. If the Soviets feel that strongly about the need for it, I merely suggest to the gentleman that he take a little closer look and if he does, may well arrive at the same conclusion as those of us who have studied it ever since we have had a space program.

Mr. WYMAN. Mr. Chairman, will the gentleman yield for a further question?

Mr. KARTH. I yield.

Mr. WYMAN. I hope the gentleman understands that my question derives from the appropriations aspect of the work. What I am trying to determine is whether it is a fact, according to the gentleman's knowledge, that the Soviets put their emphasis on the military in space and possibly upon the establishment of a weapons system in space, orienting the space program in directions different from and perhaps hostile to our own. I ask the gentleman if that is a fact.

Mr. KARTH. I am not certain I can answer that question. I say to the gentleman in all sincerity that the Soviets have launched several times as many scientific satellites as has the United States of America.

I further point out that the MOL program—the manned orbital laboratory program—is such that if it appears we do have a requirement for a man in space from a military standpoint, we will then put greater effort into this program.

I suggest to the gentleman this might satisfy our curiosity as we carry on this program, and once satisfaction has been had by those in charge of the military forces of this great country—in whom, incidentally, I have great confidence—then upon that determination I assume we might make an even greater effort to have in our program a greater number of manned orbiting laboratories in near-earth orbit.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I am happy to yield to the gentleman from California.

Mr. MILLER of California. The Space Act itself requires NASA to cooperate with the Department of Defense. It gives to the Department of Defense the right to do certain work in space on its own.

We do not wish to duplicate these efforts, in regard to things that are of common interest to both. NASA is the successor to the old NACA, the National Advisory Committee on Aeronautics, which did all of the preliminary scientific work for the Air Force. Any fallout that comes from the work of NASA goes to the Air Force.

In fact, there are a great number of contracts between NASA and the Air Force. The best that comes to mind is Gemini, where a mutual contract was worked out. They work in the Gemini field together.

There is no question in my mind that the Soviets are putting on a primary effort in the military field, but there is also no question in my mind that NASA efforts and the military efforts have been properly coordinated and there is no duplication and the technical information developed by NASA will be available to the Department of Defense. Furthermore, there are approximately 300 officers from the Department of Defense on duty with NASA, so the data all goes together.

Mr. KARTH. I thank the distinguished chairman of the committee.

I add, for the benefit of the gentleman from New Hampshire, it is true that there is a great deal of cooperation and coordination between the two agencies of Government. NASA is kept well informed of the demands of the military on satellite programs, and if the military feels it has a requirement, they may request that their experiment be flown.

On the other hand, NASA at times requests of the military that they fly certain experiments on some of the military satellites. This, I think, has been done.

I may say that insofar as the MACS program is concerned—the medium altitude communications satellite program—the Department of Defense has been vitally interested in the gravity gradient experiment, which may be extremely important to this communications system. This is an experiment which has been turned over to NASA by the Department of Defense, and NASA actually has been requested to build the satellite.

The Department of Defense will provide a launch vehicle and provide all of the facilities and the expenses that go with tracking it and reducing the data. Here I think is another example of fine cooperation between two agencies who really have only one goal in mind; that is, to make sure that we do have a program which will result in preeminence in space and to guarantee the security of the country.

Mr. WYMAN. But there is a point beyond Gemini and propulsion vehicles at which the expenditures we are making, the billions of dollars we are being asked to appropriate, do concern themselves exclusively with a lunar manned landing, do they not? It gets away from having any utilitarian value except with regard to fallout and gets away from a military program.

Mr. KARTH. I do not agree with the gentleman. I think the gentleman is taking a good deal for granted and using his own opinion which may not be truth and fact. There are a great many people who feel, for many reasons, that a lunar base may be a good base to operate from militarily. I shall not comment on that theory, because I do not feel I am qualified to make that determination, but I would like to suggest to the gentleman and I hope he will pay heed to the fact, that there are many different opinions as to what might have a direct or indirect military application.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman from Pennsylvania.

Mr. BELL. I would like to say to the gentleman I think one of the important points that need to be considered on this is directly involved in the military aspect;

that is, the big booster effort we are making. It gives us the ability to put tremendous payloads into orbit or anywhere, and are a great help in the military aspects, in which area the Russians are substantially ahead of us. It has a great deal to do with our ability to take advantage of an effort to beat the Russians in the military aspects.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman from Connecticut.

Mr. DADDARIO. It would be helpful to point out, in line with this discussion, that in the past year, as one example, there has been an agreement entered into by NASA and the Department of Defense, the subject of which is "a proposed plan to implement the NASA Air Force coordination of the fiscal year 1964 space medicine-bioastronautics design, development, and test program to support approved flight program requirements." It is in effect and has been signed by O. J. Ritland, major general, U.S. Air Force, Deputy to the Commander, Manned Space Flight, Air Force Systems Command, and George E. Mueller, Associate Administrator for Manned Space Flight, NASA Headquarters.

This is the kind of coordination that is bringing into effect the technology, information, and experience which is being bound together in this program so that it will suit a dual purpose, making more effective both the peaceful uses of space and defense requirements of the Nation.

Mr. KARTH. I thank the gentleman, who is a member of the Manned Space Subcommittee.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. The gentleman from New Hampshire has spoken of the Russian space program and noted that the Russian space program was entirely military. Actually, since 1962 there are 24 Cosmos launches by Russia that are for the purpose of exploration of space, and they would seem to have no military use whatever. So that Russia's program is not completely military.

The second point I make is this: When we build a truck it can be used for military or peacetime purposes. You can make it into whatever you wish. So, when these big boosters are made, they are for general purposes, but they can be used for military purposes.

Third, until we find out what space is in our research and development no person at this particular stage of time can tell whether it is a military application or use or not. So we are doing research just to find out what is required.

Mr. KARTH. I think the gentleman agrees with me that neither one of us can say whether the Soviet program is a militarily oriented program or a "peaceful purposes in space" oriented program. I really do not feel qualified to say.

Mr. FULTON of Pennsylvania. You are correct.

Mr. KARTH. But I think we can agree their program is pretty similar to ours in content and, so long as it is, I suppose the same kind of situation applies to the U.S. program as it does to theirs.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield the gentleman 1 more minute to finish this up. I am a member of the advisory committee for Congress to the United Nations Committee on the Peaceful Uses of Outer Space, as is our good chairman, Mr. MILLER. We represent the House of Representatives on this committee for the peaceful uses of outer space. On that committee, rather remarkably the nations of the world have agreed on what to do in outer space and we are generally in agreement on the basic rules.

We are now trying to work out, in the technical and legal area, what the progress can be. There are subcommittees meeting in Geneva at the present time which are trying to work out new rules so that all the nations of the world may agree. Russia so far has cooperated on these matters. There has been a legitimate difference of opinion. I look ahead to a promising future at the United Nations level which, of course, is in the peaceful uses of outer space.

Mr. KARTH. I thank the gentleman.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I would like to point out with reference to the assumption made in the recent discussion that there is something about this Saturn vehicle that requires us to shoot a payload all the way to the moon, if you use it, that that certainly is not the case. You can use the Saturn just as well to put a payload in near-earth orbit. We have just done that with a 19-ton payload of sand.

Mr. KARTH. That is correct; and I would suggest to the gentleman, that it could also be done with a 100-megaton bomb.

Mr. DAVIS of Georgia. Indeed, that is correct.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may desire to the gentleman from Colorado [Mr. CHENOWETH].

Mr. CHENOWETH. Mr. Chairman, I rise in support of H.R. 10456, a bill authorizing appropriations for the National Aeronautics and Space Administration for the next fiscal year.

Mr. Chairman, I want to say that I am not completely satisfied with this bill. I think further cuts could be made in this bill. However, the committee in its wisdom, or lack of wisdom, decided to report this bill in this amount. I am going to support the action of the committee. I voted for the bill in committee and I shall vote for the bill here on the floor.

I am happy to follow my good friend from Minnesota, JOE KARTH, who is chairman of the Subcommittee on Space Sciences and Applications, on which I serve. I want to pay my respects to the gentleman from Minnesota. I consider him one of the best informed men on our committee, and in this House, on matters relating to the space program which we are discussing here today. His subcommittee has no glamour and the hearings are rather tedious. I have enjoyed serving with him and I have great respect for his judgment.

I have also enjoyed serving with the other members of the subcommittee; the gentleman from New Mexico [Mr. MORRIS]; the gentleman from Missouri [Mr. RANDALL]; the gentleman from Virginia [Mr. DOWNING]; the gentleman from Michigan [Mr. STAEBLER]; and on our side, the gentleman from Wisconsin [Mr. VAN PELT]; the gentleman from Ohio [Mr. MOSHER]; and the gentleman from Pennsylvania [Mr. WEAVER].

Mr. Chairman, I do not believe this Nation is entirely sold on this proposal of putting a man on the moon at a certain specified time regardless of the cost. You have heard it said here today several times that if there is any delay in the manned lunar flight it is going to cost more money. In other words, if any effort is made now to curtail or to cut back the funds for this program we will have to pay more in the end. That is a new technique in obtaining appropriations. All of us want to save money, but we are being told if we save money now we will have to spend more later.

I do not subscribe to this new argument, but you hear it on every hand, and you have heard it a number of times on the floor today. I think we should save money wherever possible.

Mr. Chairman, the most important objective of NASA is to get on with the Gemini program, which should have priority over any other program. I do not know whether it is worth several billions to put a man on the moon in 1969, or wait until 1970 and save this money. I feel we are spending money on the moon shot which could be spent to better advantage on other programs. However, the decision has been made and we are helpless to do very much about it.

Let us leave the moon program for the moment. The Gemini program is of immediate concern. This is the program where we are going to put two men in orbit and they will stay in orbit for as long as 2 weeks.

Mr. Chairman, the Mercury program, where we used one astronaut, was very successful. I want to see two astronauts placed in orbit with equal success.

Mr. Chairman, reference has been made to the fact that the Russians have launched more orbital flights than we have. That may be true. However, I do not think their flights have been any more successful than ours. They have been for longer duration, but we can also make longer flights. Perhaps, we stayed with the Mercury program too long. Perhaps we should have moved faster with the Gemini program. I am not directing any criticism at NASA, but I think we should move now as rapidly as possible with the Gemini program.

Mr. Chairman, I recently visited the Martin plant in Colorado, where they are making the Titan II, the launch vehicle for the Gemini project. Incidentally, I would like to see NASA use the Titan II as a launching vehicle on other projects, and I hope this will be done. I also visited the McDonnell Aircraft Corp. in St. Louis, where they are making the capsule.

Mr. Chairman, it appears the program is moving along in good shape. I am hopeful that we can launch the Gemini orbital flight before the end of this year. I hope there will be no further delay in this program.

Mr. Chairman, we have heard the comparisons which have been made frequently between the Russian effort and our efforts in space. Some feel that the Russians are ahead of us in this space program. I do not think anyone knows exactly what the Russians are doing. I do not know that anyone can tell this House with any degree of certainty just what the Russians have accomplished. As I recall, there is a wall around Russia and they do not tell us very much about their activities. I think that we are up with the Russians, and perhaps ahead of them.

Mr. Chairman, we were behind the Russians in the field of thrust. I think we are now up with the Russians' thrust. We have a capability of 1.5 million pounds of thrust, and this is advancing rapidly. I do not think the Russians are doing much better.

Mr. Chairman, I support this bill today as I believe we must continue with our space program, whether we like it or not. I do not think we have any alternative. We know Russia is working hard to surpass us. We know that they are devoting a great deal of time and money to this program. In my opinion we have no alternative but to develop our space program as rapidly as possible.

Mr. Chairman, we are going to surpass Russia and we are going to win this fight for the control of outer space.

We have made mistakes and there has been some duplication, no doubt some money has been wasted, but on the whole I feel NASA has done a good job.

Mr. Chairman, some reference was made to the fact that we have pared this bill right down to the bone and not an additional dollar could be cut out of this authorization. I do not subscribe to that theory. I believe we could cut many dollars out of the bill and still have a successful program. I do not want the impression to be created that we have not been liberal with NASA. I think we have been very generous in this bill. We have given this agency almost everything they wanted.

Mr. Chairman, the statement was made by the gentleman from Texas [Mr. Casey] to the effect that we have not cut as heavy this year as we did last year, and that is true. Perhaps we should have cut more.

The bill as presented to the House this afternoon is about $100 million less than the bill last year.

Mr. Chairman, I wish to pay tribute also to the chairman of the full Committee on Science and Astronautics, the gentleman from California [Mr. Miller]. I think he has done a splendid job this year in handling this legislation. He has guided the committee with great ability and has always been fair.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CHENOWETH. I am glad to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I compliment the gentleman on an excellent statement and on his interest in space and space progress.

Mr. CHENOWETH. I thank the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. Roudebush].

Mr. ROUDEBUSH. Mr. Chairman, I rise in support of H.R. 10456, a bill to authorize appropriations for the National Aeronautics and Space Administration.

For the purpose of considering authorizations in our national space effort, our committee is divided into three subcommittees: Manned Space Flight, Advance Research and Technology, and Space Science and Applications.

Since the formation of these subcommittees during the Authorization Act for fiscal year 1964, it has been my pleasure to be assigned to the Subcommittee on Manned Space Flight, under the chairmanship of the gentleman from Texas Hon. Olin Teague. I would be remiss at this time if I did not commend our very fine subcommittee chairman for his diligence and his application to the problems confronting this subcommittee.

We began our hearings this year early in January, and concluded them March 9. During this period of 2 months, our subcommittee was in almost constant session. Our workweek also included several weekends, when the subcommittee traveled as a group to the Marshall Flight Center at Huntsville, Ala.; to the Michoud Center at New Orleans; to Cape Kennedy; and to the Manned Spacecraft Center in Houston, Tex. A further trip was made to the Martin Co. at Denver, Colo., where we inspected fabrication for the Titan II vehicle which will be the basic launch vehicle for the Gemini capsule.

That same weekend we stopped at St. Louis and made a complete review and inspection of the McDonnell Aircraft factory where the Gemini capsule is being fabricated.

I was unable to make all of these trips, but those I did participate in were certainly most informative and provided an up-to-date evaluation of the efforts in our space program.

I am pleased to report to my colleagues of the Congress that I was most impressed with the things I witnessed during these field trips. Again, I commend our committee chairman for making these arrangements.

During the visits at these centers and manufacturers, the subcommittee held hearings and took testimony from representatives of both private industry and officials of NASA.

Our subcommittee this year has approved NASA's requests with some changes. These changes are not extensive, since the area over which our subcommittee has jurisdiction does not entail any new programs and actually provides funds only for the continuing of programs presently underway.

NASA requested a little more than $3.5 billion for this portion of their activity. We recommend reductions totaling about $41.6 million. This reduction was accrued by reducing the amount for "research and development" by $3.9 million. On the portion concerning "construction of facilities" for the Office of Manned Space Flight Activities, the subcommittee reduced the amount by $22.4 million. And a final reduction of $15.2 million was made in "administrative expenses."

To leave the area of the bill which pertains to manned space flight, I would like to repeat some overall figures concerning the total budget for NASA. Here I think we must go back and make a comparison with the previous year and determine how the current rate of expenditures authorized by this bill will compare with those of the previous year.

Going back to fiscal year 1964, NASA requested of our committee $5.7 billion, and our committee authorized $5.3 billion, a net reduction of a little over $361 million. The action of the Appropriations Committee for fiscal year 1964 was to appropriate $5.1 billion, a further reduction over the amount authorized of about $261 million.

The fiscal year 1965 NASA request was $5.3 billion, and the total authorization contained in this act is $5.1 billion, a reduction of $110 million.

The point I am trying to make is this. The authorization by our committee for fiscal year 1965 in comparison to fiscal year 1964 is $157 million less. I am aware that NASA is requesting a supplemental appropriation for fiscal year 1964 totaling $141 million. This request is now pending before the Appropriations Committee.

The authorization recommended by this bill is an excess of only about $93 million of that appropriated for space activities last year. And if the supplemental request of $141 million is approved by the Appropriations Committee, our authorization for fiscal year 1965 will be less than was totally appropriated for last year, by about $47 million.

I think we are all aware of the expanding activities in our space program. And I can assure you all that this amount authorized represents a substantial reduction in the amount originally planned for fiscal year 1965. I recall during a committee hearing last year that an estimate in excess of $6 billion was indicated by the Administrator of NASA, Mr. Webb, as necessary for fiscal year 1965.

When one considers the extent of these programs, and the figures I have just given, I think it is easy to see why the committee does not request a greater reduction in the amount requested by NASA.

I would like to invite attention to the committee report which accompanies this bill, and especially to those additional viewpoints appearing on pages 98 through 104. These additional and separate viewpoints by minority members of the committee should be carefully scrutinized. They pertain to our national space objective, such problems as committee staffing, life sciences, and our sustaining university program.

I will not comment at length on these items, since they do appear in the written record. I would like to invite attention to the additional viewpoints on page 102 concerning the Electronic Research Center. This additional viewpoint is supported by seven minority members of the House Committee on Science and Astronautics.

In these viewpoints we point out that we do not think it is prudent to spend $14.5 million on an electronics research center this year. Ten million dollars of this money is for the construction of facilities, $2 million is for administration, and $2 million is for research and development which could be carried out in existing centers.

This problem has been before our committee and before this Congress on several occasions. Last year in the authorization bill the full committee reported that the need or location of this center has not been established by NASA, and the committee requested that before money could be spent for such a center the selection and justification must be approved by both the House and the Senate committees.

In last year's authorization bill, $3.9 million was authorized.

In February of this year, our committee received its report, and in executive session approval was granted by a vote of 18 to 13.

I must again point out as one member of the minority signing this additional viewpoint that I do not feel this has been justified, nor has the committee been given the opportunity to hear other than NASA witnesses in such justification.

I do not feel that such an electronics center will have any benefit to the efforts of this Nation to land and return men from the surface of the moon. And I do hope that such expenditure of funds can be deferred for the present.

Despite this failure to agree in total, I do want to conclude by commending our committee chairman, the gentleman from California, the Honorable GEORGE MILLER, and the members of the committee, who dedicated themselves to the problems concerning the authorization of funds for our space effort.

The bill does have bipartisan support, with the exception of those items enumerated in the additional viewpoints from which I have quoted.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. BELL].

Mr. BELL. Mr. Chairman, this is the fourth year I appear before you to advocate passage of the annual National Aeronautics and Space Administration budget.

My purpose today in supporting H.R. 10456 is a specific discussion of that aspect of the appropriation dealing with the Apollo manned space flight program.

Of the $5.1 billion recommended by your Committee on Science and Astronautics for NASA during fiscal 1964–65, $2.6 billion will be applied to the Apollo effort.

It was in the summer of 1961 that your Science and Astronautics Committee first recommended, and Congress approved, a budget for manned space flight.

That first allocation covering fiscal 1962–63 amounted to $487 million.

Last year approximately $2.2 billion was earmarked for Apollo by Congress.

Each year the budget has increased because each year we come closer to vitally important breakthroughs in our assault on the mysteries and challenges posed by the Apollo project.

We understood this would be the case when we initiated the program.

Today we are asked to authorize a budget that is aimed to bring us to the halfway point of the lunar-landing program.

With this authorization we are underwriting the conquest of three barriers that remain an obstacle to the performance of the United States in space.

The value of such a breakthrough has application both to military and to scientific progress.

These barriers have limited the hope for advanced exploration in the farthermost reaches of the universe.

They have restricted us in the 100 to 500 miles of so-called inner space where national security must be considered.

Barrier No. 1 is booster capability.

Barrier No. 2 is rendezvous capability.

Barrier No. 3 is precision-timing capability.

Mr. Chairman, impossible to ignore in our budgeting to overcome these barriers is an assessment of the relative success of the Soviet Union with the same problems.

The booster capability of the United States in manned flight, as demonstrated in Project Mercury, is 360,000 pounds.

Russia is presently presumed capable of 850,000 pounds of thrust.

Unclassified published studies suggest, however, that the Soviets may now be developing a new system of engines and clustering which would increase their booster capability by more than 50 percent.

Some American scientists believe that the Soviets are presently developing an engine which will at least double their thrust capability.

The response of our space technicians to this challenge is represented in engines designed for the Saturn I, Saturn IB, and Saturn V configurations.

We have made tremendous strides with the launching of the unmanned Saturn I producing 940,000 pounds of thrust.

We plan, for fiscal 1965, to ground test the F–1 engine with 1½ million pounds of thrust.

Each is part of the Apollo program.

Booster potential of Saturn vehicles ranges from 1.5 to 7.5 million pounds of thrust.

Rendezvous capability and precision-timing capability must, of course, be equated with thrust.

But they also represent technical sophistication quite apart from thrust power.

No American achievement in these two areas matches the Vostok flights of August 11 and 12, 1962, and June 14 and 16, 1963.

PRECISE TIMING

Projects Gemini and Apollo, for which rendezvous and precision-timing capacity are absolutely essential, is currently the best hope of our Nation in overcoming clearly demonstrated Russian superiority.

To the Aeronautics and Astronautics Coordinating Board of NASA and the Department of Defense, will be assigned many considerations involving application and development of Apollo research.

Manned and unmanned space stations, of interest to both science and the military, are examples of areas in which Apollo will be the trailblazer.

Even in the absence of international competition and political tension, however, Apollo would be needed to break down the three barriers which have limited every aspect of our potential in space.

It may be unfortunate that Apollo is best known as the project by which the United States seeks to accomplish the 768,810-mile lunar expedition within this decade.

In point of fact, it is estimated that between 50 and 60 percent of the proposed Apollo budget constitutes basic research and development on space flight.

This means that more than half of what is done in the name of Apollo can be applied to any space activity in which our Government might become engaged, now and later.

Mr. Chairman, valuable previous discussions concerning the feasibility and desirability of the Apollo program can be reviewed in the CONGRESSIONAL RECORDS of April 28 and May 24, 1961; and May 23 and July 10 and 11, 1962; and August 1, 1963.

Hearings of the Committee on Science and Astronautics especially useful in assessing the program can be found in reports dated May 12, 1961; May 15, 1962; July 25, 1963; and March 18, 1964.

No new technical information has been acquired since the Apollo budget authorizations for fiscal 1962, 1963, and 1964 which now cast doubt on the feasibility of the program.

All development has proceeded as planned.

Arguments which originally justified Apollo appropriations and programing, and were considered acceptable by the Congress in 1961, 1962, and 1963, still apply.

To continue the Apollo program on its present schedule to July 1, 1965, we will commit ourselves to the expenditure of $2,677,500,000.

The major aspects of the program can be broken down in the following way:

First. For the spacecraft, described on page 8 of your report, $945,800,000.

Second. For engine development, described on pages 13 through 15 of your report, $153,400,000.

Third. For Saturn I, described on page 15 of your report, $120,600,000.

Fourth. For Saturn I–B, described on page 17 of your report, $260,100,000.

Fifth. For Saturn V, described on page 20 of your report, $988,400,000.

Sixth. For Apollo support, described on page 22 of your report, $209,200,000.

Viewed solely from the standpoint of technology and methodology, these items have not, to my knowledge, come under question.

It is in the ever-changing area of public policy that Project Apollo and, indeed, the entire NASA budget, rightfully deserve close scrutiny by the Congress.

We must always question whether the United States is intelligently balancing Federal space expenditures between programs which contribute to national security and programs of pure scientific research.

It is my opinion that there is clearly a need for more and better information about the annual $14 to $15 billion of Government research spending as it relates to scientific priorities, national goals, and the need for congressional and executive budgetary discipline.

Such concern is, however, not incompatible with support of the NASA budget today.

Mr. Chairman, the Committee on Science and Astronautics is not afflicted by either moon madness or space obsession.

It has been for many months involved with a businesslike consideration of the financial requirements of the National Aeronautics and Space Administration for fiscal 1964–65.

From the NASA budget proposal first submitted to us, more than $110 million was cut.

Fifty-four million dollars of that cut was from research and development.

We give you a hard budget but certainly not a crippling budget.

Mr. Chairman, on this basis I speak in behalf of the proposed allocations of both Apollo and NASA and urge the passage of H.R. 10456 now before you.

Before yielding for questions, I want to say I think that the chairman of our full committee, the gentleman from California [Mr. Miller] should be commended for the fine job he has done and the effective way in which he has presided over the work of our committee. I want also to pay special tribute to the gentleman from Texas [Mr. Teague] for the excellent job that he has done as chairman of the subcommittee on manned spaceflight. The gentleman did a tremendous amount of work and put in a great deal of effort over many weekends making a thorough and far-reaching study into many of the aspects of this NASA budget.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. WYMAN. In the section on the Apollo program to which the gentleman's attention was directed on page 8 of the committee's report, there is a figure of almost a billion dollars for spacecraft. Will there by any weapons systems tried out in those spacecraft?

Mr. BELL. In a sense when you speak of weapons systems, you could say that every part of this project or nearly every part with but few areas of exception, is involved with a military aspect because of the things I mentioned to the gentleman earlier; namely, the boosting and the precise timing and rendezvous techniques which are all connected very directly with the military.

Mr. WYMAN. Suppose the military were to recommend trying a weapons system in a particular type of module or spacecraft? If there anything in the argument made by some that basic NASA legislation would have to be amended to permit the installation with the use of a part of these funds in a spacecraft of a weapons system?

Mr. BELL. If the military were interested in a particular installation for a military weapon, in a space vehicle, I am certain there would be arrangements made for that by the National Aeronautics Space Administration working with the Air Force and the Department of Defense. The Air Force has the actual responsibility for developing weapons systems in space. However, the military potential of the United States in space is being increased substantially by the development of a larger thrust in our vehicles, the further development of techniques in the area of rendezvous, of precise timing of which I spoke.

Mr. WYMAN. My question is: Can any of this money be used for that purpose without a change in the basic act affecting NASA?

Mr. BELL. Right now it is not to be used for that; that is correct. But there is no immediate foreseeable problem of an explicit military nature involved in this particular budget that is explicit in a weapons' system. We are reaching out. It is the same situation to some degree, I think, that we faced many years ago when we were questioning the value of the airplane in military areas and, as you recall, Billy Mitchell fought a great battle in that area. I think we are faced with much the same parallel today with regard to space. You cannot predict precisely where every one of these weapons systems may be needed or may be developed, but you are advancing in space in the same way that we advanced with the airplane, which certainly you will have to admit is an asset from the standpoint of the military.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield on that point?

Mr. BELL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. With regard to special applications of a military nature, the U.S. Air Force has a budget of more than a billion dollars to apply to any weaponry system. That is not the job of NASA. As the gentleman from California [Mr. Bell] pointed out, the Department of Defense and NASA work together in close cooperation.

I would say further, with respect to boosters—the Atlas, the Titan II, the Titan III—the various boosters are all military boosters. They are being developed by a combined team.

Mr. BELL. I did not mean to imply that this was not a prerogative of the Air Force and not its primary job, with respect to a weapons system. The frontiers, though, that NASA is opening up has considerable potential military value.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Minnesota.

Mr. KARTH. I should like to further answer the question of the gentleman from New Hampshire [Mr. Wyman] as to what we are doing in the field of the military as it applies to the overall space effort. I could not recall the figure precisely when I was in the well attempting to answer his question, but I have refreshed by memory.

During the year 1963—which, incidentally, was not long ago—80 percent of all payloads put into orbit by this Nation were put into orbit by the Department of Defense. I am not saying that is too much and I am not saying that is too little. As I said before, I have confidence in the military leadership in the making of that determination.

I further point out that I was not aware of the development of the A–11, either. It may be, for all I know, that there are similar developments being carried out by the Department of Defense in the space area, such as were carried out on the development of the A–11. I really do not know.

I echo again my former sentiments. Certainly I have confidence in the military leadership of this country to make certain they do what is needed so that this Nation may remain secure and not have any fears about an attack from outer space.

Mr. WYMAN. Mr. Chairman, will the gentleman yield for another question?

Mr. BELL. I yield to the gentleman from New Hampshire.

Mr. WYMAN. What kind of fuel is used in these boosters, such as the Saturn V?

Mr. BELL. A I understand it, liquid oxygen and liquid hydrogen.

Mr. WYMAN. How much is required for a single shot of a Saturn I–B?

Mr. BELL. I could not tell the gentleman the specific answer. Perhaps the gentleman from Pennsylvania [Mr. Fulton] could answer.

The gentleman from New Hampshire asked me what amount of hydrogen and oxygen and kerosene would be needed for a type of vehicle such as Saturn V.

Mr. FULTON of Pennsylvania. In volume, or gallons?

Mr. BELL. Can the gentleman from New Hampshire answer that? Is the gentleman talking about volume or gallons?

Mr. WYMAN. My question is preliminary to exploration of the possibilities of atomic propulsion to save money in our space shots. Is the committee concerned with looking for some substitute for this expensive fuel we use in these boosters?

Mr. BELL. I can answer that question.

Yes, the committee is looking into three areas pertaining to nuclear propulsion. I certainly agree with the gentleman that this would be a future type propulsion.

One is the Project Rover, which involves a graphite nuclear reactor as a heat exchanger. There are two other projects. One is Project Orion, and one is Project Gaseous Core. All are for developing a nuclear propulsion system.

Mr. WYMAN. Are we allowed to test a nuclear propulsion system under our space program in the face of the test ban treaty?

Mr. BELL. Of the methods I have mentioned under scientific study, Project Rover or Rift, which has to do with a graphite core reactor is not involved in the test ban treaty in the least, because there are no nuclear explosions involved in this type of propulsion. The gaseous core is under the same banner, so to speak. It does not involve nuclear explosions in any way, shape, or form.

The Project Orion would involve nuclear explosions, but this particular project can be tested below the ground previous to establishing it later on, as a vehicle system. In that case the United States would have to make some arrangement covering the test ban with the powers involved although the Orion vehicle would not necessarily be considered a military weapon.

Mr. WYMAN. Under the test ban treaty is it permissible at the present time to propel a rocket by atomic propulsion?

Mr. BELL. It is questionable in regard to the Orion project, and I believe there would have to be a special arrangement made to cover this project.

The other two nuclear systems that I mentioned, however, could be operated legally under the present test ban agreement.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I would like to answer the question of the gentleman from New Hampshire. We have five F-1 engines in the Saturn vehicle. One engine consumes 3 tons of kerosene and liquid oxygen per second, which means each minute it operates it burns 7½ railroad tank cars of fuel and 30 tank trucks of liquid oxygen.

Mr. WYMAN. For a single engine?

Mr. TEAGUE of Texas. Yes.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BELL. Yes. I yield to the chairman of the committee.

Mr. MILLER of California. As far as nuclear propulsion of a rocket is concerned, you would still have to take it off the ground with some conventional means, because it would not have the thrust to get out into outer space without that. Then they can take over with the nuclear propulsion.

Mr. BELL. That is true. There would have to be a thrust from a conventional engine to get it up above the atmosphere, although there are some arguments on that point.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. The gentleman from Texas spoke of the Saturn V, which weighs about 6 million pounds, loaded. However, the Saturn I weighs about 1.14 million pounds loaded.

There is no operational payload on top of it. It is all engine. Therefore its weight is almost all fuel, except for the tank, the components, the hardware and equipment to guide it.

If you want to know what the rocket costs, which is what he may be interested in, I will give you the figure. It is $20.6 million per vehicle.

Mr. BELL. Mr. Chairman, I yield back the balance of my time.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, my views on H.R. 10546 are contained in both the additional views in the committee report as well as my separate views which appear on page 104.

In a nutshell this latter view expresses my feeling that the amount authorized, namely, $5,193 million is more than I feel is justified in the wake of the recent $11 billion tax cut and in the face of another huge Federal deficit.

Frankly, my fear is that by failing to curtail Government expenditures Congress may well cause an increase in inflation which could wipe out the entire amount of the tax reduction. In other words, during the first 2 months of the Johnson administration the cost of living, so I am informed, went up three-tenths of 1 percent, which on the basis of present purchasing power if inflation continued at the present rate would amount to a total loss of more than $7 billion for 1 year. Actually, what I fear is that the cost of living will go up if the increase continues as it has during the past 2 months so that it will wipe out completely the increased purchasing power of the people that was anticipated by the tax reduction bill.

Meanwhile, let us not forget that the amount of this authorization represents an average annual cost to every family in America of $112.63. In think the taxpayers of this country are being overloaded with expenses on account of such programs as space development which could just as well proceed more slowly. It bothers me, Mr. Chairman, that the only witnesses to testify on this bill before the House Committee on Science and Astronautics were representatives of the National Aeronautics and Space Administration. No outside or independent judgments were invited. I would have hoped that the committee could have ascertained the views of leading scientists and engineers outside of Government and we could have expert advice and independent opinions as to the relative value of the scientific information to be obtained from landing a man on the moon as against landing instruments within this decade.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I think I would prefer to finish my statement first.

Mr. TEAGUE of Texas. I hope the gentleman was not including the whole bill, because we heard any number of outside people. We heard hundreds of outside people.

Mr. PELLY. As far as any experience that I had as a member of my subcommittee, or the full committee, I did not hear a single witness outside of NASA.

Mr. TEAGUE of Texas. That is the gentleman's subcommittee, but our subcommittee heard representatives from Boeing, Douglas, North American, McDonnell. We heard hundreds of people outside of NASA.

Mr. PELLY. Mr. Chairman, may I say with the greatest of respect that I think we have some very fine subcommittees. I am sorry that I could not be a member of all them. I think we have some very fine subcommittee chairmen. I have a very high regard for the point of view of the gentleman from Texas [Mr. TEAGUE]. This is a difference between honest men. The gentleman knows I respect him highly.

For example, the other day, I asked Dr. Warren Weaver, a former president of the American Association for the Advancement of Science, and he indicated that it was his considered judgment and firm opinion that the scope and the pace of the program proposed by the National Aeronautics and Space Administration are not justified on scientific conditions, nor are they made necessary by consideration of national prestige. Dr. Weaver said:

> If this program is necessary for reasons of national defense, then this should be candidly admitted. The claim that this is a scientific program I think is a misleading one, and I consider it highly unfortunate for anyone to try to sell this bill of goods to the public by invoking the prestige of science.

In this connection, I might mention that I have introduced a resolution, House Concurrent Resolution 257, to extend the period to prior to 1975 during which a lunar landing would be our goal. I do not think that the United States should have to apologize or be embarrassed if we stretched out, delayed or postponed beyond 1969 the time and goal within which we are seeking to race ourselves to the moon.

As the New York Times recently said:

> The objections which have been voiced against an inflexible deadline for hastily sending a man to the moon before 1970 are still highly relevant.

It has been argued that a stretch out in the Apollo program would cost a billion dollars a year. I asked a witness during the committee hearings as to how this billion dollar figure was arrived at and was told that the National Aeronautics and Space Administration has to maintain a certain team to launch missiles and the cost per launch is arrived at by dividing the number of rockets fired into the total cost of maintaining this team. Then I was given the most amazing piece of cost accounting I have ever heard. I was told that if you diminish the number of launches in a year the costs are upped because you have to divide the costs by the lesser number of launches.

It did not seem to occur to the witness that the costs of the team maintained is the cost to the United States and that regardless of any postponement or delay as long as that team is maintained cost to the taxpayers will be whatever that team costs and certainly no more nor any less.

Mr. Chairman, this is a glamorous program and there are some able and talented scientists connected with it. The scientific research and development that is going on throughout the country is certainly in harmony with the idea of preeminence in space. Certainly, I do not want to appear as opposing this important idea or objective; rather I would like to have the program proceed at a deliberate and orderly fashion and at an annual cost that does not require payment of so much in borrowed money. The policy of planned annual deficits during relative prosperity is something I cannot support. I think the economic strength of our Nation is being dissipated by deficits, and finally let me reiterate that above all we cannot afford continuing and increasing inflation which could well reach a point which would force a major cut-back in our scientific progress so as almost to bring it to a halt. I think we are going too far and to fast.

Mr. Chairman, I feel compelled to vote against this bill unless it is substantially reduced.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, I compliment the gentleman on his interest in space. He has been one of the economizers on our committee and has pointed out to us in every respect what we must do for efficiency and economy.

Mr. PELLY. Mr. Chairman, I would like to thank the ranking Republican who is here today and to say that I think mine is one of the few speeches that is really needed by the committee.

The members of the committee have heard all of the scientific arguments and the explanation of the program, which they certainly know well. However, I do not think many of them have considered the other side as far as the cost of the program is concerned.

Mr. FULTON of Pennsylvania. We have all listened carefully to the gentleman and we thank the gentleman.

Mr. PELLY. I thank the gentleman for yielding me this time.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, I rise in support of the NASA authorization bill. However, I would like to draw the attention of the members of the committee to the minority views.

The additional views stated in the NASA authorization report bring out the problems of adequate coordinated research in the field of manned-space programs.

Work in the life sciences field in preparation for the survival of man in outer space has been a loosely woven program between the Department of Defense and the various offices of NASA. There has not been any apparent amalgamation into a solid unit of all of the efforts of NASA and DOD in the life sciences field. This is undoubtedly due to divided responsibilities. Man's survival in outer space, whether it be for military or peaceful purposes, requires extensive preliminary studies that are basically similar.

An example of research that has applications to manned space but not to the lunar flight is the biosatellite program. There is no question that a biosatellite program will give scientific knowledge pertaining to a life-beyond-the-moon program, but is it necessary to carry this out as a priority this year? Biosatellites will carry experiments which should be carefully reviewed between the responsible NASA organization—Ames—and the responsible DOD organization.

There is question that some of the experiments including the primates duplicate existing capabilities of facilities other than Ames Research Center. Priority number one should be research related to man's survival in near-earth orbit and lunar landings. This should be followed by research in the program of manned flights beyond the moon.

An examination of NASA's organization chart illustrates that divided responsibility exists. The Office of Manned Space Flight has an official responsible for life science projects in the manned space program. The Offices of Space Sciences and Advanced Research and Technology likewise have basic responsibilities in the field of life sciences. Each of these divisions has representatives in the life sciences activities at Ames Research Center in California. In addition to this, the U.S. Air Force has the Aero-Space Medical Center with the primary responsibility for life sciences research at Brooks Air Force Base, San Antonio, Tex. Subdivisions of the Aero-Space Medical Center involved in life sciences are located at Holloman Air Force Base, N. Mex.; Wright-Patterson Air Force Base, Ohio; Lackland Air Force Base, Tex.; and Fort Wainwright, Alaska. Steps have been taken to coordinate the efforts between the Ames Center and the Air Force in the life sciences field.

I commend NASA and Dr. George Knauf for these extensive efforts begun in August 1963 to develop improved coordination and cooperation in the life sciences field. However, with the development of the new Life Sciences Research Center at Ames, it will be necessary to have a continued efficient interlocking of activities.

It, therefore, seems advisable that NASA reconsider its life sciences organization and consolidate the responsibilities for man's survival in outer space under one official. This could be an existing official in one of the three primary offices of NASA—or an associate administrator—to be assigned to the most critical part of the space program—survival of man. This individual would have the responsibility to coordinate with the Department of Defense and its appropriate officials the total effort in the area of life sciences as related to man in space.

MINORITY VIEWS ELABORATED—NATIONAL SPACE POSTURE

Mr. Chairman, the following are my views on the U.S. space program. I support this bill.

A. NATIONAL GOALS

The United States has a double-pronged space program. NASA with a fiscal year 1965 budget of $5.193 billion is responsible for the peaceful exploration of space with an immediate priority of a manned lunar landing.

The Department of Defense with a fiscal year 1965 space budget of $1.03 billion has the responsibility for national security. The necessity for a military space system and improved space technology must be evaluated.

B. U.S. SECURITY AS RELATED TO THE SOVIET UNION

Wars have been traditionally conducted in three dimensions; land, sea, and air. The proven superiority of the United States in these three areas has resulted from success in past wars and in limited conventional warfare such as Korea.

The cold war which has existed between the United States and the U.S.S.R. has involved two new dimensions: First, the battle for the minds of the people of the world; and, second, the development of space and its military potential for offense and/or defense.

I shall direct my discussion to the threat of space for military aggression and the space gap that exists between the United States and U.S.S.R. in manned space exploration.

The nuclear superiority in the United States is rapidly being narrowed by the Soviet Union due to many factors, including the nuclear test ban. A missile stalemate now exists with superiority of the U.S. dependent on our deterrent and second-strike capabilities. The military potential of outer space remains to be determined.

It is my opinion that the United States has a superiority in unmanned vehicles with technological and scientific space knowledge.

However, we are victims of a space gap in manned space activities. The United States must fully develop its manned program in the interest of national security or this space gap with the U.S.S.R. will widen in the coming years.

C. SOVIET VERSUS UNITED STATES ACCOMPLISHMENTS RELATING TO MANNED SPACE ACTIVITIES

First. Launch vehicles: U.S.S.R. launch vehicle capabilities with large payloads—including man—have been demonstrated time and time again in the past 5 years. The United States with the successful firing of Saturn—19-ton payload—now has a capability beyond the Soviets but it has not been developed.

Second. Lunar unmanned successes: The Soviets on three occasions demonstrated their ability in 1959 to fly by, fly around, and to strike the moon. There was a fly by failure in 1963. This knowledge is an important precursor to any manned lunar landing by either United States or U.S.S.R.

Our unmanned lunar efforts have been disappointing. The Ranger impact of 1964 on the moon was only a partial success due to the failure of the cameras.

Third. Manned near-earth flight: The Soviets have demonstrated 385 manned hours of near-earth orbit in contrast with the 53½ U.S. manned hours.

The U.S.S.R. has placed a heavier payload in orbit including man than the United States. The U.S. capabilities will depend upon the successes of the Gemini missions prior to the Apollo flights.

Fourth. Rendezvous and docking: In 1963 the Soviets launched Polyot I, an unmanned vehicle equipped with propulsion devices they claim permit it to maneuver extensively in the near-earth zones of outer space. Perfected U.S.S.R. space ships of this type would solve the problem of rendezvous which is a necessary preliminary to building orbital manned space stations.

In 1962 and 1963 the two Soviet cosmonauts in space flight on two occasions orbited less than 5 miles apart. The United States has not made multiple launchings within a 24-hour period, nor have we demonstrated any rendezvous capabilities. The first such rendezvous flights are planned in 1965. The Soviets threaten these accomplishments of space rendezvous in 1964.

Fifth. Organization of space programs: The Soviet space program is a coordinated single program under centralized direction using the military and military officers. The U.S. program is double pronged with NASA and DOD in separate areas of responsibility.

Sixth. Potential military weaponry in space: The Soviets tie their program closely with the missile program, and have frequently offered military threats from space. Until late 1963 when the MOL—manned orbiting laboratory—was announced, the United States had not planned a single military weapon system in space. Specialized space vehicles are developed for the peaceful and scientific aspects of the U.S. space program in contrast with the almost complete reliance of the Soviets on military launch space vehicles.

In November 1963 the Soviets tested rockets at their Pacific missile range with an 8,000-mile capability which they said could be used as improved versions of spacecraft booster launchers. This was a propaganda coverup for ICBM tests.

Seventh. Space propaganda: The Soviets since sputnik have had 10 times the propaganda value for moneys expended in their space program. The United States has gained some international prestige through emphasis on peaceful use of space. However, we must remember that nations are often influenced by military superiority. This could include space blackmail. Peaceful space programs mean nothing to uncommitted nations if the Soviets have military space supremacy.

Eighth. Space objectives: The U.S.S.R. has demonstrated manned near-earth superiority. The United States has emphasized near-earth unmanned vehicles superiority with emphasis on lunar manned landing to be accomplished after lunar rendezvous.

Ninth. Space technology: The Soviets build solidly on the extensive use of existing technology. This results in a more frugal program. The United States has had a technological explosion which periodically results in excessive costs in the space program. This is magnified by our hedgehopping technological utilization of space knowledge.

Tenth. Life sciences: The Soviets seem to have a demonstrated advantage in their ability to support man in near earth and their coordinated manned life-support research. The United States has a loosely coordinated, diversified program. The Soviets are behind the United States in radiation studies of space.

Eleventh. Electronics research and development: The Soviets show electronics research and development which would indicate equality with the United States in all but microminiaturizing techniques.

D. SOVIET THREATS TO U.S. SECURITY

In 1959 Academician L. I. Sedov, Chief of the Soviet Interdepartmental Commission on Interplanetary Communications, had this to say:

> We have no distinction between military and civilian projects.

In 1961, General Blagonravov in Washington focused attention on such potential military applications as capsule recovery, satellite photography, and man in space.

Major General Prokrovsky, Soviet explosives expert and writer on missile and space developments, had this to say in 1957 when he was talking of satellites as bomb delivery vehicles:

> These satellites, together with their scientific value, also have military significance. From them it is possible to observe the opponent's territory and to throw atomic bombs on that territory.

The Soviet military is a strong and direct participant in the Soviet space program, and seems to have overall control.

The key to future capabilities in space lies in payload, which in turn hinges on the development of very large rocket boosters.

Military satellites for use in reconnaissance, geodesy, weather, communications and mapping could be available now. Soviet cosmonauts have crossed the North American continent many times and at perigee less than 100 miles above our cities. Vostoks II, III, and IV, crossed the United States 7, 28, and 21 times, respectively. The cosmonauts in these vehicles were largely passive passengers, but their orbital paths over the United States reflect the possibility of expanded future capabilities.

Also, based on the Vostok experience, the U.S.S.R. now has the capability to orbit and deorbit a vehicle which could be used in a very gross fashion for orbital bombardment.

The Soviets could have a limited antisatellite capability now if they employed their present compact U.S.S.R. space tracking facilities for acquisition of orbital data, and a booster from their surface-to-surface missile inventory, such as the 1,100 N.M. weapon which was deployed in Cuba. This system could launch a warhead against a fixed orbit satellite in a precalculated position. The precision of timing and position of Vostok III and IV adds significance to this capability. The launch precision and the resulting orbital proximity of the two vehicles certainly provided the Soviets data which could be applied to systems for neutralizing earth satellite vehicles. Also, this data would be applicable in the development of a co-orbital intercept capability. At this time there is no evidence of an operational Soviet tracking capability against non-Soviet satellites.

The development by the U.S.S.R. of orbital bombardment weapons could be the most direct threat to the security of the United States.

Khrushchev in 1961 suggested that he sees the orbital bombardment satellite as a strengthening of his hand:

> The means of delivering thermonuclear weapons are now so perfect that they can be delivered to any point on the globe. If we could bring the spaceships of Yuri Gagarin and Gherman Titov to land at a prearranged spot, we could, of course, send up other payloads and land them wherever we wanted.

At a minimum, the statement indicates that Khrushchev has been briefed on the orbital bombardment concept.

From the beginning of its space program, the standard Soviet position was to publicly emphasize opposition to the military use of outer space.

Even in 1959, however, Khrushchev stated publicly:

> After disarmament * * * the U.S.S.R. will be prepared to reveal all its space secrets but not now, because these secrets are of great military importance.

The newspaper Red Star on March 21, 1962, published an article warning that the Soviet Union could disregard the military potentialities of outer space only at its own peril.

In November 1962, Marshal Malinovsky, Soviet Defense Minister, in his pamphlet, "Vigilantly Guard the Peace," stated that space was one of the areas in which a future war would be fought. Marshal Biryuzov, who was appointed head of the Soviet General Staff following the Cuban crisis, February 1963, indicated Soviet interest in the orbital bombardment concept.

Contemporaneous with the appearance of public references by Soviet leaders to the military potentialities of outer space has been reaffirmation of an interest in and requirement for attaining military superiority.

The objective of the Soviet program could be to convert the manned spaceflight capability to a manned military system capability at the earliest feasible time and thus attain and consolidate control of space on the premise that such control will be as vital a future power factor as is control of the air.

The U.S.S.R. thus far has been exploring space with systems derived from military rocketry. Soviet military officers and military organizations have attained a certain familiarity with and expertise in space operations. Continuing and expanding participation of military personnel and military facilities would not be unexpected.

The next round of space activity, however, will go beyond adaptation of the components of ballistic missile systems. It will be far more costly and more demanding in skills and resources than anything man has yet undertaken. The U.S.S.R. is undoubtedly preparing for this.

The future is opaque—but the Soviet leaders may now be peering into it in an attempt to identify military space programs which will return for their great costs a more than transitory world power advantage of the United States.

Soviet leaders appreciate the advantage of technological surprise in the space age.

A Soviet Defense Ministry publication states the case thusly:

> The Soviet Government is not limiting itself to those military means which the adversary already has. The creation of new methods of combat which the imperialist aggressors still do not possess is the task of Soviet science and technology.
>
> Any preempting of the adversary's potential in the creation of the newest means of combat * * * gives undoubted superiority in case of war.

Do we face the possible development of an unusual and unexpected military use of space by the Soviet Union?

In a speech at the Indian National Physical Laboratory in New Delhi—November 11, 1963—Soviet Cosmonaut Andrian Nikolayev said that the Soviet Union was planning a spaceship that would sustain life in outer space for 3 years, the estimated time required for a round trip flight to Mars or Venus. According to Nikolayev, the round trip actually would take 14 months, but the spacemen would have to spend almost 2 years on the planets to wait for a proper orbital position for the return flight.

Soviets have on their manned earth orbits crossed over the United States many times.

The United States has planned manned flights of 14 days duration. The Gemini program is a step in that direction. Until the proposed manned orbital laboratory, the United States had no potential military weapons system in space. None of the U.S. manned orbits have passed over the Soviet Union.

JOINT U.S.-U.S.S.R. EFFORTS

January 25, 1964, the first joint United States-U.S.S.R. mission was successfully accomplished with the launching of Echo II, a passive communications satellite.

CONCLUSIONS

In the field of unmanned space exploration the United States has a lead over the U.S.S.R. However, there is a "space gap." The Soviets enjoy a lead in manned space missions. It is time for the United States to reevaluate its total space program. NASA's international prestige program based on a manned lunar landing must be properly dovetailed into the space program of the Department of Defense in order to obtain the maximum national security for taxpayers' dollars. This requires the utmost cooperation between NASA and DOD. If this is not done it is highly possible that by the 1970's the United States will have lost its opportunity for defensive capabilities in space leaving us dependent upon a horse and buggy missile stalemate.

If the United States continues to phase out its manned strategic delivery system, we will have a complete elimination of strategic weapons for discriminatory use. The Soviets recognizing our second-strike capabilities are falling back on localized warfare, a constant prodding tactic which tests our willingness to resist all over the world. The United States must, therefore, be strong enough to defeat every aggression short of war. This means we must have flexible options including man in space. Our recent Saturn successes can help to make this possible.

The beginnings of NASA-DOD cooperation in manned space efforts was evident throughout the latter part of 1963, and this I heartily commend as an auspicious beginning. It must, however, continue if we are to avoid expensive duplications, and gaps in our national space posture. Under our existing philosophy of second-strike capabilities and in our attempts to avoid escalation into total warfare, it is necessary for our NASA and DOD space programs to be united with emphasis on man in space.

It is only by a complete reevaluation of the NASA and DOD space programs and subsequent coordination that the United States will overcome the space gap in manned space flight, resulting from Soviet supremacy.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. GURNEY].

Mr. GURNEY. Mr. Chairman, as a member of the Science and Astronautics Committee, I add my full support for the NASA authorization for fiscal year 1965, and for the passage of H.R. 10456.

First, I strongly urge my colleagues in the House to remember the objectives of the space program of this Nation. The single, final objective is U.S. leadership in space. There are many different goals that are encompassed in this objective: better communications, more efficient military reconnaissance, improved weather prediction, all through our satellite programs, the whole vast field of the pursuit of scientific knowledge concerning space, which we are constantly obtaining from our space probes, and lastly, and perhaps of greatest importance, the flight of man himself in space.

Since my subcommittee is that of Manned Space Flight, I should like to direct my remarks to Project Apollo, this Nation's flight to the moon.

There has been unjust criticism this past year about this phase of the Nation's space program. Many articles have been written in periodicals, and statements have been made by political figures, scientists and laymen, assessing the moon flight. The attack has been twofold, that the program costs too much money and that there is no point in going to the moon.

The fact of the matter is that the goals of the moon flight are misunderstood. I might make a comparison with the building of an automobile. Whether it has a Ford, Chevrolet, or Chrysler label, or whether it has tail fins, or a curved windshield is not material—what is important is that the Nation has management know-how, labor skills, and industrial capacity to turn out a dependable means of surface transportation, the American automobile.

So with our manned space flight program, the flight to the moon is not the main goal. It is simply a final objective in a well-planned space program, like putting the automobile on the road after it has been built.

What are the main ingredients of Project Apollo? They are the development of powerful engines, specifically the H-1, J-2, and F-1; the building of big and reliable boosters; the Saturn 1, 1-B, and 5, and the design and manufacture of sophisticated spacecraft, such as Gemini, and the command and service module and the lunar excursion module. The final step is flight itself, integrating the engines, the boosters, the spacecraft, and flying in space under the command of an intelligent being, man.

This Nation has been committed to a strong space program ever since the late 1950's when we realized that Soviet Russia was pushing her space program, as an ongoing part of her ICBM program. Now whether or not our objective in manned space flight is a flight to the moon or something else, say a space platform, the development of the program would have been essentially similar. Most of the engines in Project Apollo were under development years prior to 1961, when the decision was made to go to the moon.

The kind of boosters we are using are later generation concepts of our ICBM program. The Gemini spacecraft is simply a sophisticated Mercury, and the design of the Apollo spacecraft will certainly be greatly influenced by what we have already learned and are learning now in manned space flight.

What I am saying is that Project Apollo is another stepping stone placed in logical sequence, on the path of this Nation's stride into space. Had the stepping stone been otherwise, say a near earth orbiting laboratory, much the same kind of ingredients, engines, boosters, spacecraft, and techniques would have gone into it. The cost would also have been considerable, and probably somewhat the same, as in the present Project Apollo.

It is well to point out that the cost of the moon trip itself is only about 10 percent of the whole program. Approximately 90 percent of the cost of Project Apollo is wrapped up in the research and development of the basic ingredients of manned space flight, which this Nation must do and would be doing in any event, whether we had decided to go to the moon or otherwise.

To summarize, it is absolutely essential for this Nation to gain preeminence in space. This is our commitment, and it is sound. There are those, and I am certainly among them, who believe that the nation first to gain superiority in space, will be first in world leadership. There is no doubt that this is the Russian objective, also. Preeminence in space includes many things, but I do indeed believe that manned space flight is one of the principal objectives. Project Apollo has been selected as this Nation's primary goal in this portion of our space program, and I support it wholeheartedly.

At this point, I would like to direct the attention of the Members to the minority report signed by six Republican Members, including myself. We urge again this year, as we did last, that much greater emphasis should be given to our military role in space than is being given. We urge again that we should get along faster with the programs of near-to-earth orbit. We recognize that Gemini and Apollo do this in part. But, we think that the space platforms in close-to-earth orbit should be developed as rapidly as possible. It is gratifying to note that the Department of Defense is going ahead with its manned orbital laboratory.

These kind of projects will give our astronauts long space flight time. We will better develop the techniques of rendezvous and docking. We will learn the techniques of ferrying men and supplies from earth to space.

Of most importance in the development of such a program will come knowledge of man's maneuverability in space and his role and potential in this vast new medium above us.

The point is made by some that we will find out as we go along in this space program, that man is truly an earthling, and that he had best leave space, to dust or meteorites, or perhaps forms of life better suited to space than humans. But man more likely will find out that this is an environment that he can conquer, as he did with flights in the atmosphere above his earth home.

And in this race to space the United States cannot afford to gamble that the first alternative is correct, for if the second alternative is man's answer, as indeed I believe we already know it is, this Nation cannot survive as a free world leader if Russia should master sophisticated manned flight before the United States.

A closing word: The NASA authorization this year has been set by the committee at $5.193 billion. This is almost identical with last year's authorization. It represents a very healthy cut by the executive branch of the Government before it came to our committee.

We have made a further cut of $100 million. I feel that this authorization in this bill represents a sensible figure for the continuation of the programs of NASA.

It must be realized that virtually all of the authorization is committed to carrying on existing programs, filling present commitments.

Much talk has been directed to stretching out the program, and that savings in the moonshot might be made in so doing. The Manned Space Flight Subcommittee inquired into this searchingly, of both NASA and industry. The evidence is that stretching out the program in time would increase the costs, and the longer the delay, the more the cost.

This is so because of the heavy fixed costs, especially in high-priced manpower, that have to be maintained regardless of the pace of the program.

I am satisfied that we are going at about the correct pace.

I believe your committee has looked into this authorization thoroughly and that we are bringing to the House floor a good bill, with reasonable figures in support of the space program this Nation is committed to.

As I did last year, I support the NASA authorization for fiscal year 1965, and urge my colleagues in the House to do the same.

Mr. FULTON of Pennsylvania. Mr. Chairman, I have no further requests for time.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Chairman, various Members this afternoon have commented on the austerity of this authorization, and various Members have attributed this to different reasons. Some have said this is due to the hard work of the members of the House Committee on Science and Astronautics, which is partially true. Some have said it is due to the thoroughness of the preparation of the National Aeronautics and Space Administration, which is partially true. Others have said it is due to the fine combing done by the Bureau of the Budget, and as an alumnus of that organization, I say that it is partially true.

But the most important factor has not yet been mentioned.

I think above and beyond everything else this is an austerity budget because the President of the United States has insisted that it be an austerity budget.

It was the responsibility and the leadership of President Lyndon B. Johnson which produced this budget. It was also his sympathetic interest in space born of his long association with the space program as chairman of the Committee on Aeronautical and Space Sciences in the other body, when he was majority leader of the other body, and as head of the Aeronautics and Space Council as Vice President of the United States, and his deep interest in the objectives of the space program as President. That, Mr. Chairman, is why we are presenting to you an austerity budget.

I want to personalize a little on the members of the Subcommittee on Advanced Research and Technology which I had the honor to chair during the authorization hearings. I am deeply sorry that the gentleman from New York [Mr. WYDLER] cannot be with us today because of a death in the family. He has worked long and hard on this bill and by his constructive criticism has contributed a great deal to the result. I would also like to compliment the able gentleman from Illinois [Mr. RUMSFELD] who has been the most diligent and conscientious member of our subcommittee. One has only to read the hearings to realize that he has done a prodigious amount of homework in keeping ahead on all developments in the space program. I admire him for his energy and dedication.

The gentleman from Washington [Mr. PELLY] has lent his sage advice many times to the work of the subcommittee. I value highly his contribution and the many hours of work he has put in on this bill.

On the majority side, we were fortunate in having four members who assisted in chairing the hearings this year. The gentleman from Indiana [Mr. ROUSH] ably handled the area of tracking and data acquisition, and technology utilization. As the senior majority member of our subcommittee, he did an outstanding job.

The gentleman from Georgia [Mr. DAVIS], who never ceases to amaze us by his deep scientific interest in all aspects of space, and his proficiency in the field, chaired the hearings of chemical propulsion, nuclear rockets, and nuclear electric systems. The articulate and able gentleman from New York [Mr. RYAN] chaired the hearings on space vehicle systems and electronic systems, and was unfailingly helpful with his new viewpoints and provocative questioning. The gentleman from Tennessee [Mr. FULTON] chaired the hearings on aeronautics, spacepower, and human factor systems, and his sense of balance and sense of humor buoyed the committee on all occasions.

I am grateful to W. H. (Dan) Boone of the staff for the many hours of work he put in on this bill and the committee hearings and reports. I wish also to thank William E. Ditch and Harold F. Dyer of the staff, and Edward Wise of the Legislative Reference Service of the Library of Congress for their constant help. Without this staff assistance, the committee hearings could never have been carried forward.

Mr. Chairman, at this point in the RECORD I would like to include a statistical summary of the amounts authorized by the Subcommittee on Advanced Research and Technology.

Summary of action by Subcommittee on Advanced Research and Technology

	Fiscal year 1965 NASA request	Committee action	Recommended authorization
Research and development:			
(1) Advanced research and technology:			
Basic research	$21,000,000	0	$21,000,000
Space vehicle systems	38,800,000	−$1,800,000	37,000,000
Electronic systems	28,400,000	−1,400,000	27,000,000
Human factor systems	16,200,000	−700,000	15,500,000
Nuclear electric systems	48,100,000	−1,000,000	47,100,000
Nuclear rockets	58,000,000	−1,000,000	57,000,000
Chemical propulsion	59,800,000	+3,000,000	62,800,000
Space power	13,000,000	−500,000	12,500,000
Aeronautics	37,000,000	0	37,000,000
Subtotal	320,300,000	−3,400,000	316,900,000
(2) Tracking and data acquisition	267,900,000	−12,000,000	255,900,000
(3) Technology utilization and policy planning	5,000,000	−250,000	4,750,000
Total R. & D	593,200,000	−15,650,000	577,550,000
Construction of facilities:			
(1) Advanced research and technology	27,591,000	−3,931,000	23,660,000
(2) Tracking and data acquisition	6,140,000	−2,096,000	4,044,000
Total construction	33,731,000	−6,027,000	27,704,000
Administrative operations	167,138,000	−8,246,000	158,892,000
Total for subcommittee	794,069,000	−29,923,000	764,141,000

Mr. MILLER of California. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. LIBONATI].

Mr. LIBONATI. Mr. Chairman, H.R. 10456 authorizes certain appropriations to the National Aeronautics and Space Administration. The total appropriations amount to $5,193,810,500, necessary to support operational administration, research, and development construction of facilities and for other purposes.

The separative appropriated figures for research and development $4,327,950,000; construction facilities $248,335,000; and administrative operations $617,525,000.

The committee is to be congratulated for its consistent laborious application to its responsibilities throughout lengthy deliberations based upon the host of witnesses—expert in their fields—who gave testimony on the various facets under consideration.

The committee, in conformity with the desire of the Nation to establish superiority in space, placed strong emphasis on the Apollo or moon project. The control of space in superiority by the United States is assurance of the continuation of peace among all nations. We are pledged to develop space for peaceful purposes. With nuclear armed space weapon systems in the control of any enemy power, that nation will have the power to dictate terms at the bargain table.

Therefore, in order to prevent nations inimical to the interests of the pro-Western nations by implementing its policies for peace or war through its space weapon superiority forces the United States to pursue this goal with the moon shot, thus experimenting from inner to outer space.

The President determines the degree of emphasis to be placed in this area of operation.

In view of Russia's success in inner space, new earth operational vehicles, and the proposal of the United States and U.S.S.R. joint venture in an effort toward manned lunar landing which involves classified information, as well as other events have caused a slowdown in the lunar program although NASA has enjoyed a steady growth—1963's accomplishments have not been too impressive in the practical sense of planned probing of space—only 10 of 40 major space probes were lifted into space.

To concentrate on this program is most important for our national security. The national space goals must be realized if we are to retain our supremacy as the most powerful nation militarily and as the most powerful deterrent to prevent war.

The many space programs and projects including the Gemini, $308,400,000; Apollo, $2,677,500,000; advanced missions, $22.1 million; geophysics and astronomy, $174.2 million; lunar and planetary exploration, $283.1 million; sustaining university, $46 million; launch vehicle development, $128.2 million; bioscience, $31 million; meteorological satellites, $37.5 million; communication satellites, $11.4 million; advanced technological satellites, $31 million; basic research, $21 million; space vehicle systems $37 million; electronic systems, $27 million; human factor, $15.5 million; nuclear electric $47.1 million; nuclear rockets, $57 million; chemical propulsion, $62.8 million; space power, $12.5 million; aeronautics, $37 million; tracking and data acquisition, $255.9 million, and technology, $4.750 million.

The university provided for the performance of research and development of projects under contractual arrangements under grants—training of students—to nonprofit educational institutions of higher learning; also including facilities grants and research grants—titles of facilities vests in United States—under such conditions that the benefits realized are of adequate proportions to justify the grants in this sustaining program.

Any accomplishment in this field becomes of worldly notice immediately upon its operational manifestation in space. We must persevere to become the first in outer space discoveries and exploration. We owe it to our people as well as our allies to control outer space for the purpose of maintaining the security of all nations for the preservation of peace.

CHICAGO'S INTEREST DENIED

The placement of the Electronic Research Center near Boston, Mass.—40 miles—with a continuing—in futuro—expenditure of millions of dollars involving the establishment of 10 different research facilities at different levels of the study of electronics—should have been divided by placement in other areas of the Nation. The report bears out the advantages on the educational level—colleges of higher learning in the area—but the city of Chicago the center of electronic production—Borg-Warner and Western Electric—with its worldwide recognized universities—Northwestern, Illinois, Chicago, Loyola, DePaul, Illinois Tech—and being the most important manufacturing and tool and die production center of the Nation should have been considered more favorably not only by reason of its location but due to the further fact that the city has lost the U.S. Army Research—Food and Canteen. Then the removal of the 5th Army Headquarters and several other important installations. The Midwest is being denied a participation in Federal programs to a point where it hurts.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ROUSH].

Mr. ROUSH. Mr. Chairman, the Hechler subcommittee had within its jurisdiction NASA's request for funds for tracking and data acquisition. The total amount requested was $267,900,000. The subcommittee carefully scrutinized this request, went over it item by item and demanded full justification for the amounts requested. As a result of this diligent effort the subcommittee cut $12 million from the request. This was done only after the subcommittee was convinced that in no way would the program be jeopardized and that the funds were needed to carry out the support mission assigned to the Office of Tracking and Data Acquisition.

To be responsive and flexible in giving the support required by NASA flight projects, the NASA networks require a continuing program of component and system improvement and development, station network operations, and equipment additions and modifications. Without this complex but efficient tracking system the orbital flights of John Glenn, Wally Schirra, Scott Carpenter, and Gordon Cooper would have been impossible. This continuing program of improvement has and will include many innovations and updatings. For example, during fiscal year 1965 a major effort will be directed toward the development of an airborne range and orbit determination system necessary for the Saturn V vehicle and Apollo spacecraft. An effort started in fiscal year 1964 to develop a lightweight, highly reliable and efficient on-board data processing and memory subsystem for future spacecraft requirements of the Advanced Orbiting Solar Observatory class will be continued. The effort to increase the quality of data that could be acquired by the network without spacecraft weight or other system parameter increases will continue. Efforts to improve transmitter subsystems for the deep space network and the satellite network will be continued. Also, there is an effort of great value being made to develop special-purpose realtime satellite control and tracking systems for the Eccentric Orbiting Geophysical Observatory, the Polar Orbiting Geophysical Observatory, and the Orbiting Astronomical Observatory.

The tracking networks can be divided into three categories: The "satellite network," the "manned space network," and the "deep space network."

The satellite network consists of 13 electronic stations operated by NASA and 12 optical stations operated by the Smithsonian Astrophysical Observatory. The manned space network consists of 15 stations. The deep space network consists of seven stations.

Realizing that the Department of Defense also has requirements for tracking and data acquisition, there was persistent questioning by the subcommittee on the question of possible duplication of effort, research, and the construction of facilities for these purposes. The committee has emphasized to NASA that, insofar as possible, the equipment and facilities authorized for the tracking network must serve all users to the maximum feasible extent. The placement of tracking stations should include consideration of the future space network requirements of Department of Defense as well as NASA. The tracking net is an expensive and very necessary segment of the Nation's space capability, and every effort should be made to insure that investments made to upgrade existing stations, as well as create new stations, are accomplished in such a way as to produce the best possible return to both Department of Defense and NASA.

Mr. Chairman, the National Aeronautics and Space Act under the title "Declaration of Policy and Purpose" states that:

> It is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.

The act further provides that activities of the United States in this area of endeavor shall have as one of its objectives:

> The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes.

To carry out this mandate the bill before us authorizes the appropriation of $4,750,000. The primary objective of the technology utilization program is the accelerated transfer of new technology generated by NASA research and development into the civilian sector of our economy. Innovations originating with either NASA in-house or contractor sources are initially evaluated for industrial potential at the originating NASA field center. Reports are prepared and transmitted to NASA Headquarters for further evaluation and eventual publication and dissemination to the industrial community.

Mr. Chairman, I count this as one of NASA's most important endeavors. If we cannot utilize the knowledge, if we cannot find practical use for these startling developments and if we cannot cause this national effort to serve some useful purpose, then it is all in vain. I, for one, am convinced that it is a necessary program and that this expenditure to assist in the utilization of technology is money well spent. Let me cite some examples of discoveries. An ultrasensitive impact measuring device was developed at Ames Research Center to measure micrometeorite impacts on spacecraft. It is so sensitive it can measure one one-thousandth the impact resulting from a grain of salt falling three-eighths of an inch. It is capable of measuring the heartbeat of a bobwhite embryo without breaking the shell of the egg. This is of great interest to the medical profession. Equally exciting and important has been the development of wireless biotelemeters. One of the these was developed to transmit certain reactions of hypersonic projectiles. It has been converted into an improved biotelemeter to sense and send out signals of the heartbeat and respiration of humans. Another device was designed by an NASA contractor to transmit cardiac and respiratory rate signals from astronauts. The capsule is approximately one-fifth cubic inch in size and can be simply pasted to the skin and will beam signals even through clothing a distance of 20 feet to a receiver. Another device will soon be produced commercially for use by hospitals and cardiologists to monitor remotely the cardiac condition and respiration rates of patients. Improvements to a voice communications system, known as a retrometer for use during the blackout period of a reentry vehicle, appears to have commercial applications for use on construction sites where radio transmissions are prohibited by blasting operations, in light plane to tower communications, during sports events, conventions and the like to say nothing of military applications. Mr. Chairman, this list could go on and on but I cite these as examples of practical items which have come from the space program.

While these are specific items, we cannot begin to measure the contributions made in more general areas such as the strengthening of our national security; the improvement of industrial and manufacturing techniques; contributions to transportation and commerce; to the development of food and the betterment of agriculture; to health and to medicine; the improvement and advancement of weather prediction; and communications.

Therefore, Mr. Chairman, one surely must conclude that this great national effort is not only worthwhile from the standpoint of the international political values it produces but that it is necessary to the general welfare and security of these United States.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, during the course of the NASA hearings I had the privilege of occupying the chair during a portion of the work of the Subcommittee on Advanced Research and Technology.

The subjects covered were chemical propulsion and nuclear rocket and electric systems. I cannot fully express to you the importance of work in these two areas. As you know, the current propulsion methods utilize chemical fuels, an area where much progress has been made. It is the area where the greatest gains can be obtained by increasing our knowledge of chemical combustion and by the use of new fuels and materials.

This is the area that includes the development of solid boosters having 3 million pounds of thrust with the possible extension to 6 million pounds of thrust. With this size of booster in our inventory and by combining several of these boosters together, our space capability is immeasurably improved.

NASA is also investigating the addition of other chemicals such as fluorine and boron for increasing the output of our liquid engines. Our research and development with these higher energy chemicals are necessary for our continued progress in space. NASA requested $59.8 million for this area. The committee recommended an increase of $3 million to speed the research in these higher energy propellants. The recommended authorization is $62.8 million.

In the nuclear systems area there are two programs, the nuclear rocket work and the nuclear electric space applications program. Successful work in these areas is absolutely necessary if economical planetary missions are to be conducted. The current development work will begin to come to fruition within the next decade and the committee supports the aims of NASA in pursuing this work. It is necessary that the enormous potential of these systems be developed in support of our civilian and military space applications. The committee recommends approval of $104.1 million for these two areas.

I heartily endorse the actions of the committee in these two areas and commend NASA for the progressive, forward-looking programs that they are conducting in these fields. I urge your support in approving the recommended authorizations.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Chairman, I rise today in support of H.R. 10456 which authorizes $5.1 billion for the National Aeronautics and Space Administration to carry on their vital programs.

As a member of the Science and Astronautics Committee, and serving on the Subcommittee on Manned Space Flight, I have had the privilege of listening to many hours of testimony and to personally inspect everyone of the NASA installations which come under the jurisdiction of our subcommittee. Also, it has been the privilege of the subcommittee to visit almost every one of the major contractors and to discuss with them the progress that they are making in our huge undertaking of space exploration. It has been very enlightening to me to know that we are not spending this large sum of money just to land a man on the moon successfully and return him to earth but that we are gaining many valuable feedoffs from our space program that in years to come will benefit not only the many technological advantages but medical and others too numerous to mention.

The question has come up repeatedly that it would be more economical for this country to postpone, or delay, or stretch out, our national objective of a lunar landing in this decade. It has been unanimous from NASA officials, as well as the many industrial people that we have discussed this vital problem with, that any type of stretchout would only result in the higher cost of this program. Therefore, Mr. Chairman, I am convinced after listening to these people and examining the facts for myself that we cannot afford to stretch this program out into the seventies because to do so would only be a false economy and would result in a much larger cost of this already expensive program.

Mr. Chairman, the authorization that we have on the floor today is one that is realistic and one that the committee has given many hours of study, and where they could possibly make justifiable cuts, I think these justifiable cuts have been made. Therefore, I urge this House to adopt this authorization as it has been reported out by the full committee.

We are in a race with our Communist enemies in the superiority of space and also for the military aspects of space. I believe that we are proceeding on the course that will result in our continued superiority in this field. We have witnessed this year a successful launching of the Saturn I which placed the largest payload into orbit of any country on earth. This is the result of the wisdom of Congress in previous years in giving its unqualified support to this very valuable program.

I think it is imperative that the world should know that we are not in a race for space to conquer but to serve as a deterrent to those who would attempt to conquer this free world and the principles upon which we stand. It is continuing the true spirit of American pioneerism for us to explore the space as we did the vast corners of this continent, the sea, and the air.

Mr. ADDABBO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin [Mr. REUSS] to H.R. 10456.

The John F. Kennedy International Airport is located in my congressional district. For years we have been plagued with the noise of jets over residential areas as these huge planes land and take off from this airport. Many of us here who have these large jetports in our areas have for years sought a means of relief for the harassed people who live nearby. We have asked for a crash program of research to find a way to lessen the noise. From every source we are told, "It is going to get worse before it gets better."

Mr. Chairman, I cannot conscientiously support funds for research to produce a supersonic transport which would, without a doubt, increase the noise problem we already have. It is impossible to imagine what the noise of a plane like this would be as compared to the present-day commercial jets. I say we should appropriate adequate money for research, but research to solve the noise problem already with us, not research to compound the problem.

I realize that many of my colleagues are not familiar with the noise problem of which I speak, but I assure you, as commercial jet transportation increases, more and more of you are going to find out what I am talking about. I urge you to join with me in what I consider to be the biggest problem in my district, the fight against unbearable noise.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois [Mr. RUMSFELD].

This matter has been thoroughly considered by the committee. We should follow the judgment of the majority. All of us will agree that it is not the business of the Congress to select the site of the proposed installation. The problem with which we should concern ourselves is whether or not there is a real need for an electronics research center as proposed by NASA. This need has been emphasized by NASA and concurred in by the majority of the members of the Science and Astronautics Committee.

I have stated before and I repeat that the predecessor of the National Aeronautics and Space Administration, the National Advisory Committee on Aeronautics some years ago called for the establishment of an electronics research center to give this agency and in-house capability of evaluating and researching in the complex and transcendentally important field of electronics.

Mr. Chairman, I would like to detail for the record the objections that have been raised by the seven minority members of the committee and the answers to these objections.

Question. The minority report states that only a small part of NASA's report was devoted to the question of the need for the center and that most of this concerned itself with the question for the need of electronics research, which is not in dispute.

Answer. Actually, NASA submitted three reports to the Congress in compliance with the legislative requirement. The report discussing the need for the ERC was composed of 150 pages of which the first 19 were devoted to the need for more electronics research. The remainder of the report concerns itself primarily with the need for the center, together with the research program organization, staffing and facilities which are closely alined with the need for the center.

Question. The minority report states that the need for electronics research is not in dispute.

Answer. During the subcommittee hearings this was affirmed, together with the fact that the in-house personnel and facilities to be able to manage, direct and evaluate this largely out-of-house research were also necessary. The only point questioned by the subcommittee was whether these facilities needed to be grouped together, rather than being spread throughout the country either at existing facilities or in several locations not now possessing NASA facilities. NASA witnesses pointed out that a grouping of facilities similar in nature from an electronics discipline standpoint would be the most efficient way of grouping equipment and personnel required. The cumulative total of additional personnel and facilities would come to the same level, regardless of where the center is located, either centrally or scattered.

Question. The minority report states that the reasons given for doing electronics research at a center were the exact same ones submitted last year and no new evidence was submitted by NASA; and, furthermore, they admitted that no new reasons for the need of the ERC were shown.

Answer. NASA witnesses stated that the reasons for requiring a center were essentially the same as those presented to the Congress the previous year. However, the reasons had been substantiated by additional evidence in the intervening period and the priorities for doing this research rearranged accordingly. Thus, while the broad scope of reasons remain the same, the reasons were further substantiated in depth and amplified as described in the NASA report to Congress.

Question. The minority report states that the rest of the NASA report concerned itself with eliminating all other potential sites of the location for the center except Boston the original choice.

Answer. One of the three NASA reports concerns itself with site survey. This site survey report is a factual document with statistical information on each area which was considered in depth by the Area Survey Committee. This report does not eliminate any sites, nor, in fact, does it pass judgment on the various sites. The reasons for the choice of Boston by the Administrator, after reviewing the Area Survey Committee report, are contained in a clear and positive fashion in the letter from Mr. Webb to the Speaker of the House of Representatives forwarding the reports on January 31, 1964.

Question. The minority report stated that the Subcommittee on Advanced Research and Technology decided that inadequate planning had been performed for the center.

Answer. The planning for the center has been accomplished over a period of approximately 2 years, and is clearly delineated in the report to Congress. In addition to NASA inputs, which consisted of three separate committees to meet the legislative requirement of the report to Congress, NASA has been supported by the Corps of Engineers and outside contractor assistance.

Question. The minority report states that in fiscal year 1965 $1.850 million is asked for the administration building needed when the center reaches the projected total of 2,100 personnel and this will not happen until 1969.

Answer. NASA witnesses had stated when replying to this same question during testimony, "Obviously this building has more floor space when it is first available in mid-1966 than there will be administration people in the center, because the center will not be staffed up. Our plan is to use it in the early years as a staging area for laboratory technical people, as well as the administrative people in the center director's staff as it builds up, to get them out of rental facilities as soon as possible, to get them on site, working with the equipment that is going into their building, and when their laboratory is ready, move them into the laboratory. There will be some technical people cycling through the building. When the center is built up, in 1970, this will become primarily an administrative center for the staff." Therefore, it is clearly stated in the testimony that this building will be filled with technical, as well as administrative, people who will be housed on site close to their laboratories under construction, and who will move then to their final laboratories when completed. Thus, the administration building will be used as a staging area for personnel to move on site prior to moving into laboratory space. This building will also provide an auditorium, cafeteria and an infirmary for the entire center. This plan enables NASA personnel to move into permanent facilities as soon as possible, reducing the overhead for rental space.

Question. The minority report states that a total commitment to a new center is being requested, although the Agency is still unsure whether it wants to build it in downtown Boston on a small site or in the country on a 1,000-acre site.

Answer. NASA could not select a site until the money for land acquisition had been made available by the Congress, which could only occur after the Agency had submitted its report to Congress and it had been approved. NASA, therefore, showed to the committees for approval in its report the spectrum of variations of site on which the Center could be located, from a 20-acre downtown site to a 1,000-acre more remote or suburban site. Also, contained in the NASA report is the fact that the cost for these two quite different concepts vary by only approximately 5 perecnt. Therefore, NASA has shown to the Congress, in its approved report, the complete range of conditions which could pertain to a particular site. Not until the funds for land acquisition were released could NASA proceed to procure a site or take any steps leading to procurement of a site. In fiscal year 1965 the Congress has only been asked to make a commitment of $10 million to build the initial increment of the required buildings. A total commitment to a complete center has not been requested and has never been requested since the Congress will have a year-by-year approval on individual facilities as they are requested in specific fiscal year budgets.

Question. The minority report states that while few of the existing NASA centers are asking for more additional employees the Boston Center is requesting 200 personnel more with no specific function other than to perform initial planning.

Answer. The other NASA centers have over the past several years gone through their period of growth and are now in the process of leveling off. The Electronics Research Center, being a new member of the family, has to build up on a logical basis to its ultimate capacity of 2,100 personnel. This is a minimum personnel figure in the first year of operation, if a full capacity of 2,100 personnel in 1969, as approved in the NASA report, is to be achieved. In fact, this is less than a linear growth rate from 1964 through 1969. While the 200 personnel will perform initial planning, as will all personnel during the Center's early years, much of the initial planning has already been accomplished by an electronics research task group, which has been in operation for approximately 1 year. The primary function of the 200 personnel will be the initiation of a research program with concentration in early years, as was clearly given in congressional testimony, on improving the reliability and performance of electronic components for space missions.

Question. The minority reports that there are no intended benefits to the moon shot program from this Center and that while it is the hope that they improve our long-range electronic position for the future, at this point our space requirements for the future and what the American people will be willing to undertake in space exploration are still unknown.

Answer. While it is true that our ability to conduct a manned exploration of the moon prior to 1970 is not contingent upon the establishment of an electronics research center, we do, however, believe that the technological requirements of the Apollo program are well within the existing state of the art, or that which can be developed within the time period involved. In Apollo, like any research and development effort, however, dealing with new science and technology, we cannot predict with certainty that no unforeseen requirements will arise. While we do not contend that the ERC is required per se for the success or completion of the Apollo mission in this decade, we also assert that the existence of electronics capability in being such as that which will be provided by the Center will give us a much greater feeling of assurance that we will be able to cope with any unforeseen electronic problems which arise in connection with the Apollo program. The important fact is, however, that the ERC is urgently required to fulfill a national objective of even greater importance than the Apollo program itself. This is, of course, the U.S. goal of achieving and maintaining preeminence in all aspects of space research and exploration. If we are to be first in space and stay first in space, we must have this Center and the national interest will not be served by any delay in its establishment which will arise if the funds requested for fiscal year 1965 are not authorized.

Mr. WYDLER. Mr. Chairman, the NASA authorization bill before Congress represents this Nation's investment in the conquest of space. As a member of the Science and Astronautics Committee of the House of Representatives, I support the high priority given this program.

Outside of defense spending, this Federal space program represents our largest single expenditure—over $5 billion.

The responsibility for this program is awesome. The Space Agency is expanding at an enormous rate. Yet, I am convinced that the men doing the job are sincere, dedicated, and competent. They have obtained excellent overall results of which all Americans can be proud.

In paying this general compliment, I must express some reservations and specific criticisms.

First, I have joined with my colleagues on the Committee in separate views on the authorization bill. By far the most important, as it affects the security of our Nation, is a reassessment and definition of our national space objectives. Consider the impact around the world of a sudden announcement by Russia that she had established a military space platform manned by Russian cosmonauts which was continuously flying over the United States. Not only would our prestige suffer a severe blow but the balance of power in the world would be affected. Demands for a reappraisal of our space objectives would be instantaneous. The fact of our space probes and moon-shot program would not be reassuring. The Nation would demand action. I believe there is a distinct possibility that just such a series of events may occur. That is why we should set up a top priority review of our space objectives at once. The primary emphasis should be on national security, and that means military control of inner space. I am not convinced that our space program is properly oriented.

I fully support the Apollo program. However, our fixation on a self-imposed deadline is unrealistic and unnecessary. The program should proceed in the most efficient and economical way. It should not be forced nor pushed.

Last year, in committee discussions, I stated my belief that NASA should feel free to make requests for supplemental appropriations. I compliment them on taking such action. I am convinced such requests are justified in an agency where most of the funds are expended for research and development. The funds requested this year were authorized by our committee last year. I have informed the Appropriations Committee of my conviction that these funds should be made available.

I directed many inquiries during our hearings this year to the unique relationship between NASA and the Jet Propulsion Laboratory. I am not convinced that there is justification either in past performance nor future benefits to be derived for its continuance. I believe NASA should instigate an immediate review toward this end.

I also believe NASA should prepare in the coming year some definitive projections of its post-Apollo operations. Although we have had a great national "debate" on going to the Moon, the fact is we are already spending great sums of money on a trip to Mars. It would be unwise to first make the downpayment on this trip and then decide later whether we want to take it. We should make the decision first. I will, therefore, expect NASA next year to be prepared to discuss the projected post-Apollo space program. Its plans and cost should be made known to the general public and particularly our business, scientific, and educational communities. It is time for another great national debate.

Finally, I must review the proposed Electronics Research Center in Boston. No other proposal has done so much harm to NASA or our space program. It is a blot on NASA's good name. Aside from the political implications in the decision, the agency has refused to let me examine its files concerning the proposed center. Denying such files to a Member of Congress and of the committee, where no national security is involved, is unfair and suspect.

Consider the unusual history of this proposal in Congress. It was completely eliminated by the Senate subcommittee last year. A new vote was had and a reversal obtained. It then was authorized by Congress which simultaneously announced that its "need" was not established. A report to establish its need was then submitted, but no hearings were allowed to be held on it. A subcommittee in the House, after hearing testimony this year, decided the expenditure of construction funds was not justified. The full committee reversed the subcommittee.

On this record, I am forced to agree with Philip H. Abelson, director of the Geophysical Laboratory of the Carnegie Institution of Washington who says that "the concentration of such effort into one facility is not the best procedure," and Warren Weaver, vice president of the Alfred P. Sloan Foundation, who described the "proposal to create an Electronics Research Center of some 2,100 persons to conduct research for planetary trips as an unsound and wholly undesirable one."

It is not too late to reconsider this matter and get the facts. If forced through in its present form time will show this project and not Ranger to be the most costly setback to NASA in 1964.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of $5,193,810,500, as follows:

(a) For "Research and development," $4,327,950,000 for the following programs:

(1) Gemini, $308,400,000;
(2) Apollo, $2,677,500,000;
(3) Advanced missions, $22,100,000;
(4) Geophysics and astronomy, $174,200,000;
(5) Lunar and planetary exploration, $283,100,000;
(6) Sustaining university program, $46,000,000;
(7) Launch vehicle development, $128,200,000;
(8) Bioscience, $31,000,000;
(9) Meteorological satellites, $37,500,000;
(10) Communication satellites, $11,400,000;
(11) Advanced technological satellites, $31,000,000;
(12) Basic research, $21,000,000;
(13) Space vehicles systems, $37,000,000;
(14) Electronic systems, $27,000,000;
(15) Human factor systems, $15,500,000;
(16) Nuclear-electric systems, $47,100,000;
(17) Nuclear rockets, $57,000,000;
(18) Chemical propulsion, $62,800,000;
(19) Space power, $12,500,000;
(20) Aeronautics, $37,000,000;
(21) Tracking and data acquisition, $255,900,000;
(22) Technology utilization, $4,750,000.

(b) For "Construction of facilities", including land acquisitions, $248,335,000, as follows:

(1) Ames Research Center, Moffett Field, California, $3,038,000;
(2) Electronics Research Center (location to be inserted), $10,000,000;
(3) Goddard Space Flight Center, Greenbelt, Maryland, $1,221,000;
(4) Jet Propulsion Laboratory, Pasadena, and Edwards, California, $3,582,000;
(5) John F. Kennedy Space Center, NASA, Cocoa Beach, Florida, $83,594,000;

(6) Langley Research Center, Hampton, Virginia, $3,938,000;

(7) Lewis Research Center, Cleveland and Sandusky, Ohio, $770,000;

(8) Manned Spacecraft Center, Houston, Texas, $22,649,000;

(9) George C. Marshall Space Flight Center, Huntsville, Alabama, $13,759,000;

(10) Michoud Plant, New Orleans and Slidell, Louisiana, $5,881,000;

(11) Mississippi Test Facility, Mississippi, $55,792,000;

(12) Wallops Station, Wallops Island, Virginia, $1,749,000;

(13) Various locations, $32,362,000;

(14) Facility planning and design not otherwise provided for, $10,000,000.

(c) For "Administrative operations", $617,525,500.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed a total of $238,335,000.

SEC. 3. Not to exceed 2 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $30,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (14) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of thirty days has passed after the receipt by each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. The Administrator is hereby authorized to transfer, with the approval of the Bureau of the Budget, funds appropriated pursuant to this Act (other than funds appropriated pursuant to paragraph (14) of subsection 1(b)), to any other agency of the Government whenever the Administrator determines such transfer necessary for the efficient accomplishment of the objectives for which the funds have been appropriated. Not more than $20,000,000 of the funds authorized by this Act may be transferred by the Administrator under this section, and no transfer in excess of $250,000 shall be made under this section unless the Administrator has transmitted to the Committee on Aeronautical and Space Sciences of the Senate and to the Committee on Science and Astronautics of the House of Representatives a written statement concerning the amount and purpose of, and the reason for, such transfer, and (1) each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to that transfer, or (2) thirty days have passed after the transmittal by the Administrator of such statement to those committees.

SEC. 6. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1965."

Mr. MILLER of California (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that the bill be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. RUMSFELD

Mr. RUMSFELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by **Mr. RUMSFELD**: On page 3, strike out lines 3 and 4.

Mr. RUMSFELD. Mr. Chairman, both desks have been given a copy of the amendment. It is the amendment that is discussed in the minority views starting in the report on page 102.

This is not a complicated amendment. There was requested $14,561,000 for the Electronics Research Center in Boston. This amendment, and others which will be offered subsequently if this passes, will reduce this amount by $10 million in the construction-of-facilities area and by $2,061,000 in the area of administrative operations. This would be a total reduction of $12,061,000. It would leave $2 million for electronics research, which I believe is needed, and it would leave $500,000 for administrative operations apart from the Boston Center. In fact, it would leave over $25 million for various electronics research projects in other portions of the bill. That is the purpose of this amendment.

The gentleman from New York [Mr. WYDLER] had intended to offer this amendment, but due to a death in the family he is not here, so I am bringing it to the attention of the House. He has worked diligently and effectively on this matter and it is unfortunate he could not be present.

Last year NASA requested a Center in Boston. Last year the chairman of the subcommittee [Mr. KARTH] and the members of the subcommittee disapproved this request. The full committee disapproved this request last year.

This year NASA submitted a report on the Boston Center but very little attention was paid to the need for such a Center. There were no hearings. There were no witnesses. There was roughly an hour and a half or 2 hours in our committee, of parliamentary discussion for the most part, and, in my opinion, justification was not shown and no new evidence submitted.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I am glad to yield to the gentleman.

Mr. WYMAN. Has the gentleman read the massive document that makes up the justification for this Center prepared by NASA itself which was submitted to the committee?

Mr. RUMSFELD. I have read it very carefully, and if the gentleman will study that document, he will find that there are not more than 15 or 20 pages that pertain to the need. Most of it refers to site selection.

Mr. Chairman, I would like to continue my statement.

The committee accepted the report and the Hechler subcommittee this year held hearings and basically approved the amendments I am attempting to offer now. The full committee reversed this decision.

This Center will cost over $60 million. The annual expenditures estimated by NASA are estimated by NASA to level off at $76 million in a few years. According to the NASA officials, it will involve over $237 million in this Center by 1969 and over $1 billion by 1979 at the rate of expenditures which NASA reported to our committee.

Unless the committee today supports these amendments, you are launching a most expensive program without sufficient study, without sufficient thought and consideration. Last year the committee said the need was not shown. This year we received the same evidence and now they say need is shown. Requests for hearings were refused. Requests for witnesses were refused. Requests for NASA's files on this matter were refused. Requests to examine the Corps of Engineers' site reports were refused.

I am not talking about site selection. I agree with those who suggest that that is not the responsibility of this body.

Rather I ask—Who in this House can say that we need this Center and that it will not duplicate existing NASA-Department of Defense facilities or in private enterprise?

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I am happy to yield to my distinguished Chairman.

Mr. MILLER of California. I would be very happy to tell the gentleman that we need the Center and that there will be no duplication.

Mr. RUMSFELD. I know that my chairman feels that way, but the hearings in my opinion do not show the need. You may be correct but it has not been demonstrated.

Mr. MILLER of California. You asked who in this House can say that we need this center and I am answering that challenge.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. Mr. Chairman, I decline to yield. I would like to answer the gentleman from California. I know that my chairman feels that way, and I know certainly many others feel that way. My point is that the lack of hearings before our committee do not bear this out one way or the other. I think also the question could be asked—Who can say that one center electronic capability is so much more desirable than the building up of electronic capability in existing centers as was suggested by various members of the Karth committee last year and exists today.

No one is questioning the need for adequate U.S. electronic capability. The question is whether the Boston Center is the best way to provide the needed capability.

Who can say to the taxpayers of this country, with a $10 billion deficit this year and the $11 billion tax cut recently passed, that it is wise to begin this massive program without hearings and without witnesses and without justification, and without these things being presented to the committee or the House of Representatives.

I ask that the members of the committee support the amendment to cut out a total of over $12,061,000, the first installment of a large and still unjustified spending program. This is it. This is your chance. This is the first installment. I urge you to read the views on page 102 of the report and support this amendment.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, a year ago I had considerable doubt in my mind about this center. I think that NASA did a very poor job in presenting the case for this center to the Congress. I think that had they presented it the way it should have been presented, there would never have been any argument about it. In the past few weeks and months, our subcommittee has visited every major space center and a good many of the major manufacturing centers. When you see what is happening in the field of electronics in our country and what is going to happen in the future as we go farther into space, then it is obvious and we have to reach the conclusion that our electronics are almost perfect.

For that reason, Mr. Chairman, I oppose the amendment.

Mr. HECHLER. Mr. Chairman, I rise in opposition to the amendment.

The amendment, in effect, would kill the electronics research center.

This center has been the subject of long study by NASA over a 2-year period.

Last year, in the authorization and appropriation bills, we provided $3.9 million, voted by the Congress, to be expended only after NASA had made a study of the need for, and the nature and site of, this center, and the appropriate committees had approved that study. It is not something suddenly sprung upon the Congress.

The study was presented to the Congress in the report dated January 31, 1964. The Committee on Science and Astronautics of the House of Representatives voted, by a majority vote, as did the appropriate committee in the other body, to authorize the expenditure of the funds which we voted last year to get the center planning started.

Mr. RUMSFELD. Mr. Chairman, will the gentleman yield?

Mr. HECHLER. I am glad to yield to the gentleman from Illinois, an able member of the Subcommittee on Advanced Research and Technology.

Mr. RUMSFELD. Will the gentleman tell the Members of the Committee what sort of hearings were held prior to voting approval of that report of NASA? How much time was given by our committee to that?

Mr. HECHLER. Our subcommittee held many hearings, the text of which is contained in this fat volume which I have here.

Mr. RUMSFELD. I am referring to the report from NASA concerning the electronics research center.

Mr. HECHLER. All members of the committee were given copies of this exhaustive report, which was submitted for their information, with plenty of advance notice. They had plenty of time to examine and consider it.

Mr. RUMSFELD. Were there any non-NASA witnesses at all? Were there any witnesses at all called?

Mr. HECHLER. There were no witnesses called on this immediate report. The gentleman is correct on that.

Mr. RUMSFELD. I thank the gentleman.

Mr. HECHLER. I should like to emphasize what my colleague, the gentleman from Texas, mentioned—the critical nature of electronics work so far as maintaining the space preeminence of the United States of America is concerned.

In space there are extreme temperatures, a vacuum, and radiation, as well as other things which require reliability of electronics components. This is what the center will concentrate upon, the developing of reliability of such components.

This is an area where our reservoir is depleting, and we need vigorous research and leadership to refill the technological bank.

Why do we need a center, rather than to have this work done at existing facilities? Existing facilities are not adequate to house and to carry on this work. Also, there would be made available at a point of central leadership a group of highly trained personnel to provide pioneering research leadership to move forward in our space effort.

Right now we have an aeronautics center, a propulsion center, a flight test center, a launch center, a manned space flight center—but we do not have an electronics center. We need an electronics research center in order to maintain American preeminence in space.

This work must be done at a central point to enable NASA to guide industry and to guide university-sponsored research in space electronics into channels useful both to NASA and to the sponsoring industry.

We need a center to determine the priorities of research; to determine what should be undertaken at the taxpayers' expense. We need experts to manage and to evaluate the research. This requires a technically competent staff in laboratory environment, such as is proposed for this central electronics research center.

Mr. Chairman, in this electronics research center we will be able to concentrate attention on building up electronics capability and to centralize facilities and personnel at a lesser cost, as well as to provide a quick reaction resource upon which the Space Agency, and indeed other Government agencies like the Department of Defense, can depend.

Now, Mr. Chairman, I have mentioned heretofore that the State of West Virginia has been shortchanged when it comes to NASA prime contracts, and even subcontracts. We are way down near the bottom of the heap. We are lower down than the Midwest, for which my friend from Indiana [Mr. HALLECK] argued so eloquently earlier this afternoon on the floor. The State of West Virginia submitted a proposal for the location of the electronics research center in the Mountain State. We would not mind having it there.

Mr. Chairman, West Virginia, the 35th State in the Union, owes a special debt of gratitude to the late John F. Kennedy, the 35th President of the United States, who started on the road to the White House in the West Virginia primary in 1960. West Virginia owes a debt to the martyred President. I urge that this amendment be defeated, and that the electronics research center be placed in the State of Massachusetts, the old home of the greatest friend that West Virginia ever had.

Mr. ALBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the fine statements made by the distinguished gentleman from Texas and the distinguished gentleman from West Virginia lay the basis for my remarks. Certainly no one denies the need for continuing electronics research. I do not believe there are many who deny the need for centering this research in one particular area.

It would do exactly what the gentleman from West Virginia [Mr. HECHLER] has said. It would give a central location from which NASA could maintain control of electronics research programs and concentrate its efforts. I will not dwell on that aspect of the subject.

I would like to address myself to the matter of location. This is a job for the executive branch of the Government. NASA has made the choice and I am in agreement with NASA's selection, namely, the Greater Boston area. I am aware, of course, that any section of the United States would like to have this electronics center. But the selection should not be made on the basis of provincial notions.

In the Boston area NASA has been able to find the important complex of graduate-level educational institutions and the scientific and engineering environment so necessary to the immediate successful prosecution of this important effort. The great educational institutions, Massachusetts Institute of Technology, Harvard University, Boston University, Tufts, and Brandeis and a score of important colleges within a radius of a few miles and a nationally important group of laboratories and corporations form the natural foundation for a great new step forward in our understanding of electronics phenomena.

Mr. Chairman, I imagine that many here feel other areas of the country are equally suited to provide a base for this new laboratory. I have been assured by the distinguished chairman of the committee and by representatives of NASA that the question of location has been thoroughly studied and sufficiently studied. Furthermore, they have reported to the committee fully, frankly, and I think in great and sufficient detail. They have analyzed all of the major areas of the country which could be expected to support this center. Their criteria were carefully chosen and fairly applied. NASA believes that the single most suitable location in the country is within the Greater Boston area, and certainly no one can challenge the outstanding educational and scientific leadership that this area has given to this country since its foundation and which it continues to give to it at this time.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from California, the chairman of the committee.

Mr. MILLER of California. I would just like to call the attention of the gentleman to the fact that the question has been raised here as to the qualitative versus the quantitative type of information that was put into this report. If we are going to measure it in pages, there are less pages devoted to this than there are to the supporting documents; so, this means nothing. But if the gentleman will look at page A–51, he will find the Research Advisory Committee membership list of 50 distinguished scientists that met with NASA and advise NASA on it. They come from all over the country. He will find that in NASA itself there were over 100 of its scientists who went into this. I think when anyone says that this document is lacking, I am certain they did not want to be convinced of the righteousness of the cause.

Mr. ALBERT. I thank the gentleman.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I want to compliment the gentleman for his very excellent statement. I think he puts this question in its proper context. I might say for the benefit of the House that there is nothing new with respect to the establishment of an electronic research center. I have been serving now on the Committee on Appropriations which deals with appropriations for NASA and which dealt with appropriations for the National Advisory Committee on Aeronautics for 10 years, long before we had the NASA agency.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. DONOHUE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DONOHUE. Mr. Chairman, I am vigorously opposed to this suggested amendment, designed to eliminate the authorization, under item (2) of section (b), of appropriations for the construction of an electronics research center and I hope it will be resoundingly rejected. I just as earnestly hope that the entire bill, H.R. 10456, as recommended by the committee, will be overwhelmingly approved by this body in the national interest.

Our late and beloved President John F. Kennedy, in his first state of the Union message made it abundantly clear to the Congress that in, "the battle for men's minds" a difficult, expensive, and comprehensive program in the space sciences and technology was imperative.

A careful examination of the various sections of this authorization measure clearly reveals its reflection and projection of the many facets of the scientific, research and development work of the NASA Agency. It is obvious that no superfluous or unnecessary item remains in the bill; on the contrary there is a most impressive showing that each part is essential to the proper function of the total NASA program and activities.

I very deeply feel the distinguished chairman of the NASA committee, and his industrious associates, should be heartily congratulated for their tireless and most conscientious review of all the appropriations requests submitted to them and on each of which they managed to effect a reduction. Every possible economy has been exercised by the committee on the provisions of this measure.

This is certainly true of the items included under section (b) providing for the construction of facilities and it is most particularly true with respect to item (2), of that section, providing for a new electronics research center.

Mr. Chairman, may I remind my colleagues here that the question of this research center was thoroughly discussed and debated and, let me emphasize, accepted in our previous action in this House on August 1, 1963.

Since that time, upon congressional direction, the NASA Agency has again thoroughly studied and reviewed the requirement for this center and they have again vigorously testified that its need is imperative. The respected officials of this Agency found themselves faced with the problem of finding a way to integrate, in a fashion similar to other functions, the work and expansion of their electronics and related physics disciplines.

After the most searching analysis these authorities recommended, as the most effective solution, the establishment of a new research center which would accommodate a concentration of scientific talent in one place; would avoid conflicts between development missions and research efforts in other fields and provide a variety of research facilities under a singleness of direction.

Mr. Chairman, I submit that the authoritative recommendations and urgings of the best scientific minds within our Government should be wisely and sensibly accepted. I submit that space exploration and its associated activities is of unquestioned primary importance to national security and development; that the subject itself is a highly technical one requiring intense and persevering study; and that the acclaimed chairman and respected members of our Committee on Science and Astronautics have, through such study, become the most qualified judges and advisers in this difficult legislative field. Let us, therefore, reject any unwise attempt to intrude on their judgment; rather let us demonstrate our appreciation of their diligent work and our confidence in their patriotism by unanimous acceptance of their recommendations as presented in this bill.

Of course, I am aware of the proposed and approved location of this electronic research center within my home State of Massachusetts. Most sincerely I commend the scientific judgment of those recognized authorities who recommend and approve this location. I have long advocated, individually and cooperatively, placement of this research facility in Massachusetts whose abundantly skilled workers and established electronic resources preeminently insure its successful operation. In accord with the most patriotic motivations; in compliance with the most economic standards; and in response to the most authoritative scientific recommendations this research center ought to be, in the national interest, located within the great Commonwealth of Massachusetts and I trust its construction will be speedily initiated.

Mr. Chairman, I urge the overwhelming defeat of this and any other crippling amendments and the unanimous approval of this measure without further delay.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. Boland].

Mr. BOLAND. Mr. Chairman, just to complete my statement, I would like to say this. Sitting on the Committee on Appropriations, we dealt with requests by the National Advisory Committee for Aeronautics which was the forerunner of NASA. At that time the leaders in the field of mathematics and physics said that this was a facility that we ought to have. I say that this is something that was proved long before a recommendation was ever made even by this committee.

Mr. Chairman, I think the amendment ought to be defeated.

Mr. DAVIS of Georgia. Mr. Chairman, I would like to point out to this committee that there is nothing unusual about establishing a center. In the past, any time the size of an agency, and particularly an agency of NASA, grows to such proportions that a facility is needed where like-minded people with like skills could be brought together, it was thought it was the efficient thing to do, because it would result in a much better effort. That has proved to be true with respect to the Langley Research Center in Virginia, which has to do with aerodynamic structures. It has proved to be true with respect to the Lewis Research Center in Cleveland, Ohio, which has to do with propulsion systems. It has proved to be true with respect to the Ames Center, the Flight Research Center, and so forth.

This simply represents an opinion on the part of NASA that a center in the area of electronics is due, if it is not overdue.

Mr. Chairman, I want to associate myself with the views expressed by my colleague, the gentleman from New York [Mr. Riehlman], and by my colleague, the gentleman from Illinois [Mr. Rumsfeld], when they say that they do not believe it is the function of the legislature to go about picking sites. I think that when we have authorized the construction of a center, when we have appropriated the money for the construction of a center, the selection of the best site becomes an executive function. I do not mean to disagree with the observations of my majority leader. No doubt he is correct in what he says in pointing out the advantages of the Boston area.

I must also take note of the statement made by the gentleman from New York [Mr. Riehlman], when he said that nothing would suit him better than to see the center in Syracuse. In loyalty to my own State, I will say that nothing would suit me better than to see it in Georgia. But I am not the head of an executive agency; I am not Mr. Webb. I am not the man who is advising Mr. Webb.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to my distinguished chairman.

Mr. MILLER of California. Mr. Chairman, nothing would please me better than to see it in California. And may I say this, that if you examine this book you will find that the Stanford-Palo Alto area was the one that was outstanding, but NASA had established a criterion that it would not put two research laboratries in the same area. Ames Laboratory was there, so because of the high level of our ability we lost out there in California. And I accept that decision.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to my subcommittee chairman.

Mr. HECHLER. Mr. Chairman, some comment has been made on the lack of hearings on this construction item and on the administrative operations item. I would like to ask the gentleman from Georgia whether he recalls any hearings that were held on this item of $10 million and on the item of $2.5 million?

Mr. DAVIS of Georgia. Mr. Chairman, I daresay that we had many more hearings on this than we had on any other research center that has ever been established. I would like to say that no objection was made on the subject of the need of this center until after the news was released that it was going to be in Boston.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. Mr. Chairman, I yield.

Mr. BOLAND. Just to round out the picture of pleasing people, let me say that nothing would be more pleasant to the gentleman from Long Island, who has sparked the opposition, if it were situated in Long Island.

Therefore, I presume nothing would have pleased the gentleman from New York [Mr. Wydler] any more than having the center located on Long Island.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Iowa.

Mr. GROSS. Where in this committee print will we find the report of the 50 scientists that the chairman of this committee, the gentleman from California [Mr. Miller] cited a few moments ago? On what page or pages will we find that in the report?

Mr. DAVIS of Georgia. I do not think that that is included in the committee print. However, there was a panel and among that panel—and I think the gentleman from Pennsylvania [Mr. Fulton] will agree with me—there was a scientist from the Pittsburgh area who himself recommended the Boston site.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Pennsylvania [Mr. Fulton].

Mr. FULTON of Pennsylvania. The gentleman from Georgia is correct. There was a scientist from the Carnegie Institute of Technology which is located in the city of Pittsburgh who recommended the Boston site.

I would agree with the gentleman from Georgia very strongly that we cannot pick locations on the floor of this House, sitting in committee.

Mr. ROUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must confess that I do not feel too comfortable standing here because I oppose the establishment of this Electronics Research Center which my Speaker favors, which my committee chairman favors, and so many of my colleagues favor.

Mr. Chairman, I am for the amendment which has been offered to remove this Center from this authorization bill.

I certainly do not deny the need for additional electronics research work, nor do I deny the right of the administration to select the site.

But, Mr. Chairman, there is more than that involved here.

Mr. Chairman, the question of need was referred to a moment ago. I must respectfully take exception to the statement of my colleague, the gentleman from Georgia [Mr. Davis], for whom I have the highest regard, that nothing was said about the need until this report of NASA was submitted. The need was questioned by the Karth report of last year.

A part of the requirement imposed on NASA by this Congress as I recall it was to determine through their report and their investigation the further need for this Center. That need has not been established. The document which has been held in the hands of the various members of the committee this afternoon and which has been supplied to the Members of the House is a self-serving document. The members of the committee did not have the opportunity to question the representatives of NASA with respect to this report.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. ROUSH. I am obligated to yield to my distinguished subcommittee chairman.

Mr. HECHLER. Is it not true that we are talking here about $10 million for construction and $2.5 million for administrative operations, rather than the need? The need is already a matter that has been voted upon and established.

Mr. ROUSH. I am glad that the gentleman has brought that up. We are not talking about $10 million and $2 million and another $2 million. This construction is going to cost $61 million. The testimony before the committee was to the effect that when this Center is in full operation there will be required the expenditure of $76 million a year for a center located in one area of this country.

Mr. HECHLER. Will the gentleman yield further?

Mr. ROUSH. Yes, I yield further to the gentleman from West Virginia.

Mr. HECHLER. Is it not true that we are simply talking for fiscal year 1965 about $10 million and $2.5 million?

Mr. ROUSH. I agree that that is the amount involved in this bill.

But this is the beginning of expenditures. This is only the beginning of this expenditure. What I just said concerning these other amounts which are involved is true. Would the chairman of the subcommittee dispute that statement?

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ROUSH. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. The gentleman has just used the figure of $76 million for operations. Is it not true that about $40 million of this amount is for out-of-house work?

Mr. ROUSH. I agree with the gentleman.

Mr. DAVIS of Georgia. And if the gentleman will yield further, only $35 million would be spent on inhouse operations and on work to be performed there?

Mr. ROUSH. I agree with the gentleman. However, permit me to explain why I favor this amendment. Let me tell you why. This is not just one laboratory. There are, I believe, 10 laboratories to be established at this 1 Center.

Mr. Chairman, I am against this overconcentration of research and development in one area of the country. That may be the logical place for the establishment of the Center. However, this represents 10 laboratories and those 10 laboratories should be located in the east and the west coasts, in the Midwest, in the Northeast, in the South, and in the near-West.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ROUSH. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Is not the very fact that they are in close proximity to this complex of learning in the Boston area, the key to what NASA bases its case upon? In other words, that this is what makes it an efficient operation?

Mr. ROUSH. There is a question on that too, I might say to the gentleman from New Hampshire.

Mr. Chairman, just prior to the testimony from the representatives of NASA on this Center before our committee, we had a Dr. Kursweg, I believe it was, who has a very responsible position at NASA who testified in response to a question put to him that he did not like this concentration because it brought about too much inbreeding.

The scientists and researchers do not like this so-called inbreeding. It fosters too much of one type of thinking in one place. This is but another reason to have these laboratories scattered throughout the country and get the full impact of the thinking from different and distinguished scientists throughout the country rather than to have it in one place.

I would hope, Mr. Chairman, this amendment might prevail and that we might look very carefully into the need for this type of research center and that next year we might come up with a configuration that would help the country, that would help NASA, that would help research and development that is needed in this particular area so that we might get the most from it.

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, much has been said about the lack of information concerning the need for an electronics research center. NASA recently submitted a lengthy report discussing in detail the need for such a center. I believe that it is evident that NASA requires electronics equipment having an extremely long life and with a reliability that is unmatched for any other purpose in our Nation's history. This equipment must work in an environment about which we are not familiar and in extremes of temperature and pressure that are unimaginable.

NASA has chosen to establish a center to perform the required research to meet these needs. They have been studying this problem for over 2 years, and their findings are included in their report of January 31, 1964. Let me give you the significant points that I find in the report substantiating this need.

At the time of the submission of this report, there was a total of 358 electronic research professionals in the employ of NASA. These were scattered over 9 locations with the largest center having 153 persons capable of doing the research required. The various possibilities of increasing the capability of existing centers, use of other Government laboratories, or building a new center were investigated.

The report describes the reasons for the choice of the establishment of a completely new center. These are primarily that existing facilities are not adequate to house and carry on the required work. Additionally, the construction of a new center would allow a choice based on the availability of highly trained personnel and a technological environment that would insure a continuing input of the highest quality personnel to lead the research required in our space effort. To me this is a very sound and logical approach. I feel that there is more concern over the choice of the site rather than the need for this center.

Without such a center NASA does not have adequate research facilities in electronics that are responsive to its needs. It has an aeronautics center, a propulsion center, a flight test center, a launch center, a manned space flight center, but it does not have an electronics center. To me the need is evident, particularly when it has been said that as much as 40 percent of NASA's expenditures are in the field of electronics.

Let me list for you a few of the major research centers that are staffed to carry out military research in this country. For example, the Rome Air Development Center in the Air Force has over 500 engineers, physicists, and mathematicians involved in their electronics research. One laboratory alone at Wright-Patterson Air Force Base has over 700 professionals. The Army R. & D. laboratories at Fort Monmouth have over 1,100 professionals. The Naval Research Laboratory in Washington has 1,326, and in San Diego there are 598.

However, in NASA there are only 358 people in all centers involved in their electronics research work. I think from these comparisons that the need for an electronics research center is evident. Certainly the establishment of a center having 700 professionals is commensurate with the job which we have assigned NASA to do.

NASA has phased their construction program to meet the most critical needs that have been evident in the missions that have been conducted to date. For example, the first laboratories will be engaged in reliability work to improve the operating time on equipment that is required for long duration space flights. This is essential work and is indicative of the seriousness with which NASA has embarked on this program.

I am fully convinced of the necessity for this center and of the impact it will have on our space program. I urge all of my colleagues to support the establishment of this center.

Most of our basic research is carried on in universities throughout the country; in most cases it is handled by individuals or small staffs and modest facilities. Much of the work is theoretical in nature and the results add to our store of general knowledge in the scientific disciplines of mathematics, physics, atomic and nuclear structures, chemistry, materials, fluids and related activities. Basic research activities are usually associated with the academic disciplines of universities. In similar fashion, the existing NASA research centers are organized primarily around research and advanced technology efforts related to technical fields such as aeronautics—Langley Research Center—and propulsion—Lewis Research Center.

The electronics research center fits into this disciplinary pattern and the research and advanced technology to be conducted at this center represents a combination of technically related scientific and engineering pursuits directed toward evolving and utilizing fundamental knowledge, phenomena and materials to attain functional or operational components and systems. To carry out electronics research effectively requires a staff of engineers, physicists, chemists, mathematicians, laboratory technicians, mechanics, draftsmen and related services. Their activities will range from abstract applications of theory, through functional concepts, feasibility modeling and prototype demonstration; this effort requires an organization and teamwork and NASA titles it an electronics research center.

The $10 million requested in fiscal year 1965 is an integral part of the NASA plan presented to the committee that envisions a total facilities investment of $61 million by fiscal year 1969. Under this overall plan, $5 million is available from prior years, and $46 million will be requested in the years following fiscal year 1965.

Opponents of the electronics center have characterized the project as an example of "reckless spending." I doubt that any facility for research ever built by the Government has been so carefully planned nor has the need for the facility ever been so definitely established. Page after page of testimony and voluminous documentation furnished the committee not only establishes the fact that thorough and detailed planning entered into the request of NASA—the clear need for such a facility is amply shown.

A letter was sent to the membership of the House making the statement that last year the House withheld the use of any funds until the need for such a center was established. As a matter of fact, in the fiscal year 1964 authorization bill, the House authorized $3.9 million for the electronics center. Public Law 88-113 withheld expenditure authority on this sum until a report on the "geographic location of, the need for, and the nature of, the proposed center" had been submitted by NASA. It is, to my mind, most significant that no member of the committee raised any serious question as to the basic need for a center to serve as a focal point for the research effort of the National Aeronautics and Space Agency's electronic components and systems. The main thrust of the criticism of such a center was address to its location. Only after it was announced by NASA that the Boston area had been chosen was any serious question raised as to the need for such a center.

The NASA report on the need for space electronics research of January 1964 does, in fact, expand upon those needs already presented both to the House and to the other body. The need for such a center has not been changed since it was first described to Congress except that it has become more urgently required for the orderly prosecution of a sound and economic space program.

The charge has been made that the need for an electronics research center was rejected last year by this committee. This statement is highly inaccurate. The committee last year simply requested additional information. The provisions of Public Law 88-113 served only to interpose a 45-day waiting period between the submission of a written report by NASA to the committee and the implementation of the electronics research center. Public Law 88-113 does not in any way require further congressional authorization nor does it interpose any further congressional barrier to the creation of such a center. The committee therefore has not reversed itself. Rather, it has avoided reversing itself by refusing to interpose any new barrier to the bringing of such a center into existence.

During the fiscal year 1964 and fiscal year 1965 authorization hearings NASA has been fully responsive to all committee and subcommittee requests for data on the electronics research center. Full hearings have been held in both 1963 and 1964.

Approval of the $10 million facilities authorization for the electronics research center does not commit the Congress to spending $1 billion by 1979. It commits Congress only to this one element of the Center, since any further facility requests will be reviewed and authorized in future fiscal years. What it does do is to permit the orderly development of an electronic research capability in support of the space program that will, by significantly increasing reliability of components and simplifying electronics system design, significantly decrease the cost of space exploration missions.

It must be noted that the research and development funds that will be managed by the electronics research center are to support a nationwide rather than purely local electronics research and development effort.

Mr. ROUDEBUSH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois [Mr. RUMSFELD].

First I would like to advise the members of this committee that I have been a member of the committee for 4 years now, or going on 4 years, and practically ever since I have been a member of it this project has been the subject of considerable disagreement. Last year we did not reach an agreement on the research center. That is why we asked the NASA organization to conduct a survey and furnish a report to our committee. This report was received. It is the voluminous report that has been referred to a number of times today. We received this report on February 1. I would like to assure all Members that I have carefully read this report and, in my opinion, there is no firm reason, there is no justification for an electronics research center as contained in said report.

I would like to say this much further: It is true this present authorization bill provides only $10 million or $12 million for the construction of this center. However, we are talking about a $61 million construction here today, on which there is absolutely no agreement within the Space Committee as to the need for this facility.

There is also the matter of operational costs of about $70 million per year.

Mr. Chairman, do not look upon this amendment as one that is merely knocking $10 million out of the authorization. You would be stopping the potential expenditure of about $1 billion in the Committee today. I hope the members of this Committee will support the amendment which will remove this item from the bill.

In conclusion, Mr. Chairman, if I might state further, I have never made a point of taking exception to the location of this Agency.

You can look all through the committee reports from cover to cover and you will never see a statement to the effect that I took exception to Boston as a location, but I do take definite exception to the need for this electronics center. It is a hopeless and useless duplication.

I have met with many men in private industry. Just a few months ago at my own expense I made a trip to a large private corporation in this country that does electronics research, and I asked the question as I went from room to room: "Do we need this research center?" I failed to find a single qualified scientist who answered in the affirmative. I will not mention the scientists' names, but I think the committee ought to know there are as many who answered in the negative on this project. The committee did not have benefit of their testimony.

I may say further that throughout this great Nation of ours there is a wealth of electronics research available in the hands of private companies and industry. This particular center that is proposed to be established at Boston, Mass., will serve no useful purpose in our moon shot project. It will not be operative, it will not be completed, it will not be of any use at all until the remote future. It is simply for future programs and the refinement of electronic research that I contend is not needed at this time.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Chairman, I should like to observe, as I observed earlier when I made a few statements in the debate on the rule, that I just am not going along with any suggestion that any section or a few sections of the country have a monopoly on all the brains of the country, or certainly not the scientific brains, because scientists are being developed East, West, North, and South. Many of them would like to have a job in areas where they develop that great learning. So I just want to say again, and with no antagonism towards any section of the country, that as far as I am concerned we in the Middle West believe that in our universities we are turning out men of great scientific knowledge who are making their contributions in this scientific age. Unfortunately too many times these people find themselves too far removed from the places where they were trained and the places where they would like to live.

Mr. ROUDEBUSH. I thank the gentleman.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at 5 o'clock.

Mr. SCHWENGEL. I object, Mr. Chairman.

Mr. MILLER of California. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close at 5 o'clock.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois which would eliminate any progress toward the location of an electronics laboratory. One of the committee members in opposition to this laboratory suggested that the amount authorized this year was just the first installment and that construction funds would run over $60 million in the next few years. In addition, one of the members of our committee in a letter to his colleagues said that if a start was made this year it would be "committing the Congress and the country to spend $1 billion by 1979 on an unproven program." Well, this is purely speculative, for 1979 is not even in our decade. It is 15 years away. If we would apply a similar yardstick to funds now being appropriated to the Marshall Space Flight Center at Huntsville, Ala., by 1979 expenditures there would reach $26 billion. Applying this same sort of reasoning to the Lewis Research Center at Cleveland, the cost by 1979 would be $6 billion. But this reasoning is fallacious and will not stand the test of close scrutiny. Unless the Congress undergoes a complete reorganization and for some reason the process of authorization is abandoned and the additional step each year of appropriations, future expenditures could never equal such huge amounts unless they were needed and justified and I doubt if this will ever happen at any time in the future.

Now, Mr. Chairman, in this whole matter of the Electronics Center and its location, I submit it is a matter for the executive. I doubt if we can legislate its location. Nearly everyone in the Middle West would be hopeful the laboratory could be located in their State. We wanted the laboratory in Missouri.

We are hoping that more space contracts and subcontractors will come to west central Missouri. But that is not a valid or logical reason why I should oppose the decision of the executive branch—as expressed through the decision of NASA—to locate this present laboratory in the place they believe to be the best. The decision to approve some planning money and a small amount of construction money today does not bind any member of the committee or any Member of this Congress or any Member of any future Congresses to obligate themselves to continue to authorize appropriations year after year in such ridiculous sums as "1 billion by 1979," as suggested by one of the members of our committee in a letter to his colleagues.

Mr. Chairman, I hope the amendment offered by the gentleman which would delete any further consideration of the electronics laboratory in an effort to legislate its location will be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Chairman, I have great respect for the gentleman from Illinois [Mr. RUMSFELD] who offered this amendment. I believe he contributed much constructive work during the committee hearings in clarifying the question of need. By his sharp questioning he brought out more forcefully the justification by NASA as to why this Electronics Research Center construction was needed. In questions before the committee, it was brought out there was no disagreement whatsoever among those scientists who examined the question of need for the construction of the Center.

Mr. Chairman, I feel very strongly that the decision to go ahead with the Electronics Research Center will be one that will go down in the history of this Congress as a very important one. It will determine whether we as a nation maintain preeminence in space. Therefore, Mr. Chairman, I ask that this amendment be rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. PHILBIN].

Mr. PHILBIN. Mr. Chairman, the able, distinguished chairman and members of this committee have done an outstanding job on this bill. They are abundantly entitled to our commendation and our thanks.

The subject matter of this bill is extremely vital to the security of this country and the free world, and we must keep that fact uppermost in our mind.

The bill will also have sharpest impact upon our economy, our way of life, and the kind of a world we are to live in for many years to come.

In that sense, since our national safety and security, our economic and social well-being, and the very destiny of the Nation and the people are so very greatly dependent upon what happens here today, that I think we of this great deliberative body must exert our utmost efforts in everything we do here to make sure that no error, shortcoming, mistake, or unsound judgment on our part shall in any way jeopardize the aims and objectives of this legislation.

This bill can be so meaningful and so fateful, to the freedoms and values we prize and will determine for so many years to come, not only our competitive position in the world, but the shape of our advancement and progress, the kind of country we are to live in and, as I must emphasize, our very safety and well-being, the growth and strength, and perhaps the very existence of our civilization.

I will not belabor the arguments for the bill or space center project, because the chairman of the committee, and his able colleagues have presented them so well, and are in a much better position to talk authoritatively about them.

But I would like briefly to stress one factor which I think is overriding, so far as this project is concerned, and so far as the bill is concerned. And that is, that we must continue to deal with these great problems which are so tremendously vital to all of us, as far as we can humanly do so, upon the merits of each issue that is here presented.

I think we can all agree that we must have our very best resources and talents for this vital program. We have many fine localities and talents in the country. No doubt of that. But I think that in making these very important decisions today, we must be guided by the judgments and evaluations of the highly informed, outstanding scientists and experts who have established the criteria and recommended the programs contained in this bill.

I say this with full respect to all those who may have some different opinion. At this time when our Nation is beset by so many critical and vexing problems, when we confront the sinister, aggressive, determined forces in the world that are doing their best to destroy our liberties and conspiring to undermine our freedom and the liberties of free men and women everywhere, we should not allow provincial or sectional considerations of any kind to deter us from making those choices and those decisions with reference to this bill and this space center project that are predicated on the studies and conclusions of the many high-ranking specialists and experts who have formulated, and who so strongly recommend, the adoption of this program as it is now written in the bill.

Apart from sectional and regional, or local considerations, I most respectfully urge, with all the sincerity and force I can command, that this House ponder very well, very deeply, with the most profound seriousness the meaningful impact upon our security, our progress, and our future of what we do here today.

I hope that the House will decide these questions on their merits, as those who have formulated this bill have done, and adopt the proposal for the space center and the other proposals of this fine bill, that are of such great moment to all of us, and to all free men and women in the country and the world.

I respectfully urge that this amendment be rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. BURKE].

Mr. BURKE. Mr. Chairman, I rise in opposition to the amendment. It appears that a lot of politically inspired opposition has developed and I know that not one real substantive argument has been offered to support this amendment. In fact there is a complete lack of logic on the part of those who would oppose the recommendations made by 50 of the Nation's leading scientists that this research Center be located in the Greater Boston area. Without boasting I feel that the greatest brains in the world are located—not only in the country but in the entire world—within a 25-mile radius of Boston. The great universities of learning, MIT, Harvard, Tufts, Boston University, Boston College, Northeastern, and many, many others are within this area. A great electronic industry has developed here in the past 25 years. Many of the Nation's leading laboratories are in this section of the country. Clark University, Holy Cross College, Brandeis University, and Dartmouth College are nearby. This section of the country has more to offer to our Nation's scientific needs than any other. We are indeed fortunate to have an area with all of its assets available. This is not a time for provincial thinking on the part of any of our lawmakers. It is a time for placing the best interests of our country first. I want to commend the distinguished chairman, the gentleman from California [Mr. MILLER] for his statesmanlike arguments against this amendment. I also wish to praise the gentleman from Georgia [Mr. DAVIS] and the learned gentleman from West Virginia [Mr. HECHLER]. They have made a great contribution for the good of our country by their sound statements in opposition to the amendment. I certainly hope that the Members of Congress will heed the advice of these responsible members of the Committee on Science and Astronautics and vote to defeat this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Chairman, last August on the floor of the House we voted to rely on the judgment of the distinguished members of the Committee on Science and Astronautics in assessing the merits of NASA's proposal for the construction of an electronics research center. We rejected an amendment to delete the funds authorized for the center and determined to wait until the detailed report requested by the committee was received and assessed.

NASA duly filed its report—a detailed analysis of the need for an electronics research center in our overall space research effort, and a discussion of a number of possible locations.

NASA did not pick the Boston area site out of a hat. It established four basic criteria for the evaluation of sites: first, the proximity of educational institutions that have strength and research potential in engineering and science at the graduate level; second, the proximity of electronics and related support industry; third, the existence of an established community of scientists and engineers, and fourth, the availability of rapid and convenient air transportation to other parts of the country.

These criteria were applied to nine areas. The results are clear. There is no area in the country more suited to make this contribution to our space effort than eastern Massachusetts. This conclusion does not come from the proponents of various sites, but from Government documents such as the Department of Health, Education, and Welfare's compilation of degrees conferred in engineering and related fields, from the National Academy of Sciences lists of industrial research laboratories of the United States, from Small Business Administration reports on firms able to perform research and development for the Government, from National Science Foundation publications on the location of our scientific community, and from Civil Aeronautics Board and Federal Aviation Agency reports on air traffic and transportation.

All of these factors are clearly documented in the NASA report. And on February 24, the committee approved the NASA report; including its recommendation of a Massachusetts site.

Yet today we are again engaged in debate not only on the need for the center, but on the proper site. No one disputes the need for additional electronics research. It has been demonstrated that a number of our difficulties with the space program thus far can be attributed to the lack of reliability of electronics equipment.

Although the bulk of our electronics research and development will continue to be conducted by private firms and educational institutions, NASA must serve as a catalyst and a coordinator for our efforts. The studies by NASA, concurred in by the committee indicate that the best organizational structure for the achievement of greater reliability in the electronics portion of our space program is an electronics research center. Centralized management and direction can achieve a consistency of purpose, and an opportunity to assemble a fine staff of research personnel.

Much has been said about the concentration of many of our space activities on the east and west coasts. I would certainly hope that our activities can be diffused throughout the country. But in determining where to locate an important research facility today we must consider the criteria outlined above in light of present capabilities and performance in various sections of the country. To do otherwise is to betray our trust to provide the most economical and effective management of our Nation's space effort.

NASA has recently announced plans to expand its research activities to educational institutions all over the country and I hope that this will be done. In the meantime, I think that we must concur in the judgment of the officials at NASA who have conducted detailed comparative analyses of approaches to our electronics problem and in the judgment of the members of the committee who have given many hours of hearings and executive sessions to these problems.

I hope that the committee recommendations will be approved.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I was on the subcommittee that heard the testimony and I came to the considered opinion that there was no justification made for an electronics research center. But I do not want to have any part in selecting a site or deciding where it should be.

Mr. Chairman, I will be glad to yield the balance of my 30 seconds to anybody from Massachusetts who fails to get recognition so that he can get his remarks in the RECORD.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I want to add my voice to those who urge the passage of this legislation, one aspect of which contains preliminary funds for the construction of the Electronics Research Center in the Greater Boston area.

This is not the first time that I have urged this action, and I am once again pleased to join my colleagues who have spoken in behalf of the Center.

The necessity for this project is manifest. It is widely considered that Boston is the logical area for its creation. We must not allow ourselves to become regional minded. In our fragmented times, it is essential for the coordination of scientific talent, industry, and academic atmosphere which the Boston area has in great measure, in having the Center in Boston, we have managed to combine a research-development effort in space-related electronics and control.

For this reason, it is important that the Center be placed in an area rich with academic achievement and close to a budding industrial region.

I stated in a House speech on August 1, that the NASA commitment requires this kind of coordination at all levels and the Boston location will contribute greatly to the space efforts of the entire United States.

Administrator James E. Webb has stated that:

> To meet the specific requirements of the NASA program in respect to time and in respect to existing research resources, the Center should be located in the Greater Boston area.

In the breakdown of the factors considered, he said that:

> Both the immediate and longrun success of the Electronics Research Center is greatest in the Boston area.

He noted that the Massachusetts Institute of Technology and Harvard University are "within a stone's throw of each other."

I have stated often in the past that Massachusetts has the greatest concentration of brain power in the world. As every responsible report on the feasibility of this project suggested, it is necessary that the Center be in close proximity to this great abundance of talent, brains, and industrial know-how.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. KEITH].

Mr. KEITH. Mr. Chairman, I am opposed to the amendment and I support the committee report. And, I would invite the attention of my colleagues to the debate of August 1, 1963, at which time, after extensive consideration, the House concluded that final judgment on the question of the Electronics Research Center would be the responsibility of the Science Committee as reviewed by the Space Committee of the House. These reports are favorable and we are, therefore, committed by our own vote last year—with 334 yeas and only 57 nays—to heed these well-considered recommendations. Let us live up to our commitment. The House should defeat this amendment.

Mr. KEITH. Mr. Chairman, I yield to my colleague, the gentleman from New Hampshire [Mr. WYMAN].

Mr. WYMAN. Mr. Chairman, this document no matter what may be said about it justifies this electronics research center. It is quite a document. It is a real justification. Furthermore it has not been contravened by a majority of the standing committee. Many people have been critical of this situation because they have political axes to grind of one nature or another particularly in regard to site location. But here this is properly for the executive, for NASA, under this legislation. But if we are going to have a space era and we are in one, and if we are going to have a multibillion-dollar space program going on year after year after year, then this center is something that we are going to need because this is like a distributor in an engine. It is a space complex. It should be. It is to be located in the place that NASA recommended.

It will in the long run we hope not only result in economies but it will result in the kind of efficiency in the space programs that we genuinely and seriously need. The basic question here was do we really need the Center where both NASA and the committee justifies it. If we are going to have continuing giant space programs then this is the kind of center we need and this document here that I hold in my hand is the justification for it.

The CHAIRMAN. The gentleman from New Hampshire [Mr. CLEVELAND] is recognized.

Mr. CLEVELAND. Mr. Chairman, I rise in opposition to the amendment and in support of the NASA Electronic Research Center in the Greater Boston area. In the report of the National Aeronautics and Space Administration, dated January 31, 1964, on the proposed Electronic Research Center, the justification for the Center and its proposed location is admirably substantiated.

It is unfortunate that unwarranted charges have clouded the issue. A careful reading of the report will satisfy an objective person that the location of an Electronic Research Center in the Greater Boston area is in the national interest.

The presence in the area of MIT and Harvard University will provide the nucleus for the highest quality of advanced research, scholarship, and skill in the scientific fields that are primarily concerned.

Already in existence in the area is a well-developed complex of public and private laboratories which have attracted keen and skilled minds from all over the world. In the New England area, the frontiers of scientific research are constantly being explored, and we have established some of the finest educational facilities that history has known.

It is pertinent to note that the scientific father of space research, Dr. Robert Goddard, launched the world's first liquid-fueled rocket in Massachusetts in 1926.

Mr. Chairman, the pros and cons of locating the NASA Electronic Research Center have been thoroughly developed by debate in committee and here on the floor of the House. The report of NASA is a matter of record. It seems to me that we should now get on with the job at hand and vote down the amendment without further delay, and, in so doing, we will give a vote of confidence to the splendid facilities that are the hallmark of New England's scientific and educational excellence.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MACDONALD] is recognized.

Mr. MACDONALD. Mr. Chairman, I wish to address myself to the question which once again has risen respecting the need for and the location of the NASA Electronics Research Center.

As you know, I am from the State of Massachusetts and I am very pleased and proud that the Greater Boston area has been chosen as the best site for this Center. Doubtless this Center will benefit us very much but it is even more true to say that we will have as much to give to the Center as the Center has to give to us. It is for this reason that the Greater Boston area was selected for its site.

But let me now review the reasons why NASA has decided to build the Center and then why the Boston area was chosen.

Electronics is one of the key elements to successful space flight. It is the intricate brain which controls the giants which traverse through space. Electronic systems control, guide and tracks the space vehicles. They gather essential information, they process it and transmit it back to earth sometimes over many millions of miles of space. Without reliable systems of this sort space flight would be useless.

The facts are that the available electronic equipment does not meet many of the needs of our present space projects and this is even more the case for our future endeavors. It is common knowledge that failure in our present electronic equipment has caused major delays in our launch schedules and it has caused failure of our missions in flight such as in the case of our recent Ranger 7 moon shot. The problem is that space electronics is a new field and little of our old know-how applies to electrical systems which must operate under the environmental extremes which space flight imposes.

Much research is needed and a relatively small sum invested now will yield great returns toward the success of our future missions into which much greater sums will be invested, not to speak of the priceless entity, human life. I would think it would be for this item alone that we should wish to insure that we have done our very best to provide the best.

For over 2 years NASA has carefully considered how they could increase their electronics capability. Several alternatives were considered and the results of the studies made was that a new electronics research center should be established. Such a center would have the advantages of a compact centrally coordinated institution located in the most favorable atmosphere for the solution of its complex problems.

The choice of the site for this center was, as you know, made by a committee, the area survey committee, who were appointed to make an independent study of potential geographic locations along guidelines they were to establish. Let us consider these guidelines.

The committee concluded that four were of fundamental importance. I shall state them as I found them in the report. The center should, first and of surpassing importance, be in "proximity of educational institutions that have great strength and proven research potential at graduate levels in engineering and science."

Second. Be in "proximity of electronic research and development and related support industry."

Third. Near "an established, research oriented, science-engineering community."

Fourth. And should have accessible to it "rapid and convenient air transportation to other parts of the country."

The reason for the adoption of these criteria is evident. The electronics research center has a primary mission to carry out an extension program of high quality research. The program is to be conducted jointly by industry, universities, and the Government, and can only be accomplished by scientists and engineers working in an environment conducive to creative thought. These men and women must be brought into contact with others of similar occupational inclinations and ability, where they can benefit from the cross-fertilization of ideas gotten through constant interchange with a congenial intellectual community.

They must have the opportunity to challenge with their ideas, and be challenged and stimulated by the best minds in their field of work. Only in this charged atmosphere can ideas coalesce into the provident rain which will bring forth the fruits we so much desire.

Under the terms of the survey, the first and foremost category was measured by the number of graduate doctoral and master's degrees turned out by the schools in the area. The doctoral degrees received the highest rating. And especially degrees in electrical engineering, with physics second. Because of the presence of MIT and Harvard University in walking distance of each other, the Boston area by far exceeded any of the other areas being considered.

The Boston area was rated second in respect to quantity of electronic research and development and related support industries. In regard to the third criteria which broke down into six subcategories it would be placed between second and third.

In regard to the fourth guideline which was not measured as the foregoing, but simply according to whether it had the minimum qualifications or not for travel, the Boston area well qualified by being classified as a "large air hub" by the Federal Aviation Agency. Logan International Airport serves the area and is located 1 mile from downtown Boston. Six major domestic trunk airlines, two local service airlines and two cargo airlines fly out of the Boston area on scheduled service. There are, for example, 17 nonstop flights from Boston to Washington, D.C., and 12 direct one-stop flights daily.

When all of these facts are put together and viewed in terms of the relative concentration of the things measured in guidelines 2 and 3, the sum places the Greater Boston area out in front beyond question.

In conclusion the NASA report has shown there is a positive need for greater research in the space electronics field, and that this research is necessary to insure the success of the NASA mission. The report states that the research effort would bear the most fruit if it was centralized in a new electronics research center and that this center should be constructed in the most creative environment and that this environment has been found to be the Greater Boston area.

The CHAIRMAN. The gentleman from Iowa [Mr. GROSS] is recognized.

Mr. GROSS. Mr. Chairman, it is indeed strange that the report of the 50 scientists, who apparently played a strong part in the selection of this Massachusetts site is not contained in the committee symposium attending the electronics research center. I wonder, among other things, how many of those scientists are on the Federal payroll? How many of them draw salaries from the Federal Government among those who joined in making the selection? Their report is strangely absent from this document dedicated to the selection.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. HECHLER. If the gentleman will look on page 9 of this report he will see that the dean of the College of Engineering and Science at Carnegie Institute of Technology at Pittsburgh is one of the members.

Mr. GROSS. I am talking about all the 50 scientists, referred to by the gentleman from California [Mr. MILLER]. And the gentleman is not informing me as to whether any or all of them, directly or indirectly, are being paid by the Federal Government and therefore might be obligated to make a certain site selection.

Mr. Chairman, this bill provides for the spending of more than $5 billion, some $2.6 billion of which is for an accelerated program to put a man on the moon. It is unthinkable, in view of the dire financial straits of the Federal Treasury, the huge debt and deficits that confront the taxpayers, that Congress should continue this "moondoggle" on any such basis. I am not opposed to a reasonable lunar program but the spending of $2.6 billion for such a program in the next year is utterly unreasonable.

I insist that we should dedicate our efforts to solving the serious questions that confront us on this planet before we bankrupt ourselves trying to get to the moon. If successful in that enterprise I am sure we would then spend more millions and billions trying to solve any problems that may exist on the moon. Since it is apparent there is not the slightest disposition to drastically cut this expenditure, I must oppose the bill.

The CHAIRMAN. The gentleman from Maine [Mr. MCINTIRE] is recognized.

Mr. McINTIRE. Mr. Chairman, I rise in opposition to the amendment and in support of the committee bill.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BATES] is recognized.

Mr. BATES. Mr. Chairman, I rise in opposition to the amendment. I can well understand the purpose of those who favor this amendment. In a sense, they are calling attention to the educational and scientific areas which they represent. It is not unlike the position in which those of us who come from Massachusetts found ourselves when the Space Center was established at Houston, Tex. We thought at that time that the assets of our area would fully justify the selection of a site in our section of the country.

Although that endeavor felt like an experience in futility, it did cause us to examine ourselves and evaluate our assets. While we did not secure the award, I feel certain that the presentation that was made at that time had a direct bearing upon the decision to locate the electronic center in Massachusetts.

So, the comments made here today from various Members serve a useful purpose. They do not, however, justify the adoption of this amendment. I do trust, though, that the work they have done at this time will inure to their benefit hereafter.

While here and there, there have been comments in respect to the need for the center, I believe that the report, which is 1 inch thick, should satisfy anyone who is not adverse to being convinced. One would think from some of the speeches and letters which have come to our attention that the electronic research center was the major portion of this bill. The fact is, it represents only $10 million out of an authorization of $5,193 million.

The very able and experienced gentleman from New York [Mr. RIEHLMAN] has soundly indicated the course we should pursue. He believes that the matter of the selection of a site should be left to the scientific community. If the Congress starts logrolling on this kind of a proposition, the wheels of progress in this body will come to a halt. This amendment should be defeated.

The CHAIRMAN. The gentleman from Indiana [Mr. BRADEMAS] is recognized.

Mr. BRADEMAS. I rise in support of the motion of the gentleman from Illinois. I do so primarily to protest the inadequate attention which I believe is being paid to developing the research, scientific, and technological skills of the Midwest.

Building the Electronics Research Center in Massachusetts will only add further research strength to that which already exists in the East, while we in the Midwest are once again left out in the cold.

The recent decision to delete the Midwest Universities Research Association—MURA—atomic accelerator from the fiscal 1965 budget was just one more example of a shortsighted national policy which builds research strength on research strength, and effectively ignores the significant impact of Government research expenditures on economic development. The concentration of defense and space spending on the eastern, western, and southern coasts of the United States is leading to a serious unbalancing of the economy of the Nation as a whole. Studies sponsored by the Defense Department itself have made clear that Federal research and development carried out in those areas have led to production contracts, generating in turn greater economic activity in those regions of the country.

I hope that NASA will pay far more attention to the talents and abilities of the Midwest in the future than it has in the past. We pay taxes, too.

The CHAIRMAN. The gentleman from Iowa [Mr. SCHWENGEL] is recognized.

Mr. SCHWENGEL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Chairman, there is one aspect of the additional views filed by the gentleman from Indiana [Mr. ROUDEBUSH], the gentleman from Washington [Mr. PELLY], the gentleman from Illinois [Mr. RUMSFELD], the gentleman from Pennsylvania [Mr. WEAVER], the gentleman from Florida [Mr. GURNEY], and the gentleman from New York [Mr. WYDLER], on which I would like to comment. That is the sections that deal with staffing.

For over a year now I have headed a committee which has been actively working to solve the staffing problems of the minority. This is a serious and critical situation, and the Members who signed the report should be commended for the very forceful way they have brought this to the attention of the House.

I hope all of you have read the report and especially the sections that deal with staffing.

I heartily endorse the request made that each of the subcommittees of the Space and Astronautics Committee have an employee assigned to the minority. I would hope that the minority members of the committee will follow this request by appearing before the House Administration Committee to testify the next time their committee's budget is up for consideration.

I hope also that the minority members of other committees of the House will follow suit in the future to bring recognition to this staffing inequity.

I must say the opposition to an adequate staff for the minority continues to amaze me. For each committee staff member assigned to the minority there are 10 assigned to the majority. This inequity demands the attention of this House.

All the Members of this House realize the importance of committee staff work. It is unfair to place the minority Members of this House at such a disadvantage.

The additional views filed by the Members mentioned before succinctly state the case for adequate staffing, including minority staffing when they say:

> The Congress, the committees of Congress and the majority and minority Members have an obligation to the people of this country, and they fail in that obligation when, because of inadequate committee staff, they are unable to properly discharge their duties.

Again, I thank and commend those members of the Space and Astronautics Committee for bringing this problem to the attention of the House. I hope this House will see the seriousness of the problem and take appropriate action to remedy it.

Mr. Chairman, last year this committee decided that a need for the electronics center had not been established and, as a result, ordered a complete reevaluation of the situation. This committee clearly stated that a need had to be established. Congressional action also resulted in a supposed reevaluation of the site of the proposed center. This turned out to be a sideshow, a window dressing investigation that started with conclusions rather than ending with them.

The inclusion of funds to build the electronics research center at Boston is a mockery to the integrity of this committee. I hope that all the Members of the House have had the opportunity to read a letter written by our colleague from New York [Mr. WYDLER]. The letter states concisely, pointedly, and graphically why these funds should not be authorized. The additional views filed by seven of the minority members of the Space and Astronautics Committee amplify more fully the reasons this amendment should be adopted.

The proposition is simple and to the point. The question is ably stated. Is Congress or is it not going to act as a legislative body, or is it going to be a rubberstamp for an agency that has so clearly disregarded earlier congressional directives?

Perhaps the most prominent example that one could give to support this statement is the supposed study to reevaluate the site for the electronics center. Reports very early had this project pegged. The location was to be Boston. After all a certain Senator had campaigned on the platform of being able to do more for his State. Now since everyone knows that a candidate runs on his platform and is expected to fulfill his campaign promises, I suppose it would only follow that an agency no less than the National Aeronautics and Space Administration would be called upon to fulfill that campaign commitment, to the tune of $10 million.

Once the site had been firmly established as being Boston, there was a wave of congressional opposition. So in order to pacify those of us who sought to rock the boat, a window-dressing reevaluation was instituted. Communities all over the country, working under the assumption they now had a chance, began to gather material, data, facts, and figures, and other material necessary to make their presentations.

Thousands of dollars, thousands and thousands of man-hours of work went into the preparation of the presentations. Officials representing groups advocating different locations came to Washington. They pled their cases but to no avail. After all, commitments are commitments, and campaign promises are not made to be broken.

I represent an area that made such a presentation. The heart and soul of that area went into the preparation of the report to NASA asking consideration of it as a site for the Electronics Center. Letters were written, meetings were held. At the head of the campaign was one of this country's outstanding physicists, Dr. James Van Allen, of the State University of Iowa, who has made outstanding contributions to this country's space program. Dr. Van Allen did yeoman's work in coordinating efforts to locate the Center if not in Iowa, in the Midwest. But all efforts were destined from the beginning to be in vain.

I think it would be well to point out again something brought to the attention of the House by the gentleman from Wisconsin [Mr. LAIRD] on January 23 of this year. He noted that 82.5 percent of the $14 billion requested in the budget of fiscal 1965 for research and development was to be expended on the coastal areas of this country. This is an amazing situation. Certainly the Midwest has been neglected, underrated, and overlooked when it comes to expenditures of this Government for research projects.

At this point I would like to read into the RECORD a letter I received from Dr. Virgil Hancher, president of the State University of Iowa, Iowa City, Iowa, which is in my district. The letter is an excellent statement on the qualifications of the Midwest for Government-sponsored research.

STATE UNIVERSITY OF IOWA,
IOWA CITY, IOWA,
January 22, 1964.

Representative FRED SCHWENGEL,
House Office Building,
Washington, D.C.

DEAR FRED: I am happy to respond to your request for information about the seeming indifference to the opportunity for Government-sponsored research activities in the Midwest. It seems incredible to us that our nine-State area—bounded by Chicago, St. Louis, Kansas City, and the Twin Cities, with a population of 16 million and vast educational and scientific resources—is practically a wasteland as far as Federal expenditures for scientific and research facilities are concerned. Current tendencies to concentrate most such Government expenditures outside the Midwest is not in the national interest nor is it justified on the demonstrated capacities of the area.

In the survey which we made in connection with our application for the NASA Electronics Research Center, we pointed out that this area has within its boundaries 6 of the Big Ten universities, four of the Big Eight universities, and 11 members of the 41 members of the Association of American Universities. These institutions enrolled 233,027 students last year and awarded 1,511 Ph. D. degrees in the physical sciences, mathematics, and engineering—23 percent of all such degrees awarded in the Nation last year. In addition, this area has vast industrial research facilities such as the Armour Institute in Chicago, the Midwest Research Institute at Kansas City, and the numerous private industries of the caliber of the Collins Radio Co., Bendix Corp., Minneapolis-Honeywell, Sylvania, General Electric, and McDonnell Aircraft, to mention just a few.

As an example of this potential, we can refer to what has happened at the University of Iowa and space research under Prof. James A. Van Allen. In the 12-year period from 1951–63, 14 Ph. D. and 40 M.S. and M.A. degrees have been conferred in space science. Professor Van Allen's colleagues and students have produced 145 separate publications in the field of space science. These scientists have been actively engaged in a multitude of activities in this field beginning with the pioneering radiation measurements at high altitudes in the Arctic and Antarctic in 1951 which led to the discovery of the earth's radiation belt in 1958. The instrumentation for a comprehensive study of the radiation environment of the earth has continued through the Explorer, Pioneer, Injun, and Mariner satellite series. At the present time, 20 NASA graduate trainees are enrolled at Iowa. Moreover, there are space science research programs in the departments of chemical engineering and electrical engineering and several divisions of the college of medicine.

The time has come when we ought to reverse the trend of concentrating our research facilities in the coastal areas, not only for reasons of national defense but in the interest of balancing the economic growth. Denial to this region of adequate research facilities, particularly in the physical sciences, not only handicaps the faculty and scholars at the institutions of higher education, but it is a serious blow to the industries located here whose progress depends in a large measure on the quality of the program of our educational institutions. We need to recognize the vast potential of the Midwest and to encourage and develop it as we have done the densely populated industrial areas of the East and the West.

In the original brochure and the two addendums which we prepared for NASA and which were sent to you, there is a great deal of additional material on the resources and potential of the Midwest area.

Sincerely yours,

VIRGIL M. HANCHER,
President.

This is an excellent testimony of the potential in the Midwest.

Now we have been told by NASA that Boston is the best qualified area for the location of the electronics center according to their criterion.

Let us take a look at two parts of that criterion. One was that the site had to be within an hours driving time of an airport handling more than 1 percent of the total U.S. air traffic. Now the location in which I had the greatest interest, Iowa City-Cedar Rapids-Davenport is within less than an hour's flying time to Chicago and one of the world's busiest airports. But the requirement was driving time, not flying time.

Perhaps the most crucial of all the requirements was the one that stated we should be in close "proximity to educational institutions of great strength and proven research potential, at graduate levels, in engineering and science."

On that basis I believe it is acknowledged that Boston, close to MIT and Harvard is well qualified, perhaps the best qualified.

However, I do believe that the criterion that established that qualification should be reexamined. What happens when the next project of a similar or related nature comes along? With the addition of this center the area strengthens its qualifications for the next. This is a snowballing process. One Government research center makes it more qualified for the next. Since the original contracts in this field were largely given to coastal areas, those schools gained by the impetus of Government contracts for research, and so forth. From the time the earliest contracts were approved, the Midwest has been doomed.

Gentlemen, this is not as it should be. We now have a select committee to investigate Government research programs. I sincerely hope that the problem I have just mentioned will be considered by that committee. Earlier when Boston was announced as the site, I asked for a congressional review of this situation. Today I renew this request. This situation demands an investigation. This select committee should take a closer look at this situation.

Until some of the inequities I have mentioned are dealt with, until there first of all is a need established, and until a congressional committee is allowed to hear evidence, I will have to oppose this authorization and support the amendment.

The additional views filed by the seven minority members of the Aeronautics and Space Sciences Committee amplify fully the reasons why this amendment should not be adopted. The proposition is simple and to the point. The question is ably stated.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Tennessee [Mr. Fulton].

Mr. FULTON of Tennessee. Mr. Chairman, I rise in opposition to the amendment. In the past this committee has shown great faith and confidence in NASA, in its Administrator and its personnel. This faith and confidence has been well rewarded. The United States now leads all nations in space technology and capability. I would respectfully suggest that the defeat of this amendment would reaffirm our faith and restate our confidence in NASA and our space program.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Pennsylvania [Mr. Fulton].

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

The decision before us today is not one of location, but of the need for the electronics center.

Our committee had before it and the Space Committee of the Senate had before it the question, Should this electronics center be built? Our committee approved that building. So did the Senate Space Committee.

We are the authorizing committees and we believe it should be built. Unless the administration of NASA has the freedom to go into these matters, decide where the center shall be and do it on an efficient basis, we will not get good decisions.

Therefore, we should not try to decide among geographical sections here. We should only decide: Is this electronics center necessary? My advice to you is that it certainly is.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Chair recognizes the gentleman from California [Mr. Miller], the chairman of the committee, to close debate.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

There has been more confusion injected into this thing than could be answered in three-quarters of a minute. The question of the need for this has been established according to the majority of the members of this committee, and this committee goes into things very thoroughly. As far as the cost is concerned, let me say that we have had two failures in our Ranger program, each of which cost us about $15 million. If we could solve the electronics problems there, we would not have these failures. That is more than a year's run in this electronics area. Electronics is the stopping point now. We must solve these things, and the way to do it is to do it at the place best suited for it. I am not for buying secondary scientific advice and spending the people's money on secondary advice when you have the best advice available. That is the thing we are going to use. All we want in this program is the optimum of efficiency and that should be the only governing factor.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Massachusetts, the Speaker of the House.

Mr. McCORMACK. Mr. Chairman, I had not intended to inject myself into this debate on this matter, but the question of need has been raised. The need has been definitely established. My remarks are not made because Boston is involved. If some other part of the country had been selected, I would not be a party to trying to stop it going to that part of the country which had been selected. I can assure my colleagues that I kept as free as possible, completely free as a matter of fact, from injecting myself into any selection of any part of the country. I worked with the committee to see that all avenues were open for all parts of the country to submit their applications and to present their case. Boston has been selected. That is the result of the decision of the selection board. I want to assure my colleagues that the selection was free, clear, and unmistakable, and that the need has been established. I hope that the amendment will be defeated.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, regardless where the lead center is located, the major contribution our great midwestern scientists and engineers can make to the proposed electronics research center will be through work on research contracts. On a basis of merit, our Iowa institutions are receiving millions of dollars for research work and we do not want some area basis substituted which would send some of this work to second-rate applicants. I want my colleagues and the administrative officials to know that the vast majority of Iowans do appreciate having received these millions of dollars in awards and are supporting programs that will make Iowa institutions even more worthy of future awards. Any statements indicating Iowans are not appreciative of past awards are not shared by most Iowans who are aware of the activity at these great institutions.

The evidence has been overwhelming that an electronics research lead center to coordinate the awarding of contracts and collection of results is needed. Until the site was finally selected, there was little opposition to establishing a lead center. This naturally causes many to conclude that the real opposition is based upon disappointment as to the location of the Center. That so many would adopt this kind of a dog-in-the-manger or sour-grapes attitude is very unfortunate.

Our space program could not have moved from the rear to the front if this kind of attitude had prevailed in the past. Almost everyone admits that electronics failures must be solved to avoid future launching failures, loss of time, loss of material, and possibly loss of life. The vast majority of the work will be performed through contracts and they should be distributed to those who will be most apt to follow each lead to an accurate and speedy conclusion. Iowa is among those States with top-rate educational institutions and I am sure Iowa applicants deserve and will also receive a considerable share of the research contracts that will be let through this Center.

Let this be notice that applications will be forthcoming.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. Rumsfeld].

The question was taken; and on a division (demanded by Mr. Rumsfeld) there were—ayes 66, noes 116.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Reuss: On page 2, line 20, strike out "$37 million" and insert "$12,300,000".

And on page 1, line 5, strike out "$5,193,810,500" and insert "$5,169,110,500".

And on page 1, line 6, strike out "$4,327,950,000" and insert "$4,303,250,000".

Mr. REUSS. Mr. Chairman, this amendment would delete the $24.7 million of the $37 million under the aeronautics program for the supersonic transport.

The SST is a proposed commercial jet to travel at 1,800 to 2,000 miles per hour. This is somewhat faster than the British-French Concorde, which is to be operational by 1970. The Concorde will travel at 1,450 miles per hour.

The SST is estimated to cost $1 billion. Originally, the executive branch hoped that the industry would put in $250 million, so that the Federal subsidy would have to be only $750 million. The industry has refused to do this, however, and the recent Black-Osborne report recommends that the Government put in a $900 million, or 90-percent, subsidy.

I have vigorously supported our space program. I have not been among those who have grown tired of the proposed moon shot. But now is the time for Congress to take a good look at the SST program, before it gets out of hand, and put a stop to the further expenditure of public funds for what is essentially a private operation.

There are two reasons why I believe the SST authorization should be deleted.

In the first place, the advantages of an SST are simply not worth the expenditure of $900 million in taxpayers' money.

I assume an SST can be built. I assume that titanium or some other metal can be used so that the plane will not melt at 2½ times the speed of sound. I assume that a leakproof fuel tank can be devised, so that high temperatures do not ignite its vapors. I assume that the problem of the pressurizing system can be solved, so that passengers do not implode if the pressurizing system breaks down. I assume that the doses of radiation to passengers, flying at a 60,000- to 70,000-foot altitude can be solved, though the radiation there is something like 200 times that at sea level—though I am by no means convinced by the Space Agency's claim that the radiation you incur in an SST will not hurt you much, because you are only up there such a short time. This may be true enough for an occasional passenger, but what about the poor crew?

I assume that the problem of sonic booms—which are already bad enough with much slower planes—can somehow be solved.

I make all these assumptions because I do not want to be in the position of someone telling Columbus that he is not going to make it over the ocean. Even if all of these problems are solved, and the SST is a magnificent billion-dollar success, what will we have? Its net result will be to shorten the airtime from Washington to Los Angeles, over the Concorde, by about 15 minutes—one-fifth of the time it takes to get from here at the Capitol to Dulles Airport.

The aircraft industry has refused to put up the 25 percent of the cost of developing the SST which the executive branch for a long time maintained was an essential contribution. I suspect the reason that the hard-headed men who control the aircraft industry have refused to do this is that they realize that the SST, even if successful, would not be economically justified. Instead, they can buy the Concorde, or build our own. I see no reason for interfering with their judgment—not at the cost of $900 million in taxpayers funds.

There is a second reason why these SST funds should be deleted. Congress has never taken an overall look at the SST, and decided whether it wanted to make this enormous subsidy or not. While Congress has authorized some research funds for NASA, and while the various appropriations, both for NASA and the Federal Aviation Agency, already total some $105 million, Congress has never given any specific authorization to the FAA to proceed with the SST.

The main question, Mr. Chairman, is whether developing the SST is worth close to a billion dollars of Treasury funds. If we save this money instead of spending it, we can build a great many schools and hospitals and highways with it. We can perhaps develop a decent transit system so that we can get from our cities out to the airport at at least the speed of a tortoise, if not the speed of sound. Or, if you prefer, the saving can be directed at balancing the budget.

We should be delighted that the British and the French are building the Concorde, and that we will have an opportunity to buy as many Concordes as we want from them. I do not believe that American prestige will suffer a bit if we have the commonsense to leave this one to the British and the French, and concentrate our resources elsewhere. We berate the French for wanting their own nuclear capacity, as wasteful. But here we go, spending $1 billion to outdo them in an SST.

It seemed to me a little ironic that Mr. Eugene Black, the author of the Black-Osborne report, is advocating that America spend close to a billion dollars to produce a plane that will compete with the British-French Concorde. When he was President of the World Bank, Mr. Black very wisely objected to the idea that every country should produce everything. If Mr. Black would apply this same capacious reasoning to the supersonic transport question, his recommendation ought to be that the rest of the free world take advantage of the British and French Concorde.

In the Northwest, the Kwakiutl Indians have long had a weird tribal rite known as the potlatch. These aborigines in their quaint way buoy up their ego and gain prestige by holding revels to show a neighboring tribe how much of their wealth and wampum they can waste. The more of their own canoes they can burn in these revels, the better. This outlandish ceremony is known as the potlatch, and anthropologists for years have shaken their heads over it. For us to burn up a billion dollars on an SST, to show our prestige over the British and the French, would be the greatest potlatch of all times.

There are better ways of developing American prestige than to keep up with the Joneses on the SST.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield to me?

Mr. REUSS. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. The gentleman must remember that this is research and development. It is not the making of an aircraft. The NASA is a research and development agency. So, it is only to see what this can do and in my opinion we should go ahead and do it on that basis.

Mr. REUSS. I recognize that this is only research and development but the fact remains that this Congress never voted on the substantive question of whether we should go ahead with it.

Mr. FULTON of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Tennessee. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. STINSON. Mr. Chairman, I object.

Mr. MILLER of California. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. FULTON of Tennessee. Mr. Chairman, it was my privilege to serve on the subcommittee that considered the supersonic transport, also to chair the hearings relative to the supersonic transport.

My colleague, the gentleman from Wisconsin [Mr. REUSS] has sent a letter to the Subcommittee on Advanced Research and Technology advising objections to the continuation of the supersonic transport development. Those objections are similar to those raised in his letter of March 24.

Let me remind my colleague that the funds asked for by NASA, although requested under the heading of supersonic transport, are primarily for propulsion research that contributes to the state of the art and will be applicable to any supersonic aircraft which may be developed. It is the committee's job to see that research is fostered and that NASA continues to support aircraft development, as was done by the National Advisory Committee for Aeronautics for the past 40 years.

Research in this field is essential, regardless of whether there is an American-made supersonic transport or not. I, for one, would like to think that most of the world will continue to prefer American-made aircraft, rather than take a limited view that because a foreign design is on the drawing board we should not undertake a development.

The gentleman has raised a number of technical questions indicating that we cannot build such an aircraft. Need I remind the gentleman of the A-11, recently announced by the President, as proof of the availability of manufacturing methods using titanium, and the X-15 which uses steel—both of supersonic capability? And I might say we have demonstrated this capability ahead of the Europeans.

He raises the question of radiation effects, but need I say to you that all of our astronauts were in a worse radiation environment with less protection than a conventional aircraft would have? The flight duration in that case was much longer than anticipated in a supersonic transport. NASA has also stated that the Apollo astronauts in a 2-week mission would not be subjected to serious radiation even under worse conditions than have ever been observed.

Additionally, the gentleman is apparently unaware of the importance of our aircraft industry output to the welfare of American industry and to the balance-of-payments situation. The aircraft industry with its thousands of employees all over the country requires that our research effort keep pace with foreign competition. It would be fallacious indeed to see this vital industry reduced without even an attempt to keep up with the state of the art.

I do not know the impact that reduced aircraft exports would have on our balance-of-payments deficits. However, I do know that it is sizable, and over the past 10 years has amounted to many billions of dollars. The gentleman from Wisconsin, Congressman Reuss, being a member of the Committee on Banking and Currency, certainly knows better than I what this effect would be, and I can hardly believe that he would knowingly take a step that would prejudice on a long-term basis industrial jobs, our oversea market and our balance of payments.

May I say that research is never premature and I believe that we should get along with the job, particularly in a field where we now have recognized worldwide leadership.

Mr. STINSON. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Tennessee. I yield to the gentleman from Washington.

Mr. STINSON. I would like to commend the gentleman for his fine statement. I would also like to take a minute, to correct the statement made by the gentleman from Wisconsin about the financing of the supersonic transport. He mentions that the supersonic transport is going to cost the American taxpayer something like a billion dollars, but the financial plans proposed by the aircraft companies provide that this money will eventually be paid back to the Government by the private manufacturers as the planes are produced and sold to the airlines.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. Hays].

(By unanimous consent (at the request of Mr. Miller of California), the time allotted Mr. Williams was given to Mr. Hays.)

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Wisconsin. I would like to point out this is another case of the left-handers of the Government not knowing what the right-handers are doing. The gentleman is an international banker of some repute, or is an expert in that line, yet he stands up here and states that we should force our airlines to buy a French product, or an Anglo-French product which will cost about $25 million per plane. If they buy 100 of them, that is $2.5 billion of a drain on our gold. Unless I am badly mistaken, the gentleman has written on how to keep gold from going overseas. It seems to me one of the ways would be to go ahead and develop this plane and let them buy an American plane.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Wisconsin.

Mr. REUSS. Would the gentleman tell the Members when this SST is supposed to be ready and sold?

Mr. HAYS. Yes; just about a year after the Anglo-French one is to be ready and sold.

Mr. REUSS. That is sometime in the 1970's.

Mr. HAYS. What are you doing, putting your shoes on backwards and walking forward into the past, or are you looking ahead?

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield.

Mr. MILLER of California. The Treasury Department told me officially some time ago that the only time we reversed the gold flow was when we sold jet planes to Europe.

Mr. HAYS. Exactly.

Mr. MILLER of California. If you want to turn around and get rid of the gold, vote for this amendment.

Mr. HAYS. That is exactly right. That is why it should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. Daddario].

Mr. DADDARIO. Mr. Chairman, much more is involved here than the question of research on the SST. American jobs, techniques, skills, and capabilities must be considered among other things. We can draw an analogy to the British Comet, which ran into so much misfortune after the war, and the opportunity that gave us to step into the gap and sell our own commercial long-range jet transports. We eventually sold about $8.5 billion of those with over $2 billion to foreign countries. This had a good effect on the balance of payments and we can imagine the financial problems which would have come about if these sums had all gone to Europe. It also had the natural good effect of maintaining our own skills, capabilities, and technology at a high level. Beyond this, we should keep in mind that the Concorde is still on the drawing board, that this country has more skills today in building supersonic aircraft than any other country in the world, and that we can if we get about this properly build a supersonic aircraft for commercial purposes before any other country or combination of countries.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. Hall].

Mr. HALL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin.

As a member of the Armed Services Committee, as a member of the Mach 2 Club, and a member of the Research and Development Subcommittee, it seems strange to me that we would spend an extra $25 million when we have the XB-15, with all its flying; when we have the RS-70, with stainless steel skin and honeycomb fabrication, ready to fly. I think we have the know-how and adequate wherewithal within our own industry to develop this plane. I think it is not a question of ability and it is not a question of buying overseas or here. Let us just do it and buy American.

Mr. Chairman, I may say I am for the bill as a whole.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. Stinson].

(By unanimous consent, Mr. Pelly yielded his time to Mr. Stinson.)

Mr. STINSON. Mr. Chairman, I rise in opposition to the amendment. As I mentioned a moment ago, provision is made that the billion dollars that it is going to cost to develop this supersonic transport, is going to be repaid to the Federal Government by the contractor as the airplanes are produced and sold to the airlines.

I should like to point out to the Members of the House that all three designs submitted by the American manufacturers are much superior aircraft to that which has been proposed by the French-British combine.

They propose an aluminum aircraft that will never be able to be expanded. The American designs possibly will be expanded in the future to be larger and faster even than what is proposed today.

Because of the characteristics of the aluminum used in the Concorde, their design will never be flown at a speed faster than the 1,450 miles per hour proposed today. The American designs, on the other hand, are capable of 1,800 to 2,000 miles per hour, and perhaps even more because of the use of steel and titanium. Because of the superior characteristics of the American designs, the Concorde will not be able to compete.

I would also like to point out that many of the SST's are already tentatively ordered. A $100,000 deposit has already been made on many of these airplanes with the FAA. The British have even placed a deposit for some airplanes. So the program is going along very well. If the correct financial plan is accepted by the FAA, and if the proper design is ultimately selected, the American taxpayer is not going to be stuck for one red cent when this program is ultimately completed.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. Hechler].

Mr. HECHLER. Mr. Chairman, hearings on funds for supersonic transport research were held by the Subcommittee on Advanced Research and Technology which I had the honor to chair.

In essence this is the same question we faced when we voted on the electronics research center; namely, do we want America to take another step forward and make progress in aeronautics or do we want to give up this chance to move ahead in propulsion and engine research which will benefit our whole Nation?

I ask that this amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. Davis].

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as a member of the subcommittee that heard testimony on this question, I feel this is a one-time proposition: Either we give up for all time the leadership in the supersonic transport endeavor to France and England or else we try to stay in the race.

There are many problems peculiar to the supersonic transport that are not involved in the X-15 or in the A-11 such as pressurization of the cabin and many other things involved in the carrying of passengers and things peculiar to this particular effort.

Therefore, Mr. Chairman, I earnestly urge the membership of this Committee to defeat this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. Laird].

Mr. LAIRD. Mr. Chairman, I rise in support of this amendment but for entirely different reasons than outlined by my colleague, the gentleman from Wisconsin [Mr. Reuss].

Within the next 3 or 4 weeks I predict there will be announced a new single manager program by the administration as far as supersonic transport craft is concerned. It will not be a responsibility of NASA, Defense or FAA to carry out this program. A new authorization to transfer appropriations will be submitted to the Congress to carry out this program under single management.

As long as we are going to have a new program submitted for a polaris-type single manager concept it is not necessary to include this authorization in the NASA authorization bill. I for one heartily endorse the plans of the administration to combine the management of this new aircraft development program in the hands of a single manager responsible to the President. This is in accordance with the Black report. It is bad management to have Defense, FAA and NASA all going in different directions. The single manager Polaris submarine type approach is a step in the right direction.

I commend the administration for its plans to submit this new program. This new management concept should not be delayed any longer. We make a mistake in authorizing these funds in this bill today. The new program will cost a considerable amount more than provided in this bill but we will get results.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I am happy to yield to the gentleman.

Mr. DAVIS of Georgia. With reference to the single manager concept, does it embrace the idea of research and development?

Mr. LAIRD. It certainly does. This is the answer to a very mixed up R. & D. program which we have today. I know Defense, NASA and FAA don't like this approach but the time has finally come for the President to crack a few heads together. The Black report shows the way and it now looks like the Executive will act. For this we can be thankful.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Fulton] is recognized to close debate on the amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, I oppose this amendment. It would really take the heart out of our research and development program for aeronautics. There is $37 million requested for this year, and the amendment would take out $24.7 million.

We have spent so far on these programs about $12½ million in the past 2 years.

The question is, Shall we keep America dominant in airpower? This is the same question Billy Mitchell faced. Do we want progress in aeronautical research and development?

This is not money for the purchasing of planes. This is money for research and development. It is to be done in the same way as it was done by the National Advisory Committee for Aeronautics for all the responsible agencies.

NASA, by this agency provision, will be working to help other agencies; not only to help the peacetime agencies but also the military.

NASA feels that the presently developing supersonic transport program is sound and timely and that the U.S. bid for the world market in air transportation must be based upon a superior product, not necessarily the earliest.

NASA, by virtue of its statutory responsibility for aeronautical research and technology, is conducting a continuing research program on the problems of supersonic cruise aircraft which is exemplified by the supersonic transport. NASA, in fulfilling its responsibility, would be conducting this research even if there were no planned supersonic transport development.

If the current FAA-sponsored program were to be canceled, it probably would be for technical reasons which would dictate a need for increased research effort. We believe the United States has nothing to gain and much to lose by reducing research effort in this area.

I feel that we should do the basic research needed to achieve a 1,800- or 2,000 mile-an-hour jet transport.

The gentleman from Wisconsin [Mr. Reuss] has given great consideration to this problem. He has been responsible in giving the amendment to the Congress. But I thoroughly disagree with it.

Mr. FULTON of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am glad to yield to the gentleman from Tennessee.

Mr. FULTON of Tennessee. I point out that all the members of the subcommittee voted unanimously in favor of this approach.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Reuss].

The question was taken; and on a division (demanded by Mr. Reuss) there were—ayes 26, noes 109.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Rooney of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10456) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, pursuant to House Resolution 660, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. FULTON of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FULTON of Pennsylvania. I am opposed to the bill in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Fulton of Pennsylvania moves to recommit the bill H.R. 10456 to the Committee on Science and Astronautics with instruction to report the bill forthwith with an amendment as follows:

Add a new section 6 and renumber present section 6 as section 7:

"Title II of the National Aeronautics and Space Act of 1958 is amended by redesignating sections 205 and 206 as sections 206 and 207, respectively, and by inserting after section 204 the following new section:

"'INSPECTOR OF PROGRAMS AND OPERATIONS

"'Sec. 205. (a) There shall be in the Administration an Inspector of Programs and Operations (hereinafter in the section referred to as the "Inspector") who shall be appointed by the Administrator (under clause (A) of section 203(b)(2)) and who shall be responsible directly to the Administrator and Deputy Administrator.

"'(b) It shall be the duty of the Inspector to conduct a continuing study, review, and evaluation of the operations and programs of the Administration, with special reference to its contractual relations with industry. In the discharge of this duty the Inspector shall—

"'(1) arrange for, direct, or conduct such reviews, inspections, audits and evaluations of operations and programs being conducted or participated in by the Administration as he considers necessary for the purpose of ascertaining the efficiency and economy of their administration, and of promoting the expeditious attainment of their objectives;

"'(2) maintain continuous observation and review of operations and programs with respect to which he is discharging such duty to determine the extent to which such operations and programs are in compliance with applicable laws and regulations; make recommendations for the correction of deficiencies in, or for improving the organization, plans, or procedures of, such programs; and evaluate the effectiveness of such programs in attaining United States national space policy objectives.

"'(3) review and evaluate all contractual relations or agreements which the Administration has or may enter into with individuals and organizations (profit and nonprofit), and require the cooperation of all such contracting persons and organizations therein;

"'(4) review and evaluate all agreements, arrangements, and liaison which the Administration has or may enter into with other Government departments or agencies; and

"'(5) review and evaluate all executive agreements, arrangements, as well as joint and participating operations and programs the Administration has entered into or may enter into with any foreign government, agencies thereof, either directly or indirectly through any international organizations.

"'(c) The Inspector shall have authority to suspend all or any part of any project, operation, or program with respect to which he has conducted or is conducting an inspection, audit, study, review, or evaluation provided he has first given written notice thereof to the Administrator and Deputy Administrator. Any such suspension shall remain effective until such project, operation, or program, or part thereof is ordered resumed by him or by the Administrator or Deputy Administrator.

"'(d) In carrying out his functions under this section, the Inspector shall use to the fullest practicable extent the auditing, investigation, and inspection facilities of the various departments and agencies of the Federal Government, including those of the General Accounting Office and of the inspector generals of the Armed Forces.'"

Mr. MILLER of California. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. PELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 283, nays 73, answered "present" 1, not voting 76, as follows:

[Roll No. 89]

YEAS—283

Abbitt
Addabbo
Albert
Andrews, Ala.
Ashley
Ashmore
Aspinall
Auchincloss
Ayres
Baldwin
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Bromwell
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Bruce
Burke
Burkhalter
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Cameron
Cannon
Carey
Casey
Chamberlain
Chenoweth
Clark
Clawson, Del
Cleveland
Cohelan
Colmer
Conte
Cooley
Corman
Cunningham
Curtin
Daddario
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Dingell
Donohue
Downing
Dulski
Dwyer
Edmondson
Edwards
Ellsworth
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Fisher
Flood
Fogarty
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halpern
Hanna
Hansen
Harding
Hardy
Harris
Harvey, Mich.
Hays
Healey
Hechler
Hemphill
Henderson
Holifield
Horton
Huddleston
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Wis.
Jonas
Karsten
Karth
Kastenmeier
Keith
Kelly
Kilgore
Kirwan
Kluczynski
Kornegay
Kunkel
Landrum
Leggett
Lesinski
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
Long, Md.
McDade
McDowell
McFall
McIntire
McMillan
Macdonald
Madden
Mahon
Mailliard
Marsh
Martin, Calif.
Matsunaga
Matthews
May
Miller, Calif.
Milliken
Mills
Minish
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill
Osmers
Ostertag
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poff
Pool
Price
Pucinski
Purcell
Quillen
Randall
Reid, N.Y.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Schneebeli
Schweiker
Schwengel
Scott
Secrest
Senner
Shipley
Shriver
Sibal
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Smith, Va.
Springer
Staebler
Stafford
Staggers
Steed
Stephens
Stinson
Stratton
Stubblefield
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Toll
Tollefson
Trimble
Tuck
Tupper
Tuten
Ullman
Van Deerlin
Vanik
Wallhauser
Watson
Watts
Weaver
Weltner
Westland
White
Whitener
Whitten
Wickersham
Willis
Wilson, Bob
Wilson, Charles H.
Wright
Wyman
Young
Zablocki

NAYS—73

Abele
Adair
Anderson
Andrews, N. Dak.
Arends
Ashbrook
Baker
Beermann
Berry
Betts
Bolton, Frances P.
Bow
Bray
Brock
Brown, Ohio
Cederberg
Clancy
Clausen, Don H.
Collier
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Findley
Gathings
Goodling
Gross
Halleck
Harrison
Harsha
Harvey, Ind.
Hoeven
Holland
Horan
Hutchinson
Jensen
Johansen
Johnson, Pa.
King, N.Y.
Kyl
Laird
Langen
Latta
Lennon
McCulloch
McLoskey
MacGregor
Martin, Nebr.
Michel
Minshall
Nelsen
O'Konski
Pelly
Pillion
Quie
Reid, Ill.
Reifel
Rich
Saylor
Schadeberg
Schenck
Short
Siler
Skubitz
Smith, Calif.
Snyder
Thomson, Wis.
Utt
Whalley
Wharton
Younger

ANSWERED "PRESENT"—1

Fulton, Pa.

NOT VOTING—76

Abernethy
Alger
Avery
Barrett
Barry
Bass
Becker
Bennett, Mich.
Bolton, Oliver P.
Brown, Calif.
Buckley
Burleson
Byrnes, Wis.
Celler
Chelf
Corbett
Cramer
Davis, Tenn.
Diggs
Dorn
Dowdy
Duncan
Elliott
Evins
Flynt
Ford
Forrester
Gill
Glenn
Grant
Hagan, Ga.
Hawkins
Hébert
Herlong
Hoffman
Hosmer
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Kee
Keogh
Kilburn
King, Calif.
Knox
Lankford
McClory
Martin, Mass.
Mathias
Meader
Miller, N.Y.
Morton
O'Brien, Ill.
Pilcher
Pirnie
Poage
Powell
Rains
Rivers, Alaska
Rivers, S.C.
Robison
Rogers, Colo.
Roosevelt
St. George
Selden
Sheppard
Sullivan
Thomas
Udall
Van Pelt
Vinson
Waggonner
Widnall
Williams
Wilson, Ind.
Winstead
Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Van Pelt for, with Mr. Kilburn against.
Mr. Wydler for, with Mr. Pirnie against.

Until further notice:

Mr. Keogh with Mrs. St. George.
Mr. Hébert with Mr. Cramer.
Mr. Abernethy with Mr. Avery.
Mr. Duncan with Mr. Meader.
Mr. Evins with Mr. Alger.
Mr. Roosevelt with Mr. Robison.
Mr. Rogers of Colorado with Mr. Bennett of Michigan.
Mr. Barrett with Mr. Corbett.
Mr. Rivers of Alaska with Mr. Miller of New York.
Mr. Hagan of Georgia with Mr. Hoffman.
Mr. Dorn with Mr. Wilson of Indiana.
Mr. Dowdy with Mr. Martin of Massachusetts.
Mr. Johnson of California with Mr. McClory.
Mr. King of California with Mr. Byrnes of Wisconsin.
Mr. Rivers of South Carolina with Mr. Becker.
Mr. Williams with Mr. Ford.
Mr. Winstead with Mr. Widnall.
Mr. Waggonner with Mr. Knox.
Mrs. Sullivan with Mr. Glenn.
Mr. Sheppard with Mr. Hosmer.
Mr. Lankford with Mr. Mathias.
Mr. Burleson with Mr. Morton.
Mr. Buckley with Mr. Oliver P. Bolton.
Mr. Celler with Mr. Barry.
Mr. Udall with Mr. Diggs.
Mr. Gill with Mr. Flynt.
Mr. Rains with Mr. O'Brien of Illinois.
Mr. Davis of Tennessee with Mr. Brown of California.
Mr. Jones of Alabama with Mrs. Kee.
Mr. Elliott with Mr. Bass.
Mr. Chelf with Mr. Pilcher.
Mr. Forrester with Mr. Herlong.
Mr. Powell with Mr. Hawkins.
Mr. Thomas with Mr. Grant.
Mr. Selden with Mr. Vinson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 284. Concurrent resolution that when the House adjourns on Thursday, March 26, 1964, it stand adjourned until 12 o'clock meridian, Monday, April 6, 1964.

The message also announced that the President pro tempore appointed Mr. BOGGS as a member on the part of the Senate to the U.S. National Commission for the United Nations Educational, Scientific and Cultural organization for a term expiring in 1966.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," had appointed Mr. JOHNSTON and Mr. CARLSON members of the joint select committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 64–12.

HOUSE OF REPRESENTATIVES POST OFFICE

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 646) authorizing the employment of four additional mail clerks by the Postmaster, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That the postmaster of the House of Representatives is authorized to employ not to exceed four additional mail clerks. There is authorized to be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to pay the salary of each such mail clerk at a rate of basic compensation of $2,100 per annum.

The SPEAKER. The Chair recognizes the gentleman from Maryland [Mr. FRIEDEL].

Mr. GROSS. Mr. Speaker, will the gentleman from Maryland yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. GROSS. Where are these four mail clerks to be employed?

Mr. FRIEDEL. They will be employed in the Rayburn Building. There are quite a few committees of the House now located in the Rayburn Building having been moved out of the George Washington Inn.

Mr. GROSS. Does it require four mail clerks to serve so few people that have been moved from the George Washington Inn?

Mr. FRIEDEL. There are more than just a few people moving into the Rayburn Building. If the gentleman from Iowa has been in the new Rayburn Building, you must have noticed that it is not laid out like the Old House Office Building and the New House Office Building where a messenger can walk around the building in a circle or walk around the four sides of a square to go to the different offices. In the case of the new Rayburn Building they have to sort of backtrack because of the shape of the building. The distance and the time required have been measured by the Postmaster. The fact of the matter is that they wanted 18 men and we agreed to give them only 4 men right now.

Mr. GROSS. Does the gentleman have any idea when this 100-year pyramid is going to be completed?

Mr. FRIEDEL. I understand that the Rayburn Building will be ready for the new Members of the Congress on December 1, 1964.

Mr. GROSS. When will these employees go to work?

Mr. FRIEDEL. They will go to work immediately. There are quite a few committees located in the Rayburn Building at this time.

The SPEAKER. The resolution was agreed to.

A motion to reconsider was laid on the table.

DOORKEEPER OF THE HOUSE OF REPRESENTATIVES

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 647) authorizing the employment of five additional doormen by the Doorkeeper, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That the Doorkeeper of the House of Representatives is authorized to employ, as they may be needed, not to exceed five additional doormen. There is authorized to be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to pay the salary of each such doorman at the rate of basic compensation of $1,900 per annum.

The SPEAKER. The Chair recognizes the gentleman from Maryland [Mr. FRIEDEL].

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. GROSS. Where are these additional doormen going to be employed? Are they going to work in the same place?

Mr. FRIEDEL. No; this resolution calls for five doormen. They will be employed immediately and will be stationed at the door here in the Chamber of the House of Representatives where our pages have had to perform these duties because we do not have enough doormen.

The other three will be employed after the Rayburn Building is completed. That will be a connection on the other side of the aisle with the Rayburn Building. The other three will not be employed until 1965.

Mr. GROSS. No one is needed to be stationed at the marble-faced entrances, those new and plush elevators out in the hall? Those are not needed yet; are they?

Mr. FRIEDEL. They will not be employed yet. Only two will be employed now. By request, on the legislative appropriation bill, we included five, to have them in the budget, but we will employ only two. It is understood two will be employed now and the other three after 1965.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUPREME COURT DECISION REGARDING PRAYER AND BIBLE READING IN NEW YORK SCHOOLS

Mr. SCHADEBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, if there is any doubt in the minds of my colleagues in this House of the real intent and the ultimate effect of the Supreme Court decision regarding prayer and Bible reading in the New York schools, I am sure this doubt will be dispelled by reading a copy of a letter from the Freethought Society of America, Inc., of Baltimore, Md., which was sent to Life Messengers, Seattle, Wash. Life Messengers is a publication printed by an organization of Christian men and women. It has expressed a deep concern over the damage that could be done to our Nation's security and freedom through the destruction of its spiritual foundations. The following is the content of the letter signed by Gary de Young, vice president:

> GENTLEMEN: One of our members sent us a tract that your organization is passing out titled a "National Emergency."
>
> Buddy, you ain't seen nothing yet. This is more than an emergency for you superstitious neanderthals.
>
> You are absolutely correct, we fully intend to destroy superstition in the United States of America for once and for all.
>
> We threw superstition out of the schools, next we will throw the chaplains off the battleships, and we teach American children that Tyrannosaurus was not on Noah's Ark.
>
> The exploitation of sex by the church is another era that has passed.
>
> Defiantly,

Stamped on the copy of the letter is an insert which reads:

IN GOD WE TRUST?

On coins and stamps, "In God We Trust"—
To fool little children it is a must.
But if we had no men to fight,
No Army, Navy, airplane might,
We'd trust old Jehovah and Mary hail
As far as we could throw a bull by the tail.

Mr. Speaker, in bringing this to the attention of my colleagues I want to make it clear that I do not infer that Mr. Garry de Young or any of his friends in this atheist organization do not have the right to express themselves even though that expression runs counter to the convictions and sensitivities of other people. It would be a sad day if their right to speak should be denied them. I am bringing this to the attention of my colleagues that they might know that beyond a shadow of a doubt it is the expressed purpose of a small atheist minority to remove the mention of or reference to God from our textbooks, our coins, our public buildings. It is their intent to completely destroy the faith our people express in God with the emphasis upon denying the right of the children to be exposed to any official acknowledgment of this faith in any public or Government function. The ultimate end is to take our chaplains out of the military service, out of the House and Senate, out of our veterans' hospitals or any public hospital, to take the phrase "In God We Trust" off our coins.

The issue is joined. We cannot remain indifferent as legislators to this attempt to remove the acknowledgment of God from American society, making this a completely secularized atheist state. Should they succeed we will then be the ripe plum the Marxists can pluck from the tree. God needs no defense. He lives whether men believe in Him or not. Freedom does need defense for when its foundations are weakened, it will topple and fall.

MARYLAND DAY

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MATHIAS. Mr. Speaker, 330 years ago today, March 25, 1634, the founders of Maryland first set foot in the land that was to become successively a struggling colony, a prosperous province, and a sovereign State of the American Union. As the people of Maryland advanced through these political, social, and economic stages they not only enhanced the dignity and prosperity of their own lives, but they influenced all the world about them.

During the time that it has been my privilege to serve the people of Maryland in the Congress of the United States, I have attempted to conduct an annual observance of Maryland Day on Capitol Hill. Each year we have noted some particular contribution that Maryland has made to the Nation and to the world.

Perhaps the greatest concept in political philosophy given to us by the General Assembly of Maryland was the Act of Religious Toleration of 1649 which was the forerunner of the religious freedom guaranteed by the first amendment to the Constitution of the United States.

Equality for women was first asserted in Maryland by Margaret Brent, America's first female lawyer, landowner, taxpayer, and suffragist.

Maryland has given national leadership to America through such men as Gov. Thomas Johnson who nominated Washington for Commander in Chief; John Hanson, first President of the United States under the Articles of Confederation; and Charles Carroll, of Carrollton, a signer and Senator.

Maryland has contributed the blood of her sons to support the cause of freemen in every war which was engaged in the North American Continent—from the French and Indian Wars through the Revolution and all of our national military conflicts.

Maryland has made outstanding contributions to education, to science, to art, to architecture, and to music.

Maryland cooking is world famous and food "a la Maryland" is found on menus all over the earth.

Maryland has been outstanding in the world of sports since the first pack of Maryland foxhounds was imported by Robert Brooke in the 17th century. Much of the national passion for sports which has contributed to America's character, demanding teamwork and fair play, can be traced to Maryland's deep-rooted attachment to sports of all kinds.

In this field Maryland has made a unique contribution as the original home of the Chesapeake Bay retriever, America's only native bred hunting dog. This great American dog noted for stamina, skill, and loyalty is prized by sportsmen, housewives, and especially by children. In recognition of the place of the Chesapeake Bay retriever in the hearts of the people of Maryland, the General Assembly of Maryland officially has designated it as the Maryland dog. I am happy to join with my colleagues in the general assembly in saluting the Chesapeake Bay retriever on Maryland Day, 1964.

Mr. Speaker, I append here the bill—H. 102—passed by the Maryland General Assembly. I also append an interesting story of Sailor and Canton, ancestors of the Chesapeake Bay retriever, made available by Mr. Harry B. Cummings, vice president of the Koppers Co., of Baltimore, Md.:

H. 102

An act to add a new section to article 41 of the Annotated Code of Maryland (1957 edition), title "Governor—Executive and Administrative Departments", said new section to be known as section 77B to be under a new subtitle "Maryland State Dog", and to follow immediately after section 77A of said article, providing that the Chesapeake Bay Retriever shall be the official dog of the State of Maryland

Whereas the General Assembly of Maryland has designated the black-eyed-susan as the floral emblem of the State of Maryland, the white oak as the arboreal emblem of the State of Maryland and the Baltimore oriole as the official bird of the State of Maryland; and

Whereas the Chesapeake Bay retriever is the only sporting dog which has the distinction of being of true Maryland origin; and

Whereas this excellent retriever of waterfowl has the additional distinction of being recognized by the American Kennel Club as being purely American; and

Whereas the Chesapeake Bay retriever is closely associated with the pleasures of the Chesapeake Bay and its tributaries.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new section be and it is hereby added to article 41 of the Annotated Code of Maryland (1957 edition), title "Governor—Executive and Administrative Departments," said new section to be known as section 77B, to be under a new subtitle "Maryland Dog," to follow immediately after section 77A and to read as follows:

"77B. The Chesapeake Bay retriever is hereby declared to be the official dog of the State of Maryland."

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1964.

THE STORY OF SAILOR AND CANTON

Sailor and Canton, in enduring cast iron, who flank the main doorway to the Bartlett Hayward plant of Koppers Co., Inc., are Baltimore's monuments to the Newfoundland ancestors of the Chesapeake Bay ducking dog. They are symbols of the great interest of the original Bartlett Hayward partners in hunting that royal bird, the canvasback duck (Nyroca valisineria), and are accepted as a talisman of the firm's prosperity.

The dogs were cast at Hayward, Bartlett & Co. in the 1850's, when Victorian cast-iron architecture was much in vogue. Business houses exhibited their wealth and prominence through lavish use of Bartlett Hayward cast-iron facades, and their proprietors' culture and opulence showed in the variety of Bartlett Hayward cast-iron furniture, birds and animals that decorated the lawns surrounding their mansions.

According to accepted sources, Sailor and Canton were two Newfoundland dogs that were brought to the Chesapeake Bay country by George Law, in 1807. Sailor went to Gov. Edward Lloyd, of Wye, Talbot County, to become the founder of the Eastern Shore strain of Chesapeake Bay dogs. Canton went to Dr. James Stewart, of Sparrows Point, Patapsco Neck, to become the ancestor of the Western Shore strain of the breed. On both Shores the dogs and their progeny were crossed and recrossed with local dogs, among them Water Spaniels, Coon Dogs or Hounds, and favorite local animals of less well-defined parentage. The mixtures contributed to the establishment of the combination of characteristics eventually resulting in the distinctive amphibian retriever so indispensable to duck shooting on the Chesapeake Bay.

From the Newfoundland is believed to have come the Chesapeake Bay dog's good temper and faithfulness to man. Also from the Newfoundland come the double coat, furry underneath, long and curly above, and the oil secretion from the skin, which together enable the animal to withstand frequent plunges into freezing water to retrieve game. The Water Spaniel probably bequeathed superior retrieving abilities, and an obvious and remarkable love of sport. The Hound strain evidently contributed to the dog's strong power of scent, and to its extraordinary hardihood and endurance. The varied colors of the miscellaneous crosses, the yellow and tan of the Hound, and the black and white of the Water Spaniel and Newfoundland, blended to produce the Chesapeake's characteristic liver color.

In 1877, some of the descendants of Sailor and Canton were brought together at the poultry and fanciers' show at Baltimore. Despite the hodgepodge breeding separately pursued on the two shores of the Chesapeake Bay, the eastern and western shore dogs were found to be so alike in characteristics and conformation that they were together recognized as a distinct breed, and named the Chesapeake Bay ducking dog, or Chesapeake Bay retriever. They were divided into three classes: the otter dog, with wavy almost kinky, short hair; the curly dog, with longer hair; and the straight-haired dog. All were reddish-brown in color, and generally had a white spot on the breast. With time these distinctions tended to disappear, and the color of the dogs shaded to the color of dead grass.

Through records of the dogs exhibited at the show of 1877, the blood of Sailor and Canton can be traced to the later celebrated kennel owned by Mr. Dwight Mallory, at Twin Oaks, on Back River.

Twin Oaks was one of the ducking shores owned by Mr. Edward S. Bartlett, who was Mr. Mallory's father-in-law. Together with his partner, Thomas J. Hayward, Mr. Bartlett also owned ducking shores at Otter Point, on the Bush River, and Taylor's Island in the Upper Chesapeake Bay. It was natural that such sporting enthusiasts as Mr. Bartlett and Mr. Hayward should have placed before their establishment the symbols of their favorite sport, as monument and talisman.

Successors to the firm's original partners have kept the dogs and enjoyed the tradition, which has been strengthened by an interruption. Some years ago the dogs were removed, in the course of a redesign of the office building. Hard times followed, which some credited directly to the absence of the dogs. They were found and replaced, on either side of the Bartlett-Hayward doorway, where they stand today, to welcome visitors, and signify the firm's continuing prosperity.

MARIETTA P. TREE CALLS ON U.N. COMMISSION ON HUMAN RIGHTS TO CONDEMN ANTI-SEMITISM

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, I have long been concerned with the plight of Jews in the Soviet Union and have urged that the United States take appropriate action regarding Soviet anti-Semitism. House Concurrent Resolution 268 which I sponsored is directed toward this issue.

In December 1963, in a speech on the floor of the House documenting the extent of anti-Semitism in the Soviet Union, I said that the United Nations Commission on Human Rights should address itself to this issue and "bring pressure on the Soviet Union to cease its campaign of religious suppression and discrimination against 3 million of its citizens."

I am pleased that on March 12, 1964, a U.S. delegate to the United Nations, Mrs. Marietta P. Tree, who is the U.S. representative in the United Nations Commission on Human Rights, urged the Commission on Human Rights to include a new article condemning anti-Semitism in the Convention on the Elimination of All Forms of Racial Discrimination.

In asking that the United Nations record its opposition to the "violent and hateful disease of anti-Semitism," Mrs. Marietta P. Tree made clear the position of the United States on this vital question. Although her speech did not mention the Soviet Union by name, it is obviously aimed at Soviet anti-Semitism. I hope that the Commission on Human Rights will bring ceaseless pressure on the Soviet Union until religious persecution and discrimination are eliminated.

Mr. Speaker, Mrs. Marietta P. Tree said eloquently:

> Mr. Chairman, if we are serious about this Convention, if we are really trying to construct a document which will be meaningful in eliminating racial discrimination in all its forms, then let us strike boldly at all the forms of racial and ethnic discrimination. Let us strike frankly and speak plainly of anti-Semitism.

I include her speech at this point in the Record:

Statement by Mrs. Marietta P. Tree, U.S. Representative in the United Nations Commission on Human Rights, Introducing the U.S. Article on Anti-Semitism for Inclusion in the Convention on the Elimination of All Forms of Racial Discrimination, March 11, 1964

Mr. Chairman, my delegation has asked for the floor in order to introduce the U.S. proposal for a new article condemning anti-Semitism. We would like this proposal to be included in the record on this item even though the Commission may not have time to consider it in detail.

That such condemnation is needed is clear. Anti-Semitism has been a danger in the past and it is a danger today. The daily press constantly carries reports of Jews singled out for heavier punishment than others convicted of the same crimes, and of Jewish groups denied rights to publish and to carry on activities permitted without question to other groups. While the burden appears greater in some countries than in others, the study made by the Subcommission on Discrimination and Minorities in 1960 showed anti-Semitic incidents occurring in many different countries—often ignorant mischief but all too often persecution and destruction. Surely, no one here can deny facts coming to us from many sources or the need to reach into the attitudes and habits of thought which nourish anti-Semitism. My purpose in this statement is to deal with only two questions—why there should be an article on anti-Semitism in this particular convention, and what form it should take.

First, does an article on anti-Semitism belong to a Convention on the Elimination of All Forms of Racial Discrimination?

The Convention defines racial discrimination as any distinction based on "race, color, national, or ethnic origin." Inclusion of a special article against anti-Semitism does not imply that Jewish persons are to be considered as constituting a separate race. Anti-Semitism is ethnic, in terms of culture, tradition, language, and inheritance. In addition to their religion, the vast majority of Jewish persons share a historic, cultural, and linguistic past, which constitute a common ethnic origin.

Anti-Semitism has often used a difference in religious practices as a pretext for discrimination, and I am sure that the declaration against religious intolerance will deal with its religious aspects. However, Jews who have associated themselves with other churches and modes of thought continue to suffer prejudice and discrimination because of their ancestry. Under these circumstances our convention would be less than complete if it failed to take cognizance of what in our own day has been the most horrifying result of racial hatred ever known: the planned program of annihilation that reduced the world population of Jews by one person out of every three. Furthermore, omission of a specific reference to anti-Semitism in this convention might be subject to misinterpretation. We condemn anti-Semitism in any form, and regardless of any pretext for it, and this is the reason we have sought its inclusion in this convention.

In short, the purpose of this article is to condemn anti-Semitism whether manifested as a form of racial discrimination or otherwise. To make this crystal clear, the United States is submitting a slightly revised text to read as follows:

"States parties condemn anti-Semitism, whether manifested as a form of racial discrimination or otherwise, and shall take action as appropriate for its speedy eradication in the territories subject to their jurisdiction."

Second, as to the form in which we should condemn anti-Semitism. The U.S. proposal is in the form of a separate article, rather than an amendment to some more general article, because we believe anti-Semitism is a particularly virulent form of ethnic discrimination and that all countries should be alerted to its danger.

For that reason I regret that the U.S.S.R. has suggested a series of amendments to our proposed article which confuse anti-Semitism with nazism, genocide, and other terms to make it only one of a list of possible errors in recent thought. Let us be honest here and recognize that anti-Semitism is a present as well as past danger, that it exists in countries where nazism is unknown and in forms which are infinitely cruel but may not be genocide, that it cannot be covered up forever by recalling the crimes of Hitler and the horrors of concentration camps, and that people everywhere must become freshly sensitive to its meaning and its reality. Let us be honest to realize how anti-Semitism has fed the evil purposes of dictators, Hitler included, and is being exploited even today to turn groups against each other and deflect attention from the failures of governments and the ineptitude of public administrators. We are opposed to the amendments of the U.S.S.R. because we believe they tend to minimize the urgency of this question, and suggest that anti-Semitism is not a matter of immediate and basic concern.

Since the defeat of Nazi Germany no state has pursued an overt and declared policy of genocide against an ethnic group. But we must recognize that some states where laws forbid discrimination in the most forceful terms nevertheless carry on policies which are designed to have the effect of obliterating an ethnic group. The biological differences of race cannot be exterminated by cultural deprivations, but ethnic differences, and sometimes nationality differences, are absolutely dependent on language, schools, publications, and other cultural institutions in order to survive. Cut an ethnic or national tradition off from these, and it will die, however nourished the body of the citizen is by food, clothing, and shelter.

We must deal with anti-Semitism even when it takes the forms of deprivation of the religious and cultural heritage which makes this group unique. We should make it clear that a state which makes provision for German language schools for that ethnic group should not deny Yiddish or Hebrew schools to its Jews; that a state which can permit national and regional organizations of some ethnic groups should, under the principle of nondiscrimination, permit the same for Jews; that a state which permits recognized leaders of every other group to travel abroad to conferences and holy places should not be able to deny that right to Jewish leaders; that a state that finds facilities to publish textual materials in the language and traditions of some groups should not be able to deny this right to Jewish groups; that a state which is able to tolerate the differences in 100 nationalities should have no right whatever to extinguish those differences in the 101st.

We are not living in a world in which racial genocide would be permitted. But there can be such a thing as cultural cr even ethnic genocide.

Mr. Chairman, if we are serious about this Convention, if we are really trying to construct a document which will be meaningful in eliminating racial discrimination in all its forms, then let us strike boldly at all the forms of racial and ethnic discrimination. Let us strike frankly and speak plainly of anti-Semitism.

Our amendment is designed to do this—to represent at least a starting point by putting the United Nations on record as opposed to this violent and hateful disease of anti-Semitism. We hope that all other nations will support our proposal.

Mr. Chairman, the intention of the General Assembly, as stated in the Declaration on the Elimination of All Forms of Racial Discrimination, was to condemn all types of discrimination based on the simple fact of prejudice against the group into which a person is born, whether that group is distinguished by race or color, or by ethnic origin. That is also the basis of this Convention—as spelled out in the definition, and as stated throughout the articles we have already adopted. I hope the U.S. proposal will be adopted unanimously in this Commission, without crippling amendments.

THE 46TH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF BYELORUSSIA

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, the 46th anniversary of the Declaration of Independence of Byelorussia is commemorated in sadness this 25th day of March 1964.

The dismal fate of the Byelorussians independence declared on March 25, 1918—shortly after the disintegration of the Russian Empire—and its almost immediate absorption by the Union of the Soviet Socialist Republics imposing upon it a fictitious statehood, are well known to the nations of the free world. It is a controlled colony of the Russian nation. Their intellectuals have been oppressed and decimated in great numbers. Its peoples have been brainwashed and subjected to continuous Russification by communistic administrative personnel, including army, and by propagandistic action.

The granting of United Nations status by the Russians is nullified by the prescription that only a Russian can represent the Byelorussians abroad.

Byelorussian publications and literature are suppressed and Russian literature and publications on purely Russian subjects flood the land. Influenced pressure is used to force Byelorussian literature and publications to use Russian subjects such as Lenin, Russian military problems and accomplishments, economic and political problems of the U.S.S.R., and to atheistic actions.

Its religious life is dominated by Russian views, and expressed in the Russian language. In 1960 there were 2,614 Greek Orthodox parishes—at present less than 200; the Roman Catholic reduced from 456 to less than 20. Similar conditions prevail as to the Jewish synagogues and Protestant churches, and other denominations.

The Government newspapers give prominence to numerous atheistic articles. Atheistic books are printed in mass.

Political terror spreads its fanged seering search even in the court trials of political personages. Wide publicity is given to these proceedings and the resulting death penalties.

Mass deportations of the youth to Siberian forests and virgin farm and mining areas of Russia.

In spite of all these pressures and oppressive measures—these formidable and independent freedom loving people have maintained their religious beliefs and are untouched in their love of democratic institutions and the will of the people to control in governmental affairs.

The Central Committee in Moscow has viewed with serious apprehension the failure and shortcomings of the methods used in propagandizing the Byelorussian people to change their viewpoints on ideology, religion, and nationalism.

The theory of coexistence has not worked. The tensions against the people of the U.S.S.R. and their philosophy of life are ever present.

These brave people are looking to us to roll over their military foes. They are ready to join up in any effort that will restore their country's freedom in government. The oppressed nations seek our support toward their ultimate liberation. The right of self-determination for all nations must not be limited to the Asian and African nations but to those also under the Soviet yoke. The nations of the West have voluntarily or under colony pressure given up control of their colonial lands—Russia has been vehement in her support of these issues on the side of the peoples seeking their independence. Now it is her turn to do likewise for these nations held captive under Soviet domination. The Byelorussian people are celebrating their 46th anniversary of their independence. How long must this unfortunate nation wait to be given her freedom as an independent nation?

The United States is blessed with a leadership that is personified by the epitome of "courage." Our martyred President, John Kennedy, in his every action had demonstrated a longing eye toward the realization of this goal—the freedom of all captive nations.

The positive actions of President Lyndon Johnson in his foreign policy toward the captive nations, reflects the same desire as his predecessor. We are fortunate in having his leadership.

The Department of State could alleviate these conditions somewhat by summary action now.

There would be a more favorable climate as a result of our program of cultural exchange between the United States and the Soviet Union, if groups of artists were interchanged between the respective countries. The question of language usage would not be too great a handicap under proper supervision and modern electronic interpretation systems. The uplifting of the spirit of independence in the masses would be stimulated by viewing the performances of our artists—the Americans likewise would appreciate the artistic efforts of the Byelorussian performers. The Byelorussian cities visited would enthusiastically and with deep appreciation welcome the performance of the American group. The tie of cultural exchange would keep alive the fires of freedom.

Our State Department should also negotiate arrangements for the visitation of American citizens in greater numbers in order to permit thousands of those of Byelorussian ancestry to visit their relatives in their native villages and farm homes as part of the family, and to have free access of travel throughout the Nation.

The present arrangements are not only limited in quota, but also in travel to limited designated places by the Russian authorities. The practice today is to have the relatives of American citizens meet them at certain places where certain accommodations are designated by the authorities.

Under President Lyndon Johnson, the United States stands beside the Byelorussian people in their desire for the realization of full political independence. The Byelorussians are steeped in their suppressed desire for a separate autonomy from the Russian way of life. The youths of the nation are irreconcilable to the Russian doctrine on the philosophy of life; even publicly showing their distaste and dissatisfaction over living conditions. The Voice of America broadcasts have not been wasted on these courageous people, yet fails to mention the non-Russian people living under Russian rule.

It is needless to say that March 25 can not be outwardly celebrated by the Byelorussians without being accused of treason against Russia by the puppets in authority—yet their hearts filled with the memory of their lost independence still secretly enkindle the fires of a freedom test, and a hope that the United States as a nation and the Americans of Byelorussian ancestry aid them in their sorry lot to regain their freedom as a nation.

Historians in the near future will write down the realization of the hopes of mankind in strong language, descriptive of stern action. Let us pray that the future of mankind be written in an aura of peace. To think otherwise is to fortell the doom of mankind forever.

LARGER SUGARBEET ACREAGE QUOTA REQUESTED

Mr. HARDING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. HARDING. Mr. Speaker, I have introduced H.R. 10566 to increase the amount of domestic beet sugar that may be marketed in future years. Many changes have taken place in the sugar world since Congress enacted the 1962 Sugar Act establishing a basic beet sugar quota of 2,650,000 tons. No longer is there a world surplus of sugar. The world reserve stocks of sugar which were great in 1962 are now almost nonexistent and even if increases in foreign production are eventually realized, it may be many years before we can depend upon them for our sugar supply.

Today nearly one-third of the world production of sugar is under Communist control. In other sugar-producing nations we see much evidence of instability and political turmoil. Therefore, Mr. Speaker, it is in the best interests of the United States to increase the quota that we have allotted to the domestic beet sugar industry. In 1963 when the Nation was faced with the threat of a sugar shortage and prices rose significantly, it was interesting to note that beet sugar sold from $1 to $3 per hundred pounds less than cane sugar in the same American markets. The increased volume and the lower price of beet sugar helped keep U.S. prices of imported raw cane sugar lower than many other countries had to pay for the same sugar in 1963. Millions of dollars were saved for U.S. consumers by the expanding sugarbeet industry in that year.

Today, we are faced with a problem of the beet sugar industry having expanded to the point where they cannot legally sell the sugar that they have produced to meet the needs of the American consumer.

On January 31, 1964, President Johnson asked Congress to authorize the unlimited marketing of domestically produced sugar in 1964.

Mr. Speaker, on December 10, the Department of Agriculture conducted hearings for the purpose of allocating uncommitted acreage for the next three crops of sugarbeets. I appeared at the Department hearings and presented the following statement in behalf of Idaho sugarbeet producers:

Mr. Chairman, I want to express my appreciation for the opportunity of appearing here today in behalf of Idaho sugarbeet producers and processors. The purpose of my appearance is to request that favorable consideration be given to the applications of the two sugarbeet processors and the hundreds of sugarbeet producers from Idaho who are applying for additional acreage commitments.

The production and processing of sugarbeets has played a major role in the economy of my State. This has long been an accepted fact in Idaho. As a youngster I remember traveling through the nearby community of Sugar City. Later on in my high school days, I learned that the athletic teams of the Sugar City High School were appropriately named "Beetdiggers." One of the finer exports of Sugar City was an all-Pacific Coast Conference basketball star at the University of Idaho christened Grant Mortenson but better known as "Sugar" Mortenson. I mention these things to remind you how intertwined sugarbeets are with the history, culture, and economy of my State. In those days we had sugar factories not only at Sugar City but also at Rigby, Idaho Falls, Blackfoot, Preston, Burley, Rupert, Twin Falls, and Nampa.

Today in Idaho we have sugar factories remaining at Rupert, Twin Falls, and Nampa operated by the Amalgamated Sugar Co. and Idaho Falls operated by the Utah-Idaho Sugar Co. The sugar factories at Sugar City, Rigby, Blackfoot, Preston, and Burley were shut down as the result of consolidation and more efficient and effective operations at the remaining plants.

As an Idaho farm boy, I drilled sugarbeets, thinned sugarbeets, cultivated sugarbeets, hoed sugarbeets, irrigated sugarbeets, plowed sugarbeets, topped sugarbeets, and loaded sugarbeets. If I have made this sound like hard work, I can assure you it was and I'm sure that sugarbeets were responsible for a lot of farm boys leaving the farm.

Idaho farmers were raising sugarbeets when nearly all of the labor was done by hand prior to and during the labor short years of World War II. It was a courageous farmer who planted sugarbeets in the days when thinning, topping, and loading were all hand labor.

Today a young man of my age who has worked in sugarbeets all his boyhood and early adult life on his father's farm may purchase a nearby farm of his own, go into his own operation and be unable to produce sugarbeets because there isn't any uncommitted sugarbeet acreage available. The fact that this young man has had years of experience producing sugarbeets, lives in an area that has a proven record of good sugarbeet production and has a desire to produce sugarbeets does not enable him to produce sugarbeets today and will not in the future unless we are given additional acreage commitments for Idaho. That is why I am here today.

The two companies I mentioned earlier who are proposing expansion of their facilities are both experienced processors of sugarbeets and refiners of sugar. They both have records of long and successful operations in this industry. Their proposals are firm and positive. They have adequate financing and a record of fine past performance to back up their requests.

Therefore, I request that every favorable consideration be given to the requests of the Amalgamated Sugar Co. for expanded acreage for their Rupert plant and the Utah-Idaho Sugar Co. for their Idaho Falls plant.

I understand from officials of both of these companies that the additional acreage commitments that they have requested is only a portion of the acreage that sugarbeet producers and potential producers in their areas have in turn requested from them.

The Snake River Valley in southern Idaho where both of these plants are located has an excellent history of sugarbeet production. There are only two major cash row crops that can be produced in this area, potatoes and sugarbeets. We are already faced with a serious overproduction of potatoes both in Idaho and nationally. I feel that if it were possible next year to transfer 75,000 acres from the production of potatoes to the production of sugarbeets it would be healthy for the economy of Idaho and for the potato industry nationally. Obviously this cannot be accomplished this year or even next year, but the commitment of the requested acreage to these two fine companies will enable great strides to be made toward this necessary transition.

There are hundreds of young Idaho farmers such as the one I mentioned earlier who desire and need an acreage allotment to produce sugarbeets. These farmers are as entitled to an allotment as farmers in any area of the United States.

In conclusion, I would like to point out that unlike many of the presentations that have been made for new factories, these two Idaho companies with proven records of sugarbeet processing have made firm capital commitments to their expansion plans. They are not shooting in the dark, they are not seeking a Federal financing scheme. They merely want to expand in an area where they know they can be successful. I would also like to further point out that the requests of our Idaho sugarbeet producers are not based on sketchy experimental test plot production or hoped for favorable growing conditions. Experience has proven the ability of Idaho farmers to produce sugarbeets as a commercial crop. In fact it is one of a very few profitable row crops that we can produce. We need additional sugarbeet acreage to take the pressure off potatoes.

Therefore, I request that the requests for acreage commitments from Idaho be given favorable consideration.

In addition to my statement, Senator Frank Church, Senator Len Jordan, and Representative Compton White appeared to ask for larger acreage for Idaho beetgrowers.

Mr. Albert Johnson, the vice president of the Idaho Beet Growers Association, came to Washington from Idaho to present the following statement:

STATEMENT OF S. ALBERT JOHNSON

My name is S. Albert Johnson. I am vice president of the Idaho Beet Growers Association and am authorized to speak for the association at this hearing.

I am familiar with the request made by Utah-Idaho Sugar Co. and the beet growers for reserve acreage allotment in eastern Idaho from the National Sugarbeet Acreage Reserve for 1964 and 1965. On behalf of the members of the association which I represent I would like the record to show that we concur with this request.

Steady growth in the industry in the upper Snake River Valley has taken place in the period since acreage restrictions were removed in 1961. This growth has come about largely by bringing into sugarbeet production new lands, irrigated from wells supplied by underground water, but that growth will stop at the 1963 levels unless new processing capacity is provided.

Our area has the right kind of land, ample supplies of water are available and new growers are anxious to find places for themselves in the beet business. We believe that if this request is granted, eastern Idaho can make a significant contribution to the sugar supplies of the United States, and we sincerely hope that this application will receive the attention and consideration that it deserves.

The expanding of sugarbeet production in eastern Idaho will permit young men in our area to come into the beet growing program. Many of the young men in eastern Idaho have grown up on farms and they would like to have and operate farms of their own. Sugarbeet farming presents one of their best opportunities. Growing sugarbeets will allow many of these young men to get well started into the farming business and to make for themselves interesting and satisfying lives on the farm. New land being brought under irrigation will make it possible for new growers to get started at costs they can handle. A share in the acreage reserve will provide for them protection against restriction which they need to become firmly established, and their coming into the industry will bring new blood to keep it vital, efficient, and growing.

Mr. Speaker, I hope that the House of Representatives will take favorable action on this legislation to increase the quota of domestic beet sugar.

IDAHO'S CONTRIBUTION TO THE ATOMIC ENERGY PROGRAM

Mr. HARDING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. HARDING. Mr. Speaker, recently James T. Ramey, a Commissioner of the Atomic Energy Commission, delivered an outstanding address on the occasion of the 15th anniversary of the National Reactor Testing Station in Idaho.

Commissioner Ramey has had a brilliant career in public service. He joined the Tennessee Valley Authority in 1941 after graduation from the Columbia University School of Law in New York City. From 1941 through 1947 he served in successive positions from management assistant to a senior attorney with the Tennessee Valley Authority.

In 1947 Mr. Ramey joined the Atomic Energy Commission as assistant general counsel in charge of legal work at the Chicago Operations Office. Here he served brilliantly until 1956, when he was appointed the executive director of the Joint Committee on Atomic Energy. In this capacity, Mr. Ramey initiated and provided staff leadership for a series of studies and hearings on the accelerated atomic power program, basic research and advanced concepts, organization and administration of the regulatory program, the hazards of fallout and other radioactive hazards, and the weapons "custody" problem, among other important studies and hearings.

In 1962 Commissioner Ramey was selected for appointment to the Atomic Energy Commission to fill the unexpired term of Commissioner John S. Graham.

In 1948 under President Harry S. Truman, the National Reactor Testing Station was established near Idaho Falls, Idaho. Many significant achievements have been accomplished at the National Reactor Testing Station including the generation of the first useful electricity from atomic energy on December 20, 1951.

On March 31, 1953, the first atomic submarine engine was successfully tested and on July 17, 1955, Arco, Idaho, became the first American city to be lighted by atomic energy.

Today at the National Reactor Testing Station there are many significant research projects being conducted to further man's knowledge of atomic energy. All of eastern Idaho has taken great pride in the great achievements of the National Reactor Testing Station. Idahoans have literally opened their homes and their hearts to the outstanding scientific-minded Americans that the AEC has brought to Idaho. Among these new Idahoans who have come to the State either as employees of the AEC or one of the fine contractors at the National Reactor Testing Station have been people who in addition to making outstanding scientific contributions through their work in atomic research, are also outstanding citizens who make many outstanding civic and educational contributions to the communities in which they reside. We in Idaho are extremely proud to have the National Reactor Testing Station located in our State. By the same token, officials of the AEC have told me that seldom have they had the success in obtaining community support in providing housing, schools, and a spirit of helpful cooperation from local citizens than they have enjoyed in Idaho.

Therefore, Mr. Speaker, it was most appropriate that when the Idaho Falls Chamber of Commerce celebrated the 15th anniversary of the establishment of the National Reactor Testing Station that they invited Commissioner Ramey to be the main speaker.

Under unanimous consent I include Commissioner Ramey's outstanding speech in the RECORD.

THE U.S. ATOMIC POWER PROGRAM AND THE NATIONAL REACTOR TEST STATION

It is certainly a pleasure to talk with you here this evening concerning the U.S. atomic power program and its implications for the National Reactor Test Station.

I had a very interesting tour of the various AEC installations at the National Reactor Test Station today with your Congressman HARDING who kindly invited me out here. But more of that later.

My own personal recollection of Idaho goes back to my boyhood in Kentucky. My grandfather had a brother who migrated to Idaho, and my uncle Bob and brother spent considerable time out here, as did my father on visits. Some of the Idaho branch of the family still reside in this area. I can recall with some nostalgia a mountain lion rug from Idaho which was in our parlor back in Kentucky.

My earliest official relationship to the Idaho Test Site occurred in the late 1940's at the AEC's Chicago Operations Office when my advice was requested in regard to setting up the test site. Our office had a hand in locating the Argonne experimental breeder reactor No. 1 (EBR–1), the Nautilus Mark I prototype, and the aircraft nuclear propulsion (ANP) facilities, at the Idaho Test Site.

We utilized our favorable experience at the Argonne site outside of Chicago in avoiding a Government-owned community, and recommended to Washington that the same course be followed in establishing the Idaho test site. I believe everyone now agrees that this was the right course to follow.

My most recent relationships to the Idaho test site have been in connection with my role as Staff Director of the Joint Congressional Committee on Atomic Energy and now as an AEC Commissioner. At the Joint Committee, I had the privilege of working closely with your late Senator Dworshak, who was on the committee, and also with Senator CHURCH and now with Senator JORDAN, Congressman HARDING, and your other Members of the Congress.

Needless to state, the contributions of Idaho Falls and other nearby communities to the national atomic energy program at National Reactor Test Station with regard to services and housing have been and are important. The AEC program, incident to the growth of National Reactor Test Station, has been the direct cause of many serious community problems. However, I am happy to say that one of the major reasons our program has flourished here is because the communities in this area, and the State, have withstood the impact, solved the problems, and continue to offer a base for our reactor test facilities.

The broad mission of the National Reactor Testing Station is, of course, to further the Nation's reactor development program and, in so doing, help maintain our national defense and our domestic and international economic posture. Here we are building, testing, and operating many types of nuclear reactors, their allied plants, and equipment for one overall purpose: We intend to bring into being a new and virtually inexhaustible source of power, with energy derived from the nucleus of the atom.

I am sure that the oldtimers here can relate the various waves of migration which have affected the Idaho area all the way from Lewis and Clarke down through the gold prospectors and the ranchers.

For the past 15 years there has been another invasion of Idaho by engineers, physicists, chemists, and holders of degrees of all types.

At the National Reactor Testing Station, more than 600 people with engineering degrees are employed as engineers, and more than 100 other engineers are employed in administrative positions.

More than 500 other holders of college degrees, including at least 200 physicists and chemists, also are employed at the station. The changes inflicted by this invasion, I might add, appear to be as formidable as Idaho's central primitive area.

The Government has made a large investment in the National Reactor Testing Station. In fact the total plant investment after only 15 years is in excess of $450 million.

In the matter of payroll, the annual permanent payroll at National Reactor Testing Station has varied from $25 million to approximately $30 million since 1958, and a semipermanent construction worker payroll, including contractor equipment and supplies expenditures, average about $27 million a year. The total dollar impact of the station on the economy of the area has averaged approximately $50 million a year since it was established in 1949.

In 1963 for both operations and construction we spent more than $72 million. Of this, approximately $50 million was spent locally in the form of salaries and local procurements, and it is reasonable to assume that a significant share of this was spent in Idaho Falls since you are the largest trade center in the area.

Our total budget for National Reactor Testing Station for the period from mid-1963 to mid-1964 is over $76 million, and an equal amount is proposed for the following 12-month period.

In terms of what the total atomic energy program has done to influence a change in the population of Idaho Falls, the average growth during the decade of the fifties in the intra-Rocky Mountain area was slightly over 14 percent. It is reasonable to assume that, without the atomic energy program, Idaho Falls would have grown from its 1950 total of about 19,000 people to something like 22,000 in 1960. Actually, it grew 72.5 percent, and by 1960, 33,161 people were living here. Of this, the growth attributable to the National Reactor Testing Station is about 13,000.

We know that today, with your population of about 35,000, some 2,600 are AEC and our contractor employees. Including their families, the total is about 9,100. Add to this the incremental service population needed to support this number of people and it is clear that over a third of the city depends on the Commission's program here, one way or the other.

It is estimated that private capital invested directly in homes and secondary facilities, such as schools, in this area totals about $100 million. This estimate includes not only Idaho Falls, but other communities in the Upper Snake River Valley.

The Commission recognizes and appreciates the fact that private initiative of this type has prevented some of the financial strain that otherwise might have been associated with the installation of our facilities in your area. As I mentioned earlier, we have tried to tailor our assistance to communities here to provide, where necessary, guarantees and other types of financial assistance to private enterprise, rather than to go for a Government-owned community.

My visit to the test site today once again brought home to me the important work which is going on here. Admiral Rickover would never have forgiven me if I had not visited the naval reactor prototypes. I was happy to observe that the old Mark–I prototype—the first substantial power-producing reactor—is still going strong after more than 10 years of operation. I also had a chance to see the prototypes for our surface ship atomic powerplants, and the more advanced natural circulation reactor for submarine propulsion. Once again, I was struck by the many advances made in the naval reactor program which also have peacetime power applications.

I also made a point of visiting our nuclear safety facilities. Some of the most important work at the Station is in the area of nuclear safety because it is quite apparent that in order to achieve the established goals of the power reactor program, we must obtain answers with regard to all the questions about safety. I can remember back to Dr. Zinn's original Borax equipments here in the early 1950's, which provided the basis for the Spert project, which was begun here in the later 1950's.

We are giving even greater emphasis to a program that should supply us with more definitive safety data. This program is called the safety test engineering program (STEP). One of the program objectives is to conduct a series of controlled reactor accidents; these accidents will demonstrate actual effects on a reactor and the environment during the purposely staged accident. The data generated by these tests will provide positive engineering data upon which future reactor design and siting information can be based.

This program will include core destructive tests and the loss of flow test facility (LOFT), which will permit the investigation of actual effects on a "loss-of-coolant" accident in the water reactor systems. Ninteen million four hundred thousand dollars has been authorized for the nuclear safety facilities at National Reactor Test Station for the fiscal year ending June 30, 1964.

An additional new safety project included in our program plans is the power burst facility, which is an addition to the Spert reactor area.

The other facility I visited during my all too short tour of the site was the Argonne experimental breeder reactor No. II (EBR–II). This facility is an important part of the AEC breeder program, on which the future extension of our raw material energy resources is dependent. As you may know, the Congress has also authorized another breeder reactor experimental facility for construction here known as the Faret project.

I regret that time would not permit me to revisit the MTR and ETR testing reactors, where so much of AEC's reactor fuels and components have been tested under the able management of the Phillips Co. Nor did I have time to visit facilities under construction such as EBOR, or to shed a tear for the closed down organic facility (EDCR) which I had so strongly supported.

I should like to point out that these so-called development efforts have already yielded significant advances in our program. Many of these are listed in the thumbnail sketch put out by our Idaho Operations Office. (Incidentally, this booklet makes very good reading, and in the event you haven't seen it, I am sure Mr. Ginkel will be glad to see that you get a copy.)

Among the "firsts" credited for National Reactor Test Station are:

The first usable quantities of electricity from nuclear energy.

The first proof testing of the feasibility of nuclear propulsion for both submarine and surface ships.

The first demonstration of the principle of breeding nuclear fuel.

The first powering of a turbojet engine exclusively from nuclear heat.

The first demonstration of the advantages of using organic substances, or hydrocarbons, as reactor moderator and coolant.

The first operation of a large reactor using a full core loading of plutonium fuel.

The first operation of a high flux reactor with 20 percent rather than 93 percent enriched uranium as fuel.

Just the other day, another "first" was announced: The first plant-scale approach to the fixation of atomic wastes in solid form. At National Reactor Test Station, a successful shrink-drying of highly radioactive waste solutions was accomplished in the waste calcining facility.

But as important as these technical goals and achievements are, they are obtained only through people such as you and the AEC and contractor staffs.

Last month, tribute was paid to the Idaho AEC Operations Office by the Idaho Falls Chamber of Commerce. The award cited the office for its 15 years of community contribution.

We are proud of the work performed by our office here in Idaho Falls, and we are honored by such recognition from your community leaders. But in like manner, we too must pay tribute: for good schools, auditoriums, recreational facilities, homes, and a myriad of excellent services.

Now in conclusion, I would like to recognize that it has been somewhat fashionable in recent years to downgrade the U.S. atomic energy program, and to indicate that it should be reorganized or assimilated into other programs or agencies.

I remain an optimist as to the future importance of the atomic energy program and the role of the AEC. As evidence, I would point to the Commission's report to President Kennedy in 1962 on the future of atomic power, and the fair degree of success we are having in implementing it. I would also point to the outstanding success of the AEC-Navy nuclear program under the leadership of Admiral Rickover and his staff.

The AEC report to the President on nuclear power contemplates a 12 to 15 year program of atomic power development at about the current budget level with some augmentation for prototype development. It emphasizes the further development of advanced "converters" and breeder reactors which will stretch our energy reserves. The program would include the construction of 7 or 8 prototypes during the period, and assistance to 10 or 12 commercial sized plants of the newer types. Considerable work on safety, reprocessing, and testing would be involved.

I am glad to say that this report has been endorsed by the Joint Congressional Committee on Atomic Energy, and by both private and public power groups and industrial organizations. However, I do not wish to imply that we are in for smooth sailing, or that we won't have our problems. But if one were to step back and look at the atomic energy program in perspective, it might be asked:

Where else could a wholly new and practically inexhaustible source of energy be developed to a point of economic competitiveness in a period of 15 years and at an average cost of about $70 to $80 million per year?

By what other means could the propulsion of the U.S. Navy, and its tactics and strategy, be revolutionized than through the development of nuclear propusion at a development cost of under a billion dollars?[1]

Thus, we can take some pride that the combined development of civilian atomic power and nuclear naval propulsion to date have cost only a fraction of 1 percent of our gross annual product, or about one-third of the TFX contract estimate.

You people from the Idaho area can be proud of the role you have played in these developments, and can be assured that as our nuclear power program—civilian and military—continues to advance so will the National Reactor Testing Station.

PERSONAL ANNOUNCEMENT

Mr. WIDNALL. Mr. Speaker, on the last rollcall I came into the Chamber immediately after the rollcall had been ordered and recorded. I had been busy in my office. I missed the first bell.

I wish to be recorded not on the rollcall itself but in the RECORD, for I want the people to know that I was in favor of the bill which has been passed. I missed the vote purely and simply because I had misinformation with respect to the rollcall. I thought the bell I heard was the first bell rather than the second bell.

BYELORUSSIA

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, March 25, 1964 is the 46th anniversary of the Declaration of Independence of the sovereign state of Byelorussia. Unfortunately, like millions of other oppressed victims of Communist imperialism and colonialism, the people of Byelorussia have been deprived of the right of self-determination, and remain the unwilling captives of tyranny behind the Iron Curtain.

However, in cooperation with representatives and spokesmen for other captive peoples, Americans of Byelorussian origin are maintaining the struggle for freedom of the land of their forefathers.

Therefore, this 46th anniversary of Byelorussian independence takes on great significance since it serves as a reminder that the spirit of freedom continues to burn in the hearts of the people behind the Iron Curtain, and that the determination of all anti-Soviet peoples continues to be the fundamental weakness of the Soviet Union.

In commemorating this day, I urge the other Members to encourage the people of Byelorussia and those of all captive nations to persevere and continue their hope for national independence through the principle of self-determination. I remind the brave Byelorussian people that they do have the sympathetic alinement of other captive peoples who, in the cause of justice, must eventually triumph in their drive for political and economic liberty and freedom from the Soviet colonial yoke.

It is tragic, Mr. Speaker, that officials of our State Department do not understand, recognize, or sympathize with the legitimate nationalistic aspirations of peoples behind the Iron Curtain. I would hope that we would all recognize the fact that the freedom and security of the entire world remains in danger as long as any people suffer under the Communist yoke. Therefore, the people of Byelorussia are a symbol, and their perseverance and nationalistic virtues will some day triumph over tyranny.

MEAT IMPORTS HARM FARMERS' INCOME

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. QUIE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. QUIE. Mr. Speaker, red meat imports are harming the farmers' income. Many people have indicated to me that they would refrain from buying imports in order to help the farmers out if they only knew which meats were imports and which were domestically produced.

I have introduced a bill today which provides that red meat imports and meat products imported into the United States be labeled as such.

The voluntary quota arrangements recently made between the U.S. Department of Agriculture and the nations of Australia, New Zealand, and Ireland will be of no help to the red meat farmers. In fact, in future years they will be more harmful than if no voluntary quota arrangement was made, since it guarantees these nations increased markets equal with the estimated increased red meat consumption in the United States.

I believe in the concept of voluntary quotas. However, the U.S. Department of Agriculture surely did not use all its opportunities to negotiate a better arrangement.

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[1] This listing of these two accomplishments is not intended to be inclusive; there are also, of course, very significant accomplishments in the field of nuclear weapons, radioisotopes for medicine and industry, basic research and so forth.

My labeling bill provides that all meat retailers must clearly label imported meat as being imports so that consumers may be aware of it. If a meat product was part imported meat and part domestically raised meat, the fact that it contained imports would have to be noted on the package. It further provides that meat imports sold in restaurants must be clearly identified by a notice on the menu or in some other understandable way.

If this has salutary effects which I believe it will, it is important that the Congress take action not only in the interest of producers of red meat in this country, but all who receive a portion of their livelihood by doing business with such producers.

RESULTS OF 1964 OPINION POLL, 22D CONGRESSIONAL DISTRICT OF OHIO

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, the tabulation of replies to my 1964 opinion poll on Federal legislative issues has just been completed. During the past 3 weeks 22,000 replies to this poll have been received from residents of the 22d Congressional District. I am happy to report that this is the largest response ever received on this annual questionnaire during the past 8 years. May I express my appreciation to each person who replied to this poll for his interest in the issues facing the Congress.

Of the 15 questions contained on this poll, 5 received a favorable vote of more than 50 percent. Only two issues received approval of more than 60 percent of those who replied; first, Federal grants to needy States for school construction: 64 percent for, 31 percent opposed, and 5 percent no opinion; and second, the establishment of a Domestic Peace Corps: 64 percent for, 26 percent opposed, and 10 percent no opinion. These two proposed programs appear to have a fairly substantial degree of grassroots support. Other Federal programs barely receiving majority approval on this poll were:

First. Hospital care for the aged under social security: 54 percent for, 41 percent opposed, 5 percent no opinion.

Second. Federal grants to needy States for teachers' salaries: 50 percent for, 41 percent opposed, 9 percent no opinion.

Third. Continuation of our foreign military and economic aid program: 51 percent for, 33 percent opposed, 16 percent no opinion.

Admission of Red China to the United Nations brought forth the least favorable response with only 20 percent for, 66 percent opposed, and 14 percent no opinion. Other Federal programs apparently having little public support are the creation of a new Federal Department of Housing and Community Development, Federal aid to private and parochial schools, and Federal grants to local mass transit systems.

Although our country continues to have an extremely high rate of unemployment, proposals to attempt to reduce the number of unemployed through a reduction of the 40-hour workweek to 35 hours, and requiring the payment of double time instead of time and one-half for overtime pay, received the support of only one-third of the people replying to this questionnaire.

As in previous years the majority of residents in the 22d District have supported our foreign military and economic aid program. Of the 51 percent of those favoring this program, a strong majority of 74 percent do so with the hope that every effort will be made to reduce the amount of the annual appropriation. The Congress made a substantial reduction in the foreign aid program last year, and every phase of the request for funds for the fiscal year 1965 will also undergo the closest scrutiny.

The complete results of this poll are as follows:

[In percent]

Do you favor or oppose—	Favor	Oppose	No opinion
1. An increase in social security taxes to pay the cost of hospital and nursing home care for our aged?	54	41	5
2. A Federal program to assist local governments in the expansion of public mass transit systems?	31	58	1
3. Increased Federal spending for community public works programs?	33	55	12
4. (a) The sale of our wheat to Communist nations?	47	43	10
(b) Liberalizing U.S. trade relations with Communist countries?	36	49	15
5. Federal grants to needy States for:			
(a) Public school construction?	64	31	5
(b) Teachers salaries?	50	41	9
(c) Aid to private and parochial schools?	29	64	7
6. Federal legislation to attempt to reduce the number of unemployed through:			
(a) A reduction in the workweek from 40 to 35 hours?	35	55	10
(b) The payment of double time for all overtime work after 40 hours per week?	35	54	11
7. (a) The expansion of our Federal urban renewal program to provide more public housing?	33	52	15
(b) The creation of a new Federal Department of Housing and Community Development?	25	54	21
8. The establishment of a Domestic Peace Corps to aid our economically underprivileged?	64	26	10
9. The admission of Red China to the United Nations?	20	66	14
10. Continuation of our foreign military and economic aid program?	51	33	16
If your answer is "yes" please check one of the following:			
(a) At the present level (approximately $3,000,000,000)?	21	----------	----------
(b) At a reduced level?	74	----------	----------
(c) At a higher level?	5	----------	----------

THE BEEF AND SHEEP MEN PAY

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. SHORT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SHORT. Mr. Speaker, one of the responsibilities of Congress is to extend reasonable protection to our domestic economy from unreasonable and unfair competition from imports from foreign countries. As the world's largest exporting nation, we have an interest in removing unreasonable barriers to our products in world trade. In carrying out our objective of expanding foreign markets for our goods and products, we have opened our doors to products from foreign nations.

Our executive branch has the primary responsibility of setting our trade policy, but in so doing it should recognize that there must be emergency measures that can be resorted to when an important domestic industry is adversely affected by an unusual or temporary supply situation.

The U.S. livestock industry is an example of an instance where, because of an unusual combination of circumstances, the industry is experiencing extreme adverse effects from imports. Because our domestic production of beef happens to be at a cyclical high, the supply is such as to depress market prices substantially. Fat steers recently hit an 18-year low on the Chicago market, and feeder cattle and slaughter cows are experiencing corresponding price decline. This is our domestic problem and the livestock industry will, no doubt, adjust production as it has in the past to meet the market demand.

At the same time that our domestic livestock industry is experiencing temporary overproduction, beef imports are increasing by leaps and bounds to an all-time high level. In 1963, more than 1 billion pounds of processed beef in various categories was imported. This is the equivalent of 1¾ billion pounds live weight. This was an increase of 20 percent over 1962 and represented 11 percent of U.S. production in 1963. Only a few years ago in 1956, imports were equal to only 1.6 percent of U.S. production. In 1962 the U.S. share of world beef imports was 51 percent.

The United States has made no effort in recent years to restrict beef imports and there has been no request for restriction by the cattle industry. So long as prices were good, cattle producers felt they had no reason to object to imports which served to give the consumer a more generous supply at reasonable prices. The United States has the world's lowest level of import duties on beef of any beef-producing nation—3 cents per pound dressed basis.

At the present time because of the serious price decline, cattle producers and feeders have advocated the establishment of quotas on beef imports which could be invoked only when domestic prices were depressed. This seems a reasonable request on the part of the largest single segment of our agricultural economy. The quota suggested has been at a level of the average of the last 5 years. This would include 1962 and 1963, which were the highest import years in our history. The Department of Agriculture has executed a voluntary agreement that would restrict imports from Australia and New Zealand to an average of the 1962 and 1963 level of imports from those countries. Since these 2 years were the highest in history, livestock people have felt this agreement had the effect of fixing quotas at an extremely high level, to say nothing of the provision in the agreement providing for a 3.7-percent annual increase.

Mr. Speaker, the price situation in the cattle industry is extremely serious and deserves the immediate attention of Congress. Some 70 bills have been introduced in the House providing for the establishment of quotas on beef imports at such times as domestic prices were seriously depressed. I am one of those who has introduced such legislation. I urge you, Mr. Speaker, in view of the seriousness of this situation, to urge the appropriate committees to hold hearings at the earliest possible date on this legislation. We who represent livestock-producing areas feel we have a just cause for seeking legislative action and we want an opportunity to present our case.

To provide some idea of the interest and concern over the present cattle-price situation, I call to the attention of the Members of the House an editorial opinion from the April 1964 edition of the Farm Journal. I ask permission that this editorial be printed following my remarks in the Congressional Record.

The Beef and Sheep Men Pay

"I am pleased," said Secretary Freeman of the voluntary agreement this country has just completed with Australia and New Zealand over meat imports. Judging by the cries of anger from the cattle and sheep country, he must be the only one who is.

The agreement allows these countries to ship in as much beef (and the Australians as much mutton) as the average for 1962–63. That's 6 percent less than in 1963 but 10 percent more than in 1962. Furthermore they get an increase of 3.7 percent for the next 2 years, so by 1966 they'll be sending us more than in 1963.

What the agreement amounts to is that things won't get worse but neither can they get much better.

U.S. stockmen wanted imports set at the average of 1958–1963 period, or about half as much as now. Probably we could have gotten it. Why, then, was the level set so high? Simply because our Government has been trying to promote the idea of "sharing markets" around the world. We're about to go to the meeting of GATT (General Agreement on Tariffs and Trade) at Geneva, Switzerland, to sell the "sharing" idea. Our negotiators wouldn't want to admit that we ourselves had just put up the bars against anything. So the stockmen of the United States have been offered up as a sacrifice in our attempt to free up international trade. It's not surprising that they don't care for the role.

The cattlemen's plight is simply this: They sent 7 percent more beef to market in 1963 than in the 1958–1962 period. Exports added another 1 percent. But our market can absorb an increase of only 3.5 to 4 percent without harm to prices. We brought on most of the trouble ourselves, by sending 1.25 million more cattle to market than the year before and making them an average of 19 pounds heavier (33 pounds for steers). We're keeping a record 106.5 million head out in the country, and a higher percentage of them than usual are cows, ready to produce more calves.

However, that's not the whole difficulty. At the very time of our acute distress, the Australians and New Zealanders were rushing in unprecedented quantity of meat here. In 1958, the Australians sold us only 18 million pounds of beef, but by 1963 were sending 517 million. Imports now furnish 11 percent of our entire supply. Our market has paid by far the highest prices in the world, and it has been wide open. Our tariff of 3 cents a pound has amounted to nothing.

Meanwhile other governments are offering their farmers more protection, not less. We got a foretaste of what the Common Market intends in the chicken war which we lost. Now Western Europe is trying to keep our feed grains out. Britain has recently established import quotas, as well as import prices, on both beef and pork to protect her stockmen. That's the way the rest of the world is "sharing."

It is against that picture that our Government, in an attempt to set a shining example which no one is following, permits meat imports at record levels. This, by the way, is the same government that recently wanted to graze retired cropland acres because "we need more meat."

Actually, should we get a drouth we could have a real disaster on our hands. Our import agreement can't be abrogated without 6 months' notice. We'd better all pray for rain!

What can cattlemen do about it? Well, first they will have to send less beef to market. Second, they can keep pressure on Congress and the White House for tougher import controls, even though denied them now. Third, they can refuse to be quieted by a little beef buying for school lunch programs and a Tariff Commission hearing, now likely to be meaningless. Failing all else they can resort to the ballot box next fall. That's one recourse they can't be denied, and we think they'll know what do with it.

PERSONAL ANNOUNCEMENT

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Talcott] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. TALCOTT. Mr. Speaker, yesterday during rollcalls No. 85 and No. 86, I was detained in my office with constituents and did not return to the floor of the House in time to qualify to vote.

If I had been present and qualified to vote, I would have voted "yea" on roll No. 85 and "yea" on roll No. 86.

I was present yesterday for rolls 82, 83, and 84.

GREEK INDEPENDENCE DAY

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, celebrations of independence days bring back memories of heroic and glorious days of yesteryear. Such celebrations evoke the spirit of martyrs who gladly gave their lives for the attainment of national independence. The anniversary celebration of Greek Independence Day signifies all these things and perhaps something more.

Greece was the cradle of freedom and liberty, and the ancient Greeks were the first people to conceive the idea, to give it a living form and to practice it in their classical homeland. Then, almost 2,000 years ago, while the idea was slowly taking roots in other parts of the West, Greece was invaded and conquered, and the Greeks ceased to be free and independent. For many centuries they were subjected to alien rulers and lived under alien regimes. During nearly all of modern times, up to 1821, they were living under the ruthless tyranny of Ottoman sultans. In that year they rose against their overlords, and eventually attained their national independence.

Since 1821 Greece has been a sovereign state, and the Greeks in their mainland have been masters of their own destiny. But that is not to say that their national existence has been free from serious threats and dangers. During both World Wars their very freedom and independence seemed to be in jeopardy. This was especially true toward the end of the last war, when a small band of well-trained and fanatical Greek Communists, supported by the Soviet Union, almost took over the country. There is little doubt that they would have succeeded in their evil designs had it not been for the British-American support which Greek democratic forces had in their bitter struggle against communism. Fortunately Greeks were thus saved from Communist totalitarian tyranny, and today they are among our most faithful allies against communism. Democracy thus has been instilled in the Greek temperament as a matter of historical record. I am proud to say that some of the finest Americans and citizens in my district are of Greek descent. On this, the 143d anniversary of their homeland's independence day, I gladly join them in wishing peace and prosperity for their classic and historic homeland, truly a cradle of freedom and liberty.

ARA AND THE HARDBOARD INDUSTRY

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LANGEN. Mr. Speaker, it has been almost 2 weeks since I called the attention of my colleagues to the unjustified granting of an industrial loan by the Area Redevelopment Administration for a new hardboard plant at Superior, Wis. Excuse-making and figure-juggling is all we have seen from ARA since approval of that $4 million loan. The only excuse we have heard from ARA is that none of the existing hardboard plants are operating at a loss. But if ARA gets its way, these plants may well be operating at a loss in the near future.

Permit me to call your attention to a number of instances where ARA, using Census Bureau statistics, juggled the figures to prove the need for a new plant at taxpayer expense.

As late as March 13, ARA insisted that per capita consumption of hardboard had risen to 16.1 square feet in 1962. But on March 20, that figure was reduced to 13.1 with an even further reduction for 1963.

Statistics used by ARA prior to March 20 showed a 3-year growth rate for the hardboard industry at nearly 25 percent a year since 1961, but the new figure is less than 10 percent.

ARA says the approval of the Superior plant was made on February 13, but a formal public announcement was not made until March 9. And on February 24 ARA met with hardboard industry representatives who pointed out then that the growth figures were in error. But did ARA stop the project until the errors had been corrected? Of course not. They defended the erroneous statistics, which now have been proven false.

Nothing ARA has said has changed the fact that the present hardboard industry is operating at only 75 percent or less of capacity and that the expected market for hardboard does not justify the addition of another plant at taxpayer expense.

It is a sad state of affairs when an agency of the Federal Government makes a mistake and then tries to justify it through excuses. The only thing apparent in this case is that existing hardboard plants across the Nation, including three in the immediate area of this new project, will end up with a loss in income and employment, and at a waste of taxpayer money.

RESOLUTION CREATING A SELECT COMMITTEE ON POVERTY IN THE UNITED STATES

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mr. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mrs. DWYER. Mr. Speaker, I have today introduced a resolution to create a Select Committee on Poverty in the United States. The purpose of the committee would be to study the problem of poverty in depth, find its root causes, and determine the most effective way to mobilize the resources of Government to eliminate this blight and broaden opportunity for all our people.

Official estimates indicate that one out of every five Americans is living under conditions of grave deprivation, cut off from the opportunity of sharing in the abundance and promise of life which the majority of us enjoy. The problem unquestionably is immense and complex.

Yet, we will not help the poor if we rush off in piecemeal or helter-skelter fashion with a host of ambitious new projects and programs. Waste and duplication and inefficiency—the inevitable companions of such an approach—no matter how well intended, are no substitute for a thoughtful, carefully worked out program aimed at getting to the basic causes of poverty instead of dealing with the superficial symptoms.

Under my proposal, the Select Committee on Poverty would be made up of some of the ablest and most experienced members of the several House committees which have legislative jurisdiction over the many aspects of this problem. They would approach the subject of poverty on an overall basis, and determine where it exists, how big it is, and why it seems to get worse even in the midst of our abundance. The committee would review the many programs already in existence and study the many new proposals which have been suggested. It would then recommend how best to organize our resources, and establish priorities, for attacking poverty in the most meaningful and effective way.

The fight against poverty, Mr. Speaker, deserves the best that Congress can give to it.

Under unanimous consent I include the text of my resolution, which includes a more detailed presentation of the need for and responsibilities of a Select Committee on Poverty, as a part of my remarks:

RESOLUTION CREATING A SELECT COMMITTEE ON POVERTY IN THE UNITED STATES

Whereas there has been variously estimated to be from 20 to 30 percent of the American people who are not sharing in the abundance and promise of our national life and are living their lives in economic, social, and cultural deprivation; and

Whereas such deprivation to the extent it exists is enormously costly to the Nation as a whole both in terms of lost human resources and of the increasing expenditures necessary to control the adverse effects of poverty; and

Whereas poverty in the United States exists under many forms and in diverse circumstances, affects people of varied backgrounds and in different parts of the country, arises from a variety of causes, and is perpetuated by many different factors; and

Whereas the President has requested Congress to provide authority and funds to combat poverty; and

Whereas an effective campaign against poverty will require, among other things, the identification of the causes instead of the symptoms of poverty, a comprehensive inventory of existing and proposed programs and policies affecting poverty, a judicious search for means appropriate to an attack on poverty at its sources, the establishment of meaningful priorities for the use of Federal resources, and a high degree of coordination between responsible agencies of the Government; and

Whereas the President has recommended the creation of a new Office of Economic Opportunity within the Executive Office of the President to provide coordination and direction in the executive branch in the campaign against poverty; and

Whereas Congress as a coordinate branch of the Federal Government has an equal responsibility for providing coordination and direction in any campaign against poverty which Congress may authorize; and

Whereas the President's proposed Economic Opportunity Act of 1964 has been introduced in the House of Representatives as an omnibus bill and referred to a single committee, notwithstanding the fact that it contains provisions which ordinarily, by virtue of their subject matter, would come within the jurisdiction of other standing committees; and

Whereas the expert knowledge and experience of members of these several standing committees should be brought to bear on the subject of poverty and on the most practicable and effective ways of combating it: Now, therefore, be it

Resolved, That there is hereby created a select committee to be composed of 35 Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Members shall be appointed in a ratio of three majority Members and two minority Members from each of the following standing committees: Committee on Agriculture, Banking and Currency, Education and Labor, Interstate and Foreign Commerce, Public Works, Interior and Insular Affairs, and Ways and Means. Any vacancy occurring in the membership of the committee shall be filled in the manner in which the original appointment was made.

The committee is directed to make a complete, full, and thorough study and investigation of the extent to which poverty exists and the forms in which it is manifested among the people of the United States, the numerous programs and policies being followed by sundry departments and agencies of the Federal Government which may be related, directly or indirectly, to the subject of poverty, and the various proposals advanced from both public and private sources for combating poverty in the United States. Without limiting the generality of the foregoing, the committee shall give special attention to the following: (1) The identification of the sources, extent, causes, and conditions of poverty wherever it may exist in the United States; (2) an analysis of the programs and policies presently in effect in the several departments and agencies of the Government operating directly or indirectly upon the problems of low-income persons and families living at substandard levels, and the amounts being expended for such purposes by the departments and agencies; (3) a review of recommended policies and programs, together with their estimated cost, which are designed to combat poverty, including such recommendations from both governmental and nongovernmental sources; (4) an evaluation, for purposes of establishing priorities, of existing and proposed policies and programs in terms of their present or prospective relative effectiveness as means of combating basic sources of poverty; and (5) a determination of the usefulness and adequacy of the means employed, or proposed, to effect necessary coordination between Government departments and agencies with regard to those activities relating to the control and elimination of poverty.

In order that this study and investigation of Government activities in the field of poverty may be better coordinated, without limiting the scope of the committee's work, it is directed, among other procedures, to make use of information currently available in the various committees of Congress which have legislative jurisdiction over such Government activities to the end that the committee may be able to recommend the necessary legislation and administrative action to coordinate and prevent unjustifiable duplication in the numerous projects and activities of the Government relating to the effort to combat poverty.

The committee shall report its findings to House with such recommendations for legislation and administrative action as the committee may deem appropriate to correct any deficiencies in and to improve the effectiveness of Government efforts to combat poverty. The committee shall make a final report on or before December 31, 1964, and may submit such other interim reports as it deems advisable. Any reports submitted when the House is not in session may be filed with the Clerk of the House.

For the purposes of this resolution the committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether or not the House has recessed or adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony as the committee deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any properly designated chairman of a subcommittee, or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

The majority of the members of the committee shall constitute a quorum for the transaction of business, except that two or more shall constitute a quorum for the purpose of taking of evidence including sworn testimony.

NORTHERN WESTCHESTER CIVIL RIGHTS COMMITTEE

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am in receipt of some 2,000 signatures obtained by the Northern Westchester Civil Rights Committee urging prompt and favorable action by the Congress on the civil rights bill, H.R. 7152.

In addition, I have received some 1,400 signatures—obtained during Brotherhood Week—by the Pelham Committee on Human Relations, supporting the prompt passage of H.R. 7152. These petitions explicitly note that "freedom is indivisible and that its denial to one is a persistent threat to all."

As there have been some reports in the press recently in regard to support for the civil rights bill, I am happy to note the concern for equality of opportunity now and the initiative evidenced by a number of constituents in the 26th Congressional District which I have the honor to represent.

In my judgment, the civil rights bill, which I voted for, is a moral and constitutional imperative.

It is my hope that the other body today or tomorrow will vote on a motion to make the civil rights bill formally the pending business, and that the other body will move promptly to pass the bipartisan House version of this important legislation.

H.R. 10456—NASA AUTHORIZATION

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HORTON. Mr. Speaker, while the House is considering this bill to authorize appropriations for the conduct of the Nation's space program in the coming fiscal year, I would like to draw attention to some expressions of popular opinion on how fast and how far we should proceed in sending a man to the moon. Since H.R. 10456 would approve nearly $2.7 billion for the Apollo program's research and development, or more than half of the bill's almost $5.2 billion total, I think it is most appropriate to consider the comments of respected individuals in private life on the merits of this expensive effort.

At the end of last October when Russian Premier Khrushchev told the world that the Soviet Union had no intention of competing with the United States in a race to the moon, Reporter Brian Sullivan of the Times-Union of Rochester, N.Y., asked five community leaders for their assessment of our avowed intention to go to the moon and return by 1970. These five gentlemen are my constituents and each enjoys a position of prominence in my home community. Thus, I feel their statements of response to this newspaper inquiry are worthy of definite deliberation by my colleagues in the House:

HOW LEADERS FEEL ABOUT MOON RACE

(By Brian Sullivan)

Do you think this country should go ahead with its plan to land a man on the moon by 1970?

Premier Khrushchev's recent statement that Russia will not race us to the moon has bolstered the arguments of some critics of the program.

The Times-Union asked some community leaders what they think in view of the recent developments.

In general, there is little sentiment for a race. There is some feeling that the money could be used better elsewhere, but there is some support for a better balanced space program. Khrushchev's comments have little effect.

Here are some views:

Marion B. Folsom, a director of Eastman Kodak Co. and former U.S. Secretary of Health, Education, and Welfare:

"My views, before Khrushchev made his statement, was that I'm inclined to agree with General Eisenhower, Senator FULBRIGHT and others that there are so many other needs of higher priority. We could take some of this money and spend it on education and training, rather than landing men on the moon.

"Also, we can accomplish a great deal by landing instruments, rather than men, on the moon and at less cost."

Dr. Wallace O. Fenn, director of the University of Rochester Space Science Center:

"I don't think Khrushchev's statement should have any serious effect. It was sort of a routine statement to protect him in all eventualities. It shouldn't have any particular effect on anything they do in Russia or on anything we do over here."

Joseph C. Wilson, president of Xerox Corp.:

"I was never too impressed with the idea of racing to the moon. If it's important, it doesn't matter whether or not they (the Russians) are doing it.

"I assume the Federal Government had deep and powerful reasons for doing it. I lean toward going ahead, on the assumption they had good reasons for going ahead in the first place."

Dr. Charles R. Harris, president of the Monroe County Medical Society:

"I think that it's safe to say: One, that I'm not sure we can depend too much on what Mr. Khrushchev says, and two, there are a lot more important jobs to do right here on earth. I don't think the timetable is too important * * * and, for instance, there is a lot to be discovered at the bottom of the sea, which has been barely explored."

Mark Ellingson, president of the Rochester Institute of Technology:

"I believe it is important to continue with the development of our space program. But the question about the actual placement of a man on the moon seems to me to be the least significant part of all of space exploration.

"I would hope that the Government will not blow hot and blow cold on a program of this scientific magnitude. And it's not clear that it (landing a man on the moon) should be a major objective because there are far too many space problems that would make it easier to do if we had the answers to them first."

BYELORUSSIAN ANNIVERSARY

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, today marks the 44th anniversary of the date when the Byelorussian people proclaimed their independence, establishing a Byelorussian Democratic Republic. Needless to say, this tiny nation, lying just north of the Ukraine at the northeast tip of Poland, is today a captive of the Soviet Union. Like its neighbors, Lithuania, Latvia, and Poland it is a Communist slave nation.

Its people, contrary to Western opinion, are not Russian. And tomorrow Byelorussians throughout the free world, including Americans of Byelorussian descent, will be celebrating the memory of a freedom which the might of Russian armor crushed out in 1920, just 2 years after the Rada—Council—proclaimed the first legal government of the Republic. That government's provisional constitution guaranteed freedom of speech and assembly, the right to form labor unions and the right to strike, liberty of conscience, inviolability of the person and the home, and many of the other liberties Americans take for granted.

It would be hard to cite any people who have endured more or suffered longer for freedom than the Byelorussians.

They have undergone severe trials for more than five centuries, beginning with the 13th to the end of the 18th. After 1490, Russia launched a series of continuous wars against this people, and for the next 200 years the intervals of peace hardly exceeded 5 years. In 1563, Ivan the Terrible slaughtered all but 3,000 of the 100,000 population. During the German invasion of Russia in World War II, there was massive anti-German resistance by the Byelorussians, after hope of independence faded away. Nevertheless, they were accused of collaboration by the Soviets and subject to savage vengeance after the war. At the time of the Hungarian uprising in 1956, Byelorussian students were accused by the official party organ in Byelorussia of "insolent" demonstrations against the Soviet Government.

The Byelorussians to this day still hope for restoration of democratic government as embodied by the Republic which the Soviets destroyed in 1920. I know that all Americans will join me in an expression of sympathy for these brave people, and in the hope that they, as well as other captive peoples, will one day again awake to freedom's light.

THE DOUBLE-TIME BILL IS A BAD THING FOR THE WHOLESALER

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. TAFT. Mr. Speaker, the present administration appears to be taking both sides on the unemployment problem. With regard to the poverty program, administration officials have presented their package as a way to create additional jobs and train youths for the jobs available. The administration witnesses have emphasized the fact that the only way to help the long-range unemployment situation is to expand the economy so that business can provide the extra jobs necessary.

However, before the Education and Labor Subcommittee which is considering the double overtime legislation administration witnesses have endorsed yet another theory quite different from that which they espoused on the poverty legislation. They have testified that the employed group is eating up too many workdays in overtime and that the solution to the unemployment problem is to take the work available and spread it around among the unemployed. This can only be labeled "a limited body of work theory." By imposing a double overtime penalty they feel that employers would be forced to hire additional personnel to do the work which is now done in overtime hours. The Select Subcommittee on Labor has heard a steady flow of witnesses from virtually every industry testify that a double overtime penalty would in fact not force employers to hire additional employees for various reasons peculiar to each individual industry, but such a penalty would only increase the costs of the goods to the consumer.

Mr. Speaker, it seems to me that the administration would be well advised to get together on this and decide if their unemployment program is to be one of spreading around existing jobs or if it is indeed to be one of expanding our economy to create additional jobs.

At this point, Mr. Speaker, I would like to include an editorial which appeared in the March Supply House Times on the double overtime legislation. It is typical of the testimony received by the Select Subcommittee on Labor and therefore should be of general interest to the House.

THE DOUBLE TIME BILL IS A BAD THING FOR THE WHOLESALER

This magazine has now completed 6 years of publication—72 issues, 72 editorial pages, over 100 separate editorials. In all that time, only one single little half-page editorial commented on any aspect of governmental policy or legislation. This reflects our belief that the plumbing and heating industry must see to its own problems, just as the individual wholesaler must take care of his own survival and prosperity.

Much to our distaste, we now feel impelled to comment on some pending legislation, even to the extent that readers should make their views known to their Representatives in Congress. Legislation is now pending that, if passed, will have a very serious impact on the wholesale business, and on the economy as a whole—particularly small business and service business.

H.R. 9802

The administration has asked for legislation which would authorize the Secretary of Labor to require employers, in selected industries, to pay double time for any work over 40 hours in a single week. Under existing law, the overtime rate is time and a half.

The stated purpose of the bill is to increase employment by providing higher overtime penalties. The wholesale industry is definitely one of the targets of this proposed legislation. The Department of Labor claims that retailers, wholesalers, and the service trades are among the worst offenders in using overtime instead of hiring more people.

However worthy the purpose, this is a bad bill. It will not increase employment in this industry, but it will surely increase costs. Since ours is a marginal industry today in terms of profitability, this bill will push hundreds of wholesalers into the red.

The problem of unemployment is a very grave one. For the families involved, it is tragic. It cries for some effective solution. But we don't think this crude plan to "share the work" is going to solve a thing. It will only create new problems.

This bill assumes that the unemployed are capable of doing overtime work now being done by others.

Unfortunately, this is not so. Most of the unemployed lack the skills and—in hundreds of thousands of instances—lack the education for the needs of the modern business and industrial world.

By all historical precedent, there shouldn't be any unemployment today. For the past 20 months, the country has been in a boom condition. By the expectations that were valid until 5 or 10 years ago, we should have a labor shortage today. But automation and the new technology have so changed our society that unemployment not only persists—it continues to grow.

This is so because the need for unskilled and semiskilled people has contracted enormously. Millions of such jobs have simply disappeared and are not going to be brought back by any amount of economic growth; least of all by any Government-decreed increase in labor cost. Indeed, this will only magnify the problem by further hastening automation.

IMPACT ON YOU

In our opinion, this bill will cause grave problems in the plumbing and heating supply business. Our industry is affected by pronounced seasonal peaks and valleys. There is nothing we can do to change that situation. It takes special skills and long experience for an employee to be really productive in this business. Therefore, the size and composition of the staff is not readily adjustable to changing needs.

During several months of the year, a plumbing and heating supply house is actually overstaffed. But the wholesaler has to keep his team together for the peak months ahead. When that comes, he cannot readily hire half an order filler or half a truckdriver. Even if he needed a whole man, an inexperienced additional person is of little help even if available.

But, of course, a qualified person is not available. Therefore, if this bill passes, the wholesaler will have two choices: Increase his costs, or decrease his service. Neither choice is very attractive.

ROAD TO DISASTER

This double-time bill is politically linked with another idea that would be even more disastrous to the country. There are three bills before the House all similar in nature, which would cut the present 40-hour workweek to 32 hours without any cut in pay. This proposal of a 20-percent increase in labor costs is just too absurd to have any serious support.

So this double-time bill is the political compromise. Instead of leaping into disaster, we will simply sidle into it gradually.

The wholesale industry will be in the forefront of the victims. The plumbing and heating segment, because of its pronounced seasonal pattern, will get hurt more than most others.

We don't think this industry should be sacrificed to such empty political expediency for such a futile purpose as the proposed double-time bill.

BYELORUSSIAN INDEPENDENCE DAY

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. AUCHINCLOSS] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. AUCHINCLOSS. Mr. Speaker, today we celebrate the national holiday of the Byelorussian Independence Day—another republic overwhelmed and subjugated by Communist Russia, deprived of its liberty and existing as a pawn in the hands of the Communists.

Byelorussia is an old nation and in the 15th century was overrun by Russians and suffered under Russian rule until the 20th century when it overcame the czarist regime in 1917 and declared its independence. However, in 1921, 4 years later, this country again came under Russian domination under the invasion of the Red Army and a Soviet commissar was placed in charge. Such has been the state of affairs until today.

In spite of such devastating discouragement, these sturdy people, true to their tradition, long for liberty and freedom. Such spirit supported by a vivid belief in independence can never die and on this day they renew their determination to strengthen their pledge to restore their republic free from the domination of tyrants.

BROKEN-FIELD RUNNING—PART II

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, yesterday I called the attention of the House to the broken-field running of our President on the matter of what apparently was a slip of the tongue when he told a promedicare group that he was going to take from the "haves" and give to the "have nots." Mr. Johnson did an equally skillful job in this same March 14 1-hour TV interview when he glossed over his intimate relationship with Bobby Baker. He steadfastly denied that the deposed kingpin was his protege.

The record clearly shows this is not the case. Not only the private record but the public record, the Congressional Record. My good friend, the gentleman from Kansas [Mr. Skubitz], did some careful research on this matter. I would like to recount here a few comments from days of yore when L.B.J. and Bobby were a team, thanks to Representative Skubitz.

During the last hours of the 84th Congress, Senator Lyndon B. Johnson—see Congressional Record, volume 102, part 11, pages 15112–15113—said:

> Mr. President, the last hour of the 84th Congress is here * * * but in the final hour it is time to speak of one emotion which at such a time as this lies close to the hearts of all. It is fitting to speak of it now * * * I speak of friendship, the warm friendships that have been forged together in our days here on the floor. * * * And now * * * Bobby Baker. I know I should refer to him formally as secretary to the majority, but my tongue even as my heart, says "Bobby" instead. His quick intelligence, his tremendous fund of knowledge about the Senate, which is almost appalling in one so young, has kept the machinery on this side of the aisle working with smooth precision. Always present, always alert, and more than anything else, always understanding and persuasive with his wise counsel. I say to all of you here tonight that here, indeed, is a young man of rare and real promise.

At the close of the 1st session of the 85th Congress on August 30, 1957—see Congressional Record, volume 103, part 12, page 16722—Senator Johnson again speaking of Bobby Baker said:

> The secretary to the majority is the most tireless and indefatigable man on this floor. Bobby Baker is a young man who already has gone much further in life than many others of far greater years. And Mr. President, it is my personal opinion that he is just getting started. There is a very simple formula that explains Bobby's success. He gives of himself unsparingly, and without regard to what he will get in return. He usually gets from me some perhaps intemperate words, for which I am sorry the next morning. But, Mr. President, his first thought is always of those of us he serves. And every one of us knows that we can call upon him at any hour of the day or the night, and he will not be found wanting. He is a man who truly serves his country, and I consider him one of my most trusted, most loyal, and most competent friends.

How did Senator Johnson's colleagues view the relationship of Senator Johnson and Bobby Baker?

In a tribute to the majority leader, Lyndon B. Johnson—see Congressional Record, volume 104, part 15, page 19445, 85th Congress, 2d session—Senator Alan Bible, of Nevada, said:

> Mr. President, very soon we will have finished up our work and the Senate can adjourn * * * among these outstanding Americans on both sides of the aisle, Lyndon Johnson stands out as one of the most effective leaders of our era. * * * Mr. President, no leader can operate effectively without a loyal and conscientious staff. It is doubly fortunate, Mr. President, that in having an outstanding leader we also have the benefit of his fine staff. I have particular reference to Bobby Baker, the secretary for the majority, a young man who has that rare gift of getting things done with a minimum of time and a maximum of efficiency. I like to refer to Bobby Baker as "Lyndon, Junior," an accolade he well deserves.

Senator Lyndon Johnson demonstrated his ability to gaze into the crystal ball and predict the future when he addressed the Senate—Congressional Record, 85th Congress, 2d session, volume 104, part 15, page 19573—saying:

> There is a group of people in the Capitol who are fully as responsible for the success of these deliberations as are the Members of the Senate themselves, and I am referring to the hard-working, loyal Senate staffs. * * * There is Bobby Baker, the energetic, persevering secretary for the majority. I wish to take a minute to talk about Bobby, because there have been few times in my life that I have ever seen a young man who combined so much wisdom and maturity with such youthful vigor and enthusiasm as Bobby Baker. I think it is fair to say that a great deal of the success of this Congress has been due to Bobby Baker's alertness, his diligence, his devotion, his dedication, and his insistence that things be done right. He is a young man who has already gone very far and who is going much farther. I believe he will reach much greater heights.

"One of my most trusted, most loyal and most competent friends * * * a young man who has already gone very far and who is going much father," referred to by a fellow Senator as "Lyndon, Junior." Come now, Mr. President, even the most artful dodging and most skilled broken-field runner cannot cover these tracks.

THE PRESIDENT'S POSITION ON POVERTY

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Jensen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. JENSEN. Mr. Speaker, President Johnson is demanding that Congress appropriate almost $1 billion to wipe out poverty in the United States, and in the same breath he asks us to tax the people over $4 billion or $100 for each American family on an average to try to send a man to the moon, as provided in the bill now before us. That, Mr. Speaker, simply does not make sense to me, hence, I shall vote "no" on final passage.

BYELORUSSIAN INDEPENDENCE DAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Joelson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JOELSON. Mr. Speaker, on March 25, 1918, the Byelorussian people proclaimed their independence.

The Byelorussian people have lived in their homeland in northeastern Europe for at least 1,000 years, perhaps a great deal longer. Long before the Russians had formed an independent state, the Byelorussians had a sovereign state, with an independent existence during most of the Middle Ages and early modern times. In the 16th century the country was invaded and overrun by the Russians, and then became part of the czar's empire.

Thus for some 300 years Byelorussia ceased to be a separate state. As part of the Russian empire the czarist government did its best to stamp out all vestiges of Byelorussian nationality among its inhabitants. Fortunately the czarist government was not successful in its attempt. By ingenious means the Byelorussians contrived and succeeded in keeping alive their national spirit and their love for liberty and freedom. And in the First World War when the czarist regime was shattered, Byelorussians seized upon the welcome opportunity and proclaimed their independence on March 25, 1918.

That epoch-making event became a landmark in Byelorussian history, and to this day it is being celebrated by all liberty-seeking Byelorussians as their national holiday. Even though the independence proclaimed 46 years ago did not last long, and by 1921 independent Byelorussia was no more, the undying hope that independent period engendered still lives in the hearts of the Byelorussian people.

Today they dream of the day when the detested Communist regime will be overthrown and they once again will breathe the fresh air of freedom in their homeland. I am glad to join Americans of Byelorussian descent in the celebration of the Byelorussian Independence Day.

BYELORUSSIAN INDEPENDENCE DAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Daniels] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DANIELS. Mr. Speaker, the so-called free "Republic" of Byelorussia, which is located in the Soviet Union, stands as living testimony of what freedom under communism means. On March 25, 1918, the Byelorussian people proclaimed their independence to the world and the National Republic was born. Yet despite all the sacrifices, the young Byelorussian state was unable to preserve its independence against the onslaught of Bolshevik forces. In its place the Byelorussian Soviet Socialist Republic became an administrative arm of the Moscow government.

Today, March 25, is being celebrated by Byelorussians throughout the free world as a symbol of their national aspirations. Americans of Byelorussian descent as well as Byelorussian immigrants in this country are also celebrating this day.

What does it mean to live under the dominion of Communist Soviet Russia? The question really is: What is freedom?

The tyranny of Communist power-seekers has few times been more strikingly apparent as in Byelorussia. Time and time again, Byelorussians have openly declared their desire to live and let live, and to be free to live as they choose. However, it is not the goal of the Communist ideology to do this.

From the standpoint of communism the individual is subordinate to the state. Because of this warped underlying viewpoint of mankind, the individual and individual strivings are held in check by the power of state force. The individual's self-expression, and self-selected goals are thereby suppressed as a matter of Communist policy and channeled and molded until they become merely the echo or mirror of Communist doctrine. Communism does not recognize the individual's drives and individual differences as expressed through the various creative arts and the like, but only looks at individuals as they can produce in an economic scheme of things. In addition, it selects the grooves within which one is confined to work. There is no recognition by the Communist doctrine of man's free will to lead and conduct his own life in his own chosen manner, but only the wish of the state as it exalts the state. And nowhere has this subjugation of the individual to an unnatural cause—the state—been better demonstrated than in the Soviet Union's actions in regard to Byelorussia.

Though in the West Byelorussians are often taken for Russians, they have since the beginning of their history, developed quite independently of Russia. In fact it was not until the end of the 18th century that their destinies were linked with the czarist empire. The earliest information on the Byelorussians as a distinct people dates from the 9th to 10th centuries, when Slav tribes founded independent dukedoms, in the same way as many other Slav tribes elsewhere.

Despite Byelorussia's continued attempts to maintain its own ethnic, religious and political individuality, it has become enslaved today to the Soviet Union. Only the Communist Party is allowed to express itself and after execution squads, mass deportations, and hollow concessions to the national sovereignty of Byelorussia, it was admitted to the United Nations, thereby becoming an instrument of Soviet power.

Efforts by Moscow to eradicate the national spirit of the Byelorussians and their desire for independence have turned out a failure: The Byelorussians have not to this day renounced their desire for the restoration of democratic government, as embodied by the Republic which the Soviets overthrew in 1920.

BYELORUSSIAN INDEPENDENCE DAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Friedel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, today, March 25, is the 46th anniversary of Byelorussian independence. Although this should be a happy day for some 16 million ethnic Byelorussians, it actually is a sad one. Sad, because in that unhappy land, and despite great sacrifices, the young Byelorussian state was unable to preserve its independence against the onslaught of overwhelming Bolshevik forces. It is a sad day because we are reminded of the stark terror to which its people were subjected by the Reds during a short period in 1937, when over 13,000 innocent Byelorussian citizens were shot in cold blood by the Soviets.

After World War II, the vengeance of the Kremlin on the Byelorussian people took other savage forms when the Soviet taskmasters reverted to their well-tried methods of using execution squads, mass deportations, and other forms of cruelty to subjugate these brave citizens. At the same time, and as a means of skilled deception, the Russians made hollow concessions to the national sovereignty of Byelorussia, such as her admission into the United Nations and the creation of a Byelorussian Ministry of Foreign Affairs and Ministry of Defense, the introduction of a national flag and anthem, thereby presenting a facade of sovereignty—which, of course, is wholly false. The present Byelorussian Soviet Socialistic Republic is nothing but a mere puppet of Russia and does not, in fact, represent the Byelorussian population.

In marking this day, we should also take cognizance of the fact that in the West, Byelorussians are often mistaken for Russians, yet they have, since the beginning of history, developed quite independently of Russia. To preserve their independence the Byelorussians had to endure severe trials for over five centuries, from the beginning of the 13th to the end of the 18th, and it was not until nearly the beginning of the 19th century that their destinies were linked with the czarist empire.

I am sure it is a source of gratification to the people of Byelorussia that we pause today to recall their legitimate aspirations in this venerable Chamber and give notice to all the world that these unfortunate people have our moral support in their struggle against the evil forces of oppression and darkness and in defense of their national and political rights.

At this holy season, we all have faith that a new day of freedom and liberation will surely dawn and that the people of Byelorussia will join the rest of the free world as an independent nation.

KING PAUL OF GREECE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, the great and proud traditions of this Nation of ours had their roots many hundreds of years ago in another country. Today, the people of that nation bow their heads in mourning for a humble and good King—Paul of the Hellenes—whose untimely death has deprived not only Greece but all nations who love freedom of a good and dignified spokesman.

King Paul's passing has touched the hearts of America's people as have the passing of few leaders of foreign lands. He was a man of dedicated vision and strong intelligence who brought to his tenure as Greece's ruling monarch a belief in individual human dignity and a love for mankind which has been a part of the Greek tradition since the earliest eras of recorded history.

I rise on this occasion to commemorate the celebration of independence day in Greece—a national holiday which, in these hours of transition, cannot help but be tinged with sorrow and deepest reflection.

It is fitting that the people of America remember this day, also. Ours was the first, great revolution of modern times. When our forefathers struck out against the mailed fist of the tyrant, they spoke with a voice of unity and a spirit of freedom which was, in its own way, an echo and a magnification of the voices of writers and orators from the golden age of civilization in the hills of Athens.

From the first days of Greek democracy, the mold of humanity began to change. It was here that our destinies as freemen began to take shape—for it was from the noble concepts of these practical visionaries that the foundations of American democracy were built, stone by stone.

If there was one central idea in the Greek theory of liberty, it was the belief that freedom does not exist perpetually simply because it has been won initially. So it is—and so it has been—throughout history, that the men and women of Greece have prized their freedom so much that they were willing to pay any sacrifice to keep it.

On November 13, 1787, in a private letter to William Stevens Smith, our own great patriot and President, Thomas Jefferson, wrote:

> The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.

Those were words of grave and lasting import for America, and for the world. Yet they were merely a reaffirmation of the sentiments of patriots who lived, and died, in ancient Greece.

It was altogether fitting, therefore, that on March 15, 1821—just 34 years after Jefferson's own words were put to paper—a band of determined Greek patriots should rise against the alien forces of greed and tyranny which had infested their nation and overcome them. Once again, the tree of liberty was refreshed with the blood of patriots and the blood of tyrants.

Under the dynamic leadership of Archbishop Germanos of Patras, the forces of Greek patriotism won that struggle. Badly outnumbered at first, poorly outfitted and fighting with obsolete weaponry, the fighters of Greek nationalism had one great ally in their struggle—their love for liberty and their own country.

They had help, of course. Much of it, I am proud to say, came from groups within our own Nation and from our allies who believed, with us, that despotism should be ended in Greece, as elsewhere.

But the main force of that rebellion came from the Greek people. It is the same force, the same fervor the men and women of this great friend of America display in today's world as we battle the forces of an international Communist conspiracy.

So long as men write history, the contributions of Greece will loom large and with great significance upon the stage of human progress.

There have been innumerable other triumphs. But this was the beginning.

All that has come to pass in America must be shared by those who wrote and thought, fought, and died among the hills of Athens more than 2,000 years ago.

I join proudly and happily with Americans of Greek descent on this occasion as we commemorate the anniversary of independence day in the land of man's first aspirations and dreams of freedom for all mankind.

WEST VIRGINIA STRAWBERRY FESTIVAL

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. STAGGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the 23d annual West Virginia Strawberry Festival will be held in Buckhannon on June 4, 5, and 6 this year and it is expected to draw tens of thousands of visitors to the berry producing capitol of the State.

Royalty for the 3-day festival will include a king to be chosen from the top berry producers and a princess from each of the 55 counties, chosen by members of the house of delegates. The queen of the festival will be chosen from this group in a prevue to be held in Buckhannon on May 4.

The festival, which was conceived in 1937 to promote the strawberry industry, and expanded each year until it has become one of the oldest and largest continuous festivals in the State. In 1955 it became a statewide event and it receives both financial and promotional assistance from the State department of agriculture.

Through the years, it has attracted dozens of nationally known political and entertainment figures and annually it is well attended by members of the State government.

This year's festival will include strawberry exhibits and auctions, a gigantic grand feature parade, a firemen's parade, a coronation, queen's ball, teenage ball, variety shows, country dance, and creative art exhibits. In addition, the Antique Automobile Club of America will hold its annual meeting in Buckhannon during the festival and will add to its festival with a parade and displays.

The queen of the festival is given a $500 scholarship to attend the school of her choice and the queen of the 1957 festival was chosen national strawberry queen in competition in Colorado.

LET'S GET THE FACTS STRAIGHT ON THE WHEAT PROGRAM

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PURCELL. Mr. Speaker, it now appears that the House will act on the combined wheat and cotton legislation, H.R. 6196, during the week of April 6.

Because of the parliamentary problems involved, there will not be as much time for debate on this measure as most of us would desire. Therefore, I will try, during the next few days, to straighten out some of the incorrect information, misconceptions, and false propaganda which have been disseminated about the wheat portion of the program. I will try to deal with one major issue at a time, giving the most nearly correct information which is available. I sincerely hope my colleagues will take the time to study these presentations, in order that all of us might be fully informed when this bill comes before us for final action.

Mr. Speaker, one of the misconceptions regarding H.R. 6196 is that it contains the same program for wheat as was defeated in the referendum last May.

The mandatory marketing quota program for wheat which was defeated last May severely penalized any wheat producer who overplanted his allotment and attempted to market the extra wheat.

Under the wheat program defeated last year, if a producer marketed wheat in excess of his marketing quota, he could be dragged into court; his bank account and his farm machinery could be attached.

The wheat program authorized in H.R. 6196 is entirely voluntary. Anyone who wishes to exceed his wheat acreage allotment may do so. No penalties will be imposed. He will be able to sell all the wheat he produces in the market, in exactly the same way as though no new wheat legislation were passed.

But the wheat program in H.R. 6196 provides additional income to wheat producers who voluntarily plant within their wheat acreage allotments. This new wheat program is very similar to the feed grain program which has been approved by this body on several occasions.

Mr. Speaker, I visited extensively in the producing areas following the defeat of the mandatory wheat marketing quotas last year.

Everywhere I went, I was asked, "When is Congress going to pass new wheat legislation?" I was told producers wanted a voluntary program, a program similar to the feed grain program.

As chairman of the Wheat Subcommittee of the Committee on Agriculture, I heard many witnesses last summer, last fall, and finally, in January of this year. We heard from all the major farm organizations and from many individual farmers.

By far, most of them urged the Congress to pass new wheat legislation right away. And they insisted that it should be a voluntary program.

The President laid down the guidelines for new wheat legislation:

It should increase farm income.

It should not increase Government costs appreciably.

It should not increase food prices.

The wheat program which is a part of H.R. 6196 has received the endorsement of organized wheat producers and most farm organizations. Producer polls indicate that it is a program which meets their needs. Let no Member of this body be misled by those who, for selfish organizational or political reasons, would like to see the wheat farmers' prices and income go unprotected.

Wheat producers overwhelmingly agree that a voluntary wheat program of the type included in H.R. 6196 is urgently needed. I urge all Members who have the welfare of the wheat farmers in mind to vote for this bill when they get the opportunity in a few days.

THE LATE JOHN F. KENNEDY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HULL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HULL. Mr. Speaker, the horrible event which occurred in Dallas last November 22 will forever sadden the hearts of Americans and those who love America.

In the wake of that incredible tragedy, thinking citizens have examined our political life and their own consciences in an effort to learn some lesson from the terrible occurrence.

Maj. Irving B. Schoenberg, of St. Joseph, Mo., has sent me a school theme written by his niece, Miss Karen Fagin. Perhaps this 12-year-old child, better than anyone, has understood the meaning and the challenge of this event.

The theme, by Karen Fagin, follows:

> With the tick of the clock, the world was silent. Not a word was uttered over the face of the earth—the President of the United States was dead.
>
> It was unexpected, unbelievable; impossible; yet it was true. The leader of the greatest Nation on earth was dead.
>
> In this day and age, how could such a thing happen? In this modern and well-developed Nation, how could such a primitive deed be committed?
>
> The shock at once brought tears to my eyes. I just could not believe, or force myself to believe, this impossible happening was in truth a reality.
>
> I tried to muster enough courage to think. There must have been a reason. God is always looking over us and guiding our lives; it must have been his will. But why—why this person who to everyone was so important—why was he first to suffer?
>
> Soon I knew. We of this country must have needed a great shock for this to have happened. How could this turmoiled, confused world find it necessary to kill the man we loved so much?
>
> God must have seen man and his troubled world. We know not His thoughts or reasons. Unknowing, we have to accept the fact that we are no longer a people who accepts and trusts the will of God.
>
> That was to be our strength—it was the very foundation of our country. Our Nation was founded to be a place where men were free to worship God—to believe in him and accept his acts. Now this may well be our weakness. It is evident that we must have needed this shock. As yet, I do not understand why. Our false sense of security perhaps? Our unkindness to one another? Our unacceptance of the will of God?
>
> If our faults had been taken out by another man's death; one of less importance to all men, we would as yet be on the wrong track. Are we not headed in the right direction?
>
> In my own stupidity, I can only try my hardest to do good and take nothing for granted. For as sure as I would, and others like me would, this same tragedy would be repeated.
>
> I sincerely hope with all my heart that freedom has been given a sturdier foundation because of the death of our beloved President. Freedom needs defending. President Kennedy tried to his fullest to defend it. Now we must take his place.

UNIONS UNDER THE GUN OF THE CIVIL RIGHTS BILL

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, there are still those in this country, and, sadly enough, some of them are Members of the Congress, who continue to make statements to the effect that the civil rights bill, if passed, will have no effect on this section of the country or the other—this activity or that—this business or another.

But, item by item, the true content of the unconstitutional powergrab that masks itself under the title "Civil Rights," is becoming known to the people and, in no uncertain terms, they want no part of this vindictive measure.

Some have tried to say that there is no provision in the bill which would have any real effect on the unions of this country. To anyone who would attempt to mislead the people on this subject, I refer him to an item buried in the back of the Washington Post this morning; so well camouflaged that most readers, I am sure, never saw it. And that, of course, was just the purpose of burying it.

The dictator-like decision just handed a major New York union by the State commission for human rights—whatever that is—is a forerunner, a straw in the wind, just the vestige of a beginning of what the unions can expect when this becomes law. And we both know, Mr. Speaker, that it will become law if the true contents of this bill are successfully hidden from the people and they are kept in the dark as to what is about to crash down on their heads.

I hope every union member who happens upon this item in the RECORD, will alert his brothers in the union and have them contact their Senators urging that this unconstitutional powergrab by the Federal Government be voted down in the other body:

> UNION TOLD TO TEAR UP TRAINEE LIST
>
> NEW YORK, March 24.—A major trade union, in a precedent-setting order made public today, has been told it must tear up its waiting list of apprentice training applicants and start all over again because it has allegedly consistently discriminated against Negroes.
>
> The State commission for human rights order was against Greater New York's Local 28 of the Sheet Metal Workers International Association. It was the commission's first such order and was believed to be the first of its kind in the Nation.
>
> The union's official reaction was "no comment." It has the right to appeal the ruling.
>
> The order instructed the union not only to discard its waiting list but also to abandon its long practice of requiring that applicants for apprentice training be "sponsored" by members of the union, usually a relative.
>
> Local 28 was found guilty last February 26 of having been guilty of systematic discrimination against all Negroes in its 75-year history.

THE DOCTORS' UNION AND TOBACCO

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, it appears that one of my colleagues feels that I "questioned and impugned" his integrity when I suggested last week that the American Medical Association is opposing the proposal to label cigarettes as harmful in return for tobacco industry opposition to the pending medicare legislation.

The distinguished chairman of the Committee on Agriculture, the gentleman from North Carolina [Mr. COOLEY], states that my comments imply that "tobacco State Congressmen" have made a "deal" with the AMA. He suggests that, unless I was misquoted, I am an "irresponsible" person with an "ax to grind" and guilty of making "wild accusations." The gentleman then asks that I either retract or explain my statements.

Mr. Speaker, I regret the gentleman's interpretation of my comments as published in the press, but I have no reason to retract them nor any intention of doing so. But in deference to the gentleman's request I will be more than pleased to elucidate them.

Before doing so, however, I must express my complete surprise at the gentleman's assertion that I was "reported to have questioned and impugned the integrity" of my colleagues in this body.

Like the vast majority of my fellow Members, I try to keep abreast of what is published about me and nowhere have I seen or heard a news report state that I "questioned and impugned the integrity" of my cherished colleagues. It is possible, of course, that I may not be aware of the "report" to which the gentleman refers and if this is the case I would hope that he would bring it to my attention so that I might set the record straight. For it is inaccurate.

I must also express my complete surprise at the gentleman's statement that he warned the tobacco industry that making a $10 million grant to the AMA might be interpreted as "an attempt to bribe the AMA" in its position on tobacco and health.

Mr. Speaker, I must point out that the word "bribe" is the gentleman from North Carolina's [Mr. COOLEY] term, not mine. I do not suggest that the tobacco industry is attempting to bribe the AMA, or that the AMA is attempting to bribe the tobacco industry. In fact, I do not suggest that anyone is attempting to bribe anyone. I did not use the word "bribe." I said nothing which could be interpreted as suggesting a "bribe" and I have seen no news report using this word or suggesting such a transaction. In fact, I did not even mention the $10 million grant in making my statement on this subject and I have not seen it mentioned in any of the news stories about my comments.

Again, this would seem to be the gentleman's personal interpretation of my comments.

As to what I did say which occasioned the publicity on this topic, I should like to begin by making it perfectly clear that at no point did I ever use the word Congressman or refer in any way, either directly or indirectly, to any Member of this body.

My charge was—and still is—that the AMA has made a deal with the "tobacco industry"—not with "tobacco-State Congressmen." I feel sure the two terms are not synonymous.

I am equally sure that if the distinguished gentleman would recheck the published reports of my remarks he will find this to be correct.

All I have seen are paraphrased references to "a deal with the tobacco lobby" and "a deal to get tobacco-State Congressmen to vote against" the administration's proposal for hospital insurance for the aged under social security.

But I must emphasize, these are not my words, they are the reporters' interpretation or paraphrasing of my charge that the AMA is siding with the tobacco industry on the cigarette labeling proposal in return for the tobacco industry's support in AMA's fight against medicare.

Further, I must say that while I might criticize the reporters who wrote these stories for not quoting me in full so there could be no doubt about my remarks, there is no question on my part that they paraphrased and interpreted accurately, if incompletely.

To paraphrase my remarks to say that I charge a deal between the AMA and the "tobacco lobby" is obviously accurate.

And to interpret my remarks to say that I charge a deal "to get" tobacco-State Congressmen to vote against medicare is also accurate, although I would prefer that the reporter had gone on to emphasize the vast difference between the phrase "a deal to get tobacco-State Congressmen" to vote against the medicare measure and the phrase "a deal with tobacco-State Congressmen."

But I have little control over such matters.

And should there be any doubt that the phrase "to get" is accurate I will explain that what is meant is that the tobacco industry would use its money and influence in those States where it is dominant to create a climate of opinion against the administration's medicare proposal. And while I am sure that there are Congressmen from tobacco States who oppose medicare on its merits, I am equally sure there are Members from these States who would be sensitive to the opinions of their dominant industry and the employees of that industry.

Further, I must add that there is nothing whatsoever wrong with a Member of Congress being influenced by the opinions of his constituents. I am influenced by the opinions of my constituents. Is that not what we are here for? Is this not a representative body?

Nonetheless, can there be any doubt that a Member must also be aware of how and why his constituents form their opinions?

I think not—and it is to this point that I called attention to the apparent deal between the AMA and the tobacco industry.

This brings us to the second question; namely, whether my remarks were justified. I will simply cite the record. Judgment, I will leave to my colleagues.

While virtually every major medical and health organization in the United States has taken an unequivocal stand that smoking is a health hazard, the American Medical Association has pussyfooted around the overwhelming evidence against tobacco; last March the AMA abandoned a planned study on the effect of tobacco on health on grounds that it would duplicate the Surgeon General's study then underway; when it became apparent that the Surgeon General's study would severely indict smoking, the AMA announced a long-range research project to study many suddenly found gaps in the relationship of smoking to health; then shortly after the Surgeon General's report was released, six tobacco companies said they were giving the AMA $10 million "without restrictions" for the long-range research project; and finally, we have the remarkable statements of AMA President Dr. Edward Annis made to the Kentucky State Legislature earlier this year.

A detailed analysis of many of these earlier items was presented by the junior Senator from Oregon and may be found in the Congressional Record, volume 109, part 18, pages 23570–23575.

In January of this year, before the Surgeon General's report was released, Dr. Annis told the Kentucky State Legislature that the report would present insurmountable evidence that smoking causes cancer. However, the doctor went on to assure the tobacco-State legislators that the impact of the report would be shortlived because "a great number of people who have the smoking habit will not change their habits because of the report." Dr. Annis goes on to call for a scientific approach to the tobacco-health problem, noting that "no one has definitely found what causes cancer." He then makes the remarkable statement that "the AMA is not opposed to smoking and tobacco, but it is opposed to disease." Dr. Annis then launched into an attack on the administration's proposal for hospital care for the aged.

The choice of these two topics in a tobacco-State address was just pure coincidence, of course.

These factors formed the main basis for my remarks about a possible deal between the AMA and the tobacco industry. However, I now must add another item brought to our attention by the gentleman from North Carolina himself.

As the gentleman notes in his statement of March 24, he personally responded to the Surgeon General's indictment of cigarettes and smoking by proposing that the tobacco industry join the Federal Government in a research program aimed at eliminating the harmful properties or substances from tobacco products.

Such a program, were it successful, would mean that the U.S. Government—whose Surgeon General's report has been the heaviest blow yet against the tobacco industry—would be in a position to give the tobacco industry a clean bill of health. However, despite the gentleman's warning—and much to his amazement, I am sure—the tobacco industry rejected his proposal and insisted on giving $10 million "without restrictions" to an organization whose motives, in light of its past performance, I contend are more than a little suspect.

Mr. Speaker, tobacco is not only a source of relaxation and enjoyment to millions of Americans—including myself—but it is also vitally important to the livelihood of thousands of our citizens and the economies of many States. And while I believe it is our moral responsibility, to warn people against its use, I also believe we have a moral responsibility to try making it safe and to ease economic repercussions to those who depend on it for their livelihood. I therefore wholeheartedly support the proposal of the gentleman from North Carolina that the Federal Government and the tobacco industry join in an "impartial" research program aimed at eliminating the death-dealing ingredient or ingredients from tobacco. I think the gentleman's contention that "the Federal Government has a responsibility to use $5 to $10 million of the $2 billion-plus it collects each year on tobacco, to finance a crash research program" is eminently logical and compelling.

But I must repeat again, until such time as tobacco is made safe, we have a moral obligation to warn against its use regardless of the economic consequences. Our obligation is to the physical health of our citizens first and to their economic health secondly. The evidence is too clear and we cannot weasel on this issue by putting economics first as the AMA consistently does.

The AMA's weaseling on the tobacco issue is clearly demonstrated in the peculiar reasons it advances for opposing the cigarette labeling proposal. In his letter to the Federal Trade Commission, Dr. F. J. L. Blasingame, AMA's executive vice president, says the doctors' union is against the labeling proposal on the remarkable grounds that it would not "serve the public interest" because the dangers of smoking are already "common knowledge." As I noted earlier, it is also "common knowledge" that iodine is poisonous and that lye will burn you. I am sure the AMA would not oppose warning labels on these items, yet it opposes labeling a product which three decades of intensive research has shown to be a definite health hazard.

This propensity to weasel was also demonstrated in a letter I received from Dr. Blasingame this week.

In it he talks about evidence that "smoking may be hazardous to health" and about warnings that "smoking may impair health." Note the use of the word "may." The Surgeon General's study, which the AMA helped set up, states unequivocally that "smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action."

Dr. Blasingame also notes that the AMA's "official policy" is to warn "young people by appropriate means that there is a risk to their health involved in the use of tobacco." He goes on to comment that the AMA is producing pamphlets for this purpose. But why warn only "young people"? All of the research shows that smoking is harmful to everyone, young and old. And what could be a more "appropriate means" of warning people that tobacco is dangerous than to label it as such. After all, we do not warn people of poisons by circulating pamphlets—we label the bottle.

In contrast to AMA's attitude on the tobacco issue is the attitude of the thousands of American physicians it purports to represent. A survey in the March issue of the medical journal Modern Medicine showed that 95 percent—I repeat, 95 percent—of the Nation's doctors believe smoking is a definite health hazard. Only 2.8 percent of the doctors said they did not think smoking a health hazard. The remainder did not give an opinion. Further, 54 percent of the doctors indicated they think tobacco is so harmful that they advise every patient they see against smoking.

Also in contrast to the AMA attitude are the country's truly great physicians, the majority of State health commissioners and many other medical and health authorities who wholeheartedly support the proposal to put warning labels on tobacco.

In his letter, Dr. Blasingame charges that I slandered the AMA and that my comments constitute an "unjustified assault on the integrity" of AMA officials. Mr. Speaker, I say this organization which poses as a protector of the national health is slandering itself with its attitude toward the proven dangers of smoking. I say it is committing an outrageous assault on the faith Americans have traditionally placed in their doctors.

I say this organization has indicted itself, that its behavior in this matter is not only defenseless, but unconscionable. For when AMA spokesmen admit publication of the evidence alone will not deter people from smoking and at the same time oppose a proposal which would deter many, when they say smoking "may be" rather than "is" hazardous, when they say "no one has definitely found what causes cancer," when their "official policy" implies that only young people need beware the dangers of tobacco, and when they challenge 30 years of painstaking research by ballyhooing a $10 million research project to probe the many gaps they claim exist in the relationship between smoking and health, then I ask you, can there be any doubt that the overall effect is to actually encourage—I repeat encourage—people to ignore the proven dangers of tobacco and to continue smoking.

Mr. Speaker, to paraphrase the lines of that great patriot Patrick Henry, let me conclude by saying "If this be slander, make the most of it."

PROTECT FREEDOM'S FUTURE—TODAY'S CHALLENGE TO GOOD CITIZENSHIP

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, a prize-winning essay, entitled "Protect Freedom's Future—Today's Challenge to Good Citizenship," recently came to my attention in the Daily Times-News of Burlington, N.C., dated March 16, 1964.

Mr. Richard Jones, author of the essay, is a high school student in Mebane, N.C., and I can proudly say, one of my constituents in North Carolina's Sixth Congressional District. Mr. Jones has done a splendid job of presenting some of our Nation's problems, and he has given mature consideration to the individual responsibilities of each citizen. The essay is both eloquent and thought provoking; it is a great tribute to our youth and to our future.

Mr. Speaker, I wish to insert this essay in the RECORD, so that my colleagues in the Congress may have the opportunity to read Mr. Jones' excellent essay.

PROTECT FREEDOM'S FUTURE—TODAY'S CHALLENGE TO GOOD CITIZENSHIP

(NOTE.—Richard Jones, son of Mr. and Mrs. C. P. Jones of Route 2, Mebane, was judged first-place winner at Southern High School in an essay contest sponsored by the Alamance Civitan Club on the topic, "Perfect Freedom's Future—Today's Challenge to Good Citizenship." The were 75 students who participated in the project.)

Since the birth of our Nation at Jamestown, Va., some 350 years ago, the future of freedom has constantly been challenged. The courage of these early settlers in their quest for independence has persisted in their posterity. The perennial question facing Americans is freedom and how to protect its future. Of course, this struggle will go on and on: The future of freedom depends on the American citizen: what he thinks, what he does, how he rises to the task of meeting challenge with great achievement.

Each day we are confronted by newspaper headlines which make it clear that this is a testing time for Americans. But we are faced with problems in the world which are far more compelling than any headline can truly reveal. We are challenged by the shadow of the continuous spread of communism. Communists seek and, unfortunately, gain power and a following through conspiracy, terror, aggression, and deceit. The basic ideal of communism is to concentrate immense power on chosen objectives "* * * the Russian people are working long and hard, driven by fanatically dedicated leaders who are motivated by a single objective—the communization of the world," according to Richard M. Nixon in his book "The Challenge We Face."

Soviet leaders are motivated by a great spirit of competition. Former Vice President Nixon says of this challenge: "We can win in this competition * * * if we recognize their strength and if we work harder, believe more deeply, and are motivated by an even stronger competitive spirit than theirs." American citizens should never underestimate the Russian people; but at the same time, we should never underestimate the power of free men to stay that way.

Secondly, we are challenged by the light of hope in nations which desperately long to remove the chains of poverty and despair. There is a basic yearning in every man to be free. We, as American citizens, cannot give anyone freedom. Freedom is not a gift but a task. However, it is our responsibility to acquaint enslaved people throughout the world with the ideals, the advantages of equal rights for all. If we do this, not only will the oppressed people of the world benefit, but also the American people will reap harvest from this investment in world peace. Only by extending our freedoms to all mankind can we preserve them for ourselves.

To make our democracy an example to the world, it must be perfected here in our own country. Each citizen has the opportunity and the responsibility to do something for his country in this way. Each American citizen has the potentials of energy and strength to protect freedom if these powers are put to the right use. We must accept our responsibilities as we accept our rights. In our modern age, the two go hand in hand. From our smallest local governments to the complexities of our Federal Government, we as citizens are challenged to elect and support only responsible leaders who believe in and who obey what is right. We must welcome the opportunity to put down all hatred and distrust for those in public office. A spirit of respect for, obedience to, and understanding of the men and women who shape the destiny of our Nation will nourish the spirit of freedom. In fact, freedom in one sense is self-control. To make ourselves support what is right is freedom and dedication to the public good. "For in a democracy every citizen, regardless of his interest in politics, 'holds office'; every one of us is in a position of responsibility," according to the late President John F. Kennedy in his book, "Profiles in Courage."

Truly this is a time of challenge. We are challenged by communism which takes advantage of ignorance and poverty to gain its ends. We are also challenged to prove to the world that we, as Americans, have a better way of life as a free nation. But our greatest challenge comes from within. As citizens, we can strengthen our freedom only by earning it over again. We must seek to proclaim the indestructible rights of man, rights which afford each individual the utmost freedom for his individuality and protection for his way of living. Gen. Dwight D. Eisenhower advises, "The important thing is to do something, and not excuse oneself with the thought that 'I can do so little it will make no difference.' It does make a difference. America is people, not things. If each of us does his own particular job a little better, and raises his personal standards a little higher, our country will gain in strength and in character."

No citizen is exempt from these challenges, just as no citizen is denied the privilege of our many freedoms. Let us resolve to do our part to protect our freedom. We must remember that freedom is a task and a responsibility, not a gift.

NATIONAL LABOR RELATIONS BOARD

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. LENNON] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LENNON. Mr. Speaker, I do not believe that any fairminded or informed person would ever contend that it was the intention of Congress that the National Labor Relations Board should have anything to say about whether a business should or would be continued or not. Whether the owners of any business will leave their capital in and continue to devote their efforts to the enterprise is a judgment which they alone should and must make. It is a judgment which they must be free to make without hindrance from supervision or examination of conscience by any Government bureau. If a man is not free to go out of business, as well as to go into business, then we have no free enterprise system. If once a man invests his capital in a business venture, the Government may dictate the terms under which he may withdraw that capital, or whether in fact he may withdraw it at all, then whatever freedom remains in the free enterprise system is gone.

Because of my concern over the recent decisions of the National Labor Relations Board in this regard, I have introduced a bill which is designed to spell out the intent of Congress clearly and precisely. It is my belief that Congress never intended otherwise. However, in view of the position of the NLRB in recent cases, I feel that we must make our intention known and assure that in this respect it is carried out.

ISRAEL MUST HAVE WATER TO SURVIVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Buckley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BUCKLEY. Mr. Speaker, I view with increasing concern the unjustified activities by the Arab countries aimed at destroying Israel's legitimate development of its water resources. The ability of Israel to make the maximum use of the limited water available to it is vital to the very existence of this country. The State of Israel consists of a meager 8,000 square miles. Only one-half of this land is presently irrigated. By 1970 the population of this young democracy will be increased by natural growth and immigration, from its present 2,300,000 people to approximately 3 million—an increase of over 30 percent. Israel must be allowed to peacefully develop its land by irrigation programs or it will be impossible for it to sustain its people. At a time when all decent people are horrified by ever-increasing Communist persecutions of Jews, the importance of Israel being able to admit new immigrants cannot be overemphasized.

I am proud of my record of continued support for the development of a Jewish homeland in Palestine, and for United States support of the young Republic of Israel.

Israel has proven to be the firmest and most consistent friend that the Western democracies have in the Middle East. If we in the United States allow Israel to be destroyed by either economic or military action, we will not only be failing in a great humanitarian cause, but we will be losing for the United States a stronghold for democracy in a critical and troubled area. In addition, the prestige of the United States will suffer throughout the world for having failed a friend and ally. The denial of water to Israel is as much of a death sentence to its people as were the gas chambers of the Hitler terror.

I have followed with deep interest the rapid development of Israel. Its accomplishment and problems are familiar to me. The justification for Israel's present water development program can be found in a brief review of recent history. By the development of various water programs, Israel has more than doubled its cultivated area. In 1948 Israel had only 412,000 acres under cultivation, today it can boast of in excess of 1 million cultivated acres. This reclamation of worthless desert areas represents a miracle comparable to that accomplished by our own TVA and the land reclamation projects in the Southwest United States.

In 1953 Ambassador Eric Johnston of the United States commenced extensive negotiations between Israel and its Arab neighbors. His goal was the development of a unified water plan for the Middle East. The United States was prepared to finance such a plan. After extensive consultations with technical experts from Israel, and each of its Arab neighbors, a plan to develop the resources of the Jordan water system was concluded. Both Arab and Israeli technical experts agreed that this plan was fair to both sides. Israel announced her readiness to ratify the plan. Nevertheless, after Arab technical experts had already approved the details of the plan as fair, its implementation was vetoed at the Cairo Arab League meeting of October 1955. The Arab States refused to participate in this program solely because the plan would benefit Israel as well as the Arab countries. A plan beneficial to all mankind was frustrated by Arab League hate of Israel.

Israel was then faced with the necessity of developing its water resources alone in order to survive. It did so by commencing the massive Lake Kinneret-Negev project. This project will permit the development of 375,000 presently useless acres in the Negev Desert. It will halt the specter of a billion cubic meters of precious rainwater annually rolling to the sea wasted.

Israel's program in no way infringes on the water rights of the surrounding Arab countries. Each of the Arab States has more than ample water from other sources. Also, all of the Arab nations concerned are upriver from Israel and draw on the Jordan River water before the Jordan reaches Israel. Despite these facts I am outraged by the Arab efforts to destroy this project of Israel by useless draining from the water of the Jordan, solely for the purpose of preventing Israeli use of these waters.

The importance of Israel's survival in the Middle East is emphasized by an occurrence in the United Nations in January 1954. The United States, France, and England jointly sponsored a resolution in the Security Council which would have created the conditions for the peaceful resumption of work upon an Israeli water development project. The resolution was supported by a majority of the Security Council. It was vetoed by the Soviet Union. Since then the Soviet Union has followed a policy of massive military and economic aid to the Arab League States. Obviously Communist interests will be furthered in the Middle East by the destruction of Israel. American interests require Israel's survival.

We cannot minimize the present dangers faced by our valiant friends in Israel. As Israel moves toward completion of its great Lake Kinneret-Negev project we are shocked by the savage outcries heard at the 1963 Cairo Arab League meeting. Just last year this conference proclaimed that when the first drop of water flows so also will the blood of the Israelis flow. Our position must remain unquestionably clear. The United States will not just sit back and condemn slaughter after it occurs. We must emphasize that America is dedicated to prevent any unjustified aggression against Israel, under any circumstances.

I salute the recent clarification of the position of the United States in a speech by President Johnson before the Weizmann Institute in New York City on February 6, 1964. The President there forthrightly pledged U.S. support to Israel's efforts to make ocean water usable by utilizing nuclear energy to remove salt from the water. Our position in support of Israel's peaceful development must continue to remain forever clear. Between vigilance in the Congress and Lyndon Johnson's foresight in the White House, it shall remain clear.

Israel must survive. Arab League hatred must never destroy Israel. I urge the United States to continue to give Israel all possible assistance, so that it can peacefully develop the Jordan River waters and the desalinization of ocean water. The fairness and necessity for these projects is obvious. Their importance to overall U.S. policy cannot and should not be overlooked. I intend to do all in my power so long as I am in the Congress to see that the brave people of Israel receive the support and justice they deserve.

BYELORUSSIAN INDEPENDENCE DAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MULTER. Mr. Speaker, Byelorussians were one of the first Slavic peoples to be known to the West, yet their modern history is so inseparably merged with that of Russia, and they were so forcibly Russianized under the autocratic czarist regime, that in modern times the distinctive linguistic, cultural and traditional lines separating them from the Russians have been almost obliterated and demolished. Throughout their long subjugation to oppressive Russian rule these individualistic, independent and stout-hearted people, nevertheless, have steadfastly clung to the ideals of their forbears and have retained their national identity.

Byelorussians had their own state centuries before the rise of modern Russia, and in their homeland east of Poland and west of Moscow they maintained their freedom and national identity in the tumultuous times of trouble when endless hordes from Asia were on their rampage to the West. Against all these, Byelorussians succeeded in holding their own, but they were not so successful against the Muscovite Russians. The misfortunes and misery of the Byelorussian people seem to have stemmed from the rise and aggressive expansionist policy of Russian czars in the 16th century. At that early date Byelorussia was invaded and overrun, and its inhabitants brought under the despotic rule of the czars. Thenceforth the country was submerged in the bottomless ocean of the then expanding Russian Empire.

During some 300 years the Byelorussians were subjected to the ruthless autocratic regime of czarist Russia. The czarist government did all in its power to eliminate all distinctive national traits, and even national feelings, among the people of Byelorussia in its relentless effort to russify them. The Byelorussian language, culture and all national traditional activities were deliberately banned, and the authorities imposed the Russian language upon them. They were forced to observe and celebrate Russian national holidays and take part in Russian festivities.

Byelorussian national literature was also proscribed, and lovers of such literature were severely persecuted and punished. Then the authorities tried to spread the idea that there was no distinct Byelorussian national entity, that the people of Byelorussia were Russians who had lost their identity in the past, and that now they were being taught to revert to their true selves. All such deliberately concocted and officially decreed notions were anathema to Byelorussians. They were fully aware of the government's intent, and therefore were determined to oppose it with all the means at their disposal. They knew that any other course would have meant their extinction as a distinct national entity. And in the adoption of such a firm course, in their vow to retain and maintain their national culture, language, traditions and national heritage, they displayed wisdom, courage and willingness to sacrifice, and to suffer.

This struggle for national survival on the part of the Byelorussian people continued for centuries. At times their cause seemed hopelessly doomed, and they themselves were despondent, but they did not despair; they never entertained any doubt as to the righteousness of their cause. Fortunately in the end they prevailed.

Their day came late in 1917, when the decrepit czarist Russian government was overthrown, and early in 1918 they attained their long-cherished and richly-deserved national goal, freedom and independence.

The Russian revolution of 1917 that brought down the czarist regime was a most welcome result of the First World War. The toppling of the czarist regime meant the shattering of the chains of bondage in which more than a score of non-Russian nationalities were held. These peoples then asserted their right to freedom and proclaimed their national independence.

This the Byelorussians did 46 years ago on March 25, 1918. Then the Byelorussian Democratic Republic was established. Unfortunately, however, at the very outset the Byelorussian Democratic Republic was faced with insurmountable difficulties.

At the time most of the country was still under German occupation, and as the Germans withdrew after the armistice of November 1918, Russian Communists began to make trouble. While the government was doing all it could do to consolidate and strengthen its position, the Communists were doing their worst to undermine its authority. As it turned out the government was never given the chance to cope with the multiple problems it faced on all fronts. Indigenous Communists and Kremlin agents worked feverishly for the overthrow of the government. And this they eventually did with the active aid of the Red Army, and its government was no more. Soon Byelorussia was made part of the Soviet Union.

Since then helpless Byelorussians have been victimized under Communist tyranny. The heartless agents of the Kremlin have had such a firm and unrelenting hold on the country that no effort on the part of the Byelorussian people has succeeded in loosening their deadly grip. At the end of World War II the Kremlin's grip over Byelorussia was even tighter, and so it remains to this day.

On the 46th anniversary of Byelorussian Independence Day we all hope and pray for the liberation of the Byelorussian people from Communist totalitarian tyranny.

THE 46TH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE DAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RODINO. Mr. Speaker, each year we pause in our consideration of national legislation to memorialize peoples who no longer enjoy the privilege of living in accordance with national legislation, enacted by representatives they themselves freely select.

Each year the day of March 25 is marked as an anniversary of great importance for American citizens of Byelorussian descent, as well as for all Byelorussians living in the countries of the free world, and in Byelorussia herself, occupied by Soviet Russia today. It is the day on which Byelorussians celebrate the anniversary of the proclamation of independence of their country.

In the past, Byelorussia was an independent country, and she played an important part in the medieval history of Eastern Europe. In the early middle ages, Byelorussia appeared in the shape of duchies of Polatsk, Smolensk, Turau, and others. Later, Byelorussia was known as a united state, the Great Duchy of Lithuania. In 1795, this country was forcibly incorporated into the Russian Empire.

Continuous efforts have been made by the Byelorussians in an attempt to regain their independence. A most substantial effort was in 1812, with Napoleon's assistance, and later, in 1863, by armed uprisings under the leadership of Kastus Kalinouski. The revolution of 1917 in Russia offered another opportunity to regain freedom, this time by means of democratic self-determination. On December 15, 1917, the First Byelorussian Congress convened in the capital of Byelorussia in Miensk, with the aim of establishing an independent Byelorussia. The Congress elected the Rada—Council—and its Presidium as the executive body, which assumed responsibility for the fate of the nation. However, this Congress was attacked and dispersed by the armed forces of Soviet Russia.

Later, on March 25, 1918, the Rada of the Byelorussian Democratic Republic solemnly proclaimed the independence of Byelorussia by passage of the Third Constitutional Act. Armed forces of Soviet Russia from the east and of Poland from the west attacked and conquered the young Byelorussian state and divided her territory among themselves.

The people of Byelorussia defended their independence by armed uprising in the Slutsk district in 1920. However, the Byelorussian forces were brutally crushed by the armies of Soviet Russia.

On June 27, 1944, during the Second World War, the Second Byelorussian Congress convened in Miensk. This Congress annulled all treaties concerning Byelorussia of the occupational governments, and confirmed the proclamation of independence of the Byelorussian Democratic Republic. The Byelorussian Central Rada organized armed forces: Byelorussian National Guard, for the fight against Soviet Russia. However, Byelorussia was conquered again by Soviet Russia.

The Byelorussian Soviet Socialist Republic in existence today was created by Soviet Russia on January 1, 1919 in Smolensk as a satellite and a substitution for an independent Byelorussia. Although the Byelorussian S.S.R. was incorporated into the U.S.S.R., the Russians are not secure about the unity of their empire. Therefore in their slogans which honor the anniversary of the Bolshevik revolution, the Central Committee of the Communist Party of the Soviet Union always calls for "existence and strength of unbreakable unity and fraternal amity among nations of the U.S.S.R."

Only less than half of the Byelorussian ethnographical territory has been included within the Byelorussian S.S.R. About half of Byelorussia has been annexed to Poland, Lithuania, Latvia, and Russian S.F.S.R.

For 45 years Byelorussians have been subjected to a violent and ruthless persecution, deportation, and extermination. As a result of Soviet Russian policy of genocide, Byelorussia has lost about 6 million of her population.

The russification of Byelorussia is being carried out constantly and in an intensified way. The Russian Communist Party and Government set as their goal the complete merging of all the non-Russian nations of the U.S.S.R. into one Soviet Russian nation. Byelorussians are being russified by Russian schools, Russian newspapers and books, with Russian officials and soldiers being sent in great masses into the Byelorussian S.S.R. The Russians occupy all leading positions in the country. Churches are being closed.

Deportations of Byelorussians to the virgin regions of Asia are continuing. Complete families are deported as are skilled single persons. Beside Communist Party pressure, the government also uses various tricks. The school of mechanization of agriculture in Tula—near Moscow—is attracting the Byelorussian youth by many promises. However, after graduation, the people will be sent to work in the virgin regions.

In all phases of life, oppression has replaced freedom for the brave Byelorussians. Yet, though they live under this yoke, not under law, they keep in their hearts and minds the hope of again being free. Let us join those still there, their relatives and descendants here, in the prayer that this hope will soon be a reality.

PAPAYA AS A TOBACCO SUBSTITUTE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, few medical questions have stirred such public interest or created more scientific debate than the tobacco-health controversy. The Surgeon General of the United States has stated that the interrelationships of smoking and health are undoubtedly complex. Because the health and well-being of millions of Americans are involved, the Federal Government has a responsibility for seeking the answers.

I should like to suggest as a possible answer the use of the leaf of the papaya, a popular fruit produced in my State of Hawaii, which is presently being tested as a "safe" tobacco substitute. The efficacy and enjoyment of a cigarette made from papaya is something to which I can personally attest. As a member of the youthful neighborhood gang, seeking to savor the privileges and delights of manhood, I surreptitiously sampled my first cigarette, which was composed of shredded dry papaya leaves. The pleasurable coughs experienced by me with this experimentation of a tobacco substitute leads me to conclude, even today, that further research by our scientists and chemists would support my beliefs that through the use of papaya leaves as a tobacco substitute, smoking pleasure could be had without any hazard to health.

I am asking the Secretary of Agriculture to conduct a research into this matter, and if legislation be necessary I shall seek your assistance.

GREEK INDEPENDENCE DAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, today, March 25, 1964, is the 143d anniversary of Greek Independence Day. On this day in 1821 Archbishop Germanos of Patras raised the flag of freedom over the monastery of Aghia Lavra declaring the independence of the Greek people from the Ottoman Empire. After a bitter and costly 7-year struggle the heroic and greatly outnumbered Greeks won their freedom and 400 years of subjugation was ended. Once again the spirit of Thermopylae had triumphed.

The words "spirit of Thermopylae" are not merely a platitude, to be uttered lightly or to designate any ordinary occasion. For this spirit is what makes Western civilization and democracy what it is today. It is the same spirit that gave rise to the birth of democracy in ancient Greece. And it is not only the same spirit that urged the people of Greece to fight for their freedom in 1821, but it is the same spirit that urged them to fight unceasingly against the Nazi tyranny as well as the Communist aggression. I think it does well for us to remember not only the war of 1821, but also the continual, unflinching Greek resistance against the Nazis during World War II, and the successful fight against the Communists following that war.

It is well to remember these events because the Greek resistance to the Nazi invader came at a time when many of the countries of Europe capitulated and even went over to the side of the enemy without any semblance of the kind of struggle put up by the patriotic and freedom loving Greeks. Greek resistance to communism was greatly aided by the Truman doctrine by which the American people announced their firm intent to help the Greek people defend their freedom. But the battle itself was one with Greek blood alone.

In 1962 President Kennedy said the following in a message to the Greek people on the 15th anniversary of the Truman doctrine:

> Today we are joined together in an effort to strengthen the cultural and spiritual ties we share and for our part we pledge our loyalty to our faithful and gallant Greek friends. Together we have accomplished much and, united in purpose, there is little we cannot do in the future. We assure the Greek people of our continued support against the dangers which confront us both, as well as our goods and deeds to help in the quest for progress.

These words are as true and appropriate today as they were on the day they were spoken. The American people will never forget the close ties between our two great nations, and to the entire Greek people as well as the more than 1½ million Americans of Greek origin, I would like to say, "Happy Anniversary."

SOVIETS RENEGE ON PROMISE TO DELIVER MATZOH SHIPMENTS

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I would like to draw attention to the profoundly disturbing reports emanating from Soviet Russia that the Communist authorities have refused to unpack and deliver at least 50,000 pounds of Passover matzoh which they had previously assured the Jewish community.

These matzoh packages were sent by U.S. citizens. There were reports in yesterday's newspapers that only in one case had a delivery been made to a prescribed recipient, who is Moscow's Chief Rabbi Yehudi Leib Levin.

This despicable turn of events is symtomatic of the deceitful approach of the Soviets toward their Jewish people. They wish to give an impression that anti-Semitism in Russia is an illusion. The facts speak otherwise.

Early in February the Soviet Embassy here in Washington publicly proclaimed that Americans could ship, by individual parcels or in bulk form, packages of matzoh to the Soviet Union.

But only last week, Russian citizens were told by their Government that acceptance of these parcels constituted a so-called act against the state. Importing matzoh was suddenly termed "ideological sabotage."

This information was recorded recently by the Synagogue Council of America, an eminently distinguished group with authoritative sources.

One shipping company sent as many as 5,000 packages. It is estimated that at least 15,000 packages in all, about 150,000 pounds of matzoh, was sent privately to individuals and groups in Russia. Except in only one case, Soviet authorities and customs officers have refused to free the matzoh for delivery.

This is but one more incident in the train of subterfuge evidenced in the last several months. We need to direct attention toward this continuing onslaught upon the fundamental human rights we seek for the world at large.

I would like to draw the attention of the House to the joint resolution, House Joint Resolution 954, introduced by my able and distinguished colleague from Ohio [Mr. FEIGHAN], which I am privileged to have cosponsored. The resolution calls upon our President to exert every effort at his command to facilitate the proper delivery of matzoh for the Feast of Passover in the Soviet Union. Time is short, Mr. Speaker, and I earnestly plead for House action on this resolution.

The necessity for concrete action grows more convincing with each day. At the same time, we must, in long-range terms, achieve a universal condemnation of anti-Semitism, with effective enforcement, as a vehicle through which these ugly manifestations can be eradicated wherever they arise.

VETERANS' LEGISLATION

The **SPEAKER**. Under previous order of the House, the gentleman from Texas [Mr. BECKWORTH] is recognized for 15 minutes.

Mr. **BECKWORTH**. Mr. Speaker, 22 of my 50 years have been spent in Congress. During this 22 years I have tried to help all our veterans, their widows and dependents and all our service people and their dependents—I voted for the servicemen's pay raise on May 8, 1963 and I have tried to help our farmers, our businessmen, our aged, our blind, our crippled, our unemployed, our people over 45 years of age who seek work and our boys and girls who undertake to get work.

Within the last 3 years I have introduced two bills to enable more students and teachers to work in Washington in the summertime for the Government in order to learn more about our Government. These bills passed the House of Representatives by record votes of over 300 votes for to less than 25 against.

I have mentioned I have tried to help our aged. I voted for the Kerr-Mills bill.

LONGVIEW, TEX.,
August 6, 1963.

The Honorable LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

DEAR SIR: Pursuant to my recent letter to you I've received phone calls from seven of my fellow constituents asking me what I had done to incur your wrath. I had been under the impression that you had voted for a King-Anderson-type bill. Therefore I wrote Mr. Williston for your voting record and enclose his reply. It seems you had not supported socialized medicine and that I owe you an apology.

I also urge you to continue your voting against any form of federalized or socialized medicine and I may bring my wife and two children to visit you, your wife and five children. Make it specific and we will be there.

A copy of this letter has been mailed to seven of the doctors here in Longview.

Respectfully yours,
WALTER CAVE, M.D.

H.R. 221 passed the House on August 19, 1963. It would extend the benefits of the war orphans educational assistance act to children of 100 percent permanently disabled service-connected veterans. I favored the legislation.

I had introduced H.R. 177 on January 9, 1963, which is a bill to amend chapter 35 of title 38, United States Code:

> To provide educational assistance to the children of veterans who are permanently and totally disabled from wartime service-connected disability.

In the first session of the 86th Congress I introduced H.R. 7724, "a bill to amend section 1622 of title 38 of the United States Code in order to clarify the meaning of the term 'change of program of education or training' as used in such section." A favorable report was given on my bill by the American Legion on July 15, 1959.

THE AMERICAN LEGION,
LEGISLATIVE COMMISSION,
Washington, D.C., July 15, 1959.

Hon. WILLIAM JENNINGS BRYAN DORN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DORN: I understand that you will preside at a meeting of the Subcommittee on Education and Training of the House Veterans' Affairs Committee scheduled to be held on July 21 in connection with H.R. 4306 and H.R. 7724.

The American Legion is not asking for the privilege of a personal appearance on either one of these bills.

We are not in a position to support H.R. 4306.

In connection with H.R. 7724, while we have no resolution on the subject matter, I would advise that the American Legion's rehabilitation representatives feel such an amendment to section 1622 of title 38 of the United States Code is desirable. We, therefore, trust the subcommittee will favorably consider H.R. 7724.

With kind regards.

Sincerely,
MILES D. KENNEDY,
Director.

The Veterans' Administration gave a favorable report on my bill. The bill was reported favorably by the Dorn subcommittee on July 21, 1959, and its provisions have now become law.

I quote from the Washington Post of March 5, 1964, some words about a dinner given in Washington in March 1964, by the American Legion national commander, Hon. Daniel F. Foley:

> There were no formal speeches, although in his brief remarks Commander Foley mentioned the GI bill of rights, which was passed 20 years ago.
>
> "Many of you in this audience tonight played a part in the passage of that bill," Foley said, "both as Legionnaires and as Members of Congress, and to all of you, the veteran population of this Nation owes a vote of thanks that would be difficult, if not impossible, to repay."

I actively supported the so-called GI bill. At this point I wish to include in the CONGRESSIONAL RECORD the pertinent part of a letter written to me by Mr. Harry E. Rather:

THE AMERICAN LEGION,
DEPARTMENT OF TEXAS,
Austin, Tex., April 26, 1944.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D.C.

DEAR LINDLEY: Thanks for your prompt reply in regard to the resolution passed by the department executive committee regarding the Legion's GI bill of rights for World War II veterans. We know that you are for this legislation. We have known it all along and we are very pleased to find that you were at least one of the Congressmen from Texas to sign discharge petition No. 8.

Sincerely yours,
HARRY E. RATHER,
Department Adjutant.

I worked diligently to help pass the terminal leave legislation for enlisted men.

TERMINAL LEAVE FOR ENLISTED MEN AND LETTER ENDORSING BECKWORTH'S BILL—H.R. 1160

(June 7, 1946)

Mr. BECKWORTH. Mr. Speaker, on December 18, 1943, I introduced a bill (H.R. 3875) to provide terminal leave for enlisted men. On January 8, 1945, I introduced H.R. 1160, a slightly modified form of my first bill. The national legislative committee of the American Legion endorsed my bill H.R. 1160. Several Members of Congress and I appeared before the House Military Affairs Committee urging the passage of the terminal leave legislation. I include at this point the endorsement of the American Legion:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D.C., October 24, 1945.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: We are, as you know, vitally interested in your bill, H.R. 1160, which provides terminal leave to enlisted men in the same manner as is now given to officers, except that it also provides that the compensation to which the soldier is entitled shall be paid in a lump sum, which, of course, is a very good idea.

Demobilization is taking place at such a rapid rate at the present time that unless this is enacted into law quickly it is not going to benefit very many GI's.

It does not seem to me as though it is a very controversial issue and that the House Military Affairs Committee could make up its mind very readily as to how they feel about it. We shall appreciate very much if action can be had on this matter.

Sincerely yours,
JOHN THOMAS TAYLOR,
Director, National Legislative Committee.

I was 1 of 218 Members of the House to sign the petition—the 218th signature was obtained April 17, 1946—which authorized the bringing of the legislation to the floor of the House.

I have undertaken at all times to cooperate with the members of the Veterans of Foreign Wars, the Disabled American Veterans, and the American Legion.

I quote part of a letter written December 31, 1945, which I received from Mr. Joseph M. Stack, commander in chief, Veterans of Foreign Wars of the United States, Kansas City, Mo.:

> I have the page from the CONGRESSIONAL RECORD reprinting your remarks and the various communications you have received in connection with your activities in behalf of veterans and their dependents, and I wish to express my appreciation for your efforts along this line.

Also I quote a part of a letter which was written to me March 13, 1964, by one of the outstanding leaders of the Veterans of Foreign Wars.

> You are known to have supported all veteran legislation.

I certainly appreciate these statements.

I was chairman of the War Claims Subcommittee of the House Interstate and Foreign Commerce Committee. This is the subcommittee under which prisoner of war legislation was considered. It helped prisoners of war.

I have been second ranking member of the Interstate and Foreign Commerce Committee—next to the chairman—this committee handles oil, gas, transportation, and communications legislation. I was chairman of the Transportation Subcommittee, the Airplane Accidents Investigating Subcommittee and the Newsprint and Brands and Grade Labeling Subcommittees.

As one who was born and raised on the farm, I have tried to help our cattle people. Several members of our family depend on the growing of cattle for their livings. I include a letter at this point from Senate Majority Leader Mike Mansfield.

Congress of the United States,
House of Representatives,
Washington, D.C., March 19, 1964.
Hon. Lindley Beckworth,
House of Representatives,
Washington, D.C.

Dear Lindley: I am enclosing a copy of the meat import bill and a copy of a statement which has been prepared for me, telling just what the bill does, its background, etc. Your interest in and help with the bill is greatly appreciated.

Most sincerely,
A. Sydney Herlong, Jr.

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., March 9, 1964.
Hon. Lindley Beckworth,
House of Representatives,
Washington, D.C.

Dear Lindley: This will acknowledge receipt of your penciled note which has just reached my desk.

I agree with Mr. Jack Price that there is too much beef coming into the country, and I have been assured by Senator Harry Byrd that hearings will be held on my proposal, S. 2525, to reduce imports to an average over the past 5 years.

Must close now, but with best personal wishes, I am,

Sincerely yours,
Mike Mansfield.

Note the Federal money which has been spent on the projects which are listed.

Department of Health,
Education, and Welfare,
Washington, D.C., March 16, 1964.
Hon. Lindley Beckworth,
House of Representatives,
Washington, D.C.

Dear Mr. Beckworth: In response to a copy of your letter of February 29, 1964, a list of hospitals and other medical facilities in the Third Congressional District of Texas which have received Hill-Burton assistance is enclosed.

If we may be of further assistance, please let us know. The copy of your letter is returned.

Sincerely yours,
Harald M. Graning, M.D.,
Assistant Surgeon General, Chief, Division of Hospital and Medical Facilities.

Mr. Speaker, this table was sent to me by Harald M. Graning, M.D., of the U.S. Public Health Service March 16, 1964:

Hospitals and medical facilities in 3d Congressional District, Texas, which have been approved for Hill-Burton funds

Location	Name of facility	Type of construction	Initially approved	Total cost	Federal share
Kilgore	East Texas Treatment Center Rehabilitation Facility.	New rehabilitation facility	August 1961	$329,953	$163,946
Do	Kilgore Memorial Hospital	75-bed new hospital	July 1948	1,450,605	459,421
Longview	Good Shepherd Hospital	64-bed general hospital addition and remodeling.	February 1957	1,181,518	531,500
Do	do	60-bed general hospital addition and remodeling.	July 1948	891,777	283,435
Carthage	Panola County Hospital	50-bed new general hospital.	January 1948	558,618	182,668
Do	Sabine Area Nursing Home.	50-bed new nursing home	January 1964	450,000	225,000
Center	Shelby County Hospital	23-bed new general hospital	August 1956	395,441	184,000
Tyler	Medical Center Hospital	133-bed new general hospital.	March 1948	1,685,457	558,776
Do	do	80-bed general hospital addition.	December 1957	1,076,550	517,000
Do	Mother Frances Hospital	128-bed general hospital addition and remodeling.	August 1963	4,074,844	1,050,000

U.S. Department of Commerce,
Washington, D.C., March 5, 1964.
Hon. Lindley Beckworth,
House of Representatives,
Washington, D.C.

Dear Congressman Beckworth: This is in reply to your note of February 19, asking for information concerning the amount of Federal financial assistance rendered to projects in Rusk County, Tex.

On February 5, 1963, the Area Redevelopment Administration announced approval of a $228,540 industrial loan to help Red Dot Plastics Industries, Inc., of Henderson, Tex., establish a plant for the manufacture of miscellaneous plastic products. The total cost of the project was $351,600. The funds were for the purchase of an existing building and the necessary machinery and equipment. The Henderson Industrial Trust, a local development group, invested $35,160 and the company put up $17,580 as equity. All of the ARA portion has been disbursed. The company anticipates the employment of 63 workers when in full operation.

On October 25, 1963, the ARA announced approval of a $149,500 industrial loan for the Henderson Industrial Trust, a local development group, to purchase a building to be leased to Wood Carv, Inc., Henderson, Tex., a subsidiary of Nutone, Inc., for the manufacture of wooden kitchen cabinets. The total cost of the project was $230,000. The Henderson Industrial Trust invested $34,500. None of the ARA funds had been disbursed as of January 31, 1964. Wood Carv anticipates that 65 workers will be employed when the company is in full operation.

On November 17, 1962, under the accelerated public works program, the Area Redevelopment Administration announced approval of a Housing and Home Finance Agency, Community Facilities Administration project, for water facilities expansion for Overton City, Tex., in the amount of $33,825. The local contribution to this project was $47,175.

Sincerely,
W. L. Batt, Jr.,
Administrator.

The Federal Government contributed $48,489 to the building of the Rusk County Airport at Henderson.

This table was sent to me February 27, 1963:

Small Business Administration,
Dallas, Tex., February 27, 1964.
Hon. Lindley Beckworth,
House of Representatives,
Washington, D.C.

Dear Congressman Beckworth: Reference is made to your letter under the date of February 29, 1964, inquiring as to the amount of Federal funds that have been disbursed in Rusk County, Tex., in the last 10 years. In connection with the Area Redevelopment Administration loan program, office records disclose the following:

Name, date, and amount

Henderson Industrial Trust, Henderson, Tex.:	
Approved, Oct. 25, 1963	$149,500.00
Disbursed (fully), Feb. 18, 1964	149,500.00
Red Dot Plastics Industries, Inc., Henderson, Tex.:	
Approved, Feb. 6, 1963	228,540.00
Disbursed, May 13, 1963	176,187.80
Disbursed, May 23, 1963	50,421.24
Disbursed (fully), Oct. 25, 1963	1,930.96
Total	228,540.00

Please be advised that a supplemental letter will be forwarded covering the same information as to financial assistance provided by the Small Business Administration.

We are certainly pleased to know of the continued interest in your constituents and any assistance that this office may provide will be furnished promptly.

With kind regards, I am,

Sincerely,
Robert E. West,
Regional Director.

Small Business Administration,
Washington, D.C., March 18, 1964.
Hon. Lindley Beckworth,
House of Representatives,
Washington, D.C.

Dear Congressman Beckworth: I am pleased to advise that the Small Business Administration has approved a development company loan for Kilgore Industrial Foundation, Inc., Kilgore, Tex.

The enclosed fact sheet supplies the details of this loan, the cumulative information for previous loans in your State and the total program as of a recent date.

I am sure you will agree that this program affords an excellent opportunity for local development companies to acquire capital funds for the construction of small business plants and facilities. This program has a tremendous potential for spurring our economy, since it creates jobs with small business concerns that might not otherwise exist—particularly in smaller communities. This activity will ultimately provide a strong small business foundation broadly established throughout the Nation.

If you wish further information on this or other Agency programs, I hope you will get in touch with us.

Sincerely,
Richard E. Kelley,
Deputy Administrator.

This letter was sent to me by the Small Business Administration March 12, 1964:

Small Business Administration

A Section 502 Development Company Loan

(Small Business Investment Act of 1958, as Amended)

Local development company: Name, Kilgore Industrial Foundation, Inc.; address, Kilgore, Tex.; president, H. Donnell; term of loan, 20 years; amount, $160,000.

Participating bank: Name, Citizens State Bank and Trust Co.; address, Kilgore, Tex.; amount, $16,000.

Small-business concern: Name, Kilgore Manufacturing Co.; address, Kilgore, Tex.; president, W. R. Yazell; type of business, cutting and sewing women's apparel; new jobs created, 75.

Construction of an industrial building.

Cumulative program activity from August 1958 through March 6, 1964—State of Texas

Number of loans, 8; total amount loaned, $843,360; bank participation, $65,420; total new plants and facilities, $1,082,482; new jobs created, 318.

Total program: Number of loans, 363; total amount loaned, $49,972,257; bank participation, $5,377,898; total new plants and facilities, $70,700,020; new jobs created, 21,825.

As the father of three boys and two girls and as a former teacher, I have always been interested in education.

The first Federal aid to education bill was enacted in 1785. As of 1962 there have been more than 20 other individual acts of Congress providing Federal aid to education. Texas A. & M. University receives about $7 million of Federal aid to education annually as I understand it.

HOUSING AND HOME FINANCE AGENCY,
Washington, D.C., February 28, 1964.
Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

DEAR MR. BECKWORTH: Thank you for your letter of February 22, 1964, requesting information regarding college housing loans made to Baylor University, Abilene Christian College, Texas Christian College, Southern Methodist University, and Tyler Junior College.

The information you requested is set forth on the enclosed listing.

The defense scholarship program is administered by the Department of Health, Education, and Welfare, Office of Education, and I am forwarding a copy of your letter to that agency for reply regarding that program.

I appreciate your interest in the college housing program.

Sincerely,

SIDNEY H. WOOLNER,
Commissioner.

This table was sent to me by the Housing and Home Finance Agency, February 28, 1964:

Institution and location	Scope	Federal funds
Baylor University, Waco	Housing for 366 women. Completed. Loan approved Oct. 29, 1952	$1,250,000
	Housing for 340 men. Completed. Loan approved June 23, 1953	669,000
	Housing for 48 student families. Completed. Loan approved Mar. 31, 1955	320,000
	Housing and dining for 595 women. Completed. Loan approved Apr. 9, 1956	1,805,000
	Housing for 558 men, dining (534 seats). Completed. Loan approved Feb. 11, 1959	1,711,000
Total		5,755,000
Abilene Christian College, Abilene	Housing and dining for 312 men, 210 women. Completed. Loan approved Sept. 9, 1954	1,716,000
	Housing for 352 women, 2 infirmary rooms. Completed. Loan approved Apr. 12, 1960	1,024,000
Total		2,740,000
Texas Christian University, Fort Worth	Housing for 316 men, 302 women. Completed. Loan approved Sept. 10, 1956	1,800,000
	Housing for 240 men, 250 women. Completed. Loan approved Mar. 18, 1958	1,790,000
Total		3,590,000
Southern Methodist University, Dallas	Housing for 302 men, 245 women. Completed. Loan approved Oct. 10, 1955	1,900,000
	Housing for 303 men, 155 women, 67 student families, dining (303 men). Completed. Loan approved July 30, 1958.	2,825,000
	Housing for 348 men, 378 women, addition to college union-dining (550 seats). Under construction. Loan approved May 21, 1963.	4,000,000
Total		8,725,000
Tyler Junior College, Tyler	Housing for 48 men, 48 women. Completed. Loan approved Aug. 30, 1957	200,000
	Housing for 48 men, infirmary room. Completed. Loan approved Oct. 13, 1961	90,000
Total		290,000

NOTE.—Texas A. & M. University has received a $5,850,000 housing loan.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 25, 1964.
Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

DEAR MR. BECKWORTH: This is in response to your memorandum of February 17, requesting information as to loans or grants of Federal aid to education to Baylor University, Abilene Christian College, Texas Christian University, and Southern Methodist University.

Information concerning college housing loans is being sent to you by the Housing and Home Finance Agency.

I am told that the requested information on National Defense Education Act assistance has been forwarded through Mr. Jack Hughes' office. A copy is enclosed herewith.

The cooperative research branch has on file records of three projects with Texas Christian University totaling $262,361 (Federal contributions only). The other three institutions are not participating.

Sincerely yours,

ERNEST V. HOLLIS,
Director, College and University Administration, Division of Higher Education.

Texas—National Defense Education Act, titles II, IV, V(B), and VI, fiscal year 1959–64 obligations, Abilene Christian College, Baylor University, Texas Christian University, and Texas A. & M. University

Institution	Fiscal year 1959	Fiscal year 1960	Fiscal year 1961	Fiscal year 1962	Fiscal year 1963	Fiscal year 1964
Title II. National defense student loan program:						
Abilene Christian College	$85,925	$55,397	$112,014	$182,700	$189,350	$234,850
Baylor University	78,315	172,152	250,000	250,000	250,000	250,000
Texas Christian University	144,027	84,078	85,500	72,900	157,379	149,306
Texas A. & M. University	93,977	90,611	108,000	108,000	115,200	151,286
Title IV. National defense graduate fellowship program (fiscal year 1964 funds not yet obligated):						
Baylor University	9,800	49,600	71,600	74,600	32,100	[1]
Texas Christian University			9,800	44,700	75,450	[1]
Texas A. & M. University	58,800	135,900	166,100	182,600	153,900	[1]
Title V(B). National defense counseling and guidance training institutes (fiscal year 1964 funds not yet obligated): Texas Christian University		30,940		34,649		[1]
Title VI. Language development:						
Modern foreign language fellowships (fiscal year 1964 funds not yet obligated): Texas Christian University					3,542	[1]
Language research and studies: Texas A. & M. University			2,454	736		

[1] Not available.

This table was sent to me March 4, 1964, by Mr. J. F. King of the National Science Foundation, Washington, D.C.:

National Science Foundation support to 4 institutions in Texas

	Abilene Christian College		Baylor University		Southern Methodist University		Texas Christian University	
Date of 1st NSF award	March 1955		December 1956		January 1956		March 1953.	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount
Total of NSF grants during the period Jan. 1, 1953, to Dec. 31, 1963:								
Research:								
Biological and medical sciences			8	$193,100	7	$62,000	2	$9,100
Mathematical, physical, and engineering sciences			1	3,800	8	151,400	3	67,700
Social sciences					3	40,200		
Education:								
Scientific personnel and education	2	$19,520	9	484,485	26	497,190	8	566,100
Fellowships [1]	1	2,365	16	48,579	6	11,012	19	35,420
Other:								
Institutional base grants			2	25,265	3	28,324	2	5,760
Conferences					1	1,650		
Dissemination of scientific information					3	57,116		
Total	3	21,885	36	755,229	57	848,892	34	684,080

[1] NSF fellowship awardees selecting these institutions at which to pursue their studies.

This table was sent to me by the U.S. Office of Education, March 9, 1964:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION

Obligations to selected higher education institutions for student loans and national defense fellowships in Texas

Institution	Fiscal year 1959	Fiscal year 1960	Fiscal year 1961	Fiscal year 1962	Fiscal year 1963	Fiscal year 1964 estimate
Defense educational activities:						
Title II. Student loans:						
Abilene Christian College	$85,925	$55,397	$112,014	$182,700	$189,350	$240,660
Baylor University	78,315	172,152	250,000	250,000	250,000	390,600
Texas Christian University	144,027	84,078	85,500	72,900	157,379	153,000
Tyler Junior College		8,214				
Le Tourneau College					13,500	24,000
Southern Methodist University	92,512	63,734	86,796	124,020	150,397	181,493
Subtotal	400,779	383,575	534,310	629,620	760,626	989,753
Title IV. National defense fellowships:						
Baylor University	9,800	49,600	71,600	74,600	32,100	(1)
Texas Christian University			9,800	44,700	75,450	(1)
Southern Methodist University		19,900	21,100	20,800	15,150	(1)
Subtotal	9,800	69,500	102,500	140,100	122,700	(1)
Total	410,579	453,075	636,810	769,720	883,326	989,753

[1] Not available.

I have diligently worked to help bring industry to east Texas. I have always cooperated with all of our officials in this connection. I worked with citizens of Longview to help bring the Le Tourneau operations to east Texas.

During World War II I worked to bring to the Third Congressional District, Camp Fannin in Tyler, Harmon General Hospital in Longview, and Pounds Field in Tyler, and the radio training program in Tyler.

I quote from page 3 of the fall 1963 issue of Chronicles of Smith County published by the Smith County Historical Society and Historical Survey Committee, Tyler, Tex.:

> Major Caldwell (today a retired full colonel living in Oklahoma City) provided the following report of the instructions given him at 8th Corps Headquarters:
>
> "We are being pestered by Congressman BECKWORTH to establish some sort of military installation in his district and to try to quiet him down, we have decided to set up a radio training school at Tyler, Tex., and to operate it for only 3 months. Therefore, you should take nothing more than your footlocker with you so that you may be ready to pull out for a new assignment at the end of the program in Tyler. There are no facilities to take care of your men whom you are going to command; and, since the first 100 are due to arrive from Camp Crowder, Mo., on Saturday and since it is now halfway through Thursday, you had better pull out for the new assignment immediately to prepare for their arrival. We are giving you three sergeants whom we consider capable of helping you handle the administrative side of the program."

I continue to quote from the fall 1963 Chronicles of Smith County:

> More than 2,000 soldiers from every State in the Union and representing virtually every branch of the Army took the 13-week radio operator training course at Tyler Commercial College. A total of 1,997 men successfully completed the course by attaining the required minimum code speed of 15 words per minute.

At Pounds Field in Tyler, Tex., during World War II—Pounds Field was then an Air Force installation—there was a program of advanced training carried on by the Air Force. About 1,700 men were trained there prior to January 1945.

The Disarmament Negotiations Agency legislation was approved by the House on September 19, 1961, by a vote of 290 to 54—194 Democrats voted for it and 96 Republicans voted for it—16 Democrats voted against it and 38 Republicans voted against it.

The Senate passed the Disarmament Negotiations Agency bill, No. S. 2180, September 8, 1961. There were 73 ayes for it and 14 nays—48 Democrats voted for it and 25 Republicans voted for it—8 Democrats voted against it and 6 Republicans voted against it.

The Disarmament Treaty was ratified in the Senate September 24, 1963. The vote was 80 for and 19 against—55 Democrats and 25 Republicans voted for it and 11 Democrats and 8 Republicans voted against it.

GREEK INDEPENDENCE DAY

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 10 minutes.

Mr. RYAN of New York. Mr. Speaker, recently, we have been reminded most forcefully of the strong ties that bind Greece and the United States. This Nation has shared in the grief of the Greeks at the death of King Paul in early March; this Nation has shared in the concern of Greece that peace be reestablished on Cyprus.

Greek Independence Day, which we mark today, provides an appropriate occasion to examine the sources of the ties between our two nations, and to express our firm conviction that these ties will prove as durable in years to come as they have in the past. How could it be otherwise when we consider the special meaning ancient Greece holds for this country, when we consider the sympathy with which Americans regarded the Greek struggle for independence in the early 19th century, when we remember the renewed struggle for independence following World War II—this time with active American participation, when we think of the Greek contribution to NATO and of our large Greek-American community? The sources of friendship between Greece and the United States are many; the fruits of this friendship are rich.

Ancient Greece was a cradle of Western civilization. The works of the dramatists, philosophers, and historians of ancient Greece are enduring monuments of Western culture.

In recent years, Western nations have been more conscious than perhaps ever before of what they hold and cherish in common and seek to preserve together. One of the most important sources of Western unity is the legacy of ancient Greece. That legacy has given to Western culture many of its distinctive traits; more specifically, it has left a lasting imprint on Western political ideals. Athenians of the fifth century before Christ not only sought to practice democracy; they endlessly debated its merits and its defects. That debate is still relevant today. Indeed, whereas Pericles spoke of Athens as the school of Hellas, we may speak of Athens as a school of the West. When Americans seek to express the ideals of citizenship and of a democratic society they can turn to the words of the funeral oration of Pericles as recorded by Thucydides:

> Our constitution [said Pericles] does not copy the laws of neighboring states; we are rather a pattern to others than imitators ourselves. Its administration favors the many instead of the few; this is why it is called a democracy. If we look to the laws, they afford equal justice to all in their private differences; if to social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit; nor again does poverty bar the way; if a man is able to serve the state, he is not hindered by the obscurity of his condition. The freedom which we enjoy in our Government extends also to our ordinary life. There, far from exercising a jealous surveillance over each other, we do not feel called upon to be angry with our neighbor for doing what he likes, or even to indulge in those injurious looks which cannot fail to be offensive, although they inflict no positive penalty. But all this ease in our private relations does not make us lawless as citizens. Against this, fear is our chief safeguard, teaching us to obey the magistrates and the laws, particularly such as regard the protection of the injured, whether they are actually on the statute book, or belong to that code which, although unwritten, yet cannot be broken without acknowledged disgrace.

And when a democratic society faces an external threat, Pericles has again stated the ideal:

> If we turn to our military policy, there also we differ from our antagonists. We throw open our city to the world, and never by alien acts exclude foreigners from any opportunity of learning or observing, although the eyes of an enemy may occasionally profit by our liberality; trusting less in system and policy than to the native spirit of our citizens; while in education, where our rivals from their very cradles by a painful discipline seek after manliness, at Athens we live exactly as we please, and yet are just as ready to encounter every legitimate danger.

Ancient Greece has also bequeathed the lesson "united we stand, divided we fall." The disunited Greek city-states fell first to the Macedonians. The Macedonians were followed by the Romans, the Romans by the Turks. Greek cultural and commercial traditions, as well as the taste for independence, were never extinguished, however, by foreign conquests. In the early 19th century, with the renewal and resurgence of ideals of national independence, Greece began a struggle for independence. On March 25, 1821, the archbishop of Patras raised the standard of revolt against the Turks at a monastery in the Peloponnese. The cause of the Greeks soon aroused the sympathy and support of Philhellenes in Europe and America.

The feelings of Americans were well expressed by President Monroe when on December 3, 1822, he said:

> The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. * * * That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret for ages past. * * * A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

Daniel Webster and Henry Clay echoed the words of President Monroe; groups were formed in many communities to send aid to Greece. These gestures were only natural. Americans themselves had won their independence in the very recent past; the cause of another struggling people could not help but become their own.

Similar groups of sympathizers existed in England, France, and Russia, although the efforts of the Governments of these countries on behalf of the Greeks could not be said to be entirely disinterested. The Russians were anxious to push the Turks out of the Balkans; the French and the English were concerned that the Turks not be driven back only to be replaced by the Russians. Ultimately, the Greeks benefited by these rivalries. When their own efforts faltered in the face of the far superior forces of Turkey, the Russians, French, and English came to their assistance. By the Treaty of Adrianople of 1829 and the London Protocol of 1830, Greece secured her independence with the blessings of the three assisting powers. But by the boundaries of 1830, many Greeks were still left under foreign rule. Only gradually and through sustained efforts was Greece able to extend her boundaries to include many of these Greeks during the century following 1830. And only gradually was Greece able to settle her constitutional problems and to reestablish order following 10 years of strife during which unrest and rivalries between factions had gone hand in hand with widespread material destruction.

Independence so dearly won and consolidated is defended fiercely when it is threatened. When the Italians invaded Greece in October 1940, the Greeks, despite the inferiority of their arms, quickly drove them back across the Albanian frontier. It was only with the intervention of Nazi Germany on April 6, 1941, that the tide began to change. The Greeks with their British allies waged a stout resistance but they had to cede before the overwhelming mechanized forces of the Germans. It is probable that this resistance delayed the planned German offensive against Russia for some crucial weeks, and prevented an attempt to break through Turkey to the Caucasus. Although the Germans entered Athens on April 27, the heroic defense of Crete tied up German troops for another month. The battle of Greece was virtually over, however, and a period of severe privation and oppression began for the Greeks.

The German occupation lasted for 3½ years. In October 1944, when the Germans withdrew, the Greek economy was in a state of collapse. No town or village had escaped war damage. The Greek merchant marine—so vital to the economy—had been reduced from nearly 2 million tons to less than 500,000 tons. No railway was working, port intallations had been mined, industrial production had fallen to 20 percent of the prewar level; more than half the roads had been destroyed and road transport vehicles were extremely scarce.

A highly unstable political situation compounded economic difficulties. Large elements of the Greek resistance movement had come under the domination of the Communists, who hoped to seize control when the Germans withdrew. Fighting broke out in Athens in December 1944 between Communist-led guerrillas who refused to disarm and British troops. A succession of Greek governments in 1945 failed to restore order throughout the country. Communist rebels remained entrenched in northern and central Greece. They received aid from Albania, Yugoslavia, and Bulgaria—all under Communist control.

Thus the end of World War II brought little respite to Greece. Greek independence remained threatened. The bitter civil war which was waged from 1946 to 1949 claimed the government's energies; major tasks of reconstruction had to be postponed. One of the cruelest tactics employed by the Communists was the abduction and deportation of children from villages which they occupied. By 1949, it was estimated that 28,000 children had disappeared. In addition, Greek forces lost 13,000 officers and soldiers, and material destruction, already heavy as a result of war and occupation, continued unabated.

Early in 1947, Great Britain, also facing an economic crisis as the result of World War II, decided that she could no longer continue her financial and military support of Greece. In March 1947, President Truman expressed concern over the situation in Greece and Turkey, and declared before Congress that it was the policy of the United States "to support free peoples who are resisting attempted subjugation by armed minorities, or by outside pressure." Congress subsequently appropriated $400 million for economic and military aid to Greece and Turkey in support of this policy. And an American military mission under General Van Fleet helped the Greek Army to bring the civil war to a victorious conclusion.

Thus the historic ties of friendship between America and Greece were confirmed, while the United States at the same time made its first major postwar commitment to political stability and military security in Europe. With the end of the civil war in 1949, Greece had to undertake the long-postponed tasks of reconstruction. It was only natural that the United States assist Greece in these tasks. By July 1963, American military aid to Greece had amounted to $1,682 million and economic aid to $1,834 million.

America has made a major contribution to Greek recovery; but the efforts of the Greeks should not be underestimated. Only where people are determined to help themselves can external aid be effective. Greek determination has been unflagging, and today, the results are there for all to see. The fiscal system has been reformed and the Greek currency stabilized. Agricultural output has steadily increased; fishing is an important activity. The Greek fleet, decimated by the war, now totals over 5 million tons. In 1960, the merchant marine earned over $784 million in foreign exchange for Greece. Tourism is being actively promoted, and the road system, hotels, and car-ferry services improved for the tourist trade. Surveys are being undertaken for mineral deposits. In the 1950's, output of bauxite, chrome, magnesite, and lignite increased by 50 percent. Because Greece lacks coal and oil, heavy emphasis has been placed on electrification schemes. Between 1950 and 1959, electricity production increased by 150 percent. In August 1960, the Government published a 5-year plan for industry which, among other projects, involved the building of an iron and steel works.

Thus by 1961, Greece had made a sufficient start on the development of industrial production and had achieved enough economic and political stability to apply for associate membership in the European Common Market. The agreement on membership went into effect in 1962 and will serve as a further spur to Greek economic development. While reaping the benefits of lower tariffs for her exports, Greece will be required to harmonize her tariffs on imports and her agricultural policy only gradually as her economy becomes capable of facing European competition.

Greece has not only concentrated on economic recovery. As a member of NATO since 1952, she has been making a contribution to the defense of the West. She at present has 160,000 men under arms, spends 4.5 percent of her gross national product on defense, and has assigned 8 divisions to NATO. She has taken strong measures to discourage her merchant fleet from participating in trade with Cuba.

No account of the sources of Greek-American friendship would be complete without a reference to the large community of Greek Americans who have so enriched American culture. Elia Kazan, in his movie "America, America," has recently told the story of Greek immigrants to America and in doing so has celebrated all that Greeks and Americans hold in common—a spirit of adventure, an enterprising and independent nature, and a taste for liberty.

Mr. Speaker, this year the celebration of Greek independence day will be clouded by the death of King Paul and events on Cyprus. With a look to the past and to the future, however, it provides us with an occasion to rejoice in the solidity of the ties between Greece and America, and to salute the valor of Greeks who have fought for and won their independence twice within 150 years.

ADMINISTRATION FOREIGN POLICY DEFINED BY FULBRIGHT

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. Laird], is recognized for 5 minutes.

Mr. LAIRD. Mr. Speaker, it has just come to my attention that the distinguished chairman of the Senate Foreign Relations Committee, Senator Fulbright, is delivering a major foreign policy address on the floor of the Senate this afternoon. I was fortunate in obtaining a copy of the Senator's remarks just a short while ago. A rather hurried reading convinces me that this address is the first gun in an administration drive to extricate itself as painlessly as possible from the morass of foreign policy blunders that have marked this administration for the last 3 years.

The speech of the Senator from Arkansas will be regarded—probably quite correctly—as a trial balloon launched with the blessing, support and probably at the instigation of the Johnson administration.

Mr. Speaker, this House and the American people have heard the word "extremist" hurled freely and frequently in recent years. Reasonable men would, I believe, feel compelled to define most of the contents of this amazing speech as well within the limits of radical extremism. Senator Fulbright, in his speech, unequivocably states that the Kennedy-Johnson foreign policy has:

> Committed us to a foreign policy which can accurately be defined as one of peaceful coexistence.

I would have to agree with the distinguished Senator that this in effect may be the policy of the present administration. As the Senator takes a look at the various elements of our foreign policy, it becomes crystal clear that the term "peaceful coexistence" is in fact synonymous with bald appeasement.

Permit me to illustrate:

In discussing Cuba, he lists only three options: Invasion, political and economic boycott, and acceptance of the Communist regime as a disagreeable reality. Of these, he discarded the first two as not being feasible, nor does he allow for other alternatives. Instead, he asks the American people to accept the permanent existence of Castro Cuba in the Western Hemisphere.

In discussing Panama, he calls for the United States to "end the semantic debate." He feels it necessary for the United States to go more than halfway in attempting to resolve the dispute.

In discussing Red China, he bids us to repudiate our Formosan ally by accepting the following astonishing premise:

> We must jar open our minds to certain realities about China, of which the foremost is that there are not really two Chinas but only one, mainland China, and that it is ruled by Communists and likely to remain so for the indefinite future.

Mr. Speaker, these examples merely illustrate the nature and content of this speech. I strongly commend a close reading of this speech in its entirety to each and every one of my colleagues and to the American people. I share with the Senator from Arkansas his selection of a quote from Woodrow Wilson with which to end his speech. It seems particularly apropos and I should like to repeat it now:

> The greatest freedom of speech is the greatest safety because, if a man is a fool, the best thing to do is to encourage him to advertise the fact by speaking.

BYELORUSSIAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House, the gentleman from New York [Mr. Halpern] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, Byelorussia is hardly more than a geographic name, almost lost in the huge and expansive Soviet empire. But 46 years ago this historic home of one of the oldest Slavic peoples was separated from the old czarist empire and its inhabitants proclaimed their independence. This happy event came about as the result of the overthrow of the czarist regime in Russia after the revolution of 1917.

The Byelorussian people, constituting some 10 million sturdy workers and fighters in their historic homeland, had long been suffering under the oppressive autocracy of the czars. Though they had endured the heavy weight of the alien yoke for centuries, they had retained their spirit of freedom and they were always prepared to fight for its attainment. Their one real chance came with the Russian revolution, and the Byelorussians were, of course, quick in taking advantage of this favorable situation. They proclaimed their independence on March 25, 1918, and established the Byelorussian National Republic.

Thenceforth for almost 3 years Byelorussia divided its time between working and fighting. The people worked hard to rebuild their ravaged country and they fought against their foes on all fronts. But their enemies were too numerous and too powerful to cope with, and one among these proved fatal for their independence. The reorganized and ruthless Red army attacked Byelorussia early in 1921, overran it, and then the country was made part of the Soviet Union.

This brief but happy period of Byelorussian history marks a turning point in the lives of Byelorussian people. Though the happy and joyful period of freedom and independence did not last long, and vanished like a dream, its inspiring afterglow still survives in the hearts of liberty-seeking Byelorussians. Whenever they have the opportunity, they observe the anniversary of their independence day. On the 46th anniversary of that memorable day, and 43 years after their enslavement under Russia's Communist tyranny, the peoples of the free world still remember these dauntless fighters for freedom and independence.

BYELORUSSIAN NATIONAL INDEPENDENCE DAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN], is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, March 25 of this year marks the 46th anniversary of Byelorussian national independence. This anniversary is being observed by a large number of organizations in the United States as well as elsewhere in the free world. It is fitting that Congress should set aside some time to mark this important event in the annals of freedom. It is a pleasure for me to raise my voice in support of a free and independent Byelorussia and to commend the people of that submerged nation for their struggle against Russian imperialism.

Fitting public ceremonies are being held in the Cleveland area under the auspices of the Byelorussian-American Association and the Byelorussian Liberation Front. Their many friends in Cleveland are joining with them in the observance of this historic occasion.

The Byelorussian Democratic Republic was born with the collapse of the Russia Czarist empire in 1917. At that time the people of Byelorussia were temporarily relieved of Russian imperial chains and immediately set about the organization of their independent and democratic state. A Council or Rada made up of outstanding people, representing all phases of Byelorussian life, including the minorities, was formed in Miensk. It was that Council which proclaimed the national independence of Byelorussia on March 25, 1918.

It is interesting to note that same Council adopted a Constitution for the newly independent nation which guaranteed freedom of speech and assembly, freedom of conscience, respect for the dignity of the individual and the sanctity of the home, the rights of labor to organize and strike, protection of national minorities and the equality of all citizens before the law.

No less than 12 nations of the world extended de jure recognition to the newly independent republic. Byelorussian legations and consulates were set up in many foreign capitals. But these peaceful efforts of a long-suffering people were broken by the new tyranny of communism and its leaders who were bent upon restoring the broken Russian Empire by force of arms and aggression. Russian Bolshevik troops occupied the country and robbed the people of their newly won independence.

Today Byelorussia remains under the political and military occupation of imperial Russia. An all-out propaganda effort is being made by Moscow to establish the illusion that the Byelorussian people have their national independence today. Nothing could be further from the truth. For history teaches us the Russian Bolsheviks imposed their apparatus on the Byelorussian people and then announced the formation of the Byelorussian Soviet Republic in 1919. Then, in 1923, when the fraud of the Union of Soviet Socialist Republics was announced, Byelorussian was branded as a so-called Constituent Republic. Where the term "constituent" arises is a mystery, because the people of Byelorussia were deprived of their natural rights to self-government by Moscow and today are unwilling captives of that same hoax.

It is worth noting the major Russian propaganda publication available in the United States, called "U.S.S.R.—Soviet Life Today," features the Byelorussian Soviet Republic in the March 1964 issue, which was available on many newsstands during the past week. That Russian propaganda journal enters the United States as part of the cultural exchange agreement between the United States and the U.S.S.R. In return, the Russians receive from us an apolitical publication called "America," which is distinguished by the fact that it studiously avoids all political differences between the United States and the U.S.S.R. On the other hand, the Russian propaganda magazine "U.S.S.R." is loaded with political issues and conflicts and what it presents to those in the United States who read it is a violent distortion of truth about life in all the captive, non-Russian nations of the U.S.S.R.

It is proper to ask why the March issue of "U.S.S.R." is dedicated to "Sovereign Republic Byelorussia." The answer is simple. Moscow knows about the fight of Byelorussians living in the free world to free that nation from Russian Communist chains, just as Moscow is aware of the fight carried on by the people in Byelorussia to throw off those chains. The March issue of "U.S.S.R." is a clumsy and transparent effort by Moscow to discredit the legitimate efforts of Byelorussians living in the United States to keep alive the spirit of their national independence day. March 25 is Byelorussian Independence Day—not Byelorussian "sovereign" day. Moreover, Byelorussia in chains is not sovereign—it is a captive nation.

Congress has sought to aid in every possible way the aspirations of the peoples in the captive nations. We have enacted Public Law 86-90, which sets aside the third week of each July as Captive Nations Week—a week observed throughout our country with appropriate ceremonies. Many Members join each year in observing the independence day of the respective captive nations. And in many other ways Congress makes it clear that our Nation supports those who struggle for freedom and independence and against tyranny and imperialism. Congress has a new opportunity to strike a blow for freedom. That opportunity is presented by the facts I have presented about the Russian propaganda piece "U.S.S.R." and its efforts to degrade and ridicule the spirit of national independence. It is time Congress demanded the principle of reciprocity be followed in the exchange of official monthly magazines between the United States and the U.S.S.R.

Either the publication "America" becomes a political instrument advocating freedom and national independence for the captive non-Russian nations of the U.S.S.R. or the exchange be halted forthwith. That is my proposal on this 46th anniversary of Byelorussian national independence. I intend to do everything in my power to force that choice upon the Department of State.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HAGAN of Georgia (at the request of Mr. ALBERT), on account of official business.

Mr. WYDLER (at the request of Mr. HALLECK), for today, on account of death in family.

Mr. JOHNSON of California (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ARENDS, for 20 minutes, on Thursday, March 26, 1964.

Mr. BECKWORTH, for 15 minutes, today.

Mr. RYAN of New York, for 10 minutes, today.

Mr. LINDSAY, for 30 minutes, tomorrow, March 26.

Mr. LAIRD, for 5 minutes, today.

Mr. HALPERN (at the request of Mr. BEERMANN), for 10 minutes, today.

Mr. BROMWELL (at the request of Mr. BEERMANN), for 20 minutes, on March 26.

Mr. DOLE (at the request of Mr. BEERMANN), for 60 minutes, on April 7.

Mr. FEIGHAN (at the request of Mr. GONZALEZ), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. COOLEY (at the request of Mr. GONZALEZ), for 15 minutes, on March 26; to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI (at the request of Mr. GONZALEZ), for 60 minutes, on March 26; to revise and extend his remarks and include extraneous matter.

Mr. SELDEN, for 30 minutes, tomorrow; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BURKE and to include extraneous matter.

Mr. FULTON of Pennsylvania to revise and extend his remarks in the Committee of the Whole today and to include tables.

Mr. BLATNIK.

Mr. BOB WILSON.

Mr. TAFT.

Mr. RHODES of Arizona.

Mr. BOLAND.

(The following Members (at the request of Mr. BEERMANN) and to include extraneous matter:)

Mr. WESTLAND.

Mrs. REID of Illinois.

Mr. RUMSFELD.

Mr. MCCLORY.

Mr. RICH.

Mr. BARRY in two instances.

Mr. FINO.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. PEPPER.

Mrs. KELLY in two instances.

Mr. FARBSTEIN.

ENROLLED JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 962. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Thursday, March 26, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1866. A letter from the Under Secretary of Agriculture, transmitting a report of the Secretary of Agriculture on the scope of the 1963 soil bank conservation reserve program, pursuant to section 108c of the Agricultural Act of 1956 (7 U.S.C. 1832(c); to the Committee on Agriculture.

1867. A letter from the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report on title I, Public Law 480 agreements concluded during February 1964, pursuant to Public Law 85–128; to the Committee on Agriculture.

1868. A letter from the Secretary of the Air Force, transmitting a report of the Air Force military construction contracts awarded by the Department of the Air Force without formal advertising for the period July 1 through December 31, 1963, pursuant to Public Law 88–174; to the Committee on Armed Services.

1869. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to provide for the registration of names assumed for the purposes of trade or business in the District of Columbia"; to the Committee on the District of Columbia.

1870. A letter from the Acting Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

1871. A letter from the Administrative Assistant Secretary, Treasury Department, transmitting a report on the extraordinary contractual actions to facilitate the national defense, of the U.S. Coast Guard for the calendar year 1963, pursuant to Public Law 85–804; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. S. 1565. An act to amend the act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 406, 407), with respect to the sale of Indian timber; without amendment (Rept. No. 1292). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5837. A bill to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes", approved July 28, 1955; with amendment (Rept. No. 1293). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 8834. A bill to provide for the disposition of the funds arising from a judgment in favor of the Shawnee Tribe or Nation of Indians; without amendment (Rept. No. 1294). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9034. A bill to authorize the transfer of the Piegan unit of the Blackfeet Indian irrigation project, Montana, to the landowners within the unit; without amendment (Rept. No. 1295). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 665. Resolution taking H.R. 6196 from the Speaker's table and agreeing to Senate amendments; without amendment (Rept. No. 1296). Referred to the House Calendar.

Mr. MORRIS: Committee on Interior and Insular Affairs. H.R. 946. A bill to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes; with amendment (Rept. No. 1297). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. House Resolution 646. Resolution authorizing the employment of four additional mail clerks by the Postmaster; without amendment (Rept. No. 1298). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 647. Resolution authorizing the employment of five additional doormen by the Doorkeeper; without amendment (Rept. No. 1299). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JENNINGS:

H.R. 10600. A bill to establish the Mount Rogers National Recreation Area in the Jefferson National Forest in Virginia, and for other purposes; to the Committee on Agriculture.

By Mr. KILGORE:

H.R. 10601. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. LATTA:

H.R. 10602. A bill to restrict imports of meat and meat products into the United States; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 10603. A bill to amend the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. McINTIRE:

H.R. 10604. A bill to amend further the Farm Credit Act of 1933, as amended to provide that part of the patronage refunds paid by the bank for cooperatives shall be in money instead of class C stock after the bank becomes subject to Federal income tax, and for other purposes; to the Committee on Agriculture.

H.R. 10605. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 10606. A bill to provide Federal cooperation in a program to preserve certain historic properties in the city of Boston, Mass., and vicinity, associated with the colonial and Revolutionary periods of American history; to authorize the establishment of the Boston National Historic Sites; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. QUIE:

H.R. 10607. A bill to require that imported meat sold to the ultimate consumer be identified as such; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN of New York:

H.R. 10608. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS of Alaska:

H.R. 10609. A bill to provide that certain limitations shall not apply to certain land patented to the State of Alaska for the use and benefit of the University of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS of Texas:

H.R. 10610. A bill to provide for the conveyance of certain real property under the control of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

H.R. 10611. A bill to provide for the conveyance of certain real property under the control of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. ROONEY of Pennsylvania:

H.R. 10612. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. YOUNGER:

H.R. 10613. A bill to require the procurement of certain services by Government agencies from commercial suppliers whenever economy will result from such procurement; to the Committee on Government Operations.

By Mr. ADDABBO:

H.R. 10614. A bill to establish the position of U.S. customs inspector (nonsupervisory) in the Bureau of Customs, Department of the Treasury, to place such position in grade 10 of the Classification Act of 1949, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHENOWETH:

H.R. 10615. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. DULSKI:

H.R. 10616. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. FRELINGHUYSEN:

H.R. 10617. A bill to amend the Internal Revenue Code of 1954 to provide a 30 percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 10618. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. FALLON:

H.R. 10619. A bill to amend the act of June 16, 1948, to authorize the construction of an additional bridge across the Chesapeake Bay in the State of Maryland, and for other purposes; to the Committee on Public Works.

By Mr. FRASER:

H.R. 10620. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

By Mr. GROVER:

H.R. 10621. A bill to provide for the medical and hospital care of the aged through a system of voluntary health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 10622. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the Veterans' Hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

By Mr. STINSON:

H.R. 10623. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WALLHAUSER:

H.R. 10624. A bill to establish the position of U.S. customs inspector (nonsupervisory) in the Bureau of Customs, Department of the Treasury, to place such position in grade 10 of the Classification Act of 1949, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITE:

H.R. 10625. A bill to authorize the Secretary of the Army to grant rights of storage and transportation on flood control projects; to the Committee on Public Works.

By Mr. WICKERSHAM:

H.R. 10626. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GIBBONS:

H.R. 10627. A bill to amend section 105 of the Social Security Amendments of 1960 to validate social security wage reports submitted for employees of certain tax-exempt organizations; to the Committee on Ways and Means.

By Mr. ROBERTS of Alabama:

H.R. 10628. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the dissemination among the medical profession of certain information relating to new drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Utah:

H.R. 10629. A bill to establish the Prehistoric National Monument, Utah; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 10630. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DEROUNIAN:

H.J. Res. 967. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person shall begin a term of office as President, Vice President, or Member of Congress on or after becoming 70 years of age; to the Committee on the Judiciary.

By Mr. PICKLE:

H.J. Res. 968. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. WATSON:

H.J. Res. 969. Joint resolution proposing a convention of the people of the United States to be known as the Freedom Convention, for the purpose of formulating a declaration of foreign policy for the United States, to be known as the U.S. Declaration of Freedom; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.J. Res. 970. Joint resolution designating a navigation lock and water control structure of the central and southern Florida flood control project as the "W. P. Franklin Lock and Control Structure"; to the Committee on Public Works.

By Mrs. DWYER:

H. Res. 666. Resolution creating a Select Committee on Poverty in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DERWINSKI:

H.R. 10631. A bill for the incorporation of the Merchant Marine War Veterans Association; to the Committee on the District of Columbia.

By Mr. FARBSTEIN:

H.R. 10632. A bill for the relief of Michele Catalanotto; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 10633. A bill for the relief of Nickolas Mavronas; to the Committee on the Judiciary.

By Mr. HECHLER:

H.R. 10634. A bill for the relief of the Quality Bedding Co.; to the Committee on the Judiciary.

By Mr. PILLION:

H.R. 10635. A bill for the relief of Richard D. Walsh; to the Committee on the Judiciary.

By Mr. PRICE:

H.R. 10636. A bill for the relief of Antonio Tito and his wife, Kalyopi Tito; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Byelorussian Independence Day

EXTENSION OF REMARKS
OF

HON. EDNA F. KELLY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 25, 1964

Mrs. KELLY. Mr. Speaker, on March 25, 1964, Byelorussians throughout the world will recall 3 brief years during which their nation tasted liberty, and will rededicate themselves to the distant and cherished goal of lasting independence. For today, Byelorussia is one of the many captive nations that lie within the borders of the Soviet Union, and Byelorussians are one of the many oppressed peoples who long to free themselves from the yoke of Soviet tyranny.

For centuries, the Byelorussians have constituted an ethnically distinct people endowed with their own customs and cultural traditions and with a strong consciousness of their separate national destiny. These traits persisted during three centuries of subjugation to the Russian Czar. During three centuries the longing for national independence never once wavered. In 1918, the chance was seized, and an independent Byelorussian National Republic was proclaimed. The totalitarian system which replaced the Czarist dictatorship had by no means discarded imperial ambitions, however. In 1921, the Byelorussian Republic collapsed before the onslaught of the Red Army. Economic exploitation, political purges, and enforced cultural assimilation became brutal everyday realities; national independence entered the realm of dreams and hopes. Those dreams and hopes are still alive; their realization must be the aspiration of all people who know what it is to live in freedom today.

Greek Independence Day

EXTENSION OF REMARKS
OF

HON. CHARLOTTE T. REID

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 25, 1964

Mrs. REID of Illinois. Mr. Speaker, 143 years ago today the Greek War of Independence against Ottoman rule began when Archbishop Germanos of Patras unfurled the national flag of Greece.

This independence was not won without great sacrifice nor was it easily maintained. During World War II Greece was overrun by Axis Powers, and after the war she was threatened by Communist enslavement. Greece still remains free and independent despite all difficulties, however, because of the indomitable and courageous spirit of the Greek people who so dearly love individual freedom. That love of freedom in ancient Greece was well known and was an inspiration to our own forefathers who won our independence and who used the experiments in democratic government carried on at Athens over 2,000 years ago as a basis for establishment of our own democracy.

I would say that the love of freedom and the courage of the Greek people throughout the centuries can now serve as an inspiration to people throughout the world to rise up and throw off the shackles of slavery imposed by the Communists.

It gives me great pleasure to join with my colleagues today in paying tribute to Greece, our friend and ally for so many years, and to the many Americans of Greek descent who are celebrating this happy occasion.

Byelorussian Independence Day

EXTENSION OF REMARKS

OF

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. FARBSTEIN. Mr. Speaker, it is a pleasure to join in the many words of commemoration on this 46th anniversary of Byelorussian independence. It would be gratifying if Byelorussia itself were celebrating today in freedom also.

Byelorussia was historically a colony of Czarist Russia. Thus the Bolsheviks could put forth one of their ridiculous historical claims to Byelorussian territory without any thought for the much different language, culture, and ethnic composition of the Byelorussian people, or the desires of the people themselves. But the fact that Byelorussia was for many years oppressed by the czars is a poor excuse for the vicious invasion with which the Russians crushed the Byelorussian independence movement in 1918.

It is perfectly apparent that Lenin and his followers were not freedom-loving revolutionaries at all. The revolution they were interested in was only one which would bring them to power over the same empire which the czars had controlled.

If the Communists had been interested in freedom, Byelorussia would have been independent now, rather than a colony in the ever-expanding Russian empire.

I understand that the Russians are going to begin using polite addresses such as "sir" and "madam" again in place of "comrade." Perhaps they might also return to the prerevolutionary title of "czar" for their rulers. The atrocities committed in Russia, Lithuania, Estonia, Latvia, and all of East Europe, and unquestioning manipulation of people by the Communist Party differ little from conditions of czarist days. The Communists are more subtle and more tightly organized than the Czar's supporters, but the Russian people have yet to experience the real liberation which is offered by western democracy in this 20th century.

When the day comes, as it must, when all the people of East Europe demand the freedom and self-respect due them as human beings, Byelorussia will regain its independence. Then it will be able to put to use all the conviction in democratic ideals which it evidenced in 1918, and still sees existing in the free world. Then Byelorussian Independence Day will truly have new meaning, and our words here will gain increased significance.

Greek Independence Day

EXTENSION OF REMARKS

OF

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. RHODES of Arizona. Mr. Speaker, the 25th of March is a date that is etched strongly and deeply in the hearts of all Greeks everywhere in the world. That date marks their national day of independence. One hundred and forty-three years ago, in 1821, Germanos, the Archbishop of Patras, raised a new national emblem over the monastery of Ayia Lavra. Thus began long years of struggle to establish a new and free Greek nation. In 1830 modern Greece finally took its place in the community of nations.

We must not forget that it was the ancients of this land—Plato, Socrates, Aristotle, and Solon to name but a few—that taught the world the concepts of self-government, democracy, and a love for freedom. Modern Greece, its citizens and its children around the world stand ever more firmly for these ideals. Over the years they have joined the other free nations of the world to halt aggression and tyranny through the world—from Europe to Korea. Another example of their determination to remain free was their great defeat, after World War II, of the violent and powerful threats to their internal safety, security, and freedom.

We all know that the people of Greek ancestry that have chosen to live in and share our communities with us possess the same love of liberty, the same courage, the same patriotism, and the same determination never to be enslaved that characterized their forebearers. They contribute valuably in all fields of human endeavor in the community and in all the professions. Their presence in our communities is an enriching presence and we are all of us the better for it. We are proud to have them as our friends, neighbors, and coworkers.

I join with all my fellow citizens in saluting all Greek people on their great day of independence.

The 46th Anniversary of Byelorussian Independence

EXTENSION OF REMARKS

OF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. BOB WILSON. Mr. Speaker, on March 25, Americans of Byelorussian descent and Byelorussian emigrants who now live in America and other free nations of the world, observe the 46th anniversary of the securing and proclaiming of national and state independence by the Byelorussian people.

In these days of appeasement, of accommodation, of "deals" and general kow-towing by our Government to the Communists, it is fortunate that an event such as this comes along. It should shock us into recalling just what communism is. It should shock our leaders who are forgetting the evils of communism and acting as if the Soviet Union is a well-trained bear.

Communism is bloodshed. Communism is tyranny. Communism is enslavement. Communism is atheism. Communism is cunning, vicious, and unending in its goal of taking over the world.

Can we in America, where the blessings of freedom are as natural to us as running water, forget that there are millions who live and toil under the yoke of communism against their wills? Can we justify selling wheat to the Red butchers of the Kremlin who keep people of many nationalities under the tyrant's heel?

The Byelorussian Liberation Front makes this appeal: "We earnestly appeal to all governments of the free world, and especially to the Government of America, and we ask you in the future to support us and annihilate the colonial and aggressive policy of Moscow, which has now become a great menace not only for the one Byelorussian people and the other peoples enslaved by Moscow, but also for the whole world including America itself."

The group points out "We consider that the negotiations being carried on by the American Government in Geneva and Moscow on general disarmament can never achieve useful results for the free world, but only serve for propaganda by Moscow and kill the spirit of hope for liberation in the enslaved peoples."

Mr. Speaker, colleagues, perhaps we should glance backward at the brutal lesson of history. Perhaps we should sit down and coldly evaluate just what communism has done, what it is doing—such as shooting down our unarmed planes in Europe—and what it intends to do—bury us. We should observe the

Byelorussian anniversary with renewed dedication to liberate these brave people, and should resolve to halt the senseless aiding and arming of the Soviet Union by unwise officials of our own Government.

Captive Nations—Byelorussia

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. BARRY. Mr. Speaker, 46 years ago today the Byelorussian people proclaimed their independence. On that date the Byelorussian Democratic Republic was born. In spite of all the sacrifices, the young Byelorussian State was unable to preserve its independence against the onslaught of overwhelming Bolshevik forces and the Byelorussian Soviet Socialist Republic was created as an arm of the Moscow Government.

Rousseau and Locke, Jefferson and Lincoln, Lenin, Stalin, and Khrushchev, countless political leaders of the rising new nations of Asia and Africa—all have claimed to speak for and champion the rights of man.

On this day commemorating Byelorussian independence let us consider the meaning of this much-used and often abused term and test the validity of Soviet claims that communism brings to mankind the benefits derived from these rights.

Consider first what the term means.

Perhaps more than any other expression Jefferson's words proclaiming man's inalienable right to life, liberty, and the pursuit of happiness define the basic rights of man. By this expression we and all reasonable and just men in the world mean that man has a right to life, that is, to exist in this world as an individual in the dignity benefiting a creature of God created in His image. We mean that man has a natural right to liberty—liberty to choose the government that directs the collective destiny of his nation; liberty to pursue an economic, social, religious, and cultural life satisfying to his human needs; and liberty to pursue happiness in the broadest and most wholesome meaning of the term.

Let us test this generally accepted definition against the Soviet experience in Byelorussia, as an example of the political subjugation which other captive nations must endure.

Can the Byelorussian people choose their own government and select the political leaders they wish to direct their national destiny? This they cannot do, anymore than the other peoples within the Soviet empire. In 1917, Byelorussians did make a choice, and they voted for national independence; but their national will was subsequently destroyed by overwhelming Soviet military power.

Do the Byelorussians have the right to pursue an economic, social, religious, and cultural life satisfying to their needs as a nation? Again the answer is an unqualified "No." The Communist system has been imposed upon Byelorussians; theirs is a life of total collectivity, an ordered society structured according to the requirements of Communist doctrine and directed from Moscow. There is no freedom of economic choice; there is no freedom of social choice; there is no freedom of cultural or religious choice.

And what of the pursuit of happiness? How does this fit into the scheme of things in Byelorussia? Let me answer this question with another. How can there be any genuine happiness in a nation forcibly subjugated, tyrannically ruled, and totally suppressed? For this is the condition of life in Byelorussia today, just as it has been ever since the loss of its fleeting independence in 1918.

On this anniversary commemorating Byelorussian independence it is fitting, therefore, that we contemplate the grandeur of those rights of man that we as a nation enjoy; it is also fitting that we reflect upon the condition of those peoples less fortunate than ourselves who live under Communist domination and are denied these rights.

Distinguished Service Award of 1964

EXTENSION OF REMARKS

OF

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. BOLAND. Mr. Speaker, I am delighted to join with the distinguished gentleman from Illinois [Mr. KLUCZYNSKI] in calling the attention of the Members of the House to a very great honor that was conferred this morning on one of my colleagues from Massachusetts, the Honorable THOMAS P. O'NEILL, JR.

The Distinguished Service Award for 1964 was conferred upon Congressman O'NEILL by the Massachusetts State Building and Construction Trades Council. The entire congressional delegation from our great Commonwealth was represented as our fellow Member received this great honor.

I know of no one who so richly deserved the accolades that were heaped upon him by leaders from the executive branch, the legislative branch of Government, and by distinguished labor leaders.

The resolution citing Congressman O'NEILL that has been placed in the RECORD speaks eloquently of the service that he has given during his 27 years in the public life of our State and Nation. Speaker McCormack; Lawrence O'Brien, special assistant to the President for congressional affairs; Mr. C. J. Haggerty, president of the building and construction trades department, AFL–CIO; Rocco Alberto, president of the Massachusetts State Council; Senator Edward M. Kennedy; and the entire congressional delegation from the House, joined in paying a magnificent tribute to Congressman O'Neill.

Massachusetts can be proud of the outstanding service he has given to his beloved Commonwealth. All of us are proud that he has been singled out for this coveted award.

Woodstock—All America City, 1964

EXTENSION OF REMARKS

OF

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. McCLORY. Mr. Speaker, announcement is being made on March 26 by Look magazine and the National Municipal League of New York that Woodstock, county seat of McHenry County, Ill., and a part of the great 12th Congressional District of Illinois, has been designated an All America City for 1964, one of only 11 selected in the entire Nation.

This signal honor which has come to Woodstock is well deserved. The citizens of Woodstock, the civic, and municipal officers, the merchants, the educators, and spiritual leaders of the community, have nurtured both the initiative of Woodstock's individual citizens and its institutions, producing the energy, spirit, and resourcefulness which have inspired this significant award. The city of Woodstock and a vast surrounding countryside all contribute to form the community of Woodstock which shares the distinction of All America City. Woodstock, Ill., combines beauty, historic traditions, and a warm friendliness which is typical of the best in our American communities. Woodstock's citizens are hardy, industrious, and imbued with a deep respect for God and country.

Woodstock's church edifices, school buildings, manufacturing installations, shopping centers, and parking areas indicate the capacity of the community to meet the needs of its citizens in this modern day.

The annual observance of V–J Day, sponsored by the Veterans of Foreign Wars, draws thousands of people from this great Midwest area, including those from other States and from all walks of life, to take part in this patriotic celebration.

Good schools—both public and parochial—have been provided by the citizens of Woodstock. The public library was only recently designated a depository for Government publications in order to accommodate the needs of its readers.

The Woodstock Sentinel, a daily newspaper of which William Burfeindt is the editor, supplies the community's news and editorial requirements and spurs the community to progressive and constructive activity. Only last summer, when the late George Sullivan celebrated his 40th anniversary as a newspaperman, including many years with the Woodstock Sentinel, the community of Woodstock joined in with heartfelt respect and commendation for the faithful and tireless service of this journalist and civic leader.

Mr. Speaker, I want particularly to commend the distinguished author John Strohm, a resident of Woodstock, for the nomination of his hometown to receive this high award.

Chairman of the All America City Committee, Dan Andrew, and the vice chairman, Virgil Smith, are also entitled to high praise.

Don Peasley, Woodstock's only public relations specialist, handled the city's publicity in expert fashion.

Ron Hutson, Ralph Stork, and City Manager Everett Howe helped John Strohm, Dan Andrew, and Don Peasley present the Woodstock story to the All American jury. The noted cartoonist, Chester Gould, of Woodstock, and many other citizens shared their talents freely and willingly to help bring this coveted recognition to this city which lies in the heart of Illinois' 12th Congressional District. Woodstock's Mayor Thor Emricson gave his full cooperation to the competition entry, and the jury gave its favorable verdict.

Despite this recognition by Look magazine and the National Municipal League in naming Woodstock as All America City of 1964, this community is not content to rest on its laurels. On the contrary, Woodstock, Ill., accepted this achievement as a starting point for attaining an even better community. The following ambitious eight-goal program describes succinctly what Woodstock seeks for itself and its citizens in the future: First, a safer city; second, more jobs; third, better health; fourth, better education; fifth, more fun; sixth, an expanded culture; seventh, better living; and eighth, better people.

Mr. Speaker, I proudly bring to the U.S. House of Representatives these words of tribute to Woodstock, Ill.—All America City of 1964.

Greek Independence Day

EXTENSION OF REMARKS

OF

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. PEPPER. Mr. Speaker, on March 25, 1821, the heroic people of Greece rose as one man against the Ottoman Empire under whose oppressive heel they had suffered for more than 400 years.

When Archbishop Germanos of Patras unfurled the flag of Greece over the monastery of Ayia Lavra, 143 years ago today, the courageous Greeks began a bitter struggle for their independence from their despotic oppressors. Fighting against tremendous odds the Greeks were sustained by their uncompromising determination and love of liberty. They won the sympathy and admiration of other nations, including the United States.

A partial victory was gained in 1829 when Turkey recognized Greece as an autonomous principality. It was not until 1832 when their hopes for liberty were realized and Greece became a sovereign kingdom.

The historic bonds of friendship between Greece and the United States found their origin in our mutual dedication to the ancient Greek ideals of liberty, independence, and individual freedom. These ties were further cemented when our sons fought side by side as allies in two great world wars and in Korea.

We have been saddened by the tragic death of King Paul, whom the Greeks and all the world loved and admired for his devotion to his people and their democratic institutions. The compassionate heart of this great leader would desire that his people, although in mourning, celebrate the anniversary of their independence as a tribute to their courageous predecessors and brothers who preserved our civilization and bequeathed democracy to the world.

All Americans and freedom-loving peoples everywhere join in paying tribute to the Greek people, and the more than 1½ million of Americans of Greek origin who have contributed in such large measure to the welfare of our Nation and the world.

First Day of Passover, March 28, 1964

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mrs. KELLY. Mr. Speaker, the Passover, or Pesach, one of the great feasts traditionally observed in the Jewish faith, is also appropriately commemorated as one of the world festivals of liberty. The first great emancipation recorded in the history of the human race was the liberation of the children of Israel from bondage in Egypt, under the leadership of Moses. This great event, which gives its name to the Book of Exodus in the Bible, has been celebrated through the centuries in the forms set forth in the Bible as commanded by God. It is most appropriate that Christians, at this time, remind themselves that the Easter season takes its other name of Paschal time from the Hebrew word, Pesach, and that the celebration of Easter should include and emphasize the ceremonies that teach the historic and religious meaning of the Passover.

This is, of all occasions, the most appropriate for Americans to sing that noble stanza of "America" that begins—

> Our father's God, to Thee, author of liberty.

Though liberty is, at all times and in all places, certainly the gift of God, yet the liberation of the Hebrews from the land of Egypt and from the tyrannical power of Pharaoh was the most dramatic and spectacular demonstration of that fact that has ever been witnessed. It is good for America, and for the world, that this triumph of freedom should be faithfully commemorated, each year, in the Seder that is at once a feast of family affection, an act of worship, and an object lesson in religious history. I am therefore happy to join my Jewish friends, in bodily presence sometimes, in prayerful affection always, as we bless the Lord, "who hath preserved us and sustained us and brought us to this season," and as we praise Him for the glory of the new springtime in which we celebrate His Passover.

Byelorussian Independence Day

EXTENSION OF REMARKS

OF

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. TAFT. Mr. Speaker, the Byelorussians are perhaps the least known of the scores of non-Russian peoples forcibly held under the Communist regime of the Kremlin. One hears of the Ukrainians, the Baltic peoples, the peoples in the Caucasus, and even of those in distant Asiatic regions of the Soviet Union, such as the Kazakhs, Turkemens, the Uzbeks and others, but one seldom hears of the Byelorussians despite the fact that they constitute the third largest ethnic group in the Soviet Union. Their total number in their homeland, stretching from Poland's eastern borders to the approaches of Moscow, is more than 10 million.

The long and checkered history of the Byelorussians has been just as glorious as that of their more numerous neighbors, but it is not as well known in the West. From the late Middle Ages down to the beginning of the modern times and later, these sturdy people of rugged peasant stock held their own in their scenic and fertile country. For centuries they had their own independent state and maintained their distinct national status against onrushing Asiatic hordes. They could not, however, withstand the threat of their Slavic brothers, the Russians. In the 16th century the then rising and rapidly expanding Muscovite Russian Empire overran Byelorussia, annexed it to the Russian Empire, and the Byelorussians lived under the Russian czars for more than 300 years.

During their subjection to Russia's czarist regime the Byelorussians managed to retain their national traditions and many of their ethnic traits. Their national feeling was kept alive in the course of these centuries. Finally, after the overthrow of the czarist regime in Russia in 1917 when nearly all non-Russian ethnic groups in Russia sought and secured their national independence, the Byelorussians did likewise. Early in 1918 they were free, and on March 25 of that year they proclaimed their national independence. Then they founded the Byelorussian Democratic Republic, hoping to live and work in freedom. They had hopes of rebuilding their war-ravaged country and of enjoying their

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well-earned independence. Unfortunately, all their aspirations and hopes were short lived, their plans wrecked by Soviet Russia. By early 1921 the country was overrun by the Red army, independent Byelorussia was no more, and the country was annexed to the Soviet Union. Since then Byelorussia has been part of the Soviet empire, just as it was part of the czarist Russia's Empire before 1917.

For 43 years Byelorussians have been living under totalitarian tyranny. For a brief period during that last war they experienced the tyranny of Nazi dictatorship, when most of their homeland was under Nazi occupation. Barring that unhappy interlude they have been suffering under the unrelenting and stern rule of the Kremlin. However, neither those Byelorussians enduring the horrors of Communist regimes, nor those living abroad, have recognized the Soviet rule over their homeland. Nor are they reconciled with the abhorrent ideas and brutal practices of communism. Americans of Byelorussian descent thoroughly detest and despise the regime in the land of their ancestors. On the 46th anniversary of their independence day we join them and express the hope that one day these sturdy and stouthearted lovers of freedom will attain their national goal, their independence and liberty.

Greek Independence Day

EXTENSION OF REMARKS

OF

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. RUMSFELD. Mr. Speaker, today, Greeks everywhere will commemorate the 143d anniversary of Greek Independence Day and the victorious outcome of the struggle of the Greek people for independence from the Ottoman Empire. It is fitting that we pay tribute to a people whose ideals of democracy, liberty, and the dignity of the individual and supremacy of the law have inspired man throughout the ages. Our Western civilization is based on the culture, philosophy, and basic precepts of government that saw birth during the Golden Age of Greece; and in architecture, literature, and sculpture the creativity of the Greeks has been a source of inspiration to all who love beauty.

In the struggle against communism, the Greeks have allied themselves with other nations that believe in freedom and democracy and have successfully resisted the inimical and aggressive force which today seeks to enslave the world. Certainly a people dedicated to human liberty could not do otherwise.

Mr. Speaker, I particularly want to pay tribute to the 1½ million Americans of Greek origin—many of whom are an integral part of the community which comprises the 13th Congressional District of Illinois—who have provided constructive leadership in all aspects of our national life. These are loyal and dedicated citizens who continue to contribute much to the advancement of freedom and justice in our country and whose endeavors in business, government, the arts, education, and other fields of activity have helped make our Nation great.

Foreign Aid—A Joint Project in Israel

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. BARRY. Mr. Speaker, as the foreign aid bill comes before the Committee on Foreign Affairs, this is an opportune time to point out another of the AID efforts which can be considered a great success in assisting less-developed countries toward the goals of self-sufficiency and independence.

One of the big problems that the AID program faces is to encourage greater private investment and private assistance in foreign countries where our AID dollars are designated. A project which serves as an excellent example of what AID inducement to private investment can accomplish is underway in Israel.

Since its independence 16 years ago, U.S. aid programs to Israel have totaled, up to the end of fiscal year 1963, $959.8 million. These programs have included loans, grants, and Public Law 480 projects for the technical and economic development of the country. A recent innovation though has been inaugurated by the Agency for International Development whereby this Government Agency, under the provisions of the U.S. Foreign Assistance Act of 1961, helps private U.S. organizations in their work in less-developed countries. One such agreement has been signed with the American Organization for Rehabilitation through Training—ORT—last May and enabled $100,000 worth of heavy equipment and metalworking tools, all declared as excess to the needs of the U.S. Government, to be sent to Israel. The equipment, obtained from governmental supply depots and holding agencies, was given to the ORT on an "as is" basis. Cost of shipping the machinery to Israel, and installing and maintaining it there was and is the responsibility of the ORT.

This equipment, which includes lathes, milling machines, drill presses, precision grinders, gear cutters, and accessory machine tools, is, at present, being used by approximately 20,000 students in 30 vocational schools operated by the ORT. In the classes supervised by highly trained technicians, the student learns how to operate these various training tools, how to maintain them, and above all, what may be accomplished and produced on them.

Upon completion of the course, the student will take with him to his future position, special industrial skills and apply them for the betterment of his work.

Through such a "success" project, it is easily recognized how Israel has progressed so rapidly in its economic development. In fact, this joint effort of a private organization cooperating closely with the U.S. Government in foreign aid development programs has been considered so successful that future shipments of similar equipment have been scheduled for vocational schools in Iran, Tunisia, and Morocco.

Kalavryta Remembered

EXTENSION OF REMARKS

OF

HON. CARL W. RICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. RICH. Mr. Speaker, 143 years ago, the Greek people of Kalavryta, suppressed and downtrodden for centuries by their Ottoman overlords, raised the banner of liberty and began their fight for freedom. The rebellion soon spread from the south to all parts of what is now modern Greece, gaining momentum from victory after victory until even Athens fell into their hands. However, initial success did not lead to complete victory; and it was not until 1827, when a joint British-French-Russian fleet succored the hard-pressed Greek nationals, that the fate of an independent Greek nation was definitely decided. By the Convention of London on May 11, 1832, the sovereign state of Greece was created and sanctioned.

The country which emerged, thougn, was devastated by the numerous battles and pillages. It was to take years of self-denial and economic frugality before Greece could rightfully take its place among the modern nations of the world.

This same building process was to reoccur after World War II. Stripped of its industries, its population starved by the Nazi conquerors, Greece came out of this holocaust with a decimated population, ruined cities, and chaotic politics. Before a reconstruction plan could be initiated by the Government, civil war broke out, a fight to the death between the democratic forces of the national government and the Moscow-directed Communist forces, abetted by the adjoining Soviet satellites. Into this dire situation stepped the United States, to supply arms and military equipment, food, and economic support. Through this aid, democracy prevailed and the people once more began their labors to build a nation as their forefathers had done the previous century.

Today, Greece, with its modern army, its rapidly expanding cities, and its far-flung merchant fleet, rightfully resumes its place among the economically developed nations of the world. As a member of NATO, it is an integral part of Western Europe, both in defense and political outlook.

Since the cry of freedom sounded on March 25, 1821, the Greek people have undergone many hardships and troubles. They have overcome all obstacles, though, to preserve the democratic principles handed down to them by their ancestors. It is with pride, therefore, that we in the United States, who live in a nation based on these same great principles, recognize the fervor and spirit of the Greeks and join with them in the celebration of their sacred national holiday, the anniversary of the raising of the banner of liberty at Kalavryta, which brought eventual independence and freedom to their homeland.

Congressman John D. Dingell Asks Conservationists, "Why Do You Fight Among Yourselves?"

EXTENSION OF REMARKS

OF

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. BLATNIK. Mr. Speaker, our distinguished colleague, the gentleman from Michigan [Mr. DINGELL], is the author of a very fine article in the April–May edition of the magazine, National Wildlife. A great conservationist himself, the gentleman from Michigan, JOHN DINGELL, points up the unhappy results when conservationists, faced with united opposition from the outside, are unable to agree among themselves on matters of basic importance to the cause of conservation. The gentleman from Michigan, Congressman DINGELL, has made a searching analysis and I am happy to submit his article for the RECORD:

REPRESENTATIVE JOHN D. DINGELL ASKS, "WHY DO YOU FIGHT AMONG YOURSELVES?"

"THE LION AND THE THREE BULLS

"(Aesop's Fables)

"Three bulls were grazing in a meadow, and were watched by a lion, who longed to capture and devour them, but who felt that he was no match for the three so long as they kept together. So he began by false whispers and malicious hints to foment jealousies and distrust among them. This stratagem succeeded so well that ere long the bulls grew cold and unfriendly, and finally avoided each other and fed each one by himself apart. No sooner did the lion see this than he fell upon them one by one and killed them in turn.

"Moral: The quarrels of friends are the opportunities of foes."

Conservationists who fight among themselves may win battles—but they will lose the war.

This is my considered judgment as an interested citizen and a Member of the Congress who constantly deals with conservation legislation. Your opponents like nothing better than to see conservationists bloody each others' noses.

Why do you fight among yourselves? Why do you waste your strength on internal struggles?

Let's face it. People who belong to conservation groups—and you are one of them—are far outnumbered by the million who couldn't care less. In spite of these odds, you can be heard, and you can get things done. But if you aren't all on the same side of major issues, and aren't well-enough organized to drive your point home, you don't stand a chance. Railroad spikes aren't driven with tack hammers.

And by you, I mean you both as an individual and as a member of your organization.

Members of the Congress usually know what people think. We hear constantly from folks back home about every subject under the sun. Sometimes, general opinion jells and things happen. However, when opinions are badly splintered, nothing happens—nothing good, at least.

A good example of a bad job by well-meaning conservationists is the duck story. The great flights of ducks and geese which thrilled us in spring and fall are dwindling. The situation has been critical now for several years. Why? The wetlands needed by these magnificent birds were—and are—going. And where have the conservationists been? Birdwatchers have been fighting hunters. Hunters have been fighting each other—and game commissions about bag limits and lengths of open seasons.

Hunters, birders, game biologists, sporting goods manufacturers, outdoor writers—all rallied to "save the ducks." But, while they argued among themselves on what to save them for, the battle was lost—lost to the real villains: Federal subsidies, agricultural drainage experts, real estate developers, water polluters, and so forth.

By the time conservationists began working together to preserve some of that disappearing habitat, it was too late. Poor flights made poor hunting. Poor hunting resulted in poor duck stamp sales. Funds for habitat preservation, earmarked from duck stamp sales income, didn't materialize. Congress authorized a loan of $105 million against future stamp sales, but has actually appropriated only $17 million of it. And the draining, filling, and pollution still goes on and on.

There is too much to be done for conservationists who believe in preservation and wise use of our natural resources to bicker among themselves. Our Pacific salmon are dwindling, our wilderness disappearing. Everything from trout streams to redwoods are being sacrificed to road builders. Litter and billboards clutter our highways and byways. Water pollution is reaching new, and dangerous, levels. There are a dozen major issues, and a hundred small (but no less important) ones before us.

To lick them, we must quit pulling at cross purposes. Soil conservationists want to reclaim prairie wetlands; duck hunters want to save them. Tree lovers spray poisons to protect their trees * * * and in so doing kill birds. Congress is not above reproach; we authorize expenditures for conservation, but sometimes fail to appropriate the money.

We'll lose our outdoor heritage for sure, unless that interested minority learn to pull together—and in the right direction.

It works. Perhaps the first good example of group conservation action overcoming legislative inertia was the American Buffalo Society's successful fight to save the vanishing bison. It established the refuges and herds that saved the species from extinction. Other historic successes include the Audubon Society's work to save the egrets and eagles. Several State groups have won their fights to create nonpolitical conservation agencies.

Conservation groups have united to purchase lands to protect the Key deer, prairie chickens, waterfowl and other endangered wildlife. They have bought lands for parks, forests and unique ecological areas. Women's organizations, health associations, and civic groups have been invited to join in supporting bond issues to clean up polluted waters.

Coordination is the key. Your own National Wildlife Federation makes outstanding efforts, sponsoring national conferences and other forums.

The antilitter campaign is a fine example of successful coordination between conservationists, civic groups, and the packaging industry.

Should not this approach be equally successful in wilderness preservation? In water pollution control? In providing waterfowl habitat?

One of the most intriguing case histories of conservation frustration is the attempt to establish a national wilderness preservation program. For at least 7 years now, this proposal has undergone a series of refinements. Since these bills apply only to lands already owned by the Federal Government, in some classification of wilderness, cost was not a factor. Yet, not until conservation and resource groups got together did the wilderness bill move.

It was passed by the Senate in the 87th and 88th Congresses. But continued opposition from some commercial interests, using highly skilled professionals, has thus far kept the House from voting on it. Are conservationists still united? Your opponents are.

No Government official likes to be "pressured." But coordinated public opinion can help stop mining on a wildlife sanctuary, the construction of roads through wilderness, or dams on a stream. Organization is the key.

Many conservation battles are fought in the legislative halls, and nowhere is the united front more important.

If you have a pet project, get a responsible organization to draft a proposal, backed up with facts. Get a sponsor in your State legislature or in Congress who is interested enough to see it through. When the bill has been introduced and referred to a committee, let your legislator know that you want action.

I know that conservationists essentially are individualists. They resist organization and discipline. They argue among themselves about everything from bass lures to methods of controlling the use of pesticides. But when the chips are down, it's time to put aside minor differences and unite on the major issues—or nothing will get done.

The late President Kennedy observed: "United there is little we cannot do; divided, there is little we can do." Let this be your guiding principle.

(A former park ranger, Mr. DINGELL (Michigan) is one of the House of Representatives outstanding conservationists.)

Congressman Fino Praises Police Captain Dunwoody

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. FINO. Mr. Speaker, every so often, one man among a group stands out like a beacon. Such a person is New York City's Police Capt. Harold J. Dunwoody who took command of the 47th police

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precinct in my congressional district 2 months ago.

For several years the homeowners and residents of this section of my district have complained that this precinct, the city's eighth largest in size and the fifth largest in population, was too unwieldly for one command. They demanded that the precinct be broken into two to cope with the series of burglaries, robberies, vandalism, and other acts of violence. The feeling among the constituency was that by splitting the precinct it would increase law-enforcement efficiency.

However, Mr. Speaker, when Police Captain Dunwoody took over, law enforcement in the area increased appreciably. He met with taxpayer and homeowner groups and convinced them that he could do an effective job in the area without disrupting the precinct. With 200 policemen under his command, Captain Dunwoody has improved the situation in this area of the district.

Police Commissioner Murphy, who has an enviable record in law enforcement, is to be commended for his assignment of Captain Dunwoody to the 47th precinct.

On behalf of my constituency, more particularly those in the 47th precinct, I wish to congratulate Captain Dunwoody for the results he has accomplished in a relatively short time.

Bonneville Power Report

EXTENSION OF REMARKS

OF

HON. JACK WESTLAND

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. WESTLAND. Mr. Speaker, activities of the Bonneville Power Administration continue to be of great concern to the people of my district. As you know, I was one of the sponsors of "power preference" legislation designed to give the Pacific Northwest first call on Bonneville power in the event that excess power is at some future date made available to regions outside of the current marketing area. As you are also aware, I later introduced an amendment to require the Secretary of the Interior to get authorization from the Congress before proceeding with the construction of any power transmission lines linking the Bonneville Power Administration with other areas of the country.

Because there has been some confusion about the power preference bill and my amendment, I have made both the subject of a special April newsletter to my constituents. I feel this report will be of interest to Members of the Congress as well. Therefore, Mr. Speaker, under leave to extend my remarks, I insert my newsletter, together with the section entitled "As I See It," in the RECORD:

NORTHWEST POWER PREFERENCE BILL

There's been quite a bit of publicity lately about the Bonneville Power Administration and whether or not they were going to raise electric rates. Statements to the effect that if they did, I was the cause and furthermore, that I represented California and not Washington, were made.

Now, let's just "take a look at the record" as Al Smith used to say.

Bonneville sets the rates, nobody else and the rates have been the same for the past 12 years despite the fact Bonneville Power Administration has been operating in the red to the tune of $10–$15 million annually for the past 5 years. Obviously this sort of operation couldn't go on indefinitely because the Federal Government had to be repaid for loans and so it proposed to raise the rates. Now, due to the efforts of a lot of us, Democrats and Republicans alike, that's been called off.

One of the ways to help solve Bonneville Power Administration's problem is to sell its surplus power to California, but first we needed protection for Washington industry, a guarantee that the Pacific Northwest would have first call on power over California. Legislation was needed and I and others introduced it.

Now there wasn't much interest in this bill—many Congressmen from other parts of the country opposed it—and particularly those from California. They said I was setting up a "Chinese Wall"—"Balkanizing"—"giving preference to Pacific Northwest customers on power which all the taxpayers had paid for."

Then the Secretary of the Interior Stewart Udall said, "We'll build these transmission lines to California—we're not sure just where they'll go—and we're not sure how much it will cost—somewhere between $150 and $600 million—but don't worry we'll take care of that."

So I put in an amendment to the bill which said in effect, "Before you do, come tell us how much money you want, prove that it's economically feasible and how you expect to repay the costs. In other words, get authorization from Congress."

This amendment passed the Interior Committee by a vote of 23 to 9 including nine Democrats voting for it.

During debate in the House it was freely stated by Members from all over the country that with my amendment they would vote for the bill—without it they would vote against it.

The question as I see it is, Should the executive branch of our Government be given "carte blanche" to spend your tax dollars or should the Congress, as provided in the Constitution, control the purse strings—obviously I believe in the latter course.

Now the Senate could have accepted this bill as it passed the House—but they refused to do so. Had they done so we would now have our regional protection and be selling some of our surplus power to California, thereby helping to eliminate any need for a raise in rates.

Who's representing whom?

Sincerely yours,

Congressman JACK WESTLAND.

AS I SEE IT

(By Helen Westland)

Every congressional wife in Washington, D.C., and your Congressman, of course, has recently had the opportunity of being a guest at the White House in small groups of 150 people. While our husbands were attending a briefing in the State Dining Room, we wives got to visit rooms on the 2d floor of the White House. We saw the famous Treaty Room; the Queen's Bedroom (where five living queens have slept); the Lincoln Bedroom (which I liked the best); and the private bedroom of President and Mrs. Johnson, which incidentally looked lived in and not quite finished, for some pictures were still leaning against the wall waiting to be hung. In addition, I did "dance with the President" and I will certainly say that he is a nice dancer. However, I think your Congressman is a better dancer, but doesn't quite get the same publicity on his ability. It was a lovely evening, and I really wish all of you could one day have the same opportunity.

One of the best remarks I have heard recently was made by your Congressman. It seems the State Department has decided to crack down on so much illegal parking in the District of Columbia by the diplomats. Unless they now pay for the traffic tickets they receive, they will not be issued new diplomatic plates. JACK's remark was, "Why not take it out of their foreign aid money?"

Our Hellenic Heritage

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1964

Mr. BURKE. Mr. Speaker, independence days are usually days of great significance because they afford us the opportunity to recall the past, evaluate the present, and hope for the future. Today, March 25, 1964, we have not only the opportunity but the privilege of recalling more than 5,000 yesteryears of one of the world's oldest countries, Greece.

It is a singular pleasure to be able to say in this Chamber that the Kingdom of Greece, a steadfast ally of the United States of America, is celebrating its 143d independence day anniversary. On March 25, 1821, a revolution started in this small Mediterranean country which eventually, when successful 8 years later, threw off four centuries of Turkish domination.

Many Americans when thinking of Greece recall how the United States helped that country after World War II, militarily, financially, and with technical assistance. Today I should like to recall not what we Americans have given to Greece, but what that magnificent little country has given to us, and perhaps at the same time to suggest that all of our aid, all of our help is in some small manner the beginning of repayment for the legacy Greece—ancient, medieval, and modern—has given us. Whether in marble or music, poetry or politics, dance or democracy, no one has ever challenged the achievements of this country, nor its gifts to the world.

Among all the bequests of our Hellenic heritage, none is cherished so highly by Americans as friendship. The affinity and the respect Americans have for Greece is probably unmatched among non-English speaking nations. It is a great source of pride to Americans today that Greece is a friend of this country, and I might add, not only for military considerations. Even so long ago as 1822, a year after the revolution started in Greece, our own President Monroe said:

> The mention of Greece fills the mind with the most exalted sentiments and arouses in

> our bosoms the best feelings of which our nature is susceptible. * * * A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

This quotation from Monroe's message to the Congress, the same message in which the Monroe Doctrine appeared, clearly shows that the hearts of the American people were with the Greeks in the fight for independence 143 years ago. It also reminds us that the President's hope for a Greek nation as an equal partner in the world community has come to pass. Today, our friend Greece, an excellent example of a responsible member of the international community, is a hard-working, conscientious member of the United Nations, dedicated to the principle that the world must have peace, and that man must not be a slave to any master. As our friend, Greece has joined hands with us in NATO as the free world's Balkan bastion. As a most responsible member of NATO, Greece has kept her military modern, her economy moving and her government stable, while never removing her eyes from the goal of the Atlantic Alliance—world peace. Our friendship must never waiver.

Another heritage that Americans cherish, second only to friendship, is love of liberty and freedom. As the cradle of democracy with the first representative government in the world, it is an irony of history that the land that gave birth to so many democratic concepts would be dominated for almost 400 years. But these are the kinds of cruelties that history plays on nations, and today we rejoice that our friend has been free again for 143 years. More recently Greece has resisted Marxism, and I think it is important to say that communism was never defeated more convincingly. It is a source of great pride to Americans that we had a part in that defeat. It would be wrong to say that Greece is not a Communist satellite today only because of American help. It is closer to the truth to say that American aid helped the Hellenes do what they themselves wanted to do; namely, live in freedom. That they live as a free nation with a common border with three Communist states attests to their bravery and determination to be free from domination.

Greece has also given the world the beginnings of Western civilization. Thousands of years ago saw the first citizens of the Western World living in a highly sophisticated society. Greece's geographical position has been both her fortune and misfortune, and today, as thousands of years ago in that past civilization we know so well, Greece serves to bridge the gap between Europe and Asia. This position at one end of the Mediterranean permitted ancient Greece to absorb and assimilate portions of other civilizations as Greece became the crossroad of the world. It was the same explanation, location, that permitted the Greek civilization to follow the seas and overland routes to the far corners of the earth to serve as the basis of Western civilization.

When we recall that Greece has contributed so much to Western civilization, we almost simultaneously recall that part of her great heritage to us has been defender of Christianity. This becomes clear when we remember that the original New Testament was written in Greek, that the Old Testament was preserved in Greek, and that St. Paul's greatest sermons were to the Athenians. Today, when we hear a great deal about Christian unity, we should remember that Constantine the Great convened the First Ecumenical Council in Nicaea in 325, and from that council came the famous articles of faith known as the Nicene Creed. Indeed, we should remember that the first seven Ecumenical Councils met in Greece.

The world will always be indebted to the Hellenic heritage for its contributions in scholarship. Five hundred years before Christ, Greek scholars, the likes of which the world has never seen, were formulating political and moral philosophies that are the basis of teaching today. Has any nation contributed the equals of Socrates, Plato, Aristotle, Hippocrates, Demosthenes, Pericles, and others? Except in the most modern sense, no people have contributed so much to the sciences—especially medicine, mathematics, astronomy—than have the Greeks. Indeed the Hellenes approaches to these sciences while in their infancy have been the basis of these disciplines for thousands of years.

Greek contributions to beauty and romance and love through the arts is almost unimaginable. So long as man inhabits the earth, ancient, medieval and modern Greek painting, sculpture, drama, literature, language, and architecture will affect the esthetic qualities of man and influence his approach to all other forms of the arts. It is important, I think, to add that these contributions of which I speak are not necessarily confined to ancient Greece. For example, the revolution of 1821, which we celebrate today virtually brought a new era to Greek literature. Since 1821 there has been an abundance of Greek drama of an extraordinarily high quality that is daily praised by the theater community around the world. Greek films have done much to raise moviemaking to a fine communicative art.

Some of the most delicate and breathtaking sculpture in the history of man comes from Greece, and that sculpture continues today to influence that art form. However, we sometimes forget that Greece's modern minor sculpture—woodcarving, furniture, pottery, jewelry, embroidery—is of a remarkably high quality. The 1821 revolution also brought Greek painting and major sculpture back to the world in a profuse manner. The Greek language, one of the most useful and admirable languages ever devised, continues to contribute poetry to the world.

Here in Washington, one the world's most beautiful cities, one is never far from the Hellenistic influence on architecture. Indeed, the magnificent building which houses this Chamber, the Capitol Building, abounds in examples of Greek architecture. The most famous and most popular memorial in this city, the Lincoln Memorial, has a number of authentic examples of Greek architecture.

So it is with pride and pleasure and a sense of humility that I send to our friends the Hellenes our best wishes on their 143d independence anniversary, and a "thank you" for their contributions to our civilization. Our best wishes also extend to the more than 378,000 first and second generation Greeks living in this country, of which 34,000 live in my own State of Massachusetts. Today we salute the Greek nation.

HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

The House met at 12 o'clock noon.

The Right Reverend Protopresbyter Nikolaj Lapitzki, Whiteruthenian (Byelorussian) Greek-Orthodox Church of St. Euphrosynia, South River, N.J., offered the following prayer:

In the name of the Father and the Son and the Holy Ghost. Almighty God and our Father, on this day commemorating the anniversary of proclamation of the independence of Byelorussia we humbly bow our heads and beg Thee to return the freedom to Byelorussia and all other enslaved nations; the freedom, which was taken away by godless power.

O, all generous God and Saviour, we pray to Thee to send Thy blessings to the people of the United States of America, and help through Thy power for the leaders and legislators, gathered here, to bring about peace and freedom for all mankind, so that love and justice would prevail among nations.

So, we all with common united thought and endless love would glorify Thy name.

Thou art Saviour and protector of those who depend upon Thee, now and forever and from all ages to all ages. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. Albert].

Mr. ALBERT. Mr. Speaker, I desire to make several unanimous-consent requests.

THE SPEAKER AUTHORIZED TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 6, 1964, the Speaker be authorized

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to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVILEGE TO EXTEND AND REVISE REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 6, 1964, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extension of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY, APRIL 8, 1964

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, April 8, 1964, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SUMMARY OF NET BUDGET RECEIPTS AND EXPENDITURES (THE TRADITIONAL ADMINISTRATIVE BUDGET), 8 MONTHS OF FISCAL 1964 VERSUS 8 MONTHS OF FISCAL 1963, WITH COMPARISONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CANNON] may extend his remarks at this point in the RECORD and include certain tabulations on the current status of the budget.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CANNON. Mr. Speaker, in conformity with practice, we submit herewith, for the information of Members, the regular tabulation of budget receipts and expenditures for the first 8 months of fiscal year 1964, to February 29, with pertinent comparisons to last year and to the latest budget estimates for fiscal 1964.

BUDGET RECEIPTS

In contrast to budget expenditures, which tend to recur more evenly throughout the fiscal year, the more usual pattern of budget receipts shows September, December, March, and June as peak months; receipts in the first half—July–December—of the fiscal year are usually not as high as in the second half—January–June.

Budget revenues for fiscal 1964 were officially estimated by the President in the new budget in January at $88,400,000,000 which, if realized, would exceed actual fiscal 1963 revenues by $2,024,000,000. In the first 8 months of fiscal 1964 actual budget revenues amounted to $54,166,000,000—some $2,203,000,000 higher than the corresponding 8 months of last year.

BUDGET EXPENDITURES

Budget expenditures for fiscal 1964 were officially estimated by the President in the new budget in January at $98,405,000,000 which, if adhered to, would represent an increase of $5,763,000,000 over the fiscal 1963 actual budget expenditure. The $98,405,000,000 includes a tentative estimate of $1,788,000,000 expenditure in 1964 from fiscal 1964 supplementals submitted to this current session.

On a straight monthly basis, it would mean an average of $8,200,000,000 per month, in contrast with which the expenditures in the first 8 months, July–February, averaged $8,105,000,000 which in turn compares with $7,757,000,000 in the corresponding 8 months last year; the national defense monthly average was virtually the same as a year ago but the monthly average for all other items—nondefense—was $313,000,000 higher.

As in all past budgets, the revised budget expenditure—disbursements—estimate of $98,405,000,000 for fiscal 1964 represents a composite of estimated disbursements in fiscal 1964; first, from unexpended balances of prior year appropriations; second, from permanent appropriations recurring automatically under prior law; and third, from annual appropriations made currently, including amounts associated with supplemental authority requests submitted or to be submitted in the current session for fiscal 1964.

EXPENDITURES FOR DEFENSE, SPACE, AND INTEREST—AND ALL OTHER PROGRAMS

Messages and statements associated with the original 1964 budget repeatedly emphasized that expenditure estimates and programs for fiscal 1964 were so planned that total proposed administrative budget expenditures for all programs other than national defense, space, and interest were slightly below the fiscal 1963 level—as then forecast—for such programs. But in the new budget received from the President this past January, updated estimates for fiscal 1964 show expenditures for such other purpose as being above, rather than below, corresponding fiscal 1963 actual spending—$28,007,000,000 now estimated for 1964 compared to $27,355,000,000 actual for 1963, up $652,000,000 from 1963. And in the first 8 months, such other spending was up from the corresponding period of fiscal 1963 by $950,000,000.

SURPLUS OR DEFICIT

Whether the budget deficit for 1964 turns out to be the $10,005,000,000 foreseen by the President's budget in January, or some other amount, fiscal 1964 represents the 28th year of budget deficits in the last 34 years—with at least one more, perhaps two more, to follow. In summary, here are the official administrative budget deficit figures of the last 3 years:

Administrative budget deficits

[In millions of dollars]

	From July 1, 1961, to date	For 3 full fiscal years, 1962–64
Fiscal 1962 (from July 1, 1961)	6,378	6,378
Fiscal 1963	6,266	6,266
Fiscal 1964 (8 months to Feb. 29, 1964)	10,679	
Fiscal 1964 (current estimate in President's 1964 budget)		10,005
Total, as above	23,323	22,649

And in total, budget expenditures projected by the President in January in the revised budget for the current fiscal year 1964, compare with certain earlier years as follows:

Administrative budget spending, 1964 estimate

[In millions of dollars]

	Over fiscal 1963	Over fiscal 1961	Over fiscal 1954
1964 current official estimate for national defense over	+2,542	+7,803	+8,311
1964 current official estimate for other than national defense over	+3,221	+9,087	+22,557
Total, 1964 current estimate over	+5,763	+16,890	+30,868

THE PUBLIC DEBT

Mr. Speaker, after 8 months of budget operations in the current fiscal year 1964 the total public debt, both direct and guaranteed, stood at $306,919,421,911.04 and compares with certain earlier dates as shown in the following table:

Federal public debt, direct and guaranteed

	Fiscal 1954	Fiscal 1961	Fiscal 1962	Fiscal 1963	Fiscal 1964 (at Feb. 29, 1964)
1. The debt at end of period (in billions)	$271.3	$289.2	$298.6	$306.5	$306.9
2. Amount per capita (in dollars)	1,670	1,575	1,600	1,619	1,623
3. Average for a family of 4 (in dollars)	6,680	6,300	6,400	6,476	6,492

In conclusion, Mr. Speaker, the following table elaborates the receipt and expenditure situation more fully:

Budget receipts and expenditures (the traditional administrative budget), 8 months of fiscal 1964 versus 8 months of fiscal 1963 and comparisons with full-year estimates

[In millions of dollars]

	Actual for 8 months (to Feb. 29, 1964)			President's budget estimates (revised) for all of fiscal 1964 compared to actual results for all of fiscal 1963		
	Fiscal 1964	Fiscal 1963	1964 compared to 1963	Revised budget estimate, 1964 (January 1964)	Actual, 1963	1964 revised budget estimate compared to actual, 1963
1. Budget receipts (net)	54,166	51,963	+2,203	88,400	86,376	+2,024
2. Budget expenditures (net):						
(a) National Defense (per official budget classification)	34,878	34,603	+275	55,297	52,755	+2,542
(b) Other than national defense	29,967	27,459	+2,508	43,108	39,887	+3,221
Total expenditures, net	64,845	62,062	+2,783	98,405	92,642	+5,763
3. Net deficit or change	−10,679	−10,099	+580	−10,005	−6,266	+3,739
4. Average monthly expenditure:						
(a) National defense	4,360	4,325	+35	4,608	4,396	+212
(b) Other than national defense	3,745	3,432	+313	3,592	3,324	+268
Total monthly average	8,105	7,757	+348	8,200	7,720	+480
5. Dividing net budget expenditures on the basis emphasized in original budget for 1964:						
(a) National defense	34,878	34,603	+275	55,297	52,755	+2,542
(b) Space	2,528	1,451	+1,077	4,400	2,552	+1,848
(c) Interest	7,100	6,619	+481	10,701	9,980	+721
(d) All other expenditures	20,339	19,389	+950	28,007	27,355	+652
Total expenditures, net	64,845	62,062	+2,783	98,405	92,642	+5,763

Sources: Budget for 1965 and monthly Treasury statement for Feb. 29, 1964.

TRIBUTE TO GREECE AND BYELORUSSIA

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as this morning I read the CONGRESSIONAL RECORD of yesterday, March 25, 1964, I was impressed by the unusual and historic nature of the proceedings in the House.

The bill we debated and passed looked to the future. It authorized the money to finance our effort to reach and land on the moon. March 25, 1964, was an important day.

But so, Mr. Speaker, was March 25, 1918, an important day and March 25, 1821, an important day, and yesterday as we in the House of Representatives of the Congress of the United States mapped the future of the age of space we did not forget the anniversaries of two countries the history of which stretches back the many centuries.

How long the Byelorussian people have lived in their homeland in northeastern Europe is not clearly established. It has been over a thousand years. Long before the Russians had an independent state the Byelorussians had a strong, proud sovereign government. In the 16th century, however, the country was overrun and became part of the Czar's domain.

Happily, however, independence returned for a brief time after centuries of suffering and yesterday was the anniversary of that March 25, 1918, on which the Byelorussian people proclaimed their independence. The Byelorussians are a fine people. Many of them have come to our shores and are our worthy and highly regarded fellow Americans. Every American hopes and prays that soon the land of the Byelorussians again will be free and the heel of the Russian oppressors removed.

Yesterday also marked the 143d anniversary since a band of Greek patriots successfully rose up in arms against their Turkish subjugators and began the struggle which was to lead to an independent Greek state. On March 25, 1821, a group of peasants, led by the archbishop of Patras and armed with clubs, slings, scythes, and axes, struck at the Ottoman garrison at Kalavryta. From this town, the rebellion spread rapidly throughout the land. Victory, though, was not rapidly achieved. Turkish troops, aided by the Khedive of Egypt, soon checked the liberators and began a reconquest of lost territory.

Because of the execution of the Greek Orthodox patriarch, Gregorious of Constantinople, and the subsequent massacre of hundreds of Christians, the nations of Christendom became cognizant of the strife and soon began sending aid, both private and governmental, to the beleaguered patriots. From the United States came many volunteers to fight alongside their brothers in democracy. Shiploads of food and medical supplies were also donated and sent by the sympathetic American public.

Only through the intercession of a joint British-French-Russian fleet which proceeded to destroy the blockading Ottoman navy were the Greeks accorded complete victory. Recognized as independent by the Porte in the treaty of Adrianople, September 1829, the Greek nation emerged sovereign and free on May 11, 1832, created and sanctioned by the Convention of London.

Since independence, the Greeks have had to face many dire circumstances, detrimental to their progress. The holocaust of World War II was perhaps the most devastating. Having defied and defeated the invading Italian armies in 1940, the Greek forces were totally outnumbered and overpowered by the Nazi German troops the following year. Then followed 3½ years of brutality, terrorism, massacres, and starvation. Towns were obliterated, cities stripped of industries. And yet, the people fought on, defiant in their action, refusing to submit to the conquering warlords.

When the Germans were driven out by an Anglo-Greek force, the Government looked forward to a peaceful period of reconstruction. External factors, however, disrupted all preconceived plans. Backed by Soviet Russia and its satellites, Communist guerrilla bands began a series of armed raids, eventually seizing much of the countryside and challenging the Government to open warfare. With aid sent once more from the United States, the loyal troops rallied around their late beloved King, Paul I, and totally defeated the terrorists.

Today Greece is enjoying a period of economic development. Vast industrial projects now dominate the city skyline. Tourism, an integral part of the national budget, continues to expand; for the beauties of the Grecian temples, of the Aegean Islands and dramatic presentations of the Grecian poets and playwrights, are always drawing attractions for everyone. The Greek merchant marine is enlarged yearly, carrying tonnage to all parts of the globe. As a member of NATO, the Greek armed services are recognized as an efficient fighting force, capable of defending their homeland and the territories of their comembers.

We in the United States are indebted to the Greeks for many things—for governmental principles, art, science, and plays. But most of all, through the Greek immigrant who came to our shores to find a new life, we have discovered and adopted his customs and incorporated them as contributions to the American way of life. Therefore, I am proud to add my congratulations to the Greek people as they celebrate this patriotic national holiday and wish them continuous success and prosperity for the future.

Among my efficient and dedicated congressional secretaries, a most valuable member of my staff, is American-born Frances Patsoureas, in whose veins courses the proud blood of the land of Plato, Aristotle, Aeschylus, Phidias, and the other immortals of Greece.

THE LATE ANDY FRAIN

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, one of our celebrated native Chicagoans, Mr. Andy Frain, who made ushering a science, died on March 25, in St. Mary's Hospital in Rochester, Minn. He was 59 years old. Mr. Frain was a product of Chicago's "back of the yards" area, at 37th and Lowe Avenue. He came from humble circumstances and a large family—17 children.

It was natural that he learned the basic talents for ushering from his mother who marshaled, guided, and controlled her large brood in unit formation. In his early career, he was employed at the White Sox park, renting seat cushions at 10 cents per cushion—after hours collecting the same, as well as the empty pop bottles lying around the seating area of the park.

Through the influentional interest of Mr. Philip K. Wrigley and Bill Veeck, he was promoted into ushering people at the games. There has not been a major event in any of the sports, religious, cultural, or mass-meeting programs held in major cities where his ushering services were not contracted for. He established offices in 17 major cities, with headquarters at 1817 West Madison Street, Chicago. In his hiring, he emphasized the employment of young men of high school and college age for this work, thereby aiding thousands of young men and young girls to pursue their careers in education through college, by ushering. There are many outstanding and important people in life who are indebted to him for their financial start, including clergymen, physicians, attorneys, government officials, industrialists, scholars, and scientists.

Andy Frain realized the necessity for organized ushering upon witnessing several rioting and milling crowds at affairs where a disciplined, unified programing was lacking. The hundreds of gate crashers who edged their way into the park without tickets, were the cause of most of the trouble, because of their disturbance of the seating patterns.

Dishonest gatemen passed persons through for a little bribe, and timid doorkeepers passed through formidable "toughs" in fear of bodily harm, but Andy Frain changed all of this by teaching a semimilitary organization that saw to it that no one passed who did not hold a bona fide ticket, and no one was seated who did not have the proper ticket for that seat. He realized that the responsibilities were great to best serve the public interest, but his men were rugged and determined that the rules were the same for everyone and must be kept, in order to control the situation for which they were hired.

The greatest problems were experienced at national political conventions, whereat persons presented themselves at the gate with courtesy letters written by a powerful "political," expecting the holder to gain admittance. But to Andy Frain this was only an invitation to be more guarded in his vigilance and that of his men, and the bearers of such requests were denied admittance. Certainly he gained the enmity of some individuals, including leaders; on the other hand, he earned the respect of his employers because of his efficiency and honesty of purpose. Andy Frain's trained corps received its instructions prior to the event and rehearsed their respective duties before the crowds arrived. Their handling of the situation was like clockwork in its precision. A blueprint study of each section was delivered to the individual usher assigned to that area. Andy Frain was a genius in his work and we know that his sons, who have been schooled by him to take over his enterprise, will function with the same perfection as their dad. Andy Frain died of a heart attack, while in Rochester for a physical checkup. There is no question but that he ailed for 4 years and 1 week; since the day that he was waiting for the arrival of his wife by plane at Miami, Fla., when he learned of her death in the plane crash over Tell City, Ind. From that day to the day of his death, his path of life was only a transistory one—a way of being united in her embrace again.

To him, his wife's death ended life's dream. Although his children were a comforting influence, the loss of his lovely wife was too great a sadness to bear—and so, with a lingering weakness of will, he awaited death.

God will be good to this fine, upright man who raised the level of a humble service to that of public admiration, and it provided an avenue of opportunity for the youth of the land to earn moneys to pay their way through college. The fine example he set for youngsters and the advice and guidance that he gave to them contributed much to their later successful careers in life.

We, the members of the Illinois delegation, extend our heartfelt condolences to his daughter, Cornelia Bridget, and to his five sons—Andy, Junior, Michael, Peter, Patrick, and Francis. The Nation and its youth have lost a valuable benefactor and friend.

The high esteem in which he was held is reflected in the following articles appearing in the Chicago Tribune, Thursday, March 26:

ANDREW FRAIN, USHER CHIEF, IS DEAD AT 60; MANY LEADERS STARTED WITH CHAIN

(By George Bliss)

Andrew Thomas Frain, 60, head of the Andy Frain Usher Service and nationally known expert in the handling of crowds, died yesterday morning in St. Mary's Hospital, Rochester, Minn.

Mr. Frain, who was known as Andy to the thousands of young men who worked for him, as well as to sports, political, and other celebrities, died of a heart attack.

WIFE DIES IN CRASH

He had been in ill health since his wife, Mrs. Dolly Frain, died on March 17, 1960, with 62 other persons in a plane crash near Tell City, Ind.

Despite his illness, Mr. Frain remained active in his organization. He directed the handling of the crowd at the Sonny Liston-Cassius Clay heavyweight championship fight on February 25 in Miami Beach. He was making plans to direct the ushering service for the Kentucky Derby in May.

RETURNS FROM FLORIDA

Mr. Frain, who had been staying at his winter home in Fort Lauderdale, Fla., arrived home at 6649 Navajo Avenue, Lincolnwood, on March 12 and went to the Mayo Clinic in Rochester, Minn., on March 18.

More than 50,000 young men had worked for Mr. Frain since he formed the blue clad usher organization 40 years ago at Wrigley Field. At one time he had offices in 26 cities but recent years curtailed his operations, continuing services in Louisville, Ky., Minneapolis, Miami, St. Louis, and Cincinnati.

Lawyers, priests, FBI agents, public officials, doctors, dentists, business executives, newspaper and magazine writers, and thousands of others started their careers while working for Mr. Frain and paying their tuition in high school and college.

ONCE EMPLOYED BISHOP

Bishop Cletus F. O'Donnell, auxiliary bishop and vicar general of the Chicago Catholic archdiocese, was one of the young men from Chicago who helped Mr. Frain take over the Kentucky Derby in Louisville in 1934 and 1935. Bishop O'Donnell, who remained one of Mr. Frain's close personal friends, recalled that Mr. Frain helped him and many others receive their education. State's Attorney Daniel P. Ward worked for Mr. Frain during his college days.

Mr. Frain was known to pay the tuition of young men who encountered financial problems with the promise that the payments would be kept secret.

FRIEND OF MAYOR

Mr. Frain, who liked to boast that, "I was born back o' the yards," was a lifelong friend of Mayor Daley. Mr. Frain, Daley, and Stephen M. Bailey, vice president of the Chicago Federation of Labor, were classmates at the Nativity of Our Lord School at 653 West 37th Street. He was 1 of 16 children.

The city council yesterday unanimously passed a memorial resolution honoring Mr. Frain as "a great Chicagoan" and "a man always willing to help someone in need."

Mr. Frain was the first honorary member of the Chicago Newspaper Reporters Association, and in 1960 was honored with a plaque for his "friendship to all members of the newspaper profession."

He was known as Andy to at least four Presidents of the United States and became acquainted with Prince Rainier of Monaco.

STARTED AT 12

He began his career at the age of 12, renting seat cushions at Comiskey Park. He received his start in ushering when William Wrigley, Jr., owner of the Cubs, loaned him $5,000 to buy uniforms.

Mr. Frain is survived by a daughter, Cornelia Bridget, 15; five sons, Andrew D., 30; Michael B., 24; Peter B., 20; Patrick F., 17; and Francis D., 16; five grandchildren; and a sister.

Mass will be said at 11 a.m. Monday in Queen of All Saints Catholic Church, 6280 Sauganash Avenue. The wake will be held in the chapel at 6150 North Cicero Avenue.

ANDY FRAIN

Back in the 1920's during the golden era of sport, a young man from Chicago's back of the yards donned a distinctive blue and gold uniform and started finding seats for spectators at sports events. Yesterday he died in the Mayo Clinic in Rochester, Minn., but long before his death Andy Frain had made his name synonymous with ushering as the master manipulator of crowds.

Chicago was the Frain home base, the city where he first brought order out of chaos at baseball games and every other sporting event which drew large crowds. But the Frain technique of crowd control extended his enterprise at one time to 25 other major cities and into the arena of national political conventions. His ability to handle the issuance of tickets to hordes of politicians at the 1960 Republican Convention in Chicago established Andy as without peer in this area of nervous sensibilities.

To the public, Andy Frain will always be the dapper young usher who makes sure that the spectator gets to the correct seat in a large arena. To many other Chicagoans—lawyers and doctors, judges and priests, politicians and newspapermen—who once wore the uniform of old Frain U, Andy will be remembered as the kid who never finished grammar school but made it possible for them to go to college.

With the thousands of friends that Andy had, they'll be needing the ushers at his wake.

PRESIDENT SUKARNO OF INDONESIA

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, it was with some considerable interest I noted on the United Press International Wire Service that President Sukarno of Indonesia has told the United States to "go to hell" with our aid.

I would like to respectfully suggest that the State Department convey to Sukarno our belief that anyone who has had dealings with Sukarno has already been there.

Certainly, he has turned his formerly rich country into a living hell, no longer able to feed its people nor take care of their needs.

While his people go hungry, while his workers look for homes and schools, Sukarno's only answer to these pressing problems is to bully a smaller neighbor, Malaysia, and to waste the labor of his people on weapons and destruction.

At a time when the world needs creative effort, Indonesia's leader is bent only on destroying that which he cannot control.

We have been mollycoddling this minor league Hitler long enough. By his latest words and deeds, Sukarno has confirmed the wise decision of the Congress last year to cut off aid to Indonesia except when the President deems such assistance vital to the interests of the United States.

I was happy to have introduced this amendment and to have it enacted into law.

After Sukarno's latest outburst, I think President Johnson will agree that there is nothing vital to our interests in continuing any aid to Sukarno.

CUBA

Mr. WYMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. WYMAN. Mr. Speaker, I want to express myself as being in wholehearted disagreement with the amazing, incredible, and dismaying remarks regarding American foreign policy of the chairman of the Senate Foreign Relations Committee made on the Senate floor yesterday wherein he has indicated in regard to Cuba that Castro is here to stay; that we will not fight to oust him because it is not worth it, and has implied that such a policy is called "daring thinking" for America, a policy I might say that invites surrender on the installment plan of the rest of the free world to communism bit by bit and piece by piece.

May the Lord help us should this sort of policy be in effect——

Mr. HECHLER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HECHLER. Mr. Speaker, the gentleman's remarks are directed to a Member of the other body, which is a violation of the rules of the House.

The SPEAKER. The Chair will say that under the rules no Member may refer to a Member of the other body, or to a speech another Member has made in that body.

The gentleman from New Hampshire will proceed in order.

Mr. WYMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WYMAN. Mr. Speaker, I had no intention to violate the rules of the House. The speech is a matter of record. It was made by the chairman of the Foreign Relations Committee of the Senate, and I do not know how I could refer to it otherwise. The speech is in the RECORD, and it is before us at our seats.

May I inquire as to how I may now properly refer to the speech and disassociate myself from its views without referring to its author?

The SPEAKER. The Chair has stated what the rules of the House are. The Chair did not use the word "violate." The Chair did not go that far. The Chair simply says reference to a Member of the other body is not proper, and is not consistent with the rules of the House. The gentleman was recognized to proceed in order.

Mr. WYMAN. Mr. Speaker, I will, of course, accord with the rule and I will therefore refer only to prominently publicized remarks appearing on the front pages of the Nation's newspapers of last night and this morning.

Mr. Speaker, although I am not a member of the Foreign Affairs Committee, I feel obliged to express outspoken disagreement with and rejection of certain prominently publicized remarks alleged to constitute "daring thinking" on our Cuban policy. I am amazed to hear coexistence with Communist governments and military buildup in this hemisphere urged upon Americans before the world.

The elimination of Communist control of Cuba and Communist export of subversion from this island throughout Latin and South America should be our number one hemispheric foreign policy objective. In this, there should be no compromise nor equivocation in our determination to strangle the Castro government in Cuba on the vine by an economic quarantine enforced on the high seas against all cargoes except food and medical supplies.

To urge upon our people and to tell the world that Castro is here to stay but it is not too important a matter and that we should proceed with other hemispheric tasks despite the Communist buildup in Cuba is so wrong, so lacking in principle, and so destructive of the national morale that it is incredible to hear. This is not daring thinking at all. It is just plain nonsense if not worse.

A fair question to ask these days is how far must sheer intellectualism destroy America's determination to remain free? How far are we to yield to the concept that because standing firm for freedom may involve confrontations that may risk limited war, which might escalate into nuclear war, that we should just lie down and surrender to Communist evil all over the world since the risk of war in the nuclear age is too great?

Mr. Speaker, if the formula of surrender on the installment plan is to include countries in our own backyard it will undermine the national security, render the hemisphere permanently penetrated by Communist military operations aimed at our destruction, and lose for freedom the remainder of the free world, bit by bit, chunk by chunk, not only in far-off places, but right here in our own hemisphere. This is an invitation to communism to steal the rest of the world and an announcement that we will not fight to prevent this.

On the street, among ordinary good Americans there are more simple phrases to describe such a program for surrender. In this dismay that follows the shock of reading such remarks comes incredulity—disbelief. This is abdication of honor and principle, afraid to risk a confrontation. Americans are not afraid.

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Yet, it is impossible to avoid the inference from the mere advocacy of such a policy in relation to Communist confrontation that the United States is either too scared or too "intelligent" to risk a showdown with communism in defense of our way of life. If this is to be American policy and posture, the Communists will go right on stealing the world until the balance of power has shifted to the Communist bloc, and once this happens we can rest assured we will receive an ultimatum to surrender or face nuclear obliteration. I want no part of it.

BEEF IMPORT CONTROL

Mr. FOREMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a bill I have introduced.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOREMAN. Mr. Speaker, regardless of many recent statements by the Department of Agriculture and other high administration officials expressing sympathy, and proposing superficial measures supposedly designed to control the ever-increasing flow of meat imports into this country, very little action has been forthcoming to correct this critical problem facing our domestic beef and mutton producers.

Indeed, those of us representing beef and mutton producing areas were surprised and dismayed at the recent proposal made by the Departments of State and Agriculture to curb the onslaught of foreign beef and mutton. This voluntary agreement entered into last month with Argentina and New Zealand would supposedly reduce beef product imports by the United States to 6 percent below the 1963 level. However, the 1963 import level was 110 percent above the 1961 level. Certainly it would seem that when a domestic industry is clearly suffering from imports, as in the case of the meat producing industry of this country, action which pegs the import level at the highest level in the history of the Nation is definitely unrealistic, if not irresponsible.

In the State of Texas alone, during 1962, the returns from the sale of cattle and calves amounted to over $675 million. This was from the sale of 4,675,000 head of cattle. In the past few years, the cash receipts from marketing cattle and calves in Texas has increased by 60 percent, but the profit margins have been on a downward trend. Reliable economic analysis shows that the present level of imports has reduced domestic cattle prices by $2 to $3 per hundredweight. Still, the industry is operating under tariff rates laid down more than 30 years ago, and even those rates have been cut by 50 percent by the Reciprocal Trade Agreements Act.

Beef importation has been increasing at a dangerous rate for the last several years. In 1956, imports equaled only 1.6 percent of the domestic production, but in 1962, imports had jumped above 12 percent of domestic production. Not only have the present import rates had a depressing effect on the price structure of the industry, but also, the future for cattle prices looks bleak.

Certainly, with the conditions now facing the cattle industry, and with conditions that appear to be steadily growing worse, it would seem that the proper path for the Government to take would be one seeking relief for the domestic livestock industry, not to make permanent a bad situation.

Because of the seriousness of the plight facing the domestic beef and mutton industries, and because of the lack of constructive action on the part of the administration, I am introducing a bill that is designed to establish a realistic set of import quotas for beef, lamb, and goat meat, and pork. These quotas are set up by averaging the imports of these meat products over the last 5 years. The bill will also allow an increase in imports once the market price of the affected products reach or excell the parity price.

The proposed bill:

H.R. 10644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Meat and Meat Products Import Limitation Act of 1964".

SEC. 2. Subpart B of part 2 of schedule 1 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 19, Aug. 17, 1963) is amended by striking out "headnote" and inserting in lieu thereof "headnotes", and by adding after headnote 1 the following new headnote:

"2. (a) BASIC QUOTAS ON MEAT AND MEAT PRODUCTS.—Except as otherwise provided in this headnote, the quantity of articles in each category listed in this paragraph which may be entered in any calendar quarter beginning after December 31, 1964, shall not exceed:

"(i) In the case of articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat), 168,500,000 pounds.

"(ii) In the case of articles specified in item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (other than lambs)), 12,850,000 pounds.

"(iii) In the case of articles specified in item 106.30 (relating to fresh, chilled, or frozen lamb meat), 3,200,000 pounds.

"(iv) In the case of sausages (other than sausages in chief value of pork), specified in items 107.20 and 107.25, 550,000 pounds.

"(v) In the case of articles specified in items 107.40, 107.45, 107.50, 107.55, and 107.60 (relating to certain prepared or preserved beef and veal), 28,700,000 pounds.

"(b) ADJUSTMENT OF QUOTAS.—

"(i) BEEF AND VEAL.—If, for any 6-month period ending on September 30 or March 31, the average price received in the United States for cattle (not including calves) equals or exceeds the average parity price for such cattle, then for the second and third calendar quarters beginning after the close of such period the quotas specified in paragraph (a) with respect to the categories set forth in subparagraphs (i), (iv), and (v) of such paragraph are hereby increased. The amount of the increased quota for any such category shall be the amount which bears the same ratio to the amount specified in the applicable subparagraph as the number of pounds of the total commercial slaughter of cattle (not including calves) in the United States during such 6-month period bears to 7,352,000,000 pounds.

"(ii) MUTTON.—If, for any 6-month period ending on September 30 or March 31, the average price received in the United States for sheep (not including lambs and yearlings) equals or exceeds the average parity price for such sheep, then for the second and third calendar quarters beginning after the close of such period the quota specified in subparagraph (ii) of paragraph (a) is hereby increased. The amount of the increased quota shall be the amount which bears the same ratio to the amount specified in such subparagraph (ii) as the number of pounds of the total commercial slaughter of sheep (not including lambs and yearlings) in the United States during such 6-month period bears to 35,000,000 pounds.

"(iii) LAMB.—If, for any 6-month period ending on September 30 or March 31, the average price received in the United States for lambs (including yearlings) equals or exceeds the average parity price for such lambs, then for the second and third calendar quarters beginning after the close of such period the quota specified in subparagraph (iii) of paragraph (a) is hereby increased. The amount of the increased quota shall be the amount which bears the same ratio to the amount specified in such subparagraph (iii) as the number of pounds of the total commercial slaughter of lambs (including yearlings) in the United States during such 6-month period bears to 350,000,000 pounds.

"(iv) DETERMINATIONS.—

"(A) For purposes of this paragraph, the average price received for any article for any 6-month period, and the average parity price for such article for such period, shall be determined by averaging the appropriate figures (as published by the Secretary of Agriculture) for each of the 6 months in such period.

"(B) For purposes of this paragraph, the determination of the commercial slaughter of any article for any period shall be made on the basis of dressed weight and shall be made on the basis of data for the continental United States (excluding Alaska).

"(C) All determinations required by this paragraph shall be made by the Secretary of Agriculture and shall be final. All determinations required by this paragraph with respect to any 6-month period shall be made not later than the 35th day after the close of such period. If such determinations result in an increased quota, the Secretary of Agriculture shall immediately certify to the Secretary of the Treasury the amount of such increased quota.

"(c) EXCEPTIONS.—

"(i) NATIONAL EMERGENCIES.—The operation of this headnote shall be suspended with respect to any period which the President declares to be a period of national emergency.

"(ii) NATURAL DISASTERS TO LIVESTOCK.—The operation of this headnote shall be suspended (or the quota increased) with respect to a category specified in paragraph (a) if the President determines that because of a natural disaster to the livestock in the United States from which articles like the articles specified in such category are produced, the United States supplies thereof are inadequate to meet demand at reasonable prices to domestic consumers therefor. Such suspension or increase shall be for such period, and any such increase shall be in such amount, as may be necessary to meet such demand, as determined and proclaimed by the President. Any determination by the President under this subsection shall be final.

"(iii) SMALL ENTRIES.—For purposes of this headnote, any individual entry having an entry weight of 25 pounds or less shall not be taken into account.

"(d) PRORATION OF QUOTA OVER CALENDAR QUARTER.—If the Secretary of Agriculture determines with respect to any category specified in paragraph (a) that the articles in such category are being imported and placed in the market at such times as to disrupt the orderly operation of such market, he shall so certify to the Secretary of the Treasury. Thereafter, the calendar quarter quota for such category shall be prorated over each such quarter on such monthly (or more frequent basis) as the Secretary of Agriculture determines and certifies to the Secretary of the Treasury as being necessary to prevent the disruption of the orderly operation of such market.

"(e) ENTRY WEIGHT.—For purposes of this headnote, the number of pounds taken into account with respect to the entry of any article shall be the number of pounds at which such article is entered for customs purposes."

SEC. 3. No trade agreement or other international agreement heretofore or hereafter entered into by the United States shall be applied in a manner inconsistent with the requirements of this Act.

CUBA

Mr. DEROUNIAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEROUNIAN. Mr. Speaker, following the gentleman from New Hampshire [Mr. WYMAN], with whose remarks I agree completely, I just want to say that the oracle in the other body who made what he thought was a world shaking pronouncement yesterday is probably getting a medal cast for him by Castro in Cuba today.

MEDICAL AND HOSPITAL CARE OF THE AGED

Mr. GURNEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GURNEY. Mr. Speaker, providing adequate medical care for those of our citizens over 65 is of particular interest to me and the people of the 11th District, many of whom are retired and live on small, fixed incomes.

Several proposals have been advanced. Perhaps the most widely known plan provides for an extension of social security contributions to issue mandatory fixed insurance.

The latest social security plan, however, does not assist our older citizens in paying the surgical fees; in short, the doctor bills. The hospital coverage is also inadequate.

There are several other specific areas in which the so-called King-Anderson bill does not provide sufficient medical coverage.

Furthermore, the coverage is rigid and cannot be altered to provide a plan to suit individual needs.

I have today introduced a bill to provide medical and hospital care of the aged through a system of voluntary health insurance.

I believe this plan is far superior to the King-Anderson approach because it makes possible much greater coverage and less cost.

Furthermore, after this plan becomes effective, the volume of policies issued by the various private insurance companies may well lower premiums and make possible even greater coverage.

PROCEDURES OF THE HOUSE OF REPRESENTATIVES

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, I have been granted a special order for 10 minutes today to discuss House procedures.

I was very disturbed yesterday to hear the majority leader in defense of the unwarranted procedure being employed to bring out the cotton-wheat bill and defend it on the ground that the House majority should be able to work its will. I am deeply disturbed whether this defense that the majority leader used came from lack of thinking the matter through, which is almost as dangerous as if he had thought it through, because the essence of representative government is that the majority work its will after study, discussion, and debate. The whole reason for rules of procedure is how a matter shall be studied and debated. It was never intended that the Congress or any parliamentary body that is independent should simply work the will of the majority. Under Hitler and under Stalin the parliamentary system existed, but the difference there was that the majority worked its will without debate and discussion.

WHEAT SALES TO THE COMMUNISTS

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, while the East German Government was sending three unarmed U.S. airmen to their graves and three others to the hospital, U.S. taxpayers were financing wheat sales to the same Communist regime to the tune of more than $2,500,000.

On January 28, a T-39 U.S. Air Force transport was shot down by an East German fighter plane over the East German border, and three airmen aboard died.

Within the preceding week—starting January 20—the U.S. Government approved export subsidy payments of more than $1,250,000 on wheat shipments to East Germany.

The criminal act by the East German Communists on January 28 did not slow the subsidy wheels a bit.

Two days later, on January 30, an additional export subsidy payment of over $98,000 was approved for more wheat to East Germany.

By March 5, the U.S. Government had approved export subsidy payments of $2,722,386 on wheat shipments to East Germany totaling 4,063,264 bushels. U.S. flour mills do not get this fancy discount. Quite the contrary, under the farm bill soon to be considered by the House, U.S. flour mills will have to pay a processing tax of 70 cents per bushel. Meanwhile, we provide wheat for the Communists at a discount of 67 cents a bushel.

East Germany replied to this neighborly—and expensive—cooperation on March 10 by shooting down another unarmed U.S. plane—this time sending three airmen to the hospital.

Despite the killing and wounding of U.S. airmen and constant harassments of U.S. military vehicles on access routes to Berlin, East Germany gets the same favored treatment in wheat purchases as friendly countries.

No wonder American prestige has sunk to a low ebb.

Here are the sorry facts, as supplied by the Department of Agriculture:

Date	Class and grade	Tons		Destination
		Metric	Long	
Dec. 16, 1963	No. 2 Red Winter		9,500	East Germany.
Dec. 18, 1963	do		2,500	Do.
Jan. 20, 1964	do		1,500	Do.
Jan. 21, 1964	No. 2 Soft White/Red Winter	12,000		Do.
Do	No. 2 Red Winter		1,500	Do.
Jan. 22, 1964	do		2,000	Do.
Jan. 23, 1964	do		1,900	Do.
Do	No. 2 Red Winter/Soft White	12,000		Do.
Jan. 24, 1964	do	20,000		Do.
Jan. 30, 1964	No. 2 Red Winter		4,000	Do.
Feb. 4, 1964	No. 2 Red Winter/Soft White	22,000		Do.
Feb. 20, 1964	No. 2 Red Winter	6,800		Do.
Feb. 28, 1964	do	6,800		Do.
Mar. 5, 1964	do	7,700		Do.

Total:	
Metric tons	87,300
Long tons	22,900
Converted to bushels	4,063,264
Average rate of subsidy payment per bushel about	$0.67
Total estimated subsidy payment	$2,722,386

RETURN OF AMERICAN AIRMEN SHOT DOWN OVER SOVIET-OCCUPIED GERMANY

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, 3 weeks ago three American airmen were shot down over Soviet-occupied Germany. One flier has been released. The other two remain in custody—where we do not know. Last weekend, at the Secretary's level, word was received by the United States that the fliers would be released. Our Government quite rightly regards this as a commitment. But why the delay? The Congress quite appropriately must ask the question—why is the commitment not lived up to and the fliers released forthwith?

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute in order to ask the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT] to announce the legislative program for the week after next, if he will.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, the program for the week of April 6, 1964, is as follows:

MONDAY, CONSENT CALENDAR—SUSPENSIONS (ONE BILL)

S. 1828, authorizing the appropriation of funds for the Battle of Lake Erie Sesquicentennial Celebration Commission.

TUESDAY AND WEDNESDAY, PRIVATE CALENDAR

H.R. 10222, Food Stamp Act of 1964, open rule, 4 hours' debate.

House Resolution 665, providing for concurrence in the Senate amendments to H.R. 6196, a bill to revitalize the American cotton industry.

H.R. 287, including Nevada among States permitted to divide their retirement systems into two parts for OASDI coverage purposes.

H.R. 1608, providing that aircraft engines and propellers may be exported as working parts of aircraft.

H.R. 2330, providing that antiques may be imported free of duty if they exceed 100 years of age.

H.R. 2652, duty-free importation of certain wools for use in manufacturing of polishing felts.

H.R. 3348, extending time for teachers in Maine to be treated as covered by separate retirement systems for OASDI purposes, and permitting Texas to obtain coverage for State and local policemen.

H.R. 4198, free importation of soluble and instant coffee.

H.R. 4364, free entry of mass spectrometer for Oregon State University and spectrometer for Wayne State University.

H.R. 7480, temporarily suspending the import duty on manganese ore—including ferruginous ore—and related products.

H.R. 8268, to prevent double taxation of certain tobacco products exported and returned unchanged to United States and subsequently reprocessed.

H.R. 8975, providing for the tariff classification of certain particleboard.

H.R. 9311, suspension of duty on alumina and bauxite.

H.R. 9393, extending time for ministers to elect coverage under OASDI, providing full retroactivity for disability determinations, and for other purposes.

Senate Concurrent Resolution 19, designating "bourbon whiskey" as a distinctive product of the United States.

THURSDAY AND BALANCE OF WEEK

H.R. 10723, 1965 appropriations, legislative.

Of course, this announcement is made subject to the usual reservation that any further program may be announced later and that conference reports may be brought up at any time.

Mr. ARENDS. I thank the gentleman.

RULES OF THE HOUSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I believe that any fair reading of the remarks which I made yesterday will make it perfectly clear that the remarks of the distinguished gentleman from Missouri [Mr. CURTIS] were not applicable to what I had to say. In my remarks I summarized by saying:

> I am for majority rule; I am for the rules of the House.

The rules of the House provide not only for majority rule but also for methods to protect orderly procedure and to protect the rights of the minority.

The rule which was requested and the rule which was granted by the Committee on Rules is a special rule identical with special rules of this kind which have been used in this House for many, many years. There is nothing extraordinary about that procedure.

If the gentleman knows anything about the debates which have been held on cotton and wheat bills in this Chamber, covering the identical subject matter covered in the amendments made in order by this rule, he knows that this matter has been thoroughly discussed not only in the Committee on Agriculture but also on the floor of the House many times.

Mr. STINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. STINSON. I yield to the gentleman from Missouri.

Mr. CURTIS. I hope the gentleman from Oklahoma will remain on the floor at the time I shall speak on this subject. I announce this. We shall have 10 minutes, when we shall have an opportunity to discuss this matter, so that we will not have any more of one man making a speech and refusing to yield and engage in debate. Then we can examine into the depths of whether or not this is an ordinary procedure or, as I have described it, throwing out the window the whole theory of representative government.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, I was on the floor yesterday when the distinguished majority leader made his remarks. I believe he was entirely correct in his explanation of the procedure involved in connection with the consideration of the matter which has been referred to here this afternoon. The majority leader stated the procedure was in keeping with the rules of the House. I believe the gentleman from Missouri has been a Member of this body long enough to understand that the procedure which was announced for the consideration of the rule on H.R. 6196 is entirely within the rules and customs of the House.

FOREIGN POLICY ADDRESS

Mr. FRASER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, I deeply regret the remarks which were made on the floor of the House earlier today by the gentleman from New Hampshire and the gentleman from New York. I am not concerned so much about whether their remarks were in violation of the rules of this House as I am concerned about their reaction to the speech to which they were adverting.

Mr. Speaker, I read that same speech about which they were talking, and I believe it is a speech which ought to be read by every American, and certainly by every Member of the House. It was a courageous speech. It suggested that we should reexamine some of the premises upon which we are conducting the foreign policy of this Nation.

I can only say that if we are unwilling to take a careful and critical look at some of the foreign policies of this Nation from time to time, as events and circumstances change—if we are unwilling to examine our own assumptions in order to set ourselves aright, in the manner suggested in the speech made by the Member of the other body—then it seems to me we are losing one of the great values of an open society.

I think that this speech has much to commend it. I do not agree with everything in it, but I certainly do not agree with the reaction of the two gentlemen to whom I referred earlier.

ELECTRONICS RESEARCH CENTER

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, yesterday the House of Representatives voted funds to authorize expenditures for the space program by the NASA. Construction funds were voted for an electronics research center which will be placed at Boston, Mass. It was conclusively demonstrated during the debate yesterday that the Electronics Research Center is necessary to maintain America's preeminence in space. Many times on this floor, along with those who yesterday protested against the disproportionate geographic distribution of NASA contracts, I have also protested against the fact that West Virginia has been shortchanged. However, I would like to point out that Massachusetts made many, many contributions to this Nation, not the least of which are our great Speaker and our beloved former Speaker, the gentleman from Massachusetts [Mr. MARTIN].

Above all, Massachusetts gave the 35th President of the United States to our country, the greatest friend that the 35th State, West Virginia, has ever had, the late John F. Kennedy.

SPEECH MADE IN THE SENATE

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the gentleman from Minnesota has said that he hopes everybody in the country will read the Senator's speech. There is no question that everybody in the country will read the speech. The publicity given this speech in the New York Times and Washington Post makes this clear. The question is, Mr. Speaker, whether or not the people of the country will have an opportunity to read the comments on the speech and to have a real public debate on it. The publicity given this speech suggests this speech may have been written or conceived by some of the people who have done so much to publicize it.

SECTION 371, RULES OF THE HOUSE

The SPEAKER. The Chair is going to be very strict in the future with relation to references to speeches made in the other body or to references to Members of the other body. The Chair feels at this time it might be well to read the rule of the House covering this subject:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

PRESIDENT JOHNSON'S POVERTY PROGRAM

Mr. QUIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. Mr. Speaker, during the Easter holidays, every Member of the House of Representatives who swears allegiance to the Democratic Party, will mount a white donkey and set forth to do battle against a new Madison Avenue foe called poverty. They will not actually set lance against this new enemy—the weapons that they use will be that of words. The words will not be of their own making but those of the Democratic National Committee.

That committee has just prepared complete speeches and news releases for each of the Democratic Members. I said that every Democrat in the House would go forth to do this mission. I should have said "all but one," for one copy was inadvertently left in my office.

Reading these propaganda sheets, one can but come to the conclusion that the new administration is putting a "vocal rubberstamp" policy into effect. This is indeed strange tactics for a political organization that has accused the party of the opposition of adopting some of the remarks of their national chairman—a Member of the Congress.

Certainly the person who prepared this piece of propaganda might well have read the proposed legislation. Many of the measures that he said were part of the program are not even in the legislation.

The opening battle cry on the "ghosted" document states:

> The war against poverty has begun.

It further says that President Johnson is leading the attack. I can see how this could be believable to people of other nations. The people of our Nation know full well that our policy is to eliminate every vestige of poverty. This has been the case since our founding days.

I cannot believe that there is any partisanship in this effort. There might have been some differences of opinion as to the best method to achieve the final result but the objective of the President and the Congress has always been for the welfare of all of our citizens.

On this score, I find myself in defense of all of the Members of our 88 Congresses and the Presidents who served since the founding of our country.

The inference is made in the cliche-ridden, mimeographed speech that now for the first time in our history, we have a President with a concern for the impoverished and a man "brilliant" enough to administer such a program. The man who they adorn with the adjective of "brilliant" is Sargent Shriver. Any audience listening to this canned speech, will but come to the conclusion that here is the opening political speech for the Democrat's 1964 ticket.

What, you might well ask, is the great magic that will bring the abolishment of poverty? The great proportion of the legislation in the "new" bill are proposals that have been previously considered by the Congress and found inadequate for the purpose intended.

Within the past few years, legislation was enacted to cope with these very problems. I name vocational education and manpower training as examples. These programs are now in effect. The area redevelopment program is another, but its administration leaves much to be desired.

I have noted that the administrator of the new bureau, that will outrank all other governmental bureaus, says that there is no political objective in the proposed legislation. If that is the case, then we can hardly see why the Democratic committee is dictating the every utterance of their party members on the subject.

I doubt very much that my colleagues of the Democratic Party persuasion are enjoying their new roles as Charley McCarthy to the Democratic National Committee's Edgar Bergen.

Evidently, since the material was sent to me, some Democratic Member has not received his. If this Member would care to come to my office, I would be glad to give it to him.

FUEL AND ENERGY SECURITY OF THE COUNTRY

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. MOORE] is recognized for 60 minutes.

OHIO RIVER FLOODS: PERFORMANCE OF FLOOD CONTROL PROJECTS REFUTES "PORK BARREL" CHARGES

Mr. BLATNIK. Mr. Speaker, will the gentleman yield?

Mr. MOORE. Mr. Speaker, I understand the gentleman from Minnesota [Mr. BLATNIK] wants to discuss a flood-control project on the Ohio River, and I am happy to yield to him at this time.

Mr. BLATNIK. I thank the gentleman from West Virginia. I know the gentleman has shown great concern with the problem of the recent flooding of the Ohio River, as have colleagues of ours on both sides of the aisle coming from that great river basin, which is one of the largest in the country, covering the States of West Virginia, Pennsylvania, Ohio, Kentucky, and running all the way down to the middle of the lower Mississippi Valley. I appreciate the gentleman's consideration in yielding me part of his time on his special order.

Mr. Speaker, I am sure that every Member of this House is familiar with the devastating floods which recently occurred in the Ohio River Basin and which have caused such great destruction. As chairman of the Subcommittee on Rivers and Harbors of the House Committee on Public Works, I have had a continuing interest in the subject of water resources development and control. The Ohio River and its tributaries is one of the major basins in the country where both navigation and flood control are entwined. I would like to make a few observations on these floods, particularly in view of the fact that Life magazine, in August 1963, published a distorted article on "pork barrel" which immediately drew strong criticism from many Members of Congress and responsible local and State officials.

Now, slightly more than 6 months after this article was written, the recent Ohio River floods spectacularly refute the pork barrel charge. The accusation of unjustified expenditure of taxpayers' funds on flood control, navigation, and other water resource projects were completely overturned by the facts. This is not the first time that this kind of situation has arisen. Articles have been written in the past on the so-called pork barrel even though the arguments presented have been completely discredited by the actual facts. Life should now send its editors to the Ohio Valley in the wake of these floods to get the other side of the story. They would find their sensational charges of pork barrel evaporating in the hard light of the facts. It might not sell as many magazines, but it would exhibit courageous objectivity.

I would like to tell the Members a little bit about these recent floods. Extremely heavy rainfall during the period March 4 through March 10 produced overbank flood stages on the Ohio River and many of its tributaries. These rains which started in the lower basin and extended through the middle and upper portions of the basin totaled between 9 and 17 inches, causing widespread flooding with resultant heavy damages. Yet, even greater losses would have occurred were it not for the many federally constructed flood control projects in operation during this flood. Of the 99 authorized reservoirs in the Ohio River Basin, 39 are operable. Of these 39 reservoirs, 33 were so located as to be effective during the current flood with a total flood control storage capacity of 5.7 million acre-feet with 40 percent of their flood control storage used.

In addition to reservoirs, there are 190 miles of channel improvement and 900 miles of levees and walls planned to protect 137 communities in the Ohio Valley, of which 62 are in service, many of which contributed to preventing flooding in the communities concerned.

Preliminary estimates by the Corps of Engineers indicate that damages may run as high as $100 million. However, the corps also estimated that flood control and related projects have saved Ohio Valley property owners at least $290 million in flood damages. Adding this amount to the approximate $936 million damages prevented during previous Ohio Valley floods, the total of $1.226 billion savings compares favorably to the approximate $500 million expended to date for reservoirs and approximate $200 million spent for local flood protection projects in the Ohio Valley. Not included in these savings are additional beneficial effects in the Mississippi Valley resulting from these Ohio Valley projects.

As an example of the way these Corps reservoirs operated to prevent damages, 8 reservoirs above Pittsburgh cut 6 feet from the crest at Pittsburgh's famous "Golden Triangle" where the Monongahela and the Allegheny Rivers meet to form the Ohio. This 6-foot reduction alone is estimated to have saved $38,327,000 in damages in this area. The Allegheny—Kinzua—Dam, now under construction on the Allegheny River would have reduced the Pittsburgh crest an additional 1.9 feet and would have contributed an additional $2 million to damages prevented. Without the reservoirs, the Ohio would have risen at least 2 feet higher at Cincinnati than its 66.2-foot crest of March 12, the fifth highest on record. This would have been slightly lower than the 69.2-foot crest of the March 1945 flood, the third highest on record.

While the Life magazine article stated that expenditures for flood control, navigation and other water resource developments are a waste of public funds, the critical flood situation in the Ohio Valley points up the need for accelerating flood control work in this area, as well as in other areas of the United States. I am glad to see that studies are now going on as a joint effort of the Federal and State Governments for continued development of the Ohio Valley, not only for flood control, but for navigation and related water resources developments.

The figures I have given you of savings in flood damage are only part of the story. The navigation works on the Ohio River have resulted in a tremendous return to the entire area from Pittsburgh to the Mississippi River.

Some of the key points associated with water resource development on the Ohio are as follows:

First. It is the fastest growing aluminum producing center, thanks to cheap power and river transportation.

Second. The billion-dollar dam and lock program to be completed in the early 1970's with new 1,200-foot locks will result in tremendous economic benefits.

Third. The reduction of flood damage will increase as additional dams, now authorized or in the planning stage, are built.

Fourth. The sewage treatment program is helping 95 percent of the population along the river.

The foregoing points are just a few of the highlights that point out that the development of the water resources in the Ohio Valley have resulted in a tremendous industrial growth making the area one of the great industrial valleys in the world. Within a decade $18 billion has been spent on plants costing a million or more each. They line the river's bank and reach inland, occasionally going far up a tributary such as the Kanawha or Miami. The $18 billion figure was compiled by the Ohio Valley improvement association, an organization devoted to the Ohio Valley waterways and development.

Mr. Speaker, it is difficult for me and many others to understand how a great national magazine can attack water resources development by the Federal Government which has contributed so much in the way of saving lives, reducing property damage, and providing low cost transportation and hydroelectric power.

Therefore, Mr. Speaker, to the constituents of those Members whose districts are located in the Ohio River Basin, my deepest sympathy is extended for the losses suffered in the recent floods. I assure those Members whose areas have been threatened before, and will be threatened again by floods and where the problem of water resource development is of great importance, that I will certainly do all in my power, in my capacity as chairman of the Subcommittee on Rivers and Harbors, to carry on the work which has been so efficiently accomplished to date.

At this time I particularly want to state that full credit should be given to the Honorable Clifford Davis, chairman of the Subcommittee on Flood Control, as well as the Honorable Robert E. Jones, former Congressman Frank E. Smith, now a member of the Board of Directors of the Tennessee Valley Authority, as well as the other members of this subcommittee for their dedicated, outstanding, knowledgeable work in flood control matters. I want also to commend the chairman of the House Public Works Committee, the gentleman from New York, the Honorable CHARLES A. BUCKLEY, who has given his full support to efforts to solve the problems of water use wherever they may be throughout the country.

FUEL AND ENERGY—THE SECURITY OF OUR NATION

Mr. MOORE. Mr. Speaker, in the past several weeks a number of events have occurred that can vitally affect the fuel and energy security of our Nation, and will inevitably have significant impact on the future economic course our country follows.

We live today in a period of relative national prosperity, and all of us have hopes that this will continue and grow. We have recently voted a reduction in the individual and corporate income taxes in the hope that more money will be made available for consumer purchases and capital expenditures, and thus more jobs and individual incomes will be created.

We are anxiously pursuing other measures, including attempting to hold down on appropriations for unnecessary Government spending, to insure that the economy grows stronger and that we develop sufficient fiscal muscle to wipe out the shameful, inexcusable blots of economic stagnation where jobs are nonexistent and where people are destitute, hungry, and in despair.

Mr. Speaker and my colleagues, I know about these pitiful communities where children cannot attend school because they do not have any shoes to wear, where fathers are desperate and mothers desolate because they have no food to offer their families and no hope to offer the young people growing into manhood and womanhood. I know these blots on our national scene firsthand, because some of them are in my own State of West Virginia. Others are in Kentucky and Pennsylvania, and even, I am told, in New England where once flourishing towns producing shoes, textiles, and many other goods are now battling desperately to combat the competition of cheap foreign goods which are gobbling up jobs and markets.

And the sad and inescapable fact is that these "pockets of poverty," as President Johnson has so aptly termed them, do not need to exist—that if they are allowed to continue, we, and we alone, in the legislative and executive branches of the Federal Government, will have to bear much of the blame. We have adopted or permitted the continuation of national policies which are chiefly responsible for the unemployment in selected areas of our Nation—and I refer particularly to the great coalfields of the Appalachians with which I am most familiar—and it is our solemn responsibility to our own conscience and to our country that we see that such policies are changed.

I do not propose to discuss or suggest the solutions of New England's textile, shoe, electronic, and similar competitive problems. I sympathize with her citizens.

As a matter of fact, I might say that at the instance of the New England delegation in the Congress they circulated a very well written protest among the Members of the House requesting our signatures, which pointed up the great disadvantage that the shoe industry was experiencing in New England as a direct result of foreign imports. I signed that particular petition and that particular submission to the executive branch of the Government asking relief from the situation that existed in that industry, for the simple reason that I found myself completely sympathetic with the objective which the members of the New England delegation were trying to accomplish and the manner in which they were trying to help the particular industry involved.

However, Mr. Speaker, a number of outbursts concerning this Nation's mandatory oil import program have been made on the floor of the House, which are not in agreement with the record.

Mr. Speaker, I was a member of a subcommittee of the Small Business Committee some 3 years ago, which sat for 7 days in November, going over completely the effects of the mandatory oil import program as it affected the production of domestic crude oil in the United States, as it affected the other energy sources in the United States, coal, and natural gas. We went deep into the problems of imported crude oil and imported residual fuel oil.

Mr. Speaker, the composition of that subcommittee which went very much into detail with reference to the mandatory oil import program, included the gentleman from Oklahoma, Mr. Steed, as chairman of the subcommittee, and made up on the majority side by the gentleman from New York, Mr. Multer, the gentleman from California, Mr. Roosevelt, and the gentleman from Arkansas, Mr. Alford; on the minority side was the gentleman from California, Mr. Smith, the gentleman from Indiana, Mr. Harvey, and myself from the State of West Virginia—not a stacked committee by any means and unanimous in their report.

Mr. Speaker, I would like to call to the attention of the House the recommendations that that subcommittee made with respect to the mandatory oil import program. It went very much into detail on this subject and heard many witnesses. I say to the Members of the House here today that I was quite religious in my devotion to the work of the committee and in my attendance at these hearings, because of my deep interest in the subject matter. But this subcommittee of the House of Representatives, not made up of Members of coal-producing States, not made up of Members from oil-producing States, made some stern recommendations.

The subcommittee stated:

> If there were not proclaimed some stern rule or program of control by the Congress of the United States over the oil program of this Nation, we at some future time could find ourselves in serious difficulty as a nation.

In addition to residual oil the subcommittee questions the manner in which the production of crude oil in the United States was being seriously hampered by competition which they were forced to meet by the production of foreign crude oil. These recommendations in that report stand out very sternly.

The committee said:

> The import quotas of residual fuel oil to be used solely as fuel should be fixed at a level no higher than the total of such imports in 1961, so as to reduce the threat to the national security which residual oil imports now create, as well as to prevent the further erosion of the coal industry's markets and to alleviate the severe unemployment and overwhelming distress in the coal mining industry. Further, the subcommittee feels that firm assurance should be given by the executive branch that quotas will be maintained at levels no higher than this, so as to eliminate the uncertainties and instability which repeated and unpredictable increases in quotas have created in the domestic coal markets.

In addition, another recommendation of this subcommittee report went on to say:

> A suitable agency of the Government should immediately undertake a survey of essential plants and installations along the east coast, where more than 40 percent of all defense contracts are held and where virtually all imported residual oil is used, to determine the true extent to which they have become dependent on this insecure foreign source of fuel through abandonment of other types of burning and fuel handling and storage equipment and facilities.

The subcommittee was concerned about the national security of the United States when a vast industrial complex was found to be firing the boilers of that industrial complex by bringing into the United States foreign imported residual fuel oil.

The mandatory import control program was put into effect by the executive branch of the Government in 1959. The reason for the implementation of this oil import program was the fact that the Chief Executive of the United States and the Committee that he appointed to look into the matter became concerned, that there was a matter of high national interest involved, and that the national security of this Nation was very much at stake if we allowed this vast industrial complex in New England to be further dependent upon foreign residual oil to meet its energy needs. Therefore, the oil import control program was implemented—national security being the reason for this action.

This program was not put together in the mind of anybody from a coal producing State. The mandatory import program was a direct result of the work of various committees of the Government which had been studying the problem for a long time. The Executive order, based upon committee recommendations, emanated in 1959. The Chief Executive of the United States of America said that the national security of the United States was at stake with such a vast amount of imported residual fuel oil coming into the country. A further statement of concern was made that if this vast industrial complex would be needed by this Nation in the event of war, its use would be restricted if it became wholly dependent upon outside sources for its energy needs.

So this subcommittee made a deep study of the matter. We heard many witnesses testifying largely with respect to the fact that this program was a good program, that it should not be destroyed, that it should not be changed.

We on this subcommittee were surprised, and we in the House from coal producing States, at the action announced by the Secretary of the Interior, Mr. Udall, on March 5, when he decided to raise the quotas of foreign residual oil by some 23 million barrels of oil coming into this country over and above that coming into this Nation in 1963 and 1964. That alone means some 2,000 jobs in the coal producing States, that alone will displace an additional 2,000 coal miners. It is rather ironic that we got that particular good news from the administration on March 5 at the same time the administration was sending to the floor of this House its message to combat poverty in the same State that will be adversely affected by this decision of the executive department.

One of the most vocal, outspoken, irresponsible—I hesitate to go further—an individual who makes irresponsible statements every time somebody mentions the question of residual fuel oil and the fact this Nation's New England industry is dependent on foreign fuel oil for its energy needs, is a man by the name of James S. Couzins, who heads the Fuel Committee of the New England Council. Every time somebody suggests that the national security of the Nation is involved, as the President found and the subcommittee of this House found, he is quick in print with some sort of rebuttal, either handwritten and given to somebody to say for him.

He usually is very caustic in his remarks about the individuals that live in coal States, that are coal producers, or are associated with the United Mine Workers of America. He accuses those who are in coal States or associated with coal production in America of always crying out loud against the dangers of residual fuel oil, and says that the situation that exists in those States is because of the manner in which the coal miners and coal producers have ravaged the assets of those States.

To those who follow the line of thinking of Mr. James S. Couzins, I say that those in the coal producing States have been fighting residual fuel oil since 1947. For 17 years we have been fighting an ever-increasing amount of residual fuel oil coming into this country. If the conditions in the Appalachian area, some of which are also mining areas of the Nation, are exhibits of poverty today, it is because the coal markets of America have been eroded for 17 years by this policy of permitting foreign residual oil to be brought into this country to take the place of domestically produced coal.

From 1947, when some 54 million barrels came into this Nation, until 1963, when 210 million barrels have been allowed to come in, is the best evidence that every barrel of this oil that comes in creates a further oasis of poverty in the Appalachian area.

Let me simply say to the gentleman who speaks loudly and cries loudly about his concern for residual fuel oil in New England, with the suggestion that these controls inflate the price and cause people in New England to pay a lot more for their energy needs than they would if the program was discontinued, that actually what has occurred is this, that since the program has gone into effect the people in New England have paid less for their residual fuel oil per barrel than they did previous to the time the mandatory oil import program went into effect. So the situation is the reverse, so far as the observations that are made by the New England Council Fuel Committee, for the simple reason that instead of the mandatory oil import control program, as they see it, preventing oil from coming in and therefore pushing the price up, actually the price has gone down in the United States since the mandatory oil import program went into effect in 1959.

As for the price of residual oil, official figures published by the Office of Emergency Planning show that residual oil in 1963 sold at an average price of only $2.02 per barrel in New England. This was 30 cents per barrel less than the New Englanders paid for residual fuel oil in 1958, the last year before import controls were put into effect.

So let us see what this 30-percent reduction in total prices of residual oil meant to New England. The last figures for that region which are reported by the Government, for 1962, showed that New England used some 75 million barrels of residual fuel oil, and presumably it was the same amount last year, since the total east coast consumption of residual fuel oil was little changed. Thus at $2.02 a barrel for oil in 1963 New England users paid $152 million, but under the price structure in 1958, before the mandatory import program, the one they complain about, the one they seek to destroy, was in order, for the same amount of oil it cost them $174 million. Therefore, the import control program has provided New Englanders with the opportunity to meet their oil needs at a savings of $22 million a year less than they would have had to pay under prices in existence prior to price control.

Another thing I want to say with respect to the observation of the gentleman of the New England Council Fuel Committee, reference has been made to a statement by Mr. W. A. Boyle, the international president of the United Mine Workers of America, when he said that the late President Kennedy had made a personal commitment to him that this mandatory oil import program would be handled in such a way that it would not do severe damage to the coal industry of America, and that the program would be operated with the advice and the guidance of the coal industry in America.

That statement has been disputed and it has been said that John F. Kennedy was just as vocal, when he was a Senator from New England, in behalf of increasing the amount of foreign residual oil coming into this country and that that statement is entirely inconsistent with his actions as a member of the Senate and contrary to the statement of Mr. W. A. Boyle, that as President John F. Kennedy said he would use his best judgment in conjunction with the coal industry as he administered this oil import program.

I simply would say this. When they talk about John F. Kennedy's New England, I would remind them that John F. Kennedy talked about his West Virginia until the day he died. He said at every opportunity that West Virginia was the State that provided him the platform to move to the Presidency of the United States. And it was at the pit mouth of a mine in West Virginia where he stood and talked of the situation and conditions in the coal industry and said that this continual raid on the coal markets of America by foreign residual oil was a distinct disservice to the coal miners and to the coal industry, and that the poverty that he observed in West Virginia was something that he was going to try to eliminate. Yes, he said these things because he had a better understanding of the situation, having seen it first hand than when, as a Senator, John F. Kennedy gave his attention to the needs of New England, since it was his New England. I say that if John F. Kennedy grew as a President, he grew also in this aspect, that he had a deeper knowledge and more understanding attitude and more genuine concern for the problems of the coal industry and the other fuel industries of America, and that his interest in these problems as President was not sectional in nature as when he was a Senator, but gave attention to the best interest of the entire country. If he told W. A. Boyle that he was going to administer the oil import program only with the advice and guidance of the coal industry, I believe John F. Kennedy made that representation to Mr. Boyle regardless of what some highly paid public relations man in New England may say now about what John F. Kennedy is supposed to have said and which he can no longer answer.

So, Mr. Speaker, when we in the Appalachian area express our genuine concern about the reckless way in which this administration through its Secretary of the Interior has handled this residual oil problem and the way in which it has gone so far beyond what anyone of us would ever have thought conceivable, so that today 14,000 miners, not to mention railroaders and others, can reasonably be considered to be unemployed as a result of the importation of foreign residual oil.

It is a little ironic to embark upon a vast well publicized program to attack poverty on the one hand and at the same time—and in the same office—just a little further down the hall—permit an administrative act to take place which further erodes and reduces the opportunities for those people who have dedicated their lives to mining coal. Yes, it may not be a very romantic undertaking to mine coal. Perhaps it does not require the best education in the world. But a lot of our people found their way into the Appalachian region of this country and dedicated their lives to digging for that black diamond. They have contributed to a greater America without question. So, Mr. Speaker, I would say when we talk about the mandatory oil import program, it is high time, by reason of the actions of the Secretary of the Interior, to understand once and for all that this administration does not comprehend the problem and does not understand the program and does not realize that the program was originated and implemented for national security reasons. We must realize that the Congress has to act now.

As the subcommittee of the Committee on Small Business indicated in their report of November 1961, this Congress has to set a level at which these imports of residual fuel oil cannot exceed or go beyond. Because the price is so attractive and because the opportunity to make a quick buck is so enticing that it can without question take over the energy needs of this Nation simply because of the competitive position that this residual fuel oil is in since it is a waste oil product.

If they can get a nickel above the regular price on a barrel, bringing it to the United States, they will make a nickel, which is a considerable profit.

Mr. Speaker, there are now pending before this body more than 170 resolutions by 170 Members of the House of

Representatives calling for the mandatory oil import control program to be brought under congressional control, where the pressures of the New England Council Fuel Committee and Mr. James Cousins cannot be exerted, so that the oil community of America cannot exert pressure on some administrator on some fictional basis in an andeavor to have him increase the amount and to further do damage to the intent of the mandatory oil import control program.

Certainly all of the Members of the House are not interested in this problem, and perhaps all do not understand how this works. Last year the amount of residual oil which came into the country was not even entirely used. There was a surplus of it. Even with that fact facing the Secretary of the Interior, he increased the amount of residual fuel oil allowed to come into this country by the greatest amount allowed in any particular year since it has been coming into the country.

We must consider that in connection with permitting great amounts of this residual oil to come in is dangerous in itself. I know well that it has to be heated and it has to be put in boilers in a condition so that the temperatures are at a certain level. But if we permit large amounts of this residual fuel oil to come into this country, not earmarked to a specific industry or to a market area, we then invite an opportunity for those who control this fuel oil to raid market areas not now using the residual fuel oil, and thus further damaging markets devoted either to gas or to coal.

This situation I believe today has reached the point that the Congress must act. Congress must put some backbone in the mandatory oil import control program. We must not forget that the Caribbean area is on fire today. That is where the greatest portion of this residual oil comes from. If a decision were made in Venezuela today to nationalize the oil fields of that country, then the New England industrial complex would be without one drop of residual oil.

Yes, the Caribbean is on fire. It seems to me we ought to be aware that this is a time of international crisis. The forces of communism are on the march in the Caribbean area, regardless of what may be said at one time or another about the situation.

This Nation at some time in the future will have to protect itself, for the benefit of these economic royalists in New England who want to bring in these vast amounts of residual fuel oil. Protection will be needed for that lifeline between South America and New England, with a patrol either of battleships or of submarines, in order to continue to receive the foreign oil that industrial complex needs to operate.

Mr. Couzins does not seem to be worried. He says that the next war will be atomic. I have not seen any atomic bombs exploded yet in the nature of an act of war. Mr. Couzins does not understand. Really, he does not even know what a Polaris submarine is, so how could he be particularly knowledgeable about how New England will get this oil in the event those particular lines of transportation are ever cut off? He is an American that just does not care. Anything for a buck today. He is neither honest or sincere in response to questions posed by Members of Congress in committee hearings.

But I do assert that I am qualified to speak on the question of jobs and the livelihood of the citizens of the coal producing areas of the Appalachians, which includes the First District of West Virginia which I have the honor to represent. I think the time has come—indeed, perhaps it is well past—to set straight a number of false notions regarding this national disgrace which has, either inadvertently or intentionally, been perpetrated.

First, I think it is necessary to put on the record the real facts about the modern coal industry which have been so completely distorted in recent years.

It has almost become a shibboleth for its opponents—including certain persons of influence in Government as well as the international oil people and their ilk—to say unemployment in the coal regions is due solely to automation of the coal mines, and that because of modern mining machines no matter how much you increase coal consumption you would create practically no new jobs in the coal mines.

Let us look at the facts:

Certainly the introduction of modern mining machines in American coal mines meant that fewer miners could produce more coal in a given time. That is probably true in every industry in the Nation. In fact, if the stockholders and owners of coal mines had not been willing to invest the billions of dollars in new machinery and modern mines we would not have been able to lower the price of coal consistently during the past 12 years and would today be able to sell only a very small percent of our present output on the present competitive market.

This mechanization took place with the full cooperation of the United Mine Workers of America, which recognized that either the coal industry must increase productivity in order to lower costs per ton or else lose millions of tons of additional markets and virtually cease to exist. If that had taken place, I shudder to think what would have happened to the energy resources of our Nation, or the price that everyone would be paying for any kind of fuel for heat and energy today.

Fortunately, because of the enlightened leadership of the coal industry and of the United Mine Workers, then headed by Mr. John L. Lewis and now by Mr. W. A. Boyle, its able new president, we have available today our primary steamplant energy fuel at even less cost than it was 12 years ago, and it is produced by a vigorous, sound industry with competent, dependable, and well-trained workers which the Nation can depend on.

But coal is not being produced in the volume that it should be, or providing the jobs that it can, because somewhere in the interim our national policies have shifted way from the dependence on our one great natural steam power energy resource and we have tended to relegate it to a sort of third-class citizenship limbo. And for no reason that makes sense.

Consider these facts:

First. The best information we have—from the U.S. Geological Survey—tells us that America has more than 800 billion tons of coal reserves, in the eastern Appalachians, the great Midwest fields and in the largely undeveloped beds of Colorado, Utah, Wyoming, and other Western States. Of this, the Bureau of Mines says more than 200 billion tons, or 450 times this year's total consumption, is in seams no more than 2,000 feet deep and recoverable by present mining methods and costs. This means, of course, that America has reasonably priced coal fuel available for many generations.

Second. The price of coal at the mine has dropped from an average of $5.08 in 1957 to less than $4.46 today, and the delivered coal price is constantly being lowered by continuing improvements in transportation efficiency by the railroads, long-line transmission of electricity and other technological breakthroughs. Reductions of $1.50 per ton for freight costs from mine to utility plant are becoming commonplace.

Thus, coal is available for centuries, low in cost and dependable. Further, its contribution to the economy is enormous. It is incredible that the policies of the Federal Government should not be directed toward vastly expanding market outlets for coal, rather than the encouragement of substitute fuels developed through Government subsidy, as in the case of atomic power, or brought in from foreign nations where they create not a single American job. It surpasses understanding that, in the face of these facts, the Secretary of the Interior, who has been designated by the President as our oil czar with full authority on petroleum matters, has just increased the quotas for residual oil to be imported in the next 12 months by 23 million barrels above the past year.

Import controls on residual oil were first imposed in April of 1959, and for the first year or so it seemed that they might be effective. Total imports permitted under the program in 1960 were 17 million barrels less than in 1959, when controls were in effect for the last 9 months. However, each year since then has seen a steady increase in quotas by the Department of the Interior, and the total just announced for the import year starting April 1 is a whopping 233 million barrels—the equivalent in energy to more than 55.9 million tons of coal.

This imported oil can be, and is, sold at whatever price is necessary to undercut the cost of American produced coal or other fuels. It is practically all used on the Atlantic coast where it usurps the market for American coal produced in the hard-hit unemployment areas of the Appalachians, principally West Virginia, Pennsylvania, Virginia, Kentucky, and Maryland. Fifty-six million tons is equal to more than 25 percent of the entire annual production of this region.

But more important, what does a lost market for 55.9 million tons of American coal mean in human terms? In terms of jobs for American miners and railroad workers? In terms of shoes and clothing and food for their families and

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education and hope for their children? And what does it mean to the hundreds of thousands of other citizens of coal mining communities whose jobs and whose families' livelihood are made possible because of the mining and transportation of coal?

Of course, if all residual oil imports were suddenly shut off—and no one is demanding that—coal probably would not supply the entire 55.9 million tons. Some of it would come from domestic gas and some from residual oil produced in domestic refineries. But it would be supplied by domestic fuels whose production would mean American jobs. Most of this huge market would turn to coal, so for an understanding of what it means to the economy of our country, let us translate 233 million barrels of imported residual oil annually into terms of jobs displaced, using coal production and transportation as a guide.

The U.S. Bureau of Mines reports that in 1962, the latest year for which figures have been compiled, the mining of 55.9 million tons of coal in the Appalachian States required 4,723,922 man-days of work. Since the Appalachian miners worked an average of 198 days in that year, the production of 56 million tons meant full-time jobs for 23,858 mine employees, and they earned $118,098,050 which went into the economy of the mining communities of the Appalachian States where it is so desperately needed. Further, the production of 55.9 million tons of coal in union mines meant adding $22 million to the UMWA welfare and pension fund under the contract, which calls for 40 cents a ton payment for this purpose. This is sufficient to pay the $900 yearly pensions for 24,837 retired miners.

But this is not all that 55.9 million tons of Appalachian coal means in human terms. The transportation of coal is almost as important in jobs created as is its mining. Take the railroads, for example. They haul 75 percent of all U.S. coal. This would mean that of 55.9 million tons produced in the Appalachian region in 1962, the railroads transported 41,913,000 tons. At an average freight rate of $3.32 per ton, this produced rail freight revenue of $139,151,160. The American Association of Railroads reports that 52 percent of all railroad revenues goes into wages, and that the average railroad employee wage in 1962 was $6,659, so it is a matter of simple arithmetic to find that the transportation of 41,913,000 tons of coal—or 75 percent of 55.9 million tons—meant full-time jobs for 10,860 railroad workers in the Appalachian regions in that year.

To simplify these figures, Mr. Speaker: Each 8 million tons of coal produced in the Appalachian coalfields in 1962 provided jobs for 427 mineworkers and 194 railroad employees, or a total of 621 persons. This is only direct employment in the two categories; it does not include the jobs provided for truckers and bargeline workers who hauled the other 25 percent of the coal, nor does it include the many other jobs created by purchases of services, supplies, and equipment by the railroads and coal mining companies. I am certain that it is conservative to say that the production and distribution of 1 million tons of coal directly creates at least 700 to 800 jobs in the Appalachians, where jobs and income are so terribly important to our entire national economy today. These facts are clear, and incontrovertible:

> The alltime high imports of 233 million barrels of foreign residual oil during the next 12 months, just approved by the Interior Secretary Udall to whom President Johnson has designated authority in oil import matters, thus becomes a major catastrophe to West Virginia and other Appalachian States.

In the most conservative terms, the 55.9 million tons of coal which will be barred from finding a market outlet because of these cheap oil imports, would have directly provided at least 35,000 jobs in the mining, railroad and allied fields.

These facts leave no doubt as to the importance of coal to our Nation, and to the jobs of literally hundreds of thousands of its citizens and the need for a continued healthy and growing market for coal. But what is happening to that market and to its growth potential?

Between 1957 and 1962, U.S. consumption of coal on the east coast actually declined by 13 million tons, or 8.3 percent. During the same time, imports of foreign residual oil—which produces not one single U.S. job in either its production or transportation on foreign-flag ships—and very few in its handling once it reaches our shores—increased 46.5 percent, or the equivalent of 14.2 million tons of coal.

Mr. Speaker, I fully recognize that the matter I am discussing must be considered as a national issue. There is no question of the critical damage imported residual oil is doing to my own State of West Virginia, as well as the other great coal producing States such as Pennsylvania, Virginia, Ohio, Kentucky, Tennessee, and Maryland. There is likewise no question of the great harm that excessive imports of residual oil are causing to the great oil producing States of the West. My esteemed colleague, the gentleman from Texas [Mr. ROGERS] made that very clear in his masterful and irrefutable statement to this House on February 13.

The question then is, Is any area of our Nation greatly benefited by residual oil imports and would it actually prosper because of a complete elimination of import restrictions? Or, to put it more in terms that are commonly used by opponents of the import control program, is any area really being penalized economically by the nominal restrictions which are now in effect on residual imports?

Certain of my colleagues from New England have consistently contended, most vocally and repetitiously, that this is so. But the facts simply do not bear them out.

They have asserted that, because of import controls, residual oil prices are higher, that there is a shortage of the product in New England and that complete removal of restrictions on residual imports would benefit both New England and the Nation.

The Nation and the Congress deserve to have the facts about these fallacious assertions. I have often been puzzled as to the basis of some of the claims that have been made in the bitter attacks on any restrictions on residual oil imports. The distinguished Senator from Rhode Island [Mr. PASTORE] was quoted in an interview in the Providence Journal a few months ago as saying that, although he had opposed residual import controls, he had had no indication that his constituents were concerned about them. He said that he has merely gone along with the campaign of the New England Council to destroy such controls, and had actually had only one communication from a fuel user in his State who wished them ended.

Of course, the big oil importers would like to see free imports of residual. They could then bring it in such floods as to literally wipe out the market for any competing fuel—and destroy the productive capacity of such domestic fuel—and they could supply the market they had captured and made dependent on residual imports at any price they wished to charge.

Mr. Carl Reistle, chairman of the board of the Humble Oil Co., recently wrote many Members of Congress a personal letter urging that residual import restrictions be removed. Standard Oil of New Jersey, parent company of Humble, is the largest residual oil importer.

Other than Standard Oil of New Jersey and such other major importers, I cannot discover who would really stand to profit from greater imports of residual to the detriment of domestic fuels and the national economy. But, for some reason, certain of my colleagues have taken this issue to heart and are waging a continuing warfare against American domestic fuels and the national security and millions of individual livelihoods dependent on them.

I want to examine some of the statements being made, and I challenge anyone to deny or disprove the facts I shall use.

In a speech before this House on January 28, my esteemed colleague, the gentleman from New Hampshire [Mr. CLEVELAND] attacked Interior Secretary Udall for failing to recognize that, and I quote:

> This restrictive policy [is] costly to New England's economy—

And referred to—

> a shortage of residual oil.

I do not know on whom the gentleman relied for his information, but he has certainly been misinformed. I suggest that next time he rely on official Government sources from which are available facts which will quickly disabuse any idea that residual oil is in short supply or that the price has increased because of import controls, thereby proving costly to New England or any other users.

The fact is, total consumption of residual oil on the whole Atlantic coast, where practically all the imported residual is landed, and consumed, actually declined by over a million barrels last year. Unused stocks on hand at year's end were a half million barrels greater than they were at the end of 1962. These facts are provided by the U.S. Department of Interior, itself; and yet in the face of them, the Interior Secretary has just increased permissible imports for the coming year by more than 23 million barrels.

Mr. Speaker, on February 10, the gentleman from Massachusetts [Mr. Conte] expressed a great surprise to this body that I had in a speech a few days earlier referred to imported residual oil as an "unneeded foreign oil," and particularly, he said, in view of the fact that 1,480,000 barrels of residual oil were used in West Virginia in 1962.

I am happy to relieve the gentleman's puzzlement. I am sure that he did not intentionally mean to mislead this distinguished body, but his reference to residual oil burned in West Virginia was hardly appropriate to my remarks. The residual oil burned in West Virginia, Mr. Speaker, is 100 percent domestically produced oil. Not one barrel of imported residual oil is brought into West Virginia. As I have said many times, I do not challenge the right of domestic residual oil producers to compete for the fuel markets of the Nation. Where they can offer a product in fair competition that, for one reason or another is preferred above coal, they have every right to the market. It is up to the coal industry and the railroads which haul it to compete with them and hold their markets if they can.

However, I do strenuously object to an official Government policy of encouraging the ever increasing imports of a cheap, foreign oil, which, as I said, is unneeded to supplement our own vast resources of fuel, and against which domestic coal and oil cannot compete because of the ridiculously low price at which it can be sold.

I can only add that I am more than puzzled by the statement of the gentleman from Massachusetts [Mr. Conte] that electric light bills, hospital bills, and taxes in New England are too high because of the restrictions on residual oil imports. All I can say is that with imported residual oil coming in in the greatest volume in history, with the price of residual now 30 cents less per barrel than it was even before import controls were begun, I suggest that he look further to find out why bills and taxes in New England are too high. It cannot be because of the price, or any shortage of supply, of residual oil.

Mr. Speaker, I am pleased and encouraged to find that my deep concern over the serious damage to the American economy and the jobs of so many people caused by excessive residual oil imports is shared by so many of my colleagues of both political parties in both Houses of Congress.

On March 9, the Honorable Thomas E. Morgan, of Pennsylvania, a member of the majority party and chairman of the important House Foreign Affairs Committee, told the House that 170 Members of this body are now on record in support of legislation which would establish a fair formula by law to limit residual oil imports to an equitable share of the domestic residual market. Representative Morgan declared that 130 Members have signed a letter to the Speaker publicly asserting their backing of the legislation. In addition, the gentleman from Pennsylvania pointed out, 40 other House Members have introduced bills to accomplish this, of which I am proud to be one.

We should also take note that a companion measure introduced in the Senate has been cosponsored by 30 Members of that body. These 200 Members of the two Houses represent 35 different States and are well balanced between the two political parties. Thus, support for this legislation is not a partisan matter, but it is a matter of extreme economic importance to a great many areas of our Nation.

But believe me, there are elements at work in the Caribbean area today to cut off this flow of foreign oil. Once the flow is cut off, the people of New England, who have foolishly converted their energy sources to the point that they cannot now reconvert to the use of gas or to the use of coal, will simply have to shut down. I believe the situation merits the immediate consideration of the Congress.

I, therefore, offer my sincere commendation to all Members of Congress who have thus publicly pronounced their support for the establishment by law of a reasonable, fair, and continuing level of quotas to insure equitable competition between domestic and imported fuels. I urge on the leadership of the House prompt action of this legislation, both in the committees and on the floor.

I have taken this time simply to call the attention of the House to what I feel and how difficult I feel this situation is and also to bring to the attention of the House the views of members of the subcommittee, not oil minded and not coal minded but who recommended this program ought to be brought under congressional control, and I respectfully submit it for the consideration of the House.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I will be happy to yield to the gentleman from Ohio.

Mr. FEIGHAN. I wish to congratulate our able and distinguished colleague, the gentleman from West Virginia, who also serves with distinction on the Subcommittee on Immigration and Nationality and the Joint Committee on Immigration and Nationality Policy. He has the habit of mastering the facts in all matters to which he devotes his many talents. His deep and abiding concern is the general welfare and security of our Nation.

Mr. MOORE. I thank the gentleman from Ohio very much.

Mr. WHARTON. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I will be happy to yield to the gentleman from New York.

Mr. WHARTON. I have been greatly impressed with the gentleman's knowledge of this subject. I know he is thoroughly familiar with conditions in West Virginia. I am wondering if he would give us a few words on the situation in which research finds itself. We have appropriated several millions of dollars at various times for coal research to find new uses for fuel of this nature. I wonder what activity you have to report on in West Virginia.

Mr. MOORE. With respect to research projects which devote themselves to finding further uses for coal, I say to the gentleman that we just had the Department of the Interior appropriation bill on the floor last week, and there was earmarked in that appropriation bill the sum of $6 million for the Office of Coal Research, specifically to permit them to engage in two specific research projects in the State of West Virginia. One of them has to do with Operation Bootstrap and the other Project Gasoline. In one instance the research is being undertaken to see whether or not a conversion method cannot be arrived at where coal can be converted into gasoline.

I would say to the gentleman there is major progress being made in that particular area, and we hope that a pilot plant will be constructed in the not too distant future to hurry along the research in that area. There are some research projects, may I say, which have been undertaken by the major coal companies of America and, as a matter of fact, Project Gasoline was initially begun by one of the major coal producers of America. So there is a great deal of research, a lot of which has been encouraged by the Federal Government. May I say to the gentleman that in addition to the research projects, coal mined by automation has attempted to make itself more competitive. The price of coal today is less per ton than it was in 1947. All of the factors along the line economically with respect to coal have been rather stable, but when we continually lose great market areas such as New England—and I for one would not for 1 minute say that we have to turn all of New England back to the private domain of coal; I do not suggest that at all but simply say in my remarks we ought to have a level which this should not go beyond. In other words, the continual raiding of markets, no matter how swift our research might be or how vastly improved automation in the mining of coal becomes, makes it hard for us to keep pace when they take the markets away from us in such an unfair competitive situation.

Mr. WHARTON. Then, the gentleman would say these programs are definitely worthwhile in making the statement from your own personal experience?

Mr. MOORE. With respect to research, I hold out great hope for the fact that the programs which are now undertaken and the various contracts that the Office of Coal Research has engaged in, will make a major contribution which would encourage a greater use of coal in many areas of the country.

Mr. WHARTON. I thank the gentleman.

Mr. MOORE. I yield back the balance of my time, Mr. Speaker.

CIA

The SPEAKER pro tempore (Mr. Price). Under previous order of the House, the gentleman from Illinois [Mr. Arends] is recognized for 20 minutes.

Mr. ARENDS. Mr. Speaker, one of the most important agencies of our Government, particularly during this period of international uncertainties and anxieties, is our Central Intelligence Agency.

The time has long since arrived when someone should take cognizance of the baseless criticism that has been and continues to be heaped upon it. That is my purpose here today, as a member of the CIA Subcommittee of the Committee on Armed Services since its establishment. I do not purport to speak as an authority on all the functions and activities of the CIA. But I do presume to speak with some factual knowledge about the CIA as an organization and how it functions.

I do not mean to imply that the CIA should be above criticism. No agency of Government should be above criticism. Constructive criticism makes for improvement, and there is always room for improvement.

But much of the criticism directed at the CIA is not constructive. It cannot possible be, as it is not based on facts. It is based on half-truths and distortions. Indeed, some of it constitutes complete untruths, with no foundation whatever in fact or in reason. This is what concerns me. Something once said, however false, is readily oft repeated and in time is accepted as a fact although an outright falsehood. And we know there are those who would, if they could, discredit the CIA. Others of us, having no such intention, unwittingly become their victims.

Let me present one illustration. I refer to the much publicized, much discussed case of the Polish defector, Michal Goleniewski. I refer to the irresponsible series of articles concerning the CIA that has been recently published in the New York Journal American.

Among these wild accusations is that the CIA has attempted to prevent Michal Goleniewski from appearing before the Senate Internal Security Subcommittee. They go so far as to charge that the CIA has quashed subpenas. That simply is not true. A simple telephone call to the chairman of that subcommittee would have brought forth the information that going back to last August, when the first subpena was served on this man, the executive branch of the Government has been cooperative with the Senate subcommittee throughout.

Contrary to what has been reported in the press, the postponements of Michal Goleniewski's appearance before the Senate subcommittee were at the request of the man himself. And the subcommittee agreed to his request.

I might add that the CIA subcommittee, of which I am a member, went into every aspect of this case. I am personally satisfied that the publicized statements purported to come from Michal Goleniewski are not correct. The information as reported in the press is not in agreement with the information Michal Goleniewski has made available to many departments of Government.

Stories such as have been circulated on this case display a reckless regard of the truth. They can be harmful, and those who circulate them do a great disservice to maintaining public confidence in the CIA.

Before commenting further with respect to the CIA and unfounded criticisms of it, perhaps I should first take cognizance of the criticism of the CIA Subcommittee, of which I am a member. It is quite understandable that some Members of Congress might feel we are not as well acquainted with the operations of the CIA as we should be. No one, except members of the subcommittee itself, has any knowledge of just how extensively and intensively we inquire into the activities of this intelligence agency. We hold no public hearings. We issue no reports. We cannot do otherwise and preserve the effectiveness of the CIA as a secret fact-gathering agency on an international scale. We can only hope that the House has sufficient confidence in our subcommittee, as individuals and as a committee, to accept our assurances that we are kept well informed and we have no hesitancy of keeping a close eye and ear on CIA operations.

I was very much distressed to read an article in Esquire magazine, written by a distinguished Member of Congress—one of the best and one of my good friends—in which he says:

> The members of four subcommittees themselves, by definition, have relatively low status.

Not because I am a member of one of those subcommittees, but for the other members of our Armed Services Subcommittee on CIA, I must take exception to the implication of that statement as to their status.

The membership of our subcommittee is comprised of the distinguished chairman of the House Armed Services Committee, the gentleman from Georgia [Mr. VINSON]; the distinguished ranking majority member, the gentleman from South Carolina [Mr. RIVERS]; and another distinguished ranking member, the gentleman from Louisiana [Mr. HÉBERT]. Serving with them are the other very distinguished members: The gentleman from Illinois [Mr. PRICE], the gentleman from Indiana [Mr. BRAY], the gentleman from Florida [Mr. BENNETT], the gentleman from California [Mr. WILSON], the gentleman from Alabama [Mr. HUDDLESTON], and the gentleman from New Jersey [Mr. OSMERS].

I am not at liberty to announce the members of the other subcommittees in the Congress dealing with CIA matters; but I can assure the House they are not "by definition, of relatively low status."

The article to which I refer goes on to state:

> But even had those subcommittees both status and time, the difficulties involved in dividing jurisdiction among the four would, I think, be insuperable.

This point deserves analysis. Since the proposed solution to the matter of low status and little time would be to establish a Joint Committee on Foreign Information and Intelligence, several questions arise.

In addition to CIA, there are other intelligence activities which are component parts of the Department of Defense, the Department of State and the Atomic Energy Commission. I do not believe that the House Foreign Affairs Committee, the Armed Services Committee or the Joint Committee on Atomic Energy would be likely to relinquish their responsibilities for legislative oversight of the components of those departments which are presently under their jurisdiction. We would thus be establishing a Joint Committee on Foreign Intelligence that would, in fact, be superimposed on the existing committees and subcommittees. This brief analysis does not begin to delve into the jurisdictional problems that would thus be raised within the congressional committee structure and the Congress itself.

In the same Esquire article it is asserted in connection with the Bay of Pigs situation, and I now quote, "Not only was CIA shaping policy—perhaps understandable because of the absence of direction from policymaking organs of the Government—but that policy was patently at odds with State Department thinking." The author of the article then adds that he does not wish to fully rehearse the events which preceded the Bay of Pigs, nor do I. This accusation, however, is not founded in fact but, on the contrary, is flatly inconsistent with the truth. It will be recalled that the White House issued a statement on April 24, 1961, saying:

> President Kennedy has stated from the beginning that as President he bears sole responsibility for the events of the past few days. He has stated it on all occasions and he restates it now so that it will be understood by all. The President is strongly opposed to anyone within or without the administration attempting to shift the responsibility.

To assume or assert that CIA shaped policy and then executed it when that policy was at odds with the official policy of the Department of State not only demonstrates a lack of knowledge of the coordination and control procedures in the executive branch but further implies that the Director of Central Intelligence or other officials of the CIA are violating their oath of office by willfully disregarding the views and instructions of the President. Based on my knowledge, the assertion and implications of the statement are false.

The Esquire article indicates the author's recognition that a high degree of secrecy is essential to the workings of the intelligence community and with this I agree. But the article continues by saying there are dangers if public confidence in the intelligence establishment erodes. The article continues by stating:

> [Such erosion] is less likely if a body of the people's representatives properly constituted and carefully chosen by the leadership of the two Houses of Congress remains continuously aware of the activities of the intelligence community.

Based on my long-term membership of the CIA Subcommittee, I again can assure the House that the subcommittee has been continuously aware of agency activities. I must reemphasize that this subcommittee in fact is properly constituted and carefully chosen by the distinguished chairman of this committee.

The statement has been made that CIA meddles in policy. This is an often heard allegation about the Agency, but the facts do not support it. CIA is an indirection from the policymakers. The late President Kennedy commented on this in October 1963 when irresponsible sources were alleging that CIA was making policy in Vietnam. He said:

> I must say I think the reports are wholly untrue. The fact of the matter is that Mr. McCone sits in the National Security Council. I imagine I see him at least three or four times a week, ordinarily. We have worked very closely together in the National Security Council in the last 2 months attempting to meet the problems we face in South Vietnam. I can find nothing, and I have looked through the record very carefully over the last 9 months, and I could go back further, to indicate that the CIA has done anything but support policy. It does not create policy; it attempts to execute it in those areas where it has competence and responsibility.

The President went on to say:

> I can just assure you flatly that the CIA has not carried out independent activities but has operated under close control of the Director of Central Intelligence, operating with the cooperation of the National Security Council and under my instructions. So I think while the CIA may have made mistakes, as we all do, on different occasions, and has had many successes which may go unheralded, in my opinion in this case it is unfair to charge them as they have been charged. I think they have done a good job.

This was President Kennedy's statement.

It has been asserted that there are no effective checks on the Agency's activities. The facts are that every activity the Agency engages in is approved in advance at the appropriate policy level. It is also said that "Crucial decisions are made for us and in our name of which we know nothing." This is not true. The subcommittee, of which I am a member, is kept informed on a current basis of the activities of the Agency and, as I mentioned before, this organization is not a decisionmaking body but one which carries out the instructions of others.

The magazine article I mentioned speaks of the personnel in the Agency, and acknowledges that CIA officials are among the most distinguished in the entire Federal establishment. With this I would readily agree. But the author of the Esquire article is in error when he says that CIA is "served by only one politically responsible officer." Both the Director and Deputy Director of the Agency are appointed by the President and confirmed by the Senate, and I would note that all other employees of the Agency can be terminated by the Director on his own authority. The implication that they are not responsible is beneath reply. He says that CIA relies heavily on the services of retired military officers. The facts do not support this as there are very few retired military officers in the Agency. Of the top 46 executives in the Central Intelligence Agency, only two are retired military officers, and the proportion of retired military officers to professionals throughout the Agency is even smaller. He says that the Agency relies heavily on services of political refugees. It is true that it does on occasion use political refugees, but a misimpression is given here. These individuals are used when their expertise and area knowledge is required and the information they provide is extensively cross-checked against a great variety of other sources.

I would note also that my esteemed colleague in one paragraph indicates that the daily chore of coordinating and cross-checking intelligence data is the responsibility of the Defense Intelligence Agency. According to the National Security Act of 1947, the Central Intelligence Agency is actually charged by law with the coordination of intelligence. The law reads:

> For the purpose of coordinating the intelligence activities of the sereval Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security.

As a matter of actual practice the responsibility for coordination over the years has been that of the Director of Central Intelligence, who has been supported in this regard by the CIA.

The magazine article also makes the statement that CIA is both the chief fact gatherer and the chief agency for coordination. As I have just mentioned, the Agency is charged by law with coordination, and it is also charged, and I quote:

> To correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government.

In effect, what this means is that the CIA takes intelligence from all different sources, departments and agencies and produces the national intelligence required by the policymakers.

During the years that I have served on the CIA Subcommittee I have sat many hours questioning the Director and other Agency officials about their activities and how they go about their work. On many occasions this subcommittee has quietly looked into some of the then current accusations against CIA.

Let me assure you, Mr. Speaker, that we have always received the information needed. Also, we have been privileged to learn of many events in the secrecy of our meetings before the events have happened.

The CIA officials who have been before our committee have at all times been responsive and frank in their discussions with us.

I do not believe that baseless charges against the CIA are serving the national interest. If there are those who have information which they believe would be of assistance to the CIA Subcommittee in its review of Agency activities let them come forward—we would welcome such information. Let me make it clear, however, that those who would expect the subcommittee then to report on its findings will be due for disappointment. By the very nature of the Agency's mission, revelation of its activities will truly destroy it.

It is my view that the establishment of CIA in 1947 by the Congress was extremely wise and showed amazing foresight into the problems that would face this country in the years to follow. The wisdom of the Congress in establishing this Agency to provide the President with the necessary information on which to base our foreign policy has been borne out by the performance of the Agency. I do not claim that the Agency has been 100-percent correct. But I do believe it has provided the President and our policymakers with the tools that they must have.

Certainly the Armed Services Committee and the Appropriations Committee of both Houses have been enabled to judge more correctly our defense needs on the basis of the information CIA has been able to provide. While the Agency is a newcomer in the history of the Nation and among its foreign counterparts, I wish to state now that it probably is the finest intelligence agency in the world today. I believe that the Congress and the country should applaud the dedicated and highly professional career officers of CIA for the magnificent job they have performed over the years.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentlewoman from New York.

Mrs. KELLY. I thank the gentleman from Illinois for yielding to me at this moment for a few remarks, and I hope he will answer a few questions.

I was the first one to introduce a resolution in this House in 1953 for the establishment of a Joint Committee on Intelligence Matters. During my first year on the Committee on Foreign Affairs I found the need for such a committee, and in 1953, together with two of my colleagues, Congressman ZABLOCKI and Congressman Judd, I introduced a resolution to accomplish this. The purpose of my resolution was not to make charges against the CIA, or to criticize the CIA. It was an endeavor to make sure that the CIA operate properly, coordinate intelligence gathered by the various Government agencies, evaluate it, and get it to the President. I also felt that a joint committee of the Congress was the most appropriate instrument to accomplish this task and make sure that our Chief Executive receives total and full information based on the data gathered by all intelligence agencies of the Federal Government.

In 1961 I introduced House Concurrent Resolution 3 and by now I think there are several dozen Members of Congress who have introduced similar resolutions.

I want to ask the gentleman, who is a member of the Committee on Armed Forces, several questions. I am not satisfied with the performance of the CIA. I realize that all agencies of Government have problems and do not at all times meet with success in all their efforts.

When I was in Europe some years ago, Secretary of State Dulles was there at the Geneva Peace Conference, and a revolution took place in Hungary. At the same time we had an arms deal with Russia. Many people in our Government

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did not seem to be on top of the situation in those instances, and our Ambassador to Hungary was not there at the time.

Cuba, South Vietnam, the information that has come out of these countries in some instances, and the developments then, took the country by alarm. I think the need for a joint resolution is more important today than it ever was. I feel that had we had that resolution back in 1954 and a committee like this formed, many of these instances would not have happened. But the problem involved is that they do not trust the Members of Congress to receive this information.

I thought that in 1962 we might have a revision, because the then President, when he was a Member of the other body, had accepted the same resolution. Many others had done it. Now, when they get into the executive branch they feel there is no need to inform the Members of Congress on what is going on to insure that the proper information is collected and sent to the proper agencies of Government.

Mr. ARENDS. I will try to answer the gentlewoman. There is a great deal of difference of opinion about that matter. The gentlewoman stated there are shortcomings in the CIA, which I mentioned in my speech, and that certainly is true. They are human beings. I am talking of the overall picture of the value of the CIA. But in this particular respect you would have a joint committee set up between the Senate and the House, and there would be a certain number of people on that committee. I do not know how you would go about getting the information disseminated to the Members of Congress, because we will never get to the place where every Member of Congress knows exactly at all times exactly what is going on.

Then we finally get to the place where I think we have to be like the fellow who when he was asked if he could keep a secret replied, "Don't worry about me keeping a secret, you have to worry about the people I tell it to."

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, supplementing the statements of the distinguished gentleman from Illinois [Mr. Arends], I must say that I have seldom read an article so misleading and so replete with errors as the article to which he refers.

The Central Intelligence Agency is not a policymaking agency. It has no control or oversight of military programs. It is purely a factfinding service.

I may also add that after years of close association with the present personnel of the Agency and those who have preceded them, I do not believe there is another group of men more dedicated to duty or of higher integrity or more effective in the discharge of their assignments, than those who constitute and have constituted the personnel of this important service.

So far as its budget is concerned, it is perhaps more carefully scrutinized than any other of the estimates processed by the committee.

Necessarily, its relations to the committee and the Congress are executive. For the same reason it is not at liberty to answer the many irresponsible inuendos carried in the press and contributed to periodicals seeking the headlines.

In conclusion, may I express appreciation of the statement just made by the gentleman from Illinois [Mr. Arends], and at the same time may I take advantage of the opportunity to express my appreciation and warm regard for the CIA, individually and as a whole.

PROPOSAL TO ESTABLISH A JOINT COMMITTEE ON THE CIA AND INTELLIGENCE ACTIVITIES

The SPEAKER pro tempore (Mr. Price). Under previous order of the House, the gentleman from New York [Mr. Lindsay] is recognized for 30 minutes.

Mrs. KELLY. Mr. Speaker, would the gentleman be good enough to yield before he proceeds with his main speech?

Mr. LINDSAY. I yield to the gentlewoman.

Mrs. KELLY. I am very happy, Mr. Speaker, that the gentleman from New York [Mr. Lindsay] has introduced a resolution similar to the one I have sponsored. I have asked the gentleman to yield at this time in order to comment on the remarks of the previous speaker. We are dealing with a problem which relates to intelligence activities that affect our national security—to the coordination and utilization of such intelligence by various departments and agencies of the Government. I do not propose that the Congress of the United States as a whole be kept fully informed on each intelligence operation, on each and every "cloak and dagger" activity, and I am sure there are many Members of the Congress who would not want to know these details. I have never sought classified information from the Atomic Energy Commission, for example, and I know there are many others among my colleagues who have likewise never sought such information. We put our trust in these matters and respect the judgment of those of our colleagues who sit on the duly constituted committees which have jurisdiction and oversight over these activities. By the same token, we feel that there should be a duly constituted congressional "watchdog" committee to oversee the affairs of the Central Intelligence Agency and of the intelligence community in general.

I thank our colleague, the gentleman from New York [Mr. Lindsay], for yielding to me and I am very appreciative of the fact that he has had articles published pointing out the need for the establishment of such a committee.

Mr. LINDSAY. I thank the gentlewoman for her statement and I should like to associate myself with her remark when she says that there is not any Member of the Congress who wants to uncover even for themselves the secrets of the CIA. Congress need not know the details of clandestine operations, the names and numbers of the players. The gentleman from Illinois in his remarks on that point entirely misses the point.

Mr. Speaker, I regret that my good friend and distinguished colleague, the gentleman from Illinois did not ask for more time than 20 minutes as I had hoped he would which would have permitted me, while he was in the well of the House, to submit to questions from the floor, instead of just reading his prepared text. It is for this reason that I asked for 30 minutes of my own, in order to permit proper debate to take place on the floor of the House on the merits or demerits of the question. The question is whether it is desirable to create a Joint Congressional Committee on Foreign Information and Intelligence.

I hope the gentleman from Illinois will remain on the floor while I discuss this subject as I will have some comments to make about the speech he just made and will point out areas of disagreement and also areas of error, in my judgment.

The gentleman referred to an article that appeared in Esquire magazine which he said was written by a "distinguished Member of the Congress" and "one of the best" and "one of my good friends." He did not identify the Member of Congress. I am the Member of Congress who wrote that article. It was based on an hour-length floor speech that I gave in the well of this House 7 months before the article appeared. It was a condensation and simplification of that floor speech. Most everything that was stated in the article had been stated on the floor of the House by me and by other Members of the Congress.

I regretted at the time that I spoke, 7 months ago, that so little attention was paid to it. I did not hear the gentleman from Illinois make any comment with respect to it and I think a debate at that time, as now, would have been a very healthy thing.

As the gentlewoman from New York [Mrs. Kelly] pointed out, this proposal for a joint congressional committee on the subject of intelligence community, comparable to the Joint Committee on Atomic Energy, has been sponsored by 19 Members of the House of Representatives—14 Democrats and 5 Republicans—which makes it bipartisan. The gentlewoman from New York introduced the proposal long ago. She is a member of the Foreign Affairs Committee and knows a good deal about this subject. Other members who have introduced this resolution are the gentleman from Wisconsin [Mr. Zablocki]; the gentleman from Connecticut [Mr. Daddario]; the gentleman from Ohio [Mr. Minshall]; the gentleman from New York, [Mr. Ryan]; our distinguished colleague, the gentleman from Florida [Mr. Rogers], who is on the floor today and who has taken a leadership position on this whole question; also the gentleman from Florida [Mr. Gibbons]; the gentleman from Idaho [Mr. Harding]; the gentleman from Arizona [Mr. Udall]; the gentleman from Texas [Mr. Wright]; the gentleman from North Carolina [Mr. Kornegay]; the gentleman from New Mexico [Mr. Montoya]; the gentleman from Maryland [Mr. Long]; the gentleman from Massachusetts [Mr. MORSE]; the gentleman from New Mexico [Mr. ANDERSON]; the gentleman from Pennsylvania [Mr. FULTON]; the gentleman from New Mexico [Mr. MORRIS]; and the gentleman from Connecticut [Mr. SIBAL].

This proposal came to a vote in the Senate, in 1956, and was defeated. It was sponsored by the distinguished Senator from Montana, Mr. MANSFIELD, now the majority leader. Among those who voted for the bill was the then Senator from Massachusetts, Mr. John F. Kennedy.

So I disagree with the implication made by the gentleman from Illinois, who, I am sorry to say, has left the floor and is no longer present, that there is something radical or irresponsible about this proposal and our reasons for being for it.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I commend the gentleman for his previous speech on the floor and for his action in sponsoring this vitally needed legislation to form a Joint Committee on the CIA and its intelligence activities. He joins a responsible group concerned about this problem.

The Hoover Commission first looked into this problem and recommended that a special committee be formed. I do not believe anybody would say that the Hoover Commission was an irresponsible body. This Commission, after great study, considered it a necessary thing to have a watchdog committee on the CIA.

Furthermore, former President Truman, in an article in 1963, stated that he was the one who really formed this Agency and he now saw the need for it to be looked into. He said:

> But there are now some searching questions that need to be answered. I, therefore, would like to see the CIA be restored to its original assignment as the intelligence arm of the President, and that whatever else it can properly perform in that special field—and that its operational duties be terminated or properly used elsewhere.

He further said:

> We have grown up as a nation, respected for our free institutions and for our ability to maintain a free and open society. There is something about the way the CIA has been functioning that is casting a shadow over our historic position and I feel that we need to correct it.

Furthermore, the Washington Post, in an editorial, commented on the need for this joint committee and the fact that something needed to be done, because of the concern all of the American people have for this Agency acting without any bridle at all.

I believe it is interesting to note that one could term the Washington Post "a most liberal paper," in its viewpoints, yet it also suggests something should be done. The editorial stated:

> The proposal for a congressional watchdog committee paralleling the Joint Committee on Atomic Energy is neither novel nor rash. The Hoover Commission strongly urged the creation of such a committee. The chief proponent in Congress in years past was Majority Leader MIKE MANSFIELD, who on three occasions introduced the needed legislation. And the idea is alive again in Congress, as it should be.
>
> No other intelligence agency in the free world has the scope and nonaccountability enjoyed by the CIA. In Great Britain, the CIA's counterpart is directly answerable to Cabinet officers, who in turn must face the scrutiny of Parliament. In addition, the British separate the intelligence and operational functions, whereas the CIA has responsibility in both areas. This has been at the root of much criticism of the Agency's activities.

Furthermore, it says that Congress has given it a perfunctory supervision.

Senator SALTONSTALL has been one of those whom the Post called nominal watchdogs, and Senator SALTONSTALL said:

> The difficulty in connection with asking questions and obtaining information is that we might obtain information which I personally would rather not have.

That was his attitude. Of course, according to Senator SALTONSTALL, they have questioned Mr. McCone perhaps only once or twice a year.

So there is a vital need for the Congress to be aware of the actions of this Agency and to establish a joint committee, so that Members can be kept informed and know what the Agency is doing. This has been called for widely from many sources, from sources of leadership, and from the very President who founded the Agency. I believe that the gentleman is on most sound ground in his proposal.

Certainly he did the public a service in his speech and in sponsoring the legislation, and I think also in the very fine article that he wrote.

Mr. LINDSAY. I thank the distinguished gentleman from Florida [Mr. ROGERS]. He is an expert on national security affairs. He has made it his personal duty to see to it that national security affairs are checked by Congress. I thank him for his knowledgeable contribution.

I wish to point out to the House that at the conclusion of my remarks I will ask unanimous consent to insert in the RECORD the Esquire article I wrote. It has already been put in the Appendix of the RECORD by the gentleman from Massachusetts [Mr. MORSE], but I would like to have it reappear at this point because of the attack made on it by the gentleman from Illinois [Mr. ARENDS]. Also I want to make reference to the floor speech I made upon which the article is based. It appears in the CONGRESSIONAL RECORD, volume 109, part 11, beginning at page 15079. I urge Members to read it.

The gentleman from Illinois [Mr. ARENDS] began by attacking the remarks I made on the floor and in this article with respect to the level of supervision provided by four subcommittees of the Congress in respect to the CIA. In addition to that he protects or defends the present jurisdictional setup and says:

> I do not believe that the House Foreign Affairs Committee, the Armed Services Committee, or the Joint Committee on Atomic Energy would be likely to relinquish their responsibilities for legislative oversight of the components of those departments which are presently under their jurisdiction.

Referring to the intelligence arms of various departments in the Government.

I am surprised to find the gentleman defending the status quo on such narrow grounds. Are we so petty that we have to hold onto these little empires of jurisdiction, or are we willing to take a look from time to time at where we stand? The gentlewoman from New York [Mrs. KELLY] is a ranking member of the House Foreign Affairs Committee. The gentleman from Florida, the gentleman from Wisconsin [Mr. ZABLOCKI] is a member, and so is the gentleman from Massachusetts [Mr. MORSE]. And yet they want this new proposal. If they were jurisdictionally jealous they might, quite appropriately, argue that the Foreign Affairs Committee or at least one of its subcommittees should be named. This problem has more to do with foreign policy than with the armed services.

The distinguished gentleman from Illinois seems to take personal offense at my suggestion that the level of watchdog supervision is too low. Really, now, it should be obvious that this is not to the point. Our point is that this subject requires a nearer full-time attention, high status and coordination. The Joint Committee on Atomic Energy does a good job. It watches matters of great sensitivity. But I doubt if the job would be done properly if it were divided up rather haphazardly among four subcommittees of other committees.

I want to stress again that what is chiefly needed is a high level committee that will examine the relationship between the CIA and other departments and agencies of Government, intelligence gathering and special operations, personnel, intelligence evaluation and relationships between departments and agencies abroad. We are not talking about details of operations overseas although from time to time that may be included. The CIA has always insisted, and the gentleman from Illinois insists that nothing is withheld from the authorized subcommittees. I am sure that is so. But, as I pointed out in the article, apparently the notion exists that if the whole matter is kept on the lowest possible level of congressional concern, secrecy will receive a higher degree of respect. There is no logic in the notion. I should think just the opposite would be true.

The other day the press reported that in the Committee on Rules a member of the Rules Committee asked one of the most high-ranking and distinguished members of the Committee on Armed Services, who is also on the CIA Subcommittee, the question, "Do you know how many employees the CIA has here in Washington?" The member answered that he did not. That he had never had occasion to ask. I should have thought he would be interested in knowing. If he did, his answer of course would have been "Yes I do." Period. He would not have been expected to answer further, nor would he have in a public session, or even in a private session with members only present. I would like to recall to you, also, that several other high-ranking Members of the Congress have referred to the little time that is spent on this subject. The gentleman

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from Florida mentioned the Senator from Massachusetts [Mr. SALTONSTALL]. When I made my speech on the floor in August 1963 the second ranking member on the minority side of the Committee on Armed Services said as follows:

> Mr. Speaker, I want to associate myself with the gentleman's remarks. I think we should have had a joint committee to monitor the CIA when it was first established. I have had a little experience in the matter as a member of the Committee on Armed Services. As you may know, we have a subcommittee on the CIA. I was a member of that committee for either 2 or 4 years. We met annually—one time a year, for a period of 2 hours in which we accomplished virtually nothing. I think a proposal such as you have made is the answer to it because a part-time subcommittee of the Armed Services Committee, as I say, which meets for just 2 hours, 1 day a year, accomplishes nothing whatsoever. I want to compliment the gentleman on his proposal.

It may be, I am sure, that more time is in fact spent; and it may be that there has been some jacking up. But the fact also remains that CIA has become a very important aspect of our governmental establishment and it can, and sometimes has, played an important role in the execution of foreign policy. I claim that it has at times shaped it. The great importance of the CIA in the governmental establishment is symbolized by the very large, very expensive, white building erected on the banks of the Potomac. It symbolizes the degree to which this agency of Government has been brought to the surface and elevated in the governmental establishment. Isn't it about time that we elevated our practices a little bit too?

I was surprised to hear the gentleman from Illinois [Mr. ARENDS], defending the governmental mishmash surrounding the Bay of Pigs fiasco. He says that the policy lines were clear. Even the people chiefly responsible will admit that this is not true. The gentleman might try asking the Secretary of State. He supports his argument by recalling that the President later took full responsibility for the errors of the Bay of Pigs. Of course, he did.

The President is responsible for everything that happens in Government, or does not. But why did the President find it necessary immediately to appoint the Attorney General of the United States, Mr. Robert Kennedy, and Gen. Maxwell Taylor to find out what went wrong and why he was so badly served by agencies of Government? Their first stop was the CIA. And, remember the little tale never denied by the President, about the battle between the hawks and the doves? Meanwhile the Pentagon was waiting for someone to tell it to fly or not to fly. If there was clear policy here, I would hate to think what kind of shape we would be in if policy became really confused.

I made very clear in the speech that I made and in the article that I wrote, that the foreign policymaking organs of Government, just by an absence of clear policy, or by not asserting it when it does exist, can cause other agencies of Government to occupy the field. Operations abroad may snowball themselves. The CIA, or the Pentagon for that matter, may be bootstrapped, even unwillingly from a headquarters point of view, into the position of making policy as they go along. The failure of the State Department to give clear direction and to dominate can cause this.

The CIA is not a policymaking organ and should not be, nor does it want to be. This much is agreed by all. But from time to time the fact of the matter is that there has been no clear policy from Washington. The result has been in at least one instance that operations have snowballed themselves into policy.

The gentleman from Illinois defends the mishmash of Vietnam. I think even the most careful of the public commentators and foreign policy experts, in analyzing what happened in Vietnam during the Diem regime have recognized that separate agencies of the U.S. Government were at times pulling in separate directions; and, in fact, as you will recall, the President found it necessary in the middle of all of this, to reassert the supremacy of the foreign policy organs of Government over other agencies of Government which have no business making foreign policy.

Unless there is clear direction from Washington, this kind of fiasco is going to happen. And unless Congress is willing to take the responsibility for being the double check on questions of policy, including the question of who is making policy, the press attention given to the problem is going to get worse. I do not think it is a healthy thing to have the press of this country increasingly being the only institution that is the watchdog over the difficult problem that we have of trying to separate intelligence and intelligence gathering and operations from the making and shaping of foreign policy.

Mr. Speaker, I submit that it is time we pulled ourselves together in the Congress and reorganized ourselves as necessary in order to be true representatives of the people, and responsible ones.

Mr. Speaker, I do not think the present machinery is performing satisfactorily. I don't think it can, because it is structurally unsound. This has nothing to do with the caliber of the gentlemen involved, which is of the highest. It has everything to do with the structure of the institution. We are charged with the responsibility in seeing to it that that structure is correct and proper.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. LINDSAY. I am delighted to yield to the gentlewoman from New York.

Mrs. KELLY. I want to thank the gentleman from New York for yielding to me at this point. I want to join him in the thoughts which he has just expressed.

Would the gentleman agree with me that with the speed of communications that we have today there is great need for us to have this evaluation ahead of time, if possible, in order to insure that our President receives the coordinated intelligence from all sources from which to formulate policy? I do not want the CIA to carry out policy. All we want in this joint committee is to be sure that the proper department of Government in the executive branch receives for evaluation and determination the intelligence in order to make a policy decision with as much speed as possible, and for us as Members of Congress to have an agency on which to depend to insure us that we can legislate on that policy and to be sure that we can carry it out.

Mr. Speaker, I have many examples that I could cite on this point. However, I do not want to take the precious time of the gentleman from New York [Mr. LINDSAY] who has been so kind to yield to me at this point.

Mr. Speaker, I think one of the big items of concern today is the fact that our policy in Vietnam—and as it did without any question, and right at this point, at this moment, as witness the remarks of the Secretary of Defense yesterday before the Committee on Foreign Affairs in challenging Congress for not giving the proper amount of authorization and appropriations to defend our national security—is something which I find wanting.

Mr. LINDSAY. I thank the gentlewoman for her constructive comments.

Mr. Speaker, I only have a few minutes left and I want to make it once again clear that what many of us suggest to the Members of Congress is that a joint congressional committee be established on foreign intelligence and information. It should have status, staff and coordination. It should look into some of the very important questions, including:

First. The relationship between the CIA and the State Department, especially overseas.

Second. The relationship between intelligence gathering on the one hand and special operations on the other hand.

Third. The selection and training of intelligence personnel.

Fourth. The whole question of intelligence evaluation.

We should not forget that contrary to the Pentagon, where there are levels of political appointees responsible to the President, in the CIA there is only the Director who is a political appointee, appointed by the President and confirmed by the Senate. Right here you have lost your double check. There is the possibility of massive bureaucracy, unchecked. The most important aspect of our Military Establishment is its political control by civilians—by the President through his civilian appointees, and by the Congress.

Unless the Congress is willing to assert its own jurisdiction in the vast area of intelligence work, which includes many things in the operational sense, then we are abrogating our responsibility.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman is making a very important and significant statement, and I should like to congratulate him on it. I am particularly impressed with his concern over the fact that this agency is making policy. I would be much more impressed if we in this Congress recognized that this is a joint tendency. All of our executive agencies are setting down policies that the Congress never intended. You will find that in every agency we have in the Government today. They take the laws that we pass here and stretch them to mean what they want these laws to say, and very frequently in the determination of policy set down by the agencies they are, in fact, contrary to the very intent and spirit of the laws passed by the Congress.

So it would seem to me that the Congress when it reconvenes next year should give serious thought to giving the committee a greater appropriation so that it can develop topnotch staffs of its own in order that the Congress may run its own legislation instead of going to the agencies every time a bill comes up. The gentleman knows very well that a lot of legislation is written by some bureaucrat who does not have to stand up against the voters. We have been passing legislation, yet they do what they want with it.

I congratulate the gentleman particularly on that aspect of his statement.

Mr. **LINDSAY**. I thank the gentleman.

Mr. Speaker, as I come to the conclusion of these remarks I would like to read to the Members of the House the last two paragraphs of the article that was made the subject of today's speech by the gentleman from Illinois.

> Finally, I would observe that such a joint congressional committee would perform a useful, perhaps an indispensable, service for the Intelligence community itself. There has been a tendency to assign the burden of blame to the CIA when some foreign undertakings have gone bad or failed altogether. Whether the blame has been justified—as in some cases it may have been—or whether unjustified, the liability to blame is apparent, and the CIA, unlike other less-inhibited agencies, can do little to defend itself. A joint committee could do much to maintain the record fairly.
>
> As the Central Government grows in size and power, and as the Congress, like parliaments everywhere, tends to diminish in importance, the need for countervailing checks and balances becomes all the more important. The shaping and implementation by secret processes of some part of foreign policy is an extremely serious matter in a free society. It cannot be shrugged off or stamped as an inescapable necessity because of the dangers of the time and the threat from present enemies of democracy. To do so is to deny our history and to gamble dangerously with our future. There are internal as well as external dangers. Free political systems and individual liberties can be swiftly undermined. Confidence in the systems and liberties can be lost even more swiftly. And when that happens to a free society, no foreign policy, however well conceived, will protect its highest interest, the continuation of the free system of government and the society on which it rests.

Mr. Speaker, I urge Members of Congress and those who read the RECORD at a later time to refer to the remarks that many of us have made on this subject from time to time. I was shocked and disturbed to discover that some of the people who took issue with me for writing an article on this subject had not even taken the trouble to read the article before taking issue.

I must say that when the day comes when we cannot debate these things intelligently and have an exchange of views and ideas about matters of importance, such as this, then we really are in trouble. If this happens in the Congress, then perhaps everything that is being said about the Congress—its procedures, its part-time Members, its failure to move, its failure to organize itself properly—is the truth. We Members of Congress have an obligation and a responsibility to take note of the existing facts. The speech I just heard made by the distinguished gentleman from Illinois [Mr. ARENDS], on this important and complicated subject pretends that nothing has happened; that all is well; that nothing is wrong; that the governmental machinery is the same as it was 20 years ago.

Mr. Speaker, unless we Members of Congress are willing to assert ourselves with respect to difficult subjects, unless we are willing to do the check and balance job we are supposed to do under the separation of powers doctrine, then we will be justly criticized, and other institutions of our society, like the press, will step into the vacuum and do it for us.

[From Esquire Magazine, March 1964]

AN INQUIRY INTO THE DARKNESS OF THE CLOAK, THE SHARPNESS OF THE DAGGER

(By Rep. JOHN V. LINDSAY)

Two major reversals in our foreign policy within the last 3 years have shaken the poise of the intelligence branch of the United States Government to its underpinnings: the abortive adventure at the Bay of Pigs, and the blinding miasma of United States policy that arose in South Vietnam during the Diem era.

The immediate dangers past, commentators have sought to unravel the confusing web of influences in both situations. The full truth is not yet known, and may never be. Nonetheless, it seems indisputable that in both cases the three principal instruments of U.S. foreign policy—the State Department, the military, and the Central Intelligence Agency—were at crucial times pulling in separate directions.

The criticism most frequently heard is that the CIA was meddling in policy, undertaking functions that were not its proper responsibility. The charge has been made that the CIA was combining intelligence gathering with active "operations," a course which carries the risk that intelligence may be used to support prior operational decisions. It has been alleged over and over that in Vietnam, as in the Bay of Pigs, the CIA, with or without direction from higher authority, became enmeshed in its own intrigues. In the Bay of Pigs, the CIA was found supporting a collection of Batista refugees, apparently without clear direction from the State Department. In Vietnam, it became clear that the CIA was closely alined with and subsidizing the special forces run by the late Ngo Dinh Nhu, an elite military force that raided the Buddhist pagodas. Responsible representatives of the press have reported strong disagreements between the State Department and the CIA with regard to policy in Vietnam, and these reports must stand even beside the exaggerations of less responsible press accounts. The evidence was overwhelming that U.S. policy was confused and that the divisions within agencies were being hung on the public washline. When later our Government's support swung to the insurgents who ousted Diem, this very possibly meant an about-face on the part of the CIA. The extent of our involvement even then is unknown, but that we were involved must seem quite possible.

Almost every qualified outsider who has examined the history of the Bay of Pigs blunder has concluded that it was founded on a haphazard jumble of foreign policy, intelligence gathering, and military operations. The CIA appears to have organized and conducted the attempt and also to have gathered the intelligence data on which the prospects for the attempt were judged. Not only was CIA shaping policy—perhaps understandable because of the absence of direction from policy-making organs of the Government—but that policy was patently at odds with State Department thinking. Without fully rehearsing the baleful events that preceded the Bay of Pigs, it is perfectly clear, to understate the matter, that the President was badly served by the agencies involved.

These premises, like all of my remarks in this article, arise only from material and information available to the public. In respect to such material and information I am in the same position as other representatives of the people in Congress, with very few exceptions. All the more reason for such a representative to speak out.

To state the danger posed by the intermingling of intelligence gathering and operations is not to say it is unrecognized by responsible officials. Able men throughout the intelligence community are well aware of and deeply concerned by dangers arising from the absence of clear distinction between intelligence gathering and operations. The trouble may often start, as Allen Dulles, the distinguished former head of the CIA recently said, from lack of clear-cut operational policy in Washington. When a policy vacuum occurs, men in the field are almost involuntarily propelled into operational activities which are not their proper responsibility. Sherman Kent, the head of the Board of National Estimates—one of the most influential elements of the intelligence community—makes the point this way:

"Almost any man or group of men confronted with the duty of getting something planned or getting something done will, sooner or later, hit upon what they consider a single most desirable course of action. Usually it is sooner; sometimes, under duress, it is a snap judgment off the top of the head. I cannot escape the belief that under the circumstances outlined, Intelligence will find itself right in the middle of policy, and that upon occasions it will be the unabashed apologist for a given policy rather than its impartial and objective analyst."

The failures of CIA covert operations are well-known. Less well-known, and of equally sobering magnitude, are the successes. The CIA, for example, played a key part in the ousting of the Mossadegh regime in Iran in 1953, paving the way for eventual reform of the pro-Western government of the Shah. Both British and American vital interests had been threatened by the capricious Mossadegh policies, the major threat being to Britain's necessary supply of oil. The successful coup which unseated Mossadegh was of great benefit to the United States and the West.

The following year the virulently anti-American Arbenz regime in Guatemala was overthrown. The CIA was widely believed to have engineered the coup. But for the success of that coup, Soviet-directed communism in Latin America would presumably be far more deeply entrenched than it is today.

Each of these episodes demonstrates, for good or ill, the explosive nature of the CIA's operational involvement in international politics. It is not at all improbable that it will be similarly involved in the future. The cold war will be with us for a very long time; so will the CIA. Accordingly, our democratic government, unused to secrecy, has within it an immensely powerful and extremely expensive secret organization, for the past few years housed in a very large permanent building on the banks of the Potomac. That building represents the institutionalization of the CIA in the government establishment. More exactly, it marks its positive elevation in status,

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always important in government. And yet there is no effective check on its activities now. And there were none in 1961.

Few can deny the actual and potential power of the CIA, however carefully it may be held in check by the skillful men who run it. Ours is supposed to be a government of laws, not of men. At stake are questions of war and peace, as the two Cuban crises so clearly demonstrated. All of us at that time took a look into the atomic pit. Decisions can be made at such times and actions taken about which the public is totally in the dark. So be it. As much as we may abhor government by secrecy, as much as it threatens fundamental liberties, we must understand its limited and necessary application in particular circumstances of hot or cold war. Nevertheless, crucial decisions are made for us and in our name of which we know nothing. And all too often secrecy which is necessary breeds secrecy which is unnecessary, at which point the danger becomes nothing less than a threat to democratic institutions, a marginal one at the outset, but potentially a most serious one.

The Bay of Pigs fiasco occurred despite efforts by Secretary of State Christian Herter and CIA Director Allen Dulles to sort out the relations between their two Agencies so that the making of foreign policy would be removed from the CIA, and the command of policy kept firmly in the hands of ambassadors in the field at all times. The Herter-Dulles agreement was reaffirmed by Secretary Rusk. More recently, following events in Vietnam during the Diem regime, the President found it necessary to reassert publicly his authority and that of the Secretary of State and the National Security Council over the intelligence community. Collaterally the Secretary of State sought to assure the primacy of ambassadors in the policy area overseas.

Particular persons and particular situations may seem to define problems of this sort. But it is also the case that, as long as both the State Department and the CIA are responsible for the collection of information, and—perhaps most important—as long as CIA continues to be responsible for "special operations"—the support of anti-Communist elements and the fomenting of opposition to hostile governments—the problem of integrating the Central Intelligence Agency into our general foreign-policy apparatus will continue to grow in scope and potential danger.

For a time the Maxwell Taylor Committee, appointed by the President to inquire particularly into the Cuban question, appears to have considered the possibility of transferring the bulk of CIA's special operations to the Defense Department. But this solution would have had the obvious disadvantage of ensuring that the uniformed military—and hence the authority and prestige of the U.S. Government—would be identified with any paramilitary operation as soon as it became a matter of public knowledge.

In any event, it seems that the Taylor Committee has left routine covert operations in the hands of the CIA, with control to be transferred to the Pentagon only if a particular project becomes so big as to warrant open military participation. Mr. Hanson Baldwin in The New York Times summed up the matter thus:

> "The general rule of thumb for the future is that the CIA will not handle any primarily military operations, or ones of such size that they cannot be kept secret. However, each case will apparently be judged on its merits; there is no hard-and-fast formula that will put one operation under the CIA and another under the Pentagon."

Now surely this is an area in which neither hard-and-fast formulas nor organizational gimmicks can solve the major difficulties. Much depends on the particular situations. The people who are in the most favorable position to gather information are sometimes the best equipped to engage in clandestine political activities. But largely because the problem eludes organizational formulas, because it is a problem to which there is no simple solution, it must be recognized as such and held in check as much as possible. Problems unwatched and unattended tend to multiply.

CIA is served by only one politically responsible officer: the Director himself. All others are career officials. In comparison, the President keeps ultimate control in the Pentagon by his political power to appoint all the top civilian officers there. These officials are entrusted with clear political responsibility, for which there is no parallel in the CIA.

There are in fact questions repeatedly raised about the CIA. Is it wise, for example, to rely to the extent the CIA seems to on the services of retired military officers? One would suppose that retired service officers, though almost always men of great ability, would have an instinctive tendency to take a rather narrow, strictly "operational" and "efficient" view of the problems confronting them. I hope I will not be misunderstood. CIA officials are among the most distinguished in the entire Federal establishment. The leadership of the Agency comprises men of great gifts and dedication—and I include the former military men in the Agency. But recruitment of high-caliber men in large numbers is a problem in the Federal Government, especially in agencies whose work is international.

It is also fair to ask whether the CIA should rely heavily on the services of political refugees. It seems reasonable to suppose, for example, that an exile from his homeland, especially one who has passionate convictions about the course of events there, may not be the best person to assess these events. Again, I hope that I will not be misunderstood. I do not mean to impugn in the slightest the enormous amount of valuable work done by exiles and refugees in the CIA. Without their help, as in the case of the ex-military men, the organization simply could not function as it should. Neither do I mean to suggest that CIA should be staffed with "soft-liners" or people who have had no personal experience with the countries in question. That would be absurd. But I do think that by every recommendation of common sense we must be certain of the objectivity and breadth of our intelligence.

This raises the question of the structure of the intelligence community and of intelligence evaluation—the question of how best to organize the interpreting of the enormous amount of material collected daily by all agencies of the intelligence community.

The phrase "intelligence community" embraces the numerous agencies within the executive branch which are concerned with intelligence collection and evaluation: the CIA, the Defense Intelligence Agency, the State Department's Bureau of Intelligence and Research, the intelligence branches of the armed services, the National Security Agency, the Atomic Energy Commission, and others. The daily chore of coordinating and cross-checking daily intelligence data is largely in the hands of the Defense Intelligence Agency. The long-range estimates are prepared under the direction of the Board of National Estimates, which presides as a kind of general planning staff for the intelligence community. Estimates prepared by this group are submitted to a committee known as the U.S. Intelligence Board. If the Board of Estimates is the planning board for the community, the Intelligence Board is its board of directors. It is the final forum for the professional intelligence community; its judgments go to the National Security Council.

Two aspects of this system in particular are worth noting. The first is the preeminence of the Central Intelligence Agency. A high proportion of the intelligence community's fact gathering is done by CIA. The Board of National Estimates functions as a part of CIA. The Chairman of the U.S. Intelligence Board is the Director of the CIA. And the intelligence community's spokesman on the National Security Council itself is that same CIA Director.

The second aspect worth noting is the duality of CIA's role. Under the National Security Act this agency is not only one participant in the intelligence community; it is also the chief agency responsible for coordinating it. In other words, at many points in the process of evaluation, CIA is both player and umpire, both witness and judge. This ambiguity is implicit in the title of the Director, who is formally not the "Director of the Central Intelligence Agency," but simply "Director of Central Intelligence."

The problem this raises is clear. It is that the Central Intelligence Agency, being not merely central but dominant in the intelligence community, is in an extraordinary position, so long as it is left unchecked to carry its special institutional tendencies into the shaping of American foreign policy.

I believe that these difficulties of unchecked power in the intelligence community can be alleviated only by the Congress, which has the constitutional responsibility to oversee the functions of the executive branch on behalf of the American people. Therefore, I propose the establishment in the Congress of a Joint Committee on Foreign Information and Intelligence. I propose that such a committee be constituted along the lines of the Joint Committee on Atomic Energy and that it have its own funds and staff. It should continuously inquire into our foreign information and intelligence programs, including: (1) the relations between the Central Intelligence Agency and the State Department, especially overseas; (2) the relations between intelligence gathering on the one hand and so-called special operations on the other; (3) the selection and training of intelligence personnel; and (4) the whole question of intelligence evaluation.

The proposal of a Joint Committee on Foreign Intelligence is not new. In one form or another it has been introduced into the House in each of the last 10 sessions, though it has not been debated on the floor. In the Senate, a bill to establish a joint committee, sponsored by Senator MANSFIELD in 1956, was debated for two days on the floor of the Senate and defeated.

Nor is the proposal partisan. At time of writing, there are 14 Democratic and 5 Republican sponsors in the House. In 1959 resolutions were sponsored in the House by 12 Democrats and 5 Republicans. In the Senate in 1956, Members on both sides of the aisle voted for Senator MANSFIELD's resolution—including the then junior Senator from Massachusetts, the late President Kennedy.

It is most often argued against the establishment of a watchdog committee that the secrecy of our intelligence system would be endangered. The argument does not stand up. No one denies that the CIA and other intelligence agencies must conduct a very high proportion of their work in secret; secrecy is of the essence in their work. But what is true of the intelligence community is also true in many other areas of government—in the fields of atomic energy, weapons development, and, in some respects, foreign policy. But does this mean that Congress is to have no effective authority in those areas? Of course, it does not, for Congress has such authority. It has always asserted its right, indeed, its constitutional duty, to oversee even the most sensitive areas of Government. And where matters of the highest secrecy have been involved, Members of both Houses have shown themselves capable of exercising the utmost restraint. This was never more clearly demonstrated than during the Manhattan Project in World War II, when members of the two Appropriations Committees were kept apprised of work on the atomic bomb without breaking security. The record of the Joint Committee on Atomic Energy in this connection has been impeccable.

Moreover, the CIA is even now monitored, in theory, by four small subcommittees of the Committees on Armed Services and Appropriations of the Senate and House. Not even the most experienced and security-conscious officials of the intelligence community would deny these subcommittees—had they time to apply for it— access to the pertinent information that might enable them conscientiously to provide the vast sums of money that are requested year after year. But apparently the notion exists that if the whole matter is kept on the lowest possible level of Congressional concern, secrecy will receive a higher degree of respect. There is no logic in the notion. I should think just the opposite would be true.

I find myself in even less sympathy with another argument advanced frequently in discussions of this question—namely, that the intelligence community exists solely to serve the President and the National Security Council, and that therefore we in the Congress have no right to exercise jurisdiction in the matter. But clearly the executive and legislative branches of our Government are not watertight compartments separated by steel bulkheads; the material between them is flexible and porous. There are any number of congressional committees which keep a watch over the executive agencies. And, as I have already said, it is not only their right to do so; it is their duty under the Constitution.

These arguments concerning secrecy and the exclusively executive nature of the intelligence function are, though unpersuasive, at least consistent. But strangely enough, those who opopse the idea of a joint committee insist as well that congressional surveillance is already more than adequate. This contention was made by Allen Dulles in his recent book and by President Kennedy in answer to a question at his October 9 press conference.

What, in fact, is the present extent of congressional surveillance over intelligence activities? As mentioned, in both the House and Senate the bodies responsible for overseeing the intelligence community are subcommittees of the Appropriations and Armed Services Committees. Neither the House Foreign Affairs Committee nor the Senate Foreign Relations Committee has jurisdiction in this area despite their obvious interest in intelligence matters. This might not matter were it not that the surveillance exercised by the four existing subcommittees is both cursory and sporadic.

At the time I introduced the resolution proposing the Joint Committee and spoke on the floor of the House in favor of it, Congressman Walter Norblad of Oregon, the second-ranking minority Member of the House Committee on Armed Services, had this to say:

"Mr. Speaker, I want to associate myself with the gentleman's remarks. I think we should have had a joint committee to monitor the CIA when it was first established. I have had a little experience in the matter as a member of the Committee on Armed Services. As you may know, we have a subcommittee on the CIA. I was a member of that committee for four years. We met annually—one time a year, for a period of 2 hours in which we accomplished virtually nothing. I think a proposal such as [Mr. Lindsay has] made is the answer to it because a part-time subcommittee of the Armed Services Committee, as I say, which meets for just 2 hours, 1 day a year, accomplishes nothing whatsoever. I want to compliment the gentleman on his proposal."

The reasons for the lack of adequate check and examination are almost self-evident: the members of the four subcommittees themselves, by definition, have relatively low status. But even had those subcommittees both status and time, the difficulties involved in dividing jurisdiction among the four would, I think, be insuperable.

It should be clear from what I have said that the bipartisan proponents of a Joint Committee on Foreign Information and Intelligence are fully aware that a high degree of secrecy is essential to the workings of the intelligence community. Neither I nor any legislator wishes to see the legitimate secrets of the intelligence community reported in the press and on the air. Indeed, this seems far more likely to occur under present conditions because the press, sometimes called "the fourth branch of the Government," may turn out to be the only effective check on intelligence activities—and that check could be dangerous as well as disruptive. But danger and disruption are certain if public confidence in the intelligence establishment erodes. It is less likely if a body of the people's representatives, properly constituted and are carefully chosen by the leadership of the two Hosues of Congress, remains continuously aware of the activities of the intelligence community. The performance of this function is nothing less than their duty to the American people, whose lives and liberties are profoundly involved in the intelligence activities of our Government.

Finally, I would observe that such a joint congressional committee would perform a useful, perhaps an indispensable, service for the intelligence community itself. There has been a tendency to assign the burden of blame to the CIA when some foreign undertakings have gone bad or failed altogether. Whether the blame has been justified—as in some cases it may have been—or whether unjustified, the liability to blame is apparent, and the CIA, unlike other less inhibited agencies, can do little to defend itself. A joint committee could do much to maintain the record fairly.

As the Central Government grows in size and power, and as the Congress, like parliaments everywhere, tends to diminish in importance, the need for countervailing checks and balances becomes all the more important. The shaping and implementation by secret processes of some part of foreign policy is an extremely serious matter in a free society. It cannot be shrugged off or stamped as an inescapable necessity because of the dangers of the time and the threat from present enemies of democracy. To do so is to deny our history and to gamble dangerously with our future. There are internal as well as external dangers. Free political systems and individual liberties can be swiftly undermined. Confidence in the systems and liberties themselves can be lost even more swiftly. And when that happens to a free society, no foreign policy, however well conceived, will protect its highest interest, the continuation of the free system of government and the society on which it rests.

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include the full text of an article I wrote which appeared in the March issue of Esquire magazine, entitled "An Inquiry Into the Darkness of the Cloak and the Sharpness of the Dagger.

The SPEAKER pro tempore. Is there objection to the request of the gentleman New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may insert their remarks at this point in the Record, following the remarks I have just made on this subject.

The SPEAKER pro tempore (Mr. Price). Without objection, it is so ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I join my colleagues in support of a Joint Congressional Committee on Central Intelligence.

For the past 10 years I have introduced into the Congress resolutions calling for the creation of such a committee. Only yesterday I once again wrote the distinguished chairman of the House Rules Committee, the gentleman from Virginia [Mr. Smith], asking that hearings be scheduled as soon as possible on my bill, House Congressional Resolution 2, which would create a "watchdog" committee on intelligence matters.

It is my hope that some action may be initiated on this measure during the current session of Congress.

There is, in my opinion, a pressing need for the establishment of this committee. There are several reasons which have prompted me to propose the creation of this committee.

The foremost reason lies in the tremendous importance of intelligence activities conducted by the executive branch of our Government. Since the end of World War II and the advent of the nuclear age, our need for adequate and timely intelligence has intensified greatly. Such intelligence is necessary if we are to survive as a free nation and the leader of the free world.

Are we getting the high quality intelligence we need in these times of peril? Are our present intelligence operations efficient and effective?

There is ample reason for doubt. For example, the Hoover Commission, in 1955, reported that there were at least 12 major departments and agencies engaged in intelligence of one form or another.

These included the National Security Council, the Central Intelligence Agency, the National Security Agency, the Department of State, the Federal Bureau of Investigation, and five agencies within the Defense Department.

Since 1955 there have been some organizational changes within the Department of Defense toward consolidating the intelligence operations of the separate services within the Defense Intelligence Agency. At the same time, however, intelligence activities seem to be proliferating as the cold war grows older and more complex. For example, it recently has come to my attention that the Air Force Systems Command is operating a semiautonomous intelligence-gathering agency and wishes to expand its operations.

Other agencies in this field are the U.S. Intelligence Board, the President's Foreign Intelligence Advisory Board, and the Atomic Energy Commission.

The multiplicity of agencies operating in the area of intelligence gives rise to many questions about the efficiency of our activities.

What is, for example, the relationship between the CIA and the DIA? Are they working toward a unified end, cooperating together? Or do their efforts overlap and conflict?

The latter seem to have been true in Vietnam last year where it was reported that the CIA personnel in the country were supporting and assisting the Diem regime, while the DIA personnel were known to be seeking the overthrow of President Diem and his family.

After examining similar instances of our intelligence-gathering agencies working at cross-purposes, the Hoover Commission, in 1955, recommended that a Joint Congressional Committee on Intelligence be established, patterned after the Joint Atomic Energy Committee.

Another reason for a "watchdog" on intelligence activities is the rising amount of money our Nation is spending on such operations.

The CIA alone has been called a "billion dollar operation" by many reliable sources. Certainly, the combined intelligence activities of our Government would reach well over a billion dollars annually.

The budgets of these agencies must be given the closest possible scrutiny in order to do away with waste and duplication of effort. Congress must have a special committee with the time and knowledge to do this effectively.

In closing, Mr. Speaker, I would like to emphasize once again three things that we who advocate the Joint Committee on Central Intelligence do not mean to imply.

First, we are not in any way casting doubt on the loyalty or patriotism of our CIA and other intelligence employees. For the most part they are doing an excellent job which often receives too little recognition.

Second, we do not wish to "investigate" the CIA or any other agency. The committee would not pry into the secrets of the intelligence-gathering agencies. It would simply obtain enough information on the operations of the intelligence community to enable the Congress to make a reasonably sound judgment on its budget and its effectiveness.

Third, we do not intend any criticism of the committees and Members of Congress who currently handle CIA activities and appropriations. They are doing the best possible job.

Unfortunately, the result of the present system is all too often a piecemeal, hit-and-run examination of the policies and activities of our intelligence-gathering agencies by Congress.

The remedy is a Joint Congressional Committee on Central Intelligence. It is my earnest hope that the House Rules Committee will soon report this measure favorably to the floor of the House, so that the Members of this body may work their will.

INTEROCEANIC CANAL PROBLEMS: ADEQUATE STUDY REQUIRES TIME

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FLOOD. Mr. Speaker, as the result of two statements on Panama-United States relations by President Johnson, March 16 and 21, 1964, the crisis over the Panama Canal has received increased world attention.

In the first, made under dramatic circumstances before a meeting of the Organization of American States, the President refused to agree to commit his administration in advance to renegotiate the basic 1903 Panama Canal Treaty as a prerequisite for Panama's resumption of normal diplomatic relations with the United States, which President Chiari of Panama severed on January 10. It was President Johnson's knowledge of how President Chiari tried to blackmail the United States with mob assaults on the Canal Zone led by Castro agents and of how Panama's chief envoy to the United Nations attacked the United States with threats to take the Panamanian case before this international body which accounts for President Johnson's refusal to yield under the presence of Panamanian blackmailers.

The second statement by President Johnson on March 21, in a conciliatory effort to end the crisis, was specific in calling for a solution that "protects the interests of all the American nations in the canal" as well as of Panama.

Officials of our Government know that a claim behind the insistence of Panama for a renegotiation of the 1903 treaty is the Panamanian assertion that this treaty is null and void. This must be clearly understood, for were our Government to agree to such a basis for diplomatic discussions it would put itself on the defensive by telling the world that it has been wrong in dealing with Panama. The delay thus far occasioned affords an opportunity to review the Panama crisis in the light of the overall interoceanic canals problem. Certainly the recurring mob invasions of the Canal Zone and the resulting slaughter of U.S. soldiers and citizens there constitute powerful arguments for the continuance of U.S. sovereignty over the zone.

As stressed in my address to the House on March 9 on "Panama Canal: Focus of Power Politics," the January 1964 Panamanian outbreak has aroused the interest of the Nation in the interoceanic canals question to a degree not equaled since the dramatic dash of the *Oregon* in 1898 to join our fleet off Santiago. In my March 11 statement, "Panama Canal: Formula for Future Canal Policy," I summarized the problems that must be considered in its formulation. Such policy, Mr. Speaker, must be determined before there can be intelligent discussions of diplomatic questions with any country, especially Panama, where, according to an editorial in the March 11 Estrella de Panama, the garbage collection situation, if not soon solved, will become a national calamity. Moreover, Panama is in the midst of a heated presidential campaign, with candidates vying with one another in presenting programs to the electorate for driving the United States off the isthmus or, at least, for wringing absolutely unjustifiable and destructive concessions and benefits from the United States.

Until our Government, by means of an adequately constituted and independent Interoceanic Canals Commission, develops what our future canal policy should be, there can be no basis for important negotiations with any country, least of all with Panama where we have a workable treaty which would permit the modernization and increase of capacity of the existing Panama Canal to meet future needs without a new treaty.

Mr. Speaker, in view of the present deplorable situation on the isthmus, much of which was caused by our own pusillanimous conduct of policy matters in contemptuous disregard of the Congress, I believe that I reflect the views of informed Members of the Congress and many leading canal experts in various parts of the Nation when I urge that nothing be done in the way of serious diplomatic discussions not only until after the Panamanian election in May but until after the necessary independent Interoceanic Canals Commission is created, put to work on the overall canal question, and indicates the site and type of the required solutions.

Our country must become more realistic in its approach to Latin America. Certainly there is no imperialism or colonialism in the exercise by the just and indispensable sovereignty over the Panama Canal enterprise; and such exercise is best for Panama itself, its radical politicians and Castroites notwithstanding.

The two indicated statements of President Johnson follow; also an editorial in the Evening Star commending the President on the first statement and an article by William S. White supporting a realistic approach in dealing with Latin American questions:

[From the Washington Post, Mar. 17, 1964]

Remarks by Johnson on Panama Situation

(The White House transcript of President Johnson's remarks on Panama, during his Alliance for Progress speech.)

Let me now depart for a moment from my main theme to speak of the differences that have developed between Panama and the United States.

Our own position is clear and it has been from the first hour that we learned of the disturbances. The United States will meet with Panama anytime, anywhere, to discuss anything, to work together, to cooperate with each other, to reason with one another, to review and to consider all of our problems together, to tell each other all our opinions, all our desires, and all our concerns, and to aim at solutions and answers that are fair and just and equitable without regard to the size or the strength or the wealth of either nation.

We do not ask Panama to make any precommitments before we meet, and we intend to make none. Of course, we cannot begin on this work until diplomatic relations are resumed, but the United States is ready today, if Panama is ready. As of this moment, I do not believe that there has been a genuine meeting of the minds between the two Presidents of the two countries involved.

Press reports indicate that the Government of Panama feels that the language which has been under consideration for many days commits the United States to a rewriting and to a revision of the 1903 treaty. We have made no such commitment and we would not think of doing so before diplomatic relations are resumed and unless a fair and satisfactory adjustment is agreed upon.

[From the Washington Post, Mar. 22, 1964]

L.B.J. Statement About Panama

(Following is the statement by President Johnson, which he read personally to newsmen yesterday on the dispute with Panama:)

The present inability to resolve our differences with Panama is a source of deep regret.

Our two countries are not linked by only a single agreement or a single interest. We are bound together in an inter-American system whose objective is, in the words of the charter, "through mutual understanding and respect by the sovereignty of each, to provide for the betterment of all."

ALLIED IN STRUGGLE

Under the many treaties and declarations which form the fabric of that system, we have long been allies in the struggle to strengthen democracy and enhance the welfare of our people. Our history is witness to this essential unity of interest and belief. Panama has unhesitatingly come to our side, twice in this century, when we were threatened by aggression. On December 7, 1941, Panama declared war on our attackers even before our own Congress had time to act.

Since that war, Panama has wholeheartedly joined with us, and our sister Republics, in shaping the agreements and goals of this continent. We have also had a special relationship with Panama, for they have shared with us the benefits, the burdens, and trust of maintaining the Panama Canal as a lifeline of defense and a keystone of hemispheric prosperity. All free nations are grateful for the effort they have given to this task. As circumstances change, as history shapes new attitudes and expectations, we have reviewed periodically this special relationship.

We are well aware that the claims of the Government of Panama, and of the majority of the Panamanian people, do not spring from malice or hatred of America. They are based on a deeply felt sense of the honest and fair needs of Panama. It is, therefore, our obligation as allies and partners to review these claims and to meet them, when meeting them is both just and possible.

READY TO REVIEW ISSUES

We are ready to do this.

We are prepared to review every issue which now divides us, and every problem which the Panama Government wishes to raise.

We are prepared to do this at any time and any place.

As soon as he is invited by the Government of Panama, our Ambassador will be on his way. We shall also designate a special representative. He will arrive with full authority to discuss every difficulty. He will be charged with the responsibility of seeking a solution which recognizes the fair claims of Panama and protects the interests of all the American nations in the canal. We cannot determine, even before our meeting, what form that solution might best take. But his instructions will not prohibit any solution which is fair, and subject to the appropriate constitutional processes of both our Governments.

I hope that on this basis we can begin to resolve our problems and move ahead to confront the real enemies of this hemisphere—the enemies of hunger and ignorance, disease and injustice. I know President Chiari (of Panama) shares this hope. For, despite today's disagreements, the common values and interests which unite us are far stronger and more enduring than the differences which now divide us.

[From the Washington Evening Star, Mar. 23, 1964]

Bid to Panama

President Johnson's latest comment on the Panama issue is an energetic attempt to break the logjam which has been blocking settlement of the canal dispute.

Mr. Johnson made his move in an "impromptu" appearance at a conference held late Saturday by George Reedy, who has replaced Pierre Salinger as White House press secretary. The President proclaimed his readiness to name a special representative to seek a solution of the Panama Canal differences—a solution which "recognizes the fair claims of Panama and protects the interests of all the American nations in the canal." He also said, "We are well aware that the claims of the Government of Panama, and of the majority of the Panamanian people, do not spring from malice or hatred of America."

The first is a reasonable statement of what has always been the position of the United States, as we understand it. The second, while obviously intended to be conciliatory, ignores certain facts which are clearly spelled out in the record. One of these is that it was the President of Panama who broke off diplomatic relations with the United States. A second is that it was Panama's Ambassador to the United Nations who falsely accused our forces in the Canal Zone of "bloody aggression" against the people of Panama.

The President, however, may be justified at this stage in glossing over the difficulties. He is trying to repair the damage resulting from last week's misunderstanding with the OAS committee and to clear the way for a settlement with Panama. In striving to attain such objectives, little harm can result from generous statements—provided always that the essential interests of the United States are not neglected. We do not think that Mr. Johnson means to neglect them.

[From the Washington Evening Star, Mar. 23, 1964]

The Passing Scene: United States Stiffens on Latin America

(By William S. White)

The Johnson administration is moving on every front toward a more realistic approach to Latin America—an approach in which the legitimate interests of the United States will be the final test of every policy.

There is not the slightest intention to be tough or arrogant with the Latins. There is not the smallest purpose to be ungenerous with American aid or unsympathetic to the poverty and the fierce national and cultural pride which make the Latins perhaps the world's most sensitive people.

There is, however, the firmest of determination here to end a long era of well-intentioned but undue submissiveness in Washington to every wind of disapproval of us, however unjustified, which may blow up from south of the border.

In a word, the U.S. Government is casting off the moldy hair shirt which for decades it has worn. It is saying goodby to an absurdly extreme sense of American guilt. For these same decades this guilt feeling has assumed that the United States is automatically and inevitably to blame for every difficulty in the Western Hemisphere simply because half a lifetime ago this country sometimes practiced "gunboat diplomacy" in Latin America.

GOOD NEIGHBORS

We intend to be good neighbors in the true and adult and self-respecting sense. We do not intend, however, to be simply Uncle Sap good neighbors forever, saying we are wrong when we are right, and forever remorseful because some President Coolidge of the dim past sent the marines to Nicaragua.

All this is one columnist's interpretation of the direction in which the U.S. Government is turning under two men whose human connections with and personal understanding of the Latins are facts of lifelong experience—President Johnson and Assistant Secretary of State Thomas Mann.

They know the Latin mind. Mr. Johnson knows it because of 30 years of mutually cordial political association with the Mexican-Americans of Texas. Mr. Mann knows it through much service as perhaps the most skilled diplomat of his generation in Latin American affairs.

Each man's awareness is intimate and factual; not bookish and theoretical. Each man truly likes the Latins; but neither man is filled with purely academic assumptions that are foreign to human reality.

They know, for illustration, that while the Latins naturally like a United States which bows to every demand, the Latins at bottom respect only those officials who are "muy hombre" (very manly) and frankly prepared to uphold their own rights. This must be done with grace and good humor; but also with dignity and resolution.

COMMUNIST CUBA

Thus, this country now sees honest American efforts to settle difficulties like that in the Panama Canal Zone with full respect for the right and feelings of the Panamanians—but also with full insistence on the right and feelings of the United States of America.

Thus, this country will later see powerful and tireless Washington efforts to do more than talk about the menace posed by Castro Cuba. This Government will expect its Latin friends to realize that we are attempting to excise the cancer of communism in Cuba not so much for our own sake as for theirs. And this Government will expect the true cooperation of those it is trying so hard to save.

The round sum of the developing policy of the United States toward Latin America might be thus expressed: Mr. Johnson did not come to the Presidency to preside over liquidation of free governments in this hemisphere to suit the world's Fidel Castros, nor to waive every American interest in the doctrinaire notion that the United States is always wrong.

Mr. Mann did not undertake perhaps the toughest job in American diplomacy simply to solicit hurrahs from those who still think that every criticism of the United States—and every thrust at American business abroad—must be met with instant American concessions and instant American breast beating.

OUTSTANDING FEDERAL ADMINISTRATOR FOR 1963

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Ryan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RYAN of Michigan. Mr. Speaker, it is my pleasure to announce to this honorable body that one of my constituents, Dr. O. C. Williams, was named "Outstanding Federal Administrator for 1963."

Presentation of the plaque and certificate, which is awarded by the Federal Business Association of Detroit, will be made on April 2.

UNIVERSITY OF MICHIGAN LIBRARIES

Dr. Williams is the medical officer in charge at the U.S. Public Health Service Hospital in Detroit, Mich. A graduate of the University of Kansas Medical School, Dr. Williams has served 34 years in the Public Health Service.

In 1939, he was assigned to the Detroit Public Health Service Hospital as Chief of Surgery and remained there until 1944. Dr. Williams has operated on as many, if not more, Federal employees than any other surgeon in the Public Health Service during his many years as Chief of Surgery.

The good doctor came back to Detroit in 1957 to serve as medical officer in charge. As a part of his administrative duties, he supervises 26 outpatient and designated physicians' offices throughout the States of Michigan, Ohio, Pennsylvania, and West Virginia.

He has served on the board of directors for the Federal Business Association of Detroit and has taken an active part in the various community campaigns, such as the United Foundation, March of Dimes, Crusade for Freedom, et cetera.

I sincerely wish Dr. Williams many more gratifying and rewarding years in the field of public health service.

H.R. 10618: A BILL TO INCREASE THE AMOUNT OF DOMESTIC BEET SUGAR AND MAINLAND CANE SUGAR WHICH MAY BE MARKETED DURING 1964, 1965, AND 1966

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FASCELL. Mr. Speaker, the purpose of the bill which I introduced yesterday is to provide immediate relief from excessive inventories of beet and mainland cane sugar and to buttress the presently existing Sugar Act by eliminating its inequities for the duration of its present existence; that is, from now until December 31, 1966.

The present beet area quota of 2,600,000 tons would be increased to 3,350,000 tons for 1965 and 1966 and would be 2,850,000 for 1964; the mainland cane area on the other hand would have its present quota increased from 900,000 tons to 1,150,000 tons in 1964, and to 1,650,000 tons for 1965 and 1966. The beet area production for calendar 1964 is set at approximately 3,100,000 tons and the mainland cane area production at 1,200,000 tons. The ability of both industries to meet these increased quotas and accomplish the purposes of this bill has already been demonstrated.

The past year's fluctuating price of sugar to the U.S. consumer, largely occasioned by our dependence upon foreign suppliers for a considerable portion of our sugar needs points up the advisability of relying more heavily upon our domestic producers who stand ready, willing, and able to satisfy a greater part, if not all, of our domestic requirement.

The cane-sugar industry with its long-range constancy of production, more efficient utilization of farmlands not easily maintained in other crops, and its function as a source of supply readily and continually available to meet the varying demands of the cane sugar refiners is prepared to, and should, provide an increased proportion of our ever increasing annual sugar consumption.

This bill will serve to enable the accomplishment of the foregoing aims by providing a more realistic division of the market between the beet processors on the one hand and the cane processors and refiners on the other.

Under the Sugar Act of 1948 as amended, as this House is well aware, about 1½ million tons of quota was allotted to Communist Cuba with the proviso, however, that so long as our country was not maintaining diplomatic relations with Cuba this tonnage would be purchased from other foreign countries. In view of Cuba's supplying better than 3 million tons of sugar to the United States in 1958, its last full year of participation in the U.S. sugar market, and the present state of disrepair and highly diminished productive capacity of the Cuban industry as well as the great length of time required to restore this industry to its former productive levels, it is highly unrealistic any longer to maintain any quota whatsoever, primarily set up for Cuba.

Both the beet and mainland cane sugar areas of our domestic industry have responded to the necessity of meeting the void occasioned by Cuban nonsupply with an increase of capacity which has resulted in a production in both areas considerably in excess of the marketing allotments for such areas. The present anomalous situation of having an oversupply of sugar in our domestic producers and an undersupply of marketing allotment occasioned by maintaining the fictional Cuban quota should be eradicated. This bill proposes to do that.

The refiners of cane sugar whose industry has long been dependent upon offshore sugars not now available must be provided with adequate raw material to assure their continued and undiminished position in fulfilling our domestic requirements. This is the primary reason why the increase of quota should be divided equally between the beet and mainland cane areas rather than upon the basis of division presently existing under the act for the basic quota of marketing allotments.

The instability of governments of many areas of foreign sugar supply with the consequent uncertainty of the availability of this supply magnifies the necessity of affirmative action to protect the American consumer of sugar from price gyrations such as those to which these consumers have recently been subjected. The surest and most effective method of doing this is to provide for the domestic industry to produce a greatly enlarged percentage of our annual sugar consumption. This bill does that.

LET'S GET THE FACTS STRAIGHT ON THE WHEAT PROGRAM—PART 2

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PURCELL. Mr. Speaker, this statement is made in connection with my statement contained in the CONGRESSIONAL RECORD for yesterday on page 6335. There will be further statements along these lines on April 6 and 7.

Mr. Speaker, yesterday I called your attention to the fact that wheat producers and most farm organizations want the wheat program which is a part of H.R. 6196.

Today, I want to clear up two more common misconceptions; first, that because it involves the use of certificates the wheat program in H.R. 6196 is a complicated program. Second, I want to correct the misconception that this program was not studied in detail by the House Committee on Agriculture.

Mr. Speaker, this is the simplest, most flexible price support program that has ever been offered wheatgrowers.

Under this program each wheat producer is notified of his wheat acreage allotment and the number of certificates he is entitled to if he plants within his allotment.

What could be simpler than this?

All the producer has to do is advise his county committee that he plans to cooperate. At the appropriate time the committee will inspect his farm to verify the fact that he has planted within his allotment. When this has been done, the county committee may mail him the wheat marketing certificates to which he is entitled.

He may sell his wheat from the combine, or he can place it in storage. No marketing card is required to sell his wheat as under the old program.

If he wishes, he can take his wheat marketing certificates to the local elevator with his wheat. The elevator will pay him the face value of the certificates and may sell them to the local or regional office of the Commodity Credit Corporation.

Or, the producer himself may take or send the wheat marketing certificates to the local or regional Commodity Credit Corporation office and receive their face value.

A wheat producer who does not wish to cooperate by planting within his wheat acreage allotment has no forms to fill out. No one will check on his excess plantings. He may sell his wheat freely in the market and, for the same quality wheat, should receive the same market price as the cooperator. He simply is not entitled to any marketing certificates if he has overplanted his wheat allotment.

It is as simple as that.

The wheat program authorized in H.R. 6196 has a new feature in it which gives wheat producers more flexibility in their planting plans than ever before. It is the so-called substitution clause. Under this clause, at the discretion of the Secretary of Agriculture, a producer may substitute wheat on a part of his feed grain acreage base or plant feed grains on a part of his wheat acreage allotment and still be in compliance with both programs.

This provides a flexibility to farmers who produce both wheat and feed grains that was never before available to them.

The new wheat program is equally simple and free of administrative headaches for the wheat trade and the domestic millers. All wheat will move through the usual channels of trade, being bought and sold on the basis of its quality and geographic location. High quality wheat will command its usual premium in the marketplace.

Domestic millers will know in advance the value of the marketing certificates they must purchase to go with all wheat utilized for domestic food uses. There is no uncertainty or difficulties involved in this. They know that with every 1,000 bushels of wheat purchased and utilized for domestic food products they must purchase the equivalent number of wheat marketing certificates at the price set for the entire marketing year by the Secretary of Agriculture.

The wheat marketing certificates can be obtained from the nearest Commodity Credit Corporation office.

What could be simpler?

Now, I want to set the record straight on the long hours of hearings and study which my subcommittee put in on this wheat program.

I know of no recent bills which have come before the House of Representatives with a longer record of hearings held on them—unless, perhaps, it was the tax cut or civil rights bills.

Mr. Speaker, on July 22, 23, and 26 the Wheat Subcommittee, of which I have the honor to be chairman, held hearings on 39 wheat bills. At that time the proposal for a voluntary certificate plan similar to the one incorporated in H.R. 6196 was presented to the subcommittee by a former Member of this body, Senator George McGovern, from the important wheat-growing State of South Dakota.

The voluntary certificate plan and many other proposals were widely discussed by wheat producers and by farm leaders in the late summer and fall months.

On December 11, 12, and 16, the Wheat Subcommittee again held open hearings and heard some 14 witnesses representing many State organizations of wheat producers, the National Association of Wheat Producers, the Millers National Federation, and representatives of national farm organizations.

Most of these witnesses favored a voluntary certificate plan of the type authorized in H.R. 6196.

Mr. Speaker, I take my responsibility as chairman of the Wheat Soubcommittee seriously. I continued open hearings on all the various wheat plans proposed on January 7, 8, 9, 17, and 22.

After these extensive hearings, I introduced H.R. 9780 on January 28. H.R. 9780 authorizes a voluntary certificate plan very similar—in fact almost identical—to the provisions of H.R. 6196.

Mr. Speaker, H.R. 9780 and the other alternative wheat bills were discussed by the Wheat Subcommittee in executive session on February 14, 15, 17, 20, 21, 24, and 27. At that time, the subcommittee voted to send it to the full committee. The House Agriculture Committee held two meetings on this bill and reported it favorably on March 17.

Mr. Speaker, that is the record of the study made by the Wheat Subcommittee in 1963 and in the past few months. But I ask any Member of this body who has been told he will be asked to vote on a wheat program that has not been given adequate study to look at pages 8 and 9 of House Report No. 1239—the report to accompany H.R. 9780—"A Voluntary Marketing Certificate Program for Wheat."

Mr. Speaker, the wheat program authorized in H.R. 6196 is an updated version of the wheat certificate plan introduced by Congressman Stockman, of Oregon.

In years past, Clifford Hope, of Kansas, took the leadership in sponsoring this type of a program for wheat producers. Many outstanding Members of this body have introduced and supported legislation of this type in past years. In addition to former Congressmen Stockman, Hope, Smith of Kansas, Johnson of Colorado, and Breeding, Congressman Albert, Berry, Horan, and others have introduced and supported similar legislation in earlier years.

Mr. Speaker, when we vote on H.R. 6196 we will be voting on a wheat program that has had not hours, not weeks, not months—but years of study.

It is the best wheat program a majority of the Wheat Subcommittee could agree on.

It is the best wheat program a majority of the Agriculture Committee could agree on.

It is recommended by President Johnson and Secretary Freeman.

It is a program which should be approved by the Members of this body when they have an opportunity after the Easter recess.

HELLER QUERIED ON PRICE-WAGE GUIDEPOSTS

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, a recent article in the Wall Street Journal indicated that the administration has 15 major industries under special scrutiny as part of its early warning system for price increases. According to the article, planned price boosts will get quick top level attention with individual dissuasion efforts following where necessary. One official is quoted as saying, "We'll jawbone, armtwist and needle."

Because of the importance of this matter, I have written Dr. Walter W. Heller, Chairman of the Council of Economic Advisers, asking whether this report is true and, if so, asking what industries have been placed under scrutiny, what procedures have been set up under the early warning system and what form will individual dissuasion efforts take.

I have also asked Dr. Heller whether individual collective bargaining situations that may lead to a wage spiral are also being put under scrutiny. This is particularly pertinent in view of the announcement of the United Auto Workers that it will ask for a 4.9-percent increase in wages and fringe benefits this year, a figure far exceeding the limits set by the wage-price guideposts.

Under unanimous consent, I insert a copy of my letter to Dr. Heller as well as a copy of the article from the Wall Street Journal of March 20 in the Record at this point:

March 23, 1964.

Dr. Walter W. Heller,
Chairman, Council of Economic Advisers,
Executive Office of the President,
Washington, D.C.

Dear Dr. Heller: I noted in the Wall Street Journal of March 20 that a price-wage early warning system is going into high gear, with 15 major industries under special scrutiny. According to the Journal, planned price boosts are getting top-level attention faster, with the possibility that individual dissuasion efforts on the part of administration officials will follow.

Is this report true? If so, I would appreciate knowing the 15 major industries reportedly under scrutiny. I would also like to know the procedures set up under the early warning system and the action which the administration intends to take in cases where it considers that particular wage and price decisions have violated the guideposts.

It has also been noted in the press recently that the United Auto Workers have announced that they will ask for an increase in wage and fringe benefits of 4.9 percent, which certainly exceeds the administration's guideposts. Can you tell me if the administration also has under scrutiny individual collective bargaining situations that could lead to a wage spiral this year?

Because of the importance of this matter, I hope you will reply to this letter at your earliest possible convenience.

Sincerely yours,
Thomas B. Curtis.

[From the Wall Street Journal, Mar. 20, 1964]

Washington Wire: A Special Weekly Report From the Wall Street Journal's Capital Bureau—Jawbone Attack Against Price and Wage Increases Heads Into Full Cry

Johnson adviser Heller, speaking Monday to the Detroit Economic Club, will hammer on the need for restraint; big auto executives will be listening. Hodges, tax collector Caplin strum the same theme. Some seldom-involved officials begin to talk up anti-inflation efforts; signs of prices inching up add to the urgency.

An early warning system goes into high gear, with 15 major industries under special scrutiny. Planned price boosts get top-level attention faster; individual dissuasion efforts may follow. "We'll hit every part of the anatomy," vows one official. "We'll jawbone, arm-twist and needle." Labor-management attacks on Johnson's wage-price guidelines only convince some officials the idea is right.

There's no sign now of any plan for compulsory controls. A line in a Caplin speech last week, seeming to warn of compulsion, was not intended to sound as it did.

WHO ARE THE AMERICAN POOR?

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, now that President Johnson has issued his poverty message, every Member of Congress should study it critically and analytically and without regard to the emotional generalities which often cloud a discussion of poverty.

As my Republican colleagues on the Joint Economic Committee and I have been pointing out for the past few weeks, before a strong and effective program can be developed, it is important to know exactly who are the American poor. The administration claims that any family with less than $3,000 annual income is living in poverty, but many well-known economists dispute the relevance of this figure.

A recent article in the March issue of Fortune magazine examines in detail the various statistical measures available to define the American poor. The article points out that money income alone is not a sufficient standard of poverty, but that other variables such as age, family size, geographical location, and family assets, must be considered.

Because this article makes a valuable contribution to moving forward the national debate on poverty, I include it in the RECORD at this point:

WHO ARE THE AMERICAN POOR?

(By Edmund K. Faltermayer)

It is not difficult to demonstrate, by means of some fairly convincing statistics, that in today's "affluent" America tens of millions of people live in great hardship. But to measure the number of poor with any precision is quite another matter, for the tools to do it are lacking at present. One runs immediate, for example, into the problem of definition. "Poor" is a relative term whose meaning varies with time and place: by the standards of the America of 1850 or of Calcutta today, poverty has already been eradicated in the United States. But few present-day Americans would settle for such standards. Neither would they avert their eyes from some rather unseemly statistics: that in March 1964, more than 6 million people live in families whose incomes are so low that they qualify for free food from the Federal Goverment, that 7,300,000 Americans live in housing classified as dilapidated, and that there are nearly 2 million families who scrape by on cash incomes of less than $1,000 a year.

Obviously, these numbers exclude a multitude of shattered lives lived out in fear, boredom, and despair. No effort to play down such hardship is intended here. Nevertheless, the poverty in the United States must be put into some sort of perspective before we can know how to deal with it. President Johnson, declaring all-out war on poverty, speaks of a "forgotten fifth" of the population, and Michael Harrington, in his bestselling book, "The Other America," talks of 40 to 50 million poor—"a fourth of the population." Are those estimates realistic? And what do they mean?

As a glance at the chart [not printed in the RECORD] on the opposite page shows, the low-income segment of the population has shrunk greatly in the last 35 years. Will the decline continue or are we approaching a bedrock of disadvantaged citizens forever condemned to live on the dole? What sort of people now make up the group called the poor? Poverty is not a homogenous phenomenon but a complex of different conditions with different causes, such as school dropouts, racial discrimination, the growing number of old people in the population, the farm problem, and economic stagnation in the Appalachian Mountains. Each situation may call for a different remedy.

Such figures as do exist contain many surprises. In depressed Harlan County, Ky., for example, half the homes lack inside toilets and many children suffer from malnutrition. But according to a new book by Herman P. Miller of the Census Bureau entitled "Rich Man, Poor Man," 59 percent of Harlan County's families have a car—more than in West Germany—and 88 percent have washing machines. The figures also suggest strongly that most of America's poor are not lazy—the majority work hard for their low incomes—and that they do not like to live on handouts. A study of Federal aid to families with dependent children—a program that mainly assists households in which the father is dead, is permanently disabled, or has deserted the family—shows that even Negro cases are generally closed within 2 years. The U.S. poor are by no means limited to minority groups. While nonwhites, mostly Negroes, make up more than a fifth of the total, the majority of the poor are white Protestants. But these are only indications, not the basic data of poverty.

A MAKESHIFT APPROACH

One of the first tasks facing Peace Corps Director Sargent Shriver, recently named by President Johnson to lead the attack on poverty, is to produce some refined data. Such statistics as exist today come primarily from two agencies of the Commerce Department, the Bureau of the Census and the Office of Business Economics. The two work quite separately, and poverty, as such, is not a direct and major concern of either. Their data on income distribution are incomplete and are not directly comparable. The Federal Government has no yardstick of poverty agreed upon among its own various agencies. The Labor Department's Bureau of Labor Statistics once worked out minimum subsistence budgets, but stopped doing it long before World War II. A few years ago it produced some estimates of what sort of pretax income is needed to maintain a modest but adequate standard of living for a family of 4 in 20 key cities. Converted to 1964 prices, these budgets range from about $6,000 a year in Atlanta to $7,000 in Chicago. But this is way above the poverty line by anybody's definition. As the BLS itself takes pains to point out, the figures represent a cutoff point for deprivation, which it regards as the next stage above poverty. The BLS has not worked out the boundary at which deprivation becomes poverty.

The President's Council of Economic Advisers, which devoted considerable space to poverty in its recent economic report, was forced to use makeshift methods to measure the problem. What it did was to select a cutoff line of $3,000 a year for a family and $1,500 for a person living alone—roughly in line with most off-the-wall estimates. Then it applied this quantitative definition to the Census Bureau's population survey for 1962 to see how many people fall below these figures. The answer: between 33 million and 35 million people in 1962 or just under a fifth of the population. But these rough figures include some people who should not be considered poor and exclude millions who probably should be. An elderly couple, living alone in a small town in Ohio in a paid-for house, might manage tolerably well on $3,000 a year. But in a New York City family of eight, living in rented quarters, would be in severe straits even at $4,000 a year. Such figures do not permit an accurate inventory of the Nation's poor. "Refined analysis," the council confessed, "would vary the income cutoff by family size, age, location, and other indicators of needs and costs. This has not been possible."

OLD FOLKS AND FARMERS

There is another difficulty. The Census Bureau's annual population surveys—not to be confused with the decennial census—understate family incomes and thus, in effect, overstate poverty. Money income in these interim surveys is underreported by as much as 15 percent; many of those interviewed overlook such things as part-time earnings. Furthermore, the Census Bureau does not include nonmoney income, such as the "imputed rent" that homeowners don't have to pay or the food that farm families can grow for themselves. Such income is only about 3 percent of the gross national product, but the "imputed rent" and food would be a much larger percentage on small farms. Thus the council's roster of poor contains not only too many old people but too many farmers.

The Office of Business Economics, measuring the GNP, tries to include all family income. Using data from Federal income tax returns, it adds in its own estimates of imputed rent and food eaten on the farm. With income thus estimated in full, the proportion of the population below the $3,000 and $1,500 cutoff points shrinks to 15 percent, on the basis of 1961 data. Gone from the total poor are a substantial number of small farmers whose nonmoney income can sometimes exceed $1,000 a year. Some argue that these cutoff points are too low. Unfortunately, the agency's tables are in $1,000 increments, and the next figure of $4,000 may err on the high side. Using $4,000 for families and $2,000 for individuals, the estimate of the poor swells to 23 percent of the population. No serious effort has been made to reconcile the OBE's data with the Census Bureau's.

A SLIDING SCALE WOULD BE BETTER

The OBE figures have other defects. For example, they make no provision for variations in the size of families. Instead of a rigid cutoff point of $3,000, a sliding scale might better be set up, that would consider, say, $2,000 "adequate" for a family of two, $2,500 for three, $3,500 for five, and so on. To compute the number of poor in this way, we would have to go back to the Census Bureau data, whose shortcomings have already been noted. Nevertheless, the results are illuminating. Using the same 1962 survey, we wind up with 2,600,000 more poor people than the estimate given by the Council of Economic Advisers. They are not the same collection of people, however. Gone are some 4,800,000 persons in small families, most of them elderly couples and young married people with no dependents. But joining the group are 7,400,000 people in large families, mostly children, making a net addition of 2,600,000.

What about local variations in living costs, which none of these figures allow for? Herman Miller of the Census Bureau has had a go at that problem. In an unpublished study based on 1959 data, he has attempted to take both family size and geography into account. His cutoff points are those used by individual States to determine eligibility for federally aided public-assistance programs. One drawback is that the States do not use standardized criteria for constructing their minimum budgets—some are stingy and others are more liberal. The cutoff points are low in any case, ranging from $1,566 in Arkansas to $2,909 in Maine for a family of five. The result is a rockbottom figure of 23,500,000 poor, or 13 percent of the population in 1959. Miller himself, who concedes that all poverty yardsticks are arbitrary, nevertheless believes these figures understate the problem.

No wonder all sorts of figures are being tossed around in the poverty discussion. They do not necessarily conflict; they are based on different definitions. Several years ago Robert J. Lampman of the University of Wisconsin, in a study for the Joint Economic Committee of the U.S. Congress, showed that the number of poor might range between 9 and 36 percent of the population, depending on which assumptions and definitions were used. Lampman settled for 19 percent, and most current estimates cluster around this figure.

None of the figures given thus far tells us how many people were only temporarily poor at the time the count was made. Some family incomes, because of the father's prolonged illness, may dip for a year below the poverty line and then return to the previous level. A 1959 study by the University of Michigan's Institute for Social Research suggests that most—but not all—of the poor have always been poor. Some 60 percent of the poor families who responded to the question said their income had never exceeded $3,000, and only 14 percent had ever earned more than $5,000.

WHY THEY ARE POOR

If we assume that something approaching a fifth of the population is poor, then the next question is, Who are these people and what are their prospects? Relying mainly on the Council of Economics Advisers figures—but making adjustments where necessary in view of their imperfections—we can list the main causes of continued poverty in the United States. For simplicity, most of the data refer to the seven-eighths of the poor who live in multiperson families. The numbers add up to more than 35 million because most poor people have more than one handicapping characteristic. In order of importance, they are:

Low educational level: Some 61 percent of the Nation's poor families, with about 21 million people, are headed by people who did not get beyond the eighth grade. For the population as a whole, only 35 percent fall in this low-education group. These ill-equipped breadwinners must compete for the dwindling portion of unskilled, low-paying jobs.

Residence in the South: With 30 percent of the country's population, the South, despite its recent strides, still contains 47 percent of the country's poor. Out of 3,072 counties in the United States, 648 have median family incomes under $3,000 a year—and 90 percent of the 648 poor counties are in the South or in adjacent areas such as southern Missouri. The Appalachian region, much of which lies in the South, contains 15 million people, of whom 5 million are classed as poor.

Residence in rural areas: Despite the decline in the farm population, there are still 1,500,000 families, with perhaps 6 million people, living on marginal farms with cash incomes under $3,000 a year. This overstates rural poverty somewhat because, as already noted, it does not take into account nonmoney income. In addition to the poor classed among farm families there is a large group of nonfarm families who live in rural areas, some of whom work on farms as hired hands. Approximately 27 percent of America's nonfarm rural families, containing about 9 million people, fall below the poverty line. The figure includes virtually all of the country's migratory farmworkers and their families, or about 2 million people—a figure that, incidentally, has remained fairly stable in recent years.

Race and discrimination: According to the Council of Economic Advisers, 44 percent of the country's nonwhite families, with about 8 million people, are poor. Most of these people are Negroes, but the figure also takes in the majority of the country's 552,000 Indians, particularly the two-fifths who live on reservations. In the latter, the unemployment rate typically runs between 40 and 50 percent.

Old age: In 1900 only 4 percent of the population was 65 or older. Today the figure is 9.2 percent and creeping ever higher. Thanks to social security and other income sources, an increasing number of these old people live apart from their grown children. In 1961 some 78 percent of them maintained their own households compared with only two-thirds a decade earlier and a far smaller portion in the depressed 1930's. By the $3,000 annual-income yardstick, 47 percent of the families headed by a person over 65 are poor. If the poverty line is lowered to $2,000 only 27 percent of these elderly couples, or about 4,500,000 people, would fall in the group considered poor. If unattached individuals with incomes under $1,500 are added in, the total number of aged poor would be about 7 million.

Broken homes: When a father dies or simply runs away, the family can sink below the poverty line almost at once. Only a tenth of the Nation's families are headed by women, but 48 percent of those, by the Council's reckoning, have incomes under $3,000 a year. About a fourth of the Nation's poor live in such homes.

Early marriage: Not only are old folks splitting off from their families, but young people are doing so, too, by marrying earlier. Families headed by a person under 24 years old are still not large in number, but some 31 percent of them, with perhaps 2 million people, are classed as poor. This probably overstates the problem because many of them have no children and, unlike the aged, can look forward to higher earnings in the future. A significant minority, for example, are undergraduate and graduate students whose poverty, one supposes, is temporary.

Unemployment: Surprisingly, this ranks low on the list of poverty's causes. Only a sixteenth of the pool families, with perhaps 2 million people, were headed by an unemployed person in 1962. Indeed, only a third of all U.S. families with unemployed heads are classed as poor in the Council's figures. These figures provide dramatic evidence of the temporary nature of most U.S. unemployment and the contribution made by working wives and unemployment insurance. But the statistics are not so comforting as they seem. The poor make up the bulk of the hard-core unemployed, whose unemployment benefits have run out. And the Council's figures, because they include too few large families, unquestionably err on the conservative side. A more important contributor to poverty is underemployment—the low productivity of marginal farmers, for example, and the sporadic nature of many jobs held by unskilled workers. But statistics on underemployment are very sketchy.

IN BRITAIN 75 PERCENT ARE "POOR"

If nothing else, the figures above on the various categories of the poor refute the notion expressed in John Kenneth Galbraith's book, "The Affluent Society," that poverty is no longer general in America but is limited to "insular" and "case" poverty—i.e., depressed areas and handicapped persons. Galbraith used a cutoff figure of $1,000, which is way too low. When a higher poverty line is used, some poverty turns up in almost every area of the country.

In another sense, though, Galbraith is quite right. Poverty is no longer the basic human condition in America, as it has been throughout most of human history. As late as 1929, two-thirds of Americans would have been called poor by definitions now in use. And even in 1929, it should be remembered, America's living standard was higher than Western Europe's is today. If the $3,000 yardstick were applied to present-day Britain, for example, three-quarters of the population would be considered poor.

Economic growth has been the main force lifting over a third of the citizenry above the poverty line since 1929. Measured in constant dollars, average family income after Federal taxes has risen more than 50 percent in the last 35 years. The growing number of working wives has helped somewhat, since more families now have two wage earners. These two factors together are much more important than the "redistribution of income." As to the latter trend, studies have shown that the poorest two-fifths of the country's "consumer units," after payment of Federal taxes, got 16.5 percent of total family income in 1961 compared with only 12.5 percent in 1929. (Consumer unit is a term that embraces both multiperson families and persons living alone.) The welfare state has also played a role. Transfer payments of all types, primarily from social security and public assistance programs, have risen to 6 percent of the GNP from only 1 percent. While small in the aggregate, these now account for 43 percent of the income of the poorest fifth of consumer units.

What of the future? Most forecasts based on recent trends suggest a slowdown in the rate at which poverty is being reduced. Between 1947 and 1962, the Council of Economic Advisers says, the percentage of poor families in the population—leaving aside individuals—declined from 32 percent to 20 percent. However, three-quarters of this shrinkage took place prior to 1957, and since then the decline has slowed to about half a percent a year. Slower economic growth and higher unemployment are chiefly to blame, says the Council, which warns that "if the decline in poverty proceeded at the slower rate achieved from 1957 on, 13 percent of our families would still have incomes under $3,000 in 1980." For this reason, it says, new antipoverty programs are needed. "We cannot leave the further wearing away of poverty solely to the general progress of the economy."

FEWER DROPOUTS

This type of forecast is subject to all the inherent weaknesses of numerical projections. A better idea of what lies down the road can be gained by looking at poverty's separate causes as given above. While such an approach doesn't necessarily refute the slowdown hypothesis, it indicates that we are nowhere near bedrock yet and that a lot of favorable trends will continue to thin the ranks of the poor even if no new Government programs are started.

The biggest single cause of poverty, as already indicated, is the lack of a high school education. But the U.S. population is becoming better educated all the time, and the trend will continue. Today 66 percent of schoolchildren get through high school, twice the proportion of a generation ago. Even Negroes, who suffer from environmental handicaps that dull the incentive to learn, are raising their educational level somewhat. This is true particularly in the North. In New York City, for example, the average adult Negro male has had 9.5 years of schooling, only a year less than his white counterpart. All but about 3 percent of the population—the mentally retarded portion—is theoretically educable through high school, and there is no reason to believe that the percentage of dropouts will not continue to decline toward this figure.

The South, where so much of U.S. poverty is concentrated, will continue its advance. According to the Council of Economic Advisers, 49 percent of southern families were poor in 1947, but by 1962 the figure had fallen to 32 percent. Rural poverty, in the rest of the United States as well as in the South, should continue to decline, too, mainly from the closing of marginal family-type farms. The number of farm-operator families in the United States declined from

6,500,000 to only 3,200,000 between 1947 and 1962. Curiously, the percentage of such families below the poverty line has remained fairly constant—it is now about 43 percent—but even if this ratio stays the same, the absolute number of poor farmers will drop. As for southern farms, the National Planning Association, a nongovernmental group, has forecast that another third of the South's farm operators, most of them poor, will get out of agriculture by 1975.

THE NEGRO'S STEADY ADVANCE

Even the racial problem, another of the main causes of poverty, gives some grounds for optimism. In one sense, the Negroes appear to be getting nowhere. In 1949, according to census figures, the average male Negro earned 53 percent as much as a white male. Ten years later, following a narrowing of the gap during the Korean war boom, he was slightly worse off, with only 52 percent (the gap, it should be noted, is narrower in the North). Nevertheless, the absolute growth in pay has lifted most Negroes above the poverty line in the last 5 years. In 1947 two-thirds of nonwhite families were poor; by 1962 the figure was down to 44 percent. Much of this reflects continued migration out of the South, where 60 percent of the Negroes still live—a trend that will continue. And Negroes will stay in school longer because education pays. This is true even though a college-educated Negro stands to earn no more during his lifetime than a white who stopped at the eighth grade—a stark measure of discrimination's penalty.

Some of poverty's causes, to be sure, may remain just as persistent in the years ahead. No one can predict, for instance, that the percentage of broken homes will decrease. The portion of the population over 65, which has a high incidence of poverty, will continue to grow. But in both these cases there are alleviating factors. As to broken homes, the average monthly payment under the aid to families with dependent children program (AFDC) has nearly doubled since 1939 in terms of 1961 dollars. Many mothers of broken families work, and rising wages should help them. As for the aged, many are poor because, as Michael Harrington points out, they are not covered by social security. Legislation already on the books will improve this situation considerably. Currently, more than 90 percent of the labor force is covered, and the number of retired workers receiving payments will climb toward this figure in the decades ahead. Meanwhile, social security benefits, including minimum benefits, are being liberalized. Even when figured in constant prices, the average payment of $127 a month to a retired worker and his aged wife is now 66 percent higher than in 1940. Ironically, it is just this increase in benefits and in other income that has tended to swell the statistics on "poor" elderly people. When they stayed with their children in homes with substantial incomes, the aged were not counted among the poor. But when they moved out and tried to maintain a household on less than $2,000 a year—more than they have received before—they became "poor," statistically speaking, even though a separate residence represents a rise in their living standard. Unquestionably, many aged live in dire straits, and these will be chronic welfare cases. But the group as a whole, as a 1963 report by the President's Council on Aging conceded, has scored "astonishing" gains in the last decade.

For most of the poor, however, the future is somewhat bleak. For example, they can expect little help from any further leveling of incomes. For the bottom two-fifths of the country's "consumer units," the social revolution largely ended with World War II. The poorest fifth's share of total family income, for example, is 5 percent—about the same as in 1944. The redistribution of incomes in recent years has mainly benefited the middle income groups at the expense of the topmost twentieth of the population.

Some major uncertainties cloud the future, too. Because of automation, the proportion of unskilled jobs in the labor force is shrinking. It remains to be seen whether the number of high school dropouts competing for these jobs will decline as fast. Thus, a race is on between two important trends, automation and the rising level of education. Poverty will be reduced only if the latter trend keeps ahead of the former—only if a growing proportion of the country's youth receives enough schooling to be employable, at adequate wage levels, in an increasingly technological era.

There is another imponderable: the rate of economic growth in the years ahead. More education will lift Americans out of poverty only if there are more skilled job available. For even skilled jobs are being eliminated in many industries by rising productivity and automation. With fewer workers needed to produce the same output, total production must grow fast enough to absorb workers replaced by machines and simultaneously to provide new jobs for the growing numbers of youth now entering the labor force. Growth is also essential if the migration to cities from poor rural areas is to reduce poverty. Without it, marginal farmers who move to cities will find only low-paying jobs, or no jobs at all.

The figures on poverty raise a number of questions of future public policy, particularly in such matters as aid to depressed areas, minimum-wage legislation, and Federal aid to education. About a third of the people in the Appalachian region are poor, largely because of declining employment in coal mines and farming. Industry should be brought in, but poor roads have discouraged industrialization, especially in southern Appalachia. Should the rest of the country be taxed to build better access roads into this rugged area? Or should we simply let present trends run their course? The Appalachian problem, after all, is slowly being "solved" by out-migration; some 2 million people departed from the region in the last decade. And some industry has moved in, enough to hold the decline in jobs to 1 percent. But this is slow progress indeed, if it can even be called that. Meanwhile, the Federal Government is spending large sums merely to alleviate distress in the area. Subsidized economic development might cost taxpayers less in the long run.

A HIGHER WAGE FLOOR?

Some argue that a lot of poverty could be eliminated overnight if legal wage minimums were raised or if the Federal minimum-wage law were extended to the 16 million workers not covered by it. The latter step alone, it is sometimes said, would pull some families with two wage earners above the poverty line even though the present minimum of $1.25 an hour works out to only $2,600 a year. The pitfall in this argument is a good example of the damage that can be done by oversimplified remedies. Many people are poor simply because their unskilled services are not worth much in the labor market. Tampering with the market mechanism by raising their wages might merely speed up the replacement of unskilled labor by machines. Thus, extending the coverage or raising the floor of minimum wages might spread poverty rather than reduce it.

Finally, education: More than anything else, a look at the poor argues for more spending on public education. It is distressing enough that the average migratory farmworker earns less than $1,000 a year from all sources. But is the berrypicker's son to be condemned to a similar earning level? The long-range hope of drastically reducing poverty can be expressed by saying that extraordinary efforts should be made to see to it that the children of the poor get much better educations than their parents. Thinking along this line, some observers argue that more should be spent per pupil in poor communities than in the rich suburbs—the reverse of the present situation—to lift the horizons of poor children and enable them to compete on a less unequal footing. Given the decentralized character of U.S. public education, economic inequality is compounded by geographic inequality. Many poor children are concentrated in school districts with a low tax base, and many of the poor school districts, in turn, are in States that cannot afford to give these communities enough aid to overcome this handicap. Federal aid to education is a major proposal in the Johnson administration's antipoverty program, but most Federal programs proposed in recent years call for aid to all schools. It would be politically difficult to induce Congress to concentrate Federal funds for education in the 648 U.S. counties where the median family income is under $3,000 a year.

Whatever the answers, it is clear that stamping out poverty is not a simple matter. The country cannot, for example, merely allocate $11 billion a year, the sum now needed to raise every family's income to $3,000. Even if the funds could be distributed equitably, they would not enable poor families to work their way out of poverty, and thus to contribute to the national economy by their increased productivity.

THE 50-CENT DIET

The prospect, nevertheless, is that poverty will continue to decline, though perhaps at a slower rate than in the past. The millennium, when nobody is defined as poor, may never be reached however, for society will continue to upgrade its definition of poverty. Back in 1909 the BLS figured out a "minimum standard of living" for a cotton mill worker's family in Fall River, Mass. In today's prices, it works out to about $1,000 a year. By 1923 the "poverty level" for a five-person family was estimated by the same agency at about $1,900 a year—also in today's prices. The 1964 poverty line, as defined by the Johnson administration, is about the same as the "deprivation" line of 40 years ago. And the deprivation line is moving up, too. The BLS boosted its "modest but adequate" budget for a New York family by 28 percent, in constant dollars, between 1947 and 1959. It is still possible to construct a budget like the 1909 one. The Department of Agriculture, for example, figures that an adult male can get a balanced diet for only 50 cents a day by eating mainly dried beans, reconstituted dried milk, and potatoes. But nobody today would consider such a budget adequate—and this is perhaps just as well.

If things have improved so greatly, why did the United States recently become excited about poverty, even before Lyndon Johnson declared war on it? One reason is that poverty is now seen as a "problem"—i.e., something that can be solved, rather than an ineradicable condition of human life. "Suddenly," says Herman Miller, "we seem to have it within our means to eliminate it completely."

TECHNICAL ERRORS IN FARM BILL

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **FINDLEY**. Mr. Speaker, one of many reasons why the House should have the opportunity to debate and amend the wheat-cotton bill, scheduled for consideration the week of April 6, is the need to correct technical errors in the language of the bill.

Unfortunately, the House will not have the opportunity for amendment, due to the restrictive character of the rule on the bill. Therefore, the only wise course of action is to reject the resolution, in the hope that this action will result in a rule permitting amendment of the wheat title.

On page 44 of the Senate report, section 379B, italic language after brackets, provides the formula for determining wheat marketing allocation for each farm. This provides basis for determining eligibility for the certificates.

The formula is made effective for the 1964 and 1965 crops.

The formula uses the national marketing quota proclaimed for the 1964 crop for both 1964 and 1965.

Defect No. 1: No provision is made in the bill to adjust the national marketing quota for the 1965 crop. So far as I can determine, no other provision of law would permit the Secretary to issue a new national marketing quota. As the bill is now written, the Secretary would be obligated to use the national marketing quota proclaimed for the 1964 crop as the basis for administering both years. Obviously this is an oversight and should be corrected in the bill. The rule granted for this bill should permit an amendment to correct this error.

Defect No. 2: As the bill is now written, farmers could get an unintended windfall, at taxpayers' expense, amounting to 10 percent or more of the value of the certificates. Here too, I believe this is an oversight. It should be corrected by amendment, and the rule should permit a corrective amendment to be offered on the House floor.

Here is how this windfall could occur. Under section 379B, the Secretary must establish the wheat marketing allocation for each year on this formula: The wheat used for food products for consumption in the United States plus that portion of the wheat exported as wheat or wheat products on which certificates are to be issued:

[In million bushels]

A fair figure for food products for consumption in the United States	500
A fair figure for certificate wheat and certificate wheat products for export	600
Total	1,100

The Secretary is then to establish the national allocation percentage for such year by dividing the national marketing quota proclaimed for the 1964 crop—which is 1.22 billion bushels—by the national marketing allocation—above, less the expected production on noncompliance acres:

[In million bushels]

National marketing figure	1,220
Less noncompliance production (a low estimate, actually)	220
Total	1,000

The 1.1 billion bushels is 110 percent of 1 billion bushels.

Therefore, each farmer in this case would be entitled to certificates amounting to 110 percent of his normal wheat production.

Here is how this would work on a typical farm:

[In bushels]

Acres allotted	100
Times average yield per acre	25
Total	2,500

The law says multiply this by the national allocation percentage for such year. If it comes out 110 percent, as it very likely would, then this farmer would get a 10 percent bonus, or 2,750 certificates, despite the fact that he produced only 2,500 bushels.

This formula was not in the certificate plan rejected last May by the farmers. Why was it put in this time? Is it a technical error?

It may possibly have been put in intentionally to leave room for windfall payments—reminiscent of the phantom acres involved in the 1961 feed grains program. These phantom acres were expensive for the taxpayers. They came about because the Department of Agriculture, under an administrative regulation, decided not to squeeze all the water out of the base acre figures for 1959 and 1960, but simply to squeeze the water out down to the 105-percent level.

If this fancy formula is intended to permit a windfall, it at least should have a ceiling written into the bill. As it stands now, the formula could easily result in a 120 percent figure, or even higher.

Definitely, this section needs corrective amendments.

FREEDOM COMMISSION AND ACADEMY

Mr. **BOW**. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **DERWINSKI**. Mr. Speaker, Dr. Lev E. Dobriansky, of Georgetown University, is an international authority on communism and devotes a major share of his time to leading a crusade against Communist imperialism. Dr. Dobriansky, as chairman of the National Captive Nations Committee, has been in the forefront in an effort to alert the citizens of the United States to the growing danger of the international Communist conspiracy.

Recently, he appeared before one of our distinguished committees—the House Committee on Un-American Activities—to testify in favor of the creation of a Freedom Commission and the establishment of a Freedom Academy.

Since Dr. Dobriansky holds a preeminent position in the ranks of anti-Communist, pro-free-world leaders, I believe his remarks take on special significance:

TESTIMONY ON FREEDOM COMMISSION AND ACADEMY

(By Dr. Lev E. Dobriansky)

Mr. Chairman and distinguished members, my name is Lev E. Dobriansky. I am a professor of economics at Georgetown University and am also privileged to serve as the president of the Ukrainian Congress Committee of America and chairman of the National Captive Nations Committee. I was formerly a faculty member of the National War College and have been a lecturer at many of our service schools.

At the outset of my formal statement I express my deepest appreciation for this opportunity to testify on the five resolutions calling for the creation of a Freedom Commission and the establishment of a Freedom Academy. Both for the organizations I head and for myself, we are in complete favor of the passage of this extremely important measure that all five resolutions substantially embrace. The tremendous and pressing need for this independent agency and the special educational institution cannot be too strongly emphasized.

In order not to duplicate some of the thoughts and ideas of other proponents of the measure I should like to develop somewhat unfamiliar avenues of reasoning that justify the existence of a Freedom Commission and Academy. For your studied consideration and also in rational support of the affirmative position taken by us on this far-seeing measure, we offer the following concise observations, all of which can be readily and extensively documented:

THE PERMANENT COLD WAR

1. The necessity for the passage of this measure is inextricably tied up with the basic issue of the very survival of our Nation. This statement is no exaggeration. When one soberly considers how much has been lost since World War II, he can with considerable validity caption his thoughts with the constant and foreboding question "Who's next in the long string of captive nations—South Vietnam, Laos, Venezuela, Zanzibar?" The pessimistic overtones of this gnawing question, which will be answered in the latest chapter of our cold war failures, particularly with regard to the Russian base of global cold war operations, need not, of course, be accepted for the long future. But in our present state of free world cold war disintegration who can reasonably deny that it rests on firm grounds of near probability?

Had we over 10 years ago in operating existence what is sensibly designed in these five resolutions, we as a nation would have maintained our clear-cut superiority in world leadership without the phantasms of a Soviet Russian contender. Lest we be mistaken, this is not entirely an observation from hindsight, even though such an observation should in itself draw respectful attention. The plain fact is that the fundamental nature of the imperialist Soviet Russian enemy had been clearly revealed many, many years before the outbreak of hostilities in 1939. Those of us who understood this and advocated a policy of liberation at the beginning of the 1950's, were in truth proposing the development of a cold war strategy to defeat the Russian enemy in the only area he's capable of winning, that of paramilitary conquest. Regrettably, even those who gave official lipservice to the policy of liberation failed to understand what it meant in essence and content.

Hampered by all the trimmings of a cultural lag, over 10 years later this measure still points to the most essential course open to us in combating successfully and decisively the propagandistic, psychopolitical, conspiratorial, and subversive inroads made by Moscow in the free world. In fact, it is hyperessential today; more than it was over a decade ago when we enjoyed complete military superiority, air supremacy, and atomic monopoly power. With the relatively declining long-run importance of military might and power as our chief source of deterrence against both the further expansion of Moscow's empire and the horrendous outbreak of a global hot war, the critical area of the foreseeable future will be that of vigorous and imaginative cold war activity. The sheer adequacy of imperial Russian arms and industrial capacity has produced a formidable power of influence that shifts the points of comparative advantage to operations within the cold war area.

Vested with complete futural significance of the most crucial sort, the measure under consideration here aims to equip us with the necessary means of coping adequately with the devious cold war operations of Moscow and now also Peiping, twin sisters in established imperio-colonial practices. These practices include a whole range of psychopolitical infiltration and subversion, from which no sphere of human existence is excluded, even entailing "peace," "peaceful coexistence," "disarmament," "lessening of tensions," "coexistence or codestruction," and other Russian cold war shibboleths. In short, it is an illusion to believe that so long as the Russian and Chinese imperial systems continue to exist, the cold war could be terminated by trade, appeasement, wishful thinking about "mellowing processes" and even the self-disintegration of the captive world. The long truth is that the cold war is an institutional coefficient of these systems. The sooner we come to grips with this fundamental truth, the sooner we'll be contributing to our own survival.

THE ENEMY IN HISTORICAL PERSPECTIVE

2. The passage of this measure and its full realization would at long last make possible concentrated studies of Russian cold war operations in terms of indispensable historical perspectives which would deepen our insights into the basic nature of the enemy. Careful analyses along these and primarily substantive lines would reveal that what we classify today as Moscow's cold war techniques and methods are essentially traditional to totalitarian Russian empire-building. Contrary to general opinion, they are not the created products of so-called Communist ideology and tactics. Except for accidental refinements and considerable technologic improvements, many of the techniques manipulated by the rulers of the present Russian Empire, and also applied by their Red Chinese competitors, can be systematically traced as far back as the 16th century. Indeed, over a half century before Marx, the Russian ambassadors of Catherine the Great utilized class division techniques to prepare for the partitions of Poland. Countless other examples of striking comparative worth and value can be cited.

In a real sense, such specialized studies conducted by an independent agency set up to concentrate on political warfare stand to have more comparative value for our national security and defense than literally the billions spent on military hardware and economic foreign aid.

These fashioned techniques and methods of Moscow are relatively new to us because of our historical unfamiliarity with them. Yet, significantly, they are old and tried to all the captive nations in Eastern Europe, in the U.S.S.R., in and about the Caucasus, and central Asia. In sharp contrast to the ways and means of past Western imperialism and colonialism that throve on oversea possessions, the methods of Russian imperiocolonialism were forged to extend an overland empire, with all their borderland implications. By these methods and techniques an unprecedented empire was built over the centuries and revived and enormously expanded by the present Soviet Russian rulers.

Of conspicuous note concerning the past as well as contemporary Russian expansion in power, control, and influence is the outstanding fact that the polyglot, multinational military forces under Moscow played essentially a secondary role. With patience and in time, the primary role has consistently been played by Russian conspiracy, propaganda, and subversion. And this includes our latest period, from World War II to the present, with Khrushchev as the master player in this. Our understanding of these Russian cold war operations as pursued by tyrannical Russian rulers over the centuries is indispensable to adequate preparations and ability on our part to cope with phenomena of intensive revolutions and conquests from within in independent and also emerging states and nations of the free world. Here, too, in short, we are confronted by a cumulative experience not of only 47 years but rather of centuries, and the Soviet Russian heirs of this experience possess an enormous advantage that few of their predecessors had—that of technology and science. The objectives envisaged by the five resolutions point in the direction of such major study. Along these lines there is a terrible gap in our knowledge, both in the official and private sector; indeed, even rudimentary facts about the chief enemy are not properly understood or even known—again, in many official and private quarters. This is of obvious, gratuitous advantage to Moscow's pol-war experts.

SOME CONCRETE CASES OF WON OR LOST OPPORTUNITIES

3. In the light of swift-moving developments in the past decade and more, this measure and its passage are actually long overdue. The essential ideas of this measure were approvingly considered by the Select House Committee To Investigate Communist Aggression some 10 years ago. It is noteworthy that through this committee Congress made its substantial contribution to our developing knowledge of the imperialist Soviet Russian menace. It was at the initiative and by the vision of Congress that this tremendous stride was made.

Now, the present resolutions in more elaborate and adequate form crystallize the thoughts and vision of the many who have given serious consideration and study to the nature and scope of cold war operations under the contrived conditions of neither peace nor war. Based on much precedent thought and the intensive investigations of previous congressional committees, the embraced measure promises to lay the necessary foundations for us to meet intelligently and competently the cold war thrusts and maneuvers of Moscow and Peiping.

The spectrum of cold war ideas and engagement is a most extensive one. However, let me briefly cite a few concrete examples in which congressional initiative, as against routine executive inertia or myopia, contributed to our cold war posture. One, in 1958, if Congress hadn't acted in time, the vital VOA non-Russian language broadcasts into the Soviet Union would have been systematically eliminated, much to the satisfaction of Moscow. Two, the passage of the Captive Nations Week resolution in 1959 demonstrated to the world how deeply vulnerable Moscow is with regard to the captive non-Russian nations in the Soviet Union alone. The typical, mythical image that millions throughout the world have of the Soviet Union could be easily transformed if we even began to implement that resolution. On this I should like to submit as part of my statement an article on "The Next Move" which appeared in the January 6, 1964, issue of the American Security Council Washington Report.

A third example, which most of our people are unfamiliar with, concerns Congress passage of legislation in 1960, providing for the erection in our Capital of a statue of Taras Shevchenko, the Ukrainian poet and freedom fighter. The ramifications of this action would amaze any close student of cold war operations: In 1961 we thwarted Moscow's perversion of this historic figure and just a few months ago, given what they considered an opening wedge provided by several obtuse editorials of a local newspaper, Moscow and its puppets slickly attempted to destroy the project here. On this seemingly minor action I should also like to submit as part of the record this recently published booklet, "Shevchenko: A Monument to the Liberation, Freedom, and Independence of All Captive Nations," and a most interesting document distributed by the Russian Embassy to our wire services and newspapers.

Congress cannot, of course, be expected to take such initiative continually along the entire spectrum of commonsense cold war challenge. Some opportunities, as those cited, have been won; there are many that have been lost. In the area of the Olympic games, for instance, which also has cold war significance with the emerging myth of the physically supreme "Soviet man," we again have lost the opportunity of smashing this myth by not insisting that non-Russian participants from the U.S.S.R. be properly identified as representatives of their respective national republics. By no means are all the medal victors Russians. However, as in the last decade, so in this one, Congress can make a monumental contribution to our eventual victory in the cold war by passing this freedom legislation in this session. In brief, it would be creating a sorely needed generator of ideas and proposals along the entire spectrum of the titanic cold war challenge.

INSTITUTIONAL INSTRUMENTS OF ENLIGHTENMENT AND STABILITY

4. Without perhaps incurring the wrath of one of your colleagues, I would say that by analogy the existence of a Freedom Commission and a Freedom Academy is as necessary to our national being today as is the Board of Governors of the Federal Reserve System. In like manner that the latter is purposed to achieve stability and balanced development in our economy, the former would strive to accomplish the same in our undertakings under the indefinite conditions of "neither peace nor war." It is safe to say that because our people have not, by and large, understood the nature, scope, and depth of Moscow's cold war operations, they have been constantly subjected to wide fluctuations of mood and sentiment, giving way at times to dangerous complacency and even seeming indifference toward the vital force of their treasured heritage and values and at other times to near hysteria.

Dispersed and much frittered thinking, as now exists, in cold war dimensions will guarantee a continued instability in popular reactions and a safe passivity in official determinations. With the Russians and Chinese operating in virtually every quarter of the free world, even endemic developments rapidly assume a broad cold war stigma. They require continuous, studied assessment leading to recommendations for not only adequate counteraction but also an effective offensive, and this in the one place that the Russians are most vulnerable; namely, the captive non-Russian majority in the U.S.S.R. itself. The only practical apparatus for this type of concentrated and totalistic thinking is the proposed Commission and Academy, which veritably will become institutional instruments of enlightenment and stability.

ARGUMENT AND COUNTERARGUMENT

5. The argument and counterargument on this most vital issue should receive the most

exacting and scrutinous type of internal analysis. I submit that upon such analysis the negative and inconsistent responses from certain executive agencies to the measure at hand constitute in themselves a negative support of the proposals. Behind the usual verbally graced generalities they reflect an uncertainty of position, misstatement of facts, and an apparent incapacity to grasp the structure of cold war thought, which finds easy confirmation in our record of the past 20 years.

Viewing first the concise positive arguments on the measure, I repeat that to meet satisfactorily the tasks and requirements indicated above, an independent agency devoted exclusively to the content of cold war operation is indispensable. There is no existing agency or department in our Government that is equipped by intent or resources to meet these tasks. No existing governmental body is designed to treat and study Russian cold war phenomena in all their interrelated aspects. Administratively, there is no principle of coordination and integration represented by any body in this intricate and complex field. More, there is no principle of crystallization and conservation of thought represented, as one department vies with another in a "play it by ear" mood to determine whether even food has a cold war weight.

The creation of a Freedom Commission would correct these grave defects and fill in the gaps that currently exist. It would, at long last, provide us with a functioning apparatus, free of the routinous day-to-day operational responsibilities in the existing agencies, to deal with a foremost challenge in a totalistic, continuous, and coordinated way, rather than the piecemeal, sporadic, and essentially defensive ways that have prevailed up to the present. Similarly, there is no educational institution maintained by our Government or any private body that is capable of conducting these necessary and continuous studies and instruction on this new plane of comprehensive cold war thought. The intended Freedom Academy would satisfy this basic need.

Now for the few negative arguments. Over the years we have been told (1) that confusion with and a duplication of work of existing agencies would occur; (2) that the Foreign Service Institute, the National War College, and other public and private institutions already furnish instruction on Communist strategy; (3) that a formulation of cold war strategy and tactics into an "operational science" is a delusion; (4) that training of operational elements (perhaps a dynamic Freedom Corps as against our essentially defensive Peace Corps) should not be publicized; (5) that the Russians would perhaps be disconcerted by what they may regard as a cold war institute and a training course for espionage; (6) that educational pluralism must be upheld; and (7) that we are already making positive progress in economic buildups in the underdeveloped countries and, in the fashion of a passive model, in self-improvement at home.

Taking these major counterarguments in toto, it is evident that their proponents either have no conception of total cold war or, if they do, are desperately seeking any rationalization to safeguard the sanctity of their respective jurisdictions against an inevitable subsumption to the totality of cold war thought and performance. Their first argument is specious because there is much confusion and frittered thought that require integration and rounded consolidation. The second fallaciously magnifies a dearth of study and instruction and indicates in itself a dearth of understanding of what is involved in the freedom proposal. The third argument reinforces this comment. The fourth one is strange for an open society that should never cease in espousing and working for universal freedom. The fifth borders on stupidity. The sixth partakes of philosophical sophistication but, aside from our perilous gap in cold war education, one wonders what happened to pluralism with the new proposal last year of a National Academy of Foreign Affairs, which from all indications would be an egregious and wasteful duplication of existing educational institutions. The seventh point can best be answered by just observing the slow collapse of our policy of patched-up containment as evidenced today in Cuba, tomorrow perhaps in Venezuela, South Vietnam, Laos, or some other point on the terrain of the free world. We have a greater breed of economic determinists in Washington than one could possibly find in Moscow.

In conclusion, the Freedom Commission and the Freedom Academy would become valuable and highly effective media for both our public and private institutions as concerns a general enlightenment and understanding of the constant, dangerous threat that has penetrated the free world. Their very existence and work would bar indifference, complacency, naivete or even hysteria toward this persistent totalitarian peril which is centered in Moscow. Total cold war thought, in our case necessarily oriented toward universal freedom, instrumentalizes everything—diplomacy, economics, science, culture, propaganda (in which we are next to pitiful), the military, even, among many other things in life, athletics—in an integrated, aggregative whole for positive action and successful performance. Moscow has schools for this, and they have not been established for reasons of eternal contemplation. We have no such schools, and to refer to any in this country as comparable to theirs is the height of either ignorance or reckless foolery. In short, the service of the freedom institutions in this specialized, macro-psycho-political field would be in fundamental service to our own survival as an independent nation. On grounds of national survival, we cannot afford to risk the prospects of psychopolitical attrition or isolation as the dikes of patched-up containment begin to fall about the world, not to mention other paramilitary avenues of national reduction.

"NEUTRALITY" AGAINST RELIGION

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, in 1920 the voters of Michigan overwhelmingly defeated, in public referendum, a proposed State constitutional amendment which would in effect have abolished all private and parochial schools by making attendance at public schools compulsory.

Two years later, a similar constitutional amendment was adopted in Oregon and subsequently was held unconstitutional by a unanimous, historic decision of the U.S. Supreme Court—as, indeed, it should have been.

As a youth of 15, I attended a public meeting sponsored by opponents of the Michigan proposal. A prominent, brilliant and eloquent hometown attorney from Battle Creek was the principal speaker in opposition. He was the late Hon. Joseph L. Hooper who subsequently served several terms in this House from the Third District of Michigan, which I now have the honor to represent.

I have always remembered a story he told during this address—and I recall it now in connection with the current controversy over the Supreme Court decisions holding prayer and Bible reading in the public schools unconstitutional.

I interject the comment that I am gratified by the recent announcement of the gentleman from New York [Mr. CELLER], the distinguished chairman of the Committee on the Judiciary, that full committee hearings on proposals to amend the Constitution to offset these decisions will begin April 22. I hope these hearings will be exhaustive, that they will evoke the ablest possible presentation of the issues, and that the result will be a proposed constitutional amendment which preserves both our religious freedom and our religious heritage.

According to the story told by my distinguished predecessor so many years ago, it seems there was a man walking down the street carrying a ladder. As he passed another man on the sidewalk he accidentally hit him in the nose with the end of the ladder.

Quite understandably, the man with the nose protested angrily. The man with the ladder said:

> This is a free country, and I have a perfect right to carry a ladder down the street.

The man with the nose replied:

> You are quite right. This is a free country, and you do have a right to carry a ladder down the street. But, let me tell you one thing, my friend: Your freedom ends where my nose begins.

I have recited this personal narrative as a reminder that the struggle for preservation of our religious heritage and freedom is by no means a new one.

And I repeat this simple but pointed story because today, as always, freedom and justice involve the difficult and delicate art of balancing—both in law, in judicial interpretation, and in human conduct—the legitimate but often sharply competing constitutional rights and freedoms of all citizens, of the diverse elements in our pluralistic society, and of majorities and minorities alike.

The matter of prayer and Bible reading in the schools involves not only the proper relationship of government and citizen in the area of religion under our Constitution, but also the protection of the individual, mutual interests and rights of the ladder carriers and the nose wearers.

And let me point out that sometimes it is an aggressive minority which carries the ladder recklessly down the street. Sometimes it is the majority's nose that is the victim of this minority recklessness. We make a mistake if we assume it is always the other way around.

The problem we face today, the concern reflected by many public meetings and by the hundreds upon hundreds of letters I have received, and the mounting national controversy—all are primarily the result of two decisions of the U.S. Supreme Court—one rendered in 1962, the other in 1963.

I want to keep technical details to the minimum so I will simply say that in the first decision the Court held that a prayer recommended by the New York

State Board of Regents and ordered said in a particular school was unconstitutional and banned by the first amendment.

This prayer is as follows:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country.

The second case in 1963 involved a Pennsylvania statute requiring the reading of at least 10 verses from the Holy Bible, without comment, at the opening of public school each day.

In both cases, pupil participation or attendance was voluntary in accordance with wishes of the parents.

In both cases, Mr. Justice Stewart vigorously dissented.

I believe the majority of the Court was wrong in both instances. I concur with the dissenting views of Justice Stewart in these cases. I believe corrective action can and should be taken by constitutional amendment. I propose to discuss the "why" and the "how" of these matters.

Before I proceed to that, however, let me state my position with regard to the Supreme Court.

I profoundly respect the proper constitutional role of the U.S. Supreme Court in our Federal Government.

I agree, however, with certain dissenting members of that very Court that there have been recent instances in which the majority of the Court has exceeded its proper constitutional role and authority.

I believe that in considering needed corrective action, attention should be given not only to possible amendment of the Constitution but also to possible exercise by the Congress of its constitutional authority to limit and regulate the appellate jurisdiction of the Supreme Court. This congressional authority is clearly provided in article III, section 2, of the Constitution.

Finally, I agree with the view expressed by President Lincoln in his first inaugural address:

> The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Now I propose to state as briefly as possible three principal reasons why I believe the Supreme Court decisions in the two cases cited were wrong.

First. I believe these decisions involve a distorted interpretation of the first amendment with the result that the Government is made neutral against the free exercise of religion.

Let me read the two, pertinent opening clauses of this first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

There are two prohibitions contained in this language. They are two sides of the same coin. The first forbids the Government to establish religion—this is the establishment clause. The second forbids the Government to prohibit the free exercise of religion—this is the free exercise clause.

In the simplest terms the Court held that the action of the States of New York and Pennsylvania, respectively, involved Government establishment of religion.

I think this is an exaggerated, tortured application of the establishment clause. I agree with Mr. Justice Stewart when he said:

> I cannot see how an "official religion" is established by letting those who want to say a prayer say it.

In the Bible reading case, Mr. Justice Stewart also said—and I agree:

> In the absence of coercion upon those who do not wish to participate—because they hold less strong beliefs, other beliefs, or no beliefs at all—such provisions cannot, in my view, be held to represent the type of support of religion barred by the establishment clause.

The effect of the Court decision, in my judgment, is to pit the establishment clause against the free exercise clause—with fatal consequences to the latter.

These two provisions, these two prohibitions, were meant to live together, to complement each other. It was not the purpose that one should liquidate or invalidate the other and that, it seems to me, is exactly what these two decisions do.

I differ with the National Council of Churches on many counts, but I heartily concur with one statement in the general findings of last month's First National Conference on Church and State sponsored by that organization:

> The clause of the first amendment prohibiting an establishment of religion must be balanced against the clause prohibiting interference with the free exercise of religion. Any concept of "neutrality" must take into account the proper balancing of the establishment and free exercise limitations.

The effect of the two Supreme Court decisions is, as I say, to make the Government neutral against the free exercise of religion.

I believe these decisions in effect give the establishment clause license to recklessly swing its ladder and hit the free exercise clause in the nose.

I believe these decisions in effect give a protection to secularism, nonreligion, or irreligion which they deny to the free exercise of religion.

To this extent, I believe they disregard the ruling of an earlier Supreme Court decision that—

> State power is no more to be used so as to handicap religions than it is to favor them.

And I believe they disregard the warning given by a distinguished clergyman at the conference I referred to previously:

> The minority must be defended but it can also practice coercion in reverse.

Finally, I believe, to paraphrase another statement of Mr. Justice Stewart, that there is sufficient "inventiveness and good will" to reconcile these two clauses—as they have been reconciled throughout our history prior to these two decisions—and I believe constitutional means can be devised to aid this "inventiveness and good will."

Second, I believe these decisions involve a totally unrealistic, revolutionary, and dangerous disregard of our religious heritage and repudiation of countless practices of the institutions and officials of our Government of a religious character.

Time permits citing only a few examples:

The authors of the Declaration of Independence based the claim to independence itself on religious grounds:

> To assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them.

That was the definition of independence proclaimed July 4, 1776.

As for human rights—civil rights, if you please—it was asserted as a basic premise that these rights derived, not from government, not from the state, not from the actions of man, but from God himself:

> All men are created equal (and) endowed by their Creator with certain unalienable rights.

And then as a final invocation this last sentence from that great document:

> And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

It was in this same spirit of "firm reliance on divine providence" that Dr. Benjamin Franklin rose, during what seemed to be a hopeless and fatal impasse in the deliberations of the Constitutional Convention, to propose a resort to prayer for the guidance of divine wisdom.

The Northwest Ordinance provided—and these words have traditionally been repeated in the constitution of Michigan:

> Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and means of education shall forever be encouraged.

The very First Congress which wrote the First amendment provided for Chaplains in both Houses and in the armed services. The President issues religious proclamations. The Bible is used for the administration of oaths. We still have—for a while at least—the official avowal, "In God We Trust." The words "under God" were added to the Pledge of Allegiance, by act of Congress.

As Mr. Justice Stewart noted, the Marshal of the Supreme Court:

> Has from the beginning announced the convening of the Court and then added "God save the United States and this honorable Court."

The national anthem—until or unless expurgated by judicial decree—still contains the words:

> Blest with vict'ry and peace may the heav'n rescued land
> Praise the power that hath made and preserved us a nation.

And also the line:

> And this be our motto—"In God is our trust."

I could add much to these illustrations of the historic intermingling of religion—in our great documents, in official acts and institutions, and in the traditions of our people. But I think I have made my point.

The two Supreme Court decisions, I repeat, have recklessly disregarded this heritage. That, I hold, is completely wrong.

Third. I believe these decisions, if permitted to stand uncorrected, make inevitable far more radical, revolutionary, and disastrous violation of our religious heritage and reversal of our religious traditions.

Already there exists militant and well-publicized advocacy, agitation, and litigation, demanding vastly expanded application of these Court decisions and the principles implicit in them.

Under fire of pending or threatened litigation is our national anthem, the pledge of allegiance, the conduct of school baccalaureate services, religious services at military academies, use of certain historical documents in the schools because of their references to religion or reliance upon God, Easter and Christmas programs in the schools or Christmas displays on the grounds of public buildings, gift distribution of Bibles to schoolchildren, the motto "In God We Trust"—and so on and so on.

New victories for these advocates of the extirpation of religion will undoubtedly bring new and greater demands.

And all, basically, on the grounds cited by Mr. Justice Douglas, that they directly or indirectly involve Government financing of religious exercises.

Enormous aid and encouragement was given to this campaign by the statement of Mr. Justice Douglas in the New York school case:

> The point for decision is whether the Government can constitutionally finance a religious exercise. Our system at the Federal and State levels is presently honeycombed with such financing. Nevertheless, I think it is an unconstitutional undertaking whatever form it takes.

If I may put it simply, and in view of the subject matter under discussion a bit indelicately, this is a proposal and an effort to unscramble scrambled eggs and to totally extract all religion therefrom.

Unfortunately, this is one case in which I believe the effort could be successful and will be successful if not halted by corrective procedures.

One further word. I believe many people support this move under the mistaken impression that they are merely extending and applying the establishment clause of the first amendment.

I think they are wrong, but I respect their sincerity.

But, I believe, there are others—a vicious and dangerous minority—who promote this effort deliberately and maliciously to divide our people, to disrupt mutual tolerance, and to eliminate religious influences and destroy our religious heritage.

There are such people in the world and in this country, as I am sure most Americans are well aware.

What can be done about this whole problem, and what chance is there that something will be done?

I do not propose at this point to suggest the wording of the needed constitutional amendment.

I do suggest that its basic purpose must be to declare and define the right of individuals to participate or to refrain from participation in prayer and Bible reading in public institutions and the right to make reference to Almighty God in public governmental documents, institutions, and affairs.

I have been flooded in recent months with mail requesting that I sign the discharge petition for the so-called Becker amendment.

This I have not done—and for two compelling reasons:

I am well aware of the deep and sincere interest in this problem on the part of our able colleague, the gentleman from New York [Mr. Becker]. It is therefore, no reflection upon him or his earnest efforts when I say that I am fearful that his proposed amendment is inadequate in its use of the key word "voluntary." I am concerned that his amendment, if adopted in its present form, could lead to Supreme Court decisions little different than those rulings we seek and need to correct.

It is for this reason that I have preferred the amendment proposed by the gentleman from New Hampshire, Congressman Wyman, over that of Congressman Becker—although I do not claim, and neither, I am sure, does the gentleman from New Hampshire [Mr. Wyman], that his version is the final word.

There is a further, and far more important, reason for my not signing the discharge petition.

I believe a matter as important and complex as a proposed constitutional amendment—and particularly one in this delicate and difficult area—should receive full committee hearings and consideration. This would not be possible if the resolution were brought directly to the House floor by a discharge petition.

As I have said, I was greatly pleased with the recent announcement by the distinguished chairman of the House Committee on the Judiciary, the gentleman from New York [Mr. Celler], that hearings on this subject will start before the full committee on April 22.

It is also gratifying that in anticipation of these hearings, Chairman Celler has ordered and there has now been completed a thorough staff documentation of the constitutional, legislative, and judicial history of matters relating to the first amendment and to the subject matter of the currently proposed amendments.

I believe we are now, at long last, on the right track.

I believe we would not have reached that point as soon—if ever—without the dedicated efforts of many deeply concerned citizens.

Naturally, I cannot predict the outcome. But I believe that if the American people continue to express their concern and, more specifically, if they marshal the ablest witnesses and testimony in support of a corrective amendment, success will crown the effort.

Let me not be thought irreverent if I say that it is not Almighty God but we, the people, who stand in need of a champion and of corrective action in the courts and in Congress in this matter.

I am reminded of the delegation of clergymen who called on President Lincoln. As they were leaving, one of their number expressed to the President the hope that the Lord was on his side and on the side of the North. Lincoln replied:

> I am not concerned that the Lord be on our side. My concern is that we are on the Lord's side.

I suggest that Lincoln's words give us the right perspective in this instant matter.

WHEAT-COTTON AND TOBACCO RESEARCH LEGISLATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from North Carolina [Mr. Cooley] is recognized for 15 minutes.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

Mr. COOLEY. Mr. Speaker, the House begins tomorrow, on Good Friday, its Easter recess, and many of us will avail ourselves of this opportunity to visit back home with our people, with our constituents who sent us here. We shall be asked many questions about what we are doing in Washington—about matters pending in the Congress. Our people will be giving us their views on these matters.

No doubt the questions and expressions will center upon the three pieces of legislation which are foremost in the public mind, and which will be voted upon immediately after our return from the Easter Holiday.

These measures deal with:

First. Food stamps.

Second. Wheat and cotton.

Third. Research in the area of smoking and health.

All these measures are within the jurisdiction of and have been approved by the House Committee on Agriculture, which it is my responsibility and my privilege to serve as chairman.

Therefore, I feel an obligation today to place at the disposal of my colleagues a concise presentation of the facts about these important pieces of legislation which will be useful in your discussions with your people back home. I shall do this in the order I have listed above, which is the order in which this legislation is likely to be voted upon when we return in the legislative week of April 6.

FOOD STAMPS

H.R. 10222, the food stamp bill, is an essential instrument in the war on poverty.

It improves, expands and makes permanent the food stamp program that now is operating successfully on a pilot and experimental basis in 43 areas in 22 States, covering some 380,000 persons.

There now are on file in the Department of Agriculture 234 requests for the program from other localities in many States.

The food stamp program, through the pilot operations, has proved to be the most effective method yet devised to insure that all Americans have the opportunity for an adequate diet.

For many years surplus commodities have been distributed by the Government directly to needy persons. The food stamp program operates through the regular food marketing system.

H.R. 10222 establishes a national policy that, in order to promote the general welfare, the Nation's abundance of food shall be utilized cooperatively by the States, the Federal Government, and local governmental units to the maximum extent practicable to safeguard the health and well-being of the Nation's population and raise levels of nutrition among economically needy households.

Moreover, through this legislation, the Congress finds that increased utilization of foods in establishing and maintaining adequate national levels of nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundance and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food.

Therefore, H.R. 10222 will permit those households in economic need to receive a greater share of the Nation's food abundance.

House approval will send this legislation on to the Senate for consideration.

I am inserting in the RECORD, as a part of my remarks, a more complete résumé of the food stamp bill.

WHEAT AND COTTON

The House on last December 4 passed H.R. 6196, the bill to forestall the ruin of the American cotton industry and to revitalize this industry on which millions of our citizens depend for their livelihood.

Subsequently, the Senate passed this bill, after modifying the cotton provisions and adding a section embracing a voluntary marketing certificate program for wheat.

H.R. 6196 is back before the House, for action upon the Senate amendments.

Upon returning from the Easter holiday the House, after debate, we will vote upon a resolution by which this body would concur in the Senate amendments. A majority vote will send the legislation—H.R. 6196—to the White House whereupon the President will sign it into law in time to be beneficial to wheat farmers in 1964 and to get on immediately with the revitalization of the American cotton industry.

WHEAT

The new wheat program in H.R. 6196 will forestall, without any appreciable cost to taxpayers, a loss of $500 to $700 million to wheat producers in 1964. Such a loss, if not prevented, would be felt throughout the Nation's business community, in terms of income and jobs.

This program will maintain the price of wheat at a level which will not increase the price of bread to consumers.

It will avoid increases in budgetary costs.

It will enable the United States to discharge its responsibilities and realize the benefits of the International Wheat Agreement.

In all respects this wheat program embraced in H.R. 6196 conforms to the recommendations of the President in his message on agriculture, delivered to the Congress on January 31, 1964.

Mr. Speaker, the strength of this legislation is that it forestalls a disaster to wheat farmers, while protecting consumers against any rise in bread costs that may be based on the price of wheat.

The cry of the opposition that this bill levies a "bread tax" is irresponsible and utterly ridiculous. The support for wheat in this bill is about $2 per bushel in 1964 and 1965. The average price support for wheat from 1950 through 1963 has been $1.99. Thus no increase in the price of flour or of bread can be justified by the wheat support provided in this legislation.

When city families purchase bread or prepared cereal products, they pay mostly for processing, packaging, and distributing the product. Very little goes to the farmer for wheat. The pound loaf of bread that sold at retail for an average price of 21.6 cents in 1963 contained wheat having a farm value of only 2.5 cents. Thus an increase of 65 cents a bushel in the farm price of wheat would be required to reflect a 1-cent increase in the cost of a loaf of bread.

Since 1947 the farm price of wheat has dropped 9 percent, while the retail prices of bread, other bakery products, and cereals have increased by 44 percent. In 1947 the farm price of wheat was $2.35 a bushel, and the average price of a 1-pound loaf of bread throughout the Nation was 12.5 cents; in 1963 the farm price of wheat was $1.94, and the average price of a loaf of bread, 21.6 cents.

A more extensive discussion of the wheat program in H.R. 6196 will be inserted later in these remarks.

COTTON

H.R. 6196 will end the two-price system for cotton, in a way that will greatly benefit American consumers, as well as serving to revitalize the cotton industry.

Domestic mills will be able to buy cotton at the world price. They now must pay approximately 8½ cents a pound more than the world price for the cotton that goes into goods sold in the United States.

Cotton again will compete fairly with synthetic fibers.

The competitive position of our domestic mills, against imports of cheap foreign cotton goods, will be vastly improved.

U.S. consumers will enjoy lower prices for American-made cotton goods, at savings amounting to more than $500 million a year, according to competent estimates.

Farm prices will remain stabilized and protected. Farmers will benefit from an expanding use of cotton.

The legislation will protect the livelihood of millions of workers associated with cotton. It will encourage a healthy cotton trade and merchandising system. It will assist and promote an efficient, growing, and prosperous world cotton market.

Mr. Speaker, agriculture is the biggest business in America, in dollar value involved and people employed, and the cotton industry perhaps is the greatest segment of American agriculture, in terms of people. More than 10 million persons are associated with the production of cotton, in ginning, marketing, transporting, milling, and in the manufacture and merchandising of cotton goods. Many others gain their livelihood by supplying the production materials for cotton farmers and the industry generally.

No one crop has a more intimate relationship to the well-being of so many Americans. Moreover, cotton is exceedingly important in this Nation's economic relationship with the rest of the world.

Cotton maintained the financial integrity of the United States among the nations of the world for a century or more prior to World War I. It once accounted for approximately one-third of all U.S. exports, of crops and industrial products combined. It now comprises about 20 percent of all our agricultural exports.

This American fiber now relates directly, through exports, to the flow of dollars back to the United States, amounting in years past to around $1 billion annually—dollars returning home to maintain our Nation's balance of payments and the stability of our gold supplies.

The American cotton industry now is in jeopardy, brought on by a flood of low-priced textiles flowing in from abroad and by the inroads of synthetic fibers. In the best interest of all Americans, the Congress must act to stabilize and revitalize the cotton industry generally.

I am inserting at the end of my remarks a comparison of the House and Senate versions of H.R. 6196 as they relate to cotton.

Mr. Speaker, there is nothing strange, nothing outrageous, about the parliamentary procedure which we will follow in presenting the cotton-wheat bill (H.R. 6196) to the House when we come back after the Easter recess.

The cotton section passed this body in December after a great debate. The voluntary wheat certificate plan has been discussed in Congress for more than 30 years. I remember when I first came here 30 years ago, the wheat certificate plan was then under consideration. That plan has passed this House on at least two or three occasions. It has passed both Houses of the Congress on at least one occasion. It went to the White House as part of another bill which was vetoed by President Eisenhower.

The House is thoroughly familiar with the program involved in the wheat section of H.R. 6196.

SMOKING AND HEALTH RESEARCH

House Joint Resolution 915 calls for a crash program of research into the production, handling, manufacture, and use of tobacco designed to ascertain and preserve the desirable quality factors and characteristics of tobacco products and to eliminate therefrom factors, properties, or substances which may be detrimental to health.

This resolution has been approved unanimously by the House Committee on Agriculture. It now is in the Rules Committee.

On January 11, 1964, the Surgeon General of the Public Health Service issued a report, "Smoking and Health," presenting statistical studies from which an advisory committee formed the judgment that "cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate."

> Cigarette smoking—

The report said:

> is a health hazard of sufficient importance in the United States to warrant appropriate remedial action.

Seventy million persons in the United States smoke cigarettes.

House Joint Resolution 915 recognizes that, notwithstanding the report issued by the Surgeon General and irrespective of any repressive measures that might ensue, many millions of people will continue to smoke cigarettes. It acknowledges and accepts a Government interest and responsibility in the health of these people. It is appropriate remedial action.

In public hearings before the Tobacco Subcommittee of the Committee on Agriculture the purposes and objectives of the resolution were supported by the Surgeon General, by the Associate Director of the National Cancer Institute, by the Director of Research and Education of the Department of Agriculture, the Governors and heads of departments of agriculture of the tobacco-producing States, by the spokesmen for general farm organizations, tobacco producers, and the industry entirely, by Members of Congress, and others. The hearings were open to anyone who desired to make a statement and no person opposed the resolution.

House Joint Resolution 915 authorizes appropriation of such sums as Congress from time to time determines to be necessary to carry forward such research. No limitation is placed upon this authority, but actual expenditures will be determined by the Congress through the control of appropriations. Discussions during the committee's studies have indicated that the crash program can be launched effectively by an expenditure of $5 to $10 million.

The Committee on Agriculture, in its report on this resolution, directs the attention of the House to the fact that the Federal Government now collects annually more than $2 billion in taxes upon tobacco products, and State bodies collect another $1 billion in taxes, so that the taxes upon tobacco yield to Federal and other public bodies twice the money each year as our farmers receive from the production of tobacco.

It is the judgment of the Committee on Agriculture that the Federal Government which profits so richly from tobacco could use a very small part, a very infinitesimal portion, of its tobacco revenues to no better purpose than in a program, as embraced in this resolution, to protect the health of those who use tobacco.

AGRICULTURE AND ALL AMERICANS

Mr. Speaker, agriculture is America's greatest success story, before a hungry world. Our farmers have made us the best fed Nation on the face of the earth. Americans pay less for food in relation to their family income than any other people anywhere. In 1963 food costs represented only 18.8 percent of the average family's income, after taxes. This 18.8 percent contrasts sharply with food costs in other parts of the world. By the latest figures available to the United Nations, consumers in the United Kingdom spend 29.5 percent of their income for food; in Russia, 53 percent; in France, 30.6; Greece, 46.3; Italy, 44.7; Yugoslavia, 46.5; Ecuador, 43.8; Japan, 46.9.

The great efficiency of our agriculture, our vast food superiority over the rest of the world, has developed in the years during which the farm program has been in operation.

The American consumer has been the greatest beneficiary of this efficiency and this food superiority.

The farm program, now for a decade, has been under severe attack. The motives behind this assault defy plausible explanation. Nevertheless, the farm program has suffered and now is in jeopardy.

In these circumstances, our farmers now are the least rewarded of all our people by the wealth of abundance they have created. Their income is just a little more than half that of citizens in other pursuits. Many operate on the edge of insolvency and bankruptcy.

Mr. Speaker, in conclusion I plead especially for understanding throughout the Nation that in the cotton-wheat bill we seek to save and revitalize the general farm program, which has meant so much to all America. I salute, Mr. Speaker, the honorable John McCormack, for his long record of support in all legislation and in all matters in the best interests of agriculture, and with his help I predict this House will pass immediately upon reconvening from the Easter holiday the cotton-wheat bill, the food stamp bill, and the resolution for vital research into smoking and health. And now, I wish for all the Members of this body a happy Easter holiday.

FOOD STAMP PROGRAM—RÉSUMÉ OF H.R. 10222

NATURE OF THE BILL

The purpose of this bill is to bring under congressional control and enact into law the rules under which food stamp programs are to be conducted in local areas throughout the country. Since May 1961 food stamp programs have been in operation in several local areas (now numbering 43) under regulations issued by the Secretary of Agriculture pursuant to the general authority of section 32 of Public Law 320, 74th Congress. It would be legally possible to continue the food stamp program under this general authority, at the complete discretion of the Secretary of Agriculture, but the committee believes the better course is to enact H.R. 10222 and provide congressional direction and specific legal authorities for the program. It does not believe that a program of the scope contemplated in this bill should be carried out without specific statutory guidelines and authority. The Secretary of Agriculture has asked for such legislation.

ESTABLISHMENT OF A PROGRAM

Under the provisions of the bill, the initiative and the request for establishment of a food stamp program in any area must come from the agency responsible for administering public assistance programs in the State in which the area is located. That application must include a plan of operation specifying the manner in which the program will be conducted and other relevant data.

Each State is responsible for financing, from funds available to the State or political subdivision, the costs of administering the food stamp program in the local area. These include: Costs of certifying participant households, including interviews and investigations; the handling, storage, and protection of coupons after their delivery to receiving points within the States; the issuance of coupons to eligible households; and the control, accounting, and reporting involved in operation of the program. In order to maintain close supervision over the certifying of households which are not on public assistance rolls, the Federal Government will pay part of the cost of this certification.

The experience of most areas in which food stamp programs are now operating is that the administrative costs to the State and local areas are considerably higher than under a direct distribution program.

The Secretary of Agriculture is the judge as to whether or not the State's proposed plan of operations, conditions of eligibility, etc., are satisfactory. If he finds that they are, he is required to establish the requested program in the designated area if funds are available to do so.

PARTICIPATION

The bill provides that households eligible to participate in the food stamp program "shall be those whose economic status is such as to be a substantial limiting factor in the attainment of a nutritionally adequate diet." Participants are not restricted to those on public assistance rolls and, in fact, in some areas as many as 60 percent of the households participating are not receiving public assistance.

Each State is responsible for the establishment of standards to determine the eligibility of applicant households. These standards are subject to the approval of the Secretary when the area makes its application for a program.

FOOD STORES AND WHOLESALE CONCERNS

When a food stamp program has been approved for an area, retail and wholesale food dealers operating in the area may participate in the program by filing an application with the Department of Agriculture. If the application is denied, the applicant has the right of administrative appeal in the Department and then to either a State or Federal court at the applicant's option.

ELIGIBLE FOODS

Eligible foods are any food products for human consumption except alcoholic beverages, tobacco, and foods identified as being imported from foreign sources. The bill was amended by the committee to exclude also soft drinks, luxury foods, and luxury frozen foods as defined by the Secretary, as well as imported foods that are identified as such on the package received by the retailer.

HOW THE PROGRAM OPERATES

A member of an eligible household, as defined in the act, applies to his local welfare agency for the right to participate in the food stamp program. The welfare agency determines the percentage of the household's income which would normally be spent for food which can be purchased with food stamps. If the applicant is approved he takes his authorization and the amount of money allocated from his budget for food purchases, and buys his allotment of food stamps at the issuing agency, usually a local bank. An adult member of the household is then authorized to purchase the eligible foods from a participating retail store. The retail merchant deposits the foods stamps in his bank along with his other current receipts and they are credited to his account as a Government check would be, and redeemed through the Federal Reserve System. The merchant may also use the stamps to pay a bill he may owe a wholesaler, if the wholesaler is a participant in the program. The wholesaler would then redeem the coupons through the banking system.

COST OF THE PROGRAM

A comprehensive study conducted by the Department of Agriculture estimated the cost of a national food stamp program reaching about 4 million needy persons, such as is contemplated in this bill, to be about $360 million a year. Discontinuation of the direct distribution of surplus commodities to needy persons covered by the food stamp program would result in a net savings to the Federal Government of at least $185 million, or as much as $280 million a year. The difference in the estimate of savings represents different valuations of surplus commodities owned by the Government. The lower figure assumes no salvage value for surplus commodities; the higher figure values surplus commodities at acquisition cost.

The net additional Federal expenditures required to operate a national food stamp program, therefore, would be at most, approximately $175 million, or as little as $80 million, depending on the valuation placed on surplus commodities now being distributed.

In arriving at its estimates of the cost of the food stamp program proposed in this bill, the Department assumed that the program would be requested by and established in all of the approximately 1,500 counties now receiving foods under the direct distribution program.

HISTORY OF H.R. 10222

H.R. 5733, the original food stamp bill, was introduced on April 22, 1963. Hearings were held on the legislation by the House Committee on Agriculture on June 10, 11, and 12. About 35 of the 40 witnesses, including 15 Members of Congress representing both parties, testified in favor of the food stamp program. At the conclusion of the hearings, it was apparent that there were a number of problems in connection with this legislation and the chairman appointed a special subcommittee headed by Hon. Harlan Hagen to redraft the bill. This subcommittee held hearings on August 7, 8, and 15, 1963. Members of the subcommittee also made an on-the-spot inspection trip to Uniontown, Pa., to get a firsthand look at the program in operation. The subcommittee, after making several amendments, voted to report a new bill to the full committee. H.R. 8107, a clean bill, incorporating the subcommittee amendments, was introduced on August 15, 1963. The House Committee on Agriculture held executive meetings on October 30, 1963, and on February 4, 1964, and on that date voted to table H.R. 8107. After further consideration of the food stamp program, amendments were suggested to the bill to further clarify the committee intent and H.R. 10222 was introduced as a clean bill on March 3, 1964. The House Committee on Agriculture met in executive session on March 4, and voted to report the bill, as amended, to the House.

WHEAT

On March 17, 1964, the Committee on Agriculture reported favorably to the House the wheat certificate plan embodied in the Senate amendment to H.R. 6196. Such a plan has a long history of consideration and favorable action by the House and the Congress. Following is a description of the Senate wheat provisions as embodied in the committee amendment to H.R. 9780, the wheat bill reported to the House.

MAJOR PROVISIONS

H.R. 9780 is identical with the wheat section of H.R. 6196 as approved by the Senate.

Following are the major provisions: Voluntary program for 1964 and 1965 crops; use of certificates, to be purchased by domestic millers and exporters, as a means of supplementing the market or loan price received by farmers; no farm marketing quotas or marketing quota penalties and no referendum for 1965; for 1964 producers who voluntary sign up to divert 10 percent below 55-million-acre allotment would receive—

First. Price support loans at level based upon feed value of wheat and world price—about $1.30;

Second. Domestic marketing certificates valued at 70 cents per bushel on their proportion of wheat crop used domestically for food, giving them a total return of about $2 on wheat for domestic food use;

Third. Export marketing certificates valued at 25 cents per bushel on that portion of wheat crop to be exported, giving them a total return of about $1.55 on this portion of their crop; and

Fourth. Diversion payments on 10 percent of 55-million acre allotment. Rate at discretion of Secretary, but likely to be 20 percent of normal yield as in feed grains. Additional diversion up to 20 percent—or acreage to bring total diverted to 15 acres—permissible.

For 1965, the support level and certificate values will be established on the basis of standards in the bill, but would be close to those set for 1964. There also will be the right of substitution of wheat and feed grain acres subject to voluntary participation in each program. This provision could not be put into effect for the 1964 crop due to lack of time.

Nonparticipating farmers free to overplant as they desire. No restrictions, no penalties, no marketing quotas, no price support, no diversion payments, no certificates, and no restrictions on marketings.

All wheat, cooperators and noncooperators, will move freely from producer to user through the normal commercial channels, plus quality premiums, based on a loan of $1.30 per bushel. A cooperator will, in addition, be eligible for certificates as indicated above. USDA will assist producers in marketing certificates required for domestic milling and export wheat.

Basic wheat law remains in effect after the special 1964–65 program except that the referendum for the 1966 and subsequent crops is deferred until August.

THE NATURE AND HISTORY OF THE WHEAT CERTIFICATE PLAN

The basic objective of the wheat certificate plan embodied in H.R. 9780 is to afford farmers an opportunity to receive a fair return for wheat which moves into primary uses—domestic food uses and export—and, at the same time, permit all wheat to move freely on the open commercial market at the secondary use—feed—price.

The basic principles of the plan are not new. They were first introduced in Congress in 1932, were in successful operation for about 3 years in the 1930's, have been embodied in numerous bills in both Houses of Congress since 1950, have been approved by the House and Senate seperately on two occasions, and have been embodied in two bills passed by Congress.

HISTORY

In testifying before the committee in favor of the bill herewith reported, former Congressman Clifford R. Hope, of Kansas, who was twice chairman of the House Agriculture Committee and is recognized as one of the outstanding agricultural statesmen of the Nation, recalled that he had introduced the first such bill in 1932. The bill was introduced at the request of a committee composed of representatives of agricultural colleges in the grain belt and the grain trade.

The principle of domestic allotments was embodied in the Agricultural Adjustment Act of 1933, Mr. Hope recalled, and operated successfully on wheat for about 3 years.

The 1933 act was replaced by the Agricultural Adjustment Act of 1938 which embodied the principle of marketing quotas and commodity loans to support farm prices.

The provisions of this legislation were largely suspended during the 1940's because of World War II and not until 1948 was there need for, and serious consideration of, farm legislation to continue or replace the programs which had existed prior to the war.

The first postwar wheat certificate program introduced in the House was H.R. 7245, by Congressman Lowell Stockman, of Oregon, on February 9, 1950. Congressman Stockman reintroduced his bill in the 82d Congress on January 29, 1951—H.R. 2150.

On June 24, 1954, Congressman Hope introduced H.R. 9680, 83d Congress, which became the Agricultural Act of 1954. It included a domestic certificate plan for wheat almost identical with the bill reported herewith except that certificates were based only on domestic food consumption of wheat—instead of on domestic food consumption and exports at different certificate levels, as in the present bill—and the domestic certificate was calculated to return the farmer full parity for the wheat consumed domestically for food purposes—instead of 80 percent of parity on domestic consumption in the present bill. This bill passed the House on July 2, 1954, but the wheat provision was eliminated in conference because the Senate had not had an opportunity to give full consideration to the domestic certificate plan for wheat, the conference report stated.

On January 20, 1955, Congressman Hope again introduced the domestic certificate plan for wheat in H.R. 2598, 84th Congress. The wheat program was included in H.R. 12 as reported to the House by the Committee on Agriculture on March 10, 1955. It was eliminated from the bill on the floor of the House but was included by the Senate in its amendment to the bill and was retained in the conference report approved by the House April 11, 1956. H.R. 12 was vetoed by President Eisenhower on April 18, 1956.

Immediately thereafter, the wheat provisions of H.R. 12 were reintroduced in the House by Congressmen Hope, Horan, Miller of Nebraska, and Berry.

In the 85th Congress, bills providing the certificate plan for wheat were introduced by Congressmen Berry, Horan, Ullman, Smith of Kansas, Breeding, George, and Albert. The plan was included in H.R. 12954 which was reported by the Committee on Agriculture on June 19, 1958, and which the House refused to consider by rejecting the rule on June 26, 1958.

In the 86th Congress, wheat marketing certificate bills were introduced by Congressmen Berry, Horan, Albert, Breeding, Johnson of Colorado, McGinley, Mrs. May, Ullman, Weaver, Cannon, and Smith of Kansas. By this time although it was apparent both to farmers and to the Congress that the old provisions of the 1938 act were no longer satisfactory for wheat, it had become impossible to consider a long-range wheat program on its merits so that the temporary palliatives of emergency acreage-retirement programs were adopted.

In the 87th Congress again, numerous bills embodying the domestic certificate program for wheat were introduced in both Houses of Congress. The program was included in the Agricultural Act of 1962, but it was on a mandatory basis, with marketing quotas and penalties for overplanting carried over from the 1938 act tied in with the voluntary certificate features of the domestic allotment plan. In the referendum conducted in May 1963, farmers rejected the marketing quota provisions of the 1962 act.

FARMERS DID NOT REJECT CERTIFICATE PLAN

In the May 1963 referendum wheat farmers did not reject the certificate plan. They rejected the marketing quotas which had been carried over from the 1938 act to accompany the certificate plan. It has always been held by proponents of the certificate plan for wheat that marketing quotas are not necessary for its successful operation.

ONE PRICE FOR ALL WHEAT

Those who opposed the certificate plan seek to confuse the issue by calling it a two-price or three-price plan for wheat. This is not true. All wheat produced under the certificate plan will be sold at the same free market price, which will probably be approximately the loan level of about $1.30. Farmers who are participating in the program and farmers who are not participating in the program will take their wheat to the same elevator and will receive from the elevator exactly the same price.

The only difference is that farmers who are cooperating in the certificate program will be eligible to obtain a CCC loan on their wheat at the $1.30 level if the market price happens to be substantially below that and will receive domestic and export marketing certificates. These certificates have no influence, whatever, on the price the farmer receives from the elevator for his wheat. He will receive the same price that the noncooperator receives for his wheat and all wheat, whether grown by cooperators or noncooperators, will move thereafter through commercial channels at the price level established by the commercial market.

The farmer cooperating in the program will receive domestic certificates valued at 70 cents per bushel for his share of the domestic food market and export certificates valued at 25 cents for his share of the export market. The certificates he will either sell at face value to the elevator operator or will turn over to the local ASC office to be marketed for him at their face value. They do not affect the price he receives for the wheat at the elevator in any manner.

THIS IS A VOLUNTARY PROGRAM

If the wheat certificates plan proposed in H.R. 9780 is not a voluntary program, then it is impossible to formulate a voluntary farm program. Under this bill a farmer has three clear choices: (1) He may comply with the minimum provisions of the program, retire 10 percent of his acreage and receive payment therefor, and become eligible for both domestic and export marketing certificates and a price-support loan at the $1.30 level; (2) he may elect to stay out of the program, plant every acre he owns in wheat, and sell it at the local elevator for the same price that cooperators will get for their wheat; (3) he may elect to retire more—up to 20 percent or 15 acres—than 10 percent of his allotment and receive augmented payments for such land retirement. If he is a farmer with less than 15 acres of allotment, he may choose to produce no wheat at all and receive an augmented payment for this land retirement. If this is not a voluntary program then the words "voluntary" and "compulsory" have lost their accepted meanings and no agricultural program which offers a fair incentive to the farmer to cooperate in sound production planning can be considered voluntary.

PROGRAM WILL ENCOURAGE PRODUCTION OF QUALITY WHEAT

The charge that the certificate program will discourage the production of good milling quality wheat—that which is most in demand for flour—is completely untrue. On the contrary, it will do far more than the marketing quota program of the 1938 act, or the present program of no marketing quotas, to stimulate the production of good milling quality wheat. All farmers, both cooperators and noncooperators with the certificate plan, will sell their wheat at the local elevator for whatever the market will pay. For the first time in many years, the price the farmer will receive for his particular outturn of wheat will not be based upon loan levels and quality premiums and discounts determined by the Department of Agriculture, but by the demands of flour millers for various types and qualities of wheat. The farmer, whether he is a cooperator or not, who produces wheat of superior milling quality, will receive a price premium above the $1.30 support level at the elevator and the farmer who produces a low quality wheat will suffer a discount. For the first time in many years, the certificate plan will give full play to the price factors associated with miller demand for quality wheat and premium prices will be reflected, without any Government price-support intervention, directly down to the farmer who grows the grain.

WHAT ALTERNATIVES

H.R. 9780 offers a plan for providing farmers with a fair return for wheat which is consumed for food in the United States without 1 cent of additional cost to consumers or to taxpayers. It is a plan which has been advocated by the outstanding agricultural statesmen of this country for many years, which was once in successful operation but which has been sidetracked while various unsatisfactory alternatives have been tried.

There are two present alternatives. One is to do nothing, pass no legislation. In this event the income of wheat farmers will be reduced in 1964 by an estimated $500 to $700 million under 1963. The only other practical alternative is to adopt the proposal of the chief opponent of the certificate plan, the American Farm Bureau Federation. The essence of the Farm Bureau's proposal is that the Government should rent out of production enough farms—probably as much as 80 or 100 million acres—that farmers would not be able to produce on their remaining acres enough wheat and feed grains to amount to a surplus. This plan would cost the Federal Treasury as much as $2 billion per year. It would bring ruin and desolation to many small towns and rural communities. And there is no assurance whatever that it would work. If the Government rental payments did not remove quite enough land, the price of wheat would remain at a disastrously low level, and farmers would lose $500 million a year in income in spite of billions in Federal subsidy. If it did work, the price of wheat would, presumably, skyrocket to a level usually associated with a commodity in shortage supply and consumers would pay the bill both in income taxes and in the price of bread and wheat products at their grocery stores.

COTTON

Following is a comparison of the House and Senate provisions relating to cotton in H.R. 6196:

HOUSE	SENATE
1. Estimated expenditures	
$696 million (without Jones amendment). $614 million (with Jones amendment).	$448 million.
2. Domestic allotment choice plan—1964–65	
Not included.	Farmers who choose to plant only for domestic consumption (about two-thirds of their regular allotment) would receive up to 15 percent higher price support. Such support would likely be effected by making payments-in-kind on normal yield of planted acreage for farmers who did not exceed their domestic acreage allotment.
3. Domestic equalization payment	
Between date of enactment and July 31, 1967, payments-in-kind would be made to persons other than producers in an amount determined by the Secretary to eliminate the inequity of the two-price cotton system. (Jones amendment)	Between August 1, 1964, and July 31, 1966, payments-in-kind would be made to persons other than producers so that American mills could buy cotton at the same price it is sold for export to foreign mills. Between date of enactment and August 1, 1964, payment rate would be determined by Secretary. (Jones amendment eliminated)
4. Payment on inventory	
Payment will be made on raw cotton in inventory on date of enactment.	Same as in House.
5. Base price support	
(a) 1964—30 cents per pound for Middling 1-inch. (b) 1964 and thereafter—support price would be level for previous year adjusted to reflect reductions in the cost of growing cotton except that the maximum for 1965 would be 29½ cents per pound and for 1966 and thereafter, 29 cents.	(a) 1964—same as House. (b) 1965 and thereafter—Secretary would have full authority to set price support at any level between 65 and 90 percent of parity; the same as under current law.
6. Price support for small farmer	
Farmers would receive up to 10 percent higher price support on up to the first 15 bales of each farmer's production.	Under the domestic allotment choice plan farmers would not have to reduce below the smaller of 15 acres or the base allotment in order to receive the higher price support.
7. Cost-cutting research	
Secretary is directed to conduct a special cotton research program to reduce production costs as soon as practicable. For this program, an appropriation of up to $10 million annually is authorized.	Same as House.
8. CCC resale price	
Beginning August 1, 1964, CCC may sell upland cotton at not less than 105 percent of the "basic" loan rate plus reasonable carrying charges, instead of 115 percent of the loan, as presently required.	Same as House.
9. Export market acreage	
In any year through the 1967 crop in which the national acreage allotment exceeds 17 million acres, Secretary would be authorized to allot one-half of such excess to farmers who would receive world market prices for the production from the excess acres.	If the Secretary determined that the carryover would be reduced by 1 million bales or that the carryover would be less than 8 million bales (including the production from the export market acreage): (a) In 1964 the Secretary would be authorized to increase the allotment for any farm up to 10 percent with the farmer receiving world market prices for the production from the increased acreage. (b) In 1965 the Secretary would be authorized to allot export market acreage to the States which would in turn be allotted to farmers upon request filed with their county committees.

THE SONIC BOOM TESTS AT OKLAHOMA CITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. SELDEN] be permitted to address the House at this time and my special order be immediately after his.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

BIPARTISAN FOREIGN POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama [Mr. SELDEN] for 30 minutes.

Mr. SELDEN. Mr. Speaker, responsible foreign policy spokesmen publicly identified with the administration have a special duty to consider the impact which both the content and the timing of their remarks might have on our foreign relations.

Regarding Castro's Cuba, the United States is committed to the position, enunciated by President Kennedy, that communism in this hemisphere is not negotiable. We are also currently engaged in a critical test of policy regarding our relations with the Government of Panama.

Criticism and debate of issues, domestic and foreign, are fundamental to our system. But when rearguard attacks are launched by high-ranking spokesmen against our own Government's foreign policy positions, a false and potentially dangerous picture of national division is conveyed throughout the world.

This is not to say that foreign policy issues are beyond the bounds of responsible criticism and debate.

As chairman of the House Subcommittee on Inter-American Affairs, I have never hesitated to speak out against Latin American general policies which in my opinion do not serve the national interest.

At the same time, I believe that like the general legal doctrine of free speech, the exercise of free speech in foreign policy matters has its proper limitations. There is such a thing as shouting "fire" in the theater of foreign relations. I am afraid that certain of our high-ranking spokesmen, in their recent public utterances, have been guilty of just that.

It was the distinguished former chairman of the Senate Foreign Relations Committee, Senator Tom Connally, who laid down the dictum that partisan criticism stops at the water's edge. I do not believe that Senator Connally meant to say that foreign policy issues were immune from free debate. I believe that he did mean that there are proper times and proper methods for foreign policy critics to make their views known without creating an international impression of national disunity and weakness. And I am certain that Senator Connally meant for this rule of restraint to apply to himself, the country's highest ranking congressional foreign policy spokesman, as well as to others.

Nebulous discourse about foreign policy myths and realities, in my opinion, offers no useful guideposts for this country's continuing search for answers to problems in Cuba, Panama, and throughout Latin America.

Is the threat of Castro Cuba to our national security and to the hemisphere indeed a myth? The missile crisis of October 1962 is history, not mythology. As a national experience I believe it will be remembered as something more than a mere distasteful nuisance, as some have termed the Castro regime.

The Cuban confrontation came about precisely because of this country's underestimating the danger of a Communist island base in the heart of the Americas. Those who now would warn of the dread risk of nuclear war might well recall that the Cuban missile crisis came about because of our vacillation and indecisiveness in meeting a very real challenge to our hemispheric security. That challenge still exists, and those who would trust in Premier Khrushchev's or Fidel Castro's drawing back from aggressive policies are dealing in the purest of myths.

The historic lesson of October 1962 is clear to all except those who would make even the simplest lesson seem complex. The lesson was that trying to sweep the Castro menace under a foreign policy rug resulted in a major power crisis. Only firmness on the part of the United States dispelled that crisis and thwarted a Soviet effort to turn the balance of international power in its favor.

Now a fresh effort is underway to sweep aside and belittle the Castro menace. The concern of the American people over the existence of a Caribbean base for Communist aggression and subversion is scorned as unrealistic, irrelevant, and irrational. Now the selfsame experts who in the past argued against effective, full-scale efforts to deal with Castro are advising that we must accept the "reality" of his regime.

How often do those who underestimate the Castro threat make a similar error by lightly regarding the good sense, not to mention the good memory, of the American people. The truth of the matter is that the American people have been more correct in their assessment of the Castro threat over the years than most of our so-called foreign relations experts. Had these experts not ignored the popular demand for a firm and active policy directed against Castro's Cuba, the grave risks of the October 1962 confrontation would have been avoided. It was the purported experts, with their counsel of timidity, who helped create a vacuous policy which Khrushchev and his Cuban satellite so dangerously misconstrued.

No, the American people have been ahead of their leaders in correctly assessing the dangers of Castro communism to the hemisphere. As a matter of fact, it might be said, to paraphrase Clemenceau, that the security of our hemisphere might be too important a matter to be left in the hands of our foreign relations experts. A good case can be made for trusting the sound instincts of an American public that was right rather than the sonorous erudition of foreign relations authorities who have been so often wrong.

What is meant when we are told to accept the "reality" of the Castro regime? Shorn of its linguistic refinement, this means simply that we should begin negotiating with communism in this hemisphere. A tortured line of reasoning seems to hold that because we are a great Nation we ought to be able to tolerate a small menace. But the menace is not Castro—it is Moscow. If we come to accept the "reality" of Soviet influence in Cuba, we inevitably will end by accepting it throughout the Americas.

Are we prepared to extend air surveillance against the clandestine emplacement of Soviet long-range missiles from the Rio Grande to Cape Horn? For that is the only result foreseeable from a policy of coming to terms with communism in the Americas.

What then should be our policy regarding Castro's Cuba? I consider shallow and shortsighted the argument that we should recognize Cuba and join an economic race for Cuban markets. Those who urge extension of trade with communism on the basis of its "good business" aspects are either forgetful of pre-Pearl Harbor history or oblivious to its lessons. We cannot do business with Castro, and it is truly a myth to believe otherwise.

In the alternative, I submit that a great nation committed to stand firm against communism in Berlin, in Vietnam and in other distant areas, should have a policy in its own hemisphere consistent with these worldwide goals. We have told the Communists that we intend to risk war if necessary in defense of free world interests at the Brandenburg Gate and in the Mekong Delta. Are our adversaries to regard these declared intentions as "real" or "mythical?" Surely, if we mean to hold a line against communism abroad, we must pursue a similar policy of firmness and action in our own neighborhood. And to say, as have some regarding our hemisphere's danger, that the poison is not so bad since it has not yet killed the patient, is a degree of aloof disregard for realities unparalleled since the London Times was rationalizing the Hitler menace for Englishmen in the 1930's.

The same detached view of this country's vital interests characterizes recent criticism of our Government's policy toward Panama. This criticism is aimed at our refusal to accede to Panamanian demands that we agree—prior to their resumption of diplomatic relations—to "renegotiate" our treaty with Panama rather than "discuss" all areas of disagreement.

The critics seemingly argue that in this instance a great nation ought not to be too insistent that smaller nations live up to their treaty obligations.

Are we then to operate on a double standard of treaty relations, insisting that larger nations abide by their word, but smaller countries are not to be held strictly accountable for their international contracts? By this reasoning, all a smaller nation need do to renege on its unwanted treaty obligations is plead duress, then riot and renegotiate.

That is the thesis of certain opportunistic Panamanian politicians today. Fortunately, Assistant Secretary Thomas Mann recognized the dangerous repercussions were we to agree to Panamanian demands to "negotiate" the treaty. Mr. Mann to date, with the full support of President Johnson, has held firm against agreeing to such a double standard in our international dealings. Clearly, the battle over terminology goes beyond simple semantics. Larger stakes are involved, for if it is once established that the United States will retreat from its international rights when confronted with irresponsible mob action, no U.S. treaty position in the hemisphere will be secure.

Assistant Secretary Mann understands this, and has held firm. As a result, there can be little doubt that the outbreak of homefront criticism regarding our country's Panamanian position is a direct effort to weaken Mr. Mann's hand in policymaking. He is the target of the same experts who have been urging a soft Latin American policy over the years, with disastrous consequences for our national and hemispheric security.

It is shocking—and I use the word advisedly—that certain of Mr. Mann's homefront critics have alined themselves with our most vehement Panamanian critics in interpreting U.S. relations in the Canal Zone. The record of the United States in Panama has been wrongly blackened by those who would sow the seeds of hatred and contempt for our country in Latin America. Yet, this historic record, rather than a stain, is in truth a credit to our national history.

When all is said and done, the United States, under the farsighted executive leadership of President Theodore Roosevelt, did construct the Panama Canal, at a considerable cost and sacrifice of American lives and resources and despite serious obstacles. The canal today represents a living monument to American dedication to the principles of peace and broadened international and hemispheric relations.

For the Panama Canal, lest we forget, is not a natural resource of that country. The United States holds the zone through legal and moral right. Let our Panamanian critics—and our homefront critics as well—conceive if they will how Panama would have fared over the years had the "Colossus of the North" been not the United States but Soviet Russia.

The zone treaty, as should be well known, is not 60 years old, but has been twice renegotiated, in 1936 and again in 1955. The Governments of Panama during those years—freely and without duress—entered into and agreed to renegotiate treaty terms.

The United States rightly lives up to its terms under the treaty and expects the

Government of Panama to do the same. A truly great nation cannot permit a mob to accomplish what we would not allow an army to do—that is, to trample underfoot our international rights.

It is to be hoped, therefore, that these homefront and rearguard critics, especially those who are believed to hold close ties to the administration, will reconsider the serious impact of their divisive public pronouncements on our efforts to maintain a firm and fair Latin American policy serving our national interests.

In conclusion, I have been reminded by this homefront criticism of foreign policy of Winston Churchill's rejoinder to David Lloyd George's criticism of British conduct of the Boer War at the turn of the century.

In a situation not without current parallel, the young Churchill heard Lloyd George, who was a member of the Liberal Opposition, excoriate the British Government's conduct of the war and urge a British retreat from South Africa.

Churchill was—if you will forgive my use of the term—shocked, that at a time when his nation was locked in battle, Britishers would provide propaganda aid and comfort to the enemy. He confronted Lloyd George following the debate and said:

> Sir, you take a singularly detached view of the British Empire.

Thus might I say to certain of our own country's latter-day critics:

> Sir, you may take a singularly detached view of the interests of the United States.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Ohio.

Mr. BOW. The gentleman has made a very fine pronouncement here today of foreign policy. This is our foreign policy that the gentleman has spoken about today. I can assure him as one member of the minority there will be bipartisan support for what the gentleman is talking about. We can have this as our policy if this is followed. Then we can strengthen America and our country. If we vacillate, if we do what other people are talking about, I think it will do us great harm in the foreign relations of our country.

I congratulate the gentleman for a very fine pronouncement of foreign policy.

Mr. SELDEN. I thank the gentleman, and concur in his views.

STRENGTH NOT WEAKNESS MUST BE AMERICA'S POLICY

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield.

Mr. ROGERS of Florida. Mr. Speaker, I, too, want to commend the gentleman from Alabama [Mr. SELDEN], who is chairman of the Foreign Affairs Committee of the House on Latin America, for his very penetrating analysis and for the very fine job he has done in helping to firm up a stronger policy for our Government.

Mr. Speaker, yesterday in one of the most amazing speeches ever delivered, it was suggested that this Government should retreat from its firm foreign policy on almost every front. We are to leave Castro alone to dominate all of Latin America. We are to surrender to Panama in the canal dispute in advance of any "negotiations." We are to soften up our approach in South Vietnam.

It is being suggested that this speech was a "trial balloon," spectacularly headlined by the liberal press. It should be shot down immediately. Fortunately the administration has already denounced this speech of planned retreat.

Only a convivial memory and a distortion of facts could lead one to say the economic blockade of Cuba has not been effective. A few sales do not mean a complete breakdown. The economic blockade against Castro has been so successful he is now talking "coexistence" to try to upgrade his sagging economy. Every major shipping power in the free world except Great Britain has cut its shipping markedly. Our shipping amendment to the foreign-aid bill has produced additional decreases which will effect a major blow to the Castro government in the months ahead. Of the 13 free world nations trading with Cuba during the first half of 1963, 5 have quit altogether and an additional 2 show a substantial decrease. Of the remaining six, at year end Morocco, France, Spain, and Greece were only making an average of two trips a month each and there are indications that France is the only one of these which is increasing, rather than decreasing, its shipping to Castro. Of the remainder, Great Britain and Lebanon show increases and an upward trend into the current year.

These mean, of course, that the economic blockade is working. Only Great Britain, France, and Lebanon show evidence of defiance of U.S. policy. Even in England an effect can be noted at last. Leyland Motors, which sold $10 million in buses to Castro, had to go to East Germany to find ships to carry them to Cuba, since no British merchant ship wanted to risk U.S. censure. Public opinion in Great Britain is changing, as indicated by the remarks of one of Brittain's leading authorities on the Soviet Union, who recently took issue with the thesis that a fat Communist was less dangerous than a lean one. Writing in the London Sunday Times, Prof. Leonard Schapiro said:

> No amount of trade with Cuba is likely to produce the kind of factors which in the case of the Soviet Union "may" in time lead to closer and more harmonious political relations. On the other hand, to ignore the very natural apprehensions of our ally, the United States, about the shoring up of a power which avowedly is dedicated to spreading Communist rule over the American continent, may lose us much more than we should ever gain from the profits of Cuban trade.

Castro is more of a threat to this hemisphere than ever before, not less. While we had just reason to be concerned about Russian troops and missiles in Cuba, we have more reason to be concerned about the arms and missiles in Cuba under the command of the Castro brothers, as the Russians withdraw and turn these weapons of war over to complete Cuban authority. There was some small comfort in the fact that Russia, while an extremely dangerous foe, would at least weigh the possibilities of global war. The Castro brothers have no such restraint to hold them back from complete irresponsible acts.

Panama would not exist today if it were not for the treaty of 1903, which we are now told we should negotiate before even hearing the terms of surrender. It has been the might of the United States and the American dollar which has maintained Panama as an independent state. In return, we were given rights to the canal. That canal is vital to the security of this Nation and therefore is not subject to advance commitments of negotiation. The United States is powerful enough to always be willing to discuss disagreements with any other nation. But there cannot be any prior commitments on the part of our Government that we will agree to something which will effect our national security before we even know what demands will be made on us—a reasonable position taken by our President.

The same advocate of complete surrender of U.S. policy around the world is one of the strongest advocates of foreign aid in the Congress. It seems abundantly clear to most people today that we cannot buy friends. Yet this seems to be the policy of the appeasers. We have spent taxpayers' money in Cambodia and told to get out. We have spent it in Indonesia and are now told by Sukarno in his own words to our Ambassador in public, "to hell with your aid."

It is time Americans, particularly those in high places of influence in the Congress, press, and State Department, realize that the only thing our adversaries understand is strength. We cannot buy our security through foreign aid giveaways, and we cannot buy defense by surrender of strategic positions. We can defend our freedoms only by letting it be abundantly clear to all that we are strong and willing to use that strength at anytime, anywhere, in defense of our liberties. President Kennedy showed this proper course in the days of the Cuban missile crisis. President Johnson has repeated several times before the Congress and the world the willingness of the United States to discuss any problem, but to stand firm for our basic interests with strength and determination.

Those who advocate a position of weakness for this Government undermine the unity and strong purpose as called for by President Johnson. This is the time to improve our world position, not destroy it. It is the stated policy of this Government to rid the hemisphere of Castro. Let us finish the job we have begun.

British Expert Terms Fat-Red Theory A False Basis for Trade With Cubans

(By Robert H. Estabrook)

LONDON, March 8.—One of Britain's leading authorities on the Soviet Union took issue today with the thesis that a fat Communist was less dangerous than a lean one.

Writing in the London Sunday Times, Prof. Leonard Schapiro castigated both Prime Minister Douglas-Home and the Labor Party leader, Harold Wilson, for seeking to apply what he termed a fallacious argument to trade with Cuba.

To contend that the Soviet Union is more reasonable because it is fatter, Schapiro said, "attaches quite unreal importance to the relationship between what the population of Russia wants and the policy pursued by its leaders."

The overwhelming reason for discernible changes in Soviet policy, he contended, is the existence of nuclear weapons and the inadvisability of actions that might lead to armed conflict with the United States.

"No amount of trade with Cuba," he asserted, "is likely to produce the kind of factors which in the case of the Soviet Union may in time lead to closer and more harmonious political relations.

"On the other hand, to ignore the very natural apprehensions of our ally, the United States, about the shoring up of a power which is avowedly dedicated to spreading Communist rule over the American Continent, may lose us much more than we should ever gain from the profits of Cuban trade."

Schapiro did not exclude trade with Communist countries, but called for the weighing of political factors first. He opposed an economic boycott designed to starve Cuba on moral grounds.

"But quite apart from morals," he added, "the fact that the capitalist powers are repeatedly called upon to feed the socialist countries is a more powerful argument against communism than all the books in the British Museum."

Schapiro's attack was the second made recently on the British fat-versus-lean Communist argument. Writing in the Guardian last week John Grigg, the former Lord Altrincham, took much the same line against what he called wishful thinking.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I believe it should be a source of great comfort to all of us in the House on both sides of the aisle to know there are two distinguished Members like the gentlemen who have participated in this discussion, the gentleman from Alabama [Mr. SELDEN] and the gentleman from Florida [Mr. ROGERS], both of whom are experts in the field of South American foreign affairs and both of whom are courageous men who have had the courage to stand up today and shoot down the trial balloons which would suggest some sort of retreat or retrenchment in our foreign policy in the two vital areas which affect our security, Cuba and Panama. I congratulate both the gentlemen. I know the American people agree that they have performed a great public service today by not permitting this to go further than it has.

I submit, as these gentlemen have so eloquently stated today, that for anyone to suggest a retrenchment either in Cuba or in Panama is to be completely out of touch with reality. It is surprising that spokesmen one would think would know better would become victims of this fallacious theory that we can negotiate some sort of agreement with Castro or that we can negotiate from a position of weakness in Panama.

It appears to me that there are those who are now beginning to read President Johnson loud and clear. It is eminently clear that Mr. Johnson knows exactly what he wants to do in making sure that freedom survives in this world. The President has followed a strong and determined position in his dealings with the Communist world. There are those who would like to temper his views; but I stand with the President. I calculate that these trial balloons which are sent up will be totally ineffective and will be rejected by the American people. When the smoke clears, President Johnson in his quiet, dignified but determined and unequivocal manner will see to it that our way of life prevails and the principles for which America stands—dignity and freedom—will survive over the tyranny represented by the Communist world.

I congratulate the gentlemen for the truly great contribution they have made today.

Mr. SELDEN. I thank my colleague the gentleman from Illinois.

I yield back the remainder of my time.

DRAKE H. SPARKMAN

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REID of New York. Mr. Speaker, I regret to inform the House of the death of a distinguished American, Drake Sparkman. His services to our Nation in war and in peace have been significant and will live on.

Drake Sparkman's contributions to yachting and to America's sportsmanship have been numerous—including his firm's design, by Olin Stephens, of the America's Cup successful defender, *Columbia*.

Above all, Drake Sparkman will be remembered for his warmth of friendship by all those privileged to have known him. I extend to Mrs. Sparkman and to the members of the family, for myself and on behalf of the Members of this House, our deepest sympathy.

Mr. Speaker, I include an article from the Mamaroneck Daily Times of March 21, 1964.

SPARKMAN, YACHT FIRM FOUNDER, DIES

Drake Hoyt Sparkman, 66, of 21 Orsini Drive, Larchmont, founder and president of Sparkman & Stephens, Inc., yacht brokers, naval architects, and marine insurance brokers in New York City, died Friday at Memorial Hospital, New York City. He had been ill for several months.

A native of New Rochelle, he was born February 27, 1898, the son of the late James D. and Edith Hoyt Sparkman. Mr. Sparkman, who has resided in Larchmont since 1926, is a descendant of the Huguenot families of Soulice and Drake. His firm designed the *Columbia*, the defender of the America's Cup in 1958.

Mr. Sparkman, a life member of the Larchmont Yacht Club, belonged to the New York Yacht Club, the Racquet and Tennis Club of New York, and was a trustee and former president of the Marine Museum, New York City. He was a member of Sts. John and Paul Church, Larchmont. A veteran of World War I, he served as an ensign on the U.S.S. *Montana*, an armored cruiser.

Mr. Sparkman was prominent in International class yachting for many years and won the Astor Cup with the 12-meter *Iris* in 1933. He was chairman of the Coast Guard Committee for the enrollment of yachts and personnel during World War II.

Mr. Sparkman headed the largest business of its kind in the world. A blond, personable man, he would say, "No deal is too small."

Once he sold a sailboat for $750. The following year the same man bought a $7,500 boat from him. Two years later, the man was sold a $15,000 yacht.

In his early years around New Rochelle, Mr. Sparkman learned to sail on Long Island Sound and in the summers got a job in a yacht brokerage office on City Island, the Gerald W. Ford Yachts.

He was in the Navy during the First World War and later worked for naval architect, Roger Haddock, in New York.

In 1927, Mr. Haddock retired and Mr. Sparkman started his own business. The following year, Olin Stephens, the brilliant yacht designer came in with him, after a conference, closing the partnership at Larchmont Yacht Club.

Mr. Sparkman was a fine sailor but never designed yachts. He won three Long Island Sound Victory class champions in his yacht *Blue Jacket*. Besides the *Columbia*, the company not only has been responsible for the best designs in racing yachts, but in the planning and sales of naval vessels, cruising yachts and commercial boats, such as ferryboats.

The 12-meter racer *Vim* was a longtime winner in America's Cup competition and considered a forerunner of the *Columbia*. The Sparkman firm designed the *Vim*.

Surviving him are his wife, the former Margaret Mulhall; three sons, Drake H., Junior, of Setauket, N.Y., John C. of Bronxville, and Robert J. of Syosset, Long Island; four stepchildren, Stephen, Timothy, Cornelia, and Kent Huff, all of the home address; a brother, James D. of 75 Eastchester Road, and nine grandchildren.

Funeral services will be held Monday at 9:45 a.m. at SS. John and Paul Church, Larchmont. He is presently reposing at the George T. Davis Memorial, 14 LeCount Place, New Rochelle. Friends may call from 3 to 5 and 7 to 9 p.m., today and Sunday. Interment will be private.

Mr. Sparkman sold the *Lyndonia*, the steam yacht, to Cyrus Curtis, publisher of the Saturday Evening Post.

SELECT COMMISSION ON MARKET POWER IN AGRICULTURE

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, since World War II we have witnessed two notable revolutions in our Nation's economy—the unprecedented rise in farm productivity and the equally rapid growth of food distribution techniques. Taken in combination these developments have been perhaps the major factor in making the American public a people of plenty without parallel in recorded history.

Yet these miracles have not been unmixed blessings. Despite our efforts to achieve workable supply management, farm production continuously threatens to exceed foreseeable demand. And the resulting decline in farm prices, even when precipitous, is seldom, if ever, adequately reflected in lower consumer prices.

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The statistics demonstrating this are striking. In the decade from 1954 through 1963, the consumer price index for food rose from 95.4 to 105.1. In the same period, agricultural producers saw their share of the consumer dollar decline from 44 to 37 cents. This widening margin between producer receipts and consumer prices was, and is being absorbed by the food processing and distribution industries. Some of this margin is attributable to added costs. Still, there has been growing concern that much of it represents above-normal returns to the food chainstores which have so enormously expanded their market power through vertical and horizontal integration.

The recent drop in prices received by meat producers has dramatically underscored the seriousness of this problem. According to the latest Department of Agriculture analysis, published in February's Marketing and Transportation Situation, the net farm value of beef fell 6.5 cents per pound during the first 11 months of 1963 while the retail prices dropped only 1.4 cents.

In the wave of this punishing blow to cattle and hog raisers, the President has called for a bipartisan study of chainstore market power to fill the great gaps in our knowledge about this burgeoning economic phenomenon.

Today I have introduced a joint resolution to establish such a commission, called the Select Commission on Market Power in Agriculture. Modeled after the very successful Temporary National Economic Committee of the 1930's, it would be composed of 15 public officials. The Speaker of the House and the President pro tempore of the Senate would each appoint five members from their respective bodies, no more than three of whom would belong to the same party. The remaining five members of the Commission would come from the executive branch—the Secretaries of Agriculture and Commerce, the Attorney General, the Chairman of the FTC, and the President's adviser on consumer affairs.

The Commission's mandate would call for an investigation of those practices by food chainstores in interstate commerce to determine if they violate the antitrust laws. It would have full powers to enlist the aid of other Federal agencies in conducting this investigation, terminating its work by a full report to Congress with recommendations for new legislation if the circumstances require it.

Mr. Speaker, the resolution I have introduced today responds to the President's call for a bipartisan study of this problem and also meets the desire of many others to see an FTC investigation of the chainstore practices. I commend it to the attention of all Members who see in the growing concentration of agricultural marketing power a threat to America's farmers, consumers, and small businessmen.

THE SONIC BOOM TESTS AT OKLAHOMA CITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, those of us who are concerned with excessive noise generated by subsonic commercial jets, and the noises to be generated by the supersonic transports now being considered, have watched with great interest the current series of tests being conducted by the Federal Aviation Agency over Oklahoma City.

I have a particular interest in these tests because my congressional district lies immediately east of O'Hare Field in Chicago and my constituents suffer extreme hardship from noise generated by jets operating to and from O'Hare Field. Someday supersonic jets may operate to and from O'Hare Field.

These tests are designed to test community reaction to sonic booms.

On the basis of the tests so far, the reaction of the population in Oklahoma City has been mixed.

However, Mr. Speaker, it is my fear that the present tests may not tell the full story and may actually be used to, inadvertently, delude the public into thinking that civilization can learn to live with sonic booms.

I am particularly concerned that FAA personnel in charge of these tests in Oklahoma City have reported that out of some 2,000 complaints about the booms by residents of Oklahoma City, only 17 complainants have filled out affidavits of damage on a special form required by the FAA.

In a recent dispatch to the Chicago Sun-Times, that newspaper's editor, Mr. Richard Lewis, who had visited Oklahoma City for a personal observation, quoted Mr. J. Kenneth Power, chief of operations for the FAA at Oklahoma City, as stating that:

> Not a single instance of structural damage resulting from booms has been found.

Mr. Speaker, while I am fully aware of the fact that the FAA has to somewhat "back in" into this whole problem of sonic booms, I have some strong reservations about the nature of the tests now being conducted over Oklahoma City.

The first 20 days of Operation Bongo, as it is officially known within aviation circles, consisted of producing sonic boom overpressures of 1 to 1½ pounds per square foot at ground level.

No one questions the fact that this low overpressure creates no damage to ground structures and no significant adverse public reactions day or night.

Significantly, however, even at these low pressures, there have been vast complaints made by the people in Oklahoma City, and there is even a movement to compel the local government to take steps to halt the tests.

Assuming that the current objections have little basis, I submit, Mr. Speaker, that they are an indication of public reaction to sonic booms.

It is my understanding the FAA intends to raise the overpressure to 2 full pounds very shortly. Understandably, the booms will be louder and there will be more jarring of the people in the test area, but even here, Mr. Speaker, it is safe to predict that any sonic boom with an overpressure of up to 2 pounds per square foot will most probably cause no serious damage to ground structures even though significant adverse public reaction both day and night will occur.

The point I am trying to make here today, Mr. Speaker, is that we will witness several months of testing by the FAA and then, if these Government agencies run true to form, the conclusion will be drawn that while there is some negative public reaction there is no substantial damage to property and therefore, the plans to build a huge supersonic transport at a cost of $1 billion to the American taxpayer are justified.

Mr. Speaker, I submit that this whole project must be held in a state of abeyance until after the FAA has had the courage to generate sonic boom overpressures in excess of 2 pounds per square foot.

Mr. Power himself in 1961 told an Institute of Navigation seminar in Fort Worth, Tex., that sonic booms of 2 to 3 pounds overpressure per square foot would cause damage to glass and plaster in isolated cases and widespread adverse public reaction day and night.

He further stated that sonic booms causing overpressure of 3 to 5 pounds per square foot would cause widespread window and plaster damage, possible minor structural damage to frames and walls of some buildings of marginal construction or of poor repair, possible indirect effects due to falling objects and debris.

Recently, Mr. Speaker, I introduced H.R. 8104, an act to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States. Under any proposal, it would be unlawful to operate any civil supersonic aircraft in air transportation through the navigable air space of the United States which would generate sonic boom overpressures exceeding 1½ pounds per square foot on the ground directly beneath the flight path.

The purpose of my legislation was to serve notice on the developers of this new and uncharted method of transportation that before they pour billions of dollars into the production of such aircraft, they will have to design them in such a way that they will not cause serious hardship to the people of the United States.

It is significant, Mr. Speaker, that the Federal Aviation Agency, the Civil Aeronautics Board, the Department of the Air Force, and the Bureau of the Budget have all stated their strong opposition to this proposal.

Mr. Speaker, I dare the FAA to produce sonic booms substantially in excess of 2 pounds overpressure in Operation Bongo over Oklahoma City and then let the people of that city demonstrate how they feel about proposals to limit the scope of sonic booms in this country.

By Mr. Power's own statement, describing the reaction of people to sonic booms in excess of 2 pounds, it is safe to presume that the populace of Oklahoma City would probably run the whole operation out of the city if they generated overpressures in excess of 2 pounds.

Yet, Mr. Speaker, we already know that the supersonic transport being developed jointly by the British and the French—the Concord—will generate sonic booms with overpressures in excess of 2 pounds per square foot when it becomes operational.

I am aware of the fact that all of these agencies involved in the development of an American supersonic transport have indicated a concern about noise and have stated that any design of such aircraft by the United States must take into consideration the problem of sonic booms. But these statements are so nebulous that we know from past experience that the public will be the last to be considered.

We need only look at the scandalous situation that exists at every major airport in America today where the lives of perhaps as many as 1 million Americans who live near major airports have been seriously affected by noise being generated by the conventional subsonic jets. All protests to the FAA bring a rejoinder that you cannot stop progress.

Mr. Speaker, it is common knowledge that the powerplants of today's subsonic jets were developed only with the consideration of thrust, and no concern was given to the problem of noise over vast communities surrounding America's airports.

It is my fear that unless Congress writes into law specific criteria controlling sonic booms over the United States, millions of dollars will be expended both by the Government and the industry in the development of all the other factors affecting supersonic transports and when this money has been spent, they will again tell us that to try to alter the design could lead to bankruptcy for the developers of these planes.

We have had too much experience in seeing how thoroughly airplane builders, the carriers, and other special interests control this entire field of flight regulation to be foolish enough to trust this whole program to the future with no limitations established by the Congress.

Out here in the shadow of the Nation's Capital, there are two monuments in front of the National Archives Building. One of them has inscribed on its base: "What is past is prologue." The other states: "Study the past."

Mr. Speaker, the gravity of this entire subject can be fully appreciated when we look to what is happening today in Chicago, in New York, in Miami, in Los Angeles, in Denver, in Houston, in all the other American cities which have airports handling conventional subsonic jet transports.

Absolutely no consideration was given to the noise factor and even today when the industry has developed a fan jet engine with added thrust, still no consideration has been given to the jet noise factor.

At the conclusion of my remarks I shall include the letters written to the House Interstate and Foreign Commerce Committee by the FAA, the CAB, the Department of the Air Force, and the Bureau of the Budget regarding the proposals contained in H.R. 8104 to establish minimum criteria for sonic booms.

These letters clearly demonstrate that these agencies are more concerned in developing the supersonic transport than they are in controlling any sonic booms that it may generate.

Yes, Mr. Speaker, there are references made of concern about noise but if the present standards adopted by the FAA in controlling noise at major airfields created by subsonic jets is any indicator, then let us not delude ourselves into thinking that any one of these agencies would hold up the expenditure of millions upon millions of dollars to develop a supersonic jet until such time as science has found an answer to the sonic boom.

One would have to be extremely naive to think that the FAA would take a position that the first order of business before any research money is spent on the development of airframe and powerplants for the supersonic jet of the future, research must demonstrate that sonic booms can be held to the acceptable overpressures established by the FAA itself.

I have watched this Agency operate too long to have any confidence that sonic booms and excessive noise on landings and departures will receive anything more than just lipservice from all of those directly or indirectly involved in the development of this new mode of transportation.

What possible objection could anyone have to an establishment of minimum criteria for sonic booms? Why would the FAA oppose this legislation if it indeed did plan to make sonic booms and noise one of the most important considerations in the development of this aircraft.

It is my hope that the Interstate and Foreign Commerce Committee will exercise its own individual judgment and not be guided by the recommendations of these agencies.

I have already indicated that I am perfectly willing to accept an amendment to H.R. 8104 which would permit sonic booms of up to 2 pounds overpressure per square foot under certain conditions.

Mr. Speaker, it is not my intention to impede or obstruct this Nation's desire to participate in the development of a supersonic jet. I am aware of the economic benefits that can ensue to our country if we are able to capture the imagination of the world's air carriers with an effective supersonic transport. I am aware of the jobs that production of such aircraft will create in this country. But by the same token, Mr. Speaker, as only one Member of the Congress, I would not be fair to my constituents if I did not challenge the wisdom of all of this until an adequate system is devised to protect the people on the ground against the ravages of excessive sonic booms.

Mr. Halaby has an opportunity to prove me right or wrong. Let him instruct the people in charge of Operation Bongo to produce overpressures similar to those which will be produced by the Concord over Oklahoma City.

I am firmly convinced that the 2,000 complaints now on record with the FAA in Oklahoma City as a result of the tests so far would skyrocket if the FAA produced sonic booms approaching 3 pounds or more overpressure per square foot.

Furthermore, Mr. Speaker, I am convinced that legislation is necessary because in reviewing the correspondence of the agencies commenting on H.R. 8104, it is clearly apparent that the respective agencies within our own Government are not agreed on the results and damages caused by sonic booms.

The FAA admits that sonic booms from 2 to 3 pounds overpressure per square foot will do damage to glass and plaster in isolated cases and that sonic booms creating overpressure of 3 to 5 pounds per square foot will cause widespread window and plaster damage. But the National Aeronautics and Space Administration, in its statement to the committee in commenting on H.R. 8104, states that tests carried out by NASA in cooperation with the U.S. Air Force show that the lowest overpressure at which house windows were broken was 23 pounds per square foot, and most of the windows tested survived pressures exceeding 56 pounds per square foot.

Mr. Speaker, it appears to me incredible that these two responsible agencies of government could have such divergent views on a single subject. It appears further, on the basis of all the research that I have done on this subject, that NASA is way off the pad in its analysis.

But the important thing, Mr. Speaker, is that here we have so vital an issue as the health and welfare of millions of Americans and the safety of property throughout the country involved and yet these two agencies can not agree on standards for damage due to sonic booms.

I believe, Mr. Speaker, that Dr. Bo Lundberg, director of Sweden's Aeronautical Research Institute, and one of the world's truly great authorities on this whole subject of sonic booms, stated the case clearly when he said recently:

> Progress should imply the greatest possible gain in time forward, greatest possible number of passengers with the least possible disadvantage to the people on the ground.

If I had any confidence that the agencies in charge of policing the aviation industry in this industry have any serious concern for the plight of the people on the ground, Mr. Speaker, I would not be introducing H.R. 8104.

But experience has shown us repeatedly that the considerations of those on the ground must repeatedly give way to the desire to haul passengers in the air at a degree of convenience most acceptable to the air passengers and industry.

I do not believe that millions of Americans, including a substantial segment of my own constituency, should be exposed to the ravages of uncontrolled sonic booms merely to trim the flying time of anyone from New York to Los Angeles by perhaps only 40 to 50 minutes. They can now make this trip in slightly more than 3 hours and in my judgment until the American people can be convinced that a supersonic jet can be developed which will not produce excessive sonic booms, this whole program of development of supersonic jets will have to remain on the shelf.

I grow impatient with those who would accuse me of impeding progress. On the contrary, I am trying to demonstrate here

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today a degree of foresight in the protection of our people that unfortunately, too often escapes those who have the greatest degree of responsibility in this field.

I have no intention of seeing the people of Chicago subject to a shower of falling glass in those big beautiful glass enclosed skyscrapers that we are building in Chicago because of an excessive sonic boom caused by a supersonic jet trying to get a load of passengers from New York to Los Angeles in 40 minutes less flying time.

The tests in Oklahoma City can indeed be a big help in this whole subject, but only if the FAA has the courage to increase the booms to the overpressures which we know the supersonic jets will have to produce to be efficiently and economically operational.

Mr. Speaker, I find great comfort in the fact that my own position has been fortified by the Airport Operators Club which the other day informed FAA Administrator Halaby that the noise from supersonic transports proposed by competing manufacturers must be "substantially reduced if they are to be acceptable at U.S. airports."

Following is the complete story from the wires of United Press International regarding the Airport Operators Club position.

It is my hope that this statement will be seriously considered by Congress in evaluating the merits of H.R. 8104.

Finally, Mr. Speaker, I ask unanimous consent to include at this point in my remarks an excellent article in the Oklahoma City sonic boom experiment which was written by Mr. Richard Lewis, science editor of the Chicago Sun Times, which appeared in that publication, and I also ask unanimous consent to include at this point in the Record the correspondence I referred to earlier:

A United Press International Dispatch

Washington.—Major airport operators told the FAA today that present supersonic airliner designs call for planes which are too noisy.

Emory L. Cox, president of the Airport Operators Club, informed FAA Administrator Najeeb E. Halaby that the noise from supersonic transports proposed by competing manufacturers must be "substantially reduced if they are to be acceptable at U.S. airports."

Cox and other airport executives were briefed recently by FAA officials on the SST design submitted by three airframe and three engine manufacturers. Cox said not a single design appeared to be acceptable from the standpoint of noise suppression.

Even though FAA has said it would not award a contract for any SST that produced noise levels greater than current subsonic jets, "the strong impression gained by our members attending your briefing is that the full extent of neither the requirements of persons on the ground nor the economic ramifications with respects to costs by airports are being considered by the FAA," Cox said in a letter to Halaby.

The airport official said if the SST noise levels are not reduced, "the resulting land acquisition and other costs around U.S. airports to be served by the SST can add billions to the national cost of the SST."

Cox reminded Halaby that many lawsuits have been filed against airport owners resulting from noises produced by present jets. He added:

"Now, while the SST is in the design stage, is the time to provide manufacturers with noise criteria tolerable to the communities adjacent to airports instead of waiting as was done with subsonic planes, until the aircraft is built and ready to go into service before the noise suppression and noise abatement steps are taken."

Cox said an overnoisy SST would require acquisition of a "buffer" zone that would cost a minimum of $350 million at a major airport. He also said the FAA has not taken into consideration the cost of providing runways and taxiways sufficient to accommodate the heavier SST's.

Representatives of 10 major U.S. airlines meet with the FAA Wednesday and Thursday to discuss evaluation of SST designs.

Federal Aviation Agency,
Washington, D.C., January 17, 1964.

Dear Mr. Chairman: This is in response to your request for the views of this Agency with respect to H.R. 8104, a bill "To amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States."

This bill will prohibit the operation in the U.S. navigable airspace of any civil supersonic aircraft generating sonic boom overpressures above 1.5 pounds per square foot. Additionally, the bill will prohibit the operation of supersonic aircraft which produce a ground noise level not substantially lower than that produced by subsonic jet aircraft.

While we share very deeply the concern behind this bill, we must oppose its enactment both on principle and in detail. Specifically, the limitation of permissible overpressures to 1.5 pounds per square foot will, we believe, critically affect the SST development program. While available scientific evidence indicates that such a minimum overpressure may be maintained during supersonic flight, moving across the barrier from subsonic to supersonic speed is expected to create brief (10–15 minutes) overpressures in the order of 2 pounds per square foot. These will occur approximately 150 miles from the departure airport. Limiting overpressures to 1.5 pounds per square foot will as a practical matter, restrict supersonic aircraft to overwater routes. The loss of market potential due to such a restriction would probably be so severe as to make commercial production of the SST economically unfeasible.

The limitations proposed on the aircraft's "ground noise level" are also open to objection. Actual runway noise levels during the takeoff of a supersonic transport cannot be expected to be substantially lower than those generated by today's jets, although we believe they can be kept within tolerable limits. Noise generated along the approach and departure paths by the takeoff and landing of supersonic aircraft will, we believe, be equal to or less than that produced by current aircraft. We do not think it wise, however, to be committed at this point to a legislative requirement that supersonic noise levels will be substantially lower.

What is, in fact, possible in meeting the changing needs of the public with the means provided by an expanding technology is not fully knowable in advance. For this reason, we have considerable doubt about the principle of legislating specific scientific objectives. Objectives, of course must be set. We believe, however, that it is much too early in the development of the SST embryo to begin imposing rigid technical standards in permanent legislative form. More helpful at this point is a firm desire to produce an acceptable aircraft translated into useful standards to guide the development process.

Such a set of design objectives is spelled out in the enclosed "Request for Proposals for the Development of a Commercial Supersonic Transport." It is our belief that noise should be one primary design parameter in the development of this aircraft. You will note that the goals in the areas of sonic boom overpressures (sec. 2.5) and ground noise levels (sec. 2.6) are as close to the recommendations of H.R. 8104 as is possible, given the current state of the art. As is made clear in section 1.7.5 and elsewhere, we intend to insist on these general requirements. This insistence, unencumbered by any frozen legislative imperatives, will allow the effective direction and channeling of the scientific and engineering effort necessary to insure that the supersonic transport will be in all respects a good neighbor.

The Bureau of the Budget has advised that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely,

N. E. Halaby,
Administrator.

Civil Aeronautics Board,
Washington, D.C., January 3, 1964.
Hon. Oren Harris,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in reply to your letter of August 19, 1963, requesting the Board's comments with respect to H.R. 8104, a bill to amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States.

H.R. 8104 would prohibit the operation of any civil supersonic aircraft in air transportation through the navigable airspace of the United States which would generate sonic boom overpressures exceeding 1.5 pounds per square foot on the ground directly beneath the flight path, and would make it unlawful to operate any such aircraft into or out of U.S. airports unless it can be demonstrated that ground noise level generated by such aircraft is substantially lower than that generated by long-range subsonic jet aircraft.

The Board favors action designed to encourage the development of supersonic aircraft which gives consideration to the noise abatement problem. At the same time, the Board believes, as pointed out in your committee's report on Investigation and Study of Aircraft Noise Problems (H. Rept. No. 36, 88th Cong.), that the physical creation of aircraft noise should be recognized as a scientific problem which cannot be resolved by legislative action. Moreover, as your committee also indicated, the primary responsibility for research and development of noise suppression in the design of aircraft and powerplants should continue to rest with the airframe manufacturers and the powerplant manufacturers.

The imposition of specific limits of tolerance on the operation of supersonic aircraft without giving regard to the research and development now being conducted in this area by various private agencies and several governmental institutions could not only result in excessive costs in the development of such aircraft, but also constitute a serious deterrent to such development.

The Board believes, therefore, that the development of supersonic airframes and powerplants meeting the standards of noise abatement can be better promoted by continuation of the research presently being conducted by both industry and the Government, and by effective agency action implementing the results of such research, than by the proposed legislation.

The Board has been advised by the Bureau of the Budget that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

ALAN S. BOYD,
Acting Chairman.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., January 9, 1964.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for comments of the National Aeronautics and Space Administration and report on H.R. 8104, a bill to amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States.

The legislation would amend section 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1430) by adding a new subsection entitled "Prohibitions Regarding Sonic Booms and Excessive Noise in Civil Supersonic Aircraft Operations."

The provisions of subsection (c) of section 610 would make it unlawful to operate civilian supersonic aircraft in air transportation through the navigable airspace of the United States when such operation would generate sonic boom overpressures exceeding 1.5 pounds per square foot on the ground directly beneath the flight path.

In subsection (d) the legislation would make it unlawful to operate any civil supersonic aircraft into or out of U.S. airports unless it can be demonstrated that the ground noise level generated is substantially lower than that generated by long-range subsonic jet aircraft. The exemptions provided in section 610(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1421(c)) could not be applied to the proposed section 610 (c) and (d).

It is the view of the National Aeronautics and Space Administration that, as is indicated below, the severe restrictions set forth in the proposed legislation would in effect prohibit the research necessary to the development of a U.S. supersonic transport. At the same time, these limitations would seriously hamper the research and the technological development necessary to the solution of the sonic boom problem.

On the basis of currently available knowledge, it would be premature to place an arbitrary restriction on the magnitude of sonic booms which may be generated by supersonic commercial aircraft. The tolerable levels for sonic boom overpressures have not been established. Results from research indicate that public reaction to booms creating pressures of the order of 2 to 2.5 pounds per square foot is the same as the public reaction to booms which create pressures of 1.5 pounds per square foot. Moreover, the damage caused by such pressures should not be exaggerated. In tests carried out by NASA, in cooperation with the USAF, the lowest overpressure at which house windows were broken was 23 pounds per square foot and most of the windows tested survived pressures exceeding 56 pounds per square foot.

The proposed legislation would seriously hamper the development of the U.S. supersonic transport. In order to assure that a sonic boom overpressure will not exceed an overpressure of 1.5 pounds per square foot on the ground, it would be necessary to design the aircraft so that the average overpressure created during cruise would not exceed 1.15 pounds per square foot. This reduction for design purposes to 1.15 pounds per square foot is necessary because of deviation of boom overpressures due to variable atmospheric conditions. The deviation has been observed to run about 30 percent from the mean. Preliminary design estimates indicate that the supersonic transport must weigh at least 400,000 pounds. Only an aircraft whose weight does not exceed 200,000 pounds can operate at supersonic cruise conditions without exceeding 1.15 pounds per square foot ground overpressures. On the basis of present technology, the preliminary analyses reveal that in order to limit the mean overpressure to 1.5 pounds per square foot in the supersonic climb, which is required for transition to cruise flight, the aircraft takeoff weight of 400,000 pounds would be excessive.

With respect to the ground noise limitations set forth in subsection (d), NASA is of the opinion that at this stage of engine development for the supersonic transport it is too restrictive to require that the on-ground noise level be substantially lower than that of long-range subsonic jet aircraft.

The National Aeronautics and Space Administration recommends strongly against the enactment of H.R. 8104.

The Bureau of the Budget has advised that from the standpoint of the program of the President, there is no objection to the submission of this report to the Congress.

Sincerely yours,

RICHARD L. CALLAGHAN,
Assistant Administrator for Legislative Affairs.

DEPARTMENT OF THE AIR FORCE,
Washington, January 8, 1964.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 8104, 88th Congress, a bill "To amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States." The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The purpose of H.R. 8104 is to amend the Federal Aviation Act of 1958 so as to establish minimum noise level and sonic boom standards for the operation of civil supersonic aircraft through the navigable airspace of the United States. While the bill refers specifically to civil aircraft, it must be recognized that the Department of Defense also operates supersonic aircraft and that any limitations imposed upon civil supersonic aircraft constitute a basis for possible future limitations on military aircraft.

In the area of noise suppression, as in other technical aspects of the development of supersonic transport aircraft, it is not possible to know fully in advance what goals can be achieved by an expanding technology. For this reason we consider it inadvisable to seek to establish specific scientific objectives by statute. Design objectives should, of course, be set by the responsible agencies to guide the development process, but the imposition of rigid technical standards, even by regulation, should be limited to standards which have already been demonstrated by the development process to be definitely attainable. Consequently, while we understand the concern behind H.R. 8104, the Department of Defense must oppose its enactment on principle. Since the development of a supersonic transport aircraft is of primary concern to the Federal Aviation Agency, the Department of Defense defers to that Agency for detailed comments on the technical aspects of the bill.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

ROBERT H. CHARLES,
Assistant Secretary of the Air Force.

EXECUTIVE ORDER OF THE
PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., January 10, 1964.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on H.R. 8104, a bill "to amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States."

In their reports to you on this bill the Federal Aviation Agency, the Civil Aeronautics Board, the National Aeronautics and Space Administration and the Department of Defense all oppose enactment of this legislation for the reasons stated therein. The Bureau of the Budget agrees generally with the views presented by these agencies and does not, therefore, recommend enactment of H.R. 8104.

Sincerely yours,

PHILIP S. HUGHES,
Assistant Director for Legislative Reference.

[From the Chicago (Ill.) Sun-Times, Mar. 22, 1964]

OKLAHOMA BOOMING IN JET NOISE TESTS ON CITY

(By Richard Lewis)

OKLAHOMA CITY.—Capt. James E. Short, zoomed up from Tinker Air Force Base and put his F-104 fighter into a steep climb over the eroded peaks of the Wichita Mountains.

He turned sharply into the northeast. Ahead, in the sunrise, was his target. The towers of downtown Oklahoma City gleamed like tiny golden pins in the olive drab plains.

BLIP ON RADAR

"This is Bongo Operations," said Lt. Col. David Lillard. "You are 5 miles off track."

He spoke conversationally into a microphone at the Federal Aviation Agency's Aeronautical Center here.

"Roger," said the pilot. "Coming up on track."

The chief of Operation Bongo, J. Kenneth Power of the FAA, picked up his microphone. "Start your recorders," he said.

Tiny red and green lights gleamed in banks of amplifiers and tape recorders in the living room of a three-bedroom, frame house at 919 Kenilworth Drive.

Ready in the air. Ready on the ground. A chime announced the hour of 7 a.m.

Then a sharp, harsh crack of thunder rolled out of the sky. In a downtown restaurant, it whoomed against a plate glass window like a giant basketball.

THOSE CRAZY BOOMS

"Those crazy booms," said the waitress, setting down her tray. "They like to make a person jump right out of her skin."

Many Americans have heard occasional sonic booms—perhaps suspecting a nearby explosion—but with regularly scheduled supersonic transport aircraft just around the corner, how will the populace react to regular, dish-rattling booms?

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Should air traffic be allowed to fly supersonic over centers of population? Will people stand for it? Will booms damage property—breaking glass, shattering china, and cracking plaster? Will they damage health by unduly startling people with heart or neurological ailments?

Or can most people become accustomed to sonic booms?

Captain Short's sonic boom over Oklahoma City was designed to supply some of the answers.

REASON FOR TESTS

It was the first of eight sonic booms scheduled for the 20th day of Operation Bongo, the most extensive experiment in aviation history—and probably the most irritating.

Through this unprecedented test, the FAA and the National Aeronautics and Space Administration are trying to determine the effects of repeated sonic booms on people, animals, and buildings.

On the data obtained from this experiment may depend the design and flight patterns of tomorrow's supersonic jet transports—the SST aircraft now being developed by Great Britain and France, the United States and the Soviet Union.

Operation Bongo started here February 3. It will continue until July 4 unless it is stopped by a court injunction or by political pressure.

One suit to halt the experiment is pending in the U.S. district court here. Another is threatened. So far, most Oklahoma Cityans and suburban dwellers in range of the booms accept them with good-natured resignation.

THEY'RE EXCITING

"Oh, they're exciting," said a pretty secretary. "I get up with the first boom (at 7 a.m.) and I'm out of the shower with the second (at 7:30 a.m.). That's how I know when I'm late."

"I think this will put Oklahoma City on the map," said a real estate agent. "We need some kind of boom around here."

But there is a rising tide of opposition—based mainly on annoyance. Much of it stems from citizens' resentment that they were made guinea pigs in the experiment without being consulted.

FAA has received about 2,000 complaints about the booms. They are alleged to have broken windows, cracked plaster walls, stopped hens from laying eggs, frightened children, and, in one case, prevented a lady from being able to tune in channel 5 on her television set.

However, only 17 complainants have filled out affidavits of damage on the form 95, which the FAA supplies for that purpose.

ANIMALS JUMPY

At the city's Lincoln Park Zoo, Director Warren Thomas said the booms made the animals jumpy. A farmer at El Reno, a nearby town, said he observed a tom turkey chasing a hen when a boom struck. The tom never broke stride, he said.

"I think it's a disgrace we don't have a chance to vote on this question," said a housewife in a newspaper letter.

FAA officials don't quite know what to make out of the mixed bag of complaints. Project Chief Power stated that not a single instance of structural damage resulting from booms has been found.

Sonic boom is a law of nature and the inevitable consequence of supersonic flight in the atmosphere. It is produced by an airplane flying at or faster than mach 1, the speed of sound.

At sea level when the temperature is 59° F., mach 1 is 770 miles an hour. This varies with altitude and air temperature. At 65,000 feet, where the Anglo-French SST, the Concorde, will fly, mach 1 is only 660 miles an hour.

WHY IT BOOMS

The boom effect is caused by an aircraft pushing air molecules out of its way faster than they can disperse through other air molecules.

The molecules being pushed bunch up or compress in a wave, which is at higher pressure than the surrounding air.

It is called a wave of overpressure, and it resembles water waves flowing out from the bow of a ship.

The waves flow slantwise to the ground from the aircraft in widening cones.

At ground level, the overpressure is heard as a sharp detonation.

CAN'T PREVENT IT

There is no way of preventing sonic boom by an aircraft flying at or above mach 1. But the loudness of the boom can be controlled by keeping the pressure down to 2 pounds or less.

This can be done by the design of the aircraft, its "angle of attack" or position in which it flies, the manner in which it is piloted, and by adjusting the speed to atmospheric conditions.

Since the boom is heard usually within an area of 10 to 15 miles on either side of the flight path, the route of a supersonic transport becomes a principal factor in control.

In the $16,000 bungalow at 919 Kenilworth Drive in Oklahoma City, 15 strain gages and 15 accelerometers measure the impact of the booms on the sheetrock wallboard and 2-by-4 studs. Windows, mirrors, fancy glass, radios, and television are checked daily.

In 20 days of booms at overpressures of 1 and 1½ pounds per square foot, no damage has been detected here or in three other houses similarly "bugged" by the FAA and NASA.

The next step is to raise the overpressure to 2 full pounds. Booms will be louder, more jarring.

The people of the Oklahoma City metropolitan area are not simply guinea pigs. They are judges, for their response in Operation Bongo will define in large measure the boundaries of commercial flight in the supersonic age ahead.

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE WHEAT-COTTON BILL

The SPEAKER pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 10 minutes.

Mr. CURTIS. Mr. Speaker, as I announced under the 1-minute rule this morning, I take the floor to discuss some aspects of the procedures of the House under which we are going to consider after the Easter recess what is known as the cotton-wheat bill.

I was quite interested to note that the chairman of the Committee on Agriculture, the gentleman from North Carolina [Mr. COOLEY] took the floor of the House under special order to discuss the wheat-cotton bill. I was glad he did. But it clearly demonstrated in the process the inadequacy of the procedures that are gonig to be utilized by this House to consider and discuss this very important measure that will be before us.

I regret the gentleman from North Carolina [Mr. COOLEY] is not on the floor at the present time, and did not have time to yield to me. He stated in the process of his remarks that he hoped I, the gentleman from Missouri, would utilize some time during the Easter recess to study the wheat bill. I shall do so. I have studied it to some degree, and I hope the rest of the Members of the House will too, but I point out again the fact that under the rule that would be proposed this House would not have the opportunity in the well of the House to exchange views. That is the purpose of debate and discussion, and that is the purpose of the entire congressional system.

Here is the point I was making to the majority leader, the gentleman from Oklahoma [Mr. ALBERT]. I regret I do not see him present, although I asked him if he would be present when I took this 10 minutes, because twice when I sought to interrogate him on the floor and engage in colloquy on this point, he refused to yield. That is no way to exchange viewpoints. I can be in error on my point of view, but the way to hammer these things out is to have an open exchange of views. That is the purpose of the well of the House, that is the purpose of the congressional system.

The gentleman from Oklahoma [Mr. ALBERT], the majority leader and I must say the leadership of the House, falls back as a defense for this procedure under which we will debate the wheat-cotton bill, that the will of the majority should prevail. There is no question about our complete agreement on that point in the House. I more so probably than many of my colleagues feel, some of the procedures we have established in the House to preserve the process of debate and discussion perhaps have been unwieldly and have to some degree undoubtedly delayed the majority in reaching a determination on some of these matters. So there is no question about the agreement that the function of the House and indeed the Congress is to have the majority work its will. The whole question, though, is: How does the majority work its will?

Under our traditions, under our rules, indeed, under our Constitution, the idea is to reach these decisions of the majority after full discussion, after full study, after debate, and that debate usually, I suggest, does include the right to amend. Our rules of the House are written to make these provisions.

The gentleman from Oklahoma has pointed out that this procedure under which we will debate the wheat-cotton bill is provided in the rules of the House itself and therefore he uses that as an argument for justifying it. Yes, the majority in the House can work its will at any time and it can, if the majority decides, ride roughshod over the minority. But I might say that is clear proof that the arguments that I have heard so often from the majority leadership in the House that matters have been held up in the Rules Committee preventing the majority from working its will were without foundation. The truth is that the things that were held up in the Rules Committee were things that the majority leadership either knew they did not have the majority vote for or, for various reasons, decided they did not want it on the floor of the House for debate and discussion.

Back in the days when we had this debate over the enlargement of the Rules Committee, as many will recall, I was one on our side of the aisle who said that if the majority leadership wanted to enlarge the Rules Committee on the ground that they could not work their will in the Rules Committee, I for one would recommend to my colleagues on the Republican side of the aisle to go along, not that I agreed with them; quite the contrary. I felt it was a specious argument. I felt that the Rules Committee never had the power and does not have the power today to block legislation from coming on the floor of the House, because we have had procedures clearly set out under the Calendar Wednesday Rule so that this can be done and the majority can work its will.

But I said:

> OK; let them have the enlarged Rules Committee, and then let them explain to the people of this country why matters remain held up in the Rules Committee.

This did prevail and, I might say, it did prevail because I was able to persuade enough of my colleagues on this side of the aisle to give the necessary votes so that the Rules Committee was enlarged. But at the time I was debating this matter in the well of the House I said I was really concerned about what might be the real purpose in mind behind the enlargement of the Rules Committee. Far from trying to help the House of Representatives work the will of the majority, it looked to me as if this might be an attempt to gain power to abuse this principle of representative government of adequate debate and discussion before the majority should work its will.

I referred back to the New Deal days, in the first 100 days of the New Deal, when the Rules Committee was used as a technique to bring out gag rules so that the House was unable to fully debate and discuss and amend these important measures, so that the executive branch of the Government was able to whip up a propaganda campaign around the country, going directly to the people in disregard of the theory of debates and the congressional process. I said that maybe was in the minds of these people who claim that their idea is to let the will of the majority prevail; maybe what we are going to see coming out of the Rules Committee is more of these gag rules. And I say today it is very obvious that this power has been used for this purpose.

The only defense that can possibly be made for bringing the wheat-cotton bill out on the floor of the House under this rule is not that the House does not have time to debate the matter.

But here we are the day before the official Easter recess doing nothing but going through special orders and we have a whole week of recess. So it is obviously not a lack of time but a lack of desire of the leadership of the House to bring this matter up so that it can be adequately and fully debated, and with the possibility of amendment so that we could get proper legislation.

Yes, there is a practical political matter and this is a real contrast because in the other body we have just the opposite going on where under the rules of the other body a real filibuster can be conducted and a willful minority can prevent or hold up the actions of the majority on legislation. That is the reason behind hampering the House of Representatives from debating at all a matter that has nothing to do with this subject. It is a very poor reason I suggest for the political party that is in dominance of both these Houses of Congress and the executive branch of the Government. Yes, indeed, I feel deeply that this rule that is coming out hits at the very heart of representative government and will destroy it.

REPORT ON CIVIL DEFENSE MATTERS

The **SPEAKER** pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 20 minutes.

Mr. **HOLIFIELD**. Mr. Speaker, my deep concern about the failure of the Federal Government to set a clear course for an effective civil defense program is well known to the Members of the House. I will not now repeat the reasons for my concern because I have done so on many other occasions.

Last September, the House had an opportunity to work its will and to record its endorsement of a national fallout shelter program when it passed H.R. 8200. It followed the wise counsel of the Armed Services Committee, under the distinguished leadership of its chairman, the gentleman from Georgia [Mr. VINSON], and his able deputy in charge of the subcommittee which held hearings on the bill, the gentleman from Louisiana [Mr. HÉBERT]. Unfortunately the other body has deferred action on H.R. 8200. The decision to defer was made by the Chairman of the Senate Armed Services Subcommittee which held hearings on the bill, announced in a letter dated March 4, 1964, and made public shortly thereafter.

The failure of the Senate to act on this important civil defense legislation and the departure of the Honorable Steuart L. Pittman from his post as Assistant Secretary of Defense for Civil Defense are two events closely related in time and subject to possible misunderstanding. I want to give this House my view of the situation, because I do not believe that it signifies defeat for a Federal civil defense program. I have examined into the background of these events, and I shall make certain observations both about the legislative situation and about Mr. Pittman's decision to leave the Government.

First of all, the chairman of the Senate subcommittee which considered H.R. 8200 made it clear in his letter of March 4 to Secretary Pittman that action was being deferred on the civil defense bill only "for the present" and on the basis of "several factors not necessarily related to the substance of the bill."

The chairman of the Senate subcommittee took the position in his letter that ballistic missile defense and the shelter program were closely tied together and that decisions affecting both defense areas "should be similarly related."

In one sense, this statement can be construed as an affirmation of the significant interrelationships of civil defense and other defense programs in the total defense posture of the Nation. Certainly there should be no disagreement with that. On the other hand, if the sense of this statement is to tie the future of civil defense to highly costly and complex defense systems which may never get beyond the research and development stage, then I believe we are making a fatal mistake.

The testimony of Defense Secretary Robert S. McNamara before the House and Senate Armed Services Committees describing the defense outlook for the next 5 years and the budgetary requirements for fiscal year 1965, throws light on this whole subject. Secretary McNamara devoted one whole section of his lengthy presentation to civil defense. He gave a status report on the civil defense program and emphasized that it was an integral and essential part of the total defense posture. It was his considered judgment that a well planned and executed nationwide civil defense program centered around fallout shelters could contribute much more, dollar for dollar, toward the saving of lives in the event of a nuclear attack upon the United States than could either the strategic striking forces or the continental air and missile defense programs. This is not to say that civil defense is more important than our striking forces as a deterrent to nuclear war. The point of the statement is that for a given number of dollars, civil defense buys many more lives than other defense systems. This is indeed an important finding, to be kept constantly in mind; and it suggests at once that civil defense deserves priority attention, not postponement until a whole range of other costly and complicated decisions are made.

In the part of his testimony dealing with antimissile defense, Secretary McNamara pointed to the heavy costs of research, development, production, and deployment under the Nike X program, which is still in the R. & D. stage. His conservative estimate was $16 billion for putting down one possible Nike X system, and substantial additional amounts each year for operation and maintenance. Far more important than the heavy costs, Secretary McNamara added, was the fact that the effectiveness of a ballistic missile defense system for saving lives depended to a large part upon an adequate civil defense system. Without adequate fallout shelters, the

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enemy could target its missiles at points outside the defended areas and kill the people by fallout.

For this reason, Secretary McNamara said in his testimony, and here I am quoting:

> For this reason, the very austere civil defense program recommended by the President * * * should be given priority over procurement and deployment of any major additions to the active defenses.

You will note here what I have already suggested, that civil defense deserves priority. Civil defense is requisite to expansion of antimissile defense. But civil defense is valuable and necessary in its own right. Civil defense is a far more economical lifesaving measure than equivalent dollar additions to strategic retaliatory or active defense systems. Civil defense, that much scorned and derided activity, is a good buy, a good bargain, if we may use these words in talking of such precious commodities as the lives of the people, the life of the Nation.

I dare to hope, therefore, that civil defense will not be relegated to the heap of unsolved problems and deferred until such time as every vexing defense problem is ready for solution. Civil defense should be first in time and is, in fact, least in cost. It is the quickest and best lifesaving defense system we have for the immediate future. I trust that the committee of jurisdiction in the other body will consider the matter in this light, and that the Secretary of Defense will make it crystal clear in his next posture and budget presentation to the Congress that action on civil defense is imperative.

We can take a note of encouragement from a public statement Secretary McNamara issued a few days ago in which he said:

> I foresee a firm and high priority for civil defense as an integral part of our national security effort.

He went on to say that the administration would press its civil defense program as the lowest cost possibility for saving lives under nuclear attack, whether the strategic forces package to be presented next year is large or small.

Referring again to the March 4 letter of the Senate subcommittee chairman, I am pleased to note that he has described the current civil defense effort under Mr. Pittman's leadership as "well managed," with "well defined and practical objectives." A similar conclusion was reached after hearings by the Military Operations Subcommittee of the House Committee on Government Operations in 1962 and by the House Armed Services Committee last summer.

I have talked with Steuart Pittman about his resignation and there is no question about his motives. He was able to undertake the assignment only on the understanding that he could return to his law practice after 2 years, and he has overstayed by 6 months because the shelter bill was pending. He tells me that the only reason that would have led him to change his plans would have been failure to bring the civil defense program out of the woods. His cautious optimism that a new civil defense program has been firmly launched appears to me to be justified. A shelter system for 70 million people is in the advanced stage of preparation and has made possible a new realism in civil defense organization, training, and planning. Civil defense planning has been effectively tied in to military planning.

Military operations and organization are taking on a capacity to supplement and support civil defense. State and local civil defense has adjusted successfully to a more unified and coherent national effort. These achievements are the direct result of a new professional competence in the management and leadership of civil defense. This change has been brought about by Secretary Pittman and the able staff which he has assembled.

I want to say a word about Steuart Pittman, whom I have come to know well both personally and professionally during his 2½ years in office. During the House debate on the shelter bill, this man was given his due by unusually laudatory comments from many Members of the House. So what I have to say is not new to you. I can think of no more difficult and lonely high post in Government than heading civil defense. It requires a selfless man who is not discouraged by the difficulty of communicating with the public, with Congress, and even with his colleagues in Government who are on a different wavelength, which does not readily admit the possibility of disaster. It also requires exceptional management ability and imaginative programing to get things done under the kind of loose civil defense organization which we now have in the United States.

Steuart Pittman leaves his post with the high regard of the President, the Secretary of Defense, and the key people in this administration. He is widely respected by the Congress as a uniquely able public servant, who has changed many minds about the need for civil defense. While the newpapers and columnists of the country have done their share of ridiculing and doubting civil defense, they have consistently recognized Steuart Pittman as the kind of man who contributes more than he gets from public service.

For my part, I think it is one of our great problems that the Government does not offer a career which brings men of this kind of integrity and ability to higher responsibility and keeps them there. However, I am confident that Steuart Pittman will be persuaded to participate again in a vital way in public affairs and I am glad his law practice is in Washington where his advice and experience will be readily available to the Government.

Finally, I want to say that I hope and expect that Secretary McNamara will see the high priority for civil defense, which he has publicly predicted, translated into action on a nationwide shelter system, backed by firm Federal leadership and support. Evidence of the priority for civil defense at the point of critical action on legislation and appropriations has not been entirely convincing to date. Congress will do its part when the President and the Defense Establishment make it clear that this program is vital and can be delayed no longer.

THE GOLENIEWSKI CASE

The SPEAKER pro tempore (Mr. Price). Under previous order of the House, the gentleman from Ohio [Mr. Feighan] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, I was present on the floor today when our colleague, the gentleman from Illinois [Mr. Arends], my friend, delivered his remarks in defense of CIA. I listened with great interest to his analysis of the Michal Goleniewski case, his charge of irresponsible journalism placed against the New York Journal American for its series of articles on this case, and his statement that the CIA Subcommittee of which he is a member went into every aspect of this case.

I want to make it clear I have no intention to enter into the dispute between my colleague from Illinois and my colleague, the gentleman from New York [Mr. Lindsay], over the article by the latter on CIA which appeared in Esquire magazine, which I have not had an opportunity to read. Nor do I desire at this time to engage in the issue over the necessity of a joint committee for the oversight of CIA, the case stated by the gentlewoman from New York [Mrs. Kelly].

What I am concerned about is the blanket statement made by my colleague from Illinois concerning the Michal Goleniewski case as reported in the New York Journal American. Let me quote the particular statements in my colleague's remarks which give me concern:

> I might add that the CIA Subcommittee of which I am a member, went into every aspect of this case. I am personally satisfied that the publicized statements purported to come from Michal Goleniewski are not correct. The information as reported in the press is not in agreement with the information Michal Goleniewski has made available to many departments of Government.
>
> Stories such as have been circulated on this case display a reckless regard for the truth. They can be harmful, and those who circulate them do a great disservice to maintaining public confidence in the CIA.

By his statements the impression is created that my colleague and other members of the CIA Subcommittee are completely informed on all the facets and implications of the Goleniewski case. I question the accuracy of that statement, not because I question the integrity of my colleague and friend, but because I am convinced that if he and the other members of his subcommittee were completely informed on all the facets and implications of this case he would not have delivered the remarks he has made today. I say this because I have confidence in the gentleman from Illinois and all the members of the Subcommittee on CIA, of which he is a member. That confidence is based upon the hard road of experience and the proven integrity and dedication of all the members of the subcommittee. That is not the issue in the Goleniewski case. To raise that issue or to have it interjected by others can serve no other purpose but to confuse the real issue which goes to the heart of the safety, the security, and the future happiness of all the people who elect their Representatives to Congress.

A great and dedicated American, Al Smith, used to say, "Let's look at the record"—or at least part of the Record today.

My colleague, the gentleman from Illinois [Mr. Arends], discusses the Goleniewski case, but what he leaves out is far more important than what he has said.

In an earnest effort to assist him and the other members of the House CIA Subcommittee, I present the following questions for consideration by the members of that subcommittee.

First. Have the members of the subcommittee personally interviewed Michal Goleniewski and if they have had that opportunity, how much time was spent with him and to what extent was he questioned with respect to political intelligence and Russian KGB agent infiltration into the vital organs of our Government?

Second. If the members of the House CIA Subcommittee have probed deeply into KGB agent penetration of the vital organs of our Government, are the members satisfied that everything that needs to be done has been done by the security arms of our Government to ferret out and prosecute the guilty?

Presuming the members of the House CIA Subcommittee have interrogated Mr. Goleniewski in depth, which I sincerely hope is the case, I raise these additional questions:

First. Is it not true that Goleniewski, who defected to the United States in 1961, had revealed deep penetration into the CIA by Russian KGB agents?

Second. Is it not true that Goleniewski has told how over $1 million of CIA funds fell into the hands of the Russian KGB and about $400,000 of this money was pumped back into the Communist Party, U.S.A., to pay for their operations to destroy our country?

Third. Is it not true that Michal Goleniewski has been discouraged by certain CIA officials in his efforts to present what he calls political intelligence and which he regards as essential to the defeat of international communism?

Fourth. Did Goleniewski name Russian KGB agents in both the State Department and CIA and state that to date none of these agents have been arrested or prosecuted?

I regret exceedingly that limitation of time under the special order permitted to my good friend, the able and distinguished minority whip, the gentleman from Illinois [Mr. Arends], did not afford any time for me to ask him questions and to hear his response. After his remarks I spoke to my friend, the gentleman from Illinois [Mr. Arends], and advised him that I would request time to address the House to raise a number of questions concerning the Goleniewski case. I have raised those questions. They are serious questions. The American people have a right to hear forthright answers to those questions. I hope they will be answered.

There is no question about CIA being one of the most important agencies of our Government, particularly during this period of international uncertainties and anxieties.

The CIA can be used for immense good or terrible evil. The CIA can be used to save this country from the tyranny of communism or it can be used to deliver this Nation into the bonds of communism.

The CIA can be used to waste millions of dollars of taxpayers money and lose countless millions of lives, or it can be used to save nations and this country from the dread yoke of communism.

The CIA can be useful through good and accurate intelligence estimates to guide U.S. policy decisions to victories over communism or, through slanted intelligence estimates, to take this country down a road of appeasement until there is no other choice but all-out nuclear war or surrender.

These are not only critical times, but these times are decisive for our country, for the cause of universal freedom, for the cause of a just and lasting world peace.

It is time that Congress faces up to its responsibility and obtains the answers—the full story of Russian agent penetration of our Government.

Mr. Speaker, as a man who believes in the message of Holy Week, I am an optimist. But I also believe it is high time we weeded out of our Government all those who wear the cloak of Judas so that we can freely spread the great message of American liberties, freedoms, and individual dignity throughout the world.

THE CONSUMER AND THE ECONOMY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. Ryan] is recognized for 30 minutes.

Mr. RYAN of New York. Mr. Speaker, believing that widespread citizen involvement in public affairs is essential in today's world, I have said often that Members of Congress have a special responsibility to bring substantive issues to their communities for discussion. Every effort must be made to encourage the individual citizen to participate in government and to make his voice heard.

Since my election to Congress, together with the Reform Democratic Clubs of Manhattan's West Side, I have sponsored an annual all-day community conference. Our nonpartisan conferences provide a unique opportunity for a sharing of knowledge and ideas on major issues.

On February 1, 1964, we sponsored our fourth annual all-day conference. This year's topic, "The Consumer and the Economy," attracted more than 1,000 concerned citizens who attended the 6 panels and the plenary session at International House. As in past years, the enthusiastic response demonstrated that this effort to bring together citizens, Government officials, labor and business representatives, university professors, and other experts produces a stimulating forum. The cross-fertilization engenders new thinking and fresh approaches which are vital in a democratic society.

Mr. Speaker, we owe a deep debt of appreciation to Senator Philip A. Hart, of Michigan, Prof. John Kenneth Galbraith, our former Ambassador to India, and George Collins, acting secretary-treasurer of the International Union of Electrical, Radio, and Machine Workers, for their contributions to the plenary session and to the experts who participated in the panels. Among the outstanding panelists were: Paul Rand Dixon, Chairman, Federal Trade Commission; George P. Larrick, Commissioner, U.S. Food and Drug Administration; William Capron, President's Council of Economic Advisers; and J. A. Stockfisch, Deputy Assistant Secretary, Treasury Department.

The participating clubs were: Ansonia Independent Democrats, F.D.R.-Woodrow Wilson Democrats, Fort Washington-Manhattanville Reform Democrats, Heights Reform Democrats, J.F.K. Midcity Democrats, New Chelsea Reform Democrats, Reform Independent Democrats, Riverside Democrats, West Side Democratic Club, and Columbia-Barnard Democratic Club.

Mr. Speaker, I want to thank and congratulate Hermine Brucker and Daniel J. Nelson, cochairmen, whose tireless efforts and leadership made the conference such a success. I also want to express my appreciation to all those who worked along with them, including Janet F. Schmidt, secretary; Ira Zimmerman, treasurer; Susan Cohn, club coordinator; Judith Charles and Carmen Pertierra, publicity; Sara Silon, arrangements director; Robert V. Engle, program design; the club representatives: Frank Baraff, Barbara Blake, Daniel Chill, Robert Clampitt, Gerald Duffy, Daniel Livingston, Eileen Lottman, Leonard Plato, and Emil Schattner; the panel chairmen: Max Dombrow, Noel Ellison, Andrew Goldman, Marvin Lieberman, Kurt Salzinger, Morton Schiff, and Irving Wolfson.

I would also like to note the valuable services of the West Side public officials who acted as moderators of the various panels: State Senator Manfred Ohrenstein, State Assemblymen Albert Blumenthal and Jerome Kretchmer, and City Councilmen Theodore Weiss and Paul O'Dwyer. Mrs. Matilda De Silva of the Department of Labor, Commonwealth of Puerto Rico, also served as a panel moderator.

In order to make sure that the program would be open to the public without charge, a large number of community sponsors generously responded, indicating that the people of the West Side are proud to support the annual conferences.

Mr. Speaker, it is not possible to mention all of the individuals who have worked to make our conferences possible. However, I know that without the incredible energy, devotion, and commitment of the late Gertrude Miller who pioneered the earlier conferences, this year's forum would not have been so successful.

Mr. Speaker, I include at this point in the Record an article reporting the address of Senator Hart and Professor Galbraith at the plenary session which

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appeared on February 6, 1964, in the Morningsider, the weekly community newspaper published in the Morningside Heights area:

[From the Morningsider, Feb. 6, 1964]

GALBRAITH URGES BATTLE AGAINST "HUMBUG"

John Kenneth Galbraith, the Canadian-born Harvard economist who has written, talked, or provoked much of the liberal dialog in America during the past 25 years, agitated Saturday in a talk at International House for a "revolution against humbug" in American life, intellect, politics, and foreign policy.

Professor Galbraith and Senator PHILIP A. HART, Democrat, of Michigan, addressed an all-day public conference on "The Consumer and the Economy," sponsored by Congressman WILLIAM F. RYAN, the Riverside Democrats, and nine other West Side Democratic clubs.

Congressman RYAN, who was scheduled to address the conference, stayed in Washington Saturday to participate in House debate on pending civil rights legislation. His wife, Priscilla, delivered his speech for him.

Professor Galbraith, who returned to Cambridge last year after serving 3 years as U.S. Ambassador to India, spoke despite an attack of influenza and a stuffed nose.

Hardly referring to his prepared text (which was on The Problem of Poverty), the 55-year-old author of "The Affluent Society" and former Fortune magazine editor, spoke to a standing-room-only assemblage of over 850 in the International House auditorium. A total of nearly 1,100 people turned out for the conference.

Professor Galbraith said that liberals and sensible people must wage a never-ending battle against humbug and profiteering in the political and economic establishments. He said he was delighted that a new generation of muckrakers led by such writers as Rachel Carson and Jessica Mitford were publishing disagreeable books.

"These people name names," he said. They are not afraid, he continued, to offend "General Motors, General Sarnoff, General Clay, or any of the other generals."

"We must show that horrid noises will come from sensible people * * * when concessions are made to the cave dwellers."

In a rambling talk, Professor Galbraith evoked laughter and applause with digressions on Panama ("we try to merchandise our errors and omissions as the machinations of the Communists. Castro has been responsible for everything that happens"), Goldwater ("poverty it would seem is caused by ignorance, lack of ambition, and failure to own a department store"), Rockefeller ("I have great sympathy for Nelson * * * 4 or 5 years ago he was for everything the establishment was for * * * now he's being advised (not even) to talk about home and mother"), and Members of the U.S. Senate ("I would like to see a study made of the effect of age on legislative performance.")

"Tokenism," Professor Galbraith said, "is an extension of humbug. (We cannot) close our eyes to * * * the bypassed people, the people who have been left in poverty."

In the past, we have hoped that a general increase in economic activity—a stepping up of the growth rate—would solve the problem. We have come now to realize that people can benefit from improved economic conditions only if they are able to participate in the economy. This means that they must be physically and mentally prepared. They must be in communities where there are job opportunities and they must not be denied opportunities because of race.

"The attack on poverty must be part of a new and enlarged concern for the quality of our public services. * * * It is the poor who need parks and whose children need swimming pools. Only the poor live in the slums and require the myriad of services that, we may hope, will one day mitigate urban congestion and public squalor * * * it is the schools of slum dwellers and wage and salary workers which would be principally improved by Federal aid to education. * * * It is the poor children who play in dirty streets. It is their fathers who get laid off when public works are suddenly cut back.

"Public services have, to use the economists word, a strong redistribution effect. And this effect is strongly in favor of those with lower incomes. Those who clamor the "loudest for public economy are," Professor Galbraith continued, "those for whom public services do the least. It is evident that tax reduction that affects public services has a double effect in comforting the comfortable and afflicting the poor."

Senator HART said that free competitive enterprise was present in the United States "more in theory than in practice."

"Advertising, promotional efforts, gimmickry and adherence to costly systems of distribution offer the consumer no substitute for price competition. The consumer must ultimately bear and pay for these costs.

"In the pharmaceutical industry, for example, it has been estimated that the $750 million for promotion to doctors alone ultimately may add more than a billion dollars to consumers' bills.

"One physician who appeared as a witness in the hearings of (my) Subcommittee on Antitrust and Monopoly stated that the postage bill alone for the material mailed to physicians would build at least three large hospitals a year, and the annual cost of the advertising which went into physicians' wastebaskets could probably build and equip five hospitals.

Mr. Speaker, I am sure my colleagues will be interested in reading the excellent speech of Senator PHILIP A. HART, chairman of the Senate Antitrust and Monopoly Subcommittee, in which he discusses the effects of nonprice competition in today's economy:

REMARKS OF SENATOR PHILIP A. HART, DEMOCRAT, OF MICHIGAN, TO THE FOURTH ANNUAL WEST SIDE CONFERENCE, NEW YORK, N.Y., FEBRUARY 1, 1964

Nearly 200 years ago an English economist, Adam Smith, propounded a then revolutionary doctrine that the "Wealth of Nations" is best advanced through the operation of a system of free, private enterprise, in which prices are arrived at through vigorous competition among rival producers.

From that seed our own complex economic system has developed with its emphasis on vigorous price competition in free and open markets. The concept was enshrined in our antitrust laws which attempt to insure that prices will be freely arrived at without unreasonable restraint either by way of unfair trade practices, the exercise of monopoly power or combinations or agreements having as their object the placing of chains on an open market.

Yet today this foundation upon which our free enterprise economy is based may be sinking—although slowly—into a quagmire of nonprice competition.

Many forms of nonprice competition perform a useful role in our economy, but they should not become or be considered an acceptable substitute for price competition. For instance, advertising and packaging of consumer goods, when utilized for socially useful purposes, perform vital functions.

But my concern over nonprice competition stems from the fact that it may, on occasion, prevent the price system from performing its traditional and essential functions in our free enterprise economy. In many instances nonprice forms of competition tend to strike at the rational basis for consumer choice. The buyer many times is required to make his choices only on the grounds which the sellers permit—alternatives in physical appearance, packaging, service contracts, or advertising claims and other forms of sales promotion. Thus, in the packaging hearings I held for the Senate Antitrust and Monopoly Subcommittee, I was struck again and again by the roadblocks placed in the path of anyone who tries to buy the simplest forms of consumer goods on the basis of price. The American housewife is an intelligent woman, but this isn't enough when she walks into the supermarket today. Without an engineering degree and a slide rule in her pocketbook, often she simply cannot determine how much she is paying, per ounce or per pound, for anything from cereals to soap flakes. The consumer is faced with a bewildering array of packages in such a variety of sizes, shapes, weights, and possibly degrees of "slack filling" that accurate price comparisons become difficult, if not impossible—particularly if compounded by a net weight designation which can't be found. In this way consumers are forced to rely upon the nonprice competitive efforts of manufacturers who seek to avoid even the appearance of price competition.

In a recent Federal Trade Commission case which involved the packaging methods of a manufacturer of gift-wrapped material, Commissioner Elman had this to say:

"For a seller to package goods in containers which—unknown to the consumer—are appreciably oversized or in containers so shaped as to create the optical illusion of being larger than conventionally shaped containers of equal or greater capacity, is as much a deceptive practice and an unfair method of competition, as if the seller were to make an explicit false statement of the quantity or dimensions of his goods."

Even where there is an appearance of price competition, the appearance itself may be deceptive. One of the charges against the manufacturer in this same case was that he had preticketed his merchandise with fictitious prices so that retailers could have sales which supposedly offered great bargains to the consumer. The manufacturer made no effort to deny the charge; instead he contended that, since practically every company in the industry engages in the same misleading practice, it was unfair to single him out for complaint. These forms of nonprice competition serve only the sharpshooting manufacturer or producer at, literally, the expense of the consumer.

Another adverse characteristic of nonprice competition from the standpoint of the consumer can be its great cost for which the consumer, not the seller, must pay. The most dramatic examples of this cost were found in the course of the Antitrust and Monopoly Subcommittee's hearings on the prescription drug industry, in which the manufacturer's selling efforts are directed toward inducing the physician to prescribe by his particular trade name. Twenty-two of the largest drug companies provided data on their 1958 operations to the subcommittee. In that year their combined total of advertising and promotional expenses came to nearly $600 million. It was estimated that the total for the whole industry would have been at least $750 million in 1958, and probably the figure has risen substantially since then.

One physician who appeared as a witness in the hearings of the Subcommittee on Antitrust and Monopoly stated that the postage bill alone for the material mailed to physicians would build at least three large hospitals a year, and the annual cost of the advertising which went into physicians' wastebaskets could probably build and equip 50 hospitals. He suggested that: "It would take two railroad mailcars, 110 large mailtrucks, and 800 postmen to deliever the daily load of drug circulars and samples to doctors if mailed to one single city. Then after being delivered, it would take over 25 trash trucks to haul it away, to be burned on a dump pile whose blaze would be seen for 50 miles around."

Another physician pointed out that the amount the industry spent to persuade doctors to prescribe its products was nearly four times the combined operating budgets of all of the medical schools in the country.

The cost of nonprice competition to the consumer is sometimes staggering. Everyone recognizes the producer's need for advertising and marketing the sale of his products. But advertising, promotional efforts, gimmickry, and adherence to costly systems of distribution offer the consumer no substitute for price competition. The consumer must ultimately bear and pay for these costs. In the pharmaceutical industry, for example, it has been estimated that the $750 million for promotion to doctors alone ultimately may add more than a billion dollars to the consumers' bills as the specific markups over cost are added at the various levels of distribution. And if we follow this chain of reasoning through industry after industry, it becomes clear that much of the increase in the cost of living might well be caused by the increased cost of nonprice competition.

As indicated, the reason is that this is a form of competition in which the consumer reaps few benefits when compared to the in-pocket savings which price competition would provide. Nonprice competition also frequently works to the disadvantage of the small competitor, no matter how efficient he may be. Victory in some forms of nonprice competition may go not to the firm with the lower costs or the best product, but to the company which can spend the most on advertising, sales promotion, model changes, etc. In this kind of race the smaller competitive producer can seldom win. And as the smaller competitor loses his share of the market, another element tending to keep prices down disappears. The threat of market entry by new firms, the spur to keeping prices down where many independents are vying for a share of the market, diminishes as concentration in a given product market grows. And concentrated industries, in turn, can use their monopoly power to take even larger shares of the market through nonprice competitive techniques.

In fact, by your purchases you may be subsidizing a rise in your own cost of living.

Contributing to the decline of price competition and the emphasis on nonprice forms of competition is a practice called price leadership. It occurs, most often, in highly concentrated industries or in industries where one firm occupies a dominant position.

The leading firm establishes a price for the product which may or may not have a relationship to supply or demand, the classical regulators of the market. The other firms follow suit. The prospective buyer is faced with a single price for the product or finding a substitute. When this occurs in basic industries, the latter choice is not always readily available.

In this situation, rather than market forces controlling competition, the competitors are controlling the market.

Reference to the subcommittee hearings on administered prices in the steel industry may help to illustrate this problem.

As brought out in the hearings, before the formation of United States Steel in 1901, price competition in steel was the rule rather than the exception. Although efforts were sometimes made to control the market through loose pools or gentlemen's agreements, they generally broke down when demand fell off. It is true that prices rose when the steel business was booming, but it is equally true that prices would fall sharply whenever the demand for steel dropped much below the industry's production capacity.

The reasons for this were clearly stated by the U.S. Commissioner of Corporations in 1911: "In 1890 there were scarcely any consolidations of the modern type in the steel industry. [The industry] was characterized by the competition of a large number of independent concerns * * *. These concerns were distinct entities with respect to ownership."

The formation of the United States Steel Corp. in 1901 changed the industry's structure. Here, for the first time, was a company which—through control of ore and coal supplies, transportation facilities, pig iron, ingot, semifinished and finished steel capacity—was able to dominate the whole industry.

Since that time United States Steel's ability to "set the pace" has remained unchallenged. In 1936 the president of United States Steel could say, with great confidence, to Senator Burton K. Wheeler: "I would say we generally make the prices."

The bout between the late President Kennedy and the steel industry rather dramatically highlighted what I am talking about. At that time the forcefulness of a strong President caused the steel industry to backtrack. Since that time, however, selective price increases have been quietly at work.

Let me emphasize that there is nothing illegal involved in price leadership in and of itself. Nor do I intend these remarks to be a condemnation of the steel industry. So long as others are doing the same thing and the method of pricing does not violate the law, a good argument could be made out for this form of pricing by industry leaders.

The point is that our free enterprise economy does not work according to the classical model on which it is based. If the standard of price-leadership dominates pricing in basic materials, it can result in the consumer paying more for the finished product and lead to even greater reliance on nonprice forms of competition.

It is important that we be aware of these competitive forces at work in our economy and how they reach into the pocketbook of the consumer. It is important that we not close our eyes to economic reality and assume that the market is regulated in all cases by forces that, in fact, do not exist. It is important that we realize that the theoretical foundation of our free enterprise system may be present more in theory than in practice.

Having said this, I confess that I do not have the answers. But as chairman of the Senate Antitrust and Monopoly Subcommittee, I can assure you that we will search assiduously for answers consistent with economic freedom. Certainly recognition of reality is the first step to finding solutions.

And I hope that I have also indicated that the antitrust laws are not a vague collection of rules about which only manufacturers and businessmen need be concerned.

The form of our antitrust laws and their administration directly affect every consumer. And the effect is concrete, not theoretical. The effect determines to a great extent how much your dollar will buy. And the buying power of the consumer dollar is in the long run what the antitrust laws are all about.

If I have confused rather than enlightened, let me say that this entire sphere of economic activity has sometimes been confused because of the darkness surrounding much of its operation. Hopefully, our Antitrust and Monopoly Subcommittee in the years ahead can throw light in a way that will benefit both business and the American consumer.

Mr. Speaker, I include at this point in the Record a summary of the morning panel on "Health Care: Cost and Quality" which was prepared by a reporter of the Morningsider:

Speakers: Dr. George Baehr, chairman, New York State Public Health Council; Mr. Edward J. Carroll, director of economic research, Merck & Co.; Miss Evelyn Dubrow, chairman, AFL–CIO Committee on Consumer Legislation; Dr. Gerald Dorman, member, board of trustees, AMA.

Dr. Baer said that the overall cost of drugs in the United States has decreased in the past decade because the consumption has increased. Each person now purchases 5½ prescriptions per year, he noted; the greater use of drugs arises from new medical discoveries. A few years ago, he said, a patient with pneumonia spent 2 weeks in the hospital and had only a fifty-fifty chance of recovering his health. Now, a patient spends 4 days in the hospital, is treated with antibiotics, and has a hundred percent chance of recovering, he continued. The treatment with antibiotics is costly, and individual patients find their care and drug costs expensive, yet, all in all, drug costs have decreased, he said.

Miss Dubrow spoke on the unions and medical care. She said that the unions were among the first to take out health insurance policies for their workers. In another vein, she said that production in factories and in other jobs fell off because workers avoid going to the doctor until they are seriously ill. If they could go when they are simply feeling "out of sorts" and receive a checkup and advice, they would have satisfaction and help, and would not lose worktime. The workers avoid doctors because of the high costs of office visits, but in so doing, they inflict upon themselves the even higher costs of medical care which they require later, when they are seriously ill.

There are many "drug" frauds against the American public, she said. Numerous television programs, she noted, advertise drugs that people can take for deficiencies or illnesses. Most of these drugs are nonessential to a person's health, but the television commercials make them sound absolutely essential, she said. Her answer to the medical problem in America was "cradle to grave" compulsory health programs, sponsored by the Government.

Dr. Dorman said that drugs purchased under their basic names are less expensive than the same drugs purchased under a brand name. As an example he cited aspirin, which is cheaper than aspirin preparations such as Anacin or Bufferin. Doctors are brainwashed by salesmen to purchase drugs under brand names, he said.

Dr. Dorman criticized the union health centers, which labor unions establish throughout the various cities in the United States. He believes that they are not centrally located for their workers' convenience. He also believes that the various unions should consolidate their medical care. Each union has a center of its own for its own workers and the various unions will not "get together" on handling each other's patients, he said.

Mr. Speaker, there follows a summary of the morning panel on "Automation, Unemployment and Poverty" which was prepared by a reporter of the Morningsider:

Speakers: William Capron, President's Council of Economic Advisers; Michael Harrington, author of "The Other America"; George Collins, acting secretary-treasurer, International Union of Electrical, Radio & Machine Workers; Robert Lekachman, professor of economics, Barnard College.

Mr. Capron led off the discussion. He said, "there's a danger of making this interrelationship too simple (automation to unemployment to poverty). It misses the mark rather widely, and it can lead us down policy paths that we would not want to follow."

"The Government," he said, "has the responsibility to aid technological change, as long as it's discharging its responsibility for the adjustment that's going to be necessary."

In another point, the economist said that unemployment is the result of "inadequate total demand for goods and services," and he noted that the tax cut was instituted to get at the demand problem. It will release billions of dollars of purchasing power into the economy, he said, and that that in turn would increase the demand for labor. Stressing that "it's not a quick cure," Mr. Capron said, "I'm convinced that by the end of this year we'll have an economy that's moving up to total employment."

He continued, "We could cure poverty almost overnight. We could bring every American family up to $3,000 a year. But that would not cure poverty. Its roots lie deep. The lack of income is a symptom of poverty, not its cause. Real poverty lasts not only a lifetime but too frequently passes from one generation to another. For a whole segment of the population, relief has become a way of life."

We must approach poverty, he said, as a longer range problem, to get at its roots rather than eliminate some of its symptoms. The focus, he believes, should be on the younger people. As far as the older people are concerned, he said, it's difficult for them to escape a condition in which they've lived all their lives.

Michael Harrington, whose book is widely credited for having awakened the country to the widespread poverty that exists, spoke next. He suggested three steps that must be taken in a broad attack on poverty: first, that we must know its dimensions; second, that we must realize that what we have is a political problem that must be solved by political means; and third, that there must be Federal planning. The President's war on poverty, he said, "is only the merest beginning * * *. It is, thank God, a beginning."

On the dimensions of the problem of poverty, he said, "the actual number of poor is open to argument: According to President Johnson, there are 35 million, or one-fifth of the population; other estimates range higher. My own, he said, is 40 to 50 million. Leon Keyserling, he pointed out, has estimated that 40 percent of the population—or about 77 million persons—are either impoverished or deprived. We now know, he continued, that at least one-half of the people over 65 are "condemned to a lonely, bitter, impoverished old age"; we know that racial impoverishment is an added problem; we know that rural poverty is enormous; and we know that among the poor the largest age group is under 18. There's a grave danger, he said, of "hereditary poverty," the communication of poverty from one generation to another. We also know, he continued, that poor people get sick more often, that they have a higher incidence of neuroses and psychoses. The poor are the least educated in society, he said, and finally, they are ill housed.

On the war on poverty as a political problem, Mr. Harrington said, "The spending of money always involves politics." He called the $200 to $600 millilon that is going to be spent in Johnson's program "the barest, most impoverished beginning," and he quoted the New York Times as saying that it is hardly enough for a skirmish much less total war. The Dixiecrats, he pointed out, do not want to solve the problem of poverty; as long as they continue to dominate Congress, we are not going to approach the problem as massively as is necessary. We must, he said, have a new alinement. Later, during the question period, he said that the Democratic Party must become truly the liberal party; the Republican, truly the conservative. He said, "The AMA is for the maintenance of poverty," as far as Medicare is concerned; the farm bureaucracy is for the maintenance of poverty, when it comes to the question of the migrant farmworker; the racists are for the maintenance of poverty, as long as the alternative means uplifting the Negro; and the chief city planners—the real estate speculators—are for the maintenance of poverty.

His third point was that "any serious war on poverty has to have Federal norms." He disagreed with Mr. Capron. It is not, he said, simply a matter of increasing aggregate demand. In the next 5 years, he pointed out, an additional 16.1 million jobs will be needed just to maintain the level of unemployment that now exists. If we fail to provide these jobs, unemployment will leap to 8, 9, 10 percent of the working force, he said. The total problem, he stressed, is so massive—housing, education, jobs and many related problems—that there must be a "coordinated approach" to them, and that means Federal planning on a grand scale.

George Collins was the next speaker. The rediscovery of poverty, he said, is "long overdue * * *. The unhappy fact is that we have not achieved one of F.D.R.'s goals."

Each week, he said, 25,000 young people are entering the labor market; while 40,000 jobs a week are being lost through automation. The Nation is without a plan to deal with automation, he said, and "big business and industry show complete indifference." Big business and industry say, "no one knows the extent of the problem," which is a statement designed to delay the solution, he said.

He warned that we cannot continue the excuse "no one knows what to do about the problem" before attacking it. For the worker out of a job, he said, the important thing is that the bills are due, his wife needs medical care, his kids need clothes.

Robert Lekachman then spoke. He said that he was "more inclined to quarrel" with Mr. Capron, an economist. He called Mr. Capron's position (which is also the position of the Council of Economic Advisers) "a cheerful view." If we have unemployment, this view runs, it's the result of "deficient demand," and we "dump money in the right places" so that it will flow throughout the economy, he said. "We tried this recently," he pointed out, "in the bad old Eisenhower days. Remember?" In 1954, he said, "that far-reaching radical GEORGE HUMPHREY" supported a tax cut; the economy's upward turn was undoubtedly the result. "But why," he asked, "has the problem returned?" He said that this consideration led him to an alliance with the other two speakers (Collins and Harrington). "We have never really solved the problem of integrating the bottom segment of our population into the whole society," he said.

He pointed out that the number of jobs with small skill requirements are rapidly diminishing, and the jobs that are becoming available require greater and greater skills. Declaring that there's "a changing shape" to the demands upon labor, he foresaw a future in which machine tenders are going to become fewer and fewer, and it will be necessary for workers to shift occupations two or three times during their lifetimes. This, he said, suggests "a substantial shift not only in the amount spent on education but in the way we approach it." It will be necessary to make education a continuous process, he said. "General education, in other words, should last throughout life."

What we have achieved so far, he pointed out, is a middle-class welfare state; what we should be seeking is a welfare state for the bottom third of our society.

We only "kid ourselves if we believe that a tax cut is a cure-all," he said.

Later, during the rebuttal period, Mr. Capron said that the Council of Economic Advisers has never said that the only problem is aggregate demand and the tax cut the only solution. "We do say," he noted, "that total demand is necessary if we're going to begin to meet the problems of unemployment and poverty." He also said, "sure, skill requirements are on the increase, but they have been for a long time, and the labor force has always been able (to accommodate itself)."

During the question period he was asked why so little—$500 million or one-half of 1 percent—of the total budget, is to be spent on the war on poverty. He answered that substantial funds in the educational and housing budgets are earmarked for the problem of poverty and that this was only a beginning. "We have a tremendous job getting off the ground," he said, "It's not simply a matter of turning on the faucet and water pouring out smoothly. A lot of plumbing has to be done (for the future)."

Mr. Speaker, those who participated in the morning panel on "Advertising and the Public Interest" were fortunate in having the benefit of the views of the Chairman of the Federal Trade Commission, Paul Rand Dixon. I am including excerpts from the remarks of the panelists:

Speakers: Paul R. Dixon, Chairman, Federal Trade Commission; Sidney W. Dean, Jr., president, Ventures Development Corp.; Stephen Dietz, executive vice president, Kenyon & Eckhardt, Inc.; Mildred E. Brady, assistant director, Consumers Union.

From the remarks of Paul Rand Dixon:

It is in connection with the maintenance and strengthening of the competitive framework for economic growth that the Federal Trade Commission has, by virtue of the mandates of the statutes it administers, a responsibility in the scheme of our national life that is exceeded by few if any other agencies.

Recent growth of our economy has been phenomenal. Advertising of the proper kind can contribute mightily to this prospective growth and to the more abundant satisfaction of the consumer needs of all Americans which will result from such growth.

And I reaffirm here and now, without equivocation, my long-held position that advertising which helps consumers make intelligent choices is the kind which stimulates growth—without such advertising, we probably could never have achieved our present state of well-being; without it we likely can never substantially improve our position.

Yet, like most good things, advertising has been wrongly used—used in a way that was not in the public interest. For it has been employed, not to help consumers make intelligent choices, but sometimes as a monopolistic weapon to destroy competition and frequently as a deceptive one to corrupt it.

In meeting its obligation to maintain and strengthen our free competitive enterprise system, within the framework of which our growth must occur, the Commission acts not only to eliminate monopolistic practices, but also to remove those that are false or deceptive.

From the remarks of Mr. Stephen Dietz:

Advertising is a means of communication and persuasion. As is oratory.

While its primary use in this country is for the advocacy of the purchase of material things, it is also used by political parties, educational institutions, museums, art galleries, philanthropic and charitable organizations, churches, and various governmental bodies.

What is advertising's economic contribution to the growth of our free society? It is a means available to all of entry into a market. Given a new and superior product, advertising facilitates its entry into the market and its growth.

Advertising promotes growth because it speeds the acceptance of innovation.

The ethics of advertising, as of any public activity, are legitimate matters of public concern. Truth in advertising would seem to be a minimal standard of conduct to which we would all agree. But when we try to define truth, we have difficulty and disagreement, not because one side is good and the other bad, but because truth is not always an easy concept to deal with.

Much criticism of advertising stems from the belief that "persuasion" is necessarily unethical. I cannot agree. It seems to me that persuasion is the very stuff of life, of change, of movement. There are, of course, limits to the kinds of persuasion which are acceptable in the public interest, and these limits are violated in many walks of life. Perhaps the greatest violation, in my opinion, is failure to disclose the self-interest of the individual doing the persuading. Advertising is the most open persuasion there is—for the self-interest of the advertiser is plain for all to see.

From the remarks of Mrs. Mildred E. Brady:

There is no escaping the conclusion that advertising, taken as a total impact on today's living, has simply grown out of hand. Instead of serving the consumer, it abuses him. The most obvious thing about advertising as we experience it in 1964 is that it is excessive—excessive in its amount, excessive in its insistence, excessive in its blatancy.

Advertising expenditures are estimated to be $13 billion a year. And that's a conservative estimate—3.2 percent of disposable income—an increase of 16 percent from 1950 when the percentage was 2.7 percent. It is nearly double the amount we spend for medical and dental services; it is 2½ times what we spend for private education at all levels; it is more than we spend for all the gas and oil to operate the 60 million passenger cars on the road, and it is more than all Americans pay for rental housing.

This is not to say that the use of today's remarkable communications media to convey information about today's highly processed goods is an undesirable activity. On the contrary. Never before have we needed product information so sorely * * *. Advertising as we know it, however, does not measure up to this need and the need is growing geometrically as products multiply and become more complex. Without useful, truthful information about the products we buy, consumer choice on a free market becomes a mockery.

In order to fill the need for product information that modern technology and modern distribution facilities has rendered essential, advertising will have to change its ways.

Recently, and at long last, President Johnson created a consumer post in the White House, appointed Esther Peterson to that office, and also established a President's Consumer Interests Committee to which he appointed a number of private citizens especially qualified to speak for the consumer. Thus, for the first time the unorganized and heretofore voiceless consumer has been granted a small start along the road to a redress of the balance between the pressures for private ends and those for the public good. But, believe it or not, advertisers are already insisting that the consumer representative posts be turned over to advertising and marketing men * * *.

Surely those of us who hold that the public welfare should be the primary focus of government, and those in the Congress who speak for us, should take whatever steps may be necessary to guard against any attempts of advertising, or other commercial interests, to masquerade as representatives of the consumer.

Summary of remarks of Sidney W. Dean, Jr.:

Advertising is the process of "automated mass selling." As a process, it carries no more responsibility for its human consequences than automated mass production. The human consequences must be dealt with by government acting for all of us.

Advertising, furthermore, is a sanctioned form of special pleading, with the same responsibilities as the lawyer pleading for an imperfect client or a political partisan pleading for an imperfect candidate. Special pleading has an indispensable role in an open society to insure free competition between ideas as well as goods and services. The role of government as umpire is to insure that the rules are adequate and enforced to insure fair competition.

Since fair rules of free competition are as important in advertising as in all other business, it is tragic that our antitrust regulatory legislation covers only interstate commerce in goods and products, and excepts services, such as advertising and editorial services. Thus, the rates and terms of sale of advertising, which is an important component of the price of most consumer products, is largely unregulated.

Similarly, publishers, broadcasters, and networks have taken false shelter under the doctrine of freedom of the press to engage in price fixing and other monopoly practices in the sale of essential news, editorial, and programing services. It is currently reported that the three television networks now own or have profit participations in all but 15 of the hundreds of programs they carry. These participations and "coproduction" concessions have been coerced from independent producers and advertisers in exchange for time clearances and preferences.

The afternoon panel on "Consumer Credit: Truth in Lending" included the following participants: Dr. Warren Banner, Research Director, National Urban League; Professor Persia Campbell, chairman, Department of Economics, Queens College; Louis J. Asterita, deputy manager, American Bankers Association. The following are excerpts from their remarks.

From the remarks of Dr. Warren Banner:

Few will question the purchase of most durable goods on the installment plan. Homes are usually bought this way. However, most of us do not know what is happening not only in the calculations for the costs above the stated price (insurance, taxes, utilities, etc.), but to a greater extent are thrown into confusion about the charges at closing time.

Various reports show that installment credit costs up to 42 percent per year, allowed under State law. Usually stated rates of 5 or 6 percent amount to twice as much where the interest rate is constant even though the outstanding balance is decreasing with each payment. This may sound confusing to some but it is easily understood if review is made of the tables prepared by those who have calculated the actual cost to the consumers of installment buying.

I have always felt that the best deal for all of us of small means is to deposit our funds in a savings bank, where interest is paid each quarter, and make purchases from our cash.

Until there is some assurance that you will not fall prey to the small print of a contract, deal with reputable concerns and there will be less chance that you will be taken advantage of. Buy only what you need and know you can and will pay for it. While lending institutions are anxious to have their money work, you should be just as anxious to have them use some of your money with interest.

From the remarks of Prof. Persia Campbell:

Consumer credit is an advance of purchasing power obtained at a price; it is a commitment of debt on terms. Over the decade the percentage rate of increase for consumer credit (about 110 percent) was almost twice that of disposable income (about 60 percent); from about 13 percent of disposable income, consumer credit has increased to about 17 percent.

Except in particular categories, notably monthly charge accounts, credit is paid for by the borrowers at an estimated average rate of from 14 to 15 percent per year; the strange thing is that the borrowers, now constituting well over half the American families, rarely know what they are paying for it. This strange phenomenon of blind buying has different causes; a significant cause is the fact that credit charges are stated in different ways according to the type and source of credit.

At hearings on the Douglas truth-in-lending bill, Mr. McChesney Martin, Chairman of the Federal Reserve Board, admitted that he himself could not make out the comparative cost of different types of credit under these circumstances, which may all be legal, under the hodge-podge of different laws applying separately to small loan companies, banks, credit unions, pawnshops, and to retail installment sales and revolving credit plans. It was to help the consumer exercise informed choice in the credit market that Senator DOUGLAS and his associates introduced the truth-in-lending bill which requires, in brief, that all types of credit charges be stated both in dollar cost (which enables a quick comparison between cash and time-sale prices) and also with the equivalent annual interest rate (to facilitate comparative shopping between different types and sources of credit). Since the vitality of a competitive market, central to our economic system, depends on informed choice, the Douglas bill has been put under the jurisdiction of a subcommittee of the Banking and Currency Committee; it provides for administration by the Federal Trade Commission as part of its fair-labeling program.

Summary of remarks of Mr. Louis J. Asterita:

Banks have not engaged in the installment loan business at high rates, but rather have sought to extend consumer loans on an ethical basis and at reasonable rates. By following the principle of lending to credit-worthy risks for any useful purpose, banks make direct loans to individuals to buy automobiles at lower rates than those generally associated with dealer-originated business. Moreover, bankers discovered they could loan for business purposes on a term basis by making installment loans to small business and adopting the installment credit method. Other loan areas that have been developed include charge account financing, revolving check credit, on-the-job bank service, financing medical and dental expenses and loans to improve or modernize your home. However, the extension of this credit following World War II, has focussed attention upon practices involved in the extension of consumer credit. Consumer credit has grown from 21,395 million in 1950 to 68 billion year-end 1963. Installment credit, which is the credit under discussion today, rose from 14.7 billion in 1950 to 53 billion in 1963.

The afternoon panel on "Environmental Health: Air, Food, Drugs" included the following participants: George P. Larrick, Commissioner, U.S. Food and Drug Administration; Arthur J. Benline, Commissioner of Air Pollution Control, New York City; Ethel L. Ginsberg, Citizens Committee for Children of New York City.

From the remarks of George P. Larrick:

> Our food and drug law helps to protect the public health, and this of course has great economic significance. But this law has other benefits. It conserves the consumer's purchasing power. It stimulates technological progress. It fosters fair competitive practices. It is an underlying factor in our free competitive economy, by aiding consumer choice in the marketplace based on reliable product information.
>
> Experience has shown that without laws to protect the consumer many dishonest practices would flourish. Vigorous and continuing control is needed to prevent such practices as short-weight packaging, substitution of cheaper ingredients, and the sale of spoiled or contaminated products.
>
> Most of this food was pure and wholesome, safe to use, and honestly packaged. But if—let us assume—there had been a shortage in the net weight averaging only a quarter of an ounce per pound—it would have cost consumers over a billion dollars a year.
>
> Establishment of food standards helps to protect consumer purchasing power and consumer health. The food standard regulations prevent adulteration—for example by added water. They require food to contain what is expected.
>
> Enrichment of selected foods with vitamins and minerals is carried on through the food standards program. This has helped to reduce or wipe out diseases caused by dietary deficiencies.
>
> Under the law the Secretary of Health, Education, and Welfare is required to establish a food standard whenever such action is needed to "promote honesty and fair dealing in the interest of consumers." Thus food standards are also concerned with promoting fair competition in the production and marketing of foods.
>
> There is no way to measure accurately the cost of misbranding and misinformation in the health field. It has been estimated at more than a billion dollars a year. Vitamin quackery and other food fads are said to cost the public half a billion dollars a year. But the cost would be far more were it not for the protection of our Federal, State, and local laws.
>
> Here it would be appropriate to ask what is the cost of the protection provided by the FDA. In the current fiscal year the appropriation for enforcing the Federal Food, Drug, and Cosmetic Act is $35,800,000, about 18½ cents for each person in the United States. We are sure that this insurance saves the consumer many times its annual cost.

Commissioner Arthur J. Benline:

> New York City's Commissioner of Air Pollution Arthur J. Benline told the group that smokestacks and chimneys, residential and industrial incinerators, and car, bus, and truck exhaust fumes are the basic sources of air pollution in the city. More research is needed in purifying auto exhausts and in smoke abatement devices.
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> Protecting health against air pollution depends on preventing pollutants from entering the air. He explained that litter in the streets up to your knees would not endanger public health as much as the pollutants in the air now do.

The afternoon panel on "Taxation and the Consumer" included the following participants: Prof. Emma C. Llewellyn, Department of Economics, Sarah Lawrence College; Peter Bernstein, author of "Price of Prosperity" and "Primer on Government Spending"; J. A. Stockfisch, Deputy Assistant Secretary, Treasury Department. A summary follows:

> Prof. Emma Llewellyn expressed her view that the tax bill did not give adequate recognition for lower income individuals. She took the position that at this time there was a greater need to stimulate consumption rather than investment. Professor Llewellyn stated that the tax bill tended to place too much emphasis on investment.
>
> Peter Bernstein stated that, while he favors a reduction in income taxes as a badly needed stimulant to business expansion, he has reservations on two levels.
>
> First, we have made no real progress on tax reform, he said. We are still allowing too large a portion of high incomes to escape the tax collector's net. Our income tax schedules give an extraordinarily misleading impression of the degree to which our tax structure is progressive: it accomplishes far less in this regard than most people like to believe.
>
> Second, he continued, the tax cut does little or nothing to aid those people who need help most—the families whose incomes are so small that they pay little or no income tax in any case. Indeed, he would far rather that we begin to look at taxes, not as a burden, but as a means of buying the things we so badly need in terms of cleaner, healthier, safer, more comfortable, and better educated communities.
>
> Mr. Stockfisch explained the main features of the tax bill as it was at that time before the Senate Finance Committee. He explained what income classes would get a reduction and indicated that the bill would have some elements of reform, although not as much as had been hoped for in President Kennedy's original proposal.
>
> He also dealt with the question of whether the Congress would accept the important Treasury amendment on capital gains—to maintain the existing tax rates on capital gains. He pointed out the importance of this amendment, and of eliminating the dividend credit provision which would mean a lessening in the present tendency to tax different types of incomes differently. This in itself would be a very healthy step in the right direction and a type of reform.
>
> Mr. Stockfisch stated that he thought the tax bill would make inroads in areas that had never been touched before and that the bill should be given more credit than its critics are willing to admit.

NORTHERN OHIO JUDGESHIPS

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashley] may extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ASHLEY. Mr. Speaker, today I have joined my distinguished colleague from Ohio, Senator Stephen M. Young, in introducing legislation to make the present temporary judgeship in the northern Ohio Federal Judicial District a permanent one.

Northern Ohio is the only district in the entire Nation with a temporary judge. This means that whenever the first of seven judges now sitting in Cleveland, Toledo, or Youngstown retires or dies, he will not be replaced.

The situation came about in 1961 when President Kennedy signed a bill creating 73 Federal judgeships, a move recommended by the Judicial Conference of the United States to relieve serious congestiton in many of the larger districts.

Under that legislation, northern Ohio received two new judgeships, one permanent and one temporary. That increased the district bench from five to seven judges with the proviso that the first vacancy would not be filled, leaving the northern district with a permanent bench of six judges.

The theory behind this was that a temporary judgeship would be needed only long enough to clear up the congestion existing in 1961. It is now a matter of record, however, that the additional judgeships voted for northern Ohio in 1961 have failed to reduce the caseload. Reports of the administrative office of the U.S. courts show that as of June 30, 1962, shortly after the appointment of the two new judges for northern Ohio, there were 1,158 civil cases pending in the northern Ohio district. A year later, on June 30, 1963, the pending caseload had moved to 1,199. In February of this year the administrative office reported that there were 1,280 pending civil cases as of December 31, 1963.

Need for prompt enactment of the legislation proposed by Senator Young and myself is attested to by Warren Olney III, the Director of the Administrative Office of the Federal Courts, in his statement that the growth of the backlog of civil cases has been due more to an increase in the number of filings than to slowness of the court to act.

In the last half of last year, for instance, the northern Ohio bench disposed of a respectable total of 512 cases, only to have 593 new ones filed in the same period.

It thus becomes apparent that the future workload will demand at least as many judges as are presently sitting in the northern Ohio district. The loss of a judgeshhip, which will take place if the temporary judgeship provided in the 1961 act is not converted into a permanent one, will inevitably result in the chaotic situation which existed prior to 1961 and the legislation adopted that year creating additional judgeships throughout the country. In order to prevent the delay and frustration of judicial proceedings, Senator Young and I have offered legislation which I hope will receive prompt and favorable consideration.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Blatnik, for 5 minutes, today.

Mr. Curtis, for 10 minutes, today.

Mr. Dole (at the request of Mr. Bow), for 1 hour, on Monday, April 6; and to revise and extend his remarks and include extraneous matter.

Mr. Ryan of New York (at the request of Mr. Libonati), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Holifield, for 20 minutes, today; and to revise and extend his remarks.

Mr. Feighan, for 15 minutes, today; and to revise and extend his remarks.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Foreman.

Mr. Derounian.

Mr. Jonas and to include extraneous matter.

Mr. Burkhalter and to include extraneous material.

Mr. Lindsay and to include extraneous material.

Mr. Horton.

Mr. Bow in two instances.

Mr. Dingell.

Mr. Rogers of Florida asked and was given permission to revise and extend the remarks he made and to include an article.

(The following Members (at the request of Mr. Bow) and to include extraneous matter:)

Mr. Broomfield.

Mr. Lipscomb.

Mr. Berry.

(The following Members (at the request of Mr. Libonati) and to include extraneous matter:)

Mr. Burke.

Mr. Daddario.

Mr. Pepper.

Mr. Healey.

Mr. Donohue.

Mr. Garmatz.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.J. Res. 962. An act making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

ADJOURNMENT TO APRIL 6, 1964

Mr. LIBONATI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with House Concurrent Resolution 284, the Chair declares the House adjourned until 12 o'clock noon on Monday, April 6, 1964.

Thereupon (at 3 o'clock and 18 minutes p.m.), pursuant to House Concurrent Resolution 284, the House adjourned until Monday, April 6, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1872. A communication from the President of the United States, relative to November 30 and December 24, 1963, when he directed the heads of executive departments and agencies to tighten operations, reduce employment, and effect savings. As a result of the steps being taken pursuant to these instructions, he asked the Congress on March 9 to reduce the 1965 appropriations requested in the budget by $41,927,000. Included are other pertinent facts relating to this subject; to the Committee on Appropriations.

1873. A letter from the Secretary, Export-Import Bank of Washington, transmitting a report that Export-Import Bank of Washington on March 20, 1964, issued its guarantee with respect to a transaction with Hungary relating to the exportation of dry milk, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

1874. A letter from the Comptroller General of the United States, transmitting a review disclosing that the Federal Aviation Agency has not followed prescribed Government policies in assessing user charges; to the Committee on Government Operations.

1875. A letter from the Comptroller General of the United States, transmitting a review of the semiautomatic flight inspection program of the Federal Aviation Agency has disclosed that additional costs of about $944,000 were incurred because of weaknesses in the planning and contracting for the program and in the administration of the program; to the Committee on Government Operations.

1876. A letter from the Assistant Secretary of the Interior, transmitting proposed amendment No. 3 to the concession contract with Best's Studio, Inc., Yosemite National Park, pursuant to 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1877. A letter from the Assistant Secretary of Defense, transmitting a report showing grants for basic scientific research made by the Department of Defense to nonprofit institutions in calendar year 1963, pursuant to Public Law 85–934; to the Committee on Science and Astronautics.

1878. A letter from the president, Girl Scouts of the United States of America, transmitting the 14th Annual Report of the Girls Scouts of the United States of America for the fiscal year ending September 30, 1963, pursuant to Public Law 272, 83d Congress (H. Doc. No. 287); to the Committee on the District of Columbia and ordered to be printed with illustrations.

1879. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 28, 1964, submitting a report, together with accompanying papers and an illustration, on an interim hurricane survey of middle and lower peninsulas of Virginia, authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 288); to the Committee on Public Works and ordered to be printed with one illustration.

1880. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 29, 1963, submitting a report, together with accompanying papers and illustrations, on an interim report on Newark Bay, Hackensack and Passaic Rivers, N.J. (channels to Port Elizabeth), prepared in response to an item in section 101 of the River and Harbor Act of 1962, approved October 23, 1962 (Public Law 87–874). It is also in partial response to a resolution of the Committee on Public Works, U.S. Senate, adopted June 14, 1960, and to resolutions of the Committee on Public Works, House of Representatives, adopted July 31, 1957, and August 15, 1961 (H. Doc. No. 289); to the Committee on Public Works and ordered to be printed with two illustrations.

1881. A letter from the Assistant Secretary of the Interior, relative to an application for a loan by the St. John Irrigating Co. of Malad, Idaho, Oneida County (pursuant to 70 Stat. 1044, as amended by 71 Stat. 48); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee on Ways and Means. H.R. 9688. A bill to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan; without amendment (Rept. No. 1300). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10473. A bill to extend the period during which Federal payments may be made for foster care in child-care institutions under the program of aid to families with dependent children under title IV of the Social Security Act; without amendment (Rept. No. 1301). Referred to the Committee of the Whole House on the State of the Union.

Mr. BUCKLEY: Committee on Public Works. Report on right-of-way acquisition practices in West Virginia; with amendment (Rept. No. 1302). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 10637. A bill to make permanent the district judgeship for the northern district of Ohio created by section 2(e)(2) of the act of May 19, 1961; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 10638. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. BENNETT of Florida:

H.R. 10639. A bill to amend title 10, United States Code, with respect to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H.R. 10640. A bill to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees transferred in the interest of the Government to a different geographical location and to authorize payment of expenses for storage of household goods and personal effects of civilian employees assigned to isolated duty stations within the United States; to the Committee on Government Operations.

By Mr. DANIELS:

H.R. 10641. A bill to adjust the basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DORN:

H.R. 10642. A bill to amend the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. EDWARDS:

H.R. 10643. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow shall not prevent the payment of benefits if such remarriage is terminated by a decree of divorce and proceedings for the divorce were instituted within 1 year after such remarriage; to the Committee on Ways and Means.

By Mr. FOREMAN:

H.R. 10644. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. GURNEY:

H.R. 10645. A bill to provide for the medical and hospital care of the aged through a system of voluntary health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 10646. A bill to authorize the sale of 58.19 acres of Eastern Shawnee tribal land in Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. LINDSAY:

H.R. 10647. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS:

H.R. 10648. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 10649. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 10650. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10651. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the Veterans' Hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

By Mr. NELSEN:

H.R. 10652. A bill prohibiting lithographing, engraving, or printing on envelopes sold by the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'HARA of Michigan:

H.R. 10653. A bill relating to certain inspections and investigations in metallic and nonmetallic mines and quarries (excluding coal and lignite mines) for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes; to the Committee on Education and Labor.

By Mr. O'NEILL:

H.R. 10654. A bill to amend the Federal Employees Health Benefits Act of 1959 to permit until December 31, 1964, certain additional health benefits plans to come within the purview of such act; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 10655. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:

H.R. 10656. A bill to amend title II of the Social Security Act to provide a 10 percent across-the-board benefit increase; to reduce the retirement age to 62 for payment of full benefits to both men and women; to authorize a 25-percent increase in the minimum benefits payable to workers, raising that minimum from $40 to $50; to increase outside earnings permitted recipients from $1,200 to $2,000 without deductions from benefits; to provide that the Federal Government shall contribute one-third of the additional cost of such changes (reducing the additional contributions required of workers and employers accordingly); and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 10657. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

By Mr. THOMSON of Wisconsin:

H.R. 10658. A bill to amend section 202 of the Agricultural Act of 1949, as amended, in order to continue the veterans' hospitals and Armed Forces dairy program; to the Committee on Agriculture.

By Mr. WATSON:

H.R. 10659. A bill to provide for the conveyance of certain mineral interests heretofore acquired by the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'HARA of Illinois:

H.J. Res. 971. Joint resolution calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the feast of the Passover which begins at sundown Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition; to the Committee on Foreign Affairs.

By Mr. RODINO:

H.J. Res. 972. Joint resolution to authorize the President to proclaim the fifth of April of each year as "Mankind Day"; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.J. Res. 973. Joint resolution to permit the flying of the flag of the United States for 24 hours of each day at the grave of Capt. William Driver in Nashville, Tenn.; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.J. Res. 974. Joint resolution to create the Select Commission on Market Power in Agriculture to conduct a comprehensive investigation of food chainstore practices which may be in violation of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT:

H. Res. 667. Resolution creating a select committee to act as observers at the forthcoming trade convention at Geneva, Switzerland; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States to take certain action in relation to social security benefits, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUCHINCLOSS:

H.R. 10660. A bill for the relief of Matitiau Meilich and Charlotte Meilich; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 10661. A bill for the relief of Louis L. Repp; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 10662. A bill for the relief of Chun Yin So; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 10663. A bill for the relief of George Marer and his wife, Claire Vago Marer; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 10664. A bill for the relief of Mrs. Diruhi Platin; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 10665. A bill for the relief of Rear Adm. Arthur A. Ageton, U.S. Navy, retired; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 10666. A bill for the relief of Evangelia G. Latsis; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 10667. A bill for the relief of Paul L. Van Moeseke; to the Committee on the Judiciary.

By Mr. COHELAN:

H.J. Res. 975. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

815. By Mr. CAMERON: Petition of William M. "Fishbait" Miller, Doorkeeper of the House of Representatives of the U.S. Congress, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

816. Also, petition of W. W. Buck, commander of the Department of California, Military Order of the Purple Heart of the United States of America, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

817. Also, petition of the Sentinel of Covina, Calif., urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

818. Also, petition of the Daily Tribune of the San Gabriel Valley of California, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

819. Also, petition of the City Council of Chino, Calif., urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

820. Also, petition of the City Council of Monrovia, Calif., urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

821. Also, petition of Joseph A. Beirne, international president of the Communications Workers of America, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

822. Also, petition of Walter P. Reuther, president of the United Auto Workers of America, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

823. Also, petition of Gordon M. Freeman, international president of the International Brotherhood of Electrical Workers, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

824. Also, petition of the City Council of Pomona, Calif., urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

825. Also, petition of the State Executive Committee Disabled American Veterans, Department of Idaho, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

826. By Mr. ROOSEVELT: Petition of Lloyd C. Barton, Stockton, Calif., in support of H.R. 8826; to the Committee on Ways and Means.

827. By the SPEAKER: Petition of Kihei Shiroma, Iheya-son, Okinawa, relative to an early solution of the problem of pretreaty

claims; to the Committee on Foreign Affairs.

828. Also, petition of Chiyokichi Arakaki, Iheya-son, Okinawa, relative to an early solution of the problem of pretreaty claims; to the Committee on Foreign Affairs.

829. Also, petition of Junji Nishime, mayor of Naha City, Okinawa, relative to an early solution of the problem of pretreaty claims; to the Committee on Foreign Affairs.

SENATE

THURSDAY, MARCH 26, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Most Reverend Archbishop Vasili, of the Byelorussian Autocephalic Orthodox Church, Brooklyn, N.Y., offered the following prayer:

In the name of the Father, and the Son, and the Holy Ghost.

Almighty God, our Heavenly Father, we lift up our hearts in prayer to Thee, and invoke Thy divine blessings upon our country, the United States of America. Grant Thy guidance and strength; sustain and illuminate with Thy Holy Spirit the hearts of all the Members of the Senate, this temple of peace, freedom, and justice.

Eternal God and Redeemer, we pray today for Thy divine mercy and judgment for the national welfare of the Byelorussian nation, whose Proclamation of Independence, as the Byelorussian National Republic, was observed 46 years ago, and whose people have striven during these years to free themselves from the tyranny of an atheistic oppression, in the hope of enjoying the liberties and freedom, under God, as is the way in the United States. We pray today that the benefits of freedom granted to democracies all over the world may serve as an infallible encouragement to the people of Byelorussia, for the vision of everlasting freedom is not lost among them, but burns like a torch in the depth of their hearts with the desire to be a member in the family of the free and God-fearing nations of the entire world.

We humbly bow our heads before Thee, our God and Saviour, and faithfully implore Thee: Accept this, our prayer; bless the United States of America and Byelorussia; reign and shine in our hearts; and be blessed, now and forever. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 25, 1964, was dispensed with.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MANSFIELD. Mr. President, there will be no morning business this morning.

What is the pending question?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of House bill 7152, the Civil Rights Act of 1963.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 100 Leg.]

Aiken
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Mechem
Metcalf
Miller
Morse
Morton
Mundt
Muskie
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], and the Senator from Wisconsin [Mr. NELSON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from California [Mr. ENGLE] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. CASE. Mr. President, during the course of the debate on the motion to take up the civil rights bill, there have been a number of allusions to the Myart against Motorola, Inc., case. The significance of this finding of a hearing examiner of the Illinois Fair Employment Practices Commission has, to say the least, been greatly exaggerated.

In the first place, the decision is merely that of an examiner and, as the chairman of the Illinois Commission made clear in a letter to the New York Times on March 25, the Illinois Commission "has not taken any stand of any kind at any time on the issue of the use of tests in employment."

Even were the Illinois Commission to follow the recommendation of the examiner, an assumption for which there is no basis, the action would have no relevance to the bill now coming before us.

To clear away misconceptions on this whole case, I have had prepared a memorandum which makes clear, I believe, that it would not be possible for a decision such as the finding of the examiner in the Motorola case to be entered by a Federal agency against an employer under title VII.

This is so, first, because the Equal Employment Opportunities Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders.

Second, title VII clearly would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequalities and environmental factors among the disadvantaged and culturally deprived groups."

Mr. President, I ask that the text of the letter from Charles W. Gray, chairman of the State of Illinois Fair Employment Practices Commission, and of the memorandum to which I have referred be printed in full at this point in the RECORD.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 25, 1964]

ILLINOIS FEPC—COMMISSIONER DONISS TAKING STAND ON USE OF TESTS IN HIRING

To the EDITOR:

Arthur Krock, writing in the Times of March 13, states that the Illinois Fair Employment Practices Commission has ruled on an issue involving the use of preemployment tests by Motorola.

The facts are these. The law establishing the Illinois Fair Employment Practices Commission provides that in the event a private conciliation conference between a respondent and a complainant fails to produce a mutually acceptable settlement, it shall be set for a public hearing.

The public hearing is conducted by a hearing examiner, who must be a lawyer. The hearing examiner is appointed by the commission, but is in no way an employee of the commission, and, therefore, certainly not a political appointee.

The findings of the hearing examiner are just that—not a ruling of the commission, nor are they necessarily the opinion or judgment of the commission.

NO POSITION ON FINDING

The Illinois Fair Employment Practices Commission has not acted on the Motorola finding, has issued no orders and has taken no position on whether the hearing examiner's finding will be the order of the commission.

The protection of both parties that our law provides is such that it is highly unlikely that this commission, or any other commission so constituted, could seize the kind of autocratic control of which Mr. Krock writes.

The hearing examiner's finding will be carefully considered by the commission. It will then issue an order which may or may not include the recommended conclusion of the hearing examiner. Once the commission rules on the matter, the ruling can be appealed directly to the courts under the Administrative Review Act in the statutes of the State of Illinois.

This commission has not taken any stand of any kind at any time on the issue of the use of tests in employment. Until we do so, it is totally inappropriate for anyone or any publication to make assumptions about the outcome of this matter.

Charles W. Gray,
Chairman, State of Illinois Fair Employment Practices Commission.
Chicago, *March 17, 1964.*

Myart *v.* Motorola, Inc.

The decision of a hearing examiner in *Myart* v. *Motorola, Inc.*, a case under the Illinois Fair Employment Practices Act (Congressional Record, Mar. 19, 1964, pp. 5662–5664), has been the subject of some recent discussion.

In that case, the hearing examiner found that an employment test administered by respondent Motorola to a Negro job applicant was "obsolete" because "its norm was derived from standardization on advantaged groups," apparently meaning that persons coming from underprivileged or less well educated groups were less likely to be able to pass the test. He said that "in the light of current circumstances and the objectives of the spirit as well as the letter of the law, this test does not lend itself to equal opportunity to qualify for the hitherto culturally deprived and the disadvantaged groups." Accordingly, in addition to the relief he directed for the complainant, the hearing examiner ordered that Motorola cease to employ the test in question, and that if it chose to use any test, it should adopt one "which shall reflect and equate inequalities and environmental factors among the disadvantaged and culturally deprived groups." There is no description of the test in the hearing examiner's report, and no further discussion of why the test was considered unfair.

Of course, it should be noted, and indeed emphasized, that the decision in the Motorola case was merely an initial or preliminary decision of a part-time hearing examiner,[1] that this decision is subject to review by the full Illinois Fair Employment Practices Commission, and that any commission decision is subject to review by the Illinois courts. Consequently, no one can say with any degree of certainty at this time that the examiner's decision is a correct interpretation of the Illinois law.

It has been suggested, nevertheless, that the decision by the hearing examiner should be taken as indicative of the kinds of decisions which might be expected to be made by Federal bureaucrats if title VII of the pending civil rights bill were enacted. Of course, this is completely wrong. It would definitely not be possible for a decision like Motorola to be entered by a Federal agency against an employer under title VII. This is so for two very basic reasons.

First, unlike the Illinois commission, the Equal Employment Opportunities Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders. Its duties would be to receive and investigate complaints, to attempt to resolve disputes and to achieve compliance with the act through voluntary methods, and, where conciliation fails, to bring suit to obtain compliance in Federal court. Only a Federal court would have the authority to determine whether or not a practice is in violation of the act and only the court could enforce compliance. The Commisison not only could issue no enforcement orders, it could make no determination as to whether or not the act has been violated. Thus, enactment of title VII would not allow a Federal administrative agency to issue any compliance orders, much less one paralleling that of the Illinois hearing examiner.

Second, it is perfectly clear that title VII would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequalities and environmental factors among the disadvantaged and culturally deprived groups." Of course, it is not appropriate to comment here on whether the Motorola decision is correct as a matter of Illinois law. This is for the State commission and the State courts to determine. It is enough to note that the result seems questionable. There is no doubt, however, that such a result would be unmistakably improper under the proposed Federal law. The Illinois case is based on the apparent premise that the State law is designed to provide equal opportunity to Negroes, whether or not as well qualified as white job applicants.

The hearing examiner in the Motorola case wrote: "The task (of personnel executives) is one of adapting procedures within a policy framework to fit the requirements of finding and employing workers heretofore deprived because of race, color, religion, national origin, or ancestry. Selection techniques may have to be modified at the outset in the light of experience, education, or attitudes of the group. * * * The employer may have to establish in-plant training programs and employ the heretofore culturally deprived and disadvantaged persons as learners, placing them under such supervision that will enable them to achieve job success."

Whatever its merit as a socially desirable objective, title VII would not require, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he sets for his employees simply because proportionaly fewer Negroes than whites are able to meet them. Thus, it would be ridiculous, indeed, in addition to being contrary to title VII, for a court to order an employer who wanted to hire electronic engineers with Ph. D.'s to lower his requirements because there were very few Negroes with such degrees or because prior cultural or educational deprivation of Negroes prevented them from qualifying. And unlike the hearing examiner's interpretation of the Illinois law in the Motorola case, title VII most certainly would not authorize any requirement that an employer accept an unqualified applicant or a less qualified applicant and undertake to give him any additional training which might be necessary to enable him to fill the job.

Title VII says merely that a covered employer cannot refuse to hire someone simply because of his color, that is, because he is a Negro. But it expressly protects the employer's right to insist that any prospective applicant, Negro or white, must meet the applicable job qualifications. Indeed, the very purpose of title VII is to promote hiring on the basis of job qualifications, rather than on the basis of race or color. Title VII would in no way interfere with the right of an employer to fix job qualifications and any citation of the Motorola case to the contrary as precedent for title VII is wholly wrong and misleading.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. MANSFIELD. I ask the Chair to call the roll.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. Mansfield]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DIRKSEN and Mr. RUSSELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DIRKSEN. Will the Chair state the question?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. Mansfield] that the Senate proceed to the consideration of H.R. 7152, the Civil Rights Act of 1963.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FULBRIGHT. Mr. President, on this vote I have a live pair with the Senator from West Virginia [Mr. Randolph]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. Church], the Senator from Michigan [Mr. McNamara], the Senator from Oklahoma [Mr. Monroney], the Senator from Utah [Mr. Moss], and the Senator from Wisconsin [Mr. Nelson] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Randolph] is absent because of illness.

I further announce that the Senator from New Mexico [Mr. Anderson] and the Senator from California [Mr. Engle] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. Anderson], the Senator from Idaho [Mr. Church], the Senator from California [Mr. Engle], the Senator from Oklahoma [Mr. Monroney], the Senator from Utah [Mr. Moss], and the Senator from Wisconsin [Mr. Nelson] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] and the Senator from Kansas [Mr. Pearson] are absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from Nebraska [Mr. Curtis], the Senator from Wyoming [Mr. Simpson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Arizona [Mr. Goldwater] is detained on official business.

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[1] Hearing examiners are apparently not full-time employees of the commission. A panel of attorneys residing throughout the State, including at least two from each of the five supreme court districts, are designated as hearing examiners. Article VIII, Rules and Regulations of Procedure of the Illinois Fair Employment Practices Commission.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 67, nays 17, as follows:

[No. 101 Leg.]

YEAS—67

Aiken
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Mechem
Metcalf
Miller
Morse
Morton
Mundt
Muskie
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Symington
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—17

Byrd, Va.
Eastland
Ellender
Ervin
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Robertson
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond

NOT VOTING—16

Allott
Anderson
Bennett
Church
Curtis
Engle
Fulbright
Goldwater
McNamara
Monroney
Moss
Nelson
Pearson
Randolph
Simpson
Tower

So Mr. MANSFIELD's motion that the Senate proceed to the consideration of H.R. 7152 was agreed to, and the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, I move that H.R. 7152 be referred to the Committee on the Judiciary, with instructions to report it back to the Senate not later than April 8, 1964. I send the written notice to the desk.

Mr. SCOTT. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I should like to have the attention of the majority leader.

The ACTING PRESIDENT pro tempore. If the Senator from Oregon will send his notice to the desk, the clerk will read it.

The LEGISLATIVE CLERK. The Senator from Oregon moves that H.R. 7152 be referred to the Committee on the Judiciary, with instructions to report it back to the Senate not later than April 8, 1964.

Mr. MORSE. Mr. President, I should like to have the attention of the majority leader. Several Senators have asked me to yield to them as a matter of courtesy, without my losing my right to the floor. I should like to accommodate them, in order to save time. I would not want to take advantage of my position on the floor and not yield to them. I should like to yield first to the Senator from Pennsylvania [Mr. SCOTT], who I understand wishes to introduce a bill.

Mr. MANSFIELD. I am sure the leadership would not be averse to having the distinguished Senator from Oregon yield; but I would hope that if he does yield, Senators would not take advantage of his generosity and courtesy to make hour-long speeches. I would express the hope that the Senator from Oregon himself would make his main speech in behalf of his motion and that he would be followed by the distinguished minority leader, who I understand will speak in support of the motion, and, as I understand, will make certain explanations as to what he believes should be done about the bill. Then I should like to end the discussion by speaking for about 15 minutes, and moving to table the motion of the Senator from Oregon.

I should like to have this take place in a reasonable time, because immediately upon the conclusion of the action on this motion, one way or the other, it is the intention of the leadership to move that the Senate adjourn, in order to afford Senators an opportunity to return to their home States for a well-deserved holiday. I am sure that accords with the views of the Senator from Oregon.

Mr. ROBERTSON. Mr. President, reserving the right to object——

Mr. MANSFIELD. There is nothing to object to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon has the floor.

Mr. MORSE. First, in a spirit of cooperation, I would be perfectly willing to have the majority leader, after he confers with whomever he wishes to confer, give consideration to a time limitation on this proposal.

Mr. MANSFIELD. How much time would the Senator from Oregon suggest?

Mr. MORSE. I have an idea as to what will happen. Perhaps the best way to proceed is to see if an agreement cannot be reached to vote at a reasonable hour. I am perfectly willing to have that done. However, I am aware of the situation we are likely to face, and I do not propose to put myself in the position of being discourteous to Senators, provided they conform to the rules of the Senate. As I understand, two or three Senators wish to speak for 2 or 3 minutes each on the motion, so as to place themselves on the record. I could force them to ask me questions, which the Senator from Montana knows would accomplish the same end.

Mr. MANSFIELD. No; the Senator from Oregon misinterprets what I said. I said a "reasonable time."

Mr. MORSE. I am not commenting adversely on anything the majority leader said. I am merely trying to explain to him my parliamentary plan. It will be my intention, unless objection is raised, to yield for 2 or 3 minutes to two or three Senators who wish to speak for the RECORD on the motion during the course of my remarks. However, if the Senator from Montana desires to have the rules enforced, I will see to it that the rules are enforced, and will require Senators to ask me questions which will accomplish the same purpose, although it will take about four times longer to proceed in that way.

Mr. MANSFIELD. That is not my intention.

Mr. MORSE. Perhaps the majority leader ought to speak with the Senator from Minnesota [Mr. HUMPHREY] and the minority leader [Mr. DIRKSEN] to see if a suggestion could be made as to a time when the Senate might vote. I do not know what the convenience of all Members of the Senate may be, and what plane schedules will have to be met; the majority leader does. Senators all know how they will vote on this question, although I hope that the unanswerable argument which I am about to make will be persuasive; but I am not sure that it will. I desire to cooperate. I should think a time could be set early this afternoon for the vote, and the intervening time could be divided. Perhaps the time for the vote could be set for 3 o'clock. Perhaps the vote could come sooner.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. MANSFIELD. After consulting with various Senators, it is believed inadvisable, unfortunately, to ask for a unanimous-consent agreement to vote at a time certain. I am sure the leadership—and I would hope the Senate, as well—would have no objection to the Senator from Oregon, the proposer of the motion now pending, yielding to Senators who desire to make brief comments on the motion.

Mr. MORSE. I assure the majority leader that I will enforce the spirit of that suggestion. If I yield to any Senator, it will be for a brief time only.

Mr. President, several Senators have expressed the desire that the motion be read.

The ACTING PRESIDENT pro tempore. The motion has been read by the clerk. The motion of the Senator from Oregon is now before the Senate.

Mr. MORSE. That is an illustration of the disorder of the Senate, which is certainly not the fault of the Chair, for I did not hear my own motion read.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HOLLAND. I should like to address one or two questions on the motion to the Senator from Oregon. Do I correctly understand that if the motion is agreed to, the Committee on the Judiciary will be allowed, in its ordinary fashion, to render a written report on the bill, the report to become a part of the legislative record?

Mr. MORSE. There are two primary reasons why I desire to have the bill referred to committee. One is to afford the Committee on the Judiciary an opportunity to hold such hearings as it wishes to conduct. The second is to carry out what I think is the clear duty of the committee namely, to supply the Senate with a report and minority views, if there are Senators who wish to submit minority views. That is the inescapable duty of the Committee on the Judiciary. I shall deal with that point at some length before I finish my remarks. If ever there was an occasion when a committee owed a responsibility to the Senate to provide the Senate with a committee report, this is an instance in which the committee owes a clear duty to the American people and the courts, in connection with the litigation that will be instituted for the next 10 years if the bill is passed.

Mr. HOLLAND. I believe the Senator has perhaps answered my next question, but is the purpose of the motion to allow the committee, if it be granted the right to consider the bill, to submit as many reports as necessary, both majority and minority, agreeing and dissenting, to become a part of the legislative record of this important bill?

Mr. MORSE. It is of great importance that that be done.

Mr. President, I understand that the Senator from Missouri [Mr. SYMINGTON] desired to me to yield to him. I apologize for not having previously yielded to him. He has left the Chamber momentarily. If a staff member would ask him to return, I shall be glad to yield to him.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield for a parliamentary inquiry?

Mr. MORSE. I yield.

Mr. McCLELLAN. Mr. President, do I correctly understand that the time for the debate on the motion to refer is not controlled?

Mr. MORSE. That is correct.

Mr. McCLELLAN. There has been no agreement in that respect?

Mr. MORSE. That is correct.

Mr. McCLELLAN. There have been comments to the effect that a few Senators would be privileged to speak, while others possibly would have to ask questions. I should like to have the parliamentary situation clarified. I do not understand that any Senator will be precluded from obtaining the floor in his own right and making whatever remarks he may desire to make, after the Senator from Oregon has concluded his remarks.

Mr. MORSE. That is correct. However, I believe the plan is that after two or three Senators speak, the old gag technique, by means of a motion to lay my motion on the table, will be applied.

Mr. McCLELLAN. I realize that; but I did not want it understood—by implication or otherwise—that I would agree to such a procedure.

Mr. MORSE. Neither would I agree to it.

Mr. President, I understand that a coffee hour is about to be held in the Foreign Relations Committee room. Of course, I have no objection to the holding of a social function while the Senate is in session, because no Senate rule prohibits that; but I have previously assured the chairman of the Foreign Relations Committee and other members of the committee that they will not be able to hold an official meeting of the committee while the Senate is in session. I do not know whether a transcript will be made of the meeting; but I assure them that if one is made, objection will be made if an attempt is made to make payment for it from the funds of the Senate.

I understand that during that coffee hour, the Senators present will listen to the Secretary of Defense present his alibis and excuses for the administration's course of action in regard to South Vietnam. I understand that the Secretary of Defense will also address the people of the country tonight. Unfortunately, the Senate will not be in session tomorrow; it will not hold another session until Monday. But I give notice that on Monday, I shall answer the Secretary of Defense, for his remarks will need to be answered. The advance notice of his remarks indicates that he intends to try to justify the unjustified policy of the administration in connection with the use of U.S. troops in South Vietnam.

Not only am I convinced that the course of action of the administration in regard to South Vietnam is entirely wrong, but I predict that the annals of history will show that that course of action will rise to plague our Nation.

Therefore, although I hope members of the Foreign Relations Committee will enjoy their coffee hour—even though most of the coffee served these days is chicory, I also hope they will take notice of the fact that the statements made by the Secretary of Defense in the committee this morning and the statements he plans to make over the television later today will be answered, because this administration has drawn the issue in regard to South Vietnam, and I am accepting invitations across the country to discuss the South Vietnam issue with the American people. Certainly they have a right to know the other side of that issue, and then make their judgment, and hold the administration to an accounting for the course of action it is following in regard to South Vietnam.

In speaking on the floor of the Senate yesterday afternoon, we answered—really—the President, when we expressed our disagreement with the policy of the chairman of the Foreign Relations Committee in regard to South Vietnam and some other policies of his. However, one would not know that on that occasion the President was answered, because the kept press that sits in the gallery over the clock to my left, or at least its editors, do not intend to permit the American people to hear voices of dissent with regard to this unsound American policy. The kept press intends to keep that covered up. However, the American people are beginning to learn the facts; and when they learn them, they will resent that situation, and their action will be just that much more vigorous.

From conversations this morning with other Senators, I understand that the television and radio announcers have not stated that I made my speech yesterday, but, instead, have announced that I would make it at a later time. Of course, that is a typical falsification by the news media, for I made no such statement. To the contrary, yesterday afternoon I spoke for approximately 1 hour and a half, and proceeded to answer both the President and the chairman of the Foreign Relations Committee; and also, by implication, I answered the Secretary of State and the Secretary of Defense.

I wish to make my position on that matter perfectly clear.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. I understand that the Senator from Oregon is willing to yield to other Senators, to permit them to make statements concurring with his views. In that connection, would he prefer first to present his statement, and thereafter to yield to other Senators?

Mr. MORSE. I shall be glad to yield either before or after I make my statement. However, once I begin to make my major remarks, I shall prefer to complete them without yielding.

Therefore, at this time I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator from Oregon.

With respect to the issue now before the Senate, I contemplate voting in the affirmative. My decision to do so will be based on my judgment in regard to the procedural matter involved, not in regard to the merits of the bill.

Throughout my entire career as a lawyer and the 10 years during which I served as a judge, I learned clearly that there must be uniformity of treatment of problems; it is clearly wrong to attempt to apply different rules, on the basis of attempting to suit the whims of the one who is making the judgment.

In the Senate there has been rather uniform application of its rule that each bill is to be sent to a Senate committee, for study and report. During the 7 years I have served in the Senate, I have listened to many other Senators endorse that rule; and I subscribe to it.

This bill contains many titles. I state with a great deal of confidence that even when one sits down, applies himself most diligently, and brings to his study of this subject all the knowledge he has, he still will not be able to be certain of the meaning of many of the provisions of the bill.

Clearly it would be wrong to adopt the view that bills shall be referred to Senate committees only when that would suit the fancy or the cause of certain Senators. Clearly it would be fallacious and dangerous to subscribe to the view that bills would be railroaded by being referred to whatever committees would act either favorably or unfavorably, in accordance with the will of the sponsor.

So, Mr. President, I believe the Senator from Oregon is entirely correct in the position he takes in regard to this measure. He and other Senators who join him in that view will be criticized, of course; but if we allow criticism to warp our honest judgment, we shall not be worthy of being Members of the Senate or of the Congress.

A grave mistake was made 3 weeks ago when the bill was not sent to the committee. If it had been sent there at that time, hearings would have been conducted there, judgments would have been formulated, opinions would have been expressed, and today the bill would be before the Senate, ready to be dealt with in the normal procedure. However, that was not done.

I confess that it was easier for me to vote 3 weeks ago in favor of sending the bill to committee than it will be for me to vote today on that question. However, it is still true that a very important principle is involved—a principle which I have always considered one of the sacred aspects of our democratic system; namely, uniformity of treatment, equal justice to all. Therefore, Mr. President, regardless of the significance of this bill, it clearly does not warrant treatment different from that given to other bills which come before the Senate.

Finally, Mr. President, I submit a bit of documentary support. Our deceased and martyred President in 1957, when a civil rights bill was before this body, voted contrary to the judgment of the majority to send the bill to the committee.

The then majority leader, now President of the United States, Lyndon Johnson, voted against the majority and said that the bill should be sent to committee.

The present majority leader on the Democratic side similarly voted for referral of the bill to committee.

The situation today is no different from what it was then. For our own honor and respect for the orderly procedures of the Senate, it behooves us to refer the bill to the committee with a definite limitation upon the time when it shall be brought back.

Mr. President, if the bill is not reported back to the Senate at the designated time, and arguments are made which would contemplate delay in the reporting of the bill, I shall vote for prompt cloture to bring the bill back to the Senate.

I thank the Senator very much.

Mr. MORSE. Mr. President, I thank the Senator for the support he has given me. I agree with everything that he has said, except that I would make one little modification. He has said he would vote with a little less enthusiasm today to send the bill to committee than he would have voted 3 weeks ago. I shall take out of order now one of the arguments I had planned to make in support of sending the bill to the committee.

I believe there is much stronger reason today to send the bill to committee because of the debate that has occurred on the floor of the Senate during the last 14 days. I have listened to much of that debate. I have listened to the Senators from Alabama [Mr. SPARKMAN and Mr. HILL], the Senators from Georgia [Mr. RUSSELL and Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], and the Senator from North Carolina [Mr. ERVIN]. I have listened to all the opponents of the bill.

I have listened to the Senator from Pennsylvania [Mr. CLARK], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Montana [Mr. MANSFIELD], and many other proponents of the bill.

If I ever saw a bill that needed to be clarified for the courts by way of a committee report, the argument which has taken place on the floor of the Senate in the past 14 days has shown that bill to be the one before the Senate.

The Senators to whom I have referred have proved my case. They did not know they were proving it at the time, I am sure, but they have proved my case for sending the bill back to committee in order to obtain a committee report.

Those Senators cannot agree on any part of the bill. They cannot agree on definitions. They cannot agree on meanings. What can we expect the courts to do when they come to consider legislation about which Senators are in such disagreement?

But I will suggest what those Senators can do. They can sit down and write a scholarly majority report that the courts can use in the hotly contested litigation that will take place in innumerable cases in the next decade. If I say nothing else today, I hope Senators will remember that the essence of the position of the Senator from Oregon is that the Senate has a duty—spelled "d-u-t-y"—to the courts of our country to give the courts the benefit of both majority and minority views, and to use those views as the basis for cross-examination in the debate that will follow as to the meaning of the bill.

I desire that committee report on which to buttress the arguments that the Senator in charge of the bill has asked me to make on certain constitutional issues involved in the bill. I have been assigned certain major constitutional issues involved in the bill to present later in the course of the debate. I shall do the best I can, for I am for the strongest possible bill. But I should like to have a committee report to which I can refer in that discussion and make the legislative history in relationship to that committee report for the future reference of the courts of our country. For that reason, I believe it is more important now than 3 weeks ago that the bill be referred to the committee.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Ohio.

Mr. LAUSCHE. Probably the words I used had an improper impact. My hesitation came from my hope that the Senate will dispose of the business before it. But the other aspect of the problem is so grave, and the delay of 10 days so inconsequential, that I cannot abandon my original judgment. Conformity to orderly procedure is more important than rushing the bill through.

In conclusion, let us remember that when we think we are doing the greatest good by setting aside law and rules, we find that eventually a disregard for orderly procedure will come back to haunt us—and it will in the present case because of the many ramifications and the novel provisions contained in the bill.

I thank the Senator very much for yielding to me.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. I have read the Senator's motion at the desk. I should like to inquire of the Senator whether he thinks the words of the motion are appropriate for the result which he would like to achieve. I make that statement for the following reason:

It is my recollection that on a previous occasion a bill on a subject pertaining to civil rights was referred to the Committee on the Judiciary with instructions to report back on a day certain. The Judiciary Committee did, without recommendation; and that, I believe, was strictly within the language of the terms of reference.

Earlier this year there was a somewhat similar situation in the Committee on Banking and Currency, on which I serve, when there was referred to that committee the Mundt wheat bill, which dealt with the sale of wheat to Russia. But in that instance the committee was directed to report back its judgment as to whether the bill should or should not pass.

By a vote of 8 to 7 we recommended that the bill should not pass. The chairman of the committee, the junior Senator from Virginia [Mr. ROBERTSON] was very insistent—and he had time on his side—that neither a majority report nor minority views should be prepared and filed.

In the light of the language in the Senator's motion I am fearful that the same thing will happen in the Committee on the Judiciary which, as we know, is under the very careful control of the Senator from Mississippi [Mr. EASTLAND]. He will never even poll the committee. There will be no report, so that in the end we shall have some testimony which will merely reiterate much of the testimony already taken in two other committees and in the House, and we shall have wasted 10 days.

If the Senator could assure the Senate that if his motion were agreed to the Senate would get written reports, including majority and minority views, by the time fixed, I would be much more inclined to support the Senator's motion. But, as I read what I take to be the legal meaning of his language, it would be within the power of the chairman of the committee, who I am afraid would prevent a report from being made.

Mr. MORSE. While I am making my legal argument, I wish the Senator from Pennsylvania would confer with the Parliamentarian. The motion was written by the Parliamentarian. I was assured that it would accomplish the purpose that I have in mind. As the Senator from Pennsylvania knows, I first desired to include in the motion a requirement that the bill be made the pending business when it was reported back to the Senate. The Senator will recall the conversation I had with him. But I checked with the Parliamentarian, and he said that such a provision would be out of order and could not be included.

The point I wish to make is that I am assured nothing can stop a majority of the members of the Committee on the Judiciary from writing and signing a majority report and filing it with the Senate as a report of the majority.

No chairman of any committee could stop it if he tried it. It would be presumptuous of me to presume that the chairman of the Judiciary Committee would try it. I shall have something to say later about that, in my prepared statement. I wish to cover this point now.

In my judgment, a clear duty rests on the majority of the Judiciary Committee who favor a civil rights bill to get busy and start preparing a report on the bill, and sign it, and submit it to the Senate on April 8th. That would be a report of the majority of the Judiciary Committee, no matter how opposed to the report the chairman of the committee might be.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. CLARK. I would hope my friend from Oregon would prove to be correct. He might. I fear—and I am afraid my fears are justified—that the end result of the language used in the motion will not be the result the Senator wishes. I would hope the Senator, who is a skilled parliamentarian and a first-class lawyer, would think long about the wording the Parliamentarian put in the motion, because, as I read it as a lawyer, it is subject to the interpretation that, first, no written report need be filed, and, second, that when the bill comes back it will not be the pending business.

Mr. MORSE. If after consultation with the Parliamentarian the Senator from Pennsylvania still holds that view, I announce that I will be willing to accept any modification of the motion the Senator from Pennsylvania suggests is necessary in order to assure that there can be a majority report and minority views, within the rules of the Senate.

Whatever the Senator from Pennsylvania decides is necessary in the changing of this language—if a language change is needed—is acceptable to me. I would not have offered it in this form if I had not satisfied myself that the motion would accomplish the purpose sought. But if the Senator will tell me what change he wants, I shall be glad to accept the change.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield, without losing my right to the floor.

Mr. GRUENING. As one who will support the motion of the Senator from Oregon and will fight for a strong civil rights bill, which I have been convinced for a long time has been necessary, and indeed long overdue, I ask the Senator if there is any danger, if his motion prevails, that when the bill comes back from the Judiciary Committee it will not be the pending business, and that there is likely to be a further delay of days, such as we have had in the last 2 weeks, before the bill can be taken up.

Mr. MORSE. I wish to make it very clear that it will not be the pending business, but the Senate is going to have to face that question one way or another, anyhow. What difference does it make in the long run? We shall have all summer, if the opposition wants to fight all summer, in order to overcome the parliamentary tactics that the opposition will use to prevent a vote. I am not at all impressed with the argument that we may find it necessary to invoke cloture to get the bill back on the calendar. So what? We may have to invoke cloture a second time. So what?

We must make up our minds whether or not we are going to fight this battle in the alleys and from the housetops and in the corridors and at the crossroads—parliamentarily speaking—for as long as it takes. We may have to vote cloture two or three times with respect to some aspects of the debate. That is a part of the problem. If the Senate has the votes for cloture, it will continue to have the votes for cloture, because the issue will be the same—ending the debate.

Refusing to send the bill to committee cannot be justified on the ground that when the bill comes back to the Senate, it will not be the pending business. We will make it the pending business. Let the opposition talk for a while.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MORSE. I shall yield to the Senator from Delaware, but let me make clear that if there are any procedural questions to be asked, the Senator should ask them now, because once I start my legal argument, I will not yield until I complete it. I want it to appear in continuity in the RECORD. In fairness to the RECORD, I owe it to those who support me to make the speech without interruptions. But I am glad to yield to the Senator for any questions he wants to ask now.

Mr. WILLIAMS of Delaware. I thank the Senator for yielding. I wonder if the Senator from Oregon will amend the motion to provide that when the bill is reported back on April 8, it will automatically be the pending business.

Mr. MORSE. I had proposed that. The Parliamentarian advised me it would be subject to a point of order.

Mr. WILLIAMS of Delaware. I understand from the Parliamentarian that it would be subject to a point of order. I wonder if it would be worth the effort to try it, anyway. Perhaps no point of order would be made.

Mr. MORSE. Does the Senator really think so?

Mr. WILLIAMS of Delaware. We can try it. I am sure many votes would depend on whether or not such a provision were included as a part of the motion. I think it would be well worth the effort. Perhaps by unanimous consent there could be an agreement reached that if the motion carried, the day the bill was reported back it would be made the pending business.

Mr. MORSE. Let us try to obtain such a unanimous-consent agreement before the vote this afternoon. The Senator from Delaware may not appreciate my view, but I find it impossible, as a lawyer, to put something in the motion that I know is subject to a point of order. That is not very artistic work for a lawyer to engage in.

I think the Senator from Delaware knows that a host of objections would be made. The Senator does not think the opposition would agree to that request, does he? I take judicial notice that my wonderful but mistaken friends from the South would almost rise as a body to raise a point of order.

Mr. WILLIAMS of Delaware. Would not that be an indication that the person who objects is more interested in an issue than in an orderly consideration of this subject?

Mr. MORSE. I think we can take judicial notice that they are interested in killing the bill by any exercise of their parliamentary rights.

Mr. WILLIAMS of Delaware. I am not at all sure the objection would come from the quarters the Senator from Oregon thinks it would; so I wonder if he would try it.

Mr. MORSE. I am willing to put the unanimous-consent request, without changing my motion. It would be inartistic for me to do that. As a lawyer, I do not like to propose something that I know is illegal when I propose it. My profession is criticized enough for trying to support illegal proposals. I could not do that. But I would go along, before the motion was put to a vote, with asking unanimous consent that there be an agreement that the bill be made the pending business when returned to the Senate.

Mr. WILLIAMS of Delaware. I appreciate that.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MANSFIELD. I think I should state that if such a motion is made I would like to be notified. I give notice that I would raise a point of order, and I would object to the unanimous consent request.

Mr. MORSE. Therefore, I am not going to make the unanimous-consent request. I would not think of putting the majority leader in that position.

Mr. MANSFIELD. The Senator knows that he would not put me in any position. Many other Senators would offer the objection. I believe he knows that.

Mr. MORSE. I agree. The Senator will agree that my reply to the Senator from Delaware was appropriate, in view of this discussion.

Mr. MANSFIELD. And the point would be raised on both sides.

Mr. MORSE. Yes.

Mr. WILLIAMS of Delaware. I thank the Senator for accepting the suggestion. I respect the majority leader, but I do not understand why he would object to its being made the pending business, immediately upon the bill being reported back to the Senate. It would seem to me that after 3 weeks of delay in trying to make the bill the pending business, that is exactly what he would want when the bill was reported back.

Such an agreement would in no way affect the right of each Senator to vote for or against the motion. It would only insure immediate consideration of the bill on April 8 should the motion carry. But I respect his views and would still hope the Senator will raise that question.

Mr. MORSE. Not now. I have already raised it and received my answer.

Mr. KEATING. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. KEATING. The Senator is sincere in making the motion, as we know, and has stated there were differences of opinion in the debate so far concerning definitions in the bill, and so forth. Certainly, there have been differences. Does the Senator really feel in his heart that any of those differences would be resolved by sending the bill to committee and receiving a majority report and minority views?

Mr. MORSE. This question will be resolved in the courts of America, not by sending it to committee. The thesis of my remarks is that we are not giving the courts the best evidence as to congressional intent. It is that simple. I believe we have a duty to give the courts the best evidence of congressional intent—or at least to try to do so.

I know some of the views of the Senator from New York—and undoubtedly he will express them again—as to the situation that exists within the committee; but we shall never know until we try. I believe the odds are all in favor of obtaining a good committee report.

I do not flatter the Senator from New York—and in this I am as sincere as I can be—but the fact is that the Senator from New York is a member of the Judiciary Committee. That means a great deal to me. The fact that he is on that committee gives the Senate great assurance that the Senate will get a legal document by way of a committee report for which in the decade ahead the courts will thank the committee. So will the Senate. I wish to have that legal service from the Senator from New York. I do not wish to deprive him of the opportunity to join in the preparation of a majority report which I am sure he would join in preparing, if the bill is referred to committee for 10 days.

Mr. KEATING. I do not wish to delay the Senator starting his speech. He has been kind and generous. I might tell him, however, that yesterday one of my constituents, who heard the Senator's gracious reference to me as being one of his teachers in the field of civil rights, asked me whether the Senator from Oregon flunked the course.

Mr. MORSE. That constituent was not in the class. If he had been in the class, he would not have made that comment.

Mr. KEATING. That is probably true. I feel that the Senator is unrealistic about what will happen in the Judiciary Committee, unless all history is changed. There will be no amendments voted on. There will be, perhaps, one or two witnesses called. This same question came before the Senate in 1960, and the actual work in the Judiciary Committee was far from fruitful. The committee reported the bill back without any recommendations, which I assume it would be permitted to do under the motion before the Senate at the present time.

Mr. MORSE. I will cover that part in my speech.

Mr. President, I proceed with my argument in support of the motion. As I have announced, I shall not yield until I finish reading the manuscript, a copy of which is on the desk of each Senator.

It will be noted that it involves considerable technical and legal discussion of cases and, therefore, in fairness to myself and to those who support the motion, I shall not yield.

Before I turn to the manuscript, I wish to put to rest a cloakroom rumor about the position taken by civil rights forces in this country, to the effect that they are all against the Morse motion.

I should like to make it clear to the proponents of civil rights legislation, of which I am one, that civil rights proponents, including proponents among the Negroes of America, are far from unanimous in opposition to the motion.

Prominent Negro leaders have come to my office in recent days and expressed their complete approval of my motion, once they came to understand it.

One of the great Negro women of America came to my office believing she was against my motion and she spent an hour with me. Now she is out in the country making it clear to Negro civil rights groups that she believes I am right and some of their leaders wrong in their opposition.

It is true that a large number of Negro leaders are against the bill going to committee, for the major reason that they do not wish any amendments made to the bill. They wish us to rubberstamp the House bill. Their motives are mixed. In part, they wish us to rubberstamp the House bill because they believe that if any amendments are added to the bill in the Senate committee, or on the floor of the Senate, and it has to go to conference, it might encounter difficulties on the House side with the Rules Committee.

I believe we are in rather bad shape if on the House side the proponents do not have sufficient votes for a civil rights bill to discharge the Rules Committee if it should raise any objections against sending a bill that comes out of the Senate to conference. Of course, this is all hypothetical.

If I have listened to an argument without any substance, it is the argument that Senators should be against the Morse motion on the ground that if the motion should be agreed to, the result might be some amendments; and that if amendments were made and the bill went to conference, the result might be a "hassle" on the House side, and there might be difficulty with the Rules Committee in the House.

What an argument. I make my last answer to the argument by saying: Does anyone seriously think the bill will pass the Senate without amendment? Does anyone think we could pass the bill in its present form if we lack cloture?

More than that, since when do we sit in the Senate and act as rubber stamps for the House, yielding to any argument that we must not interpose anything the House presents on a major piece of legislation such as this? If Senators ever owed a solemn trust to their constituents, they owe it to them in connection with this bill, for this is a bill of great importance to the country.

We had better take the bill and analyze it section by section in committee and section by section on the floor of the Senate, so that when Senators answer the final rollcall on the bill they will have kept their trust.

We have no right to pass the buck, so far as our obligations on the bill are concerned, to the House of Representatives, particularly, as I shall point out later, because when we read the report of the committee of the House of Representatives, we find in that report one little paragraph which can be used by a court in the future in passing judgment upon the meaning of the bill as it went to the House. We do not have anything now that can be helpful to a court in determining the meaning of the bill as it came from the House. The discussions on the floor of the Senate between the pros and the cons in the past 14 days would not be of any help to a court, either.

I shall now proceed to my manuscript, to prove it.

Mr. President, throughout the Senate's consideration of civil rights legislation I have consistently urged that the Senate function through its normal procedure of sending the bill to the Senate Judiciary Committee for hearings and a report. I took this position in 1957, in 1960, and I am taking it again in 1964.

My first and foremost interest is in expediting the work of the Senate itself. In the 20 years that I have been in this body, I have never known a debate, or consideration of a measure, that was not expedited in many ways when it came to the floor with a committee report explaining its terms and their meaning. I have seldom known a time when the Senate was not in deep water when it considered a major bill or amendment that did not have hearings and a committee report explaining it.

This does not mean that I have not myself offered and supported far-reaching floor amendments that did not come from a committee. I have done so in the past and shall undoubtedly do so in the future. But I know very well the handicap that is imposed upon every Member of this body when we try to draft legislation on the floor of the Senate.

On some subjects, the background of hearings and a committee report is more vital than on other subjects. But there is no issue that is ever considered by this body that is more legalistic, that is more intricately wrapped up in legal precedents and meanings, than is civil rights legislation. One other class of legislation that is also highly legalistic is labor-management legislation, and before I am through with my speech, I am going to tell the Senate what the U.S. Supreme Court said about one effort of this body to draft labor legislation on the floor of the Chamber.

As a lawyer, and as a teacher of law for many years, I read this civil rights bill, H.R. 7152, with many unresolved questions of what term after term and phrase after phrase of it really mean. One almost has to be a lawyer just to detect the complexities in it.

I am a cosponsor of the companion bill, S. 1731. I am proud to be a cosponsor of that civil rights bill. I know what kind of legislation I think should be enacted on this subject, and I hope S. 1731 accomplishes what I have in mind as a cosponsor.

But I know all too well that there are infinite questions that could be put to me about the exact impact of it that I could not answer. Frankly, I have some doubts that the language of the bill really goes as far and does as firmly and conclusively what I believe it should. I can see that there may well be other laws and precedents that would vitiate some of the provisions of either H.R. 7152 or S. 1731.

I am primarily anxious that the House-passed bill undergo the committee procedure in the Senate because I want to be sure it is as strong a bill as I think it should be. Moreover, it was amended on the House floor. For the meaning and import of those amendments we have no guidance except what was said about them in the House debate. One can easily see why the courts are reluctant to go to floor debates for the intent of Congress.

One section of the bill in which I am most interested is title VI. It deals with the termination of Federal financial participation in programs or activities of the States that are segregated. I introduced S. 1665 on June 4, 1963, requiring administrators of all Federal participation programs to cut off such aid to any segregated portion of it. I think that should have been done already, because I do not believe Federal money can be disbursed for activities that are unconstitutional. But I also believe that Congress has the duty to establish a policy on this matter if the administration has failed to do it.

Let me stress the fact that, in my judgment, from the President on down in the administration, the constitutional power to do that has always existed. Be that as it may, I believe legislation is needed that would leave no room for doubt as to mandatory compliance on the part of the President and the executive agencies of the Government.

Mr. President, I ask unanimous consent that the text of Senate bill 1665 be printed at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States that, in all programs administered or executed by or for the benefit of the States or their political subdivisions and supported, in whole or in part, with funds provided by the United States, no individuals participating in or benefiting from such programs shall be segregated or otherwise discriminated against because of race or color.

SEC. 2. No moneys shall be paid by the United States to or for the benefit of any State or political subdivision thereof under any program of Federal assistance—

(1) to plan or provide facilities, services, benefits, or employment in such State or political subdivision,

(2) to defray administrative expenses of a program in such State or political subdivision, or

(3) to defray the cost of carrying out a program in such State or political subdivision,

if the participants in or beneficiaries of such program in such State or political subdivision are segregated, or otherwise discriminated against because of race or color.

SEC. 3. The programs of Federal assistance referred to in this Act include, but are not limited to, programs—

(1) to assist the construction of hospitals, schools, highways, airports, parks and recreational areas, community facilities, and public works generally;

(2) to provide old-age assistance, medical assistance for the aged, assistance to needy families with children, assistance for maternal and child welfare, assistance to the blind, assistance to the disabled, and public health and welfare assistance programs generally;

(3) to provide financial assistance to the unemployed and assistance in the training, retraining, and placement of workers;

(4) to provide assistance to business, including agriculture;

(5) to provide assistance to educational institutions and to individuals for educational purposes; and

(6) to provide assistance to National Guard and civil defense activities.

Mr. MORSE. Mr. President, title VI of the civil rights bill deals with the same problem. The House Judiciary Committee report describes the meaning and intent of title VI as it was reported from the Judiciary Committee. But that title was amended on the House floor. The amendment states that no action shall be taken to cut off the Federal share of these moneys except on the direction of the President. In my opinion, that destroys the entire policy direction of S. 1665, and of the House bill as it came from the committee.

The President already has this authority, in my opinion; it is the lack of action under it that I think Congress should correct, because it is ultimately the responsibility of Congress to establish the policy for the disbursements of Federal funds, be they for hospital construction or foreign aid.

Another section in which I have tremendous interest is title III. This is similar to the old title III of the civil rights bill of 1957. I voted against the 1957 bill when title III was dropped out of it because I thought its removal left nothing but a piece of paper—the wrapper on that old loaf from which the bread had been removed.

This title authorizes the Attorney General to institute proceedings under certain circumstances to protect the rights of citizens. I warn Senators that they are entering one of the most treacherous shoals of legislation when they deal with the litigious powers of Federal authorities. If we do so without benefit of our own hearings and our own committee's report on this title, we may not actually do what we sponsors and backers of civil rights legislation want to do in passing this legislation.

It is not only the language of the bill that will confront us. There will be amendments offered, too. We are going to be on fluid and shifting ground in trying to say what the effect of amendments will be, when we have no firm guide of our own on what the language of the title itself means.

Yes, we have the report of the House Judiciary Committee. But it deals only with the bill which went to the House floor. We have no guide except what we have been able to scrounge as to what the amended bill means. Moreover, it is a very cryptic report. Virtually all of it is a section-by-section analysis, which is only descriptive of the legislation. The section entitled: "Purposes and Content of the Legislation" consists of only one paragraph.

We have the House report. And we have the brief prepared by the Justice Department. These are the most definite guides the Senate has as to the meaning of H.R. 5172. But the House report describes it not as it came from the House floor—only as it went to the House floor.

Why, moreover, should not the Senate function as the separate body it is? We are not the retainers of the Justice Department. In the legislative process, it is the agencies that are supposed to be on tap, not on top. But if we proceed with the bill without benefit of our independent legal study of it, we will be almost entirely dependent upon the Justice Department for guidance.

COMMITTEE REPORT NEEDED TO HELP SENATE

Our operations on the Senate floor will be characterized by guesses and by curbstone judgments throughout the consideration of the bill. If one does not think so, he should read the CONGRESSIONAL RECORD for the past 14 days, or he should have listened to as much debate as I have heard for the past 14 days. As I said earlier, if ever a case was made for a bill to be referred to the Judiciary Committee, it has been made in the debate during the past 14 days. No court could bring any rhyme or reason out of the RECORD if it sought to use it in trying to determine the legislative intent of the Senate.

As one who is profoundly anxious to enact, at long last and 100 years late, a meaningful enforcement of the 13th, 14th, and 15th amendments, I do not want our forces to go into this fray with such a handicap.

There is no quality that works so much against our side as the quality of doubt. Senators who are doubtful of the meaning of words are the least likely to vote to put those words on the statute books. How often have we said to each other: "Well, I don't think I want to vote for that because I don't know just what its effect will be"? In the end, such doubts lead to no legislation at all.

This is why I believe those of us who strongly favor and support this bill will be in a better and a stronger position to get it adopted intact if we have a committee report behind us. A committee report will strengthen our hand. A committee report will make much easier the task of those of us assigned to act as floor managers for various titles of the bill. Some of the titles have been reported as separate bills, including the public accommodations title and the fair employment title. But we are on our own when it comes to the important matters of title I on voting rights, title III on the authority of the Attorney General to institute desegregation proceedings, title IV on desegregation of schools, title V on the Civil Rights Commission, and title VI on federally assisted programs.

We have a duty to see to it that we have a committee report which will give meaning to our action by way of legislative intent, to which the courts can later resort.

RELIANCE OF COURTS UPON COMMITTEE REPORTS

Beyond our obligation to ourselves to legislate with the best means we have of informing and educating ourselves, we also have an obligation to leave to those who will litigate under a civil rights statute a sound record of our intent. This is important to the litigants themselves, and to the courts who one day will be called upon to apply our handiwork to specific cases.

As I have in years past, I wish to make available for Senators what the Supreme Court has said and done over the years about finding and evaluating the intent of Congress.

In one of its earliest cases which touched on this point, Chief Justice Taney made these comments in 1845 in *Aldridge* v. *Williams* (3 How. 9). He was discussing the construction of a tariff act:

> In expounding this law, the judgment of the Court cannot in any degree be influenced by the construction placed upon it by individual Members of Congress in the debate which took place on its passage, nor by the motives or reasons assigned by them for supporting or opposing amendments that were offered. The law as it passed is the will of the majority of both Houses, and the only mode in which that will is spoken is in the act itself; and we must gather their intention from the language there used, comparing it when any ambiguity exists with the laws upon the same subject, and looking, if necessary, to the public history of the times in which it was passed.

In 1897 a court again commented, in a much quoted decision:

> Looking simply at the history of the bill from the time it was introduced in the Senate until it was finally passed, it would be impossible to say what were the views of a majority of the Members of each House in relation to the meaning of the act. It cannot be said that a majority of both Houses did not agree with Senator Hoar in his views as to the construction to be given to the act as it passed the Senate. All that can be determined from the debates and reports is that various Members had various views, and we are left to determine the meaning of this act, as we determine the meaning of other acts, from the language used therein.
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> There is, too, a general acquiescence in the doctrine that debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. *U.S.* v. *Union Pacific Railway Co.* (91 U.S. 72, 79); *Aldridge et al.* v. *Williams* (3 How. 9); *Mitchell* v. *Great Works Milling and Manufacturing Co.* (2 Story 648, 653); *Queen* v. *Hertford College* (3Q.B.D. 693, 707).
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> The reason is that it is impossible to determine with certainty what construction was put upon an act by the Members of a legislative body that passed it by resorting to the speeches of individual Members thereof. Those who did not speak may not have agreed with those who did; and those who spoke might differ from each other; the result being that the only proper way to construe a legislative act is from the language used in the act, and upon occasion, by a resort to the history of the times when it was passed.

In this case, *U.S.* v. *Trans-Missouri Freight Association* (166 U.S. 290, 318), the Court was construing the Sherman Antitrust Act.

In 1914, the Court brought in committee reports as a guide to congressional intent *Lapina* v. *Williams,* 232 U.S. 78, 1914. In construing an immigration act, the Court said:

> Counsel for petitioner finds the debates in Congress as indicating that the act was not understood to refer to any others than immigrants. But the unreliability of such debates as a source from which to discover the meaning of the language employed in an act of Congress has been frequently pointed out, and we are not disposed to go beyond the reports of the committees.

In this decision the Court quoted the reports of both the House and Senate committees.

In *U.S.* v. *St. Paul M. & M. Railway Co.* (247 U.S. 310, at 318(1918), the Supreme Court enlarged its reliance upon committee reports to include the floor statements of the committee chairman managing the bill. It said:

> It is not our purpose to relax the rule that debates in Congress are not appropriate or even reliable guides to the meaning of the language of an enactment. But the reports of a committee, including the bill as introduced, changes made in the bill in the course of its passage, and statements made by the committee chairman in charge of it, stand upon a different footing, and may be resorted to under proper qualifications * * *. The remarks of Mr. Lacey (chairman of the committee and in charge of the bill) and the amendment offered by him * * * were in the nature of a supplementary report of the committee * * * they may very properly be taken into consideration as throwing light upon the meaning of the proviso * * * to remove any ambiguity.

I invite the attention of Senators to the strong influence of the case of United States against St. Paul M. & M. Railway Company in 1918. There is not a Senator who has not witnessed the influence of the St. Paul case on Senate proceedings many times during his tenure. I have witnessed it time and time again during my 20 years in the Senate.

What is the procedure? We get into a forensic argument as to the meaning of something in a bill. We ask the chairman of the committee, if he is with the majority, or we ask a member of the majority of the committee if the chairman is not with the majority, or is not available, to answer questions.

We say we are making legislative history. How do we do that? We write out questions and we talk with the chairman or another Senator whom we intend to cross-examine before we ever come to the Chamber. Usually the Senator writes out his answers to our questions.

We stand in the Chamber and formally say: "I would like to ask some questions of the Senator in charge of the bill, or of the chairman of the committee."

The Senator reads the first question, and the chairman answers the question from another copy. The Senator reading the questions has the answers before him. He knows what the answers will be. We follow that procedure, which is quite proper, because we want to make the history. We want to help the Court, because we are following the decision of the Court in the famous St. Paul M. & M. Railway Company case in 1918, from which I have just quoted.

And in *Imhoff-Berg Silk Dyeing Company* v. *U.S.* (43 Fed. 836, at 837–838 (D.C. N.J., 1930)):

> While legislative debate, partaking of necessity very largely of impromptu statements and opinions, cannot be resorted to with any confidence as showing the true intent of Congress in the enactment of statutes, a somewhat different standard obtains with reference to the pronouncements of committees having in charge the preparation of such proposed laws. These committee announcements do not, of course, carry the weight of a judicial opinion, but are rightly regarded as possessing very considerable value of an explanatory nature regarding legislative intent where the meaning of a statute is obscure.

In the famous case of *Duplex Company* v. *Deering* (254 U.S. 443 at 474–575, 1921), the Court said:

> By repeated decisions of this Court it has come to be well established that the debates in Congress expressive of the views and motives of individual Members are not a safe guide, and hence may not be resorted to, in ascertaining the meaning and purpose of the lawmaking body (citations). But reports of committees of House or Senate stand upon a more solid footing, and may be regarded as an exposition of the legislative intent in a case where otherwise the meaning of a statute is obscure (citation). And this has been extended to include explanatory statements in the nature of a supplemental report made by the committee member in charge of a bill in course of passage

That was a reiteration by the Supreme Court of its decision in the old St. Paul M. & M. case, which, as I have stated, is faithfully followed time and time again on the floor of the Senate, during each session of the Senate, as Senators try to build up legislative histories of bills.

Lest it be thought that these cases are those of ancient history and no longer applicable, let me bring to Senator's attention a 1942 case. In *U.S.* v. *Wrightwood* (315 U.S. 110, 1942), the Court had to construe the Agricultural Marketing Agreement Act of 1937. In construing that act, and after citing the House and Senate committee reports, the Court said:

> The opinions of some Members of the Senate conflicting with the explicit statements of the meaning of the statutory language made by the committee reports and members of the committees on the floor of the Senate and the House are not to be taken as persuasive of the congressional purpose.

On the contrary, the Court relied on the committee report.

But a 1947 case has the greatest relevancy to our present situation. This case was the upshot of the strike of the United Mine Workers after the Government had taken over the mines under the War Labor Disputes Act and had obtained a temporary restraining order to keep the miners on the job. In *U.S.* v. *United Mine Workers* (330 U.S. 258, 1947), the Court had to construe the War Labor Disputes Act and the Norris-LaGuardia Act of 1932, since there was a question whether the Federal injunction could lie against workers in light of the Norris-LaGuardia Act. So the question arose whether the Norris-LaGuardia Act included the U.S. Government in the term "employer," and hence forbade the use of injunctions in industries seized by the Government. The question also arose whether Congress had meant to amend the Norris-LaGuardia Act when it passed the War Labor Disputes Act.

What became the War Labor Disputes Act over Franklin Roosevelt's veto was popularly known as the Smith-Connally bill. It was introduced first as S. 796 by Senator Connally. No hearings were held on S. 796 itself, although hearings on similar bills had been held by the Senate Judiciary Committee in the preceding Congress. S. 796 was reported from the Senate Judiciary Committee; but no hearings were held by the committee on it.

That situation bears some similarity to the present situation, for it will be recalled that several weeks ago the Senator from Minnesota [Mr. HUMPHREY], who is in charge of the bill on the floor of the Senate, and who is doing, and will continue to do, a magnificent job, discussed the situation to which I have referred in connection with this case; namely, a situation in which the Court pointed out that no hearings had been held on the Smith-Connally bill, although hearings had been held in previous Congresses on similar bills. Several weeks ago the Senator from Minnesota piled up on his desk a number of committee reports and a number of committee hearings of previous years on other civil rights bills, and used them in support of his fallacious contention that there were already plenty of hearings and plenty of committee reports on civil rights bills, and that there was no need to have more committee hearings and committee reports on that subject. However, I say good naturedly that my friend, the Senator from Minnesota, is a pharmacist, not a lawyer; so I am not surprised that he missed this basic point of parliamentary law. We lawyers are inclined to say that arguments such as the one he made then are immaterial, inconsequential, and irrelevant; and that argument of the Senator from Minnesota was such.

The only position taken by the Supreme Court on this point—as made clear by the position it took on the Smith-Connally bill—is that it will consider only reports and hearings on the bill under consideration, not on other bills.

Therefore, I point out that the only report or hearings the Court will consider when this bill finally is brought before it is whatever committee hearings and committee report there may be on this bill, not on any other bill.

In 1943, after some debate and action on some amendments, Senator Connally offered a substitute for his whole bill. That amendment was really an entirely different bill, and there were no committee hearings on it. Likewise, today we have before us a House bill, and there has been no Senate committee hearing or Senate committee report on it. That was the situation which Senator Connally created when he offered that amendment in the nature of a new bill. The majority leader at the time was the incomparable, great Alben Barkley, of Kentucky. Senator Connally's proposal—his amendment in the nature of a complete substitute for the Smith-Connally bill—caused Senator Barkley, the majority leader of the Senate, to make the following comment:

> Before I do that, I wish to predicate by question upon the following observation:
>
> I think it is unfortunate that we are compelled under the circumstances to try to write a labor legislative policy on the floor of the Senate of the United States. However, that is what we are compelled to do under the circumstances. Evidently the Committee on the Judiciary—and I do not say this in criticism but merely as an observation of the fact—did not give thorough consideration to the bill; otherwise it would have changed it from its original terms which were drawn before we got into the war, before the War Labor Board was set up, and before any formula was adopted by the Government for the settlement of wage disputes. The bill was presented in its original form after the War Labor Board had been in existence for a year and after the Government had done all that it had done by the various Executive orders and by the interpretations of those Executive orders in the attempt to adjust labor disputes. The accuracy of the observation I have just made is confirmed by the fact that the Senator from Texas, the author of the bill, has undertaken to correct that situation by offering his substitute.
>
> All I have said emphasizes the unfortunate fact that we are trying to write a bill on the floor of the Senate.

The situation led some Senators to request that the bill be recommitted to the Judiciary Committee—an interesting bit of history. A motion was made on May 5, 1943, by Senator Wheeler to send the bill back to the Judiciary Committee with instructions to report it back to the Senate by May 20. This motion was defeated by 27 yeas to 52 nays.

If any Senators wish to take any consolation from the fact that the Senate would make a grievous mistake, as has been proposed by those who do not wish to send the bill back to the Judiciary Committee, I wish to point out that the same error was committed at the time of the Smith-Connally bill.

When the Supreme Court came to consider the application of the Norris-LaGuardia Act to disputes involving the Government, it relied in part on the House debates of 1932 wherein the Court thought Congressman LaGuardia, who was in charge of the bill, had indicated that the bill did not contemplate the Federal Government as being included in the term "employer." Interestingly enough, Justice Frankfurter in his own opinion, used the same statements of Congressman LaGuardia to come to the opposite conclusion.

That shows how unreliable are statements made on the floor of the Senate when it comes to subsequent interpretation by the courts, in the absence of a committee report on which to bottom any statements that Senators in charge of bills may wish to make during the course of the debate concerning intent.

But the majority opinion also said:

> But regardless of the determinative guidance so offered, defendants rely upon the opinions of several Senators uttered in May 1943, while debating the Senate version of the War Labor Disputes Act. * * * We have considered these opinions but cannot accept them as authoritative guidance to the construction of the Norris-LaGuardia Act. They were expressed by Senators, some of whom were not Members of the Senate in 1932 and none of whom was on the Senate Judiciary Committee which reported the bill. They were expressed 11 years after the act was passed and cannot be accorded even the same weight as if made by the same individuals in the course of the Norris-LaGuardia debates.

I have underlined the following sentence in my manuscript for emphasis:

> Moreover, these opinions were given by individuals striving to write legislation from the floor of the Senate and working without the benefit of hearings and committee reports on the issues crucial to us here. We fail to see how the remarks of these Senators in 1943 can serve to change the legislative intent of Congress expressed in 1932.

In other words, in the absence of hearings and a committee report, the Court would not accept the opinions of Senators as to whether and how the Norris-LaGuardia Act would be affected by the pending Connally bill.

In the end, the Court relied upon factors other than the unsupported opinions of Senators to find that the Norris-LaGuardia Act did not prevent an injunction from lying against a union when the United States was in command of the industry, and that the War Labor Disputes Act, which authorized seizure, had not changed the previously existing situation with respect to use of the injunction.

I call attention again to the words of the Court:

> Working without the benefit of hearings and committee reports on the issues crucial to us here.

Can Senators say with certainty how legislation already on the books is affected by the bill now under consideration? Can either the backers or opponents of title I, the voting section, say with certainty how the title affects or changes the statutes of 1957 and 1960? Is any section of those earlier laws repealed? How are they superseded by the present title I? Or is all the language of title I merely an addition to existing law?

One may look at the House report for the incorporation of the bill reported by the committee into existing law. But there is no such guide for the bill as it came to us from the House. And there is no commentary even in the House report on the ways in which the 1957 and 1960 statutes have been found wanting and in need of expansion. We may know for a fact that they are; but we also need to know in what particulars they need expansion.

Or one may look at the various titles that authorize the Attorney General to initiate suits. Titles II, III, and IV have such provisions. But only title II specifically mentions "preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order." Does the omission of these words from titles III and IV mean that the Attorney General may not seek preventive relief under them?

In its most recent cases, the Supreme Court has continued to rely primarily upon the committee reports and the supplementary statements of floor managers speaking for their committees.

In the case of *Schwegmann Bros.* v. *Calvert Corp.* (341 U.S. 284, 1951), the Court used both the committee report and the floor statements of the Senate sponsor of the measure, Senator Tydings, to determine the intent of the Miller-

Tydings Act. This legislation came to the floor in the form of a rider to a District of Columbia revenue bill. It was added by the Senate District Committee. Senator Tydings was committee spokesman on behalf of this particular amendment, as well as sponsor of the bill from which it was taken.

But in this particular case, Justice Frankfurter also quoted from both committee reports and the floor statements of Senator Tydings, and arrived at exactly the opposite conclusion as to intent.

Perhaps the most meaningful comment from the Court, insofar as Congress is concerned, was contained in a concurring opinion of Justice Jackson, joined in by Justice Minton. It is a rebuke to the Court for undertaking what these judges considered a fruitless inquiry into legislative history; but it was also a rebuke to Congress for what Justice Jackson called the "unedifying and unilluminating" legislative history of the Miller-Tydings Act.

In this case, too, the Senate was acting not as a result of a report and recommendation from the committee to which the original Tydings bill had been referred; it was working on a rider reported out of another committee. Since the Jackson opinion is a short one, I would like to read it in full:

> I agree with the Court's judgment and with its opinion insofar as it rests upon the language of the Miller-Tydings Act. But it does not appear that there is either necessity or propriety in going back of it into legislative history.
>
> Resort to legislative history is only justified where the face of the act is inescapably ambiguous, and then I think we should not go beyond committee reports, which presumably are well considered and carefully prepared. I cannot deny that I have sometimes offended against that rule. But to select casual statements from floor debates, not always distinguished for candor or accuracy, as a basis for making up our minds what law Congress intended to enact is to substitute ourselves for the Congress in one of its important functions. The rules of the House and Senate, with the sanction of the Constitution, require three readings of an act in each House before final enactment. That is intended, I take it, to make sure that each House knows what it is passing and passes what it wants, and that what is enacted was formally reduced to writing. It is the business of Congress to sum up its own debates in its legislation. Moreover, it is only the words of the bill that have Presidential approval, where that approval is given. It is not to be supposed that, in signing a bill, the President endorses the whole Congressional Record. For us to undertake to reconstruct an enactment from legislative history is merely to involve the Court in political controversies which are quite proper in the enactment of a bill but should have no place in its interpretation.
>
> Moreover, there are practical reasons why we should accept whenever possible the meaning which an enactment reveals on its face. Laws are intended for all of our people to live by; and the people go to law offices to learn what their rights under those laws are. Here is a controversy which affects every little merchant in many States. Aside from a few offices in the larger cities, the materials of legislative history are not available to the lawyer who can afford neither the cost of acquisition, the cost of housing, or the cost of repeatedly examining the whole congressional history. Moreover, if he could, he would not know any way of anticipating what would impress enough members of the Court to be controlling. To accept legislative debates to modify statutory provisions is to make the law inaccessible to a large part of the country.
>
> By and large, I think our function was well stated by Mr. Justice Holmes: "We do not inquire what the legislature meant; we ask only what the statute means." (Holmes, "Collected Legal Papers," 207. See also *Soon Hing* v. *Crowley* (113 U.S. 703, 710–711)). And I can think of no better example of legislative history that is unedifying and unilluminating than that of the act before us.

Another case when a floor manager for a bill on behalf of a committee was quoted was in *Mastro Plastics Corporation* v. *National Labor Relations Board* (350 U.S. 260, 1956). The Court said of the 1947 amendments to the National Labor Relations Act:

> There is sufficient ambiguity here to permit consideration of relevant legislative history. While such history provides no conclusive action, it is consistent with the view taken by the Board and by the Courts of Appeals for the Second and Seventh Circuits.
>
> Senator Ball, who was a manager for the 1947 amendments in the Senate and one of the conferees on the bill, stated that section 8(d) made mandatory what was already good practice and also aimed at preventing such interruptions of production as the "quickie strikes" occasionally used to gain economic advantage. * * * One minority report suggested a fear that section 8(d) would be applicable to unfair practice strikes. The suggestion, however, was not even made the subject of comment by the majority reports or in the debates. An unsuccessful minority cannot put words into the mouths of the majority and thus indirectly amend a bill.

As late as 1957, the Supreme Court again stressed its heavy reliance upon committee reports as the best source of congressional intent. When called upon to construe a certain portion of the Taft-Hartley Act in *United States* v. *United Auto Workers* (352 U.S. 567, 1957), the Court said, after citing the committee reports:

> Although not entitled to the same weight as these carefully considered committee reports, the Senate debate preceding the passage of the Taft-Hartley Act confirms what these reports demonstrate.

In *Cole* v. *Young* (351 U.S. 536, 1956) the Court was concerned with legislation relating to the loyalty of Federal employees. In construing the history of the act of 1950, it relied entirely upon the reports of the House and Senate, plus one quotation of a Government witness taken from the hearings.

This is by no means an exhaustive recital of Supreme Court comments on this subject of legislative history and how it may be determined by the courts. But since the Supreme Court first undertook to examine legislative history to determine the intent of Congress, it has consistently looked first and foremost to the reports of the House and Senate committees as the one authoritative source of that intent.

I do not suggest that either the Senate or the courts will be helpless if we proceed to deal with H.R. 7152 on the Senate floor without benefit of hearings and report. But I do say we will be severely handicapped, and so will the courts.

In my judgment, there is no sound reason whatever for us to proceed under that handicap. If there were no way whatever to obtain hearings and a report on H.R. 7152 from the Judiciary Committee, we would have no alternative but to bypass the committee. But there is an alternative.

It was used only a few weeks ago, when the amendment offered by Senator Mundt to the foreign aid bill, and which dealt with the wheat sale to Russia, was sent to the Banking and Currency Committee. It was withdrawn as an amendment, introduced as a separate bill, and referred to the Banking Committee. In the referral process, the majority leader obtained a unanimous-consent agreement that the committee be instructed to report the bill back to the Senate by November 25. That was done on November 15; as the majority leader put it:

> A bill has been introduced and referred to the Committee on Banking and Currency. By direction of the Senate, it will be reported no later than a week from Monday, November 25.

Of course, that was done by unanimous consent. But it could be done by motion, too, as I am proposing to do today with respect to the pending bill.

If those of us who are backing this civil rights bill have the votes to bypass the Judiciary Committee, we also have the votes to instruct the Judiciary Committee.

We had no problem with the wheat deal measure. It was back on the floor on the appointed day. In all the history of the Senate, so the Parliamentarian informs me, no committee has ever violated or failed to obey the instructions given it by the whole Senate.

I see no reason at all why we should vary from that wise and sound procedure. Senators may say: "But civil rights are a lot more important than the wheat deal." My answer is: "All the more reason why we should avail ourselves of the best we have in providing guidelines to Members who must pass upon this highly important matter, and to the courts who must apply it."

Do not forget, either, the importance of following a fair procedure insofar as attitudes toward the bill itself are concerned. When the time comes to try to close this debate under rule 22, we will need two-thirds of the Senators to close it. So long as Senators have any reason to feel that a fair procedure was not followed, there will be those who will vote against cloture on that ground alone, or on that excuse alone.

Why give them that alibi? Why give them the chance to say that this bill was brought up under steamroller tactics and did not receive a fair hearing before it was brought to the floor? Why give them a chance to vote against cloture on the ground that the only chance opponents had to make their case and bring out what facts they had to bring out was on the floor of the Senate itself? Any time this body ignores a normal and traditional procedure in favor of one that bypasses a major part of the Senate's regular means of considering legislation, a presumption is at once created in favor of extended floor debate in compensation for the lack of committee consideration.

I think it is most regrettable that the Senate did not uphold the Russell point of order of February 26, and then send this bill to committee with instructions. The unanimous-consent agreement requested by the majority leader the next day would have brought a report back by March 4. Objection was lodged to that request by supporters of the bill. Yet it was long after March 4 had come and gone before we disposed of other legislation and got back to H.R. 7152. It took until March 9 to come back to H.R. 7152. We could have had a report before us right now. So the facts do not bear out that referral to committee then would have delayed consideration of the bill. And before we are through, we are going to find that referral now will expedite it.

In 1957 we bypassed the Judiciary Committee. The debate droned on for weeks. It became evident that there was not a two-thirds majority in the Senate to impose cloture.

The result was that the major sections of the bill had to be dropped as the price for allowing it to go to a vote. We never did get cloture. The bill only came to a vote when it had been rendered innocuous.

It was rendered so innocuous, in my opinion, that I voted against the bill.

A vote against the bill was misunderstood by many throughout the country, as my mail has shown, because most people thought it was a civil rights bill before the Senate and that a pro-civilrighter would vote for any civil rights bill. I never vote for what I consider to be a deception. I considered the 1957 bill a gross deception. It misled pro-civil-righters in the country to believe we would help along the cause of civil rights by passing the bill. I held to the point of view that we set it back. We did not help it. So I voted against the bill.

In 1960, we started out the same way. We dealt only with amendments to a private bill. My effort to discharge the committees of civil rights legislation failed.

That debate staggered along from February 15 to March 24. A lot of amendments were offered and some were voted on. An effort to invoke cloture did not even get a majority vote. We did not get down to business until a voting rights bill came over from the House. When it did, the majority leader moved to send it to the Judiciary Committee for 5 calendar days.

The motion was overwhelmingly agreed to; the committee did report the bill back as directed. It will be recalled that by that time the heat had largely gone out of the struggle. It was evident that sufficient support was lacking for cloture on the Dirksen floor amendment. Thereafter, the principal objective was one of accepting the House bill without substantial change; that is, with only those amendments likely to be accepted by the House.

The House bill was a weak bill when it came to the Senate. It was a weak bill when it left the Senate. The most that can be said for it, is that it was passed with reasonable expedition once it came out of committee. The weeks of floundering on the floor with the Dirksen amendment may well have set the stage for the consensus that resulted in the modest and weak measure that finally passed both the House and the Senate.

If this motion is passed, part of the time between now and April 8 will be accounted for by the Easter recess. We are not going to be in session Friday or Saturday, in any event, so the practical effect of the resolution will be to put the bill over for a little more than a week.

In other words, the 10 days I have referred to would begin to run after the Easter recess. I do not expect, if my motion is agreed to, that the Judiciary Committee will meet on Friday and Saturday. They are entitled to the Easter recess. The Easter recess, which carries great import to many Senators from a religious standpoint, should not be interrupted.

I wish to make clear to the Senate that it is not intended by the mover of this motion that the Judiciary Committee should go into session Friday and Saturday; but it should go into session early Monday morning, and it should stay in session until it can have a fair and reasonable hearing of a selected cross section of witnesses. By that I mean witnesses who represent a fair cross section of all points of view. The majority of the committee, as I shall point out in a moment, should start its work on drafting a committee report, so that it can be ready on April 8.

I ask the supporters of this bill whether they think the result looks any different this time from the time it took in the past when successful attempts were made to bypass the Judiciary Committee.

If we do not have enough support for cloture, this bill will not come to a vote until its most important and effective sections have been dropped.

It is time we devised a civil rights strategy that will gain us the two-thirds needed for cloture. If we do not, we will only be going through the 1957 and 1960 experience again.

We all know that cloture is not so difficult to obtain on other issues. It need not be impossible to obtain it on civil rights. We never have really taken the pains to plan our strategy with a view to obtaining cloture. It has only been our plan to get a civil rights bill to the floor in any way possible, and then take our chances.

That makeshift did not serve us well in 1957 or 1960. Why hasten to use it again? It is time for a meaningful civil rights bill, not just another oratorical exercise. But we will not get a meaningful bill until we can get cloture, and I am doubtful that we can get it so long as we follow the procedure of bypassing the Judiciary Committee. I have no way of knowing whether going through the normal procedure would prove more fruitful in obtaining cloture. But we have not come close to obtaining it in any other way. We shall never find out until we try.

Mr. President, there has been some suggestion that sending the bill to committee would be a waste of time, because the committee will not conduct good faith hearings, that a witness will be put on the stand and will be examined by a member of the committee at great length, hour in and hour out, and there will be a hassle in the committee in regard to the committee report.

MAJORITY CAN DETERMINE COMMITTEE POLICY

Mr. President, I speak respectfully, and I speak out of great esteem for each member of the Judiciary Committee. It is composed of great Senators. Listen to the roster:

The Democrats are Senators EASTLAND, JOHNSTON, MCCLELLAN, ERVIN, DODD, HART, LONG of Missouri, KENNEDY, BAYH, and BURDICK.

The Republicans are Senators DIRKSEN, HRUSKA, KEATING, FONG, and SCOTT.

That is a powerhouse committee. If we wish to evaluate it from the standpoint of ability and great prestige in the Senate and from the standpoint of learning—I do not care what criteria are used—that is a great committee.

It might be asked if there is any basis—which I refuse to accept—for the talk in the cloakroom that it is a helpless committee. It is said "You do not understand that committee. You do not understand the inner workings of that committee. You do not understand what we are up against. You have no conception of how hopeless it is."

I say good naturedly that they are not mice; they are Senators.

The time has come for the Senate to call upon them to function as Senators.

It is unthinkable that such a powerhouse would be stopped or incapacitated, legislatively speaking.

I will not accept the tommyrot that a minority or any individual on the committee could prevent it from functioning as a committee.

I will not accept such an argument. If that be true, the greatest revolution that is needed in the Senate is needed in the Judiciary Committee. The members ought to stand up and declare their independent. There is nothing in the world can stop a majority of those great Senators. They know their procedural rights. They are learned in the law. They are learned in procedure. They know that it is tommyrot to think that a chairman of a committee could prevent the committee from functioning. I mean no offense by intention or in fact when I say that. It is said that the Senator from Mississippi [Mr. EASTLAND], the chairman of the committee, will not let certain things happen. Mr. President, he is not the committee; he is only one member of it. He is not the Senate; he is only one Member of it. He could not possibly produce the results it is said he would produce. The members of that committee would not allow it to happen.

I should like to see the chairman of the Committee on Labor and Public Welfare try to exercise any one-man power. I should like to see the chairman of the Foreign Relations Committee try to exercise any one-man power. I am speaking hypothetically now about the Judiciary

Committee because I do not accept the major premise.

The power rests in each committee to function. A majority of the Judiciary Committee are brilliant lawyers. They ought to control the Judiciary Committee by majority rule, and they ought to give us a report. I plead for a report. I beg for a report. A majority of the committee is on record in support of a strong civil rights bill; at least 9 out of 15. Does anyone mean to tell me that 9 Senators who are assigned to a committee, cannot give the Senate a report by April 8, with all the power legislatively and parliamentarily that attaches to the position of Senator?

Of course they can. I plead for it. I beg for it. I urge support for my motion. That is my case.

I plead with the Senate to handle this bill in a way that will afford the best prospect of enactment of a strong measure. That means having a committee report and hearings for our use and reference.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. MORSE. I am ready to yield the floor, but I am glad to yield to the Senator from South Carolina.

DEATH OF JAMES A. CAMPBELL, FORMER PRESIDENT OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. JOHNSTON. Mr. President, I am deeply saddened by the death of my close friend of many years, Mr. James A. Campbell, former president of the American Federation of Government Employees.

Jim Campbell will be sorely missed by those who knew him personally as a man of warmth, intelligence, and integrity. Further, his loss will be felt by Federal employees everywhere, in whose behalf he labored long and effectively for a great part of his career.

As chairman of the Committee on Post Office and Civil Service and as a member of that committee, I came to know Jim Campbell as one of this Nation's most effective spokesmen for Federal employees' rights. Much of the beneficial civil service legislation now on the statute books was proposed and advocated by this forward-looking union leader. He will be remembered as a man who always advanced his cause with fairness, forcefulness, and a thorough knowledge of the problems of both the employee and Federal management.

Under his leadership, the AFGE grew in prestige, authority, membership, and financial resources. During his career, when forward studies were made by Federal employee groups, we always found Jim Campbell in the forefront. I deeply regret his loss. He will be missed particularly by those of us who shared many of his ideals and his concept that the Federal Government should grow to be an employer second to none.

To Mrs. Campbell and her two sons, I extend my sincerest condolences in their loss.

Mr. MORSE. Mr. President, I owe an apology to the Senator from Missouri [Mr. SYMINGTON]. Earlier I agreed to yield to him. I yielded to several other Senators first, and when I turned to yield to him, he had left the Chamber. I should have yielded to him in preference to other Senators, because he had asked me first.

Mr. SYMINGTON. That is perfectly all right. Secretary McNamara was in the Committee on Foreign Relations, to speak to us on South Vietnam. I left the floor for that reason; otherwise, I would have been present.

Mr. MORSE. I yield to the Senator from Missouri.

GOVERNMENT CREDIT BEING USED TO ADD TO OUR DEFICITS

Mr. SYMINGTON. Mr. President, last week the Inter-American Development Bank floated a $50 million bond issue in this country.

In view of the continued payments deficit, it is paradoxical that the U.S. Government's credit is being used to add to our deficits.

At the time the Inter-American Development Bank's increased capitalization was approved on January 14, there was talk that the Bank might try to sell its bonds in Europe or even in Latin America, but apparently the Bank was already prepared to issue dollar bonds in this country even before they allowed themselves time to explore alternative sources of capital.

I ask unanimous consent that two articles which appeared yesterday morning, "Drain on Dollars Still a Problem," in the New York Times, and "U.S. Payments Deficit Improved Less in 1963 Than Thought; Some Aid Was Temporary," in the Wall Street Journal, be inserted at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Mar. 25, 1964]

DRAIN ON DOLLARS STILL A PROBLEM—REIERSON FINDS NO REASON TO SAY IT IS DISAPPEARING

Roy L. Reierson, chief economist of the Bankers Trust Co., surveyed the U.S. international payments problem yesterday and found no reason to conclude it is disappearing.

His assessment was decidedly more cautious than other recent comment on the prospects for reducing the country's net outflow of dollars. The volume of the drain has been shrinking steadily since mid-1963, giving rise to renewed optimism about approaching equilibrium and strengthening the dollar's international position.

"The sentiment goes from one extreme to the other," Dr. Reierson commended in a talk to New York University's Men in Finance Club, which met for luncheon at the Lawyers' Club.

"NOT GLOOMY," HE SAYS

Dr. Reierson did not categorize his own sentiment other than to say he was "not gloomy." The tone of his talk was admonitory: Present policies and conditions do not point to early elimination of the payments deficit and it would be premature to believe the problem is about to be solved, he suggested.

Referring to a recommendation last week by the Joint Economic Committee of Congress for repeal of the so-called gold cover, Dr. Reierson asserted that the timing of the proposal was "ill considered and ill advised." He reiterated his own view that the gold cover should be terminated, but not while the United States still has a substantial dollar drain.

The cover is the requirement that the Federal Reserve hold gold equal to at least 25 percent of outstanding Federal Reserve currency and deposits. At present, the cover ties up about $12.5 billion of the Government's $15.5 billion of gold.

Dr. Reierson, a highly regarded economist in financial circles, expressed a view that the tax cut just passed would be "detrimental to the balance of payments." He indicated he thought such an effect could be averted by tighter credit but that he did not expect such a policy to materialize.

DISCOUNT RATE RISE SEEN

In response to a question, Dr. Reierson said he thought an increase in the Federal Reserve rate was likely by the yearend.

An expanding economy, he said, means higher imports. Yet, he said, there is no strong upward trend in exports and hence "no evidence the United States is building up its trade surplus enough to carry capital outflows and military and foreign aid."

Long-term portfolio investment abroad is bound to rise after enactment of the pending interest equalization tax, he said. Efforts to tap Europe's capital markets have had limited success, he added.

If the Government persists in "overemphasis on easy credit," Dr. Reierson continued, a shrinkage in capital outflows would be likely.

He said there was no sign that Europe's inflationary trend was helping exports of American manufactures. These exports may be hurt by anti-inflation measures in Europe, he said.

[From the Wall Street Journal, Mar. 25, 1964]

U.S. PAYMENTS DEFICIT IMPROVED LESS IN 1963 THAN THOUGHT; SOME AID WAS TEMPORARY

WASHINGTON.—The U.S. balance-of-payments deficit didn't improve as much last year as was thought, and some of the improvement was only temporary.

The deficit is currently calculated at $3,301 million for last year, nearly 10 percent larger than the previous estimate of $3,020 million. The 1963 deficit is still narrower than the $3,573 million of 1962 but is newly placed somewhat wider than the $3,043 million deficit of 1961.

A payments deficit results when dollars acquired by foreigners through U.S. spending, lending, and aid exceed the inflow of dollars here from abroad. The administration has been striving to end the persistent U.S. deficit, which gives foreigners mounting claims on the dwindling gold stock.

Not since 1957, when the Suez Canal closing resulted in an export spurt, has the United States shown a surplus ($520 million that year) in its international accounts.

NEW DATA STRETCHED DEFICIT

The revision in the 1963 deficit results from recent information to the Commerce Department showing that foreigners piled up about $100 million more in U.S. bank accounts than had been calculated; also, shipments of military goods to foreigners, which count as exports, were about $150 million less than initially reported.

And the Government agency, in a payments report, noted that part of the improvement recorded last year reflects "developments which have had only temporary significance" as well as some basic economic gains.

Exports of farm products, for instance, were exceptionally high due to such strictly temporary factors as bad weather and poor crops in Europe, the report said; such conditions boosted farm exports by up to

$150 million, mostly in the final quarter. Lower import barriers helped coal exports gain nearly $150 million, the report said, but the rise was accentuated by weather conditions and interruptions in coal production in Europe last spring.

Temporary factors also appear to have pushed up fourth-quarter bank loans and direct investment abroad, which count as outflows. But temporary help came from an unusual inflow of funds from Canadian banks.

Even with the temporary help, however, the revised data put the 1963 fourth-quarter gap at $527 million, or a seasonally adjusted annual rate of $2,108 million. Previously the final-quarter deficit had been estimated at $377 million, or a $1,508 million annual rate. While advance estimates are even more subject to error than reports soon after a period ends, so far this year no marked change in trend from the fourth quarter appears to be developing, authorities say.

The fourth-quarter annual rate in the payments deficit, even after being revised upward, is still much less severe than the revised $5,228 million annual rate of last year's April–June quarter. Sharply higher outflows of private U.S. capital then prompted the late President Kennedy to propose an "interest equalization tax" on sales of foreign securities here, intending to discourage foreigners long-term portfolio borrowing by adding 1 percentage point to their effective interest costs. Other efforts to trim the dollar outflow by reducing military spending abroad and tying more foreign aid to purchases here also were accelerated. The tax, which would be retroactive to last July 19, has passed the House, but Senate action probably will have to wait until after the civil rights fight.

PRIVATE CAPITAL OUTFLOW DOUBLED

The new figures show that the total net outflow of private capital in the final 1963 quarter rose to about $945 million—about double the total of the previous period, though well short of the total in the April–June quarter. The $945 million consisted of:

Two hundred and fifteen million dollars in long-term portfolio investment such as American citizen purchases of foreign bonds and stocks, the area that is the target of the proposed tax.

One hundred and twenty-nine million dollars in short-term capital movement, compared with a small net inflow in the previous quarter when interest rates here were raised.

Six hundred and one million dollars in direct investment, including acquisitons of foreign companies and construction of oversea factories and oil refineries by U.S. concerns.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. STENNIS. Mr. President, I commend the Senator from Oregon for the very fine and unanswerable argument he has made in behalf of parliamentary procedure and regular standards and safeguards which we ordinarily apply to important legislation.

Mr. MORSE. I thank the Senator.

Mr. STENNIS. In the course of the debate I have referred to the points that have been fully expressed in the Senator's address on this important subject. I hope the arguments in favor of the usual procedure will touch the conscience of every Member of this body.

I believe he has had influence, not only in that speech, but in other remarks and contacts which he has made. I hope that this motion will be fully discussed. I have already discussed it, as I have said, in the appearances that I have made. I should like to hear a response from every Senator to the challenge of the senior Senator from Oregon.

I ask unanimous consent to have printed at this point in the Record a report on the television debate recently held between the Senator from South Carolina [Mr. Thurmond] and the Senator from Minnesota [Mr. Humphrey] with reference to the pending matter, and also an editorial published in the Atlanta Journal and Constitution of March 22, 1964, concerning the same debate.

There being no objection, the text of the debate and the editorial were ordered to be printed in the Record, as follows:

Announcer. "CBS Reports" continues. Here again is Eric Sevareid.

Mr. Sevareid. For 9 days the U.S. Senate has been debating a motion to take up the civil rights bill and a vote to do that could come at anytime. When it does, debate on the merits of the bill developing into a filibuster will begin. Now, Senate rules allow a Senator to talk as long as he wants to, or he's able to, on any question at issue. And when several Senators try to talk a bill to death the resulting filibuster can go on for days, weeks, or even months. For decades Southerners have used the filibuster successfully to defeat or at least to water down civil rights bills. Tonight 19 Southern Senators are ready to try that again. One of them is Senator Strom Thurmond, of South Carolina. Leading the opposition to them is Senator Hubert H. Humphrey, of Minnesota. Now these two men have been on opposite sides of this civil rights question at least since the Democratic presidential convention in Philadelphia in 1948. Hubert Humphrey was a delegate then—he was also mayor of Minneapolis—and he led a floor fight for a very strong civil rights plank in that Democratic platform. That fight was won, and a good many Southern delegates walked out of the convention to form the States Rights Party. And Strom Thurmond, then the Governor of South Carolina, became their presidential candidate. So, in a way this live debate we are having is a continuation of one that began 16 years ago. It's also a prelude, in a way, to the one about to begin in the Senate. Right now each of the two Senators with me will have about 3 minutes for an opening statement in this short debate. Senator Humphrey drew the longest straw. Would you begin?

Senator Humphrey. Well, thank you very much. Mr. Sevareid, and my colleague Senator Thurmond. I believe that what we've seen and heard tonight is a challenge to the conscience of this Nation. We simply have to face up to this question: Are we as a Nation now ready to guarantee equal protection of the laws, as declared in our Constitution, to every American regardless of his race, his color or his creed? The time has arrived for this Nation to create a framework of law in which we can resolve our problems honorably and peacefully. Each American knows that the promises of freedom and equal treatment found in the Constitution and the laws of this country are not being fulfilled for millions of our Negro citizens and for some other minority groups. Deep in our heart we know—we know that such denials of civil rights, which we have heard about and which we've witnessed are still taking place today—and we know that as long as freedom and equality is denied to anyone, it, in a sense, weakens all of us. There is indisputable evidence that fellow Americans who happen to be Negro have been denied the right to vote in a flagrant fashion. And we know that fellow Americans who happen to be Negro have been denied equal access to places of public accommodation—denied in their travels the chance for a place to rest, and to eat, and to relax. We know that one decade after the Supreme Court's decision declaring school segregation to be unconstitutional that less than 2 percent of the southern school districts are desegregated. And we know that Negroes do not enjoy equal employment opportunities. Frequently, they are the last to be hired and the first to be fired. Now, the time has come for us to correct these evils—and the civil rights bill before the Senate is designed for that purpose. It is moderate—it is reasonable—it is well designed. It was passed by the House 290 to 130. It is bipartisan. And I think it will help give us the means to secure, for example, the right to vote for all of our people—and it will give us the means to make possible the admittance to schoolrooms of children regardless of their race. And it will make sure that no American will have to suffer the indignity of being refused service at a public place. This passage of the civil rights issue or bill to me is one of the great moral challenges of our time. This is not a partisan issue. This is not a sectional issue. This is in essence a national issue, and it is a moral issue, and it must be won by the American people.

Mr. Sevareid. Senator Humphrey that takes your 3 minutes, I think. And now, Senator Thurmond, 3 minutes for you.

Senator Thurmond. Mr. Sevareid, and my colleague Senator Humphrey. This bill, in order to bestow preferential rights on a favored few who vote en bloc, would sacrifice the constitutional rights of every citizen and would concentrate in the National Government arbitrary powers, unchained by laws, to suppress the liberty of all. This bill makes a shambles of constitutional guarantees and the Bill of Rights. It permits a man to be jailed and fined without a jury trial. It empowers the National Government to tell each citizen who must be allowed to enter upon and use his property without any compensation or due process of law as guaranteed by the Constitution. This bill would take away the rights of individuals and give to government the power to decide who is to be hired, fired and promoted in private businesses. This bill would take away the right of individuals and give to government the power to abolish the seniority rule in labor unions and apprenticeship programs. This bill would abandon the principle of a government of laws in favor of a government of men. It would give the power in government to government bureaucrats to decide what is discrimination. This bill would open wide the door for political favoritism with Federal funds. It would vest the power in various bureaucrats to give or withhold grants, loans and contracts on the basis of who, in the bureaucrat's discretion, is guilty of the undefined crime of discrimination. It is because of these and other radical departures from our constitutional system that the attempt is being made to railroad this bill through Congress without following normal procedures. It was only after lawless riots and demonstrations sprang up all over the country that the administration, after 2 years in office, sent this bill to Congress, where it has been made even worse. This bill is intended to increase—to appease those waging a vicious campaign of civil disobedience. The leaders of the demonstrations have already stated that passage of the bill will not stop the mobs. Submitting to intimidation will only encourage further mob violence and to gain preferential treatment. The issue is whether the Senate will pay the high cost of sacrificing a precious portion of each and every individual's constitutional rights in a vain effort to satisfy the demands of the mob. The choice is between law and anarchy. What shall rule these United States, the Constitution or the mob?

Mr. Sevareid. Senator Thurmond, thank you very much. Well, gentlemen, it seems rather clear, from these two statements at least, that the room for agreement is going to be a little cramped. From here on in this brief debate we'll let this be free-swinging. You can interrupt one another at will, though I hope each of you allows the other to finish whatever sentence he's engaged upon. But we'll get to that part of the debate right after this message.

(Announcement.)

Mr. Sevareid. Gentlemen, this is now open debate. Let's start with the public accommodation section of this civil rights bill. Now this section, if passed, would forbid racial discrimination in hotels and motels, restaurants, theaters and similar places all over the country. Senator Humphrey, would you start?

Senator Humphrey. Well, yes, Mr. Sevareid. What title 2 does—and that's the title to which you referred—the public accommodation's title—is to declare as a national policy what already exists in 32 States as State policy. I would repeat that 32 of the States of the Union already have what we call strong and effective public accommodations laws that forbid racial discrimination in public places. Now title 2 of this bill has but one purpose, and that's to guarantee to every American citizen, regardless of his place of residence or his race, equal access to public places. And this is as old as common law itself—since the time of Chaucer, as a matter of fact. I don't think it's really unusual that the Government of the United States should want to have the 14th amendment, which insists that no State may deny any citizen of the United States equal protection of the laws or life, liberty or property without due process of law—I don't think it's unusual that this should be now effectuated by a public policy in statute.

Senator Thurmond. This title is entirely a misnomer. It's not public accommodations, it's invasion of private property. This will lead to integration of private life. The Constitution says that a man shall not be deprived of life, liberty or property. We should observe the Constitution. A man has a right to have his property protected. A similar bill to this—almost word for word—was passed by Congress in 1875 and was declared unconstitutional by the U.S. Supreme Court in 1883. The Howard Johnson case from Virginia is a case in which a man wanted to be served. Howard Johnson refused to serve him, and he went into court. But the court held that a man did not have to serve anybody on his own private property that he did not wish to. Now that was only in 1959. Why do we want to push an unconstitutional piece of legislation—one that has already been held unconstitutional by the Supreme Court? And especially since it denies people the right of trial by jury. Title 1, title 2, title 3, title 4, and title 7 have provisions that deny people the right of trial by jury.

Senator Humphrey. Well now, may I say to my friend, the Senator from South Carolina, that title 2—No. 1, relies for its enforcement upon the courts of the United States. Title 2 is related to the citizens of the United States, and title 2 merely says that a man, because of his race, shall not be denied access to a public place where there is—advertisements for the public to come in and do business—and it limits it to hotels, to motels, to filling stations and to places of—restaurants or eating places. And why? Because these are the facilities that are necessary in a sense for life itself and for interstate travel.

I've often wondered, Senator, why it is that we're so anxious to keep good American citizens, who pay thier taxes, who defend their country, who can be good neighbors, out of a place like a restaurant, and yet we will permit people who may be very unsavory characters—people that have a little or no good reputation—people who come from a foreign country—to come into the same place? It seems to me that what you've had here is an invasion of property rights by enforced segregation. Let me give you an example. In the city of Birmingham, Ala., up to 1963, there was an ordinance that said that if you were going to have a restaurant and you were going to permit a Negro to come in, you had to have a 7-foot wall, down the middle of the restaurant, dividing the white from the colored. Now, how foolish this is, and isn't that an invasion of private property?

Senator Thurmond. Senator, we live in a country of freedom—and under our Constitution a man has a right to use his own private property as he sees fit. The mayor of Salisbury, Md., said that if they had had a law on the books, as we're trying to pass here now, they would not have been able to have desegregated their business. Now, he says they were able to get the business people to do it voluntarily. You can't do some things by law. Some things have got to come in the hearts and minds of people. And we mustn't think that we can regiment and control and regulate the lives of people. After all we have a Constitution that guarantees freedom, and we must observe that Constitution, and we don't want to require people to live in involuntary servitude. And I think it is involuntary servitude for a woman of one race to have to give a massage to a woman of another race if she doesn't want to do it.

Senator Humphrey. That is not provided for in this bill, may I say most respectfully. And I want to say to the good Senator from South Carolina——

Senator Thurmond. Oh, it's provided for.

Senator Humphrey. I want to say to the Senator from South Carolina that all that title 2 does is to say that you shall not deny a person access to a public place like a hotel because of race.

Senator Thurmond. Suppose there's a barbershop or a beauty shop in the hotel?

Senator Humphrey. Ah, then it might—then it is——

Senator Thurmond. Suppose——

Senator Humphrey. If it is in a hotel, which is an interstate facility that accommodates transients——

Senator Thurmond. Exactly.

Senator Humphrey. Now, why not?

Senator Thurmond. And any store and any place is covered too, also. And so if a lady ran a massage place in a hotel, and a woman of one race went there and wanted a massage——

Senator Humphrey. Right.

Senator Thurmond. By a woman of another race, she'd have to give it to her whether she wanted to or not. Isn't that involuntary servitude?

Senator Humphrey. Well, may I say——

Senator Thurmond. Isn't she being forced to do what she doesn't want to do?

Senator Humphrey. May I say, my friend, most respectfully, that many people that have private property do not have full rights to do what they want to do. If you operate, for example, a bar, you don't have the right to have juveniles in it. If you operate a restaurant, you don't have a right to have unsanitary conditions. There are rules of public regulation, and I would add this: How is it that this Nation can call upon our colored people, for example, to help win us the Olympic contests, to help win our wars, to pay taxes, to do everything that a citizen of this country is required to do, but when he wants to come to a hotel and have a night's rest he's told that he can't come because he's colored.

Mr. Sevareid. Senator, I'm going to have to break off this part of it here, much as I hate to. We would like to have a minute or two here, and it will be abbreviated, on this section of the bill that deals with equal employment opportunities. That's a very widely disputed matter. It makes racial discrimination by employers and unions unlawful. Senator Thurmond, would you start on that? I'm going to have to keep this section of the debate——

Senator Thurmond. I know of no more eloquent and convincing argument in opposition to FEPC than a statement by President Johnson on the Senate floor on March 9, 1949. These are President Johnson's words: "This to me is the least meritorious proposal in the whole civil rights program. To my way of thinking, it is this simple. If the Federal Government can, by law, tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than enslave a minority. Such a law would necessitate a system of Federal police officers such as we have never before seen. It will require the policing of every business institution, every transaction made between an employer and employee and virtually every (indistinct) employers and employees association while it worked. I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again." Those are the words of President Johnson only a few years ago.

Senator Humphrey. Now, Senator, may I say that one of the real qualities of greatness of President Johnson is that he learns and that he is able to understand the developments in our country in terms of the changes that have taken place in our society, and isn't it interesting that President Johnson, as Vice President of the United States, was Chairman of the President's Committee on Equal Employment Opportunities and the proudest moment in his life has been when he has assured equal employment opportunities regardless of race, to thousands, yea millions of workers that work in industries where the U.S. Government does business.

Now, what does title 7 do in this bill? It does but one thing. It merely states that race shall not be a barrier to fair treatment and employment. It does not put any enforcement power in any commission. Enforcement is left to the courts of the United States. The only thing that a commission can do is to investigate and then if there is a valid case to bring it to the courts; and finally, 25 States in this Union, Senator have their Employment Practices Commissions and in those States, you have the highest rate of employment. You have the highest per capita income, you have the highest—the best economy and the most expanding economy. I think it's a pretty good proposition.

Senator Thurmond. We must remember that this bill creates no jobs, so therefore, whose jobs are these Negroes, the minority, going to take? Other Negroes' jobs, or white people's jobs? Now, I want to say that this bill tells a man whom he can hire, whom he can fire, whom he can promote, whom he can demote. And we must remember that the Commission decides what is discrimination and if the Commission sees fit to define discrimination in such a way that there is a racial balance, then they would destroy seniority rights in unions and in other ways——

Senator Humphrey. Senator——

Senator Thurmond. If they will try to bring about a racial balance, as they are doing in New York schools. The people in New York don't like it. I don't believe the American people are going to want people to tell them whom they have to fire and whom they have to promote——

Senator Humphrey. Senator, this bill prohibits that very thing that you're talking about. Express language prohibiting any action by the Government for so-called racial balance. This bill——

Senator Thurmond. Oh, no; that's the section on education——

Senator Humphrey. This bill does not permit any Fair Employment Practice Commission to interfere with seniority, with the right of any employer to employ. What it does prohibit is that a man shall not be denied a job because of his color, his race, or his national origin. And I don't believe that any self-respecting American can say that he believes a man ought to be denied a job because of his color, or his race, or his religion. I would add further——

Senator Thurmond. What the Senator is referring to, I am sure, is section—is the section on education about the racial balance. There's nothing in this section, I am sure the Senator will find if he reads it carefully, along the lines about which he just spoke——

Senator Humphrey. And there is nothing in this section that calls for racial balance, as the Senator spoke of.

Senator Thurmond. But the Commission defines what is discrimination and if the Commission says that there is discrimination, unless you have racial balance, then you have it. The Commission makes that definition.

Senator Humphrey. Senator——

Senator Thurmond. And then, of course, you can appeal to the court but unless the court finds that the Commission is capricious, or arbitrary, very probably they will uphold the Commission.

Senator Humphrey. I'm glad the Senator used the word "probably," because the Senator knows that the provisions of the statute do not say that, that what the provision of the statute says is that the Commission shall investigate as to whether there is discrimination. If there is reasonable evidence that there is discrimination, then the case is referred to a Federal court for adjudication.

Senator Thurmond. They have to define the word "discrimination."

(Two voices at once.)

Mr. Sevareid. Gentlemen——

Senator Thurmond. I'm sure you've read it. The word "discrimination" is not defined at all. It's left to each agency of the Government to define discrimination itself.

Mr. Sevareid. Senator——

Senator Thurmond. We can imagine what these bureaucrats will do.

Mr. Sevareid. Senator, may I interrupt, because I would like, before we finish this all-too-brief debate, to get to another very controversial part of that bill, and that's the section that permits the cutting off of Federal funds from State programs administered in a discriminatory way. Senator Humphrey, would you start that?

Senator Humphrey. Well, yes, I have here the copy of the bill and here's what we're talking about. Here's what is said in the bill. "Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Now, that's rather plain. What it merely says is that public moneys out of the Federal Treasury will not be used to promote discrimination, to insure discrimination, or to carry on any discriminatory act, and I don't understand how we can ask people to pay taxes, regardless of their race or color and then deny them the benefits of the payments of those taxes when those moneys are given back to the respective States and what this provision does is simply to say that there can be no discrimination provided for by the use of—through the use of Federal funds, and then there are a number of legal protections to see to it that if such an order is made that the President of the United States must personally sign that order. There must be voluntary compliance to the degree that it's possible to obtain it, and before any such order can go into effect, the Congress must be notified 30 days in advance and then there's Federal review.

Senator Thurmond. This is—this is one of the most despicable provisions in the entire bill. Let me tell you what President Kennedy said about this provision. The late President Kennedy, in his news conference on April 24, 1963, rejected the proposal of this Civil Rights Commission for funds-withholding with these words, and these are his words, "I said that I didn't have the power to do so, and I'm not. I don't think a President should be given that power, because it could be used in other ways differently." Those are the words of President Kennedy. Why, this—this provision attempts to amend more than a hundred laws on the books. It would give unprecedented power. It would give multibillion-dollar blackjacks against the people. If this is passed, you don't need the rest of the bill, not at all. This provision affects farmers, hospitals, schools, local government loans, social security, veterans, banks, all Government contractors, welfare and wherever the Federal dollar comes from, and that's just about everywhere. And now it says, "any recipient"—it refers to any recipient. That means an individual, or it means a State or a political subdivision of the State as explained in the bill. Now——

Senator Humphrey. Will the Senator yield at that point?

Mr. Sevareid. One more minute on this, Senator Humphrey?

Senator Humphrey. Yes, I would just simply say that the Senator from South Carolina regrettably did not read all of President Kennedy's statement, which I read in the Senate here only 3 days ago or 4 days ago. The President went on to say that he was opposed to a program that cut off all assistance for an entire State, and he made it crystal clear, and what the Senator read is that part of it. Then he went on to say, however, that he didn't have the power and it was public policy that where there was discrimination, in a particular activity or program that the Federal Government should cut off the Federal funds. But may I say this: I think this ought to be done with restraint. I don't think it ought to be precipitous and that's why there have been certain protections and limitations written into this section of the bill. But I don't believe, Senator, that you can justify collecting Federal taxes from a colored person and then denying him the benefits of Federal assistance when funds are made available to his State. I don't think you can justify——

Senator Thurmond. This is pure socialism. It is Government control of the means of production and distribution and that is socialism. Title 6 fits this definition of socialism.

Mr. Sevareid. Senator Thurmond, we have a little time left. I would like to give each of you the opportunity for a short summation of your feelings about the bill as a whole. We won't have more than about a minute and a half for each one of you, I'm afraid, but since Senator Humphrey started at the beginning, would you start the summation, Senator Thurmond?

Senator Thurmond. To persons in such a State as Minnesota, it may seem feasible to accomplish total integration of the races. In Minnesota, there are only 7 Negroes per 1,000 persons. It is an entirely different matter, however, where there are 250 to 400 Negroes per 1,000 persons. Now, no one should believe that he has learned all about the * * * bill before the Senate from this brief discussion. The public accommodations, the FEPC and the fund-withholding sections, which we had discussed here, comprise only 3 of 11 titles of this bill. We have not even mentioned the powers of the Attorney General to bring suits in the field of education. President Johnson led a successful fight in the Senate in 1957 and in 1960 to reject this provision because it was so extreme and unwarranted. Nor have we had time to mention the section which attempts to override the constitutionally reserved right of each State to determine the qualifications of voters. No bill is a civil rights bill if it takes away basic liberties and constitutional rights and guarantees, and replaces them with arbitrary Government powers. The so-called civil rights movement in America has often been called a revolution. Whatever defines a revolution? Webster has defined a revolution as "a fundamental change in political organization or a government or constitution."

Mr. Sevareid. Senator, I'm going to have to let Senator Humphrey have his very few remaining moments here for his summation.

Senator Humphrey. First of all, I would like to say thank you to my colleague for this discussion. Secondly, President Johnson vigorously, wholeheartedly supports this bill and he supported it before he became President. Then I would add that the purpose of this bill is to close a citizenship gap in this country that has existed far too long. America has been weakened because we haven't given full opportunity to all of our people and the purpose of this bill is to try to lay down a legal framework within which we can work out our problems peacefully and honorably through law, through courts, rather than through violence and through demonstrations. I happen to believe that the issue before us is the great moral issue of our time and I don't think we can avoid it. I am perfectly willing to discuss every feature of this bill and I hope every American will look into every feature of this bill, but I cannot believe that 290 Members of the House of Representatives, 152 Democrats, 138 Republicans, would have voted for this bill if it was as evil as it has been described by my opponent here tonight. I just can't believe it. Two hundred and ninety to a hundred and thirty. It is my view that this legislation is a good beginning toward making America a little better of a country, a little stronger, a little greater and with a better and a more wholesome spirit.

Mr. Sevareid. Thank you, Senator Humphrey.

Senator Thurmond. It's a pleasure to be with you.

Mr. Sevareid. And Senator Thurmond.

Senator Thurmond. It's a pleasure to be with my colleague.

Mr. Sevareid. It's a pleasure to have you both here. The bill itself is some 55 pages long, as I recollect. We have had fewer than that many minutes to talk about this enormously complicated piece of legislation tonight. I think perhaps this discussion, however, has given people some idea, not only of the intellectual clash that's involved in this monumental piece of domestic legislation, but the enormous emotional cargo that lies behind it on both sides. This filibuster, or debate, or whatever is to be called in the Senate, could go on for weeks, probably for months.

Senator THURMOND. Educational debate.

Mr. SEVAREID. We have no certainty that it will come out in its present form, or even indeed that it will come out. It will certainly change the lives, if it does, of a great many Americans in rather intimate ways. Should it not be passed, we may have disorder on our streets, even as bad or worse as we have had before. Careers and elections could be affected. Well, I'm sorry we don't have unlimited debate on television, so I will have to say goodnight now. This is Eric Sevareid. Good night to you all.

(Announcement.)

ANNOUNCER. "CBS Reports" is a production of CBS news and tonight originated live and on film.

EXCITEMENT ON TV

A good many people watching the CBS documentary on the civil rights bill must have been impressed Wednesday night with what can be done with the traditional college debate format.

Senators HUBERT HUMPHREY and STROM THURMOND, standing behind simple wooden rostrums like those available in any meeting hall, brought more excitement and substance to the program than half an hour of slick camera work and smooth script could have possibly done.

There was fire in their presentations. There were interruptions, but general adherence to the rules of debate. Expressions from one Senator evoked immediate responses from the other.

All in all, it was such a lively exchange—briefly summarizing the positions of the two sides in the civil rights debate—that a viewer with any interest at all in the subject felt compelled to keep watching.

Unlike the Kennedy-Nixon debates, time was not so formally divided that spontaneity had to be lessened. The Senators had equal time, but there could be split second intrusions of one upon the other.

It is surprising to think that such a simple device, tried and true long before television came along, could still be so effective and yet so little used. It enables the public to understand why the Lincoln-Douglas debates were so fascinating even to people without much interest in politics.

CBS, which deserves a favorable response to this bit of pioneering on an old frontier, should do it again.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JOHNSTON. I commend the Senator from Oregon for the excellent way in which he has presented his views to the Senate. The Senator always presents his views on all subjects in a forceful manner. When he touches on legal questions, I listen to him with much interest, for I know he will present views which will be useful and beneficial to me. The senior Senator from Oregon has had much experience in the interpretation of laws enacted by Congress of committees reports and statements made in the Senate concerning legislative matters.

I wish to ask the Senator a question: Is it not also true that when we have before us a bill such as this, the mere changing of a few words here and there might change the entire interpretation and meaning of the bill?

Mr. MORSE. There is no doubt about it. As I said in my speech, the bill is honeycombed with many legal problems. The precise meaning of words will be very important. The courts will go through the bill with a fine-tooth legal comb in reaching a conclusion as to its legal import. That is why I made my plea for a committee report.

Mr. JOHNSTON. The meaning and context of many of the words in the bill are not explained.

Mr. MORSE. As I said, the debate during the past 2 weeks shows much confusion among the proponents and the opponents as to the meaning of many sections of the bill. That is why I should like to have the advantage of a committee report.

Mr. JOHNSTON. I thoroughly agree with the Senator from Oregon. The committee should have a right to study the bill and make suggestions to improve it. That is done with respect to all other bills. Is not that the reason for the establishment of committees?

Mr. MORSE. That is correct. I thank the Senator from South Carolina for his kind remarks.

Does the Senator from New York wish me to yield to him, or does he wish to obtain the floor in his own right?

Mr. KEATING. I desire to obtain the floor in my own right.

Mr. MORSE. I yield the floor.

Mr. KEATING. Mr. President, the Senator from Oregon has moved that the Senate refer the bill to the Committee on the Judiciary. The Senator has made an eloquent and learned appeal that the Senate avail itself of the wisdom of the investigatory and deliberative processes of the Judiciary Committee.

Speaking as a member of that committee, I express gratitude to him for the high appraisals he places on its members. I defer to none in my estimate of the committee's capabilities, industry, and integrity.

But I must question the Senator's premise that sending this bill to the Judiciary Committee—the traditional graveyard for civil rights legislation—will somehow add to the body of knowledge in this area, will provide a forum for objective discussion of the merits of the proposal and will offer an opportunity for a number of witnesses to testify, and all the members of the committee to question those witnesses.

I speak as a member of that committee. It is understandable to me that anyone who is not a member of that committee might well make the argument which the distinguished Senator from Oregon has made. A Senator would have to serve on the committee in order to understand some of the difficulties involved in the course which he proposes. With all fervor and sincerity, may I say to the Senator that I disagree with the reasoning behind his motion.

The chairman of the Judiciary Committee has decided that the rules of the Senate are also applicable to the committee. This means that a "boreathon" is not only possible, but predictable in the committee. It has happened before and, I assure you, it will happen again.

Last year, 17 civil rights bills, including the administration's civil rights package, were referred to the Constitutional Rights Subcommittee. One, providing for the extension of the Civil Rights Commission was the subject of hearings and was favorably reported—with minority views, of course—to the full committee. Fifteen bills received no consideration whatsoever.

On July 16, 17, 18, 24, 25, 30, and 31; on August 1, 8, and 23; and on September 11 of last year, the committee held hearings on the omnibus civil rights bill and received the testimony of one witness. During those 11 days, we heard over 400 pages of testimony from the Attorney General of the United States. September 11, 1963, was the last of 11 days of hearings on this bill—and as the record shows, at 12 noon, the committee adjourned, subject to the call of the Chair. We have remained subject to the call of the Chair for over 7 months now, and never during that extended period when civil rights was being intensively discussed in other committees and in the other Chamber did we receive the call of the Chair. Yet, during that 7 months, there was never any reason to doubt that the bill would come before this body, or that our hearings would become academic due to extraneous circumstances.

I can only infer from this that having subjected the Attorney General to intensive and exhaustive questioning, the chairman felt that the committee had satisfied itself with respect to the need for further testimony.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. EASTLAND. Is it not true that at the conclusion of the Attorney General's testimony, the bill was referred to the Constitutional Rights Subcommittee at the request of several members of the Judiciary Committee?

Mr. KEATING. That is correct.

Mr. EASTLAND. And it is there now. The Senator discusses the Judiciary Committee. Is not the bill in the Subcommittee on Constitutional Rights?

Mr. KEATING. It is in the Subcommittee on Constitutional Rights, of which the distinguished Senator from North Carolina [Mr. ERVIN] is the chairman.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MORSE. Under my motion, the bill would not go to a subcommittee; it would go to the Judiciary Committee. I have checked the parliamentary rules and find that I am quite right in my understanding that a majority of that committee can meet and sign a report and submit that report to the Senate as a report of the majority of the committee. If a "hassle" occurs in committee, in which parliamentary difficulties are thrown in the way by the minority, that should be stated in the report. The report should state what the problem was. But that report, with the signature of the majority members of the committee, would become the report of the majority of the committee. No member of the minority could prevent the committee from taking that action.

Mr. KEATING. There is no question that the majority of the committee can make a report. On the other hand, there would be very little on which to report. A prediction that the committee will

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make a report cannot be made with certainty. Such a prediction probably will not come true. However, I would predict that the same witness we have heard for 11 days, the Attorney General, would logically be called upon to continue his testimony, and after the Senator from North Carolina had completed his questioning—although, of course, the chairman would be the first, if he desired to exercise that privilege—the next questioner would be the Senator from South Carolina [Mr. JOHNSTON]; the next would be the Senator from Arkansas [Mr. MCCLELLAN]; and the next would be the Senator from North Carolina [Mr. ERVIN]. Before the more junior members of the Judiciary Committee were reached, it might develop that a week's time had elapsed, for some questions can be very long. The control of the questioning would to a considerable extent rest with the chairman of the committee.

Mr. MORSE. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. MORSE. I could not disagree more with what I believe is implied in the remarks of the Senator from New York in regard to the rights of the members of the committee. The bill would go to the committee on Monday; and if any such difficulty developed, the majority of the committee could control the proceedings there, by exercising their power, if they considered that dilatory tactics were being followed.

Mr. KEATING. Perhaps the Senator from Oregon should be a member of the committee.

Mr. MORSE. If I were, I would never advocate the procedure the Senator from New York has outlined.

Mr. KEATING. Many Senators who serve on the committee have endeavored to take such steps at times; but, thus far, our efforts have not been successful. I know that other members of the committee—some from each side of the aisle—have endeavored to have the committee take up civil rights bills; but nothing further in that regard has been accomplished.

The Senator from Oregon has made a very logical argument, with which normally I would find myself in agreement; namely, that each bill should first receive committee consideration. It is because of the unusual situation in connection with this committee's treatment of civil rights bills that I oppose the motion of the Senator from Oregon; and I hope the motion will be rejected.

Mr. MORSE. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. MORSE. Let us consider the darkest side of the picture painted by the Senator from New York; namely, that all of the direst things he has predicted would obtain. First of all, I think the Senator from New York should attempt to prove that would happen. But even if what he predicts were to happen, it is certain that the eyes of the people of America would be on the committee, and it would not take long for that pressure to become such that the Senate would decide to give the committee some definite instructions in connection with its consideration of the bill.

Mr. KEATING. But the eyes of the Nation have been on the committee for years; and I think most of the American people—regardless of whether they favor or do not favor civil rights legislation—understand perfectly well the situation in the Senate Judiciary Committee, which has had this problem before it many times.

I believe a similar situation would develop there again, even though the next time it might develop there in somewhat different form. Of course I cannot tell just what that situation might be; but it is clear that a complete reversal of the history established by the Judiciary Committee in connection with civil rights bills would have to occur before the members of the committee would be permitted to vote on the amendments which some Senators would wish to offer to the bill.

So if the bill were referred to the Judiciary Committee I would be the most amazed person in the world to find that the committee would permit its members to have an opportunity to submit their amendments and to have the amendments considered by the committee.

Mr. MORSE. Let us try it.

Mr. EASTLAND. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. I yield.

Mr. EASTLAND. The Senator from New York is aware, of course, that before the other bill was reported by the committee, 20 amendments were offered in the committee.

Mr. KEATING. I am aware of that fact; but that was agreed upon ahead of time.

Mr. EASTLAND. No, they were not. However, the Senator from New York said the committee would not consider a civil rights bill; and I point out that the Judiciary Committee did consider that bill, and 20 amendments were offered in the committee.

Mr. KEATING. But the bill was reported to the Senate without a recommendation by the committee. That is quite different from the course advocated by the Senator from Oregon, who states that the committee should have the benefit of the judgment of "the fine lawyers"—I use the Senator's own words, not my own—who serve on the Judiciary Committee.

Mr. EASTLAND. And in that way there could be a committee report.

Mr. KEATING. If the Senator from Mississippi is ready to agree that all the amendments would be considered by the committee and would be acted upon by the committee, and that during the period of 1 week the witnesses whom committee members wish to have called would be called, I would have quite a different attitude toward this motion.

Mr. EASTLAND. Of course, I would call all the witnesses the Senator wants called, although I am sure he realizes that I am a servant of the committee, and I cannot decide for it.

Mr. KEATING. I realize that—but I believe the Senator underestimates his own influence.

Mr. EASTLAND. No; I am only the errand boy of the committee.

Mr. President, I do not seek to detain the Senate long.

In view of the fact that the committee took all that time in subjecting the Attorney General to intensive and exhaustive questioning—a repetition of what had previously happened many times in that committee—I can only infer that the same thing would happen there again. Indeed, in view of the intensive news coverage, the extensive hearings held by other committees, the basic moral character of the issues, and the painstaking clarification of all aspects of the bill which has characterized the entire course of this proposed legislation, it would have been highly reasonable for the chairman to have assumed that any further hearings would be superfluous.

Having stood "subject to the call of the Chair" for 7 months, I am inclined to feel that no useful purpose is to be served at this late date by providing simply one more forum, one more series of discourses, one more delay, and one more procedural gambit to postpone coming to grips at long last with what appears to me to be the paramount moral issue of our times.

Unfortunately, the warm weather has already precipitated some of the riots we had hoped to avoid by prompt passage of this bill. Another week or 10 days lost could be a crucial factor, could make the difference between peace and civil strife. We are acting perfectly within the rules in taking this bill up immediately.

It is unfortunate that it is necessary to take this unusual course; but when matters of such vital importance, including perhaps, even the lives of some citizens, are at stake, we have no choice but to consider the well-known facts, and to reject empty form and futile gesture.

In my judgment, we should vote against this motion. Sincerely motivated though the Senator from Oregon has been in making his motion, I feel that it should be rejected.

Mr. GOLDWATER and Mr. HART addressed the Chair.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, my first concern is for a united people, of a single mind and purpose that justice shall be done to secure for every citizen an equality of both rights and responsibilities.

When this debate is done, and we have enacted some new form of civil rights legislation, let us make sure that the whole people is united still. And let us see to it, by our own conduct, that they have a deeper awareness than before of the bonds that hold together this immensely varied society.

My equal concern is for the preservation of the sovereign States and communities of America. It is from them that our own authority has been delegated, by all our constituents. It is there that life is lived, in all its complexity. It is there that person-to-person, face-to-face relationships are experienced, in all their immediacy. And it is there, North and South, East and West, that such tremendous progress is now being made—and must continue to be made—to make available for every American the full promise of a free society. Let us, as we proceed, truly represent these States and communities. And let us demonstrate the vitality of our Federal Republic, and the lasting viability of the Federal principle of government.

My ultimate concern is for America as a whole. We are a great people. We have before us great tasks and a limitless national destiny. In brotherhood of common will and mutual respect, all things are possible to us—including the gradual perfection of our own free institutions. In a state of secret civil war, with law used as a bludgeon rather than a bond, we are nothing. Let us who have the privilege of enacting the Nation's laws remember all our obligations—to right and justice and equity, yes, but never at the price of the American constitutional system. Let us respond, always, to the legitimate grievances of every citizen. But in doing so, let us preserve the orderly processes of a healthy and unified society.

What is it that we are now debating? Is it some abstract ideal? Some model of a perfect society? Mr. President, I say it is not. Indeed, we are not debating the civil rights bill at all. We are attempting to establish the rules for that debate. We must first decide how to decide—whether by the rational processes of orderly deliberation, or under the riot guns of public disorder and with contempt for the traditional practices of the Senate.

On this question of procedure—which goes to the very soul of this free Federal Republic—I have made my decision. I line up with the orderly processes of the world's greatest deliberative body—not because of some parochial pride in the Senate as such, but with a sense of our unique responsibility to represent here the considered will of the whole American people. Not, I say again, some perfect community that never has and never will exist—but this America, here and now, with all its variety, with all its complexity of human relationships, with all its best hopes and honest doubts.

The Senator from Oregon asks little enough of us: only 10 days of due consideration by a committee of our colleagues. Ten days, to come to grips in some orderly way with one of the most sweeping grants of authority that we have ever contemplated delegating to the executive establishment. Its potential administrative consequences are only beginning to be understood. Its constitutional implications go to the heart of our Federal system. It is, in every true sense, a revolutionary measure we are asked to consider.

And it is, for this body, a brandnew measure—altered a dozen different ways from the bill we referred to not one but two standing committees during the last session. Even the Attorney General, when confronted with its infinite complexities, had to acknowledge his lack of understanding and his uncertainty over its precise meaning. Yet here we have a wholly new bill—on which this body has held not 1 day of searching investigation, nor heard so much as one expert witness.

I have said, Mr. President, that 10 days of committee consideration is little enough. Indeed, it is too little, far too little, on the showing of the bill's own proponents. The Senator from Oregon, who has indicated his general sympathy with the essentials of the bill, has called for at least a bare measure of orderly deliberation. In this, he is demonstrating a sense of fitness and responsibility. His fellow proponents would do well to follow his example.

Mr. MORSE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. I thank the Senator from Arizona very much for the support that he is giving to my motion. I should like to say to my liberal colleagues in the Senate that on the issue before the Senate it is the Senator from Arizona who is following the liberal course of action, because it is always a liberal position to exercise orderly procedure with full hearings on an issue.

I also wish to say to my liberal friends that debating an "end justifies the means" course is never a liberal course. That is what the position of liberal Senators adds up to on the present issue.

Mr. GOLDWATER. The position I am taking is a historic conservative position. The conservative believes in building the future upon the proved values of the past. I have great faith in the procedures of the Senate and in the rules of the Senate. All the Senator from Oregon is doing in the present instance is agreeing with the conservative practice by proposing to build the future of the bill upon the historic values of the Senate.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. The difference that we have over the meaning of words only proves why the bill should go to the committee so that the Senate may have a committee report.

Mr. HART. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. HART. If we read the history of the past in terms of what would happen to the bill in the Committee on the Judiciary, our views on the question are 180 degrees apart.

Mr. GOLDWATER. I should like to comment in answer to my friend the Senator from Michigan, that the safeguards which I understand the motion of the Senator from Oregon contains would preclude such action on the bill before the Judiciary Committee as he suggests. Committee hearings would merely answer some questions. Frankly, to a layman like myself, who is not as fully acquainted with constitutional procedures and the law as he should be, the hearings would give some answers to questions which are being asked of me daily by my constituents.

I point out to the distinguished Senator from Michigan that in the city of Detroit last night the question was fully explored, and I discovered there, as I have discovered across the country, that the ideas of Americans as to what the bill would do are hazy and fuzzy. It would do all of us good to listen to the advice of the majority and the minority in the Judiciary Committee. That is one of the reasons why I support the motion of the Senator from Oregon.

This is called the most significant measure proposed in the field of civil rights in over a century. And they are right, however we evaluate its quality and estimate its consequences. They are right in suggesting that, within the framework of the bill, the American people would be embarking on a wholly new departure—in Federal regulatory powers, in Federal-State relations, in public control over the most intimate of private and personal relations. I do not—indeed, until our deliberations are concluded, I cannot—prejudge the outcome. I know where my predispositions lie, but I remain open to rational persuasion, on every aspect of the bill. I seek only an opportunity for persuasion, for rational debate, to go forward. I will not foreclose any step in this orderly process. Yet, in their excess of zeal—possibly, with an excess of self-righteousness—this is precisely what the bill's supporters would have us not do.

I will not sit still while the foundations of sound decisionmaking are thus undermined.

I have recently returned from an area of the Nation where residents of several communities in several States are now grappling with issues that lie at the heart of the bill before us. And I have been struck, and deeply impressed, by the earnestness with which they are searching for lasting, workable, and equitable solutions. The people of Seattle and Tacoma, the people of the State of California, are seeking just arrangements that they—all of them—can live with, in mutual harmony.

How much do any of us know about these problems, and the practical experience of communities across the Nation in coping with them? How can we know what we must, in order to write sound and enforceable legislation, in the absence of the fullest possible measure of orderly legislative procedure? We cannot, not possibly. We can, to be sure, become the captives of each day's headlines. We can react, blindly, to massive pressure. We can mistake raucous demonstrations, in contempt of orderly process, for the voice of the whole people. We can, in sum, write bad law.

This would be the easy way. And this way, we might fool ourselves that we had somehow enacted "instant morality." We could thoughtlessly extend the vast sweep of Federal compulsion, but not the enduring authority of sound law.

This way, too, lies the erosion of the true legislative process, the essential foundation of free government. The victims would be the Senate of the United States, the due order of our constitutional system, and popular respect for the authority of law itself. The ultimate victims would be the institutions of our Federal Republic. And I submit that the American people—the whole people—would end up paying the bill.

Mr. JAVITS. Mr. President, I oppose the Morse motion, on a very fundamental ground. I entirely reject the charge that we who are the proponents of the bill and the opponents of the Morse motion wish somehow to transgress, avoid, step away from, or forget about the rules of the Senate.

Every rule of the Senate has the same standing as any other rule of the Senate. The Senator from Oregon [Mr. MORSE] invokes the rule which enables him to move to refer the bill to a committee when it became the pending business. We invoked rule XIV, which enables a bill, when it comes from the other body, to be placed directly on the Senate Calendar after a second reading, a rule which is used to avoid interminable debate in committee, especially in regard to vital legislation which the people of the United States may need.

What is wrong with our using the rules for a change? Indeed, it is high time that we did. There is no lack of precedent for our use of the rules. The civil rights bill of 1957 was passed by the use of the rule, and it is the only meaningful civil rights law on the books. The 1960 bill, which went to committee, turned out to be a weak and emasculated piece of legislation. What did the committee do with it? I hold up the report of the committee on the 1960 bill—one short sheet of paper which only says, in effect, "We send it back to you."

What does that do to the argument of the Senator from Oregon [Mr. MORSE] about how much the Supreme Court is going to read out of the findings of the Judiciary Committee? It blows that argument out of the water. This short paper is the total finding of the Judiciary Committee, and nothing more.

There is talk about legislative intent. Senators already have a report on this bill from the Judiciary Committee of the House of Representatives. Over 150 amendments were considered by the House when the bill was on the floor—39 of them were adopted. I have little doubt that a good many of those will be incorporated in the law. If we are seeking to ascertain the intent of Congress, we must look to the debates in the House; we must look at the committee report of the House, just as we must look at the debates in the Senate, especially the statements of Senators in charge of the bill.

This is traditional. There is nothing unusual about it. The only thing that could result from adoption of the motion would be receipt of a report by the Senate Judiciary Committee which, according to the promise of 1960, will contribute nothing to the record.

So much for the rules of the Senate. We are obeying them. We are invoking a rule. Rule XIV is just as good as any other rule in the book.

The other part of the argument is that it is somehow good for the proponents of the bill to have the committee consider the bill. Let us see how good it is for the proponents of the bill. We have been debating for 15 days the motion to take up the bill. On previous occasions, motions to take up civil rights bills have been debated by opponents of the bills for 8 or 9 days or more.

According to the rules of the Senate, if the bill goes to the Judiciary Committee, as proposed, when the bill comes back to the Senate it will go on the calendar. It will lie over for 1 day. Then what will happen? It will again be subject to a motion to take up; and who is to tell us how long consideration of that motion will take?

The pending motion is in reality a motion to reargue the point of order with respect to the procedure under rule XIV, on which the Senate has already passed. The Senate sustained that procedure 2 weeks ago by a deliberate majority vote when the point of order was overruled. That is all the situation comes down to. We have put our feet on the path of bringing the bill before the Senate, a path dictated by everything that was said by my colleagues from New York, Michigan, and other States, because of the fact that, no matter how one slices it or dresses it up, the Judiciary Committee has been the time-honored graveyard of civil rights legislation. So it is not less than deserved that the bill was taken up in this manner.

I have personally labored on this floor, in efforts to try to discharge the Judiciary Committee from consideration of a civil rights bill of a most elementary character, and to no avail.

I am not going to say that, if the Senate orders the Judiciary Committee to return the bill to the Senate in 10 days, it will not do so. I do not think any committee would defy the Senate in that way. I am not going to enter into arguments which are not germane and fundamental to the issue. But I do argue that we are using the rules of the Senate, and that one rule of the Senate is entitled to as great respect as any other rule of the Senate.

We are not bypassing anybody. The history of the Judiciary Committee, including references to it by this body under these circumstances, indicates that it would be a practically meaningless exercise.

The last point, and a very important one, is, "Where are the problems in respect to this bill; and are we going to get any help with these problems if we send the bill to the Judiciary Committee?"

My colleague the Senator from Arizona addressed himself somewhat to that point.

Although the speech of the minority leader has not been made, I have had the privilege of receiving a copy of his speech. I do not think there will be any opportunity to reply to that speech other than this one.

For a few moments I shall deal with the generic argument that the bill is very "woolly" and requires clarification, that many of the provisions require resolution, and that therefore reference to the Judiciary Committee is required.

First and foremost, I have already made it clear that we are not going to get very much from the Judiciary Committee.

Second, since there were 155 amendments proposed in the other body, one can bet his bottom dollar that plenty of amendments will be proposed in the Senate. I do not know whether the number will be 154 or 155, but there will be many of them. Very probably, some of them will be adopted. As to those, the Senate will not have the help of the Judiciary Committee, and Senators will have to fight it out on the floor.

In addition, the questions raised by the bill will continue to be raised, and will survive passage of the bill, I have no doubt. I will give examples. We cannot settle anybody's doubts about every phase of a bill, even though it may have gone through the committee process, and even with a cooperative committee which has painstakingly examined the bill line by line over a period of months. When such a bill comes from the committee to the Senate, it is still subject to all kinds of doubts, questions, and debate. One can take his choice of any complex bill on the calendar, whether it came from the Judiciary Committee or the Commerce Committee, or whether it was the satellite communications bill or any other complex bill. I say as a lawyer, without the remotest disrespect but with the highest regard for views of others who are lawyers, that many of the questions raised as to uncertainties in the construction of the bill now before the Senate are not justified by the terms of the bill itself.

I shall give a few illustrations. For example, it is said there are some doubts in respect to title IV, relating to public school desegregation, as to whether the language in any way encompasses a private school, or deals solely with public schools.

I respectfully submit, on reading section 401(c), that it is crystal clear that the title relates only to a school which is "operated by a State, subdivision of a State, or governmental agency." There can be no question whatever about the meaning of those words. It can apply only to a public school. The Constitution will not let us apply it to anything else. The fundamental point is made clearly in the legislation itself.

Another question raised is, Does the power of the Attorney General to institute suits, in respect of achieving desegregation in public education, become complicated and uncertain by reason of the fact that desegregation is defined not to mean assignment of students to public schools in order to overcome racial imbalance? All the Attorney General is given power to do is to sue. The courts will determine the substantive issue under the Constitution, as at present. Therefore, the intention of Congress, as clearly set forth in the statute, seems to be adequate in order to give the court itself constitutional guidelines on which to come to a decision.

Another point, of some interest to me, is the question raised with respect to the severability clause in the speech of the

Senator from Illinois [Mr. DIRKSEN]. The severability clause is "boiler plate" which appears in many Federal statutes—founded on hornbook law—so that the act is severable in its various parts when any one part is struck down as applied to a specific state of facts. The Supreme Court, contrary to popular impression, cannot declare a section of a law unconstitutional except in a particular case. Someone else may sue on a different state of facts, and the Supreme Court might conceivably come to another decision as to the constitutionality of that section held unconstitutional on the first state of facts.

I have given only a few examples; there are many others. The concern, the doubts, the fuzziness of the issues stated to be present in the bill are of a nature always present in legislation which ultimately will have to be battled out on the floor of the Senate, by amendment, debate and discussion, which will clearly set forth what the Senate had in mind.

We are engaged in this process already. Judging from previous experience, our purpose will not be helped or forwarded by sending the bill to the Judiciary Committee.

It is said that a committee report is essential in order to give the Supreme Court an opportunity to understand what Congress intended in writing a piece of legislation which may be subject to more than one construction. It is true that the Supreme Court will take a committee report into consideration. I have already pointed out that there is a committee report on this matter in the other body. But the Supreme Court will also take many other things into consideration, especially the authoritative statements made on the floor by Senators in charge of the bill, and in the case of amendments, by the assertions made by the proponents of an amendment himself.

I refer to a recent Supreme Court case, Southern Railway Co. against North Carolina, which was decided on February 17, 1964, in which both the majority of the Court and the dissenters did me the honor of quoting me because I was the proponent of the particular amendment which was before the Court on that occasion. That is a personal experience, which after all is the best teacher.

In closing, the final and conclusive argument with respect to not referring the bill to committee is the question of what it will mean to the country, what will go out to the United States today if we refer the bill to the Judiciary Committee—the traditional graveyard, as the country knows, and as the occupants of the galleries know, of previous civil rights measures. It will be written down as the first defeat for civil rights in the Senate, and the precursor of emasculation of the bill.

There is not enough value to the Senate in this referral to outweigh any such conclusion being drawn from the action which the Senate might take. That conclusion will be drawn inevitably by the ladies and gentlemen in the gallery, if no one else will draw it, that this is the first test of strength with respect to a determination of the Senate to enact a meaningful civil rights bill in this session of Congress.

Much has been said about the fact that we should not legislate under any threats or with concern over demonstrations or violence. I thoroughly agree that we should not legislate under any threat, that we should not legislate in order to meet a threat, if the legislation is designed for that purpose and is not in itself a valid exercise of the legislative authority of the United States in our honest conscience and our best judgment. But that is a far cry from answering legitimate grievances which people entertain, which are manifest and clear.

In many Southern States there are State laws on the statute books, or municipal ordinances, to that effect, which provide that a restaurant may not serve Negroes in the same space with whites without first erecting a solid 7-foot partition between them. In one State, telephone booths may not be used by whites and Negroes alike. There is a fundamental social order practiced in many areas of the United States.

The argument is made that, "New York is not so well off; it has its problems in the public schools." For the purpose of this discussion, I will be a lawyer for a moment. In a demurrer, we grant the statements of fact of the other side and still say they are wrong. That is what I say about this issue. Let us lay aside all the inequities in the New York situation for the moment. We will be bound by the law created by this bill. There are no two more ardent advocates of the law, national and international, than the junior Senator from New York [Mr. KEATING] and myself.

It is one thing to try to remind people that they are violating the law by demonstrations in the streets, which may involve violence because they do not feel they can get justice any other way, and another thing to say to them, "Stay where you are. Do not do anything. We do not know whether you will get justice or not."

It is one thing to say that we will send the bill to the Judiciary Committee for 10 days and that when it comes back we will argue again whether it should be the pending business. It is quite another thing to say we are doing our utmost, within the rules and procedures of the Senate and the Constitution of the United States, to enact such laws as will bring the people justice. Only if we are doing our utmost do we have a right to say to any American citizen, whatever may be the color of his skin, "Keep your shirt on, sir. Give us an opportunity to do what the national interest requires."

Mr. SALTONSTALL. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. SALTONSTALL. I have listened with interest to the Senator. I took the brief of the Senator from Oregon and the brief of the Senator from Illinois into my little room so that I could read them quietly.

The great problem in sending the bill to committee, as I see it, is that it will have only 5 active days in which to accomplish any results. If there are to be any witnesses and any executive sessions, how can 5 days be enough to answer all the questions raised by the Senator from Oregon and the Senator from Illinois?

I cannot believe that those questions can be answered. I have great respect for members of the committee on both sides, but I cannot believe that those questions can be argued out and discussed, and a comprehensive report brought back by April 8. The committee will have only 5 active working days to do that.

For that reason, it seems to me that it would be much more wise and practical to carry the matter forward at this time without sending it to committee, although there would be merit in sending it to committee, if it had sufficient time in which to bring out a comprehensive report. I do not believe that the time between now and April 8 can possibly be enough to bring one out and answer correctly the many questions raised by the Senator from Oregon and the Senator from Illinois. This I believe is the practical reason for voting not to send the bill to the Judiciary Committee at the present time.

Mr. JAVITS. I thank the Senator from Massachusetts. I am always pleased to find myself in agreement with him. I have great respect for him. His statement bears particularly on my statement which the Senator may have heard, that 2 weeks ago we placed our feet on a certain road, which is the road of discussing the bill on the floor of the Senate. There is no real reason why we should change that direction. That is just as much in accord with the rules of the Senate as the course which the Senator from Oregon wishes us to follow.

I wish to sum up the reasons for which I oppose the motion of the Senator from Oregon.

I oppose the motion:

First. Because we, like him, are following the rules of the Senate. I see no greater force or greater tradition in following rule XIV than in following rule XXII, or any other rule of the Senate. We are following rule XIV.

Second. I believe that reference of the bill to the committee would not strengthen our hand, as the Senator from Oregon argues, but would weaken our hand. It will be worse for civil rights if word goes out to the country that, after 15 days of discussion on the floor of the Senate, we are sending the bill back to committee, to be faced again with the question of bringing it before the Senate.

Finally, because the questions which are raised with respect to the proposed legislation will either be settled on the floor of the Senate, as many were in the House, by amendment on the floor, or by substantial acceptance of the bill. Furthermore, very little could be done about the bill even if it were sent to committee, as evidenced by the 1960 action of the Judiciary Committee, when nothing was reported to the Senate except the bill, with some changes.

I do not believe that it is in the national interest or the wisdom of the country to send the bill to committee. The bill is before the Senate. The Senate should stay with it. We should see it through. The Senate will vote cloture, if it must, to bring it to a conclusion, because the national interest urgently requires it.

Mr. DODD. Mr. President, it has been said in support of the motion of the very able Senator from Orgeon that the Senate is in need of further committee hearings, a fuller legislative record on the bill. Passing the question of whether commitment with instructions to report the bill on a day certain will in fact give us a helpful report, it is abundantly clear that the one thing the Senate does not need is another set of hearings. For this bill has been examined by more committees, in longer hearings, with more witnesses heard at greater length, than any bill within my memory.

The civil rights bill was introduced in the other body as H.R. 7152. Subcommittee No. 5 of the House Judiciary Committee held 22 days of public hearings over a period of 3 months—from May 8 to August 2, 1963; 101 witnesses were questioned, and the record of their testimony covers 2,475 pages. Of these 101 witnesses, 20 were from the South, 9 of these southern governmental officials. There were 71 additional statements submitted, which brought the total record to 2,649 pages. The subcommittee considered the bill in 17 days of executive sessions. The full committee, after 2 days of further hearings with the Attorney General which cover another 129 pages, then considered the bill in executive session for 7 days. The Judiciary Committee submitted a report, including dissenting and additional views, of 153 pages.

In its consideration of title VII of the bill, moreover, the Judiciary Committee was able to draw on extensive hearings held by the Committee on Education and Labor, which had reported out bills in 1962 and 1963.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. JAVITS. The Senator is making an excellent point. Should it not appear also that the Committee on Commerce of the Senate reported on title II?

Mr. DODD. Yes; I shall refer to that.

In 1962, that committee held 12 days of hearings on a fair employment bill, during which it heard 91 witnesses including many State and municipal officials. The record of those hearings covers 1,156 pages. In 1963, it held 10 days of hearings with 33 witnesses, compiling a record of 557 pages. Title VII is based on these two bills.

The bill then went before the House Rules Committee. In 9 days, the Rules Committee heard 39 witnesses, of whom 29 were representatives from the South. The record of those deliberations covers 518 pages.

And what of the Senate during this time? The Senate Committee on Commerce held 22 days of hearings on S. 1732, which comprises title II of the full bill. There were 47 witnesses, of whom 27 were southerners, heard; 13 of the southerners were Government officials. The testimony covers 1,147 pages. There were 81 additional statements submitted, swelling the record to 1,524 pages. The committee's conclusions were submitted in a report of 92 pages—to which one scholarly Senator added 256 pages of individual views and other material.

The Senate Judiciary Committee, sitting on the full bill, held 11 days of hearings in the summer of 1963. It questioned the Attorney General at length, and heard testimony from four Senators. In the 483 pages of those hearings, the Senator from North Carolina, one of the greatest lawyers I have ever known, interrogated the Attorney General at length, and with very great ability, on every conceivable implication of the bill. The committee has not, of course, presented a report.

The Senate Committee on Labor and Public Welfare held 7 days of hearings on S. 1937, a bill to grant equal employment opportunities. It heard 55 witnesses, whose testimony covers 578 pages; and it presented a 58-page report.

In sum, since last May, 6 committees of the Congress have held 83 days of hearings; heard 280 witnesses; filled 6,438 pages of small type with hearings alone. Over 6,000 pages—enough to print over 3 years' reports of the Supreme Court; enough to print full-length biographies of our 10 greatest Presidents; more than enough to keep a conscientious Senator fully occupied for at least 2 weeks merely reading them.

Further hearings could be only a repetition of what has already been said.

Some Senators contend that by refusing to refer the bill to the Judiciary Committee we would be depriving ourselves of the counsel and wisdom of its members. But surely, they and members of the other committees, will speak on the floor of the Senate during the course of the debate. Indeed, we have heard many of them already.

I think all are agreed that the debate on this bill will leave no topic unexplored and that it will be a long debate no matter what additional reports are made. In this case, referral to the Judiciary Committee would be wasted motion and, more importantly, time consuming.

So despite the high respect which I have for the Senator from Oregon, I urge Senators to vote against referring the bill to the Judiciary Committee.

Not only have I high respect for the Senator from Oregon, but I am also trying to soften him up a little bit so that he will not "get after" me too much. Generally speaking, I share the views of the Senator from Oregon on the importance of referral of bills to the proper committees. The value of committees is that they usually save the time of the Senate, so we need not indulge in full dress and detailed debate on every bill that comes before us. However, this is a unique situation. Therefore, I have made the decision to urge the Senate to vote against referral in this instance.

Mr. McNAMARA. Mr. President, the Senate has spent 14 days on the question of taking up the civil rights bill. It seems to me that the pending motion to refer the bill to the Judiciary Committee makes no sense whatever. Therefore, I shall be very happy to vote in support of the majority leader's motion to table the motion to refer the bill to committee.

Mr. President, I suggest the absence of a quorum.

Mr. LONG of Louisiana. Mr. President, will the Senator withhold the request? I should like to make a brief statement.

Mr. McNAMARA. No.

Mr. GRUENING. Mr. President, will the Senator withhold his request for a quorum call?

Mr. McNAMARA. No.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 102 Leg.]

Aiken
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Engle
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. DIRKSEN obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I yield to the distinguished Senator from Oregon.

Mr. MORSE. I intend to take only a few minutes to answer the Senator from New York; and I believe this is as good a time as any other to answer him.

First, I wish to consider his argument that there is a House committee report on this bill. I point out that the House committee report contains only one brief paragraph in regard to the intent and purpose in connection with the bill; all the rest of the House committee report is an analysis of various sections of the bill, and such an analysis could not be used by a court in determining the legislative intent. Furthermore, in the small paragraph to which I have referred, there is not enough to enable a court to determine the congressional intent.

Furthermore, that report was made on the bill before it was brought to the floor of the House and before more than 30 amendments were added to it there. So I point out to the Senator from New York that the House committee report would be of no use to a court.

The Senator from New York cited the Southern Railway case; but I point out that it involved both a House committee report and a Senate committee report.

In my speech this morning, I cited Supreme Court decision after Supreme

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Court decision which show that when a committee report is available, the Court will relate to the committee report the statements made on the floor by the Members, and particularly the statements made by the Members charged with the management of the bill on the floor.

In short, Mr. President, the enthusiastic speech of the Senator from New York did not really deal with my motion. When we consider the entire speech of the Senator from New York, it is clear that his argument, basically, was, "Why should not we use the rules against them, inasmuch as they used the rules against us?" I shall tell him why. It is because the Senate should say to the majority of the Judiciary Committee, "Get busy and give us a committee report, because we are entitled to have a committee report for our use in connection with the bill; and, in addition, the courts are also entitled to have the benefit of a committee report."

Mr. President, I have checked with the Parliamentarian; and it is certain that there is nothing to prevent the majority of the Judiciary Committee from meeting and from making entirely clear that they were meeting as a majority of the committee; and then the majority could proceed to write a report, and those members would sign it, and could include in it a statement that it was the result of the decision by the majority of the committee whose signatures were attached to the report; and then they could make the report to the Senate.

So much for the speech of the Senator from New York.

As for the speech of the Senator from Connecticut [Mr. Dodd], I point out that he is too good a lawyer to make the mistake he made in the course of his remarks on the floor of the Senate today, when he said many committee hearings on this subject have been held; and he cited the number of pages and the number of witnesses, and so forth. However, those are worthless statistics, because the only committee report a court could use on this bill would be one held on this very bill, not on bills introduced in previous years. Therefore, I emphasize the point that the courts are entitled to have the benefit of a committee hearing and a committee report on this bill.

Thus, it is clear that the majority of the Judiciary Committee should get together. They know what the arguments are, what the problems are, and what the questions are. They should say, "We will proceed to hold a hearing on this bill, and to call the witnesses."

I also point out that under my motion, in holding the hearing, there could be 6 full days of hearings—not 5, as some have stated — before the committee would have to report the bill to the Senate.

If the Senate sees fit to adopt my motion—and I hope the Senate will adopt it—of course the committee will then be able to decide on the details in regard to the staff job to be done in connection with its hearings on the bill.

Therefore, Mr. President, the Senate is now to decide whether it wishes to pass this bill without having the benefit of a committee report on it—in which case the result would be great difficulties in connection with litigation in the years ahead; or, instead:

First. Does the Senate wish to have the committee consider the bill, and then make a report which would be very helpful to the Senate?

Second. Does the Senate wish to have the committee make a report which would be helpful to the courts, in determining, in the future, the legislative intent in connection with this bill?

Third. Does the Senate wish to have the committee consider this bill and make a report to it, and thus banish any argument to the effect that inasmuch as the rules have been used against those of us who are procivil rights, that action would justify our now using the rules against the opponents of the bill? Mr. President, I do not play the game that way, and I do not think the Senate should do so.

My final point is that I believe the course I propose will be the best one in the long run, in order to gain the public support that is needed and to obtain the number of votes needed in order to order cloture, and also in order to place ourselves in a position in which no one could have justification for criticizing the position we have taken in this connection.

That is the way in which to pass a strong civil rights bill. I urge the adoption of my motion. That is the last statement I shall make on it.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Louisiana without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, in the process of our debates during the past 2 weeks on the subject of the racial integration bills, there have been many claims and counterclaims as to how the "tide" or the trend is running in relation to this issue.

My colleagues who oppose H.R. 7152 have contended that there are many evidences which indicate a ground swell all across the Nation against forced integration in general and against the proposed legislation in particular. Among many other incidents, we have noted that, in the Northern State of Michigan, the Detroit City Council last fall rejected by a vote of 7 to 2 a proposed ordinance to force open all housing to Negroes. We have seen the voters of Takoma and Seattle, in the great Northern State of Washington, defeat similar proposals. In Seattle the voters defeated the open occupancy proposition by a lopsided vote of 112,448 to 53,453. The electorate of Berkeley, Calif., recently rendered the same verdict at the polls when they voted down a similar housing ordinance.

Only this month we have noted in the Congressional Record the results of a questionnaire poll taken in Illinois' Fourth Congressional District, in Cook County, by Congressman Ed Derwinski. The good people of that northern congressional district polled 87 percent to 10 percent for Federal civil rights legislation in the field of voting; but 64 percent to 28 percent against legislation to force school integraton; and 51 percent to 31 percent against giving permanent status to the Civil Rights Commission; and 60 percent to 27 percent against use of the interstate commerce clause to enforce access to so-called public accommodations.

In the Northern State of New York, we have observed 15,000 white mothers and fathers march in freezing rain and snow in protest of forced racial mixing in their schools. And here in Washington, D.C., we have seen and heard conclusive evidence of the flood of mail from all sections of the country opposing the enactment of the forced integration bill. The list of indications of the trend go on and on, ad infinitum.

Of course, proponents still claim that the trend is running in their favor and that indications to the contrary have somehow been conjured up by hatemongers and "outside agitators." However, I have here an item which should lend a great deal of weight to our argument that there is indeed a deep-seated movement against forced integration and in favor of the efforts of those of us who seek to defeat the proposed legislation.

Mr. President, I send to the desk and ask that it be printed at this point in my remarks a newspaper clipping from the Washington Post of Wednesday, March 25, concerning a recent Gallup Poll on the subject of the right of unlimited debate in the Senate.

There being no objection, the article was ordered to be printed in the Record, as follows:

Filibuster Cutoff Views Split Evenly

(By George Gallup)

Princeton, N.J., March 24.—Sentiment among Americans is about evenly split over a proposal that would change Senate rules to enable a simple majority to call for an end to debate. The rules now in effect call for a two-thirds majority.

With the controversial Senate battle over the civil rights bill threatening to continue for many weeks, Gallup Poll interviews across the country asked these two questions of a representative sample of the Nation's adults:

"Will you tell me what the term 'filibuster' means to you?"

	Percent
Correct	54
Incorrect and don't know	46

Those persons who answered correctly were then asked the following question:

"It has been suggested that the Senate change its rules so that a simple majority can call for an end to discussion instead of a two-thirds majority as is now the case. Do you approve or disapprove of this?"

The latest national findings among those persons who could correctly identify the term filibuster, and the trend since 1949:

[In percent]

	Today	1957	1949
Approve	40	49	54
Disapprove	38	35	35
No opinion	22	16	11

Mr. LONG of Louisiana. Mr. President, this poll indicates that 40 percent of those Americans who understand the meaning of the term "filibuster" disapprove of it, 38 percent approve of it, and 22 percent have no opinion on the matter. But these figures do not tell the story of the trend which looms in the background.

Closer inspection of the statistics indicates that while in 1949 about 54 percent of the public favored an end to the right of unlimited debate in the Senate, that figure dropped to 49 percent in 1957 and has fallen to only 40 percent today.

The important thing to note is that there has been a marked trend over the past 15 years in favor of preserving the right of unlimited debate in the Senate. Among persons who understand what the term "filibuster" implies, there has been a 26-percent decrease in those who want to abolish this legislative safeguard. This surprising change is due to three main factors, all of which are directly involved in the forced integration bills now before the Senate.

First, I believe that there has been a general public reaction in the last decade against the unprecedented growth of Federal power, at the expense of States and individuals. The public has begun to sense that their Senators should preserve this safeguard against the power grab which is found in this bill and against similar power grabs in the future.

Secondly, millions of white citizens outside the South are growing weary of the extremist elements in the racial integration movement. These good people feel that they are registering a long overdue vote of protest when they endorse the filibuster as a final means of blocking unreasonable demands by race agitators.

Finally, the trend described by the Gallup Poll indicates a growing tide of opposition to the forced integration proposals now before the Senate. Millions of people who have favored civil rights legislation in the past are awakening to the fact that this particular bill takes away more freedoms than it confers. For the first time in their lives they are able to appreciate the value of unlimited debate in our efforts to preserve the rights of privacy, property, and free enterprise for all Americans.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Florida without losing my right to the floor.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, I wish to support strongly the position taken by the distinguished Senator from Louisiana, and in addition, to point out what numerous important people in other sections of the Nation outside the South are saying with reference to the exceedingly dangerous provisions of the bill. I should like to quote from John Knight of the Knight newspapers. In a signed editorial published in the Detroit Press, he states that he regards the bill as a measure which is socialistic insofar as the FEPC or the EEOE provision is concerned. He goes completely out to oppose the measure.

I cite such people as Mr. Arthur Krock, of the New York Times. I cite such people as a retired member of the U.S. Supreme Court, Mr. Justice Whittaker, who twice in the course of his remarks relative to the FEPC provision spoke of it as a socialistic approach that would be destructive of the liberties which we regard as Americans.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arkansas, without losing my right to the floor.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

CAREER OF SENATOR WILLIAM E. BORAH OF IDAHO

Mr. FULBRIGHT. Mr. President, the senior Senator from Idaho [Mr. CHURCH] is necessarily absent from the Senate. The Senator from Idaho [Mr. CHURCH] is in his home State to deliver a Borah Foundation lecture at the University of Idaho. His theme is the career of Senator William E. Borah, who was chairman of the Senate Committee on Foreign Relations from 1924 to 1933. I have had the opportunity to read this extremely interesting and very informative lecture and I commend it to my colleagues. The Senator from Idaho [Mr. CHURCH] is the first Idahoan since Senator Borah to serve on the Committee on Foreign Relations. His very valuable service on the committee has, I am sure, helped to produce the insights into Senator Borah's views which are captured in this lecture. Those who are not familiar with Borah's career will find this speech highly enlightening and, perhaps, a little surprising. At one point in his remarks the Senator from Idaho points out:

> History, to be sure, is a stern judge. We are not entitled to expect that Borah should be treated with kindness. But we are entitled to ask that he be treated with justice. Apart from the constructive liberal role he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so naive, as is depicted nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

I recommend this lecture to my colleagues. It is a unique study of the personal and intellectual traits which made Senator Borah a highly respected and powerful figure in his time. Mr. President, I ask unanimous consent that this speech be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ROLE OF BORAH IN AMERICAN FOREIGN POLICY

(A Borah Foundation lecture by Senator FRANK CHURCH, Democrat, of Idaho, delivered at the University of Idaho, at Moscow, Idaho, on March 26, 1964)

It was not given to me to know, to hear, or even to see the living Borah. I caught no more than a fleeting glimpse of his remains, as I passed his opened coffin set upon its catafalque in the rotunda of the State Capitol in Boise. All that morning, an uninterrupted line of people walked slowly passed his bier, to take their last look at the man who had represented them for 33 years in the Senate of the United States.

It was January 25, 1940. William E. Borah, whom the country knew as the "Lion of Idaho," was dead. An illustrious company of Senators had come from Washington to pay their final respects; the attention of the Nation was focused that day upon the funeral services in Boise. Dean Rhea paid tribute to Borah by imploring God "to grant that some now silent tongue will speak the truth as courageously as he spoke it," and leading citizens in attendance said the sermon was delivered with a force and dignity that Borah himself would have approved.

As to this, I cannot personally testify. For I was barely 16 years of age, having just entered high school, and the best vantage point I could secure was on the curbstone of Capitol Boulevard directly below the depot, where the long funeral procession was later to pass by. I remember the thick crowds, the unaccustomed feeling of being a part of a larger drama than our little city could wholly comprehend or contain. I remember the pack of reporters from afar, surveying the people with cynical eyes, and the newsreel cameras, and the flashbulbs. And I remember the people who had come from all parts of the State, from the towns, from the farms, from the mountains. Some, I'm sure, came mainly out of curiosity, but many were those who came to grieve. I know, because I was one who came to grieve.

William E. Borah had been the idol of my boyhood years. I suppose, in a way, he is still an idol of mine, though I see him now in a different light. It was the towering figure of Borah in the Senate which first attracted my attention to politics. Because he was a Senator, I wanted to become one. And when I did become one, 16 years later, I sought ways to honor Borah's memory.

I nominated him for inclusion among the five outstanding Senators whose portraits were to be featured in the Senate's reception hall. A select committee, under the chairmanship of then Senator John F. Kennedy, included Borah in the final listings of the greatest men ever to serve in the Senate. The five eventually chosen—Clay, Webster, Calhoun, La Follette, and Taft, are eminently worthy men; but I still think Borah should have been placed among them.

Later, when I became a member of the Senate Foreign Relations Committee—the first Idahoan to serve on that committee since Borah—I discovered that his picture was not among those of the former chairmen in the committee anteroom. This oversight, I can report, has now been remedied. From his widow, Mary Borah, who, though frail and aged, still graces Washington, I secured a handsome portrait of the husband she still calls "Billy," which now hangs in its rightful place in the committee chamber.

So, you see, if sentiment were to dictate my remarks today, I fear I would deliver a eulogy instead of a lecture. Indeed, you might prefer a eulogy, which is usually a pleasant venture in nostalgia that permits us to comfortably recall only those parts of the past which conform to present predilections.

But this kind of rendition, while it might be pleasing to you, would be a disservice to Borah. While he lived, he was usually making things very uncomfortable for men in high station, both in and out of his party. He was not an organization man. He refused to be a stereotype thinker. He was often a champion of unpopular causes. Though a Republican, he was at odds with most of the Republican Presidents with whom he served, and frequently with the "party regulars" in his own State. He was splendidly independent, highly controversial, and when he died, his critics were as numerous as his friends. His place in history is not yet settled, but sure it is that he will have one—a distinction that comes to very few.

The people of Idaho took an uncommon pride in Borah; he gave them the opportunity to bask in the reflected glory of his own prominence. They liked to tell the story of the little boy who wandered into the lobby of the Owyhee Hotel in Boise, to find Borah standing there shaking hands with the passers-by. The Senator patted the boy on the head and sent him running home to tell his father: "Daddy, guess what, guess what," cried the little boy, "I have just seen Senator Borah, down at the Owyhee Hotel."

"Don't be ridiculous," replied the father, "What would a big man like Borah be doing way out here in Boise, Idaho."

There can be no question but what Borah's role in the formulation of American foreign policy was extraordinarily large. From the end of the First World War to his death in 1940, I think it does not overstate the case to say that Borah's voice in foreign affairs was the most prominent in the land. Certainly he had no peer in the Senate, and no Member of that body has since exerted so much influence over the course of our foreign policy. The foreign press was well aware of the Idaho Senator's importance. During the Hoover administration, one European agency once cabled its Washington correspondent: "Never mind Hoover statement, rush comment from Borah."

How the Senator managed to exert such powerful influence is still a matter of some conjecture. Clearly, it was partly due to the strength of the man's convictions, to his singular eloquence, and to the general force of his personality. As chairman of the Senate Foreign Relations Committee, he had the best platform on Congressional Hill from which to speak. But this is only half of the explanation.

The other half is that, during his years of greatest prominence, Borah filled a policy vacuum in the field of foreign relations. Woodrow Wilson's three Republican successors in the Presidential office were men who did not exercise vigorous leadership, and they did not greatly concern themselves with foreign affairs. The lull between the wars afforded them the luxury of detachment.

So it was, from 1924 to 1933, during the decade that Borah served as chairman of the Foreign Relations Committee, that the Presidents, to a considerable degree, defaulted to Borah the role of the country's foremost spokesman in matters of foreign policy.

It is hard to believe how this could happen, in these days of massive American involvement in the world at large, particularly when one considers that the Constitution vests something close to plenary power in the President to direct the country's external policies.

But in the twenties the climate was very different from what we know today. The disillusionment which set in after the cheering for Wilson stopped; the return to isolationism, based mainly upon the assumption that our involvement in the war itself had been a mistake; the naive notion that conditions of normalcy had been restored again; all combined to turn the country's attention away from foreign affairs. Into the gap thus created, stepped William E. Borah.

Even after Franklin D. Roosevelt became President and the Idaho Senator had to surrender his committee chairmanship to Key Pittman, of Nevada, the influence of Borah over our foreign policy remained very great. Roosevelt was preoccupied with the critical domestic problems brought on by the depression, during his early years in office, and he did not really exert his prerogative over foreign policy until the period immediately preceding the Second World War. Pittman, a man of limited interest in world affairs, occupied himself mainly with protecting the Nevada silver mines, and was content to leave the broader questions to his friend, Borah, the ranking Republican member of the committee.

In fact, during the New Deal years, Borah enjoyed a closer relationship with President Roosevelt than nearly any other Republican Senator. Although they often differed, their personal rapport was ever cordial. Borah frequently visited the President at the White House, and when Roosevelt went to Boise in 1937, he made a special point to be accompanied by Borah, who introduced him to the great throng of people gathered in front of the State Capitol. Upon Borah's death, William K. Hutchinson, a writer who knew Borah well, said that Franklin D. Roosevelt had been Borah's favorite President of all those with whom he served.

Still, if Borah's preeminence in foreign affairs was due to default at the White House, it was accentuated by his own personal traits and convictions. The press had great faith in him, and he had an equally high regard for the press. He was ardent in his belief in the commonsense of the American people, and so he held that diplomacy should be conducted in full view of the public.

This led him to leave his own door ever open to the press. It was his common practice to lunch with newspapermen, and he was glad to comment on any issue. The journalists reacted in kind, giving him generous coverage, thus enlarging his influence in the Senate and in the country.

In these exchanges, Borah was not reluctant to challenge the State Department's facts, as well as its policies, and he depended at times on his own separate sources of information. The most glaring case came late in his career, when, in the summer of 1939, he flatly predicted that there would be no war in Europe, a mistake which has neither been forgotten, nor forgiven, to this day.

Besides a good press, Borah was able to popularize his causes through skillful oratory. He was judged by many to be the best debater in the Senate. He spoke rather infrequently, so that, when he did take the floor, he drew attention. It was his practice to announce on the previous day his intention to speak on the morrow. The galleries would be packed, and he seldom disappointed his listeners. This kind of spectacle occurs no more in the Senate, for this is an era of fading Senate debate, but even in Borah's time, there were few Senators indeed who could draw a crowd simply by giving notice of their intention to speak.

Still, it was not the force of Borah's delivery alone which drew the crowds to the Senate galleries, but the anticipation of hearing a thoughtful and thorough discourse. Throughout his long tenure as a Senator, Borah was a noted scholar. His reading was extensive. Not long ago, I was discussing this aspect of Borah's life with a Senator who served with him in the latter part of his career. He would often go to visit Borah to find the Idaho Senator reading the classics aloud to himself. He attributed much of Borah's success to this kind of disciplined study.

To his studious endeavors, Borah brought a searching intellect. His powers of analysis were impressive, his arguments were relevant. George Bernard Shaw, the great British dramatist, paid Borah lavish tribute, while giving the rest of the country the back of his hand, when he said of him: "He is the only American whose brains seem properly baked; the others are either crumbs or gruel."

There were other factors, besides these personal attributes, which added to Borah's political strength. The solidity of his support in Idaho was such that he could even neglect making the annual pilgrimage home. There were intervals when he remained away from Idaho for periods of 2 and 3 years at a time. It didn't seem to matter to his constituents. They were proud to have him as their Senator; they were in broad agreement with him on his basic premise, where foreign policy was concerned, that the United States should avoid entangling alliances and stay out of foreign wars; and so they gave him their sanction to take whatever position he thought proper on specific issues. Thus Borah was cloaked with an impunity which is given to few men in public office, enabling him to act with extraordinary independence, free from the usual restraints which inhibited his colleagues.

Borah gloried in his freedom of action. He more often rejected than accepted the party line, and never hesitated to take issue with Republican Presidents. He steadfastly refused to become doctrinaire, and so he frequently found himself lined up with widely differing groups on different questions. This, too, contributed to his strength. Even when the most powerful Senators found Borah against them, they realized that on the next matter to come along, he might well be on their side, and the most eloquent advocate of their case. It was unwise to stay angry at Borah for long.

This doughty independence made the Idaho Senator a colorful and attractive figure to the rank-and-file American. He could take a radical position, and still avoid being castigated as erratic or wildeyed. He could espouse an unpopular cause and be respected for it. Certainly his patriotism was never called into question, a blessing which derived, in part, from the fact that his times may have been less afflicted with fear and foolishness than our own, but also, in part, from the way he couched his arguments in the rhetoric of American principles: homage to the Constitution, faith in the wisdom of the Founding Fathers, and respect for fundamental American morality.

His emphasis on moral values is typified by the story he once told a friend, Ray McKaig, of Boise. He explained to McKaig that, during his first term in the Senate, he lived in Washington near a man who had been a clerk to Lincoln and a Cabinet officer under President Hayes. Borah asked him why the politically inexperienced Lincoln had always been so shrewd. "This brilliant old Cabinet officer of President Hayes told me," Borah related, "that Lincoln was right because Lincoln always insisted that the proper political move was to do the honorable, the ethical, and the right thing * * * that gave me my inspiration, and I have always earnestly tried to follow that plan of Lincoln."

Connected with Borah's sense of public morality was the propriety with which he dealt with his fellow men. Borah was unrestrained and assertive in the enunciation of his views, but his strong words were never coupled with personal malice. He argued issues. He did not attack his opponents personally. He exerted influence because of the esteem with which others held him and his opinions. Although he fought in the forward rank of those Senators described by Woodrow Wilson as the "little band of willful men" who blocked our entry into the League of Nations, Wilson was able to say of him, after the fight was over, "There is one irreconcilable I can respect."

Such were the personal traits and political circumstances which made William E. Borah, dean of the Senate Foreign Relations Committee so formidable a public advocate while he lived. I regret to say that, since his death, the years have not dealt kindly with his memory.

In Washington today, the mention of Borah usually evokes some such knee-jerk reaction as, "He was the last of the head-in-the-sand isolationists," or, "He prevented us from entering the League of Nations," or, "He was a wrecker, not a builder; he never stood for anything, but always against."

History, to be sure, is a stern judge. We are not entitled to expect that Borah should be treated with kindness. But we are entitled to ask that he be treated with justice. Apart from the constructive liberal role he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so naive, as it is depicted nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

For example, it is now accepted doctrine in both parties that the United States should persist unconditionally in its policy of nonrecognition of the Communist government of China. This is nothing new. For 15 years following the Russian revolution, we refused to recognize the Soviet Government. Borah, however, vigorously dissented from this negative view. I hardly need say that his was not a popular stand; on no other issue did Borah incite so much criticism. But he remained steadfast through the years, sometimes as the solitary advocate, until the country finally admitted that the Soviet Government was there to stay, whether we liked it or not, and so had to be dealt with. In 1933, Borah won his point, when we extended official recognition of the Government of the Soviet Union.

To Borah, it was simply sensible diplomacy to maintain relations with whatever foreign governments there were. He was not impressed with the argument that the Bolsheviks were untouchable, or that we should have no American Ambassador at the seat of the Red tyranny. He pointed out that many of the foreign governments we traditionally recognized were also tyrannies, and that if we followed the practice of maintaining relations only with those governments we approved, then we would deal with precious few. Besides, although Borah deplored the cruelties and excesses of the Russian Revolution, he did not deplore the revolution itself. He felt that it had given the Russian people a new sense of hope, and had released them from the bondage of "the old, dead, hopeless, past" that was the czarist period.

He contemptuously rejected the argument of the timid that recognition of the Soviet Union would mean an increased internal danger from the Communist conspiracy. As Professor Claudius O. Johnson puts it in his excellent biography of Borah:

"The grim conviction of the great majority of Americans that the Reds should be exterminated wherever found lest Americans wake up one morning to find the Red flag flying from the Capitol, the Senater considered absurd and childish. His own Americanism was such that he knew no Soviet theories could contaminate it; his faith in the Americanism of his fellow countrymen was such that he was confident that no amount of Soviet propaganda would wean them from it."

I think that the persistent opposition of the American people to Communist doctrines has since given abundant proof to the validity of Borah's view.

When I consider our predicament in Panama these days, where anti-American resentment erupts in ugly violence, or when I scrutinize the clever way Fidel Castro has managed to exploit deep-seated hostility in Cuba toward the United States, using it as a lever with which to consolidate his own power, I wish that this country had heeded the warnings of Borah in earlier years.

Latin America was a main area of concern to Borah. He was the friend and champion of the smaller countries. He sympathized with the Mexican revolutionaries in their efforts to achieve social progress, using as his maxim for United States-Mexican relations: "God has made us neighbors; let justice make us friends." In the years after the First World War, he deplored our tendency to use military force in our dealings with countries of the Caribbean. In an article entitled, "The Fetish of Force," Borah plead:

"We have been impatient. We have not been just at all times * * * we have swiftly and without sufficient cause appealed to force * * *. Possessing great power, we have used it without adequate justification. The invasion of Nicaragua was unnecessary and therefore immoral. Who can contemplate without sorrow and humiliation a great and powerful nation, inexhaustible in wealth and unmeasured in manpower, imperiously invading a perfectly helpless country. I think our conduct toward Santo Domingo and Haiti equally indefensible."

On another occasion he commented, "We have formed a habit of rushing marines hither and thither in Central America and imperiously dictating to those people." Nor was he to be a party to the use of the Monroe Doctrine as a moral cover for our forceful intervention in Latin America. As he stated in a letter written in 1928, "The trouble has been we have construed the Monroe Doctrine out of all relation with its original pronouncement."

Oddly enough, I could easily borrow from these statements of Borah, made 30 years ago, in answer to much of my daily mail. Perhaps there is truth in that old French adage that the more things change, the more they remain the same. To those who still cannot see that we are today harvesting the bitter fruits of our earlier "gunboat diplomacy" in the Caribbean, and who seem to think American bayonets will stifle, rather than spread, the seeds of communism, I offer the words of Borah in refutation, and I defy anyone to gainsay the prophetic quality of the warnings he sounded so many years ago.

Those who like to dwell on the negative role of Borah conveniently overlook his affirmative efforts to advance world peace. It is true, of course, that Borah opposed American membership in the League of Nations and the World Court—a position which I personally think was mistaken—but he did so, not because he was against peacekeeping initiatives, but rather because he believed that it was still possible for the United States to pursue a neutral course in world affairs, and he thought our membership in the Court and the League would automatically involve us in the disputes of other nations.

Nevertheless, Borah was a zealous advocate of treaties he felt would promote the cause of peace. He played an important role in initiating the Washington Disarmament Conference of 1921, which resulted in a reduction of naval forces by the leading naval powers. Between the wars, Borah was a strong advocate of disarmament, and often voted to reduce arms appropriations.

The peace plan with which Borah's name is most closely identified was his proposal for the outlawry of war. The Chicago attorney, Salmon O. Levinson, who donated the money for the Borah Foundation, under whose auspices I speak today, was one of the chief architects of this proposal. Borah sponsored the plan during the midtwenties. The idea gained momentum when French Foreign Minister Briand proposed an outlawry-of-war pact between France and the United States, in April of 1927. The American Secretary of State, Frank B. Kellogg, then became interested in the plan, which was later expanded to include Britain, Germany, Italy, and Japan. Borah guided the treaty through the Senate, defending it against all opponents; it was ratified in 1929.

It is easy to look back and ridicule the Briand-Kellogg Pact, but one must judge it in the context of the times. As unrealistic as was the idealism with which we fought the First World War, so equally was the idealism which cloaked our quest for peace afterward. We rejected the Versailles Treaty, because it did not conform to our standard of justice for either the victors or the vanquished; we withdrew to our own shores; we drastically reduced our military forces, because we suspected munitionsmakers, profiting from the war, plotted to again involve us * * * "Merchants of Death" we called them. To make certain that no President would lead us into another foreign war, Congress passed a neutrality act, which forbade the shipment of American arms to either side, whenever a conflict abroad occurred, as though we could by statute prejudge all future conflicts and predetermine what our national attitude should be toward them.

When one considers how we were mesmerized with the notion of neutralism as late as 1938, and how this concept dominated our foreign policy throughout so much of our earlier history, one wonders why Americans become so impatient and exasperated with the neutralism of the newly emerging countries of Africa and Asia, which have just begun to relish the fruits of independence. The answer, I suppose, is that our memory is short.

So it is with our tendency to belittle the Briand-Kellogg Pact from the vantage point of hindsight. Really the worst that can be said of it is that it proved ineffectual and a trifle naive. In fairness to Borah, it must be said that he did not regard the pact as a panacea. Its main usefulness, he thought, was to remove the sanction of legitimacy from the resort to war between nations. He knew that wars—had caused more problems than they had ever solved, and yet, throughout history, he argued, the resort to war had always been regarded as a legitimate form of national action. Let it be outlawed, then, by civilized nations. At the inauguration of the Borah Foundation, on September 23, 1931, here at the University of Idaho, Borah observed:

"But you will say, war may come. So it may. But if it comes, let it come as an outlaw in violation of peace treaties and in violation of international law, and not under a sanction and by the authority and with the blessings of the advocates of peace."

Subsequent events demonstrated that declarations of moral and legal principles, however solemnly entered into, are of little consequence to the avoidance of war, when national governments feel their vital interests are threatened. The house of peace still rests upon foundations of force, though great be the need for extending the writ of international law, for strengthening the tribunals which must interpret and administer it, and for augmenting those institutions, like the United Nations, which labor to achieve the peaceful resolution of international disputes.

I cannot conclude this discourse without acknowledging that Borah did not regard himself as an isolationist, in the general sense of that term. He favored our cooperation with other countries in economic and commercial matters; he pressed for the codification of international law to regularize relationships between nations; he had no objection to our joining the International Labor Organization with headquarters in Geneva. When he asked for a worldwide economic conference in 1923, he denied that he was an isolationist, and claimed that withdrawal was not a Republican policy. His party, he said, had consistently favored participation in foreign negotiations affecting American interests, and had done much to develop peaceful arbitration as a method for settling disputes. Borah argued that, in terms of trade, Americans had always been internationalists, and always would be. He insisted that the only way in which he was an isolationist was that he sought to isolate America from war.

But there was no way, as we were later to discover, that America could be isolated from war. Two years after Borah's death, on December 7, 1941, the Japanese bombing of Pearl Harbor brought home the hard truth that, in a world engulfed by war, we could not preserve our own peace.

Yet, wrong as Borah may have been about our ability, in a shrinking world, to remain uninvolved in wars abroad, he was everlastingly right in his condemnation of the course of power politics in Europe, following Versailles. He criticized the Allied Powers for treating Germany and Russia as outcast nations. He predicted that this treatment would eventually drive the two countries closer together, in combination against the victorious Allies. Indeed, this is what finally happened; Hitler and Stalin signed their nonaggression pact in 1939, giving the Nazi dictator 2 years to conquer continental Europe, without fear of attack from the East. The outcasts of Europe presided over the subdual of their former taskmasters, until Hitler, unable to restrain his ravenous hunger for power, turned back upon the Soviet Union. Unfortunately, the many occasions when Borah was proved right are not so well remembered as those occasions when he was proved wrong.

In my own study of Borah's life, I have constantly been attracted, not to those views of his which are now irrelevant, but to those premises he held so strongly which still remain applicable to our life and times. I think of his reluctance to use force, his anti-imperialism, and his toleration for diversity in the world at large.

What great validity these premises still have. Who now defends those short-lived attempts to establish an American colonial empire? Who now thinks it was our white man's burden to take over the Philippines? And, in today's world, where we have permitted ourselves to become so massively involved that we regard every little country's frontier, no matter how remote, as our responsibility, do we not wonder whether we haven't extended our commitments beyond our capacity to fulfill? Was there not some wisdom in Borah's attempt to limit the American sphere of responsibility?

Who now would argue that Borah was wrong in attempting to find a substitute for force in the settlement of disputes between nations? His method may have been defective, but his instinct against the folly of war was true. War was bad enough in Borah's time; it has become incalculably worse since the advent of nuclear weapons. Borah was groping for a way to eliminate war. In this, he was not behind his times, but ahead of them.

Today, when we seek to explain our national purpose in world affairs, we often quote the words of our late, great President, John F. Kennedy, that we differ from the Communists in that we are striving to keep the world safe for diversity. We could, with equal aptness, quote the words of William E. Borah, expressed in 1934 before the Council of Foreign Relations in New York City:

> "It is one of the crowning glories of the world that we have different peoples and different nations and different civilizations and different political concepts. Standardization may be all right for cattle and sheep and swine of all kinds, but it is not applicable to peoples or nations, and it is not in accordance with the divine economy of things."

A new generation had taken over by the time Borah died in 1940. But his death caused a deep sense of loss and shock. An unprecedented crowd flocked to the National Capitol to try and enter the Senate Chamber, where President Roosevelt joined with Borah's colleagues to mourn his passing. Afterward, a locomotive draped in black pulled his funeral train across the broad prairies where Borah had been born and reared, and over the high Rockies back to his adopted Idaho.

Many were the moving tributes paid him in death, but none more inspiring than the eulogy given by his close friend, Senator Arthur Vandenberg of Michigan, a man who was later to become, in his own right, a distinguished Republican chairman of the Senate Committee on Foreign Relations:

> "No mortal words can add to the stature of a great character in human history. They can but acknowledge the vast and eternal debt of lesser men to Olympians whom God occasionally gives to the Republic. It is in this humble spirit that I rise to speak a few simple sentences regarding the greatest man I ever knew. That he was the greatest friend America had in my time and generation is the measure of the Nation's debt to the life and service and the vivid memory of the late U.S. Senator William E. Borah, of Idaho.
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> "There was something in him of the rugged strength of the mighty mountains of the West whence he came. There was something in him for the lonely pioneer who dares against all odds for the faith of his objective.
>
> "He was one of those few statemen—I can think of but two or three others in our history—who was greater than any President under who he served, and for whom the Presidency itself could have added nothing to his stature or laurels. We shall not see his like again."

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Michigan without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HART. Mr. President, earlier the senior Senator from New York commented on the time it has taken the Senate to come to this point in its consideration of the pending bill. I made a check and a precise analysis of the calendar and the time. For the RECORD, I believe it should be nailed down.

The motion to consider the bill was made on the 9th day of March. It is now the 26th day of March—17 calendar days were required to make the measure the pending business.

The motion of the senior Senator from Oregon would, if agreed to, on this day, March 26, send the civil rights bill to the Judiciary Committee to be reported back on the 8th day of April—14 calendar days. Seventeen days plus 14 days equals 31 days that we have already "chewed" up, chewing over the question of whether or not to take up the bill. Those 31 days, assuredly, would be lost. To that total we must add the indeterminate additional number of days to bring us back to where we were at about 10 o'clock this morning.

In the judgment of the people of America such action would make no sense at all. I share the deeply expressed conviction of the Senator from New York when he said that it would be regarded as a hideous setback in our effort to respond to the most dramatic, urgent need on the domestic scene in respect to the civil rights aspirations of the people of America.

For that reason alone I would hope that we would reject the motion made by the Senator from Oregon that the bill be referred to the Judiciary Committee.

Second, I am a member of the Judiciary Committee. I served with mixed emotions on occasion, because frustration extends into that committee as well as to other aspects of our days here in the Senate. The senior Senator from Oregon argues that 10 days with the Judiciary Committee would permit the Senate then to be in a better position intelligently to act on the bill. I know how deeply he feels that statement to be true. I can only say, with equal conviction, that I believe it is nonsense. We face a fact of life that none of us ought to pretend can be avoided by any ritualistic reference to a committee with a time certain to report back.

At the very best those nine members whom the Senator from Oregon described as devoted to the bill would, at the end of those 10 days, find themselves compelled to go to the coffee shop and sign a report that was written by them. It would reflect their best opinion. But for the life of me I cannot see how that report would obtain any status other than being the individual views of a majority of the committee, because that committee will not be permitted to vote as a committee in a formal setting on the report.

While I have never served as a judge, I cannot imagine that individual views filed by a majority of that committee would, in terms of legislative history, be any more than Choctaw. So for that reason additionally I suggest that the Senate should reject the motion of the senior Senator from Oregon.

All of us should be reminded of a comment by Mr. Justice Frankfurter in *Greenwood* v. *United States*, 350 U.S. 366, at page 374, where he said:

> This is a case for applying the canon of construction of the wag who said, when the legislative history is doubtful, go to the statute.

I think that the courts can find out what this legislation means by reading the statutory language.

The suggested hearings are unnecessary even if it were true that legislative history is needed to facilitate judicial understanding of the bill. Before the debate in this body is over we will all be surfeited with legislative history. Indeed, the other body alone managed to pile up thousands and thousands of pages of reports, hearings, and debates. On the floor of the House the bill was examined, in detail, title by title, for many days. Those debates were highly organized and rigorously structured to the end that every word, line, clause and section of the bill would be fully explored. And we have been guaranteed more—indeed, much more, a hundred times more—of the same here in the Senate. Is it possible to believe that before the close of debate in this body a single coma will be left unchallenged by opponents of this bill? A single phrase unexplained?

Indeed, the plan of debate in this body calls for a systematic approach, as in the House—a title-by-title inquiry of the most comprehensive scope. The courts will not be troubled, I am sure, by a lack of legislative history for their guidance. Their difficulties, if any, will result from legislative history so lengthy and cumbersome as to be judicially useless.

I have the feeling also that the suggestion of the Senator from Oregon may be unrealistic. Under all of the applicable circumstances, I doubt this committee would file a report helpful to the Senator or the courts. Necessarily this motion would limit the time which the committee would have for consideration of the bill. The subject matter of the bill, the structure of the committee, and the history of its performance—as recently as this Congress—all point to this conclusion.

For all of these reasons, I submit, the need for an additional legislative record to guide the courts is not a sufficient excuse for procrastinating 10 days more.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I shall vote for the motion of the Senator from Oregon to refer the bill (H.R. 7152) to the Committee on the Judiciary, with instructions to report it back to the Senate by April 8, 1964. I shall cast that vote as one who supports the purposes of this bill. In considering our vote on this motion, we should remember that we are concerned not only with the eventual passage of a civil rights bill at this session, but also with the way in which it will be interpreted and enforced in the future, and—as I shall point out in a moment or two—the measure of acceptance and consent that it will receive by the people of our country.

In casting this vote, I know that I shall be voting for a motion which, if accepted, will delay consideration of the bill by the full Senate for 10 to 20 days. The delay might be 30 days. I also realize that the referral of the bill to the Committee on the Judiciary may be an exercise in futility, because the committee may not take any action, and it may not make a report on the bill which would inform the Senate and make clear its legislative intent. Nevertheless, we ought not to assume that the committee will not act, that it will not improve the bill, and that it will not make a report, now lacking, in explanation of the bill and its legislative intent.

The courts have held that it is only the report of a committee, and the statements made by the managers of a bill in connection with the report, which can afford evidence of legislative intent. That does not mean that opinions of Senators who speak on the bill do not have great significance in explaining their views and convictions; but the courts have held that the speeches of Senators have very little significance in the judicial interpretation of legislative intent with respect to various sections of a bill.

My chief reason for voting for the motion to refer is that long after a civil rights bill is passed—and I hope it will be passed this session—we shall have to deal with its enforcement and acceptance. We can expect litigation over its provisions. The courts, including the Supreme Court, have had enough trouble in the past 10 or 20 years and have been required to make important decisions on civil rights, without guidelines from the Congress, because the Congress has failed to act upon civil rights issues, except in 1957 and 1960.

A report of the committee—with changes, if necessary—will give to the courts a record of legislative intent, and to the people a greater understanding of the bill.

Many people have made up their minds that they are against any kind of civil rights legislation. There are many others who believe, as I do, that we must come to grips with the proposition that every citizen must be assured by law his full civil rights. But there are many who, while conscientiously desiring that steps be taken to assure full civil rights, may not yet understand or may be misinformed about the constitutionality, or the power of the Congress to act, or about the meaning or need for this bill, or any other civil rights bill which we may have before us.

One of the great elements in our system of government is that law shall be enforced. But also, a great element is the consent of the people to law—that it shall be accepted and obeyed. Consent comes about in many ways—through education and leadership, but it will also come about if the people believe that the Congress has acted on legislation after the fullest possible consideration.

As I have said, the reference of the bill to the committee will delay passage of civil rights legislation from 10 to 30 days, but that is not as important as making the full effort to secure the best possible bill. For we are legislating not only for this year; we are legislating for the future, for history, and for the full and equal rights of all the people of this country.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Missouri [Mr. LONG].

Mr. LONG of Missouri. Mr. President, I am opposed to the motion to send the bill back to the Judiciary Committee.

I am certain I do not have to remind any Member of this body that 16 days have passed merely on the preliminary matter of whether we should discuss the merits of H.R. 7152. The bill itself is some 55 pages long and contains 11 titles. The 1960 civil rights bill was much shorter and less comprehensive, designed merely to refine the 1957 act. Yet the Senate spent some 37 days considering the merits of that bill, 9 of those in around-the-clock sessions. This portends even lengthier debates over the merits of this bill. Yet we are asked to add 10 more days to this endurance course.

By this time, it would be well-nigh impossible to find an American who did not know that the principal weapon of the opponents of this bill is delay. I ask, then, why should those in the Senate who favor this bill acquiesce in another maneuver for postponement? Why should opponents of the bill be handed 10 more days which would serve to reinforce their strategy that much more?

It is argued that to send the bill back to committee would be the orderly procedure. I think that through their 3-, 4-, 5-hour speeches and reiterated arguments, the opponents of the bill have shown their concern to be not with orderly procedure but with stalling any consideration of the bill. And, as others today have so aptly illustrated, this deference to procedure could bear only fruitless results. The real question then, it seems to me, is whether for the sake of a barren formality, those who favor the bill wish to add to the opponents' artillery 10 more days of delay.

It is also said that to send the bill to the committee would weaken the arguments of the opponents of the bill. But the possibility of weakening their arguments would come only at the cost of strengthening their tactical defenses.

In view of the immediate need for legislation in the field of civil rights and the irreparable harm that continued delay can cause, I urge that this body move to prompt consideration of this crucial bill.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. HICKENLOOPER. Mr. President, I wish to make a brief statement for the record. I shall support the motion to send the bill to the committee. I know of no legislation, in the time I have been in the Senate, that has had more far-reaching, ramified potentials in its effect on the American people and our American system than this bill has.

Many features of the bill have not been considered by the committee. It came from the House. Amendments were put in the bill on the floor of the House that were not considered by the House committee. Regardless of the merits or demerits of the bill, the proposals that came over from the House have not been considered by the Judiciary Committee.

If the bill does not go to committee we shall be up against a problem—which may be true even if it does go to committee—in that we shall be face to face with far-reaching amendments offered on the floor of the Senate, in the emotion of debate, and in the full light of publicity that always takes place. That is an emotional situation which in this case should not exist.

Whether the committee will see fit to consider the offering of amendments to the bill or not, I do not know, but at least committee consideration has historically proved that a great deal more calmness can be brought to bear in considering the merits of proposed legislation than in the forum that is the floor of the Senate, in the glare of publicity.

One reason we cannot escape as to why the committee should have consideration of the bill for a limited period of time is that our system should be given a chance.

As Senators have pointed out, and as will be pointed out in the future, the bill contains a number of provisions which I believe have some ominous portents. Such provisions, if they went into effect, might do exactly what the proponents of the bill claim they are trying to stop. In other words, some of the provisions of the bill could create discrimination on the other side of the question to the same degree, or perhaps to an even greater degree, than it is asserted now exists, and which discrimination is the basis for the bill.

I have in mind specifically a provision that has been referred to previously. I refer to the power given to the Attorney General—not this Attorney General or any other particular Attorney General, but the Office of the Attorney General—to whimsically or capriciously support civil suits all over the United States, based upon the complaint of someone who claimed he was suffering some injustice because of alleged discrimination.

If that provision remains in the bill, I predict that the office of the Attorney General will be so flooded with complaints of all manner of people alleging that they have been discriminated against because of some particular classification into which they fall, racial or otherwise, that he cannot possibly obtain enough lawyers in that office to service claims all over the United States.

I have known many who have been fired from jobs. I have known of many who have been refused employment in jobs that they would like. I have rarely heard anyone admit the real reason why he was either refused employment or fired. Usually he has been incompetent or unable to hold the job. Most of them say they did not get the job because they were discriminated against, or were fired because the boss did not like them, or because they said some picayunish thing which resulted in their being fired.

The real reason for their firing is never given as the excuse. But under this bill, anyone could claim he was discharged because of religious prejudice, or because of color or some other reason. He could, if the Attorney General saw fit, get a civil suit started, with provision for attorney's fees. What a happy hunting ground that would be for some lawyers. I am a lawyer, and I have as much respect for the legal profession as anyone, but what a happy hunting ground that section of the bill would be for many lawyers who would want to get into lawsuits in the hope that they would receive the attorney's fees which would be awarded as a part of the cost of the litigation.

We got away from this principle a good many years ago because we thought it was bad. Now it is proposed to go back to it.

The coercive powers contained in the bill, to coerce people into certain actions which would cut down their basic responsibilities under a free administration, need to be studied, and recommendations should be made thereon.

I have said time and again that I firmly and fully support any Federal legislation needed either to establish equality of rights for all people, or needed to preserve and protect the rights already established. I support legislation for all people on the basis of equality of opportunity. But we have had up until now in the United States a system of freedom of action and of individual responsibility which has made this the greatest private free enterprise system in the world. I want to be careful that in the emotion of the moment—because indignities have been suffered, and certain injustices have occurred which I could not defend and which I should like to see corrected—we do not say to Senators that they must take this legislation without this "crippling amendment," a cliche which has been developed in the past few years, to say to anyone who offers an amendment or any correction to legislation that the advocates' support is offering a "crippling" amendment. Many amendments are strengthening and beneficial amendments. There are amendments which, in many cases, make a particular piece of legislation more acceptable to the American people.

Mr. President, let us make no mistake. We have established precedents in the past, and this may be another precedent. A piece of legislation as far reaching as this, if it does not receive the general acceptance of the American people, will not be obeyed. Ways of circumventing it will be found. We found that out in the prohibition era, during the "noble experiment" of that time which was thrust down the throats of the National Legislature. It was a failure because it did not achieve what the American people wanted; and it was circumvented.

A bill involving human emotions to the extent this bill does, if its provisions do not gain general acceptance by the American people, with a willingness on their part to cooperate in a reasonable way and under reasonable conditions, will fail in its purpose, and we shall have more trouble after it is passed, over a period of time than we had before.

That is why I believe we should give every consideration to a reasonable approach on amendments to the bill. I cannot see that a delay of 10 days or so would do anything except give an opportunity for study of certain questionable features in the bill—a study which the Senate should have the advantage of and which the American people should have the advantage of.

The bill is not passed as yet, although I believe it probably will be.

I thank the Senator from Illinois for yielding to me, and I congratulate him.

Mr. GRUENING. Mr. President, will the Senator from Illinois yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Alaska?

Mr. DIRKSEN. I am glad to yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, I shall support the early passage of the strongest possible civil rights measure. Such legislation is long overdue—at least 101 years overdue.

I am determined to support a strong bill designed to achieve the specific objectives sought in H.R. 7152. I am not wedded to the exact language of that bill and shall, accordingly, lend my support to amendments to the bill designed to strengthen, clarify, and improve its provisions. By the same token, I shall oppose any amendments designed to weaken or cripple the bill.

I am not a newcomer to the field of civil rights. Almost a quarter of a century ago, as Governor of the then territory of Alaska, I faced the problems of discrimination in public accommodations. I felt it was wrong then— I feel it is wrong now. I found at that time in Alaska signs in restaurants reading:

> We do not cater to native or Filipino trade.

Other signs were more abrupt:

> No natives allowed.

The word "native" in Alaska designates Indians, Eskimos, and Aleuts.

As the able and distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] has recommended, I first tried the voluntary method of seeking to obtain equal accommodations for natives and whites alike.

My remonstrances and my power of persuasion met with some but limited success. I came to the inevitable conclusion that the voluntary method of securing equality in public accommodations would not work, primarily because those restaurateurs of good will were placed at a disadvantage by their competitors who refused to institute similar practices.

When I discussed the need for legislation to cure this disgraceful situation, I was told—as we have been told here on the Senator floor repeatedly—that discrimination against natives—that is Indians, Eskimos, and Aleuts—was the custom of the territory and that legislation to change that custom was not the proper course of action. I was told that ultimately, through education, that custom might change.

That solution was unacceptable to me.

It made no sense to me a quarter of a century ago to say to an American citizen that he or she must tolerate being discriminated against in the enjoyment of rights guaranteed under the Constitution until those practising the discrimination could be educated. It makes no sense to me now.

I then determined to obtain legislation guaranteeing equality in public accommodations. It was not an easy fight, but it was won in the Alaska Territorial Legislature in 1945. The equal accommodations law was implemented in Alaska without a ripple or an incident, and the result has been better feelings between all Alaskans regardless of race. This legislation has of course extended its beneficent protection to Negroes in Alaska who were few in numbers when it was first introduced.

However, my wholehearted support of the earliest possible enactment of a strong civil rights measure does not prevent me from supporting the need for orderly procedures in the Senate.

H.R. 7152 first came before the Senate on February 26, 1964. After the bill was placed on the Senate Calendar, our able and distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], asked unanimous consent that the bill be referred to the Judiciary Committee "with instructions to report back, without recommendation or amendment, to the Senate not later than noon, Wednesday, March 4."

The majority leader took this step, he said, because of the legitimate arguments advanced by a number of Senators, including myself. It was obvious at the time, and the majority leader so stated, that if his unanimous consent request had then been acceded to there would be no delay in the consideration of the civil rights bill since it was the leadership's intention to proceed to the consideration of the military procurement authorization bill and the wheat-cotton bill before the civil rights bill.

It is indeed unfortunate that one Senator—an ardent supporter of strong civil rights legislation and one who is enthusiastic for speedy action—entered the sole objection to the procedure proposed by the majority leader. Unfortunately, his action delayed action.

It is regrettable that he did not withhold his objection and permit the bill to be referred to the Judiciary Committee with strict instructions to return it to the Senate unchanged by March 4.

For the majority leader was correct.

After the objection, the civil rights bill remained on the Senate Calendar and the Senate proceeded to consider the military procurement authorization bill and the wheat-cotton bill.

It was not until March 9, 1964 that the majority leader made his motion to call up the civil rights bill. It is obvious now, as it was obvious to those of us who urged the referral on February 26, 1964, that nothing would have been lost had the unanimous consent request of the majority leader been agreed to on February 26, 1964.

On the other hand, much would have been gained.

Much of the debate, although not all of it by any means, since the majority leader made his motion to call up the civil rights bill on March 9, 1964, has been devoted to arguments regarding the benefits to be derived from hearings on H.R. 7152 before the Judiciary Committee and from a report on that bill by the members of that committee.

The time since March 9 could more profitably have been spent discussing the specific provisions of the bill—a discussion which those favoring the civil rights legislation say will be made on a point by point basis after the bill has been made the pending business of the Senate.

However, that is water over the dam.

The question before us is on agreeing to the motion of the Senator from Oregon [Mr. Morse], to refer H.R. 7152 to the Judiciary Committee with instructions to return it to the Senate in 10 days.

Is it too late for such a motion? I do not think so.

Is there anything to be gained by such a limited referral? I am convinced there is.

If his motion prevails, then when the bill is returned to us we would have the benefit of public hearings on the exact language of the bill. It is not enough to say that there have been public hearings on many of the subjects covered by the bill. That is not the same as public hearings on specific language.

For example, the right of an individual to equality in public accommodations can be expressed in many ways in legislation.

It has, for example, been expressed one way in H.R. 7152 and in a different way in S. 1732 which has been reported from the Senate Commerce Committee and is now on the Senate Calendar.

Thus, S. 1732, of which I am a cosponsor, covers, among other places, the following:

> Any hotel, motel, or other public place engaged in furnishing lodging to transient guests, including guests from other States or traveling in interstate commerce, other than an establishment which (A) is located within the building which the proprietor actually occupies as a home and (B) contains not more than five rooms for rent.

Similarly, H.R. 7152 covers, among other places, the following:

> Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

While these two provisions are similar they are not the same.

Why are "inns" included in the House bill but not mentioned in the Senate bill?

While the House bill uses the word "inns," which the Senate bill does not, the House report on H.R. 7152 refers only to:

> Hotels, motels, and similar establishments.

Why, in the Senate bill, is a building exempt when it is actually occupied by the proprietor as a "home" while the House bill uses the word "residence"? According to the Senate report on S. 1732 there is a great difference between the two words. Thus Senate Report 872 states:

> The exception contained in the bill would apply only when the "proprietor" actually occupies the building in which the establishment is located as a home. A person may have only one "home" as that term is used here. If a person has more than one place of residence or abode, his home would be that place which he uses as his principal residence.

The House report on this section does not clarify the meaning of residence. It merely states: "except those located in a building which is actually occupied by the proprietor thereof" without explaining the use of the word "residence" instead of home.

Why does the House bill refer only to "transient guests" while the Senate bill refers to "transient guests, including guests from other States or traveling in interstate commerce"?

As an important aid to the courts in interpreting the act, it would be well for the courts to have before them the reports—both majority and minority—of the members of the Judiciary Committee on the exact text of the bill and what it is intended to include and what it is intended to exclude.

This is complicated and far-reaching legislation. It will affect the lives and fortunes of millions of Americans. It will be litigated in the courts for years to come. We in the Senate would be failing in our duty if we permitted such legislation to be litigated without the benefit of hearings before the Senate Judiciary Committee and reports on the bill by members of that committee.

Some will argue that much valuable time will be lost because when the bill is returned to the Senate it will still be necessary for the majority leader to motion the bill up, that we shall then be back where we were on March 9 when the majority leader made his motion, and that there will be extended debate on the motion to take up rather than on the bill itself.

I would hope that this will not happen. The chances are that it will not happen, for even those who are for delaying a final vote on a civil rights bill through extended debate must be aware of the temper of the Senate and realize that a successful cloture vote under rule XXII would be much easier to achieve on a motion to take up rather than on the bill itself, especially since we have already had considerable debate on making the civil rights bill the pending business.

They must also realize that success in obtaining cloture on the motion to take up would serve as a precedent, since it would be the first time cloture would have been voted on a civil rights bill. It would then make easier the obtaining of cloture on the bill itself, and all amendments to it, at a later stage in the debate.

I reject also the argument, founded on an assumption of irresponsibility on the part of the Senate Judiciary Committee, which points to the hearings held by the Judiciary Committee on the original Presidential proposal on civil rights and to the fact that only one witness—the Attorney General—was heard, and that he was interrogated at length by only one member of the Senate Judiciary Committee. Here, too, I am confident that the members of the Judiciary Committee will recognize the temper of the Senate and the fact that we have a right to expect that if this measure is referred to the Judiciary Committee, the majority of that committee will so regulate its affairs as to conduct full hearings on every facet of the bill and will hear witnesses on all aspects of the bill.

Mr. President, I ask unanimous consent that an editorial from the Washington Star of March 19, 1964, urging support of the Morse motion, may be printed in the Record.

The **ACTING PRESIDENT** pro tempore. Without objection it is so ordered.

(See exhibit 1.)

Mr. **GRUENING.** I commend the senior Senator from Oregon [Mr. Morse], for the brilliant fight he is making to refer the civil rights bill to the Senate Judiciary Committee for 10 days. I shall vote in favor of his motion and against any motion to table it.

EXHIBIT 1

[From the Washington (D.C.) Evening Star, Mar. 19, 1964]

STITCH IN TIME

This is the 10th consecutive day of Senate debate on a motion to "take up" the civil rights bill. There will be more debate tomorrow and day after tomorrow.

There are some who see this delay in beginning debate on the bill itself as another demonstration of intransigent southern opposition. No such demonstration was necessary. The more important demonstration is the error of the leadership's decision to bypass the legislative process of referring the bill to committee. Had the bill been referred to the Senate Judiciary Committee, with instructions that it be reported back within 10 days, as urgently advocated by one of its supporters, Senator Morse of Oregon, it could now have been before the Senate with a committee report and perhaps clarifying amendments.

Senator Morse pointed out some legal complications that may result from failure to send the bill to committee. As important as these may be, the chief damage of this failure is to lend more credence to the impression that the bill is to be "railroaded" through the Senate, an impression created by its legislative history in the House. If, as Senator Keating believes, the opposition mail he is receiving from New York is based on misinformation about what the bill contains, no effort should be spared to make its content clear and to emphasize the degree of deliberation behind it.

When the bill finally is taken up by the Senate, Senator Morse plans to renew his effort to have it referred to committee. It should be referred, even if it means a further delay added to one that might have been avoided in the first place.

Mr. DIRKSEN. Mr. President, I have listened carefully to most of the discussion this afternoon on the motion of the Senator from Oregon to send the bill to the Judiciary Committee for a limited period of time, under a mandate to report it to the Senate.

The discussion leads me to believe that we have put all the emphasis on the clock and on the calendar, and that there must be haste and acceleration in dealing with the matter now before us.

Mr. President, if this is as important as the zealots would have us believe, that is all the more reason why the Senate should be most careful about a bill of this kind.

I recall an incident when Phillips Brooks, the great preacher, was pacing up and down in his study one morning, and a neighbor dropped in to see him and said, "Why, Dr. Brooks, what is the matter with you?" He replied, "I am in a hurry and God is not."

There seems to be great haste and hurry, but when we stop to think of the importance of this measure and what its impact on the country would be, we can afford to take some time and be careful in our scrutiny.

As I think about what the bill would do, I think about an article in the Readers' Digest written some years ago by a distingiushed Member of this body, Senator O'Mahoney, of Wyoming.

I went out to Wyoming to make a speech to defeat him for office, despite the fact that we were the best of friends and that we served together on the Judiciary Committee.

On my way out from Washington to Omaha, Nebr., I puzzled before I found the text for my speech, and then, by one of those curious quirks of memory and recollection, it popped out of my mind; and that article came back to me. I thought of the first line, which had seared itself indelibly in my mind. What the distinguished western Senator had written that day was this:

> They are remaking America, and you won't like it.

The bill would remake the social pattern of this country. Let no one be fooled on that score. Its impact would be profound. That is a further reason why it deserves the most careful deliberations and the most careful scrutiny on the part of the U.S. Senate.

I heard the discussion about the Judiciary Committee, and what a traditional burial ground it is for civil rights legislation. I ought to know a little about it. I am the oldest Republican on the committee, in point of service. For aught I know I may be the oldest in point of age. In some quarters it is not popular to say this, but I have never seen the time when a Member went to the distinguished chairman of that committee with a suggestion or a request and did not receive attentive consideration to his request. That is always happening. By volume, that committee produces more legislation, or at least it has in other years, than any other five committees of the Senate combined. It expedites its work. It has an excellent and competent professional staff. I could go to Jim Eastland, if the motion should prevail, and say, "Let us divide the time between open hearings and markup in the committee to consider amendments," and my request would receive sympathetic consideration. He has never failed in that respect. My notion about the motion is that we devote some of the time, to calling a few selected witnesses, and take a look at some of the things that are bothersome in the pending bill. The rest of the time we could use to sit down behind closed doors to consider the markup and the amendments that are necessary.

It has been said, "Look what the House did." Yes, I know. I know that 155 amendments were introduced in the House. On the floor 34 amendments were written in. But we should be in a hurry. We should plow the furrow with double speed, and not take our time. One of the amendments that was written into the bill on the floor of the House—and Senators will find it on page 35 of the bill—provides:

> (f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

We discriminate if we take account of the color of his face, but we do not discriminate if there is something in his cranium that we do not like. If we say to him, "Do you believe in God?" and he says, "No," he is out; he does not have to be hired. I thought that under the Bill of Rights perhaps unbelief or disbelief was a creed unto itself. That amendment got into the bill on the floor of the House.

We could do no better than to take the bill, title by title, section by section, and examine it carefully. I have noted in the little memorandum which I have had placed on the desk of every Senator some of the things that have occurred to me. There are a good many.

It is said the bill went sailing through the House by a vote of 290 to 130. Is that not enough for Senators? What more consideration do they want?

Let me tell Senators that the one vote in my lifetime that I would undo if I could occurred when, with a hoot and a holler and gusto we rushed through the provision during the Truman administration to put striking railroad workers into the Army within 48 hours if they did not go back to work. If it had not been for Bob Taft in the Senate, that provision might have been put into the law of the land. That is one vote that I would undo. However, I was caught up in the vortex of emotionalism, like everyone else at that time. We were in conflict, and something had to be done.

We said, "All right; if they do not go back to work, we will put them in the Army; we will put them into uniform."

That is the only time that happened within my experience as a legislator.

Therefore, we had better take a good look at this bill.

There has been great discussion about the intent of Congress. The courts will take a look at the language in the bill, and out of it they will finally come to a conclusion as to what was the intent. I believe that one of the most scholarly legal articles I have ever read on the subject of intent of Congress appeared in the Harvard Law School Journal. Whoever wrote it did a very good job, because the very first line in that article was:

> The intent of Congress is a fiction.

The second sentence was:

> The intent of Congress is what the courts say it is.

Where do the courts go? They go to the language in the bill, and the courts go to the reports.

What I am concerned about in sending the bill to the Judiciary Committee is that we could sit around the table for a couple of days or so and go through the language, with everyone suggesting his amendment—that does not take too much time—and then bring the bill back to the Senate.

Senators might say, "Why not do it on the floor?" We have all had the frustrating and disheartening experience of addressing the distinguished Presiding Officer and saying, "Mr. President, I offer an amendment." To the author of the amendment it is world shaking, it is momentous, it is almost cataclysmic. Then we look around, and we see perhaps four or five Senators in the Chamber. Into the amendment the sponsor has dumped his heart, and he has done research work on it. Then the Senator addresses the Chair with all the eloquence he can command. He may insist on a yea-and-nay vote. If there is a sufficient second, a yea-and-nay vote is ordered.

Then Senators come into the Chamber through various doors. The question is asked, "How should I vote?" I make no exception for my own party. What do we know about the substance of the amendment? It is not there.

The distinguished chairman mentioned, earlier, that in one rights bill 20 amendments were added, because we could labor at it rather concertedly and do a concentrated job. We may differ as to the amendments, but at least they receive a collective consideration, with 15 lawyers sitting around the table. A Senator cannot be a member of the Judiciary Committee if he is not an attorney and a member of the bar.

At least, they will look at every word and decide what will have to be done.

I have gone through the bill after a fashion to see what has occurred. The language of title I is:

> The Attorney General or any defendant in the proceeding may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case.

That is done in antitrust suits at times. But with the multiplicity of suits which are bound to be brought, tell me how, on the request of the defendant there can be a three-judge court, and how we can expect the judiciary to discharge its functions and keep its dockets from going through the ceiling.

The purpose of this section appears to provide for an acceleration of the appeal procedure. I have some grave doubts as to the ultimate wisdom of bypassing traditional legal procedures with respect to cases brought under this section. From the reports of the Civil Rights Commission it appears that the number of actions brought under this title will be considerable and I am concerned about the impact of the already heavy caseload on our Federal courts of litigation brought under this section.

Each case requires a panel of three judges for its disposition. In all fairness, decent consideration must also be given to the litigants in other fields, many of whom are required by reason of existing busy court calendars to wait, years in some instances, for compensation for personal injuries.

We can make the request, and it may be all right. But I want to be pretty sure that when we are through, there can be some delimiting language so that the courts will not be congested to the point where they will be frustrated and distressed. There are other items in title I that should receive study, but I want to vote for a bill.

I have told the people who come to me by the scores every day—my office has been filled constantly with preachers, rabbis, priests, social workers, settlement workers—"The best you can do is to go and pray for me, and I will also pray for myself." Often they do not quite know what the bill provides. Then I have to be a little frustrated, and when the moral argument is advanced, I say: "I am a legislator. I am thinking about today, and I am thinking about tomorrow."

Perchance the answer might be: "Unless you hurry, unless you do something without delay, there will be violence; there will be demonstrations. The case will be taken to the streets."

A man is not fit to walk into this Chamber as a U.S. Senator if he is to be bilked and influenced by that kind of an argument to deter him from his duties under the laws and the Constitution.

The reason why the capital is on the banks of the Potomac, under the direction and control of Congress, is that when the Revolutionary War was over and the capital was elsewhere, the soldiers came. They wanted grants of land. They wanted pay. They began to demonstrate and to frighten the legislators. The Contsitution makers in their wisdom said:

> There must be an area under the control of the Federal Government—

Meaning Congress—

> where Congress can assert its power and be free from molestations and harangue and pressure in order to carry out its legislative duties under the Constitution.

Do we pay heed to intimidation and to pressure when we have a job to do? If we do, then I say we fail dismally in our responsibilities as Senators.

TITLE II

I have been and still am studying each and every aspect of title II of this bill and I will have a substitute for this title which I will present later.

TITLE III

This title provides a basis for law suits by the Attorney General to remedy denial of "access to or full and complete utilization of any public facility" operated by any State or subdivision thereof. I apprehend some very real and practical problems with respect to the determination of "full and complete utilization of any public facility" and I feel the public interest would be better served for example by substituting words such as equal utilization of any public facilities.

Complaints under this section, I think, ought to be filed by the complainant who should set out under oath the particulars of the alleged violation so that any one defending an action brought against him under this title would be informed of the nature of the charge against him and the identity of his accuser.

Section 302 of this title is not limited to public facilities but authorizes the Attorney General for or in the name of the United States to intervene in an action "commenced in any court of the United States seeking relief from the denial of equal protection of laws on account of race, color, religion, or national origin." It seems to me that the parties to the suit should have a chance to be heard with respect to such intervention before it takes place.

Title III deals with facilities and accommodations in public installations, such as parks. There is language that reads: "Full and complete utilization of any public facility." How would the Court interpret that? Suppose there were a demonstration. What about other people who are not under the protection of the legislation? Would that language be allowed to remain, or should we say: "To equal utilization of public parks, and playgrounds, and swimming pools"? It is said that that is a little item. Wait until it raises its ugly head in some public institution. Then it will be discovered that it is not such an inconsequential thing after all.

I shall continue with my analysis, but before I do, I wish Senators would give heed to me for a moment, for Senators may have missed an article to which I am about to advert. It is the best I have seen on this subject. It appeared in the Wall Street Journal on Thursday, November 7, 1963. It is entitled, "The Anatomy of a Compromise." The subhead is, "House Civil Rights Bungling Will Delay Final Action."

I do not know Joseph W. Sullivan, the author, but he must have been quite sure of his ground. This is one of the most intriguing articles I have seen in a long time, and it bears reading into the RECORD:

> The Kennedy administration's civil rights "victory" in the House last week was, at best, a salvage job, slung together in the wake of persistent fumbling and miscalculation by both the administration and its emissaries in Congress.
>
> While the President lauded the bipartisan House Judiciary Committee bill as "comprehensive and fair," the probability is that it emerged far too late to sustain his prime objective: Enactment of civil rights legislation this year.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article from the Wall Street Journal of November 7, 1963, by Joseph W. Sullivan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANATOMY OF A COMPROMISE—HOUSE CIVIL RIGHTS BUNGLING WILL DELAY FINAL ACTION

(By Joseph W. Sullivan)

WASHINGTON.—The Kennedy administration's civil rights "victory" in the House last week was, at best, a salvage job, slung together in the wake of persistent fumbling and miscalculation by both the administration and its emissaries in Congress.

While the President lauded the bipartisan House Judiciary Committee bill as "comprehensive and fair," the probability is that it emerged far too late to sustain his prime objective: Enactment of civil rights legislation this year. Senate Democratic leaders are now letting it be known they don't even plan to take up the bill at this session of Congress, putting off the divisive struggle with the party's Southerners at least until the turn of the year.

Moreover, the price the administration had to pay for the hastily conceived compromise was high. It involved acceptance of at least four provisions the administration has no yen for. Chief among them: Authority for the Justice Department to crack a Federal whip on local police and Southern State courts if they provide Negroes something less than the "equal protection of the laws." Attorney General Robert Kennedy has suggested that such a provision would require creation of a Federal police force.

More important, by adding other unwanted embellishments to the administration's bill, the compromise raises the prospect that the administration will find itself in the embarrassing position of having to sacrifice these sterner measures in the Senate in full view of Negro leaders. The two-thirds majority required to quash a Southern filibuster just isn't there for the fair employment practices code added to the House bill. The proposed ban on discrimination by businesses serving the public remains in grave trouble with Republican leader DIRKSEN, of Illinois, still opposing it.

VICTORY MAY BE FLEETING

The real victors in the House struggle, though their triumph may be fleeting, were the Negro pressure groups and their ardent band of liberal House supporters. It was they who maintained the drumfire for more sweeping sanctions than the administration

> would countenance and who eventually had their way. Despite the veil of indictments directed at the compromise bill by numerous Negro leaders, their legislative strategists are well satisfied with its terms.
>
> Moreover, the backers of the present bill are less disturbed than the administration over the prolonged legislative timetable. "The encounter in committee was essential; opposing forces had to meet to prove the strength of our position," ventures a young lawyer for the Leadership Conference on Civil Rights, made up of about 50 Negro rights groups.
>
> All sides agree, however, that the President could have brought about a compromise much sooner than he did, and on milder terms far more acceptable both to the White House and House Republican leaders. By mid-August, Justice Department envoys had reached an accord with key Republicans on the outlines of such a bill. "If the President had moved in with his big guns then, one bang is all it would have taken," asserts a Republican House Member. "The Republicans were ready to buy it, and the Democrats weren't yet committed to the stronger bill." But the President did not move in, and the militant Negro groups soon gained the upper hand.
>
> How they did it is a story told largely in negative terms. Its main ingredient is administration bungling, first in snubbing House Republicans and then in mistakenly placing too much reliance on House Democratic leaders, particularly Chairman CELLER, Democrat, of New York, of the Judiciary Committee.
>
> From the time the administration put its set of civil rights proposals before Congress, in late June, its principal task was to corral Republican support. This required an attentive, bipartisan approach, bipartisan enough, at least, to aline 60 or more (of 177) GOP House Members and 25 of 35 Republican Senators with Northern Democrats in a striking force big enough to crack Southern opposition. Because the Senate Judiciary Committee under Mississippi's Senator EASTLAND never would report out a civil rights bill, the first order of business was the House and its Judiciary Committee.
>
> In his very first appearance before the House panel, however, Attorney General Robert Kennedy pinched a Republican raw nerve. Had the Justice Department studied the numerous GOP civil rights bills introduced in Congress prior to the administration's bill, Mr. Kennedy was asked. No, came back the curt reply, there had been no time for that. Since most Republican's take pride in their party's past attention to the cause of Negro betterment, the pain was deep—and needless.
>
> Attempting to heal the wound, administration forces dispatched an older, less abrasive envoy, Deputy Attorney General Nicholas Katzenbach. He sought out Representative McCULLOCH, of Ohio, who as senior GOP member of the Judiciary Committee has come to speak for the party leadership on civil rights. Together they set about rewriting the administration bill.
>
> But Mr. McCULLOCH had his price. He couldn't see "subjecting Sam's shoe store on the corner to a suit by the Attorney General"; so retail stores were dropped from the proposed "public accommodations" provision, and it was confined largely to hotels, motels, restaurants, and theaters. The administration's broadly worded plan for withholding Federal funds from segregationist State and local governments was tightened to apply only to Federal programs in which the courts found racial discrimination. By mid-August, the two men had agreed on the major components of a "bipartisan" civil rights bill.
>
> But if the Ohio lawmaker had reason to trust Mr. Katzenbach personally, he also had ample reason to suspect the Kennedy administration as a whole. At the same time the Deputy Attorney General was establishing rapport with House Republicans, another Kennedy man, White House legislative aid Richard Donahue, was castigating them before Negro leadership groups. Apparently hoping to convince Negro leaders of the futility of pressing for more militant measures, Mr. Donahue warned that the Republicans were intent upon watering down the administration bill. This infuriated Mr. McCULLOCH.
>
> ### EFFORTS BREAK DOWN
>
> That's when the administration effort broke down. Mr. McCULLOCH and Mr. Katzenbach found Mr. CELLER receptive to the terms of their accord and, according to one participant at their huddle, the chairman agreed to propose it to other Democratic panel members. Nonetheless, these members say, he never did. Just why remains unclear.
>
> While Republican members of the Judiciary panel and administration strategists discussed rights legislation aboard Robert Kennedy's yacht the *Patrick J*, Democratic members mostly stayed home. If Democratic Members wanted to discuss an alternate provision or get a fresh idea, it wasn't a Justice Department envoy they found available but a young lawyer from the Negro Leadership Conference on Civil Rights.
>
> Thus, the combination of Mr. McCULLOCH's firmness and Mr. CELLER's lack of it, compounded by the administration's oversight, created the void that permitted the avid advocates of stronger legislation to move in. They were largely amateurs—Negro leaders from back home, student delegations, and ministers beckoned by the National Council of Churches. But there was professional muscle behind the scenes, too. The AFL–CIO eagerly pushed for a fair employment practices code to end its embarrassment and frustration in dealing with racist union locals. And more than a few House Members were put on notice there would be Negro protest demonstrations back home if they voted "wrong."
>
> Effective leadership on the Judiciary subcommittee fell to Representative KASTENMEIER, a bashful, boyish lawmaker from Waterville, Wis., but a thoroughbred liberal and a director of the Americans for Democratic Action. Most of the strengthening provisions added to the administration bill were his, or backed by him. Result: The bill that emerged was far too sweeping to suit either the administration or Republican leaders.
>
> Among other things, it extended the public accommodations ban to all businesses operating under "State or local license, permission or authority." That meant just about everybody, including, presumably, law firms, clinics, beauty parlors, even private schools. Also riveted in were the fair employment practices commission and the new suit-filing authority for the Attorney General.
>
> ### TOO HOT TO HANDLE
>
> When the bill reached the full Judiciary Committee it was far too hot to handle. Mr. McCULLOCH privately called it a "pail of garbage" and said somebody else could take responsibility for cleaning it up. Although Mr. CELLER had now decided it was "drastic," big city Northern Democrats weren't about to blemish their civil rights voting records by dismantling the bill piecemeal. Even the Attorney General's appeal for moderation failed to bring results.
>
> Enter the President. He summoned Democratic committee members to the White House, but they refused to back down unless the Republican high command agreed to a tough face-saving substitute. A call from Mr. Kennedy to House GOP leader HALLECK brought a loose commitment: If the administration would adopt some of the Republican civil rights bills the President's brother hadn't found time to read, then the GOP leadership would tender its support.
>
> Secret weekend sessions produced the compromise. Ironically, the nub of the agreement was the public accommodations ban Mr. McCULLOCH and Mr. Katzenbach had decided upon months before. But the tactical mistakes during the intervening weeks cost the administration plenty. Besides the Attorney General's unwanted new suit-filing authority and the fair employment provision, to placate liberals the measure also provides for substituting special three-judge panels for obdurate Deep South Federal district judges to rule on charges of discrimination against Negro voters. The Justice Department has attacked a variant of this provision as "judge shopping," but Negro groups suspect the administration is not eager to reveal that some of the offensive judges are Kennedy appointees.
>
> While the administration now can look forward to House passage of a civil rights bill, the legislative fumbling that produced the compromise can hardly be pointed to with pride. More to the point, it may yet cause the administration considerable embarrassment when the civil rights skirmishing begins in the Senate.

Mr. DIRKSEN. Mr. Sullivan continues:

> More important, by adding other unwanted embellishments to the administration's bill, the compromise raises the prospect that the administration will find itself in the embarrassing position of having to sacrifice these sterner measures in the Senate in full view of Negro leaders.

The article continues, but first let me comment on one or two choice items:

> From the time the administration put its set of civil rights proposals before Congress, in late June, its principal task was to corral Republican support. This required an attentive, bipartisan approach, bipartisan enough, at least, to aline 60 or more (of 177) GOP House Members and 25 of 35 Republican Senators with Northern Democrats in a striking force big enough to crack Southern opposition. Because the Senate Judiciary Committee under Mississippi's Senator EASTLAND never would report out a civil rights bill, the first order of business was the House and its Judiciary Committee.

Let me explain about the Judiciary Committee. I am a member of the committee. Nine of the fifteen members come from States that have antidiscrimination legislation on the books. If those nine members should be so recreant and remiss in their duty as to pay no attention to what their State legislatures have done, indeed I would give up.

I am confident that the amiable and agreeable chairman of the committee [Mr. EASTLAND], who has always entertained every request and is always ready for an understanding, could solve the problem under the amendment that is now on the desk.

Can anyone imagine 9 out of 15 Senators, who work in the shadow and in connection with the enforcement of antidiscrimination legislation in their own States, not taking action on the bill? If that does not answer all the argument about the Judiciary Committee being a burial ground, then I have no answer.

In all fairness I must say for the chairman of the committee that after nine appearances by the Attorney General—and I was present at every one of them—that bill was sent to the subcommittee at the request of my good friend, the Senator from New York [Mr. KEATING].

If I am in error about that, the chairman can rise and can scold me for it, and in that event I will make public confession of error. But I am quite sure that is what happened in the Judiciary Committee.

Mr. President, I suppose I was somewhat remiss in my responsibility; I could have said to the chairman, "SAM ERVIN has had too much time already, and I think it is up to us to divide the time a little, so as to let us get our teeth into the argument, too."

But what happened? Word went out that the House was to act first. So the interest on this side began to diminish a little—and understandably so. But even in the subcommittee the hearings could have been continued, if there had been some insistence that that be done.

While the compromise was being worked out in the House, the distinguished Representative from Ohio [Mr. McCULLOCH], had this to say about what they had tinkered up: He said he was not going to be in favor of subjecting Sam's Shoe Store, on the corner, to a suit by the Attorney General. But when next I saw the third version of the bill, the stump speech—three or four pages of it, dealing with the mobility of people and the difficulty of moving people, and the difficulties in their obtaining the right kind of accommodations in various southern cities—had been deleted.

It was completely deleted from the bill before the bill was sent up here by the late and beloved President Kennedy. So it is clear that at that time the bill was still in a process of transformation.

At that point, this is what Representative SULLIVAN said:

> When the bill reached the full Judiciary Committee, it was far too hot to handle. Mr. McCULLOCH privately called it "a pail of garbage."

I do not say that; those words were used by a distinguished Republican Congressman from Ohio—and he is a distinguished Member. He said the bill was "a pail of garbage"; and he said somebody else should take the responsibility for cleaning it up.

Then came the next session—in the Judiciary Committee? No, on the yacht *Patrick J.*, and at the White House, and elsewhere.

Despite all the arguments, it is clear that the bill that is now before us did not receive even a 1-day hearing before the House Judiciary Committee, because the bill now before us is the compromise bill; and I am trying to acquaint Senators with the anatomy of the compromise bill.

Should we not have a chance to examine the compromise bill and to offer some amendments—and also to hold down the testimony, if necessary? Certainly there is virtue in that course. Once an amendment is placed in the bill in the committee, it becomes the responsibility of any Member who objects to the amendment to proceed, on the floor of the Senate, to attempt to have the Senate remove the amendment from the bill. But after an amendment is placed in the bill in the committee, the committee will defend the amendment; and then it will be discovered that it is more difficult to remove an amendment from the bill on the floor of the Senate, after the committee has approved the amendment, than to place the amendment in the bill on the floor of the Senate. In other words, as a lawyer would say, that situation involves the burden of proof; and the onus would pass from one side to the other. Frankly, in that event, we would be in better shape.

I pointed out the fact that in the committee the bill would receive a far greater degree of attention than it would as the bill stands before the Senate today.

TITLE IV

I now turn to title IV—school desegregation. Again I find difficulty in reconciling the language of the bill with what I assume the intent to be. Let me illustrate. I had understood that this title was not applicable to private schools in the grade and secondary level. Look at the definition on page 14, line 3:

> (c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary level, operated by a State, subdivision of a State, or governmental agency—

Does this language encompass private schools through the 12th grade? I find it difficult to reach any other construction, although I am not certain that was the intent. Would the use of Federal funds and property by a private military academy in its ROTC program bring it within the broad language in lines 9 and 10, on page 14?

Consider the training institutes, inservice training, and employment of specialists to advise in problems incident to desegregation, all provided for in this title. Who would determine the cost and extent of such programs? The Commissioner. But what is the criteria? Where are the guidelines? I find none. Neither is there any estimate of the cost.

Individuals who attended such institutes could be paid stipends for their attendance, in amounts determined by the Commissioner, including allowance for travel. It is possible that this authority should be further defined. I should not like to see a repetition of the present practice of establishing an institute in one of the more popular summer campus towns, and then transporting teachers, and their dependents from other campus towns, for what one teacher has called a delightful vacation, all paid for by the U.S. taxpayers.

What must the complaint, to be filed with the Attorney General, set forth in the way of particulars? I find only a general allegation as a requirement. Is not the school board or other agency entitled to some opportunity to correct the situation complained of, before the Attorney General institutes suit? I would expect so. Certainly needless litigation would be avoided. The complaint could go far toward relieving this potential if it were under oath and if it contained a detailed description of the act or acts complained of. I stress the point that emphasis has been placed on the fact that in various parts of the bill we find—and this naked allegation has been made—that no oath is called for and no bill of particulars would be provided when a school board or an employer or anyone else was confronted with an allegation that a violation had occurred. Is that the kind of procedure the Senate favors—to permit someone to scrawl such an allegation in a letter, but make no provision for a bill of particulars or for an opportunity to refute or to rebut? It seems to me that would be anything but a safe way to proceed in a free, democratic government.

One further matter is unclear: Could the Attorney General, through the exercise of the authority conferred upon him by this title, achieve desegregation "through the assignment of students to public schools in order to overcome racial imbalance"? Notwithstanding the definition that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance," I find no such limitation upon the authority of the Attorney General to take such action in order to "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education."

And should not consideration also be given to the idea recently developed by the columnist Joseph Alsop, when he wrote in a recent column:

> Besides less of the old discrimination, in truth, a quite new kind of discrimination is also needed. Invest twice as much per pupil in schools in deprived neighborhoods. Discriminate in favor of the slums and then the slum school will become a social lever and the lever will pry open the ghetto doors in the end. It is right to ask for justice but it is also necessary to ask for useful justice.

TITLE V

Now that the Civil Rights Commission is achieving somewhat the permanent "temporary" status of the wartime buildings along the Mall and the Reflecting Pool, some built as far back as World War I, and only now being slowly removed, and now that we are adding more duties and functions to the activities of the Commission, should not that Commission be subject to the same rules of procedure which have been carefully developed for all of the other departments and agencies of this Federal Government, excluding only the military or naval functions, courts-martial, and the like? The Administrative Procedure Act is not perfect; and I have sponsored and cosponsored proposed legislation to improve it. But it does set out the basic essentials of fair proceedings.

It provides for adequate notice of a hearing, instead of an announcement "in an opening statement" of the subject of the hearing.

It requires that the rules of Government agencies and commissions be published in the Federal Register.

It provides more completely for the right to counsel, instead of the limited right to counsel "for the purpose of advising witnesses concerning their constitutional rights."

It provides for the conduct of hearings in which a record is to be made and the decision is to be based on the record.

Certainly we should consider carefully whether the provisions and the safeguards of the Administrative Procedure Act should not be made clearly applicable to the proceedings of the Civil Rights Commission.

TITLE VI

Problems exist, as well, with respect to the meaning of language used in title VI relating to nondiscrimination in federally assisted programs. Does the phrase "notwithstanding any inconsistent provision of any law" deny possible defenses under existing law? It is always a broad phrase—"notwithstanding any inconsistent provision of any other law." What shall we be doing if we adopt that phrase?

Then, too, does this title give the Federal Government the power to invalidate existing contracts if it determines to discontinue assistance? What would be the situation if the contracts were entered into without any thought that such a provision would be applicable to them?

The difficulties of drafting legislation on the floor, instead of in committee where careful attention can be given to details and an explanation of language can be provided by way of a carefully thought-out committee report, are indicated also by the addition by the House in section 602, of the phrase "other than a contract of insurance or guaranty." Just how far does that extend? And does it extend far enough? We really know very little about such a significant phrase. It may be as big as the whole outdoors, or it may be as small as the point of a pencil, in relation to the vast Government assistance programs.

I do not know whether a so-called economic grant for a housing project would properly be called a guaranty or insurance. In my book, it is a grant. If a person was unable to pay the usual rent, he would be able to qualify for occupancy of one of the low-cost housing units; and it is proposed that the Government help him and his family by providing assistance from the Federal Treasury so as to enable him to pay the economic rent. It is obvious that the total cost would run into millions and millions of dollars. The bill does not say whether that would be insurance. In my view, it would not be. Neither does the bill say it would be a guaranty. I believe it would not be. Instead, it would be an undertaking, by contract, of the Federal Government.

If, by means of the bill, the validity of contracts were destroyed and if their sanctity were ignored, after they had been signed by responsible officials, then I say frankly, we would be in a sad state. So far as I can determine, very little attention has been paid to that point.

Then, too, in section 603 we have an apparent intention to provide for judicial review of agency action. It states that "any person aggrieved" may obtain judicial review in accordance with section 10 of the Administrative Procedure Act. I assume that what is referred to are the procedures set forth in some detail in sections 10 (b), (c), (d), and (e) of that act, because the provision in section 10(a) could well be interpreted to limit the right of review of "persons aggrieved" to the particular persons covered by section 10(a). So we should be more craftsmenlike in our reference to section 10 of the Administrative Procedure Act.

Again, this is the type of careful work which can be best done in committee, and should be done there.

TITLE VII

What records are employers required to keep by title VII? Employers voluntarily participating in the program of the Presidents' Commission on Equal Opportunity are apprised in detail of the records which they must keep; and the records are, I believe, more comprehensive than those that would be required by title VII. Are we to superimpose another set of records on the employer, in addition to a third set that he may be keeping for a State FEPC?

What of the conflict between State and Federal record requirements? Illinois prohibits any reference to color or religion in employers' records. Title VII would require this information to be kept. Are we now to force an employer to violate a State law in order to comply with a Federal statute, each of which has the same purpose?

Every employer is required to make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, and to preserve such records for such periods as the Commission shall require.

In the wage and hour laws we clearly set forth the records to be kept and the prescribed periods for which they should be preserved. Why not do the same in this bill? Is there any compelling reason why this cannot be done? I know of no such restriction on the Senate or on the Judiciary Committee, where in fact it should be done.

Who would determine what were essential records and what were nonessential records? The Commission would be without adequate statutory direction. An employer might well risk severe penalties if he destroyed records relevant to the determination of whether unlawful employment practices had been or were being committed. Who would determine what was relevant? Certainly the employer would not do so, unless he was willing to risk prosecution.

What protection is afforded to an employer from fishing expeditions by investigators, in their zeal to enforce title VII? Senators should examine section 709(a), on page 44:

> The Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question.

Could there be a greater grant of investigatory authority? I can recall none. Should the Commission be permitted to copy evidence? Should an employer be permitted to request a detailed list of the records to be examined by the Commission? Should the employer be permitted to go before a competent court in order to determine what records relate to any matter under investigation or in question? Or are we to allow the Commission carte blanche authority in its examination, in its copying of evidence, and in its inquiry? Should this examination be limited to specified documents? How broad could such inquiry be? It would be limited only by determination of the Commission. No private rights would remain.

On page 41, section 707(d) provides for relieving the Commission of any obligation to bring a civil action when the Commission has determined that the bringing of such action would not serve the public interest. I feel that the public interest should be more clearly defined for the purposes of this bill, and that the language should be changed to read "which would serve the interest of this title."

Section 708 of this title vests in this Commission the authority to determine the effectiveness of State or local action in the field of fair employment. I do not believe such language would be appropriate. The people of the State should have the right to determine the effectiveness of their agencies, consistent with the expressed purpose of this section.

Now let us consider the case of the operator of an establishment who has been determined to be in violation of one or another of the provisions of title VII, and who has been so ungracious as to refuse the gentle, persuasive efforts of the Commission, or perhaps the not-too-gentle armtwisting of the Commission, toward conciliation.

The bill provides that within 90 days the Commission "shall"—and I emphasize the mandatory nature of the verb—bring a civil action to prevent the respondent from engaging in such unlawful employment practice, unless by affirmative vote the Commission shall determine that the bringing of such an action would not serve the public interest. So he would find himself in the Federal district court.

If he operated in a State which had a fair employment practice statute, such as my State of Illinois does, he would be likely to have been the respondent in an administrative proceeding by the State commission, and the subject of an order requiring him to cease and desist from the unemployment practice complained of, and to take such further affirmative or other actions as would eliminate the effect of the practice complained of. And, if he did not comply, the commission "shall"—that is the word used—commence an action in the name of the people of the State of Illinois, for the issuance of an order directing such person to comply with the commission's order. For violation of that order, he could be punished, as in the case of civil contempt.

What a layering upon layer of enforcement. What if the court orders differed in their terms or requirements? There would be no assurance that they would be identical. Should we have the Federal forces of justice pull on the one arm, and the State forces of justice tug on the other? Should we draw and quarter the victim?

If he had violated a valid law, he would have to be brought into line; but should not we give consideration to the overlapping of jurisdiction and multiple suits against the same defendant arising out of the same discrimination? I know there is a provision, as I have mentioned, for the Federal agency, at its discretion, to enter into agreements with a State or local agency to refrain from bringing a civil action in classes of cases to which they can agree. But if that agreement did not come to pass, where would we be under the provisions of overlapping Federal and State statutes?

Who would be an employer within the meaning of title VII? I am not sure, for the bill is indefinite, and there have not been committee hearings, and we do not have a committee report. Could an employer readily ascertain from the language of the bill whether he was included? Employers with a large number of employees would have no difficulty, but what of the small businessman?

Most statutes, in defining an employer in relation to the number of employees he has, are rather specific. Contrast the language on page 28 of this bill:

> The term "employer" means a person engaged in an industry affecting commerce who has 25 or more employees.

With the language from the Illinois Fair Employment Practice Act:

> (d) "Employer" includes and means all persons, including any labor organization, labor unions, or labor association employing more than 100 persons within the State within each of 20 or more calendar weeks, within either the current or preceding calendar year prior to January 1, 1963.

Let us consider the operation of a medium-sized orchard. For 11½ months of the year the employer would have no employees, but during 2 weeks of the year he would employ 100 pickers. Would he be subjected to the provisions of this title? What of summer or winter resort operations with employment for only 2 or 3 months, at the most? Would they be covered by this title? Certainly we have no clear statement by which an employer could be guided. Is this the way to legislate?

If an employer obtained his employees from a union hiring hall, through the operation of his labor contract, would he in fact be the true employer, from the standpoint of discrimination because of race, color, religion, or national origin if he exercised no choice in their selection? If the hiring hall sent only white males would the employer be guilty of discrimination within the meaning of this title? If not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

Would the same situation prevail in respect to promotions, when that management function was governed by a labor contract calling for promotions on the basis of seniority? What of dismissals? Normally, labor contracts call for "last hired, first fired." If the last hired were Negroes, would the employer be discriminating, or would he be protected by his contract requiring that they be first fired and if the remaining employees were white? If an employer was directed to abolish his employment list because of discrimination, what would happen to seniority? Would an unfair labor practice arise as a result of the operation of this discrimination provision in title VII?

These questions cannot be answered here; they properly belong before the committee. Witnesses should be called there to clarify these issues; testimony should be taken, views obtained, and a record made.

Now I turn to discrimination on account of sex. Frankly, I always like to discriminate in favor of the fairer sex. I hope the might of the Federal Government will not enjoin me from such discrimination.

But let us look further at this provision. Historically, discrimination because of sex has been a protective discrimination, because we do not believe that women should do heavy manual labor of the sort which falls to the lot of some men. This is not true, of course, in countries where women work on the roads and in the mines. Then, too, we discriminate in favor of women, because of their nimble abilities in many fields, such as the assembly of radios and delicate instruments and machines.

When the discrimination is not in the best interest of the fairer sex, we have approached the problem by specific prohibitions, such as the requirement of equal pay for women doing the same work as men.

I suggest, therefore, that we look at this problem with compassion and care. We do not want women to be discriminated against; but we do not want, through inadvertence, to remove the protection which is appropriate. In the Department of Labor there is the Women's Bureau; and I offer for consideration the thought that since discrimination on account of sex is a vastly different problem than discrimination because of race, color, or national origin, we should give further attention to the best manner to deal with that problem.

Section 704 provides that it shall be unlawful employment practices for an employer to fail or refuse to hire any individual because of such individuals national origin. This, as well as other restrictions on employers under this title, would tend to create difficulties for the defense contractors, for example, who are required, by reason of security clearance regulations, to practice what amounts to discrimination, because such discrimination in security matters is both vital and necessary.

Section 704 describes the employment practices which would be made unlawful by the bill. Subsection (e) of that section provides certain exceptions; namely, where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

Or where a religious educational institution wishes to hire only employees of its particular religion.

But what of other reasonable occupational qualifications? The Harlem Glode Trotters may well wish to preserve their racial identity. A movie company making an extravaganza on Africa might well decide to have hundreds of extras of a particular race or color, to make the movie as authentic as possible. A religious institution which operates a hospital may have as great a desire to employ people of its own religious persuasion in the hospital as it would to employ them in its educational institution.

Again, we need careful consideration and study.

Section 707 of this title provides for action to be taken by the Commission "on behalf of a person" when it received information on behalf of a person who claimed to be aggrieved. I feel that action taken under this title should be by complaint of an individual, not initiated on his behalf by others.

Section 704(f) of this title reads as follows:

> Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

This language was added to the bill in the House of Representatives, and would, if enacted into law, be, in my opinion, a subject of review by the Supreme Court. In view of recent decisions by the Supreme Court, I have some doubt that this section would be sustained.

At this point I wish to refer again, briefly, to the part of title VII which deals with the proposed Fair Employment Practices Commission. Only a few plants do not have a defense contract of some kind; so all the others are required to keep records for the President's Commission on Defense Contracts. In addition, under the Illinois law they are required to keep records. In addition, under the provisions of this bill they would be required to keep records. In short, they would be required to keep three sets of records.

Under the Illinois law, if I remember correctly, it is not permissible to show on the records whether a person is of color. But under the Federal requirement that is shown. So what would happen? It is said that under the bill, States rights would not be preempted; that provision appears in title XI, in lines 14 through 21, on page 54.

But where would it leave the State commission in the State of Illinois? Who is in the ascendancy? Who will proclaim its power and finally win?

Still another problem would be the definition of "employer." Under the Wage and Hour Act there is one definition. Under the Illinois Fair Employment Practices Act there is a definition that requires that in order for an employee to be an employee he must work a given number of hours in a given quarter. No such provision appears in the bill. The bill merely provides that an employer would have 100 employees; then the number would drop to 75, then to 50, and then to 25.

But suppose an employer is operating a big peach orchard in Georgia, and for 11 months in the year he needs only four or five people to prune and spray. At that time he would not be within the act. But when fruiting time came for those delicious Georgia Elberta peaches, and he must get them to market, he brings in 300 or 400 pickers. What happens? Would he be under the bill or would he not?

Is it not about time for us to take a pretty good look and see who is an employer and who is an employee, and whether or not the provisions of the bill are integrated with State laws? There are approximately 30 State commissions. I believe the bill provides that a Federal commission or administrator would say whether the State law is effective and effectively administered.

Is that what we want? I desire a court to say whether the people in my State are effectively administering our FEPC Act or not.

One could go through the bill and find a great many provisions of that character.

TITLE VIII

I do not find title VIII relating to the gathering of registration and voting statistics objectionable except that we should protect the privacy of those who do not wish to give information as to race, color, and national origin and the like to survey groups or investigators. So, I would suggest that we provide that it shall not be an offense not to give such information to the Commission.

TITLE IX

Title IX of this bill provides:

> Title 28 of the United States Code, section 1447(d), is amended to read as follows:
>
> "An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

This seeming innocuous amendment is a radical departure from traditional legal procedures which reserved this right to the Federal district court on a remand motion rather than to a party to the lawsuit.

Section 1447 of title 28 proposed to be amended by this section authorizes a Federal court to send back a case brought to it in which a party alleges he has been denied or cannot enforce his civil rights in a State court.

In the interest of orderly conduct of law enforcement and the business of the courts, I feel that allowing for an appeal to a higher court before a case comes to trial on the merits in the first instance would unnecessarily handicap State and local courts and would add immeasurably to existing delay in the enforcement of legal rights. The public, victims of crime, and witnesses, would be adversely affected by dilatory tactics made available under this section.

TITLE X

Title X establishes a community relations service which I except to discuss more fully in connection with my proposals by way of a substitute for title II.

TITLE XI

This section indicates a lack of intention to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or official thereby under existing law to intervene in any action or proceeding.

It further states the intent of the Congress not to preempt State law on the same subject matter. In view of differing opinions among lawyers on this, a clearer statement as to its effect should be given. Section 1103 provides for an open end authority of such sums as are necessary to carry out the provisions of this act. Certainly ordinary prudence, particularly at this time should indicate some limit to the amount of funds which can be authorized to be appropriated under this section.

Section 1104 of this title is similar to section 716 of title VII. It states:

> If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

In my opinion limiting the decision of invalidity to a particular person or circumstance would only result in a multiplicity of suits. If the court should determine any provision or section of this act to be invalid their decision of invalidity ought not to be limited by Congress to a particular person or circumstance.

I shall not detain the Senate any longer except to say that if ever a case could be made for the support of the Morse motion to send the bill to the committee, this is the day to make the case.

We had better take a little time; otherwise we may be like the fellow in the jailhouse in my hometown to whom I said, as I walked through the courthouse:

"What are you in there for?"

He said, "Petty larceny."

I said, "How long?"

He said, "From now on."

The impact of the bill will be "from now on," and the social pattern of our country will be changed. Some time later I do not wish to lament and to rue the day when I did not take sufficient time to give sufficient scrutiny to the words, the phrases, the implications, the legal significance, and what its impact will be upon the economic and social fabric of our country.

There is much to be said for the motion of the distinguished Senator from Oregon. No one can say that he does not want a bill. He has been a white knight on a white charger in shining armor in the liberal cause, and everybody knows it. So no one can say that he is trying to hurt, to delay, or to postpone. The Senator from Oregon thinks as a great lawyer and a great law instructor. He knows his cases pretty well. Two of the cases he recited in his interesting statement today were quite "on the nose."

That statement ends my discussion. The debate could go on for a long time, but I see no need for it. I shall vote for the motion. I think we can do some good in the Judiciary Committee when we stop to consider that 9 of the 15 members of the committee come from States which have FEPC's and nondiscriminatory legislation.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MORSE. I thank the Senator from Illinois, the minority leader, for his support of my motion. I emphasize the fact that the Senator from Illinois is a member of the Committee on the Judiciary.

Mr. DIRKSEN. Yes.

Mr. MORSE. His argument today has utterly destroyed the rationalizing that we have heard on the floor of the Senate, to the effect that if we send the bill to the Committee on the Judiciary we will not get a committee report and we will not get a fair distribution of time for hearing during the 6 or 6½ days of actual working time that my motion would allow.

The Senator from Illinois has made it perfectly clear that we have an opportunity to hold the Judiciary Committee to an accounting by giving it an opportunity to live up to its clear responsibility to the Senate; namely, to provide the Senate with a committee report and to give us the best set of hearings possible in the 6½ days that will be allowed.

I close by saying that the proposed procedure is the way to prepare the way for cloture in the Senate. I should like to say to the civil rights groups in the galleries, "You will not get a civil rights bill until cloture is invoked. The senior Senator from Oregon is only seeking a procedure which, in his judgment, will enhance our prospects of invoking cloture."

We shall never get cloture, in my judgment, if we adopt the "end justifies the means" policy, and if we adopt the argument that was heard today, that our opposition has used the rules against us. Why do we not use the rules against them? I will state why: It is not fair; it is not the way to pass legislation in the Senate. I shall never be a party to a movement that we ought to adopt an "end justifies the means" policy because the end is what I am looking for.

The way to attain the end we all seek—a strong civil rights bill—is to follow a procedure that will stand up to the test in the light of history.

Mr. DIRKSEN. Mr. President, I close my remarks by saying that I desire a civil rights bill. I wish to vote for a bill. I have said nothing about title II. I shall have a substitute that would take a large share of title II in the pending bill. But I want it to be fair, equitable, durable, and workable, so that it can never be said that by hasty action we have created pockets of prejudice in our country. One reason why the issue is before the country is that the force bills passed in the Reconstruction days bred prejudice, and in the present generation we are faced with a real dilemma.

I surrender the floor.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DIRKSEN. I have yielded the floor.

Mr. HRUSKA. The Senator from Nebraska is a member of the Committee on the Judiciary. The debate which has occurred on the Morse motion today brings some thoughts to his mind pertaining to the next 10 days or perhaps the next 2 months. I do not know which it will be. One of those thoughts is as follows: Would not the limitation of referral to only 6 working days in the committee be in itself a form of cloture?

The subcommittee in the House devoted 22 days of hearings to the bill which it did not get to report. Following those 22 days there were 17 days of executive sessions to mark up the bill.

Under the pending motion 6 working days would be allowed for the purpose of hearing witnesses, marking up a bill, and writing a report. It might be said that the House committee was a little verbose, and perhaps a little dilatory. I do not believe it was. That committee applied itself diligently. But let us turn to what one of the committees in this body did when it reported to the Senate the bill having to do with public accommodations—one title of the bill. Hearings on that one title occupied 17 days.

Under the Morse amendment we would send a bill to the Committee on the Judiciary, of which I am a member. I would participate in the deliberations of the committee. We would send it there for 6 days.

There has been mention of a denigration of the Judiciary Committee. If the bill were referred to the committee with instructions not to amend it, but merely to hold hearings, I say that under those circumstances, under the terms of the Morse motion, that action likewise would be a denigration of the committee. I do not like it. I do not know that it is going to do any good, but I thought I would bring it to the attention of the Senate, because it bears on the situation at hand. If there is an explanation for it, I shall be glad to hear it.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. MORSE. Did I correctly understand the Senator from Nebraska to say that my motion would prevent the bill from being amended?

Mr. HRUSKA. No. I said that during the discussion about 3 weeks ago, one of the requests was to send the bill to the Judiciary Committee for hearings, without authority to amend the bill. There was a discussion about that question. When that discussion arose, it was said that that would be blackmailing the committee and would be an affront to the committee and to the committee chairman, because, after all, committees are supposed to work their will on bills.

Mr. MORSE. I remind the Senator that I was in favor of the bill going to the committee with the full rights of the committee.

Mr. HRUSKA. I understand.

Mr. MORSE. The Judiciary Committee knows about these problems. It knows the witnesses it can call to make legislative history. The committee can make a record in 6 days, and submit a report. It is a very able committee. The staff can start to work and draft a report.

Mr. DIRKSEN. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, in view of the fact that I intend to move to table the motion of the Senator from Oregon at the conclusion of my remarks, and further in view of the fact that my remarks will not be too long, I should like to suggest the absence of a quorum, the call to continue for not to exceed 2 minutes. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The 2 minutes have expired, and further call of the roll is dispensed with.

Mr. MANSFIELD. Mr. President, the reason for suggesting the absence of a quorum was not that I had anything earthshaking to say, but in anticipation that, at the conclusion of these remarks and the motion which I intend to make, there will be a vote.

I can sympathize with the approach of the Senator from Oregon [Mr. Morse] in urging that H.R. 7152 be referred to committee. May I say that after H.R. 7152 was put on the calendar the majority leader was also prepared to refer the bill to Judiciary. A unanimous-consent agreement was offered to that effect, with the provisos that the bill be reported back to the Senate on a date certain and without change in text. Had the bill gone automatically to the committee, as it would have without the leadership's intervention, no such provisos could have been attached.

The first time the majority leader made the unanimous-consent proposal, a single objection was heard from the distinguished senior Senator from New York [Mr. Javits]. On the second occasion that the majority leader asked the Senate to entertain the unanimous-consent agreement an objection was heard from the distinguished chairman of the Judiciary, the Senator from Mississippi [Mr. Eastland], who was joined in objection by the other distinguished Senator from New York [Mr. Keating]. To the best of my recollection, and in all fairness, I should note that neither the Senator from Oregon [Mr. Morse], nor the Senator from Georgia [Mr. Russell], nor the distinguished minority leader [Mr. Dirksen] raised objection to the majority leader's proposal on the two occasions it was made.

Had the unanimous-consent agreement offered at the outset prevailed, the Senator from Oregon would have had the detailed record of committee hearings in which, as a great constitutional lawyer and historian, he is primarily and deeply interested. Had the unanimous-consent agreement prevailed, I suspect that the Senator from Georgia [Mr. Russell], too, even though he may not have been content, at least would have experienced a lesser outrage of his sense of procedural orthodoxy.

Insofar as the majority leader is concerned he, too, would have been entirely satisfied. There would have been an opportunity for the Judiciary Committee to consider the bill during a period of time when other important measures—a military construction authorization and farm legislation—were before the Senate. The date certain for reporting the bill back to the Senate would have prevented undue delay in the committee. Moreover, the House bill would have returned to the Senate without change in text so that the Senate as a whole, rather than a committee, would have had an opportunity to consider it in a form which the President of the United States had found most satisfactory. That is the form, moreover, in which a majority of the Senate had indicated they desired to consider it by supporting the Chair's ruling that it be placed directly on the calendar after receipt from the House.

I think it ought to be abundantly clear by this time that the majority leader is not a procedural radical. I think it ought to be abundantly clear that the majority leader prefers to stay as close as possible to usual procedure and still move the business of the Senate. There is no joy, as I have known to my sorrow, in bypassing any committee. But there is a higher responsibility to see to it that whatever can be done by the leadership—and it is not much—is done, to the end that the proper and pressing business of the Senate is faced and disposed of by the Senate. I know of no Member who would contend that the civil rights bill is not the proper business of the Senate. And I would doubt that there are many Members who would contend that the bill is not pressing business.

With all due respect to the chairman of the Judiciary Committee, I do not see how disrespect or offense can be inferred from the instructions which were contained in the unanimous-consent agreement proferred by the majority leader some days ago. A committee is the creature, the agent of the Senate. Committees are to facilitate the work of the Senate as the Senate as a whole decides that it is best facilitated. The act of referral represents a trust of the whole Senate in several of its Members. It can in no way be considered as disrespectful or offensive, irrespective of the instructions which the Senate may give to its agent. Instructions of all kinds from the Senate to any committee are entirely in order and they are neither uncommon nor, at times, unnecessary.

I go into this background, Mr. President, for no purpose other than to make my position entirely clear on the issue now posed by the motion of the Senator from Oregon. It was at the outset and it remains, today, the leadership's desire to stay as close to the usual procedure as is commensurate with reaching the point of decision on the civil rights bill without unconscionably delay.

May I reiterate the phrase "usual procedure" which I have just used. There has been some loose terminology in the debate of the past 2 weeks. There has been talk of the need for orderly procedure and even "legislative lynching," as though the majority leader had somehow advocated disorder or a disregard of the rules of the Senate or violation of the rights of any of its Members. I reject any such implication.

Let me emphasize that the course which is being followed has in no way intruded on the rights of any Member of the Senate. The procedure may not be a very unusual one but it is entirely in order. It is entirely in accord with the rules of the Senate. Indeed, if it were not, the hue and cry, the points of order, would be such as to echo all the way—and properly so—from Florida to Hawaii.

There is a difference between usual and orderly. I am prepared to admit that the leadership has resorted to unusual procedure. But who in this body will say that in considering this legislation we are in the usual situation?

My reaction to the present proposal of the Senator from Oregon at this point is that it, too, is unusual. My reaction to the proposal is that it will not only take us even further from the usual procedure than we are but, at the same time, it will introduce a most unconscionable delay in facing this critical issue.

In the first place, it is a most unusual procedure to refer a bill to committee once it has become the pending business before the Senate. When a bill has progressed to that point, the usual procedure is to debate the bill before the entire Senate, amend it if that is the will of the Senate and, in due course, to vote on it.

To be sure, the Senate acted in an unusual fashion in placing the bill directly on the calendar. But the Senate made that decision, not in haste, but in a daylong consideration of the procedural issue involved and in accordance with the rules. An opportunity was afforded to challenge the procedure. It was challenged by the appeal of the Senator from Georgia of the Chair's ruling that the bill be placed directly on the calendar and the challenge was tabled by the Senate. The bill stayed on the calendar, not by some dictum of the majority leader or the Presiding Officer, but by ruling of the Chair, sustained, in effect, by a majority vote of the Senate.

What is now being asked by the Morse motion is that the Senate reconsider what is has already, in effect, decided. The motion, of course, is in order but it is also unusual.

I acknowledge, Mr. President, that there is much theoretical appeal in the argument of the Senator from Oregon that committee hearings and a report from the judiciary on this measure would be most useful to our understanding and to subsequent interpretations by the courts. But I would say to the Senate, that was done in 1960. A report was transmitted by the committee as directed by the Senate. This is the report which was supplied which presumably was going to be of great help to the courts in interpreting the civil rights bill of 1960. I now read to the Senate the whole report, the entire report of the committee on that legislation, and I ask the Senate to judge what value it might have to the courts in interpreting that law:

REPORT BY MR. HENNINGS, FROM THE COMMITTEE ON THE JUDICIARY

(To accompany H.R. 8601)

The Committee on the Judiciary, to which was referred the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, having considered the same, reports the bill in conformity with instruction of the Senate, with amendments.

STATEMENT

By order of the Senate, agreed to March 24, 1960, H.R. 8601, to enforce constitutional rights, and for other purposes, was referred to the Committee on the Judiciary, with instruction to report back to the Senate not later than midnight Tuesday, March 29, 1960.

The committee met in executive session on March 28 and 29, 1960, during which time testimony was received from the Attorney General of the United States, William P. Rogers; the Deputy Attorney General, Lawrence E. Walsh, and the special deputy attorney general of the State of Georgia, Charles J. Bloch.

The committee considered numerous amendments agreed to by the committee are set forth in the bill as reported to the Senate.

That, I repeat, is the whole report of the Judiciary Committee on a previous instructed referral of a civil rights bill.

I would say to the Senate, look at the hearings on a Senate bill closely related to the pending bill which was referred last year to the judiciary. They consist of 9 days of hearings in which one witness was questioned by one Senator and that was all. I do not believe those hearing give us a fraction of the insight into the significance of this measure when they are compared with the documentation already developed on the floor of the Senate in its preliminary consideration of the question. And if and when we do get down to debate on the substance of the measure, there is every reason to assume that the additional documentation which will be produced on the floor will be extraordinary both in volume and in erudition.

And, finally, I would say to the Senator from Oregon in his understandable concern that the courts have the guidance of a legislative record for purposes of interpretation, what is wrong with the record which is just beginning to develop on the floor? I do not believe that the Senator from Oregon will hold for one moment that a thorough legislative record developed by all the members of the Judiciary Committee plus the balance of the 100 Senators will be held in less esteem by the courts than one developed by 15 committee members alone.

Mr. MORSE. Mr. President, will the Senator yield to me for 30 seconds?

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. I merely wish to say that the U.S. Supreme Court has so held and will continue so to hold.

I also point out the first time I had an opportunity to make my motion was today, because the bill was on the Calendar. That is the regular course of procedure in the Senate; there is nothing unusual about it.

Mr. MANSFIELD. The Senator from Oregon has stated again what he said previously. We differ.

It is obvious that we are going to have the time to develop an exceptional legislation record. We have already been developing it for a longer period than the Senator's motion would allow to the Judiciary Committee and we will be at it for weeks, if not months, more. I venture to say to the Senator, with all due respect, that, in the end, the CONGRESSIONAL RECORD of the proceedings will be more thorough, more complete, more learned in a legal sense than anything which might be produced by a short period of hearings before the able lawyers of the Judiciary Committee.

So while I sympathize with the argument that this bill should be referred to the Judiciary for purposes of developing the usual legislative record, I cannot accept it, at this late date, as an overriding consideration.

I found this argument sufficient cause when I originally propounded the unanimous consent request for an instructed referral. Had it been referred at that time and with the conditions mentioned, it would not have admitted of unconscionable delay. But I find it insufficient cause at this late date, when we have already had an opportunity to develop a considerable record on the floor and will continue to have it.

I must ask the Senate, therefore, to consider fully the implications of the Morse motion to the timely consideration of H.R. 7152. The Senate knows that the motion, if it carries, will deliver the bill to Judiciary for a period of 14 days. By no later than April 8, the committee following its instructions faithfully would report the bill back to the Senate.

But does the Senate realize fully what happens at that point under the rules? Does the Senate assume that H.R. 7152 will once again be, as it is now, as it is after 16 days of debate on the simple question of taking up—does the Senate assume the bill will be the pending business again on its return from committee? If the Senate so assumes, it assumes in error. The bill on its return will not come before the Senate at once. It will go to the calendar, as any other bill which might be reported from committee. It will have no privileged status. It will no longer be, as it is now, the pending business of the Senate. It will be on the list, subject to being motioned up all over again. May I say that it has already taken us since March 9 to get H.R. 7152 motioned up the first time and laid down as the pending business. It will be in committee for the next 14 days if the Morse motion carries. For how many days after, then, will we have to repeat the ordeal of the last two and a half weeks in order to make H.R. 7152 once again the pending business—to get it once again to the point in the legislative process where we are today—where we can debate the issues of the bill and not the question of whether there is an issue to debate? Unconscionable delay? I do not know how others may regard it. But to me, Mr. President, that sort of delay would be most unconscionable.

Let me underscore what I have just said by propounding a series of parliamentary inquiries. Let me make clear that there is a difficulty in this motion, an invitation to unconscionable delay which some of those who now support this motion may have overlooked.

Mr. President, I wish to propound a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Am I correct, in stating that if the Morse motion is adopted, H.R. 7152 will be referred to the Judiciary Committee and that no later than 14 days hence it will be reported to the Senate?

The ACTING PRESIDENT pro tempore. It will have to be reported back on the day stipulated, not later than April 8.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. After H.R. 7152 is considered in committee and reported to the Senate, will the bill be in its present procedural status; that is, will it become again automatically, on being reported from the committee what it is now—that is, the pending business before the Senate, or will it revert on return from committee to the calendar?

The ACTING PRESIDENT pro tempore. It will revert to the calendar and will have to lie over 1 legislative day before a motion to take it up will be in order.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. After H.R. 7152 is reported by the Judiciary Committee and reverted to the calendar, it would have to lie over 1 legislative day and then it would be in order, would it not, to move to proceed to consider it again?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. And that motion to take up would be, except in the morning hour, debatable, would it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. A final parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Except by unanimous consent, is it in order to refer the pending business, H.R. 7152 to the Judiciary Committee with the proviso that when it is reported back to the Senate it will become as it is now, once again the pending business of the Senate?

The ACTING PRESIDENT pro tempore. The only way such a proviso could be included would be by unanimous consent.

Mr. MANSFIELD. Mr. President, the amendment which is offered is an invitation to go back to the beginning and to start all over again. What is involved is not merely the 14 days during which the motion would put the bill in the Judiciary Committee. It is those 14 days plus whatever additional days or weeks it may subsequently take to get the bill off the calendar and pending once again in the Senate.

Whatever its worthy intent, the course advocated is an invitation to delay, to evade, to put off.

In asking the Senate to reject it, I do not ask Senators to prejudge the issues of substance involved in H.R. 7152. My personal judgment is that it is a good bill; but I hope that I am sufficiently openminded not to foreclose adjustments in that estimate, dependent on the argumentation and debate which will transpire on the floor.

Face the issue: that is all the majority leader requests of the Senate. Argue the substance of this bill; amend it if that is indicated. In the end, approve it or reject it, as we will. There will be time enough on the floor—that much is a certainty—to consider every last comma, to reach a decision on the basis of full and complete understanding. But there is not so much time available that weeks, if not months, more can be allocated to procedural matters.

We may go away from this issue by referral, by a repetition of days more of debate on taking up, or by any of the countless provisions of the rules which permit delay, postponement, and evasion.

We may go away from the issue. But the issue will not go away from the Nation.

It seems to me that we owe it to the President to face this question and to face it now. We owe it to the House of Representatives. We owe it to the Senate as an institution. We owe it, in the last analysis, to the Nation and to ourselves.

Senators individually are responsible to their consciences and their constituencies. But the Senate as a whole is responsible to the Nation as a whole. I ask Senators to act individually so that the Senate as a whole will not abdicate that responsibility. I ask Senators, regardless of their views on merit, to permit the Senate to stay with the bill with a single-minded and resolute purpose until we find out what its merits may be and then dispose of it by votes, one way or the other.

I urge the Senate, therefore, to set this motion aside so that we may now come to grips with the substance of the bill.

Mr. President, I move——

Mr. MORSE. Mr. President, before the Senator makes his motion, will he yield 2 minutes to me?

Mr. MANSFIELD. I yield.

Mr. MORSE. I wish to say to the Senator from Montana that I had already elicited all the information he has stated with respect to procedure from the Parliamentarian and had stated it for the RECORD.

It really does not make any difference, when a filibuster situation is facing the Senate, whether the filibuster is being conducted about restoring a bill to the calendar after it had been reported by committee, or whether the filibuster is on any other point. There will be a filibuster.

The procedure is to let the filibuster continue until the Senate can obtain a vote for cloture. Once the cloture vote has been obtained, whatever filibuster has been started will be stopped, not before.

So I am not at all moved by the argument that the bill will not be placed on the calendar when it comes from committee, because whether it is on the calendar or not the Senate will be confronted with a filibuster, and the debate will continue until the Senate votes cloture. Once the Senate becomes convinced that it can stop a filibuster by cloture, there will be no trouble in getting a cloture vote as many times as it is needed.

Next, the 1960 civil rights bill is not a good analogy to be offering to prove a point in connection with this debate. The 1960 bill was pretty weak stuff. Most of its strength was eliminated before it ever moved through the Senate.

It may be that the Committee on the Judiciary, in considering this bill, the most important, extensive and most discussed bill on civil rights that I believe the Senate and the people of the country have ever faced in many a year, may give it the kind of treatment that the Senator from Montana has said the 1960 bill received.

Does not the Senator believe we ought to find that out? Does he not believe we ought to ascertain whether the Senate has a Committee on the Judiciary composed of a majority of members who will provide us with that kind of report? I will tell Senators one of the things that concerns me. I am somewhat concerned as to whether or not there are those who would like to permit the Committee on the Judiciary to escape its responsibility to draft for the Senate a sound report that can be used not only in the debate, but also in the litigation that will arise afterward.

I close by saying to the Senator from Montana that he is wrong in his law. All the debate in the Senate, without having a committee report, will not establish legislative intent.

Today the Southern Railway case was cited. That case involved two committee reports. After all, the reference to the debate on the Senate floor was in relation to a bill on which there were committee reports attached. I cited cases today to show that when that kind of situation exists, the courts will at least consider what the prominent leaders of the bill said on the floor of the Senate.

The law is against the Senator from Montana, but in my judgment what is against the Senator from Montana more than anything else is that he opposes following the procedure that has been outlined in my motion, for that is the way, ultimately, to get cloture, and that is the way to pass, finally, a bill of which the Senate can be proud.

Mr. MANSFIELD. Mr. President, I wish to corroborate what the distinguished Senator from Oregon has said. Many of the points which I have just brought out were brought out for the purpose of emphasizing them. They had been brought to the attention of the Senate before by the distinguished senior Senator from Oregon. Not being a lawyer, I could very well be wrong on the law, but being an ex-miner, an ex-rancher, and an ex-teacher, I believe I could very well be right on the facts. Whether or not I am right or wrong will of course be up to the Senate to test in its wisdom.

I move, Mr. President, that the motion——

Mr. GORE. Mr. President, will the Senator yield before he makes the motion?

Mr. MANSFIELD. I yield.

Mr. GORE. Mr. President, I ask the Senator to yield only briefly.

Mr. MANSFIELD. I yield.

Mr. GORE. Mr. President, in section 602, the first sentence uses as its verb the word "shall". In the second sentence the verb is "may."

I inquired of the Justice Department why the word "may" was used, and I received a 5-page memorandum on the word "may." This illustrates the need for clarification.

I suggest to the majority leader, although he has already taken his position, that a few days of careful consideration now by a committee of lawyers—a committee of 15, of which only 4 are southerners—might well save weeks later.

I should like to know the meaning of the terms with some more specific reference as to the legislative intent. We have seen repeatedly in the Senate the incongruous situation of a Senator, albeit a very able and distinguished Senator, the senior Senator from New York [Mr. JAVITS] giving to the Senate, or undertaking to do so, an interpretation of the bill, and the alleged legislative intent.

I invite the attention of the Senators to the fact that the distinguished senior Senator from New York is neither the author of the bill nor a member of the Judiciary Committee, nor a member of the majority party. The orderly and prudent procedure is to refer the bill to the appropriate committee with instructions to report it back in accordance with the instruction contained in the motion of the senior Senator from Oregon. I shall so vote.

I appreciate the courtesy of the majority leader.

Mr. MANSFIELD. I thank the Senator.

Mr. President, I move to table the motion of the distinguished senior Senator from Oregon, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the motion of the Senator from Montana that the motion of the Senator from Oregon that the bill be referred to the Judiciary Committee, with certain instructions, be laid on the table.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE (when his name was called). On this vote, I have a pair with the junior Senator from Washington [Mr. JACKSON]. If the junior Senator from Washington [Mr. JACKSON] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. JORDAN of Idaho (when his name was called. On this vote, I have a pair with my colleague, the Senator from Idaho [Mr. CHURCH]. If the Senator from Idaho [Mr. CHURCH] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. WALTERS (when his name was called). I have a live pair with the Senator from West Virginia [Mr. RANDOLPH]. If the Senator from West Virginia [Mr. RANDOLPH] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], and the Senator from Washington [Mr. JACKSON] are absent on official business.

I also announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Utah [Mr. MOSS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Hampshire [Mr. COTTON] is absent to attend the funeral of a friend.

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Wyoming [Mr. SIMPSON]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Wyoming would note "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from New Hampshire [Mr. COTTON]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New Hampshire would vote "nay."

The result was announced—yeas 50, nays 34, as follows:

[No. 103 Leg.]

YEAS—50

Aiken
Bartlett
Bayh
Beall
Boggs
Brewster
Burdick
Carlson
Case
Clark
Dodd
Douglas
Edmondson
Engle
Fong
Hart
Hartke
Hruska
Humphrey
Inouye
Javits
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Yarborough
Young, Ohio

NAYS—34

Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Dirksen
Dominick
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Gruening
Hayden
Hickenlooper
Hill
Holland
Johnston
Jordan, N.C.
Lausche
Long, La.
McClellan
Mechem
Morse
Morton
Robertson
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—16

Allott
Anderson
Bennett
Bible
Church
Cotton
Curtis
Jackson
Jordan, Idaho
Monroney
Moss
Pearson
Randolph
Simpson
Tower
Walters

So the motion to lay on the table was agreed to.

Mr. INOUYE obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield?

The **ACTING PRESIDENT** pro tempore. Does the Senator from Hawaii yield to the Senator from Georgia?

Mr. INOUYE. Mr. President, I yield with the understanding that I shall not lose my right to the floor.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. INOUYE. I yield.

Mr. RUSSELL. Mr. President, unfortunately today, by the vote that has been taken in the battle for constitutional government, we have lost a skirmish. A battle has been lost. We shall now begin to fight the war.

The great odds against us are clearly apparent. Washington has not seen such a gigantic and well-organized lobby since the legislative days of Volstead and the prohibition amendment. Even the society section of one of Sunday's newspapers was devoted to various activities of the good ladies attending sessions and visiting on Capitol Hill. Groups of ministers from all over the Nation arrive in relays, demanding that Senators resolve all constitutional doubts, however genuine they may be by voting in favor of the bill.

As these people undertake to make a moral issue of the pending question, the politicians are having a field day sanctimoniously moralizing over what is essentially a political question. We in the minority have much greater difficulties than did the minority in the Volstead fight. In this case the President of the United States, leaders of both political parties, and the most gigantic bureaucracy ever supported by tax money are using every available pressure to influence votes for the bill. Tax-paid representatives—lawyers—of the Department of Justice, in large numbers, have either been rotating through the gallery in shifts or scattered throughout offices assisting Senate employees, including those of the Democratic policy committee, in furnishing ammunition to Senators who support the bill.

I again state that those who are advocating the bill with the slightest hope that even this far-reaching and sweeping proposed legislation will begin to satisfy those who are supposed to be its beneficiaries are in for a rude awakening. Even if the bill is enacted, these groups will be back here next year with new and increasing demands. Senators may recall the several steps in the so-called prohibition era.

First, it was temperance; then it was the Anti-Saloon League; then it was total prohibition. Senators will see that course followed in respect to the proposed legislation.

There are many ethnic groups among our diverse population which, by their own mental efforts, have earned acceptance, equality, and leadership. Many individual Negro citizens have accomplished this for themselves. But for the first time in our history a group of American citizens are resorting to force and intimidation and demanding special legislation as a means to achieve these ends. The American people would do well to blow away the emotional smokescreen which obscures the real issues before irreparable damage is done to the fabric of constitutional government. Despite overwhelming odds, those of us who are opposed to the bill are neither frightened nor dismayed. We shall renew the contest next week with a firm conviction that we are fighting the good fight for constitutional government.

Make no mistake about it. If the bill is enacted as it is now written, it will not only change the social order to which the Senator referred, but it will also change the form of our Government.

Mr. President, we shall enter into the battle next week with the earnest hope and prayer that we may find the means and strength to bring the facts of the issue to the people of this self-governing Republic before it is too late.

Mr. INOUYE. Mr. President, I ask unanimous consent that I may yield to the Senator from Wyoming [Mr. McGee] without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, I have been waiting all afternoon to speak. There are approximately 15 other Senators who wish to speak. I shall have to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Hawaii has the floor.

Mr. WILLIAMS of Delaware. Mr. President, I withdraw my objection if the Senator will yield to me——

Mr. JAVITS. Mr. President, reserving the right to object, we all have been waiting. It is understandable that a Senator who has the floor should yield to Senators for unanimous-consent requests or to make brief statements. But he should not yield for speeches. There is no reason for having to wait a half hour. I do not think there is anything fair about that.

The ACTING PRESIDENT pro tempore. The Senator yielded——

Mr. JAVITS. The Senator asked unanimous consent. The Senator from Delaware objected. He withdrew his objection. I have a right to object. I do not intend to object, but I think the situation can be organized a little better. I suggest that a Senator who has a unanimous-consent request which would not take more than 30 seconds or so should not have to remain in the Chamber all afternoon.

The ACTING PRESIDENT pro tempore. Does the Senator from Hawaii yield; and, if so, to whom?

Mr. INOUYE. I yield to the Senator from Wyoming [Mr. McGee].

PURCHASING, PROCESSING, MARKETING, AND PRICING PRACTICES OF LARGE FOOD CHAIN STORES

Mr. McGEE. Mr. President, I express my appreciation to the Senator from Hawaii for yielding to me for a very brief statement.

Mr. WILLIAMS of Delaware. Mr. President, I will withdraw my objection to any statements.

The ACTING PRESIDENT pro tempore. The Senator from Delaware withdrew his objection. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, the Commerce Committee has just concluded the first 3 days of hearings on a resolution, Senate Joint Resolution 71, which I have sponsored, to authorize the Federal Trade Commission to conduct an investigation into the purchasing, processing, marketing, and pricing practices of the large food chainstores. This resolution grew out of some unusual and highly suspicious market changes on the beef market beginning about 15 months ago. Perhaps the dirtiest of the allegations being made is the threats of retaliation against many suppliers who dared to criticize the major purchasers of foods.

Mr. President, fear and intimidation are ugly words. They are words that should not be used in describing business practices in our American free enterprise economy. Yet these words have been used, in direct testimony, by men who have witnessed attempts by large food chainstores to threaten reprisals against cattle suppliers who might testify concerning some of the tactics used to control and manipulate the American beef market.

An official of the Denver Union Stock Yards declared that, in his presence, one operator in the Denver area had said that he didn't dare appear at a witness because the big chains would put him out of business. An official of a Rocky Mountain farmers' organization testified that a cattleman of his acquaintance in the Denver area had already been threatened by the refusal of chains to buy his cattle because of his criticism of chainstore marketing methods. And a third witness, Mr. James G. Patton, president of the National Farmers Union, reported that a manager of a Farmers Union cooperative told him that he did not dare testify because he was dependent upon the chains for most all that his group marketed.

Mr. President, these are serious charges. If true they reflect an unconscionable use of concentrated economic power. I serve notice now that the Congress dare not greet such pressures with indifference. They threaten the search of a duly commissioned committee of Congress for the facts. They jeopardize the operations of a free society. The plight of the captive suppliers for the chains is one of Hobson's Choice of slowly going broke because of continued low prices and being put out of business because the major markets for their produce seek to destroy them through retaliation. It is appropriate to add at this point that, since these hearings have been underway, several other groups have come to me privately describing similar threats from the large chains. It may be that the Congress, when it finishes its meat inquiries, should look at the pressure economics and pressure politics of the gigantic marketing agents in the country.

One other development of interest in the committee hearings has been the strange activity on price lines. It was reported to the committee in testimony that, very soon after the announcement of the committee's intention to investigate chainstore marketing practices, there suddenly appeared a flurry of meat sales which reflected sharply cut beef prices. Curiously enough, 3 or 4 days later—so it was reported—the beef prices to the housewife were back up to their old high level. The intimation made was that we can expect further concentrated efforts on the part of the food chains to allay the housewife's suspicions and misgivings by giving her temporary relief from high meat prices in "quickie" weekend sales for as long as the "congressional heat" remains on this question. If this be true, I for one want to assure these predators of a free market that "congressional heat" is not going to be permitted to die down until the marketing conditions have been cleaned up.

What the committee is asking essentially is: Who repealed the law of supply and demand in meat marketing? For as the price to the stockman has gone through precipitous drops on the one hand, the price to the housewife either remains static or, in many instances, has steadily risen. Beef producers in our country have lost in excess of $2 billion in the last year in skidding prices. These losses in some of our areas represent price drops of as much as 30 or more percent to the grower, but the retail price across the counter has not reflected the savings to the chain stores.

The amount of concern that has manifested itself over a study of chain store marketing practices, the nationwide interest from all sections of the country that is now begging the Congress to go ahead with a searching examination in this field, and the desperate plight of many of our independent producers in varied economic groups all demand that a substantive investigation in depth be launched without further delay.

What this may require in the form of new legislation and examination is yet to be seen, but it does say that the Congress must demand the facts—all of the facts. It is now time that we ask the right questions without being afraid of the right answers.

Mr. President, Napoleon said that an army travels on its stomach. That statement could now be modified to say that an army travels, period. In fact, our whole Defense Establishment is keyed to the ability to transport men and materials with speed and efficiency to the places where they are needed.

It is very encouraging to know that this Nation is prepared to meet its transportation needs in case of an emergency. The extent of this preparation was outlined recently by C. K. Faught, Jr., Deputy Director, Office of Emergency Transportation, in a speech before a group of OET regional executive reservists in St. Louis, Mo., on March 24. I would add, Mr. President that Wyoming is proud to claim Mr. Faught as a native son.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF C. K. FAUGHT, JR., DEPUTY DIRECTOR, OFFICE OF EMERGENCY TRANSPORTATION, DEPARTMENT OF COMMERCE, BEFORE THE OET REGIONAL LEVEL EXECUTIVE RESERVISTS, ST. LOUIS, MO., MARCH 24, 1964

This is a very dangerous world. It is sobering to reflect on the measures that may be required to provide for the survival and maintenance of the economic capability of the United States under emergency conditions.

History has well emphasized the importance of transportation in emergencies.

By Presidential order the Secretary of Commerce is responsible for coordinating plans for the centralized direction of civil transportation in a national emergency. His assignment includes all land, water, and air transport, whether foreign or domestic. He is to determine the proper allocation of all civil transportation resources between essential civil and military needs.

The Under Secretary for Transportation created the Office of Emergency Transportation within his office to do this job.

This assignment is more extensive, with respect to centralized control of civil transportation, than any before given to a single agency. In World War II the emergency transportation function was divided into three parts: Domestic surface transportation to the Office of Defense Transportation; ocean shipping to the War Shipping Administration, and air transportation to the Military Directorate of Civil Aviation. Now it is to be a unified approach which recognizes that there is basically but one national transportation system. Efficient utilization demands centralized control.

To this end the Office of Emergency Transportation coordinates current emergency preparedness functions of our Federal transportation agencies. These include the Maritime Administration and the Bureau of Public Roads, within the Department of Commerce, and the independent agencies—the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Aviation Agency. The Office of Emergency Transportation relies on these transportation agencies for the operation and utilization of transportation. Under emergency conditions and upon Presidential direction to the Secretary of Commerce, the Office of Emergency Transportation would assess the essential civil and military movement requirements against available civil transportation capability and direct allocations and priorities.

The relative urgencies of competing claims would be determined by the Executive Office of the President. It is important to note that the Department of Defense, being responsible for both military and civil defense, is nevertheless a claimant for civil transportation resources and not a controller of civil transportation services and facilities.

In developing our plans for the coordinated employment of the civil transportation capacity in an emergency we work under the close guidance and direction of the Office of Emergency Planning. Executive Order 10999 makes us responsible for the following matters: Centralized control of all modes of transportation in an emergency; long-range programs to integrate the mobilization requirements for movement of all forms of commerce with all forms of national and international transportation; plans to claim supporting materials, manpower, equipment, supplies, and services which would be needed; and coordination of the transportation programs which involve other departments and agencies which have responsibilities for any segments of such activity, and utilize to the maximum the capabilities of other agencies.

The new national plan and especially chapter 6, covering transportation, sets the guiding policy and framework of how State, local, and National requirements are apprised and interrelated.

OET is developing an executive reserve unit composed of leaders in the transportation industry. Eight outstanding transportation executives and industrial traffic managers have accepted appointments as OET regional director designates to serve under emergency conditions. Other augmentation will come from elements of the Office of the Under Secretary for Transportation from elsewhere within the Department of Commerce where peacetime functions would have no continuing need during a national emergency.

Related activities of OET include allocation of civil air carrier aircraft to the Civil Reserve Air Fleet, and to the war air service program, the aviation war risk insurance program, assistance and guidance to State and local governments in their own transportation emergency preparedness programs, and participation with the U.S. delegations to such NATO planning groups as the Civil Aviation Planning Committee and the Planning Board for Ocean Shipping.

A particularly important aspect of our work is the transportation allocations, priorities and controls (or TAPAC) system. The TAPAC system, implemented through the Federal agencies, will enable OET to control the utilization of all modes of civil transportation in the national interest. It involves these steps:

Step No. 1 is the accumulation of data to give us total transportation capability for all modes. This would be compiled by Federal regulatory and promotional agencies. These agencies—ICC, Maritime Administration, Bureau of Public Roads, Federal Aviation Agency, CAB, and Department of the Interior—would continue to perform their normal functions as established by statute or Executive authority.

Step No. 2 is the gathering of time-phased transportation requirements, from the "claimant agencies" such as Department of Defense for military requirements and for civil defense; Department of Agriculture for food resources, farm equipment, fertilizer, and food resource facilities; Department of the Interior for petroleum and gas, solid fuels and minerals; and Business and Defense Services Administration for all other materials and production facilities.

Step No. 3 is the analysis and evaluation of these requirements with respect to relative essentiality and, finally;

Step No. 4 is the apportionment and allocation of the total civil transportation capacity.

These allocations will be issued in bulk to the major claimant agencies who will then issue suballocations down to the actual shipping agencies and industries. They will manage their own movements through their own internal controls, including a standard priority system.

OET's efforts are primarily directed toward a war emergency but it might well be called upon to provide the framework of centralized control and direction of the use of the Nation's civil transportation capacity in other situations. For example, the Cuban crisis and the narrowly averted interruption of rail service last August 28 tested the ability of OET to respond to the actual standby application of priority categories to critical cargoes.

Had the threatened railroad strike occurred OET was ready to function in response to executive direction and the White House was prepared to issue an Executive order which would have directed the Secretary of Commerce to establish transportation priorities. The Federal transportation agencies and all Government departments having functional or resource responsibilities involving requirements for movement of personnel or freight were alerted and ready to implement a priority system which, in effect, would have limited traffic to that essential to defense programs or to the public health or safety. The policies, established by OET with Office of Emergency Planning concurrence, would have been promulgated by the regulatory agencies through their normal procedures and made effective by shipper and carrier implementation.

The pattern of our activities during that crisis was very similar to the way we would function in a war emergency.

The broad outlines of the emergency documents drafted in preparation for a railroad work stoppage will give some insight into probable future emergency procedures.

The documents were directed to transportation agencies, to all executive branch agencies which ship or which generate passenger traffic, and to departments and agencies having an interest in the major sectors of the economy. Each agency drafted its own implementing documents to guide carriers, shippers, and travelers. The Government agencies were to designate traffic managers—in and out of Government—to apply identifying symbols to shipping or travel documents, so as to validate shipments for priority handling by carriers. A priority list provided the standards for validation. Carriers would have been authorized and required to honor validated documents.

Each Government agency was asked to limit its priority shipments to the minimum. The Defense Traffic Management Service and other action agencies prepared their own procedures for use of these emergency documents well in advance.

To establish a sound planning basis of how much transportation capacity, by mode, is presently available, we have commissioned research by a topflight transportation consulting organization. We are evaluating their report. It will be released under the title, "An Analysis of Potential Emergency Transportation Capacity, 1964."

We are now consolidating and reviewing the results of our first survey of the emergency transportation requirements of the claimant agencies. Military requirements are revised annually by the Joint Chiefs of Staff. The civil agencies have never before been called upon for such a comprehensive analysis of transportation demand and capability. In this current call we asked for estimates of requirements based upon 20 selected commodities which we find to be basic indicators of total traffic movement. By analyzing, totaling and extrapolating the transportation requirements for these 20, we can project total needs under emergency conditions.

Based upon information gained from the Emergency Transportation Capability Studies and from the call for requirements we can (1) plan preliminary allocations to claimants; (2) identify areas of critical shortages; and (3) recommend measures to improve our emergency transportation readiness.

To respond to the awesome problems of providing transportation in a future emergency, sense in transportation preparedness dictates complete reliance on the expert ability of the traffic manager and the transportation operating executive in all phases of our planning.

This concludes my remarks. I shall be pleased to respond to any questions.

ALLEGED FORGERIES ON TAX RETURNS IN THE ROBERT BAKER CASE

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I wish to discuss for a couple of minutes the recent investigation of the Senate Rules and Administration Committee into questionable activities of some of the Senate Members, its employees, or former employees.

Yesterday I referred briefly to the fact that Mr. Hauft, an accountant, had on March 12, 1964, transmitted through me to the chairman of the Rules Committee an affidavit to the effect that his signatures appearing on certain income tax forms of Mr. Baker's and his partnerships were forgeries.

As I understand, this point is accepted by the Rules Committee, and an official of the Treasury Department last Friday confirmed that the signatures of the accountant appearing on the Carousel Motel tax return, as well as Mr. Baker's personal tax returns were not bona fide signatures of the accountant, but were forgeries. The accountant further charged that at no time had he ever taken part in the preparation of Baker's partnership returns, upon which his forged signature appeared.

The question as to whether or not the final tax return as filed with the Treasury Department is more or less accurate in reporting Mr. Baker's or his partnership's income is immaterial. The question as to whether or not the accountant would have signed the revised version of Mr. Baker's return had it been presented to him is likewise immaterial. Forgery is forgery.

There can be no contradiction of the fact that forgeries have been made; and both the committee and the Department of Justice have a responsibility to determine who forged the signatures, when, and for what purpose it was done.

At this point, Mr. President, I refer again to a letter which I placed in the Record yesterday from Mr. Colin F. Stam, in which he confirmed the fact of the penalty provisions applicable to a situation in which a tax return had been filed involving a forged signature in the preparation of a return. That letter was printed yesterday in the Congressional Record, and I am making it a part of the official report today.

There is another angle to this transaction which gives me great concern; and that is, the procedure which was followed by the committee on Monday.

On Monday, the Senate Committee on Rules and Administration arranged an off-the-record meeting between Mr. Hauft, the accountant who had first presented the charges of forgery to the committee, and Mr. Edward Bennett Williams, the attorney for Mr. Baker.

This meeting was arranged at Mr. Bennett Williams' office. Mr. Hauft, the accountant, was instructed by the chief counsel of the Senate Rules Committee to go to Mr. Williams' office in downtown Washington accompanied by Mr. Edward Hugler, one of the staff investigators.

He was told by the chief counsel that the committee wished him to keep this appointment which had been arranged with Mr. Baker's lawyer in order to examine and bring back to the committee his original work papers from which he had prepared the tax returns.

Prior to going to the meeting Mr. Hauft insisted on talking to Major McLendon and on getting his instructions direct from him.

Mr. Hugler and Mr. Hauft arrived at Mr. Bennett Williams' office at approximately 4 p.m. Monday afternoon, and they were immediately taken into his office. Mr. Williams asked Mr. Hugler, the committee staff member, to sit on the far side of the room while he and Mr. Hauft reviewed certain papers which he had originally used to prepare Mr. Baker's tax returns. Mr. Hugler not only stayed in the room throughout the conference, but upon entering the room he had presented to Mr. Baker's attorney his credentials as a staff investigator.

After reviewing the papers which Mr. Williams presented to Mr. Hauft he identified them as his original worksheets. A copy of these papers was then given to Mr. Hauft. Mr. Hugler and Mr. Hauft then left Mr. Williams' office and returned to the Senate Rules Committee where additional copies of the work papers were made by Mr. Hugler, and those copies were left with the committee.

At this meeting the 1961 personal tax returns of Mr. Baker's were the only ones which were reviewed by Mr. Baker's lawyer, Mr. Bennett Williams, with Mr. Hauft and Mr. Hugler. It should be noted that the partnership returns for the Carousel Motel which likewise bore the forged signatures of Mr. Hauft were not mentioned in the subsequent press release.

Furthermore, these documents which were sent to the committee by Mr. Baker's attorney are a part of the same papers for which the committee had earlier issued a subpena. Mr. Baker, upon the advice of his lawyer, ignored that subpena and invoked the fifth amendment.

Personally, I seriously question the propriety of the Senate Rules Committee's sending one of its witnesses to the office of Mr. Baker's attorney for a personal interview before he had even been called by the Rules Committee to give his testimony concerning these forgeries—but since Mr. Baker, through his lawyer, has not seen fit partially to comply with the Senate Rules Committee's request for his official records as named in the original subpena, I do not see how Mr. Baker can further refuse to furnish the remaining portion of his business records.

Mr. President, there is one report which disturbs me; and that is, the incident which is quoted in an article in the New York Times today, and I am quoting from the article:

> A staff investigator for the committee said later that his investigation of the tax returns of the former secretary of the Democratic majority of the Senate for a period of 4 years before 1962 had failed to reveal anything of a suspicious nature.
>
> Spokesmen for the Internal Revenue Service also took the witness stand today to testify guardedly about their own investigation into Mr. Baker's tax situation.
>
> They explained that secrecy safeguards established by statute prevented unauthorized disclosure of tax information, and successfully blocked several lines of inquiry by members of the panel.

I do not know just what was proved by this statement. I did not understand that the Rules Committee was reporting on tax returns. I thought that was something for the Treasury Department to do. Whether Mr. Baker's returns are in order or not, members of the Rules Committee themselves can express their own opinions. However, I was interested to note that in the papers which were included as a part of the official committee record there appears some rather interesting items. Most taxpayers are called upon to itemize such deductions, but as the reports were furnished to the committee, I see no mention of itemization. I am not unmindful of the fact that Mr. Baker, as an employee of the Senate, at a salary of $18,528.65, had at his disposal a Lincoln car. This car was at his disposal 24 hours a day for use in his official duties.

In addition to that it is interesting to note that he claimed depreciation of $560 on a 1957 Cadillac. Allegedly he was using this car also for official duties since he claimed $560 depreciation.

In addition I noticed on the report that he claimed for taxi fares and parking a deduction of $824.

In addition, there is an amount for personal air travel. As an employee of the Senate he is reimbursed by the U.S. Government for his travel on official business. But, in addition, we find Mr. Baker, according to the report furnished the committee yesterday, claims a deduction of $2,565.93 for air transportation.

Altogether this makes quite a little travel for a man employed on full-time duty in the Senate who has a car at his disposal all the time.

I merely list these items for what they are worth.

As a business deduction, Mr. Baker claimed $511.30, in entertainment expenses. In his official status in the Senate he claimed another $1,521.24 as entertainment expenses. I notice another item for flowers in the amount of $115.33; for meals and lodgings while out of town he claimed $427.33. Deduction for club dues, which I understand includes the dues for the Quorum Club, amounted to $490.71.

In addition to these deductions I understand on his 1962 tax return there is a $40,000 item which he admits receiving as a fee from somewhere. Mr. Baker took the fifth amendment as to who paid this fee.

In the light of these nonitemized deductions I wonder how anyone could say within any degree of accuracy that all of this has now been accounted for and that there is nothing wrong with his tax returns. I fail to understand that conclusion. Mr. Baker has taken the fifth amendment before the committee and has flatly refused to cooperate. Now, unless there has been some more off the record meetings between the committee and Mr. Baker or his counsel which we do not know about, I do not know how they could have verified these various items. Significantly, no itemized report is included as a part of the documents which are officially a part of the committee record.

I raise this point because I do not think any Member of the Senate should try to prejudge the tax returns of Mr. Baker by charging that they are out of order, but likewise I do not think that anyone should try to create the impression that they are all in order when it is obvious that none of us as Members of the Senate have any knowledge whether they are right or wrong. That is the responsibility of the Treasury Department. Our responsibility in this investigation is solely to find out what has been going on and report whether there has been improprieties of a moral or business nature, or any conflict of interest, and so forth.

Now, there is no question but that this off-the-record meeting of this key witness with Baker's attorney was arranged by the Rules Committee. As evidence of this I quote the questions which I asked Mr. Hauft:

> Senator WILLIAMS. Did Mr. Bennett Williams know that the Mr. Hugler who accompanied you on this trip was a representative of the Senate Rules Committee?
>
> Mr. HAUFT. Definitely yes, because Mr. Hugler presented his credentials to Mr. Williams.
>
> Senator WILLIAMS. And had this meeting between you and Mr. Bennett Williams been arranged by the Senate Rules Committee?
>
> Mr. HAUFT. Yes, because I had no knowledge of it before they so advised me at 3:30 p.m. on March 23, 1964.

I am not a lawyer, but I will say as a layman that I was always given to understand that the prosecuting attorney did not send his key witness down to the defense counsel for an off-the-record interview before he put him on the stand. To me that procedure appears to be highly improper.

Mr. SCOTT. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield for a question.

Mr. MAGNUSON. Mr. President, the Senator from Hawaii has the floor.

The PRESIDING OFFICER. The Senator from Hawaii yielded the floor. The Senator from Delaware has the floor.

Mr. WILLIAMS of Delaware. I yield for a question.

Mr. SCOTT. My question turns on the $820 to which the Senator has referred, for taxi fares, while Mr. Baker was secretary to the majority. In view of the fact that he had a full-time occupation with the Senate, supposedly, and in view of the duties of his office—and, incidentally, he took the fifth amendment, and would not state what his duties were, although we are aware of what they were—and in view of the fact that some of the duties of his office included the ascertaining of the whereabouts of Senators, members of his party, and in ascertaining how they might be expected to vote on given issues, I am wondering whether or not Mr. Baker would have to spend $820 in taxi fares.

Does the Senator think it would be necessary to round up Senators from the majority side to the extent that it would require Mr. Baker to spend that much money? I may say that from my experience I would not expect it would be necessary, with two automobiles at his disposal.

Mr. WILLIAMS of Delaware. In view of the fact that Mr. Baker had an official Government car at his disposal 24 hours a day, I do not know how he found time to utilize $2,565 worth of air travel and to spend $824 for taxi fares, and do all the entertaining—over $2,000—which is alleged he had done. It must have been rather expensive entertainment and far above what we are accustomed to.

I make one further point. Unofficially, I talked with a representative of the Treasury Department who indicated:

> Well after all, these signatures of the accountant on the returns are not Mr. Hauft's signatures. They were put there by some person unknown, but it is not a criminal forgery.

I never heard that there were two types of forgeries.

I asked what he meant; he said that Mr. Baker did not try to write the name in the same manner, in the same style. I fail to see that there is any difference. If a man's signature appears on a tax return along with the forged name of an accountant obviously it has been done with the intention of creating the impression that the accountant had audited his income and expenditures for the year.

I submitted this question to Mr. Colin F. Stam, chief of staff of the Joint Committee on Internal Revenue Taxation, and Mr. Stam's letter was placed in the RECORD yesterday. Mr. President, for continuity, I ask unanimous consent that Mr. Stam's letter again be printed in the RECORD at this point.

This is an important point in this case.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> CONGRESS OF THE UNITED STATES,
> JOINT COMMITTEE ON INTERNAL
> REVENUE TAXATION,
> *Washington, March 25, 1964.*
>
> Hon. JOHN J. WILLIAMS,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR WILLIAMS: This is in response to your inquiry regarding the penalty provisions applicable in a situation where a tax return has been filed with a forged signature of a preparer of the return.
>
> Under the Internal Revenue Code, such an offense may be prosecuted under section 7206(1) or under section 7207. Section 7206 (1) provides:
>
> "Any person who—
>
> "(1) Declaration under penalties of perjury.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or".
>
> * * * * *
>
> "shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 3 years, or both, together with the costs of prosecution."
>
> Section 7207 of the Internal Revenue Code relating to fraudulent returns, statements, or other documents provides:
>
> "Any person who willfully delivers or discloses to the Secretary or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047 (b) or (c) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."
>
> Such an offense may also be prosecuted under section 1001 of the Criminal Code of the United States (title 18, U.S. Code), which provides:
>
> "SEC. 1001. Statements or Entries Generally. Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."
>
> Sincerely yours,
> COLIN F. STAM,
> *Chief of Staff.*

Mr. WILLIAMS of Delaware. It is important to establish beyond any doubt the fact that a taxpayer cannot forge an accountant's name on his return as the preparer of the return. If it is not his signature he is violating the law and must pay the penalty. That is the law. If it is not accepted as the law, then our whole enforcement provision under the Revenue Code falls down.

There are two sections of the code which provide a penalty for affixing a false signature. Those provisions were put in the law at the time we removed from the code the requirement that the return be sworn to before a notary. There is no question about the law. There is but one kind of forgery.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. The Senator is aware, is he not, that on the income tax return, above the place for the signatures, there is the notation that a person subscribing his name thereto is aware that any false statement by him renders him liable to criminal prosecution for perjury? That is at the bottom of the income tax return, is it not?

Mr. WILLIAMS of Delaware. Yes. Mr. Stam in his letter states that a person who is guilty of such an act shall be guilty of a felony and upon conviction shall be fined not more than $5,000 or imprisoned not more than 3 years, or both, together with the costs of the prosecution.

Mr. SCOTT. The Senator is also aware of the fact that there are criminal statutes which make it illegal to put anything in a Federal income tax return for the purpose of deceiving the Government, or withholding information from the Government, or for misleading the Government. Is that correct?

Mr. WILLIAMS of Delaware. That is correct. Mr. Stam also stated it appears under section 7207 of the Internal Revenue Code, which is tied to the penalty provision of section 1001 of title 18.

Mr. SCOTT. Is the Senator from Delaware further aware of the fact that yesterday I inquired, with respect to the income tax returns allegedly signed by Baker, with the name of Mr. Hauft—and incidentally, Mr. Hauft's initials are M. L.—as to whether they had in fact been signed by the same man, and whether they had been signed in Mr. Baker's own handwriting, and I asked the committee to consider calling in a handwriting expert to determine that point, inasmuch as we are circumscribed in the questions we can ask under the internal revenue laws, and I was advised by counsel that that would be considered, but counsel said there might be other ways in which we could get the same information.

Mr. PELL. Mr. President, will the Senator yield?

Mr. SCOTT. I am not finished. I do not want this investigation to close—I do not want it to close in any event at this time—but I do not want it to close without our having ascertained whether or not Mr. Baker signed the name of Mr. Hauft on the return and whether he signed the name of Mr. Hauft on the return of the Carousel Motel.

Mr. WILLIAMS of Delaware. It is important to find out who forged the name of the accountant on the returns. However, the advice I received was that whoever files a return bearing a false signature assumes the responsibility. Mr. Baker filed these returns. He therefore assumed the responsibility for the forged signatures. Conceivably, he could say, "That is a forged tax return; I did not sign it." He could say, "I did not even sign my own name to the report." In that event Mr. Baker would have no tax return filed, and there would be two forgeries and a tax evasion. However, the burden of proof comes back on the taxpayer; he has verified all this information on the return and he has certified the signature when he signed it. Mr. Baker has to do more than take the fifth amendment to get out of this one.

This is a clear-cut case for the Department of Justice.

Mr. SCOTT. Is the Senator aware of the fact that when the Committee on Rules and Administration, under the direction of the majority, sent subpenas to various banks having made loans or having had other transactions with Mr. Baker, certain of those subpenas were carefully drawn to contain in the demand for the records from the banks a blanket demand for any records pertaining to the tax return or any papers that were related to the tax returns of Mr. Baker and his wife; but—and I repeat this and I ask Senators to give careful attention to this—but that on the subpena for Mr. Baker to testify there was no demand in it that Mr. Baker produce his own income tax return, copies of his return, and his working papers, or anything directly pertaining to the return of Mr. Baker and his wife, even though Mr. Baker, and not the banks, would be expected to know the most about his tax return, but probably would have no information whatever on it. Was the Senator from Delaware aware of this strange omission?

Mr. WILLIAMS of Delaware. I was not. I have not seen the subpenas.

Mr. SCOTT. Mr. President, I ask unanimous consent to insert the subpena in the RECORD.

There being no objection the subpena was ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
CONGRESS OF THE UNITED STATES.

To ROBERT G. BAKER, *Washington, D.C., Greetings:*

Pursuant to lawful authority, you are hereby commanded to appear before the Committee on Rules and Administration of the Senate of the United States, on February 19, 1964, at 10 a.m., at their committee room, 305 Old Senate Office Building, Washington, D.C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and produce for the period January 1, 1960, through October 7, 1963, the documents described in schedule 1, attached hereto and made a part hereof.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To W. E. Meehan to serve and return.

Production of these records at the office above-described will be waived at this time, if made available for inspection forthwith to the committee's investigators.

Given under my hand, by order of the committee, this 14th day of February, in the year of our Lord 1964.

——— ———,

Chairman, Committee on Rules and Administration.

SCHEDULE I—A PART OF SUBPENA OF ROBERT G. BAKER

1. All records, memorandums, and documents showing payments in money or property made to Robert G. Baker by Don B. Reynolds.

2. All correspondence or documents relating to promissory notes or other obligations from Robert G. Baker to Don B. Reynolds, together with any contracts or agreements between them relating to any or all business or financial transactions.

3. All of the correpondence files of Robert G. Baker concerning the Mortgage Guaranty Insurance Corp., and the issuance and sale of its capital stock to him or other persons upon his request and at his direction, including all documents disclosing Robert G. Baker's beneficial interest in the stock of that company; whether issued in his name or the names of others.

4. All memorandums or correspondence or other communications with Internal Revenue Service or other public officials or agencies concerning the effect of the provisions of the Internal Revenue Code upon the income tax liability of MGIC.

5. All agreements, memorandums, or documents relating to Robert G. Baker's stock ownership in Serv-U from the date of its organization, including payments by him to the company and the company to him or anyone else for his benefit.

6. All letters, memorandums, or documents showing the receipt by Robert G. Baker of money from Capitol Vending or any of its officers or employees.

7. All records or documents concerning the Haitian Meat Co. (HAMPCO) for the years 1961, 1962, and 1963, and all payments to him or anyone for his benefit by that company; all such records concerning William Kentor or Packers Provision Co. of Chicago, Ill., and payments made by either of them to him or anyone for his benefit; all records, correspondence, memorandums, and agreements between Robert G. Baker and Jose Benitez or Andres Lopez or Marshall F. Dancy.

8. All correspondence, memorandums, and documents relating to business or financial transactions with Fred Black, Thomas Webb or Francis Law, either as individuals or representatives of others.

9. All correspondence, documents, and memorandums relating to chainstores, or association of chainstores, or trade associations or organizations with persons registered as lobbyists with the Secretary of the Senate or the Clerk of the House of Representatives.

10. All documents, letters, telegrams and other memorandums concerning communications with and visits to the North American Aviation Corp. and other corporations having defense contracts with the U.S. Government or agencies thereof.

11. Any and all correspondence, documents, or memorandums between Robert G. Baker and Edward J. Levinson, Morris Seigelbaum, Jack D. Cooper and Edward Torres.

12. All bills, vouchers and evidence of expenditures for equipment and furnishings installed into the Town House located at 308 N Street NW, Washington, D.C.

Mr. SCOTT. Is the Senator further aware of the efforts of the minority members of the Committee on Rules and Administration to secure the attendance and testimony of Mr. Baker's employees while he was secretary to the majority; specifically, Mrs. Broom, the former wife of Mr. Baker's law associate, Mr. Tucker; of one Rein Vander Zee, only recently released from his duties as a member of that staff—and I say "released," not "resigned," as voluntarily resigning, as we doubtless will be told he did. I prefer to use the word "released" in view of what Mr. Vander Zee has been telling around town. The third employee was Mr. Jay McDonnell.

Is the Senator from Delaware aware of the fact that in our efforts to secure the testimony of people who worked under Mr. Baker, we were defeated by 6 votes to 3 in the Committee on Rules and Administration and are, therefore, prevented from learning any of Mr. Baker's activities, so far as those employees could cast light on them?

Speaking for myself, I am further prevented from learning something I am pursuing, so far fruitlessly, with respect to a line of questioning as to what gifts of campaign contributions, if any, either Mr. Baker or his wife may have received, and particularly what he did in apparently misappropriating $1,500 in campaign funds which he received for the benefit of one Preston J. Moore, who, I believe, is from Oklahoma City.

Is the Senator from Delaware aware of how the minority members of the committee have been frustrated and denied the opportunity to hear the testimony of the very people who worked with Mr. Baker, who would know the most about his operations, and whom the committee, using the brute force of its majority membership, decided not to call, by a vote, as I recall, of 6 to 3? Is the Senator aware of that?

Mr. WILLIAMS of Delaware. I have read in the press that a decision has been made not to call certain witnesses. I deeply regret such a decision having been made. I do not think we have answers to the many questions which have been advanced during the course of this investigation.

We can be satisfied with nothing less than full disclosure regardless of who may be involved.

Mr. PELL. Mr. President, without in any way making a judgment on Mr. Baker's tax returns or usurping the responsibility which clearly lies with the Treasury Department in any prosecution that may be necessary from any error that might be in these returns, there are a few points that I think the RECORD should show in response to some of the questions raised by the Senator from Delaware [Mr. WILLIAMS] and the Senator from Pennsylvania [Mr. SCOTT].

The reason why it was decided in the Committee on Rules and Administration yesterday not to engage an expert or consultant to make a handwriting analysis was that this is already being done by handwriting experts at the Internal Revenue Service. This is a matter of public record in the open hearings.

Another point was that the rather generous $824 deduction for taxi fares was, according to Mr. Baker's records, made by the law office of Tucker & Baker, but was not an individual transaction, and did not involve an official function of the secretary of the majority.

Third, the reason why the income tax returns of Mr. Baker were not subpenaed was that they were made available to Rules Committee investigators by the Internal Revenue Service, and the committee has copies of them in its files.

PESTICIDE BUILDUP IN WATER SOURCES

Mr. RIBICOFF. Mr. President, this will not be a silent spring insofar as the pesticide problem is concerned.

On March 19, the U.S. Public Health Service and the State of Louisiana announced that water pollution involving toxic synthetic organic materials—pesticides—appears to be the cause of massive and continuing fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico.

On March 24 the British Ministry of Agriculture, Fisheries, and Food placed three widely used pesticides under "severe restrictions."

The pesticide involved in the Louisiana fish kill—endrin—is closely related to two of the pesticides—aldrin and dieldrin—placed under restriction by the British.

Today it is reported in the New York Times that Louisiana authorities have informed the Public Health Service that shrimp as well as fish have been killed by the pesticide buildup in the Mississippi River.

According to available evidence, the use of pesticides responsible for this latest report of damage was not accidental, excessive, or in any way extraordinary. It was business as usual, and the complacency that has existed up to this point has got to be replaced by a new, hard look at the facts.

Mr. President, the Louisiana fish kill presents a whole new dimension to the pesticide problem. Information furnished me to date indicates unbelievably low levels of toxic material found in the dead and dying fish. These materials are found not only in the fatty tissues of the fish but in the blood as well. There is no evidence to date of accidental spills or unusually high runoffs that would account for the high fish mortality. The kills have taken place at the same time of year each year for the past 4 years.

The Louisiana fish kill should silence the pesticide apologists once and for all. I recall a recent article in Sports Illustrated entitled, of all things, "The Life-Giving Spray" which assured and reassured hunters and fishermen of a continued large stock of fish and game. This situation should silence those who repeat the "read the label" litany since all evidence points to the fact that fish kills are occurring despite use of the toxic materials as directed.

Finally, this matter raises many serious and as yet unanswered questions. What of other river basins? Is a pesticide buildup occurring now in every major water source in the United States? I have asked the Public Health Service to look into this possibility. What of the food and water supply in the affected area? I have asked the Public Health Service and the Food and Drug Administration for definitive answers. What of the Government's power to act in this matter? Is it adequate? Which agency is best equipped to cope with the problem? Are the agencies working together toward a solution? These and other questions demand prompt answers. I am announcing, therefore, that the Subcommittee on Reorganization and International Organizations will resume its hearings on the use of pesticides in 2 weeks in order to get them.

I ask unanimous consent to have printed in the RECORD a copy of the Public Health Service announcement on the Louisiana fish kill, an article from the New York Herald Tribune entitled "Science Tracks Down a Fish Killer," an article from the New York Times entitled "Pesticides Fatal to Gulf Shrimp," and a copy of the letter to the Public Health Service from the Louisiana Health Department.

There being no objection, the announcement, articles, and letter were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE,
Washington, D.C.

The U.S. Public Health Service and the State of Louisiana have announced that water pollution involving toxic synthetic organic materials appears to be the cause of massive and continuing fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico.

Several chemical compounds have been found in significant quantities in dead and dying fish and in the water environment, including at least two substances so far unidentified and two pesticides, endrin and dieldrin.

The announcement follows 3 months of investigations carried on by a team of engineers and scientists from the Public Health Service's Division of Water Supply and Pollution Control. The studies were made at the request of the State of Louisiana because of a series of fish deaths involving millions of fish which have taken place in the river and the gulf each fall and winter since 1960.

Both the Public Health Service and the Food and Drug Administration within the Department of Health, Education, and Welfare are intensifying their food and water protection surveillance activities in the Mississippi River Basin.

Some trace quantities of organic chemicals are normally present in drinking water supplies; levels found in the lower Mississippi Basin do not present any immediate health problems.

Aquatic life is particularly sensitive to pollution from certain synthetic organic wastes; the presence, in water, of some of these substances in proportions less than one part per billion is lethal to some fish varieties. The intensive studies underway will identify any potential hazards to health from the consumption of fish in which toxic substances may be concentrated.

Examination of dead and dying fish, of mud, and of the river water has shown the presence of a number of synthetic organic materials. Recently developed measuring techniques enabled Public Health Service scientists to detect and measure these substances in quantities as small as parts per trillion. The analyses were made independently by five teams of investigators, four within the Public Health Service and one private research team.

Biologists of the Fish and Wildlife Service of the U.S. Department of the Interior have ruled out parasitic or bacterial disease as the cause of the fish kills. Metals and environmental conditions such as low dissolved oxygen and drastic temperature changes have also been ruled out as causes of these deaths.

In cooperation with several States in the Lower Mississippi Basin, the Division of Water Supply and Pollution Control of the Public Health Service is establishing a continuing study to determine the water pollution control measures necessary to protect these waters for all legitimate uses. Scientists and engineers are being assigned to the area and will be supported by several laboratories of the Public Health Service. Other Federal, State, and local agencies are expected to participate in this effort.

The Public Health Service's studies are now being reviewed by other Federal agencies including the Department of Agriculture, and the Department of Interior's Bureau of Sport Fisheries and Wildlife and Bureau of Commercial Fisheries of the Fish and Wildlife Service.

[From the New York Herald Tribune, Mar. 23, 1964]

SCIENCE TRACKS DOWN A FISH KILLER—MISSISSIPPI PLAGUE BLAMED ON PESTICIDE

(By Stuart H. Loory)

WASHINGTON.—Dead fish by the millions. Louisianians along the bayous and levees of the lower Mississippi and Atchafalaya basins last winter could see the bloated bodies of catfish, menhaden and speckled and white trout on the banks and floating on the water as far as the eye could see.

Tugboat captains said the strange fish kill had spread up the river as far as St. Louis. The kill even spread into the Gulf of Mexico. Ducks were dead. There were reports that the higher orders of water life—turtles, porpoises and whales—had been found dead, but these were never confirmed.

The great fish kills were almost expected as the fall turned to winter and "Ole Man River," completing another year in its eternal wandering, slowed and grew shallower. Rivermen had watched the same phenomenon in 1960, 1961, and 1962.

What had brought the great silence to the waters of the river? In the first 3 years—while Rachel Carson's book, "Silent Spring," was sparking fervent debate in the Nation—Louisiana health and wildlife authorities investigated.

They looked for some strange spillage into the river—the introduction of a poison accidentally—and they found none.

They looked for pollution of raw sewage and found nothing more than normal.

They looked for a change in water temperatures and found none.

They looked for a bacterial and viral disease affecting the fish and found none. This year, they looked for botulism after the Great Lakes whitefish scare but found none.

CRITICAL TESTS

They even considered pesticides but tests found none of the toxic bug killers in the water, the Mississippi mud, or the fish. But that was 3 years ago and since then, chemists have grown more sophisticated in the way of finding organic substances.

Three years ago, trace amounts of pesticides were measured in parts per million. Now they can be found if their quantities are as small as parts per trillion. In other words, scientists have increased their abilities to measure pesticides a millionfold.

That fact is important in considering the Mississippi fish kills. Last December, the State of Louisiana called on the U.S. Public Health Service's Division of Water Supply and Pollution Control to solve the mystery.

Last week, the commission found there was enough pesticide endrin in the blood of the dead fish to kill them. In addition, the scientists established that the pesticide dieldrin also in the fish as well as DDT, DDE, another pesticide, and two unidentified compounds that are probably products of the pesticides' action within the fish.

THE CLINCHER

Using newly developed analytical methods, the scientists found almost unbelievably small amounts of pesticides up and down the Mississippi River. Then they took samples of dead and dying fish, froze them and shipped them to the Public Health Service's Taft Sanitary Engineering Center in Cincinnati. At the laboratory, they found that fish took the pesticides in, but did not excrete them. Concentrations of the chemical built up one thousand fold compared with the amounts in the water the fish came from.

In further tests, scientists took uncontaminated fish and fed them endrin. It took far less to kill them than they had found in the dead Mississippi catfish.

"How does Rachel Carson look now?" a reporter asked a group of Public Health Service officials and scientists last week.

"She looks pretty good," one answered, still stunned by the unbelievably small quantity of pesticides that got into the water.

Dr. Leon Weinberger, chief of the water pollution division's branch of applied science, is not yet ready to say that endrin or dieldrin killed the fish. There could be more to it than that, though everything points in that direction.

"This is just the beginning of our investigation, not the end," he said. "There are lots of unanswered questions."

A carefully worded press release from the Public Health Service says:

"Some trace quantities of organic chemicals (such as pesticides) are normally present in drinking water supplies; levels found in the lower Mississippi basin do not present any immediate health problems."

The key word in that committee-written statement is "immediate." The people of New Orleans can drink Mississippi River water today, which contains some endrin. It won't kill them. But Dr. Weinberger and his colleagues are frankly worried about the future.

They want to establish whether the Mississippi—definitely unsafe for fish—is safe for other uses such as drinking water, irrigation, recreational, or commercial use. The fact is that catfish—the bottom-feeding species that sucks food out of the river silt and the fish most affected—is an important part of the diet in the gulf coast region.

DIET PROBLEM

"We are all concerned about people eating fish," James B. Coulter, an official in the Division, said.

The Food and Drug Administration is also concerned—and not only about catfish. Clams and other shellfish on the river bottom have been tested and the pesticide has been found. The FDA has previously ruled that no foods can be marketed with any amount at all of endrin. But that was prior to the new testing techniques that allow detection of far smaller quantities.

The FDA is now investigating to determine whether any action should be taken. Possibilities include a ban on the use of endrin, regulation of its use, or a ban on any foods containing it. Such actions would, of course, have far-reaching repercussions in the fishing and farming industries.

There are still more unanswered questions for example:

Where did the pesticides come from?

Suggested answer: The Mississippi drains one-quarter of all the farmland in the United States. The pesticides are widely used in controlling menaces to grains. Some find their way into the river by simply washing off the land in a rain. Others are dumped in by careless airplane spraying operations, and still others when farmers wash out pesticide containers for reuse and let the water run out sewage systems that drain into the river.

LETHAL WINNER

Why do they concentrate on the river bottom and why do the fish only die in the winter?

Suggested answer: It could be that in the winter, the river slows down and the pesticides have more of a chance to drop to the bottom. Or maybe it's diffused throughout the water and the fish, which concentrate the chemicals in their fatty tissues, use up more fat to keep warm in the winter, allowing the pesticides into their bloodstreams.

What are the dangers to humans?

The scientists don't know.

Why are salt water fish in the gulf—where the pesticide concentrations are even smaller—dying?

Suggested answer: Maybe their tolerance to the chemical is less than in river fish.

"This all opens up a new dimension in water pollution research," Dr. Weinberger said. "It won't be right to put all the blame on endrin and take endrin off the market. Because it will happen again with another chemical and another."

As man tampers with his environment more and more, the desperate need for some basic understanding of the scientific principles involved becomes ever more apparent. That's the real lesson 'Ole Man River's' dead fish have brought home in earnest.

[From the New York Times, Mar. 25, 1964]

British Restrict Three Pesticides—Potential Peril to Humans Is Cited by Government

(By John Hillaby)

London, March 24.—Three widely used pesticides related to DDT have been placed under severe restrictions by the British Ministry of Agriculture, Fisheries and Food. They are aldrin, dieldrin and heptachlor.

Because they persist in the soil for a long time, these pesticides are feared as potential hazards to human health.

Announcing the restrictions in the House of Commons today, Christopher Soames, the Minister of Agriculture, said that he had been advised to limit their use by a committee of scientists who had been investigating poisonous substances used in agriculture and food storage.

The committee, he said, found no evidence of any "serious immediate hazard" to humans from the use of these pesticides or to wildlife, apart from certain species of predatory birds.

He rejected the suggestion that these chemicals "many be severe liver poisons or that they can be condemned as presenting a carcinogenic hazard to man."

"On the other hand," he said, "the committee regard it as a matter of concern that traces of the chemicals are being found in so many situations and express the firm opinion that accumulative contamination of the environment by the more persistent organo-chlorine pesticides should be curtailed."

By "curtailed" the Minister meant that fertilizers, seed dressings, sheep dips and garden products containing aldrin, dieldrin and heptachlor would no longer be available in a few months, except in one of two specific instances such as in the precision drilling of seed.

MANUFACTURERS DISSENT

The Minister said that the manufacturers of aldrin and dieldrin had informed him they "disagreed strongly with the committee's scientific conclusions since their own researchers suggested that, after reaching a certain harmless level of concentration, the chemicals ceased to have any further cumulative effect."

This viewpoint has been rejected as "unproven" by Sir James Cook, a fellow of the Royal Society and the chairman of the committee of 25 scientists appointed to investigate the dangers of pesticides.

A section of the committee found that the present use of organo-chlorines in Britain was "excessive in terms of resulting benefits."

This group reported that if all the pesticides investigated were withdrawn the annual potential loss of crops would be no more than 250,000 acres out of the total of more than 7.6 million now under cultivation and that the loss could be reduced to about 75,000 acres by the use of less harmful chemicals.

Fears about the side effects of aldrin, dieldrin and heptachlor were first expressed in 1957 by various bird and animal protection societies. Since then large numbers of seed- and worm-eating birds have been found poisoned each spring and birds of prey such as hawks, falcons and eagles have been greatly reduced, some to the point of near extinction.

A recent Ministry of Health report, "For the Guidance of Medical Practitioners" said that endrin was more toxic than the others and that no specific chemical tests for endrin poisoning existed.

A separate Government report on endrin and four other pesticides reputed to be dangerous (endosulfan, chlordane, toxaphene and rhothane) is expected later this year.

The Government expects that restrictions on aldrin, dieldrin and heptachlor will increase sales of DDT. The investigating committee expressed hope that the pesticide industry "will do its utmost to produce less persistent alternatives."

The committee found that "DDT is at least as persistent as dieldrin in the soil" and that half the original amount of it applied could be detected between 2½ and 5 years later.

The persistence of an alternative pesticide recommended called BHC (benzene hexacloride) is less than that of DDT, the committee's investigators said.

[From the New York Times, Mar. 26, 1964]

Pesticides Fatal to Gulf Shrimp—Authorities Fear Poisoning of Commercial Areas

(By Donald Janson)

New Orleans, March 25.—Louisiana authorities said today that shrimp as well as fish had been killed by pesticides found in the mud and water of the Mississippi River.

Dr. James R. Strain, president of the Louisiana Board of Health, said it was not certain whether the pesticides were poisoning only the small shrimp found in the river or also the popular larger variety harvested commercially in the Gulf of Mexico.

He said State and Federal agencies had begun investigations to find out.

Gulf shrimping is a multimillion-dollar industry here. It was assumed at first that the contaminated water of the Mississippi would be sufficiently diluted by the gulf so it would not affect shrimp and oysters.

Now, Dr. Strain has reported, in a letter to the Public Health Service in Washington, that endrin, dieldrin, heptachlor, DDE, and DDT have been found in Louisiana shrimp.

EFFECTS OFF COAST UNKNOWN

Reached in Baton Rouge today after the letter had been made public, Dr. Strain said it remained to be determined whether big commercial shrimp grounds off the coast were affected.

He expressed concern over the possible cumulative effects on human health of eating any seafood containing traces of toxic pesticides.

In the letter, he asked the Public Health Service to provide "the earliest possible assistance" in determining human tolerances to pesticides that might be consumed in seafood or drinking water.

New Orleans and other Mississippi River cities take their drinking water from the river. Even after treatment of the water, traces of endrin and dieldrin remain, Dr. Strain said.

Millions of fish were found dead in the Mississippi this winter, for the fourth year. The cause was a mystery to Louisiana authorities until the Public Health Service applied new testing techniques this winter and announced last week that the Mississippi contained sufficient amount of endrin and dieldrin to kill the fish.

Synthetic pesticides such as these have been used in steadily growing amounts since 1957 to kill insects that plague corn, cotton, sugarcane, and other crops. More than 700 million pounds of the potent chemicals now are applied annually.

The lower reaches of the Mississippi are walled in by levees. Authorities believe the pesticides found in the water here entered by way of tributaries draining cropland farther north.

The killing of the fish begins each fall and has been worsening. Authorities believe that the fish may store the lethal poison in fat until it is needed in cold weather for metabolic sustenance, then die when it is drawn into the bloodstream.

The board of health asked for a Federal investigation to make sure of the source of the pollution, as well as for prompt aid in determining human tolerances over the years to the minute amounts of insecticides found in the water and seafood.

In letters to each member of the Louisiana congressional delegation in Washington, Dr. Strain wrote that the Public Health Service had indicated a willingness to help but "it appears that they are not able to make a maximum effort because of limitations imposed by their current budget."

Other State health officials called for Congress to provide the money.

Last May, the President's Science Advisory Committee, after long study, urged strong action to assure more judicious use of pesticides.

Yesterday the British Ministry of Agriculture, Fisheries, and Food sharply restricted the use of aldrin, dieldrin, and heptachlor as potential hazards to human health.

LOUISIANA STATE BOARD OF HEALTH,
New Orleans, La., March 20, 1964

DR. R. J. ANDERSON,
Assistant Surgeon General, Chief of Bureau of State Services, Environmental Health, Washington, D.C.

DEAR DR. ANDERSON: I am sure you are familiar with the news release dated March 19 by your division of water supply and pollution control regarding the presence of insecticides in the lower Mississippi River, however, I am inclosing a copy of the release for your ready reference.

The finding of insecticides in the Mississippi River water and in Mississippi River fish poses a problem which appears to be beyond the capability of State boards of health and other State agencies to solve.

Endrin has been found in dead and dying bottom-feeding fish in concentrations up to 7 parts per million; endrin has been found in raw river water by carbon filter extraction in concentrations ranging from 0.054 to 0.134 part per billion, and dieldrin in concentrations ranging from 0.011 to 0.034 part per billion; endrin has been found in New Orleans finished water in trace quantities of 0.025 part per billion and dieldrin at less than 0.0027 part per billion.

Heptachlor, DDE, DDT, dieldrin, and endrin have been found in shrimp.

The areas in which we need help (and we feel that the Public Health Service is the agency to give us this help are as follows:

A. Determination of the specific sources of insecticides found. Although the concentrations seem to increase in reaches of the Mississippi River in Louisiana there is really no drainage to the river from Louisiana soils and there are no Louisiana industries discharging insecticide wastes into the river.

B. Technical assistance in the analysis of water and food samples.

C. Technical assistance in the evaluation of water treatment plant operations to effect maximum insecticide removal.

D. Assistance in determining the toxic level to humans of insecticides. The information needed includes both chronic and cumulative effects.

Please consider this a formal request to your agency for the earliest possible assistance in solving these and related problems.

Very truly yours,
JAMES R. STRAIN, M.D., M.P.H.,
State Health Officer.

BYELORUSSIAN INDEPENDENCE DAY

Mr. JAVITS. Mr. President, the 46th anniversary of the day in 1918 when the Byelorussian Democratic Republic proclaimed its independence was celebrated this year on March 23. It marks the determination of an ancient people to maintain their identity apart from the Russian conqueror and to keep alive the hope of eventual liberty and independence.

Under Soviet domination the Byelorussian people have been subjected to ruthless persecution, economic exploitation, and harsh oppression. Their efforts to assert independence have been crushed by mass deportations, imprisonment, and executions. Their hopes are with us, and we should continue to press the issue of freedom in the United Nations and to focus world attention to the injustice suffered by the Byelorussian people. They reflect the indomitable spirit of men who are willing to fight and die for freedom.

THE PASSOVER

Mr. DODD. Mr. President, at sundown Friday, March 27, Americans of the Jewish faith will begin an 8-day observance of Passover, one of the most important holidays of the year. Passover is known as the Feast of Liberation because it commemorates the delivery of the ancient Israelites from the bondage of Egypt.

While the bondage was a cruel one, Jews generally pay particular attention to the fact of deliverance. And this is not unrelated to the teachings of the Hebrew prophets who were concerned more with preventing new episodes of enslavement than with the slavery of the past. In this prophetic view, man can make sure of his own freedom only if he seeks to protect the liberties of those around him.

Man can be secure only if he opposes tyranny and the condition of slavery whenever and wherever he confronts it.

This is the true meaning of the Old Testament statement that "if a stranger sojourns with you in your own land, you shall do him no wrong. The stranger shall be as the native-born among you."

This is also the meaning of the Judeo-Christian maxim:

> Do unto others as you would have them do unto you.

Passover, then, has meaning for all Americans regardless of their faith. Its basic purpose is to extoll freedom and to make that freedom an instrument of social justice.

Yet, today, there are all too many people who have neither freedom nor justice.

Passover is a plea to heed the cries of all who are deprived of their birthright as human beings. It is a plea that we Americans cannot, dare not, overlook.

Today, hundreds of millions of people on several continents who have tasted the fruits of freedom are denied it. A Communist tyranny, which subordinates human dignity to the will and needs of the all-powerful state, has turned free societies into grim prisons. Dictatorship has in too many places caged the spirit and energies of people who yearn for liberty and for the right of free expression.

But if we must be concerned with the Communist totalitarianism abroad, we must also be concerned with the limitations placed on the rights of some of our own people here at home.

We must act to see to it that those who are denied the right to vote secure that right.

We must assure equal access to employment and educational opportunities to those who lack it.

We must find in our legal system and in our hearts the means for seeing to it that all men are guaranteed in fact the rights and privileges which are theirs in theory.

James Russell Lowell has well caught the spirit of why we must do these things. In an inspiring poem, he has written:

> Men, whose boast it is that ye
> Come of fathers brave and free,
> If there breathe on earth a slave,
> Are ye truly free and brave?

> If ye do not feel the chain
> When it works a brother's pain,
> Are ye not base slaves indeed,
> Slaves unworthy to be freed?
>
> No; true freedom is to share
> All the chains our brothers wear,
> And with heart and hand to be
> Earnest to make others free.

On this day, as Christians prepare for their own Easter holiday, there are many reasons to recall that there is such a thing as the brotherhood of man and the fatherhood of God. There is good reason to recall that the liberation of mind and body to which Passover is dedicated is a liberation which free men of all faiths must ever seek.

There is then in the Passover holiday both a cherished memory of the past and a call for resolution in strengthening the foundations of freedom in the future. We must heed that call, demanding though it may be, if we are to assure the durability of our own free way of life.

SILVER ANNIVERSARY OF VERY REV. MSGR. DONALD CARMODY

Mr. CANNON. Mr. President, on March 19, the Very Reverend Monsignor Donald Carmody, the first native Nevadan ever to be elevated to the Catholic priesthood, celebrated his silver anniversary.

Monsignor Carmody was born in Reno, Nev., educated there, and was graduated from the University of Nevada. On March 19, 1939, he became a priest in ceremonies held in St. Thomas Aquinas Cathedral with the Most Reverend Thomas K. Gorman, then bishop of Reno, presiding.

During the next 25 years, Monsignor Carmody was to distinguish himself with a zeal and dedication which almost claimed his life. It was after World War II, while teaching and directing welfare activities in Reno, that he suffered a heart attack and hovered near death.

Miraculously, he recovered and went to Las Vegas where his dedication and enthusiasm contributed significantly to the growth of the Catholic Church, and his contributions in the field of welfare won for him the respect and esteem of persons of all faiths.

It seems especially significant, Mr. President, that Nevada's first native son to be ordained is celebrating his silver jubilee in the same year that Nevada celebrates the 100th anniversary of statehood. Monsignor Carmody is representative of the young men who are born in Nevada, who grow up knowing of the problems and goals of her people, who answer the call of God, and who return to do His work in the State of their birth.

The Reverend Leo E. McFadden, editor of the Nevada Register, captured with beauty and simplicity the story of Monsignor Carmody's 25 years of priesthood, and I ask unanimous consent to have printed in the RECORD Father McFadden's article entitled "Two Plain Cents."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO PLAIN CENTS

(By Leo E. McFadden)

The little boy gave his 50 cents. It was for a gift. All the children in the school were going together to buy the man a present, to buy the principal a gift for his 25th anniversary. The principal was a priest.

Twenty-five years, 50 cents. Two pennies a year for half a lifetime. What had he done to earn such a reward? We all know what a priest does. What did this priest do?

The time was 1939. He had been born in Reno, gone to school in Reno and graduated from the university in Reno. He had been baptized in the cathedral in Reno and now he was a young man standing before the Bishop of Reno in that same church. That day in March, 25 years ago, he became the first native Nevadan to be ordained for his home diocese.

In no time at all he was the pastor of a small parish out on Highway 40, getting his taste of the Nevada missions. This assignment was only too short, however, and he was never again to enjoy the independence of parochial leadership. Off to school he went, to return with his degree in social welfare. In the early 1940's he established the first welfare office in Las Vegas.

The war had come along and his pastor in Las Vegas went down to take the physical for the Navy. He thought about getting into the Army, but they told him he had a bad heart. And so it was that he was to stay on to run the little parish there and, of course, to maintain the welfare as well.

After the war he was called to Reno to take over the welfare office. The trip north was hardly worthwhile, for the combination of social work and teaching caught up with him. The heart attack was so severe that he was anointed and all but given up for dead. Somehow he recovered and southward he journeyed again for the lower altitude and a chaplaincy at a hospital. This would give him a chance to recover sufficiently without the omnipresent doorbell or telephone or regular schedule of rectory life.

But this was the very thing for which he had been ordained. He was supposed to be "all things to all men," to serve mankind as best his frail qualities would allow. Surely, then, this period of confinement, of restoring his health, had to be one of the great sadnesses of his priesthood.

Back he went again to welfare work in Las Vegas, with just part-time ministry in a parish. As time went on he was to fill in wherever he was needed in the ever-growing southland, whether it was as chaplain to a convent or teaching the public high school youngsters or just hearing confessions of the children for first Friday. There are never enough priests to go around, and every pastor knows that the man in special work can help out in a moment of need.

A parish was his for a brief span of time, but this was to be shared with the concomitant assignment of administering a high school * * * and then teaching in the high school * * * and then attending all the extracurricular activities of the high school. Then it was that he had to decide between one job or the other—for no man could do it all—and his parochial assignment was lifted from him. For 6 years he was at the school, during which time he said the 6 a.m. mass at a convent and taught CCD in the evenings and changed his place of residence five times as the need demanded it.

Twenty-three years after becoming a priest, northward he came again. He became a high school principal and for 2 years he has served in that capacity. For just four classes a day he tries to teach the youngsters. The rest of the time he spends in adjusting schedules and figuring the finances and making the announcements and attending basketball games and talking to parents and frequenting meetings and discussing problems with his teachers and sometimes, about 4 p.m., drinking a coke because he didn't take the time to eat his lunch that day.

Twenty-five years. A very drab existence. In fact, the world wouldn't give 2 cents for any one of those years. But a little boy did. His gift of 2 cents for each of those 25 years somehow made it all worthwhile.

Fact is, it made everything entirely priceless.

JUSTICE AND CIVIL RIGHTS

Mr. INOUYE. Mr. President, the greatest wrong our Nation has ever perpetrated, in a history perhaps unmatched for honor and generosity toward mankind, is one we have inflicted on a part of our own people.

Since the days when the settlers first came to this new and wild land, Americans have been consumed with an idea that departed entirely from the thought and custom of all previous history. This idea involved a new way of looking at the character of man.

Our Government, also for the first time in history, was built on this principle. As Abraham Lincoln once said:

> Most governments have been based, practically, on the denial of the equal rights of men. Ours began by affirming those rights. They said "some men are too ignorant and vicious to share in government." "Possibly so," said we, "and by your system you would always keep them ignorant and vicious. We propose to give all a chance; and we expect the weak to grow stronger, the ignorant wiser and all better and happier together."

Yet here in the first country of the world which was dedicated to this idea, in the country which has been responsible for keeping it alive in times of darkness ever since, and is responsible today, we have not worked or cared to see it scrupulously applied among our own people.

We have given reasons, some of us, and others have closed their eyes and turned their backs upon laws, practices, and attitudes which we should long ago have fought to have abolished. It has never been easy for men to forgive others for being different from themselves, whether in some superficial feature like shape or color or even in less noticeable differences, such as the minor tenets of one's religion. Laws cannot change the hearts of men, and we will not change the hearts of men by this law if indeed we are able to enact it.

Some have said to me, the Negroes have not earned full citizenship; they have not shown they will take the responsibility to be good citizens. I answer that it is hard enough just to earn a living without education, without justice in the protection of the laws, without self-respect or hope for improvement, and with hate and repugnance their all too constant welcome.

What effect would these surroundings have on any man? I do not know but I believe the Negro people have, on the whole, returned our two-plus centuries of injustice with almost miraculous forgiveness and restraint.

To change these living habits of so long a time does not come easy, and we must do all within our power to see that the change is as little disruptive, and as little painful as it can possibly be. This will require still more restraint on the part of those who have already waited so long. But change we must, and this requires restraint on the part of those who must endure the change. This remark is not directed at the South, for what section of the country can say that it has held out its hand and heart to the Negroes in every area of human activity and in the way that must be done if they are ever to become truly members of the community.

I feel, however, that this attitude is changing. Many factors lead me to believe so, from the inspirational march in Washington last summer to the new desire for tolerance on the part of all Americans since the death of our martyred President. Injustice is, after all, alien to our natures; and its existence has exacted a price from the consciences of those who have allowed it to go on, as well from those who have suffered under it. The treatment of the Negroes and other minority peoples in our country has been, as the poet Archibald MacLeish once said:

> * * * Antithesis of America—the passionate repudiation of the American proposition, and thus the implicit rejection of America itself. * * *
>
> If the American proposition is no longer the proposition to which the American heart and mind were committed at our beginning, then America is finished, and the only question left is when she will fall.

I do not believe America will fall either now or in the future; and I further believe this one great infirmity, this inconsistency in our national character and in our view of ourselves, will in time be healed.

Although new law is not the only solution, it is part of the solution; and it is the part that we, the lawmakers, are responsible to provide. The rest must be provided in the churches, in the schools, and in the consciences of the people. As this long debate begins, let us consider that no special privileges are being sought here. This bill attempts to give by law which should have been, but has not been provided by practice—an even chance—a chance to go to school and vote and hold a job; simple things which the rest of us have enjoyed without a moment's thought. It is time for all Americans to be included in the American dream.

Justice Holmes once said that a desire for the superlative seemed to him to be "at the bottom of the philosopher's effort to prove that truth is absolute," and that those who believed in natural law made the mistake of accepting what was familiar as being something which must be accepted by all men everywhere.

I do not know whether such a thing as justice exists outside of the mind of man. But I am impressed by the fact that through the centuries, the overwhelming number of men have longed for it, have recognized its absence or presence without being told, have fought for it, and have sacrificed their lives to attain it for their posterity.

Whether it exists in the mind of man only, or whether justice is, in fact, a being of its own, its attraction seems irresistible.

Each man knows in his own heart what he believes justice to be. Let us each follow this inner dictate in the debate we have begun.

Mr. HUMPHREY. Mr. President, will the Senator from Hawaii yield?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Hawaii yield to the Senator from Minnesota?

Mr. INOUYE. I am very happy to yield to my leader.

Mr. HUMPHREY. Mr. President, I am very happy that it was my privilege to be here on the floor of the Senate when the able and distinguished Senator from Hawaii made his opening address on the civil rights bill. Without any lack of reverence, but in the spirit of true reverence, I wish to characterize his speech as an invocation to the proceedings which will follow.

The Senator from Hawaii has made a marvelous statement, filled with statements much more important than mere legalisms. His speech was filled with a sense of justice, compassion, understanding, and truth.

So as the Senate begins this long, yet necessary and, I am sure, at times painful, ordeal in connection with the debate on the civil rights bill, I am very much pleased that the Senate has been given the inspiration of the brief but powerful statement by the Senator from Hawaii. The beauty and the spirit of his remarks are most impressive. I commend him highly for his remarkably fine and inspirational statement.

Mr. INOUYE. Mr. President, I thank the Senator from Minnesota for his kind words.

Mr. MORSE. Mr. President, will the Senator from Hawaii yield?

Mr. INOUYE. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, those of us who have had the privilege of hearing the speech of the Senator from Hawaii are certainly better persons for having heard it.

I congratulate the Senator from Hawaii not only for his eloquence, but also for the beauty of his expression. I feel sure that in the course of the debate on the civil rights bill, his words will be quoted again and again by many persons.

Mr. INOUYE. I thank the Senator from Oregon for his kind words.

Mr. McNAMARA. Mr. President, will the Senator from Hawaii yield to me?

Mr. INOUYE. I am glad to yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President, I am very happy to have had the privilege of hearing the very fine speech of the Senator from Hawaii.

Over the years, the general principles to which he has addressed himself have been stated again and again on this floor; but never before have I heard them stated so ably, so briefly, so beautifully, so clearly, and so much from the heart.

I congratulate the Senator from Hawaii on the very great sincerity and patriotism of his words.

Mr. INOUYE. Mr. President, I am very grateful to the Senator from Michigan for his kind words.

Mr. MAGNUSON. Mr. President, I join the other Senators who have spoken in commending the Senator from Hawaii for his excellent speech, which probably is much more important to me than to many other Senators, because I come from an area where many people of Japanese ancestry live. They have lived there as good citizens, and for many, many generations they have been an important part of America. At one time discrimination was practiced against them; so they understand this problem. They also understand what it means to live without discrimination.

So I congratulate the Senator from Hawaii for his powerful words, which to me are much more important than just a Senate speech.

Mr. INOUYE. I thank the Senator from Washington for his kind words.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 25, 1964, the President had approved and signed the following acts:

S. 1781. An act for the relief of Antonio Credenza;

S. 1878. An act to amend the act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State;

S. 1976. An act for the relief of Dr. Gabriel Antero Sanchez (Hernandez);

S. 1985. An act for the relief of Giuseppe Cacciani; and

S. 2085. An act for the relief of William Maurer Trayfors.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Taylor G. Belcher, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Cyprus, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5838. An act to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities; and

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 5838. An act to amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities; to the Committee on Commerce.

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; to the Committee on Aeronautical and Space Sciences.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Title I Agreements Under Agricultural Trade Development and Assistance Act of 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, for the month of February 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Guarantee Issued by Export-Import Bank of Washington

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on a guarantee issued by that Bank to Julius Schimmel, Inc., New York, N.Y., relating to dry milk to be imported by Hungary; to the Committee on Appropriations.

Report on Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the period July, 1963—January, 1964 (with an accompanying report); to the Committee on Banking and Currency.

Report on Charges Required by Prescribed Government Policies Not Assessed Against Recipients of Government Services

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on charges required by prescribed Government policies not assessed against recipients of Government services, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Unnecessary Costs Incurred Under Semiautomatic Flight Inspection Program

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred under the semiautomatic flight inspection program, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Grants for Basic Scientific Research

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on grants for basic scientific research to nonprofit institutions, covering the calendar year 1963 (with an accompanying report); to the Committee on Government Operations.

Proposed Amendment to Concession Contract in Yosemite National Park, Calif.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract with Best's Studio, Inc., Yosemite National Park, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Application for Loan Under Small Reclamation Projects Act of 1956

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application for a loan under the Small Reclamation Projects Act of 1956 from the St. John Irrigating Co. of Malad, Idaho (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Extraordinary Contractual Actions To Facilitate the National Defense

A letter from the Administrative Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on extraordinary contractual actions to facilitate the national defense, for the calendar year 1963 (with an accompanying report); to the Committee on the Judiciary.

Report of National Institute of Arts and Letters

A letter from the assistant secretary-treasurer, the National Institute of Arts and Letters, New York, N.Y., transmitting, pursuant to law, a report of that institute, for the year 1963 (with an accompanying report); to the Committee on the Judiciary.

Report of Girl Scouts of the United States of America

A letter from the president and national executive director, Girl Scouts of the United States of America, New York, N.Y., transmitting, pursuant to law, a report of that organization, for the fiscal year ended September 30, 1963 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition signed by Junji Nishime, mayor of Naha City, and Ibi Nakamoto, president of the Military-Used Landowners Association of Naha City, of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A letter, in the nature of a petition, signed by J. David Muyskens, pastor, Pottersville Reformed Church, Pottersville, N.J., praying for the enactment of the civil rights bill; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2701. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans (Rept. No. 968).

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HUMPHREY (for Mr. CHURCH), from the Committee on Interior and Insular Affairs, with amendments:

H.R. 1794. An act to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes (Rept. No. 969).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy, with the grade of lieutenant commander; and

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner.

Mr. MAGNUSON. Mr. President, also from the Committee on Commerce, I report favorably the nomination of Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner, and I submit a report (Ex. Rept. No. 7) thereon. I ask that the report be printed, together with the individual views of Senators MORTON, COTTON, and SCOTT.

The ACTING PRESIDENT pro tempore. The report will be received and the nomination will be placed on the Executive Calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 2695. A bill to amend title I of the Housing Act of 1949 to provide that relocation payments to persons displaced from urban renewal areas shall include compensation for any diminution in the value of their land occasioned by the subsidence or collapse of underlying coal mines; to the Committee on Banking and Currency.

By Mr. YOUNG of Ohio:

S. 2696. A bill to make permanent the district judgeship for the northern district of Ohio created by section 2(e)(2) of the act of May 19, 1961; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2697. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964; to the Committee on Finance.

By Mr. LAUSCHE:

S. 2698. A bill for the relief of Linus Han; and

S. 2699. A bill for the relief of Marija Pust; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2700. A bill for the relief of Miss Marie Arcache and Miss Verdun Arcache; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. Pastore, Mr. Monroney, Mr. Thurmond, Mr. Lausche, Mr. Yarborough, Mr. Engle, Mr. Bartlett, Mr. Hartke, Mr. McGee, Mr. Hart, Mr. Cannon, Mr. Cotton, Mr. Morton, Mr. Scott, Mr. Prouty, and Mr. Beall):

S. 2701. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans; to the Committtee on Commerce.

DETERMINATION OF SITE FOR CONSTRUCTION OF A SEA LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. MAGNUSON. Mr. President, on behalf of myself, and the members of the Committee on Commerce, Senators Pastore, Monroney, Thurmond, Lausche, Yarborough, Engle, Bartlett, Hartke, McGee, Hart, Cannon, Cotton, Morton, Scott, Prouty, and Beall, I introduce, for appropriate reference, a bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2701) to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans, introduced by Mr. Magnuson (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I call the attention of the Senate to this bill, which authorizes the President of the United States to appoint a commission to study the feasibility of, and the most suitable site for, a second canal to connect the Atlantic Ocean and the Pacific Ocean.

The committee held long hearings on the subject. The members of the committee were practically unanimous in the report, as Senators will read when the report is placed in the Record.

The necessity of moving ahead with the project at this time is paramount.

I reiterate what was said by committee members in committee, Senators on the floor of the Senate, and witnesses who appeared before the committee. Timewise, the proposal is not a move directed at or done in connection with the present problem we have with Panama. The subject has been one of long standing in the Congress. Were there no problem with Panama at all, and were the Panamanian situation to be all cleared up—which I am sure it will be and hope it will be soon—we would still have to build another canal anyway, because all projections of shipping between the two great oceans of the world dictate that within the next 8 to 12 years a second canal, which would be a sea level canal, would be necessary and would have to be built.

Some interesting testimony was given at the hearing relative to the possibility of the use of atomic energy to dig the canal. That testimony will be laid before the Senate when we consider the bill. It is estimated that to build the canal with atomic energy would cost from 40 percent to 60 percent less than would other methods. A canal built in such a manner would be almost defense proof, because any bomb landing on such a canal might make it an even better one if the bomb should blow enough dirt out.

The Atomic Energy Commission, the Army Engineers, and other experts are now working on the great possibility of the peaceful use of atomic energy for explosive purposes. The proposal would open new possibilities throughout the world for the use of atomic energy and for nuclear power.

The testimony was very optimistic, and I am sure that when the Commission reports and we get ready to pick a site and get ready to deal with the nations that may be involved, we shall also be ready to show the world some real practical peaceful uses of atomic energy.

ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTION, AND RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills, joint resolution, and resolution:

Authorities of March 16 and 19, 1964:

S. 2642. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States: Mr. Bartlett, Mr. Brewster, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Church, Mr. Clark, Mr. Engle, Mr. Hart, Mr. Inouye, Mr. Kennedy, Mr. Long of Missouri, Mr. Long of Louisiana, Mr. Magnuson, Mr. Mansfield, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Morse, Mr. Moss, Mr. Muskie, Mr. Nelson, Mrs. Neuberger, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Smathers, and Mr. Yarborough.

Authority of March 18, 1964:

S. 2648. A bill to amend the Federal Reserve Act, and for other purposes: Mr. Douglas.

Authority of March 21, 1964:

S. 2674. A bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes: Mr. Kuchel.

Authority of March 23, 1964:

S.J. Res. 164. Joint resolution calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the Feast of the Passover which begins at sundown Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition: Mr. Williams of New Jersey.

Authorities of March 16 and 20, 1964:

S. Res. 305. Resolution establishing the Select Committee on Combating Poverty: Mr. Burdick, Mr. Gruening, Mr. Hartke, Mr. Inouye, Mr. McGovern, Mr. Moss, Mrs. Neuberger, and Mr. Pell.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. SCOTT:

Three reports relating to debates on civil rights.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CORRECTION OF BILL

Mr. ELLENDER. Mr. President, on March 25, I introduced a bill (S. 2687). Through an error, on line 6, page 4, the word "more" was printed, instead of the word "less."

I ask unanimous consent that in future printings of the bill, the word "more" be changed to the word "less" on line 6, page 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATION FROM CLARENCE MITCHELL, DIRECTOR OF THE WASHINGTON BUREAU OF THE NAACP

Mr. MORSE. Mr. President, last week I introduced into the Congressional Record a telegram which I considered to be critical—and it was critical—from Clarence Mitchell, the director of the Washington bureau of NAACP. Clarence Mitchell and I have been friends for many years. But we have been friends whose friendship has always been able to withstand honest differences of opinion, for over the years I have differed with Clarence Mitchell several times in regard to what I considered to be the proper procedure and policies to follow in seeking to enact the best civil rights legislation possible.

I disagreed in 1957. As I have been heard to say, the civil rights bill of 1957 which was passed by the Congress was not worth the paper it was written on. It was so bad that I voted against it.

I disagreed in 1960, because again I thought the Senate threw away a great opportunity to pass an effective and desirable civil rights bill.

I disagreed with Clarence Mitchell in connection with the issue that has just been settled by a majority in the Senate. It was in regard to that issue that I received from him last week a telegram to which I took exception, and which I introduced into the Record.

Yesterday Mr. Mitchell came to me to make his last plea to persuade me to change my mind on my motion to refer the bill to committee. He failed, as did most of the other civil rights leaders who have lobbied me in the past 2 or 3 weeks. But I had a friendly and constructive conference with him, and in his graciousness and kindness he sent me a telegram following that conference, which he need not have sent, but which is typical of his spirit and broadmindedness.

I ask unanimous consent that the telegram I received from Mr. Mitchell be printed in the Record at this point.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

WASHINGTON, D.C.,
March 25, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.:

Thank you for our constructive discussion this morning. It is a tribute to the greatness of our country that a U.S. Senator and a citizen who have differing views on a procedural matter are nevertheless united and determined to win on the issue of substance. In this case the substantive question is passage of a strong and effective civil rights bill. As you know I earnestly hope that the motion to render the bill to committee will be defeated but it is a great source of comfort to know when that motion is disposed of your wisdom, strength, and clear voice of reason will be working both early and late for a great human rights victory.

Clarence Mitchell,
Director, Washington Bureau, NAACP.

IMPROVEMENT IN TERMS OF LOANS ON THE BASIS OF GROWING TIMBER

Mr. MORSE. Mr. President, I rise in support of Senate bill S. 2259, which would permit national banks to make loans up to 60 percent of the fair market value of growing timber, land, and improvements in forest tracts. The bill would allow these terms to be extended for 15 years with yearly payments, or to 3 years, if unamortized.

This measure was introduced by Senator McIntyre, together with Senators Aiken, McCarthy, Muskie, Prouty, and Sparkman, on October 24, 1963. It has passed the House of Representatives and is now before the Senate Committee on Banking and Currency, which held hearings on March 4, 1964, and received favorable testimony from several witnesses.

At present, the governing legislation in the Federal Reserve Act, 12 U.S.C. 371, limits such loans to 40 percent of the value of timber which is marketable, and extends terms of from 2 to 10 years, depending on whether or not the loan is amortized. These provisions are unduly restrictive and outmoded, since State banks in many cases have far greater freedom, and in some cases have no restriction at all in this area.

This bill will thus utilize the capacity of national banks for granting loans based on forest tracts and will introduce a competitive factor which will make it easier for small forest owners and developers to obtain financing in the timber business. Testimony at the hearings emphasized the value of this provision to the small businessman in the timber industry, pointing out that the large operators are often able to secure long-term financing from a variety of sources based on their general financial condition.

In fact, legislation of this sort can greatly strengthen the "family farm" method of timber cultivation and, at the same time, encourage sound planning in forest development.

The present short-term credit arrangements discourage the small investor and operator, and because they must be based on only marketable timber, may lead to the harvesting of forest products before they have reached full maturity. The short maturity of a loan may arrive at a time when the market is depressed, thereby causing not only monetary loss to the businessman, but economic waste to the Nation.

In Oregon it is well known that standing timber is an appreciating asset and that the supply of better grade marketable timber is declining, while the prospective long-term uses of forest products are expanding. There is thus a stable market for timber products, making timberland an attractive investment for both businessmen and banks on the basis of their long-term increases in value.

As is equally well known, the small businessman does not possess ready access to capital. This legislation would thus be very helpful in increasing the liquidity in timber operations.

The bill has the support of the American Bankers Association and the Comptroller of the Currency, and I urge its passage by the Senate.

OBJECTION TO COMMITTEE MEETINGS DURING CONSIDERATION OF THE CIVIL RIGHTS BILL

Mr. MORSE. Mr. President, turning to next to the last item that I shall place in the Record, I have been asked this afternoon whether the senior Senator from Oregon is still adamant in his announcement that he would object to any committee hearings being held while the Senate is in session during the debate on civil rights.

I wish to make it very clear that I am not only adamant, but I am immovably stubborn about it, if that term will satisfy anyone who would classify it as stubborn; but I am also sincere and determined about it. I am convinced that we shall never get a good civil rights bill, in a reasonable period of time, and we shall never get cloture, which will be essential to get a civil rights bill, until we bring the business of the Senate to a dead halt, except for the consideration of the civil rights bill, and until the people of the country understand the seriousness of the issue before the Senate.

A few moments ago I spoke about what I think to be the underlying principle in the civil rights bill. It is the Golden Rule of doing unto others as one would want others to do unto him. That is what this great controversy is all about, when all is said and done. There is nothing more important to our domestic tranquillity.

As I have said before as a member of the Foreign Relations Committee, there are few things more important to our standing in the world, from the standpoint of American foreign policy prestige, than our making first-class citizens of the Negroes of this country. It has never been done, because we have never delivered the Constitution to them in the 100 years since the Emancipation Proclamation.

The Senate could well afford to devote its full time to the issue of civil rights.

So I say to the majority leader and the majority whip, through their assistants present on the floor, that I shall object to any committee of the Senate meeting while the Senate is in session, under the rules of the Senate, including the Appropriations Committee, during the course of the consideration of the civil rights bill, until cloture is obtained.

ANSWER TO THE SECRETARY OF DEFENSE

Mr. MORSE. Mr. President, I turn now to the last matter. Earlier today I announced that on Monday I would answer the comments of the Secretary of Defense made at a coffee hour this morning in the Foreign Relations Committee, and the speech he has announced will be made to the American public over radio and television tonight.

The Secretary of Defense will try once again to propagandize the American people into acceptance of what I consider to be a totally unacceptable foreign policy vis-a-vis South Vietnam.

Since I made that announcement I have been briefed about what the Secretary of Defense said to the Foreign Relations Committee this morning. It was even more unsound than I thought he could concoct by way of a chain of fallacies. Also, since I made the announcement earlier today, I have been visited by a Marine Corps officer of substantial rank. This Marine Corps officer expressed the view to me as to his complete agreement with the position that I have taken in regard to South Vietnam. So do some of the high-ranking officers in Vietnam who are charged with directing the local troops in their operations against the Vietcong. I have received some interesting correspondence from some of them.

He made a few points that I wish to repeat. This Marine officer said to me, "Senator, the morale of the American forces in South Vietnam is at a seriously low ebb, because, due to the unsound policy which the United States is following in South Vietnam. We are acting as though we are not at war, but we are killing men as though we were at war, and we are killing men because those men under the operations that we are conducting in South Vietnam are not being given the protection that they would be given if we recognized that we were at war and proceeded to act as though we were at war. The kind of operation we are conducting in South Vietnam is jeopardizing the lives of American Armed Forces in South Vietnam. That would not be necessary if we were conducting a different type of operation."

I have been heard to say on the floor of the Senate, in my criticism of the administration's policy in South Vietnam, that they ought to make up their minds whether they will fish or cut bait. They know that the American people will not support an all-out war in South Vietnam. Therefore, by subterfuge and the pretense that we are not at war, we nevertheless are conducting operations that are killing American men in South Vietnam.

My good friend the Senator from Arkansas [Mr. FULBRIGHT], in his speech yesterday, said he thought we should get rid of the word "shocking." I intend to use it, because it is so applicable to our operations in South Vietnam. The operations of the United States in South Vietnam are shocking, completely unjustified, and unilateral. The course of action that we are following is going to label us, in the not too distant future, as a nation which is a threat to the peace in southeast Asia.

As I said yesterday, there are no Chinese in South Vietnam. There are no Russian soldiers in South Vietnam. The only foreign soldiers in South Vietnam are U.S. soldiers. What are they doing there? By what right are they there? Let the President of the United States answer to the people of the United States.

The time is coming for the Commander in Chief to speak—not the Secretary of Defense, not the Secretary of State—about this uncalled-for program of the United States in South Vietnam.

It is a sad thing that we are conducting an operation in South Vietnam which is causing fighting men to say, as a great fighting marine said to me today, "Tell us what you want us to do. If you want us to go to war, give us the support that goes along with a war operation."

I think he is right. Of course, I would vigorously oppose our going to war, because then we would be condemned by the nations of the world as an aggressor nation. If we are not an aggressor nation now in South Vietnam, we are not very far from it.

This morning the Washington Post carried a very interesting article, quoting the President of the Philippines. I ask unanimous consent that the article may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PHILIPPINES PRESIDENT URGES UNITED STATES TO STAY IN VIETNAM

(By Robert Eunson)

MANILA, March 25.—Withdrawal of American forces from Vietnam "could lead to disaster," President Diosdado Macapagal of the Philippines said today.

But he cautioned the United States against intervention in Asian affairs and said the current crisis between Malaysia and Indonesia could be settled if "Asian nations get together to solve their problems."

The President made the statements at a private audience at Malacanang Palace with Wes Gallagher, general manager of the Associated Press, who is on a tour of Asia.

Describing the Vietnamese war, where 16,000 U.S. troops are involved in the fight to wipe out Communist-backed Vietcong guerrillas, Macapagal said he believed "withdrawal of Americans or neutralization of Vietnam would affect all the countries of Asia.

"It could lead to a disaster, especially for those countries near Vietnam," he said.

Macapagal was the third Asian leader who has told Gallagher in the last 10 days that the United States should retain military units in South Vietnam until the war there is won. Prime Minister Hayato Ikeda, of Japan, and Gen. Nguyen Khanh, of South Vietnam, expressed similar beliefs.

Asked what the United States should do in Asia, Macapagal smiled, his brown eyes twinkling:

"I hesitate to walk, how is it you say, where angels fear to tread, but there should be more projection of intention of American aid. It should be made clear that aid will not be used as a club, a weapon—to constrain the secondary country to act as the first country desires."

Macapagal did not use the word "colonialism," but it was clear that his caution was directed toward just that image.

"A decision should be made on the type of aid needed," he said. "The effect should be allowed to come out naturally."

The President said the United States should not expect Indonesia or Malaysia, both much younger countries, to react in the same manner, internationally speaking, as the Philippines.

"The Philippine Government is now 18 years old and the United States should be proud before the eyes of the world because of the Philippines," he commented. "We are making democracy work. Democracy is here to stay."

SEATO, the Southeast Asia Treaty Organization, is still useful and could lead to an expansion among other Asia nations. SEATO will hold its 10th anniversary meeting in Manila next month.

Macapagal, who has been striving for 6 months to resolve differences between Malaysia and Indonesia, said he was hopeful for a summit meeting which would bring President Sukarno, of Indonesia, face to face with Tunku Abdul Rahman, of Malaysia, with Macapagal in the middle.

"Indonesia would be ready to accept Malaysia if it follows the doctrine that Asian nations settle Asian affairs," he said.

Mr. MORSE. Mr. President, the article leaves no room for doubt that the President of the Philippines wants us to stay in South Vietnam. I should like to ask the President of the Philippines, from my desk in the Senate this evening, "How many Philippine boys do you have in there, available for dying?" None.

I should like to ask the President of the Philippines, "How much of your largess are you willing to spend for the operations in South Vietnam?" The answer is none.

We are picking up 97 percent of the bill and the other 3 percent from within South Vietnam. Let me point out to the President of the Philippines: "Your country's signature is on the SEATO treaty. You have walked out, Mr. President of the Philippines; you have not lived up to your signature."

There will be a meeting of SEATO in Manila in the not too distant future. Will there be on the agenda the topic that calls for a recommitment of the SEATO signatories? What about the obligations of others in respect to the operations in South Vietnam? Mr. President, watch them run, if that is on the agenda.

The only possible reed on which we can lean so far as any international law rights are concerned about operating in South Vietnam is the SEATO treaty. It was in that treaty that the signatories entered into a protocol agreement that the South Vietnam area is of mutual concern to the signatories to the treaty. It carried the clear implication that because it was an area of mutual concern and interest, all signatories to the treaty would join in any program, whatever it was to be, in respect to the defense of South Vietnam.

Let us take a look at the signatories: Australia, Pakistan, Thailand, the Philippines, Great Britain, France, and the United States. The only country which is carrying out any obligation—and I think it is a mistaken obligation—that could possibly be implied in the SEATO Treaty is the United States.

But the President of the Philippines thinks we ought to stay there. I am going to keep right on asking "Australia, where are you? Pakistan, where are you? Thailand, where are you? The Philippines, where are you? Great Britain, where are you?" Where are they with respect to the SEATO Treaty?

It is a little more difficult to ask such a rhetorical question of France. For a long time it was possible to do so. However, at least of recent date De Gaulle has recognized that something ought to be done about South Vietnam. France learned the hard way, as we are about to learn the hard way, that the Western powers cannot win in Asia. France sacrificed the flower of her manhood for years, although the United States poured about a billion and a half dollars into Indochina when France was sacrificing its men, trying to help France. But France sacrificed the flower of her youth, until finally the French people said, "We have had enough," and they brought down the French Government. In the meantime, French law forbade the use of drafted men in Indochina. Only volunteers were allowed to fight there.

I have warned before. I am going to warn again today, and I shall warn from the platforms of America in the weeks ahead, for I intend to discuss this issue from coast to coast in the months ahead. This is a basic foreign policy problem about which the American people need to know the facts. I am satisfied that once they know them, they will say to the Johnson administration, "You either change, or we will hold you to an accounting for a foreign policy that is resulting in the unnecessary killing of American boys."

With the killing of each American boy in South Vietnam, the flag on the White House should be lowered to half-mast, and on the State Department, on the Pentagon Building, and on the Capitol Building, because they are unjustified and unnecessary killings. I believe that at least the flag should be lowered on the four edifices on which the responsibility for this unjustifiable policy rests—the White House, the State Department, the Pentagon, and the Capitol, because that is where the policy has been determined which permits these unjustifiable killings of American boys in South Vietnam.

Mr. President, I believe we had better take note of the fact that our need of international law is a weak one, based upon the SEATO treaty. We had better take note of the fact that our SEATO allies have walked out on us, even to the point where the President of the Philippines believes we should stay in, while the Philippines stay out.

They are perfectly willing for us to stay in and pick up the check, pay the bills and waste the blood, so long as it is not their money and their blood.

Mr. President, President de Gaulle may be right—I do not know—but we should explore the situation. I hope that the next SEATO meeting in Manila, in the near future, will explore it.

I close by saying, unpopular as it is, that the place for the South Vietnam issue is before the United Nations, not the United States. In my judgment, under the pacts and treaties, including the United Nations Charter, which we have signed, we do not have the slightest justification for unilateral action in South Vietnam.

But it is said that, the government invited us in. Whose government?

Our puppet government. For it was the United States in 1954 which in fact established the puppet government of South Vietnam.

I am a good enough lawyer, and I know enough about international law to know that we do not obtain rights for unilateral international action based upon invitations received from puppet governments of one's own making.

I do not like to find myself in disagreement with my administration. I do not like to find myself in the position where the extremists, the uninformed, the professional patriots and the emotionalists are always anxious to wave the flag into tatters and proceed to misconstrue my position. According to my sights and the basis of my knowledge of the situation as a member of the Foreign Relations Committee of the Senate, we should be willing, when we are satisfied the facts support it, to stand up and admit that our country is dead wrong on any issue about which it is mistaken.

In my judgment, the Government of the United States is dead wrong on the policy it is pursuing in South Vietnam, and all the rationalization, all the alibis, all the propagandizing by the Secretaries of State and Defense will not change that fact.

We should seek to bring the whole issue before the United Nations because South Vietnam and the happenings there are a threat to the peace of that area. The United Nations was set up to intervene wherever the peace was threatened. If we got out of South Vietnam, we would be surprised at how quickly the situation would be resolved; for as I stated yesterday, it is, for the most part, a civil war. There is a great deal of news propaganda about forces from outside South Vietnam being responsible for the condition, but if we moved out of our orbit into the other orbit, the charge would then be that U.S. forces are responsible.

I want to get all U.S. forces out to the extent that any are in. I want to get the issue before the United Nations.

People constantly ask, "What does Morse propose? He only criticizes. What does he propose?"

I have never criticized without proposing, and if anyone wishes, he can check my record on any controversy in which I have been involved, concerning foreign policy or any other major policy of my government.

There are those two places to explore, if we really believe in trying to resort to the rule of law, instead of the jungle law of force. Too frequently, the United States talks a good game of resorting to the rule of law, but at the same time it hypocritically applies the rule of force. Much of our so-called military aid is naught but an application of the rule of force around the world.

My proposal is that we should take the leadership in trying to obtain a SEATO settlement. That would bring France in. That would also bring in Great Britain, Australia, Pakistan, Thailand, and the Philippines. We might be able to arrive at an acceptable program.

Say what we will, to some the word "neutralization" has become an ugly word. But there are all degrees of neutralization. When I talk about neutralization in respect to South Vietnam, I am not talking about the type of neutralization that we have in Laos. If I read De Gaulle's suggestions correctly, he was not, either. But we shall never know until we explore it. The undeniable fact is that the officials of the Government of the United States are not seeking to explore the possibilities through SEATO or making an honorable accommodation for the bringing of peace to South Vietnam.

My second proposal is, if we cannot act through SEATO, to try to act through the United Nations. Here again, we will not know to what extent we might succeed until we try.

I cannot imagine the people of this country supporting much longer the kind of program the Secretary of Defense is trying to propagandize the American people into accepting, of American intervention on a unilateral basis in a civil war in South Vietnam.

Next Monday, I shall discuss the problem further. I intend to continue to discuss the matter until we get a broader based understanding of it both within the Government and within the Republic.

Mr. President, I yield the floor.

PROGRAM FOR NEXT WEEK

Mr. HUMPHREY. Mr. President, I wish to make an announcement with reference to the program for next week.

When the Senate completes its business today, it will stand in adjournment until 12 o'clock noon on Monday next.

On Monday, it is expected to have the Senate remain in session into the evening—I should say, most likely, until 8 or 9 o'clock.

On Tuesday, and also on Wednesday and Thursday, it is proposed to have the Senate convene at 11 o'clock a.m. At that time the leadership will decide what earlier hour for convening may be desirable for the remainder of the week.

There will be a session of the Senate on Saturday, April 4. Senators should be on notice of that. That is not the coming Saturday, but Saturday of the following week.

The Senate will hold evening sessions all week. By that I mean that it is not proposed to have the Senate recess earlier than 8 o'clock but more likely to have it continue until 10 o'clock or later.

I desire to have the staff of the Senate notify every senatorial office of these arrangements, so that Senators will not have to rely entirely upon the Record for this information. I am sure that if Senators are notified, there will be a good attendance in the Chamber.

Starting on Monday, March 30, the proponents of the civil rights bill will attempt to open the debate and place before the Senate and the public the arguments in behalf of the 11 titles of the civil rights bill. It will be my intention on Monday, when I can gain recognition by the Chair, to open the debate for the proponents or supporters of the bill, the pending business, H.R. 7152. That will be followed by addresses by our friends on the Republican side of the aisle. We shall attempt to alternate the speeches on each of the titles. There will be several speakers on each title, after a general presentation has been made relating to the bill as a whole.

It is hoped that the Senate may proceed to discuss the bill title by title; and we would, of course, at that time expect to have a discussion on any proposed amendment. However, I doubt that we could look forward to any votes on any amendments in the coming week. To think that we could would be overly optimistic.

U.S. FOREIGN POLICY

Mr. HUMPHREY. Mr. President, during the past week we have heard three speeches which have done much to enlighten the public on the realities of international politics in the nuclear age. On Monday, Ambassador Adlai Stevenson reminded us that in a decade when monolithic blocs are giving way to "a bewildering diversity among nations," we are passing from a policy of containment to a policy of cease-fire and peaceful change. On Tuesday, President Johnson told the world that—

> The people in this country have more blessed hopes than bitter victory. The people of this country and the world expect more from their leaders than just a show of brute force.

On Wednesday, the distinguished chairman of the Senate Committee on Foreign Relations, Senator Fulbright, reexamined some "old myths and new realities" of American foreign policy today. In a thoughtful speech marked by elegance of phrase and profoundness of insight, Senator Fulbright has challenged some of the cherished assumptions we have been making about U.S. foreign policy in recent years.

I congratulate the Senator upon being a provocative and thoughtful teacher.

We are all bound by habit, and sometimes we need to be jolted out of our habitual pattern of looking at foreign policy. We need to ask ourselves basic and searching questions about the policies we are pursuing, the tactics we are using, the objectives we are aiming at. In a mature and responsible way, Senator Fulbright has called for a reexamination of the thrust of our foreign policy in key areas of the world. This reexamination of course does not mean that all our present policies should be discarded. It does mean that they be reexamined in light of existing conditions.

It is most appropriate that this reexamination should be done by Senators and especially appropriate that it be led by the chairman of the Foreign Relations Committee.

In leading this reexamination of our foreign policy, Senator FULBRIGHT has fulfilled the highest responsibility of a Senator. Under our system of separation of powers, a Senator has a vital and important role in the foreign policy process, but one which is quite distinct from that of the executive branch. A Senator has a responsibility to participate in the formulation of foreign policy, but is not involved in the day-to-day implementation of policy. Because he is removed from the day-to-day implementation of policy, he is often better situated to undertake an independent reexamination of American foreign policy.

A Senator, therefore, in fulfilling his functions relating to foreign policy must be both independent and responsible. He must be independent enough to assess the situation frankly, coldly, and objectively. He must be responsible enough to know that the position he takes will have an impact on the U.S. Government's position in various parts of the world. I believe that the chairman of the Foreign Relations Committee has shown both independence and responsibility in his examination of the problems confronting the United States in the world today.

While I will not attempt to go into the detailed discussion of individual issues in the Senator's speech, I would like to add one comment about his remarks on Latin America.

Without commenting on the merits of the Senator's position on the Cuban and Panama issues themselves, I believe the Senator is right in insisting that a preoccupation by the public and U.S. policymakers with these two issues has tended to obscure some of the other problems we face in Latin America today. We have as the Senator says "become so transfixed with Cuba" that our foreign policy in this hemisphere has often become distorted. While Cuba is important—and in my view will continue to be for some time to come—we should never forget that Brazil is of much greater consequence to U.S. interests in this hemisphere than Cuba will ever be.

Brazil represents the largest land mass of any nation in this hemisphere. It represents half of the population of South America. Therefore it would appear to me that American foreign policy concerned with Brazil would be of the utmost importance.

While Cuba will retain considerable significance as long as it remains an outpost of the Soviet Union in this hemisphere, it should no longer be permitted to blind us from the fact that the basic pattern of hemispheric relations will be determined to a great extent in Brazil and Argentina, in Chile and Mexico, in Peru and Colombia. In fact, all of Latin America is deserving of our continuous and thoughtful education.

Bearing this in mind, the Senator's remarks about social revolution in Latin America are particularly pertinent. He has raised one of the most troublesome questions about our Latin American policy today—are we prepared to deal with social revolutions in Latin American countries that do not follow the gradual, peaceful evolutionary pattern that has been characteristic of the development of Anglo-Saxon societies? Are we anticipating events in certain countries by identifying emerging political forces that will lead and control any social revolution that might occur? I do not know. But I do know that the Senator from Arkansas [Mr. FULBRIGHT] is right in his concern about the "winds of revolution"—as he puts it—blowing in Latin America today. Regardless of our own preference for gradual evolutionary change, we must be prepared to face the fact that in some instances in this hemisphere in the coming decade, we may be forced to deal with revolutionary situations.

It is my hope that we shall be prepared. I do believe we shall be better prepared to face up to these situations if we, as Senators, courageously, thoughtfully, and respectively assess what is going on in our hemisphere and attempt to identify the relevancy of our present foreign policy to these respective areas. It is in this spirit that we will do much to strengthen our Nation, and at the same time have a much more effective and, I believe, successful foreign policy.

Mr. PELL. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. PELL. For the past few minutes, I have had the pleasure of listening to the remarks of the Senator from Minnesota in regard to our foreign policy and to his congratulation of the Senator from Arkansas [Mr. FULBRIGHT] for what he has done to engender more forward thinking and increased emphasis upon all of our foreign policy and upon introducing in it an element of flexibility. I congratulate the Senator from Minnesota for his remarks, and I wish to associate myself with them.

Mr. HUMPHREY. I thank the Senator from Rhode Island. Such words from him—one of our leading experts and most knowledgeable Members in the field of foreign affairs—are very much appreciated.

Mr. President, I referred to the address delivered by the U.S. Ambassador to the United Nations, the Honorable Adlai E. Stevenson. I ask unanimous consent that his Dag Hammarskjold Memorial Lecture at Princeton University on March 23, 1964, be printed in the RECORD.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

FROM CONTAINMENT TO CEASE-FIRE AND PEACEFUL CHANGE

(Dag Hammarskjold Memorial lecture by Ambassador Adlai E. Stevenson, U.S. representative to the United Nations, at Princeton University, March 23, 1964)

The United Nations and therefore the world has been fortunate to have three strong Secretaries General—Trygve Lie of Norway, Dag Hammarskjold of Sweden and U Thant of Burma. While serving on the American delegation in London in the first days of the United Nations and latterly in New York, I had something to do with the selection of Trygve Lie and U Thant. And it was my good fortune to know Dag Hammarskjold well, and my sad lot to attend his funeral in the lovely old cathedral at Upsala. Like the others who came from all over the world, I walked behind him to the cemetery through the streets of the ancient town, lined with thousands of silent, reverent people. Upsala was the world that day when he was laid to rest in the northern autumn twilight, for he was a hero of the community of man.

Norman Cousins tells a story that says a lot about Dag Hammarskjold as a peacemaker.

He had scheduled an interview with a magazine writer one evennig. The writer suggested that they have dinner at a restaurant, which the Secretary General accepted. He further suggested that they take his car, which the Secretary General also accepted.

Upon leaving the building, the writer recalled to his embarrassment that he had driven into town in a battered old jeep. The Secretary General was delighted. "Sometimes I think I was born in one," he said.

But the writer's embarrassment had only begun. Four blocks away, a taxi cab darted in front of the jeep and there was a harmless collision.

I don't have to suggest the reaction of the cab driver or the quality of his prose. But the writer was not without a temper himself, or the prose to match the cab driver. It looked as though the disagreement was about to escalate into active hostilities. At this point, Hammarskjold climbed out of the jeep and stepped around to the cab driver.

"You know," he said, "I don't think anyone quite realizes how tough it is to drive a cab in New York City. I don't know how you fellows do it—ten, twelve, fourteen hours a day, day after day, with all the things you've got to contend with, people weaving in and out of traffic and that sort of thing. Believe me, I really have to take my hat off to you fellows."

The cab driver refused immediately. "Mister," he said, "you really said a mouthful." And that was the end of the incident.

But it wasn't the end of the story. A few blocks later the unfortunate writer ran out of gas. And who should drive by? The same cab driver pulled up and said, "What's the matter chum, any trouble?"

"Out of gas," said the disgruntled writer.

Well, you can guess the end of the story: The cabbie offered to get some gas, invited the driver's nice friend to come along with him, and drove off with the Secretary General of the United Nations in the front seat—leaving the writer to ponder the role of the peacemaker in today's tense society.

I

No one ever doubted Dag Hammarskjold's selfless dedication to peaceful settlement of any and all disputes among men and nations. None questioned his deep personal commitment to the principles of the Charter of the United Nations, whose first business is the peaceful settlement of disputes.

But this can be said of other men: Hammarskjold was unsurpassed, but he was not alone in his devotion to peace. What distinguished his service to the United Nations is that he came to see it for what it is: A specific piece of international machinery whose implicit capabilities can only be realized by the action of the members and the Secretariat working within its constitutional framework.

There was no doubt in Dag Hammarskjold—nor is there in many others—that the United Nations is the most remarkable and significant international institution ever conceived. But Hammarskjold also understood that the machinery not only needs lofty goals and high principles but it has to work in practice—that it has limited, not unlimited functions; that it has finite, not infinite capabilities under given circumstances at a given time.

He saw that the effectiveness of the organization is measured by the best consensus that can be reached by the relevant majority of the relevant organ—and that reaching that consensus is a highly pragmatic exercise.

Understanding all this, Dag Hammarskjold—himself a key part of the machinery—helped make the machinery more workable, more adaptable, more relevant to the immediate political needs. By doing so, he helped expand the capacity of the machinery to act effectively. This, I think, was his greatest contribution to the United Nations, and thus to world peace.

His was dedicated service—backed by diplomatic skill, by administrative talent, and by a sharp sense of political reality.

The overwhelming political reality of Hammarskjold's day was the division of the world into opposing and rigid military alliances, led by two incomparable centers of power and influence—with the two halves of this bipolar world engaged in a cold war paced by an uncontrolled and seemingly uncontrollable nuclear arms race—while everyone else held his breath lest the "balance of terror" get too far out of balance.

Many came to accept this as a continuing—almost natural—state of affairs which would continue until one side collapsed or the two sides collided in world war III. We now know that it was a transitory and unhealthy condition of the world body politic.

The cold war has not sunk out of sight, but the field of contest may be shifting radically—and for the better.

The nuclear arms race has not passed into history, but at least it has, for the first time, been brought within a first stage of control.

For these and a large variety of other reasons, the world is a very different world from that which existed when Dag Hammarskjold went down to his death in that cruel crash in Africa 2½ years ago. We therefore will be wise to tailor our thinking about the role of the United Nations he served so well not to his world of 1961 but to our world of 1964—which is to say: A world which is no longer bipolar but in which multiple centers of power and influence have come into being; a world which at long last is approaching the end of the historic struggle for military superiority—by acquiring absolute military power; a world in which the myth of monolithic blocs is giving way to a bewildering diversity among nations; a world in which realities are eroding the once rigid political dogmas; a world in which not only imperialism but paternalism is dying; a world in which old trading systems, monetary systems, market systems, and other elements of the conventional wisdom are being challenged and changed; a world which at once makes breathtaking new discoveries and is crippled by ancient feuds—which is both fabulously rich and desperately poor—which is making more progress than ever before and seeing much of it wiped out by an explosive population growth; and finally, a world in which fundamental issues of human rights—which have been hidden in closets down the long corridor of history—are out in the open and high on the agenda of human affairs.

For the first time in history the world is being changed radically within the span of an average lifetime; we enter one world and leave quite a different one. As E. B. White once said of New York, "the miracle is that it works at all."

Not even the sloganeers have caught the full essence of these times; we do not yet know what to call this particular passage of history. Since the end of the Second World War we have spoken of the "atomic age" and the "jet age"—of the era of "rising expectations" and the "epoch of the common man"—of the "first age of space"—and the "first age of mass politics." Each of these labels identifies at least one of the swirling phenomena of our times, but none of them will do as an overall title.

II

We should try to come to grips with the central theme of our times—with that aspect of current affairs which gives them their characteristic stamp and flavor—with that label which may not tell all but puts its finger on the most important thing that is going on.

You will recall that back in 1947 a certain "Mr. X"—who turned out to be my friend George Kennan—wrote an article for Foreign Affairs in which he introduced the famous label, the "Policy of Containment." He invented the phrase but he did not invent the doctrine; the United States already was busily, heavily, expensively, and dangerously involved in containing the ruthless, heavy-handed outer thrust of Stalin's Russia—wherever he might strike or lean.

This was the main pattern of world events for a number of years and "containment" was a meaningful description of the main purpose of U.S. policy. It was therefore a great public service, for in the free world effective foreign policy is difficult without the understanding and appreciation of the public. How can one rally support for a policy if one can't even describe it? In the absence of a suitable description, each individual action of government is dangerously exposed to attack and suspicion, but if it is known to be part of a larger and well-understood design, it becomes less difficult to act quickly and coherently. However, this is not a lecture on the glorious virtues and crippling vices of sovereign public opinion in a genuine democracy.

When we look back with pride on the great decisions that President Truman made, we see now that he had the inestimable advantage of public understanding. He could react to Korea quickly because he didn't have to stop to explain, to pull public opinion up alongside. It was quite clear to all that this was but another phase of containment, just like the Berlin airlift and the guerrilla war in Greece, and NATO.

Up until the postwar years, Americans had been brought up on the idea of fighting every conflict to a decisive finish—to total victory, to unconditional surrender. But when the nuclear age revealed the hazards of this course, it was neither easy nor popular to introduce the concept of limited action, primarily to preserve the status quo. This nuclear necessity went against the American grain; it was (and to some still is) both confusing and frustrating. It took patient explaining, and all of us can be grateful that Mr. X gave identification and illumination to a policy that was already being practiced. He showed us why the Greeks thought it so important to have "a word for it."

We can, as I say, be proud of our performance under the containment policy. Above all we can be proud that the tendency once noted by Lord Acton did not operate in our case: The possession of great power—unprecedented and overwhelming power—did not corrupt the American Government or the American people.

But as unquestioned leader of an alliance constantly threatened by external military pressure, we had to stand up and be counted for more; we had to stand firm; we had to confront force with force until the tanks faced each other gun barrel to gun barrel, along Friedrichstrasse in Berlin—until the Korean invaders had been thrown back across the 38th parallel—until the Navy drew an armored noose around Soviet missile sites in Cuba—and until, at long last, Soviet leaders became convinced that free men will answer steel with steel.

During this whole period the positions and actions taken by the U.S. Government to contain aggression had broad public understanding and support. In a sense the policy of containment was too easy to understand. It tended to reinforce a simplistic view of a black-and-white world peopled by good guys and bad guys; it tended to induce a fixation on military borders to the exclusion of other things; and it tended to hide deep trends and radical changes which even then were restructuring the world.

And, of course, the policy of containment—being a reaction to Soviet Communist aggressiveness—necessarily had a negative and static ring to it. This had the unfortunate effect of partially obscuring the positive and progressive purposes of U.S. policies in support of the United Nations, in support of regional unity in Europe and elsewhere and in support of economic and social growth throughout most of the world where poverty was a centuries-old way of life.

Nevertheless, the doctrine of containment was relevant to the power realities of the times—to the struggle to protect the independent world from Stalinism—and to the defense of peace—which is quite a lot.

Indeed, the doctrine may not yet have outlived its usefulness. If the present Soviet leaders have come to see that expansion by armed force is an irrational policy, it is by no means clear that the Chinese Communists—pretending to read out of the same book—have yet come to the same conclusion.

No doubt we shall have to stand firm again—and face danger again—and run risks again in the defense of freedom.

We cannot and will not resign from whatever degree of leadership is forced upon us by the level of threat used against us, our allies, and our friends.

But as anyone willing to see clearly already knows, the current course of world affairs calls for something more than a "policy of containment."

III

What, then is the dominant theme that marks the character of contemporary world affairs?

I would suggest that we have begun to move beyond the policy of containment; that the central trend of our times is the emergence of what, for lack of a better label, might be called a policy of cease-fire, and peaceful change. I would suggest, further, that we may be approaching something close to a world concensus on such a policy.

No analogy is ever perfect, but if the policy of containment stands for "limited war", then the policy of cease fire perhaps stands for "limited peace." I believe this mutation is occurring simply because the H-bomb has made even "limited" war too dangerous.

Cease fire and peaceful change may strike some as a curious way to describe a period so jammed by violence, by disorder, by quarrels among the nations—an era so lacking in law and order. But I do not speak wistfully; I speak from the record.

It is precisely the fact that so much violence and so many quarrels have not led to war that puts a special mark on our times.

Only a few decades ago, if a street mob organized by a government sacked and burned the embassy of another government—if rioters tore down another nation's flag and spit upon it—if hoodlums hanged or burned in effigy the head of another state—if ships or planes on lawful missions were attacked—you would expect a war to break out forthwith. Lesser excuses than these have started more than one war before.

And only a few decades ago, once hostilities broke out between the armed forces of two nations, it was assumed with good reason that since the war was started, the war would proceed until one nation or one side had "won" and the other had "lost"—however foolish or futile the whole thing might be.

It also was assumed that the only way fighting could be stopped was by surrender—unconditional or negotiated—confirmed by signatures on a document and ritualized by the presentation of swords by the vanquished to the victors. That was in the nature of the institution called war. This is how it was.

But this is not the way it has been for well over a decade now and I think we should begin to notice that fact. Scores and scores of what used to be called "incidents"—far too many of them—have occurred around the world without leading to hostilities or even ultimatums. The fact is that in the last decade, nearly every war, partial war, incipient war, and threat of war, has either been halted or averted by a cease-fire.

It is still a very foolish and dangerous thing to insult another nation or desecrate its property or take potshots at its citizens or equipment. But there are other forms of penalty than mass slaughter and, happily, the world is beginning to avail itself of them. Firing has started and then stopped—organized hostilities have been turned on and then called off—without victory or defeat, without surrender or peace treaty, without signatures or swords.

This is what seems to be happening. If so, it is perhaps the most important and certainly the most hopeful news for many a moon. As Al Smith kept saying, "Let's look at the record."

Just after the last war, the Soviet Union sent two armored divisions though northern Iran toward the Turkish and Iraqi frontiers while Bulgaria massed troops on its southern frontier to form the other prong of a huge pincers movement against Turkey. Then the Security Council of the United Nations met in London for the first time, and presently the Soviet troops went back into the Soviet Union. Not a shot had been fired.

Since that time there have been some 20 occasions on which the armed forces of two or more nations engaged in more or less organized, formal hostilities, which in another day would have been accompanied by declarations of war—wars to be fought until "victory" was attained by one side or the other. Eight of these could be classified as outright invasions, in which the armed forces of one nation marched or parachuted into the territory of another; only one of them—the mismatched affair between India and Goa—was settled in the traditional way in which wars have been settled in the past.

On at least another 20 occasions there has been minor fighting on disputed frontiers, or armed revolts which usually involved the national interests of an outside state. Any of them would have qualified as a causus belli in another day.

At this very moment the agenda of the Security Council of the United Nations lists 57 international disputes. Some of them have been settled, some are quiescent, and others could flare again at any moment. The point here is that more than half a hundred international quarrels have been considered by somebody to be enough of a threat to the peace to take the case to the court of last resort.

This is not exactly peace—at least not the kind of peace that people have dreamed and hoped and prayed for. But the record suggests that if fighting breaks out somewhere tomorrow, the chances are good that the next step will not be the sound of trumpets but the call to cease fire.

And the chances are good that the step after that will not be an exchange of swords but an exchange of words at a conference table. This is no guarantee that a way will be found to remove the root of the trouble. In the Middle East, southeast Asia, and the Far East there are temporary armistice lines that have been temporary now for more than a decade. But in these affairs there are no victors and no vanquished—and in this sense we are all winners.

This record of violence without war suggests, then, that we may have slipped almost imperceptibly into an era of peaceful settlement of disputes—or at least an era of cease fires while disputes are pursued by other than military means.

Without making light of life-and-death matters, one can conclude that it has become distinctly unfashionable to march armies into somebody else's territory. I can think of no better evidence than the fact that the Organization of African Unity—an institution hardly out of its swaddling clothes—quickly arranged cease-fires when fighting broke out on the borders between Morocco and Algeria and again between Somalia and Ethiopia

How has all this come about? I shall not attempt anything like a definite answer. I would only suggest in passing that perhaps Korea was the end of the road for classical armed aggression against one's next-door neighbor; that perhaps Suez was the end of the road for colonial-type military solutions; and that perhaps Cuba was the end of the road for nuclear confrontation.

Perhaps man is adjusting once again to his environment—this time the atomic environment. Perhaps the leaders of nations around the world—small as well as large nations—have absorbed the notion that little wars will lead to big wars and big wars to annihilation. Perhaps we are edging toward a consensus on the proposition that nobody can afford an uncontrolled skirmish any more—that the only safe antidote to escalation is cease fire.

I emphasize "perhaps"—for we must work and pray for that historical judgment on these times.

Yet skirmishes will occur and will have to be controlled. Countless borders are still in dispute. Nationalism and rivalry are rampant. Ethnic and tribal and religious animosities abound. Passions and hatreds—ignorance and ambition—bigotry and discrimination—are all still with us.

IV

The question is what can be done to make sure that this is in fact an era of peaceful settlement of disputes among nations.

For one thing, we can pursue this consensus on recourse to nonviolent solutions. Most of the world is in agreement right now—though there are a few who would make a small exception for his own dispute with his neighbor. Yet there is reason to hope that the aggressors are extending their doctrine of no nuclear war to a broader doctrine of no conventional war—on the grounds that you cannot be sure there will be no nuclear war unless you are sure there will be no conventional war either.

For another thing, we can get on with the urgent business of expanding and improving the peacekeeping machinery of the United Nations. Most of the cease fires I have been speaking about have been arranged by the United Nations and the regional organizations. Most of the truces and negotiations and solutions that have come about have come about with the help of the United Nations. Even if the will had existed, the way would not have been found without the machinery of the United Nations.

Violence—which there will be—without war—which there must not be—is unthinkable without an effective and reliable system of peacekeeping.

How should we and how can we improve the peacekeeping machinery of the United Nations?

Cyprus has vididly exposed the frailties of the existing machinery: The Security Council, by an impressive unanimous vote, first saved the situation with a cease-fire resolution providing for a U.N. peacekeeping force, but shortly afterward war nearly broke out again before the U.N. could put the resolution into effect.

There were no troops immediately available, and the Secretary General could not marshal the U.N. force with the speed so urgently required. Then there was no assurance of adequate funds to pay for the operation. While these handicaps were overcome, the Secretary General has not yet found a mediator of the conflict. While I am confident that he will soon be designated, it took over 2 weeks (instead of 2 days or 2 hours) to get the peacekeeping operation going, and then only because armed intervention appeared imminent.

In short, when time is of the essence, there is a dangerous vacuum during the interval while military forces are being assembled on a hit-or-miss basis.

And we further risk an erosion in the political and moral authority of the U.N. if the troops trained only for national forces are thrust without special training into situations unique to the purpose and methods of the United Nations. For a U.N. soldier in his blue beret is like no other soldier in the world—he has no mission but peace and no enemy but war.

Time and again, we of the United States have urged the creation of a United Nations International Police Force, trained specifically for the keeping of the peace.

Perhaps it is too early to contemplate a fixed U.N. international force which would be permanently maintained for use for any and all purposes—for the world's emergencies differ one from another, and there can hardly be one treatment for all of them. But surely it would make sense for member countries of the United Nations to indicate what forces, equipment, and logistic support they would be willing to train for peacekeeping service, and to supply on a moment's notice. And surely it would make sense for the U.N. itself to add to its military and planning staff so that peacekeeping operations can be set in motion with the utmost speed and effectiveness.

There are some encouraging signs of progress. Recently it was announced that Scandinavia would create a permanent force for use on U.N. peacekeeping missions. This would include Denmark, Sweden, Norway, and Finland, although it is not yet clear if Finland would join in an integrated command or form an independent unit. Other nations, such as Canada and the Netherlands, have also shown interest in creating a United Nations standby force. So things are moving.

There is also movement on the fiscal front. Last year it seemed hopeless that the United Nations General Assembly would be able to agree on a financing formula which would permit its vital Congo operations to continue. But it did, and in the process paved the way for further developments in this all-important area.

This next month a United Nations working group will be meeting in an endeavor to formulate agreed methods for financing future peacekeeping operations, so that there will be less need for controversy each time such an operation is to be financed.

It is true that every United Nations peacekeeping effort is and probably always will be different from any other, and that no simple financing formula can fit them all, but agreement on certain principles and improvements in mechanisms should be possible and useful for the future. The United States will join wholeheartedly in the search for such agreements.

There will, however, be a shadow over that working group—the shadow of unpaid assessments for past United Nations peacekeeping operations. No less than $92 million of such arrears are owed by the Soviet bloc and a few other countries that have refused to pay their share of the cost of such operation—principally those in the Middle East and in the Congo.

But the Soviet claim that the assessments for these operations were not legally imposed and are not legally binding was rejected by the advisory opinion of the International Court of Justice in 1962, and that opinion was accepted by a decisive vote of the General Assembly that fall. Yet the Soviets are still refusing to pay.

What can be done about it?

Article 19 of the United Nations Charter provides that a member whose arrears amount to as much as its last 2 years' assessments "shall have no vote" in the General Assembly. This article has caught up with the Soviet Union and certain other countries, which means that if at the time the next General Assembly meets the Soviet Union has not paid at least some $9 million of its arrears, it will have no vote in the Assembly.

The United States, and I believe all the members want to avoid such a situation—in the only way it can be avoided, namely by a Soviet payment—in whatever form.

We think the best way to avoid the penalty and preserve the U.N.'s financial integrity is for the members to make it abundantly clear that they support peacekeeping operations, that they want all members to pay their fair share of the cost, and that the Charter must be applied in accordance with its terms, and without fear or favor.

It is our earnest hope that the overwhelming sentiment of the members will prevail, and that the Soviet Union and others will find the means, in one way or another, to provide funds that will make unnecessary any article 19 confrontation.

At the same time, the United States and others are exploring the possibility of adjustments to avoid the recurrence of this unhappy situation. Not many members would agree with the Soviet Union's contention that the General Assembly has no right to recommend a peacekeeping operation and that the Security Council should have the exclusive right to initiate such operations. Nor would many agree to abolish the General Assembly's exclusive right, under the Charter, to apportion and assess expenses.

But it should be possible to give new emphasis to the position of the Security Council by providing that all proposals for initiating a peacekeeping operation should first be presented to the Council, and that the General Assembly should not have the right to initiate such an operation unless the Council had shown that it was unable to act.

Also when it comes to the apportionment of the costs among the members by the General Assembly, we are exploring possible arrangements whereby the viewpoints of the major powers and contributors to the cost could be assured of more adequate consideration, and also the possibility of more flexible methods of distributing the cost.

I mention the fact that these possibilities are being discussed to make clear that the United States is using every effort to reach agreement as to future peacekeeping arrangements, in the hope that agreement as to the future will facilitate solution as to the past and provide a more firm foundation for a peacekeeping structure that has already proved itself so valuable.

Let me make it quite clear that it is the Charter that imposes the penalty of loss of voting privileges for nonpayment of assessments. The United States has never presumed to think it could negotiate this requirement of the Charter with the Soviet Union and it has not entered into these exploratory talks for this purpose. But we are eager to discuss a sound system for financing future peacekeeping operations, a system which involves no change in the terms of article 19 of the Charter and, indeed, presuppose settlement of the arrears problem.

We hope and believe that these efforts to preserve the peacekeeping function will have the support of all members, and certainly of all members who believe in the efficacy, indeed the indispensability, of the United Nations as a force for peace in the world.

V

Finally, if we are going to get the nuclear genii back in the bottle and keep it there, we shall have to improve our techniques for arriving at basic solutions to problems which remain even when a cease-fire has gone into effect.

I referred earlier to the point that the doctrine of containment was essentially a negative and static concept—as it had to be for its purpose. But a simple cease-fire is static, too; it is a return to the status quo ante, and that is not good enough for a world in which the only question is whether change will be violent or peaceful.

The world has known periods of relative peace and order before. Always the order was assured by a system designed to preserve the status quo. And this is precisely why the system of order broke down—because the status quo is indefensible in the long run.

What the world needs is a dynamic system of order—a system capable of bringing about not just a precarious halt to hostilities, but a curative resolution of the roots of hostility. This is to say that a dynamic system of order must be one which helps parties to a dispute to break out of rigid stalemates—to adapt to new times—to manage and absorb needed change.

It is easier to write this prescription than to fill it. But if conflicts are to be resolved and not just frozen, it is manifest that only through the United Nations, the community of nations, can the workable system of peaceful change evolve. The United Nations is a shared enterprise; it speaks for no nation, but for the common interest of the world community. And most important, the United Nations has no interest in the status quo.

VI

To conclude: I believe there is evidence of new beginnings, of evolution from containment to cease-fire, and from cease-fire to peaceful change. We have witnessed the first concerted and successful effort to avoid the confrontation of naked force. The Cuban crisis has been followed by the nuclear test ban treaty and a pause in the arms race. We see growing up in the interstices of the old power systems a new readiness to replace national violence with international peacekeeping. The sheer arbitrament of force is no longer possible and less lethal methods of policing, controlling and resolving disputes are emerging. Do we perceive, perhaps dimly, the world groping for, reaching out, to the fuller version of a society based upon human brotherhood, to an order in which men's burdens are lifted, to a peace which is secure in justice and ruled by law?

As I have said, I believe that now, as in the days of the Founding Fathers, even the faintest possibility of achieving such an order depends upon our steadfast faith. In their day, too, democracy in an age of monarchs and freedom in an age of empire seemed the most remote of pipedreams. Today, too, the dream of a world which repeats at the international level the solid achievements—of law and welfare—of our domestic society must seem audacious to the point of insanity, save for the grim fact that survival itself is inconceivable on any other terms.

And once again we in America are challenged to hold fast to our audacious dream. If we revert to crude nationalism and separatism, every present organ of international collaboration will collapse. If we turn in upon ourselves, allow our self-styled patriots to entice us into the supposed security of an impossibe isolation, we shall be back in the jungle of rampant nationalisms and baleful ambitions and irreconcilable conflicts which—one cannot repeat it too often—have already twice in this century sent millions to their death, and next time would send everybody.

I believe, therefore, that at this time the only sane policy for America—in its own interests and in the wider interests of humanity—lies in the patient, unspectacular, and if need be lonely search for the interests which unite the nations, for the policies which draw them together, for institutions which transcend rival national interests, for the international instruments of law and security, for the strengthening of what we have already built inside and outside the United Nations, for the elaboration of the further needs and institutions of a changing world for a stable, working society.

If we in the United States do not carry these burdens, no one else will. If we withdraw, retreat, hesitate, the hope of today, I believe without rhetoric or exaggeration, will be lost tomorrow.

We have called this land the "last best hope" of man—but "last" now has overtones of disaster which we would do well to heed. With Churchill, I can say that "I do not believe that God has despaired of His children." But I would say also, in the words of the Scriptures: "Let us work while it is yet day."

Mr. HUMPHREY. Mr. President, I also refer to the address delivered by the President of the United States before the Ninth National Legislative Conference of the Building and Construction Trades Department of the AFL–CIO, at Washington, D.C., on March 24. This address merits the careful attention of every citizen of the United States; in many ways it supplements and fortifies and indeed, carries forward the spirit of the great speech delivered on June 10, 1963, at American University, by our late and beloved President Kennedy. Therefore, Mr. President, I ask unanimous consent that the speech delivered by President Johnson be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO THE NINTH NATIONAL LEGISLATIVE CONFERENCE OF THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT OF THE AFL–CIO, WASHINGTON, D.C.

Mr. Chairman, Mr. Haggerty, distinguished and beloved Secretary of Labor, Mr. Wirtz, ladies and gentlemen, it is my high honor and very great privilege to come here this morning to fraternize and visit with not only the great workers of this country, but, I am very proud to say, the great builders of this land.

I have been asked to perform a very pleasant task—to present the Distinguished Service Award of the President's Committee on Employment of the Handicapped to a most distinguished American. When we talk and think and work for the employment of the handicapped, we should all be reminded of the text "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

So it is a great honor to me as President and a great privilege to me as a human being to present this Distinguished Service Award to Mr. Walter Mason.

Mr. WALTER MASON. Thank you very much, Mr. President. I greatly appreciate this award and I can assure you that it will rest with me always.

The PRESIDENT. I would be less than human if I did not tell you that I observed and enjoyed your welcome to this meeting. I am not like that preacher down in our country was when he showed up at his congregation one Sunday morning and much to his surprise the congregation had gone out and bought him a new Ford automobile for a present. The preacher was so frustrated that he got up to acknowledge the generosity and the welcome and he said, "I do deserve it, but I don't appreciate it." I don't deserve it, but I do appreciate it.

As we meet here today, I think we should be reminded that more Americans are more prosperous than at any time in the history of America. In the past 12 months, we have set these records: 70 million jobs—for the first time in our history. National production over $600 billion—for the first time in our history. Average earnings in industry over $100 a week—for the first time in our history. Over 1.6 million new homes in a year—for the first time. New construction over $60 billion—for the first time.

By all these measures, our prosperity continues to grow. In new construction, we should exceed $65 billion this year. The growth rate of our economy should be better than 6 percent—about double the rate of the last decade. Our economy was never stronger and never better, and times were never so good.

But it is still not good enough. It is not good enough because the prosperity of which I speak is not being shared by every American. I will not be satisfied until it is.

Many people have jobs, but too many don't. Many families are living well, but too many families are not.

In 1946, this Nation, by an act of their Congress, made a solemn national commitment to full employment for every American who needs a job. That national commitment still stands. But it is not yet fulfilled. I will not be satisfied until it is.

In 1964 this Nation, by act of Congress, will make another and equally solemn national commitment: To abolish poverty in these United States of America. We must not be satisfied until that is accomplished.

These two goals—full employment and an end to poverty—depend on one another. As long as there are not enough jobs, there will be needless poverty, and as long as children and young people are raised in deprivation, not given a decent start in life, not given an equal chance for education and training they need to get to hold a decent job, then there will be needless poverty. We will achieve these twin goals not through any one measure, but through many.

The tax cut just enacted is one of the most important actions ever taken by any government at any time. Its deliberate purpose is to help make good our national pledge of full employment. It restored to the pockets of the people of America $25 million per day that they could use for purchasing power—almost $900 million per month. This bill should create directly and indirectly between 2 and 3 million new jobs.

The president of one company told me last week that his company alone would use the benefits of this bill to provide 18,000 new jobs. Another president told me Saturday afternoon in the White House that he would use the benefits of the tax bill to spend a thousand million dollars on new construction in the next few years.

Now, we must be job conscious. We must be job hunting. We must be job finding. There are other job-creating measures on our agenda, and I want to tell you about them.

One is the housing bill now before the Congress, aimed at raising the rate of new home construction from 1.6 million last year to 2 million by 1970. We are aware of what the goal of full employment means, and I thought as I walked down that line and shook hands with the men who represented the laborers and the painters and the carpenters, I thought what these bills would mean to the folks that they spoke for back home. It means enough new jobs to employ the present excessively high number that are unemployed, plus enough to replace the jobs that have been lost to machines, plus enough of the record 1½ million net additions to the labor force each year as more and more young people join the search for work. Many of these new jobs must be and will be in the industry in which you are directly involved—construction—and in a full employment economy, total construction for houses, for schools, for hospitals, for highways, for industry, should by the end of this decade reach a level double what it was in 1960, and that is stepping it up quite a bit.

To double what you have in 10 years is something to take pride in. The war against poverty, therefore, is going to be fought on many fields.

The retired, the elderly, the senior citizens of our land—they all deserve and are going to get a better deal. They need a program for medical assistance through social security, and they need it now. We are not going to sit idly by and let older folks fight high medical expenses in their late years all alone. We are going to join them. We are going to help them. We are going to fight with them. That is why we are going to pass a medical assistance bill—if not this week, if not this month, if not this year, the earliest possible date.

A national food stamp plan will improve the diets of the old and the young alike, and that is why we must pass the national food stamp bill, and we are going to do it.

The minimum wage law should be extended to millions who are not now covered, and unemployment insurance should be strengthened.

The Manpower Development and Training Act will have provided training opportunities for 125,000 Americans by the end of this fiscal year. Twice as many will be given training next year.

The Economic Opportunity Act which I submitted to the Congress last week will offer education and training opportunities to more than half a million young people and adults each year.

These training programs will in no way diminish the opportunities for those already skilled, such as the craftsmen in your unions. They will not lower the skill requirements of jobs. But they will make employable many thousands who now live in idleness simply because they have no equipment for today's complex world of work. So neither unemployment nor poverty can be conquered unless we vanquish also their ancient ally—discrimination.

The recent progress toward complete integration has been greatly encouraging, and I am glad to have the presidents of the international unions affiliated with the building and construction trades department of the AFL–CIO as allies. The call last year for and end to discrimination, because of race or creed or color in hiring lists, in referral systems, in apprenticeship programs, or in membership, was a progressive advance and a welcomed announcement.

As good citizens and as good friends, we mean to work together in carrying it out. We can all take pride in the success of the Missile Sites Commission. It is a vivid demonstration of what can be done when we all pull together in the national interest. The problem of work stoppage at missile bases has been minimized. It has been done by the voluntary cooperation of management and labor. You recognize that that national interest was greater than any individual interest, and by serving the Nation, you added to the security of every citizen of this Nation.

In no other industry of this scale and complexity do labor and management work harder or more earnestly or more successfully for understanding, and I am proud to pay tribute to you for that.

As I said yesterday in Atlantic City, and as I repeat here again, I have emphasized many times before that we must not choke off our needed and our speeded economic expansion by revival of the price-wage spiral. Prices and wages must be arrived at freely, but they must be arrived at responsibly. You are builders and I ask your help in building the kind of America that we ought to build and that we can build together.

I ask your help in redeeming the future of the poor and the disadvantaged and those who have suffered from discrimination. The measure of our Nation's greatness is not how high we can raise our urban towers but rather how high we can lift our peoples' aspirations.

Our work may be measured by how many homes we construct, but our work is measured by the fulfillment of the dreams of the people who live in those homes.

Before I conclude for a moment, if I may, I would just like to simply talk to you about your family and mine, about their future and their country.

Last Sunday, Palm Sunday, as I sat in church, I thought about all of the problems that faced this world—ancient feuds and recent quarrels that have disturbed widely separated parts of the earth. You have seen five or six different quarrels appearing on the front page of your morning newspaper, and you have heard about our foreign policy.

The world has changed and so has the method of dealing with disruptions of the peace. There may have been a time when a commander in chief would order soldiers to march the very moment a disturbance occurred, although restraint and fairness are not new to the American tradition. As a matter of fact, some people urged me to hurry in the Marines when the air became a little hot on a particular occasion recently.

But the world as it was and the world as it is are not the same anymore. Once upon a time even large-scale wars could be waged without risking the end of civilization, but what was once upon a time is no longer so—because general war is impossible. In a matter of moments, you can wipe out from 50 to 100 million of our adversaries, or they can, in the same amount of time, wipe out 50 million or 100 million of our people, taking half of our land, taking half of our population in a matter of an hour. So, general war is impossible and some alternatives are essential. The people of the world, I think, prefer reasoned agreement to ready attack. That is why we must follow the prophet Isaiah many, many times before we send the Marines and say, "come now, let us reason together," and this is our objective: the quest for peace and not the quarrels of war.

In this nuclear world, in this world of a hundred new nations, we must offer the outstretched arm that tries to help instead of an arm's-length sword that helps to kill.

In every troubled spot in the world, this hope for reasoned agreement instead of rash retaliation can bear fruit. Agreement is being sought and we hope and believe soon will be worked out with our Panamanian friends. The United Nations peacekeeping machinery is already on its merciful mission in Cyprus and a mediator is being selected.

The water problem that disturbed us at Guantanamo was solved not by a battalion of Marines bayoneting their way in to turn on the water, but we sent a single Admiral over to cut it off. I can say to you that our base is self-sufficient. By lean readiness, a source of danger and disagreement has been removed.

In Vietnam, divergent voices cry out with suggestions, some for a larger scale war, some for more appeasement, some even for retreat. We do not criticize them or demean them. We consider fully their suggestions.

But today finds us where President Eisenhower found himself 10 years ago. The position he took with Vietnam then in a letter that he sent to the then President is one that I could take in complete honesty today, and that is that we stand ready to help the Vietnamese preserve their independence and retain their freedom and keep from being enveloped by communism.

We, the most powerful Nation in the world, can afford to be patient. Our ultimate strength is clear, and it is well known to those who would be our adversaries, but let's be reminded that power brings obligation. The people in this country have more blessed hopes than bitter victory. The people of this country and the world expect more from their leaders than just a show of brute force. So, our hope and our purpose is to employ reasoned agreement instead of ready aggression; to preserve our honor without a world in ruins; to substitute if we can understanding for retaliation.

My most fervent prayer is to be a President who can make it possible for every boy in this land to grow to manhood by loving his country, loving his country instead of dying for it. Thank you.

ADDRESS BY PRESIDENT JOHNSON TO THE UNITED AUTO WORKERS OF AMERICA

Mr. HUMPHREY. Mr. President, the President of the United States addressed the 19th constitutional convention of the United Auto Workers of America, at Atlantic City, N.J., on March 23. I have inquired to ascertain whether the text of the address has already been printed in the RECORD. I understand that it has not been.

Therefore, because the speech touched upon the legislative program of this administration and also on some of the problems which will be facing our economy in the months ahead, particularly in connection with prices and wages and the growth and prosperity of our economy, I ask unanimous consent that the thoughtful and, I believe, helpful and courageous address by the President of the United States be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO THE 19TH CONSTITUTIONAL CONVENTION OF THE UNITED AUTO WORKERS OF AMERICA, ATLANTIC CITY, N.J.

Mr. President, Senator Williams, Senator Bayh, Mrs. Peterson, my good friends of this great convention, I am unaccustomed to such large crowds and such unrestrained enthusiasm. I have been addressing some of these $100 victory Democratic dinners down in Washington, and after a fellow pays that much for a ticket, he doesn't have quite as much enthusiasm as you have here today.

As a matter of fact, a little boy down in our country who was having quite a problem with his family's eating wrote the Lord one day and said, "Dear Lord, I wish you would send mother $100 to help us get along." The letter wound up in Washington on the Postmaster General's desk, so the Postmaster General still had a little money left over from the days when he worked with Prudential. He reached in his billfold and pulled out a $20 bill and sent it back to the little boy. A few days later he got another letter from the little fellow, and he said, "Dear Lord, I want to say much obliged for that 100 bucks you sent us. The next time, though, please don't send it through Washington, because they took a deduct of 80 percent." So we won't have any deducts on our meeting here today.

The first thing I want to say to you is that I am very glad and very happy to appear today before this great convention of a clean, honest, and progressive union, led by President Reuther and his fellow officials, all elected democratically by your votes. The men and women of the United Automobile Workers have made and are making a great contribution to responsible industrial democracy in our country and to respect for our free system among working men and women throughout the entire world.

I am deeply conscious that I stand today in the place of one of the truest friends the working men and women of America have ever had—John Fitzgerald Kennedy. History is often cruel, but it was a kindness of history that last year, only 7 days before his voice was stilled forever, President Kennedy was able to speak before the AFL–CIO at its November convention in New York.

Whatever the challenges or the complexities, or the crises beyond our shores, the American Nation never stands taller or straighter, or stronger, in the world than the individual American is able to stand in his own free land at home. This Nation is strong militarily. No other nation is stronger. Our times have been dominated by a cold war, but now our times require that here at home we pursue a warmhearted war, a war of compassion for the well-being of all of our people here at home.

All Americans, whatever their party or their persuasion, can know that this administration is going to be prudent, that we are striving to fulfill that great Democrat Thomas Jefferson's admonition to always be wise and be frugal. Some have criticized me taking from the "haves" and giving to the "have nots." Well, I want you this morning to read me loud and clear. When Secretary McNamara can eliminate an obsolete military base that is a "have" in our old budget, I am not going to hesitate to let Sargent Shriver use it to save a "have not," perhaps a delinquent high school dropout, from 50 years of waste and want. Let all Americans know that this administration intends to be progressive, intends that our people shall move forward without hesitation, and without discrimination.

Our blessings are many, and it is good that we count them. Last year was the most prosperous year that we have ever known in our history. National production rose $30 billion. By the end of the year, production passed $600 billion. Employment during the year passed 70 million. For the first time, average weekly wages went above $100 per week, and there were 1 million more people at work than the year before. This economy was never stronger in your lifetime. But statistics must not be sedatives. Economic power is important only as it is put to human use.

So let me speak to you earnestly this morning and quite seriously. What I say to you now I say also to businessmen. What I say to you I say to the Nation. I come to you seeking your help, asking your counsel. I have set a course for myself and I intend to follow it. I don't know how history will treat me as a President. However much time I am given to lead this Nation, I shall lead it without fear and without bias and with the sure knowledge that if I try to do what is right, our Nation, in God's mind and in history's imprint will ultimately be the beneficiary.

I am here to tell you that we are going to do those things which need to be done, not because they are politically correct, but because they are right. We are going to pass a civil rights bill if it takes all summer. We are going to pass it because no nation can long endure or prosper if millions of its citizens are barred from their purpose and are denied the use of their talent. We are going to free the logjam of pent-up skills and unused opportunities, because until education is blind to color, until employment is unaware of race, emancipation may be a proclamation, but it will not be a fact. That is why I care about this civil rights bill, and that is why it shall be passed.

We are going to pass a medical assistance bill for the aged, no matter how many months it takes. The sensible, prudent, and lasting way to do this is through the social security system. In every county of this land there are older folks who don't ask much. They simply want to keep their dignity; they simply want a sense of independence and a chance to overcome the inevitable visit of sickness. They cannot survive medical expenses that they cannot pay. Not only because it is decent, but also because it is right, we are going to pass this medical assistance bill. You can be sure of that.

The great challenge of the 1960's is the creation of more jobs. This challenge confronts the business community, the labor community, and the whole Nation. Each year a net 1 to 1½ million new people enter the labor market. We have met this problem head on with a revolutionary decision, the decision to cut taxes. I thank you for your help, because even to get this tax bill out of committee, I had to leave some of my own blood all over the Capitol. But today, $25 million a day extra is going into the hands and the purchasing power of the American consumer, and over $2½ billion a year is a source of new investment for the business community.

I have said to hundreds of businessmen that I have called to the White House, "Here is your opportunity to prove your responsibility as one of the creators of prosperity. Use this tax cut to do the one thing that is most important to this country. Use it to create more jobs." One businessman told me that he would use it and create 18,000 new jobs with new investment. Another businessman told me last Saturday that, because of the tax bill, his company would spend this year for new investment one thousand million dollars. The tax cut is one of your weapons against the threat of automation for the expansion of industry, the construction of new plants and factories, because they build new jobs. I am convinced that the tax cut is the largest economic stride forward in the creation of new jobs that we have taken in the 20th century.

We have declared war on poverty. As long as I head this administration, and I believe as long as Walter Reuther heads the Auto Workers, the terms of this war on poverty are unconditional surrender. I want to read just one sentence from your president's wire that gave me great strength and encouragement: "On behalf of the officers and 1½ million members of the UAW, I am pleased to advise you that in answer to your call, we enlist with you for the duration in the war against poverty." It is signed by Walter Reuther. Let all those who oppose, just for the sake of opposition, and all those who are blind partisans, and all those who pick and peck at our plans, know that they may temporarily deter us, but they will never defeat us.

I should tell you that we won't win this fight in a day or in a year, or perhaps in this generation, but let no man be deceived. This is a fight that we will win. Poverty may be the oldest scourge, but tools available for fighting it are man's newest tools—in our vast new technology, in our expanding science, in the steady growth of all of our resources. This, in fact, is how I see the war on poverty. I see it above all a fight for opportunity, not a handout, not a dole, but a vast upgrading of all of our people's skills. This is also the basic sense of the wider struggle that we wage, the struggle to extend these opportunities to the whole family of man. Nations, like families, are poor because they lack the technology and the capital, and the scientific attitudes to break through into the modern world. We must seek to do for them what we want to do for our own people, to give them the skills to help themselves. This surely is the essence of our vital policies of economic assistance and development. Again, it is not doles and it is not handouts, but it is a wider and wiser investment in the productivity of societies and men. Today the wealthy one-third of the world have unlocked the secret of abundance and skill. Shall we not use these new resources with vision and audacity? Could anything be more challenging, could anything be more exciting than to set them to work for better skills, for better opportunities, for better hope for all mankind everywhere?

So I say give me your heart, your voice, your vote, and stand up with me and be counted. We want free enterprise and free collective bargaining to support each other. They stand as the cornerstones of the labor policy of this administration. All our experience teaches us free collective bargaining must be responsible. So long as it is responsible, it will remain free.

I hope that responsibility will be present on both sides at the automobile industry bargaining, and that peaceful and responsible settlement, safeguarding the public interest, will be reached. It will be determined, too, in collective bargaining, how machines are to be made to be men's servants instead of their enemies or their masters; how machines can be made to produce more jobs, not fewer jobs; how their fruits can be distributed among all and not just among some. This is where I am going to need the help of my beloved friends Pete Williams and Birch Bayh, who are on the platform. I have already made positive recommendations to the Congress. I have asked the Congress to act upon this problem and to come up with specific ways to solve the problem of automation. There can be and is legitimate disagreement about what should be done by law about the length of the work week, and about penalties for overtime. But there can be no disagreement about the desirability of facing squarely up in collective bargaining to the question of what distribution of the workload and of man's time between work and leisure will be good business and will also recognize the human values that are involved.

I should like for you to know that it is part of our measure of progress that in two generations the work week in the mines and the mills has dropped from 56 to 40 hours a week; that in the last 25 years the full-time workers in this country have gained 155 hours a year in leisure time through changes in the workweek, through vacation, through holiday practices. That is a tribute to your leadership, and that is a tribute to you.

We will rightfully expect to purchase with our rising productivity not only more goods but also more time—more time to spend with our families, more time to spend in recreation and relaxation, in study and thought, and rest. We know it is this union's established policy to seek gains at the bargaining table out of the greater abundance made possible by advancing technology and not out of the pockets of American consumers through higher prices.

You are right in your repeated insistence that progress be made with the community and not at the expense of the community. You will be serving your interests in negotiations with the automobile industry knowing that they are served only as the broader public interest is served. That broader public interest today, more than ever, requires that the stability of our costs and our prices be protected.

The international position of the dollar, which means our ability to do what we need to do beyond our borders, demands that our prices and our costs not rise. We must not choke off our needed and speedy economic expansion by a revival of the price-wage spiral. Avoiding that spiral is the responsibility of business. And it is also the responsibility of labor.

Now I want you to listen to me closely. I speak as President of the United States, with a single voice to both management and to labor, to the men on both sides of the bargaining table, when I say that your sense of responsibility, the sense of responsibility of organized labor and management, is the foundation upon which our hopes rest in the coming great years. This administration has not undertaken, and will not undertake, to fix prices and wages in this economy. We have no intention of intervening in every labor dispute. We are neither able or willing to substitute our judgment for the judgment of those who sit at the local bargaining tables across the country. We can suggest guidelines for the economy, but we cannot fix a single pattern for every plant and every industry. We can and we must, under the responsibilities given to us by the Constitution and by statute, and by necessity, point out the national interest, and, where applicable, we can and we must, and we will, enforce the law on restraints of trade and national emergencies.

The words I have just read are the words of John Fitzgerald Kennedy, spoken to this same great convention on May 8, 1962. It was the policy of this Government then; it is the policy of this Government today.

Now, finally, I want to say to you good men and women, my friends of the UAW, to your leadership, to your good citizenship, to your high responsibility within the labor movement in the world, it means much to this land and it means much to our people, but I have also come here to ask your help not for myself and not for my administration, but for America itself. Together we can all keep America strong. With our strength we can try with all of our energy to keep the world at peace. With peace, we can focus our efforts and our talents to make sure that in this first age of plenty, men and women the world over, whatever their race or religion, whatever their section or station, can, in the words of Franklin Roosevelt, lead a finer, a happier life, and, in my own words, can look forward to the promise of a better deal. Thank you.

GREEK INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, let us turn our eyes toward the most ancient land of freedom and the first democracy, Greece, which yesterday marked its independence day. Our greatest social and political ideals were propounded and practiced in Greece many centuries ago—individual freedom to strive for the fullest intellectual and personal development; representative democratic government; individual responsibility for the affairs of society; the testing of ideas; some of our basic scientific principles; and innumerable others.

Many dark years separated this ancient democracy from modern free Greece, where independence was declared on March 25, 1821. The Greek war of independence proved that the principle of freedom is never forgotten. It also proved what Americans had learned a few decades before—that freedom is not always easily won. Men must often fight for their rightful claim to a happy life, free from persecution and the fear of war.

The Greek people learned this lesson well in 1821. They showed their determination to remain free after World War II, when communism tried to reimpose tyranny on them. In those years they fully honored their own early heroes, including the ancient democrats of Greece, by their devotion to the principles of freedom and independence.

Greece stands today as a living example of the rewards of democracy. Never before in its history have the people enjoyed a fuller life. Never before have they enjoyed more hope for the future. United in friendship with other free nations, economically viable, and peaceful, the Greek people continue to perfect their society. King Paul dedicated his reign to the attainment of these fruits for his people; and in their grief they can find strength in the knowledge that his works will live on, through an infinite number of independence days, as an example to future generations.

Americans can be proud that the Greeks passed their torch of freedom to us. And the spark ignited in the brilliant minds of the ancient Greeks has now become a brilliant flame touching every part of the world. On each March 25, and throughout the year, Greek and American hands together hold aloft the torch of freedom, lifting it high, so that others may see its light and be freed.

THE WHEAT PROGRAM AND MEAT IMPORTS

Mr. HRUSKA. Mr. President, yesterday, at a press conference, Secretary of Agriculture Freeman took occasion to blame the American Farm Bureau Federation and the Republicans in the House of Representatives for the delay in final congressional action on the wheat-cotton bill.

In the course of his comments, the Secretary made specific criticism of my distinguished colleague, the Senator from Nebraska [Mr. Curtis] and this Senator, because of our efforts to secure legislative quotas on imported foreign beef and because of our votes against the so-called, but misnamed, "voluntary" wheat program. He is reported to have said that the drop in cattle prices caused by meat imports would knock about $12.5 million off Nebraska farm receipts—which apparently he did not consider very important; whereas, he claimed, the wheat program would add about $35 million to the incomes of Nebraska farmers.

Let me deal first with his figures on beef. In 1963, Nebraska farmers and ranchers sold, in the aggregate, about 2,473 billion pounds of cattle and calves on the hoof, for estimated total cash receipts of $545 million.

Last year the Department of Agriculture itself, in an elaborate study of the relationships between cattle prices, beef imports, and other factors, worked out a formula to show the effect of imported beef on our domestic prices. According to this analysis, each increase of about 180 million pounds in imports knocks down the average price of choice slaughter steers at Chicago by about 30 cents. Since the imports last year amounted to 1,859 million pounds of beef in all forms—carcass weight equivalent, including live animals—the depressing effect of such imports on our prices would amount to about $3 per 100 pounds.

As previously noted, total sales of Nebraska cattle and calves in 1963 amounted to 24,730,000 hundredweight, in total. If the prices of all types of those cattle and calves were depressed by import competition in the amount of $3 per 100, the total loss to the industry in Nebraska alone would be about $74,000,000, not $12,500,000, as the Secretary stated.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an excerpt from the Livestock and Meat Situation of November 1963, published by the Department of Agriculture, and also a letter from the Administrator of the Economic Research Service, with reference to the magnitude of the impact of imports on the domestic price of choice steers at Chicago.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. It appears, however, that the Secretary's calculation does not take into account the total magnitude of imports. Apparently, he is figuring primarily on the basis of a calculation of the decline in cattle prices from 1962 to 1963, and an analysis of the causes of that decline. According to his calculation, beef-cattle prices declined only $3.71 per hundred pounds from 1962 to 1963; and only about 15 percent of that decline does he attribute to imports.

Two things are wrong with that particular computation. First of all, when a comparison involving annual average prices is made, it should be recognized that an annual average sometimes conceals as much as it reveals. The annual average price of choice slaughter steers at Chicago in 1962 was $27.67 per hundred pounds, and in 1963 was $23.96—a decline of about 15 percent, which certainly was painful enough. But that was not the worst.

The market declined through most of the year, and closed for the year a good deal below that annual average figure. Then, in 1964, it went on down some more. The latest market quotation published by the Department of Agriculture, for the week ending March 19, 1964, was one of the worst yet—$21.53 per hundredweight. That is a further fall of over 10 percent more from the 1963 average.

The cattlemen were hurting before, at the 1963 prices; but at these recent price levels, they are facing ruin, Mr. President.

The other misleading point about the Secretary's computation is that it takes account only of the increase in 1963 imports over those in 1962. The 1963 increase was not very great, for the simple reason that 1962 imports were already so huge.

Certainly the combined impact of these 2 years, 1962 and 1963, with their tremendous imports, helped break the market. As recently as 1956, imports amounted to only 254 million pounds, carcass weight equivalent. In 1962, they were 1,725 million; and in 1963, they were 1,859 million. In other words, the imports increased between 600 and 800 percent, while domestic production between 1956 and 1963 was increased from 16,094 to 17,360 million, or only about 8 percent. That increase in imports, by the Department's own formula, is easily enough to account for a price decline of about $2.50 per hundred, or a difference in the neighborhood of $60 million to Nebraska's cattle industry.

Turning now to the scare talk about what will happen to the wheat farmer if this bill is not passed, let us recognize it for what it is—scare talk, the same kind of scare talk in which the Secretary engaged a year ago when he forecast wheat at $1 per bushel if the wheat referendum vote was not favorable. We know the $1 price did not come about. We also know that the new forecast is conjectural, and highly suppositious at best, whereas the financial losses of the farmer who has been raising cattle or feeding them have been, and are, a harsh and cruel reality right now.

As an antidote for the Secretary's present forecast of loss of income to the wheat farmer, I suggest a rereading of the analysis of this situation made by the Senator from Vermont [Mr. AIKEN] during the debate last month on the wheat bill.

The distinguished Senator from Vermont made perfectly clear that the Secretary of Agriculture has the power under present law to maintain a highly satisfactory income to the wheatgrower. He stated in part:

> It is perfectly obvious to anyone engaged in business that with the CCC owning all the old wheat available on July 1, and the new crops running 2 or 3 hundred million bushels below requirements for the coming marketing year, and with a support price of, we will say, $1.89 to $2 announced for the 1965 crop, there would be a scramble for the 1964 crop which would probably guarantee the best prices that the wheatgrowers have had in years.

The foregoing is the situation with regard to the crop year 1964. As to 1965 and following years, Senator AIKEN pointed to the provisions of present law and their operation and opportunity, as follows:

> Section 332, paragraph C, of the Agricultural Adjustment Act, provides that when there is a "national emergency" * * * or a "material increase in the demand for wheat"—and we definitely are in that position now—the Secretary may terminate the national marketing quotas.
>
> If the marketing quotas are terminated, the Secretary may require compliance with acreage allotments as a condition of eligibility for price support and, therefore, he has the authority to establish acreage allotments for 1965, in the event that he does not proclaim a marketing quota.
>
> If a marketing quota is not proclaimed, section 107 of the Agricultural Act of 1949 provides that the support price for wheat to those who comply with acreage allotments, if the Secretary required such compliance, will be from 75 to 90 percent of parity, or from $1.89 to $2.27 per bushel, as determined by the Secretary.
>
> It is perfectly obvious that with the current year's crop running 465 million bushels behind the demand and with a material increase in the demand for wheat, the Secretary is in an excellent position to maintain a highly satisfactory income to the wheatgrower.
>
> It is also obvious that with production running behind disappearance, we must either increase production or cut down on exports.

If the price of wheat drops to the dire levels predicted by the Secretary, that will be his doing, not that of any Member of the Senate. This is clear from the analysis and the presentation made by Senator AIKEN, as they appear in the February 24, 1964, CONGRESSIONAL RECORD, at pages 3383 to 3385.

In his remarks yesterday, Secretary Freeman is quoted as having deplored the "campaign to pit consumers against farmers."

Mr. President, when it came to discussing Nebraska agriculture and how the farmers of Nebraska should feel about their two Senators, Mr. Freeman did not seem to mind trying to pit wheatgrowers against cattlemen. It is suggested that he bear in mind his responsibility to both wheat producers and cattlemen, and to all other farmers and ranchers; and that the public interest will be better served if he ceases this transparent effort to play off one group against the other.

EXHIBIT 1

BEEF IMPORTS

[From the Livestock and Meat Situation, November 1963]

As indicated in table D, fed cattle prices are influenced primarily by fed beef production. For the period 1948–62, a change of 10 percent in steer and heifer beef production caused prices of choice steers at Chicago to change in the opposite direction by an average of about 13 percent. On the other hand, a change of 10 percent in domestic cow beef production plus imports caused prices of choice steers to change in the opposite direction by only 3 percent. These average changes are net changes and take into account the effects of other factors in the analysis. These percentage relationships can also be translated to pounds and dollars at the 1963 level. In this case, a 1-pound-per-capita change in steer and heifer production results in a change in the opposite direction of about 50 cents in the price of choice steers at Chicago. On the other hand, a 1-pound change in the cow-beef-plus-import aggregate affects the choice steer price by only 15 to 20 cents.

U.S. DEPARTMENT OF AGRICULTURE,
ECONOMIC RESEARCH SERVICE,
Washington, D.C., December 12, 1963.

HON. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: We appreciate your having called to our attention an inaccurate statement on page 41 of the Livestock and Meat Situation for November 1963. The statement "A 1-pound change in the cow-beef-plus-import aggregate affects the choice steer price by only 15 to 20 cents," should read "about 30 cents." An official correction will appear in the forthcoming issue of this situation report.

This error occurred even though our situation reports are subject to very intensive review. It was due to a computational error which does not affect the validity of the underlying statistical analysis presented in this particular article, nor the explanation of the drop in the average annual price of choice steers at Chicago from 1962 to 1963.

As we have previously stated, the preponderant factor in the decline has been the increase in the domestic production of fed beef, which could account for as much as $3 of the drop in the annual average price of choice steers at Chicago from last year to this. However, the exact answer will not be determined until final estimates of per capita production and prices of steer and heifer beef during 1963 are available.

As you know, the Department is concerned with the price problems of the cattle industry, including the influence of meat imports. We are making every effort to provide the best possible appraisal of the factors affecting cattle prices so that all concerned will have the benefit of analyses that are accurate and objective.

Sincerely yours,

NATHAN M. KOFFSKY,
Administrator.

THE EASTER MESSAGE

Mr. CARLSON. Mr. President, for some years past I have prepared a short statement in keeping with the season which we are about to enter.

As we enter the concluding days of Holy Week, we again remind ourselves of that dark and dismal Friday and we approach Easter Sunday with hope, light, and life. This gives us strength and courage to carry on in a world that is fraught with distrust, unrest and deep trouble.

The heart of the Easter message is a victory out of defeat. Life would have been without hope had it not been for what happened on that first Easter morning. The resurrection changed everything.

The Master's earthly life was devoted to persuading all men to become one family of brethren.

His pure and lofty lessons were intended to insure the happiness of mankind.

He came to set truth in the place of error, and loving kindness in the place of hatred and persecution.

He taught that every man shall do that only unto his brother which he would wish his brother to do unto him.

He endeavored to deliver his brethren from the bonds of tyranny, to protect the weak and feeble, and to bring back to the paths of duty the oppressors of humanity, but they listened not unto Him and nailed Him to the cross, and as such, He sealed his Gospel of Love with His life.

His life was the embodiment of love, self-denial and self-sacrifice. Truly, "Greater love has no man than this; that he lay down his life for his friends."

At this Easter season, I think it is most fitting to recall the beautifully written poem on the resurrection by Dr. Phillip Brooks:

> Tomb, thou shalt not hold Him longer;
> Death is strong, but life is stronger;
> Stronger than the dark, the light;
> Stronger than the wrong, the right;
> Faith and hope triumphant say,
> "Christ will rise on Easter Day."
> And while sunrise smites the mountains,
> Pouring light from heavenly fountains,
> Then the earth blooms out to greet
> Once again the blessed feet;
> And her countless voices say:
> "Christ has risen on Easter Day."

Mr. MORSE. Mr. President, I am so glad that the Senator from Kansas has made the remarks that he has made.

In these turbulent times it is good that the Senate is taking off until Monday. The intervening days constitute a period which, in a very real sense, are the high holy days for Christians.

It is good that during those 3 days we shall be reflecting upon spiritual values. We should never forget that temporal values are bottomed on spiritual values. It is particularly fitting and fortunate that, as individuals, we shall be contemplating the symbolism and the significance of spiritual values over this long weekend as a fitting preparation for our proceeding on Monday to discuss a great social challenge that confronts religious America—not Christian America alone—but religious America. After all, the teachings of the Bible, the Torah, the Koran, and the other great books of religion, when all is said and done, contain a common, uniform teaching based upon that principle, which each one of us as parents has tried to instill in our children, of doing unto others as we would have others do unto us.

That is the whole essence of the civil rights fight. We talk about it in temperal language. We talk about it in terms of constitutionalism. We talk about it in terms of legislative rights. But, after all, the whole civil rights question rests on the rightness of the Golden Rule. As we undertake this historic debate on Monday, we should never forget that it is based upon the Golden Rule, which all the great religious leaders of all religions sought to teach their disciples.

ADJOURNMENT TO MONDAY

Mr. PELL. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 10 minutes p.m.) the Senate adjourned until Monday, March 30, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 26 (legislative day of March 9), 1964:

DIPLOMATIC AND FOREIGN SERVICE

Taylor G. Belcher, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

EXTENSIONS OF REMARKS

Richard A. Ports Killed in Senseless Accident

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BOW. Mr. Speaker, I would like to take a moment to pay a last tribute to a young man who once served as a member of my staff, Richard A. Ports.

Dick Ports was killed in a senseless automobile accident Tuesday near Tucson, Ariz., at the age of 32. Despite his youth, he had already risen to positions of importance and responsibility in the Republican Party and with the Garrett Corp., of Los Angeles, of which he was a public affairs executive.

Dick Ports had lived in southern California since his release from active duty in the U.S. Marine Corps in 1959. As a concerned citizen, he was active in the Republican Party and a member of the California State Republican Central Committee. He was an officer in State and National Young Republican organizations, and served with distinction on the presidential and gubernatorial campaign staffs of Richard M. Nixon.

Despite his vigorous Republicanism, Dick had the respect and friendship of men in the Democratic Party as well, as CHARLES WILSON, AUGUSTUS HAWKINS, KEN ROBERTS, and others of our colleagues in that party will testify.

No one who knew him doubts that Dick Ports was destined to be one of the Nation's leaders in business and politics. I find it difficult to describe my shock and my grief that one so young and vigorous, so promising and talented, should be taken in this manner.

That talent and vigor were characteristic of Dick from early youth. He was a leader in high school and college activities in Alliance, Ohio. I came to know him as an energetic young reporter for radio station WFAH and later for the Massillon Evening Independent, and I invited him to join my staff in 1954. Later he enlisted in the Marine Corps, successfully completed officer's training, and eventually served as aide to Maj. Gen. A. L. Bowser.

His death is a loss not only to his family and friends but to the Nation as well, for there was no limit to the contribution Dick Ports could have made to his party and his country.

Results of 1964 Questionnaire

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BERRY. Mr. Speaker, under leave to extend my remarks, I wish to include in the RECORD the results of the final tabulation of my 1964 questionnaire.

The questionnaire, which was sent to all boxholders in the Second Congressional District, covers a wide field of subjects ranging from pending domestic issues to international affairs. I feel sure my colleagues will be interested in the response which generally reflects the sound, conservative thinking of the people of western South Dakota whom it is my privilege to represent in Congress.

The results are as follows:

	Percent	
	Yes	No
GENERAL LEGISLATION		
1. In his state of the Union message, President Johnson asked Congress to enact the following programs, while at the same time stressing his drive for economy. Check those you favor.		
(a) Expand area redevelopment program	25	45
(b) Establish a youth employment program	35	38
(c) Liberalize unemployment compensation program	13	62
(d) Extend minimum wage law coverage	30	45
(e) Broaden the food stamp plan	16	55
(f) Provide funds for construction of more libraries	20	55
(g) Expand public housing	15	60
(h) Provide funds for construction of hospitals and nursing homes	31	37
(i) Provide subsidies for mass transit	5	58
FISCAL		
2. Do you believe the Federal budget should be kept in balance during peacetime years?	86	3
3. Should planned domestic programs be postponed until there are sufficient revenues to pay for them?	78	7
4. Do you favor a Federal tax reduction at this time?	39	48
5. If there is a Federal tax reduction, should Government spending be curtailed to accommodate it?	80	4
6. Are you in favor of the proposed increases in salaries for Federal workers?	7	76
INTERNATIONAL AND FOREIGN AFFAIRS		
7. Do you believe that foreign aid spending should be—		
(a) Reduced substantially?	82	3
(b) Increased?	3	69
(c) Expanded in Latin America?	18	53
(d) Approved to countries with Communist government?	3	84
(e) Investigated and overhauled from top to bottom?	85	2
8. Should we continue to support the U.N. even though 26 countries are not paying their share of the cost?	40	42
9. Should the United States grant diplomatic recognition to Red China?	5	90
10. Should the President have authority to extend credit to Communist countries?	3	90
AGRICULTURE		
11. Should the United States limit imports of farm commodities that are already in surplus in this country?	92	6
12. Do you favor a voluntary farm program for wheat and feed grain?	73	13
13. Do you favor a farm program with mandatory controls and quotas?	9	81
14. Do you favor a gradual withdrawal by Government from the farm economy?	85	11
15. Will the interests of the rancher best be protected by quotas and tariff on beef similar to those of most other nations?	67	20
CIVIL RIGHTS		
16. Do you favor Federal civil rights legislation to—		
(a) Protect the right to vote?	85	6
(b) Enforce school integration?	35	47
(c) Give permanent status to the Civil Rights Commission?	28	41
(d) Use the interstate commerce clause of the Constitution to enforce access to public accommodations?	35	40
(e) Enact a fair employment practices law?	63	21
MEDICARE		
17. Do you believe that medical care for the aged can best be handled by—		
(a) Present Kerr-Mills Act authorizing a Federal-State cooperative program for the medically indigent?	46	33
(b) Voluntary, private medical plan with no Federal involvement?	56	22
(c) Substantially increasing social security taxes to finance a compulsory program, regardless of need?	9	68

A Hard Look at Urban Renewal

EXTENSION OF REMARKS

OF

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. PEPPER. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

[From the Orlando (Fla.) Sentinel, Feb. 13, 1964]

A Hard Look at Urban Renewal

You frequently hear the charge that urban renewal is loaded with graft, that it fosters corruption, that it wastes more than it accomplishes.

How true are these charges?

The Subcommittee on Housing of the House Committee on Banking and Currency decided to investigate. Here are some excerpts from the testimony.

Mr. Albert Rains, of Alabama, chairman of the subcommittee: "First of all, in your investigations, and I hope you will continue them in all the places, have you found any evidences of corruption or crookedness or stealing in this program at either the local or regional level of any type?"

Mr. Louis W. Hunter, Assistant Director, General Accounting Office: "No, we have not, Mr. Chairman."

Mr. Rains: "Have you not found any places in which they are shortchanging the Federal Government on the money or any type of crookedness of that kind * * * in the urban renewal program?"

Mr. Hunter: "No. None of that type."

Mr. Rains: "In your investigation up to now, Mr. Hunter, has this program been administered in keeping with the law?"

Mr. Hunter: "I think we could not say otherwise."

Mr. Rains: "There has been a lot of loose talk * * * about urban renewal. The General Accounting Office told us * * * that that they had run across * * * no corruption of any kind * * * Mr. Albert Thomas of Texas, chairman of the Independent Offices Subcommittee, Committee on Appropriations, House of Representatives, who can be a very sharp-eyed critic, made this statement which I would like to read into the record:

" 'It has been fantastic to me, the amount of money and the amount of different pieces involved. I think there are around 60,000 or 65,000 pieces of property that have been bought (under urban renewal). I have not heard of any public scandal. It is fantastic.' "

That should answer the charge of graft and corruption.

Byelorussian Independence

EXTENSION OF REMARKS

OF

HON. JOHN V. LINDSAY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. LINDSAY. Mr. Speaker, I am honored to pay tribute to the brave Byelorussian people, who proclaimed their independence 46 years ago, but who have since suffered suppression under the Soviet Union's Communist regime.

On March 25, 1918, the Byelorussian Democratic Republic was born. But the people of that nation were unable to preserve their independence against the onslaught of overwhelming Bolshevik forces. In 1921, the Communists proclaimed that nation as the Byelorussian Soviet Socialist Republic—in the long run, this had the effect of making the government an administrative arm of the Soviet regime.

The popularity of the Communist Party in Byelorussia may be judged from the fact that before World War II, only 0.6 percent of that country's population were members of the party, and after the war, the number rose to no more than 2.1 percent.

Byelorussia is the third largest constituent Soviet republic. Ethnic Byelorussia borders in the north and east on Russia, in the south on the Ukraine, in the west on Poland, and in the northwest on Lithuania, Latvia, and Estonia. In the west, Byelorussians are often taken for Russians, yet they have, since the beginning of their history, developed quite independently of Russia.

The Constitution written by the independent Byelorussian Government formed in 1918 guaranteed freedom of speech and assembly, the right to form labor unions and the right to strike, liberty of conscience, involability of the person and of the home, the right of national minorities to autonomy and equality of all citizens before the law. This is the grand concept of freedom which the Byelorussians hold sacred. Tragically, that nation lost the right to practice these ideals shortly after it attained its independence.

But Byelorussians have not lost faith in these ideals, and have not lost hope that once more, they shall be able to live in freedom. Each year, Americans of Byelorussian descent as well as Byelorussian immigrants in this country celebrate that grand day of independence, and they and their countrymen remind the world that their aspirations for liberty have not diminished. The Byelorussian-American Association, Inc. is very active in bringing this point home.

Mr. Speaker, it is an honor for me to join my colleagues in tribute to these brave people, and to assure them that we cherish the hope, as they do, that Byelorussia shall regain its freedom, and that that time shall not be long in coming.

Annual Questionnaire

EXTENSION OF REMARKS

OF

HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. JONAS. Mr. Speaker, the best way I know to keep up with the thinking of the people down home is to circulate a questionnaire from time to time and ask them to respond to questions about some of the issues we face in Congress. While the responsibility of casting votes in Congress must be assumed by the Representative, I have found it helpful to know how my constituents feel about some of the more important issues. In addition, I have found that circulation of a questionnaire stimulates thinking and discussion among constituents. This is all to the good because I believe the more the people think about these issues and discuss them with their neighbors the better informed they will become. I have great confidence in the ability of the people I represent to come up with the right decisions if they become acquainted with all of the facts.

This year I am asking my constituents to respond with a yes or no answer to 10 questions. Since many of these questions are difficult to answer categorically, I am providing space on the questionnaire for those who wish to do so to extend their remarks. As soon as the returns are all in, I shall have them tabulated on an IBM machine and will then publish the results. Following are the questions I am asking this year:

1. (a) Do you approve this country selling wheat to Russia?

(b) If you answered yes, would you favor extending credit to Russia to finance such purchases?

2. Would you approve a constitutional amendment making prayer and Bible reading permissible in the public schools when conducted on a voluntary basis?

3. Do you favor the Civil Rights Act now under consideration by Congress?

4. Do you believe private and parochial schools should be included in any programs of Federal aid to education?

5. Would you approve a Federal income tax credit or deduction for all or part of college expenses?

6. If you answered "yes" to question 5 please answer (a) or (b) following and (c) or (d) following:

(a) would you favor a credit against the tax? or

(b) Would you limit it to a deduction?

(c) Would you limit it (credit or deduction) to a taxpayer who pays college expenses of a dependent? or

(d) Would you extend it (credit or deduction) to a taxpayer who pays college expenses of a student who is not a dependent?

7. The national debt of the United States is now approximately $310 billion. Under existing circumstances, do you favor increasing Federal spending above current levels even if it requires additional borrowing?

8. Do you favor a pay raise for Government employees—including Cabinet officers and executive officials, Federal judges, and Members of Congress?

9. Do you believe our Government should agree to renegotiate the Panama Canal Treaty?

10. On the whole, do you think this country's foreign policy is succeeding?

Labeling of Foreign Made Motion Pictures

EXTENSION OF REMARKS

OF

HON. EVERETT G. BURKHALTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BURKHALTER. Mr. Speaker, I would like to take this opportunity to commend the Subcommittee on Finance and Commerce of the House Committee on Interstate and Foreign Commerce for the announcement by Chairman STAGGERS, of the subcommittee, that hearings will commence following the Easter recess on legislation requiring the labeling of foreign made motion pictures exhibited in the United States. I feel that this is an important area for the Congress to look into for all of the country, and particularly for my State, California, since the motion picture industry has been one of the major factors for the affluence of the southern California community.

The legislation to stop the showing or advertising of foreign-made films without revealing to the public the names of the countries where they are produced has been supported by the Committee To Promote American Made Motion Pictures of men employed in the Los Angeles studios and by religious and youth groups critical of the low standards of pictures produced outside the country.

The climate for the passage of my legislation or that of Congressman CECIL KING which would amend the Federal Trade Commission Act to halt the showing or advertising of foreign films without proper identification has never been better. For the first time we shall present a united front to the lawmakers asking their protection from low-grade pictures made where labor is cheap and taste is low or vulgar.

It is most heartening to find the Tidings, a weekly newspaper published in Los Angeles under the sponsorship of the Archdiocese of Los Angeles, bringing to the attention of the faithful the fact that Red propaganda in movies is advancing on another front and that it is a Communist boast that Yugoslavia will soon be the motion picture capital of the world.

Tito is reported to offer free sound stages, free sets, free technicians, free back lot facilities. And American-made motion pictures must compete with this "free" business, under existing law.

Today four current movies are selling the Communist line that nuclear war is so terrible the United States should appease, retreat, or surrender.

As a member of the Armed Services Committee I know the United States has no reason to fear any nation or combination of nations in the world today. I am extremely grateful for the exposé of the subversive situation in the Tidings.

Another factor in the more favorable climate for protection of the Hollywood industry, is the demise of a labor-management committee in the industry which suddenly shifted its position with respect to elimination or reduction of foreign film subsidies.

This means that the men working in the industry in Hollywood will no longer have to fight their associates who seek other means of reducing the foreign threat and that the industry can go forward together in support of legislation which will expose the evil and brand all movies with their country of origin.

Byelorussian Independence Day

EXTENSION OF REMARKS

OF

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. LIPSCOMB. Mr. Speaker, March 25 marks the day which gives all people of Byelorussian ancestry, no matter where they live, a strong glow of pride, because March 25 is National Independence Day for all free and freedom-loving Byelorussians. It marks the day in 1918 when the people marched shoulder to shoulder into the streets to fight against misery and slavery. It marks the day when conviction and bravery became the foundations of an overwhelming wave of revolution. It marks the day when the Byelorussian people cast off their chains.

Since March 25, 1918, the Byelorussian people have fought against cruel Bolshevik suppression for their honor and their happiness. In 1919 their armed resistance was overwhelmed by the superior numbers and weapons of the Red army, which once again smothered the exciting spark of freedom with tyranny.

Before 1918, the Communists had never gained many followers in Byelorussia. They were scorned by the people. When the czar fell, Byelorussians made their true feelings felt by declaring their independence. The history of Byelorussia since has been one of trying to achieve that independence which it deserves. So far it has not succeeded against the old Russian imperialism thrust upon it anew by the Communists. But continuous agitation against communism has brought severe persecution to the Byelorussians. Strikes, passive resistance, and apathy have thwarted the Russians at every turn for many years. The Byelorussians resisted with every possible means such favorite Communist schemes as farm communes, nationalized industries, and fake elections. That resistance continued yesterday, it is continuing today, and it will continue tomorrow. If the Communists were to give the people a free choice, the Marxist system would be destroyed overnight.

On March 25, 1964, we celebrated the 46th anniversary of Byelorussian independence. But celebrating by itself is not enough. We must continue to speak about freedom, and to give the world its best example of democracy in action. Only that way will the Byelorussians be able to keep up their resistance against the great hypocrisy of a better life promised by communism. Only that way will Byelorussia again be free.

A Political Poster

EXTENSION OF REMARKS

OF

HON. FRANK J. HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. HORTON. Mr. Speaker, today's New York Times announces a new White House project that raises serious questions. The project concerns the printing and distribution of posters bearing a picture of the President and a personal appeal for Americans to help win the war in South Vietnam.

This is the most thinly disguised piece of political advertising I have ever seen. Further, it implies that the American public has somehow been lax in doing all it can to secure a victory over communism in southeast Asia.

I want to know what is behind this precampaign project which uses taxpayer money to advertise the President. I want to know how many of these posters are being printed, where they are being distributed, and what heavy bureaucratic hand will arrange their prominent display.

I have no objection to the Government's reminding our citizens that we need to apply our best efforts in support of our forces in South Vietnam. It should be obvious that we entered this conflict to win and to save a strategic area from a Communist takeover.

But, it is shameful when less than 8 months prior to our national elections the administration seeks to exploit a situation in which American men are fighting and dying for political purposes. This is a strong statement, but I feel strongly about it, Mr. Speaker, and I regret and resent the insinuation that our fellow citizens are guilty of causing a slowdown that should give them uneasy sleep.

If the President is truly in need of help in order to cope with the Vietnam situation, let him go before the public and state his case directly. To date, there has been no substantial information on this important foreign policy matter given either to the public or to the Congress. In fact, there is mounting evidence of news suppression concerning South Vietnam.

I cannot recall when the country has been so much in the dark on a matter of grave international importance. How the President can now launch a public appeal in behalf of the South Vietnam conflict when we really know little about that conflict can be credited only to personal ambition.

Mr. Speaker, if such poster projects are allowed to go unchecked, can you imagine the extent to which they could conceivably be carried? Now that our national defense effort in South Vietnam has been chosen as a vehicle to advertise the President, I would not be surprised to see the next batch of military recruiting posters with the traditional pose of Uncle Sam replaced by the present White House occupant. Of course, the caption then should read: "I Want You To Vote for Me."

Byelorussian Independence

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. DINGELL. Mr. Speaker, the Byelorussians are among the earliest Slavic peoples known in the West. The recorded history of these stalwart and sturdy inhabitants of the borderland in northeastern Europe, east of Poland and west of Moscow dates from the 10th century. Soon after that they were Christianized and then organized their own diocese and cultural centers around the historic capital city of Smolensk. They had also organized their own state and managed to survive the deluge of Asiatic invasions during the 12th, 13th, and 14th centuries. They held their own against all comers and maintained their freedom. Then in the 15th century, when they faced the "barbaric Muscovite hordes," they were gradually submerged in the future Russian Empire. By the 16th century they were all but lost in the then bottomless sea of czarist Russia.

Thenceforth for more than 300 years Byelorussia was no more, its inhabitants goal, for the odds against them were independence. All their efforts, howsuffering under the czarist autocracy. But during all that time these doughty fighters for freedom did not lose heart in their cause and struggled for their ever, were not sufficient to attain their frightfully forbidding. The only real chance they had to realize their dream was in 1918, after the overthrow of Russia's czarist regime by the Bolsheviks in 1917. Very early in 1918, Byelorussian leaders braced themselves, then proclaimed Byelorussia's independence and founded the Byelorussian Democratic Republic on March 25.

That historic day marked a new day for the Byelorussian people and ushered in a new era for them. For the first time in centuries they became masters of their own destiny, and under most difficult conditions they worked hard to make their war-ravaged country a viable place in which to live and enjoy life in freedom. But in this period of joy and optimism fate seemed unkind and cruel to Byelorussians. From the outset the new state was surrounded by foes whose aim was to rob the Byelorussians of their newly gained freedom; Communist Russia was their deadly foe. The unhappy Byelorussians by themselves could not stave off the mortal threat facing them. After maintaining their precarious independence for about 3 years, they were robbed early in 1921 of their most cherished and priceless possession, their freedom and independence. The Red army overran Byelorussia and then the country became part of the Soviet Union.

From that year on, for 43 years, these 10 million freedom-seeking and peaceful Byelorussians have been suffering under Communist totalitarian tyranny in their historic homeland. On the 46th anniversary celebration of their independence day let us all hope and pray for their delivery from that tyranny.

We Should Support and Urge a "No Money, No Vote" United Nations Policy

EXTENSION OF REMARKS

OF

HON. ED FOREMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. FOREMAN. Mr. Speaker, the world can no longer afford the luxury of coddling Russia and her satellites who refuse to pay up in the United Nations. Russia's repeated threats to withdraw from the U.N., if the claim for money she owes is pressed, are the shallowest form of dominance through fear. The Soviet Union would lose power and influence overnight were it not for her membership in, and veto power over, the U.N. Here is her best listening post, her best propaganda forum, and her largest stage on which she can strut and play her roles.

Russia assumes the character of protector of the rights of nations, and demands U.N. peacekeeping units, as in Cyprus, and then refuses to pay her share of the cost. The International Court of Justice, in fair and full hearings, ruled the assessments legal and binding. The Court found Russia liable and ruled she must pay or lose her vote in the Assembly and the Councils of the United Nations. There is no real debate here. The Charter of the U.N. specifies penalties for this violation. Those penalties must be applied without fear or favor.

To cringe and retreat each time Nikita Khrushchev prattles, is to operate from a position of indecisive weakness, rather than positive strength. Never in history has a nation, by its vacillation, halting and timidity, apologized so frequently for its power and authority as has the United States. In the United Nations, however ineffective it may be at times, the United States has the inescapable responsibility to demand fair, impartial and equal treatment of all its members. It is unthinkable that the champions of freedom, honor, and dignity among men and nations will continue to bow to gangsterism and flagrant abuse of the systems of debt and payment. There is a simple policy: "No money, no vote"—let the U.N. enforce it.

Well-Deserved Tribute to Angela Bambace and Sam Nocella

EXTENSION OF REMARKS

OF

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. GARMATZ. Mr. Speaker, rarely do we find persons who are outstanding in several areas of activity, but last week it was my privilege to be present at an affair honoring two outstanding personalities in the Baltimore area who have won distinction in the labor field and in the field of social services, through their humanitarian interests. They are Miss Angela Bambace and Mr. Sam Nocella.

Miss Bambace has been active in the International Ladies' Garment Workers' Union since she became a member in 1917 and has risen to the position of vice president and manager, upper south department, International Ladies' Garment Workers' Union. In addition, she has served as a delegate to the Democratic National Convention, is a member of the Italian-American Labor Council, the ADA, the American Civil Liberties Union, and is on the board of directors of the Baltimore Symphony Orchestra.

Mr. Nocella has been active in union activities since 1919 when he joined the Amalgamated Clothing Workers of America. He has served as manager of the Maryland, Virginia, and Pennsylvania regional joint board, and under his direction a geriatric center for the joint board's retired workers was constructed. He has recently sponsored a program of eye and health examinations for the members of the union. He is now vice president, manager of the Baltimore Regional Joint Board, Amalgamated Clothing Workers of America.

On the occasion of the 40th anniversary of the Israel Histadrut campaign, an organization which helps support a network of vocational schools, provides scholarships for underprivileged youth, makes grants for research scientists and maintains cultural and youth centers, among its other activities, Miss Bambace and Mr. Nocella were honored for their work over the years for the improvement of the economic and social conditions of their fellow citizens.

In tribute to them, the proceeds of the testimonial dinner will go toward the establishment of an Angela Bambace and Sam Nocella Histadrut Scholarship Fund, to aid worthy teenagers in Israel to obtain a secondary or vocational education.

A notable group was present at the dinner in their honor, including Mayor Theodore McKeldin; Maryland's Attorney General Thomas Finan; City Councilman Jacob J. Edelman, who served as toastmaster; the Reverend Frederick Helfer; Father Dunn; Rabbi Abraham Shusterman; Under Secretary of Labor John F. Henning; Moe Falikman, chairman of the American Trade Union Council for Histadrut; Jacob Potofsky, general president of the Amalgamated Clothing Workers of America; Dominic N. Fornaro, president of the Baltimore Council of AFL–CIO Unions; Charles Kreindler; Hyman Blumberg; and Gus Tyler.

The high honor bestowed on Miss Bambace and Mr. Nocella will, I am confident, inspire them to continue their outstanding services to their fellow men for many more years, and inspire those present to follow their good example.

The Importance of Civil Rights

EXTENSION OF REMARKS

OF

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, March 26, 1964

Mr. SCOTT. Mr. President, for 2½ weeks we have been discussing on the floor of the Senate a motion to consider the civil rights bill. As a cosponsor, I am particularly interested in having the bill becoming law.

I ask unanimous consent that three reports supporting this position be printed in the Record.

There being no objection, the reports were ordered to be printed in the Record, as follows:

[From the Philadelphia (Pa.) Tribune, Feb. 29, 1964]

RIGHTS BILL MAY PASS WITH THE HELP OF GOD AND SENATORS CLARK AND SCOTT

The U.S. Senate will be the battleground. Combatants will be northern Democrats and Republicans pitted against southern Democrats and Republicans.

At stake will be a strong civil rights bill which, if passed by the Senate, will strike at the core of discrimination, segregation, and prejudice in this so-called land of the free—so-called because 20 million of its citizens have been, and are being, denied the inalienable rights supposedly guaranteed them by the Constitution for the simple reason that their skin is darker than the skin of 170 million other Americans.

Fortunately for freedom fighters and civil rights advocates, however, two formidable champions have been named by the liberal Democratic and Republican leadership to direct the battle for civil rights legislation on the Senate floor. These champions are Pennsylvanians who hail from Philadelphia: Joseph S. Clark, Jr., Democrat, and Hugh Scott, Republican.

Senators Clark and Scott are famous for taking up the cudgel in defense of underdogs. Their record for sponsoring and supporting liberal legislation has won them the praise of Negroes and other minority groups. That they are prepared by training, knowhow, and dedication to take on—and best—the "cream" of the southern crop of Senators sworn to defeat civil rights legislation at any and all costs, there are no doubts.

These two gentlemen may differ on matters pertaining to foreign policy and some domestic policies. But they see eye to eye on the issue of civil rights for Negroes—now. They are as vehemently opposed to the anti-Negro antics of the Governor of Mississippi and the Governor of Alabama as they are opposed to the anti-American actions of Khrushchev and Castro.

Passage of the civil rights bill in the Senate will not be easy. It will be a task almost as difficult as cracking a stone wall with a human fist. For there are many tactics southerners intend to use in their efforts to scuttle the bill. Leading the men from below the Mason-Dixon line, and mapping their strategy will be Senators Richard Russell, of Georgia; James O. Eastland, of Mississippi, and Allen Ellender, of Louisiana.

Still, with the help of God—and Joe Clark and Hugh Scott—there is excellent reason to believe the forces of good will triumph over the reactionaries bent on keeping Negroes mired in the morass of second-class citizenship.

AN EDITORIAL BY DAVID POTTER OVER WNAE RADIO, WARREN, PA., MARCH 15, 1964

This is David Potter, manager of WNAE, editorially speaking. On one of our broadcasts of world news last week, we carried a recorded statement by Senator Hugh Scott. In it, the Republican of Pennsylvania set forth in no uncertain terms his stand on the civil rights bill around which battle lines are forming in the U.S. Senate.

I felt that Senator Scott's forthright statement should be repeated. He said:

"A filibuster has just closed in around the Senate. The rules which permit unlimited debate will now be abused by those who seek to defeat civil rights legislation. This is the legislation recommended by the late President Kennedy and I am a principal cosponsor. The opponents of this bill can filibuster for weeks or for months. If the Senate goes into 24-hour session, I have in my office a cot, a coffee pot and some canned goods. I'm going to fight the filibuster and at the end of it I'll be on the Senate floor ready to fight for the civil rights bill—for every provision, for every word. This legislation is right and I know it. And let me make a prediction. We're going to pass it."

Politicians are sometimes accused of placing moral grounds last in their considerations of issues. Such is not Senator Scott's priority in this vital matter. He has placed moral grounds first and is working for the passage of the bill, not merely waiting to vote for it if it can ever be brought to a vote in the Senate.

You may recall that early in the year one of these editorials was in the form of an open letter to Representative Albert Johnson soon after he took his oath of office as U.S. Representative from this district. In that letter, Representative Johnson was urged to begin his service by supporting the civil rights bill in the House. His response was: "You can state on your broadcast that I intend to vote for a civil rights bill when one finally comes up for a vote in the Congress."

I believe it's important to emphasize that Representative Johnson kept that promise. His vote among the "ayes" helped make both personal and legislative history in the House of Representatives.

It's good to know that our new Congressman and Pennsylvania's veteran Senators are in agreement on this critical issue.

This is David Potter editorially speaking.

FROM A PROGRAM PREPARED BY SENATOR SCOTT AND SENATOR ALLOTT FOR USE BY PENNSYLVANIA RADIO STATIONS, MARCH 15, 1964

Scott. Well, as you know, we're right in the middle of a civil rights filibuster. We don't know how long it will last. But I am a cosponsor of the bill. I favor the House bill and there's much speculation as to how long the filibuster will run and whether we have the votes for cloture. How do you feel about this?

ALLOTT. Well, I listened to the majority whip over one of the radio circuits last Sunday night and he said that he didn't think that cloture would be necessary. Now, I think this is completely unrealistic thinking because I believe that eventually, cloture will be necessary. It is this sort of statement, I think, that gives the constant rise to the rumors which you and I hear around here, or the opinions expressed by Members of the Senate that perhaps some sort of a deal has been made on the civil rights, or a compromise of it.

SCOTT. This is what I suspect, too, because cloture, ladies and gentlemen, means shutting off debate. And if the majority whip, Senator HUMPHREY, says you're not going to have to shut off debate, that means that the southern Democrats will stop talking voluntarily. Take it one step further. They'll only stop talking voluntarily if something has been offered them to weaken the bill, or presumably something else even more valuable may have been offered to them. But these trial balloons that keep coming up from the Senate majority leadership indicating you may not have to have cloture, it seems to me are strong indications that some kind of a deal is afoot and if the deal fails, then you get cloture. If the deal goes through, at some point the southern Democrats, with a gentleman's agreement or understanding, are just going to stop talking. It's never happened before in the history of the Senate, that I remember, that they have stopped.

ALLOTT. I don't recall it either. And, of course, the real burden in this civil rights debate falls upon those of us who are for civil rights—not for those who are carrying the filibuster because they can divide their team up into two men on the floor for every third day and be on the floor for 6 or 8 hours. They can carry that burden quite easily. On the other hand, any time they call for a quorum, we who are in favor of civil rights have to supply 51 percent of the membership to make the quorum.

SCOTT. Yes; and considering that the Republicans are outnumbered 2 to 1, we have to supply a better percentage of the Members to meet the 51, the quorum, than the Democrats do. And this is a burden for 33 Senators who have to be awake and around most of the time for whatever length of time it takes.

ALLOTT. Well, like you, I would say that when the time comes, I am prepared to sign the petition for a cloture when I think adequate time has been had for a discussion of all of the features of this bill. And I am willing to vote for a cloture. But I believe that unless a deal has been made, this is the only way this debate will be terminated.

Byelorussian Independence Day

EXTENSION OF REMARKS
OF
HON. STEVEN B. DEROUNIAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. DEROUNIAN. Mr. Speaker, it is most appropriate that we pause a moment to commemorate Byelorussian Independence Day. If we believe in freedom, we should carry its promise to all parts of the world. On their 46th anniversary, Byelorussians are laboring under the same tyranny which communism strives to bring to the whole world. Perhaps our words here will encourage the Byelorussian people to continue their resistance to that tyranny.

Byelorussia was a leader in the wave of revolution that swept Russian imperialism out of most of East Europe in 1918, and the first to bear the full brunt of Bolshevik savagery. Its geographic position alone enabled communism to triumph over freedom. The Byelorussians, could they speak freely today, would tell you that communism is indistinguishable from old Russian imperialism. They suffer just as much.

Byelorussia has every right to liberty and the pursuit of its own path to happiness, which is denied by Russia. The Byelorussian people provide the world with a living refutation of the false promise carried by communism to the great proportion of mankind which now struggles to cast off the lingering chains of imperialism. Our celebration of Byelorussian independence is not sufficient when the Byelorussian people themselves cannot celebrate. Let us hope that every year Byelorussian courage and love of freedom increases, so that soon our fellow men in Byelorussia will be able to rejoin the great and growing family of freemen.

Byelorussian Day

EXTENSION OF REMARKS
OF
HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. DADDARIO. Mr. Speaker, the date of March 25 marks the anniversary of the proclamation of independence of the Byelorussian Democratic Republic. In annually commemorating the events of 1918 we honor the valiant courage and determination of the Byelorussian people who were forced to struggle against Poland, Germany, and Russia in order to preserve their freedom. Such formidable enemies inevitably overwhelmed and divided the new Republic. And today in the minds of too many people, Byelorussia is an unknown or confused concept.

The events as recorded in history are swiftly tragic for that brave nation, but these brief recordings must be appreciated in the light of their full significance. In 1918, the Slavic people of Byelorussia consolidated their culture, their territory, and their people into an independent nation. From the moment of this declaration, the territory of Byelorussia was no longer subject to annexation but could only be gotten by invasion; her culture could not be merely absorbed but had to be oppressed, and her people could not be occupied but had to be enslaved and redistributed. These were the prices that had to be paid because the Byelorussian people chose to exercise a right that is inherent in all man. These are the sacrifices that called forth in the Byelorussian people the deeds of courage that have made of their nation an exceptional symbol of resistance to the flood of Communist oppression.

It is therefore proper that we join the Byelorussian people in all areas of the world in a rededication to their goals of a free and independent nation.

Softwood Lumber Standards

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BOW. Mr. Speaker, inasmuch as there are many Members interested in the subject of softwood lumber standards, I wish to insert in the RECORD for their information a copy of my letter of March 10 to Secretary of Commerce Luther Hodges and a copy of the Secretary's reply of March 17, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 10, 1964.

Hon. LUTHER H. HODGES,
Secretary of Commerce,
Washington. D.C.

DEAR MR. SECRETARY: As you know, I have long been interested in the proposed new lumber standards and have been hopeful that this issue would be settled promptly and without further unnecessary delay. Thus it was with considerable interest that I read a press release by Representative JAMES ROOSEVELT last week indicating that a settlement of the matter is being postponed perhaps for many months.

Mr. ROOSEVELT speaks of having received various "assurances" from your Department which could be interpreted to mean that you are abdicating your authority in this field to his subcommittee. I think it important to my constituents in the industry that we have a clear understanding of the meaning of these assurances, and will appreciate an answer to the following questions:

1. Does reopening of the list of those to whom the proposed standards change will be sent for comment mean that the same 20 percent of membership restriction which had previously been imposed upon other organizations submitting names of prospective acceptors, will still apply?

Secondly, is it the intention of the Department of Commerce to resolicit participation by organizations which have previously declined to participate as acceptors? The American Trucking Association representing a large number of trucking firms, indicated in 1963, when first afforded the opportunity to submit a list of prospective acceptors, that it declined to do so on the grounds that it had no direct interest in the standard. I note from Mr. ROOSEVELT's release that they will now be asked to supply a list.

2. Does the Department of Commerce contemplate any modification of previously determined "weighting" procedures for various categories of acceptors? Mr. ROOSEVELT notes in his press release that "the most careful consideration will be given to the comments in view of the interests making them." Further, what does Mr. ROOSEVELT's statement that "the Department 'is not seeking mere yes or no answers. It desires affirmative suggestions and information concerning the workability, equity, and economic impact of the proposed standard,' " mean? Does it mean that responses not bearing specific suggestions by either proponents or opponents

will be evaluated at a lesser weight than those bearing "affirmative suggestion?"

3. Does Mr. Roosevelt's report of "assurances" that his subcommittee and the ALSC itself would also be consulted concerning the makeup of the committee indicate that the Secretary of Commerce will seek court sanction of what appears to be a surrender of his powers of appointment under procedures previously approved by the district court? Does the "concrete proposal for reconstitution (of the ALSC) being developed," mean that consideration of assigning prospective ALSC members will be left to the Subcommittee on Distribution of the House Select Committee on Small Business Matters?

4. If additional enclosures, other than the majority and minority positions and the table of equivalent green sizes, are to be included with the mailing of the standards proposal, may I be advised of their nature and purpose?

5. Do Department of Commerce "assurances" to Mr. Roosevelt that it will take no action until the subcommittee has had the opportunity of first holding full hearings and then submitting its findings to the Department," imply that the subcommittee judgment will take precedence over Department of Commerce? The Department is obligated to promulgate the standard if it is proved to be acceptable by the vast majority of acceptors polled and is, in the opinion of the Department, in the public interest. Does the Department contemplate that in future standards matters, regardless of the industry involved, the Subcommittee on Distribution will be consulted prior to promulgation of any standard as an approved industry standard? If such procedure is contemplated will the chairman of the Subcommittee on Distribution or his designee serve as a member of all industry committees concerned with industrial standards?

Those of us who are earnestly concerned with improving the standards of quality for softwood lumber, whether it be green or dry, need to know the full extent of agreements reached by Mr. Roosevelt with officials of the Department of Commerce so that we can anticipate further delays and gear the industry and the consumer to deal with them.

Sincerely,

Frank T. Bow.
Member of Congress.

The Secretary of Commerce,
Washington, D.C., March 17, 1964.

Hon. Frank T. Bow,
House of Representatives,
Washington, D.C.

Dear Mr. Bow: Your letter of March 10, 1964, inquired about a recent press release on softwood lumber standards by Representative James Roosevelt of the Select Committee on Small Business.

In the past several weeks, we have made considerable progress and are now preparing to circulate the proposal widely within the industry and interested public for comment.

The assurances of this Department to Representative Roosevelt were just clarifications of the procedures which the Department has been and is following in getting representative industry comment on the proposed standard. The answers to your specific questions follow in sequence:

1. The 20-percent membership restriction on trade organizations is still applicable to any trade organization asking for inclusion on the mailing list. The mailing list is mainly opened to individuals or individual firms which specifically request their names to be placed on the list to receive a copy of the proposal for individual comment. Until the mailing list was closed last fall, individual requests were honered in the same way. The Department of Commerce originally solicited participation by organization, but we do not intend actively to solicit participation by organizations any further. Individual members, however, have an opportunity to receive a proposal for comment. They would have to indicate on the response form the nature of their interest so that their comments would be analyzed properly.

2. Our procedure for weighing the various comments received has not been changed. We have always intended to make a careful analysis of the responses according to geographic location, amount of production, interest in the industry and so on. This will be both by number and by comment for each segment. Much confusion has arisen from the misconception that we were conducting a referendum or vote. We have never taken that position. The assurance to Congressman Roosevelt was simply an explanation that our system of analysis of the responses would not be by total number for and against, but would be made according to segment and interest. It is possible, for example, that producers would have different comments and percentage of acceptance than carpenters. The National Bureau of Standards would not attempt to accord one category greater "weight" than another.

3. Last fall we announced that we were reviewing generally the membership and procedures of the existing ALSC to see if changes ought to be recommended to the court having jurisdiction. We have assured Congressman Roosevelt that any comments of his subcommittee on what the proper constitution of the committee should be will be taken into account in making our recommendation. This Department has not surrendered any of its authority or responsibility for appointing members of this committee.

4. We are enclosing with the proposal, in addition to majority and minority reports, a brief statement of what the existing standard is and what the differences are between it and the proposed standard. I also plan to add my own letter sending the proposal to the industry and interested public for comment.

5. We have not postponed any action pending full hearings by the subcommittee. As you know, Congressman Roosevelt had originally planned to have hearings beginning March 3. After hearing an explanation of our procedures, he concluded that any hearings he has can best take place after the comments from industry and the interested public have been received by this Department and analyzed. We have always intended to make such an analysis public before our final decision in this matter. Any group or committee would thereby have an opportunity to discuss the full implications of the proposal in light of the comments. We have told Congressman Roosevelt that if he wishes to have hearings we would be very happy to consider the results in making our decision. We have no procedures for seeking the prior approval of the Subcommittee on Distribution prior to the promulgation of this or any other standard. However, the Congress always has had an interest in what our Department does with respect to standardization. If one of the committees of Congress desires to express its views, we would be happy to study them just as we would consider the views of trade organizations or private groups.

As I have repeatedly emphasized to members of both sides of the lumber standards question, the Department of Commerce intends to see that all segments of the industry and interested public have opportunity to participate in this cooperative, voluntary procedure. We think our procedures will tell us what the extent of the opposition is so that we can determine whether or not substantial support exists. I am sure you know that the commodity standards program cannot operate without wide voluntary acceptance of a proposal within the affected industry. The standards are not mandated. This being so, we have to be considerate of the views of all who wish to express them.

These are our concerns. We believe we are progressing as rapidly as possible consistent with our obligation to get the views of all in this cooperative process.

Sincerely yours,

Luther H. Hodges,
Secretary of Commerce.

Civil Rights—Justice and Equality for All Our Citizens

EXTENSION OF REMARKS
OF

HON. JAMES C. HEALEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. HEALEY. Mr. Speaker, I regret that the U.S. Senate continues to delay action on the civil rights bill after all these weeks. We passed this important legislation in the House on February 10. I continue to receive a large volume of mail from my constituents thanking me for my vote for the bill and my sponsorship of it, and asking that my efforts continue for final passage. Because of such great interest expressed by residents of my district, I insert in the Record at this time my testimony on the civil rights bill on July 17, 1963, and my remarks on the House floor on February 5, 1964:

Testimony of Congressman James C. Healey, of New York, Before the Committee on the Judiciary, U.S. House of Representatives on July 17, 1963

Mr. Chairman, I am grateful for this opportunity to present to you and members of your distinguished committee my views on H.R. 7152, your omnibus civil rights bill and my own bill, H.R. 7224, containing the President's civil rights proposals. As you know, my bill, H.R. 7224, is identical to your bill, Mr. Chairman. I am here to testify in favor of these proposals and to urge approval by your committee.

You will recall that I was one of the sponsors of legislation to eliminate the poll tax, which passed in the 87th Congress.

You also have before your committee my bill, H.R. 2095, to eliminate unreasonable literacy requirements for voting; and my bill, H.R. 6639, to extend the Civil Rights Commission and to broaden the scope of its duties. These proposals are both incorporated in our omnibus civil rights bill.

Mr. Chairman, 100 years ago Abraham Lincoln issued the Emancipation Proclamation assuring freedom and equality to all Americans. One hundred years later, some of our people are still deprived of these rights. Across our Nation we are seeing evidence of impatience of some of our American citizens who are victims of discrimination. And the rest of the world watches while we preach to them about freedom.

The erupting civil rights crisis has injected a sense of urgency into this session of Congress and our adjournment date should not be set until action is taken on this problem. Congressional inertia in this area of our national life would be tragic. As our President has put it so adroitly:

"* * * the result of continued Federal legislative inaction will be continued, if not increased, racial strife, causing the leadership on both sides to pass from the hands of responsible and reasonable men to purveyors of hate and violence, endangering domestic tranquillity, retarding our Nation's economic and social progress, and weakening the respect with which the rest of the world regards us."

There should be no partisan politics here; Congress must enact legislation to lay the guidelines for solutions to the various phases of this problem. Failure to do so will weaken the fabric of this Nation at a time when it needs its full strength.

Legislative relief is needed in the areas of voting, education, employment, and public accommodations. It has been in these spheres of activities that the American Negro's struggle for full equality has been a frustrating one.

The struggle is not that of the Negro alone. No American should be denied his basic rights to work, eat, vote, to learn, and to live where he chooses.

Effective action must be taken by Congress to assure justice and equality for all of our citizens.

Legislation cannot change a person's prejudices. If color discrimination were to disappear overnight, the Negro's low economic status would still handicap him. But legislation can work to eliminate conditions that handicap the Negro. And this is where we have a responsibility in the U.S. Congress.

The proposals in our bill, Mr. Chairman, attempt to remove the barriers which some of our citizens have faced the past 100 years—barriers which will stand in the way of enjoyment of full citizenship, to which every American is entitled, and which is guaranteed in his birthright.

There are those who regard the President's proposals as too much, too soon, as too ambitious an undertaking, especially in terms of success. I think not. They offer the Congress a set of solutions that should be acceptable to all men and women of good will. They are not designed because of mere economic, social, or diplomatic considerations. They were designed out of the knowledge that to insure the blessings of liberty to all is the primary prerequisite in a democracy, in a government, of and by, and for the people.

Our basic commitments as a nation and a people, our conscience, our sense of decency and human dignity, demand that we try to eliminate discrimination due to race, color, religion. To eliminate it is (1) not to practice it, and (2) not to tolerate it on the part of others. If we are successful in eliminating discrimination in our great country, other countries will look to us for having given substance to the dream of freedom and equality. If we do not, then we have lost our dignity and leadership both at home and abroad.

* * * * *

Limitation of the exercise of that right to vote according to race serves no other purpose than to put into doubt the rendition of justice to the Negro citizen and the protection of his rights. A government not electorally responsible to one segment of our national citizenry, seriously jeopardizes the very essence of our representative democracy and the political life of the Nation as a whole.

Under the provision of our civil rights bill, Mr. Chairman, voting protection in Federal elections would be strengthened by providing for the apportionment of temporary voting referees, and by speeding up voting suits. For States having the literacy test, a presumption of qualification to vote would be created by "the completion of the sixth grade by any applicant." The constitutionality of such a provision is beyond reproach; Congress has within its purview of constitutional powers the power to regulate the manner of holding Federal elections.

Mr. Chairman, with regard to the elimination of unreasonable literacy requirements for voting, I would like to quote from my testimony before your committee in the 87th Congress: "It is a known fact that unreasonable literacy tests have been used unjustly to deny the right to vote. Education is a reliable gage of literacy, but how much education? At what point should the standard be set? My bill establishes the minimum line at the completion of the sixth grade in schools * * * this is a reasonable demarcation point, and I believe the most effective device is the one in my bill. It consists of establishing an objective standard by which an individual's literacy may be judged. This eliminates the intrusions of bias or prejudice * * * it requires the determination of fact, rather than a judgment or an interpretation."

Title I under our omnibus civil rights proposal would further require that if a literacy test is used as a qualification for voting in Federal elections, it shall be written and the applicant shall be furnished, upon request, with a certified copy of the test and the answers he has given.

* * * * *

Title II of our bill proscribes discrimination in public establishments such as hotels and motels engaged in furnishing lodging for guests traveling interstate; movie theaters and other public places of entertainment which present forms of amusement which move in interstate commerce traffic; and restaurants and stores that extend food services, facilities, and the like, the substantial portion of which has moved in interstate commerce, for sale or hire to a substantial degree to interstate travelers. Arbitrary practices guided by racist considerations in this area create nothing but unjust hardships and inconveniences for the Negro citizen. He is forced to stay at hotels of inferior quality, and travel great distances to obtain any kind of satisfactory accommodations or food service.

Discrimination in the field of public accommodations should find no quarter of sympathy or tolerance in our National Legislature. As it contributes to an artificial restriction of interstate commerce, it can best be removed by congressional action invoked under the commerce clause. In addition, legislative action can be justified by the equal protection clause of the 14th amendment: as these particular vehicles of private enterprise are licensed by the appropriate State authorities to engage in their particular activity, discriminatory practices found therein take on the character of State action and therefore fall within the limits of the 14th amendment.

Critics of the public accommodations section level the charge that legislation of this kind would amount to an unconstitutional hindrance to property rights. The soundness of this argument is tenuous to say the least, for when was the right to property considered to be absolute? President Kennedy answered his critics by saying that: "The argument that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws on zoning, collective bargaining, minimum wages, smoke control, and countless other measures designed to make certain that the use of private property is consistent with the public interest * * * indeed, there is an age-old saying that 'property has its duties as well as its rights'; no property owner who holds those premises for the purpose of serving at a profit the American public at large, can claim any inherent right to exclude a part of that public on grounds of race or color."

Mr. Chairman, a further provision of the bill—title IV—provides for the establishment of a Community Relations Service, the duties of which would be to work with regional, State, and local biracial committees to alleviate racial tension. The value of such a service cannot be emphasized enough. Lacking the power of subpena, it would advise and assist local officials in improving the communication and cooperation between the races. By so doing, the Service would go a long way in helping to preclude recurrencies of racial crises.

I have already mentioned the Civil Rights Commission; title V will extend and broaden its powers. With regard to title VI, our Federal Government provides financial assistance or backing for many programs and activities administered by local and State governments, and by private enterprises. As a Member of the U.S. Congress, it is my privilege and responsibility to vote on these proposals and I feel the activities and benefits of such programs should be available to eligible recipients without regard to race or color. This should also apply to the employment practices of the organizations involved, public or private.

Title VII authorizes the President to establish a Commission on Equal Employment Opportunity, to prevent discrimination against employees or applicants for employment because of race, color, or religion, or national origin, by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance is provided by the Federal Government.

Unemployment falls with special cruelty on minority groups, and creates an atmosphere of resentment and unrest; the results are delinquency, vandalism, disease, slums, and the high cost of providing public welfare and of combating crime. I support the President's requests for more vocational education and training for our illiterate and unskilled. It is programs such as the manpower development and training program which assist in reducing unemployment.

Racial prejudice and discrimination are fundamentally wrong. Our Judeo-Christian heritage—our sense of how man should treat his brother—our basic commitments as a nation and a people, should make us want to eliminate a practice not compatible with the great ideals to which our democratic society is dedicated.

Mr. Chairman, thank you for letting me appear before your committee. I urge prompt and favorable action by the Judiciary Committee, and pledge my support when the civil rights bill comes to the floor of the House of Representatives.

CIVIL RIGHTS SPEECH OF CONGRESSMAN JAMES C. HEALEY, FEBRUARY 5, 1964

Mr. Speaker, I rise in support of the Civil Rights Act of 1964.

I need not discuss in detail the nine substantive sections which will help assure to all our citizens the equal enjoyment of their rights under the Constitution of the United States. These rights include the right to vote, to hold a job, to have equal access to places of public accommodation, public schools, and other governmental facilities. Surely, no one can begrudge such rights to his fellow citizens on account of their color of skin or religious persuasion. Indeed, the protections the bill affords are so necessary and so reasonable that opponents are having a difficult time attacking the bill on its merits. Instead, they have leveled false and extravagant charges against it, and they give a distorted picture of what the bill actually does. This, of course, is done to arouse such prejudice against it that others may be blinded to its true meaning.

Opponents of the bill say that it sets up racial quotas for job or school attendance. The bill does not do that. It simply requires that children be admitted to public schools without discrimination because of race, and that industries involved in interstate commerce not deny a qualified person the right to work because of his race or religion. And not even all industries are covered—initially only those with 100 or more employees, eventually those with 25 or more.

Under its power to regulate commerce Congress has the authority—and, I submit, the duty—to enact such legislation. The same constitutional basis underlies our right to require nondiscrimination in certain business establishments which are connected with interstate commerce and which hold themselves open to the public at large. Most such places are already under some type of Federal regulation—the Pure Food and Drug Act, for example, the minimum wage law, antitrust laws. The bill has no effect on a private homeowner who wants to rent a room to a "paying guest." In fact, it does not apply to owner-occupied establishments which offer five units or fewer for rent. The bill does not circumscribe private social contacts in any way.

* * * * *

It is clear that State-supported segregation is unconstitutional. This is the mandate of the school segregation cases and the numerous cases involving parks and other governmental facilities. It is high time, therefore, to enable our Negro citizens to enjoy the rights to desegregated educational and recreational facilities without further delay. For that reason titles III and IV authorize the Attorney General to sue for desegregation of these facilities, under certain specific conditions. It is no novelty to allow the Attorney General discretion as to the bringing of an action. The Attorney General has the same authority in antitrust cases and criminal cases, to name but two examples. This is not "unbridled Federal control," as critics are quick to assert.

Nor is it "unbridled Federal control" to require that public funds from the Federal Treasury—funds contributed by all our citizens—be used for the advantage of both races without favoritism.

* * * * *

Mr. Chairman, in sum, the provisions of H.R. 7152 are firmly grounded in the Constitution of the United States. They provide for fair and equitable procedures in the courts and before administrative boards. They do not usurp or diminish the rights and duties of State and local governments or of private individuals. They would simply assure that all citizens will have the full enjoyment of the rights now unfortunately denied to many on account of race, color, religion, or national origin.

The 175th Anniversary Dinner of the U.S. Customs Service, February 22, 1964

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. DONOHUE. Mr. Speaker, one of the Federal agencies of which we can all be proud is the U.S. Customs Service which is celebrating its 175th anniversary this year. The Congress called upon the American people to mark this anniversary with appropriate ceremonies and activities and President Lyndon B. Johnson issued a proclamation designating 1964 as "U.S. Customs Year."

In keeping with this legislation, the Bureau of Customs held an anniversary dinner-dance on Saturday, February 22, 1964, at a Washington hotel where close to 1,000 people assembled to launch the anniversary program for this year. Among those in attendance were a number of distinguished citizens, Members of Congress, jurists, organizations such as the National Customs Brokers & Forwarders Association of America, Inc., the Air Transport Association of America, the National Customs Service Association, and many others.

It should be noted that the entire cost of this affair was paid for from the proceeds of the sale of tickets to customs employees in Washington, Baltimore, Philadelphia, New York, Detroit, and other cities; and to custom brokers and attorneys from out of town. Customs personnel from out of town paid their own way and hotel expenses so that this entire affair was conducted at no expense to Government.

Indeed, the U.S. Treasury has benefited from the customs anniversary.

On the initiative of the Bureau of Customs, the Post Office Department has issued a commemorative postal card with a U.S. customs design for the 4-cent stamp. Assistant Postmaster General Ralph W. Nicholson stated at the banquet that 40 million of these have been printed and have been placed on sale at post offices throughout the country. The demand on the part of the collectors for first-day covers is so brisk that Mr. Nicholson indicated that the print order was increased before the stamp was placed on sale. It is anticipated that the Post Office will realize $1,400,000—less expenses—from the sale of the customs commemorative postal card.

This is typical of our customs service. They always do things with an eye to how the United States can benefit. Secretary of the Treasury Douglas Dillon, who delivered the principal address at the anniversary banquet, summed up the feelings of most of us when he said:

> Your determination to continue seeking ways to improve your service to the traveling public, and to the international business community, is to be commended. After 175 years, you're not resting on your oars. Your efforts have been instrumental in furthering the administration's policy of encouraging foreign travel to the United States by speeding up customs procedures, by encouraging facelifting of our various ports and, above all, by greeting visitors to our shores with courteous, efficient personnel—our dockside dispensers of good will.
>
> It is a source of real satisfaction to those of us in the Treasury Department to salute Customs employees on their 175th birthday. To Assistant Secretary Reed, to Commissioner Nichols, and to all of you, I say for all of us in the Department—congratulations on a job well done.

One of the keynote speakers at the anniversary banquet was Walter J. Mercer, president of the National Customs Brokers & Forwarders Association of America, Inc., a man who is widely respected in the trade in which he has been a leading figure for more than 40 years. Mr. Mercer took as his theme the fact that the customs service has fewer personnel today than it had in the time of Calvin Coolidge, despite the fact that there has been a fourfold increase in the volume of customs work performed by the Bureau. Mr. Mercer stated that in his opinion the U.S. customs service needed strengthening in order to improve our safeguards against narcotic smuggling along our borders and in our Great Lakes ports along the St. Lawrence Seaway. On behalf of the association he represents, Mr. Mercer urged that there be a general increase in customs personnel to expedite the greatly increased volume of international trade between the United States and the rest of the world, all of which comes within the purview of customs.

I think that the American people owe a debt of gratitude to the U.S. customs service and especially to U.S. Commissioner of Customs Philip Nichols, Jr., who has taken the leadership in streamlining and simplifying the customs service since his appointment to this post in 1961. They are doing a yeoman job and everyone of us is better off as a result of this job. However, they must be given the tools if they are to do their jobs with the efficiency, skill, and devotion which have characterized their performance up until now.

Mr. Speaker, at this point I would like to include excerpts from speeches made at the banquet by Commissioner of Customs Philip Nichols, Jr., Mr. John J. Murphy, national president of the organization, together with the greetings sent by President Lyndon B. Johnson and the Honorable JOHN W. MCCORMACK, Speaker of the U.S. House of Representatives. They follow:

SPEECH BY COMMISSIONER NICHOLS

Mr. Chairman, Mr. Secretary, Chief Judge Oliver, ladies and gentlemen, I bid you a warm welcome to the 175th anniversary celebration of the U.S. customs service which we celebrate this evening along with the birthday of George Washington. He by signing a bill into law brought our service into being a century and three-quarters ago.

We are grateful for the presence here this evening of so many distinguished friends. They have come to honor not us but the men and women who, for over 175 years have contributed to the customs service their integrity, their energy, and capability—in fact, their lives, and all that they were.

From every part of the country, and from many foreign ports, there have come messages from those who could not be here in person.

Let me refer to one of many. The other day, an ordinary birthday card was received from an anonymous sender in San Diego, Calif. On it was scrawled simply: "Happy 175th birthday." You may be surprised, Mr. Secretary, to learn from this that our incoming mail does not consist entirely of abusive letters.

The other day I pinned on Alan Pottinger a 50-year service pin, the first such I had ever presented—or even seen. Forty-five-year pins are common, however, in Customs, and a 40-year man is a mere neophyte. It is not surprising that a lady, one of our presidentially appointed collectors, told me she often felt like a petunia in a bed of perennials. At times I feel the same way. However, Customs is like a garden in which each of us can contribute his or her own peculiar fragrance. One talent or two or five are all equally welcome. The tasks of Customs are almost infinitely varied. Because they are so diverse they are never dull. Mr. Pottinger in all those 50 years never has been sure the coming day would not provide something fresh and different from anything he had ever seen before. People stay so long in Customs because they know they are needed, and they are never bored.

We who are here remember the dead but tonight we can enjoy the company of the living. That is what our predecessors of 175 years would have wanted us to do. It is what they did themselves. Besides being deserving public servants, they were good company, too. As the evening goes along, let's hoist an extra one for them. Thank you.

REMARKS OF JOHN J. MURPHY, NATIONAL PRESIDENT, NATIONAL CUSTOMS SERVICE ASSOCIATION

I am honored indeed to represent employees of the customs service. This is the first time, as far as I am aware, that a representative of the employees has been able to join with top management at such an affair.

The idea of organizing customs employees into one homogeneous group was conceived during World War I at this time. A small but determined group of Chicago customs employees had conceived the plan of forming their own organization; dedicated to the welfare of all employees of all occupations and pay levels, and directed and guided by the employees themselves.

The response by other employees was extraordinary: branches sprang up all over the country and interest was so strong that the first NCSA convention was held in the city of Chicago in August 1925.

Thus was born the National Customs Service Association, an organization resolute in its purpose to unite the scattered thousands of customs employees into a single organization. An organization led by customs employees and thoroughly familiar with the needs and aspirations of customs personnel. An organization determined to further in every legitimate way their interests and welfare.

When President Kennedy issued Executive Order 10988, the order setting up official relations between employee organizations and management, NCSA petitioned for recognition and was accorded countrywide formal recognition as representative of employees in the Bureau of Customs by both the Bureau and the Treasury Department. NCSA is the only organization to receive this recognition.

The employee-management cooperation program will not work without the affirmative willingness to cooperate that President Kennedy urged when he issued the order. Lipservice and going through the motions are a sure way to kill the respect and confidence that must be present. We have never had such incidents in our relations and we are confident that we never shall. It is our view that by working together we can make the Customs Service a model for other agencies.

NCSA is a responsible, reasonable organization. As a matter of policy we refer to top management only those problems that cannot be solved at the local level. We prefer to work cooperatively at all levels but are prepared to fight vigorously for what we believe is right and proper. We have never shirked our responsibility to defend our point of view.

It is a far cry from the bad old days of 1925 to find at this 175th anniversary dinner a representative of an employee organization on the dais standing beside the distinguished Secretary of the Treasury. This is certainly as it should be and is in keeping with the spirit of President Kennedy's Executive order that employee organizations and management should be equal partners in carrying out the public business. President Johnson likewise has endorsed this principle and as the days pass many of our dreams of meaningful cooperation will become a reality.

On behalf of the National Customs Service Association, I express my appreciation for the opportunity to address such a distinguished audience. I pledge myself to do all within my power to protect and perpetuate the fine reputation and good name of the Customs Service in which so many of us have invested a lifetime of labor. Thank you.

TEMPORARY WHITE HOUSE,
Palm Springs, Calif.

Hon. PHILIP NICHOLS, Jr.,
Commissioner of Customs,
Washington, D.C.:

Please convey my congratulations to the men and women of the U.S. customs service on this memorable occasion which marks one and three-quarters centuries of service to the American people. The Nation joins me in saluting the Bureau of Customs for its efficiency, for its devotion, for its economy of operation, and for its cooperation with other Government agencies in carrying out the laws of the land. The Bureau has played a historic role in the growth of modern administration and the development of our revenue system.

With best wishes.

LYNDON B. JOHNSON.

WASHINGTON, D.C.

Hon. PHILIP NICHOLS, Jr.,
Commissioner of Customs,
Washington, D.C.:

I deeply regret my inability to be present tonight to attend the dinner in honor of the U.S. Customs Service. Throughout the years I have had the highest personal regard for the men and women in the customs service. Their integrity, ability, devotion to duty, and record of achievement down through the years is unsurpassed and has brought honor and glory to the profession of the Government worker. The work of customs is complex and difficult to administer, but the customs people have carried out their tasks with superb skill and unfailing integrity. It is a pleasure for me to salute the customs service. It has the confidence of the people. It will continue to have the confidence of the people whom it has served so well.

JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives.

New Dynamism for the Alliance

EXTENSION OF REMARKS
OF

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BROOMFIELD. Mr. Speaker, on Monday, March 16, at the Pan American Union, the Council of the Organization of American States installed the new Inter-American Committee of the Alliance for Progress.

The Committee, called CIAP from its initials in Spanish, has the difficult task of appraising the development performance of the 19 Latin American countries and of recommending the allocation of external financial resources among them.

With the installation of the eight members of CIAP, who are now at work, the Alliance gains new impulse, new strength, new talents, new dynamism.

As President Johnson said at the CIAP installation ceremonies, the special significance of CIAP is that from now on the Alliance will be guided by the advice and wisdom of men from the entire hemisphere. No longer does the United States have to bear the burden of making major decisions alone. That does not mean that the United States will take a back seat—it means that the Latin American nations and the United States all have front seats.

Members of Congress should be pleased to know that all the members of CIAP are distinguished men with solid experience in economic development in diverse fields in various parts of the hemisphere.

The chairman, Carlos Sanz de Santamaria, of Colombia, is an economist, engineer, and diplomat known in his own country as an indomitable fighter for basic reforms.

Reforms are not always popular, no matter how badly needed, even for those who are supposed to benefit from them. But as finance minister, Dr. Sanz was able to rally the political forces of his country to face harsh facts and take difficult decisions. As a result his country's fiscal position has improved. The external balance of payments is healthier. Heavier taxes are providing additional government income for vitally essential programs.

Significantly, Dr. Sanz is a member of one of Colombia's wealthiest families. He has been a very successful engineer in private life. But he has never hesitated to serve his country. He has been called to high office by every freely elected government of the past 30 years. He has served under presidents of both the Conservative and Liberal Parties. He has traveled extensively in Latin America. And he knows the United States from having served as Colombian Ambassador to Washington on two tours of duty. He speaks fluent English as well as Spanish, Portuguese, and French. It would be difficult to find a Chairman of greater experience and more diverse talents.

Our own Government has a permanent seat in the Committee. Our present representative is Ambassador Teodoro Moscoso, an internationally known expert on economic and social development.

For 20 years, he was the man behind Puerto Rico's famed Operation Bootstrap, the development program that brought Puerto Rico from the depths of poverty to relative prosperity. More recently, as U.S. Coordinator of the Alliance for Progress, he was the U.S. official chiefly responsible for putting the alliance in motion and laying the foundations for future development.

By pragmatic, imaginative policies, he attracted hundreds of millions of dollars worth of industrial investment to Puerto Rico. Other countries could well emulate his policy of using Government funds as a catalyst to make private investment effective and successful.

The five Central American States also have a permanent seat in SCAP. The Central American representative is Jorge Sol Castellanos, a highly respected authority on international economic problems. Born in El Salvador and educated at Harvard University, he has held numerous high posts in the Government of his country and other Central American Republics.

He has served as Minister of Economy of El Salvador and dean of the School of Economics at the University of El Salvador. He has been Executive Director of the International Monetary Fund, Executive Secretary of the Inter-American Economic and Social Council, and

Assistant Secretary for Economic and Social Affairs of the Organization of American States. He is now adviser to the permanent office of the Treaty of Central American Economic Integration and consultant to the Central American Bank for Economic Integration.

Named to the Committee by Peru and Argentina is Emilio Castañon Pasquel. He has held posts in the Ministries of Justice, Social Welfare, and Treasury, and headed the Superintendency of Foreign Trade. He was chief Peruvian delegate to the Inter-American Economic and Social Council in 1962 and 1963, and is now a director of the Central Reserve Bank of Peru.

Named to the Committee by Chile, Colombia, and Venezuela is Luis Escobar Cerda at 37 years of age, the youngest member of CIAP. A native of Santiago, Chile, and a Harvard graduate, he is a well-known professor of economic theory at the University of Chile and a prolific writer on economic subjects in scholarly and popular journals.

Dr. Escobar has been dean of the School of Economics of the University of Chile since 1955 and served as Minister of Economy, Development, and Reconstruction from August 1961 to September 1963. Now the Chilean representative to the International Monetary Fund, he is also a member of the executive board of the Latin American Institute for Economic and Social Planning.

Serving for Uruguay, Paraguay, and Bolivia is Gervasio de Posadas, a Uruguayan industrialist, lawyer, educator, and author of books on law, economics, and finance.

He was associate professor of commercial law at the University of Uruguay from 1929 to 1933 and associate professor of political economy until 1952. Since then, he has held the chair of economics. He is the author of books and articles on law, economics, and finance.

De Posadas served as Uruguayan Minister of Industry and Labor from 1939 to 1941 and as Senator from 1941 to 1942. He was president of the National Chamber of Commerce from 1958 to 1962.

Named by Mexico, Panama, and the Dominican Republic is Rodrigo Gómez, an internationally known figure in banking who has been director general of the Bank of Mexico since 1952. He has served two terms as Executive Director of the International Monetary Fund, 1946–48, and 1958–60. He has also been a Senator, representing his native State of Nuevo León.

Named by Brazil, Haiti, and Ecuador is Celso Furtado, 43, the noted Brazilian economist who achieved an international reputation as chief architect of the ambitious plan to develop Brazil's poverty-stricken Northeast.

As head of Sudene—Superintendency for the Development of the Northeast—established in December 1959, Furtado directed a program calling for investments totaling $900 million from national and international sources for the rehabilitation and development of industry and agriculture in Brazil's most desperate region. In 1962, President Goulart asked him to serve as minister without portfolio to draw up a national development program for 1963–65. He returned to full-time duty with Sudene early in 1963 after proposing a $1.5 billion program.

Furtado holds the degree of doctor of economics from the University of Paris. He served for many years on the staff of the United Nations Economic Commission for Latin America and with the Economic Development Center, a joint project of ECLA and the Brazilian National Bank for Economic Development. He has also been a director of the bank.

I would hope that Members of Congress will have the opportunity to meet informally from time to time with the members of CIAP for an exchange of views. Their great diversity of experience should be of great value to the Members of the House and Senate who are concerned with making U.S. participation in the Alliance as effective as possible.

Let us wish them all success in their difficult and important tasks.

A Tribute to the Veterans of Foreign Wars

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BURKE. Mr. Speaker, the annual Veterans of Foreign Wars Washington Conference was held on Tuesday, March 10, 1964. The affair was the biggest and most successful since its inauguration 16 years ago. Highlight of this conference was the banquet honoring Members of Congress who served in the Armed Forces. More than 400 Members of Congress attended as guests of department commanders to honor their colleague Senator CARL HAYDEN, of Arizona, senior Member of Congress and dean of the Senate. Senator HAYDEN received the first Annual Congressional Award given by the VFW Commander in Chief Joseph J. Lombardo, of Brooklyn, N.Y., host at the dinner.

The Department of Massachusetts Veterans of Foreign Wars comprises 239 posts in 18 districts covering 9 counties and has a total standing of approximately 43,000 members. The Massachusetts delegation was well represented and led by State Commander Joseph E. Anderson of Scituate, State Adjutant Allen E. VonDette, and Department Quartermaster William L. McCarthy.

The following past department commanders were in attendance at the conference and banquet: John A. Tyman, of Brookline; William R. Turnbull, of Jamaica Plain; Edward W. Hartung, of Springfield; Joseph A. Scerra, of Gardner; Emelio F. Marino, of Brighton; James J. Delaney, of Beacon Hill; Paul A. Maliska, of Brockton; Bernard Croteau, of Pittsfield; Thomas Macdonald, of Quincy; Wilfred Guilbault, of Quincy; John Brior, of Quincy; William Macdonald, of Walpole; John F. Dargan, Jr., of Dorchester.

The following projects and programs are to be conducted and sponsored by the Department of Massachusetts VFW for the year 1963–64:

Construction of hospitals programs, blood donor program, crippled children's programs, veterans homes for Christmas program, voice of democracy program in which over 10,000 Massachusetts students participated;

Miss Teenager pageant, the lite-a-bike safety program for the youth of the Commonwealth, the community service program in which all of the communities and towns participated, cosponsors of the cystic fibrosis program, veterans legislation on State and Federal levels, widows and orphans national homes program, Governor of the Commonwealth safety program, handicapped persons program sponsored by Mayor John Collins of Boston, service officers program to aid and assist veterans and widows.

I am proud to be a member of this fine organization and at this time, I would like to pay tribute to the name, the record, and the glory of the Veterans of Foreign Wars, a patriotic body conceived in and dedicated to the spirit of universal freedom and the power of American ideals.

A TRIBUTE TO THE VETERANS OF FOREIGN WARS

There is much that is unusual about our country, not only in terms of wealth and promise, but in terms of a broad, historical perspective. That is to say, in creating this Nation of nations, our forefathers managed to do so in a manner out of keeping with most historical tradition. One of the most remarkable aspects of our national career, in this regard, is the way in which there has been a blending of the civil and the military viewpoint, to the extent that we as a nation can benefit from one without rejecting the other. This blending is not the only requirement for a successful democratic republic; it is, however, one of the requirements, and a vital one.

Since first the struggle for democracy began, centuries ago, many hopeful republican governments have risen to view, only to fail of their purpose and fade into the realm of the forgotten dream. Political causes for these disasters are numerous. And yet, of all causes, two stand out as paramount. These would be, one: That a newly formed republic frequently attempts to protect itself with a strong army, and in time it is taken over by that army, lock, stock, and barrel. Two: That a newly formed republic, seeking to avoid military dictatorship, frequently spurns the need for military might and soon falls prey to an aggressive neighbor state, which in turn divests the republic of its sovereignty.

Indeed we, ourselves, have not been immune to the threat of these very developments in our history. You will recall, following the American Revolution, the way in which certain American Army officers developed a plan for military dictatorship, in which General Washington was to be named as dictator. Under these circumstances, Washington's heroic and historic refusal to go along with the plan was all that saved us from disgrace in the eyes of history. On the other hand, you also will recall the efforts of

Thomas Jefferson to go the other way, to such an extent that he practically reduced our Navy to the point of nonexistence. Wars were bad, he reasoned—and navies can start wars. So he cut our Navy down to insignificant size, and built a little gunboat fleet, designed exclusively for defense and not for attack. But when the War of 1812 began, the anti-Navy policy backfired. For most of the glory we won in that war was gained on the high seas, by what few full-size ships we had left in our Navy; while the gunboats, which had no offensive power, turned out to have no defensive power, either, and Admiral Barney had to scuttle the whole lot of them, virtually in one fell swoop.

So it went, throughout the 19th century: One group of Americans fearful of a strong military component, another group fearful of one too weak for national defense; one group holding sway for a time, demanding the creation of a large standing army and/or a big navy; another group, seizing power, periodically, demanding the reduction of military and naval might, in the name of civil authority, unfettered by military influence.

And then, at last, a balance was struck; a balance between the justified fears and possible excesses of both extremes.

The balance in question appeared at the turn of the century—at the close of the Spanish-American War—when for the first time, American veterans began to unite with an eye to something more than their own personal benefit.

What the veterans wanted, and what they began to demand, was not merely financial remuneration; not merely reward for service. Indeed, what they demanded were many things, not in the name of personal gain, rather in the name of the national good. Their campaign in this regard began October 11, 1899, when a charter was granted by the State of Ohio to an organization by the name of the American Veterans of Foreign Service. After a brief period of activity, the founding chapter in Ohio became dormant, but was later revived. Meanwhile, another veterans' organization had begun to flourish in Denver, Colo., under the name of the Colorado Society of the Army of the Philippines; and still another, in Altoona, Pa., under the name of the Veterans of Foreign Service. The three organizations merged forces in 1913, to become the Veterans of Foreign Wars, and in so doing set the stage for a new development in American political life. Henceforward, there was to be a large body of civilians, with knowledge of military affairs, organized and ready to act in all matters involving the political security of the country. Here, at last, was a force that could serve both sides—civilian and military—with the object of pulling the Nation together, both in times of peace and times of war; a group with full knowledge of civilian needs and purposes, yet fully cognizant of military and naval requirements as well.

Moreover, there was to be about this new veterans' group a special kind of aura, emanating from the eligibility qualifications of the organization itself—a unique qualification requiring actual service in a foreign war, insurrection, or expedition—that is, none but fighting men could join.

The official objects of the VFW, as prescribed by Congress and the VFW constitution, are "fraternal, patriotic, historical, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead; and to assist their widows and orphans; to maintain true allegiance to the Government of the United States of America and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American freedom and to preserve and defend the United States from all her enemies, whomsoever."

All these objects, set forth, a half century ago, have been fulfilled, beyond question, by a diligent, intelligent, and forward-looking leadership, concerned not only with self but with the full, unqualified success of the American way of life. Nor has the VFW seen fit to limit its activities to any marked degree. On the contrary, VFW projects roam far afield, into many diverse areas of human endeavor.

Veterans' legislation, of course, receives considerable attention from the masterminds of VFW policy, as does also the distribution of veterans' benefits. Moreover, at Eaton Rapids, Mich., the VFW maintains one of the country's most unusual child welfare projects—the VFW National Home for Orphans of War Veterans.

Another admirable national activity of the VFW is the annual buddy poppy sale, established in 1922—the proceeds of which go directly to the organization's welfare program in behalf of disabled veterans and the VFW National Home.

And yet, for all that—for all the beneficial services of an organization concerned for the welfare of the veteran—the fact remains that the outstanding feature of the VFW is its position midway between the world of the civilian and the world of the professional soldier, a position invaluable to the American cause.

For since the foundation of the VFW, the American military and naval forces have plunged into battle time and again, in two World Wars, the Korean controversy and many lesser conflicts, including the Boxer Rebellion, Philippine Insurrection, Cuban pacification, the Haitian campaign of 1919–20, the Yangtze River campaigns of 1926–27 and the Nicaraguan campaign of 1933.

In all instances, the VFW has supported the demand for military might, in the knowledge that the time for action was at hand and lack of action could only serve to stimulate our adversaries. On the other hand, the VFW has also worked, constantly and with equal fervor, to maintain the supremacy of civilian power in American political life.

In both regards—from the military and civil standpoint—the VFW has achieved so notable a record that it stands today the center of national admiration, unqualified and wholly justifiable.

May it live on, the better to achieve its purposes in the days and years ahead, for the benefit of all.

SENATE

Monday, March 30, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore [Mr. Metcalf].

The Rev. Edward L. Elson, D.D., minister, National Presbyterian Church, Washington, D.C., offered the following prayer:

Eternal God, who hath brought life and immortality to light through the gospel, let the radiance of Thy presence so fill our hearts and minds that we may know who we are and whom we serve. Quicken us by the new life of the Eastertide, that all the consultations of this body may be lifted into the higher order of Thy kingdom. Restore our faith in the omnipotence of good. Keep us resolute and steadfast in the things that cannot be shaken. Renew the love that never fails. Bestow upon us the healing of Thy peace. Make and keep this Nation the servant of truth and justice. And lift our eyes to behold, beyond the things that are seen and temporal, the things which are unseen and eternal.

In the Redeemer's name. Amen.

THE JOURNAL

On request by Mr. Humphrey, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 26, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 26, 1964:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District;

S. 2040. An act to amend title 35 of the United States Code to permit a written declaration to be accepted in lieu of an oath, and for other purposes; and

S. 2448. An act to amend the Atomic Energy Act of 1954.

On March 27, 1964:

S. 1445. An act for the relief of Archie L. Dickson, Jr.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. HUMPHREY, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON AIR FORCE RESERVE CONSTRUCTION PROGRAM

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the Air Force Reserve construction program (with an accompanying report); to the Committee on Armed Services.

PERMANENT AUTHORITY FOR FLIGHT INSTRUCTION FOR MEMBERS OF RESERVE OFFICERS' TRAINING CORPS

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to make permanent the authority for flight instruction for members of Reserve Officers' Training Corps, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT ON USE OF UNSUITABLE MATERIALS TO CONSTRUCT AIRFIELD PAVEMENTS AT SELFRIDGE AIR FORCE BASE, MOUNT CLEMENS, MICH.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the use of unsuitable materials to construct airfield pavements at Selfridge Air Force Base, Mount Clemens, Mich., Department of the Air Force, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CONTRACTS NEGOTIATED FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, during the 6-month period ended December 31, 1963 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT OF AMERICAN SYMPHONY ORCHESTRA LEAGUE, INC.

A letter from George H. Jones, Jr., certified public accountant, Vienna, Va., transmitting, pursuant to law, an audit report of the American Symphony Orchestra League, for the fiscal year ended May 31, 1963 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of New York; to the Committee on the Judiciary:

"RESOLUTION 29 OF THE STATE OF NEW YORK

"Concurrent resolution memorializing the Congress of the United States to incorporate or charter the Italian American War Veterans of the United States, Inc.

"*Resolved (if the Senate concur)*, That the Legislature of the State of New York hereby respectfully urges the Congress of the United States to enact appropriate legislation to incorporate or charter the organization known as the Italian American War Veterans of the United States, Inc; and be it further

"*Resolved (if the Senate concur)*, That the clerk of the assembly transmit copies of this resolution to the Presiding Officer and Clerk of each House of the Congress of the United States, and to each Member thereof from the State of New York.

"By order of the assembly,

"ANSLEY B. BORKOWSKI,
"Clerk.

"In senate, March 23, 1964, concurred in, without amendment by order of the senate.

"ALBERT J. ABRAMS,
"Secretary."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Labor and Public Welfare:

"HOUSE JOINT RESOLUTION 44 OF THE LEGISLATURE OF THE STATE OF ALASKA

"Joint resolution requesting the establishment of a veterans' hospital in Alaska

"*Be it resolved by the Legislature of the State of Alaska:*

"Whereas there is not available in the State of Alaska a veterans' hospital for the care of sick and disabled veterans and it is necessary to send these men and women far away from their homes and families to other States for hospital and domiciliary care; and

"Whereas it is a needless and unnecessary expense to the taxpayers to transport our veterans in and out of Alaska for treatment and care because of the lack of facilities at home: Be it

"*Resolved*, That the Congress is requested to authorize the Veterans Administration to plan for and construct a veterans' hospital in Alaska; and be it further

"*Resolved*, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable Robert S. McNamara, Secretary of Defense; the Honorable John S. Gleason, Administrator of the Veterans Administration; and the Members of the Alaska delegation in Congress.

"Passed by the house March 12, 1964.

"BRUCE KENDALL,
"Speaker of the House.
"FRANK PERATROVICH,
"President of the Senate.
"WILLIAM A. EGAN,
"Governor of Alaska."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Labor and Public Welfare:

"HOUSE CONCURRENT RESOLUTION 42 OF THE STATE OF MISSISSIPPI

"Concurrent resolution of the Legislature of the State of Mississippi memorializing the President and the Congress of the United States to do all things necessary and pertinent toward keeping control with the States in the licensing and supervision of contract matters as defined under section 1(e) of the Walsh-Healey Public Contracts Act; to take immediate action to defer enforcement of the U.S. Labor Department assumption of control by amendment to part 50–204 of title 41 of the Code of Federal Regulations

"Whereas the control of X-ray, radium, and particle accelerators historically has been under the regulatory jurisdiction of the several States; and

"Whereas the U.S. Atomic Energy Commission on May 18, 1962, entered into an agreement transferring regulatory authority to the State of Mississippi relative to the control of byproduct, source, and other special nuclear materials; and

"Whereas the State of Mississippi, and other agreement States, have thoroughly demonstrated their ability in the control of such programs which have inured to the economic growth, industrial development, and the health, safety, and welfare of the citizenry; and

"Whereas the State of Mississippi, acting through its designated agency, the State board of health, has promulgated all necessary rules and regulations and otherwise implemented the program in the control of radiation and all nuclear materials pursuant to the agreement with the U.S. Atomic Energy Commission to the extent that we have increased licenses in such fields from 49 to 192 as of this date with a potential of many more licenses to be issued in such fields; and

"Whereas Mississippi is peculiarly interested to continue the control of such operations, having within its boundaries a shipbuilding concern manufacturing nuclear submarines, a National Aeronautics and Space Administration testing site, one of the Nation's largest oil refineries, and many more kindred businesses, and industries; all, to the extent of aiding our economic and industrial expansion; and

"Whereas Mississippi is cooperating with the Council of State Governments in bringing to the attention of all of the States the proposal by the U.S. Labor Department to usurp the control of or create dual control in such matters dealing with radiation and nuclear sources and materials by amendment to part 50–204, title 41, of the Code of Federal Regulation: Now, therefore, be it

"*Resolved by the Mississippi House of Representatives, the Senate concurring therein*, That we go on record as memorializing the President of the United States and the Congress to defer the April 13, 1964, determination of favorable consideration to the U.S. Labor Department amendment for the assumption of such controls and to do all things necessary and pertinent that such controls may remain with the several States; be it further

"*Resolved*, That true copies of this resolution be forwarded to the President of the United States, to the secretaries of both Houses of the Congress, and to each Member of the Mississippi congressional delegation.

"Adopted by the house of representatives, March 10, 1964.

"WALTER SILLERS,
"Speaker of the House of Representatives.

"Adopted by the senate, March 13, 1964.

"CARROLL MARTIN,
"President of the Senate."

A joint resolution of the Legislature of the State of Alaska; ordered to lie on the table:

"SENATE JOINT RESOLUTION 46 OF THE LEGISLATURE OF THE STATE OF ALASKA

"Joint resolution expressing support for the national civil rights legislation pending in Congress

"*Be it resolved by the Legislature of the State of Alaska:*

"Whereas the President of the United States has called upon the Congress to complete action on the administration-sponsored civil rights legislation; and

"Whereas the pending legislation has been before the Congress for more than a year; and

"Whereas it is the general consensus of the Nation that civil rights legislation is essential to our progress and survival as a Nation and our standing as the leader of the free world: Be it

"*Resolved*, That the Congress is urgently requested to take final action on the major civil rights legislation now pending before it at the earliest possible date; and be it further

"*Resolved*, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Robert F. Kennedy, Attorney General of the United States; and the Members of the Alaska delegation in Congress.

"Passed by the senate March 23, 1964.

"FRANK PERATROVICH,
"President of the Senate.
"BRUCE KENDALL,
"Speaker of the House.
"WILLIAM A. EGAN,
"Governor of Alaska."

Petitions, signed by Koki Nakamine, chairman, Municipal Assembly of Onna-Son, Takeo Yamagana, mayor, Kunigami-Son, Shoei Yamashiro, chairman, Association of Owners of Military-Used Lands in Kunigami-Son, and Jenko Shinzato, chairman, Municipal Assembly of Kunigami-Son, all of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A letter in the nature of a petition from the American Heart Association, Inc., of New York, N.Y., signed by John J. Sampson, M.D., president, relating to the research support program of the National Institutes of Health; to the Committee on Labor and Public Welfare.

A letter in the nature of a petition from the Crown Heights Christian Church, of Oklahoma City, Okla., signed by Richard P. Yaple, Th. D., minister of christian education, praying for the enactment of the pending civil rights bill; ordered to lie on the table.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN (by request):

S. 2702. A bill to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

EXTENSION OF LAWS REGULATING CERTAIN COMPANIES INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Mr. SPARKMAN. Mr. President, by request, I introduce, for appropriate reference, a bill to extend and bring up to date the law governing the regulation of companies which own savings and loan associations insured by the Federal Savings and Loan Insurance Corporation.

This is the so-called Savings and Loan Holding Company Act, which is incorporated in title IV of the National Housing Act.

The holding company law was made permanent in 1960. The law simply prohibits the formation of new holding companies in the savings and loan business. The Federal Home Loan Bank Board is studying the question of holding companies in the savings and loan business and, undoubtedly, will make recommendations for supervising and regulating these companies.

This bill is introduced for purposes of study. Many people in the industry feel that the holding companies in the savings and loan field should be under stricter supervision and regulation by the Federal Home Loan Bank Board. At the present time, there is little or no authority to regulate these companies. In view of the fact that these companies own or control billions of dollars of the public's savings, I feel that Congress should study the need for more adequate supervision and regulation for the protection of these funds of the public which are insured by the Federal Savings and Loan Insurance Corporation.

I ask unanimous consent that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2702) to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation, introduced by Mr. SPARKMAN, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2702

A bill to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 408 of title IV of the National Housing Act (12 U.S.C. 1730a), as amended, is amended to read as follows:

"SEC. 408. (a) (1) As used in this section, the term 'company' means any corporation, business trust, association, or similar organization, but does not include the Federal Savings and Loan Insurance Corporation, any Federal home loan bank, any partnership, or any company the majority of the shares of which is owned by the United States or by any State, or by an officer of the United States or of any State, or of an instrumentality of the United States or any State.

"(2) As used in this section (except when used in subsection (f)), the term 'stock' means nonwithdrawable stock, underlying ownership stock other than mutual shares in a mutual institution, permanent stock, guaranty stock, or stock of a similar nature (as defined by the Federal Home Loan Bank Board by regulation) by whatever name called.

"(3) As used in this section the term 'insured institution' means a Federal savings and loan association, a building and loan, savings and loan, or homestead association, a cooperative bank, or any other institution, whose accounts are insured by the Federal Savings and Loan Insurance Corporation.

"(4) For the purposes of this section, a company shall be considered as having control of an institution or other organization if such company owns, controls or holds with power to vote more than 10 per centum of the stock of such institution, or other organization.

"(b) (1) The Corporation shall reject any application made for insurance under this title on or after the date of the enactment of this section if it finds that the applicant is controlled by any company which also controls any insured institution or any applicant for insurance.

"(2) If an application of any institution for insurance under this title is approved on or after the date of the enactment of this section, and the Federal Home Loan Bank Board subsequently determines, after reasonable notice and opportunity for hearing, that at the time of such approval such institution was controlled by a company which also controlled another insured institution (or another applicant for insurance, if the application of such other applicant was approved), the Board shall require such company, in the manner provided in subsection (e) of this section, to dispose of so much of the stock of such institution, or take such other action, or both, as may be necessary to divest itself of its control of such institution.

"(c) It shall be unlawful for any company on or after the date of the enactment of this section—

"(1) to acquire the control of more than one insured institution; or

"(2) to acquire the control of an insured institution when it holds the control of any other insured institution; or

"(3) to acquire on or after the date of the enactment of this amendment, if such company has already acquired control of one insured institution, by the process of merger or by the purchase of assets, directly or indirectly, through any institution or organization controlled by such company or otherwise, another insured institution, or the assets of another insured institution without the prior approval of the Federal Home Loan Bank Board, which approval shall be given only to avoid the alternative necessity of immediately appointing a receiver or taking such other action to avoid or forestall an insolvency as may be authorized under section 406(f) of this title.

"(d) After the date of the enactment of this amendment it shall be unlawful:

"(1) for any company to acquire control of an insured institution the principal office of which is located in a State other than that State which such company shall designate by writing filed with the Board within sixty days after the date of enactment of this amendment as the State in which the savings and loan business of such company is conducted;

"(2) for any company to retain for longer than three years the control of any insured institution the principal office of which is located in any State other than that State which such company shall designate by writing filed with the Board within sixty days after the date of enactment of this amendment as the State in which the savings and loan business of such company is conducted;

"(3) for any company to retain control of any insured institution (other than control arising solely by reason of stock in such institution owned, controlled, or held with power to vote by such company continuously on and since the effective date of the amendment of this subsection and not exceeding the percentage of the total stock of such institution so owned, controlled, or held with power to vote by such company on said date) while it has control of any uninsured institution. As used in the sentence next preceding, the term "uninsured institution" means a building and loan, savings and loan, or homestead association or cooperative bank which is not an insured institution;

"(4) for any company which controls an insured institution to engage in any activity which is specifically prohibited by law or regulation to any insured institution it controls, or to engage in any activity for or on behalf of any insured institution it controls which such institution could not itself engage in under applicable law and regulations. Notwithstanding the provisions of the preceding sentence, acting as an escrowee or a trustee, the furnishing of management services to the insured institutions it controls, or the conduct of a title or insurance business, whether directly or through a subsidiary or affiliate, and such other activities as the Board may exempt specifically by regulation or upon application, shall not be considered within the prohibitions and restrictions of this paragraph, and any business which is permitted by applicable law and regulations to an insured institution in a particular State shall be so exempted with respect to any company which controls other insured institutions located in that State;

"(5) for any individual who is an officer, director, partner, attorney or employee of any company, or insured institution controlled by a company, or who owns more than a 10 per centum interest in the stock of any such company, or insured institution controlled by a company, to acquire more than 10 per centum of the stock ownership of any insured institution which is not otherwise controlled by such company, or to retain for more than three years the control of any such insured institution which has been acquired after December 31, 1962.

"Any company may, without regard to subsections (c) or (d), acquire stock pursuant to a pledge or hypothecation to secure a loan or in connection with the liquidation of a loan, but it shall be unlawful for any such company to retain for more than one year any control the acquisition of which by such company would, except for this provision, have been unlawful under subsections (c) or (d).

"(e) If, in the opinion of the Federal Home Loan Bank Board, any company holds control of an insured institution and such control was acquired or is retained in violation of any provisions of subsections (c) or (d) it shall give such company notice that if it does not divest itself of such control within thirty days an action will be brought to force the divestiture thereof. Notice given to the institution shall constitute notice to such company for the purposes of this section, and for said purposes the receipt of such notice by the institution shall be deemed to be receipt thereof by such company. If such company does not take such action as may be necessary to divest itself of such control within thirty days after the receipt of such notice, or within such longer reasonable period as the Board in its discretion may allow, said Board shall, without regard to any statute of limitation, institute in the United States district court for the judicial district in which the principal office of the institution is located, or in the United States District Court for the District of Columbia if such office is not located in any judicial district, and prosecute to final satisfaction, an action to require divestiture of such control. Process in any such action may run to and be served in any judicial district or any place subject to the jurisdiction of the United States. In any such action the institution may be made a party defendant and in such case the relief granted may, whether or not jurisdiction is obtained over such company, include such orders to the institution directing sale or other disposition of stock in the institution owned, held, or controlled by such company, and disposition of the proceeds thereof, or providing such other relief, as may be prayed for by the Board or granted by the court on its own motion. In any such action any company which is not a corporation may be sued in its common name and as a legal entity, or in any other manner necessary to obtain jurisdiction of such company. Said courts shall have jurisdiction of all actions brought under this subsection and, in view of the fact that the questions involved are of general public importance, shall hear and determine such actions with all reasonable promptness. Any such action shall be brought by the Federal Home Loan Bank Board in its own name and may, in the discretion of said Board, be prosecuted through its own attorneys. As used in this section, the term 'judicial district' shall have the meaning ascribed to it by section 451 of title 28 of the United States Code. All expenses of said Board under this section shall be considered as nonadministrative expenses.

"(f) It shall be unlawful, on or after the date of the enactment of this section, for any insured institution which is controlled by a company—

"(1) to invest any of its funds in the stock, bonds, debentures, or other obligations of such company or of any other organization controlled by such company;

"(2) to accept the stock, bonds, debentures, or other obligations of such company, or of any other organization controlled by such company, as collateral security for advances made to such company or organization or to any other person; except that such institution may accept, and hold for a period not exceeding two years, such stock, bonds, debentures, or other obligations as security for debts contracted prior to the acquisition of such control;

"(3) to purchase securities or other assets or obligations under repurchase agreement from such company or from any other organization controlled by such company;

"(4) to make any loan, discount, or extension of credit to such company or to any other organization controlled by such company; and

"(5) on or after the date of enactment of this amendment; (i) to enter into any agreement, contract, or understanding, either in writing or orally, with the company controlling such institution, or with any other company controlled by or affiliated with such company, under the terms of which agreement, contract or understanding such company, or any affiliate thereof, is to render services of any kind or description to such insured institution without the prior approval of the Federal Home Loan Bank Board as to the compensation to be given for such services, or (ii) to purchase from or sell to any such company, or any affiliate thereof property of any kind or description without the prior approval of the Board.

"Except as otherwise provided by regulation by the Federal Home Loan Bank Board, a non-interest-bearing deposit with a bank, to the credit of an insured institution, shall not be deemed to be a loan, discount, or extension of credit to such bank for purposes of this subsection. As used in this subsection, the term 'organization' means a corporation, business trust, association, partnership, or similar organization.

"(g)(1) Within one hundred and eighty days after the enactment of this subsection, or within one hundred and eighty days after becoming a company which has control of an insured institution, whichever is later, each company which has control of an insured institution shall register with the Federal Home Loan Bank Board on forms prescribed by the Board, which shall include such information, under oath or otherwise, with respect to its financial conditions, its operations, its management, and the relationships of such company and its subsidiaries (as defined by said Board for the purposes of this subsection) and affiliates (as so defined), and related matters, as such Board may deem necessary or appropriate to carry out the purposes of this section. Said Board may at any time release a registered company from any registration theretofore made by such company, upon a determination by said Board that such company no longer has control of any insured institution. Said Board may, in its discretion, extend at any time, or from time to time, the time within which a company shall register.

"(2) The Federal Home Loan Bank Board may from time to time require the reregistration of any company or companies and require, under oath or otherwise, such periodic or other reports and information from any registered company or registered companies, or from any individual, company, or organization with respect to a registered company or registered companies, as the Board may deem necessary or appropriate to carry out the purposes of this section. Insofar as possible the Board shall use reports and information available from other sources, such as the State supervisory agencies, for the purposes of this paragraph.

"(3) The Federal Home Loan Bank Board shall have power by regulation or otherwise to require any registered company which is a corporation, or any person or persons connected with a registered company which is not a corporation, to execute and to file, at such time or times and at such place or places, such appointments of agents for service of process in actions under this section (other than actions under subsection (h)) as said Board may deem necessary or appropriate to carry out the purposes of this section. Any such appointment shall, to such extent as the Board may by regulation or otherwise provide, be irrevocable.

"(4) The Federal Home Loan Bank Board is empowered to grant exemptions from the provisions of this subsection, under such terms or conditions, and subject to such rules and regulations, as the Board may prescribe.

"(h) Any company which willfully violates any provisions of paragraph (1), (2), or (3) of subsection (g) or of any regulation, requirement, or order thereunder shall upon conviction be fined not more than $1,000 for each day during which the violation continues. Any individual who willfully violates or who participates in any violation of any provisions of paragraph (1), (2), or (3) of subsection (g) or of any regulation, requirement, or order thereunder shall upon conviction be fined not more than $10,000 or imprisoned not more than one year or both.

"(i) The Federal Home Loan Bank Board may make such investigations as it deems necessary to determine whether any company has violated any provisions of this section. For the purpose of any investigation, or any other proceeding under this section, any member of the Federal Home Loan Bank Board, or any officer thereof designated by it, is empowered to administer oaths and affirmations, to issue subpenas and subpenas duces tecum, to take evidence, and to require the production of any books, papers, correspondence, memorandums, contracts, agreements, or other records which are relevant or material to the inquiry or proceeding, and the Board may apply for the enforcement of such subpenas or subpenas duces tecum to the United States district court within the jurisdiction of which such investigation or proceeding is being carried on, and such courts shall have the power to order and require compliance therewith.

"(j) The Federal Home Loan Bank Board may examine the books and records of any company registered pursuant to the provisions of subsection (g)(1)of this section and of any company controlled by such registered company, or any affiliate thereof, whenever in the discretion of said Board such examination is deemed necessary to the proper administration of this section.

"(k) No person who has been convicted or is hereafter convicted of any criminal offense involving dishonesty or breach of trust shall serve as a director or officer in any company registered with the Federal Home Loan Bank Board pursuant to the provisions of subsection (g)(1) of this section, and no such person shall serve as an employee of such company who handles funds or other property of an insured institution.

"(l) Any party aggrieved by an order of the Federal Home Loan Bank Board under this section may obtain a review of such order in the United States district court within any district wherein such party has its principal place of business, or in the Court of Appeals in the District of Columbia, by filing in the court, within sixty days after the entry of the Board's order, a petition praying that such order be set aside. A copy of such petition shall be forthwith transmitted to the Board by the clerk of the court, and thereupon the Board shall file in the court the record made before the

Board. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside, or modify the order of the Board and to require the Board to take such action with regard to the matter under review as the court deems proper. The findings of the Board as to the facts, if supported by the weight of the evidence, shall be conclusive."

INVESTIGATION OF SOLICITATIONS OF CERTAIN CONTRIBUTIONS FROM GOVERNMENT EMPLOYEES—ADDITIONAL COSPONSOR OF RESOLUTION

Mr. PEARSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky [Mr. Cooper] be added as a cosponsor of the resolution (S. Res. 293) to investigate solicitations of certain contributions from Government employees for charitable purposes, which I submitted on February 3, 1964.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILL AND JOINT RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bill and joint resolution:

Authority of March 20, 1964:

S. 2671. A bill to redefine the silver content in silver coins: Mr. Bartlett, Mr. Bible, Mr. Cannon, and Mr. Church.

Authority of March 23, 1964:

S.J. Res. 163. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser: Mr. Anderson, Mr. Bartlett, Mr. Bible, Mr. Byrd of West Virginia, Mr. Cotton, Mr. Engle, Mr. Hartke, Mr. Inouye, Mr. Jackson, Mr. Kuchel, Mr. Long of Missouri, Mr. Randolph, Mr. Williams of New Jersey, and Mr. Young of Ohio.

ALASKA'S DISASTER

Mr. GRUENING. Mr. President, the State of Alaska has suffered a catastrophe which, in my reasoned judgment, surpasses in magnitude that suffered by any State of the Union in our Nation's entire history.

With my colleague, Senator Bartlett, I have just returned from there, and saw the incredible destruction wrought by earthquake and tidal waves.

In Anchorage, about 1,500 homes have either been totally destroyed or seriously damaged. In the business section, whole blocks have been destroyed. The two apartment house skyscrapers, which dominate the urban landscape have been so badly damaged that they will have to be demolished. Typical of the destruction is that of the 8-story, block-sized brandnew J. C. Penney building. A $1 million school was destroyed. One of the two high schools was so badly damaged that it cannot be used without extensive repair. The school destruction alone in Anchorage is estimated at $7 million by the superintendent of schools, Don Dafoe.

Sewers and water mains have been wrecked. The city is largely without heat and in many cases is without light.

The city of Valdez has been virtually erased.

In Seward, the port of entry to western and central Alaska, all the waterfront structures—the breakwater, the docks, the small boat harbor, all but four of 70 fishing vessels, and the cannery, have been destroyed. A tidal wave, 40 feet in height, swept over the town with such force that it carried one of the Alaska Railroad's locomotives 200 yards. The oil tanks are burning.

Seward is isolated. It was connected with the interior by highway and railway. There is now no telephone service. Many of the bridges on the highway have gone out, and the railway is likewise impassible.

Kodiak has lost most of its business district, its breakwater, its small boat harbor, most of its boats, all but one cannery, its airway facilities, and scores of homes. Its water and telephone systems are also out of commission.

Several native villages have been wiped out.

The only consoling feature—if there is one—is that the death toll is not as large as was first reported. At present, the known deaths number slightly in excess of 80, although we can expect that this total will mount as bodies caught in collapsed houses and buildings are uncovered and there is further information on those missing at sea.

The intensity of the quake and the area struck are unprecedented in size. Damage was wrought over an area 1,500 miles from east to west and 300 miles from north to south. The damage wrought by the quake was compounded by seismic waves—so-called tidal waves.

What impressed all of us who went around to the stricken communities was the wonderful spirit of the people of Alaska in the face of unprecedented calamity. The military, under command of Lt. Gen. Raymond Reeves, has rendered invaluable assistance.

Those who had lost their homes and their businesses, and found themselves likewise burdened by mortgages and debts that seem to pose insoluble problems, kept their chins up; and "We will start all over again" was the watchword of the hour.

I pay the highest tribute to President Johnson's immediate concern and action. The quake struck about 5:30 p.m., Alaska central time on Friday, March 27—which would be about 10:30 p.m. Eastern Standard Time. By midnight, President Johnson had communicated with the Members of the Alaska delegation, was making arrangements to have us transported there, and dispatched Ed McDermott, Director of the Office of Emergency Planning, to go to the scene.

I estimate that the cost of reconstruction of public and private enterprises will reach half a billion dollars. My colleague, the senior Senator from Alaska [Mr. Bartlett], and I and Ed McDermott plan within the next 2 days to discuss with President Johnson a program for transmittal to Congress. It is clear that massive help will be needed, and should be speedily authorized.

Mr. MORSE. Mr. President, I join the Senator from Alaska in urging that whatever needs to be done by way of providing Federal funds to help Alaska rehabilitate herself be done; it must be done. We have a clear obligation to do so; we have a patriotic obligation to do so; we have a national self-interest obligation to do so.

The heaviest part of the blow struck Alaska; but Alaska is not the only area on the west coast that has been damaged. I am awaiting a report from my Governor, which I requested this morning, in regard to the damage done in Oregon. Certain areas in Oregon have been damaged by tidal waves. There is also damage to areas in California, including Crescent City.

To the individuals who suffered loss, of course their loss is just as serious as that which occurred anywhere else, insofar as the individuals are concerned.

I suggest—although I am sure the President would do so, anyway—that the relief program be considered from the standpoint of the entire tragedy, wherever the earthquake and the resulting tidal waves have done damage.

I wish to have the Senator from Alaska know that both the junior Senator from Oregon and the senior Senator from Oregon stand shoulder to shoulder with him in their determination to do whatever we possibly can do that needs to be done for the adoption of a program to bring the needed relief to the communities which have been stricken by this horrible catastrophe.

Mr. GRUENING. I thank the Senator from Oregon; and I know that my colleague [Mr. Bartlett] and indeed all the people of Alaska will share my gratitude for his encouraging statement in behalf of Alaska.

Mr. JOHNSTON. Mr. President, first, I thank the Senator from Alaska for proceeding at the first possible opportunity to bring this tragedy to the attention of the Senate and to the attention of the Nation as a whole.

I hope the President and a committee will immediately look into the situation there, and will provide whatever relief is necessary to Alaska, one of our 50 States, so as to expedite the necessary assistance and repairs throughout Alaska, and especially in and around Anchorage.

If this tragedy had struck some other nation—I know the Senator from Alaska will agree with me on this point—aid by the United States would have been rushed there immediately. In view of the fact that Alaska is one of our 50 fine States, it is clear that aid should be sent to Alaska all the quicker, for Alaska is an important part of our Nation. I sincerely hope that immediate steps will be taken to relieve the situation there.

I join in the remarks of the Senator from Alaska and those of the Senator from Oregon.

Immediate consideration should also be given to the provision of whatever help is needed in other parts of the western coast of the United States. Assistance should be given all along the line, for all those areas are important parts of the United States. I stress this point, and call it to the attention of the entire Senate.

Mr. **GRUENING**. I thank my friend from South Carolina for his very helpful comments.

Mr. **ROBERTSON**. Mr. President, I wish to express to the distinguished Senator from Alaska and, through him, to the brave people of his home State, my deepest sympathy in the great tragedy which occurred. With other Senators who have done so, I offer to him my cooperation.

The Senator from Alaska will recall that last September, in connection with the study of a warning system in Alaska, I first visited Anchorage. That was our first stop. I still have the very clear mental picture of that large city in Alaska. I have seen pictures of the destruction, and they reveal terrible damage.

I sympathize with the people of Alaska. The Senator can depend on my cooperation to render such aid as the Federal Government is capable of rendering to help people in those circumstances.

Mr. **GRUENING**. I thank my friend from Virginia very warmly.

Mr. **KUCHEL**. Mr. President, will the Senator yield?

Mr. **GRUENING**. I am happy to yield to the distinguished Senator from California.

Mr. **KUCHEL**. The hearts of all Americans go out to the people of Alaska in the tragedy and suffering which they have sustained in this recent onslaught of the unbelievable forces of nature. As a Californian I should like to add my statement to those which have been made earlier.

I shall do whatever I can do to assist the able Senator from Alaska and his able colleague in organizing and mounting a maximum attempt at resuscitation by the Federal Government. In the backlash of the sudden fury my State and its people, too, were damaged. In the area of Crescent City, Calif., people were suddenly drowned. The loss of life was severe in that small community. Private property owned by people in the area of Crescent City Harbor in great part was swept into the sea. The event represented a tragic loss for those of our fellow citizens who make their livelihood in and have enjoyed the northern coastal area of my State.

It is rather difficult for one who only reads, but who did not see, to recall what took place in my State in 1906, when suddenly, with an awful din and roar, the whole city of San Francisco was pummeled. Buildings toppled, and the great fire which followed inflicted a tragic damage.

Now, as I am sure my able friend from Alaska has correctly said, the sudden fury in Alaska is the greatest that the world has ever seen since the tragedy in San Francisco generations ago.

I can only repeat that the hearts of those whom I have the honor in part to represent on the floor of the Senate go out to the Senators from Alaska and to those whom they represent. I desire to enlist my services in assisting in any fashion what the Senator from Alaska desires to have accomplished on the part of the Federal Government to resuscitate the people of his State.

Mr. **GRUENING**. I am deeply grateful to my friend from California. Of course, in trying to estimate the extent of the damage, the catastrophe which struck San Francisco in 1906 came to mind. I did not know how far justified I was to begin with in making the statement that I considered the earthquake in Alaska and resulting tidal waves the worst calamity that had struck any State in the Union in its history. But in relationship to the economy of Alaska its small population, and the widespread area affected, I am confident the statement was not an exaggeration but demonstrably true. The State of California, is a vast State with many resources. If I am not mistaken, that 1906 earthquake was largely confined to the San Francisco area. In the case of Alaska the earthquake extended over an area of 1,500 miles from east to west and 300 miles from north to south although its most destructive manifestations were within an area of 30,000 square miles. It has taken the economy out of the area of the greatest population concentration. Much of the economy of Alaska was largely concentrated in that area, which has been damaged inconceivably.

The income of the State will be seriously affected by the cessation of business activity over a large area. The destroyed business cannot contribute tax revenue. Great unemployment has become instantaneous. In the cities of Kodiak, Seward, and Valdez the economy is gone. Seward was the port of entry to central and western Alaska. That is where most of the ships came. It is the ocean terminus of the Alaska Railroad.

All of Seward's docks have been swept out. The breakwater and small-boat harbor has been destroyed. All but 4 of the 70 fishing boats are lost. Much the same thing has happened in Kodiak, which a few weeks ago was the brightest spot in Alaska's economy.

There will be a considerable period of unemployment. Efforts will be made to reconstruct what has been destroyed. But I was greatly heartened by the wonderful spirit of the people of Alaska in the stricken communities. Not one complained. They faced the calamity with courage and determination. People who had lost both their homes and their businesses said, "Somehow we will rebuild." Of course, they are entitled to Federal help. With Ed McDermott, whom the President dispatched to Alaska as his personal representative and for whom I have conceived the greatest admiration as a result of the efficient way in which he handled the situation, we will prepare a program to present to the President and the Congress. I am confident that the Congress will do whatever is necessary under the circumstances.

Mr. **CARLSON**. Mr. President, will the Senator yield?

Mr. **GRUENING**. I yield.

Mr. **CARLSON**. I wish to associate myself with the remarks of Senators with regard to the tragic disaster which has occurred in Alaska. We in Kansas have a special interest in the tragic event because the Governor of that great State, Governor Egan, is from the State of Kansas. I am sure that he is well aware of the situation. I am confident that we as Senators will do anything we can to assist in this tragic and unfortunate circumstance which has befallen a people at a time when they least expected it. I know the cost will be terrific, but I think our Nation can well afford to be generous in taking care of the situation. I compliment the Senator from Alaska for bringing it to the attention of the Senate today.

Mr. **GRUENING**. I thank the Senator from Kansas, now my colleague in the Senate, and formerly my colleague as Governor, who has always shown a great interest in the welfare of our State.

Mr. **SMATHERS**. Mr. President, will the Senator yield?

Mr. **GRUENING**. I am happy to yield to the distinguished Senator from Florida.

Mr. **SMATHERS**. I join other Senators who have spoken in expressing my deepest sympathy and greatest concern about the great tragedy which has struck the State of Alaska. As one who comes from a State which is as far distant and as far removed geographically as any other State in the Union, I wish the Senator to know that the people of Florida assure the people of Alaska that there is no lessening or diminution of their concern, or their desire to be of assistance, if there is any possible way in which they can be of assistance. We, too, have from time to time been struck by the forces of nature. I do not believe that those occurrences have been at all comparable to what has hit Alaska. But in every instance we have been gratified by the great cooperation which has been given to us by the Federal Government, by all other State agencies, and by the people of other States. In this particular instance, the people of Florida are most eager that they be given an opportunity to help, if there is any way in which they can help.

I, as a Senator, wish to help in the Congress to try somehow to ameliorate the great tragedy which has struck the fine people of Alaska.

Mr. **GRUENING**. I am very grateful to the Senator from Florida for his encouragement and offer of help.

Mr. **HUMPHREY**. Mr. President, will the Senator yield?

Mr. **GRUENING**. I am happy to yield to the majority whip, my good friend the Senator from Minnesota.

Mr. **HUMPHREY**. I wish to join the many Senators who have expressed their sympathy to the people of Alaska and the officials of the Alaskan State government, and to the distinguished Senator and his colleague, and also to pay tribute to the people of Alaska for what seems courage beyond human expectation.

I listened on the radio and viewed reports on the television relating to the damage, both in terms of persons and of property. It was nothing short of sensational to hear the expressions of confidence and courage on the part of the people of Alaska. The damage is beyond our comprehension. The situation tells us in rather graphic terms what the damage could be in a major conflict in which nuclear energy was used, because the force of the earthquake was in terms of megatons, and gives us some indication of the powerful forces which man, as well as nature, can unleash.

The Senator from Alaska can be assured of the fact that the Congress of the United States will be ready to respond quickly to any program that may be recommended that meets the needs of the people.

As the Senator has noted, the President of the United States acted promptly and effectively. Mr. McDermott, the President's personal representative, has demonstrated effective leadership and cooperation.

While we note that agencies of the Government have already moved into action we are particularly reminded of the importance of civil defense and its worthwhileness to the national security in these moments of emergency, and we are also reminded of the interdependence of our Nation. The tragedy which befell Alaska was not confined only to Alaska; it went up and down the coastline. Not only did it affect the west coast and the areas adjacent thereto, but the entire Nation, if only by sentiment and emotion.

So the Senator may rest assured that Members of the Congress who voted for Alaskan statehood are primarily concerned and grieved over what has happened. A good many citizens left my State of Minnesota to become fine citizens of Alaska. There are thousands of former Minnesotans in Alaska.

Mr. GRUENING. There are; and we are proud to have them. They have been fine citizens of Alaska.

Mr. HUMPHREY. I am proud of the way they have conducted themselves.

There is no question in my mind that the rebuilding will take place rapidly. There is no question that there will be cooperation between the State and the Federal Government and that, with the help of private initiative and enterprise, Alaska can get back on its feet in short order.

I am confident that out of this tragedy will come a revitalized economy for Alaska, because many improvements were needed in Alaska. This moment of tragedy and sadness can now give the Congress and the people of the United States and of Alaska an extra measure of determination to do the job that needs to be done with the help of our great Nation.

I assure the Senator that I shall wholeheartedly continue with what I hope will be effective cooperation in carrying out whatever programs may be recommended to meet the needs of the people.

Mr. GRUENING. I am deeply appreciative of the help and cooperation offered by my friend the Senator from Minnesota, which is characteristic of him whenever people are in trouble and whenever there is a clear need for help. I thank him.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. GRUENING. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I wish to join my colleagues in expressing sympathy and admiration for the people of Alaska for the courageous way they have conducted themselves in the face of this great catastrophe.

I take this opportunity to call to the attention of the Senator and the people of his State a point which they may have overlooked.

In 1962 we had a disaster of a lesser degree along the eastern seacoast which, although not similar, was nevertheless tragic. I refer to the damage caused by the March 1962 storm along the Atlantic coast. Following that disaster both Houses of Congress unanimously passed a bill of which I was proud to sponsor. This become Public Law 426. Under this law when a major disaster strikes an area between the date of January 1 and the final date prescribed by law for the filing of income tax returns and when such area is subsequently declared by the President of the United States by Executive order to be a disaster area, the taxpayers suffering the losses of property as the result thereof can elect to deduct such losses for the taxable year immediately preceding such disaster.

This is now the law. If any of the constituents of the Senator from Alaska have already filed their returns, under this provision they can file amended returns claiming their loss and get a refund for the taxes which they paid or will owe for 1963.

The law also extends to each citizen who is affected by such a catastrophe the same carryback provisions which ordinarily apply to casualty losses. Such losses can be carried back 3 years. In other words, the taxpayers will get the tax benefits of such casualty losses as if they had happened in December or earlier last year.

This will be of some immediate benefit to help the affected people. I suggest to those who have not filed their tax returns that if they cannot get an estimate of their losses in time for filing their returns by April 15, they should request of the Internal Revenue Service an extension of time for filing their returns. I am sure they will have no trouble in obtaining the necessary extension in order to take advantage of this provision of the law.

With the permission of the Senator from Alaska, I ask unanimous consent to have printed in the Record at this point a copy of the 1962 act itself. Also, I have asked the staff to prepare a memorandum showing what each taxpayer should do in order to take advantage of the benefits of this law. I ask unanimous consent that the law and this staff memorandum be printed at this point in the Record.

There being no objection, the act and memorandum were ordered to be printed in the Record, as follows:

[Public Law 87–426, 87th Congress]

H.R. 641

An act to provide for the free entry of an intermediate lens beta-ray spectrometer for the use of Tulane University, New Orleans, Louisiana, and to amend section 165 of the Internal Revenue Code of 1954 with respect to treatment of casualty losses in areas designated by the President as disaster areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one intermediate lens beta-ray spectrometer imported for the use of Tulane University, New Orleans, Louisiana.

Sec. 2. (a) Section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended—

(1) By redesignating subsection (h) as subsection (i), and

(2) By inserting after subsection (g) a new subsection (h) as follows—

"(h) Disaster Losses.—Notwithstanding the provisions of subsection (a), any loss

"(1) attributable to a disaster which occurs during the period following the close of the taxable year and on or before the time prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

"(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under sections 1855–1855g of title 42,

at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this subsection, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed."

(b) The amendments made by this section shall be effective with respect to any disaster occurring after December 31, 1961.

Memorandum on Disaster Losses

An amendment to the Internal Revenue Code—resulting from an amendment offered by Senator John Williams of Delaware in 1962—amendment to H.R. 641 in the 87th Congress—provided that persons who sustained disaster losses such as the Alaska earthquake—whether the loss involves personal, business or income-producing property—which occurred after the year of tax liability but before the time for filing a return for that year—that is, generally before April 15, in the case of individuals—may deduct this loss as if it had occurred in the year of liability. In other words, a disaster loss incurred in the first part of 1964 can be claimed on a return for 1963 filed in the year 1964. The deduction of the loss in such a case, however, is governed by the 1964 tax law and not by the 1963 law. Thus, only the amount of the casualty loss for any one casualty in excess of $100 will be deductible if the property is a residence or other property not used in a business or held for the production of income. The amount of the loss is the decrease in fair market value or the adjusted cost basis of the property whichever is less.

For the special rule advancing the time of deduction to apply, the disaster causing the casualty must have occurred in an area determined by the President to warrant assistance by the Federal Government—under chapter 15, title 42 of the United States Code. The President has already made such a determination in the case of the Alaska earthquake.

If they make the election described, some taxpayers will find that they owe no Federal tax for the year 1963 and are entitled to a refund of taxes already paid—either through wage withholding or otherwise.

A taxpayer who filed a return before the disaster occurred may file an amended return—before the due date—and make the election in the amended return.

A taxpayer who filed an amended return before the disaster occurred and wishes to file an amended return and make the election, may not yet have sufficient information as to the amount of the loss to file the amended return properly. In such a case, he may ask for an extension of time to file his amended return. The extension to be effective must be approved on or before the regular due date for filing the return—generally April 15, 1964, for 1963 returns for individuals.

If the casualty loss exceeds the taxpayer's income for the tax year, then there is, after certain adjustments, a net operating loss. A net operating loss may be the basis for a refund of the 3 prior year's taxes or may reduce taxes for the next 5 years. The loss is first carried back to offset income from the third preceding year. Any loss not used to offset income from that year is then carried to the second preceding year. Any loss not used to offset income from those years is carried to the first preceding year. If the loss is still not entirely used up, the balance is carried forward to each of the 5 tax years following the loss year in the order of their occurrence.

An individual computes a net operating loss in the same manner as he computes taxable income except that for this purpose certain adjustments are made. Among these adjustments are the denial of personal exemptions and the deduction for 50 percent of the excess of a net long-term capital gain over a net short-term capital loss. If a net operating loss exceeds the taxable income of the year to which it is carried, similar adjustments are also required to determine the unused portion of the loss which may be carried to another year.

A taxpayer may claim a refund by filing a claim for credit or refund or overpayment resulting from a carryback of a loss to a prior tax year. Such a claim may be made either by using form 843 or by filing an amended return. However, a taxpayer may apply for a quick refund of prior year taxes by filing form 1045 in the case of an individual or form 1139 in the case of a corporation for a tentative adjustment of taxes which are affected by a net operating loss carryback.

The Commissioner of Internal Revenue has just issued a special pamphlet on this subject entitled "Disasters, Casualties, and Thefts"—U.S. Treasury Document No. 5174, March 1964. It is being distributed free at all local Internal Revenue offices. The Commissioner in his release on this pamphlet has announced that if any taxpayer needs further assistance, his local Internal Revenue office will be glad to help.

Mr. GRUENING. I thank the Senator from Delaware. I am grateful not only for his remarks, but for his very constructive suggestion in having printed in the RECORD this helpful piece of legislation, in which he played so important a part in having enacted. The law has been called to the attention of the people, but I know this further reminder will be very useful.

Mr. WILLIAMS of Delaware. I should like to discuss one further suggestion. This has been suggested by some of us who have had experience in such tragedies; and that is, that there should be established some kind of Government agency from which the people could obtain insurance for presently noninsurable losses. Today no insurance company will insure for damage by floods, tidal waves, earthquakes except at exorbiant rates, or other losses which may occur as a result of acts of nature.

Insurance can be obtained for fire, wind, and casualties of that kind, but I feel that Congress has a responsibility to establish some kind of Federal program to enable people to insure against other types of losses which are noninsurable under existing conditions. The people in all the 50 States should have a way of obtaining insurance for losses caused by acts of nature similar to that provided in the case of war damage. We know that no private insurance company can provide insurance for that type of damage.

This suggestion would not be an invasion of private enterprise. This was discussed under prior administrations, under President Eisenhower's administration and under President Kennedy's administration, and I am sure President Johnson is likewise sympathetic to such a program.

During times of disaster we have a tendency to become enthusiastic about providing such a program, but we have a tendency to let our enthusiasm run out later. We should recognize this present catastrophe as a warning, and I suggest that we join at this time in a determination to find a solution to this problem. Let us be determined that we will find a way to provide the means by which all citizens of the country can obtain insurance for presently noninsurable losses, such as floods, earthquakes, and so forth. I would be glad to join my colleagues in such, an effort to find an answer to the problem.

There is a solution. Let us find it.

Mr. GRUENING. I thank the Senator. I think his proposal is a most constructive one. I think it should be considered regardless of the present disaster. There will be other disasters in the future, with the same uninsurable losses.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRUENING. I yield to the majority leader.

Mr. MANSFIELD. First, I wish to aline myself with what has been said on the floor relative to the tragedy suffered by the people of Alaska and along the west coast. I was happy to listen to the remarks of the distinguished Senator from Delaware, because he has had experience, though on a minor scale, comparatively speaking, in what nature can do on the east coast. The suggestions he has made are worthy of the most serious consideration of Senators. I am certain, so far as Congress and the administration are concerned, that whatever assistance is needed will be forthcoming and will be given wholeheartedly.

Mr. GRUENING. I thank the majority leader for his unfailing helpfulness on other occasions, and now on this one.

Mr. MANSFIELD. The Senator should realize that there is a close connection between Montana and Alaska, that many of our people are helping to make a great State a greater one.

Mr. GRUENING. The Senator is correct.

DECLINE IN CATTLE AND BEEF PRICES PERSISTS

Mr. MANSFIELD. Mr. President, in the West and Middle West, the one dominant issue continues to be the persistent and continuing decline in the price of beef, veal lamb, and mutton. Little has been done which can give the ranchers of this country any real hope that there will be a turn for the better. It is for this reason that we are continuing our efforts to bring about a realistic import quota system. This is now being very carefully reviewed by the Senate Finance Committee. After hearings, which are continuing, this week, thanks to the distinguished chairman, the Senator from Virginia [Mr. BYRD] I am hopeful that a realistic program of relief will be recommended in the very near future.

In recent months, there has been a concentration on the cattle and beef import problem. However, I am sure that the vast majority of the livestock industry and other associated interests recognize that this is not the only cause of the present drop in prices. The prices of cattle and beef have dropped some 20 percent, but there has been no such drop in the price of beef, veal, or lamb in the grocery stores and meat markets. The consumer is somewhat puzzled by the talk of depressed market prices when he sees no change at the local markets.

The domestic livestock industry faces some real problems in the area of increased production of prime beef and the need to expand consumption in a competitive business. I am extremely pleased that the Senate Committee on Commerce has taken the initiative under the able leadership of the subcommittee chairman, the Senator from Wyoming [Mr. McGEE], to check into other aspects of this overall problem. The investigation of the effect of chain store meat buying, marketing practices, and vertical integration on depressed livestock markets is an essential element in the overall effort to aid the industry. There are some real problems in this area, and I hope that the committee will be able to expedite the investigation. The senior Senator from Wyoming represents one of the major livestock producing States and is quite familiar with the ups and downs of the industry.

On March 19, NBC commentator, Chet Huntley, gave a very brief and concise analysis of the overall situation. Chet Huntley is not only one of the Nation's most talented commentators, but he can also speak with some authority on the cattle situation, having been born and raised in western Montana. Mr. President, I ask unanimous consent to have the text of this newscast printed in the RECORD.

There being no objection, the newscast was ordered to be printed in the RECORD, as follows:

Out in the Midwest and West, where thousands of farmers, big and small, traditionally produce and/or feed cattle, there is growing resentment about the importation of Australian beef. Notice has been served on the Johnson administration that if something is not done about the beef imports the cost in terms of votes out in the livestock country is going to be high. Senator HRUSKA, of Nebraska, tried to attach an amendment to the farm bill the other day to limit the imports of Australian beef and it was defeated by an eyelash. There are other attempts now being made to reduce the mountains of beef now moving into the country, principally from Australia, but also some from New Zealand, Ireland, and Japan.

It has been said that it costs an Australian rancher about 20 cents to produce a calf. The price in this country may run anywhere from $20 to $50. The beef moving into the

United States from down under is, therefore, ridiculously cheap, undercutting the American market by a tremendous margin.

It is not good beef, as we judge good beef in this country. It is range fed, which means that the meat tissue is inclined to be very lean, stringy, and tough. Therefore, the only way in which this imported beef can be used is in the preparation of various sausages and cold cuts and in hamburger. It is in the preparation of hamburger that the trouble starts. It is a unique commodity. It is, for example, the "bread and butter" of the American beef industry. More beef is consumed in the form of hamburger than in any other form. However, hamburger can be deceptive. It can be—and frequently it is—junk, a conglomeration of ground-up scraps. Australian beef is being ground, fat and other scraps added, and it is being sold by the ton.

The livestock industry is convinced that the quantities of Australian beef going into hamburger are depressing the price of beef and bringing ruin to the pastures and feedlots. It is logical to assume that they are not completely in error.

However, any move to limit the amount of Australian beef coming into the country is fought by importer groups, the chainstores, and the longshoremen's unions.

Senator Gore has been asking some questions about all of this and the livestock industry has been waiting for him to put some of the giant food chain executives under oath and ask them how much Australian beef they are putting into their hamburger.

It is an interesting and significant argument. It invites oversimplification. But what the Nation and the Government need to know are the following: Are Australian imports depressing beef prices, or is it a matter of overpopulation of beef animals in this country; is the supply of heavy beef depressing the market; or are beef prices falling under the control of a few giant buyers?

SILVER CONTENT OF SILVER COINS—THE METCALF BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, there is now on the desk, or perhaps on its way to committee, S. 2671, a bill introduced by my distinguished colleague from Montana [Mr. Metcalf]. The bill seeks to redefine the silver content of silver coins and especially seeks to reduce the silver content of hard silver dollars—the cartwheel—from 900 grams to 800 grams.

I understand that the bill will go to the Committee on Banking and Currency, under the distinguished chairmanship of the Senator from Virginia [Mr. Robertson].

I should like to inquire of the distinguished Senator from Virginia [Mr. Robertson] whether hearings are contemplated on the Metcalf bill in the near future.

Mr. ROBERTSON. Mr. President, those responsible have already asked for an opinion of the Treasury Department on the bill. We wish to act as promptly as possible, but if the Senate is to meet at 9 o'clock in the morning I cannot get a quorum out at 8 o'clock or 7 o'clock to consider an important bill to change the silver content of silver coins.

If, on the contrary, we knew, for example, that the Senate this week would not meet on any day before 11 o'clock a.m., I would call a meeting of the committee for Wednesday or Thursday. I know of no objection to the bill—at least we have received no objections but it would not be logical to mint any more silver dollars unless we cut the silver content. We cannot afford to make a silver dollar which contains a dollar's worth of silver, and that is what we would be doing if we made silver dollars now, with silver at $1.29 an ounce. I believe we would also have to reduce the silver content of smaller silver coins, but, in any event, before we could undertake to make any more silver dollars, we must cut their silver content under the provisions of the Metcalf bill.

If we knew the time of meeting of the Senate a meeting could be called for either Wednesday or Thursday. We must find out whether witnesses can be brought to Washington by that time.

The people of the State of Virginia are keenly interested in the Senator's cattle bill. We found that imports last year amounted to 1,850 million pounds. As far as we can ascertain, that resulted in a reduction in price of 3 cents a pound. It is true that we increased production approximately 5 percent, due to the increase in the population and the corresponding increase in consumption; so undoubtedly the 70-percent increase in 1 year of foreign imports of meat has hurt. The 6-percent cut is a farce from the standpoint of giving farmers any relief.

I wrote the Secretary of State about the 6-percent cut and the 70-percent increase when foreigners had taken 11 percent of the total market, stating that anything over 5 percent of the market hurts. So I am for the Senator in two respects, to give our cattle raisers some help and give the cowboys something so that when they put their hands against their pockets they will feel some solid money there.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. MANSFIELD. When the distinguished Senator from Minnesota [Mr. Humphrey], the deputy majority leader, announced last week that the Senate would not meet until 12 o'clock today; and that on Tuesday, Wednesday, and Thursday it would not meet until 11 o'clock, I consulted the distinguished senior Senator from Virginia [Mr. Byrd]; and he is resuming hearings tomorrow on the meat import bills introduced by the Senator from Nebraska [Mr. Hruska], myself, and other Senators.

In view of what the distinguished Senator has said, I would hope that he likewise would start hearings this week on the possibility of minting silver dollars in connection with the redefinition of its silver content.

While my distinguished colleague [Mr. Metcalf] has suggested a reduction from 900 to 800 grams, I do not believe we would care if it went down to 700, 600, or even 500, so long as the silver dollar is retained. That is the main point.

It is my understanding at the present time that there are $3 million in the vaults of the Treasury in the city of Washington and that these dollars are being held and will not be released because they are supposed to have numismatic value.

In other words, they are worth more than $1.

Mr. ROBERTSON. Are they not what are called the Morgan Carson City dollars?

Mr. MANSFIELD. Why not get away from collectors' items and melt those dollars down into silver so that any new silver dollars will be worth just that and can be used in the States which like hard currency and love the cartwheels? Then they can be put into circulation so that they can be used over the counter as a medium of exchange. With us, the continued use of this type of hard money is very important.

Mr. ROBERTSON. On the basis of the distinguished majority leader's assumption that on Thursday the Senate will not meet until 11 o'clock, I announce that on Thursday morning there will be a meeting of the Banking and Currency Committee to hear testimony on S. 2671, Senator Metcalf's bill to redefine the silver content in silver coins. Any persons who wish to testify or to submit statements should advise the committee's chief of staff, Matthew Hale, at room 5300 New Senate Office Building, Capital 4-3121, extension 3921, as soon as possible.

Mr. MANSFIELD. Could the Senator make it Wednesday?

Mr. ROBERTSON. I have checked with my staff. We have not received a report on the bill, and we must get in touch with the witnesses. I will call a meeting of the full committee, not merely of my subcommittee, for 9:30 a.m. on Thursday next. That will be a meeting of the full Committee on Banking and Currency. It will be called to act on this subject.

Mr. MANSFIELD. I thank the Senator, and appreciate his unfailing courtesy and consideration.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. LAUSCHE. Mr. President, several days ago on the floor of the Senate I expressed my opposition to the recommendation made in a report of the Joint Economic Committee of the Senate and the House to repeal the present Federal law requiring Federal Reserve banks to maintain reserves in gold certificates of not less than 25 percent against its deposits and, moreover, reserves also in gold certificates of not less than 25 percent against its Federal Reserve notes in actual circulation.

These provisions of law recommended for repeal by the Joint Economic Committee are the only ones which place a restraint upon the printing of Federal Reserve notes and, in a measure, upon the management of the Federal Reserve Banking System.

With the repeal of these provisions of the law, the only restraints will be within the minds of the individuals who are in charge. The printing of money will be left to the discretion of men as distinguished from prescription by law.

In the discussion which I had on the subject, I was joined by a group of Senators who expressed like apprehension about the recommendation. It has now come to my attention that William McChesney Martin, Jr., the Chairman of the Board of Governors of the Federal Reserve System, on November 5, 1963, in a reply to a letter written him by the Honorable PAUL H. DOUGLAS, chairman of the Joint Economic Committee, expressed his opposition to the then considered proposal to repeal the existing law providing a gold support for the currency issued by the Federal Reserve bank and for the deposits which it receives from its customers.

I was extremely delighted to learn that Mr. Martin is not joining those who espouse what I believe to a fantastic and most dangerous course, to repeal all the anchors from the printing of paper money. That is what I am afraid will happen if the law is repealed.

The letter of Mr. Martin is very illuminating; I ask unanimous consent that his letter together with the enclosures be printed in the RECORD as a part of my talk.

I thank the Senator from Montana for yielding to me. I assure the Senator of my support on the other matter.

There being no objection, the letter and enclosures were ordered to be printed in the RECORD, as follows:

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., November 5, 1963.

Hon. PAUL H. DOUGLAS,
Chairman, Joint Economic Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of October 21, 1963, in which you asked for certain information regarding the 25 percent gold certificate reserve requirements specified in section 16 of the Federal Reserve Act, with particular reference to action the Federal Reserve might take if the reserves should fall below the required amounts.

Paragraph 3 of section 16 provides that each "Federal Reserve bank shall maintain reserves in gold certificates of not less than 25 per centum against its deposits and reserves in gold certificates of not less than 25 per centum against its Federal Reserve notes in actual circulation." The Board of Governors has authority, under section 11(c) of the Federal Reserve Act, to suspend these requirements in order to provide time for corrective adjustment, should the reserves fall below required levels. Section 11(c) also requires the Board to impose a graduated penalty tax on Reserve banks experiencing a reserve deficiency. The Board could comply with this requirement by imposing a nominal penalty tax, so long as System holdings of gold certificates did not fall below 20 percent of Reserve bank liabilities on Federal Reserve notes outstanding. For any deficiencies of reserves below this level, the law requires the imposition of a tax graduated upward from 1½ percent per annum. The discount rate of any Federal Reserve bank so penalized would have to be raised correspondingly. The text of section 11c follows:

"SEC. 11. The Board of Governors of the Federal Reserve System shall be authorized and empowered:

* * * * *

"(c) To suspend for a period not exceeding thirty days, and from time to time to renew such suspension for periods not exceeding fifteen days, any reserve requirements specified in this Act: *Provided,* That it shall establish a graduated tax upon the amounts by which the reserve requirements of this Act may be permitted to fall below the level hereinafter specified: *And provided further,* That when the reserve held against Federal Reserve notes falls below 25 per centum, the Board of Governors of the Federal Reserve System shall establish a graduated tax of not more than 1 per centum per annum upon such deficiency until the reserves fall to 20 per centum, and when said reserve falls below 20 per centum, a tax at the rate increasingly of not less than 1½ per centum per annum upon each 2½ percentum or fraction thereof that such reserve falls below 20 per centum. The tax shall be paid by the Reserve bank, but the Reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Board of Governors of the Federal Reserve System."

This suspension authority, together with the penalty tax provisions, was part of the original Federal Reserve Act, as enacted in 1913, except that in the original act the reserve requirements were 40 percent against notes and 35 percent against deposits, and the higher tax rate became mandatory when a Reserve bank's reserve against notes fell below 32½ percent. The reduction from a 40-percent requirement against notes and 35 percent against deposits to 25 percent in each case was made by the act of June 12, 1945 (59 Stat. 237). Since you have expressed an interest in the origin of the gold cover requirement, I am attaching material on its legislative background and intent prepared by our staff.

The Board has exercised its authority under section 11(c) to suspend reserve requirements on three occasions. On November 7, 1919, the Board authorized Governor Harding to suspend reserve requirements of the Federal Reserve Bank of New York for a period not exceeding 10 days. On March 15, 1920, the Board suspended reserve requirements for all Federal Reserve banks for 10 days. On March 3, 1933, the Board suspended reserve requirements for all Reserve banks for 30 days. None of these suspensions was renewed.

Penalty tax rates have been established at varying levels over the years under section 11(c). They have always been graduated according to the size of the deficiency, but three different beginning rates have been fixed. From the inception of the System until 1933, the rate on the first 5 percentage points of deficiency in reserve requirements was 1 percent per annum. On March 13, 1933, the Board cut the beginning rate to one-tenth of 1 percent per annum. This rate prevailed until June 30, 1945, when the Board adopted a higher rate schedule, following enactment of the legislation lowering reserve requirements to 25 percent. That schedule has continued unchanged up to the present time, as follows: one-half of 1 percent per annum when either the note or deposit reserve ratio falls to between 25 and 20 percent; 2 percent upon deficiencies below 20 percent down to 17½ percent, 3½ percent upon deficiencies below 17½ percent down to 15 percent, and an additional 1½ percent for each 2½ percent further decline in either reserve ratio below 15 percent.

In round numbers, the System's bold certificate reserves stand at $15 billion, to cover $13 billion in deposits and $31 billion in Federal Reserve notes. (A table is attached showing actual figures for Oct. 30, 1963, but round figures will simplify the discussion at this point.) If there were a continued loss of gold reserves to the point where they were about to become insufficient to cover note and deposit liabilities (that is, if they fell from $15 to $12 billion), the Board could suspend the requirements to permit time for corrective adjustment. While the initial suspension is limited to 30 days, unlimited renewals are authorized, and, although no single renewal may be for more than 15 days, no overall limit is imposed on the duration of successive suspensions. If a reserve deficiency should prove unresponsive to corrective measures, the Board could, therefore, continue a suspension for as long as necessary to permit enactment of remedial legislation.

As long as a reserve deficiency were confined to what we may call the first "layer"—the reserves required against deposit liabilities—the only action required by law would be the imposition of a tax against the Federal Reserve banks. Under a long-standing interpretation of section 11(c), the tax need not be added to the banks' discount rates until the reserve deficiency penetrates into the second "layer"—the reserves required against Federal Reserve notes. For the System as a whole, therefore, reserves could fall from their present level of $15 billion to $8 billion before any increase in discount rates would be required by the act. Under the present schedule of penalty rates, if reserves fell all the way through the first "layer" (down to $8 billion), the annual taxes on the reserve deficiency (using $18 billion as the figure for deposits) would be something under $300 million a year. Payment of these taxes would diminish net earnings of the Federal Reserve banks and reduce by an equal amount their payments to the Treasury as interest on Federal Reserve notes, which amounted to $800 million in 1962. It should be understood that the total payment to the Treasury would not change; it would simply be divided into two parts adding to the same total, one part labeled "tax on reserve deficiencies" and the other labeled "interest on Federal Reserve notes." In the example, the total payment would still be $800 million, but $300 million would be in the form of a tax and $500 million would represent interest on notes.

If reserves continued to fall, so that a deficiency occurred in the reserve against Federal Reserve notes, with a consequent additional penalty tax for that deficiency, the statute would require the Reserve banks to "add an amount equal to said tax" to the rates they charge on advances to borrowing member banks. While the statute is not at all clear on the mechanics of imposing this added charge, perhaps the most reasonable method would be to raise the discount rate by the same number of percentage points as the penalty tax rate on the note reserve deficiency. For example, if the gold certificate reserves fell to 20 percent of Federal Reserve notes—or to about $6 billion—the penalty tax under present rates for the note reserve deficiency would be one-half of 1 percent (or $10 million). Adding the penalty tax rate to the present discount rate of 3.5 percent would result in a discount rate of 4 percent. Again, it should be understood that the Board could establish a different penalty tax rate in this case; the statute simply requires that it be "not more than 1 per centum per annum." The statutory minimum penalty tax rate would come into effect only if reserves fell below this point.

It seems reasonable to conclude that if this country's gold losses should continue to the point where the Reserve banks were unable to comply with the 25-percent statutory reserve requirement, there is ample authority under the present act to meet the situation without disrupting the economy or the international payments mechanism, and to provide time for Congress to consider legislative action.

In response to your question about the arguments for and against keeping the gold reserve requirement, I doubt that I can add anything more to the testimony your committee has already received. In my judgment, no change in the requirement should be undertaken at this time, because the risks of such an undertaking outweigh the benefits to be gained. The principal risk in such a move under current conditions is that the public might interpret it as a sign of weakness portending failure in the Government's efforts to maintain the value of the dollar. I see no need to run this risk, because the gold cover requirement does not pose any obstacle to the use of our gold reserves in defense of the dollar, and the best way to deal with worries on that score is to lay before the public a full explanation of what the statute requires and the procedures for meeting its requirements. I appreciate this opportunity to contribute to that end.

Sincerely yours,

WILLIAM MCC. MARTIN, Jr.

Attachment A—Application of Federal Reserve gold certificate reserve requirements, October 30, 1963

[Dollar amounts in millions]

1. Combined Federal Reserve deposit liabilities	$17,810
2. Combined Federal Reserve note liabilities	31,442
3. Total Federal Reserve liabilities subject to reserve requirements	49,252
4. Total Federal Reserve gold certificate reserve	15,310
5. Less: 25 percent reserve requirement on Federal Reserve notes and deposits	12,313
6. Equals: Excess gold certificate reserves	2,997
7. Plus: 25 percent requirement on Federal Reserve deposits (deficiencies in this requirement necessitate no discount rate increase)	4,453
8. Equals: Total gold certificate reserve releasable without mandatory discount rate increase	7,450
9. Plus: Difference between 25 percent and 20 percent requirement on Federal Reserve notes (deficiencies in this range require only a small discount rate increase)	1,572
10. Equals: Total gold certificate reserves releasable without substantial mandatory discount rate increase	9,022

ATTACHMENT B—LEGISLATIVE BACKGROUND AND INTENT OF GOLD RESERVE PROVISIONS OF FEDERAL RESERVE ACT

The House report on H.R. 7837, 63d Congress, the 1913 bill which became the Federal Reserve Act, contains the following statement regarding the purpose of imposing reserve requirements on the proposed central banks:

"In a general way the committee believes that requirement of a fixed reserve is not a wise or desirable thing as viewed in the light of scientific banking principle. It believes, however, that in a country accustomed to fixed reserve requirements the prescription of a minimum reserve may have a beneficial effect."[1]

Since the "real bills doctrine" formed the theoretical basis for the original Federal Reserve Act, the members of the House Banking and Currency Committee evidently believed that limiting central bank credit expansion to the discounting of eligible paper would provide a sufficient check on monetary expansion, and that imposition of gold reserve requirements would be inconsistent with the "real bills" principle. However, because the precedents of reserve requirements for national banks and for various foreign central banks suggested that there might be a problem of public confidence, the committee members were willing to recommend gold reserve requirements. Other legislators, and the majority of the National Monetary Commission, were strong supporters of the idea that the central bank's liabilities should be restrained by the level of gold reserves.

According to the House report on H.R. 7837, the Federal Reserve Board's power to suspend reserve requirements was based upon a similar provision in the National Bank Act of 1864.[2] Under this latter provision the Comptroller was required to notify a bank with a reserve deficiency to "make good" the deficiency. If after 30 days the deficiency still continued, the Comptroller could, with concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the bank.

Section 22 of H.R. 7837 was taken almost word for word from this section of the National Bank Act. Hence, in this early version of the Federal Reserve bill the Board would apparently have been required to close a reserve deficient Reserve bank and appoint a receiver therefor if such bank should fail to make good its required reserve after receiving 30 days' notice from the Board to eliminate such reserve deficiency.

In later versions of the bill, the Board's power to close a Reserve bank was replaced with the mandatory requirement to impose a graduated tax on any bank with a reserve deficiency. Such a change would seem to shift the emphasis of adjustment from the mechanism of temporary suspension of requirements to the process of tax and discount rate increases and consequent restraint upon monetary expansion.

The provision of a penalty for reserve deficiencies appeared to be drawn from European central bank regulation, most specifically the German central bank.[3] Inclusion of a penalty is confirming evidence that the congressional authors of the act were not prepared to follow unequivocally the "real bills" doctrine with its attendant implications that Federal Reserve discounting of "real bills" would automatically provide the right amount of money. This conclusion is a logical consequence of the provision which requires a reserve deficient Reserve bank to respond to the penalty tax by raising the interest and discount rates which it receives on such real bills. The Congress evidently envisioned that the tax-induced increases in discount rates would reduce Federal Reserve credit, which, in turn, would eliminate the reserve deficiency while reducing bank reserves and the money supply.

The language of the act as enacted could be interpreted as suggesting that the effects of the penalty were expected to apply to individual Reserve banks, encouraging asset transfers or liquidation of liabilities only by the particular Reserve bank affected. Study reveals, however, that penalty provisions were included in early versions of central bank bills, including the Aldrich bill which proposed one centralized monetary institution, and hence there are grounds for presuming that the deflationary consequences of the penalty tax were expected to be nationwide in scope.

Mr. ROBERTSON. Mr. President, the Senator from Ohio has expressed concern over the proposal to remove gold backing from Federal Reserve notes. I can give him assurance that we are meeting on Thursday on a bill to which no opposition has been expressed. With respect to bills on which there is opposition, we will not meet for some time. The bill he has referred to is one the Senator from Ohio is opposed to, and to which the chairman of the committee is also opposed; and, I might say, to which many other people are opposed also. There will not be an early meeting on bills of that kind.

CANADIAN TARIFF REBATES SERIOUSLY THREATEN U.S. AUTO PARTS INDUSTRY—JOB LOSS ALREADY GROWING AS PLANTS MOVE TO CANADA

Mr. SYMINGTON. Mr. President, the Canadian Government has devised a very clever scheme of tariff rebates on auto parts; and unless something is done, now, this scheme threatens widespread loss of U.S. jobs in the next 2 or 3 years.

In my own State of Missouri, the automotive parts and accessories industry is one of our large employers. We are already feeling the effect of this rebate offer in Missouri, even though the scheme is so new its impact has hardly begun.

One of our leading Missouri auto parts manufacturers, Jack Whitaker, president of the Whitaker Cable Corp. of North Kansas City, saw the handwriting on the wall, and called this whole matter to the attention of Secretary of Commerce Hodges over 6 months ago, September 18.

Mr. Whitaker also asked the Treasury Department to apply a countervailing duty to automotive parts imported from Canada so as to counteract "an actual subsidy by the Canadian Government to its manufacturers who increase their exports to the United States."

Failing to get any action of any kind whatever, Whitaker prevailed upon his trade association, the Automotive Service Industry Association, to adopt a resolution at its February annual convention in San Francisco.

On March 6, acting as chairman of a newly formed joint committee of auto parts manufacturers and wholesalers concerned with the Canadian tariff rebate scheme, Mr. Whitaker wrote President Johnson setting forth his actions to date, the announced "aims, present success, and future scope of the Canadian tariff rebate" and the conclusions of the joint committee of which he is chairman.

I ask unanimous consent that the resolution, and the letter to the President, along with included exhibits to be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHITAKER CABLE CORP.,
North Kansas City, Mo., March 6, 1964.

The Honorable LYNDON B. JOHNSON,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: The following resolution, passed by the national convention of the Automotive Service Industry Association (ASIA) in San Francisco, was sent to your office on February 21, 1964:

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[1] U.S. Congress, House, Committee on Banking and Currency, "Changes in the Banking and Currency System of the United States," Report No. 69 to accompany H.R. 7837, 63d Cong., 1st sess., 1913, p. 71.

[2] Ibid., p. 46. See section 5191 of the Revised Statutes for this provision in the National Bank Act of 1864.

[3] Owen, Robert L., "The Federal Reserve Act," New York, Century Co. (1919), pp. 12–14 and 19–24.

"The Automotive Service Industry Association, a national trade association of independent automotive wholesalers, warehouse distributors, parts rebuilders, and manufacturers of automotive replacement parts; and their affiliates, the Automotive Booster Clubs International and the Independent Garage Owners Association, with a combined representation of more than 16,000 automotive firms, at their annual convention in San Francisco, Calif., urge your personal attention to the new Canadian tariff rebate on automotive parts as discriminatory and injurious to both the U.S. automotive wholesalers and manufacturers, and which will eventually have similar effects on our Canadian counterparts."

As the chairman of a joint committee concerned with the Canadian tariff rebate scheme, representing the automotive parts manufacturers of the major trade associations; namely, ASIA, Motor Equipment Manufacturers Association (MEMA), and Automotive Warehouse Distributors Association (AWDA), as a followup to the resolution sent to your office, we humbly request your assistance to end this rapidly growing menace to jobs and industry in the United States.

EFFORTS TO GET CORRECTIVE ACTION THROUGH REGULAR CHANNELS

To illustrate that a sincere effort has been made to present the problem to, and to get corrective action from, the Commerce Department and the Treasury Department, copies of three letters have been enclosed which I will endeavor to summarize for expediency:

Exhibit No. 1: A copy of a letter that I wrote on September 18, 1963, to Secretary Hodges, using the Whitaker Cable Corp. as an example of the effect of the Canadian tariff rebating plan and citing its use by a Canadian competitor with Studebaker Corp.

Secretary Hodges replied on October 21, 1963, expressing his concern and stating that he had discussed the matter with Mr. Charles Drury, Canadian Minister of Industry, that very morning.

Exhibit No. 2: A copy of a letter to James A. Reed, Assistant Secretary of the Treasury, dated November 11, 1963, following the broadening of the Canadian tariff rebating plan to include all automotive parts, not just engines and automatic transmissions. We had been advised that Secretary Reed was familiar with the problem and that the Treasury Department had the authority to impose a countervailing duty under section 303 of the Tariff Act. We filed a formal complaint as a matter of procedure.

Exhibit No. 3: A copy of my letter dated December 18, 1963, to Secretary Hodges with a copy to Secretary Reed enclosing a copy of a report on Studebaker's move to Canada from Mr. Gordon E. Grundy. Under the topic, "Economic Aspects," it is definitely brought out that the Canadian rebating of tariffs was a major consideration in the move. A copy of Mr. Grundy's report, dated December 13, 1963, is also enclosed as a part of this exhibit.

We received a reply dated December 30 from Secretary Reed in which he thanked us for the copy of the report from Studebaker and advised that the matter is being given most serious consideration.

Secretary Hodges replied on January 16, 1964, to my letter of the 18th of December and expressed his regret that Whitaker Cable had found it necessary to lay off 125 people because of Studebaker's move to Canada. He assured us of the Department's continued interest. He also expressed that he had stated his opposition to the tariff scheme to the Minister of the Canadian Government, but to no avail. He informed us that other manufacturers were now contacting the Treasury Department.

There have been other communications with the Commerce Department and the Treasury Department, with Robert E. Simpson, Director of the Office of International Regional Economics, with John S. Stillman, Deputy for Congressional Relations and with numerous Congressmen and Senators. It should also be noted that Senator STUART SYMINGTON requested, and received, permission on about January 15 to place my original letter to Secretary Hodges, dated September 18, 1963, into the CONGRESSIONAL RECORD.

The exhibits to this point have been included to demonstrate that a tangible effort has been made to acquaint the appropriate officials of the administrative branch of the Federal Government with the situation and to further demonstrate that we have asked for corrective action.

AIMS, PRESENT SUCCESS, AND FUTURE SCOPE OF THE CANADIAN TARIFF REBATE

The following exhibits are enclosed to illustrate the aims, the degree of success to the present and the expressed intent of the future scope of this Canadian tariff rebating plan:

Exhibit No. 4: A copy of an article from the Kansas City Star dated September 22, 1963, stating that Canadian officials estimate 60,000 jobs may be created by stepping up automotive parts production and by reducing Canadian imports by $200 million.

Exhibit No. 5: A copy of an article from the Kansas City Star dated November 24, 1963, reporting that the Canadian Minister of Industry, Charles M. Drury, put the 3-year tariff incentive program into effect over the objection of Secretary Hodges. The Canadian subsidiaries of "The Big Three" are reported to welcome the scheme. Drury predicts imports could increase by $150 to $200 million annually. The real effect of the program is not expected to be felt for a year. Also, Canadian Finance Minister, Walter Gordon, states that the same sort of thing must be tried in other sectors of the economy.

Exhibit No. 6: A copy of an article from the Chicago Tribune dated February 2, 1964, emphasizes that Canada is stepping up the program on automotive parts. Economic factors include lower labor costs, the low exchange rate of the Canadian dollar, special tariff concessions and relatively low American tariffs. Car parts exports are up 560 percent in November of 1963 as against November of 1962. Paul Martin, the Canadian Secretary of State for External Affairs, is not worried about U.S. retaliation and predicts the tariff device will be extended to the aircraft and chemical industries.

Exhibit No. 7: A copy of an article from the Chicago Tribune dated February 24, 1964, stating that the Canadian export of automotive parts was up from $7,746,793 in 1962 to $32,063,168 in 1963; an increase of over 400 percent in 12 months. A Toronto paper states the automobile industry won't discuss the extent of business with its new and cheaper supply sources in Canada because 1964 is an election year in the United States and also a year for new labor contracts.

We have other newspaper articles from other cities clearly indicating that the chief executives of the motor car manufacturers are highly in favor of tariff rebating, acknowledging that it is an important step in making more units in Canada and shipping them into the United States. Engines and transmissions are to be made in Canada. One motor car executive has stated that Windsor, Toronto and Montreal are just as logical for plants as are Detroit, Kenosha and Cleveland. The Canadian tariff rebate is given only to the car manufacturer, not to the automotive parts manufacturer.

CONCLUSIONS

1. Canada has taken positive steps to acquire 60,000 jobs from the automotive industry in the United States, and with the obvious success it is having in this industry, the tariff rebating scheme will be expanded into other segments of the economy with the aircraft and chemical industries already singled out as the next targets. The fact that Canadian automotive parts imports into the United States have increased from a little less than $8 million to over $32 million in the past 12 months is indicative of the trend (with the real impact not to be felt for another 12 months) should be sufficient proof as to what is happening.

2. The automotive manufacturers are enthusiastic about the scheme as they pick up a sweet profit from the tariff device. There is every evidence to show that they are going to buy more and manufacture more in Canada. Their own parts manufacturing plants will be expanded to the detriment of both the independent Canadian parts manufacturer as well as the independent U.S. parts manufacturer. The big get bigger, as the scheme is open only to the car manufacturers. This competitive advantage given to the car manufacturer will lessen competition, increase monopoly and strike a decisive blow at the free enterprise system.

3. The vast number of independent parts manufacturers in the United States, many with subsidiaries in Canada, are caught in between. The car manufacturer wants to buy more in Canada, and the car manufacturer is the biggest customer of the parts manufacturer. Even if the parts manufacturer already has a subsidiary in Canada, this will mean spending money to increase the facilities and train employees in Canada, while plants stand idle and employees are laid off in the United States. If the parts manufacturer hasn't a plant in Canada, he must put one in to retain his business. Neither approach is economically sound when it means idled plants and employees. Realize that the profit accruing from the tariff scheme goes entirely into the car manufacturers' pockets. Realize also that it is difficult to publicly register a complaint against your biggest customer.

4. It is difficult to understand a Government policy which declares "war on poverty," fights unemployment, reduces taxes and promotes export expansion, but then negates these actions by not defending our own shores against subsidized foreign competition. Thousands of jobs in the United States are going down the drain if we do not take a positive stand to stop such encroachments. God help our GATT team of negotiators on the "Kennedy round" if we do not lay the groundwork now which permits them to show they came to bargain for free world trade—but only if it is a two-way street.

I hope this presentation gives you sufficient briefing on our case to enable you to instigate an immediate, constructive program. If you desire additional information, our committee will endeavor to supply it. The Commerce Department is unable to take action and the Treasury Department seems hesitant; therefore, we are humbly appealing to you, Mr. President, to help us.

Sincerely,

WHITAKER CABLE CORPORATION,
——— ———, *President.*

EXHIBIT NO. 1

WHITAKER CABLE CORP.,
NORTH KANSAS CITY, MO.,
September 18, 1963.

HON. LUTHER H. HODGES,
Secretary of Commerce,
Washington, D.C.

Subject: Canadian duty rebate on automotive transmissions

DEAR MR. SECRETARY: It was a sincere pleasure for me to have the opportunity to participate in the White House Conference on Export Expansion this past Tuesday and

Wednesday at the Mayflower Hotel in Washington.

You can imagine my dismay when, on returning home, I find a serious, critical problem which will not only drastically curtail the sale of automotive parts to Canadian plants from the United States but will, in turn, substantially increase the sale of automotive parts from Canada to the United States.

The Whitaker Cable Corp. manufactures electrical wiring harnesses, an automotive part for the original equipment manufacturer of automobiles, farm tractors, and other motive equipment. We have, among our competitors in the United States, one who has two assembly plants in Canada—the Essex Wire Corp. This competitor is now going to our U.S. customers who have plants in Canada and advising them they can save over 60 percent of the duty they are now spending in the shipments of automotive transmissions from the United States into Canada by buying their wiring harnesses in Canada for shipment to the United States.

Please let me go into a little more detail as to just what is happening:

1. Let us say Studebaker is shipping $10 million worth of automobile transmissions from the United States to their Canadian plant on which Studebaker pays a 25-percent Canadian duty, or $2.5 million.

2. The Canadian Government will rebate the Canadian duty paid on the automotive transmissions to Studebaker on any automotive parts they will purchase in Canada and ship to the United States.

3. Studebaker uses approximately $1 million worth of wiring harnesses in the United States annually, which they are purchasing from us in the United States.

4. If Studebaker now buys these wiring harnesses in Canada ($1 million worth) and ships them to the United States, Canada will rebate Studebaker $250,000 of the duty paid on the automotive transmissions, or 25 percent of the dollar value of the wiring harnesses.

5. Studebaker will pay 9.5-percent duty on the Canadian automotive parts shipped into the United States. Therefore, Studebaker pays $95,000 duty to the United States.

6. Savings to Studebaker by buying in Canada and shipping to the United States are $250,000 minus $95,000, or $155,000—15.5 percent.

This is an impossible competitive disadvantage and means that in order for Whitaker Cable Corp. to protect their business in the United States, we must put a plant in Canada if this rebate practice is allowed to continue.

Whitaker Cable Corp. does approximately $6 million of this business in the United States. Whitaker would have to lay off 600 people in the United States and locate in Canada. The United States would have lost $6 million worth of business to its trade balance and the payroll of 600 people.

I understand the United States is shipping about $350 million worth of automotive parts into Canada annually. If this rebate duty by Canada is allowed to continue, ultimately one-half of the dollar value now being shipped from the United States will be shipped from Canada into the United States. Therefore, the United States will eventually lose $350 million in trade balance, as just as many dollars in automotive parts will be coming into the United States as are being shipped from the United States.

If action on this Canadian proposition was not of the greatest urgency, I would not bother you with it, but a business that has taken over 40 years to build is in serious jeopardy, as are numerous other automotive parts manufacturers in the United States which will be caught in this same trap.

I humbly request this problem be given your immediate attention.

Respectfully,

WHITAKER CABLE CORP.,
———— ————,
President.

EXHIBIT NO. 2

WHITAKER CABLE CORP.,
North Kansas City, Mo.,
November 11, 1963.

Mr. JAMES A. REED,
Assistant Secretary,
Department of Treasury,
Washington, D.C.

DEAR MR. REED: This letter is being written to emphasize our deep concern over the Canadian Government's policy pursuing a tariff rebate on automotive parts as expressed in a wire sent on October 31, 1963.

Attached is a copy of a letter I wrote to Secretary of Commerce Luther H. Hodges immediately following my attendance at the White House conference on export expansion. At that time, Secretary Dillon strongly expressed the need for increased exports to enable the United States to achieve a favorable balance of payments.

As you know, since my letter to Secretary Hodges was written, the Canadian Government has broadened the number of items on which they will rebate tariff from engines and automatic transmissions only to all automotive parts. This, of course, makes the impact even more severe.

We certainly cannot protect our national balance of payments if a foreign government is permitted to so subsidize its manufacturers that it is wholly impossible for a manufacturer in the United States to compete in his own domestic market.

We do not want subsidies. For that matter, we would like to see all tariffs eliminated—as long as it is a two-way street. We are enthusiastic about free world trade.

However, in this instance, we request that a countervailing duty be placed on automotive parts imported from Canada to counteract an actual subsidy by the Canadian Government to its manufacturers.

If it is necessary for a formal complaint to be filed with the Department of the Treasury to start the procedure for imposing such a countervailing duty, please accept this letter as that formal complaint.

Your consideration and assistance is truly appreciated.

Respectfully,

WHITAKER CABLE CORP.,
———— ————,
President.

EXHIBIT NO. 3

WHITAKER CABLE CORP.,
NORTH KANSAS CITY, MO.,
December 18, 1963.

The Honorable LUTHER H. HODGES,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: We sincerely appreciate your acknowledgment letter dated October 21, 1963, in response to our letter of September 18, 1963, pertaining to the Canadian tariff rebate situation.

Your letter stated concern and implied action was being seriously considered.

Attached is a copy of a report sent to us by Studebaker. We have lost the Studebaker business and are in the process of laying off 125 people.

We fully realize a number of major factors lead to Studebaker's decision to move to Canada, but it cannot be denied after reading the "Economic Aspects" section of the report, "tariff rebating" was one of these major factors.

When are we going to get off our hands, stop looking the other way and do something about this? "For the want of a nail, the shoe was lost."

Sincerely,

WHITAKER CABLE CORP.,
———— ————,
President.

STUDEBAKER CORP.,
December 14, 1963.

A SPECIAL REPORT ON OUR CANADIAN AUTOMOBILE MANUFACTURING

In order that all concerned may have a clear picture of Studebaker's future position in the automobile manufacturing business and the thinking behind expanding its capacity in Canada, Mr. Grundy, president of the division, has prepared the attached detailed outline which I think you will find interesting.

It covers the economic factors involved, the manufacturing and procurement facilities and procedures, marketing aspects and the policies that will be followed in the future.

If you have any questions, Mr. Grundy or I will be glad to provide additional information.

B. A. BURLINGAME,
President.

A SPECIAL REPORT ON CANADIAN AUTOMOBILE MANUFACTURING, STUDEBAKER CORP., DECEMBER 13, 1963

(By Gordon E. Grundy, president, Automotive Division, Studebaker Corp.)

MANUFACTURING IN CANADA

CORPORATE EFFECT

In one stroke we will turn a Studebaker division that is currently losing in excess of $10 million per year into one with a high profit potential.

Even though in its first year there may be some minor losses due to changeover expenses and resourcing of parts, it will be most beneficial to the corporation. It will be the means of holding together an efficient field staff, a dealer body and that hard core of faithful and loyal Studebaker owners and customers which we have always enjoyed, all of these will insure the continued profitability of our chain of parts depots and provide an ideal base on which to grow profitably.

ECONOMIC ASPECTS

Background: The idea for the possibility of expanded operation in Canada was born about the time (2 or 3 years ago) that the Royal Commission on Canada's Automotive Industry brought down the Bladen report. This report advocated the adoption by the Canadian Government of a number of tax and tariff changes, incentives, etc.—all designed to bring about in Canada an economic climate encouraging the growth of the industry in Canada. Prime attention was given to cost savings resulting from volume production and the utilization or best combination of Canadian components with those made in the United States. Good examples of items for which we should continue to look to U.S. suppliers would be frames, large stampings, certain specialized components, and automatic transmissions.

Dr. Bladen's tax and tariff incentives were designed to permit duty-free entry into Canada of such important components as these, plus any others that might be necessary or desirable. For example, he envisaged that a Canadian plant such as Studebaker's might be used solely for the corporation's worldwide requirements of one or two particular models—then to the extent that these cars were exported to other countries, including the United States, credits would be given permitting duty-free entry into Canada of the necessary component parts not available economically in Canada.

The Government did not immediately give full implementation to the Bladen report. Some of the tax relief suggestions, such as the dropping of the 7½ percent Federal excise tax, were adopted but it was not until November 1962 that the Government put into effect in modified form some of Dr. Bladen's most important recommendations. One was the well-known automatic transmission and engine duty remission program under which Canadian manufacturers were permitted to bring in their requirements of these two components duty free (instead of at a duty rate of 25 percent) provided they exported an equivalent value of parts or cars.

This program worked so successfully (South Bend, under this plan, sourced in Canada over 40 parts having an annual volume of over $2,500,000) that on November 1, 1963, the Government extended the program of duty remissions to cover all automotive components and finished cars both imported and exported. Legislation has been enacted to assure continuance of this program for at least 3 years with every indication that it will be continued permanently.

The economic climate in Canada thus established and, of course, the timing, were tailormade for our move to Canada.

No automotive manufacturer ever before has tried successfully to export cars from Canada to the United States. This is true because never before has the opportunity existed as it does now, effective November 1, 1963.

ADVANTAGES

This means in effect that we will enjoy the following benefits unhampered by anything but import duties into the United States, which are of minor significance (6½ percent on the lowest dealer price in Canada less full credit for U.S. material content—or about $60 to $70 on a car retailing at $2,200):

1. A 7½ to 8 percent stabilized favorable exchange rate.
2. Lower labor rates.
3. Lower costs for primary materials, including steel and many manufactured components.
4. Lower overhead costs.
5. Ninety-nine percent drawback of any duties paid on component parts when cars are exported.
6. Under the duty remission program, full flexibility of sourcing components either in Canada or the United States, according to which is the most competitive.
7. Favorable transportation costs due to Hamilton's location on the St. Lawrence Seaway, and only 40 miles from Niagara Falls, N.Y. Some studies we have made indicate the probability of lower freight costs from Hamilton as compared with South Bend, to the majority of U.S. dealer points and foreign countries.
8. By contemplating no major styling changes in the immediate future, large cost savings can be accomplished.
9. Advantage of preferential duty treatment on exports to commonwealth countries.

MANUFACTURING AND PROCUREMENT ASPECTS

The Hamilton operation is a modern, fully integrated facility performing substantially the same operations as other larger Canadian auto plants. It deals, independently of South Bend, with many hundreds of suppliers in both the United States and Canada. South Bend currently takes care of Canadian requirements for only the engine, some of the stampings not presently supplied by Budd, and some front end machined forgings.

All of these sources of supply will be continued with the exception that the South Bend source may be phased out, as other sources are obtained for engines, small stampings, and the few machined parts. This presents no major problem as there are other alternative sources of supply for engines. The dies for the stampings can be readily transferred to other press shops and outside machining operations can be set up for the forgings. Using another engine will mean some engineering changes, but this can be done in a relatively short time. Meanwhile, sufficient blocks and cylinder heads will be run at South Bend to take care of full requirements during the transitional period.

Existing dies and tooling located at Hamilton, at vendors' plants and at South Bend are capable of producing all of the Canadian plant's requirements for many years to come. This ties in nicely with management's decision to adopt the Volkswagen approach and to leave the present redesigned Lark series outwardly unchanged for the time being.

The research, testing, and product engineering staff which will be retained under the direction of the Hamilton plant will make it possible to develop independently such mechanical and functional changes as may seem desirable. These improvements will be adopted as running changes rather than withholding them for the traditional annual model change.

The engineering staff will be largely engaged in working with vendors to insure that components being produced meet our specifications and are up to Studebaker's high quality standards.

The Hamilton plant presently occupies about 350,000 square feet of floor space covering just over 7 acres of land. There is an additional 11 acres of land area available for expansion.

The plant which was built by the Canadian Government in 1942 at a cost then of $2,200,000 (exclusive of land and equipment) is ideally laid out for automotive assembly. The modern equipment used includes a six-stage bonderizing setup and all infrared baking ovens.

This plant has operated at an 18,000-per-year volume on a one-shift basis. Therefore, it is evident that with the planned additions and changes to existing equipment, the provision of extra material handling facilities and the recruitment and training of additional supervisory staff and workmen to handle a second shift, the plant's capacity can be greatly increased. This is in progress.

The plant is located in the heart of Canada's industrial area. Incoming and outgoing shipments are handled by truck, water, and rail. Two major railroads and three sidings serve the plant, and facilities for loading trilevel railway cars have recently been installed.

MARKETING ASPECTS

Plans are being developed for full coverage of the United States and export markets. The following major policy points have already been decided upon:

1. The present price structure, worldwide, will be held. Our cost studies indicate this can be done. The Canadian plant has been delivering cars to foreign markets at the U.S. export prices at a profit.
2. The present Canadian model mix will be continued. This covers practically the whole Lark line including the Cruiser, soft-top convertible, fixed and sliding roof station wagons, hardtops and two- and four-door sedans. Canada is also furnishing the six-cylinder Daytona series not previously available in the United States. Some supplies of Hawks, Avantis, and trucks are still available at South Bend. A full line of optional equipment and accessories will be offered at present prices.
3. Production at the Hamilton plant will be stepped up as rapidly as possible. Output will be divided equitably between United States, Canadian, and export dealers. This will mean that for several months dealers in all three areas will be short of cars. However, present field inventories which represent a 3 months' supply at current selling rates will help tide them over.
4. A strong field sales organization directed by experienced marketing executives will be retained, with headquarters for the U.S. market at South Bend. This will be an autonomous group reporting on policy matters to Mr. G. E. Grundy, president of Studebaker's automotive division.
5. Advertising and sales promotional assistance will be continued in support of dealers' activities. This will be concentrated on the local level but will include national advertising commensurate with sales volume.
6. A lifetime supply of replacement parts of any models not being continued will be run at South Bend. These, together with replacement parts and accessories for all continuing models, will be available through Studebaker's chain of depots located throughout the United States and Canada. Some relocation or amalgamation of these depots may be desirable in accordance with volume requirements. They will be operated efficiently and at a profit.
7. Technical service assistance will continue to be provided in the field.
8. No changes in Studebaker's franchising arrangements are presently being considered.
9. The present 24,000-mile, 2-year warrantee policy will be maintained.

OVERALL POLICY

The overall policy will be to provide at a profit to the corporation a range of high quality Studebaker automobiles to the public through the existing dealer organization with full maintenance of existing policies with respect to price, service, parts, warrantee, advertising, and dealer assistance. Production will be stepped up just as rapidly as the demand warrants.

EXHIBIT No. 4

[From the Kansas City Star, Sept. 22, 1963]

CANADA TO BUY LESS FROM UNITED STATES: IMPORTS OF AUTOMOBILE PARTS MAY BE REDUCED $200 MILLION: 60,000 JOBS AT STAKE

WASHINGTON.—Canada told the United States in an economic conference which ended yesterday that it plans to expand production of automobile parts and reduce its imports of parts from the United States.

Canadian officials estimated they may be able to create about 60,000 jobs for Canadians. U.S. officials said this would not necessarily mean a corresponding drop in employment in the United States.

Canada now imports about $500 million worth of automobile parts, of which, officials said, about 90 percent come from the United States. The Canadian Government hopes to reduce parts imports by as much as $200 million.

Automobile parts production was one of the central problems of discussion in a 2-day Cabinet-level conference here which ended with the issuance of a communique that stressed Canada's determination to cut back the substantial deficit in its international trade.

The trade problem is crucial for United States-Canadian relations. Each country provides the largest export market for the other.

The heart of the difficulty is that Canada for years has been buying a great deal more from the United States than it has been selling.

EXHIBIT No. 5

[From the Kansas City Star, Nov. 24, 1963]

CANADA MOVES ON CAR SALES: AMERICAN AUTOMOBILE IMPORTS ACCOUNT FOR UNFAVORABLE BALANCE OF PAYMENTS: AIM AT PARTS MARKET

OTTAWA.—Canadians will buy about 500,000 new cars this year costing roughly $1.5 billion. But not one in the lot will be a truly Canadian car. There is no such thing.

Meeting the bulk of the demand will be the southwest Ontario plants of subsidiaries of the U.S. big three—General Motors, Ford, and Chrysler. Added to this will be the output of the Canadian branches of Studebaker and American Motors.

SOME FROM EUROPE

Judging from 1962 statistics, about 75,000 new cars will be imported from Britain, Germany, Sweden, Italy, and elsewhere.

Canada is stuck with this situation. It is considered unrealistic to invest the huge sums needed to develop, produce, and market an all-Canadian car for a relatively small market that has easy access to imported and American-designed models.

Canada imports about $500 million more in automotive products annually than it exports. Most of the discrepancy is in parts. This is just about the amount of Canada's international deficit in commodity trade and services.

Practically every economic move by Prime Minister Lester B. Pearson's liberal government since it took office last April has been conditioned by its determination to correct, substantially if not entirely, the balance-of-payments situation.

He and his ministers have been blunt on how they intend to go about it. They say they cannot look to widening oversea surpluses to offset the huge deficit with the United States and they are against higher tariffs. They have aimed at increased Canadian production of manufactured goods for the U.S. market.

Hence industry minister Charles M. Drury's announcement after talks in Washington—of a 3-year tariff incentive program to increase Canadian automotive production and exports. Despite American complaints, it went into effect Friday.

DOLLAR FOR DOLLAR

The system will give car manufacturers in Canada a remission of import duties on imported vehicles and parts to the same extent that they increase exports of Canadian-made vehicles and parts beyond the volume of the preceding year. It is a dollar-for-dollar plan.

The Canadian subsidiaries of the Big Three have welcomed the scheme. A similar policy was applied by the previous conservative government a year ago on automatic transmissions and certain car engines. It boosted exports of Canadian auto parts from $10 million to $30 million.

The new plan will apply to the entire range of imported vehicles and parts, except for tires and tubes.

Drury said that if the industry takes full advantage of the plan, it could lead to increased production and exports of between $150 million and $200 million annually.

A key provision is that car manufacturers in Canada will be able to earn duty remissions on imports through increased exports of parts by independent Canadian producers to parent United States auto companies.

It is expected to be about a year before the program begins to have an impact on Canada's trade position.

Meanwhile, it likely will do nothing to improve the snappish exchanges between Washington and Ottawa on this and other Canada-United States issues in recent weeks.

OPPOSED BY HODGES

U.S. Commerce Secretary Luther Hodges has tried to rally U.S. auto companies against the plan. He has said the United States will retaliate if the Canadian plan violates the General Agreement on Tariffs and Trade (GATT).

Drury in his announcement said no new trade restrictions are involved and the plan will be carried out "entirely within the context of Canada's trade agreement commitments."

Said finance minister Walter Gordon last week: "The same sort of thing must be tried in other sectors of the economy."

EXHIBIT NO. 6

CANADA READY TO PUSH AUTO PARTS EXPORTS: CONSIDER TIME RIGHT TO STEP UP OUTPUT

(By Eugene Griffin)

OTTAWA, February 2.—The Canadian automotive industry is geared to expand exports of cars and parts to the United States and other countries.

Within the industry there is belief that the time is right to step up production.

Economic factors include lower labor costs, the low exchange rate of the Canadian dollar, special tariff concessions, and relatively low American tariffs.

The trend to manufacture automotive products in Canada for sale in the United States has been highlighted by Studebaker Corp.'s move from South Bend, Ind., to Hamilton, Ontario.

WASN'T FIRST, HOWEVER

Studebaker was not the first car manufacturer, however, to see an advantage in a Canadian base.

Volvo, of Sweden, exports Canadian-assembled cars to the United States from a plant opened last year at Dartmouth, Nova Scotia, on Halifax Harbor. Wages are lower there than in Hamilton.

Greyhound Corp., produces buses at a subsidiary plant at Winnipeg, Manitoba, for final assembly across the border at Pembina, N. Dak., 70 miles away.

About 200 buses will be turned out this year in this operation, which gives work to 500 Canadians in Winnipeg and 50 Americans in Pembina. North Dakota offers State tax inducements to encourage such Canadian programs.

PUSHING PARTS EXPORTS

Canada is pushing the export of automotive parts to Detroit and other car assembly centers.

Canada exported $2,897,826 worth of car parts to the United States last November, up from $517,599 in November 1962. Sales of Canadian car parts to all countries increased to $4,014,652 in November 1963, from $2,356,781 a year earlier.

In the first 11 months last year, exports of automotive parts to the United States were up to $17,054,858, from $4,745,109 in 1962, and sales to all countries rose to $29,834,590 in the corresponding period in 1963, from $17,683,989 in 1962.

Canadian automobile manufacturers, almost entirely American owned, are encouraged to obtain more parts, components and equipment from Canadian sources of supply, and to import less from the United States.

URGED TO BUY CANADIAN

The Canadian manufacturers also are asked to urge their parent corporations to buy parts in Canada instead of buying from small suppliers in Michigan, Illinois, or other States.

Plants in Canada, however, have to import major components not manufactured in Canada. The companies are offered exemption from Canadian tariffs on these imported items, to the value of parts or cars which they export from Canada to the United States.

About 40,000 persons work in the automobile manufacturing in Canada. Another 35,000 Canadians have jobs producing automotive parts. These totals are rising now and the industry and the Government expect them to continue to grow.

CAR OUTPUT UP 24.5 PRECENT

The industry produced 533,783 passenger cars in 1963, an increase of 24.5 percent from 1962.

Canada's new system of granting tariff exemptions to producers to equal their own exports to the United States has come under criticism in the United States, as a form of subsidy to evade trade agreements. The U.S. Treasury Department has been reported investigating the plan.

Paul Martin, Canadian Secretary of State for External Affairs, said, however, "that he is not worried about any possible American retaliation." He has predicted that Canada will extend the tariff device to promote exports by other Canadian industries, such as aircraft and chemical.

EXHIBIT NO. 7

CANADA AUTO PART SALES TO UNITED STATES UP 400 PERCENT

(By Eugene Griffin)

OTTAWA, ONTARIO, February 24.—Canadian shipments of automotive parts end engines to the United States increased more than 400 percent last year to $32,063,168, the Dominion bureau of statistics reported today. A year earlier the total was $7,746,793.

Since last November the Canadian Government through special legislation has encouraged more shipments of automobile engines and parts. Canadian companies may import components free of duty up to the value of complete cars or automobile parts exported to the United States.

All automobile manufacturing and assembling plants in Canada are subsidiaries of American corporations, with the exception of the Swedish-owned Volvo plant, near Halifax, Nova Scotia.

RELUCTANT TO DISCUSS

A Toronto paper said last week that the automobile industry won't discuss the extent of business with its new and cheaper supply sources in Canada because 1964 is an election year in the United States, and also a year for new labor contracts.

The Toronto Industrial Commission has said it expects that the establishment of new automotive supply plants will highlight activity in the Toronto area this year. W. A. Willson, general manager of the commission, said the main reason for this industrial growth is the Government's policy to promote Canadian automobile components for export in the United States.

Canada also is studying other industries that could export to parent companies in the United States through use of special tariff privileges.

SUGGESTS AIRCRAFT

Canada's Secretary of State for External Affairs, Paul Martin, has suggested that Canadian aircraft and chemical industries could increase sales in the United States through the tariff exemption that is boosting auto part exports.

Canadian exports to all countries last year amounted to a record $6,798,538,017, an increase of 10 percent from 1962.

The United States imported $3,766,400,000 worth of Canadian goods last year.

Exports to Russia and eastern European Communist countries amounted to $211,071,000, and to Red China, $104,738,000.

Wheat, with huge shipments to Communist countries, displaced newsprint as Canada's No. 1 export for the first time since 1952.

Canada's exports to Communist Cuba went up from less than $11 million in 1962 to $16,432,672 last year. This was only half of what Canada sent to Cuba in 1961, however, when Canadian exporters reaped their highest profits as a result of the American embargo on trade with Premier Fidel Castro.

Mr. SYMINGTON. Mr. President, the Wall Street Journal of March 26, published an article on this subject which spells out the actions already taken by many automotive companies; and also future plans of others. It is headed, "Canadian Car Push: Dominion Tempts U.S. Auto Firms To Move Parts Output to North; Tariff Lures Arouse Interest; Some Parts Likely To Be Exported Back Into United States; Impact on Jobs, Dollar Drain."

I ask unanimous consent that this article be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 26, 1964]

CANADIAN CAR PUSH: DOMINION TEMPTS U.S. AUTO FIRMS TO MOVE PARTS OUTPUT TO NORTH; TARIFF LURES AROUSE INTEREST; SOME PARTS LIKELY TO BE EXPORTED BACK INTO UNITED STATES

(By Jerry Flint)

DETROIT.—A few weeks ago word spread at the Dodge plant in midtown Detroit that 130 foundry jobs would be moved to a plant a few miles away at the end of the 1964 model run. The news caused consternation—for the few miles will take the jobs across the Detroit River and into Canada, where they'll be out of reach of U.S. workers.

A number of other auto industry jobs are likely to move into Canda soon, too. For the Canadian Government seems to be succeeding in attempts to get American car makers to expand production of auto parts in Canada—at the expense of the United States.

Dominion tariff schedules already offer a strong incentive to U.S. auto firms, whose subsidiaries build nearly all Canadian cars, to make the parts for these cars in Canada, too. If a Canadian-assembled car is of 60 percent Canadian content—including labor—its maker pays only light tariffs on parts imported from the United States; if its Canadian content is less, the parts tariffs are much heavier.

CANADIAN PARTS FOR U.S. CARS?

Now the Canadian Government also is tempting U.S. firms to make parts in Canada for shipment back into the United States. Its offer: If a Canadian auto plant exports parts, it will get tariff rebates on the parts it must still import. Officials estimate that if U.S. firms respond fully, their Canadian subsidiaries could earn rebates of $35 million a year—an impressive sum in the Canadian auto industry. Ford Motor Co.'s Canadian subsidiary earned only $24.3 million profit in all 1963.

The lures appear to be working. General Motors Corp. announced a few days ago that it will spend $120 million to build Canadian auto and truck assembly and parts plants in the next 2 years. That would be more than twice as much as it has spent in Canada in any previous 2-year period.

Whether GM will build any parts in Canada for export back into the United States isn't known. But all its competitors already use at least a small amount of Canadian parts in their U.S.-assembled cars, and there are indications the total may expand greatly. Ford Motor Co. says it will make a major move in Canada within 6 months; it has been learned that Ford has considered plans for making in Canada some radios and automatic transmissions for its U.S. cars.

And Lynn Townsend, president of Chrysler Corp., recently told a Canadian audience that within 20 years American automakers may get their entire supply of some important parts, such as frames, engines, or transmissions, from Canada, while Canadian assembly plants may build cars for both countries. Canadians don't have to wait 20 years to see the latter; Studebaker Corp. last December began assembling all its cars in Canada.

BALANCE-OF-PAYMENTS THREAT

Such developments are anything but welcome in Washington. If carried very far, they could aggravate the U.S. balance-of-payments deficit (excess of money going out of the U.S. over money coming in). They won't help cut the U.S. unemployment rate under its present 5.4 percent of the labor force, either. Even if few jobs are actually moved across the border, new jobs will be created in Canada that otherwise would be created in the United States.

So Commerce Secretary Hodges has advised the automakers to "get up on their hind legs" and fight Canadian attempts to lure their plants northward. But so far his words have not been backed by U.S. action. It's true the U.S. raised tariffs sharply on some imported auto parts last fall, and Canadians are protesting. But the Canadians think this was a coincidental part of a general reclassification of many U.S. tariff rates, and not a retaliatory move.

At any rate, the Canadian Government is pushing ahead with its offers. It's out to slash a $1.2 billion yearly deficit in Canada's balance of payments with the United States; imports of auto parts now account for about half that deficit. And it believes mass production of auto parts in Canada could lower Canadian car prices, which now run considerably higher than in the United States. A standard-sized Ford Galaxie 500, for instance, lists for $2,405 in Canada (Canadian money) against $2,047 (U.S. money) in the United States.

STIFFER ACTION HINTED

There have, in fact, been hints that if the lure of tariff rebates doesn't pull many U.S. auto-parts plants northward, the Canadian Government will try some more coercive measures. "The Government has explained pretty vividly that it intends to rectify the trade imbalance by some means," says the president of a Canadian automaker. "If this doesn't work it will try something stiffer."

American auto executives, however, don't sound as if they'll have to be pushed very hard. Roy Chapin, Jr., executive vice president of American Motors Corp., which is eyeing tariff rebates it believes could bring its Canadian subsidiary an extra $4 million a year, calls the Canadians "ingenious in using the carrot technique." And Chrysler President Townsend calls the tariff-rebate offer "a very strong stimulant to our business imaginations."

Already Canadian exports of auto parts are rising sharply, though the total still is small. In 1961 Canada exported $36.4 million worth of autos and parts, including $11.9 million to the United States. In 1962 it exported $61.3 million worth, including $14.5 million to the United States. And in the first 10 months last year the export total rose to $95.4 million, including $38 million shipped to the United States.

One reason exports to countries other than the United States have been rising is that American auto makers have been letting their Canadian units do more of their world exporting. And the rise in exports to the United States apparently has only begun; the first 10 months of 1963 cover only the beginning of the Canadian push for more parts plants.

U.S. automakers are often secretive about their plans to build such plants, partly out of fear they'll be accused of "exporting jobs." Here, however, is a rundown of all that can be learned about what is happening:

Chrysler recently bought a Canadian foundry in Windsor, Ontario, and plans to increase engine production there. Some engine block casting and machine work on engine parts is moving from Detroit to Canada this fall.

One industry source says this is only preliminary to a major Chrysler engine-building program in Canada. He says that in the 1966 model year Chrysler plans to build 225,000 compact car engines in Canada, with the majority to be exported, many to the United States. Rod Todgham, president of Chrysler of Canada, concedes "it is more economical for us to get into engine production" in Canada; right now an automated V-8 engine line in Chrysler's Windsor plant runs only 2 hours a day, and could expand output greatly while cutting costs.

FORD PLANS

Karl Scott, president of Ford of Canada, says, "We're making a tremendous number of studies as to what may be done, none of which is ready for disclosure." But it has been learned that Ford has considered building a partsmaking plant in Canada for the Ford Autolite division, in addition to its discussions of making radios and automatic transmissions in the Dominion.

Ford last year sent $110 million of U.S.-made parts into Canada, and brought only $30 million of parts from Canada into the United States. But Ford men figure they can halve this $80 million trade difference in 5 to 10 years. Chrysler can cut its trade imbalance in parts with Canada in half in 4 or 5 years, Mr. Todgham says.

American Motors Corp. is stepping up its buying of auto bumpers, headlamps, wheel covers, and transmission parts from Canadian partsmakers for U.S. cars. This year it figures on buying $5 million worth of such parts, up from $1 to $1.5 million in 1963.

Gordon Grundy, president of Studebaker's Canadian operation, figures the company can sell 15,000 to 20,000 Canadian-built cars a year in the United States at "rock bottom." This summer Studebaker also will stop making engines in South Bend, Ind., that it now ships to Canada; industry sources say it probably will buy Canadian-made engines from one of its competitors.

GM EXPANSION

Up to now GM has been the big holdout against the trend; it uses no Canadian parts in its U.S.-built cars. But this may change. The company announced last week it will build a new trim plant in Windsor, near Detroit, and a truck chassis plant at its Canadian headquarters in Oshawa, near Toronto. It also will expand the Oshawa car assembly plant and build another assembly plant in Canada, though it won't say where; altogether, GM says, the expansion program will create 4,000 new Canadian jobs. While it's not clear whether GM's expanded Canadian units will export parts to the United States, a Canadian GM official says "we'd certainly like to."

This activity by automakers is being paralleled by Canadian expansions by independent U.S. parts makers, though not all of them are happy about it. An executive of a major American parts maker, confiding that Detroit companies are asking him to transfer some operations to Canada, complains that "they don't mind us spending $500,000 to move something."

The trend nevertheless is gathering. McCord Corp. of Detroit will build 100,000 radiators in Canada for U.S. cars during the 1965 model year, says James Hayward, executive vice president. He figures the radiators will be worth $2 to $2.5 million.

Kysor Industrial Corp. of Cadillac, Mich., bought a Canadian auto parts maker in January and plans to shift some of its U.S. production there. About 20 jobs will be added to the 140-man Canadian operation, says R. A. Weigel, president. And Rockwell-Standard Corp. of Pittsburgh last fall bought 75 percent of Ontario Steel Products Co., a Canadian auto parts maker.

MORE U.S. DOMINATION

Such expansions have their ironic aspects. The whole trend is bound to increase U.S. domination of the Canadian auto parts industry. Not only will more American-owned companies make parts in Canada, but as they introduce new competition Canadian-owned parts makers that are inefficient and don't have money for expansion will "pass out of existence," predicts Mr. Todgham of Canadian Chrysler.

Canadian Government officials are well aware of this—and the sensitivity of Canadian voters to U.S. domination of Canadian industry. But they're determined to go ahead with their plans. "We've got to take our chances on this thing, but in the long run we think we'll be better off," says B. G. Barrow, assistant to the Canadian Minister of Industry.

Even without lures to build auto parts in Canada for export to the United States, American automakers might well be expanding their Canadian parts output, as the Canadian market itself is growing. Canada last year built 533,000 cars and 99,000 trucks, a record, though the figures are dwarfed by the 9 million vehicles built in the United States in 1963.

MARKET GROWTH PREDICTIONS

Ford expects production to grow 3.5 percent a year, and GM figures Canadian car-truck volume will run between 665,000 and 750,000 by 1968. Chrysler sees close to 800,000 Canadian car sales in 5 years, and expects to increase its own Canadian car-truck volume this year by 10,000 units over its 97,000 sales of 1963. American Motors expects to sell 35,000 cars in Canada this year, up from 28,000 last year.

None of this brings any joy to U.S. workers, who generally don't have seniority rights to move into Canada with any jobs that might be transferred, even if they were willing to accept Canada's generally lower wage scales. When the Canadians first announced their plans to lure more parts production, a Government official said it would mean 60,000 new jobs. Other officials have since discounted this estimate but they likely are anxious to avoid U.S. charges of job stealing.

Auto men figure moves now underway or in prospect could switch 5,000 U.S. jobs into Canada, besides creating new ones there. United Auto Workers Union locals have counted 500 jobs going into Canada soon from Chrysler's Detroit Dodge and Trenton, Mich., engine plants, and they don't like it.

"We must make every effort to provide jobs for all workers by bringing new jobs into industry rather than moving them out of our midst into another country," Steve Pasica, president of UAW local 3, protested in a telegram to Chrysler President Townsend. He also sent a wire to President Johnson, asking for help in stopping the move. His answer, from Assistant Labor Secretary James Reynolds, wasn't very consoling. Mr. Reynolds said the Government couldn't stop the move but added that if "the workers need assistance in locating new jobs the resources of the U.S. Employment Service will be available."

Foreign automakers have also shown interest in the Canadian market. Volvo, a Swedish carmaker, has opened a Canadian assembly plant that turns out 45 cars a week. And Renault, the French carmaker, has been considering a plant in French-speaking Quebec.

Mr. SYMINGTON. Mr. President, this is a grave matter. It deserves urgent and immediate action from the proper Government officials unless we want to resign ourselves to the loss of some 60,000 jobs to Canada in this one industry.

THE TAX CUT, OUR SENIOR CITIZENS, AND RUMORS

Mr. KUCHEL. Mr. President, it has been brought to my attention that a vicious rumor is sweeping the Nation concerning the effect of the recently passed tax cut bill on our senior citizens.

According to this rumor, the additional $600 exemption for persons over the age of 65 has been eliminated. Instead of being able to take $1,200 off their income tax, so the rumor goes, over-65 taxpayers only be able to take only the standard $600 exemption off their income tax.

I take this opportunity, Mr. President, to set the record straight on this matter. There is absolutely no truth to this rumor. The Internal Revenue Act of 1964 specifically retains the double $1,200 exemption for taxpayers over the age of 65.

I have also been informed that there is a rumor spreading among our senior citizens that social security benefits and railroad retirement benefits will no longer be tax free. Once again let me put it squarely in the RECORD that this rumor is untrue and that social security benefits and railroad retirement benefits remain tax free under the new law.

Far from harming the elderly, the new tax cut bill contains many provisions that favor our senior citizens. The new law exempts from capital gains taxation the first $20,000 of proceeds from the sale of a personal residence by a taxpayer aged 65 or over, providing he has lived in the home for at least 5 of the past 8 years. I authored such legislation in a previous Congress and am delighted that this provision has now been accepted.

The new law also further liberalizes medical deductions where the elderly are concerned. Up until now persons over 65 have been subject to the rule limiting deductions for drugs and medicines to outlays above 1 percent of their income. The new law repeals this 1-percent rule and allows the elderly to deduct the full cost of drugs and medicines.

A third benefit liberalizes the special tax credit granted to retired couples against dividend income and other kinds of investment income on joint returns. The old law allowed a husband aged 65 or over to take a tax credit on investment income up to a maximum of $1,524 provided he previously held a job 10 years. But if his wife had not had this work experience, he could not make a similar computation on her behalf. The new law increases to a maximum of $2,286 the retirement income on which the couple can take the credit provided both are over the age of 65.

Also benefiting some elderly taxpayers is the optional minimum standard deduction provision of the new bill. Under this provision, an over-65 taxpayer who does not itemize deductions can either take the standard 10 percent deduction or else figure his deduction in a new way. Under this new plan, he is allowed $300 for himself and an additional $100 for each additional exemption. Since he receives an additional exemption by being over age 65, and still another if his wife is over age 65, this new law can provide an additional $200 in tax deductions for elderly married couples.

Mr. President, I think the Congress has a good record where voting tax benefits to the elderly is concerned. I myself, along with a majority of the Senate and the House, voted to increase social security benefits back in 1961. Both Houses also supported enthusiastically the tax benefits for the elderly cited above. It is to maintain our good record in this area that I want to squelch once and for all the various untrue rumors that the new tax cut bill will be directly harmful to our senior citizens.

LAWBOOKS, U.S.A.

Mr. KUCHEL. Mr. President, I wish to commend the American Bar Association, Federal Bar Association, and the U.S. Information Agency on the formation of Lawbooks, U.S.A. This unique and significant program will be of interest to you for the following reasons:

First. Lawbooks is a nonprofit venture whereby paper back books on the nature of the American legal system are sent to opinionmakers in the emerging nations.

Second. There will be no cost to our Government, though the benefits will be great.

Third. It is a lawyer-to-lawyer approach to foster an international appreciation of the rule of law.

Fourth. The books will be distributed overseas by volunteer Peace Corps lawyers, USIA posts, and foreign bar association leaders.

Fifth. This project is being administered by the younger lawyers of our Nation.

You may remember, Mr. President, that during the occupation of Japan after cessation of hostilities, the Federal Bar Association sponsored a program whereby Government agencies were asked to donate surplus copies of the United States Code and committee documents and reports relating to our Criminal Code and our judicial system. These books and pamphlets were then distributed in Japan through the facilities of the Army Judge Advocate General's office to students, lawyers, and judges. This undertaking received widespread acclaim from the Japanese Bar Association and an official citation from the commanding general of our forces in the Far East, Gen. Douglas MacArthur, whom we all remember in our prayers today. I am told that the Japanese judicial system and the criminal code are similar in many respects to that of the United States.

Lawbooks, U.S.A. revives the spirit of this earlier program, but is more ambitious in scope. The participating bar associations now hope to send paper back books to lawyers, professors and students in all of the emerging nations. Each lawyer is being asked to donate one packet to a fellow lawyer overseas and to correspond with him on a lawyer-to-lawyer basis. It is apparent that the legal profession of our country understands that lawyers in these new nations must know and have the very feel of the American concept of law if peace through law is to be achieved.

I am pleased and honored to serve as a trustee on the Lawbooks, U.S.A. National Committee along with such prominent lawyer-statesmen as Justice Tom C. Clark, Congressman Barratt O'Hara, of the Foreign Affairs Committee; Assistant Secretary of State for African Affairs, G. Mennen Williams; Dean Erwin Griswold, of Harvard Law School; Dean Clyde Ferguson, of Howard Law School; former USIA Director, Edward

R. Murrow; former Governor Harold Stassen, and former ABA and FBA presidents Charles Rhyne and Earl Kintner. I think that this distinguished board suggests the worthy nature of this undertaking.

I know that you will agree with me when I say that the younger lawyers of our country are to be commended for their contribution to world understanding through law. I urge you to encourage and support them in this most noble project.

HIGH VETERANS OF FOREIGN WARS AWARD TO MR. GEORGE F. GETTY II

Mr. **KUCHEL**. Mr. President, recently, the Veterans of Foreign Wars of the United States held its annual conference of national and State officials in Washington. This conference was attended by approximately 500 Veterans of Foreign Wars leaders. An annual banquet honored the Members of Congress who served in the Armed Services. At that banquet our beloved President pro tempore, CARL HAYDEN, received, the Veterans of Foreign Wars first Annual Congressional Award.

The Veterans of Foreign Wars has earned the respect of our Nation for the service it performs in recognizing those citizens who make an outstanding contribution to the strengthening of America.

A native son of California, Mr. George F. Getty II, was also the recipient of one of the Veterans of Foreign Wars' highest awards. March 8, 1964, the commander in chief of the Veterans of Foreign Wars, Mr. Joseph J. Lombardo, awarded the Commander in Chief's Gold Medal With Citation to Mr. Getty.

This award was in recognition of Mr. Getty's efforts to help alert our Nation to the subtle, but profoundly dangerous, methods by which international communism is using trade and commerce as weapons of penetration and aggression.

Mr. Getty, who has set a high example of business achievement, community leadership, and patriotic endeavor, well deserved this award.

Commander Lombardo's presentation remarks clearly set forth the reasons why George F. Getty was selected to receive this honor. I ask unanimous consent that the text of the remarks by Mr. Joseph J. Lombardo, commander in chief, Veterans of Foreign Wars, presenting the V.F.W. Commander in Chief's Gold Medal and Citation to Mr. George F. Getty, II, Los Angeles, Calif., be printed at the conclusion of my remarks.

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

REMARKS BY COMMANDER IN CHIEF JOSEPH J. LOMBARDO PRESENTING VFW COMMANDER IN CHIEF GOLD MEDAL AND CITATION TO MR. GEORGE F. GETTY II, FOR OUTSTANDING CONTRIBUTIONS TO OUR NATIONAL SECURITY, MARCH 8, 1964, COTILLION ROOM

The man who, while deeply involved in day-to-day business activities, still remains aware of his overriding responsibility as a citizen to help protect our Nation is, indeed, an asset to our way of life. Unfortunately, there are all too few who demonstrate this admirable characteristic.

I am glad to report that we have with us today one who has set such a high example of business achievement and active patriotism.

Mr. George F. Getty is such a person. He is a man of distinguished achievement in the business world. He is president of the Tidewater Oil Co., a director of the Bank of America and Douglas Aircraft Corp., and is a member of the American Petroleum Institute. In his native city of Los Angeles he is active in civic affairs as a director of the Los Angeles World Affairs Council and a director of the Southern California Symphony Association. I am also glad to say he is a member of the VFW in good standing.

He is, I would like to point out, an oversea veteran. He enlisted in the Army in 1942, serving in the Philippines, Malaya, and Japan, and was discharged as a first lieutenant.

But, while no longer "on active duty," he has continued to serve our Nation well. He knows communism and its dangers. He knows what Khrushchev really meant when he said "We declare war on you in the peaceful field of trade."

Mr. Getty has, through much effort and study, become an acknowledged authority on the Kremlin's use of trade, especially oil, as an instrument of Red aggression. But, he didn't get his knowledge secondhand. In 1960, he was a member of the U.S. Petroleum Exchange Delegation to Russia, and he made the most of the opportunity. He traveled to the various Russian oilfields and refineries, and with a trained eye he evaluated Russian capabilities and intentions in terms of a Red oil offensive.

He has used this information to help alert our Nation to the subtle, but great, danger of the Russian use of petroleum as a means of penetrating and disrupting the economy of free nations.

One of his outstanding speeches, before the Petroleum Institute in Fort Worth, Tex., has been extensively reprinted both in the press and in the CONGRESSIONAL RECORD. He was paid the high honor of being the subject of complimentary remarks by the minority leader of the Senate, Senator DIRKSEN, who stated on the floor of the Senate that Mr. Getty's warning is "probably the most comprehensive, authoritative, and understandable analysis of the Russian oil situation, both in the Soviet Union, and as an instrument of international trade," and also that Mr. Getty's speech "is a most valuable contribution to our understanding of Russian techniques of expansion through the use of trade."

Therefore, in recognition of his sense of responsibility as a citizen, of his able and dedicated efforts to alert our Nation to the dangers of Communist commercial aggression, and because of his resulting contributions to our national security, it is my privilege, on behalf of the Veterans of Foreign Wars of the United States, to present to Mr. George F. Getty the Commander in Chief's Gold Medal and citation.

BYELORUSSIAN INDEPENDENCE DAY

Mr. **KUCHEL**. Mr. President, most Americans are aware of the brave struggles of the three Baltic nations—Estonia, Latvia, and Lithuania—to throw off the oppressive yoke of Soviet Russian dictatorship. But many Americans are not aware of the equally determined struggles of a fourth Baltic-area nation—the Byelorussian Republic—to shake off the chains of Communist domination and achieve freedom and independence.

Byelorussia is the third largest constituent republic in the Soviet Union and is contiguous with the eastern boundaries of Estonia, Latvia, and Lithuania. Its 8 million inhabitants have a national history dating back almost seven centuries. Tragically, that history is comprised mainly of an endless struggle to gain independence from imperialist Russia.

Unification of the Byelorussian territories began early in the 13th century, first around Navahradak and then around Vilna. By the 15th and 16th centuries the nation reached the zenith of its military might and economic and cultural development. The Byelorussian people succeeded in passing on their civilization and language to neighboring provinces. Administratively the nation reached a level equal to that of the most advanced states of Western Europe, with which it maintained friendly relations.

In the late 16th century, czarist Russia successfully drove back the invading Mongols and then turned its imperialistic eyes westward toward Byelorussia. In 1563 the Russian hordes, led by Ivan the Terrible, entered Polacak, one of the principal cities, and almost all the inhabitants were massacred, the population falling from 100,000 to 3,000 in less than a year.

For the next 2 centuries, Byelorussia became a pawn in a mighty chessboard battle between Russian and Poland. Yearning for its own independence, the small nation shifted between Polish and Russian domination depending on the fortunes of war.

In the 19th century, Byelorussia came permanently under Russian control and the people were subjected to the same Russianization experience in all the Baltic nations at that time. The University of Vilna was suppressed and all its libraries and faculties shipped to Russia proper. No high schools of any kind were permitted on Byelorussian territory, not even those using the Russian language. The Uniate Church, the major national religious group in Byelorussia, was abolished, its property confiscated, and its priests and monks deported. A total ban was imposed on all printed works in the Byelorussian language, even those of a religious nature.

The ravages of World War I gave the Byelorussians their first real opportunity to win their independence. Overjoyed at the overthrow of the Russian Czar in 1917, they assembled in national congress at Minsk. The Bolshevik rulers of Russia tried to suppress this meeting by having Joseph Stalin, then Commissar for Nationality Affairs, surround the Congress building with a Siberian armored infantry division. The members of the assembly refused to be stopped, however, and met in a locomotive repair shop in order to plan their next move.

That move was made on March 25, 1918, when Byelorussia proclaimed its independence and adopted a provisional constitution. The constitution guaranteed freedom of speech and assembly, the right to form labor unions, the right to strike, liberty of conscience, the inviolability of the person and the home, and the equality of all citizens. In industry, an 8-hour day was introduced.

After declaring its independence, Byelorussia was accorded de jure recognition by over a dozen foreign states. But that independence was short lived. At the treaty of Brest-Litovsk, the Bolsheviks signed a peace treaty with the Germans permitting the Kaiser's troops to occupy three-quarters of the Byelorussian territory. Opposed to the social policies of the new government, the Germans disarmed the Byelorussian armies, thereby leaving the tiny nation defenseless at the end of World War I when the German Army retreated and the Red Army advanced unopposed.

Her brief period of independence over, Byelorussia's history since World War I has been similar to her history for centuries before that. She has shifted back and forth between Russia, Poland, and Germany, all depending on the fortunes of war at the particular moment. Today she is totally under the yoke of Soviet Russian rule and the efforts to suppress the Byelorussian national identity which began under the czars continue unabated.

It is fitting and proper that we in the United States should mark the 46th anniversary of the Byelorussian declaration of independence. The seven centuries' struggle of these oppressed peoples to form their own nation and determine their own fate demands the support and respect of freemen and free nations everywhere. The totalitarian walls of the Iron Curtain must never be allowed to obscure the never-ending struggle of the Byelorussian people to determine their own free destiny.

RESOURCES OF THE SEAS

Mr. KUCHEL. Mr. President, the potential worth of resources of the seas covering three-fifths of our globe long has challenged man's imagination and ingenuity. During recent years, this and other countries have embarked upon various enterprises in the field of oceanography. These activities include cataloging, measuring, mapping, studying habits, and evaluating physical features. They encompass the submerged portions of the earth, the mineral contents, and components of the waters of the seas, and the marine and vegetable life which exist in them.

Because of its extensive coastline and long maritime history, California has a highly developed sense of realization that mankind must intensify its efforts to solve riddles and mysteries relating to our oceans. In that direction, a significant symposium was held recently in California at which assorted aspects of this broad subject were discussed. My attention has been called to one outstanding paper delivered by a respected scientist at the University of California, Milner B. Schaefer, touching on many problems and illuminating certain assets of our offshore waters.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALIFORNIA AND THE WORLD OCEAN: THE RESOURCES OF THE SEA—WHAT DOES THE OCEAN OFFER?

(By Milner B. Schaefer, Institute of Marine Resources, University of California)

Seventeen million people now reside in California, three-quarters of them within an hour's drive of the seacoast. It is forecast that, by 1980, the State's population will reach 28 million. Of these, perhaps 20 million will be in great urban communities near the sea. We live in intimate relation to the sea—it determines our climate and weather, is a bounteous source of food and industrial materials, a potential source of our most critical necessity—water, and a convenient place to dispose of domestic and industrial wastes. It provides broad freeways for our commerce with other lands, and is a paramount source of healthful outdoor recreation and esthetic and intellectual satisfaction. The uses of the sea will be of increasing importance to the State's burgeoning and more concentrated population, but their multiplicity—and some areas of conflict—must bring in train the need for careful planning and formulation of adequate public policy. I shall attempt to review briefly some of the ways in which the world ocean is, and will increasingly be, of importance to California—its opportunities and problems in relation to the needs of our developing society.

Note that the resources of the sea include not only the useful things we take out of it—the extractive resources—such as fish, minerals, petroleum, and water, but also the ways we use it to our benefit which involve no removals, and, in the instance of waste disposal, involves putting in materials which would be an embarrassment on land but which we cheaply and conveniently consign to the ocean.

KINDS OF MARINE RESOURCES

Recreation and esthetics

One needs only to visit the crowded seashore on any summer weekend to realize that a majority of our citizens look to the sea as a source of relaxation and outdoor recreation. Sailings, swimming, sportfishing, surfing, skindiving, water skiing, and plain simple contemplation of the beauty and majesty of the sea, afford respite from the stress of work and urban living. There are, for example, in the State, some hundred thousand pleasure craft, several million sport fishermen, and, over a score of thousands of scuba divers. Swimmers, sunbathers, and picnickers are uncounted. With the increasing population and urbanization of the land, with the growing complexity of our industrial society, and increased leisure time, the need for such recreational outlets will, I believe, be one of our most pressing requirements. Even the long coastline of California may not be able to meet this need. Only about a thousand miles of it are very useful for most recreation, since elsewhere the water is too cold, or the weather and rocks too rough. A thousand miles of useful coast sounds like a great deal, but for a population of 28 million, it corresponds to about 5 people per foot. The choicest part, the sand beaches, are actually shrinking, due to loss of sand to the deep ocean not balanced by the supply from the land, which has been diminished by runoff control. The beaches are also desired sites for some industrial establishments. We are short of small boat harbors, and some of our harbor areas are badly polluted. We simply must find ways to maintain the beaches, and to extend them, to lengthen the shoreline rather than decrease it, and to make new islands, bays, and harbors. It is, at the same time, important to maintain some parts of the shore in their natural, undisturbed state, since we derive considerable pleasure, and no little revenue, from the observation of the undisturbed beauty of nature and its creatures.

Power

Another requirement of a growing industrialized society is for vast amounts of power. We are unlikely to obtain directly from the sea any important share of our power requirements—at least until the advent of fusion of duterium and hydrogen, of which the sea is the greatest reservoir. However, the sea is otherwise of large importance to power development, because it provides a convenient and economical source of water for cooling of powerplants. This becomes of great importance as we get into the production of power by nuclear fission, using very large multimegawatt reactors. We see the small beginning in smaller experimental nuclear powerplants, using sea water for cooling, being planned for locations at Bodega Bay and on the beach near San Onofre.

Water

The use of very large atomic reactors, producing thermal power at a rate of something like 25,000 megawatts, is likely also to be an important part of the solution of California's most critical resource shortage—fresh water. Such plants, which seem to be within the reach of present technology, promise to be able both to produce cheap electric power and to distill fresh water from the sea at acceptable costs. They raise, however, three kinds of problems:

1. Selection of sites that will not preempt other important uses of the shore—such as beaches that might be better reserved for recreation.

2. Disposal of the waste heat into the sea in a fashion that will benefit rather than harm other resources—for instance, we could use the heat to make some of the miserably cold beach areas comfortable for swimming, or to enhance the local abundance of some of the finer sports fishes, which like warmer water than we experience through much of the year, or even to increase the biological productivity of the sea by using the heat to bring up nutrient-rich subsurface waters to fertilize the sunlit upper layer where the planktonic pasture nourishes the living resources.

3. The possibility of atomic contamination through accidents.

Waste disposal

The sea along the coast is, as I have just indicated, a convenient place to get rid of waste heat from powerplants. It is also a most convenient place economically to dispose of a large variety of other industrial and domestic wastes, because the rapid mixing and large volume of the ocean dilutes them quickly and the organic constituents are decomposed by its bacteria. However, it is easily possible in inshore waters, and especially in semienclosed bays and estuaries, to introduce even such fragile wastes as domestic sewage at a rate so great that dilution and decomposition is too slow to prevent the concentrations in the environment reaching levels which are harmful to man.

Some of the more refractory materials, especially those that are toxic at very low concentrations, challenge even the capacity of the vast high seas. The most notable of this class, of course, are radioisotopes, the introduction of which into the sea has been approached with great caution. But other things, such as lead-tetraethyl (from combustion of motor fuels), synthetic detergents, and some pesticides, are building up in the open sea in measurable amounts, the ultimate effects of which cannot now be forecast.

Other sources of adventitious pollution of beaches, more of a nuisance than a danger, but yet potentially damaging to recreation and other uses, are petroleum leaks from offshore wells, pumping of ships' oily bilges, and drift kelp lost from kelp harvesting.

Living resources

Fish and other living resources of the sea provide an important element of recreation. At least equally important is the commercial harvest of these resources, which is the basis of California industry of considerable magnitude, valued at about $200 million per year, and having a large growth potential. In respect of marine fisheries, California's area of interest extends far beyond the small bit of ocean immediately adjacent to our coast, because, in addition to domestic fisheries in nearby waters, our fishing industry also operates fleets which bring home their catches from far distant seas, operates substantially from farflung bases in other lands, and also imports large amounts of raw materials from other nations. The seas accessible to California fishermen and the California fish processing industry are all the high seas of the world.

During 1962 there were landed from waters immediately contiguous to the U.S. Pacific coast 833 million pounds of fish, of which 281 million pounds were landed in California. But, of 280 million pounds brought from the distant high seas, nearly all, 237 million pounds, were landed in California. We also imported 142 million pounds, mostly tuna, from other States and nations. Not included in these figures is the harvest of seaweed-kelp from which are made a variety of products used in the food and pharmaceutical industries; this kelp harvest is of the order of 150,000 tons per year.

The bulk of the harvest of California's local fisheries consists of tunas, mackerel, and sardines, all of which, together with anchovy and squid, are used almost exclusively for canning. An important characteristic of the harvest of fish from the California Current is that, although over 60 kinds of fish and a score of invertebrate species are included, only a few varieties constitute most of the catch. A similar situation occurs in many other parts of the sea. This is partly because some kinds of fish are relatively scarce, but is also due in large part to the fact that some species are inadequately used because of lack of markets, or because institutional and social factors inhibit development. There is no doubt that the harvest of some of the fish populations of the California Current could be greatly increased. Salmon, sardine, and Pacific mackerel are now yielding near their maximum sustainable harvest. But some other species are much underused. There is, for example, a vast population of jack mackerel, which extends far off our coast into the Central Pacific, of which we take but a small share. Bluefin and albacore tuna, which range far across the Pacific, and are only summer visitors to California, can certainly stand some increase of harvest, but the amount is unknown. Only a tiny share of the large populations of anchovies and squid are used for canning. What limits the use of these species for canning is purely economic—we know how to catch and process them, but at current costs and prices the market is limited, and that limit controls the catch.

A large and growing world market exists for fish meal, and its byproduct fish oil, which can be manufactured from most any kind of fish available in quantity at low enough costs to be competitive. The use, for this purpose, of some of the vast tonnage of anchovy and hake, now going unharvested off our shore, appears attractive as a basis of new industry. In addition, harvesting of anchovies should result in increasing the valuable sardine stocks, because results of research by the California Cooperative Fishery Investigations gives good reason to believe that anchovies and sardines are close competitors. As the sardine stocks diminished, due to the intense fishery, augmented perhaps by adverse environmental conditions, the anchovy stocks have very greatly increased. There is pressing need for "range management" in the fisheries here and elsewhere where only one species in a system of competitors is intensively harvested, a need for control of the "weed" species in order to maintain, and augment, the harvest of the most desired species. But catching of these fish for other than human consumption is presently contrary to our laws, and also meets opposition from other users—such as those who use anchovies for bait for sportsfishing, or those who believe that the anchovy is the main food of sportsfish. Obviously, there is need for careful evaluation and clarification of the means by which man can intervene for his greatest benefit in this and similar situations.

We can improve the harvest of some inshore species of marine animals and plants, and especially sedentary species, by even more sophisticated intervention. Oyster and clam beds may be husbanded by seeding, predator control and selective breeding. Control of undesirable predators on kelp seems possible. Habitats of some near shore sportsfish are improved by the construction of artificial reefs.

The most prosperous and most rapidly expanding sector of the California fishing industry is not that based on fish caught near to home, but depending on distant-water operations, many from oversea bases. Three California tuna packers operate plants in Puerto Rico, obtaining fish unloaded directly from California vessels, by shipment of tuna landed in Peru, Ecuador and elsewhere, and by purchose from foreign companies. California firms also operate tuna fishing bases in such places as Ecuador, Peru, and West Africa, employing both U.S. vessels and foreign-flag vessels. A considerable share of the booming fishery for anchovies, used for fishmeal, in Peru is California-owned. There is a substantial business in import of lobsters and shrimp to California from the Gulf of California and elsewhere along the Pacific coasts of Mexico and Central America. There are afoot plans of California enterprises to develop new fisheries in the Atlantic and Indian Oceans. California's distant-water tuna fishing craft are also extending their operations beyond the traditional area of the Eastern Pacific from California to Chile; a few vessels are operating in the Atlantic off West Africa, and during the past 2 years several vessels have fished during the summer months along the U.S. Atlantic coast for bluefin and skipjack tuna. I expect to see, in the near future, California vessels operating near the Society-Marquesas Islands in the South Pacific and also in the tropical Atlantic off Venezuela and Brazil.

California's bold and imaginative fishing industry is in position to participate fully in the living harvest of the world ocean, which has doubled in a decade and a half to 45 million metric tons per year, and will probably double again in like period. This is important not only for the immediate monetary return to our economy, but even more because the harvest of animal protein from the sea is desperately needed to remedy the current protein starvation of a large share of the world's population—a billion people on this earth never get enough animal protein in their diets. This need becomes even more acute as the human population continues its explosive growth.

Transportation

Another aspect of the world ocean, involving both the close and distant seas, of large importance to California, is the movement of commercial cargoes. Improved means of marine transportation presents a great industrial opportunity. This involves both improved vehicles and improved means of loading and unloading cargoes, since the movement of materials on and off of ships generates a large share of the cost of ocean transportation, and the limitations of size and depth of harbors conditions present ship size and design. A host of possibilities suggest themselves.

For many kinds of cargo, boldly conceived offshore loading and unloading, perhaps through pipelines, might permit the use of larger and more efficient ships and more rapid handling methods. Creation of large deep water harbors in lands not blessed with them by nature, such as northern Peru, and the creation of larger, deeper canals, through the use of atomic explosives, is a possible means of removing some of the handicaps at the "other end of the line." Large cargo submarines have been suggested as a means of avoiding limitations of rough weather. For some kinds of cargo, hovercraft which run just over the ocean surface, and can run up on the beach to unload, may be economical. Hydrofoil craft which "fly" through the ocean might be more efficient than present surface ships. Success of speeding transocean transit by routing around rough water, made possible by improved forecasting of wind, sea and swell, has already been demonstrated and can be much improved. These and other possibilities can, through the application of our knowledge and inventiveness, be the basis of important new industry in California.

Minerals from the sea

Additional sources of petroleum we could use right now, and we will need them worse in the future. Dr. R. Revelle has forecast that within a decade or two we will have to import more oil than we produce in California. Already, we are recovering oil from deposits along the margin of the sea. But recently submarine geologists of Scripps Institution have shown that many of the banks and ridges off southern California are closed anticlines, formed of layers of sedimentary rock folded into dome-like structures, that seem comparable to similar features of the coast ranges of California, and these may contain oil. They obviously deserve further exploration.

A much less speculative prospect are the deposits of phosphorite rock existing on the surface of the continental borderlands of southern California, some in water shallower than 50 fathoms. These phosphorites are suitable for the manufacture of certain kinds of phosphate fertilizer, much used to maintain California's high agricultural productivity. Because shipping costs from present inland sources are relatively high, it has been estimated by Dr. John Mero and others that these submarine deposits of phosphate rock could be marketed in California, and probably also in other countries bordering on the Pacific, quite profitably.

Deeper in the ocean, on the bottom under the high seas, covering vast stretches of the sea floor, are incredibly large tonnages of black ferromanganese nodules containing about 24 percent of manganese and up to 1 or 2 percent of copper, cobalt, or nickel. Although the nodules, which are being deposited from seawater by processes not yet well understood, grow at only a fraction of a millimeter in a thousand years, the total quantity is so vast that the deposits are actually forming at a rate more rapid than the total world consumption of some of their constituent metals. Some private industry is seriously examining the prospect of harvesting these nodules. Whether they are now an economically feasible source is moot, but there is little doubt that they will become so within a couple of decades, with the continued depletion of high-grade sources of some of the important metals on land.

Other potentially valuable deposits of the sea bottom consist of the skeletal remains of marine animals. One familiar example in shallow water is the large, ancient deposit of oyster shell in San Francisco Bay, which is the basis of industry producing cement, soil conditioners, and poultry grit, with an annual output valued in the millions. Less well known are the vast deposits over large areas of the deep sea floor of the skeletons of microscopic animals, some of which are nearly pure calcium carbonate, and which are quite similar in composition to the rock presently used for making cement. Other deposits consist of enormous quantities of diatomaceous earth.

Some of the dissolved minerals in seawater are already the basis of important California industry. The San Francisco Bay area is one of the great solar salt producing areas of the world, with an output of more than a million tons of salt a year, or about one-third of all the salt extracted by solar evaporation in the whole world. This, and to a lesser extent the salt-producing locations at Moss Landing, Newport Bay, and San Diego Bay, have the unique combination of requisites for this industry: High net evaporation with absence of rain during much of the year, large areas of land suitable for inexpensive construction of watertight evaporating ponds, and access to local markets, and sea transportation for distant markets, very close at hand.

In addition to sodium chloride and some potassium compounds produced by solar evaporation, there is extracted from the remaining bittern magnesium chloride, bromine, and chemicals used in the manufacture of gypsum.

The only other materials now produced from seawater at competitive economic conditions are magnesium metal and several magnesium compounds, such as are produced by the Dow plant at Freeport, Tex.

According to a recent study by McIlhenny and Ballard of Dow Chemical Co., if one were to combine a seawater conversion plant with a chemical recovery plant of considerable size, processing about 2 by 10^6 acre-feet of water a year, since the conversion brines are somewhat concentrated, and some plant and pumping costs would be shared, it becomes economically feasible, with present technology and current power costs, to extract additional elements, notably strontium, boron, fluorine, aluminum, and lithium. But we may be able to do even better, if power costs go down through the use of large nuclear reactors as part of the system; and development of new technology for concentrating materials from seawater is not beyond the bounds of expectation.

Military oceanography

The uses, and problems, of the sea in relation to national defense involve the efforts of a great many people in science and industry in California. We like to think of the ocean as a moat, protecting us from possible foreign attack, so long as our forces control it. But this control has become exceedingly difficult with the advent of deep and fast atomic submarines that move stealthily through the murky depths, and can suddenly and secretly launch atomic missiles at long ranges. A vitally important task is, therefore, to learn how quickly and accurately to locate enemy craft below the surface of the sea, and also how our own subsurface craft may operate most effectively in this mysterious environment. These fearsome problems, and others related to military needs, will demand the best talents of our scientists and engineers for many years to come.

Weather and climate

I mention last the aspect of the ocean which mostly greatly affects all of our lives—the climate and weather. We owe our renowned equable climate to the California Current, which acts as a giant air-conditioner on the winds that prevail from the ocean to the land. But the interactions between air and sea are also involved in some of the inconvenient and disagreeable things, such as the lack of rainfall in southern California, the winter fogs in southern California and the summer fogs of San Francisco, and the atmospheric temperature inversions over the coast that trap the air against the mountains and lead to smog.

So far, there is little that we can do about these things, except, through better understanding, to improve weather forecasts, both short and long range. Which is of no little value for improving the performance of agriculture and industry, not to mention our personal convenience. It is, however, not entirely visionary to suppose that, as we come better to understand the workings of the great heat engine of air and sea we may be able to exercise some control, to modify the rainfall pattern and other weather to our benefit.

NEED FOR PUBLIC POLICY

Because the resources of the sea are multiple, the uses of one affecting in larger or smaller degree the others, there inevitably arise conflicts among the different uses and users. A few examples: Waste disposal can harm recreation and commercial fishing. Power and fresh water production by large atomic plants on the coast can preempt sites for other purposes, and can affect the coastal waters for several miles. Oil production and kelp harvesting are feared as leading to beach contamination. Sports fishermen and commercial fishermen are notoriously at odds.

An important continuing problem of marine science is to aid in reconciling such conflicts among multiple uses, to find means by which people can use the ocean in a variety of ways with a minimum of interference. Fortunately, some of the conflicts are more imaginary than real, and some of the real conflicts can be eliminated by intelligent planning and action. But there must remain a residue of irreconcilable alternatives where decisions have to be made, hopefully on an objective factual basis and with the benefits to all people fairly considered.

Since the resources of the sea are, to a very great extent, public property, not amenable to private ownership and control, their use and management becomes the responsibility of public authorities. But here we encounter a tangled skein of rights and responsibilities, especially in the near shore zone, from the beach to some miles offshore. In this zone, where there is the greatest multiplicity of uses, and hence a large need for coordinated planning and careful formulation of policy looking toward the future, there are involved authorities at all levels—city, county, State, Federal, and international—with their responsibilities and jurisdictions often not clearly defined. For such a system to work well, it is of the highest importance that we foresee as clearly as we can the full scope of the opportunities and problems, that we obtain a sound factual basis of making wise decisions, and that we seek means by which we may continually adapt our forward planning to the evolving needs of our society.

Beyond the Continental Shelf and the territorial sea, lie the broad reaches of the Pacific, communicating directly with all parts of the world ocean. Here is a great avenue of trade, and a vast storehouse of food and other resources to support the peoples of the world. This is the joint property of all nations, and accessible to all men on an equal footing. California's scientists, engineers, and seamen have gone a long way toward developing capabilities to utilize its many resources, and her enterprising and imaginative industrialists are applying this knowledge in many places, both near and far. It is to be hoped that the policies of our State and Nation will vigorously foster the further development of this frontier, because therein lie opportunities to advance the well-being not only of our own people, but also of our neighbors across the sea.

U.S. FOREIGN POLICY IN LATIN AMERICA

Mr. SMATHERS. Mr. President, a few days ago the chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], made a speech in the Senate with reference to the foreign policy of the United States in various parts of the world. The speech seemed to start a dialog with respect to what our foreign policy should be and actually is. I should like at this time to have printed in the RECORD an article written by Mr. William S. White, entitled "U.S. Stiffens on Latin America."

I believe this article accurately portrays the firm opposition of our administration to Communist control of Cuba and to further Communist endeavors to extend its influence into Central and South American countries.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. STIFFENS ON LATIN AMERICA

(By William S. White)

The Johnson administration is moving on every front toward a more realistic approach to Latin America—an approach in which the legitimate interests of the United States will be the final test of every policy.

There is not the slightest intention to be "tough" or arrogant with the Latins. There is not the smallest purpose to be ungenerous with American aid or unsympathetic to the poverty and the fierce national and cultural pride which make the Latins perhaps the world's most sensitive people.

There is, however, the firmest of determination here to end a long era of well-intentioned but undue submissiveness in Washington to every wind of disapproval of us, however unjustified, which may blow up from south of the border.

In a word, the U.S. Government is casting off the moldy hair shirt which for decades it has worn. It is saying goodby to an absurdly extreme sense of American guilt. For these same decades this guilt feeling has assumed that the United States is automatically and inevitably to blame for every difficulty in the Western Hemisphere simply because half a limetime ago this country sometimes practiced "gunboat diplomacy" in Latin America.

GOOD NEIGHBORS

We intend to be "good neighbors" in the true and adult and self-respecting sense. We do not intend, however, to be simply "Uncle Sap," good neighbors forever, saying we are wrong when we are right, and forever remorseful because some President Coolidge of the dim past sent the Marines to Nicaragua.

All this is one columnist's interpretation of the direction in which the U.S. Government is turning under two men whose human connections with and personal understanding of the Latins are facts of lifelong experience—President Johnson and Assistant Secretary of State Thomas Mann.

They know the Latin mind. Mr. Johnson knows it because of 30 years of mutually cordial political association with the Mexican-Americans of Texas. Mr. Mann knows it through much service as perhaps the most skilled diplomat of his generation in Latin American affairs.

Each man's awareness is intimate and factual; not bookish and theoretical. Each man truly likes the Latins; but neither man is filled with purely academic assumptions that are foreign to human reality.

They know, for illustration, that while the Latins naturally like a United States which bows to every demand, the Latins at bottom respect only those officials who are "muy hombre" (very manly) and frankly prepared to uphold their own rights. This must be done with grace and good humor; but also with dignity and resolution.

COMMUNIST CUBA

Thus, this country now sees honest American efforts to settle difficulties like that in the Panama Canal Zone with full respect for the right and feelings of the Panamanians—but also with full insistence on the right and feelings of the United States of America.

Thus, this country will later see powerful and tireless Washington efforts to do more than talk about the menace posed by Castro Cuba. This Government will expect its Latin friends to realize that we are attempting to excise the cancer of communism in Cuba not so much for our own sake as for theirs. And this Government will expect the true cooperation of those it is trying so hard to save.

The round sum of the developing policy of the United States toward Latin America might be thus expressed: Mr. Johnson did not come to the Presidency to preside over liquidation of free governments in this hemisphere to suit the world's Fidel Castros, nor to waive every American interest in the doctrinaire notion that the United States is always wrong.

Mr. Mann did not undertake perhaps the toughest job in American diplomacy simply to solicit hurrahs from those who still think that every criticism of the United States—and every thrust at American business abroad—must be met with instant American concessions and instant American breast beating.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article published in this morning's Washington Post entitled "Latins Get Net Inflow of U.S. Private Capital."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LATINS GET NET INFLOW OF U.S. PRIVATE CAPITAL

A net inflow of U.S. private capital into Latin America during the last quarter of 1963 has been reported.

The current of southbound investments was sufficient, economists said Saturday, to make the year's totals show an inflow favorable to Latin America of $78 million for the 19 Latin American nations. This reversed the trend shown during the first three quarters of the year, when there was a net outflow of $46 million, slightly improved—from the Latin American viewpoint—over the $54 million of outflow in the first three quarters of 1962. In 1962, there was a net outflow of capital from the 19 Latin American republics of $32 million.

The net outflow of private investment funds from Latin America has been a source of concern to those desiring to help the area move ahead under the Alliance for Progress.

A sharp decline in outflow of investment funds from Venezuela during 1963 was largely responsible for the better total figures for Latin America as a whole.

Venezuela had a net outflow of U.S. investment capital of $194 million in 1962, a preliminary report indicated, and a net outflow of only $14 million in 1963.

Mr. SMATHERS. Mr. President, we have known for some time that we could never succeed in our efforts to help build up the countries of Central and South America and give them the type of economy which would support democratic governments unless some private capital flowed into those countries.

Since the advent of Fidel Castro, there has been a loss of private capital going into Central and South America, because businessmen were afraid to invest further in an area where their investment might be confiscated.

I am delighted to see that in recent months the outflow of private capital has stopped in Venezuela and in some of the other major countries, and that the inflow has once again started, although it has not proceeded at the rate it once flowed and at the rate at which I hope it will soon again proceed.

THE GOVERNMENT OF THE DOMINICAN REPUBLIC

Mr. SMATHERS. Mr. President, an excellent article was written by George Beebe, the able managing editor of the Miami Herald, and published in that outstanding newspaper on March 23. Mr. Beebe is also a perceptive student of Latin American affairs. The article which he wrote is entitled "Dominican Trio Cleans Up Trujillo Mess."

I ask unanimous consent that the article may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOMINICAN TRIO CLEANS UP TRUJILLO MESS

(By George Beebe)

SANTO DOMINGO.—Three bright young men are doing a commendable job of washing some of the dirty linen that old man Rafael Trujillo had tossed into the hamper for 32 years.

As a civilian triumvirate, they won't be around for the final rinse, because they have agreed to relinquish governmental reins to an elected President by September of 1965.

In the meantime, they are giving refreshing leadership to a potentially rich little nation just begging to enjoy the liberties so long denied it under a ruthless dictator.

Trujillo did much to modernize this country, but he left behind an image so black and bankrupt that it will take generations to whiten.

The road ahead is mined with staggering problems.

At the helm of this ruling body are:

President Donal Reid Cabral, 49, a lawyer-businessman who accepts no salary and who is so personable and confident that he is accompanied by military aides only when on official business.

Manuel Tavares Espaillat, 40, a Yale engineering graduate who vigorously concentrates on industrial development.

Ramon Tapia, 38, a lawyer who is forceful in dealing with the military which grudgingly sanctions the triumvirate because it has no talent for governmental intricacies.

Most everyone refers to the short, dynamic president as "Donnie." He lists the triumvirate's accomplishments after 6 months as:

Maintaining law and order without force (although the University of Santo Domingo student Leftists argue otherwise); complete independence of justice; a slight upswing in a sick economy; and a completely free press.

"Our greatest problems," said Dr. Reid, "are the same as most other Latin American nations—hunger and lack of education."

U.S. aid was chopped off last September when a military coup ousted Dr. Juan Bosch, the first democratically elected President of the Dominican Republic in 30 years.

This was a severe blow to the civilian triumvirate when it took over 72 hours later.

Bosch's ineptness since has been proved, and President Johnson recently restored relations and opened up a trickle of rice for the needy.

But Reid and company moved right ahead without Uncle Sam. A World Bank mission is now here to check on the feasibility of a $150 million loan for the Yaqui River project—a series of TVA-type hydroelectric and irrigation dams in two rich valleys.

A team of Israelis is tackling a much-needed reforestation program in the towering mountains of the north.

Under FHA-type program seven American construction companies will help erase some of the shortage of 150,000 badly needed homes.

"Contrary to some opinions that we should be only a caretaker this triumvirate must push economic development now," says Manuel Tavares.

The Government is making loans to establish small businesses. It seeks to lure Dominican capital out of safe deposit boxes in faraway lands. It is offering attractive tax concessions to investors.

The triumvirate well knows, however, that until it can show the world some political and economic stability, the Dominican progress must be slow. Most of the 3,500,000 Dominicans are aware of the problems. Happily they like the new look in the Presidential Palace.

Mr. SMATHERS. Mr. President, it is a very appropriate article in light of the fact that the U.S. Government has recently sent W. Tapley Bennet, Jr., to the Dominican Republic as our Ambassador. This is a step that was long overdue. Mr. Bennet is very knowledgeable about affairs in this area of the world. I am certain he will be a great Ambassador and will help the Dominican Republic get on its economic and political feet.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONFIDENCE OF BUSINESS COMMUNITY IN THE ADMINISTRATION

Mr. SMATHERS. Mr. President, in the Washington Post of March 30, there is an article written in the business section by Mr. Harold B. Dorsey, a highly respected economist. The article was entitled "Investment View." There is a subheading which says: "L.B.J. Stands Spur Confidence."

The article states that the President is doing what has to be done with regard to tax cuts, with regard to economy in Government, and with regard to asking for responsibility on the part of labor, management, and business leaders. It states that the whole business community has great confidence in this administration, and actually our economy is turning up because of the confidence which they have in our President.

Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INVESTMENT VIEW

L.B.J. STANDS SPUR CONFIDENCE

(By Harold B. Dorsey)

The reason why this column has been following so persistently the manifestations of the economic philosophy of the Johnson administration is the fact that this matter is highly significant in the calculations of business executives and investment managers, both here and abroad.

This single element may well determine whether spending decisions will be adversely affected by an antibusiness attitude, whether credit policies are going to be dictated by the White House or by the real authorities on this subject at the Federal Reserve, whether we are going to have an inflationary boom-and-bust sequence or whether the economy is going to enjoy a sound, satisfactory, and sustainable growth trend.

The most recent available evidence on the subject may be seen in speeches given last Monday by President Johnson to the United Automobile Workers and by Dr. Walter Heller to the Economic Club of Detroit.

Both of these speeches emphasized that a sustainable growth trend and an improvement in the international balance-of-payments deficit depends very heavily on the avoidance of another inflationary wage-price spiral. The President said: "The international position of the dollar * * * demands that our prices and costs do not rise. We must not choke off our needed and speeded economic expansion by revival of the wage-price spiral."

It would be very difficult for even the most extreme partisan to quarrel with that premise. Whether higher prices are caused by avariciousness of business or by excessive demands of labor, the simple fact remains that inflationary price behavior would have an adverse effect on the demand for our goods and services in domestic and world markets. It is merely a corollary that this would reduce the demand for workers.

Let us grant then that this premise must be widely accepted. Nevertheless, there has been considerable worry that the administration might have an antibusiness and prolabor bias, with an arbitrary, mailed-fist attitude toward prices and nothing more than meaningless finger-wagging attitudes toward labor demands.

President Johnson told the auto workers that it is the responsibility of labor, as well as management, to prevent the development of a wage-price spiral. There was no hint in his speech to the auto workers, or in that of Heller to the business executives, that the responsibility of one side is heavier than that of the other.

The President pointed out: "The administration has not undertaken, and will not undertake, to fix prices and wages in this economy. We are neither able nor willing to substitute our judgments for the judgments of those who sit at the local bargaining tables across the country. We cannot fix a single pattern for every plant and every industry."

This appears to be a sensible retreat from the crackdown image of the administration that was worrying business leaders a month ago. At the same time the administration certainly did not deem it necessary to swing a left jab at labor while it was withholding a right uppercut to business.

This particular point can be significant. For many years it has been an accepted political practice to pit class against class and one economic group against another. The fact of the matter is that the country has been in great need of a leader who will encourage the various sectors of the economy to work together rather than at cross purposes. We have an intricate economic machine. It functions to the best interests of everybody—including the driver—if all of the component cogs mesh together smoothly. If one cog is smacked with a hammer it might crack and weaken the progress and efficiency of the entire mechanism.

It may be taken for granted that partisans will contend that President Johnson is trying to be all things to all men and that he is therefore a weak leader. Nevertheless, a majority of the American population will probably recognize that his economic philosophy, as it has been indicated up to the moment, seems to be an effort to get everybody to pull together. Certainly it is within the prerogatives of the administration to point out—without political prejudice and without rancor—the responsibilities of the various sectors that make up the whole economy.

As the image of the economic philosophy of the Johnson administration has been shaping up recently, investment managers and business executives are likely to gain more confidence in the outlook for business activity, employment, and earnings.

EFFECT OF FOREIGN IMPORTS OF BEEF ON THE AMERICAN CATTLE INDUSTRY

Mr. PEARSON. Mr. President, we have all become acutely aware of the desperate condition in which the American cattle industry now finds itself. After months of excuses and debate there now appears to be a general acknowledgement of the fact that the high level of foreign imports of beef is having a very serious effect upon the economy of this major industry.

On February 6 of this year, after a very careful personal analysis of the economy of the cattle industry, I presented to the Senate my own detailed views as to the cause of the current situation. In that statement I urged that immediate steps be taken to restrict the importation of beef in such a way as to reduce it from its current high level. I recommended a number of other steps which I thought were also necessary to stabilize the economy of the cattle industry without injecting Government control into the operations of a major industry which has thus far remained relatively free of Federal control.

When the administration announced only nominal rollbacks in the level of imports from Australia and New Zealand it became obvious that the hope for a negotiated agreement to satisfactorily solve the import problem could not be expected under present leadership and that it would be necessary for the Congress to impose quotas by legislation. At this point I joined in the cosponsorship of such legislation and have supported it as an amendment to the cotton-wheat bill, an amendment which was rejected by a vote of 46 to 44, and in the form of a bill and, more currently, an amendment to legislation pending in the Senate Finance Committee.

I am pleased to note that the administration has initiated action in several other areas which I recommended, but I am very much afraid that these steps are being pursued as diversionary tactics rather than as steps which should be designed to supplement quota reductions.

Much testimony has been submitted to the Senate Finance Committee in support of legislation to establish quotas on beef imports. On Friday, March 20, Mr. William House, a rancher of Cedar Vale, Kans., appeared before the committee on behalf of the Kansas Livestock Association and the American Hereford Association. Mr. House is president of both of these organizations. He is experienced and a well-informed businessman who devotes a substantial portion of his time to public affairs. He speaks from intimate knowledge of the business he represents and from a broad knowledge of national and international affairs.

Mr. House submitted a prepared statement but as I listened to his testimony along with the members of the Finance Committee I was tremendously impressed with the sincerity and practical nature of his oral presentation. I believe that all of the Members of the Senate and all others concerned with this problem can benefit by what Mr. House had to say to the committee and I, therefore, ask unanimous consent that a transcript of the oral remarks of Mr. House before the Finance Committee be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF MR. WILLIAM HOUSE BEFORE THE SENATE FINANCE COMMITTEE

Mr. Chairman, this morning to the Senators and Congressmen and friends gathered here, I would like to appear both for the Kansas Livestock Association as its president, and the American Hereford Association as its president.

I had a good deal of trouble getting here. I missed a plane in Kansas City on account of overcast and was delayed about 4 hours. Then last night, I got to Chicago and missed another plane. The generator went out. I was wandering around the lobby in the airport in Chicago, and you know, bad news always runs in great amounts. When you get it, it piles up on you. I just happened to pick up the U.S. News & World Report to try to kill a little time and its cover says: "It is To Be a Real Boom." I said, well that is the third ship that the stockmen in the United States are going to miss tonight because there isn't going to be any boom in the livestock business, I can guarantee you.

To make matters worse, I turned over to page 37, and it pretty well explains why we are appearing here today.

On page 37 it says: "Dean Rusk and diplomats of the State Department are described as exercising more influence over U.S. policy on beef imports than Orville Freeman, Secretary of Agriculture. These U.S. diplomats, it is said, prefer not to offend cattle raisers abroad by import restrictions to help American cattlemen."

Now, that is exactly why I am here this morning, and that is exactly why the cattlemen throughout the United States and in my State have insisted that we appear before this committee.

In the last 15 years we have witnessed a tremendous expansion of the beef industry in the United States. Producers increased their herds from 77 million head to over 106 million head during this period of time. Feeders on family-size farms converted to efficient mechanized equipment in order to feed more cattle at lower cost. Huge industrial type feedlots were constructed and operated close to the centers of population. New and modern packinghouses and processing plants followed the feedlots in order to be near a dependable supply of slaughter cattle.

The question is, was this expansion in the beef industry within the United States justified? We think that it was. The consuming public accepted the product and voluntarily entered into the market and purchased it in ever-increasing amounts.

Consumption of beef per person jumped from 63 pounds to 96 pounds during this period, an increase of 50 percent. The industry improved the quality of its product with more grain feeding, processors improved their methods, and retailers put beef on the counters in more desirable cuts and in attractive packages. It is a true American success story.

Suddenly we find the entire industry grinding to a halt. The expansion period seems to be over. Prices of fed cattle have dropped below the cost of production, and unless there is a remarkable recovery within the next few months we will see the decline reflected in the demand for feeder and stocker cattle next fall and during the peak movement of cattle from the range to the feedlots this fall.

Now, prices alone would indicate the necessity for bringing production more in line with active demand. However, today the great question is not whether or not we can adjust production to a desired level within the borders of this country, it is to clearly determine the attitude of the Federal Government toward its own citizens engaged in the producing and feeding of beef cattle.

More dramatically stated, the question becomes this: Does the American market belong to American stockmen, and if the answer is no, then what percent of the American market is to be reserved for us and what percent will be guaranteed to producers and feeders in foreign countries?

Today the entire industry is restlessly awaiting the signal from Washington. Shall we go ahead or shall we slow down? Do we supply the market or shall we depend on other countries?

We can adequately supply the entire domestic demand from our herds and feedlots and at a reasonable price. An hour's work will buy more beef here than any other place in the world.

Gov. John Anderson has ably presented the problem as it is in Kansas. It shows that the economic impact has just begun. We have both types of feedlots, we have herds of cattle that have increased, we have packinghouses that have moved in from the river areas, and we are particularly proud of the development that has taken place in Kansas.

I might say that when you drop the price of cattle 25 percent, you have taken all the profit out of it, and it has a tremendous impact on the purchasing power of the farm and ranch families throughout Kansas. And Kansas is typical of the Midwestern States.

Now, today's market is one of the worst that we have see for many years. It costs a minimum of 23 to 25 cents a pound to put flesh on a steer that weighs 600 to 800 pounds that is desired in the markets.

Those cattle in turn are bringing an average in Kansas City of just under 20 cents a pound. You have to go back to 1947 to find the price of prime grade cattle as low as it is today.

Now, losses have been the rule in the cattle feeding business for three consecutive feeding periods. Oldtime feeders tell me that has never occurred in the history of the cattle-feeding business in the United States.

Now, that is not years. The feeding period on the average is 150 to 180 days. But I have on good advice been told that this is accurate throughout the history of the feeding business.

Sometimes one lot is a loss, and sometimes two lots are losses, but never in the history of the United States have three lots ever lost money in a row before.

Now, to highlight this I would like to mention a fact that exists in Kansas. There are cattle which were put in Kansas feedlots almost a year ago, that were worth about $200 at the time.

The owners will give you title to the animals if you will pay for this year's feed bill alone. He will concede you the total price of the animal. In not being able to give these cattle away, he sells them and sends the entire proceeds back to the feedlot that fed them during the year.

That is an extreme case.

But the average case is somewhere from $33 to $75 per head. It has cost the livestock industry in the United States somewhere in the neighborhood of $1⅓ billion in net profits in 1963. I figure that on the basis of average losses against slaughter which runs about 35 million cattle in the United States—and has for 2 or 3 years—I think that is a minimum figure for the average.

Now, of course, the great question of the day is the impact of imports. Imports present a difficult problem for the industry for the first time in history. This is the new factor that many feeders failed to recognize and many people tend to minimize. We have been through periods of declining prices before, but we have never witnessed a period when imports increased when our prices were declining.

In 1956, we had rather a slow year, but imports were only running 1.6 percent, but they have increased all through this declining period of market prices, so that in 1963 they are 11.3 percent or a full month's supply of beef in the United States.

Now, most of this beef comes in as boned beef. It competes with the ground beef of our cows and bulls that we are through with at the ranch. It also competes with the beef that is ground from the carcasses of fed cattle.

I have checked this very closely. A minimum of 15 percent of a fed animal is ground and sold as ground beef. A maximum of 38 percent, but an average in the United States of somewhere between 20 and 24 percent is always sold as ground meat.

Now, this imported boned beef is being sold in the place of this fed beef that is ground; it is being mixed half and half, and it is being sold as manufacturing beef which we have supplied by parts from these animals.

Now, the economists for a long time have recognized that when people have enough food they give very little for any extra. And that is the thing that we based our decisions on and our conclusion that imports have had a tremendous impact on prices in the United States.

It is this: That once the channels of trade are full, and food is on the counter sufficient to meet all needs, the price will drop somewhere around 20 to 25 percent for every 2 percent increase in supply, and we think that is exactly what has happened to the beef business.

If you take out imports today, this 11.3 percent, our increase of beef production last year was 10 percent, it just exactly matched the increase in population of a little over 3 percent, and the increase in consumption of 6 percent, which gives you a 9 percent figure.

The livestock industry in the United States is in exact balance today with the demand for its product. You pull the 10 or 11 percent imports out, and we are just in balance. You put them on top of it and you have demoralized and wrecked the U.S. market for beef.

Now, you say, what economists say this? Which ones have said that it is their thinking? I would like to refer you to Willard Cochrane—Willard W. Cochrane and his "Farm Price—Myth and Reality."

There are several pages that are significant in this. It was written in 1958, and as you know he is now the chief adviser to the USDA.

On page 41, he says: "Other things being equal, a 2-percent decline in the overall amount of food products offered on the market will drive farm prices up by 25 percent, and a 2-percent increase in the amount offered will drive prices down by 25 percent. The farmer is truly at the crack end of the ship." That is a quotation.

On page 54, he concludes: "The finest of lines separates the conditions of too much and too little in agriculture."

And better to explain it to the audience and to the Senators, I would like to point out that once you have had a good meal, say a steak, that evening you won't give anything for a second one, and that is the problem that we have in the United States.

The cattlemen have tried to keep their production equal to the demand. You have imported enough beef to increase the supply just over what we need, and you have demoralized the market.

Now, here is the problem that appears important to us: Shall we cut production back in order to permit this 10 or 11 percent from foreign countries to completely occupy and dominate the market?

I don't think we should. Each time we back off, somebody in the United States, and probably an arm of the Government, will justify importing beef on the basis of our withdrawal from the market. This is the most serious problem that the cattlemen face today and they are well aware of it.

If we withdraw, they advance, and if we withdraw enough to push the market up economically speaking, then they step in and take advantage of it. And some arm of the Government will justify the importation of beef and we are whipped.

So we will have to back off another 10 percent, and another 10 percent, and with the world supply of beef as it is today, and with the finances as they are getting in this country both our Government and from individuals, they can completely dominate at least 50 percent of the market within 5 to 7 years.

The question is not what they can do, but it is what we wish them to do.

I, for one, feel that at least we should run another year or two in full production and see what Congress decides to do. I realize that it is going to break a lot of people. It's going to bankrupt a lot of young people in the United States. It is going to have a tremendous impact on the purchases of goods but I still feel that the cattlemen should go ahead and produce for the U.S. market in hopes that we will see a turn in the attitude of the Government in recognizing this problem.

Now, why can't we compete with beef from foreign countries? This is a question that you ask all around the Nation. Well, let it come in and let it break the market, but I would like to point this out: It is true in Kansas and it is true in the United States. Our high standards of living have set wages and prices far above the world market.

It costs as much to ship beef, and this this is very important, it costs as much to ship beef from Omaha to the east coast as it does to ship beef from Australia to the east coast.

Both agricultural wages and industrial wages run from 4 to 10 times as high in the United States as they are in competing countries. It costs more in taxes alone in my county to support a cow than it does to completely support the cow in Australia for a whole year.

Now, that is direct county taxes for local support.

In Chautauqua County, Kans., it costs $14 a head direct local taxes to the local government. You can support a cow and pay every cost in Australia for less than $11. These are the things that Kansas cattlemen and the U.S. cattlemen are up against.

Actually with our costs in the United States, it costs us $100 per calf unit to produce it. If we don't get more than that we have to withdraw from the business, and these figures have been substantiated by all the colleges in the Midwest.

Now, closely connected with this problem is this: We have gone out and stimulated our market through selling. We have used the livestock and meat board, we have used the wives of producers all over the United States to help promote the fine beef that America produces.

Now, we came up to 2 years ago and foreign countries took all of the increase in consumption that we had built into the American market with our own money and our own efforts. To say that we are unhappy is to be speaking very quietly.

We don't know whether we should promote the selling of beef any more or whether to withdraw our promotional efforts, because some time and some day, the decision has to be made as to who you are going to depend on for your food supply in the world.

Now, the theory of free trade enters into this, but we can't find any free trade today. We simply find the United States being a dumping place for anything that somebody has too much of somewhere else in the world.

You can ship beef into the country but there is no market in the world that will accept our beef on any reasonable basis at all. They don't want to use the dollar exchange, and this makes a very serious problem that we cannot possibly handle.

It cannot be handled at the local level; if it could be we would certainly try.

Now, many industries can move out of the United States and many of them are moving on account of the high standard of living that we have set. The high standard of wages, the high costs of government. They move out and ship the product back. We can't move. We have to stand and fight. Our land is here, and we, our production unit is here and we have to stay.

The oil industry is protected by quotas that create a price for crude oil in the United States almost double the world market. In the national interest, the defense industry and all of its suppliers are completely protected from foreign competition.

We have no free movement of labor. We prevent the bidding for jobs in this country with immigration quotas, minimum wage laws or collective bargaining. If these restrictions can be justified, then it should be no problem to justify the protection of agriculture in this country.

Other governments make this their No. 1 policy, and offer no concessions to outsiders in agriculture.

Now, in closing, I would like to say this, and it deals with legislation only.

There are few products today that cannot be grown or manufactured cheaper somewhere else in the world, and cheap transportation opens our markets to them. Protection against the differentials in costs that have resulted from deliberate governmental policy is an absolute necessity if we are to retain both production and employment in this country.

There is little value in seeking a customer abroad if you have a better customer at home. As citizens of this country, we offer no apology for asking protection from countries where production costs, including wages, are far below that of the United States. Protection was contemplated when article I, section 8, was incorporated into the Constitution.

The first and third grants of power to Congress handed the authority to impose duties on imports and to regulate commerce with foreign countries directly to the legislative branch.

To regulate is defined as to bring under control or fix the amount, and no other words could better describe what our industry desires of Congress today.

The basic industries of this country were developed and preserved by protection through the use of duties, quotas and even embargoes when necessary in the best interests of the country.

The exercise of this authority can be reviewed at every session of Congress. To permit our markets to be placed on the trading block by the State Department runs counter to the welfare of this entire country. Prosperity is difficult to maintain for only a few. The long-range dependable food supply has to be developed and maintained within this country if we are to be strong and independent.

Now, the producers in agriculture are also the greatest consumers of manufactured goods. Any policy that denies them the profits necessary to permit the purchase of these goods will be felt throughout the Nation. At this time, our markets are below cost of production, and the imports of beef have without question added to the heavy domestic production and contributed to the decline in the prices that they can get.

It is within the power of Congress to bring under control the factor of imports by imposing quotas.

To cut them in half would certainly be realistic, and leave a larger share of the market for foreign countries than they were formerly accustomed to have. The industry is entitled to the assurance of protection that we can get only with legislation.

We must have long-range planning, a reasonable expectation of profit in order to attract capital and credit necessary to continue in business.

If Congress will fulfill its obligations under the Constitution, and impose quotas, then we, as an industry, will make a determined effort to solve our internal problems in the best interests of this country. Thank you.

EDITORIAL PRAISE FOR ACCOMPLISHMENTS OF PRESIDENT JOHNSON

Mr. **HUMPHREY**. Mr. President, it is most heartening to read of the continued editorial support for the policies of President Johnson and his administration. From all sections of the country, the message is the same: "President Johnson is doing a magnificent job as Chief Executive; keep up the good work."

I have collected a sampling of editorial opinion dealing principally with the President's war-on-poverty message, his hour-long fireside chat reviewing the first 3 months of the Johnson administration, and additional public opinion polls citing the high level of support throughout the country for the Johnson policies.

As a Democrat, these editorials make good reading. But, more importantly, they make good reading as an American. When a President is successful in the policies he pursues—whether he be Democrat or Republican—the entire Nation is the ultimate beneficiary. This is certainly the case during the opening months of President Johnson's historic Presidency.

Mr. President, I ask unanimous consent that these editorials be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 17, 1964]

STILL RIDING HIGH

(By Godfrey Sperling, Jr.)

Gallup and Lou Harris, not to speak of Sam Lubell, may have said it, but I like to think there is a special ring of authority when it can be announced that the Grand Central Terminal survey now says it:

President Johnson's popularity still remains quite high.

Actually, there is a real question whether this is the second edition of the Grand Central poll—or whether because of a blunder we are starting all over again. Two months ago I took a sampling of opinion at this gathering place of people from all over the United States—as they go to and from trains. At that time the Johnson rating was quite high.

But soon thereafter a letter from a reader pointed out that we had erred in calling it the Grand Central Station. She said that this was a terminal, not a station, and that I could read it on the building if I were at all observant. So it seems we must start anew with this Grand Central Terminal (not station) plumbing of public opinion.

The most significant finding, perhaps, in polling on two different days, was that among two dozen people who identified themselves as Republicans there wasn't one who thought Johnson would be defeated in November.

Among these, of course, were those who were hopeful that a Republican would win. But none saw it as a likely prospect.

Typical answer came from two men who identified themselves as engineers and registered Republicans from Harrisburg, Pa. Said one: "He's doing fine. He has my confidence." Said the other: "I think he has done a remarkable job—to have all these responsibilities thrust upon him."

Another Republican, this time an attorney from Minneapolis, did not rate Johnson quite so high—expressing more confidence in Kennedy than in Johnson. But he did say: "I think you will see a different Johnson after he is elected in November." He volunteered this confidence in Johnson's election without being asked.

What do the Negroes think about Johnson and his position on civil rights? Said a New York Central attendant: "I think he's doing a good job so far. I had a question about him at first on civil rights, because of the part of the country he came from. But I don't have this question any more. Also I like this tax cut. It means $3 a week for me, and that's quite a bit."

Another attendant said: "He'll certainly get my vote. His civil rights program is the greatest thing that ever happened for the Negroes. It was Kennedy's (program), but he's following through on it. If he goes ahead with the poverty program, that will be great, too."

A senior at the Thomas Jefferson High School in Brooklyn, also a Negro, said: "I'm satisfied with what the President is doing, but I think he could do more in civil rights." Another Negro, standing close by, who is employed with the U.S. Government in New York State, said: "He's doing a fair job. He's a politician. Therefore he takes expedient steps. But I do feel he would like to be remembered as the President who did a great deal to give full citizenship to the Negro."

Moving along the tunnel between the Roosevelt Hotel and the terminal there were these comments from men working at several of the small shops: Newsdealer: "He's doing all right, at least from what you read in the papers. It's really too early." Man behind counter in snapshot store: "To tell you the truth, I feel better about him now than earlier. I wasn't sure he would follow up on what Kennedy was doing. That tax cut—that's what I like."

Man in watch-repair shop: "He's doing as good as could be expected. If Kennedy were here, he would be doing a little better." Man in printing shop: "He's not the glamour type. He speaks slowly and thinks deeply. But it's kind of like having a man batting .400 and replacing him with a youngster. You can't expect too much of the youngster at first. But I have every confidence in Johnson."

Another newsdealer: "The President used a keyword when he spoke of poverty. If we can do something about poverty, we will do much to solve all our problems—racial, unemployment, crime, everything."

A soldier just getting out of the service but still in uniform said: "I think he is doing almost as well as Kennedy." Said an artist: "I think it is too early to tell. I think he's doing a good job but I would like to see him take some direct action in Cuba and Vietnam. I am a Republican. I like Lodge, but I don't imagine he has too much of a chance."

[From the Times Union, Mar. 10, 1964]

UNDER TV SCRUTINY: JOHNSON HOLDS PRESS TALKS WITH DIGNITY, SINCERITY

(By Paul Martin)

WASHINGTON.—If his first formal press conferences are fair examples, President Johnson has nothing to fear from televised news conferences or TV debates with his opponent in this year's presidential campaign.

The President has answered questions matter of factly in plain language that anyone can understand. He doesn't try to be cute or funny. He isn't evasive and he doesn't get excited or ramble on. His conferences are conducted with dignity befitting the Presidency.

To those who sat in the room at his first television conference, Johnson conveyed an attitude of simple sincerity. He smiled at times, a slow and uncertain smile at first, reaching out for friends. There was even a hint of humility about this tall Texan who is known to be a proud and forceful man.

In the 3 months since he has been President, Johnson has held several meetings with the press on short notice in the White House Oval Room. He seems to have a preference for Saturday sessions, reminiscent of the farm and ranch country where folks do their work on weekdays, then go to town on Saturday to relax and swap information.

But the first formal news conference, announced well in advance and carried live on radio and television, was held on Saturday, Leap Year Day, February 29. This led to some unwarranted wisecracks to the effect that the President would hold regularly scheduled press conferences in the future—every leap year.

The setting was the relaxing atmosphere of the State Department international conference room with its wall-to-wall carpeting, vinyl upholstered chairs placed well apart, subdued indirect lighting, potted palms, and wood-paneled walls.

More than 300 reporters turned out, many of them on their day off. If it wasn't exactly intimate, it was a good deal cozier than the austere State Department auditorium where Kennedy used to hold the stage. For one thing, reporters were allowed to smoke. For another, the crowd wasn't padded with White House aids or curious onlookers from the State Department.

Malcolm Kilduff, assistant White House press secretary, announced at first that everyone would remain seated to ask questions. Quipped Eddie Folliard, the Washington Post's Pulitzer Prize-winning correspondent: "Then we won't get into the TV picture." Afterward Kilduff said reporters could stand up, because otherwise they couldn't be heard across the room.

The President remained seated at a large desk in front of the Great Seal of the United States flanked by the Stars and Sripes and the President's flag. He looked well, with a strong flesh tone to his face, graying hair brushed back pompadour style, character lines around his eyes and mouth.

He wore a dark blue suit, light blue shirt, and blue-and-white striped four-in-hand tie, somewhat more conservative than his usual attire.

Glancing around the room, he singled out questioners by recognizing those who raised their hands. He successfully avoided those two waspish female persecutors of Presidents, Sarah McClendon and May Craig. The reporters seemed to be testing the water gingerly, as was the President.

The President's public relations advisers have been reluctant for some time to expose him to interrogation by hip-shooting reporters in full view of TV cameras, fearing that he might suffer in comparison to the late President Kennedy. They are two entirely different individuals, of course. But Johnson demonstrated that he can hold his own in debate.

He gave the appearance of a man of the people who knows instinctively what Americans are thinking on the issues, and he wants to do the right thing. He keeps on top of all developments. He intends to do what he thinks is best for America and the free world.

You get a feeling that when President Johnson makes mistakes—and every President does—it will be the result of misinformation or inadequate information, rather than a mistake of judgment. You know that criticism is bound to arise as he is forced to take a position on controversial issues.

Above all, here is a man of good will who wants to be liked. And he is determined to do the best job that he can in the White House.

[From the Houston Chronicle, Mar. 17, 1964]

THE PRESIDENT AND THE OFFICE

We carried an abiding hope and a warmth as pleasant as the fine spring day away Sunday, after we watched the President on television. It was not only this President, but the Presidency, that came through so clearly, and we know that Mr. Johnson intended what he said to be understood precisely that way.

Toward the end of the hour, a reporter asked the President how he liked the job. And Mr. Johnson said: "I am doing the best I can in it, and I am enjoying it."

Then, a few seconds later: "But I am proud of this Nation, and I am so grateful that I could have an opportunity that I have had in America that I want to give my life seeing that the opportunity is perpetuated for others."

And finally, as fitting a climax as any statement by any President could have: "And I may not be a great President, but as long as I am here, I am going to try to be a good President, and do my dead level best to see this system preserved because when the final chips are down, it is not going to be the number of people we have or the number of acres or the number of resources that win. The thing that is going to make us win is our system of government."

That was honest; that was good. We liked it.

[From the New York Post, Mar. 16, 1964]

L.B.J.'S FIRESIDE CHAT

In his 1-hour conversation with three television reporters, President Johnson effectively projected a philosophy of prudent progressivism. We suspect it is a credo that reflects the mood of the country.

"A better deal," was the happy phrase the President offered to define his administration's hopes. It is a modest statement of objectives, but for that reason perhaps a realistic one.

The hour on television gave the country a better picture than it had had before of its President and his objectives. Such a session is one way of the President's fulfilling his role as the Nation's educator.

We hope, however, that it is not considered a substitute for the traditional news conference where tough reporters from all over the Nation, representing all points of view, can fire away at the Chief Executive. Such a freewheeling exchange is an essential part of the democratic process, despite the occasional "inaccuracies" which the President candidly conceded bother him.

The President's obvious pleasure in the exercise of Presidential power emerged clearly. Despite the awesome burdens of the office, he has never felt better, the President indicated.

If Mr. Johnson does manage to achieve "a better deal" for the Nation, especially in regard to peacemaking and the elimination of poverty, his place in American history will be secure.

[From the Washington (D.C.) Daily News, Mar. 17, 1964]

HONEST AND SINCERE

(By Richard Starnes)

Those in the craft of gathering and interpreting news would doubtless have liked to see a few more flashes of fire during the President's folksy conversation with three television reporters Sunday.

They would certainly have welcomed more candor in his discussion of the alleged disenchantment between him and Attorney General Robert Kennedy, and some might have been hoping for a headline describing the nasty surprises we have in store for the North Vietnamese.

But newsmen's likes and dislikes butter few parsnips for a man facing a presidential election. Lyndon Johnson was using an immensely powerful medium in a homespun format that suits him ideally—and he made the most of it.

His sincerity and dedication could not be doubted, even in rambling locutions that occasionally reminded of the finest tangled syntax of the Eisenhower administration. He showed—to a degree that must dishearten contenders for the GOP presidential nomination—a great deal of the old-shoe magic that got Harry Truman elected when all the experts had long since counted him out. L.B.J. for all his rugged good looks, is not as handsome as Henry Cabot Lodge; he is not as quick witted as Richard Nixon, nor as rich as Nelson Rockefeller. But the impression grows that he could lick all three in the same evening.

A perceptive oracle of the female persuasion, consulted immediately after the President's interview was concluded, had this to say:

"He's not flashy, but he is honest and sincere, and he knows what he's talking about. People are going to trust him. I liked his sense of responsibility about Cuba and Vietnam. He's right—nobody wants to see a war start. I liked the idea that he was wise enough to know that we couldn't make everyone in the world do what we want them to do. I hope Goldwater was listening to him.

"I'll tell you another thing: I liked his concern for people who are not well off, and I felt in my bones that he really meant it. He's going to do his best. I just wish he wouldn't work so hard."

It is, to be sure, dangerous to generalize from one off-the-cuff reaction. But it is no more than reasonable to suppose that that one female vote Mr. Johnson tucked safely in the bank was duplicated many times over throughout the land last Sunday night.

It is possible that the political pros—that is to say those who make bum guesses for money—would assay the President's fervent peroration as genuine cornball, but one viewer's guess is that the people who elect American Presidents found it moving, reassuring, and believable. The brilliance of John Kennedy seemed sometimes to contain the elusive instability of quicksilver. People admired it and liked to see it at work, but it was always with the nagging sense of disquiet one experiences in watching a trapeze artist perform.

For all his dedication to the homely virtues of peace, fiscal responsibility, and patience in the face of travail, the President's sure political instinct told him that standpattism was a luxury he could not afford. He said he wanted to be a progressive "without getting both feet off the ground," and he was canny enough to give substance to what might otherwise have been a meaningless platitude by alluding to his message to Congress outlining his program for making war on want.

It is hard to flaw his performance, except in minor detail. He shouldn't squirm so much, he ought to try smiling more often, and having chosen an informal format, he might have found profit in being a little less wary and a little more relaxed.

Americans have outgrown the gallus-snapping, thigh-thwacking school of politicians. But they like a man who talks to them as equals—witnesseth again Mr. Truman—and this is a valuable fact that President Johnson seems to have learned.

[From the Denver Post, Mar. 11, 1964]

ARMY COULD HELP (HUMAN) SALVAGE JOB

You have to be on your toes these days to keep up with Lyndon Johnson's war on poverty. Until we saw the story Monday that planners of the war want to to lower the selective service draft age—possibly to 16—we thought the war on poverty hadn't started yet, that Sargent Shriver still needed marching orders from Congress.

We knew that back in January, President Johnson had ordered the Defense Department and selective service to give physical and mental examinations to all draftees as soon as possible after they reach the age of 18. And he had directed the Labor Department and Department of Health, Education, and Welfare to set up programs for physical and educational rehabilitation of those draftees who flunk the tests. But both of these programs were then slated to start July 1.

What we missed was an announcement on February 9 from Labor Secretary Willard Wirtz that his Department would start its rehabilitation program on February 17, with $1.2 million scooped up from Manpower Training Act funds. A call to the Colorado State Employment Service, which administers these services locally, revealed that, sure enough, the program already has started.

The moral is, we suppose, never underestimate the zeal of Secretary Wirtz to beat Sargent Shriver to the punch.

Seriously though, this phase of the war on poverty makes good sense.

For years, Washington officials have been appalled at the fact that more than a third of Army draftees are rejected for service—about 40 percent for physical deficiencies, 40 percent for educational deficiencies, 10 percent for a combination of reasons. Until now, however, no one has done much about it.

Yet the draft mechanism and its attendant physical and mental tests do give the Government a practical means of spotting those young men whose deficiencies, if not corrected, almost inevitably doom them to the labor scrapheap in our increasingly technical society. Any youth who is too illiterate to qualify for the Army is unlikely ever to qualify for much of a civilian job either.

At the moment the Labor Department's rehabilitation program is minimal—mainly a matter of aptitude tests, followed by counseling as to what existing jobs or training programs a rejectee might qualify for.

If, however, Congress provides a thoroughgoing educational and training program for draft rejectees—possibly including a space-age version of the old Civilian Conservation Corps—there would seem to be hope of salvaging for useful, productive work thousands of youngsters who otherwise would be condemned to lives of poverty, joblessness, or crime.

The proposed lowering of the draft age is simply a means, we presume, of administering the tests and spotting the youths who need help, at an earlier age.

If so, this too makes sense.

[From the Boston Globe, Mar. 17, 1964]

OPERATION RESCUE

"What you are being asked to consider is not a simple and easy program," warned President Johnson Monday in his message summonsing Congress to a nationwide campaign against poverty, "but poverty is not a simple and easy enemy."

The facts of the situation amply sustain his appeal for action. The recent 1964 report of the Council of Economic Advisers, upon which Mr. Johnson has drawn largely for his plans to reduce poverty in the United States, finds that no fewer than one-fifth of all U.S. families are struggling to eke out existence on total incomes of less than $3,000 a year in the richest Nation on earth, with no improvement in sight.

Even grimmer is the picture drawn by the National Policy Committee on Pockets of Poverty, whose members include former President Truman and three Nobel Prize winners. This 3-year study not only finds the CEA report overoptimistic. It reports that nearly one-third of the country's families flounder below the destitution level of $2,000 a year, among such groups as nonwhite families, families whose heads are women, couples 65 or over, some farm families, and those whose heads have less than 8 years of schooling.

This is the situation which has elicited from the President one of the strongest appeals for concerted social action at all levels of our society that the Congress has heard since the early years of the great depression. The challenge, he rightly points out, is not merely one of giving succor to the distressed, but finding ways "to give people a chance" by opening to them gates of opportunity which circumstance and a changing industrial society have closed.

The Economic Opportunity Act sought by President Johnson will not displace current emergency aid programs, such as those now operating throughout the poverty-stricken reaches of Appalachia. Rather it seeks to launch a five-way, coordinated attack at root causes of poverty itself.

This would be undertaken by a reconstituted National Conservation Corps to train and educate youth presently thwarted from useful work by educational, health, and other disabilities; a new national work-training program directed by the Department of Labor through cooperation with State and local governments; a national work-study program, under the Department of Health, Education, and Welfare, designed for youths financially unable to go to college; a community action program for cities and rural areas.

The President's planned national war on poverty is inevitably complex; but his selection of Sargent Shriver to coordinate its many parts and supervise its operations would seem to assure expert direction. Its costs, Mr. Johnson sets at approximately $962 million—all of which, he is at pains to remind Congress, has been provided for already in his economy budget.

The added strength this massive program foresees for the Nation's economy could be enormous. Its impact upon educational deficits, upon the ominous problem of jobless youth, and urban and rural social health, could be tremendous. But its greatest appeal drives beyond all these. The President has spoken to the spirit and conscience of the Nation.

[From the Atlanta (Ga.) Constitution, Mar. 17, 1964]

GOOD STRATEGY, ABLE GENERAL SET STAGE FOR TIMELY ATTACK ON HARD-CORE POVERTY

President Johnson's long-awaited program to alleviate poverty finally reached Congress yesterday. His "war on poverty" turns out to be a comprehensive, reasonable and well-thought-out plan.

The President is up against an ancient and tough foe. Despite the affluence we see all around us, poverty has been gaining ground in recent years. Automation is on the march. Fewer and fewer jobs are available to the unskilled and the undereducated. Unemployment is up. The lot of the poor is getting tougher.

This gloomy picture is made all the darker because it exists in the strongest and wealthiest land in the history of the world.

So the moment for the assault on poverty has arrived. And President Johnson probably is right when he says the Nation now has the resources to achieve a victory.

A war requires a general, and President Johnson has selected an able one in Sargent Shriver. Mr. Shriver has scored a resounding success as chief of the Peace Corps. And one of the spearheads of the antipoverty campaign will be the volunteer workers who will constitute a domestic version of the Peace Corps.

Mr. Johnson's other proposals—such as the work-study program, the job corps, the work-training program and the community action program—sound logical and reasonable. Their effectiveness will depend, of course, on how they are executed. And this will be a test of Mr. Shriver's skill, for the "war on poverty" cuts across the activities and responsibilities of practically every major department of Government.

Mr. Johnson's "war on poverty" cannot be dismissed as another handout program for the poor. It affects every American, since the United States cannot continue to present a strong and united front against its enemies with one-fifth of the Nation caught up in the bitterness and frustration of poverty.

Alleviating poverty also will strengthen the American economy and reduce the drain of welfare costs.

In view of the objectives—they are large but nevertheless realistic—the cost of Mr. Johnson's program (less than $1 billion) is modest.

For this relatively small amount, the United States can fight a war in which the goal is not destruction, but creation—creation of a stronger economy and a society in which every citizen can hope for a better and fuller life.

[From the Chattanooga (Tenn.) Times, Mar. 17, 1964]

OPENING THE WAR

President Johnson's antipoverty program, outlined in a special message with few surprises, has an encouraging framework of practicality beneath its aura of idealism.

The President said his objective was "total victory" in this war against poverty. It is doubtful that his administration or any of its immediate successors will be able to claim that as an accomplished fact, or to offer substantive proof for his assertion that "for the first time in history, it is possible to conquer poverty."

Nevertheless, he offers a plan to get at the roots and causes of deprivation which offers good chances for success and which is within the Nation's means. Its cost, he said, would be 1 percent of the total budget, not an unreasonable investment in developing the basic resources of human talent now untapped.

The attack will be on the vicious cycle of destitution, which has ignorance, lack of training, limited job opportunities, long-term unemployment, and social dependence as links in the chain binding one generation to the next.

A major phase of the campaign will be the establishment of a Job Corps with room for 40,000 volunteers the first year from among school dropouts and draft rejects—young people with the greatest need for additional training and job opportunities at a critical point in their lives. The Job Corps is a modern version of the depression-born Civilian Conservation Corps. The greater emphasis would be on preparation for employment, however, rather than on the useful labor the enrollees might perform in their 2-year stint.

The domestic Peace Corps idea, already before Congress, is picked up under a "Volunteers for America" designation. It would be used to provide manpower at little cost for staffing the various phases of the war against poverty.

Loans and grants to communities for development of their own antipoverty programs, assistance to marginal farmers, and aid for businesses giving work to the long-term unemployed are other features of the program.

"The war on poverty is not a struggle simply to support people, to make them dependent on the generosity of others," Mr. Johnson said. "It is a struggle to give people a chance."

If the campaign can be waged within that framework, it can be meaningful in whatever degree of success it achieves.

[From the Nashville Tennessean, Mar. 17, 1964]

CONGRESS SHOULD ACT SOON ON POVERTY PLAN

President Johnson has submitted to Congress his program for reducing poverty in the Nation. The plan submitted is no halfway measure. It calls for a massive attack on the causes of poverty rather than merely on the symptoms.

The President set the pace for this type of effort when he asked Congress for the weapons with which to win a "total victory" in the war against poverty.

Mr. Johnson asked for approval of a "Job Corps" eventually to put 100,000 youths to work in more than 100 camps around the country. About half of these would work in special conservation projects to give them work experience. The other 50 percent would get training, basic education and work assignments in the training centers.

Under the whole program, almost 500,000 underprivileged youth would get a chance to develop skills, continue education, and find useful work.

One of the most attractive features of the plan is the opportunity for each American community to develop an antipoverty plan to meet its own problems and receive Federal aid to carry it out.

The Government would also help pay the cost of providing jobs in such places as playgrounds, libraries and settlement houses to youths between 16 and 21 out of school and out of work. Another fund would provide part-time jobs for students having to work their way through college.

Special phases of the program would assist poverty-stricken farm families, provide loans for small businesses to provide more jobs for low income workers, and help unemployed fathers of needy families to become self-supporting.

The program, which would be carried out by a special Office of Economic Opportunity, in coordination with other Government departments, obviously is the result of a great deal of planning and research into the poverty pockets of the Nation.

The plan undoubtedly will run into some opposition from those who cannot—or will not—see that the program is no handout, but a carefully planned way to turn wasted human energies into productive channels, to the benefit of the people and the Nation.

The President's program will call for no unanticipated funds, as the money to finance it is included in the $97.9 billion budget which was sent to Congress in January.

The program will cost $962.5 million, which is less than 1 percent of the national budget, and only about 2 percent of the Nation's defense expenditures. This seems to be a comparatively small amount in relation to the long range benefit it promises to bring.

President Johnson has moved promptly to carry out his pledge to the Nation and correct poverty conditions which have no sound reason for existence. The next step is up to Congress.

[From the New York Post, Mar. 19, 1964]

HOPE FOR APPALACHIA'S FORGOTTEN MEN

It was right that President Johnson's crusade against poverty should be spearheaded by proposals to help underprivileged youth. They are, says the magazine Christianity and Crisis, "the new unemployed" who, unless helped now, will grow into tomorrow's "unemployable adults."

But poverty, as President Johnson's message to Congress noted, is a many-faced affair. Not only certain age groups but some areas of the country are more severely afflicted than others.

The worst off, the late President Kennedy recognized, is Appalachia. He assigned Under Secretary of Commerce Franklin D. Roosevelt, Jr. to work up a plan for its revival. Mr. Roosevelt's Commission held extensive hearings all through the Appalachians, ranging from Pennsylvania to Alabama. It has now come in with a 5-year plan whose initial cost will be $218 million.

The program will have the support of all except those who believe the poor are the victims of their own character defects.

[From the St. Louis Post-Dispatch, Mar. 17, 1964]

IF BACKED BY ZEAL

Carried out with intelligent zeal, and, above all, the firm, ardent support of the American people, President Johnson's strategy against poverty could improve markedly the unhappy lot of a fifth of the Nation.

As the President says, the task which he is turning over to a new Office of Economic Opportunity, Congress willing, is neither simple nor easy. But it can be accomplished with "total commitment." Without devotion and energy, it could be no more than a sop to the conscience of the affluent. The test is less in the program, which can be revised with experience, than in the acceptance of responsibility for the alleviation of poverty.

More specifically, the program could degenerate into shameless bureaucratic squabbles if Sargent Shriver, who is to head the new OEO, were denied the wholehearted cooperation of the old-line agencies involved. Further difficulties could be created by the States and local communities by failing to carry out their assigned roles. Such forebodings, it is to be hoped, will prove without foundation. Yet apprehensions have been aroused because the President's message was delayed for weeks by jealous interagency bickering. Has the affluence of the majority made officialdom too blase to comprehend the misery of the minority?

As for the President's battle plan, all of its elements seem promising. The proposed National Job Corps would assemble the least qualified of our young people in educational camps. Other young people would be helped through training while working. And part-time jobs would be provided for those who without them could not continue their schooling.

Community action, based on local situations, is proposed for the very young and the old. For 2 years, the Government would pay 90 percent of the cost. Further help would be provided, where needed, through the recruitment of volunteers as for the Peace Corps, a special opportunity for applied good will.

To create new opportunities, the President proposes loans and guarantees to spur the employment of the jobless, aid in the purchase of farmland, the formation of cooperatives and similar measures. These are rather like the measures already taken in hard-pressed areas with, alas, only limited success. But the approach may become more fruitful as causes of unemployment or are more clearly understood, and such understanding may be forthcoming as a result of Mr. Johnson's call for a special commission to study the impact of automation, and the Nation's manpower in relation to its needs.

To fill the arsenal against poverty, the President recommends continuation or extension of the food stamp plan, help for migratory farm labor, unemployment benefits, and aid to education and housing. Each is a weapon for eliminating those disabilities which have brought into being that "other America" outside our affluent society.

President Johnson sets the cost of the program at $970 million or 1 percent of the national budget. Considering the much higher cost of other national necessities—defense, for example—this indeed is an offer to accomplish very much with very little. In view of opportunities for reducing expenses elsewhere, the outlay might add but a feather to the weight of the budget. But aside from the deleterious effects of poverty on the economy, hunger and pain and want call for assuaging today—not tomorrow or the day after.

[From the Portland Press Herald, Mar. 18, 1964]

JOHNSON LAUNCHES WAR ON POVERTY, AND RESULTS MAY WELL JUSTIFY IT

For months the American people have been hearing that the Johnson administration, alarmed by the high incidence of poverty within the country, and the continuing high rate of unemployment, would launch a comprehensive "war on poverty."

Some of the White House frontline soldiers, eager to take aim and fire, have already filed bills in Congress to establish a Youth Conservation Corps patterned after the great depression's Civilian Conservation Corps, and a National Service Corps that would do for the 50 States, or those needing it, what the Peace Corps is achieving abroad.

On Monday President Johnson sent his special message to Capitol Hill giving in detail his own conception of how poverty and unemployment should be attacked. It will require the dispatch to Congress of many other bills, and the establishment of a new executive agency, headed by Sargent Shriver—the Office of Economic Opportunities.

The chief emphasis in this wide-scale war will be placed upon the problems of young people whose background is one of intense poverty, whose education is limited or almost nonexistent, whose skills are minimal, and who are employed—when they have work—at very low wages.

These young people are not only the fruits of poverty, but the creators of poverty when they marry and begin to have families of their own. For every boy or girl of exceptional drive and ability who escapes out of an environment of poverty, dozens remain submerged in it, not always because they choose, but because they cannot overcome the factors of overlarge families and poor health and education and lack of incentive that made them, and their parents, poor in the first place.

Enough is known about these sociological aspects of poverty to persuade the White House and those supporting the President's program that a large-scale program of relief and rehabilitation will be worth the cost, now estimated at around a billion dollars the first year.

The question, as we see it, is not whether the attempt should be made, but whether the richest and—we like to think—most compassionate nation in the world can refuse to make the effort.

[From the Miami News, Mar. 17, 1964]

ATTACKS MANY FRONTS: L.B.J. LEADS POVERTY WAR; CONGRESS MUST RESPOND

Few large metropolitan areas of any level of prosperity specially our own—can fail to appreciate the importance of the war on poverty which President Johnson outlined to Congress yesterday.

At last count, the Florida State Employment Service estimated that 5,000 youths are walking the streets of Dade County without the schooling or training to equip them for gainful employment. Nationally, hundreds of thousands of young people are in similar circumstances.

Not all the unemployed are young. Some are heads of families who have been displaced by the changing nature of our economy.

Since poverty does not spring from any single cause, the program outlined by the Johnson administration is appropriately broad. It depends to a great extent on coordinating and expanding educational and health programs already in existence.

But the emphasis is on the youth problem, with the establishment of a Job Corps which would resemble the old Civilian Conservation Corps except that it would be under nonmilitary direction. The plan borrows from the Peace Corps the idea of a volunteer service group. It also borrows the Peace Corps' popular Director, Sargent Shriver, to head a new Office of Economic Opportunities.

An especially attractive feature of the program is its heavy reliance on local action at the community and State levels.

This comprehensive attack on poverty has been a long time in the planning. Originally conceived by the late President Kennedy, it has been adopted by President Johnson as one of his major legislative requests.

We hope the Congress responds with the sense of urgency which President Johnson has tried to impart in his message, and which is so evident to the affected communities.

[From the Minneapolis Star, Mar. 17, 1964]

L.B.J.'S WAR ON POVERTY

Lyndon B. Johnson doesn't have the flair of John F. Kennedy for igniting a crusade. Mr. Kennedy gave to the Alliance for Progress, the Peace Corps and other New Frontier measures a cultured enthusiasm which contrasts with Mr. Johnson's pedestrian presentation.

Of course, not all of Mr. Kennedy's enthusiasm brushed off on others. The Peace Corps might be accounted as the only outstanding success of his many programs although some of his projects—as the tax cut—were taken up by President Johnson and pushed along to victory.

Whether Mr. Johnson can do the same with his war on poverty is still a big question. Presidents Kennedy, Roosevelt, Hoover, and almost all other Chief Executives have sought by various methods to better the material standards of all Americans. Mr. Johnson has taken on the difficult task of defining and launching an all-embracing campaign against low incomes and unemployment.

But the effort must constantly be made, by any administration tinged with benevolence, to help the lot of the unfortunate. Automation is upsetting job patterns. The population boom has created the need for many new work positions.

President Johnson may be putting himself and Sargent Shriver on the spot in this new drive of vast proportions. The least the rest of us can do is to wish them well—and lend a hand when we can.

[From the Rochester Democrat-Chronicle Mar. 15, 1964]

CRITICISMS "INACCURATE" ON JOHNSON SPEECH

(By Max Freedman)

There has been so much speculation, most of it wrong, about President Johnson's speech in Los Angeles on February 21 that the real facts behind the preparation of that speech should be set down simply and clearly.

President Johnson has been accused of speaking recklessly and provocatively when he issued his warning that external support of the Communist forces in South Vietnam amounted to a "deeply dangerous game." Pierre Salinger, the President's press secretary, has been blamed for emphasizing these words and for hinting at an enlargement of the war which the administration did not dare avow in public.

These criticisms, and others like them, are at once unfair and inaccurate. They also miss the whole purpose of the speech. President Johnson went to Los Angeles to make a speech in which he would show that the United States under his leadership would respond to every challenge in world affairs with restraint as well as with strength. Responsibility, not provocation, was his theme and his purpose.

The speech was prepared in obedience to the President's instructions. He carefully followed the evolution of the speech through successive drafts and corrected them. Not a word in the final speech was casual or loosely considered.

As first conceived, the speech was to be primarily a review of U.S. policy in Latin America, since the President of Mexico was sharing the platform honors with Johnson in Los Angeles. This brought Tom Mann of the State Department into active consultation in the shaping of the speech. His advice was invariably helpful. Some of the material was later removed when President Johnson decided he could use it more effectively in a forthcoming speech on Latin America.

The President relied very heavily, as he should, on the help of Secretary of State Dean Rusk and McGeorge Bundy, his principal advisers on foreign policy. It is completely wrong to say that Rusk at his press conference knocked down the Los Angeles speech or retreated from it. He knew all about that speech in advance, approved of it, and deeply influenced it.

Now what about the warning about events in Vietnam?

President Johnson decided that a brief but emphatic warning to the sponsors and supporters of Communist subversion was the bare minimum required by the present situation in Vietnam. It was never intended as an ominous signal that the United States was on the verge of drastic military action. Instead, the President conveyed a carefully measured warning that the supporters of aggression and subversion would commit a dangerous mistake if they considered themselves immune from American reprisals. The warning placed the Communists under notice that conditions in Vietnam were being watched with growing and urgent concern in Washington, while leaving President Johnson a range of choices in the response he would ultimately make.

There are the strongest reasons for stating that Rusk was misinterpreted in his later remarks at his press conference. He was not backing away from the Los Angeles speech; he was trying to correct the exaggerated and unjustified reactions to that speech. He was completely correct in rejecting the notion that a decision to carry the war to North Vietnam was imminent or that such a decision would produce a miraculous change in the situation. His statement was never intended to weaken the force of President Johnson's warning in Los Angeles or to withdraw it.

Perhaps it is inevitable that public controversy should break out on what should be done next in Vietnam. But it should be understood that a grievous price is being paid for this discussion. We are not, in fact, giving the public very much guidance and enlightenment, for we are debating mere bits and pieces of a comprehensive policy still to be formulated inside the administration and still to be approved by the President. Even worse, this premature controversy prevents the President from gaining the full benefit from the review of alternative policies now taking place. For officials take sides on issues dragged into public debate or become less open to conversion once their views are known to the public. The President suffers, and nothing benefits from this process except the circulation of newspapers.

"All in due time" may be unpopular advice to give American people, but unpopularity does not detract from its wisdom. The warning at Los Angeles cannot be turned into action without the American public, at the right time, being fully informed and consulted.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

U.S. COAST GUARD

The legislative clerk read the nomination of Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy as an instructor with the grade of lieutenant commander.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. HUMPHREY. Mr. President, I ask that the next nomination, that of Virginia Mae Brown to be an Interstate Commerce Commissioner, be passed over.

The ACTING PRESIDENT pro tempore. Without objection, is is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent the the President be immediately notified of the two nominations confirmed today.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

STUDY TO DETERMINE SITE FOR CONSTRUCTION OF CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 934, Senate bill 2701.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2701) to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

Mr. DIRKSEN. Mr. President, I ask that, except for the letters, an excerpt from the report—because it is interesting material—be printed in the RECORD. This is a very timely subject. Those who read the RECORD will benefit from the discussion which was carried on.

There being no objection, the excerpt from the report (Rept. No. 968) was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to authorize the President to appoint a seven-member Commission including the Secretary of State, the Secretary of the Army, and the Chairman of the U.S. Atomic Energy Commission, to conduct an investigation and study to determine the feasibility of, and the most suitable site for, construction of a sea level canal connecting the Atlantic and Pacific Oceans, and the best means to effect its construction, whether by conventional or nuclear means. This Commission, with a chairman determined by the President, would conclude its investigation and report to the Congress by January 31, 1966.

BACKGROUND OF THE BILL

Senator WARREN G. MAGNUSON, chairman of the committee, introduced S. 2497, which would provide for an investigation and study by the Secretary of State, the Secretary of Defense, and the Chairman of the U.S. Atomic Energy Commission, acting jointly, to determine the site for construction of a sea level interoceanic canal through the American isthmus. Pursuant to the terms of S. 2497, a final report to Congress would be required within 6 months.

S. 2428, introduced by Senator NORRIS COTTON, would authorize the President to appoint a Commission including representatives of the Panama Canal Company, to make a study for increasing the capacity and security of the Panama Canal or the construction of a new canal to meet the future needs of interoceanic commerce and national defense.

On March 3 and 4, 1964, the committee held hearings on S. 2497 and S. 2428. Among the witnesses who testified were Deputy Secretary of Defense Cyrus R. Vance, Secretary of the Army Stephen Ailes, Assistant Secretary of State for Inter-American Affairs Thomas C. Mann, and Dr. Glenn T. Seaborg, Chairman, U.S. Atomic Energy Commission. With unanimity these witnesses endorsed the objectives of S. 2497 and S. 2428 and offered constructive recommendations which have been incorporated in the S. 2701 bill.

NEED FOR THE BILL

At the outset of the hearings, both Senator MAGNUSON and Secretary Vance stressed that although the present difficulties with the Republic of Panama serve to emphasize the necessity of expediting a study to determine the feasibility of, and the most suitable site for, a second transisthmian canal, nevertheless, the proposed legislation is not a product of the Panama crisis. Similar bills have been the subject of consideration by Congress for many years.

However, with the passage of time the physical limitations of the Panama Canal are becoming more apparent. In 1910 when the canal first opened traffic was light; on an average five ships transited per day. The canal now averages 30 transits per day, and by 1980 it is forecast that interoceanic traffic will exceed its capabilities. Thereafter ships will be required to wait in line for the privilege of passing, at great expense to shipowners and, ultimately, to consumers.

There are other physical limitations inherent in the present canal. Its intricate and complex locks, which measure 1,000 feet in length and 110 feet in width, and its channels with a minimum depth of 42 feet, already preclude many ships from passage. Even today 24 U.S. naval vessels and 50 commercial ships cannot transit the canal. An additional 556 ships cannot pass through with a full load. Some must reduce their capacity by 30 percent in order to transit. Even larger ships under construction will be prohibited because of their size from using the present canal. In addition, the intricate nature of the locks poses a serious security problem. Prolonged delays could well result from hostile acts directed at the present canal's mechanical equipment. Such a risk would not be involved in a sea level canal.

That such restriction on the free flow of transisthmian commerce is of vital concern to the United States is apparent upon consideration of the fact that 70 percent of the tonnage which transits the Panama Canal involves goods which either originate in, or are destined for, the United States.

Mindful that the present canal is rapidly receding into obsolescence, Government witnesses advised that the United States should proceed expeditiously with the proposed investigation and study in the belief that eventual construction of a sea level canal is desirable and in our national interest.

AEC Chairman Seaborg and his associates informed the committee that they are confident that it is technically feasible and safe to build a sea level transisthmian canal by nuclear means. Witnesses cautioned, however, that necessary field surveys and the development, refinement, and stockpiling of the several hundred nuclear devices required for excavation will take in tandem approximately 5 years. Thereafter, actual construction will consume from 2 to 10 years, depending on the route ultimately selected.

Of course, diplomatic negotiations with the nation or nations through which the canal is to pass will also take time. The restrictions imposed by the nuclear test ban treaty of August 5, 1963, must be determined and resolved. Faced with such a long leadtime before construction can commence, it is imperative that the proposed study and necessary preparations begin immediately.

The committee, aware that action is required now to insure the future free flow of transisthmian commerce so important not only to the interests of the United States but to world trade as well, reports without amendment this bill to provide for an investigation and study to determine the feasibility of, and the most suitable site for, the second transisthmian canal to connect the Atlantic and Pacific Oceans. Moreover, in recommending that the bill do pass, the committee is conscious that the construction of such a canal at sea level constitutes a civil engineering project of greater magnitude than any ever undertaken by man.

SECTION-BY-SECTION ANALYSIS

S. 2701 vests the President with flexibility in the matter of appointment of members to the Commission to conduct the study. Also, as requested, the time within which the Commission must submit its final report to Congress has been extended beyond the limitation of 6 months specified in S. 2497. The suggestion advanced by committee members, and endorsed by Dr. Seaborg, that the geographic area of the proposed study be broadened to include an investigation of the feasibility of constructing a trans-U.S. canal has been adopted.

Section 1

Section 1 of the measure would authorize the President to create a Commission composed of seven members, including the Secretary of State, the Secretary of the Army, and the Chairman of the U.S. Atomic Energy Commission, to conduct an investigation and study to determine the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans and the best means to effect construction, whether by conventional or nuclear means.

Section 2

Section 2 specifically authorizes the Commission to utilize the facilities of any executive department or agency and to avail itself of such expert assistance as may be required, in accordance with the provisions of section 15 of the act of August 2, 1946 (5 U.S.C. 55a).

Section 3

Section 3 makes it mandatory that the Commission complete its investigation and study and submit its report to the Congress by January 31, 1966. The President is requested to submit such recommendations to the Congress as he deems advisable.

Section 4

Section 4 authorizes the appropriation of such funds as may be required to effectuate the purposes of the legislation.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2701) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint a Commission to be composed of seven men including the Secretary of State, the Secretary of the Army, and the Chairman of the United States Atomic Energy Commission, to make a full and complete investigation and study, including necessary on-site surveys, and considering national defense, foreign relations, intercoastal shipping, interoceanic shipping, and such other matters as they may determine to be important, for the purpose of determining the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof. The President shall designate as Chairman one of the members of the Commission.

Sec. 2. The Commission is authorized to utilize the facilities of any department, agency, or instrumentality of the executive branch of the United States Government, and to obtain such services as it deems necessary in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

Sec. 3. The Commission shall complete the investigation and study as provided in section 1 of this Act and present its findings and conclusions to the President and the Congress by January 31, 1966. The President shall submit such recommendations to the Congress as he deems advisable.

Sec. 4. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

Mr. HUMPHREY. Mr. President, I move that the vote by which Senate bill 2701 was passed be reconsidered.

Mr. JAVITS. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

RELOCATION OF THE SENECA NATION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 1794.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 13, after the word "including", to insert "surface"; in line 14, after the word "increased", to strike out "difficulty or impossibility" and insert "expense"; in line 22, after the word "increased", to strike out "difficulty or impossibility" and insert "expense"; on page 3, line 20, after the word "of", to strike out "$1,033,275" and insert "$824,273"; on page 4, after line 13, to insert:

(f) The sums payable under (a) and (c) of this section shall be subject to deduction in accordance with stipulations entered into, or to be entered into, between the United States, the Seneca Nation, and individual Seneca Indians if it is judicially determined that title to any lands or improvements to which such compensation relates is not vested, in whole or in part, in the Seneca Nation or individual Seneca Indians.

On page 7, after line 3, to strike out:

Sec. 4. There is authorized to be appropriated the additional sum of $16,931,000, which shall be deposited in the Treasury of the United States to the credit of the Seneca Nation and which shall draw interest on the principal at the rate of 4 per centum per annum until expended, for assistance designed to improve the economic, social, and educational conditions of enrolled members of the Seneca Nation, including, but not limited to, the following purposes:

(a) agricultural, commercial, and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations;

(b) industrial development on the Seneca reservations or within fifty miles of any exterior boundary of said reservations;

(c) relocation and resettlement, including the construction of roads, utilities, sanitation facilities, houses, and related structures;

(d) the construction and maintenance of community buildings and other community facilities;

(c) an educational fund for scholarship loans and grants, vocational training, and counseling services;

(f) the acquisition of lands either within or contiguous to the Allegany Reservation, as authorized under section 13 of this Act; and

(g) a resurvey of the boundaries of the villages established pursuant to the Act of February 19, 1875 (18 Stat. 330), together with a title search to determine the current status and extent of all leases issued by the Seneca Nation therein.

The funds authorized by this section shall be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior: *Provided*, That no part of such funds shall be used for per capita payments.

And in lieu thereof, to insert:

Sec. 4. There is authorized to be appropriated the additional sum of $6,116,550, which shall be deposited in the Treasury of the United States to the credit of the Seneca Nation and which shall draw interest on the principal at the rate of 4 per centum per annum until expended for assistance designed to improve the economic, social, and educational conditions of enrolled members of the Seneca Nation, including the following purposes:

(a) developing and carrying out individual and family plans, including relocation and resettlement and the construction of roads, utilities, sanitation facilities, houses, and related structures:

(b) the construction and maintenance of community buildings and other community facilities; and

(c) industrial and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations.

The funds authorized by this section shall be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior: *Provided*, That no part of such funds shall be used for per capita payments.

On page 15, line 9, after the word "under," to strike out "section 4(f)" and insert "section 4"; in line 14, after the word "industrial," to strike out "development," and insert "development."; in the same line, after the amendment just above stated, to strike out "or contiguous to the Allegany Reservation for recreational or commercial development. Any lands so acquired outside the existing reservation shall become a part of the reservation and have the same legal status as lands within the reservation." and insert "Any lands or interests in lands so acquired shall have the same legal status as other lands within the reservation."; on page 17, line 14, after the word "Federal," to strike out "taxation." and insert "income taxes."; and after line 15, to insert a new section, as follows:

Sec. 18. The tribal council of the Seneca Nation shall submit to the Secretary of the Interior within two years from the date of enactment of this Act, and the Secretary shall within ninety days thereafter submit to the Congress, proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe and its members within a reasonable time after the submission of such proposed legislation.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that certain portions of the report that are relevant to an explanation of the bill be printed in the Record.

There being no objection, the excerpts from the report (No. 969) were ordered to be printed in the Record, as follows:

PURPOSE

The primary purposes of H.R. 1794 are to provide for payments to the Seneca Nation, and its individual members, for certain interests in lands within the Allegany Reservation, N.Y., needed in connection with the Kinzua Dam and Reservoir project, and to authorize a rehabilitation program for the Indians. The committee also considered S. 1836, a companion measure introduced by Senator Javits (for himself and Senators Keating, Scott, Clark, McGovern, Case, and Ervin).

BACKGROUND

Kinzua Dam is under construction by the Corps of Engineers, U.S. Army, on the Allegheny River. Authorization for its construction as one feature of the Ohio River Basin project is contained in the act of June 28, 1938 (52 Stat. 1215, 1217), as amended by the acts of August 18, 1941 (55 Stat. 638), and December 22, 1944 (58 Stat. 889), and first funds for its construction, were made available in the Public Works Appropriation Act, 1958. Present schedules call for partial closure of the dam in June of this year, for total closure in October of this year, and for completion of the entire structure early next year. The estimated cost of the project, exclusive of certain items in the present bill, is $107 million.

The damsite is in Warren County, Pa. The lands to be flooded, permanently or intermittently, total about 21,175 acres. They are in Warren and McKean Counties, Pa., and Cattaraugus County, N.Y. Among the lands in the last-named county which will be affected are approximately 10,200 acres within the Allegany Indian Reservation, 9,100 of which are now dry land and 1,100 of which are within the present river channel. These 10,200 acres are about one-third of the entire acreage within the Allegany Reservation. The remainder of the reservation land includes about 10,000 acres wthin the so-called congressional villages and 2,000 acres in rights-of-way for highways and the like. There will thus be left about 8,500 acres of dry land for permanent and unrestricted use by members of the Seneca Tribe residing on this reservation. According to testimony from the witness for the Corps of Engineers, approximately 5,000 acres of Seneca land within the taking area will be available for use by the Indians for farming, grazing, hunting, and other similar purposes, but not for habitation.

The Seneca Nation has 4,132 enrolled members, of whom about 1,103 reside on the Allegany Reservation, 1,873 on the Cattaraugus Reservation, and the remainder elsewhere. Of the 1,103 on the Allegany Reservation, 482 (making up 127 families) are within the reservoir area. Nearly all of these families will be relocated at two places within the reservation—the Jimersontown site (300 acres) and the Steamburg site (350 acres).

Article III of the treaty of November 11, 1794 (7 Stat. 44), commonly referred to as the Pickering Treaty, after describing "the land of the Seneka nation," went on as follows:

Now, the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneka nation; and the United States will never claim the same, nor disturb the Seneka nation, nor any of the six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

Relying in part on this engagement, the Seneca Nation contested in the courts the authority of the Corps of Engineers to condemn land for and to construct the project. It lost its suits (*United States* v. *21,250 Acres of Land*, 161 F. Supp. 376 (D.C.W.D.N.Y., 1957); *Seneca Nation* v. *Brucker*, 262 F. 2d 27 (C.A.D.C. Cir., 1958), cert. den. 360 U.S. 909 (1959)). A copy of the opinion of the court of appeals in the second of these cases is appended to this report. (See appendix.)

In recognition of these treaty promises, and the precedents established in recent legislative takings of Indian land for dam projects along the Missouri River, H.R. 1794 provides special benefits and programs to the Seneca Nation that are not extended to non-Indian owners of lands required for the Kinzua project.

The bill provides for three categories of payment to the Senecas: (1) That which would be required in any event for the acquisition of interests in land within the Allegany Reservation; (2) that which compensates the Senecas for certain indirect damages not ordinarily compensable in condemnation actions; and (3) that which is to be used for the social and economic advancement of the Nation and its members.

DIRECT DAMAGES

The first of these three items is covered in section 2, subsections (a), (b), and (c), of the bill. It amounts in all, to $1,289,060, plus such additional sum, if any, as the Seneca Nation may recover in court for damages to its sand and gravel resources. This amount is broken into $666,285 for interests in land being acquired by the United States, $522,775 for the taking of permanent improvements on lands within the reservation, and $100,000 for "damages caused by the increased expense of developing or otherwise exploiting the oil and gas subsurface resources retained by the nation."

Contrary to its usual practice, the Corps of Engineers, at the request of the Seneca Nation, is acquiring only flowage easements rather than fee title to lands within the reservoir area. Many of these easements have already been acquired by declaration of taking filed in the U.S. District Court for the Western District of New York. The remainder will be so acquired before the present bill becomes law. Those below elevation 1,292 mean sea level are within the maximum winter flow regulation pool of the reservoir, those below elevation 1,328 are within the maximum summer flow regulation pool, and those between this elevation and elevation 1,365 will, it is estimated, be subject to flooding at frequencies varying from once a year to once every 100 years, depending on their location. Other lands are required for the relocation of rights-of-way which now cross the reservation.

Both the amount of $666,285 which is fixed in the bill for the acquisition of the easements and the amount of $522,775 which is fixed for the permanent improvements were arrived at by negotiation between spokesmen for the Seneca Nation and the Corps of Engineers. The negotiations were conducted after each of the parties had had independent tract-by-tract appraisals made by qualified appraisers.

Although these figures represent compromises, they are acceptable both to the corps and to the nation.

The $100,000 for such increased expense as may occur in developing the oil and gas resources of the nation is likewise a mutually acceptable compromise figure. The existence of such resources was admitted by both parties, but there was disagreement as to their extent and commercial value.

Because of disagreement over the value of sand and gravel, the Seneca Nation has the right to seek additional damages for this resource through judicial proceedings. In the event the nation does pursue the matter successfully in the case of any of the tracts alleged to have significant sand and gravel resources, the Government will be entitled to an offset to the extent that it has already paid for other interests in the surface of the same land. This is provided for in section 3(b) of the bill.

The reason for separating the amount to be paid for the easements from that to be paid for the improvements is that the latter belong to individual members of the nation who have only a use right in the land itself.

INDIRECT DAMAGES

Section 2, subsection (d), of the amended bill provides for the payment of $824,273 for various indirect damages. The nation claimed $1,242,250 for these items; the House-passed bill authorized $1,033,275; the Corps of Engineers recommended $824,273. The reduced dollar amounts for the items within this category are $691,625 for the loss of timber, wildlife products, and the like; $127,050 for certain relocation costs; and $5,598 for the loss of the river bottom (933 acres), the corps valuing this at $6 per acre (the amount allowed in earlier legislative settlements similar to the present one). The amount recommended is a net reduction of $209,002 from the House-passed figure for this item.

The corps disagreed strongly (as it had in earlier cases) with the propriety of charging these indirect costs to the project rather than elsewhere. However, these costs are similar to those which have been allowed by the Congress in earlier cases involving Indian land takings.

REHABILITATION FUNDS

The largest of the items in H.R. 1794 is that for which provision is made in section 4.

This section of the bill, as amended, authorizes a rehabilitation fund for the purpose of improving the economic, social, and educational conditions of the 4,132 enrolled members of the Senaca Nation, not merely the 1,103 members residing on the Allegany Reservation. The sum authorized amounts to $6,116,550. This is a decrease of $10,814,450 in the amount authorized in H.R. 1794 as passed by the House of Representatives.

Among the programs for which this money may be used are individual and family plans, including relocation, resettlement, and education, and the construction of roads, utilities, sanitation facilities, houses, and related structures. It will also provide for the construction of community buildings and industrial and recreational development on the Allegany, Cattaraugus and Oil Springs Reservations.

The funds are to be expended in accordance with the plans and programs approved by the Seneca Nation and the Secretary of the Interior. No part of the funds may be used for per capita payments.

COMMITTEE AMENDMENTS

The committee has adopted several amendments to H.R. 1794. The first major change is in section 2 where the amount authorized for indirect damages has been reduced from $1,033,275 to $824,273. In testimony before the subcommittee, the Seneca Nation and the Corps of Engineers submitted the following estimates in this category:

	Seneca Nation	Corps
Moving and reestablishing a long house, cookhouse, and shed	$8,000	
Acquiring 450 acres of replacement land in the 2 relocation areas	50,000	
Cost of domestic water at the 2 relocation sites	100,000	
(The cost of these facilities has been estimated at $410,000 by the Community Facilities Administration, which has authorized a $306,000 grant; and the city of Salamanca also contributed $10,000.)		
933 acres of river bottom sand and gravel appraised by Empire Appraisals Associates at $100 an acre but by the corps at $6 an acre	93,300	$5,598
(The corps claimed that the riverbed was under a servitude to the Government and, therefore, compensation was unnecessary.)		
Rough site leveling	155,500	
Site planning	2,000	
Staking 1-acre lots	7,775	
Topographical boundary survey	7,000	
Loss of timber, wildlife products, fish, berries, herbs, etc., as set forth in table 19 of our Missouri River Basin report	691,625	691,625
Individual removal costs and loss of earnings	127,050	127,050
(Moving 4 complete sets of farm buildings, $24,520; moving 3 sets of farm machinery, $330; earnings loss of self-employed families, $4,800; wage loss of 102 employed persons, $71,400; moving 130 sets household equipment and furniture, $13,000; moving 130 families and personal property, $13,000.)		
Total	1,242,250	824,273

The amount recommended in the bill, $824,273, corresponds with the corps' estimate. This sum includes $691,625 for loss of timber, wildlife products, fish, herbs, etc.; $127,050 for individual removal costs and loss of earnings; and $5,598 as payments for 933 acres of river bottom at $6 per acre. The total amount recommended contains the same elements provided in other settlements with Indian tribes for intangible damages and retains the same value per acre for river bottom lands. The overall reduction from the House recommended figure is $209,002. Some of the items requested by the Senecas were considered to be double payment and were, therefore, eliminated.

The second major change in H.R. 1794 was made in section 4, pertaining to rehabilitation funds. As passed by the House, this section authorized $16,931,000 for this purpose. The Department of the Interior and the Seneca Nation requested this amount for the following purposes: $8 million for agricultural, commercial, and recreational development; $4,438,000 for industrial development; $1,029,000 for relocation and resettlement; $970,000 for community buildings and facilities; $2,300,000 for an educational fund; and $194,000 for a resurvey of the congressional villages on the reservation.

The committee has reduced the total figure to $6,116,550. On a per capita basis, the almost $17 million recommended by the Department in this section amounts to over $4,000 for every enrolled Seneca Indian.

At the hearing held on March 2, 1964, the committee gave careful consideration to the proposed plan of industrial and recreational development ($12,438,000) supported by the Seneca Tribe and recommended by the Department of the Interior in its report. While there is little doubt that the construction of the facilities desired by the tribe would result in providing numerous employment opportunities and possibly substantial income to the nation, the committee does not believe that projects of this size can be justified on the basis of the loss the Senecas will sustain as a result of the Kinzua Dam. These projects, if approved, would go far beyond rehabilitation benefits given to other Indian tribes in recent years. Some of the developments recommended, such as the industrial park ($4,438,000), would not be constructed on the Allegany Reservation where the Indians are to be flooded out, but on the Cattaragus Reservation, 30 miles distant.

The other main feature contained in the proposed recreation program involves a Williamsburg-type Indian village ($7,110,000), complete with exhibit facilities, motel, swimming pool, amphitheater, etc. It should be pointed out that only 127 Seneca families, involving 482 people, are directly affected by the Kinzua Reservoir, and only 8 individuals are actually making their living from the lands to be flooded. For this reason the committee believes a project of this magnitude is unwarranted. It has been alleged that the geographical area in which the Senecas reside is a depressed one, but if this is the case, it should qualify for assistance under the Area Redevelopment Administration or other Federal aid program. This legislation should not be the vehicle for authorizing Federal grants to improve economic conditions not resulting from the Kinzua Dam and Reservoir project. Also, the committee believes the $2,300,000 sought for educational programs is out of line with previous settlements and that a resurvey of congressional villages, while it may be desirable, has no connection with the taking of land for the Kinzua Reservoir.

In recent years Congress has enacted several statutes to pay tribes and individual Indians along the Missouri River for lands taken in connection with Fort Randall, Oahe, and Big Bend Reservoirs. Tens of thousands of acres set aside for them by treaty have been taken for these projects, and in each case special rehabilitation funds have been made available to aid them in adapting to a new and different way of life. The most generous settlements to date have been made with the Lower Brule and the Crow Creek Tribes of South Dakota. Because two separate and distinct takings were made on these reservations, a rehabilitation program almost double the previous high was paid to the Indians. On a per capita basis those payments amounted to $2,250 for every Indian living on or off the reservation. In the Seneca case, the committee's recommendations amount to a $2,250 payment for the 1,103 Indians residing on the Allegany Reservation. It further recommends the equivalent of a $1,200 payment for the other 3,000 Seneca Indians whether they live on the Cattaraugus Reservation or completely off the reservations. This latter sum is equal to the amount paid the Standing Rock Sioux Tribe in the rehabilitation program authorized under Public Law 85–915.

The committee notes the fact that the per capita income of the Seneca Tribe is substantially higher than that of most Indians residing in the West and that the need for a rehabilitation program in New York is considerably less than in other areas of the country. By authorizing a rehabilitation program as large as any heretofore approved, it is believed that this settlement is a generous one.

Under the substitute language recommended in section 4, the Senecas will be able to construct new homes to relocate those families forced to move from the reservoir area. They will be able to build roads, utilities, community buildings and facilities, and develop industrial and recreational resources on the reservations. They will also be able to formulate plans for economic, social and educational assistance to individuals and families whether living on or off the Allegany Reservation.

A third substantive amendment recommended by the committee adds a new Section 18 to the bill to provide that within 2 years following the date of enactment of H.R. 1794, the tribal council of the Seneca Nation will submit to the Secretary of the Interior proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe within a reasonable time thereafter. Within 90 days after the tribe submits its proposed legislation, the Secretary of the Interior shall submit the proposal to the Congress for its consideration.

In 1948 the Bureau of Indian Affairs closed its office at Salamanca, N.Y., that served the Indians in that area. All the ordinary services provided to other citizens by the State of New York and its subdivisions, such as education, welfare, and law and order, were extended to the Senecas, and there was very little reason for the Bureau of Indian Affairs to retain any local connection with the Nation. In 1953, by the adoption of House Concurrent Resolution 108, Congress declared that—

"At the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of * * * New York * * * should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians."

The resolution also directed the Secretary of the Interior to prepare legislative recommendations to carry out the purposes of the resolution. Subsequently, the Secretary forwarded legislation to Congress, but it failed of enactment.

The passage of H.R. 1794 with a rehabilitation program that would require approval of expenditure of funds by the Secretary will necessitate continued supervision through the Bureau of Indian Affairs. The committee does not believe the Bureau should return to the Seneca Reservation area on a long-term basis in view of the fact that for 16 years these Indians have been recognized as competent and able to handle their own affairs without further Federal assistance. The directive in section 18 requires that the tribe submit a proposed plan for the disposition and use of its land and other assets so that the Federal Government may withdraw from supervision of the tribe altogether at some time in the near future. The tribe's plan and proposed legislation will be the subject of committee hearings before a final program is enacted.

MISCELLANEOUS PROVISIONS

In section 2 the committee has struck the words "difficulty or impossibility" where they appear in connection with developing subsurface resources. It is believed that these terms do not properly describe the purpose for which a portion of the compensation paid to the tribe is being made, and therefore the word "expense" has been substituted.

A new subsection (f) has been added to section 2 at the request of the Corps of Engineers. The purpose and intent of the amendment is spelled out in the letter to the chairman of the Subcommittee on Indian Affairs which is included in this report.

Section 3, subsections (a), (c), and (d), deal with the distribution of moneys received by the nation among individual members who had use rights in the land within the reservoir area, who have improvements on such land, and who have to move to another location. (The sums mentioned in this section are not additional to the sums for which provision is made in sec. 2 but are part of the latter.) If any individual member is dissatisfied with the amount tendered him for his use rights or improvements, opportunity is provided in sections 11 and 12 for him to refuse the tender and to litigate the issue. Appropriate adjustments will then be made in the amount paid the nation under section 2.

The $6,116,550 allowed in section 4 will not be paid over directly to the Seneca Nation immediately upon appropriation. It will, rather, remain in the Treasury to the credit of the nation until expended for purposes approved by the Secretary of the Interior and will, while in the Treasury, draw interest at the rate of 4 percent per annum.

Section 5 provides for the relocation of graves within the taking area. This is a normal expense of constructing any public project where a cemetery has to be moved. This section also provides that the Secretary of the Army will set up a trust fund amounting to $14.40 for each grave for perpetual care. It is estimated that the cost which will be incurred pursuant to this section will amount to about $643,240.

Since the United States is acquiring only easements in the land within the reservoir area the Senecas will, of course, retain all rights not acquired by the Government. This is spelled out in sections 6 and 9 of the bill. Section 9, however, also requires that the nation provide free public access to the shoreline of the reservoir and provides that any use by the public of its water area shall be subject to regulations prescribed by the Secretary of the Army. Section 6, which deals with minerals, requires that any exploration for or development of minerals within the taking area shall be consistent with the protection and operation of the project and with the interests in land which the United States acquires for project purposes. The Senecas' interest in the lands within the reservoir area is further emphasized by the reverter provisions of section 15.

The Senecas will, under section 7, be permitted to occupy the land being acquired by the Government until January 1, 1965, or such earlier date as reservoir requirements necessitate. During this period they may, under section 8, continue to harvest their crops, remove timber, mine sand and gravel, and salvage improvements. The value of these items will not be deducted from the compensation paid them.

Section 10 authorizes the appropriation of not more than $250,000 to reimburse the Seneca Nation for expenses which it has incurred in connection with the Allegheny Reservoir project. Attorney fees will be paid under a contract approved by the Secretary of the Interior.

Section 13 of the bill as passed by the House authorized the Secretary of the Interior to use funds provided in section 4 to purchase or acquire through condemnation lands within or outside the Allegany Reservation for certain tribal purposes. The committee has amended this section to restrict the authority to acquire lands that are within the reservation.

Provision is made that the moneys paid to the nation or to individual members of the nation shall be exempt from income taxes (sec. 17); that they shall not, with certain exceptions, be subject to prior debts, liens, or claims (sec. 3(d)); and that none of the expenditures of the United States under the act shall be considered by way of offset or counterclaim in any claim of the Senecas agasinst the Government except claims arising out of the taking of interests in land for the Kinzua project (sec. 15).

The title of the bill has been changed to reflect that the purpose of the legislation is to provide payments for certain interests in lands rather than to authorize the aquisition of flowage easements and rights-of-way within the Allegany Reservation.

TOTAL COST

It is estimated that the total amount involved in H.R. 1794, as amended, is about $9,126,550. A portion of this amount—particularly that for direct damages as described above—is already available from appropriations made to the Corps of Engineers for construction of the Allegheny Reservoir project. The costs of administering that portion of the bill which concerns the Bureau of Indian Affairs will be borne by appropriations made to that agency. It is expected that these costs will be held to a minimum.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I do not object to this procedure. I wish the RECORD to show, however, that, as a member of the committee, I disagree with the text by which the bill was reported to the Senate. I withhold any personal opposition because the Members of the Senate primarily interested in solving a longstanding problem and interested in endeavoring to do justice to the Seneca Indian Tribe desire to have the bill proceed to conference. Under the circumstances, I wish the RECORD to show my own position.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes."

Mr. JAVITS. Mr. President, the Senator from California [Mr. KUCHEL] is very gracious in allowing the Senate to consider this bill. My colleague [Mr. KEATING] and I have consulted with those who have the deepest interest in this matter—the Seneca Indian Nation through their president, George Heron.

There are certain points to which I should like to direct the attention of the conferees. These deal with matters which I believe the Senator from California has in mind.

However, the Senator from Idaho [Mr. CHURCH] who has handled the bill for the committee, is absent today. He felt that if the bill were passed by unanimous consent, detailed comments on specific aspects of the bill await the presence of those who have been closely connected with the bill.

So in deference to the Senator, I shall not comment in detail at this time, except to reserve the right at a later time this week to make some points with respect to conference to be held on the bill.

In the meantime, I ask unanimous consent to have a brief memorandum printed in the RECORD. We shall be sure to clear the memorandum with the office of the Senator from Idaho [Mr. CHURCH], so as to insure that this statement is in the spirit of assurances given to the Senator, because we most earnestly wish to keep our faith with him.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

On February 7, 1964, the House of Representatives passed H.R. 1794 by voice vote. The House-passed bill provided for compensation and rehabilitation funds in the amount of $20 million. The bill, reported by the Senate Interior Committee, includes a reduced amount of $9.1 million.

The committee also added an amendment to the House-passed bill which would require the Tribal Council of the Seneca Nation to submit to the Secretary of the Interior within 2 years from the date of enactment of this legislation for the Secretary's transmittal to the Congress within 90 days, proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe and its members within a reasonable time after the submission of such proposed legislation.

As I have stated previously, I do not believe the reduction of funds or the addition of this amendment are in the best interests of the Seneca Nation. However, in view of the absence from the floor today of the chairman of the Indian Affairs Subcommittee, who has provided committee leadership on this measure, those who intended to comment on H.R. 1794 have been assured that they will have an opportunity later this week to express their views on this bill in the presence of the subcommittee chairman.

In view of the immediate need of the Seneca Nation for these funds because of the relocation requirements resulting from the scheduled October 1, 1964, completion of the Kinzua Dam, I believe this bill must be acted upon as promptly as possible. It is because prompt action is so important to the planning of the Seneca Nation that I favor passage of H.R. 1794 today.

Mr. KEATING. Mr. President, my colleague has correctly stated the arrangement we have made. So I shall also reserve comment until later in the week, when the Senator from Idaho [Mr. CHURCH] will be able to be present.

I express the hope that the House version will prevail in the conference. However, the expression of reasons for that will, under our agreement, come at a later time.

Mr. SCOTT. Mr. President, the Senate Interior Committee has cut by 64 percent House authorized funds (H.R. 1794) to provide compensation to the Seneca Indians for their lands which are to be flooded because of construction of the Allegheny River Dam at Kinzua, Pa.

This deplorable action was taken despite the fact that the Senecas' claim to these lands was embodied in a personal promise of George Washington and sanctified by one of our oldest treaties.

If these people were citizens of some far-off, "underdeveloped" nation, instead of being among the very first Americans, I have no doubt that their cries of injustice would be echoed and thundered all across the United States. But the Senecas have no such advantage.

And, unlike many countries which have been sustained by our wealth, they cannot threaten Washington with the possibility of accepting Soviet aid.

As a cosponsor of S. 1836, which is similar to the House bill, I deplore the fact that the full amount required to carry out the purposes of the legislation is not now available.

Throughout my years in the House and Senate I have striven for economy in Government. But this cutting action is not economy, it is penury at the expense of a minority of Americans who do not have the financial means to fight back.

Mr. JAVITS. Mr. President, I move that the vote by which House bill 1794 was passed be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

SOVIETS THREATEN ALL AMERICANS

Mr. KEATING. Mr. President, the Brooklyn Chapter of the Jewish War Veterans has recently issued a warning that should be carefully reviewed.

County Comdr. Melvin M. Hurwitz points to the continued instances of anti-Semitism and religious persecution in the U.S.S.R. as a subject for serious consideration by the people of the United States.

He also warns that the Soviet buildup of merchant ships may become an increasingly serious threat to the U.S. merchant marine and our already depressed shipyards.

Mr. President, I ask unanimous consent to have printed following my remarks in the RECORD the text of the statement of Mr. Hurwitz.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SOVIETS THREATEN ALL AMERICANS

The Jewish War Veterans of Kings County, under the leadership of Melvin M. Hurwitz, county commander, wishes to direct the public's attention to the Soviet economic threat to the world, as well as to their restrictions on religious life as it relates to the Soviet Jew.

Our State Department has suggested that serious thought be given to a "united appeal of private religious organizations representing worldwide Jewry and, if possible, other religious groups, in an effort to ease restrictions placed upon Soviet Jewry by the Moscow government. Reports of death sentences imposed in a secret Moscow trial against a number of persons charged with economic crimes, seven of them Jews, indicated again that the world must know that the American public protests these barbarous acts."

We must be aware that the Soviet Union is actively engaged in a major economic war with the United States at this very moment. Vice Adm. Roy A. Gano, commander of the Military Sea Transportation Service, stated recently that the Soviet Union has presently on order in shipbuilding yards throughout the world, a total of 370 merchant ships, as compared with the United States, who has 45 ships on order. Part of this fleet will be assigned to trade routes fo[illegible]e specific purpose of keeping freight rat[illegible]normally depressed. This will be done in [illegible]expectation that most of the established [illegible]mon carriers will curtail their operations, t[illegible]eby giving the Soviet Union an advantage [illegible]d possibly causing economic deprivatio[illegible]n our country.

Commander Hurwitz urges the public to consider the daily Soviet threats as a problem for serious consideration.

NEW YORK RESOLUTIONS IN FAVOR OF CIVIL RIGHTS

Mr. KEATING. Mr. President, as the Senate begins the debate on H.R. 7152, the civil rights bill of 1963, I offer two resolutions in favor of the bill—one passed by the New York State Legislature, and one by the Common Council of the City of Syracuse. I ask that they be printed in full at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 58

Concurrent resolution of the Senate and Assembly of the State of New York memorializing Congress to enact civil rights legislation

Whereas the guarantees of civil rights and human dignity pledged in the Declaration of Independence and Constitution of the United States have been violated and subverted by practices of racial discrimination and segregation which now exist in many areas of this Nation; and

Whereas the continuation of such discrimination and segregation violates the citizen rights of individual Americans, threatens our domestic tranquillity, impairs our Nation's economic growth, damages the foreign policies of the United States and, if not eliminated, will weaken this country as a leader of the free world; and

Whereas the laws of the State of New York have broken ground in the civil rights field, demonstrating to the States and Federal Government the beneficent social and economic consequences of implementing the moral commitments made in the Declaration of Independence and Constitution; and

Whereas there is now pending in the Congress legislation which will provide the Federal Government with needed legal instruments for pursuing its declared national goal of eliminating racial discrimination and segregation: Therefore be it

Resolved (if the senate concur), That the Congress of the United States be, and hereby is, memorialized to enact forthwith the civil rights and antidiscrimination legislation now pending before it; and be it further

Resolved (if the senate concur), That each Member of the Congress from the State of New York be urged to support and vote for the civil rights legislation, including provisions guaranteeing an end to discrimination in the use of public accommodations and in the exercise of voting rights; and be it further

Resolved (if the senate concur), That the New York delegation to the Congress commit its support to accelerating the movement of this legislation from committee to the floor for immediate action; and be it further

Resolved (if the senate concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy to the clerk of the Senate, one copy to the Clerk of the House of Representatives and one copy to each Member of Congress from the State of New York.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SYRACUSE

Whereas the State of New York has always been a leader in measures to bring equal rights to all citizens; and

Whereas it is now recognized that civil rights constitutes a problem of nationwide scope; and

Whereas there is now before the U.S. Senate legislation designed to bring equality to all citizens in respect to voting rights, public accommodations and other fields; and

Whereas a strong civil rights bill has been passed by an overwhelming vote of the House of Representatives; and

Whereas Congressmen from this district voted for the passage of said bill in its final form; and

Whereas both the New York State Assembly and the Onondaga County Board of Supervisors have urged our Representatives in the Congress to support such legislation; and

Whereas many citizens of Syracuse are rightly concerned that the said legislation be enacted into law: Now, therefore, be it

Resolved, That this common council hereby requests the U.S. Senators from this State to support the prompt enactment of the civil rights bill as passed by the House of Representatives; and be it further

Resolved, That copies of this resolution be sent immediately to the Senators from this State; and be it further

Resolved, That certified copies of this resolution be forwarded to the majority leader of the Senate and to the floor leader of the Senate.

FLORIDA ANTI-CIVIL-RIGHTS CAMPAIGN

Mr. KEATING. Mr. President, a number of times in the past few weeks, I have had occasion to discuss the activities of the Coordinating Committee for Fundamental American Freedoms and the Mississippi State Sovereignty Commission.

It has now come to my attention, that a similar semiofficial organization is operating in the State of Florida. A State commission, with offices in the capital, has been collecting funds for a private group dedicated to opposing the Federal civil rights bill. George Prentice, executive director of the Florida Commission on Constitutional Government, was quoted in a Miami Herald article as conceding that his agency had received and passed on $10,000 to the Florida Committee for Fundamental Freedoms. Prentice also admitted that the Committee for Fundamental American Freedoms had sent out letters on State stationery appealing for funds.

An appeal for funds for this organization was received in Miami in an envelope bearing the return address: "Speakers Office, House of Representatives, Tallahassee, Fla." The enclosure states that contributions will pay for "newspaper columns and editorials weekly for 16 weeks, full page advertisements in 50 newspapers, direct mailings to doctors, lawyers, chambers of commerce, and other specified groups."

What caught my eye immediately, however, was the notation that "any and all moneys to be donated are tax deductible." Since Florida has no State income tax, I called the Internal Revenue Service, which keeps a current listing of all organizations which are entitled to claim tax deductibility for donations. The Florida Commission on Constitutional Government is not on that list. Neither is the Coordinating Committee for Fundamental American Freedoms.

Mr. President, I want to emphasize that I do not object to any group's lobbying either for or against this bill. Nor do I dispute the right of any individual to criticize what it contains—as long as he has the facts straight—or to contribute to any organization which represents his viewpoint. But I do object to distortion of facts, I do object to false and misleading claims of tax exemption, and I do object when an arm of a State government solicits funds—to be used either for or against the civil rights bill—for this campaign.

NEW YORK CITY SCHOOL INTEGRATION

Mr. JAVITS. Mr. President, in accordance with the practice I have instituted of placing in the RECORD materials describing the efforts being made by various levels of government in New York City to provide a fair and reasonable solution to racial imbalance in the schools, I ask unanimous consent that a policy statement of the New York City Board of Education, originally adopted in 1954, and reaffirmed in 1963, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

POLICY ON INTEGRATION OF BOARD OF EDUCATION OF THE CITY OF NEW YORK

BOARD OF EDUCATION
OF THE CITY OF NEW YORK,
Brooklyn, N.Y., October 1, 1963.

DEAR COLLEAGUE: The introduction of the board of education's plan for integration, published on August 23, 1963, includes the following statement:

"The professional staff of the school system commits itself to pursue vigorously the unequivocal integration policy established by the board of education."

I said this for you this summer because I believed you would want me to say it. I feel also that you would like to have your own personal copy of the board's policy statement for your continued guidance. It's a pleasure to send it to you along with this note.

Sincerely,

CALVIN E. GROSS.

RESPONSIBILITY OF THE SCHOOLS IN INTEGRATION: A REAFFIRMATION OF POLICY ORIGINALLY ADOPTED IN 1954

It has been said, correctly, that the schools alone cannot eliminate prejudice, discrimination, and segregation. It is equally true that this task will not be accomplished with less than an all-out effort of the schools.

Our schools must not be neutral in the struggle of society to better itself. We must not overlook the harmful effects of discrimination on the education of all children. Moreover, within the limits of our control, we must not acquiesce in the undemocratic school patterns which are a concomitant of segregated housing. Furthermore, we must continue our policy of not tolerating racial or religious prejudice on the part of any member of our staffs. If education is to fulfill its responsibility, it must recognize that the school world has a significant influence on each child's attitudes and affects the future of democracy.

To further its integration policy, the school system has responsibilities to its pupils and personnel and to the communities.

1. For pupils: We must seek ways to give every child an optimum opportunity for fulfillment and success:

(a) Our school system must vigorously employ every means at its disposal to desegregate schools and classrooms and to bring about true integration as soon as possible.

(b) We must continue to develop educational programs which prepare all pupils to live constructively in a pluralistic society.

(c) We must provide whatever services and materials are essential to meet the special educational needs of those pupils whose progress has been impaired by an accumulation of the ills of discrimination. Simultaneously we must lift the goals of those whose environment has kept their aspirational levels at a low plane.

2. For school personnel: We must develop personnel practices which will maximize the success of the integration program:

(a) We must provide appropriate education and training for school personnel so that every staff member may gain an appreciation of the strengths inherent in the variety of backgrounds that compose our total population.

(b) In recognition of the value to the children of association with professionals of different backgrounds, our staffing procedures must provide for better ethnic heterogeneity in school faculties.

(c) It is essential that capable and experienced teachers and supervisors be distributed in accordance with educational needs.

3. With communities: We must work closely and cooperatively with communities:

(a) We must support the efforts of those communities which are struggling to overcome past frustration and failure and to surmount present deprivation.

(b) We consider it our obligation to help develop the kind of community attitudes which will help in the implementation of the integration policies of the city public schools.

Mr. JAVITS. Mr. President, readers of the daily press will have noted a renewed effort by groups in New York City who had previously sponsored the school boycott—or, at least, one of them—to get together and to present a front of unity with respect to the pending revision of the recent plan of the board of education for the correction of racial imbalance in the schools. I am very hopeful—and I here express that hope—that the board of education of the city of New York will realize that, whether it likes it or not, it has become a part of the entire national effort with respect to the public schools and the racial composition of individual public schools. I have supported the general outlines of the plan of the New York City Board of Education as being a sound one; and I have welcomed the fact that the New York City Board of Education has acted on its own, and has not had to be stimulated by court action. Indeed, I believe that it did not need to be stimulated by boycotts. The board of education has a great deal at stake in connection with this matter, because probably it embodies the fundamental difference between what is going on in certain parts of the country; namely, in the South—where the social order is segregation and where there is constant opposition to desegregation of the public schools, and where that development is proceeding at a snail's pace under court orders, as compared with the progress being made in New York, where the whole climate and the people are in favor of correcting racial imbalance in schools and in housing patterns which underlie the imbalance in the schools.

The New York City Board of Education is proceeding along three lines:

First. It is bussing children to schools of their choice which are under utilized.

Second. It is proposing to redraw school district lines, in order to obtain a better racial balance of the schools which serve those districts.

Third. It is proposing utilization of the Princeton plan—the plan to pair adjacent schools so as to concentrate certain grades in one school and certain other grades in the other school—which may involve a modest amount of expenditure for transporting children by bus, in order to bring about the highly desirable result of a racial balance, insofar as we can achieve it, in our schools, without undue strain or inconvenience or injustice to the parents or to the children concerned.

These are eminently fair principles; and I am sure the New York City Board of Education will proceed with them, although it will listen—and properly so—to the views of those who would have it engage in compulsory bussing on a wide scale, and also will listen to those who favor no bussing at all and favor leaving the situation exactly as it is.

Certainly the educational aspects are the most important, in terms of the molding of our society; and I hope the New York City Board of Education will stick closely to those plans, in consultation with our State educational authorities, who, I believe, are very expert and have very sound views on this subject. I hope very much that the New York City Board of Education, having educational standards as its prime concern, will proceed without fear, because I deeply believe that the overwhelming majority of our people back it in a fair effort to resolve our problems, which are special ones which apply particularly to the North, as distinguished from the social order of segregation, to which those who are decades behind the times, are trying to adhere in the South.

We can take great pride in what the Board of Education of New York City has already accomplished. I very much wish to see it continue as a leader and an example in this field.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

ONE HUNDREDTH ANNIVERSARY OF THE ELGIN WATCH CO.

Mr. DIRKSEN. Mr. President, in the peaceful Fox River Valley of northeastern Illinois is located the city of Elgin. The city is industrial, it has a population in excess of 50,000 people, and is the hub of a substantial and progressive agricultural area.

Just a year before the end of the Civil War and the assassination of Abraham Lincoln, some imaginative, skilled and redoubtable persons established the Elgin Watch Co. For a century, it has been the pride and joy of our citizenry, because it was one of two companies in the State which produced watches and other jeweled instruments which brought to and kept in our State so many skilled and competent craftsmen and provided stable and well-paying jobs.

But Elgin is the first watch company to remain in continuous and active existence for a century and this year it observes the 100th anniversary of its founding.

The watch and clock industry generally has been sharply affected by the unduly liberal tariff policies of this country and it has been no easy task for Elgin to continue and go forward. But the skills of its craftsmen and the imagination and aggressiveness of its management has made it possible in the face of intense competition for watchmakers abroad to channel and devote the skills and competence of its people to precision and timing devices for the Nation's defense and security.

Not only has Elgin made significant contributions to the victory effort of this country in two world conflicts but to the achievement of our goals in the space race as well. The company's research and development work on precision timing devices for the Apollo project is an example of what it has been doing in the national interest.

There was a time when Elgin watch was recognized as the leading timepiece in the railroad industry, where accurate timing was highly important. Today the Elgin effort is indispensable to success in the Nation's space program.

Elgin's achievements do not quite stop there. Its products today include not only high-quality watches and clocks, but also radios, diamond rings, wedding bands and impressive products and systems for industry. Thus has this company throughout the century enriched virtually every facet of American life.

Its 100th anniversary as a continuously operating industrial enterprise is truly a testimony to the stamina and vitality of its management, the fidelity of its craftsmen, and devotion to the ideal of quality products.

It may be that in some future day there will come to authority in this land those who will be as devoted to the ideal of preserving the existence, the skills, and the importance of this industry as they are to opening our doors to the intensely competitive products of other lands where lower living standards, lower wages, and subsidized aid from their governments make it unreasonably difficult for our own domestic industries to carry on. May that day be at hand before too long. Meanwhile, congratulations and a vigorous salute to Elgin Watch Co., its management, and its employees.

THE ILLINOIS SYMPHONY ORCHESTRA AT CARACAS, VENEZUELA

Mr. DIRKSEN. Mr. President, the University of Illinois Symphony Orchestra presented a concert in the Great Hall of Central University at Caracas, Venezuela this month and had an enthusiastic audience of 3,700 in a hall which contains only 3,500 seats. This is the same university where Mr. Teodoro Moscoso, who heads up the Alliance for Progress had his automobile overturned and burned just 2 years ago. When the orchestra concluded with the "Stars and Stripes Forever" it received a rousing standing ovation.

The account of this concert which appeared in El Nacional in Caracas, on March 6, 1964, is, therefore, revealing and I believe merits a wider distribution through the CONGRESSIONAL RECORD.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From El Nacional, Caracas, Venezuela, Mar. 6, 1964]

THE UNIVERSITY OF ILLINOIS SYMPHONY ORCHESTRA

For the first time in our history, we have in our midst a student symphony orchestra on a mission of artistic rapprochement, sowing, by its example of achievement, the seeds of culture in these southern lands. In truth, a magnificent example, not only for our students of music but also for our institutions and men of wealth who could bring about through their permanent and effective interest a similar organization in this country. The University of Illinois Symphony Orchestra, on the basis of such assistance has, in a comparatively short time, attained its present stature. Without such aid this could hardly have been realized.

In the two concerts which this young group has thus far performed, the first in the Grand Hall of Central University and the second in the outdoor amphitheater in Bello Monte, we have admired without reservation not only the works presented but the whole of the organization. Only a profound love of music and an enduring and iron discipline could bring about such extraordinary results in the few years of existence of the University of Illinois Symphony Orchestra. Polish, precision, clearness of tone, magnificent unison in the blending of the notes of the various instruments, accomplished with no forced effort, rendition from the almost inaudible pianissimo to fierce, strident cacaphony; all these add many other qualities of a great orchestra we felt present and alive as something organic, yet artistic, in the University of Illinois Symphony Orchestra under the baton of its conductor, Bernard M. Goodman, every inch a master, every inch a musician—in one word, a complete artist in the execution of his forte. And in reality, not only to him but to members of the group must go plaudits for their playing of some of the most difficult and complicated of instruments; to the oboeist, Benjamin Woodruff, to the tubaist, David Keuhn. And as for Robert Ward who played to piano solo in the Concerto For Piano and Orchestra by Samuel Barber, his execution demonstrated sensibility and a dynamic assurance as the principal in the performance.

We salute the youth of this great group of students who make up the University of Illinois Symphony Orchestra—we salute the marvelous youth of this great group of instrumentalists in their artistic peregrinations through these Nations of the other America.

ISRAEL PEFIA.

JOHN A. SHELEY, ILLINOIS PUBLISHER, ON NEWS RELEASES

Mr. DIRKSEN. Mr. President, Illinois has many fine daily and weekly newspapers. In this respect we are extremely fortunate. One young editor and publisher in southern Illinois who is providing an outstanding newspaper for his readers is John A. Sheley, publisher of the Democrat at Pinckneyville, Ill. That he is not at all content with press releases is best illustrated by his recent analysis of a news release on medicare.

Mr. Sheley's fine sense of understanding of our youths of today is demonstrated by his comments on what would have been a tragedy but for the quick and courageous action of a brave young Pinckneyville youth, Bill Ware.

Mr. President, I commend this able editor and I salute the bravery and courage of Bill Ware.

I trust that my esteemed friend the Senator from Minnesota [Mr. HUMPHREY], when he hears the name of the newspaper, will not think that the publisher has suddenly become a great and aggressive propaganda instrument for the New Frontier, because I am pretty sure that Mr. Sheley, a redoubtable young man, has his feet on the ground and looks through conservative spectacles.

I ask unanimous consent that the articles from the Democrat to which I have referred be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Pinckneyville (Ill.) Democrat]

JOHNSON'S HEALTH CARE FOR ELDERLY MORE TAX GRAB

President Johnson's health message is a remarkable document of inconsistency and misinformation on health care for the elderly.

Mr. Johnson declares that elderly Americans should not be subjected to a test of need for tax-paid medical care, but at the same time he urges all States to enact adequate Kerr-Mills medical aid for the aged programs. Eligibility for Kerr-Mills benefits is based on need.

Mr. Johnson declares that private health insurance usually costs more than the average retired couple can afford. But more than 60 percent of the entire population 65 and over is protected with health insurance.

Mr. Johnson calls upon all the States to provide adequate programs of assistance under the Kerr-Mills law. Adequate programs under the Kerr-Mills law provide hospitalization as well as physicians' services for elderly Americans who need help. But Mr. Johnson wants another program of hospitalization financed by increased social security taxes which would be available to everyone over 65, the wealthy included.

Mr. Johnson claims that the average worker would pay no more than $1 a month to pay for this program of hospitalization for the elderly. But the average industrial wage in this country is more than $100 a week, and the tax increase proposed by Mr. Johnson would cost the $100-a-week worker $27.50, not $12. Employers would pay an additional $27.50 for a total payroll tax increase of $55 on every $100 in wages. And that would be only the beginning.

Why should everyone over 65 get hospitalization at the expense of wage earners just because a few need help? Why should the workers of America be forced to pay higher taxes for hospitalization for everyone over 65, many of whom are wealthy, and millions of whom have health insurance, just because they've had a birthday?

Voters are urged to contact Representative KENNETH J. GRAY, Senator EVERETT M. DIRKSEN, and Senator PAUL DOUGLAS.

Mr. Johnson describes social seecurity financed hospitalization as a program in which the employees would contribute during their working years so they could receive benefits when they get old. But the U.S. Supreme Court has declared in major decisions that social security is a tax program in which people already retired receive support from taxes on the working people and their employers. In the case of medicare, some 18 million elderly would receive more than $35 billion in benefits during their lifetime at taxpayers' expense, and they would have paid nothing for these benefits.

Mr. Johnson calls for a payroll tax increase of one-half of 1 percent, with one-fourth of 1 percent to be paid by the employee and an equal amount by the employer and the tax applied to a $400 increase in the taxable wage base. But a study by Robert J. Myers, chief actuary of the Social Security Administration, has demonstrated that in a dynamic economy that tax increase would not be sufficient to finance this program for more than 3 years.

[From the Pinckneyville (Ill.) Democrat]

FOUR-YEAR-OLD BOY WITH CLOTHES ON FIRE SAVED WHEN BILL WARE CATCHES HIM, SMOTHERS FLAMES WITH HIS BODY

He doesn't remember where he read how to do it, or if he read it at all but when Bill Ware saw little 4-year-old David Templeton running down the alley, his burning clothes turning him into a human torch, Bill caught him, threw him on the ground, smothering the rapidly burning clothes. The attending physician, when questioned by the Democrat, flatly stated that had the horrified little boy not been stopped by Ware, had kept running a bit longer, the degree of burns would have been fatal.

The whole terrible tragedy happened last Thursday evening. David and two other small boys were playing near a fire barrel in the alley behind the home of David's parents, Mr. and Mrs. Robert L. Templeton of Penina Street. To date the youngsters are not sure just what happened. But suddenly David's clothes were on fire. His two companions, even at their young age, immediately tried to put out the fire with sticks they were carrying. At this time Bill Ware, 16-year-old son of Mr. and Mrs. Nevins Ware was coming home from PCHS and turned into the alley, a short cut to the family's back door. Ware saw the other boys hitting at David and supposed they were engaged in boy fun. But a few steps closer and David broke from the two helpers and started running toward his home which was in the same direction of approaching Bill Ware. Ware said as soon as the little fellow started running he could see the boy's body was engulfed in flames. The running fanned the flames higher. At this point Ware bolted toward David, caught him, threw him on the ground and smothered the flames with his own body. Ware remembers spreading out his car coat on both sides to completely envelope the boy's flames as Bill laid on him. By the time Ware had caught the little boy flames had burned through his car coat, jacket, shirt, blue jeans, and underwear.

As soon as he had the flames out Ware picked up little David and carried him to his parent's home. David's mother saw Ware carrying the boy to the back door. Inside Bill held the little fellow while David's mother called the hospital and told them she was coming in with the injured boy. The mother said David, in shock now, cried little while going to the hospital but as waves of pain hit he cried out briefly.

At the hospital emergency treatment was given. A dangerously deep third degree burn the size of an adults hand was found on the chest. There were many second degree burns on the abdomen and front of David's torso, many very deep. His right arm was also burned. His face was not.

David's father was working the second shift at Decca Records. He was called to the hospital.

Today young Templeton seems to be well on the road to recovery though it may be several weeks before he goes home. His mother reports he has regained his appetite and is able to move about more each day. He can have visitors. Cards and gifts are pouring in. The nurses have David's bed right near their desk so the little fellow can get fast immediate attention.

After Mrs. Templeton took David to the hospital Bill Ware found himself with two very frightened boys on his hands. He told David's older brother to sit in a chair and watch TV until his mother returned. He took the other youngster next door to Mrs. Robert Huff. Bill then went home. When his parents came home he greeted them with the fact that he had burned his clothes and right hand. Little by little Bill's father and mother pieced together the story of what their youngster had done.

(Editor's Note.—There are many "ifs" in this case. When one thinks of all the possibilities that existed, of the chances of Bill Ware not walking down that alley at that particular time, what would have happened to little Dave Templeton? What if Ware had arrived several minutes earlier and had gone on into the house; what if he had arrived 1 minute later. Would little Dave have "run to his death?" The doctor said definitely yes. What if a train had been across the tracks when Ware got there, just a block from home? What caused Ware to take this human torch in his own hands and throw aside all thought of his own safety, his own body? What if he had decided to run to a phone, or call for help at a nearby home? The odds for a wrong move were numerous but this youngster did the one and only right thing there was to do at this particular moment.

(Today's headlines are generous with the misdeeds of teenagers. Stories of this type are not often. But it proves that for the most part when the fire starts the average American teenager will jump in head first to put out that fire.

(To some young people in his generation Bill Ware is not too well known. He hasn't been a hero in winning any games. He can't be seen at night hanging around the popular places. He is very active in youth work in his church, studies hard and doesn't get his dad's car. He is often seen, but not heard after school in the local P. N. Hirsch store which his father manages. But to adults this young man is everything complimentary. His teachers have no trouble with him nor do his parents. And you can be sure that to little David Templeton, Dave's parents and most of Pinckneyville, Bill Ware now looks to be about 10 feet tall and as Cassius Clay says, "the greatest.")

CIVIL RIGHTS

Mr. **HOLLAND**. Mr. President, at the request of the Tampa, Fla., Tribune, one of the great newspapers of the State I represent in part, I prepared a statement which outlines my position on the civil rights bill pending presently before the Senate, which the Tribune published in its Sunday edition of yesterday, March 29, 1964. As this article summarizes my position on this matter, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Tampa (Fla.) Tribune,
Mar. 29, 1964]

Senator Holland Says: "Highly Coercive Nature Dooms Civil Rights Bill"

(Editor's Note.—At the request of the Tribune, U.S. Senator Spessard L. Holland, of Florida, here outlines his position on the civil rights bill.)

I am glad to have this opportunity to comment upon my reasons for opposing the civil rights bill which is presently the subject of lengthy debate in the U.S. Senate.

It is obvious to those who are familiar with my voting record in the Senate, and earlier, in the State senate, that my position on this matter has never been extreme. Back in 1937 I was among the majority in the State senate who supported through to passage legislation eliminating the payment of a poll tax as a prerequisite for voting. I have always believed that use of the ballot was the right as well as the privilege of every citizen, and that there should be no monetary price levied upon its use by those qualified to vote.

For nearly 14 years in the U.S. Senate I repeatedly introduced, often with relatively little support, the so-called Holland amendment which eliminated the poll tax as a requirement for voting for elected Federal officials. This was finally approved by Congress in 1962 and was adopted as the 24th amendment to the Federal Constitution early this year following its ratification by the required 38 States.

There are several sections of the civil rights bill presently under consideration in the Senate which I would wholeheartedly support if they were introduced as separate pieces of legislation. Among these are the provisions for accelerating the programs of vocational education and on-the-job training. These provisions are positive and are needed, for they strike at the root of the problem. I would support, too, the creation of local mediation boards for the purpose of aiding communities in the equitable resolution of biracial problems.

Unfortunately, the omnibus approach which has been taken in the current bill precludes my supporting its good features for, overall, I believe it to be bad legislation which cannot accomplish the laudable objectives attributed to it by its sponsors.

My principal objections to the bill focus upon those portions which deal with the establishment of a Federal FEPC law, compulsory school desegregation, so-called public accommodations, and the withholding of federally appropriated funds from States and lesser units of government. In my opinion, each of these sections represents a "meat ax" approach to the problem, and I consider all of them unconstitutional, unwise, and punitive.

The FEPC provision would deprive employers of the essential right to select their own employees. I think the right of every American to pick his own employees or for workingmen to have a choice as to fellow workers in their unions is an essential part of American freedom. Should the Federal Government attempt to use such sweeping power to control employment practices throughout the Nation by an army of enforcement officials, we would come close to being a "police" state.

Title IV of the bill, relating to public education, contains bad provisions. Through open-end authorization of appropriations it would give the Federal Government a blank check which could cause billions of dollars to be spent for the avowed purpose of bringing about integration in school facilities throughout the Nation. No ceiling is placed upon expenditures, and these sums could be used for the purpose of accomplishing compulsory integration in schools which are not integrated, and where the citizens who are most interested may not desire integration.

The same section would give the Attorney General unbridled authority to use the injunctive process in his sole discretion, coupled with the right of utilizing criminal contempt proceedings without jury trial. I strongly object to this as a dangerous departure. Use of the injunction is, of course, the most arbitrary way to proceed in public affairs—and this proposal is the most arbitrary use of that power in a delicate area. In the 1960 civil rights debates opponents of the bill were able to defeat three similar attempts in this area. I feel it imperative that we again thwart those who would thus confer too much power upon any Attorney General and deprive citizens of their constitutional right of jury trial.

Personal experience, together with the impartial research of educational associations leads me to the belief that what the Negro youngsters of America and their parents need and want, and what most of them would gladly accept, is better schools rather than integrated schools.

This same research, supported by statistics compiled by three highly regarded governmental institutions—the Bureau of the Census, the Office of Education, and the Library of Congress—also clearly demonstrates that the Negro student and the Negro teacher in America have far greater opportunities in the States where segregation in education has prevailed for many years than in the other States.

The public accommodations aspect of the bill was most adequately defined by my friend and colleague, Senator Richard Russell, of Georgia, when he stated that it "levels an all but mortal blow at the right of a man who owns property to decide how that property shall be used." This section deprives an individual, who by his own efforts has amassed the capital to establish a business enterprise, from deciding whom he shall serve. The bill before the Senate would require such a businessman to accept any patron who presented himself, regardless of the mores of the community upon which the businessman must depend for good will and economic survival, and regardless of the personal desires of the proprietor. The recently widely publicized account of the difficulties encountered by a fine restaurant in Atlanta (Leb's) graphically illustrates the unfairness of such a requirement. A Federal edict stripping a businessman of the right of selection of his clientele is tyranny, not equality.

Still another requirement of the proposed law which I feel to be unconstitutional, is that which would permit the Federal Government to withhold appropriated funds from States and communities which are not totally integrated. This deprivation would affect, among many others, hospital and school facilities despite the fact that the funds appropriated accrue from taxes levied against all Americans.

I believe that the civil rights bill, even if enacted, is doomed to failure by the fact of its highly coercive nature. The serious problem of racial relations will be solved only when understanding, good will, and genuine desire for adjustments which can be tolerated is demonstrated by both sides.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ORDER DISPENSING WITH CALENDAR CALL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be dispensed with today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the order for the quorum call be suspended.

Mr. BOGGS. Mr. President, reserving the right to object, I should like to have the quorum call go a little longer temporarily.

The ACTING PRESIDENT pro tempore. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. HUMPHREY. I should first like to say to my colleagues that in opening the debate today on the subject of the Civil Rights Act the distinguished Senator from California [Mr. Kuchel] and I will attempt to lay the affirmative case for the bill before the Senate. I have been privileged to initiate this debate, and I would like my colleagues to know that it is my intention to address myself to the 11 titles of the bill. At the conclusion of my remarks I shall be more than happy to attempt to answer questions or to engage in debate and discussion. I believe it is very important for a full understanding of this measure; but during my presentation I shall not yield.

Mr. President, today is the 94th anniversary of the ratification of the 15th amendment. By coincidence, the Senate opens debate on the substance of the pending bill, the Civil Rights Act, on this the 94th anniversary of the 15th amendment, which was certified as adopted on March 30, 1870.

The 15th amendment is very short, but like the Gettysburg Address, it is of continuing historic significance and highly important. It reads as follows:

> Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

In many ways the amendment can be called the freedom amendment, because it assures all citizens of the United States that there can be no infringement upon the right to vote based upon race or previous condition of servitude.

INTRODUCTION

Mr. President, last Thursday the Senate spoke with clarity and eloquence in favor of moving ahead to a final decision on the question of guaranteeing full human rights to every American. By a vote of 67 to 17 we decided to make H.R. 7152 the pending business. By a vote of 50 to 34 we kept this bill before the Senate, instead of sending it to a committee. This presents us with a clear mandate to move resolutely ahead until this question is decided.

Even if it were within our power to do so, the Senators charged with managing this legislation have no intention of ramming H.R. 7152 through the Senate without full and extensive debate. Every responsible Senator realizes the historic nature of this bill. Every Senator knows its controversial nature. Every Senator knows that we bear great responsibilities to debate the legislation honestly, objectively, and fully.

As we have previously announced, the bipartisan leadership supporting H.R. 7152 has determined to present the affirmative case for civil rights legislation in general, and the pending bill in particular. The distinguished Senator from California [Mr. Kuchel] and I intend, as I have indicated, to make a comprehensive presentation on H.R. 7152 today. We intend to analyze the bill title by title, setting forth the need, explaining the substantive provisions, responding to arguments which have already been raised in opposition, and, in general, initiating the debate on H.R. 7152 itself in a thoroughly constructive fashion.

On subsequent days the bipartisan team of captains assigned to each title of the bill will lead additional discussions on each title.

These captains include: Senator Hart and Senator Keating on title I—voting rights; Senator Magnuson and Senator Hruska on title II—public accommodations; Senator Morse and Senator Javits on title III—public facilities and Attorney General's powers; Senator Douglas and Senator Cooper on title IV—school desegregation; Senator Long of Missouri and Senator Scott on title V—Civil Rights Commission; Senator Pastore and Senator Cotton on title VI—federally assisted programs; Senator Clark and Senator Case on title VII—equal employment opportunity; and Senator Dodd for the Democrats on titles VIII through XI—voting surveys appeal of remands, community relations service, and miscellaneous items.

It is also the intention of the bipartisan leadership to seek cooperation of all Senators whereby we can consider all germane amendments to each title and then vote on these various titles as we proceed with this orderly and detailed consideration of the bill.

I know that many people will accuse supporters of the civil rights bill of conducting their own filibuster since our affirmative presentation will consume a number of days of debate. I reject such charges as spurious, without substance, and, in fact, ridiculous. As I have already said, we believe this historic bill must receive full and fair debate. We are willing to participate in such a debate; in fact, we intend to initiate it. But we are also willing to come to a decision on each title of the bill and on the bill itself. We are willing to let a majority of the Senate say "yea" or "nay" on voting rights, public accommodations, school desegregation, equal employment opportunity and the other provisions of the legislation.

Mr. President (Mr. Nelson in the chair), this is the very antithesis of a filibuster, because a filibuster is designed to prevent a decision by affirmative action. We intend to seek a decision by the Senate exercising its will to vote yea or nay on every provision of the bill.

I sincerely hope that Senators opposed to this legislation will be equally willing to permit the Senate to work its will, after an opportunity for a searching examination and analysis of every provision.

We issue this friendly challenge: we will join with you in debating this bill; will you join with us in voting on H.R. 7152 after the debate has been concluded? Will you permit the Senate, and, in a sense, the Nation, to come to grips with these issues and decide them, one way or the other? This is our respectful challenge. I devoutly hope it will be accepted.

The Senate has wisely voted that H.R. 7152 should be its pending business. In doing so we have recognized the historic mission and obligation that confronts us. Our Founding Fathers were faced with another historic task when they assembled in Philadelphia more than 175 years ago to save the weak and divided Confederation of States that had emerged from our War of Independence.

This sense of history was captured by our Founders in the moving words of the preamble to our Constitution. I believe these words are appropriate today; and I should like to repeat them:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I cannot help but marvel at the impact, the directness, and the sense of destiny captured in these 52 words. I cannot help but marvel at their relevance to the responsibility which now confronts the Senate of the United States. The preamble to the Constitution might very well have been written as a preamble to the Civil Rights Act of 1964.

> We, the people of the United States—

Not white people, colored people, short people, or tall people, but simply:

> We the people.
> In order to form a more perfect Union—

We know that until racial justice and freedom is a reality in this land, our Union will remain profoundly imperfect. That is why we are debating this bill. That is why the bill must become law.

> To * * * establish justice, insure domestic tranquillity, provide for the common defense,

> promote the general welfare, and secure the blessings of liberty to ourselves and our posterity—

Surely these are the objectives that we seek in this legislation. Justice, domestic tranquillity, the general welfare, and the blessings of liberty—these are what our founders sought 177 years ago—these are the objectives we seek today.

Mr. President, I cannot overemphasize the historic importance of the debate we are beginning. We are participants in one of the most crucial eras in the long and proud history of the United States and, yes, in mankind's struggle for justice and freedom which has gone forward since the dawn of history. If freedom becomes a full reality in America, we can dare to believe that it will become a reality everywhere. If freedom fails here—in America, the land of the free—what hope can we have for it surviving elsewhere?

That is why we must debate this legislation with courage, determination, frankness, honesty, and—above all—with the sense of the obligation and destiny that has come to us at this time and in this place.

It is in this spirit, and expressing the same determination that captured the faith and imagination of our Founding Fathers, that I am privileged to present, at least in part, the affirmative case for the Civil Rights Act of 1964.

Mr. President, as I prepared to speak today, I went to the Scriptures to find the Golden Rule in the Gospel of St. Matthew. The Golden Rule exemplifies what we are attempting to do in this civil rights legislation.

Chapter 7, verse 12 of Matthew reads as follows:

> All things therefore, whatsoever ye would that men should do unto you, even so also do ye unto them: for this is the law and the prophets.

This has been paraphrased in the common language that we use so often as:

> Do unto others as you would have them do unto you.

If I were to capsule what we are trying to do in this legislation, it is to fulfill this great admonition which is the guiding rule of human relations if we are to have justice, tranquillity, peace, and freedom.

The formal language of the Scriptures puts it more eloquently, but every American, and all people throughout the world have at one time said, and I hope at all times meant:

> Do unto others as you would have them do unto you.

Now let me start with title I, voting rights.

PROTECTION OF VOTING RIGHTS: TITLE I

The United States is founded on the principle of government by the people. Our War of Independence was fought on the slogan of "no taxation without representation." The basic documents of American history—the Declaration of Independence, the Constitution, and the Bill of Rights—are all dedicated to the principle of popular sovereignty through majority rule.

The 15th amendment to the Constitution, which I read today on its 94th anniversary, specifically states:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Yet this basic right to vote is denied to millions of Americans on account of race. Millions of Negro citizens are taxed without representation, because they are not allowed to vote. Less than 7 percent of the eligible Negroes in the State of Mississippi are registered, compared to 70 percent of the white adult population. There are dozens of counties in Mississippi where less than 3 percent of the Negroes of voting age are permitted to register. The same disgraceful pattern is found in all too many other States. In 100 counties that contain about one-third of all southern Negroes, an average of only 8.3 percent of all the eligible Negroes are registered. Some of these counties administer their voting in a particularly unusual and blatant way. In Seminole County, Ga., for instance, 2.5 percent of the Negroes of voting age are registered, compared to 132 percent of the eligible whites.

In Hertford County, N.C., only 8.8 percent of the eligible Negroes have been permitted to register, although somehow the white registration amounts to 144 percent of the entire white population of voting age. And so it goes.

I do not believe that any Member of this body would claim that Negroes have not been systematically prevented from registering and voting in many parts of the Nation. In fact, the existence of widespread denial of voting rights has been acknowledged recently by the senior Senator from Georgia [Mr. RUSSELL], the senior Senator from Louisiana [Mr. ELLENDER], and the junior Senator from Florida [Mr. SMATHERS]. It has been maintained that Negroes are not really very interested in voting, but the distinguished junior Senator from Florida [Mr. SMATHERS] reported the other day that in his State Negroes had "a higher percentage of voting than is shown for the whites." That applies to registered voters only, I might add.

PREVIOUS LAWS ON VOTING RIGHTS

The disenfranchisement of Negroes has been an obvious scandal for generations, but it was not until 1957 that Congress took steps to deal with this problem. The Civil Rights Act of 1957 created the U.S. Commission on Civil Rights and empowered the Attorney General to bring suit to protect voting rights and prevent intimidation in connection with the exercise of those rights.

In 1960 a second Civil Rights Act was adopted. It authorized the Attorney General to inspect voting records and gave Federal courts the power to appoint voter registration referees if the court found a pattern of discriminatory denial of voting rights to members of a particular race.

What have been the results of these two laws? For one thing, the Civil Rights Commission has been an invaluable source of information on the nature and extent of racial discrimination. Thanks to the scholarly work of the dedicated members and staff of the Commission, we have a great deal more precise information about the problem of civil rights than ever before.

Second, the Department of Justice has brought 58 suits for denial of voting rights. Those cases that have been settled have resulted in giving the franchise to thousands of Negroes who had been prevented from exercising their rights by intimidation and official discrimination.

Most important of all, these lawsuits have revealed the specific techniques used by officials to deny Negroes the vote, and they have shown that present procedures do not provide adequate remedies for the loss of voting rights on account of race or color. The experience of these lawsuits has shown the next steps that must be taken to implement the mandate of the 15th amendment and to extend equal protection of the laws to Negro Americans. Title I embodies those next steps. The proceedings of many courts of law have made abundantly clear the need for adopting these measures. The evidence was conclusive. I shall outline the major types of difficulties faced by Negroes attempting to exercise their voting rights and show how title I would provide legal remedies for these problems.

A DOUBLE STANDARD FOR VOTER QUALIFICATION

In many counties voting officials regularly apply one set of standards to white applicants and another set to Negroes seeking to register. In one county Negroes trying to register were told to go home and think about it for a while. White applicants could register merely by signing their names in a book.

In some States all applicants are required to interpret a provision of the State constitution to the satisfaction of the local registrar.

I digress to point out that this is a matter of testimony that was accepted in court, a matter of review and study by the Civil Rights Commission, and a matter which is documented by the Department of Justice; more significantly, these are all matters that are documented in the Federal court.

Whites were normally given sections of three lines or less to interpret, and were even permitted to choose their own constitutional passage if they felt that the one originally given them to interpret was too difficult.

In Alabama the application form includes this question:

> Will you give aid and comfort to the enemies of the United States or the government of the State of Alabama?

One white applicant replied:

> If hurt would give comfort only if wonded [sic].

Incredibly, Mr. President, he passed.

But when Negroes apply, they are judged by stricter standards. In one county the principal of a local Negro school was turned away on five successive visits to the voting office. Finally, on his sixth visit, he was permitted to fill out the forms and take the constitutional interpretation test. He was asked to interpret a section of the State constitution that was so complex that it had given difficulty to the State supreme court.

In another county Negro applicants were asked to interpret passages, never given to whites, dealing with the interest rate on a particular school fund, the validity of ancient laws, and so on. These passages often deal with matters that have baffled lawyers, yet the answers are judged by voting officials who usually have neither legal training nor scruples about discriminating against Negroes.

Some States ask tricky catch questions. Voting officials help white applicants to answer such questions, then arbitrarily decide against Negro applicants. By the use of such methods, Negro professors and scientists have been pronounced illiterate by local officials.

Title I would deal with these practices by providing that applicants for voting registration must be evaluated according to uniform standards, procedures, and practices. In other words, Negroes and whites must be treated equally, and the same standards used to allow whites to register must be used for Negroes.

A second technique for denying Negroes the right to vote is to ask questions that have nothing to do with the applicant's qualifications to vote, or to apply irrelevantly strict standards to answers. One favorite method is asking the applicant's age in years, months, and days. In Bienville Parish, La., a Negro was turned down for saying on her application that her color was "Negro," rather than "brown" or "black." In another Louisiana parish a Negro was rejected for writing "brown," instead of "Negro."

Title I would deal with this practice by prohibiting officials from denying the vote to anyone because of mistakes that are not material in determining the applicant's qualifications to vote.

Although literacy tests are frequently used to discriminate against Negroes, it is often difficult to prove this in court, because tests may be given orally, with no record kept of the questions and answers. Registrars have exercised an almost uncontrolled discretion to reject a Negro's answer, no matter how correct it may be, and to accept a white man's answer, no matter how incorrect. Registrars are free to help the white man and heckle the Negro. And proof of what happened depends on conflicting and undocumented testimony. If literacy tests were given in writing and a record kept of the questions and answers, a court would be able to see whether the tests had been fairly applied.

Title I deals with this problem by requiring that where literacy tests are employed as a qualification for voting in Federal elections, they be administered in writing. A record must be kept.

The title also provides that in any voting rights suit under the Civil Rights Act of 1957 in which literacy is a relevant fact, there shall be a rebuttable presumption that a person with a sixth-grade education is sufficiently literate to vote in a Federal election. This provision is in no way an interference with the State's right to fix voter qualifications; it merely establishes a rule of evidence applicable in voting discrimination suits in the Federal courts—a rule which places on the State officials in such suits the burden of showing that persons who have completed the sixth grade are, in fact, not literate.

Still another obstacle to the completely effective use of the 1957 and 1960 acts is delay in litigation. In one case, filed in July 1961, lengthy procedural delays postponed the actual trial until March 1962. The court then refused to rule and an appeal was taken. The appellate court granted interim relief, but it was not until the summer of 1963, 2 years later, after the registrar was found guilty of contempt of court, that specific Negroes were ordered registered. They had been disenfranchised for 2 years, waiting for the final settlement of the case. Another case, filed in July 1961, did not come to hearing until February 1964. Delays of 1 to 2 years in the district court are not unusual, particularly, as is often the case, when recalcitrant defendants make full use of every dilatory tactic available to them. And even at best there is necessarily delay in the two-step appellate process. There is no effective remedy for the loss of the right to vote in an election that has already been held. In this case the old saying is perfectly true: "Justice delayed is justice denied."

In order to expedite the handling of voting rights cases by the courts, title I provides that either party may ask the chief judge of the circuit, or the presiding circuit judge, to appoint a three-judge court to hear the case. Appeals from such a court would go directly to the Supreme Court. The title also requires expeditious handling of all voting cases, whether tried by a three-judge court or not.

THE CONSTITUTIONAL BASIS OF TITLE I

It may be anticipated that the provisions of title I will be objected to on the ground that they infringe on the constitutional right of the States to determine qualifications for voting.

I do not think that this criticism is justifiable. The three-judge court provision applies in all voting suits under the 1957 and 1960 acts. Our power to enact this procedural change is unquestioned. Except for this provision, title I expressly applies only to voting for Members of the House of Representatives and the Senate and for the President and Vice President—that is, to election of Federal officials.

The attack on the constitutionality of the title is based on the fact that the establishment of voting qualifications, even for Federal elections, is typically a matter subject to the regulatory powers of the States. Article II, section 1, of the Constitution provides that "each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors" to elect the President and Vice President. Article I, section 4, provides that:

> The Times, Places and Manner of holding Elections for Senators, and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The opponents of title I also rely on the 17th amendment provisions that declares that persons eligible to vote for the election of Senators shall have the same qualifications required for electors of the largest house of the State legislature. From these sources they conclude that the States have the sole and exclusive constitutional power to regulate elections, whether State or Federal, and to set qualifications for voters.

This argument ignores the existence of the 14th and 15th amendments to the Constitution, which confer upon Congress authority to legislate with respect to discriminatory denials of the right to vote. These are the abuses against which title I is specifically directed. Section 1 of the 15th amendment provides that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Each of the practices with which title I deals is a device which has been used to deny equal rights to Negroes. The Supreme Court has decided, in *Lane* v. *Wilson*, 307 U.S. 268, 272 (1939), that the 15th amendment is directed against all.

> Contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color.

This includes "sophisticated as well as simple-minded modes of discrimination." The Court went on to say that the 15th amendment forbids:

> Onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race.

Section 2 of the 15th amendment confers upon Congress the power to enact "appropriate legislation" to enforce section 1. This power includes the enactment of all measures adapted to counteract discriminatory devices. Congressional jurisdiction in this area is also supported by these Supreme Court decisions: *United States* v. *Raines*, 362 U.S. 17, 25 (1960); and *Hannah* v. *Larche*, 363 U.S. 420, 452 (1960).

Moreover, practices of discrimination against Negroes in the applications of tests, standards and the like also constitute denial of equal protection of the laws guaranteed by the 14th amendment. See, for example, *Davis* v. *Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949) affirmed 336 U.S. 933. The 14th amendment, like the 15th, is directed to action by a State and authorizes the Congress to enforce its provisions by "appropriate legislation."

So far as the election of Senators and Representatives is concerned there are additional and unquestionable constitutional sources for title I. Those who attack the constitutionality of the title in this respect overlook the last clause of article I, section 4, which authorizes Congress to "at any time by Law make or alter such Regulations" as may be prescribed by each State. In connection with this provision the Supreme Court has stated:

> It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in rela-

> tion to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved. *Smiley* v. *Holm*, 285 U.S. 355, 366 (1932).

Congress may also legislate with respect to Federal elections because it possesses powers, which, although not specifically enumerated in the Constitution, are implied because they "are necessary and proper" within the meaning of article I, section 8, clause 18. In *Burroughs and Cannon* v. *United States*, 290 U.S. 534 (1934), the Supreme Court ruled that the implied powers of Congress extend to measures to insure the purity of the Federal ballot. In sustaining the validity of the Corrupt Practices Act, the Court declared (290 U.S. at 545):

> To say that Congress is without power to pass appropriate legislation to safeguard such an election [for President of the United States] from the improper use of money to influence the result is to deny to the Nation in a vital particular the power of self-protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the General Government from impairment or destruction, whether threatened by force or by corruption.

And in *Ex Parte Siebold*, 110 U.S. 371, 382 (1879), the Supreme Court stated Congress had the power to "assume the entire regulation of the elections of representatives."

It should also be emphasized that, in fact, title I establishes no qualifications for voting. It establishes no substantive standards to which the States must adhere. All title I does is to require that whatever standards and procedures a State does adopt will be applied fairly to all who apply, so far as Federal elections are concerned. After it becomes law, States will still be free to adopt whatever qualifications they wish within existing constitutional limitations. The practices, procedures, and standards used to qualify individuals to vote in Federal elections are not prescribed by title I. All it requires is that they be uniformly applied.

In other words, we, the people, will have uniform standards—not we, the people, some colored and some white, with different standards. We, the people—all the people—shall be the governing phrase for all legislation passed by Congress.

It is true that registrars will be prohibited from disqualifying voters in such elections because of immaterial errors or omissions in applications—such as an error as to one's age computed in years, months, and days. If I were to ask Senators to give their age in years, months, and days, even one of the brightest might fail and be declared ineligible to register. But we are not thereby legislating standards. The provision applies only to immaterial errors; that is, to errors which are not relevant to the question of whether or not an individual is actually qualified to vote.

In addition, title I requires that if a State does use a literacy test as a substantive qualification, a device which has been subject to extensive abuse—it must adopt an additional procedure to insure against that abuse. Thus the title neither requires a State to, nor prohibits it from, imposing a literacy test for voting. And if a State does use a literacy test, title I does not say what the standard of literacy shall be. However, it does say that if a State imposes a literacy test for voting in a Federal election, the test shall be in writing. Why? Because oral examinations have been found by the courts to be totaly unreliable and not to provide adequate evidence or protection of individual rights. Therefore, a test in writing is required.

And the title does provide that in suits relating to such elections, proof of a sixth-grade education shall presumptively establish literacy. This, however, is merely a rule of evidence for use in trials. The presumption can be overcome by actual proof that the applicant is, in fact, illiterate. If the State establishes literacy as a voting qualification, it remains the qualification.

SHOULD THE TITLE INCLUDE STATE ELECTIONS?

On this point, there are honest differences of opinion. It has been contended that on the one hand the procedural protections—those relating to uniform standards, immaterial errors and omissions, and literacy tests—should apply to State as well as to Federal elections and, on the other hand, that by virtue of the definition of a Federal election as one held "solely or in part for the purpose of electing" a Federal officer, this title in fact, unconstitutionally regulates State elections. In effect, one contention is that title I goes too far; the other is that it does not go far enough.

I have great respect for distinguished Senators who make these arguments; but, with all respect, it seems to me that they are in error. I think Congress has the authority to implement the 14th and 15th amendments by extending the provisions of title I to State elections. However, I do not think it necessary that it do so.

The inclusion in the coverage of title I of elections held "in part" for Federal officials is essential. If the words "in part" were to be omitted, all Federal elections could be excluded from the coverage of title I by the simple device of having just a single local official elected as part of the Federal election. This would be enough to keep the election from being one held "solely" for election of Federal officers.

Where State and Federal elections are held together, the inclusion of the words "in part" will no doubt have an effect on the State election. But this is so, not because of any design to regulate State elections, but because of the practicalities of the situation in which one election is held for both State and Federal offices.

Typically, each State has but a single registration and voting procedure and a single qualification standard for both State and Federal elections. If a State continues the single procedure for State and Federal elections after the enactment of title I, its elections, including the inseparably related election of State and local officers, will be held "in part" for the election of Federal officers, and they will be covered by the legislation.

If a State is displeased with this result—and it should be remembered that the result is nothing more than an end to discrimination—nothing in title I prevents it from a mechanical separation of the registration and election process into distinct State and Federal components. Therefore, the States will be free to set up a procedure solely for the election of State officials. Title I does not stop them from doing this and is not, therefore, a device to regulate State elections. But, of course, if they do so, they will remain subject to the mandates of the 14th and 15th amendments.

I think that as a practical matter the States will not establish separate elections. If the same voters are permitted to participate in each election, there will be no purpose in separate elections. On the other hand, if some voters are permitted to participate in the Federal election, but not in the State election, there will be presented the spectacle of a body of individual voters, each of whom was found by the State authorities to lack the necessary qualifications to vote in the State election but to possess qualifications fixed by the State for the purpose of voting in a Federal election. This will, of course, raise substantial questions under the 14th and 15th amendments. For these reasons, I believe that, although title I does not specifically pertain to individual States control of their own elections, it will go far to eliminate discriminatory practices in such elections.

ACCESS TO PUBLIC ACCOMMODATIONS: TITLE II

Mr. President, I turn now to title II, one of the most important, significant, and necessary parts of the bill.

This title deals with discrimination in places of public accommodation, a practice which vexes and torments our Negro citizens perhaps more than any other of the injustices they encounter. As President Kennedy stated in his civil rights message to Congress on February 28 of last year:

> No act is more contrary to the spirit of our democracy and Constitution—or more rightfully resented by a Negro citizen who seeks only equal treatment—than the barring of that citizen from restaurants, hotels, theaters, recreational areas, and other public accommodations and facilities.

It is difficult for most of us to fully comprehend the monstrous humiliations and inconveniences that racial discrimination imposes on our Negro fellow citizens. If a white man is thirsty on a hot day, he goes to the nearest soda fountain. If he is hungry, he goes to the nearest restaurant. If he needs a restroom, he can go to the nearest gas station. If it is night and he is tired, he takes his pick of the available motels and hotels.

But for a Negro the picture is different. Trying to get a glass of iced tea at a lunch counter may result in insult and abuse, unless he is willing to go out of his way, perhaps to walk across town. He can never count on using a restroom, on getting a decent place to stay, on buying a good meal. These are trivial matters in the life of a white person, but for some 20 million American Negroes, they are important considerations that must be planned for in detail. They must draw up travel plans much as a general advancing across hostile territory would establish his logistical support.

If a white family is planning an automobile trip of some distance, it is a commonplace thing to write to a touring service for a guide book that will list the available restaurants, motels, and hotels in the area to be visited. If that white family has a dog, and it wants to take the dog along on the trip, it can write for a specialized guide book that will list the places where a family with a dog can stay the night. I have on my desk the guidebook that the American Automobile Association sends. It is called "Touring With Towser." It lists hundreds of places of public accommodation that will take guests with dogs.

But now consider the problems facing a Negro family looking forward to a vacation. How can they plan their trip so as to be sure of finding a place to stay at night? If they write away, they too can obtain a guidebook that lists places of public accommodation where a Negro can go with confidence. I have a copy of that guidebook on my desk also. It is called "Go," and it is subtitled, "Guide to Pleasant Motoring." It lists places where a Negro can go for a room without being humiliated by racial discrimination.

It is heartbreaking to compare these two guidebooks, the one for families with dogs, and the other for Negroes. In Augusta, Ga., for example, there are five hotels and motels that will take dogs, and only one where a Negro can go with confidence. In Columbus, Ga., there are six places for dogs, and none for Negroes. In Charleston, S.C., there are 10 places where a dog can stay, and none for a Negro.

The Committee on Commerce has heard testimony from travel experts that if a Negro family wants to drive from Washington, D.C., to Miami, the average distance between places where it could expect to find sleeping accommodations is 141 miles. For a trip from here to New Orelans, it is 174 miles. What does such a family do if a child gets sick midway between towns where they will be accepted? What if there is no vacancy?

If those of us whose color of skin insures free access to places of public accommodations were to experience the humiliation and insult which awaits Negro Americans in thousands upon thousands of such places, we, too, would be quick to protest and to seek the assistance of remedial laws.

"Do unto others as you would have them do unto you," Mr. President, is title II, in essence and in substance. That is the legal and the moral justification for it. However, there is abundant evidence that too many Americans have been doing to others what they would not tolerate if it were done to themselves. Indeed, Mr. President, they would be quick to protest and to seek the assistance of remedial laws.

We, too, would give short shrift to those who professed to agree that history had harmed us and that our aims were just—and then blandly asked for more time and patience. We, too, would listen incredulously to others who saw no evil in the withholding of rights but detected the very essence of evil in the vindication of those rights. We, too, would refuse to be cowed by still others who cursed and spoke with hate.

In short, we, too, would make ourselves heard above the babel of self-righteousness, argument and threat; and we, too, would seek the protection of law. Were we to do less, we would fail not only ourselves, but also the Nation, for we would evidence our loss of faith in the ability of the United States to bring peace, freedom, and equality to all its own people. We have not lost this faith. We do not intend to lose it.

As every self-respecting and freedom-loving American would do, our Negro citizens have lifted their voices. A century after emancipation, they are determined to secure for themselves and all other Americans the right to equal status in all aspects of our national life. The rest of the Nation is listening. The rest of the Nation expects those of us who are charged with the conduct of Government to provide the leadership necessary to guarantee the Negro his rightful place in our society.

All Americans—Negroes and whites, alike—wish that Federal legislation were not necessary. Unfortunately, the doctrine and practices of racial supremacy are too widely and tenaciously held to permit of any reasonable expectation of timely progress without legislation.

The American Negro does not seek to be set apart from the community of American life. He seeks to participate in it. He does not seek separation. Instead, he seeks participation and inclusion. These Americans want to be full citizens, to enjoy all the rights and privileges, and to assume the duties and burdens. Surely Congress can do nothing less than to permit them to do their job, to be parts of the total community, and to be parts of the life of this Nation. America has become great because Americans are a united people. The American Negroes seek to be parts of that society; and they are asking that it be made a legal reality. This is what title II is all about.

Ironically, the very people who complain the most bitterly at the prospect of Federal action are the ones who have made it inevitable. Had they devoted the singleness of purpose and energy to the integration of the Negro into American life that they have expended in attempting to isolate him, neither title II, nor the remainder of H.R. 7152, would be before us. This proposed legislation is here only because too many Americans have refused to permit the American Negro to enjoy all the privileges, duties, responsibilities and guarantees of the Constitution of the United States. Their continued refusal to recognize the obligations of human dignity and equality compels us to provide legal process to protect them.

We often hear the argument that you cannot legislate morality. Yet we do enact a variety of laws dealing with other immoral acts, for example, robbery, assault, arson, burglary, extortion, embezzlement, and other crimes against individuals and society.

In fact, we are asking the Senate to legislate ethics in reference to its own employees and Senators themselves. That is the great hue and cry that goes up from this body. A committee of the Senate is investigating the subject. We have charged that committee with the responsibility of remedial action for ourselves and those with whom we associate. And yet some Senators apparently have doubts about whether or not they ought to provide protections and guarantees of constitutional rights to our fellow Americans.

In these instances I have mentioned we have no hesitation in using the power of law to protect public and private property rights from crimes and infringements. Can we afford to do less in terms of protecting human rights? How can a law guaranteeing equal access to public accommodations possibly be construed as outside the American legal tradition when 30 States and the District of Columbia have enacted similar statutes, and when these State laws have been supported by the Supreme Court?

Approval of title II will not confer any preferred status in places of public accommodation. It will not give Negroes and members of other minority groups rights that they or other Americans do not now have. It will still be possible to exclude them from places of public accommodation—but only on the same grounds that other Americans are excluded. It will simply reaffirm and reinforce rights which all our citizens should enjoy, but have withered for many millions of them. It will let those millions know that racial discrimination is not to continue because the Government is indifferent to it or condones it.

EXTENT OF VOLUNTARY DESEGREGATION

The necessity for widespread demonstrations to call attention to discrimination in public establishments may have led some people to believe that every owner of every such establishment in the South is opposed to the desegregation of his place of business. I am convinced that the opposite is true—that men with a sense of right predominate in those businesses, just as in others. It is clear, however, that many a businessman who would like to end practices of discrimination is balked by community pressure or fear that he will lose ground to his competitors. It is in part for this reason that we cannot assume that desegregation of public accommodations can be achieved voluntarily. It is true that in the last 2 years or so some progress has been made in achieving voluntary desegregation, but this has been primarily in the larger cities—cities with populations of over 50,000. In addition, there is reason to believe that the limits of voluntary desegregation in large areas of the country have been reached.

I noted in this morning's press a magnificent example of desegregation and integration on Easter Sunday in Birmingham, Ala. The Reverend Billy Graham spoke to approximately 35,000 people who were gathered together without regard to race. He delivered an inspiring Easter message calling on the people of our country to banish hate and prejudice from their hearts. Colored and white sat alongside each other. They sang together, prayed together, and worshipped together.

I am fully cognizant of the fact that it will require more than law, but the law at least should express the determination of the Federal Government not to accept discrimination or condone it; and it should express the determination of the Federal Government to use legal powers to abolish it.

Information available with respect to some 275 cities with populations of over 10,000 in the 11 States of the South and in the border States of Kentucky, Maryland, Oklahoma, and West Virginia indicates that as of last July all or part of the hotels and motels were still segregated in 65 percent of these cities; 60 percent of the restaurants and theaters were still segregated; and 43 percent still had segregated lunch counters. In cities having a population of less than 10,000 in the same States, 85 to 90 percent of all eating places, hotels, motels, and theaters remained segregated.

It has therefore become clear that the law must take a hand in achieving effective desegregation. If such a law is enacted the problems of community pressure and competitive disadvantage will be sharply diminished. It has been suggested that title II will force businessmen to engage in practices against their will. In fact, it will enable many businessmen to do what they think is right and what they want to do, but have feared to do up to now. It will encourage freedom of action rather than restrict it.

The grievances which most often have led to protest and demonstrations by Negro Americans are the segregation and discrimination they encounter in the commonly used and necessary places of public accommodation—hotels, motels, eating places, and places of entertainment. No amount of oratory and quibbling can obscure the personal hardships and insults which are produced by discriminatory practices in these places. And no amount of involved legal argument can cast doubt on the validity of the Negro's claim to equal access to these places.

We must hasten the day when Negro parents and children can travel on every highway of this land without the fear that they will be refused a place of rest because of the accident of birth. We must insure to the same family that it can enter a restaurant in its own community as the equal of every other family living there. We must make certain that every door in our public places of amusement and culture is open to men of black skin as well as white. In sum, we must put an end to the shabby treatment of the Negro in public places which demeans him and debases the value of his American citizenship.

Mr. President, I ask Senators to ask themselves how they would like to be rejected because of the color of their skin, and only because of that. When traveling with their families on a highway and seeking a place to rest, how would they like to be told "there is no room in the inn," as it was said some 2,000 years ago?

That is why the debate is a moral issue. All the legalism and all the oratory will not in any way justify what we have done to debase humanity. The morality of the issue is the controlling factor. We do not have to be lawyers to understand, "Do unto others as you would have them do unto you."

Now, what are the provisions of title II?

PROVISIONS OF TITLE II

Title II of H.R. 7152 will take us a long way toward this goal of full citizenship. In section 201 it establishes the right of all persons to full and equal enjoyment, without segregation or other discrimination on account of race, color, religion, or national origin, of the services and facilities of specified places of public accommodation where the operations of such places affect interstate commerce or where such discrimination or segregation is supported by State action. The bill sets out in detail the tests for determining whether the operations of an establishment affect interstate commerce or whether the discrimination is supported by State action. I shall discuss these tests more extensively shortly.

The business enterprises covered by section 201 include hotels and motels—other than small, owner-occupied establishments—restaurants and lunch counters, including those on the premises of retail establishments, gasoline stations, and motion-picture houses, theaters, sports arenas, and other public places of exhibition or amusement. These are the establishments covered by title II. The reach of that title is much narrower than when the bill was first introduced. It is also narrower than S. 1732, the bill reported by the Senate Commerce Committee, which covers the general run of retail establishments, membership in labor unions, and so forth. Union membership is not covered in title II of H.R. 7152 because title VII deals with this and other aspects of fair opportunity in employment. The deletion of the coverage of retail establishments generally is illustrative of the moderate nature of this bill and of its intent to deal only with the problems which urgently require solution. Discrimination in retail establishments generally is not as troublesome a problem as is discrimination in the places of public accommodation enumerated in the bill. And it seems likely that if discrimination is terminated in restaurants and hotels, it will soon be terminated voluntarily in those few retail stores where it still exists.

In other words, title II is related to the facts of the situation. Title II is in the bill because of volumes of evidence as to discrimination in places of public accommodation and the results of such discrimination. This is a practical step forward.

Title II also covers certain establishments which operate as an integral part of a covered establishment. This provision of title II has been a source of some discussion, and I think it would be appropriate to pause here and take a careful look at what is involved. Subsections (1), (2), and (3) of section 201(b) enumerate the covered establishments—that is, hotels, motels, restaurants, movie houses, and the like, which cannot discriminate. Subsection (4) of section 201(b) then adds:

> Any establishment (A) which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

This language includes, for example, a barbershop within a covered hotel if the barbershop holds itself out as serving the patrons of the hotel. It also includes a department store within the premises of which there is located a lunch counter if the department store holds itself out as serving the patrons of the lunch counter.

There has been some criticism and fear expressed about the consequences of this provision. For example, it has been suggested that it is unfair to require the barbershop within a hotel to serve Negroes, but not to require the barbershop across the street to do so also. But this is not an arbitrary result. If a hotel is required to operate in a nondiscriminatory manner, all the services which it offers to patrons must be offered to all the patrons. This principle could not be effectuated if an establishment within the hotel, which is providing services to the hotel's patrons, were relieved of the requirement not to discriminate simply because there was a competitive establishment elsewhere. The distinction is, therefore, a wholly reasonable one. Unless we want to legislate for the whole economy, a line has to be drawn some place, and the bill does it in a sensible place.

The bill deals with the practical problems we face. This is a bill of limitation and restraint. It is a reasonable proposal. It is directed to specific, known abuses.

It has also been suggested that the language of section 201(b)(4) covers much more than it appears to—for example, that if there are stores on the ground floor of an office building and one of them is a covered restaurant, the clothing store next door is also covered, and so is the lawyer on the 18th floor. There is no merit or substance at all to this suggestion. What is covered turns upon the definition of the word "premises," and I think that all of us—the people affected, the Attorney General and the courts—can be depended upon to give this word realistic content in terms of purposes of the bill. Obviously, a lunch counter in a drugstore is within the premises of the drugstore;

but neither the drugstore nor the office on the 18th floor nor the clothing store is within the premises of the adjacent restaurant; nor is the restaurant within their premises. I do not believe this problem is a real one. I know it is not a real one for those who operate the establishments. The only ones who would make it appear to be a real problem are those who attempt to confuse the Senate by arguments which tend to obscure the question. I do not intend to let that happen.

"MRS. MURPHY" EXCEPTION

Now a word about Mrs. Murphy, because we have heard a great deal about that lady.

There are two exceptions to the coverage of title II which should also be emphasized. First, section 201(b)(1), relating to hotels, motels, and the like, excludes any establishment which is "located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence." This is the so-called Mrs. Murphy exception.

We in Minnesota would like to amend that term to include "Mrs. Olson."

The purpose of this exclusion is self-evident. Title II, like the bill as a whole, is designed to reach the most significant manifestations of discrimination. It is carefully drafted and moderate in nature. There is no desire to regulate truly personal or private relationships. The so-called Mrs. Murphy provision results from a recognition of the fact that a number of people open their homes to transient guests, often not as a regular business, but as a supplement to their income. The relationships involved in such situations are clearly and unmistakably of a much closer and more personal nature than in the case of major commercial establishments.

This does not mean that discrimination in the operation of such facilities is any more defensible or moral than elsewhere, but merely that discrimination in such establishments is not of major dimension, especially when compared with the other problems with which title II and the bill as a whole deals. Of course, there are discriminatory practices not reached by H.R. 7152, but it is to be expected and hoped that they will largely disappear as the result of voluntary action taken in the salutory atmosphere created by enactment of the bill.

I emphasize that we are talking about tourist homes, not boarding houses or lodging houses. To be subject to section 201(b)(1), an establishment must be one "which provides lodging to transient guests." Lodging and rooming houses do not ordinarily cater to transients. This important exclusion is frequently overlooked by the bill's opponents.

PRIVATE CLUBS EXCEPTED

The other exception is contained in section 201(e). It provides:

> The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

Again, this exception reflects the judgment that establishments which are purely private in nature should not be covered by this legislation. However, it is possible that some establishments which might otherwise be covered may now attempt to disguise themselves as clubs. Consequently, the requirement is that the club be bona fide. The restaurant which changes its name to a club and issues memberships for a dollar to anyone who applies, other than Negroes, will not be bona fide.

In his opening speech opposing the majority leader's motion that the Senate proceed to the consideration of H.R. 7152, the distinguished Senator from Georgia [Mr. RUSSELL] alleged that "circuitous" wording in title II would result in the opening of every private club to so-called minority groups. The Senator from Georgia contended that restaurant facilities found within most private clubs would affect interstate commerce within the meaning of the bill and, therefore, all the provisions of title II would be applicable to private clubs.

The Senator from Georgia was sufficiently persuasive to bring about a number of editorial comments and other commentaries in the press relating to his interpretation of title II.

I have great respect for the Senator from Georgia, and therefore I believe it is necessary once again to treat the argument and deal with it. It will be dealt with in detail by the distinguished Senator from Washington [Mr. MAGNUSON], and others. I must respectfully disagree with the interpretation of title II made by the Senator from Georgia. The restaurants and eating facilities found within private clubs are not places of public accommodation within the meaning of title II because they do not serve the general public. Subsection (e) of section 201 expressly exempts private clubs except to the extent that they make their facilities "available to the customers or patrons of an establishment within the scope of subsection (b)." That is, a hotel, motel, or similar establishment listed in subsection (b). In other words, in plain layman's language, if a country club makes arrangements with a covered hotel under which club privileges are made available to the patrons of the hotel, the club cannot discriminate among the guests of the hotel. If, on the other hand, the club makes no such special arrangements with hotels, motels, and so forth, it remains strictly private and not covered by the provisions of title II.

DISCRIMINATION BY STATE OR LOCAL LAW

Section 202 of title II would also prohibit discrimination or segregation in any establishment in which discrimination or segregation is required by State law or local ordinance. These laws and ordinances relate to a wide variety of subjects: billiard rooms in Georgia, telephone booths in Oklahoma, circuses in South Carolina, washrooms in Tennessee, racetracks in Arkansas, barbershops in Augusta, bars in New Orleans, and so forth. They are in patent violation of the equal-protection clause of the 14th amendment. Some of these laws, it is true, are not enforced; but any individual who violates them lives under the threat that he will be prosecuted or face the expense and burden of a lawsuit. These laws cannot be condoned and they must be repealed.

Section 202 is both broader and narrower than section 201. It is broader in the sense that it is not confined to enumerated types of establishments. It is narrower because it applies only where discrimination is required by a public statute, ordinance, rule, order, and so forth. With respect to the establishments covered by such laws, section 202 in effect says that if any government is going to use race, color, religion or national origin as a basis for depriving the owners of an establishment of freedom to choose their customers, the choice that will be enforced is desegregation, not segregation. All that a State or city has to do to relieve the owners of a business of the impact of section 202 is to repeal the offending law or ordinance—which is a violation of the 14th amendment to the Constitution, and no one can deny it. It can be expected that section 202 will result in the repeal of many such statutes.

Section 203 provides that no person shall, first, withhold or deny or attempt to withhold or deny rights or privileges secured by sections 201 or 202; second, intimidate, threaten, or coerce any person with the purpose of interfering with such rights or privileges; or third, punish or attempt to punish any person for exercising those rights or privileges.

MODERATE ENFORCEMENT PROVISIONS

The remedy provided for a violation of section 203 is a suit for injunctive relief by the person aggrieved or by the Attorney General if he satisfies himself that the purposes of the title will be materially furthered by his bringing the suit. No criminal penalty or suit for civil damages is provided.

The easiest way to enforce the provision is not to act in a discriminatory manner. The easiest way to prevent the law from putting one in jail is to stop acting illegally. The easiest way for cities or States to accommodate themselves to title II is to stop violating the 14th amendment to the Constitution.

I should like to emphasize that the establishments covered are very clearly described in section 201(b). Local laws and ordinances dispose of the problem of definition under section 202. The owner of any establishment should have little difficulty in determining whether he is subject to title II; and if he makes a mistake, he does not expose himself to any sanction or penalty. The only method of enforcement is by suit for preventive relief, that is, for an injunction. Only after the court has determined that he is in fact covered and has violated the terms of the law, will an order be issued requiring him to conform. Nor is it likely that the owner of an establishment which is not covered will be subjected to legal harassment. Under section 204(b), the court may allow the winning party, other than the United States, a reasonable attorney's fee as part of the costs. This will obviously operate to diminish the likelihood of unjustified suits being brought.

Of course, if an establishment is found to be covered and an order is issued against the owner requiring him not to discriminate, he will be subject to contempt proceedings if he disobeys the order. Yet even in this case, the bill evidences unusual concern to avoid harsh punishment. Ordinarily, such contempt proceedings are tried without a jury. But section 205(c) specifies that the jury trial provision of the Civil Rights Act of 1957 will be applicable to criminal contempt proceedings under title II.

Under this provision, the defendant could be initially tried with or without a jury at the discretion of the judge, but if he should be tried without a jury, the judge could not sentence him to imprisonment in excess of 45 days or to pay a fine exceeding $300. If the judge attempted to impose heavier penalties, the accused would have a right to a new trial before a jury.

Section 204(a) provides that the Attorney General may institute suits only "if he satisfies himself that the purposes of this title will be materially furthered by the filing of an action."

There are valid reasons for both conferring authority on the Attorney General and limiting that authority. First, in many cases the persons aggrieved will be travelers who simply will not have the time or means to institute a lawsuit far away from home. Second, suits by the Attorney General will make it possible to go directly to trouble spots and to avoid imposing excessive competitive disadvantage on any one individual. An individual will ordinarily be in a position to sue only one or a small number of establishments which have discriminated against him. The Attorney General could sue all the restaurants or all the motels in a particular area so that no one owner of an establishment would be at a disadvantage as against the owners of competing establishments. There is reason to hope that in large sections of the country the public accommodations provisions of H.R. 7152 will be accepted gracefully and that few lawsuits will have to be brought.

We do not expect the Attorney General to do the whole job. There will, however, be circumstances when he should bring the suit; if he satisfies himself that those circumstances exist, he may do so.

Let us also remember that the Attorney General will bring such a suit in the name of the United States, not in behalf of any individual or group. It is not the job of the Department of Justice to act as a legal aid society for any individual—however worthy the cause; but it is very much the responsibility of the Attorney General to represent the United States and the interests of all the people. The Attorney General would be acting in this latter capacity in any suits which he might bring to achieve full compliance under title II. I will comment in greater detail on this aspect of the Attorney General's responsibilities in my discussion of titles III and IV.

EMPHASIS ON VOLUNTARY COMPLIANCE

Nevertheless, the emphasis of title II is not upon lawsuit by the Attorney General, but upon voluntary compliance. Section 204(d) authorizes the Attorney General, before bringing suit, to utilize the services of any municipal, Federal, State, or local agency or instrumentality which may be available to attempt to secure compliance with the provisions of the title voluntarily. I am sure that cooperation by State and Federal agencies, including the Community Relations Service established by title X, will substantially diminish the necessity of bringing suit.

When it becomes necessary for the Attorney General to institute suit, section 201(c) requires him, with respect to areas which have their own public accommodations laws, to notify State or local officials, and, upon request, to give them a reasonable time to act under State or local laws or regulations before he institutes an action.

However, section 202(e) provides that this requirement may be dispensed with if the Attorney General files a certificate in court to the effect that the delay "would adversely affect the interests of the United States, or that in a particular case compliance with such provision would prove ineffective." This exception gives the Attorney General discretion to move promptly with a lawsuit if he feels that the particular local law is ineffective or if, for example, he feels that bringing suit will prevent possible violence or disorder.

CONSTITUTIONAL BASIS FOR TITLE II

There has been considerable discussion as to whether the constitutional bases of the public accommodations provisions of H.R. 7152 should be the commerce clause or the 14th amendment. The contention will even be made that no constitutional authority whatsoever supports the legislation. I think there is little doubt that, with the careful changes that have been made during the course of its development, this bill finds firm support in both the commerce clause and the 14th amendment, and is not prohibited by any other provision of the Constitution.

The opposition to relying on the commerce clause turns in part on the view that what title II deals with is a moral question involving the treatment of human beings—that legislation designed to deal with such a matter should not rely on a clause of the Constitution relating to the movement of chattels in commerce. We must, I believe, agree that the fact that title II does embody a moral judgment should not be a reason for failing to rely on our power to regulate commerce.

In fact, the Constitution of the United States is the Constitution of a Nation. All its provisions are properly available to effectuate the moral judgments of that Nation. That is why it is wholly appropriate to use any relevant constitutional authority with respect to a national problem. If more than one provision of the Constitution provides that authority, so much the better.

In fact, we have not hesitated to use the power to tax as an instrument against gambling and the narcotic traffic. We have not hesitated to use the power to regulate commerce to fight the white slave trade.

Many other laws based on the commerce clause are designed at least in part to eliminate social evils. They have a moral purpose. For example, the Fair Labor Standards Act, the Labor-Management Relations Act, and the prohibitions against the interstate transmission of gambling devices are based on the commerce clause. And the Supreme Court has expressly stated that Congress may exercise its commerce power to prevent injuries to "the public health, morals, or welfare" (*United States* v. *Darby*, 312 U.S. 100, 114).

Therefore, if, as I earnestly believe it does, the commerce clause provides a source of authority for us to act, we should use it. Certainly the problem with which we are dealing is as far reaching and important as any with which we have ever been faced. All sources of constitutional authority are relevant to it.

Moreover, reliance on the commerce clause is not merely a legal device. The evil of racial discrimination with which title II is concerned has clear economic consequences. The treatment of these consequences is a traditional object of the exercise of legislative authority under the commerce clause.

Among other things, that clause gives Congress authority to deal with conditions adversely affecting the allocation of resources. Discrimination and segregation on racial grounds have a substantial adverse effect on the interstate flow of goods, capital, and of persons. Skilled or educated men who are apt to be victims of discrimination in an area are reluctant to settle there even if opportunities are available. For this and other reasons, capital is reluctant to invest in such a region and, therefore, the flow of goods to, and their sale within, such an area is similarly reduced. It is quite clear that Congress may legislate with respect to such conditions: indeed, it has done so. The Fair Labor Standards Act—title 29, United States Code, section 201, and the following—indicates that one of the reasons that a minimum standard of living is desirable is because it has a substantial effect upon "the orderly and fair marketing of goods in commerce."

Certainly the lack of facilities at which to rest and at which to eat is a substantial impediment to interstate travel and commerce. For example, because of the lack of such facilities some truck companies hesitate to use Negro drivers in certain areas of the country. Congress in the Interstate Commerce Act of 1887—title 49, United States Code, section 3(1)—forbade a railroad in interstate commerce "to subject any person to any unreasonable or undue prejudice or disadvantage in any respect whatsoever." Motor carriers and air carriers are subject to similar regulations—title 49, United States Code, section 316(d); title 49, United States Code, section 1374(b).

These acts of Congress proscribed racial segregation of passengers on railroads, motor carriers, and air carriers. (*Mitchell* v. *United States*, 313 U.S. 80; *Henderson* v. *United States*, 339 U.S. 816; *N.A.A.C.P.* v. *St. Louis-San Francisco Ry.*

Co., 297 I.C.C. 335; *Boynton* v. *Virginia*, 364 U.S. 454; *Keys* v. *Carolina Coach Co.*, 64 M.C.C. 769; *Fitzgerald* v. *Pan American World Airways*, 229 F. 2d 499 (C.A. 2).)

The decisions in these cases are, of course, direct authority for the proposition that Congress may enact legislation appropriate to secure equality of treatment for Negroes using the facilities of interstate commerce, including eating places, gasoline stations, and places at which to rest. And the constitutional authority of Congress to regulate commerce extends beyond the regulation of the interstate carriers themselves; it covers all businesses affecting interstate travel; that is, interstate commerce. Thus, the wages of employees engaged in preparing meals for interstate airlines, sandwiches for sale in a railroad terminal, and ice for cooling trains have all been held subject to Federal regulation under the commerce clause. (*Walling* v. *Armstrong*, 68 F. Supp. 870, affirmed, 161 F. 2d 515; *Sherry Corine Corp.* v. *Mitchell*, 264 F. 2d 532; *Chapman* v. *Home Ice Co.*, 136 F. 2d 353, certiorari denied, 320 U.S. 761.)

Similarly, Congressional authority under the commerce clause extends to restaurants at a terminal used by an interstate carrier. In *Boynton* v. *Virginia* (364 U.S. 454, 463), the Supreme Court declared:

> Interstate passengers have to eat. * * * Such passengers in transit on a paid interstate * * * journey had a right to expect that this essential transportation food service voluntarily provided for them under such circumstances would be rendered without discrimination prohibited by the Interstate Commerce Act.

Finally, as regards the commerce clause, the fact that some of the establishments are small does not derogate from the authority of Congress to regulate them. What is important is the aggregate impact on commerce of the activities of numerous small enterprises, not the individual impact of any one of them (*National Labor Relations Board* v. *Fainblatt*, 306 U.S. 601, 606). And in *Wickard* v. *Filburn* (317 U.S. 111), the Agricultural Adjustment Act was applied to a farmer who sowed only 23 acres of wheat and whose individual effect on interstate commerce amounted only to the pressure of 239 bushels of wheat upon the total national market. In *Mabee* v. *White Plains Publishing Co.* (327 U.S. 178), the Fair Labor Standards Act was applied under the commerce clause to a newspaper whose circulation was about 9,000 copies and which mailed only 45 copies—about one-half of 1 percent of its business—out of State. In *United States* v. *Sullivan* (332 U.S. 689), the Supreme Court held that Congress has power to forbid a small retail druggist from selling drugs without the form of label required by the Federal Food, Drug, and Cosmetic Act—title 21, United States Code, section 301 and the following—even though the drugs were imported in properly labeled bottles from which they were not removed until they reached the local drugstore and even though the drugs in question had reached the State 9 months before being resold.

In view of this authority I think there can be no question as to the validity of the tests, set forth in section 201(c), to determine whether the operations of a place of public accommodation "affect commerce." An analysis of the provision indicates that a relationship to the flow of goods in commerce or to interstate travel is the basic test with respect to each type of establishment enumerated in section 201(b). Section 201(c) makes it clear that the fact that a hotel, motel or similar establishment "provides lodging to transient guests" is sufficient to establish that "its operations affect commerce." This is so whether transients are travelling interstate or merely within a State. Obviously interstate travelers could not be protected against discriminatory denial of accommodations if motels or hotels could claim to serve intrastate travelers only. And beginning with the Shreveport rate cases in 1913 (*Houston & Texas Ry.* v. *United States*, 234 U.S. 344), the courts have held that Congress can regulate intrastate transactions where it is reasonably necessary to do so in order to protect interstate commerce. The necessity clearly exists in this case.

I go into this detail because, in the preliminary debate on the bill, the point was made that the commerce clause is inoperative, because it is claimed, first, that this is a moral issue and, second, that the businesses which would be brought under the purview of these statutes are too small to be regarded as a part of commerce.

I reject these arguments. I do not reject them as a Senator. I reject them as one who relates to the Senate innumerable decisions of the Federal courts which make the arguments of the opposition to this title without substance and without legal foundation.

CIVIL RIGHTS CASES OF 1883

Obviously, the power of Congress to regulate commerce is far reaching. Before this debate is over I am sure we will hear the argument made that because of the decision of the Supreme Court in the *Civil Rights Cases*, 109 U.S. 3 (1883), the public accommodations provisions of this bill are unconstitutional. I think that that argument is demonstrably wrong.

As I understand it, basically this argument is a simple one. Section 2 of the Civil Rights Act of 1875 declared that everyone in the United States should, without regard to race, color, or previous condition of servitude, "be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges, of inns, public conveyances on land or water, theaters, and other places of public amusement." Section 2 made it a crime for any person to violate section 1.

This language, it will be contended, is practically identical with the language of title II; these provisions of the Civil Rights Act of 1875 were declared unconstitutional; and, therefore, title II is unconstitutional. But the argument does not stand analysis.

First of all, insofar as the commerce clause is concerned, the Court expressly stated that it was not passing upon its applicability because Congress did not attempt to exercise power under it. The Court said:

> And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view (109 U.S. at p. 19).

It is true that elsewhere in the opinion the Court said with respect to the 1875 act that—

> No one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments (109 U.S. at p. 10).

Undoubtedly it will be contended that, in spite of the later express disclaimer to the effect that this question was "not now before us," the Court, in fact, ruled on the commerce clause. Obviously, if that were all the authority available, one could argue for some time about whether the Court meant what it seemed to say on page 10 of its opinion or what it seemed to say on page 19. The Court said two things which appear on their face to be contradictory.

But I do not think the question is really worth arguing about. As my earlier discussion of the commerce clause clearly indicates, the legal view as to what that clause covers has developed substantially since 1883.

Every Senator knows that the Court has made varied interpretations of the commerce clause. The Constitution is a living document. It is not merely a historical document relating to years gone by.

The Court has the responsibility to apply the Constitution and its amendments to the present needs of this Republic, within the full meaning of the Constitution.

Since 1883 Congress has passed and the courts have upheld as an appropriate exercise of authority under the commerce power legislation of the type considered in the Civil Rights Cases; that is, legislation outlawing racial discrimination on public conveyances, such as railroads and air and motor carriers. At the very least, I think all will agree that the Civil Rights Cases are not now and never have been regarded as an authoritative interpretation of the commerce clause of the Constitution.

While I am not a lawyer, I have studied constitutional law. On occasion, I taught a course in it. I know of nothing which holds that the commerce clause is to be interpreted and defined by the ruling of the Court in 1883. To the contrary, it is rejected. As the able Senator from Oregon [Mr. MORSE] would say, "If a student of mine put down on paper that the commerce clause is defined in the Civil Rights Cases of 1883, he would be declared unfit for further study."

One does not have to be a lawyer to know that. I hope that we shall not burden the RECORD with trivia, detail and non sequiturs on the commerce clause with regard to the Civil Rights Cases of 1883.

So far as the 14th amendment is concerned, the Civil Rights Cases covered an entirely different situation than is presented by title II. The validity of the title under that amendment does not depend at all upon the possibility that the decision will be overruled. In fact, title II is entirely consistent with the decision in the Civil Rights Cases.

The 14th amendment provides that—

> No State shall * * * deny to any person * * * the equal protection of the laws.

That is rather clear language. It is not aimed at the action of individuals, but at the action of States. Because sections 1 and 2 of the 1875 act made "no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States" (109 U.S. at p. 14), the majority of Justices in the Civil Rights Cases held the act to be beyond the power of Congress. In other words, Congress may legislate under the 14th amendment only with respect to State action. And insofar as it rests upon that provision of the Constitution, that is all that title II does. There is, of course, no question about section 202 which is directed at discrimination and segregation required or commanded by a State statute or local ordinance. And discrimination or segregation by the places of public accommodation enumerated in section 201(b) is prohibited under the 14th amendment only if it "is supported by State action."

A long line of decisions has made it clear that for the purposes of the 14th amendment the phrase "State action" is a broad one which may be satisfied by a number of circumstances. Section 201(d) states that segregation by an establishment covered by section 201(b) shall be considered to be "supported by State action" within the meaning of title II if, and only if it—

> (1) is carried on under color of any law, statute, ordinance or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of a State or political subdivision thereof.

Each one of these tests has been held to be State action within the meaning of the 14th amendment. In short, the legislation considered in the civil rights cases did not meet the judicial tests of "State action." On the other hand, title II does meet them. The phrase "is carried on under color of any law, statute, ordinance, or regulation" is taken from section 1 of the Civil Rights Act of 1871. It is still on the books as title 42, United States Code, section 1983. The constitutionality of language such as this is now clear (*Monroe* v. *Pape,* 365 U.S. 167, 171–187).

Second, section 201(d) provides that discrimination or segregation is supported by State action if it is "carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof." The phrase "under color of any custom or usage" appears in section 1 of the Civil Rights Act of 1871, and in other Federal statutes.

I mention this because it was also brought up in the preliminary debate on the civil rights bill. There were those who said that that language was too broad, that it had no legal basis, that it had no historical reference. I repudiate such statements, not on the basis of the word of the Senator from Minnesota, but on the basis of law, and the basis of court decisions,

In the Civil Rights Cases of 1883, the Court pointed out that similar language in other legislation was valid because such language prohibited State action as contrasted with the action of a private individual.

The ruling of the Court in the Civil Rights Cases was related to private action, not State action as provided for in the pending legislation. The two situations are quite distinct.

Third, and finally, section 201(d) provides that discrimination or segregation is supported by State action if it is—

> required by action of a State or a political subdivision thereof.

As I have already shown, action "required" by a State is State action under the 14th amendment. It is also clear that State action which falls short of a requirement but does foster discrimination may constitute a sufficient degree of State "participation and involvement" to warrant a holding of State action in violation of the 14th amendment:

> It is settled that governmental sanction need not reach the level of compulsion to clothe what is otherwise private discrimination with "State action."

In this instance, I refer to *Simkins* v. *Moses H. Cone Memorial Hospital* (323 F. 2d 959, 968 (C.A. 4, 1963)), certiorari denied, March 2, 1964.

In summary, the view that the decision in the civil rights cases of 1883 prevents us from basing title II in part upon the authority of the 14th amendment rests upon a misconception of two things—what the civil rights cases actually decided and what this bill covers. This is why we recommend careful study of the bill. When it is carefully studied, it becomes clear, as I have stated several times, that the bill has been carefully designed. It is based upon documented evidence, and it derives its powers from the Constitution, not from wishful thinking.

CONSTITUTIONAL IMPACT OF TITLE II

It has also been suggested that for Congress to require places of public accommodation not to discriminate on grounds of race, color, religion or national origin is a taking of property without due process of law in violation of the fifth amendment. This argument also lacks merit.

In this connection, it should be emphasized that what is involved in the public accommodations provisions is a very narrow regulation of the use of property. All that is required is that such places not discriminate on account of race, color, religion, or national origin. They can, so far as this law is concerned, discriminate on any other ground. Restaurants can still deny service to men without ties or jackets or to women wearing shorts, if that is their policy. Hotels can turn away rude, dirty, or boisterous people—or simply those who cannot pay the tariff. All this can still be done—so long as it is not a subterfuge for discrimination on the ground of race, color, religion, or national origin.

Any kind of regulation always imposes some limitation on private activity. The type of regulation proposed in title II is hardly novel. As I have noted, some 30 States and the District of Columbia presently have public accommodations laws forbidding racial or religious discrimination, and a number of cities have ordinances of like character. Some of these provide criminal sanctions, or impose a forfeiture of a license. Some such laws were enacted shortly after the Civil War; others are more recent.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a summary of State public accommodations laws.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF STATE PUBLIC ACCOMMODATIONS LAWS

1. Alaska—Sections 11.60.230–11.60.240 (1962):

Establishments covered: Any establishment which caters or offers its services or goods to the general public, including but not limited to public housing and all forms of publicly assisted housing, and any housing accommodation offered for sale, rent, or lease.

Enforcement sanctions: Penal, misdemeanor, fine of up to $500, or imprisonment up to 30 days or both.

2. California—Sections 51–54 (1961):

Establishments covered: Restrictions on the transfer or use of realty, business establishments of every kind whatsoever.

Enforcement sanctions: Civil, actual damages plus $250 to party aggrieved.

3. Colorado—Sections 25–1–1 to 25–2–5:

Establishments covered: (1) inns, restaurants, eating houses, barbershops, public conveyances on land or water, theaters and all other places of public accommodation or amusement.

Enforcement sanctions: Penal, (1) misdemeanor, fine of $10 to $300, or imprisonment up to 1 year, or both; civil, recovery by person aggrieved $50 to $500; either relief bars the other; (2) penal, misdemeanor, fine of $100 to $300, or imprisonment up to 90 days, or both.

4. Connecticut—Section 53–35 (1961):

Establishments covered: Any establishment, which caters or offers its services or facilities to the general public including, but not limited to, public housing projects and all other forms of publicly assisted housing, any lot on which it is intended that housing accommodation will be constructed, which is one of three or more housing accommodations or buildings, lots on a single parcel of land contiguous with regard to highways or streets, held under single ownership or control within 1 year.

Enforcement sanctions: Penal, fine of $25 to $100, or imprisonment up to 30 days, or both.

5. Idaho—Sections 18–7201 through 18–7203 (1961):

Establishments covered: Resorts, transportation facilities, places of amusement, places of sale of goods or merchandise or of rendering of personal services, restaurants, places where food or beverages of any kind are sold for consumption on the premises, places of public entertainment and recreation, public elevators, washrooms, places of public housing, educational institutions supported in part by public funds.

Enforcement sanctions: Penal, misdemeanor.

6. Illinois—C. Title 38, article 13, sections 13–1 to 13–4 (1961); title 43, section 133; title 103, section 468.1.

Establishments covered: Restaurants, hotels, soda fountains, taverns, barbershops, department stores, clothing stores, restrooms, theaters, skating rinks, public golf courses, elevators, railroads, buses, airplanes, street cars, boats, funeral hearses, crematories, cemeteries, and public conveyances, and all other places of public accommodation and amusement, premises where alcoholic beverages are sold, and concessionaries of State.

Enforcement sanctions: Penal, fine of up to $1,000, and imprisonment up to 6 months; civil. damages of $100 to $1,000; commission on human relations, conciliatory and injunctive forms of relief.

7. Indiana—Sections 10–901 to 10–914 (1961):

Establishments covered: Any establishment which caters or offers its services or facilities or goods to the general public, including but not limited to public housing projects.

Enforcement sanctions: Penal, fine of $25 to $100, imprisonment up to 30 days, or both; civil, damages, $20 to $100 to aggrieved person; either relief bars the other.

8. Iowa—C. 735:

Establishments covered: Inns, restaurants, chophouses, eating houses, lunch counters, and all other places where refreshments are served, public conveyances, barbershops, bathhouses, theaters, and all other places of amusement.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100 or imprisonment up to 30 days.

9. Kansas—C. 21–2424 (1959): Establishments covered: State university, college, or other school of public instruction, hotels, restaurants, any place of public entertainment or public amusement for which a license is required, railroad, bus, streetcar, or other means of public carriage.

Enforcement sanctions: Penal, misdemeanor, fine of up to $1,000.

10. Maine—C. 137, section 50 (1954): Establishments covered: Inns, any restaurant, public conveyance on land or water, bathhouse, barbershop, theater, and music hall.

Enforcement sanctions: Penal, fine of up to $100, or imprisonment up to 30 days or both.

11. Maryland—article 49B, section 11, C. 227 (1963): Establishments covered: Hotel, restaurant, inn, motel, or establishments commonly known or recognized as regularly engaged in the business of providing sleeping accommodations, or serving food, or both, for a consideration, and which is open to the general public; except premises or portions of premises primarily devoted to the sale of alcoholic beverages and generally described as bars, taverns or cocktail lounges.

Law not applicable to Carroll County, Md., unless adapted by referendum; not applicable to Calvert, Caroline, Dorchester, Garrett, Kent, Queen Annes, St. Marys, Somerset, Talbot, Wicomico, and Worcester Counties.

Enforcement sanctions: Limited to injunctive relief.

12. Massachusetts—C. 140, sections 5 and 8 (1878); C. 272, section 92A (1953); C. 272, section 98 (1950):

Establishments covered: (1) Innholder, (2) [1] inn, tavern, hotel, shelter, motel, resort for transient or permanent guests or [2] carrier, conveyance or elevator, [3] gas station, garage, retail store or [4] restaurant, bar or eating place, [5] restroom, barbershop, [6] a boardwalk or other public highway; [7] auditorium, theater, music hall, [8] place of public amusement, [9] public library, museum or planetarium; [10] hospital operating for profit.

Enforcement sanctions: Penal, (1) fine of up to $50; (2) fine of up to $100, or imprisonment up to 60 days, or both; (3) fine of up to $300, or imprisonment up to 1 year, or both; civil, damages of $100 to $500.

13. Michigan—sections 28.343 and 28.344: Establishments covered: Inns, hotels, motels, Government housing, restaurants, barbershops, billiard parlors, stores, public conveyances, theaters, public educational institutions, elevators, and all other places of public accommodation, amusement, and recreation.

Enforcement sanctions: Penal, $100 minimum fine, or 15 days minimum imprisonment, or both; civil, liability to the injured party in treble damages [chose in action not assignable]; if violating person is licensee of the State, license may be revoked.

14. Minnesota—section 327.09: Establishments covered: public conveyances, theaters, and other public places of amusement, hotels, barbershops, saloons, restaurants, or other places of refreshments, entertainment, or accommodations.

Enforcement sanctions: Penal, misdemeanor; civil, damages up to $500.

15. Montana—title 64, section 211 (1955): Establishments covered: Place of public accommodation or amusements.

Enforcement sanctions: Limited to injunctive relief.

16. Nebraska—C. 20, esctions 101 and 102: Establishments covered: Inns, restaurants, public conveyances, barbershops, theaters, and other places of amusement.

Enforcement sanctions: Penal, misdemeanor; fine of $25 to $100 plus cost of the prosecution.

17. New Hampshire—C. 354, sections 1, 2, 4, and 5 (1961): Establishments covered: Inns, taverns, or hotel, public conveyance, bathhouse, barbershop, theater.

Enforcement sanctions: Penal, fine of $10 to $100, or imprisonment 30 to 90 days.

18. New Jersey—title 2A, sections 161–4 and 170–11; title 10, sections 1–2 to 1–7, 1–14 and 1–19; title 18, sections 25–1 to 25–6:

Establishments covered: (1) Place of safety or shelter; (2) inn, tavern, hotel, restaurant, garage, public conveyance, public bathhouse, public boardwalk, theater, or other place of public amusement, skating rink, amusement and recreation parks, hospital, public library, kindergarten, primary and secondary school, high school, college, and university; (3) employment, publicly assisted housing, or other real property.

Enforcement sanctions: (1) Penal, imprisonment up to 1 year, or fine of up to $1,000, or both; (2) civil, damages of $100 to $500, cost of prosecution, attorney's fee of $20 to $100; penal, misdemeanor, fine of up to $500, or imprisonment up to 90 days, or both; (3) complaint to division of civil rights, limited to conciliatory and injunctive forms of relief.

19. New Mexico—C. 49, sections 8.1 to 8.6 (1955):

Establishments covered: Inns, taverns, hotels, motels and tourist courts, restaurants, ice cream parlors, hospitals, bathhouses, theaters, race courses, skating rinks, amusement and recreation parks, swimming pools, public libraries, garages, all public conveyances.

Enforcement sanctions: Limited to injunctive relief.

20. New York—Article 4 sections 40 and 41, article 15 section 290, article 46 sections 513–515.

Establishments covered: Inns, taverns, hotels, any place where food is sold for consumption on the premises; ice cream parlors, retail stores and establishments, hospitals, bathhouses, barbershops, theaters, race courses, skating rinks, amusement and recreation parks, public libraries, kindergartens, primary and secondary schools, high schools, colleges and universities, extension courses, garages, all public conveyances, any place where food is sold, institutions for care of neglected or delinquent children supported by public funds, (2) employment, (3) public employment or employment in industry engaged in defense contracts.

Enforcement sanctions: Penal, misdemeanor, fine of $100 to $500, or imprisonment 30 to 90 days, or both; civil, $100 to $500 damages, assignable to any resident of the State; (2) State Commission Against Discrimination, (3) penal, misdemeanor, fine of $50 to $500.

21. North Dakota—12–22–30 (1961).

Establishments covered: Public conveyances, theaters, or other public places of amusement, hotels, barber shops, saloons, restaurants, or other public places of refreshment, entertainment, or accommodation.

Enforcement sanction: Penal, misdemeanor, fine of up to $100, or imprisonment up to 30 days, or both.

22. Ohio—sections 2901–35 and 2901–36.

Establishments covered: Inn, restaurant, eating house, barber shop, public conveyance, theater, store, or other place for the sale of merchandise, or other place of public accommodation or amusement.

Enforcement sanctions: Penal, fine of $50 to $500, or imprisonment of 30 to 50 days, or both; civil, damages up to $500; either relief bars the other.

23. Oregon—sections 30.670, 30.675 and 30.680.

Establishments covered: Hotel, motel, motor court, trailer park, campground, place offering to the public food or drink for consumption on or off the premises, place offering to the public entertainment, recreation or amusement, place offering to the public goods or services.

Enforcement sanctions: Civil, damages up to $500.

24. Pennsylvania—title 18, section 4654.

Establishments covered: Inns, taverns, hotels, restaurants, ice cream parlors, drug stores, hospitals, bathhouses, theaters, race courses, skating rinks, amusement and recreation park, public libraries, kindergartens, primary and secondary schools, high schools, colleges and universities, extension courses, garages and all public conveyances.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100; or imprisonment up to 90 days, or both.

Establishments covered: Inns, taverns, hotels, restaurants, ice cream parlors, retail stores and establishments, hospitals, restrooms, bathhouses, race courses, skating rinks, amusement and recreation parks, swimming pools, seashore accommodations and boardwalks, public libraries, garages, all public conveyances and public housing projects.

Enforcement sanctions: Rhode Island Commission Against Discrimination, conciliation and injunctive forms of relief.

26. South Dakota—Senate bill 1 (1963):

Establishments covered: Public conveyances, theater, or other public places of amusement, or by hotels, motels, barbershops, saloons, restaurants, or other places of refreshment, entertainment, or accommodations.

Enforcement sanctions: Penal, fine of up to $200.

27. Vermont—C. 29, sections 1451 and 1452:

Establishments covered: Any establishment which caters or offers its services or facilities or goods to the general public.

Enforcement sanctions: Penal, fine of up to $500, or imprisonment up to 30 days, or both.

28. Washington—title 49.60.010 to 49.60.-170; title 9.91.010:

Establishments covered: (1) Any place kept for gain whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or other personal property, or for the rendering of personal services, or for public conveyance or transportation or for the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where medical service or care is made available, or any place of public amusement, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps; publicly assisted housing; employment.

Enforcement sanctions: Penal, misdemeanor; Washington State Board Against Discrimination, conciliatory and injunctive relief (seeking of any civil or penal remedy is a bar to application to the commission).

29. Wisconsin—section 942.24 (1955).

Establishments covered: Inns, restaurants, taverns, barbershops and public conveyances.

Enforcement sanctions: Penal, fine of up to $200, or imprisonment of up to 6 months, or both; civil, damages, not less than $25 plus costs; neither relief bars the other.

30. Wyoming—sections 6–83.1 and 6–83.2.

Establishments covered: Places or agencies which are public in nature, or which invite the patronage of the public.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100, or imprisonment up to 90 days, or both.

District of Columbia—title 47, sections 2907, 2910, and 2911:

Establishments covered: Restaurants, hotels, ice cream parlors, saloons, places where soda water is kept for sale, barbershops, bathhouses.

Enforcement sanctions: Penal, misdemeanor, fine of $100, forfeiture of license, not eligible for renewal for 1 year.

COMMON LAW HERITAGE

The legal theory supporting enactment of title II is firmly rooted in our common law heritage. Blackstone himself writes:

> A man may justify entering into an inn or public house, without the leave of the owner first specially asked; because when a man professes the keeping of such inn or public house, he thereby gives a general license to any person to enter his doors (Commentary, 3, p. 168 (212)).

So we are not proposing anything radical. Blackstone is not known as a radical. In fact, he was quite a conservative man.

As early as 1450 a case was successfully prosecuted for refusal to serve. In fact, during the 13th, 14th, and 15th centuries, the duty to serve all who came was covered by criminal law. In an anonymous case in 1623, the court held:

> An action on the case lyeth against an innkeeper who denies lodging to a traveller for his money, if he hath spare lodging; because he hath subjected himself to keep a common inn.

In the case of *Lane* v. *Cotton* (1701), the court held:

> Wherever any subject take upon himself a public trust for the benefit of his fellow subjects, he is eo ipso bound to serve the subject in all the things that are within the reach and comprehension of such an office, under pain of an action against him. * * * If an innkeeper refuse to entertain a guest, when his house is not full, an action will lie against him.

So this provision of title II is not a machination of a radical, evil mind. Title II is in the tradition of Anglo-Saxon common law.

In summary, the responsibilities of those persons engaged in occupations which serve the public to serve all the public runs to the very heart of our Anglo-Saxon legal heritage. I deeply regret that these historical precedents are frequently overlooked by the opponents of this proposed legislation.

When we read statements to the effect that the bill is an intrusion upon private rights and a mailed fist of governmental power, I wish that those who make that charge would examine the common law and the constitutional law cases. This evidence proves that public accommodations should be available without discrimination, as part of an Anglo-Saxon legal heritage. We should not even have to legislate in connection with this matter; but apparently we do, because of the refusal of some to abide by what has generally been accepted as custom and the common law.

Moreover, the Supreme Court has twice sustained the constitutionality of State and local public accommodations laws. In *Bob-Lo Excursion Co.* v. *Michigan* (333 U.S. 28 (1948)), the Court sustained a State public accommodations law, applied to an excursion boat which had refused passage to a Negro, against objections that it interfered with interstate commerce. The Court referred to the law as "one of the familiar type enacted by many States" (334 U.S. at 33). It emphasized that the State law "contains nothing out of harmony with our Federal policy," and pointed out that "Federal legislation has indicated a national policy against racial discrimination" in interstate transportation (333 U.S. at 37). The State court had held that the law was consistent with due process, and counsel did not even argue this point in the Supreme Court. In *District of Columbia* v. *Thompson Co.* (346 U.S. 100 (1953)), a public accommodations law of the District of Columbia was sustained as applied to a restaurant which had refused to serve Negroes.

So I think there is no doubt about the constitutional basis for the bill. The only question is whether we have the moral fiber to do something about the situation which has developed.

In *Railway Mail Assn.* v. *Corsi* (326 U.S. 88 (1945)), a provision of the New York civil rights law which prohibited a labor organization from denying any person membership, or equal treatment, by reason of race, color, or creed was challenged. The Court stated—at page 94:

> We see no constitutional basis for the contention that a State cannot protect workers from exclusion solely on the basis of race, color, or creed by an organization, functioning under the protection of the State, which holds itself out to represent the general business needs of employees.

The right of a private association to choose its own members is certainly entitled to as much respect as the right of a businessman to choose his customers.

In light of these decisions, it is clear that a public accommodations law, such as is proposed in title II of H.R. 7152, is a "regulation which is reasonable in relation to its subject and is adopted in the interests of the community," and is consistent with the due process guaranteed by the fifth amendment. See *West Coast Hotel Co.* v. *Parrish* (300 U.S. 371, 379 (1937)).

There is then no real question as to the reasonableness or the constitutionality of title II. It reflects our deepest moral feelings. It meets an urgent economic and social need. It must be enacted without delay.

PUBLIC FACILITY AND SCHOOL DESEGREGATION: TITLES III AND IV

Mr. President, titles III and IV of the bill may be considered together, since both deal with desegregation of publicly owned facilities.

Title IV would authorize the Attorney General to bring public school—including college—desegregation suits where he certifies that he has received a signed complaint from parties injured by segregation and that these parties are, in his judgment, unable to initiate and maintain appropriate legal proceedings for relief.

Title III would authorize the Attorney General to bring suits under similiar circumstances for the desegregation of other public facilities, such as parks, playgrounds, libraries, and museums, which are owned or operated by State or local governmental units. He would also be authorized to intervene in such suits brought by a private party, as well as in any other suit brought by a private party based on the denial of equal protection of the laws on account of race, color, religion, or national origin.

These provisions in titles III and IV create no new rights. They impose no new duties on local officials, since such officials are already under a long-declared constitutional duty not to segregate or otherwise discriminate. They merely authorize the Attorney General to sue on behalf of the United States to enforce what the Constitution itself requires. At present only a private civil action can be brought in these situations. And the process of private litigation has proved insufficient to vindicate the clear rights conferred by the 14th amendment.

It is now 10 years since the Supreme Court held, in Brown against Board of Education, that the Constitution commanded an end to racial segregation in public schools. Yet, the sad fact is that in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina less than 1 percent of all Negro pupils in biracial districts are enrolled in desegregated schools.

Other percentages are: Florida, 1.53; Tennessee, 2.71; Texas, 4.29; Virginia, 1.57. For the South as a whole the percentage is 1.06. Source: Southern Education Reporting Service, Statistical Summary of School Segregation and Desegregation, 1963–64.

Three States—Alabama, Mississippi, and South Carolina—had, as of last August, not a single Negro child registered to attend a white school below the college level; Alabama now has 11, South Carolina 10, and Mississippi still has none. In 11 Southern States, the overall percentage of Negro children in school with whites is less than 1 percent.

Children who were entering segregated primary schools when the Supreme Court decided the Brown case are now attending segregated high schools. We can never make up the loss to their education; but the Federal Government can help to see to it that children who will enter segregated kindergarten next fall will not be graduating from a segregated high school in 1978.

Ten years of private litigation has produced a 1-percent rate of school desegregation in these 11 States—far less in some of them. At this rate, the 14th amendment will not become a reality in these States for centuries. There are nearly 2,000 biracial school districts which are still totally segregated. This means that nearly 2,000 separate lawsuits may be required to bring about compliance with the Constitution. A single lawsuit in a single school district can take many years, and cost many thousands of dollars. Stubborn litigation may occur over numerous features of a plan of desegregation, over numerous questions of compliance, and even over the status of each individual pupil under a pupil placement law. Repeated appeals may be taken. And the cost is very great.

NEW ORLEANS SCHOOL CASE: DELIBERATE SPEED IN PRACTICE

Examination of what has happened in individual cases tells the story very clearly, and demonstrates why so little progress has been made. The story of one such case, in the city of New Orleans, has been well told in the opinion of the Court of Appeals for the Fifth Circuit in *Bush* v. *Orleans Parish School Board* (308 F. 2d 491). The court's opinion, written in August 1962, states:

> This case is "Exhibit A" for "deliberate speed." It goes back to November 1951, when certain Negro children, through their parents, petitioned the Orleans Parish Board to desegregate the Orleans public schools (308 F. 2d at 492).

Suit was instituted in 1952. The case waited until the Supreme Court decided *Brown* v. *Board of Education*, in 1954 and 1955 (347 U.S. 483; and 349 U.S. 249). In 1956 the district court ordered the New Orleans School Board to obey the law of the land. The school board appealed; the judgment of the district court was affirmed. The school board sought certiorari from the Supreme Court; it was denied. The school board then returned to the district court and moved that the injunction—a simple order to begin considering ways in which to comply with a clear rule of law—be vacated. This essentially dilatory and frivolous motion was of course denied. Again the school board appealed and lost, again it sought review in the Supreme Court and was denied. A third time the school board attacked the order in the district court; a third time it appealed the denial of that attack. After this third appeal to the circuit court, the school board did not seek certiorari. By this time, however, it was 1959. The school board had managed to postpone even the beginning of thought about desegregation for 3 more years.

During this time forces had built up that were to make legal delays superfluous. Immediately after the issuance of the 1956 injunction the Louisiana Legislature enacted a massive body of laws intended to preserve segregation in the schools. When the district court ordered the school board to file a plan—not to begin desegregation, but only to file a plan for desegregation—a Louisiana court ruled that under one of these State laws, the legislature and not the board had the right to change the racial situation in the schools. Thus the local board, with its unique knowledge of local conditions, was kept from participation in the drawing of a desegregation plan. The district court was forced to draw its own without the board's assistance.

The district court's plan was not radical. It affected not at all children then attending school. It provided that in September 1960—6 years after the decision in the *Brown* case—children entering the first grade could enter either the formerly all-white or the formerly all-Negro schools nearest their homes, at their option. The school board could transfer students from school to school, so long as they did not do so on considerations of race.

Even this moderate plan was too much for the State of Louisiana. The State attorney general obtained, in the Louisiana courts, an injunction against the school board, forbidding it to obey the Federal court order. Then the Governor, acting under a law passed for the occasion, took over control of the New Orleans public schools. Again it was necessary to go to Federal court, this time for an injunction against the Governor and other State officials to prevent them from interfering in the orderly progress of desegregation. Again the State used the processes of law to delay the granting of constitutional rights; again it appealed to the Supreme Court and was repulsed.

The way now seemed clear for the school board; and that board, in public session, announced its intention to comply with the court orders and adopt the grade-a-year plan. But, as the fifth circuit noted:

> The Louisiana Legislature did not remain idle. The Governor of the State called five consecutive extra sessions of the legislature (unprecedented in Louisiana) for the purpose of preventing the board from proceeding with the desegregation program. Among other actions, the legislature seized the funds of the Orleans Parish School Board, forbade banks to lend money to the board, removed as fiscal agent for the State the bank which has honored payroll checks issued by the school board, ordered a school holiday on November 14 [the day on which desegregation was to commence] addressed out of office four of the five members of the board, later repealed the act creating the board, then on two occasions created a new school board for Orleans Parish, still later addressed out of office the superintendent of schools in Orleans Parish, and dismissed the board's attorney. The Federal courts declared these and a large bundle of related acts unconstitutional.

I would think so. Mr. President, there is a blow-by-blow account of defiance of the Federal court and of a refusal to comply with a court decision whose constitutionality had not been contested. Again be it noted that removal of these unconstitutional barriers to the carrying out of orderly desegregation by the local authorities required three cases before a three-judge district court, and three appeals to the Supreme Court. On November 14, 1960, which was several years later, 4 little Negro girls—out of 134 Negro children who had applied—were admitted to white schools in New Orleans.

Think of the time that has been consumed and the money and resources that were involved to permit four fine little girls to attend a school after the Supreme Court of the United States had ruled that segregation in the public schools was a clear violation of the Constitution of the United States.

I am sure that the people who threw stones, demonstrated, and rioted in protest would prefer now to forget what followed. I am sure that all of us would prefer that it had never happened.

I do not recite these circumstances to irritate old wounds. I merely point out those things to show why title IV is in the bill.

The school year ended more quietly. In September 1961 eight more Negro children were admitted to white schools.

In 1962 the plaintiffs—new plaintiffs joined in the suits as the original ones were finishing their schooling in segregated schools—alleged that Louisiana's pupil placement law was being applied so as to maintain segregation. The district court found the proof supported this allegation and, in August 1962, the court of appeals affirmed this finding and ordered the school board to adopt a comprehensive plan of desegregation, at the rate of one grade a year, beginning with the first grade.

Thus, after 10 years of litigation, the original plaintiffs got no relief whatever. Twelve Negro children, out of 55,000 in the parish, had been admitted to white schools. And the courts had ordered adoption of a plan of desegregation, at the rate of one grade a year.

Why had so much painful effort, so much legal work and expense, accomplished so little? The candid answer is that the State of Louisiana has used all the legal devices at its command, and every opportunity for delay which the law affords, in a conscious, deliberate effort not to comply with the law of the land, not to allow the Negro children their plain constitutional rights.

I single out this case as an example because the story is so clearly told in the court's opinion, not because it is unique. The pattern has been similar in other States with segregated schools—a deliberate design to resist, delay, and obstruct by every possible means, with the State arraying all its resources and legal skill—paid for with taxpayers' funds—to make it as expensive, time consuming, and burdensome as possible for individual citizens to obtain their clear constitutional rights.

Lest anyone think that one case settles the issue in a State, I can point to the situation in Virginia, where there have been separate lawsuits in Charlottesville (extending over 7 years in Federal and State courts, with repeated appeals), Powhatan, Richmond, Roanoke, Norfolk, Alexandria, and Arlington. In each case the courts were dealing with the same system and pattern of segregation, the same State educational system, and the same governing law (both State and Federal). Yet issues which were decided for one school district had to be litigated all over again in the next one, and the next, and the next; nothing was taken as settled.

SEPARATE IS NOT EQUAL

It must be emphasized, moreover, that the result has been to deny growing children the kind of education to which they are entitled. I am not now speaking of the psychological and social disadvantages inherent in any system of segregation, with all its hurtful implication of a superior and an inferior race. I am speaking of the plain fact that separate is not equal, and never has been, as all of us have known for a long time.

For example, look at the situation in New Orleans. The record in the Bush case shows that the average class in the Negro elementary schools had 38.3 pupils; in the white schools, 28.7. In the Negro elementary schools each teacher had an average of 36 pupils; in the white schools, 26.1. White classes met in regular classrooms; many Negro classes met in rooms converted from stages, janitors' quarters, libraries, and teachers' lounges. Fully 10 percent of the Negro children—over 5,500—were on "platoon" or split shift attendance.

Mississippi affords another example. Mississippi's schools are still 100-percent segregated, 10 years after the Brown case. Although half the pupils in that State are Negro, the biennial report of the State superintendent of public education shows that only 7 Negro high schools are accredited by the Southern Regional Association of Colleges and Secondary Schools, while 82 white high schools are accredited. Of Mississippi's 82 counties, fully 9 have no Negro high schools at all—and in 2 of these counties (Noxubee and Tunica) there are 5 times as many Negro students as white students. And almost twice as much is spent on instruction of each white pupil as is spent on each Negro pupil statewide. In some counties, over 10 times as much is spent per white pupil as is spent per Negro pupil.

Mr. President, I ask unanimous consent to insert in the RECORD at this point further statistical data on the inequality of Negro and white educational facilities in Mississippi. These figures all come from official documents of the State of Mississippi.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Average annual salary of classroom teachers, 1961–62; White, $3,742.39; Negro, $3,236.75.

Source: Statistical Data, School Session 1961–62, Mississippi State Department of Education (1962), p. 42.

Pupil-teacher ratio: White, 1 teacher for each 23 jupils; Negro, 1 teacher for each 28.5 pupils.

Sourse: Ibid, pages 1, 39; computed on average daily attendance.

Percentage of public schools accredited by the State of Mississippi: Elementary schools, white, 96.9 percent; Negro, 44.3 percent; junior high schools, white, 100 percent; Negro, 89.7 percent; high schools, white, 100 percent; Negro, 76.3 percent.

Source: Biennial Report and Recommendations of State Superintendent of Education to the Legislature of Mississippi for the scholastic years 1959–60 and 1960–61, page 137.

Mr. HUMPHREY. This kind of discrimination and unequal treatment is not confined to Mississippi. Unfortunately, it is all too common in some parts of this country. I have been able to find figures comparing per-pupil expenditures for whites and Negroes in six States where the public schools are almost totally segregated. These figures all come from official reports of the individual States, and they reveal a shocking pattern of inequality. In five of these six States Negro schoolchildren are short changed. Much less is spent for each Negro pupil than for each white student. Mr. President, I ask unanimous consent to insert in the RECORD at this point these statistics showing that segregated schools are not equal.

There being no objection, the table was ordered to be printed in the RECORD as follows:

ANNUAL EXPENDITURE PER PUPIL

Alabama: White, $182.68; Negro, $161.77.
Arkansas: White, $246; Negro, $197.
Louisiana: White, $234; Negro, $182.
North Carolina: White $172; Negro, $165.
Mississippi: White, $173.42; Negro, $117.10.

Source: All figures are from the latest annual report of the respective State boards of education. Figures for Arkansas and Mississippi are based on average daily attendance.

EFFECT ON HIGHER EDUCATION

Mr. HUMPHREY. Thus far I have talked about public elementary and secondary schools. The situation in higher education is also appalling. In its 1960 Report on Equal Protection of the Laws in Public Higher Education, the Civil Rights Commission found that, in the academic year 1959–60, at least 86 of the 211 public higher educational institutions formerly open only to white students in the 17 Southern States continued to exclude Negro applicants on the ground of race in violation of the law of the land (p. 265). Moreover, where Negroes have been admitted there has tended to be token integration only—one or two Negro students. And even these victories have been achieved only after strenuous efforts.

The Commission found that the average length of Federal lawsuits to obtain admission to colleges and universities, where an appeal was taken (as it usually is), was over 2½ years—page 269.

We are dealing, then, with a gross deprivation of educational opportunities. We are dealing with massive efforts to block desegregation through the courts, by constant appeals and by ignoring court orders, by thinking up ever more ingenious schemes with which to deny equal desegregated education to millions of Negro children. And thus far, we have been dealing with it by saying to the Negro, "Sue for your rights in the courts—with your own lawyers, your own resources, your own children's lives."

COST OF LITIGATION

What does all this litigation cost? One indication is given by the case of *NAACP* v. *Patty* (159 F. Supp. 503 (E.D. Va., 1958)), 6 years ago, in which the court stated that the cost to the National Association for the Advancement of Colored People of litigating a case going to the Supreme Court "in which the fundamental rules governing racial problems are laid down" was from $50,000 to $100,000. In *Brown* v. *The Board of Education*, it was over $200,000.

Another estimate is that the cost of a single trial in the district court, with an appeal to the court of appeals and an application for certiorari to the Supreme Court, is from $15,000 to $18,000—letter from Gordon Tiffany, staff director, Commission on Civil Rights, January 29, 1960, CONGRESSIONAL RECORD, volume 106, part 3, pp. 3663–4. In New Orleans, there were six such appeals. It cost New Orleans Negroes something like $8,000 per child to secure to these 12 children their constitutional rights as Americans.

The burden of this litigation to put the Constitution into effect is carried by individuals who volunteer, at great personal cost, to vindicate rights of the public as a whole. It falls on members of a minority group which, in general, is the least well to do, least well educated, and most vulnerable to economic and other pressures. One measure of the status of Negroes in the States of the old Confederacy is that in those 11 States there were a total of 305 Negro lawyers in 1960. Louisiana had 19, Alabama 18, South Carolina 13, Georgia 12, and Mississippi 4. To these one might add the legal resources of the National Association for the Advancement of Colored People, whose legal defense department has the imposing staff of nine lawyers.

I need not labor any more the point that private litigation, financed with private funds, is just not adequate to do the job that has to be done to make effective the clear constitutional rights of schoolchildren, white and Negro, to attend schools that are free from racial segregation or discrimination. Indeed, the point is obvious to anyone who reads the newspaper.

ASSISTANCE TO SECURE DESEGREGATION OF SCHOOLS

In the case of schools and colleges, litigation alone is not enough. Title IV provides also for affirmative assistance in meeting practical problems. It authorizes the Commissioner of Education, upon the request of the appropriate State and local authorities, to assist local school boards in dealing with problems arising from desegregation. Such assistance would include advice and technical assistance in the preparation and implementation of desegregation plans, and grants and contracts for special training for school personnel to enable them to deal with educational problems arising from desegregation. This assistance would be available whether desegregation was being carried out at the instance of the local authorities or under court order, but acceptance of the assistance would be entirely optional with the local authorities, and the Commissioner would be given no coercive powers.

These provisions recognize that segregation in schools is a problem which concerns all Americans in all sections of the country. We should not simply stand back and say to the local authorities, "Desegregate." Teachers and school officials who have not experienced the problems involved in merging two formerly separate school systems into one can benefit greatly from the experience of other localities which have met and solved similar problems. School administrators should have at their disposal adequate funds for training and adjustment programs. It is vital that in providing equal education to Negroes, we do not lower the quality of education overall.

Title IV also provides, in section 402, for a survey and report to Congress, by the Commissioner of Education, concerning "the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin" in public schools and colleges. This survey will cover not only the continued existence of unconstitutional racial segregation, but all forms of discrimination and inequality of treatment.

The existence of inequality, of deprivation of educational opportunity because of race and color, is obvious. But their extent is not yet fully known. An authoritative survey and report is needed, and will be most useful to the Congress, to educators, and to the public. Since the matter to be reported on is not merely the statistics as to the extent of segregation and desegregation but the quality of education available to whites and Negroes, it is appropriate that responsibility for the survey and report be vested in the Commissioner of Education.

DESEGREGATION OF PUBLIC FACILITIES

In the school cases there may be justification for a gradual approach in carrying out a plan of desegregation, although none for delay in starting the process. There can be no justification for any delay in making fully available to all citizens, the parks, playgrounds, libraries, and other public facilities built and maintained with taxes paid by all citizens. As the Supreme Court has declared, in a case involving such facilities, "The basic guarantees of our Constitution are warrants for the here and now"—(*Watson* v. *City of Memphis*, 373 U.S. 526, 533 (1963)). Yet here, too, the clear constitutional rights of citizens are being made effective only by costly and time-consuming litigation, in city after city.

It is almost unthinkable to me that a citizen should have to spend 3 years in litigation and take a case to the U.S. Supreme Court, at a cost of thousands of dollars, in order to be able to walk in a city park that he helped pay for; to play on a city golf course that he helped pay for; to enter a city art museum that he helped to pay for; or to have his children play in a city playground that he helped pay for. Yet that was the question at issue in the Watson case.

It is wholly appropriate that the Attorney General, a public official, should be authorized in title III and title IV to sue to maintain the clear constitutional rights of a large segment of the public. The Supreme Court has said:

> There is the highest public interest in the due observance of all the constitutional guarantees, including these that bear most directly on private rights; and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief. *United States* v. *Raines*, 362 U.S. 17, 27 (1960).

This statement was made of the right given the United States by the Civil Rights Acts of 1957 and 1960 to sue to vindicate the constitutional right to vote. The Court's reasoning is just as applicable to suits to vindicate the right of the public—all the public—to use the public parks, playgrounds, buildings, and schools.

Mr. President, suppose you attempted to go into Rock Creek Park with your loved ones on Sunday, but discovered you first had to go to court for authority to use these public facilities? How long would most white citizens tolerate such a state of affairs?

Is it any wonder that Negroes demonstrate? I abhor instances of violence and disorder. I deeply regret them; but people cannot be abused for years without repercussions.

I often wonder how the American Negro has kept himself clean from the forces of subversion for these many years.

It is nothing short of amazing that the American Negro has been so patient. If such things had happened to my family, I would not have been patient.

Put yourself in the other man's shoes, or as the old Indian said, "Let me walk a mile in the other man's moccasins."

"Do unto others as you would have them do unto you."

Mr. President, when we deny a person the right to enter a museum or a library because of race, when we deny him access to a public park because of race, when we do that, in America, the land of the free and the home of the brave—America, the Beautiful, as we say—there is something wrong. That is why title IV is in the bill. It is not in the bill because some radical designed it. It is in the bill to prevent radicalism.

We say, "You are colored. Get away from the lunch counter. You may be good enough to prepare the food but do not sit down and eat it. You may be good enough to fight for your country and die for your country, but do not try to live in it peacefully."

I reject that kind of philosophy.

In a sense, America is now in the midst of a struggle of anticolonialism. Those of us who seek to impose this yoke of superiority—which is nothing more or less than a refined definition of the ugly practice of colonialism—will find that the yoke of superiority will be ripped from our hands. We can either drop it peacefully and treat our fellow citizens as human beings or it will be torn from us—and rightly it should.

That is what this debate is all about. The question is: Are we going to decide the issue with due process of law, or will it be decided in the streets and back alleys with clubs and violence? That is the question.

The question is: Will it be decided by men who love their country and the Constitution, or will it be decided by those who would subvert it?

The Senate has a choice. If we have to stay here for many months to make that choice, we will do it. There will be no weakening. If the American Negro can wait a hundred years for the promises in the Emancipation Proclamation to become a reality, I can wait for a hundred weeks, if necessary, in this debate.

This debate will resolve the fundamental proposition as to whether we really believe that men and women are entitled to full civil equality. If we do not believe it, we should say so; then we can relegate ourselves to the past in the history of great nations. But if we do believe it, we should say so, and we shall stand high and strong in the great history of nations.

RIGHT OF ATTORNEY GENERAL TO SUE: AMPLE PRECEDENTS EXIST

We commonly rely on public officials to enforce public rights even though private interests are also involved. The public's right to free competition under the antitrust laws is enforced by the Attorney General and the Federal Trade Commission. The United States brings suit to enforce payment of tariffs levied to protect American manufacturers. The National Labor Relations Board brings suits to enjoin unfair labor practices by employers and employees. I call attention to a study, prepared by the Library of Congress and placed in the CONGRESSIONAL RECORD, volume 106, part 3, page 3665, which lists nearly 30 statutes providing for injunction suits by the United States in situations where private interests may also be affected.

In all these situations the United States is authorized to sue because it is asserting and vindicating the public interest, not private rights. The national interest at stake in titles III and IV is second to none in priority. It is concerned not with economic rights but with human rights—rights to an education, to the use of public facilities, to hold one's head up in dignity and equality. It is concerned not with statutory policies which may come and go, but with the fundamentals of our constitutional system and the basic political and moral principles which we proclaim and embody to the world. It is difficult to imagine a case which more clearly justifies an authorization to the United States to sue in the public interest.

Nevertheless, the provisions of titles III and IV are considerably more restricted than most of these other statutory provisions. The Attorney General may sue to protect economic rights of businessmen, regardless of their ability to finance and conduct effective litigation on their own behalf. But he is authorized to bring suit under titles III and IV to protect human rights which are not capable of measurement in economic terms only if he certifies first, that the private individuals affected are unable, directly or through other interested persons and organizations, to bear the expense of the litigation or to obtain effective legal representation, or second, that institution of the suit would jeopardize the employment or economic standing of, or might result in injury or economic damages to, such persons, their families, or their property.

Section 301(b) of the title sets out in some detail the circumstances under which a person may be deemed incapable of bringing suit. The financial test imposed is not met simply because the bringing of suit would be a financial burden, as it often is. The complainant must be unable, either alone or through interested persons or organizations, to bear the costs of litigation or to obtain effective counsel. Alternatively, he may be considered unable to sue if to do so would result in economic or personal jeopardy to him or his family.

The purpose of the requirement that the Attorney General first find that the injured party is unable to bring suit is to assure that the Federal Government is not involved when private parties are able to undertake necessary legal action.

The bill requires the Attorney General to state in his complaint that he has received a complaint and that in his judgment the persons who complained are unable to initiate or maintain appropriate legal proceedings. These statements by the Attorney General will not be subject to challenge either by the defendants or by the court. Under no circumstances will the Attorney General be required to reveal the names of the particular complainants. Of course, if the defendants deny that they discriminate, it would always be necessary for the Attorney General to prove discrimination to the satisfaction of the court.

In short, we are still relying on private litigation as the first line of action to make constitutional rights effective. The Attorney General may act only where he finds, in the particular case, that private litigants do not have and cannot obtain the resources necessary, or that they are likely to incur reprisals for their temerity in claiming their constitutional rights.

Ordinarily, the United States is not liable for costs when it brings a suit, but titles III and IV depart from this settled principle by providing that the United States shall be liable for costs if it loses. This is another example of the way this bill leans over backward to be moderate and fair.

Titles III and IV should be—and I am confident will be—approved by the Congress.

EXTENSION OF CIVIL RIGHTS COMMISSION: TITLE V

Mr. President, title V of H.R. 7152 extends the life of the Commission on Civil Rights for an additional 4 years, that is, to January 31, 1968. In addition, the Commission is given new authority to serve as a national clearinghouse for information concerning denials of equal protection of the laws and to investigate charges of fraud or discrimination in the conduct of Federal elections. The title also makes procedural and technical changes in the Commission's governing statute.

Since its establishment in 1957, the Commission has actively investigated allegations that citizens of the United States are being deprived of their right to vote or to have their vote counted by reason of their color, race, religion, or national origin. The Commission has studied, collected information, and reported on practices constituting a denial of equal protection of the laws under the Constitution.

The Commission's reports, recommendations, and appraisals of relevant laws and policies have been invaluable in providing a basis for remedial action by Congress and the executive branch, and in informing the public. In fact, almost every provision of H.R. 7152 has some basis in facts and recommendations developed by the Commission and its 50 State advisory committees.

The need for such studies and reports has not decreased in the past 7 years. Unfortunately, discrimination and the denial of civil rights continues, and are not confined to any one part of the country. A continuing investigation of this many-faceted problem is clearly needed. The Civil Rights Commission has done an excellent job in the past; title V of the bill would enable it to continue its work. And the extension of its life for 4 years should make it easier for it to get and keep a capable staff.

Title V would also give the Commission several new and useful functions. Many private and governmental organizations are interested in obtaining information on civil rights matters. Title V would enable the Commission to serve as a national clearinghouse for receipt, and dissemination of such data. This exchange of material will facilitate, for all agencies concerned, the task of working to end deprivations of equal protection of the laws.

The Commission under title V would also be authorized to investigate allegations of vote fraud. The results of any such investigation would be useful to the Congress in determining whether existing Federal legislation is appropriate to deal with this problem.

The Commission's record since 1957 is the most persuasive testimony in favor of this 4-year extension.

Title V will be discussed at length and in detail by the able and distinguished Senator from Missouri [Mr. LONG] and the distinguished Senator from Pennsylvania [Mr. SCOTT].

ENDING DISCRIMINATION IN FEDERAL PROGRAMS: TITLE VI

Mr. President, title VI deals with racial discrimination in federally assisted programs. Its basic principle, set forth in section 601, is that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

If anyone can be against that, he can be against Mother's Day. How can one justify discrimination in the use of Federal funds and Federal programs? President after President has announced that national policy is to end discrimination in Federal programs and Federal assistance. But, regrettably, there has been open violation of these policies.

As President Kennedy stated in his message of June 19, 1963:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.

And, in fact, this principle is being applied under a number of Federal assistance programs. But, regrettably, there are important programs in which it is not.

FEDERAL FUNDS IN SEGREGATED ACTIVITIES

Substantial grants of Federal funds are made each year for construction and operation of public schools in federally impacted areas. Large sums of money are contributed by the United States each year for the construction, operation, and maintenance of segregated schools. For example, for fiscal year 1962 the following grants were made for construction and operation of public schools in impacted areas in five Southern States: Alabama, $6,948,061; Georgia, $6,200,863; Mississippi, $2,161,945; South Carolina, $4,331,576; Virginia, $15,639,603; total for the five States, $35,282,048.

Yet, for the school year 1962–63 Alabama, Mississippi, and South Carolina had no Negroes and whites together in any type of school. Georgia had only 44 Negroes in integrated schools, and only about one-half of 1 percent of Virginia's Negro children were in desegregated schools. Source: Annual report for 1962, Department of Health, Education, and Welfare, pages 288–89; report of Civil Right Commission, 1963, page 65. Substantial Federal funds go to segregated schools in other States. In short massive Federal funds are now being paid each year, to help construct and operate segregated schools, and thus to maintain and perpetuate a system which violates the Constitution.

Similarly, under the Hill-Burton Act, Federal grants are made to hospitals which admit whites only or Negroes only. The Civil Rights Commission, in its 1963 report reported that between 1946 and December 31, 1962, Federal grants totaling $36,775,994 were made to 89 racially segregated medical facilities. Of this a very small proportion—$4,080,308 and 13 projects—was for projects which admitted Negroes only; the rest had a "white only" label. One consequence of these Federal policies—which in this instance are required by Act of Congress—was stated by the U.S. Court of Appeals for the Fourth Circuit in a recent opinion:

> Racial discrimination in medical facilities is at least partly responsible for the fact that in North Carolina the rate of infant mortality [for Negroes] is twice the rate for whites and maternal deaths are five times greater. *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 959, 970, n. 23 (1963).

In higher education also, a substantial part of the Federal grants to colleges, medical schools and so forth, in the South is still going to segregated institutions.

Nor is this all. In several States, agricultural extension services, supported by Federal funds, maintain racially segregated offices for Negroes and whites. See CONGRESSIONAL RECORD, volume 109, part 18, page 23531.

I do not know how it is possible to "plow black" and how to "plow white." It may be possible to do it, but I have never been able to discover the technique. Vocational training courses, supported with Federal funds, are given in segregated schools and institutions and often limit Negroes to training in less skilled occupations. In particular localities it is reported that Negroes have been cut off from relief rolls, or denied surplus agricultural commodities, or otherwise deprived of the benefit of federally assisted programs, in retaliation for their participation in voter registration drives, sit-in demonstrations and the like

Much has been done by the executive branch to eliminate racial discrimination from federally assisted programs. President Kennedy, by Executive order, prohibited such discrimination in federally assisted housing, and in employment on federally assisted construction. Individual agencies have taken effective action for the programs they administer. But the time has come for across-the-board legislation by Congress, to declare a broad principle that is right and necessary, and to make it effective for every Federal program involving financial assistance by grant, loan, or contract.

The need for action is clear. This is an area in which the United States, like Caesar's wife, must be above suspicion.

NEED FOR LEGISLATION

Legislation is needed for several reasons. First, some Federal statutes appear to contemplate grants to racially segregated institutions. Such laws include the Hill-Burton Act of 1946, 42 United States Code 291e(f) for hospital construction; the second Morrill Act of 1890 for annual grants to land-grant colleges, 7 United States Code 323; and (by implication) the School Construction Act of 1950, 20 United States Code 636(b)(f). In each of these laws Congress expressed its basic intention to prohibit racial discrimination in obtaining the benefits of Federal funds. But in line with constitutional doctrines current when these laws were passed, it authorized the provision of "separate but equal" facilities. It may be that all of these statutory provisions are unconstitutional and separable, as the Court of Appeals for the Fourth Circuit has recently held in a case under the Hill-Burton Act. *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 957 (C.A. 4, 1963), certiorari denied, March 2, 1964. But it is clearly desirable for Congress to wipe them off the books without waiting for further judicial action.

Second, most Federal agencies probably have authority now to eliminate racial discrimination in their assistance programs. Enactment of title VI will eliminate any conceivable doubts on this score and give express legislative support to the agency's actions. It will place Congress squarely on record on a basic issue of national policy on which Congress ought to be on record.

Third, some Federal agencies appear to have been reluctant to act in this area. Title VI will require them to act. Its enactment will thus serve to insure uniformity and permanence to the nondiscrimination policy.

Fourth, as Senators can well remember, in connection with legislation authorizing or continuing particular programs, a good deal of time has often been taken up with the so-called Powell amendment which would prohibit racial discrimination in the particular program. Many of us have argued that the issue of nondiscrimination should be handled in an overall, consistent way for all Federal programs, rather than piecemeal, and that it should be considered separately from the merits of particular programs of aid to education, health, and the like. This bill gives the Congress an opportunity to settle the issue of discrimination once and for all, in a uniform, across-the-board manner, and thereby to avoid having to debate the issue in piecemeal fashion every time any one of these Federal assistance programs is before the Congress.

Title VI is an authorization and a direction to each Federal agency administering a financial assistance program by way of grant, loan or contract, other than a contract of insurance or guaranty, to take action to effectuate the basic principle of nondiscrimination stated in section 601. Each agency must take some appropriate action; it may do so by "rule, regulation, or order of general applicability," but such a rule, regulation, or order must be approved by the President. Failure of a recipient to comply with such a rule, regulation, or order, may lead to a termination or refusal of Federal assistance. Termination of assistance, however, is not the objective of the title—I underscore this point—It is a last resort, to be used only if all else fails to achieve the real objective, the elimination of discrimination in the use and receipt of Federal funds. This fact deserves the greatest possible emphasis: Cutoff of Federal funds is seen as a last resort, when all voluntary means have failed.

TITLE VI IS NOT PUNITIVE

It seems to be assumed, by some of the opponents of title VI, that its purpose is a punitive or vindictive one. Nothing could be farther from the truth.

The purpose of title VI is to make sure that funds of the United States are not used to support racial discrimination. In many instances the practices of segregation or discrimination, which title VI seeks to end, are unconstitutional. This is clearly so wherever Federal funds go to a State agency which engages in racial discrimination. It may also be so where Federal funds go to support private, segregated institutions, under the decision in *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 959 (C.A. 4, 1963), certificate denied, March 2, 1964. In all cases, such discrimination is contrary to national policy, and to the moral sense of the Nation. Thus, title VI is simply designed to insure that Federal funds are spent in accordance with the Constitution and the moral sense of the Nation.

Moreover, the purpose of title VI is not to cut off funds, but to end racial discrimination. This purpose is reflected in the requirement that any action taken by the Federal department or agency must be "consistent with the achievement of the objective of the statute authorizing the financial assistance in connection with which the action is taken." In general, cutoff of funds would not be consistent with the objectives of the Federal assistance statute if there are available other effective means of ending discrimination. And section 602, by authorizing the agency to achieve compliance "by any other means authorized by law" encourages agencies to find ways to end racial discrimination without refusing or terminating assistance.

Title VI does not confer a "shotgun" authority to cut off all Federal aid to a State. Any nondiscrimination requirement an agency adopts must be supportable as tending to end racial discrimination with respect to the particular program or activity to which it applies. Funds can be cut off only on an express finding that the particular recipient has failed to comply with that requirement. Thus, title VI does not authorize any cutoff or limitation of highway funds, for example, by reason of school segregation. And it does not authorize a cutoff, or other compliance action, on a statewide basis unless the State itself is engaging in discrimination on a statewide basis. For example, in the case of grants to impacted area schools, separate compliance action would have to be taken with respect to each school district receiving a grant.

Finally, the authority to cut off funds is hedged about with a number of procedural restrictions. Before funds would be cut off, the following would have to occur: First, the agency must adopt a nondiscrimination requirement, by rule, regulation, or order of general applicability; second, the President must approve that rule, regulation, or order; third, the agency must advise the recipient of assistance that he is not complying with that requirement, and seek to secure compliance by voluntary means; fourth, a hearing must be held before any formal compliance action is taken; fifth, the agency may, and in many cases will, seek to secure compliance by means not involving a cutoff of funds; sixth, if it determines that a refusal or termination of funds is appropriate, the agency must make an express finding that the particular person from whom funds are to be cut off has failed to comply with its nondiscrimination requirement; seventh, the agency must file a full written report with the appropriate congressional committee and 30 days must elapse; eighth, the aid recipient can obtain judicial review and may apply for a stay pending such review.

In short, title VI is a reasonable, moderate, cautious, carefully worked out solution to a situation that clearly calls for legislative action. Why, then, has it been so vehemently attacked in certain quarters? The answer, I submit, is clear. The opponents of title VI want the Federal Government to continue giving financial support to racial segregation. They are unwilling to challenge directly the principle that is stated in section 601—that public funds should not be expended in a way that promotes and maintains discrimination. And so they are attempting to flank attack, by seeking to create false and misleading impressions as to the intention and effect of title VI.

EFFECT ON SPECIFIC PROGRAMS

It, therefore, is important to be quite clear as to just what title VI would and would not do. In terms, it applies to well over a hundred different Federal assistance programs. In fact, however, its effect will be much more limited.

Perhaps the greatest amount of Federal assistance funds goes for direct programs, in which Federal funds are paid directly by the United States to the ultimate recipient, such as social security payments, veterans' compensation and pensions, civil service and railroad retirement benefits. Contrary to assertions that have been made, title VI will have no practical effect on such programs, for two reasons. First, the Federal Government does not engage in racial discrimination in determining eligibility for and paying out benefits under such programs. It could not. Neither the statutes authorizing them, nor the fifth amendment to the Constitution, would permit such discrimination. Second, title VI would not authorize the withholding of any of these direct payments on the ground that the recipient engages in racial discrimination in connection with his business or other activities. It is irrelevant, to the purpose of these acts, what the recipient does with the money he receives. His employees, the customers of his business, or other persons with whom he deals, are in no sense participants in or beneficiaries of these Federal programs.

With respect to State welfare programs, which receive Federal grants under the Social Security Act or other Federal laws, the picture is basically the same, with one significant difference. Title VI will not authorize imposition of any requirements on the ultimate beneficiaries of these welfare payments, for the same reasons already discussed under the preceding heading. But it will result in requirements that the State agencies administering these programs refrain from racial discrimination in the allowance of benefits and in treatment of beneficiaries. For example, a State agency administering an unemployment compensation program which participates in the Federal Unemployment Trust Fund, would be prohibited from denying payments to otherwise eligible beneficiaries because they were Negroes, or because they had participated in voter registration drives or sitin demonstrations. The State agency could also be prohibited from maintaining segregated lines or waiting rooms for, or otherwise differentiating in its treatment of, white and Negro beneficiaries.

EFFECT ON HOUSING AND FARM PROGRAMS

Title VI will have little or no effect on federally assisted housing. This is so for two reasons. First, much Federal housing assistance is given by way of insurance or guaranty, such as FHA and VA mortgage insurance and guaranties. Programs of assistance by way of insurance and guaranty are expressly excluded from title VI. Hence enactment of title VI will have no effect on FHA and VA insurance and guaranties. It will impose no new requirements with respect to these programs. On the other hand it will not impair in any way the existing authority of the President, and the agencies administering these programs, to deal with problems of discrimination in them. The provisions of H.R. 7152 simply do not affect them one way or the other.

Second, in those cases where housing assistance is given by Federal grant or loan, such as loans to public housing and urban renewal projects, title VI will require that the public bodies or private entities receiving the benefits of any such loan refrain from racial discrimination. However, like requirements are already in effect under Executive Order No. 11063. Hence title VI will merely give statutory support to the regulations already in effect as to these programs.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I prefer not to yield until I conclude my prepared remarks.

Title VI will have little if any effect on farm programs. It will not affect direct Federal programs, such as CCC price support operations, crop insurance, and acreage allotment payments. It will not affect loans to farmers, except to make sure that the lending agencies follow nondiscriminatory policies. It will not require any farmer to change his employment policies. I hope the opponents of title VI will note this statement carefully—there has been a great deal of distortion and misunderstanding in precisely these areas.

Whether and to what extent title VI would affect employment in activities receiving Federal assistance will depend on the nature and purposes of the particular Federal assistance program.

Farm employment would not be affected by title VI. The various Federal programs of assistance to farmers, such as acreage allotments under the Agricultural Adjustment Act, were not intended to deal with problems of farm employment, and farm employees are generally not participants in or beneficiaries of such programs. Hence title VI would not authorize imposition of any requirements under these programs relating to racial discrimination in farm employment.

On the other hand, stimulation of employment is typically a significant purpose of Federal grants for construction of highways, airports, schools, and other public works. For example, in section 12 of the Public Works Acceleration Act of 1962, 42 United States Code 2641(a), Congress found that acceleration of public works construction, including construction assisted by Federal grants and loans, was:

> Necessary to provide immediate useful work for the unemployed and underemployed.

Congress has generally required payment of prevailing wages, and adherence to the 8-hour day and 40-hour week, on such construction. Where Federal funds are made available in order to provide jobs, it would be unconscionable to permit racial discrimination in the availability of these jobs. Racial discrimination in construction financed by Federal grants and loans is now prohibited under Executive Order No. 11114. Title VI would give statutory support to the policy reflected in this Executive order, and would require its extension to those agencies which presently take the position that they are not legally able to comply with it.

Employees and applicants for employment are the primary beneficiaries of Federal assistance to State employment services. Title VI would thus authorize adoption of regulations requiring the elimination of racial discrimination in referral practices, treatment of job applicants, et cetera, by such State employment services receiving Federal funds. For like reasons, it would authorize action in connection with federally assisted vocational training programs.

In this area there is some overlap between title VI and title VII. Both titles call for initial reliance on voluntary methods for achieving compliance. If such methods fail, then the department or agency administering a Federal assistance program would consider the availability of a suit under title VII in determining what means of obtaining compliance with its nondiscrimination requirement would be most effective and consistent with the objectives of the Federal assistance statute.

EFFECT ON EDUCATION PROGRAMS

Title VI would have a substantial and eminently desirable impact on programs of assistance to education. Title VI would require elimination of racial discrimination and segregation in all "impacted area" schools receiving Federal grants under Public Laws 815 and 874. Racial segregation at such schools is now prohibited by the Constitution. The Commissioner of Education would be warranted in relying on any existing plans of desegregation which appeared adequate and effective, and on litigation by private parties or by the Attorney General under title IV of H.R. 7152, as the primary means of securing compliance with this nondiscriminatory requirement. It is not expected that funds would be cut off so long as reasonable steps were being taken in good faith to end unconstitutional segregation.

In such cases the Commissioner might also be justified in requiring elimination of racial discrimination in employment or assignment of teachers, at least where such discrimination affected the educational opportunities of students. See *Board of Education* v. *Braxton*, C.A. 5, Jan. 10, 1964, 32 U.S. Law Week 2353.

This does not mean that title VI would authorize a Federal official to prescribe pupil assignments, or to select a faculty, as opponents of the bill have suggested. The only authority conferred would be authority to adopt, with the approval of the President, a general requirement that the local school authority refrain from racial discrimination in treatment of pupils and teachers, and authority to achieve compliance with that requirement by cutoff of funds or by other means authorized by law.

In the administration of the school lunch program title VI would also authorize a requirement that the schools receiving school lunch money not engage in racial discrimination. Cutoff of funds would, however, generally be inconsistent with the objectives of the school lunch program, which are to provide urgently needed food for growing bodies, and such cutoffs would not occur so long as other means of achieving compliance were available.

In connection with various Federal programs of aid to higher education, language institutes, research grants to colleges, and the like, title VI would similarly authorize requirements of nondiscrimination. In a number of programs, such action has already been taken.

Title VI would override the "separate but equal" provisions now in the Hill-Burton Act. The policy of the title might be enforced here by requiring that hospitals receiving Federal construction grants under the Hill-Burton Act agree not to exclude or segregate patients, or otherwise discriminate in their treatment of patients, because of race, color or national origin. Such hospitals could also be required to refrain from racial discrimination in extending hospital privileges to doctors, and in employment of doctors and nurses. Any such discrimination is unconstitutional under the decision of the U.S. Court of Appeals for the Fourth Circuit. *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 959 (C.A. 4, 1963), certiorari denied, March 2, 1964. Discriminatory treatment of patients is obviously a discrimination against beneficiaries of the Hill-Burton Act. And, just as the relevant Federal agency might be justified in requiring elimination of racial discrimination with respect to teachers in education programs, the administrator of the Hill-Burton program might be justified in adopting regulations dealing with discrimination with respect to the professional staff of a hospital, that is, doctors and nurses.

In making grants to medical schools, hospitals and others to promote knowledge and training in the field of health, the Federal Government could require freedom from racial discrimination against participants in the program, just as in the case of other forms of assistance to education and training.

Title VI, contrary to the arguments of some of its opponents, would have little if any effect on banking. Programs of insurance of bank deposits, such as FDIC and FSLIC are expressly excluded.

NO NEW FEDERAL AUTHORITY IN TITLE VI

It has also been argued that title VI would confer sweeping new authority, of undefined scope, to Federal departments and agencies. In fact, the opposite is the case. Most agencies extending Federal assistance now have authority to refuse or terminate assistance for failure to comply with a variety of requirements imposed by statute or by administrative action. This existing statutory authority is, however, not surrounded by the procedural safeguards for which title VI provides.

For example, the Secretary of Labor is authorized to make grants to State employment services if he finds that the State plan is "reasonably appropriate and adequate to carry out" the purposes of the Federal law—29 United States Code 49g. He is empowered to determine whether the State employment service is conducted in accordance with his rules and regulations, and to withhold payments if he determines that the State "has not properly expended the moneys paid to it." Provision is made for notice in writing to the State, but not for hearing or judicial review—29 United States Code 49h. This is under existing law.

To give only one of many examples, the School Lunch Act, 42 United States Code 175b, now authorizes payments to States:

> In accordance with such agreements, not inconsistent with the provisions of this chapter, as may be entered into by the Secretary [of Agriculture] and such State educational agency. 42 U.S.C. 175b.

Funds are paid by the States to public and private schools in accordance with further agreement which must also be approved by the Secretary. Implicit in the authority to enter into agreements is the further authority to deny a grant to a State or school which refuses to agree to terms approved by the Secretary, and to terminate assistance for failure to comply with the agreements entered into. In fact the Secretary's regulations provide that any State or school may be disqualified from future participation if it fails to comply with the provisions of its agreement. No provision is made in the act for notice, hearing, or judicial review. This act is typical of the pattern of many Federal assistance statutes. A comparison of its provisions with those of title VI show what unusual and detailed procedural safeguards have been carefully written into title VI.

Title VI is also not an interference in any sense with private business and individual rights. It does not confer any new Federal authority; it merely states how the authority conferred by other laws is to be administered. It is not a regulatory measure, but an exercise of the unquestioned power of the Federal Government to "fix the terms on which Federal funds shall be disbursed." *Oklahoma* v. *Civil Service Commission*, 330 U.S. 127, 143 (1947). No recipient is required to accept Federal aid. If he does so voluntarily, he must take it on the conditions on which it is offered.

BALANCED AND MODERATE APPROACH

As originally introduced, title VI was wholly discretionary; it did not require any action by Federal agencies. Alternative proposals have been made which would require immediate cutoff of Federal funds wherever racial discrimination exists. I think title VI in its present form strikes a reasonable and sound balance between these two positions. On the one hand, it requires Federal agencies to take action to effectuate the nondiscrimination policies. This is necessary. If, as I deeply feel, it is contrary to our basic political and moral principles to allow Federal funds to be used to support and perpetuate racial discrimination, then it is right for Congress to require every Federal department and agency, without exception, to act to eliminate any such discrimination.

But at the same time it is wise to leave the agencies a good deal of discretion as to how they will act. We are dealing with a large number of programs, each with its own special problems and patterns of administration. What is appropriate for one program may not fit another.

The objective of title VI is, and should be, to end discrimination, and not to cut off Federal funds. In its present form, title VI is drafted on the theory that cutoff of funds should be avoided if racial discrimination can be ended by other means. It encourages Federal departments and agencies to be resourceful in finding ways of ending discrimination voluntarily without forcing a termination of funds needed for education, public health, social welfare, disaster relief, and other urgent programs. Cutoff of funds needed for such purposes should be the last step, not the first, in an effective program to end racial discrimination. Title VI would require that funds be refused or terminated if other methods of ending discrimination are not available, or have not proved effective. But it would allow Federal departments and agencies to try such other methods first.

THE NEED FOR MODERATION

Mandatory, immediate cutoffs of Federal funds would defeat important objectives of Federal legislation, without commensurate gains in eliminating racial discrimination or segregation. Therefore, the desire and the objective is to seek compliance with this important title without exercising the mandatory provisions. Some examples will illustrate the point.

The Supreme Court, while declaring that racial segregation in public schools is prohibited by the Constitution, has recognized the practical problems inherent in changing a long-established community pattern and has approved the concept of desegregation with all deliberate speed. Depending on the circumstances, Federal courts have approved plans of progressive desegregation which will take a period of years to complete. Under title VI in its present form, Federal authorities in administering programs of financial assistance to public schools—such as grants to schools in federally impacted areas for construction and operation, school lunch programs, grants for science, mathematics, and modern language instruction, and the like—would be justified in accepting a reasonable plan for gradual desegregation, whether adopted under court order or voluntarily, as sufficient compliance with section 601 so long as it was being carried out in good faith. A flat prohibition against extending Federal assistance to segregated institutions would mean, in such cases, that the public school either had to achieve immediate, total desegregation even though a Federal court may have found such a plan impracticable or not in the best interests of the community, or else forgo the benefit of Federal funds necessary to an adequate educational program or to the proper nourishment of growing children. Indeed, where a court has approved a particular plan for desegregation, to require the school board to adopt a different plan under compulsion of a mandatory cutoff of Federal funds might place it in contempt of court, or create an unseemly conflict between Federal agencies and Federal courts.

Public education is most needed by the poorer and least privileged children. The same is true of school lunches, and of special programs of aid to handicapped children—blind, deaf, mentally retarded, and so forth. The unhappy experience in Prince Edward County, Va., shows that, while everyone suffers when public schools are closed, Negroes are the hardest hit. The same is true when the level of school services is reduced. What is needed, therefore, is a balance between the goal of eliminating discrimination and the goal of providing education, food, and so forth, to those most in need of it, including Negroes and members of other minority groups. Title VI in its present form seeks to preserve enough flexibility in method of achieving compliance to make such a balance possible.

Another example is afforded by disaster relief programs. Racial discrimination or segregation in the administration of disaster relief is particularly shocking; and offensive to our sense of justice and fair play. Human suffering draws no color lines, and the administration of help to the sufferers should not. Agencies administering disaster relief programs must, and doubtless will, make every effort to act, in advance of an emergency, to make sure that methods of administering relief are set up on a nondiscriminatory basis. But when an emergency situation strikes, relief must be prompt. If a hard choice has to be made between saving lives and eliminating segregation, human life may have to come first. Situations may arise where the first essential is to get food, clothing and shelter to the people who need it, through whatever agencies are quickly available, and then work to ensure that for the future any possibility of racial segregation or discrimination is precluded. A title VI which required Federal agencies to deny or delay the food, shelter, clothing and medical attention necessary to preserve life would not be in the public interest.

Effective and lasting elimination of discriminatory practices often requires a considerable measure of acceptance by public officials and the community. Such acceptance is less likely in an atmosphere in which Federal agencies are confined to taking drastic action which local officials and local public opinion are apt to regard as harsh and punitive. This is especially true in matters which deeply affect large numbers of individuals, such as education, public welfare, public health, employment, disaster relief, and so forth. Placing the emphasis on constructive measures—on adjustment of differences, on use of available local agencies or of the courts, on establishing working machinery to handle complaints of discrimination, and so forth—may avoid the headon clashes of Federal and State or local authority, the charges and countercharges, and the building up of intense popular feelings which a sudden and drastic cutoff of funds is apt to provoke. In a highly charged emotional atmosphere, it is desirable to give the officials administering a Federal assistance program the maximum flexibility as to the method by which to eliminate racial discrimination in that way which is least apt to arouse intense ill-feeling.

This is not to say that Federal departments and agencies may indefinitely tolerate racial discrimination, simply because its elimination would arouse dissent or hostility in some quarters in the locality or State. Title VI is a clear mandate to eliminate such discrimination, and each Federal department and agency is answerable to the President and the Congress for the way in which it carries out that mandate. But, in carrying out a difficult task, the departments and agencies should not be denied any available resources for constructive action.

EQUAL EMPLOYMENT OPPORTUNITY: TITLE VII

I would like to turn now to the problem of racial discrimination in employment. At the present time Negroes and members of other minority groups do not have an equal chance to be hired, to be promoted, and to be given the most desirable assignments. They are treated unequally in some labor unions and are discriminated against by many employment agencies.

No civil rights legislation would be complete unless it dealt with this problem. Fair treatment in employment is as important as any other area of civil rights. What good does it do a Negro to be able to eat in a fine restaurant if he cannot afford to pay the bill? What good does it do him to be accepted in a hotel that is too expensive for his modest income? How can a Negro child be motivated to take full advantage of integrated educational facilities if he has no hope of getting a job where he can use that education? We all know of cases where fine Negro men and women with distinguished records in our best universities have been unable to find any kind of job that will make use of their training and skills.

The Negro is the principal victim of discrimination in employment. According to Labor Department statistics, the unemployment rate among nonwhites is over twice as high as among whites. More significantly, among male family breadwinners, those with dependents to support, the unemployment rate is three times as high among nonwhites as among whites. And although nonwhites constitute only 11 percent of the total work force, they account for 25 percent of all workers unemployed for 6 months or more.

Discrimination also affects the kind of jobs Negroes can get. Generally, it is the lower paid and less desirable jobs which are filled by Negroes. For example, 17 percent of nonwhite workers have white collar jobs; among white workers the figure is 47 percent. On the other hand, only 4 percent of the whites who are employed work at unskilled jobs in nonagricultural industries; among nonwhites the figure is 14 percent.

It would be a great mistake to think that this situation is due solely to Negroes' lower educational attainments—although the educational factor undoubtedly has a good deal to do with this problem. The shameful fact is that educated Negroes often are denied the chance to get jobs for which they are trained and qualified. A recent study by the Department of Labor revealed that only 43 percent of all nonwhites with technical training held jobs on which they used that training, compared to 60 percent of all workers. Eighty percent of white college graduates have professional, technical, or managerial jobs, but only 70 percent of Negro college graduates have such positions commensurate with their education. At lower educational levels the situation is worse. Only 2 percent of white women who have graduated from high school but not completed college are domestic workers, but fully 20 percent of Negro women with this much education can find only domestic work.

Even within their professions nonwhites earn much less than white people. It is a depressing fact that a Negro with 4 years of college can expect to earn less in his lifetime than a white man who quit school after the eighth grade. In fact, Negro college graduates have only half the lifetime earnings of white college graduates.

Mr. President, I ask unanimous consent to print at this point in the RECORD the results of a Bureau of the Census study on the comparative lifetime earnings of whites and Negroes at various educational levels.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Estimated lifetime earnings of males, by color (earnings from 18 to 64)

Highest grade completed	White	Nonwhite	Nonwhite as percent of white
Total	$241,000	$122,000	51
Elementary school:			
Less than 8 years	157,000	95,000	61
8 years	191,000	123,000	64
High school:			
1 to 3 years	221,000	132,000	60
4 years	253,000	151,000	60
College:			
1 to 3 years	301,000	162,000	54
4 years	395,000	185,000	47
5 years or more	466,000	246,000	53

Source: U.S. Bureau of the Census.

Discrimination in employment is not confined to any region—it is widespread in every part of the country. It is harmful to Negroes and to members of other minority groups. It is also harmful to the Nation as a whole. The Council of Economic Advisers has recently estimated that full utilization of the present educational attainment of nonwhites in this country would add about $13 billion to our gross national product.

So, discrimination in employment is not only costly in terms of what it does to a human being, his general nature, his attitude toward his country and himself, but it is costing the American economy billions of dollars in loss of income.

THIS SITUATION IS GETTING WORSE

It is wishful thinking to believe that this situation is improving and will gradually correct itself. While progress can be shown in some areas, for example, employment in Federal, State, and local government, in other respects the relative position of the Negro worker is steadily worsening. In 1947 the nonwhite unemployment rate was only 64 percent higher than the white rate; in 1962 it was 124 percent higher.

These figures do not mean that prejudice is increasing. They simply reflect the fact that automation is gradually doing away with the unskilled and semiskilled jobs which have been traditionally open to Negroes, while the Negro is being excluded, both by lack of training and by discrimination, from the new jobs which are being created. For example, 1 in every 6 white workers is employed as a salesman, as compared to 1 in every 64 Negroes. It is expected that 1 million new sales jobs will exist by 1970. One in every three white women workers is employed in a clerical job; for Negro women the figure is one in nine. There are expected to be 3 million new clerical jobs by 1970.

On the other hand, production jobs, the area in which Negroes made the most impressive gains during and after World War II, are the very jobs which are declining in number and are likely to continue to decline in the future. Consequently, our technological advances are adding to the burdens of the Negro. He is very much in the position of a man running up a down escalator. He must run very hard simply to stay in the same place.

I cite these statistics to emphasize the plight of the Negro in our economy. I do not suggest that, if discriminatory practices by employers and labor unions could be abolished overnight as the result of the passage of this bill, the employment problems of the Negro would be completely solved. They would not be. It profits little to attempt to calculate how much the disparity in employment opportunities for whites and for nonwhites is ascribable to outright discrimination in employment, how much to discrimination in education, how much to discrimination in the present, and how much to the legacy of discrimination in the past. The problem is before us and its solution calls for action, not explanations.

The crux of the problem is to open employment opportunities for Negroes in occupations which have been traditionally closed to them. This requires both an end to the discrimination which now prevails and an upgrading of Negro occupational skills through education and training. Neither task can be given priority over the other. They are as interdependent as the chicken and the egg and must be attacked simultaneously. Negroes cannot be expected to train themselves for positions which they know will be denied to them because of their color. Nor can patterns of discrimination be effectively broken down until Negroes in sizable numbers are available for the jobs to be filled. The problem of education is dealt with in part in title IV of this bill, and in title VI, as it affects programs of Federal assistance to education.

Title VII is designed to give Negroes and other minority group members a fair chance to earn a livelihood and contribute their talents to the building of a more prosperous America. The policy of title VII is stated in section 701(a), which reads:

> The Congress hereby declares that the opportunity for employment without discrimination of the types described in sections 704 and 705 is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

Title VII deals with discrimination in employment on grounds of race, color, religion, sex, or national origin. It is the only title of the bill which touches discrimination on grounds of sex. This provision was added on the floor of the House. When it becomes fully effective, the title will make it an unlawful employment practice for employers of 25 or more persons in industries affecting interstate commerce, for labor organizations with 25 or more members in such industries, and for employment agencies to discriminate in hiring or other aspects of employment, union membership, or job referral. Exemptions are provided for religious organizations and religious educational institutions, and for situations in which religion, sex, or national origin is a bona fide occupational qualification.

The constitutional basis for title VII is, of course, the commerce clause. The courts have held time and again that the commerce clause authorizes Congress to enact legislation to regulate employment relations which affect interstate and foreign commerce. *Texas & N.O. R.R. Co.* v. *Brotherhood of Railway Clerks*, 281 U.S. 543 (1930); *NLRB* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937). I think there can be no question that if Congress can prevent discrimination in employment on the basis of membership or nonmembership in a labor union, as it does in the National Labor Relations Act, it can prevent discrimination on the basis of race, color, religion, sex, or national origin.

FEP LEGISLATION IN 25 STATES

There is no novelty in fair employment practices legislation. Some 25 States already have such laws and they have, on the whole, worked well and caused no meaningful disruption of business or private rights. The coverage of such laws is generally as broad or broader than the coverage of title VII. Except as regards discrimination in employment on grounds of sex, which is, I am informed, presently covered by the FEPC laws of only two States, title VII will not impose any substantial new obligations on employers or unions in those States which already have effective State fair employment practice laws. Mr. President, I ask unanimous consent that a list of the States which have enacted FEP legislation be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF STATES HAVING STATUTES PROHIBITING DISCRIMINATION IN EMPLOYMENT

Alaska: Alaska Compensation Laws Annotated, section 43-5-1 (Supplement 1958).

California: California Labor Code, section 1412.

Colorado: Colorado Revised Statutes Annotated, section 80-24-1 (1953).

Connecticut: Connecticut General Statutes Revised, section 31-122 (1958).

Delaware: Laws of Delaware, chapter 337, volume 52 (1960).

Hawaii: Act 180 (1963 session).

Idaho: Idaho Session Laws (1961, chapter 309).

Illinois: S.B. 609 (1961).

Indiana: Indiana Annotated Statutes, section 40-2307 (1956).

Iowa: House file 589 (1963 session).

Kansas: Kansas General Statutes Annotated, section 44-1001 (Supplement 1959).

Massachusetts: Massachusetts Annotated Laws, chapter 151B, sections 1-10 (1957).

Michigan: Michigan Statutes Annotated, section 17.458(1) (1960).

Minnesota: Minnesota Laws 1961, chapter 428.

Missouri: S.B. 257 (1961).

New Jersey: New Jersey Statutes Annotated, section 18: 25-4 (Supplement 1960).

New Mexico: New Mexico Statutes Annotated, section 59-4-1 (Supplement 1961).

New York: New York Executive Law, section 290.

Ohio: Ohio Revised Code Annotated, section 4112.01 (p. Supplement 1959).

Oregon: Oregon Revised Statutes, section 659.010 (1959).

Pennsylvania: Pennsylvania Human Relations Act, Pennsylvania Laws 1961, Act No. 19.

Rhode Island: Rhode Island General Laws Annotated, section 28-5-1 (1956).

Vermont: Act No. 196 (1963 session).

Washington: Washington Revised Code, section 49.60.030 (1959).

Wisconsin: Wisconsin Statutes Annotated, section 111.31 (1957).

Mr. HUMPHREY. Mr. President, title VII provides a very moderate and reasonable remedy for problems of racial discrimination in employment. Unlike most State fair employment laws it vests all enforcement powers in the courts, rather than in an administrative agency. This is an important difference. Ample time for adjustment is afforded by the provision that it will not become effective at all for 1 year, and will not become fully effective for 4 years. Again the doctrine of reasonableness has been applied to his bill. There is no effort suddenly to impose on the economy vast new legislation, in an effort to arrive at an immediate solution to a long-range problem.

Title VII would establish a five-member bipartisan Equal Employment Opportunities Commission, which would be responsible for receiving and investigating complaints of unlawful employment practices and for seeking to bring about voluntary compliance with the requirements of the title. However, the Commission will not have any responsibility for adjudicating complaints or any power to issue enforcement orders. In this respect the title is a departure from the usual statutory scheme for independent regulatory agencies.

DESCRIPTION OF PROCEDURE UNDER TITLE VII

The first step in any proceeding under title VII is the filing with the Commission of a charge of discrimination. The charge may be filed by the person allegedly discriminated against or by someone on his behalf. In either case the charge must be in writing and under oath. A written charge may also be filed by a member of the Commission where he has reasonable cause to believe that an unlawful act of discrimination has occurred. In any case where the alleged act of discrimination arises in a State which has an effective equal employment opportunity law, and the Commission has pursuant to section 708(b) entered into an agreement with the State authorities providing for exclusive State jurisdiction of such cases, the charge would be turned over to the State agency to be handled under State procedures.

Assuming that an agreement applicable to the charge in question is not in effect, the Commission, upon receipt of the charge, shall furnish a copy of the charge to the respondent—that is, the employer, employment agency, or labor organization accused of discrimination; and the Commission shall investigate the charge. How thorough an investigation is made at this stage will depend on the facts of the case. Presumably the respondent will be questioned and perhaps his records examined. However, the Commission and its investigators must and do have discretionary power to cut short an investigation where preliminary inquiry indicates no basis to the charge.

When the charge has been investigated, presumably by the Commission staff, it will be referred to the Commission, or perhaps to a panel of the Commission. If, at this stage, at least two members of the Commission conclude that there is reasonable cause to believe the charge is true, the Commission shall endeavor to eliminate the discrimination by informal means of conciliation and persuasion. If, on the other hand, after an investigation which the Commission believes adequate, at least two members do not conclude that such reasonable cause exists, the matter will be dropped. The Commission is intended to have considerable flexibility in designing procedures to screen cases at this stage. For example, the requirement that at least two Commission members conclude that reasonable cause exists does not mean necessarily that all five Commission members must review the results of each investigation. A panel of three members might be set up. If none or only one of the panel concludes that reasonable cause exists the proceeding could be dropped, or the Commission might reasonably provide that where one member out of the three on the panel reaches this conclusion, the remaining two should also consider the matter. Inevitably, much will depend on the Commission's caseload.

Assuming that two members have found reasonable cause, the Commission will proceed to attempt to conciliate the dispute. This procedure is wholly voluntary. A respondent cannot be compelled to participate in these procedures; and if he does so, his statements and actions in the course of conciliation cannot be used as evidence in a subsequent proceeding. The experience in the States with fair employment practice laws indicates that such informal procedures are the most effective means of bringing about compliance with requirements for nondiscrimination.

If the Commission is unable through its conciliation procedures to obtain voluntary compliance, it must again consider whether on the basis of all the information available to it, reasonable cause exists to believe the respondent has engaged in an unlawful discriminatory practice and whether a suit should be brought to compel compliance. If the Commission, that is to say, a majority of the members, decides that reasonable cause does exist, ordinarily a suit for preventive relief would be brought in a Federal district court in the judicial district in which the unlawful employment practice allegedly occurred or in the judicial district in which the respondent has his principal office. However, the Commission members may, by an affirmative vote, decide not to bring suit in a given case.

So this is not a harsh section; instead, it is a moderate section. It profits from the experience with some 25 State statutes and with long hearings before committees of the House of Representatives and of the Senate during the 15 years that I have been a Member of the Senate.

If the Commission at this stage of the proceeding decides not to sue, or if at any earlier stage it decides to proceed no further because of absence of reasonable cause, the party allegedly discriminated against may bring his own suit in Federal court, provided he obtains the written permission of one member of the Commission. However, the party would have to bear his own costs in such litigation, just like any other private plaintiff in a civil action.

The suit against the respondent, whether brought by the Commission or by the complaining party, would proceed in the usual manner for litigation in the Federal courts. It would not be in any sense a suit for judicial review of Commission action, but would be a trial de novo. This, too, is very significant. The respondent, now the defendant, would have a full opportunity to make his defense and the plaintiff would have the burden of proving that discrimination had occurred. The suit would ordinarily be heard by the judge sitting without a jury in accordance with the customary practice for suits for preventive relief. However, the judge is authorized to refer the case to a master, to hear testimony and submit a report and recommended order, which then would be reviewed by the judge.

The relief sought in such a suit would be an injunction against future acts or practices of discrimination, but the court could order appropriate affirmative relief, such as hiring or reinstatement of employees and the payment of back pay. This relief is similar to that available under the National Labor Relations Act in connection with unfair labor practices, 29 United States Code 160(b). No court order can require hiring, reinstatement, admission to membership, or payment of back pay for anyone who was not fired, refused employment or advancement or admission to a union by an act of discrimination forbidden by this title. This is stated expressly in the last sentence of section 707(e), which makes clear what is implicit throughout the whole title; namely, that employers may hire and fire, promote and refuse to promote for any reason, good or bad, provided only that individuals may not be discriminated against because of race, religion, sex, or national origin.

I hope this presentation will set to rest the doubts about this bill which have been voiced by many union members across the country. This bill is not an instrument to abolish seniority or unions themselves, as some have charged. The only standard which the bill establishes for unions and management alike is that race will not be used as a basis for discriminatory treatment. The full rights and privileges of union membership, as protected by other Federal laws and court decisions, will in no way be impaired. As a longstanding friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about title VII.

The able Senators in charge of title VII [Mr. CLARK and Mr. CASE] will comment at greater length on this matter.

Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial "quota" or to achieve a certain racial balance.

That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect, it says that race, religion and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion.

In title VII we seek to prevent discriminatory hiring practices. We seek to give people an opportunity to be hired on the basis of merit, and to release the tremendous talents of the American people, rather than to keep their talents buried under prejudice or discrimination.

Racial prejudice in employment is one of the most wasteful practices for the economy. Senators and Members of the House of Representatives who are worried about waste would do well to see to it that this monstrous waste is eliminated. We seek to eliminate it by means of this title—and not merely by force of law, but also by the informal procedures of conference, conciliation, and mediation. We seek to use State statutes and local statutes and ordinances wherever they exist.

Every bit of evidence we have in connection with fair employment practice laws indicates that such a statute not only is good law, good morals, and good labor-management practice, but it also is good economics. When all of that can be put into one package, certainly it deserves our very serious consideration.

The present President, Lyndon B. Johnson, took great pride as Vice President in telling the American people and the Congress of the encouraging results which were obtained in hundreds of companies throughout the United States during his tenure as Chairman of the President's Committee on Equal Employment Opportunity. What was the result? Did it jeopardize security? Did it reduce income? Did it threaten the production line with stability and work stoppages? Did it result in favoritism? Did it result in all the worries that some of the opponents of title VII have?

The answer is "No." The answer is that the program that was utilized by the then Vice President, and now the President of the United States, worked; and it worked for the national interest. It worked for business interests. It worked for domestic tranquility. It worked for individual well being.

No State which has passed a fair employment practices law has repealed it. No President since the time of Franklin Delano Roosevelt has recommended anything less than fair employment practice for Federal employees and Federal contracts. There is a compelling case for title VII. Full protections are written into the title. The Commission itself would have no enforcement power. The most it could do would be to investigate the complaints of an aggrieved party, and, if the person who brings the complaint has a justifiable case, to take that case to a Federal court and to seek some remedy through the processes of law.

COOPERATION WITH STATE AUTHORITIES

As I have stated, the title specifically provides for the continued effectiveness of State laws and procedures for dealing with discrimination in employment. Where State remedies are available, an aggrieved person would always be free to take advantage of them. Furthermore, the Commission is authorized to cooperate with State agencies, and where it concludes that such agencies are effectively handling any class of cases, the Commission is directed by section 708(b) to enter into agreements with these agencies whereby such cases would be handled exclusively by the State agencies.

It has been suggested that this direction to the Commission is not enough, that there should be some provision automatically providing for exclusive State jurisdiction where adequate State remedies for discrimination in employment exist. Such a proposal is unworkable. Congress cannot determine nor can we devise a formula for determining which State laws and procedures are adequate. The State fair employment practices laws differ in coverage. They differ in enforcement machinery. Several have been enacted within the past 2 or 3 years, and it would be impossible to judge their effectiveness. Other States may adopt such laws after this bill is passed, and it obviously would be impossible to predict what standards and procedures such future State laws would provide. An antidiscrimination law cannot be evaluated simply by an examination of its provisions, "for the letter killeth, but the spirit giveth life." The Commission must have authority to determine in which States and in which classes of cases it will refrain from exercising its jurisdiction. In point of fact, the task we are assigning to the Commission is so immense, I have little doubt that the Commission will from sheer necessity avail itself to the fullest of the provisions of section 708(b).

Objection has been raised to title VII on the ground that with nondiscrimination laws in effect in 25 States, including all the major industrial States, there is little need for a Federal law. This is not a valid objection.

First, as I have just stated, the State laws are of unequal coverage and effectiveness; second, the States have experienced difficulty in dealing with large, multiphased operations of business in interstate commerce; third, and most important, 25 States do not have general legislation in this area, among them States with large Negro populations. Indeed, roughly 60 percent of American Negroes live in States with no legislation against discrimination in employment, and these are precisely the people who need this protection the most.

In States having a large Negro population, in which State fair employment practice laws are in effect, they have helped to secure equal employment opportunities.

I might add that in the hearings that have been held by Senate and House committees on equal employment opportunity legislation, testimony was heard from representatives of several agencies administering State FEP laws, and all agreed that there was a definite need for Federal legislation.

COMMISSION'S INVESTIGATORY POWERS

The investigatory duties and power of the Equal Employment Opportunity Commission are set out in sections 709 and 710. Section 710, in turn, incorporates by reference the provisions of sections 9 and 10 of the Federal Trade Commission Act, 15 U.S.C. 49, 50, in support of the Commission's investigatory powers.

Section 709(a) provides that in connection with any investigation of a charge filed under section 707 the Commission or its representatives shall at all reasonable times have access, for the purposes of examination and copying, to any evidence in the possession of a person being investigated that relates to the subject of the investigation. The language of this subsection was amended in the House to bring it into line with the provisions of the Federal Trade Commission Act incorporated by reference. It is important to note that the Commission's power to conduct an investigation can be exercised only after a specific charge has been filed in writing. In this respect the Commission's investigatory power is significantly narrower than that of the Federal Trade Commission, 15 U.S.C. 43, 46, or of the Wage and Hour Administrator, 29 U.S.C. 211, who are authorized to conduct investigations, inspect records, and issue subpenas, whether or not there has been any complaint of wrongdoing. See *Oklahoma Press Publishing Co.* v. *Walling*, 327 U.S. 186 (1946); *Hunt Foods and Industries, Inc.* v. *Federal Trade Commission*, 286 F. 2d 803, 806–807 (C.A. 9, 1961) certiorari denied, 365 U.S. 877 (1961).

Section 709(c) authorizes the Commission to require employers, employment agencies, and labor organizations subject to the title to make and keep records to be prescribed by the Commission, to preserve these records, and to make reports therefrom to the Commission. Records are also to be required in connection with the administration of apprenticeship and other training programs. Fears have been expressed that these recordkeeping and reporting requirements may prove unreasonable and onerous.

Requirements for the keeping of records are a customary and necessary part of a regulatory statute. They are particularly essential in title VII because whether or not a certain action is discriminatory will turn on the motives of the respondent, which will usually be best evidenced by his pattern of conduct on similar occasions. The provisions of section 709(c) have been carefully drawn to prevent the imposition of unreasonable burdens on business, and there are more than the customary safeguards against arbitrary action by the Commission.

The requirements to be imposed by the Commission under section 709(c) must be "reasonable, necessary, or appropriate" for the enforcement of the title. Such requirements cannot be adopted without a public hearing at which the persons to be affected would have an opportunity to make their views known to the Commission. Most of the persons covered by the title are already required by law or by practical necessity to keep records similar to those which will be required under this title. The wage and hour administrator imposes recordkeeping requirements on employees subject to the Fair Labor Standards Act with respect to the persons employed and wages, hours, and other conditions and practices of employment (29 U.S.C. 211(c)). Other employment records must be kept for Federal tax purposes (26 U.S.C. 6001), and for normal business purposes. Labor organizations are required to maintain certain records under the Labor-Management Reporting and Disclosure Act (29 U.S.C. 431, 436). Any recordkeeping requirements imposed by the Commission could be worked into existing requirements and practices so as to result in a minimum additional burden.

The Senate did not have any hesitancy in requiring a trade union to keep elaborate records on every member. That was done when we found there were certain abuses in connection with health and welfare funds and in other areas of union activities. It is one thing to steal a man's purse, but it is another thing to steal his soul. When we deny a person employment because of his race, color, sex, or national origin, in a sense we steal his soul, his sense of identity. I have often wondered why the Congress is more interested in the stealing of a purse than in the stealing of the spirit.

Furthermore, the Federal Reports Act of 1942, 5 U.S.C. 139–139f, gives the Director of the Bureau of the Budget authority to coordinate the information-gathering activities of Federal agencies, and he can refuse to approve a general recordkeeping or reporting requirement which is too onerous or poorly coordinated with other requirements.

Finally, there is express provision in section 709(c) for an application either to the Commission or directly to the courts for appropriate relief from any recordkeeping or reporting requirement which would impose an undue hardship. I know of no other statute which provides such comprehensive safeguards around an authorization to require the keeping of records. If such authority is necessary for the Commission to perform its responsibilities successfully, as I believe it is, this section seems to me the minimum of effective authority the Commission can have.

GRANTS OF IMMUNITY

Section 710, as I have stated, incorporates by reference in support of the investigatory powers of the Equal Employment Opportunity Commission the provisions of sections 9 and 10 of the Federal Trade Commission Act, as amended (15 U.S.C. 49, 50), except that the provisions of section 307 of the Federal Power Commission Act—more properly cited as the Federal Power Act, 16 U.S.C. 791a (16 U.S.C. 825f)—shall apply with respect to grants of immunity. A question has been raised as to the purpose of this exception.

Section 9 of the Federal Trade Commission Act provides, in part:

> No person shall be excused from attending and testifying * * * before the commission * * * for the reason that the testimony or evidence, documentary, or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any * * * matter * * * concerning which he may testify, or produce evidence * * * before the commission in obedience to a subpena issued by it.

This language has been held to grant immunity to a witness testifying in obedience to a subpena even though the witness does not claim the benefit of the privilege against self-incrimination. See *United States* v. *Pardue*, 294 F. 543 (S.D. Texas, 1923); *United States* v. *Frontier Asthma Co.*, 69 F. Supp. 994, 997 (W.D. N.Y., 1947); see *United States* v. *Monia*, 317 U.S. 424 (1943). In such a situation an interrogator is not placed on notice that a given line of inquiry will result in a grant of immunity to the witness.

Consequently, since the enactment of the Securities Act of 1933, it has been the usual practice for Congress, in drafting an immunity provision, to require that a witness does not obtain immunity unless he is compelled to answer after having claimed his privilege against self-incrimination. The assertion of the privilege affords the interrogator an opportunity to decide whether or not to persist with his questioning and grant immunity thereby. Section 307 of the Federal Power Act is typical of such provisions. It states:

> No person shall be excused from attending and testifying or from producing * * * records and documents before the Commission * * * on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination * * *.

Provisions substantially identical to section 307 may be found in the Securities Exchange Act of 1934, 15 U.S.C. 78u, the Public Utility Holding Company Act of 1935, 15 U.S.C. 79r, and the National Labor Relations Act, 29 U.S.C. 161.

In short, Mr. President, as with every other part of H.R. 7152, title VII is a moderate and constructive attempt to proceed toward the elimination of one aspect of racial discrimination in America. It is based on the premise that no man should be denied employment because of the color of his skin. The means it provides to accomplish this purpose emphasize voluntary compliance, conciliation, and the cooperation of State and local authorities. The passage of title VII will be a major step forward to the goal of eliminating discrimination in employment and promoting equal employment opportunity.

SURVEY OF REGISTRATION AND VOTING: TITLE VIII

Title VIII directs the Secretary of Commerce to conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. The survey, which would be conducted by the Bureau of the Census, would include figures indicating the relative voting participation by race, color, and national origin in Federal primaries and elections since January 1, 1960. Complete and reliable information on registration and voting in the United States is not now available. The data to be obtained by this survey will be most useful to the Congress in assessing the progress being made in removing unconstitutional discrimination in voting and the need for further legislation to make the 15th amendment effective; to the Civil Rights Commission, in performing its functions under title V of the bill; to the Justice Department, in preparing and trying cases under title I of the bill; and to all students of the electoral process.

In order to avoid unnecessary burden and cost, the survey required will be made only in those geographic areas specified by the Commission on Civil Rights. Similarly, the Commission will recommend the extent to which the survey and resulting statistics should be secured with respect to race, color, and national origin. In this way, it will be possible to focus on the areas and groups as to which there is reason to believe there has been discrimination. Obviously, race has not been a basis of disenfranchisement in all areas; similarly, national origin has operated as a factor in voting discrimination with regard only to certain groups. Thus, there is no reason to incur the added costs of a nationwide compilation when a more selective survey can provide the desired and needed information.

APPEAL OF REMANDS IN CIVIL RIGHTS CASES: TITLE IX

Title IX permits an appeal from a Federal court order remanding any civil rights case to the State court from which it was removed. Present law permits removal of certain cases involving equal rights to a Federal district court, but the scope of this right of removal is in doubt, and the present unappealability of an order of remand prevents the Federal appellate courts from passing on the question.

This title would provide an opportunity to reexamine, in the light of existing conditions, the scope of the right to remove in certain civil rights cases. A series of old cases, none decided less than 55 years ago, appears to hold that the right to removal is limited to situations in which a State statute or constitution on its face denies constitutional rights. However, the real problem at present is not a statute which is on its face unconstitutional; it is the unconstitutional application of a statute. When a State statute has been unconstitutionally applied, most Federal district judges presently believe themselves bound by these old decisions and remand attempted removals to the State courts. Under present law such a remand is unappealable. As a consequence, the right to remove civil rights cases is of very little use. Enactment of title IX will give the appellate courts an opportunity to reexamine this question.

This is essentially a technical title.

COMMUNITY RELATIONS SERVICE: TITLE X

Title X establishes a Community Relations Service to assist local communities and individuals in the voluntary adjustment of disputes and difficulties arising from discrimination based on race, color, or national origin. The Service would consist of a Director and a small staff. It would have no law-enforcement responsibilities and no powers of compulsion. It would preserve the confidentiality of information it receives, as such, in the course of its duties. It would cooperate wherever possible with State and local agencies.

Experience has shown the value of voluntary adjustment and negotiation as a means to solving racial problems. Many communities, by the use of such methods, have made remarkable progress in the elimination of discrimination and other grievances. In other communities, however, lack of adequate communication between white and Negro leaders precludes even a start toward adjustment of difficulties. In some instances Justice Department officials, acting informally and ad hoc, have been able to bring parties together to find agreed solutions to particular problems. However, no existing Federal agency is equipped to perform such mediation and conciliation as a regular and continuing function.

Mediation and conciliation of civil rights disputes should prove no less useful a tool than it has in the area of labor disputes. Titles VI and VII of the bill specifically provide for use of informal methods of conference, conciliation, and persuasion. Such methods are equally appropriate under other titles. In many cases, mediation and litigation work together effectively.

Individual restaurant or hotel owners may be reluctant to admit Negroes unless assured that their competitors will do likewise. Through the good offices of the Community Relations Service, or of comparable State or local organizations, it may be possible to achieve agreement among all or substantially all the owners. Failing that, it may be necessary to sue a few holdouts—let us say, as an example, under title II—while relying on agreement of the rest to act voluntarily if the suit is successful.

TITLE XI

Title XI contains customary miscellaneous provisions—a savings clause, a provision against preemption of consistent State legislation, an authorization of appropriations, and a separability provision.

CONCLUDING REMARKS

Mr. President, this is a fair, moderate, and comprehensive bill. It deals with all the major areas of life in which Negroes and other minorities have been discriminated against: voting, education, access to public accommodations and facilities, equal protection of the laws, and employment.

As I have tried to show, all these areas are interrelated; each is bound with the others. A man who would be free must have the opportunity to develop his mind and talents through education, to earn a living with those talents, and to apply his education to public life through participation in the political process. Without opportunities for education, the Negro cannot get a job.

I would not want my remarks in support of this bill to be interpreted as indicating there was nothing left to be done in the fields of education, or health, or retraining, or many other areas of life. The bill merely provides a legal framework through which men of good will can work out some difficult, long-term problems. We need to expand educational opportunities. We need to expand housing in America. We need to expand health services. We need to expand employment opportunities. We need a growing and expanding economy. We need to eliminate areas of discrimination and prejudice in order to have the full participation of the American people in their society and in their community life.

All this needs to be done. When I hear the opponents of the legislation remind us again and again that what is needed is more deucation, I agree. But more education for a person who has been denied equal rights and full participation in community life is no answer to that man's problems. What is needed is an opportunity to participate fully in all aspects of American life, including opportunities for education, health, job opportunity, and political participation.

Without a job, one cannot afford public convenience and accommodations. Income from employment may be necessary to further a man's education, or that of his children. If his children have no hope of getting a good job, what will motivate them to take advantage of educational opportunities?

In short, the primary ingredients for a full and free life are inseparable from each other. Education cannot wait upon employment or political freedom. Employment opportunity cannot be postponed until the vote is won. The only way to break the vicious circle of minority oppression is to break it at every point where injustice, inequality, and denial of opportunity exist. It is for this reason that we propose enactment of comprehensive legislation that will touch on every major obstacle to civil rights.

This bill is long overdue. Moderate as it is, it insures a great departure from the misery and bitterness that is the lot of so many Americans. This misery has found remarkably quiet methods of expression up to the present. As I said earlier, I marvel at the patience and self-control of Negroes who have been excluded from the American dream for so long.

But the passive stage is ending in the history of the American Negro. Within the past few years a new spirit has arisen in those people who have been so long denied. How will we respond to this challenge? The snarling police dogs of Birmingham are one answer. The force of equality and justice is another. That second choice is embodied in the bill that we are starting to consider.

The same Negroes who win our Olympic games, the same Negroes who are the stars on the baseball fields, the same Negroes who in many areas of our country have been permitted to practice in hospitals without discrimination, are rising as one man and asking that their brethren be given the same opportunity.

Freedom requires full freedom. There cannot be half freedom. There cannot be full freedom for whites and little freedom for Negroes.

I say with regret that all over America prejudice exists. It is not confined to one section of the country. It is more visible in some sections of the country than it is in others; but it exists everywhere.

I do not proclaim that the proposed statute will eliminate all the evils which plague us in the area of racial prejudice. I merely say that it sets a standard around which decent men can rally. It lays down the legal framework within which men of good will, of reason, and judgment, can work together. It provides the means for a constructive social policy that is long overdue.

I advise Senators to read the great address of then Vice President Lyndon B. Johnson delivered last year at Gettysburg. It should be read every day. The then Vice President—now President of the United States—with courage and forthrightness and vision, told us that the American Negro is tired of waiting; that he wants his day of justice. He is going to get it by one means or another.

We cannot afford to have this growing tension in the American community. We need every American to work with full power for freedom and opportunity.

We would be foolish to deny ourselves the opportunity of enlisting in the common cause of freedom the millions of people who cry out to be a part of the great American dream. They are not asking to be left out. They are not asking to be put aside. They wish to be part of our national life. That is what this fight is all about. It is my earnest hope that Senators will recognize that the bill represents an investment of knowledge, energy, and dedication by the executive branch and the Congress, by Democrats and Republicans alike. Its moderation and careful language represent almost a year of patient deliberation, study, and discussion. We know that some Members of the other body wanted a bill that they felt was stronger; while others wanted a bill that made a more modest beginning. Still others wanted no bill at all. H.R. 7152 is a compromise between these points of view. The bill embodies the thinking of literally hundreds of men of good will.

It is my earnest hope that Senators will respect and appreciate this precious investment, that they will realize what a great achievement it is to have brought this bill to its present place on the legislative schedule, and that they will honor the importance of the issue and the good faith of the bill's architects by passing H.R. 7152 as it now stands.

MISREPRESENTING THE CIVIL RIGHTS BILL

The goals of this bill are simple ones: To extend to Negro citizens the same rights and the same opportunities that white Americans take for granted. These goals are so obviously desirable that the opponents of this bill have not dared to dispute them. No one has claimed that Negroes should not be allowed to vote. No one has said that they should be denied equal protection of the laws. No one has said that Negroes are inherently unacceptable is places of public accommodation. No one has said that they should be refused equal opportunity in employment.

This bill cannot be attacked on its merits. Instead, bogeymen and hobgoblins have been raised to frighten well-meaning Americans.

A bill endorsed by hundreds of prominent attorneys and professors of law is called by the opponents unconstitutional.

A bill endorsed by every major religious denomination in America is called Communist inspired.

A bill passed by an overwhelming majority of 290 Members of the House of Representatives to 130 for the opposition—Democrats and Republicans alike—is called socialistic.

Good Americans, like the Speaker of the House, Mr. McCormack, the majority leader of the House, Mr. Albert, the minority leader of the House, Mr. Halleck, the chairman of the Judiciary Committee, Mr. Celler, who deserves a special note of tribute, and the ranking Republican member of the Judiciary Committee, Mr. McCulloch, who also deserves a special note of tribute on the floor of the Senate, formulated the bill and carried it through in the other body. I know that 290 Members of the other body are not Socialists. I know they are not Communists. I reject that kind of smokescreen attack upon a sensible piece of legislation.

It is said that the bill would make the Attorney General a dictator, when in fact the only power he is given is the authority to introduce lawsuits to give some American citizens their constitutional rights and require other Americans to obey the law.

It is called a force bill, when in fact it places first reliance on conciliation and voluntary action, and authorizes legal action only as a last resort.

It is called an attack on State government, when in fact the bill specifically directs that State and local officials and agencies will be used wherever feasible, and appeals to the States to perform States' rights rather than States' wrongs.

It is claimed that the bill would produce a gigantic Federal bureaucracy, when in fact it will result in creating about 400 permanent new Federal jobs.

It is claimed that it would impair a property owner's ability to sell or rent his home, when in fact there is nothing in the bill pertaining to housing.

It is claimed that the bill would require racial quotas for all hiring, when in fact it provides that race shall not be a basis for making personnel decisions.

As I have said, the bill has a simple purpose. That purpose is to give fellow citizens—Negroes—the same rights and opportunities that white people take for granted. This is no more than what was preached by the prophets, and by Christ Himself. It is no more than what our Constitution guarantees.

One hundred and ninety years have passed since the Declaration of Independence, and 100 years since the Emancipation Proclamation. Surely the goals of this bill are not too much to ask of the Senate of the United States.

Mr. KUCHEL. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from California.

Mr. KUCHEL. I congratulate my friend the Senator from Minnesota. Perhaps in the lifetime of every Senator no greater challenge will have been presented than that which has been presented today. The Senator from Minnesota has delivered an excellent, moving, lucid, logical presentation of why legislation in this field should now pass.

I congratulate him. I am glad to be associated with him in this fight.

The Senator is an able advocate of one great American political party. To the best of my ability, I shall speak on this side of the aisle as a representative of the other great American political party in our country.

This issue should not be a partisan fight. It should be and is an American fight. The record that is being made in the Senate today will go a long way, not merely to demonstrate that the Senate desires to pass legislation in the civil rights field, but also to provide the people of this country and all branches of government with the clear and unequivocal intention by which the bill will be fashioned in plain English.

Mr. HUMPHREY. I thank the Senator from California.

Mr. President, I consumed over 3 hours to make this presentation, which is longer than I intended, but in those hours I attempted to analyze the main titles of the bill, and to lay down the base of discussion.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. KEATING. I congratulate the Senator upon a very well fashioned presentation, which deals with all the titles of the bill, and reveals extremely diligent preparation. His presentation can serve as a guideline, as this debate ensues, for others of us who will take up and discuss the separate titles of the bill.

I reiterate in the strongest and most emphatic terms what the Senator from California [Mr. KUCHEL] has said; namely, that bipartisanship in the effort to pass the bill is a "must." The bill cannot be enacted into law without entirely putting aside political affiliations and remembering only that all of us are trying to do something for our country. We must remedy a situation which demands action, which has been too long delayed in the past, and which should have been acted upon as a moral imperative years ago, and not in answer to a situation which has reached crisis proportion. The fact is, however, that it has now reached such proportions.

We are endeavoring to solve one of the most pressing national problems we have ever faced, one which is a great moral problem as well. The Senator from Minnesota is one of the leaders in the fight, and he has set forth in excellent fashion the background upon which others of us will follow with more detailed arguments.

Mr. HUMPHREY. I thank the Senator from New York. Lest I failed to make it clear, I am proud to be associated in this important debate and, I hope, in the ultimate decision, with my good friends and colleagues on the other side of the aisle. If I have said it once, I have said it a hundred times, that the bill is not a Democratic bill. It is not a partisan issue. I have always maintained that this is a national issue and a moral issue. It is not only a bipartisan issue, but a nonpartisan issue.

This is as vital to American security as is our national defense and our foreign policy. We must deal with the subject above party politics, and face the issue as we see it.

I respect those who hold different points of view. It is my desire that after those points of view have been explained and refuted, and after the debate has progressed, the Senate will come to a decision. I am sure that no Senator will be criticized for taking some time in the discussion of the bill. But we do hope that a decision will be reached. The President of the United States asked for this legislation in the state of the Union address. He asked that ultimately we come to a decision, and vote on it yea or nay. That is our responsibility.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. I congratulate the Senator from Minnesota for his able, detailed, and inspiring address.

Some of our opponents have from time to time charged us with trying to force the bill through under a form of gag rule in the Senate. Already there have been 3 weeks of discussion, in which Senators who favor the bill took a very minor part.

Now the Senator from Minnesota has made a thorough analysis. It will be followed, I understand, by an address by the distinguished whip on the Republican side. He will be followed by a discussion of the bill in detail, title by title.

It cannot be said, therefore, that any attempt will be made to jam the bill through. Every effort will be made to inform the Senate and the country on the contents of the bill, to acquaint Senators and the public with the arguments in favor of the bill, and to consider the objections raised against the bill.

The Senator from Minnesota has made a magnificent beginning.

Coming from Chicago, following a visit to my home State over the weekend, I bought, at a bookstand, and received through the mail, copies of an excellent book which the Senator from Minnesota has edited. It is entitled "Integration Versus Segregation." It is really a collection of vital and essential documents, which I have found highly enlightening.

The Senator from Minnesota rightly begins the book with the text of the 14th amendment to the Constitution of the United States. We sometimes forget the 14th amendment. Attention is frequently concentrated upon the 10th amendment, which denies jurisdiction to the Federal Government of subjects not specifically allotted to the Federal Government. I believe it would be well to read aloud once more, on the floor of the Senate, the 1st and 5th sections of the 14th amendment to the Constitution:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

In other words, there is no differentiation between citizens. There are no first-class citizens and no second-class citizens; all white or black, rich or poor, are citizens on equal terms. Citizenship, moreover, is not merely a matter of residence in a State; it also means that a person is a citizen of the United States.

The second sentence of the first section reads:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

This provides that no State action shall be taken to diminish the privileges or immunities of citizens.

The provision continues:

> Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Finally, the fifth section of the 14th amendment reads:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The 14th amendment was proposed in 1866. It was adopted in 1868. It is now 1964, 96 years after the adoption of the amendment.

We are proposing in the pending bill a strengthening of the 14th amendment, to carry out the specific authorization granted in the 5th section of the amendment.

I particularly liked the way in which the Senator from Minnesota made no claim for sectional superiority of the North over the South. I have always said that we are more or less children of history. The South has suffered from slavery and the fact that the Civil War was fought on its ground. Only an accident of climate and geography spared the North from slavery.

I was pleased that in the Senator's collection of readings he included a number of articles stating the case for the so-called white supremacists of the South, and criticizing the North and West. I was pleased to read the article by Mr. Perry Morgan, which in particular took me to task. I am very glad that that article has now been spread before the public.

Mr. HUMPHREY. I regret that.

Mr. DOUGLAS. No; I am glad the Senator included it. I hope that by our actions we may be able to refute some of the charges which are made. We are not afraid of criticism.

The Senator has swept away a good many cobwebs which have attached themselves to the bill. I have just returned from a visit to my home State over the weekend. I found there certain elements of the real estate industry were saying that the bill would create so-called open occupancy. I believe the Senator from Minnesota has refuted that argument. It does not provide for open occupancy. All the bill does is to lay a legal basis so that the Attorney General and agencies of the Government may go to the courts to make the 14th amendment a living reality.

Mr. HUMPHREY. I thank the Senator from Illinois very much. It is a joy to be associated with the able and courageous Senator from Illinois in this battle for civil rights legislation. I am confident that victory will crown our efforts.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Maine.

Mr. MUSKIE. In my judgment, the Senator from Minnesota has performed a real service for the Senate and for the country. I have been receiving mail pertaining to the bill, a great deal of it from my own State, and a great deal of it from other States also. Much of the mail reflects a real misunderstanding of what the bill is all about.

The Senator from Minnesota has given us in considerable detail this afternoon a comprehensive and lucid explanation of what the bill is, what it does, and what it would accomplish. I like particularly the fact that in the discussion of the bill, the Senator touched upon many of the constitutional points that have been raised in the last 3 weeks by opponents of the bill.

The Senator has placed these points in excellent perspective, for a nonlawyer, in beautiful fashion. There are arguments on both sides on many of these points. However, the Senator has presented clearly the points which I think ought to be reassuring in the extreme to many of our correspondents of the North who are laboring under serious misapprehension about the bill.

I commend the Senator from Minnesota for doing what I think the Senator has done so well, and that is to describe in one or two simple sentences the real purpose of the bill, which is to contribute to the elimination of discrimination.

In the very last sentence of the Senator's speech, he points out that 190 years have passed since the Declaration of Independence which set out certain inalienable rights.

The bill is a recognition of the fact that many of the rights which were declared by Thomas Jefferson to be inalienable are still being compromised and denied to millions upon millions of Americans, and that the fundamental purpose of the bill is to assure to those people the inalienable rights which the Declaration of Independence proclaimed in 1776.

I congratulate the Senator from Minnesota.

Mr. HUMPHREY. I am very grateful. I thank the Senator.

THE CIVIL RIGHTS ACT OF 1964: THE QUEST FOR JUSTICE

Mr. KUCHEL. Mr. President, after 16 days spent in considering the motion to take up H.R. 7152, the House-passed civil rights bill, the Senate now, at long last, has this legislation before it for what undoubtedly will prove to be long and extended debate. It should also be constructive and thoughtful. I deeply believe that when the final roll is called, and when all Senators—Democrats and Republicans alike—have had the opportunity to study this legislation, an overwhelming bipartisan majority will be found in favor of the House-passed bill at a minimum. I would hope also that this needed measure may be strengthened in some particulars.

A total of 70 days of public hearings, 275 witnesses, 152 additional statements, and 5,792 pages of printed record have been made in the last few months by committees of both the House and the Senate as they have studied various aspects of the legislation now before us.

When this bill came before the House of Representatives for a final vote, 59 percent of the Democrats in the House and 78 percent of the Republicans voted in favor of it. This is as it should be, for the most effective way to further the civil rights of all our citizens should not be the exclusive prerogative of either major American political party. It is the prerogative and responsibility of the American people. Each of us, whether we are from the East or the West, from the North or the South, from large cities or small towns, from urban America or rural America has, as perhaps never before in our history, a solemn obligation to act with wisdom and with courage on this long overdue and much needed legislation.

Mr. President, it is tragic to note that 188 years after our country's independence, and in the time of the Congress which began in the centennial year of the Emancipation Proclamation promulgated by the first Republican President, Abraham Lincoln, that some of our fellow Americans are not yet able to participate fully in our way of life solely because of discrimination based on their race. Such discrimination is not limited to one section of our land. It can and does occur in all parts of our country to a greater or lesser degree. Such discrimination is not limited to voting.

Discrimination has been demonstrated and documented in a long and sordid series of illegal and unconstitutional denial of equal treatment under law in almost every activity of many of our fellow men. Thus, such legislation as we now have before us cannot be ignored, nor can the issue be avoided, no matter from which State a Senator might come. It is the right to stand up and say: "Judge me for my ability, for my qualifications, for my talent. Do not judge me for the color of my skin." In brief, judge me as you would be judged. That is the basis on which this country was founded, and on which our Constitution and its amendments sought to prevent inequality, under law, because of race.

No American can read the thousands of pages of testimony which have been taken in field hearings all over our land, including my own State of California, by the U.S. Commission on Civil Rights, without being greatly impressed with the work of law and of the heart which still remains to be accomplished. The bill which is now before us is a partial response to that documented and sad record.

TITLE I

Title I of the House-passed bill concerns voting rights. In 1957 and 1960, President Eisenhower recommended, and Congress, in part, approved, legislation which took steps to guarantee to all citizens the right to vote without discrimination as to race or color. Experience under those acts has revealed several grave inadequacies in their operation.

The exercise of the right to vote is fundamental to a preservation of self-government, at the Federal, State, and local levels. For most Americans, the exercise of the franchise is the greatest extent of their personal participation in political self-government. Yet, for all too many Americans, this right, basic to our Republic and basic to freemen everywhere, has been denied on the wholly arbitrary and irrelevant ground of race.

The Civil Rights Act of 1957 was the first such legislation enacted since 1875. One provision authorized the Federal Government to bring civil suits to end discriminatory voting practices. In 1960, Congress strengthened the act by providing that States, as well as registrars, could be sued. Voting records were to be preserved for 22 months and Federal referees could be appointed to register voters. To implement the referee provisions, a judicial finding of a "pattern or practice" of discrimination by registration or election officials is required. Even where such a practice is found, the court has the discretion to leave the registration process in the hands of local officials who have been responsible for discriminatory practices in the past.

If the court does appoint a referee, under the 1960 act, the local registrar is not displaced. The referee can only register applicants who have applied to the local registrar and been rejected.

In 1961, in a study of 100 counties in 8 Southern States, the Commission on Civil Rights found that substantial numbers of Negro citizens had been denied the right to vote.

In 1956, a year prior to the first civil rights legislation in 82 years, it was estimated that 5 percent of the voting-age

Negroes in those 100 counties were registered to vote. Despite 2 subsequent civil rights measures designed to secure the right to vote and the institution of numerous voting rights suits by the Department of Justice, as well as 140 or more private registration drives, the Commission concluded, in its report filed at the end of 1963, that Negro registration in those 100 counties has risen to only 8.3 percent.

The techniques of voting discrimination are many and varied. One technique is that of the discriminatory and unequal application of legal qualifications such as literacy tests, constitutional interpretation tests, calculation of age to the exact day, and requirements of good moral character. Other techniques are more arbitrary, such as rejection of an applicant for insignificant errors he has made in filling out his forms. Of course, in areas where all white citizens are registered and no Negro citizen is registered, one novel technique is to apply rigid standards to all those who wish to register in the future. The result is that Negroes still remain unregistered and all the white citizens continue to be registered.

The incidents of voting discrimination fill volumes. The absurdities of refusing to register a Negro professor with a Ph. D. degree and letting the most ignorant voter, provided he is white, register, are well known.

How would title I of the House-passed bill correct some of these injustices?

In determining whether an individual is qualified to vote in an election where Federal officers are to be elected, title I prohibits persons acting under State or local authority from applying any discriminatory standard, utilizing an immaterial error of omission on the registration form, or employing any literacy test unless it is in writing—except where an individual requests and State law authorizes another type of test—in order to deny the right to vote.

In a voter discrimination suit, instituted by the Attorney General, where literacy becomes a relevant fact, there is created a rebuttable presumption that an individual who has not been judged an incompetent and who has completed the sixth grade of school possesses sufficient literacy to vote in an election in which Federal officials are to be elected. In the last presidential campaign, both of our political parties promised the enactment of legislation in that field. Title I also authorizes the Attorney General or any defendant in a voter discrimination suit to request a three-judge district court to hear the suit, if he so desires.

Mr. President, in my judgment, title I is a very modest approach toward doing what needs to be done in this vital area. I, for one, believe that the bill should not be limited solely to Federal elections for President, Senator, and Member of the House of Representatives, but, rather, that these provisions should also be applicable to State and local elections. It is in the State and local governments—not in the National Government—that discriminatory legislation and local administration in education, health, and police regulations have suffocated or destroyed equal treatment among all our people.

The future well-being of Americans who are now being discriminated against is largely dependent upon the quality of schools and health services which ought to be provided where they live. Once all our citizens are guaranteed full voting equality in State and local elections, all levels of government will be more responsive and more responsible in guaranteeing fair treatment regardless of one's race, color, or national origin.

This is simple justice. In 1960, in Chicago, the Republican national platform, which was unanimously agreed to by delegates from all over the United States, specifically pledged my party, which arose as a result of its rank-and-file's commitment to equal opportunity for all our people, to—and I quote:

> Continued vigorous enforcement of the civil rights laws to guarantee the right to vote to all citizens in all areas of the country.

And—

> Legislation to provide that the completion of six primary grades in a State-accredited school is conclusive evidence of literacy for voting purposes.

That is largely what title I of the House-passed bill and the proposals concerning State and local elections which some of us on the Republican side wish to offer, seek to do.

Yet, there is underway in America a vigorous and well-financed campaign by those who would perpetuate a system of segregation and discrimination, which should have been eradicated over a century ago, to confuse the people as to the content of the House-passed bill and title I, as well as the other titles of this bill. This campaign has been launched by a group known as the Coordinating Committee for Fundamental American Freedoms, Inc. Recently full-page advertisements were placed in papers throughout the country entitled "$100 Billion Blackjack: The Civil Rights Bill."

Mr. William Loeb, of Manchester, N.H., is chairman of the group. Mr. John C. Satterfield, of Yazoo City, Miss., is the secretary. I understand that Mr. Lloyd Wright, of California, has also participated in writing some of the committee's materials. Mr. Satterfield and Mr. Wright, as former presidents of the American Bar Association, supposedly add an aura of respectability to the ugly and evil activities of this committee. After reading the full-page advertisement and other materials distributed by this organization, it is difficult for me to see why the committee needed any legal talent at all, especially that of two former American Bar Association presidents, for their campaign is not based on the law or the bill as it passed the House of Representatives. Their campaign, as my colleague, the Senator from New York [Mr. KEATING], pointed out so eloquently 2 weeks ago, is strictly one of hysteria and misinformation. It is the campaign of the big lie, whose purpose is solely to mislead the average American who is too busy trying to earn a daily living to have an opportunity to study what really is in this bill.

Adolf Hitler, the master of the big-lie technique, stated on page 313 of volume 1 of "Mein Kampf":

> In the size of the lie there is always contained a certain factor of credibility, since the great masses of a people * * * will more easily fall victims to a great lie than to a small one.

I do not admit the validity of this claim, but it is obvious that there are those who do.

The absurdity of this committee's claim to be devoted to fundamental American freedoms becomes obvious to all when the principal source of its funds is revealed. The source of its funds is none other than the Mississippi State Sovereignty Commission. This commission is organized under the laws of, and financed by, the State of Mississippi. The Governor of Mississippi serves as chairman of the commission. Its funds are regularly appropriated by the Mississippi Legislature, and it is empowered to contribute funds and to provide other assistance to State and private organizations which have the same objectives and purposes as the commission. In carrying out its aims, this commission has contributed large sums of money to various white citizens councils, and has supported their activities in Mississippi and other States.

I suspect, based on the actions of the Mississippi State Senate on Thursday, March 26, that one of the objectives of this group will now be to eliminate the Republican Party. On that day, the Mississippi State Senate, composed of only Democratic senators, approved 18 bills, dealing with the election laws of Mississippi, whose sole aim was to stamp out the party of which I am proud to be a member. I am pleased to note that some Democratic State senators fought to preserve a two-party system, and I regret that their efforts were completely frustrated.

Mr. President, I ask consent that the Associated Press dispatch from Jackson, Miss., dated March 26, which appeared in the Washington Post on March 27, 1964, be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISSISSIPPI SENATE VOTES BILLS TO "STAMP OUT" GOP

JACKSON, MISS., March 26.—Election-law revisions to "stamp out Republicanism" in Mississippi were approved by the State senate today.

With Republicans watching grimly from the gallery, 18 bills in the election package were passed on to the house by the senators, all Democrats.

There were some revisions to soften requirements that would be imposed on a political party trying to get on the general election ballot.

However, it was plain that the package, backed by Gov. Paul Johnson, had more than enough support, despite a surprising number of opposition votes.

Republican leaders bitterly condemned the new election laws as "lifted directly from 'Mein Kampf,' the book written by Hitler."

Wirt Yerger, Jr., State GOP chairman, said the laws were formed to impose party "qualifications which the Democrats have

> already met but which the growing Republican Party has yet to attain."
>
> Johnson vowed to change the State's election procedures after sweating through two rugged Democratic primary elections to win nomination—only to run into the State's first serious GOP challenge since the Civil War in the general election.
>
> One major bill would require extensive organizations in counties and precincts to give a party legal standing. It passed by a 38-to-13 vote.
>
> Another would require that any party's candidate would have to draw at least 10 percent of the eligible vote in a primary election in order to get on the general election ballot.
>
> This measure managed only a narrow margin 26 to 24.
>
> "If this bill passes," Senator Bill Caraway cried during the debate, "Mississippi will have a one-party system. It will damage our industrial progress. It will destroy the Republican Party in this State because it can't operate under this."

Mr. KUCHEL. Mr. President, let us examine some of the charges made by the so-called coordinating committee with regard to title I. One charge is that the bill would "take from local and State officials their right, without Federal interference to handle local and State elections." In the first place, as I have noted previously, much to my displeasure, the House-passed bill is limited solely to Federal elections. In the second place, the plain fact is that while article I, section 4 of the Constitution clearly authorizes Congress to regulate Federal elections, Congress, under the 14th and 15th amendments, also has the clear power to extend the provisions of title I to State as as well as Federal elections.

This Mississippi-financed group also charges that the Attorney General would be made "a virtual dictator of America's manners and morals" and that in title I he would be given "the unprecedented power to shop around for a judge he prefers to hear a voting suit."

This charge is sheer nonsense. Under title I, either the Attorney General or any defendant in a voter discrimination suit could request a three-judge district court to hear the suit. This is not a new practice in Federal judicial procedure. Section 44 of title 49 and section 28 of title 15 of the United States Code provide that in certain transportation or antitrust suits in which the United States is the plaintiff, the Attorney General may file with the court a certificate seeking appointment of a three-judge court and expedition of the case.

Under title I, one of the judges on the three-judge court would be a district judge from the district in which the suit has been brought. At least one of the three would be a circuit judge. Whether the third judge was either another district judge or another circuit judge is strictly up to the judges who decide the internal judicial administration policies of the circuit. It is not up to the Attorney General.

Besides the precedent for such a procedure and the fact that it will expedite voting discrimination suits by permitting a direct appeal to the Supreme Court eliminating one usually time-consuming appellate step, a very sound reason for authorizing a three-judge court is to prevent the prejudices of one or two judges from interfering with the need for justice.

I was shocked, Mr. President, to read recently in the New York Times for March 9, 1964, a release from Jackson, Miss., dated March 8. It relates to the proceedings taking place in a Federal district court in Mississippi dealing with voter discrimination cases. I quote from part of that release:

> At yesterday's hearing Judge Cox [referring to Federal District Judge Harold Cox], the first judge appointed by President Kennedy under the 1961 expansion of the Federal judiciary, repeatedly referred to Negro applicants as a "bunch of niggers."

Mr. President, I ask consent that the complete article from the New York Times of March 9, 1964, be printed in the RECORD at this point in my remarks:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUDGE DUE TO RULE ON SUIT TO SPEED UP NEGRO REGISTRATION

JACKSON, MISS., March 8.—Federal District Judge Harold Cox is expected to rule Wednesday on a Justice Department suit to speed up the processing of Negro voter applicants at Canton.

The judge has criticized the registration drive as "grandstanding." He took no action yesterday on a request by John Doar, Department attorney, that he immediately order L. F. Campbell, Madison County voter registrar, to handle at least six Negro applicants at a time.

At yesterday's hearing Judge Cox, the first judge appointed by President Kennedy under the 1961 expansion of the Federal judiciary, repeatedly referred to Negro applicants as "a bunch of niggers."

He said he was interested in eliminating discrimination in the registration of voters, "but I am not interested in whether the registrar is going to give a registration test to a bunch of niggers on a voter drive."

More than 200 Negroes tried to apply for registration at Canton in a "Freedom Day" February 28. Judge Cox said it "appeared that these people went to a church and were pepped up by a leather lung preacher, and they gathered in the streets like a massive dark cloud and descended on the clerk."

Mr. Doar asked the judge where he had received such information.

"From the newspapers," he replied.

Mr. Doar contended "there is nothing un-American about registering to vote," and "I think it is quite proper for people to assemble to do it."

Judge Cox agreed that "it is all right for them to get in line if they want to, I guess." He said, however, that it seemed "most of them were just grandstanding; they ought to be in the movies instead of being registered to vote."

"Who is telling these people they can get in line and push people around, acting like a bunch of chimpanzees?" he asked.

The Justice Department suit charged that Mr. Campbell had handled only 1 Negro at a time and processed only 6 of more than 200 Negro applicants who appeared February 28.

"There is an important Federal election coming up this year and, at this rate, it would take 10 years for them to be registered," Mr. Doar emphasized.

The Justice Department petition contended that only 152 of more than 10,000 Negroes of voting age were registered in Madison County, while 5,000 of 5,800 white adults were registered.

Judge Cox took the arguments under advisement and asked further information before ruling on a temporary injunction.

Mr. KUCHEL. Mr. President, the fact that Judge Cox was the first judicial appointment of the Democratic administration which took office in 1961 is not what motivates me, a Republican, to bring this incident before the Senate. What motivates me, an American Senator, is that I am certain that each of my colleagues, whether Republican or Democrat, must find such conduct by a Federal district judge as contemptible as I find it.

Had that language been used by him before his name came before the Senate for confirmation to the office which he holds, in my judgment the nomination would not have been confirmed.

TITLE II

Mr. President, there can be no question but that racial discrimination in places of public accommodation is one of the most irritating and humiliating forms of discrimination the Negro citizen encounters. A remedy for this is urgently required. Every American has read of Negro citizens and African diplomats being refused the opportunity to sit at a lunch counter and eat a noonday meal as they travel an interstate highway. Every American is aware that discrimination in public accommodations is what has motivated most of the 2,100 demonstrations which occurred in the last half of 1963.

Public accommodations legislation is certainly nothing new to the citizens of California or most other States in the Federal Union. Thirty of the fifty States and the District of Columbia have laws of this kind.

Even the South was free of much discrimination in the Reconstruction period following the Civil War. In fact, it was the Jim Crow laws enacted by various States after Reconstruction ended that truly interferred with the businessman's traditional right to offer his services to all the public, regardless of their race. Interestingly, in the Reconstruction period, Mississippi had a public accommodations law. An 1873 decision of the Mississippi Supreme Court—*Donnell* v. *State* (48 Miss. 661)—unanimously sustained the constitutionality of a Mississippi public accommodations law as applied in a criminal prosecution against a theater that sought to segregate a Negro.

California's public accommodations law dates from March 13, 1897. Mr. President, I ask consent that the text of the California statute be printed at this point in the RECORD:

There being no objection, the text of the statute was ordered to be printed in the RECORD, as follows:

CALIFORNIA STATUTE OF MARCH 13, 1897

SECTION 1. That all citizens within the jurisdiction of this State shall be entitled to the full and equal accommodation, advantage, facilities and privileges of inns, restaurants, hotels, eating houses, barbershops, bathhouses, theaters, skating rinks, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

SEC. 2. Whoever shall violate any of the provisions of the foregoing section by denying to any citizen, except for reasons applicable alike to every race or color, and regardless of race or color, the full accommodation, advantage, facilities and privileges in said section enumerated, or by aiding or inciting such denial, or whoever shall make any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to all citizens of every color or race whatever, in respect to the admission of any citizen to, or his treatment in, any inn, restaurant, hotel, eating house, barbershop, bathhouse, theater, skating rink, or other public place of amusement or accommodation, whether such place be licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, shall, for each and every such offense, be liable in damages in an amount not less than $50, which may be recovered in an action at law brought for that purpose.

SEC. 3. All laws or parts of laws in conflict with this law are hereby repealed.

Mr. KUCHEL. I shall not comment on that except to say that it is far more vigorous and stringent that what is written in title II of the bill now before the Senate.

While progress has been made in voluntary desegregation of public accommodations in larger cities of the South the fact is that voluntary desegregation is not adequate. It is estimated that of 98 cities of the South with populations of less than 10,000, where information is available, that in between 85 to 90 percent of these cities all or part of the eating places, hotels, motels, and places of amusement remain segregated.

The enactment of title II, however, will have a worthwhile effect in furthering voluntary desegregation. In many situations businessmen who would like to put an end to discriminatory practices are deterred by the fear of community pressure or the competitive disadvantage which might result from the failure of a rival to desegregate his facilities. There can be no question but that segregation in public accommodations obstructs and restricts interstate travel and the sale of related goods and services. The market for national entertainment such as community concerts, athletic competitions and motion pictures is surely restricted by such a local situation. National industries seeking new sources of manpower and availability to growing urban markets are inhibited from locating their offices and plants in areas where racial strife is likely to occur.

But discrimination in public accommodations is not simply a matter of economics, it is a matter of morality and of constitutional right. Until such indignities are eliminated, there can be no clear conscience for any of our citizens who seek to fulfill the spirit of America. Our spirit is not narrow bigotry. Our spirit is not to refuse service to a fellow human being because God provided him with a different skin pigmentation than our own. America—as the beacon-hand of the Statue of Liberty which glows its worldwide welcome so symbolically expresses—offers hope and the possibility to fulfill a dream:

> Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me: I lift my lamp beside the golden door.

There is no sign on that golden door, America, which says: "Whites only are allowed here."

The House-passed bill does not in title II cover all places of public accommodation, but it does cover those establishments whose discriminatory practices, when they have occurred, have resulted in great distress and anguish. Specifically, the bill expressly provides that all persons shall have access to the following places of public accommodation without regard to race, color, religion, or national origin: places of lodging, such as hotels and motels except proprietor-operated dwelling having five rooms or less for rent; eating establishments; places of amusement such as theaters and sports arenas; gasoline stations; and any other establishment which first, is physically located within or houses one of the above-specified places of public accommodation, and second holds itself out as serving patrons of one of the above-specified places of public accommodation.

Under this latter provision a retail establishment which contains a public lunchroom or lunch counter would have all of its facilities covered. Similarily, all business facilities located within a covered hotel and intended for the use of its guests would be required to give nondiscriminatory service.

A bona fide private club or other establishment which is not open to the public is not covered under the House-passed bill.

The specified establishments such as hotels and motels and restaurants which have been enumerated would only be covered if their operations affect commerce or if the discrimination or segregation which they are practicing is supported by State action. If either test is met, an enumerated establishment would be covered.

The commerce clause test would apply if the enumerated establishment is related to the movement of persons or goods across State boundaries. Thus, if a hotel serves transient guests, if a restaurant or a lunch counter serves interstate travelers or if a substatial portion of the goods or other products which they sell have moved in interstate commerce, if the films, exhibitions, or athletic teams presented in a public place of amusement have moved in interstate commerce, then the establishment would be covered by title II.

The second test is, of course, derived from the 14th amendment which was proposed on June 13, 1866, by the first Republican Congress after the Civil War. The amendment took effect on July 28, 1868. It provides, in section 1, that:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This historic amendment prohibits discrimination or segregation which is supported by State action. Thus, if discrimination is carried on under color of any law, statute, ordinance, or regulation or carried on under color of any custom or usage required or enforced by State or local officials or fostered or required by action of a State or a subdivision of a State, then the place of public accommodation enumerated in title II is covered and is prohibited from engaging in such discrimination.

The remedy for discrimination under title II is an action for civil injunctive relief. This action may be instituted by either the aggrieved party or the Attorney General. However, before the Attorney General institutes such an action, the House-passed bill provides that he generally must refer a complaint to the agency responsible for enforcing an applicable State or local public accommodations law, if one exists. The Attorney General may also utilize the services of Federal, State, or local agencies to secure voluntary compliance.

I repeat: The prohibitions of title II would be enforced only by civil suits for an injunction. If a person violated the court injunction issued under this title, he would then be subject to contempt proceedings. However, any criminal contempt proceedings would be limited by the jury trial provisions adopted in the Civil Rights Act of 1957. Thus, while the accused in a criminal contempt proceeding could be tried initially with or without a jury, at the discretion of the judge, if he was tried without a jury and convicted and sentenced to a fine in excess of $300 or imprisonment in excess of 45 days, the accused would have a right to obtain a new trial before a jury.

I must observe parenthetically, once again, that the Statute in my State, which has been the law in my State now for three-quarters of a century, provides civil remedies to the aggrieved individual, which this bill does not.

Mr. President, I ask unanimous consent that a letter to me on the matter of jury trials, dated December 20, 1963, from the Honorable Burke Marshall, Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, December 20, 1963.

Hon. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: This is in response to your letter of September 26, 1963, in which you request a reply to allegations which have been made that S. 1731, the proposed Civil Rights Act of 1963, would deny the right to jury trial.

The public accommodations title of S. 1731—at which the jury trial objections appear to be primarily aimed—does not contemplate the use of criminal penalties. Indeed, the only remedy authorized under the proposed statute for failure to comply with the nondiscrimination policy of the bill is the issuance of an injunction. Throughout American history, and before that in England, injunctions have been issued by courts of equity sitting without a jury. To provide for a jury in that kind of proceeding would be a complete break with legal precedent.

When an injunction has been issued the defendant is, of course, required to comply, and his failure to do so is, and always has been, punishable as contempt of court.

There are two types of contempt—civil and criminal. Civil contempt proceedings, in which a jury trial is never available, have as their purpose to coerce the defendant into complying with the orders of the court and to compensate the victims of his disobedience. Criminal contempt proceedings, on the other hand, are designed to punish for past misconduct.

While in some types of criminal contempt actions juries are provided for by statute, the courts have held time and again that there is no constitutional right to jury trial. The most recent holding to that effect is contained in an exhaustive opinion of the Supreme Court in *Green* v. *United States*, 356 U.S. 165 (1958), where the Court said, "the statements of this court in a long and unbroken line of decisions involving contempts ranging from misbehavior in court to disobedience of court orders established beyond peradventure that criminal contempts are not subject to jury trial as a matter of constitutional right."

The United States Code (18 U.S.C. 3691) provides for a jury trial in criminal contempts if the act which constitutes the contempt also constitutes a criminal offense. The public accommodations title of the proposed Civil Rights Act does not create any criminal offense, and thus, under generally applicable law, a jury trial would not be available for a criminal contempt committed in violation of an order issued under that title. Nevertheless, the civil rights bill makes a jury trial available in any case of criminal contempt under the public accommodations title where imprisonment in excess of 45 days or a fine in excess of $300 would be imposed. The Attorney General has stated that this amendment is acceptable to the administration.

It is not correct that no appeal lies from a conviction of contempt. Not only may the defendant appeal in such cases but in contempt cases, unlike criminal cases, the appellate courts review both the judgment and the sentence.

It cannot be emphasized too strongly that the only consequence of a court order under the public accommodations title of the civil rights bill is that the defendant must stop discriminating. No other burdens are placed upon him. Conversely, if he continues to discriminate notwithstanding a Federal court decree, it is not unreasonable that he should be subject to punishment in accordance with traditional and generally applicable procedures.

Sincerely,

Burke Marshall,
Assistant Attorney General,
Civil Rights Division.

Mr. KUCHEL. Mr. President, some citizens, aroused by the advertising campaign of the Coordinating Committee, have written to me expressing a fear that title II invades the right of a businessman to control his private property.

Logically and unquestionably, any businessman should have the right to refuse to serve the drunk, the disorderly, and disreputable. He still will be free to refuse to serve the drunk, the disorderly, and the disreputable. He will still be free to set standards of dress and conduct for persons using his establishment. But, under the mandate of the Constitution, he would have to apply these same standards to all customers and thus could not deny service to anyone solely because of his race, religion, or national origin.

What is wrong with that? Should the shading of a man's skin determine whether or not he can eat a sandwich or secure a room for himself and his family after a drive of hundreds of miles?

I do not believe the Senate thinks it should. Recently, I learned of a group of Catholic nuns who, last autumn, were visiting some of the historic battlefields of Virginia, a very short distance from the Nation's Capital. About 3 o'clock in the afternoon these nuns thought they would eat a late lunch before returning to Washington. They entered a roadside restaurant and were refused service. Why? Because two of the five nuns happened to be Negro. That this could happen in 20th century America is outrageous.

Yet those with narrow mind and heart who seek to prevent the enactment of this legislation have spread stories far and wide that the enactment of title II would affect the sale or rental of private homes and apply to the selection of clientele by a doctor, a dentist, or a lawyer. There are no provisions in either title II or the bill as a whole which would affect private homes or professional relationships. Thus, merely because an office building contains a covered lunch counter on its premises does not mean that the provisions of title II would apply to all the tenants located in that building.

TITLE III

Mr. President, the equal protection clause of the 14th amendment clearly prohibits a State government or one of its subdivisions, such as a city, from denying equal access to all public facilities under its jurisdiction. Yet the fact remains that although the courts have held that segregated public facilities violate the Constitution, those decisions are not self-implementing. Thus, public beaches, public hospitals, public parks, public reading rooms, and other public facilities are still denied to some of our fellow citizens whose taxes help pay for them, but who are not Caucasians.

The Supreme Court has made it clear that the right to desegregation of public parks and recreational facilities is an immediate and present right. In *Watson* v. *City of Memphis* (373 U.S. 526), decided in 1963, the Supreme Court noted, in rejecting a plan submitted by the Memphis Park Commission calling for the gradual desegregation of Memphis' recreational facilities, including parks, swimming pools, and playgrounds over a 10-year period, that the "basic guarantees of our Constitution are warrants for the here and now and, unless there is an overwhelmingly compelling reason, they are to be promptly fulfilled."

Three days following this decision, Memphis ordered all recreational facilities immediately desegregated except its swimming and wading pools, which it closed.

The humiliation of Negro citizens still occurs in other communities in some parts of our land.

Title III of the House-passed bill is designed to deal with this problem. The Attorney General is authorized to institute a civil action to prohibit discrimination or segregation in public facilities other than public schools which are dealt with in title IV. While private suits may be, and have been, brought to vindicate these rights, the fact is that many citizens are precluded from bringing such actions and thus asserting their constitutional rights due to their economic inability to finance such suits or by a fear of reprisal if they do so.

Under this title, the Attorney General is also authorized to intervene in a civil action which is brought by an individual where the individual claims that he has been denied equal protection of the laws. I believe that a genuine effort must be made to strengthen the so-called title III provisions of this bill by permitting the Attorney General to initiate such suits in the first instance. The economic handicaps and fear of reprisal are no less in cases having to do with arrests which result from peaceful demonstrations in pursuit of one's constitutional rights and from police brutality.

The title III approach, Mr. President, you will recall, was written and recommended by the last Republican administration when, in 1957, it presented its civil rights proposals to Congress. We debated what we should do with it here on the Senate floor. Title III of the 1957 bill authorized the Attorney General to initiate suits in the Federal district courts to protect a person's civil rights. It was overwhelmingly approved by the House of Representatives. Unfortunately and regrettably, in the Senate the heart of the 1957 bill—title III—was eliminated by a vote of 52 to 38. I am glad, Mr. President, if you will permit me to say so, that 25 Republicans on this side and 13 members of the Democratic Party voted to retain title III.

During consideration of that title in 1957, President Eisenhower's Attorney General, Herbert Brownell, submitted to Congress a list of the rights he believed would be protected by the proposed legislation. These included: the right to be free of mob violence while in Federal custody; the right to be secure from unlawful searches and seizures; the right to assemble peaceably, free from unreasonable restraints by State or local officials; the right not to be discriminated against in public employment on account of race or color; the right not to be denied the use of governmentally owned facilities on account of race or color; the right not to be subjected to racial segregation under compulsion of State authority; the right not to be denied the due process of law or equal protection of the law "in other regards"; the right to a fair trial; and the right not to be held in peonage.

In testifying before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary in 1957, Attorney General Brownell indicated that title III would also protect freedom of religion, of speech, and of the press.

Despite House approval of authority to protect these rights, regrettably, the view of the Senate prevailed, and this authority was eliminated. I believe that if the Attorney General had been empowered with such authority by Congress at that time, many of the tragic incidents of the last 7 years would have been avoided.

Once again, the issue of title III authority is before us, the issue of giving the Attorney General the tools I believe he needs to preserve the peace so that the Federal Government does not stand helpless in a tension-filled local disturbance involving discrimination. All too often, in my judgment, in the last 3 years, the Department of Justice has stood helpless and powerless before lawlessness such as that which occurred at Albany, Ga., and Birmingham, Ala. Several of us have repeatedly urged the present Attorney General to ask for such authority. In a limited way, the House-passed bill has now accomplished this, but it is inadequate to do the job which needs to be done.

The House of Representatives has given the Attorney General the authority to initiate suits in cases of discrimination having to do with public accommodations, public facilities, and public educational facilities. But again, an overlooked area is protection for the citizen who is engaged in peaceful demonstrations in pursuit of his constitutional rights and protection for the citizen who is the victim of police brutality. In a strife-ridden local situation, it is expecting the near impossible to ask private individuals, usually of little financial means, who have been browbeaten by a system of segregation for a century, to initiate their own court action and to secure the necessary counsel to prosecute successfully their cause.

I believe that it should be the responsibility of the Attorney General—and the responsibility of Congress under the Constitution to authorize the Attorney General—to preserve constitutional guarantees and, on behalf of all the people of the United States, to be able to initiate such actions in the first instance, if we are truly to remove these cases from the streets and into the courts. It is the rule of law rather than the rule of men—which all too often and all too sadly has been the rule of the electric cattle prod, the billy club, the fire hose, and the police dog—which must prevail in our country.

I am equally concerned that, under the House-passed bill, when an officer of the State judiciary uses his powers to further a system of segregation, the Attorney General remains powerless to act under the equal protection clause of the 14th amendment until a private party has brought a suit.

On January 31, 1964, I wrote the Attorney General regarding the case of Rev. Ashton Bryant Jones, of San Gabriel, Calif. Reverend Jones was found guilty of a misdemeanor after being arrested and charged with disturbing divine service. His crime had been that he attempted to worship at a segregated church. That was, of course, a private matter.

However, it is no longer a private matter when, after being declared guilty, Reverend Jones was given by a State officer—a State judge—the maximum misdemeanor sentence of 12 months on public works, 6 months in jail, and a $1,000 fine. A motion for a new trial was immediately filed. Bail was set at $20,000. Since Reverend Jones was unable to raise the bail, even though it was later lowered by a unanimous vote of the Supreme Court of the State of Georgia, a recognition, I believe, that it was excessive—he languished for several months in the Atlanta jail. The local judge demanded that the bail be posted in unencumbered property.

I raised this matter in a letter of January 31, 1964, to the Attorney General. Assistant Attorney General Marshall, an able man, replied in a letter of February 26, 1964, that under the House-passed bill, the Attorney General would be able to intervene in a case such as this one, where a State has acted through one of its branches, in this case a member of the judicial branch of the State, even though the case originally arose as a dispute between private parties.

But it is settled—

Said the Assistant Attorney General—

> that when the State acts through any one of its branches it is bound by the command of the 14th amendment, and it is immaterial for that purpose that the underlying dispute was not one involving State officials.

I have recently written to Assistant Attorney General Marshall, asking whether the Department of Justice would be willing to approve of an amendment to the House-passed bill—along the lines which Attorney General Brownell had recommended during the last Republican administration which would authorize the Attorney General to initiate and institute actions for appropriate relief when the equal protection of the laws has been denied under the 14th amendment, regardless of whether a private action had previously been brought.

Mr. President, I ask unanimous consent that the exchange of correspondence between the Justice Department and myself on this issue, consisting of a copy of my letter of last January 31 to the Attorney General, a copy of a letter from the Assistant Attorney General to me dated February 26, and a letter from me to him, dated March 23, may be printed in the RECORD at this point.

There being no objection, the letters were ordered to tbe printed in the RECORD, as follows:

JANUARY 31, 1964.

Hon. ROBERT KENNEDY,
The Attorney General,
Department of Justice,
Washington, D.C.

MY DEAR GENERAL: On October 23, 1963, I wrote you regarding the case of Rev. Ashton Bryant Jones, of San Gabriel, Calif. Reverend Jones was found guilty after being arrested and charged with attempting to worship with two teenage Negroes and a white teenager at the First Baptist Church in Atlanta, Ga., Sunday, June 30, 1963. My understanding is that they were refused admission to the church and that Reverend Jones and one of the teenagers who accompanied him were pushed about by members of the church.

On August 28, 1963, a Fulton County superior court jury found Reverend Jones guilty of disturbing divine service. A maximum misdemeanor sentence of 12 months on public works, 6 months in jail, and a $1,000 fine was imposed. A motion for a new trial was immediately filed. The court stayed the sentence and set bail for $20,000. Since Reverend Jones was unable to make bail in this amount, he was confined to the Fulton County jail. I am concerned at the amount, of what I regard as excessive bail, required in this misdemeanor case. Assistant Attorney General Marshall replied to me on November 4, 1963, with reference to this case that the Department of Justice has no authority over the judicial process of sentencing and setting appeal bonds in the State courts. This is a matter within the exclusive jurisdiction of those courts. My question to you is this: In light of the language—the so-called part 3 approach adopted by the House of Representatives Judiciary Committee in H.R. 7152—would you have power as Attorney General to intervene in a case such as that of Reverend Jones when one could presume that the State court system was being used through the setting of excessive bail to further policies of segregation, even though those segregation policies pertained to a private facility such as a church? I would very much appreciate having your comments on this problem and if you feel that H.R. 7152 would not cover cases of excessive bail levied by State courts, whether or not you are willing to recommend a suitable amendment to overcome the no man's land which obviously exists in this area. Like you, I recognize the great difficulties we face in the legislative branch, but I do think that the subject matter of this letter furnishes additional impetus for passing legislation which would clothe you with authority to prevent such flagrant examples of unequal treatment under law.

I hope to see you soon.

With kindest regards.

Sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

DEPARTMENT OF JUSTICE,
Washington, February 26, 1964.

Hon. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: This is in response to your recent letter inquiring about the applicability of section 302 of the proposed Civil Rights Act to the case of the Reverend Ashton B. Jones.

Section 302 provides in pertinent part: "Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action."

This section, of course, presupposes that a private action is pending in Federal court to seek relief from denials of equal protection based on race, color, religion, or national origin. Unless and until such an action is filed, section 302 would not be applicable at all.

Your inquiry suggests that section 302 might not cover situations where the denial of equal protection arises out of a case involving private property and private parties. But it is settled that when the State acts through any one of its branches it is bound by the command of the 14th amendment, and it is immaterial for that purpose that the underlying dispute was not one involving State officials. Thus, for example, in a criminal trespass or assault prosecution the State must abide by all of the procedural rules required by the due process clause of the 14th amendment notwithstanding that the underlying dispute may be one between private parties.

It is, of course, impossible to state with authority whether a denial of equal protection occurred in any particular case unless all of the surrounding circumstances are known and can be carefully evaluated. On the broader question you pose, however, it is my opinion that section 302 would permit intervention by the Department of Justice where, in an action brought by a private party, it is claimed that excessive bail was set and that this setting of bail constituted a denial of equal protection on account of race, color, religion, or national origin.

Sincerely,

BURKE MARSHALL,
Assistant Attorney General.
Civil Rights Division.

MARCH 23, 1964.

Hon. BURKE MARSHALL,
Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C.

DEAR MR. MARSHALL: I appreciate your letter of February 26, 1964, and I am glad to know that the Department of Justice does feel that it has the power to intervene under section 302 of the proposed Civil Rights Act in cases such as that of Reverend Jones. However, the essential point here is that the Attorney General should have the power to initiate suits when equal protection of the laws has been denied based on one's race, color, religion, or national origin.

As you correctly point out, when the State acts through one of its branches—in this case a member of the judicial branch who levied excessive bail on an individual who attempted to further desegregation—it is bound by the command of the 14th amendment and it is immaterial that the underlying dispute was not one involving State officials. I agree with you. What concerns me is that in a tension-filled local situation an individual will not be able to further his own claim by securing needed local counsel. Thus, I believe it is not adequate to merely provide the Attorney General with the authority to intervene once a private action is brought, since there are real obstacles, often of an economic nature, to bringing this private action. Therefore, I would like to know whether or not the Department of Justice would be willing to approve of an amendment to the House-passed bill which would authorize the Attorney General to initiate and institute actions for appropriate relief when the equal protection of the laws has been denied under the 14th amendment regardless of whether or not a private action had previously been brought.

With kindest regards,

Sincerely yours,

THOMAS N. KUCHEL,
U.S. Senator.

TITLE IV

Mr. KUCHEL. Mr. President, almost a decade ago, the Supreme Court of the United States ruled in Brown against Board of Education of Topeka that racially segregated public schools are unconstitutional. The determination of the following year that desegregation shall take place with "all deliberate speed" has largely gone unmet.

Title IV does not create any new rights for individuals or any new obligations for State and local officials. It merely provides an additional remedy for the assurance of existing constitutional rights.

The coordinating committee, of course, would have you believe that title IV did everything but what it does. For example, in the nationwide ad to which I previously referred, this so-called coordinating committee whose expenses are largely paid by the Mississippi State government, claims that "Federal inspectors would dictate to schools and colleges as to handling of pupils, employment of faculties, occupancy of dormitories, and the use of facilities." The bill does none of these things.

According to the 1963 report of the U.S. Commission on Civil Rights there are 6,196 school districts in the 17 Southern and border States. Of these, 3,052 have both Negro and white students. Yet only 8 percent of the Negro pupils in the South attend schools with white children. Most of the progress which has been made in desegregation has been made in the border States and the District of Columbia and in the border areas of the South. South Carolina, Alabama, and Mississippi have no Negroes attending school with white students below the college level. A statistical summary revised to August 1, 1963, by the Southern Education Reporting Service shows that of 13,970,307 students, both white and Negro, enrolled in the 17 Southern and border States and the District of Columbia, only 264,665 Negroes are enrolled in desegregated schools out of a total Negro school enrollment in the area of 3,326,468.

It is shocking that many of the Negro children who were about to enter segregated grade schools at the time of the historic Supreme Court decision in 1954 will enter segregated senior high schools this year. Many Negro citizens are handicapped in their ability to find suitable employment opportunities by the inadequacy of the public education which has been available to them.

To expedite desegregation in public educational facilities, title IV would authorize the Commissioner of Education to conduct a survey regarding the lack of educational opportunities in public educational institutions because of race, color, religion, or national origin. Upon request of a local school board or other State or local government unit, the Commissioner could render technical assistance in the form of information and personnel to assist in desegregation of the public schools.

The Commissioner could also arrange with institutions of higher learning for the establishment and financing of special training institutes to improve the ability of local school personnel in dealing effectively with educational problems occasioned by desegregation. School personnel could receive stipends to attend such institutes. In addition, again upon request, grants could be made by the Commissioner to local school boards to provide school personnel with in-service training and to permit the school boards to employ specialists in order to deal with desegregation problems.

Equally important in expediting the decade-old mandate of the Supreme Court that desegregation occur in the public schools with all deliberate speed is the authority which this title confers upon the Attorney General to institute civil suits in the Federal district courts in order to achieve desegregation in the public schools and colleges. The Attorney General could bring such a suit when he received a written complaint from parents that the school board in their district had failed to achieve desegregation, or from an individual that he had been denied admission to or continued attendance at a public college by reason of race, color, religion, or national origin.

As a prerequisite to bringing such a suit, the Attorney General would be required to certify that the signers of the complaint were "unable to initiate and maintain appropriate legal proceedings" for relief, and that the institution of an action would materially further the public policy favoring the orderly achievement of desegregation in public education.

The Commissioner of Education cannot render technical assistance under this title unless the local school board requests him to do so. He cannot compel the school board to do anything that it does not want to do; indeed, he has no powers of coercion under the bill and should have none. He may only cooperate with the board if they ask him to do so.

Other equally invalid scare charges have been made. For instance, some have erroneously implied that title IV would provide funds to secure racial balance in all schools throughout America and thus overcome racial imbalance. The House specifically provided in section 401(b) of the bill that "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance. Let this be thoroughly understood.

In general, title IV approximates much of S. 1209, of which I am an author along with six other Republican Senators, who introduced it on March 28, 1963. The House-passed bill, based on the administration's subsequent recommendations, does not include our provision for the filing by the local school district of a desegregation plan, within 180 days after the enactment of the legislation, with the Secretary of Health, Education, and Welfare. The reason we wished to require such plans was that it would promote, it seemed to us, the orderly process of desegregation and require the school boards to focus their attention on this important and vital matter.

The House-passed bill does not provide, as S. 1209 did, for the Commissioner to make loans to school boards which attempt to desegregate but which have had their funds cut off by their State government which seeks to perpetuate a system of segregation, and thus to defy the law of the land. Nor would the House-passed bill, as ours did, restrict Federal grants-in-aid to States which fail to implement desegregation plans in elementary and secondary schools.

Nevertheless, title IV is certainly a step in the right direction. It approximates—and I say this for the benefit of my Republican colleagues—the 1960 Republican platform's commitment that—

> We will propose legislation to authorize the Attorney General to bring actions for school desegregation in the name of the United States in appropriate cases, as when economic coercion or threat of physical harm is used to deter persons from going to court to establish their rights.

And—

> Our continued support of the President's proposal, to extend Federal aid and technical assistance to schools which in good faith attempted to desegregate.

TITLE V AND TITLE X

The U.S. Commission on Civil Rights is now nearing the end of its 7th year. These have been years of great and difficult work. In my judgment, it would not have been possible for Congress to consider the legislation which it has in the area of civil rights without the invaluable hearings, studies, reports, and recommendations which have been submitted by this bipartisan agency.

When this independent agency was established by Congress in 1957, at Eisenhower's urging, its mission was to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin; to study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; to appraise Federal laws and policies with respect to equal protection of the laws; and to submit interim reports and a final and comprehensive report of its activities, findings, and recommendations to the President and the Congress.

President Eisenhower appointed John A. Hannah, the president of Michigan State University, as Chairman. He still serves in that capacity. With him have served a group of equally dedicated Americans; from North and from South, lawyer, churchman, and public servant.

The Commission's work has been nationwide in scope. Hearings have been held in Los Angeles and San Francisco, Calif., as well as in other cities of the South and of the North. Concern has been expressed not only for the Negro citizen but for the Indian and the American of Latin American or Mexican descent as well.

The extensive recommendations which the Commission made in its 1961 report, recommendations related to voting, equal protection of the laws in education, employment, housing, and the administration of justice were the basis of the comprehensive package of civil rights legislation which seven of us on this side of the aisle introduced in the Senate on March 28, 1963. When the administration thereafter submitted its proposed Civil Rights Act for this Congress, which contained many, but not all, of our own proposals, we, along with other Republicans, were glad to join with Senators on the other side of the aisle in bipartisan sponsorship of that bill.

Our March 28 package included S. 1219 authored by the senior Senator from Massachusetts [Mr. SALTONSTALL] which would have made the Commission on Civil Rights a permanent agency of the Federal Government. The bill as reported by the Committee on the Judiciary of the House of Representatives contained a similar provision. On the House floor, however, a simple 4-year extension was agreed to.

As the measure passed the House, the Commission, in title V, is also authorized both to serve as a national clearinghouse for information in respect to equal protection of the laws and to investigate cases of vote fraud provided that it is a written allegation made under oath. The House also added a provision prohibiting the Commission, its advisory committees, or any personnel under its supervision or control from investigating membership practices or the internal operations of any fraternal organization such as a college or university fraternity for example, or a sorority, a private club, or a religious organization. This is in keeping with the expressed desire of this legislation not to intrude in areas of solely private relationships.

I believe the Commission should be made a permanent agency of the executive branch. All too often in the last several Congresses, we have been confronted with an extensive junior grade filibuster as to whether or not the Commission would be extended for 4, 2, or 1 additional year, or at all. The effect of the short 2-year terms which have been granted the Commission is that with the uncertainty of its life, many competent people have left the Commission for other agencies of the Federal Government, State or local government, or private life. Constant bickering and caustic debate over the work of an agency which has performed unparalleled and constructive and thoughtful service does not serve the public interest.

In addition, the House-passed bill in title X authorizes the establishment in the Department of Commerce of a Community Relations Service which would be headed by a Director, appointed by the President with the advice and consent of the Senate for a 4-year term. The function of this Service is to assist local communities to resolve disputes, disagreements, and difficulties relating to racial discrimination. It is specified that whenever possible the Service shall seek and utilize the cooperation of appropriate State or local agencies dealing with these matters. To implement this title, which was added on the House floor, the Director is authorized to appoint six additional personnel and to procure the services of additional experts and consultants on a per diem basis.

The theory of a community relations service is a good one, although the personnel authorized is totally inadequate. It parallels the functions of the Federal Mediation and Conciliation Service created by the Taft-Hartley Act. This Service possesses no law-enforcement authority. Its mediators, who are located in some of the major industrial cities of the Nation, rely on persuasive techniques of mediation and conciliation to perform their duties. Their purpose is to prevent or minimize interruptions of the free flow of commerce growing out of labor-management disputes. They have performed a useful service in a difficult area of human relations where tempers and emotions frequently flare.

In my judgment, Mr. President, careful consideration should be given by the Senate to incorporating this community relations service under the U.S. Commission on Civil Rights. It is the Civil Rights Commission which has the background and experience so necessary if one is to attempt an intelligent solution in the area of racial relations. Being outside a Cabinet department, in a bipartisan commission, it is less likely to be subject to any political pressures. In a case where the enforcement agencies of the Federal Government were also involved, it would be more likely to function in an objective manner.

TITLE VI

It is, of course, unconscionable that discrimination still exists in the implementation of some federally assisted programs. The taxes which support those programs are paid into the Treasury by all citizens, regardless of their race. It is simple justice that all citizens should derive equal benefits from these programs without regard to the color of their skin.

President Dwight D. Eisenhower correctly stated his views on this issue at a press conference on March 19, 1953, within 2 months after the last Republican administration took office:

> I will say this—I repeat it, I have said it again and again: Wherever Federal funds are expended for anything, I do not see how any American can justify—legally, or logically, or morally—a discrimination in the expenditure of those funds as among our citizens. All are taxed to provide those funds. If there is any benefit to be derived from them, I think they must all share, regardless of such inconsequential factors as race and religion.

In addition, I wish to recall what the 1960 Republican platform promised, and what we now have an opportunity to fulfill:

> Removal of any vestige of discrimination in the operation of Federal facilities or procedures which may at any time be found.
>
> Opposition to the use of Federal funds for the construction of segregated community facilities.
>
> Action to insure that public transportation and other Government authorized services shall be free from segregation.

Title VI seeks to get at the problem of discrimination in Federal programs. Some progress has been made in the area of Executive action. Much more could be accomplished now. In my judgment, the President has clear authority now under the Constitution to eliminate discrimination in federally assisted programs. Those statutes which did sanction "separate but equal" hospitals, schools, and colleges are patently unconstitutional and in the case of hospitals this has recently been affirmed by the Supreme Court. Title VI would override all such "separate but equal" provisions of existing law, without the necessity of further litigation, and would authorize and direct the Federal agencies administering such statutes to take appropriate action to end segregation or other discrimination in such programs of assistance.

Over the years, the Senators from New York [Mr. JAVITS and Mr. KEATING] have made valiant efforts to eradicate this type of program discrimination. I am proud to say that when these amendments have been offered, we over on this side almost unanimously supported them. However, time and again, the question has been put off until another day on the excuse that the addition of such an amendment would jeopardize the passage of a particular legislative authorization or appropriation by invoking a filibuster.

This issue is now clearly before us. Now is the time to act in showing that the Congress of the United States will no longer condone discriminatory practices in any programs financed by the hard-earned dollars of all Americans.

Title VI provides a positive, across-the-board, congressional mandate for Federal departments and agencies which are empowered to extend financial assistance under the authority of any program or activity by way of grant, loan, or contract—excluded are a contract of insurance or guaranty—to terminate, refuse to grant, or refuse to continue financial assistance to a recipient of this assistance if any individual is discriminated against or refused the benefits of such a federally assisted program on the grounds of race, color, or national origin.

Rulemaking authority is granted to Federal departments and agencies so that they might carry out their duties under this title. But such rules must be approved by the President. Before assistance could be discontinued or refused, a hearing would have to be conducted and an attempt would have to be made to secure voluntary compliance. In addition, if the agency head determines that Federal assistance should be cut off, then he must file a written report detailing the circumstances and his grounds for discontinuing or withholding financial assistance with the appropriate legislative committees of the House and the Senate. No administrative action could then be taken by the agency until 30 days after that report was filed.

Moreover, the agency aggrieved, which would usually be a State or local governmental authority which had been the recipient of Federal assistance, could secure judicial review of the action taken by the Federal administrator in discontinuing or withholding financial assistance. That is what this bill provides. As can be clearly seen, title VI is, in reality, a series of restrictions on executive action which I believe could now be taken, and ought now to be taken. In fact, a good case could be made that a remedy is provided for the State or local official who is practicing discrimination, but none is provided for the victim of that discrimination.

And victims of discrimination there are. Over $1 billion a year is provided 11 Southern States in the form of Federal grants-in-aid; yet discrimination is condoned by many of these States in their operation. The National Guard secures over 95 percent of its operating expenses from the Federal Treasury; yet 11 States still require segregation in their Guard units. Mississippi still receives $2 million a year in Federal assistance for its public schools; yet a decade after the Supreme Court decision, every public elementary and secondary school in the State remains segregated. So, too, with grants from the National Institutes of Health which have gone to public universities and research centers in the South that do not admit Negro students.

Nothing in title VI would authorize withdrawal of all Federal assistance from a State that discriminates in a particular federally assisted program. Yet some who seek to mislead the public have said there was.

Nothing in title VI would authorize cancellation of Federal checks for social security or veterans' pensions or agricultural price supports because the State in which recipients live discriminates in the administration of federally supported programs. Yet some who seek to mislead the public have said there is.

The objective of title VI is not to deny Federal assistance but to end discrimination. Nothing in title VI precludes continued assistance to the American Indian who occupies a special status under our Constitution and the treaties which have been ratified pursuant to it. Nothing in title VI precludes special assistance to victims of a disaster or other events, such as particular classes of refugees, or specially underprivileged groups.

Title VI does not apply retroactively. It applies program by program. Thus, aid to one program would not be cut off because discrimination was found in another Federal program. This is not a punitive title. It is not intended to harm innocent individuals who need assistance. The purpose of title VI is to make sure that funds from the Treasury of the United States are not used to support racial discrimination.

This is not a regulatory measure. It is simply the exercise of the unquestioned power of the Federal Government to "fix the terms on which Federal funds shall be disbursed," as the Supreme Court held in 1947 in Oklahoma against Civil Service Commission. No recipient is required to accept Federal aid. If a State or municipality or other local governmental agency does so, it does so voluntarily. It ought not to receive it if it is dedicated to use it in an unconstitutional manner.

This is not, I repeat, any new extension of Federal authority. That authority now exists under the President's executive powers and under many of the statutes which Congress has enacted. Title VI merely prescribes the manner in which existing Federal programs will be administered with regard to furthering a policy of nondiscrimination, and thus eliminating defiance of the law of the land.

TITLE VII

To secure and maintain a job in our industrial economy places a premium on education and on skill. Job discrimination because of one's race is an evil which affects not only the individual, but also the future of a constantly expanding America, for if our economy is to continue to grow, so that we can produce the goods and services needed to provide a better life for our fellow citizens here at home, and to meet our international responsibilities as the leader of the free world, then our country must utilize to the fullest the talents and skills of each of our citizens, regardless of his race.

If a Negro or a Puerto Rican or an Indian or a Japanese-American or an American of Mexican descent cannot secure a job and the opportunity to advance on that job commensurate with his skill, then his right to be served in places of public accommodation is a meaningless one—a right which can seldom be exercised when there is a lack of money. And if a member of a so-called minority group believes that no matter how hard he studies, he will be confronted with a life of unskilled and menial labor, then a loss has occurred, not only for a human being, but also for our Nation.

America will suffer in this respect for a generation to come, because of the lack of opportunity available to some of its fellow citizens. At the most, the outlook for many has been dismal as they attempt to secure unskilled jobs in an economy which has a little less room for the unskilled as each day passes. At the most their outlook has been dismal as they try to overcome the last-hired, first-fired operational principle which seems to rule their daily life. What jobs they can secure are usually interwoven with periods of unemployment. Negro citizens have consistently fallen behind white citizens in terms of employment. The gap is increasing. In 1947, for example, the nonwhite unemployment rate was 64 percent higher than the rate for white workers. In 1962, it was 124 percent higher. Generally, in the last decade, unemployment has been twice as heavy among employable Negroes as it has been among whites. While nonwhites represent 11 percent of the total civilian labor force, they represent more than 25 percent of the long-term unemployed; those who have been out of work more than 26 weeks. Thus, it is especially important that the retraining and vocational education programs which are conducted by the Federal and State Governments, by private industry, and by labor unions be operated on a nondiscriminatory basis.

A bipartisan majority of the Senate Committee on Labor and Public Welfare, in reporting S. 1937, the Equal Employment Opportunity Act, on February 4, 1964, noted after a careful study of the job discrimination faced by the nonwhite American, these key facts:

> 1. The nonwhite college graduate on the average can expect to earn less than the white pre-high-school dropout.
>
> 2. Three-fourths of all nonwhites in their lifetime in the labor force, irrespective of talent, training, educational attainment, or skill, are compelled to accept jobs in the unskilled or semiskilled blue-collar area at low wages well under those paid to the white.
>
> 3. Developments in the advancing technology, including automation, are wiping out these jobs at an accelerating pace.
>
> 4. These conditions directly or indirectly have contributed in whole or in part to the current unemployment level of 900,000 nonwhites, comprising 22 percent of the unemployed labor force, and will, in the period ahead, with its promise of an ever-increasing reduction in the aggregate demand for unskilled or semiskilled labor, swell the ranks of the Negro unemployed enormously.

The Committee concluded that if the Negro labor force at its present level of educational attainment were fairly and fully utilized, then the gain in our gross national product would reach $13 billion. The Committee added that should the Negro labor force achieve educational parity with the white, this gain would total $17 billion. Think of the waste in human and economic terms which is daily taking place here.

Twenty-six States, covering 40 percent of the nonwhite population, now have to some extent fair employment practice programs or policies. Enforcement of these programs has varied, sometimes because of inadequate laws and sometimes because of inadequate budgets. Some of these State laws apply only to public contracts. Yet it is the 60 percent of the nonwhite population living in the 24 remaining States which also must be of concern to us.

Under the California Fair Employment Practice Act, employers of five or more persons—excluding agricultural and domestic workers and exempting social and religious nonprofit associations—are covered. Employment agencies, labor unions, and State and local governments also come under the California statute. Discrimination in employment on the basis of race, religious creed, color, national origin, or ancestry is prohibited.

The California act is enforced by a fair employment practices commission, consisting of seven members and a staff. The commission is empowered to receive complaints from aggrieved parties, or from the attorney general of California, and to investigate these complaints, or initiate its own investigations if an unlawful employment practice seems to have been committed. Once the investigation has been completed, the commission is required to attempt to eliminate by conference, conciliation, and persuasion, any unlawful employment practices.

Should this approach fail, the California commission may issue formal charges and, after holding hearings, may issue orders on the basis of those hearings. The orders are subject to judicial review. If the orders are violated, the commission may, in superior court, bring action requesting an injunction against the unlawful practice. Any person who willfully violates an order of the commission, or who interferes with the commission's performance of duty, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail for not to exceed 6 months or by a fine not to exceed $500 or by both.

Title VII of the House-passed bill is far less stringent than the existing California statute or S. 1937 which was reported to the Senate by both a Democratic and Republican majority of the Senate Committee on Labor and Public Welfare. S. 1937 would apply to all business and labor organizations of eight or more members.

The House of Representatives amended title VII to make it an unlawful employment practice to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, membership in labor organizations, or participation in apprenticeship or other training programs. Exemptions are provided for governmental bodies, bona fide membership clubs, and religious organizations. Exemptions are also provided for situations in which religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to normal business operation and in cases, for example, in which a church-affiliated educational institution employs persons of a particular religion. With reference to employment discrimination based on age, the Secretary of Labor is directed to make a full and complete study of this question, which does affect so many workers 45 years of age or over.

To permit employers, employment agencies, and labor organizations to bring their policies into line with the intent of this law, if their policies have been at variance with that intent, the provisions of title VII would not take effect until 1 year after enactment. They would then only apply for the following year to employers of 100 or more employees and labor organizations of 100 or more members. Two years after enactment, coverage would be lowered to those organizations with 75 or more members, in the third year, to 50 or more and finally at the beginning of the fourth year after enactment, the coverage would be reduced to 25 or more members.

Besides discrimination in employment and union membership, title VII would prohibit discrimination in apprenticeship or other training or retraining programs, including on-the-job training. On the floor of the House, language was also added specifying that it would not be a discriminatory employment practice for an employer to refuse to employ any person who holds atheistic practices and beliefs. I think this provision is clearly unconstitutional in view of the first amendment and the strictures of the Supreme Court that government can neither promote nor hinder believers or disbelievers. The House also added a provision that it would not be a discriminatory employment practice for an employer, labor organization, employment agency or joint labor-management committee to refuse to hire a member of the Communist Party or other subversive organization.

An Equal Employment Opportunity Commission composed of five members, not more than three of whom shall be of the same political party, is authorized to carry out the objectives of title VII. The President shall appoint these members for staggered 5-year terms by and with the advice and consent of the Senate.

This Commission will have no power to issue enforcement orders. A charge, in writing and under oath, may be filed with the Commission by or on behalf of a person claiming to be aggrieved. A written charge may also be filed by a member of the Commission where he has reasonable cause to believe a violation of the act has occurred. Once the charge is filed, the Commission shall furnish a copy of it to either the employer, employment agency, or labor organization involved. An investigation will be made. After the investigation is completed, if two or more members of the Commission determine that there is reasonable cause to believe the charge is true, the Commission shall then endeavor to eliminate any such unlawful employment practice by informal methods of conference, conciliation, and persuasion. If appropriate, the Commission may obtain from the violator a written agreement describing particular practices which he agrees to refrain from committing. This statement could not be used as evidence, however, in a subsequent proceeding.

If voluntary compliance fails, the Commission, again if it determines there is reasonable cause to believe unfair employment practices have been engaged in, shall, within 90 days, bring a civil action to prevent such practices in the Federal district court. The Commission is relieved of an obligation to bring a civil action in any case where it has determined by affirmative vote that the bringing of such a civil action would not serve the public interest. If the latter course of action is followed, the person claiming to be aggrieved may, if one member of the Commission gives permission in writing, bring a civil action to obtain relief as provided in the act.

No civil action shall be based on an unlawful employment practice which occurred more than 6 months prior to the filing of the charge with the Commission, unless such a failure to file was caused by service in the Armed Forces. If the court finds that unlawful employment practices have indeed been committed as charged, then the court may enjoin the responsible party from engaging in such practices and shall order the party to take that affirmative action, such as the reinstatement or hiring of employees, with or without back pay, which may be appropriate.

Title VII would not supersede State nondiscrimination laws nor preempt any State authority in this area. Where the Commission determined that State or local agencies are effectively exercising power to prevent discrimination in this type of case, then a written agreement shall be sought with the State or local agency by the Federal Commission under which the latter will refrain from bringing a civil action in any cases or class of cases covered by title VII. The Commission can also utilize the services of State and local agencies, and reimburse them for such services, in aiding the Commission in carrying out its duties under title VII. The subpena power is granted the Commission as well as the authority to require that appropriate records be kept of the affected organizations.

Title VII might justly be described as a modest step forward. Yet it is pictured by its opponents and detractors as an intrusion of numerous Federal inspectors into our economic life. These inspectors would presumably dictate to labor unions and their members with regard to job seniority, seniority in apprenticeship programs, racial balance in job classifications, racial balance in membership, and preferential advancement for members of so-called minority groups. Nothing could be further from the truth. I have noted that the Equal Employment Opportunity Commission is empowered merely to investigate specific charges of discrimination and attempt to mediate or conciliate the dispute. It would have no authority to issue orders to anyone. Only a Federal court could do that, and only after it had been established in that court that discrimination because of race, religion, or national origin had in fact occurred. Any order issued by the Federal district court would, of course, be subject to appeal. But the important point, in response to the scare charges which have been widely circulated to local unions throughout America, is that the court cannot order preferential hiring or promotion consideration for any particular race, religion, or other group. Its power is solely limited to ordering an end to the discrimination which is in fact occurring.

Neither would seniority rights be affected by this act. Employers and labor organizations could not discriminate in favor of or against a person because of his race, his religion, or his national origin. In such matters, the Constitution, and the bill now before us drawn to conform to the Constitution, is colorblind. The labor movement in my State and nationally has led in its efforts to eradicate discrimination in employment opportunities. A resolution unanimously adopted at the 1963 convention of the AFL–CIO called upon every affiliate "to establish a vigorous civil rights program of its own, geared to the banishment of every form of discrimination based on race, creed, or color from its ranks," and to seek the inclusion of effective antidiscrimination clauses in all collective bargaining agreements.

Under the National Labor Relations Act and the Railway Labor Act, unions in interstate commerce are required to represent all employees fairly and impartially, without regard to race or color. Thus, an employee who believes he has been discriminated against may now bring a private civil suit in Federal district court against the offending union and any employer cooperating with the union in such discrimination.

Mr. President, as early as 1944, the Republican platform specifically endorsed the Fair Employment Practice Commission approach. We renewed our commitment in this area in the 1960 platform when we pledged continued support for legislation to establish a Commission on Equal Job Opportunity and to end the discriminatory membership practices of some labor union locals as well as a full-scale review of existing State laws and prior Federal proposals for guidance in the objective of developing a Federal-State program in the employment area.

MISCELLANEOUS PROVISIONS

Mr. President, title VIII directs the Secretary of Commerce to compile registration and voting statistics in such geographic areas as may be recommended by the U.S. Commission on Civil Rights. This study would include a count of persons of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in any statewide general election for Members of the House of Representatives since January 1, 1960.

The geographical limitation will make it possible to focus on the areas and groups where there is reason to believe there has been discrimination. The result of this study will assist Congress in determining whether rights guaranteed by the 14th amendment are being infringed. For the first time, it might be possible to enforce the most unused section of the Constitution—section 2 of that amendment—and reduce the basis of a State's representation in the House of Representatives in relation to the infringements by the State and its subdivisions on the qualified voters in its jurisdiction.

Under title IX, the orders of Federal courts sending certain civil rights cases back to State courts are not now reviewable by a higher Federal court. Thus, under Federal law, where a case begun in a State court may be removed to a Federal district court because a constitutional or substantial Federal question relating to the equal civil rights of citizens of the United States is involved and the district judge then decides that the removal was improper, the case goes back to State court. No appeal is presently allowed from the district judge's decision. Some district judges in the South have referred civil rights cases back to unfriendly State courts.

The enactment of title IX would allow an appeal from the district judge's decision to higher Federal courts.

In addition, under title XI, besides authorizing appropriations to carry out the act, and providing the usual severability clause in case any provision of the act were held invalid, a nonpreemption clause was added by the House during floor consideration. Thus, where adequate State laws exist which are not inconsistent with the purposes of this act, they will remain in effect.

Mr. President, as I said in the beginning, the struggle for effective civil rights legislation is not a partisan fight. It is an American fight.

If it is won in the Senate Chamber, and I am confident that it will be, it will be won because men of good will want to make the American theory of equal treatment under law a reality rather than a mockery. It is a fight to keep faith with the hopes and aspirations of those who came before us and those who will come after us. To be true to them, Americans, all Americans, and to the dream we share, we must be true to ourselves and to man's deep desire for freedom and equality of opportunity. If we are true to these ideals, we will truly have kept faith.

I am glad in this debate to join with my fellow Senators, Democrats and Republicans, in what I feel sure will be a convincing and requisite majority of the membership here, to listen, to learn, and to decide that the provisions of this bill, at a minimum, ought speedily to be written into the law of this land.

Mr. President, I ask unanimous consent that the civil rights section of the 1960 Republican platform be printed in the Record; together with an extremely thoughtful memorandum to the Chicago Tribune prepared by the Republican membership of the House Committee on the Judiciary, together with an excellent report of the Committee on Civil Rights of the New York County Lawyers' Association.

There being no objection, the material was ordered to be printed in the Record, as follows:

Civil Rights

This Nation was created to give expression, validity, and purposes to our spiritual heritage—the supreme worth of the individual.

In such a nation—a nation dedicated to the proposition that all men are created equal—racial discrimination has no place. It can hardly be reconciled with a Constitution that guarantees equal protection under law to all persons. In a deeper sense, too, it is immoral and unjust. As to those matters within reach of political action and leadership, we pledge ourselves unreservedly to its eradication.

Equality under law promises more than the equal right to vote and transcends mere relief from discrimination by government. It becomes a reality only when all persons have equal opportunity, without distinction of race, religion, color, and national origin, to acquire the essentials of life—housing, education, and employment. The Republican Party—the party of Abraham Lincoln—from its very beginning has striven to make this promise a reality. It is today, as it was then, unequivocally dedicated to making the greatest amount of progress toward that objective.

We recognize that discrimination is not a problem localized in one area of the country, but rather a problem that must be faced by North and South alike. Nor is discrimination confined to the discrimination against Negroes. Discrimination in many, if not all, areas of the country on the basis of creed or national origin is equally insidious. Further, we recognize that in many communities in which a century of custom and tradition must be overcome, heartening and commendable progress has been made.

The Republican Party is proud of the civil rights record of the Eisenhower administration. More progress has been made during the past 8 years than in the preceding 80 years. We acted promptly to end discrimination in our Nation's Capital.

Vigorous executive action was taken to complete swiftly the desegregation of the Armed Forces, veterans' hospitals, Navy yards, and other Federal establishments.

We supported the position of the Negro schoolchildren before the Supreme Court. We believe the Supreme Court school decision should be carried out in accordance with the mandate of the Court.

Although the Democratic-controlled Congress watered them down, the Republican administration's recommendations resulted in significant and effective civil rights legislation in both 1957 and 1960—the first civil rights statutes to be passed in more than 80 years.

Hundreds of Negroes have already been registered to vote as a result of Department of Justice action, some in counties where Negroes did not vote before. The new law will soon make it possible for thousands and thousands of Negroes previously disenfranchised to vote.

By Executive order, a committee for the elimination of discrimination in Government employment has been reestablished with broadened authority. Today, nearly one-fourth of all Federal employees are Negro.

The President's Committee on Government Contracts, under the chairmanship of Vice President Nixon, has become an impressive force for the elimination of discriminatory employment practices of private companies that do business with the Government.

Other important achievements include initial steps toward the elimination of segregation in federally aided housing; the establishment of the Civil Rights Division of the Department of Justice, which enforces Federal civil rights laws; and the appointment of the bipartisan Civil Rights Commission, which has prepared a significant report that lays the groundwork for further legislative action and progress.

The Republican record is a record of progress—not merely promises. Nevertheless we recognize that much remains to be done.

Each of the following pledges is practical and within realistic reach of accomplishment. They are serious—not cynical—pledges made to result in maximum progress.

1. Voting. We pledge:

Continued vigorous enforcement of the civil rights laws to guarantee the right to vote to all citizens in all areas of the country.

Legislation to provide that the completion of six primary grades in a State accredited school is conclusive evidence of literacy for voting purposes.

2. Public schools. We pledge:

The Department of Justice will continue its vigorous support of court orders for school desegregation. Desegregation suits now pending involve at least 39 school districts. Those suits and others already concluded will affect most major cities in which school segregation is being practiced.

It will use the new authority provided by the Civil Rights Act of 1960 to prevent obstruction of court orders.

We will propose legislation to authorize the Attorney General to bring actions for school desegregation in the name of the United States in appropriate cases, as when economic coercion or threat of physical harm is used to deter persons from going to court to establish their rights.

Our continuing support of the President's proposal, to extend Federal aid and technical assistance to schools which in good faith attempted to desegregate.

We oppose the pretense of fixing a target date 3 years from now for the mere submission of plans for school desegregation. Slow-moving school districts would construe it as a 3-year moratorium during which progress would cease, postponing until 1963 the legal process to enforce compliance. We believe that each of the pending court actions should proceed as the Supreme Court has directed and that in no district should there be any such delay.

3. Employment. We pledge:

Continued support for legislation to establish a Commission on Equal Job Opportunity to make permanent and to expand with legislative backing the excellent work being performed by the President's Committee on Government Contracts.

Appropriate legislation to end the discriminatory membership practices of some labor union locals, unless such practices are eradicated promptly by the labor unions themselves.

Use of the full-scale review of existing State laws, and of prior proposals for Federal legislation, to eliminate discrimination in employment now being conducted by the Civil Rights Commission, for guidance in our objective of developing a Federal-State program in the employment area.

Special consideration of training programs aimed at developing the skills of those now working in marginal agricultural employment so that they can obtain employment in industry, notably in the new industries moving into the South.

4. Housing. We pledge: Action to prohibit discrimination in housing constructed with the aid of Federal subsidies.

5. Public facilities and services. We pledge:

Removal of any vestige of discrimination in the operation of Federal facilities or procedures which may at any time be found.

Opposition to the use of Federal funds for the construction of segregated community facilities.

Action to ensure that public transportation and other Government authorized services shall be free from segregation.

6. Legislative procedure. We pledge:

Our best efforts to change present rule 22 of the Senate and other appropriate congressional procedures that often make unattainable proper legislative implementation of constitutional guarantees.

We reaffirm the constitutional right to peaceable assembly to protest discrimination in private business establishments. We applaud the action of the businessmen who have abandoned discriminatory practices in retail establishments, and we urge others to follow their example.

Finally we recognize that civil rights is a responsibility not only of States and localities; it is a national problem and a national responsibility. The Federal Government should take the initiative in promoting inter-group conferences among those who, in their communities, are earnestly seeking solutions of the complex problems of desegregation—to the end that closed channels of communication may be opened, tensions eased, and a cooperative solution of local problems may be sought.

In summary, we pledge the full use of the power, resources and leadership of the Federal Government to eliminate discrimination based on race, color, religion, or national origin and to encourage understanding and good will among all races and creeds.

March 19, 1964.

Mr. W. D. Maxwell,
Chicago Tribune,
Chicago, Ill.

Dear Sir: We are pleased to send you the attached memorandum setting forth the views of the minority (Republican) Members of the House Committee on the Judiciary who supported and voted for the civil rights bill, which passed the House of Representatives, and which is now under debate in the U.S. Senate.

This memorandum is submitted to you with the hope that you will find it worthy of publication in the Chicago Tribune as a further contribution to public understanding of what is involved in this complex legislation.

Sincerely yours,

William M. McCulloch, Arch A. Moore, Jr., John V. Lindsay, William T. Cahill, Garner E. Shriver, Clark MacGregor, Charles McC. Mathias, Jr., James E. Bromwell, and Carleton J. King, Members of Congress.

An Analysis of the Civil Rights Bill, H.R. 7152, as Passed by the U.S. House of Representatives

The series of articles and editorials which the Chicago Tribune devoted to the civil rights bill, passed by the U.S. House of Representatives on February 10, has been called to our attention.

The Chicago Tribune, a newspaper with wide coverage, has devoted much space, time and effort to acquaint the public with the contents of the bill. We regret, therefore, that the series failed to explain clearly some of the most important provisions of the bill, in all likelihood because of an absence of detailed information on difficult technical legislation.

The Republicans on the House Judiciary Committee who voted for the bill believe it necessary to comment on the scope and effect of the bill.

The civil rights bill, as passed by the House, does not in any way require, reward, or encourage: (1) "open occupancy" in private housing, (2) the transfer of students away from their neighborhood schools to create "racial balance," or (3) the imposition of racial quotas or preferences in either private or public employment of individuals.

Contrary to many existing State laws, the bill passed in the House does not provide primary criminal penalties for the violation of any of its provisions. Federal courts would only be authorized to issue civil orders preventing acts of discrimination which violate provisions of the bill. In truth, only those who knowingly violate court orders issued pursuant to the legislation need fear any criminal penalties.

Title I provides certain procedural safeguards to assist Negroes in exercising their voting rights.

The Chicago Tribune correctly points out that the Constitution grants to the States the authority to establish voter qualifications. A sound legal argument can be made that the 14th and 15th amendments extend to Congress the authority to alter or amend qualifications so as to preclude the denial of the right to vote on racial grounds. This argument can be made particularly where, as in the case of title I, the provisions are limited in application to elections where Federal officials are to be elected. But, this argument need not to be made in regard to title I, because the title only prescribes certain procedural safeguards, as amendments to the 1957 and 1960 Voting Rights Acts.

These safeguards are:

1. A State may not apply different standards, practices, or procedures to citizens, seeking to vote;

2. A State may not reject a voter applicant who commits an error on a voter application form when such error is not material to the applicant's qualification to vote;

3. A State must employ a written literacy test, where such test is given, since in some States the use of oral tests has become a convenient subterfuge for promoting racial discrimination; and

4. A presumption is established, which a State may overcome, that where a literacy test is given, an individual is literate to vote if he has completed the sixth grade of school.

Title I also provides that in any voter discrimination case, instituted by the Attorney General pursuant to the 1957 and 1960 Voting Rights Acts, the Attorney General or the defendant (such as a State or political subdivision) may request that the chief judge of the circuit court of appeals shall appoint a three-judge Federal district court to hear the case.

Concern has been expressed that this is a "court packing" provision which could circumvent the local Federal district judge.

Actually three-judge courts have been authorized for over half a century. One member of the three-judge panel must be a local district court judge, while the two others are to be selected either from the district or circuit courts wherein the case arose. Three-judge courts are now used in antitrust, transportation and constitutional cases because of the complex nature of these cases and because of the need for rapid results. The same reasons are certainly applicable to determine the fundamental issue of a person's right to vote. Expedition is particularly a factor in voter cases when it is realized that some district courts have taken 2 to 3 years to decide a voter discrimination case. Justice delayed in a voting case until after election is justice denied.

Title II forbids discrimination in limited categories of public accommodations.

One article indicated that practically every form of business establishment is covered by the title. Basically, only four categories of establishments are covered: (1) places of lodging (except proprietor-occupied lodging houses having 5 rooms or less for rent); (2) eating establishments; (3) places of entertainment; and (4) gasoline stations. In addition, other establishments such as barbershops, would be covered if they are physically located within one of the above categories of businesses, as for example, hotels, if the barbershops hold themselves out as serving the customers of the hotels. But, lawyers' offices or banks would not be covered merely because they are located within a building also housing a covered establishment, such as a restaurant, since they cannot be said to be holding themselves out as serving the patrons of the restaurant.

The constitutional support for the public accommodation title rests upon the commerce clause and the 14th amendment.

It has been contended that the commerce clause of the Constitution is limited to "carriers moving goods, to the goods themselves, and the conditions under which the goods were manufactured," whereas the commerce clause has, for many years, been interpreted by the Supreme Court as covering many additional activities affecting commerce. Under the Taft-Hartley Act, antitrust laws, the Food-Drug-Cosmetic Act, and wage and hour laws, every form of business covered by title II has been held to be engaged in interstate commerce.

Restaurants, hotels, motels, and gasoline stations regularly serve travelers or utilize goods, in major part, that travel in interstate commerce. Theaters and other places of entertainment regularly present films or performers that move in interstate commerce. The widespread segregation of public accommodations in the South also has been found to curtail interstate travel and the normal expansion of interstate trade.

From the standpoint of the 14th amendment, Congress also has the authority to legislate as the House of Representatives has in this title.

Pursuant to this authority, a State or local government may not require or enforce segregation in the categories of public accommodations included in title II. The 14th amendment is not made applicable merely because a business is licensed by governmental authority as has been suggested. Where, however, elected or employed officials of a State or local government take positive action to force or maintain segregation, then the application of the Constitution comes into effect. The Congress, therefore, has clear authority to enact title II.

An impression has been created that title III grants the Attorney General power to take over the functions of local law enforcement authorities; to create a national police force; to file suits promiscuously; to shop for judges; and to select forums for trial. This impression is enforced by reference to quotations of committee members who opposed the bill and to a statement by the Attorney General before the House Judiciary Committee on an entirely different and a rejected version of title III.

Title III, as passed by the House, is limited to authorizing the Attorney General to institute civil actions to desegregate public facilities, such as parks and playgrounds. The Supreme Court has long held that the Constitution prohibits governmentally owned, operated, or managed facilities to be segregated, by reason of race or color.

Title III also permits the Attorney General to intervene in civil cases instituted by private citizens who claim that they are being denied the equal protection of the law, guaranteed by the Constitution.

Under normal circumstances, State or local government should accept the responsibility for and the obligation of guaranteeing an individual's equal protection of the law. But since in some localities they are the very entities charged with denial of civil rights, the Federal Government must undertake this duty. Even in such a case, however, the burden remains with the private citizen to initiate action to guard his own civil rights. And, where a State or local governmental authority wins the case, it is entitled to recoup reasonable attorney's fees and costs.

Title IV of the civil rights bill provides that the Attorney General may institute a civil action to desegregate public schools or colleges. In addition, the Commissioner of Education is authorized to grant technical and financial assistance to local governments or school boards, upon their request, to assist school personnel in dealing with desegregation problems. In creating this authority, however, the House specifically precluded the Attorney General or the Commissioner of Education from taking action under this title to compel the racial balancing of schools. It should also be stressed that technical or financial assistance may only be granted if a local school board or other local unit of government requests such assistance. And, this assistance may only be used to aid teachers and school administrators in coping with problems growing out of desegregation. Interference with local educational instruction is neither sanctioned or intended, in this connection.

Title V of the bill extends the life of the Civil Rights Commission 4 years and authorizes the Commission to look into practices of vote fraud, as well as the denial of voting rights because of race.

Title VI provides for the cutoff of Federal funds where such funds are used in a racially discriminatory manner. There is concern that this is a coercive feature which extends to the Federal Government the power to force the American people into submission.

Title VI, in effect, provides that the taxes paid to the Federal Government by all Americans shall be used to assist all Americans on an equal basis. There is no requirement that Federal assistance be accepted. But, if it is accepted by a State or political subdivision, then, it must do so with the understanding that it will distribute the assistance in a nondiscriminatory manner.

In enacting title VI, however, the House inserted many safeguards and limitations, including judicial review, in order to make certain that Federal power is not misused.

Beyond that, title VI specifically exempts from coverage contracts involving insurance or guarantee programs. This means that the title does not authorize the cutoff of Federal assistance involving housing programs such as FHA and VA, or the operations of banks or savings and loan associations.

In addition, the title provides steps for voluntary compliance, the conduct of formal hearings, and the right to judicial review by an aggrieved party. This is to insure that assistance will not be cut off without good cause and only when voluntary methods and effort fail.

In the past, administrative officers have refused to approve applications for such grants or have denied grants for Federal assistance in the absence of statutory law. In order, therefore, to provide for orderly procedures and to establish guidelines and safeguards, the House believed title VI was necessary.

Title VII provides the means for eliminating discrimination in employment by employers having 25 or more employees, by labor organizations having 25 or more members, and by employment agencies.

Constitutional authority for enacting this title has been questioned. Without a long legal argument, it can safely be said that there is no doubt that title VII is constitutional under the commerce clause. Coverage is limited to businesses and labor organizations affecting commerce. The Supreme Court, in interpreting existing laws, has already held similar coverage to be constitutional.

The point has been made that title VII injects the Federal Government into "partnership" with private business and grants the Government "the power to dictate hiring, firing, and promotion policies of business, and to cancel business decisions in these areas."

Title VII does create a commission to investigate alleged discriminatory employment practices and to attempt to work out voluntary settlement. But if no voluntary effort is reached, the Commission must either drop the matter or institute a civil action in a Federal district court. The Commission has no enforcement authority of its own. If suit is instituted, the Commission has the burden of proving that a violation of law exists and it must sustain such burden by a preponderance of the evidence.

Upon conclusion of the trial, the Federal court may enjoin an employer or labor organization from practicing further discrimination and may order the hiring or reinstatement of an employee or the acceptance or reinstatement of a union member. But, title VII does not permit the ordering of racial quotas in businesses or unions and does not permit interferences with seniority rights of employees or union members.

Title VIII commands the Bureau of the Census to compile registration and voting statistics by race, color, and national origin regarding the extent to which persons are eligible to vote and have voted.

Title IX provides that a defendant, who has sought removal of a State court suit to a Federal district court on the ground that he would be denied his civil rights in the State court, may appeal to the Federal court of appeals an order of the Federal district court sending the case back to the State court.

Title X creates a Community Relations Service composed of a Director and six additional employees. The Service is to assist local communities to resolve disputes and disagreements relating to racial discrimination.

Title XI authorizes Congress to appropriate the necessary funds to carry out the operating provisions of the act. The title also provides that the Federal Civil Rights Act shall not interfere with or nullify State or local civil rights laws.

Since many States have had broad and comprehensive civil rights laws for many years, there should be little need to apply the provisions of this bill in these States. Most of these States have liberal voting statutes. They also have public accommodation and equal employment laws which are about as broad or broader than the provisions provided in this bill. Schools are not forcibly segregated in these States. Under the specific language of this bill, where States conduct their operations in a manner consistent with the Constitution, there is little justifiable concern about Federal intervention.

The Chicago Tribune has provided broad coverage on the civil rights bill both before and during debate in the House of Representatives. Our only purpose in offering these comments is the hope that we might contribute in a constructive way to a further public understanding of this highly complex legislation.

REPORT OF COMMITTEE ON CIVIL RIGHTS ON H.R. 7152—CIVIL RIGHTS ACT OF 1964

The proposed Civil Rights Act of 1964 (H.R. 7152), was passed by the House of Representatives on February 10, 1963, and is now pending before the Senate. This act, dealing with a broad range of problems in the area of civil rights, was introduced in the House of Representatives by Representative CELLER on June 19, 1963, and parallel legislation was introduced at the same time in the Senate by Senator MANSFIELD and others as S. 1731. Both of these bills are based upon the recommendations of President Kennedy in his message of June 19, 1963, and endorsed by President Johnson in his 1964 state of the Union message. Numerous other bills have been introduced in both Houses, but this report will address itself principally to H.R. 7152 as passed by the House of Representatives. Two other bills on limited certain aspects of civil rights legislation have been reported in the U.S. Senate. They are S. 1937, the Equal Employment Opportunity Act, sponsored by Senator HUMPHREY and others and reported on February 4, 1964, by the Senate Committee on Labor and Public Welfare, and S. 1732, entitled the "Interstate Public Accommodations Act of 1963," sponsored by Senator MANSFIELD and reported by the Senate Committee on Commerce on February 10, 1964.

SCOPE OF THE REPORT

After reviewing H.R. 7152, as passed by the House of Representatives, it was the opinion of the committee that it wished to comment particularly with respect to three provisions of that act, which are particularly susceptible of legal analysis and as to which the Committee felt that it could make a further contribution to the able studies which have already been submitted by others.

These are:

1. The limitation of the voting provisions in title I to the election of Federal officials;

2. The utilization of the commerce clause to achieve so-called social purposes in title II, and the use of additional 14th amendment support for the provisions of that title; and

3. The inclusion of a provision in title VII permitting discrimination in employment on the grounds of an applicant's atheistic beliefs and practices.

LIMITATION OF TITLE I PROVISIONS TO THE ELECTION OF FEDERAL OFFICIALS

Title I of H.R. 7152, deals with voting rights and contains further amendments to section 2004 of the Revised Statutes (42 U.S.C. 1971) as amended by the Civil Rights Act of 1957 and the Civil Rights Act of 1960. According to the report of the House Committee on the Judiciary (H. Rept. 914, 88th Cong. 1st sess., p. 19) this title was designed to meet problems encountered in the operation and enforcement of the 1957 and 1960 acts, with respect to its guarantees to all citizens of the right to vote without discrimination as to race or color. Title I deals with the problems of lengthy delays in judicial proceedings under these prior acts which causes substantial denial of the right to vote. In addition, it is intended to bar the discriminatory use of literacy tests and other devices by registration officials, by requiring the use of uniform standards and forbidding voter disqualifications based upon immaterial errors. In addition, title I requires that literacy tests relating to Federal elections must be in writing and creates a rebuttable presumption that an individual who has completed the sixth grade in an accredited school teaching in the English language possesses sufficient literacy to vote in Federal elections.

This committee has previously expressed its views with respect to literacy tests, in a report dated April 3, 1962, which addressed itself specifically to S. 480, S. 2750, and H.R. 10034 of the 87th Congress. Those bills contained a number of the provisions now contained in title I of the 1964 act, and our conclusions with respect to that legislation apply equally to title I of the pending bill. These conclusions were, in part, that the committee supported the enactment of legislation to establish a prima facie presumption of literacy for purposes of voting from completion of the sixth grade of a public or accredited private school in any State, and that such legislation is both appropriate and constitutional. In addition, the committee recommended that such legislation should, to accomplish its purposes and to prevent distortion of the traditional election process, apply to both the election of Federal and State or local officials.

We are still particularly concerned with the limitation of title I to Federal elections, because we believe it is an unnecessarily narrow distinction and one which can give rise to serious problems in its application and enforcement. It was pointed out by the previous Attorney General, during Congressional consideration of the 1960 Civil Rights Act,[1] that elections in our country are not held separately for Federal and for State and local officials, and that voting registration normally covers both types of candidates. Both the 1957 and 1960 Civil Rights Acts, in their provisions relating to voting rights, extended to all elections, after specific consideration was given to this very problem.

The establishment of different standards and different enforcement procedures with respect to Federal as compared to State or local elections would give rise to a hybrid electoral system, threats of which are already heard in a number of States.[2] The language of title I is almost an open invitation to local officials and State legislators to establish separate elections, in which the State and local officials most closely affecting the day-by-day life of local citizens could be elected by a narrower and less representative electorate than are the Federal officials from the same area. For Negroes in the South today, the ability to exercise the franchise in local elections is in many ways more important than their right to vote in Federal elections. Many of the disabilities under which they suffer are inflicted by locally elected officials acting under color of law, and it is these very officials at whom the provisions of many other titles of H.R. 7152 are addressed.

There appears to be no logical distinction in constitutional law between applying prohibitions against discriminatory literacy tests and similar devices to elections for Federal officials and applying them to elections for State and local officials. In fact, the applicability of both the 14th and 15th amendments to all elections, not merely those for Federal elections, is too well established to deserve long discussion. The language of those amendments makes no such distinction, and the 15th amendment bars, on its face, State discrimination in elections generally. *United States* v. *Rains*, 362 U.S. 17 (1960). Also see, *Gray* v. *Sanders*, 372 U.S. 368 (1963); *Chapman* v. *King*, 154 F. 2d 460 (C.C.A. Ga. 1946), certiorari denied, 327 U.S. 800.

The committee concludes that Congress clearly has constitutional power under the 14th and 15th amendments to enact legislation finding a specified voting requirement to be excessive, unreasonable and discriminatory and to bar the use of such requirement in elections for Federal, State, and local officers.

The objectionable discrimination has taken place without distinction as to State or Federal elections, and the appropriate relief granted by Congress should be equally broad.

USE OF COMMERCE CLAUSE JURISDICTION FOR SOCIAL PURPOSES AND PARALLEL 14TH AMENDMENT SUPPORT IN TITLE II

Title II of H.R. 7152 prohibits discrimination on grounds of race, color, religion or national origin in specified places of public accommodations. S. 1732 provides for similar prohibitions except that the scope of the facilities covered differs between the two bills. Title II bans discrimination in hotels and motels, places of amusement and, gasoline stations and in restaurants and lunch counters; when such facilities are located on the premises of any retail establishment then the remainder of any such retail establishment is also covered. S. 1732 contains broader coverage, including any retail shop, department store, market, drugstore, gasoline station or any other facility where goods, services, facilities, and accommodations are held out to the public for sale, use, rent or hire, if a substantial portion of them have moved in interstate commerce or are held out to interstate travelers.[3] Both bills exempt smaller lodging establishments in which the proprietor actually occupies space as a home.

There may well be constitutional limitations on what activities can be covered by Federal legislation, but the categories covered and omitted by title II are clearly not based on constitutional limitations. They represent a political judgment of the Congress and must be considered as such.

It has been suggested that Congress may not be empowered to enact legislation under the commerce clause in order to meet what it considers a social evil. This suggestion does not appear to have any basis in law. It is abundantly clear that Federal legislation to bar discrimination in public accommodations can be validly founded on the commerce clause, even if it is to be regarded as directed in large measure at a social evil which is also subject to State regulation under the police power. It is well established that the commerce power may be used to reach a variety of noneconomic activities deemed to violate public policy, and that its exercise "is attended by the same incidents which attend the exercise of the police power of the State." *United States* v. *Darby*, 312 U.S. 100 (1941). See also numerous cases cited in Darby, at pages 114–115. The use of the commerce power has been repeatedly upheld as the basis for barring racial discrimination by interstate carriers and related public facilities, as in *Georgia* v. *United States*, 371 U.S. 9 (1962), aff'g. 201 F. Supp. 813 (N.D. Ga. 1961); *Boynton* v. *Virginia*, 364 U.S. 454 (1960); *Henderson* v. *United States*, 339 U.S. 816 (1950); and *Mitchell* v. *United States*, 313 U.S. 80 (1941).

The Supreme Court has also consistently sustained various statutes having other major social objectives under the commerce clause. It has upheld legislation forbidding the interstate transportation of lottery tickets as an aid to local enforcement of gambling prohibitions, *Lottery Cases*, 188 U.S. 321 (1903). It has sustained regulations designed to protect the purity of food and drugs, *Hipolite Egg Co.* v. *United States*, 220 U.S. 45 (1911). A law banning the transportation of women in interstate commerce for purposes of prostitution was upheld in *Hoke* v. *United States*, 227 U.S. 308 (1913). And, the prohibition on interstate transportation of women for immoral purposes was upheld even where commercial prostitution was not involved, in *Caminetti* v. *United States*, 242 U.S. 470 (1917). Thus, it is apparent that there is no pertinent distinction under the commerce clause between "economic" and "social" legislation. In any event, the economic consequences of the discrimination dealt with in the public accommodations provisions are substantially heavier than that in some of the other statutes above cited. Among these are the restrictions on interstate travel, the disruption of the flow of interstate commerce, and similar factors.

A further question has been raised with respect to 14th amendment support for title II based upon the allegation that such support is barred by the Supreme Court's ruling in the *Civil Rights Cases*, 109 U.S. 3 (1883). But the principle of the Civil Rights cases does not prevent congressional action against those areas of discriminatory activity which are not purely "individual invasion of individual rights" [*Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, 722 (1961)], but involve the State sufficiently to bring the 14th amendment into play.

The majority of the Court in the Civil Rights cases addressed itself only to the fact that the 1875 Civil Rights Act contained no requirement of State action as a condition of its being invoked. It therefore declared that act unconstitutional, and did not even consider how much State participation is required.[4] On the basis of Supreme Court decisions in recent years, the concept of "State action" encompasses a substantial portion of the activities prohibited by title II. Thus, in *Shelley* v. *Kraemer*, 334 U.S. 1 (1948), State judicial enforcement of racially restricted covenants among private persons was found to fall within the prohibitions of the 14th amendment. The enforcement of State trespass statutes against Negroes for refusing to leave a lunch counter was held to be a violation of the 14th amendment where there is a local segregation ordinance in *Peterson* v. *Greenville,* 373 U.S. 244 (1963). Beyond this, where local officials, in the absence of a segregation ordinance, publicly stated that Negroes would not be permitted to desegregate lunch counter service, the situation was considered the same with respect to the 14th amendment as if there were such an ordinance, *Lombard* v. *Louisiana,* 373 U.S. 267 (1963). The exercise by Congress of its 14th amendment power to provide relief against denials of constitutional rights "under color of any statute, ordinance, regulation, *custom, or usage* of any State or territory" (42 U.S.C. 1983, originally sec. 1 of the Ku Klux Klan Act of April 20, 1870) was upheld in *Monroe* v. *Pape,* 365 U.S. 167 (1961) and similar language is employed in the statute imposing criminal penalties for violation of constitutional rights (18 U.S.C. 242).

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[1] Testimony of Attorney General William P. Rogers before the Senate Committee on Rules and Administration.

[2] See, proposals in Virginia to establish separate lists of eligible voters as a result of the adoption of the 24th amendment banning poll taxes in Federal elections.

[3] The distinction between certain of the establishments excluded from coverage in the House bill from those which are included is, to say the least, difficult to support. In fact, under the generally accepted interpretations of the 14th amendment requirements of equal application of laws and nondiscriminatory treatment might well be considered violated on moral and logical grounds, if not on legal grounds, by such distinctions as the coverage of retail stores and bowling alleys (in all their operations) if they serve sandwiches, but the exclusion of similar facilities which do not do so.

[4] The dissenting opinion of the first Mr. Justice Harlan was based on his finding that there was sufficient State participation even under the 1875 act to justify its enactment.

We support action under both the commerce clause and 14th amendment powers not because of any doubt as to the independent validity of each as the basis for provisions similar to title II; to the contrary, the committee concludes that the broadest and most secure constitutional support can be derived from reliance upon all pertinent sources of power. Many statutes, in the past, have expressly been founded upon more than one constitutional power of Congress. Similarly, the courts have relied on multiple constitutional support in upholding the validity of various statutes including the Tariff Act of 1922, upheld under the power to raise revenues and the power to regulate commerce in *Board of Trustees* v. *United States,* 289 U.S. 48 (1933); the Tennessee Valley Authority Act, upheld on the basis of the war, commerce, and navigation powers in *Ashwander* v. *T.V.A.,* 297 U.S. 288 (1936); and the voting registration provisions of the 1960 Civil Rights Act, upheld under both the 14th and 15th amendments in *United States* v. *Manning,* 215 F. Supp. 272 (W.D. La. 1963).

THE INCLUSION OF A PROVISION PERMITTING DISCRIMINATION IN EMPLOYMENT ON THE GROUNDS OF ATHEISTIC BELIEFS AND PRACTICES IN TITLE VIII

One of the House amendments to title VIII of the Civil Rights Act of 1964, the fair employment practices provisions of H.R. 7152, reads: "Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs." This amendment was offered by Representative ASHBROOK, of Ohio, and was adopted by a vote of 137 to 98. It is now a provision in the act which is now awaiting action in the U.S. Senate.

Proponents of this proposal argued that it was incredible that Congress would seriously consider forcing an employer to hire an atheist. In the debate, supporters, of this proposal stated that the United States of America has progressed under God to the highest pinnacle of perfection of any nation on this earth. They noted that our country's dedication to God in the early years was inscribed upon all her basic documents, upon her constitutions, her declarations, and her tablets of stone. They also argued that this provision did not involve religious discrimination since it discriminated only against those who have no religion.

Those who opposed the proposal argued that it placed the Government in the position of supporting religious discrimination since it authorized employers to discriminate against those who did not subscribe to a belief in God. They argued also that it interfered with freedom of religion and that it placed the Federal Government in the position of sanctioning religious discrimination.

The elimination of this amendment would not, of course, affect the provisions elsewhere in this title permitting the limitation of employment to persons of a specific religion, where religion is a bona fide employment qualification, as in a religious school.

The inclusion of this provision in the fair employment practices section of the Civil Rights Act of 1964, we respectfully submit, would place the Government in the position of sanctioning religious discrimination. The Supreme Court has said in *Everson* v. *Board of Education,* 330 U.S. 1, at pages 15 and 16:

"The 'establishment of religion' clause of the first amendment means at least this: neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance."

The foregoing meaning of the establishment of religion clause was reaffirmed by the Supreme Court in *McCollum* v. *Board of Education,* 333 U.S. 203. In *Zorach* v. *Clauson,* 343 U.S. 306, where the Court departed from its ruling in McCollum, it carefully specified that, "We follow that the McCollum case," 343 U.S. at page 315.

In *Torcaso* v. *Watkins,* 367 U.S. 488, the Court dealt with a Maryland constitutional provision that no religious test whatever can be required as a qualification for any office of profit or trust in the State other than a declaration of a belief in the existence of God. The plaintiff, Torcaso, was appointed a notary public in Maryland but was refused a commission to serve because he would not declare his belief in God. The Maryland courts upheld the State constitutional ban on public office for those who would not declare a belief in the existence of God. The Supreme Court struck down the Maryland provision. It said at page 495:

"We repeat and again reaffirm that neither a State nor the Federal Government 'can profess a belief or disbelief in any religion.' Neither can constitutionally pass laws or impose requirements which aid all religions as against nonbelievers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs."

The provision now part of the Federal Civil Rights Act of 1964, which authorized employers to discriminate with impunity against atheists, clearly is a law which aids all religious as against nonbelievers, and which aids religions based on a belief in the existence of God as against those founded on different beliefs. We submit that the provision is plainly unconstitutional.

GENERAL CONSIDERATIONS

While this report has addressed itself only to portions of three of the titles in H.R. 7152, the committee wishes also to make known its support, both on legal and constitutional grounds, of the pending legislation generally. The course of recent events in our Nation makes it plain that, 100 years after the signing of the Emancipation Proclamation, vast areas of equal opportunity are denied to minority groups in the United States, particularly to racial minorities. The concept of America as the cradle of liberty can be maintained and furthered only when Congress meets its responsibilities under the Constitution to enforce the rights granted and guaranteed by it and intended by the Founding Fathers and those who followed them to be available to all citizens of the United States.

We strongly endorse the moral and social objectives of the proposed legislation, which recognizes the traditional function of the law to provide means for the peaceful and just resolution of disputes among men. It is the responsibility of the bar, perhaps more than of any other group in our society, to support the provision of adequate legal remedies, to encourage respect for legal processes, and to provide for the peaceful and just settlement of grievances and claims of injustice. The pending act, as did the Civil Rights Acts of 1957 and 1960, takes another long overdue step in this direction.

Respectfully submitted.

COMMITTEE ON CIVIL RIGHTS, NEW YORK COUNTY LAWYERS' ASSOCIATION.
WHITNEY NORTH SEYMOUR, Jr.,
Chairman.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from California yield; and, if so, to whom?

Mr. KUCHEL. I yield first to the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. I have asked the Senator to yield but for one purpose: First of all, to express my personal appreciation for the fine work he has already performed in the civil rights debate; secondly, to commend him upon his reasoned and sound address on the civil rights bill before the Senate.

The Senator from California was kind enough to permit me to go into more detail in the examination of some of the titles. The Senator from California has grasped the legislative purpose of this legislative endeavor, and has stated, in telling and moving words, what we seek to achieve, the limited goals of our search, and the fundamental goals of our endeavor.

The Senator from California is a tower of strength in this bipartisan effort to achieve a national purpose, a national goal. I am indebted to him. I consider it a privilege to work alongside him, not only in this endeavor, but in other endeavors.

I again thank the Senator for his cooperation in the effort the Senator from Minnesota has made today. I again compliment the Senator from California for the magnificent address he has delivered.

Mr. KUCHEL. I thank the Senator from Minnesota. I am honored to be participating with him on a historic occasion and dealing with a crucially important legislative problem. I am grateful for the kindness with which he has always treated my own labors in the Senate. I look forward to a victory in what we seek to accomplish.

Mr. BARTLETT obtained the floor.

Mr. DOUGLAS. Mr. President, will the Senator yield to me?

Mr. BARTLETT. I yield to the Senator from Illinois with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, I want to join the Senator from Minnesota in the very fine and proper statement he has made about the Senator from California. In his long service in the Senate, the Senator from California has consistently placed country above party. While upon occasion we differ upon fundamental matters, no one could be in this body for any space of time with the senior Senator from California without forming a deep respect and affection for him.

His attitude on this bill is in thorough keeping with the position he has always taken. He is a tremendous source of strength and reinforcement to all of us.

If I may add one cautionary word, which I hope the Senator from California will permit me to utter, this is not, of course, a perfect bill. In my judgment, it can be improved in many respects. I notice the Senator from California indicated some of the ways in which he thought the bill could be improved. I agree with him in some of those changes.

If the Senator from California will permit me to say so, I should like to point out the tactical dangers which would be involved if the Senate amended the bill. Any changes made by the Senate in this bill would have to be approved by the House of Representatives. If any amendment to this bill were unacceptable to the House of Representatives, it would require a conference committee between the House and the Senate to work out the differences. A conference on this bill would be fraught with far greater difficulties and dangers than would be the case with the ordinary bill.

It would also be possible for the chairman of the House Rules Committee simply to take a vacation, go to his farm in Virginia, and keep the bill in his pocket, with no conference to be held.

Even if the conference committee were permitted to meet, it might be difficult, in view of the normal constituents of conference committees, for an agreement to be reached. If an agreement were reached and the measure came back to the Senate, the process of filibustering could begin all over again.

On the other hand, if we passed the bill in its present form, without any changes, however desirable they might be, the bill would go directly to the President of the United States for his signature.

Without impunging the motives of any Member of either body, this is a measure about which many Senators and Representatives feel intensely, and to which some Senators and Representatives are unalterably opposed. These Members feel justified in their own consciences, and with the support of their constituencies, in carrying out any delaying tactics.

I am inclined to believe, therefore—subject to examining the matter more fully—that any amendment would place the entire bill in danger and jeopardy.

I therefore urge my colleagues on both sides of the aisle to consider this matter very carefully.

It is said that the good is sometimes the worst enemy of the best. It is also true that the best is sometimes the worst enemy of the good.

I know that the Senator from California is completely constructive in his attitude with reference to this matter. I simply want to lay this thought before him.

I again congratulate the Senator from California for his magnificent statement, which all of us deeply appreciate.

Mr. KUCHEL. I am more honored than I can say. I thank the Senator from the bottom of my heart for the generosity with which I have been treated.

I do not want in the slightest to contribute to any additional difficulties which this piece of legislation would not otherwise encounter. I am inclined to think that the Senator from Illinois and I both would agree, however, basically on a number of improvements which could appropriately be made in this legislation and that we would draft the legislation differently from the form in which it left the House. For example, I am inclined to believe he and I would both agree that there should be no distinction between the types of election which merit the protections which can be given by Congress in title I of the House-passed bill. I believe the Constitution grants Congress clear authority to guarantee the right to vote, free of discrimination because of race, in State as well as Federal elections.

Before any amendment is offered, there will be, I am sure, a full discussion of its merits. I can think of some technical amendments which might be desirable. For example, I have no hesitation in saying—and I mentioned it in my speech—that any attempt by the Congress to deal with atheism in the fashion in which it is dealt with in the bill is, in my judgment, clearly unconstitutional. However, there is a separability clause, and if one feature of the bill were repugnant to our national charter, it would not vitiate the entire bill.

While the legislation needs strengthening in several of the particulars I have specified in my remarks, I can assure him that at the appropriate time, I and Members on this side of the aisle will be glad to explore with those on the other side of the aisle who support this legislation, as we do, the areas where we believe there would be great merit in offering strengthening and clarifying amendments.

Mr. DOUGLAS. I thank the Senator.

Mr. KEATING. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. I am glad to yield, provided that in doing so I shall not lose my right to the floor.

Mr. KEATING. Of course. I am sorry. I thought the Senator had finished. I appreciate the Senator's yielding to me.

I commend the Senator from California on the excellent address he has just delivered, and for the leadership which he is giving all of us in the fight to put a meaningful civil rights bill on the statute books.

The Senator has shown by his address that a great deal of study has gone into the subject of the entire bill. It has been illuminating to all Senators to have this carefully delineated outline of the merits of the various titles.

I should like to comment for a moment on the remarks of the Senator from Illinois. No Member of this body has greater respect for him and for his views, as well as his stalwart position with regard to this legislation, than I do. I share the view that we should not do anything to impair final enactment of this legislation.

However, as a matter of interest, and to illustrate my point, the bill is known as the Civil Rights Act of 1963. By inadvertence or mistake in the other body, that is the title of the bill. It looks a little silly to me to have to accept a provision of that kind without entitling it properly, the "Civil Rights Act of 1964."

Using that as an illustration, it is my judgment that if the bill went back to the other side, it would not have to go to the Rules Committee. Such an amendment could be accepted on the House floor, and I believe it would be accepted.

To advance to other possible changes in the bill, I believe there should be close collaboration, particularly with the two Members of the other body—one from each party—who so skillfully carried the bill through the House, and that we should at all times consult with them. At this moment, I feel rather strongly that in some respects the bill can be improved, and that the Senate can improve it.

I apprehend that the distinguished Senator from Illinois would not find himself in disagreement on the merits with the particular provisions I have in mind, and that if he and I parted company on a vote on the subject—and hopefully, some time, we shall have such a vote—it would be because of a differing viewpoint on tactics, rather than the merits of any such proposal.

For example, in connection with the voting provisions, I have prepared an amendment to make the provisions of title I applicable to all elections. Senators are all aware of the fact that if title I is left the way it is, certain States will immediately enact State laws covering separate times for their own State elections, and we shall be back where we started, except as to Federal elections; but this can come in due time.

Those of us who feel so strongly on this issue should work carefully and in harmony with one another and, hopefully, in as close collaboration as the opponents of civil rights legislation have worked together in the past. All I would request of the distinguished Senator from Illinois would be to retain, as he normally does, an open mind on this entire problem until further along in the debate; and I know he takes that attitude.

I am grateful to the Senator from Alaska for yielding to me.

Mr. HILL. Mr. President, will the Senator from Alaska yield that I may suggest the absence of a quorum, with the understanding that the Senator will not lose his right to the floor?

Mr. BARTLETT. With that understanding, I gladly yield to the Senator from Alabama.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EARTHQUAKE IN ALASKA

Mr. BARTLETT. Mr. President, I desire to report to the Senate on the earthquake which occurred in Alaska last week. What happened there must be seen to be believed; and I wish to say from personal testimony, once having been seen, it cannot be believed.

I am not at all sure that what I have to say this afternoon will be delivered in a connected manner. However, things are not very orderly in Alaska now, either. The physical characteristics of Alaska were altered, and drastically, last Friday beginning at 5:36 p.m., when an earthquake of great intensity struck with a devastating force and effect, in a way that might be compared with gigantic hammer blows delivered with tremendous force.

Information which has been furnished me indicates that the Alaska earthquake was perhaps the fourth most intense in recorded history, having a rating on the Richter scale of 8.4. In terms of intensity rating, which is how scientists describe visible damage, no earthquake at any time, at any place, has been more disastrous. Apparently no earthquake in history inflicted more grievous hurt upon a land than that of Alaska's earthquake last Friday.

I suspect that it extended over a wider area than any earthquake which has occurred in the history of the world. While its main impact was felt in southwestern Alaska, its results were apparent from Kotzebue, north of the Arctic Circle, to Klawock, in southeastern Alaska.

I ask unanimous consent that at this point in my remarks there may be included a table showing the Richter scale ratings of the world's most severe earthquakes.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Major earthquakes

	Richter	Intensity rating (visible damage)
Alaska, Mar. 28, 1964, 3:36 Greenwich mean time	8.4	11
Kodiak, Mar. 30, 1964	Estimate 7+	(?)
San Francisco	8.2	11
Yakutat Bay, 1899	Not known but very high	11
Assam (China-India border), 1950	8.7	11
Ecuador, 1906	8.7 (approximate)	(?)
Honshu (Japan), 1933	8.9	(?)
Chile, 1960	8.25 to 8.50	(?)

Mr. BARTLETT. Mr. President, heavy damage was inflicted upon Alaska on that day.

It is impossible as yet to gain any reasonable estimate or assessment of what the cost in dollars may be. However, I shall not quarrel at all with the figure placed before the Senate earlier to day by my colleague, the Senator from Alaska [Mr. GRUENING], of half a billion dollars.

In view of the very heavy damage that was caused, it was hard to realize that, although the fatalities were numerous, they were not much more so. One life lost is a heavy loss. We grieve for those who are gone. We thank God there were not more.

When the party which had set out from Washington last Saturday afternoon took off from Anchorage last evening on the return flight, the number of deaths was reported at 81, with 38 described as missing; 20 persons died in Kodiak alone; 2 at Valdez; 8 at Seward; 12 at Anchorage; 1 at Whittier. However, 26 are missing at Valdez, which is a small community of about 1,000 people. There is every reason to believe that all of these, including some children, are dead—12 are missing in other parts of Alaska.

I fear that when all compilations have been completed, it will be discovered that many more have died, for communications are spotty, or interrupted. Many villages have not yet been heard from at all. Communications have been cut off entirely in many cases.

Speaking for myself, I never knew before how important communications are in a catastrophe of this kind. Without the ability to communicate, it is impossible to discover what has happened elsewhere, to make arrangements for relieving the situation, or to do all the things which need to be done in this kind of emergency.

So it was that 81 Alaskans were known to be dead as of last night. That is a heavy toll of life—although fortunately it is much smaller than the original reports indicated.

Transportation by sea and by railroad and by automobile in the affected area is virtually at a standstill. It is at a standstill because with few exceptions the port communities can no longer receive cargo. The docks are gone. Transportation has been interrupted with respect to the Alaska Railroad because of damage done at Seward. There was damage done from Seward north to Anchorage, including a heavy landslide at Potter, and other heavy damage north of Anchorage.

In the estimate of monetary losses, there must be calculated the money which it will be necessary to expend in order to repair the Alaska Railroad, which, as we all know, is the only railroad within the State, owned by the U.S. Government. It is operated by the Department of the Interior.

Mr. John Manley, General Manager of the Alaska Railroad, told us at Anchorage yesterday afternoon that a first, hasty estimate of the money which will be required to place the railroad in operating condition, including replacement of docks, is $20 million. He insisted, and properly, that he must not be bound by that estimate. His engineers are working night and day. They are making their assessments. At that time, barely 48 hours had elapsed since the first heavy shock.

There were three docks at Seward before 5:36 p.m. last Friday. At Seward, there are no docks now.

The Army had built some years ago, another port at Whittier, not too far from Seward, and, a bit closer to Anchorage, a terminal facility which was being used increasingly for sea-train service for the transportation of freight from the other States to Alaska. There is no sea-train service to Whittier now because there are no docks at Whittier.

Until that hour and minute on last Friday, the little community of Valdez received freight from oceangoing ships. That freight was trucked by highway from Valdez to interior Alaska. Valdez is not receiving any freight at all now. There is no dock left at Valdez.

Many roads are closed because of deep fissures, wrecked bridges, and snowslides caused by the earthquakes.

There is no shortage of food now in any community in Alaska. Soon there will be a shortage unless emergency arrangements can be made to land freight.

There is a dock remaining at Anchorage. I understand that the Navy dock at Kodiak is usable. This means that that island can be taken care of. However, this will not be helpful to the remainder of Alaska.

On last Saturday, less than 24 hours after the disaster, President Johnson ordered that his Director of the Office of Emergency Planning, Mr. Edward A. McDermott, go personally first to Anchorage and then to the other distressed areas in order to make an evaluation of the amount of damage on a tentative basis to determine what the Federal Government should do in order to help.

At the same time, President Johnson was kind enough to invite Senator GRUENING and me to accompany Mr. McDermott on this flight in one of the Presidential planes. So it was that we were able personally to look over the scene at Anchorage and the other communities which were hardest hit.

Yesterday, Senator GRUENING and others traveled to Kodiak.

Yesterday, I traveled to Seward, flew over Whittier, and thence to Valdez, where I landed.

In various places the damage was caused by different events. In Anchorage, it was chiefly because of the quake. In Seward, it was principally because of a huge tidal wave. In Valdez, it was because of earth shock. Whatever the reasons, the devastation in the communities of Valdez, Whittier, Seward, Kodiak, and Anchorage was appalling. I have thought of nothing else since I arrived at Anchorage. I have thought of nothing else this day than the horrible scenes which we witnessed there. I do not find the words to describe to the Senate what happened. At Turnagain, 75 upper-price-bracket homes disappeared. They are gone. They can be seen when one flies over the scene. They are perhaps 100 feet below where they formerly were, some lying on their sides, some upside down, and some right side up—jumbled masses of what so lately were beautiful and comfortable homes. Seventy-five houses disappeared there. We were told that at Anchorage, the largest city in Alaska, 200 homes, in all, were destroyed, and 1,500 were damaged. Every high-rise building in the community still stands, but none of them is usable. Two large apartment houses were evacuated; and, judging from what we were told, in all probability they will have to be demolished.

In Anchorage there is a hotel—the Westward. Its owners were just completing the expenditure of $3 million for 7 additional floors—making the hotel 14 stories high, as I recall. That hotel had to be evacuated. I do not know whether it is gone, or whether it can be repaired. In any event, very serious damage was done.

On Fourth Avenue, the principal business district of Anchorage, and particularly within a two-block area, little remains. Buildings dropped as much as 15 or 20 feet or more. There was a motion-picture theater there. Apparently it dropped in one piece, and at first glance it would now appear that it was built at its present lower level.

Last year there was opened in that thriving Alaska community the first J. C. Penny store in Alaska—an expensive five-story structure. Now what is left of it is being pulled down. Everywhere there is desolation.

In Seward, yesterday I was told by the mayor, Perry Stockton, by the city manager, James Harrison, and by the members of the city council that 95 percent of the productive capacity of that city has ceased to exist. It is gone, wiped out, eradicated. Seward lived by reason of transportation; ocean ships came there and unloaded freight which was destined for points to the north, to be transported there either by truck or, principally, by the Alaska Railroad. The community was dependent for a large share of its income upon the work of longshoremen. Those longshoremen will not be working for quite a long time, because today there are no docks at which to berth ships with freight destined for other points.

The other day—more precisely, at 5:36 p.m., last Friday—there were 75 boats of one kind or another in the Seward harbor. Principally, they were fishing vessels, because there was a fish-processing plant in Seward, and that thriving little fishing fleet was based at Seward. There were 75 boats in the fleet. Today, far up on the beach, only 4 boats are left which may be salvaged. Not only is the money loss significant, and even very heavy, but obviously the men who manned those boats will not have any work in the days, weeks, and months ahead.

The force of the tidal wave at Seward was such that house trailers and boats are now inland as far as 1 mile from the ocean. A big Alaska Railroad locomotive, weighing many tons, was moved 200 feet by that sea wave, and today it lies on its side at that spot.

Yesterday afternoon, I was driven around Seward by John Eads, a big man. He appears to be a strong man; and he must be a strong man, or else he would not be alive today. He told us that Friday afternoon he and his brother, Bob, were putting the finishing touches on a marine railway which they had been building for 6 years, at Lowell Point, not very far from Seward. They had invested 6 years of work and $100,000 in that business, which they thought was needed there, and which they believed would return them a profit. John Eads said:

> We looked up, after the quake, and saw a tremendous wave coming toward us. We calculated that it was 20 to 25 feet high. I ran for my pickup truck. My brother ran for his car. We started, hoping that we could outdistance the wave. But since we didn't have the ability to travel 100 miles an hour, we failed to reach our objective, because I am sure the wave was coming that fast. I was caught first, and the pickup truck was upended and turned over and over for a distance of at least 500 yards, and I was thrown out. I swam a hundred yards to safety. My brother, Bob, had the same lucky experience. When we reached dry land, we almost froze before we could find shelter and a fire where we could get dry and could change our clothes.

I commiserated with John Eads for his terrific financial loss and for the loss of those many years of work. But he laughed, and said:

> Well, I'm alive; that's all I ask for.

Mr. President, I think that expression fairly well exemplifies the attitude of so many Alaskans toward this catastrophic experience. They are bewildered, hurt financially, or wiped out financially, and they are dazed; but they are not beaten—not by any means; and they are ready to go. They propose—and they will do it—to rebuild and to start again.

When we flew over Whittier, yesterday afternoon, fierce fires which originated in two big fuel tanks were burning. The smoke column was more than 3,000 feet in height. At Seward there was a fire in an Alaska Railroad tank car. In Seward there are no utilities. There is no power. Water from the municipal system is not obtainable. It must be had from another source and carefully treated before it may be drunk. There is no sewerage sytem. The outlets are all gone. The fear is that the fractured earth twisted water and sewer pipes to the point at which the system may need to be completely replaced.

There is no fuel in Seward. There is no fuel oil and no gasoline.

In Valdez some of the fuel oil and gasoline tanks escaped damage. From that standpoint the people are better off.

In Valdez, food is very short. At Seward, the city government closed all grocery stores. Food is allowed to be taken from the stores only on the basis of demonstrated need. There the city has also set up community kitchens and community shelters in a nearby building.

I wish to cite another example of what can happen to an individual in such a situation as this, in an effort to demonstrate, on a personal basis, what all this means. At 4 p.m., last Friday, a man in Anchorage felt light of heart. He had achieved an ambition which was long his. He had bought a home. At 4 o'clock he had signed a mortgage for $40,000. At 5:37 p.m.—that same day—he had the mortgage; his home had been destroyed. Hanging over him is a legal and moral obligation to pay $40,000 for nothing. Insurance against earthquakes and tidal waves, if obtainable, is prohibitively expensive.

The fishing industry has been very hard hit. My colleague, the Senator from Alaska [Mr. GRUENING], reported that only one cannery was left standing at Kodiak. Kodiak is one of the principal fishing centers of Alaska. Practically all the fishing boats there were destroyed, as they were elsewhere. It is questionable whether or not these boats can be replaced and the canneries can be rebuilt, even if the capital should be available, in time for this year's fishing season. Fishing is the No. 1 private industry in Alaska. We depend upon it heavily. Likewise it is an important contributor of tax revenue to the State government. In 1964 the income to the State treasury from fishing will be sadly and seriously diminished.

Fishing fleets must be berthed in small boat harbors for protection. Those harbors were destroyed at Valdez and Seward and Kodiak. I understand this is true also of Homer and perhaps at other ports which have not yet reported.

Land records are almost priceless in Alaska, dealing as they do with homesteads, small acre tracts, oil and gas leases, and the like. The Bureau of Land Management of the Department of the Interior had its offices in Anchorage.

The records are still there. They can be restored to proper order some day, but now I am told they exist in the form of a proper mess, having been thrown hither and yon by the force of the earthquake. It will take months to get them in order.

The Senator from Maryland [Mr. BEALL] came to me not long ago and offered his sympathy. He said:

> Anchorage, which I visited in 1945, is a town in which—I said then and have always said since—I could live in comfort and pleasure. I like Anchorage. It is too bad that this happened to it.

I thanked the Senator for that statement.

I mentioned a while ago the Turnagain residential section. It now appears as if some plowman with a giant plow had dug furrows 100 feet in depth and a quarter of a mile altogether in breadth for the length of a mile. It is difficult—impossible for me—to describe the changes in the physical characteristics of the land areas where people had settled, so radical have been the physical alterations since the earthquake. Streets are fractured. Fissues appear almost everywhere.

Mr. President, yesterday we were driving by the Alaska Native Service Hospital in Anchorage, a large Federal institution, which escaped seemingly by a miracle. There it is in fine condition. But 100 feet behind it the bluff simply disappeared. Had the fracture zone been a little bit the other way, the hospital would have been lost, too.

A preliminary estimate of losses in the Anchorage city utility system totals $33,700,000. At a meeting late yesterday afternoon we were informed by Don Dafoe, superintendent of Anchorage schools, that damage done to school buildings there will amount to between $5 and $7 million.

Mr. President, this day, March 30, has been celebrated in Alaska for 97 years, because it was 97 years ago that the treaty by which Alaska was purchased from Russia by the United States was signed in Washington at 4 o'clock in the morning. This has always been a special festive day, a day of holiday and a day of rejoicing in what was first the Territory of Alaska, and now is the State of Alaska. There can be no festive mood there on this day. The people are addressing themselves to sterner tasks.

Seward was preparing for a great celebration next Saturday and Sunday. Seward had been chosen as one of the All-American cities for 1963. Preparations were being made for a big holiday there.

Mr. President, there will be no celebration at Seward on Saturday and Sunday of the forthcoming weekend. But the spirit of the people there now is a sure demonstration, if one were needed, that this is really and truly an all-American city and that the residents were all-American citizens.

As I recall, earlier this day, when my colleague, the Senator from Alaska [Mr. GRUENING], was speaking to the Senate concerning what we saw in Alaska, he mentioned what he considered to be the excellent work of Mr. McDermott, Director of the Office of Emergency Planning. I join in that praise. Mr. McDermott's services were outstanding. It was not only that he worked while he was there; he worked while he was in the air, planning, estimating, remaining in constant touch with the White House by telephone, and utilizing every moment most effectively while in Alaska.

He impressed us, and he impressed everyone else with whom he came in contact. He was a fine representative of the President.

I must not fail to mention the services which have been, and are being, provided by the Military Establishment in Alaska. Their cooperation has been magnificent, their contribution vital.

My last sight in Valdez, as we were driving to the airport yesterday afternoon, was that of a group of Army boys propping up with poles the exterior of a building that otherwise might have collapsed.

Troops were sent to Valdez, and likewise to Glennallen by Gen. Andy Lipscombe, commander of the Yukon, which consists of Army elements north of the Alaska Range.

Day before yesterday General Lipscombe himself was in Valdez to make sure that what needed to be done was being done. I can report to the Senate that those things that need to be done are being done.

Lt. Gen. Raymond J. Reeves, commander in chief of the Alaskan Command, is, of course, in charge of the military cooperative effort. I desire now to commend him. I was particularly impressed by the fact that in this crisis, in this emergency, General Reeves was always scrupulously careful to make sure that the civilian authorities wanted him and his officers and men; that he does not do that which is contrary to the desires of the civilian government.

We had an example of this when yesterday morning, at 7:15 o'clock, several cars started from Elmendorf Airbase to the city of Anchorage on an inspection tour. They were led by an air police automobile. General Reeves stopped the procession and said:

> We will go no further until we have called into town and make sure that we are led in by municipal police. That is the way it ought to be, and that is the way it is going to be.

And that is the way it was. I admire that attitude.

Great assistance has likewise been provided by the Army under Maj. Gen. Ned Moore in other places than Glennallen and Valdez. We were encouraged to be accompanied on the flight from Washington to Anchorage by Maj. Gen. James C. Jensen, commander of the Alaskan Air Command, whose planes are carrying foodstuffs, clothing, and other essentials to isolated communities.

I do not know how people would have gotten by, in many situations in Alaska, without the help of the military.

Just before coming to the Chamber, I was met by John Murdock, my friend and a former Representative in Congress from the State of Arizona, who came to me and expressed his concern and sorrow at what is happening in Alaska. He said:

> Could this be a final blow to an infant?

I have thought it over ever since he asked that question. Mr. President, if willingness of people to work means anything, and if a base upon which people can work is given them, this will not be a final blow.

When the earthquake occurred the Congressman from Alaska, Mr. RIVERS, was conducting hearings in California. He hurried north and joined us in Anchorage yesterday, and remained there, to assist.

The State government is acting promptly and effectively under the strong leadership of Alaska's Governor, William A. Egan. He is personally visiting each stricken area and community. He is giving counsel and making sure, himself, that State assistance is forthcoming when and where needed. When I last saw him, Governor Eagan had not slept for 36 hours.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BARTLETT. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. In the first place, I have every confidence that this will not be a final blow. As the Senator knows, I have felt that Alaska has become our last great frontier. The people there are pioneers of the finest possible stock, and I know they will rise superbly to this terrible emergency; but I feel the two Senators from Alaska well know they are going to have the help of the Senate, the House, and our country, and I feel that they know that their relatively small State in population, but great State in area, is going to have the assistance, in a very strong and powerful way, of this great Nation.

It may be that it requires an occasion of this kind, when the Nation is being torn somewhat by internal dissension, to make us realize that we are all one; to make us realize that the collective strength of this great Nation can mean much in helping to meet, as far as men's means can meet, a terrible emergency of this kind, which has been so vividly and movingly described by the Senator from Alaska.

I have seen how our Nation moved quickly to help meet a similar situation on the Columbia River a few years ago, a similar situation on the Missouri River some years ago, and a similar situation on the east coast only a couple of years ago. I have checked to see how the situation in my own State—worse than any of the three I have mentioned, but still not so bad as that which has stricken Alaska—was met, largely through the fact that our Nation stood back of our State when it was stricken by hurricanes and water damage, and the loss of 2,200 lives on one occasion.

I am speaking only for myself, but I know that the Senator is assured of the complete backing and approval of every other Senator, that the Nation will stand back of Alaska. We shall expect to hear from the two Senators from Alaska on what can be done to help alleviate the condition, so movingly described by the Senator from Alaska [Mr. BARTLETT]. All Senators thank him for his factual report on the situation, which will have the active help and sympathy of the whole Nation.

I thank the Senator and his colleague for their contribution to the sense of oneness, of the necessity of our standing together, and the appeal to the collective strength of the Nation, which perhaps was not so meant by the two Senators but cannot help but operate in that way.

Mr. BARTLETT. I am comforted, and all Alaskans will be comforted, by the words of the Senator from Florida.

Mr. GRUENING. Mr. President, will the Senator from Alaska yield to me?

Mr. BARTLETT. I am glad to yield to my colleague, the Senator from Alaska [Mr. GRUENING].

Mr. GRUENING. I merely wish to add to the very comforting and warm words of our friend, the distinguished Senator from Florida. The fact is, he was largely instrumental in bringing that infant to life and to the full equality of statehood. I know of no man whose assistance was more valuable, coming at the early part of our efforts, when our cause did not seem too weak but when from his section of the country not so much help was forthcoming as there was from other sections, and when his voice rang out so clear and unmistakably in support of our efforts to achieve statehood. I know of no man among the many who helped us whose assistance was more valuable and meant so much in that crucial hour of our birth as a State.

Mr. MORSE. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. I am glad to yield.

Mr. MORSE. Mr. President, I should like to say to the two Senators from Alaska that I have sat here for most of the last hour enthralled and entranced at the shocking and horrifying account of the tragedy visited by an act of God upon the State of Alaska. It proves, after all, how mortal we are, how much we live at the risk of the elements.

I spoke about this earlier today, when the junior Senator from Alaska commented upon the tragedy, and I pledged to him, as I now pledge to the senior Senator—in fact I covered both of them in my remarks—the complete support of the two Senators from Oregon in behalf of whatever legislation needs to be passed, if any.

I said then, and repeat now, that I believe probably the only thing that needs to be passed is the necessary appropriate legislation to turn over to the already existing emergency relief agencies, under Mr. McDermott, such funds as will be necessary to provide Alaska with whatever assistance money can provide.

I said then that although the body blow was felt by Alaska, great losses were also suffered from the tidal wave in my State and in California, that I have already asked the Governor of my State to supply me with any information he can supply me with, which may be of assistance to him in making his official request to the Federal Government for emergency assistance in my State; and that the congressional delegation will of course back him up. Some of our coastal towns, such as Florence, Depoe Bay, Waldport and others, have suffered great losses—nothing comparable, of course, to those in Anchorage and Seward, as related to us in the last hour by the senior Senator from Alaska, because our losses have been caused only by the tidal wave and not the earthquake; but to the people who have lost their all, it is just as important to them as individuals even though Alaska lost more.

This being a west coast catastrophe, I am sure the Government will do everything it can to provide as much assistance as Government can bring in such an hour of tragedy.

I wish to express, on behalf of the people of my State, our great thanks to President Johnson for the immediate assurance he has given to the country that everything within the power of the Government that can be done to bring relief to the stricken area will be provided.

I believe the two Senators from Alaska deserve our sincere thanks for giving us this on-the-scene account, because they saw the aftermath with their own eyes; and we appreciate it, although it deeply saddens us.

Mr. BARTLETT. I thank the Senator from Oregon. Even in our hour of agony, we keenly feel the plight of those in the more southerly Pacific coast areas who felt the effects of this upheaval of nature as we did.

Alaskans have the heart, the spirit, and the courage to rebuild. It will be almost a total rebuilding effort. But even imbued with all of these attributes, there is no determining whether they can succeed unless the oneness to which the Senator from Florida so eloquently referred manifests itself now, so that all Americans join together to help the people, in this instance, of my own State—as I feel sure Alaskans would wish to join were a similar catastrophe to afflict the people of any other State.

This is what makes us strong. This, in part, is what makes us great, that the American heart beats as one. We are willing to help every other American wherever he may be. There are some Americans desperately in need of help now. The Americans in Alaska declare that they can continue the big job which their country has assigned to them, to make the last frontier truly a great State of the Union. With your help, and with the help of the American people, this can be achieved in spite of that which happened last Friday.

Mr. KEATING. Mr. President, I wish to express my deep sympathy to the Senators from Alaska over the tragedy which occurred in their State this weekend. Both of them may be assured that the Senate in its deliberations will do everything within its power to assist the distressed people of Alaska, as it would for other States in such an hour of tragedy and danger. We are appreciative of the firsthand report which the distinguished Senator from Alaska [Mr. BARTLETT] has given us.

Mr. BARTLETT. It is my hope that the words of the Senator from New York, representing as he does, so many millions of Americans, may be carried swiftly to Alaska.

I yield the floor.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MORSE. Mr. President, before I turn to a discussion of McNamara's war in South Vietnam, with the prayer that it will not become a U.S. war, although it is on its way to so becoming, I wish to express my compliments to the Senator from Minnesota [Mr. HUMPHREY] and to the Senator from California [Mr. KUCHEL] for the very able speeches they delivered today, laying down the affirmative position of those of us who support a strong civil rights bill. Both Senators rendered a magnificent service in presenting the overall case in chief for the affirmative side in this debate. Later, title by title, some of us will present detailed arguments in support of the various sections of the bill. However, I am very much pleased to serve under the leadership of the Senator from Minnesota [Mr. HUMPHREY], who will handle the substantive debate. I wish he had been as sound on the procedural aspects of the subject, last week, as he was today on the substantive aspect of it.

A finer leader than the Senator from Minnesota could not be made available to us as we battle away in support of the substantive, affirmative position we will take to pass the strongest possible civil rights bill.

I always find it a great pleasure to be in agreement with him. I am always unhappy when he does not see the light on a procedural question. Of course, I am speaking facetiously at the present time. I am glad that we are back shoulder to shoulder again, fighting together, on the substantive aspects of the civil rights issue.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HUMPHREY. Mr. President, while the Senator from Oregon may be happy when he finds the Senator from Minnesota with him, let me assure the Senator from Oregon that the Senator from Minnesota is exceedingly happy when he finds the Senator from Oregon with him. There is no greater or stronger or more effective supporter of a piece of legislation than the Senator from Oregon. May I say, with equal candor, that when he is opposed to a piece of legislation, his strength is legion, and he puts up a brilliant battle. He is great both in offense and in defense. I am glad to be on the side of the stalwart Senator from Oregon.

Mr. MORSE. I appreciate those flattering words very much, because they prove the close personal friendship which exists between the Senator from Minnesota and the Senator from Oregon. I wish I did not have to rebut the flattery, but I do. Kind as the words are, the fact remains that I never seem to have the votes when I am in opposition to the Senator from Minnesota. Of course, I have long since learned that having the votes does not necessarily prove one right, because other Senators may walk down a mistaken path.

However, all joshing aside, I believe it augurs well that the civil rights forces in the Senate have united and that they will be marching together for the next few weeks—how many I do not know, but as long as it takes—down the road, in a determined fight to pass the strongest possible civil rights bill.

As the Senator from Minnesota knows, I have consulted the leadership again today. The record should show that I have a pretty firm understanding with the leadership that during the course of the civil rights debate no unanimous-consent agreement will be granted on the floor of the Senate for any committee to hold a meeting while the Senate is in session, while I am present, and that when I am absent from the Chamber an endeavor will be made at least to give me the courtesy of a quorum call to bring me to the floor of the Senate, or, knowing my position, that the leadership will object in my behalf, as a matter of courtesy, until I can reach the floor of the Senate, and reaffirm the objection.

I have thought this problem through at great length. I know all the difficulties that confront us. I said over TV today, when I was examined about this subject, that the only conditions under which I would relax my determination not to grant a committee the right to meet while the Senate were in session would be in the case of some national calamity, some great emergency, which might arise, such as the Alaskan tragedy, when it might be necessary for a committee to meet long enough to give consideration to the presentation of the case as to how much money was needed to be appropriated in order to meet the emergency.

However, I wish to make it very clear that that does not mean that I have opened the door, so to speak, for committee meetings. Only in the case of a serious national calamity would I give consent to any committee meeting being held while the Senate was in session, and then only with the understanding that it would be for the purpose of handling the national calamity.

I will not give consent to the Appropriations Committee to meet to report appropriation bills. I care not how much hardship might be caused by not having an appropriation bill reported. Let us face the fact, as I have said before, that the price of freedom comes high, but freedom is worth it. We are now in a great contest to deliver, for the first time since the Emancipation Proclamation, true freedom, full freedom, constitutional freedom to the Negroes of this country.

I believe the only way we shall ever deliver it is for the American people to pause long enough in their daily lives to take a look at the Senate, and to realize what is at stake here. If, as, and when the time ever comes when it is necessary to bring some urgings to bear upon Senators to vote for cloture, I want the Senate to be in the position where the American people will be prone to say, "Why do you not vote for cloture?"

I am satisfied, when the American people start asking Senators in certain States, who for some reason or other have not seen fit in years gone by to vote for cloture, "Why are you not voting for cloture?" we shall begin to get their votes for cloture.

In my judgment there is nothing more important facing this Republic, now that the issues have been drawn, than to get it behind us, after adequate debate has been guaranteed to the opposition. No one will be more determined to see to it that the opponents of civil rights have a fair opportunity for full and adequate debate.

That does not mean interminable debate. That does not mean debate that seeks to prevent a vote ever occurring on the issues. It means the time that is needed to present all the arguments on the substantive issues that are involved. I intend to see that they get that time for debate.

However, after that kind of debate has been had, I shall support cloture. That is why it is important that no other business of the Senate is transacted in the meantime, because we will not get cloture—and of this I am convinced—until the American people understand that they, too, will have to make sacrifices for the preservation of freedom in this country during this historic period.

I believe that this is the most historic period on the domestic front since 1862.

I think the issue is drawn as to whether this country will try to remain half free and half slave. There are various types of enslavement. The Negroes of America are enslaved in this Republic tonight. Let every white person face up to that ugly reality. So long as a Negro in this country does not have exactly the same rights of constitutional enjoyment that every white person has, there is no freedom for the Negro. He is enslaved. He is enslaved to the bigotry, the prejudice, and the bias under which he has suffered ever since the Great Emancipator uttered those historic words in the form of the Emancipation Proclamation a hundred years ago.

That is the issue that has been drawn. I was told on television this afternoon—and I am sure the President will not take offense:

> Mr. Senator, suppose you get a call from the President, from the White House, and he says, "It is extremely important that this committee be permitted to meet."

My reply was:

> The President knows me so well that he would not waste his time by making that call. He knows what the answer would be.

So far as the senior Senator from Oregon is concerned, the die has been cast on this issue. This is one matter on which I shall not need a majority vote. I represent the people of a sovereign State. I have my parliamentary rights in the Senate. I intend to exercise them.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HUMPHREY. I assure the Senator from Oregon that I not only feel he is right in what he states is his parliamentary right, that no committee meetings will be held during the sessions of the Senate, but I say to the Senator as majority whip that when I am on the floor, his right will be protected, his position will be honored. I say this not only in the name of the senior Senator from Oregon, but I join with him in the name of the senior Senator from Minnesota. I know of no more important business than the civil rights bill.

As the Senator has said, with the exception of a great emergency that really fundamentally affects the lives of thousands of our people in great sections of our Nation, there is no reason why the Senate should not attend to the business which is before it. If it does so, it can complete it in a reasonable time.

I say to the Senator from Oregon, as he has stated to the Senate tonight, let there be extended debate, full debate, debate on every section, subsection, and title. But the difference between extended debate and a filibuster is that debate is designed to give life to legislation, and is designed to arrive at a decision, either affirmative or negative, a decision of will, yea or nay. A filibuster is designed to kill legislation, to bury it, to paralyze it. It is designed to deny the Senate the right to express its will. We wish to make that distinction perfectly clear. The proponents of this legislation intend to lay their case before the public.

We do not intend to be mute, or silent. We do not intend to be accused of filibustering if we take the time necessary to discuss the bill. We are prepared at any hour of the day to vote on any section of the bill. We are prepared at the proper time to vote on the bill itself. I know that that is the position of the Senator from Oregon.

Mr. MORSE. Mr. President, I not only thank the Senator from Minnesota, but I wish to say that the announcement which the Senator from Minnesota has made in his capacity as majority whip and in his capacity as the selected floor leader on this bill, in my judgement is the most important announcement that has been made to date in connection with the civil rights bill.

It is one thing for the senior Senator from Oregon to make the announcement which he has made several times, that he will exercise his parliamentary right to block all committee meetings while the Senate is in session, subject only to a great calamity or national disaster which makes it of dire importance that a committee meet; but for the majority whip and the floor leader of the bill to make that statement is truly good news for the people of this country.

I wish to express my sincere and deep thanks to the Senator from Minnesota for the decision he has publicly announced. I happened to know that that was his position, but in my judgment, it took a great deal of courage for the Senator to stand up and serve this clear notice to the country as to what the procedure will be in the Senate with respect to committee meetings.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, for a few minutes I shall turn my attention to McNamara's war in South Vietnam.

Last Thursday night, Defense Secretary McNamara repeated the reasons customarily given for American participation in the war in South Vietnam. He cited three principal American objectives there:

To help South Vietnam, as a member of the non-Communist world to stay that way. "The Vietnamese have asked our help," he said. "We have given it. We shall continue to give it."

Second, to prevent southeast Asia and the Indian Ocean from falling under Communist domination. He said the area has "great significance in the forward defense of the United States," and that in Communist hands, it would pose a serious threat to the security of the United States and the family of free nations to which we belong, including the subcontinent of Asia, Australia, New Zealand, and the Philippines.

Third, he said we are in South Vietnam to thwart Communist aims of aggression which are pursued by means of "wars of liberation," rather than by all-out, direct aggression by armies moving across national borders.

There is nothing in any one of these objectives that does not argue for use of international treaties to handle the situation instead of unilateral American action. Secretary McNamara pointed to the Geneva accords of 1954 which partitioned Indochina. Although the United States was not a signatory to them, we said we would consider them binding and would regard their violation as a threat to international peace and security.

Why, then, does not our claim that they have been violated require us to take up the issue in the United Nations? Not a whisper from the Secretary of Defense about that obligation. That is where threats to the international peace and security are supposed to be handled. They are not supposed to be handled through unilateral action on the part of the United States, Russia, or any other power in the world.

But the Secretary makes the best case of all for handling South Vietnam through the Southeast Asia Treaty Organization. He declares that Communist control of southeast Asia would be a threat to the area of the Indian Ocean, Australia, New Zealand, and the Philippines. If so, then that is exactly the situation that SEATO was created for.

If the Secretary's analysis of the danger is accurate, then why have not Australia, New Zealand, the Philippines, Pakistan, and Thailand worked out with us a joint policy for intervention in South Vietnam? Yes, and Great Britain, and France. They, too, signed SEATO.

I am at a complete loss to understand how the South Vietnamese war can be a threat to their security, and yet not one of them is interested in doing anything about it.

Oh, yes. As I pointed out last Thursday, the President of the Philippines made a great public announcement the other day about how important it is for the United States to stay in South Vietnam. So I asked him in the Senate on last Thursday, and I ask him again tonight, "Mr. President of the Philippines, what about you going into South Vietnam with some Philippine troops? What about the Philippines living up to their obligations under the SEATO treaty?"

The sad fact is that not a single signatory to the SEATO treaty except the United States is in South Vietnam.

Those signatories are perfectly willing for the United States to pick up the check. The Secretary of State admits we are picking up 97 percent of it, 3 percent from South Vietnam. Those signatories to SEATO are perfectly willing to let American boys die in South Vietnam—but no Australians, no New Zealanders, no Pakistanis, no Filipinos, no Thai, no Frenchmen, and no British boys.

We could not be more wrong than we are in connection with American unilateral action in South Vietnam. Mark my words, if we continue the McNamara war in South Vietnam, along with the proposals that he is making for stepping it up, including his keeping the door open for action into North Vietnam, we shall be branded an aggressor nation.

In my judgment we do not have an iota of international law or right on our side in escalating a war into North Vietnam. But read the Secretary of Defense's speech of last Friday night. It is clever, but it is a ducking speech. It is not a forthright speech. It is full of one escape hatch after another. It offers the launching site for one trial balloon after another.

Now is the time to speak up and to make clear to the Johnson administration that if it is going to support a McNamara war in South Vietnam, and if it is going to attempt to make it a U.S. war, and if it is also going to run the risk of having the United States condemned as an aggressor nation, because of that war, the Johnson administration must be repudiated; and I speak as a Democrat, but as a patriotic American first. I speak soberly, knowing the full import of the words I have just uttered. But I say that no administration, either Democratic or Republican, can excuse the unjustifiable killing of American boys in South Vietnam; and before I conclude this speech, I hope to impress on the Senate and on the administration the support I have. The senior Senator from Oregon, the junior Senator from Alaska, and other Members of Congress who have spoken out in opposition to the policies of the Johnson administration in regard to South Vietnam do not speak alone, for behind us is a public opinion represented by millions of Americans who take our position that this kind of unilateral action by the United States cannot be justified merely because it is being done by the United States. After all, the United States is not always right in regard to foreign policy; and when the United States is wrong, it should be big enough to recognize its mistake and to correct it. Certainly Secretary McNamara is dead wrong in his policies in regard to South Vietnam.

Mr. President, the historic debate in regard to South Vietnam will increase in tempo in the weeks and months immediately ahead, because we are not going to be silenced. In my nearly 20 years of service in the Senate, I have never been known to make a criticism of American foreign policy without offering an affirmative, constructive proposal to take its place. I have been making an affirmative, constructive proposal in regard to the McNamara war in South Vietnam; and I shall repeat it again tonight—although going into a little more detail; and I shall repeat it again and again across the country in the months ahead. The policy of the Johnson administration in regard to the unilateral war being conducted by the United States in South Vietnam must be stopped; and the only force that can stop it is American public opinion. I am satisfied that American public opinion will stop it, if the Johnson administration makes it necessary for American public opinion to stop it.

We had a little inkling of the latent public opinion in this country in regard to the McNamara war in South Vietnam in the Gallup poll which was released in the last day or two. We do not find an overwhelming majority of the American people waving the flag into tatters in support of the McNamara war in South Vietnam. As the American people come to learn more about the facts—and such facts have been presented to me by officers in South Vietnam, the testimony of some of whom I shall place in the RECORD tonight before I finish this speech—the American people by increasing millions will join with those of us who are saying to the administration, "Get out of South Vietnam. Let the processes and procedures of international law move in, and let the United States, on a unilateral basis, move out."

I point out that the SEATO signatories are not giving us support. The only reed of international law on which we can lean is the protocol agreement entered into by the signatories to SEATO when they signed the SEATO treaty. We have no other possible right in South Vietnam, and that is not much of a right to lean on. We joined all the other SEATO signatories in entering into a mutual agreement to the effect that the area of South Vietnam was an area, of mutual concern and interest to the signatories thereto. But let us remember that South Vietnam itself is not even a member of SEATO. Of course, Australia, New Zealand, Pakistan, Thailand, the Philippines, France, and Great Britain are willing to have the United States "go it alone"—they always are. We got a little inkling from De Gaulle, when he stated that he thinks perhaps there should be a new policy in that part of the world. But the present gross inactivity on the part of our alleged SEATO allies raises the question of whether their security is really at stake. If they believed their security to be at stake, surely they would be doing something to protect themselves. Why is it more to our advantage than to theirs to help South Vietnam?

They do not seem to be concerned about the fallacious John Foster Dulles "domino" theory, which he imposed upon American public policy some years ago, and against which I spoke out at the time. It was fallacious then; it has been fallacious ever since, and it is fallacious now—the theory that if one country in that part of the world went Communist, then, like a row of dominoes, all the rest of them would topple, one after another. However, Cambodia has already put the lie to that; and, as I said in my speech of last Thursday, other countries have done so, too—including North Vietnam, Laos, and Indonesia. Cambodia has thrown out the U.S. aid program. Cambodia has not gone Communist and its Government has stated that it does not intend to. The repudiation of the United

States by Cambodia also repudiates the Dulles false domino theory.

Although, of course, we do not like to face this fact, because it is embarrassing, the great United States has had its representatives thrown out of Cambodia; a little prince of Cambodia told our representatives to get out, or else he would put them out. If the United States had tried to answer him by insisting that its representatives remain there, the United States would have had to answer him with force; and then the United States would have been in a real fix, for then it would have been charged that the United States had committed aggression against the little country of Cambodia, whose Prince said, in effect, "I am fed up with the U.S. representatives. Take your aid and get out, and stay out."

Mr. President, the United States has been engaging in some very strange operations in South Vietnam. The other day, so-called U.S. military advisers—but they were dressed in battle regalia—were caught, together with South Vietnamese forces, making a raid on a city inside Cambodia, and using fire bombs. That is rather hard to reconcile with the professings of the United States that it is a humane country. We were caught flatfooted. I have said, and repeat today, that when we can find out the operations of the CIA—the police state agency that we maintain in our country, in a supposed democracy, against all attempts to find out how it operates in Asia and in other parts of the world, I am satisfied that that page of American history will be disgraceful.

In the past few hours we find the United States uttering its assurances that instructions have gone out against the use of the fire bomb. Why? Because they know very well that if we continue to be caught using it, we shall have fewer friends in the world than we have now because of our foreign policy.

Mr. President, we usually get into the kind of fix in which we now are when we follow a unilateral military course of action based upon resort to the jungle law of force instead of the rule of law, about which the American Government is so prone to prate and profess in the councils of the world.

The senior Senator from Oregon is asking for a squaring of our practices with our professions about a rule of law. We repudiate the rule of law every time we resort to unilateral military force, as we are doing in "McNamara's war" in South Vietnam.

What is my affirmative proposal? My affirmative proposal is to keep faith with and to practice the ideals professed by our Republic. We claim to be always willing to resort to the rule of law for the settlement of any dispute that threatens the peace of the world. But we stand convicted of not doing so in South Vietnam.

The Government of the United States has never asked for an extraordinary meeting of the foreign ministers of SEATO. I wonder why. Are we afraid that the foreign ministers of the countries signatory of SEATO would not go along with a plan to try to settle without military action the civil war in South Vietnam?

Are we afraid that we could not obtain support in such an extraordinary meeting of the foreign ministers of SEATO signatories for a continuation of America's support of its puppet government, which Vietnam is? The administration does not like to hear me say that, but it is true. The South Vietnamese Government is a puppet of the United States. It was brought into being primarily through the influence and power of the United States. We set up the Diem government—a tyrannical, Fascist type of government, in which human rights were nonexistent—which remained totalitarian throughout the existence of the Diem government. It was not a pretty chapter in American history.

Finally there was a coup. We became a little disillusioned with that puppet. So there was a coup, and Diem was overthrown. Now we have a new type of totalitarian government in South Vietnam, a military totalitarian government headed by a military leader, Nguren Khanh.

Does anyone believe there are any more human rights in South Vietnam? Does any Senator believe that South Vietnam is representative of freedom? Of course not. It is a straight military dictatorship, buttressed by 15,500 American troops and $1.5 million a day of American money. Counting the money that we poured in to help France in that area of the world when it was a part of the French colonial dynasty—Indochina—we have spent more than $5.5 billion of American taxpayers' money in a useless war in that part of Asia.

Mr. President, it should stop. Something tells me that the American people will stop it, Mr. McNamara to the contrary notwithstanding.

I did not see it, but several Senators have said today that they saw an hour-long television program yesterday showing a picture of the Secretary of Defense. Apparently he let his enthusiasm run away with him. In the picture he was shown promising the South Vietnamese not only support for a thousand years, if necessary, but also leaving the impression that we would give them support forever. By what right did the Secretary of Defense go over to South Vietnam to make any such pledge in behalf of the American people?

He had no such right. The American people should answer him in no uncertain terms.

Mr. President, if the Senator desires my affirmative program in greater detail, if the SEATO countries under the treaty do not want to try to reach some kind of settlement in South Vietnam that will bring to an end this costly war, I say that the signature of the Government of the United States on the United Nations Charter places upon us a clear obligation to lay before the United Nations for determination this threat to the peace of the world now arising in southeast Asia.

What is wrong with that procedure? Of course, that would be a resort to the rule of law. That would honor the charter and our signature thereto. That would give us an opportunity to call the attention of the world to those countries that are willing to support a rule of law for settling an issue that threatens the peace of the world and those countries that are not. It would take us immediately out of the latter class. It would cleanse us immediately of the great liability that is now ours. We are resorting to military action, and by resorting to military action, we are threatening the peace of a part of the world that can lead into a holocaust which could spread around the world. It would be keeping faith with our professions about believing in resort to international law rather than the jungle law of force.

There will be those, and particularly the military minded and politically minded, who believe that the way to pay respect to the American flag is to wave it into tatters. That is no way to respect the flag. There will be those who will say that the proposal is not practical. Of course it is practical, for it is always practical to try to practice one's country's ideals.

There is nothing practical about bending a political knee at the altar of political expediency, either domestic or international. We must face the fact that the United States is wrong in South Vietnam. We have followed a wrong policy. But it is never too late to substitute right for wrong.

We have decided that it is to our advantage not to call for such a resort to the rule of law because we have a vested interest in the pro-Western government there, and these other nations do not. It was, after all, a unilateral American decision to support the remnant of the Bao Dai regime, for it was Bao Dai who chose Diem to take over, after the French failure. We came in to support Diem, just as the French before us had supported Bao Dai.

I think the Secretary's first reason for U.S. intervention came closest to being the real reason, as he set it forth in his unsound speech Saturday night. He said: "The Vietnamese have asked our help. We have given it. We shall continue to give it." The Government there is our protege. We have convinced ourselves that it is important to us for prestige purposes. But we have not convinced South Vietnam's nearest neighbors that it is important for security reasons.

Mr. President, let us not make the mistake that Britain, France, Belgium, The Netherlands, and other great colonial powers made for centuries. They lost their colonial power. Great Britain went broke. France went into a great economic decline. Finally, the people of Great Britain and of France made it clear to their governments that they wanted an end to colonial powers and policies.

Why should we be picking up the mistakes of France in Indochina? For that matter, why should we be picking up the mistakes of past colonial powers anywhere in the world?

Secretary McNamara also gave us a picture of how hopeless our task is there. In a population of 14 million, about 20,000 to 25,000 are what he calls "hard-core" guerrillas. But the Vietcong can muster forces of 60,000 to 80,000 men.

These are the so-called Communist guerrilla forces; but they are South Vietnamese. We cannot show that there are in South Vietnam any foreign troops from China, or any foreign troops from Russia, or any foreign troops from North Vietnam. The only foreign troops in South Vietnam are U.S. troops.

Mr. President does anyone believe that the rest of the world will not take note of that fact? Do Senators think that is a great credit to the United States? Do they think the rest of the world is shouting "Hallelujah" over the rationalization and propaganda of officials of our Government who are trying to alibi McNamara's war in South Vietnam—and that we are doing it to save South Vietnam from communism?

Mr. President, the overwhelming majority of the people of South Vietnam would not know the difference between communism and democracy if we tried to explain it to them—and they could not care less.

They can understand what economic freedom is. They understand that if the seedbeds of the economic freedom are brought to them, the plant of political freedom will take root and grow.

I am not taking the position that we should do nothing to help the people of South Vietnam. The Senator from Oregon could probably be persuaded that there are sound economic projects we should spend more money on to help prepare the seedbeds of economic freedom than we are now spending on so-called military aid to South Vietnam. But that would be an entirely different situation. I believe that is the way we should beat communism in the underdeveloped areas of the world. Communism in Asia cannot be beaten with bullets.

The people of southeast Asia can be brought to the cause of freedom—not overnight, and it is desirable that we not try to do it overnight, but gradually, year by year, as we give assistance to the preparation of the economic seedbeds of economic freedom, out of which will flower political freedom in due course of time.

The reason why we need joint action of a peaceful nature in South Vietnam, either through SEATO or through the United Nations, is that only in such a climate can the seedbeds of economic freedom be developed. For want of a better descriptive term, so far as my affirmative proposal to this problem is concerned, I have a suggestion if SEATO should fail. But I would not give up hope in SEATO. I would have great hopes for SEATO, because a SEATO conference would give to De Gaulle an opportunity to come forward and offer a blueprint, if he has one, to suggest how South Vietnam can be managed and administered without killing, how South Vietnam can be managed and administered on the basis of a SEATO trusteeship, or something similar to a trusteeship.

But if that could not be worked out, Mr. President, then, for want of a better descriptive term, the senior Senator from Oregon believes we ought to make a grand attempt in the United Nations to set up some form of a United Nations trusteeship in South Vietnam—not a neutral state such as Laos. Laos is a failure, in my judgment. Laos is a failure because a mistake was made in assuming that, by bringing the Communists into roughly a third of the seats of government, we would obtain cooperation. At best, under such a situation, we might hope for coexistence. But coexistence is not cooperation. Coexistence provides only the channel and the medium for the Communists to seek to undercut, undermine, "termite," and take over. I believe it is generally agreed that the Laotian formula is not a very helpful one. But a United Nations trusteeship or quasitrusteeship would be something entirely different. If the SEATO proposal is not a success, we should make an attempt to persuade the United Nations to assume what I consider to be its clear responsibility under the charter. Whenever an area of the world is threatening the peace, the United Nations Charter calls upon the members thereof to intervene and seek to bring to an end the threat to the peace.

It is a sad thing to have to say it, but it is true, that U.S. unilateral action in South Vietnam has been standing in the way of a United Nations approach to the South Vietnam problem.

So, Mr. President (Mr. Kennedy in the chair) in a population of 14 million, about 20,000 to 25,000 are what the Secretary of Defense calls "hardcore" guerrillas. But the Vietcong can muster forces of 60,000 to 80,000. Against them, the South Vietnamese have an army of 400,000, supported, guided, and directed by 15,500 American soldiers. Moreover, South Vietnam will soon, and for the first time, undertake military conscription to raise its forces to 450,000—the payment of which, the Secretary of Defense announces to the world, the American taxpayer will make.

By what authority?

Since when have we had a foreign policy determined by the Secretary of Defense, who announces, after a military dictator in South Vietnam says that he will institute conscription, that the United States will pay he bill?

The Secretary of Defense also needs a refresher course in the separation of powers doctrine provided for under the Constitution, which places a check in the hands of Congress upon the Executive when he proceeds to try to act unilaterally.

Despite American aid to this area, which has totaled approximately $5.5 billion since the French first began their war in Indochina, the position of pro-Western forces there has steadily deteriorated. By 1961, it required direct U.S. military participation. In the fall of 1963, it became worsened by the political upheaval. In March of 1964, Secretary McNamara reports that the situation has "unquestionably worsened."

What he is proposing is another Korean war effort, only this time shorn of United Nations backing. He is calling for a unilateral American Korean war, with the possibility constantly held out of expanding the fighting into North Vietnam and even into China itself.

The Secretary is quite mistaken in trying to ascribe this Asian policy to the last five Presidents. President Roosevelt did not, as the Secretary claimed, "oppose Japanese penetration in Indochina" for its own sake. Once the Pacific war was upon us in World War II, we opposed anything Japan did that aided its war effort against the United States.

President Roosevelt's position in World War II must be measured and evaluated in terms of preparation. We were out to beat Japan. That was the position of President Roosevelt.

The Secretary also omits the basic premise of President Truman's action in Korea: that action was a United Nations action. Its was not a unilateral war undertaken by the United States in support of Syngman Rhee.

It was President Eisenhower who undertook unilateral U.S. policies to try to shore up the remnants of the colonial interests in southeast Asia. Regrettably, Presidents Kennedy and Johnson have pursued that unfortunate and misguided effort.

Secretary McNamara is only presiding over the rotten fruits of that mistake of 1954. He is only trying to play a losing hand dealt the United States in 1954. The only question is how much he is going to bet on it, and how much the American people are going to lose before we recognize our mistake and rectify it.

We are holding a losing hand. I take the position that we should get out of that gambling game. We should return to a posture which puts us in keeping with our ideals. We should return to honoring our signature to the SEATO treaty, to honoring our signature to the United Nations Charter. That is the affirmative course of action which I present tonight on the floor of the Senate.

I wish to take a few moments to invite the attention of the Senate to a cross section account of American public opinion from coast to coast, from State to State, and from all segments of the American public, from American military officials in South Vietnam—colonels, majors, captains, and lieutenants.

Last Thursday's Congressional Record will show that I spoke of the position of a high Marine military officer who expressed great concern and criticism of the "McNamara war" in South Vietnam, pointing out that if we are going to conduct a war in South Vietnam, we should conduct it. This high Marine officer pointed out to me—as I reported last Thursday on the floor of the Senate, and which I report again tonight as a preface to certain quotations from communications which I have received from these officers and from many Americans in all stations of life—that the operation we are conducting is doing great damage to the morale of American military personnel in South Vietnam. There is no doubt about it. All we have to do is to read a cross section of American military points of view, and the letters I am about to place in the Congressional Record, pointing out that the kind of operation we are conducting does not give American military personnel in South Vietnam the ultimate in protection to which they are entitled.

Mr. President, it is one thing to send American boys in the uniform of the

American military into military danger zones to risk their lives and defend the United States on the basis of the orders of their superiors, but it is another thing to send them into those danger zones without the full protection to which they are entitled as American military men.

This Marine officer and other officers have told me that, under the kind of operation we are conducting in South Vietnam, we are needlessly risking the lives of American military men by sending them into battle zones without the protection the American military has the power to give them.

That practice should stop. No Secretary of Defense can justify it. When the American people get the facts, they will stop it too.

Mr. President, these letters are available to the White House for checking on the part of any official it may wish to designate. It is obvious, as I read some of these letters—and I shall put more in the RECORD—that it would be unfair for me to put the letters in with the signatures attached. I know how the military works, and so do other Senators. I know what would happen to these military men in many instances. Furthermore, I shall place in the RECORD letters from doctors, lawyers, bankers, corporation presidents and vice presidents, professors, teachers, farmers, and workers. I am going to place letters in the RECORD which represent a cross section of American public opinion.

I do not often do this, but I believe the American people must be guaranteed their right to petition their Government. Because so much of the press, whose representatives sit in the press gallery of the Senate, and who, of course, are subject to the rulings of their superiors—and because their superiors for weeks and weeks have concealed from the American people the facts that have been brought out on the floor of the Senate on the South Vietnam issue—I believe it all the more important that the views of those Americans be given the right to petition, as I am doing tonight by presenting a cross section of the letters for the CONGRESSIONAL RECORD. These are but small segments of the letters I have received. I am keeping them for other Senators to read, in a separate file in my office. Senators are welcome to come and read them.

I have no intention of doing an injustice to any person who writes to me, by disclosing his name without his approval.

I wish to have the attention of the official reporters of the Senate for a moment. I do not want the addresses of these writers to be shown. I do not want their names to be shown, except in those letters in which I have left intact the names and addresses. There are some letters in this group with respect to which it is proper for me to do that. I want the official reporters to know that I want each letter, however, to show the State—merely showing whether it is from Maryland, Georgia, California, Minnesota, or Wisconsin, for example.

I want the RECORD to show the broad scope of the petition.

From time to time I shall add more letters to the CONGRESSIONAL RECORD as the debate proceeds from week to week.

The first is a letter from a major who is located in South Vietnam. He writes:

HON. WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: The Stars and Stripes has given full coverage to your views relative to the situation here in Vietnam and also your attitude toward military personnel serving in this country. May I state that within the group I am in close professional association your viewpoint is well taken. We are enclosing a clip of Secretary McNamara's speech that appeared in the same issue of the Stars and Stripes wherein we underline with disfavor the forever aspect of troop service.

Sincerely,

——— ———.

I ask unanimous consent that the article from Stars and Stripes discussing the speeches made by the Senator from Alaska [Mr. GRUENING] and myself on the floor of the Senate, and the article on the speech made by Secretary McNamara, to which the officers take exception, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR MORSE RAPS VIETNAM POLICY, CALLS AMERICAN DEATHS MURDER

WASHINGTON.—Senator WAYNE MORSE, Democrat, of Oregon, told the Senate Tuesday that "all of South Vietnam isn't worth the life of a single American boy" and called the mounting list of U.S. troop fatalities there an issue of "murder."

MORSE made this statement in his second speech of the day on South Vietnam. His speech was interrupted once by Senator ERNEST GRUENING, Democrat, of Alaska, who called for the immediate return of U.S. troops from Vietnam, as MORSE himself has done in a number of recent speeches.

GRUENING agreed with MORSE that Secretary of Defense Robert S. McNamara had no authority to commit the United States to stay on in Vietnam.

GRUENING declared: "The time has come to reverse our policy of undertaking to defend areas such as South Vietnam whose people are so reluctant to defend themselves. Let us keep on, by all means, supplying them arms. Let us continue to give them the means if they wish to use them. But not our men.

"All troops should immediately be relieved of combat assignments. All military dependents should be returned at once. A return of the troops to our shores should begin."

In his earlier speech Tuesday, MORSE said McNamara and the administration "should be brought to an accounting for the waste of American blood and American money in South Vietnam."

"There is no justification for killing a single American boy," in the military action in Vietnam, MORSE said. "We have no justification for murdering a single American boy. This issue has become one of murder."

"Where are our allies while we pay 97 percent of the bill and spill American blood?" MORSE demanded. He also asked why the United States is using conventional forces in Vietnam when, if war should come, "it will be a nuclear war."

Under Secretary of State W. Averell Harriman earlier said the United States remains "utterly opposed" to the neutralization of Vietnam at present.

Harriman talked to reporters after a closed-door meeting on Eastern European affairs with the House Foreign Affairs Committee.

Asked about Vietnam, he said he had not come to the Capitol to discuss that subject, and said it would not be proper to discuss it until after McNamara had returned from his on-the-spot survey of the situation there.

But he added: "It is obvious that neutralization now would simply mean a Communist takeover of Vietnam and we remain utterly opposed to it."

SUPPORT "NOW AND FOREVER"—MCNAMARA ASSURES VIETS

HUE, REPUBLIC OF VIETNAM.—Defense Secretary Robert S. McNamara, in a speech punctuated by applause, Wednesday promised South Vietnam full American support "now and forever" to fight Communist insurgency.

In his firmest public commitment made to Vietnam in his current tour, McNamara declared "we will supply now and in the future whatever economic aid, military training and military equipment you need to defeat your enemy, now and forever."

McNamara's remarks, which were translated to a crowd of 30,000 persons who stood in a heavy drizzle to hear him, brought loud cheering.

McNamara had flown to this ancient capital of Vietnam earlier in the day with U.S. Ambassador Henry Cabot Lodge, Vietnamese military strongman Maj. Gen. Nguyen Khanh and other officials.

Meanwhile, the people mostly responsible for McNamara's frequent trips to Vietnam—the Communist Vietcong guerrillas—were in action earlier in the week, American military sources reported.

In an attack on a Mekong Delta outpost Tuesday, the guerrillas killed 21 defenders, wounded 6 and captured 25 weapons. A total of 15 defenders were missing after action was over. No guerrilla casualties were reported.

In Washington, the Air Force identified Col. Thomas M. Hergert as the missing pilot of a plane which crashed in South Vietnam on Sunday. The colonel's wife lives in Saigon.

Mr. MORSE. Mr. President, I received a telegram from the vice president of Armour & Co., which reads:

MONTCLAIR, N.J., *March 29, 1964.*

Senator WAYNE C. MORSE,
Senate Office Building,
Washington, D.C.:

You are the only man making any sense out of the Vietnam situation. Keep talking and maybe someone will listen.

WILLIAM C. GRAHAM,
Vice President.

I have before me a letter which I received from Saigon, South Vietnam, which reads:

HON. WAYNE MORSE,
Senator From Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you in regard to the waste here in Vietnam and what should be done about it. In my estimation the biggest waste here is that of dependents living in what is supposed to be a war area. These dependents live here at not only great expense to the Government but also at my personal expense.

Previously, I have been detailed to guard duty on the dependent's school on my off-duty time. I have been informed that from now on I will be having this guard duty during my on-duty time.

The point that I am trying to bring out here is that these people are not only living here at great expense to the taxpayer but now their safeguarding is putting an extra burden on the low ranking enlisted man and interrupting his normal duties which I am told are very essential.

I was trained for 8 months and given a top-secret security clearance at the Army Security Agency Training Center and School. The cost of this training and clearance, I was told, ran into several thousands of dollars. Now it seems that our mission here is actually one of minimum importance.

It is my desire to find out if we as Americans are here doing an important and useful job or are we here to give our officers and their dependents a luxurious life and at the same time train people like myself to be their domestic help.

It was my desire upon entering the Army to do a needed job for my country, not to babysit for my so-called superiors' children. It appalls me to look around and see this waste.

I would appreciate your correspondence on this matter.

——— ———.

I have letters not only from colonels, majors, and captains, but I have had a most interesting one—and I do not seem to be able to put my finger on it—from a sergeant. I may find it before I finish my speech. It is highly critical of McNamara's war in South Vietnam.

I have a letter here from Little Rock, which reads:

DEAR SENATOR: I agree with you 100 percent about our boys being murdered in Vietnam. I do not think the U.S. Government has a moral right to send my grandson into such a situation or any other one's boys. The whole deal will end up like Korea, so let's get out now. I hope you pour it on the ones responsible until you get the United States out.

Thanks.

——— ———.

This is a letter from New York, which reads:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We commend you highly on your statements concerning foreign aid, addressed to the Senate on March 4, 1964.

We loudly applaud your position concerning withdrawal of troops from Vietnam and your appeal for a new appraisal of our southeast Asian policy. May your influence grow and affect other leaders in our Nation in changing our sterile policy involving continuous military aid. It is our hope that our Government might soon come to consider reasonable negotiation, perhaps neutralization in Vietnam and begin with the withdrawal of our forces.

Our best wishes to you and congratulations on your courage and fresh views.

Yours very truly,

——— ———.

This is a letter which I received from California. It reads:

Hon. WAYNE MORSE.

DEAR SENATOR: I have just read with interest the enclosed article relative to your viewpoint on South Vietnam. More power to you.

In the same paper I saw the enclosed picture and article covering the return of the body of this young—20 years—soldier. It's heartbreaking to say the least. Yet, he's only one of hundreds already killed and many thousands more in the future if we continue such a futile solution.

Show this picture to Mr. McNamara and any others who think as he does and ask him to take the place of this youngster's parents—for just a moment of reflection.

Thanks for your continued good efforts.

Sincerely,

——— ———.

"MCNAMARA 'ALIBIS' ON VIETNAM NOT JUSTIFIED"—MORSE

WASHINGTON, March 26.—Senator WAYNE MORSE, Democrat, of Oregon, accused Defense Secretary Robert S. McNamara today of making "unjustified alibis" about the need for continued U.S. military intervention in South Vietnam.

MORSE made the charge on the Senate floor while McNamara was briefing the Senate Foreign Relations Committee on America's military commitment in South Vietnam. MORSE is a member of the committee, but boycotted the briefing.

McNamara stirred a storm yesterday in the House Foreign Affairs Committee while testifying on the need for President Johnson's proposed $3.4 billion foreign aid bill.

Sources said he told the closed session that the $1 billion military aid request in the bill is $400 million short of what military leaders feel is really needed.

MORSE, who favors withdrawal of U.S. troops from South Vietnam, said he would reply on Monday to a major speech McNamara is scheduled to give tonight on Vietnam.

ONE BILLION DOLLAR LIMIT

The administration asked $2.4 billion for economic aid and McNamara said legislative leaders had made it "crystal clear" that $1 billion was the limit for arms aid.

Members of the Foreign Affairs Committee, headed by Representative THOMAS E. MORGAN, Democrat, of Pennsylvania, couldn't believe their ears. Many said they were shocked and worried—even "appalled."

They urged McNamara to come up with a new figure that would do the full job. Later, at the closed hearing, he said the "optimum" or best amount would be $1.4 billion. But he said the administration still was requesting only $1 billion and was studying ways to meet the deficiencies.

NARROW MARGIN

Representative WILLIAM S. BROOMFIELD, Republican, of Michigan, said: "Certainly, the Congress is not going to be working on a narrow margin with 16,000 American boys in Vietnam."

Representative WILLIAM S. MAILLIARD, Republican, of California, commented angrily, "What do we have to do—wait until after the election?"

Representative PETER FRELINGHUYSEN, Republican, of New Jersey, said McNamara had a duty to report to Congress what was really needed "even if we don't listen."

McNamara said he had warned Congress last year about the adverse effects of cuts in military aid but it didn't do any good. The lawmakers slashed his request last year by $405 million to a final total of $1 billion.

McNamara said the slash last year caused "absolute chaos" in arms assistance planning and millions of war items had to be canceled.

To avoid that happening, he said, the administration decided to ask this year for only what it thought Congress would vote.

LOS ANGELES SOLDIER HERO HOME TO LAST REST

(By Harry Tessel)

Pfc. Frank J. Holguin, 20, came home from Vietnam today—to rest forever in a soldier's grave.

Secretary of the Army Stephen Ailes wrote his family: "Your son served his Nation with courage and honor."

Frank's grieving mother, Mrs. Anita Holguin, said: "Today, my son. Tomorrow, someone else's. My heart goes out to all the other mothers."

Her son was born in West Los Angeles and was raised at the family home, 11747 Darlington Avenue.

He was a tailgunner in an Army helicopter shot down by enemy gunfire on March 15.

Frank's sister, Mrs. Norma Arujo, 31, told the Herald-Examiner:

"It was especially heartbreaking because we got a letter from Frank the day after receiving word he was killed.

"The letter was to my mother and father.

"We were so looking forward to Frank's coming home on leave. He was halfway around the world—and this had to happen.

"Now, he is coming home to rest."

Rosary for Frank Holguin, son of Modesto and Anita Holguin, will be recited at 7 p.m., Monday, at the Pierce Brothers Mortuary in Santa Monica, 1307 Seventh Street.

Requiem mass will be celebrated at 10:30 a.m., Tuesday, at St. Sebastian Church in West Los Angeles. Interment with full military honors will be at Holy Cross Cemetery.

That letter was from Huntington Park, Calif. This one is from Los Angeles:

MARCH 26, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Permit a resident of another State to congratulate you on your forthright statements regarding our position in South Vietnam.

I certainly agree with you that we should get out—and completely—of that unhappy country.

This war is not in our national interest and our involvement only threatens a larger world conflict.

I hope you are able to win backing for your position. Opposition voices to our military adventures seem lost in the Government these days—and you are indeed to be commended for your courage and foresight.

Sincerely yours,

——— ———.

This is a letter which I received from Oregon:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: I just want to let you know I fully agree with your stand on South Vietnam, and on the entire foreign-aid program.

I have suspicions that many higher ups in the present administration, possibly even the President, are now preparing the public for our actual participation in the fighting in South Vietnam soon after the election. As far as I am concerned, South Vietnam is not worth the life of a single American. It is foolish to think that China can possibly offer a military threat to the United States within the foreseeable future.

Our entire foreign-aid program is the greatest fiasco the world has ever seen—possibly a little real help to a few deserving, but for the most part an encouragement of dictators, bribery, despotism, and discouragement of real progress. We have not gained a single friend and have turned many against us.

With best wishes.

Sincerely,

——— ———.

I have been advised today by one of the leading correspondents to be on the lookout for a subtle move at the Pentagon directed toward getting into South Vietnam, by the use of American guerrilla fighters, by one pretext or another. The Pentagon denies it.

I serve notice on the Pentagon through this speech that I have received this information from sources that I think are sufficiently reliable so that I intend to watchdog the Pentagon day by day for a constant check on its maneuvers. I warn the Pentagon that I would not advise it to engage in any secret maneuvers which would send American guerrilla fighters into South Vietnam.

The next letter is from Portland, Oreg.:

MARCH 25, 1964.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: I agree with you re your views on Rusk. He is worse than McCarthy ever was.

There's already been too many American boys killed in Vietnam; and for what?

Keep up your good work on trying to get foreign aid reduced.

I can't see where foreign aid has made, or kept us any allies; the one thing it has done is to tax the American people for more than they should be taxed.

Very truly yours,

——— ———.

The next letter is from Washington, D.C.:

MRS. MIRIAM LEVIN,
March 28, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you, thank you, thank you, for the speech you gave in the Senate on March 25, calling for the withdrawal of our troops from Vietnam. You made me proud to be an American.

Enclosed is a letter I sent to my Senators, Congressman, the President, and newspapers.

Good luck and keep up the good work.

With sincere good wishes,

MIRIAM LEVIN.

———

MRS. MIRIAM LEVIN,
March 28, 1964.

President LYNDON BAINES JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am writing to ask you to use all your influence to see to it that there is an immediate withdrawal of our military forces from South Vietnam.

I have seen on the television screen pictures of napalm bombs which come from our country, being used to burn out any village in which they suspect guerrillas may be hiding. In addition to napalm, we supply a phosphorous explosive, fired from artillery and also from fighter bombers which erupts in a white cloud, burning through everything it touches. I protest this brutality and killing because it is wrong and this kind of horror has never solved any problems and does not win a war.

Just why are we there? Does Vietnam belong to us? It is not possible that there is a legitimate revolution of the people going on there. The Government now in South Vietnam was not elected by the people and does not represent them. South Vietnam has known nothing but tyranny for the last 10 years, yet we insist on a policy of noninterference in everything but fighting.

Are we killing women and children to contain China? Is this the reason we are being so immoral? Rotten means never justified any ends and we will lose moral leadership in the eyes of the world if we continue a senseless war.

A negotiated settlement by all countries concerned is the best solution, and this negotiation cannot be settled without mainland China.

The American people will support you, President Johnson, if you go to them and ask for support for reconvening the Geneva powers—the countries, including the People's Republic of China, which settled the French Indochina war in 1954, to plan the demilitarization and neutralization of the whole southeast Asia area.

With sincere good wishes,

MIRIAM LEVIN.

The next letter is from New Milford, N.J.:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Congratulations for your continuing criticism of our involvement in the war in South Vietnam.

Your words "close to aggression" seemed particularly appropriate because I feel that many people (American and otherwise) feel that we are continuing where the French left off.

In my opinion our actions in Vietnam represent anticommunism at its most hysterical extreme. If there were clear-cut issues of right and wrong there might be some justifications for our tremendous expenditures in money, materials and blood.

I, for one, object to American participation in the bombing of villaegs and jungles because they are labeled "Communist controlled."

The people of Vietnam have suffered war too long.

Our efforts should be exerted toward ceasing the conflict and not attempting to accomplish total victory.

Keep up your good work on this subject, sir. You have the support of many people.

Thank you.

Very truly yours,

——— ———.

P.S.—I have submitted a letter which will be published in our local Bergen County newspaper advocating support for your position.

Thank you.

The next letter is from San Antonio, Tex.:

MARCH 23, 1964.

DEAR SENATOR MORSE: Thank you very much for your stand on the matter of Secretary McNamara telling the world what the United States will do in Vietnam or any other place.

We think it is time the U.S. Senate starts running the country again and not give over all their authority to the President, the Supreme Court, and the State Department.

Thank you for the consideration. I hope you see it my way.

——— ———.

The next letter is from Los Angeles, Calif.:

MARCH 24, 1964.

DEAR SENATOR WAYNE MORSE: I congratulate you for your urging to withdraw our boys from Vietnam, and I hope you'll keep on working until they come home.

——— ———.

The next letter is from California:

MARCH 25, 1964.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SIR: The sanity and realism in your today's foreign policy speech, pertaining to Cuba, Panama, and Vietnam will inevitably touch off a flood of hateful repercussions against you from the war hawks' quarters. Because of it, as my own "rebuttal" to those almost certain attacks on you, I am herewith registering my own reaction to what you said, and telling you of my almost complete agreement with the views you so eloquently and forcefully expressed.

The point on which we differ is that of Vietnam, situated on another continent than ours and on the other side of the world. Everyone conversant with what is going on in the world, is fully aware that we are not there for defense of the United States, but to protect the selfish interests of greedy corporations and individuals who seem to think that they have a natural right to spread themselves, like a gigantic octopus, over the entire earth.

In my opinion, all American troops and their equipment should be promptly removed from Asia, and its people henceforth be left to fight to a finish their own internal affairs, without our unsolicited and unappreciated so-called assistance.

I expressed this opinion in a letter to President Johnson just the other day, a copy of which is herewith being enclosed to yourself.

Sincerely yours,

——— ———.

The next letter is from Minnesota:

Senator WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: My heartiest congratulations on your stand on Cuba and Panama. We need more men like you in the Senate and House to stand up and be counted for what is clearly right and which has been a shame in our foreign relations for too many years. Your numbers are growing and I have been pleased when I wrote to other representatives in Congress, such as Senator MCGOVERN, of South Dakota, to find that their favorable mail far outweighed the unfavorable.

The only thing wrong with your stand is that you did not go far enough, and I mean in regard to our policy on Vietnam. There is a general opinion that to withdraw from Vietnam would occasion a great outcry among the American people. Nothing could be farther from the truth. The only people who are interested in maintaining the war in Vietnam are the industrialists and munition makers who are reaping a rich harvest and a few politicians who are keeping themselves in office by fooling the public into believing that we are wanted and are necessary there. The American people generally are sick and tired of our being in one perpetual war some place or other and maintaining a huge army that is expensive, completely unnecessary and a disgrace to the world. The only outcry you are going to hear is from the boys in service who, if this outrage of compulsory military trainining is not soon stopped, are going to rise up in wrath and make the present Negro uprising look like a Sunday school picnic. I have a son who was drafted last May and he tells me that resentment among draftees is a hundred percent and that the young men of this country are sick and tired of being told they must suffer and die for a freedom that they themselves have been denied. The reason why you fellows in Congress do not hear more about this is because the public has been arm twisted into believing that any report against it just leads to further harassment of the fellow who has been drafted by threats of fines and imprisonment. All right, if we live in a free country and if we cannot appeal to our elected representatives without being called malingerers, Communists, fellow travelers, and dupes of the Communist conspiracy, then it's about time some of us got up on our own two feet and told the world we have become exactly what we are supposed to be fighting against. I, personally, do not see much difference between being dictated to from Washington or Moscow. And this, by the way, is exactly what the Communists have always predicted for us.

If there is anything to the rumor that you may be a future Secretary of State it would be a move in the right direction. What we have there now and what we have had for the past three administrations is what has led us into the present mess we are in. If the President could be assured by the American people that a change there and in the Department of Defense would be to the happiness of the voting public I am sure he would make that change. As a former Republican I can speak for myself and many others who have left the party of the far right. As matters stand now, President Johnson is very popular. The shoutings of the Goldwaters, Rockefellers, and Nixons will avail them nothing. It's a lot of noise and that's all. The voices of the men like Senator MORSE, Senator McGOVERN, and Senator MANSFIELD, and now your own, are the voices the voters will be listening to between now and November. This town I live in is an old Republican stronghold. it went Republican along with Maine and Vermont in 1936, yet today I hear much praise of President Johnson. I heard a man who has voted Republican all his life say last week that what we needed in Congress right now is a few like Senator MORSE. Johnson is far more popular here than Kennedy ever was. His speeches on peace have been very well received. The American people long for peace and it is the American people who are going to elect a President next fall, not the munition makers.

I am sending a copy of this letter to Senators MORSE and MANSFIELD. McGOVERN already knows what I think, so do the two U.S. Senators from Minnesota, who are fine men and could be in far higher posts in the Government than they are now. I honestly believe that all you fellows need down there in Washington is a few letters like this to assure you that the American people in the vast majority are with you in speeches like you made yesterday. The Government in Washington has lost touch with the people. When I tell my neighbors and friends to write to their Senators and Representatives they shrink away and say that it won't do any good anyway, that you will do just as you please. I know that that is not true. How can you represent us if you do not know what we think? Why, if we really live in a free country, have we no right to make our wishes known? If we have come to this, then I, for one, am ready to leave. My ancestors pioneered and fought and died for this country. If I cannot now make my voice heard, if I am to be called names because I do not go along with the deadly conformity of the average citizen, then I will pack up and go to Canada or some other place where a citizen has not only a right, but a duty to speak out.

As for you, and the men like you in Congress, keep on with your views and your speeches; if the people must be led, let them be led right. And you are right. You are right on Panama and on Cuba. You could be even more right on Vietnam. Why put off the inevitable—as we have done in Cuba and Panama? Let's face it now and by the time November rolls around there will be so many other things to think about that Vietnam will be forgotten.

Sincerely yours,

——— ———.

The next letter is from Illinois:

MARCH 26, 1964.

Senator WAYNE MORSE:

DEAR MR. MORSE: I want to commend you for your courageous stand on Vietnam. I just heard Edward P. Morgan comment on your speech to the effect that it amounts to aggression what our Government is doing in South Vietnam, and that we should get out of there.

I wholeheartedly agree with you.

Most respectively,

——— ———.

P.S.—Please send me a copy of your speech.

The next letter is from Florida:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to take this occasion to thank you and congratulate you for your statements of March 11 in re South Vietnam and our foreign relations situation in general.

In my opinion you are and have been correct in all of your opinions and the American people can be glad there are a few at least in our Congress who think correctly.

Keep up the good work.

Wishing you continued good health and success in your efforts.

Sincerely,

——— ———.

The next letter is from Michigan:

MARCH 25, 1964.

MY DEAR SENATOR MORSE: Just another, I'm sure, expression of appreciation for your fine speech of March 4 on foreign aid and its relation to South Vietnam. Congratulations and more power to you.

Respectfully yours,

——— ———.

The next letter is from New York:

Hon. WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SIR: Let me commend you on your forthright and realistic stand with regards to American foreign policy in Vietnam. It goes without saying that yours is a voice in a wilderness of impractical, costly and dangerous solutions to a thankless situation in southeast Asia.

I am writing also to Senator ERNEST GRUENING, of Alaska, who, like you, supports the withdrawal of troops from Vietnam, and to my Senators from New York State urging them to support any debate, discussion or legislative proposal that would cease the bloody and meaningless loss of innocent civilians and Americans lives in Vietnam. What price is any American victory if it means a possibility of greater military commitment, support of unpopular regimes, greater financial burdens and the spreading of war?

As President Johnson so appropriately stated yesterday in his speech to the AFL–CIO, general war is impossible and our objective must be the "quest for peace." The United States should strive for solutions to world problems by action which befits the greatest power in the world. These problems cannot be solved by brute force as some people so glibly and unthinkingly suggest. Our approach must be based on reason and restraint.

Your continued support of a realistic policy toward Vietnam is most important in our great deliberative assembly where the marine callers and superpatriots so often upset a sober and reasoned approach to our country's problems.

Sincerely yours,

——— ———.

The next is a letter from Pennsylvania:

MARCH 16, 1964.

DEAR SENATOR MORSE: We receive the Eugene Register-Guard here, and were very pleased to read your forthright statements on the need for the United States to get out of Vietnam. I checked back through the New York Times of about the same period, and am disappointed that they make no mention of your brave statements.

I am enclosing a second, stronger letter to President Johnson based on political arguments. Thought it might interest you.

Sincerely,

——— ———.

—

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As in the Korean war, we again stand "on the brink" in Vietnam.

This was a policy promulgated by John Foster Dulles and it cost us heavily in American lives and American funds. It stands as one of the bloodiest wars in history. Poor Mr. Truman was stuck with that war and could not figure out any honorable solution short of pouring more American boys and more American arms into the caldron.

The weight of public protest during the Korean war encouraged General Eisenhower, then a presidential candidate, to promise thorough reevaluation of our policy. This resulted in the end of that conflict.

Now it seems to me, Mr. President, that you face a somewhat parallel situation in history. By not taking a bold and dramatic step to stop the war through negotiation right now, you run the considerable risk of having a Republican candidate ride into the Office of the Presidency, just as Mr. Eisenhower did. (And let me add that stopping the war in Korea stands as the greatest contribution of the Eisenhower administration.)

I know that you are fully aware of this possibility, and for that reason you would like to hold the status quo in Vietnam. Keeping Cabot Lodge in Saigon is certainly a good way to operate in a bipartisan foreign policy. However, there is no guarantee that we can keep this issue "on ice" for 6 months and get you safely elected before you can do a real job of reappraisal.

As a Democrat who works at the precinct level, it simply does not make sense to me to let the Republicans have Vietnam as an issue in November, while we fool around with an outmoded foreign policy invented by John Foster Dulles. Aside from that, a decade has passed since "brinkmanship" was invented, and we may have to face the facts of life, as Walter Lippmann has stated, that the whole world simply will not necessarily conform to what we would like it to be. With nuclear arms about, escalation of any war is a dangerous game. We may be called upon to agree that there is room for diversity in the world as Mr. Kennedy pointed out.

As reports from the State Department have often appeared to be conflicting and contrary to the facts as presented by the press, I urge you to take into consideration the views of Senator MORSE, Senator MANSFIELD, Senator GRUENING, Senator BARTLETT, and others who oppose escalation of the war in Vietnam and favor an honorable and peaceful negotiation by all countries concerned.

Sincerely,

——— ———.

The next letter is from New York:

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Once again I take the time to commend you for your remarks on the American press which is concealing from the American people the true facts as to why American boys are being sent to their death in South Vietnam.

Please send me copies of Senator GRUENING's two speeches which you mentioned in your remarks in CONGRESSIONAL RECORD of March 13. Thank you.

Sincerely,

——— ———.

The next letter is from Oregon:

MARCH 13, 1963.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Glad to hear of your remarks in the Senate re Vietnam last Wednesday. I would appreciate it if someone on your staff could send me speeches you have made, and any other proposals by BARTLETT, GRUENING, or MANSFIELD which pertain to Vietnam. We are considering running an ad here, and need more background information.

I'm wondering if anyone of stature has made some concrete proposals on alternatives in Vietnam—the kind of neutralization we might seek. While I tend to agree with you in an earlier statement you made that it is hard to see how the populace could suffer much more under communism than they did under the Diem regime, I also believe that we should look for a solution that will not mean surrender, but that will allow us some opportunity for nonmilitary aid and contact. We can't force any people into freedom—but we may encourage growth in that direction if we're willing to work with them, as equals, side by side. I'm afraid I have more faith in the Peace Corps at this point in history, than in the Air Corps.

Enclosed is marred copy of letter to White House commending your position. Maybe they'll tabulate it or something.

My cheers and support for all your many efforts in a wide variety of directions.

Sincerely,

——— ———.

MARCH 11, 1964.

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR SIR: I see my Senator, Wayne Morse (I think he's the greatest, of course) called today for withdrawal of American forces in Vietnam. I haven't seen his speech, and don't know what alternatives he proposed—but surely we can be actively exploring possibilities for neutralization of the area. Perhaps, after our experience over Laos, we can find our way to a better solution under firmer international controls.

Surely such a settlement would be in our best interests. Continued spending of American lives in support of a dictatorship utterly distasteful to most of us, seems a tragic waste. We, who are interested in building peace in the world, and putting an end to war, should surely be interested in taking new steps toward the building of international law and peacekeeping machinery in this ugly situation.

Then, too, it is in peace that the institutions of democracy can best grow. I doubt even the most loyal South Vietnamese are learning much about the real virtues of our system from either our guns or our professional military men. Teachers, doctors, technicians and Peace Corpsmen with some basic understanding of our civilian institutions could do far more to help the villagers find a viable alternative to communism, than any number of napalm bombs.

I have found most of your policies and proposals to date, sir, sound and exciting, and I am quickly becoming an enthusiastic supporter. Our present policy in Vietnam—and the utterly repugnant talk about invasion of the north—however, seems completely out of character. Our posture there surely is winning none of the "noncommitted" peoples to our support. Here we are cast in the role of tyrants, shoring up a reactionary regime, and apparently seeking to hinder social change rather than to direct it in positive channels.

We need surrender nothing in the area. We need only look for positive and peaceful solutions in keeping with great aims and heritage of our own society.

Sincerely,

——— ———.

The next letter is from Oregon:

MARCH 19, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR WAYNE: I congratulate you on your speech of March 4 urging the United States to get out of Vietnam and your overall appraisal of China's position.

Since I was in the District of Columbia at that time I did not hear of any publicity on your speech in the Oregon press and do not know whether there was any.

If you could send me a copy of your full statement as it appeared in the CONGRESSIONAL RECORD, I would thank you. I have seen only an abridgment from I. F. Stone's weekly which justifies itself at times, despite its own brand of bias.

With best wishes,

——— ———.

The next letter is from Oregon:

MARCH 14, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

SIR: Your newsletters reach me regularly, a service I greatly appreciate.

Your stand on the issues confronting the Congress usually is endorsed by me and I was especially pleased with your stand in regard to our policy in South Vietnam, and with the speech you made in the Senate on this vital issue. We are using men and arms and huge sums of money in a situation which is, in my view, a hopeless one and I endorse the policy of withdrawal as stated both by yourself and by Senator GRUENING.

In regard to the medicare bill which will be financed through social security and which is now pending in the Congress, I respectfully urge that it be passed. Even in its greatly amended form it will be at least a step forward.

Yours truly,

——— ———.

The next letter is from Oregon:

MARCH 19, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Keep fighting to bring American invasion in South Vietnam to a quick end. Good luck.

——— ———.

The next letters are from Oregon:

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: There certainly must be something wrong in our State Department's foreign policy. The U.S. prestige around the world was never at such a low ebb, as at the present time.

We read where our flag has been torn down and trampled on, our Embassy's private property damaged and destroyed in numerous countries around the world—where we have been insulted and told "Yankee go home" after all the aid we have given them and still continue to do so.

For example Panama—we still continue giving them aid after all the insults and armed assaults on our citizens and after breaking off diplomatic relations. A person sure begins to wonder about Communist infiltration in our State Department when we look at the record.

And about Vietnam—we never can win the war there under present conditions—we have our men over there with instructions not to shoot at the enemy unless they are shot at first. How silly. We should either be willing to go all out, or give them the "works" or else get out and leave them alone—the French couldn't win over there and neither can we under our present setup—we are just pouring our money down a rathole.

Enclosed clippings describe my sentiments about our present administration on our foreign aid and diplomacy, and I am sure there are millions of Americans with the same opinion.

Imagine giving aid to such a worthless scoundrel as Sukarno of Indonesia and helping him to take over Dutch West New Guinea. How can anyone understand such a foreign policy or diplomacy? I wouldn't be surprised we end up by giving Panama the canal. Nothing our State Department does would surprise me any more. It's disgusting.

Yours truly,

——— ———.

JANUARY 27, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am deeply concerned with our policy of supporting any country whose leader says they are against communism, but who is really a dictator, and does not believe in democracy. An example I have in mind is Gen. Francisco Franco, who has been a dictator in Spain since 1936. We give him $350 million per year. I believe this is a pure waste of money.

I appreciate your strong comments in Congress on this subject. Thank you.

Sincerely yours,

——— ———.

Mr. President, I submit for printing in the RECORD sundry additional letters and telegrams, with notations as to the States of origin.

From Washington, D.C.:

DEAR SENATOR MORSE: It is good to see you putting the facts about the Vietnam war into the RECORD and trying to get a change in our policy in that area. There is no excuse for this interference by the United States in the affairs of southeast Asia, or for the deaths, torture, napalm, etc., that accompany our arrogant partisanship.

Do you have your speeches in form for distribution? If so, I should like to get copies for myself and several friends.

Sincerely,

——— ———.

From Maryland:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I have today read a few excerpts of a speech you delivered to the Senate the other day on our foreign policy in Vietnam.

I wish to commend you for your upright condemnation of our actions in Vietnam. One of my sons was in Korea during our war there and I certainly do not want my other two sons sent to Vietnam.

I am opposed to the killing of our manhood and the draining of our resources in the quest of an incomprehensible, so-called democracy, which starts out by supporting and backing dictators all over Europe, Asia, Africa, and South America. We need a little more democracy (especially economic) at home, before volunteering to force it on the Asians.

I would appreciate your sending me Senator GRUENING's as well as your speech regarding Vietnam.

Sincerely yours,

——— ———.

From Kansas:

DEAR SIR: I have just read an article concerning your feelings about having our men in South Vietnam. God bless you.

My husband is stationed in Da Nang—and I know he is doing a good job—but it sure does seem hopeless. That whole affair over there seems like a waste of men and money. We are only doing half a job. So why start? We need more decision. Hope is fine, but inspection tours and news conferences never won a war. If we are going to win, let's fight. My husband is a man with 17 years' experience in the Air Force and I am proud of this, but he is on a wild goose chase right now I think. Ulcers aren't healed by hope alone—and the whole of southeast Asia is an ulcer on the face of the earth.

Another subject that I think is worth your consideration is social security for widows. A woman who looses her husband has to wait 'til she is 62 before receiving any benefits—even if her husband had been receiving social security benefits before his death. This can be a considerable hardship on the widow and I believe this area of social security could benefit from study.

With every good wish for your health I am

Yours very respectfully,

——— ———.

From Georgia:

Senator MORSE AND MEMBERS OF THE SENATE.

DEAR SIRS: A few days ago I read in the news of your and others opposition to our boys being kept in Vietnam.

I, like hundreds of others agree that there is no justification in having them placed as a target, for the Communists. Please let them fight their own war. So much money is being spent, and our American boys are losing their lives in a country that is so far away, where we can't win if we tried.

My son is there flying a helicopter in the delta, and only under God's care has he escaped.

My family knows what war means, my father, an uncle in World War I, my husband in World War II, and now my son in constant danger every time he flies. Can't you do something please? My son's wife and little son need him as so many others need their father, but they are doing a job for their country. Can't we do something for them?

If this war paid off, I guess it would be different, but the struggle in Vietnam is an old one, and will be, for a long time I am afraid.

He has a little son, 8 months old, and she (his wife) doesn't know how bad he is wounded, he was struck in the head.

Thanking you for your time, I am just an anxious mother.

Respectfully yours,

——— ———.

From Florida:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have read a report of your speech to the Senate as printed in St. Petersburg Independent, March 11. I want to say that there are thousands of Americans who will heartily support your stand on this Vietnam mess. I hope you will continue to keep this position before the people.

Respectfully yours,

——— ———.

From Washington, D.C.:

MY DEAR AND BELOVED SENATOR MORSE: Your continued assertions on the withdrawal of military in Vietnam is welcomed by peace movement throughout the country. We have much to do before this view will be accepted by the administration. First of all many of your colleagues, such as Senators HUMPHREY, FULBRIGHT, SYMINGTON, JAVITS, KEATING, PELL, MCGOVERN must also speak up for international negotiations now at the U.N. and at Geneva. We have waited long enough before sitting down to the conference table. What chance is there for peace or for the U.N. if we do not use it when war comes? Negotiate or perish.

There are really many alternatives to the present situation. But the Senate will have to speak loud and clear to all papers, to the White House, and State and Defense Departments. Once again a foreign government is going to run our policy like Nationalist China, Germany, Cuban exiles, etc. Please do not allow them to get away with this again. It is not in our interest, in Vietnamese interest to continue the war. I fully agree with you. Only ask that you not let up your assault and gain other supporters—MANSFIELD should again speak, BARTLETT, KEATING, GRUENING and should call at White House to protest present plans to carry on guerrilla actions against North. This would have reverse effect—it would give Ho a chance to really invade.

Writing many others around Capitol.

We will have peace soon.

Keep it up.

With love, respect, confidence, then we have to get to Chinese representation which is essential for developing a world community and then question of NATO—good or bad?

——— ———.

From Wisconsin:

PROVOST RESIDENCE,
Milwaukee, Wis.

DEAR SENATOR MORSE: Thank you for taking the fine stand in regard to Vietnam. We don't want to sacrifice American boys there anymore. What can we do to stop it?

Sincerely,

——— ———.

P.S.—I have a son in the Marine Corps.

From New York:

HONORABLE SIR: We agree wholeheartedly with your views of South Vietnam: That our boys have no right to die on foreign soil for an unjust cause and an undeclared war. Let the United Nations take over.

Please continue to fight for justice and against involvement.

——— ———.

From Kansas:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I see by the newspaper that you are and have been opposed to having American troops in Vietnam and I want to congratulate you on this matter. I, too, am opposed to it and have been ever since this business started. All of Vietnam is not worth the life of one American boy.

Keep up the good work in this connection and maybe our boys can all come home soon.

One other subject: I would like to ask your consideration—it is social security for all widows, regardless of their age.

My husband passed away very suddenly 2½ years ago (heart attack). At the time of his death he was 75. I am 20 years his junior—now being in my 58th year. I must wait until I am 62 at least before I can collect on his social security. He had paid from the day social security began. This does not seem fair to me; just because I am younger than he.

When this bill comes up again for consideration I wish you would consider all widows who are left alone. Maybe we cannot all go to work and if we can, it would be almost impossible to earn enough to bring our social security up to the amount we would be entitled to from our husband's earnings.

And also what we pay into social security from our lower earnings goes by the board and is lost when we choose the greater amount from our husbands' earnings.

I hope I have made myself clear and you can see your way to trying to remedy this situation.

In the meantime, keep up the good fight on Vietnam.

Thanking you most sincerely for reading this letter and with very kind regards, I am,

Respectfully,

——— ———.

From California:

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your speech of March 5 to the Senate regarding Vietnam. It was very important and urgent. We are all very much concerned about the turn of events in South Vietnam.

I have written to the President urging him to find better ways of adjudicating the conflict.

It is my feeling that you and other serious minded Senators should do a study on ways and means of settling the conflict.

Isn't it naive to think that we can win a war (which as you say) in a far-off land and which will mean no victory—it will be intervention. Better let us be the "peacemakers." I think we are already too dangerously deep already.

Thank you for all you efforts to save our country from infamy and our children from death.

Most respectfully,

——— ———.

From California:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Just heard over the radio that you demanded in the Senate that the United States get out of South Vietnam, stop slaughtering American boys.

Bravo, I say. We have no business there, and can't win this unpopular war—97 percent of the Vietnam people are against the United States and the Saigon military junta.

We who are informed know that the "Vietcong" are the millions of little people they—who hate the United States and the Saigon government.

Anyone with brains knows that a U.S. attack on North Vietnam will involve China, and anyone who thinks the United States can attack China without the U.S.S.R. getting in is crazy.

The United States has a sad penchant for always getting into wars against the masses of the people. Can't we say goodby to Syngman Rhees, Chiang Kai-sheks, Batistas, Francos, and such scum?

Sincerely,

——— ———.

From New York:

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: When, several days ago, I read in the papers that you were demanding the withdrawal of our troops from Vietnam, I addressed a letter to the New York Times, copy of which I enclose herewith.

Needless to say, I have today received a rejection notice from the Times.

I am one of the signatories of the "Open Letter to President Kennedy on Ending the War and Making Peace in Vietnam" which was run as a paid advertisement last spring. You might be interested that we received requests from over 600 individuals and organizations, asking for reprints of this open letter and through these, we distributed more than 20,000.

I believe you will be interested in this evidence of a strong opposition, throughout the United States, to our Government's policy in Vietnam. From correspondence with many of these people who distributed our open letter, I know that this opposition has grown and is continuing to grow since last spring. I continually receive letters asking us when we are going to repeat this expression of the opinion of the people of the United States against the war in Vietnam.

With respect and admiration,

——— ———.

From New York:

Hon. WAYNE MORSE,
Senator of Oregon,
Senate Office Building,
Washington, D.C.

DEAR SIR: I heartily congratulate you on your courageous stand on the issue of American involvement in Vietnam. I agree that we should have never gone in—and now that we are involved, we should leave. I am sure that there are many Americans who applaud your actions and who will support you and others who will fight for freedom and justice even if you are alone, or are few.

Again, keep up the good work. We don't want more American boys dying in southeast Asia—we want them home.

Sincerely yours,

——— ———.

From New York:

MARCH 12, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: You are so right about our position regarding Vietnam.

That whole damned stinking southeast Asia is not worth the life of one American boy.

Also we should give more aid to the people in Kentucky (coal miners) and one hell of a lot less to other countries around the world.

Yours,

——— ———.

From Minnesota:

WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Congratulations and support for your courageous action in denouncing our dirty war in South Vietnam thus striving to restore peace and our country's humanity.

——— ———.

From New York:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I applaud your sensible position on Vietnam.

Bravo.

——— ———.

MARCH 14, 1964.

DEAR SIR: I applaud wholeheartedly your recent speech on Vietnam. Yours is the voice of sanity and commonsense and brings a ray of light to an otherwise hopeless situation. Let us hope more and more people will listen and take heed before the deeply dangerous game turns us all to ashes.

Yours faithfully,

——— ———.

MY DEAR SENATOR MORSE: Wife and I were very happy to read about your efforts to stop this Vietnam madness. Why haven't we got more Senators like you?

The McNamaras, Taylors, and others advocating atomic war should read past and recent history.

They are heading for disaster not only to themselves and all the things we hold dear, but to the whole world and human race.

In 1905 when I landed from Turkey, the United States of America was the most democratic, nonmilitaristic country on earth. Now I can't recognize it.

It beats even the red sultan's doings. Of course, the sultan never claimed to be a Democrat. He was an absolute monarch, and his word was law. He had millions of Christian rebellious subjects bent on revolution and insurrection, and to some extent he was justified in his oppressive methods.

But we are invading and fighting peoples thousands of miles from our shore that never did us any harm; that want to be friendly and trade on equal terms as we asked old King George to permit us to do in 1776.

When he sent the redcoats and German mercenaries, we rebelled. Why should we be surprised if now those oppressed people do what we did? The British called us rebels and hung us. We call them Communists and are shooting them down by the thousands. Now is the time to stop this madness, before we are engulfed in a global atomic war, wanted only by big monopolies and moneybags, and sadists, and merchants of death. Do the American people want that? No. I challenge them to put to the vote of the people. They don't dare. You are a Senator and can fight. I can only write letters. When in Turkey I joined the guerrillas, fought the Turks, and we chased them out of the Balkans in 1912. Here we have the ballot and constitutional democratic government. But it is failing us in this crisis that may decide our fate and the fate of the human race.

Respectfully,

——— ———.

From California:

Senator WAYNE MORSE,
Senate Building,
Washington.

DEAR SENATOR: It was with much pleasure that I read in the Oakland Tribune a résumé of what you told the Foreign Relations Committee recently regarding South Vietnam.

You are right, we should never have gone there; those people were entitled to an election within 2 years after the French removal but our Government moved right in disregarding their rights and all promises.

It has cost us millions of dollars and what are we getting in return? We are getting nowhere fast.

Please keep up your good work. The people of our country will be with you strong. Your voice will be a mighty force which put a halt to this terrible business.

Very sincerely,

——— ———.

From Florida:

MARCH 11, 1964.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: As constituents of yours for many years it is inconceivable to us, just as to what this administration is doing in Vietnam (South). You are to be congratulated on your upright and fearless statement on this vital subject and the shocking waste of American blood and money in South Vietnam has been a mystery to millions in this country of ours. Just what else but murder and how true your statement that "All of South Vietnam is not worth the blood of one American boy."

We most certainly need more good men like Senator WAYNE MORSE to awake this country to some of our foreign policy, that does not make sense.

With kind regards and best wishes we are,

Sincerely,

——— ———.

From Wisconsin:

MARCH 11, 1964.

DEAR SENATOR: In Vietnam we are fighting a war which we have practically no chance of winning in the foreseeable future, due to the fact that those who are supposed to be fighting the Communist are concerned mostly with military coups and local politics. The result will be neutralism. In Cambodia we are insulted and even our money aid is refused, and we are asked to guarantee their neutrality—this we cannot do constitutionally—might we do it anyway?

The British tell us to our teeth that regardless of our former help and friendship, that they will take care of themselves first in trade relations with Cuba, and will sell buses or any other merchandise as they wish. In other words, regardless of friendship or the danger of Communist penetration that they regard the money (from trade) as more important. Without our aid, the British would have been defeated in both World Wars. They also are actively trading with Red Russia and Communist China.

The French also tell us to go hang, and are actively promoting neutralism in southeast Asia, where they collapsed after the Second World War. They are now recognizing China (Red) which is trying to take over all of Asia—and also trying to influence much of Africa. De Gaulle also now intends to enter into Latin American affairs with a lot of talk but probably will not furnish any cash assistance worth mentioning. He also fancies himself as arbiter of much of Africa although his country did not have much success there. He is apparently trying to make up for four military defeats since the Napoleonic era. In two of these wars, the United States, with bloody sacrifices, rescued France from under the German heel.

Pakistan has turned from friendship with the United States to cooperation with Red China, and has established air communication with China from new airfields for the building of which we provided the funds. This was mostly because we assisted India to resist invasion from Red China, and Pakistan resented the buildup of India's military forces.

It is about time we reassessed the situation and started on a course of action that will be of some benefit to this country for a change. The only answer is to scrap all our former ideas on military and economic aid and begin all over again with a program that will be effective and accomplish our aims. So far, our well intentioned efforts have missed fire and engendered more ill will than thanks. When Cuba and Panama can successfully defy us and make us look bad in the eyes of the world, it is time to pause and take another look.

Some of the former foreign aid could well be turned into needed domestic aid to eliminate excessive unemployment, to assist in general and adult or vocational education, and to fight unnecessary poverty.

Sincerely,

——— ———.

From New York:

MARCH 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Although not one of your constituents, I am writing to express my admiration of your courageous and wholly accurate statements concerning our policy in Vietnam. I read the report of your statements in March 21 New York Times, almost side-by-side with the news of the Vietnamese (with U.S. military participation) attack on a Cambodian village just as negotiations between Cambodia and South Vietnam were to commence. Are we determined to precipitate a major conflict? There would seem to be no security, military or moral purposes to be served by our continued participation in the Vietnamese situation, and the vast sums of money spent for that purpose could be more effectively employed in a meaningful attack upon poverty here at home.

A convening of the Geneva Powers for the purpose of negotiating peace and a workable situation within Vietnam would be a real contribution to the cause of world peace.

Respectfully yours,

——— ———.

From New Jersey:

MARCH 23, 1964.

Hon. Senator WAYNE MORSE:

I applaud your fight for our withdrawal from South Vietnam.

Yours is a timely and courageous position and is in the best interests of our Nation.

Respectfully yours,

——— ———.

From the State of Texas:

MARCH 21, 1964.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR: Yesterday, I was shocked to read, in a Salt Lake Newspaper, that Secretary of State Dean Rusk considered anyone who did not agree with our country's foreign policy a "quitter." I thought this was a free country. One in which it was possible to express an honest opinion.

To my mind the State Department is the "quitter." Every time Russia or any other country (no matter how small) takes an aggressive action against us, we back up and think of ways of appeasing them. If we took a firm stand, other countries would respect us.

Your remarks with reference to Secretary Rusk's statements pleased me. A clipping from a Salt Lake paper is enclosed.

You cannot buy friends either as a country or an individual. It is now time for other countries to support themselves.

Sincerely,

——— ———.

From Florida:

MARCH 21, 1964.

Hon. WAYNE T. MORSE,
Washington, D.C.

MY DEAR SIR: The writer listened with interest and appreciation to your television comment this week on the subject of our foreign aid program. You stated your position on this matter forthrightly and with simplicity.

Because of your concern over the economics and expenditures of our Nation, I am taking the liberty to enclose an article which I clipped from a Baptist weekly bulletin. I am sure you will find it interesting.

Very truly yours,

——— ———.

From New York State:

MARCH 22, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Please accept our expression of appreciation for your comments on South Vietnam made in the Senate March 4.

Humanity, commonsense, and political intelligence all make our immediate withdrawal an imperative. It is frightening to consider that up to now so few voices have been raised against a bloody and self-defeating policy; frightening in that the American public seems to accept passively whatever rosy pictures are painted for it by our leaders and the mass media.

May we request that you continue your notable efforts toward effecting a speedy withdrawal of American troops from South Vietnam?

Yours very truly,

——— ———.

MARCH 21, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I am enclosing a copy of a letter to President Johnson on the subject of our policy in Vietnam.

Please accept my support in your search for alternatives to the present impasse in that country.

The decision of Secretary Rusk to label critics of his policy "quitters" does not seem to me to serve the interests of our Nation, the Democratic Party, or working democracy in this country.

Your courage is appreciated.

Respectfully yours,

——— ———.

MARCH 21, 1964.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: At a moment when it appears that our policy in Vietnam is to become a matter of public debate, may I add my voice to those who oppose an escalation of the war, and seek a satisfactory termination to our involvement in that country.

According to reporter John D. Morris in the New York Times this morning, we have now spent nearly $3 billion in military and economic aid in South Vietnam, after nearly 9 years of involvement. The prospects for a termination of guerrilla war in that country seem poor, given the terrain, the apparent unwillingness of the Vietnamese to commit themselves to their own defense, and the direct interest of Communist China in fomenting the guerrilla war.

I know that you are interested in widespread public support for the program of your administration, and I have wholeheartedly supported your domestic policy in the area of civil rights and the war against poverty. Eventually, it seems to me that public support will have to be developed for the policy of a negotiated peace in Vietnam, if the Democratic Party is to avoid the stigma of appeasement. I do not understand why Secretary of State Rusk should label critics of our present policy "quitters," since this pins the interests of our country and the fortunes of the Democratic Party to the maintenance of our present stance in Vietnam.

As a concerned citizen, I voice to you my misgivings about the escalation of the war through military strikes closer to the frontier of China. Under the circumstances, the neutralization of North and South Vietnam, supported by international guarantees, seems the more reasonable policy to pursue.

Respectfully yours,

——— ———.

From the State of California:

MARCH 21, 1964.

DEAR PRESIDENT JOHNSON: We hope that you will give more weight to the sound opinions of Senators ERNEST GRUENING and WAYNE MORSE than to the rash commitments of Secretary of Defense McNamara for unlimited aid to the present Vietnamese rulers, who do not represent the people.

We believe that you should recall our troops from Vietnam in favor of neutralization and demilitarization of the whole southeast Asia area. The United States is losing moral leadership in the world by continuing this brutal and futile war.

As lifelong Democrats, we favor letting the Republicans campaign as war-whoopers while we demonstrate in this crucial preelection period that we are for peace.

Cordially yours,

——— ———.

DEAR SENATOR MORSE: Above is a copy of the letter we sent to the President after reading about your fine statements regarding the situation in Vietnam.

Gratefully,

——— ———.

From Nebraska:

MARCH 23, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Just a wish to congratulate you on your stand, in disagreeing with our Secretary of State, Dean Rusk, on the foreign aid program, and on South Vietnam.

Personally, I feel that we kicked China, as well as Cuba, into Russia's lap; that there would be no Communist China today, were it not for our State Department trying to save some of our vested interests there. Before World War I we had a like rumpus with Mexico over the oilfield at Tampico. However, this one fizzled, and Mexico went ahead with their nationalization.

The smartest move President Eisenhower ever made was when campaigning over in Iowa, he stated, "If I am elected President, I'll bring the boys home from Korea." This one statement did more to elect him than any other move in his election. Somewhat the same thing could happen in the coming election in regard to South Vietnam.

When our vested interests leave our shores to accumulate their fortunes in a foreign country, they should become citizens of that country, and not expect Uncle Sam to send the marines down to pull their marbles from the fire.

Russia today is offering more incentives than this country in many lines—they are digressing from some of their originals in their thinking. While in our country, our free enterprise system is falling on their faces if it were not for the constant help from the Government Treasury. We just cannot stand on our own individual feet.

I think you are aware of this, and Senator, more power to you.

Yours truly,

——— ———.

From the State of Ohio:

DEAR CONGRESSMAN MORSE: Three cheers for you that we should stay out of South Vietnam. How right you are that the white man has never conquered that area. I as a mother am weary of stewing about our boys going in service. In fact, I am very much for abolishing it or at least cutting the length of time down. I can well remember when we had no such thing and so why not again? War brings nothing but debts and heartaches, and having a fiance that was killed in service how well I know. I am also happy that you feel as you do about this parochial aid to schools, again why? It is the church that wants it so let them kick in.

Sincerely,

——— ———.

From the State of New York:

MARCH 23, 1964.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SIR: The reports from South Vietnam have been contradictory and misleading, both from Mr. Lodge and Mr. McNamara. It is shameful that American soldiers are in South Vietnam supporting one rotten dictatorial regime after another. Without our support these regimes could not have survived.

If we wish to prevent the South Vietnamese from becoming Communists, burning their villages, poisoning their food crops, and putting the peasants into concentration camps will not incline them toward American democracy. We are doing everything we can to make them hate and fear us.

I hope our Government is not misguided enough to attempt to carry the war into North Vietnam, and to use nuclear weapons. This brinkmanship is a dangerous and criminal policy.

Your speech on March 4, of which I read excerpts was a gleam of hope and sanity in a mad situation. I hope your efforts to restore us to sanity will continue and will be effective.

Sincerely,

——— ———.

An Anxious and Ashamed American Citizen.

From California:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I just want to thank you for your magnificent speech in the Senate. Stop the killing in South Vietnam. Bring the boys home.

I just wrote the President urging him to end the bloodshed.

Keep up the good work. Small wars can easily become big ones and from them nobody is going to survive.

Again my thanks.

Sincerely,

——— ———.

From Wisconsin:

March 24, 1964.

DEAR SENATOR: Let me commend you for the courageous stand your are taking on the Vietnam situation. Also for calling it just what it is: Murder.

I would like to know the names of other Senators and legislators who are supporting you on your stand.

Respectfully yours,

——— ———.

From California:

Senator WAYNE MORSE.

DEAR SIR: I fully endorse your thoughts on South Vietnam.

Please keep up fighting until you succeed to get our Government agencies to stop this dirty war and the honor of our country.

Respectfully yours,

——— ———.

From Minnesota:

March 23, 1964.

Senator Wayne Morris,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I agree heartily with your statement before the Senate on March 4, that the U.S. unilateral participation in the South Vietnam war cannot be justified. I feel that we have no moral right to be engaged in that civil conflict and that the practical reasons our Government gives for our involvement seem absurd.

Please send me a copy of your March 4 address.

Very truly yours,

——— ———.

From Florida:

March 21, 1964.

Hon. Senator Wayne Morse.

Dear Senator: I wish to express my support of your position concerning Vietnam. I am shocked at Secretary of State Rusk. Up to a month ago I believed he was an excellent Secretary of State, never giving vent to invection like Acheson or to preaching like Dulles. This calm seemingly reasoning person suffering frustration now indulges in accusation which raises questions as to his abilities.

Senator Morse, I admire your guts. I wish you long residence on Capitol Hill. I wish you would join more strongly in support of Senator Clark in his attempt to democratize the Senate.

Can you send me copies of your speech on Vietnam or Panama and on disarmament? Neutralization is an answer to our problem. De Gaulle has worthwhile ideas. I used to dislike the old boy. But he has been successful.

Sincerely,

——— ———.

From California:

March 22, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: I support your contention that we must withdraw our forces from South Vietnam.

Yours truly,

——— ———.

P.S.—I've also written the President and Secretaries of State and Defense.

The following letters from Oregon:

Dear Senator Morse: I wish to express some views on some subjects and present a question or two.

I think the foreign aid program should be continued to the most deserving countries but under very close supervision by Americans on the spot. It seems that at present some of these countries are holding an ax over our head; and if we don't give them money, they will go Communist. I say, if they don't want to take our money under our supervision, let them go elsewhere.

As an old retired Navy man, who had several tours in the Panama Canal Zone, I think it would be a gross mistake to give up control of the zone to anyone; least of all the Panamanians. The equipment, etc., would be out of commission and the shops looted within 6 months. What they had left, Castro agents would take care of after that. There are just too many fanatics in this little country to handle so vital a channel.

I think the Communists should be allowed to buy all of our wheat and any other nonstrategic items, but they should pay cash on the line for them. If they have to spend cash for food, maybe they won't have quite so much left for rockets and Castro-type ventures.

If the U.S. gold outflow is our big worry, why aren't some brakes applied to the large movie companies who spend millions in every country of the world for labor and materials when we have the old unemployment problem etc., here at home? Wouldn't some high import duties on these films help solve this?

How many Russians have been killed in Vietnam getting those people there who are Communists to fight for their cause as compared to the Americans who have been killed getting them to fight for the American-sponsored cause?

It has been said that we have a hard time getting those people to fight for their cause, and it is costly in American lives, but why haven't we heard of the cost in Russian lives or whoever is supposedly forcing the other side to fight. Or, are we sponsoring Vietnamese against the other Vietnamese who disagree with us. If this question is confusing, believe me, it's clear compared to the situation as I see it in Vietnam.

What's more confusing is why we have all that modern equipment and thousands of men plus a million dollars a day expended there and the Vietcong has bushmen and old outdated equipment, and we seem to be getting nowhere. If an outfit like the Cong will fight that vigorously against those kind of odds, they must be fighting for a better cause than what we are saddled with there. How and who can inspire the Cong to fight against these odds, when we are supposed to have so much to offer the other side? Are we supporting a small minority group that really doesn't agree with us at heart?

Currently I'm for:

1. Civil rights, slowly in the South.
2. A tax cut, of course.
3. Old-age medicare.
4. For our State, a sales tax, excluding food.

I want to congratulate you on the job you are doing for Oregon and the country alike. Your judgment on subjects in the past has been interesting and sound. I like your sound thinking before action, and action when the need is urgent.

Very sincerely,

——— ———.

———

March 7, 1963.

Senator Morse: You have taken some very principled stands on a lot of things. Please take one more and support Senator Mansfield on a change of our policies in Vietnam. I am very fearful of what may happen if the war is extended north.

Sincerely yours,

——— ———.

From Pennsylvania:

Dear Sir: May God bless you, Senator Morse, for laying the facts on the line concerning our rather dubious involvement in South Vietnam.

The saber rattlers here and in South Vietnam may "have their day" but in waging a callous, inhuman nuclear war, the moral fiber of this entire Nation will be rendered void.

On the other hand, anything short of nuclear or atomic involvement would spell catastrophe, also.

Dr. Bernard B. Fall, in his book "The Street Without Joy," claims that our military advisers are beset with the same vices that befell French union forces in this area. Granted this is true, how can this great Nation expect to come out any better than the French?

Senator Morse, you, along with Senators Clark, Case, and one or two others are facing the grave issues of the day foursquare.

——— ———.

The following from Oregon:

Dear Senator Morse: Your stand on Vietnam is the only positive voice I have heard for preventing an undeclared war and the loss of more lives. What has happened to our other Senator?

——— ———.

Dear Senator Morse: When you were here in Oregon last week I had Erna Hains, of Berkeley, here at our house. She is a member of the National Board of Women's International League for Peace and Freedom and was here to give our local chapter some information about the seminar in Washington on February 7–9. I believe you know her. She was lavish in her praise of Oregon's congressional delegation. (We are truly proud of you all.)

When I was free to call you it was too late and I had so many questions to ask about a lot of things, too. But for this time I will say that we here in Oregon are deeply disturbed over the terrible situation we are in in Vietnam. I know you have been very critical of our military aid in many places, now others are becoming alarmed and maybe something can be done about it.

Senator Bartlett, of Alaska, and Senator Mansfield are alarmed. It seems to me that most of the nations are opposed to our course of action there, too. Is there anything an ordinary citizen can do about it?

I am writing to the President and to Secretary Rusk asking that a negotiated settlement be undertaken. I hope you will support the position that WILPF takes on this issue.

Congratulations on your talk to the Portland Chamber of Commerce.

Thank you and sincerely yours,

——— ———.

From North Carolina:

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I am an old resident of Eugene, and you may remember that I met you several times in Washington at Oregon meetings and at the alumni luncheon of the Industrial College of the Armed Forces where you made such an outstanding speech. Some of the alumni who came to scoff remained to pray.

The most refreshing thing I have read for a long time is Allen and Scott's column which appeared in the local Asheville morning paper yesterday with an account of your remarks on South Vietnam in a private conference between Secretary Rusk and the Foreign Relations Committee. What we are doing now may be all right, but it has the look of a creeping involvement which may drag us into disaster. As the Chinese grow stronger we may be practically certain that they will expand their efforts throughout southeast Asia.

Enclosed find a copy of a short article recently published by me. The latter part, dealing with southeast Asia, is much in harmony with your ideas.

With warmest regards, I am,

Cordially yours,

——— ———.

The following from Oregon:

Hon. Wayne Morse,
U.S. Senator from Oregon,
Washington, D.C.

Dear Sir: This Sunday evening we have seen the films on television of the overthrow of the Diem government in South Vietnam.

I believe this is good evidence of the hypocrisy of the United States trying to save countries like this from communism. For the life of me, I cannot see how we can continue to support messes like this all over the world. The new Government in South Vietnam will be just as corrupt and tyrannical as the Diem regime.

Those were American guns, American-made uniforms, American trucks, American-made helmets, and other equipment furnished by us on the men that we saw shooting at each other. I can see no honor in this revolution for us Americans, and we are going to start shelling out for these people just like we did for Diem.

You have proclaimed that you are going to see that more effective use is made of money going for foreign aid. You have my permission to stop it all. American soldiers have no business being in Vietnam at all. Let's try letting these other people fight their own battles.

Yours very truly,

——— ———.

March 12, 1964.

Senator Wayne Morse,
Senate Offices,
Washington, D.C.

Dear Senator Morse: It was heartening to have you speak out against the remarks of Secretary McNamara. Why should these men be committing us to such a futile war and assuming foreign policy direction?

Now the French lived and ruled among these people for years and with good soldiers and knowledge of the language they were forced to get out. Do we think we are more adept in dealing with these inscrutable orientals?

After careful reading of Pearson's and Anderson's book as well as Lederer's "Nation of Sheep," I am convinced we seem to act like babies in the woods. Evidently these natives resent our throwing our weight around and our dollar diplomacy. This communism bogy may help some politicians get elected but they might better delegate their efforts to our own grave problems which are mounting.

Thank you for speaking out against this action as well as much of foreign aid.

Very sincerely,

——— ———.

From Missouri:

Hon. Wayne Morse,
Washington, D.C.

Sir: Your statement relative to the proposed foreign aid request this morning was telecast on television in which you made known your opposition and your reasons why, including our "mess" in Southeast Asia.

As an ordinary citizen, who desires to keep the United States a country to be proud of, I wish to express my congratulations to you for having the courage to speak out against such nonsense and impracticable programs and also being just as courageous for fighting for the proper ones. The people in this section agree with your views overwhelmingly.

Please do not take the time to reply to this letter as I know you are busy.

Respectfully,

——— ———.

From Oregon:

Senator Wayne Morse,
Washington, D.C.

Dear Senator: I am a native Oregonian, born in Marshfield 69 years ago, a World War I veteran, also a retired locomotive engineer, was on the Portland division for nearly 45 years, worked out of Eugene a lot of the time, Southern Pacific Railroad.

I am not in the habit of writing letters to city, county, State, or Federal politicians, in fact this is my first attempt, now that I am a pensioner I get time to read a lot, and there are some things I cannot understand and would like to get your opinion.

I have been reading about South Vietnam and I cannot understand why they have our boys fighting and getting killed over there, in my opinion that dirty, stinking country and the people in it are not worth one good American boy. Let the Commies have it, it would be a good thing for this country, they cannot feed or govern themselves and if China took over they would have just that many more people to care for and the cost would be so great that China would crumble from the extra burden.

After all the aid the United States has given to Vietnam, they are in a worse mess today than when we started, let us stop.

Look at the money that has been sent out of this country as foreign aid and what do we get for it, a kick in the pants and a stab in the back whenever they get a chance to do it, if we had kept the money at home we would have no need to start a war on poverty, there would be none.

The tax cut bill has passed and it is written as it shoud be, those that need it the least got the biggest cut, those who need it most got the least, and increased prices will get it all and maybe more, but one good thing about the bill is, the big oil operators get to keep their depletion allowance, and that will keep them from being poverty stricken so the President will not have as many poverty cases to war on.

I am a registered Democrat and have been for years, but in general election I vote for who I think is the best man, I even voted for you when you were a Republican candidate and have voted for you ever since, because you are one of the too few good men in Washington. I think you are honest and vote as you think will do the most good for our country and you are not afraid to speak out on any legislation on any person that the Senate has to act on. Senator I think we should keep our missionaries at home, from what I have read about Washington, D.C., they could use a lot of them there, officials advise women not to go out alone after dark, they could be robbed, raped, or murdered, and that in the Capital of our country and we the most enlightened country in the world. Have we?

Hope I can vote for you for many years to come.

Sincerely,

——— ———.

From New York State:

March 15, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I want to thank you for your statement to Secretary of State Rusk in regard to Vietnam. We should get out and now and I hope there will be many more as sane voices as yours.

I am writing President Johnson to this effect.

Yours truly,

——— ———.

From Pennsylvania:

March 16, 1964.

Dear Senator Morse: I wish to commend you for your speech in Senate on March 4 re Vietnam—at least the excerpts I have just read in I. F. Stone's Weekly.

Thank goodness someone is talking some sense on this problem.

Respectfully,

——— ———.

From Massachusetts:

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: The American people owe you an unspeakable debt for your farsighted and forthright statement in the Senate on March 4, calling for the withdrawal of our troops from Vietnam and especially warning against our extending the war into North Vietnam. Our utterly unjustifiable meddling in Vietnam, in dishonorable violation of our pledge to respect the 1954 Geneva agreement, has brought our country to the brink of catastrophe and horror, which could well escalate into nuclear cataclysm if we permit an attack on North Vietnam.

You may be interested to see a copy of the letter which I recently wrote to the President.

I beg you to continue this fight unremittingly, and all the American people except the small proportion of maniacal right, will back you up.

With profound gratitude for your courage and statesmanship.

Sincerely yours,

——— ———.

P.S.—I should be very happy to receive a copy of the Congressional Record containing your full speech, or any other copy of the speech, if it is available.

March 5, 1964.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: I am aghast at recent suggestions that your administration is contemplating enlarging the Vietnam war by extending it to North Vietnam through raids, bombardments, or blockade.

The charge that the guerrillas get their arms from North Vietnam is, on its face, preposterous, since the main fighting is in the Mekong Delta 600 miles to the south, with government forces in the intervening area. Actually, the guerrillas are now fighting chiefly with American arms captured by them in raids or brought over by the tens of thousands of defectors from the government troops.

To use this arms excuse for an attack on North Vietnam would be sheer madness. China is pledged to come to the support of North Vietnam if attacked (remember Korea?), which would insure a bloodier and longer drawn-out war, with U.S. troops becoming more and more involved and thousands upon thousands of American boys dying, even as the French Army of 200,000 (plus 200,000 Vietnamese) died for 7 long years and met utter defeat at the end. Is this a policy any sane government would adopt?

An attack on North Vietnam and Chinese involvement could even escalate into the final nuclear holocaust, for the U.S.S.R. has recently clearly warned us (New York Times, Mar. 1) that they "might not stand idly by if the United States took direct military action against North Vietnam or Communist China."

Surely in the face of these realities no one but the most insane militarist clique of the Pentagon could contemplate attacking, directly or indirectly, North Vietnam, especially since we have open to us an immediate, honorable, and peaceful solution of the Vietnam situation; namely, to put into operation the Geneva agreement of 1954—which we officially pledged to respect—to stop the fighting, withdraw our Armed Forces, and arrange for the holding of nationwide elections for a democratic, neutral, unified Vietnam. I beg you to adopt this policy of sanity and peace.

Sincerely yours,

——— ———.

From California:

February 18, 1964.

Hon. Wayne B. Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator Morse: I am writing you not to ask for anything for myself, on the contrary, I am writing to pass some information and views on so you can evaluate and consider them for whatever they are worth. Sitting here on duty in South Vietnam as I am, I sometimes wonder if the people in the States are getting a complete and unabridged version of the news. From past experience I know that news is somewhat toned down by the time it is released for public information in the States. To one extent I appreciate this fact as I would not want my wife and children as well as my family and friends to know the full truth about the situation in this area. I believe it best that they be spared all of the worry which would be aroused by full and complete knowledge in detail of what is happening in this area. I do believe though that our lawmakers should have this knowledge made available to them. From some of the news received here in the past from the States it seems that they are either, somewhat in the dark about affairs in this part of the world, or that they simply do not care. I prefer to believe that the news is not made available to them. I believe that all available information should be evaluated before any decisions on any matter should be made.

There is an excellent English speaking newspaper published in Saigon. I feel that this paper publishes as close to an unabridged sampling of the feelings of the Vietnamese people and the current news of southeast Asia as is obtainable. This newspaper will express a pat on the back when it is due, at the same time expressing a firm reprimand when it is deserving. This paper prints articles which attack as well as praise the policies of the United States, as well as Vietnam and many other countries. With your permission, periodically I will send you articles as well as editions of this paper along with my feelings on the matters concerned.

Enclosed you will find clippings from the February 17 edition concerning the Pershing Field blast and the Kinh-do-Capitol theater bombing. The eyewitness report of the Pershing Field blast clearly notes that the Vietnamese people knew that the bombing was to take place. The article on the Kinh-do-Capitol theater bombing was truly a dastardly act, taking out vengeance on defenseless women and children as well as the American troops (commonly referred to as advisers). The article on the Kinh-do-Capitol bombing in the February 18 edition clearly shows by the way that the Vietnamese policeman left prior to the blast that a bombing was either suspected or known to be following.

Reference February 18 edition: "Sihanouk Threatens to Seek Alliance with North Vietnamese." You will note the picture of Cambodian Chief of State Prince Norodom Sihanouk inspecting Russian MIG–17 jet fighters. The article quotes Prince Sihanouk as saying, "We will not help North Vietnam in its struggle against South Vietnam and will not favor the Vietcong but in case North Vietnam is attacked, Cambodia will war at her (North Vietnam's) side and vice versa." Another alleged incident such as happened when a Cambodian village was bombed by the Vietnamese Air Force could touch off another incident such as Korea.

On page 2 you will notice that some 12,000 persons are being treated for starvation in hospitals overflowing with patients, and emergency camps set up by the Indonesian Government. At the same time you will note on page 5 an article about the AFL–CIO dockworkers boycotting the shipment of grain to Russia. There seems to be a strange contrast between a famine in Indonesia and the sale by the U.S. Government of wheat to Russia. I had previoulsy considered the Indonesians to be friendly to the United States. I wonder if this action won't leave a bad taste in the mouths of the peoples of other southeast Asian countries. Also on page 5 I note the Russians are borrowing a half billion dollars from Great Britain. Do you think that in the complexity of international economics that we may in the long run be paying for the wheat which we sold to the Russians?

The 76 or more American casualties in an 8-day period plus a compounding of the aforementioned incidents plus many other questionable acts of late cause grave concern in the minds of many of us serving in this area. I might well imagine this concern is shared by many others in the United States as well as abroad.

Had this been even 1 year ago I would have written to the Honorable Clair Engle, of California. I have always had the utmost respect and admiration for him. I do not know the status of Mr. Engle as news is rather limited from the States. Just before I left the States in August he had just been operated on for a brain tumor and the press releases at that time indicated that he would never be able to fill his office again. I was indeed sorry to hear this.

I consider home to be Red Bluff, Calif. Currently my wife and three children are living in Maxwell, Calif. I have been in the U.S. Air Force for about 12 years, and am planning to continue my service, making this my career.

I do not make a habit of writing Senators, sir. In fact I probably hate letter writing more than most people, but, I feel so strongly about these matters that I felt it my duty to write and express my opinion. I decided upon you to write as I have requested assignment in the State of Oregon upon termination of my tour of duty here in South Vietnam. I have requested duty at Kingsley Field at Klamath Falls, Oreg.

Sir, I appreciate your indulgence in these matters and sincerely hope that you do not take offense to these opinions and observations which I have stated. I personally feel much better having written you and, so to speak, getting these matters off my chest.

Yours truly,

——— ———.

From Oregon:

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

As longtime admirer and new constituent applaud your Vietnam speech. Keep it up.

——— ———.

——

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Support your courageous statement regarding U.S. withdrawal from South Vietnam war.

Thank you.

——— ———.

From Maryland:

March 15, 1964.

Senator Wayne Morse:

Dear Sir: Congratulations on your stand on the Vietnam situation. This fiasco may yet develop into another Korea unless more voices like yours are heard on the subject. If we continue to send military personnel to murder Viet Cong how long will it be before the Chinese send in their military personnel to murder Vietnamese? I say murder because that is exactly what it is where there is no question of direct national defense.

Besides the millions spent in this utterly futile, negative and purposeless enterprise, we have lost 121 American lives to date. My personal opinion is that if this is typical of our foreign policy, it stinks. We should stay out of Asia entirely unless we wish to take over and be completely responsible for it or any fraction thereof. Anything short of this is a losing game and it were far better then to let the commies have the onus of these pathetic and apathetic little countries—and that includes Formosa.

Sincerely yours,

——— ———.

From Oregon:

March 12, 1964

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: You are to be congratulated for your forthright stand in calling for the withdrawal of our troops from South Vietnam.

This is to advise you that I have today written to President Johnson informing him of my support of your position, and urging him to use his office to withdraw our troops from that beleaguered area. Unfortunately, my typewriter does not make sufficiently clear carbons to permit me to send you a carbon of my letter, but I trust that this note of support will suffice.

Thank you for voicing such sorely needed sentiments. Let me know if I can support you in this in any other way.

Sincerely yours,

——— ———.

March 12, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: A few months ago I remember you stated your opinion of the war we are carrying on in Vietnam, which was, we should get out. Since then the administration has expressed itself as being for engaging in war there on even a greater scale.

I was happy to note that Senator Mike Mansfield came out against the dangerous and inhuman policy we are carrying on in Vietnam. I hope you are still of the opinion you were a few months ago and give Senator Mansfield support, for I fear he will need support in this war-mad era.

This is, I am sure, the most important matter in the Nation or, should I say, the world right now.

Respectfully yours,

——— ———.

From New Jersey:

March 21, 1964.

Hon. Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Thank you for your speech against any deeper entanglement in South Vietnam, a country where we have already wasted money and (what is far worse) sacrificed American lives for no rational purpose. It is obvious that we can no more hold it permanently than the Communists can hold Cuba.

You are also right in your criticisms of Mr. Rusk and Mr. McNamara. Robert McNamara is the best Secretary of Defense in our history, but, as you said, even he has not the right to commit the Nation to war without consulting its representatives.

I would have written earlier, but did not know anything about your speech until reading about it in this morning's New York Times. For a long time it seemed as if everyone in Washington was resigned to our sliding helplessly into a deeper and deeper commitment to war.

It is good to know that there will be a powerful voice raised in the Senate against this inexcusable waste of lives. You deserve the gratitude of all the thousands of men whose lives may be lost in Vietnam, and of their families.

I wish there were more men with your courage in Washington.

Sincerely yours,

——— ———.

From Rhode Island:

March 21, 1964.

Dear Senator Morse: Today in the Times I saw that you are for getting us out of fighting in Vietnam. I am sure that there are millions who agree with you. Some might not have the time or energy to write; some might hesitate to go on record against official policy. But the best hope for those suffering people is to have peace, neutrality, and a chance to vote for what they want. Trying to force water to run uphill is no part of the duty of a truly free world.

Thank you for your courage and your keen analysis. I hope you can persuade more Senators to speak up for a change in policy.

Sincerely yours,

——— ———.

From California:

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: As representative of a small community group I wish to express our appreciation to you on behalf of the many Americans who share your views and criticisms of the U.S. foreign aid program.

Without exception, the expressions and views of our group condemn this controversial waste of the taxpayers' and Government funds. We recommend immediate withdrawal of all foreign aid and a more practicable approach toward our foreign policies.

This is not an attempt to advise how best to initiate our foreign policies; however it is quite evident among the grassroot citizens that our present policies are antiquated, inadequate and extravagant to cope with the fast changing world political situation.

We are most happy and grateful that we have elected representatives in Washington who recognize these facts and have the courage to criticize the administration's efforts to force these issues on the American public.

In the event you may wish to offer suggestions how to further our views on this subject we shall be pleased to hear from you.

Sincerely,

——— ———.

From Montana:

March 17, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: We want to thank you for the stand you have taken against continuing the war in South Vietnam. The United States will never win in that tortured country nor in any other country as long as we send guns, ammunition, and chemicals for destruction which is used to cause killing and suffering and division of the people.

The only way that the United States or any country can win anywhere in the world today is with understanding of the people and their problems and by giving a helping hand to bring about social and economic reforms that would benefit the people.

We have copied and continued where France left off—and are obtaining the same conclusions. We think we are an intelligent people but when we can't learn from the mistakes of others, we wonder. We could do far better if our Government would employ psychiatrists. Force and violence are becoming outdated in the atomic age.

The U.S. Government and Congress must learn to take its grievances to the United Nations instead of trying to solve problems with other nations unilaterally just because we are a powerful nation. It is not power alone which counts. The respect and love of the people of the world count far more. This is a lesson we must learn and soon.

Our hats are off to you, Senator Morse, and to Senators Mike Mansfield, Ernest Gruening, and others who have taken a stand on this serious and dangerous situation.

Should you be able to find time to make speeches in Montana concerning this subject we would be delighted and would want to help in any way we can. Best wishes.

Sincerely,

——— ———.

From New Jersey:

March 20, 1964.

Hon. Wayne L. Morse,
U.S. Senator from Oregon,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Saw and heard what you had to say on TV this morning regarding South Vietnam and I want you to know that I completely and wholeheartedly subscribe to what you said.

Very truly yours,

——— ———.

———

March 20, 1964.

Hon. Wayne Morse,
Senator from Oregon,
U.S. Senate,
Washington, D.C.

Dear Sir: I take this opportunity to express my sincere admiration for the courageous and sensible attitude you have taken regarding the ending of our "commitment" in South Vietnam. The sooner this absolute, senseless, bloody, and extremely expensive effort on our part is halted, the better I shall like it. I must state at this time that I had the same misgivings regarding our "police action" in Korea, but I also realize that this time we are treading on much more dangerous ground in South Vietnam than we did some 12 years ago in Korea.

I hope that this small token of interest which I am taking in your laudable effort and in the welfare of our country will be echoed many times by communications from other citizens also.

Very truly yours,

——— ———.

From Minnesota:

March 19, 1964

Senator Wayne Morse: I heartily agree with your stand on the withdrawal of American troops from South Vietnam. I can't understand why we are there, and our American boys being killed: for what?

Respectfully.

——— ———.

From Florida:

March 20, 1964.

Hon. Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I heard your statements in regard to Vietnam this morning on the Today program, and I want you to know that I support your position in this miserable adventure wholeheartedly.

We have been spending millions of our hard-earned dollars and sacrificing our young men, giving our full support to military dictatorships and corrupt regimes, and it is about time we put a stop to this. I know there must be hundreds of persons who agree with your thinking, not only on Vietnam but on other issues as well, who are too lazy to sit down and write you.

Our one big job in our country is to convince the people living under totalitarian regimes that our system provides a better life for them, and this must be done with deeds, not with words. Supporting unpopular governments with money and military force is definitely not the answer.

I consider you one of the very few intelligent Senators we have in Washington, and my hope is that you will continue to fearlessly fight for what is right.

Cordially yours,

——— ———.

From Michigan:

March 20, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Accept my thanks for your courageous statement today on opposing war in Vietnam.

——— ———.

From Illinois:

March 20, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: This morning I saw a newscast on the Today show on TV and you gave a report on foreign aid and gave your reasons for a cut in this program.

I am a Republican, but haven't always voted so but I must admit I have yet to hear a Republican come out and give their reasons as well as you have against foreign aid. Believe me, if I were living in Oregon you would get my vote. In all of my years, I can't remember when such a program of my country has caused me such anger, especially our aid to Cambodia. I do think there are some countries where this has been used to good advantage but 9 out of 10 countries turn around and spit in our eye and I get fighting mad. Since we have to go to such extremes on this program, why not foreign aid to Russia? It makes just as much sense.

Keep up the good work Senator—I'm all for you.

Very truly yours,

——— ———.

From Philadelphia:

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: My wife and I approve and applaud your stand on Vietnam. We agree with you that it is a mess which the United States has no business interfering with. A good policy for America would be to leave the internal affairs of other countries strictly alone.

Yours truly,

——— ———.

From Montana:

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.:

Heard excerpts on radio this morning on your address on Vietnam. You laid it on the line. I hope some of those vote hunters at any price will follow your courageous and logical analysis.

——— ———.

From Chicago:

March 18, 1964.

Hon. Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: Congratulations on your statements regarding South Vietnam.

We sure got ourselves in a mess there, 12,000 miles away from home, by involving ourselves in their civil war.

Let us pull our so-called advisers out and send them home.

Yours truly,

——— ———.

From Ohio:

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: This is to let you know that I am in complete agreement with your policy with regard to South Vietnam.

You should be congratulated on your courageous stand advocating withdrawal of all 15,000 U.S. troops. Your opposition to any expansion of our commitments there merits nationwide support. There cannot be reached a sensible solution unless negotiations are started at once permitting the people of Vietnam, north and south, to work out their own destiny.

Respectfully yours,

——— ———.

From Wisconsin:

March 16, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to register my support for your forthright stand on U.S. policy in South Vietnam and in southeast Asia in general. You pointed out that the South Vietnamese Government we support is more the U.S. State Department's government than the Government of the South Vietnamese. It really upsets me to see American boys getting killed fighting a movement that seems to have the sympathy of most of the Vietnamese.

But perhaps more disastrous is the possibility that our continued efforts at influence in southeast Asia may lead to direct confrontation with China and nuclear war. Our toying with invasion of North Vietnam shows that this is a possibility even if China acts with complete propriety.

I hope your clear thinking will have an impact on your colleagues in the Senate and will cause the State Department to reconsider its apparent all-out commitment to the defense of Kahn.

Yours truly,

——— ———.

From Washington:

MARCH 14, 1964.

Senator MORSE.

DEAR SIR: My morning paper says you are opposed to supporting the "murder of American boys in South Vietnam and that we should get out."

I agree with you 100 percent. A lot of the world's troubles could be resolved if the United States would only mind their own business.

Yours truly,

——— ———.

From Georgia:

MARCH 11, 1964.

DEAR SENATOR MORSE: I would like to thank you for your remarks regarding the Vietnam situation. It seems unbelievable to me that so few people in our Government can make decisions for a free people that are not in keeping with the principles of our free and democratic society.

According to Lederer in "A Nation of Sheep" and Wm. O. Douglas in "Democracy's Manifesto" we have been guilty of behavior not befitting our character as a great nation. It seems to me our young men are not given a chance or choice to make decisions for themselves or our Nation. If we are free and if we are great, it seems to me that we should inspire and allow our youth to serve either in the armed services, the Peace Corps, the Domestic Peace Corps, as teachers in our schools, in a congressional institute, a U.N. institute, WHO, WMO, UNICEF, IDA or many other places where they are sorely needed. I feel we shall crumble morally if we do not make some drastic changes and quickly. We cannot depend on the military to dominate our policies or for only a few to formulate our policies for if we do we shall fail as a people and as a nation.

Sincerely,

——— ———.

From California:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We members of the Bellevue Democratic Club at our regular membership meeting unanimously applaud and support your stand against intervention and further bloodletting in South Vietnam. You have added honor to our country and security to the world.

——— ———.

From Massachusetts:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I understand that on March 4, you spoke out in the Senate against U.S. participation in the war in Vietnam. Good for you. We had no business there in the first place. Our continued support of a nondemocratic government in that country on the basis of "protecting Vietnam from communism" is but simple hypocrisy. If we continue our present program the loss of American lives will increase and the suffering of the Vietnamese people will be prolonged. Your attitude on this situation seems to me to be the correct one: we should get out.

A resident of Oregon for several years, I especially appreciate the forthright position you have taken on this matter. I hope you will be able to send me a copy of your Senate speech on Vietnam.

Sincerely yours,

——— ———.

From California:

Senator WAYNE MORSE.

DEAR SIR: I must take time out from writing to many, many Senators about the civil rights bill, urging them to filibuster and to vote "No" on this bill; to enclose an article from the Oakland Tribune which quotes you in regards to Vietnam. From the bottom of my heart, thank you—over and over. We are parents of two teenagers (both of whom are better typists than I), a girl 16 of years and a boy of nearly 18 years. Your comments and opinions on the mess in Vietnam are refreshing and encouraging—this is exactly what the people are saying. How long will our boys continue to act as advisers there? Will this be another Korea, with no way out? Why can we pour troops and millions of dollars into Vietnam, but we are led to believe that the cancer that Cuba is, will disappear if we shut our eyes? How can we win over communism, in Vietnam, when we can't and won't do anything about it in Cuba? What is the State Department's policy—containment in Vietnam for the next 20–30 years?

Again, many, many thanks. It is a great worry to us to think that our boy and countless others, in the future and now, will be sent to Vietnam, and for what? We haven't even come up with a slogan for the war, have we? Is this to be another "police action" that another Democratic administration has plunged us into, with no end in sight? Won't we ever learn from past mistakes? Are you the only Senator who has this sensible approach on Vietnam? Surely there are others who agree, if so, why are they silent? The American people are sick and tried of "containing" communism, when they can see that the octopus is spreading. Will we "contain" it in Vietnam and ignore Cuba and South America's Red activities? I am not a warmonger, my husband lost his right leg (Marine Corps, on Guam) in World War II; but if the French couldn't stop the Red tide, what makes us think our advisers can do it? What is the solution? I agree with you—pull out. That is a start toward some solution, anyway. Thank you for listening, and thank you for your attempt to send the civil rights bill to committee. This is still a Government of the people, by the people, and for the people, isn't it?

Sincerely,

——— ———.

From the Bronx, N. Y.:

MARCH 13, 1964.

Hon. WAYNE MORSE,
Senator from Oregon.

DEAR SENATOR MORSE: I want to endorse with great enthusiasm your unequivocal call in Congress for U.S. withdrawal from South Vietnam made on March 4.

As a long student in that area, having been a missionary in India, I think it was General MacArthur who warned us 10 years ago not to engage in the conflict there. His warning proved right, for he knew that the French with huge forces had to withdraw, as we will eventually have to withdraw. To sacrifice hundreds of thousands of American boys for a nebulous victory in that area is unthinkable, and would bring a vast outcry against any administration that would sanction it, as you indicated.

To save our face let the United Nations take over responsibility for a settlement along the lines of neutralization of that entire area with guarantees by the same United Nations. The U.N. saved the face of the British and French in the Suez matter and the United States in the Lebanon affair.

I trust that you will seek to win other Senators to your views on this matter. May God give you strength and wisdom and courage to carry on this fight for peace in that suffering area of God's earth.

Respectfully yours,

——— ———.

From Pennsylvania:

MARCH 11, 1964.

DEAR SENATOR MORSE: I was pleased to see that you spoke out in opposition to escalating the war in Vietnam. There is a growing feeling in the country that we need to reexamine what we have been doing in Vietnam. As a sample of this sentiment, I am sending you the enclosed editorial page from the local newspaper in this Pennsylvania town where we are located for the year.

For over 10 years, we have been supporting a war in Vietnam, and there is no evidence (1) that the people of Vietnam want us there; (2) that our enormous aid is effective; and (3) that this does anything but damage our reputation in Asia and the rest of the world.

It is my hope that you will support Senator MANSFIELD and press for an honorable and peaceful solution.

Sincerely,

——— ———.

From Washington, D.C.:

Senator WAYNE MORSE,
State of Oregon,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: This letter is being written with simple directness. I wish to show my appreciation for your astute remarks made in the CONGRESSIONAL RECORD of March 10, on South Vietnam. I am in complete accord with everything you so aptly said on this important subject.

And at this time I also wish to show my appreciation for your being a proponent of having the civil rights bill reviewed by committee.

You are the kind of a Senator I so greatly admire. You swim upstream when necessary. You have a great deal of courage, lots of backbone. I am sorry you ever left the Republican Party.

Sincerely,

——— ———.

From Wisconsin:

MARCH 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The enclosed clipping is good news, because it is high time that someone take that one down to size. Now if you and enough others who have served their country so well for so long would start working on the rest of those rats in the State Department that have a tendency of selling us down the river, we might have a chance to survive.

Thanks to you and the many others who are trying to save our wonderful country. The best of luck to you all because we are going to need it.

Sincerely yours,

——— ———.

From New York State:

MARCH 23, 1964.

MR. SENATOR: In 1918, when I was in the Italian Army, the Germans attacked us with poison gas many times. Now, 46 years later, I read in this article the killing of children and innocent people all over again. From the press, I learn your brilliant fight to stop this war.

Please let me congratulate you in your humanism.

——— ———.

[From Rochester (N.Y.) Democrat and Chronicle, Mar. 22, 1964]

WAR OF BRUTALITY—BUTCHERY OF COMMUNISTS IN VIETCONG MATCHED ONLY BY SAIGON RETRIBUTION

(By Peter Arnett and Horst Faas)

SAIGON, VIETNAM.—South Vietnam's war against Communist insurgency has entered a phase of violence and brutality unmatched at any previous stage.

"The hate is building up on both sides. There are many more scores to settle now," one longtime observer noted as reports flowed by civilians of Government air attacks.

Violence has been part of Vietnamese life for 20 years. It is being compounded now as both the Vietcong and Saigon Government build up their arms and equipment.

The Vietcong are supplementing their supplies, clandestinely brought in across the Cambodian and Laotian borders, by raids on lonely Government outposts and small convoys.

The U.S. aid commitment to Vietnam is more than replacing the weapons and ammunition lost to the Vietcong.

Included in American military aid is napalm, liquid petroleum jelly that explodes across villages in a rush of fiery death.

A newer weapon here is a phosphorous explosive fired from artillery and also from fighter bombers. This erupts in a white cloud, burning through everything it touches.

With explosives such as these, civilians are bound to be hurt. Both Americans and Vietnamese argue that they have no choice but to use them.

The spectacle of children lying half alive with napalm burns across their bodies was revolting to both Vietnamese and Americans entering a village on the Cambodian border after it had been under air attack by Government planes Thursday.

The Vietcong guerrillas retreating into this village had made it a target for Government planes. Several Vietcong were killed.

That innocent children died in this raid, and the prospect that many more may be killed as the tempo of actions continues to rise are sobering facts to the Americans here.

"The moral dilemma we face here is not what we faced in Korea and every other war we fought in," one American officer said. "We don't want to see the civilians killed and yet they are killed because that is a horrible byproduct of war."

Such a byproduct came after 300 Vietcong entered the village complex of Ben Cau in Tay Ninh Province several weeks ago and held the population hostage. The military decided to direct artillery fire on the village, virtually razing it and taking scores of civilian casualties.

But the Vietcong force was decimated and this was the object of attack.

In Government operations the civilian casualties are byproducts, but the Communist guerrillas terrorize civilians as a * * * of fighting war. They will burn a village to the ground rather than let people side with the Government, as they did in Cao Dai Province village of Phu My—the birthplace of the Vietnamese chief of state, Maj. Gen. Duong Van Minh.

In the delta Province of Kien Hoa, the Vietcong in December beheaded scores of farmers who refused to pay a heavy special tax on Vietcong-controlled areas to pay for the increasing cost of war.

Five days ago in Nhi Binh outpost 20 miles south of Saigon women and children were bayoneted to death by the Vietcong after a part of the post had been overrun.

Similar instances are legion in Mekong Delta. Early in January American advisers were taken to southern Ca Mau Peninsula to see the bodies of a score of women who had been disemboweled by the Vietcong and placed in front of an outpost which had been overrun.

Communist terrorism appears aimed at terrorizing the population into obedience. Or it can be aimed spitefully, as bombing of the American movie theater and softball stadium in Saigon indicates. Many of the casualties in these two bombings were women and children.

The Vietcong are believed to have perfected a primitive napalm of their own, launched from a rifle-like weapon. Some government troops have suffered serious burns from "balls of fire" flying at them from Vietcong positions.

Harshness of the present stage of war is seen in treatment meted out to prisoners. Paramilitary corpsmen taken prisoner by the Vietcong a few weeks ago were found slaughtered a few days later.

In several cases wounded Americans taken prisoners have been executed. On the other hand American advisers report that in some cases it is difficult to restrain the Government troops from killing or torturing their prisoners in retribution.

From Kansas:

March 22, 1964.

Hon. Wayne Morse,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I commend and encourage you in your valiant battle against our Government's mad venture in South Vietnam. There are few instances in history where a big bully nation tried to impose on a small nation, a government the people do not want and are determined not to have as the United States is trying to do in this impoverished country.

I feel sure that a goodly percent of the people of this country are opposed to what we are doing in South Vietnam but in this day of demanded conformity to the warped news media version of patriotism, of character assassination by "witch hunting" congressional committees, of employer blacklists, etc., most people are afraid to speak out.

To me it is unthinkable that American boys are dying in this abominable situation.

I beg to remain very truly yours in the hope that sanity will prevail.

——— ———.

From New York:

March 23, 1964.

Dear Senator Morse: I was gratified to read of your forthright remarks re our policy in Vietnam. We do not have any right to be there, nor do we have any moral right to impose a puppet government on an unwilling people.

With all our efforts it is doubtful that we will have any more success than the French before us.

We should get out of Vietnam.

Sincerely,

——— ———.

From Illinois:

March 22, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I strongly support your stand calling for withdrawal of U.S. forces from Vietnam. I do not believe the United States should support a government which is obviously not wanted by the majority of the people of Vietnam. It is unfair to expect mothers and wives to send their sons and husbands to fight or act as "observers" in such a situation.

North and South Vietnam should be neutralized and demilitarized so that the people there can finally live in peace.

Very truly yours,

——— ———.

From Massachusetts:

March 22, 1964.

Dear Senator Morse: I want you to know how completely I agree with your views on our policy in South Vietnam, as reported yesterday in the New York Times, and in fact I almost always agree with your views, especially on international relations.

The sooner we get out of there the better. People say that then all southeast Asia will go Communist. Suppose it does. The Communists are fighting among themselves, and in any case I cannot believe that such a result would have any serious effect on the United States.

Sincerely yours,

——— ———.

From New York:

March 20, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I have long been waiting to hear the leaders of our country to have the sense, the patriotism, and the guts to say in public what I heard you say this morning on the "Today" TV show; namely, that we should get out of Vietnam now instead of allowing our increased participation which would thus increase the number of U.S. deaths (and possibly triggering a nuclear war).

Please excuse this sloppy looking letter, as I am getting ready to go to work—I just wanted to tell you I support your attitude in this Vietnam war. I will write tonight to President Johnson and my own Senators and Representatives and tell them what I tell you.

Thank you—I wish you were my Senator, we could use a lot more like you.

Sincerely,

——— ———.

Today in Washington: Morse Will Fight "Murder of Americans" in Vietnam

Washington.—In the news from Washington:

Morse—Vietnam: Senator Wayne Morse, Democrat, of Oregon, blasting U.S. policy in South Vietnam for the third time in as many days, says he will not "support the murder of American boys" in the embattled southeast Asian country.

"We should get out," Morse said in a Senate speech Friday. He received permission to interrupt debate on the civil rights bill for his speech.

From Ohio:

Senator Wayne Morse.

Honorable Dear Sir: Let's keep this planet from becoming a bare ball rolling in space.

Please use all your might, main, and speech on the floor to stop the dirty war in Vietnam, why kill our young men in fact to no purpose and can lead into the final war on this planet? After any world war now, this planet would be just about worthless to anyone. It seems warmongering is a form of insanity. Please stop it if you possibly can. I am a veteran of World War I. Let's save America. Do all you possibly can and I would like to help you.

All power to you.

——— ———.

From Michigan:

Senator Wayne L. Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator: I cannot resist thanking you from the depths of my heart for your courageous stand about South Vietnam. May God bless you and may your stand make other Senators and Representatives at last see the light.

Most sincerely,

——— ———.

From Ohio:

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: I support wholeheartedly your efforts toward the removal of U.S. troops from action in Vietnam.

——— ———.

From Pennsylvania:

Senator Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to thank you for your call for a withdrawal of our forces in Vietnam. As a mother very much preoccupied right now with the dangers to world peace of the Vietnam war, I am so happy to hear someone finally challenging the position we have taken there and bringing the question of "whether or not," and not just "how" into the matter.

If we emphasize the humanitarian aspects of our withdrawal, ending the bloodshed, etc., I believe we can save our prestige and retain our influence and pressure for democratic institutions by no-strings economic help, not military.

Sincerely,

——— ———.

From New York State:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This letter is in support of the effort to get our troops and murderous equipment out of Vietnam and to establish a neutral zone there in line with President de Gaulle's suggestions.

Every effort to liberate nations to their own fuller resources of matter and spirit. Not one dime or ounce of energy invested in murder as a means of liberation.

Defeating communism is a mere mania. But advancing a meaningful society in which human beings exercise dignity and democracy and adequate means of subsistence—now there is a task worthy of nations and individuals.

Are we too weak for that?

Sincerely,

——— ———.

DEAR SENATOR MORSE: Just a line to congratulate you on your stand against further involvement in Vietnam.

This is like a light shining in a wilderness of violence and hate.

Sincerely,

——— ———.

From Pennsylvania:

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Bravo for your Senate remarks of March 20, on Vietnam and on Secretary Rusk above all. For too long the truth about Vietnam has been kept hidden from the Nation. What is even worse, it seems to me, is that the 1954 origins of the present U.S. involvement are virtually unknown and/or buried. In fact, there is indication that Secretary Rusk himself does not even know that it was U.S. refusal to accept the accords of 1954 (Geneva) and to hold the promised elections that started the warfare—warfare that hardly began only in 1960–61.

Please keep up the good work.

——— ———.

From New York State:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you very much for the stand you have taken on South Vietnam. This is to let you know that we wholeheartedly support your view that our country should not be militarily involved in Vietnam and southeast Asia.

We strongly favor a program designed to terminate our military involvement and to negotiate a political settlement in southeast Asia. How this can be done without involving and recognizing China is beyond us, and we favor efforts to establish negotiations with China on these matters.

With many thanks and best wishes.

Sincerely yours,

——— ———.

From California:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Congratulations for your courageous statements concerning Vietnam. It is high time men in government make it plain to our foreign department and our President that many people are changing their views about our cause. To me, "our fighting for their freedom" is a wornout phrase which no longer has much meaning. These southeastern Asians need a government that can provide a leadership to allow them to pull themselves up by their own bootstraps. I think there is no better example of this process in the world today than that of Red China. Outward results of China's progress and the reading of Mr. Edgar Snows' documentary book on Red China plus his prophetic book, "Red Sea Over China," has no doubt changed my opinions a great deal in the past few months.

It is not hard to reason that our way of life is not a model form for ignorant and backward nations.

In spite of national pride, I doubt that we can or will do as much for the billions of miserable creatures on this earth as can the Communist regimes. This is quite an about-face idea for one who claims rugged individualism.

Senator MORSE, I was a naval aviator for 9 years, prior to and during World War II period. I had some duty aboard ship at Guantanamo Bay, and I had an eye view of real poverty in the villages just off base limits. I shall never forget my shock of such conditions 90 miles from our shores. We deserve Castro, and it seems as though the rest of the world agrees.

I hope to God, Senator, that there are enough men like you in government that will eventually change our Nation into a shining example of good will toward all men instead of the laughing stock it appears to be.

Sincerely,

——— ———.

The following from Massachusetts:

DEAR SENATOR MORSE: For a long time I have admired and appreciated your courage and ability as a Senator especially when you speak out on the controversial issues which, though most important to us, are ofttimes alas, least debated because they are so controversial.

Your position now as concerns the Vietnamese situation seems to me especially admirable. Knowing as you do, that what you say is not popular, either with the establishment or the populace, yet you speak out with truth and clarity.

On such men as you, sir, our democracy depends, hangs by a slender thread.

On this Vietnamese business, the futility of it, the contradictions of it, I've tried to get through to other Senators and the President and the result as you know as the "form letter brush off" which on the face of it achieves nothing.

Time grows short for this country, I am afraid, on the basis of the policies it has for some time been pursuing.

The obsessive pursuit of the White Whale with Ahabs in command—America 1964.

Most respectfully,

——— ———.

From Massachusetts:

DEAR SENATOR MORSE: Although I'm far removed geographically from your voting district, I write this letter in praise of your March 4 Senate speech against further U.S. involvement in Vietnam.

I wish that others of your constituents had the courage and wisdom to stand up and talk on this subject that will involve us all if allowed to go unchecked.

Please try to get your message through as the northeast papers in general did not give it too good coverage.

God bless you for your courage. As an American citizen I hope we're not just pawns in a gigantic game of power politics but could be given the truth about Vietnam and southeast Asia.

Yours truly,

——— ———.

From California:

DEAR SENATOR MORSE: I heartily approve your March 4 call for U.S. withdrawal from South Vietnam, and have said so in my letters to President Johnson and Senators ENGLE and KUCHEL. I hope fervently that you will raise your voice in this cause again and again; I can think of no way in which you could better serve your country in these too-disturbing days.

Your honesty and courage in this matter give me hope. More power to you.

Gratefully,

——— ———.

From Washington State:

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I agree with you wholeheartedly, the situation in Vietnam is sickening beyond description. Both politically and strategically we are in a dilemma and the only way out would be to admit it and pull our troops out. In light of what you have said and information I have from I. F. Stone's Weekly, I felt compelled to wire to President Johnson.

You may be interested to know that the local American Friends Service Committee is holding an Easter Peace Witness, March 28, and the theme is Vietnam. Other groups such as Women's International for Peace and Freedom, Women for Peace (Seattle) also carry on an educational and protest campaign.

We hope to reach our two Senators with this message, but so far have been quite unsuccessful.

Respectfully yours,

——— ———.

From Maine:

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SIR: This is just to let you know that others besides your Oregonian constituents are applauding your stand on Vietnam and Asia generally. I only wish we in Maine had as good representation in Washington. In Red Book magazine last October an article by one Norman Lofsenz spoke up for women whose husbands have died in this "war not a war" and I think that the people, more and more, are condemning our actions over in Asia. Thank you for your frank and courageous stand.

Sincerely yours,

——— ———.

From New York State:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you, thank you for your forthright stand against the extension of the war in Vietnam, and for calling for the return of our troops.

I have just written to the President and the New York State senators urging that they work for these objectives.

It is terrifying to think of the possible consequences of carrying the war to the North. Apart from the many thousands of casualties that would result, both ours and Vietnamese, it could easily lead to a nuclear holocaust.

I congratulate you on your stand and know that you will keep on working for peace and peaceful solutions to all world problems.

Respectfully,

——— ———.

MORSE OBJECTS

WASHINGTON.—Senator WAYNE MORSE, Democrat, of Oregon, blasting U.S. policy in South Vietnam for the third time in as many days, says he will not "support the murder of American boys" in the embattled southeast Asian country.

"We should get out," MORSE said in a Senate speech Friday. He received permission to interrupt debate on the civil rights bill for his speech.

From New York:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am very happy to read of your speech in the Senate Friday, advocating that the United States get out of South Vietnam. I hope you have enough supporters, as well as in the House, to make an impression on the State Department and the administration to see the folly of this Nation's continuing to dissipate its material and financial resources in such a vain effort to contain communism in that area. More power to you and your colleagues.

Here is how I feel, Senator MORSE:

1. That in spite of the free world's efforts (largely the United States) that the Communists will eventually take over all of southeast Asia anyway, and that includes all of former Indochina. And in such a takeover, all the millions of installations and institutions we have laid there will fall to the Communists. Billions down the rathole.

2. The State Department holds its hand up in horror apparently at the thought of more Communist penetration in Indochina. So what? This does not endanger the territorial United States in any way that I can see. And if it is argued that such penetration would endanger the Philippines and Japan, I believe that the presence of our mighty 7th Fleet and its accompanying Air Force squadrons, as well as the land-based air forces in Japan would be sufficient deterrent to hold off the Chinese Nationalists. And surely our Polaris subs could deliver a mighty barrage of missiles. I do not believe that land forces are the answer, certainly not in those steaming, stinking jungles.

3. I hold that this Nation might better devote some of the billions now being wasted in South Vietnam, Laos, and Cambodia to a further buildup of our military, air, and naval forces in this hemisphere; make this Nation impregnable from attack. Frankly, Senator MORSE, I am just a bit more afraid of general deterioration and crumbling within this Nation as a result of nefarious, underground, tricky work (unsuspected by most people), than I am from an all-out attack from without our borders. Witness the wave of terrorism seeping the country: the dynamiting of the freight trains on the Florida East Coast Railroad; the many derailments of freight trains on the Erie-Lackawanna and New York Central Railroads in New York State during the last 4 months; the unrest and violence of the civil rights demonstrations, which I believe have been largely Communist agitated; and right in our own Finger Lakes section of central New York State there has been a wave of dairy barn fires by arsonists, which could be the result of Communist youth underground activities trying to undermine and weaken our economy by destroying our agricultural potential. You will recall that the New York State College of Agriculture is located at Cornell University in Ithaca; this area has many of the State's richest dairy farms. The area's best detective and police forces are hard at work on trying to solve this wave of incendiarism; farmers are patrolling the roads at night.

4. And finally, Senator MORSE, it seems that the obstinate and stubborn State Department seems to forget that in pouring out billions to southeast Asia for economic and military aid (and so-called foreign aid) as well, that they are but weakening the ability and potential of this Nation to exist and to carry on as a nation to uphold the cause of freedom in our own country; to insure the continuance of our American way of life; to maintain financial integrity and the value of the dollar. Economists are forecasting that inflation is a near possibility; even the United States could bleed itself poor, as we are rapidly becoming, it seems, if useless expenditures are not checked.

Best of luck to you, Senator MORSE, in your worthy efforts to make the administration and the State Department to see the light of reason and saneness in foreign affairs. I hope I have not bored you with all this. If it, perhaps, has given you any ammunition in your battle, I will be happy; also, to hear from you, if you have the opportunity.

Thanking you, I am, sir.

Sincerely,

——— ———.

From California:

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: I am a physician, a captain in the U.S. Army Reserve, presently on active duty in Korea. I am moved to write to you in reference to your statement on Vietnam, made in the Senate on Tuesday, March 10, 1964. I want to communicate to you my sense of grateful relief that there is someone in Washington who has both the insight and the integrity necessary to say what you did. Thank you.

I imagine that there are few people who would not be willing to risk their lives when necessary to preserve what they consider to be their inalienable rights. Too loose a definition of such rights, however, implies too great a risk involved in their defense. The tragedy is that there are so many people who would fight and die—or worse, who would commit others to fight and die—for unjustifiable causes.

I wish to propose that the members of the executive, legislative, and judicial branches, and every one of the people from whose consent the Government derives its just power, consider our foreign policy, when lives are at stake, not in terms of our prestige, or our fortunes, but in terms of the necessity to preserve for ourselves and our posterity these three inalienable rights: life, liberty, and the pursuit of happiness.

Very respectfully yours,

——— ———.

From Colorado:

DEAR SENATOR MORSE: I have just finished reading a quote of yours to the effect that, "millions of Americans are beginning to realize that it is time for us to get out of South Vietnam." Would you please tell me whether you agree with this line of thinking and why?

In case your answer is yes, and you do go along with this line of thinking, I would like to know if you think that the end of the road for South Vietnam is the end of the Communist road of conquest? If you think this is so, then do you think that Communist aggression in South America, Latin America, Africa, and the Near and Far East are diversionaries for the overthrow of this single country?

Being as humble as is required of a mere ignorant high school student, I would like to point out that in a good many, too many of the great contests in history, that we have let down our allies in an attempt to remain neutral, or for whatever reasons. This is no longer possible. A wrong step in this contest for global domination, a wrong move, can be the move that destroys us.

Surely, Vietnam is not this move, but the fall of Vietnam would certainly weaken the United States and strengthen the Communists for their next move.

Withdrawal from Vietnam would surely echo down the halls of history as loudly as if we had withdrawn from Italy in 1943. They would both be stupid mistakes.

And so, in closing sir, I would like to most eagerly suggest that you reexamine the facts involved, and keep in mind that it is easier crushing the ants and termites across the street than on your doorstep or in your own house.

With regards and suggestions for contemplation,

——— ———.

From California:

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SIR: Although I have not written to you for a long time I am still an ardent supporter of yours, for the issues you stand for are always for the general welfare instead of for a privileged few.

This time let me say a hearty thank you and thank God for your recent protest of our dirty war in Vietnam. It was, I believe, the former administration that got us into this stupid mess, and I feel the Democrats ought to be smart enough to get us out.

Also let me ask you to support the reparation bill to the Seneca Indians of Pennsylvania. Our past record of dealings with the Indians is shameful.

Sincerely and respectfully,

——— ———.

From Wisconsin:

The Honorable WAYNE MORSE,
Senate Office Building
Washington, D.C.

DEAR SIR: We would like to thank you for the prompt and courteous attention that our request for material on foreign aid received.

Our team proposed that all economic foreign aid be discontinued. We turned out to be the victors in the debate and we are sure that the success of the debate is due largely to the help you gave us in the material that you sent to us.

Thank you very much for your kind service.

——— ———.

From California:

SANTA BARBARA, CALIF.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I was more than delighted to read in the Allen-Scott column of your stand regarding Vietnam. I consider that every American life lost in such projects is murder, as you so aptly expressed it. Although I am not one of your constituents I have long admired your commonsense, determination, and courage in expressing your convictions. In the present case I am sure that you would have an overwhelming following of Americans if you would continue to oppose our present policy in Vietnam and other obscure areas of the world, in many of which we have no business being in the first place, and where we are much resented for all our efforts.

I enclose the copy of a letter to President Johnson sent over a month ago, to which I have not yet received a reply. I am pursuing the matter further with the help of several influential Santa Barbara friends. I am particularly interested in knowing how you feel regarding the use of draftees in areas like Vietnam and whether it is possible to initiate legislation prohibiting their use except on a volunteer basis which would be more like our pre-World War II professional army.

Respectfully submitted,

——— ———.

LYNDON B. JOHNSON,
President, United States,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: Though our present foreign policy, stemming from previous administrations, particularly that of Eisenhower (and Dulles) has committed us to odd and obscure corners of the world, it must be evident to our leaders that such policy may be very unpopular with many people in the country. I happen to be among them.

I directed a note to Mr. Sorenson, as adviser to President Kennedy, expressing this viewpoint and specifically asking about our policy as far as selecting men to serve in our Armed Forces in these areas. He acknowledged the letter but did not answer the question. Since I have a boy who will serve his country within a few years, I am vitally interested. It is my sincere conviction that our young men should not be required to serve and have their lives jeopardized in questionable and unpopular causes espoused by our State Department. This is not the same thing at all in my opinion as serving in wartime in the defense of our country. Specifically I believe that men sent to places like Laos, Vietnam, and heaven knows what other such a place in Asia and Africa should be either selected from Regular Army or should be on a volunteer basis with the approval of the parents. I cannot but imagine the bitterness of parents whose son may be inducted into the service only to lose his life in one of these obscure corners of the Far East. It is hard to argue that this is in defense of his country. I hope to learn in answer to this letter what our policy is and hope to find that men are selected to serve on the basis mentioned above or one similar to it. If not, I am going to try and start something by appealing to Members of the Congress to effect a change.

Respectfully submitted,

——— ———.

From Washington, D.C.:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: The gratitude of the people of America goes out to you for your valiant effort to reduce the cost of foreign aid. We wish you success in your fight to reduce the present AID request for three billion, four hundred million dollars. Fight on.

Good luck.

Yours sincerely,

——— ———.

From New York:

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: We are greatly disturbed by the statement of March 17 in which the White House declared its intention to continue and increase U.S. military aid to South Vietnam.

Senator MIKE MANSFIELD on February 19 spoke out against such a policy and urged serious consideration of the case for the neutralization of Vietnam.

On March 4, you registered your opposition to our increasing the scale of U.S. participation in the Vietnamese war and urged our withdrawal from it. We want to congratulate you for taking this firm and courageous position in the Senate.

Mr. Senator, our leaders have involved us in a costly, futile, and dangerous war; a war the consent for which has not been asked of the American people or of the U.S. Senate. The American people do not have their hearts on this war anymore than the South Vietnamese people do. We cannot win this war unless we increase our participation in it to the point where we will have another Korea (or worse) on our hands. We don't want another Korea. We must negotiate. Sir, we must bring our troops home now.

We urge you again to do everything within your power as U.S. Senator to encourage and bring about a U.S. policy in Vietnam which will permit negotiation and our prompt and complete withdrawal from that war.

Very truly yours,

——— ———.

From California:

MARCH 17, 1964.

DEAR SENATOR WAYNE MORSE: I have this day written to the President, to Senator KUCHEL, and to Congressman ALPHONZO BELL—telling them that I agree with you 100 percent in your recent statement that we should get the United States out of South Vietnam. I told them that 98 percent of the people there were against the United States and against the Saigon government. I said I didn't want this McNamara getting the United States involved in a world atomic war by invading North Vietnam—and bringing China and U.S.S.R. into the mess—which would surely happen if we invaded in any manner.

I hope you will continue your efforts to get the United States out of this South Vietnam mess—before we are dragged into a bigger mess.

I also urge you, sir, to help the southern bloc defeat the civil rights bill. You probably won't, but if you could see what the Negroes are doing down here in California you would realize—that Negroes and white people just won't ever mix—read Lincoln's real opinion of Negroes.

Best wishes for now,

——— ———.

From California:

BALDWIN PARK, CALIF.

DEAR SENATOR: I, too, am yelling evacuate Vietnam. I advocate and support your stand. The sooner we pull out of southeast Asia, the better off we will be.

"EVACUATE VIETNAM," MORSE YELLS

WASHINGTON.—Senator WAYNE MORSE, Democrat, of Oregon, told the Senate on Friday he will not "support the murder of American boys in South Vietnam."

MORSE said it was "presumptuous" for Secretary of Defense Robert S. McNamara to try to say what this Government should do there.

"We should get out," MORSE shouted, adding that fighting between the Communist and anti-Communist factions in South Vietnam would end in a neutralization "if we were not egging them on."

MORSE obtained permission to interrupt debate on the civil rights bill to deliver his third speech in as many days against U.S. foreign policy in South Vietnam.

——— ———.

From California:

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: From my heart, I thank you for your stand against our intervention in Vietnam.

There has been enough bloodshed—continuing may lead to a world war. Bring our boys home.

Yours gratefully,

——— ———.

From California:

The Honorable WAYNE MORSE,
Senate Office Building
Washington, D.C.

MY DEAR MR. MORSE: I commend you for speaking out so courageously to the State Department on getting out of Vietnam.

I have been following this situation since 1961 and have written to our late President Kennedy, Mr. Rusk, my Senators, Representatives, etc., but only received printed material. Once in a while I'd get a personal reply that we must keep South Vietnam free from communism.

I have just written to President Johnson, Harriman, Senator KUCHEL, Representative ROYBAL. I am also commending Senator GRUENING, of Alaska. I commended Senator MANSFIELD a few weeks ago.

Why can't we get more Senators and Congressmen to speak up? After all, they do represent the people.

We need more men like you. Best wishes.

Sincerely yours,

——— ———.

From New York:

BRONX, N.Y., MARCH 2, 1964.

Hon. Senator MORSE,
The Senate, Washington, D.C.

HONORABLE SIR: The all too brief press reports of your efforts to end the senseless waste of lives and money in South Vietnam, should earn the gratitude of all Americans. I hope you will continue your efforts to bring this undeclared war to an end and allow the people of Vietnam to form a neutral government.

I would like a copy of your speech if it is available.

Thank you,

——— ———.

From Connecticut:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing you to congratulate you on your statement that we should pull U.S. troops out of South Vietnam. It takes courage to take such a strong position against the militarist and the brainwashed American public.

Using commonsense I cannot figure out why we have a 15,000 Army in Vietnam. Why should we interfere into the affairs of other nations? The world would think better of us if we would quit trying to force our so-called democracy down the throats of other nations and start at home and give democracy to our own Negroes, Indians, and other minority groups. Even here in Connecticut the reactionaries are fighting the Supreme Court reapportionment order giving one man one vote.

I might add Senator that I admire your stand on what you think is right regardless of so-called popular opinion. Popular opinion seems to be what the big newspapers, radio, TV, and big industrialists want it to be. I do not say I agree with you on everything but your views fit mine better than any other big public man. Only wish it was you that I could vote for for President which I fully understand that cannot be with the political setup as it is.

Respectfully,

——— ———.

P.S.—Copy to Congressman WILLIAM L. ST. ONGE, of Connecticut.

From Florida:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

Heartily approve your stand regarding foreign aid bill.

Respectfully,

——— ———.

From New York:

Brooklyn, N.Y.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: Congratulations and thanks for your stand on ending the war in Vietnam. This is such a dangerous situation that we must see an end of the killing as well the danger of escalation.

I hope you can get a group of national representatives and nationally important people to join with you to raise such a protest that something must be done to get us out of other countries—especially Vietnam.

Sincerely,

——— ———.

From New York:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I wish to express my admiration and my gratitude to you for your realistic and honest attitude toward the frightening, undeclared war now going on in Vietnam. I hope that you will be able to arouse our lawmakers to the sinister threat posed by our efforts to step up the bloodshed further involve our forces. Can we learn nothing from past disasters? Let us turn to the use of negotiations, cease to consider ourselves the sole arbiters, and recognize that military force cannot solve the problems any more than it did for Indochina.

More power to you. Thousands now look to you for leadership, with hope.

Sincerely yours,

——— ———.

From New York:

DEAR MR. MORSE: I am so glad you are leading in a movement to stop the fighting in Vietnam. It has seemed to me for some time now both immoral and impractical for the United States to be shoring up governments over there that are of at least doubtful value. It seems to me we cannot spread democracy with arms, as war promotes communism. Moreover, it is not our duty any more than it was Britain's—up until recently—to police the whole earth, to the end that only governments friendly to the United States shall prosper. This is no way to "win friends and influence people."

So we wish you much strength and express our wholehearted support of your strength to get our military people out of North Vietnam. It would be good to get them out of a lot of other places, too, like Spain and Portugal, but we can't hope for everything at once.

Sincerely,

——— ———.

From New York:

HON. SENATOR WAYNE MORSE: We are in full agreement with your stand on the situation in Vietnam. We hope our President will act in accordance with this.

Sincerely yours,

——— ———.

Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SIR: I have just written to Senator GRUENING, and I wish to inform you as well, that I fully support your statements calling for the withdrawal of all American troops from the South Vietnam war.

That war was never ours to win. We never should have gotten ourselves involved in attempting to crush a movement which is basically a social revolution and possesses a raison d'etre independent of the will of various U.S. administrations, including the most recent.

All of the above is really beside the point. We should get out and not waste more time, men, or moneys in defense of the indefensible. This takes courage to say and resay at this time, particularly in view of the opposition of the administration and most conditioners of public opinion.

Please do not lose heart. The McNamaras and the Rusks and similar "Yes" men, pollute the histories of all nations with their doings. They need no emulation.

I give you all my support and wish I could be in the future more helpful in raising the utmost concern over this issue.

Sincerely yours,

——— ———.

From Pennsylvania:

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: The situation in Vietnam seems to me quite intolerable. I commend you for your efforts to try to change our policy.

Sincerely yours,

——— ———.

From New York:

DEAR SENATOR MORSE: On the issue of Vietnam and the extension of the war into North Vietnam, as proposed by some circles—I'd like to congratulate you on your position. It's good to know (as is so often characteristic of our country) that there are representatives like you who have the guts and moral fortitude to cry out against insanity and possibly world war III.

My wife and children bless you.

Sincerely,

——— ———.

From Connecticut:

MARCH 22, 1964.

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I am taking the liberty to express my congratulations for the courageous speech that your honor made before the Senate. And at the same time I stretch my hand to your honorable colleague, ERNEST GRUENING. You are two heroes, and you have defended the interest of our great Nation. The people that libel your honest and patriotic criticism of communism are people who carry this country to a wrong destiny. We have enough in our own house to attend to. It is not right to stretch our nose further away.

For what we have spent in foreign lands we could help our railroads which are of a vital interest to the Nation. We could fight the deficit in our house. For defense? We have two great fortresses—two great seas. Then we have more nerve than all the Old World put together. We try the best way to be in good relation with all nations of the world.

Very truly yours,

——— ———.

From California:

MARCH 22, 1964.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please find inclosed copy of a letter which I have sent to President Johnson. I hope you will find the letter of interest.

I wish to commend you for your leadership in telling the State Department to withdraw the U.S. troops from South Vietnam and to seek a peaceful settlement of the Vietnam crisis.

I would like to ask that you will support Senator MANSFIELD in his attempt to find a sensible solution to the problems we face in Vietnam—to approve the French President de Gaulle's proposals for neutralization of all Vietnam.

Sincerely and gratefully yours,

——— ———.

MARCH 8, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: As a Vietnamese-American I am very much concerned about the war now waging in the land of my birth. Being familiar with the situation in that unhappy country, I would like to bring the following facts to your attention.

1. The so-called guerrillas are not invaders from the north but simple South Vietnamese people who feel they are only continuing the many years of struggle for independence and freedom from foreign domination.

2. Since France with armies numbering almost a half million was unable to overcome the stubborn resistance of the much smaller Vietnamese people's forces of liberation there seems no better chance of our winning the present struggle. Rather a disaster similar to that suffered by France at Dienbienphu seems much more likely.

3. The people of South Vietnam, exhausted from more than 20 years of unceasing struggle do not have any reason for continuing the war. They want only to be left alone to organize their own government and restore their shattered economy.

4. The present Saigon government is no more popular with the people than was the cruel dictatorship of Diem and his family. Innocent people are still being tortured and young men forced into military service. American personnel in the country as "advisers" are unsafe as they are regarded as foreign oppressors backing up the hated ruling groups.

5. The South Vietnamese people do not consider their brothers in the north as enemies to be fought, but favor reunification with them under conditions set forth in the 1954 Geneva agreement for neutralization of both parts of the country.

6. President de Gaulle's proposals for neutralization of what was formerly French Indochina under the supervision of the powers which ratified the 1954 Geneva Agreement have been met with hope and enthusiasm. Ho-Chi-Minh, President of North Vietnam, has also expressed interest in this plan. Senate Majority Leader MIKE MANSFIELD's speech calling on the Senate to study the French President's proposals has given great encouragement to all those vitally concerned with the peaceful solution of the differences in Vietnam.

7. The Vietnamese people do not share the fear frequently expressed in this country that China will attack if the U.S. Army advisers and officers are withdrawn. The history of Vietnam reveals that many invaders have attacked the country throughout the centuries. But so determined has been the will to resist any foreign domination that the intruder has always been turned back. The Chinese who have had experience with this stubborn Vietnamese resistance, are certainly aware of this fact.

8. The proposal of some Americans to carry the war to North Vietnam would prove, in my opinion, an extremely dangerous venture. Such action might very well lead to World War III. The problems existing in South Vietnam can never be settled through military action.

I ask you, Mr. President, to use your influence to bring about a peaceful settlement through neutralization of all Vietnam. You will be acting in the best interests not only of the Vietnamese and American people but of all mankind.

Respectfully yours,

——— ———.

MARCH 22, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I wish to commend you on your plea to withdraw our forces in the undeclared war in Vietnam. We are supporting men in power there who do not have the support of the people. If we extend the war to the north, it would equally add to the elements to defeat. And then our prestige would fall with our allies and would add to the escallating of a third war.

Let us withdraw and negotiate a peace through the United Nations.

I wish to express my appreciation of your stand as well as that of Senators MANSFIELD and HUMPHREY.

Sincerely yours,

——— ———.

From the State of Washington:

MARCH 20, 1964.

DEAR CROTCHETY OLD WAYNE MORSE: I salute you on the only paper in the house. I salute you with a title connoting—in these times—honor beyond and way above the correct one.

Yippee for you, sir. You have made the only sensible statement on the U.S. future in the southeast Asia area. I heard your remarks quoted on radio KIRO newscast yesterday. Keep talking. Keep reminding people of history's lessons to the French and British. It makes plain good sense, doesn't it? And costs somewhat less to get out than to continue or expand our present efforts.

I'm a wild-eyed liberal, so you can see conservatives have no corner on horsesense. Talk more.

Kudos,

——— ———.

From Florida:

"A critic of the U.S. foreign aid program and an advocate of the withdrawal of U.S. forces from South Vietnam, MORSE called Rusk's speech 'disgraceful and disruptable' and 'one of the most unfortunate by a responsible government official in many years.'" Yes.

Re Vietnam.

DEAR SENATOR: Thanks for your opinion on Vietnam I am 100 percent for you.

——— ———.

MARCH 22, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I congratulate you on your courage in calling for the withdrawal of U.S. troops from South Vietnam. Our sons should never have been there shedding their blood for a cause which is not ours.

American fathers and mothers will be grateful to you forever for trying to save the lives of their strong young sons. Yours is a lonely voice now, but it will be joined by the voices of millions of peace-loving Americans.

Keep up your magnificient efforts for peace, freedom and abundance for all the people of the earth.

Gratefully yours,

——— ———.

From New York:

MARCH 22, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Honor and glory to you for your courageous stand regarding South Vietnam.

There is still hope for mankind when people like you are in the Senate.

The voice of Senator DODD and his ilk is the voice of evil. What they stand for can lead only to nuclear war and man's destruction.

Keep up your good work. Decent men in the United States of America and the rest of the world are with you.

Respectfully,

——— ———.

From New York State:

MARCH 21, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: It is with heartfelt support that I hasten to urge your continued fight for the withdrawal of U.S. forces from Vietnam.

Our policy is a failure and can only ignite a world conflagration. We must not permit this to happen.

Yours must be a lonely battle but be assured that while few citizens write, many are strong in support of your efforts.

I am also writing to the President urging him to consider a reversal of our policy thereby proving to the world that we are willing to negotiate.

This is indeed an age of deep apprehension. But we must learn to survive it.

Respectfully yours,

——— ———.

From Pennsylvania:

MARCH 21, 1964.

DEAR SENATOR MORSE: A second letter of appreciation for the speech made by you regarding Rusk and his McCarthyite type of accusation.

It may interest you to know that while heretofore I have had to rely on publications such as I. F. Stone's Weekly to learn of opposition to our genocidal policy in Vietnam, your most recent speech was published in our Philadelphia Evening Bulletin, and so I believe that for the first time thousands of Philadelphians will become aware that there is congressional opposition to administration activity in Vietnam.

In behalf of peace-loving Americans, thank you.

I have written to CLARK asking him to support you.

I hope you will support CLARK in his contention that it is unconstitutional for Congressmen to retain their commissions in the Reserve Forces. As a member of the American Civil Liberties Union I have today written to them, asking them if there is not some way of testing the constitutionality of the 1930 statute.

Please note that Cambodia has appealed to the United Nations against United States-South Vietnam violations of her border, in which her people are being killed. I have written to U Thant asking him to call for a conference, and I have also thanked De Gaulle for his proposals. Thank heavens I can call on four or five American Congressmen to put an end to our shameful actions in Asia.

Sincerely,

——— ———.

From Massachusetts:

DEAR SENATOR MORSE: I just wanted to send you a fan letter saying how pleased I am with the courageous position you have taken on the issue of American intervention in South Vietnam. The world is not a huge piece of American real estate and the sooner our Government realizes that, the better off it will be. Don't back down to the Dean Rusks and your role as one of the few free-thinking American politicians will be secure.

Yours,

——— ———.

From New York State:

Hon. WAYNE MORSE,
U.S. Senator.

DEAR SIR: I wish to express my admiration and appreciation of your forthright and eloquent criticism of Secretary of State Dean Rusk in his smear tactics (Saturday New York Times) against you and others that oppose his policy in South Vietnam.

We need more such voices as yours and Mr. GRUENING's (and others) not afraid to be dissidents when so much in our country and the world's affairs are at stake.

Yours truly,

——— ———.

DEAR SENATOR MORSE: Please be informed that I have written to President Johnson condemning Secretary of State Rusk's remarks about you and Senator GRUENING in which he indicated that you and Senator GRUENING were guilty of unpatriotic statements concerning South Vietnam.

May I commend you for your position relating to the United States involvement in South Vietnam. I believe with you that we are guilty of more than folly. We will be charged by history (if we are sensible enough to avoid a nuclear holocaust) of being responsible for the death of tens of thousands of Vietnamese as well as many U.S. servicemen.

Keep up the good fight.

Sincerely,

——— ———.

DEAR SENATOR MORSE: In regard to your recent taking Mr. Dean Rusk to task (see the enclosed news clipping from the Schenectady Gazette): good, good. And a bigger cheer for your speech (in regard to South Vietnam) of March 4 in the Senate. It's my guess that you've got a hell of a lot of support around the country for your position on South Vietnam. Keep hammering away, Senator—don't back down an inch. Ours is an immoral, provocative, extremely danger laden position in Vietnam—and we need voices of courage in high places to apprise the American public of this fact.

Again, Senator, bravo (and the same to Senators GRUENING, BARTLETT, MANSFIELD, and ELLENDER—may your tribe increase). As an American, I am ashamed that the two dirtiest words in Asia, today, are Hiroshima and napalm.

Sincerely,

——— ———.

From Pennsylvania:

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

We are in complete agreement with you concerning wisdom of withdrawal from Vietnam of hundreds with whom Vietnam was discussed. Everyone spoke in most disapproving terms over our 10-year involvement. A nonmilitary solution should be sought. Am sending copies to my Senators and Representative as well as President Johnson.

——— ———.

From Michigan:

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.:

DEAR MR. MORSE: It is very gratifying to hear the best brains west of the Mississippi speak out about the fracas in Vietnam.

My sincere thanks to you.

Very sincerely,

——— ———.

P.S.—I watch the "Today" show almost daily.

From New York State:

Senator WAYNE MORSE,
Senate Chamber,
Washington, D.C.

DEAR SENATOR MORSE: I am not one of your constituents, but I wish I were. It would be nice to have a real live Senator representing me. But as a responsible Senator, you do represent all of us. I approve heartily of your stand on Vietnam, and am with you 100 percent, when you state, "Let's get out of Vietnam." The latest incident on the Cambodian border has left me physically sick. What has happened to our ideals and standards if we can bomb, strafe, and spray with napalm gasoline (which we used to deny using), innocent villagers who don't even know what it's all about? And American planes were used on both sides. Let's get out before more such ugly incidents occur, and they must, as this dirty war drags on.

Respectfully yours,

——— ———.

From Maryland:

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I, as well as most of my friends, completely support your sensible, realistic stand on withdrawing our military forces from South Vietnam.

We would like to form a delegation to call upon the Senators of our State to urge them to support your intelligent position. Do you have any material that you could send me that would assist us in our purpose?

We are interested in doing anything that will help achieve success in your courageous efforts so please advise me of any other ways that we can be helpful.

Very sincerely,

——— ———.

From Illinois:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SIR: Last night after reading an article in the Chicago American titled, "Two Dems Attack Rusk Talk as 'McCarthyism,'" byline, one Ernest B. Vaccaro, and reading remarks ascribed to you therein it was my unpleasant necessity to get outside and retch.

Within my memory this is the second occasion you have besmirched yourself as an individual and as a Senator, and thereby besmirched that body by wallowing in the gutter and using a foul phrase coined by that paragon of journalism, the Daily Worker in a futile effort to make a point versus an opponent.

While I agree with you in your opposition to the so-called foreign aid bill this makes us strange bedfellows and your opposition to this bill and to remarks alleged to Secretary of State Dean Rusk certainly does not begin to justify your calumny against the memory of a dedicated American who served his country in war and peace, in the Armed Forces and in civilian life, as an outstanding public servant.

In this article you are quoted as stating Rusk's alleged remarks "one of the most unfortunate by a responsible Government official in many years." The above being true (debatable) in what position are you placed by your calumny against the late Senator Joseph McCarthy, assuming, of course, that you are a "responsible Government official."

You and others with views not undestandable continue to spout the venom which the enemies of Senator McCarthy brought to a head with the ill-advised and later repudiated Senate censure. Over the years Senator McCarthy has been proven right "again and again and again" and it is apparent that this vindication is as a "bone in your throat."

To apologize you should stand in front of a mirror and first render an apology to your image so reflected, then stand on the Senate floor, as a man would, and apologize to that body and the Nation.

——— ———.

From California:

SENATOR MORSE: The March 13 edition of the Stars and Stripes carried the report of your speech to the Senate that you delivered March 10 on the Vietnam policy. I respect your right to your opinions as I hope you do mine. This letter will undoubtedly mean little as you already have your own ideas but it will have served its purpose in the fact that it has allowed me to blow off a little steam, and maybe, just maybe, you'll take a closer look and come out with a different understanding of our country's stand in Vietnam.

The article begins with the bold headline: "Senator MORSE Raps Vietnam Policy, Calls American Deaths 'Murder'." The headline wasn't very much in comparison to the first sentence which stated, "Senator WAYNE MORSE, Democrat, of Oregon, told the Senate Tuesday that 'all of South Vietnam isn't worth the life of one American boy' and called the mounting list of U.S. troop fatalities there an issue of 'murder'."

I'm in the service and stationed at an airbase in Japan; quite a ways from Vietnam and the fighting that goes on there. I live in comparative safety and comfort to the people that are stationed in Vietnam. I don't really know how they feel or how I would feel if I was there. I should probably thank God that I am not there. The greater share of servicemen stationed in Vietnam probably know that they are there for a good cause. That has probably drawn a big smirk to your lips knowing what you believe. To be able to do the job they have so far done they must have been able to say to themselves "It is important to my country that I am here," and know and believe in this. It is just as important for me to believe that my being here in Japan has some purpose, it would be nicer to be back in the States helping to protect the continental United States from aggression. Japan, Vietnam, Korea, Guam, Wake, France, Germany, and many other countries are buffers between us and the Big Bear. We need them just as much as they need us. Communism is a lot like a cancer. The cancer must be held in tow and not allowed to grow in any area or it will eventually consume the whole body. Tarawa and other Pacific islands too numerous to mention were worthless pieces of land as land goes. None of them were worth the life of an American but nobody argued the fact that it had a purpose for which some Americans had to die. That purpose was to stop a growing cancer and it was achieved. A new cancer formed when the other had been destroyed. As long as there is such a country as America there will be reforming cancers, I have no wish to die but if it takes my life or my son's life or his son's or maybe some kids across the country to keep the U.S.S.R. from sailing into New York harbor, isn't it worth the price?

I appreciate any time and consideration you have given this letter.

Yours truly,

——— ———.

——

MARCH 16, 1964.

DEAR SENATOR MORSE: We commend you wholeheartedly for your protest against our policy in Vietnam. It was shocking to us to hear Secretary of Defense McNamara say that the U.S. Government and the people are with you. What right has he to speak for all the American people? Have you read "The Furtive War" by Mildred Burkett, also the article by Edgar Snow "The War in Vietnam"? We feel so deeply that the time has come when we must rethink this entire policy of war and find the way out. If we don't, the only alternative is nuclear disaster. Is this the best our so-called civilization can offer? Thanks again. Could you send us copy of remarks?

We also commend you for statements made in protest against Adolph Heusinger's appointment as actual head of NATO. We have read "Heusinger of the Third Reich" by Chucks Allen, Jr., with foreword by Hugh B. Hrater, brigadier general U.S. Army retired. The latter has made it very clear how dangerous he considers this appointment.

——— ———.

From Ohio:

MARCH 19, 1964.

DEAR MORSE: Stone's Weekly, March 16, 1964, carries abridgement of your March 4 speech on war in Asia. For whatever it is worth, I agree fully with quoted remarks. For me, we have long been far too busy trying to run the affairs of too many peoples. To assist them to help themselves is a worthy objective. But we've done too much more than this under the "umbrella" of anticommunism which can be made to mean anything we want it to mean. We need to cut out so-called military aid.

Sincerely,

——— ———.

From Washington:

MARCH 19, 1964.

DEAR SENATOR MORSE: Your stand against deeper involvement in Vietnam is in keeping with other wise policies you have advocated—more power to you.

I have sent editorials from the local paper and petitions bearing signatures expressing the same judgment to President Johnson. He should know that many people are doubtful of this thing.

Yours with great appreciation,

——— ———.

From New York:

MARCH 21, 1964.

MY DEAR SENATOR MORSE: Bless you for your courageous stand against the war in Vietnam.

Sincerely yours,

——— ———.

P.S.—I have written to President Johnson to ask him to appoint you Secretary of State.

From California:

MARCH 18, 1964.

DEAR SENATOR MORSE: I agree with you that we have no business in South Vietnam and the sooner we withdraw our military aid, the better for us all. We lost too many Americans already without extending the war. We lost so many Americans in Korea where we did not belong, either. The people in South Korea threw out the one we placed in power and the same will happen in Vietnam.

Yours truly,

——— ———.

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MARCH 16, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I wish to congratulate and thank you for your speech in Congress with reference to the Vietnam situation. It is the most refreshing and sensible view, I have heard since we got involved in this senseless struggle, in contrast to some jingoistic proclamation that we carry the war to North Vietnam.

We have tried a similar phony war in Korea to great suffering of many American families. (My sister lost her only boy, of 18. There were other losses of near and dear ones, and to what end?) Did those youngsters fight for the honor and freedom of America? They had no idea what they were fighting for. They only knew, they had to kill or be killed.

Now, we are again involved in a useless, irrational struggle, which at best after the loss of many American lives, we can reach a deadlock, while at worst bring about a nuclear war.

I wrote to the President and a number of Senators, urging them to seriously consider the advice and efforts of General de Gaulle to bring about a settlement between North and South Vietnam, neutralize the entire area.

I do hope many American parents and people in general will begin to realize the real danger in the policy we are pursuing and demand that the Government bring their loved ones back home.

Thank you again.

Very sincerely,

——— ———.

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MARCH 18, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Your one-man fight against our Government's ill-advised assistance in Vietnam is most commendable. There are many people here in my community who endorse your stand and hope that you continue your efforts on our behalf.

Very sincerely,

——— ———.

From New York:

MARCH 20, 1964.

Hon. WAYNE MORSE,
Senate Office Building
Washington, D.C.

DEAR SENATOR MORSE: Cheers. Your sensible, courageous and necessary speech on Vietnam was the most cheering voice from Washington I've encountered in some time. How can our Government be so shortsighted and self-defeating? Unhappily I've seen only excerpts from your speech—would it be possible for me to have a copy of it all?

I'm venturing to enclose a letter I wrote to the Times. I've had an astonishing[1] response to it—phone calls and letters and requests to join discussion gatherings. I'm convinced that there is deep disquiet about the situation, as there well might be, since as long ago as March 1962 the Wall Street Journal reported what it said was the Pentagon's plan for "escalation" against "Red territory."

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[1] Not in volume of course—but all favorable.

Although I'm a long way from Oregon would it be possible for me to receive your Newsletter? I'd appreciate it.

Sincerely,

——— ———.

VIETNAM WITHDRAWAL URGED; EVENTS BELIEVED TO INDICATE NEITHER LEADERS NOR PEOPLE WANT OUR HELP

To the EDITOR OF THE NEW YORK TIMES:

Reporting to the House Armed Services Committee on January 27, Secretary of Defense McNamara said:

"In the case of South Vietnam our help is clearly wanted, and we are deeply engaged in supporting the Vietnamese Government and people in their war against the Communist Vietcong. * * *"

Surely Secretary McNamara meant to say "our help is clearly not wanted," for almost as he was speaking the government which presumably wanted our help to keep fighting was overthrown by another military coup, and the Times reported this event in headlines which read: "Vietnam Junta Ousted by Military Dissidents Who Fear Neutralism."

In other words, the generals whom our Government supported in their coup to replace the Diem government which was beginning to "flirt with neutralism" began in turn to incline toward the same policy. If anything seems clear in this grim situation it is that our Government is finding it increasingly difficult to find even military leaders who "clearly want our help" to continue their fratricidal strife.

As for the Vietnamese people, it has never been their war. If reports in the Times (and our news weeklies) have made anything clear, it is that the Vietnamese people have supported the war so little that a ruthless policy of forcing them into fortified villages was introduced to prevent them from helping the guerrilla fighters. And the so-called Vietcong may or may not be Communists, or pro-Communist, but they are unquestionably Vietnamese.

LACK OF OUTCRY

The situation in Vietnam is so unworthy of us that the apparent lack of popular outcry against it suggests a condition of indifference and moral callousness few of us would have believed possible only a few years ago. It is this growing apathy and callousness that is the true enemy of the values we hold dear.

The U.S. Government should at once present the problem of Vietnam to the U.N. Security Council and should withdraw our military advisers and stop providing millions of dollars a day to keep a war going.

If our leadership means only destruction and death for the people who live in distant areas our commentators call "strategic real estate" our Nation will go down in history as just another rampaging great power, self-convinced that our might makes right. And it will not be the Communists who will have betrayed us. It will have been ourselves.

——— ———.

From Pennsylvania:

MARCH 21, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I approve of your stand to withdraw our men from Vietnam. I wish there were more men like you in Congress and Senate. Out of about 15 neighbors not one approves of our meddling and sending troops all over world. What business have we in Korea?

I would like to see a man like you as President of our country.

I am opposed to the conscription law called selective service except when country is at war.

Only Congress has the right to declare war; to hell with police actions like Korea.

Where one writes you as I am doing, thousands intend to, but put it off and neglect to do so.

This from a combat veteran that has seen many men killed and to hell with foreign aid.

——— ———.

From Ohio:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I recently wrote a large article about withdrawing our armies from all over the world and set this program out and the revolutionary people overthrow their government and not until they go down in defeat. The sooner we learn to do as our first President warned the Nation to do, the better off we will be. No tangling alliances are necessary. I am glad you and Senator GRUENING stand for this type of thing. Stay by the program that is outgrowth of Christ's sayings. All I can think of there ruling people is they are tools of Satan and getting the country into deeper debt all the time. Wish you would let Mr. GRUENING read the enclosed also.

Just thought I ought to let you know something perhaps that no one ever has told you before and something which I never yet have run across—a person able to say this same thing and twice have I traveled through the near east—14 countries the first time and 15 countries the second time. It is this: In October of 1915 one night at 11 p.m. and our Lord Jesus Christ came into my home. I was so dumb struck that I could not talk or open my mouth. He stayed 1 minute and never said one word and turned and went out the same way he came in.

I have been talking about His coming ever since and the only way to escape this next war which will be "Hell" is by being a baptized believer in Him and loving and looking forward to His coming. You will be caught up to meet Him at the marriage feast otherwise you stay behind. I wish you would pass this information around so that many people will be saved.

I would like to describe His appearance and if you are interested I will write you and tell about His looks and again three pictures I got in a dream of April 1917—which showed me the breakdown of this civilization and His coming and that I was to live to see it. Could tell you a lot more but maybe you are disinterested from this standpoint. Anyway it is true.

Best wishes,

——— ———.

From Washington, D.C.:

MARCH 21, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your realistic approach on the Vietnam situation and your efforts to insist that the facts in this tragic situation be brought to the American people are greatly appreciated.

We do not want to kill, or to be killed; nor do we feel justified in being involved in this Asian war. U.S. troops do not belong in Vietnam.

In this, the nuclear age, negotiation is the only solution to international problems. Obviously our way is not a good way; obviously, your suggestions that we cease fighting a senseless civil war and use the available facilities for a negotiated settlement will prevail if the true facts are more generally known and understood.

To you, and to your supporting colleagues, thanks.

——— ———.

From Massachusetts:

MARCH 20, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: The "falling domino" theory would have it that, relinquishing South Vietnam, we would soon lose southeast Asia.

And as I see it in time Malaysia would be lethally embraced by the Indonesian expansionists from the south, while the Chinese—including the Vietcong—would absorb the mainland, even to Singapore.

Perhaps we should write it off and let them do what they will, for otherwise, we'll be bogged down for years; an endless drain of both men and money.

Leaving them to stew in their own rice paddies we would gain this benefit: A big mobile battle wise force which might conceivably be aimed at Cuba (although I think we are too late for that there).

I have unorthodox opinions regarding colonialism: It would have been better had we not repealed the Platt amendment, instead we should have so Americanized the island that we would have almost owned it. "Realpolitik" is oftentimes best. I have lived in Cuba and know a lot about northern Camagüey Province, and was surprised that the unfortunate Bay of Pigs invasion took place; surprised that paratroopers were not used, for, as you know, Cuba averages a little over a hundred miles across its 750-mile length.

We should take the long look at invasions and land grabbing from reading history, and observing the (generally) beneficial results that are imposed by Western nations on the less civilized. Algeria is on a subsistence level now. Under the French, railroads were built, sewer lines installed, magnificent buildings, boulevards, and measures taken against the creeping Sahara. The heritage of the Dutch in Indonesia is roughly similar; the British left India a viable country despite the almost inevitable oppressions of a colonial power.

I think this country, too, has gained immeasurably by the colonial process since the 1600's. The export money from Amsterdam and London certainly was a potent factor in early development; and, in the 19th century a lot of money came from abroad—along with the immigrants—to make possible the transcontinental railroads, the big ranches of Texas, and development of cities.

I believe we should retrench in foreign aid (and use some of that money in, say, "Appalachia" instead). Let each payment be scrutinized to each country. What would the cut be to the oligarchy? How much would filter down to those who need it? We should get a quid pro quo. Perhaps the Peace Corps should handle more of these funds, and have some of their members be auditors for fiscal work. Selectivity in foreign aid: "What do we get out of it?" should be at the top of our mind.

Sincerely and respectfully yours,

——— ———.

From New York State:

DEAR SENATOR MORSE: Your forthright attack on the appalling Vietnam policy of our Government deserves the support and commendation of every American.

It is appalling to think that the brave old jingos in our Senate and in the Pentagon are willing to let countless young men die and rot in that miserable war simply to prove a reckless anticommunism.

I hope you will continue to try to lead us into some sort of sanity.

Cordially.

——— ———.

DEAR SENATOR MORSE: Although I am not from your State, I would like to thank you for your stand on Vietnam, and ask you to continue your efforts for withdrawing our troops.

Our position is unjust and the methods (backed by the United States) are loathsome. I have written to Senator JAVITS to register my opposition to our involvement in Vietnam's affairs, but I doubt that he paid any attention to my letter. Senator KEATING has never represented me or my views and I didn't even bother to let him know how I feel about this.

Please do not let Secretary Rusk's smear techniques deter you, but continue to make your points loud and clear. Perhaps the American public will listen to you.

Thank you.

——— ———.

From Connecticut:

Dear Senator Morse: Thank you. Thank you. Thank you. I have written to President Johnson to tell him I agree with your position on Vietnam. Your courage and wisdom in this matter has been an inspiration.

On Thursday I saw an AP photo of a Vietnamese father holding his badly burned baby in his arms. The baby was burned by American bombs, dropped by American planes, used in a war financed by Americans. The planes were strafing the village in an attempt to flush out guerrillas who "sought to hide among innocent civilians." No picture could better display the total moral bankruptcy of our policy in Vietnam.

I pray President Johnson will realize the enormity of our crime against the people of Vietnam and seek peace through negotiation.

Gratefully.

——— ———.

From Ohio:

Senator Morse: The absolute need to pare down foreign aid is very much with us in this session of Congress.

Your fight for this need draws much basic sympathy from the American public. The needs in Vietnam and related areas of Asia must be looked into in the light of domestic needs. New views and more vigorous anti-Communist policies must be talked about fully.

Is it really true that our worldwide position vis-a-vis to communism and to our allies will be compromised by spending less money here?

I doubt that very much.

There is such a thing as exaggerating dangers in order to justify outlays. The foreign program in many cases has been a near failure. In other areas it has proved valuable.

The point you must take up in Congress is the golden road of minimum expenditure with maximum international security. Realistically speaking. Not with the eternally pessimistic view of our military spenders.

We have poured much treasure and some blood in these areas of the world. It is time to look honestly at the fruits. I dare say what we have here is simply a compromise. Is this the best policy in the long-term sense?

Is it enough to close the door to Communist infiltration and self-styled wars of liberation? Are we to pour aid ad infintum into a delaying or holding action here? Is this the best our planners can present us with? Is this the limit of their resourcefulness?

Are we the prisoners of our own fears of a nuclear war? Every time a vigorous step is advocated the cry goes up of such steps escalating into world wars.

Apparently the Reds have no such inhibitions. They start all sorts of local bonfires and we are forced to do their bidding by fighting their kind of scrap.

Anyone who believes that Russian or Chinese long-term policies call for a nuclear showdown with a superior United States over Cambodia or North Vietnam or in any other peripheral area of the Red Empire is to me a fool of the nuclear jitters or irresponsible. These are hard times and hard times require stern and hard tasks. We must go on and on. We must decide if the interest of historical democracy and democratic causes can be served by piecemeal efforts such as we have in Vietnam. I trust you will bring these questions to the fore of the Congress.

Sincerely yours,

——— ———.

From California:

Senator Wayne Morse.

Dear Senator: How can we, the people, thank you that you have had the guts to address the so-called sacred persons and departments of the administration (March 3 and 4) by telling them the unminced, blunt truth about Vietnam, that we should get out of there, that in first place we never should have gotten in, that it would be disastrous to escalate that war to the north of South Vietnam. Also then we should not "get back" China.

Why does nobody in the administration listen to this reasonable argument? Why do they think that the world is still in the year 1900 and nothing has changed since then?

Please, Senator Morse, we common people urge you to insist upon your right opinion and repeat it, repeat it, repeat it, very loudly until even the dead would hear it—the dead and the miserably tortured in that unhappy country, where the Americans are not without guilt, rather.

Then I wish fervently to urge you to concentrate your strength and courage on hindering the event of conveying nuclear weapons and control over them to Germany (Bonn) via NATO. Then the world would really be near the brink and soon over the brink. I think you know that.

So we are proud to have once in a while a reasonable and just thinking Senator or Congressman who speaks out what is what. Plain language is fine; louder and more often, please.

Wishing you success, I am,

Very sincerely,

——— ———.

From New Jersey:

The Honorable Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I stayed out of the controversy over Vietnam until I read the New York Times this morning. Now I take pen in hand.

I want you to know that I am writing President Johnson and my own Senators (Case and Williams) urging the modification of our policy to the point of seeking a multination settlement agreement, and that there be no expansion of the sanguine conflict.

The governing regime in Saigon, like its predecessors, lacks majority popular support; and no essential American interests are at stake there. The frightful logic of our remaining there leads either to defeat or willful expansion of the war—which means ultimate final defeat for mankind.

For the true notes you sound, my heartfelt thanks.

Respectfully yours,

——— ———.

From Nebraska:

"Man longs for a moral order, logically supported."—Hugo Black.

Re "The U.S. decision to pull out most of the 15,000 troops in Vietnam by 1965 had official Washington split down the middle. State Department and White House advisers were against it (they thought it would have a bad effect on the Saigon Government). Defense Secretary McNamara argued it would spur the Vietnamese into becoming self-reliant. L.B.J. backed McNamara."—Newsweek, March 2, page 10, Periscope.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Bravo N times:

When I read the above, I was delighted and thought L.B.J. should invite McNamara to the vice presidency position on the ticket.

The White House advisers had better think in terms of the United States of America before either bad or good effects on Saigon—where we have absolutely no business as you have declared. L.B.J.'s advisers are going to maneuver him into a defeat as they are war minded. The people have always been peace minded. Truman knew he couldn't be reelected because of Korea. Stevenson will never believe that Eisenhower was elected because his speechwriter, John Emmet Hughes cleverly inserted "if elected, I will go to Korea * * *" implying a cease-fire. The ladies thronged to the polls, 3 million who'd never voted before, marked only Eisenhower's name. Idiot Stevenson insists it was his military glamour that elected him. Bunk. It was the implied cease-fire. You have access to L.B.J.; please explain the parallel. Saigon can easily be turned into another Korea, and if it is, L.B.J. will be voted out. Even if McNamara has now changed his mind, and is going to push the war, it doesn't change the fact that he was right the first time. Our boys must be removed from Saigon, from Vietnam at the earliest possible moment. L.B.J. will assure his reelection if he does; he will assure his defeat if he does not. Let him learn to spit in the warmongers' eyes—and to discharge any adviser who is not peace minded.

If McNamara comes out again for returning our boys to the United States of America, home, where they belong, he will be best Republican candidate, and he will be elected. L.B.J. better understand this. Where U.S. troops are needed; in the South. It is horrifying to read the Student Voice reporting one murder of our colored relatives after another and the late President's scared brother running about doing nothing. U.S. racists killed his brother and we hear nothing of the Justice Department investigating this barbarity. We have so much to do at home, it ill behooves us to be meddling abroad anywhere. The United States of America needs political leadership that does not think about votes but about justice—economic justice—for the people. If President Johnson forgets the election, and proceeds to serve justice, his White House occupancy will be extended by a landslide.

Enclosed copy of letter to unspeakable Dirksen.

Sincerely,

——— ———.

Senator Everett Dirksen,
Washington, D.C.

Sir: At a "Meet the Press" type broadcast, you indicated the United States of America could not get out of Vietnam.

United States of America can and should get out of Vietnam because it has no business in Vietnam in the first place and but for the likes of demented Spellman determined to make Catholics out of Buddhists would not be there.

Nearby China has kicked out Vatican adherents—Spellman's outfit is after China, too; and, of course, the Rockefeller thieves miss their big take from the Orient.

The sooner U.S. boys are removed from Vietnam the better. Why don't you get into uniform and go there yourself? You and the likes of you whooping it up for death in Vietnam should be put right on the firing line.

A recent broadcast told about a Virginia couple who would not accept the body of their son the Army had sent back from Vietnam. Townsfolks who viewed the corpse said it was the boy. The parents finally brought themselves to face the tragic reality which they could not at first, and accepted their precious son's body. From here on these bereaved parents will know a living death. They will smile at people but in the privacy of their home they are stricken.

You and idiots like you are murderers. I hope you are defeated in the next election.

With unlimited repugnance,

——— ———.

From New York:

DEAR SENATOR MORSE: Your views on our policy in Vietnam seem obvious enough to be self-evident. I hope they made it obvious that this policy has been conducted without consulting the public who pay for it.

Senator GOLDWATER's experience in the New Hampshire primaries might be a clue as to what the public thinks of a hard line in Vietnam. If this is criticism then Secretary Rusk will have to make the most of it—most of the population then being traitors.

Respectfully,

——— ———.

From Wisconsin:

DEAR SENATOR MORSE: I was very pleased to see on TV and in the press your vigorous stand on Vietnam.

I hope that you and your coworkers can put a stop to the sacrifice of the lives of American boys and the wasting of billions of the taxpayers money.

Sincerely,

——— ———.

From Illinois:

Senator WAYNE MORSE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I congratulate you on your major speech on Vietnam 2 or 3 weeks ago and for your determination to bring up the matter periodically from now on. I note that a small but growing number of Senators are joining you in speaking frankly about questions which are too often left under the rug.

Because you have been outstanding in your devotion to debate on foreign policy free of partisanship, I have enclosed an article which I wrote 2 weeks ago on the danger of partisanship over Vietnam. It largely ignores the possibility that the administration's policy is already rigidly set simply for fear of any domestic outcry—the fact that the threat of partisanship is as good as partisanship itself in limiting foreign policy to the line of least resistance.

It was also too early to take note of the fact that Senator GOLDWATER has indulged in exactly what was feared: the demand that the war be won and labeling, in so many words, the Johnson administration, "appeasers" for not doing so.

The prospects, in other words, are grim. I wish you well in your series of foreign policy speeches.

Sincerely yours,

——— ———.

The newspaper article follows:

[From the Daily Illini, Mar. 11, 1964]

PARTISAN DANGER

(By Gary Porter)

The startling victory of Ambassador Lodge in the New Hampshire primary should make the Republican Party think deeply about its strategy for this election year.

It makes the use of the Vietnamese war in the campaign a dubious proposition at best, for if Lodge is indeed a serious contender for the party's nomination—as the rejection of the hard campaigners indicates—then it would seem a foolish thing for Republicans to stress too strongly an issue with which he is so closely identified.

In their campaigns thus far, neither GOLDWATER nor Rockefeller have said much about Vietnam; in fact, GOLDWATER has apparently been totally silent on the subject. Rockefeller has asked Ambassador Lodge to come home and "tell us what is wrong." Minority Leader EVERETT M. DIRKSEN avoided any direct mention of Vietnam in issuing a statement for the Republican leadership which referred to "President Johnson's continuing the late Mr. Kennedy's highly questionable policy of coexistence with the Communist world."

There is not enough in what has happened so far within the Republican Party to conclude that Republican candidates are going to use Vietnam as a campaign issue, but the possibility cannot be discounted. If it does happen, the partisan attack will take the form of demanding that the United States win the war in southeast Asia and threatening implicitly to raise hell if there is any withdrawal from that frustrating exercise.

Such a campaign could be successful; it would blame the whole mess on the Democratic administration and, while not taking any concrete position on policy alternatives, would stand for "victory." The obvious effect of such a strategy would be unusual pressure on President Johnson to either extend the war into North Vietnam or inform the American people that no drastic measures are necessary in order to win.

This partisan danger will remain until or unless Lodge makes public his intention of being a candidate. Partisanship in foreign policy always involves the possibility of mischief in our foreign policy because of two facts.

The first fact is that the American people as a whole do not themselves have the means to grasp the complexities of foreign affairs; they too often judge issues only on the basis of what they would like to happen rather than what is actually possible. They are accordingly susceptible to deception at the hands of men whose immediate motives are the interests of a party rather than of a nation.

The second fact is that American foreign policy cannot in the long run rise above the level of the American people. Except in an emergency and where the need for a particular action is unambiguous to the Executive, foreign policy will be limited by the moods and perceptions of the people.

Taken together, these two facts make for the "extraordinary power of domestic politics—to subvert foreign policy," of which Prof. Norman Graebner has written. And the partisan danger was never so clear as today, when a campaign based on the loss of Vietnam seems to offer such political gains.

It should not be necessary to demonstrate that neither course is wise in order to show that no President should have to contend with domestic agitation which excludes a third possibility. Such public pressure would be purely political in origin, for it would not develop out of mature discussion of the issue.

This is partisanship in the most pejorative sense of the word, for it violates the spirit of bipartisanship which has stood as the standard for American politics since the end of the war. I say "the spirit," because I do not mean to indict even the deepest differences between parties over foreign policy and criticism based on those differences.

What is condemnable is the charge of weakness and incompetence against an administration when a particular policy is clearly failing. Pointing out that the policy was misguided to begin with, or why and how it must be changed—these are all legitimate functions of political parties. But the kind of approach which we may see over Vietnam neither takes responsibility for a party stand nor wishes to see the issue fairly analyzed; it is based on the notion that when an American project abroad goes wrong—even though it may involve vast social and political forces over which we have little or no influence—the fault lies in the State Department or the White House.

We saw the ugly and disrupting effects of this kind of partisanship after the fall of China; it seriously impaired our ability to deal in any objective way with the Chinese problem for many years. But the partisanship over China came well after the 1948 election. We might ask ourselves what might have been the impact of an outraged Republican Party crying "appeasement" during the campaign of that year.

As I said before, it would be premature to accuse Republicans of plotting partisan campaigns over Vietnam, but there is ample precedent for it. It is a damaging commentary on the state of our politics if it takes a major act of statesmanship or Henry Cabot Lodge to keep them from it. I am not suggesting for a moment that President Johnson's opposition stop their "bellyaching" and be kind to him on foreign affairs. I am simply saying that there is no justification for the absurdity of a campaign which would substitute accusation for debate.

From Ohio:

MARCH 20, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

HONORABLE SIR: My salute to you, sir, for your courageous and forthright stand on more aid to Vietnam.

I hold with you that the conflict there cannot be won, and further, if it could what would we have that would prove advantageous?

We cannot hope to win without the active and eager aid of the South Vietnamese peasant and from what I've read and seen on television that aid is now firmly pledged to the Vietcong. Ho beat the best France could afford and those foreign legionnaires are real good fighting men.

Seems to me that our aid adds up to soft living for several thousand U.S. civilians, hardship and death to many of our military people, and keeps a bunch of South Vietnamese politicians in fancy uniforms, palaces, women, and booze.

I am for trying to turn loose of this tar baby.

Sincerely yours,

——— ———.

From Pennsylvania:

DEAR SENATOR MORSE: A heartfelt word of appreciation from a family of three for all you have said on Vietnam. This comes from a family who are better informed than the average, and who read extensively comments of the world's press, and the material of the major peace groups.

We wish you would add one thing, the next time you speak on Vietnam. When we see the photographs of refugees, of Vietnamese in the concentration camps—strategic hamlets—of the wounded and dead, we cringe, and know ourselves to be morally guilty. We think you should say that those who are pressing the war in Vietnam, and this includes Johnson and McNamara, are guilty of genocide, and one day they will be tried by a world court, just as the Nazis are today tried for genocide. It may take a little longer—simply because the Vietnamese are "yellow," but tried they will be one day.

And at least the Alloys and MORSE will be able to say "Not guilty."

We cannot understand Senator CLARK's silence, and we have written to him, urging him to speak up, and to prop up Senator MANSFIELD, who collapses every time the administration scolds him. Perhaps you can persuade CLARK and MANSFIELD to join you.

Sincerely,

——— ———.

From Kansas:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I wish to commend you for your recent honest and realistic evaluation of the situation in South Vietnam. May I urge you to expend every effort to get some sanity into our foreign policy relative to Asia.

Truly yours,

——— ———.

From Minnesota:

Hon. Wayne Morse,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Sir: Well, I don't always agree with you, but thanks for telling the truth about Vietnam.

Respectfully,

——— ———.

From New York:

Senator Wayne Morse,
Washington, D.C.

Dear Senator: May I write you how proud I was to read in our local newspaper, The Schenectady Gazette that you had the courage to express your opinions about our present foreign policy in South Vietnam and the stand that Secretary Rusk takes that any citizens who disagree with our foreign policy are quitters and helpers of communism. I have written to our Senators and the President that I am much opposed to the continuation of the war in South Vietnam.

Very truly yours,

——— ———.

From Ohio:

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to express my support for a negotiated settlement in Vietnam as called for by Senators Mansfield and Bartlett, and I believe favored by you too. Neutralization of Vietnam would be sought all the more if momentarily our position seems satisfactory, with more cooperative local leadership. The long history of guerrilla tactics with wide popular support and our expensive, potentially explosive stalemate make a major policy change imperative without crisis or new adverse pressures.

Strong nationalistic feelings are said to persist in this long divided country, abetted no doubt by the past presence of the French. North Vietnamese leaders have been seeking a path not solely committed to either Peiping or Moscow. Such possibilities should be explored while they still persist. Ultimately, and basic to problems in all of southeast Asia is the need to open communication with Communist leadership and admission of Communist China to the U.N.

We need forthright public enlightment on the realities involved in Vietnam instead of relying too long on the idealistic hopes of the Department of Defense and the State Department.

Very sincerely yours,

——— ———.

P.S.—I have also expressed these views to Senators Mansfield and Bartlett and my State senators.

From New York:

March 20, 1964.

Dear Senator Morse: On this morning's newscast of the "Today" program, I heard you express your views with respect to our policy in Asia, and the foreign-aid program. I hope that many citizens heard you, and write you as I am, to support you. Keep it up, we need more like you in Washington.

Sincerely,

——— ———.

From Idaho:

Senator Wayne Morse,
Senate of the United States,
Washington, D.C.

Dear Senator Morse: Congratulations on your stand on the war in Vietnam—why, oh why, do we get in messes like that in the first place.

I wonder, as you are part of this administration, if you can tell me just who is this "common man" the administration wants to help

If it means folks like my family, who have worked a lot, saved a little and generally tried to be a paying member in good standing in the community; I suggest that a way of getting a "better deal" for us would be to get the burden of foreign aid off our backs, particularly in areas where we are being insulted daily. I'd suggest that we not jeopardize the future of our industries and farmers by allowing foreign products into the country at less than we can produce, in the name of "good foreign relations."

If the "common man" is the person the program on poverty is to appeal to, then I suggest that we, who up until now have considered ourselves the "middle class" will soon be brought down to a level of mediocrity and will bring children into the world who will not strive to better themselves, as the children of those who were on relief in the 1930's continue to breed children who see no point in working for salaries approximating their relief checks. In this connection, do you think the raising of the minimum wage rate might get some of these folks out of the house and to the employment office, to attempt to get the sort of jobs which appear to be plentiful (judging by ads in the city newspapers I see) laborers, dishwashers, et cetera.

I would appreciate your comments.

Very truly yours,

——— ———.

From New York:

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: Thank you for having the courage and honesty to stand up and say that we ought to get out of Vietnam. Please keep up the good fight. The whole country needs you.

Cordially,

——— ———.

From California:

Hon. Wayne Morse,
Senate,
Washington, D.C.

Dear Senator: We saw and heard you on TV and certainly agree with you, "We can't win the war in Vietnam," unless it is an all-out war and is it worth it? Here we have Cuba on our doorstep. What is being done? Castro, telling us off. Little Panama telling us off. It seems all any country wants is our money. We are sick of foreign aid. It does appear to only help the Communists to gain.

Our stand on some of the bills. Bill S. 1975. We would like to see this one pass.

We think all people should have civil rights. However, the civil rights bill we oppose—because we feel it does give too much power to the Federal Government.

We hear the Civil Liberties Union wants to do away with chaplains in the Armed Forces. We do indeed object to this. If they can't even have a chaplain to counsel with them, what are our boys fighting to save? Our only son is in the service of our country.

I think we are all weary with appeasement. What is being done about our men shot down in East Germany? What's going to be done? I get clippings and hear facts from Alaska, how the Communist fishing boats are about to put the fisherman out of business—our daughter teaches in a village of fishermen's homes.

May God help us all.

Thank you.

Sincerely,

——— ———.

From Maryland:

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I have so often admired your independent stand that I am sorry to disagree with you heartily about foreign aid. You have probably seen for yourself the need for it in Asia. I was there in 1959 and felt that the terrible poverty there would live longer than our generation. The same thing is probably true in Latin America, which I have not seen. Today I read in Carl Rowan's book "The Pitiful and Proud" "I realized that logic and a sense of decency told me that * * * it would be a costly mistake for the United States to lessen economic aid." I wish you could see that.

Yours truly,

——— ———.

From Florida:

Dear Senator Morse: I write to thank you for your speech of March 4. You said what needed to be said.

The war in Vietnam is a wicked war. Our whole foreign policy is wrong—because it is based on a wrong assumption—i.e., that we have a duty to keep the world in line with our policies, and our interests.

Sincerely,

——— ———.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Honorable Sir: You have the support of all Americans in your remarks about Secretary Rusk. Just what policy is he talking about? We do not have a foreign policy and are in retreat everywhere in the world. The defeats are so regular it looks very much that, they might be planned that way. Is it un-American to ask, why we are always appeasing the Kremlin? Now, we are pleading for the release of the men shot down in East Germany and are ready to give away some advantage on travel permits to get them back.

The same appeasement policy now has Russia pointing their rockets at us from Cuba and setting up a powerful seismatic complex capable of detecting nuclear tests in Nevada. Their ultimate goal: Annul American defensive and offensive missile power. The caves in Cuba are full of missile tracking stations according to an article by Dr. Fernado Penabaz published in the Fort Lauderdale News of this date.

The billions we have spent to stop communism has now turned into help the Communists. The money that went into Poland and Yugoslavia has supported the Russian economy for the past 17 years. All foreign aid must stop.

Most respectfully,

——— ———.

Senator Morse: I wish to compliment you on the talk you gave on television "Today" as to your thoughts on our spending of money and young American men in southeast Asia.

First man in the Government to talk like a down-to-earth man.

How in the world do we as a Nation expect to save everyone? Maybe they have a right to solve their own problems? Who are we to tell everyone how to live?

Let us get our own house in order. All Russia wants us to do is spend ourselves into bankruptcy and we sure are doing a good job.

Stay in there and fight for solid business ideas and keep United States safe.

Your truly,

——— ———.

From New York State:

Hon. Wayne Morse,
Hon. Ernest Gruening,
Washington, D.C.

My Dear Senators: As one of the signers of the open letter to President Kennedy on ending the war and bringing peace in Vietnam which was run in a number of newspapers last summer, I am in a position to report to you the continuing and growing support, throughout the country, of the proposal to withdraw our forces and submit the problem to negotiation along the lines of the Geneva Convention.

I enclose a copy of that open letter (which you probably saw). More than 20,000 reprints of it were requested by various groups throughout the country and evidence of support has continued to pour in, even today. I can assure you that there is even stronger sentiment for our withdrawal from Vietnam, as proposed in your speech in the Senate, reported in the New York Times today, then there was last summer. People are becoming more informed as to the real issues, I think, thanks to your untiring efforts to maintain some semblance of reason in this confused situation.

With my full endorsement of your position (and that of eight registered voters in Connecticut with whom I have talked today) I send you my best wishes.

Sincerely,

——— ———.

From Illinois:

DEAR SENATOR MORSE: Thank you. Thank you for your forthright brave words refusing to endorse the dangerous involvement of this Nation in the military operation in South Vietnam. Many of the American people do not wish to see this Nation so involved, but we have been fed the usual half-truths with the inference being that if we do not support this stupid intervention we are not patriotic Americans.

May I encourage you to raise your voice again and again. I am sure there are no political advantages to be gained by being a dissenter, but there is the satisfaction of knowing that you have given your support to what is right and good. Please take every opportunity to lead us away from this disaster toward which we are hurrying.

Respectfully,

——— ———.

From California:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: On behalf of quite a few members in my community, I (we) wish to commend you on your admirable stand against the current Government policy of support in Vietnam, a very unwise policy to say the least.

Respectfully,

——— ———.

From Illinois:

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you from the bottom of my heart for your courageous statement against the continuation of the war in South Vietnam.

Please spare a moment to read the enclosed copy of my letter to the Eugene Register-Guard.

No reply to me is necessary. Time is too valuable and you are one who uses every minute well.

Sincerely yours,

——— ———.

EDITOR, LETTERS COLUMN, REGISTER GUARD,
Eugene, Oreg.

SIR: I am so grateful for the wisdom, courage and commonsense of the Honorable Senator WAYNE MORSE, I cannot refrain from trying to reach as many citizens of Oregon as possible to say "Congratulations and thank you for electing Senator MORSE."

For almost 3 years his has been one of the few voices speaking out against the pointless, brutal and futile war in South Vietnam. Only recently have many other Senators and Congressmen joined him in the demand for a reevaluation of our policy in south Asia. Surely these voices of reason should be heeded by the administration. Negotiations for a peaceful settlement should be begun at once either by the nations concerned in the area or by the United Nations.

You Oregonians are also to be congratulated for your choice of Senator MAURINE NEUBERGER. She, too, can be relied upon to speak out on vital issues with independence, sound reasoning, and concern for the health and welfare of people no matter where they live.

Very sincerely yours,

——— ———.

From Wyoming:

Hon. WAYNE MORSE,
Senator from Oregon,
Washington, D.C.

DEAR SENATOR: On this morning's TV news, I saw and heard you make an excellent statement regarding Vietnam, and I want to express my agreement with what you said.

In strong and vigorous terms you said it was your belief that we might as well face up to the fact that what we are trying to do there cannot be done, and we should withdraw from there before more American lives are lost, and more U.S. dollars spent and wasted. You pointed out that Great Britain tried and failed; France tried and failed, and we will fail. To this, I add hearty agreement.

If we are going to fight the Communists, let's reserve our strength to do it in our own hemisphere, and it looks like we will have to do this in Cuba eventually.

And further, I want to take this opportunity to express myself on the matter of foreign aid. The newest request from the White House should be defeated. If we can't cut out foreign aid entirely, then pare this $3 billion down at least 50 percent, and do that every year henceforward until it is gone entirely. We can use that money better right at home, in preparation against the Communist push, or even in that election year gimmick of the Democrats' war on poverty.

Respectfully,

——— ———.

(Carbon copies to Senator SIMPSON, of Wyoming; Senator MCGEE, of Wyoming; Representative HARRISON, of Wyoming.)

From Florida:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heartily endorse your stand on U.S. policy in southeast Asia and am in sharp disagreement with what appears to be the official policy.

Yours truly,

——— ———.

From California:

DEAR SENATOR MORSE: I didn't hear you but friends have spoken of the very excellent speeches you have made on Vietnam. I agree with your position and want to thank you.

Sincerely,

——— ———.

From Minnesota:

DEAR SENATOR MORSE: Thank you. Thank you. I've just heard you on the "Today" show. My sentiments are like yours on the Vietnam situation. Such a waste of American money and men. Please continue to speak up. I'm sure there are thousands of us who feel this way. Let us hope and pray that something positive is done about this deplorable situation.

——— ———.

From South Carolina:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I listened to your remarks about the participation of the United States in the Asian mess. I want to thank you for this forthright expression of views. It is rare among our lawmakers.

I am 83 years old and almost blind. It is refreshing to think we still have some old-fashioned ideas of the place of this country in the world.

Very sincerely,

——— ———.

From New York:

March 21, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on your courageous and desperately needed stand on our suicidal intervention in South Vietnam. At last.

Let us not be marched like sheep to the pasture (or like Jews to the concentration camps) without dialog and debate.

Please continue your fight vigorously. The American people do not wish to be involved in a war which can continue to kill hundreds (maybe thousands if the war is enlarged) in behalf of corrupt, self-seeking politicians with massive passive resistance to the war by the South Vietnamese people themselves.

I agree with your stand that we withdraw and allow the Vietnamese themselves to decide their fate.

Respectfully,

——— ———.

From Colorado:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to congratulate you on your position regarding U.S. policy in Vietnam.

It is time that this country got out of Vietnam and stayed out.

Our support of the series of rotten governments in Vietnam on the claimed basis that they really represent the people is sheer hyprocisy.

The only immediate solution is an agreement similar to that reached in the Laos situation.

Yours sincerely,

——— ———.

From California:

Senator WAYNE MORSE,
U.S. Capitol, Washington, D.C.

DEAR SENATOR: I saw in the Christian Science Monitor of March 16 that you and Senator GRUENING, Democrat, of Alaska, want to stop the war with China over Vietnam.

I agree. Thank you for your stand.

Yours truly,

——— ———.

From Illinois:

Hon. WAYNE MORSE,
Senator from Oregon,
Washington, D.C.

DEAR SENATOR: Two or three days ago I chanced to hear you briefly on TV and note your remarks regarding foreign aid.

I wish to congratulate you upon the position you are taking concerning this great folly. Truly, as you said, may we take a long hard look before we pour more American funds abroad under the guise of helping other nations only to see it wasted upon foolish projects or go into the coffers of a few.

I am a Republican. This foolishness is not a partisan affair. I condemned the previous administration in this respect the same as the one now in power. To say 80 percent of our aid, so-called, will be spent in this country, providing more jobs, is lacking in truth and is dubious.

Thanks, Mr. Senator.

——— ———.

From Idaho:

U.S. Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR MR. SENATOR: It gives me a great pleasure to know the stand you have taken for years on the question of Vietnam.

I have traveled in Idaho about 6,000 miles in the last few months and I find very few people who support the war in southeast Asia. They all say we should get out of there.

Never has high politics gambled so irresponsibly before with the very existence of mankind.

I think we are on a false track. Our main question is not how we got on it, but how can we get off, and make a fresh start.

I think we are getting in a trap, and we will find it very hard to get out if we wage war in North Vietnam. There is China with 750 million people, and happy to put 100–150 million men to fight that war, say nothing of Laos, Cambodia, Burma; yes even Soviet Union. Also, we have to reckon with French, too, she may not forget so easily why she left southeast Asia.

I don't think we are there to teach how to fight guerrilla war—but to learn it from the people who been fighting it for the last 25 years.

I value very much the stand you are taking in southeast Asia.

Very sincerely yours,

——— ———.

From Connecticut:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I wish to congratulate you on your intelligent stand concerning our terrible foreign policy in South Vietnam.

I urge you to continue your efforts in this regard and hope that you may influence your fellow Senators and other members of the U.S. Government.

Very sincerely,

——— ———.

From Florida:

DEAR SIR: I hope you stick to your guns about reducing the amount of our foreign aid. We have given millions away and still we haven't kept them from going Communist. Even our allies go against us when it comes to trade with Cuba and other Communist countries. The American taxpayer is getting fed up with the whole program. How much longer can Uncle Sam be Santa Claus, especially when we are running our country into debt all the time.

Yours truly,

——— ———.

(Read attached article:)

[From U.S. News & World Report, Mar. 16, 1964]

IS U.S. AID TO GREECE PAYING OFF?

ATHENS.—In Greece, long considered a firm friend of the United States, an old question was being raised again:

Can the United States really count on, as an ally, a country made strong and independent with U.S. foreign aid?

This doubt grew as mobs of screaming Greeks rioted before the U.S. Embassy and broke windows in an office of the U.S. Information Agency.

Since World War II, Greece has received $3,051 million in U.S. economic and military aid. Only France, Britain, Italy, West Germany and Turkey have been helped more.

And, with only 8.4 million people, Greece has collected far more U.S. aid per capita than any other country—some $360 per person.

In 1947, President Truman asked Congress for a new aid program for Greece. The billions given under the Truman doctrine are credited with saving the country from communism.

On March 4, students in Athens, some of them shouting Communist slogans, daubed a bronze statue of Mr. Truman with whitewash. Then they scrawled across it, "Yankee, go home."

In the rioting, two pictures of President Johnson were set afire.

Newspapers called sailors of the U.S. 6th Fleet in the Mediterranean the floating policemen of American imperialism.

A scheduled 6-day visit of the fleet to the Greek port of Piraeus was quickly postponed.

In Salonica, 30,000 Greeks gathered to hear speakers denounce the United States.

Behind all this was the Greek belief that the United States was favoring Turkey in the dispute between the two countries over the island of Cyprus.

Most of the rioters were students. Many of their signs and slogans were pro-Communist. Greek police protected U.S. property but—under orders—did nothing to disperse the mobs.

FEBRUARY 18, 1964.

Hon. WAYNE B. MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I am writing you not to ask for anything for myself, on the contrary, I am writing to pass some information and views on to you so you can evaluate and consider them for whatever they are worth. Sitting here as I am on duty in South Vietnam as I am, I sometime wonder if the people in the States are getting a complete and unabridged version of the news. From past experience I know that news is somewhat toned down by the time it is released for public information in the States. To one extent I appreciate this fact as I would not want my wife and children as well as my family and friends to know the full truth about the situation in this area. I believe it best that they be spared all of the worry which would be aroused by full and complete knowledge in detail of what is happening in this area. I do believe though that our lawmakers should have this knowledge made available to them. From some of the news received here in the past from the States it seems that they are either somewhat in the dark about affairs in this part of the world, or that they simply do not care. I prefer to believe that the news is not made available to them. I believe that all available information should be evaluated before any decisions on any matter should be made.

I digress from reading the letter, Mr. President, to say that this sergeant has with a keen insight, been presenting an evaluation of the practices of the American news media. His views are similar to the ones I have been presenting on this floor for a long time now. The American people are living in the dark, insofar as what is happening in South Vietnam is concerned—and not only insofar as what is happening in South Vietnam, but also insofar as what is happening in a good many other trouble spots in the world. If the American people only knew what is happening, it would not take them long to insist that there be a change in American foreign policy.

I return to the reading of the letter from this American sergeant:

There is an excellent English-speaking newspaper published in Saigon. I feel that this paper publishes as close to an unabridged sampling of the feelings of the Vietnamese people and the curent news of southeast Asia as is obtainable. This newspaper will express a pat on the back when it is due, at the same time expressing a firm reprimand when it is deserving. This paper prints articles which attack as well as praise the policies of the United States, as well as Vietnam and many other countries. With your permission, periodically I will send you articles as well as editions of this paper along with my feelings on the matters concerned.

Inclosed you will find clippings from the February 17 edition concerning the Pershing Field blast and the Kinh-do-Capitol Theater bombing. The eyewitness report of the Pershing Field Blast clearly notes that the Vietnamese people knew that the bombing was to take place. The article on the Kinh-do-Capitol Theater bombing was truly a dastardly act, taking out vengeance on defenseless women and children as well as the American troops (commonly referred to as advisers).

I digress from reading the letter, to state that my good friend, the Senator from Arkansas [Mr. FULBRIGHT], had much to say, the other day, about myths. I was sorry that his speech did not offer a blueprint plan in connection with the various points he discussed. As I said in my immediate reply to his speech, it was a good speech as far as it went, but it really left us in a state of semantic confusion, because the Senator from Arkansas did not really offer constructive proposals as substitutes for the policies he was criticizing. However, it was well that he pointed out that a good deal in our thinking on foreign policy is characterized by myths. For some years, here in the Senate, I have pointed out that the American people, by and large, have become victimized by dogmas—which is another term which describes the state the Senator from Arkansas obviously had in mind when he talked about myths that have come to prevail in respect to a great deal of American thinking on foreign policy. "Dogmas" or "myths"—I care not which term is used; but the fact is that we should choose a better program as a substitute for the myths or the dogmas.

One of the great myths, of course, is that the American troops in South Vietnam are "advisers." That is a lot of hogwash. In fact, it is worse than that, Mr. President; it is a lot of deception. These American boys in American military uniform, who are allegedly "military advisers" in South Vietnam are standing shoulder to shoulder in place after place in mortal danger with South Vietnames soldiers; and they are getting killed, too.

So the sergeant was quite correct when he made the very subtle comment about the so-called "advisers."

I read further from his letter:

The article on the Kinh-do-Capitol bombing in the 18 February edition clearly shows by the way that the Vietnamese policeman left prior to the blast that a bombing was either suspected or known to be following.

Reference 18 February edition; Sahanouk Threatens to Seek Alliance with North Vietnamese. You will note the picture of Cambodian Chief of State Prince Norodom Sihanouk inspecting Russian Mig–17 jet fighters. The article quotes Prince Sihanouk as saying "We will not help North Vietnam in its struggle against South Vietnam and will not favor the Vietcong but in case North Vietnam is attacked, Cambodia will war at her (North Vietnam's) side and vice versa." Another a alleged incident such as happened when a Cambodian village was bombed by the Vietnamese Air Force could touch off another incident such as Korea.

On page 2 you will notice that some 12,000 persons are being treated for starvation in hospitals overflowing with patients, and emergency camps set up by the Indonesian Government. At the same time you will note on page 5 an article about the AFL–CIO dockworkers boycotting the shipment of grain to Russia. There seems to be a strange contrast between a famine in Indonesia and the sale by the U.S. Government of wheat to Russia. I had previously considered the Indonesians to be friendly to the United States.

I wonder if this action won't leave a bad taste in the mouths of the peoples of other southeast Asian countries. Also on page 5 I note the Russians are borrowing a half billion dollars from Great Britain. Do you think that in the complexity of international economics that we may in the long run be paying for the wheat which we sold to the Russians?

The 76 or more American casualties in an 8-day period plus a compounding of the aforementioned incidents, plus many other questionable acts of late, cause grave concern in the minds of many of us serving in this area. I might well imagine this concern is shared by many others in the United States as well as abroad.

Had this been even 1 year ago, I would have written the Honorable CLAIR ENGLE, of California. I have always had the utmost respect and admiration for him. I do not know the status of Mr. ENGLE, as news is rather limited from the States. Just before I left the States in August he had just been operated on for a brain tumor, and the press releases at that time indicated that he would never be able to fill his office again. I was indeed sorry to hear this.

I consider home to be Red Bluff, Calif. Currently my wife and three children are living in Maxwell, Calif. I have been in the U.S. Air Force for about 12 years and am planning to continue my service, making this my career.

I do not make a habit of writing Senators, sir. In fact, I probably hate letter writing more than most people, but I feel so strongly about these matters that I felt it my duty to write and express my opinion. I decided upon you to write to, as I have requested assignment in the State of Oregon upon termination of my tour of duty here in South Vietnam. I have requested duty at Kingsley Field at Klamath Falls, Oreg.

Sir, I appreciate your indulgence in these matters and sincerely hope that you do not take offense to these opinions and observations which I have stated. I personally feel much better having written you, and, so to speak, getting these matters off my chest.

Yours truly,

——— ———.

Mr. President, that letter is an interesting sampling of mail dealing with the South Vietnam problem. As I have said, it is only a small portion of my mail. From time to time, in the exercise of the right to petition, I shall make known the views of these free American citizens, at least for history, by putting them into the CONGRESSIONAL RECORD. I could think of no better use of the CONGRESSIONAL RECORD than to carry out the right of free Americans to petition their Government. From time to time this week I shall have a few other things to say on the South Vietnam problem, because I wish to make perfectly clear that the senior Senator from Oregon does not intend to let the McNamara war in South Vietnam be conducted without strong dissent in the Senate.

I have merely a sampling of the mail from Oregon. There have been Senators who have wondered what reception the people in Oregon would take to the position I have taken on foreign policy. I will stand ready and willing to submit my position on any major issue to a referendum in my State. There is no doubt in my mind what the overwhelming majority of the people in my State think of this unfortunate McNamara war in South Vietnam. So, for the benefit of some Senators who have expressed concern about the matter, I have placed a few of the Oregon letters in the RECORD. The letters are typical.

I am satisfied that as more and more of the ugly facts about the McNamara war in South Vietnam become known to the American people, they will make perfectly clear, as I said at the beginning of my speech, that this administration had better bring an end to the McNamara war in South Vietnam by proceeding to carry out our obligations under existing treaties, including the SEATO treaty and the United Nations Charter, and to recognize that there is no justification whatsoever for unilateral U.S. action in South Vietnam. If there is to be any action in South Vietnam from any source or forces outside of South Vietnam itself, it ought to be by way of joint action carried on under existing rules of international law and procedure as provided for in existing treaties, pacts and charters, such as the United Nations.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. HART, by unanimous consent, introduced a bill (S. 2703) to amend the Merchant Marine Act, 1936, in order to provide for the equitable treatment of Great Lakes ports, which was read twice by its title, and referred to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

ADDITION OF GREAT LAKES PORTS TO PROGRAM OF SUBSIDIES UNDER MERCHANT MARINE ACT OF 1936

Mr. HART. Mr. President, the Merchant Marine Act of 1936 provides for the program of operating and construction subsidies which permit American-flag steamship operators and domestic shipyards to compete with the low-cost foreign-flag competitors. This act has been of significant value in helping to build, and maintain our American merchant marine.

The 1936 act spelled out the Atlantic, gulf, and Pacific coastal areas for particular consideration. That was 1936. Today we find the physical facts somewhat changed. The Great Lakes are open to ocean fleets of the world; it is our fourth seacoast. With the opening of the St. Lawrence Seaway in 1959, the merchant fleets of the world have complete access to our great midcontinent area.

Last month I had the privilege of presiding at field hearings in Michigan, held by the Special Senate Subcommittee on Seaway Problems, chaired by the senior Senator from Ohio.

It became evident in testimony that American merchant ships are not using the seaway in sufficient numbers, and there may be several reasons why that is so.

The Merchant Marine Act—because it predates the seaway—inadvertently discriminates against American-flag ships in the Great Lakes ports. Meanwhile, foreign-flag lines are moving in and monopolizing the various trades.

This is a serious detriment to our foreign trade in general, and to the trade of the Great Lakes ports in particular.

We are not talking about an isolated area; this North American midcontinent area is the heartland of the entire North American Hemisphere. It comprises only 18 percent of the United States-Canada area, but 30 percent of the population, over 36 percent of the value added by manufacturer and over 42 percent of the income from all farm products.

In manufacturing, this area produces 53 percent of the transportation equipment, 51 percent of nonelectrical machinery, 45 percent of fabricated metal products, and 44 percent of the rubber and plastic products, and primary metal industry products. In agriculture, this area produces 85 percent of the flaxseed, 81 percent of the corn, 75 percent of the oats, 74 percent of the soybeans, 73 percent of the wheat and rye, 72 percent of the hogs, and over 40 percent of the poultry, milk cows, and sorghums.

This midcontinent area is a region unique in the history of man, unique in continental development, because the interior has surpassed the coastal periphery. This heartland that the Seaway opened to the world has surpassed the east coast, the East, the Mid-Atlantic, New England, Quebec and the Maritime Provinces of Canada—totaled—not only in agriculture and in population, but also in industrial production and employment.

The valid objectives of the 1936 Merchant Marine Act in assisting American-flag steamship operators and domestic shipyards to compete with the low-cost foreign-flag operators must not be limited to the three historical coastal areas. Our new seacoast must be recognized. We must include the Great Lakes not only in our thinking about coastal areas, but in our laws affecting coastal areas.

Where the 1936 Merchant Marine Act specifically mentions the Atlantic, gulf, and Pacific coasts for consideration of these subsidies we must now include the Great Lakes. It is the compelling claim and principle of equality that I want recognized and applied. It is not the intention of the legislation which I am introducing to limit any privileges now enjoyed at the historic seaboards, but merely to extend these privileges to the Great Lakes, a seaboard in fact and entitled to equal treatment.

At a time when the United States is in the midst of a major export drive, and when our national defense requires a strong American merchant marine, advantage must be taken of all our resources and economic facts of life should be acknowledged. The export origin studies of 1960 established that 34 percent of all exports of U.S.-manufactured goods originated in this seaway hinterland. If we are to place these goods in foreign markets at a cost that will allow American business to compete, we must develop American-flag steamship companies orientated to the Great Lakes.

There must be developed a segment of the American Merchant Marine that is directed and dedicated to the development of Great Lakes commerce. It is to pave the way for such development that I today introduce legislation that will amend the 1936 Merchant Marine Act so that the Great Lakes will receive equal consideration with the Atlantic, gulf, and Pacific coasts.

We must not remain wedded to ancient history. We must take advantage of the present so that we might progress in the future. In essence, the United States is now engaged in a make-or-break struggle to maintain our international competitive position. We must take every advantage of our industrial-agricultural potential, and our most productive ground is where the production is.

Not to grant the Great Lakes area equal consideration with our historical seaboard areas would be a foolhardy rejection of the economic facts of life.

I ask unanimous consent that the bill be printed at the conclusion of my remarks, and be appropriately referred. I also ask unanimous consent that there be printed in the Record at this point a letter dated March 24, 1964, from Otto C. Krohn, divisional manager of Wickes Marine Terminal Co., of Bay City, Mich. The letter gives sharp meaning to the problems which I ask the Senate to resolve by prompt consideration of the proposed legislation I now introduce.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Wickes Marine Terminal Co.,
Bay City, Mich., March 24, 1964.

Senator Phil Hart,
Senate Office Building,
Washington, D.C.

Dear Senator Hart: On March 19 the USDA issued announcement Gr-407 supplement No. 15 calling for bids for dry edible peas and/or pinto beans.

You recently conducted hearings in Michigan concerning problems of seaway shipping. Here is a case in point.

The USDA is requesting offers for 1,000 tons of beans f.a.s., vessel for Puerto Rico to be shipped approximately the 8th of May. Only American-flag vessels are permitted traffic between U.S. ports and Puerto Rico. There are no American-flag vessels plying this trade from the lakes. We are confident that a foreign-flag vessel could be induced to carry this tonnage from the lakes to Puerto Rico.

These beans will no doubt be shipped to Puerto Rico rail from Michigan to Baltimore then on American-flag vessels from Baltimore to Puerto Rico. The excess rail freight to Baltimore compared with Michigan ports would probably exceed $11,000.

We thought this information would be of interest to you.

Very truly yours,

Otto C. Krohn,
Divisional Manager.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2703) to amend the Merchant Marine Act, 1936, in order to provide for the equitable treatment of Great Lakes ports, introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 211(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1121(a)) is amended by inserting before the semicolon at the end thereof a comma and the following: "and with the further added consideration of the benefits to the foreign commerce of the United States of each domestic seacoast, Atlantic, gulf, Pacific, and Great Lakes, being provided services primarily interested in and devoted to the development and fostering of the commerce of that seacoast".

Sec. 2. The first sentence of section 809 of the Merchant Marine Act, 1936 (46 U.S.C. 1213) is amended by striking out "and Pacific" and inserting in lieu thereof "Pacific, and Great Lakes".

RECESS UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 13 minutes p.m.) the Senate, under the order previously entered, took a recess until tomorrow, Tuesday, March 31, 1964, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 30, 1964:

Diplomatic and Foreign Service

William McCormick Blair, Jr., of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Mrs. Katharine Elkus White, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Dorothy H. Jacobson, of Minnesota, to be a members of the Board of Directors of the Commodity Credit Corporation.

In the Navy

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Kleber S. Masterson, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 1964:

U.S. Coast Guard

Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy as an instructor with the grade of lieutenant commander.

Interstate Commerce Commission

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

SENATE

Tuesday, March 31, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. Metcalf].

The Reverend Woodrow Wilson Hayzlett, minister, Central Methodist Church, Arlington, Va., offered the following prayer:

God and Father of us all, in whom we live and move and have our being, we come stumbling into Thy presence, not because we are worthy, but with a sense of our own unworthiness and utter dependence on Thee.

We thank Thee for the privilege of living in this land of freedom. As we stand in this sacred and historical place, we are reminded of the great price paid for that freedom, with white crosses marking every mile of the way from Bunker Hill to Mekong Delta in Vietnam.

We humbly pray that You would make us mindful of our own responsibilities for the continuation of this freedom that it may be part of the glorious heritage of our children's children.

We need Your presence here this morning, that tension and frustration may fall as broken shackles about our feet. As King Solomon prayed to Thee for wisdom, so we would ask of Thee wisdom and guidance for these, Thy servants, who are duly elected Members of the Senate of the United States of America. They confront grave and important issues sacred to the hearts of every citizen, such as the sanctity of one's home and possessions.

May each one here present this morning know that in a very real way You are interested in what they say and do.

May Thy holy will be done on this earth, and, yes, even in this Senate Chamber, as it is in heaven, "that a government of the people, by the people, and for the people shall not perish from the earth."

All of which we ask in the name of Jesus, the Son of the Living God. Amen.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 30, 1964, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection——

Mr. RUSSELL. Mr. President, reserving the right to object, let me ask whether the senior Senator from Montana intends to have a live quorum call today.

Mr. MANSFIELD. I would assume that that would be the prerogative of any Senator at any time.

Mr. RUSSELL. Yes; if he could be recognized. But yesterday the proponents of the bill spoke, and would not yield for debate or for questions or for any other purpose.

Therefore, I should like to know whether it is proposed that today there be a live quorum call.

Mr. MANSFIELD. Yes.

Mr. RUSSELL. Very well; then I have no objection.

Mr. ELLENDER. Mr. President, let me ask whether the proponents of the bill plan today to continue to present to the public their version of the bill. I understood from the press that they would be so engaged all this week.

An article in the Washington Post stated that the long speeches of yesterday by the bill's floor managers were "setting a pattern of alternate Democratic and Republican speakers taking the floor to extoll the bill's merits." Now we find that such is not the case. Can the Senator from Montana inform us as to the situation?

Mr. MANSFIELD. I cannot give the Senator from Louisiana definite information. It would be our hope that both sides would be heard. I understood that one of the Senators in opposition to the bill was waiting to speak; but I understand that now he has postponed his remarks until next week.

So I hope Senators will present their views.

Mr. ELLENDER. But yesterday the press carried headlines to the effect that Members on the side of the proponents would present their views to the people all this week. The Senator from Minnesota intimated as much at the beginning of his long speech of yesterday.

Mr. MANSFIELD. Yes. But we are now only in the morning hour.

Mr. ELLENDER. Yes. Therefore, I shall not object.

Mr. HOLLAND. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. The Senate is proceeding in the morning hour.

Mr. HOLLAND. But I understood the Senator from Montana to ask unanimous consent for a morning hour with a 3-minute limitation; and there were reservations of the right to object. I wish to speak under a reservation of the right to object.

Is it not correct that the Senator from Montana did ask unanimous consent for a morning hour with a 3-minute limitation?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. I am glad the majority leader understood the situation in the way that I did.

So, Mr. President, reserving the right to object—although I shall not object—let me say that I was the one who was ready to speak yesterday. I returned all the way from Florida, in order to speak. I had been told by my two leaders, the Senator from Georgia [Mr. RUSSELL] and the Senator from Alabama [Mr. HILL], that I would be heard first, yesterday. Over the weekend, I saw in the press, statements to the effect that the advocates of the bill were going to be heard at length yesterday and throughout this week. Nevertheless, I returned here from Florida; but I found that the advocates of the bill, who would not agree to be questioned at all, occupied the floor for the entire day, yesterday, until well after 7 p.m.

I thought that under those conditions I would allow them to proceed to prove their lung capacity; and I am not prepared to speak today, because I am not on the team which is to be on the floor today.

I wish to say to the distinguished Senator from Montana that, as he well knows, I telephoned him from Florida, and asked whether I could be heard yesterday; but yesterday there developed in the Senate such a long-winded couple of speeches by the acting majority leader [Mr. HUMPHREY] and by the acting minority leader [Mr. KUCHEL], that no Senator on our side had an opportunity to say anything at all.

I was particularly distressed when both of them announced that they did not want to be questioned and that they did not want to have any debate, but that they merely wanted to proceed at great length to make long-winded statements in connection with their advocacy of the pending measure.

I hope the distinguished majority leader will not put himself in the position of maintaining that no announcement was made to the press, and to the radio and television representatives that the advocates were to occupy most of the time this week, because the majority leader himself made that statement to me over the long-distance telephone, when I telephoned from Florida. We all know perfectly well that that was the plan.

If the advocacy of the bill has broken down temporarily, I think the RECORD should show it. I believe that to be the case.

I thank the majority leader for yielding.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. STENNIS. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. The Senator from Mississippi reserves the right to object.

Mr. STENNIS. Let me again ask the majority leader—for I shall be on the floor today—in regard to the schedule for the debate. I had understood that an announcement was made that the proponents proposed to present their views on this measure during this week. Then I heard by radio last night, that the Senator from Minnesota [Mr. HUMPHREY] proposed that the proponents of the bill not speak today, but that, instead, they be answered by the opponents.

To have the Senator from Minnesota stake out a pattern under which he plans to operate, and also at the close of the session yesterday to stake out a pattern of procedure for his adversaries to operate under the next day is a new wrinkle in the Senate, although it is better than the anonymous memorandum in which an attempt was made to answer the speech made on the preceding day by the Senator from Mississippi. So at least we are making headway.

However, I take it that the majority leader is not adopting the pattern which was suggested yesterday by the acting majority leader [Mr. HUMPHREY].

Mr. MANSFIELD. There is an old saying that "John should speak for himself." I am not referring to the Senator from Mississippi; I think HUBERT, the manager of the bill, can speak for himself. So I yield now to the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from Montana.

I am sorry that the efforts of those of us who favor the bill have confused the opposition. But on that basis, we are ready to have the Senate vote immediately on the bill.

I did not feel that it was my obligation to help determine the tactics for the opposition.

Yesterday, the Senator from California [Mr. KUCHEL] and I spoke in advocacy of the bill, and tried to explain what the bill would do and why its enactment is needed.

I deeply regret that Senators who are in opposition to the bill feel that, somehow or other, it is our manifest duty today to explain the bill. We hope they will either let the Senate vote on the bill or will proceed to demonstrate why they are in opposition to it.

We are prepared to debate the bill. The case has been made, at least as we see it, for the overall explanation of the bill. It is our hope that at the proper time we shall take up title I of the bill, which we are prepared to debate at any time. It is our hope to take up each of the titles. But I wish Senators to know that we do not have in mind an arrangement as such that states that during one week some Senator can be gone and the next week another Senator can be gone.

Yes; we are prepared to take a vote immediately on any title of the bill that any Senator would like to discuss, or even to have the third reading of the bill, so far as the Senator from Minnesota is concerned. I believe that the bill needs more discussion. It is my view that the bill needs very full debate. I differentiate between full debate and a filibuster. Full debate gives life to a bill; a filibuster seeks to kill it.

At the present hour we are prepared to enter into further discussion on the bill. Those of us who are its proponents have studied it very carefully. We like it. We are prepared to vote on it. But if the friends of the opposition feel that we have some duty to continue to debate when we are not disposed to do so, I regret to inform them that we cannot follow their wishes or dictates.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia has reserved the right to object.

Mr. RUSSELL. Mr. President, I am very much interested in the remarks of the Senator from Minnesota. For some reason or other he appears to think that he not only calls the tune but also does all the dancing.

Yesterday the Senator from Minnesota took the floor of the Senate and announced that he would not yield to any Senator for any purpose during the course of his remarks. He spoke for approximately 4 or 5 hours, and now he is ready to vote.

Mr. HUMPHREY. Three hours.

Mr. RUSSELL. Three hours. The speech was longer than that because I entered the Chamber at about 4 o'clock and the Senator was still speaking.

Mr. HOLLAND. It merely seemed like a longer time, so little was actually said.

Mr. RUSSELL. I did not remain in the Chamber.

We intend to handle the debate against the bill according to our own plans, and not in accordance with any plans made by the Senator from Minnesota. He has not caught anyone off base. We are present. We are prepared to discuss the bill.

I was somewhat surprised yesterday when the Senator from Minnesota took the position that he would not yield, because he previously had interrupted almost every speaker against the bill from time to time. He had broken the speakers' train of thought, as only the Senator can do, by queries that only slightly related to what the Senators were talking about, so as to take them away from the main train of their thought.

When the Senator entered the Chamber yesterday he was fortified with a book. I momentarily thought he had made a mistake and brought in an encyclopedia. Then I saw the depth of the Senator's speech that was before him. He announced at the outset of his address that he would not grant the same privilege to those who were opposed to the bill that he had requested for himself. In the course of his remarks he made statements that I do not believe were justified altogether by the facts. If we should undertake to answer the arguments that he made, we would have to go back to the Record and say, "The Senator from Minnesota on such and such a day, in the course of his statement, when he had declined to yield, made the following statement."

I read in the Washington Star, which ordinarily is about as accurate a newspaper as is available in the city of Washington, a long article that purported to outline the plans of the proponents of the bill. According to the article, Senators have been selected to discuss each title of the bill. To the team of Kuchel and Humphrey had been reserved the priceless privilege of discussing all of the titles. The Senator from Minnesota did so yesterday at great length. His address was well organized and well prepared.

I likewise appreciate the fact that the Senator from Minnesota has written a book on the subject. I have not read it yet.

Mr. HUMPHREY. Edited only.

Mr. RUSSELL. I intend to read it. I do not know that I would be particularly enlightened as to many phases of the bill. But I would at least get the views of the Department of Justice and the Civil Rights Commission, which have been printed and distributed many times, and which have now been somewhat revised in the compendium of the Senator from Minnesota, and sent around as his priceless contribution to the subject.

Mr. President, it does not matter who speaks today, who speaks for the next 2 hours, or who speaks tomorrow. The Senator from Minnesota, having made his speech and thinking he now has the votes, is ready to vote. I expect to hear him say every day, "Let us vote. Let us proceed to vote."

I might as well tell him now that while he may get headlines every day, the statement will not bring about a vote immediately. We, who are opposed to this bill, are at a great disadvantage in combating all of the monumental power of the greatest bureaucracy that the world has ever seen in the Federal Government, which is at the beck and call of the Senator from Minnesota anywhere, and anytime. With that disadvantage and with all of the other odds that are arrayed against us, including the emotional hysteria which has been generated and which pervades the land, we shall not be ready to vote at any time soon. It may take some time for us to discuss the bill adequately.

Some Senators have been importuned by various groups of traveling advocates of the bill who have been sent down in relays. I congratulate the Senator. There has not been as well organized and monumental a lobby in Washington since the prohibition amendment and the Volstead Act were enacted.

Since that time Senators have not been tempted from the standpoint of their political lives as they are now. Many men of the cloth today, even as in those days to which I have referred, occupy the gallery and look down upon Senators. Sometimes Senators frown; sometimes they tremble; sometimes they smile. Other Senators jump with delight.

But we shall not vote right away. The Senator may issue his little challenge every day. However, I hope that Senators who are opposed to the bill will be more generous to the Senator from Minnesota than he was to them, and will yield for discussion and debate on the floor of the Senate when questions are asked.

I hope that when the other chief of command of the bipartisan coalition, the Senator from California [Mr. Kuchel], rises, the opponents of the bill will yield also to him. In that way I believe we shall make better progress. It will be difficult to come to a complete understanding even under the elaborate plans laid down by the Senator from Minnesota whereby he will confine the debate to title I until debate on that title is exhausted. Then he will debate title II, and proceed in that manner until all the bills that have been collected under one cover have been debated.

Along with his colleague, the Senator from California [Mr. Kuchel], as I have read in the press, the Senator from Minnesota has installed an iron discipline among proponents of the bill. He brings a quorum to the Chamber almost at the batting of an eye. The proponents have an organization which is without precedent in the history of the Senate. But I assure the Senator that there will be two or three Senators who will not adhere completely to his program. While we mean no offense to the Senator, he may expect that some of us may speak on title VI at a time when the Senator thinks that the discussion ought to be on title III or title VII. But we hope that in the final analysis we shall be able to get the real contents of the bill across to the people of the United States by the process of debate on the floor of the Senate.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I must do so in order to obtain the floor—may I propound a parliamentary inquiry?

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. MANSFIELD. As far as recognition is concerned, is not the question of which Senator is on his feet first a question which the Chair must decide?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The Senator who is on his feet and addresses the Chair first will be recognized. As the present occupant of the chair understands the procedure, protocol and courtesy suggest that the Chair should first recognize the majority leader and the minority leader.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. Does the statement of the Chair extend to the second in command when he is the generalissimo in charge of some particular title of the proposed legislation?

The ACTING PRESIDENT pro tempore. The Chair will try to recognize the Senator who has first addressed the Chair. The majority leader of the Senate, the Senator from Montana [Mr. Mansfield], and the minority leader, the Senator from Illinois [Mr. Dirksen], will be recognized in order that the business of the Senate may be expedited. After that the present occupant of the chair will recognize the Senator who he believes has first addressed the Chair, as the Chair recognized the Senator from Georgia [Mr. Russell] a moment ago.

Mr. RUSSELL. I thank the Chair. I thank him for responding to the parliamentary inquiry. I have one further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Georgia will state it.

Mr. RUSSELL. When the distinguished majority leader happens to be absent from the Chamber and the Senator from Minnesota or some other Senator is seated in the chair of the majority leader, does that right carry over to the Senator who sits in the chair of the majority leader? Does that right carry over to whoever is in the chair of the majority leader?

The ACTING PRESIDENT pro tempore. It is the understanding of the present occupant of the chair that during the routine morning business of the

Senate the majority leader or anyone designated by him as acting majority leader will be recognized.

Mr. RUSSELL. That is the response I expected, I may say.

The ACTING PRESIDENT pro tempore. In the ordinary course of debate if any Senator is occupying the majority leader's seat he is not, in the opinion of the present occupant of the chair, the acting majority leader and he will have to take his chances on recognition, the same as any other Senator.

Mr. RUSSELL. In other words, if the assistant majority leader is sitting in the chair of the majority leader, he will be given precedence, but if the Senator from Georgia should attempt to usurp that prerogative and slide into that chair, that right would not carry over to him?

The ACTING PRESIDENT pro tempore. The distinguished Senator from Georgia has put words in the mouth of the Presiding Officer.

Mr. RUSSELL. The Senator from Georgia did not intend to do so; but when the majority leader is absent, it has been the custom for the assistant majority leader to occupy his position on the floor of the Senate, and he is given precedence.

The ACTING PRESIDENT pro tempore. It is the understanding of the present Presiding Officer that, for example, when the Senate convenes in the morning the occupant of the majority leader's chair will be recognized first for routine motions, and so forth, and he will have precedence over any other Senator seeking recognition. During the course of debate in the morning hour, if some other Senator obtains the floor, he will be recognized. Of course, when the majority leader comes into the Chamber and seeks recognition, and some other Senator has yielded the floor, the majority leader will be recognized, if the present Presiding Officer is in the chair. But so far as the designation of "team captain," and so forth, is concerned, whether it is the group championed and captained by the Senator from Georgia or the one championed and captained by the Senator from Minnesota, they will have to take their chances on recognition, if the present Presiding Officer is in the chair.

Mr. MANSFIELD. Mr. President, the word "right" has been used. The minority leader and the majority leader have no "right" to take precedence over other Senators. It is a courtesy.

The ACTING PRESIDENT pro tempore. As a matter of protocol and courtesy, the present occupant of the chair will recognize them first. Every other Senator has a right to recognition by being the first to address the Chair.

Mr. RUSSELL. Only a part of the rules of the Senate are involved. If there is any time-hallowed custom or tradition or practice, it is that the majority leader and minority leader are accorded recognition; and it should be that way. If that were not the case, there would be chaos in the Chamber. I am not complaining about that now. The Senator from Montana [Mr. MANSFIELD] is too modest. As majority leader, he is entitled to recognition. It is a custom that has been followed for so far back that it is almost a rule of the Senate. I feel sure that the Parliamentarian would so rule.

The ACTING PRESIDENT pro tempore. The Parliamentarian advises the Chair that it has been the custom and tradition and practice going back to Vice President Garner.

Mr. RUSSELL. It goes back to prior to that time. I was here before Vice President Garner was Presiding Officer of the Senate. At that time the majority leader, Senator Robinson of Arkansas, and his opposite number on the minority side, received such recognition by Vice President Curtis.

Mr. President, that is as it should be. I am not questioning that tradition. I merely want to know how far down the line that recognition is to be extended in this case. At times the privilege of recognition is very important.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon [Mr. MORSE] has been seeking recognition.

Mr. MANSFIELD. Mr. President, do I still have the floor?

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor on his unanimous-consent request.

Mr. MANSFIELD. I should like to withdraw my unanimous-consent request, because the hour is fading, and I would like to be heard on another subject.

The ACTING PRESIDENT pro tempore. The Senator from Montana withdraws his unanimous-consent request.

The Senator from Montana is recognized.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I enthusiastically support the ruling of the Chair on the question of recognition, but I would like to ask a question, because I would not want the ruling of the Chair to be assumed by the public as being the way the Senate is conducted. I would like the Senate to operate in that way. I think it is important, in the consideration of the civil rights bill, that the Senate be operated in that way.

My parliamentary inquiry is this: Is it not a fact that much of the time the Senate is in session there is at the desk, for the use and the advice of the Presiding Officer, a list of speakers, and that the Presiding Officer is expected to follow that list of speakers in the order of recognition, rather than follow the rule that the Presiding Officer has so correctly stated? I do not like pretense in any form. To have the statement that Senators are recognized in order of their recognition is misleading to the public, because most of the time that is not done. The Presiding Officer sits in the Vice President's chair under instructions to follow a list of speakers, and he recognizes Senators on the list, irrespective of who first addresses the Chair.

I have always been in favor of abolishing that practice. I feel, in view of the clear-cut and clean-cut ruling of the Chair, I say to the majority leader, that there should be an announcement to the effect that that rule of recognition should be followed, rather than a list for the Presiding Officer which in effect evades the rule of the Senate.

I ask the parliamentary question whether, in fact, much of the time there is at the desk a list of speakers that the Chair is supposed to recognize in the order of the list.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is not propounding a parliamentary inquiry; but the present occupant of the chair, who has been in the chair a good deal of the time during the course of the present session, does keep a list of speakers; but if any other Senator addresses the Chair in advance of Senators whose names are known to be on the list, that Senator is recognized. The Senator from Oregon himself has enjoyed such recognition in advance of other Senators because he has addressed himself to the Chair in advance of the Senator next on the list. The present occupant of the chair stands by the ruling previously made—that he will recognize the Senator who first addresses the Chair.

Mr. MORSE. If the present occupant of the chair is following that practice, he is an exception, because I have been in the Senate long enough to know how the Chair operates. It is the common practice of Presiding Officers who sit in the chair now occupied by the Senator from Montana [Mr. METCALF] to follow the list given, irrespective of who addresses the Chair for recognition. That rule or practice should be abolished.

The ACTING PRESIDENT pro tempore. The ruling is that the Senator who first addresses the Chair shall be recognized.

Mr. MORSE. The practice is to breach that rule.

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. MANSFIELD] is recognized.

Mr. MANSFIELD. Mr. President, the question raised by the Senator from Oregon [Mr. MORSE] has in the past also been raised by the distinguished senior Senator from Georgia [Mr. RUSSELL]. What the Chair has done has been a matter of courtesy.

In this respect, I believe the Senator from Oregon is entitled to a special vote of thanks, because what he has done, time after time, has been to wait until the late hours of the evening, when all other Senators had finished their speeches before starting his. It is most unusual for any Senator to do that. But it is most appreciated, and I hope that the Senate understands the courtesy which has been accorded it.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, the Chair has laid down the rule. I should like at this time, in the hope that there would be no objection, to ask unanimous consent that there be a morning hour, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Will the Senator please state his question?

Mr. MANSFIELD. In view of the circumstances, will the Chair put the request first?

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent request propounded is granted.

The Chair will read the rule about which the Senator from Oregon was inquiring, in order that the record may be clear at this point.

The rule appears on page 271 of "Senate Procedure."

> While in practice the Presiding Officer, for convenience, frequently keeps a list of Senators desiring to speak at the desk, and recognizes them in the order in which they are so listed, the Senator who first addresses the Chair should be recognized upon a point of order being made, and the Chair on various occasions has held that the list at the desk gives way to the rule for recognition.

SENATOR METCALF—A STRONG PRESIDING OFFICER

Mr. MANSFIELD. Mr. President, in view of what has happened since the Senate convened at 11 o'clock following the conclusion of the prayer, I believe that what I am about to say is in good order.

Mr. President, the role of Presiding Officer of the U.S. Senate has had its ups and downs in the history of this legislative body. In recent years, and more particularly in recent weeks, the Presiding Officer has assumed a position of renewed importance. The man most responsible for this new role is my distinguished colleague from Montana, Senator LEE METCALF.

Senator METCALF, in his role as Acting President pro tempore, brings vigor, knowledge of the legislative process to a position which all too often is looked upon as a chore. In this respect, he has beeen ably backed by the Senators of the class of 1962 who have taken their turns in the chair and, without fail, have comported themselves with dignity, understanding, and an appreciation of the rules of the Senate. Mary McGrory, of the Sunday Star, gives a new insight into the role of Senator METCALF as Presiding Officer, and I ask unanimous consent to have the March 29, 1964, article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD. as follows:

VITAL IN RIGHTS FIGHT: METCALF POUNDS THEM DOWN

(By Mary McGrory)

Anybody attending the recent session of the Senate as it decided, after 16 days, to take up the civil rights bill, was extremely conscious of the Presiding Officer.

"The Senate will be in order," roared Senator METCALF, Democrat, of Montana, as he pounded the desk with the handleless ivory gavel that Premier Nehru gave the Nation for just such moments.

The Senators, as is their wont, ignored the order. The buzzing continued.

Senator METCALF pounded again. The Senate is not in order," he shouted, and glared at Senators who were chatting in their places in the front row.

Senators were so startled at the iron fist and the bull voice that they actually "suspended," which is Senate parlance for sitting down and shutting up when requested to do so by the Presiding Officer.

A FORMER JUDGE

Senator METCALF, a sandy-haired, boyish 53-year-old Montana ex-judge, is gradually draining most of the Throttlebottom quality out of the job of Presiding Officer. When he is in the chair, people know he is there.

Presiding over the Senate has always been considered at best an empty honor. At worst, it has been regarded as a dreary chore to be farmed out in rotation to the lowliest freshman Member. Constitutionally it is the duty of the Vice President.

But since June 1963, when the Senate officially designated him Acting President pro tempore to back up the President pro tempore, Senator HAYDEN, of Arizona, Senator METCALF with his heavy hand and heavy voice has been making something of the thankless job.

CALLED A KEY FIGURE

And he is considered by the captain of the civil rights forces, Senator HUMPHREY, Democrat, of Minnesota, a key figure in the present struggle. Senator METCALF is always in the chair for the important rulings and the infrequent votes on the bill.

He is actually a member of Senator HUMPHREY's "big four" of presiding officers. The other three are Democratic Senators BREWSTER, of Maryland, MCINTYRE, of New Hampshire, and NELSON, of Wisconsin. Although under normal conditions the Presiding Officer sits in the chair reading his mail or writing letters for only 2 hours at a stretch, during the civil rights debate, the big four do longer duty.

"It is my contribution to the filibuster," says Senator METCALF, a committed liberal who in his three terms in the House rose to be chairman of the Democratic study group, the liberal entity which instructs and organizes its own members.

IMPORTANT FOR CHAIR

From the first day, Senator METCALF illustrated the importance of having a liberal in the chair. Senator MANSFIELD met the House civil rights bill "at the door" and moved that it be sent to the floor rather than to the Judiciary Committee.

Naturally the move was objected to by the South, but Senator METCALF ruled in Senator MANSFIELD's favor. Senator RUSSELL appealed the ruling, and Senator MANSFIELD moved to lay the appeal on the table. The motion carried and hours of debate were saved.

Under similar circumstances in 1957, Vice President Nixon referred the matter to the Senate, and it was debated for several days.

Senator METCALF much respects the leader of the southern forces, Senator RUSSELL, and does not consider himself a match for him in knowledge of Senate rules and parliamentary skill. But he is boning up on Senate rules and prepares diligently for each new parliamentary inquiry.

While in principle opposed to filibusters, he rather enjoys the speeches of Senator ERVIN, the cracker-barrel wit from North Carolina.

He is regarded as a peerless order keeper who insists on schoolroom quiet during high moments. He learned his stuff from that miraculous order keeper in the House, Speaker Sam Rayburn.

In the vital matter of recognizing Senators seeking the floor, Senator METCALF has no rules and only a slender protocol to guide him. The majority leader has prior right of recognition whenever two or more are calling "Mr. President." The minority leader is second. But when a friend and a foe of civil rights are vying for recognition, Senator METCALF has only his liberal conscience to guide him.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

ADJUSTMENT OF LEGISLATIVE JURISDICTION OVER LANDS COMPRISING THE U.S. NAVAL HOSPITAL, PORTSMOUTH, VA.

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the U.S. Naval Hospital, Portsmouth, Va. (with an accompanying paper); to the Committee on Armed Services.

REPORT OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

A letter from the Chairman, Board of Governors of the Federal Reserve System, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the year 1963 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON AUDITS OF GOVERNMENT SERVICES, INC., AND OF GOVERNMENT SERVICES, INC.'S EMPLOYEE RETIREMENT AND BENEFIT TRUST FUND AND SUPPLEMENTAL PENSION PLAN

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audits of Government Services, Inc., and of Government Services, Inc.'s employee retirement and benefit trust fund and supplemental pension plan, for the year ended December 31, 1963 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON FEDERAL HOME LOAN BANK BOARD

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Federal Home Loan Bank Board, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON OVERPRICING OF B–58 ELECTRICAL POWER SYSTEMS PURCHASED FROM WESTINGHOUSE ELECTRIC CORP.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the overpricing of B–58 electrical power systems purchased from Westinghouse Electric Corp. by General Dynamics Corp. under a cost-plus-a-fixed-fee prime contract, Department of the Air Force, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Public Works:

"HOUSE JOINT RESOLUTION 55

"Joint resolution requesting the inclusion of the Anchorage-Fairbanks Highway and a portion of the Alaska Highway in the National System of Interstate and Defense Highways

"*Be it resolved by the Legislature of the State of Alaska:*

"Whereas, the State of Alaska is now the only State excluded from the National Interstate and Defense Highway System; and

"Whereas this exclusion is based upon 1959 information used in a report of the Bureau of Public Roads when the State had no department of highways and there was little or no information on which to base traffic projections or anticipate related developments; and

"Whereas the 1960 report could not or did not take cognizance of:

"1. The development of the oil industry in Alaska;

"2. The inauguration of the State marine highway system and its subsequent expansion and success;

"3. The unprecedented increase in highway traffic related to the successful promotion and expansion of the tourist industry and the use of the marine highway system; and

"4. The completion and expansion of the ballistic missile warning complex at Clear and the continued high use of the highway system by the several other military installations adjacent to or on the State's road system; and

"Whereas the exclusion of Alaska from the Federal Aid Highway Act in all the years preceding statehood when combined with the fact that highways meeting the criteria for the interstate system have been constructed and reconstructed from regular A B C allotments urgently needed for other State highway projects creates an imperative need for the inclusion of part of the Alaska highway system in the National Interstate and Defense Highway System; and

"Whereas along with the unanticipated development of the State and the continuing problem of trying to catch up with highway needs, there is the concomitant interest in Congress in having the Alaska Highway as it traverses Canada improved: Be it

"*Resolved*, That the Secretary of Commerce is requested to have the Bureau of Public Roads review the request of the State of Alaska for the inclusion of the Anchorage-Fairbanks highway and that portion of the Alaska highway located in the State and to submit a recommendation to Congress pursuant to section 13(c) of the Federal Aid Highway Act of 1962 to add the routes noted to the National System of Interstate and Defense Highways; and be it further

"*Resolved*, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Luther H. Hodges, Secretary of Commerce; the Honorable Clarence D. Martin, Jr., Under Secretary of Commerce for Transportation; the Honorable Rex M. Whitton, Federal Highway Administrator, Bureau of Public Roads; and the members of the Alaska delegation in Congress.

"Passed by the house March 14, 1964.

"BRUCE KENDALL,
"*Speaker of the House*.

"Attest:

"PATRICIA R. SLACK,
"*Chief Clerk of the House*.

"Passed by the senate March 24, 1964.

"FRANK PERATROVICH,
"*President of the Senate*.

"Attest:

"EVELYN K. STEVENSON,
"*Secretary of the Senate*.

"WILLIAM A. EGAN,
"*Governor of Alaska*.

"Certified true, full, and correct.

"PATRICIA R. SLACK,
"*Chief Clerk of the House*."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Public Works:

"HOUSE JOINT RESOLUTION 46

"Joint resolution relating to appropriate Federal action to protect the interests and rights of persons and villages affected by the Rampart Dam hydroelectric project

"*Be it resolved by the Legislature of the State of Alaska:*

"Whereas the proposed Rampart Dam hydroelectric power project is a project of vital concern to the Nation and the State of Alaska; and

"Whereas studies are proceeding to determine the feasibility of construction of this project and the legislature wishes to make known that it is cognizant of the effect of the construction and completion of this project on the people and villages now occupying the area to be flooded for the reservoir; and

"Whereas it is the urgent desire of the legislature that the Federal agencies concerned with the project take immediate action for studies necessary to determine the means for the relocation, reimbursement, and the protection of rights of the people and villages concerned and that provision be made for the following:

"1. Each village to be relocated at a site agreed upon by the inhabitants of the village;

"2. All church, business and organizational edifices located at the original village site be relocated at or near the new village site;

"3. Priority in employment for the clearing of the reservoir site and other construction work on the hydroelectric project be given to the village and rural population now occupying the affected area and that immediate steps be taken to qualify these people for employment on the general project;

"4. Rules and regulations regarding labor be waived in the employment of local inhabitants on the dam project and that jobs be assigned on the basis of physical ability to perform the work assigned; and

"5. The villages affected by the construction of said dam shall be given first priority for such timber cleared from Rampart Dam basin as may be reasonably used by them for local construction and firewood: Be it

"*Resolved*, That the Federal Government, through the Department of the Interior, is respectfully and urgently requested to proceed with the necessary studies and action to accomplish the goals of this resolution; and to provide the legislature and the villagers involved with precise information and assurances as to what will be done for said villagers; and be it further

"*Resolved*, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable John W. McCormack, Speaker of the House of Representatives, the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable Stewart L. Udall, Secretary of the Interior; the Honorable W. Willard Wirtz, Secretary of Labor; the Honorable Floyd E. Dominy, Commissioner, Bureau of Reclamation; the Honorable Philleo Nash, Commissioner of Indian Affairs; the Honorable Clarence F. Pautzke, Commissioner, Fish and Wildlife Service; the Honorable Robert L. Bennett, Alaska area director, Bureau of Indian Affairs; and the members of the Alaska delegation in Congress.

"Passed by the house March 18, 1964.

"BRUCE KENDALL,
"*Speaker of the House*.

"Attest:

"PATRICIA R. SLACK,
"*Chief Clerk of the House*.

"Passed by the Senate March 23, 1964.

"FRANK PERATROVICH,
"*President of the Senate*.

"Attest:

"EVELYN K. STEVENSON,
"*Secretary of the Senate*.

"WILLIAM A. EGAN,
"*Governor of Alaska*.

"Certified true, full, and correct.

"PATRICIA R. SLACK,
"*Chief Clerk of the House*."

Petitions signed by Masatoki Onishi, mayor, Nago Town, Seikyu Nakayama, chairman, Nago Town Assembly, Wasei Sakihama, chairman, Committee for the U.S. Military-Leased Land in Nago, Kamei Nakama, mayor, municipality of Ie-Son, Keicho Uchima, chairman, Military-Used Lands Committee of Ie-Son, Haruo Tamashiro, chairman, Municipal Assembly of Ie-Son, Kenkichi Kina, mayor of Yonagusuku-Son, and Akira Caneko, chairman, Yonagusuku-Son Assembly, all of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

Resolution adopted by the United Okinawan Association, Honolulu, Hawaii, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A radiogram signed by Yuso Shigemune, President of the House of Councillors, Tokyo, Japan, expressing sympathy for the disaster in the State of Alaska; to the Committee on Foreign Relations.

A letter in the nature of a memorial, signed by Mrs. David P. Blaker, of Elmore City, Okla., remonstrating against the speech of Senator FULBRIGHT relating to Cuba and the Panama Canal; to the Committee on Foreign Relations.

The petition of Clifford L. Karchmer, of Memphis, Tenn., praying for the enactment of Senate bill 2628, the Psychotoxic Drug Act of 1964; to the Committee on Labor and Public Welfare.

The petition of Mrs. Raphael Ondusko, of New Haven, Conn., relating to civil rights; ordered to lie on the table.

By Mr. CASE:

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION 2 OF THE STATE OF NEW JERSEY

"Concurrent resolution memorializing the Congress of the United States to take certain action in relation to social security benefits

"Whereas many New Jersey citizens in certain age brackets are now receiving social security benefits but are precluded from earning more than $1,200 annually without suffering reductions in their social security payments; and

"Whereas this $1,200 limitation on earnings has ceased to be a realistic figure in the light of increased living costs applicable to New Jersey citizens including those receiving social security and are therefore finding it extremely difficult to even attempt the meeting of these increased living costs: Now, therefore, be it

"*Resolved by the Senate of the State of New Jersey (the General Assembly concurring)*, That the New Jersey Legislature hereby memorialize the Congress of the United States to take such action as may be necessary to provide for a substantial increase in the amount or amounts which may be earned by social security beneficiaries in order that they may meet increased living costs by their social security benefits plus what they may be able to earn in the outside employment; be it further

"*Resolved*, That copies of this resolution shall be forwarded by the secretary of the senate to the President of the U.S. Senate, to the Speaker of the U.S. House of Representatives and to the Members of the Congress representing the State of New Jersey in the Senate and in the House of Representatives.

"Attest:

"HENRY H. PATTERSON,
"*Secretary of the Senate*."

CONCURRENT RESOLUTION OF NEW YORK LEGISLATURE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a concurrent resolution adopted by the Legislature of the State of New York relating to the incorporation or charter of the Italian American War Veterans of the United States.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 29 OF THE STATE OF NEW YORK

Concurrent resolution memorializing the Congress of the United States to incorporate or charter the Italian American War Veterans of the United States, Inc.

Resolved (if the Senate concur), That the Legislature of the State of New York hereby respectfully urges the Congress of the United States to enact appropriate legislation to incorporate or charter the organization known as the Italian American War Veterans of the United States, Inc.; and be it further

Resolved (if the Senate concur), That the clerk of the assembly transmit copies of this resolution to the Presiding Officer and Clerk of each House of the Congress of the United States, and to each Member thereof from the State of New York.

By order of the assembly.

ANSLEY B. BORKOWSKI,
Clerk.

Concurred in, without amendment by order of the Senate.

ALBERT J. ABRAMS,
Secretary.

REPORT ENTITLED "PYRAMIDING OF PROFITS AND COSTS IN THE MISSILE PROCUREMENT PROGRAM"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 970)

Mr. McCLELLAN. Mr. President, on behalf of the Committee on Government Operations, I submit a report made by its Permanent Subcommittee on Investigations, entitled "Pyramiding of Profits and Costs in the Missile Procurement Program."

This report is the result of studies made and hearings held by the subcommittee on three procurement programs of the Defense Department—the Nike, Bomarc, and Atlas missile systems.

One of the principal conclusions reached by the subcommittee is that the procurement offices of the Department of Defense have not been able to keep pace with the tremendous advances in the state of the art of modern weapons in this space and missile age.

When we are spending billions of dollars where formerly millions were adequate, we must be vigilant against errors of judgment or poor procurement practices either of which can result in waste and improvident expenditure of millions of dollars.

Let us look at the huge amounts of taxpayers' dollars that were involved in the three missile programs we studied. The Nike program had cost, at the time of our hearings, $2\frac{1}{2}$ billion. The cost of the Bomarc program was $1,631 million. The Atlas missile system was another multibillion-dollar program.

Each of these programs was essential to the defense of the Nation, although they will become obsolete in a relatively short period of time. No one, however, can quarrel with the decision to procure them. That decision was right. They were definitely needed at that time. We have a right to expect, however, that tax dollars shall not be wasted or misspent, and to be reassured that we are not paying too much for the weapons systems that we buy.

The studies and hearings of the subcommittee concerning the procurement of the Nike system show that the Army was unable to properly manage and control the acquisition of this highly complex missile system. We found similar failures in administrative practices in the procurements of the Bomarc and Atlas systems.

The development and production of a new weapons system represents a complete departure from procurement methods traditionally used by the armed services, wherein a tank, a cannon, a rifle, or a uniform, among other standard items of military equipment, are purchased in quantity directly from the manufacturer, who is required to meet specifications of quality and performance in a highly competitive marketplace.

The new post World War II weapons with their advanced electronic searching, guidance and firing systems, new exotic propellants and explosives, and new conceptions in aerodynamics required commensurate technical skills. However, during this period the armed services did not have these skills and delegated to the contractors not only research and development but the management of these systems.

This inability, in the judgment of a majority of the subcommittee, resulted in some wasteful practices and excess profit expenditures. Due to the inability of the Army's procurement officers to manage the Nike program, the Government was unable to procure components of the system separately on a competitive and economical basis. When such break-out was accomplished after many years of discussion, we found that on one item alone—the highway transporters for the Nike missile—the cost dropped from $12,000 to $5,300 per unit under competitive bidding.

Pyramiding of profits, it seems, was a general practice in weapons system procurement. For example, the Nike system was composed of four major subsystems: Electronic, aeronautical, mechanical, and automotive. The prime contractor, the Western Electric Corp., produced only the electronic package. It subcontracted the other three subsystems to Douglas Aircraft Corp.

However, Western Electric levied a profit on all the work of all subcontractors even though the subsystems were delivered by the subcontractors directly to the Army. The subcontractors performed more than 75 percent of the work on the entire system.

The total in-house effort of Western Electric was $399 million, while more than $1 billion was either subcontracted or purchased. Western Electric, however, took a profit of $112.5 million, which represents a profit of 7.9 percent of all costs in the program. That percentage on its face is not excessive as related to the cost. When this profit is measured, however, by Western Electric's own effort, what it actually put into the performance of the contract the profit becomes 31.3 percent. That the subcommittee believes to be excessive.

In similar fashion Douglas Aircraft Co., who was a major subcontractor, performed only $103 million of the tasks assigned to it by Western Electric Co. It farmed out to third tier subcontractors $496 million of work or 83 percent of the total. However, it took a profit of $46 million computed on the entire task. Since it only performed 17 percent of the contract, its profit, as related to its own in-house effort, was 44.3 percent. The subcommittee believes that to be excessive.

The details of profit pyramiding in all three of these missile programs are contained in the report of the subcommittee. As a remarkable example, however, I would like to call attention, Mr. President, to conclusion No. 27 in the report, concerning contract No. 1373 of the Nike procurement.

Douglas Aircraft subcontracted for the manufacture and delivery of 1,032 launcher loaders for the missile at a price of $13.9 million. This contract with Consolidated Western Steel included that company's profit. The Douglas firm made a plastic cover, costing about $3 each, for the 1,032 launcher loaders, which resulted in a total effort for Douglas of $3,361. Yet the Douglas Corp. took a profit not only on the $3,361, but it also took a profit on the total Consolidated Western costs of $13.9 million. For a sense, Douglas was allowed a profit of $1,211,771 for making $3,300 worth of plastic dust covers. The subcommittee does not believe such profit to be justified.

In the Bomarc program, the committee found inadequacies on the part of the Air Force procurement officials who not only encouraged, but insisted that the Boeing Aircraft Co. enter into an incentive-type contract prematurely. Both the contractor and the Government recognized that there was insufficient cost data upon which to base estimates of incentive profits.

It was natural that because of this uncertainty the company wanted and the Air Force gave them inflated target costs.

The incentive profits were then based on the so-called saving computed on the exaggerated target costs. The Boeing Co. pointed out the inadequacy of the cost data and suggested a cost plus fixed fee contract. Had the Government entered into the contract suggested by the company, it would have saved the Government a considerable amount of money.

Under the cost-saving features of the incentive contract Boeing was paid millions of dollars of extra profits because of these cost underruns. However, upon close scrutiny as to the reasons for these underruns, it was determined that the lion's share of them was generated by Boeing subcontractors and did not result from any inherent Boeing efficiency. However, Boeing got the profit.

The underruns, as opposed to the target costs, in the Bomarc contracts ran to 70 percent on one contract, 56 percent on another contract, and 35 percent on a third contract.

Mr. President, the subcommittee believes that the profit motive is the better way to use our country's industrial might in our defense. Our detailed study of several missile systems, however, also shows that the Government faces an ever-present danger of profit pyramiding in the acquisition of major weapons systems as long as present procurement methods are utilized.

The subcommittee has found, therefore, that the Government needs to make a thorough reexamination of the weapons acquisitions practices now in general use with a view to making improvements that will insure proper and prudent expenditure of the vast sums that are expended by the Defense Department.

The subcommittee has also concluded that traditional methods of measuring profits as a percentage of cost or as a rate of return on investment are not necessarily the best or the most economic in modern missile procurement. New methods should be sought which will provide profits that are based upon effort. In other words, profits paid for procurement of major weapons systems should also reflect the work that has actually been done to produce the new weapon and not be based solely on the overall dollar amount involved in the contract.

In procurement of major expensive weapons systems the Government should undertake to obtain the services of special units of top-level negotiators and assistants to negotiate. The ability of such a group should be at the equivalent and match the ability of the contractors' counterparts across a bargaining table.

Mr. President, our hearings further showed that waste and profit pyramiding are reduced and controlled appreciably whenever the armed services manage to procure components and subsystems of major weapons systems directly from the producing source. This policy of breakout should be fostered and expanded whenever possible.

One of the important recommendations made by the subcommittee in this report is that the President appoint a high-level study group to examine the Government's procurement practices, particularly in those areas in which the space age, with its advanced technology and its tremendous expenditures, has produced new problems in Government-industry relationships.

Mr. President, this report has been approved by a majority of the Senators who participated in the hearings; however, Senator Carl T. Curtis, Republican, of Nebraska, and Senator Sam J. Ervin, Democrat, of North Carolina, have expressed their individual views which are attached hereto.

Mr. President, I ask that the report be printed, together with the individual views.

The ACTING PRESIDENT pro tempore. The report will be received, and, without objection, the report will be printed as requested by the Senator from Arkansas.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

Walter N. Tobriner, of the District of Columbia, to be a Commissioner of the District of Columbia; and

John S. Crocker, for appointment as a member of the District of Columbia Redevelopment Land Agency.

EXTENSION OF TIME FOR JUDICIARY COMMITTEE TO FILE ANNUAL REPORTS

Mr. DIRKSEN. Mr. President, on behalf of the Committee on the Judiciary, I ask unanimous consent that the time for the filing of reports pursuant to Senate Resolutions 56 through 58, and Senate Resolutions 61, 63, 65, 66, and 68, of the 88th Congress, be extended to May 1, 1964. This request concerns annual reports of certain subcommittees of the Committee on the Judiciary.

The ACTING PRESIDENT pro tempore. Is there objection?

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President——

Mr. MORSE. Mr. President, reserving the right to object——

Mr. DIRKSEN. Mr. President, I have the floor. If there is objection——

The ACTING PRESIDENT pro tempore. The Senator from Illinois has propounded a unanimous-consent request. Is there objection?

Mr. MORSE. Mr. President, reserving the right to object; I should like to inform the Senator from Illinois that I did not hear the heart of his request and would ask him to repeat it quickly.

Mr. DIRKSEN. Subcommittee reports under various resolutions are due now, but they have not been entirely completed. The request is for an extension of time only until May 1 for filing reports.

Mr. MORSE. Mr. President, I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A CERTAIN REPORT

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on Government Operations receive an extension of time until June 30, 1964, to file a report by the Permanent Subcommittee on Investigations.

The report to which I refer deals with the Department of Agriculture and its relationships with Billie Sol Estes. The draft of the report was delayed because of necessary postponements in the appearance of Estes. Estes appeared before the subcommittee last fall and a report was drafted concerning this subject matter. The draft has been in the hands of committee members for some time now but they have not yet completed their deliberations.

For this reason, I ask unanimous consent that the time for filing this report be extended until June 30, 1964.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PROPOSED AMENDMENT TO CONSTITUTION RELATING TO RELIGION IN THE UNITED STATES—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the orders of the Senate of March 11 and 20, 1964, the names of Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Mansfield, Mr. Sparkman, Mr. Talmadge, Mr. Tower, and Mr. Walters were added as additional cosponsors of the joint resolution (S.J. Res. 161) proposing an amendment to the Constitution of the United States relating to religion in the United States, introduced by Mr. Simpson (for himself and other Senators) on March 11, 1964.

HOUSING ACT OF 1964—ADDITIONAL COSPONSOR OF AMENDMENTS

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of my colleague, the junior Senator from New York [Mr. Keating], be added as a cosponsor to amendments Nos. 458, 459, and 460, which I submitted to Senate bill 2468, the Housing Act of 1964, on March 3, 1964.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS ON SENATE BILL 2671, TO REDEFINE THE SILVER CONTENT IN SILVER COINS

Mr. ROBERTSON. Hearings have been scheduled at 9:30 a.m., Thursday, April 2, on S. 2671, Senator Metcalf's bill to change the content of silver coins.

Two of the sponsors of the bill, Senators Bible and Cannon, will not be able to testify Thursday because of important commitments in their State. They have asked instead for an opportunity to testify on the bill Wednesday morning.

In accordance with their request, the Banking and Currency Committee will meet at 10 a.m., tomorrow, Wednesday, April 1, in order to hear Senators Bible and Cannon.

The other witnesses, including Senator Metcalf, who introduced the bill, Senator Mansfield, the Treasury Department, and the public witnesses will be heard on Thursday, April 2, at 9:30 a.m. The hearings will be held in Room 5302, New Senate Office Building.

CIVIL RIGHTS ACT OF 1963

Mr. MANSFIELD obtained the floor.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, first, a correction. I am advised that it has been broadcast to the world that my colleague, the Senator from New York [Mr. Keating], cannot be ready to state the facts. Rather than state the facts myself, I have called my colleague to come to the floor and disclose to the Senate that he is ready to speak. He will be here very shortly. I wish to make it clear that the statements which have been advertised, to the effect that he is not ready, are not the facts.

Mr. DIRKSEN. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The Senator from Montana still has the floor.

Mr. MANSFIELD. Very well.

Mr. JAVITS. The Senator from Montana yielded to me.

Mr. MANSFIELD. I cannot farm out all the time——

The **ACTING PRESIDENT** pro tempore. The Senator from Montana still has approximately 1 minute left.

Mr. MANSFIELD. Mr. President, I yield one-half minute to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The **ACTING PRESIDENT** pro tempore. The Senator from New York will state it.

Mr. JAVITS. The Chair just spoke about recognition as a matter of courtesy to the majority leader and the acting majority leader. Does that include the acting majority leader, even though he is the Senator in charge of a bill before the Senate?

The **ACTING PRESIDENT** pro tempore. The Chair has already ruled on that question, and has held that on routine business of the Senate the person who occupies the position of the majority leader or the minority leader will be recognized. If there is general debate, of course the Senator who is a team captain takes his own chances of recognition.

Mr. JAVITS. I was talking about the Senator in charge of the bill.

The **ACTING PRESIDENT** pro tempore. The Senator in charge of a bill——

Mr. JAVITS. The Senator in charge of a bill is only the majority manager.

The **ACTING PRESIDENT** pro tempore. The Senators in charge of the bill both addressed the Chair for recognition for the purpose of making opening statements. Both the Senator in charge of a bill and a Senator in opposition must address the Chair to be recognized.

Mr. HOLLAND. Mr. President, I wish the RECORD to show clearly that what has happened today is a complete breakdown of the lumbering cart of the so-called debate by the advocates of the pending bill.

At page 6470 of the CONGRESSIONAL RECORD for March 26, 1964, appears the announcement of the acting majority leader, the Senator from Minnesota [Mr. HUMPHREY], last Thursday. I read:

> Starting on Monday, March 30, the proponents of the civil rights bill will attempt to open the debate and place before the Senate and the public the arguments in behalf of the 11 titles of the civil rights bill. It will be my intention on Monday, when I can gain recognition by the Chair, to open the debate for the proponents or supporters of the bill, the pending business, H.R. 7152. That will be followed by addresses by our friends on the Republican side of the aisle. We shall attempt to alternate the speeches on each of the titles. There will be several speakers on each title, after a general presentation has been made relating to the bill as a whole.

Mr. RUSSELL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. RUSSELL. I should also like to direct attention to page 6528 of the CONGRESSIONAL RECORD for yesterday, March 30, 1964. The Senator from Minnesota [Mr. HUMPHREY] said:

> As we have previously announced, the bipartisan leadership supporting H.R. 7152 has determined to present the affirmative case for civil rights legislation in general, and the pending bill in particular. The distinguished Senator from Californa, Mr. KUCHEL, and I intend, as I have indicated, to make a comprehensive presentation on H.R. 7152 today. We intend to analyze the bill title by title, setting forth the need, explaining the substantive provisions, responding to arguments which have already been raised in opposition, and, in general, initiating the debate on H.R. 7152 itself in a thoroughly constructive fashion.

Then follows this language:

> On subsequent days the bipartisan team of captains assigned to each title of the bill will lead additional discussions on each title.
>
> These captains include: Senator HART and Senator KEATING on title I—voting rights; Senator MAGNUSON and Senator HRUSKA on title II—public accommodations; Senator MORSE and Senator JAVITS on title III—public facilities and Attorney General's powers; Senator DOUGLAS and Senator COOPER on title IV—school desegregation; Senator LONG of Missouri and Senator SCOTT on title V—Civil Rights Commission; Senator PASTORE and Sentor COTTON on title VI—federally assisted programs; Senator CLARK and Senator CASE on title VII—equal employment opportunity; and Senator DODD for the Democrats on titles VIII and XI—voting surveys appeal of remands, community relations service, and miscellaneous items.

Mr. HOLLAND. I thank the Senator from Georgia for that insertion. Now if I may hurry along: On Friday last, at my direction, my legislative assistant contacted the office of the distinguished Senator from Minnesota [Mr. HUMPHREY], who is in charge of the advocacy of this bill, to request that I be permitted to speak on Monday, as had previously been scheduled by the leaders on my side of the issue, since that would be the only opportunity I would have to make my speech during the present week.

My assistant was informed that the Senator from Minnesota would speak first on Monday, that he would be followed by the Senator from California [Mr. KUCHEL], that the Senator from California would be followed by other advocates of the measure and that arrangements had been made for the proponents of the bill to consume all the time of the Senate on Monday, Tuesday, and probably Wednesday—and, therefore, the Senator from Florida could not expect to make his speech by Monday.

Whereupon, I attempted to call the Senator from Minnesota, but was told by his office that he could not be reached. So, learning that the Senator from Minnesota was incommunicado, I then called the majority leader, the Senator from Montana——

The **ACTING PRESIDENT** pro tempore. The time of the Senator from Florida has expired.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may have additional time, in view of the interruption. I will be through as quickly as possible.

The **ACTING PRESIDENT** pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. The majority leader then gave me the same information, and said that if I returned he would try to find time for me on Monday. I came back on Monday. I was on the floor most of the day yesterday. I listened to the distinguished declamations of the Senators from Minnesota and California, who did not permit any colloquies and who did not engage in any debate on this subject.

By the time they had concluded their remarks it was 7 o'clock in the evening, or later.

Then the distinguished Senator from Alaska [Mr. BARTLETT] I thought, was entitled to priority in telling the Senate and the country about the distress that had been visited upon his State. I relinquished my right to be heard in what would have become the wee, small hours of the morning, if I had spoken.

I wish to make it very clear that the announcement on the ticker today, that the opponents of the bill have asked for the right to reply to the distinguished declamations yesterday by our friends from Minnesota and California, is, as far as I am concerned, not in accord with the facts. I certainly have made no such request nor do I know of anyone who has.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall be glad to yield in a moment. The fact is that the civil rights cart has broken down. The program, as it was outlined and planned, and announced, Mr. President, has proved to be one based on visions, and not upon realities. There has not been the slightest debate as yet upon the question of support for the bill, because both distinguished Senators who spoke yesterday did not yield and declined to enter into any debate on the question at all. I ask, Where are their speakers today?

I am now glad to yield to the Senator from California.

Mr. KUCHEL. I wish to refresh the Sentor's recollection by asking him whether it is not a fact that he came to my desk yesterday and told me that he intended to speak, but would not seek recognition until I had concluded.

Mr. HOLLAND. The Senator is completely correct.

By the time the Senator from California had obtained the floor, the sun was already setting, because the Senator from Minnesota had consumed between 3 and 4 hours.

By the time the Senator from California had concluded his remarks, the sun had already set. The Senators neither debated the bill nor yielded for any colloquy at any time. No questions have been propounded based on the able presentations of the Senators from Minnesota and California. Their presentations were evidently drawn in a scholarly manner, but they were not debate; they were declamations and opinions.

Mr. KUCHEL. If the Senator wishes to ask me any questions, I shall do my best to answer them. The Senator told me yesterday that he intended to speak yesterday. He did not speak yesterday.

Mr. HOLLAND. The Senator from Florida came to speak yesterday. He was very sorry that he did not have the opportunity to speak. He has no apologies to make for yielding to the Senator from Alaska on the great tragedy that has occurred there and, the great emergency that exists there. The Senate should have had the facts firsthand.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Kennedy in the chair). The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I shall take only a moment to set the record straight.

First. The Senator from Florida contacted my office. He contacted the majority leader. The Senator from Minnesota told the distinguished senior Senator from Florida that he would be more than happy to try to do everything he could, in terms of limiting the debate, to accommodate the Senator from Florida.

I said we would not accept questions or yield for interruptions during our presentations, because we had long presentations to make and did not want to take undue time in delivering them. I said we were prepared at the proper time to debate our presentations.

Late yesterday I was told that the Senator from Florida did not intend to speak, after arrangements had been made for him to speak in the evening. It is the duty of the Senate to transact business. Therefore, I wish the Record to be perfectly clear in that respect.

The Senator from Alaska [Mr. Bartlett] came to the Chamber in the afternoon and asked that he might be heard. I said to him, "If you can obtain recognition, you can be heard, but the fact is the Senator from Florida seeks to speak, because he has commitments in his State. We want to accommodate him."

With reference to Thursday's Record, there is nothing in the Record of Thursday or any day last week to indicate that we said that on Tuesday the proponents of the bill intended to have particular speakers address the Senate on the bill. The proponents are prepared to debate the bill. We laid down the affirmative case yesterday, in general, for the bill. When an affirmative case is laid down, an affirmation of one's arguments is made.

We are prepared today for our friends of the opposition to challenge what we said yesterday. That is the purpose of debate. They can consume the whole day, and the whole night, if they wish, without interruption. That is their privilege.

When the distinguished Senator from Georgia said we had stated that on subsequent days other speakers in favor of the bill would be heard, I am sure he understood that "subsequent days" is not limited to Tuesday. That statement could refer to Wednesday or to Friday. I see no reason why the proponents of the bill must telegraph every so-called maneuver to their friends.

We are prepared to debate each title, not only by title, and in the order of the titles, but we are ready to mix them up, and play a game of scramble or scrabble. We are ready to debate title VI, title IV, title II, or any other title, when Senators are ready to debate it. We will lay down our case on this side when we can obtain the floor. As the previous Presiding Officer has said, the Chair will recognize the Senator who first addresses the Chair.

I wish to make it clear that no Senator has been denied any rights. I am quite interested to note how our friends of the opposition say that the wagon or cart has broken down. I do not think that has happened. The only conclusion I see is that the opposition is not prepared to oppose. The opposition is attempting to defeat the bill. The bill has been before the Senate for almost 3 weeks. I believe that is about enough time in which to discuss most aspects of the bill.

I appreciate the fact that other Senators have yielded. When we come to discuss the various titles of the bill, we shall be prepared to yield also. We are prepared to give our southern friends as much time as we had yesterday, and more.

It would seem to me to be only common courtesy that we give Senators who oppose us an opportunity to reply, particularly since we insisted that we would not yield for questions or interruption during the main presentation.

I have no apology to make for taking 3 hours and 12 minutes to discuss a far-reaching and important piece of legislation. We shall keep track of the debate minute by minute and hour by hour, and record the time used by Senators who are for the bill, and by Senators who are against the bill. I believe that in due time the Record will show that the opponents will have used a very generous portion of the time.

The PRESIDING OFFICER. The time of the Senator has expired.

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President, the Senator mentioned the Senator from Florida by name. Will he yield to me?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may yield to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I wonder if the distinguished Senator thinks the Senator from Florida was guilty of anything other than courtesy in allowing his time to go to the distinguished senior Senator from Alaska, who had just returned from an exhausting trip, so that he might report on the floor of the Senate to the Senate and to the country the terrible facts concerning the disaster in Alaska.

Mr. HUMPHREY. The Senator from Florida is always courteous. I am glad he yielded to the Senator from Alaska. With all respect to the Senator from Florida, there was nothing to prevent him from speaking later. He asked to be heard. I was in favor of his speaking yesterday. I should like to hear him speak today. If he was ready to speak yesterday, I am sure he is able to speak today.

Mr. HOLLAND. I was ready to speak at any time yesterday, as the Senator knows. However, today does not happen to be my time to speak.

Mr. HUMPHREY. I am sorry.

I noticed that the distinguished Senator from Minnesota was not present during the speech of the senior Senator from Alaska.

Mr. HUMPHREY. That is not so.

Mr. HOLLAND. The Record will show that by virtue of his participation in the proceedings the senior Senator from Florida remained in the Chamber until the late hours of the evening in order to hear the senior Senator from Alaska give a vivid and moving account of what he saw in his distressed State.

Mr. HUMPHREY. Let me say with due respect to the senior Senator from Florida that I did participate with the Senator from Alaska [Mr. Gruening] in the proceedings earlier in the day. I did not wish to take the time of the senior Senator from Alaska [Mr. Bartlett]. I was present. I heard much of the speech of the senior Senator from Alaska. I was present when the senior Senator from Florida took the floor. I was present in the Senate until late, and I was at my desk until after midnight. I take a back seat to no one in terms of my presence in the Chamber or in the office.

Mr. JAVITS. Mr. President, the subject under discussion may seem unimportant, but it is in fact very important. There is a widespread estimate that the debate on the bill will require 4 weeks, 6 weeks, or months. This is not a timetable chosen by the proponents. It is the duty of the proponents to press forward with all deliberate speed as the Supreme Court said in a famous and pertinent case. I have great confidence that we will fulfill that obligation. I hope very much that that duty will be performed on both sides. I hope that when the subject has been explored, as in my judgment it will have been within not more than 2 to 3 weeks, the Senate will go forward to a conclusion of the debate by means of a vote, as constitutionally it should.

Estimates as to the length of the debate on the bill are an indication of the fact that it is taken for granted that the debate must drag on and on and on. That is not so, Mr. President. It can be terminated whenever both sides are willing to terminate it and have made their arguments.

There was a disposition on the part of some opponents not to yield to certain Senators because they desired to preserve the continuity of the Record. There was nothing wrong with that, any more than there is anything wrong with our side doing it. When I am "at bat," as the saying goes, I shall be happy to yield for any debate or argument. I always have been and I always will. However, we should not take it for granted that the debate must take weeks and months. It does not have to take that long. All the arguments have been legitimately made already. They have been remade. The procedural problem can be handled by cloture.

No one is enforcing a timetable which requires the debate to take so many weeks or months. If there were a timetable in force, it would be speedily clear as to which side was consuming more time on the bill. However, we cannot take it for granted.

I support the statements of the Senator from Minnesota and the Senator from California that we shall proceed to make our case when we can obtain recognition.

We are not setting a timetable for anyone else but ourselves. We shall proceed in that way.

THE ALASKA DISASTER: ITS EXTENT IS NOT YET FULLY APPRECIATED

Mr. GRUENING. Mr. President, as the people of the State of Alaska gather themselves together to assess the great and almost unbelievable loss which they suffered through the destructive forces of both earthquake and tidal waves last Good Friday, the excellent coverage of events by the newsmen on the scene and those who flew into the areas affected reveals in detail what transpired on that fateful day.

These news stories record not only what transpired, but also the many human interest stories of individual acts of courage and the details of the individual tragedies.

It is clear that the estimate of property damage in Alaska, tentatively forecast by Mr. Edward McDermott, the able and dedicated Director of the Office of Emergency Planning, of between $350 and $500 million is on the conservative side. For increasingly the unprecedented extent of the disaster becomes more and more evident. It is not yet fully appreciated. It is clear that a massive rehabilitation effort in Alaska on the part of the entire Nation will be needed.

In the days and months and years ahead as Alaska recovers, rebuilds, and forges ahead, these stories will remain as a sobering reminder of how great the unleased ravages of nature can be.

I ask unanimous consent that these articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 29, 1964]

TEXT OF PENTAGON BRIEFING ON QUAKE

(WASHINGTON, March 28.—Following is the text of a briefing by Arthur Sylvester, Assistant Secretary of Defense for Public Affairs, and paraphrases of messages received by the Defense Department from Alaska during the day:)

An earthquake charted at 6 north 45.5 west, which is approximately 20 miles west of Montague Island, occurred about 5:30 or 5:33 Alaska time, or 10:30 p.m. Washington time.

It caused extensive damage in southern Alaska and tidal waves.

The major earthquake, which has a magnitude of 8.5, has been followed by numerous minor tremors. They were occurring at 8 a.m., District of Columbia time.

The Alaskan communities of Anchorage, Seward, Valdez, Cordova, Kodiak, and Kenai have received major damage.

There are apparently some casualties in these communities, but the local civil authorities have not been able to determine estimated numbers at this time. There are presently no known military casualties.

The following are summaries of confirmed damage reports that have been received:

Anchorage International Airport control tower was destroyed, and FAA facilities are inoperative. At the present time, only 3,000 feet of runway is usable.

In Anchorage, numerous major buildings have been extensively damaged and homes destroyed. Fuel tanks in the port area have been ruptured and fires started in the railyards.

The business district of Kodiak has been washed away by the tidal wave. However, warning was given in sufficient time to allow evacuation out of danger areas.

Incomplete reports from Valdez and Seward indicated major tidal wave damage and resultant fires.

ALL AVAILABLE ASSISTANCE

The Alaskan Command is giving all available assistance to the stricken communities and will continue this aid as long as required to protect lives and property, and help them recover from this calamity.

Some examples of this assistance are troops and material support which we have provided to Anchorage and have attempted to get into the Seward area. Unfortunately, fissures in the road have stopped our troops transporting to the Seward area. We will probably have to airlift them in at daylight.

A combination helicopter and C–23–C–30 airlift has been directed to provide troop and material support to Valdez as soon as the weather breaks. We presently have 200 feet and a half-mile visibility here.

The barracks of Elmendorf AFB have been made available to shelter civilians. The Alaskan Command headquarters will continue on a 24-hour operation during the present emergency to direct military support and assist in operations.

The Elmendorf AFB, Fort Richardson, and Wildwood Station have been damaged. The extent of the damage is currently being surveyed. However, the Alaskan Command is operational and capable of carrying out all assigned missions.

The preliminary damage survey of Elmendorf AFB and Fort Richardson reveal the following: The Elmendorf hospital is severely damaged and the patients were evacuated. Some damage to aircraft, but we remain fully capable of performing our air defense mission.

The control tower at Elmendorf was severely damaged and is unusable, but the airfield remains operational. Both installations have suffered moderate to severe damage to utilities and power has not yet been fully restored to either.

ADDITIONAL TREMORS

Additional tremors are causing further damage.

Communications—the majority of the long-line voice communications has been restored. Essential circuits to air defense activities are operational. Difficulties encountered are confined to local areas in most instances.

Teletype facilities will continue to be severely limited until the technical control, and major teletype relay facilities at Elmendorf are restored.

There are no known military casualties, and none have been reported by the military hospitals and dispensaries. However, a considerable number of our personnel live in the stricken communities, and our reports are incomplete.

An aircraft was sent from Eielson AFB to Juneau to bring doctors and nurses to the Anchorage area. The airplane was unable to land because of the weather being below minimum and returned to Eielson. They will try again as soon as the weather breaks.

Six 36-bed mobile hospital units are to be sent to assist the commands. At daylight, March 28, with weather permitting, aerial, visual, and photographic reconnaissance will be made of southern Alaska to fill in the incomplete reports that have been received.

Lt. Gen. Raymond J. Reeves, military commander of Alaska, also stated that the military is cooperating with the Civil Defense and other State and local officials in providing assistance, emergency equipment, emergency housing, water, and other needed items.

By telephone from Alaska Command, 7 a.m.:

The Alaskan Command still maintains its full capability to carry out its assigned mission—defense of Alaska—despite some damage to buildings and equipment.

General Reeves also stated that the Military Establishment is cooperating with civil defense and other State and local officials in providing assistance, emergency equipment, emergency housing, water, and other needed items.

Alaskan earthquake situation report No. 1—9 a.m.

General Reeves reported to the Department of Defense that the earthquake has caused damage to communications, loss of power and lights, and breaks in gas mains in the Elmendorf-Fort Richardson area. There have been no confirmed reports of casualties to military personnel or their dependents.

There has been no disruption of the early warning air defense communications system.

The mayor of Anchorage has reported heavy damage to the city with no communications in service. General Reeves is sending Army troops from Fort Richardson to Anchorage to assist the civil authorities.

Wildwood at Kenai reports no water, heat, or power.

The city of Glenallen is also without power.

Damage at Fort Wainwright is light.

Personnel on Kodiak have been evacuated.

He reported the city of Valdez was heavily damaged by the earthquake and was hit by the tidal wave.

Seward was reported on fire and had no power or light.

A KC–135 airplane has been dispatched from Eielson to Juneau to pick up the Governor and doctors for transport to Elmendorf AFB, which is near Anchorage.

In addition, the Army has reported that 5 doctors, 2 anesthetists, 10 nurses, and 20 medical corpsmen at Fort Lewis have been alerted for movement to Alaska.

Statement, 11 a.m.: The Tactical Air Command is sending a 100-bed casualty staging unit (hospital), two 36-bed infirmaries, and 162 doctors, nurses, and medical technicians plus medical supplies to Elmendorf AFB, Alaska.

Eight C–130 transport aircraft from Pope AFB, N.C., are airlifting the mercy mission. The medical equipment and personnel are being lifted from Shaw AFB, Sumter, S.C., Seymour-Johnson AFB, Goldsboro, N.C., and Pope AFB.

Dictated from Pat Frank, civil defense—11:30 a.m.:

Message from Robert Risley at Elmendorf AFB, civil defense warning officer of the Alaska area:

Evacuees are starting to return to Anchorage. Number of missing is unknown until the Turnagan residential area is explored. This has started. It is now daylight.

Many millions of dollars of private and public property damage. Civil defense is dispersing emergency equipment to all areas. Includes emergency power, medical supplies, emergency hospital equipment, and providing the emergency water supply by means of a tank truck fleet.

Sanitation personnel on the job requested additional sanitation people from Juneau. There is no hysteria.

Statement at noon: A medical team from the staff of Madigan Army Hospital, Fort Lewis, Tacoma, Wash., is standing by at McCord AFB for dispatch to Alaska. The Army team consists of 5 surgeons, 2 anesthetists, 10 nurses, and 20 Army aidmen.

There are approximately 16,000 Army dependents stationed in Alaska, and about 12,000 Army troops.

Major troop units in Alaska are two infantry brigades, two air defense battalions, and other support units. The troops are generally located in two areas:

At Fort Wainwright, near Fairbanks, is the 171st Infantry Brigade (2,200) consisting of two infantry battalions and one artillery battalion. The 2d Battalion, 562 Artillery, Air Defense (slightly over 600) is also in the Wainwright area.

At Fort Richardson is headquarters, U.S. Army, Alaska. Also on this installation, located near Anchorage, is the 72d Infantry Brigade (about 2,200) with two infantry battalions and one artillery battalion. It likewise has an air defense battalion—4th Battalion, 43d Artillery (slightly over 600).

At both installations there are also medical, quartermaster, signal, engineer, and other support units.

The Commanding General of U.S. Army, Alaska, is Maj. Gen. Ned D. Moore, of Guthrie Center, Iowa.

Army aircraft are now aloft to assist in damage assessment.

Statement at 2:30: There has been one fatality reported at St. Elias. This was one military fatality. There are no other known fatalities to military personnel at this time.

Some 31 aircraft at Elmendorf AFB have suffered damage, mostly minor, from falling debris in hangars or from being thrown against one another by the tremors. None of these aircraft were destroyed and all appear repairable.

Message received at 4 p.m.: A rescue combination toward Valdez was prevented by weather conditions. As weather conditions dictate that attempt will be resumed. Barracks at Elmendorf have been made available to shelter civilians as required. Both Elmendorf and Fort Richardson have suffered moderate to severe damage to utilities and power has not been fully restored.

Weather at Anchorage 30 degrees overcast with 6 miles visibility in light fog and the forecast calls for slight improvement during the day.

C–135 has departed Travis Air Force Base, Calif., for Elmendorf with Red Cross workers and blood. Another C–135 jet transport from McChord Air Force Base, Wash., also departed for the area with 35 medical personnel aboard. A C–124 prop plane has departed Tinker Air Force Base, Oklahoma City, with portable control tower for use in the Anchorage area.

6 p.m. statement: The Defense Department would like to reaffirm the longstanding policy that the next of kin of military personnel are notified as soon as possible in the event of injury or casualties concerning their kin.

It has been reported from the Alaskan Command that there has been only one military fatality due to the earthquake there and one seriously injured. The next of kin of those personnel are being notified.

It is not necessary for the next of kin to send telegrams or make expensive long-distance phone calls to the military departments or the Department of Defense to ascertain the status of military personnel in the Alaskan area. Notifications to next of kin are made by the most expeditious means when required.

[From the New York Times, Mar. 29, 1964]

Red Cross Speeds Help to Alaskans—Workers and Supplies Sent to Disaster Areas

Washington, March 28.—The American Red Cross has dispatched 27 disaster workers from throughout the country and emergency kits to aid the Alaska earthquake victims, a spokesman said today.

The organization went into action immediately after receiving a call from a Red Cross fieldworker shortly after the quake struck. Since then, communications have been virtually nonexistent, with only military lines available.

Six workers from San Francisco, 13 from St. Louis, 3 from Cincinnati, and 5 from Washington, including Vice President Robert F. Shea, who was accompanying a group of Government officials, were on the way to the disaster scene.

The first shipment of relief supplies consisted of 2,000 family comfort kits, which include such items as razors, toothbrushes, toothpaste, combs, and other necessities.

In addition, the Red Cross president, Alfred Gruenther, wired Gov. William A. Egan pledging the full resources of the organization.

A spokesman said that, as soon as word was received from Anchorage, the national headquarters called the Red Cross in Hawaii, where a tidal wave was feared. The Hawaiian authorities had already taken action, setting up 47 overnight shelters on the islands.

In an allied development, Secretary of Agriculture Orville L. Freeman announced that all Federal stocks of food in Alaska were being placed at the disposal of Governor Egan.

He also announced that the Air Force would airlift additional food supplies from the State of Washington and other west coast areas, if needed.

The food supplies normally used in Alaska for the school lunch program have been assigned to the Red Cross in the Anchorage area, Mr. Freeman said. He noted that the program had been heavily stocked recently.

[From the Washington Daily News, Mar. 30, 1964]

SOS From Alaska

It may be many days before the full extent of the earthquake disaster in Alaska is known. But the help Alaska needs can't wait for exact statistics.

The Federal Government's agencies, including military forces, speedily went to the rescue after news of the earthquake. Red Cross services were equally prompt. This assistance is being augmented rapidly.

But the backup effort for all this relief activity ultimately must come from the usual source, the American people.

The most useful assistance the public can provide is money—in the form of cash donations to the Red Cross.

The Red Cross doesn't want clothing, food, or other materials. Both this organization and Government agencies have such supplies on hand and more will be poured in as fast as it can be transported.

Money is the answer. If you already have made a regular contribution to the Red Cross, give again—whatever you can afford. Give it to your local Red Cross chapter, earmarked "for earthquake relief," if you wish. The Red Cross also is in action in Crescent City, Calif., and other coastal areas hit by tidal waves. You can be sure your donations will be used for the victims of Friday's disaster, wherever they are—because a massive job of rebuilding and rehabilitation is obvious.

You can't personally go to Alaska to lend a hand. You can't organize your own relief expedition. Taking up food or clothing collections would be impractical and wasteful. But you can make all of these things possible, promptly and efficiently, by giving from your pockets.

Thousands of fellow Americans are in trouble. Their best source of help is the Americans who have been lucky enough not to be overwhelmed by this catastrophe.

[From the Washington Daily News, Mar. 30, 1964]

Take New Quake in Stride: Alaskans Rebuilding

Anchorage, Alaska, March 30.—Pioneer-spirited Alaskans, undaunted by still another damaging earthquake, today began rebuilding shattered towns and cities, searched for more victims of Friday's quake and braced for more shocks to come.

Martial law was declared in paralyzed Kodiak. National Guardsmen turned out to prevent looting in several towns.

At least 63 persons were known dead with the possibility that scores of Aleut natives may have been killed. Federal authorities after aerial surveys and on-the-scene checks said the total of known dead and missing in Alaska numbered 88.

CALIFORNIA CITY HIT

Another 10 persons were dead and 15 missing in Crescent City, Calif., battered by four tidal waves from the Good Friday quake. Three children were missing, one dead, from a family trapped by a wave at Depoe Bay, Oreg.

A rolling, shuddering quake almost as severe as Good Friday's killer tremor struck late yesterday in the extreme southwest of the foggy, remote Aleutian Islands.

Amateur radio reports from an unidentified military base at the tip of the islands reported widespread damage to the base. Radio towers toppled and an airport runway crumbled. But initial reports said there were no known casualties.

The Alaskan Military Command warned residents of the 49th State they could expect aftershock tremors for another week.

As technicians and mechanics arrived to restore services, rescue units and medical teams fanned out through the 900-mile coastal arc ripped by more than 10 million times the force of an atomic bomb to minister to the injured and prevent typhoid epidemics.

Food kitchens fed the homeless and even bowling alleys were turned into hotels to shelter them from the 18-degree cold. There were 2,000 homeless in Anchorage alone.

Damage estimates ranged from $500 million by Edward McDermott, Director of President Johnson's Office of Emergency Planning, to more than $850 million by State authorities. Damage to office buildings alone in Anchorage was in the tens of millions of dollars.

The quake caused "a tremedous economic impact * * * many will never recover," said State Commerce Commissioner Abe Romick. The Alaskan economy had been shaky even before the quake.

Kodiak and Seward appeared to have been hardest hit by the wrenching upheaval. Planes flew 50 Seabees from Point Mugu, Calif., to Kodiak, joining 102 sent there yesterday.

This was the scene at major points of devastation:

Anchorage, a city of 100,000: Most downtown office buildings ruined or severely damaged. One store sunk so far in a fissure only its roof showed on the buckled street level. The modern residential community of Turnagain a shambles, homes carried off their foundations by a massive slide.

Seward, a town of 2,000: In the words of presidential aid McDermott: "Awful, awful." Smoke still rose from the blackened remains of a dozen waterfront oil storage tanks. The shoreline looked as though it had been bombed. About 50 freight cars lay scattered like a child's toy trains, twisted track roping into the sea.

Kodiak, a town of 2,600 on an island: It's famed crab and salmon canneries shattered, power cut off. Buildings from the town floating as far as 2 miles at sea. Aleut native villages on Kodiak Island cleared of residents.

Vaccines, blankets, other medical supplies being rushed in. Portable generators sent in by the Navy and a Navy tender steaming from Puget Sound to set up as a hospital and control center for the battered Kodiak region.

Valdez, population 1,220: The waterfront looks as though it was sawed off. Docks shattered, homes snapped from foundations and shredded into kindling.

[From the Washington Daily News, Mar. 30, 1964]

L.B.J. and Wife Pray for Quake Victims

Johnson City, Tex., March 30.—President Johnson spent a ranchman's holiday Sunday, breezing through the wide-open spaces, but also prayed for victims of the earthquake in Alaska and watched with concern the condition of Gen. Douglas MacArthur.

Mr. Johnson and his wife, Lady Bird, joined in prayer for the Alaska earthquake victims at Easter services at Fredericksburg, Tex., about 15 miles from their L.B.J. ranch.

[From the Washington Daily News, Mar. 30, 1964]

A NEAR MIRACLE: BATTERED ANCHORAGE IS A THANKFUL CITY

(By Milton Britten)

ANCHORAGE, March 30.—This is a town brutally battered but unbroken in spirit by the tearing force of the worst earthquake in Alaska's history.

On Anchorage's main street, Fourth Avenue, a tiny pink-fronted cafe tilts at the crazy angle it assumed when 25 feet of earth gave way. Nearby an auto rests on its nose.

A pawnbroker is chased by police from a neighboring shop as he tries to salvage his wares from under a roof that sags halfway to the floor.

CLEANUP

Wreckers today were completing the job the Good Friday earthquake did on the spanking new J. C. Penney store where two women were killed when the front wall collapsed.

The handsome, modern Westward Hotel is 6 inches off center, its walls cracked, its elevators jammed, its guests evacuated.

Out on Turnagain Bluff overlooking the Cook Inlet area, the home of Robert Atwood, publisher of the Anchorage Daily Times, lies grotesquely on its side in a 30-foot crevasse, the upstairs windows strangely unbroken.

Civil defense officials estimate the loss in municipal properties alone at $35 million in Anchorage.

Total damage here will exceed $100 million, they say—a seemingly insurmountable loss for this city.

SERVICES

Yet Anchorage residents attended Easter Sunday services with thankful hearts for a near miracle: Amid all the devastation, the death toll in the city was less than a dozen.

"It was a Good Friday," said young Scott Hamilton, the city's planning official, who himself suffered a professional tragedy—for a half hour before the quake ruined downtown Anchorage he was firming up plans to turn the central business district into a pedestrian mall.

Mr. Hamilton explained: "Children who could have been hurt or killed in the extensively damaged schools were out on holiday.

"One theater showing a children's program and heavily attended by youngsters was unscathed. A nearby theater was wrecked.

"Also, this is a motoring city and when the quake came at 5:27 p.m. many citizens were out of the shops and in their cars. This cut down on deaths and injuries."

SOLDIERS HELP

Fortunate, too, is the fact that Anchorage's metropolitan population of 100,000 includes about 50,000 soldiers stationed at nearby Elmendorf Air Force Base, headquarters for the Alaska Command, and the Army's Fort Richardson.

Troops from these posts today are blocking off downtown streets and residential areas.

The badly weakened buildings still present the danger of collapse.

The military units also are pouring medical supplies into Anchorage and nearby devastated communities, and providing evacuation services.

"Anything we need, we reach for uncle," summed up William Swick, an Alaska University professor serving as a civil defense aid.

Yet there is evidence everywhere that the people of Anchorage are taking care of their own.

Parka-clad men are housed in the fire stations. The Salvation Army, the American Legion, and the YMCA are taking in the homeless.

The city hospital admitted 70 patients from nearby Valdez, where losses from fire and tidal waves were heavy.

AROUND THE CLOCK

Crews are working night and day to repair power, water, and phone service, about 80 percent of which has been restored.

"The evidence I've seen in the last 36 hours indicates confidence and a determination to save and restore our city," said Mr. Swick. "Nobody has hollered for the military to rush them back to the mainland."

State and local officials were to meet later today with Edward A. McDermott, Director of the Office of Emergency Planning, whom President Johnson sent to the scene.

Still incomplete reports indicate the job of restoring stricken areas in south central Alaska will be staggering.

Both Seward, which supplies Anchorage with its oil and fuel, and Valdez have been practically wiped out.

Ironically, Seward had been preparing for a celebration early next month of its selection as an "All-American City."

Half of the town of Kodiak has been destroyed and the King Crab Canneries, the economic lifeblood of Kodiak, were washed into the sea.

[From the Washington Post, Mar. 31, 1964]

TWO BOYS SEE DOCK GO, BUT DANNY SAVES DOG

(By George Lardner)

GLENALLEN, ALASKA, March 30.—Freddie Christofferson wasn't supposed to go near the town dock at Valdez, but he doesn't have to worry about that any more.

The dock is gone. Twelve-year-old Freddie almost went with it.

At least 26 other persons were killed when the dock fell apart Friday while longshoremen were unloading the *China*, a freighter out of Seattle.

"Danny Feaks, him and I made off pretty fast," Freddie said at the Gateway Lodge, his temporary home here.

"There wasn't no school, so we went down to the dock before supper—just to watch 'em unload.

"First we went clear up on the ship. Then we walked just off the dock. I was eating an apple.

"Then the earth started shaking. Danny hollered 'Earthquake,' and we took off.

"SHIP IN THE AIR

"When I looked back, I saw the ship up in the air. The water was up on the dock.

"The ship hit the dock. Then it blew the whistle and pushed off. The dock went up in the air after the ship left.

"It just exploded in a lot of planks. I never did see any of the people on it when it happened.

"The planks washed clear up the street to Wells Commercial Store."

Valdez High School Coach James Groudon and his two sons; Edward Stewart, his wife, and three children, all of whom Freddie had seen watching the longshoremen on the dock, are missing and presumed to be dead.

Freddie kept running. He got a ride on a pickup truck and landed here, where most of Valdez's 800 residents have been housed. The town has been almost completely evacuated.

"I found my folks up here at Glenallen after I'd been here 2 days," Freddie said.

His family feared he had been killed when told he had been on the dock.

"I didn't know he'd been down there," said his father, Kenneth, a longshoreman who was supposed to help unload the *China* himself later that night.

"At first we thought he was dead. But then other people told us they'd seen him."

Several miles away, at Glenallen High School, freckled-faced Danny Feaks was trying to board a schoolbus bound for Fairbanks with his dog. His family was heading back to the "Lower 48."

DANNY KEEPS HIS DOG

"You can't take that dog with you Sonny," the driver said. "Only muzzled seeing-eye dogs can ride buses in Alaska."

Danny's eyes fell. He looked at his brown-and-white toy collie. "I want to go with Tippy," he cried. "He's my dog."

The driver was adamant. Danny, who is 10, cried some more.

Tippy finally went along—in a baggage van.

[From the Washington Post, Mar. 31, 1964]

MORE VICTIMS IDENTIFIED

SEATTLE, March 30.—Here is an updated list of dead and missing in the Alaska earthquake and seismic sea waves that raced down the Pacific coast. Hometowns are according to the general listing unless otherwise indicated.

ALASKA

Anchorage

1. Clayton Baker.
2. Mrs. Virgil E. Knight.
3. Mary Louise Rustigan.
4. Lee Styer, 19.
5. William Taylor, 45.
6. J. J. Martinez, address unknown.

Seward

1. Emil Elbee.
2. Alva Wisdom.

Valdez

1. Paul Gregorioff.
2. Howard Kraiger.
3. Robert Harrison.
4. James Growden.
5. Growden son, about 3.
6. Growden son, about 4.
7. Richard Robinson.
8. The Reverend L. D. Carriker.
9. Phil Wheeler.
10. George Joslyn.
11. Ross McCoy.
12. Dennis Cunningham, 15.
13. Stanley Knutsen, 14.
14. Jerry Zook.
15. Bud Williams.
16. Dutch Schmidt.
17. Bob Kulstad.
18. Mrs. Bob Kulstad.
19. Don O'Leary.
20. Don Bodie.
21. Doug Granger.
22. Don Muller.
23. Freddie Brown.
24. Smokey Stuart.
25. Mrs. Smokey Stuart.
26. Stuart child.
27. Stuart child.
28. Stuart child.
29. Harry Henderson.
30. Jack Van Buskirk.
31. George Tabasco.
32. Unidentified.

Whittier

1. "Baby Girl" Ware, 2½ months.

OREGON

Depoe Bay

1. Rickey McKenzie, 6, Tacoma, Wash.
2. Louise McKenzie, 8, Tacoma.
3. Bobby McKenzie, 7, Tacoma.
4. Tammy McKenzie, 3, Tacoma.

Seaside

1. Mary Eva Deis, 50, heart attack.

CALIFORNIA

Crescent City

1. William Eugene Wright, 10 months.
2. Bonita Wright, 3.

3. **Joan Fields, 25.**
4. **James Park, 60.**
5. **Adolph Arrigoni, 70.**
6. **LaVelle Hillsberry, 35.**
7. **William Clawson, 52.**
8. **Mrs. Clawson, 51.**
9. **Earl Edwards, 55.**
10. **Mrs. Edwards.**
11. **Oren McGuire, heart attack.**

Bolinas Bay

1. **Isaac T. Dirkson, 34, Sonoma, Calif.**

Klamath

1. **Air Force Sgt. Donald McClure, 33, Klamath and Akron, Ohio.**

[From the Washington Post, Mar. 31, 1964]

ALASKA NOW ESTIMATES MORE THAN 100 DEAD

(By Dale Nelson)

ANCHORAGE, March 30.—The count of dead and presumed dead in Alaska's great earthquake disaster jumped past the 100 mark today as reports trickled in from isolated coastal villages.

In this biggest and hardest hit of Alaskan communities, and in a half dozen devastated smaller towns, leaders labored for a rebirth of the State's shattered economy even as they mourned the lost.

All the while, new quakes continued. There was a whopper last night in the Bering Sea 650 miles west of the original massive shock last Friday, one of history's worst. But no new major damage was reported. There have been 10 or 12 stiff aftershocks, countless smaller ones.

Civil defense officials announced these casualty figures:

Twenty-one known dead, 83 missing and presumed dead, 57 injured.

Besides civilian casualties a Coast Guardsman was washed to sea and drowned at Kayak Island.

In California and Oregon, quake-generated sea waves smashing against the coast killed at least 16.

Gov. William A. Egan estimated damages at $350 million, up $100 million from his first appraisal.

Officials said much of the State's main industry—fishing—was wiped out by huge seismic sea waves that wrecked hundreds of boats, canneries and piers around the Gulf of Alaska. Railway facilities at the key supply center of Seward were ruined. Waterfront shipping installations were extensively damaged.

Besides industrial and commercial structures, hundreds of homes were lost. Insurance sources said almost none of the loss would be covered by earthquake insurance, rarely taken out.

Compiling death and damage figures was complicated by remoteness of some affected towns, the fact that people, boats and structures were swept to sea perhaps never to be seen again, and the chaos of wreckage on land.

At Anchorage, Alaska's largest city with a metropolitan population of 100,000, workers clearing rubble still were not sure all victims had been found.

Anchorage was calm and quiet, except for the sound of wrecking bars and heavy equipment dismantling shattered business buildings and homes. There was food for all. Utilities again served most residential areas. The homeless were being cared for by relief organizations.

Only last night did full reports come in from isolated fishing communities. A rundown:

Kodiak, island of fierce, trophy-size bears hit first by quake shock waves that cracked soil under the main city of 2,600, then hours later struck triple blows by terrible waves that funneled up a narrow channel to overrun the city. Fishing boats were driven far inland. Some sank with people still in them. Forty of one hundred boats are missing. A warning siren alerted the population to flee to high ground. Most of the 20 or more dead were in outlying villages.

At Seward, railhead for the line leading to Anchorage, and Fairbanks, 90 to 95 percent of industries and jobs were wiped out by surging seas followed by fire. The town of 1,700, 60 miles south of Anchorage, had a 5,000-foot chunk of waterfront slip into the bay, taking a cannery, docks, warehouses, offices, storage tanks. Rail facilities were obliterated. Twenty-nine homes were lost.

At Valdez, a town of 1,200, 150 miles southeast, citizens evacuated inland, so thorough was the destruction. Most of the 30 or so feared dead were unloading a freighter when the sea wave struck, collapsing the dock where they were working. The freighter bounced to the harbor's bottom when 35 feet of water was sucked away, then was tossed high when a new wave surged in.

The terrible one-two punch of shock followed by waves, and sometimes fire, was reported at many smaller villages along more than 1,000 miles of island-dotted coast.

In Juneau, the State capital, a joint house-senate finance committee which had not met since a quarrel over the budget last year, talked for 2 hours with executive officials.

[From the Washington Post, Mar. 31, 1964]

QUAKE DAMAGE COUNTED BY CITIES

The city-by-city breakdown of deaths and damage from the Alaskan earthquake and subsequent seismic sea waves:

ALASKA

Anchorage: Twelve are known dead in Alaska's largest city and more casualties are feared in the shambles of the downtown area. Most major buildings cannot be occupied and 200 National Guardsmen are patrolling the city. Officials estimate damage to municipal utilities and public works alone at $35 million. Mayor George Sharrock says that demolition of parts of the downtown area is contemplated. About 50 percent of the city's underground phone cable system is out. Fifteen miles of sidewalk are smashed.

Kodiak: The confirmed death toll has reached 11 in this island city. The heart of the fishing community of 2,600 was in a shambles with buildings and fishing boats tangled together and some buildings were seen floating 2 miles at sea.

Valdez: The highest death toll was at Valdez where 31 are known dead. The mayor reports 90 percent of the homes are unlivable, the town's only hospital is a total loss and the school is ruined. Most of the buildings sank 2 or 3 feet. The docks are shattered.

Seward: Eight are dead. Smoke still rose yesterday from the blackened remains of oil tanks smoldering on the waterfront; 50 freight cars of the Alaska Railroad had been swept away from the tracks and rolled like matchboxes. The only highway to the town is hacked apart and bridges have been swept away without a trace.

Whittier: One person was reported killed at this community at the mouth of an inlet on the eastern side of the Kenai Peninsula. The Alaska Military Command says buildings adjacent to the docks and piers are destroyed. All military and civilian personnel at an army petroleum storage facility are housed in a high school gymnasium. Twelve are missing and believed swept to sea.

Ketchikan: Little damage reported.

Sitka: The panhandle town of Sitka on Baranoff Island had little damage. A dock collapsed but none of the outlying communities on the peninsula reported major damage.

Fairbanks: Some broken windows. nothing more.

Yakutat: A Coast Guard station was evacuated as waves crashed into the site of the 1958 earthquake and tidal wave that swallowed Khantaak Island with a loss of three lives. Lighthouses at Cape St. Elias and Sitkinak were damaged. No deaths

Old Harbor: Navy authorities said a 30-foot flood wave hit this village, site of the oldest white settlement in Alaska, founded by the Russians. At least 1 person was reported killed, and 61 refugees were taken aboard a fishing boat to Kodiak. Damage is reported to be extensive.

Cordova: This coastal community's airport was marooned by road damage but it had the only communications system available to the outside world. The dock was extensively damaged.

Homer: Little major damage to this town but the residents were warned to move to high ground and stay there. Every bottle was broken in the only liquor store in town.

OREGON

Depoe Bay: One small child was drowned and three others missing from a wave that swept across a family of six sleeping on the beach at Beverly Beach State Park.

Seaside: A trailer park was flooded when tidal waters pushed the Necanicum River back up its bed. Mary Eva Deis, 50, died of a heart attack when a wave struck her home.

Cannon Beach: Several houses were ripped from their foundations and several small craft were swept to sea by tidal waves. A wharf gave way. A bridge was swept one-quarter mile up the Klamath River.

Gold Coast: Waves tore out docks and smashed small boats on the Rogue River.

Florence: An 8-foot wall of water surged into the Suislaw River but caused no major damage.

CALIFORNIA

Crescent City: The hardest hit south of Alaska, this northern California coastal town counted 10 dead, 15 missing from 4 waves that boomed against the coast. Most of the business district, which fronts on the ocean, was destroyed.

WASHINGTON

Coastline: Waves ripped along the Washington coastline, damaging facilities at several points. Several hair-raising escapes but no one was reported hurt.

BRITISH COLUMBIA

Vancouver Island: A 17-foot-high surge of water tore 50 homes from their foundations and damaged hundreds of others but no deaths were reported.

[From the Washington Post, Mar. 31, 1964]

U.S. TACKLES PLANS FOR ALASKAN RELIEF—QUAKE DAMAGE IS APPROACHING $500 MILLION

(By Julius Duscha)

Federal officials estimated yesterday that Friday's earthquake in Alaska caused damage to private and public property of $350 to $500 million.

The estimate was made public by Edward A. McDermott, Director of the Office of Emergency Planning, as he and other officials began drawing up a program of Federal aid for Alaska.

President Johnson, who was at his ranch in Texas, kept in touch with McDermott by telephone and told him that "everything necessary must be done."

$20 MILLION AID AVAILABLE

McDermott told a news conference that only $20 million in direct Federal aid was now available for Alaska, but he indicated that Congress will be asked to provide additional funds.

Direct Federal aid for disaster areas is now limited to grants for clearing away debris and rebuilding water, sewer, power and other public facilities.

Only Federal loans are available to private businesses. Homeowners can only get loan guarantees.

Under consideration are proposals to provide direct grants of Federal money to victims of the disaster.

SENATORS PLEDGE ASSISTANCE

Senator Hubert H. Humphrey, Democrat, of Minnesota, the assistant Senate majority leader, said Congress "will be receptive to any program that is recommended to assist" Alaskans.

Senators from throughout the country joined Humphrey in assuring Alaska of the Nation's help after Senator Ernest Gruening, Democrat, of Alaska, told the Senate of the extent of the damage.

Gruening returned to Washington yesterday morning from Alaska where he surveyed the damaged areas with Senator E. L. Bartlett, Democrat, of Alaska, and McDermott.

Gruening noted that the earthquake covered an area 300 miles wide and 1,500 miles long where most of the State's population lives.

McDermott pointed out at his news conference that the Alaskan disaster created "a problem without precedence" because of the extent of the damage to the State's economy.

He said the entire business district of Kodiak had been destroyed. Three of its four canneries were also destroyed along with most of the city's fishing boats. Fishing and canning are the only industries in Kodiak.

McDermott estimated that 80 percent of the Anchorage business district was destroyed.

He went on to point out that many buildings still standing will have to be demolished because cracks caused by the earthquake made them unsafe and beyond repair.

McDermott said the essential food needs of the people are being met from military stocks in Alaska and Agriculture Department surplus stocks in the State. Adequate supplies of drugs are also available from Alaskan military installations.

The military bases are also supplying electricity from portable generators for some of the areas where power service was knocked out.

The Red Cross is helping to feed people and provide shelter for them. Also it is assisting U.S. Public Health Service officials in immunizing the victims of the earthquake against typhoid.

Although the immediate problems of meeting the food, shelter and health needs of the Alaskans are being met, McDermott said the problems of rebuilding the severely damaged cities and coastal fishing villages will be much more difficult.

McDermott also noted that little of the earthquake damage was covered by insurance policies because of the prohibitive cost of such protection in an area where earthquakes are not uncommon.

He said that under an amendment to the tax laws approved by Congress in 1962—after a severe storm damaged many homes and other buildings along the Atlantic coast—taxpayers can deduct the losses resulting from a disaster in determining their income taxes for the year preceding the disaster. This gives a considerable tax advantage to the victim of a disaster.

The Small Business Administration provides low-interest (3 percent), 20-year loans to businessmen whose buildings have been damaged by a disaster like the Alaskan earthquake.

The Federal Housing Agency provides loan guarantees for up to 100 percent of the cost of a house to persons who have lost their homes in a major disaster.

[From the New York Times, Mar. 30, 1964]

Survivors Recall Terror of Quake—Family Fled Over Heaving, Crackling Earth—Many Go Home To Survey Ruins

(By Wallace Turner)

Anchorage, March 29.—They came back through the snow to their shattered homes today, carrying the passes that got them through guard lines.

They were looking, quietly measuring what it would cost to get back to life as it was before the earthquake.

They were not pricing airplane tickets.

"Why, no," said Mrs. Ruth Higgins. "I don't want to leave Alaska. I just don't want a view of the inlet any more. You can have all the homes with inlet views."

Mrs. Higgins sat in a car a few blocks from her home. Her children, a little girl and boy, helped her tell of the terrors of Friday night, when they ran from the front door of their home and found the earth churning and crumbling and sinking away beneath their feet.

"It was cracking in big blocks and turning and pulling apart in big cracks where you would be standing," she said.

Her 9-year-old son, Johnny, remembered that "I prayed. It worked, too." Colleen, 7, added that "we cried and screamed too," and this seemed to embarrass her brother.

Mrs. Higgins tugged and pulled her two children to safety with the help of a neighbor who came across the cracking earth to help.

That they escaped uninjured seemed incredible this morning during a survey of the residential area called Turnagain by the Sea, where $30,000 homes were destroyed by the hundreds.

But no one talks of leaving Anchorage. They just talk of moving away from the bluff. Some of the talk is urgent, too. Cracks in the streets and yards several blocks beyond the line of the Friday disaster have widened since then.

Tom Ousdale, a blond, worried-looking man, stood in front of his home and asked a State police sergeant, "Where can we move the family?"

Mr. Ousdale was interested in talking about the scheduled arrival early this week of the Alaska Steamship Co.'s Tonsina, which will be carrying 600 tons of groceries "to help keep people fed until things straighten out." Mr. Ousdale is the line's agent here.

The character and strong purpose that motivates Alaskans could be sensed last night at a public meeting called by Mayor George Sharrock to report publicly on the extent of the damage.

The mayor rapidly ran through the detailed estimates that added up to about $35 million to repair utilities and city properties.

There were no moans about tax rates. The questions and comments were directed toward ways of doing the job more quickly.

The director of the publicly owned docks, for example, argued: "Since we have to repair the docks anyway, this would be a good time to start that expansion program I've had before the city council."

At a wrecked warehouse, trucks lined up to transfer frozen food stocks to refrigerator cars in the Alaska Railroad yard.

Inside, warehouse lift trucks drove through pools of a mixture of liquor, beer, and melted snow that dripped through holes in the roof.

The place was also a liquor warehouse, and the odors of alcohol wafted through the neighborhood. This, to some, was a poignant aroma, for the bars and liquor stores were closed, a rarity in Alaska. The police and civil defense authorities insisted that they remain closed.

DOWNTOWN IS QUIET

Downtown Anchorage, usually the bustling center of business, was quiet and almost deserted this afternoon.

Soldiers and National Guardsmen armed with rifles and bayonets turned back motorists and foot traffic. Workmen were tearing down buildings that had been severely damaged and were thought to be beyond repair.

Meanwhile, in the most heavily damaged residential sections along the bluff above Turnagain Arm of Cook Inlet, guards found problems in keeping people from returning home.

"Home" might be a pile of stylish rubble that could be reached only by clambering over huge chunks of frozen earth. Access to this area was forbidden as a safety measure, but people insisted on going back.

The Alaska State Police were thinking of sending out a helicopter patrol to protect these people from their own adventuresome spirits.

The tumbled frozen earth of the cliff-slide areas is full of deadly traps, Patrol Sgt. Richard Burton said, and the twisted houses themselves could cause serious injury.

"We have to keep them out," said Sergeant Burton.

Throughout this area about seven expensive homes were wrecked. Roads disappear suddenly over a sharp, newly formed cliff up to 20 feet high; beyond, cars sit tilted on a piece of what once was an asphalt road but now is an isolated flat place in a wasteland.

[From the N.Y. Times, Mar. 30, 1964]

Damage in Quake at $250 Million; Death Toll Is 65—Governor Makes Estimate—Senators Seek To Assess Need for Federal Aid—Congress To Get Plea—12 Killed in Anchorage—Several Towns Described as Virtually Wiped Out

(By Lawrence E. Davies)

Anchorage, Alaska, March 29.—A tremendous bill for surgery on the face and figure of Alaska was in prospect today.

Residents of the 49th State began to realize, 2 days after the agonizing convulsions in the earth's crust Friday evening, that the cost of rebuilding would be immense.

Pending completion of official surveys, accumulated estimates of damages over the State were put by Gov. William A. Egan at $250 million.

Senator Ernest Gruening, former Territorial Governor of Alaska, called the figure far too low. A total twice as large would be conservative, he insisted.

The State's death toll, once reported as 600 and later as 10 or 20, was put by Governor Egan at 65 or 66.

This was subject to revision with further search of buildings, determination of the fate of missing persons and the outcome of critical injuries. At least 100 persons were injured, Mr. Egan said.

TWELVE DEAD IN ANCHORAGE

After a search by hundreds of civil defense teams in Anchorage, the death toll here was put at 12, with at least 2 persons still missing. Sixty-seven injuries were reported in the city.

At the behest of President Johnson the Federal Government sent Edward A. McDermott, Director of the Office of Emergency Planning, to Alaska to determine what Federal assistance was required. He was accompanied by Senator Gruening and Senator E. L. Bartlett, Alaska Democrats.

Mr. Bartlett said that he and Mr. Gruening would report to Congress tomorrow and seek a program of aid. The alternative, he cautioned, was a prostrated Alaska for a long time to come.

GOVERNOR'S TOWN HIT HARD

While smoke still curled over the darkened snow in Kenai Peninsula areas south and southeast of Anchorage, casualty figures were revised and brought up to date by civil defense agencies.

Governor Egan held a news conference at the Anchorage Public Safety Building with Mayor George Sharrock and heads of municipal departments. The Governor gave these death figures.

Anchorage, 12 deaths.

Valdez, the Governor's hometown, which is 120 miles east of Anchorage, 29 or 30 deaths.

Kodiak, 11 deaths.

Chenega, a village near Whittier, one of the southern terminals of the Alaska Railroad, 11 deaths.

Whittier, 1 death.

Seward, 1 death.

Whittier is 50 miles southeast of Anchorage. Seward is 80 miles south of here.

The Governor said several communities to the southeast, as well as in the Kodiak Island area to the southwest, were virtually wiped out.

"The city of Kodiak," he said, "has suffered two tidal waves that wiped out the main part of the business area and a large percent of the salmon canneries."

"Soldovia (a town near Home on the southern end of the Kenai Peninsula south of Anchorage) was hit and the Home vicinity badly damaged," the Governor said. "There was damage at Kenai and Soldotna (both adjacent to oil and gas wells developed during the last 5 years on the Kenai Peninsula), and at Seward the damage was tremendously severe. At least 17 bridges were wiped out in south central Alaska."

The Governor accompanied Senator Gruening, Senator Bartlett, and Mr. McDermott on an aerial inspection tour of stricken towns during the day.

Earlier the four men visited downtown Anchorage with its scores of damaged buildings, some collapsed and others marked for demolition. They saw great sunken channels in the earth's crust, into which houses and smaller buildings had tumbled.

"The remarkable thing about this catastrophe," Senator Bartlett observed, "is that hundreds were not found dead in Anchorage, as early reports had indicated they might be. The low casualty list is a miracle."

DYNAMITING PLAN DROPPED

Mayor Sharrock disclosed that earlier plans to dynamite a number of unsafe buildings in stricken areas had been abandoned. He said the step had been contemplated but overruled in interdepartmental discussions.

A number of structures will undoubtedly be marked for demolition by other methods, it was indicated.

In the period immediately following the first rolling tremor, Alaska feared disease epidemics because of damage to sewage disposal facilities.

Dr. David Duncan of Anchorage said that inoculations against typhoid were being given at four immunization centers in this area.

"We have plenty of vaccine and plenty of doctors have volunteered their cooperation," he said.

Mayor Sharrock reported that 75 percent of the sewage system had been damaged. He estimated that it would cost more than $8 million to rehabilitate the system, including emergency measures.

More funds will be needed to repair and rebuild streets, gutters, sidewalks, and curbs.

Damage to the city's water system approached $8 million, the mayor said, relating that 50 to 60 percent of the water distribution system had been affected. He estimated that it would take 10 days to restore operations.

Mr. Sharrock put the city's damage total for public services at $35 million. He said it would cost public and private agencies and individuals roughly $200 million.

Meanwhile, rapid strides had been made in restoration of natural gas service. There was no problem, officials said, in the pipeline from the gas fields of the Kenai Peninsula to the Anchorage city limits, but the high-pressure gas line in the city went out and service had to be cut off in the downtown area. Hospitals were excepted.

Most Anchorage stores closed since the earthquake were scheduled to reopen tomorrow.

City officials reported that there was no shortage of food, that there appeared to be a 30-day supply on hand, but they added: "We recognize there may be a great change in diet because of lack of some specific articles."

PROFITEERING DOUBTED

They voiced confidence that merchants would not yield to a temptation to profiteer in the period of emergency.

"We have no legal authority to control prices," the mayor's legal adviser said. "We feel any profiteering move would be stopped by moral suasion. It is possible legal steps may be taken later by the legislature, if this is found necessary."

In further discussion of Anchorage property losses, Elmer Gagnon, the local Federal Housing Administrator, said he was certain that losses in housing alone would exceed $125 million.

There was belief in some responsible quarters that Friday's earthquake would cost the Federal, State, and local governments, and Alaska's private citizens, perhaps 60 times as much as the $7.2 million paid by the United States to Russia in 1867 for the vast territory that is now the 49th State.

How much the Federal Government will be called upon to pay is still indefinite.

"President Johnson directed me to proceed immediately to Alaska to survey the damage and determine the extent of Federal assistance required," Mr. McDermott said. "From the Presidential jet en route to Alaska we—Senators Gruening and Bartlett and I—were in frequent contact with Anchorage and we made several reports to the President at Johnson City, Tex., inflight."

The President earlier had declared Alaska a disaster area.

Mr. McDermott said a wide variety of Federal assistance was available on an emergency basis. This includes direct financial aid for the repair and restoration of damaged essential public structures such as sewage plants, and for debris clearance and health measures. Mr. McDermott continued:

"As a result of the President's declaration, a number of Federal departments may be called upon to provide direct assistance.

"This would include all foods as required, from the Department of Agriculture, and medical assistance from the Health, Education, and Welfare Department."

Senator Bartlett declared that ordinary laws under which assistance could be granted "simply won't suffice."

"We moved into Chile," he said, "and gave them what they needed. I am going to work with Senator Gruening and together we'll work with the President in an effort to get a package sent up here that will be of real help in meeting the rebuilding program on Anchorage and other stricken parts of the State."

More than 5,000 persons were killed in a series of tremors in Southern Chile in May 1960.

Senator Bartlett continued:

"I am not going to make any monetary estimates of my own. Let the experts do the surveying. But you heard Governor Egan say, for example, that 25 percent of the Alaskan fish processing industry was destroyed by the earthquake. That means loss of employment and serious loss of much needed tax revenues.

"All of this will be reflected in the State's economy. It is imperative that everything possible be done."

[From the New York Times, Mar. 30, 1964]

A POWER IN ALASKA: WILLIAM ALLEN EGAN

The Governor of Alaska, William Allen Egan, is the first elected by the 49th State. Soon after his inauguration in January 1959, he became gravely ill and did not assume his full duties until 4 months later.

He struggled back to health quietly and tenaciously, in the manner he had risen to power in Alaskan politics. He is known as having no enemies. Yesterday, with Alaska having been struck by an earthquake, he inspected stricken areas, organized relief, and estimated damage at $250 million.

Mr. Egan, 49 years old, led the movement that culminated in Alaska's receiving statehood, and was rewarded by being elected Governor.

A Democrat, Mr. Egan was the chief architect of Alaska's State constitution, which was drawn early in 1956. The territory became a State January 3, 1959.

"Bill is an agreeable guy, but he's no pushover," an acquaintance once said in describing Mr. Egan. The Governor proved that when, after his election, he fulfilled a campaign pledge by ending the issuance of licenses for salmon traps. The traps, he believed, depleted the salmon and gave big business an advantage over the independent fishermen. Fishing is Alaska's biggest industry.

The Governor was born in Valdez, October 8, 1914. He was among a family of seven children. His father, a goldminer, went to Alaska from Butte, Mont., in 1902. When Mr. Egan was 7, his father was killed in a snowslide.

The boy went through grammar and high school in Valdez. He taught himself to fly while in his teens, and had his own plane.

Restless, he took a job in a cannery, then drove a truck until World War II.

After having served 3 years in the Army, Mr. Egan and a friend purchased a grocery and meat store in Valdez. Later he bought his friend's interest.

When he ran the store, friends say, he gave away at least half as much candy as he sold.

Although Valdez was known as a town with Republican leanings, Mr. Egan, on entering politics, was elected almost unanimously to the city council. Then he became mayor.

He served 5 terms in the territorial house of representatives, becoming speaker in 1951. He spent two terms in the territorial senate.

After having completed work on the State constitution, Mr. Egan was elected a "Senator," with Ernest J. Gruening, and went to Washington to work for statehood. They had no standing in the U.S. Senate.

Mr. Egan has a nickname, "Eagle Bill." He won it in a fight in the territorial legislature over a bounty on eagles. He opposed a bill to end a bounty for killing the birds. He regarded them as predatory because they killed salmon and lambs. Besides, he believed his Indian constituents should be allowed to continue making a little money by killing eagles.

He won the fight, although Congress has since imposed a ban on bounties for eagles, the national bird.

"It makes me mad," a friend once said, "to hear Bill spoken of as a mild fellow without real convictions. He is tremendously thorough and devotes his best efforts to understanding a problem. If he feels he is right, he hangs tough. He won't be bullied. Once proved wrong, he's the first to admit it."

In 1962 Governor Egan put down a factional challenge within the party and won the nomination for a second term. In the election, with strong labor support, he defeated his Republican opponent by only 2,570 votes.

He is of medium height and weight and has brown hair and gray eyes. He and his wife, the former Neva McKittrick, have a son, Dennis, 15. A daughter died at an early age.

[From the New York Times, Mar. 31, 1964]

JOHNSON WEIGHS ALASKAN RELIEF—COORDINATOR REPORTS A NEED OF EMERGENCY ASSISTANCE AND LONG-TERM AID

(By Tom Wicker)

AUSTIN, TEX., March 30.—President Johnson is considering preliminary proposals for long-range economic assistance as well as emergency aid to Alaska.

Such economic assistance will be necessary, the President was told by Edward A. McDermott, his special representative at the scene, because the earthquake that rocked Alaska severely damaged the fishing industry, on which the State's economic life largely depends.

Special legislation may be required to help Alaska overcome this blow. But White House sources were not ready today to say definitely that legislation would be sought.

Mr. McDermott, the Director of the Office of Emergency Planning, returned to Washington this morning.

DAMAGE TOLL TO RISE

He spent about 60 hours in Alaska and reported to the President last night that loss of life had been less than feared but that damage to property would be higher than first estimated.

George Reedy, the President's Press Secretary, said in a news conference today that Mr. McDermott had reported on both aerial and ground inspections of Anchorage, Kodiak, and Seward, three of the hardest hit cities in Alaska.

Mr. McDermott's report was relayed to Mr. Johnson at the LBJ Ranch last night. The President was studying Mr. McDermott's preliminary proposals today, Mr. Reedy said.

In addition to his own observations, Mr. McDermott passed along information from the Alaskan Defense Command and from State officials.

It is plain, Mr. Reedy said, that Alaska is faced with "an extremely difficult situation."

Mr. Reedy said that Mr. McDermott would not come to the LBJ Ranch, but that he had been directed by Mr. Johnson to "proceed as rapidly as possible" to develop "tight recommendations" for the President to act on.

"The President's view is that everything necessary must be done," Mr. Reedy said.

That may require a broader range of action than usually follows a natural disaster. Mr. Reedy said Mr. McDermott had reported that the earthquake had caused great damage in the Alaskan fishing industry.

The destruction of docks, processing plants, and canneries was widespread, Mr. McDermott reported, and it will take considerable time to get them back into operation.

Thus, a large percentage of Alaskan wage-earners, dependent on the fisheries, may be without income for some time.

That means, in turn, that smaller Alaskan businesses dependent upon the spending of fisheries employees will suffer as well.

In addition, the fisheries and their employees provide the State of Alaska with its prime source of taxable income.

All this indicated, Mr. Reedy said, that "economic relief programs" beyond emergency housing, feeding, and medical care probably would be necessary.

He would not specify, however, what Mr. McDermott might have recommended or what Mr. Johnson might have in mind.

Extended unemployment compensation benefits, for instance, or direct relief payments probably would require new Federal legislation. But Mr. Reedy would not say positively that any legislation would be sought.

He reported that Mr. McDermott, immediately upon his return to Washington this morning, had gone into a series of meeting with officials from the Small Business Administration, the Agriculture Department, the Interior Department, the Department of Defense, the Federal Aviation Agency, the Department of Commerce, the Bureau of Public Roads, the Army Corp of Engineers, the Department of Health, Education, and Welfare, the American Red Cross, and the Housing and Home Finance Agency.

Mr. Johnson spent a quiet day on the LBJ Ranch today, working in his office this morning and touring some grazing land with his business trustee, Judge A. W. Moursand, of Johnson City, this afternoon.

Mr. Johnson probably will return to Washington on Wednesday.

[From the New York Times, Mar. 31, 1964]

BANKERS DISCERN ECONOMIC PERIL IN ALASKA QUAKE—STATE TURNS TO UNITED STATES FOR AID—BUSINESSES STILL CLOSED AS RECOVERY BEGINS

(By Lawrence E. Davies)

ANCHORAGE, March 30.—The State of Alaska looked today to the Federal Government for heavy subsidies to help it recover from the earthquake that struck Friday night.

Leading bankers declared that the private sector of the State would be in a situation approaching hopelessness in some cases without long-term capital, probably on a grant basis. The bankers estimated that areas containing 60 percent of the State's total developed worth had been affected.

The conclusion about the State's finances seemed to agree with that reached by Alaska's congressional delegation after a ground and aerial inspection yesterday of the worst damaged cities and towns.

Business remained at a virtual standstill in Anchorage. City Manager Robert H. Oldland sent inspection teams on another tour of all downtown structures that were still standing and that appeared from the outside to be structurally safe.

BUILDINGS TO BE RAZED

Mr. Oldland estimated that at least 100 buildings in the central section of the city would have to be torn down. This includes all of the high-rise apartments, 2 of which are 14 stories.

Some older structures of concrete, with wooden joists, came through the earthquake intact, while newer structural steel and concrete buildings in many cases suffered damage almost beyond repair.

This was a day of preparations for recovery. Bank staffs in Anchorage found electricity turned on and were getting ready to reopen tomorrow morning, so depositors could get household money and loans could be arranged for businessmen planning to rebuild their businesses.

Merchants whose stores were not destroyed obtained passes at the Public Safety Building to enable them to inspect their premises.

WORK TEAMS ORGANIZED

Two service stations were in business in the downtown sector. One across the street from the Public Safety Building was rationing gasoline to motorists in 5-gallon lots.

"We want to be fair and treat all customers alike. We want to allot the gasoline among as many motorists as possible," an attendant said.

Organized labor and the Associated General Contractors set up a joint headquarters in Carpenters Hall and invited volunteers for rehabilitation work. Red Foley, president of the Anchorage Building Trades Council, and Leonard Thomas of the General Contractors, were receiving calls for help and sending out construction crews to shore up buildings and give whatever emergency aid was necessary. Most of this work was on a nonpaid basis.

The matter of rebuilding stricken areas and who will pay for it was the big question facing Alaska.

All communities will be affected, even though the physical damage did not extend everywhere. Every taxpayer will be drastically affected by the program of recovery. Revenues will be drastically curtailed because of the earthquake, while expenditures will rise tremendously.

Some are predicting a special session of the legislature to deal with the rehabilitation problem. The legislature is in recess until next Friday. Some legislators, bankers, and businessmen do not see how all of the financial ramifications resulting from the tremor can be dealt with at this session, especially since the State will have to know what the Federal Government's intentions are.

FEDERAL PLANS DISCUSSED

The Federal plans were discussed at Elmendorf Air Force Base here last night at a news conference held by a delegation from Washington after its inspection tour of Alaska.

Edward A. McDermott, director of the Office of Emergency Planning, described Alaska's situation as "without precedent in our experience in the United States."

The casualty lists were still being revised as persons reported missing turned up safe.

Mr. McDermott's figures of last night put the total of known dead and missing at 81 for the State. These continued to fluctuate.

Senator E. L. BARTLETT, Democrat, of Alaska, contended at the news conference that no loan program could solve Alaska's economic problem resulting from what his Democratic colleague, Senator ERNEST GRUENING, called "probably the worst disaster ever to hit any State in comparison with its resources."

"There must be some large-scale grants," Mr. BARTLETT said.

COMMISSION AT WORK

A rehabilitation and reconstruction commission headed by Cliff Groh, an Anchorage city councilman, has been set up. It began action yesterday afternoon.

"All bankers are on the committee," said Mayor George Sharrock, of Anchorage, "and they are pledged to try to furnish what is needed to get things rolling. Every financial source will be used. I don't know what is available in the way of loans."

At the headquarters of the National Bank of Alaska, Elmer Rasmuson, its president, met with Karl V. Holmberg, senior vice president; John A. Holmburg, chairman of the executive committee, and John J. Conway, of Sitka, chairman of the advisory board and an executive committee member.

Mr. Rasmuson is a brother-in-law of Robert B. Atwood, editor and publisher of the Anchorage Daily Times. Both men lost their homes when the quake struck.

The bankers were joined by Donald L. Mellish, executive vice president of the institution, who said there was agreement that with destruction assuming such great magnitude" outside help was essential.

Most housing in the newer residential sections of Anchorage, Mr. Mellish said, was financed by the Federal Housing Administration.

"Our loans are mostly on older homes," he went on. "Most of the local banking institutions are affected by the destruction or damaging of business buildings. We expect to extend credit and put moratoriums on loan payments."

Along the north side of Fourth Avenue, Anchorage's main street, between C and D Streets, the earth gave way during the tremors and most of the store buildings in the whole block settled into the resulting gully, with only the top of their second floors showing.

Mr. Holmberg, one of the bankers, said that earthquake insurance was carried on only one or two buildings. Mr. Conway noted that Government-insured loans had never required earthquake insurance.

AGENCIES JOIN IN RELIEF

Joining in the rehabilitation program are all such agencies as the Federal Small Business Administration, the State housing authority, the FHA, the City Council of Anchorage, and business and banking groups.

Life looked bleak to the men who had no savings, who lost their mortgaged homes and were jobless besides.

R. E. McFarland, president of the State federation of labor, with about 20,000 members, was asked how the members were faring in such matters as housing.

"No worse than anybody else," he replied. "They probably don't have the mortgages businessmen do."

Mr. McFarland said, however, that a system of priorities would have to be set up in the rehabilitation work, with the housing problem the biggest of all.

"One of the worst things that could happen," the labor leader remarked, "is to think that Uncle Sam would do it all. This would have an unfortunate effect on private initiative. If assistance is given too readily, people are inclined to sit back."

Mr. McFarland said there had been 80 percent unemployment in the construction trades this winter. This meant 12,000 jobless. This was normal for Alaska, however, he added. There were 19 percent unemployed last winter.

Mr. McFarland said that the civil defense agency had called at Carpenters Hall for a crew of riggers to shore up the Cordova Building occupied by the Anchorage staff of the Bureau of Land Management. Other volunteer labor was engaged in demolition work.

Alaskans generally appeared determined to remain in their State despite the big tremor and its series of aftershocks. Some family heads were sending their wives and children out of the State until they could obtain housing.

The Red Cross was active, along with the Salvation Army and other agencies. Mr. McDermott announced last night, just before his return to Washington, that Red Cross expenditures in the earthquake's aftermath were expected to total about $2 million so far.

State Representative James Parsons, Republican, of Anchorage, predicted an "emotional letdown and psychological emergencies" during the next 3 or 4 days.

Dr. Parsons, chairman of the House Welfare and Education Committee, was with the State mental health division from 1953 until he became professor of psychology at Alaska Methodist University recently.

"Several persons injured by the quake waited 24 hours with broken legs or arms before reporting at hospitals," he related. "They went on adrenalin and couldn't let down because of tension and shock. They went ahead taking care of their families and moving things out of the house, paying no attention to their injuries."

Injured persons are being cared for in Providence Hospital, the Alaska Pyschiatric Institute, the Alaska Native Service Hospital, operated by the U.S. Public Health Service, and the reopened Presbyterian Community Hospital.

The 7-story Air Force hospital, Representative Parsons said, has been evacuated, and its patients moved to other institutions.

PAPERS PUBLISHING

Anchorage's two daily newspapers resumed publication earlier than expected, despite obstacles. The Daily Times, which found its building on Fourth Avenue structurally safe, experienced some mechanical trouble and had no power at first. This was overcome, however, and 25,000 copies for local distribution, out of its circulation of 29,000, rolled off the press with heavy black headlines across page 1:

"City Rallies From Quake. Shockwave One of Mightiest."

Norman Brown, publisher of the Daily News, reported that the back wall of his plant had fallen because of the earth tremor, and that the plant had no heat.

"But we have a power source today and we are publishing," he announced.

Gov. William A. Egan, who flew from Juneau, the State capital, on Saturday and has made an inspection tour of damaged areas, conferred here with representatives of the military and with other groups. Abe Romick, director of the State department of commerce, met with bankers the day before.

City Manager Oldland announced that today's reinspection of the downtown business area would result in posting of condemnation notices on all unsafe structures.

Businessmen and others with business in the cordoned-off downtown area, covering roughly 50 square blocks, found their movements slightly less hampered today. The police had experimented with several sets of special permit cards, which some National Guardsmen recognized and others rejected. Today, with the latest special police card, visitors were admitted into the patroled section at three checkpoints. Once within the area they were free to move about.

There was evidence that the aftershocks had not ceased. Persons watching a ruined, recently built store of the J.C. Penney Co. reported seeing slabs break free and fall to the ground.

[From the New York Times, Mar. 31, 1964]

Dazed Alaskans Scan the Rubble—Seward Citizens, Many Left Jobless, Hope To Rebuild

(By Wallace Turner)

Seward, Alaska.—The economic life of this city was crushed and burned away over the weekend. Today, on the 97th anniversary of the purchase of Alaska by William Seward, the people of the town founded in his name moved in daze and shock through the rubble.

"I'm going to stay here and rebuild it," said Al Schmoyer, an employee of the Alaska Railroad dock installation. "After all, they tell me that Tokyo once was pretty badly wrecked by an earthquake and look how it came back."

Mr. Schmoyer was surrounded by the wreckage of what once was an automated, busy cargo-handling center.

Seward is one of the older cities in Alaska, built on a shelf below the mountains at the head of Resurrection Bay. For years it has been outstripped in growth by the much younger city of Anchorage, the State's metropolis.

When the earthquake struck last Friday night, there were perhaps 1,800 persons in Seward. Today, only about 750 remained.

What is left of Seward is most of the residential district. The business properties that supported the small population have been wrecked beyond repair.

A fish cannery, recently converted to handle shrimp, has disappeared, washed out to sea in the succession of high waves that followed the quake.

Even the site of the cannery has disappeared under the water that now runs up to the sheer face of the mountain on the bay.

The fishing fleet that served the cannery is out of commission and largely destroyed. Much of it is on the beach, tossed and turned as much as 100 yards from the bay.

The 420-mile-long Alaska Railroad had its seaward terminus at Seward, and over the years that has become the chief reason for the town's existence.

The railroad maintained two excellent docks there, each with the latest equipment and with two modern warehouses where shipments were moved across from ships to freight cars.

Half of one dock is completely gone, together with hundreds of thousands of dollars worth of cargo-handling equipment. Neither dock can be used again. They must be ripped out and rebuilt.

The men who worked on them, the men who handled the trains, the men who were casual longshore workers—all of them now have no jobs.

The city now has no piped water supply. Its sewage system is inoperative because the outfalls into Resurrection Bay were sheared off and plugged up by the waves that followed the quake. Today the shrunken population of the town was being lined up for typhoid shots.

The stores were not wiped out by the earthquake, but they all were closed today. General access to that area of the town was closed off by soldiers from Fort Richardson at Anchorage.

Civil defense officials have taken complete charge of all the facilities remaining in Seward.

"We open up to get some clothes for somebody who was wiped out," said one civil defense worker. "Got to have people keep warm. Don't want them coming down sick. Town needs everybody we can get."

However, some of the soldiers had a different idea. They said people were being encouraged to leave, particularly women and children.

One woman, Mrs. Bill Peterson, the wife of the yard superintendent for the railroad, came in on a flight from Anchorage this morning. She had been traveling and returned after hearing of the earthquake.

"Ah, there's my funny looking little old green house," said Mrs. Peterson, and then her voice cracked. "You all come and stay with me—unless my husband has the house already full of people."

[From the New York Times, Mar. 31, 1964]

Meter May Predict Volcanic Eruptions

Pasadena, Calif.—As a volcano begins to rumble, nearby rocks start to contract or stretch.

A delicate instrument has been installed on the Hawaiian island of Oahu to measure how much the island's rocks squeeze or stretch as molten rock begins to flow from the earth's interior to fill deep wells reaching 30 miles beneath the volcanoes.

The instrument, called a strain seismometer, is also designed to study the extensive system of lava pipes under Hawaii's active volcano and measure the deep conduits up which the molten rock flows, explained Dr. Frank Press, director of the seismological laboratory of the California Institute of Technology here.

Only two volcanoes in Hawaii are still active—Mauna Loa and Kilauea, both on the Island of Hawaii.

Oahu is about 200 miles northeast of these volcanoes but will be able to pick up any volcano rumblings.

The instrument is so sensitive, Dr. Press said, that it can record a squeeze or stretch of one-fifth of an inch in rock, in an area of 3,000 miles.

The strain seismometer, located in a long tunnel in an ancient lava flow about 200 feet below the surface, is being operated for the institute by members of the Coast and Geodetic Survey. Dr. Press is in charge.

[From the New York Times, Mar. 31, 1964]

Director Sees Need of Bills

(By John W. Finney)

Washington.—Edward A. McDermott, Director of the Office of Emergency Planning, said today that special legislation probably would be required to help Alaska recover from earthquake damage, estimated to be as high as $500 million.

Mr. McDermott described the Alaskan disaster as "a problem without precedent in our domestic history" and suggested that existing relief legislation would probably prove inadequate to deal with the catastrophe.

The problem, he said, goes far beyond relief to victims, for "the economic vitality of Alaska has been seriously affected by one of the most violent disasters to ever strike the United States."

The Coast and Geodetic Survey estimated today that the earthquake that battered Alaska Friday evening was the largest recorded temblor ever in North America and one of the most powerful in recent history.

Large aftershocks from the earthquake were still shaking the Alaskan peninsula as recently as this morning, survey seismologists reported, and adding to the vast property damages suffered on Friday evening.

Mr. McDermott, designated by President Johnson to coordinate the Federal relief program, returned this morning from an inspection trip to Alaska. He reported on his findings at a meeting with leaders of Federal agencies responsible for relief assistance, and later at a news conference.

The loss of life, he said, was "thankfully less than originally predicted." His latest information, he said, was that there were 66 "confirmed deaths" in Kodiak, Valdez, Seward, Anchorage and Whittier.

He said the property damage, however, was "much greater than I ever expected." He estimated that the property damage would be $350 million to $500 million.

The exact extent of the property damage, he said, is impossible to determine now because of the large geographical area involved and because snow is still covering some of the damage. Furthermore, he said, the damage is continuing as aftershocks hit the area and weakened homes and buildings collapse.

For the moment, the Federal assistance program, as described by Mr. McDermott, is concentrating on determining the extent of the damage and establishing priorities for rehabilitation and reconstruction.

Any reconstruction, he said, will have to be preceded by an extensive demolition program on damaged buildings. He estimated, for example, that 50 percent of the large structures still standing in Anchorage would have to be torn down and that it would be 6 to 8 weeks before the demolition could be completed and normal commercial services restored in the city.

Aside from the food, medical and housing relief for disaster victims, being provided largely by the Red Cross and the Armed Forces in Alaska, the Federal Government has two principal disaster-assistance programs, one for governments, the other for individuals.

Under the Federal Disaster Act of 1950, the Government can provide funds to State and local governments for removal of debris and restoration of essential public services, such as roads, bridges, water and sewers.

In Anchorage alone, Mr. McDermott estimated, $33 million will be required to restore essential public services. There is presently $20 million in the Federal disaster-assistance fund, much of which is already earmarked to help areas hit by the recent Ohio River floods. The administration, therefore, will soon ask Congress for supplemental funds for the Alaskan disaster.

TAX LAW GIVES RELIEF

Under the other program, property owners and small businessmen are entitled to receive long-term, low-interest Federal loans to cover the damage to their property. Mr. McDermott estimated that 1,500 residences were severely damaged in Anchorage alone and 200 destroyed.

In addition, Mr. McDermott pointed out that under the new tax law, taxpayers in a major disaster area—such as Alaska has been declared by President Johnson—may deduct their property losses from their 1963 income taxes.

The present disaster legislation, he noted, is designed primarily to supplement local and State aid in restoring public services and helping property owners. In the Alaska situation, he said, the problem is that the damage is so extensive it jeopardizes the economic vital and long-term recovery of the region.

[From the New York Times, Mar. 31, 1964]

RISE IN FISH PRICE SET OFF BY QUAKE—PRODUCERS OF CRAB, SHRIMP, AND SALMON WERE HIT HARD

SEATTLE.—An immediate price increase in fish products, particularly canned crab, was forecast today in the aftermath of the earthquake in Alaska.

This would not result from a critical depletion in fish stocks, officials of several cannery corporations declared, but from the hoarding of inventories to supply principal outlets and a general uncertainty over the situation in southeastern Alaska.

Most fish packers discounted reports that the industry had been decimated. They contended that the effect of the quake was localized.

However, Cal-Pak of San Francisco estimated its loss at from $400,000 to $500,000. Other companies indicated this was a reasonable figure.

Although the crab packing season was supposed to end last Saturday, much of the pack was still stored in the canneries on the Gulf of Alaska. Damage to boats was also extensive, especially on Kodiak Island, because so many had returned to harbor.

SALMON PRODUCERS HIT

"There will definitely be an increase in the price structure," a spokesman for Pan Alaska Fisheries, Inc., reported. "Four or five salmon producers were completely demolished on Kodiak, and there will be limited facilities for king crab, shrimp, and salmon."

Most packers anticipated a severe loss in inventories in Alaska, although some of the canned product will be salvageable. Even so, the charges in rehandling would be passed on to the consumer.

The damage to fish stocks was not supposed to be overly severe. The earthquake had little reported effect in fishing areas west of Chirikof Island, about 100 miles southwest of Kodiak. Crab, for example, exist at such great depths in the gulf that it was assumed they were untouched.

But salmon spawning grounds could be seriously damaged, with gravel beds used for nesting and streams themselves scoured by tidal waves. Most companies have flown representatives into Alaska to survey the damage, but a complete report is not expected for a week or more.

Major destruction was reported in Prince William Sound. Facilities at Cordova, Valdez, and the Kenai Peninsula were hard hit, mainly as a result of water damage.

Devastation on Kodiak Island farther west was discriminate. Canneries owned by San Juan Fisheries and the Alaska Packers Association were swept out to sea. But plants along Shelikof Straits, north of the island, were not harmed and plants at Alitak, Point William, Point Bailley, and Point Wakefield were untouched.

Clam areas on Village Beach and Cook Inlet were said to have undergone little damage. The salmon center in Bristol Bay, north of the Alaskan Peninsula, escaped the earthquake as did fishing areas in the Aleutians at Adak Island and Dutch Harbor.

The immediate effect would be on crab prices, the Alaska Packers Association said. The season reopens in June and floating canneries may have to be used.

Although many boats in Alaska were damaged, others had returned to Seattle and are still available.

The major impact is expected to fall on small canneries and single owner operations.

[From the New York Times, Mar. 31, 1964]

READY FOR EMERGENCY: EDWARD ALOYSIUS McDERMOTT

WASHINGTON.—Once upon a time there was a high-level bureaucrat who worked next door to the White House, but who sought neither publicity nor a piece of other bureaucrat's empires. Applied to Edward Aloysius McDermott, who was directing a recovery operation in Alaska today, the fable becomes fact. However, Mr. McDermott, the director of the Office of Emergency Planning, is not a withdrawn personality. He is amiable, indeed, and unconcerned about his relative anonymity.

Ed McDermott, 43 years old, trim and meticulous in dress and habit, is the Nation's No. 1 rescue operator. He is also the first to think of a potential emergency and to plan for it down to the last thinkable detail.

The big worry that Mr. McDermott always carries with him, of course, is nuclear attack. The staggering civil problem would be his—how to rescue people, restore communications, get the economy functioning again. These are the challenges he must prepare for.

A POTENTIAL DISASTER

One hot August day in 1962, he was crossing Pennsylvania Avenue with a visitor when he learned of a barge of chlorine tanks that had sunk in the Mississippi River near Natchez. Here was a potential disaster that nobody had done anything about, although the barge had lain there for months.

Mr. McDermott started action that day, enlisting the aid of the Corps of Engineers and other agencies. When the engineers were ready, thousands of gas masks were distributed and the immediate area was evacuated. The tanks and their lethal contents were disposed of without a slip.

Mr. McDermott, a Roman Catholic, evaded Washington last week for a few days of meditation at Loyola-on-the Potomac, a retreat house conducted by the Society of Jesus. At 3 a.m. Saturday news of the Alaska earthquake roused him. A car was sent for him but it broke down. A helicopter picked him up.

Mrs. McDermott packed some warm clothing and rushed it to Andrews Air Force Base, where her husband boarded a Presidential jet for the disaster scene.

As director of the Office of Emergency Planning, Mr. McDermott is a statutory member of the National Security Council. In the Cuban crisis of October 1962, he sat in the upper councils and had his organization keyed to move on instant notice.

Without the slightest friction, he has worked out with all communications media in the country a voluntary code of censorship that will be invoked in case of grave national emergency.

The stockpiling of critical materials is another of Mr. McDermott's policy responsibilities.

Friends of Ed McDermott agree that he is the best organized man they know, which his job demands. He is just as neat and organized at home, and Mrs. McDermott, the former Naola Spellman, says he "never fusses about it."

In Dubuque, Iowa, where he was born and raised, Mr. McDermott dabbled in watercolors, but the Washington grind has stopped that and a lot of his golf, too. His diversion now, even as he works, is photography. He carries a vest pocket camera and has a picture record of much of his work on his events here and abroad.

Mr. McDermott graduated from Loras College, Dubuque, in 1939 and took his doctorate in law at the University of Iowa in 1942. He practiced law in Dubuque and Chicago.

Mr. and Mrs. McDermott have four children, 10 to 17 years old.

[From Time, Apr. 3, 1964]

DISASTERS

BAD FRIDAY

Late on Good Friday afternoon, a University of Washington seismologist named Norman Rasmussen was worshiping in Seattle's Church of the Assumption. He looked up and saw that the chandeliers were swaying. Instantly Rasmussen realized that an earthquake had struck.

Fifteen hundred miles away, an earthquake was devastating Anchorage, Alaska, and a ring of nearby towns and villages. With the thunderous impact of a mountain falling into the sea, the shock waves from Alaska rippled outward, sending tsunamis (seismic sea waves) around the Pacific, flooding portions of North American western shores, coursing across the sea toward Japan and southward toward Hawaii.

SWALLOWED

Seconds earlier, Anchorage, a bustling city of 50,000, was undergoing the hectic but commonplace ritual of the evening rush hour. The downtown business district was filled with people walking and driving home from work. Suddenly the very earth cracked, roared, and rolled. An amateur radio operator who was talking from his car to another radio ham in Seattle called out: "My God! What's happening?" The streets, he cried, were rippling like waves and the ground was pitching like an ocean. Streets split into gaping wounds, two of them 12 feet deep and 50 feet wide. Mrs. Jean Chance watched as "the earth started to roll. It rolled for 5 minutes. It slammed parked cars together. People were clinging to each other, to lampposts, to buildings." A 30-block section of the downtown area crumbled. People, automobiles, houses, slid helplessly into the crevasses.

Beyond Anchorage, the earthquake stalked like a insatiable beast. In the coastal town of Valdez, a hole opened in the dock area and a man and his two little children disappeared into it. Moments later, the entire dock was gone. In Seward, fires fed by ruptured oil tanks raged through the night. Airports for miles around reported buckled runway and disrupted services; at Elmendorf Air Force Base, Anchorage, the control tower itself collapsed.

SNAPPED

All through the night, bands of rescuers worked by flickering flashlight, rummaging through the rubble to find the lost, the injured and the dead. Air Force disaster units flew into Alaska with doctors, nurses, medical equipment and emergency hospital units.

The tidal waves were murderous. At Beverly Beach State Park near Depoe Bay, Oreg., four children who had been asleep in bedrolls were swept away. In Crescent City, Calif., the shock waves sent the sea pouring into the downtown sector to wreck 150 stores. Four gasoline storage plants exploded and burned. Three thousand townspeople fled; 10 were drowned, 70 hurt, more than 50 missing. Near Los Angeles, 10-foot waves damaged the coast of Santa Catalina Island. In Hawaii, residents of the city of Hilo fled to high ground as six huge waves lashed the shores.

It would be days before Alaskans could count the precise loss of life and property, months before the destruction could be wiped away and the towns rebuilt. The cost could be counted in scores of lives; in dollars it ran to as much as a quarter of a billion.

THE FAULT

Scientists could only speculate on the cause of the disaster. Long ago, primitive people believed that earthquakes were caused by subterranean animals, perhaps moles; others attributed them to tempests in the caverns beneath the earth's crust. Today, experts believe that the quakes are signs of earth's "growing pains," sudden movements of the earth's crust caused by pressure changes. These shifts, or slides, create tremors that travel both through and around the earth in sound waves. Most earthquakes occur where ancient wounds in the earth have created faults in the crust. One of the greatest quake-producing faults, known as the circum-Pacific belt, runs completely around the Pacific Ocean, along the west coast of the Americas from Alaska to South America, and along the coasts of Siberia, Japan and South Asia. The Alaska quake had its origins probably 30 to 60 miles beneath the surface at Prince William Sound, and in its initial shocks was about as severe as any ever recorded. The famed 1906 San Francisco earthquake, for example, registered 8.25 on the experts' Richter scale (a seismographic measurement); the Alaskan tremor registered somewhat higher. And the energy released by the Alaskan earthquake was 10 million times stronger than that of the atomic bomb explosion in Hiroshima.

[From Newsweek, Apr. 6, 1964]

DISASTERS: HELL ON GOOD FRIDAY

In the crisp, cold dusk of Good Friday, the streets of downtown Anchorage, Alaska, were alive with shoppers and strollers and motorists headed home after work for the Easter weekend. Then, suddenly, the ground was bucking underfoot and the street was splitting into crevices two blocks long and the spanking new J. C. Penney building was falling down. And when it was over, downtown Anchorage was gone.

It was a shock heard round the world—a roaring, rumbling earthquake that wrought splintering havoc in southern Alaska, set deadly tidal waves raging down the western rim of the continent, and jarred seismograph needles off their tracks on the other side of the world.

By the cool measure of science, the great Alaska quake of 1964 approached or touched the 8.6 rating at the outer limit of the Richter scale—the yardstick by which the seismic upheavals of the earth are ranked. By the cruel measure of sheer destructive force, that placed it alongside the 1906 San Francisco quake (Richter rating: 8.25) as the worst in U.S. history. By a more modern gage, it loosed energy equivalent to 10 million Hiroshima-vintage atomic bombs.

TEMBLOR-SCARRED

The heart of the quake was 100 miles to the southeast, 30 to 60 miles below the earth's surface on the shores of Prince William Sound. That was earthquake country, the temblor-scarred region of the Fairweather Fault; a shift along that fault line had set off a 7-magnitude quake and churned up a tidal wave in Lituya Bay 6 years ago. But the new quake was of a deadlier magnitude. Its tremors were felt as far south as Seattle; its spawn of tidal waves dashed at 400 to 600 miles an hour down the coast to California and across the Pacific to Hawaii.

Bustling Anchorage, Alaska's biggest city (population: 48,000) was hit hardest. Buildings over most of 14 blocks crumbled, remaining as twisted litter among table size chunks of earth that thrust upward like eerie toadstools. Anchorage Daily Times Editor Robert B. Atwood watched his house wrenched apart as though "in a gigantic taffy pull." Teenager Sam Krogstad's Volkswagen was catapulted from his driveway to a neighbor's yard—with him at the wheel. "It was the fastest parking I ever did," he said. Streets split into chasms 10 feet deep, 60 wide. Water mains, gas pipes, power and phone lines broke. Anchorage airport runways buckled like thin piecrust as the 60-foot control tower crumbled like an Erector set under an elephant's hoof.

SEALED OFF

Powerless save for candles, waterless save for melted snow, nearly heatless in subfreezing weather, Anchorage was sealed off through the long Good Friday night. Next morning rescuemen began the task of caring for the living, saving until later the grim chore of counting the casualties—a tally some feared might reach hundreds.

Far beyond Anchorage swept the quake's lethal forces. Ruptured oil tanks ignited and set little Seward ablaze—ending its plans to celebrate an All-America City Award. Newsmen flying in saw nearby Valdez as only a black scar marked by a spiral of dirty smoke against a backdrop of snow-draped mountains. A Valdez dock had collapsed, spilling some 30 persons into the sea. A 17-foot tidal wave demolished the downtown section of the island city of Kodiak. A neighboring fishing village was reported simply gone. Far down the Pacific coast, four members of a family disappeared to sea off a beach at Depoe Bay, Oreg. And at Crescent City, Calif., a 12-foot tidal wave dashed four downtown blocks to rubble, killing at least half a dozen.

The grim dispatches quickly reached the LBJ Ranch in Texas. The President—spending the weekend in retreat from the press of Washington business—was wakened twice during the night with the news; in the morning he declared stricken Alaska officially a disaster area. It was worse than that; worn, unshaven, and haggard after 24 hours' emergency duty, an Anchorage cop shook his head sadly and said: "It was hell."

[From the Washington (D.C.) Evening Star, Mar. 30, 1964]

WAVE AFTER WAVE: QUAKE ONLY A PRELUDE TO HORROR IN KODIAK

(By Haynes Johnson)

KODIAK ISLAND, ALASKA, March 30.—It started somewhere in the long line of housewives and babies, old men and teenagers. It moved up and down as swiftly as the heavy fog that encircles this island.

"Another one's coming. They say it's going to be a 90-footer."

In his office in the high school outside the hallway where the people were lining up for typhoid shots, Ivor Schott, the superintendent of schools, was speaking quietly:

"We housed 609 here last night and fed 715. We're sleeping them in the gym. The Navy furnished us with 150 mattresses and 165 sleeping bags and blankets."

He was interrupted by a man who entered quickly. "Another wave's coming. They're saying 160 feet this time."

TOO SHOCKED TO REACT

Mr. Schott only nodded. Like others on Kodiak Island he seemed too drained or too shocked to react with any emotion.

Kodiak Island has been through an experience that bears out a terrifying axiom: Whenever an earthquake occurs, a tidal wave follows. The island lies 150 miles southwest of Anchorage, directly in the path of the main shock.

Some say the destructive wave came with a roar, others say it hissed. To one, it was like the sound of a gigantic waterfall.

The quake was only the prelude.

"It started shaking slowly and then got violent and then the dishes started flying, so we knew we had to get out," said Mrs. Henry Draybek. "So we took a box of papers—our birth certificates and things like that—and went up to the high country. We were confused. We didn't know what to do."

MUSIC TO SOOTHE

"I'd like to say this," her husband said. "The last things we heard on the radio as we went out the door was a joker who said, 'Now we'll play something to steady your nerves after the shaking.' "

Kodiak has a population of about 3,000. It is the center of Alaska's fishing cannery industry. The city nestles at the end of a narrow channel formed by Deer Island and Kodiak Island.

B. A. Martin, Sr., 65, was in his plumbing store when he heard the wave coming.

"It came right out there over Old Woman's Bay, over the breakwater. You could see both coming 20 feet in the air."

The wave passed over the city and the island and for a few minutes it was quiet. Then the second wave came, with the same terrible sound. Only this time the wave was even higher, perhaps as high as 45 feet.

Then it was quiet again before the water rose a third time to batter the island.

THE TOLL IS TAKEN

A dozen people are dead. Of some 100 boats in the bay, only 41 have been accounted for as safe. Twelve were damaged beyond repair, and the remaining 47 are missing. There were crew and people on some of these boats.

The halibut, king crab and salmon fisheries are devastated, all but one razed. The breakwater and the small-boat harbor are destroyed.

Indian villages along the coasts and in the narrow inlets are gone, swept out into the Gulf of Alaska or the Shelikof Straits.

It is impossible at this point to determine the final number of the dead, the missing or the injured. It is known that the village of Kaguyak and Chenega were particularly hard hit.

Navy and Coast Guard planes, helicopters, and ships are searching intensively for survivors. Many people are reported to have fled to higher ground and are huddling somewhere back in the woods.

Gordon Wallace, a sailor from the naval station lost his wife, and 7-year-old son while fleeing from the tidal waves.

The sailor said he was knocked down and his wife and child were swept away. He went back the next day, he said, and "I found my car but not my wife and boy." He wept.

Kodiak City is ruined. Buildings are crumpled, windows smashed, streets littered. Armed military guards patrol everywhere. A sunset-to-sunup curfew is in effect. Passes for entry and exit are required.

"I had a business once," Frank Sheehan said, "but now it's nothing but gravel and sand."

Farther down the street the *Mary Ruby* of Seattle lay on its side, one of many big ships hurled out of the bay and up into the city itself.

More than 200 homes are smashed in the town. Others are not habitable.

Even the community cemetery on the side of a hill overlooking the water shows the marks of the Good Friday earthquake and tidal waves. Its crosses are knocked over or tilted crazily.

Many are living with friends. No one seems to have given up.

"We'll rebuild and we'll stick around and go back to work," one man said. Then, as if it made a point, he told of how he thought his dog, Bobo, was lost along with his house which disappeared into the sea. When he went to check where his house had stood, there stood Bobo.

Bad as conditions appear on the surface, the scope of the disaster can be assessed better from the air.

From the wreckage of Anchorage, the State's largest city, marks from the quake and the tidal waves are visible all through the vast forests, bays, and jagged mountains that trail off into the Aleutian Islands.

Trees have been sheared and stripped. Railroad tracks are buckled and twisted. In some places the ground is crisscrossed with fissures.

Down Cook's Inlet and over the Kenai Peninsula can be seen places where the earth slid into the sea.

[From the Washington (D.C.) Evening Star, Mar. 31, 1964]

Freighter at Valdez Hit Ocean Bottom in Quake

Valdez, Alaska, March 30.—"It was as though the bottom had dropped out of the ocean."

A steamship company representative thus described the violent earthquake and seismic waves that flattened and charred this seaport town and killed a reported 32 persons.

The community of 1,000 on the Gulf of Alaska 150 miles southeast of Anchorage took one of the worst beatings.

Mayor Bruce Woodford said it could be several months before residents—evacuated to higher ground—can return to their homes.

Many of the dead were working or standing on the city's dock which collapsed with a roar. The 400-foot freighter *Chena*, being unloaded at the dock, was tossed around by the violent waves.

"The ship hit bottom twice," a steamship agent said.

OIL TANKS BURN

The quake and waves set five oil tanks on fire and damaged, by official estimates, 90 percent of the town's buildings. Black smoke still curled from burning oil tanks.

Mayor Woodford said property loss would total at least $20 million.

Only 2 bodies had been recovered but the major said 30 others were "surely dead," including 5 children who were watching the ship being unloaded.

Valdez, a salmon fishing and seaport community, was virtually deserted today with surviving residents encamped at Gulkana, 117 miles to the north.

The town was evacuated Saturday night except for security patrols, moved in during the day.

Valdez is the hometown of Alaska Gov. William A. Egan whose house was damaged. He flew to Valdez for an on-the-scene inspection yesterday.

Residents said the town was hit by three tidal waves, the worst around midnight.

The waterfront was crowded with longshoremen and residents watching the ship unloading.

MET BY FAMILY

James Growden, teacher at Valdez High School, had taken his two young children to the pier.

Smokey Stuart, working on the pier, was met by his wife and three children, who had come to pick him up for dinner.

The Growdens and the Stuarts were listed as dead, along with most of the longshore crew.

Also killed was Mrs. Bob Kulstad, who lived in a nearby house trailer. Her husband, a night watchman, was away at work.

Harry Henderson, a fisherman living a mile away, evidently was swept to sea with his cabin.

The master of the *Chena*, a Captain Steward, got the ship underway after the second wave and moved into the bay. The vessel remained in the harbor as a communications ship.

Troops from the Army's Fort Wainwright moved into Valdez yesterday to help civilian volunteers restore electric and water services.

A water pump and purification system were working and power was on in most sections by last night.

[From the Washington (D.C.) Evening Star, Mar. 30, 1964]

Tragedy in Anchorage Took Many Shapes

(By Jerry O'Leary, Jr.)

Anchorage, Alaska, March 30.—The electric clocks in Anchorage stopped at 5:36 p.m. on Good Friday.

The Reverend Joseph Shirey, a Jesuit priest from Salem, Oreg., was leading the congregation of St. Anthony's Catholic Church, in the Adoration of the Cross ritual of prayer and hymns.

A statue of St. Joseph fell from its pedestal and was shattered in a thousand pieces but the 200 parishioners remained kneeling at their Holy Week prayers.

Mrs. Hazel W. Irving, 29, the Baltimore-born wife of Air Force Staff Sgt. Lawrence A. Irving, grabbed her three children and ran into the street when things began leaping out of the kitchen cupboards. Crevasses opened around her in the street as she led her children to safety.

A neighbor, Mrs. Jean Slacks of Atlanta, Ga., watched the dinner she was cooking bounce off into the floor. She ran barefooted out into the snow.

A woman shopper, peering into the window of the six-story J. C. Penney building at Fifth and D Streets, was cut nearly in half by a giant shard of a shattered plateglass window as the building collapsed.

The patrons of the Corral Bar climbed 15 feet out of the hole into which the saloon sank after the quake. The glasses they left on the bar are still there today.

Every car in Anchorage that was parked near another one at 5:36 p.m. on Good Friday has marks to show for it. Automobiles pingponged back and forth and from side to side wherever they were.

Lt. Col. Frances P. Thorp, chief nurse at Elmendorf Air Force Base, was in a bed on the sixth floor of the hospital with a broken foot. She had to hang on for 5 minutes with both hands because the bed wouldn't stop careening off the four walls.

Police Pvt. Robert Kenbock was asleep on a couch at home. The shock threw him on the floor and he watched the trees outside whipping back and forth in a 90° arc. Then he reported for duty in the devastated business district.

DOOR KICKED OPEN

Army Sp4c. Bob Meade, 24, was shopping in the Fort Richardson commissary, 3 miles from Anchorage, with his wife, Carol Ann, 22, and their 17-month-old daughter, Robin.

When the ceiling cracked and food began pouring off the shelves, he fought his way through screaming patrons and kicked open a jammed door to let everyone outside.

Last night he sent Carol Ann, who is pregnant, out by plane to live with his parents, Mr. and Mrs. James Meade, at 5222 Janice Lane. Temple Hills, Md., until after the baby comes.

A little dog named Buttons knew about the earthquake 45 seconds before it struck, according to its owner, Air Force S. Sgt. Carl T. Vaughan of Cape Girardeau, Mo. Buttons made a beeline for safety under the bed in the Vaughan's home in suburban Spenard.

"I was mixing shrimp dressing," said Sergeant Vaughan. "The quake spilled my dinner, turned all my pictures upside down on the walls and left us only three cups and no plates. That little dog is valuable to me now. He's the best earthquake predicter in Alaska."

FLEE WITH CHILDREN

Sergeant Vaughan said his wife, Loretta, grabbed their 2-year-old son, Allan, and nearly "squeezed him in two" as she ran for the door. The sergeant was right behind her with 5-year-old Mike.

Yesterday, the Easter bunny came to Mike and Allan, and several hundred other temporarily homeless Anchorage area children in barracks the Air Force has set aside for them at Elmendorf AFB on the edge of town.

Various people saw and felt the earthquake in varying ways. To the Smiths, it seemed that the house rolled like a ship in a rough sea. Sergeant Smith's instinct was to grimly hold his china closet erect as the house swayed.

The Irvings felt the shock as a violent shaking motion. They filled their car with food and blankets and drove away until the one radio station still broadcasting gave them the idea of going to the air base for succor.

The Vaughans, like everyone in Anchorage, had no electricity, no heat and no water they could safely drink. They evacuated their homes.

The Meades felt that the ground had turned to jelly and convinced the young Prince Georges County father in his resolve to get his wife and child out of Alaska.

PATIENTS EVACUATED

Colonel Thorp, a veteran of more than 20 years in the nursing service, felt the hospital building list and writhe and watched the cracks opening in the walls over her head until they came to take her from the building. The Air Force evacuated 150 patients from the endangered 7-story building. They sent 47 seriously ill or injured patients out by air evacuation plane and moved everyone else to barracks nearby.

Today, patients are occupying mattresses on the floor of the barracks because the hospital has been condemned as unsafe.

There is not a section of Anchorage, which claims 48,000 residents and an area population of 80,000, that was unaffected by the earthquake.

But the main devastation on a large scale is in two areas:

An 8-block section of the business district and the fine residential suburb of Turnagain, overlooking the ice-filled Cook Inlet.

The downtown section is under virtual martial law. Impassive, bronze-faced men in the parkas and white boots of the Eskimo Scouts, a crack unit of the Alaska National Guard, have sealed off the entire district because looters reportedly had begun their work almost before the last tremors stopped.

SOME SCENES IN TOWN

Driving into town on an inspection tour, a reporter passed these scenes:

Near Gambell and East Fourth Street, where the troop roadblock is on guard, the side of the Glass Sash & Door Co. sheared off and wrecked six cars parked in a row beside the building. The department of health across the street appeared unmarked.

A large, well-defined crack in the shape of a capital letter "X" appears under every window of the 13-story, salmon-pink Mount McKinley Building, one of the tallest in Anchorage. The cornices seem eroded and some have fallen; the building is tottering and was evacuated as it stands. It has been condemned as unsafe. Across the street, the IBM store is unmarked.

So freakish was the blow struck at Anchorage by the shifting bowels of the earth that for nearly 12 blocks of East Fourth Street the damage is almost entirely on the north side.

The Alaska State Housing Authority appears untouched, but across the street in Monty's Dress Shop the chic mannequins were tossed about in the display windows in wild confusion.

SALOONS DEMOLISHED

On Fourth Street from B to C and D, it was almost as though some all-powerful prohibitionist had set out to demolish every saloon in the Tenderloin.

Here it was that every structure on the north side for two blocks sank 15 feet into a pit created by the shifting forces of the earth. The Green Dragon Saloon, the Corral Bar, the Safari Hotel, the Trading Post, the Frisco Bar, the Scandinavia, the D & D Bar, Nuggett Loans, and Koslovsky's store are all resting below the surface of Fourth Street.

Amid the saloons and the loan shops, the Denali Theater sits in the giant fissure with only the neon signs of the marquee visible from the distorted and buckled street.

Fortunately for the moviegoers of Anchorage, the earthquake struck about half an hour before the theater's opening time. The movie was "Play It Cool."

Up the street a bit, the Sedalia Shoe Store leans at a precarious angle over the street. Beside it is a deeper fissure into which a Ford had nosed down with only the back wheels showing. A Chevrolet has been marooned on an island of earth only wide enough to accommodate it and chasms yawn around it on all sides.

DAMAGE ELSEWHERE

Floral tributes are half assembled in flowers by Bagoy and cups of coffee are half consumed in the Montana Club and the Club Esquire.

Wooden power poles are snapped at the ground and wires tangle the streets in spaghetti formation. Water pipes rear into the air. Parking meters lean crazily at every angle. Broken glass litters the ground like confetti after a parade.

At Fifth and D Streets, giant cranes are plucking at the tortured remains of the 10-month-old six-story Penney building, perhaps the most spectacular ruin in Anchorage.

Parcels and orderly rows of shoe boxes fell into the street after the concrete panel walls collapsed. A mattress hangs down over the sidewalk from a naked fourth-floor exposure. The rock-wool insulation sags sadly open. A flicker of flame darts up through the wreckage but watching firemen are quick to extinguish it.

There are reports that 11 persons died in the collapse of the Penney building, but it is difficult to hope that there are not more bodies concealed in the smashed interior of the busy store.

Across the street, in the Loussac-Sogn building, there is one large crack in the wall and the American flag is wrapped three times around its staff. Otherwise, the tragedy struck like pinpoint bombing.

The handsome Westward Hotel is evacuated and appears broken at the halfway point on its 14-story facade. It has a whole side wall that has pulled nearly a foot away from a building it once touched.

There are scenes of more personal tragedy in Turnagain, where $150,000 homes slid inexorably into Cook Inlet. Driving out Northern Lights Boulevard to Turnagain Parkway, the first signs are the recurrent and ever wider cracks that run through the asphalt streets and in the snow under homes on each side.

At 3130 Iliamna Street, a Christmas decoration left on the roof has been tossed askew. At 3303 Iliamna, a $100,000 home of pastel blue has collapsed on its foundations while the homes on either side straddle precariously over ominous cracks that start nowhere and end under the snow.

Turnagain lost 75 homes over a stretch of shoreline a mile long and a quarter of a mile deep when the temblor shoved the earth toward the water of the inlet.

Some homes have disappeared entirely under the gumbo of mud and frozen soil. Others lie on their sides, or upside down, with automobiles crushed beneath them and childrens' slides and swings twisted and hanging in the fissures.

Chain-link fences stretch across thin air from one solid island of ground to another. Thirty-foot deep crevasses crisscross the area where the geologic forces harrowed the ground without regard for the human habitations.

HOMES WITHOUT HEAT

This area, too, is sealed off by Army roadblocks, easily located by the fires being burned in the middle of the roads to keep warm and the stacks of C-ration boxes.

The residents of Turnagain with homes still erect peer out of their windows at the occasional passing car. All of them are wearing overcoats and parkas because they have no heat. Their faces are those of people who cannot believe what has happened to their neighborhood. Most of them have taken in those who homes were ruined by the earthquake.

Yet, the rest of Anchorage, where the ground rocked and rolled but did not destroy, is back at some semblance of normal living. Except in the two devastated areas, it would almost escape notice that anything untoward had happened at all.

The moose still amble through the used car lots and are ignored by the citizens. Stores were open on Easter Sunday so that people could buy food to eat and flashlights to check the ceilings of their homes. Everyone is boiling water to drink and trying to assess his or her personal involvement in the catastrophe.

The main thought with most of those in Anchorage yesterday and today was trying to let someone know on the jammed phone and wireless lines to the "outside"—or the "lower 48"—that they were alive.

POWER RESTORED SO ANCHORAGE WELCOMES YOU

ANCHORAGE, ALASKA.—Electricity was partly restored in this quake-ravaged city and an illuminated street sign blinked on:

"Welcome to Anchorage: All-America City."

[From the Washington (D.C.) Evening Star, Mar. 30, 1964]

MORALE HIGH IN ANCHORAGE, PRESIDENT TOLD

(By Garnett D. Horner)

AUSTIN, TEX., March 30.—President Johnson awaited further reports on the toll in life and property in the Alaskan earthquake disaster at his L.B.J. ranch home today.

The President was being kept informed of developments by the Director of the Office of Emergency Planning, Edward A. McDermott, and by the Defense Department.

White House Press Secretary George E. Reedy said Mr. McDermott reported yesterday that civilian morale was high in devastated Anchorage, the only quake-torn city he had been able to visit on the ground.

Mr. McDermott was quoted by Mr. Reedy as saying there were amazingly few signs of panic among the earthquake victims in Anchorage who were proceeding efficiently and coolly to get things organized.

At the President's direction, Mr. McDermott flew from Washington to Elmendorf Air Force Base, near Anchorage, Saturday night and telephoned his first report about 1 a.m. (c.s.t.) Sunday, to the temporary White House offices here for relay to the President.

Mr. and Mrs. Johnson drove from their ranch home yesterday to Fredericksburg, where they attended 9 a.m. Easter communion services at St. Barnabas Episcopal Church—a tiny church crowded by 48 worshippers.

[From the Washington (D.C.) Evening Star, Mar. 30, 1964]

SEWARD COUNTS INDUSTRY LOST: ALASKA RAILROAD FACILITIES GONE

SEWARD, ALASKA, March 30.—Earthquake, tidal waves, and fire have ravaged this town of 1,700, wiping out an estimated 90 to 95 percent of its industry and most of its jobs.

The town, a major rail supply port for interior Alaska, had won an All-America City Award Thursday and was preparing for a big celebration.

There won't be much to celebrate.

Homes were smashed, a small boat harbor ruined, and the entire facilities of the Alaska Railroad wiped out.

TWO KNOWN DEAD

Two lives were lost, 12 to 20 persons are missing.

Edward A. McDermott, President Johnson's disaster relief chief, called it the "worst yet" as he surveyed the damage from the air on an inspection tour.

Mayor Perry Stockton said the city would show its All-American mettle and rebuild. He estimated property damage at $20 million or more.

Seward, located on the Kenai Peninsula, 60 miles south of Anchorage, was only a short distance west of the center of the great earthquake.

The temblor hit the city with a one-two punch, first shattering it from the ground and then unleashing a massive wave water that swept down Resurrection Bay into the heart of town.

Railroad cars and engines were slapped off their tracks. Some were tossed hundreds of yards.

Fishing boats were left stranded in the mud, far inland from the dock area.

After the waves came fire.

Eight Standard Oil Co. storage tanks exploded and burned. Eight Texaco Co. tanks at the other end of town were ruptured and blackened by fire.

A 1,000- to 5,000-foot chunk of waterfront slipped into the bay, taking a cannery, docks, warehouses, offices, and 14 fuel storage tanks with it.

[From the Washington (D.C.) Evening Star, Mar. 30, 1964]

QUAKE DEATH TOLL NOW IS PUT AT 70, CERTAIN TO CLIMB; GOVERNOR EGAN REVISES ESTIMATE OF DAMAGE TO $360 MILLION

ANCHORAGE, ALASKA, March 30.—Shattered Alaska, weary and jittery amid repeated aftershocks, dug through wreckage of cities and towns today tallying the results of a tragic earthquake.

Approximately 70 deaths had been counted in the quake zone, a surprisingly low figure, with at least 16 others dead in California and Oregon from resultant seismic wave action.

Some of the Alaska deaths were not confirmed.

The death toll in Alaska was certain to climb—many still are missing—but most State officials expected the final total to stay below 100.

HEAVY ECONOMIC LOSS

A stunned population—bolstered by a high-level recommendation for massive Federal aid—began to realize the economic ruin carried by the quake. In some communities, industry was as much as 95 percent wiped out.

"It might take a year and a half to 2 years to rebuild," said Mayor Bruce Woodford, of smashed Valdez, "but we'll make it."

Gov. William A. Egan revised his estimate of property damage upward to $360 million and admitted he was being conservative. Other unofficial estimates were higher.

Mr. Egan increased his figure after visiting Valdez, his hometown, where 32 died.

SKETCHY INFORMATION

Information from many of the heavy-hit areas was sketchy at best. In Kodiak, where a tidal wave washed out the waterfront, one report said martial law had been proclaimed. Police refused to confirm or deny the report.

From civil defense and military sources, this toll of Alaskan dead emerged:

Anchorage, 6 to 12; Kodiak, 11 to 12; Valdez, 32; Chenega, 11; Seward, 2; and Whittier, Cordova, Kayak Island, and Port Ashton, 1 each.

Edward A. McDermott, President Johnson's personal representative on the scene, was flying back to Washington today to recommend special relief legislation.

DECLARED DISASTER AREA

The President already has declared the 49th State a major disaster area. Mr. McDermott said it was obvious the full disaster relief program permitted under present law would not be enough.

At best, he said, it would take 2 to 4 months to get Alaskan economy into any workable shape.

Alaska Senators ERNEST GRUENING and E. L. (BOB) BARTLETT, also Washington-bound, indicated they would press for an immediate aid grant in Congress.

"Please make it simple, with no red tape," James W. Harrison, city manager of the shattered city of Seward, urged.

"This town is not going to fold up, but we couldn't float a bond issue on peanut butter right now."

Typically, Seward, 60 miles south of Anchorage, had only two known dead, but its business was 95 percent destroyed and few of its able-bodied men still had jobs.

RAILROAD HARD HIT

The Alaskan Railroad, vital route from Seward to the interior, was a jumble of wrecked cars and twisted rails. A milelong waterfront area collapsed into the sea.

All along the ring of the Gulf of Alaska, where the great quake struck in fury at 5:36 p.m. Alaska standard time Friday (10:36 e.s.t.), it was a similar story of low casualties but mighty ruin.

Anchorage, whose metropolitan area has a population of 100,000 counted 12 dead, but its business district and its best residential sections were heaps of awesome wreckage.

Kodiak Island counted 12 dead but its fishing fleet and canning plants were wrecked.

One hundred and fifty miles southeast of Anchorage, reports from the small town of Valdez, said many of the 32 dead were on a dock that collapsed when hit by a huge sea wave.

SEA WAVES KILL 16

The sea waves also caused deadly destruction thousands of miles away, killing at least 16 persons in California and Oregon. Worst of these sufferers was Crescent City, Calif., more than 2,000 miles from the quake's epicenter. There 11 persons died and 15 were still missing.

Anchorage, center of the Alaskan recovery effort, went soberly about its business.

There were several aftershocks.

One, felt strongly in Anchorage Easter evening, was rated at 7.3 on the Richter scale of energy by the University of Washington at Seattle, 1,500 miles away. University scientists said it was a separate quake, in the Aleutian trench 600 miles northwest of Friday's epicenter, but Anchorage felt it with jittery apprehension.

An earlier midafternoon shock led to a civil defense warning of a new tidal wave headed for Seward. It was called off quickly, but people who had lived through Friday evening's terror fled to high ground.

RATED 8.2 TO 8.7

The Friday evening quake was rated by experts at 8.2 to 8.7 on the Richter scale. This scale, measuring the release of energy, has never before rated a quake higher than 8.6 and then only rarely and in unpopulated places.

The mundane problems of immediate food and shelter were being solved rapidly, but temporarily.

Anchorage wholesale grocers estimated they had about a 30-day stock of essential foods on hand—mostly in wrecked warehouses, but still usable.

Electric current was being restored slowly, but many homes and buildings were without light, heat, or power.

Drinking water had to be boiled or melted from snow.

The Red Cross, Salvation Army, and other volunteer groups guaranteed at least one hot meal a day for everyone.

GET SLEEPING SPACE

Hundreds in Anchorage were given sleeping space on floors in large buildings such as Carpenters' Hall.

Bars and liquor stores, normally open 7 days a week, were closed by police order. Banks remained closed.

Police, soldiers, and National Guardsmen, patroling downtown Anchorage, reported no cases of attempted looting.

Workers started pulling down teetering 4-ton slabs of the modernistic five-story J. C. Penney store and other dangerous ruins. Dynamiting was considered and rejected.

A civil defense official said, "It is still possible some victims are in the rubble. We might not get to some for quite a while."

About half of Anchorage was estimated to have suffered from the quake, and new cracks appeared steadily in standing structures as the aftershocks continued.

FIRE RAGES IN OIL TANKS

Fire, which raged in spectacular fury from oil storage tanks at Seward and Valdez, spared Anchorage, but remained an ever-present danger.

Temporary plumbing facilities were arranged. Mass typhoid inoculations were arranged.

President Johnson's emissary, Mr. McDermott, who flew for 6 hours over the entire stricken zone yesterday, ranked Seward wreckage as "the worst yet."

Alaska's important fish processing industry was about 50 percent destroyed, he estimated.

Alaskans vowed to rebuild everything bigger and better than ever. To the average citizen the disaster was still a personal thing, typified by the rueful remark of a homeless housewife:

"And we had just redecorated."

LIST OF DEAD AND MISSING IN QUAKE, TIDAL WAVES

SEATTLE, March 30.—Here is an incomplete list of dead and missing in the Alaska earthquake and tidal waves that raced down the Pacific coast. Hometowns are from cities listed unless otherwise indicated.

ALASKA

Anchorage

1. Clayton Baker.
2. Mrs. Virgil E. Knight.
3. Mary Louise Rustigan.
4. Lee Styer, 19.
5. William Taylor, 45.
6. J. J. Martinez, address unknown.

Seward

1. Emil Elbe.
2. Alva Wisdom.

Valdez

1. Paul Gregorioff.
2. Howard Kraiger.
3. Robert Harrison.
4. James Growden.
5. Growden son, about 3.
6. Growden son, about 4.
7. Richard Robinson.
8. The Reverend L. D. Carriker.
9. Phil Wheeler.
10. George Joslyn.
11. Ross McCoy.
12. Dennis Cunningham, 15.
13. Stanley Knutsen, 14.
14. Jerry Zook.
15. Bud Williams.
16. Dutch Schmidt.
17. Bob Kulstad.
18. Mrs. Bob Kulstad.
19. Don O'Leary.
20. Don Bodie.
21. Doug Granger.
22. Don Muller.
23. Freddie Brown.
24. Smokey Stuart.
25. Mrs. Smokey Stuart.
26. Stuart child.
27. Stuart child.
28. Stuart child.
29. Harry Henderson.
30. Jack Van Buskirk.

31. George Tabasco.
32. Unidentified.

Whittier

1. "Baby girl" Ware, 2½ months.

OREGON

Depoe Bay

1. Ricky McKenzie, 6, Tacoma, Wash.
2. Louie McKenzie, 8, Tacoma.
3. Bobby McKenzie, 7, Tacoma.
4. Tammy McKenzie, 3, Tacoma.

Seaside

1. Miss Mary Eva Deis, 50, Seaside, heart attack.

CALIFORNIA

Crescent City

1. William Eugene Wright, 10 months.
2. Bonita Wright, 3.
3. Joan Fields, 25.
4. James Park, 60.
5. T. Adolp Arrigoni, 70.
6. Lavelle (Capt. L. V.) Hillsberry, 35.
7. William Clawson, 52.
8. Mrs. Clawson, 51.
9. Earl Edwards, 55.
10. Mrs. Edwards.
11. Oren McGuire, heart attack.

Bolinas Bay

1. Isaac T. Dirkson, 34, Sonoma, Calif.

Klamath

1. Air Force Sgt. Donald McClure, 33, Klamath and Akron, Ohio.

[From the Washington (D.C.) Daily News, Mar. 31, 1964]

UNCLE SAM IN ALASKA

When disaster strikes as it has in Alaska, the chief relief role necessarily must be played by the Federal Government.

The Red Cross and other humanitarian agencies can aid the homeless, the injured, and the hungry. Communities, especially the rugged, enterprising people of Alaska, can help themselves in many ways.

But destruction inflicted on the scale of the Alaskan earthquake takes much more. Whole towns apparently were wiped out, business and industrial facilities destroyed on an enormous scale, the very ground widely and deeply split. Sewage, water systems, docks, bridges, roads have been knocked out. No community, no State, no corporation, can meet such calamity.

This, then, is a legitimate role for the Federal Government. It is legitimate because no one else has the capability. And whatever the Government does can be justified because some of its citizens are in grievous need. Moreover, rubble and wreckage pay no taxes—the sooner the energetic Alaskans get back in business, the sooner they will repay Uncle Sam.

However divided public opinion may be over some of the Government's regular lending, subsidizing, and planning programs, there will be no dissent from President Johnson's avowed determination to do "everything possible" to help Alaska in this emergency. For this is an obligation of the whole people.

"LIKE WHEN GOD FIRST MADE THE EARTH": SISTERS TELL OF TOWN'S DEATH

(By Milton Britten)

GLENALLEN, ALASKA, March 31.—The two middle-aged sisters, wearing pants and plaid shirts, stood in the snow and told of the death of their town and their hopes for its rebirth.

They were among some 500 of Valdez' 900 residents who fled to this hamlet 116 miles north in the wake of the Good Friday earthquake and two tidal waves from the Valdez arm of Prince William Sound. They came on the Richardson Highway.

Mrs. Orville Ness and her sister, Miss Ellen Long, stood outside the Glenallen School, now a refugee center, and watched a bus carry off Valdez women and children bound for mainland States. The Ness' daughter, Johanna, 9, was aboard, headed for Oregon. The temperature was in the mid-20's.

OWN A STORE

The sisters, originally from Geneva, N.Y., jointly own a grocery store in downtown Valdez. Mr. Ness is a trucker. "At least he was until Good Friday. Now his two trailer trucks are at the bottom of Valdez arm," said Mrs. Ness. She continued:

"Valdez is supplied every 2 weeks by ship from Seattle. The ship, *Chena*, had come in at 3 p.m., and was being unloaded. My husband's trucks were on the pier.

"So were Smoky Stewart and his wife and three children. He worked in the highway department lab. They were in their car watching the unloading. Jimmy Growden, the high school teacher, and his two young sons, were fishing off the dock. A number of longshoremen were at work, too, when the earthquake hit at 5:26 p.m. The pier collapsed and disappeared. All are presumed dead.

"The first wave action followed the quake. But it was the second wave, at 11:30 p.m., that did the most damage, bringing icebergs and debris from the sound into the streets.

"The Union Oil Co. tank farm on the waterfront caught fire. Water and sewer mains burst. Our store suffered heavy water damage but my husband salvaged what he could of the food to feed people here. He has gone back to Valdez again."

ONLY 70 REMAIN

Only 70 residents, almost all men, remain in Valdez. A 100-man Army unit from Fort Wainwright at Fairbanks is in charge. Wainwright personnel also man the high school-refugee center at Glenallen.

Miss Long said the whole waterfront now "looks like it did when God first made the earth," but she was confident Valdez, 100 miles east of Anchorage, would be reborn. "It's an important port, and it will be needed."

Mrs. Ness added, as the bus carrying her daughter headed toward Fairbanks: "We're going back to Valdez as soon as they'll let us."

QUAKE TAX RELIEF AVAILABLE

Victims of the earthquake and tidal wave, in Alaska and on the mainland, have instant Federal tax relief awaiting them, though many probably don't know it.

The man who is responsible for this relief, Senator JOHN J. WILLIAMS, Republican, of Delaware, explained today how it works, and promised a new fight soon to provide further Government help for those hit by acts of nature.

Taxpayers can deduct casualty losses under the Federal income tax law.

Taxpayers in Alaska or on our west coast who suffered from Good Friday's earthquake and tidal wave can take advantage of their casualty losses as though they occurred in the last calendar year.

"GRIMMEST THING WE'VE SEEN: ALASKA'S TWO SENATORS ASK GIANT AID

(By Dickson Preston)

Alaska's two Senators today called for the most massive Federal aid program in history for their earthquake-stricken State.

Senators E. L. BARTLETT and ERNEST GRUENING described the devastation as "the grimmest thing we've ever seen" on their return from personal inspection of ruins left by the Good Friday disaster. They said they hoped Congress would act swiftly to provide:

Cash grants to help rebuild private homes and businesses as well as sewers, water systems, and other public utilities.

Long-term loans at low interest rates for a variety of reconstruction needs ranging from schools to fishing fleets.

Some type of relief program to provide cash for thousands whose jobs were wiped out.

Large supplemental appropriations for existing agencies, such as the Office of Emergency Planning, the Bureau of Indian Affairs, and other organizations concerned with victims of the disaster.

Both said they believe the Government must provide help which goes far beyond anything it has done in disasters of the past if Alaska's economy is to recover within a reasonable time.

"Existing Federal programs will take care of rebuilding highways, sewers, water mains, and other public facilities," Senator GRUENING said. "What we've got to have is a new type of program to help the private sector come back."

[From the Washington (D.C.) Daily News, Mar. 31, 1964]

RESCUE OPERATIONS MOUNT: DEATH TOLL DWINDLES

ANCHORAGE, ALASKA, March 31.—An armada of planes, corps of rescue workers and Uncle Sam's bankroll today went to the rescue of quake ravaged and economically shattered Alaska.

And weary citizens of the 49th State gained additional encouragement in a report that the list of fatalities resulting from the Good Friday earthquake was dwindling.

"The dead and presumed dead now total 105," said Donald Lowell, State director of civil defense. Unofficial figures earlier today were set at 153 and later dropped to 131.

THIRTEEN MORE KILLED

Another 13 persons were killed and 18 were missing and presumed dead as the result of tidal waves which the quake spawned and sent crashing into the coasts of California and Oregon.

Mr. Lowell said he expected to have a complete list of the Alaska dead and presumed dead, with a city-by-city breakdown, late today. He said 80 percent of the victims on his list were victims of the tidal waves.

The constant fluctuation in the figures since the quake struck was the result of ruptured communications.

Officials feared scores, perhaps hundreds of Aleuts and Eskimos also might have died in more desolate regions of the 1,500-mile disaster zone. They said the full toll may never be known.

NEW QUAKE

Two other late developments caused concern in the jittery area.

The University of California at Berkeley reported that a "moderately strong" earthquake occurred early today off the western coast of Canada in the area between Vancouver Island and Queen Charlotte Island.

The quake was not felt in Anchorage, and university officials emphasized that the temblor was not an aftershock of the Alaska disaster. The Canadian quake, centered in the Pacific Ocean, was recorded at 4:05 a.m. and registered between 6 and 6¼ on the Richter scale.

The Coast Guard also announced that a potentially dangerous film of diesel and jet fuel fed by ruptured tanks at Seward had spread over parts of Cook Inlet. The situation was being watched carefully and all open flame was banned in the area.

SUPPLIES

Meanwhile, a stream of 15 giant C-154 Globemaster Air Force transports were in a 48-hour shuttle from McChord Air Force Base, Wash., to Elmendorf Field with 235,000 pounds of vitally needed supplies for the ravaged State.

The supplies ranged from disposable diapers to candles, vaccines to portable generators.

Gov. William A. Egan, his voice showing the strain of 4 days of unceasing strain and work, warned Alaskans they must "take a good hard look at the future."

In a broadcast beamed over all Alaska's still operating stations, Governor Egan said Federal aid was "clearly the only immediate source of funds."

"We hope and pray that special legislation will be passed by the U.S. Congress," he said.

TOP NEED

He said the most immediate need was to restore smashed sewer, power and water facilities and transportation. He said he hoped the Government-operated Alaska Railroad, its tracks looking like tangled kite string, could be opened to the vital ice-free port of Whittier in 2 weeks.

The Red Cross marshaled 25 volunteers as medical helpers in a stepped-up drive to administer antityphoid vaccine and forestall the ever-present danger of epidemic from fouled water.

At Johnson City, Tex., President Lyndon Johnson received word of the minimum $500 million needs of the stricken 49th State.

"Everything necessary must be done," Mr. Johnson declared.

Alaska's Senators appealed for aid. Immediately, the Housing and Home Finance Agency in Anchorage ordered a moratorium on connections of FHA and VA home loans. The Internal Revenue Service made hasty arrangements to permit stricken residents to get income tax writeoffs this year on losses.

Insurance firms said there was little earthquake and tidal wave insurance in the State.

BAD BEATING

The fishing industry, mainstay of the Alaskan economy, took a "hell of a beating," officials said. Ninety-foot boats hurled hundreds of yards inland and the almost numberless docks and wharfs ripped to pieces attested to that. The big salmon and crab canneries at Kodiak were shut down.

Mr. Johnson ordered Federal officials to "proceed as rapidly as possible to prepare relief programs for Alaska."

Jobs of thousands were wiped out in the quake. There were 4,500 to 5,000 jobs lost in Anchorage alone. The Red Cross said as many as 1,000 families required assistance. The homeless in Anchorage alone numbered 2,000.

PROGRAM FOR U.S. ARMY FORCES IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I would like to have the attention of the senior Senator from Georgia [Mr. Russell], who is chairman of the Armed Services Committee.

I should like to say preparatory to propounding a question to the chairman of the Committee on Armed Services that the American people are greatly indebted to the Senator from Georgia for the years of dedicated service he has rendered as chairman of the Armed Services Committee. In my judgment, the security of the United States is as strong as it is today in no small measure because of the statesmanship and leadership of the Senator from Georgia as chairman of the Armed Services Committee.

Mr. RUSSELL. I thank the Senator. I hope that is not a preface to a request, but I thank the Senator for the kind statement.

Mr. MORSE. The Senator from Georgia is seldom wrong. He is correct in the assumption which he just fleetingly harbored in that brilliant mind of his, for I rise to praise, and I also rise to beg for assistance from the Armed Services Committee. Under the rules of the Senate, it is appropriate for me to address an inquiry to any agency of the Senate, which each Senate committee is. The appropriate official to whom to direct a request is the chairman of the committee.

I address two inquiries to the Senator from Georgia. I should like to have help from the Armed Services Committee in obtaining official information from the Department of Defense, particularly the Secretary of Defense. I have been in conversation with reliable correspondents who are disturbed at what they say are leaks. I do not know whether there are leaks or not. I should like to have the chairman of the Armed Services Committee obtain for me, if he would, from the Department of Defense all information as to what its plans are, to the extent that any plans exist, sending more American Armed Forces to South Vietnam.

Correspondents tell me that their leak indicates that the Department of Defense intends to secretly move marines trained for guerrilla warfare to South Vietnam.

As one Member of the Senate, I shall continue to press at every source I can reach for full public disclosure of the Defense Department's operations in South Vietnam.

The PRESIDING OFFICER. The time available in the morning hour to the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. As I was saying, Mr. President, I am going to continue to press at every source I can reach for full public disclosure of the operations of the Defense Department in South Vietnam. I will not accept the old "top secret" excuse—the excuse that we must keep top secret the maneuverings of the Defense Department. In this historic debate, we have reached the point where the American people are entitled to know. If anyone questions the soundness of my position that they are entitled to know and that they want to know, let him read the letters from the American people that I had printed last night in the Congressional Record. They show the rising ground swell of resentment over the operations of the Defense Department in South Vietnam.

I also seek to obtain from the chairman of the Armed Services Committee, for the benefit of the Senate, assurance from the Defense Department that the Senate will be kept informed immediately—and that means day by day—of reports on the casualties of Americans in South Vietnam, including the number of wounded, for the American people are entitled to know immediately how many die and how many are wounded day by day in what I consider McNamara's war in South Vietnam—a war which, in my judgment, cannot be justified on the basis on which it is being conducted.

Mr. GRUENING. Mr. President, at this point will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. GRUENING. I second the request the Senator from Oregon has made of the distinguished chairman of the Armed Services Committee [Mr. Russell]. My mail is very much like the mail of the Senator from Oregon which he placed in the Congressional Record yesterday. Since I made a speech on this subject, some 3 weeks ago, in the Senate, I have received more than 200 letters on this subject from all parts of the Union; and in the great majority of them—in fact close unanimity—the writers asked that our men be withdrawn from the firing line in South Vietnam, where—allegedly—they are serving as "advisers" but are actually in combat. I have received about 200 letters in support of my position, and only 4 in favor of carrying on as we have been or going even more extensively.

So I endorse the request of the Senator from Oregon. I consider it highly desirable that the people of the United States be kept fully informed. I consider it imperative that there be no concealment. It is important that under our system of government there be no illegitimate censorship especially in the Vietnam situation. Instead, there should be full disclosure to the public of all available information, including, of course, all casualties, especially American casualties.

Mr. RUSSELL. Mr. President, of course, any Senate committee is the servant of the Senate. Also I consider a Senate committee to be an arm of assistance to any individual Senator. So I shall endeavor to obtain the information the Senator from Oregon has requested.

However, if I receive the information as classified information, I shall have to pass it on to the Senator on the same basis.

Mr. MORSE. I understand that.

Mr. RUSSELL. After receiving such information from the Department of Defense as classified information, I could not then reveal it publicly or transmit it under circumstances in which I believed it might be revealed.

Mr. MORSE. Of course, I understand that; and I have never attempted to take advantage of such a situation.

On the other hand, I would not wish to say to the American people that I believed the information should be classified if I believed that it should not be classified.

Mr. RUSSELL. I understand.

I have heard reports that marines who had been specially trained in jungle and guerrilla warfare were being sent to South Vietnam. I made inquiry into that matter, and was told that none had been dispatched as of last Friday afternoon.

Mr. MORSE. I am interested in what the plans are.

Mr. RUSSELL. I shall endeavor to obtain the information. However, I say to the Senator from Oregon that if I receive it, as classified information, I shall be compelled to treat it in the same way when I transmit it to him.

Mr. MORSE. I assure the Senator from Georgia that I shall observe all the proprieties in that connection. I always have done so.

Mr. RUSSELL. I understand.

Certainly this is a trying situation for the American people. I have read almost all the letters on this subject that the Senator from Oregon had published in the CONGRESSIONAL RECORD of yesterday. I am glad I do not have to give an immediate answer in regard to South Vietnam.

Although it is very little satisfaction to say "I told you so", it happens that the Senator from Georgia was the only Senator present when the determination was made to extend the overwhelming military training assistance to that portion of Asia, and who opposed it. I could not see any strategic, tactical, or economic value in that area. Certainly from a military standpoint, in this day of missiles and long-range planes, that area has no significant value as a base for military operations.

Mr. MORSE. Mr. President, the statement just now made by the Senator from Georgia, the chairman of the Armed Services Committee, is the most important statement that has been made to date by anyone in this country on the folly of the South Vietnam operations.

PROBLEMS OF CONFLICT OF INTEREST IN LEGISLATIVE BRANCH

Mr. CASE. Mr. President, I ask unanimous consent that I may now address the Senate for possibly as long as 4 or 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the Senator from New Jersey may proceed.

Mr. CASE. Mr. President, the public wants to know—and it has a right to know—whether Bobby Baker was able to manipulate the Government of the United States.

The public wants to know—and it has a right to know—whether and to what extent the Senate of the United States and any individual U.S. Senators have been involved as pawns, partners, or otherwise, in Bobby Baker's self-enriching operations.

It is the responsibility of the Senate itself to see that the public gets this information. But it looks as though we are going to duck this responsibility.

It is hardly a sufficient answer for the Senate Rules Committee to tell us it cannot get this information, because Bobby Baker refused, on asserted constitutional grounds, to testify or produce his records.

Why could not the Rules Committee get this information by asking each Senator for it?

Specifically, why should not the Rules Committee ask each Member of the Senate:

First. Did you ever have any business or financial dealings, directly or indirectly, with Bobby Baker? If, so what were they?

Second. Did Bobby Baker ever give you, get for you, offer you or offer to get for you: any campaign contributions; any help in making up campaign deficits by gifts, purchase of tickets, or otherwise; any retainer or employment; any preferment in committee assignment or otherwise; anything of value?

A few simple questions along these lines—and the Rules Committee could easily frame the questions on the basis of the mass of information it has already received—should elicit the facts the public is entitled to have.

Yet, the chances that the Rules Committee will take any such action do not seem promising. It seems clear that the majority party members of the committee are determined to force the inquiry to close down, although at this stage it has raised more questions than it has answered.

This committee majority says it has had enough. According to the chairman, it has already found "a pattern of activity which cannot be tolerated in the future." No good can come from further exposure of the "stink," was the way another Senator put it.

The committee majority is proceeding on the basis that the way to restore public confidence in the legislative branch is not to let the public and the press—or even the Members of the Senate, for that matter—know just how bad things have been. Understandably, the press and public are unable to follow the "Alice-in-Wonderland" logic behind this conclusion.

The shocking inadequacy of the inquiry is not merely a matter of ignoring the obvious questions raised by the testimony so far released and the unusual and questionable procedures followed with regard to some witnesses. Most glaring of all has been the committee's reluctance to view its responsibility as embracing the conduct of Members of the Senate themselves, and its obvious perpetuation of the double standard which Congress has long practiced—one standard for all others, another for its Members. A few years ago, for example, we acted to clarify and strengthen conflict-of-interest statutes as they apply to the executive branch. But at that time there was scarcely any mention of the problems of conflict of interest among Members of Congress.

In recent months we have heard much talk of standards of conduct for Senate employees. I hope we are not now going to impair further the standing of Congress by concentrating on problems of staff conduct and ignoring those of Senators.

Some see overwhelming difficulties in the way of dealing with conflict-of-interest problems in the legislative branch.

They point to the fact that Members of Congress are elected and responsible to their constituents. It is true, too, that the Senate is composed of coequals, reluctant to hold each other to account. Certainly, I recognize that it is not practicable to require a Member of Congress to divest himself of all personal interest that might present, or appear to present, a conflict of interest with his public duties.

But while these and other factors make for a somewhat special situation, there is still a way of dealing with it, I believe. That is by applying the principle of disclosure to the personal financial interests of Members of Congress and top congressional staff. For a number of years I and several of my colleagues have sponsored legislation to do this.

Early in the last session, I, together with the Senator from Oregon [Mrs. NEUBERGER] and the Senator from Pennsylvania [Mr. CLARK] and subsequently the Senator from Michigan [Mr. HART], reintroduced a bill to require regular public disclosure of sources of income and gifts and financial transactions by elected as well as high-appointed officials and top staff in both the legislative and executive branches.

Following passage of Senate Resolution 2112 directing the Rules Committee inquiry, the Senator from Oregon and I wrote to the chairman urging consideration of the provisions of our bill as a part of its study. We pointed out that:

> Had the requirements of our bill been in effect, the Senate would not have had to depend on outside sources to alert it to a situation which reflects on the integrity of the Senate itself. Indeed, had our bill been law, the situation might not have arisen at all.

In his reply, the chairman noted that the terms of the resolution do—

> not mean that the desirable objectives of S. 1261 and related proposals could not receive the appropriate attention of the committee in due course.

I believe we have reached "due course."

More than ever, the public expects action from the Senate to make clear its own adherence to the highest standards of probity and ethical conduct. A recent Gallup poll demonstrated that 65 percent of the American people today favor legislation which would require Members of Congress to make public disclosure of their financial holdings each year. Support for our disclosure proposal is not confined to any one section of the country, according to the poll results. In no part of the country did less than 63 percent favor public reporting of financial assets and holdings by Members of the Congress.

In 1958, the Senate considered a resolution approving a code of ethics for Government service. The then Senator Lyndon B. Johnson said about that proposal:

> The committee understands and intends that this resolution apply to every servant of the public, whether he be the President, a Member of Congress, a lifelong career employee or an employee engaged only on a temporary basis to expedite the movement of mail during the Christmas rush.
>
> The committee does not subscribe to nor could it support any code of principles that applied only to some and not to others. It believes there is no room in a great democracy such as ours for any set of double standards.

The time has come to put this principle into practice.

Mr. RUSSELL. Mr. President——

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. In a moment. I ask unanimous consent that there be printed in the RECORD an editorial entitled "The Reluctant Dragons," published in the New York Times on March 25; an editorial entitled "Premature Curtain," published in the Newark Evening News on March 26; an editorial entitled "Right to the Whole Truth," published in the Washington Post on March 30; a column entitled "T.R.B. From Washington," published in the New Republic, March 28; a column entitled "Damaging Consequences of the Baker Case," by James Reston, published in the New York Times on March 25; and an article entitled "Disclosure Bill Called Graft Foe," by William H. Stringer, published in the Christian Science Monitor on March 25.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 25, 1964]

The Reluctant Dragons

When Robert G. Baker pleaded the fifth amendment (plus the first, fourth and sixth) before the Senate committee looking into his wheeling and dealing, nobody was much surprised. As secretary of the Senate Democratic majority, his path had crossed many lives high in Government, his fortune had been made, and silence was the better part of wisdom.

Now another silence hangs as a pall over the U.S. Senate. It is the attempt of the committee majority to bury the case, quietly and with few mourners. Much remains to be told about Baker's business empire and how it grew. But Democrats have outvoted Republicans on the committee in an effort to close down the investigation; the bipartisan nature of the inquiry has ended.

In effect, this means that it is the Senate itself which is "taking the fifth" on the Baker case. The reluctant dragons on the committee have become timid about investigating one of their own former employees. Thus they have placed themselves on trial, too.

The facts are still not in; many pieces and persons are missing in the Baker financial jigsaw puzzle. What real estate deals were made, what favorable tax rulings were secured, what rebates were received, what gifts were made to and from Baker—for himself and political friends? The basic question remains: To what extent were the U.S. Senate and other Government agencies used illegally for self-enrichment?

The most legitimate of legislative purposes can be served if this investigation is pursued. It can lead not simply to exposure of its central figure but to new regulations governing conflict of interest. The Baker case remains very much alive in the public mind, no matter what the committee says. Its exploration must go on.

[From the Newark Evening News,
Mar. 26, 1964]

Premature Curtain

Neither Republican protestations nor suspicions aroused by all those unanswered questions seemingly will deter a determined Democratic majority from ringing down the curtain on the Bobby Baker inquiry. "Any additional witnesses would be repetitive," says the Rules Committee counsel.

Repetitive or not, further illumination is needed on the land deals, the favorable tax rulings, the kickbacks, and the rebates which enabled a Senator majority secretary to parlay a $19,000 salary into nearly $2 million. Precious little has been told to date, least of all by the star witness, Mr. Baker, who has invoked constitutional immunity against self-incrimination.

That presumably disposes of all the light Mr. Baker might cast on the murky atmosphere of privilege in and around Washington these days. But what about testimony from Walter Jenkins, the White House aid, and Don Reynolds, the insurance man, and the details they might supply on the $100,000 insurance policy that was sold to President Johnson when he was majority leader and Bobby Baker his right hand man?

And what about the Florida land investments tipped Bobby Baker's way by Senator SMATHERS, who developed an abiding interest in this nice young man and his growing family? Or the bank stock that proved so profitable for a prudent, and well informed, investor?

Questions remain about these and other unexplored matters. Also about the suspicion of senatorial conflict of interest they arouse.

All this cannot be summarily dismissed without confirming the belief that a massive coverup has been imposed.

[From the Washington Post, Mar. 30, 1964]

Right to the Whole Truth

The Senate Rules Committee has unwittingly drawn much of the indignation aroused by the Bobby Baker scandal to itself. While the committee was trying to close up its inquiry into the strange doings of Mr. Baker, some new evidence about the alleged forgery of an accountant's name to Mr. Baker's tax returns came to light. The committee tried to suppress it. After an uproar in the Senate, the committee did call the accountant, Milton L. Hauft, to testify. But 2 days before he was heard, according to Senator WILLIAMS, Mr. Hauft consulted with Mr. Baker's attorney through an appointment made by the Rules Committee's counsel.

According to Senator WILLIAMS' account of these events, Mr. Hauft was accompanied on his visit to the office of Mr. Baker's counsel by Edward Hugler, one of the staff investigators for the Rules Committee. And he was told to keep the appointment, according to the same authority, by Lennox P. McClendon, special counsel for the committee. It is further alleged that the Baker papers reviewed on this occasion are part of the papers denied to the committee when Mr. Baker took the fifth amendment.

This episode, suggesting a degree of cooperation between the committee's staff and Mr. Baker's counsel, came on top of the committee's refusal to hear witnesses suggested by its Republican members. The net effect is to leave an impression of concealment.

No doubt the minority members have been overly eager to prolong the investigation for political purposes. The Democratic majority had good reason for wanting to avoid continuation of the hearings into the political campaign season. But they could have heard the more important witnesses suggested by the minority without tolerating delay or obstruction. They are firmly in control of the committee. By closing the door to the minority witnesses, except Mr. Hauft, they have given a partisan tinge to the inquiry that tends to characterize the public attitude toward it.

This decision was a grave error from the viewpoint of the committee, the administration and the public. Regardless of how fair and constructive the committee's report may be within the area covered, people will continue to be concerned about what it was unwilling to disclose. Its acceptance of a mere affidavit from White House aid Walter Jenkins in place of sworn testimony, when the affidavit was in sharp conflict with corroborated evidence taken, will certainly not build public confidence in the methods employed.

This weakness in the factfinding process cannot be overcome either by stiff language or by constructive recommendations in the report. If the committee holds to its determination to close the books while three of its own members are clamoring for more hearings, it will risk undercutting its own findings. In a democracy where the people have a right to know the whole truth there is no safe substitute for full disclosure.

[From the New Republic, Mar. 28, 1964]

T.R.B. From Washington: Bobby Baker Inquiry

The most tawdry thing, by implication, that has turned up in the Johnson record in the Bobby Baker case is the $1,200 in advertising which insurance man Don B. Reynolds swore he was required to purchase on the Johnsons' family TV station in Austin, Tex., after writing a $100,000 life insurance policy on Majority Leader Johnson 5 years ago. That the advertising was purchased there is no doubt; that it was required as part of the deal is denied in a sworn affidavit by White House aid, Walter Jenkins. One assumes that Mr. Johnson knew nothing about it. The Democratic-dominated Senate investigating committee under Senator JORDAN never permitted Mr. Jenkins to take the stand; a sad mistake, we think. Naturally enough, Republicans have called the inquiry a "whitewash," and this reporter, like nearly everyone who watched the hearings, came away with a feeling that the committee was trying to protect other Senators and was not revealing things it knew.

In the course of the hearing, derogatory information from the service record of Reynolds was leaked by somebody from the Pentagon to columnist Drew Pearson. There is hardly a reporter in Washington who doesn't think the leak was arranged with the administration. Millions of Americans have service records, and they are supposed to be as private and personal as income tax returns. Nobody has explained how the leak occurred. It will be a sorry day if Americans come to feel that such documents can be used against them and if they lose confidence in the good faith of their Government.

[From the New York Times, Mar. 25, 1964]

Damaging Consequences of the Baker Case

(By James Reston)

WASHINGTON, March 24.—The Bobby Baker case is now coming to a close but not to an end. It will be an issue throughout the presidential campaign, for it has raised more questions than it has answered and it has hurt everybody in the whole cast of characters.

First, it has damaged the already stained record of the Congress. The more the committee looked into Baker's stock manipulation and influence peddling, the more he appeared to be a symbol of the poisonous atmosphere of the Congress itself.

The very fact that he could inflate a few thousand dollars into a couple of million in a comparatively short time without actually breaking the law merely added to the conviction that the whole conflict-of-interest problem is more serious than even this suspicious and skeptical city had realized.

Moreover, there is no evidence that the inquiry into Baker's financial adventures will lead to important corrective measures. No doubt the Congress will adopt new rules forbidding servants of the Congress to use information gained in their jobs for private gain, but this will not deal with the problem of Senators and Representatives who do the same thing.

JOHNSON'S CANDOR

Second, the investigating committee has been hurt, for while it was restricted by the Senate from inquiring into the activities of

Senators whose names turned up in the inquiry, the majority gave the impression that they were determined to end the hearings without exploring politically sensitive questions that were within their proper field of inquiry.

Third, President Johnson and his confidential aid, Walter Jenkins, have been hurt. At no time did the hearings produce any evidence that Mr. Johnson used his influence as majority leader in the Senate to promote Baker's investments, but he was less than candid about his close personal relations with Baker, and he seems to have been remarkably casual about where his protege was getting the money to buy motels and houses visited by the Johnsons.

As for Mr. Jenkins, he made no effort to clear up the conflict of testimony about the charges that he arranged for advertising on the Johnson television station in Austin as a kickback from an insurance agent who had written a $100,000 policy on Mr. Johnson's life. In fact, ever since he has been in the White House, despite all the claims of an "open door" policy for newsmen, Mr. Jenkins has consistently refused to talk to reporters about any aspect of his official duties.

The result is that the hearings are coming to a close in a torrent of rumor and suspicion, and reviving charges that the Johnson family is benefiting from a television station in Texas that operates under the rulings of members of the Federal Communications Commission who serve at the pleasure of the President.

The devilish thing about the doubts and suspicions that now surround the Congress is that they cannot simply be removed by new rules and regulations. The same rules that require an administrator in the executive branch of the Government to disclose his investments and to dispose of those investments that might be affected by his decisions cannot easily be applied to the Members of Congress.

The Association of the Bar of the City of New York has made the most serious examination of this problem, and it rejected out of hand the principle that the legislator should be subject to the same rules as the administrator.

THE INEVITABLE CONFLICTS

"The Congressman's representative status lies at the heart of the matter," the New York bar concluded. "As a Representative, he is often supposed to represent a particular economic group, and in many instances his own economic self-interest is closely tied to that group's.

"That is precisely why it selected him. It is common to talk of the farm bloc or the silver Senators. We would think odd a fishing State Congressman who was not mindful of the interests of the fishing industry—though he may be in the fishing business himself, and though his campaign funds come in part from this source.

"Sterile application of an abstract rule against acting in situations involving self-interest would prevent the farmer Senator from voting on farm legislation or the Negro Congressman from speaking on civil rights bills."

Accordingly, the men on Capitol Hill have to be taken largely on trust, and this, of course, is precisely what has been hurt the most in the Baker case.

Almost every witness, and particularly Baker himself, has left a drop of poison in the atmosphere. Precisely at the moment when Government contracts play an increasingly important part in the economy of the country, and when Government contractors provide so much of the money for political campaigns, the Baker case has damaged not only Baker but the confidence of the public in the integrity of the legislative process.

[From the Christian Science Monitor, Mar. 25, 1964]

DISCLOSURE BILL CALLED GRAFT FOE

(By William H. Stringer)

WASHINGTON.—"Yes, to some people this bill of ours is a pretty drastic thing," Senator CLIFFORD P. CASE, Republican, of New Jersey, was speaking of the proposal to require Members of Congress and high appointed officials and staff to disclose their sources of income annually.

"But if this bill had been law, the Bobby Baker behavior could never have gone anywhere near as far as it did.

"The Senate would not have had to depend on the press to alert it to a situation which reflects on the integrity of the Senate itself."

Thus commented reformist minded Senator CASE, in an interview with the Christian Science Monitor, concerning the bill which he and Senator MAURINE NEUBERGER, Democrat, of Oregon, have offered, a bill which experts say, has only the slimmest chance of enactment unless public interest is more intensely aroused.

ANNUAL REPORT ON INCOME PROPOSED

Specifically the Case-Neuberger measure would require annual disclosure of all sources of income and financial transactions by elected officials (Senators and Congressmen), by high-level staff (the Bobby Bakers), and by top appointed officials (anyone in the executive branch earning $10,000 or more annually).

It also is proposed that all communications, oral as well as written, made to any regulatory agency concerning a particular case, from any ex parte source, including Members of Congress, be made a part of the public record of the case.

"It's either public disclosure or not much of any regulation at all," Senator CASE argued, "It's almost impossible to expect a Senator to sell all his stocks and bonds—to sterilize all his transactions.

"But if the transactions are out in the open, if they are publicized, that's a pretty good deterrent to conflict-of-interest and shady behavior."

Senator PAUL H. DOUGLAS, Democrat, of Illinois, on March 13 made a voluntary detailed disclosure of his personal finances, showing that he and his wife had assets totaling $163,000 and outside income of about $13,500 derived from dividends, capital gains, annuities, and articles he had written.

PROPOSAL APPROVED IN SURVEY

On virtually the same day the Gallup poll disclosed that, according to opinion samplings, a substantial majority of the American people would approve a requirement that Congressmen must make public disclosure of their financial holdings and income every year.

The reported percentages were: 65 percent favoring; 23 percent opposed; 12 percent no opinion. This Gallup poll delights Senator CASE, who also has sponsored proposals for a commission to study measures for "reforming" Congress and modernizing its procedures.

Senator CASE pointed out that current laws and regulations against conflict of interest apply to the executive branch but not to Senators and Representatives. Yet, he stressed, frequently Members of Congress make decisions and sit on committees which act concerning measures which directly, as well as indirectly, affect their personal financial interests.

KERR VOTES NOTED

The late Senator Robert S. Kerr, Democrat, of Oklahoma, voted on oil legislation that favored his holdings.

"I'm sorry the Senate Rules Committee investigating the Bobby Baker case hasn't seen fit to consider our proposals, which could have produced an early disclosure of Mr. Baker's financial dealings," Senator CASE remarked.

"Senator NEUBERGER and I wrote to Chairman JORDAN urging that the provisions of our bill, S. 1261, be made a part of the Baker inquiry. The chairman said 'No,' but added that our bill's 'desirable' objectives could receive committee attention in due course. We are waiting."

Congressional supporters of disclosure provisions include Senators CLARK, PHILIP A. HART, Democrat, of Michigan, and JACOB K. JAVITS, Republican, of New York. Advocates well recognize, however, that some lawmakers regard disclosure as an invasion of traditional privacy.

OPPOSITION RECALLED

"Senator EVERETT MCKINLEY DIRKSEN, Republican, of Illinois, said he would never disclose his assets—that this would make him into a second-class citizen," Senator CASE recalled. "Others say you couldn't get good men to run for Congress with such a law on the books. But how else can you tackle the issue?

"Senator JOHN J. WILLIAMS of Delaware, who brought the Baker case to light, objects to this kind of disclosure. But he would be willing to have a kind of disclosure—a congressional committee would be established, to which reports would be made by individual Senators and Representatives, but they would not be made public. The committee would determine whether questionable practices were involved."

This is a possible solution, Senator CASE conceded. But he said he prefers full public disclosure of all financial transactions exceeding, say, $100 in value. Then constituents can know just what dealings their representative is involved in. The proposed measure would require that candidates for Congress file similar financial accountings before campaigning.

TIGHT LAW URGED

Even so, evasions would have to be guarded against, the Senator admitted. Wives of Congress Members would have to report all joint transactions. The law would have to be written to require fullest possible disclosure of campaign contributions.

"Senator Richard L. Neuberger and, after his passing, his wife have actively pushed the general proposal. I have been working in this direction since before the Sherman-Adams case," said the New Jersey Senator. "Each year we pick up a little support—and occasionally we lose some support.

"I do not know what the Johnson administration's view is on this. Senator MIKE MANSFIELD, Democrat, of Montana, majority leader, has said that he believes something like our measure would have prevented the Bobby Baker transactions. But Senator MANSFIELD does not always reflect the White House viewpoint.

GLARE OF PUBLICITY

"What we should remember is that wheeler-dealers thrive in the shadows. We need the glare of publicity if we are to protect our government processes against the activities of individuals bent on private gain at public cost.

"Public office is a public trust. The public business should be transacted within public view—this would remove the tendency to take private advantage of the opportunities which today offer themselves to public officials in the lucrative areas of defense contracts and indeed in every kind of enterprise."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield to the Senator from New York.

Mr. JAVITS. I wish to express my support for the position which the Senator has taken today. A code of ethics for Senators is long overdue. For a long time, ever since sponsoring a bill to modernize the code of ethics for the executive branch, which in large part was enacted in 1962, and a bill with my colleague [Mr. Keating], which would establish a code of ethics for the Congress, I have been urging passage of such a measure.

The Senator is absolutely correct about public disclosure. As attorney general of the State of New York, I inaugurated the administration of such a code. It was inadequate, but it was something. New York is now trying to do very much better. Indeed, it should. It is one of the major questions which our State legislature is expected to settle and must settle. The Senator renders a real service by calling us to our duty, in the way in which he has, to reach for the high order of conduct which the public requires. Publicity and public disclosure are exactly the way to bring it about.

I recommend also the establishment of a committee of Senators who could advise Senators with respect to the question and see to the administration of such a statute. Such a measure is long overdue. It is a crying shame that we have not acted upon the question prior to this time, even in the light of the sordid disclosures which have been unearthed in the Baker case.

Mr. CASE. I thank the Senator from New York. I well recognize his great interest in the subject and his sponsorship of proposed legislation to the same end. The bill which I and other Senators have introduced contains a provision for such a committee as the Senator from New York has indicated.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield, if I have time to do so.

Mr. KEATING. I commend the distinguished Senator for the courageous and forthright statement which he has made this morning. He is absolutely correct. We have been very careful—and should have been—to establish codes of ethics and make rules governing the people in the executive branch. But we have been singularly free from willingness to do anything with regard to the members of the legislative branch and up to now, indeed, their employees. Different rules govern the two groups.

The PRESIDING OFFICER (Mr. Nelson in the chair). The time of the Senator from New Jersey has expired.

Mr. KEATING. Mr. President, I ask that I may have a half minute more.

The PRESIDING OFFICER. The Senator from New York may have the floor on his own time. The time of the Senator from New Jersey has expired.

Mr. CASE. Mr. President, I ask unanimous consent that I may have an additional half minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I yield to the Senator from New York.

Mr. KEATING. It seems to me that the people of this country, particularly since the recent disclosures, are looking to us to do something along those lines. The proposals which the Senator has pointed out are simple enough. They would tend to meet the situation to a considerable extent. If we fail, in the light of the hearings that have been held, to take affirmative action not only regarding employees, but also as regards Senators, in my judgment we shall be a great disappointment to the people of our country.

Mr. CASE. I thank the Senator.

CIVIL RIGHTS ACT OF 1963

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. RUSSELL. I thank the Chair.

I am glad to see that the Senator from Minnesota [Mr. Humphrey] has returned to the Chamber. A few moments ago I tried to obtain recognition when he had concluded to express to him my very profound gratitude for his benevolent attitude toward those of us who are opposed to the misnamed "civil rights" bill. He stated that he would see that we had an opportunity to make our speeches on the floor of the Senate. I desire to express to him my gratitude for that kindly, benign, and benevolent attitude.

If he changes his mind anywhere along the line, we shall seek the floor in our own right, and at that time present our opposition to the bill.

THE 37 WITNESSES TO MURDER IN NEW YORK FAIL TO CALL POLICE

Mr. RUSSELL. Mr. President, the New York Times of Friday, March 27, carried the most shocking, disturbing, and tragic account of a murder in the presence of a large number of people that I have ever read.

The victim, a woman, was returning to her home from work when she was attacked; a madman pursued her along the streets in a thickly populated section of the city for about 35 minutes, stabbing her repeatedly. At least 37 people already have been found who saw some part of this unspeakable crime, and none of them helped her or called the police.

The headline states, "37 Who Saw Murder Did Not Call the Police."

Mr. President, it is inexplicable to the ordinary mind that 37 people could see this madman pursuing his victim and, while she was screaming at the top of her voice begging for help, begging for protection, begging for mercy, and even crawling along the sidewalk, fail to call the police. That many people saw this crime and no person undertook to go to her aid. I can understand why they might have had some reluctance to go on the streets of New York at night, but they could at least have called the police department. Instead, they were afraid even to call the police for fear that they would get into trouble.

This is an unbelievable story that should, through the Congressional Record, be brought to the attention of the American people.

I ask unanimous consent that there be printed in the Record the article describing how this pathetic figure of a woman screamed and pleaded for help as her assassin followed her around, stabbing her with a knife for a period of 35 minutes.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 27, 1964]

Thirty-seven Who Saw Murder Didn't Call Police: Queens Woman Died as Stabber Twice Fled and Returned

(By Martin Gansberg)

For more than half an hour 38 respectable, law-abiding citizens in Queens watched a killer stalk and stab a woman in three separate attacks in Kew Gardens.

Twice their chatter and the sudden glow of their bedroom lights interrupted him and frightened him off. Each time he returned, sought her out and stabbed her again. Not one person telephoned the police during the assault; one witness called after the woman was dead.

That was 2 weeks ago today.

Still shocked is Assistant Chief Inspector Frederick M. Lussen, in charge of the borough's detectives and a veteran of 25 years of homicide investigations. He can give a matter-of-fact recitation on many murders. But the Kew Gardens slaying baffles him—not because it is a murder, but because the "good people" failed to call the police.

"As we have reconstructed the crime," he said, "the assailant had three chances to kill this woman during a 35-minute period. He returned twice to complete the job. If we had been called when he first attacked, the woman might not be dead now."

This is what the police say happened, beginning at 3:20 a.m., in the staid, middle-class, tree-lined Austin Street area:

Twenty-eight-year-old Catherine Genovese, who was called "Kitty" by almost everyone in the neighborhood, was returning home from her job as manager of a bar in Hollis. She parked her red Fiat in a lot adjacent to the Kew Gardens Long Island Railroad Station, facing Mowbray Place. Like many residents of the neighborhood, she had parked there day after day since her arrival from Connecticut a year ago, although the railroad frowns on the practice.

She turned off the lights of her car, locked the door and started to walk the 100 feet to the entrance of her apartment at 82–70 Austin Street, which is in a Tudor building, with stores on the first floor and apartments on the second.

The entrance to the apartment is in the rear of the building because the front is rented to retail stores. At night the quiet neighborhood is shrouded in the slumbering darkness that marks most residential areas.

Miss Genovese noticed a man at the far end of the lot, near a seven-story apartment house at 82–40 Austin Street. She halted. Then, nervously, she headed up Austin Street toward Lefferts Boulevard, where there is a call box to the 102d Police Precinct in nearby Richmond Hill.

HE STABBED ME

She got as far as a street light in front of a bookstore before the man grabbed her. She screamed. Lights went on in the 10-story apartment house at 82–67 Austin Street, which faces the bookstore. Windows slid open and voices punctuated the early-morning stillness.

Miss Genovese screamed: "Oh, my God, he stabbed me. Please help me. Please help me."

From one of the upper windows in the apartment house, a man called down: "Let that girl alone."

The assailant looked at him, shrugged, and walked down Austin Street toward a white sedan parked a short distance away. Miss Genovese struggled to her feet.

Lights went out. The killer returned to Miss Genovese, now trying to make her way around the side of the building by the parking lot to get to her apartment. The assailant stabbed her again.

"I'm dying," she shrieked. "I'm dying."

A CITY BUS PASSED

Windows were opened again, and lights went on in many apartments. The assailant got into his car and drove away. Miss Genovese staggered to her feet. A city bus, O-10, the Lefferts Boulevard line to Kennedy International Airport, passed. It was 3:35 a.m.

The assailant returned. By then, Miss Genovese had crawled to the back of the building, where the freshly painted brown doors to the apartment house held out hope of safety. The killer tried the first door; she wasn't there. At the second door, 82-62 Austin Street, he saw her slumped on the floor at the foot of the stairs. He stabbed her a third time—fatally.

It was 3:50 by the time the police received their first call, from a man who was a neighbor of Miss Genovese. In 2 minutes they were at the scene. The neighbor, a 70-year-old woman, and another woman were the only persons on the street. Nobody else came forward.

The man explained that he had called the police after much deliberation. He had phoned a friend in Nassau County for advice and then he had crossed the roof of the building to the apartment of the elderly woman to get her to make the call.

"I didn't want to get involved," he sheepishly told the police.

SUSPECT IS ARRESTED

Six days later, the police arrested Winston Moseley, a 29-year-old business-machine operator, and charged him with the homicide. Moseley had no previous record. He is married, has two children and owns a home at 133-19 Sutter Avenue, South Ozone Park, Queens. On Wednesday, a court committed him to Kings County Hospital for psychiatric observation.

When questioned by the police, Moseley also said that he had slain Mrs. Annie May Johnson, 24, of 146-12 133d Avenue, Jamaica, on February 29, and Barbara Kralik, 15, of 174-17 140th Avenue, Springfield Gardens, last July. In the Kralik case, the police are holding Alvin L. Mitchell, who is said to have confessed that slaying.

The police stressed how simple it would have been to have gotten in touch with them. "A phone call," said one of the detectives, "would have done it." The police may be reached by dialing "O" for operator or SPring 7-3100.

The question of whether the witnesses can be held legally responsible in any way for failure to report the crime was put to the police department's legal bureau. There, a spokesman said:

"There is no legal responsibility, with few exceptions, for any citizen to report a crime."

STATUTES EXPLAINED

Under the statutes of the city, he said, a witness to a suspicious or violent death must report it to the medical examiner. Under State law, a witness cannot withhold information in a kidnapping.

Today witnesses from the neighborhood, which is made up of one-family homes in the $35,000 to $60,000 range with the exception of the two apartment houses near the railroad station, find it difficult to explain why they didn't call the police.

Lt. Bernard Jacobs, who handled the investigation by the detectives, said:

"It is one of the better neighborhoods. There are few reports of crimes. You only get the usual complaints about boys playing or garbage cans being turned over."

He said his men were able to piece together what happened—and capture the suspect—because the residents furnished all the information when detectives rang doorbells during the days following the slaying.

"But why didn't someone call us that night?" he asked unbelievingly.

Witnesses—some of them unable to believe what they had allowed to happen—told a reporter why.

"WE WERE AFRAID"

A housewife, knowingly if quite casual, said, "We thought it was a lover's quarrel." A husband and wife both said, "Frankly, we were afraid." They seemed aware of the fact that events might have been different. A distraught woman, wiping her hands in her apron, said, "I didn't want my husband to get involved."

One couple, now willing to talk about that night, said they heard the first screams. The husband looked thoughtfully at the bookstore where the killer first grabbed Miss Genovese.

"We went to the window to see what was happening," he said, "but the light from our bedroom made it difficult to see the street." The wife, still apprehensive, added: "I put out the light and we were able to see better."

Asked why they hadn't called the police, she shrugged and replied: "I don't know."

A man peeked out from a slight opening in the doorway to his apartment and rattled off an account of the killer's second attack. Why hadn't he called the police at the time? "I was tired," he said without emotion. "I went back to bed."

It was 4:25 a.m. when the ambulance arrived to take the body of Miss Genovese. It drove off. "Then," a solemn police detective said, "the people came out."

Mr. RUSSELL. Mr. President, if we have reached the stage in these United States where a number of persons can witness a horrible crime like that described in this article without one of them undertaking to go to her aid or even to call the police, I fear America has reached a period of decadence.

I cannot understand this inexplicable cowardice. I believe it will be inexplicable to the American people who read about it. This is one of the most tragic stories that has come to my attention in recent years. If this horrible event had occurred in any small city, all of the men and most of the women who witnessed the crime or heard the screams would have rushed to the assistance of this poor girl. If life in our largest cities is stripping our people of all courage and humanitarian instincts the urban movement will spell our doom.

FOREIGN ASSISTANCE PROGRAM

Mr. RUSSELL. Mr. President, I have another item I wish to insert in the RECORD.

Our foreign aid administrators in the State Department have been very adept in handling most of the problems that have arisen in recent years in connection with giving away our money. There have been two or three occasions when countries have said they would not accept aid and have refused it and said that they did not want American dollars or American assistance. But our foreign aid experts have, by their persistence and by their persuasion, brought those countries back into the foreign assistance program and convinced them of the wisdom of accepting the dollars we scatter so lavishly.

The headline of the article I hold in my hand presents a real challenge to the resourcefulness of our foreign aid administrators. The headline reads " 'Go to Hell With Your Aid,' Sukarno Tells United States."

We have tried earnestly to please everybody, to accept any insult and to do anything within the bounds of human ingenuity to persuade countries to stay in the program, even though some of them, such as Cambodia, have tried to get out. But it presents a real challenge when we are told in this headline, " 'Go to Hell With Your Aid,' Sukarno Tells United States."

I do not doubt that our able diplomats will be able to find a way to pacify Mr. Sukarno and persuade him to have the aid continue going to Indonesia, instead of "going to hell" with the aid. I am sure every effort will be made to see that no country gets out of the foreign assistance program.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. RUSSELL. Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 1964]

"GO TO HELL WITH YOUR AID," SUKARNO TELLS UNITED STATES

DJAKARTA, March 25.—President Sukarno of Indonesia today told the United States to "go to hell with your aid" and said his country would not collapse without foreign assistance.

Sukarno, speaking at the laying of a stone for a 14-story building here, pointed to American Ambassador Howard P. Jones, laughed, and said:

"There is one country threatening to stop its foreign aid to Indonesia. That country thinks it can scare Indonesia. I say go to hell with your aid."

Sukarno said, "Indonesia is rich in natural resources. Indonesia is rich in manpower, with its 103 million inhabitants, not like Malaysia with 10 million."

Sukarno's reference to Malaysia drew a sharp burst of applause from an estimated 2,000 persons who attended the ceremony.

Sukarno's speech followed by 1 day a statement by U.S. Secretary of State Dean Rusk in Washington that the United States would not give any new aid to Indonesia until the Malaysian dispute was settled.

Sukarno interrupted his speech to ask Jones in a loud voice, "When was that you wanted to stop your aid?"

Jones did not answer the President's question and only smiled and nodded his head.

(In Bangkok, Thailand, Indonesian Foreign Minister Subandrio today said his government has accepted "with certain conditions" a formula by the Philippines to settle the Malaysian dispute. He said the reply was communicated to the Filipinos, and it was up to them to publish it.

(The original formula called for the phased withdrawal of Indonesian guerrillas from Malaysian Borneo, the simultaneous opening of political discussions at the ministerial level, and a heads of government summit meeting between Malaysia, Indonesia, and the Philippines.)

NO PERMANENT SOLUTION TO THE COTTON PROBLEM

Mr. TALMADGE. Mr. President, if the cotton legislation now before the other body is enacted into law, the American textile industry will receive much-needed relief from the two-price cotton system under which it has labored at a disadvantage for so long.

This, of course, is long overdue. However, it is regrettable indeed that the proposed legislation does not go far enough and in fact perpetuates many of the cotton farmers under the existing Government subsidy program. Also, the pending bill does nothing to take the Federal Government out of the costly business of buying, storing, transporting, selling, and giving away cotton.

Mr. President, there appeared in the March 25 issue of the Atlanta Constitution an excellent editorial endorsing, with qualifications, the proposed cotton bill. The Constitution expressed the hope, which I join them in, that this is at least the beginning of the end of what has come to be a virtually intolerable cotton situation.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution, Mar. 25, 1964]

COTTON BILL IS NO PERMANENT SOLUTION BUT GIVES MANUFACTURERS NEEDED RELIEF

The House Rules Committee has under consideration the Senate-amended version of the Cooley bill which will continue, with modifications, the present subsidy program for cotton farmers. It will give relief, however, to textile manufacturers who have been paying $42.50 more for a 500-pound bale of cotton than their foreign competitors.

The textile industry deserves this relief. But the bill itself does not cure the problem of the cotton farmer—it perpetuates it. We approve it for the same reason that most Congressmen have favored it. It appears to be the only measure that Congress can agree upon.

The Talmadge-Humphrey plan, which would establish production quotas and allow cotton to be sold here at the world price with direct payments to farmers to make up the difference, is far better. This plan would take the Government out of the business of buying and storing cotton and provide for a gradual reduction of the millions of bales now held in surplus.

How did we get in this predicament? Well, back in 1956 the Government set up a special export subsidy program, selling cotton at the world price yet guaranteeing the American farmer a higher price. Exported cotton has been selling since 1961 at 8½ cents per pound less than domestic mills could buy it. At the same time, U.S. mills were prohibited from buying cotton, except for a limited amount, on the world market.

The results should have brought no surprise. U.S. textiles have been operating under a Government-imposed disadvantage. Mills have been converting to man-made fibers—synthetics—at a rapidly accelerating rate because they can be manufactured more cheaply. Imports of cotton goods have risen accordingly. Government stocks have risen from 1.5 million bales in 1961 to 8.1 million bales as of August 1, 1963.

The bill under consideration would allow payments-in-kind (payments-in-cotton) to textile manufacturers to eliminate the $42.50-a-bale differential. Price supports would be eased downward over a period of 3 years, except for the small farmer who grows 15 bales or less. It would permit farmers to hold out a percentage of their acreage for domestic consumption but also would allow farmers to plant for export only—without supports. It is estimated that cost to the Government would be lessened and manufacturers would be granted the relief they need.

This is no permanent solution, yet it does remove the two-price system under which manufacturers have had to compete. It provides for subsidies to growers, exporters, and manufacturers. And as a sop to midwestern wheat farmers, who voted against production controls and the subsidies that went with them, the amended bill restores the protection they voted against.

This may be a beginning to working our way out of an intolerable situation. It is, however, only a beginning.

CIVIL RIGHTS ACT OF 1963

Mr. KEATING. Mr. President, it seems to me it augurs well for the eventual success of the legislation before us that the opponents are grasping at such wispy straws as for example who is to speak, in order to throw confusion, into the ranks of the proponents of the bill.

Of course, I find it rather amusing, but almost incredible, that they have found nothing in the two fine speeches made yesterday by our two distinguished colleagues [Mr. HUMPHREY and Mr. KUCHEL] with which they disagree.

I would have expected that there would be items in their speeches with which the opponents would have serious disagreement. They have done it everywhere else, including newspaper statements, and radio or television programs, all over the country, but now they seem to be reluctant to answer the arguments made by our two distinguished colleagues.

I understand that on a radio and television broadcast heard by a few million people, the statement was made this morning that "the opponents in the civil rights debate will have an opportunity to speak today because the Senator from New York [Mr. KEATING], who was to have spoken today, said his speech was not ready. He thought he was scheduled to speak on Wednesday."

The Senator from New York was scheduled to speak on Wednesday. He has always been scheduled to speak on Wednesday. He has never been scheduled to speak on any other day except Wednesday. He expects to speak on Wednesday, as does the distinguished Senator from Michigan [Mr. HART].

Last Thursday, at a bipartisan civil rights meeting, the schedule for this week was discussed. At that time the question was discussed as to whether the several titles should be considered seriatim and whether the proponents of the bill should speak every day. It was finally decided that since it was impossible to proceed to the consideration of all the titles, seriatim, we would proceed on Wednesday with title I.

The junior Senator from New York and the Senator from Michigan [Mr. HART] are the two Senators who are to speak on title I.

I have no way of knowing where this erroneous statement concerning the Senator from New York's readiness to proceed, originated. The facts could have been explained very clearly if contact had been made with me or my office.

I have been studying the bill for months. I think I know something about title I. I hope I know something about the other titles. I could proceed today, if the opponents of the legislation have no objection to the speeches of the Senator from California [Mr. KUCHEL] and the Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. But I believe that a more orderly presentation could be made tomorrow. My understanding is—and I have conferred with him—that the Senator from Michigan [Mr. HART] prefers to speak tomorrow as had been planned. He may have other commitments for today. It seems to me it would be more orderly for both these presentations to be made on the same day.

Let me emphasize that there is complete bipartisan agreement on the schedule, as I know the Senator from Minnesota [Mr. HUMPHREY] has already explained to the Senate.

I shall endeavor to comply with the schedule which has been outlined. I refrained from speaking today because of that fact, but I think it would be helpful if the opponents of the legislation proceed to answer in any way they can the arguments that have been made—that is, if they have any answers.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. KEATING. In just a moment I shall yield.

It is desirable for the proponents of the bill to have a little group action, too, since the opponents have been so much longer at these strategic problems than have the proponents. If the group desires to have me proceed today, I can do so, because I do not need further preparation. However, I think it would be fairer to the Senator from Michigan [Mr. HART], and indeed to me, to adhere to the schedule which was arranged last Thursday.

Now I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. As to the statement that the opponents have no points to make against the arguments made by the Senators from Minnesota and California, of course, the Senator knows, as an experienced lawyer, that the CONGRESSIONAL RECORD might have been delivered to him this morning at 7 or 7:30, and that there is not plenty of time to go through it and read everything, or to make note of facts which have been cited which one believes should be contradicted between the time the RECORD is received and the 11 o'clock convening of the Senate. I believe—with all due deference to the Senator from New York—that it is ridiculous to think about adequately covering and answering two long speeches of the kind made yesterday by the Senator from Minnesota and the Senator from California in so short a time. Let me say to the Senator that they will be answered, but not in such a few hours as the time elapsing between delivery of the RECORD and the convening of the Senate.

Mr. KEATING. I understand that eventually those arguments might be answered. I thought, perhaps, that apart from the particular citations of cases and more detailed analysis the opponents of the bill might want to initiate discussion of the underlying thesis and the idealism cited in the two speeches of the Senators from Minnesota and California. I have seldom found them to be at a loss for words. I had hoped they would proceed today, but if it is the general consensus of the proponents——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. KEATING. The consensus of the proponents of the legislation is that I should proceed today. I am prepared to do so. I do not believe that the strategy of those seeking to put a meaningful bill on the statute books should be dictated by the opponents of the legislation. They are adroit and skillful, but I do not believe we should fall for that tactic.

Mr. STENNIS. Mr. President, I hold in my hand an editorial published in the Washington Evening Star for Friday, March 27, 1964, written by David Lawrence, entitled "Private Clubs and Civil Rights." This is a very fine presentation of the subject, and I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIVATE CLUBS AND CIVIL RIGHTS—HUMPHREY SEES GROUPS AS EXEMPT, BUT WORDING OF BILL RAISES QUESTIONS

(By David Lawrence)

Senator HUBERT HUMPHREY, of Minnesota, Democrat, and Senator GEORGE SMATHERS, of Florida, Democrat, engaged in a little debate the other day in the Senate on the subject of private clubs and whether the latter would be required by the proposed civil rights bill to open their doors to guests, irrespective of color, creed, or national origin.

It happened that the discussion arose after the Florida Senator read into the RECORD a dispatch by this correspondent pointing out the difficulties that may confront private clubs which furnish lodging or meals or other services to transient guests. Senator HUMPHREY stated that the quotations in the dispatch were accurate, but that he differed with the interpretation placed upon them. He is convinced that the private clubs are exempted even if they do serve meals or rent their rooms to guests of members who are transients in interstate commerce. But he added:

"If the proposed statute is not adequate to give that kind of club an exemption, and to make it crystal clear that it would be exempt, I would favor writing in clarifying language to that effect."

This is a comforting reassurance, because no matter how the Senators themselves may interpret the proposed law, the courts reserve the right to read it literally and to pass judgment on the actual words contained in the statute. Also, by refusing to refer the bill to the Judiciary Committee for consideration and study, the Senate now has bypassed the usual means by which careful attention is given to clarifying legal points. For there will be no hearings in which to take testimony from competent witnesses on any of the points involved in the bill.

The so-called exemption clause, for example, is not specific. It merely says that the provisions of the proposed title "shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (B)."

Senator HUMPHREY said, during the course of the debate in the Senate, that the key phrase in subsection (B) is the reference to an establishment "which serves the public." He declared that a private club loses its identity as a private club only when it "serves the public." The Minnesota Senator furthermore stated that it is only when facilities are open to everybody that it could be said that a club "serves the public."

But this is precisely the point made by the hotels and motels. They claim to be engaged in private business and assume the right to say who shall or shall not be admitted to their premises. The other side of the argument is that a hotel now has presumably become clothed with a public character just because it accepts persons who travel in interstate commerce. This, however, is exactly what the private clubs also do, subject to restrictions of their own, and it is, moreover, what the hotels and motels believe they have the constitutional right to do.

So the question really turns on whether the Congress of the United States can, under the Constitution, pass laws at will regulating the conduct of any business association or enterprise or activity merely by declaring that its patrons move in interstate commerce and calling it a public facility.

Another section of the House civil rights bill, entitled "equal employment opportunity," goes even further. It permits intervention by a court order at any time to restrain an employer from choosing his own employees unless it can be proved that his choice was in no way related to an individual's race, color, religion, sex, or national origin. But even the provisions in this section of the proposed bill are by no means clear. Thus, it excludes a bona fide private membership club—other than a labor organization—which is exempt from taxation.

The bill also permits an employer actually to discriminate on the basis of religion or national origin if he can prove that religion or national origin "is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise." The proposed statute makes it permissible, too, to refuse to hire any person because of his "atheistic practices and beliefs" and also to ban any "member of the Communist Party."

The courts might some day hold that such exceptions or exemptions are in themselves discriminatory and deprive citizens of "equal protection of the law."

The enforcement problems are bound to be complex, if not unsolvable. For the basic truth is that Congress is attempting to take away the rights of privacy from persons who are engaged in business and has also come very close to an interference with the rights of many organizations hitherto considered to be private and selective in their relationship to their patrons.

Mr. RUSSELL. Mr. President, I do not desire to labor the subject of who should speak and why, but I believe that we have been completely justified in the statements we have made with respect to the announcements that were made in the press, as well as those which have appeared in the CONGRESSIONAL RECORD, by proponents of the so-called civil rights bill. The Senator from Minnesota said that Wednesday or Thursday would be a subsequent day, subsequent to Monday or Tuesday. But the statement he made on the floor yesterday was:

> The distinguished Senator from California [Mr. KUCHEL] and I intend, as I have indicated, to make a comprehensive presentation on H.R. 7152 today.

Reading further:

> On subsequent days the bipartisan team of captains assigned to each title of the bill will lead additional discussions on each title.

Then he proceeds to outline the duties of the various captains.

I believe that any person with more than ordinary knowledge of the English language would have assumed that there was some idea of continuity in the way that program was described.

I am not complaining. Senators opposed to the bill are ready, willing, and able to speak today; and we shall be in the same position tomorrow. I trust if our health continues—unless an epidemic suddenly occurs—that that condition will exist through a number of days, but I believe we are entitled to raise this question.

I noticed over the weekend that a large number of stories appeared in the metropolitan press as to what would happen this week. There were headlines proclaiming, "Filibuster Will Start Monday." This was also stated by radio and television commentators.

I came to the Chamber yesterday to see just how the filibuster would start. When I came into the Chamber I found that the Senator from Minnesota had held the floor for some hours, and was succeeded by the Senator from California.

The point I wish to make is that if that had been two Senators from the Southern States who spoke for 4 hours each—or 2 hours in the case of the Senator from California—the newspaper headlines would have said, "Filibuster Rages as Scheduled."

The Senator from Minnesota talked about being confused. The people he has confused have been the members of the press, because they had all written stories stating that the filibuster would start on Monday. Everyone was looking for the filibuster on Monday. The only thing that those charged with filibustering could do on Monday was to sit in their seats in the Senate, because these two Senators occupied the floor during the day, reading from long and carefully prepared speeches, declining even to yield, because they knew their views would clash with ours when we undertook to get to the truth of the bill.

Mr. KUCHEL. Mr. President, will the Senator from Georgia yield at that point?

Mr. RUSSELL. If the Senator from California will obtain recognition, I shall be glad to yield to him; otherwise the Chair will tell me that my time has expired and I shall not be able to conclude my comments.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Georgia may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Georgia is recognized for 3 additional minutes.

Mr. KUCHEL. Will the Senator from Georgia yield to me now?

Mr. RUSSELL. I am glad to yield to the Senator from California.

Mr. KUCHEL. I am indebted to the Senator from Georgia for yielding to me. Yesterday, acting completely within his rights, the Senator informed me that he wished to demand a live quorum before I spoke. I importuned him not to do so, for a personal reason which need not discuss at the moment. The Senator from Georgia acceded to my request, and I am grateful to him for that; but the reason——

Mr. RUSSELL. I am sorry the Senator makes that statement because I am afraid that some people——

Mr. KUCHEL. Would that hurt?

Mr. RUSSELL. No, but it would be construed as a sign of weakness and other Senators on the side of the proponents might make the same request.

There were special circumstances in connection with the request.

Mr. KUCHEL. I thank the Senator for saying that.

Mr. RUSSELL. But in the future I shall not be so——

Mr. KUCHEL. Generous?

Mr. RUSSELL. I am not even seeking to be called generous, but in the future I shall insist on a live quorum.

Mr. KUCHEL. Mr. President, the reason I rise on this occasion is to express my own views to the Senator on what I believe a filibuster to be.

Mr. RUSSELL. I should be interested in the Senator's viewpoint, even though I shall not have time under the 3-minute rule——

Mr. KUCHEL. I shall see to it that the Senator from Georgia will have time to reply.

In my view, a filibuster consists of long comment designed to prevent the Senate from voting. Therefore, it would be a nullity to term a speech in the Senate by a proponent of a pending piece of legislation a filibuster.

My point is that we want to have a vote on the bill after reasonable, rational, logical discussion on the pros and cons of the bill. In my judgment a filibuster in essence is designed to prevent a vote. So those of us who rise and try to speak as best we can to explain our views in favor of something could never be accused by the press or the public or anyone else of engaging in a filibuster. I make that distinction.

Mr. RUSSELL. The Senator does not say that the Senator from Minnesota was filibustering. However, if I had spoken here as long as he did, the newspaper headlines would have said, "Senator RUSSELL Leads Off Filibuster—Speaks 3 Hours."

The Senator says that after reasonable, rational, and logical debate he is ready to vote. He wishes to define, himself, what is reasonable and rational and logical debate.

Mr. KUCHEL. How would my able friend define it?

Mr. RUSSELL. It lies in the discretion of every Senator to say what constitutes reasonable, logical, and rational debate. There is one point on which all Senators agree: We have had reasonable, rational, and logical debate when we have a majority of the votes. That is the end of reasonable, logical, and rational debate. When we have gained sufficient votes, we say, "We have 51 votes. Everything has been said that should be said on this matter. The debate has run its reasonable, rational, and logical course. Anything said hereafter is a filibuster."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KUCHEL. I ask that 2 additional minutes be yielded to the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. There are two sides to that coin, even though our side has not been granted the publicity that has been accorded to the other side.

Mr. KUCHEL. I am not only within my rights, but I believe I am also following a not wholly illogical path in observing that 3 weeks of debate on the motion to bring the bill before the Senate as the pending business was, to say the least, tiring and, I honestly think, a waste of time.

Time is precious. The Senate is sitting in a critical moment in history. I assume that Senators will be plagued and tormented by the discussion with respect to our foreign relations with our own free world friends across the seas. Some comment has already been made by some of our colleagues on the other side.

We shall once again have to debate our foreign policy, including statutory authority for the continuation of our program of mutual security. God alone knows what will take place below the order. I assume that in due time responsibility will devolve upon the Senate to sit in judgment with respect to problems related to the Isthmus of Panama, and with respect to additional avenues of commerce and for defense between the two great oceans.

We shall be plagued with problems.

The problem which is now before the Senate is a very important one, and we need to take time to discuss it.

I was very glad yesterday to devote some time to my own judgment as to what the bill would do. So did my able friend from Minnesota. Other Senators wish to argue and debate the bill, and to have as sharp a discussion and as pinpointed a discussion as it is possible to have on the issues before the Senate.

At long last I hope that our friends on the other side will permit the U.S. Senate to vote. That is why we came here. Is there anything wrong with a majority of Senators deciding that they want to act in favor of a given piece of legislation? That is the American system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KUCHEL. I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. A clear majority of Senators, Democrats and Republicans alike, wish to make some progress in the field of equal treatment under law for all Americans.

I doubt that we need to apologize for that. When we have reasonably exhausted honest discussion and debate on the proposed legislation, I hope and pray that the theory of representative government in the United States will have been vindicated. Then let each Senator, according to his own God and his own conscience, vote the bill up or down. That is my point of view. That is why I have risen on this occasion, to express my view.

Mr. RUSSELL. Mr. President, the Senator assumes, of course, that a majority is always right. That is the most violent and erroneous assumption that has ever been asserted. A majority is not always right. A minority has the responsibility to undertake to correct the views of any majority. That is the purpose of debate in the Senate. That is the reason why we are debating the bill.

I shall not be as unkind to the Senator as he was when he said that the debate prior to the time the bill was made the pending business was a waste of time. I do not believe it was a waste of time. I shall not charge that the Senator's lengthy speech of yesterday was a waste of time.

I believe the Senator can do better. I believe he can make a speech of more logic and reason than the one he made yesterday. However, I shall not say that it was a waste of time for him to make that speech. After having made his practice run yesterday, I hope he will deliver another speech. However, if he does make another speech I will not charge him with wasting time.

I suggest the absence of a quorum.

Mr. HUMPHREY. Mr. President——

Mr. JAVITS. Mr. President, will the Senator withhold his suggestion for a moment?

Mr. HUMPHREY. Mr. President, I wish to be recognized.

The PRESIDING OFFICER. Does the Senator from Georgia withhold his request?

Mr. RUSSELL. I am glad to withhold it. I do not wish to cut the Senator off.

Mr. HUMPHREY. I wish to be heard. Is the Senate still in the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour.

Mr. RUSSELL. Of course, the absence of a quorum can be suggested in the morning hour.

The PRESIDING OFFICER. The Senator is correct. Does the Senator withhold his suggestion of the absence of a quorum?

Mr. RUSSELL. I withhold it.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, we have taken a good deal of time to discuss the nature of the debate. I repeat that Senators who are for the bill and those who oppose it have the right to make their case. Those who are opposed to the bill should be prepared at all times to make their case in opposition. That has been the position of the bipartisan group that seeks to pass the bill.

Not only do we seek to state the affirmative case for the bill, as was said yesterday by both the Senator from California and the Senator from Minnesota, but we are also prepared to debate all the amendments to the bill, and to take them as they come.

I wish to make it crystal clear that we intend to discuss each title of the bill. We can discuss the titles in the bill one after another, or discuss them in the order of title I and title III and the title VII and title VI and title V, or in any other order. However, we cannot control the time of the Senate. We cannot say, for example, that on Wednesday or on Thursday a particular Senator will speak.

We do not know how long the debate will continue.

I merely wish to make it clear that we are prepared to state our case. As we have said repeatedly, we would like to look forward to the opposition coming to grips with the case that we make. That is the essence of debate. Had yesterday been utilized in yielding to inquiries and questions and statements, I am sure that the Senator from Georgia would have said that the Senator from Minnesota had consumed 7 hours or 8 hours.

Mr. RUSSELL. The Senator from Minnesota has never heard the Senator from Georgia complain about the length of any speech.

Mr. HUMPHREY. No. I said it would be an affirmative statement as to the time that had been taken. The Senator from Georgia would feel that my talents had been misguided. I am sure he feels I would make a good teammate for the opposition because of my ability to speak at some length. I do not deny it.

In the case of a bill as important as the one before the Senate now, to speak for a total of 5 hours does not seem to be consuming a very long time. That 5-hour period included statements that were made after the speeches had been concluded. I do not believe that was an extravagant use of time.

If the Senator from Georgia were willing to come to an agreement with me that the Senate vote on the bill in 4 weeks, I would consider it as a very fine understanding. If he were willing to come to an agreement with me that the Senate vote in 6 weeks, I would consider it an excellent understanding. If he would agree with me that the Senate vote on the bill in 7 weeks, I would say that we were making genuine progress. If he believes that the Senate should vote on the bill on June 1, I would readily accept such an understanding.

The difference between a debate and a filibuster is that a debate is designed to put life and meaning into a bill, and that a filibuster is designed to kill it and bury it.

A debate is an act of intellect. A filibuster is an act of body attrition.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL. I am in a very generous mood today. I will take all of the offers made by the Senator from Minnesota under consideration.

Mr. JAVITS. Mr. President, I would not be willing to enter into all the agreements suggested by the Senator from Minnesota. The Senate is sliding back on a slippery road. We know it will take a two-thirds vote to pass the bill, not a simple majority. This is not prescribed in the Constitution. It is contained in the rules of the Senate. It illustrates that we could never expect the opponents of the bill to say, "We have sufficiently explained the bill."

They feel very deeply on the subject. I have always given them credit for complete sincerity. I still do. I doubt that there will come a time when they will say, "We think we have explained it enough. Let us vote." So it will be up to two-thirds of the Senate to tell them when the two-thirds think they have sufficiently explained it.

There is one lesson to be learned from this situation. We hope the votes which are needed will not be inhibited, because Senators may fear that they are being unfriendly to our southern friends. They are telling them of the timetable, which no one else will tell them, and which they will not even tell themselves.

The timetable in the country, it seems to me is this: Whatever Senators may say to the effect that they will not be intimidated by what may happen on the streets of the United States, the fact is that if anything does happen on the streets of the United States, we shall be responsible because we did not act in time. Let Senators ponder that well, because I doubt that there are many citizens in the United States, outside this Chamber, who would say that more than 2 or 3 or 4 weeks is required for a debate of this character. We may think so because we are "in the trade" as it were, and have the problems which we have. However, I doubt that many citizens of the United States would say so.

In the final analysis it is the millions of people in the country who will have the say as to the conduct of the country, unless we want to say it for them. If we want to say it for them, we had better proceed much earlier than June 1.

Mr. KEATING. Mr. President, I might add to the offers of the distinguished Senator from Minnesota. I am sure the Senator would be willing to enter into a unanimous-consent agreement that the time be equally divided, and that the opponents be given as much time as the proponents.

Mr. HUMPHREY. I would be glad to do that. Make it two to one.

Mr. KEATING. I am sure the Senator would agree to that.

Mr. RUSSELL. I would be glad to divide the time equally.

ORDER FOR RECESS TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its session today, it take a recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW YORK STATE TRAFFIC SAFETY COUNCIL PROMOTES TRAFFIC ENGINEERING

Mr. KEATING. Mr. President, the Albany Times Union recently published a series of articles designed to promote traffic safety, to save lives, and to encourage the economic growth of communities now strangled by traffic congestion. These articles furnished by the State Traffic Safety Council point out how the use of business management techniques and the scientific know-how of traffic engineers can materially reduce accidents and promote the economic health of our villages, towns, cities and counties. There is a serious shortage of traffic engineers today. But their work, coupled with proper enforcement activities and public support, can reduce accidents, deaths and injuries on our highways by 50 percent.

The Albany Times Union has rendered a great public service in the cause of traffic safety as indeed have other newspapers which carried these articles in the State of New York. I am also pleased with the work of the State traffic safety council under the direction of William S. Renchard, president of the Chemical Bank New York Trust Co. who is serving as president of the council.

The effective work of the council would not be possible without the excellent support it has received from the business and civic leaders of my State, including Lawrence C. Marshall, vice chairman of the board of the Chase Manhattan Bank; Y. P. Dawkins, vice president, International Business Machines Corp.; Francis R. Elliott, executive vice president, the Borden Co.; Monroe E. Spaght, president, Shell Oil Co.; Gordon G. Biggar, vice president, public relations, Shell Oil Co.; John A. Spencer, regional vice president, General Electric Co.; Warren H. Wilson, president, Motors Insurance Co.; Mercer C. Macpherson, vice president, Chemical Bank New York Trust Co.; Joseph M. Bell, president, New York State Electric & Gas Corp.; G. Wallace Bates, vice president and general counsel, New York Telephone Co.

Mr. President, I ask unanimous consent to have printed following my remarks in the RECORD, the series of articles and editorials which have appeared in the Albany Times Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

LET'S USE THE ENGINEERS

Traffic engineering is vital to every community in New York State. But in our own area, only Schenectady employs a traffic engineer. A community service program in this field is offered by the State traffic commission. Yet in the last year only two area communities, Troy and Watervliet, made use of this professional assistance in solving traffic problems. About 40 communities throughout the State annually ask the State office for assistance. Yet nearly 6 million vehicles and more than 7 million licensed drivers make use of the streets and highways.

Today is the first of a series of four articles dealing with the traffic engineer and what he can do in the way of moving traffic more quickly and safely. But more important is the effect of a good traffic flow on a community's economic life. A poor traffic situation will keep many out of a city or congested area more quickly than any other factor.

The trouble is few people know anything about traffic engineering. Consequently this work, so important to our economic health and growth, and our safety, is generally ignored. Tragically, this responsibility is usually abandoned to the police like an orphan at a church door. It's a case of nobody wants the headache but we all have it.

What's this all about? And who needs it? Traffic engineering deals with safe and efficient transportation of humans and goods. It's the science of getting people in cars into cities and out of them so that they don't kill or get killed. It deals with signs, signals, speed limits, pavement markings, and guiding traffic safely.

The State traffic safety council significantly points out autos are increasing faster than births. Poor traffic planning now means headaches later. They add up to more accidents, deaths, and injuries—more costs, more taxes, and higher insurance rates, as we pointed out Friday.

We hope our community leaders read the articles we begin today. The questions: Do we have enough and proper signs and signals? What about our speed zones? Who is in charge of traffic? What training has this person had for this job?

Under law the State traffic commission in Albany must provide engineering services on request at no cost to our community. We gain everything and lose nothing by asking for help. Let's do it.

The Traffic Engineer—He Can Help Save Lives and Money

(Note.—Beginning today, the Times-Union presents the first of a series of four articles on the importance of traffic engineering to highway safety and to the economic growth and well-being of area communities. The articles have been supplied by the State Traffic Safety Council, and will appear tomorrow, Tuesday, and Wednesday)

(By Don Ross)

There were no pavement markings to indicate that it was a no-passing zone.

So you swung out to pass the car ahead.

You shouldn't have, because there was another car approaching. It was hidden in the dip in the road ahead.

While you were in the hospital you began to think it would be a life-saving idea to have pavement markings on all the no-passing zones in the Nation.

You were right. Such markings save lives.

The man who is best fitted to decide where markings and other traffic-control devices should be installed is a traffic engineer. If a traffic engineer had been responsible for the stretch of road where you had your crackup there would have been no-passing pavement markings. You would have known better than to pass.

Furthermore, the traffic engineer would have seen to it that the pavement markings were uniform with National and State standards so that no matter where you came from you would have had no difficulty in recognizing them.

The traffic engineer knows that on today's high-speed, congested roads a motorist's momentary indecision or confusion can be cause of a collision resulting in death or injury.

By installing signs, signals, pavement markings, and other devices where they are needed, the traffic engineer can cut down accident possibilities and thus reduce the appalling toll of traffic deaths and injuries in the State and Nation. Nationwide in 1963 more than 43,000 men, women, and children were killed in traffic accidents. New York State alone suffers more than 275,000 injuries annually and over 2,500 deaths.

The traffic engineer's skills can help reduce congestion and disorder on your roads. A congressional committee recently estimated that traffic jams cost the Nation $5 billion a year. Each community is paying a part of this bill.

Traffic congestion can cut retail sales in a community, lower property values, retard community development, and reduce tax revenues. Traffic congestion also contributes directly to traffic accidents that kill and injure people and damage property.

No price tag can be put on human misery and suffering. However, the direct cost of traffic accidents to the Nation in 1962—the last year for which figures are available—was $7.3 billion. The direct cost of traffic accidents in New York State during 1962 was $½ billion dollars, according to William S. Renchard, president of the State Traffic Safety Council.

Here are two examples of what a traffic engineer has done for communities and can do for others.

Reduced traffic accidents by 71 percent on a treacherous hill with two complete reverse turns and an extraordinarily steep grade. An engineering study of the hill was made. As a result, non-skid-type pavements were laid down, rubber posts were placed in the center of the road, and warning signs, flashing lights, fluorescent delineators, and plastic deceleration lanes were installed.

Reduced traffic accidents by 44 percent in a downtown city square. Traffic around the square was congested and there were many collisions. A traffic engineering study showed a need for better channelization of vehicles and vehicle control. One street was made one-way. Pedestrian and vehicle controls were installed at two intersections.

These are two examples of the many ways traffic engineers can make valuable contributions to the safer, easier, and more efficient transportation of people and goods on our streets and highways.

The Traffic Engineer: Uniform Signs Help Motorists

(Note.—Following is the second in a series of four articles on the importance of traffic engineering to highway safety and to the economic growth and well-being of area communities. The articles have been supplied by the State traffic safety council.)

(By Don Ross)

Every type of traffic control device—stop, yield, directional sign and so on—should be of the same size, shape, and color and have the same kind of lettering. This is so that a motorist from any part of the State or Nation can instantly recognize it, understand it and proceed without confusion or hesitation to act upon it.

In New York State many local officials responsible for installing traffic control devices unfortunately do not understand the life-or-death importance of clear communications on the highway.

Communications on the highway are best achieved by the uniformity of signs and other traffic control devices. Standard codes for uniformity in traffic control devices and their placement are outlined in the New York State manual of Uniform Traffic Control Devices. The New York State manual in turn is based on a national manual to help achieve uniformity across the Nation.

The uniform manual prescribes the size, shape, color, and wording of signs and signals. (A red and white octagon, for stop, for example.) It prescribes the situations where the devices should be used and their proper location with respect to the roadway and the proper height for best visibility. (A stop sign so low that it can be hidden by a parked car can be useless, or worse, a traffic hazard.)

The uniform use of traffic signs is an important function of the traffic engineer.

In one county, for example, officials in the local communities put up any kind of sign they please. As a result more than 80 percent of the traffic control devices in the county are nonuniform, and this county is by no means unique.

A photographic documentary was made of numerous traffic signs in various parts of the State. It showed an incredible hodge-podge. Some stop signs were brown, green, and black, instead of red and white as they should have been. They were of nonuniform sizes and shapes—diamonds, circles, squares instead of octagons.

Some were illegible because they were partly rusted away. On others the paint had worn off.

Many directional signs were so confusingly worded as to be almost worthless. Many were located where they could hardly be seen. One road intersecting a main highway had two signs; one, a stop sign and the other a do not enter sign. A motorist could play Russian roulette by taking his choice.

Many signs were not painted with reflectorized paint so that they could easily be seen at night.

To an observer thumbing through the pictures, it almost seemed as though there had been a weird design to bewilder the motorist.

The standards for uniform traffic control devices have been hammered out over the years in many conferences of engineers, police, educators, safety specialists and local, State and Federal authorities. In New York they have the support of the State traffic commission, the State department of public works, the State police, and the State traffic safety council.

The New York Legislature understands the need for uniformity and is pressing for it. In October 1962 it imposed a 5-year limitation on traffic control devices that were installed prior to 1958 and that do not conform to the uniform manual. Only cities of more than a million will be allowed to use such devices beyond this time.

The Government is pressing for uniformity. The U.S. Bureau of Public Roads permits States to use Federal funds on a 50–50 matching basis for standardization of traffic control devices on their principal road systems. It requires the installation of standard, uniform controls on the 41,000-mile system of interstate roads now being built.

But despite the many pressures for uniformity it is slow in coming on other than State and federally aided roads. An estimated 77 percent of the Nation's street and road mileage is subject to the jurisdiction of cities, towns, and counties. It is on these that the motorist finds the most dangerous and confusing situations arising out of nonuniformity of traffic signs and control devices. It is on these roads that most accidents occur.

Many costly accidents, near accidents, and traffic congestion, caused by the lack of clear communications on the highway, can be materially reduced in all areas by the skills of traffic engineers and the strict adherence to the State manual of uniform traffic control devices.

Some legal experts believe the community that continues to maintain nonuniform devices past the 1967 cutoff date imposed by the legislature may be a target for lawsuits by motorists involved in accidents where the devices played a part.

The Traffic Engineer III: All Our Cities Need Their Help

(Note.—Following is the third in a series of four articles on the importance of traffic engineering in highway safety and the economic growth of area communities. The articles have been supplied by the State Traffic Safety Council.)

(By Don Ross)

One day three lights suddenly appeared on a main street. Instead of speeding traffic, they snarled it. Accidents increased.

Who made the decision to put the lights up?

"Somebody" thought it was a good idea.

In a few communities such a decision is made by a traffic engineer. He is the man best qualified by training and experience to make engineering studies to determine where traffic control devices are needed. By skilled placement of these devices he may be able to reduce accidents, lessen traffic congestion and make the community more attractive to live in and do business in.

The traffic engineer also knows the vital importance of uniformity in traffic control devices. He is familiar with the State Manual of Uniform Traffic Control Devices and the national manual on which it is based.

"In most New York communities the responsibility for traffic engineering has been placed by default on the local police," the State Traffic Safety Council of New York says. In some localities the function is performed by a civil engineer in the public works department. Unfortunately, the policeman or the civil engineer may have little training or knowledge of traffic engineering.

In one town, traffic engineering is done after a fashion by the part-time town attorney. In others it is done by the village board or the city council. The members of such bodies are for the most part estimable persons but as a rule they know little or nothing about traffic engineering.

One community places its reliance on the foreman of its road sign shop. In one locality a change in traffic lights at a school crossing forced by a mother's parade resulted in more vehicle stops. It also produced a 30-percent increase in pedestrian accidents—a result that the mothers certainly did not foresee.

Only a handful of traffic engineers are on the public payroll in New York State. It is a relatively new profession. The State employs 20 or more. The Throughway Authority and the New York Port Authority employ a few. Westchester County has one. Nassau County at this writing is establishing a traffic branch of its department of public works to be headed by a traffic engineer. The only cities in the State that employ full-time traffic engineers are New York, Buffalo, Rochester, and Ithaca.

Facilities for training traffic engineers are inadequate and one of the major activities of citizens groups like the State Traffic Safety Council of New York is to marshal public support for the expansion of traffic engineering courses in educational institutions.

Counties and communities without sufficient funds to hire a full-time traffic engineer have several means of obtaining help with their traffic engineering problems:

1. The Motor Vehicle Department's Division of Traffic Engineering through its community assistance program, has the responsibility to provide traffic engineering information and assistance to communities which apply for it.
2. Hire a part-time traffic engineer.
3. Engage a traffic engineering consulting firm.
4. Provide funds for a policeman, a public works employee or some other person in local government to take a traffic engineers course at an educational institution.

Whatever course is taken, a qualified traffic engineer can help to reduce materially the congestion, collisions, and casualties which now plague our streets and highways.

FIVE AUTO BILLS

On this page today the Times-Union presents the last of a series of four articles dealing with the need for traffic engineers in our communities—a series which has drawn inquiries and interest from several sources who indicate they want to find out more about the subject.

The material was supplied by the State traffic safety council, an organization long devoted to improving traffic regulations and making motoring safer.

Among the highway legislation proposed this year are five bills which have the support of the council and deserve passage by the legislature. All are intended to promote safer driving.

The bills require schoolbus drivers to check out in the vehicles they are going to drive; permit a doctor to report to the health department that a driver he is treating might endanger himself or others because of his condition; establish proper speed limits and extend school safety zones; establish minimum standards for recapped tires and uniform standards for new ones, and require New York motor vehicle laws to conform to national standards.

No one can quarrel with the intent of such measures or with the fact that, once effective, they would promote safer driving. All deserve passage.

THE TRAFFIC ENGINEER IV: COOPERATION NEEDED FOR ACTION

(NOTE.—Following is the fourth and last of a series of articles on the importance of traffic engineering in highway safety and the economic growth of area communities. The articles have been supplied by the State Traffic Safety Council of New York City)

(By Don Ross)

What can you do to promote the idea in your community that traffic engineering can reduce traffic accidents, that uniform traffic signs, signals, and pavement markings can save lives.

Alone there is little that you can do, according to William S. Renchard, president of the State Traffic Safety Council of New York. "But together with others there is much that you can do," he says.

You can, says Mr. Renchard, talk to your friends in the organization you belong to. You can have your organization enlist the support of other groups in the community—civic, service, religious, fraternal, business, labor, and official.

But be careful, Mr. Renchard cautions, not to go off at halfcock. Ignorance, though entirely well meaning may do damage to the cause of traffic safety. You must know what you are talking about.

Various national organizations believe traffic engineering is vitally important and will be glad to give you information about it. Among these are the President's Committee for Traffic Safety, 532 Pennsylvania Avenue, Washington 4, D.C.; the American Automobile Association, 1712 G Street NW., Washington 6, D.C.; the State Department of Motor Vehicles in Albany; and the State Traffic Safety Council of New York, 23 East 26th Street, New York, N.Y.

They will tell you how a traffic engineer, by installing a pedestrian island or channeling vehicles, or by otherwise using the signs, signals, and pavement markings in his professional armory, can reduce the accident-producing situations in your community, how he can reduce traffic congestion and delays, and so make your community a more pleasant, safer, and more prosperous place to live in.

They will tell you of the importance of uniform traffic control devices so that road communications to the motorist are always clear and explicit. They know that hesitation or confusion on the part of a motorist may be fatal.

The State traffic safety council carries on a variety of activities aimed to promote the idea of traffic training courses to police officers in local communities. This spring the council will hold a series of regional seminars in traffic engineering in the State.

What are the spots at which accidents most frequently occur in your locality? Is anything being done about them? Does your community maintain a good accident file so that it really knows where traffic accidents take place, why they take place, and with what frequency?

You should talk to your officials—village, town, city, county, and State, Mr. Renchard advises. You should talk to the police or whomever handles traffic engineering responsibilities in your community. Assure them of your support in their efforts to promote traffic safety.

You should find out what the costs of traffic improvements would be. And you should find out what the costs would be, in terms of death and injury and property damage, of not making any improvements.

"When you feel you are on solid ground, sound off for traffic safety," Mr. Renchard says. "Enlist press, radio, and television in your campaign. The power of an aroused public opinion, speaking with a unified voice through the principal media of communication, is irresistible.

"Traffic engineering can do much to help make the transportation of people and goods on our highways safer, easier, and more efficient," he concluded.

AWARD TO KOREAN LAWYERS

Mr. KEATING. Mr. President, I should like to call attention to the activities of a U.S. Ambassador abroad, a New Yorker, who is serving our Nation with distinction and imagination. I refer to the present U.S. Ambassador in South Korea, Samuel D. Berger, of Gloversville, N.Y.

Recognizing the importance of government by law and the critical need for trained personnel in South Korea, Ambassador Berger has gone out of his way to give help and encouragement to students at the Graduate School of Law at Seoul National University. Ambassador Berger sponsored and presented an award to the student ranking highest in the Anglo-American law course.

Mr. President, at a time when Communist demagogery and promises offer a wide appeal to many students, it is important for the United States to reemphasize its dedication, not to empty oratory, but to law, order, and good government. This graduate school of law is the only one in South Korea. The whole legal profession of Korea will be its alumni.

I commend our Ambassador for his initiative in stressing the importance of this institution and hope that other U.S. emissaries overseas are as active and farsighted in promoting the long-range needs of representative government as Ambassador Berger. Incidentally, let me make clear, as added emphasis of the importance of this award and its presentation, that it was called to my attention by the students and faculty of the law school and not by Ambassador Berger at all.

AMERICAN INTERGOVERNMENTAL RELATIONS

Mr. BOGGS. Mr. President, Charles Scribner's Sons added an important title to its current list yesterday. This new book is called "American Intergovernmental Relations." Its author is Dr. W. Brooke Graves, a nationally known authority on State and local government and on intergovernmental relations, who is now and has been for many years a member of the staff of the Legislative Reference Service in the Library of Congress.

I take pleasure in bringing this book to the attention of my colleagues in the Senate for several reasons. I have known Dr. Graves personally for many years. The subject is one in which, as a former Governor and as a Member of the Congress, I have long been interested. Most significant of all is the fact that, day after day, there are important questions in the field of intergovernmental relations involved in so many of the measures which come before the Congress for its consideration and determination.

Many times in the past we have given scant attention, or even no attention at all, to the intergovernmental aspects of important questions, deciding them wholly on the basis of other considerations, quite without regard to the effect of the decisions on our Federal system. Sometimes, if we were fortunate, the effects were salutary; but in other instances, they were quite to the contrary.

I am impressed with this book because it enables one to see clearly how our Federal system of government is organized, and what makes it "tick." It deals with the origins of the system, its development, and present status. The material is well organized, being presented in six parts, dealing respectively with, first, the colonial background and the establishment of the present system of government; second, the constitutional and structural framework for policy determination on matters relating to intergovernmental relations, as on other matters; third, Federal-State relations in important functional areas, often regarded as being almost exclusively Federal, such as civil rights, the regulation of commerce, national security, and foreign relations; fourth, tax and fiscal interrelationships, including the origins and tremendous growth of the grant-in-aid system; fifth, other specific types of interlevel and interjurisdictional relations—interstate, regional—both subnational and metropolitan—Federal-local, State-local, and interlocal; sixth, and finally, in the concluding part, called "Adjustment and Change in a Federal System," Dr. Graves deals with the problem of making federalism work, with the "tooling up" that is needed for achieving a smoother and more efficient operation of our system of cooperative federalism in the years ahead. Inevitably, in dealing with a subject so large and so complicated, the book is a large one.

I have had an opportunity to examine an advance copy of this book. It is my belief that it is not only a good book but one that is likely to become the standard title in this tremendously important field. I commend it to the attention of the Members of the Senate.

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I am about to suggest the absence of a quorum. It will be a "live" quorum.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 104 Leg.]

Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Ervin
Fulbright
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Mansfield
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Morse
Morton
Moss
Mundt
Nelson
Neuberger
Pastore
Pearson
Prouty
Robertson
Russell
Saltonstall
Scott
Smathers
Smith
Stennis
Symington
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. Burdick], the Senator from Hawaii [Mr. Inouye], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Proxmire], the Senator from Connecticut [Mr. Ribicoff], the Senator from Alabama [Mr. Sparkman], the Senator from Tennessee [Mr. Walters], the Senator from New Jersey [Mr. Williams], the Senator from Texas [Mr. Yarborough], and the Senator from Mississippi [Mr. Eastland] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Idaho [Mr. Church], the Senator from Oklahoma [Mr. Edmondson], the Senator from Tennessee [Mr. Gore], the Senator from Washington [Mr. Jackson], the Senator from Minnesota [Mr. McCarthy], the Senator from Rhode Island [Mr. Pell], and the Senator from California [Mr. Engle] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] and the Senator from Colorado [Mr. Allott] are absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from Kentucky [Mr. Cooper], the Senator from Hawaii [Mr. Fong], the Senator from Arizona [Mr. Goldwater], the Senator from New Mexico [Mr. Mechem], the Senator from Wyoming [Mr. Simpson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

Mr. THURMOND. Mr. President, H.R. 7152 is flagrantly and repetitiously in contravention of the Constitution. Although some of the titles of the bill, such as title II on so-called public accommodations, title VI on fund withholding, and title VII on FEPC are more obviously and patently in discord with the fundamental principles of the Constitution, other sections of the bill contain provisions which are no less repugnant to the Constitution.

The provisions of this bill dealing with voting fall into this latter category. The effects of the voting provisions, while they have less immediate bearing—if indeed they have any bearing of significance—on the so-called civil rights problem, are corrosive of the very foundation stone of our political system. The Constitution very wisely insulates the General Government from the electoral process, for the temptation to wield any power over elections available to General Government officeholders is magnified almost beyond resistance by the additional powers which can be accrued thereby.

Two titles of the bill deal with voting—titles I and VIII. Within these two titles, there are three main thrusts. In the first part of title I, the provisions specify both procedural and substantive details as to voter qualifications. The second part of title I alters the judicial procedure by which voting cases are adjudicated. Title VIII vests discretionary investigative and harassment powers in the executive branch of the General Government.

The first portions of title I read as follows:

Sec. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

"(B) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (1) such test is administered to each individual wholly in writing except where an individual requests and State law authorizes a test other than in writing, and (ii) a certified copy of the test whether written or oral and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88).

"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election."

(c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":

"(f) When used in subsections (a) or (c) of this section, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives."

Under these provisions, Congress would first assert a power to tell the States what is and what is not material information in determining the qualifications of voters and what would be pertinent and material to be considered in applying a State statute. The wording of these provisions go beyond any question of denial of the right to vote because of race, religion, national origin, or sex, for they purport to deal with the right, and I quote from the bill, "of any individual to vote." The bill further purports to have Congress exercise a power to tell the States under what conditions a test may be used to determine literacy of applicants for registration. As a final straw, the bill seeks to have Congress fix a mandatory interpretation of State statutes fixing qualifications of voters by defining what is "literacy" through the use of the transparent device of a "rebuttable presumption."

These provisions are made as broadly applicable as possible by the inclusion of an expansive and illogical definition of a "Federal election" as one held solely "or in part" for electing or nominating a candidate for the Presidency, Vice-Presidency, presidential elector, Senator, or Congressman. The insertion of the words "or in part," causes the State elections in 46 of the 50 States to be brought within the purview of these control provisions.

Mr. President, any proposal which comes before the Senate which has for its purpose the alteration, amendment, or establishment of voter qualifications is a clear violation of the Constitution of the United States of America. The National Government was delegated no authority to determine or set the qualifications requisite for the right to register and vote in either local or national elections. The Constitution, in explicit and unambiguous terms, adopts the qualifications which are set by the several States as the requisite qualifications for the right of suffrage in elections of officers in the National Government.

The Constitution itself is specific on this point, but further, the history surrounding the drafting of that document reveals the reasons why our Founding Fathers realized the necessity of including such a provision in the Constitution.

Mr. President, at the time of the adoption of the Federal Constitution, there were only two States which did not have constitutions of their own. These States were Rhode Island and Connecticut. The responsibility of the States for protecting the rights of their citizens in the electoral process was complete. Every aspect of the most important process of democratic society was controlled and determined by each State. Each State determined for itself who was to vote by stipulating the requirements for voting.

An examination of the constitutions of States which had enacted a constitution at the time of the formation of the National Government discloses varying limitations on the right to vote. There was no State which allowed all citizens to vote. Some of the various qualifications were quoted by the Supreme Court in *Minor* v. *Happersett* (21 Wallace 1962) as follows:

> Thus in New Hampshire, "every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request," were its voters; in Massachusetts, "every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds"; in Rhode Island, "such as are admitted free of the company and society" of the Colony; in Connecticut such persons as had "maturity in years, quiet and peaceable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate," if so certified by the selectmen; in New York, "every male inhabitant of full age who shall have personally resided within one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder possessing a freehold of the value of 20 pounds within the county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to the State"; in New Jersey, "all inhabitants * * * of full age who are worth 50 pounds, proclamation money, clear estate in the same, and have resided in the county in which they claim a vote of 12 months immediately preceding the election"; in Pennsylvania, "every freeman of the age of 21 years, having resided in the State for 2 years next before the election, and within that time paid a State or county tax which shall have been assessed at least 6 months before the election"; in Delaware and Virginia, "as exercised by law at present"; in Maryland, "all freemen above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all freemen having property in the State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election"; in North Carolina, for senators, "all freemen of the age of 21 years who have been inhabitants of any one county within the State 12 months immediately preceding the day of election, and possessed of a freehold within the same county of 50 acres of land for 6 months next before and at the day of election," and for members of the house of commons, "all freemen of the age of 21 years who have been inhabitants in any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes"; in South Carolina, "every free white man of the age of 21 years, being a citizen of the State and having resided therein 2 years previous to the day of election and who hath a freehold of 50 acres of land, or a town lot of which he hath been legally seized and possessed for at least 6 months before such election, or (not having such freehold or town lot), hath been a resident within the election district in which he offers to give his vote 6 months before such election, and hath paid a tax the preceding year of 3 shillings sterling toward the support of the Government"; and in Georgia, "such citizen and inhabitants of the State as shall have attained to the age of 21 years, and shall have paid tax for the year next preceding the election, and shall have resided 6 months within the county."

The subsequent judicial interpretations of the various sections of the Constitution which deal with elections recognize and reaffirm the exclusive right of the States over voter qualifications. To attempt to circumvent this clearly established and time-honored delineation of powers by relying upon other sections of the Constitution amounts to a total disregard of the document which is the foundation of the greatest system of government yet devised by man.

Article I, section 2, of the Constitution reads as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I cannot imagine how the obvious meaning and intent of this particular section can be seriously questioned. Language clearer in its application or more plain in its intent would have been impossible to arrive at, and certainly beyond the imaginative powers of man. I submit that this section of the Constitution is the most unambiguous of the various provisions contained in that document. Even the most unlearned individual must be forced to the conclusion that the proposal pending before us at the present time is a clear violation of this provision of the Constitution, regardless of any other provision which is claimed to be the justification for its consideration.

Previous to the passage of the 17th amendment, when Senators were elected by the State legislatures, there was, of course, no provision of the Constitution dealing with this subject. When the method of electing Senators was changed from election by the State legislatures to direct election by the people, the exact wording of article I, section 2, leaving to the States the right to set voter qualifications, was incorporated in the 17th amendment. Section I of that amendment provides:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

It is significant that 125 years after the inclusion of this basic principle in the Constitution, it was reaffirmed and followed in establishing a method of direct election for Senators. The legislative history of the proposals which finally led to the adoption of the 17th amendment shed a great deal of light on the point which is presently before us.

Several resolutions proposing constitutional amendments for the direct election of Senators were introduced in Congress before the 17th amendment was finally agreed to. Some of these contained provisions authorizing the National Government to establish the qualifications for voters in senatorial elections. This particular point was discussed at length and was a center of much controversy. The opponents of this provision pointed out the necessity for retaining the principle contained in article I, section 2, in senatorial elections as well as for elections to the House of Representatives. They were well aware of the difficulties which would arise if the National Government were allowed to establish qualifications for national elections which might differ from the qualifications established by the State for State elections. They realized that this would lead to a duplication in both the registering and the actual voting process. Therefore, the proposal to allow the National Government to establish voter qualifications was rejected in favor of retaining the original principle contained in article I, section 2, of the Constitution. The wisdom displayed by the rejection of the proposal to establish uniform national voter qualifications is not open to question.

Even though the Constitution does not contain specific language concerning the qualifications of presidential electors, it is certain that the same principle applies. The very lack of any mention of the authority of the National Government over the qualifications of presidential electors is conclusive as to the retention of that authority by the States. Article 2, which is the article in the Constitution dealing with the executive branch of our Government, neither directly nor indirectly mentions voter qualifications. Section 1, of that article, says in part:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

In accordance with that language, the appointment of presidential electors, and, therefore, their qualifications, is entirely within the realm of authority of the individual States and the State legislatures. A State legislature may or may not designate a direct election as the mode by which presidential electors are to be selected. If elections are designated as the manner of choosing electors, the qualifications of the persons participating in those elections are determined by the law of the State.

In order to substantiate this conclusion, the nature of the Government established by the Constitution must be clearly defined. The fact that the National Government has only the powers delegated to it in the Constitution goes altogether too unnoticed. The prevailing viewpoint seems to be based upon the assumption that the Central Government is the repository of all powers except those specifically denied it. In actuality, the Central Government, is limited in its powers; and the omission of any language in the Constitution on a specific point prohibits National Government action in that field. This proposal loses sight of this basic principle embodied in our Constitution. If this principle is applied to the provisions in article II, the omission of any provision dealing with voter qualifications prohibits Central Government interference in this regard in elections for President and Vice President or presidential electors.

The fear that at some later date this basic principle would be lost sight of led to the adoption of the 10th amendment. The 10th amendment is nothing more than an affirmative expression of this implied principle as an additional safeguard against the violation of the principle of delegated and limited powers.

Dating from the time when man first began establishing governments their basic nature usually has been of either one of two kinds. First, there is the totalitarian form of government. Under this system of government the individuals of the State have no powers or rights other than those allowed them by the government or the men in power. Individuals exist at the will of the State, and every action is subject to strict regulation and authoritarian control. Just as rights are created under this system of government, they are as easily revoked or denied.

The Constitution of the United States established a government of laws, in direct contrast to the totalitarian form of government. Supreme power resided in the people previous to its ratification, just as is the case today. It must be noted that the Constitution of the United States created no rights. It was, instead, for the purpose of providing for the preservation and protection of rights already in existence, that our Constitution was written. If any government, including our own, assumes for itself the power to create rights, then at least to that extent it also has the power to deny rights already in existance. The proposal presently pending before us comes dangerously close to creating rights in violation of the Constitution. For this reason, if for no other, it should not go unchallenged by anyone who is opposed to totalitarian forms of government. If we create rights on the one hand, who can successfully challenge a revocation or denial of them on the other?

Mr. President, even the second section of the 14th amendment recognizes the authority of the States to adopt suffrage qualifications which exclude certain classes of their citizens from voting. The pertinent language reads as follows:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

This section of the amendment penalizes a State for denying the right to vote to male citizens of 21 years of age for reasons other than participation in a rebellion or other crimes. This, however, does not indicate the true significance of the section as it applies to the matter presently pending before us. It is a clear recognition of the right of the States to deny suffrage so long as the other provisions of this section are not violated. In essence, it is a recognition of the right of the States to adopt voter qualifications which deny suffrage to some of its citizens otherwise qualified, so long as the qualifications established do not abridge the privileges or immunities of citizens of the United States, do not deprive any person of life, liberty, or property, without due process of law, nor deny to any person the equal protection of the laws. With these qualifications, the right of the States to establish voter qualifications as they determine best is supreme.

Mr. LAUSCHE. Mr. President, will the Senator from South Carolina yield for a question?

Mr. THURMOND. I am pleased to yield to the able and distinguished Senator from Ohio.

Mr. LAUSCHE. The Senator from South Carolina has stated that, under the Constitution, the qualifications of voters are assigned to the States for determination; and he cited article I, section 4; the 15th amendment; and the 17th amendment.

A moment ago he concluded his reference to section 2 of the 14th amendment, which deals with the number of Representatives which a State may have in the House of Representatives; and he referred to what is to happen as regards the number of Representatives a State may have in the House of Representatives if there is denial of the right to vote.

If the Senator from South Carolina is disposed to try to reconcile section 2 of the 14th amendment with the provisions of article I, section 4, and also with the provisions of the 15th amendment and the 17th amendment, I hope he will do so.

Mr. THURMOND. I believe all of them are very clear. I believe all of the sections and amendments referred to speak for themselves. Does the Senator from Ohio have a particular question in regard to some provision which he believes is not clear?

Mr. LAUSCHE. Article I, section 4, and the 15th amendment and the 17th amendment seem to be quite specific. The Senator from South Carolina has quoted them. Perhaps he will discuss them further.

Article I, section 4, reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

That section provides that the legislatures of the States shall designate the time, places, and manner of holding elections.

In the 15th amendment we find the following:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

I take it that amendment means that if one attempted to deny the right to vote, on the basis of race, color, or previous condition of servitude, that amendment of the Constitution would act a prohibition against any attempt by a State to effect such a denial.

Are the Senator from South Carolina and I in agreement on that point? I have been referring to page 544 of the Senate Manual. Is that the understanding of the Senator from South Carolina of that provision?

Mr. THURMOND. I think that the Senator from Ohio and I are in substantial agreement on this point.

Mr. LAUSCHE. Now I refer to the 17th amendment, which provides the way in which Senators shall be chosen. I now refer to page 546 of the Senate Manual:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. THURMOND. That means the voters, of course.

Mr. LAUSCHE. Yes; the word "electors" means "voters."

Mr. THURMOND. Yes.

Mr. LAUSCHE. In other words, a person who votes for a Senator must have the qualifications fixed by the State for those who vote for the members of the branch of the legislature of the State having the highest number, or being the most numerous. Is that correct?

Mr. THURMOND. Yes. That wording is similar to that of the original Constitution, which was written in Philadelphia in 1787, and was adopted by at least nine States the following year, when the Union was formed. Article I, section 2, of the Constitution contains the same wording. That is to be found on page 515 of the Senate Manual.

Mr. LAUSCHE. Yes.

Article I, section 2, of the Constitution reads as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors—

That means "voters"—

> in each State shall have the qualifications requisite for electors—

And again the word "electors" means "voters"—

> of the most numerous branch of the State legislature.

Mr. THURMOND. That is the same wording. In other words, the wording of the 17th amendment of the Constitution is the same as the original wording of article I, section 2, of the Constitution.

Mr. LAUSCHE. That is correct.

Under the four parts of the Constitution or its amendments to which we have referred, the qualifications of voters are to be fixed by the States, as the Constitution provides.

But now I refer to the 14th amendment, on page 542 of the Senate Manual. The Senator from South Carolina has already quoted from it.

Mr. THURMOND. Yes.

Mr. LAUSCHE. I read from it now, in section 2, beginning with the second sentence:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

I believe there is some inconsistency between that provision and the provisions of article I, section 2, and the provisions of the 15th amendment and those of the 17th amendment. Will the Senator from South Carolina again discuss section 2 of the 14th amendment, and give me his understanding of it?

Mr. THURMOND. I think it is res ipsa loquitur—it speaks for itself. What point does the Senator from Ohio have in mind?

Mr. LAUSCHE. The provision is:

> But when the right to vote at any election * * * is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States.

That seems to fix the qualifications of the right to vote.

Mr. THURMOND. I do not believe so. I believe the amendment provides that if a State denies citizens who are entitled to vote——

Mr. LAUSCHE. I see. They must be entitled to vote.

Mr. THURMOND. They must be entitled to vote under the State law. Then if a State denied such citizens that right, the procedure incorporated in the amendment would control.

Mr. LAUSCHE. I could understand that point quite clearly if the conditions were not fixed—that is, where the right to vote is denied to any of the male inhabitants of such State being 21 years of age and citizens of the United States.

That language leaves me with some doubt as to whether the authors of the amendment inadvertently fixed the terms of the right to vote in the amendment.

Mr. THURMOND. I do not believe that was the purpose at all. I believe the purpose is clear. I shall speak on that point a little later, and I might be able to clarify some of the things which the Senator has in mind. If he has any further questions, I ask him not to hesitate to intervene.

Mr. President, it has been suggested that article I, section 4, of the Constitution delegates to the National Government the ultimate right in determining voter qualifications. Article I, section 4, reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives, is to be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

The U.S. Supreme Court in the case of *Newberry* v. *United States*, 256 U.S. 232, said in respect to this section:

> Here is the source of congressional power over the elections specified. It has been so declared by this Court—*Ex parte Siebold*, 100 U.S. 371; *United States* v. *Gradwell*, 243 U.S. 476, 481—the early discussions clearly show that this was then the accepted opinion.

Having determined the source of congressional authority over elections, it now becomes necessary to determine the extent of that authority.

An examination of the proceedings at the Constitutional Convention in Philadelphia in 1787 and the contemporaneous documents written explaining the actions at the Convention reveal that this section was the result of a compromise. The majority of the delegates and the individual citizens in the country were of the opinion that the General Government should have absolutely no authority over elections. However, there was a substantial minority who realized the necessity of at least some degree of limited control over elections for positions in the National Government. In the Federalist, No. 59, Alexander Hamilton gave the arguments for those advocating some control over elections for national offices. As to this particular subject, he said:

> This provision has not only been declaimed against by those who condemn the Constitution in the gross; but it has been censured by those who have objected with less latitude and greater moderation; and, in one instance, it has been thought exceptional by a gentleman who has declared himself the advocate of every other part of the system.
>
> I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation. Every just reasoner will, at first sight, approve an adherence to this rule, in the work of the Convention; and will disapprove every deviation from it which may not appear to have been dictated by the necessity of incorporating into the work some

> particular ingredient, with which a rigid conformity to the rule was incompatible. Even in this case, though he may acquiesce in the necessity, yet he will not cease to regard and to regret a departure from so fundamental a principle, as a portion of imperfection in the system which may prove the seed of future weakness, and perhaps anarchy.

As one point with which to fortify his argument, Alexander Hamilton creates a hypothetical situation in which the National Government maintains absolute control over all elections including even State elections. As to this he says:

> Suppose an article had been introduced into the Constitution, empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle, in this case, would have required no comment; and, to an unbiased observer, it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, as far as possible, ought to depend on itself for its own preservations.

If the proposal presently pending before us is approved by Congress, this hypothetical situation posed by Mr. Hamilton will become a reality. While the authority to establish voter qualifications will not in itself result in complete control by the National Government, the perversion of the Constitution will establish a precedent whereby further incursions upon the rights of the individual States can be justified.

Mr. President, while Alexander Hamilton's arguments as to the necessity for the National Government to have some degree of control over elections for offices in the National Government was persuasive upon the people, he wrote with at least equal eloquence in defense of the rights retained by the States. In the Federalist, No. 60, he said:

> We have seen, that an uncontrollable power over the elections to the Federal Government could not, without hazard, be committed to the State legislatures. Let us now see what would be the danger on the other side; that is, from confiding the ultimate right of regulating its own elections to the Union itself. It is not pretended, that this right would ever be used for the exclusion of any State from its share in the representation. The interest of all would, in this respect at least, be the security of all. But it is alleged, that it might be employed in such a manner as to promote the election of some favorite class of men in exclusion of others, by confining the places of election to particular districts, and rendering it impracticable to the citizens at large to partake in the choice. Of all chimerical suppositions, this seems to be the most chimerical. On the one hand, no rational calculation of probabilities would lead us to imagine that the disposition which a conduct so violent and extraordinary would imply, could ever find its way into the national councils; and on the other, it may be concluded with certainty, that if so improper a spirit should ever gain admittance into them, it would display itself in a form altogether different and far more decisive * * * the dissimilarity in the ingredients which will compose the National Government, and still more in the manner in which they will be brought into action in its various branches, must form a powerful obstacle to a concert of view in any partial scheme of elections. There is sufficient diversity in the state of property, in the genius, manners, and habits of the people of the different ranks and conditions in society.

It is clear from a comparison of those two articles that, while some degree of control was considered necessary, it was to be strictly limited. The word "manner" is alleged by proponents of the pending proposal to encompass in its meaning qualifications and thereby nullify the intent of article I, section 2, of the Constitution. To reach this conclusion requires an act of legislative legerdemain which has never been equaled in the history of our country.

This contention is without basis in either fact or law. From a factual viewpoint the discussions contained in the Federalist, Nos. 59 and 60, disclose that no such degree of control was ever contemplated by the use of the word "manner." From a legal standpoint, this contention is in direct conflict with a general rule of law governing the construction of documents. This rule of law as set forth in 50 American Jurisprudence 371, section 367, provides that specific provisions of a document control as against more general ones, which, without the specific, would be included in the general. Therefore, the application of this general rule in construing these two phrases in the Constitution leads to the conclusion that the specific term "qualifications" controls, and the general term "manner" has no relevancy.

It must therefore be assumed that the word "manner" has reference to a completely different subject than is contemplated by the provisions of article I, section 2. Even in its usual sense, the word "manner" generally has reference to the procedure or the way of doing a particular thing, and can by no means be interpreted as delegating the authority to define who is to participate in that action.

Mr. President, the proponents of this proposal rely to a great extent upon both the 14th and 15th amendments to justify its passage. While the very validity of these two amendments is open to question, it is not my purpose to discuss that point at this time, but rather the application of these two amendments to the proposal at hand. Both these amendments are stated in negative terms. They are prohibitive in their nature, preventing certain action by the States. It is in this light that the last sections of both these amendments which give to Congress the power to enforce their provisions by appropriate legislation, must be read and understood. Any legislative enactment by Congress under the provisions of these amendments must be aimed at the prevention of some actual deprivation of right included in one of the two amendments. Congress does not have the power to enact general or affirmative legislation under the provisions of these amendments. This is a proposition which was settled shortly after the supposed adoption of these amendments in the *Civil Rights Cases,* 109 U.S. 3, and is no longer open to question.

Even the findings of fact contained in the so-called Civil Rights Act of 1957, which the voting sections in title I would amend, are not sufficient justification to satisfy the requirements stated in the Civil Rights cases. A pious statement by Congress that it finds certain facts is by no means conclusive on the subject. On the contrary, Mr. President, there is every reason to believe that the findings of facts contained in the 1957 act are erroneous. If they were true, the Attorney General, with the vast staff and authority which he has, certainly would have instigated suits to correct the injustices complained of. If injustices being perpetrated were anywhere near as glaring as the proponents of this proposal State, the mere fact that the procedure to remedy them is time consuming certainly should be no barrier to an instigation of litigation. If this is the case, then without a doubt the Attorney General is guilty of malfeasance as well as nonfeasance in office. Since his zeal in matters of this kind is well known, it would seem he would seize any opportunity to take corrective action.

The reports of the Civil Rights Commission on voting for 1961 and 1963 contain many generalizations indicating that a substantial number of citizens are deprived of the right to vote, mainly in Southern States. However, Mr President, it must be kept in mind that the purpose of the Civil Rights Commission is to ferret out evidence in an attempt to substantiate preconceived notions. The reports on voting, as well as the reports on other subjects, are completely lacking in objectivity. Rather than obtaining facts and attempting to draw conclusions based on an analysis of these facts, the Commission proceeds upon conclusions, interpreting them in the light of psychological and sociological manifestations. The treatment which South Carolina received in the 1961 report on voting is illustrative. In it, it is stated:

> The Commission has never received any sworn complaints from South Carolina. Unfortunately, this lack of complaints cannot, any more than in the case of Georgia, be taken as conclusive proof that there is no discrimination in the voting process there.

It is difficult for me to imagine any group of men possessing intuitive powers sufficient to reveal a pattern of discrimination when there are absolutely no facts to substantiate such a claim.

In their report, the Commission goes on to note that the voting records of three counties in South Carolina, supposed to be the principal violators, were subjected to an intensive inspection by the FBI at the direction of the Attorney General. Needless to say, these voter record inspections disclosed no actionable offenses. Nevertheless, the Civil Rights Commission was not stymied in reaching their preordained conclusions. Their conclusion that voting rights were being denied was reached in spite of, rather than because of, the fact that in five counties in which, according to the

Civil Rights Commission, the voting records had been inspected, no suits had been filed by the Attorney General.

For the most part, the report of the Civil Rights Commission draws its conclusion from a compilation of statistics comprised primarily of census figures on the proportions of each race living and voting in each particular county or State. Mr. President, those of us who are familiar with the situation from personal experience see this report of the Commission as proof of the fact that statistics can be made to lie. At this point, I should like to remind the Senate that although the Civil Rights Commission received voting complaints from 29 counties in 8 States, not one was from the State of South Carolina. I should also like to mention in this connection that at least two of those eight States were border States, and another was the State of New York.

Mr. President, not only has the South been judged guilty in this matter without any facts to substantiate the findings, but, indeed, the entire philosophy of those who support this legislation is impregnated with the basic idea that white southerners are not just second-class citizens, but, apparently, should have no rights whatsoever. This attitude was demonstrated thoroughly in this body in 1957 and it was reflected—even magnified—in the attitude of the Civil Rights Commission. This is more than amply illustrated in the Commission's own words when, in outlining the procedure to be used with regard to voting complaints, the Commission said, and I quote from page 69 of the report:

> And under no circumstances would the names of complainants or any identifying details of the complaints be revealed.

In other words, Mr. President, those accused of violating the United States and State laws making it a criminal offense to interfere with voting were not even to know the name of their accuser or the nature of the charge, much less to have the right to face their accuser and cross-examine him.

Considering the constitutional provisions on the subject and the other facts previously related, there exists absolutely no justification for this proposal on either the grounds of necessity or constitutionality.

Mr. McINTYRE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the distinguished Senator from New Hampshire.

Mr. McINTYRE. Title I of the bill applies to Federal elections, is that not correct?

Mr. THURMOND. The Senator is correct.

Mr. McINTYRE. Do I correctly understand from the speech of the Senator from South Carolina this afternoon that it is his opinion that article I, section 4 of the Constitution would not be a constitutional basis for this legislation?

Mr. THURMOND. I do not know of any provision in the Constitution which forms the basis for the proposed title.

Mr. McINTYRE. So far as title I is concerned, I believe the proponents take the position that the constitutionality of this section is based not only on article I, section 4, but also on the 14th amendment, the 15th amendment, and the implied powers of Congress to protect the purity of Federal ballots; but I am addressing myself to what seemed to me to be the principal point of the Senator's comments on the constitutionality of article I, section 4, that it does not apply and gives to the bill no constitutional basis, in his opinion.

Mr. THURMOND. I do not believe that the proposal, title I, which we are discussing, has any basis whatsoever in the Constitution. I believe it violates the Constitution. It is in direct contravention of the Constitution.

Mr. McINTYRE. Article I, section 4?

Mr. THURMOND. No; the proposed legislation, title I.

Mr. McINTYRE. The Senator does admit, however, that section 1, article IV is in the Constitution; does he not? It is part and parcel of it.

Mr. THURMOND. The Senator is correct. Page 515 of the Senate Manual contains the first article of the Constitution of the United States of America.

Mr. McINTYRE. I believe the Senator has read it.

Mr. THURMOND. It reads as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors—

That means the voters in each State—

> shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

That means that the article was later taken over, repeated, and incorporated as a part of the 17th amendment to the Constitution. It means that the Federal Government has provided that a person is entitled to vote in a Federal election, if he is entitled to vote under the State law for the most numerous branch of the State legislature, which of course means the House of Representatives.

So the Constitution has adopted as the qualification for voting in Federal elections the qualifications in the particular State concerned for voting for Members of the House of Representatives. To me it is very clear. I do not see any ambiguity about it. I do not see any authority for the contention that Congress must enact a law which would establish different qualifications. The Constitution has fixed the qualifications. The Constitution provides that the qualifications for voting in a Federal election in the State of New Hampshire shall be the same as the qualifications for one who votes for the House of Representatives in the State of New Hampshire.

Since the Constitution has definitely fixed such qualifications, how can Congress by statute change them?

If it is desired to establish a sixth grade education as a qualification for voting, it can be done legally and constitutionally; it can be done with a constitutional amendment. That is what would be required.

For 20 years bills were introduced to repeal the poll tax as a prerequisite for voting, and for 20 years those who opposed such a proposal said that Congress did not have the right to enact such a law, and that it would require a constitutional amendment to do it. For 20 years such bills were defeated.

Two years ago the Senator from Florida [Mr. HOLLAND] introduced his constitutional amendment, to bring about a repeal of the poll tax as a prerequisite to voting. Last year the required number of States adopted that amendment. Now it is a part of the Constitution. That was the proper way to go about it. If it were to be accomplished, that was the proper way to go about setting the qualifications for voting nationally.

I do not understand how those who make this proposal expect Congress to enact a law to fix different voting qualifications from those which have already been fixed in the Constitution of the United States.

Mr. McINTYRE. I am addressing myself to article I, section 4, of the Constitution, which the Senator has read in the course of his remarks. Let me repeat it:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Senator has admitted that title I refers only to elections.

Mr. THURMOND. Title I?

Mr. McINTYRE. Title I of the bill refers only to Federal elections. Is that correct?

Mr. THURMOND. I stated earlier in my speech—and I do not know whether the Senator was present—that the pending bill purports to have Congress exercise the power to tell the States under what conditions a test may be used to determine literacy of applicants for registration. The bill seeks to have Congress fix a mandatory interpretation of State statutes fixing qualifications of voters by defining what is "literacy" through the use of the transparent device of a "rebuttable presumption."

I said further that the provisions are made as broadly applicable as possible by the inclusion of an expansive and illogical definition of a "Federal election" as one held solely "or in part." I ask the Senator to pay particular attention to the words "or in part"—for electing or nominating a candidate for the Presidency, Vice-Presidency, presidential elector, Senator, or Congressman. The insertion of the words "or in part" causes the State elections in 46 of the 50 States to be brought within the purview of the control provisions. The four States which would not be affected are Kentucky, New Jersey, Virginia, and Wisconsin.

Mr. McINTYRE. Going back to article I, section 4 of the Constitution, we know that title I in the proposed legislation applies only to Federal elections.

Mr. THURMOND. That is the Senator's construction. I have just explained how it would affect virtually all elections.

Mr. McINTYRE. Does the Senator believe it would affect State elections directly?

Mr. THURMOND. I have explained as best I could how State elections would be affected in 46 of the 50 States under the wording of the bill. I am sure that if the Senator studied the bill carefully he would reach the same conclusion.

Mr. McINTYRE. Title I purports to cover only Federal elections. The Senator can draw any indirect implications he wishes, as a matter of personal opinion. I am trying to make my point. It is my understanding that the Senator believes that article I, section 4, is no constitutional basis for title I. Is that correct?

Mr. THURMOND. Article I, and whatever section the Senator wishes to use, or any other article of the Constitution that the Senator wishes to use, does not give any basis for the passage of such bill as is being advocated by those who espouse it.

Mr. McINTYRE. Then the Senator would be in denial of the Supreme Court's position in *Smiley* v. *Holm*, 285 U.S. 355—a 1932 case—wherein the Court, in citing article I, section 4, had this to say:

> It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved.

Mr. THURMOND. They have a right to enforce the provisions as to Federal elections where the Constitution and laws apply, that is, as to the time, place, and manner of elections. I again repeat that there is no provision in the Constitution of the United States—and the Senator can turn it upside down and inside out—that gives Congress the right to fix voting qualifications, because the Constitution has already fixed the qualifications. The Constitution has said that the qualifications for voting in any Federal election shall be the same as the qualifications for voting for the house of representatives in any particular State.

Mr. McINTYRE. This title does not attempt to fix any qualification whatever in voting; it merely attempts to fix fairness in the application of whatever standards are set in South Carolina or in Mississippi. It provides that such standards must be fairly administered.

Mr. THURMOND. Let me ask the Senator a question. Suppose this bill should be enacted and a man should be denied the right to vote. What would be his recourse?

Mr. McINTYRE. The Senator means that a prospective registrant in one of the States is denied his right to register?

Mr. THURMOND. To register or to vote. What would be his recourse?

Mr. McINTYRE. His recourse would be to make a complaint that he had been treated arbitrarily, if he had not been given the same kind of tests that had been given to other prospective applicants or registrants. Finally, any decision would be up to the courts.

Mr. THURMOND. The Senator means that it would be up to a court to make the decision?

Mr. McINTYRE. He might well have to go to court, unless the controversy were settled on a voluntary basis.

Mr. THURMOND. In other words, if a man were denied the right to register or vote, even after the bill was passed, he would still have to go into court. Is that correct?

Mr. McINTYRE. He might very well have to go to court to enforce his right.

Mr. THURMOND. Suppose the bill does not pass. Suppose a man were denied the right to register or vote, if the bill were not passed. What would be his redress then?

Mr. McINTYRE. He would have the same opportunity, but without the mechanisms provided by the bill, which would give him the assistance of the United States in helping him to meet the cost of trying to enforce his rights.

Mr. THURMOND. If he were denied the right to register or vote, under present law, he could go into court to enforce that right. If the bill were passed, and if he were denied the right to register or vote, he would still have to go into court. He would have to go to court in either case. I say to the Senator that there is plenty of law on the books already. The Attorney General of the United States now has all the law which he needs, if any question is raised about the law.

Mr. McINTYRE. Does the Senator mean that we are going through all this for a futile reason?

Mr. THURMOND. I merely state that so far as the voter is concerned, he must still go into court in order to be permitted to register to vote. That is the same thing he must do now, if he is not permitted to vote. We already have all the law which is needed.

I wish to make it clear again that if the Nation wants to establish a uniform qualification for voting, it can be done constitutionally. Why not submit a constitutional amendment, rather than ask Congress to enact a law which would be completely unconstitutional?

Mr. McINTYRE. It is the Senator's position that the bill is unconstitutional.

Mr. THURMOND. That is the position of the court, too.

Mr. McINTYRE. I wish to add one further observation before the Senator proceeds with his discourse. It is proposed to leave it to some poor soul to try to find the wherewithal to procure a lawyer. I understand that there are only about four lawyers in the State of Mississippi whom a Negro might employ to represent him.

I am fresh from the courts of New Hampshire. The costs of litigation have risen considerably. It is quite costly to pursue a suit all the way.

Mr. THURMOND. Has the Senator never heard of the NAACP?

Mr. McINTYRE. I have heard of it.

Mr. THURMOND. Has it not been engaged in cases in which suits have been brought on behalf of Negroes without any cost? Does it not do so now? It has been advertising it.

Mr. McINTYRE. It has won some cases, too, has it not?

Mr. THURMOND. It has won some cases.

Mr. McINTYRE. That is because a right was denied.

Mr. THURMOND. I am not saying a right was denied, because I was not the judge sitting in the case. I would not attempt to pass on the facts. No man is denied the right to obtain an attorney if he is a Negro, because today the Negro is almost a favored class of citizen in America.

I wish to see Negroes treated right. I wish to see everybody treated right; but this kind of thing can go too far.

Mr. McINTYRE. There is a provision in the bill which would require registrars to give fair examinations to applicants for voting rights. Is that not correct?

Mr. THURMOND. Would the Senator rather have some concern such as the Educational Testing Service, at Princeton, N.J., which conducts our teachers' examinations, or some similar concern, hold nationwide examinations, and let the examination papers be judged by numbers rather than names, so that no one will know the color, and the qualifications can be determined?

Mr. McINTYRE. No. The bill provides for the examination to be given. This is all the bill seeks to do. If the test is applied fairly and justly to Negro and white applicants alike, it would satisfy title I.

I do not know anything about the Princeton agency, or the reviews and questions to which the Senator has referred.

Mr. THURMOND. The Senator well knows that if any person now is denied the right to vote, he can go into court and enforce his right to vote if he is entitled to vote. The NAACP will represent him if he is a Negro. If he is not a Negro, there are other lawyers to represent him. No one has any trouble today in getting a lawyer, with the opportunities that are available. If the bill passes, he will still have to do that, if he is told that he is not entitled to vote. Indeed, under the provisions of the 1957 act, the Attorney General of the United States is authorized to bring the suit for him.

Mr. McINTYRE. Will the distinguished Senator from South Carolina tell me how large the NAACP staff is? Does the Senator have any idea how many lawyers there are?

Mr. THURMOND. The Senator probably has a better idea of that than I have. He is closer to it than I am.

Mr. McINTYRE. I am told that the staff of lawyers consists of nine lawyers in all.

Mr. THURMOND. It has ample means to hire lawyers. It employs lawyers in my State and in every State where they are needed. I can name some of the lawyers it employs.

Mr. McINTYRE. On the working staff, there are nine lawyers.

Mr. THURMOND. There are perhaps nine lawyers at the headquarters to send on special cases.

Mr. McINTYRE. Then the Senator does have an idea as to how many lawyers the NAACP employs. The Senator indicated he did not know how many lawyers it had.

Mr. THURMOND. I do not know how many lawyers are working for it. The Senator says there are nine. I suppose they are at headquarters. I suppose they would be used there or sent out on special cases in certain States. The NAACP employs lawyers in my State, and in other States.

Mr. McINTYRE. The Senator would not consider that to be a large number of lawyers for a national organization?

Mr. THURMOND. I could not tell.

Mr. McINTYRE. Would the Senator consider nine lawyers to be a big staff?

Mr. THURMOND. Perhaps there are not very many complaints about voting.

Mr. McINTYRE. I thank the distinguished Senator from South Carolina.

Mr. THURMOND. There has not been a single sworn complaint from South Carolina. The Civil Rights Commission said there had not been any sworn complaint. If it could have found any, it would have done something about it. In 1959 or 1960, I believe, the Attorney General sent the FBI down to South Carolina to investigate the matter, and they did not find any evidence.

Merely because there were not very many people from the Negro race voting, it was thought that evidence would be found which would reveal that they were denied the right to vote. That was not true. Not much interest was shown in the subject.

I wish to see every person who is entitled to vote given the right to vote, whether he be a Chinaman, a Negro, or a member of any other group. Everyone should have the right to vote who qualifies under the law.

The bill runs directly in the face of the Constitution. It would contravene the Constitution of the United States, whether the purpose is to make a play for a bloc of votes or whether the purpose is purely humanitarian, because it is felt that some people are denied the right to vote.

It was a great mistake not to follow the orderly process of amending the Constitution rather than seeking the enactment of a bill such as this.

Mr. McINTYRE. The Senator from South Carolina will agree with me, I am sure, that no person should have to pay money in order to enforce his constitutional rights.

Mr. THURMOND. Any time a citizen feels that his constitutional rights are violated, he has the privilege of taking steps to correct that abuse.

Some man might sue the Senator unjustly, and he might have to pay a legal fee to defend the suit when he feels he should not have to do so. No one can prevent anyone from bringing a suit.

Mr. McINTYRE. The Senator must agree with me that in an ideal situation no man should have to pay for legal fees in order to obtain his constitutional rights. Does the Senator not agree?

Mr. THURMOND. Any person has the right to go to court. If the legal authorities have made a ruling that is against any citizen, white, black, or otherwise, it is incumbent upon the citizen to obtain his own lawyer and go into court. If he is a Negro, the NAACP or the U.S. Attorney General will take care of his case. The white man has no one to take care of his case.

Mr. McINTYRE. If it is proved that he has that constitutional right, is it not too bad that he must pay his own hard-earned money in order to enforce that right?

Mr. THURMOND. He would have to go to court, just as he does now. There would be no difference. He would have to go into court in either case, if he claims he is denied the right to vote.

I do not want to see anybody illegally denied the right to vote. I daresay that in my State nobody is illegally denied the right to vote. I daresay there are relatively few places in the country where people are illegally denied the right to vote.

Very likely there is some little discrimination in every State. No one is perfect. No people of any State are perfect. But so far as I know, as a whole there is very little legitimate complaint about the matter of voting. The Attorney General has brought very few suits.

Mr. President, every section of the Constitution which contains any mention of the subject preserves inviolate the right of the several States to set qualifications for voters. While the Constitution itself is, or certainly should be, conclusive on the subject, much other material which substantiates this conclusion is available.

The proponents of this measure cannot receive satisfaction as to its constitutionality from the decisions of the courts. Since this would be the first time Congress has ever attempted to pass proposed legislation providing for uniform voter qualifications throughout the Nation, the constitutionality of this procedure has never been presented to the U.S. Supreme Court. However, in every case in which the matter has arisen, the supreme right of the States to establish qualifications for voters has been recognized. In the leading case of *Newberry* v. *U.S.*, 256 U.S. 232, the Court said:

> Ultimately, elections within the original intendment of section 4, were those wherein Senators should be chosen by legislators and Representatives by voters possessing "the qualifications requisite for electors of the most numerous branch of State legislatures" (art. I, secs. 2 and 3). The 17th amendment, which directs that Senators be chosen by the people, neither announced nor requires a new meaning of election and the word now has the same general significance as it did when the Constitution came into existence.

In the case of *Ex parte Yarbrough*, 110 U.S. 661, the Court clearly gave expression to the proposition that the authority to regulate voter qualifications was retained by the States, when it said:

> The importance to the General Government of having the actual election, the voting for its members, free from force and fraud, is not diminished by the circumstance that the qualifications of the voter are determined by the law of the State where he votes.

This basic constitutional principle, far from being overruled, has been followed and protected in every instance since those two decisions were handed down. In the 1959 case of *Venter* v. *Ryder*, 176, F. Supp. 90, 94, the Court held:

> Under our constitutional system, qualifications of voters is a matter committed to the States, subject only to Federal constitutional restraints prohibiting discrimination on account of race, color, sex.

The Court said, further:

> The question of whether or not a voter is a qualified elector is a State matter to be determined by State law and State courts.

I wish to repeat that part of the decision. In the case of Ventner against Ryder, the opinion of the Court, which was handed down in 1955, read in part as follows:

> The question of whether or not a voter is a qualified elector—

That means a qualified voter—

> is a State matter to be determined by State law and State courts.

Similar wording recognizing the supremacy of the States in establishing voter qualifications is to be found in the case of *Darby* v. *Daniel*, 168 F. Supp. 170, in which the Mississippi literacy test was upheld against a challenge on the ground of unconstitutionality.

The case of *Ex Parte Siebold*, 150 U.S. 371, which is relied on to sustain the constitutionality of this proposal, is confined entirely to the subject of regulation of elections under the provisions of article I, section 4, of the Constitution. It contains no discussion of the subject of voter qualifications. The question before the Court pertained to an alleged "stuffing of the ballot box" and the conduct of supervisory officials at the polls. The decision was limited only to determining whether those who were actually qualified under the State's qualification laws had been interfered with in their right of suffrage. It should be noted, Mr. President, that even the power granted to Congress under article I, section 4, is not exclusive or preemptive. The decision in the case of Ex Parte Siebold points out emphatically that this regulation is a cooperative effort, and that unless and until Congress sees fit to act, the regulations established by the States are in full force and effect. This is in direct contrast to the exclusive authority reserved to the States in article I, section 2, as to voter qualifications.

In the Siebold case, the Court dwelt at some length on the relation which exists between the Central Government and the State governments. On page 394 of that case it is said:

> The true interest of the people of this country requires that both the National and State Governments should be allowed, without jealous interference on either side, to exercise all the powers which respectively belong to them according to a fair and practical construction of the Constitution. States rights and the rights of the United States should be equally respected. Both are essential to the preservation of our liberties and the perpetuity of our institutions. But, in endeavoring to vindicate the one, we should not allow our zeal to nullify or impair the other.

This advice should certainly not go unheeded at this time when the State governments are in grave danger of losing their constitutionally reserved power over the qualifications of voters.

Mr. Justice Field dissented on a minor point in that case. In his dissent, he discussed briefly the supreme authority of the States in establishing qualifications for voters, by way of comparison to the issue under consideration by the Court. In discussing the extent of the authority of the National Government over elections, he said:

> Regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what should be the qualifications of the voter.

Even though this was not the main issue in the case, this statement represents the considered opinion of a highly respected Supreme Court Justice, and certainly is entitled to some recognition and respect by Congress.

The many decisions in any way connected with elections treat primarily with the protection of the right to vote. Although the Constitution of the United States confers the right to vote upon some people, that class is determined in accordance with State law. Thus, having the right conferred upon them, the individuals so selected are entitled to the protection of that right by the National Government. The case of Ex Parte Yarbrough, which I have previously mentioned, was a habeas corpus proceeding from the release of persons convicted and sentenced for conspiracy to intimidate a voter under a law which reads as follows:

> If two or more persons in any State or territory conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote—

Significantly, this law creates no rights. It merely protects the right for those who are entitled, under the provisions of the State law, to cast their ballots in elections for officers of the National Government.

On page 663 of the Yarbrough case, Mr. Justice Miller said:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures do not do this with reference to the election of the Members of Congress. Nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress.

This is a clear indication of the principle that while the right to vote for national offices is fundamentally based on the Constitution, nevertheless, it is conferred upon only those people who are qualified according to State law.

Mr. President, in the Yarbrough case, the Court anticipated the arguments used by the proponents of the present proposal, insofar as they rely upon the 15th amendment as justification. The 15th amendment is aimed at one thing and one thing only, and that is discrimination in voting solely on the grounds of race. After setting out the provisions of the 15th amendment, the Court explained it as follows:

> While it is quite true, as was said by this Court in *United States* v. *Reese* (92 U.S. 214), that this article gives no affirmative right to the colored man to vote, and is designed primarily to prevent discrimination against him whenever the right to vote may be granted to others, it is easy to see that under some circumstances it may operate as the immediate source of a right to vote. In all cases where the former slaveholding States had not removed from their constitutions the words "white man" as a qualification for voting, because, being paramount to the State law, it annulled the discriminating word "white," and thus left him in the enjoyment of the same right as white persons. Such would be the effect of any future constitutional provision of a State which should give the right to vote exclusively to white people, whether they be men or women. (*Neal* v. *Delaware*, 103 U.S. 370).

Thus we see, Mr. President, that this amendment only in rare instances conferred an immediate affirmative right upon anyone. It conferred upon the colored people the right to vote only to the same extent that other people were allowed to vote. It by no means placed any class of people in a superior position. If this amendment can be in any way construed as justification for the present proposal, then it logically follows that the 19th amendment could also be used as justification. The 15th and 19th amendments are exact counterparts, the only difference being that the 15th amendment prevents discrimination against Negroes solely because of their race, and the 19th prevents discrimination against women solely because of their sex.

If, indeed, the 15th amendment justifies this proposal, then all that is necessary to justify it as well under the 19th amendment is to change the finding of facts in the proposal recently before us so that it comes under the purview of the 19th amendment. If Congress piously cites as a fact, that literacy tests are used to discriminate against otherwise qualified voters, solely because of their sex, then following the reasoning of the proponents of this measure, this obvious abrogation of the rights of the several States is equally well justified. Yet, who among us is so foolish as to seriously suggest such an interpretation of the 19th amendment?

The very fact that the 17th amendment adopted the exact wording of article I, section 2, in the face of the provisions contained in amendment 15, is indeed significant. This is strong evidence of the fact that the Members of Congress and the States ratifying this amendment never understood or comprehended the terms of the 15th amendment as justifying the present proposal. Had they so interpreted that amendment, the provisions of article I, section 2, would certainly not have been incorporated into the 17th amendment. At least, I, for one, cannot ascribe to Congress the perpetration of such a useless act.

The question of the constitutionality of literacy tests both on their face and in their application has been presented to the courts on several occasions. Rarely has the court held a State's literacy test to determine the qualifications for voters to be unconstitutional on its face. On the contrary, literacy tests are recognized as a proper and constitutional vehicle for determining those who possess the qualifications necessary for the right of suffrage. A recent Supreme Court decision concerning the constitutionality of literacy tests was handed down in the case of *Lassiter* v. *North Hampton County Board of Elections*, 360 U.S. 45. This decision was rendered in 1959 and follows an unbroken line of precedents. In the Lassiter case, a Negro brought suit challenging the constitutionality of the North Carolina literacy test. In affirming the decision of the lower court upholding the constitutionality of the test, the court said:

> Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show.

No better characterization of the general overall applicability of literacy tests can be found. The Court has, indeed, in this phrase gone to the crux of the matter, and provided an adequate answer for the skeptics who view the literacy test as just a sham used to disenfranchise certain classes of otherwise qualified voters.

Other cases which have upheld literacy tests as against charges of unconstitutionality are: *Williams* v. *Mississippi*, 170 U.S. 213; *Trudeau* v. *Barnes*, 65 F. 2d 563; *Darby* v. *Daniel*, 168 F. Supp. 170, and *Williams* v. *McCulley*, 128 F. Supp. 897. Considering the holdings in these cases that literacy tests do not, per se, violate either the 14th amendment or the 15th amendment, neither of these two amendments will uphold the proposal to substitute in place of the literacy test a sixth-grade education.

Mr. JAVITS. Mr. President, will the Senator yield on this constitutional point?

Mr. THURMOND. I yield to the Senator from New York.

Mr. JAVITS. I shall ask a question based upon an assumption on which I do not ask the Senator to agree with me. Even though it should be found that literacy tests were used in such a way as to deprive individuals of the opportunity to register and vote, would the Senator still contend that Congress could not, by some appropriate statute—and that again would be subject to the constitutional test—deal with that situation?

Mr. THURMOND. In reply to the Senator from New York, in my opinion the Constitution of the United States has fixed the qualifications for voting in Federal elections. It has adopted the same qualifications that each State has for the voters of the house of representatives of the particular States. I do not think Congress could enact any bill that would be contrary to that provision. When a State has established qualifications for voters for members of the State's house of representatives, those same qualifications are the qualifications for voting in Federal elections. That is plainly what the Constitution provides. It could not be stated more plainly than it is stated in article I, section 2, which provides:

> The electors—

Which means the voters—

> in each State shall have the qualifications requisite for electors—

Which means voters—

> of the most numerous branch of the State legislature.

Therefore, since the Constitution has fixed those qualifications and has adopted the qualifications fixed by the States for electors of the State houses of representatives, they are the qualifications in Federal elections. Anything done to the contrary is unconstitutional.

I think it would be a different matter if a constitutional amendment were submitted and a sixth-grade education were adopted as a nationwide standard for voting in State and Federal elections. As I mentioned to the able Senator from New Hampshire a few moments ago when he was making inquiry about that question, for 20 years or more there was an effort to repeal the poll tax as a requisite to voting. Congress would not pass on it until the Senator from Florida [Mr. HOLLAND] submitted his constitutional amendment. It was submitted to the people and ratified by the States, and it is now a part of the Constitution.

If there are to be voting qualifications on a national scale that are applicable to both Federal elections and State elections, a constitutional amendment is essential.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. THURMOND. I yield.

Mr. JAVITS. The Senator from South Carolina has not mentioned the 15th amendment to the Constitution, which was adopted after the original provision in the Constitution. The 15th amendment provides expressly for the right of a citizen to vote and states that that right is not to be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude. It also specifically authorizes the Congress to pass implementing legislation.

I invite attention to the following quotation from the case of *Lane* v. *Wilson*, 307, U.S. 268, which states that the 15th amendment prohibits "contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color," that it "nullifies sophisticated as well as simple-minded modes of discrimination," and that it forbids "onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race."

I invite the Senator's attention to the very important fact that the provisions which Congress enacted in the 1957 and 1960 Civil Rights Acts to implement the right to vote have been sustained by the courts. Therefore the precedent is clearly established, based on the 15th amendment and its authorization of implementing legislation, that there is entirely adequate constitutional support for this particular title of the bill.

Mr. THURMOND. In reply to the Senator from New York, the 15th amendment merely provides that the United States or the States shall not deny or abridge anyone's right to vote on account of race, color, or previous condition of servitude. It makes no preference for one race or the other; it merely provides that no one shall be denied the right to vote because of race, color, or previous condition of servitude.

I discussed that point previously in my address when I believe the Senator from New York was not in the Chamber.

The 17th amendment, which is to be found on page 546 of the Senate Manual, and which is a part of the Constitution of the United States adopted subsequent to the 15th amendment, reiterates a portion of article I, section 2, word for word. This is the way it is incorporated in the 17th amendment. It reads:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures—

Which means the House of Representatives.

It is clear what the Congress meant and what the States meant when they submitted and ratified this amendment to the Constitution. It was intended that the States should decide the qualifications for voting in State elections. It was further intended that those qualifications were adopted as the qualifications for voting in Federal elections.

The principle is clear and plain, and the decisions have substantiated it. I have just quoted from decision after decision interpreting the meaning in the various cases that were taken to court.

Mr. JAVITS. Will the Senator yield further? I appreciate the Senator's willingness to debate the issue.

Mr. THURMOND. I am pleased to yield.

Mr. JAVITS. It seems to me that the case which absolutely settled the point was the famous case of United States against Classic, the so-called Texas white primary case. In that case the court went beyond the question of Federal elections into primaries, whether local or Federal. Nothing was said in the Constitution, either in the 15th amendment or in the body of the Constitution itself, or in the 17th amendment, with respect to primary elections. Yet when the court found that the practice was such as to nullify the guarantees of the Constitution with respect to the right to vote without racial discrimination, the court did not hesitate to strike down the practice.

Our argument is that where it has been demonstrated that the practice or procedure within a State is such as to nullify the right of every elector to be subjected to the same qualifications without discrimination, and where it has been found that if a white voter misspells a word in his application, or if he does not give precisely his right age, or if he makes some other minor error, his application is approved, but in the case of a Negro, it would be thrown out; then the courts will find that the Congress, in implementing the constitutional guarantee, may properly require that the State's qualifications be applied to all voters equally.

Our southern friends—except for a few like the Senator from Louisiana [Mr. ELLENDER] who was disarmingly frank on the subject—absolutely refuse to admit that anything is being done or has been done which represents other than the full and equal administration of the constitutional guarantee of the right to vote. The fundamental issue between us is the absolute refusal on one side to admit that a deep and legitimate grievance has persisted for a long time, which we seem unable to reach; hence the need for a law in order to implement the constitutional guarantee, because the constitutional guarantee has been constantly flouted on such a broad scale. That is the essence of the argument.

The reports of the Civil Rights Commission on voting are absolutely conclusive as to the outright and outrageous deprivation of voting rights which has taken place for so long in certain areas of the country.

I thank the Senator from South Carolina for yielding to me.

Mr. THURMOND. As to the case to which the Senator refers, there is no legislation on the 15th amendment, because the courts have held that under the 15th amendment no legislation is required.

The Senator refers to what happens in the South. Not a single sworn complaint about voting was mentioned in the Civil Rights Commission report on South Carolina, but there was a sworn complaint from the State of New York.

Mr. JAVITS. The Senator has said many times before that these statutes apply across the board. We are delighted to have this law in the State of New York. If it affects us, we shall abide by it. Section 2 of the 15th amendment provides:

> The Congress shall have power to enforce this article by appropriate legislation.

That is exactly what we are doing in proposing this legislation.

Mr. THURMOND. The courts have held that legislation is not necessary, that the 15th amendment is self-executing. The very decision to which the Senator referred a few moments ago is an illustration of that holding.

Mr. JAVITS. Exactly. But saying that legislation is not necessary, that it is self-executing, does not negate section 2, which provides that we may enact legislation when we need it. We claim that, based upon this record, it is clear that it is needed.

Mr. THURMOND. But not to fix qualifications for voting. If anything can be done it would be for the purpose of punishing the denial or abridgment of the right to vote, not to change qualifications for voting which title I of the bill attempts to do. I have seen no decision anywhere by any court, which holds that Congress has the right to contravene this section of the Constitution on voting. Article I, section 2 of the Constitution plainly provides: "and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

It is clear that the Constitution adopted as qualifications for voting in Federal elections the qualifications of each State for voting for the most numerous branch of the State legislature. After adoption of the 15th amendment, and as time went on, in order that there might be no question that this still was the intent of the Constitution, when the 17th amendment was adopted pertaining to the election of Senators by the people instead of the State legislatures, that identical wording was incorporated into the 17th amendment.

I cannot see how a bill can be passed that will attempt to fix any voting qualifications other than the qualifications of the State to vote for Members of the House of Representatives, because those are the qualifications which the Constitution and the amendments to the Constitution provide as the qualifications for people to vote in Federal elections.

Mr. JAVITS. Mr. President, will the Senator from South Carolina yield further?

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Does the Senator from South Carolina yield to the Senator from New York?

Mr. THURMOND. I am glad to yield.

Mr. JAVITS. In the first place, with respect to what the proposed statute provides, it would create only a rebuttable presumption of literacy based upon a certificate of a sixth-grade education. It does not absolutely preclude the State from demonstrating that the holder of that sixth-grade voting certificate is unable to pass a literacy test which is administered in a nondiscriminatory way. So under the proposed statute, the Federal Government would not be dictating the qualifications for electors. It would merely erect a safeguard to prevent electors from being discriminated against by strange applications of the State requirements.

With respect to the other issue relating to South Carolina in the Civil Rights Commission report, I should like to read into the RECORD what was said in its 1961 report, under the heading of South Carolina:

> The Commission has never received any sworn complaints from South Carolina. Unfortunately, this lack of complaints cannot, any more than in the case of Georgia, be taken as conclusive proof that there is no discrimination in the voting process there.
>
> ### M'CORMICK COUNTY
>
> In its 1959 report the Commission stated that in McCormick County, where Negroes comprised 62.6 percent of the total population, there was not a single Negro registered. The first Negro had in fact registered in August 1959, however, and three others registered in early May 1960. Then the U.S. Attorney General announced that the voting records of McCormick were to be inspected, and starting on the day a formal demand for inspection was delivered by FBI agents, 45 more Negroes registered. Some of these Negroes lost their jobs because they had registered, however, and as a consequence only 1 of the 49 registered appears to have voted in the June primary of 1960 and none in the November 1960 election. Fear of reprisals was the principal reason why Negroes had not registered until May 1960, and the same fear has deterred any further registration or voting.

The report continues:

> ### CALHOUN AND WILLIAMSBURG COUNTIES
>
> These two counties, also included in the Commission's Black Belt study, are similar to McCormick in that in both, fear of reprisals keeps Negroes away from the polls. In 1958 some Negroes were registered in both counties and some still are—about 26 (0.8 percent) in Calhoun and something less than 234 (2.2 percent) in Williamsburg. In Williamsburg, Negro registration appears to be kept down not only by threat of reprisals but by use of a separate room and waiting line for Negroes.
>
> At the time this report was prepared, the Department of Justice had inspected voting records in Clarendon and Hampton Counties, as well as McCormick. No suits had yet been brought in South Carolina to protect the right to vote.

Mr. President, I ask unanimous consent to include the record of voting registration statistics in Calhoun, Clarendon, Hampton, McCormick, and Williamsburg Counties in South Carolina, which shows that in 1956, 8.2 percent of Negroes of voting age were registered; and in 1962, the registration for whites was 83 percent, while the registration of Negroes was 7.4 percent of those of voting age.

It seems to me that these figures eloquently demonstrate the reason we contend that implementation of the 15th amendment has been made necessary by a factual situation which apparently cannot be corrected in any other way.

Mr. THURMOND. The Senator from New York was not in the Chamber when I quoted the very points which the Senator has now brought out. I brought out the same information that he has mentioned. The Civil Rights Commission fine combed the State. There was not a single sworn complaint about voting. Then the Commission makes some suggestion which indicates to me that perhaps it did not have all the facts. If there was a single person in South Carolina who was denied the right to vote, why did not the Civil Rights Commission bring it up and why was no suit brought by the Attorney General?

Not a single sworn complaint came from South Carolina. A sworn complaint did come from the State of New York.

On the point to which the Senator was referring a few moments ago, the bill further purports to have Congress exercise a power to tell the States under what conditions a test may be used to determine the literacy of applicants for registration.

As a final straw, the bill seeks to have Congress fix a mandatory interpretation of State statutes fixing qualifications of voters by defining what is "literacy" through the use of the transfer device of a "rebuttable presumption."

These provisions are made as broadly applicable as possible by the inclusion of an expansive and illogical definition of a "Federal election" as one held solely "or in part" for electing or nominating a candidate for the Presidency, Vice-Presidency, presidential elector, Senator, or Representative. The insertion of the words "or in part," causes the State elections in 46 of the 50 States to be brought within the purview of the control provisions.

The four States that would not come within this provision are Kentucky, New Jersey, Virginia, and Wisconsin.

Mr. SMATHERS. Mr. President, will the Senator yield to me for a question and an insertion, with the understanding that the Senator will not lose his right to the floor?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Florida with the understanding that I do not lose my right to the floor, and that upon resuming my speech it will not count as a second appearance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. First, although I have not heard all of the able Senator's speech, what I have heard him say with respect to voting, and about urging citizens, irrespective of race or color or creed, to vote in South Carolina, also applies in my State of Florida. In the last two elections a higher percentage of Negro citizens voted than white people. Three times I had the privilege of traveling throughout the State of Florida in connection with my own candidacy.

I do not recall one instance in which a Negro citizen was not encouraged to vote, or asked not to vote.

Although illustrations have been given over the past years with respect to the deprivation of the right to vote, such an evil is rapidly disappearing.

As I said the other day, in colloquy with the distinguished majority whip, I believe that to embark upon the proposed program in order to remedy an evil which is admittedly rapidly disappearing—and it should disappear—would result in the cure being worse than the disease.

As the able Senator has so properly expressed it, this section of the bill seeks to give the Federal Government authority which in fact it does not have specifically under the Constitution, and to give to a Federal agency the right to determine what the qualifications shall be, when, not once, but three times, in the Constitution of the United States, specific reference is made to the principle that the States shall have that right.

There is an attempt to cure a situation which existed at one time, but which is a rapidly disappearing evil. I do not know of any Senator who has not encouraged Negro citizens in his State to vote, and to vote for him. I have certainly asked them to vote for me. I am sure the Senator has done so also. I am sure every Senator seeks to have Negro citizens vote for him.

The proponents seek to set fire to the barn in order to get rid of a couple of rats. We are taking care of the situation in good style. We will see to it that this evil, which once was so prevalent, will entirely disappear. I congratulate the Senator on his speech. I entirely agree with him in that regard. We are doing a good job. If we are permitted to continue to do it, in time the evil will disappear, and citizens will no longer be deprived of the right to vote because of race, color, or creed. I do not believe anyone should be deprived of the right to vote for any one of those reasons.

Mr. THURMOND. The Senator is exactly correct. I know of no person in

South Carolina, who is illegally denied the right to vote, regardless of his race or creed, color, national origin, sex, or anything else. Everyone is entitled to vote who is qualified under the law to vote. We have a very simple provision with respect to qualifications. If a man can read and write the Constitution, which means that he can read and write, he is entitled to vote. If he cannot read or write, he can still vote if he owns $300 worth of assessed property.

More than 100,000 Negroes are registered to vote in South Carolina according to Negro leaders in the State. They have boasted of carrying elections. I have received no complaint. The Civil Rights Commission, which came down there, has found no one deprived of the right to vote. The Attorney General thought he would find something wrong because he was evidently relying solely on statistics. He sent some investigators there. His investigators did not find any discrimination. They did not find anyone who had been illegally denied the right to vote. There is a great deal of hullabaloo over nothing. This proposal is nothing more than an attempt to gain the votes of certain blocs. That is what the bill is all about, including the particular provision now under discussion. The Constitution is clear. A man is entitled to vote in a Federal election if he is entitled to vote for members of the most numerous branch of the State legislature.

There is no question about it. There has been no Court decision or act of Congress, or any provision added to the Constitution, repealing that qualification.

The provision was originally contained in article I, section 2, of the Constitution. It was reiterated and reincorporated into the 17th amendment to the Constitution. It is as plain as anything can be.

Article I, section 2, of the Constitution provides:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That language is as plain as anything can be.

Mr. SMATHERS. Under the provisions of the bill dealing with qualifications, it is presumed that a person with a sixth-grade education is entitled to vote. If we were to carry this to its logical conclusion, would we not finally get the point where we ought to say that everybody that has gone through the ninth grade ought to be permitted to vote? If that is what we are going to establish as a qualification for voting, I do not understand why they do not recommend that we go the rest of the way and say that everyone who has gone through the sixth grade, or junior high school, the sixth, seventh, eighth, ninth, or whatever grade it is, is entitled to vote—if this is what they are going to set as the standard.

I presume it would be said that everyone who has graduated from the 12th grade, whether they are 11, 12, 13, or 14 years old, ought to be able to vote. I do not believe that ought to happen. I believe there ought to be a certain maturity with respect to our voters.

We now set the age at 21 in most States. Some States have the age set at 18. The State of Georgia has only a limitation of 18. I do not believe even the most ardent proponent of this bill ought to go so far as to say that everybody in the seventh grade ought to vote. Yet this is the presumption they want to establish. If one has gotten out of the sixth grade, he is eligible and he cannot be denied the right to vote. If that is a logical argument, why do they not go all the way and say that all those in the seventh grade, eighth grade, or in junior high school are entitled to vote?

Mr. THURMOND. I agree with the Senator that if Congress should pass this bill, it is setting a precedent which might lead to some of the things which the Senator fears now. The Constitution is so clear and so plain on this subject that I feel it would be very dangerous to set any precedent which might lead to a decision along the lines the Senator has mentioned.

I am glad to yield to the distinguished Senator from North Carolina with the understanding that I do not lose the floor; further, that upon resuming my speech after yielding, it will not constitute another appearance; and further, this will appear at the conclusion of my address.

Mr. JORDAN of North Carolina. I commend the Senator for the fine discourse he is making not only on this section of the bill, but on the whole bill, particularly on the voting section which he is discussing at length at this point.

As the Senator knows, some of the States have a large proportion of foreigners, foreign-born citizens, or citizens of a territory or possession of the United States. Is it the belief of the Senator that these people should be able to read English and speak English before they are allowed to vote?

Mr. THURMOND. I certainly think they should be able to speak English and to read English before they are allowed to vote.

Mr. JORDAN of North Carolina. Have any of the opponents of the bill ever decided they wished to tell the State of New York, for instance, what kind of voting laws they ought to set up in their State?

Mr. THURMOND. I have never seen fit to tell the State of New York that they should require Puerto Ricans to be able to speak English as well as Spanish, or to tell any other group of people that they ought to be able to speak any particular language. The question of voting qualifications for the people of the State of New York should be left to the people of the State of New York.

Mr. JORDAN of North Carolina. That is what I wished to bring out.

Mr. THURMOND. I think the voting qualifications of all other States should be left to the people of those States. I think the Legislature of the State of New York is more capable of fixing voter qualifications for the people of their State than Congress would be to try to fix voting qualifications for the people of the whole Nation. I think the people of New York State understand their problem better than we do, and they would come nearer accomplishing their desires and wishes along the lines of voting qualifications than Congress could do.

Mr. JORDAN of North Carolina. That is the opinion which I have had all the time. We sometimes wonder why people get so zealous about telling us how we ought to vote in North Carolina, South Carolina, Virginia, Tennessee, Alabama, or some other State. I do not quite understand their concern about what is happening in our territory when we are going along pretty well. I have never engaged in any piece of legislation that I thought was to be forced on New York State, Pennsylvania, or some other State, some law which I thought that State ought to have. I think they ought to be able to set their own law, like they have done all these years, and they seem to be getting along pretty well.

Mr. THURMOND. I agree with the distinguished Senator from North Carolina. I think it would be a great mistake to pass any part of this so-called civil rights bill. If we take the bill section by section, it amounts really to this: it is really not a question of whether we believe in integration or segregation. The bill accomplishes a shift of power. It takes power away from the place where those who wrote the Constitution so delicately balanced it between the three branches of Government—the legislative, which makes the law; the administrative, which administers the law; and the judicial, which interprets the law. It is provided in the Constitution that a power not delegated to the Union, to the Central Government, to the Federal Government, is reserved to the States and to the people thereof. The bill is going to shift power. It will shift power away from where those who wrote the Constitution placed the power, at the State level, with individual citizens. It will bring the power to Washington and give it to the Federal Government, to be administered by Federal bureaucrats instead of letting the people back in the States, individual citizens, carry on as they have been doing.

Mr. JORDAN of North Carolina. I thank the distinguished Senator. That answers my question.

Mr. McINTYRE. Mr. President, will the Senator from South Carolina yield so that I may ask the Senator from Florida a question?

Mr. THURMOND. I will yield to the distinguished Senator from New Hampshire so that he might propound a question of the distinguished Senator from Florida. That is the same understanding with which I yielded to the Senator from Florida—if the Senator from Florida wishes that that be done. Does the Senator from Florida care to have the Senator from New Hampshire propound a question of him? If so, I will yield for that purpose.

Mr. SMATHERS. Mr. President, I like to talk to the Senator from New Hampshire, even when he reads the Civil

Rights Act, which shows that the whole State of Florida—go ahead I shall not make your speech for you.

Mr. McINTYRE. I have here the report of the Civil Rights Commission of 1963, and on page 32, I ask the distinguished Senator from Florida a question because of his remarks concerning the excellent program which is being followed on voter registration in Florida.

I notice these five counties in Florida, Flagler, Gadsden, Lafayette, Liberty, and Union. In the statistics as indicated here in the 1962 registration, I find that of the white citizens registered, 96 percent are registered to vote in the county of Flagler; and 15.8 percent of the Negroes registered, or a total of 133.

In the county of Gadsden——

Mr. SMATHERS. That is rather good. That is actually a higher percentage of colored people registered in that county than in New Hampshire, by 15 or 20 times. It is also a higher reading percentagewise than they have in New York.

Mr. McINTYRE. If the Senator will permit me to finish the question——

Mr. SMATHERS. I want the Senate to obtain all the facts. I merely thought I would throw that in.

Mr. McINTYRE. In Gadsden County, I find that 62 percent of the white citizens are registered to vote, whereas 3 percent of the Negro citizens are registered to vote.

And for Lafayette County and Liberty County, the figures are amazing; they show that 130 percent and 129 percent of the whites are registered to vote.

Mr. SMATHERS. Those are some of the most amazing percentages I have ever heard of—in other words, more than 100 percent. This is why sometimes I do not have a great deal of confidence in the reports of the Civil Rights Commission, for this report of the Commission uses the figure "129 percent." How could the Commission arrive at such a figure? Is it assumed that some of the "129 percent" come across the line from the next State or from the next county?

Mr. JORDAN of North Carolina. Does the Senator from Florida believe that all of them could read and write?

Mr. SMATHERS. I do not know; but certainly that is a ridiculous figure.

There have been times when Negro citizens in our State have not voted; but that is a rapidly disappearing situation. I have been in Flagler County and in Gadsden County many times, and I have talked with Negro citizens there and to white citizens there. I have said to them, "Go register and vote—and vote for me." We beg them to register and to vote. We provide telephone service in that connection, so that all they have to do is dial a telephone number, to find the place at which to register and to vote. We want them to.

Mr. McINTYRE. Is it not obvious that in some of the counties—those for which the figure zero is shown for the number of Negro voters—something else is needed?

Mr. SMATHERS. I do not think any Attorney General, no matter who he might be, would be able to succeed by trying to take them by the arm and by saying to them, "Go vote." We have been asking them to vote. The real problem is one of education.

That is why I stress the educational problem, for I think improved education is the only solution. Even if five more pages of laws with respect to voting were enacted and were placed on the statute books, it would not be possible thereby to induce any more citizens to vote, unless they wanted to vote.

The solution of the problem is to make them understand—as they are beginning to understand, today, in great numbers—the importance of voting. Many of them are becoming fine citizens in many respects; and when they obtain an education, their progress in many desirable ways is greatly improved.

This is why we are trying to provide more education and better education for all our citizens, particularly our Negro citizens. This is why in the past 10 years we have appropriated considerably more money for the education of Negro students, as regards the salaries of teachers and the school buildings and the classrooms, than we have for the white students. We are trying to help the Negro students catch up, so as to become—as they should become—active members of our society; and they want to do so.

The Senator from New Hampshire favors the establishment of a giant Federal bureaucracy to give assistance in connection with voting. But if that were to be done, and if the Federal Government were to say to those citizens, "We are going to help you vote, and we are going to regulate the voting in the way we decide"—against the specific requirements of the Federal Constitution—we do not think that would be right.

I do not take a back seat to any Senator—whether he comes from New Hampshire or from Montana, or from any other State—in my concern for the welfare of Negroes. I think we must do things for them; and we are trying to, and we have. I think there is just as little discrimination on my part with respect to a man because of his race or color or creed as there is on the part of the Senator from New Hampshire. But the problem in Florida is somewhat different from the problem in New Hampshire. As I recall the figures which were shown in connection with the chart which was displayed in the Senate Chamber a few days ago, it showed that less than 1 percent of the population of New Hampshire is composed of Negroes. So the Senator from New Hampshire does not understand the problem which exists in Florida, for in many counties of Florida more than 50 percent of the citizens are Negroes.

I was astounded when I went to New Mexico, several years ago, and saw there was discrimination there against the Indians. When I was in high school, I played on the football team with a Seminole Indian. He was a good football player, and we tried to get more of the Seminole Indians to play football on our team. There was no discrimination. But a different situation exists in New Mexico, where there is a large number of Indians; and the white people there are worried about the large number of Indians, and discrimination exists.

Similarly, in New York City—and let me ask where the Senator from New York is. It seems to me that he has left the Chamber. At any rate, in New York City one sees discrimination against the Puerto Ricans and also against certain religious groups.

Discrimination has existed from the earliest days of history. No matter what laws may be passed, there will continue to be discrimination for as long as any of us lives. I regret to say that discrimination is likely to continue. Certainly we should get rid of it, and we are getting rid of it. But we shall not be able to get rid of it by placing on the statute books more laws which provide that persons must give up their right to choose those with whom they wish to associate—whether Negroes or whites. In any case, all persons should have the right to choose their associates. When attempts are made to deprive them of that right, the attempts will fail; they never will succeed, because all of us are human, and all of us will find a way to be with the people we want to be with.

On the other hand, we do encourage all citizens in our State, regardless of race, color, or creed, to vote.

Mr. THURMOND. I thank the Senator from Florida.

Mr. McINTYRE. Mr. President, the Senator from Florida has said that the progress made in voter registration in his State is remarkable. However, I ask unanimous consent to have printed at this point in the RECORD, table A, on page 32 of the 1963 Report of the Civil Rights Commission, insofar as that table applies to those five counties in Florida.

Mr. STENNIS. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I yield.

Mr. STENNIS. Why not have printed in the RECORD the figures for all the counties of Florida?

Mr. McINTYRE. I would be glad to have that done, but I see in the 1963 report of the Commission only the figures for those five counties in Florida. Are the figures for the other counties of Florida available?

Mr. SMATHERS. There are 67 counties in Florida.

Mr. STENNIS. Mr. President, reserving the right to object—although I shall not object——

Mr. SMATHERS. Mr. President, I was involved in a brief conversation with the majority leader, and I did not hear all of the remarks of the Senator from New Hampshire. But I am sure he wishes to be fair; so I wish to have him place in the RECORD the figures for all the counties of Florida, and to include with the figures the percentages for all the counties of Florida.

Mr. McINTYRE. First, let me ask the Senator whether the figures for these five counties of his State are representative of the progress he says has been made in Florida.

Mr. SMATHERS. Florida must be making considerable progress, if 129 percent of those who are eligible to register to vote have registered.

Mr. McINTYRE. But that percentage is for the white voters.

Mr. SMATHERS. But how could there be such a situation?

Mr. McINTYRE. At any rate, 129 percent is a safety margin.

Mr. SMATHERS. Yes, a 29 percent safety margin. But how could there be 129 percent? If every eligible person registered to vote, that would be 100 percent. So where could the figure 129 percent come from? I do not know where it could be obtained.

At any rate, the point is that we are making great progress.

Three of the counties the Senator from New Hampshire has mentioned are, I believe, among the smallest in our State; and they are in the rural area.

Mr. McINTYRE. Does the Senator from Florida object to having these figures printed in the RECORD?

Mr. SMATHERS. I have no objection if the Senator from New Hampshire also will have printed in the RECORD the figures for all the other counties of Florida, so as to show the situation for the entire State. I am sure the Senator from New Hampshire wishes to be fair. So why not include in the RECORD the figures for all of the counties of Florida, including the figures for Dade County, which has a population of 1½ million people, and where about 800,000 of them have registered to vote, and where the percentage of Negroes who are eligible to vote is higher than the percentage for the whites. So I ask the Senator from New Hampshire to have those figures, too, printed in the RECORD, for I know he wishes to be fair.

Mr. McINTYRE. All I want to do is have printed in the RECORD the figures for the five counties referred to.

Mr. SMATHERS. I know that is what the Senator from New Hampshire wants done. But if he wants to have that done, I believe he should also ask that the figures for all the other counties of Florida be printed in the RECORD. Is not that the fair way to proceed?

Mr. McINTYRE. Mr. President, I ask unanimous consent that the figures for all the counties of Florida be printed in the RECORD, just as soon as they can be made available, in response to the request of the Senator from Florida.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Is there objection? Without objection, it is so ordered.

(The figures will appear hereafter in the RECORD.)

Mr. TALMADGE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield to the able Senator from Georgia; and I ask unanimous consent to do so on the same basis as that on which I yielded to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. I ask the Senator from South Carolina whether there are already on the statute books more Federal laws pertaining to the right to vote than perhaps the number of Federal laws which deals with any other subject.

Mr. THURMOND. In reply to the question of the Senator from Georgia, I must say that there already are ample laws on the statute books. That is the very point I made a few minutes ago in answering the question of the Senator from New Hampshire. I stated that if the law now proposed were to be enacted and if thereafter a man claimed that he was denied the right to register and to vote, he would have to go into court. But that is what he would have to do under existing law. In other words, if a citizen claims he is discriminated against, his redress is to be had in court, in either case; and there are already on the statute books all the laws that are needed.

If any qualified citizen does not vote today, the explanation must be either that he does not desire to vote or that he has not complained about not voting. If he complains to the Attorney General, I am sure his complaint will be called to the attention of the proper officials of the Department of Justice, and his case will be handled properly.

All one needs to do today is to show a desire to vote. If Negroes are not allowed to vote, they may contact the NAACP, they will take his case and furnish him with a lawyer without charge, or send a sworn complaint to the Attorney General, who is now authorized to bring the suit for him in the name of the United States.

Mr. TALMADGE. I ask the Senator from South Carolina if there are not six Federal statutes that provide criminal penalties for interfering with the right to vote?

Mr. THURMOND. The Senator from Georgia is correct. There are at least six statutes.

Mr. TALMADGE. Will the Senator confirm that those statutes are as follows: 18 United States Code Annotated, section 241; 18 United States Code Annotated, section 242; 18 United States Code Annotated, section 594; 18 United States Code Annotated, section 595; 18 United States Code Annotated, section 597; 18 United States Code Annotated, section 601?

Mr. THURMOND. Yes. Mr. President, I ask unanimous consent that those statutes be printed in the RECORD at this point.

There being no objection, the statutes were ordered to be printed in the RECORD, as follows:

CHAPTER 13.—CIVIL RIGHTS

Sec.
241. Conspiracy against rights of citizens.
242. Deprivation of rights under color of law.
243. Exclusion of jurors on account of race or color.
244. Discrimination against person wearing uniform of armed forces.

§ 241. Conspiracy against rights of citizens.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than ten years, or both. (June 25, 1948, ch. 645, 62 Stat. 696.)

Legislative history

REVISER'S NOTE.—Based on title 18, U.S.C., 1940 ed., § 51 (Mar. 4, 1909, ch. 321, § 19, 35 Stat. 1092).

Clause making conspirator ineligible to hold office was omitted as incongruous because it attaches ineligibility to hold office to a person who may be a private citizen and who was convicted of conspiracy to violate a specific statute. There seems to be no reason for imposing such a penalty in the case of one individual crime, in view of the fact that other crimes do not carry such a severe consequence. The experience of the Department of Justice is that this unusual penalty has been an obstacle to successful prosecutions for violations of the act.

Mandatory punishment provision was rephrased in the alternative. (See reviser's note under section 201 of this title.)

Minor changes in phraseology were made.

Cross references

Action for neglect to prevent, see section 1986 of title 42, the Public Health and Welfare.

Conspiracy to commit offense or to defraud United States, see section 371 of this title.

Conspiracy to interfere with civil rights, see section 1985 of title 42, the public health and welfare.

Proceedings in vindication of civil rights, see section 1989 of title 42, the public health and welfare.

§ 242. Deprivation of rights under color of law.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 696.)

Legislative history

REVISER'S NOTE.—Based on title 18, U.S.C., 1940 ed., section 52 (Mar. 4, 1909, ch. 321, § 20, 35 Stat. 1092).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

A minor change was made in phraseology.

Cross references

Civil action for deprivation of rights, see section 1983 of title 42, the Public Health and Welfare.

Equal rights under the law, see section 1981 of title 42, the Public Health and Welfare.

Proceedings in vindication of civil rights, see section 1989 of title 42, the Public Health and Welfare.

§ 243. Exclusion of jurors on account of race or color.

No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than $5,000. (June 25, 1948, ch. 645, 62 Stat. 696.)

Legislative history

Reviser's Note.—Based on section 44 of title 8, U.S.C., 1940 ed., Aliens and Nationality (Mar. 1, 1875, ch. 114, § 4, 18 Stat. 336).

Words "be deemed guilty of a misdemeanor, and" were deleted as unnecessary in view of definition of disdemeanor in section 1 of this title. (See reviser's note under sec. 212 of this title.)

Words "on conviction thereof" were omitted as unnecessary, since punishment follows only after conviction.

Minimum punishment provisions were omitted. (See reviser's note under section 203 of this title.)

Minor changes in phraseology were made.

Cross references

Bribery and graft:

Acceptance or solicitation by judicial officer, see section 208 of this title.

Bribes to judicial officers, see section 206 of this title.

Civil rights generally, see section 1981 et seq. of title 42, the Public Health and Welfare.

Exclusion or excuse from jury service, see section 1863 of title 28, judiciary and judicial procedure.

Grand jurors, number of and summoning additional jurors, see section 3321 of this title.

Juries generally, see section 1861 et seq. of title 28, judiciary and judicial procedure.

Manner of drawing jurors, see section 1864 of title 28, judiciary and judicial procedure.

Qualifications of jurors, see section 1861 of title 28, judiciary and judicial procedure.

Summoning jurors, see section 1867 of title 28, judiciary and judicial procedure.

Federal rules of civil procedure

Jurors, see rule 47, title 28, appendix, judiciary and judicial procedure.

Federal rules of criminal procedure

Grand jury, see rule 6, appendix to this title.

Trial jurors, see rule 24.

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§ 594. Intimidation of voters.

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 720.)

Legislative history

Reviser's Note.—Based on title 18, U.S.C., 1940 ed., §§ 61, 61g (Aug. 2, 1939, 11:50 a.m. E.S.T., ch. 410, §§ 1, 8, 53 Stat. 1147, 1148).

This section consolidates sections 61 and 61g of title 18, U.S.C., 1940 ed., with changes in phraseology only.

Canal Zone

Applicability of section to Canal Zone, see section 14 of this title.

§ 595. Interference by administrative employees of Federal, State, or Territorial Governments.

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia, or any agency or instrumentality thereof, or by any State, Territory, or possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or possession, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any State or political subdivision thereof, or by the District of Columbia or by any Territory or possession of the United States; or by any recognized religious, philanthropic or cultural organization. (June 25, 1948, ch. 645, 62 Stat. 720.)

Legislative history

Reviser's Note.—Based on title 18, U.S.C., 1940 ed., §§ 61a, 61g, 61n, 61s, 61u (Aug. 2, 1939, 11:50 a.m., E.S.T., ch. 410, §§ 2, 8, 53 Stat. 1147, 1148; July 19, 1940, ch. 640, § 1, 54 Stat. 767; Aug. 2, 1939, ch. 410, §§ 14, 19, as added July 19, 1940, ch. 640, § 4, 54 Stat. 767; Aug. 2, 1939, ch. 410, § 21, as added Oct. 24, 1942, ch. 620, 56 Stat. 986).

This section consolidates sections 61s, 61n, and 61g with 61a, all of title 18, U.S.C., 1940 ed., in first paragraph, and incorporates section 61u as second paragraph.

Words "or agency thereof" and words "or any department or agency thereof" were inserted to remove any possible ambiguity as to scope of section. (See definitions of department and agency in section 6 of this title.)

Words "or by the District of Columbia or any agency or instrumentality thereof" were inserted upon authority of section 61n of title 18, U.S.C., 1940 ed., which provided that for the purposes of this section, "persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States."

After "State" the words "Territory, or Possession of the United States" were inserted in two places upon authority of section 61s of title 18, U.S.C., 1940 ed., which defined "State," as used in this section, as "any State, Territory, or possession of the United States."

The punishment provision was derived from section 61g of title 18, U.S.C., 1940 ed., which, by reference, made this punishment applicable to this section.

The second paragraph was derived from section 61u of title 18, U.S.C., 1940 ed., which made its provisions applicable to this section by reference.

Changes were made in phraseology.

Canal Zone

Applicability of section to Canal Zone, see section 14 of this title.

§ 597. Expenditures to influence voting.

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

Legislative history

Reviser's Note.- -Based on sections 250, 252, of title 2, U.S.C., 1940 ed. The Congress (Feb. 28, 1925, ch. 368, title III, §§ 311, 314, 43 Stat. 1073, 1074).

This section consolidates the provisions of sections 250 and 252 of title 2, U.S.C., 1940 ed., The Congress.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

The punishment provisions of section 252 of title 2, U.S.C., 1940 ed., The Congress, were incorporated at end of section upon authority of reference in such section making them applicable to this section.

Words "or both" were added to conform to the almost universal formula of the punishment provisions of this title.

Changes were made in phraseology.

Cross references

Definitions of terms applicable to this section, see section 591 of this title.

§ 601. Deprivation of employment or other benefit for political activity.

Whoever, except as required by law, directly or indirectly, deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible by any act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

Legislative history

Reviser's Note.—Based on title 18, U.S.C., 1940 ed., §§ 61c, 61g (Aug. 2, 1939, 11:50 a.m., E.S.T., ch. 410, §§ 4, 8, 53 Stat. 1147, 1148).

This section consolidates sections 61c and 61g of title 18, U.S.C., 1940 ed.

The words "except as required by law" were used as sufficient to cover the reference to the exception made to the provisions of subsection (b), section 61h of title 18, U.S.C., 1940 ed., which expressly prescribes the circumstances under which a person may be lawfully deprived of his employment and compensation therefor.

Changes were made in phraseology.

Canal Zone

Applicability of section to Canal Zone, see section 14 of this title.

Mr. THURMOND. Mr. President, I point out that those statutes are in addition to the State laws on the subject.

Mr. TALMADGE. They are in addition to the State laws on the subject, and those are the criminal provisions only.

I ask the able Senator from South Carolina if there are not nine civil statutes that protect the right to vote.

Mr. THURMOND. The distinguished Senator from Georgia is correct.

Mr. TALMADGE. Will the Senator ask unanimous consent that the following statutes be printed in the Record at this point: 42 United States Code annotated section 1971; 42 United States Code annotated section 1972; 42 United States Code annotated section 1974; 42 United States Code annotated section 1975; 42 United States Code annotated section 1981; 42 United States Code annotated section 1983; 42 United States Code annotated 1985; 42 United States Code annotated section 1986; and 42 United States Code annotated section 1987.

Mr. THURMOND. Mr. President, I ask unanimous consent that the statutes referred to by the able Senator from Georgia be printed in the RECORD.

There being no objection, the statutes were ordered to be printed in the RECORD, as follows:

CHAPTER 20.—ELECTIVE FRANCHISE

Sec.
1971. Voting rights:
(a) Race, color, or previous condition not to affect right to vote.
(b) Intimidation, threats, or coercion.
(c) Preventive relief; injunction; costs.
(d) Jurisdiction; exhaustion of other remedies.
(e) Contempt; assignment of counsel; witnesses.
1972. Interference with freedom of elections.

§ 1971. Voting rights:

(a) Race, color, or previous condition not to affect right to vote.

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary, notwithstanding.

(b) Intimidation, threats, or coercion.

No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) Preventive relief; injunction; costs.

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

(d) Jurisdiction; exhaustion of other remedies.

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(e) Contempt; assignment of counsel; witnesses.

Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel. (R. S. § 2004; Sept. 9, 1957, Pub. L. 85-315, pt. IV, § 131, 71 Stat. 637.)

Derivation

Act May 31, 1870, ch. 114, § 1, 16 Stat. 140.

References in text

This act, referred to in subsec. (e), means Pub. L. 85-315, which is classified to this section and sections 1975-1975e and 1995 of this title, section 295-1 of title 5, Executive Departments and Government officers and employees, and sections 1343 and 1861 of title 28, judiciary and judicial procedure.

Amendments

1957—Public Law 85-315, § 131 (a), amended catchline by substituting "Voting rights" for "Race, color, or previous condition not to affect right to vote".

Subsec. (a), formerly entire section, so designated by Public Law 85-315, § 131 (b).

Subsecs. (b)—(e) added by Public Law 85-315, § 131 (c).

§ 1972. Interference with freedom of elections.

No officer of the Army, Navy, or Air Force of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. (R.S. § 2003.)

Derivation

Act Feb. 25, 1865, ch. 52, § 1, 13 Stat. 437.

Codification

Air Force was inserted to conform to section 207 (a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 502, which established a separate Department of the Air Force, and Secretary of Defense Transfer Order No. 40 [App. A(10)], July 22, 1949, which transferred certain functions to the Air Force. Section 207 (a), (f) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 8011—8013 continued the military Department of the Air Force under the administrative supervision of a Secretary of the Air Force.

CHAPTER 20A.—CIVIL RIGHTS COMMISSION

Sec.
1975. Commission on Civil Rights.
(a) Establishment.
(b) Composition; appointment.
(c) Chairman and Vice Chairman.
(d) Vacancies.
(e) Quorum.
1975a. Rules of procedure.
(a) Opening statement.
(b) Copy of rules.
(c) Attendance of counsel.
(d) Censure and exclusion of counsel.
(e) Defamatory, degrading or incriminating evidence.
(f) Requests for additional witnesses.
(g) Release of evidence taken in executive session.
(h) Submission of written statements.
(i) Transcripts.
(j) Witness fees.
(k) Restriction on issuance of subpena.
1975b. Compensation of members.
1975c. Duties; reports; termination.
1975d. Powers.
(a) Staff director; appointment and compensation; personnel and services.
(b) Services of voluntary or uncompensated personnel.
(c) Advisory committees.
(d) Exemption from conflict-of-interest statutes.
(e) Cooperation with Federal agencies.
(f) Hearings; issuance of subpenas.
(g) Aid of courts in enforcing subpenas.
1975e. Appropriations.

§ 1975. Commission on Civil Rights.

(a) Establishment.

There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) Composition; appointment.

The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) Chairman and Vice Chairman.

The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Vacancies.

Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Quorum.

Four members of the Commission shall constitute a quorum. (Pub. Law 85-315, pt. I, § 101, Sept. 9, 1957, 71 Stat. 634.)

Short title

Section 161 of Pub. Law 85-315 provided that Pub. Law 85-315, which enacted sections 1975—1975e and 1995 of this title, and section 295-1 of title 5, Executive Departments and Government Officers and Employees, amended section 1971 of this title, and sections 1343 and 1861 of title 28, Judiciary and Judicial Procedure, and repealed section 1993 of this title, should be popularly known as the "Civil Rights Act of 1957."

§ 1975a. Rules of procedure.

(a) Opening statement.

The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) Copy of rules.

A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Attendance of counsel.

Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) Censure and exclusion of counsel.

The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) Defamatory, degrading or incriminating evidence

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

(f) Requests for additional witnesses.

Except as provided in this section and section 1975d (f) of this title, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

(g) Release of evidence taken in executive session.

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

(h) Submission of written statements.

In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

(i) Transcripts.

Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if even at an executive session, when authorized by the Commission.

(j) Witness fees.

A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

(k) Restriction on issuance of subpena.

The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business. (Pub. Law 85–315, pt. I, § 102, Sept. 9, 1957, 71 Stat. 634.)

§ 1975b. Compensation of members.

(a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards. (Pub. Law 85–315, pt. I, § 103, Sept. 9, 1957, 71 Stat. 635.)

§ 1975c. Duties; reports, termination.

(a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from September 9, 1957.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist. (Public Law 85–315, pt. I, § 104, Sept. 9, 1957, 71 Stat. 635.)

§ 1975d. Powers.

(a) Staff director; appointment and compensation; personnel and services.

There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 55a of title 5, but at rates for individuals not in excess of $50 per diem.

(b) Services of voluntary or uncompensated personnel.

The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term "whoever" as used in paragraph (g) of section 1975a of this title shall be construed to mean a person whose services are compensated by the United States.

(c) Advisory committees.

The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

(d) Exemption from conflict-of-interest statutes.

Members of the Commission, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18, and section 99 of title 5.

(e) Cooperation with Federal agencies.

All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(f) Hearings; issuance of subpenas.

The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 1975a (j) and (k) of this title, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

(g) Aid of courts in enforcing subpenas.

In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof. (Pub. Law 85–315, pt. I, § 105, Sept. 9, 1957, 71 Stat. 636.)

References in text

The civil-service laws, referred to in subsec. (a), are classified generally to title 5, Executive Departments and Government Officers and Employees.

The classification laws, referred to in subsec. (a), probably refers to the Classification Act of 1949, which is classified to chapter 21 of title 5.

This act, referred to in subsec. (f), means Pub. Law 85–315, which is classified to sections 1971, 1975—1975e, and 1995 of this title, section 295–1 of title 5, Executive Departments and Government Officers and Employees, and sections 1343 and 1861 of title 28, Judiciary and Judicial Procedure.

§ 1975e. Appropriations.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this act. (Pub. Law 85–315, pt. I, § 106 Sept. 9, 1957, 71 Stat. 636.)

References in text

This act, referred to in the text means Pub. Law 85–315, which is classified to sections 1971, 1975—1975e, and 1995 of this title, section 295–1 of title 5, Executive Departments and Government Officers and Employees, and sections 1343 and 1861 of title 28, Judiciary and Judicial Procedure.

CHAPTER 21.—CIVIL RIGHTS

Sec.
1981. Equal rights under the law.
1982. Property rights of citizens.
1983. Civil action for deprivation of rights.
1984. Same; review of proceedings.
1985. Conspiracy to interfere with civil rights.
  (1) Preventing officer from performing duties.
  (2) Obstructing justice; intimidating party, witness, or juror.
  (3) Depriving persons of rights or privileges.
1986. Same; action for neglect to prevent.
1987. Prosecution of violation of certain laws.
1988. Proceedings in vindication of civil rights
1989. Commissioners; appointment of persons to executive warrants.
1990. Marshal to obey precepts; refusing to receive or executive process.
1991. Fees; persons appointed to execute process.
1992. Speedy trial.
1993. Repealed.
1994. Peonage abolished.
1995. Criminal contempt proceedings; penalties; trial by jury.

§ 1981. Equal rights under the law.

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (R. S. § 1977.)

* * * * *

Derivation

Act Apr. 9, 1866, ch. 31, § 1, 14 Stat. 27.

§ 1983. Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R. S. § 1979.)

Derivation

Act Apr. 20, 1871, ch. 22, § 1, 17 Stat. 13.

* * * * *

§ 1985. Conspiracy to interfere with civil rights.

(1) Preventing officer from performing duties.

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror.

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges.

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (R.S. § 1980.)

Derivation

Acts July 31, 1861, ch. 33, 12 Stat. 284; Apr. 20, 1871, ch. 22, § 2, 17 Stat. 13.

§ 1986. Same; action for neglect to prevent.

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of person guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. (R. S. § 1981.)

Derivation

Act Apr. 20, 1871, ch. 22, § 6, 17 Stat. 15.

§ 1987. Prosecution of violation of certain laws.

The United States attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506—5516 and 5518—5532 of the Revised Statutes, and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. (R. S. § 1982; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

Derivation

Acts Apr. 9, 1866, ch. 31, § 4, 14 Stat. 28; May 31, 1870, ch. 114, § 9, 16 Stat. 142.

References in text

R. S. §§ 5506—5516 and 5518—5532, referred to in this section, which related to crimes against the elective franchise and civil rights of citizens, were all repealed by acts Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153, or Feb. 8, 1894, ch. 25, § 1, 28 Stat. 37. However, the provisions of sections 5508, 5510, 5516, 5518, and 5524—5532 were substantially reenacted by act Mar. 4, 1909, and were classified to former sections 51, 52, 54—59, 246, 428, and 443—445 of title 18. Such sections of title 18 were repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and are now covered by sections 241, 242, 372, 592, 593, 752, 1071, 1581, 1583, and 1588 of title 18, Crimes and Criminal Procedure.

Change of name

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorneys" for "district attorneys". See section 501 of title 28, Judiciary and Judicial Procedure.

Mr. TALMADGE. I ask the Senator from South Carolina if the 6 statutes involving criminal penalties to protect the right to vote and the 9 civil statutes protecting the right to vote do not make a total of 15 laws already on the statute books guaranteeing the right to vote?

Mr. THURMOND. Those laws provide every protection that any citizen, white or black, could desire.

Mr. TALMADGE. Are not 15 statutes protecting the right to vote 50 percent more than all the codes that the Lord himself handed from Mount Sinai to regulate human conduct?

Mr. THURMOND. I prefer not to go into a discussion of the Bible at this point, particularly in view of the unholy nature of the bill we are now discussing.

Mr. TALMADGE. That is 50 percent more laws than were handed down.

Mr. THURMOND. I agree with the Senator on that point.

I remember that the Senator collated the laws to which he has referred in 1960, when a civil rights bill was before the Senate. He then called attention to the various Federal statutes on the law books which preserve and protect the right to vote. No citizen can claim that he cannot vote in any State of our Nation because there are many Federal laws, and, in addition to the six criminal Federal laws and the nine civil Federal laws, there are State laws on the books that also protect the right to vote. Every State has a law that punishes a person who tries to prevent someone from voting. Again I reiterate that today qualified citizens have no excuse for not voting if they wish to vote. We do not need any further laws to assist him in that respect.

The able Senator from Georgia, who was once a great Governor of a great State, has rendered a fine service in calling attention today to Federal laws that preserve and protect the right to vote. I am glad that they have been ordered printed in the RECORD.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the Senator from New York.

Mr. JAVITS. I have listened with the greatest of care to the Senator's argument and to the enumeration of the criminal statutes that are on the books. Now we have the civil statutes of 1957 and 1960.

I ask the Senator whether our real problem is not that those laws do not work. I ask the Senator if he takes issue with the summary of the 1963 report of the Civil Rights Commission, which is composed equally of three southerners and three northerners, from which, at page 26, I shall read only one sentence:

> The conclusion is inevitable that the present legal remedies for voter discrimination are inadequate.

I also call attention to the following sentence under "Recommendations":

> Abridgement of the right to vote on the ground of race persists in the United States in direct violation of the Constitution.

Mr. President, I have pointed out those sentences. I would deeply appreciate the Senator's comment.

The Senator has said that complaints have been received from New York. The complaints from New York are to the effect that Puerto Rican voters, who say that they can qualify in Spanish, are required by New York law to qualify in the English language. Therefore they cannot vote if they do not qualify in the English language.

But there is no complaint from New York that a particular voter is intimidated; or, if he misspells one word, his application is thrown out; or that he waits 8 hours on a line and then is told to come back the next day; or that the sheriff sidles up to him with a gun on his hip and says, "Oh, I see you are here to register. That is not a very good idea, is it?" and the prospective voter then turns tail and goes home.

Mr. THURMOND. Will the Senator tell me where such an incident occurred?

Mr. JAVITS. I shall check on the individual places and tell the Senator. The information is in a report that I do not have at this moment. I shall state the exact instances.

But I should like to point out to the Senator that that is the very thing which we are trying to reach in the proposed legislation. I repeat what I said a while ago. Are we not up against the problem with our friends from the South that they will not concede the fundamental proposition, which seems to be so thoroughly documented as to be almost self-evident, that there are discriminatory denials of the right to vote. Would they not be better advised to give us their recommendation as to what should be done about it? The discriminatory denial of voting rights is one of the key grounds for the strong protest which is being made in the form of public demonstrations. We can talk about such matters from today until doomsday, but we cannot refute the fact that the newspapers daily report trouble which citizens have in trying to vote. I ask the Senator whether we would not all be better off if we, in the South as well as in the North, frankly faced the question and said, "What is the answer?"

Mr. THURMOND. Mr. President, in reply to the Senator from New York, first, I do not agree with the conclusion of the Civil Rights Commission, because in my own State, although the Commission fine-combed the State without finding a single sworn complaint from South Carolina, it made an insinuation after it could find no complaints. It was insinuated that something was wrong. That was very unfair and very unjust. If they would do such a thing and place such an interpretation on the situation, I would not place credence in whatever was said in the report.

On the question of what can be done about it, I should like to say that educational opportunities in the Southern States are being greatly improved. In my State Negroes have as good schools as the white children now have, or better. In my State more than 100,000 Negroes are registered to vote. There has been no complaint from a single Negro in South Carolina that he could not register and vote. As time goes on I am sure there will be more people voting in all the States of the Nation. Until recent days in Washington, only a very small percentage of Negroes registered. The number was very small. That situation has been true in other places. Their failure to register and vote has not been because they have been denied the right to vote. A great many of them had not taken an interest in voting. As time goes on and they become better educated—and education is being improved every day—more and more of them will probably participate and avail themselves of the opportunity to vote.

I do not wish to see anyone illegally denied the right to vote. But again I wish to say that we have all the laws on the books that are needed to preserve and protect the right to vote.

As the Senator from Georgia has stated, there are six Federal criminal laws on the subject and nine Federal civil laws to protect the right to vote. Those laws are in addition to State laws. Every State has a criminal statute providing for the punishment of people who try to deprive others from voting. I believe I placed in the RECORD a few days ago a statement showing the voting requirements in each State, in which that point was brought out.

There is a great hullabaloo about voting. The main reason why I am objecting to the bill is not only that it is being attempted to transfer to the Federal Government the rights that the local communities and States have, but, also, there is an attempt to contravene the Constitution of the United States. There is an attempt to set up a national qualification, a national standard, for voting, for all the people of all the States, whereas the Constitution provides that qualifications for voting in Federal elections shall be the same as the qualifications for voters for the most numerous branch of the legislatures in the various States of the Nation.

A law such as is proposed would be unconstitutional. The Constitution must be amended to accomplish this end.

If those who make this proposal are so zealous and so sincere, why do they not submit a constitutional amendment? That is the way it should be done. I think it ought to be done in the way provided by those who wrote the Constitution. Every State should fix the qualifications. But if it is to be done, it should be done by constitutional amendment. It is the only way that power can be transferred from the States to the Federal Government.

Mr. JAVITS. Mr. President, will the Senator yield so that I may place in the RECORD what I said I would supply?

Mr. THURMOND. Yes.

Mr. JAVITS. I spoke of physical intimidation. I do not have the specific case of the sheriff, in the brief time I have had to look for the case, but let me read from page 162 of the Report of the Civil Rights Commission of 1961. It relates to a county in Mississippi, and reads as follows:

> In one county the supervisor of registration is a former chain gang boss who on occasion walks up and down among Negroes waiting to register, holding a sawed-off pool cue stick and mumbling "I can't see why you-all come here to register when you know you're not ready." More subtle means are also used in four counties to dissuade Negroes from registering and voting: registering and polling facilities are sometimes located in white schools, sheriff's offices, and white newspaper editor's offices; places that are unfamiliar and usually forbidden ground to Negroes. In all, such discriminatory measures were found in 10 of the 17 counties. Even more as an explanation for failure of Negros to register, however, was fear of reprisals by the white community.

Whether the Senator will accept it or not, the fact is that this is a report by an authoritative Commission, made up of distinguished men appointed expressly for this purpose, three from the North and three from the South. They did not differ as to the facts. They may have differed on minor elements in the recommendations. No one demurred on the findings of fact. So I respectfully submit that the findings are binding on us, and that the criminal laws to which the Senator has referred do not work. Therefore, we must find laws that do work. I think we all agree that this is the holiest of all the holy rights of citizens.

Mr. THURMOND. Again, if the Civil Rights Commission was no more accurate in that statement than it was with respect to the statement it made about South Carolina. I would place no credence in the finding. There may be some discrimination in certain States. Does the Senator feel that there is no discrimination in the State of New York?

Mr. JAVITS. There is no discrimination in voting; but let us assume that there is with respect to the Puerto Rican voters. The difference between the Senator from New York and the Senator from South Carolina is that the Senator from New York is willing to take the law across the board, whether it hurts him or helps him, but the Senator from South Carolina is not.

Mr. THURMOND. Whether or not it violates the Constitution of the United States?

Mr. JAVITS. It does not.

Mr. THURMOND. It does violate the Constitution.

Mr JAVITS. That is where we differ.

Mr. THURMOND. The Senator from New York is too able and astute a lawyer to say that this proposal does not violate the Constitution of the United States. The proposed law on voting is in clear violation of article I, section 2, of the Constitution, and it is in direct violation of the 17th amendment to the Constitution. The courts have so held in decision after decision which I have presented, construing and interpreting what the constitutional provisions mean. I am surprised that the Senator from New York, able lawyer that he is, should take that position.

Mr. JAVITS. Mr. President, will the Senator yield, so I may answer?

Mr. THURMOND. I am pleased to yield.

Mr JAVITS. The Senator has done me the honor of saying I am a good lawyer. I deeply appreciate it, but I say, in quiet pride and in all sincerity, that I yield to no man in my study of the cases on this subject. I am deeply convinced that the legislation we are proposing is constitutional. I would consider it an honor to defend it, and I would defend it in the Supreme Court of the United States.

Mr. THURMOND. I am not saying what the present Supreme Court would do. Nobody can predict what a court will do that does not believe in stare decisis. The present Supreme Court has based its decisions and opinions on sociology and psychology. If the Senator thinks he could defend the bill on that basis, he might be successful. He would not be successful if the decision were based on the law and previous decisions.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. THURMOND. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Am I correct in stating that the Senator made reference to the qualifications and standards that would be established by the act as being Federal in nature? I believe the Senator from South Carolina was addressing himself to a belief of the Senator from New Hampshire that the proposed legislation under title I would establish national standards, which are ordinarily prohibited by the Federal Constitution.

Mr. THURMOND. That is correct. That is exactly what it would do.

Mr. KENNEDY. I was wondering what the qualifications were, because, as I read title I, it in no way establishes qualifications, or precludes or prohibits or violates any of the qualifications established by the various States.

Mr. THURMOND. If the Senator will study title I, he will see that it establishes a sixth grade educational standard. That cannot be done under article I, section 2 of the Constitution, or the 17th amendment.

Mr. KENNEDY. I believe that is only applicable if the literacy test is prescribed by the various States as a standard. Is that correct?

Mr. THURMOND. In my judgment, any attempt by the Federal Government to set a qualification for voting would contravene the Constitution of the United States. The Constitution provides:

> The electors—

Which means the voters—

> in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When Congress tries to do anything to vary that requirement, in my opinion, it violates the Constitution of the United States.

Mr. KENNEDY. If a State were to enact a law, consistent with that provision of the Constitution, which on its face violated the 14th and 15th amendments, would the Senator agree that Congress would have not only the obligation but the duty to rectify such a violation of the 14th and 15th amendments?

Mr. THURMOND. Of course, a State cannot enact a law that contravenes the U.S. Constitution. The U.S. Constitution would strike down a State constitution or a State law in contravention of the Constitution. It would do the same thing with respect to an act of Congress.

Mr. KENNEDY. Does the Senator read the 14th and 15th amendments to be a qualification of article I, to which the Senator has referred?

Mr. THURMOND. I do, but the 15th amendment merely provides that the right to vote shall not be denied or abridged on account of race, color, or previous condition of servitude. Of course, the Senator is familiar with the 14th amendment. It is the equal-protection amendment.

Mr. KENNEDY. I know the Senator from New York commented with regard to the case of Lane against Wilson, which case stated that the 15th amendment prohibits contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color.

May I ask the Senator from South Carolina how he would interpret article I, section 4, which authorizes the Congress at any time by law to make or alter such voting regulations as they apply to the election of Representatives? Would he not feel that this, as well as his other constitutional authority, would give to the Congress the right to enact legislation at the present time which would affect the election of Federal officers?

Mr. THURMOND. Not at all. Article I, section 4, on page 518 of the Senate Manual, provides:

> The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

I do not construe that to mean that the Congress can enact legislation fixing qualifications for voting under that provision. The "manner" is simply a means or a way of holding an election. It does not mean qualifications for voting at all.

Mr. HUMPHREY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. HUMPHREY. Is the Senator trying to tell us that there can be two sets of qualifications for voters, one set of qualifications for whites, and one set of qualifications for colored voters?

Mr. THURMOND. Of course not.

Mr. HUMPHREY. In other words, the Senator would agree that the Congress, under article I, section 4, can see to it that the regulations are uniform?

Mr. THURMOND. But the State legislature fixes the qualifications.

Mr. HUMPHREY. The State legislature fixes the qualifications for voters.

Mr. THURMOND. But if the State legislature fixes the qualifications for voters——

Mr. HUMPHREY. Such as the literacy qualification, for example?

Mr. THURMOND. If the State fixes any qualifications that violate the rights of any citizens to enjoy equal rights with other citizens to vote, such a law can be stricken down by the Supreme Court.

Mr. HUMPHREY. Exactly.

Mr. THURMOND. Congress would have no need or right to come along and pass a law on the subject, because both the 14th and 15th amendments are self-executing, and the Court has so held. And Congress cannot constitutionally prescribe voter qualifications.

Mr. HUMPHREY. Does the Senator rely for his justification upon State authority, with reference to voting, and article II of section 1 of the Constitution which provides:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors—

I realize that that section of the Constitution specifically directs or authorizes the State to set qualifications for voters. Is that the authority in the Constitution upon which the Senator relies?

Mr. THURMOND. Article I, section 2, applies to Federal elections.

Mr. HUMPHREY. The Senator is correct—to Federal elections.

Mr. THURMOND. It fixes the qualifications for electors in each branch of the legislature. That means that if a man is qualified to vote for members of the most numerous branch of the State legislature, he is qualified to vote in Federal elections.

Mr. HUMPHREY. The Senator is correct, but he would agree that whatever qualifications are established by the State, such qualifications must be uniform in their application; is that not correct?

Mr. THURMOND. I do not know about being uniform. I would say that any law passed should not show any discrimination because of race or color or previous condition of servitude, because the 15th amendment would eliminate that.

Mr. HUMPHREY. The 15th amendment contains section 2, which reads:

> The Congress shall have power to enforce this article by appropriate legislation.

The Constitution declares that the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude. The 15th amendment provides:

> The Congress shall have power to enforce this article by appropriate legislation.

If a State fixes a qualification——

Mr. THURMOND. "Shall have," is the language. The Congress "Shall have the power" to enforce this article, but it does not have the power to fix qualifications.

Mr. HUMPHREY. No; the States have exercised that power.

Mr. THURMOND. The State has the power to fix qualifications.

Mr. HUMPHREY. I am not arguing about that. The point is, however, that if we fix the qualifications and they are not uniform in terms of application to the citizenry, under the 14th amendment and under the 15th amendment, but particularly the 14th amendment, those qualifications would be unconstitutional; is that not correct?

Mr. THURMOND. The court would strike down the application in such a case, but would not hold the statute unconstitutional.

Mr. HUMPHREY. Let us assume——

Mr. THURMOND. But the Congress cannot do it.

Mr. HUMPHREY. Let us assume that qualifications as written would be uniform, but that in the administration of the qualifications there was no uniformity. Does the Senator contend that the Congress has no right to correct an obvious evasion of the constitutional provisions?

Mr. THURMOND. If there is no discrimination in the law, it comes down to a question of administering the law; and anyone can go out and complain to the State authority or to the Federal authorities. It has been brought out that there are six criminal statutes and nine civil statutes protecting the right to vote. Every State has laws preserving and protecting the right to vote. So it would be a question of applying to the State authority or to the Federal authority.

Mr. HUMPHREY. Does the Senator deny that under the 14th amendment the Federal Government has the authority to protect the rights of citizens when those rights are being abridged by faulty administration of the law, or discriminatory administration of the law, which on its face appears to be uniform?

For example, if in a given situation there is a special type of registration, a special type of literacy examination, one given to a Negro and another given to a white, even though the law itself may prescribe a literacy standard, would the Senator deny that the Congress has the responsibility under the 14th amendment to take corrective action?

Mr. THURMOND. I deny that the Congress has the right to fix voting qualifications in that State or any other State. Under the facts the Senator just related, it would be a question, judging from what the Senator has said, of the law being all right, but a man is not receiving equal treatment because of the administration of the law, in which case the voter can apply to State authority or to Federal authority. It is not the law which is at fault. It is the manner in which it is administered that is at fault, from what the Senator says.

Mr. HUMPHREY. The Senator is correct. What does title I of the Civil Rights Act seek to accomplish? What is the Senator's interpretation of the purpose of title I?

Mr. THURMOND. It would seek to take power away from the State and give it to the National Government. It would seek to establish national voting qualifications.

Mr. HUMPHREY. Let us take a look at the legalism of title I, rather than the speeches being made about it. What does title I provide?

Mr. THURMOND. The Senator has the bill before him.

Mr. HUMPHREY. Is it not the purpose of title I, first of all, to expedite voting cases in the courts? Is not that one of its prime purposes?

Mr. THURMOND. When the voting cases are brought before election, the courts always grant priority.

Mr. HUMPHREY. They do.

Mr. THURMOND. The Senator is correct.

Mr. HUMPHREY. Is the Senator aware of the fact that many voting cases have waited as long as 2 years before they were adjudicated in court? Is the Senator also aware of the fact that the Justice Department has brought to the attention of the Congress many examples of unpardonable and of intolerable delay in the protection of voting rights because the dockets of the courts were overcrowded?

No priority is given to voting cases on the court docket.

Mr. THURMOND. I have not heard of anyone going into court before an election and not obtaining relief. Does the Senator have some evidence?

Mr. HUMPHREY. I presented some evidence yesterday. There is evidence showing that some cases have been held in court for 2½ years; and there is also evidence showing that as many as two elections went by while people were waiting to be registered.

Mr. THURMOND. Why does not the Senator introduce a bill dealing with voting cases so far as priority is concerned, and stop there?

Mr. HUMPHREY. Such a provision is contained in title I.

Mr. THURMOND. But it contains a great many others things that are objectionable.

Mr. HUMPHREY. Do I correctly understand the Senator to agree that expedition should be given to voting cases?

Mr. THURMOND. I believe that under present law a person can obtain relief. However, if the Senator wishes to introduce a separate bill on that subject, and not tie it to all the rest of what is contained in the bill, I have no objection. I have no objection to having voting cases given priority, within the present structure of the judicial machinery.

Mr. HUMPHREY. Then it is clear in the record that the Senator from South Carolina would support legislation which would give priority to voting cases; is that correct? Does the Senator from Minnesota clearly understand the Senator from South Carolina on that point?

Mr. THURMOND. I have no objection to giving priority to such cases. I believe the courts can do that without enacting any other statute.

Mr. HUMPHREY. But if a statute is needed, would the Senator agree that Congress should enact such a statute?

Mr. THURMOND. If the Senator would not tie it in with all the other unconstitutional provisions, and if he wanted to introduce a separate bill on the subject that would give voting cases preference, I would have no objection.

Mr. HUMPHREY. Very well. We have made some progress. The Senator says that if there were a need for expedition of voting cases, he would support such a proposal. Does the Senator believe that there is a need for expedition of voting cases?

Mr. THURMOND. I do not know of any need, because in my section of the country, judges always give preference to voting cases.

Mr. HUMPHREY. Is the Senator aware of the fact that in one case, under the act of 1957—I will give the Senator the citation——

Mr. THURMOND. There may be an isolated case here and there. There are always some isolated cases in any situation under any statute.

Mr. HUMPHREY. Is the Senator aware of the fact that in some 40 instances the Justice Department has brought such cases to the attention of the respective committees of Congress?

Mr. THURMOND. Is that in Federal court?

Mr. HUMPHREY. In Federal court.

Mr. THURMOND. Why did not the Justice Department ask the courts to issue some orders?

Mr. HUMPHREY. The courts are very busy. Congress may be derelict in not providing adequate compensation for judges, or not providing a sufficient number of judges. We all agree that justice delayed is justice denied. I say that voting delayed is voting denied.

Mr. THURMOND. I would certainly favor priority being given to such cases. If the Justice Department has not been taking action in such cases, it has been deficient.

Mr. HUMPHREY. The Senator knows that many voting cases are appealed, does he not?

Mr. THURMOND. Forty cases are not a significant number. However, I would favor every qualified person having the right to vote. I believe priority should be given to voting cases, so that the cases could be disposed of in time for the persons involved to vote.

Mr. HUMPHREY. I thank the Senator. I thought he would say that.

Mr. THURMOND. If the Justice Department did not take action in such cases, it was very negligent.

Mr. HUMPHREY. Is the Senator aware of the fact that with respect to literacy tests, relating to voting qualifications, they are given, not in written form, but in oral form in many areas of the country?

Mr. THURMOND. I believe that is correct.

Mr. HUMPHREY. Is the Senator aware of the fact that in the areas where oral literacy tests are given, where a citizen seeks to become qualified to vote, no written record is kept of the oral test?

Mr. THURMOND. That is something for each State to deal with. The people of South Carolina and the people of Minnesota are just as capable of handling their elections as Congress is.

Mr. HUMPHREY. Yes; but do they? For example, in one area of the country approximately 132 percent of the eligible voters are white registrants. That is 32 percent more than God put on earth in terms of bodies. Does the Senator think that is fair?

Mr. THURMOND. I presume those are statistics provided by the Civil Rights Commission. There are 51 governments in the United States; that are 50 State governments and a Central Government. The matter of qualifications is left to the people of each State. We must trust the people in each State to handle these matters, because each State is an independent sovereign.

I do not believe the Central Government has a right to try to prescribe every detail in every State. If that were the case, we might as well have one central government and make territories of the States. That is what is about to be done if certain legislation now pending is passed. I am opposed to that. I am in favor of letting each State handle its own matters except those delegated to the National Government in the Constitution.

Those matters are listed in article I, section 8. That is the only power the Federal Government has. All its powers are listed in that section and in the 24 amendments that were added since the adoption of the Constitution.

Mr. HUMPHREY. I could not agree more with the Senator. He is absolutely right. The powers are listed in the Constitution.

Mr. THURMOND. There will always be discrimination against someone or something or other. There will never be an end to discrimination of all kinds in every place, everywhere. We must trust the people of Minnesota and the people of South Carolina and the people of the other States to handle these matters in their own way. There may be some injustice; but if there is injustice, a person can go to court. If we enact a law and a person is denied the right to register and vote, he must go to court. If we do not enact the law, he must still go to court. In either case, he must go to court. What does he gain?

Mr. HUMPHREY. Of course, if a person is denied the right to vote, he can go to court. He can employ a lawyer and tell him to go to court, and he can spend hundreds of dollars. Of course, if he does not have any money, he will find it a little difficult to get into court. In the meantime, he does not have the right to vote.

Mr. THURMOND. If he is a Negro, the NAACP will furnish him with an attorney.

Mr. HUMPHREY. The NAACP has eight attorneys.

Mr. THURMOND. It employs attorneys in my State. It has money with which to hire attorneys. It receives large contributions. The Senator may have seen its statements.

Mr. HUMPHREY. Yes. I placed in the RECORD yesterday the history of one desegregation case, the historic Brown case, in which the cost ran to $200,000.

Does the Senator deny that the 14th amendment is a part of the Constitution?

Mr. JORDAN of North Carolina. In the case to which the Senator from Minnesota has referred, the lawyers did very well.

Mr. HUMPHREY. They certainly did.

Mr. THURMOND. I deny that the 14th amendment was properly submitted, because Senators and Members of the House of Representatives from the South were not allowed to sit in Congress at that time.

Mr. HUMPHREY. Does the Senator really believe that the 14th amendment is unconstitutional?

Mr. THURMOND. Wait a minute. The Senator asked me a question, and I will answer it. After the War Between the States, Senators and Members of the House of Representatives from the South were allowed to come back into Congress. They came back. They voted to submit the 13th amendment to the States. That dealt with the abolition of slavery and involuntary servitude. When the attempt was made to submit the 14th amendment, Members of Congress from the South refused to go along with the 14th amendment, and the southern Members in Congress were kicked out. When they were gone, those who were left in Congress were able to submit the 14th amendment. When that amendment was considered in the States, the white people were not allowed to vote. Negroes and scalawags and a few others were allowed to vote. Therefore, the amendment was ratified in that way, on that basis. One State tried to withdraw its ratification later, but it was not permitted to do so.

It is clear that time and time again the Supreme Court has refused to rule on the legality of this amendment. It is clear that the 14th amendment was never lawfully submitted or lawfully ratified. Therefore, I deny that the 14th amendment is a lawful amendment.

For the sake of argument I will admit that the 14th amendment is a part of the Constitution, and I shall not try to use that as an excuse for the purpose of argument.

Mr. HUMPHREY. I appreciate that admission on the part of the distinguished Senator from South Carolina. Up to this time I thought there was no doubt about the 14th amendment.

Mr. THURMOND. I hope the Senator understands, since I have informed him, that there is doubt.

Mr. HUMPHREY. If the Senator has any doubt about it, he should introduce an amendment to repeal the 14th amendment, if he believes it was illegally added to the Constitution.

Mr. THURMOND. I suggest that the Senator from Minnesota introduce an amendment to make the 14th amendment a legal amendment.

Mr. HUMPHREY. I am satisfied with the 14th amendment.

Mr. THURMOND. The Supreme Court refuses to consider the legality of its adoption.

Mr. HUMPHREY. I am satisfied with it. I am happy to tell the Senator from South Carolina that the 14th amendment became a part of the Constitution on ratification of it by the Legislature of South Carolina as the 28th State of the 37 States in the Union at that time.

Mr. THURMOND. The white people were not allowed to vote. Federal troops were in charge of the legislature. With all due respect to them, the history of South Carolina shows that citizens generally were not allowed to vote, and that only Negroes and a few scalawags and carpetbaggers were allowed to vote.

That is the reason why the South Carolina Legislature was able to ratify the amendment at that time. The South was under military government at that time.

Mr. HUMPHREY. Yes.

Mr. THURMOND. A military officer, a military Governor presided over the legislature in Louisiana when the 14th amendment was ratified

Mr. HUMPHREY. There was such a thing as secession, I remind the Senator. That obviously had something to do with the presence of military officers.

Mr. THURMOND. That was no excuse, I am sure the Senator would agree, for having the military government preside over a State. Or does the Senator not agree?

Mr. HUMPHREY. I would frown on that. The Senator from South Carolina would be more likely to approve of that than the Senator from Minnesota.

Mr. THURMOND. The action taken was invalid, was it not, with the Legislature of Louisiana presided over by the military?

Mr. HUMPHREY. I would not say it was invalid. If the Senator has any doubt as to whether the State of South Carolina and the State of Louisiana were in a proper position to ratify the 14th amendment, his concern can be set aside. At the same time the States of New Jersey and Iowa did ratify the amendment under the same circumstances. There is no doubt about the constitutionality of the 14th amendment. I never thought I would live to see the day when anybody would doubt that the 14th amendment was as much a part of the Constitution as the Bill of Rights. The 14th amendment makes it crystal clear that the Government of the United States shall—not may, but shall—protect the rights of every citizen.

Mr. THURMOND. In the last few years, with the work which has been done in research, history, and Government, the Senator must have read some of that work, which indicates that the 14th amendment was never legally submitted and ratified.

Mr. HUMPHREY. I have read it. I have never believed a word of it. And I do not know a constitutional lawyer who does.

Mr. THURMOND. The Senator is not a lawyer.

Mr. HUMPHREY. No. I have been spared some of that. But I have studied the Constitution. I have taught a course in constitutional law. I have studied political science. I have never heard a good, valid argument yet—even to this minute—to prove that the 14th amendment was not an applicable and valid part of the Constitution. And I do not want the Senator to say so.

Mr. THURMOND. How could the Federal Government submit the 14th amendment when it would not allow the Southern States to vote on it? How could the Government kick them out and say, "You cannot vote on the 14th amendment?" That is what was done.

Mr. HUMPHREY. That is a whole chapter in history.

Mr. THURMOND. It could not have been ratified if the Southern States had been permitted to vote at that time. Does not the Senator admit that that was illegal?

Mr. HUMPHREY. I do not. The Senator does not admit for a single minute that the 14th amendment was adopted under any illegal procedure. I know of no constitutional lawyer of any repute who does say so.

Mr. THURMOND. There are many and various ones.

Mr. HUMPHREY. Various ones, but I say, "of repute."

Mr. THURMOND. There has been treatise after treatise, and article after article on the subject. The Senator does not want to admit that. I shall make a point of reviewing the history of the origin of the 14th amendment in detail for the benefit of the Senator before the debate is over.

Mr. HUMPHREY. I thank the Senator. Will the Senator give me a little more information on his views on title I? The Senator feels there should be some law that expedites voting rights. Title I is one of the main features dealing with such rights. Does the Senator approve of title I?

Mr. THURMOND. No. I am not in favor of title I. I said that if the Senator wished to introduce a separate bill giving priority within the present judicial machinery to suits on voting rights, I would have no objection to that. I say it is not necessary. The courts down my way give preference to them; and I assume the courts give preference to them up here. I presume they are not prejudiced.

I see no need for it. However, I have no objection to that part, if it is introduced as a separate amendment, but not as a part of the civil rights bill.

Mr. HUMPHREY. I feel sure the Senator would not have any objection. I am confident in my own heart and mind that the Senator from South Carolina would not want to deny anybody the right to vote.

Mr. THURMOND. That is correct.

Mr. HUMPHREY. I mean that sincerely.

Mr. THURMOND. We want everyone to vote who has the proper qualifications. The qualifications are very simple.

Mr. HUMPHREY. What are those qualifications?

Mr. THURMOND. A man must be able to read or write the Constitution, which means he can read and write. If he cannot read or write, he can still vote if he has $300 of assessed property.

Mr. HUMPHREY. The principal concern that the Government of the United States should have is whether or not those qualifications are applied uniformly, or whether after having written the qualifications, the States fail to apply these qualifications on a uniform basis and discriminate on the basis of race. The record is replete with this kind of discrimination.

I agree that in many States there are other types of election abuses. For example, no Senator would deny that if there is open fraud in an election relating to a Federal official, the Constitution of the United States not only grants the power to the Federal Government to intervene, but it in a sense directs it to intervene.

There have been cases in which a U.S. Senator has been denied his seat in the Senate because of the existence of abuse or corruption in an election.

The State government regulates the election. The State government sets the qualifications for the electorate. The State government sets the qualifications for the candidate for office. The State government is responsible for conducting the election, but the Congress of the United States has legislated concerning these elections in the Corrupt Practices Act.

Mr. THURMOND. The State government has Federal registrars. The State government has Federal managers of elections.

Mr. HUMPHREY. What State has Federal managers of elections?

Mr. THURMOND. I did not mean to say Federal managers. But persons are appointed by the State government for Federal elections. They appoint the managers, the watchers, and so forth.

Mr. HUMPHREY. The poll watchers?

Mr. THURMOND. Yes.

Mr. HUMPHREY. I respectfully say to the Senator that there has never been any open denial of the authority of the Congress to protect the sanctity of the ballot, to protect the honor of the election.

Congress has enacted a Corrupt Practices Act which relates to elections. There are supervised elections. Elections have been investigated by action of Congress.

Mr. THURMOND. Federal elections.

Mr. HUMPHREY. Federal elections.

Mr. THURMOND. That is correct.

Mr. HUMPHREY. That is what title I is all about. Title I refers to the election of Federal officials. Title I refers to the registration of voters in the election of Federal officials. Title I refers to a literacy test relating to the registered voters for the election of Federal officials. While the Senator from South Carolina is deeply committed in his opposition to the bill, and while I have the highest regard for him as a man of great honor and ability, I say to him that there is not one scintilla of evidence that would deny the Federal Government, either through the executive or legislative branch, the power to protect the privileges and immunities of citizens of the United States and to guarantee equal protection under the laws. When the principles of uniformity are violated, or when a literacy test is improperly given because of discrimination on the basis of race, it is a violation of the 14th and 15th amendments.

Mr. THURMOND. If the law is all right on the subject, but if the manner in which it is being administered is not right, that is a question of getting to the people who administer the law, and not a question of changing the law.

Mr. HUMPHREY. Exactly.

Mr. THURMOND. But the Senator, as I understand, feels that because the law is not administered correctly, we must change the law, or do something about it?

Mr. HUMPHREY. If there is clear and unmistakable evidence that a registrar refuses to register a citizen of the United States despite the fact that that citizen is qualified, the Federal Government can enact laws and adopt regulations that will intercede and protect the right of the citizen. If need be, it can protect the individual.

Mr. THURMOND. The Federal Government does not have the right to enact laws setting voter qualifications. We have enough laws on the books. We have six laws on the books now, six criminal laws to punish people. We have nine civil laws now. In addition, we have State laws on the subject. That is the point I make. We have enough laws on the books now. No other laws are needed. If we passed this bill, the individual would have to go into court, just as he would have to go into court now, if the bill were not passed.

Mr. HUMPHREY. Correct.

Mr. THURMOND. What good would another law on the subject do? Eventually the individual must go to court if he is deprived of his right to vote.

Mr. HUMPHREY. I am not saying that the qualification of literacy should be denied. That is a privilege of the State which is authorized by the Constitution. The State has the privilege of establishing qualifications for the electors; but if there is a literacy test, the application of that law must be uniform.

Title I provides that if there is a literacy statute, and if a person has had a sixth-grade education, that will be presumptive evidence that he is literate. That is a limitation upon the literacy qualification that is laid down as a uniform standard.

Mr. THURMOND. How could the completion of a sixth-grade education be held to be a qualification for voting, when the Constitution of the United States provides that the qualifications for voting in Federal elections shall be the same as those required by the States for voting for members of the most numerous branch of the State legislature? So that provision of the bill is in contravention of that provision of the Constitution.

Mr. HUMPHREY. No, not at all.

Mr. THURMOND. It definitely is in contravention of that provision of the Constitution, which also has been incorporated in the 17th amendment.

Mr. HUMPHREY. I respectfully disagree. If a State statute establishes literacy as a qualification—and many States do have such a statute—then the completion of six grades of school shall be regarded as presumptive evidence in connection with registration, in States where literacy is a qualification. It will be presumptive evidence that that person is literate; and then the burden of proof will rest upon the State officials to prove to the contrary.

Mr. THURMOND. But suppose a State does not have a requirement based on the completion of six grades of school. In that event, the bill would attempt to contravene this part of the Constitution, for in that event Congress would be writing the qualification, would it not?

Mr. HUMPHREY. No.

Mr. THURMOND. Oh, yes; then Congress would be writing the qualification, which would be the completion of six grades in school; and that would be in contravention of the Constitution, because it would fix a qualification which the State had not fixed. The State statute might well establish a higher standard of literacy. Under the Constitution, the States are the ones which fix the qualifications for voting in Federal elections—which, under the Constitution, are to be the same as those fixed by the States for qualification for voting for members of the most numerous branch of the State legislatures. So this part of the bill would contravene the provision of the Constitution in regard to qualification for voting in Federal elections.

Mr. HUMPHREY. Title I provides that in States which have a literacy requirement, the completion of six grades in school shall be presumptive proof of literacy. In other words, in this title of the bill it is provided that if a man who wishes to register to vote can show that he has completed the sixth grade in school, automatically that will be presumptive evidence—unless the contrary can be proved—that he is literate.

There is no requirement that he have a sixth-grade education. The bill simply means that if a State has a literacy requirement and if an individual citizen can show that he has completed six grades of school——

Mr. THURMOND. And most of the States do have a literacy requirement.

Mr. HUMPHREY. Not most of them; but many of them do. In that event, if the person can show that he has completed six grades in school, that fact will be regarded as presumptive evidence that he is literate.

Mr. THURMOND. In other words, under the bill, if a man can show that he has completed six grades in school, he will be qualified to vote——

Mr. HUMPHREY. Yes.

Mr. THURMOND. Even if the State does not have such a low literacy requirement.

Mr. HUMPHREY. No, only if the State has a literacy requirement.

Mr. THURMOND. Then the bill would result in having Congress substitute a sixth-grade education requirement as a qualification for voting, although the State law may not require that.

Mr. HUMPHREY. The sixth-grade education requirement is not a qualification or even a requirement. The point is—perhaps I should spell it out more slowly—that if a State has a literacy requirement for qualification and if John Jones can show he has finished six grades of school in South Carolina, that is presumptive evidence that he is literate. He will not have to have any education in order to qualify, if South Carolina does not require that. But if the State has a literacy requirement, the completion of six grades in school will be presumptive evidence that he is literate.

Mr. THURMOND. And that would be a qualification for the right to vote.

Mr. HUMPHREY. It will be presumptive evidence that he meets the South Carolina requirement of literacy as a voting qualification.

Mr. THURMOND. Even though South Carolina law may have a different requirement.

In short, the bill would substitute a qualification by means of the completion of six grades of school for the requirement the State of South Carolina provides as a qualification for voting; and, in addition, the bill would substitute that qualification for the constitutional requirement, namely, that one is entitled to vote in a Federal election if he has qualified to vote under the State law for members of the most numerous branch of the State legislature. Therefore, the bill would substitute that Federal Government requirement for the State requirement; but under the Constitution, that is not allowed.

A State is at liberty to require, as a voting qualification, the completion of four grades of school or five grades of school or six grades of school or seven grades of school or eight grades of school; but under the Constitution, the Federal Government does not have a right to substitute any requirement for that State requirement. If the Federal Government were to substitute a requirement of its own, that would be a clear violation of the Constitution of the United States.

Mr. HUMPHREY. I say, most respectfully, to the Senator from South Carolina that that is his point of view.

Mr. STENNIS. Mr. President——

Mr. THURMOND. Let me ask whether the Senator from Mississippi wishes me to yield to him, so that he can ask a question?

Mr. STENNIS. Yes, for I wish to ask a question of the Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield for a question to the Senator from Mississippi, with the understanding that I shall not thereby lose the floor, and with the further understanding that my remarks thereafter shall not constitute another speech by me.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Then, Mr. President, I yield to the Senator from Mississippi, for a question.

Mr. STENNIS. I thank the Senator from South Carolina for yielding to me.

I should like to have the Senator from Minnesota hear the question I am about to ask.

Mr. HUMPHREY. I am listening.

Mr. STENNIS. As I understand the reference to the qualifications for electors in the State of New York, if a person wishes to qualify to vote, he is required to be able to read and write the English language. Is that not true?

Mr. THURMOND. That is my understanding.

Mr. STENNIS. Then, under the qualifications set up by the Senator from Minnesota in his bill, if a person in New York applied to register to vote in New York and if he could not read and write the English language, but if he could prove that he had had a sixth-grade education, all of it in Spanish, and that he could read and write only in Spanish, and if he had a certificate which showed that he had completed six grades in a Spanish-speaking grammar school, then, under this requirement of the bill of the Senator from Minnesota, that person would be entitled to register and to vote, would he not?

Mr. THURMOND. I believe so. I should like to have the Senator from Minnesota state his opinion on that point, too, although I do not believe he would deny that such a person would qualify to register and to vote.

Mr. STENNIS. Would not that provision of the bill be a substitution of a Federal qualification—as proposed by the Senator from Minnesota—for the New York State qualification, as enacted by the Legislature of the State of New York?

Mr. THURMOND. I believe that is entirely correct.

Mr. STENNIS. And would not that be in direct contradiction or contravention of the Constitution of the United States, which provides that the States shall set the qualifications for voters in Federal elections as the qualifications for voters for members of the most numerous branch of the State legislatures—in other words, that those who have qualified to vote in those State elections shall be qualified to vote in the Federal elections? Can that be contradicted?

Mr. THURMOND. I think the able Senator from Mississippi is eminently correct.

Mr. STENNIS. Therefore, if the pending bill, which includes that provision in regard to qualification by means of having a sixth-grade education, were to be passed, would not it be in direct violation of that provision of the Constitution of the United States?

Mr. THURMOND. I have no doubt that it would be in violation of the Constitution of the United States. If the pending bill, which contains this provision, were to be enacted, it would clearly be, in my opinion, a violation of the Constitution of the United States.

Mr. STENNIS. And if the bill were upheld by the Supreme Court, would not the bill totally override the legislative act of the State of New York which makes such a provision; namely, that one who wishes to vote in the State of New York must be able to read and write the English language?

Mr. THURMOND. It certainly would override the legislative action of the State of New York, if the Supreme Court were to uphold that part of the bill.

Mr. STENNIS. Is that not an illustration of the shifting of power—to which reference has previously been made—from the State, no matter what State might be involved, to the centralized Government? And is that not what we object to?

Mr. THURMOND. That is correct.

Article I, section 2, of the U.S. Constitution is entirely plain on this point. I wish the people of America would refer to their copies of the Constitution and would read article I, section 2, which provides:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and—

And here is the applicable provision—

> The Electors in each State—

That means the voters in each State—

> shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

That simply means that the voters in each State who wish to vote in Federal elections must have the qualifications requisite for electors of the House of Representatives in that State. That requirement is just as plain as it could possibly be. Under the Constitution of the United States, each State has the sole power to determine the voting qualifications.

If the State of South Carolina, the State of Minnesota, the State of Wisconsin, or any other State wishes to provide that a third-grade education is a sufficient requirement for voting, those States have a right to do so. If they wish to provide that a sixth-grade education would be sufficient, they have a right to do so. If they wish to provide that a high school education is necessary, they should have a right to do so.

But Congress has no right to enact a statute which would override the Constitution. The only way in which we could legally negate the provision of the Constitution to which we have referred would be to adopt a constitutional amendment. That is the only way in which we could do what the Senator from Minnesota wishes to do. That is the only way in which we could get around the provision of the Constitution.

Mr. STENNIS. The Senator has aptly quoted the language of the original Constitution of 1789. When the people of the United States decided that they wished to elect their U.S. Senators by direct vote of the people, they adopted an amendment, and that amendment had to cover the point as to who would be qualified to vote in elections for U.S. Senators. Is that not true?

Mr. THURMOND. The Senator is absolutely correct.

In the 17th amendment, which provides for the election of U.S. Senators by the people instead of the State legislatures, there was incorporated the identical verbiage which the writers of the Constitution had placed in article I, section 2, of the original Constitution at the Constitutional Convention in Philadelphia in 1787. The wording of the clause is as follows:

> The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

They wanted to be sure that the people of each State would fix the voting qualifications, and that the Federal Government would have no part in it.

Mr. STENNIS. So after the Constitution had been in effect for about 125 years with the original language of the Constitution as cited by the Senator, the people, through the Congress and their legislatures, amended the Constitution in respect to its provisions for the election of Senators. In the amendment they used the identical language that was originally set out in reference to qualifications. Is not the provision word for word the same as the original provision set out in the Constitution in 1787?

Mr. THURMOND. The Senator is correct.

Mr. STENNIS. Have we any power to change that provision?

Mr. THURMOND. The only power we would have to change the provision would be to submit a constitutional amendment, which would have to be passed through the Senate and the House of Representatives by a two-thirds vote of each body, and then submitted to the States. Then three-fourths of the States would have to ratify such an amendment.

Congress does not have the power to do what is now proposed in respect to title I of the bill, which in effect would amend the Constitution of the United States by enacting a law. We do not have the power to do so, even if we wanted to do it, and even if it were a desirable thing to do. We do not have the power in Congress to amend the Constitution in the way proposed. That is what is being attempted. The proponents of the bill are attempting to make a sixth-grade education a sufficient qualification for voting, whereas the Constitution has left the qualifications for each State to fix for itself.

Mr. STENNIS. If I correctly understand the Senator at the very threshold of the consideration of the bill, so far as title I is concerned, we find a pitfall. The Congress, acting alone, has not been given the authority to change the written, plain provision of the Constitution of the United States to which the Senator has referred. Is that not correct?

Mr. THURMOND. The Senator is absolutely correct. The Senator has been a distinguished lawyer in his State. He has been an able circuit judge. The circuit court is the highest trial court in his State. He has tried many cases. He is a student of the Constitution. He understands that the provision of the Constitution which we have disclosed states what it means and means what it states.

Mr. STENNIS. I thank the Senator for his remarks. The Senator is acquainted with members of the bar and judges throughout the land. So far as the Senator knows, as a result of the contacts which he has had, is it not true that members of the bar and judges whom he knows have agreed with the Senator from South Carolina in his reasoning that the proposal is not valid under the provisions of the Constitution?

Mr. THURMOND. The Senator is eminently correct.

Mr. STENNIS. Is it not true that only a few years ago—I believe it was 2 years ago—the same provision was before the Senate, and after a thorough exposition and debate, an attempt was made to cut off debate through a cloture petition. The proponents did not even get a majority of the Senate to vote in favor of cutting off debate. Does not the Senator recall that incident?

Mr. THURMOND. The proponents not only did not have a sufficient number of votes to pass the measure, but could not even muster a majority. The Senator is correct.

Mr. STENNIS. The Senator from Mississippi will state as a fact that the measure did not receive a majority vote. The proposed legislation had been exposed on its merits. I thank the Senator. He has made the point clear.

Mr. HUMPHREY. Mr. President, will the Senator yield for further questioning?

Mr. THURMOND. I shall in a moment. Another provision of title I attempts to amend the 1957 Civil Rights Act, which, if the provision were violated, would result in certain punishment. If the punishment were more than 45 days in prison or more than $300 fine, the man would get a jury trial. But if the accused were given a punishment of 45 days or less, or a fine of $300 or less, he would not get a jury trial. So title I would deprive a man of a right of trial by jury if a judge sentenced him to a fine of $300 or less or to imprisonment of 45 days or less.

The Constitution of the United States provides that if a person is charged with a crime, he shall be entitled to a jury trial. It does not make any exceptions based upon 45 days, or 30 days, or any other number of days. The provision states that the person shall have a jury trial. That is another way in which title I would violate the Constitution.

The measure would violate the Constitution in its denial of the right of trial by jury. It would violate the Constitution in attempting to fix qualifications for voting in Federal elections.

I am now pleased to yield further to the distinguished Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from South Carolina.

I hope that the Senator from South Carolina will find the time tomorrow—and I know that he, like all other Senators, is a busy man and has many responsibilities—to discuss the title in more detail with the Senator from Michigan [Mr. HART] and the Senator from New York [Mr. KEATING].

The Senator from Minnesota is keenly interested in title I because, to my mind, this is one of the most important titles of the bill. I am sure that all of us wish to see the right to vote protected. We may have some disagreement as to how best to do it. That is really what we are arguing about.

Earlier the Senator from South Carolina and the Senator from Minnesota both agreed that it is our desire to protect the right to vote. The Senator from South Carolina disagrees with my method. I happen to believe that the method provided in the bill is a sound method. I wish to make it crystal clear to the Senator from South Carolina in my discussion that I do not in any way impugn his motives. He knows that, because I respect him greatly. I only argue the case because I believe the evidence shows the need for the kind of legislation proposed. We have discussed the literacy test qualification.

Mr. THURMOND. May I intervene at that point?

Mr. HUMPHREY. Yes.

Mr. THURMOND. I share the concern of the Senator from Minnesota in respect to the right of people to vote. I wish to see every citizen who is entitled to vote exercise that right. But I do not believe that the people in the Congress are any wiser than the people in the States merely because we have been sent here to represent them. We are their humble servants, and not their lords and masters. I am willing to trust the people in each State in setting up voter qualifications and enforcing them. There may be some discrimination in a few isolated places, but they will be very few and isolated. As time passes and as people acquire more education, I feel that the situation will be alleviated. I believe the situation will be improved. I am proud of the record that has been made in my State. Over 100,000 registrants are Negroes.

On the other hand, I have a very deep concern about the passage of legislation by the Congress that violates the Constitution.

Mr. HUMPHREY. The Senator from Minnesota does, too.

Mr. THURMOND. I think there are ways by which legislation that is desired may be accomplished by amending the Constitution; but to ask the Congress to do something that is flagrantly in contravention of the Constitution is an unreasonable request to make of the Congress. It is so plain that this proposal violates the Constitution that I would be hopeful, if the Senator wished to pursue it further, that he would introduce a constitutional amendment on the point of voter qualifications. I would hope he would submit a constitutional amendment on other titles of the bill that violate the Constitution. Title II violates the constitutional right of trial by jury.

Mr. HUMPHREY. We will come to that later.

Mr. THURMOND. Title III violates the constitutional right of trial by jury. Title IV violates the constitutional right of trial by jury. Title VII violates the constitutional right of trial by jury.

Of course, we are now discussing only title I, but as to this particular title there is no question that the right of trial by jury is violated. There is no question that Congress would attempt to establish voter qualifications, which would violate the Constitution.

I appreciate the high motives of the Senator from Minnesota, but I ask him to think this matter over and conclude whether he does not think that a constitutional amendment would be the proper approach.

Mr. HUMPHREY. I thank the Senator for his concern over the methodology used by the Senator from Minnesota in seeking justice in voting rights. It seems elemental to me that qualified citizens of the United States should have the right to vote, that the qualifications are set by the States, and that those qualifications should be uniform and should be applied in such a manner as not to discriminate on the basis of race or other conditions. We know that such qualifications have been abused. We know there have been boobytraps. We know there have been landmines. We know that every conceivable kind of device has been used to deny the opportunity to vote. The books are filled with that kind of evidence.

We come down to the question of literacy, if there is a literacy requirement. The difference between the provision of the pending bill and the bill that was before Congress 2 years ago is that the bill 2 years ago declared that a sixth-grade education would establish the fact of literacy. It was an affirmative declaration.

The pending bill does not so provide. The bill provides that in any such proceeding—speaking of a suit—where a citizen came into court and said, "I have been denied the right to vote. I have been disqualified under a State literacy requirement which was administered falsely or in a discriminatory manner. I, citizen John Jones, have had a sixth-grade education and I claim to be literate." The State would have to prove he was not literate. If the man had a sixth-grade education, the presumption would be that he was literate. This is no more than a rule of evidence.

If a person went through the sixth grade in my State of Minnesota and he could not read, we ought to close the schools.

I am hopeful that Senators from other States will say that if someone goes through the sixth grade in their States, he can read and write.

Mr. THURMOND. Does not the Senator think that, under the circumstances he has described, if the man went into court now, a judge would issue an order allowing him to vote?

Mr. HUMPHREY. No. The problem is that if a man went into court now and sought to prove that he was literate, the burden of proof would be on the man. Under the proposed legislation, if South Carolina had a literacy requirement and a registrar denied a person the right to register to vote because he could not supposedly meet the literacy test, if that citizen went to court and showed he had been through the sixth grade of a school in Columbia, S.C., the presumption would be that he was literate. Then it would be up to the registrar to go into court and prove that he was illiterate.

We are seeking to protect citizenship rights. We are saying that if someone goes to school for 6 years in South Carolina, the presumption is that he is literate. Therefore, if he is denied, under a literacy requirement, the right to register because the registrar says he is illiterate, that citizen goes into court with the presumption that he is literate if he can show that he has been through six grades of school in Charleston or Columbia, S.C.

Mr. THURMOND. Such a law is not needed. There are laws on the books to protect that right. All that has to be done is to enforce them. As was said earlier this afternoon, if the bill became law and somebody were denied the right to register to vote, he would still have to go to court. If he is denied that right now, he has to go to court. In either event, he has to go to court. All the laws that are needed are on the statute books. The distinguished Senator from Georgia mentioned this afternoon six criminal statutes and nine civil statutes in the Federal law, in addition to the State laws. We have all the laws we need. Let the Attorney General enforce the laws now, if he is not enforcing them. He does not need any more laws.

Mr. HUMPHREY. Many problems still exist in the area of voting. It is evident there are such problems, or there would not be so many of such laws.

Mr. THURMOND. I would not say so. I think the present effort, and similar efforts in the past, have been a play for bloc votes.

Mr. HUMPHREY. The difference between the present situation and what is proposed is that when a citizen of South Carolina goes to court today, the burden of proof lies with the citizen to prove he is literate even if he has completed a sixth-grade education. He has to take examinations. He goes to court with the burden of proof on him. But under the proposed statute, when he comes into court and he has in his possession a letter from the principal of his school in Charleston, S.C., which states that John Jones has been through the sixth grade of the wonderful school system of the State of the Senator from South Carolina, he says, "I am literate. You prove that I am not." The registrar then has to prove he is not.

Mr. **THURMOND**. The Senator is substituting a sixth-grade educational qualification for the requirement that is now in the Constitution, which leaves it to each State.

Mr. **HUMPHREY**. That is not it at all. What we are proposing to substitute is a law which provides that if a State has a literacy test—which is within its right—the presumptive evidence is that he is literate if he has a sixth-grade education. It is not a requirement. It is a rule of procedure and evidence.

Mr. **THURMOND**. Then the Senator would prohibit the State from having a requirement of a 3d- or 10th-grade education, for example.

Mr. **HUMPHREY**. Not at all. A State can so provide; but if there is ambiguity in what is meant by being literate, the proposed law would apply.

Mr. **THURMOND**. The Senator is proposing to substitute a sixth-grade qualification for the constitutional provision which leaves the matter of qualification to each State, and that, I say, is in violation of the Constitution.

Mr. **HUMPHREY**. Before the debate is over, the Senator will be relieved of the misunderstanding he has in his mind, because we are going to pass title I, as surely as the sun rises in the east and sets in the west.

Mr. **THURMOND**. It may be true that the title will be passed just as surely as the sun rises in the east and sets in the west, but that does not prove that it is constitutional.

Mr. **HUMPHREY**. The Senator, of course, accepts the verdict of the Supreme Court on that point?

Mr. **THURMOND**. I would not accept the verdict of what the Warren court does——

Mr. **HUMPHREY**. Would he accept the verdict of the Supreme Court?

Mr. **THURMOND**. As being accurate? I would not be surprised at anything it might do.

Mr. **HUMPHREY**. The Supreme Court, not the Warren court.

Mr. **THURMOND**. That is the Warren court.

Mr. **HUMPHREY**. I am talking about the Supreme Court.

Mr. **THURMOND**. Will the Senator accept the verdict of the Supreme Court in 1883 when it struck down the civil rights statute which is almost identical, word for word, with title II of this bill?

Mr. **HUMPHREY**. Let me say to the Senator that if the Supreme Court ruling of 1883 struck down language almost identical to title II of this bill, I would accept it. I hope the Senator will not base his case on that, because his case will be lost before he starts. The case of 1883 was based upon the civil rights law of 1875, which has no more relationship to title II in this bill than the man in the moon has relationship to cucumber pickles.

Mr. **THURMOND**. The Senator has not studied it very well, then.

Mr. **HUMPHREY**. I have studied it very carefully.

Mr. **THURMOND**. It is very similar. It is very similar.

Mr. **HUMPHREY**. I am going to take a law examination when I am through with this bill, and I hope to pass.

Mr. **THURMOND**. I hope the Senator will pass; but I suggest to him that he should study the Constitution a little more.

Mr. President, any test, including a literacy test, may be declared unconstitutional on its face if it is drawn in such vague terminology as to invite discrimination solely because of race or sex. This was so held in the case of *Davis* v. *Schnell*, 81 Federal Supplement 872. No legislation is required to nullify the provisions of such a literacy test. It is subject to the so-called self-executing provision of the due process clause of the 14th amendment.

While a literacy test may be constitutional on its face, it must meet a further constitutional safeguard of the right of suffrage and not be used so as to discriminate solely because of race or sex in its application. The provisions of law which Congress has enacted provide more than adequate protection against alleged deprivations of the right to vote. There are a total of 15 statutes in the Federal Code, 6 providing for proceedings of a criminal nature and 9 providing for civil proceedings. Perhaps some of the difficulty with which the present Attorney General claims to be faced stems from this superabundance of statutes. It may well be that we have reached or passed the point of diminishing returns and that further enactments in this field will only serve to add to the present confusion.

Mr. President, it has been suggested that this proposal does not infringe upon the right of the several States to require literacy standards for voters. The right to establish and require certain qualifications for voters necessarily carries with it the right to determine the degree of proficiency necessary to satisfy those requirements. Undeniably, the several States retained the power to determine who possesses the qualifications necessary for the right of suffrage. To deny them, on the other hand, the right to determine the degree of proficiency necessary to pass the test, is to make a mockery of the original reservation of power. Of what use is any test if the person or governmental agency which administers it, does not also have the authority to determine what shall be necessary to satisfy its requirements? A qualification in and of itself has no particular merit or usefulness, just as a law or a body of laws is of no effect unless enforced.

The requirements of literacy which the several States have adopted contain in themselves the terms of their satisfaction. In South Carolina, the pertinent section of the code of laws—title 23, section 62, paragraph 4—reads as follows:

> Both read and write any section of said Constitution submitted to said elector by the registration officer or can show that he owns, and has paid all taxes collectable during the previous year on, property in this State assessed at $300 or more.

It is evident at even first glance, that the present proposal is a more stringent qualification than the State of South Carolina has seen fit to enact. The requirement that a person be literate is to be satisfied by an actual showing of literacy, not by some arbitrary standard. As an alternative, and not in addition to the literacy requirement, a person is entitled to register and vote in South Carolina after having shown proof of ownership and the payment of taxes on property of the value of $300. This in itself is by no means an unreasonable requirement, for in this day when much stress is put upon material belongings practically everyone would qualify under this requirement.

Mr. President, a proposal that Congress attempts to set standards which will satisfy any literacy requirement for eligibility to vote established in any State by State statute is not only unconstitutional; it is ridiculously absurd. The usurpation is not cured by the resort to the devise of a "rebuttable presumption," for the presumption which is sought to be established in this instance is, indeed, not only rebuttable, but is rebutted even before it is passed.

The Constitution makes clear that it is within the power of the States to determine the qualifications of the voters for election of their own legislatures, and the Constitution specifically provides that these are the qualifications which pertain to the determination of qualifications to vote for candidates for Federal office. The only limitations subsequently adopted by way of amendment to the Constitution provide, generally, that the qualifications so established by the States shall not be based on race, religion, national origin, or sex.

Pursuant to this power, the various States, for example, set a minimum age as one of the qualifications for voters. This minimum age varies from State to State, within the range of 18 to 21 years. There is, however, nothing in the Constitution which sanctifies this age range as the minimum age for voting which the States might set if they choose. If a State chooses to set the age qualification as low as 12 years, or as high as 35 years, it would be within the power of the State to do so, so long as this age requirement was applied, without distinction, to persons of all races, religions, national origins, and both sexes.

Another valid qualification for voting which States may establish is that of literacy. Mr. President, literacy is defined by Webster as "the state of being instructed in letters," or "being able to read and write," or "being learned in literature." It is quite evident, from these definitions, that literacy is far from a mathematically exact quantity; and among various people, this quality can be found in varying degrees. Thus, just as a State might within its legitimate power vary the minimum age which is prerequisite for eligibility to vote, so, also, may a State within its legitimate power vary the standard of literacy which will under the State statute entitle an individual to vote, subject only to the equal application of the literacy standard to persons of all races, religions, national origins, and sexes.

It is now the case in some States that the eligibility requirements for qualifications to vote do not include any standard of literacy. Such is the case in my own State, if the individual owns property in South Carolina which is assessed on the tax books at $300 or more. Thus, the power of the State to impose a literacy requirement is not limited by any minimum standard. Similarly, neither is the power to impose a literacy requirement legally limited to any maximum literacy standard. If, therefore, a State chooses to impose by statute a literacy standard which is so severe that only those who have achieved a bachelor's degree or its equivalent can qualify, the imposition of that standard would not exceed the legitimate power of the State to impose it, nor would its imposition contravene any provision of the U.S. Constitution, so long as the standard was applied without distinction to persons of all races, religions, national origins, and sexes.

Mr. JORDAN of North Carolina. Mr. President, at this point will the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield to the able Senator from North Carolina.

Mr. JORDAN of North Carolina. Does the Senator from South Carolina mean to say that if the State of Massachusetts, which has within its borders the great Harvard University, were to decide that one who wished to vote in Massachusetts would have to be able to pass an examination given by Harvard University, the State could impose that requirement? That requirement would be within the right of the State of Massachusetts, would it not?

Mr. THURMOND. The Constitution allows each State to set its own qualifications for voting; and, under the Constitution, each State has a right to do so, so long as its requirement is applied equally to all persons, regardless of race, religion, national origin, or sex.

Mr. JORDAN of North Carolina. So the Senator from South Carolina believes, does he, that such a requirement by the State of Massachusetts—namely, that all persons who wished to vote would first have to have passed an examination given by Harvard University—or even a requirement that all voters would first have to have graduated from Harvard University—would be permissible?

Mr. THURMOND. I know of no limitation on the right of the States to set the qualifications for voting, so long as the requirement is applied uniformly—in other words, so long as it is applied equally and uniformly to all persons, without regard to race, religion, national origin, or sex.

Mr. JORDAN of North Carolina. I thank the Senator from South Carolina.

Mr. THURMOND. Mr. President, the standard of literacy which could be imposed by the various States as a qualification of voters can, therefore, vary substantially from State to State. What could be more absurd than the assertion that any specified term of school attendance could satisfy the standards of literacy which have been or might in the future be established in the statutes of the several States.

In recent years, we have been repeatedly admonished by the National Education Association and other groups of professional lobbyists that educational standards across the country varied profusely. This variation in standards has been pressed upon us as a reason why we should enact programs of general Federal aid to education. Whatever may be the variation of standards among the schools across the country in the 50 States, there can be little doubt that grade levels per se evidence little as to the literacy standard of those in the particular grade. This follows from the well-established and verified variation in promotion and nonpromotion policies and practices in the innumerable school districts across the country.

For instance, in the book, "The Non-Graded Elementary School," authored by John I. Goodlad and Robert H. Anderson, published in 1963, the nonpromotion rates in schools is described in the following words, and I quote from pages 30 and 31:

> The pressures on teachers to apply grade standards vary, as do their reactions to these pressures. Studies conducted over several decades have revealed nonpromotion rates varying from 0 in some school districts to 34 percent in others. The variation from grade to grade within a school and from school to school within a system is almost as great as the variation among systems.
>
> In one large suburban school system in the South, Goodlad was easily able to separate a half dozen schools with primary level nonpromotion rates of less than 5 percent from a half dozen schools with primary nonpromotion rates of more than 10 percent. In one county school, in fact, there were no first-grade retentions while, in another, 28 of 56 first-grade children were retained. Consistently, in all of the more than 30 schools with some incidence of nonpromotion, the rates were highest in the first grade. And, at all levels, boy retention outnumbered girl retentions approximately 3 to 2. Furthermore, in this school system, the range in ability levels among children retained countywide came close to approximating the overall ability range in many classrooms. The usual IQ range found in an elementary school classroom was from below 70 to slightly more than 130, whereas the range among nonpromoted children was from below 70 to 124. Nonetheless, lack of scholastic aptitude obviously was a significant factor in decisions to retain children, since the average IQ among nonpromoted children was close to 90. As Troyer has pointed out, most of the failing and unsatisfactory grades on homework, special papers, projects, class recitations, examinations, and, finally, report cards go to the children in the lower one-fourth of the ability distribution.
>
> Parents probably would be shocked to know how much the promotion careers of their children depend upon factors over which these children have little or no control. Whether or not a child is promoted appears to depend more upon biological, economic, and social chance than upon sound educational design or how hard he works. In fact, whether or not a child is promoted depends on where he happens to go to school. Susan, in school A and classroom X, with IQ of 110 and achievement substantially below what one might anticipate for her, and Sam, in school B, and classroom Y, with IQ of 80 and achievement equally low might well be retained in their present grade for another year. Meanwhile, Jean and Bill, with similar ability-accomplishment patterns, in school C and classroom Z, might well be promoted. By carefully studying school policies and statistics, the parents of Susan and Sam might change their children's school careers from failure to success stories, outwardly, at least, simply by changing their place of abode. Ironically, it would not be necessary, under such circumstances, for Susan and Sam to change their work habits or ability-accomplishment profiles in the slightest.

Surely, Mr. President, in the light of these facts, no one can maintain that there is any logical relation between the attainment of a particular grade in elementary school and a given level of literacy. Thus, even if Congress had the constitutional power to establish the standard of literacy which would be the prerequisite for eligibility to vote in all 50 States—which power Congress emphatically does not have—there would be not the slightest basis in logic for the attempt to tie the standard of literacy to the attainment of a given grade level.

This proposal, therefore, is not only beyond the legal power of Congress to enact, and in derogation of the Constitution, but it is also utterly stupid and totally without reason.

Mr. President, the individual Members of Congress have thrust upon them by their oaths of office the primary responsibility in determining the constitutionality of any issue which comes before Congress. However, in addition to the primary responsibility, Congress has, as a practical matter, almost the final say as to the constitutionality of any issue. Illustrative of this is the fact that not since 1936 has the Supreme Court invalidated an act of Congress on the grounds that it exceeded the scope of their delegated authority. The last two cases to so hold are *U.S.* v. *Carter Coal Co.,* 298 U.S. 238, which respectively held the Agricultural Adjustment Act of 1933 and the Bituminous Coal Conservation Act of 1935 invalid on the grounds that those statutes exceeded the powers granted to Congress in the commerce clause. Since that time the Supreme Court has, for all intents and purposes, repudiated the holdings in these two cases. The Court seems to place great reliance, instead, upon the strong presumption that any act passed by Congress falls within the realm of their delegated authority. Since the Court has to this extent been derelict in its duty to pass upon constitutional questions presented to them, it becomes further incumbent upon Congress to exercise a great degree of caution in giving its approval to any questionable piece of legislation.

Mr. President, the Congress has enacted extensive legislation concerning elections in the past. The first comprehensive Federal statute dealing with corruption in elections was adopted in 1870, when the Enforcement Act—16 Statute 44—outlawed every type of fraudulent and corrupt practice in connection with elections, specifically forbidding false registration, bribery, illegal voting, making false returns of votes cast, interference in any manner with officers of election, and the neglect by any such officer of any duty required of him by State or Federal law. The laws were held invalid in part in *United States* v. *Reese*—92 U.S. 214—in 1876. The Congress recognized that these laws were a violation of the responsibilities of the States by repealing this legislation in 1894. The discussion which took place in the Congress during that period could be most enlightening and informative to the proponents of the present legislation.

Of particular interest also, is the Report from the Committee on Privileges and Elections of the House of Representatives, in reporting H.R. 2331, which repealed the statutes relating to the extensive supervision of the electoral process. The historical significance of this document is great, and the House report contains language which is equally applicable to the issue which is now before this body. For this reason, I deem it advisable to quote the committee report:

> The Committee on Election of President and Vice President and Representatives in Congress, to whom have been referred various House bills providing for the repeal of all statutes relating to supervisors of election and special deputy marshals at the polls, beg leave to report back to the House H.R. 2331, with an amendment thereto, and to recommend its passage.
>
> The bill provides for the repeal of section 2002 of the Revised Statutes of the United States relating to the bringing of armed troops to the place of election, and of sections 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 relating to the appointment, qualifications, powers, duties, and compensations of supervisors of election; and also for the repeal of sections 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, and 2031 relating to the appointment, qualifications, powers, duties, and compensation of special deputy marshals.
>
> Also for the repeal of sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, and 5523 relating to crimes and their punishment; and also a part of section 643 as follows: "Or is commenced against any officer of the United States on account of any act done under the provisions of title 26, 'The Elective Franchise,' or on account of any right, title, or authority claimed by such officer or other person under any of the said provisions."
>
> Section 2002 declares in effect that no military or naval officer shall bring any troops or armed men to the polls unless "it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls." This act was passed February 1865, during the war, and the object and purpose for which it was enacted must have long since passed away. Article IV, section 4, of the Constitution is as follows: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature can not be convened) against domestic violence."
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> It is evident from this clause that the United States must guarantee to every State in the Union protection against "invasion." In order to do this it may be necessary for the government to employ its army; but it is difficult to see, by any stretch of the imagination, for what purpose the enemies of the United States would invade a polling precinct in any State in the Union. The "armed enemies" of the United States may at any time invade her soil and destroy the property of the people of the United States, and for the purpose of rapine and plunder may invade her borders, but it is difficult to see why the 'armed enemies of the United States' should invade a polling precinct within a State. Where "domestic violence" has outrun State control, and the State government is unable to protect itself, this provision of the Constitution provides a direct and specific mode of action, on the application of the legislature of the State to the Government of the United States, or of the Executive if the legislature cannot be convened. "Domestic violence" may arise from a failure to keep the peace at the polls, and should such a state of things arise the remedy is plain.
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> But this section 2002 provides an extra-constitutional mode of keeping the peace at the polls, in that it lodges an implied discretion in the military or naval officer of determining when it is necessary to repel the "armed enemies of the United States," or to "keep the peace at the polls,": whereas the determination of that question under the Constitution, is left with the legislature of the State, or, where it cannot be convened, with the Executive. Surely no officer of the Army or of the Navy should be left to determine when it is necessary to bring troops to the polls, and the Constitution has impliedly prohibited it in the provision just referred to. This section 2002 was a war measure. Twenty-eight years after it was enacted, and twenty-eight years after the cessation of hostilities, as the last vestige of war legislation on this subject, it should be wiped from the statute books forever.
>
> The sections from 2005 up to and including 2020, relating to the appointment, qualification, powers, duties, and compensation of supervisors of election, and sections 2021 up to and including 2031, relating to the appointment, qualifications, powers, duties, and compensation of special duty marshals, and the remaining sections up to and including 5023, may be considered together, as they embrace and constitute the same principle and kindred subjects.
>
> The appointment of supervisors presumes something to supervise and the right of supervision. Those sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.
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> This subject has been discussed before in Report No. 1882, part second, page 5, 1st session of the 51st Congress, as follows:
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> "The power is sought in the fourth section of article 1 of the Constitution, which is as follows:
>
> "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."
>
> We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally the construction put upon them by Congress itself and recognized authors on the Constitution.
>
> We notice, first that "the times, places, and manner of holding elections, etc., is primarily confined to" the legislature of each State; secondarily, it is given to the Congress.
>
> The language itself and the arrangement of the two clauses show this:
>
> "The times, places, and manner, etc., shall be prescribed by the legislature of each State.
>
> "But the Congress may, by law, at any time make or alter, etc."
>
> The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.
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> We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.
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> We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.
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> Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.
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> The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts through her State convention, presided over by the great Revoluntionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:
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> "That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations

therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a phophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considerd agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provision, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States; This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respect the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of the Federalist Mr. Hamilton discusses this subject and says:

"They [the convention] have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his "Commentaries on the Constitution," volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise. (Secs. 820, 823, 824, et seq. See also 1 Tucker's Black. Comm. App. 191, 192; Curtin on the Constitution, 479, 480).

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Upon what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these (times, places, and manner) in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention."

Again, Mr. Madison says:

"This was meant to give the national legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether." (Madison Papers, vol. 3, 1282.)

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what extraordinary circumstances, what extreme necessity, what urgent exigency exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article 1, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be "necessary and proper" for carrying into execution the foregoing power. In *Hepburn* v. *Griswold*, 8 Wall., 614, Chief Justice Chase, in defining these words, says the words:

"Necessary and proper were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end.'"

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How, then, can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of article I of the Constitution declares: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or outherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make law is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

The chief proponent of the bill to repeal the then existing election law was Senator James H. Berry, of Arkansas. On December 19, 1893, he delivered one of the finest addresses that I have ever read. I feel that I should share this experience with my colleagues, particularly because the discussion is quite applicable at the present time.

Mr. President, this bill provides for the repeal of section 2002 of the Revised Statutes of the United States, relating to the bringing of armed troops to places of election, and of sections 2005 to 2031, inclusive, relating to the appointment, qualifications, powers, duties, and compensation of supervisors of election and special deputy marshals, and also for the repeal of sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, 5523, and a part of section 643, relating to crimes and their punishment. All of these laws which it is now proposed to repeal relate to the supervision of elections by Federal authority.

The power to pass these laws originally is derived, or claimed to be derived, from the following clause of the Constitution of the United States:

"ARTICLE I

"Sec. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

It has long been contended that this clause of the Constitution conferred upon Congress the power only to pass election laws when the States had neglected or refused to act in the premises, and that the laws now in question were not warranted by the provisions of the Constitution. Whether this be true or untrue I do not propose to discuss. The Supreme Court has decided in favor of the constitutionality of these laws, and each Senator will decide for himself whether or not that decision is binding upon him in construing the Constitution, which we have sworn to support in the enactment of all laws.

I propose to advocate the repeal of these laws and the passage of this bill, for the reason that I believe the laws now on the statute book to be vicious in principle and bad in policy, passed for an unjust purpose, and tending in their character to defeat the very object for which it is claimed they were enacted—that is, free and fair elections.

I take it for granted, Mr. President, that each Senator upon this floor is anxious to secure honest elections everywhere, and that each ballot cast by the citizen should be honestly counted, and any assumption upon the part of the Republican Party, the Republican press, or Republican Senators that we desire the repeal of these laws in order that fraud may be perpetrated in elections is unwarranted by the facts, unjust to us, and an insult to all honest men. We are American citizens equally interested with you in the preservation of free institutions, and equally anxious to maintain the purity of elections. The only real question at issue is, can this purity and this fairness be best secured by the General Government or by the several States.

These laws which we seek to repeal are part and parcel of the reconstruction laws. They were passed soon after the close of the Civil War; passed at a time of great political excitement; passed for the purpose of securing the supremacy of an ignorant race in the Southern States, upon whom the right of suffrage had but recently been conferred; passed for the additional purpose of enabling the Republican Party to retain control of the State of New York and other leading States throughout the North.

If there was ever any excuse for their passage, if there was ever any condition of affairs to justify any man in supporting them, this condition has long since passed away, and there can be no excuse for their retention now.

I do not speak of the period of Reconstruction for the purpose of reviving the bitter passions, prejudices, and contentions engendered by those acts, but that period is intimately connected with the passage of these laws. It is a dark period in American history, a blot upon the name of the Republican Party. It can never be forgotten and ought not to be forgotten. It should serve as a warning not only to us but to those who come after us against the fatal policy of centralization of power in the General Government, against the policy of attempting to exercise by Federal authority that control and direction of local affairs which was intended by the framers of the Constitution to be regulated by the States alone. Its evil effects upon the Southern States and upon the country at large ought to serve as an overwhelming and unanswerable argument for the repeal of the laws connected with it, and all others of a kindred character.

The Senator from Illinois, Mr. Cullom, in a speech made in the Senate a few days ago, used the following language:

"I apprehend that no Senator will fail to perceive that this discussion brings us back to the identical question which our friends in the South attempted to settle at Sumter on that April day in 1861, and which reached a final settlement in 1865."

Mr. President, it is most remarkable to me that, whenever we attempt here to correct by legislation any evil which has grown up under Republican rule, we are almost invariably met with the answer that it is a measure which has been settled heretofore by war. When we ask the repeal of laws which pretend to give fair elections, because they are used as an engine of fraud, the Senator from Illinois tells us that this was an issue settled by the war.

When we attempt to modify the tariff law, which levies tribute upon the great body of the people of the United States for the maintenance and protection of a few individuals, the Senator from Oregon, Mr. Dolph, tells us that the war which ended in 1865 was waged for free trade. This question is brought up on every possible occasion whenever the other side seeks to perpetrate a fraud at elections under the pretense of protecting the ballot box, whenever they seek to take from the people of this country a large amount of their substance under the pretense of protecting American labor, or whenever they seek to take possession of a small kingdom under the pretext of improving the morals of the queen—in either and all these instances, when objection is made, we are met by the proposition that the people of the South engaged in rebellion and fired on Fort Sumter some 30 years ago. I submit that that is no answer to the proposition.

Mr. President, I deny that this discussion raises any such question. I deny the statement that there is any disposition upon the part of any Senator on this side of the Chamber to raise again the issues which were settled by 4 years of war. The great questions that the contest which began at Sumter in 1861 and ended at Appomattox in 1865 settled were these: First, that no State could secede from the Union or sever its relations with the General Government; and, second, that thereafter neither slavery nor involuntary servitude, except for crime, should exist within the United States.

These we freely concede and have never denied. These were the same issues upon which the battle was fought and decided against us. We accepted the verdict in good faith and have never sought to reverse it. The people of the South have never complained either of the conduct of the war or its final result. They entered the contest boldly and fearlessly and threw down the gage of battle to a superior foe. They showed in 4 years of war that they were in deep and deadly earnest, and believed in the principles their fathers had taught them. They displayed a courage upon the field of battle, an endurance under great privations, and a patience in defeat which command the admiration and respect of the civilized world.

When defeat came they accepted its consequences without a murmur, and are today as loyal to the flag of our common country, as solicitous for the honor and glory of this great Republic and for the happiness and prosperity of the people of all the States of this Union as are the people who followed Meade and Hancock at Gettysburg, or those who gathered around General Grant at Appomattox.

But if the Senator from Illinois intends to state that the war settled the question that the General Government had the right to control the local affairs and police regulations of the several States, or to state that because we believe that fair and honest elections can be better secured by the States themselves without the interposition of the General Government, that we are seeking to revive the issues of the war, then he misstates the facts of history.

We never complained of the war and its results, but we did complain of the passage of the laws which we now seek to repeal and others of a like character, enacted after the close of the war. They professed to pass these laws, and other reconstruction laws, in the interest of fair and honest elections, and yet they enabled the Republican Party in the South to perpetrate the most glaring frauds at elections that the history of the Government has ever known. Under governments established by that party under these and other laws passed during that period, fraud and false counting became the rule and not the exception throughout the South.

The will of the people as expressed at the ballot box was habitually overthrown and disregarded, and men were foisted into high places of power and trust whom the people had repudiated at the polls, and these men by their acts of tyranny and shameless robbery perpetrated upon a helpless people cast a stain upon American manhood, and by their own wrongful acts they furnish to us here the strongest evidence that could be presented why all laws that could bring about such a condition of affairs should be taken from the statute book.

The Senator is mistaken when he says that this was an issue settled by the war. The Supreme Court of the United States has decided again and again that the amendments to the Constitution passed soon after the war did not destroy the autonomy of the States, and did not take from them the power to regulate and settle their own local affairs, and every attempt upon the part of the Government to deprive the States of this power and to usurp the functions which properly belong to the States has without an exception resulted in great evil to the country.

For more than three-quarters of a century the times, places, and manner of electing Senators and Members of Congress was regulated and controlled by the States and no laws were passed interfering in any way whatever with this control. During that time the Republic prospered as no country had ever prospered before. Peace and order prevailed everywhere. Frauds in elections, false counting, and illegal voting were of the rarest occurrence, and a charge of that kind made against a party or an individual was sure to excite the public mind and if proven, to bring the party or individual under the condemnation of all the people without regard to political affiliation.

Prior to the advent of the Republican Party in the South, in 1868, I do not think I had ever heard, with one solitary exception in Louisiana, of the use of money in elections or of false counting brought against any party in any of the States of the South, but from 1868 to 1874, under Republican rule in my own State, and I presume it was so in other Southern States, the practice of falsifying election returns became so universal, so widely and well known, that they ceased to excite comment. And yet we find the Republican Party here always posing as the champion of fair elections, ignoring these well-known facts and hurling charges of wrongdoing at their political opponents.

When the Reconstruction Acts of 1868 were passed, the whites in the State of Arkansas largely outnumbered the blacks, and the great and overwhelming majority of the whites were in sympathy with the Democratic Party. But when these laws were passed and the right of suffrage conferred upon the Negro the State was infested with a horde of adventurers from the North, men who could obtain neither power nor position in their former abodes, but there under the protection of the troops of the United States they took possession of the State government, framed a constitution and submitted it to the people, and when it was rejected by more than 10,000 majority, they deliberately falsified the returns and declared it adopted.

When the people protested militia forces were organized and swept over a large portion of the State, leaving murdered citizens and burning houses to mark the line of their march. The people were powerless and helpless to protect themselves for the reason that they knew that the U.S. Government was behind those who were controlling the powers of the State government. In the elections of 1870 the same frauds were perpetrated, and they became so shameless and glaring in the election of 1872, after the passage of the laws we now seek to repeal, that actual war ensued in 1874 between the opposing factions of the Republican Party, and by reason of this contest the people were enabled to recover possession of their government.

This will serve to show, Mr. President, something of the different conditions which prevailed under the two systems; the one where the time, place, and manner of holding all elections were regulated by the people of the State, and the other where the General Government usurped the control of elections by the power of U.S. soldiers.

In the nature of things it will always follow that the purity of elections can be better secured by officials appointed by the State government than those appointed by the General Government. The election officers of the State are invariably selected from the immediate locality where the elections are held. They are as a rule reputable citizens who have homes and families in the country. They know that any fraud upon their part will inevitably blacken their character and lose them the esteem of their neighbors. They know that all such frauds sooner or later produce ill feeling and tend to destroy the peace and good order of society and threaten the security of their property.

Where the entire responsibility rests upon them local pride will be a strong restraint upon any inclination they may have to falsify the returns. They know that it is absolutely impossible that practices of this character can be carried on to any great extent without detection, and however strong a partisan a man may be, it is only the basest of men who would be willing for their neighbors to know that they had deliberately stuffed a ballot box or falsified a return.

On the other hand, officers appointed by the Federal courts, supervisors and deputy marshals, do not bear the same responsibility to the local authorities and to the immediate community where the election is held as would judges of election and deputy sheriffs selected by the authority of the State government. The Federal courts are comparatively few in number, and the presiding judge cannot have an intimate acquaintance and knowledge of men in every portion of the State, and therefore do not have it in their power to make the best selections for these officials. And the same may be said of the marshals of the United States, whose authority extends over many counties, while that of the sheriff is confined to the county in which he resides.

These, it seems to me, are unanswerable reasons why the power to hold and supervise elections for all officials, including Members of Congress, should be conferred upon the States themselves and not the National Government. While these laws which it is now proposed to repeal remain upon the statute book there is something of a divided responsibility and a divided control, which in the very nature of things produce jealousies, suspicions, and antagonisms which are liable at any time to bring about conflicts between the authority of the General Government and that of the State, and which in many instances will tend to defeat the will of the people as expressed at the polls.

Supervisors and deputy marshals appointed by the Federal authority to overlook and direct State officials in the discharge of their duty carries with it a suspicion of the integrity of the State officials, and tends to diminish the causes that induce men to do right for the sake of right, and to destroy that confidence and respect which all good citizens should have toward the officers of both the State and Federal Governments. A man is far more likely to be honest when he is trusted and placed upon his honor, and where he will get full credit for his good deeds, than where he is placed under suspicion and supervised by the officers of the General Government.

The Senator from Illinois says that these laws in no way influence or affect the election of State officers, but relate only to Members of Congress. While this is true on the face of the laws it is not true in point of fact.

In those States where the Members of Congress are elected at the same time and in the same place as the State officers, in every State where this condition prevails Republican supervisors and Republican deputy marshals have almost invariably used their office to control and influence the election not only of Members of Congress, but of State officers also, and for this reason many of the States have refused, and very properly refused, to permit the State elections to be held at the same time and place.

Throughout the South, wherever and whenever these supervisors and deputy marshals have been appointed, they have had a large and controlling influence with the colored population. With many of these ignorant citizens the man who holds power from the General Government is regarded as all powerful and one whose wishes cannot be safely disregarded, and that he is a kind of guardian for them, and has to a certain extent the right to direct how they shall cast their ballots; and those who have been appointed supervisors and deputy marshals in my State, at least by Republican judges and Republican marshals, have not hesitated to use this power and this influence on behalf of Republican candidates.

The chief supervisor in Arkansas today is Judge John McClure. The people throughout the State almost universally believe that he was perhaps more largely responsible for the frauds upon the ballot boxes which were committed from 1868 to 1874 than any other one man in the State. He has, since he has held the office of chief supervisor, used his power in every election to harass and annoy the election officers of the State in every possible way. He secured the appointment under President Harrison of assistant or special district attorney for the eastern district of Arkansas, and through this power and that of chief supervisor and under a Republican district judge, succeeded in having indictments preferred against many of the best citizens of the State.

The prosecution and trial of these causes cost the Government of the United States many thousands of dollars, and notwithstanding it was a Republican judge and district attorney, and a majority of Republican jurors, nearly all of these parties were acquitted; and in the few cases where convictions were secured it was for some technical violation of the law where no fraud had been committed or intended, and where the result was in no way changed, and as I now remember, not a single man indicted was shown to have committed actual fraud in a single precinct within the State.

Laws that can be thus used ought to be repealed. They can do no good and they produce much evil.

Just preceding the election of 1890 a deputy marshal in the State of Arkansas, accompanied by a large posse which had been taken from the city of Little Rock, went into the county of Lee under pretext of summoning witnesses to attend the Federal court, and yet they showed by their acts that it was their sole object and purpose to frighten and intimidate the Negroes who had expressed a determination to vote the Democratic ticket. Written communications were distributed amongst the colored people commanding them to go to the polls and vote for the Republican candidate for Congress.

Mr. President, laws under which such men as our chief supervisor can be clothed with such power and which can be used for such purposes can be productive of no good. We want them abolished and we want our chief supervisor abolished with them; and because we thus seek to correct existing evils we do not think it is fair to charge us with seeking to reopen issues that were settled by the war. If fair and honest elections can not be secured by trusting the people of the several States then they cannot be secured at all.

The whole structure of our Government is founded upon the theory that the great body of the people are honest, and if the time should ever come when the people are corrupt then the Government will fall; and if the people of any State cannot be trusted to conduct their own elections then no kind of force used by the General Government will suffice to produce an honest result. The whole history of the Government shows that it is better to trust the people of the States, to permit them to control their own local affairs in their own way. Such was the intention of the framers of the Constitution, and every attempt to turn from their teachings has proven disastrous to our institutions.

These are the principal reasons why I favor the passage of the present bill, and I confidently believe that time will show that complaints of fraud in the election of Members of Congress will be far less numerous when this power is entrusted to the people of the several States of this Union.

Mr. President, my address today has been on title I. I was pleased to have the exchange of ideas with other Senators, and I am more convinced than ever—the more I study the question, the more convinced I become—that it would be absolutely unconstitutional for the Congress to pass a civil rights bill of the nature now proposed. I have pointed out some of the objections to title I in my speech today. I reiterate, there is no question that title I violates the Constitution in that it would deprive people of the right of trial by jury, and also would attempt to get Congress to pass a law to fix voter qualifications when the Constitution of the United States has fixed that by adopting the qualifications of the respective States of the Nation, with regard to voting for the most numerous branch of the State legislature.

Mr. President, I want it understood, and I ask unanimous consent, that my yielding today to various Senators did not constitute separate appearances on this occasion.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection, it is so ordered.

Mr. THURMOND. Since I have not completed this address, I ask unanimous consent to be allowed to complete it on another day.

Mr. JAVITS. Mr. President, I should like to inquire of the Senator when he asks the Chair to be allowed to complete his address on another day, whether this constitutes a speech on the bill as is. I am sure the Senator will have plenty of opportunity to submit amendments, but I did not know we had established any precedent of that kind. I assume the Senator can complete anything he wishes on another day, if he is recognized.

The PRESIDING OFFICER. Does the Senator from New York object to the request of the Senator from South Carolina?

Mr. JAVITS. I am trying to get at the exact import of his request. If the idea is to have one speech continued day after day, I must object. I do not see how we can possibly do that.

The PRESIDING OFFICER. Will the Senator from South Carolina rephrase his unanimous-consent request?

Mr. THURMOND. In some instances one can complete an address, but I have not completed this address on title I, and I just wished to finish it on another day.

The PRESIDING OFFICER. Is the Chair correct in interpreting the remarks of the Senator from South Carolina to mean that for this particular speech he desires to complete it on another day, and its continuation, plus today's remarks are to be interpreted as only one speech under the rule?

Mr. THURMOND. I should like my address not to be considered as one speech until I have finished it. I am not quite through with it. That is what my unanimous consent is about.

Mr. JAVITS. I objected to that unanimous-consent request. I now ask the Senator from South Carolina to yield, without losing his right to the floor and without it counting as another speech, to allow me to suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator from South Carolina yield to the Senator from New York for the purpose of suggesting the absence of a quorum?

Mr. THURMOND. I have not yielded the floor.

The PRESIDING OFFICER. The Senator has the floor, but the Senator from New York requested the Senator from South Carolina to yield to him so that he might suggest the absence of a quorum. The Senator from South Carolina does have the floor.

Mr. THURMOND. It will be quite all right to suggest the absence of a quorum, with that understanding.

First, I wish to discuss another subject.

BIBLE READING IN PUBLIC SCHOOLS

Mr. THURMOND. Mr. President, I am pleased to call to the attention of my colleagues a communication I have received from Mr. Woodrow W. Britton of Charleston, S.C., with regard to the recent news story indicating that the Baptist Joint Committee on Public Affairs will take a public stand in opposition to proposals to reverse the Supreme Court decisions against prayers and Bible reading in our schools. This letter takes sharp issue with the position of the committee as reported in the news.

I ask unanimous consent, Mr. President, to have printed in the Appendix to the RECORD the letter from Mr. Britton together with a resolution from the Rutledge Avenue Baptist Church in Charleston, S.C., and also an article from the News and Courier of Charleston, S.C., dated March 26, 1964. The article is entitled "Area Baptists Back Proposal To Allow School Bible Reading."

The Baptists represented by Mr. Britton's group of Christian laymen and also those of the Rutledge Avenue Baptist Church feel very strongly about the need for amending the Constitution to overrule the Supreme Court's recent anti-prayer decisions. I appreciate their position, Mr. President, and I commend them for their strong stand. Therefore, it is a pleasure for me to present this material to the Senate so that there might be no mistaken idea as to where these Baptists stand—and I am confident the overwhelming majority of southern Baptists stand—on this important question.

I ask unanimous consent that this material may be printed in the RECORD at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AREA BAPTISTS BACK PROPOSAL TO ALLOW SCHOOL BIBLE READING

Petitions are being circulated locally to support passage of a proposed constitutional amendment permitting Bible reading in public schools.

Local Baptist ministers generally are in favor of the amendment despite a recent announcement from the Baptist Joint Committee on Public Affairs opposing the amendment on various technical grounds.

The committee, authorized to inform Baptists of legislation that affects religion, is not authorized to speak for the eight Baptist organizations it represents, Dr. John A. Hamrick, pastor of Charleston's First Baptist Church, explained last night.

The eight Baptist groups represented in the committee are the Southern Baptist Convention, the American Baptist Convention, Baptist General Conference, North American Baptist General Conference, National Baptist Conference, Baptist Federation of Canada, National Baptist Convention, U.S.A., Inc., and General Conference of Seventh-Day Baptists.

Dr. Hamrick also explained that while the committee is not in power to speak for their various groups it is entitled to its opinion. "I don't believe it was their intention to make any pronouncement," he said.

An article in the March 7 issue of the Philadelphia Inquirer reported that the committee was calling for "defeat of any amendment to the Constitution which would permit the reading of prayers or the Bible in public schools."

W. Harry Garrett of Washington, D.C., associate director of the committee, was quoted as saying "the statement puts us on record as opposing any constitutional amendment which will allow the Bible in public schools."

Dr. Hamrick said last night that he had spoken at length with Mr. Garrett about the article in the Philadelphia newspaper and that Mr. Garrett said he had been misquoted. The committee did not intend to voice opposition to any such amendment but to the particular one known as the Becker amendment, believing it to have technical flaws, Dr. Hamrick explained.

Approval of the Becker amendment was, however, given by Dr. Hamrick and by other Baptist ministers and congregations in the Charleston area.

The Reverend Paul M. Pridgen, Jr., pastor of the First Baptist Church of North Charleston, credited the North Charleston Ministerial Association with promoting the signing of the petitions. "I cannot speak for other Baptists any more than that committee can, but I can say that I and my congregation are wholeheartedly in favor of the amendment," he said.

Dr. John E. Huss, pastor of the Charleston Heights Baptist Church, said:

"I will wholeheartedly support any constitutional effort to permit Bible reading and prayer in our school system. Our country, to be at her best, must include God in her plans. 'In God We Trust' should be more than a mere slogan on our coins.

"Bible reading and prayer could hurt no one and be a help to everyone.

"Our survival as a nation depends upon our spiritual heritage."

The Reverend Douglas O. Newton, pastor of the Brentwood Baptist Church, said:

"The Baptist joint committee on public affairs' effort to defeat the amendment which would allow the Bible and prayers in our public schools is contrary to Baptist policy and Baptist doctrine. The committee does not speak for me."

The Reverend Howard S. Knowles, pastor of the Friendship Baptist Church of North Charleston, said:

"I personally have signed a petition which calls for adoption of the amendment. I believe in separation of church and state but not in separation of God and state.

"Let's compare this group (Baptist joint committee) to one of our elected public officials, a Congressman. He is elected to speak for us in Washington, but he doesn't always think and vote the way we all think he should. That's the case with this group, I think."

The Reverend Earl Behr, pastor of the Windsor Baptist Church, said:

"I favor the reading of the Bible and having prayer in our public schools. I am not in favor of obligatory Bible reading in public schools or obligatory prayers. But I am in favor of the amendment."

Members of the Rutledge Avenue Baptist Church unanimously adopted a resolution last night which disapproves and denounces the invalid action of the Baptist joint committee on public affairs."

The Rutledge Avenue Baptist resolution stated, in part:

"The action of the said Baptist joint committee and any action its officers may exercise in making it appear that our church is opposed to the said Becker amendment violates the basic principle on which churches of the Southern Baptist Convention were established."

The resolution was signed by the Reverend D. N. Baker, pastor of the church, and Gladys W. Bailey, church clerk. Copies are being sent to the Baptist joint committee, Representative L. MENDEL RIVERS, Senator STROM THURMOND, and various news media throughout the Charleston area and South Carolina.

CHARLESTON, S.C., *March 26, 1964*.

Hon. J. STROM THURMOND,
Member of the U.S. Senate,
Washington, D.C.

DEAR SENATOR: As chairman of a group of Christian laymen, who are sponsoring and distributing petitions in South Carolina and wherever possible, supporting the Becker amendment (which will return the Bible to our public schools on a voluntary basis) I am therefore, deeply interested in same.

I am sending you a copy of a statement and resolution, that my church, the Rutledge Avenue Baptist Church adopted by unanimous vote on March 25, 1964, regarding the action of the Baptist joint committee on public affairs. Also, a page of the News and Courier with an article about said committee's action and the Baptist support of the amendment in our area.

We would appreciate whatever you can do via publicity to assist us in our endeavor to eliminate any misunderstanding of our support and feelings in regard to the Becker amendment.

With kindest regards and many thanks, I am.

Sincerely yours,
WOODROW W. BRITTON,
Chairman.

RUTLEDGE AVENUE BAPTIST CHURCH,
Charleston, S.C.

Whereas the Becker amendment (which will return the Bible and permit prayers in our public schools on a voluntary basis); and

Whereas section 2 of said amendment declares "Nothing in this Constitution shall be deemed to prohibit making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States"; and

Whereas on March 7, 1964 (published in the Philadelphia Inquirer) in Atlantic City March 6: "A committee representing eight Baptist organizations called Friday for the defeat of any amendment to the Constitution which would permit the reading of prayers or the Bible in public schools"; and

Whereas the said committee (Baptist joint committee on public affairs) as stated in said publication, consists of representatives from the Southern Baptist Convention and this committee has expressed opposition to the said Becker amendment; and

Whereas W. Barry Garrett, of Washington, D.C., associate director of the committee, said: "The statement puts us on record as opposing any constitutional amendment which will allow the Bible in public schools"; and

Whereas Garrett also said: "The committee had authorized C. E. Carlson, executive director of the group, to appear before the House Judiciary Committee to present its views"; and

Whereas this action by the said committee has been broadcast over many radio stations and published in other news media; and

Whereas the Baptist churches of the Southern Baptist Convention are autonomous and approve or disapprove proceedings or business matters and take a stand by a majority vote of the members voting in a conference meeting of the individual churches; and

Whereas, many members of our church, including our pastor, have signed petitions supporting the said Becker amendment mentioned herein; and

Whereas the representatives, from Southern Baptist Convention, who are participating in the said, Baptist joint committee on public affairs, have no authority, whatsoever, to speak for or on behalf of members of the Rutledge Avenue Baptist Church, and, therefore, any views of C. E. Carlson, executive director, or any member of said joint committee, presented to the House Judiciary Committee or any other group do not represent the views of the Rutledge Avenue Baptist Church and are not valid; and

Whereas the action of the said Baptist joint committee and any action its officers may exercise in making it appear that our church is opposed to the said Becker amendment violates the basic principal on which churches of the Southern Baptist Convention were established and operate; now

Therefore, we the members of the Rutledge Avenue Baptist Church, 554 Rutledge Avenue, Charleston, S.C., do hereby resolve and go on record as disapproving and denouncing the invalid action of the Baptist joint committee on public affairs.

The above statement and resolution adopted in conference March 25, 1964, by unanimous vote.

REV. DOUGLAS N. BAKER,
Pastor.
GLADYS W. BAILEY,
Clerk.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, under the unanimous-consent agreement.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER (Mr. JAVITS in the chair). Without objection it is so ordered.

Mr. THURMOND. Mr. President, I yield the floor.

A NEW CRISIS IN LATIN AMERICA

During the delivery of Mr. THURMOND's speech,

Mr. MORSE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the Senator from Oregon, provided that in doing so I do not lose my right to the floor and that it will not count as a second speech.

Mr. MORSE. And that my remarks be printed elsewhere.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, let me say to the Senator from Minnesota [Mr. HUMPHREY] that if there is any chance of his getting someone to sit for him during the next few mintues, both he and I should be in the Foreign Relations Committee to listen to Assistant Secretary of State for Latin American Affairs, Mr. Thomas Mann. I am advised that a new crisis has developed in Latin America. I have assured Mr. Mann that I will be down shortly, and I would appreciate it very much if the Senator from Minnesota could possibly be there also. However, it may not be possible because of his duty as the Senator in charge of the bill on the floor of the Senate.

PRESIDENT MACAPAGAL OF THE PHILIPPINES AND THE WAR IN SOUTH VIETNAM

During the delivery of Mr. THURMOND's speech,

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by W. D. Friedenberg and published in the Washington Daily News today, entitled "Filipinos Outraged by Morse Slur." The remarks therein are attributed to President Macapagal, of the Philippines allegedly in response to my own comments about his views on the civil war in South Vietnam.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FILIPINOS OUTRAGED BY MORSE SLUR

(By W. D. Friedenberg)

MANILA, March 31.—President Diosdado Macapagal said today the Philippines would enthusiastically provide troops for any operation SEATO decides to undertake.

SEATO, or the Southeast Asia Treaty Organization, is a collective defense pact whose membership is made up of the United States, Britain, France, Australia, New Zealand, the Philippines, Pakistan, and Thailand.

In an exclusive interview, President Macapagal said: "The Philippines, which fought alongside the United States in two world wars, battled the Japanese 3 years and sent troops to Korea, is one country that cannot be accused of shirking the fight for freedom."

The Philippines, added the 53-year-old President, stoutly favor "putting SEATO into play to safeguard the security, not only of member nations, but others in southeast Asia including South Vietnam, Laos, and Cambodia."

The President made these fervent remarks without reference to Senator WAYNE MORSE, Democrat, of Oregon, who outraged Filipinos last week by charging that President Macapagal hasn't lived up to his signature on the SEATO pact.

Mr. MORSE. Mr. President, there is no question or doubt that the people of the Philippine Islands have been stanch fighters for freedom. They have resisted tyranny when imposed by either white or Asiatic adventurers. They have also been stanch friends of the United States. Among the American people, the Philippines are numbered among that very small group of nations we honestly consider as our friends, not for financial reasons but for ideological reasons.

My quarrel with President Macapagal took form of objecting to his encouragement, yes, his "egging on" of the United States in a war that the Philippines have not seen fit to enter, a war in which the President of the Philippines has yet to exercise any leadership under SEATO to try to bring the dispute in South Vietnam under the provisions and protocol of the SEATO Treaty. That is my criticism of the President of the Philippines, let me say to him from the floor of the Senate this afternoon; and I reiterate every word of it.

"Let's you and him fight in South Vietnam," was the message that came from President Macapagal as quoted in the Washington Post of March 26.

I am pleased that Mr. Macapagal has indicated a willingness for his country to participate in the South Vietnamese war. But I now ask him: Upon what basis? Is his suggestion now that he wishes to go in and follow a military course of action that will kill both American and Filipino boys? In my opinion, such killings are unjustified. They must stop. The United States cannot justify the military course of action which it is following in South Vietnam with its signature attached to treaty after treaty in which we pledge to the world that we stand ready to substitute a peaceful procedure of the application of the rule of law to the jungle law of military force and the U.S. Government is following the jungle law of military force in South Vietnam without one iota of justification.

Mr. President, until SEATO does act in South Vietnam, that organization will be nothing but a mechanism for extracting economic and military aid from the United States. We are extending that military aid, and much of the economic aid, to SEATO members so they will be able to cope with the threats to the peace in places like South Vietnam. If they are not going to act when a threat to peace occurs, the justification for most of that aid is removed.

I remind the President of the Philippines that in 1963 his country received $117,700,000 of aid from the United States; $23.9 million of it in military aid; $93.8 million of it in economic aid.

Since 1946 his country has received $1,851 million of aid; $423 million of it in military aid; $1,428 million of it in economic aid.

I believe that those vital statistics leave no room for doubt of the friendliness of the United States for the Philippines.

Moreover, that aid would have gone to the Philippines irrespective of whether SEATO existed, because Mr. Macapagal's country is a deserving friend of the United States. Our aid to her does not depend on the existence of any Communist threat.

I have voted for that aid to the Philippines and would again.

Within a few days SEATO members will get underway in Manila. As a member of SEATO, the Philippines will have the opportunity to present a program for South Vietnam which will make the civil war there a matter for joint SEATO action, to be undertaken equally by all SEATO members.

I pray to my God that the leaders of SEATO will have the foresight and judgment to seek to resolve the war in South Vietnam. It is basically a civil war fought between and among South Vietnamese without a single proof of any foreign contingency from Communist countries in South Vietnam. The only foreign military personnel in South Vietnam happens to be that of the United States. What a black mark the Secretary of Defense is writing on the glorious history of this Republic in conducting McNamara's war in South Vietnam.

In concluding my remarks on McNamara's war in South Vietnam, I wish to say to the President of the Philippines that he has not rebutted my judgment that his policy has been one of having the United States pick up the check and spill the blood in South Vietnam while the Philippines stood on the sidelines. But if the President of the Philippines now wishes to step up that war and takes the position that SEATO's position should be one of escalating the military effort in South Vietnam, the President of the Philippines is as dead wrong as is the Secretary of Defense of the United States, who has been the force behind McNamara's war in South Vietnam.

The time has come for the leaders of SEATO—and I welcome the President of the Philippines following this course of action—to sit down at the SEATO Conference which will shortly be held in Manila, to see what can be done to resolve the civil war in South Vietnam. The war in South Vietnam is not being conducted by foreign legions from outside South Vietnam, other than the foreign legion of the United States. Ours is the only foreign legion in South Vietnam. I pray that the leaders of SEATO will sit down in the Manila Conference and give consideration to any viewpoint that De Gaulle wishes to offer, for example. It must be remembered that he, too, is a member. Let the record never forget who the members of SEATO are. Let us take a look at them again. They are Australia, New Zealand, Pakistan, Thailand, the Philippines, France, Great Britain, and the United States. All those alleged allies up to this moment have walked out on us in South Vietnam. They have a chance to change that in the forthcoming Conference. They have the chance to try to settle the threat to peace in southeast Asia or to join the United States in the war.

I also wish to stress the point that we ought to be able to settle the civil war in South Vietnam without continuing the killing of South Vietnamese and American boys. It does not make sense. The people of this country will tell the Members of the Senate and the Members of the House and the President of the United States and Mr. McNamara and the other members of the administration that they are fed up with the unjustifiable killing of American boys in South Vietnam.

The senior Senator from Oregon will say it in Kansas tomorrow night, in Nebraska within a few nights, and from coast to coast, because he stands ready and willing to take on the administration in debate across this country in opposition to McNamara's war in South Vietnam, and in pursuit of this unjustifiable foreign policy. I will take on any Senator who wants to debate this issue in his State before his people at any place that any Senator wishes to issue the challenge.

I am satisfied that the people of this country are determined to put an end to the unnecessary and unjustifiable American participation in a civil war, which is McNamara's war in South Vietnam.

If SEATO cannot settle the war, or if SEATO does not have the statesmanship to try to settle it by the peaceful procedures of the rule of law for the settlement of international disputes, the United States should take the matter to the United Nations. I said this months ago. We have walked out on our signature on the United Nations Charter in respect to McNamara's war in South Vietnam. The purpose of that Charter is to have the members, acting in concert, bring an end to a threat to peace.

We had to be pushed into it, we had to be dragged into it, but we finally came along in regard to Cyprus and agreed that, after all, the United Nations ought to step into Cyprus, and that a United Nations peace force should be put into Cyprus. That is a pretty black chapter in our foreign policy also.

We wanted NATO to do it, even though Cyprus is not a member of NATO. The United Nations is the body that had clear jurisdiction over the Cyprus issue. Of course, it can be argued, as I have heard it said over and over again—and this is a slim reed on which one can lean—that there is within the framework of the United Nations a provision that permits regional organizations—and SEATO is such an organization, as is NATO, and other alliances—and which justifies procedures that we follow in the Organization of American States, on that international law theory—to try to settle disputes like this.

Let me make clear to the President of the Philippines that if what he has in mind—and it may be in error, but it leaves the impression—is to speed up and intensify and escalate the war in South Vietnam, and if SEATO follows that course of action, it will be just as wrong as McNamara is wrong now in the policies that he has been bespeaking to be American foreign policy without justification under our Constitution in respect to American participation in the war in South Vietnam.

Mr. President, I close by raising my voice again in the same plea that I have made for 20 years in the Senate, that there is no hope for peace in the world until the nations of the world are willing to submit for binding, final determination every issue as it arises to the rule of law for the settlement of that issue. There is no hope for peace if powerful nations, or nations which think they are powerful at a given time, are willing to substitute the jungle law of military might and force for the settlement of issues that threaten the peace of the world.

That is what the United States is doing in South Vietnam. History will write a dark chapter of criticism against us.

Let us not try the hypocritical plea that we are supporting freedom in South Vietnam, any more than we were supporting freedom when we supported the Diem puppet state of the United States in South Vietnam.

Let Senators read the letters I put in the CONGRESSIONAL RECORD yesterday from American military personnel in South Vietnam. Let them read what our officers are saying about the situation in South Vietnam. They will find from those letters a low state of American military morale in South Vietnam. Many of them are not "buying" McNamara's war in South Vietnam. We are not supporting freedom in South Vietnam. We are supporting military dictatorship.

Has anyone heard the military dictator in South Vietnam say anything about instituting processes of freedom in South Vietnam? Has anyone heard him whisper anything about elections? The last election there occurred during the Diem regime, and then the only candidates were chosen by the regime. Has anyone heard the military dictator, who is supported by the United States in South Vietnam, stand up for the processes of democracy in South Vietnam?

We cannot continue to fool the American people on this situation any longer. They are not going to be fooled.

It is about time for the administration to sit down and reexamine its foreign policy with respect to South Vietnam. If it does, it will have a golden, glorious opportunity to really storm the thought of the world by offering to have the matter taken to the United Nations to be determined under the peaceful procedures of that charter.

Some will say that that cannot be done, that it is not practical to do it that way. We shall never know until we try. I have listened to the arguments of expediency in national affairs for 20 years. I have never known it to be sound. It will never be sound. Why? Because that kind of argument, based upon expediency, is also morally wrong. The senior Senator from Oregon has an abiding faith that if we stand for what is morally right, never compromise, and press on and on, no matter what the opposition is throwing in our way, not we, but that principle will prevail. The principle for which I am pleading again is so morally right that McNamara's war in South Vietnam can never be justified.

Mr. President, I ask unanimous consent that there may be printed in the RECORD at this point in my remarks an article entitled "McNamara's Gamble," written by Richard Starnes, and published in the Washington Daily News of today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

McNAMARA'S GAMBLE

(By Richard Starnes)

A graph tracing the dizzying ascent of the McNamara myth would show a firm plateau of prestige and power during the second Kennedy year, and an unswing to a sharp peak in the third month of the Johnson epoch.

The top of the peak would doubtless be shown on the evening of Thursday last, when the Defense Secretary presented his report on his latest explorations in South Vietnam.

His speech was celebrated almost without exception. Most of those in the dismal business of political prognosis were ready to share Mr. Johnson's judgment that Robert S. McNamara was the brightest ornament he had inherited from the late Mr. Kennedy. Pundits wrote that the genius of Mr. McNamara transcended party disciplines and that he might well turn up as Mr. Johnson's vice-presidential candidate, Republican or no Republican.

Mythmaking is the principal industry in the city of Washington, to be sure, but the eager subscribers to the McNamara legend seem to have missed two important points—points that seem to forecast an inevitable downturn in his prestige graph.

Point 1: Whether he intends it or not, Mr. McNamara has gambled all the considerable esteem in which he is held on a successful outcome in Vietnam. Failure (which must include chronic nonsuccess) will be laid at his door. He is now identified as the architect of our Vietnamese war policy; he will reap whatever rewards or penalties the policy produces.

Point 2: Mr. McNamara's white paper on Vietnam bespoke no new policies; it promised more of the same programs that to date must be counted thundering failures.

His account of the waxing and waning of our fortunes in southeast Asia was not notable for candor. He said, for example, that "while the per capita food production in the north was 10 percent lower in 1960 than it had been in 1956, it was 20 percent higher in the south."

This brought a derisive snort from a genuine expert on Vietnam who is well known to me. "With 1956 as a base year," he said, "McNamara can prove anything. In 1956, for the first time since the end of the Japanese occupation, South Vietnam exported zero rice. It was a rice disaster year in the south."

Again, in speaking of the South Vietnamese National Institute of Administration (a training facility for civil servants), Mr. McNamara said it "had been established without technical and financial assistance." The fact is that it was established by the French in 1951, before our commitment in Vietnam. Indeed, by 1962, when we were assisting the program, the paranoia of the Diem regime became so marked that American advisers to the program were cast out by the late brother Nhu, who rightly feared any emerging class of trained and sophisticated civil servants.

"Note well," the independent expert warned, "that McNamara's program contained no demands for elections or other democratic reforms. We are still trying to fight an ideology with an IBM-machine approach, and it can't be done."

Mr. McNamara rejects neutralization and counsels patience in the "long twilight" of travail that faces us in southeast Asia. He promises increments in the armed forces of South Vietnam, although the Saigon regime already has an overwhelming numerical superiority over the hard-core Vietcong partisans. In the present context, it is difficult to repose much hope that more of the same will do the job in the worn, bleeding little Asian country where we are so heavily involved.

Mr. McNamara's prestige in the power structure of Washington is a many-splendored thing—now. But it is worthwhile to point out that in its original meaning, "prestige" is defined as a sorcerer's trick, an illusion, a bit of sleight of hand. Too often it still means that in this city, as numerous fallen idols can testify.

MARCHING INTO THE SPACE AGE

During the delivery of Mr. Thurmond's speech,

Mr. SYMINGTON. Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Marching Into the Space Age, But Astronautics Is Only Part of Stiff Curriculum at U.S. Air Force Academy," printed on March 29, 1964, in the St. Louis Post-Dispatch.

There being no objection, the article was ordered to be printed in the Record, as follows:

Marching Into the Space Age: But Astronautics Is Only Part of Stiff Curriculum at U.S. Air Force Academy

(By Olga Curtis)

Colorado Springs, Colo., March 28.—Ten years ago, when the U.S. Air Force Academy was founded, nobody figured that the newest service school might also turn out to be one of the country's greatest tourist attractions.

If this had been foretold, what is going to be one big birthday party in Colorado Wednesday might be a day of mourning in St. Louis. For there was a time when the Academy could just as easily have gone up near Alton, Ill., instead of high on the slopes of the Rampart Range.

Back on April 1, 1954, the Academy was just an act of Congress signed by President Eisenhower. It had no home, no students and certainly no hint that someday it would draw 2,500,000 visitors a year.

That's how many tourists came to the Academy in 1963 to see the glittering glass and steel buildings, the 17-spire chapel, the precision-marching cadets in blue, the flags waving in the mountain winds and the huge new Falcon Stadium. In 1954, the Colorado Chamber of Commerce was downright overjoyed if a mere million visitors showed up annually to see Pike's Peak, in whose shadow the Academy stands; now it overshadows the peak as a tourist attraction.

While the jingle of all that tourist money makes Colorado especially happy, the whole Nation can be proud of the Academy. In wild-blue-yonder tradition, it zoomed off so fast that in the time it takes most schools to get settled the Academy climbed to a top position in education.

It was accredited by the North Central Association of Colleges before it even got its first class graduated, an accomplishment unprecedented in education. Last year it became the first service academy authorized to grant an engineering degree. And it has produced seven Rhodes scholars in 5 years.

All this had its inception when five prominent middle-aged men climbed on mules. They were Air Force Lt. Gen. Hubert Harmon (later to become first Superintendent of the Academy), President V. M. Hancher, of Iowa State University, Air Force Gen. Carl A. Spaatz, Brig. Gen. Charles A. Lindbergh, of the Air Force Reserve and Newspaper Executive Merrill C. Meigs. These five were the men in April 1954, started the job of finding a home for the Academy. They traveled 21,000 miles, mostly by air but also on muleback in Colorado, and by May had narrowed the choice to three locations: Colorado Springs, Lake Geneva, Wis., and a site near Alton, Ill.

The majority on this Academy Site Selection Commission favored Colorado Springs, and the decision to look the mountain location over again produced one of the Academy's pet anecdotes.

The site inspectors wanted an aerial survey, so they went to a small flying school, and Lindbergh asked the airport manager if he had a plane to rent. The airport operator, who didn't recognize Lindbergh, asked, "Do you know how to fly?"

"Yes, I have a license," said the man who flew the *Spirit of St. Louis*. He proceeded to display a dozen flying licenses from all over the world, and the airport chap almost collapsed in embarrassment.

After the aerial survey, the Commission decided to recommend all three proposed sites anyway. For 3 weeks in June 1954, nobody knew where the Academy would finally be located. Then Secretary of the Air Force Harold E. Talbott selected the Colorado Springs site, and simultaneously chose Lowry Air Force Base at Denver to be the Academy's temporary home until the permanent buildings could be put up.

The Air Force immediately moved into Lowry, and the Academy began operating in July—with nine officers, nine pads and pencils, and two rooms at one end of a three-story barracks. The Air Force requirements for cadets were so stringent that it took another year to pick the first class.

Of the 306 boys who became the class of 1959, 207 graduated. Among them was St. Louis's first Academy officer, Lt. Melvin J. Merz, who was killed 2 years later in a jet crash in New Mexico.

By the time the Academy moved into its $139 million home in the Rockies in 1958, cadet enrollment had grown to about 700 per class. But the requirements for becoming a cadet remained tough—so tough that 40,000 boys applied for the class of 1968, which enters this June, and only 900 made it.

Most cadets must have a congressional appointment, although a few come in as sons of specified veterans or from the ranks of Air Force enlisted men. Congressmen screen the 40,000 applications they receive and reduce the number to about 7,000; from these Air Force picks only those who can meet the scholastic and physical requirements.

A single F in a high school record can "wash out" a would-be cadet; so can one unfilled cavity in his teeth. A cadet must be between the ages of 17 and 22, unmarried, and in top health.

The 2,400 cadets now at the Academy therefore represent the cream of some 120,000 applicants. Those from the St. Louis area include:

Class of 1964: Richard Wall Durbin, 2651 Russell Boulevard, and James Henry Renschen, 2112 East Linton Avenue.

Class of 1965: Harry Thomas Doerer, 8418 Glen Echo Drive; Douglas Andrew McGrath, 40 South Schlueter, and Orlando Rannenberg, Jr., 2011 Victor Street.

Class of 1966: Gerald Ryan Denny II, 1716 Beulah Place.

Class of 1967: Charles Clarence Struckhoff, 4224 Louisiana Avenue.

The Academy already draws more applicants than either West Point or Annapolis.

"Boys want adventure," explains Brig. Gen. Robert F. McDermott, the dean. "We're associated with the space age and the future, and that's our whole job—to train leaders for the Air Force who may one day go into space."

Astronautics is just part of what the cadets learn in their 10½-month school year. They cram the equivalent of 3 years of liberal arts study, 1 year of engineering, and 1 year of foreign affairs study into 4 Academy years.

Every minute from 6 a.m. to 10 p.m. the cadets are either learning, exercising, or acquiring polish. The latter, which requires the presence of ladies, is the only drawback that has been mentioned about the Colorado location. Cadets have to import their dates by bus from Colorado Springs, 10 miles south, or from Denver, 54 miles north. They import them because lower classmen are usually confined to the Academy "Doolies," or freshmen, never get off the Academy grounds for their first year, and seldom get to see girls. The "Doolies" spend most of their nonstudying day on double timeing march, part of a "tradition" which the Academy cheerfully adopted overnight, along with its falcon mascot and blue and silver colors.

Cadets of all classes live in one huge dormitory, bunking two to a room. Their classrooms, all windowless to reduce distraction, are in another building, and their messhall is in still another.

All the cadets march in to eat together, and it is the lunchtime parade of 2,400 boys in blue that is the biggest tourist attraction. Except for this peek, cadets and the cadet area are off limits to most visitors, but all other parts of the 17,900-acre Academy preserve are open to view.

The original Academy plan called for a jet airport 5 miles from the building area. So far, congressional economy has blocked development of the airfield.

The Academy is already a great tourist attraction, a recognized top school, and a target for almost every space-minded young man. All it wants for its 10th birthday is that jet field.

MAIL SURVEILLANCE

During the delivery of Mr. Thurmond's speech,

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an able and thoughtful editorial with respect to the views of my colleague [Mr. Long of Missouri] on the subject of the "Mail Watch" be printed at this point in the Record. This editorial was published in the St. Louis Post-Dispatch on March 14, 1964.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Smacks of Russia

Missouri's Senator Long is performing a truly national service in his unceasing struggle with the Government practice known as the "mail watch." The Senator, in the absence of any official willingness to cease the practice, now proposes legislation to halt it.

In a mail watch, the Post Office Department keeps a record of return addresses on all mail delivered to a person. Postal officers say they do so at the request of Federal or local law-enforcement bodies. The mail check may prove useful, for example, in investigations of suspected income tax evaders, by identifying firms from which they made purchases. Its "utility" is measured by admission that there are 500–750 checks in effect at any given moment.

Useful though the practice may be to government, however, it is an unnecessary and legally unauthorized invasion of the citizen's privacy. Americans have always thought their correspondence to be a private matter, and have expected the Post Office Department in particular to protect it as such. The fact that officials do not open the mail, but only note the name of the sender, does not excuse meddling with the mail and interfering with private affairs.

In the perjury trial of Roy Cohn, once counsel to the late Senator Joe McCarthy, it was disclosed that the Government had been operating a check not only on his mail but on that of his attorney. Here the Government seems to have interfered in the privileged relation of attorney and client. Federal District Judge Archie O. Dawson in New York was shocked. "This smacks of Russia rather than the United States," he said.

Judge Dawson did not dismiss the charge against Mr. Cohn, or even agree to suppress any evidence obtained by the mail checks. No doubt the reason was that the law is not clear. There is no law specifically permitting the Post Office to operate such mail checks; neither is there a law against it. But there should be a law against it, as Senator LONG proposes. The mail check is, as Judge Dawson and Senator LONG agree, a police state technique. Private correspondence is no longer private while it exists.

IOU NO. 19: RATE REDUCTIONS GROSSLY INADEQUATE

During the delivery of Mr. THURMOND's speech,

Mr. METCALF. Mr. President, the IOU's, investor-owned utilities, are not sharing their fabulous increase in profits with their customers.

From 1958 to 1959 the net earnings of investor-owned electric utilities increased by $137 million—from $1,519 million to $1,656 million. The net effect of electric company rate changes during 1959 was an increase of $51 million.

From 1959 to 1960 the IOU's net earnings increased by $127 million, from $1,656 million to $1,783 million. The net effect of electric company rate changes during 1960 was an increase of $34 million.

From 1960 to 1961 the IOU's net earnings increased by $92 million, from $1,783 million to $1,875 million. The net effect of electric company rate changes during 1961 was an increase of $8 million.

From 1961 to 1962 the IOU's net earnings increased by a record $187 million, from $1,875 million to $2,062 million. During 1962 the net effect of rate changes was a decrease of $8 million, less than 5 percent of the additional earnings during the year.

These figures come from the industry itself.

The statistics on net earnings come from the IOU's reports to the Federal Power Commission. I ask unanimous consent to have printed at this point in the RECORD, a tabulation entitled "Income Statistics of Investor-Owned Electric Utility Companies," which appeared on page U15 of Standard and Poor's July 18, 1963, industry survey entitled "Utilities—Electric."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Income statistics of investor-owned electric utility companies

	Electric operations							Other utility operating income	Total utility operating income	Interest requirements	Net earnings	Dividends declared	Net income (1957–59=100)		
	Total operating revenues	Fuel costs	Wages and salaries	Total operating expenses	Operating income	Depreciation	Taxes						Electric utilities	Industrials	Rails
	Millions	*Millions*	*Millions*	*Millions*	*Millions*	*Millions*	*Millions*	*Millions*	*Millions*	*Millions*	*Millions*	*Millions*			
1962 [1]	$11,403	$1,659	$1,720	$5,006	$2,574	$1,253	$2,572	$245	$2,819	$776	$2,062	$1,462	134.8	119.5	89.4
1961	10,666	1,604	1,672	4,725	2,346	1,161	2,437	216	2,563	730	1,875	1,377	122.6	103.4	[illegible]
1960 [2]	10,116	1,516	1,599	4,531	2,202	1,080	2,306	196	2,398	727	1,783	1,299	116.6	102.6	69.[illegible]
1959	9,498	1,447	1,546	4,289	2,042	994	2,174	180	2,222	668	1,656	1,218	108.3	110.3	90.4
1958	8,709	1,329	1,480	4,015	1,855	904	1,936	161	2,016	610	1,519	1,134	99.3	85.4	94.2
1957	8,309	1,368	1,415	3,937	1,708	826	1,840	144	1,852	524	1,413	1,069	92.4	104.3	115.4
1956	7,780	1,223	1,316	3,656	1,610	769	1,748	137	1,747	464	1,332	1,021	87.1	109.1	137.2
1955	7,199	1,090	1,251	3,379	1,500	698	1,625	119	1,619	432	1,244	943	81.3	102.0	145.1
1954	6,549	979	1,219	3,147	1,350	628	1,428	109	1,459	400	1,134	868	74.2	75.9	106.7
1053	6,127	1,004	1,152	3,060	1,224	560	1,326	97	1,321	357	1.030	781	67.3	76.6	141.4
1952	5,656	913	1,075	2,840	1,097	506	1,214	90	1,187	312	922	709	60.3	72.4	129.2

[1] Preliminary.

[2] Includes Alaska and Hawaii beginning 1960.

Source: Federal Power Commission.

Mr. METCALF. It is interesting to note, in the preceding table, that IOU's net income more than doubled from 1953 to 1962.

The summary statistics on electric company rate changes appeared on page 45 of the March 14, 1963, issue of Public Utilities Fortnightly and were based on a series of charts submitted by Electrical World to the New York Society of Security Analysts. The summary statistics are as follows:

Year	Increases granted	Rate decreases	Net increases
1959	$55	$4	$51
1960	43	9	34
1961	18	10	8
1962 [1]	11	19	[2] 8

[1] Preliminary.

[2] Decrease.

According to Editor Daniel T. Braymer of Electrical World, most of the 1962 rate reductions were voluntary and promotional in character, designed usually to promote electric space heating. Public Utilities Fortnightly's Owen Ely added that another possible factor in the 1962 rate reduction:

> Is the remarkable uptrend in electric utility earnings last year—1962—due in part to favorable weather and also to tax savings resulting from new accounting factors such as the 3 percent investment credit and the depreciation guidelines.

Finally, Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks Standard and Poor's summary of its October 24, 1963, industry survey, "Utilities-Electric," which appears under the headlines:

A BANNER YEAR AHEAD

New Records In All Phases of Operations In Prospect: Lower Corporate Tax Rates And Diminishing Financing Requirements Will Benefit Earnings Per Common Share—Numerous Dividend Increases Likely.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

A BANNER YEAR AHEAD: NEW RECORDS IN ALL PHASES OF OPERATIONS IN PROSPECT—LOWER CORPORATE TAX RATES AND DIMINISHING FINANCING REQUIREMENTS WILL BENEFIT EARNINGS PER COMMON SHARE—NUMEROUS DIVIDEND INCREASES LIKELY

REVENUES; EARNINGS

The impressive growth pattern of the Nation's electric power companies is expected to continue during 1964. Industrial sales, which increased around 6.9 percent last year, should continue in an upward trend. Based on preliminary studies, industrial production, as measured by the Federal Reserve Board Index (1957–59=100), is expected to average 130 in 1964, as against 124 in 1963. For the first half of this year, it is projected at 129.5, up from 122 in the comparable period of 1963. With prospects favoring continued improvement in residential and commercial sales, composite revenues of the electric power industry should rise between 5½ and 6 percent in 1964. This projection allows for some rate reductions that probably will be announced once lower corporate tax rates are enacted.

Since the industry has repeatedly demonstrated its ability to control costs and effect operating economies, margins should widen further this year. Thus, with Federal corporate tax rates expected to be cut to 50 from 52 percent, a large part of the increase in revenues should be reflected in earnings. This, in turn, is expected to facilitate numerous dividend increases.

NEW RECORDS ESTABLISHED IN 1963

Generating capability for the total electric utility industry in the contiguous United States reached an estimated 211.4 million kilowatts in 1963, an increase of 13.3 million kilowatts, or about 6.7 percent. Of this total, 160 million kilowatts, or 75.8 percent, were supplied by the investor-owned electric companies. This raised the United States lead in power-producing capability over Russia from 135.7 million kilowatts at the 1962 yearend to about 137 million kilowatts at the end of 1963.

Aided by the upswing in the national economy, electric energy sales in 1963 advanced approximately 7 percent to an all-time peak of around 830 billion kilowatt-hours. The industry added an estimated 1.33 million new customers, bringing the total at the yearend to almost 62.7 million. Residential customers increased their individual average annual consumption by an estimated 206 kilowatt-hours during the year to around 4,465 kilowatt-hours. This increase in residential usage was instrumental in cutting the average rate for service in this classification to 2.37 cents per kilowatt-hour from 2.41 cents in 1962.

According to the Edison Electric Institute's preliminary report, gross revenues of the business-managed electric utilities advanced 5.7 percent in 1963 to almost $11.6 billion. With costs under good control, net income from all departments rose 7 percent to an estimated $2,221 million.

CONSTRUCTION AND FINANCING

The investor-owned electric utilities spent an estimated $3.3 billion for property additions and improvements in 1963, which brought their total investment in plant and equipment to about $54 billion. It is encouraging to note that less than 35 percent of last year's outlays, or $1,142 million, was raised through the sale of permanent securities. These included approximately $880 million of long-term debt, $81 million of preferred stock, and $181 million of common stock. In 1962, when construction expenditures were around $3.2 billion, permanent financing totaled $1,448 million, of which $1,039 million was long-term debt, $183 million preferred stock, and $225 million common stock.

Construction expenditures by the electric companies in 1964 will probably hold around the $3.3 billion level. Aided by the use of accelerated depreciation, the new Federal depreciation guidelines, and the 3-percent investment tax credit, it is possible that the total of new-money financing this year may be less than in 1963.

LARGE-SCALE POWER SUPPLY FROM LABRADOR

Reflecting the tremendous technological advances being made in the transmission of electric energy through extra-high-voltage lines, Consolidated Edison of New York recently announced plans to import power from a large-scale hydroelectric project to be built at Hamilton Falls, Labrador. It is anticipated that ConEd will receive at least 2 million kilowatts of hydropower from this project by 1968 at an estimated cost of about 6 mills per kilowatt-hour. As a result of this new power supply, ConEd has dropped its plans to build a 1-million-kilowatt atomic powerplant in the Ravenswood section of Queens, New York City. It had been estimated that power generated at the proposed nuclear plant would have cost around 6½ mills per kilowatt-hour, which points up the economies connected with the new hydroelectric power supply.

AID TO INDONESIA

Mr. BAYH. Mr. President, the American people and we who represent them are a patient lot. We are rarely disposed to take rash, harsh actions against our friends and neighbors throughout the world. We are keenly aware that peoples with different backgrounds and varying traditions do not always see eye to eye, do not always think alike, do not always agree. We expect this, Mr. President, because we in the United States are a composite, varying widely in background and traditions and religion and race. And we in this country do not always agree with one another. And out of this continuing dialog among people with sharp differences of opinion, we construct national law and national policy which never pleases all the people and occasionally fails to please any.

But, Mr. President, there comes a time—even to a patient people and a patient Congress—when stern action is demanded. I think that time has arrived with respect to our programs of economic and military assistance to the Republic of Indonesia.

From the close of World War II until June 30, 1963, this Nation has given $881 million in assistance to Indonesia. Throughout this period, Mr. Sukarno has been President of Indonesia.

He was the leader of Indonesia when this august body threatened to cut off aid to our traditional allies, the Dutch, because the Dutch had violated the so-called Renville agreement—a truce between the Dutch and the Indonesians which the United States had a large hand in creating.

We began our aid to Sukarno despite his earlier collaboration with the Japanese during World War II. We continued our aid—and increased it—despite his frequent adverse expressions about the United States.

In the year ending last June 30, we issued $140.9 million in aid to Indonesia—$17.6 million in military aid and $123.3 million in economic aid.

Since the end of World War II, we have given Mr. Sukarno $280 million in development grants, development loans, technical cooperation, and the like. The remainder of our aid—some $601 million—has been for food for peace, long-term loans from the Export-Import Bank, and other economic assistance.

Since President Sukarno's overt threats toward neighboring Malaysia, our Government has restricted aid programs to the continuation of established technical assistance, educational projects, malaria-eradication projects, food-for-peace sales, and surplus-food donations through charitable organizations. As of March 1, by deferring obligations of new funds as long as possible, we had obligated to Indonesia less than 37 percent of our development grants and 2 percent of the supporting assistance programs for the current fiscal year.

Our Government has done this because of the actions of the Indonesian Government in opposing Malaysia and because of Communist attempts to exploit potential conflict between Indonesia and the West.

But so far, these attempts to bring pressure subtly upon Mr. Sukarno have been unsuccessful. Mr. Sukarno is riding the back of a tiger in playing the two great forces in his nation—the military, led by General Nasution, and the Communist Party—against one another for his personal perpetuation in power.

Mr. President, because of the lateness of the hour I ask unanimous consent that the remainder of my remarks may be inserted in the RECORD as though read.

The PRESIDING OFFICER. The Chair is informed that that request cannot be honored. However, the Senator may ask unanimous consent to include the remainder of his remarks in the RECORD, and that will be done if the Senator makes the request.

Mr. BAYH. I ask unanimous consent that the remainder of my remarks may be printed in the RECORD.

There being no objection, the remainder of the remarks were ordered to be printed in the RECORD, as follows:

Sukarno is the leader of a nation which is blessed with rich natural and human resources. Yet his nation, according to reports, is on the verge of a serious food shortage. He has bungled the job in Indonesia—particularly where the masses of his people are concerned. Today, as during World War II, Indonesia's is a largely peasant economy. The vast potential of rubber and oil resources in Indonesia have barely been exploited. I maintain that a leader interested in the welfare of his people could have made great advances over a 20-year period. Mr. Sukarno has not.

He has instead made great advances for Mr. Sukarno. This self-aggrandizement culminated recently when the Indonesians named Sukarno President of his Republic for life.

Despite his personal failing, despite his aggressive attitude toward his neighbors in southeast Asia, we have continued aid.

So at a public meeting in Djakarta and March 25, where more than 2,000 people had gathered, President Sukarno pointed at Ambassador Howard P. Jones and said:

"There is one country threatening to stop its foreign aid to Indonesia. That country thinks it can scare Indonesia. I say go to hell with your aid."

All right. We are patient. We have withstood indications that Mr. Sukarno is unstable, that he has misused our aid, that he is more interested in Mr. Sukarno than in the people he supposedly leads. We have withstood his bullying threats to Malaysia and have used the good offices of this country to try to bring about a peaceful settlement. And now we are expected to withstand personal, rash insults to our Ambassador and the Nation he represents.

I say we have been patient too long. Mr. Sukarno has had 20 years. I say if Mr. Sukarno wants to get along without our aid, we should accommodate him. We in this Nation should not remain impassive to Mr. Sukarno.

I have written a letter, Mr. President, to the distinguished Secretary of State Dean Rusk. In that letter, I praised the Secretary for his unflagging efforts to bring about a reasonable settlement between Indonesia and Malaysia.

But I also expressed the sentiments I have expressed here today. And I have urged the Secretary to have all aid to Indonesia withdrawn at once.

I believe there are definite ways our foreign aid program can serve the best interest of the country and the free world. I believe that on it may hinge the future peace of the world. But I do not believe in throwing good money after bad. I do not believe in continuing to ask the American people for their tax dollars to support a man who is arrogant, insulting, incompetent, and unstable—a man who, by his own foul admission, despises the very people whose energy and hard work make it possible for many of his people to eat and to ward off the ravages of malaria.

In addition, I intend to cast my vote for the cessation of all such aid to Indonesia when the U.S. Senate considers the foreign aid bill this year.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HUMPHREY. Is the Senator from Indiana inquiring of the Secretary of State as to whether we should continue American aid to Indonesia, or is he making the suggestion that if President Sukarno does not want any aid we should comply with his suggestion?

Mr. BAYH. I am going a bit further than requesting the Secretary of State to state his position. I am going so far as to request that he do everything possible to grant the wishes of President Sukarno, because we have spent in that country, since the end of World War II, just short of $1 billion. These are hard-earned taxpayer dollars. If they are not wanted in Indonesia, I know of many places where the money could be spent.

Mr. HUMPHREY. I thank the Senator. If he is making any suggestion as to where some of the money could be spent, I hope he is including the State of Minnesota.

Mr. BAYH. The entire Midwest area.

Mr. JORDAN of North Carolina. If President Sukarno would like to send some of that money back, would the Senator object to some of the money being returned?

Mr. BAYH. I would be glad to accompany a committee to get some of it back.

Mr. JORDAN of North Carolina. I would be glad to have President Sukarno start paying it back. I join my distinguished friend from Indiana in what he has said.

Mr. BAYH. I thank the Senator from Minnesota and the Senator from North Carolina for the interesting discussion on Indonesia. Although we were involved in a bit of humor, I feel that the situation is a serious one, in which the test of the entire foreign aid program of our country is in the balance. We should see to it that the foreign aid program is spread at a future date to those areas of the free world which are not now fortunate in having freedom such as we have in this country. It is absolutely imperative for the Senate to determine that when our foreign dollars are spent, they are spent for the cause of perpetuating freedom, and not spent as they have been spent in the past years in Indonesia.

I yield the floor, and thank the Senator for his assistance.

SCHEDULE FOR CIVIL RIGHTS DEBATE TOMORROW

Mr. HUMPHREY. Mr. President, I should like to inform the Senate that it will be the plan of the leadership, when the Senate completes its business tomorrow, to do as has been done today; namely, to meet at 11 a.m. on Thursday. I wish to give that notice so that Senators who have planned committee meetings or other activities related to official duties may be on notice as to the time that will be available, inasmuch as there are no committee meetings during the sessions of the Senate.

I should also like to indicate that although tonight it is nearly 8 o'clock, which means that the Senate has been in session for approximately 10 hours, tomorrow it will continue until at least 8 o'clock. It may be a little later. I make the announcement because, under the circumstances, it may be possible that there will be a live quorum call after 6 o'clock. I do not wish to make that as a firm statement. We shall have to see how things look in the late afternoon tomorrow.

So that our esteemed friends from North Carolina and South Carolina and others may know, it will be the intention to resume the discussion of the bill, if the Chair grants the proper recognition, by the Senator from New York [Mr. KEATING] and the Senator from Michigan [Mr. HART], and that the discussion of the bill will continue on title I.

The Senator from South Carolina has delivered a strong message today, on title I, in particular. I am hopeful that Senators who differ with the position of the supporters of H.R. 7152 may be present. It is my understanding that tomorrow the Senator from New York [Mr. KEATING] and the Senator from Michigan [Mr. HART] will not only make an affirmative presentation of their views on title I, but will also engage in debate and answer questions.

I am hopeful that during the early days of debate on the substance of the bill we can indulge in some informality, so that discussion may be along the lines of the discussion that the Senator from South Carolina engaged in so well, namely, a give-and-take type of debate.

We did not do that on the motion to proceed to consider the bill; but it seems to me that when the bill is considered title by title, we can get a better understanding of each title by doing it in this way.

As I have indicated, we will discuss the bill title by title to the best of our ability—depending on the circumstances and recognition by the Chair of particular Senators. That does not mean that we will discuss the titles in the order of title I, title II, title III, and so on. It means that we will take up the titles as they seem to be relevant to the debate as it progresses.

The major discussion will no doubt take place on title II and title VII, which are highly controversial titles.

We may very well wish to reserve those titles, so far as an affirmative presentation of them is concerned, until toward the end of the debate.

Insofar as the proponents of the bill are concerned, I have the feeling that some thoughtful amendments will be offered to those two titles. Whether or not they will be adopted, is another question.

It seems to me that it might be well to let the matter relating to these two more or less controversial titles crystallize for a while to see if there cannot be a meeting of the minds at an appropriate date. I mention this so that there will be some guidance. Senators have spoken to me and have suggested to me that they would like to speak on these titles. I have been pleasantly surprised that a number of Senators who did not intend to address themselves to particular sections of the bill have within the past 3 or 4 days—in fact, since the weekend—come to me and requested that they be heard. They stated they would like to speak on these two titles. From what the Senator said, I think we shall have one of the most interesting and exciting debates on these titles of the bill that we have ever had on any legislation.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON (for himself and Mr. LONG of Missouri):

S. 2704. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans for waste disposal systems and other facilities providing community services, and for additional financial aid; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. SYMINGTON when he introduced the above bill, which appear under a separate heading.)

AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. SYMINGTON. Mr. President, on behalf of myself and my colleague, the junior Senator from Missouri [Mr. LONG], I introduce, for appropriate reference, a bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans for waste disposal systems and other facilities providing community services, and for additional financial aid.

No chain is stronger than its weakest link. In our great Nation some of the weakest links in our economy are to be found in our rural communities. Partly because of unthinking neglect and partly because too many people look to the cities for the solution to all of our problems, many of our rural communities have fallen behind in our march toward a full life and a high standard of living for all of our people.

The bill I am introducing would enable rural communities to develop a wide range of community facilities, would enable rural communities to provide rural people with services that are taken for granted in most urban areas.

These facilities would include waste disposal and fuel distribution systems, rural community centers, fire protection facilities, community halls, and libraries.

The bill would enable the Farmers Home Administration to advance credit and to share part of the cost when a community is unable to carry the whole burden.

The development of such facilities would increase the attractiveness of rural communities as places in which to live, work, and rear children. Communities that have a full set of modern service facilities attract industry, encourage the expansion of business enterprises and service trades and keep aggressive, ambitious, young couples from migrating to centers where services that contribute to better living exist.

One of the major needs of many rural communities is community waste disposal systems. In far too many instances septic tanks are proving inadequate as a means of waste disposal. The seriousness of this problem grows with the daily growth in individual, and rural community water systems. Modern kitchen, bathing, and toilet facilities must be accompanied by modern waste disposal systems.

In many areas farmers and rural residents are searching for ways and means of using natural gas for heating, cooking, refrigeration, and for power to run such farm equipment as irrigation pumps.

Libraries, clinics, and community meeting halls are needed in thousands of rural areas. Many communities which once had schoolhouses for community centers have lost these facilities through the consolidation of schools. The school system has benefited but some of the areas served have lost a much needed center for civic and social meetings.

There is no denying the fact that our country has become predominately urban in its character. But does this mean that we should turn our backs on the rural countryside?

Life in the open country and in small communities, far from the crowds and pressures of the cities is a good life in many, many respects. But people with skills and talents are not going to settle in, or stay in, rural areas unless they and their families have access to the amenities of the 20th century. Unless we are going to look upon rural communities simply as resting places for the elderly, the retired, and the handicapped we must make it possible for our towns and villages to compete with urban centers and the vast suburban belts.

This bill will not provide all the answers. Employment opportunities must also be expanded. But the measures provided by the bill would be a major step in the right direction, even to the degree of aiding in the expansion of opportunities for gainful employment.

I strongly urge that the Senate give serious consideration to the proposed legislation.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 2704) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans for waste disposal systems and other facilities providing community services, and for additional financial aid, introduced by Mr. Symington (for himself and Mr. Long of Missouri), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

RECESS TO 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, there is a previous order in connection with the recess. Therefore, in accordance with that order, I now move that the Senate take a recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 52 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Wednesday, April 1, 1964, at 11 o'clock a.m.

SENATE

Wednesday, April 1, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. Metcalf].

Bishop W. Earl Ledden, of Wesley Theological Seminary of the Methodist Church, Washington, D.C., offered the following prayer:

Almighty God, maker of heaven and earth, who, when darkness was upon the face of the deep, didst say, "Let there be light"—and there was light: Draw near to Thy children now in this troubled hour when darkness covers the path ahead, for in this night of unreason, our feet stumble into pitfalls and senseless strife; our minds grapple in confusion, so often blind with ancient prejudice, frantic with fear, striking at each other in the dark.

Save us in this fearsome hour, we pray, O God, for we are like children crying for the light, and with no language but a cry.

Let, then, our cry come unto Thee, O God, for the light of Thy truth, the guidance of Thy wisdom.

Grant that in this honored place of high and responsible decision—responsible to Thee, as well as to the people—the decisions of this day may be made in the light of Thy countenance; in loyalty to the shining principles of freedom, justice, brotherhood, and human dignity which brought this Nation to birth; and in conformity with Thy good purpose for America and for all Thy human family.

In the name of Christ. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 31, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The **ACTING PRESIDENT** pro tempore laid before the Senate a message from the President of the United States submitting several nominations, which were referred to the Committee on Agriculture and Forestry.

(For nominations this day received, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, with statements therein limited to 3 minutes.

The **ACTING PRESIDENT** pro tempore. Is there objection? Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The **ACTING PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Construction of Systems Integration and Checkout Facility for Apollo Spacecraft

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of a systems integration and checkout facility for the Apollo spacecraft; to the Committee on Aeronautical and Space Sciences.

Report on Reapportionment of an Appropriation

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Expenses, Agricultural Stabilization and Conservation Service," for the fiscal year 1964, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report on Excessive Costs Resulting From Weaknesses in Admission and Billing Practices Relating to Hospitals Under Contracts With Department of Public Health, District of Columbia Government

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs resulting from weaknesses in admission and billing practices relating to hospitals under contracts with Department of Public Health, District of Columbia government, dated March 1964 (with an accompanying report); to the Committee on Appropriations.

Report on National Industrial Reserve

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the national industrial reserve, dated April 1, 1964 (with an accompanying report); to the Committee on Armed Services.

Report on Unnecessary Per Diem Payments to Certain Military Personnel

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary per diem payments to military personnel during construction of nuclear-powered submarines, Department of the Navy, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DEFICIENCIES IN AIRCRAFT PROCUREMENTS, UTILIZATION, MAINTENANCE, AND ACCOUNTING

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on deficiencies in aircraft procurements, utilization, maintenance, and accounting, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON NEED TO CONSIDER REALINEMENT OF ORGANIZATIONAL AND MANAGEMENT STRUCTURE FOR HEALTH AND MEDICAL ACTIVITIES, DISTRICT OF COLUMBIA GOVERNMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to consider realinement of organizational and management structure for health and medical activities, District of Columbia government, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY PLANNED PROCUREMENT OF MAJOR ASSEMBLIES FOR THE M151 UTILITY TRUCK

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unnecessary planned procurement of major assemblies for the M151 utility truck, Department of the Army, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON MANPOWER RESEARCH AND TRAINING

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on manpower research and training, for the calendar year 1963 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **ACTING PRESIDENT** pro tempore:

The petition of Emmett C. Dye, of Arlington, Va., relating to a three-semester school plan; to the Committee on Labor and Public Welfare.

By Mr. **GOLDWATER**:

A joint resolution of the Legislature of the State of Arizona; to the Committee on Commerce:

"HOUSE JOINT MEMORIAL 2 OF THE STATE OF ARIZONA

"Joint memorial urging the Congress of the United States to enact legislation which declares a moratorium and holds in abeyance the issuance of licenses or permits under the Federal Power Act to construct dams along the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1965

"*To the Congress of the United States of America:*

"Your memorialist respectfully represents:

"Whereas the existing economy of the State of Arizona cannot be sustained unless the State's critically inadequate water supply is augmented by Colorado River water and exchanges of water within the boundaries of the State therefor; and

"Whereas the Supreme Court has decreed that the State of Arizona is entitled to 2,800,000 acre-feet of water annually from the mainstream of the Colorado River; and

"Whereas the Senate and House of Representatives of the State of Arizona endorse the central Arizona project as a means of bringing the benefits of this water to the State of Arizona, regarding it as a necessity to survival, and viewing with grave concern any obstacles placed in the path of such project; and

"Whereas the Arizona congressional delegation is seeking in harmony the authorization of the central Arizona project as a Federal reclamation project; and

"Whereas there is now pending before the Congress of the United States legislation which has for its purpose the utilization by Arizona of its entitlement to the waters of the Colorado River; and

"Whereas the Senate and the House of Representatives of the State of Arizona have full confidence in the experience, integrity, and ability of the Arizona delegation to bring about the passage of such legislation; and

"Whereas the Arizona delegation deems it in the best interests of its efforts that the reach of the Colorado River between Glen Canyon Dam and Lake Mead be and remain unencumbered for a reasonable period of time; and

"Whereas to keep such area unencumbered, it is only fair, reasonable, and equitable that a time limit be established and that anything done shall not change or affect, for the purpose of any action which may be taken subsequent to such time limit, the present status, equities, positions, rights, or priorities of any applications now pending before any Federal agency; and

"Whereas time is of the essence and early action by the Congress of the United States is required to keep such reach of the Colorado River unencumbered;

"Wherefore your memorialist, the Senate and the House of Representatives of the State of Arizona, prays:

"1. That the Senate and House of Representatives of the United States of America in Congress assembled, enact legislation which provides that no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a–823) for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1965; provided that nothing therein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights, or priorities of any parties to applications now pending.

"2. That the Congress of the United States act speedily on any matters now pending or which may come before the Congress to insure that everything shall be done to bring the water and hydroelectric power resources in the Lower Basin of the Colorado River to the fullest development at the earliest possible date.

"3. That the secretary of state of the State of Arizona is directed to forthwith transmit copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the chairman of each congressional committee and subcommittee to which said legislation has been referred for consideration, to the Federal Power Commission and to each member of the Arizona congressional delegation.

"Approved by the Governor, March 16, 1964."

A resolution of the House of Representatives of the State of Arizona; to the Committee on Finance:

"HOUSE MEMORIAL 5 OF THE STATE OF ARIZONA

"Memorial urging the Congress of the United States to adopt import quotas based on a moving 5-year average and to impose an accelerated rate on imports above the average

"*To the Congress of the United States:*

"Your memorialist respectfully represents:

"Whereas the livestock and meat trade industries are one of the major industries in the United States and a proper balance within these industries is important to the economy of this country; and

"Whereas developments in the livestock industries reveal that larger quantities of beef and cattle are being imported to the United States with the passing of each year; and

"Whereas the U.S. Tariff Commission and the Trade Information Committee opened hearings in December 1963, on a list of commodities, including beef, with existing tariffs; and

"Whereas the U.S. Senate Finance Committee has, by resolution, requested the Tariff Commission to investigate the conditions of competition in the United States between beef and beef products produced in the United States and in foreign countries; and

"Whereas it is of the greatest importance that our domestic industries be protected so that our economy will not suffer unduly, but at the same time it is recognized that it is desirable to continue the import of beef and veal to the United States; and

"Whereas the continued annual increases of beef and veal products imported into our country from countries with a lower cost of production poses many serious problems:

"Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

"1. That the Congress of the United States adopt a quota system which would impose existing tariff rates on imports based on an amount equal to a moving 5-year average and that any amount in excess of this quota should carry an accelerated rate.

"2. That the secretary of state of Arizona is directed to send copies of this House memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Arizona congressional delegation.

"Approved by the Governor, March 2, 1964."

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. **BYRD** of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal stockpile inventories as of January 1964. I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, JANUARY 1964

INTRODUCTION

This is the 50th in a series of monthly reports on Federal stockpile inventories. It is for the month of January 1964.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the Departments of Agriculture, Defense, Health, Education, and Welfare, and Interior, and the General Services Administration.

The cost value of materials in inventories covered in this report, as of January 1, 1964, totaled $14,048,440,926, and as of January 31, 1964, they totaled $13,839,271,236, a net decrease of $209,169,690 during the month.

Different units of measure make it impossible to summarize the quantities of commodities and materials which are shown in tables 1, 2, 3, 4, and 5, but the cost value figures are summarized by major category, as follows:

Summary of cost value of stockpile inventories by major category

Major category	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month
Strategic and critical materials:			
National stockpile [1]	$5,756,516,100	$5,745,501,600	−$11,014,500
Defense Production Act	1,483,573,500	1,480,852,400	−2,721,100
Supplemental-barter	1,354,337,813	1,356,779,689	+2,441,876
Total, strategic and critical materials [1]	8,594,427,413	8,583,133,689	−11,293,724
Agricultural commodities:			
Price support inventory	5,015,511,529	4,820,644,910	−194,866,619
Inventory transferred from national stockpile [1]	119,652,003	112,236,173	−7,415,830
Total, agricultural commodities [1]	5,135,163,532	4,932,881,083	−202,282,449
Civil defense supplies and equipment:			
Civil defense stockpile, Department of Defense	11,827,662	11,877,626	+49,964
Civil defense medical stockpile, Department of Health, Education, and Welfare	193,580,149	194,673,360	+1,093,211
Total, civil defense supplies and equipment	205,407,811	206,550,986	+1,143,175
Machine tools:			
Defense Production Act	2,208,600	2,208,600	
National Industrial Reserve Act	90,146,100	90,171,700	+25,600
Total, machine tools	92,354,700	92,380,300	+25,600
Helium	21,087,470	24,325,178	+3,237,708
Total, all inventories	14,048,440,926	13,839,271,236	−209,169,690

[1] Cotton inventory valued at $128,409,100 withdrawn from the national stockpile and transferred to Commodity Credit Corporation for disposal, pursuant to Public Law 87-548, during August 1962.

Detailed tables in this report show each commodity, by the major categories summarized above, in terms of quantity and cost value as of the beginning and end of the month. Net change figures reflect acquisitions, disposals, and accounting and other adjustments during the month.

The cost value figures represent generally the original acquisition cost of the commodities delivered to permanent storage locations, together with certain packaging, processing, upgrading, et cetera, costs as carried in agency inventory accounts. Quantities are stated in the designated stockpile unit of measure.

Appendix A to this report, beginning on page 19, includes program descriptions and statutory citations pertinent to each stockpile inventory within the major categories.

The stockpile inventories covered by the report are tabulated in detail as follows:

Table 1: Strategic and critical materials inventories (all grades), January 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month).

Table 2: Agricultural commodities inventories, January 1964 (showing by commodity net changes during the month in terms of cost value and quantity).

Table 3: Civil defense supplies and equipment inventories, January 1964 (showing by item net changes during the month in terms of cost value and quantity).

Table 4: Machine tools inventories, January 1964 (showing by item net changes during the month in terms of cost value and quantity).

Table 5: Helium inventories, January 1964 (showing by item net changes during the month in terms of cost value and quantity).

New stockpile objectives

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. Table 1 of this report reflects the new objectives for 12 materials.

Appendix B, beginning on page 21 contains excerpts from the Office of Emergency Planning statement setting forth the new policy with respect to objectives for strategic and critical materials.

TABLE 1.—*Strategic and critical materials inventories (all grades), January 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*

Commodity	Cost value			Quantity					
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Aluminum, metal:									
National stockpile	$487,680,600	$487,680,600		Short ton	1,128,989	1,128,989			
Defense Production Act	429,553,900	428,916,100	−$637,800	do	851,816	850,570	−1,246		
Total	917,234,500	916,596,700	−637,800	do	1,980,805	1,979,559	−1,246	[2] 450,000	1,529,559
Aluminum oxide, abrasive grain:									
Supplemental—barter	15,468,418	15,412,589	−55,829	Short dry ton	50,363	50,162	−201	(3)	50,162
Aluminum oxide, fused, crude:									
National stockpile	21,735,100	21,735,100		do	200,093	200,093			
Supplemental—barter	22,747,400	22,747,400		do	178,266	178,266			
Total	44,482,500	44,482,500		do	378,359	378,359		200,000	178,359
Antimony:									
National stockpile	20,488,000	20,488,000		Short ton	30,301	30,301			
Supplemental—barter	12,840,548	12,905,282	+64,734	do	21,876	21,979	+103		
Total	33,328,548	33,393,282	+64,734	do	52,177	52,280	+103	70,000	(4)
Asbestos, amosite:									
National stockpile	2,637,600	2,637,600		do	11,705	11,705			
Supplemental—barter	7,150,747	7,585,946	+435,199	do	28,825	30,683	+1,858		
Total	9,788,347	10,223,546	+435,199	do	40,530	42,388	+1,858	45,000	(4)
Asbestos, chrysotile:									
National stockpile	3,356,200	3,356,200		Short dry ton	6,224	6,224			
Defense Production Act	2,102,600	2,102,600		do	2,348	2,348			
Supplemental—barter	4,226,905	4,475,065	+248,160	do	6,245	6,645	+400		
Total	9,685,705	9,933,865	+248,160	do	14,817	15,217	+400	11,000	4,217
Asbestos, crocidolite:									
National stockpile	702,100	702,100		Short ton	1,567	1,567			
Supplemental—barter	7,364,306	8,282,083	+917,777	do	27,965	31,611	+3,646		
Total	8,066,406	8,984,183	+917,777	do	29,532	33,178	+3,646	(3)	33,178
Bauxite, metal grade, Jamaica type:									
National stockpile	13,925,000	13,925,000		Long dry ton	879,740	879,740			
Defense Production Act	18,168,000	18,168,000		do	1,370,677	1,370,077			
Supplemental—barter	89,399,100	89,399,100		do	5,780,590	5,780,590			
Total	121,492,100	121,492,100		do	8,030,407	8,030,407		2,600,000	5,430,407

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), January 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Bauxite, metal grade, Surinam type:									
National stockpile	$78,552,500	$78,552,500		Long dry ton	4,962,706	4,962,706			
Supplemental—barter	45,280,400	45,280,400		do	2,927,260	2,927,260			
Total	123,832,900	123,832,900		do	7,889,966	7,889,966		6,400,000	1,489,966
Bauxite, refractory grade:									
National stockpile	11,347,800	11,347,800		Long calcined ton.	299,279	299,279		137,000	162,279
Beryl:									
National stockpile	9,768,400	9,768,400		Short ton	23,230	23,230			
Defense Production Act	1,425,800	1,425,800		do	2,543	2,543			
Supplemental—barter	22,739,500	22,761,530	+$22,030	do	11,321	11,387	+66		
Total	33,933,700	33,955,730	+22,030	do	37,094	37,160	+66	23,100	14,060
Beryllium metal:									
Supplemental—barter	18,096,167	18,457,095	+360,928	do	150	153	+3	(3)	153
Bismuth:									
National stockpile	2,674,300	2,674,300		Pound	1,342,402	1,342,402			
Defense Production Act	52,400	52,400		do	22,901	22,901			
Supplemental—barter	5,540,200	5,540,200		do	2,506,493	2,506,493			
Total	8,266,900	8,266,900		do	3,871,796	3,871,796		3,000,000	871,796
Cadmium:									
National stockpile	16,268,200	15,965,800	−302,400	do	8,286,843	8,132,807	−154,036		
Supplemental—barter	12,327,600	12,327,600		do	7,448,989	7,448,989			
Total	28,595,800	28,293,400	−302,400	do	15,735,832	15,581,796	−156,036	6,500,000	9,081,796
Castor oil:									
National stockpile	49,963,300	49,934,200	−29,100	do	195,940,649	195,823,934	−116,715	[2] 22,000,000	173,823,934
Celestite:									
National stockpile	1,412,300	1,412,300		Short dry ton	28,816	28,816			
Supplemental—barter	356,089	356,089		do	9,015	9,015			
Total	1,768,389	1,768,389		do	37,831	37,831		22,000	15,831
Chromite, chemical grade:									
National stockpile	12,288,000	12,288,000		do	559,452	559,452			
Supplemental—barter	21,879,400	21,879,400		do	699,647	699,647			
Total	34,167,400	34,167,400		do	1,259,099	1,259,099		475,000	784,099
Chromite, metallurgical grade:									
National stockpile	264,565,500	264,565,500		do	3,795,292	3,795,292			
Defense Production Act	35,879,900	35,879,900		do	985,646	985,646			
Supplemental—barter	224,197,600	224,197,600		do	1,543,110	1,543,110			
Total	524,643,000	524,643,000		do	6,324,048	6,324,048		[2] 2,970,000	3,354,048
Chromite, refractory grade:									
National stockpile	25,149,300	25,149,300		do	1,047,159	1,047,159			
Supplemental—barter	5,039,000	5,039,000		do	179,775	179,775			
Total	30,188,300	30,188,300		do	1,226,934	1,226,934		1,300,000	(4)
Cobalt:									
National stockpile	169,205,200	169,205,200		Pound	76,661,152	76,067,613	−593,539		
Defense Production Act	52,075,300	52,075,300		do	25,194,122	25,066,651	−127,471		
Supplemental—barter	2,169,000	2,169,000		do	1,077,018	1,065,398	−11,620		
Total	223,449,500	223,449,500		do	102,932,292	102,199,662	−732,630	19,000,000	83,199,662
Coconut oil:									
National stockpile	7,289,700	7,015,400	−274,300	do	48,096,398	46,286,368	−1,810,030	(3)	46,286,368
Colemanite:									
Supplemental—barter	2,636,400	2,636,400		Long dry ton	67,636	67,636		(3)	67,636
Columbium:									
National stockpile	23,919,200	23,919,200		Pound	7,507,959	7,507,959			
Defense Production Act	50,238,900	50,238,900		do	8,222,684	8,222,684			
Supplemental—barter	799,100	799,100		do	388,877	388,877			
Total	74,957,200	74,957,200		do	16,119,520	16,119,520		1,900,000	14,219,520
Cooper:									
National stockpile	523,114,200	523,264,500	+150,300	Short ton	1,008,255	1,008,251	−4		
Defense Production Act	57,141,900	56,491,400	−650,500	do	102,183	101,131	−1,052		
Supplemental—barter	8,255,300	8,255,300		do	12,382	12,382			
Total	588,511,400	588,011,200	−500,200	do	1,122,820	1,121,764	−1,056	[2] 775,000	346,764
Cordage fibers, abaca:									
National stockpile	37,035,300	37,035,300		Pound	146,935,286	146,935,286		150,000,000	(4)
Cordage fibers, sisal:									
National stockpile	41,870,900	41,870,900		do	309,598,347	309,598,347		320,000,000	(4)
Corundum:									
National stockpile	393,100	393,100		Short ton	2,008	2,008		2,000	8
Cryolite:									
Defense Production Act	6,648,100	6,309,500	−338,600	do	24,075	22,849	−1,226	(3)	22,849

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), January 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Diamond dies:									
National stockpile	$506,100	$522,400	$16,300	Piece	16,949	17,140	+191	25,000	(4)
Diamond, industrial, crushing bort:									
National stockpile	61,609,500	61,609,500		Carat	31,113,411	31,113,411			
Supplemental—barter	15,800,500	15,800,500		do	5,550,579	5,550,579			
Total	77,410,000	77,410,000		do	36,663,990	36,663,990		30,000,000	6,663,990
Diamond, industrial, stones:									
National stockpile	100,501,500	100,501,500		do	9,315,183	9,315,183			
Supplemental—barter	186,341,500	186,341,500		do	15,425,827	15,425,827			
Total	286,843,000	286,843,000		do	24,741,010	24,741,010		18,000,000	6,741,010
Diamond tools:									
National stockpile	1,015,400	1,015,400		Piece	64,178	64,178		(3)	64,178
Feathers and down:									
National stockpile	36,701,500	36,687,200	−14,300	Pound	8,859,352	8,855,902	−3,450	[3] 3,000,000	5,855,902
Fluorspar, acid grade:									
National stockpile	26,167,500	26,167,500		Short dry ton	463,049	463,049			
Defense Production Act	1,394,400	1,394,400		do	19,700	19,700			
Supplemental—barter	33,530,700	33,530,700		do	673,232	673,323			
Total	61,092,600	61,092,600		do	1,155,981	1,155,981		280,000	875,981
Fluorspar, metallurgical grade:									
National stockpile	17,332,400	17,332,400		do	369,443	369,443			
Supplemental—barter	1,508,100	1,508,100		do	42,800	42,800			
Total	18,840,500	18,840,500		do	412,243	412,243		375,000	37,243
Graphite, natural, Ceylon, amorphous lump:									
National stockpile	937,900	937,900		do	4,455	4,455			
Supplemental—barter	341,200	341,200		do	1,428	1,428			
Total	1,279,100	1,279,100		do	5,883	5,883		3,600	2,283
Graphite, natural, Madagascar, crystalline:									
National stockpile	7,007,500	6,974,600	−32,900	do	33,996	33,836	−160		
Supplemental—barter	232,000	232,000		do	1,907	1,907			
Total	7,239,500	7,206,600	−32,900	do	35,903	35,743	−160	17,200	18,543
Graphite, natural, other, crystalline:									
National stockpile	1,896,300	1,896,300		do	5,487	5,487		2,100	3,387
Hyoscine:									
National stockpile	30,600	30,600		Ounce	2,100	2,100		2,100	(4)
Iodine:									
National stockpile	4,082,000	4,082,000		Pound	2,977,648	2,977,648			
Supplemental—barter	1,066,000	1,066,000		do	994,920	994,920			
Total	5,148,000	5,148,000		do	3,972,568	3,972,568		4,300,000	(4)
Iridium:									
National stockpile	2,525,800	2,525,800		Troy ounce	13,937	13,937		4,000	9,937
Jewel bearings:									
National stockpile	4,137,600	4,137,600		Piece	51,727,565	51,727,565		57,500,000	(4)
Kyanite-mullite:									
National stockpile	781,700	773,200	−8,500	Short dry ton	9,042	8,943	−99	4,800	4,143
Lead:									
National stockpile	319,298,100	319,298,100		Short ton	1,050,370	1,050,370			
Defense Production Act	980,700	612,700	−368,000	do	2,563	1,601	−962		
Supplemental—barter	78,398,600	78,398,600		do	327,998	327,998			
Total	398,677,400	398,309,400	−368,000	do	1,380,931	1,379,969	−962	[3] 0	1,379,969
Magnesium:									
National stockpile	128,602,100	128,117,000	−485,100	do	177,146	176,477	−669	107,000	69,477
Manganese, battery grade, natural ore:									
National stockpile	21,025,500	21,025,500		do	144,485	144,485			
Supplemental—barter	13,621,900	13,621,900		do	137,671	137,671			
Total	34,647,400	34,647,400		do	282,156	282,156		50,000	232,156
Manganese, battery grade, synthetic dioxide:									
National stockpile	3,095,500	3,095,500		Short dry ton	21,272	21,272			
Defense Production Act	2,524,700	2,524,700		do	3,779	3,779			
Total	5,620,200	5,620,200		do	25,051	25,051		20,000	5,051
Manganese, chemical grade, type A:									
National stockpile	2,133,300	2,133,300		do	29,307	29,307			
Supplemental—barter	7,922,100	7,922,100		do	117,607	117,607			
Total	10,055,400	10,055,400		do	146,914	146,914		30,000	116,914

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), January 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Manganese, chemical grade, type B:									
National stockpile	$132,600	$132,600		Short dry ton.	1,822	1,822			
Supplemental—barter	6,669,800	6,669,800		do.	99,016	99,016			
Total	6,802,400	6,802,400		do.	100,838	100,838		53,000	47,838
Manganese, metallurgical grade:									
National stockpile	248,240,300	248,240,300		do.	5,851,264	5,851,264			
Defense Production Act	176,474,800	176,474,800		do.	3,056,691	3,056,961			
Supplemental—barter	241,585,132	241,824,760	+$239,628	do.	3,670,580	3,671,854	+1,274		
Total	666,300,232	666,539,860	+239,628	do.	12,578,535	12,579,809	+1,274	6,800,000	5,779,809
Mercury:									
National stockpile	20,039,500	21,164,900	[5] +1,125,400	Flask	129,525	132,525	[5] +3,000		
Supplemental—barter	3,446,200	3,446,200		do.	16,000	16,000			
Total	23,485,700	24,611,100	+1,125,400	do.	145,525	148,525	+3,000	[3] 200,000	(4)
Mica, muscovite block:									
National stockpile	27,602,200	27,602,200		Pound	11,617,756	11,617,756			
Defense Production Act	40,746 400	40,746,400		do.	6,446,722	6,446,722			
Supplemental—barter	5,586,842	5,639,010	+52,168	do.	1,667,281	1,683,305	+16,024		
Total	73,935,442	73,987,610	+52,168	do.	19,731,759	19,747,783	+16,024	8,300,000	11,447,783
Mica, muscovite film:									
National stockpile	9,058,100	9,058,100		do.	1,724,327	1,724,327			
Defense Production Act	633,300	633,300		do.	102,681	102,681			
Supplemental—barter	1,101,623	1,105,010	+3,387	do.	112,760	113,060	+300		
Total	10,793,023	10,796,410	+3,387	do.	1,939,768	1,940,068	+300	1,300,000	640,068
Mica, muscovite splittings:									
National stockpile	40,598,300	40,598,300		do.	40,159,938	40,159,938			
Supplemental—barter	6,225,800	6,225,800		do.	4,826,257	4,826,257			
Total	46,824,100	46,824,100		do.	44,986,195	44,986,195		21,200,000	23,786,195
Mica, phlogopite block:									
National stockpile	303,600	303,600		do.	223,239	223,239		17,000	206,239
Mica, phlogopite splittings:									
National stockpile	2,580,500	2,580,500		do.	3,079,062	3,079,062			
Supplemental—barter	2,400,100	2,400,100		do.	1,986,903	1,986,903			
Total	4,980,600	4,980,600		do.	5,065,965	5,065,965		1,700,000	3,365,965
Molybdenum:									
National stockpile	83,679,000	83,679,000		do.	79,043,336	79,043,336		59,000,000	20,043,336
Nickel:									
National stockpile	181,952,400	181,941,300	−11,000	Short ton	167,097	167,079	−18		
Defense Production Act	101,070,500	100,344,300	−726,200	do.	52,767	52,489	−278		
Total	283,022,900	282,285,600	−737,300	do.	219,864	219,568	−296	[3] 50,000	169,568
Opium:									
National stockpile	13,661,700	13,661,700		Pound	195,757	195,757		[3] 141,280	54,477
Palladium:									
National stockpile	2,079,000	2,079,000		Troy ounce	89,811	89,811			
Supplemental—barter	12,170,200	12,170,200		do.	648,124	648,124			
Total	14,249,200	14,249,200		do.	737,935	737,935		340,000	397,935
Palm oil:									
National stockpile	3,714,900	3,714,900		Pound	20,641,287	20,641,287		(3)	20,641,287
Platinum:									
National stockpile	56,879,900	56,879,900		Troy ounce	716,343	716,343			
Supplemental—barter	4,024,500	4,024,500		do.	49,999	49,999			
Total	60,904,400	60,904,400		do.	766,342	766,342		165,000	601,342
Pyrethrum:									
National stockpile	415,100	415,100		Pound	67,065	67,065		66,000	1,065
Quartz crystals:									
National stockpile	68,547,200	68,013,700	−533,500	do.	5,557,024	5,513,775	−43,249		
Supplemental—barter	3,519,200	3,519,200		do.	232,352	232,352			
Total	72,066,400	71,532,900	−533,500	do.	5,789,376	5,746,127	−43,249	650,000	5,096,127
Quinidine:									
National stockpile	1,889,900	1,889,900		Ounce	1,638,428	1,638,428		1,600,000	38,428
Quinine:									
National stockpile	3,464,500	3,402,500	−62,000	do.	5,477,732	5,379,732	−98,000	(3)	5,379,732
Rare earths:									
National stockpile	7,134,900	7,134,900		Short dry ton.	10,042	10,042			
Supplemental—barter	5,818,009	5,818,009		do.	6,163	6,163			
Total	12,952,909	12,952,909		do.	16,205	16,205		5,700	10,505

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), January 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Rare earths residue:									
Defense Production Act	$657,800	$657,800		Pound	6,085,311	6,085,311		(3)	6,085,311
Rhodium:									
National stockpile	78,200	78,200		Troy ounce	618	618		(3)	618
Rubber:									
National stockpile	739,611,300	733,044,800	−$6,566,500	Long ton	956,465	948,243	−8,222	750,000	198,243
Ruthenium:									
Supplemental—barter	559,500	559,500		Troy ounce	15,001	15,001		(3)	15,001
Rutile:									
National stockpile	2,070,100	2,070,100		Short dry ton	18,599	18,599			
Defense Production Act	2,725,100	2,725,100		do	17,410	17,410			
Supplemental—barter	1,061,300	1,061,300		do	11,632	11,632			
Total	5,856,500	5,856,500		do	47,641	47,641		65,000	(4)
Sapphire and ruby:									
National stockpile	190,000	190,000		Carat	16,187,500	16,187,500		18,000,000	(4)
Selenium:									
National stockpile	757,100	757,100		Pound	97,100	97,100			
Supplemental—barter	1,362,137	1,515,831	+153,694	do	232,268	272,502	+40,234		
Total	2,119,237	2,272,931	+153,694	do	329,368	369,602	+40,234	400,000	(4)
Shellac:									
National stockpile	8,483,400	8,430,100	−53,300	do	16,921,514	16,815,131	−106,383	7,400,000	9,415,131
Silicon carbide, crude:									
National stockpile	11,394,500	11,394,500		Short ton	64,697	64,697			
Supplemental—barter	26,803,600	26,803,600		do	131,805	131,805			
Total	38,198,100	38,198,100		do	196,502	196,502		100,000	96,502
Silk noils and waste:									
National stockpile	1,343,500	1,272,100	−71,400	Pound	1,050,751	1,005,344	−45,407	970,000	35,344
Silk, raw:									
National stockpile	486,600	486,600		do	113,515	113,515		120,000	(4)
Sperm oil:									
National stockpile	4,775,400	4,775,400		do	23,442,158	23,442,158		[2] 23,400,000	42,158
Talc, steatite clock and lump:									
National stockpile	496,800	496,800		Short ton	1,274	1,274		300	974
Talc, steatite ground:									
National stockpile	231,200	231,200		do	3,901	3,901		(3)	3,901
Tantalum:									
National stockpile	10,992,700	10,992,700		Pound	3,445,338	3,445,451	+113		
Defense Production Act	9,734,400	9,734,400		do	1,530,567	1,530,567			
Supplemental—barter	21,100	21,100		do	8,036	8,036			
Total	20,748,200	20,748,200		do	4,983,941	4,984,054	+113	2,420,000	2,564,054
Thorium:									
Defense Production Act	42,000	42,000		do	848,354	848,354			
Supplemental—barter	17,965,490	17,965,490		do	8,620,525	8,620,525			
Total	18,007,490	18,007,490		do	9,468,879	9,468,879		(3)	9,468,879
Tin:									
National stockiple	802,158,100	798,371,900	−3,786,200	Long ton	329,851	328,342	−1,509		
Supplemental—barter	16,404,000	16,404,000		do	7,505	7,505			
Total	818,562,100	814,775,900	−3,786,200	do	337,356	335,847	−1,509	[2] 200,000	135,847
Titanium:									
Defense Production Act	176,098,200	176,098,200		Short ton	22,371	22,371			
Supplemental—barter	32,097,700	32,097,700		do	9,021	9,021			
Total	208,195,900	208,195,900		do	31,392	31,392		(3)	31,392
Tungsten:									
National stockpile	369,128,200	369,128,200		Pound	120,071,339	120,071,339			
Defense Production Act	317,204,400	317,204,400		do	77,787,101	77,787,101			
Supplemental—barter	18,651,400	18,651,400		do	5,774,827	5,774,827			
Total	704,984,000	704,984,000		do	203,633,267	203,633,267		50,000,000	153,633,267
Vanadium:									
National stockpile	31,567,900	31,567,900		do	15,730,893	15,730,893		2,000,000	13,730,893
Vegetable tannin extract, chestnut:									
National stockpile	11,904,900	11,890,900	−14,000	Long ton	42,670	42,620	−50	30,000	12,620
Vegetable tannin extract, quebracho:									
National stockpile	49,132,600	49,070,700	−61,900	do	198,578	198,327	−251	180,000	18,327
Vegetable tannin extract, wattle:									
National stockpile	9,826,900	9,826,900		do	38,962	38,962		39,000	(4)

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), January 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over maximum objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Maximum objective [1]	Excess over maximum objective
Zinc:									
National stockpile	$364, 345, 900	$364, 345, 900		Short ton	1, 256, 845	1, 256, 845			
Supplemental—barter	79, 588, 400	79, 588, 400		do	323, 896	323, 896			
Total	443, 934, 300	443, 934, 300		do	1, 580, 741	1, 580, 741		[2] 0	1, 580, 741
Zirconium ore, baddeleyite: National stockpile	710, 600	710, 600		Short dry ton	16, 533	16, 533		(3)	16, 533
Zirconium ore, zircon: National stockpile	127, 000	127, 000		Short dry ton	2, 152	2, 152		(3)	2, 152
Total:									
National stockpile	5, 756, 516, 100	5, 745, 501, 600	−$11, 014, 500						
Defense Production Act	1, 483, 573, 500	1, 480, 852, 400	−2, 721, 100						
Supplemental—barter	1, 354, 337, 813	1, 356, 779, 689	+2, 441, 876						
Total, strategic and critical materials	8, 594, 427, 413	8, 583, 133, 689	−11, 293, 724						

[1] Maximum objectives for strategic and critical materials are determined pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). The Office of Emergency Planning is currently in the process of revising stockpile objectives. (See app. B, p. 21.)

[2] New objective. (See app. B, p. 21.)

[3] No present objective.

[4] Not in excess of maximum objective.

[5] Represents transfer of surplus material from the Atomic Energy Commission, pursuant to the provisions of 50 U.S.C. 98(e)(a).

Source: Compiled from reports submitted by the General Services Administration and the Department of Agriculture.

TABLE 2.—*Agricultural commodities inventories, January 1964 (showing by commodity net changes during the month in terms of cost value and quantity)*

Commodity	Cost value			Quantity			
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month
Price-support inventory:							
Basic commodities:							
Corn	$1, 046, 095, 750	$1, 016, 907, 227	−$29, 188, 523	Bushel	849, 055, 749	825, 324, 743	−23, 731, 006
Cotton, extra-long staple	9, 811, 931	9, 810, 963	−968	Bale	37, 068	37, 068	
Cotton, upland	977, 862, 467	929, 604, 996	−48, 257, 471	do	5, 918, 389	5, 623, 901	−294, 488
Peanuts, farmers' stock	10, 289	10, 289		Pound	87, 969	87, 969	
Peanuts, shelled	9, 446, 989	10, 351, 279	+904, 290	do	55, 664, 161	61, 390, 163	+5, 726, 002
Rice, milled	74, 390	225, 135	+150, 745	Hundredweight	6, 803	23, 615	+16, 812
Rice, rough	8, 140, 448	7, 899, 895	−240, 553	do	1, 530, 472	1, 484, 591	−45, 881
Wheat	1, 970, 622, 675	1, 901, 173, 623	−69, 449, 052	Bushel	982, 272, 898	947, 038, 282	−35, 234, 616
Bulgur	468, 805	174, 732	−294, 073	Pound	8, 658, 636	3, 181, 444	−5, 477, 192
Total, basic commodities	4, 022, 533, 744	3, 876, 158, 139	−146, 375, 605				
Designated nonbasic commodities:							
Barley	36, 468, 919	34, 423, 085	−2, 045, 834	Bushel	41, 132, 953	38, 487, 536	−2, 645, 417
Grain sorghum	649, 312, 619	630, 930, 219	−18, 382, 400	do	585, 453, 864	566, 166, 341	−19, 287, 523
Milk and butterfat:							
Butter	120, 322, 998	105, 629, 393	−14, 693, 605	Pound	207, 358, 702	181, 916, 133	−25, 442, 569
Butter oil	64, 757, 536	60, 219, 343	−4, 538, 193	do	83, 005, 994	77, 345, 353	−5, 660, 641
Cheese	15, 350, 021	15, 101, 581	−248, 440	do	40, 470, 167	39, 555, 044	−915, 123
Ghee	439, 396	2, 154, 697	+1, 715, 301	do	559, 345	2, 773, 631	+2, 214, 286
Milk, dried	81, 458, 466	73, 455, 488	−8, 002, 978	do	553, 899, 423	500, 417, 124	−53, 482, 299
Oats	11, 285, 919	11, 237, 280	−48, 639	Bushel	18, 787, 079	18, 701, 761	−85, 318
Rye	891, 044	845, 840	−45, 204	do	869, 007	825, 026	−43, 981
Total, designated nonbasic commodities	980, 286, 918	933, 996, 926	−46, 289, 992				
Other nonbasic commodities:							
Beans, dry, edible	1, 382, 841	636, 328	−746, 513	Hundredweight	182, 218	80, 446	−101, 772
Cottonseed oil, refined	463, 362	338, 844	−124, 518	Pound	2, 697, 219	1, 970, 917	−726, 302
Flaxseed	9, 492, 881	8, 298, 988	−1, 193, 893	Bushel	3, 227, 869	2, 823, 053	−404, 816
Soybeans	627, 459	483, 682	−143, 777	do	282, 804	218, 502	−64, 302
Vegetable oil products	724, 324	732, 003	+7, 679	Pound	4, 540, 864	4, 498, 467	−42, 397
Total, other nonbasic commodities	12, 690, 867	10, 489, 845	−2, 201, 022				
Total, price support inventory	5, 015, 511, 529	4, 820, 644, 910	−194, 866, 619				
Inventory transferred from national stockpile: [1]							
Cotton, Egyptian	96, 073, 775	88, 657, 945	−7, 415, 830	Bale	113, 721	104, 943	−8, 778
Cotton, American-Egyptian	23, 578, 228	23, 578, 228		do	46, 878	46, 878	
Total, inventory transferred from national stockpile	119, 652, 003	112, 236, 173	−7, 415, 830	do	160, 599	151, 821	−8, 778
Total, agricultural commodities	5, 135, 163, 532	4, 932, 881, 083	−202, 282, 449				

[1] Transferred from General Services Administration pursuant to Public Law 85-96 and Public Law 87-548. (See app. A, p. 20.)

Source: Compiled from reports submitted by the Department of Agriculture.

TABLE 3.—*Civil defense supplies and equipment inventories, January 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month
Civil defense stockpile, Department of Defense:							
Engineering equipment (engine generators, pumps, chlorinators, purifiers, pipe, and fittings)	$10,078,518	$10,075,570	−$2,948	10-mile units	45	45	
Chemical and biological equipment	1,749,144	1,802,506	+52,912	[1]			
Total	11,827,662	11,847,626	+49,964				
Civil defense medical stockpile, Department of Health, Education, and Welfare:							
Medical bulk stocks, and associated items at civil defense mobilization warehouses	139,038,262	141,086,585	+2,048,323	[1]			
Medical bulk stock at manufacturer locations	5,820,053	5,327,314	−492,739	[1]			
Civil defense emergency hospitals	37,370,946	37,322,911	−48,035	Each	1,930	1,930	
Replenishment units (functional assemblies other than hospitals)	426,472	12,136	−414,336	[1]			
Supply additions (for civil defense emergency hospitals)	10,924,416	10,924,414	−2	[1]			
Total	193,580,149	194,673,360	+1,083,211				
Total, civil defense supplies and equipment	205,407,811	206,550,986	+1,143,175				

[1] Composite group of many different items.

Source: Compiled from reports submitted by the Department of Defense and the Department of Health, Education, and Welfare.

TABLE 4.—*Machine tools inventories, January 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month
Defense Production Act:							
In storage	$21,400	$21,400		Tool	7	7	
On lease	2,144,300	2,144,300		do	103	103	
On loan	42,900	42,900		do	7	7	
Total	2,208,600	2,208,600		do	117	117	
National Industrial Reserve Act:							
In storage	78,114,700	77,918,100	−$196,600	do	6,949	6,917	−32
On lease	27,500	27,500		do	1	1	
On loan to other agencies	2,718,200	2,820,600	+102,400	do	303	328	+25
On loan to school program	9,285,700	9,405,500	+119,800	do	2,192	2,219	+27
Total	90,146,100	90,171,700	+25,600	do	9,445	9,465	+20
Total, machine tools	92,354,700	92,380,300	+25,600	do	9,562	9,582	+20

Source: Compiled from reports submitted by the General Services Administration.

TABLE 5.—*Helium inventories, January 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month	Unit of measure	Beginning of month, Jan. 1, 1964	End of month, Jan. 31, 1964	Net change during month
Helium:							
Stored above ground	$273,087	$253,604	−$19,483	Cubic foot	24,200,000	22,400,000	−1,800,000
Stored underground	20,814,383	24,071,574	+3,257,191	do	2,110,200,000	2,410,800,000	+300,600,000
Total, helium	21,087,470	24,325,178	+3,237,708	do	2,134,400,000	2,433,200,000	+298,800,000

Source: Compiled from reports submitted by the Department of the Interior.

APPENDIX A—PROGRAM DESCRIPTIONS AND STATUTORY CITATIONS

STRATEGIC AND CRITICAL MATERIALS

National stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. The General Services Administration is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Emergency Planning. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OEP. In addition, the General Services Administration is responsible for disposing of those strategic and critical materials which OEP determines to be no longer needed for stockile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Emergency Planning and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Emergency Planning.

Supplemental—barter

As a result of a delegation of authority from OEP (32A C.F.R., ch. I, DMO V-4) the General Services Administration is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agriculture Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

AGRICULTURAL COMMODITIES

The price-support program

Price-support operations are carried out under the charter powers (15 U.S.C. 714) of the Commodity Credit Corporation, Department of Agriculture, in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958 and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities; namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1966. Price support for other nonbasic agricultural commodities is discretionary except that, whenever the price of either cottonseed or soybeans is supported, the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producers commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Inventory transferred from national stockpile

This inventory, all cotton, was transferred to Commodity Credit Corporation at no cost from the national stockpile pursuant to Public Law 85-96 and Public Law 87-548. The proceeds from sales, less costs incurred by CCC, are covered into the Treasury as miscellaneous receipt; therefore, such proceeds and costs are not recorded in the operating accounts. The cost value as shown for this cotton has been computed on the basis of average per bale cost of each type of cotton when purchased by CCC for the national stockpile.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

Civil defense stockpile

The Department of Defense conducts this stockpiling program pursuant to section 201(h) of Public Law 920, 81st Congress, as amended. The program is designed to provide some of the most essential materials to minimize the effects upon the civilian population which would be caused by an attack upon the United States. Supplies and equipment normally unavailable, or lacking in quantity needed to cope with such conditions, are stockpiled at strategic locations in a nationwide warehouse system consisting of general storage facilities.

Civil defense medical stockpile

The Department of Health, Education, and Welfare conducts the stockpiling program for medical supplies and equipment pursuant to section 201(h) of Public Law 920, 81st Congress, as delegated by the President following the intent of Reorganization Plan No. 1, of 1958. The Department of Health, Education, and Welfare plans and directs the procurement, storage, maintenance, inspection, survey, distribution, and utilization of essential supplies and equipment for emergency health services. The medical stockpile includes a program designed to preposition assembled emergency hospitals and other medical supplies and equipment into communities throughout the Nation.

MACHINE TOOLS

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration has acquired machine tools in furtherance of expansion of productive capacity, in accordance with programs certified by the Director of the Office of Emergency Planning.

National industrial equipment reserve

Under general policies established and directives issued by the Secretary of Defense, the General Services Administration is responsible for care, maintenance, utilization, transfer, leasing, lending to nonprofit schools, disposal, transportation, repair, restoration, and renovation of national industrial reserve equipment transferred to GSA under the National Industrial Reserve Act of 1948 (50 U.S.C. 451-462).

HELIUM

The helium conservation program is conducted by the Department of the Interior pursuant to the Helium Act, approved September 13, 1960 (Public Law 86-777; 74 Stat. 918; 50 U.S.C. 167) and subsequent appropriations acts which have established fiscal limitations and provided borrowing authority for the program. Among other things, the Helium Act authorizes the Secretary of the Interior to produce helium in Government plants, to acquire helium from private plants, to sell helium to meet current demands, and to store for future use helium that is so produced or acquired in excess of that required to meet current demands. Sales of helium by the Secretary of the Interior shall be at prices established by him which shall be adequate to liquidate the costs of the program within 25 years, except that this period may be extended by the Secretary for not more than 10 years for funds borrowed for purposes other than the acquisition and construction of helium plants and facilities.

This report covers helium that is produced in Government plants and acquired from private plants. Helium in excess of current demands is stored in the Cliffside gasfield near Amarillo, Tex. The unit of measure is cubic foot at 14.7 pounds per square inch absolute pressure and 70° F.

APPENDIX B—NEW STOCKPILE OBJECTIVES

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. Table 1 of this report reflects the new objectives for 12 materials: aluminum, castor oil, chromite (metallurgical grade), copper, feathers and down, lead, mercury, nickel, opium, sperm oil, tin, and zinc.

The following excerpts from OEP statements dated July 11 and 19, 1963, set forth the new policy with respect to objectives for strategic and critical materials:

"The Office of Emergency Planning is now conducting supply-requirements studies for all stockpile materials which will reflect current military, industrial, and other essential needs in the event of a conventional war emergency. On the basis of recently completed supply-requirements studies for the foregoing materials, the new stockpile objectives were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by the Office of Emergency Planning and composed of representatives of the Departments of State, Defense, the Interior, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy to establish a single objective for each stockpile material. They have been determined on the basis of criteria heretofore used in establishing maximum objectives, and reflect the approximate calculated emergency deficits for the materials for conventional war and do not have any arbitrary adjustments for possible increased requirements for other types of emergency.

"Heretofore, there was a basic objective and a maximum objective for each material. The basic objectives assumed some continued reliance on foreign sources of supply in an emergency. The former maximum objectives completely discounted foreign sources of supply beyond North America and comparable accessible areas.

"Previously, maximum objectives could not be less than 6 months' normal usage of the material by industry in the United States in periods of active demand. The 6-month rule has been eliminated in establishing the new calculated conventional war objectives.

"The Office of Emergency Planning also announced that the present Defense Mobilization Order V-7, dealing with general policies for strategic and critical materials stockpiling, was now being revised to reflect these new policies. When finally prepared and approved, the new order will be published in the Federal Register.

"New conventional war objectives for the remaining stockpile materials are being developed as rapidly as new supply-requirements data become available. They will be released as they are approved.

"The Office of Emergency Planning is also making studies to determine stockpile needs to meet the requirements of general nuclear war and reconstruction. Stockpile objectives for nuclear war have not previously been developed. Some commodity objectives may be higher and others may be lower than the objectives established for conventional war.

"After the nuclear war supply-requirements studies are completed, stockpile objectives will be based upon calculated deficits for either conventional war or nuclear war whichever need is larger.

"The Office of Emergency Planning stressed that any long-range disposal programs undertaken prior to the development of objectives based on nuclear war assumptions would provide against disposing of quantities which might be needed to meet essential requirements in the event of nuclear attack. While the disposal of surplus materials can produce many problems which have not heretofore arisen, every effort will be made to see that the interests of producers, processors, and consumers, and the international interests of the United States are carefully considered, both in the development and carrying out of disposal programs. Before decisions are made regarding the adoption of a long-range disposal program for a particular item in the stockpile, there will be appropriate consultations with industry in order to obtain the advice of interested parties."

Statement by Senator Harry F. Byrd, Democrat, of Virginia

The cost value of Federal stockpile inventories as of January 31, 1964, totaled $13,839,271,236. This was a net decrease of $209,169,690 as compared with the January 1 total of $14,048,440,926.

Net changes during the month are summarized by major category as follows:

Major category	Cost value, January 1964	
	Net change during month	Total, end of month
Strategic and critical materials	−$11,293,724	$8,583,133,689
Agricultural commodities	−202,282,449	4,932,881,083
Civil defense supplies and equipment	+1,143,175	206,550,986
Machine tools	+25,600	92,380,300
Helium	+3,237,708	24,325,178
Total	−209,169,690	13,839,271,236

These figures are from the January 1964 report on Federal stockpile inventories compiled from official agency data by the Joint Committee on Reduction of Nonessential Federal Expenditures, showing detail with respect to quantity and cost value of each commodity in the inventories covered.

STRATEGIC AND CRITICAL MATERIALS

So-called strategic and critical materials are stored by the Government in (1) the national stockpile, (2) the Defense Production Act inventory, and (3) the supplemental barter stockpile.

Overall, there are now 93 materials stockpiled in the strategic and critical inventories. Maximum objectives—in terms of volume—are presently fixed for 76 of these 93 materials. Of the 76 materials having maximum objectives, 61 were stockpiled in excess of their objectives as of January 31, 1964.

Increases in cost value were reported in 12 of the materials stockpiled in all strategic and critical inventories, decreases were reported in 21 materials, and 60 materials remained unchanged during January.

National stockpile

The cost value of materials in the national stockpile as of January 31, 1964, totaled $5,745,501,600. This was a net decrease of $11,014,500 during the month. The largest decreases were $6,566,500 in rubber and $3,786,200 in tin.

Defense Production Act inventory

The cost value of materials in the Defense Production Act inventory as of January 31, 1964, totaled $1,480,852,400. This was a net decrease of $2,721,100. The larger decreases were in nickel, copper, and aluminum.

Supplemental barter

The cost value of materials in the supplemental barter stockpile as of January 31, 1964, totaled $1,356,779,689. This was a net increase of $2,441,876. The largest increases were in asbestos and beryllium metal.

OTHER STOCKPILE INVENTORIES

Among the other categories of stockpiled materials covered by the report, the largest is $4.9 billion in agricultural commodities. Major decreases in agricultural commodities during January were reported for wheat, cotton, and corn.

Inventories of civil defense supplies and equipment showed increases in medical stocks; the machine tools inventories showed a net increase; and the helium inventories showed a net increase during January.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of February 1964. In accordance with the practice of several years' standing I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, FEBRUARY 1964 AND JANUARY 1964, AND PAY, JANUARY 1964 AND DECEMBER 1963

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for February 1964 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In February numbered	In January numbered	Increase (+) or decrease (−)	In January was—	In December was—	Increase (+) or decrease (−)
Total[1]	2,470,393	2,473,546	−3,153	$1,420,324	$1,417,716	+$2,608
Agencies exclusive of Department of Defense	1,430,227	1,431,648	−1,421	822,766	851,876	−29,110
Department of Defense	1,040,166	1,041,898	−1,732	597,558	565,840	+31,718
Inside the United States	2,302,647	2,304,778	−2,131			
Outside the United States	167,746	168,768	−1,022			
Industrial employment	553,269	553,994	−725			
Foreign nationals	154,665	156,627	−1,962	28,498	[3] 28,675	−177

[1] Exclusive of foreign nationals shown in the last line of this summary.

[3] Revised on basis of later information.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during February 1964, and comparison with January 1964, and pay for January 1964, and comparison with December 1963*

Department or agency	Personnel				Pay (in thousands)			
	February	January	Increase	Decrease	January	December	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	96,671	98,397		1,726	$56,723	$54,018	$2,705	
Commerce	31,071	30,678	393		21,862	18,995	2,867	
Health, Education, and Welfare	82,397	81,893	504		46,771	44,810	1,961	
Interior	61,357	63,896		2,539	39,395	37,120	2,275	
Justice	31,649	31,611	38		23,200	21,661	1,539	
Labor	9,270	9,212	58		6,456	6,004	452	
Post Office	587,160	589,794		2,634	311,345	373,210		$61,865
State[1] [2]	42,074	42,274		200	23,642	22,700	942	
Treasury	90,542	86,196	4,346		56,009	51,741	4,268	

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during February 1964, and comparison with January 1964, and pay for January 1964, and comparison with December 1963*—Continued

Department or agency	Personnel				Pay (in thousands)			
	February	January	Increase	Decrease	January	December	Increase	Decrease
Executive Office of the President:								
White House Office	360	364		4	$275	$265	$10	
Bureau of the Budget	481	478	3		493	456	37	
Council of Economic Advisers	48	51		3	52	42	10	
Executive Mansion and Grounds	78	78			48	50		$2
National Aeronautics and Space Council	27	28		1	29	27	2	
National Security Council	41	43		2	40	36	4	
Office of Emergency Planning	339	354		15	369	373		4
Office of Science and Technology	64	64			41	34	7	
Office of the Special Representative for Trade Negotiations	30	30			27	26	1	
President's Commission on Registration and Voting Participation	4	6		2	3	5		2
President's Commission on the Assassination of President Kennedy	20	[3] 16	4		18	1	17	
President's Committee on Equal Opportunity in Housing	6	5	1		4	4		
Independent agencies:								
Advisory Commission on Intergovernmental Relations	28	33		5	25	24	1	
American Battle Monuments Commission	412	413		1	92	95		3
Atomic Energy Commission	7,262	7,249	13		6,079	5,617	462	
Board of Governors of the Federal Reserve System	619	619			460	425	35	
Civil Aeronautics Board	838	841		3	726	672	54	
Civil Service Commission	3,960	3,967		7	2,666	2,432	234	
Civil War Centennial Commission	5	5			6	4	2	
Commission of Fine Arts	6	6			6	5	1	
Commission on Civil Rights	72	65	7		44	40	4	
Delaware River Basin Commission	2	2			3	2	1	
Export-Import Bank of Washington	293	289	4		227	212	15	
Farm Credit Administration	238	239		1	195	194	1	
Federal Aviation Agency	45,324	45,464		140	36,221	33,836	2,385	
Federal Coal Mine Safety Board of Review	7	7			5	5		
Federal Communications Commission	1,463	1,457	6		1,148	1,057	91	
Federal Deposit Insurance Corporation	1,242	1,255		13	911	846	65	
Federal Home Loan Bank Board	1,239	1,241		2	955	820	135	
Federal Maritime Commission	237	240		3	203	189	14	
Federal Mediation and Conciliation Service	401	397	4		398	362	36	
Federal Power Commission	1,073	1,083		10	884	840	44	
Federal Radiation Council	4	4			4	4		
Federal Trade Commission	1,146	1,147		1	1,002	845	157	
Foreign Claims Settlement Commission	184	171	13		103	85	18	
General Accounting Office	4,360	4,385		25	3,268	2,999	269	
General Services Administration	33,402	33,186	216		17,741	16,616	1,125	
Government Printing Office	7,307	7,240	67		4,513	4,537		24
Housing and Home Finance Agency	13,833	13,930		97	9,645	8,926	719	
Indian Claims Commission	21	21			24	27		3
Interstate Commerce Commission	2,383	2,396		13	1,865	1,709	156	
National Aeronautics and Space Administration	30,575	30,211	364		25,467	23,372	2,095	
National Capital Housing Authority	425	434		9	228	177	51	
National Capital Planning Commission	59	61		2	48	42	6	
National Capital Transportation Agency	57	62		5	53	54		1
National Gallery of Art	313	311	2		150	144	6	
National Labor Relations Board	1,986	1,978	8		1,586	1,445	141	
National Mediation Board	138	140		2	143	124	19	
National Science Foundation	1,037	957	80		807	627	180	
Panama Canal	14,974	14,966	8		5,606	5,361	245	
President's Committee on Equal Employment Opportunity	54	54			39	37	2	
Railroad Retirement Board	1,886	1,894		8	1,206	1,104	102	
Renegotiation Board	212	209	3		201	178	23	
St. Lawrence Seaway Development Corporation	161	158	3		102	108		6
Securities and Exchange Commission	1,376	1,366	10		1,076	975	101	
Selective Service System	6,955	6,955			2,432	2,303	129	
Small Business Administration	3,306	3,333		27	2,472	2,266	206	
Smithsonian Institution	1,497	1,506		9	900	830	70	
Soldiers' Home	1,063	1,070		7	374	389		15
South Carolina, Alabama, and Florida Water Study Commission						11		11
Subversive Activities Control Board	27	27			25	23	2	
Tariff Commission	276	274	2		223	209	14	
Tax Court of the United States	155	154	1		140	135	5	
Tennessee Valley Authority	16,102	16,063	39		10,787	9,846	941	
U.S. Arms Control and Disarmament Agency	171	166	5		148	156		
U.S. Information Agency	12,056	11,995	61		5,746	5,738	8	
Veterans' Administration	173,228	173,378		150	86,445	81,082	5,363	
Virgin Islands Corporation	1,088	1,106		18	141	137	4	
Total, excluding Department of Defense	1,430,227	1,431,648	6,263	7,684	822,766	851,876	32,834	61,944
Net decrease, excluding Department of Defense			1,421				29,110	
Department of Defense:								
Office of the Secretary of Defense	2,115	2,122		7	1,982	1,791	191	
Department of the Army	368,511	386,542		31	200,583	191,435	9,148	
Department of the Navy	334,551	336,488		1,937	204,121	192,959	11,162	
Department of the Air Force	299,020	299,182		162	170,402	162,450	7,952	
Defense Atomic Support Agency	1,973	1,973			1,081	1,019	62	
Defense Communications Agency	791	752	39		545	448	97	
Defense Supply Agency	29,667	29,539	128		16,141	13,290	2,851	
Office of Civil Defense	1,043	1,047		4	975	891	84	
U.S. Court of Military Appeals	40	40			37	34	3	
Interdepartmental activities	8	9		1	6	6		
International military activities	58	58			45	51		6
Armed Forces information and education activities	424	422	2		237	221	16	
Classified activities	1,965	1,724	241		1,403	1,245	158	
Total, Department of Defense	1,040,166	1,041,898	410	2,142	597,558	565,840	31,724	6
Net change, Department Defense			1,732				31,718	
Grand total, including Department of Defense [4] [5]	2,470,383	2,473,546	6,673	9,826	1,420,324	1,417,716	64,558	61,950
Net change, including Department of Defense			3,153				2,608	

[1] February figure includes 16,522 employees of the Agency for International Development, as compared with 16,798 in January and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The February figure includes 4,330 of these trust fund employees and the January figure includes 4,461.

[2] February figure includes 1,063 employees of the Peace Corps as compared with 1,057 in January and their pay.

[3] Revised on basis of later information.

[4] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

[5] Includes employment by Federal agencies under the Public Works Acceleration Act (Public Law 87-658) as follows:

Agency	February	January	Change
Agriculture Department		880	−880
Interior Department		2,804	−2,804
Total		3,684	−3,684

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during February 1964, and comparison with January 1964*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	95,479	97,227	-------	1,748
Commerce	30,430	30,021	409	-------
Health, Education, and Welfare	81,743	81,251	492	-------
Interior	60,728	63,266	-------	2,538
Justice	31,296	31,260	36	-------
Labor	9,190	9,131	59	-------
Post Office	585,591	588,246	-------	2,655
State[1,2]	10,685	10,609	76	-------
Treasury	89,894	85,567	4,327	-------
Executive Office of the President:				
White House Office	360	364	-------	4
Bureau of the Budget	481	478	3	-------
Council of Economic Advisers	48	51	-------	3
Executive Mansion and Grounds	78	78	-------	-------
National Aeronautics and Space Council	27	28	-------	1
National Security Council	41	43	-------	2
Office of Emergency Planning	339	354	-------	15
Office of Science and Technology	64	64	-------	-------
Office of the Special Representative for Trade Negotiations	30	30	-------	-------
President's Commission on Registration and Voting Participation	4	6	-------	2
President's Commission on the Assassination of President Kennedy	20	[3]16	4	-------
President's Committee on Equal Opportunity in Housing	6	5	1	-------
Independent agencies:				
Advisory Commission on Intergovernmental Relations	28	33	-------	5
American Battle Monuments Commission	7	7	-------	-------
Atomic Energy Commission	7,226	7,214	12	-------
Board of Governors of the Federal Reserve System	619	619	-------	-------
Civil Aeronautics Board	838	841	-------	3
Civil Service Commission	3,956	3,963	-------	7
Civil War Centennial Commission	5	5	-------	-------
Commission of Fine Arts	6	6	-------	-------
Commission on Civil Rights	72	65	7	-------
Delaware River Basin Commission	2	2	-------	-------
Export-Import Bank of Washington	293	289	4	-------
Farm Credit Administration	238	239	-------	1
Federal Aviation Agency	44,228	44,372	-------	144
Federal Coal Mine Safety Board of Review	7	7	-------	-------
Federal Communications Commission	1,461	1,455	6	-------
Federal Deposit Insurance Corporation	1,240	1,253	-------	13
Federal Home Loan Bank Board	1,239	1,241	-------	2
Federal Maritime Commission	237	240	-------	3
Federal Mediation and Conciliation Service	401	397	4	-------
Federal Power Commission	1,073	1,083	-------	10
Federal Radiation Council	4	4	-------	-------
Federal Trade Commission	1,146	1,147	-------	1
Foreign Claims Settlement Commission	147	132	15	-------
General Accounting Office	4,278	4,303	-------	25
General Services Administration	33,377	33,161	216	-------
Government Printing Office	7,307	7,240	67	-------
Housing and Home Finance Agency	13,634	13,730	-------	96
Indian Claims Commission	21	21	-------	-------
Independent agencies—Continued				
Interstate Commerce Commission	2,383	2,396	-------	13
National Aeronautics and Space Administration	30,560	30,197	363	-------
National Capital Housing Authority	425	434	-------	9
National Capital Planning Commission	59	61	-------	2
National Capital Transportation Agency	57	62	-------	5
National Gallery of Art	313	311	2	-------
National Labor Relations Board	1,953	1,945	8	-------
National Mediation Board	138	140	-------	2
National Science Foundation	1,023	943	80	-------
Panama Canal	159	158	1	-------
President's Committee on Equal Employment Opportunity	54	54	-------	-------
Railroad Retirement Board	1,886	1,894	-------	8
Renegotiation Board	212	209	3	-------
St. Lawrence Seaway Development Corporation	161	158	3	-------
Securities and Exchange Commission	1,376	1,366	10	-------
Selective Service System	6,805	6,805	-------	-------
Small Business Administration	3,250	3,277	-------	27
Smithsonian Institution	1,480	1,488	-------	8
Soldiers' Home	1,063	1,070	-------	7
Subversive Activities Control Board	27	27	-------	-------
Tariff Commission	276	274	2	-------
Tax Court of the United States	155	154	1	-------
Tennessee Valley Authority	16,101	16,062	39	-------
U.S. Arms Control and Disarmament Agency	171	166	5	-------
U.S. Information Agency	3,399	3,398	1	-------
Veterans' Administration	172,233	172,386	-------	153
Total, excluding Department of Defense	1,365,343	1,366,599	6,256	7,512
Net decrease, excluding Department of Defense	-------	-------	1,256	
Department of Defense:				
Office of the Secretary of Defense	2,063	2,069	-------	6
Department of the Army	317,219	317,086	133	-------
Department of the Navy	310,750	312,138	-------	1,388
Department of the Air Force	271,371	271,383	-------	12
Defense Atomic Support Agency	1,973	1,973	-------	-------
Defense Communications Agency	745	713	32	-------
Defense Supply Agency	29,667	29,539	128	-------
Office of Civil Defense	1,043	1,047	-------	4
U.S. Court of Military Appeals	40	40	-------	-------
Interdepartmental activities	8	9	-------	1
International military activities	36	36	-------	-------
Armed Force information and education activities	424	422	2	-------
Classified activities	1,965	1,724	241	-------
Total, Department of Defense	937,304	938,179	536	1,411
Net decrease, Department of Defense	-------	-------	875	
Grand total, including Department of Defense	2,302,647	2,304,778	6,792	8,923
Net decrease, including Department of Defense	-------	-------	2,131	

[1] February figure includes 2,844 employees of the Agency for International Development as compared with 2,860 in January.

[2] February figure includes 672 employees of the Peace Corps as compared with 667 in January.

[3] Revised on basis of later information.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during February 1964, and comparison with January 1964*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,192	1,170	22	-------
Commerce	641	657	-------	16
Health, Education, and Welfare	654	642	12	-------
Interior	629	630	-------	1
Justice	353	351	2	-------
Labor	80	81	-------	1
Post Office	1,569	1,548	21	-------
State[1,2]	31,389	31,665	-------	276
Treasury	648	629	19	-------
Independent agencies:				
American Battle Monuments Commission	405	406	-------	1
Atomic Energy Commission	36	35	1	-------
Civil Service Commission	4	4	-------	-------
Federal Aviation Agency	1,096	1,092	4	-------
Federal Communications Commission	2	2	-------	-------
Federal Deposit Insurance Corporation	2	2	-------	-------
Foreign Claims Settlement Commission	37	39	-------	2
General Accounting Office	82	82	-------	-------
General Services Administration	25	25	-------	-------
Housing and Home Finance Agency	199	200	-------	1
National Aeronautics and Space Administration	15	14	1	-------
National Labor Relations Board	33	33	-------	-------
National Science Foundation	14	14	-------	-------
Panama Canal	14,815	14,808	7	-------
Independent agencies—Continued				
Selective Service System	150	150	-------	-------
Small Business Administration	56	56	-------	-------
Smithsonian Institution	17	18	-------	1
Tennessee Valley Authority	1	1	-------	-------
U.S. Information Agency	8,657	8,597	60	-------
Veterans' Administration	995	992	3	-------
Virgin Islands Corporation	1,088	1,106	-------	18
Total, excluding Department of Defense	64,884	65,049	152	317
Net decrease, excluding Department of Defense	-------	-------	165	
Department of Defense:				
Office of the Secretary of Defense	52	53	-------	1
Department of the Army	51,292	51,456	-------	64
Department of the Navy	23,801	24,350	-------	549
Department of the Air Force	27,649	27,799	-------	150
Defense Communications Agency	46	39	7	-------
International military activities	22	22	-------	-------
Total, Department of Defense	102,862	103,719	7	864
Net decrease, Department of Defense	-------	-------	857	
Grand total, including Department of Defense	167,746	168,768	159	1,181
Net decrease, including Department of Defense	-------	-------	1,022	

[1] February figure includes 13,678 employees of the Agency for International Development as compared with 13,938 in January. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The February figure includes 4,330 of these trust fund employees and the January figure includes 4,461.

[2] February figure includes 391 employees of the Peace Corps as compared with 390 in January.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during February 1964, and comparison with January 1964*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,899	3,978	--------	79
Commerce	5,724	5,547	177	--------
Interior	8,737	8,843	--------	106
Post Office	268	264	4	--------
Treasury	5,333	5,285	48	--------
Independent agencies:				
Atomic Energy Commission	270	268	2	--------
Federal Aviation Agency	2,831	2,856	--------	25
General Services Administration	1,920	1,914	6	--------
Government Printing Office	7,307	7,240	67	--------
National Aeronautics and Space Administration	30,575	30,211	264	--------
Panama Canal	7,388	7,405	--------	17
St. Lawrence Seaway Development Corporation	157	157	--------	--------
Tennessee Valley Authority	12,878	12,844	34	--------
Virgin Islands Corporation	1,088	1,106	--------	18
Total, excluding Department of Defense	88,375	87,918	702	245
Net increase, excluding Department of Defense	--------	--------	457	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 136,913	[1] 136,858	55	--------
Outside the United States	[1] 4,324	[2] 4,339	--------	15
Department of the Navy:				
Inside the United States	190,144	191,257	--------	1,113
Outside the United States	1,263	1,269	--------	6
Department of the Air Force:				
Inside the United States	129,529	129,634	--------	105
Outside the United States	1,023	1,011	12	--------
Defense Supply Agency:				
Inside the United States	1,698	1,708	--------	10
Total, Department of Defense	464,894	466,076	67	1,249
Net decrease, Department of Defense	--------	--------	1,182	
Grand total, including Department of Defense	553,269	553,994	769	1,494
Net decrease, including Department of Defense	--------	--------	725	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of February 1964 and comparison with January 1964*

Country	Total		Army		Navy		Air Force	
	February	January	February	January	February	January	February	January
Canada	9	9	--------	--------	--------	--------	9	9
Crete	84	85	--------	--------	--------	--------	84	85
England	2,931	2,947	--------	--------	122	121	2,809	2,826
France	19,241	19,917	15,620	16,269	10	10	3,611	3,638
Germany	76,761	77,447	64,900	65,374	83	84	11,778	11,989
Greece	297	295	--------	--------	33	32	264	263
Japan	48,026	48,554	16,524	16,746	13,845	14,045	17,657	17,763
Korea	6,141	6,155	6,141	6,155	--------	--------	--------	--------
Morocco	696	737	--------	--------	695	696	1	41
Netherlands	53	55	--------	--------	--------	--------	53	55
Trinidad	426	426	--------	--------	426	426	--------	--------
Total	154,665	156,627	103,185	104,544	15,214	15,414	36,266	36,669

STATEMENT BY SENATOR HARRY F. BYRD, DEMOCRAT, OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of February totaling 2,470,393 as compared with 2,473,546 in January. This was a net decrease of 3,153, including a net reduction of 3,684 in temporary employment under the public works acceleration program authorized by Public Law 87–658.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1964, which began July 1, 1963, follows:

Month	Employment	Increase	Decrease
July 1963	2,518,857	9,149	--------
August	2,515,033	--------	3,824
September	2,492,170	--------	22,863
October	2,494,175	2,005	--------
November	2,493,379	--------	796
December	2,487,856	--------	5,523
January 1964	2,473,546	--------	14,310
February	2,470,393	--------	3,153

Total Federal employment in civilian agencies for the month of February was 1,430,227, a decrease of 1,421 as compared with the January total of 1,431,648. Total civilian employment in the military agencies in February was 1,040,166, a decrease of 1,732 as compared with 1,041,898 in January.

Civilian agencies reporting larger decreases were Post Office Department with 2,634, Interior Department with 2,539, and Agriculture Department with 1,726. The largest increase was reported by Treasury Department with 4,346.

In the Department of Defense the largest decrease in civilian employment was reported by the Department of the Navy with 1,937.

Inside the United States civilian employment decreased 2,131 and outside the United States civilian employment decreased 1,022. Industrial employment by Federal agencies in February totaled 553,269, a decrease of 725.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,470,393 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 154,665 foreign nationals working for U.S. agencies overseas during February who were not counted in the usual personnel reports. The number in January was 156,627. A breakdown of this employment for February follows:

Country	Total	Army	Navy	Air Force
Canada	9	--------	--------	9
Crete	84	--------	--------	84
England	2,931	--------	122	2,809
France	19,241	15,620	10	3,611
Germany	76,761	64,900	83	11,778
Greece	297	--------	33	264
Japan	48,026	16,524	13,845	17,657
Korea	6,141	6,141	--------	--------
Morocco	696	--------	695	1
Netherlands	53	--------	--------	53
Trinidad	426	--------	426	--------
Total	154,665	103,185	15,214	36,266

EXECUTIVE REPORTS OF A COMMITTEE

Mr. ELLENDER. Mr. President, as in executive session, and from the Committee on Agriculture and Forestry, I am pleased to report the nomination for confirmation of Mrs. Dorothy H. Jacobson, of Minnesota, to be a member of the Board of Directors of the Commodity Credit Corporation and also to be an Assistant Secretary of Agriculture.

The ACTING PRESIDENT pro tempore. The report will be received and the nominations will be placed on the Executive Calendar.

The nominations placed on the Executive Calendar are as follows:

Dorothy H. Jacobson, of Minnesota, to be an Assistant Secretary of Agriculture; and

Dorothy H. Jacobson, of Minnesota, to be a member of the Board of Directors of the Commodity Credit Corporation.

Mr. ELLENDER. Mr. President, I ask unanimous consent that a short statement of Mrs. Jacobson's background be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BACKGROUND OF MRS. DOROTHY JACOBSON

Mrs. Dorothy Jacobson is an assistant to Secretary of Agriculture Orville L. Freeman, but the title is hardly descriptive of her job.

She is a speech writer, a drafter of policy statements, an adviser on legislative policy, a molder of administrative programs and actions, a keen student of international affairs, an interagency diplomat, an expert on consumer affairs, and a strong supporter of cooperatives.

To those who know her well, Mrs. Jacobson has a demanding intellect and a stubborn insistence on being given facts.

"You know that once Dorothy has looked a problem or a program over, she will find the cracks or weak spots if they exist. And once she has found them, she never rests until they have been considered," an associate says of her.

Mrs. Jacobson, since coming to Washington with Secretary Freeman in 1961 at the beginning of the New Frontier, has devoted her time increasingly to the area of foreign agriculture.

In 1961, she accompanied the Secretary when he visited in the Middle East and southeast Asia to study national agricultural programs and to evaluate the food for peace program, particularly the technical assistance aspects.

Last year, she was a member of the study team which Secretary Freeman led in a month-long visit in the Soviet Union and the bloc countries.

In both cases, Mrs. Jacobson prepared detailed reports of the trips which have become the basis for evaluating both policies and programs. Both instances demonstrate her effectiveness as "the eyes and ears" for her Cabinet officer boss.

Mrs. Jacobson's public service career is long and distinguished. A native Minnesotan, she received her masters degree in political science from the university.

She is no stranger to Washington, D.C., having served as program secretary for the National League of Women Voters in the late 1930's. She married George Jacobson in 1937. An expert in cooperatives, he is now on the International Cooperative Development Staff in the Agency for International Development.

In 1945 Mrs. Jacobson became professor of political science at Macalaster College, St. Paul, Minn. In the early 1940's she became active in politics, participating in the organizing of the Democratic-Farmer-Labor (DFL) Party in Minnesota. She served as State chairwoman of the newly formed DFL from 1948 to 1956.

During this period she became acquainted with and worked with a young Marine veteran, Orville L. Freeman, who was State chairman of the DFL party when Mrs. Jacobson was chairwoman.

When Mr. Freeman was elected Governor of Minnesota in 1955, one of the first persons he tapped to work with him in the Governor's office was Mrs. Jacobson. She resigned from Macalaster College in 1955, and has been a key adviser since.

During her years in the Governor's office and in Washington, Mrs. Jacobson has become widely known among farm organization and cooperative groups. In the Governor's office she was key member of a Governor's farm policy advisory group which prepared a landmark report on Minnesota agriculture. Among cooperative groups Mrs. Jacobson has become a respected spokesman and a leading innovator seeking to enlarge the role of cooperatives at home and abroad.

Mrs. Jacobson is a member of the American Political Science Association, the American Association of University Professors, the American Society for Public Administration, and of Phi Beta Kappa. She received a Ueland fellowship in political science. In her early years as a school teacher, she taught in the Lincoln School of the Teachers College, Columbia University.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SALTONSTALL (for himself, Mr. BEALL, Mr. COTTON, Mr. MORTON, and Mr. SCOTT):

S. 2705. A bill to amend the Social Security Act so as to provide Federal financial assistance for establishing and maintaining State programs of voluntary health insurance for the aged; to the Committee on Finance.

(See the remarks of Mr. SALTONSTALL when he introduced the above bill, which appear under a separate heading.)

By Mr. BOGGS:

S. 2706. A bill for the relief of Francesco Di Gioia; to the Committee on the Judiciary.

By Mr. DIRKSEN (for himself and Mr. DOUGLAS):

S. 2707. A bill to provide for the preservation of certain historic elements of the U.S. Courthouse Building, Chicago, Ill., and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

S. 2708. A bill to authorize the Secretary of the Interior to acquire lands, including farm units and improvements thereon, in the Eden Valley project, Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

HEALTH CARE FOR THE AGED

Mr. SALTONSTALL. Mr. President, on behalf of myself and Senators BEALL, COTTON, MORTON, and SCOTT, I introduce, for appropriate reference, a bill which would assist States in improving the health care of individuals 65 years and over of low and moderate income by enabling them to obtain protection against the expenses of health services.

Today about 17 million Americans have reached the age of 65. By 1970 the figure is expected to be more than 20 million. As the life span of the American people has been extended, the special problems which confront our older citizens have received increasing attention. Their medical requirements, and the difficulties which many of them encounter in meeting the costs involved, constitute an especially serious matter which is of concern to all of us. Many older people simply cannot finance the medical treatment they require. Rising costs of medical care aggravate the problem even further. In recent years, for example, the general wage level in our country has been increasing at a rate of about 3 percent annually while hospital costs have been rising about 6 or 7 percent a year. People over 65 years of age, it should be noted, use, on the average, about three items as much hospital care as those under 65.

Congress has recognized the situation that exists and, in 1960, passed the Kerr-Mills Act in an effort to help the medically indigent. Thus far Kerr-Mills has been implemented in 32 States and 4 jurisdictions. At the present time still other States are giving active consideration to implementing it. In fiscal 1963, 338,200 individuals were receiving aid under the terms of the act. It is estimated that the number will rise to 452,600 in the fiscal year 1964.

In fiscal 1963, $289,173,000 was expended under Kerr-Mills, of which $147,477,000 constituted the Federal contribution. In fiscal 1964, it is anticipated that expenditures will rise to $390,600,000, of which $201,100,000 will be the Federal share.

My home State of Massachusetts was one of the first to establish a program under Kerr-Mills and I am pleased to be able to say that it is considered one of the best in the Nation. For the fiscal year 1963, 34,000 residents of Massachusetts received assistance under Kerr-Mills. For the fiscal year 1964 it is anticipated that 43,900 individuals will be enrolled.

Without doubt, Kerr-Mills has proved helpful and with the passage of time we can expect that it will prove even more helpful. I supported Kerr-Mills when it was before the Congress and I believe in it. It has made an important contribution to our national life and has eased the burdens of many of our elder citizens.

There have been criticisms, however, that the act, as it has been implemented in various States, imposes burdensome means test requirements and does not reach all aged people who need assistance with their medical costs. Thus many people have come to feel that attention should be given to helping persons who, though ineligible for aid under Kerr-Mills, possess modest incomes insufficient to enable them to meet their basic medical needs. This belief has resulted in a search for ways by which to supplement Kerr-Mills and to extend it so as to achieve that objective. A number of approaches have already been advanced by Members of the Congress and by the administration. My colleagues and I offer this proposal as one worthy of careful consideration. It is an adaptation of a bill which has been introduced in previous Congresses and which received 34 votes in this body in the 87th Congress. Those of us who sponsor the proposal make no assertion that it cannot be improved. Indeed, we would expect that further careful analysis by experts might lead to refinement of several of its provisions.

We believe, however, that the principles on which our bill is based are desirable ingredients of a national medical care for the aged program. Briefly stated, the major features of the bill are as follows:

First. It is a voluntary program and not one based on compulsory social security financing.

Second. It involves Federal-State matching and State administration.

Third. It builds upon Kerr-Mills rather than replaces it, since one requirement of State participation in this program is that it have a Kerr-Mills program in effect.

Fourth. It extends benefits to individuals who are not eligible for assistance under Kerr-Mills, and also provides an alternative to Kerr-Mills enrollees.

Fifth. It offers a choice of three actuarily equivalent plans so that participants can select the one which best meets their specific needs.

Sixth. It includes a private insurance policy option.

Seventh. It involves contributions by individual enrollees based on their income.

Eighth. It avoids the undesirable features of a means test, yet by establishing an income limitation on eligibility it excludes individuals fully able to meet their own medical costs.

Participation in this program would be open to individuals of 65 years of age or over who are not recipients of old-age assistance or other Federal public assistance programs, excluding Kerr-Mills enrollees. The income limitation for single people is $3,000 and for married couples a combined income of $6,000 is permitted. Individuals would be required to pay an enrollment fee which would vary with income. The minimum enrollment fee would be $10 annually and would apply to individuals receiving $1,000 or less in income. For persons with income in excess of $1,000, the fee would be as follows:

INCOME OF INDIVIDUAL	AMOUNT OF ENROLLMENT FEE
1. More than $1,000 but not more than $1,500.	$10 plus 2½ percent of income in excess of $1,000.
2. More than $1,500 but not more than $2,000.	$22.50 plus 3½ percent of income in excess of $1,500.
3. More than $2,000 but not more than $2,500.	$40 plus 7 percent of income in excess of $2,000.
4. More than $2,500 but not more than $3,000.	$75 plus 9 percent of income in excess of $2,500.

Under the terms of this bill three options are available to individuals:

First. A preventive diagnostic, short-term program which would provide as a minimum:

Twenty-one days of inpatient hospital services which include physician, nursing, and intern services as well as laboratory and X-ray services, ambulatory services, drugs, and appliances related to care and treatment.

Sixty-three days of skilled nursing home care. State plan can provide more. However, the number of days for which participants will have the costs of inpatient hospital services paid shall be reduced by 1 for each 3 days he receives skilled nursing home care.

Surgical services provided in a hospital.

Physicians' services for 12 days outside a hospital.

One hundred dollars of ambulatory, diagnostic, laboratory, and X-ray services rendered outside a hospital or nursing home.

The State may include additional services including but not limited to: Organized home health care, private duty nursing services, physical restorative services, dental treatment.

Second. A long-term major illness program which would provide as a minimum:

One hundred and twenty days of inpatient hospital services.

Skilled nursing home care.

Prescribed drugs.

Diagnostic laboratory services—including X-ray—not exceeding $200.

Outpatient hospital services.

Physicians' services, including surgery.

Under this option the State may also include additional services including but not limited to: Organized home health care, private duty nursing services, physical restorative services, dental treatment.

Payment would be made for not less than 80 percent nor more than 90 percent of above costs in excess of $50 during an enrollment year.

Third. Private insurance policy program: Instead of enrolling in the short-term or long-term program, an individual may elect to receive a certificate to be used in assisting him to defray the premium costs of a qualified private health insurance policy of which he is a beneficiary. The total payment cannot exceed an amount equal to the amount of the actuarial value of the short-term and long-term programs minus the enrollment fee persons would pay under either short-term or long-term programs. Such private health insurance policy would have to provide health benefits having an actuarial value at least equal to that of the benefits provided by either the short-term or long-term program.

Federal participation in State program costs would consist of grants of 50 percent of State administrative costs and from 60 to 80 percent of other costs—exclusive of enrollment fee receipts—depending on a State's per capita income, up to a maximum Federal contribution of $150 per enrollee.

A single State agency would be designated to administer the program. If it desires to do so, a State could utilize, through agreements or contracts with voluntary private organizations, the services of such organizations in the administration of one or more health benefits programs under the State plan.

An Advisory Council on Health Care Benefits for the Aged would be established in the Department of Health, Education, and Welfare to advise the Secretary on matters relating to general policies and administration. It would consist of 12 members appointed by the Secretary for 4-year terms—4 from among representatives of various State or local government agencies concerned with the provision of health care or insurance against the costs thereof, 4 from among nongovernmental persons concerned with the provision of such care or with such insurance, and 4 persons from the general public to represent consumers of health care—and 2 ex officio members, the Surgeon General and the Commissioner of Social Security.

COST

Based on an estimated 80-percent participation of the 15.7 million persons eligible for the first year of the program, Robert J. Myers, Chief Actuary of the Social Security Administration, estimated that the cost to the Federal Government would be $1,390 million. States would contribute another $750 million while the amount received from enrollment fees would be approximately $315 million.

In my State of Massachusetts there are more than a half million individuals 65 or over who would be eligible for this program. If 80 percent of these participated, 410,000 persons would be enrolled.

Mr. Myers estimated that it would cost Massachusetts $31.7 million for the program with another $47.5 million as the Federal contribution. Enrollment fees could be expected to raise another $13.1 million, bringing the total cost in Massachusetts to about $92.3 million.

Mr. President, as I have indicated, my colleagues and I offer this proposal for consideration because we believe it offers a sound approach to the important problem of assisting our older citizens to obtain the health care they need. We believe this bill is a useful, constructive measure which incorporates the basic principles we deem important to a nationwide health care program. Further analysis and study by experts could lead to modifications which we would find acceptable and even helpful. But we offer this bill as an expression of our interest in, and concern about, the problem and as an indication of the general approach we prefer. We hope that it will be considered carefully.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2705) to amend the Social Security Act so as to provide Federal financial assistance for establishing and maintaining State programs of voluntary health insurance for the aged, introduced by Mr. SALTONSTALL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

The ACTING PRESIDENT pro tempore. The time of the Senator from Massachusetts has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Massachusetts be given 1 additional minute so that I might make a comment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Massachusetts is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield to the Senator from New York.

Mr. JAVITS. I was aware of the fact that the Senator from Massachusetts and other Senators would introduce a bill which would provide for health care for the aging. Though the bill differs from the one which has been sponsored by six other Republican Senators and myself, I very much welcome the bill for two reasons:

First, it is an evidence of the fact that other Senators on our side realize that there is a problem which must be dealt with. Our differences will not prove to be, I hope, irreconcilable.

Second, the bill brings nearer the day when there may be legislation on the subject. I am now convinced that proposed legislation may have to start in the Senate, because though the issue has been kind of quieted down, the fact is, based upon my own relationship to my State, it is an urgent and crying need for our older people. So I am delighted that the bill has been introduced. I feel a real sense of partnership with the Senator from Massachusetts and other Senators who have joined with him in that they have now directed their thinking and their creative effort toward trying to resolve this extremely trying problem, which is so critically important to the citizens of the United States.

Mr. SALTONSTALL. Mr. President, I appreciate the remarks of the Senator from New York, particularly in view of the fact that many of the ideas contained in the bill were helped by him in his introduction of a bill on the same subject.

The Senator from New Hampshire [Mr. COTTON] has asked me to yield to him for a half minute.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has additional time available under his previous request.

Mr. SALTONSTALL. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I am very happy to join with the distinguished Senator from Massachusetts as a sponsor of his bill. I have studied the bill very carefully and feel that it contains a proper approach. I commend the Senator for preparing it. I shall do all I can to promote it.

Mr. SALTONSTALL. I thank the Senator from New Hampshire. I appreciate the courtesy of the Chair.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

PROPOSED AMENDMENT TO THE CIVIL RIGHTS BILL (AMENDMENT NO. 471)

Mr. ERVIN. Mr. President, one of the basic civil rights of all Americans is the right to be free of taxation to support a transgression of the constitutional command that the authorities "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In order to give the Senate an opportunity to consider what value it places upon this civil right of all Americans, I send to the desk an amendment to the pending civil rights bill and ask that it be printed in full at this point in the RECORD, and that copies of the amendment be printed and held at the desk until it is called up for action.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, it will be printed in the RECORD.

The amendment (No. 471) submitted by Mr. ERVIN is as follows:

On page 54, between lines 7 and 8, insert the following new title:

"TITLE XI—JUDICIAL REVIEW OF CONSTITUTIONALITY OF CERTAIN LOANS AND GRANTS

"SEC. 1101. The Congress hereby declares that one of our basic rights is to be free of taxation to support a transgression of the constitutional command that the authorities 'shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof'.

"SEC. 1102. The approval or disapproval of an application of any public or other nonprofit agency or institution for a loan or grant under—

"(1) the Higher Education Facilities Act of 1963,

"(2) title VII of the Public Health Service Act,

"(3) the National Defense Education Act of 1958, or

"(4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963,

shall be effected by an order of the Federal officer making such grant or loan which shall be conclusive except as otherwise provided in this Act. Notice of such order shall be published in the Federal Register and shall contain such information as the Federal officer issuing the order deems necessary to effectuate the purposes of this title.

"SEC. 1103. Any public or other nonprofit institution or agency which is or may be prejudiced by the order of the Federal officer making such a loan or grant in a particular year to another such agency or institution, by virtue of the fact that the making of such loan or grant serves to reduce the amount of funds available for loans or grants in such year to the agency or institution which is or may be prejudiced, may bring a civil action for declaratory relief to determine whether the order of the Federal officer extending the loan or grant to such other agency or institution is consistent with the first amendment to the Constitution of the United States. Defendants in such action shall be the Federal officer and the agency or institution whose application has been approved. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register.

"SEC. 1104. Any citizen of the United States upon whose taxable income there was imposed an income tax under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year and who has paid any part of such income tax may bring a civil action against the Federal officer making such a loan or grant to restrain or enjoin him from taking any action under any of the Acts enumerated in section 1102 of this title which the plaintiff challenges as invalid under the first amendment to the Constitution. No additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action.

"SEC. 1105. Any public or other nonprofit institution or agency whose application for a loan or grant under any of the Acts enumerated in section 1102 of this title has been denied by the Federal officer having appropriate authority on the ground that such loan or grant would be prohibited by the first amendment to the Constitution may bring a civil action to obtain a review of the final decision of such Federal officer.

"SEC. 1106. (a) Any civil action under the preceding section shall be brought in the District Court of the United States for the District of Columbia, and such court shall have jurisdiction without regard to the amount in controversy. Any such action pending before the district court or court of appeals for hearing, determination, or review shall be heard, determined, or reviewed at the earliest practicable time and shall be expedited in every practicable manner. All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. No costs shall be assessed against the United States in any proceeding under this title. In all litigation under this Act, the Federal officer shall be represented by the Attorney General.

"(b) The judgment of the district court shall be subject to review as provided in sections 1291 and 1254 of title 28 of the United States Code.

"SEC. 1107. (a) After receipt of notice of the agency or institution of an action under this title, the Federal officer shall, pending final determination of such action, make no payment on a grant or loan pursuant to the order which is claimed to be invalid in such action.

"(b) When and if any judgment becomes final that declares invalid an order of the Federal officer under this title, the agency or institution receiving the grant made by the Federal officer pursuant to such order shall refund the same, and if a loan has been made pursuant to such order it shall be refunded with accrued interest at the rate fixed therefor, for credit to the appropriation from which it was paid. The Federal officer may in his discretion permit deferment for a reasonable time of repayment of the grant or loan including interest thereon.

"(c) If the Federal officer's order in favor of a defendant agency or institution is finally set aside pursuant to a judgment under this title and the Federal officer has determined that, but for such order, the plaintiff agency's or institution's application would have been approved for a grant or loan chargeable to the same grant or loan allotment or appropriation, such allotment or appropriation shall be available for making such grant or loan to the plaintiff except to the extent that payments therefrom have been made to the defendant agency or institution and are not recovered under this title.

"SEC. 1108. If any provision of any act referred to in section 1102, or the application of such provision to any person or circumstance, shall be held invalid under this title, the remainder of such title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

On page 54, line 8, strike out "TITLE XI", and insert in lieu thereof "TITLE XII".

On page 54, line 9, strike out "SEC. 1101", and insert in lieu thereof "SEC. 1201".

On page 54, line 14, strike out "SEC. 1102", and insert in lieu thereof "SEC. 1202".

On page 54, line 22, strike out "SEC. 1103", and insert in lieu thereof "SEC. 1203".

On page 54, line 25, strike out "SEC. 1104", and insert in lieu thereof "SEC. 1204".

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the Senate remove the ban of secrecy on Executive B, 88th Congress, 2d session, the protocol to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949. I also ask unanimous consent that the message from the President, together with the protocol, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the protocol to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, which protocol relates to harp and hood seals. The protocol was signed at Washington under date of July 15, 1963, for the United States of America and 11 other governments.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the protocol.

Lyndon B. Johnson.

The White House, *April 1, 1964*.

AID TO STUDENTS OF HIGHER EDUCATION—ADDITIONAL COSPONSORS OF BILL

Mr. HARTKE. Mr. President, I request unanimous consent for the addition of three more cosponsors to my bill for aid to students of higher education, S. 2490. Senators Douglas, Church, and McGovern have indicated to me their desire to be associated with this bill in addition to the 17 other Senators who have previously asked to be cosponsors. I ask unanimous consent that their names may be added to the list at the next printing of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEDUCTION OF CERTAIN EXPENSES INCURRED BY TEACHERS FOR INCOME TAX PURPOSES—ADDITIONAL COSPONSOR OF BILL

Mr. HARTKE. Mr. President, I have a further request. S. 2609 is a bill which I introduced recently providing for deduction of expenses incurred by teachers in furthering their postgraduate study in education. The Senator from Missouri [Mr. Long] is already a cosponsor of that bill, and I now ask unanimous consent that the name of the Senator from Maryland [Mr. Brewster] may also be added.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROHIBITION OF LIQUOR ADVERTISING BY RADIO AND TELEVISION—ADDITIONAL COSPONSOR OF BILL

Mr. PASTORE. Mr. President, I ask unanimous consent that the name of the senior Senator from New Hampshire, and my dear friend [Mr. Cotton], be be added as a cosponsor at the next printing of S. 2693, a bill to prohibit the broadcasting over radio and television of advertisements of distilled spirits for beverage purposes, and for other purposes, introduced March 25 by myself and the Senator from Washington [Mr. Magnuson].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE GREAT SILVER RUSH

Mr. MANSFIELD. Mr. President, with the indulgence of the Senate, I ask unanimous consent that I may proceed for an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, the great run on the "cartwheel" has continued until the silver dollar has now all but vanished. The Treasury Department has joined the coin collectors and is clinging to a few million remaining pieces. But insofar as silver as a medium of exchange is concerned, the Treasury is now thrown back to the days of the assay offices of the old West. It is reduced to substituting silver dust for silver dollars.

And another sign of what has happened is a press report of another case of silver-dollar pilferage, this time right here in Washington, D.C. There is likely to be more of the same as scarcity gives to these coins an ever-increasing value.

Mr. President, I cannot believe that the Congress will stand by passively much longer and watch this travesty continue. Montana citizens from every walk of life have written me, urging that we save the cartwheel. That can be done only by appropriating the funds necessary to mint 50 million additional silver dollars. Six hundred and seventy-five thousand dollars is what is involved in the appropriation. It seems to me to be a very small cost for the rescue of what is not only a major American tradition, but also a major American preference insofar as Montana and other Western States are concerned. I might point out, further, that this cost is more apparent than real. The law commits the Government to redeem silver certificates on demand. Consider the labor and other costs involved in weighing out 77 grams of silver bullion and placing it in an envelope every time a holder of a silver certificate walks into the Treasury. That is what the Treasury will have to continue to do under existing law unless it has the funds to mint new silver dollars. There is such a thing as being paper wise and metal foolish. In the end, the denial of funds to mint the silver dollars may mean that the Government will pay far more in labor and other costs as it strives to meet its obligations by measuring out raw silver. If silver bullion is to replace the silver dollar, we may have to appropriate extra funds to pay for the process of weighing and enveloping the bullion. Further, in the light of the bill introduced by my distinguished colleague, the junior Senator from Montana [Mr. Metcalf], the Government may be losing out on an opportunity to reap a seigniorage from a new minting of silver dollars which might more than repay the cost of the operation. Senator Metcalf's bill would authorize the reduction of the silver content in the silver dollar from 900 to 800 grams. I do not know whether this is the precise reduction that is needed to keep these coins in circulation; I am sure that the members of the Banking and Currency Committee will be able to make that determination especially in view of the fact that today the hearings on the Metcalf bill were started, the witnesses being the distinguished Senators from Nevada [Mr. Bible and Mr. Cannon].

Senator Metcalf's bill points the way to overcoming the primary objection that has been raised against the appropriation of funds to mint the 50 million new cartwheels. And, enacted into law, it would have the effect of diminishing the hoarding of silver dollars—one of the principal reasons why free circulation of silver dollars is imperiled today. Indeed, the great run on the Treasury's supply did not begin in earnest until there were reports that no more silver dollars would be minted.

Mr. President, I urge the Senate not to fiddle while the silver dollar melts—while the symbol of hard money, of poor man's money, disappears from our midst. We ought not to dismiss the cause of the silver dollar as unimportant. This is not a tempest in a teapot. There is a deep resentment and an understandable reaction of public dismay at the imminent passing of a coin which for more than a century has existed and continues to exist in our midst as a reminder of the past and as a functional and preferred medium of exchange even today. If we fail to act, Mr. President, we do so at the expense of the small merchant in the West, and to the chagrin of decent, hardworking and honest folk who prefer the cartwheel both as money and as distinctive tradition.

They like the feel of heft in their pockets. To them, the jingle of silver dollars is the sound that signifies liquidity. It is the echo of cash on the barrelhead. They prize it, Mr. President, as the New Yorker might prize the Empire State Building; as the Californian, the Hawaiian or the Floridian, might prize year-round sunshine; as the southerner, black-eye peas; as a New Englander, a lobster and baked beans; and as a Texan, a 10-gallon hat.

I would hope, Mr. President, and I am sure that the distinguished chairman of the Banking and Currency Committee [Mr. Robertson] will see to it, that the Senate will have an opportunity to consider, at the earliest possible time, the bill sponsored by Senators Metcalf, Bible, Bartlett, Cannon, Church and myself, to reduce the silver content of the silver dollar. And I would hope, Mr. President, that the Committee on Appropriations of the House of Representatives will vote to allow the Treasury sufficient funds to mint a new and adequate supply of silver dollars. We do not want the cartwheel to go the way of the dodo bird.

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Mr. PEARSON. Mr. President, last week, for 3 days I attended as a representative of the U.S. Senate, the United Nations Conference on Trade and Development at Geneva, Switzerland, represented by 122 nations. The underdeveloped nations, or developing nations, of Asia, Africa, and Latin America, have served to promote this conference with a hope of achieving substantial revisions of world trade policies. Such revisions, they contend, are absolutely essential for their economic development and the eventual increase in their present standard of living.

The proposed revisions would be implemented at the expense of the large industrial nations such as the United States and the countries of Western Europe. The underdeveloped nations are calling for international price support agreements for their major exports to the industrialized nations. A Peru tin exporter, for example, would be insured a fixed price regardless of the world market price.

The underdeveloped countries have also proposed a subsidy-like scheme to insure a minimum level of income from exports. If, for example, the world price of commodities were to fall below a certain level, the industrial nations would make up the difference to the underdeveloped countries by a direct subsidy payment.

An additional concession has been requested, called "nonreciprocal tariff preferences." An arrangement of this sort would require the industrialized countries to accept exports from the underdeveloped nations tariff free. Our exports to them, however, would be subject to tariffs.

Spokesmen for the United States expressed disapproval of these proposals. In this instance, I feel that our initial position is basically correct, although I have often opposed the aid and trade policies of this administration. Fixed prices, direct subsidies, and tariff-free imports are foreign aid by other names. The first two devices mean higher import prices for the American consumer. Tariff-free imports represent a significant trading concession on our part.

Our position, as now stated, is that the underdeveloped countries could only expect real economic progress after they had tidied up their own financial houses. The rampant inflation and political instability of these countries discourages important foreign investment in their economies. The United States also stressed the importance of regional trading groups among the underdeveloped. Efforts of this sort, we contend, will do vastly more for these countries than additional programs of "foreign aid."

It is anticipated that the work of this conference will continue into the summer of this year. We would be well advised to watch its progress, particularly as these negotiations have an official unassociated but practical relationship to the GATT trade negotiations.

Our initial position will not be received as a beneficial or perhaps even as a cooperative representation, but it is my understanding that our very able representatives at this conference believe that we should frankly and clearly state our position. The plain truth now may be a disappointment. This is an encouraging sign that the United States is viewing world trade and foreign aid with a realistic approach.

BROWN UNIVERSITY GLEE CLUB VISITS WASHINGTON

Mr. PASTORE. Mr. President, when the Brown University Glee Club comes to Washington on Friday of this week they make a return visit—after an interval of 42 years—to the National Baptist Memorial Church for their annual concert. The earlier occasion was the laying of the cornerstone of the Washington church at 16th Street and Columbia Road NW.

In addition, on the afternoon of Friday, April 3, at 3 p.m., the glee club will appear in the rotunda of the Old Senate Office Building in a brief tribute in song.

I have the honor to be a member of the board of trustees of Brown University and honorary cochairman with Congressman WILLIAM B. WIDNALL for the concert.

Although founded by the Baptists of Rhode Island, Brown University in its charter from the first specified no religious test and complete liberty of conscience as becomes the State of Roger Williams.

Roger Williams was the first pastor of the First Baptist Church at Providence, and in that historic structure the diplomas of Brown graduates are awarded on commencement day.

So this concert is a pleasant gesture to the tolerant Rhode Islanders who, 200 years ago, founded this university with the specific provision that "the sectarian differences of opinions shall not make any part of public or classical instruction."

It is probably a play on words to suggest that the harmony of the university is exemplified by its glee club. But the Washington Star of Saturday, March 28, on its religious page, gave special mention to the forthcoming event, and I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HUMAN SIDE OF RELIGION: THREE ALUMNI TO NOTE 1922 CHURCH EVENT

(By Caspar Nannes)

Three members of the Brown University Glee Club who sang at the cornerstone laying of National Baptist Memorial Chuch 42 years ago will observe the occasion by attending a current glee club concert at 8:15 p.m., next Friday in the church, 16th Street and Columbia Road NW.

The three, now working and living in Washington, are Edward R. Place, Earle V. Johnson, and Theodore L. Sweet. Mr. Place, class of 1924, is Washington Brown Club president and general chairman for the concert. Mr. Johnson, 1924, is serving as secretary of the local group and Mr. Sweet, 1922, as director.

Coming from New York to celebrate the event is Chester S. Stackpole, 1922, who directed the Brown Glee Club at its 1922 concert here. Among those in the club were Thomas G. Corcoran, of Washington, a classmate.

SANG AT 1922 CEREMONY

On April 22, 1922, the Brown Glee Club sang at the ceremony when the cornerstone was put into place by Charles Evans Hughes, then Secretary of State and later Chief Justice of the Supreme Court. An alumnus of Brown, the 1916 Republican presidential candidate gave a notable address on "Baptists and Religious Liberty."

A year earlier another Baptist, President Warren G. Harding, had broken ground for the imposing church on upper 16th Street.

Representative WIDNALL, Republican, of New Jersey, who was graduated from Brown in 1926, is serving as honorary chairman of the concert with Senator PASTORE, Democrat, of Rhode Island. The latter is a trustee of Brown University and recipient of its honorary doctor of laws degree.

BROWN'S BICENTENNIAL

Brown University, founded in 1764 at Warren, R.I., is this year observing its bicentennial. It is the seventh oldest college in America and the glee club tour to the Nation's Capital is a major spring event of the celebration.

The university, started by Baptists as Rhode Island College, had a charter providing absolute liberty of conscience for students and faculty and prohibiting religious tests.

The school moved to Providence, R.I., in 1770. Thirty-four years later the name was changed to Brown University in recognition of a large gift to the institution by Nicholas Brown. National Baptist Church will be host to the glee club at a 6:30 p.m. dinner next Friday. Dr. Walter Pope Binns, interim minister and retired president of William Jewell College, Liberty, Mo., will welcome the touring group. Senator PASTORE will respond for the local Brown Club. Chairman of the dinner is Richard H. Howland, 1931, head curator of the Museum of History and Technology, Smithsonian Institution.

Mr. PASTORE. Mr. President, I invite all Members of the Senate and their staffs to come to the rotunda of the Old Senate Office Building at 3 o'clock on next Friday. They will be pleasantly surprised by the melodious voices coming from students of Brown University in the glorious State of Rhode Island.

NATIONAL COMMISSION ON FOOD MARKETING — COMMUNICATION FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following communication from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Commerce:

THE WHITE HOUSE,
Washington, D.C., April 1, 1964.

Hon. CARL HAYDEN,
President pro tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I recommend that the Congress enact legislation establishing the bipartisan Commission to study and appraise the changes taking place in the American food industry. Enclosed is a draft bill which will accomplish this.

The growth and stability of our entire economy depends, to a large extent, upon the food industry. Its vitality and strength are important to the farmers, processors, distributors, and retailers who depend upon it for their livelihood. Its practices affect all of us as consumers.

Information is not now available to permit an informed judgment concerning the effect of the recent changes in the food industry. We do not know whether the benefits of advanced technology are being fairly distributed among farmers, processors, distributors, retailers, and consumers. We do not know whether shifts in bargaining power require new laws. We do not know enough about the new character of the industry to determine the extent of the benefits and the need for any relief from hardship which may be necessary.

The Commission would gather the necessary information and report to the Congress, the President, and the public.

In addition to the draft bill, there is also enclosed a memorandum from the Secretary of Agriculture explaining the need for the legislation in more detail.

Sincerely,

LYNDON B. JOHNSON.

Mr. McGEE. Mr. President, the food industry of the United States is an important sector of the total economy, which involves expenditures of about $70 billion per year at retail, employs about 11 million wage earners, daily touches the life of every American consumer, and significantly affects the stability and growth of the American economy.

In the past two decades, significant changes have occurred in the relationships among components of the food industry and in market organization, production, processing, and distribution of food and food products.

These changes involve the nature and extent of integration and diversification, supply sources and relationships, and prices and other terms of sale at the several stages of production, processing, and distribution of food and food products.

Government, industry, and the public urgently need information to sustain informed judgments on the nature, causes, and effects of these changes.

It is clearly essential that a comprehensive and objective inquiry be made into the nature, causes, and effects of changes in the food industry to determine desirable objectives in the public interest.

Therefore, Mr. President, it is exceedingly appropriate that the Senate has received a proposal from the President of the United States to establish a National Commission on Food Marketing, a bipartisan group, which would examine into the problems of food marketing from the farm to the consumer.

I ask unanimous consent that the joint resolution (S.J. Res. 71), now being considered by the Committee on Commerce, be amended to establish a bipartisan National Commission on Food Marketing, on the order of the President's message.

The ACTING PRESIDENT pro tempore. The Chair will state to the Senator from Wyoming that, in a parliamentary situation of this kind, unanimous consent is required, inasmuch as the joint resolution is before a committee, and not pending in the Senate.

Is there objection to the unanimous-consent request of the Senator from Wyoming?

Mr. ELLENDER. Mr. President, what was the request? I did not hear it.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming has asked unanimous consent to amend a joint resolution that he introduced. The joint resolution is now pending before a committee, and is not before the Senate. In a situation of this kind, unanimous consent is required.

Is there objection? The Chair hears none, and the request of the Senator from Wyoming is granted.

The amendment submitted by Mr. McGEE is as follows:

JOINT RESOLUTION

To establish a National Commission on Food Marketing to study the food industry from the farm to the consumer.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members, including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(c) Eight members of the Commission shall constitute a quorum.

SEC. 3. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of $100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

SEC. 4. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades, in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

(4) The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency; and

(5) The effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable developments in the industry.

(b) The Commission shall recommend such actions by Government or by private enterprise and individuals as it deems appropriate.

(c) The Commission shall make such interim reports as it deems advisable, and it shall make a final report to the President and to the Congress by July 1, 1966.

SEC. 5. POWERS OF THE COMMISSION.—(a) The Commission, or any member thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions. In connection therewith the Commission is authorized—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraph (3) and (4) above; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as contempt thereof.

(c) The Commission is authorized to request directly from the head of any Federal executive department or independent agency available information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as it deems necessary for the conduct of its business.

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) The Chairman of the Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, to appoint and fix the compensation of an executive director and such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under the Classification Act of 1949, as amended.

(b) The Chairman is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5

U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided*, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46c) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *Provided further*, That the Commission shall not be required to prescribe such regulations.

(e) Ninety days after submission of its final report, as provided in section 4(c), the Commission shall cease to exist.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of $2,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

Mr. McGEE. Mr. President, this Commission, proposed by President Johnson, would be composed of 15 members, including 5 from the Senate, to be appointed by the President of the Senate; 5 from the House of Representatives, to be appointed by the Speaker of the House; and 5 members to be appointed by the President from outside the Federal Government.

In this bill the Commission is charged with the responsibility to study and appraise the marketing structure of the food industry, including the following specific areas:

First. The actual changes, principally in the past two decades, in the various segments of the food industry;

Second. The changes likely to materialize if present trends continue;

Third. The kind of food industry that would assure efficiency of production, assembly, processing and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

Fourth. The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency; and

Fifth. The effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable developments in the industry.

The Commission also shall recommend such actions by Government or by private enterprise and individuals as it deems appropriate and shall make such interim reports as it deems advisable. It shall make a final report to the President and to the Congress by July 1, 1966.

Mr. President, I would note that this bill provides that the Commission, and I quote:

> Is authorized to request directly from the head of any Federal executive department or independent agency available information deemed useful in the discharge of its duties.

This specifically would make available to the Commission the wealth of material already collected by the Federal Trade Commission and the Departments of Agriculture and Commerce and would allow the material in any pending FTC investigation, such as envisaged in the original version of Senate Joint Resolution 71, to be utilized.

Mr. President, on this day the Congress, the administration, and indeed the entire American public have taken the first step in what may be one of the most important investigations of this century.

The action of President Johnson in sending to the Congress his proposal to establish a bipartisan national commission to conduct a sweeping investigation into the pricing, marketing, distribution, and competitive practices of the giant food chains that have developed in this country since the end of World War II shows a real awareness of a problem that is creating a radical change in our traditional free enterprise system and shows a determination to make sure that that change is in the public interest.

Human endeavors have always been marked by the tendency on one hand for the strong and the powerful to use their strength and power to their own benefit and, on the other hand, of the many to band together to protect themselves from the onslaught of the power juggernauts that would ride roughshod over their rights and privileges as members of a free society. The maxim that power corrupts is as true in the realm of economics as it is in politics.

The **ACTING PRESIDENT** pro tempore. The time of the Senator has expired.

Mr. McGEE. Mr. President, I ask unanimous consent that I may have an additional 2 minutes, to complete my statement.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. McGEE. Mr. President, in the history of our Nation we have ample precedent for a justified suspicion that whenever one segment of the economy gathers into its own hands a sizable portion of the distribution and marketing of a product or group of products, the general public may be victimized by monopolistic practices and inequitable profiteering.

The State of Wyoming has a long history of fighting against the machinations of the large corporate interests who have sought to take advantage of their size and our lack of it to deny the farmer, the stockman, and the miner a fair return on his investment of money, toil, and initiative.

Mr. President, it took a minor revolution to overcome the excesses of the monopolists in the last years of the 19th century. For at that time the excesses were established practices before they became so obvious as to move the public to restrain them. We can profit from our history by moving now, before further damage is done, to investigate this new concentration of power and determine what changes, if any, need be made so that both the private gain and the public good are served.

Mr. President, President Johnson's proposal to exercise the responsibility of Government to promote the public interest brings to mind another such activity with which Wyoming is proud to be associated. I refer to the Temporary National Economic Committee which conducted 3 years of hearings under the direction of the late, revered Senator Joseph C. O'Mahoney of Wyoming. Although its function was interrupted by the outbreak of war, the TNEC did much to point out the potential for arbitrary regimentation of our economic life for the comfort of the few at the deprivation of the many. I am proud to have had Senator O'Mahoney as my mentor and I hope that some of his burning dedication for fairplay in the marketplace, his zeal to protect the public interest, his total commitment to the economic independence of our free enterprise system may be continued by those who serve here today. The President's proposal, which I have introduced here today, should follow this pattern of dedicated service established by Senator Joe O'Mahoney through the TNEC.

In fact, the questions for which this Commission will seek answers were very well propounded by a staff member of Senator O'Mahoney's TNEC and another representative of the State of Wyoming, Judge Thurman Arnold. Writing in August, 1938, Judge Arnold said:

> The line between efficient mass production and industrial empire building cannot be drawn in the abstract—it requires the exercise of judgment on two questions. The first is: Does the particular combination go beyond the necessities of efficient mass production and become an instrument of arbitrary price control? The second question is: Does any particular arrangement affecting marketing practices tend merely to create orderly marketing conditions in which competitors can exist, or is it an instrument to maintain rigid prices?

All of us are familiar with the postwar phenomenon of the chainstore. These miracles of modern merchandising have transformed the face of America. They are exhibited at foreign trade fairs as an example of our new approach to the ever present problem of feeding a nation. They form the nucleus of another new development, the suburban shopping center. The significance of the change in food merchandising can be illustrated by a few statistics. The average food store of 30 years ago had 800 square feet of floor space and offered 867 different items for sale. This store could be established at an average cost of $2,000 for fixtures and inventory. Today's supermarket contains 20,000 square feet of floor space, sells 6,000 different items and costs between $250,000 and $1 million to establish.

The neighborhood grocer, the small entrepreneur who knew his customers by name, who could offer advice on the bargain of the day and who would often deliver to the kitchen door has joined the blacksmith and harnessmaker as victims of the march of progress. More than 140,000 of these "momma and poppa" stores—as some people call them—are no more. Some of us may not want our meat wrapped in plastic and our tomatoes in cellophane, but we accept them that way as a concession to the pace of space age world.

Mr. President, it should be apparent to all that this revolution in merchandising is now an established fact, the period of transition is over. As this new principle is now established in our American way of life it is time—as the President has so carefully stated—to examine this giant to determine how he intends to use his strength and potential. And already there are significant indications that some of these corporate muscles are being fixed to do violence to the traditional concepts of supply and demand that for centuries have set standards for cost and quality.

The Committee on Commerce is presently conducting hearings on a resolution which I introduced here about 1 year ago. This resolution—Senate Joint Resolution 71—requests the Federal Trade Commission to conduct a study of the purchasing, processing, marketing, and pricing practices of food chain operators. These hearings have been centered around the problems of domestic red meat producers and processors. There are several reasons for this. In the first place, the sale of red meat accounts for about one-third of the gross sales of the average chainstore. Second, and more importantly, the beef industry has suffered a $2 billion loss in the past 2 years, while the price of beef to the consumer has not been reduced at all. U.S. Department of Agriculture figures show that as of last February the farmer's share of the consumer's dollar spent for beef had declined to 56 cents. This is the lowest percentage since 1935. While his share of the dollar was dropping the farm retail spread, the difference between what the farmer received and the housewife paid, increased to 35.7 cents, a new record figure, 17 percent higher than in 1962 and 11 percent wider than the previous record of 1961.

The beef producers of this Nation are in a desperate situation. And the testimony taken so far at these hearings indicates that there is probably cause to suspect the chainstores of using their mass purchasing power and ability to set the market demand for any given day—plus the ability to retaliate against those who speak out against them—to exercise an unwarranted control over red meat prices at the producer's end of the marketing process.

Mr. President, I believe that the suggestion of the President of the United States should be implemented as soon as possible without delay, that the full sweep of an investigation into all facets of food chain operations should begin at once. And I believe that this investigation should start with the sale of red meat. Not only is this the area of immediate concern for a vital segment of our agricultural economy, but it is one of the prime components of the stores' merchandising—a mainstay in their economy.

It makes a great difference to the housewife and budgetkeeper at home who is continuing to pay high prices in this same field.

The committee, in its hearings on Senate Joint Resolution 71, has heard testimony favoring this approach, by a Presidential Commission under the control of Congress. I anticipate that the work done so far by the committee and the work done by the FTC can be used as a base on which to launch this wide investigation.

President Johnson has announced to the Nation his determination that every citizen should have a better deal. This means that we expect no one to have a special privilege over his fellows or suffer from the unfair competition of a stacked economic deck. The proposal which I introduce today is concrete evidence of the President's concern that efforts to bring about that better deal begin at once. I share that concern—I know that many Senators are likewise concerned—and I share his determination that the ideals of free enterprise that have made us a great Nation shall not be compromised by those who would use power and position to unfair advantage.

I urge rapid approval of the program that has been introduced as an amendment to Senate Joint Resolution 71.

EXPOSING THE WORLD OF THE SMUT PEDDLERS

Mr. MUNDT. Mr. President, in this do-it-yourself age it is still an amazing fact that there is very little information available to the parents of teenagers, schoolteachers, the teenagers themselves, to many lawmakers, and to many law enforcers as to the most effective way to cope with the problem of pornography and obscene and noxious literature that is distributed in our country.

Once in a while, some effective work in this needed area of public information is done by an enterprising reporter. This has been true in the case of the Washington Daily News, which has run a series of three articles by Samuel Stafford under the general title of "The Smut Peddlers." These articles pretty well wrap up the methods of the degenerates who sell obscene pictures, recordings, books, and materials—most of them aimed at the high school market. Articles such as these help to get information to the public. I wish more newsmen would concentrate on such disclosures. I shall ask unanimous consent to have these three articles placed in the CONGRESSIONAL RECORD. This effort may enlarge the reading audience, which is an objective devoutly to be sought.

However, as important as the information which Samuel Stafford has developed may be, there is still much work to be done. The U.S. Senate has twice passed legislation which I have introduced on this particular subject. My bill provided for the creation of a Commission on Noxious and Obscene Materials. Under the provisions of the bill, a group of experts from the field of education, law enforcement, legislative draftsmanship, religion, and the general public would sit down and try to find the answers on, first, how we can educate the public to the dangers of obscene materials, second, how the public can help combat the peddlers of pornography, third, how we can get uniform city, State, and Federal laws which will help trap these purveyors, and fourth, most important, draw up guidelines as to what is obscene, noxious, and pornographic, so the courts and the law enforcers would have some jurisdiction and muscle in carrying on the fight.

I hope that we can get action in both Houses of Congress on this legislation in this session of Congress. I shall do what I can to urge a favorable vote on my current Senate bill, S. 180.

In the meantime, I shall encourage fine writers, like Samuel Stafford, and all others in various news media to continue exposing these sordid practices. It is a fight in which all can join. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 16, 1964]

WHEATON CHAMBER OF COMMERCE WAS WORRIED: EXPLORING SICK WORLD OF SMUT PEDDLERS

(How easy is it for normally inquisitive Washington teenagers to fall into the sick world of the smut peddlers—and what damage can be done to them there? Where does the line begin, and where does it end? And what can be done about it? A group of worried parents and businessmen in Wheaton, Md., set out to find answers to these disturbing questions. This, the first of three articles, reveals some of the shocks and surprises they found along the way.)

(By Samuel Stafford)

The Wheaton Chamber of Commerce had to admit the letter wasn't a bit like its usual business mail.

"Slave," the woman wrote, "I command you to send me $100 or a television set as a show of good faith that you will submit to my discipline."

The letterwriter had no way of knowing it, but she had fallen, kerplunk, into a trap set by a chamber of commerce committee dedicated to stamping out obscenity—in the mails and on newsstands in this up-and-coming Washington suburb.

The chamber's obscenity hunters, using the word "Herbert" as a nom de plume, had begun their campaign by answering an ad in a racy national weekly newspaper. Before long they found a curious business reply card in "Herbert's" Wheaton post office box.

The card listed such subjects as masochism, sadism, discipline, whips, slave bracelets, homosexuality, wife swapping, leather clothing, cross dressing (wearing clothes of the opposite sex), and high heels, and asked "Herbert" to indicate his main interest and return the card.

The chamber's committee decided to check "discipline."

Back came a letter giving names of the corresponding secretaries of eight discipline clubs in the East. The committee wrote some of them.

(Discipline groups, U.S. postal inspectors say, are made up of twisted people interested in "slave and master" relationships.)

The letter beginning, "Slave, I command you" was the answer to one of the chamber's letters, so the committee began a correspondence with its new-found pen pal and soon discovered that she was a Baltimore stripteaser. She boasted that scores of men had given her cash and gifts for a chance to be her flunky.

To the chamber's energetic but amateurish sleuths, the woman looked like a gold mine of facts on the postal obscenity racket, so a group of them set out to interview her.

Unfortunately, one of the men's wallets, containing $300, was lifted from his coat pocket en route to the interview, and the project was abandoned.

The impetus for the chamber's campaign came from Mrs. Helen S. Beaver and others from the Silver Spring Junior Women's Club which has long been concerned about the possible harmful effect of obscenity on teenagers.

The club, more than 4 years ago, sent out hundreds of letters to Montgomery County civic groups asking help in an "operation pornography" campaign.

The Wheaton Chamber, whose president then was Automobile Dealer John Amatucci, responded by forming its antiobscenity committee. However, little happened until 1962, when the committee began a year-long watch on community newsstands.

Teenagers, they noticed, seemed unduly interested in movie magazines, men's pulp magazines, and those super-sensational national weekly newspapers whose titles included promising words such as "Inside" and "Confidential."

The chamber committee studied stories in the national weeklies. The Meatgrinder Murder Case admittedly was strong stuff, but it wasn't obscene. Neither was the story of a Sunday school teacher forced into a life of shame. Nor were the confessions of the longshoreman who became an Egyptian belly dancer.

The Wheaton businessmen turned to the long columns of lonely heart and pen pal ads, and, in general, found them as wholesome as Aunt Minnie's apple pie. A typical one read:

"Henrietta—Georgia. Enjoys dancing, theater, bowling, collecting cookbooks. Wants to correspond with friendly people, male or female, but prefers male."

What sort of mail, the obscenity hunters wondered, came to teenagers who answered such ads?

"Herbert," representing the committee, sent a dollar to each of several lonely heart clubs, which promised to forward his mail unopened to Henrietta and others.

They got back only a few matter-of-fact replies and concluded they hadn't said the right things in their letters. (They later learned that a few of the innocent-seeming replies they got were in a kind of code known only to other veteran correspondents.)

Bolder mail, however, was on its way to Wheaton.

"Herbert" had answered classified ads of "clubs" with names like "The Club Delight," which promised "interesting correspondence" to any reader giving his name, address, and "special interests." "Herbert" had sent $2 to a Canadian group called "The Ecstasy Club," and received a mimeographed membership list.

Although less sordid than most, the following listings give a fair idea of the membership:

"C/OV55, Oklahoma. Completely uninhibited, attractive white couple. Interests are photography, nudism, parties, exhibitionism, intimate get-togethers, all types of erotica * * * and anything else offbeat, uninhibited, or wild * * * enjoy everything, the more the merrier.

"M/OV4, N.Y.C. Young man * * * wants to be properly dominated by a strong-willed woman or a group of strong-willed women."

Others asked for "correspondence in naughty language," and promised "the heights of ecstasy" to the "right" person. A 55-year-old man with a "job, apartment, and car," said he "loves housework."

The Wheaton Chamber members decided to have "Herbert" advertise his own imaginary proclivities and see what would transpire. So they billed him as a "very wealthy Washington business executive, 39, white, 6 feet 2," who had a big yacht and wanted "to serve lady or ladies."

Little did they realize so early in the game, that the strange world they were entering—populated by oddballs of the wierdest sort—might also harbor scoundrels who prey on the ills of others, that they might encounter there someone like themselves—who was up to some good.

For who could be sure that the ad promoting the talents of a busty, fun-loving dancer was not inserted by a thin, graying postal inspector who hasn't danced since the Big Apple era? The Post Office carefully makes no comment when such suspicions are raised.

Anyway, the Wheaton Chamber's amateur detectives had the foresight to inform the Justice Department officials, the Montgomery County State's attorney's office, and the Silver Spring Junior Women's Club about their investigation.

But they forgot to mention it to the Postal Inspection Service, headed by veteran investigator H. B. Montague. This oversight would later prove embarrassing.

"Herbert" had received a few suggestive letters from Ecstasy Club members, but nothing scandalous and the committee cooled off on this phase of the project, having sensed that their correspondents wanted more distasteful letters from "Herbert" than "Herbert" was moved to provide.

However, other strange mail was arriving at the chamber's post office box.

One letter contained the names of half a dozen Montgomery County residents who allegedly were interested in unusual relationships.

The chamber sleuths phoned one of them, a local "man" identified in the letter as "47 and single." A scared boy, who said he was 15, answered the phone. Questioned closely, the boy said he had seen an ad in a newsstand pulp and answered it "to see what would happen."

He said he had filled in his father's name and age because he figured "nobody who knew anything about sex would bother writing to a teenager." (The Post Office could have told the boy he would have gotten 10 times as many replies if he had given his true age. Pornography peddlers regard teenage boys as a prime market.)

"Herbert," the Wheaton Chamber committee's obscenity correspondent, was beginning to suspect that his name was being put on a number of oddball mailing lists as a result of the letters he'd written.

Unsolicited mail arrived from New York, Los Angeles, Chicago, and assorted smaller cities. The committee was deluged with come-ons to buy bull whips, slave bracelets, and chains for one's "loved one," and urged to buy and swap pornographic photos, tape recordings, and nude films.

After three-quarters of a year of newsstand surveillance and letter writing, the chamber committee figured it had enough evidence to present an obscenity report to the full Wheaton Chamber.

But there was a surprise in store. A U.S. postal inspector suddenly walked into the investigators' headquarters and, in a deadly serious voice, asked just why the Wheaton businessmen were corresponding with obscenity peddlers.

"Herbert's" name and post office box, it turned out, had appeared on a pornography mailing list in the hands of Canadian postal authorities. They had notified the U.S. Postal Inspection Service.

The chamber members hauled out correspondence with Government officials and clubs they had notified about the investigation, and finally convinced the postal inspector they were researchers.

"We'd never heard of the Postal Inspection Service," said one committee member.

A Post Office spokesman told the chamber group about the dangers of engaging, even in a good cause, in any correspondence which might violate Federal and State laws.

And while the Postal Inspection Service welcomes the backing of civic groups in the attack on obscenity, he said, private citizens should inform the Post Office before tilting with filth merchants.

Despite its setbacks, the Wheaton Chamber of Commerce Committee considers its investigation into filth by mail a success.

Last winter, it reported to the full chamber on its experiences, and early this month the chamber began setting up a permanent watchdog committee of civic, religious, and Government leaders. It hopes, by publicity, to alert citizens to the financial and moral pitfalls lurking behind those innocent-seeming advertisements found in many pulp magazines; and, if necessary, to use its influence to clear newsstands of the worst offenders.

Perhaps the committee's most stunning discovery was that the Postal Inspection Service is quietly on the job, posing an additional danger to the unwary—legal action.

As for the chamber's dealing with filth merchants, "Herbert" had merely scratched the surface.

[From the Washington (D.C.) Daily News, Mar. 17, 1964]

MILLION STUDENTS WILL GET OBSCENE MATERIAL: INNOCENT MAIL ORDERS BRING SMUT TO YOUNGSTERS

(By Samuel Stafford)

(Second of a series)

The scrawny 13-year-old Washington boy wasn't much of a fighter. In fact, he resembled what the ads call a "97-pound weakling."

After neighborhood bullies had beaten him up for the third time in 2 weeks, the boy talked his father into buying him some mail-order barbells advertised in a men's pulp magazine.

The barbells arrived and the boy diligently worked out with them. Bullies stopped kicking sand on him. He was happy.

Until an unexpected package arrived for the boy by mail. It contained several pornographic photos. The boy talked fast, but never did convince his father he hadn't sent away for the pictures. The boy, in this case, was telling the truth.

The Post Office Department estimates that more than a million school children will get unsolicited obscene material through the mails this year. The amount has been increasing every year.

TYPICAL CASES

A small boy sent half a dollar for a toy airplane and got back a photo of homosexual activity. An accompanying note asked, "Like to see more?"

A 10-year-old girl was mailed pornographic photos and text thinly disguised as an illustrated treatise on marital harmony.

Postal officials say the obscenity racket's profits run to an estimated $500 million a year and one man cleared $10,000 a week. Many of these unscrupulous merchants concentrate on the young—hoping to "hook" them.

Courts in Los Angeles and New York, where most mail-order obscenity originates, for years have let pornography dealers off with light sentences, postal officials say.

It is extremely difficult, if not impossible, to define terms like "filth," "smut," "obscenity," "hard-core pornography," and similar words and phrases in a way that will satisfy every lawmaker, judge, or citizen.

About 60 percent of questionable material coming to the attention of the Post Office is not actionable—that is, not considered obscene enough to take to court.

The Marilyn Monroe nude calendar photo several years ago was judged mailable and since has served as something of a yardstick for determining the line between photographic art and obscenity.

About 20 percent of the material is a good bit less wholesome, but not as flagrant as what postal inspectors call hard-core pornography and what the trade calls action material. This features two or more people engaged in the most perverted activities that can be imagined.

How, exactly, does a filth merchant use the mails?

Here, according to the Post Office, is how it works:

A pornography dealer keeps a big supply of action photos. He can advertise at low rates in any or all of 150 national pulp magazines and sensational national weekly newspapers accepting such ads.

The carefully worded ad looks like this: "Adult foto fans: You haven't lived until you've seen our exciting and unusual femme fotos. Send $1 for list and one unretouched sample. Box—."

Dollars pour in. Names and addresses pile up. Out go the unretouched photos—tantalizing, but mild compared to "action" stuff stacked in the peddler's warehouse.

Since the dealer is now in direct mail communication with a purchaser, his come-on becomes explicit. His action photos go for $5 or $10 apiece.

The pornography merchant may deal strictly in photos, but he knows that a pigeon who likes dirty pictures probably also will go for books on sex, sick "novelty" items, and lewd tape recordings.

So he swaps his customers' names for names obtained by other obscenity dealers. Or he sells his client list outright.

Soon the photo customer's name, address, and tastes in vice are in the files of half a dozen smut peddlers, and he is bombarded with come-ons.

Reputable mailing list brokers pride themselves on being able to provide a firm with select lists of likely buyers—from 100,000 prospective baby shoe customers to 20,000 executives who use safety razors.

Lists come from phone books, public records, newspaper birth announcements, trade association directories, credit card files, lists of department store patrons, magazine circulation lists, and from other firms willing to rent their lists.

Owners who rent their lists often have no idea how they are ultimately used.

One of the largest U.S. professional associations for example, allowed six mailing list houses to use its master list of members.

Unknown to the association, the Eros firm of Ralph Ginzburg was given its list.

Association officers, alerted, halted the practice shortly before Mr. Ginzburg and three of his enterprises last year were convicted on 28 postal obscenity counts for mailing Eros magazine, Liaison Newsletter, The Housewife's Handbook on Selective Promiscuity, and ad matter about them. Mr. Ginzburg was sentenced to 5 years and $28,000 in fines, and the enterprises were fined $14,000.

Obviously, it's easier to compile a mailing list of males 18 to 35 who make over $7,000 and drive compact cars than it is to find mate-swappers or sadists, but the sleazy dealers in obscenity give it a good try.

Some psychologists who have studied terminology of the obscenity racket believe that certain words trigger certain highly selective erotic desires in many people.

The words, "heels," "boots," "leather," and "whip," among others, appear over and over in book and film titles, picture captions, and sales brochures.

Such actual book titles as "Kiss of the Whip," "Blonde in Boots," and "Laced in Leather," these psychologists believe, help select readers who variously are sadists (whip), masochists, leather fetishists (boots), and bondage addicts (the word "laced").

But people who merely answer a lonely hearts ad in a national weekly "newspaper" or pulp magazine soon find themselves on obscenity mailing lists whether they are interested or not.

A study of advertising in one pulp magazine showed that one firm placed 21 ads for a variety of items in one issue, using 16 different company names.

The ads promoted a handbook for strip teasers, a private detective's badge, photos of girls, a pimple cure, and books about "love," among other things.

A boy writing in for a pimple cure goes on the firm's master list and gets the full mail treatment of the entire product line.

Few dealers, however, wait for suckers to come to them. Most send obscenity advertising to people who never have shown the slightest interest in their products.

Dealers know that many recipients will be offended and that some may complain to the Post Office (one woman got 40 batches of such mail before complaining). But they also know that merely a 2 or 3 percent response will give them a nice profit.

It's a simple matter for a dealer to get names of nearly all teenagers in a given area from school yearbooks and newspaper sports and teen columns. Blanket mailings invariably net some curious youngsters with an access to money.

There are other gimmicks. Some pornography pedlers have agents scribble messages like, "Call this number for an interesting conversation" in phone booths near high schools. Students calling the number are asked if they want to see some hot pictures. And the peddler is in business.

One Post Office raid turned up 17 tons of obscene material ready for mailing to 100,000 persons, many of them teenagers.

And there is the case of the 14-year-old boy, who answered an ad for sports equipment, got hooked by an obscenity racketeer, and was blackmailed into peddling pornography to his schoolmates. Postal inspectors later found some of the most vile pornography they had ever seen in his home.

[From the Washington Daily News, Mar. 18, 1964]

NORMAL CURIOSITY OPENS THE WAY: TEENAGERS ARE LED STEP BY STEP IN THE SMUT WORLD

(By Samuel Stafford)

A Pennsylvania man got a big mail response when he advertised in a sensational weekly "newspaper" that he would answer questions about anything for $3.

People who sent in questions got their answers. They also got a lettering offering, for a price: (1) a variety of pornographic material, and (2) a chance to correspond with and eventually meet a beautiful and amoral girl named "Debbie."

MOM

"Debbie's" letters were written in the fine feminine script of the man's mother. Postal inspectors, who brought the answer man and his mother to trial, say "Debbie" was about as attractive as a dried persimmon.

The case illustrates a significant point about the odd assortment of characters in the Post Office's obscenity files—that hardly anyone involved in the obscenity racket is who or what he seems to be.

A substantial proportion, like the mother-son team, is involved for the money to be gained by preying on the lonely or depraved.

But, according to postal inspectors, there are more pathetic victims of the pornography-by-mail racket than the lonely men who mail money in hopes of meeting a beautiful girl. These victims are teenagers, whose perfectly normal curiosity makes them a prime target for obscenity peddlers.

Chief Inspector H. B. Montague, of the Postal Inspection Service, said, "A youngster may be drawn to obscene material for kicks * * * out of curiosity. He may join a pen pal club or send away for smutty pictures at first.

"But constant exposure to stronger and stronger pornographic material leads him farther and farther. Soon, it's too late for him to get out.

"We handle case after case in which this has happened. Boys who might have grown up normally drift into homosexuality, and so on."

PSYCHIATRIC VIEW

Psychiatrists are divided on the effect of hard-core pornography on youngsters, but most seem to believe that such material does have an effect and that the effect may be harmful.

Dr. Sidney Berman, president of the Washington Psychoanalytic Society, said, "All pornography has a perverse effect on the young, who are ill equipped to deal with a high degree of erotic stimulation.

"People who are in a position to exploit this condition in children can do them great harm."

He said all youngsters are exposed to sex stimuli in magazine ads, movie posters, and other places, but "they get this in a dosage which is contained. When the dosage is too high, they are unable to cope with it."

Dr. Berman said he thought most of his colleagues shared his views.

ABNORMALITY

The late Dr. Benjamin Karpman, longtime St. Elizabeths Hospital psychotherapist, once testified at congressional juvenile delinquency hearings that, in his opinion, pornographic literature precipitates some sex crimes and that pictures involving whipping or shackling stimulate youngsters toward abnormal sex practices.

Dr. Nicholas Frignito, a Philadelphia court psychiatrist, said his files contained many case histories in which assaults and murders by teenagers could be traced directly to sex stimulation from reading pornography.

However, other psychiatrists believe the reading of pornography is a symptom rather than a cause of delinquency.

And Drs. Eberhard and Kronhausen, in a book, "Pornography and the Law," said that both "erotic realism" in painting and sculpture and pornography with little or no artistic value meet basic human needs.

This book pointed out that erotic art and literature have long been integral parts of Far Eastern and other cultures.

One local psychiatrist said, "Some people might have grounds for believing exposure to pornography is one method of discharging tension, and could even prevent some sex crimes through sublimation or rechanneling of a person's dangerous impulses into passive activities."

Apart from possible damage to the psyche, persons corresponding with regulars of the obscenity subworld run more obvious risks.

Once a person's name is on an obscenity sucker list, it can, without his knowledge, be given to anyone—to any of a variety of con men and women, to a stranger who may phone or show up personally at any hour.

Although it's not well known, an ordinary citizen who solicits obscene mail—even out of idle curiosity—is a lawbreaker subject to heavy penalties (a maximum $5,000 fine and/or 5 years for the first offense).

TARGETS

The aim of the Post Office, however, is to put the dealers out of business.

Robert J. Horenn, one of the biggest operators in the history of the Los Angeles post office, used 57 post office boxes to sell lewd photos and pornographic films, and was working to set up a mail-order empire including South America and Europe.

Postal inspectors broke up the ring, and, in 1961, Horenn and three aids were sentenced to prison.

Last year, another Los Angeles dealer who employed 25 people was arrested and found to have spent $225,000 for postage in 1 year.

SIXTY-FOUR COUNTS

And earlier this month, an all-male Federal jury found Irving Klaw, operating as the Nutrix Co., Jersey City, guilty on 64 postal obscenity counts.

Klaw, 52, whom a postal official called "one of the biggest bondage dealers we've dealt with," had a mail order business selling, among other things, pictures showing "women bound and gagged or subjected to torture."

Until 1961, the Post Office made use of administrative law, which would ban mail delivery to any dealer in obscenity. Obscenity dealers, however, were often able to get injunctions to keep postmasters from enforcing the orders.

Typically, by the time the hearing was held, the dealer was ready to continue business under a new name so the Post Office had to repeat the process all over again. In 1961, the Department began cracking down on pornography dealers through criminal action.

TRAINEES

A special training program was launched in the Postal Inspection Service under Mr. Montague to provide each of the Nation's postal districts with obscenity specialists who could gather evidence leading to convictions.

Arrests in obscenity cases jumped about 20 percent in 1961, over the year before, and several big distributors were hauled into court. Between 1961 and 1963, convictions increased from 377 to 637. In 1962 and 1963, convictions were obtained in nearly 99 percent of cases that went to trial.

Postmaster General John Gronouski last November pledged his "wholehearted support" for continued strict enforcement of obscenity laws.

Obscenity was legally defined in the 1957 case of Samuel Roth, who once called postal inspectors "bluenoses" in a circular to his customers.

Roth was convicted, and the Supreme Court, in denying his appeal, ruled that material was obscene if "to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to the prurient interest."

Postal officials advise citizens who receive obscene mail to turn it over to a letter carrier, postmaster, or the local postal inspector, or to send it to the Chief Postal Inspector in Washington.

They also suggest that citizens keep an eye on the type of material on community newsstands—but to avoid irresponsible pressure campaigns—let us handle it, postal officials say.

U.N. AND HUMAN RIGHTS

Mr. **JAVITS**. Mr. President, a summary of the United Nations actions in the field of human rights is marked by the contrast between the high hopes held out when the charter was written and the slow and difficult progress that followed in the years since 1945. The U.N. now has developed a reporting system, initiated a series of global studies and introduced a program of advisory services—all to enhance the progress of human rights. These and other aspects of the U.N. activities in this important area are discussed by a former president of the American Jewish Committee who served as a consultant to the U.S. delegation to the San Francisco Conference that helped draft the charter in 1945.

I ask unanimous consent to have printed in the RECORD excerpts from the Dag Hammarskjold memorial lecture by Jacob Blaustein, entitled "Human Rights—A Challenge to the United Nations and to Our Generation," delivered at Columbia University, December 4, 1963.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS: A CHALLENGE TO THE UNITED NATIONS AND TO OUR GENERATION

(Dag Hammarskjold memorial lecture by Jacob Blaustein at Columbia University, New York City, December 4, 1963)

It was generally understood that one of the first tasks of the Commission on Human Rights, which by article 68 of the charter the Economic and Social Council was required to set up, would be to prepare a draft of an International Bill of Rights.

The Commission on Human Rights was duly established and in February 1947, began to work under the chairmanship of that great human being, the late Mrs. Eleanor Roosevelt. As expected, it gave priority to the International Bill of Rights which it decided would have three parts: a declaration, a multilateral convention, and measures of implementation.

The Commission worked so well that within a little over a year it had completed its draft of the declaration and part of a convention which were sent up to the General Assembly in the fall of 1948. After a long and difficult debate, the General Assembly adopted, on the night of December 10, 1948, the first step toward an International Bill of Rights under the name of the Universal Declaration of Human Rights. The Universal Declaration of Human Rights consists of 30 articles in which are defined all the traditional, civil, and political rights, as well as the more newly recognized and more controversial economic, social, and cultural rights.

The declaration, which was adopted as a resolution of the General Assembly, was never meant to be legally binding, but to be, as its preamble says, "a common standard of achievement for all peoples and all nations." Nevertheless, in the 15 years since its adoption, it has acquired a political and moral authority which is unequaled by any other international instrument with the exception of the Charter itself. It is no exaggeration to say that no international instrument has ever received the same acceptance on all levels of society.

In the United Nations itself it has an authority which is surpassed only by the Charter, and it is constantly invoked not only in the General Assembly but also in the Security Council, in the Trusteeship Council, and other organs. It has found its way into various international conventions, including the Japanese Peace Treaty and the European Convention on Human Rights. Many of its provisions are reproduced, sometimes textually, in the many national constitutions that have been adopted—particularly in the so-called new countries since 1948; and it has inspired and sometimes become part of the national legislation of the many countries. It has even been cited with approval by national courts. It is, as the late Pope John XXIII said in his encyclical "Pacem in Terris," "a document of the very greatest importance."

CONVENTIONS—COVENANTS

The next step toward an international bill of rights was to have been a multilateral convention which would be legally binding on those States which ratified it. Later it was decided—largely on the initiative of the United States—that there would be two conventions; one on political and civil rights; and the other on economic, social, and cultural rights.

The reasoning given for this division was that the two categories of rights required different modes of implementation. Governments can be expected to insure respect for political and civil rights, but the implementation of economic and social rights can only be progressive, particularly in the economically underdeveloped countries. There is something to be said for this position, but I believe that the main reason for supporting this distinction in the United States was the fear of the administration that the Senate might refuse to ratify a convention on economic, social, and cultural rights.

The Commission on Human Rights finished its work on these two conventions, which it decided to call covenants, in 1954 and sent them to the General Assembly which has been working on them ever since; nor is the end yet in sight. Nine or more years may seem like an unconscionably long time for the General Assembly to have been working on these drafts, but the work is extremely difficult and often highly controversial. Some of the articles of these covenants are as intricate as the whole texts of other conventions that have occupied the whole time of international conferences after careful diplomatic preparation. And they involve an attempt to achieve a synthesis of the ideals of 111 sovereign states reflecting very different religious, philosophical, and political backgrounds, and cultural traditions from the Western, Asian, and African worlds.

It should also be noted—and this is helpful—that the debates on the covenants have provided the context for the ventilation of a number of such questions as anticolonialism and the self-determination of peoples which are directly related to basic human rights and are also highly political.

The fact remains, however, that 18 years after the San Francisco Conference, the United Nations has still to justify the hopes which, in this particular matter at least, men and women everywhere have placed in it; and it is not difficult to understand why there should be some dissatisfaction with the performance.

The main differences between the covenants and the Universal Declaration of Human Rights are (1) the covenants when adopted will have a binding force in international law not possessed by the declaration and (2) the covenants are to be supported by measures of implementation. This is indeed their chief justification.

The question of implementation is therefore most important. Indeed, this is the test of the sincerity of governments in this matter. As to the mode of implementation proposed for the Covenant on Economic, Social and Cultural Rights, ratifying states will only be asked to report to the United Nations on the progress that they make toward the achievement of these rights.

These reports would be reviewed sympathetically by the Economic and Social Council with a view to assisting the states, if necessary, toward achievement of the standards laid down in the covenant.

In the matter of civil and political rights, however, the measures of implementation that have been suggested—they have not yet been discussed by the General Assembly—are more complicated. According to the plan there would be established a factfinding and conciliation organ known as the Human Rights Committee to which states parties could complain that other states parties had violated their obligations under the covenant. The Human Rights Committee would attempt to bring about a settlement and failing this, would publish a report indicating whether in its opinion there had been a violation of the covenant. There would also be a right of recourse to the International Court of Justice.

Now the main feature of this system is that only states could complain to the Human Rights Committee, and therein lies its weakness. For experience has shown that states are unlikely to complain about the conduct of other states towards individuals, unless they have a political reason for doing so. That they would not complain against their own conduct seems pretty obvious. A similar procedure in the International Labor Organization Constitution has been invoked only 3 times in 43 years.

SOME ACHIEVEMENTS—MUCH STILL TO BE DONE

The future of human rights was left on the doorstep of the United Nations at San Francisco. What has been the response of the United Nations to that challenge? Has the response been adequate?

I will say this. The United Nations has many achievements to its credit. The Universal Declaration of Human Rights is undoubtedly one of the most important international instruments ever adopted, and it has already had a significant impact on events. The United Nations has also adopted a number of important conventions, including the Genocide Convention which our country should have ratified long ago. As to the two covenants on civil and political rights and economic, social, and cultural rights which we have discussed here, the future is more uncertain; but if they include an adequate system of implementations, then all the time and effort devoted to them over a period of nearly two decades will be justified—provided a significant number of countries, including the United States, ratify them.

The organization is also engaged in the token program of advisory services which I have mentioned and which, if developed, could be useful.

Perhaps most important, the United Nations has provided an international forum for the ventilation of a number of great issues affecting human rights in many parts of the world, and has helped as earlier indicated to crystallize the formation of international opinion. This, in the final analysis, I would emphasize, is the strongest weapon that can be used for the promotion of human rights.

Merely to establish this inventory is, I think, to answer the question whether the response to the challenge has been adequate; for we must put at the other side of the ledger the urgent and tremendous need for action; and when the balance is struck, we must conclude that much remains to be done—indeed, that an effort is required significantly greater than any that has been made up till now.

POSITIVE PROPOSAL—UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

With the above in mind, I offer a positive proposal. It may well be that the time has arrived to strengthen the executive powers of the United Nations in the matter of human rights. Thus, the General Assembly or the Secretary-General might appoint an independent personality who would be a kind of international commissioner dealing with human rights, bearing perhaps the title of United Nations High Commissioner for Human Rights.

Such a high commissioner could, amongst other things, lend his good offices to governments and be available at their request to investigate situations where there have been alleged violations of human rights; he could assist underdeveloped countries in the organization of various institutions for the promotion of human rights; he could advise the economic and social council on the human rights aspects of the development decade; and he could assist the Commission on Human Rights in its review of the periodic reports from governments on human rights to which I have already referred.

Creating such a position would not require a treaty. It would be in the same category, for example, as has been the appointment of the United Nations High Commissioner for Refugees. Therefore, it should also have the ready support and cooperation of those member states, like the United States and some others, which have not been willing thus far to enter into treaties.

It would seem to me that this proposal is practical and the very minimum that should be done at this time. If the human rights commitment in the United Nations Charter is to be really effective, the trend of development must be in the direction of greater capacity to deal with—initially, at least to expose and air, if not to judge—specific violations. I say this is the very minimum.

INVOLVED IS PERHAPS THE FUTURE OF THE HUMAN RACE ON THIS PLANET

Ladies and gentlemen, United Nations concern with human rights is a reflection of a deep social malaise in our own time. On what the United Nations does, on what we in our own country do, to find and apply a cure for this malaise depends perhaps the future of the human race on this planet; just as much as on the elimination of war and the control of armaments, depends whether mankind will continue to inhabit it. That, in my opinion, is the challenge to our generation, to our times—the challenge to the United Nations.

U.S.S.R. BLOCKS PASSOVER MATZOTH

Mr. JAVITS. Mr. President, on the eve of the Passover holiday, I received reports that Soviet officials were preventing Jews in the Soviet Union from obtaining matzoth by impounding 2,000 10-pound packages paid for and sent with full import clearances by Americans in New York, Philadelphia, Chicago, and Los Angeles to friends and relatives in the Soviet Union.

It is hard to believe that in this decade, a major world power such as the Soviet Union would stoop to this kind of petty but cruel and repressive official harassment of a helpless minority.

At my request, our Embassy in Moscow tried promptly but without success to obtain the release of these packages in time for the holiday. According to the report I received, the spokesman of the Soviet Ministry of Foreign Affairs denied that there was any problem regarding matzoth, asserted that sufficient matzoth had been prepared in the Soviet Union for the use of Jews, and that the agitation over this supply was inspired by people outside the Soviet Union in order to embarrass it. He said that packages from individuals to individuals would be delivered, but those sent by organizations would be returned. He emphasized that in any case this was an internal matter and that the Soviet Ministry of Foreign Affairs was surprised that the United States would inquire.

On this point, I am proud to say there is ample historical precedent for the action by our Embassy. For more than a century the United States has repeatedly protested the persecution of oppressed minorities by foreign governments and justified these protests in the name of humanity. Since 1840, the United States has done so alone and also in concert with other nations against actions by the Ottoman Empire, Rumania, the Austro-Hungarian Empire, the Russian Tsarist government and the Nazi government. We have not been silent in the face of persecution.

I ask unanimous consent to have printed in the RECORD the cablegram sent March 25 to Premier Khrushchev by the American Conference on Soviet Jewry protesting the impounding of matzoth packages, and the report I received from the Department of State, dated March 31.

There being no objection, the cablegram and the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, March 31, 1964.

The HONORABLE JACOB K. JAVITS,
U.S. Senate.

DEAR SENATOR JAVITS: As you are aware, after having been informed by Mr. Lesser of your office about the nondelivery in the Soviet Union of packages of matzoth which had been shipped by the Synagogue Council of America, the Department instructed the Embassy at Moscow to take up this question with the Soviet Ministry of Foreign Affairs in the hope of having the matzoth delivered in time for use in the Passover season.

Mr. Lesser brought this problem to the attention of the Department on March 25. A telegram was immediately sent instructing the Embassy to inform the Soviet Ministry of Foreign Affairs about the shipment of 2,000 packages of matzoth to Soviet addressees through five firms licensed to send packages to the Soviet Union. In informing the Ministry, the Embassy asked that the packages be released. The representative of the Ministry replied to the Embassy that before checking with Soviet customs it would be necessary to know exactly the quantity sent, the names of the shipping firms, how the packages were shipped, to what addresses and when.

After consultation with Mr. Lesser, the Department received information which enabled it to instruct the Embassy on March 27 to inform the Soviet authorities that the Synagogue Council of America had shipped 2,000 packages of matzoth weighing 10 pounds each to 2,000 individual addressees in the Moscow area between February 9 and 13. On the basis of Mr. Lesser's information, the Embassy was further informed that the packages had been shipped by six firms including Eugene A. Shershev, Cosmos Travel Co., of New York, Globe Co., of Chicago, a Philadelphia firm, and two Brooklyn firms whose names were not available. The Embassy was told that friends and relatives had paid $27 for each package which includes $4.95 prepaid customs duties; and that on this short notice it was not feasible to supply the names of the addressees. The Embassy was also told that you hoped that Soviet customs authorities would release the packages.

Upon receipt of this message the Embassy on March 28 again took up the question of the undelivered matzoth with the Soviet Ministry of Foreign Affairs, noting your expressed interest and giving the information outlined in the preceding paragraph. The Embassy pointed out that the question was related to religion and expressed the hope that the Ministry would lend assistance so that the matter of the matzoth packages would not become the subject of unfavorable publicity.

The representative of the Soviet Ministry of Foreign Affairs immediately responded to the Embassy undertaking with a prepared oral statement to the effect that the Ministry was surprised that the Embassy considered it possible to intrude in matters clearly within the internal affairs of the Soviet Government. The spokesman further stated that there was no real problem involved in this question since it was well known that sufficient matzoth had been prepared in the Soviet Union for the use of Jewish believers; that it was therefore clear that the present problem had been inspired by people outside the Soviet Union for their own bad purposes. The representative added that when packages are sent by private persons outside the Soviet Union to private Soviet citizens these packages are delivered promptly; but that when foreign firms or organizations send packages this action violates the Soviet foreign trade monopoly, and, accordingly, under Soviet law such packages are returned to the sender. The spokesman of the Ministry repeated that this question is an internal matter and that the Ministry was surprised that the Embassy would interfere.

The Soviet representative would not say whether the packages of matzoth had actually been sent back or are still in Moscow. The Embassy informed the Department that it will attempt to learn the current status of the packages when the Soviet Customs Office reopened on Monday, March 30, and whether there is any possibility of reimbursement for the prepaid customs duties.

The Department will inform you promptly of any information which is received from the Embassy in Moscow. In the meantime, if the Department can be of any further assistance, please let me know.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

NEW YORK, N.Y., *March 25, 1964.*

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

The following cablegram was sent today to Premier Khrushchev in Moscow:

"I am communicating to you on behalf of 24 major national American-Jewish organizations representing the majority of the 5½ million Jews in the United States to express our profound disappointment and regret over the information reported in the Soviet Press indicating that shipments of matzo from abroad to Soviet Jewish families are being detained by customs authorities in Moscow. The Jewish festival of Passover begins at sundown Friday March 27. Unless release of these shipments is forthcoming immediately these parcels cannot arrive in time for the Passover observance. We urge your intervention to insure prompt distribution of the matzo parcels now being detained. We are also dismayed over the campaigns reportedly being conducted in the Soviet press designed to intimidate recipients of these parcels and to force them into refusing or returning the matzo packages sent. We understand shipments of matzo for Passover were authorized and that import licenses were issued to numerous companies throughout the world by Soviet authorities. We ask for immediate cessation of any acts of harassment aimed at Jewish families receiving these packages. We are aware that the supply of matzo in the Soviet Union is inadequate to meet the religious needs of Soviet Jews. Upon receiving authorization from you or your representatives and assurance of prompt distribution and delivery we are prepared to send shipments of matzo by air from supplies presently available in Europe. We offer to send these shipments to any address you designate that will insure distribution in time for use during the Passover celebration."

LEWIS H. WEINSTEIN,
Boston, Mass., in Behalf of the American Jewish Conference on Soviet Jewry, 838 Fifth Avenue, New York, N.Y.

FREEDOM OF INFORMATION

Mr. HARTKE. Mr. President, the freedom of information bill (S. 1666) introduced by the Senator from Missouri [Mr. LONG] and my colleague, the Senator from Indiana [Mr. BAYH], and others, has for many months awaited action by the Congress and should receive the earliest possible consideration.

This legislation would call upon the officers of the U.S. Government to use commonsense in making available information about the operation of their various agencies.

The epigram that "the public's business should always be kept public" is strongly believed by the American citizenry; and the dismay of anyone seeking knowledge about the functions of government is thoroughly understandable when he is told he may not know.

"We are not allowed to give out that information," is perhaps the most aggravating and shocking bureaucratic utterance our citizens confront. There is no excuse in practically every case for such treatment of the public.

Examination of S. 1666 reveals that the proposed legislation would open the records but slightly. Many of the newspaper witnesses before the Senate Judiciary Committee indicated that it was less than they hoped might be done to correct a bad situation.

The comments of many of the Federal agencies, on the contrary, sounded as though they would be forced to divulge the most delicate private matters entrusted to their care. This is nonsense.

No one is seeking to force the Treasury Department to make public the income tax returns of private citizens. The Senator from Missouri [Mr. LONG], a man of the most responsible outlook on the law and the relation of government to the citizen, would never seek to extract from the Federal Trade Commission the secrets of one businessman to be given improperly to another.

The purpose of S. 1666 is simple and obvious: Insofar as possible, to permit the public to know and to understand the reasons for the rulings and orders and actions of the Federal agencies whose functions affect their lives.

When he testified before the Committee on the Judiciary last October, the distinguished assistant publisher of the Indianapolis Star and the Indianapolis News, Mr. Eugene S. Pulliam, commented on the administrative procedures act by which Federal agencies close their books against public examination—the law which this freedom of information bill seeks to correct. Noting that the present statute accords the Federal bureaucrat the right to decide what information to disclose, and to whom it may be made known, Mr. Pulliam observed the law allows secrecy "in the public interest," or "for good cause found."

Mr. Pulliam correctly observed:

> Personally, I think any citizen is "properly and directly concerned" in affairs of his government. The trouble is that most agencies don't think so, as testimony before congressional committees has shown. And furthermore, the decision as to whether a person is properly and directly concerned is left, not to the Congress, not to a court, not to a citizen, but to the agency which becomes both judge and jury.

This is the essence of the freedom of information discussion. The press, I have discovered, usually finds a way to get the information it seeks, no matter how craftily the bureaucrat tries to hide it. So what we are talking about is the right of the individual citizen to have accurate and freely available information about the Government of the United States, its decisions, its orders, the rules and regulations of its departments and agencies. The bill does not give the mischievously curious individual a "fishing license" to dip into government files for his neighbor's secrets. It does provide for informing the public on matters about which the public deserves the fullest information.

Therefore, I am most emphatically in favor of the enactment of the bill sponsored by the Senator from Missouri [Mr. LONG], and I urge my colleagues on both sides of the aisle to give their support to this measure, which will do much to restate to the American people a principle they ardently believe—that the public's business must, indeed, be kept public.

THE CHESAPEAKE BAY BRIDGE TUNNEL—AN AMAZING ENGINEERING FEAT

Mr. BYRD of Virginia. Mr. President, an amazing engineering feat is nearing completion in Virginia. It is to be known as the Chesapeake Bay Bridge Tunnel. It will close the last water gap on the coastal highway route from Canada to Key West. It is expected to be opened before summer.

It is a $200 million combination of tunnels and bridges which will allow cars and trucks to cross the Chesapeake Bay under their own power. It stretches more than 17 miles over and under one of the busier waterways of the world, connecting the mainland of Virginia with its eastern shore.

In February of this year, I had the privilege of traversing the system prior to its completion. What I saw amazed me. I expect the convenience to tourists and the economic consequences of this project will be significant.

My own impressions are told far better than I could describe them by David S. Boyer, in the April 1964 edition of the National Geographic. As with all material published in the Geographic, Mr. Boyer's story entitled, "Over and Under Chesapeake Bay," is accurate, well written, and accompanied by excellent photographic and artwork.

It may be noted that Mr. Boyer found that "there isn't a cent of tax money—Federal, State, city, or county—in our project."

In view of this significant development in the transportation net of the United States, I ask unanimous consent to have the National Geographic article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OVER AND UNDER CHESAPEAKE BAY

(By David S. Boyer)

Through the fog came the wail of a ferryboat. Out where the Atlantic pulses into Chesapeake Bay, the SS *Pocahontas* was mournfully sounding her foghorn—and her own swan song.

One day this spring, she and six other oceangoing ferries will tie up at their Virginia slips for the last time. The cars and trucks they now haul to sea will roll on their own wheels 17.6 miles over, under, and through this windswept arm of the Atlantic. The $200 million Chesapeake Bay Bridge-Tunnel will be open—triumphant result of a 3½-year struggle with sea and storm.

Longest bridge-tunnel in the world, it closes the last water gap on a coastal highway from Canada to Key West, Fla. The builders say it will double traffic across the mouth of the Nation's largest bay—to 4 million people in the first year.

To conquer this long and lonely stretch where open ocean meets the bay, the engineers designed and built monstrous machines: Big D, a huge piledriver with extensible legs, like some enormous water bird; the two-headed monster and the slabsetter, which crawl across the concrete piles, putting down roadway as they go.

Motorists will drive beneath two of the east coast's busiest channels, with the keels of oceangoing ships passing but a few yards above their heads. To allow free passage to the great Norfolk Navy Base, to busy Baltimore, and to other ports of Chesapeake Bay, the bridge at two points gives way to tunnels, laid ingeniously in prefabricated sections.

For more than 12 of its 17.6 miles, the bridge-tunnel is a seagoing centipede. On hundreds of concrete trestle legs, it walks away from the mainland Virginia shore at the edge of Virginia Beach.

Then it becomes a sea serpent. It dives beneath the water into a mile-long tunnel laid in a trench along the ocean floor. Reappearing, it curves along more trestle, then ducks for a second mile under the sea.

Sighting land from a third trestle, it arches itself into a high steel bridge. Then it curls 1½ miles across Fisherman Island, slides over a low bridge and moves up an embankment onto the shore of Delmarva Peninsula.

It links two very different worlds. At one end lie Norfolk, Virginia Beach, Portsmouth, Hampton, and Newport News—cities busily crowding together as the result of a population explosion in Tidewater, Va. At the other end of the bridge, a pastoral, early-American calm pervades the Delaware-Maryland-Virginia peninsula.

Neither side will ever be the same again.

HALF-HOUR RIDE WILL COST $4

Tourists to Miami and truckdrivers with their loads of Florida oranges for New York won't have the Federal Government to thank, or even the Virginia Highway Commission, for a 30-minute drive across Chesapeake Bay instead of a 90-minute ferry ride.

They can thank—and pay ($4 for a passenger car and driver, $13 for a 4-axle trailer truck)—a group of far-seeing businessmen and politicians from both sides of the crossing.

"There isn't a cent of tax money—Federal, State, city, or county—in our project," said Lucius J. Kellam, chairman of the Chesapeake Bay Bridge and Tunnel Commission. "I can think of few other major highway projects for which that can be claimed."

On a Sunday afternoon Mr. Kellam and I were gazing out a window across Delmarva farmland granted to his ancestor Richard Kellam by King Charles I in 1636. The family home is on the Virginia tip of the peninsula that Virginians call the Eastern Shore. To be shuah, most of them call it "the Eastern Shoah."

"We've spent most of our lives trying to tell our friends around the country where the Eastern Shore is," Mrs. Kellam joined in. "Now people know. 'That's where the new bridge goes.' "

"We first operated the ferries as an autonomous commission authorized by the government of Virginia," Mr. Kellam explained. "Then we petitioned to have it become a bridge commission. We acquired power of eminent domain and authority to borrow $200 million by selling bonds."

That amount will build the bridge-tunnel, staff it, operate it, and pay $30,000 daily interest on the bonds. When cash begins clinking in, the commission can pay the interest and start retiring its investment.

"We started out," Mr. Kellam continued, "planning to build high-level bridges where our two tunnels are today, over the channels in the bay. But the Navy said it didn't want a bombed bridge bottling up the Atlantic Fleet in Hampton Roads. And the city fathers of Baltimore said they didn't want any height and width restrictions on ships heading for their port.

"So we wound up building tunnels instead. But we built a special bridge near the Eastern Shore for the fishermen. They weren't about to chase schools of menhaden up to a trestle and then lose them for having to detour 11 miles out to our tunnel and back."

The second bridge on the project, tying Fisherman Island to the Delmarva Peninsula, accommodates yachtsmen and others rounding the tip of Cape Charles.

PREVIEW OF CROSSING BY CAR

I visited the bridge-tunnel half a dozen times during the past year, coming to know its engineers and construction workers, who sometimes loved it and sometimes hated it. You can feel pretty close to a thing when you give 3½ years of your life to it. Many of the men were on the job when the mammoth project began, in September 1960.

Finally a day came, this winter, when I could drive across most of the almost finished bridge. The fog that morning was thick and cold. My Oldsmobile sailed straight out onto trestle A into a gray, soupy mixture of ocean and sky.

Through the open wingwindow came the sad sound of a ferry. I drove through the heavy air, recalling what an engineer had predicted. "You know," he said, "they'll barrel across this bridge at 40 or better and never give it a thought as an engineering marvel of the world."

It isn't that trestles and tunnels and bridges like these haven't been built before. They have. But never combined into such a prodigious, complicated feat as this. And never attempted in the teeth of the open ocean. Old-time watermen of Chesapeake Bay had warned that the ferocious winds and waves would never allow man to bridge them.

TUNNELS ANCHORED TO MAN-MADE ISLANDS

Two remarkable pairs of islands were keystones to the success of the undertaking.

Entrances and exits of the two tunnels are on these four man-made isles. The highway leaves the trestles and plunges down, through the islands, almost 100 feet to the bottom of the bay.

North and South Islands anchor Thimble Shoal Channel Tunnel, which dips beneath the sandy bottom of Thimble Shoal Channel. This busy shipping lane serves the ports of Hampton Roads, including the world's largest naval base, at Norfolk.

The second pair of islands lies 4 miles to the northeast and belongs to Chesapeake Channel Tunnel, a few feet shorter than Thimble Shoal but still more than a mile long. Above Chesapeake Tunnel, ships pass to Washington, D.C., Baltimore, and the upper bay.

Workmen ignored a confusion of official names for these two bits of dry land and called them East and West Islands.

I could see, up ahead in the thinning fog, where Trestle A was about to deposit me on South Island.

Like its mates, South Island is a pyramid of sand with a flattened top. Its surface, nearly a quarter of a mile long, rises 30 feet above the water, the same height as the trestles. A straitjacket of stone retains the sand, piled up on the floor of the sea by hydraulic dredges. First gravel, then rock, finally riprap—boulders big as automobiles—were carefully lowered by floating cranes to encase the sandpile as it grew.

All this only holds the sand in, not the water out. Engineers building tunnel approaches in the islands were constantly plagued by what they lightly called "dewatering" problems.

I drove into Thimble Shoal Tunnel. Down here a year before, I had watched a construction man weld a leak while standing in a torrent of salt water. There was a misfit in a joint of the strong double-walled steel tubes that formed the watertight skin of the tunnel. He welded till he could no longer stand the low-voltage electric current shaking his wet body. Then he passed his welding torch to a mate and crawled out of the spurting water. He let me pass him a dry cigarette and light it for him.

"The tourists," he said, inhaling massively, "will go through here bumper to bumper and never wonder what it took to lay this tube. We had to sink 19 of these tunnel sections here in Thimble Shoal Channel. Some 12,000 tons of steel and concrete in each one. And join 'em up under water."

Each of those tunnel sections was 100 yards long, a huge double-walled cylinder sealed at both ends. Each had been built by the American Bridge Division of United States Steel at Orange, Tex., and towed by tugboat 2,000 miles to a fitting-out wet dock at Norfolk.

There chutes poured concrete through roof hatches in the tunnel section, and workmen laid a roadbed. Then the space between the section's two steel shells was partially filled with concrete, leaving the whole monster wallowing like an iceberg, nine-tenths submerged.

Tugs took it to the tunnel site, and a few more tons of concrete were poured into the walls, enough to sink it into the tunnel trench. The trench had been meticulously cut to a tolerance of an inch, in the ocean floor, from a grading barge. As the section sank, deep sea divers guided two giant pins into holes on a section already laid, mating the pair.

"They had to sink 'em at slack tide," my welder friend reminded me. "These tidal currents are like rivers. And you know, they laid 'em within two inches of where it said on the blueprints.

"Now we're cutting out the end plates, opening the joined sections into a tunnel. After we weld them together and fix any leaks like this one, the concrete crew will fill the space and make the whole wall solid."

A high-quality underwater concrete is used to seal the joints. As the concrete is pumped in, the salt water is pushed out.

The welder had had his break and his smoke, and now he headed back to work. "Don't forget to mention," he said, "that six guys died to build all this."

The deaths were due to the kind of construction accidents that are expected: a falling crane boom, a defective electrical tool, a boiler explosion. I have heard it called a miracle that none of the deaths was the direct result of weather. Because the weather was unbelievably fierce.

As I drove on through Thimble Shoal Tunnel, I thought of some of the things I had seen out there on the bridge on cold and cutting winter days.

Once I saw a nor'easter come slashing in off the ocean. When that happened, a dozen cumbersome pieces of floating construction equipment had to be tugged into harbor through a wicked sea. Hundreds of men had to be picked up, from trestles and bridges and islands, all across the angry bay. No matter that it was dangerous for the boatmen and for the workmen themselves, who dropped to the rearing boat decks from rope ladders twisting in the wind.

Bad weather and wind, even swells that came in days afterward from hurricanes far out at sea, scuttled one working day in three during the hard years it took to do the job.

A nor'easter coupled with abnormally high tides struck one memorable March day in 1962. It washed away much of the sand in one half-finished island and sank the giant pile-driving complex known as Big D which contractors had spent a million and a half dollars to create. And it crimped the timetable of the whole project by months.

Up ahead now, I could see the rectangular target of daylight at the exit of the tunnel. I broached on North Island, the one decimated by the March storm, and started along the concrete legs of Trestle B.

I remembered photographing the Big D as it drove cylindrical concrete piles down into the ocean floor to make this ramp—2,640 piles in the entire 12.2 miles of trestle. The floor of the bay is unconsolidated sediment. Bedrock is 2,500 feet below. So some piles had to go 100 feet through the muck to be properly held by firm bearing strata and by friction resistance along their sides.

The longest of the piles measured 172 feet. They were made by cementing together 16-foot precast sections containing prestressed steel wires for strength.

The Big D planted its retractable feet on the hard sand of the ocean bottom when it drove piles. It had to be solid and secure to place the piles within 3 inches of where surveyors pinpointed them.

It could crank itself up on its own stilts, up out of the water if necessary, to ride out a storm. Still, the first Big D crumpled and sank in the March northeaster. Helicopters dropped rope rigs to rescue two men clinging to the last steelwork above a sea so wild that boat rescue was impossible. A second Big D was built to take the first one's place.

Behind the Big D came a bizarre machine technically known as a traveling bridge, but dubbed the "two-headed monster."

The two-headed monster had cranes at both ends. It traveled across the piles, placing wheels atop each trio, then moving forward on its own steel track, five or six giant steps a day.

At the advancing end, the monster and its crew lopped off the odd-level tops of piles. As the aft end came abreast of the leveled piles, it capped each group of three with a chunk of prestressed and reinforced concrete, big as a truck and weighing 40 tons. These caps would be the foundation for the giant slabs that would form the roadway.

The two-headed monster had a shadow, the slab setter.

The slab setter moved by stepping along the monster's pile caps. Operating high above the rough waters, its lofty crane hoisted precast concrete roadway slabs nearly twice as long as railroad boxcars. When four slabs were laid side by side from cap to cap, to a tolerance of a quarter of an inch, you had 75 more feet of oversea trestle.

This done, the slab setter rolled 75 feet forward, on wheels, along its own 150-foot base framework. It then picked up the half of its framework just vacated, swung it spectacularly out over the ocean, and lowered it onto the next set of caps.

It was an assemblyline job. Piles. Caps. Slabs. Then concreting the components together under stress and tension, bonding them into a monolithic defiance of the worst that battering sea and pounding traffic could do. Finally, guard railings, mercury-vapor lighting towers, telephone lines, signal lights, asphalt, and speed-limit signs.

West Island was as far as I could drive. I walked through Chesapeake Channel tunnel to East Island and Trestle C. En route, I watched tilesetters happily slapping white ceramic squares into place on the tunnel's ceiling. When they finished this second tunnel, they would have plastered down 5½ million of them.

Next day I switched to a helicopter to see the full assemblyline view of the engineering prodigy: A trestle marching out to sea. The Big D, the monster, the slabsetter, one behind the other, like a train laying its own track. Two gaping breaks between the islands, where the tunnels lay. Warships and freighters streaming through. Under them, I knew, welders and tilesetters were still at work in the cold, damp tunnels.

Below the 'copter, boats scurried back and forth beside the trestles—water bugs around reeds in a pool. Crew boats, surveyors' boats, engineers' boats, supervisors' boats.

"We put 60,000 miles a year on these crewboats," one skipper had told me. "That's a lot of miles, even if they'd been cars. For boats, it's terrific punishment. When something goes wrong, and it usually does, they patch us up and get us going again."

The helicopter passed over Chesapeake Tunnel to Trestle C, then on to the high span across North Channel, an arch of steel laid by the American Bridge Division of United States Steel Corp., to accommodate the menhaden fishermen. As I took in the whole complex in minutes, I remembered the way an engineer had characterized it. "It isn't only a question of building a bridge over the water," he said. "We're building this bridge on the water, in the water, and through the water."

In another sense, the bridge-tunnel was built on and over the air. Invisible spider webs of radio lines connected all those machines and boats and trestles and islands.

I had ridden the boats and knew how the radio calls went: "*Diana* to the slabsetter. Give me a guess on when you'll want the next bargeload of slabs. You'll have to work all night again tonight. I've got those two cases of Cokes for you aboard."

"Monster to TRK. We need a boat. Hinton got dropped in the water with the concrete bucket. It knocked him out. Callahan jumped in after him. We've got 'em fished out. But Hinton should get to a doctor."

"*S & P-Two* to Trestle B. We'll come in under you in 20 minutes to pick up concrete samples. Have 'em ready."

And not one radio system going, but four. *S & P-One, S & P-Two,* and *S & P-Three* were all boats of Sverdrup & Parcel, a consulting engineering firm of St. Louis, Mo., that designed and supervised the project. Shuttling their engineers to every corner of the vast operation, they did en route planning and problem solving by radio.

Diana, Sea King, Ann H., and a host of others were boats of TRK, Tidewater-Raymond-Kiewit. These three firms—Tidewater Construction Corp. of Norfolk, Va.; Raymond International Inc., of New York City; and Peter Kiewit Sons' Co., of Omaha, Nebr.—formed a joint venture and a joint radio system for building the trestle, the high-level bridge piers, the tunnel approach ramps, and ventilation buildings on the manmade islands, the causeway across Fisherman Islands, and for finishing the tunnel interiors.

Merritt-Chapman & Scott Corp., of New York City, was the fourth partner in the venture. Responsible for building the islands and laying the tunnels, Merritt-Chapman had a separate frequency. A fourth radio hookup crackled between the crews of E. C. Ernst, a contractor installing intricate electric systems for the bridge-tunnel's operation.

BRIDGE BECOMES A MAGNET FOR FISH

Already the new bridge complex has proved a boon to sport fishermen.

Capt. Don Jordan of Sverdrup & Parcel's *S & P-Two* told me, "For thousands of us in this area, the bridge is more important for the fishing bonanza it created than it is to get to the Eastern Shore.

"We used to dump old automobile bodies into the bay to make artificial reefs. They grow barnacles and worms and all sorts of underwater life that attract fish, you know. We also used to fish around the ships sunk by German subs during the war.

"But now the bridge is just one great big beautiful reef. The bottom fish feed around the rocks of the islands and around the piles. Even around the wreck of the Big D. And the sport fish—the cobia, the black drum, the channel bass, and the bluefish—are right behind them. Come on out with me Saturday and I'll show you what I mean."

I did. And we could hardly find room to wet a line. Scores of fishing boats hovered around islands and trestles.

When I first met the new span, I had been amused by plans to have fishing piers on the islands for tourists. It had sounded a little like a publicity stunt. Now I was learning.

Nor will all the amenities of the ferryboats be lost. Some tourists and truckdrivers, I knew, and some highway-pounding traveling salesmen used to welcome that 90-minute ferry ride. It meant a leisurely meal in the dining room, the sight of sea gulls swirling by on currents of ocean air, the clean smell of salt wind, without noise or traffic or neon signs.

They may still be able to enjoy all that in the middle of Chesapeake Bay. A restaurant is contemplated for South Island. And besides eating and fishing, they'll be able to watch the Navy's fighting ships steam by at picture taking range.

GRANDSTAND SEAT FOR COMBAT REHEARSALS

If you like naval exercises, South Island will be a grandstand seat for one of the Navy's most spectacular shows. By chance, the new bridge parallels the Atlantic Fleet Amphibious Force training grounds.

It won't require much luck to find yourself watching Navy frogmen parachuting into the sea for underwater demolition of beach obstacles, Marine infantrymen egg-beating toward the beach in helicopters, and Army trainees swarming down troopship ladders into assault boats for D-day-type landings.

On the day of my latest look at the bridge, I talked again with Lucius Kellam, chairman of the bridge-tunnel commission.

"Before we started," he told me, "there was a battle about whether the bridge should connect Delmarva to Norfolk and Virginia Beach, or to Hampton. Everybody from Hampton and Newport News, and up Historyland Highway to Yorktown and Jamestown and Williamsburg, naturally wanted the bridge in Hampton.

"The traffic engineers settled the issue. They predicted more drivers would pay the fare to the Norfolk shore.

"In 10 years, though, I think we'll make everybody happy. By then the economic boom this bridge will bring to Tidewater and Delmarva should warrant a 'Y' to Hampton. Another $45 million, another high bridge, and another 10 miles of trestle."

And that, I reflected, should guarantee its title as the longest bridge-tunnel in the world for a very long time to come.

U.S. SENATE YOUTH PROGRAM

Mr. HUMPHREY. Mr. President, during the last week of January the second annual U.S. Senate youth program was held in Washington. This fine program is sponsored by the William Randolph Hearst Foundation. It was my privilege again this year to have the two delegates from Minnesota spend a day in my office. Since returning to their homes, they have been kind enough to write me some of their observations of this week in our Nation's Capital. At this time, I would like to share some of their comments with my colleagues. I believe these help to demonstrate the value of this program in stimulating and educating some of this country's youth in the process of our Federal Government.

Mr. President, I ask unanimous consent that portions of letters from Misses Bonnie Anderson and Judith Bruce be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MINNEAPOLIS, MINN., *March 15, 1964*.

DEAR SENATOR HUMPHREY: For me the week of January 27, 1964, was the most enjoyable and decisive of my life. That week, the week of the Hearst Foundation's Senate youth program brought together 104 young people, 2 from each State, the District of Columbia, and 2 teenage reporters.

Our speakers included Senators Cannon, Curtis, Keating, Kuchel, Morton, McGovern, and Randolph, W. Averell Harriman, Evron Kirkpatrick, Dean Rusk, and G. Mennen Williams. After each speaker had finished his statement there was an opportuity for questions from the group. These question periods were stimulating discussions between eager students of government and actively involved teachers. Justice Goldberg overstayed his time by 50 minutes because he became so involved in the question period.

Two experiences stand in the forefront of my mind. On January 28, 1964, I spent the day with my Senators, Senator HUBERT HUMPHREY and Senator EUGENE J. MCCARTHY. The insight I gained into the political workings of our Government in that 1 day could not be duplicated by reading any textbook. The other experience was a visit to the White House to have tea with Lynda Bird and Lady Bird. It was a gracious and elegant afternoon.

The program helped me make a decision to run for office either before marriage or after my children are grown up. Regardless of my success in gaining office, my interest will be constant. Personal contact with Government does more to inculcate in one the responsibility of the citizen than any advice from parents, teachers, or contemporaries.

Sincerely yours,

JUDITH BRUCE.

ST. PAUL, MINN., *February 14, 1964*.

DEAR SENATOR HUMPHREY: I would like to take this opportunity to thank you for your cooperation in the Senate youth program. The time I spent with you was a tremendously interesting and educational experience. Further, I now can appreciate the work side of being a Senator in contrast to the glamour side that most people see. Thank you again for a rewarding experience.

Gratefully,

BONNIE ANDERSON.

ECONOMIC AND SOCIAL DEVELOPMENT IN LATIN AMERICA

Mr. HUMPHREY. Mr. President, I would like to call to the attention of my colleagues the excellent address delivered by the U.S. Representatives to the Inter-American Committee for the Alliance for Progress, Ambassador Teodoro Moscoso, before the recent Conference of Financial Institutions for Development held in Caracas, Venezuela, in mid-February. In this address, entitled "Attitudes and Institutions Conducive to Economic and Social Development," Ambassador Moscoso laid down the guidelines which must be followed in Latin America today if the aims and objectives of the Alliance for Progress are to be realized. Few people in this hemisphere have contributed as much to the economic and social development of our hemisphere as has Ambassador Moscoso, and few are as qualified to guide us in the future. I recommend his preceptive address to all who are interested in the future of economic and social development in Latin America today.

Mr. President, I ask that Ambassador Moscoso's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ATTITUDES AND INSTITUTIONS CONDUCIVE TO ECONOMIC AND SOCIAL DEVELOPMENT

(Address by the Honorable Teodoro Moscoso, U.S. Representative on the Inter-American Committee for the Alliance for Progress, International Meeting of Financial Institutions for Development, Caracas, Venezuela, February 17, 1964)

I. INTRODUCTION

I am grateful to my good friend Luis Valenilla for asking me to join you at this meeting and to exchange thoughts which may make us all wiser and richer in knowledge than before we came here. It's especially gratifying for me to make another visit to Venezuela, which was my first diplomatic post, whose President, Romulo Betancourt, has taught me so much about political leadership, economic development, and social advancement, and among whose government leaders, businessmen, labor leaders, intellectuals, students, and people in many other walks of life I count so many friends and advisers. Less than 2 weeks ago, Venezuela's Development Corp. again broke new ground by organizing a highly successful industrial promotion conference which brought together the people from private and government life whose cooperation is vital to economic growth.

Rarely in the recent period of political ferment, economic problems, and social tension in Latin America has an event buoyed the hopes and aspirations of our peoples as much as the triumph of democracy in Venezuela last December. It has been said and written time and again that any harm that comes to consitutional government in the hemisphere is a setback for the Alliance for Progress. I am not sure that we are realistic in saddling this very young program with black marks caused by and large by men and forces whose motivations predate or disregard the Charter of Punta del Este. Nor would it be fair to credit the young Alliance with developmental accomplishments that preceded the signing of the charter, such as many achievements of Venezuela in the initial years of the Betancourt administration. But if we charge setbacks to the Alliance, we should in all justice let it draw strength from progress. Seen in this light, the elections in Venezuela are the greatest vindication of the principles of the Charter of Punta del Este since that document was signed. For here was a demonstration that it could be done. Here was proof that courageous and imaginative political leadership could, indeed, move a country forward toward its developmental goals—and do it in a climate of political freedom and against the determined onslaught of the saboteurs of democracy.

II. THE CHALLENGE: RESTRUCTURING SOCIETIES

Effective political leadership means searching out the priority problems, and then unhesitatingly moving in to solve them. In most cases, it is necessary to strike directly at the core of the economic and social structure. Traditions arising out of subsistence or plantation farming and of outdated commercial practices in the cities must be changed. Social mobility must be greatly increased. Education systems must be revamped completely so as to convert them from a privilege of the few into an opportunity for the many. These are the directions that lead to industrialization—which, soundly conceived and applied, is just another word for development.

A recent study by Simon Kuznets illustrates graphically the need for a basic restructuring of underdeveloped economies and societies. Kuznets points out that countries with a $100 per capita income per year generate more than half their national product in agriculture and only some 13 percent in industry. At the other extreme, he finds that in countries with a per capita income of $1,700 agriculture supplies only 13 percent of total national product. But manufacturing does not account for the bulk either, producing a mere 38 percent of the total. Close to half of the national product in these highly developed countries is to be found in the area of services. Kuznets finds that mature development is reached when per capita income begins to exceed $1,000 a year, and when the output of services expands more rapidly than manufacturing.

Another interesting point brought out by Kuznets' study, with a direct bearing on the dividends that restructuring of the society yields, is related to productivity. He shows that the difference in productivity between industrial and farmworkers narrows rapidly as agriculture's share in the total product of the country declines. In short, the productivity of farm labor rises as the number of people on the farm and the relative significance of their output in the national product drops. In Britain, for example, agriculture is responsible for only about 5 percent of national product, but productivity of the agricultural worker is actually higher than that of the industrial worker.

All the evidence we have shows that the long-range strategy for achieving higher living standards for the population as a whole must be aimed at the conversion of economies primarily dependent on agriculture into diversified economies with a strong manufacturing sector.

Such a strategy does not imply that industrialization should be emphasized at the expense of agricultural development. Rather, it means that, along with industrialization, agriculture must be modernized and made more efficient and productive. Where agricultural capacity may be idle due to lack of irrigation, the land tenure system, insufficient agricultural credit, or lack of technical advice, appropriate action must be taken to make the land productive, and to spark improvements in the life of the farm population.

The world's industrialized nations made the basic modernizing changes over periods of many decades. Today, in the nuclear age, in the time of rapid mass communications, the pressures of the peoples in the developing nations for a better life do not permit the leisurely pace of the 19th century.

The very technology which made industrialization possible also is a prime cause of the worldwide demand for its fruits. Radio and television have opened the eyes and stimulated the appetites of millions of people who in the past lived in virtually complete ignorance of the world around them. But modern technology has not as yet been able to replace the time-consuming educational process required to inculcate an understanding of the problems that must be solved if the urge which technology has created is to be satisfied.

Fortunately, the developing peoples need not start from scratch. But even the transfer and adaptation of the attitudes and skills required for rapid development takes longer than most of our understandably impatient fellow men in the southern half of the globe realize or believe.

Acting on this disbelief, and desperately looking for shortcuts, some people are permitting themselves to be led down the blind alley of economic and political irresponsibility. These shortcuts either lead to totalitarianism or, if the headlong rush can be stopped before it is too late, they require repair work which would not have to be done if good sense had prevailed in the first place.

All of us are aware of the highly charged emotional atmosphere in which development work is being done these days. But since there is no substitute for sound strategy and intelligent tactics, the question is whether the developing nations will produce the political leadership that can keep aspirations from becoming delusions while pushing sound development at a fast enough pace to provide evidence of accomplishment. Our political leaders must provide the shield, must gain the time for us developers to do our work.

III. PROPITIOUS ATTITUDES AND POLICIES

Before turning to the purpose and usefulness of specific development institutions, let me say a few words about the general climate which I believe is required for their effective functioning.

The first requirement is integrity in government. Attempts to obtain special privilege from government, or the use of governmental power for the benefit of special interest groups without regard to national needs constitute one of the most serious drags on developmental progress. These practices are bad enough in developed countries. They are all the more damaging in nations where resources are scarce and where the strictest adherence to national priorities is imperative.

Secondly, there must be not merely understanding, but leadership for development on the part of those who have had the benefit of a broad education and who wield economic and political influence. I have seen it happen in the United States, where the Roosevelts, the Harrimans, and the Rockefellers have done and are doing it. And I have seen it in Latin America, where more and more scions of leading families are doing it. Between the unacceptable alternatives of the status quo and violent revolution lies peaceful change. No one has a greater stake in the success of this third and civilized alternative than those who have come to know and appreciate the fruits of civilization.

Third, there must be hospitality to outside investment. Today, it is neither politically realistic nor socially just to generate resources for investment the way industrialized countries did it in the past—by squeezing their own people. The alternative is investment from abroad. Part of this comes in the form of public funds. But much of it must come from private sources. What is more, the inflow of foreign investment is generally indispensable to the growing society. Thus, as Kenneth Boulding has put it, one of the primary requirements for the development executive is the skill of striking clever bargains with foreign capitalists. To do this, the developing nation must offer the foreign investor returns large enough to take account of the growth risks he faces with his investment in an alien environment There must also be full acceptance on all sides of the sanctity of contracts. An investor cannot be expected to locate extensive capital assets and highly skilled human resources in a country which invites him only grudgingly and which makes him suspicious that his contract may not be inviolate.

On the other hand, the foreign investor should and generally does realize that the door must always be open to negotiation if conditions change, as long as the basic purpose and premises of his investment remain intact. By and large, foreign investors realize today that they cannot operate in a political vacuum—that they must be willing to adjust their practices to the rapidly changing conditions in the developing countries and that, above all, there is a rising desire among the people of these countries to control their destiny and their resources.

The question today is no longer whether the developing countries are sufficiently protected against potential excesses of foreign companies. The question is whether they will permit excessive nationalism to jeopardize the satisfaction of their national aspirations by failing to attract or frightening away badly needed investment and skills.

Fourth, both local and foreign entrepreneurs must make it their responsibility to work with other key sectors of society in seeing to it that the fruits of economic growth are fairly distributed. This can be achieved through collective bargaining between management and labor, through soundly conceived and executed fiscal policies and by converting the economy from a high-margin, small-volume type to mass production with a lower per-unit profit margin. Broad distribution of the national product perhaps more than anything else speeds the modernization of an economy without coercion and violence.

Fifth, the educational system must be revamped to meet the requirements for economic development. The most immediate need is to get away from excessive concentration in higher institutions of learning on humanistic studies, and to move toward a curriculum more heavily weighted with physical and social studies. Engineering, public, and business administration are top priorities.

Sixth, there must be a minimum of dogmatism and a maximum of pragmatism—suited to the conditions and requirements of each developing country—in the division of labor between government and private enterprise. Instead of dominance by either or rivalry between them, there must be created a partnership relation which makes the two sectors formidable allies in achieving modernization and growth. Allowing for differences from country to country, it is generally true that government tends to operate most effectively in those areas of infrastructure development which do not seriously affect the competitive cost structure of economic production. Because of government's capacity to accumulate large amounts of capital, and because government is willing to accept the long waiting period before infrastructure projects pay off, it is better equipped to undertake activities such as roadbuilding, power, and port development. In some cases, government can also play a useful part in stimulating industrial development by breaking bottlenecks through the construction of key industrial enterprises such as steel mills, where private initiative fails to act. However, the wisdom of government action in this field depends very much on local economic conditions and government management should cease long before a full capacity market exists so as to leave room for plenty of private competitive investment.

IV. INSTITUTIONAL TOOLS

Operating in a propitious climate, the developer can make effective use of a wide range of existing institutions and move to establish new mechanisms to help him do the job.

On the international level, the last decade and a half has witnessed the establishment and growth of multilateral agencies which have already proved their effectiveness throughout the newly developing regions.

I am referring to the United Nations expanded technical assistance program; the U.N. Special Fund; the International Bank for Reconstruction and Development; the International Finance Corporation; the International Development Association; the Inter-American Development Bank, and other multilateral public institutions equipped to provide financial and technical assistance. In addition, individual capital-exporting countries have their lending and technical assistance institutions, such as my country's Agency for International Development which either alone, or in cooperation with multilateral organizations or in consultative groups with other industrialized countries are cooperating with the developing nations in a wide variety of ways. In the private sector, we find financing and operating corporations, such as the Chase International Investment Co., the recently founded Atlantic Development Corporation for Latin America (ADELA), the long-established International Basic Economy Corporation (IBEC), and others which lack of time does not allow me to mention. In addition, European and Japanese investors are increasingly moving into the Latin American area.

The record of effectiveness of these multilateral or foreign-based institutions in the developing countries is too well known to require elaboration in this forum.

I would like today to dwell more extensively on the role of some key domestic institutions of developing nations in the quest for economic growth and social progress.

The first is the Development Bank. Its primary function is to provide medium and long-term funds for private enterprise activities conducive to national development. A second purpose of the Development Bank is to exercise leadership by example and to attract other domestic sources of long-term capital which are reluctant to take long-range risks. Once the Development Bank has demonstrated success in a given area, experience shows that capital from other sources will begin to flow into this field. The Development Bank can and should then move on to pioneer in a new area of development financing.

Nevertheless, I have found that the Development Bank's approach is not broad enough to tap all the domestic resources required for economic development. This is likely to be true whether it is a private or public institution. It is particularly true in countries where prevailing banking practices have been heavily influenced by commercial or croplending activities.

It is therefore useful that the activities of development banks be complemented by those of a soft-window credit institution, such as a development company, with a broad range of activities. One function of the development company is to provide capital on softer terms and for projects which entail more than normal risks of financial failure, but nevertheless are needed for economic development goals. If it has been determined that a particular industry is vital to the growth of the country, but private enterprise appears unwilling to undertake the project, the development company can either provide a substantial portion of the equity capital or, preferably, build and operate the facility through a management contract with a reputable private firm.

The operations of a development company must be closely adapted and tailored to prevailing economic conditions if it is to be effective. For example, in one case which I know rather intimately, small-scale factories are desirable from the developmental point of view. In this case, one of the primary responsibilities of the development company has been to maintain about a year's inventory of standard empty factory buildings to be either sold or leased. Because of the need to provide factory buildings for new industries, the development company plays a crucial role in developmental planning. It can guide the creation of industrial centers away from the major urban centers of the country toward remote areas and thus play a significant part in spreading the benefits of development to large numbers of people throughout the country.

Finally, there is a third type of development institution that I have found especially effective and that is not getting enough attention from developers who are concentrating almost exclusively on financing problems.

I am referring to the research and promotion agency, whose primary function is to stimulate the establishment of new industries.

The promotion agency should be separate from the development company, since the important promotion function might be diluted in an institution which is chiefly absorbed in operations. Promotion also requires very different skills. It calls for personnel schooled and experienced in the techniques of research and public information. A concentrated effort to investigate what sectors are ready for development, to press the search for all relevant facts and statistics, and then to bring this information to the attention of investors and entrepreneurs in concise and effective form is a vital element of a nation's quest for development.

The promotion agency is the sales force of the economy. It must approach its task like the sales department of a large company. It should use all the research, marketing, and merchandising techniques known to the private sector. It should be financed out of the country's general budget, since it is working on behalf of the nation as a whole and the results of its efforts benefit the entire economy. Budgetary control and review of the agency's work also tends to insure that the agency's activities are in line with national development objectives.

Aside from these three types of institutions—the development bank, the development company, and the research and promotion agency—there may be room for additional specialized organizations, such as agricultural development banks. This depends on the needs and objectives of each country. I would like to warn, however, against too extensive a proliferation of agencies. The number of institutions should be held to the minimum, and close links should be established between all the development agencies. Coordination is best achieved through the use of interlocking boards of directors so as to minimize rivalry and to generate a sense of involvement on the part of each agency in the work of all.

V. SOME HIGH PRIORITY ACTIVITIES

In large countries with considerable natural resources, such as Brazil or India, development agencies can and should concentrate on promoting the development of industries which produce substitutes for imports. During the first few years these industries may need assistance not only in the form of financial and technical aid, but also some protection. However, the duration and level of protection should be either established by law or subjected to frequent reviews, lest protection become an umbrella for inefficiency.

When internal markets are small, as in most of the Latin American countries, expansion of export markets should be a top priority. I have found an unjustifiably defeatist attitude in Latin America on the possibilities of producing for export. The fact is that the Latin American countries enjoy some clear advantages in competing in export markets. But so far, they have made little use of them. Latin American wages are well below those of many industrialized countries, including the United States. If combined with relatively efficient capital equipment and technical assistance, Latin America could, in my view, produce for export at competitive prices. The recent ECLA report prepared for the U.N. Conference on Trade and Development, to be held in Geneva next month, confirms this view with ample backup information.

The Commission notes "the enormous difference in worker productivity between Latin American and United States export industries." On the other hand, the ECLA study points out that "even though productivity is lower in Latin America, this deficiency is made up by the (lower) average of the wage level." ECLA concludes that "there is no doubt that, given certain conditions, Latin America can compete in foreign markets in all those products requiring a heavy investment of labor or in those calling for a considerable input of materials which are available in Latin America's own reservoir of natural resources."

A little further on, ECLA ventures an analysis of the factors responsible for Latin America's low competitive standing in the international marketing of manufactured products. It comes up with the view that "entrepreneurial decisions have been made, understandably, on the basis of supplying a secure and protected internal market rather than venturing into the riskier export field, which requires the manufacturer to meet a wide variety of criteria resulting from competition."

The problem is strikingly illustrated when we compare some Asian with some Latin American statistics. In two Asian countries which are in the process of industrialization but which by no means are the most developed nations of that continent—India and Taiwan—manufactured products account for 40 and 30 percent respectively of total exports. For Mexico, which has a higher proportion of manufactures in her export total than any other Latin American country, the ratio is only about 10 percent. For all of Latin America manufactures constitute a mere 6 percent of total exports.

As ECLA has said, there is nothing that prevents Latin America from sharply improving this ratio. What is needed above all to achieve it are these elements: the adaptation of the educational and vocational training systems to the new requirements; government, management, and labor union policies geared to the objective of manufactured exports; and imaginative management techniques designed to adapt new and more modern production methods to the psychological characteristics of the labor force.

Another major area of concern for development agencies should be marketing and distribution for export.

Frequently, the financing and manufacturing phase of export industries is the simplest. It is the marketing and distribution phases that usually cause problems to newcomers. Here, foreign-based firms with already established markets can do the job best, at least at the outset. Nearly all U.S. sewing machine companies, for instance, have factories outside the United States, especially Western Europe and Japan. These produce not just for the internal market of the countries in which they are located, but for export as well. There is no reason why Latin American countries should not attempt to attract plants of foreign companies to manufacture for export with similar benefits all around.

But internal distribution also needs considerable attention from Latin American development agencies. For one thing, a more efficient distribution system lowers the prices of goods to the consumer, thus increasing the market and raising living standards. Secondly, efficient distribution increases the returns to the producer, thus providing an incentive for expansion or entry into other industrial areas.

Finally, I would like to single out tourism as a field for special effort by development agencies. Tourism can be a major foreign exchange earner. With more hours of leisure, the improvement in travel technology, lower fares, and the vast rise in international vacationing, the tourist industry is bound to expand. How well a particular country does in this area will depend upon the facilities and services it has to offer and on the image it creates in the eyes of the potential tourist through its promotion activities.

VI. CONCLUSION

These are some of the thoughts I wanted to share with you today. They arise out of practical experience over a good many years.

This experience was gathered throughout—first in Puerto Rico, then here in Venezuela, and most recently in the broader Latin American context—in a climate of intense nationalism. I mention this because too often I find that my conversation partners from the developing nations are under the impression that, as a North American, I disregard the political and psychological facts of life in the developing countries. Therefore, they feel that my seemingly practical suggestions have only limited application in the emerging nations.

The fact is that when we started Operation Bootstrap in my home island, we were faced with a degree of suspicion toward the foreigner—and that meant every non-Puerto Rican—that exceeds anything I have witnessed since in any Latin American country. But we found that there was no substitute for pragmatism, and that effective political leadership meant that we had to articulate national aspirations in terms of developmental goals and thus to convert nationalist fervor into a powerful constructive force.

This identification of deep emotion and burning aspiration with the dry disciplines of economics and planning is one of the most difficult and challenging tasks before the leadership of any emerging nation. It must be approached with political skill and imagination, but also with candor and intellectual integrity. It can be done.

Thank you.

PRESERVATION OF EGYPTIAN MONUMENTS

Mr. HUMPHREY. Mr. President, I want to call to the attention of my colleagues the excellent editorial in this morning's Washington Post recommending congressional support of the administration's request to assist in the international effort to preserve one of the most important ancient Egyptian monuments now threatened with inundation by the waters of the Nile. I refer to the Temple of Abu Simbel, one of the Nubian monuments threatened with destruction when the waters of the new Aswan Dam are released.

President Kennedy took a great interest in the preservation of this historic monument. He recommended a solution which would not cost the U.S. taxpayer a single dollar, and at the same time would contribute importantly to the success of the project to preserve the monument. His recommended solution, which deserves the support of both the House and the Senate, is to use $12 million in Egyptian pounds from the pounds which have accumulated in Egypt from the sale of surplus food under Public Law 480. This contribution to the fund being raised and administered by UNESCO would cost us nothing. It would not in any way represent a contribution to the Egyptian Government for other purposes. It would simply make it possible to honor a commitment to help save one of the truly great remaining monuments of ancient Egyptian civilization.

Mr. President, I ask unanimous consent that the editorial published in the Washington Post of April 1, 1964, entitled "The Nubian Monuments," be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NUBIAN MONUMENTS

It is regrettable that an administration request to release counterpart funds for the preservation of the Temple of Abu Simbel has run into difficulty in Congress. Opposition in the House seems to arise out of two misconceptions—first, that the $12 million sought for Abu Simbel could somehow be used to fight poverty here; and second, that the contribution to save the temple might be misconstrued as "aid to Nasser" by Americans sympathetic to Israel.

On the first point, it ought to be made clear that not a penny of new money is involved in the request, and that the $12 million in Egyptian pounds could not be spent in the United States. The contribution which the United States has pledged would come from funds totaling $54 million (and increasing each month) which have accrued from food sales to the United Arab Republic. These local currencies already exist; Congress is merely being asked to permit the United States and Egypt to spend a portion of the money on a project agreeable to both countries.

The project is also agreeable to even the most ardent pro-Zionist groups. The campaign to save the temple is being conducted by UNESCO, and the $12 million U.S. contribution (which Egypt has agreed to match) would be part of a $29 million fund pledged by nearly 50 countries. The aim of the campaign is widely understood to be cultural and not to help Mr. Nasser.

President Kennedy took a great personal interest in the preservation of these Nubian monuments. When an elaborate Italian plan for jacking up Abu Simbel proved to be too costly, Mr. Kennedy urged that alternate methods of salvage be explored. Finally, a Swedish proposal for dismantling Abu Simbel and reassembling the temple on a higher level near the present site was approved. The total cost is estimated at $36 million.

Time is of the essence. In May, the waters of the Nile will begin rising as the Aswan Dam is completed. Egypt is preparing to build coffer dams around the majestic statues of Rameses II as provisional protection until the time the UNESCO project is underway. Surely the House Appropriations Committee will approve President Johnson's supplementary request honoring a pledge already made.

A final point should be noted. American museums are filled with Egyptian relics, many of them brought to this country by questionable means. The contribution to the UNESCO campaign would be an appropriate token of compensation. As a result of the contribution, the United States may well obtain some Nubian monuments that would otherwise be engulfed. But these gifts from Egypt would be wholly free of the taint of looting and would round out admirably an exciting venture in international cooperation.

TRAVEL RESTRICTIONS

Mr. HUMPHREY. Mr. President, one of the most perceptive parts of Senator FULBRIGHT's speech last week was devoted to a discussion of diversity within the Communist bloc. This section of the Senator's speech should be read with special care by members of the State Department who deal with Soviet and Eastern European affairs. It should be read, digested, and pondered by those who deal with Poland, Yugoslavia, Bulgaria, Rumania, and the other East European satellite countries.

An excellent brief editorial in the Washington Post this morning reminds us that not all officials in the State Department are sufficiently aware of the diversity which has developed within the Communist bloc. The recent announcement of the imposition of travel restrictions on Polish diplomats stationed in the United States would seem to indicate that once again standards developed for the Soviet Union are being applied automatically to Eastern European countries as well. Poland is not the same as the Soviet Union—and should not be treated as if it were. Unless there are specific reasons why these restrictions were imposed, and we have not been given any, they seem to make no sense whatsoever. Under these restrictions, the Polish Ambassador cannot go to Minneapolis or Chicago if invited. Why? What does this gain anyone?

It is time that we wake up and consistently pursue policies designed to increase the independence of Poland from the Soviet Union; to increase the contact between Poland and Western societies. The announced travel restrictions encourage just the opposite. Unless there is some justification provided, they should be lifted.

Mr. President, I ask unanimous consent that an editorial published in the Washington Post of April 1, 1964, entitled "Needless Irony" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEEDLESS IRONY

The United States is in the unbecoming and unnecessary position of being shown up by a Communist country for a restriction on liberty. This irony is underlined today as American diplomats in Poland become subject to travel limits similar to those placed on Polish diplomats in the United States last fall. The Polish retaliation deserves no defense but, to its credit, Warsaw promises that it is "ready at any time" to lift its restrictions if Washington will do the same.

Washington should do so at once, and not only for Polish diplomats but for the other Eastern European diplomats affected by last fall's move. The hobbles were imposed by security agencies as the result of a case so weak that the agencies were unwilling to make it in public. If Communist diplomats had in fact been spying, they should have been expelled; if not, there was no cause to put them on an arbitrary tether. Nondiplomats, of course, were not restricted and thus have presumably been free to spy at will.

Last fall's action reversed the welcome and proper direction of American policy toward more normal ties with East Europe. It penalized all of the nations in that region indiscriminately for offenses attributed to only some of them. We trust that the embarrassment created by the Polish countermove will help persuade the American Government to correct its earlier error.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, that it stand in recess until 11 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina has suggested the absence of a quorum, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 105 Leg.]

Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Hruska
Humphrey
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Prouty
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Florida [Mr. HOLLAND], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. JACKSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. WALTERS], and the Senator from California [Mr. ENGLE] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Colorado [Mr. ALLOTT] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Kentucky [Mr. COOPER], the Senator from Hawaii [Mr. FONG], the Senator from New Mexico [Mr. MECHEM], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The **ACTING PRESIDENT** pro tempore. A quorum is present.

Mr. **KEATING.** Mr. President, it is my desire to complete my statement in regard to title I of the bill, so that there will be continuity in its presentation. At the conclusion of my remarks, I shall be happy to yield for any questions; but meantime, during the delivery of my remarks on title I, I prefer not to yield.

THE CIVIL RIGHTS BILL—OLD MYTHS AND NEW REALITIES

Mr. President, let me open with some familiar words:

> There is an inevitable divergence, attributable to the imperfections of the human mind, between the world as it is and the world as men perceive it. As long as our perceptions are reasonably close to objective reality, it is possible for us to act upon our problems in a rational and appropriate manner. But when our perceptions fail to keep pace with events, when we refuse to believe something because it displeases or frightens us, or because it is simply startlingly unfamiliar, then the gap between fact and perception becomes a chasm, and action becomes irrelevant and irrational.

These words, spoken last week in connection with foreign affairs, by a distinguished Member of the Senate opposed to the bill before us, apply with equal force to the civil rights struggle in which we are today engaged.

For almost 100 years now, there has been divergence between the realities of equal rights for all citizens and the ideals which we profess to hold. The 14th and 15th amendments to the Constitution and the civil rights statutes enacted after the War Between the States have been, for many decades, empty and meaningless in some parts of this Nation. They have been on the books; but for almost a century they have been carefully ignored by many officials and by a large portion of our citizenry. We profess to the world our devotion to equal justice and our guarantee of freedom to all men; but in reality, in many parts of this country, this claim has been a hollow and empty myth. The time has come to look at the realities of the situation, to admit to ourselves that the beliefs we profess to hold have not always been borne out by our action, and to begin to work to correct our past mistakes.

It is a myth, for instance, to believe that segregated facilities of any kind, built with taxpayers' money, can ever be separate but equal. The courts told us that a decade ago, but the States have been slow in carrying out their mandate.

It is a myth that the Negro is not interested in voting in the South and that his own apathy is the cause for low voter registration. The thousands standing in line in Mississippi, waiting to be registered; the thousands disqualified because of technical errors in applications; and the thousands subjected to discriminatory literacy tests have blown that myth sky high.

It is a myth that Negroes living in segregated areas of this country are somehow happier in their innocence and are not interested in changing their own world. The young generation of Negroes, many of them in college during the last decade, have shown us that this belief is wholly without foundation.

It is a myth that the color of a man's skin is somehow related to the amount of brainpower or potential for intellectual development he possesses. High Government officials, learned college professors, and authors and distinguished professional men have, by their shining achievements, brought glory to America, and have disproved once and for all that baseless theory.

Perhaps, however, one of the most dangerous myths, and the one which in the long run could do our Nation great damage, is the naive belief that the failure to come to grips with our race problem at home will not affect our status in the world community. We cannot preach equality, the worth of the individual, or the benefits of the free initiative system abroad, while continuing to close our eyes to the discriminations imposed upon tens of millions of our own citizens. We cannot, in justice, assume the role of moral leader of the free world, until we have set our own house in order. We cannot inspire or guide the emerging nations of the world, if we continue to repress an emerging force within our own borders.

It is ironic that a nation founded by men who protested taxation without representation continues to disenfranchise—and tax—a large portion of its citizens. It is scandalous that a nation which spends billions of dollars every year to prop up the economies of foreign countries refuses to improve the economic lot of tens of millions at home. It is hypocrisy for a nation to speak out against every act of discrimination and injustice in the world community, and refuse to correct flagrant abuses within its own borders.

These, then, are the old myths that are America's own—the myths that the Negro already enjoys full equality, or that he does not want it or that he cannot cope with it. But today we are faced with new realities in our Nation—the realities of a decade of discontent and demands of aspiration and achievement. The struggle for civil rights is the pressing problem of our time; and until we are willing to come to grips with these new realities, to admit that much of our history has been based on the myth of equal opportunity, we are indeed "playing a dangerous game."

The bill we are now considering is an effort to face facts, to recognize the injustice of a century, and to provide rights for all our citizens. It is far from revolutionary. It leaves room for improvement. It is not the best of all possible bills. Yet, it has been criticized on all sides as a usurpation of States rights, as a Federal grab for power, and as a document which will destroy American freedoms. These charges are myths—myths which have been purposely engendered, myths whose propagation has been financed by forces dedicated to stopping this measure, and myths which threaten to obscure the realities.

What are the realities? The truth is that in many parts of this country, persons are denied the right to vote because of the color of their skin. The truth is that in many States it is against the law for whites and Negroes to sit at the same lunch counter. The truth is that in parts of our country, funds collected by a colorblind tax collector are used to build and operate segregated facilities, not available to the very citizens who have shared in paying for their construction. The truth is that 10 years after the Supreme Court's decision in the case of Brown against Board of Education, thousands of school districts remain wholly segregated. The truth is that Federal money has been used to support and construct segregated facilities. The truth is that millions of Americans find it difficult, if not impossible, to obtain employment because of their race.

The passage of this bill will be a first step toward meeting and changing those realities, but it will be necessary to destroy the myths and face the facts squarely before we can begin.

Moving specifically to the area of voter discrimination and the need for title I of this bill, it would be well to set forth a number of examples of such discrimination which have occurred in parts of this country.

At the present time, only about 25 percent of voting-age Negroes are registered to vote in the South. In Mississippi the figure is closer to 5 percent. In Alabama it is near 10 percent. In no Southern State does it exceed 40 percent and very few States approach this high figure. Many opponents of this bill have told us that these low figures are due to voter apathy on the part of the Negroes. But a much more likely explanation is found in the reports of the Commission on Civil Rights which document a variety of devices used in some States to keep Negroes from the polls.

Consider for a moment these cases uncovered by the Commission:

First. Gadsden County, Fla., has an adult Negro population of over 10,000. A total of eight Negroes had been registered to vote. There was a registration drive from 1948 to 1950 which resulted in the registration of over 100 additional Negro citizens. But none of the leaders of this drive live in Gadsden County any more. One of the leaders, who was fired from a good job and allegedly threatened with physical violence, has left the State altogether.

Second. Included in the Negro population of Gadsden County are 300 public school teachers. They are unwilling to register because of the fear of losing their jobs.

Third. An elderly Negro who was eligible to vote was asked by Commission investigators whey he had not gone to the polls. He said: "I am too old to be beaten up."

Fourth. One businessman refused to be interviewed at all. His reason: "They would bomb my business out of existence if I even talked with you."

Fifth. The voting age Negro population of Mississippi is over 500,000. Yet there are 14 counties in Mississippi with a total of over 100,000 voting age Negro residents in which not a single Negro citizen is registered.

Sixth. A Negro who attempted to pay his poll tax and register in Bolivar County, Miss., saw his bill thrown into the waste basket.

Seventh. Poll taxes are also refused in Tallahatchie County, Miss. Negroes in this county expressed fear of reprisals and were reluctant to testify at all. A public school principal who attempted to register was discharged from her post.

Eighth. In Leflore County, Miss., a Negro Army veteran who had served as a technical sergeant, was visited and questioned at his home by two white men shortly after he attempted to register. Fearful of reprisals, he stopped trying.

Ninth. In Forrest County, Miss., Negroes have been told that they could not register. At other times, the registrar simply absents himself whenever Negroes apply to register. One Negro, while waiting for the registrar to return to his office, observed two white women being registered without question by a clerk who had told the Negro applicant she had no authority to register applicants.

Tenth. In Clark County, Miss., the registrar turns Negroes away with the advice that they should "watch the papers and see how the mess in Little Rock and the mess in Washington worked out."

Eleventh. In Fayette County, Tenn., 12 Negro war veterans registered to vote in 1958. Only 1 of the 12 actually voted. Two were frightened away when two deputy sheriffs approached them. One was told by his banker that something might happen to him if he tried to vote. Another, who was in the hauling business, lost all his customers and the police threatened to arrest any of his drivers found on the highway in his trucks.

Twelfth. In Alabama, only 73,272 out of over one-half million Negroes of voting age are registered compared to 800,000 out of 1,231,514 whites of voting age. Macon County, Ala., the site of Tuskegee Institute, ranks first in the State in the proportion of Negroes who have a high school education and who hold college degrees. After court action by Macon County Negroes to become registered, all members of the county board of registrars resigned and there was no publicly functioning board from about 1946 to 1948. The board has been periodically inoperative for long periods since that time.

Thirteenth. Even when the registrars are functioning, the "voucher" system is another obstacle in Alabama. This system requires every applicant for registration to be accompanied by an already registered voter. But a voter can vouch for only two applicants per year and in recent years no white elector has vouched for a Negro applicant in Macon County.

These incidents picked at random from the official reports of the Commission could be recited almost endlessly. But the examples given adequately suggest the existing pattern of discrimination and intimidation. In the words of the Commission:

> It has become apparent that legislation presently on the books is inadequate to assure that all our qualified citizens shall enjoy the right to vote. There exists here a striking gap between our principles and our every day practices. This is a moral gap. It spills over into and violates other areas of our society. It runs counter to our traditional concepts of fair play. It is a partial repudiation of our faith in the democratic system.

With the objective of carrying out this Commission mandate, the Congress acted in 1957 and 1960 to put civil rights legislation on the books for the first time since the Reconstruction Era. The purpose of these acts was primarily to guarantee and enforce voting rights. The main feature of the 1957 Civil Rights Act was the provision authorizing the Federal Government to bring civil injunction suits to end discrimination in voting practices. It also prohibited intimidation in connection with the exercise of the franchise.

The 1960 act authorized Federal courts to appoint voting referees to speed up registration after a pattern or practice of discrimination had been found by a court and required that voting records be preserved and made available to Federal officials.

Since 1958, the Justice Department has requested the right to inspect voting records in 129 counties. It has filed 58 voting cases and brought 31 of them to court. Of the 129 cases in which records have been requested, 59 cases involved counties in Mississippi, and 30 cases, counties in Alabama. Of the 25 cases taken to court during 1963, the two most important were filed in Jackson, Miss., and Birmingham, Ala. In the Jackson suit, the Department asserted that while 90 percent of the 68,000 eligible white citizens were registered to vote, only 13 percent of the 38,000 eligible Negroes were registered. Birmingham's suit alleged that while 47 percent of the 256,000 whites were registered to vote, only 12 percent of the 116,000 eligible Negroes were registered.

Two Justice Department actions have been filed against the State of Louisiana charging discriminatory registration procedures. A three-judge Federal court, last November, ruled that the Louisiana constitutional interpretation test was unconstitutional and forbade its use anywhere in the State. In the 21 affected parishes, only 10,000 of the 110,000 eligible Negroes were registered to vote prior to the decision.

But even with this progress—slow as it is—there has been considerable backsliding. In a suit filed only last Thursday, for example, the Department of Justice alleges that Negroes seeking to vote in East Feliciana Parish, La., were being removed from the registration rolls. The complaint charges that when Henry Earl Palmer became voting registrar in February 1958, more than 1,200 of the 3,700 eligible Negroes in the parish were registered. Since then, he assertedly has purged all but 126 for alleged irregularities. Since December 7, 1958, Palmer has refused even to accept or process any applications for registration.

All in all, in the last 5 years about 3,500 Negroes have been eliminated from the voting rolls in Louisiana, while Mississippi and South Carolina have disenfranchised 500 more Negroes than were registered during the same period.

It cannot therefore be said that the 1957 and 1960 Civil Rights Acts have by any means been wholly successful. Because recalcitrant officials have thrown roadblocks in the paths of Negroes wishing to register, and because the judicial process is necessarily time consuming, it is evident that amendments and improvements are necessary.

The obstructive and discriminatory tactics which have been used to circumvent the 1957 and 1960 acts are basically of four kinds: First, rejection of Negro applicants for totally immaterial errors and omissions on their application forms; second, application of different standards to Negroes from those applied to white applicants; third, use of oral tests which permit registrars to grade and then to discriminate at their whim and caprice; and, fourth, manipulation of literacy tests to disenfranchise Negroes. Let me cite some examples.

In Tangipahoa Parish, La., a 23-year-old applicant was rejected for not computing his age in years, months, and days; he made a 1-day error that resulted from his figuring the last month of his age out on a 30-day month rather than a 31-day month. In this same parish, another applicant was rejected because in computing the number of months and days in his age he used 5 months and 30 days instead of 6 months and 0 days. In New Orleans, La., an applicant was rejected for giving as his length of residence a time inconsistent with his answer on a previously rejected application. On both forms the stated length of residence would have complied with State residence requirements. In Madison Parish, La., an applicant was rejected for stating "11" instead of "November" as the month of his birth. In Webster Parish, La., an applicant failed to fill in a blank calling for "residence" although the applicant answered other portions of the form calling for his address and length of residence in the parish. In St. Helena Parish, La., a blind woman was rejected for the way the registrar filled out her form for her.

In Montgomery County, Ala., a Negro college graduate was rejected solely because she failed to answer the question "Will you support and defend the Constitution," even though she stated under oath before the registrar that she would "support and defend the Constitution." Another Negro woman was rejected in the same county for failure to state her date of birth in one question although she stated responsively in another question that she had been a resident of Alabama and Montgomery County since 1899. One woman was rejected because she failed to state her education in one question in spite of the fact that her answer to another question was "teacher, Autaugaville Board of Education, Prattville, Ala." Rosa Lee Davis was rejected because she did not include her name as "Rosa Weatherly Davis" listed on an earlier application.

By contrast, it was the practice of the board of registrars in that county to explain the meaning of words and questions to white applicants unable to understand them, to help answer the questions for those white applicants unable to complete the questionnaire on their own, and to apprise white applicants of incomplete or incorrect answers so that they might fill them in or change them.

In many counties, of course, Negroes are either not permitted to apply at all—in one county in Mississippi they were told to go home and think it over because this did not seem to be the proper time for Negro registration—or, if they persisted, they are made to wait long periods of time, or are required to register one at a time and only before the registrar himself, although whites are permitted to register in groups before deputy registrars. Those Negroes who finally manage to persuade the registrar to give them an application form must run many additional obstacles, as the foregoing examples demonstrate. They are required to complete all blanks on the form with letter perfection. The slightest error is used to disqualify a Negro—but not a white person—and the Negro is often not told why he failed or whether and when he may reapply.

Literacy tests in some States require applicants to read, write, and interpret provisions of the State constitution. Literacy must be demonstrated to the satisfaction of the registrar, and he is seldom satisfied when the applicant is a Negro. While white applicants are given very simple constitutional provisions to interpret and then are often given assistance as needed, Negro applicants must interpret to the satisfaction of the registrar the most technical kind of provisions—and are offered no help. For example, in Walthall County, Miss., white persons, literate or illiterate, registered without difficulty, but when a Negro, a graduate student of Harvard University, completed an application form explaining a very difficult section of the Mississippi constitution, he was rejected for allegedly failing to interpret the section properly. In Clarke County, Miss., Negroes were not permitted to register to vote until after the Government had notified the registrar that it was investigating discrimination in registration in his county. One of the Negroes who was then permitted to apply was a retired schoolteacher, a man for whom the Negro high school was named. This man had made numerous attempts to apply in the past and had not been even permitted to fill out an application form, but when he was finally permitted to apply he was deliberately given an extremely difficult section of the Mississippi constitution. He passed—the registrar admitted at the trial that he expected him to pass—but it still took the registrar a week to notify the Negro that he had passed—although whites were registered the same day they applied. The registrar subsequently gave this Negro's application form to white applicants to use as a guide for interpreting that same section of the Mississippi constitution.

It is not surprising, in view of these practices, of which the foregoing are but a few of many examples, that in 250 counties in the United States there are still fewer than half the Negroes of voting age registered and in many counties no Negroes are registered at all. In these same counties, white registration is very high and there are on the rolls many whites who are illiterate. Such a situation makes a mockery of our constitutional guarantees of the right to vote.

Mr. President (Mr. Moss in the chair), I noticed a decision only yesterday, in an Alabama voting case, in which the Government lost a case by a decision of the district court in Mobile, Ala. It is hard for me to understand it. It is hard for me to see how it can possibly stand up on appeal; but, of course, a lawyer must make such a statement with some hesitation because I have not seen the evidence.

In this case, the U.S. attorney contended that the registrars engaged in acts which deprived Negroes in Wilcox County of their right to vote. He said that no Negro is registered to vote in this county although Negroes comprise 70 percent of the population.

The news account states that in rejecting the Department's petition the judge said that the Government witnesses failed to support the discrimination charges. This is an indication of the difficulty which is encountered by the Justice Department in the courts of some States in enforcing the provisions of existing laws relating to voting.

Title I is designed to deal with some of these devices which have had a particularly inhibitory effect on the exercise of the franchise. Since literacy tests are a prime means for manipulation and discriminatory denial of the vote, the bill establishes as a rule of evidence for voting cases in the Federal courts a rebuttable presumption that anyone who has completed the sixth grade is literate. The title also requires that the standards, practices, and procedures used to determine voting qualifications must be the same for all persons, white and Negro alike. It also provides that immaterial errors and omissions cannot be used to disqualify a person for becoming registered. Finally, in order to further assure nondiscrimination in the registration process and to facilitate proof in the event of violations, the title requires that all literacy tests, and the answers to them, be in writing, and that copies of them be maintained and made available to the applicant upon request.

These provisions, while they will not overnight eliminate all discriminatory denials, will materially assist in preventing the specific and flagrant abuses to which they are addressed. These are modest proposals when considered in the light of the magnitude of the problem, and the entrenched character of the discrimination. But they are vitally needed.

In addition to the problem of obstructionist tactics and devices to keep Negroes from registering, the Justice Department has also been faced with lengthy and often unwarranted delays in the course of judicial proceedings under the 1957 and 1960 acts.

The desirability and indeed the imperative necessity of deciding a case involving a charge of racial discrimination in the voting process should be apparent, if for no other reason than that the right to vote cannot be granted retroactively. Yet, the Department of Justice has experienced numerous unwarranted delays in the prosecution of its voting actions, delays ranging between 1 and 2 years in some cases. For example, one case, filed in July 1961, was not tried until February 1964; another filed in October 1961, was tried in March 1963; another filed in April 1961, was tried in May 1962. After the trial, the case may not be decided for another 3 to 6 months. If the decision is adverse to the Government, it takes approximately a year for appellate review and another decision. Then there would still remain the possibility of further review by the Supreme Court on certiorari, consuming another year or more. Thus, it is conceivable that a case filed in July 1961 might not be resolved until July 1966, and even after that there might be additional delay caused by failure or refusal to comply.

In one case a Federal court injunction issued in April 1962 was ignored by the registrar and no Negroes were registered until the summer of 1963, following contempt proceedings against the registrar.

Title I deals with the problem of delay by directing the courts to expedite voting discrimination cases on their dockets. Moreover, upon request of the Attorney General, or any defendant, such cases may be heard by a three-judge Federal court, with the right of direct appeal to the Supreme Court. There is ample precedent for use of a three-judge court here. Section 44 of title 49 and section 28 of title 15 of the United States Code, for example, provide that in certain transportation or antitrust suits in which the United States is plaintiff, the Attorney General may file with the court a certificate seeking appointment of a three-judge court and expedition of the case. When this is done, the certificate is sent to the chief judge of the circuit and it is made the duty of the chief judge to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge, to hear and determine the case. It is made the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. The three-judge provision in title I is quite similar to the examples given.

Opponents of the bill before us, in many cases, have not denied that discrimination against Negro voters exists in their States. One distinguished Senator has, with rather commendable candor, in the course of debate on the motion to take up this bill, actually freely admitted that, in his State, there is an organized effort to keep Negroes from the polls. These critics do not dispute the facts, but question the right of the Federal Government to intervene. But, clearly, title I is constitutional under the 14th and 15th amendments to the Constitution. By prohibiting disqualification for immaterial errors in voting registration forms and by requiring that literacy tests be administered in writing, it implements the equal protection clause of the 14th amendment since it is aimed at unconstitutionally discriminatory practices. Similarly, under the 15th amendment, Congress may enact appropriate legislation to counteract such discriminatory practices as are used by voting registrars to deny or abridge the right to vote on account of race or color. The provisions of title I obviously are reasonably necessary to eliminate obstructions to the 15th amendment—that the right of citizens to vote shall not be denied on account of race.

One objection which has been voiced to the "literacy" and other provisions in title I is that they establish qualifications for voting and thus infringe on the constitutional right of the States to do so. No portion of title I establishes any qualifications for voting, nor does it even set any standards to which the States must adhere in establishing qualifications. The "equal standards" provisions of title I which are directed to the registration process itself are designed to do so no more than to require that the tests of qualifications established by the State are applied with an even hand and without discrimination as to race. The States remain wholly free to set whatever qualifications they desire. Title I simply implements the equal protection and nondiscrimination requirements of the Constitution itself.

Nor does the literacy presumption establish any qualification for voting or interfere with a State's right to do so. It merely establishes a rule of evidence for court proceedings in voting discrimination cases and, even at that, the presumption is a rebuttable one. The States remain free to set literacy standards, and the sixth-grade presumption would not apply when, for example, a registrar tests an applicant's literacy. But when a lawsuit charging discrimination is brought and the matter comes to court, the burden would be on the defendant to show that a person who has completed sixth grade is not literate. This is wholly reasonable. If a State has literacy as a requirement, it remains the requirement. The presumption relates merely to the manner in which literacy may be proven in specific kinds of cases in court.

The same is true of the requirement that a written record be made of any "literacy" test employed and the provisions that immaterial errors must be disregarded.

Before concluding this summary, I would like to speak briefly on certain amendments which would strengthen and improve title I. The first would be to apply its provisions to State as well as Federal elections. The 1957 and 1960 Civil Rights Acts drew no distinction between Federal and State elections. Neither does the Constitution draw any such distinction, and it is beyond dispute that it is thoroughly constitutional, under the provisions of the 15th amendment, for the Federal Government to protect its citizens against discrimination in voting practices whether these acts occur in the course of Federal or State elections.

The original bill, as reported by a subcommittee of the House Judiciary Committee, originally included State as well as Federal elections within its coverage. I would prefer to see a return to the original wording of the bill and am at the present time preparing an amendment along these lines, which would bring State elections within this law. It will be offered in behalf of myself and a number of my colleagues in the Senate. No one will deny that in many instances the right to vote in local and State elections is more important to a Negro than the right to vote in a Federal election. Many of the discriminations, deprivations of liberty, and disabilities of citizenship which have been inflicted on the Negro have been perpetrated by local officials acting under color of law. It is often more important, more meaningful to the Negro to be allowed to vote for those men who more directly and personally influence his life than it is for him to vote for President of the United States. Those who would have us accept the House version of this bill without crossing a "t" or dotting an "i" argue that applicability to State elections is not needed.

Last evening I noticed an analysis of the bill which was made by a distinguished journalist. It was a well-thought-out analysis of a complicated bill. However, it referred to the bill as the Civil Rights Act of 1964. The bill before the Senate is not the Civil Rights Act of 1964. It is entitled "Civil Rights Act of 1963." Obviously that error was made in the other body. It is one which, of course, must be corrected.

To take the view that no "t" can be crossed and no "i" can be dotted in the bill is a naive view, particularly when we consider the compliance which can be expected in many parts of the country.

As we know, the State of Virginia has already taken steps to circumvent the antipoll tax amendment by authorizing separate State elections. I believe it can be safely predicted that this practice would become widespread in many States if the literacy and registration application provisions were confined to elections where only Federal offices were to be filled.

Another problem which remains unsolved by this bill is that of implementing the second clause of the 14th amendment. That clause provides that representation in the Congress shall be reduced in proportion to the number of disenfranchised voters in the State. Ordering the taking of the census as provided in title VIII does not fully implement this section. If the civil rights laws continue to be circumvented by local officials, it may very well be necessary at some future date to offer legislation directly to implement this clause and reduce representation in Congress. Whether that point has already been reached is a matter of judgment.

Another feature of the original bill which I find preferable to and more realistic than the measure we have before us today was the provision for the appointment of temporary voting referees who would, as soon as a case was filed under the 1957 act, begin to accept registration applications. Since experience has taught us that these suits can continue through the courts for as much as 5 or 6 years, the voting referee provision would have made it possible to start registering voters without the long delay involved in a final court decision.

I point out these flaws in the present bill merely to emphasize that it is not at all a perfect bill nor one with which we can be completely satisfied. It may be the best bill we can get in 1964. Hopefully, compliance will be forthcoming to such an extent that additional legislation will not be necessary in the future. But one of the myths about this bill is that it is a perfect bill, and unless we face the reality of the fact that it alone will not completely eliminate discrimination in voting—that there must be vigorous enforcement and faithful compliance—we will be fooling ourselves and the Nation.

It is more than 175 years since the adoption of our Constitution, "to preserve the blessings of liberty to ourselves and our posterity." It is more than 100 years since Abraham Lincoln began his service as our President and gave a "new birth of freedom" to America. It is more than 90 years since final ratification of the 15th amendment declaring that neither the United States nor any State shall deny or abridge the right of citizens to vote "on account of race, color, or previous condition of servitude." These great events mark the steady progress of liberty in our Nation which has made us the greatest free government in the world. But we cannot rest on our laurels. We must not slacken our efforts as long as some of our fellow Americans are denied the benefits of our common heritage.

Mr. ERVIN. Mr. President, has the Senator from New York concluded his speech?

Mr. KEATING. I have. I am ready to yield the floor, or to yield to the Senator from North Carolina.

Mr. ERVIN. I would rather have the Senator yield to me.

Mr. KEATING. I yield to the Senator from North Carolina.

Mr. ERVIN. I ask unanimous consent that the Senator from New York may yield to me for questions and a colloquy without losing his right to the floor, and without having his remarks counted as a second speech on the pending bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEATING. It is very kind of the Senator to make the request. I do not expect to make a second speech; however, I appreciate his courtesy.

Mr. ERVIN. I am glad to be able to assure my friend that he will have an opportunity to make a second speech if he cares to do so.

I ask the Senator if he was present at the hearings before the Committee on the Judiciary last summer when the Attorney General said he had not, during his tenure of office, instituted any prosecution against any State or local election official anywhere in the United States under the criminal statutes applicable to the denial of voting rights.

Mr. KEATING. I was present at most of the hearings. I seem to recall that statement by the Attorney General, although I am not certain.

Mr. ERVIN. Does not the Senator recall the hearings conducted during President Eisenhower's administration, at which the present Attorney General's predecessor, Attorney General Rogers appeared before the Subcommittee on Constitutional Rights? Attorney General Rogers testified to facts indicating that no real effort had been made during his tenure of office to institute any criminal prosecution against any State registrars for denying anybody the right to vote.

Mr. KEATING. I take it the Senator is referring to criminal action?

Mr. ERVIN. Yes.

Mr. KEATING. My understanding is that it is a fact that neither the present Attorney General nor his predecessor brought any criminal action in the States where the offenses occurred. They have reasoned, and said that it was their opinion that juries would be unlikely to convict for offenses under the old reconstruction statutes.

Mr. ERVIN. Does not the Senator from New York agree with the Senator from North Carolina that no Attorney General can very well possess the prophetic power to foretell what a jury will do in any action anywhere in the country?

Mr. KEATING. There have been criminal cases brought in the past—without very much success, I might say.

Mr. ERVIN. Does not the Senator from New York agree with the Senator from North Carolina that the best proof of the pudding is in the eating thereof?

Mr. KEATING. In general, that is my feeling about puddings. But I do not consider it applicable to this case in the manner in which I take it my genial and learned friend uses the phrase. The illustration I gave of a recent court proceeding in Alabama is rather good evidence of one kind of pudding. I do not know whether the Senator heard my statement concerning it, but there is no Negro registered to vote in Wilcox County in Alabama, although Negroes comprise 70 percent of the population thereof. The judges refused a restraining order to enjoin the registrars of that county from discriminating against Negro voters. They contended that the government failed to support its charge of discrimination in spite of the fact that the evidence showed there was not a single Negro registered in that county.

Mr. ERVIN. Does the Senator from New York think that proves anything more than that discrimination had been charged against someone?

Mr. KEATING. No. I was very careful in saying what I did. The Senator is a distinguished judge and lawyer. He knows that we lawyers are loath to comment finally on any case when we have not read the record. It may have been atrociously tried by the U.S. attorney. It may not have been properly briefed. Any number of things might have happened. Certainly, however, the court's decision is, on its face, startling. It would shock anyone. I think it would shock the sensibilities of the distinguished Senator from North Carolina, who has shown great fairness in many of these problems, to find that there was a county where 70 percent of the people were Negro, and not one of them was permitted to vote, and still the court finds that the registrars were complying with the law. It is inconceivable.

Mr. ERVIN. I would like to tell a story in order to illustrate the point. I have told the story before.

Mr. KEATING. I think the Senator's stories are always interesting. I would be delighted to hear it.

Mr. ERVIN. I tell the story to illustrate how inaccurate it is to draw inferences from figures. An old mountaineer down in my country had been buying groceries on credit. He decided to go in and pay his grocery bill. The storekeeper told him the amount of his bill, which exceeded the figure that the old mountaineer thought was right. So he complained.

The storekeeper got out his account books, laid them on the counter, and said: "Here are the figures. You know, figures do not lie."

He said, "I know figures do not lie, but liars sure do figure."

Not only do liars figure, but honest men figure. I trust the Senator will pardon me for drawing a comparison which refers to New York State. In 1960, both major political parties exerted themselves to capture the electoral vote of the State of New York, which had the largest electoral vote of any State in the Union.

During that year, New York numbered among its population 10,880,592 persons of age 21 and over. The records show that only 7,291,079 of those persons voted. Those who voted constituted only 66 percent of the persons in New York State of age 21 years and upward. In other words, 34 percent of the New Yorkers of voting age did not vote.

It is quite possible that the Deep South county to which the Senator referred, where there was no Negro registered, was suffering from the same kind of apathy which kept 34 percent of all New Yorkers of voting age from voting in the presidential election in 1960.

Mr. KEATING. The example I cited would be a much more severe case than the one the Senator mentioned. In the case I mentioned not a single Negro registered to vote. I am rather surprised at the figures the Senator quotes for New York. I did not realize that New York has done as well as the Senator mentioned. I thought the figures on actual voters in New York were somewhere around 60 percent. It is nothing that I condone. Any person who has the right to vote certainly should exercise his franchise. I would like to see him vote a certain way, but whether he votes that way or not, he should vote. It is regrettable that 34 percent did not vote. That situation could arise, however, from a number of reasons—changes in residence, disqualifications for various reasons; illness, absence from the State on election day, or many other reasons. The situation in New York is aggravated by voter apathy. But I cannot believe that in a county where 70 percent of the citizens are Negroes, the failure of Negroes to cast a single ballot was the result of apathy. If there was that much apathy in a county, it would have seeped through and been reflected in the statistics on white voters in the same county. Thirty percent of the county was made up of white citizens. They registered and voted in considerable numbers. But none of the Negroes, who constituted 70 percent of the residents of this county, voted. I do not see how anyone can attribute that solely to apathy.

There is a certain degree of apathy among all races, creeds, and colors. It is regrettable. But apathy does not explain the denial of the right to vote to the Negroes of a certain State.

Mr. ERVIN. The Senator will agree with me that apparently apathy and sickness and factors other than manipulations of Southern election officials kept more than 2½ million New Yorkers from going to the polls at the previous presidential election.

Mr. KEATING. There is no question that in the State of New York there is no discrimination in voting. No one there was denied the right to vote because of discrimination. The 2½ million there, as cited by the Senator from North Carolina, who did not vote, failed to vote for reasons other than discrimination.

Mr. ERVIN. Let me invite the attention of the Senator from New York to some other figures, by means of which I shall compare my State of North Carolina with the Senator's State of New York, to show the unreliability of drawing inferences from figures.

According to the 1960 census, New York had a total Negro population of 1,414,184; and my State of North Carolina had a Negro population of 1,114,970. The same tabulation shows that the State of New York employed only 3,707 Negroes as schoolteachers, whereas North Carolina employed 11,042 Negroes as schoolteachers.

So one who draws inferences from figures could very well fall into the error of believing that New York was discriminating against Negroes, when it was employing schoolteachers, could he not?

Mr. KEATING. I would not think so. Is it not correct that in North Carolina the public schools are segregated?

Mr. ERVIN. Most of them are.

Mr. KEATING. And in North Carolina the Negro schools are required to hire Negro teachers, are they not?

Mr. ERVIN. Not necessarily.

Mr. KEATING. Is it not a fact that they do?

Mr. ERVIN. Regardless of that, North Carolina had 11,042 Negro teachers, whereas New York, with a Negro population 300,000 greater than the Negro population of North Carolina, employed only 3,707 Negroes as schoolteachers.

Mr. KEATING. I may say that is completely understandable, if it is a fact, because in North Carolina the Negro schools are segregated and are required to hire Negro teachers. That would naturally result in a very much larger number of Negro teachers in North Carolina than in New York. New York has State statutes which do not permit any discrimination in the hiring of teachers.

Mr. ERVIN. But I think it is fair to infer that the number of Negro schoolchildren in New York State exceeds the number of Negro schoolchildren in North Carolina; I think it is fair to infer that from the fact that the Negro population of New York State is 300,000 greater than that of North Carolina. Those statistics would indicate to my mind that New York does not employ Negroes to teach school in the same ratio that New York employs white schoolteachers.

Mr. KEATING. In New York State there is no test on the basis of color; and all applicants for positions as schoolteachers—whether Negroes or whites—are considered on exactly the same footing. That is required by New York State law.

I invite the attention of the Senator from North Carolina to the fact that in the city of New York, for example, where the largest number of Negroes in New York State reside, one-third of the employees of the city of New York are Negroes. That is a very much greater percentage than the ratio of Negroes to whites in the total population of New York City.

Mr. ERVIN. Evidently the Negroes there are able to find jobs other than as schoolteachers.

Mr. KEATING. Personally, I do not know of any case in which a qualified Negro applicant has been denied a job as a schoolteacher on the ground of race. But if such a case did occur, it was a violation of the existing laws of the State of New York, and was not affected by the pending proposed legislation. The laws of the State of New York prohibit discrimination in the hiring of anyone, including teachers.

Mr. ERVIN. Notwithstanding the assurance the Senator from New York gives, I would say that a person who draws inferences from figures and who examines the figures which indicate that New York, with a population of 1,414,184 Negroes, but only 3,707 Negro schoolteachers, as compared with North Carolina, which has a Negro population of 1,114,970 Negroes and 11,042 Negro schoolteachers, would certainly conclude that New York was definitely discriminating against Negroes, insofar as the employment of teachers in the public schools was concerned.

Mr. KEATING. I would not quarrel with the Senator from North Carolina, insofar as any conclusions he may choose to reach are concerned; but I would characterize the last statement he made as a monumental non sequitur.

Mr. ERVIN. It would seem that the arithmetic which is applied to the county in Alabama, to which the Senator from New York referred a few minutes ago, and the arithmetic which is applied to New York are two quite different systems.

Mr. KEATING. I do not recall that at that time I spoke of schoolteachers.

Mr. ERVIN. The Senator from New York spoke about voters; I spoke about public schoolteachers. I think it must be evident that the two sets of inferences are based on entirely different systems of arithmetic.

Mr. KEATING. I would be interested in obtaining the statistics in regard to voting in North Carolina. I would say that North Carolina is one of the States of the South that has one of the best records of nondiscrimination in connection with voting. It so happens that in referring to the outstanding voter discrimination cases which I mentioned, I did not mention any case from the State of North Carolina. I believe I heard the Senator from North Carolina misquote my remarks—although if I am in error as to that, I am sure he will correct me; I believe I heard him say that he believes that every citizen, regardless of race, color, or creed, should have the right to vote.

Mr. ERVIN. Yes; I have always taken that position; and I take it now.

I can assure the Senator from New York that, according to the statistics which have been presented by the U.S. Commission on Civil Rights, 104.1 percent of all the Negroes of voting age in my county are registered.

Mr. KEATING. That is a remarkable feat. The Senator from North Carolina must have had a very effective political organization there.

Mr. ERVIN. No. I think many of them may be on the side of the Senator from New York, rather than on the side of the Senator from North Carolina.

Mr. KEATING. I hope so.

Mr. ERVIN. This may be so because some of them may not understand that the Senator from North Carolina is fighting to preserve constitutional government for their benefit, as well as for the benefit of all the other people of the United States.

Mr. KEATING. I have been intrigued by some of the figures which show that more than 100 percent of the qualified voters are registered to vote. I do not understand how that can be. However, this is the first case which has been brought to my attention in which more than 100 percent of the qualified Negroes were registered to vote. For one of the counties in the Southern States, the figure used for the Civil Rights Commission was 146 percent—showing that 146 percent of the residents of that county are qualified to vote. That is a rather remarkable statistic.

Mr. ERVIN. I merely cite to the Senator from New York some of the figures submitted by the U.S. Commission on Civil Rights. I point out to the Senator from New York that if he will read what the Commission has said on various subjects, he will find some very remarkable statements. For instance, the Commission cited 100 counties in the South where the Commission says Negroes are discriminated against when it comes to voting; and one of the counties the Commission cites on page 35 of its 1963 report is Graham County, N.C. In the 1963 report of the Commission, Graham County is set forth by the U.S. Commission on Civil Rights as one of the 100 counties in which it says there is rank discrimination against Negroes in the voting field. Not a single Negro of voting age lives in Graham County, N.C. Yet we find that such data as that are cited in the attempt to justify the passage of a bill which, in my honest judgment, would virtually destroy the system of government created by the U.S. Constitution and rob all Americans of their basic rights.

Mr. KEATING. I have before me the table to which the Senator has referred. From the table it appears that there are no Negro residents in Graham County. It is not listed as an outstandingly bad case. I call attention to the fact, however, that in Graham County, 121 percent of the white residents of voting age are registered to vote.

I fear I was a little too generous in relation in North Carolina. I call attention to the fact that in Franklin County, which has 1,600 Negroes, the percentage of Negroes registered to vote was 30 percent, whereas the number of white voters is 8,600, and the percentage of white voters registered to vote was 87.4 percent.

In Greene County the percentage of white people registered to vote was 101.9 percent and the percentage of the Negroes registered to vote was 12 percent.

Other examples cited by the Civil Rights Commission are Bertie County, Halifax County, Hertford County, and Northampton County. The table refers to only six counties in North Carolina out of a great many counties throughout the South which discriminate.

Mr. ERVIN. Mr. President, will the Senator lend me his copy of the 1963 report of the U.S. Commission on Civil Rights for a moment? I left my copy in my office.

Mr. KEATING. Certainly. I am always glad to submit evidence to my adversary.

Mr. ERVIN. I invite the Senator's attention to a statement on page 20 of that report. The report tells of the 100 counties in the South in which the Commission claims there is gross discrimination against Negroes in voting. On page 20 this statement appears:

> Seven of the one hundred counties were in North Carolina.

Turning to page 34 of the report we discover that the seven North Carolina counties are enumerated as follows:

> 1, Bertie; 2, Franklin; 3, Graham; 4, Greene; 5, Halifax; 6, Hertford; 7, Northampton.

One of the seven counties in North Carolina in which it is alleged there is gross discrimination is Graham County, where not a single Negro of voting age lives.

Mr. KEATING. I do not consider that discrimination exists in a county in which there are no Negroes of voting age. I do not see how they could very well vote if they are not there. On the other hand, I do not understand how more than 100 percent of the white citizenry could vote.

Let us assume that the use of the number "seven" instead of "six" was a mistake on the part of the Civil Rights Commission and that they did not intend to include Graham County. Certainly we cannot charge discrimination in a county in which there are no Negro voters. However, the Senator is singularly silent about the other six counties in his State to which reference is made in the report. Does he in any way challenge the figures in relation to those counties?

Mr. ERVIN. I do not know. I have no information concerning them now available beyond what appears in the report of the Civil Rights Commission. When a report of the Civil Rights Commission states that in Graham County there is gross discrimination against Negroes registering to vote despite the fact that no Negroes live there, I do not place reliance upon other statements made by the Commission.

Mr. KEATING. Mr. President, that is typical of the arguments that we so often hear during the debate. In order to place the entire subject in its proper perspective, I ask unanimous consent to have printed at this point in the RECORD that portion of the table on page 35 of the report of the Civil Rights Commission which shows the 1956 and 1962 registration of both white and Negro voters in the seven counties of North Carolina about which we have been talking.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Voter registration statistics

County	1956 registration				1962 registration			
	White		Negro		White		Negro	
	Number	Percent of voting age	Number	Percent of voting age	Number	Percent of voting age	Number	Percent of voting age
NORTH CAROLINA [1]								
Bertie [2]	---------	---------	400	6.1	6,242	101.4	713	11.7
Franklin	---------	---------	0	0	8,600	87.4	1,600	30.0
Graham	---------	---------	0	0	4,025	121.1	0	0
Greene	---------	---------	0	0	4,882	101.9	385	12.1
Halifax	---------	---------	950	6.8	15,406	93.4	1,954	14.3
Hertford	---------	---------	700	11.4	6,415	144.4	537	8.8
Northampton	---------	---------	500	6.5	4,700	76.1	1,300	18.2
Total	---------	---------	2,550	5.8	50,270	96.0	6,489	15.6

[1] 1956 registration: Report of Southern Regional Council printed in the CONGRESSIONAL RECORD, vol. 103, pt. 7, p. 8612. 1962 registration: Not available. Data from 1961 voting report.

[2] Private voter right suit.

Mr. ERVIN. In North Carolina there is no annual registration. If a person registers, he remains registered. When he moves from one precinct to another, often he registers in the new precinct without obtaining a transfer from the old one. That is the explanation of the percentage over 100 percent.

Mr. KEATING. Would a man such as the one stated in the example given by the Senator vote twice?

Mr. ERVIN. No.

Mr. KEATING. The Senator means that he is not supposed to vote twice.

Mr. ERVIN. The name of one who moves away from one precinct to another is not always removed from the rolls. That is the reason that the percentage in excess of 100 percent appears.

Mr. KEATING. When a person moves from one county to another his name is not taken off the rolls of the county from which he moved?

Mr. ERVIN. As a rule, it is not. Indeed, the names of those who move or die are not ordinarily stricken from the registration books unless they are a totally new registration—an event which does not occur very frequently.

Mr. KEATING. I beg the Senator's pardon. Will he repeat that statement?

Mr. ERVIN. In North Carolina, names are usually not stricken from the registration books unless there is a new registration, which does not occur, frequently. This course is followed to avoid inconvenience to all concerned.

Mr. KEATING. Mr. President, I do not wish to prolong the discussion, but I would like to ask what would prevent a man, such as the one in the example stated by the Senator, from voting in both counties?

Mr. ERVIN. Nothing, except that in North Carolina, it is against the law to vote twice, and North Carolina, unlike the Department of Justice, believes in instituting prosecutions.

Mr. KEATING. That is a good reason.

Mr. ERVIN. We do not convict before a man is tried. We institute prosecutions and obtain convictions.

I ask the Senator if he is not aware of the fact that there is a statute codified in the United States Code as title 18, section 242, which bears the headnote, "Deprivation of Rights Under Color of Law," which provides as follows:

> § 242. Deprivation of rights under color of law.
>
> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

I ask the Senator if he does not know that the Federal courts have repeatedly held that a State or local election official violates that statute and renders himself subject to criminal punishment upon conviction if he willfully denies to any person who is qualified to vote the right to register and vote?

Mr. KEATING. I have no reason to question the validity of that statute. Can the Senator tell us when that law was enacted?

Mr. ERVIN. That statute has been on the statute books for almost 100 years. If my recollection serves me right, it was originally a part of the Enforcement Act of 1870.

Mr. KEATING. Those are the criminal statutes to which the Senator referred in his earlier questions.

Mr. ERVIN. The Senator is correct. I ask the Senator if he does not know that under that statute a man, upon conviction of the offense, could be sent to prison for as much as 1 year and fined as much as $1,000, or both. Is that not a fact?

Mr. KEATING. I am sorry. I did not hear the question.

Mr. ERVIN. The question is as follows: If a State election official willfully denies any qualified person of any race the right to register and vote, he can be sent to prison for as much as 1 year and fined as much as $1,000 under that statute, or have both such fine and imprisonment imposed on him.

Mr. KEATING. I have no reason to doubt the penalties are as the Senator has read them.

Mr. ERVIN. Does not the Senator recall that the statute codified as 18 United States Code, section 1, makes that crime a misdemeanor?

Mr. KEATING. That may well be. I assume that the Senator has correctly read the code.

Mr. ERVIN. I assure the Senator that the crime is a misdemeanor. Does not the Senator from New York agree with the Senator from North Carolina that under rule 7(a) of the Federal Rules of Criminal Procedure a misdemeanor may be prosecuted by an information filed by a U.S. attorney?

Mr. KEATING. I assume so.

Mr. ERVIN. So, a man could be tried on a charge of having violated title 18, United States Code, section 242, upon an information filed by the U.S. attorney and without any indictment being found by a grand jury, could he not?

Mr. KEATING. I would assume so.

Mr. ERVIN. So all the Attorney General would have to do to obtain a conviction for a violation of section 242 of title 18 of the United States Code would be to convince a petit jury of his guilt.

Mr. KEATING. It is not as simple as that. I have no reason to question the wisdom of the present Attorney General or his predecessor in feeling that these old statutes, 100 years old, are completely inadequate to meet voter discrimination problems in certain States.

Mr. ERVIN. The Senator would accept such assertion even though the Department of Justice has not undertaken to prosecute any man for violation of the statute in any voting rights case?

Mr. KEATING. There have been efforts over the years, without success, to obtain such convictions.

Mr. ERVIN. I am not aware of any in the past 15 or 20 years. We have been assured by the Attorney General that there have been no efforts to enforce the statute in voting rights cases during recent years.

Mr. KEATING. I believe that is true of both the present Attorney General and his predecessor. It is a decision with which I find myself in accord. I do not believe those statutes, enacted 100 years ago, would be effective in any way to meet the problems of discrimination in voting.

Mr. ERVIN. Has the Senator anything to base that argument on except the statements of some Attorney Generals who have never lived within 400 or 500 miles of the places involved?

Mr. KEATING. Although it may be fallible and imperfect, that is the judgment of the junior Senator from New York.

Mr. ERVIN. I should like to know in how many States below the Mason and Dixon line the Senator from New York believes, on the basis of the statements of Attorneys General, there are not enough jurors of honesty to convict an election official of a wrongful deprivation of voting rights when the evidence shows him to be guilty beyond a reasonable doubt.

Mr. KEATING. I want to make it clear that I am not impugning the honesty of any jury or group of people. I am only saying that the statutes which have been on the books for 100 years are completely outworn, and that it is not likely that they would bring about the results which are sought to the same extent as is proposed in the pending bill.

Mr. ERVIN. Those statutes are much newer than the Constitution, or the Declaration of Independence, or the Ten Commandments. I know the Ten Commandments are not outworn. However, when I see bills of the character of the one here proposed, I sometimes think that some people believe the Constitution is.

Mr. KEATING. This bill is based on the Ten Commandments. I did not mention that in my original remarks, because the Ten Commandments are not a part of the basic statutory law of this country. I referred only to the Constitution. But the provisions of the bill are in the spirit of the Ten Commandments and the Beatitudes.

Mr. ERVIN. I would say this bill would come nearer to being based on the Beatitudes than on the Constitution of the United States. But we are not supposed to be legislating on the basis of the Beatitudes, no matter how beautiful they may be.

Mr. KEATING. That is why I did not refer to them or base my case on them, because I was afraid the Senator would challenge it if we put the bill on the basis of the Beatitudes or the Ten Commandments. But they are completely relevant.

Mr. ERVIN. It is interesting to hear that laws become obsolete and worn out by the passage of time. It is rather disconcerting to think that they do. I notice that the Preamble to the Constitution is in the same words as it was at the time when it was written, and it is much older than these laws. I trust the Preamble is not worn out, because it states that the Founding Fathers drafted the Constitution in order to "secure the blessings of liberty to ourselves and our posterity." This bill would destroy the blessings of liberty.

Mr. KEATING. That is the opinion of the Senator from North Carolina. It does not happen to be mine.

Mr. ERVIN. We sometimes disagree. Sometimes we agree. I regret very much that the Senator from New York does not share my sound opinion on these subjects. He is a man of great ability.

I ask the Senator from New York if there is not another statute, title 18, section 241 of the United States Code, which bears the heading "Conspiracy Against Rights of Citizens," and if it does not read as follows:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or
>
> If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—
>
> They shall be fined not more than $5,000 or imprisoned not more than 10 years, or both.

I ask the Senator from New York if he does not know that the Federal courts have held in a number of cases that if an election official conspires with another person to deprive any qualified voter of any race of the right to register and vote, he would violate this statute and be subject to the punishment prescribed by it.

Mr. KEATING. I understand that that is so, under the conspiracy section.

Mr. ERVIN. I call the Senator's attention to another statute, section 371 of title 18 of the United States Code, which is the general conspiracy statute of the United States. I ask the Senator if he does not know that the courts have held that a State or local election official violates that statute when he conspires with another to deprive a person of the right to register and vote when he is qualified to do so.

Mr. KEATING. I am willing to accept the Senator's statement that it has been so held.

Mr. ERVIN. I have referred to three criminal statutes which are available to the Attorney General to prosecute any election official who, of his own volition, or in conspiracy with another, willfully deprives any qualified citizen of any race of the right to register and vote.

Does the Senator not believe that the Attorney General should make an effort to enforce those criminal laws in the event of any wrongdoing on the part of State or local election officials?

Mr. KEATING. What the Attorney General and his predecessor, and those of us who support the pending bill, are interested in is preserving for all of our citizens the right to vote and not putting some official in jail. Assuming the complete honesty of jurors and judges and everybody else involved, because I do not impugn anybody's honesty, it is very difficult to convince jurors that there was a criminal intent involved when voting officials were merely accepting and furthering the general mores of the community.

I am therefore in complete accord with the decision reached by the Attorney General and his predecessor that it would be fruitless, unavailing, undesirable, and in many cases unfair, to bring criminal action against them, because many of the election officials are reputable citizens of the community.

The way to handle such a situation is by a civil action, requiring compliance with the law, with the objective in mind of enforcing the right to vote, and not putting someone in jail or fining him.

Mr. ERVIN. Does the Senator not agree with me that an election official who willfully and intentionally denies a qualified citizen the right to register and vote should be punished?

Mr. KEATING. I believe that any person who does so with criminal intent should be punished. I am trying to say to the Senator—and for one of his knowledge and perspicacity, he seems to be singularly unable to understand what I am getting at; I must be unusually obtuse—that it might be difficult to convince 12 men on a jury that Mr. John Jones, an estimable character in the community, was in fact guilty of willful or intentional or vicious conduct in denying someone his right to vote, and that they would therefore be reluctant to say that he should be criminally held.

However, he should be held to account. There are a great many laws violated every day whose violators are never prosecuted, as the Senator knows.

Mr. ERVIN. I do not know of any laws which have been so completely ignored by the Federal Government as the laws with respect to voting rights. I refer to sections 241, 242, and 371 of title 18 of the United States Code.

Mr. KEATING. The laws regarding diplomats in the District of Columbia, are one good illustration.

Mr. ERVIN. They are dealt with under the principle of comity and international law. I have never heard of anyone being anxious to avoid prosecuting southerners for anything. Moreover, I have never observed anyone solicitous about the constitutional rights of any southerner of the Caucasian race.

Mr. KEATING. Let me say to the Senator that standing on the floor of the Senate now is one who is as solicitous about the constitutional rights of a North Carolinian as he is about the rights of any citizen living in any other part of the country. He is as solicitous about the rights of white citizens as he is of the rights of Negro citizens. All I am saying is, that when it comes to voting, all citizens should be treated alike.

When the tax collector comes along and takes taxes out of one's pay envelope or pocketbook, he does not stop to ask about the color of one's skin. When one goes to the polling place to vote, he should have the right to vote, without being asked about the color of his skin.

Mr. ERVIN. I agree perfectly with the Senator from New York in the thought that all qualified persons should be permitted to vote.

Mr. KEATING. I would not have been surprised if the Senator from North Carolina had said that if title I was all there was to the bill, he would be able to accept it, because I believe everything should be done to expedite the right of every citizen to vote. I know that is the view of the Senator. I can know of his objection to some of the other titles in the bill, but I do not understand his objection to title I.

Mr. ERVIN. I will tell the Senator why I object to title I.

Mr. KEATING. I presume we shall hear about that in the days to come.

Mr. ERVIN. It really grieves me to hear Attorneys General of the United

States assert that honorable jurors cannot be found in Southern States. I have lived among southerners all my life, and I have found them to be as honorable as persons living anywhere else. I believe that when they take the oath to decide a case according to the law and the evidence, they will decide that case according to the law and the evidence, as fairly and as justly as jurors in any other State in the Union.

I have called attention to the three criminal statutes which the Attorney General has available to him, to prosecute wrongful deprivations of voting rights. When the Attorney General says, "I do not believe I can obtain a conviction," and admits in the next breath, "I have never tried to obtain a conviction," it grieves me to hear such statements made concerning millions of good Americans. The Attorney General should use the laws already on the books, instead of demanding the enactment of other laws in the voting rights field.

The Senator from New York knows that in addition to having these three criminal statutes at his disposal, the Attorney General of the United States has two civil statutes, one of them the Civil Rights Act of 1957 and the other the Civil Rights Act of 1960; is that not true?

Mr. KEATING. That is true; and I have tried to point out in my remarks why he needs additional aid for action under those statutes, and to point out some of the difficulties that have been encountered in the enforcement of those statutes.

Mr. ERVIN. The Attorney General already has five laws available to him, yet the Senator thinks he needs more? I know that the Senator from New York will not be surprised to hear that I disagree with him. I believe those five laws, in the hands of any competent lawyer, are sufficient to enforce the right of every qualified citizen anywhere in the United States—in Alabama, Mississippi, New York, Illinois, or Missouri—to register and vote.

Mr. KEATING. Mr. President (Mr. JAVITS in the chair), I cannot share the Senator's view that the reason for continued discrimination in voting in many of our States is due to the incompetence of the Attorney General.

Mr. ERVIN. If I were the Attorney General of the United States and I had the evidence to support the allegations which the Senator from New York quoted from reports of the Civil Rights Commission, I would institute some old-fashioned criminal prosecutions in the Federal courts. I would not let the fear or the apprehension or the conjecture or the suspicion that a jury might not do its duty keep me from doing mine.

Mr. KEATING. The Senator may become the Attorney General one day. I do not know what will happen then.

Mr. ERVIN. I could never be Attorney General in the political climate that prevails in the United States today. This is true because I place constitutional principles and the liberty of all the people above the considerations which prompt the introduction of bills of this character.

Mr. KEATING. I believe the Attorneys General of our country have had in mind the Constitution of the United States at all times.

Mr. ERVIN. They assert that the people residing in a whole section of the country, or in certain States, will not keep their oaths as jurors and try cases according to the law and evidence; I respectfully submit that they ought to refrain from making such statements until they have prosecuted a few election officials for violating election laws.

Mr. KEATING. I have never heard any of them make that accusation.

Mr. ERVIN. The Senator has said that they cannot obtain convictions. At least I thought I heard him say that that was the reason why they do not use the criminal statutes which they already have available.

Mr. KEATING. I shall let the Attorney General speak for himself. I have stated what my views are.

Mr. ERVIN. I ask the Senator from New York if he does not know that under title 28, section 1864, and section 1865 of the United States Code, persons selected to serve upon juries in the Federal courts of the country are selected by a clerk of the court and by a jury commissioner appointed by the judge of the district. They place the names of those eligible to serve in the jury boxes.

Mr. KEATING. That is my understanding.

Mr. ERVIN. The clerk of the Federal court is appointed by the judge, is he not?

Mr. KEATING. I believe so.

Mr. ERVIN. The jury commissioner is appointed by the judge, is he not?

Mr. KEATING. That is my understanding.

Mr. ERVIN. The names of Federal jurors are selected and put in the jury box by Federal officials and not by State officials; and that statement applies to Alabama, Mississippi, and everywhere else in the United States. Is that correct?

Mr. KEATING. That is correct. The Federal officials usually come from that neighborhood.

Mr. ERVIN. Does not the Senator believe that when anyone, whether he be the Attorney General or someone else, says that it is not possible to find a jury who would convict an election official on a criminal charge in a voting rights case in the South or in any area in the States of the South is doing what Edmund Burke said cannot and must not be done; namely, indicting a whole people?

Mr. KEATING. I am opposed to indicting a whole people.

Mr. ERVIN. When the charge is made that it is impossible to obtain a jury in an entire State who would convict a State election official for criminally depriving a qualified citizen of his right to vote, are not the people of the whole State being indicted?

Mr. KEATING. I have never said that one could not get a fair jury trial. I have tried to point out the difficulties a prosecutor experiences in seeking to overrule the generally accepted practices of a community, and that juries would naturally be reluctant to convict of a criminal charge an estimable resident of their community who was merely "doing what comes naturally."

Mr. ERVIN. Does the Senator believe that a man would be an estimable member of a community if he denied a college graduate the right to register and vote?

Mr. KEATING. Does not the Senator consider estimable people who are doing that very thing? Does not the Senator call them estimable people?

Mr. ERVIN. I do not. I believe that instead of passing more laws, the laws that are already on the books should be used.

Mr. KEATING. I am glad to hear the Senator say that.

Mr. ERVIN. It is rather strange for me to be in favor of prosecuting people, when the prosecutors in the Department of Justice say they do not want to prosecute. An equity, proceeding in a Federal court is tried without a jury, is it not?

Mr. KEATING. I beg your pardon. I did not understand the Senator.

Mr. ERVIN. A litigant is not entitled to a jury trial in an equity proceeding in a Federal court, is he?

Mr. KEATING. The Senator is correct.

Mr. ERVIN. Under the two civil rights acts which are already on the statute books and which are available to the Department of Justice, a State election official is not entitled to a jury trial on the merits. Is that correct?

Mr. KEATING. The Senator is correct.

Mr. ERVIN. Under those two acts a party is not entitled to trial before a jury. The case is triable before a judge alone.

Mr. KEATING. I pointed out the difficulties which have been encountered. When the Senator from North Carolina was interrogating the Attorney General for 8 days, in the hearings before the Judiciary Committee, the difficulties involved in bringing actions under the 1957 and 1960 acts were pointed out. The Attorney General has been up against a number of difficulties. One of the most serious of them is the long delay involved in prosecuting these cases. As I said, it is not possible to give a man the right to vote retroactively. The delay defeats the ends of justice. The bill before the Senate, in part, is designed to minimize that delay.

Mr. ERVIN. If a case is tried under the Civil Rights Act of 1957 to determine whether an individual plaintiff has been wrongfully denied the right to vote, it can be tried before the judge without a jury; and the only thing the judge would have to do in that case would be to find that the plaintiff is qualified, and has been denied registration by the State election official, and to do that the judge would have to take only enough evidence to show those things. I cannot understand how it would take more than 30 minutes of any judge's time to hear such evidence and make such findings. When anyone talks about a long delay in a case of this kind I am confident he is conjuring up some nonexistent legal ghosts.

Mr. KEATING. The cases I cited this morning are actual cases. The delay in one case was, I believe, 3 or 4 years. In another case it was 2 years. In still another it was 1 year. This delay occurred before an initial decision was obtained. After that, the case was appealed. In one of the cases, even after the decision had been made, the defendant refused to comply with it, and it was necessary to bring a contempt proceeding. That is a separate proceeding, as the Senator knows. It is that kind of obstructionism which the pending bill is designed in part to remedy.

Such cases are not disposed of in a half hour. In many instances they are long drawn out, particularly when it is necessary to show a pattern of discrimination. Such cases require a great deal of proof.

Mr. ERVIN. Does not the Senator from New York agree with the Senator from North Carolina that under the Civil Rights Act of 1957 the Attorney General could bring a suit to enforce the right of a man to register and vote, and that in such a case the only question before the court would be whether the man was qualified and whether he had been denied the right to register?

Mr. KEATING. That is the basic part of the act; yes.

Mr. ERVIN. With all due respect to everyone concerned, if a Federal judge cannot try a case of that kind in a day, he should quit the bench.

Mr. KEATING. The Senator is doing the very thing that he objects to. He is indicting the Federal judiciary because the Federal judges who have tried such cases have not been able to dispose of them in half a day. I do not believe we should do that. I do not even criticize the judges who tried the cases for taking more than a half hour. It might have been necessary to take considerably more time.

Mr. ERVIN. I do not see why a judge, sitting without a jury, should take more than a day to try a case involving the question of whether an individual was qualified to vote according to law, and whether he had been denied the right to register and vote.

I ask the Senator from New York if he does not believe that under the Civil Rights Act of 1957 and the Civil Rights Act of 1960, a person can be conditionally allowed to vote? In other words, if a referee finds a person qualified, he can be allowed to vote, notwithstanding an appeal, can he not?

Mr. KEATING. That is after the court makes a finding.

Mr. ERVIN. Yes, after the judge adopts the finding of the voting referee.

Mr. KEATING. The Senator is correct.

Mr. ERVIN. This being true, an appeal would not prevent a person from voting, and it would not make any difference whether it took 2 or 3 years to get the appeal to the Supreme Court of the United States; he would still be able to vote. At least, the law would authorize the judge to allow the person to vote conditionally.

I sometimes suspect that the reason why prosecutions are not instituted or resort is not had to courts is that it is necessary to prove a claim when one goes to court; whereas it is not necessary to prove anything when one alleges something before a congressional committee or in Congress.

Mr. KEATING. In a civil action it is necessary to present proof, just as in a criminal action.

Mr. ERVIN. It is necessary to present the proof, but the proof is presented before a Federal judge, who is a man presumably trained in the law. Does not the Senator from New York know that in the State of Mississippi there are only two Federal judicial districts, and that in most criminal cases the court sits, in places remote from where the alleged crimes are said to have been committed?

Mr. KEATING. I am not too familiar with the situation in Mississippi. I know that there are two Federal judicial districts in Mississippi.

Mr. ERVIN. According to title 28, section 104, of the United States Code, there are only two Federal judicial districts in Mississippi; under title 28, section 81, of the United States Code, there are only three Federal judicial districts in Alabama; under title 28, section 90, of the United States Code, there are only three Federal judicial districts in Georgia; and under title 28, section 98, of the United States Code, there are only two judicial districts in Louisiana.

In those States, and other Southern States, the Federal courts sit only in a very few places in each district. As a consequence, most of the cases that are tried in the Federal courts in Southern States, which are largely rural, are tried at great distances from the homes of the persons who are being tried. For this reason, these persons are away from their friends, and those they can influence. I cannot accept the assertion that it is not possible to get a southern jury to convict a State election official for a violation of the criminal statutes we have discussed. Furthermore, I believe it is possible to try voting rights cases very expeditiously. However, I should like to ask the Senator from New York if there are not two other statutes; namely, title 42, section 1983, and title 42, section 1985, which allow an aggrieved person, that is, a person who is denied the right to vote, to bring actions in Federal court in his own behalf, including an action in equity for preventive relief?

Mr. KEATING. Yes. There are such statutes.

Mr. ERVIN. When the aggrieved person brings an action in equity in the Federal court, his case is also tried without a jury?

Mr. KEATING. That is correct.

Mr. ERVIN. So there are seven statutes already available on the books. There are three criminal statutes and four civil statutes available to enforce the right to register and vote of any qualified person of any race. The Senator from New York nevertheless thinks that we need three or four more?

Mr. KEATING. The person aggrieved has the right under the law to bring an action to enforce his rights. But in many cases it has been found imprudent to do so. Let us put it that way.

Mr. ERVIN. I shall not detain the Senator very much longer.

Mr. KEATING. It is always delightful to be detained by the distinguished Senator.

Mr. ERVIN. I ask the Senator from New York if subdivision (2) of subsection (a) of section 101 of title I, which begins at line 9 on page 2 and runs through line 12 on page 3 is not a provision based upon section 4 of article I of the Constitution?

Mr. KEATING. No. It is a provision based primarily on the 14th and 15th amendments. Article I, section 4 of the Constitution is another basis for the legislation.

Mr. ERVIN. Are not the provisions which I have called to the attention of the Senator provisions which are all restricted to Federal elections rather than State elections?

Mr. KEATING. Yes. They are restricted to Federal elections. I do not think they should be. I think they should extend to State elections.

Mr. ERVIN. I ask the Senator if there is anything in the provisions to which I have referred, beginning on line 9, page 2, and ending at line 12, page 3, which would restrict their applicability to the denial or abridgment of the right to vote on account of race, color, or condition of previous servitude?

Mr. KEATING. They are not so restricted. That is one of the bases on which those sections stand. Abundant proof exists to establish that people have been denied the right to vote because of immaterial errors in their applications. Further, there is difficulty in proving these cases, since the literacy test was oral. Therefore, the test could be administered by the registrar in whatever way he saw fit. In any event, the 14th amendment guarantees to all citizens the "equal protection of the laws," and if this clause is violated for any reason, by any State official, the Federal Government can, without question, legislate to correct the situation.

Mr. ERVIN. I ask the Senator if he does not know that the courts have repeatedly held that no legislation is valid under the 15th amendment unless it is restricted in its application to abridgement or denial of the right to vote on the basis of race, color, or previous condition of servitude?

Mr. KEATING. That is the exact wording of the 15th amendment. The right of people to vote has been abridged by States on account of race by resorting to the very practices that are dealt with under the sections to which the Senator has referred.

Mr. ERVIN. Does not the Senator from New York agree with me that the provisions we are discussing apply regardless of whether there has been any denial or abridgement of the right to vote?

Mr. KEATING. Yes. They would apply. However, they would not be before us now if there had not been denial or abridgement.

Mr. ERVIN. I invite the attention of the Senator to the case of Karem against United States, which is a decision of the Circuit Court of Appeals for the Sixth Circuit reported in 121 Federal Reporter at page 250. I read from page 255:

> There are certain very obvious limitations upon the power of Congress to legislate for the enforcement of this article—

Referring to the 15th amendment—

> (1) Legislation authorized by the amendment must be addressed to State action in

some form, or through some agency. (2) It must be limited to dealing with discrimination on account of race, color, or condition.

Does the Senator quarrel with the proposition that this is a correct statement of the power of Congress under the 15th amendment?

Mr. KEATING. I have no reason to think that the Senator has not correctly read the language of that decision.

Mr. ERVIN. It is certainly clear, it seems to me, that the provisions of subdivision (2) of subsection (a) of section 101 of title I, commencing on line 9 of page 2 and ending on line 12 of page 3 cannot possibly be legislation under the 15th amendment. They are not restricted to an abridgement or a denial of the right to vote on the basis of race, color, or previous condition of servitude. This being true, it must be legislation under the only other power conferred upon Congress in respect to voting, which would be section 4 of article 1, which permits Congress to regulate the manner of holding elections for Senators and Representatives.

Mr. KEATING. Of the 14th amendment which guarantees equal protection of the laws I assume this is one of the many points of difference between the Senator and me.

Mr. ERVIN. Does not the Senator from New York concede that under the *Guinn* case (238 U.S. 347) and the *Lassiter* case (360 U.S. 45), and the express wording of section 2 of article 1, and the 17th amendment, the power to prescribe the qualifications for voting, including literacy tests, belongs to the States?

Mr. KEATING. There is nothing in the bill that would interfere with the right of the State to set up whatever qualifications it desired.

Mr. ERVIN. However, the bill would create a Federal presumption, would it not? I call the attention of the Senator to another section. To make it a little more specific, does not the Senator from New York agree with the Senator from North Carolina that under the decisions and the constitutional provisions to which I have just alluded, the States have the right to prescribe literacy tests?

Mr. KEATING. I agree. The States have a clear right to prescribe a literacy test.

Mr. ERVIN. I call the attention of the Senator to the provisions of subsection (b) of section 101 of title I, beginning on line 19 of page 3, and ending on line 5 of page 4. I ask the Senator if that subsection does not provide that the courts need not go into the question of whether a person is actually literate within the meaning of the State law. Does it not create a presumption which takes the place of such inquiry?

Mr. KEATING. The section to which the Senator referred would not establish any qualification for voting, nor would it in any way interfere with the right of the State to establish a qualification.

It would merely establish a rule of evidence in court proceedings in voting discrimination cases. Even then, the presumption set forth there is a rebuttable one. The States remain free to set literacy standards; and the sixth grade presumption would not apply at all when, for example, at the point where a registrar tested an applicant's literacy. But when a lawsuit charging discrimination was brought, and when the matter came to court, the burden, instead of being on the applicant, would be on the defendant. The defendant would have the burden of showing that the person who had completed the sixth grade was not literate. If the defendant could show that even though the applicant had finished the sixth grade, he still was not literate, the defendant would win the case. But the burden would be on the State to prove that. In other words, if a State has set a literacy requirement, that would remain the requirement—whatever that literacy requirement might be. The presumption relates only to the manner in which literacy might be proven in specific kinds of cases in the courts; and the States would remain wholly free to adopt literacy as a qualification, or any kind of literacy test as a qualification, or not to do so, as they might choose.

Mr. ERVIN. But under the law a person is not entitled to register to vote unless he is literate, within the meaning of the law of the State in which he applies for the right to register and vote; is not that true?

Mr. KEATING. No—for, as I understand, some States do not have a literacy requirement.

Mr. ERVIN. Approximately one-half of the States have literacy requirements. Of course the presumption could not possibly apply to a State which did not have a literacy requirement.

Mr. KEATING. Yes.

Mr. ERVIN. I am referring to States which do have a literacy requirement. Does not the Senator from New York agree with me that no person is qualified to vote within a State which has a literacy test, unless he can pass the literacy test?

Mr. KEATING. That is correct.

Mr. ERVIN. Would not the presumption provided by the bill render it unnecessary for a court to inquire, in the first instance, whether the applicant met that literacy test? Would not the bill permit the court—instead of making that inquiry—merely to ask whether the applicant had completed the sixth grade in an accredited school?

Mr. KEATING. When the citizen applies to the registrar, to register, even if the applicant is a college graduate, the registrar can deny him the right to register and can hold him to be illiterate. But when the applicant goes into court, seeking the enforcement of his right to vote, and when he shows that he has passed the sixth grade, the burden shifts to the State to prove that he is illiterate. It is a rebuttable presumption that a man who has finished the sixth grade knows enough to vote.

Mr. ERVIN. Was not the Senator from New York on the floor of the Senate when I discussed this question and when I stated that, insofar as the Civil Rights Act of 1960 applies to voting referees, it creates what I called an irrebuttable rebuttable presumption?

Mr. KEATING. I did hear something said about that; but I was in and out of the Chamber; and when I tried to listen—I say frankly—the Senator from North Carolina got me so involved that I was not entirely sure about what reasoning the Senator from North Carolina was using when he called the presumption an irrebuttable rebuttable presumption.

Mr. ERVIN. The amendment creating a rebuttable presumption would be added to the subsection of the Civil Rights Act of 1960 which deals with court proceedings; would it not?

Mr. KEATING. It specifically amends subsection (c) of section 2004, which subsection was enacted in 1957. If the Senator refers to the whole of section 2004, including the 1960 amendments, he would be correct.

Mr. ERVIN. Does not the Civil Rights Act of 1960 provide that if a judge finds that a Negro has been wrongfully denied the right to vote pursuant to a pattern of discrimination in the election district, the judge can appoint a voting referee to pass upon the applicant's voting qualifications and to report back to the court?

Mr. KEATING. Yes; if a pattern of discrimination has been found.

Mr. ERVIN. Yes. Does not that statute also provide that the voting referee shall conduct an ex parte proceeding, to pass upon the voting qualifications of the applicant?

Mr. KEATING. I did not quite understand the Senator's question.

Mr. ERVIN. Does not the Civil Rights Act of 1960 provide that whenever a judge appoints a voting referee—as is authorized by that act—the voting referee shall pass upon the voting qualifications of the applicant, in an ex parte proceeding?

Mr. KEATING. That is correct.

Mr. ERVIN. Is not the term "ex parte proceeding" one which we lawyers understand to mean a proceeding in which only one side is heard?

Mr. KEATING. That is the phrase we use, although sometimes it is not fully understood.

Mr. ERVIN. But I believe that is the understanding the Senator from New York and I have of it; is it not?

Mr. KEATING. Yes.

Mr. ERVIN. In other words, the voting referee would conduct a proceeding, to inquire into the question of whether a particular applicant was qualified to vote; and the inquiry would be made without the presence of the election official whose conduct was involved, would it not?

Mr. KEATING. That is correct—although, of course, he would have a right to go to court before the referee's finding became final.

Mr. ERVIN. But the election official would not be permitted to testify, or to be represented there by counsel, or to cross-examine the applicant, in that ex parte proceeding, would he?

Mr. KEATING. Yes, he could submit the applicant's written literacy test at the hearing before the referee.

Mr. ERVIN. But I mean the election official who allegedly had denied the applicant the right to register would not be permitted to testify or to be represented by counsel or to have the applicant cross-examined, during the hearing before the voting referee, would he?

Mr. KEATING. An ex parte proceeding does not involve the taking of testimony on both sides.

Mr. ERVIN. That is correct; only one side of the case is heard. But does not that statute provide that the voting referee shall make his report and recommendation to the court, and the court shall issue to the State's Attorney General a notice to show cause, and the election official will not be heard at all by the court unless the Attorney General files exceptions to the report and recommendation of the voting referee?

Mr. KEATING. That is correct.

Mr. ERVIN. Does not that statute also provide that the voting referee shall reduce to writing the testimony of the applicant; and that the testimony of the applicant as to his age, residence, and matters other than his literacy or understanding, shall constitute prima facie evidence of the truth of the facts as testified to by him?

Mr. KEATING. The Senator from North Carolina has failed to state a very important part of that section, if he is going through it item by item.

> Exceptions as to matters of fact shall be considered only if supported by duly verified copies of public records or by evidence of persons having personal knowledge of such facts or by statements on the matters contained in such report.

Mr. ERVIN. In other words, the case will be tried, in the first instance, by the voting referee, in the absence of the State election official whose conduct is involved; is that correct?

Mr. KEATING. But the case is not tried there. That is where the decision which is subject to an exception or to an appeal is made.

Mr. ERVIN. The voting referee takes the evidence in the absence of the election official concerned, and makes his finding and recommendation to the judge, does he not?

Mr. KEATING. That is correct. And that evidence would include any written literacy test.

Mr. ERVIN. Up to that time the State election official would be excluded from the whole proceeding, would he not?

Mr. KEATING. The judge would have before him the findings of the State election official. If there were a written literacy test, he would have the results of that test before him.

Mr. ERVIN. Yes. But the Attorney General must file exceptions, and they must be accompanied by either citations to the public record or by affidavits of persons having personal knowledge of the facts.

Mr. KEATING. That is correct.

Mr. ERVIN. Then the applicant would have a hearing before the judge. Does not the bill provide that the judge cannot consider any evidence whatever as to the literacy or understanding of the applicant except evidence taken by the voting referee?

Mr. KEATING. That and any exception filed and documented by the State attorney general. I do not know what evidence there would be except the literacy test itself.

Mr. ERVIN. So when the case came on for trial, if the evidence taken before the voting referee should indicate that the man was literate, the judge would have to so decide, even if there were 50 witnesses who would be willing to swear, if they were permitted to do so, that they had personal knowledge of the man and knew that he could neither read nor write.

Mr. KEATING. If the literacy test showed that he was literate, he would be entitled to vote.

Mr. ERVIN. That is correct; and those witnesses could not contradict the evidence on that point taken by the voting referee in the absence of the election official.

Mr. KEATING. No. The decision in the first instance would be that of the registrar. That decision would be reviewed by the voting referee. The voting referee would have before him the literacy test and the report, and he would make his decision on those documents.

Mr. ERVIN. But if the application were handled by a voting referee in the first instance rather than by the judge, the election official could not possibly rebut the presumption, could he? He could not offer any evidence to rebut the presumption?

Mr. KEATING. If there were a written literacy test or affidavits or documented exceptions filed by the State attorney general, there might be a rebuttal of the presumption. I do not understand the point the Senator is getting at.

Mr. ERVIN. The presumption which the bill would create would apply to hearings before the voting referee, would it not?

Mr. KEATING. I should think so. But a good case can be made for the argument that it applies only in cases filed under the 1957 act—before the voting referee provision was enacted.

Mr. ERVIN. So when a man testifies before a voting referee that he has completed the sixth grade, that is as far as the voting referee would have to go. Is that not correct?

Mr. KEATING. He could accept written evidence to the contrary.

Mr. ERVIN. He would not have to accept anything except the testimony that the applicant had completed the sixth grade, would he? That is all he would have to receive, because that would constitute prima facie evidence sufficient to support an adjudication not only of literacy, but also understanding. Is that not true?

Mr. KEATING. The title would be an additional section of the law. It would not eliminate the provisions of existing law which would allow the submission of documents relating to literacy which were part of the registrar's record. It would be merely an additional section relating to evidence submitted to a court. If a person felt that he had been improperly denied the right to vote, and there was written evidence of his illiteracy, even apart from the fact that he had completed the sixth grade—it is pretty hard to think of such a case but there might be one—it might be sufficient to rebut the presumption.

Mr. ERVIN. If the bill were passed, the only evidence that the referee would need would be evidence that the man had completed the sixth grade, and that would constitute prima facie evidence of the applicant's literacy and understanding. That evidence would be taken before the voting referee, and that would be the only thing that the judge would pass upon. Even though there might be 50 witnesses available to testify that the man was not literate, not a single one of them could be presented at the hearing before the judge. So instead of creating a rebuttable presumption, the bill would create an irrebuttable presumption in any proceeding which would come before a voting referee.

Mr. KEATING. That is not an accurate statement. The 50 affidavits relating to literacy, if filed as exceptions by the attorney general of the State, could be considered.

Mr. ERVIN. Does not the Senator from New York agree with me that the voting referee would not be required to ask the applicant anything about his literacy beyond the question of whether he had completed the sixth grade of school?

Mr. KEATING. He would not have to ask him anything.

If an exception were taken to placing an applicant on the registration rolls, and that fact were presented to the court, and there were a public record or affidavit of persons having knowledge of the facts, that evidence would be a part of the record for judicial determination, would it not?

Mr. ERVIN. The reason assigned to justify the creation of a presumption is that procedures would be expedited. Is that not so? Is it not maintained that the procedure would be expedited?

Mr. KEATING. No. The presumption would be created because of the way in which literacy tests have been used in the past. College graduates have been denied the right to vote because of the color of their skin. People may differ about whether a sixth grade education is a proper standard to use. A good deal of study has indicated that the sixth grade is the grade at which functional literacy is obtained. It is sufficient literacy to enable one to get along in the normal pursuits of life. The literacy requirement is designed to meet that problem.

Mr. ERVIN. Does not the Senator from New York agree with me that the only question which a voting referee would have to put to an applicant in the ex parte proceeding would be whether or not the applicant had completed the sixth grade of an accredited school?

Mr. KEATING. He would probably desire some proof that he had finished the sixth grade.

Mr. ERVIN. That would be prima facie evidence. That is all he would need to make the finding in the absence of any adverse evidence.

Mr. KEATING. That would create a rebuttable presumption that the applicant was qualified to vote.

Mr. ERVIN. I invite the Senator's attention to the following part of the Civil

Rights Act of 1960. I read from the end of the fifth paragraph of subsection (e):

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

I ask the Senator if that does not provide that the judge cannot consider any evidence on the applicant's literacy and understanding of other subjects except the written evidence taken down by the voting referee.

Mr. KEATING. Or affidavits of persons having personal knowledge of the facts.

Mr. ERVIN. I think the Senator is placing a wrong construction on that provision. That is the way the State election official gets a hearing. I am talking about what the evidence shall be before the judge. It provides that:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

Mr. KEATING. That is, the answers to the exceptions.

Mr. ERVIN. That is the hearing before the judge.

Mr. KEATING. That refers to the decision. The exceptions shall be considered if they are duly supported by affidavits of persons having knowledge of the facts or by matters contained in his report.

Mr. ERVIN. That is what the bill provides the Attorney General must attach to his exceptions in order to get a hearing before the judge. What I am calling attention to is that when the judge grants the hearing he must determine the literacy and understanding of the applicant solely on the basis of answers included in the report of the voting referee.

In other words, if there were a thousand witnesses who would swear that the applicant was not literate, the judge could not hear a single one of them.

Mr. KEATING. I believe the Senator refers to the fact that the judge cannot try the case ab initio in his court. He must consider it on the record of the voting referee and the exceptions to that record.

Mr. ERVIN. Under the bill the judge could not try the question of literacy or the question of understanding on anything except the evidence taken by the voting referee in the ex parte hearing, from which the attorney general of the State and the State election officials were excluded. The judge is forbidden to consider any evidence on the question of literacy or understanding except the evidence taken by the voting referee when the official of the State was denied the right to be present or to be heard.

Mr. KEATING. And any exceptions to his report, which are based on affidavits and other matters such as we have been discussing. The situation is similar to that which exists when the court is in effect acting on an appeal from the decision of the voting referee, if someone wishes to have a court review that decision.

Mr. ERVIN. If this bill were enacted, it would be the only statute I have ever discovered under which the courthouse door would be nailed shut against the admission of the truth. Any proof contradictory to the evidence taken by the voting referee in respect to literacy or understanding would be inadmissible.

I read from the provision:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact.

That refers to the hearing by the judge.

The language continues:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

A judge could not consider any evidence in respect to the literacy or understanding of the applicant except that taken before the voting referee. It would not make any difference if there were a thousand witnesses who could testify that the applicant was illiterate. The judge could not hear the evidence. This is the first time I have ever heard of a proposed statute which provides that the judge may not consider any evidence except that taken in secret where the adverse party was denied the right to be present.

Mr. KEATING. And the record made below, including the written literacy test. I wish to add to what I said on this subject—on which the Senator from North Carolina and I are in obvious disagreement—that section (b), starting on page 3, line 19, relates to the 1957 act, before the voting referee provisions were incorporated into the law, according to a memorandum furnished to me by the Department of Justice.

Mr. ERVIN. Will the Senator repeat that statement? I did not understand him.

Mr. KEATING. According to a memorandum furnished to me by the Department of Justice, the sixth grade literacy provision of title I is not relevant to the voting referee provisions to which the Senator from North Carolina has been referring. As the Senator will remember, the voting referee provisions are contained in the Civil Rights Act of 1960. The presumption of literacy contained in title I of this bill, starting on line 19 of page 3, relates to subsection (c) of section 1971, the provision which was enacted as a part of the Civil Rights Act of 1957, and which relates to the situation before the voting referee question was involved.

The Senator will remember that the 1957 act permits the Attorney General to bring a lawsuit to establish voting discrimination in a particular county. It frequently happens in such lawsuits that the State voting registrars challenge the literacy of Negro citizens. When that happens, in the proceeding in the Federal court the presumption of literacy of title I will apply.

It will be presumed that a person with a sixth-grade education is literate. The State will have the opportunity to rebut that presumption.

Subsection (e), relating to the voting referee, which is now in the same law, was added by the Civil Rights Act of 1960, and contemplates an entirely different proceeding. That proceeding is initiated only after the suit to which I have referred concludes in a finding that there has been a pattern of discrimination in voting. That is the only time the voting referee appears in the picture. At that point a Federal judge may order the qualified voter to be registered, or he may appoint a Federal referee to hear evidence and report to him.

The presumption of literacy which is referred to here, according to the Department of Justice, has no meaning or practical relation to the proceedings before the referee. Those proceedings contemplate that the referee may take evidence regarding the qualifications with respect to a voter who asserts that he has been denied the right to vote because of his race or color.

If the literacy of such applicant is a necessary qualification for voting under State law—and those are the only cases we are talking about—and the referee administers a literacy test to the applicant, after the referee's report is filed with the judge, the issue of literacy is determined upon the basis of the test given by the referee, together with such exceptions as may be taken to his finding. It is obvious, in this kind of proceeding, that the presumption of literacy provided in title I has no application and no meaning and will not operate to deprive the registrar of any right which he now has. The sentence added to subsection (c) is an amendment to the 1957 statute, before we ever heard anything about voting referees and has to do with the original suit brought under the 1957 statute rather than the proceeding before the voting referee.

Mr. ERVIN. If I understand the Senator correctly, he is basing that interpretation upon the brief of the Department of Justice?

Mr. KEATING. A memorandum prepared by the Department. The Senator is correct.

Mr. ERVIN. I opened that brief at random and read three pages of it, and I found four misstatements concerning decisions decided on constitutional principles on those three pages. I can demonstrate the inaccuracies of those statements to anyone who has studied elementary law for as much as 30 days.

The provisions relating to voting rights are codified in the current pocket part of the United States Code Annotated as title XLII, section 1971. This section correctly codifies the 1957 and 1960 acts together insofar as voting rights are concerned because the 1960 Civil Rights Act was an amendment to the 1957 Civil Rights Act. As codified in title 42, section 1971, they have subsections (a), (b), (c), (d), and (e), which are relevant to this subject.

Under subsection (a), Congress legislated under the 15th amendment, because subsection (a) is tied exclusively to an abridgement or denial of the right to vote on account of race.

Subsection (b) is tied to section 4 of article I of the original Constitution, because it deals only with the election of Federal officials.

Subsection (c) deals with civil action brought to enforce either subsection (a) or subsection (b). It provides that the provision of the bill relating to literacy and understanding tests, which appears on page 3, lines 21 to 24 and on page 4, lines 1 through 5, would constitute an amendment to subsection (c) which authorizes court proceedings.

Subsection (e), which deals with voting referees, provides:

> In any proceeding instituted pursuant to subsection (c) of this section—

So this is an amendment to subsection (c) of section 1971 of title 42 as codified in the pocket part. It applies, of course, to subsection (a), which deals with racial matters; and provides in express words:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by section 16 of title 5, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte at such times and places as the court shall direct. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

The next paragraph, which I shall not read, deals with the exceptions; then comes the trial before the judge. It is provided that:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

In any proceeding which comes through the voting referee and is reviewed by the court, the attorney general of the State and the State election officials are denied the right to offer any evidence to rebut the presumption based upon the applicant's testimony concerning his schooling taken in secret by the voting referee. This being true, the bill would create an irrebuttable presumption on the court's review of the ex parte proceeding before the voting referee, if the voting referee merely takes evidence raising the presumption.

Mr. KEATING. If the Senator's interpretation is correct, this amendment applies to the whole section, to the present law as codified, even though it adds one sentence in a paragraph which only amended the 1957 act. Even if that is so, I do not agree with the Senator's contention, by reason of the fact that the court would have before it the entire record. It would not have any witnesses sworn to testify, but it would have any exceptions that either side wished to submit, with a copy of the public record or affidavit of a person having personal knowledge of the facts.

Mr. ERVIN. I could discuss this subject at great length.

Mr. KEATING. We have already done so.

Mr. ERVIN. Yes; but nothing can erase from this section 1971 of title 42 the plain words:

> The applicant's literacy and understanding of other subjects shall be determined solely—

The word "solely" means alone, nothing else—

> solely on the basis of answers included in the report of the voting referee.

I ask the Senator if the provisions of subsection (h) of title I, which begin on line 15 on page 4 and end on line 9 on page 5 do not permit the Attorney General, or counsel for defense, to shop around to find a more favorable court than the district court in which the proceeding is brought? I invite the attention of the Senator to pages 4 and 5 beginning in line 15 on page 4 and ending in line 9 on page 5. I ask the Senator if that does not allow the Attorney General, or the counsel for the defense, to shop around and find a more favorable court than the district judge having original jurisdiction of the proceeding?

Mr. KEATING. Shopping for judges is not unknown, but it is a phrase that we do not like to use. There is a great deal of precedent for proceedings similar to that authorized in title I in both antitrust cases and in the interstate commerce cases. Those are two instances in which application may be made to any judge in any district court. The Senator has practiced law, as has the Senator from New York. In making an application to a court, neither the Senator from North Carolina nor the Senator from New York would stick his head in a noose by going to a judge who he felt sure was against him from the outset. That does not mean that judges will not decide a case on its merits.

Mr. ERVIN. I have heard the statement that there are many precedents for such a procedure.

There are six statutes on this subject. It is rather intriguing to note the difference between the bill and two of the statutes now on the books. One of them, namely, 28 United States Code 1253, relates to transportation, especially with reference to common carriers and tariffs. Another deals with antitrust and monopoly cases. It is 15 United States Code, section 28.

In each of these cases the Attorney General must make certification to the effect that the case is of such general public importance that it should be tried by a three-judge court rather than by a district court of one judge. Is there any provision in the lines to which I have called the Senator's attention that provides counsel with any standards whatever by which to determine whether the case should be removed from a one-judge court to a three-judge court?

Mr. KEATING. It inheres in the very essence of the situation. This case is stronger than any one of those five, because those five cases, as I remember, deal with property rights. Property rights can be given to an injured person retroactively. One can never retroactively give a person the right to vote. That is the reason for the provision in the bill. It is to expedite a case involving the denial of the right to vote.

Mr. ERVIN. I read from lines 15 to 19 at page 4 of the bill:

> In any proceeding instituted in any district court of the United States under this section, the Attorney General or any defendant in the proceeding may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case.

I ask the Senator if there is anything in this entire provision which fixes any standard or which could serve as a guide to the Attorney General or counsel for the defense in asking for a three-judge court?

Mr. KEATING. There is none. When the Attorney General or any defendant feels it is necessary to proceed expeditiously, he may do so. It is a stronger case than any other case in which application can be made for a three-judge court. We grant that right in certain antitrust cases and interstate commerce cases. However, there is not the same urgency in those cases that there is here. In an antitrust suit, if the Attorney General wins, there is usually something that can be done retroactively to the defendant. If the Attorney General wins in a voting case, he can insure the right to vote in the future, but he cannot insure the right to vote during the intervening period while that right is illegally denied.

Mr. ERVIN. I cannot go along with the Senator in believing that it would expedite the work of the court to have three judges do work which one judge can do. On the contrary, I believe it would clutter up the dockets of the courts. However, aside from that, either the Attorney General or the defendant can call for a three-judge court without rhyme or reason under the bill. Under the terms of the bill there is no standard except the caprice or whim of the Attorney General or the counsel for the defense. Is that not correct?

Mr. KEATING. Either the Attorney General or the defendant may request a three-judge court in this type of case.

Mr. ERVIN. When the bill was presented to the House, only the Attorney General had the power to call for a three-judge court. However, Representative WILLIS, of Louisiana, offered an amendment to give that power to the defense also. I call the Senator's attention to title 15, United States Code, section 28, which allows a three-judge court in certain monopoly cases, and to title 28, United States Code, section 1253, which allows a three-judge court in certain transportation cases. They require certification that the case is of such general public importance as to require its trial by a three-judge court.

I invite the Senator's attention to a part in the bill, beginning on line 22, page 4, and ending on line 4, page 5, which reads:

> Upon receipt of the copy of such request it shall be the duty of the chief judge of the

> circuit or the presiding circuit judge, as the case may be, to designate immediately 3 judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case.

I ask the Senator from New York if the presiding judge of the circuit could not bypass the district court judge who had had original jurisdiction of the proceeding, if he happened to be a judge of a district in which there are two or more district judges.

Mr. KEATING. There is no requirement to appoint the same judge who had the case originally. That is not unprecedented.

Mr. ERVIN. I agree with the Senator that it is not unprecedented under title 28, United States Code, section 1253, or title 15, United States Code, section 28, where certification is required to show that the case is of general public importance. However, that is not true in the case of any other statute I have found which authorizes a three-judge court to supersede a single district judge.

In this connection, I invite the Senator's attention to title 28, United States Code, section 2281; title 28, United States Code, section 2282; and title 28, United States Code, section 2284. In each of those instances it is provided that such cases shall be tried under the provisions of title 28, section 2284. Title 28, United States Code, section 2284, provides in express terms that the district judge who had original jurisdiction must be a member of the three-judge court.

Can the Senator from New York tell me why the drafters of the pending bill were so diligent to evade the provisions of these sections of the United States Code, which require that one member of the three-judge court shall be the district judge who had original jurisdiction of the proceeding?

Mr. KEATING. As the Senator has pointed out, in some cases it is provided that the original district judge must be a member of the court; in others, it is not so provided. In the bill, it is not so provided. Matters of internal judicial administration within the circuit are involved. It was felt that the situation could be best dealt with by the particular circuit involved, and that the appointment of the three-judge panel would be made in accordance with any procedure which the circuit may adopt to guide it in such matters.

There would be nothing to prevent the appointment of a district judge who originally had jurisdiction. It is to be expected that among the important factors in setting up any such three-judge court—and the Senator is aware of this—the immediate availability of any given judge, the calendar demands, and the allocation of other pending matters are the things that are chiefly considered in setting up the three-judge court.

There is nothing sinister about omitting an affirmative requirement that the original district judge be on the panel. If the Senator would support this title of the bill if such an amendment were included, I would see no objection to accepting it.

Mr. ERVIN. I see only one thing that would improve this bill. That would be to strike out all after the enacting clause.

Mr. KEATING. I thought that would be the position of the Senator. However, I wanted to show him how generous I was, and that I would be willing to accept an arrangement like this if the Senator from North Carolina would accept the bill, or accept title I.

Mr. ERVIN. Every day I study the bill, I find new tricks in it. While the Department of Justice claims there is ample precedent for it, this provision is different from every other statute I can find in the United States Code dealing with the subject. In the first place, it is different from the provisions relating to monopolies, and transportation, in that there is a definite legal standard in those provisions. There must be a certification that the case is—to use the exact words—of general public importance before the case is to be removed. In every other case of statutes authorizing removal from a district judge to a three-judge court, there is the specific requirement, as appears by reference to title 28, section 2284, that one of the members of the three-judge court must be the district judge who had original jurisdiction of the proceeding.

The whole section shows a studied purpose, a carefully calculated purpose to bypass the original district judge for fear that he may not give a decision favorable to the Attorney General. That was in the original provision, and that was what it was designed for.

Mr. KEATING. I must challenge the Senator's statement that that was the motivation behind it. I think the purpose of the provision is to get prompt action.

Mr. ERVIN. I wonder if the Senator would support an amendment of mine which would provide that the original district judge should be a member of the three-judge court?

Mr. KEATING. My father taught me that when a person gives something away, he should get something in return. I was making the Senator a very generous offer in saying that I would accept that amendment provided the Senator could see fit to support this bill, or indeed support this title of the bill.

Mr. ERVIN. I assure the Senator I would like to have an amendment like that. I believe in regularity of procedure. But my desire to obtain regularity of procedure would not induce me to desist from my purpose to fight to preserve constitutional government for all Americans, and to preserve the right of all Americans to be free from the kind of tyranny this bill would impose upon them.

I am hoping that the Senator's love for regularity of procedure will induce him to support my amendment, even though I cannot go so far as to stultify my conscience and vote for the bill.

Mr. KEATING. I really could not accept the amendment unless it was going to further the bill in some way. If the Senator, with the great influence which he bears among his colleagues, could convince them that this was a good bill after the amendment, I think we would be wise to accept it.

Mr. ERVIN. The sixth statute relating to three-judge courts is 28 United States Code 2325, which incorporates by reference the requirement of 28 United States Code 2284 that the district judge having original jurisdiction of the proceeding must be a member of the three-judge court.

I ask the Senator from New York one other question, with reference to subdivision (2)(A) of section (a) of section 101 of title I, lines 10 through 17 on page 2:

> (2) No person acting under color of law shall—
>
> (A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote—

I ask the Senator for an interpretation of that in order that I may advise the registrar of my precinct. The registrar has been a schoolteacher for many years. She taught many of the residents of her precinct in the public schools before her retirement. If she were to register one of her former students, who she knows can read and write, without requiring him actually to read and write, would she be required to register everybody else without giving them a previous literacy test?

Mr. KEATING. I do not think I understood the Senator's question.

Mr. ERVIN. The registrar of my precinct is a retired schoolteacher who taught many of the people residing in that precinct while they were students in the public schools. Necessarily, she knows whether they can read or write as required by the North Carolina constitution. If she were to register one of her former students who she knew could read and write without giving him a literacy test, would she have to register everybody else in that precinct without giving them a literacy test?

Mr. KEATING. I do not know what the laws of North Carolina provide as to literacy.

Mr. ERVIN. The law of North Carolina is very simple on literacy. It requires a person to read and write a section of the State constitution. Our courts have interpreted that law to mean that the registrar has to lay the constitution before them and let them copy it. That is the North Carolina law. The registrar can give a literacy test to anyone in 30 seconds.

Mr. KEATING. Under this law, she would have to apply the same standards and practices to all persons that she was seeking to register. She would have to treat them all the same.

Mr. ERVIN. If she registered one of her former students who she knew could read and write without giving that person a literacy test, she would have to register everybody else in the precinct who applied, without giving them a literacy test?

Mr. KEATING. I understood the Senator to say she would have to give every applicant a literacy test, and she would be violating her requirement if she just passed any one without giving him a test. If she gave the test to one applicant, she would have to give it to all.

Mr. ERVIN. Mr. President, will the Senator from New York yield again to me?

The **PRESIDING OFFICER** (Mr. KENNEDY in the chair). Does the Senator from New York yield again to the Senator from North Carolina?

Mr. KEATING. I yield.

Mr. ERVIN. So she would have to give the test to her former student to ascertain something she already knew to be true.

Mr. KEATING. If the law of North Carolina so required.

Mr. ERVIN. But the bill would change the law of North Carolina and the laws of all the other States of the Union.

Mr. KEATING. No, the bill would not change the law of North Carolina or the laws of any of the other States of the Union.

Mr. ERVIN. But if the law were violated in one case, the registrar would have to violate the law in all other cases in the district or parish; that is what the bill provides.

Mr. KEATING. That is not my interpretation of the bill.

Mr. ERVIN. That is what the bill provides; it provides the following:

> (2) No person acting under color of law shall—
>
> (A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote—

Mr. KEATING. She would not be applying the law if she violated the law. She would have to apply the law equally and on the same basis to any individuals who applied to her to vote.

Mr. ERVIN. I disagree with the Senator from New York, because many times the courts apply the law erroneously. So if the registrar applied the law erroneously in one case, the registrar would—under the provisions of the bill—be required to apply it erroneously in every other case.

Mr. KEATING. That is a farfetched argument, and it is not worthy of the distinguished Senator from North Carolina, because I have heard him in action, and I know how able and distinguished a lawyer he is. He really could not make that argument with a straight face, in my judgment.

Mr. ERVIN. I am making it with a very straight face, although with a rather long and sad face. I dislike to see Congress attempt to enact a law requiring standards of action for officials on the basis of what the officials may do, regardless of whether they do what the law provides. I sincerely believe that what I have said is true, that is, that my interpretation of the bill is correct.

I thank the Senator from New York for his patience. I hope his longing for regularity of procedure will induce him to support my amendment, which would provide that the district judge having original jurisdiction of the proceeding must be a member of the three-judge court, notwithstanding my unwillingness to accept the trade the Senator tendered me.

Mr. KEATING. Under the circumstances, I consider it a compliment to have been interrogated by the Senator from North Carolina, in view of the obvious fact that he was selected by the opponents of the bill and by the generalissimo of the forces in opposition to the bill to handle the interrogation. I consider that as a compliment to me, because the Senator from North Carolina knows that I hold him and his opinions and his ability in very high regard. My regard and my affection for him are in no way diminished by our differences over the pending bill.

Before now, I should have stated that the considerable debate in regard to voting referees could, in my opinion, properly be regarded as only academic, because not one voting referee has been appointed since the 1960 act was enacted. The reason for that situation is very simple: In Mississippi, not one Federal judge has found a pattern or practice of discrimination, although the Department of Justice has asked for such a finding in every case there. I have referred to the case in Alabama in which not one Negro has been registered to vote, despite the fact that Negroes constitute 70 percent of the population there. Therefore, until the litigation over voting rights has progressed further and until enlightenment has been shed, all our debate about voting referees is, to a degree, academic.

However, I still feel that we should shape and fashion the bill in the manner we think best, in the hope that eventually we shall be able to rectify some of the extreme situations which have been brought to light.

Mr. ERVIN. If I may make an observation, I express the hope that the reason why no judges have appointed voting referees is that the judges have a higher opinion of what constitutes due process of law than Congress manifested when it passed the Civil Rights Act of 1960. That was the first time in American history, so far as I can determine, that Congress passed a law providing that a case shall be tried in secret, and that the person whose conduct is under investigation shall be excluded from the trial, and denied the right to testify, and the right to have counsel present to represent him and to cross-examine the witnesses.

I believe that perhaps the judges had read what Daniel Webster said in the Dartmouth College case, when he declared that due process of law is a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial.

I am gratified that Federal judges remember that 749 years ago the barons of England compelled King John, at Runnymede, to insert a pledge of due process of law in Magna Charta.

Mr. CARLSON. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. CARLSON. I did not want the distinguished Senator from New York to conclude his speech and his debate with the distinguished Senator from North Carolina in regard to title I of House bill 7152, which deals with voting rights, until I stated that, in my opinion, not only has the Senator from New York carefully analyzed that title, but I also believe the debate back and forth will be helpful as we give further consideration to this matter.

I also wish to state that, in my opinion, no right is more essential to a citizen than the right to vote. I think it occupies the position of primary importance among the rights of our citizens; and I believe that the secret ballot is really the touchstone of representative government.

So I appreciate very much the excellent statement the distinguished Senator from New York has made; and I hope that before this debate is concluded, he will give further thought to an amendment—which I noticed he mentioned—that would extend the voting right provisions of the bill to the States and the local communities.

Mr. KEATING. I thank the Senator from Kansas for his comments. It is my intention to offer such an amendment at the appropriate time.

Mr. JAVITS. Mr. President, will my colleague yield?

Mr. KEATING. I yield.

Mr. JAVITS. I have heard some of the debate, and I have also read the prepared remarks of my colleague. As is typical of him, he is rendering noble, outstanding, and distinguished service in the debate, which is unusually organized—for the first time—by the proponents of the bill, and in which he has had the honor, together with the Senator from Michigan [Mr. HART], of leading off for the proponents in the debate on title I.

I believe the Senator from North Carolina [Mr. ERVIN] also has rendered a service by means of his detailed questioning, which in my humble judgment has only served all the more effectively to highlight the significant points which have been made, which I think strongly favor the enactment of title I of the bill. I also support my colleague in what I know will be his effort to extend this title to State elections.

Mr. KEATING. I thank my colleague very much. All Senators know of his long interest in assuring voting rights, and in other civil rights areas; and I am very much gratified by his kind remarks about my address.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Michigan [Mr. HART] is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HART. I yield gladly.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum—with the understanding that it will be a live quorum—without the Senator from Michigan losing his right to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 106 Leg.]

Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Hruska
Humphrey
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Prouty
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER A quorum is present.

Mr. HART. Mr. President, earlier today, in accordance with the plan for the days immediately ahead, the distinguished junior Senator from New York [Mr. KEATING] discussed a section of the bill now before the Senate. This is title I, the section which relates to voting.

I congratulate the Senator from New York on the effective presentation which he made. I believe that the colloquy with the distinguished senior Senator from North Carolina [Mr. ERVIN], which developed from his remarks added further understanding to the record which is in process of being made—a record on which I hope the Senator will act favorably at the conclusion of the debate.

Mine is an assignment similar to that undertaken by the junior Senator from New York; namely, to discuss title I.

It seems to me that one of the most remarkable facts that we can see as we consider the civil rights revolution of the 1960's is the patience of the American Negro.

In no single area is this patience more dramatically illustrated than in the long and frustrating weeks, months, years, and decades through which Negro citizens have waited to exercise the most sacred and fundamental right of a citizen in any free society—the right to vote.

For over 100 years this right has been withheld from millions of citizens solely because of the color of their skin.

For a full century, the cry "How long, O Lord, how long" has had no more poignant meaning than how long before I can walk into a voting booth and in fact and in practice be a citizen of these United States.

I can pay my taxes, I can put on the uniform of my country in its defense, but when can I vote?

For decades in many States there has been a planned, logical, and persistently successful attempt to create such a maze and labyrinth of discriminatory techniques to block the Negro's attempt to register and vote that, looking back over history, it is always a new shock to realize that it has happened in America.

Perhaps the scene for the consideration of the provisions of title I of H.R. 7152 can best be set by a quotation which recently came to my attention:

> If every Negro in Mississippi was a graduate of Harvard and had been selected as class orator * * * he still would not be as well fitted to exercise the right of suffrage as the Anglo-Saxon farm laborer, adscriptus glegae, of the South and West.

Those were prophetic words whose impact in the decades to come could not possibly have been foreseen. They were spoken at the Mississippi Constitutional Convention of 1890.

The road has been long since that time. As recently as April 1963, in a voting case in Walthall County, Miss., the Department of Justice was attempting to register a young lady who was a Woodrow Wilson fellow in political science at Radcliffe College of Harvard University. The Harvard graduate had failed the voter registration test—she was a Negro. The Government in this case called seven white witnesses who had applied to register. They were illiterate. They were white. They had passed the same voter registration test.

Across the South the restrictions in new State constitutions and statutes of the 1890's and 1900's had their impact on the electorate of these States. In Mississippi the Negro vote dropped from 190,000 to 8,000. This was the pattern in State after State.

By 1940 in the 11 States of the Confederacy only 5 percent of all adult Negroes were registered to vote.

The first really formal recognition by the executive branch of the Government that some action was necessary came with the historic report of President Truman's Committee on Civil Rights entitled "To Secure These Rights."

In 1947, the Committee reported to the President and the American people that:

> The right of all qualified citizens to vote is today considered axiomatic by most Americans. To achieve universal adult suffrage we have carried on vigorous political crusades since the earliest days of the Republic. In theory the aim has been achieved, but in fact there are many backwaters in our political life where the right to vote is not assured to every qualified citizen.
>
> The denial of the suffrage on account of race is the most serious present interference with the right to vote.

President Truman's Committee made three major recommendations dealing with the Federal Government's responsibility in insuring voting rights. These included:

First. Action by the States or Congress to end poll taxes as a voting prerequisite.

Second. The enactment by Congress of a statute protecting the right of qualified persons to participate in Federal primaries and elections against interference by public officials and private persons.

Third. The enactment by Congress of a statute protecting the right to qualify for, or participate in, Federal or State primaries or elections against discriminatory action by State officers based on race or color, or depending on any other unreasonable classification of persons for voting purposes.

Yet, for another full decade the Congress continued to ignore the continuing disenfranchisement of the Negro. The recommendations of President Truman's Committee were largely ignored.

As in so many areas dealing with civil rights, the Supreme Court had taken the lead in tearing down the roadblocks to Negro enfranchisement.

One of the first to fall was the device of the white primary, struck down by the Court in 1944 in *Smith* v. *Allwright*, 321 U.S. 649, 663.

Finally, the Congress, acting upon the recommendations of President Eisenhower in 1957, took belated steps to heal this long grievous scar on the face of American democracy.

Significant factfinding machinery was created by the 1957 Civil Rights Act. This may well prove to be the most significant step taken by the Congress to date or even to this date. Through a valuable series of investigations, hearings, and reports, the Civil Rights Commission reported facts which have shocked the conscience of America and the Congress, and this is nowhere more true than in the area of voting rights. In a moment I want to discuss the findings and the recommendations the Commission has made in this area.

Also in 1957, and subsequently in 1960, the Congress began the enactment of significant legislative remedies to supplement the Reconstruction statutes in the voting field.

Briefly, the effective legal tools presently available to the Federal Government in seeking to protect the right to vote against discrimination on grounds of race are:

Section 1971(a) prohibiting discrimination in all elections; section 1971(b) prohibiting threats, intimidation, and coercion in connection with Federal elections; section 1971(c) authorizing suits by the United States in connection with subsections (a) and (b), and providing as well for the voting referee machinery; and title III of the 1960 act requiring the preservation of voting records and allowing the Attorney General to inspect them.

By 1961, the Civil Rights Commission had completed the most comprehensive study of voting discriminations and their impact on the American scene ever undertaken.

The Commission's comparison of counties where no Negroes were registered with counties where little voting discrimination existed is a landmark study. The recommendations of the Commission in 1961 pointed to the serious difficulties already being encountered by the Attorney General and the Department of Justice in attempting to break down voting discrimination through litigation in the courts.

I ask unanimous consent that the findings and recommendations of the Civil Rights Commission in its 1961 voting report be printed at this point in my remarks.

There being no objection, the findings and recommendations were ordered to be printed in the RECORD, as follows:

FINDINGS

General

1. There are reasonable grounds to believe that substantial numbers of Negro citizens are, or recently have been, denied the right to vote on grounds of race or color in about 100 counties in 8 Southern States: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Some denials of the right to vote occur by reason of discriminatory application of laws setting qualifications for voters. Other denials result from arbitrary and discriminatory procedures for the registration of voters; still others occur by reason of threats and intimidation, or the fear of retaliation.

2. Some States have given encouragement to such discriminatory denials of the right to vote. The Legislature of Louisiana, for instance, has fostered discrimination against Negro voters by the enactment of restrictive voter qualification laws and by the activities of its joint legislative committee working in cooperation with the Association of Citizens Councils of Louisiana. Mississippi has amended its voter qualification laws in such fashion as to permit, if not encourage, discrimination against the would-be Negro voter. The Alabama Legislature has tried unsuccessfully to eliminate Negro voters from the city of Tuskegee.

3. The U.S. Department of Justice has acted with vigor to apply the Civil Rights Acts of 1957 and 1960 to prevent racial discrimination in the franchise. As of August 4, 1961, it had brought suits to protect the right to vote in 15 counties in 5 States. Three of the cases had been successfully concluded, one case had been partially determined, and a fifth had been tried but was awaiting decision. The remainder were awaiting trial. In addition, as of August 1, 1961, the Department of Justice had made demands for the inspection of records under title III of the 1960 Civil Rights Act in 26 counties in 6 States.

4. On the basis of one suit which has been finally determined, it appears that the 1957 act provides an effective remedy in cases involving discriminatory purges of voters from the registration rolls. Decrees have also been obtained in suits involving discriminatory registration procedures.

5. The voting referee provision of title VI of the 1960 Civil Rights Act has not yet been used as a remedy; but it appears that the mere availability of the remedy may have contributed to the effectiveness of the decrees actually entered by the courts in at least two cases.

6. Subsection (b) of 42 U.S.C., section 1971 (part of the 1957 Civil Rights Act) has not yet been fully tested. However, it appears to provide an effective means for dealing with economic reprisals to interfere with the efforts of Negroes to register and vote.

7. Title III of the 1960 act, the records-inspection provision, appears to be an extremely important investigative device for gathering information regarding some kinds of discriminatory denials of the right to vote.

8. Although the provisions of the 1957 and 1960 Civil Rights Acts are useful, however, they are necessarily limited means for removing racial discrimination from the franchise. Suits must proceed a single county at a time, and they are time consuming, expensive, and difficult. Broader measures are required if denials of constitutional rights in this area are to be quickly eliminated.

Qualification of voters

9. A common technique of racial discriminating against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day, and that he be of "good character."

10. The U.S. Constitution leaves to the States the power to set the qualifications for voters in Federal, as well as State, elections. This power is not, however, unlimited. The 15th amendment prohibits the States from denying the right to vote to any citizen on grounds of race or color, and empowers the Congress to enforce this prohibition by appropriate legislation. Therefore, if Congress found that particular voter qualifications were applied by States in a manner that denied the right to vote on grounds of race, it would appear to have the power under the 15th amendment to enact legislation prohibiting the use of such qualifications. Section 5 of the 14th amendment similarly empowers Congress to enact appropriate legislation to enforce the provisions of that amendment. One of these provisions is section 2 of the 14th amendment, which authorizes Congress to reduce the congressional representation of any State in proportion as citizens of that State are denied the right to vote on any grounds other than age or conviction of a crime. The effect of these provisions of the 14th amendment may be to empower Congress to prohibit the use of any voter qualification other than those specified.

Arbitrary interference with the right to vote

11. The right to vote is denied in some places not only by the discriminatory application of legal qualifications for voters (see finding 9), but in addition by the arbitrary or discriminatory application of various registration procedures, such as the following:

(a) The requirement of a specified number of registered voters as "vouchers" to identify would-be voters. This practice is particularly effective in disfranchising Negroes when there are no Negroes already registered, and no whites will "vouch" for Negroes; or where a rule is enforced limiting the number of times a given voter may "vouch" for another.

(b) The imposition of other unduly technical requirements for identification of would-be voters.

(c) The rejection of applicants for registration, or the removal of voters from the rolls, on grounds of minor technical errors in the completion of required forms.

(d) Refusing or failing to notify registrants whether or not they have been registered.

(e) Imposing various forms of delay in the registration process.

(f) Applying any or all of the above to some would-be voters but not to others, or applying them differently to different persons.

(g) Providing assistance to some would-be voters but declining to provide it for others.

12. Practices of these sorts, used for the purpose of denying the right to vote on grounds of race, violate the 15th amendment and specific Federal law, and can be reached by suits brought by the U.S. Department of Justice. For such suits to be successful, however, it must be proven that the practices involve discrimination on racial grounds, and the very nature of the practices may sometimes make this proof difficult. Whether or not they are clearly racially discriminatory, such practices are arbitrary, and unjustifiably prevent some citizens from exercising the right to vote.

13. Similarly arbitrary practices, which may or may not be beyond the reach of existing legislation, may occur in places with permanent voter registration where, as a result of lawsuits or changes in policy, overtly discriminatory practices are abandoned, but extremely strict registration standards and procedures are applied to all new registrants. Even though there is no racial discrimination in the prospective application of such stringent standards, the effect of such a change in practice may be to perpetuate discrimination which has previously occurred: for if virtually all the eligible whites have already been registered, but Negroes have been discriminatorily kept from registering, then Negroes will bear the brunt of the difficulties imposed by the new and stringent registration requirements.

14. As regards Federal elections, Congress has the power to prohibit arbitrary as well as racially discriminatory practices which prevent citizens from exercising the right to vote.

Dilution of the right to vote

15. The malapportioned condition of State and congressional voting districts throughout the United States dilutes the right to vote of many citizens; in some States malapportionment of voting districts is compounded by the effect of discriminatory denials of the right to vote. Malapportionment, especially where it is exaggerated by racial disfranchisement, afflicts the very democratic process through which a reform of these conditions may be attained.

16. Although the courts in many cases are the only effective resort for remedying such malapportionment, Federal courts have expressed, on equitable grounds, extreme reluctance to provide a remedy.

17. Congress has in the past required that electoral districts for congressional elections be substantially equal in population. Insofar as inequalities in such districts deny equal protection of the laws, under the 14th amendment, Congress could impose a similar requirement as to State elections.

Statistical information

18. Statistics showing registration and voting by race are of considerable value, not only in studying the electoral process in general, but as a starting point in examining problems of discrimination. In some cases these statistics may simply provide grounds for further investigation; in others, they may themselves be strong evidence of discrimination. This is the case, for instance, where Negroes constitute a majority of the population and yet none at all are registered to vote.

19. Registration statistics by race indicate that in 13 counties where Negroes are the majority of the population, none of them are registered to vote: Alabama (2 counties), Georgia (2 counties), Louisiana (4 counties), and Mississippi (5 counties).

20. Registration statistics by race are incomplete, unofficial, or unavailable for many States.

RECOMMENDATIONS

Qualification of voters

Recommendation 1: That Congress, acting under section 2 of the 15th amendment and sections 2 and 5 of the 14th amendment, (a) declare that voter qualifications other than age, residence, confinement, and conviction of a crime are susceptible of use, and have been used, to deny the right to vote on grounds of race and color; and (b) enact legislation providing that all citizens of the United States shall have a right to vote in Federal or State elections which shall not be denied or in any way abridged or interfered with by the United States or by any State for any cause except for inability to meet reasonable age or length-of-residence requirements uniformly applied to all persons within a State, legal confinement at the time of registration or election, or conviction of a felony; such right to vote to include the right to register or otherwise qualify to vote, and to have one's vote counted.

Dissent to recommendation 1 by Vice Chairman Storey

As pointed out in the 1959 report of this Commission, I strongly believe in the right of every qualified citizen of the United

States, irrespective of his color, race, religion, or national origin, to register, vote, and have his vote counted. Full protection of these rights of suffrage by both State and Federal Governments is necessary and proper. However, I cannot join in so sweeping a recommendation as this.

Proposals to alter longstanding Federal-State relationships such as that incorporated in the Federal Constitution, declaring that the qualifications of electors shall be left to the several States, should not be made unless there is no alternative method to correct an existing evil. Such is not the case today.

The Federal Government has sufficient authority under the Constitution and the existing framework of laws to enable it effectively to deal with denials of the right to vote by reason of race, color, religion, and national origin.

The Civil Rights Act of 1957 authorized the Attorney General to institute civil suit in the Federal courts to prevent the denial of voting rights. The Civil Rights Act of 1960 provides that if in any such suit the court makes a finding that the denial of voting rights is "pursuant to a pattern or practice," the court may appoint voting referees to register qualified persons denied this right by local election officials. The further denial of the right to vote to these persons so registered by the court-appointed voting referees constitutes contempt of court and is punishable accordingly. The vigor with which those Civil Rights Acts are applied will significantly affect the extent to which voting denial practices will be discontinued.

Many States have voting requirements more extensive than age or length of residence, incarceration, or felony convictions. These qualifications, having nothing to do with race, religion, or national origin, are an important element in preserving the sanctity of the ballot. They are specific disqualifications which are felt justifiable for the good of the State. Disqualifications of persons whose mental condition makes it impossible for them competently to exercise the discrimination necessary in voting has long been accepted. Many States disqualify paupers supported by municipal or county officials on the theory that these people are too easily exploitable by such officials for their own purposes. The security and purity of the ballot can be destroyed by permitting illiterates to vote. And as the English language is still the official language of the United States, there is good justification for States requiring that voters have at least a rudimentary knowledge of this language.

Mr. HART. Mr. President, difficult though the path was, the Department of Justice has pursued with vigor the new powers granted by the Congress. The record to date stands for all to see. It is a record of some progress, but to the shame of America, it is a record also of repeated attempts by local officials unduly to delay and outright thwart the intent and purpose of Congress.

Despite the clear voice of the 15th amendment 100 years ago, despite the clear voice of Congress in 1957 and 1960, we are still confronted with intolerable attempts to subvert the Constitution and the Federal laws designed to protect the basic right to vote.

This is all too clearly illustrated by 1962 voter registration statistics for 100 counties in 8 States which show that only 55,711 of the 668,082 voting age Negroes had access to the ballot. This amounts to but 8.3 percent of all Negroes of voting age.

Even this low figure presents too sanguine a portrait of the totality of Negro disfranchisement in many areas of the rural South. For over 70 percent of the registered Negroes live in only 10 of the 100 counties. These counties are by no means the most populous, nor are they those with the highest concentration of Negroes. They are, however, to a greater or lesser extent, urbanized. In the other counties—in rural Alabama, in the Mississippi delta and hill country, in southwest Georgia, and in the "English" parishes of Louisiana—few, if any, Negroes are registered.

Mr. President, I ask unanimous consent that these statistics taken from the 1963 Report of the Commission on Civil Rights be printed at this point in my remarks.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

TABLE A.—*Voter registration statistics* [1]

County	1956 registration				1962 registration			
	White		Negro		White		Negro	
	Number	Percent of voting age	Number	Percent of voting age	Number	Percent of voting age	Number	Percent of voting age
ALABAMA [2]								
Autauga	4,405	77.0	73	1.9	5,500	98.0	72	2.0
Barbour	6,315	79.0	220	3.5	6,431	87.6	600	10.9
Bullock [3]	2,250	87.0	6	.1	2,100	88.0	1,075	26.3
Dallas [3]	7,213	57.0	275	1.7	8,953	63.0	242	1.7
Greene	1,637	89.0	157	2.8	1,979	125.0	300	6.4
Jefferson [3] [4]	105,839	47.0	8,386	7.1	113,500	44.0	13,500	11.7
Lowndes	2,252	102.0	0	0	2,250	118.0	0	0
Macon [3]	2,700	87.0	1,100	8.5	3,426	122.0	3,240	28.5
Monroe	6,360	89.0	140	2.6	7,371	112.0	650	13.9
Montgomery [3]	27,359	53.0	2,176	6.5	29,515	47.0	5,704	17.4
Pickens	4,240	58.0	763	15.8	5,581	75.0	553	13.4
Sumter	3,259	91.3	295	3.9	2,600	84.0	475	7.4
Wilcox [3]	2,877	94.0	0	0	2,810	108.0	0	0
Total	176,706	53.0	13,591	5.8	192,016	51.0	26,411	12.1
FLORIDA [5]								
Flagler	1,465	115.0	64	7.5	1,718	96.0	133	15.8
Gadsden	6,391	57.0	5	.04	7,235	62.0	373	3.0
Lafayette	1,755	103.0	0	0	2,000	130.0	0	0
Liberty	1,593	107.0	1	.4	1,968	129.0	0	0
Union	2,501	66.0	6	.4	1,978	69.0	6	.6
Total	13,705	70.0	76	.5	14,899	77.0	512	3.5
GEORGIA [6]								
Baker	------	------	0	0	1,649	144.8	300	25.0
Bleckley	------	------	39	2.7	3,346	73.8	45	3.4
Chattahoochie	------	------	8	.5	338	4.0	17	.9
Dougherty [4]	------	------	2,130	16.1	12,161	41.0	2,858	19.5
Early	------	------	300	7.7	3,729	92.9	261	8.8
Fayette	------	------	11	.9	2,760	77.0	31	2.6
Gwinnett	------	------	1,000	55.4	20,628	84.9	1,301	70.0
Lee	------	------	29	1.4	1,417	99.3	150	6.0
Lincoln	------	------	3	.2	2,800	141.3	3	.2
Marion	------	------	126	7.0	1,508	111.4	55	4.0
Miller	------	------	6	.5	3,220	104.0	6	.7
Seminole	------	------	22	1.6	3,500	132.0	29	2.5
Terrell [3]	------	------	48	1.1	2,900	95.0	133	3.4
Treulten	------	------	18	1.8	2,638	106.7	45	4.7
Webster	------	------	0	0	766	98.8	0	0
Total	------	------	3,740	9.6	69,360	69.0	5,234	14.3
LOUISIANA [7]								
Bienville [3]	5,282	86.3	35	.8	4,663	83.0	500	12.5
Bossier	9,475	59.0	516	7.5	12,923	55.0	542	7.9
Caddo	49,095	67.0	3,615	9.0	58,523	67.0	4,420	10.4
Claiborne	5,874	76.0	17	.3	5,212	81.0	34	.7
East Carroll [3]	3,000	93.0	0	0	1,259	42.0	89	2.3
East Feliciana	2,817	45.0	1,319	21.5	2,515	36.0	85	1.4
Jackson [3]	5,534	86.0	167	6.8	5,587	85.0	499	19.3
Madison [3]	3,058	91.0	0	0	1,859	56.0	211	4.3
Ouachita [3]	24,154	75.0	956	6.1	25,073	62.0	1,038	6.2
Plaquemines [3]	5,031	91.0	46	1.6	6,731	78.0	94	3.2
Red River [3]	3,616	100.0	1,360	55.0	3,055	93.0	36	1.8
St. Helena	2,615	100.0	1,614	77.5	1,715	73.0	224	10.8
Tensas	2,053	79.0	0	0	1,236	54.0	0	0
Webster [3]	12,957	95.0	1,776	25.8	8,548	54.0	229	3.2
West Feliciana	1,290	60.0	0	0	1,093	39.0	0	0
Total	135,851	74.0	11,421	10.03	139,992	64.0	8,001	6.9
MISSISSIPPI [8]								
Amite [3]	------	------	1	.03	3,553	79.8	1	.03
Attala	------	------	34	.7	5,311	70.6	61	1.5
Bolivar	------	------	511	2.8	4,603	45.8	612	4.1
Carroll	------	------	0	0	2,720	91.6	3	.1
Chickasaw	------	------	0	0	4,522	70.7	0	0
Clarke [3]	------	------	0	0	5,000	83	1	.04
Clay	------	------	12	.3	3,382	60.9	10	.2
Copiah	------	------	16	.2	5,056	62	20	.3
De Soto	------	------	0	0	3,551	66.5	1	.01
Forrest [3]	------	------	12	.2	12,665	55.9	22	.3
Grenada	------	------	39	.9	3,591	61.9	135	3.2
Holmes	------	------	45	.4	3,497	73.2	41	.5
Humphreys	------	------	37	.6	2,465	73.7	2	.04
Issaquena	------	------	0	0	621	97	0	0
Jasper	------	------	9	.2	4,113	77.2	6	.2
Jefferson	------	------	0	0	1,643	98.6	0	0
Jefferson Davis [3]	------	------	1,246	35.6	3,600	98.2	76	2.5
Leflore [3]	------	------	400	2.6	7,168	69.5	258	2.0
Lowndes [3]	------	------	151	1.7	8,312	51	95	1.2
Marshall	------	------	15	.2	3,409	78.5	90	1.5
Monroe	------	------	18	.3	7,389	55.0	9	.2
Montgomery	------	------	0	0	3,964	84.3	11	.4
Noxubee	------	------	0	0	2,225	74.2	0	0
Oktibbeha	------	------	128	2.5	4,306	51.1	107	2.2
Panola [3]	------	------	1	.01	5,000	65.0	2	.03
Pike [3]	------	------	93	1.3	7,986	65.6	150	2.2

See footnotes at end of table.

TABLE A.—*Voter registration statistics*[1]—Continued

County	1956 registration				1962 registration			
	White		Negro		White		Negro	
	Number	Percent of voting age	Number	Percent of voting age	Number	Percent of voting age	Number	Percent of voting age
MISSISSIPPI—continued								
Rankin[3]	--------	------	33	.4	12,000	90.9	94	1.4
Sharkey	--------	------	1	.03	1,522	80.8	3	.1
Sunflower[3]	--------	------	114	.7	4,500	51.0	114	.9
Tallahatchie[3]	--------	------	1	.01	4,334	84.7	5	.08
Tate	--------	------	0	0	3,134	69.5	0	0
Tunica	--------	------	29	.4	1,441	71.6	37	.7
Walthall[3]	--------	------	0	0	4,217	92.8	2	.1
Wayne	--------	------	0	0	4,548	77.3	0	0
Wilkinson	--------	------	43	1.0	2,438	104.1	60	1.5
Winston	--------	------	30	.8	4,764	69.9	57	1.6
Yalobusha	--------	------	9	.3	3,086	67.4	4	.2
Yazoo	--------	------	223	2.3	7,230	95.1	178	2.2
Total	--------	------	3,251	1.4	172,866	69.0	2,267	1.1
NORTH CAROLINA[9]								
Bertie[4]	--------	------	400	6.1	6,242	101.4	713	11.7
Franklin	--------	------	0	0	8,600	87.4	1,600	30.0
Graham	--------	------	0	0	4,025	121.1	0	0
Greene	--------	------	0	0	4,882	101.9	385	12.1
Halifax	--------	------	950	6.8	15,406	93.4	1,954	14.3
NORTH CAROLINA[9]—con.								
Hertford	--------	------	700	11.4	6,415	144.4	537	8.8
Northampton	--------	------	500	6.5	4,700	76.1	1,300	18.2
Total	--------	------	2,550	5.8	50,270	96.0	6,489	15.6
SOUTH CAROLINA[10]								
Calhoun	--------	------	0	0	--------	------	179	5.8
Clarendon	--------	------	1,200	14.4	4,211	80.6	486	6.5
Hampton	--------	------	350	8.2	3,210	68.1	652	16.5
McCormick	--------	------	0	0	1,399	73.1	200	9.2
Williamsburg	--------	------	900	8.1	7,347	97.2	480	4.7
Total	--------	------	2,450	8.2	16,167	83.0	1,997	7.4
TENNESSEE[11]								
Fayette	--------	------	58	.7	3,200	72.1	2,800	40.8
Haywood	--------	------	0	0	5,619	97.8	2,000	33.5
Total	--------	------	58	.4	8,819	89.0	4,800	37.4
Total, 100 counties[12]	--------	------	37,137	5.1	667,007	89.0	55,481	8.3

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[1] Registration information for all counties is the most recent available. Only for Louisiana, however, are all figures for 1963. The inability to obtain precise registration data in many areas, short of photocopying all registration records and conducting intensive investigation, is a handicap to both the Department of Justice in litigation and the Commission in reporting. The estimate of the Negro voting-age population for each county in 1956 and 1962 was derived by summing weighted averages based on population changes indicated by the 1950 and 1960 census reports. The white voting age population for both years is assumed to be that given in the 1960 census.

[2] 1956 registration: Department of Justice. Exceptions: Jefferson County—McLeod, "A Study of Voter Registration in Jefferson County, Ala."; Macon County—report of Southern Regional Council, printed in the CONGRESSIONAL RECORD, vol. 103, pt. 10, p. 12794. 1962–63 registration: Department of Justice. Exception: Jefferson County—obtained from county registrar by Jefferson County Voters Campaign.

[3] Department of Justice suit.

[4] Private voter right suit.

[5] 1956 registration: Report of Secretary of State, Department of Justice files. 1962 registration: Ibid. Exception: Flagler County—report of county registrar to Bureau of Census survey conducted at request of Commission.

[6] 1956 registration: Report of Southern Regional Council, printed in the CONGRESSIONAL RECORD, vol. 103, pt. 7, p. 8611. 1962–63 registration; Department of Justice Exception: Bleckley—registrar's response to Bureau of Census questionnaire; Fayette—Georgia Advisory Committee.

[7] 1956 registration: Report of State board of registration, in Commission files. 1963 registration: Report of State board of registration for June 30, 1963, in Justice Department files.

[8] 1955 registration: Estimates in 1959 report at pp. 578–580. 1962–63 registration: Department of Justice.

[9] 1956 registration: Report of Southern Regional Council printed in the CONGRESSIONAL RECORD, vol. 103, pt. 7, p. 8612. 1962 registration: Not available. Data from 1961 voting report.

[10] 1956 registration: Report of Southern Regional Council, printed in the CONGRESSIONAL RECORD, vol. 103, pt. 7, p. 8612. 1962–63 registration: White—South Carolina Progressive Democrats; Negro—responses of county registrars to South Carolina Advisory Committee questionnaire.

[11] 1956 registration: Not available. Data is for 1958, 1961 voting report at p. 348 1962 registration: Report of voter education project of Southern Regional Council, in Commission files.

[12] 1962 white registration for 99 counties, excluding Calhoun, S.C.

Mr. HART. Mr. President, there is another bleak aspect that these summary statistics do not reflect. That is the almost total frustration of the efforts of the Congress to make the promise of the 15th amendment a reality by its legislation in 1957 and 1960. If Negro registration had been zero in 1957 and stood at 8.3 percent today, we might be gratified, even if we could not be satisfied. Or if there was a uniformly direct correlation between victories by the Justice Department and increased registration in the affected counties, we might feel that the laws were effective, although perhaps not adequate to the task.

But neither is the case. The Commission found that in 1956, before any legislation, a little over 5 percent of the voting age Negroes in its 100 counties were registered. The increase then to 8.3 percent seems shallow indeed in the light of the great and lengthy legislative effort, the vigorous and competent actions of the Department of Justice, and the massive and costly private voter registration efforts undertaken by private groups. If the pace of the last 7 years is not accelerated, it will take over 100 years to get even a majority of Negroes in the 100 counties registered.

And although some Department suits have led to significant increases in registration, notably in central Alabama and in Tennessee, most suits have not had this effect. Some of the largest increases in numerical registration in the 100 counties took place either before or in the absence of a Federal suit. Prime examples are Jefferson County, Birmingham, Ala.; Dougherty County, Albany, Ga.; and Caddo Parish, Shreveport, La.

The record of litigation completed and pending, and the difficulties encountered by the Department of Justice in carrying out the intent of Congress in the 1957 and 1960 acts, are important to our discussion of needed new legislation. Mr. President, I ask that there be printed at this point in the RECORD the section on voting from "A Review of the Activities of the Department of Justice in Civil Rights in 1963."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VOTING

The Civil Rights Acts of 1957 and 1960 fixed responsibility in the Department of Justice for action in cases where the vote—and thus democracy—is denied. Racial discrimination against prospective Negro voters has made extensive action necessary and in 1963, Department voting activity continued to accelerate:

	1958	1959	1960	1961	1962	1963	Total
Voting records: Inspection requests (counties)	1	0	19	25	34	50	129
Voting cases filed	1	3	4	17	8	25	58
Voting cases tried	0	1	4	4	12	14	31

The 129 counties in which records have been requested include 59 of Mississippi's 82 counties and 30 of Alabama's 67 counties.

These requests to inspect, photograph and analyze registration records are the first step in voting action. They are essential to determinating whether there is a systematic pattern of discrimination against Negroes. Each case involves analyzing tens of thousands of records in detail, to see if Negroes have been treated as fairly as white applicants and, if not, to determine the form of the discrimination.

In some cases discrimination comes in the refusal to allow Negroes even to fill out an application form. In other cases, the form itself is used as a strict test for Negroes who must therefore fill it out perfectly. Meanwhile errors on white applications either are ignored or are corrected with the help of the registrar.

The arbitrary misuse of such a test can be illustrated by the treatment of Negroes in two parishes in the same part of Louisiana. In one parish an applicant answered, Negro to the question asking for color and was rejected. The registrar in this parish said the answer should be brown. In the second parish, an applicant answered the same question, brown. He also was rejected. This registrar insisted the proper answer was Negro.

Voluntary action: In some cases, when such a systematic pattern is disclosed, informal conferences between the Department and local officials are enough to prompt voluntary remedial action. The Department secured such voluntary action last year in varying degree in several counties, particularly in South Carolina and Georgia.

One of the most dramatic examples is Baker County, Ga., which is located in a rural area of declining population. Its history of race relations includes cross burnings, shooting of Negroes by county officers, the bombing of Negro homes and cars. And, until last spring, no Negro was registered to vote.

Starting in 1961, the Department sought to achieve voluntary acceptance of Negro voting rights in Baker County. Representatives of the Civil Rights Division met with local officials and citizens repeatedly over a period of months. Finally, last April, the county board of registrars permitted Negroes to register. Of 243 Negroes who applied, 200 were found qualified and were registered. They voted in a local election later the same month.

Nonetheless, in other cases, local officials have refused even to permit the lawfully authorized inspection of their voting records. The Department has been forced to secure court orders simply to make these records available for inspection. So far, there have been 58 such actions. Of these, 27 were in 1963—all in Mississippi.

When such records inspections disclose racial discrimination in the voting process, and when efforts to seek voluntary solutions are unsuccessful, it is the Department's responsibility to bring suit. Such suits, brought under the 1957 and 1960 Civil Rights Acts, seek court orders forbidding continued discrimination.

Discrimination cases: The 25 voting cases taken to court during 1963 include several of unusual importance. For example, suits were filed involving Jackson, Miss., and Birmingham, Ala. As a result, cases are now pending in almost every large population center in the South where voting discrimination persists.

In the Jackson suit, now in preparation for trial, the Department asserted that while 90 percent of the 68,000 eligible white citizens were registered to vote, only 13 percent of the 38,000 eligible Negroes were registered. The Birmingham suit said that while 47 percent of the 256,000 eligible whites were registered to vote only 12 percent of the 116,000 eligible Negroes were registered.

Another noteworthy suit was filed last October against the State of Louisiana. This action, now pending, contends that a Louisiana law requiring registrars to use the registration application as a strict test is unconstitutional and has been used as a vehicle for discrimination against Negroes.

This suit is the second statewide voting case brought by the Department against Louisiana. The first, filed in December 1961, challenged the constitutionality of a State constitutional interpretation test under which registrars arbitrarily rejected satisfactory explanations offered by Negro applicants.

A three-judge Federal court issued its opinion in this case last November. It ruled the interpretation test is unconstitutional and forbade its use anywhere in the State.

In addition, the court forbade the use of a new multiple-choice citizenship test in 21 parishes which had relied on the interpretation test. The court ruled the new test made registration harder than it had been in the past—when many more whites than Negroes were registered—and thus would help perpetuate the past low ratio of Negro-to-white registration.

This decision is of great importance. In the 21 affected parishes, only 10,000 of 110,000 eligible Negroes were registered to vote prior to the decision.

Effect of actions: The effect of such suits on large numbers of potential voters is clear from the Department's experience in other counties. For example, in Macon County, Ala.; Negro registration increased from 13 to 42 percent; in Bullock County, Ala., from 1 to 27.6 percent and in Washington Parish, La., from 4.6 to 23.9 percent.

In Birmingham, more than 2,000 Negroes were registered after the Department started inspection of records in July 1962. An additional 3,086 Negroes were registered between July 1963, when suit was filed and the end of the year.

An equally significant indication of progress is the drop in the number of counties in which no Negroes at all have been permitted to register. At the start of 1963, there were 19 such counties. As the result of Department activity or court action during the year, there was for the first time in decades or even in history—actual registration of Negro voters in nine of these counties and court cases are pending in two others.

The nine counties are Baker County, Ga.; East Carroll, West Feliciana, Madison, and Tensas Parishes, La.; and Clarke, Walthall, Tallahatchie and Panola Counties, Miss.

A Department suit filed in West Feliciana Parish in October is still pending, but 13 Negroes now have been registered. The first Negro registration in Tensas Parish came at the end of 1963, without need for a law suit, after the Department had brought cases in nearby East Carroll and Madison Parishes.

One of the pending cases, filed in July, involves Wilcox County, Ala., where a "voucher system" was used to prevent registration by any of the 6,085 eligible Negroes. Under this system, two registered voters must vouch for each applicant. Since there were no Negroes registered, and since no whites would vouch for Negro applicants, it was impossible for Negroes to register and vote in Wilcox County.

The second suit, brought in December in Chickasaw County, Miss., asserted that all of the 3,054 adult Negroes had been prevented from registering because of the tax collector's refusal to allow them to pay poll taxes.

The 24th amendment provides only a partial solution to this kind of problem because it applies only to Federal elections and does not affect the use of the poll tax in connection with local elections.

Intimidation cases: All too often, legal action against systematic discrimination is insufficient. Even in counties where Federal court action has been successful, public officials or private citizens have used threats or intimidation to discourage voting efforts by Negroes.

The Department has the responsibility to take action against such intimidation as well as broad discrimination. Eight of the 25 voting cases filed this year involved intimidation.

Three of these suits were filed in Dallas County, Ala., where 69 precent of the adult whites but only 1.8 percent of the adult Negroes are registered. These three suits, all pending, illustrate the range of methods used to intimidate Negroes seeking to register.

The first suit charged local officials with attempting to intimidate potential Negro voters by beating and arresting two young Negroes who had been working in a campaign to encourage Negro registration in the area.

The second suit asked for court orders forbidding local officials to use a county grand jury to harass both Negroes working to stimulate voter registration and the Department of Justice's law enforcement efforts in the county. The Department's suit asserted that such harassment is part of a larger pattern of attempted intimidation.

The third case charged the Dallas County Citizens' Council with carrying out a program to frustrate Federal court voting orders and to deter Negroes from voting. This program included placing of newspaper advertisements with such statements as: "Is it worth $4 to you to prevent sit-ins, mob marches, and wholesale Negro voter registration efforts?"

Continued review: Even the filing of intimidation cases does not end the Department's responsibility in the area of voting. All cases require further attention to see if court orders are being complied with.

Forrest County, Miss., is a case in point. The Department brought a discrimination action against the registrar there in July 1961. The district court refused to enjoin further discrimination, so the Department appealed to the Court of Appeals for the Fifth Circuit.

The appeals court issued an injunction, pending appeal, in March 1962. In May, the court began contempt proceedings because the registrar had not complied with the injunction. In July 1963, the appeals court found the registrar in civil contempt and ordered him to register 43 Negroes immediately and cease discriminatory practices in processing other applications.

The registrar took the case to the U.S. Supreme Court, which declined to review the case. Ultimately, he registered the 43 Negroes but still further court action may be necessary to end the discriminatory processing practices.

Mr. HART. Mr. President, in the 11 States that comprised the old Confederacy, about 29 percent of voting age Negroes are registered. This figure is too low, and it would be lower still but for the border States and the large cities in the South. In Tennessee, Negro registration is about 50 percent, in Florida and Arkansas, about 40 percent. It is here that gains have occurred and it is here that they are likely to continue. In the 250 or more counties, where fewer than 15 percent of the voting age Negroes are registered, however, it is quite a different story.

It becomes relevant, in the light of these figures, to ask why so few Negroes are registered. Is it because they really do not want to vote? Anyone who has scanned the daily press or glanced at television over the last few years knows that this is not the answer. Is it because they are so mentally deficient that they cannot pass fair tests fairly administered? Even the opponents of this legislation seem to have abandoned this argument.

The answer is simple. It is printed on ballots in the State of Alabama and it is enshrined in the hearts of many registrars all across the South. What is printed? What is enshrined? "White supremacy forever." Harsh, but that is the answer and why blink?

With many of the more blatant forms of discrimination now subject to judicial review and invalidation, the southern registrar has become more sophisticated. He now relies on his discretionary powers. He knows that these are more difficult for courts to review and invalidate. They have in fact proven more immune from judicial review than even the stoutest defender of the doctrine of judicial abstention would have thought.

It is apparent that the unbridled discretion of the voting registrar can lead to but one result—racial disenfranchisement—in many parts of our land. Experience demonstrates that an objective standard, such as the literacy test education presumption, is needed if the Government is ever going to be able to go behind acts of registrars.

The Civil Rights Commission, speaking unanimously in its 1963 report to the President and the Congress, stated:

> After 5 years of Federal litigation, it is fair to conclude that case-by-case proceedings, helpful as they have been in isolated

localities, have not provided a prompt or adequate remedy for widespread discriminatory denials of the right to vote. The Commission now believes that the only effective method of guaranteeing the vote for all Americans is the enactment by Congress of some form of uniform voter qualification standards.

Mr. President, I ask unanimous consent that the 1963 recommendations of the Civil Rights Commission on voting be printed as this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS

Abridgment of the right to vote on the grounds of race persists in the United States in direct violation of the Constitution. In fulfillment of its statutory obligation, the Commission has previously recommended to the President and the Congress a variety of corrective measures. In 1963 the continuing discriminatory denial of the right to vote has led this Commission to reexamine and reconsider each of its prior voting recommendations. The Commission now believes that the only effective method of guaranteeing the vote for all Americans is the enactment by Congress of some form of uniform voter qualification standards. The Commission further believes that the right to vote must, in many instances, be safeguarded and assured by the Federal Government. Adequate legislation must include both standards and implementation.

The Commission recognizes and applauds the sustained efforts of the Department of Justice to assure that the right to vote not be denied on grounds of race. The Department has instituted numerous suits based on the 1957 and 1960 acts. It has entered into negotiations in many counties seeking agreements to eliminate unconstitutional registration practices. All too often it must devote significant effort to protect from intimidation its witnesses as well as those whose applications have been the basis for suits against registrars. The frustration of these efforts to eradicate discriminatory practices is due to factors beyond the control of the Department. Yet, the Commission is satisfied that prosecution of voting cases under the 1957 and 1960 Civil Rights Acts must continue and even be accelerated. The Commission is satisfied that litigation, negotiation, and investigation cannot be carried on effectively in literally hundreds of counties with the present inadequate staffing and budget of the Civil Rights Division. The Commission urges the Congress to recognize that enforcement of voting rights will require substantially more manpower and increased appropriations for the Division.

Even with a full staff, other methods of enforcement of the guarantees of the 14th and 15th amendments must be provided (in addition to present judicial remedies) if success in eliminating discrimination in voting is to be achieved.

All present methods having proved ineffective, and in view of the continued failure of some States to take appropriate steps to solve the problem, the Commission again asks that Congress act to establish uniform voter qualifications in order to enforce the provisions of the 14th and 15th amendments. The Commission recommends:

Recommendation 1.—That Congress, acting under section 2 of the 15th amendment and sections 2 and 5 of the 14th amendment (a) declare that voter qualifications other than age, residence, confinement, and conviction of a crime are susceptible of use, and have been used, to deny the right to vote on grounds of race and color; and (b) enact legislation providing that all citizens of the United States shall have a right to vote in Federal or State elections which shall not be denied or in any way abridged or interferred with by the United States or by any State for any cause except for inability to meet reasonable age or length-of-residence requirements uniformly applied to all persons within a State, failure to complete six grades of formal education or its equivalent, legal confinement at the time of registration or election, judicially determined mental disability, or conviction of a felony; such right to vote to include the right to register or otherwise qualify to vote, and to have one's vote counted.

Recommendation 2.—That Congress enact legislation providing that upon receipt by the President of the United States of sworn affidavits by 10 or more individuals from any district, county, parish, or other political subdivision of a State, alleging that the affiants have unsuccessfully attempted to register with the duly constituted State registration office, and that the affiants believe themselves qualified under State law to be electors, but have been denied the right to register because of race, color, or national origin, the President shall refer such affidavits to such officer or agency of the United States as he shall designate.

A. Such officer or agency shall:

1. Investigate the validity of the allegations.

2. Dismiss such affidavits as prove, on investigation, to be unfounded.

3. Certify any and all well-founded affidavits to the President and to such temporary registrar as he may designate.

B. The President upon such certification may designate an existing Federal officer or employee in the State from which complaints are received, to act as a temporary registrar.

C. Such registrar-designee shall administer the State qualification laws and issue to all individuals found qualified registration certificates which shall entitle them to vote in any Federal or State general, special, or primary election.

D. The registrar-designee shall certify to the responsible State registration officials the names and fact of registration of all persons registered by him. Such certification shall permit all such registrants to participate in the elections previously enumerated.

E. Jurisdiction shall be retained until such time as the President determines that the presence of the appointed registrar is no longer necessary.

Recommendation 3: That, if the steps previously recommended prove ineffective, Congress further act to assure the attainment of uniform suffrage qualifications as contemplated by section 2 of the 14th amendment, through enactment of legislation proportionately reducing the representation in the House of Representatives in those cases in which voter qualifications continue to be used as a device for denying the franchise to citizens on the grounds of race, color, or national origin.

Mr. HART. Mr. President, the provisions of title I of H.R. 7512 are not sweeping new approaches to the problem of racial barriers to voting. They are designed simply to remove some of the registrar's discretionary power and to expedite the enforcement of the Civil Rights Acts of 1957 and 1960.

Among these discriminatory practices by registrars are the use of oral and unrecorded questions which applicants for registration are compelled to answer as a test of literacy, understanding, or interpretive ability.

The distinguished senior Senator from Minnesota [Mr. HUMPHREY] in his comprehensive opening statement in support of title I and in support of the bill cited cases where the intent of Congress is being blocked and frustrated. Those examples should be read and reread and should be understood by all the people across our country, for if they understood what was going on, they would be in the gallery today and would be strongly urging the prompt enactment of the modest provisions contained in title I.

Negroes have been rejected for failing to give a supposed correct answer although whites are afforded greater leniency in responding or are asked much easier questions. Absent any written record of either the questions or answers, the Government is severely handicapped in attempting to prove this discrimination.

Title I would require such tests to be in writing.

A related general problem has been the different treatment of white and Negro applicants—obviously a wholly improper practice. Title I would make such a disparate treatment, by use of varying standards, practices, or procedures, unlawful per se.

Yet another problem is raised by rejection of Negro college graduates and others, allegedly for lack of literacy. The literacy presumption in title I would require the State to prove that persons who have completed the sixth grade are, in fact, illiterate, if the States chose to take that position about them.

Another indefensible practice of some voting registrars is the rejection of Negro applicants for technical and immaterial errors in filling out the applications for the opportunity to register.

All of these practices are specifically dealt with in title I.

In addition, the problem of long delays and appeals is approached by the direction of priority to voting-rights cases, and the hearing before a three-judge court in instances where that is felt warranted by the Attorney General or a defendant.

There is little doubt in my mind, Mr. President, that if the remedies provided in title I to protect the right to vote fail to produce substantial advances in preventing discrimination based on race in voting, Congress will turn to far more direct and appreciably more effective means.

There is nothing secret about the alternative possibilities or means. Such means are well-known. Congress, with regard to the election of its own Members, has far-reaching powers under the last clause of article I, section 4, which authorizes Congress "at any time by law—to—make or alter such—voting—regulations" as may be prescribed by each State. The Supreme Court said in 1932 with regard to this provision:

> It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedures and safeguards which experience shows are necessary in order to enforce the fundamental rights involved. *Smiley* v. *Holm*, 285 U.S. 355, 366 (1932).

Mr. President, it is upon this broad, undisputed constitutional base that I, together with some other Senators, have proposed that there be established a Congressional Elections Commission—as an independent arm of the Congress, ready and authorized to conduct elections of Members of Congress where there is a finding of denial of the right to vote based on race. This proposal has been introduced in the present Congress as S. 1281. I ask unanimous consent that this bill be printed at this point in the RECORD.

There being no objection, the bill (S. 1281) was ordered to be printed in the RECORD, as follows:

A bill to establish an agency of the legislative branch of the Federal Government authorized to conduct the elections of Members of the Senate and the House of Representatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Elections Act".

TITLE I—STATEMENT OF PURPOSE: DEFINITIONS

SEC. 101. Taking cognizance of the fact that, although ninety-three years have passed since the fifteenth amendment was adopted, American citizens otherwise qualified to vote continue to be denied that right because of their race or color, and that qualified voters are thus arbitrarily and discriminatorily being denied the right to cast a vote for the selection and election of their representatives in the Senate and the House of Representatives; and recognizing the authority and the obligation of the Congress under the fifteenth amendment, and more particularly under article I, section 4, to assure that Members of the Senate and the House of Representatives are nominated and elected in a manner and pursuant to procedures which best assure that every qualified elector is afforded full opportunity to cast his vote, the Congress hereby determines that it is necessary, in order to assure to all qualified electors the opportunity to participate in the selection and election of Members of the Senate and the House of Representatives, that Congress establish an agency to conduct registration and voting in the primary, special, and general elections at which nominees to the Senate and the House of Representatives are elected.

SEC. 102. As used in this Act—

(a) The term "Commission" means the Congressional Elections Commission established by this Act.

(b) The term "special or general election" means any special or general election in any State or congressional district for the purpose of electing Members of the Senate and the House of Representatives of the United States.

(c) The term "primary election" means any election, whether by convention, meeting, popular primary, or otherwise, in any State or congressional district for the purpose of choosing party nominees as candidates for the Senate or House of Representatives of the United States.

TITLE II—ESTABLISHMENT OF CONGRESSIONAL ELECTIONS COMMISSION

SEC. 201. (a) There is hereby established, as an agency of the legislative branch of the Federal Government, a Congressional Elections Commission, as an authority to conduct primary, special, and general elections for Members of the Senate and the House of Representatives.

(b) The Commission shall be composed of three members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than two of the members shall belong to the same political party. The President is requested in appointing members to provide, insofar as possible, representation for the various geographical areas of the United States.

(c) Each member of the Commission shall be appointed for a term of nine years, except that—

(1) the three members first appointed shall be appointed for terms expiring respectively on December 31, 1965; December 31, 1968; and December 31, 1971; and

(2) a person appointed to fill a vacancy in the Commission occurring by reason of the death, disability, resignation, or removal of a member before the expiration of his term shall be appointed to serve for the remainder of such term.

(d) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in the office of Chairman.

(e) Subject to the provisions of subsection (f), a vacancy in the membership of the Commission shall not affect its powers.

(f) Two members of the Commission shall constitute a quorum thereof.

SEC. 202. Each member of the Commission, other than the Chairman, shall receive compensation at a rate of $20,000 per year. The Chairman of the Commission shall receive compensation at a rate of $20,500 per year.

TITLE III—REGISTRATION OF VOTERS BY THE COMMISSION

SEC. 301. The Commission is authorized to make and maintain temporary and permanent registers of voters qualified to participate in primary, special, and general elections in the various congressional districts. The Commission's making and maintenance of such registers of voters shall be in its discretion and it shall not be necessary, for the making and maintenance of such registers in any congressional district, for the Commission to have first determined to hold an election therein pursuant to title IV of this Act.

SEC. 302. No person shall be registered as a voter under section 301 who does not have the qualifications requisite for electors of the most numerous branch of the legislature of the State in which the congressional district is situated. The Commission shall establish adequate procedures to assure that all persons placed upon its registers as qualified voters continue to have the residence and other qualifications requisite for electors of the most numerous branch of the legislature of the State in which the congressional district is situated.

SEC. 303. No State or local laws or ordinance governing the time, place, or manner of the registration of voters shall be applicable to or limit the power of the Commission to conduct registrations of voters pursuant to this title, but the Commission shall endeavor as far as in its judgment is conducive to uniform and orderly election procedures, to conform its conduct of the registration of voters to the procedures governing time, place, and manner of registration, prescribed in the State or local laws or ordinances in effect in the congressional district.

TITLE IV—CONDUCT OF ELECTIONS BY THE COMMISSION

SEC. 401. The Commission is authorized in any congressional district to conduct the primary, special, or general elections for the purpose of selecting and electing Members of the Senate and the House of Representatives whenever—

(1) the Commission is officially requested so to do by the duly empowered official of the State in which the congressional district is situated; or

(2) the Commission determines that unless such election is conducted by the Commission, persons having the qualifications requisite for electors of the most numerous branch of the legislature of the State in which the congressional district is located are likely to be denied their right in such primary, special, or general election to cast their votes and to have them fairly counted.

SEC. 402. Whenever the Commission conducts a primary, special, or general election, such election shall be the sole primary, special, or general election for the congressional district for Members of the Senate and the House of Representatives, and the results thereof shall, in any primary election, determine the authorized nominees, and in any special or general election, determine the duly elected Member of the House of Representatives, and the official vote of such congressional district for Members of the Senate and the House of Representatives at large.

SEC. 403. No person shall cast a vote in an election conducted pursuant to section 401 unless (a) he has been found by the Commission, pursuant to title III foregoing, to have the qualifications requisite for electors of the most numerous branch of the legislature of the State in which the congressional district is situated, or (b) he is registered on a State registration list, which the Commission determines to be appropriate for utilization in the election conducted by it, as a person having the qualifications requisite for electors of the most numerous branch of the legislature of the State in which the congressional district is situated.

SEC. 404. The Commission shall, immediately upon determining to conduct an election pursuant to the authority contained in section 401 (a) or (b), give notice of such determination to the Governor of the State concerned.

SEC. 405. No State or local laws or ordinances governing the time, place, and manner of conducting elections shall be applicable to, or limit the power of, the Commission to conduct elections pursuant to this title, but the Commission shall endeavor, as far as in its judgment is conducive to uniform and orderly election procedures, to conform its conduct of elections to the standards of time, place, and manner prescribed in State or local laws or ordinances in effect in the congressional district.

TITLE V—CERTIFICATION OF RESULTS

SEC. 501. The Commission shall, upon the determination of the results of any primary, special, or general election conducted pursuant to title IV, certify the results of such election to the Speaker of the House of Representatives, to the Secretary of the Senate, to the Governor of the State in which the election was conducted, and to other appropriate persons. Such a certification shall constitute the binding and conclusive determination of the results of the election.

TITLE VI—DELEGATION OF POWERS

SEC. 601. The Commission is authorized to delegate to any appropriate officer or officers of a State or local government, or to any agent, employee, or designee of the Commission, any or all of the powers granted by this Act, with the exception of the authority granted pursuant to section 301 to determine whether or not to make and maintain registers of voters in any congressional district, and the authority granted pursuant to section 401 to determine whether or not to conduct an election thereunder, which determinations shall be made only by a quorum of the Commission itself.

TITLE VII—JUDICIAL REVIEW

SEC. 701. Any citizen of a State, having the qualifications requisite for electors of the most numerous branch of the legislature, who has made appropriate application for inclusion upon a register of qualified electors maintained by the Commission for the congressional district in which he is a resident, who is denied such registration or who, having once been so registered, is removed from such register or denied the opportunity to vote in a primary, special, or general election conducted by the Commission in such congressional district, shall have an action for declaratory and injunctive relief in the United States district court for such district.

TITLE VIII—PERFORMANCE OF COMMISSION FUNCTIONS

SEC. 801. The Commission is authorized to appoint and fix the compensation of such officers and employees as may be necessary to enable it to perform its functions and duties.

SEC. 802. In carrying out its functions the Commission is authorized to utilize on a temporary basis employees of the departments and agencies of the executive branch of the Government. Each department and agency of the executive branch of the Government shall fully cooperate with the Commission to the end that it may effectively carry out its functions and duties and shall, at the request of the President, assign on a temporary basis employees of such department or agency to the Commission.

SEC. 803. In carrying out its functions the Commission is authorized to utilize the services of State and local governmental officers and employees and the facilities of State and local governments. The Commission is authorized to reimburse any State or local officer or employee whose services are utilized under the authority of this section for travel expenses incurred, and to pay to any such officer or employee per diem in lieu of subsistence, in the same amounts as authorized by law for persons in the Government service serving without compensation. The Commission is authorized to reimburse any State or local government for the services of any officer or employee of such government, and for the facilities of such government, utilized under the authority of this section.

SEC. 804. (a) In carrying out its functions and duties, the Commission may sit and act at such times and places, hold such hearings, take such testimony, administer such oaths, require the attendance and testimony of such witnesses and the production of such books, records, or other written matter, procure such printing and binding, and make such expenditures as the Commission deems advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission. Subpenas for the attendance and testimony of witnesses or for the production of written matter may be issued over the signature of the Chairman, or any member designated by him, and may be issued by any person designated by the Chairman or by such member.

(b) A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission.

(c) In case of contumacy or refusal to obey a subpena issued on behalf of the Commission, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdicton of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

SEC. 805. The Commission may promulgate such rules and regulations, not inconsistent with the provisions of this Act, as it deems necessary or desirable for the performance of its functions and duties under this Act.

SEC. 806. The Commission shall, on or before January 31 of each year, submit to the Congress a report of its activities under this Act, together with any recommendations for suggested legislation which it finds desirable.

SEC. 807. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 808. No provision of law contained in section 5 of the Act entitled, "An Act for the Appointment of Representatives in Congress among the several States under the Thirteenth Census", approved August 8, 1911; section 26 of the Revised Statutes; and section 27 of the Revised Statutes, which is inconsistent with this Act, shall be applicable to elections conducted under this Act.

Mr. HART. Mr. President, another very direct possibility to reach the continued unconscionable discrimination which has been suggested over the years is a system of administratively appointed local Federal registrars.

This proposal was recommended by the Civil Rights Commission, established by Congress, in its 1961 Report on Voting. In 1960, a Statement of Separate Views filed from the Committee on the Judiciary by Senator Hennings, Senator Dodd, and myself, in connection with the 1960 Civil Rights Act.

I ask unanimous consent to have printed at this point in the RECORD excerpts from their Statement of Separate Views.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SUMMARY

During the Judiciary Committee's consideration of H.R. 8601, we urged and supported the addition of a new title to the bill proposing the establishment of a Federal enrollment officers procedure to insure that voting rights of American citizens shall not be denied because of race or color.

Such a plant as we urged in the committee, and which received the support of six members of the committee, would not replace the present title of the bill proposing a system of voting referees. Rather it would be an alternative procedure in no way in conflict with the voting referee proposal.

It is now abundantly clear to us, in reviewing the debates in the House of Representatives, the various drafts of the voting referee proposal, amendments which have been adopted, and the testimony of the Attorney General and the Deputy Attorney General before our committee, that there are endless pitfalls and shortcomings inherent in relying solely on the judicial approach involved in the voting referee procedure. The basic difficulty with this referee proposal as the only available procedure is that it will place in the Federal court system registration and election functions and responsibilities which are not properly judicial. And this will be done in the face of already overburdened Federal courts in many of the areas most likely to be affected.

We believe that the Congress should provide the additional methods for solving the problem of racial disfranchisement contained in the enrollment officer plan. These are: (1) discretionary action by the President in appointing enrollment officers upon notification of a successful suit under section 131 (c) of the Civil Rights Act of 1957; or (2) similar action upon a finding based on complaints filed with the Civil Rights Commission. Such additions to the present bill would offer to the Attorney General and to the President alternatives. They could proceed under whichever system—the court referee approach or the Federal enrollment officer approach—that seemed most effective and least disruptive of the local and State operations of registration and voting laws.

Congress, when it passed the voting provisions of the Civil Rights Act of 1957, believed they would be effective tools in fulfilling the Federal Government's responsibilities under the 14th and 15th amendments to the Constitution. Under those amendments, the Congress clearly has the powers to enforce the guarantees set forth in them. To date, this assumption with respect to the 1957 act has proved wrong. Now, for the second time in less than 3 years, this problem of assuring full rights of suffrage to all Americans is again before the Congress. Let us provide sufficient mechanisms and alternatives to overcome systematic disfranchisement. For 8 weeks Congress has debated; the Nation is aware of the issues. To fail to provide effective legislation now might well prove worse for our Nation than the possibility that there had been no debate and no legislation at all.

It seems to us that there is very great logic in an alternative approach such as we recommend to our colleagues. The referee approach carries with it punitive threats, from possible criminal and/or contempt proceedings, for every local and State official connected with the voting and registration processes in the affected area. Such threats are not inherent in the efficient operations of the enrollment officer plan. Unless there is a clear showing of potential threat to and obstruction of the right of enrolled voters to vote, few if any local election officials will be involved in litigation under this procedure. If such threats were forthcoming once the system is in operation, the Attorney General would then immediately invoke the equity powers of the Federal court to protect and insure the enforcement of the act.

For 90 years, the judicial approach has not been effective. We have very serious doubts that the referee approach will add more than a very few Americans to the voting lists. Addition now of the enrollment title will mean that an alternative method will be available—a method recommended by the Civil Rights Commission, created by Congress for this purpose.

SEPARATE VIEWS

We urged that the committee include the enrollment officer plan in the bill as well as the voting referee plan for the following reasons:

1. The Congress has invested much time and money this year in its consideration of civil rights legislation. We have doubts as to the validity and effectiveness of the voting referee plan provided in H.R. 8601, and we think it a mistake to rely solely on this plan in the legislative efforts to protect and implement the constitutional voting rights of many hundred thousands of our fellow citizens now deprived of these rights because of their race or color. We do not want to rely solely on one method, especially when we are not sure of the strength of that basket. There is no need to rely on the one procedure when we can adopt two without any basic conflict between them. Insofar as they are each effective the two systems can supplement and strengthen each other.

2. We have doubts as to the constitutionality of the referee plan. Under article

III of the Constitution, Congress cannot impose on a court an obligation to make findings or decisions which are not necessary to decide the case or controversy which is properly before it.

Under the revised referee plan as contained in H.R. 8601 the court would, upon request of the Attorney General in cases brought to enforce voting rights guaranteed by the 15th amendment, be obligated to make a supplemental finding as to whether the voting deprivations are pursuant to a pattern or practice. If the court finds affirmatively on the question of pattern or practice, under the bill the court may appoint "voting referees" to aid it in determining whether Negro applicants are qualified to vote and thus initiate the voting referee procedure. We doubt whether article III permits Congress to compel the courts to make supplemental findings such as that of existence of a pattern or practice. In the case before it the court would have made particular findings of deprivation of voting rights. It would have entered an order against the State registration officials who were parties defendant in the case. The supplemental findings that "a pattern or practice of discrimination" exists would not be needed to support the original findings that particular persons had been deprived of their voting rights.

3. Our other principal objection to the referee plan is that it is likely to be ineffective. We believe that not very many Negroes will become registered or qualified to vote as a result of the referee plan. We believe it will not be effective in achieving the broad objective of providing a procedure by which qualified citizens heretofore disfranchised because of their race can vote if they so choose. In the first place under the referee plan no qualified Negroes heretofore denied a vote may even take the first step down the long road to the voting booth unless and until the Attorney General initiates a lawsuit in the U.S. district court for that registration area. But let us assume that the case is brought, the original order entered, the supplemental finding made, and the referee appointed. The bill then requires those Negroes who are ambitious for the suffrage and courageous enough to attempt to get a qualifying certificate and order from the court protecting their right to vote, first to attempt to be registered and turned down by the local State registrars. This is the very area in which the court has found a pattern or practice of discrimination against the Negroes. Only after this humiliating experience may they apply to the court-appointed referee for a voting certificate with any hope of success. This was bad enough but a further hurdle was added by a committee amendment. The Negro applicants must face a public trial of their voting qualifications. The local or State registration officials who had previously rejected their request to be qualified as a voter, or the lawyers of such officials, are to be present at the trial and possibly too the most hostile elements of the white community. One has only to read the report of the Commission on Civil Rights which describes at some length the various techniques used by local and State registrars and others to prevent Negroes from becoming registered voters to realize what a formidable obstacle to Negroes the requirement of the referee proposal will be.

There is one further serious objection to the referee plan as contained in H.R. 8601. It provides as follows:

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court."

This provision means that State election officials can only at the peril of being held in contempt of court, challenge the right to vote of a Negro who has been "declared qualified to vote" by a Federal court order. This language appears absolute and makes no provision for exceptions and contingencies. It makes no exception for the case of a person who, after being found qualified to vote by the court, moves away from the election district or area, or fails to pay his poll tax or, for some other reason occurring since the court's order, would not be qualified under State law. The State election officials faced with a court order, would permit such a person to vote, and might well be in violation of State law. Perhaps the State election officials could let the Negro voter, protected by a court order, vote under a challenge but the language of the bill makes no explicit provision for such a contingency.

Our enrollment officer amendment, on the other hand, especially provides that State election officials and other appropriate and interested persons may challenge any prospective voter registered by the Federal enrollment officer, subject to later determination by the appropriate Federal court in an action brought by those making the challenge. In this wise the enrollment officer procedure protects the valid interest of the State and of individual citizens to prevent unqualified persons from voting, and at the same time allows all Negro applicants who are certified to cast their ballots.

For these reasons we think the Congress should not rely solely on the "referee plan" to implement the right to vote of qualified Negroes presently disfranchised because of their race or color.

Briefly, for the following reasons we think the enrollment officer procedure should be added to the bill to insure, insofar as we can, an effective piece of legislation:

The enrollment officer plan avoids the constitutional problem that arises when the Congress attempts by legislation to compel the courts to make supplemental findings that voting deprivations are pursuant to a "pattern or practice." It does this by providing that whenever in an action brought by the Attorney General a court finds that a State official, acting under color of law, has deprived Negroes of the right to vote because of their race or color, the Attorney General is to notify the President of this fact. In his discretion the President then may appoint an enrollment officer. The court is not required to make a finding that the deprivation of voting rights is done pursuant to a pattern or practice as would be the case under the court referee proposal.

The Attorney General may bring few actions to enforce voting rights. Since 1957 he has, in fact, brought only four cases of this type.

For this reason, in the enrollment officer plan a second basis is provided for the Presidential appointment of enrollment officers. If the Commission on Civil Rights, acting under its present authority, makes a similar finding of racial voting disfranchisement, it is to notify the President of this fact. The President may then in his discretion use these findings as a basis for appointing enrollment officers for the area where the voting deprivations occur.

Once the enrollment officer for a given area is appointed it becomes his responsibility to determine whether, under the State law, applicants who appear before him are properly qualified. There is no court procedure and no State or local officials are made defendants of a lawsuit (other than the original suit and none at all if the President acts on the basis of a finding by the Civil Rights Commission rather than a finding by a judge). The enrollment officer carries out his function. He is on the other side of the street from the State or local registrar and in no way interferes with State officials. He merely registers Negroes qualified to vote under State law. The State officials on the other hand are given the right to challenge the prospective Negro voter—but at the right time—on election day at the polls. The ballots are cast and counted and those challenged are impounded for later court decision. This procedure would be direct, simple, and effective.

Attorney General William P. Rogers and others have stated flatly that the enrollment officer plan would be ineffective because it would not insure that the voter, registered under it, would actually be permitted to vote.

The Attorney General has argued that under this procedure the prospective voter would end up with nothing but the certificate of the enrollment officer which would be worthless because the State or local election officials would refuse to honor it. We do not agree.

In taking this position, the Attorney General is overlooking the extent of the powers he now has under existing law and of those which would in addition be given him under the enrollment officer procedure. Our amendment provides that the Federal district courts would be authorized to enforce the provisions contained in our amendment, including the provision giving enrolled voters the right to vote, subject, of course, to proper challenge at the polls. To enforce the act, the courts would be empowered to issue on request of the Attorney General "permanent and temporary injunctions or other orders." In the first place, if the local U.S. attorney has information substantiating his probable belief that State officials or others intend to interfere with a Negro voter's rights on election day, he can properly ask for an injunction restraining the suspected persons from any contemplated interference.

If the Attorney General has information that local election officials are preventing or are about to prevent enrolled voters from voting, under section (b) of rule 65 of the Federal Rules of Civil Procedure he could request the issuance immediately of a temporary restraining order compelling local officials to refrain from interfering, on pain of otherwise being held in contempt of court. On the basis of specific facts shown by a verified complaint or affidavit by the U.S. attorney that immediate and irreparable injury, loss, or damage (defeat of the constitutional guarantees and of the directive to Congress to implement them contained in the 15th amendment) would otherwise result, rule 65 provides that a Federal judge may grant the temporary restraining order mentioned above. This temporary restraining order can be granted on the basis of a very brief ex parte hearing without notice to the State officials or others who may be restrained by such order. While an extraordinary remedy, this type of order can be secured within a matter of minutes on a proper showing. For instance, if the polls on election day are opened at 6 o'clock and if by 6:30 Negroes are being denied the right to vote, by 8 o'clock the U.S. marshal should have been able to serve the temporary restraining order compelling the State election officials to honor the enrollment certificate.

All the Attorney General has to do is carry out his oath of office with appropriate zeal, industry, and ingenuity. He can plan ahead for possible violations, alert his attorneys and the local FBI offices, shore up weak spots in his organization and notify both Federal judges and State officials that he will protect the rights of registered voters with all the resources and vigor of which the Department of Justice is capable. If this be done, the certificate given a qualified Negro voter will not be worthless but, on the contrary, will be honored. We ask the Congress to provide the necessary machinery for the task.

* * * * *

CONCLUSIONS

We believe the bill reported by the Judiciary Committee to be inadequate unless amended and strengthened. We recommend the bill include the following:

(a) An enrollment officer plan as an alternative procedure to the judicial referee plan.

(b) Authority for the Attorney General to obtain injunctive relief in school and other violations of equal protection of the law.

(c) Technical and financial assistance for school districts moving to undertake desegregation in compliance with the Supreme Court decision. Local boards should not be required to obtain approval from State officials.

THOS. C. HENNINGS, Jr.
THOMAS J. DODD.
J. P. BOYD.
PHILIP A. HART.

Mr. HART. That statement of separate views also supported the adoption by Congress of legislation establishing a system of Federal registrars.

In that statement we pointed out the frustration and delay that would result from continued sole reliance on court cases and judicial proceedings to meet such a massive and devious continuing attack on the right of suffrage. Certainly that was one time when, as prophets, we were not wrong, for our fears have been borne out.

Just one indication that time is running out for even the most patient observer, is the fact that in the 1963 Report of the Commission on Civil Rights the two members of the Commission coming from Southern States reversed their previous objection to the Commission's recommendation for a system of Federal voting registrars, and concluded that without such direct administrative relief, the right of American citizens to participate in the election of the President of the United States and Members of Congress would be a far, far distant achievement—even generations away for some American citizens.

Vice Chairman Storey, of Texas, and Commissioner Rankin, of North Carolina—and now I quote their words:

> Concluded sadly, but with firm conviction, that without drastic change in the means used to secure suffrage for many of our citizens, disfranchisement will continue to be handed down from father to son.

What a commentary on protection of basic rights in mid-20th-century America.

Mr. President, I ask that the full concurring statement by Vice Chairman Storey and Commissioner Rankin be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONCURRING STATEMENT OF VICE CHAIRMAN STOREY AND COMMISSIONER RANKIN

The right to vote is the cornerstone of our democratic society. A citizen's respect for law rests heavily on the belief that his voice is heard, directly or indirectly, in the creation of law. And his sense of human dignity depends on his receiving the same treatment at the registrar's office and at the voting booth as is accorded to his fellow citizen. Yet, today, thousands of citizens—of the United States and their respective States—have no effective right to vote in parts of seven Southern States.

We have never questioned the legal and moral right of qualified citizens to vote. Our past disagreement with proposals such as those in which we now join was concerned only with means, not ends. In 1959, and again in 1961, there was reason to believe that the right of every qualified citizen to vote, irrespective of his color, race, religion, or national origin, could become a reality without disturbing, even temporarily, our longstanding Federal-State relationships. We had hoped that an increasing awareness of the 14th and 15th amendments would bring about a greater acceptance of their commands. Moreover, new legislation embodied in the Civil Rights Acts of 1957 and 1960 remained at that time untested.

Now, 2 more years have passed since the most recent of these acts. The evil of arbitrary disfranchisement has not diminished materially. The responsibility which must march hand in hand with States rights no less than with civil rights has, as to the right to vote, often been ignored. Progress toward achieving equal voting rights is virtually at a standstill in many localities. For these reasons we have concluded sadly, but with firm conviction, that without drastic change in the means used to secure suffrage for many of our citizens, disfranchisement will continue to be handed down from father to son.

The present proposals set exacting standards at the same time as they provide for a flexible attack on discrimination in voting so that the disruption of traditional Federal-State relationships will be only so great as is necessary to achieve the necessary constitutional goal of equal voting rights for all our citizens.

Recommendation 1 limits voting qualifications to those which are as objective as is possible in dealing with such a complex matter. At the same time it recognizes most of the qualifications which the individual States have found necessary to preserve the sanctity of the ballot. Thus, in contrast to the similar proposal made in 1961, recommendation 1 permits States to exclude as electors persons who have not achieved a sixth grade education or its equivalent, and persons who have been judicially declared mentally incompetent.

Recommendation 2 provides for the appointment of local Federal officials as temporary voting registrars in localities in which 10 or more individuals state in writing and under oath that they have actually attempted unsuccessfully to register to vote, and that they believe that they were denied registration because of their race, color, religion, or national origin. Significantly, these registrars would serve only so long as the President deems necessary.

Recommendation 3, calling for enforcement of the representation provisions of section 2 of the 14th amendment, is expressly made a last resort. We are fully aware of the apparent unwillingness of Congress to make use of this provision of the Constitution, and we pray that this recommendation will never have to be acted upon. We do think, however, that the voting problem is sufficiently urgent today to warrant its consideration.

Finally, we must state that survival of the honorable doctrine of States rights imposes coterminous obligations. It is shortsighted indeed to force citizens of the State to look to the Central Government alone for vindication of rights about which there is no substantial disagreement. As we have said on so many occasions: Civil rights carry with them civil responsibilities. So, too, States rights carry with them State obligations to all its citizens.

Mr. HART. I cite these facts to point out what modest proposals on voting are today before the Senate in title I.

I, for one, would prefer a more direct and positive approach to the problem. I would prefer, in fact, that postmasters or other local Federal officials be made registrars whenever it is found that State or local election machinery is supporting voting discrimination. That takes us back to the views of the late Senator Hennings, the Senator from Connecticut [Mr. DODD], and myself.

At the moment, it appears that a majority of the Congress is not prepared to take this step, although the constitutionality of it can hardly be argued. Article I, section 4 makes it clear that Congress has sweeping powers relating to the election of Members.

The voting measures in this bill, together with the 1957 and 1960 Civil Rights Acts, can be effective in guaranteeing the right to vote to all without regard to race, provided they are not met with a continuing program of massive evasion.

But if that happens, and as a result the bill does not do the job, I believe Congress will be prepared in the very near future to take even more vigorous and direct action.

If my vote alone were the vote which would determine all provisions of the bill, I would argue for substantially stronger sections under title I. I would argue for the Senate reported versions of title II on public accommodations, and I would argue for the Senate reported version of title VII on fair employment practices.

For a long time, I have urged direct Federal executive action on withholding of specific funds under Federal grant programs where there is racial discrimination; hence I feel little need for the provisions of title VI. Yet it would be extremely useful to have title VI. We must recognize that the bill H.R. 7152 represents a 2 to 1 consensus of the Members of the House of Representatives. We have a very definite responsibility thoroughly to discuss and debate it on the floor of the Senate.

As one of several assigned responsibility for the ultimate passage and enactment into law of H.R. 7152, I support the idea of finding a broad congressional consensus for the entire bill, even though on certain of its titles and provisions my personal view is that the bill is a conservative and modest approach to problems which could justify far more drastic action today—an action that need be deferred no further.

On no section of the bill do I feel as strongly on this point as I do on the voting provisions of title I.

Yet I willingly join in seeking the broadest consensus of the Senate on its provisions in order to insure that no single amendment—whether a strengthening or a weakening amendment—is responsible for delaying or sidetracking us from passage of the bill with all of its provisions essentially intact.

But what America today needs desperately is a good, comprehensive civil rights bill passed by both Houses of Congress and signed into law by the President of the United States. This we can have if we obtain and maintain the broad consensus of bipartisan support in the

Senate that was established and maintained in the House.

For a few moments longer I should like to comment on some of the arbitrary exercises of discretion on the part of certain registrars across the country. I believe it might be helpful if we had chapter and verse of only a few cases from a book which I fear is a rather bulky one.

In the rear of the Chamber, in large reproduction, are three charts. I should like to refer first to the chart at the base of the double chart. These are excerpts from application forms for registration that were filed in Dallas County, Ala. They show the use that is made of literacy tests in some areas. They demonstrate how registrars reject obviously literate Negroes while registering white applicants of very low literacy. That may not be a very literate phrase, but I think we get the point.

One chart contains portions of applications made by four different Negroes. The other is made up of portions of application forms for white applicants. They were filed during 1961 and 1962 by eight citizens of Dallas County, in Alabama. Each applicant possesses the substantive qualifications for registration for voting under Alabama law, but the white applicants were registered while the Negro applicants were rejected. The bases for Negro rejections were technical and limited errors on their forms. The Negro applicants were well educated and highly qualified to be voters. The white applicants, as I have said, were of low literacy.

I should like to proceed to the specifics. Melvin Miller is a 24-year-old Negro who attended college for 2 years. He is serving in the U.S. Army after having completed 6 years of active duty. Notwithstanding his literacy, he was rejected because of an erroneous answer to a highly technical and extremely tricky question.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. ELLENDER. Before the Senator proceeds to the next case, I should like to ask him what action was taken by that Negro after he was denied registration.

Mr. HART. The action of the court in the case of Miller is reported to me as follows: The court proceeding in his case resulted in only limited relief in the district court. The case is reported at 210 Federal Supplement, 411. It is true that the judgment of the district court was reversed by the court of appeals in *United States* v. *Adkins*, 323 Federal Second 733, and a much more comprehensive order was directed to the registrars in the county.

The point I make is twofold: First, the extraordinary delay that is involved in such an appeal; second, the arbitrary use of discretion by the registrar which caused the need for such litigation to begin with.

Mr. ELLENDER. In other words, Miller had an opportunity to use present laws to effectuate his registration.

Mr. HART. That is true—and in the process miss some elections while waiting for a lengthy legal proceeding.

Mr. ELLENDER. That may be true, but I take the position that it might be well for us to move slowly in these matters rather than risk violating the Constitution, as the Senator proposes to do under title I.

Mr. HART. No violation of the Constitution is involved in the proposal contained in title I, as I see it, and as many other persons see it.

Mr. ELLENDER. The Senator realizes that the effort being made now is to have the Federal Government, rather than the States, prescribe the qualifications for voters.

Mr. HART. Indeed, no.

Mr. ELLENDER. That would be a direct violation of article I, sections 2 and 4 of the Constitution.

Mr. HART. What is proposed is that the State of Alabama and the State of Michigan apply uniformly whatever conditions and standards they establish. If the Senator will look at the answers contained on these forms, he will recognize immediately that there is a great lack of uniformity in the application of the standards.

For example, consider the case of a Mr. McKay, who was qualified and registered by the board. What is his answer to the question, "Will you give aid and comfort to the enemies of the U.S. Government or the government of the State of Alabama?" His answer was "If hurt would give comfort only if wounded." That applicant passed the test. Yet some very sound, informative answers were made by certain Negro applicants who failed to pass the test, and would necessitate a long, grinding process of court litigation and court appeal. This is what we are talking about when we discuss the arbitrary character of the application of standards set by the States.

Mr. ELLENDER. Of course, under the 14th amendment to the Constitution, as well as the 15th amendment, if the laws are not applied equally, there is cause for complaint. The point I am trying to make is that there are laws now on the statute books which are designed to protect people who are denied their right to vote. What the Senator proposes to do is to provide methods of registration to be laid down by the Federal Government, and not by the State, in direct violation of the Constitution. I refer to subsection (C), wherein is contained the language:

> Such test is administered to each individual wholly in writing except where an individual requests and State law authorizes a test other than in writing.

As I interpret that provision, it would mean that if the State did not require any of the questions to be answered in writing, the Federal Government could so provide—which would be contrary to such requirements as set forth by the State.

Mr. HART. This provision, and subsections (A) and (B) along with it, is a regulation of the manner of holding an election for a Federal officer and is aimed at eliminating the discriminatory practices affirmatively reflected by the charts in the rear of the Chamber.

Mr. ELLENDER. There is a vast difference between the manner of holding elections and the qualifications of voters.

Mr. HART. Indeed; yes.

Mr. ELLENDER. The Senator fails to make that distinction. It is my contention that whenever Congress places a provision in the law that describes the qualifications of a voter, it violates article I, section 4 of the Constitution. That would be done by the pending bill under these three provisions, subsections (A), (B), and (C), as well as the sixth-grade provision.

Mr. HART. We have previously exchanged our differing views on this question. I insist that a bare reading of title I in subsections (A), (B), and (C), will confirm the proposition that the language is designed to meet problems encountered in the operation of the 1957 and 1960 Acts, as the charts in the rear of the Chamber illustrate—specific abuses occurring in connection with Federal elections—and these are regulations affecting the manner of holding elections. I have no doubt that the Supreme Court would ultimately confirm this point of view.

Mr. ELLENDER. There is no point in having the Senator from Michigan and the Senator from Louisiana continue the argument, but I am as convinced as any man can be that the additional provisions sought to be placed in title I seek to provide Federal qualifications for voting, rather than times, places, and manner of holding elections. I grant that the latter can be done under the Constitution, but whenever Congress treads on the rights of the individual States to set forth qualifications for voters to achieve registration, it tramples on the Constitution.

Mr. MUSKIE. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield to the Senator from Maine.

Mr. MUSKIE. The Senator from Michigan is discussing with the Senator from Louisiana the application of section 4, article I of the Constitution, to title I of the pending bill. I tend to agree with the Senator's interpretation on that section of the Constitution as it applies to the bill, but if there be any doubt, it seems to me that the doubt is eliminated by the 15th amendment.

The record of discussion in the Senate for the past 3 weeks is replete with statements relative to the rights, prerogatives, and privileges of the Federal and State Governments with respect to voting. The 15th amendment comprises but 46 words. It seems to me to be as plain as the English language can be. I should like to read the two sections of that amendment. The first section reads:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

As I understand the presentation the Senator from Michigan has been making this afternoon, it consists of a documentation of abridgements by States of the right to vote on account of race or color.

Mr. HART. Clearly.

Mr. MUSKIE. If the facts so disclose—and I think the Senator's documentation does so disclose—the second section of the 15th amendment comes into application. The language of that section is very brief. It reads:

> The Congress shall have power to enforce this article by appropriate legislation.

The question comes down to whether or not the provisions of title I, section 101, are appropriate to meet the abuses which the Senator's documentation has disclosed. Am I correct?

Mr. HART. The Senator is correct.

Mr. MUSKIE. Am I to understand that the Senator's documentation discloses that there has been a practice of applying standards, practices, or procedures differently for Negro citizens than for white citizens under State laws establishing qualifications for voting?

Mr. HART. The reports of the U.S. Commission on Civil Rights have been as complete a ready reference as I know of.

Mr. ELLENDER. The article of the Constitution referred to has nothing whatever to do with who shall prescribe qualifications for voters. Under the Constitution which I just cited as article I, section 2:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The courts have held that insofar as qualifications are concerned, the States exercise that right. The only thing the 15th amendment does is to see that there is no discrimination practiced.

Mr. MUSKIE. I should like to ask the Senator from Louisiana this question: Does he argue that if a State established a different and more stringent set of qualifications for Negro voters than for white voters, the 15th amendment would not come into play?

Mr. ELLENDER. It would.

Mr. MUSKIE. Is there a difference in the Senator's mind between the establishment of different qualifications than there is in the different application of the qualifications?

Mr. ELLENDER. It is all in the interpretation. As I have stated, the Supreme Court has held any number of times—and the Senator from Michigan [Mr. HART] knows that, because he is a good lawyer—that the right to determine qualifications for voting rests in the State and not in the Federal Government.

Mr. MUSKIE. I do not believe that is the point at issue.

Mr. HART. There is disagreement on that.

Mr. ELLENDER. That is the point.

Mr. MUSKIE. The point at issue, as I understand——

Mr. HART. The point at issue is how it is applied, whether we have the right to apply it, and I believe we do.

Mr. MUSKIE. The 15th amendment supports the Senator's view.

Mr. ELLENDER. That would apply after registration, not before registration.

Mr. MUSKIE. The Senator has agreed with me. If I understood him correctly, he said a moment ago that if a State established a different and more stringent set of qualifications for Negroes than for whites, the 15th amendment would apply. The Senator from Michigan and I simply take the position that if the same qualifications are applied more stringently to Negroes than to whites, the 15th amendment also applies.

Mr. ELLENDER. Then that would be discrimination, without question.

Mr. MUSKIE. This is the whole point of the Senator's discussion.

Mr. ELLENDER. When it comes to voting rights, the 15th amendment would apply, but when it comes to registration and qualifications of voters, then the State laws must be strictly followed.

Mr. MUSKIE. I find it difficult to comprehend the Senator's position that the registration of voters cannot be used in such a way as to abridge a citizen's right to vote.

Mr. ELLENDER. I did not say that.

Mr. MUSKIE. That appears to be the thrust of what the Senator just said.

Mr. ELLENDER. I was trying to make a distinction between qualifications rather than the actual voting.

Mr. MUSKIE. Of course, there is a distinction.

Mr. ELLENDER. Yes; of course there is a distinction. That is where the 15th amendment comes into play, in the voting rights. But when we speak of qualifications of registration, that is a function of the State, not the Federal Government.

Mr. MUSKIE. A precondition to voting is meeting the qualifications established by the State. If the qualifications themselves are different, or more stringent, or if the same qualifications are applied in a more stringent manner to Negroes than to whites, then I submit that the 15th amendment clearly applies.

Mr. HART. I thank the Senator from Maine very much. I also enjoyed the participation of the Senator from Louisiana.

Let us see if we can wind up the analysis of these few excerpts.

Almost parenthetically it is not inappropriate to state that this legislation, and title I in particular, is prefaced upon the 14th and 15th amendments, on article I, section 4, of the Constitution, and indeed on the implied powers of the Congress to protect the purity of Federal elections.

Mr. President, I was describing the case of Annie Hogan, a Negro citizen of Dallas County, 55 years old, who had taught in the Dallas County public schools for 33 years and she was rejected for a technical reason. Two months later she came back. The board of registrars did not permit her application to be filed. Why? Because she had been previously rejected. Ultimately the court corrected this, too.

Kathleen Harris is a 33-year-old Negro applicant with a B.S. degree. She was teaching in the school system in Dallas County. She was refused registration because she did not state the specific year she became a resident of Dallas County.

I believe it is perfectly clear from the four corners of the application that she had been such a resident for many years in excess of the statutory requirement.

Kathleen Jones—and last—is a 55-year-old Negro who had been a resident of the county all her life. She had an 11th-grade education. Her explanation of what the Constitution provided did not satisfy the registrar. She was an extremely literate lady. The questions and answers were never reduced to writing. Later, on court appeal, it was required that such questions and answer be reduced to writing.

I cite one of the instances of a white citizen who was registered, the one who made that striking answer to the question, "Will you give aid and comfort to the enemies of the U.S. Government or the government of the State of Alabama?" by saying, "Only if wounded."

There are some other answers which, as the father of eight children, do not surprise me, but would not persuade me if I were a registrar.

Briefly, let me call attention to the two other charts on the separate easels in the Chamber. These cover eight applications for registration that were filed in Forrest County, Miss.

Two of the applicants are white citizens. These two were held to be qualified and were registered.

These six are all Negro applicants. Three of the Negroes are teachers, two of them have advanced degrees, one of them was awarded a National Science Foundation scholarship. One of the other Negroes had a degree in pharmacy, and two of the others, the remaining two, were ministers, each with some college education.

Two whites were high school graduates.

I ask unanimous consent that several forms and excerpts from the registration applications on these cases be included in the RECORD at the conclusion of my remarks.

There being no objection, the forms and excerpts were ordered to be printed in the RECORD.

(See exhibits 2, 3, and 4.)

Mr. HART. Mr. President, the point to be noted here is that they show the absurdly difficult sections of the Constitution that were given to Negroes to be interpreted. The interpretations, it will be noticed, are strikingly good ones. However, the registrar rejected them all on highly technical and immaterial errors—errors on the form itself such as failing to sign the application form. They are not errors in the tests themselves, but errors on the application form. Each of the whites was registered.

The purpose of these exhibits is to show how questions can be used to deny Negro citizens the right to vote, instead of as a means of determining whether a

Negro is a qualified citizen in the community and therefore should be registered to vote.

Inasmuch as the exhibits in the record will contain in full the constitutional sections which were given for interpretation, and the interpretations given in answer to the questions by the applicants, I shall not paraphrase them in these remarks.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. ELLENDER. Will the Senator inform us whether the six Negroes who were denied registration took legal action, and, if so, with what results?

Mr. HART. It is my impression that the Mississippi cases are still pending decision in the courts. If that impression on verification proves to be inaccurate, I shall add to the RECORD the accurate answer. At the moment the answer is that the cases are still pending.

Mr. ELLENDER. The applicants did exercise their right under present law to have themselves declared eligible to vote in Mississippi. Is that correct?

Mr. HART. They did. The point that those of us who support title I make is that there should be an explicit requirement that questions and answers be in writing, if a literacy test is given; second, that there be a direct expression of obligation to apply such tests uniformly.

Any casual reader of the RECORD, when he comes to these exhibits, will be compelled to agree that there is a lack of uniformity in the action of the registrar in these cases.

Mr. ELLENDER. Following the suggestion which the Senator has made, it would mean that the Federal Government would be undertaking the obligation of providing the qualifications. Is that correct?

Mr. HART. Let me state the point again. I do not agree that that is the case. The effect of title I in this case would be to compel the registrar to apply uniformly whatever rule Mississippi has with respect to qualifications.

Mr. ELLENDER. The Senator would have the Federal Government insist that the examination be in writing, if the State says it should not be in writing. Is that correct?

Mr. HART. I believe that is a prudent manner in which to apply the examination. We have the right to prescribe the manner of conducting an election——

Mr. ELLENDER. The elections.

Mr. HART. And the preliminaries that are a part of an election.

Mr. ELLENDER. That is where we differ. There is a difference between voting and the preparation for voting.

Mr. HART. We believe that the framers of the Constitution and the judgment of the American people contemplated that we would not hamstring ourselves to the point where it might cause discrimination and disqualification which would not be within the reach of the Federal Government.

Mr. President, I ask unanimous consent, as I indicated I would, that at the conclusion of my remarks, excerpts from the testimony of Dean Erwin N. Griswold, of the Harvard Law School, which I identified as having been given before the Subcommittee of the Committee on the Judiciary in 1962, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. I appreciate the patience of the Senate in these remarks, which extended longer than I had estimated. I hope that as the days advance, our understanding of what the bill is designed to do will increase. I hope, additionally, that the people across the country will come to a clearer understanding of what the bill involves. It is a part of the game, I suppose, that confusion and misinformation should be a part of any such debate in a society such as ours. Some outrageous notions as to what the bill would do have been circulated widely.

Perhaps it is more than a sensible person could expect, namely, to have people who write us about the civil rights bill read the civil rights bill before they write us about it.

For my part, when they write to me, and it is clear from their expression that they have not read the bill, I undertake, in reply, to send to them at least the excerpt from the bill which bears on the subject of concern of the letterwriters. I am sure other Senators do likewise.

I am sure that in the days ahead, the more the RECORD is read, the clearer will become the realization that this is an effective civil rights bill, and a moderate civil rights bill, and that its enactment is as essential to the survival of a free society as any legislation that will confront any Member of the Senate.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MUSKIE. The Senator from Louisiana has made the point that the Negro citizens whose applications and other election documents are displayed here have a remedy under present law. Throughout much of the debate during the last 3 or 4 weeks, many opponents of the bill have complained that the bill does not provide standards which can be useful in the judicial branch or the executive branch.

Section 101 of title I, as I understand, does just that; it applies some specific standards for application for the purpose of determining whether, in fact, there has been discrimination. Am I correct?

Mr. HART. The Senator from Maine has stated correctly, and interpreted correctly, the purpose of title I.

Mr. MUSKIE. Moreover, the standards, as I understand them, are realistic, because they are geared to actual situations in which discrimination has been disclosed by the studies of the Civil Rights Commission. Is that correct?

Mr. HART. This title reflects a restrained response to the sharp statement made by the Civil Rights Commission that, if we are to reduce specific abuses in Federal elections, which the experience of the 3 previous years have proved to be even beyond reach of existing law, we must undertake without delay corrective action. That is what the Civil Rights Commission had occasion to say. Title I is in response to that statement.

Mr. MUSKIE. With respect to section 101(A)(2)(C), the requirement that any literacy test be reduced to writing, is a practical requirement, without which it is almost impossible to prove in court whether or not there has been, in fact, any discrimination in this way. Is that correct?

Mr. HART. The Senator has pointed to one practice; namely, oral questions and oral answers, which, like the air in which they are spoken, evaporate and disappear long before it is possible to bring a case into court. The burden on the Department of Justice in voting rights cases is almost overwhelming in this respect.

Mr. MUSKIE. May I ask whether the Senator concurs that if this desire exists on the part of States to preserve their prerogatives, their rights, and their authority in the field of voting without any intrusion or intervention by the Federal Government, the best way to insure that is to make sure that State laws are applied uniformly and without discrimination?

Mr. HART. This is even more obvious and generally more thoroughly agreed upon than the proposition that 2 plus 2 is 4.

Mr. MUSKIE. I am not sure that we could get 100 percent agreement on that mathematical proposition on the floor of the Senate today.

Mr. HART. Not if it were in the civil rights bill.

I thank the Senator.

EXHIBIT 1

EXCERPT FROM A STATEMENT OF ERWIN N. GRISWOLD, DEAN, HARVARD LAW SCHOOL, ON BEHALF OF THE U.S. COMMISSION ON CIVIL RIGHTS BEFORE THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS, WEDNESDAY, MARCH 28, 1962

THE PROPOSED LEGISLATION IS CONSTITUTIONAL

In my opinion and in the opinion of the Commission, the proposed legislation meets the test of constitutionality. I am submitting to the committee a Commission memorandum which rather fully discusses the constitutional argument, but I would like to outline briefly our position.

It is true that under article I, section 2 and the 17th amendment, basic control of qualifications of electors is reserved to the States, subject, of course to the power of Congress to protect its own elections. However, neither that State control nor any other power vested in the Government, Federal or State, can be exercised in a manner inconsistent with rights guaranteed by the Constitution to our citizens. Preeminent among these guarantees are the right to equal protection of the laws specified in the 14th amendment and the right to vote free of discrimination on account of race or color specified in the 15th amendment.

To vindicate these constitutional guarantees the Supreme Court has struck down grandfather clauses, the white primary, and various other devices employed to accomplish racial disfranchisement. Even more to the point, the Court in *Davis* v. *Schnell*, 336 U.S. 933, affirming 81 F. Supp. 872 (S.D. Ala. 1949), overturned a provision of State law requiring a citizen to "understand and explain" any article of the Constitution because the law had both a discriminatory purpose and was administered in a discriminatory manner.

The 14th and 15th amendments constitute not merely a direction to the courts to protect the rights of citizens to participate in the electoral process, but a broad grant of authority to Congress to fashion remedies appropriate to that end. Section 2 of the 15th amendment and section 5 of the 14th amendment, taken together with article I, section 8, clause 18 (the necessary and proper clause) afford Congress wide scope to devise means for achieving the purpose of those amendments. Even if the power of the States to set voter qualifications was unqualified, it could not be exercised to achieve discrimination. The fact that a State has the power to draw political boundaries did not foreclose the Supreme Court in the *Tuskegee* case (*Gomillion* v. *Lightfoot*, 364 U.S. 339 (1960)) from limiting the use of that power to a legitimate, nonracial purpose.

It has been argued, of course, that this legislation is defective because it affects literacy tests which never have been used for racial purposes as well as those which have. But it is clear from the validation of the Fair Labor Standards Act, the National Labor Relations Act, the Federal Power Act, the Corrupt Practices Act and other Federal legislation, that Congress possesses power to enact legislation pursuant to a granted power even though it may affect objects and persons outside the scope of direct Federal control.

If the proposed legislation sought to impair completely the power of the States to require that its citizens meet minimal requirements of literacy in order to vote, a more difficult question might be presented. But these bills would not accomplish such a result. By specifying a sixth-grade education in a public or accredited private school, the legislation would merely substitute an objective means of determining a legitimate qualification for methods which are capable of (and indeed have been put to) discriminatory use.

Thus, the Commission is convinced that its recommendation and the proposed legislation based upon it is constitutional and can be enacted into law without recourse to lengthy procedures and uncertain results involved in seeking to amend the Constitution.

Indeed, in my opinion, it is inappropriate to seek to achieve this result by a constitutional amendment. The Constitution as it exists today forbids discrimination on the ground of race, in voting as in all other matters, and it clearly gives Congress the power to enforce these nondiscrimination provisions by appropriate legislation. Thus, the responsibility is on Congress now, and it is my view, shared by the Commission, that Congress should now recognize that fact, accept the responsibility, and enact appropriate legislation to make the already existing provisions of the 14th and 15th amendments effective.

EXHIBIT 2

MEMORANDUM ON EXHIBITS SHOWING SAMPLE REGISTRATION APPLICATION FROM DALLAS COUNTY, ALA.

REASONS FOR REJECTIONS

Each of these applicants was administered by the registrar and swore to the following oath: "I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are true and correct to the best of my knowledge, information, and belief. I do further solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the constitution of the State of Alabama; that I do not believe in nor am I affiliated with, nor have I been in the past affiliated with any group or party which advocated or advocates the overthrow of the Government of the United States or of the State of Alabama by unlawful means."

The application form of each of these rejected Negro applicants also showed that the applicant meets the qualification for registration to vote as set forth under Alabama law. These requirements are:

1. The applicant must be a citizen, over the age of 21 years.
2. The applicant must reside in the State at least 2 years, in the county 1 year, and in the precinct 3 months.
3. The applicant must be able to read or write a provision of the U.S. Constitution.
4. The applicant must be of good moral character and embrace the duties and obligations of citizenship under the Constitution of the United States and the constitution of Alabama.
5. The applicant must not be disqualified by reason of idiocy, insanity, or conviction of certain crimes.

Each rejected Negro applicant meets this requirement but was rejected for the reason set forth below (attached is a copy of the Alabama application form).

Melvin O. Miller (date of application Nov. 6, 1961): Miller listed as the duties and obligations of citizenship on his form (see question 20 on attached form): "To vote, to obey the laws of Alabama, to obey the law of United States, to bear arms against any enemy. To support the Constitution of Alabama and United States."

He was rejected for mistakenly answering the (a) portion of this question "no" instead of "yes." (See question 20(2).) This question reads: "Do you regard those duties and obligations as having priority over the duties and obligations you owe to any other secular organization when they are in conflict?"

Annie Hogan (date of application Oct. 16, 1961): This applicant was rejected because she had applied 2 months previously. Her prior application form was also rejected for technical errors or omissions. The registrar permitted an applicant only to apply once. Thus if a person was rejected they could never reapply. (The Federal district court subsequently ordered the board to permit applicants to reapply after 60 days, *United States* v. *Atkins, et al.*)

Kathleen Harris: This applicant was rejected because she failed to state the specific year she became a resident of Dallas County. The requirement is 1 year residence and the form shows she clearly meets this requirement. She shows by her form that she has lived in Selma (Dallas County) for at least the last 5 years.

Kathleen Jones: This applicant was rejected because the registrars claimed she knows nothing about the Constitution. The registrars also orally asked applicant "What is the Constitution?" and required an oral answer. Even though this applicant is very literate she could not meet the requirements to the satisfaction of the registrars. (The district court subsequently required that such questions must be administered in writing, *United States* v. *Atkins, et al.*)

The court proceedings involving this discrimination in Dallas County resulted in only limited relief, as noted above, in the district court (*United States* v. *Atkins*, et al., 210 F. Supp. 441). However, the judgment of the district court was reversed by the Court of Appeals (*United States* v. *Atkins*, et al., 323 F. 2d 733) and the following was ordered:

"1. That an injunction be entered enjoining the registrars from engaging in any act or practice intended to result or the probable effect of which would be to result in racial discrimination in the registration for voting in Dallas County.

"2. That the registrars be ordered to cease rejecting applicants for errors or omissions in the questionnaire when other answers or information reveal that the applicant is qualified.

"3. That the registrars cease using the questionnaire as an examination or test, unless the registrars present to the court and propose to use a definite set of standards for the grading of questionnaires, which standards must meet with the approval of the court as complying with State and Federal law.

"4. That the registrars cease asking applicants oral questions, unless the questions comply with State and Federal law, and unless the registrars keep records of the exact questions asked of and answers given by each applicant.

"5. That the registrars cease rejecting applicants for lack of good character, not evidenced by convictions for crime specified in the Constitution or laws of Alabama, without giving the applicant notice and an opportunity for a hearing.

"6. That the registrars be ordered to keep records of the exact reasons for the rejection of any applicant and to reveal these reasons to any applicant who inquiries as to specific reasons for his rejection."

EXHIBIT 3

REGISTRATION APPLICATION FORMS AND REGISTRATION OATH USED IN DALLAS COUNTY, ALA.

APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATH

I, ---------- do hereby apply to the Board of Registrars of ---------- County, State of Alabama, to register as an elector under the constitution and laws of the State of Alabama, and do herewith submit answers to the interrogatories propounded to me by said board.

———— ————,
Name of Applicant.

Questionnaire

1. State your name, the date and place of your birth, and your present address: ----------

2. Are you married or single: ----------

(a) If married, give name, residence, and place of birth of your husband or wife, as the case may be: ----------

3. Give the names of the places, respectively, where you have lived during the last 5 years; and the name or names by which you have been known during the last 5 years: ----------

4. If you are self-employed, state the nature of your business: ----------

(a) If you have been employed by another during the last 5 years state the nature of your employment and the name or names of such employer or employers and his or their addresses: ----------

5. If you claim that you are a bona fide resident of the State of Alabama, give the date on which you claim to have become such bona fide resident: ----------

(a) When did you become a bona fide resident of ---------- County: ----------

(b) When did you become a bona fide resident of ---------- ward or precinct ----------

6. If you intend to change your place of residence prior to the next general election, state the facts: ----------

7. Have you previously applied for and been denied registration as a voter: ----------

(a) If so, give the facts: ----------

8. Has your name been previously stricken from the list of persons registered: ----------

9. Are you now or have you ever been a dope addict or an habitual drunkard: ----------

(a) If you are or have been a dope addict or an habitual drunkard, explain as fully as you can: ----------

10. Have you ever been legally declared insane: ----------

(a) If so, give details: ----------

11. Give a brief statement of the extent of your education and business experience: ----------

12. Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude: ----------

(a) If so, give the facts ----------

13. Have you ever served in the Armed Forces of the U.S. Government:----------.

(a) If so, state when and for approximately how long:----------.

14. Have you ever been expelled or dishonorably discharged from any school or college or from any branch of the Armed Forces of the United States, or any other country:----------

(a) If so, state the facts:----------.

15. Will you support and defend the Constitution of the United States and the constitution of the State of Alabama:----------.

16. Are you now or have you ever been affiliated with any group or organization which advocated the overthrow of the U.S. Government or the government of any State of the United States by unlawful means: ----------.

(a) If so, state the facts:----------.

17. Will you bear arms for your country when called upon by it to do so:----------.

(a) If you answer no, give reasons: ----------.

18. Do you believe in free elections and rule by the majority:----------.

19. Will you give aid and comfort to the enemies of the U.S. Government or the government of the State of Alabama:----------.

20. Name some of the duties and obligations of citizenship:----------.

(a) Do you regard those duties and obligations as having priority over the duties and obligations you owe to any other secular organization when they are in conflict: ----------.

21. Give the names and post office addresses of two persons who have present knowledge of your present bona fide residence at the place as stated by you: ----------.

Oath

State of Alabama, ---------- County.

Before me, ----------, a registrar in and for said county and State, personally appeared ----------, an applicant for registration as an elector, who being by me first duly sworn deposes and says: I do solemnly swear (or affirm) that the foregoing answers to the interrogatories are true and correct to the best of my knowledge, information, and belief. I do further solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the constitution of the State of Albama; that I do not believe in nor am I affiliated with, nor have I been in the past affiliated with any group or party which advocated or advocates the overthrow of the Government of the United States or of the State of Alabama by unlawful means.

—— ——.

Sworn to and subscribed before me in the presence of the board of registrars this the ---------- day of ----------, 19----------.

—— ——.

Member of the Board of Registrars for ---------- County.

Supplemental application for registration, and oath

State of Alabama, ---------- County.

Before the board of registrars in and for said State and county, personally appeared (full name of applicant) ----------, an applicant for registration who being by me, (any member present may administer oath) ------------, a member of said board, first duly sworn as follows: "I do solemnly swear (or affirm) that in the matter of the application of ------------ for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is ----------, and I have heretofore executed the "Application for Registration, Questionnaire, and Oath" submitted to me by the above-named board of registrars.

In addition to the information given on said "Application for Registration, Questionnaire and Oath," I depose and state as follows:

1. I was previously registered in the following State and county in the years named ---------- (if applicant has never been registered in Alabama or any other State, he should so indicate).

2. I have never been convicted of any offense disqualifying me from registering. (Board should call applicant's attention to section 182, constitution, and title 17, section 15, Code of Alabama 1940. If applicant cannot make foregoing statement, facts shall be ascertained and registration refused, unless fully pardoned and right to vote restored.) ----------.

3. My present place of employment is ----------.

4. I know of nothing that would disqualify me from being registered at this time.

Remarks

____

____

(Signed) ________________________________

(*Name of Applicant*)

Sworn to and subscribed before me this the ---------- day of ----------, 19--------.

____

(*Member of County Board of Registrars*)

Action of the board

State of Alabama, ---------- County.

Before the board of registrars in session in and for said State and county personally appeared ---------- (name of applicant), who executed the foregoing application in the manner and form therein stated. The board having further examined said applicant under oath, touching his qualifications under section 181, Constitution of Alabama, 1901 as amended, and having fully considered the foregoing application for registration, questionnaire, and oath, and supplemental application for registration, and oath as executed, adjudges said applicant entitled to be registered and he was duly registered on this the ---------- day of ----------, 19 ----, in ---------- precinct (or ward) in said county.

(Signed) ________________________
Chairman

(Signed) ________________________
Member

(Signed) ________________________
Member

(NOTE.—The act of actually determining an applicant entitled to be registered is judicial. A majority of the board must concur. A majority must be present. The power cannot be delegated. Each member present must vote on each application. Not until this is done may a certificate be issued the applicant.)

Examination of supporting witness

State of Alabama, ---------- County.

Before the county board of registrars in and for said State and county personally appeared ---------- (name of witness), who being first duly sworn as follows: "I solemnly swear (or affirm) that in the matter of the application of ---------- for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God," testifies as follows:

My name is ----------, my occupation is ----------, I reside at ----------, my place of business or employment is at ----------.

The name of my employer is ----------.

I am a duly registered, qualified elector in ---------- precinct (or ward) in -------- County in the State of Alabama.

I have known the applicant ---------- (give applicant's name) for ---------- years (or months). He is a bona fide resident at ---------- and to my knowledge has resided thereat for the past ---------- years (or months). I know of no reason why he is disqualified from registering under the constitution and laws of Alabama enacted in pursuance thereof.

Space for further remarks

____

____

(Signed) ________________________

Sworn to and subscribed before me in the presence of the board of registrars this the ------------ day of ----------, 19----.

(Signed) ________________________

(*Member of the Board*)

(NOTE.—This application blank, when duly executed, on the final preparation of the "lists" of persons registered must be delivered by the board of registrars to the probate judge of the county, whose duty it is to safely preserve it and all accompanying papers. See title 41, section 141, Code of Alabama, 1940.)

EXHIBIT 4

MEMORANDUM AND EXCERPTS FROM A SAMPLE OF REGISTRATION APPLICATION FORMS IN FORREST COUNTY, MISS.

The following is the data with respect to the accepted white applicants. The answers to the questions are in the applicants own words, including errors, if any.

The application of Henry Lambert, white, dated June 2, 1962, was accepted by the registrar despite the utter nonsense which he wrote in question 19 as his interpretation for section 118 of the Mississippi Constitution.

Lambert copied section 118 as follows:

"The governor shall receive for his service such compensation as may be fixed by law, which shall neither be increased or diminished during his term of office."

His interpretation was:

"The people shall provide the necessery funds and money to help the goveron to promoting and carried the laws, of, Mississippi.

"And it is the Dutis of a citezen of Mississippi to financl and help for poyer for the right Govermnient.

"The State of Mississippi shall maked cermcery The Salary for Govemor of the state the laws shall be the sane as long of his terms be. for a foursece terms."

The application of Ericcelle Pearce, white, dated May 28, 1962, was accepted by the registrar. The registrar told her where to sign her application form. Many Negroes were rejected for failing to sign the form. The registrar also told her to add the phrase "to uphold the law" in her answer to question 20 which requires a statement of the duties and obligations of citizenship.

The following is the data with respect to the rejected Negro applicants. Question 19 is the answer the Negro has given to the constitutional section he was asked to interpret. Question 20 is the answer to the question asking that the duties and obligations of citizenship be stated.

The answers to the questions are in the applicants' own words, including errors, if any.

The application form of David P. Roberson dated April 18, 1962, was rejected. In the oath part of the application form he omitted his election district and he failed to sign the form. (On a subsequent form David P. Roberson was rejected for failing to put his specific street address in answer to question 9. The registrar did not seek out the April 18 form which contains this information as he did in Lewis' case with respect to his residence.) Roberson, a Negro high-school teacher, completed his master's degree work in 1962–63 on a National Science Foundation Scholarship at Cornell University.

He was required to interpret the following section of the Mississippi Constitution:

"Sec. 100. No obligation or liability of any person, association, or corporation held or owned by this State, or levee board, or any county, city, or town therefore, shall ever be remitted, released, or postponed, or in any way diminished by the legislature, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; but this shall not be construed to prevent the legislature from providing by general law for the compromise of doubtful claims."

Roberson, answer to question 19, section 100: "This section of the constitution states that the legislature do not have the power to take from any citizen, nor organization their obligation or liabilities by an act that would (seem) to please some organization or individual but if it be the case that such liabilities or obligation are situation where a compromise is in order the legislature can then act

"It further states that just payment is the only way in which those obligations can be meet unless a compromise of its values is considered.

"The above section had reference to obligation or liability to the state, levee board, county, city town, etc."

Answer to question 20: "The duties and obligations of citizenship under a constitutional form of government are many. Some are (1) To obey the laws set forth (2) participate in activities that will serve to make the community a better place to live in such as (a) attending church regularly (b) working with boy-scotting units (c) aiding these who cannot help themselves (d) encouraging obedience of the law (f) voting. These are not all but the duties are endless."

The application form of Wayne Sutton dated April 23, 1962, was rejected. He failed to properly put his election district in the oath part and failed to sign his name on the form.

Mr. Sutton is a Negro elementary schoolteacher in Hattiesburg.

He was required to interpret section 124 of the Mississippi Constitution:

"Sec. 124. In all criminal and penal cases, excepting those of treason and impeachment, the Governor shall have power to grant reprieves and pardons, to remit fines, and in cases of forfeiture, to stay the collection until the end of the next session of the legislature, and by and with the consent of the senate to remit forfeitures. In cases of treason he shall have power to grant reprieves, and by and with consent of the senate; but may respite the sentence until the end of the next session of the legislature; but no pardon shall be granted before conviction; and in cases of felony, after conviction no pardon shall be granted until the applicant therefor shall have published for thirty days, in some newspaper in the county where the crime was committed, and in case there be no newspaper published in said county, then in an adjoining county, his petition for pardon, setting forth therein the reasons why such pardon should be granted."

Wayne Sutton, answer to question 19: "Section 124 of the Mississippi Constitution states that in all criminal and penal cases the Governor will have the power to grant reprieves and pardon and to remit fines. In the case, of forfeitures, to hold the collection until the end of the end of the next session of the legislature, and with the consent of the senate to remit forfeitures. In the cases of treason he shall have the power to grant reprieves and by and with the consent of the senate, but may delay the sentence until the end of the next session of the legislature. No pardon will be granted before conviction. In the cases of felony, after conviction no pardon will be given until the applicant will (have) published for 30 days in the county newspaper where the crime was committed. And if there is no newspaper, it shall be published in an adjoining county. His partition or pardon giving the reason why the pardon shall be granted."

Answer to question 20: "A citizen shall uphold the laws of his county, city, State and Nation. A citizen shall take an active part in civic and community affairs."

The application of Robert Lynwood Lewis dated April 18, 1962, was rejected. In question 8 Lewis stated that he had resided in Mississippi for 6 years. The registrar sought out a prior rejected application dated September 29, 1961, in which Lewis' answer to this question was 28 years. Lewis also did not sign the application form at the bottom. The registrar did not ask Lewis about this inconsistency, and the residence requirement in Mississippi is only 2 years. Lewis is a Negro high schoolteacher; he has a graduate degree.

He was also required to interpret the following section of the Mississippi Constitution:

"Sec. 160. And in addition to the jurisdiction heretofore exercised by the chancery court in suits to try title and to cancel deed and other clouds upon title to real estate, it shall have jurisdiction in such cases to decree possession, and to displace possession; to decree rents and compensation for improvements and taxes; and in all cases where said court heretofore exercised jurisdiction, auxiliary to courts of common law, it may exercise such jurisdiction to grant the relief sought, although the legal remedy may not have been exhausted or the legal title established by a suit at law."

Lewis, March 1960, answer to question 19: "My interpretation—from a layman's point-of-view: The section states that the chancery court doesn't only jurisdiction to try titles and cancel deed and other matters relating to titles of real estate, but it also have power to decree possession and to displace possession, to decree rent and compensation for improvements and taxes. It may also grant relief to auxially courts when sought even of the legal remedy have not been exhausted or the legal title established the law suit."

Answer to question 20: "I think that under constitutional government a citizens obligation is to uphold the local, state, and federal government—to support it in any way possible."

The application form of Wayne Kelly Pittman dated April 25, 1962, was rejected with the notation that he had been convicted in 1934. He is a minister and completed 1 year of college.

Reverend Pittman had previously obtained a restoration of his civil rights by a special act of the Mississippi Legislature and he so advised the registrar and showed him the certified copy of the bill signed by the Governor restoring his civil rights which explicitly included the right of suffrage. The registrar required him to complete an application form prior to registering.

He received section 17 to interpret.

"Sec. 17. Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public."

Wayne Pittman, answer to question 19: "The owner or owners of private property shall be paid for their property as provided by law, whenever such property has been taken for public use.

"The courts will determine whether the question is, or is not, justifyable, or not, and that the existing legislative laws and assertions have any bearing upon (local) (sized) private property when same shall be (sout) for public use. The court or courts must decide whether or not the public usage of the private property shall be for the best interest of the community and general welfare of all concerned."

Answer to question 20: "A citizen should take end active part in all welfares of the Government qualify and vote in all elections. Uphold and obey the laws of the local, state, and federal government."

The application form of James Avon Cohen dated April 24, 1962, was rejected. He failed to complete the general oath and failed to sign the form.

Mr. Cohen is a pharmacist in a Negro drugstore in Hattiesburg, Miss.; he has a bachelor's degree in pharmacy.

He was required to interpret section 89 of the Mississippi Constitution:

"Sec. 89. There shall be appointed in each house of the legislature a standing committee on local and private legislation; the house committee to consist of seven representatives, and the senate committee of five senators. No local or private bill shall be passed by either house until it shall have been referred to said committee thereof, and shall have been reported back with a recommendation in writing that it do pass, stating affirmatively the reasons therefor, and why the end to be accomplished should not be reached by a general law, or by a proceeding in court; or if the recommendation of the committee be that the bill do not pass, then it shall not pass the house to which it is so reported unless it be voted for by a majority of all members elected thereto. If a bill is passed in conformity to the requirements hereof, other than such as are prohibited in the next section, the courts shall not, because of its local, special, or private nature, refuse to enforce it."

James Avon Cohen, answer to question 19: "My interpretation of this the 89 section of the Miss. Constitution is that in each house of legislature a standing committee shall be appointed on both local and private legislation. The house committee will consist of 7 representatives and the senate committee of 5 senators. No local or private bill shall be passed by either house until it has been referred to by the committee thereof and reported back with a recommendation in writing the result of the action on said bill.

"If a bill is passed to the stated requirement hereof the courts shall not refuse to enforce it regardless if it is of local, special, or private nature."

Answer to question 20: "I believe that a citizen under a this form of government should be loyal to the duties and obligations of that government. He must realize that he or she is a part of that government, and the whole is not whole than its parts."

The application form of Leonard P. Ponder dated April 24, 1962, was rejected. He failed to put his specific address in question 9 and did not sign the final line of the application form.

Mr. Ponder is a Negro minister who has completed 2 years of college. He was required to interpret section 17 of the Mississippi constitution:

"Sec. 17. Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public."

Answer to question 19: "The property owned by any person or persons shall not be taken or damaged for public use without the owner or owners be paid or satisfaction be made in accordance with the law and when an attempt is made to take private property to be used for public it shall be determined by law without regard to to assertion that the use is public."

Answer to question 20: "One of the duties and obligations of citizenship is to support the sanitation and health of the community where you live. To pay all due taxes and to abide by and uphold the law of the state."

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 107 Leg.]

Bartlett
Bayh
Beall
Brewster
Burdick
Carlson
Case
Clark
Cotton
Curtis
Dominick
Douglas
Eastland
Ellender
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hruska
Humphrey
Johnston
Jordan, Idaho
Keating
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Metcalf
Morton
Moss
Mundt
Muskie
Neuberger
Prouty
Saltonstall
Scott
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. HUMPHREY. Mr. President, I move that the Sergeant at Arms be requested to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BOGGS, Mr. DODD, Mr. FULBRIGHT, Mr. JAVITS, Mr. KENNEDY, Mr. MILLER, Mr. PEARSON, Mr. ROBERTSON, Mr. SMATHERS, and Mr. SYMINGTON entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, after the address of the Senator from Utah, which he is about to deliver, it is my understanding that the Senator from Louisiana [Mr. ELLENDER] will speak. It is intended to keep the Senate in session until approximately 8 o'clock. The Senator from Louisiana will complete his speech on Saturday of this week. It will be considered as one speech. I ask unanimous consent for that privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM THURSDAY TO FRIDAY AT 11 A.M.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 11 a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM FRIDAY TO SATURDAY AT 11 A.M.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in recess until 11 o'clock on Saturday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM SATURDAY TO MONDAY AT 10 A.M.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business on Saturday, it stand in recess until 10 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MOSS. Mr. President, it is a curious thing the way the meaning of words gets swallowed up in the rhetoric of political debate. Here we are talking about a bill called the Civil Rights Act of 1964, and, yet, most of the talk about the bill has been about "the Negro problem," about interstate commerce, about segregation, about the 14th amendment, about States rights, about Government interference with private property and about all sorts of related matters. But there has been very little talk about what we mean by civil rights. What that means lies at the heart of this bill and is the common denominator of all of its provisions. I therefore propose to spend a few minutes on what I think civil rights means because I think it has an important bearing on the way we think and feel about these provisions.

Noah Webster tells us that "civil" means "Of, or pertaining to citizenship." So that when we talk about civil rights, we are talking about those rights which inhere in citizenship, and which flow from one's status as a member of this society. The definition of a "right" is, of course, a lot trickier, but I do not think it necessary to go into a complicated jurisprudential discourse on its meaning. In a commonsense way, I think there is much to be said for the dictionary's suggestion that a "right" is "that to which a person has a just claim." And for purposes of this debate, I think it would be appropriate for all of us to keep in mind that what we are talking about in this debate on civil rights are the things to which a person has a just claim by virtue of his membership in our democratic society.

Our history, our traditions and our attitudes make it a matter of agreement to most Americans that a principal purpose of government is to see to it that individuals are not denied those rights to which they have a "just claim."

The Declaration of Independence makes this quite clear. It states that "all men are created equal, that they are endowed by their Creator with certain unalienable rights" and that "to secure these rights, governments are instituted among men." The Civil War was in large part a war about the meaning to be given to these principles. After it ended, the principles were given enlarged content by the 13th amendment, which abolished slavery, by the 14th amendment, which made every individual born or naturalized in this country a citizen and extended to all the guarantees of due process and the equal protection of the laws, and by the 15th amendment, which enunciated the principle that the right to vote shall not be denied or abridged "on account of race, color, or previous condition of servitude." There are, of course, disagreements as to detail and application—but not as to principle. These principles enunciated in the great ordinances of this Nation are part of our political and moral atmosphere. Practically all of us take them for granted.

Because we do take them for granted, the nature of civil rights, the naturalness of them, gets lost sometimes in the rhetoric about property rights, rights of association and States rights. And some of us begin to believe that by enacting this bill we will be doing something extraordinary for the Negro, that we are creating some special set of privileges which gives him some specially preferred position—which will permit him to disregard or to infringe the rights of others. I think a moment's pause, and reflection upon what we are really talking about, might put some of these exaggerated notions in proper perspective.

PUBLIC ACCOMMODATIONS—TITLE II

For after all, in the final analysis, we are talking about those things which we take as much for granted as the air we breathe. They constitute the everyday world and give it the particular flavor of familiarity and predictability which it has for us and which we assume it should have for all. I think an examination of what title II, the public accommodation section of the bill, really deals with will illustrate the point.

The motel, the lunch counter, the soda fountain, the hamburger and hot dog stand—these are known the world 'round as American trademarks. They contribute to our country's distinctive character. We more or less explicitly recognized this when we set up a hot dog stand in the U.S. pavilion at the Brussels Fair. That stand in Brussels was mobbed every day; and we fed hot dogs to anybody who could pay for them, until we ran out. That is the American way; that is the America which we wanted the world to know about, and which we know and take for granted.

It is not the America which 1 out of every 10 of our population knows, however; and when we talk about civil rights, we should keep in mind that we are talking about what it means to be an American in the most commonplace, mundane, and natural kind of way—commonplace, that is, unless the "just claims" which derive from membership in this society are systematically and arbitrarily withheld from us. This is really what civil rights are about—the things we take for granted, the things we assume are ours, and which we boast to the world are America's unique blessings.

How many of us have gone downtown with our children and dragged them from store to store, pacifying them with the promised reward of an ice cream soda? How many times have we gone shopping, and stopped at a roadside stand for a hamburger and milkshake? How many times have we given our children the treat of seeing a new Walt Disney movie at a big downtown theater? How many times have we entertained a relative or out-of-town guest by taking him to a show, a ball game, a concert, or a bowling alley? How many times have we arrived in an unfamiliar city and asked a cab driver to take us to a really good hotel or, more often, not to such a "good hotel," but to one which was clean and decent, with moderate prices?

I do not think it necessary to extend this list. All of us travel, go to different cities, eat in restaurants, sleep in motels and hotels, and go to the theater, to the movies, and to sports events. What the cumulative effect of having to do without all of these things would be, is difficult to say. We can do without them for a day, a week, a month—but only because we know that if we chose, we could take the time and money to avail ourselves of these things. Doing without them on a permanent basis is almost inconceivable; in any event, it would mean a qualitatively different way of life from the one we lead now. It is the life we lead now, the one that we assume is ours as members of this society, that we are talking about now. This is what civil rights are all about.

This is why the deprivations, the denials, and the exclusions cannot be adequately described or treated as single isolated facts, as mere irritating incidents; nor have we understood them fully when we have made due allowance for the part each instance plays in a comprehensive and all-pervasive scheme, because the real key to such actions, when viewed as a denial of "civil rights," is the humiliatingly irrational and petty way in which all of these deprivations convey the point that patronage of certain establishments is one of "our" civil rights, but not of "yours"; that "we" are entitled to them as of right, as members in this society; but that "you," the Negro, are not. These particular civil rights belong to the white man only, and this fact is communicated in myriad trivial ways.

FOR WHITES ONLY

Consider, for example, a large department store; it will have, among other things, a cosmetics counter, a dress department, a shoe department, and a lunch counter. A Negro woman who can try on shoes and dresses; who is invited to see how a shade of lipstick looks, by applying some to her wrist from a sampler tube; and who is asked to try out a new perfume, by spraying on some from a sample atomizer bottle, cannot sit down in that department store's lunchroom with white women who tried on the same shoes or sampled the same lipstick.

And when this is the case—as it is in city after city—it is quite apparent that we are talking about humiliation, not hygiene; about personal affronts, not personal associations.

The patterns this takes, the triviality to which it descends, beggar description: Negro patrons are allowed to purchase food, but not to eat it on the premises; or they are allowed to eat it when standing, but not when sitting; or to eat it at the stool counter, but not in booths. If the "white" men's room has a mixing hot and cold water tap, the "colored" men's room will likely have separate taps. And the distinctions get as ludicrous as they are invidious. One reported court case recounts that a drugstore would not serve Negroes Coca-Cola. It would serve them only Pepsi Cola; and that, not out of a glass, but out of a paper cup, for which there was an extra 1-cent charge. I refer, in that connection, to the decision in the case of *Cook* v. *Patterson Drug Co.* (185 Va. 516; 39 S.E. 2d 304 (1946)). It is instructive to note that when such treatment was accorded a white man, it was held to be a humiliation which was defamatory and might entitle him to damages.

Ludicrous as this last example is, it is in a sense devastating. For better or for worse, Pepsi and coke have become identified with American culture, both at home and abroad; and their utilization as instruments of racial discrimination is also symbolic; symbolic of the unsubstantiality which all the claims about rights of association and rights of property have in the context of public accommodations; symbolic of the pettiness, arbitrariness, and irrationality which infect our national life; and symbolic of how the most commonplace, the most ordinary, and yet also the most uniquely typical and characteristic aspects of life in our society have been systematically withdrawn from one-tenth of our population. It is this deprivation, this forced divorce from the mainstream of American life and culture, that we are really talking about when we speak of civil rights, of the things to which a person has a just claim, simply by virtue of his membership in our society.

HUMILIATION IN RESTAURANTS

If we maintain this focus, if we can keep steadfastly in mind the fact that we are talking about rights that pertain to citizenship, I think some of the "horribles" that have diverted us from our central civil and ethical concern will disappear. One of those, I have already mentioned: the alleged threat to privacy, to property rights, and to freedom of association. The second one is the alleged threat to States rights and federalism which the opponents of the bill say it poses, and which they characterize as a Federal "power grab." But before I discuss this second "horrible," which repeatedly is urged, I wish to attempt to lay the first to rest.

When a store is willing to take a customer's money for shoes; to sell her clothes and toiletries; to cook food for her; to sell that food to her, to be consumed outside the store or when standing in the store, it is rather hard to justify the particular arbitrary line it draws as one based upon a right of privacy, of association, or of property, so sacred that it cannot be a proper subject of legislation. The right being asserted is not based on an objection to Negroes coming on the premises or to letting them come into physical contact with the merchandise or to serving them or to taking money which their hands have touched or to facing them over a counter and receiving an order or to letting them occupy physical space in the eating area or to cleaning up napkins, plates, and leftovers which Negroes have left—in the establishments where they are allowed to eat when standing.

Consequently, it becomes harder and harder to characterize the refusal to let a Negro eat food when sitting as representing any significant prerogative other than the prerogative publicly to inconvenience, publicly to insult, and publicly to humiliation. There is no permanent or lasting association here; the relationship is almost as temporary as that between a man and a turnstile. No privacy of the home is at stake here; no intrusion is being made upon the associations and the camaraderie of a private club.

There is only a simple cash transaction; and to view that as a matter of civil rights is only to say that a basically impersonal, commercial transaction should not, in our society, be allowed to be the vehicle for a gratuitous and unwarranted insult. Considering that 30 States and the District of Columbia have already acted to preserve the neutrality of the transaction, and to prevent its daily occurrence from being converted into a daily humiliation, it is difficult to understand why the extension of a similar neutrality to the remaining 20 States should be viewed as anything other than what it is: an act of simple decency and humanity, an act impelled by a desire not to see a fellow human being and fellow citizen subjected to constant mortification and degradation.

Although so far I have dealt solely with the public accommodations portion of the bill, the same can obviously be said of other titles.

RIGHT TO VOTE AND GO TO SCHOOL

The neutrality, the impersonality, the universality of the right to vote in our society surely cannot be questioned. And yet we have had abundant evidence of how the right to mark a ballot or pull a lever has been turned into an occasion for duplicity, obstruction and intimidation.

The same is true of schooling in a society which has compulsory education laws. I am not speaking about the right to schooling as a legal matter. I am talking about it as an everyday fact, as something which every boy and girl in this country wakes up expecting 5 days a week and which gives rise to that exhausted sigh of relief by the mother who sees her child disappear down the street on his way to school.

In short, in considering the Civil Rights Act of 1964, we are talking about the rhythm of life in this society, about the kind of assumptions on which we place total and unconscious reliance in our everyday life.

EQUAL EMPLOYMENT OPPORTUNITY—TITLE VII

The same kind of assumptions underlie the provisions of title VII, though like all these other assumptions, we are not aware, until they prove false, that they are only assumptions and not eternal verities. In a variety of ways we assume that every able-bodied man should be using his abilities to the utmost, and we condition almost all of our behavior on that assumption.

Thus we give unemployment compensation only on the condition that the recipients will make themselves available for jobs which call for their kinds of skills. We send our children through a whole maturation process which is only possible because of the rewards we make available to those who go through this process. We send our children to school 6 hours a day, 5 days a week, for at least 12 years on the theory that we are equipping them for adulthood and for participation in the adult life of our society. We require of them to learn how to read because that is an indispensable citizenship skill, though we make a mockery of that requirement with arbitrary and subjective literacy tests. We ask our boys and girls to spend at least 12 years of their lives learning basic skills—vocational skills, reading skills, study habits, cultural background, and civic knowledge—but our demand is based on an assumption and an implied promise that if these skills are learned, if these chores are dutifully performed, that rewards will follow and that there will be a place in the world for those who have done what we require of them. This is the promise that each of us makes to his own child when we say: Go to school, prepare for college or for a skilled trade, and do your best. We make these promises because we can keep them—because our society desperately needs skilled workers, college graduates and professional persons. We assume that if there is a need and a person who can fill that need, that the two will be able to get together.

The same assumptions underlie our whole scheme of recruitment, training and promotion: if a man has been a good worker for a number of years and has proven his ability, his diligence and his trustworthiness, he will get to be foreman, a supervisor, an executive or even be given an opportunity to acquire an interest in the firm. Our whole lives are built on these kinds of assumptions. The assumption is not that we will get a particular job or a particular raise. It is more a kind of confidence that conditions our whole attitude toward work, that assumes that if we do our best, some thing will come along for which we will qualify by virtue of the reputation we have painstakingly earned. That is, in large part, the motivation which builds reliability and produces excellence. And that is what title VII is all about.

It is not about a right to get a particular job, or to push a particular person out of a place we would like to have. Nor does it involve vested rights in particular positions, or racial quotas, or preferred treatment. All of us know that no matter how carefully we plan, we cannot predict what we will end up doing. But we live and act on the assumption that we will somehow end up doing something that is roughly commensurate with what we have to offer.

All of us, that is except the person who is discriminated against on the basis of race, color, or national origin—and he is licked before he starts. He frequently knows that he is not going to school to prepare for a job. He is simply doing time and school is a convenient place to keep him out of sight and out of trouble until he is old enough to qualify for a welfare check or a penitentiary. He frequently knows that no matter how hard he works, how diligently he turns up day after day, how much overtime he puts in, that he will never get to be the boss of a single work crew or the foreman of a single division. And that is what the fair employment practices title is about—not the right to displace a white man or be given preference over him—but simply the right to be in the running, to be considered on the merits. It is all as simple as giving candy or cookies to a child as a reward for behaving well. But our society has put a label on that cookie tin which says: "For Whites Only." And then, it turns around and asks: "Why are not you, the Negro, working as hard, behaving as well, learning as quickly or prospering as much without the prospect of a cookie?"

We live and breathe these assumptions; our hopes, our lives, and our children's lives are all based on them. We know that our efforts and striving would diminish, if not cease altogether, if there was not some likelihood that merit and effort would be rewarded. And yet we keep frustrating these assumptions and denying them even as possibilities to 1 out of every 10 of our citizens. And we tell them in effect, that these assumptions are only for us, the privileged nine-tenths; you, the Negro, the Puerto Rican, the minority group member, have no right to entertain them.

Title VII merely says: a reward for merit, for diligence, for skills, for ability is what our society is built on and lives and breathes by. And the opportunity to earn such rewards is a just claim; even more, it is one of the most fundamental of rights which every person in this Nation should have simply by virtue of his membership in this society. It is time we stopped pretending that the most fundamental assumptions by which we live and plan all our actions are simply privileges and prerogatives. It is time that we stopped allowing the very essentials of life—food and accommodations and schooling and jobs and votes—to be an instrument of caprice and malice and oppression and humiliation.

And this is what we mean when we call this a Civil Rights Act—for we are simply according to each human being nothing less than his birthright as a member of our society. Doing so is both an ethical and a democratic imperative.

NOT A POWER GRAB

In view of this, I find it difficult to comprehend a second line of criticism which has frequently been leveled at this bill; namely, that this is simply a power grab by the Federal Government. I must say that my first reaction to such criticism is one of resentment at the statement and the imputation which underlies it. It suggests that somehow the Federal Government is a thing apart from the people, rather than a servant to them. It suggests that the Federal Government is some Frankenstein creation of the people which presently threatens to run amuck. Now, I cannot help thinking that I am a part of that Federal Government, not just because I am a Senator, but because I am a citizen of this Nation. And I must say that I find it very difficult to believe that I have become the captive of some alien bureaucracy. Rather, I believe that I and all of us are participating in an historic journey, a venture of unparalleled daring and faith—one which brought all of us to these shores. That venture always has and always will take a common effort, a common discipline, a common sharing of the burdens as well as a common participation in the benefits. And now that venture requires that we renew our dedication to certain fundamental principles of equality and humanity.

This is, I would remind Senators, not exactly a field that the Federal Government has been anxious to rush into and enact legislation. I cannot recall a context in which evils have been allowed to persist so long without remedial legislation, in which wrongs have gone unchecked and in which patience has been exhausted, renewed and exhausted again, all in the hope that the need for Federal action would again diminish. If this is a power grab, it is the most reluctant one I have ever witnessed. Our fundamental constitutional structure assumes that the primary responsibility for protection of civil rights lies with the States. This principle was articulated by the Supreme Court over 8 years ago—and at that time, there was reason to believe that the States could and would live up to that obligation. We act today only because of extensive, prolonged, and grievous default by the States in the execution of that obligation. We act today because the economic, social, political, and ethical life of this Nation is threatened by racial discrimination. But above all, we act today to renew a promise that was made to all our people when this great Nation was founded.

Let me point out, in addition, that the remedies we seek to make available need never be used if men will stop inflicting harm on their fellow man. And if there is any single way of preventing Federal officials from lodging complaints and Federal agencies from making investigations and Federal courts from issuing orders, it is by each of us granting to each citizen his due as a member of this society.

DOES NOT CREATE BUREAUCRACY

Finally, I believe that a consideration of the actual provisions of the bill will make it indisputably clear that the bill does not create a mammoth, topheavy bureaucratic enforcement mechanism; rather, it attempts to make maximum use of existing institutions. And those agencies which have been created have been given only those powers deemed absolutely necessary to the effective discharge of their functions.

Furthermore, each component of this program provides for the deferment of the use of a sanction until all other means—investigation, conciliation, negotiation, informal hearings, and trial—have been exhausted. Thus, under both the public accommodations and fair employment practices sections of this bill, no contempt order can be issued until there has been a determination—not by a Federal agency, or by a Federal investigator, but by the local Federal district court—that a particular practice violates the act. Only after such a clear determination of the existence and nature of the violation can contempt proceedings follow for failure to comply with the orders of the court. In short, no jeopardy, in the criminal sense, attaches until after a judicial determination.

The sanctions chosen are ones which long consideration has shown are the minimal ones necessary to compel compliance with the law. And the procedure for the imposition of sanctions is hedged about with a multitude of procedural and constitutional safeguards.

ENDING DISCRIMINATION IN FEDERAL PROGRAMS—TITLE VI

Title VI, which has been most grievously mischaracterized as empowering a two-bit bureaucrat to cut off school lunches for an entire State, illustrates the extent to which safeguards against arbitrary action have been incorporated out of concern for every possible legitimate interest. Involved here in title VI is the very elementary and unassailable principle that Federal funds are not to be used to support racial discrimination. Yet, before that principle is implemented to the detriment of any person, agency, or State, regulations giving notice of what conduct is required must be drawn up by the agency administering the program. These regulations can only reach racial discrimination which relates directly to the particular purpose of the program. Before such regulations become effective, they must be submitted to and approved by the President.

Once having become effective, there is still a long road to travel before any sanction whatsoever is imposed. Formal action to compel compliance can only take place after the following has occurred: first, there must be an unsuccessful attempt to obtain voluntary compliance; second, there must be an administrative hearing; third, a written report of the circumstances and the grounds for such action must be filed with the appropriate committees of the House and Senate; and fourth, 30 days must have elapsed between such filing and the action denying benefits under a Federal program. Finally, even that action is by no means final because it is subject to judicial review and can be further postponed by judicial action granting temporary relief pending review in order to avoid irreparable injury. It would be difficult indeed to concoct any additional safeguards to incorporate in such a procedure. To those who still maintain that the law tramples on individual rights, I would reply: If only State governments and private individuals had been equally solicitous, had shown similar considerateness, and similar deference to fundamental rules of fairness in their treatment of the Negro, we would not face the moral crisis that brutality, oppression, lynch law, and private violence have now laid before us.

CRISIS WILL NOT GO AWAY

But that crisis has come; it is here; and there is no pretending it will go away if the States are left to their own devices. In coping with it, we do not seek to create extraordinary rights or special privileges, for S. 1752 is in fact what it is in name—a Civil Rights Act. And its only purpose is to assure that those just claims which derive from membership in this society will no longer be denied on account of race, color, or national origin. There is no intent here—and no possibility—that a Negro will be given special preference at a lunch counter, that a white person will be fired so that a Negro can be hired, that a Negro will be given two votes, or sent to better schools than a white person. All that is sought is that which is presently enjoyed and taken for granted by nine-tenths of the population.

The right to drink a Coca-Cola, to eat a hamburger sitting down, to cast a vote with one's fellow citizens, to be considered for a job because one can do it, to be hired for a job because one can do it better, to attend a school that the State provides for all its taxpayers—these are not extraordinary things. These are our civil rights; these are our birthright; these are what makes us free men in a free land.

Yet, for 1 of every 10 of us, these are not civil rights; these are the prerogatives of the majority, the emblems of superiority and the instruments of humiliation. Lacking these, 1 out of every 10 of us is not free—and because of that, all of us become less than free men in a less than free land. And that is why I say that in the final analysis we must all remember that the matter before us is civil rights, and that whatever the particular title under consideration, whatever the legalisms involved, whatever the doctrines advanced, the issues drawn and the rhetoric trotted out, at stake are those just claims which derive from membership in this society. It is time that those claims ripened from a promise and an exhortation into a reality.

Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, I was delighted to sit here all afternoon and listen to the debate that took place between the distinguished Senator from New York [Mr. KEATING] and the distinguished Senator from North Carolina [Mr. ERVIN]. If Senators will read the colloquy between those two Senators they will detect the distinction that was sought to be made with respect to voter registration and voting itself.

I do not believe there is a lawyer in the Senate who would deny that under the Constitution, article I, sections 2 and 4, the right to fix the prerequisites for voting is a right that rests in the State; and any effort by Congress to assume that right would be in direct contravention of the Constitution.

Many Senators are prone not to differentiate between actual voting and the qualifications for voting. The qualifications, as I have just indicated, must be and are prescribed by the State; whereas constitutional authority concerning the time, the place, and the manner of holding elections, apply solely and wholly to the conduct of elections, and not to the qualifications of the voters.

There is no question that the right to vote has been zealously guarded, not only by the framers of our Constitution, but also during colonial times when our country was first settled and was in the hands of colonists. Even then, the right to vote was zealously guarded.

Inasmuch as Senators are discussing voting rights, I wish to point out why the States of the Union insisted on retaining the right, under article I, sections 2 and 4 of the Constitution, to prescribe the qualifications of voters.

During colonial days, the State of Virginia had varying requirements.

In 1655, a voter had to be habitant and a householder. In 1699, he had to be 21 years of age, a male habitant and a freeholder. Papists were barred—that is, Catholics were barred. By 1762, this requirement had been refined so that the freeholder was required to own 50 acres, or 25 acres and a house, the house to measure at least 12 by 12 feet.

Massachusetts first required religious standards—Puritan and Orthodox, in 1631. By 1691 Massachusetts required a voter to be English and to own 40 shillings freehold, or 40 pounds' worth of property.

Connecticut, in 1638, required a voter to be a habitant, a Puritan and a freeman; and varied this by 1702 to specify that he have 40 shillings freehold or 40 pounds' worth of property.

As early as 1665, Rhode Island required a competent estate, and barred Christian papists. By 1767, Rhode Island added the requirement of living in a town plus owning a 40 shilling freehold or 40 pounds' worth of property.

In 1680, New Hampshire required that a voter be 24 years of age, English, Protestant, and have an estate of 20 pounds. By 1728 the last requirement was increased to 50 pounds realty.

In 1669, North Carolina required a voter to be a deist and to have a 50-acre freehold. By 1760 this had varied. The qualifications were 21 years of age, 1½ years residence, British nationality, and a 50-acre freehold.

In 1669 South Carolina required a person to be a deist and to have 50 acres freehold. By 1759, a South Carolina voter had to be white and 21 years of age, Protestant, and have a settled freehold.

Georgia required a man to be 21 years of age and to have 50 acres of land, papists barred. In 1775 the land requirement took on a subtle change. It was replaced by the word taxpayer, plus one-half year's residence required, and papists barred.

In 1683 Pennsylvania required a voter to own 100 acres—10 cultivated—or 50 acres—20 cultivated—or taxes. In 1700

Pennsylvania required a man to be 21 years of age, a 2-year resident, English, and own 50 acres—12 cultivated—or 50 pounds in property.

In 1701 Delaware had a 2-year residence requirement, 21-year-age requirement, and land ownership of 50 acres—12 cultivated, or 50 pounds in property. By 1733 British citizenship had been added to the list.

Maryland's only requisite in 1637 was that voters be freemen. In 1718 Maryland had barred Catholics and required 50 acres or 40 pounds in property.

Imagine the State of Maryland, which is predominantly Catholic today, providing that Catholics could not vote in any election in Maryland.

All this I cite merely to show how the Colonies, as well as the States, guarded the ballot and determined who should vote and who should not.

It has always been a prerequisite of the States that the States themselves, or the Colonies, should make the decision as to voter qualifications.

New York in 1683 accepted a vote from any freeholder. In 1701, 21 years age requisite and 40 pounds realty was necessary, and papists and Jews were barred.

Imagine if anyone tried to do that now. Papists and Jews were barred from voting in New York.

New Jersey in 1668 allowed any freeholder to vote. In 1725 that freeholder had to be a 1-year resident, and must own 100 acres or 50 pounds of property.

It is interesting to regard some of the varying reasons for the above requirements, keeping in mind that the very fact that they have varied in each State, with the particular conditions of growth and the existing population, adds undeniable power to the case I am presenting for each State in the Union, for their own continued right to judge their own needs and provide therefor.

As I have indicated, these were absolute requirements, made by the colonists who populated the various colonies which I have named, which afterward became a part of the Union.

Before the debate is concluded I shall attempt to read into the RECORD some of the debate that took place at the Convention in Philadelphia when the Constitution was adopted. There is no doubt in my mind—and anyone can read the debates himself—that the Constitution of the United States would never have been ratified except that it was made plain, in section II of article I, that the right to set voter qualification was to remain entirely with the States.

The right to vote was zealously guarded by the States, and the States made provision for the qualification of voters. That right is embedded in the Constitution, and Congress has no right to usurp it.

This afternoon my good friend from Michigan [Mr. HART] in an excellent speech pointed to the many discrepancies that have existed between Negroes and whites. I am not here to deny that in the past there has been some discrimination. There is a virtue in frankness, and I do not believe that any reasonable person would find it difficult to understand the conditions I have referred to in the past.

What many of the white people of the South feared years ago, and what some of them fear now, is that many Negroes in parishes and counties where they far outnumber the whites are not qualified to hold office. The white people in those parishes and counties fear that if voting rights are given freely, the unqualified Negroes may get control of the local government. The responsible people of Louisiana, and in fact through most of the South, still remember all too clearly the conditions which prevailed when this was allowed to occur in the not too distant past.

For those Senators who have no knowledge of the subject, I refer them to the large body of literature on the Reconstruction period—particularly on the suffering experienced by the people of South Carolina and Louisiana. After gaining some knowledge of those experiences and the conditions which prevail under Negro rule, I believe they will be better able to understand the Southern position.

The white people, who are in the minority, have a real basis for fearing that they might come to be confronted with incompetents in the administration of affairs of their county and municipal governments.

It is idle talk for anyone to argue that title I would not give the Federal Government the right or power to prescribe qualifications. In title I, section 101 (a) (2) (A), reads:

> (2) No person acting under color of law shall—
>
> (A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote.

I do not have much quarrel with that. That is in substance the law now. Virtually that same language appears in (A) (1) section 2004 of the Revised Statutes (42 U.S.C. 1971) which reads:

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections.

That section is directed at the election, not at the qualification of voters. As I pointed out earlier this afternoon, it is my considered judgment that there are sufficient laws now on the statute books to enforce the rights of Negroes and others who are denied the right to register or to qualify to vote. They have their remedy. However, the bill would give the Attorney General more power in his efforts to obtain compliance.

Under (B) it reads:

> (B) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or—

That poll tax reference is superfluous. All of us know that the Constitution now has been amended. The States have adopted an amendment which outlaws the poll tax.

Who shall make the determination of what is material or immaterial? As a rule, it is provided that the State legislature shall make that determination. A Federal judge should not be given the right to challenge that and say it is superfluous or that the registrars are not interpreting their State law correctly. To attempt to give a Federal judge such power would be contrary to the provisions of the Constitution.

If there were a case in which there was discrimination, a suit would arise. But so long as the State law is applied equally to all applicants there is no discrimination. It should be the law of the State, and not a law prescribed by Congress.

The language of (C) reads:

> (C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual wholly in writing except where an individual requests and State law authorizes a test other than in writing, and (ii) a certified copy of the test whether written or oral and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88).

That is a clear provision which would give Congress the right to prescribe the qualifications of voters. It is that plain. In other words, if the State law provides anything to the contrary of what is stated in subdivision (C), would a law enacted by Congress prevail over that of the State?

Evidently it is intended that way. In my judgment the bill, the language of which I have just read, would be an attempt by Congress to write qualifications into a Federal statute rather than leaving power to the States, as provided in the Constitution.

The new language which was placed in the bill under (3) (c) reads:

> If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election.

If that is not an example of Congress fixing the qualifications of voters, I do not know what I am talking about. It is intended for that purpose. There is no question in my mind but that its purpose is to say what the voter qualifications shall be when the literacy test is used by the States.

There is no question that the language to which I have referred has as its objective the writing into a Federal statute of a provision dealing with the qualification of voters—which subject, as I have already pointed out, is—and should be—left to the States, under article I, sections 2 and 4, of the Constitution.

As was admitted by the Senator from Michigan, the old Reconstruction Act which was amended in 1957 and also in 1960, and all the statutes cited by the distinguished Senator from North Carolina [Mr. ERVIN] are ample evidence that there are now on the statute books abundant laws to protect the right of anyone who seeks to qualify as a voter.

There are criminal statutes under which those who refuse to allow that right or who deny it, could be prosecuted, jailed, and fined, in the event that refusal was based on discrimination because of color.

Mr. President, once before in our history legislation very similar to the title I we are discussing was enacted by the Congress. It was a part of the Reconstruction bills enacted in 1870 as punishment for the South. However, strange to say, when an investigation was made of the operations of that act and of its consequences, the case originated, not in Louisiana, not in Mississippi, not in Alabama, but in the State of New York. There was so much corruption found to be taking place, that the act was finally repealed in 1893.

While we are on the subject, I should like to read some excerpts from volume I of the House reports, 53d Congress, 1st session, 1893-94. This particular report, written after investigation of conditions in New York, accompanied a bill repealing the Federal Election Laws of 1870. The report clearly shows why it is that in the Constitution our forefathers placed the power to set voter qualifications in the hands of the States, rather than in the hands of the Federal Government:

The sections from 2005 up to and including 2020, relating to the appointment, qualification, powers, duties, and compensation of supervisor of election—

Somewhat along the same lines of the provisions of the acts of 1957 and 1960—

and sections 2021 up to and including 2031, relating to the appointment, qualification, powers, duties, and compensation of special deputy marshals, and the remaining sections up to and including 5023, may all be considered together, as they embrace and constitute the same principle and kindred subjects.

The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.

This subject has been discussed before in report No. 1882, part second, page 5, 1st session of the 51st Congress, as follows:

"The power is sought in the fourth section of article 1 of the Constitution, which is as follows:

"'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.'"

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

We notice, first, that "the times, places, and manner of holding elections, etc., is primarily confided to" the legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed the great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

Mr. President, what I have read does not refer to the section of the Constitution dealing with voter qualifications. It relates only to the section of the Constitution which deals with the time and place of holding elections, that is, conducting elections, and where voting was to take place after registration was accomplished under State laws. That is what the material I have read is about. Many States objected even to that provision because they desired to have the power to conduct elections.

South Carolina ratified on May 23, 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on June 26, 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal Convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of the Federalist, Mr. Hamilton discusses this subject and says:

"They (the convention) have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his "Commentaries on the Constitution," volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise. (Secs. 820, 823, 824, et seq. See also 1 Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480.)

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these (times, places, and manner) in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether." (Madison Papers, vol. 3, 1282.)

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what "extraordinary circumstances," what "extreme necessity," what "urgent exigency" exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

The same situation prevails today in the States of the Union. All our States provide for the time, place, and conduct of elections.

I continue to read:

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

Mr. President, I am quoting now from what was stated by a committee of Congress that went deeply into this question. Later in this debate I expect to say more about it, to indicate how the States of the Union zealously guarded the right to determine who shall vote and who shall not vote, and to fix the time and place of elections.

I continue to read:

But, conceding for the moment that section 4, article 1, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be "necessary and proper" for carrying into execution the foregoing power. In *Hepburn* v. *Griswold*, 8 Wall., 614, Chief Justice Chase, in defining these words, says the words:

"Necessary and proper were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end.'"

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of article I of the Constitution declares: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenging or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

This paragraph merely emphasizes what I have been talking about awhile ago, that the added language of this bill, which supplements what Congress did in 1957 and 1960, to my way of thinking would give power to certain Federal officials which would doubtless lead not necessarily to regulating elections, but to determining the qualifications for voters.

That same condition prevailed when a committee of Congress held hearings looking to repeal of a law it had previously enacted.

I repeat this language:

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question at this point, provided that in doing so he shall not lose his right to the floor or have it counted as a second speech?

Mr. ELLENDER. I yield to the distinguished Senator from North Carolina, on those conditions.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that the provisions which he has been discussing, which attempt to create a Federal presumption, constitute an effort to nullify the provisions of the Constitution; namely, section 2, article I, and section 1, article II, and the 17th amendment, which clearly vest in the States the power to prescribe the qualifications of voters?

Mr. ELLENDER. The Senator is correct. That is what I have been arguing since I took the floor.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that if this power of the State can be destroyed by a simple Federal presumption, the Constitution itself can be destroyed by Federal presumption?

Mr. ELLENDER. It will be done if this provision is enacted, because it is directly contrary to section 2, article I, of the Constitution and the 17th amendment, to which the Senator refers.

Mr. ERVIN. I thank the Senator from Louisiana.

Mr. ELLENDER [reading]:

> Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the Government that has proposed it.
>
> The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.
>
> But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the State without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?
>
> Let every trace of the reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficiently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.
>
> Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

That is only a portion of the report.

As the debate develops, I hope to point out a few other reasons showing why the States have, from their inception, guarded their right to fix qualifications and to be the judges of who shall make up the electorate.

I shall content myself with a much shorter presentation at this time.

Section 101(2) of the pending bill declares:

> No person acting under color of law shall (a) in determining whether any individual is qualified under State law or laws to vote in any Federal election apply any standard, practice or procedure different from the standards, common practices or procedures applying under such law or laws to other individuals within this same county, parish, or similar political subdivision who have been found by State officals to be qualified to vote; (b) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election.

At first sight this provision appears to conform to the constitutional provisions relating to elections. However, subsections A and B are in reality inconsistent. In particular subsection B attempts to confer upon the Federal Government the power to determine voter qualifications.

This is true because this subsection would prohibit a registrar of voters from refusing to register an applicant who in the opinion of Federal judges was qualified to vote and in whose opinion the test of the materiality of the error or omission would be decided by the judges. Clearly, the State legislature is the responsible authority for determining voter qualifications and as long as it requires all voters to be treated alike, it is conforming to the Constitution.

What is a material error and what is a frivolous error is certainly within the competence of the State legislature to determine. State legislatures have prescribed the rules for the drawing of wills and codicils and in many cases have rather stringent requirements for establishing their validity. It is difficult to understand how anyone can advocate the establishment of a veto power by Federal judges over State legislatures in determining voter qualifications.

There is no doubt that subsection B is an unconstitutional invasion of State power to prescribe requirements for voting. Article I, section IV, of the Constitution states:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the place of choosing Senators.

The key words in this section are times, places, and manner of holding elections. No authority whatsoever is given to Congress to prescribe the qualifications for voters or for the registration of voters.

Mr. ERVIN. Mr. President, will the Senator yield at this point, without losing his right to the floor, and without his subsequent remarks being counted as a second speech?

Mr. ELLENDER. I yield.

Mr. ERVIN. I should like to ask the Senator if in his judgment the manner of holding an election refers only to the casting and counting of votes, and has nothing whatever to do with determining the qualification of voters?

Mr. ELLENDER. The Senator is eminently correct. Setting qualification of voters is a function of the States, as provided in article I, section 2, of the Constitution. There is no doubt about it. I do not suppose any lawyer in the Chamber would deny it.

If a Federal judge is given the authority to determine what is a material error and what is a frivolous error in voting registration, it would seem clear that this is an attempt to prescribe the qualifications for voter registration.

The only other constitutional provision dealing with voting rights is section I of the 15th amendment, which declares:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

As long as the States maintain the same standards and practices for voter registration without regard to race or color then, they do not run afoul of the 15th amendment.

Title I of this bill was so carelessly drawn and is so outdated, that this same subsection B makes reference to the payment of poll tax, which has been abolished by constitutional amendment.

As I said a while ago the antipoll tax amendment was ratified by the States, but still this language was put in the bill. I wonder why.

The Supreme Court has uniformly held that the 15th amendment does not confer the right to vote on anyone, but that it invests the citizens of the United States with the right to be exempted from discrimination in the exercise of the vote on account of race, color, and previous condition of servitude. This was specifically held in *U.S.* v. *Cruikshank,* 22 U.S. 542. (1876).

Title I also provides:

> If in any such proceedings literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school, or in a private school accredited by any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language possesses sufficient literacy, comprehension and intelligence to vote in any Federal election.

There is no doubt that this is an attempt to have Congress determine voter registration requirements The question which immediately arises is "Why did the drafters of this provision decide on a sixth-grade education rather than on a 10th or 12th grade education?" The compelling answer is of course that the drafters of this bill are only anxious to have large numbers of unqualified people registered to vote.

There is much talk about the duty of a person to fight for his country in the Armed Forces. I wonder how many members of our Armed Forces have only a sixth-grade education.

There was a case the other day in which Cassius Clay said he went through high school. However, he was unable to qualify for the draft.

In determining competency to vote, the burden of proof is placed on the registrar of voters to prove that a person with a sixth-grade education is not qualified. If the prospective voter fails the literacy test, why should it be incumbent upon the registrar to offer additional proof in court that such person is not qualified?

In the whole history of American law, the person claiming a right or privilege in court has always had to prove his case. Why should this be any different?

If this part of title I is passed the absurd situation would exist in which a person would "possess sufficient literacy, comprehension, and intelligence to vote in any Federal election" and not have sufficient literacy qualifications to vote in State and local elections. I cannot agree that it takes less intelligence to elect a Representative, a Senator, or a President than it does to elect a local official.

Mr. President, I have completed that part of my speech for this evening which deals with the right to vote. I do not expect to debate the issue any further this evening.

I am now ready to discuss another phase of the bill.

Under the agreement entered into earlier this afternoon, I shall gladly continue the discussion on Saturday.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. MOSS, by unanimous consent, introduced a bill (S. 2709) for the relief of Marvin R. Waldo, which was read twice by its title, and referred to the Committee on the Judiciary.

ISSUANCE OF GOLD MEDAL TO HENRY J. KAISER—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. MOSS. Mr. President, I ask unanimous consent that at the next printing of the joint resolution (S.J. Res. 163) authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser, that my name may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF SELECT COMMITTEE ON COMBATING POVERTY—ADDITIONAL COSPONSOR OF RESOLUTION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Ohio [Mr. YOUNG] be added as a cosponsor of the resolution (S. Res. 305) establishing the Select Committee on Combating Poverty.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MUSKIE. Mr. President, in accordance with the order previously entered, I move that the Senate take a recess until tomorrow at 11 o'clock a.m.

The motion was agreed to; and (at 7 o'clock and 52 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Thursday, April 2, 1964, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 1 (legislative day of March 30), 1964:

FEDERAL FARM CREDIT BOARD

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1970:

Marion A. Clawson, of Indiana, vice Marvin J. Briggs.

David Gordon Gault, of Texas, vice Frank Stubbs.

SENATE

THURSDAY, APRIL 2, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts.

Rev. Clarence W. Cranford, minister, Calvary Baptist Church, Washington, D.C., offered the following prayer:

Again, O Lord, we hear Thy call, "If my people, which are called by My name, shall humble themselves, and pray, and seek My face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin, and will heal their land."

O God, how we love our country. How we love its freedom. And yet we recognize, our Father, how much we have strayed from Thy will. Forgive us for the times when we have transgressed against Thy precepts. Help us to know that truth, honesty, justice, purity, and consideration for others are not just nice things to think about if we happen to be in the mood for them. Teach us that these are the only bases on which a free world can exist. Help us to know the right, and to strive for it, so that we may be able to live with ourselves and win the love and respect of all men, everywhere.

We pray in Jesus' name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 2, 1964.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

LEE METCALF,
Acting President pro tempore.

Mr. KENNEDY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 1, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Ratchford, one of his secretaries.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, with a 3-minute limitation on statements.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. **MANSFIELD**. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar, beginning with the nomination of John S. Crocker.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The **ACTING PRESIDENT** pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The **ACTING PRESIDENT** pro tempore. If there be no reports of committees, the nominations on the Executive Calendar, beginning with that of John S. Crocker, will be stated.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The Chief Clerk read the nomination of John S. Crocker to be a member of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1964.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF AGRICULTURE

The Chief Clerk read the nomination of Dorothy H. Jacobson, of Minnesota, to be an Assistant Secretary of Agriculture.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Dorothy H. Jacobson, of Minnesota, to be a member of the Board of Directors of the Commodity Credit Corporation.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is confirmed.

Mr. **HUMPHREY**. Mr. President, for more than 20 years it has been my privilege to have known Mrs. Jacobson, who is an outstanding economist, and formerly was professor of political science at Macalester College. She is one of the most able and competent persons in public service with whom it has ever been my privilege to be associated or whom I have ever known.

Therefore, Mr. President, I am particularly pleased that the President has seen fit to nominate Mrs. Jacobson for these two important positions, and I wish the RECORD to show that we in Minnesota are highly honored by this important recognition of one of our outstanding citizens.

I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **ACTING PRESIDENT** pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. HUMPHREY, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The **ACTING PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF SECTION 408, TITLE 37, UNITED STATES CODE, RELATING TO REIMBURSEMENT FOR CERTAIN PARKING FEES

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend section 408 of title 37, United States Code, to provide for reimbursement for the expenses of parking fees incurred by a member of a uniformed service in connection with transportation necessary for conducting official business of the United States (with an accompanying paper); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS INCURRED IN PROCUREMENT OF M-405 ROCKET-HANDLING UNIT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred in the procurement of the M-405 rocket-handling unit, Department of the Army, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON INADEQUATE ADMINISTRATION OF CERTAIN AUTOMATIC DATA PROCESSING OPERATIONS AIR ROUTE TRAFFIC CONTROL CENTERS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inadequate administration of automatic data processing operations air route traffic control centers, Boston, Mass., and Washington, D.C., by the Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ENTITLED "AN ASSESSMENT OF LARGE NUCLEAR POWERED SEA WATER DISTILLATION PLANTS"

A letter from the Director, Office of Science and Technology, Executive Office of the President, transmitting, for the information of the Senate, a report entitled "An Assessment of Large Nuclear Powered Sea Water Distillation Plants," dated March 1964 (with an accompanying report); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

VARIATION OF WORKWEEK OF FEDERAL EMPLOYEES FOR EDUCATIONAL PURPOSES

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to permit variation of the 40-hour workweek of Federal employees for educational purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 2710. A bill to change the name of the Northern Great Plains Wildlife Research Station in the State of North Dakota to the Dr. I. G. Bue Wildlife Research Station; to the Committee on Commerce.

(See the remarks of Mr. YOUNG of North Dakota when he introduced the above bill, which appear under a separate heading.)

CHANGE OF NAME OF NORTHERN GREAT PLAINS WILDLIFE RESEARCH STATION, NORTH DAKOTA, TO THE DR. I. G. BUE WILDLIFE RESEARCH STATION

Mr. **YOUNG** of North Dakota. Mr. President, I introduce, for appropriate reference, a bill to name the Northern Great Plains Wildlife Research Station, in North Dakota, in honor of the late Dr. I. G. Bue, formerly head of the North Dakota State Game and Fish Department.

It is most appropriate that this research station, to be operated by the U.S. Fish and Wildlife Service, be named in honor of "Doc Bue," as he was known to his many friends. Dr. I. G. Bue, more than anyone else, was responsible for securing this research facility. It had been a dream of his for many years; and he often visited with me about it; and, at my request, he appeared before the Senate Subcommittee on Interior Appropriations, to request the initial planning funds for this very important facility. In the fall of 1961, Dr. Bue accepted a position with the U.S. Fish and Wildlife Service, and was in charge of the site selection for this research facility, and also of the planning of it.

Dr. Bue had an outstanding record. In World War II, he served with the North Dakota National Guard's famed 164th Infantry Regiment, in the South Pacific. He served overseas with this unit throughout all of World War II, and participated in all its campaigns, from Guadalcanal on. After the war, he secured his doctorate degree from the University of Minnesota, and was first employed by the South Dakota Game, Fish, and Parks Commission. Later—in 1954—he came to the North Dakota Game and Fish Department, and served first as deputy commissioner, and later—from 1957 until September of 1961—as commissioner of the North Dakota State Game and Fish Department.

His contributions to the wildlife program and to wildlife management are far too numerous to mention. I believe equally important was the work he did in fostering better relationships and understanding between hunters and farmers. Having had a lifelong interest in farming, he recognized and appreciated the farmer's problems, and could see things from the farmer's point of view, as well as from the point of view of the sportsman.

Dr. Bue passed away suddenly on October 25, while hunting geese with a group of friends.

Mr. President, I ask unanimous consent to have printed as a part of my remarks in the Record a part of a column written by Cal Olson at the time of Dr. Bue's passing. The article appeared in the Fargo Forum, published at Fargo, N. Dak.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the excerpt will be printed in the Record.

The bill (S. 2710) to change the name of the Northern Great Plains Wildlife Research Station in the State of North Dakota to the Dr. I. G. Bue Wildlife Research Station, introduced by Mr. Young of North Dakota, was received, read twice by its title, and referred to the Committee on Commerce.

The excerpt presented by Mr. Young of North Dakota is as follows:

Fresh Air Trail

(By Cal Olson)

The biggest blow to the world of wildlife in this area during the past year came October 25 with the death of Dr. Ingalf G. Bue.

Here was a quiet-spoken, even-tempered man who had spent most of his life in game management work. With a doctorate in game management, he served as North Dakota deputy game and fish commissioner for 3 years until 1957, when he was appointed commissioner.

He served as commissioner 4 years, then joined the staff of the U.S. Fish and Wildlife Service as a wildlife research biologist. In this capacity, he directed field work to select the site and begin construction of the Northern Prairie Wildlife Research Center at Jamestown.

His friends called him "Doc" or "Ing." And he had a lot of friends. He was no flag waver, but Doc knew his business. The policies and practices he initiated as deputy commissioner and as commissioner will be reflected in our State for many years.

The work he did in setting up the wildlife research center will bear fruit for sportsmen who have not yet been born.

Doc was only 49 when he died. Too young, too soon. Few of us are given to choose the time and place of our death. Doc didn't either. But he died doing the thing he loved best, out in the field, hunting.

ECONOMIC OPPORTUNITY ACT OF 1964—ADDITIONAL COSPONSOR OF BILL

Mr. McNAMARA. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 2642) to mobilize the human and financial resources of the Nation to combat poverty in the United States, the name of the Senator from Indiana [Mr. Hartke] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS ON BUILDUP OF PESTICIDES IN WATER SOURCES

Mr. RIBICOFF. Mr. President, a week ago I announced that the Subcommittee on Reorganization and International Organizations will begin a series of public hearings on the buildup of pesticides in water sources and the general environment. The hearings will begin on April 7 in room 3302 of the New Senate Office Building. The time of the hearing will be announced on Monday.

The recent announcement of widespread fish kills in Louisiana which have been attributed to pesticides lends a new sense of urgency to these hearings. The dead fish have brought even the Department of Agriculture to life. But it is a tragedy that it took 10 million fish to put some life into the USDA.

The Department yesterday filed a notice of public hearing on the registrations of the pesticides aldrin, dieldrin, and endrin. According to the notice—

> Recent reports of fish kills on the Mississippi River have raised the questions as to whether the use of the economic poisons aldrin, dieldrin, and endrin may be responsible for such losses.

Mr. President, a year ago the President's Science Advisory Committee in a formal report called attention to the dangers of the persistent pesticides such as aldrin, dieldrin, and endrin.

The Senate Subcommittee on Reorganization has been constantly calling attention to these problems throughout the year since publication of the Wiesner report. Yet only now has the Department of Agriculture scheduled a hearing to see whether changes should be made in the registration of these products.

It seems the Department as well as other Federal agencies have been satisfied to shift the responsibility to a science advisory committee of the National Academy of Sciences which has been studying these products for almost a year now but as yet without any decision. In the meantime, use of the products continues under existing regulations.

It is a sad reflection on the bureaucratic process that the Department's priorities put the promotion of new products in high speed but place protection of the public in slow motion. Testimony before our subcommittee revealed that new registrations have been approved in as short a time as 16 days. Now it has taken 1 year just to call a hearing to consider changing an existing registration.

The warning signals on persistent pesticides have been up for some time now. Rachel Carson raised them. The President's Science Advisory Committee called for their elimination. Last October 9, I raised the point that the basic premise on which persistent pesticides are registered in the first place appears to be false. That basic premise is that chemicals used for the control of pests remain where they are applied. I said then that—

> An increasing volume of evidence demonstrates * * * that not all of the chemicals reach and remain on the areas where they are intended to be placed. Rather we find evidence of chemical pesticides far from the point of application and still retaining their toxicity.

These warnings have been ignored until now. We are faced squarely with the problem of learning to control the movement of persistent toxic compounds beyond the restricted locations to which they are applied or discontinuing their use. That is the policy question confronting this Nation today. We have heard enough of the benefits of pesticides—we have heard enough how research is the answer to all our problems—we have heard enough about pesticides being stored "harmlessly" in our body fat. It is time to take action.

On Tuesday we will hear testimony from officials of the Department of Health, Education, and Welfare. On Wednesday, officials of the Interior Department, and the Food and Drug Administration will testify. Subsequent sessions will hear testimony from Department of Agriculture officials, Federal Aviation Agency, State officials and others.

I ask unanimous consent to have printed in the Record a number of editorials bearing on this subject.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 30, 1964]

More Silent Spring

There are still robins to be seen during these pleasant spring days, but many householders are greeting the return of the birds with more than usual apprehension. When Rachel Carson first propounded her fears that large-scale use of pesticides were jeopardizing wildlife, her arguments were dismissed in some quarters as overwrought and overstated. Alas, new findings continue to bear her out.

Last week, the Public Health Service issued its findings on a 4-month inquiry into fish kills in the Mississippi River. Some 10 million fish have been reportedly killed in Louisiana since 1960, and dead fish have been found as far north as St. Louis with the same toxic symptoms. The Public Health Service investigation found that wide-scale use of endrin—a pesticide sprayed from planes on cotton and sugarcane—was the probable culprit.

Endrin is closely related to aldrin and dieldrin, which the British Government has now placed on a restricted-use basis. An advisory committee to the British Ministry of Agriculture expressed the "firm opinion that accumulative contamination of the environment by persistent organochlorine pesticides should be curtailed."

In light of these findings, Senator Ribicoff has announced that he will hold a new round of hearings on the dangers of pesticides. The Senator is surely right in deploring past complacency about use of poisons that could alter the very environment of life around us. His subcommittee ought to make a realistic appraisal of the safeguards necessary to end robin counting as an unpleasant new rite of spring.

[From the Washington Evening Star, Mar. 31, 1964]

Pesticide Peril

Miss Rachel Carson is looking better at a time when the outlook for everything else—animals, birds, fish, and humans included—is dim. The mounting evidence supporting her indictment of chemical pesticides has reached a new, and perhaps most critical, turn of events.

Even the most skeptical have conceded in the past that birds and fish have been killed by heavy spraying or perhaps accidental spillage in streams. The proinsecticide forces have argued, however, that controlled usage would reduce hazards to a minimum. To an indeterminate extent, at least, this had been given the benefit of the doubt.

Now that doubt has grown to ominous dimensions. From the Mississippi River, where 10 million fish have died in the past 4 years, comes evidence that the average use of toxic chemical compounds has somehow polluted the river—not in overpowering quantities but in tiny amounts discernible only by advanced scientific methods.

These minute doses of such chemicals as endrin and dieldrin—as little as a teaspoonful to a billion gallons of water—are stored up cumulatively in bodies of fish until they die. This alarming discovery by the Public Health Service raises many questions which should be answered as quickly as possible.

There is the obvious implication that farm insecticides, used in moderate amounts, find their way to the river and deposit their death-dealing poisons. But does it go beyond that? What of the similar chemicals used in industries and homes, which may be flushed into the rivers? Are lethal potions building up in other rivers of the Nation? What will be the effects on man in his consumption of food fish and drinking water?

Senator RIBICOFF, of Connecticut, who has been in the forefront of the antipesticide fight, is calling a special hearing to see whether new legislation is necessary. Meanwhile, there is need for intensified, coordinated studies in the search for substitutes, methods of control, and the determination of long-range effects on man.

The Public Health Service is pushing hard with several new programs for which Congress should supply whatever funds are required. One will examine in six communities the levels of toxic matter found in the air, food, and water from all causes. Another is tracing the life of pesticides from start to finish. No one can now doubt the urgency for finding ways to curb or replace the use of pesticides before irreparable harm is inflicted on man and nature.

[From the New York Times, Mar. 29, 1964]

THE PESTICIDE DANGER

The 4-year-old search for the factor that has made the lower Mississippi a river of death for millions of fish has brought a finding that the residues of several agricultural pesticides are the probable cause. If this conclusion is confirmed, it raises the question whether similar residues create health dangers to humans who drink Mississippi water or eat fish or shrimp taken from that river or the Gulf of Mexico.

Almost a year ago a report by the President's Science Advisory Committee warned of the dangerous potential of pesticide poisoning of man and wildlife. It pointed out that there is much we do not know of the long-term impact of these chemicals on biological organisms. Some of the report's recommendations for tighter controls have been carried out; but in the light of the mass slaughter of Mississippi fish it seems clear that the remedial measures are still most inadequate.

It now appears likely that the fish were killed by almost infinitesimal amounts of contaminants entering the river as the byproducts not of special concentrated spraying operations but of normal farm use. Such contaminants presumably also are to be found in other major waterways, including those that have not had mass fish deaths. The hazardous potentials of this sort of contamination in food have recently led British authorities to place severe restrictions on the use of three pesticides of precisely the sort that have poisoned fish and shrimp in the United States.

The questions posed are of such magnitude that they deserve investigation and resolution with maximum dispatch. The Federal Pest Control Review Board—composed of high-ranking representatives of the Departments of Agriculture, Defense, Interior, and Health, Education, and Welfare—is an existing central agency with the resources needed for the comprehensive inquiry that is urgently required. Meanwhile, the Department of Agriculture, most reluctant of all Federal agencies to move vigorously against potentially dangerous pesticides, owes it to the public to put into full effect the recommendations of the Science Advisory Committee's report of last year.

[From the Hartford Courant, Mar. 30, 1964]

NEW PESTICIDE PERILS

It's going to make a lot of people snappish, but the Federal health agencies seem in a fair way to chalk one up for Rachel Carson and her prophetic warnings against the ignorant use of pesticides. During the last 4 years fish have been dying by untold millions in the Mississippi River. Now it appears that two common pesticides, of the kind used inland against weeds and insects, have been draining into the big river and causing a major part of the trouble.

Up to lately, the Government was not convinced that the so-called normal use of these pesticides could kill fish. Examination of the victims failed to indicate the presence of the chemicals, in the first place. Unhappily, the failure was not due to the chemicals not being in the fish flesh, or the water, or the mud of the river. It came about because science had not yet perfected ways of discovering extremely minute amounts of the pesticides. But methods of measuring chemical presences have recently been refined anew, and with them has come the discovery of the poisons in the fish.

At first the Government could not believe that such small amounts of chemicals could be injurious. But the substances were introduced into test pools, and the fish in these pools also died. The new discovery is bound to stir up the ranks of conservationists all over again. There won't be any smug I-told-you-so's, however—just all the more fear for wildlife in areas were pesticides are used. If chemicals in such infinitely small doses, and diluted as they must be by the process of being washed down into the Mississippi, can kill, how much greater is the danger to wildlife right on the sites where insecticides are first employed—in full strength and quantity application? It is not a matter of indicting the users of pesticides out of hand. In general they acted only on existing knowledge of the harm and nonharm of chemicals. But it appears that somebody was wrong somewhere, as the evidence of billions of dead fish testifies. Nevertheless, it is plain the whole matter of pesticides must be restudied as a result of what the Government has found out in the Mississippi area.

NEED FOR REVIEW OF DECISION ON ROME, N.Y., AIR MATERIEL AREA

Mr. JAVITS. Mr. President, my colleague [Mr. KEATING] and I wish to make brief statements about the Rome Air Materiel Area. At this time, I wish to yield to him, if I may, and thereafter to speak in my own behalf.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Without objection, it is so ordered.

Mr. KEATING. Mr. President, a shocking situation has just come to light, uncovered by the perseverance and determination of the Utica Observer Dispatch, in Utica, N.Y., but I must say not unsuspected by those of us who have been familiar with the facts of the situation.

A member of the Air Force investigating board with responsibility for determining the best method of reducing costs in the Air Force Logistics Command has admitted that after the making of the studies which preceded the recommendation of the closing of Rome Air Materiel Area, in Rome, N.Y., the factual, objective recommendations of the board were overruled—not once, but three times—on political considerations. Only then came the final conclusion that the Rome facility was expendable—not from the point of view of national defense or from the point of view of economy, but only from the point of view of politics.

The report reveals that the 12-man investigating board which studied all the air materiel commands first recommended the closing of San Bernardino Air Materiel Area, at Norton Air Force Base, in California. From higher up, they were told, "Oh, no; you cannot do that. That Congressman is on the Appropriations Committee. He is too important." So they took a second look, and then recommended the closing of the facility at Mobile, Ala. Again they were told, "Oh, no; that is no good. That Congressman has been in Congress for nearly 30 years." So then they took a third look, and recommended the closing of a facility in Pennsylvania; but again the board was overruled—this time on the ground that the installation was in a depressed area and that much new construction had been undertaken. Finally the board was instructed to find a good reason for closing the Rome installation, because that was the one the higher-ups had wanted all the time to have closed, even though it, too, is in a depressed area.

These are serious charges. The board's report was the basis for the decision, announced last December, to close one of the largest defense facilities in New York State. But now we are told that the board's report was doctored up three different times in order to reflect, not national defense needs, not economy needs, but purely political ones.

In this connection, these remarks and the action which my colleague [Mr. JAVITS] and I propose to take have been cleared with the distinguished Member of the House of Representatives for this district, Mr. ALEXANDER PIRNIE.

I am transmitting this information to the Armed Services Committee with the request that a full investigation be made into the report to determine its accuracy or otherwise. Together with my colleague [Mr. JAVITS] I am also asking the Comptroller General to look into the charges. They constitute a challenge to the integrity of decisionmaking in the Air Force. They should be thoroughly reviewed. If they are not factual, we should be so told. Those of us who are familiar with the Rome facility and the fine work that it has done over the years have had serious doubts about the efforts to transfer jobs from Rome elsewhere.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. Mr. President——

Mr. JAVITS. Mr. President, I have the floor, and I have yielded to my colleague.

Mr. KEATING. Mr. President, I thought I had been recognized.

The PRESIDING OFFICER. The time of both Senators from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may be permitted to proceed for 1 additional minute, and that my colleague be permitted to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. The report brings out information which has been the subject of a great deal of suspicion in the past. It calls for a complete reexamination, in my judgment, of the decision to phase out the Rome Air Materiel Command.

I ask unanimous consent to have printed in the RECORD excerpts from the story by Mr. Bill Lucey which appeared in the Utica Observer-Dispatch of yesterday.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM NEWS STORY, UTICA OBSERVER-DISPATCH, APRIL 1, 1964

(By Bill Lucey)

What part did political pressures play in the 1961 decisions by the Air Force to phase out the Rome Air Materiel area. A key member of the task force that drew up the 1961 recommendation, told the Observer-Dispatch today that they were paramount at that time. He said he agreed with the opinion of many in this area that the 1961 plans for eliminating ROAMA was the basis for the 1963 decision.

He revealed that the task force had first selected the AMA at San Bernardino, Calif., then Mobile, Ala., and then Middletown, Pa., for elimination on the grounds that they were expendable. This reasoning was rejected and the task force was then directed to do a study on how to move ROAMA elsewhere.

"So far as I know there were no further plans developed for phasing out ROAMA after the ones we did in 1961. Someone else may have. But so far as I can tell, the current phaseout is based on the studies we made." The former task force official said that in the case of the AMA at San Bernardino and Mobile, the recommendations for eliminating them were rejected by General William F. McKee, now Air Force Vice Chief of Staff, because he feared the power of local Democratic Congressmen. He said McKee told the task force to "forget about Middletown" because the Air Force had just spent a lot of money on an airstrip there. In addition, he said, McKee noted that if the logistics part of the base was moved out, there would be little left and the base would have to be closed and it was a depressed area. Here, too, he said, McKee noted that the opposition of the local Congressmen had to be considered. It was after that, he said, the task force was ordered to do a study on how to eliminate ROAMA.

The task force official who asked that his name be withheld sharply disagreed with the Air Force contention that elimination of ROAMA would reduce jobs or result in economy. * * * The 12-man task force was established by headquarters of the Air Force Logistics Command at Wright-Patterson Air Force Base, Dayton, Ohio, to recommend which of the nine Air Force AMA's should be eliminated.

In arriving at a decision on what to recommend, the task force was to consider such factors as these: The condition and use of existing facilities, availability of skilled labor, estimates of current and future workloads, warehouse requirements and amount of warehousing space, maintenance requirements as related to the maintenance facilities available. At the beginning the task force thought that politics also was supposed to be a factor and they should be concerned with what problems an area would have if an AMA were eliminated. However, its members were informed not to be concerned with politics, "it would be handled by higher-ups."

As a result of this study of the nine AMA's almost all members of the task force agreed that the San Bernardino AMA should be eliminated. This was a big aircraft AMA, but most of its planes were obsolete and its maintenance workload down. General McKee, then deputy to the Chief of the Air Force Logistics Command, reportedly acknowledged that it was a good study. But he threw it out. He was quoted as saying, "There is no chance of eliminating San Bernardino or any other southern California base as long as Congressman HARRY R. SHEPPARD, Democrat, of the 27th District, was influential in that area.

The task force then "reevaluated" the first study and recommended that the Mobile, Ala., AMA be eliminated. At the time much of the Mobile workload was about to be taken over by the Defense Supply Agency which would supply all of the services with some items they used in common. The task force proposed that most of the Mobile base be given to this agency. However, General McKee, according to the Observer-Dispatch's task force informer, threw out that recommendation because he was concerned over the reaction of Democratic Congressman Frank M. Boykin.

Next, the task force evaluated the logistics structure a third time and a Middletown, Pa., AMA was chosen for elimination, but the task force was told to forget it for reasons stated earlier.

There followed the order to do a study on how ROAMA could be eliminated. "There is no doubt whatsoever," the former task force official said, "that final decisions such as these often are politically motivated. They have nothing to do with military logic."

Mr. RUSSELL and Mr. JAVITS addressed the Chair.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Did not my colleague [Mr. KEATING] have granted to him unanimous consent to proceed for 1 additional minute and that I might proceed for 3 minutes? Unless that procedure interferes with other Senators, I should like to use the time available.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the time of both Senators has expired.

The Chair recognizes the Senator from Georgia.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Is the Senate still in the morning hour?

The PRESIDING OFFICER. Yes.

THE ODDS AGAINST THE OPPONENTS OF THE CIVIL RIGHTS BILL

Mr. RUSSELL. Mr. President, I ask unanimous consent that, in addition to the time which is available to me during the morning hour, I may have 2 additional minutes to discuss a subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, I have frequently referred to the odds against those of us who are opposing the so-called civil rights bill. Those odds become more manifest as the debate progresses. Each speaker for the affirmative side of the question on the passage of the bill comes well armed with memorandums and statistics that have been gathered and supplied by tax-supported agencies of the Federal Government. We have no means of counterexamining the sources of that material in order to insure its accuracy and to reply.

Yesterday the distinguished Senator from New York [Mr. KEATING] in his speech referred to a number of counties in which he claimed the Negro was deprived of the right to vote. There has been a great deal of scoffing at the contention that some of us have made that a great deal of the lack of voting has been due to apathy on the part of members of the colored race in respect to voting. We cannot employ an army of agents, attorneys, inspectors, and investigators and have local committees in every State and in every community of the land—as the Civil Rights Commission has, to supply information to us.

I do not contend that there have not been irregularities in registration and voting. But the cases presented are few and isolated when considered against the background of the whole picture. The South has about 10 million colored citizens and the vast majority are free to register and vote as they may desire.

The right to have one's vote fairly counted is as vital as the right to register and vote. I am convinced that if the Civil Rights Commission and the Department of Justice would devote the same amount of time and tax money to a study of election irregularities in the boss-controlled centers of population they would find as much infringement on the right of franchise of American citizens as those detailed in isolated southern communities yesterday.

Some of their statistics are false. Much of the material is misleading. But we do not have the personnel and facilities to pinpoint and prove that, though we know of our own knowledge of instances in which that is the case.

One example arose yesterday with respect to a county in North Carolina in which no Negroes reside, and in which the Civil Rights Commission has claimed discrimination exists.

The opponents of the proposed legislation must use whatever information we can obtain. I have in my hand a long article published in the New York Times on March 22 dealing with the drive to have the Negro citizens of New York registered. The headline states, "Apathy Slowing Negro Vote Drive."

Of course, as in the case of everything considered wrong, the article blames the situation on the South though the campaign is being waged in 34 Northern States. It claims that the Negroes have no interest in voting in these States because they had not voted in the South. But the article shows that it is absolutely true that there is great apathy on the part of members of the colored race even when living in the land of claimed equalities.

I ask unanimous consent that the article to which I have referred, published in the New York Times, which is in direct contradiction of the speech made by the Senator from New York [Mr. Keating] yesterday, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From New York Times, Mar. 22, 1964]

Apathy Slowing Negro Vote Drive—Uprooting of Families Also Cited in Northern Cities

(By Theodore Jones)

Apathy and a constant uprooting of Negro families were described yesterday as the major problem encountered in a drive to increase the number of Negro voters in 34 Northern States.

The campaign, which involves communities from Maine to Hawaii, is being conducted by 300 local branches of the National Association for the Advancement of Colored People. Its goal is to add 1 million northern Negroes to the Nation's voting rolls this year.

Calvin D. Banks, NAACP coordinator of the campaign described it yesterday as "a coldly calculated move to strengthen the political voice of the Negro in the North."

Our branches, he explained, "are approaching this challenge with great seriousness. They realize this is the key way of demonstrating real muscle in the civil rights struggle."

The execution of the campaign, Mr. Banks said, is being left to the local branches. Early reports, he indicated, are showing progress and pinpointing common problems.

"There is a tremendous mobility among the northern Negro," Mr. Banks said. "A search for economic stability may take the Negro family from one community to another. This makes it difficult for them to meet the residence requirements in many communities."

APATHY CALLED OBSTACLE

Apathy among many Negroes, particularly those who have migrated from the South, was also cited as an obstacle in many northern communities.

Many of these Negroes, Mr. Banks said, come from southern areas where they were threatened with violence and economic destruction if "they even thought about registering to vote."

In the North, Mr. Banks continued, "registration is sometimes the last thing they think about."

"Some become indifferent when they see no improvement in their economic status and take the attitude that their vote won't help things," he said. "It's these people we want to get."

Mr. Banks said that 800 Negroes had been registered in Compton, Calif., as the result of a recent weekend door-to-door canvass by the local branch there and by 125 students from the University of California.

The NAACP official said the northern drive was part of a nationwide voter registration campaign. Its efforts are being matched in an expanded registration drive in southern communities, he said.

The nationwide effort is also being coupled with the NAACP's voter education program which, according to Roy Wilkins, executive director, is laying the groundwork "for what we may have to do after the votes for and against the civil rights bill are recorded."

Mr. RUSSELL. Mr. President, further to point out the difficulties, yesterday the news ticker showed that—

> Leaders from more than 80 national organizations cooperating in the Leadership Conference on Civil Rights met with Senate floor leaders at 2 p.m. to discuss the civil rights bill in S. 207, Senate Conference Room, Capitol.

That bears out the contention I have made with respect to the enormous lobby that has been assembled in an effort not only to force the bill through the Congress, but in the process to withhold from the American people every material information as to what the bill would actually do if it should be enacted.

I point out further that speaker after speaker, and all the captains of the various teams that have been assembled by the Senator from Minnesota, have been furnished with a great deal of memorandums and speech material by the Department of Justice, a tax-supported agency, and nearly every one of the speakers has referred to a memorandum which he has that was supplied by the Department. They also have available to them the enormous resources of the Federal Bureau of Investigation. I do not mean to imply that the Federal Bureau of Investigation would make erroneous reports, but I do say that the Attorney General can withhold such reports as may be injurious to the purposes of the supporters of the bill. I have no doubt that in many instances only information which would cast a reflection upon the southern part of the United States has been submitted.

Mr. KEATING. Mr. President, will the Senator yield if he has any time remaining?

Mr. RUSSELL. I am glad to yield.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired. The Chair recognizes the Senator from Maine.

MISS PEARL R. FISHER NAMED PRESIDENT OF NEW ENGLAND HOSPITAL ASSEMBLY

Mrs. SMITH. Mr. President, as a woman, I always have a great feeling of pride in the success of another woman. I particularly feel such pride in the success of Miss Pearl R. Fisher, a registered nurse, who is the administrator of the Thayer Hospital in Waterville, Maine.

Miss Fisher became president of the New England Hospital Assembly. She has brought great pride to Maine and to women in her singular and outstanding accomplishments. She is a woman of great and distinguished achievements. I am most fortunate to count her as a personal friend.

I ask unanimous consent that there be printed in the Record at this point an editorial in the March 25, 1964, issue of the Waterville, Maine, Sentinel, and two newspaper reports on Miss Fisher.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Will Be Installed Tonight

(Miss Pearl R. Fisher, administrator of Thayer Hospital, will be installed as president of the New England Hospital Assembly at the group's 43d annual meeting in Boston. Some 6,000 hospital personnel are attending the session.)

MISS FISHER HEADS HOSPITAL ASSEMBLY

In the resplendent Georgian Room of the Statler-Hilton Hotel in Boston this evening, hundreds of skilled hospital personnel from throughout New England will give their warm applause to a modest, soft-spoken woman from Maine.

It will be a big moment in the eventful career of Miss Pearl R. Fisher, administrator of Thayer Hospital in Waterville. And the tribute will be richly deserved.

For Miss Fisher tonight will be formally installed president of the New England Hospital Assembly, the largest and oldest regional hospital organization in the United States.

Some 6,000 representatives of New England hospitals will attend this 43d annual meeting, including hospital executives, physicians, nurses, trustees, technicians, auxiliaries, and many other specialists.

The presidency of such a noted organization is an honor that could well make a lesser head spin.

"Actually," says Miss Fisher, "Thayer's uniqueness is a combination of many individuals and their skills and talents; an interested and informed board of trustees; and outstanding, well-qualified medical staff; the Mansfield Clinic Advisory Board; and the women's auxiliary volunteers who share our interests and ideals and give generously and unselfishly of their time and talents; and that very important group, our hospital personnel who work together as a hospital team."

"We have had a vitality that has stimulated us and kept us growing all the time," she said, citing the many programs that were pioneered at Thayer.

"When I first went to Thayer, the hospital employed only 25 people. We had nothing. We had no money. But we had a belief and faith in people. It is because of the work of many individuals that we have what we have today."

Miss Fisher's duties are principally administrative now since the hospital has grown to its present 100-bed capacity as a result of building programs in 1950 and 1957. A $3 million program now underway will enlarge the institution by 60 beds and make possible the consolidation and expansion of laboratory facilities.

Although her schedule is an extremely busy one, the Thayer administrator admits that she has "never known what it is not to want to come to work."

Miss Fisher was only 16 when she entered nurses training at Sisters Hospital School of Nursing here.

"I wanted to be a nurse so badly it didn't seem I could get there quickly enough," she said.

A hard worker, she went to Boston following her graduation and furthered her knowledge of pediatrics and obstetrics at three hospitals there.

She came to the thriving young Thayer Hospital in 1934 and 2 years later was named its administrator, Pearl Fisher hasn't stopped working since.

Among her achievements:

Recipient of honorary master's degree at Colby College; past president of Maine Hospital Association; treasurer, program chairman, and president-elect of the New England Hospital Assembly; a fellow of the American College of Hospital Administrators and regent from New England.

Secretary of the Sisters-Thayer Hospital Council; member of executive committee of Maine Cancer Society; perceptor for Columbia University Program of Continuation Education, Hospital Administration; visiting lecturer in public health and administrative medicine at Columbia; member of Zonta International, Waterville Chapter; member of the board of directors, Maine Children's Home for Little Wanderers.

Miss Fisher is especially fond of a quotation from John Ruskin: "Quality is never an accident. It is always the result of intelligent effort. There must be a will to produce a superior thing."

It is with such a spirit that Miss Pearl H. Fisher, of Waterville, becomes president of the New England Hospital Assembly tonight.

The Lady in White

The lady in white whose soft voice and warm smile have cheered thousands of patients at Thayer Hospital is today president of the New England Hospital Assembly.

Recognition by her colleagues in this manner is an honor well deserved by Miss Pearl Fisher, whose life has been devoted to healing.

Miss Fisher earned her cap in nursing at Sisters Hospital and since 1936 she has been administrator of Thayer Hospital helping to guide its growth from a converted wooden dwelling on Main Street to its present status as one of the outstanding small hospitals in the country.

Through that time she has done about every chore a nurse can perform, always adding to her duties that extra something that comes from within a person dedicated to a chosen field.

We join with her colleagues in Thayer and her friends at Sisters and Osteopathic Hospitals in applauding the choice of the assembly to lead the 6,000 hospital people who attend their deliberations.

Miss Pearl Fisher Assumes Office as Hospital Assembly President

Boston.—Miss Pearl R. Fisher, administrator of the Thayer Hospital in Waterville, Maine, assumed office Tuesday as the president of the New England Hospital Assembly.

Miss Abbie E. Dunks, administrator of the Boston Dispensary was named president-elect, to take over the office next year.

Richard T. Viguers, speaking on a panel, said that patients today are demanding high standards of medical care, luxury personal services, and at the same time low costs.

He said the basic fact remains that more and better service costs more, even after making full allowances for efficiency, economy of operation, and maximum use of facilities.

Waterville Hospital officials had these comments on Miss Fisher's election:

Ralph H. Cutting, chairman of Thayer board of trustees: "Every one of us connected with Thayer Hospital is very proud of this honor that has been conferred upon Miss Fisher. We feel, too, that it is a distinction well deserved by virtue of her lifelong dedication to hospital service. Her courage and imagination in this field have gained for her national recognition as a leader in progressive hospital administration. The primary function of NEHA is the continuing development and improvement of standards in patient care. We feel that Miss Fisher is a most appropriate choice to further these ideals."

Dr. John H. Reynolds, Thayer medical director: "We are proud and pleased that Miss Fisher has been accorded this high honor. It reflects credit, not only upon her, but upon all who are associated with her at Thayer and the community the hospital represents. We believe that her background of experience and ability will make her year as president of NEHA a fruitful one for the entire membership."

Sister Evelyn, administrator of Sisters Hospital: "The New England Hospital Assembly is indeed fortunate to have such an outstanding person as Miss Fisher as its president. Her efficiency, experience, and devotion to her chosen profession will serve her in good stead in this important position. The elevation of Miss Fisher to the presidency of such a noted hospital organization brings honor to her and to the State of Maine."

Howard N. Gray, chairman of the advisory board at Sisters Hospital: "The fine work Miss Fisher has done as administrator of Thayer Hospital is well known to us in the Greater Waterville area. We at Sisters, who are proud to have Miss Fisher as a graduate, feel equally honored with our friends at Thayer by her selection to lead the New England Assembly. Her quiet efficiency and her dedication to the art of healing will contribute much to the work of the assembly."

George R. Petty, administrator of the Waterville Osteopathic Hospital: "We, of the Waterville Osteopathic Hospital family, join with Miss Fisher's colleagues and friends in congratulating her on her election as president of the New England Hospital Assembly. It is no surprise to any of us who are aware of Miss Fisher's tremendous abilities to learn that she has been selected for this high honor."

NEED FOR REVIEW OF DECISION ON ROME, N.Y., AIR MATERIEL AREA

Mr. JAVITS. Mr. Preisdent, I join my colleague [Mr. Keating] in his protest with respect to the Rome Air Materiel Area and in the demand that the Secretary of Defense and the Secretary of the Air Force explain to us what, according to the newspaper report in the Utica Observer Dispatch of April 1, 1964, appears to have been a political decision to move a critically important military installation from an area which is having very grave economic difficulties to another location for no reason that we have been able to discover before this small chink of light was cast upon this decision. I asked my colleague to speak first because he has taken a very keen interest in the situation, which urgently deserves it, together with Representative Pirnie, the Congressman from the Rome, N.Y., area. We join in a solid determination to get to the bottom of what caused the critically important Rome, N.Y., installation to be moved. We do not like what we see about it now, and we shall continue to insist on an explanation of how and why this decision came about. We shall insist on an explanation which is reasonable and satisfactory, and does not have the character which seems to be intimated by the newspaper story.

The Defense Department owes us a complete explanation of what this story is all about.

PAYMENT TO SENECA INDIAN BILL—H.R. 1794

Mr. JAVITS. Mr. President, I would appreciate it if I may have a few extra minutes on one other matter, the Seneca Indian bill which was passed the other day on a call of the calendar by unanimous consent. Several Senators stated at the time that because of the absence of the chairman of the Indian Affairs Subcommittee, the Senator from Idaho [Mr. Church], we would not press our demands with respect to that legislation. The reason we favored the bill's passage by consent was that we thought it was in the highest interest of the Seneca Indian Nation.

As my colleagues know, on February 5 the House Interior Committee unanimously reported H R. 1794 which provided for $20,150,000 in compensation and rehabilitation funds for the Seneca Nation. On February 7, 1964, this bill passed the House by voice vote. The House-approved bill included rehabilitation funds in the amount of $16.9 million to improve the economic, social, and educational conditions of the 4,132 enrolled members of the Seneca Nation. These funds were to be expended for the following purposes: $8 million for agricultural, commercial, and recreational development; $4,438,000 for industrial development; $1,029,000 for relocation and resettlement; $970,000 for community buildings and facilities; $2,300,000 for an educational fund; and $194,000 for a resurvey of the congressional villages on the reservation.

The Senate Interior Committee reduced the rehabilitation funds from $16,931,000 to $6,116,550, constituting a reduction of $10,814,450. In doing so, it struck out, among other things, $2,300,000 for an educational fund to finance a 20-year program of higher education, vocational training, and scholarship assistance to Seneca children. It also substantially reduced the funds available for industrial and recreational development, construction of community buildings, houses, roads, utilities, and sanitation facilities. The funds which were eliminated in the Senate-passed bill would most effectively be utilized by the Seneca Nation. Consequently, it is my firm belief that the substantial reduction of funds in the rehabilitation program of the Senate-passed bill is not in the best interest of the Seneca Nation of Indians.

It should be remembered that the $16.9 million rehabilitation program figure approved by the House represents a considerable reduction from the amount of $33 million which was estimated by the Brill Engineering Co., a concern retained by the Bureau of Indian Affairs to study the recreational and industrial potential of the area. While the House and Senate Interior Committees did not support the proposal for the construction of a Williamsburg-type Indian village recreation area to attract tourists to the Seneca area in order to improve the economic capacity of the nation, it is clear that economic development of the reservation is vitally necessary to the nation and the surrounding communities. The longstanding need for more and better job opportunities for the Senecas will be dramatically accentuated when families move into their new communities.

I believe the House figure for rehabilitation program funds is a reasonable one and am hopeful that the conference will adopt it. The Senate committee has not even allowed $2,250 per enrolled Indian, an amount suggested by the Bureau of the Budget in its report on the bill dated February 28, 1964, and utilized by the 87th Congress in arriving at its legislative settlement for the Crow, Creek, and Lower Brule Sioux Indians, for the total enrolled membership of the Seneca Nation. The Senate committee approved the $2,250 figure for 1,103 Indians living on the Allegany Reservation directly affected by the Allegheny River flooding and $1,200 per capita to be paid to the 3,000 Senecas living off the Allegany Reservation. A formula to permit payment of $2,250 to the entire enrolled Seneca Nation presently about

4,200 members, would alone have increased funds for the rehabilitation program by approximately $3.2 million.

The Senate-passed bill also included an amendment to the House bill which would require the tribal council of the Seneca Nation to submit to the Secretary of the Interior within 2 years from the date of enactment of this legislation for the Secretary's transmittal to the Congress within 90 days, proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe and its members within a reasonable time after the submission of such proposed legislation. I have been advised by the president of the Seneca Nation, George Heron, that the nation is unalterably opposed to this amendment. The nation feels that the amendment requiring preparation of a tribal plan for termination of the special relationship between the Seneca Nation and the Federal Government, a relationship which is of great importance to the nation, was not sufficiently considered in that this matter was not previously taken up by the House or the Senate subcommittee nor considered by the full committee with the benefit of the executive agencies' positions.

Second, it is well recognized that H.R. 1794 is directed toward providing for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation as compensation for the infringement by the United States of the rights of free enjoyment of the Seneca Nation's land guaranteed under article III of the 1794 Pickering Treaty between the United States and the Seneca Nation. The U.S. Court of Appeals, District of Columbia, it must be remembered, expressly held that the U.S. Government infringed the Nation's rights under the 1794 treaty—262 F. 2d 27 (1958), cert. den., 360 U.S. 909 (1959). Under these circumstances, to convert this compensation bill by a termination amendment into a vehicle for doing away with the obligation of the United States to the Seneca Nation is literally to add insult to injury. Although the Senate committee report states that the tribe's plan and proposed legislation will be the subject of committee hearings before a final program is enacted, the committee report also states that the intent of the amendment was "that the Federal Government may withdraw from supervision of the tribe altogether at some time in the near future."

The Seneca Nation fears that the termination of the Federal Government's special relationship with it will mean that the Congress, consistent with former termination statutes, will subsequently enact some or all of the following provisions: First, repeal of the tax exemption for Seneca lands, under Federal law; second, lifting the Federal restrictions on alienation of tribal lands, thus opening up the Seneca reservations to sale to commercial interests and State condemnation; third, termination of reservation hunting and fishing rights enjoyed by the Seneca Indians; and fourth, total abrogation of the 1794 treaty. The Seneca Nation is vigorously opposed to the loss of any of these rights.

Third, with respect to the termination amendment, I wish to point out that if this amendment is intended to end the Bureau of Indian Affairs programs for the Senecas, it is unnecessary in view of the fact that the Bureau has not maintained an office or otherwise carried out activities in New York since 1949. If the intent of the amendment, as the committee report indicates, is to destroy the special relationship between the Federal Government and the Seneca Nation, the Seneca Nation, as I have stated before, is unalterably opposed. In view of these objections to the termination amendment, I urge the conferees to eliminate section 18 of H.R. 1794.

In view of the urgency for a legislative remedy, it is hoped that this bill will go to conference soon. I believe the injustices which remain in the bill can be corrected by the conferees. My purpose in speaking today is to place facts in the RECORD with the hope that these injustices may be corrected.

The U.S. Congress owes a deep sense of moral responsibility to the Seneca Nation. During the debate on the fiscal year 1958 appropriation of funds for the Kinzua Dam in the 85th Congress, 1st session, my former colleague from New York, Senator Ives, and I, expressed our concern over the moral responsibility which we believed the Congress assumed with respect to assisting the Seneca Nation. Our late President Kennedy felt this deep responsibility for the relocation of the Seneca Nation, resulting from the Kinzua Dam construction, and in August 1961 pledged the Federal Government to assist the Seneca Nation "in every proper way to make the adjustment as fair and orderly as possible." I am confident that the Congress will live up to this pledge and will honorably fulfill the obligation which the United States owes to the Seneca Nation.

Mr. HILL. Mr. President, I suggest the absence of a quorum——

Mr. KEATING. Mr. President, will the Senator withhold the suggestion?

Mr. HILL. I withhold it.

Mr. KEATING. I have spoken in the morning hour once, but if there are no other Senators who seek recognition in the morning hour, I wish to spend a moment or two on the subject of the Seneca Indians.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. KEATING. Mr. President, the circumstances that bring this bill before the Congress are well known, and I need not bring them again to the attention of my colleagues. Briefly, land has been taken from the Seneca Nation of Indians in violation of a treaty signed in 1794, in order to build the Kinzua Dam. A single building season remains before the waters of the dam will flood Indian lands, and yet the money to provide compensation and facilitate relocation of the Senecas has not yet been appropriated. The Indian cannot even borrow money to move their belongings and build new homes until the compensation bill is finally approved.

Last February, the House passed a bill authorizing the payment of $20,150,000 to the Senecas. Of this figure, $1,289,060 is for direct damages, $1,033,275 is for indirect damages, and the bulk of the remainder $16,931,000 is for rehabilitation. This rehabilitation fund was developed after careful study of the best means of providing a firm base for the Seneca economy which will be greatly disturbed, if not destroyed, by the construction of the dam. Eight million dollars will be allocated for agricultural, commercial, and recreational development, and approximately $4½ million will be used for the construction of an industrial park in the vicinity of the reservation. These figures represent a considerable reduction in the original proposal for a $29 million rehabilitation fund. The final figure in the House bill takes into account the congressional precedent for establishing large rehabilitation funds in Indian compensation cases. It is, in my judgment, a fair figure and the minimum amount necessary to make the Seneca economy viable after the dam is constructed. The remainder of the $16 million will be used for an educational fund for Seneca children, and for relocation, resettlement, and construction of new community buildings and facilities.

Earlier this week, the Senate passed an amended version of H.R. 1794, which reduced the total funds to $9,126,550. In arriving at this figure, the Senate committee relied on two recent precedents, the Crow Creek and Lower Brule cases, and applied the same formula—that is, a certain fixed figure multiplied by the number of enrolled members of the tribe—to the Seneca case. It is to be hoped, however, that the conferees will consider, not the simple formula or the cold figures, but the programs which have been developed and the funds which will be needed to make rehabilitation meaningful.

One treaty has already been broken with these Indians, Mr. President. We must not again break faith with them by providing a sum for compensation which will not accomplish full rehabilitation. If more money is needed for the Senecas than was sufficient for other tribes, that is due to circumstances of the surrounding economy which cannot be controlled. We must not forget that this Indian nation was given a second promise by President Kennedy, who pledged meaningful rehabilitation funds. We must not allow that pledge to be abrogated. It has been said that broken treaties come high, and it is the opinion of most Americans that they should. It is my earnest hope that the Senate-House conferees will rectify the inadequacies in the Senate bill and allow a figure more nearly consonant with justice to this injured nation.

Mr. CASE. Mr. President, I wish briefly but very wholeheartedly to concur in the statements made by the Senators from New York in this matter. I have been a cosponsor with them of the legislation. It seems to me that this great Government of ours could do no less than treat the Indian nation in a much fairer way than has been done by the action taken by Congress. I hope that in conference the legislation will be rectified.

A SIXTH STAR FOR GEN. DOUGLAS MACARTHUR

Mr. COTTON. Mr. President, all the American people, as well as other people of the world, view with sadness and deep concern the apparently losing struggle being made by that distinguished soldier, Gen. Douglas MacArthur, to overcome his illness. We hope and pray that he may still be given some time in this world, but there is at least the possibility that he will not.

In the hands of the Committee on Armed Services is a bill (S. 2396), of which I am a cosponsor, conferring upon General MacArthur the title of General of the Armies. It is my understanding that action on the bill has been withheld because of the fact that to take it up might bring up similar suggestions that have been made with regard to other distinguished soldiers: General Marshall, who, I believe, was then alive; and the distinguished ex-President of the United States, that great soldier, General Eisenhower.

However, under the circumstances that now prevail, as we are perhaps preparing to bid farewell to a man whose career has been almost unique in the annals of American military history, it would seem to me that without offense or reflection upon anyone else the Armed Services Committee might see fit to consider that bill. I believe there could be no more appropriate action by Congress than to confer this honor upon General MacArthur, just as it was conferred upon General Pershing during the last days of his life and during his last illness.

Therefore, I rise to call this matter to the attention of the Armed Services Committee; and I regret that the distinguished chairman of the committee is not in the Chamber. I express the hope that immediate consideration may be given to this subject.

Mr. GRUENING. Mr. President, before the Senator from New Hampshire leaves the floor, I should like to call his attention to the fact that I heartily commend him on his remarks and support him in what he has said about that great man who is now desperately ill at Walter Reed Hospital, Gen. Douglas MacArthur.

I am a cosponsor of the bill to confer on General MacArthur the title of General of the Armies of the United States, making him a six-star general. I fervently hope that the suggestion of the Senator from New Hampshire will be followed, and that Congress will act to confer this well deserved honor on that great American. I thank the Senator from New Hampshire for bringing this matter to the attention of the Senate.

THE GREATEST NATURAL DISASTER IN AMERICAN HISTORY: THE ALASKA EARTHQUAKE

Mr. GRUENING. Mr. President, the unprecedented and unparalleled disaster wrought in Alaska by an earthquake of previously unequaled intensity and extent and the resulting tidal waves, grows in magnitude. The casualty lists are mounting as human bodies are discovered in collapsed buildings and the reports from smaller outlying fishing communities come in. It is undoubtedly the worst disaster that has afflicted any State of the Union since the beginning of our Nation's history.

I cannot commend too highly the instant and continuing concern which President Lyndon Johnson has shown from the minute that he was apprised of this mammoth catastrophe late last Friday night. Immediately he mobilized the Office of Emergency Planning and sent its capable director Ed McDermott to Alaska. My colleague Senator BARTLETT and I and staff members as well as press representatives accompanied him.

Yesterday we were all called into conference by President Johnson along with Budget Director Kermit Gordon, Assistant Director Elmer Staats, Ed McDermott and his assistant Justice Chambers, Leigh White of the White House staff—and plans for both immediate and long-range action formulated. President Johnson's deep interest and concern were manifested by the fact that our conference lasted an hour and a half.

Because of the historic and unprecedented nature of this disaster and its far-reaching effects I believe it desirable that an adequate record be kept in the official Journal of the Congress. I therefore ask unanimous consent that articles reporting on various aspects of this catastrophe from Newsweek, the Washington Post, the New York Times, the Washington Star, the Washington News, the Drug News Weekly, the Home Furnishings Daily, the Women's Wear Daily, the Daily News Record, and the Anchorage Times which after an interruption of 2 days because the earthquake shut off power in Anchorage resumed publication on Monday last, be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the November National Affairs]

HELL ON GOOD FRIDAY

In the crisp, cold dusk of Good Friday, the streets of downtown Anchorage, Alaska, were alive with shoppers and strollers and motorists headed home after work for the Easter weekend. Then, suddenly, the ground was bucking underfoot and the street was splitting into crevices two blocks long and the spanking new J. C. Penney building was falling down. And when it was over, downtown Anchorage was gone.

It was a shock heard round the world—a roaring, rumbling earthquake that wrought splintering havoc in southern Alaska, set deadly tidal waves raging down the western rim of the continent, and jarred seismograph needles off their tracks on the other side of the world.

By the cool measure of science, the great Alaska quake of 1964 approached or touched the 8.6 rating at the outer limit of the Richter scale—the yardstick by which the seismic upheavals of the earth are ranked. By the cruel measure of sheer destructive force that placed it alongside the 1906 San Francisco quake (Richter rating: 8.25) as the worst in U.S. history. By a more modern gage, it loosed energy equivalent to 10 million Hiroshima-vintage atomic bombs.

TEMBLOR SCARRED

The heart of the quake was 100 miles to the southeast, 30 to 60 miles below the earth's surface on the shores of Prince William Sound. That was earthquake country, the temblor-scarred region of the Fairweather Fault; a shift along that fault line had set off a 7-magnitude quake and churned up a tidal wave in Lituya Bay 6 years ago. But the new quake was of a deadlier magnitude. Its tremors were felt as far south as Seattle; its spawn of tidal waves dashed at 400 to 600 miles an hour down the coast to California and across the Pacific to Hawaii.

Bustling Anchorage, Alaska's biggest city (population, 48,000) was hit hardest. Buildings over most of 14 blocks crumbled, remaining as twisted litter among table-size chunks of earth that thrust upward like eerie toadstools. Anchorage Daily Times Editor Robert B. Atwood watched his house wrenched apart as though in a gigantic taffy pull. Teenager Sam Krogstad's Volkswagen was catapulted from his driveway to a neighbor's yard—with him at the wheel. "It was the fastest parking I ever did," he said. Streets split into chasms 10 feet deep, 60 wide. Water mains, gas pipes, power and phone lines broke. Anchorage airport runways buckled like thin piecrust as the 60-foot control tower crumbled like an erector set under an elephant's hoof.

SEALED OFF

Powerless save for candles, waterless save for melted snow, nearly heatless in subfreezing weather, Anchorage was sealed off through the long Good Friday night. Next morning rescuemen began the task of caring for the living, saving until later the grim chore of counting the casualties, a tally some feared might reach hundreds.

Far beyond Anchorage swept the quake's lethal forces. Ruptured oil tanks ignited and set little Seward ablaze—ending its plans to celebrate an All America City Award. Newsmen flying in saw nearby Valdez as only a black scar marked by a spiral of dirty smoke against a backdrop of snow-draped mountains. A Valdez dock had collapsed, spilling some 30 persons into the sea. A 17-foot tidal wave demolished the downtown section of the island city of Kodiak. A neighboring fishing village was reported simply gone. Far down the Pacific coast, four members of a family disappeared to sea off a beach at Depoe Bay, Oreg. And at Crescent City, Calif., a 12-foot tidal wave dashed four downtown blocks to rubble, killing at least half a dozen.

The grim dispatches quickly reached the LBJ Ranch in Texas. The President—spending the weekend in retreat from the press of Washington business—was awakened twice during the night with the news, in the morning he declared stricken Alaska officially a disaster area. It was worse than that; worn, unshaven and haggard after 24 hours' emergency duty, an Anchorage cop shook his head sadly and said: "It was hell."

[From the New York Times]

ALASKA WILL REQUEST $500 MILLION IN FEDERAL AID

(By Lawrence E. Davies)

ANCHORAGE, ALASKA, April 1.—Gov. William A. Egan expects to fly to Washington early next week to seek President Johnson's support for Federal grants totaling nearly $500 million.

The money would be used to rehabilitate both the public and private sectors of the economy of Alaska, stricken last Friday by a disastrous earthquake and tidal waves.

The Governor voiced confidence that a huge rebuilding program, given sufficient financial backing, could get underway at the start of the summer construction period, normally May 1. Private builders agreed.

Enough construction materials were on hand in Anchorage to build about 200 homes, Mr. Egan said. He said there would be no problem in bringing in materials by ship to keep the program operating at high speed during the short summer and fall construction season.

Residential construction appeared likely to have a high priority in view of the hundreds of families left homeless in Anchorage alone. Many of these have moved in with friends. Others snatched up vacant apartments, which had stood as testimonial to a construction program that had given the city a preearthquake housing surplus.

APARTMENTS RENT QUICKLY

George Muir, a painting contractor who owns an apartment house, said, "I had five vacancies out of eight apartments. All were filled up on Easter morning in 2 hours."

Mr. Eagan, at a news conference in his trailer office here said that temporary piers could be fashioned by the time new facilities were planned for towns like Valdez, Seward, and Kodiak. Despite ice in Cook Inlet, ships are now able to put in at Anchorage.

RISE IN COSTS DOUBLED

Suggestions that inflationary costs in materials might result from the heavy postearthquake demand were discounted in most quarters.

"From what I have seen," the Governor said, "the tendency on the part of suppliers, contractors and so on is the other way."

Labor and material costs in the 49th State are already 25 to 30 percent higher than those in the other 48 mainland States.

Theoretically, Anchorage, the State's metropolis with an area population approaching 100,000 has become a city planners' paradise.

Without doubt, when an extensive seismic survey is completed in 2 or 3 weeks by teams of the U.S. Geologic Survey, some parts of the city will be barred from future building. Already scores of buildings still standing in the downtown section have been posted for demolition. A new city pattern is called for, according to some officials.

CAN'T WAIT FOR STUDIES

Mr. Schoop acknowledged that "we will have an opportunity to perhaps plan a more efficient community."

"But," he said, "there is going to be a tremendous surge of rebuilding and I don't think it's going to wait for planning studies. However, where the studies indicate ground is unstable, we will have to plan more suitable use of areas."

Mr. Schoop said that he and his staff were working now on "How to shift our land development pattern if we have to abandon certain areas."

He suggested that there might have to be a slight shift of part of the downtown area but foresaw no abandonment of the present city core.

"It would take a tremendous lot of convincing of a lot of people to get them to give up rebuilding on land in which they have heavy investments," he said.

Mr. Schoop said that Anchorage's building codes were "fine." What is needed, he suggested, is provision for foundation studies to be made by builders before putting up business structures.

He had in mind the kind of study made for Walter J. Hickel, Anchorage builder, financier and motel owner, in 1959 by Shannon & Wilson, soil engineers, and the Arctic Testing Laboratories.

Mr. Hickel at that time was planning a 14-story Captain Cook Hotel and Office Building, to cover 2 blocks on Third Avenue.

"I paid more than $25,000 out of my own pocket for the study," Mr. Hickel related, "but it will be worth it when I build. There's no problem here from earthquakes; it's just a matter of proper design."

He said the design emphasizes the building's base. If a building, for example, was to weigh 500 tons, then 500 tons of earth would be excavated so that the weight on the earth after construction would be no greater than before.

"To give equal pressure on the earth, the building should sit on a pad instead of a normal foundation," Mr. Hickel said. "If a building is 10 by 50 feet, the pad is 12 feet larger than that all the way around. For a building of 14 stories the pad is 3 feet thick, interwoven with 1-inch reinforcing steel. That pad is capable of carrying any portion of that building and it carries the whole building in unison in event of an earthquake. It's as simple as that."

FAULT CLEARLY DEFINED

Mr. Hickel said the 1959 study showed where the Anchorage earth fault lay. One part of the fault, as any visitor to Anchorage today can see, stretches along the north side of Fourth Avenue, the main downtown thoroughfare. The earth there sank 20 to 30 feet, carrying buildings down with it.

"You would have to be a complete ignoramus not to listen to the geologists' report," Mr. Hickel said, "but you have to be practical as well. If the city were to be moved, it would die. We should rebuild right here. I plan to have a major building program this summer and one of the banks is going to announce a 10-story office building this summer. I'd like to go ahead with the Captain Cook of 14 stories, but if I don't do that I'll build an 8-story building on Fourth Avenue."

Mr. Schoop said that in the rebuilding "we'll be making up for 15 years of construction in 2 to 3 years."

Present-day Anchorage is a product of the postwar period. It was a town of 3,500 when the war began.

L.B.J. Names Unit To Plan Alaska Aid: Will Ask Congress To Add $50 Million in Disaster Relief

(By Carroll Kilpatrick)

President Johnson yesterday named a special Commission to plan Alaskan rehabilitation and announced that he would ask Congress for an additional $50 million for emergency public relief.

Alaska's two Senators, who conferred with the President for nearly 2 hours, said they would urge a Federal long-range contribution of up to a half billion dollars to help individuals and businesses recover from losses in the earthquake.

During the White House meeting with Senators E. L. Bartlett and Ernest Gruening, both Democrats, the President conferred by telephone with Alaska's Gov. William A. Egan, who agreed to name a State commission to work with the President's Commission.

MEET NEXT WEEK

The two groups will meet with Egan and with Senator Clinton P. Anderson, Democrat, of New Mexico. Anderson was named Chairman of the U.S. body, which will be called the Federal Reconstruction and Development Planning Commisison for Alaska.

In Alaska yesterday, unsolicited funds were reported pouring into the State from individual donors. Businesses in other States were extending automatic credit.

Egan said the damage figure of $500 million was about right. He said he was considering calling a special session of the legislature in September to discuss taxes, but he emphasized the need for a Federal grant to save the State and its citizens from bankruptcy.

The White House released the text of a telegram from Soviet Premier Khrushchev to President Johnson expressing the Soviet people's sympathy for the victims of the earthquake.

"In connection with the grave natural calamity that befell neighboring Alaska," Khrushchev said, "I ask you, Mr. President, to accept our profound sympathy and to convey the Soviet people's sincere condolences to the population of the affected State."

Alaska's Senators emphasized that emergency Federal aid under existing procedures would never meet Alaska's needs.

When the President designates a disaster area, he is authorized to make emergency funds available for various public needs. These include road repair, health requirements, and the rebuilding of public facilities.

Gruening and Bartlett said so many homes and businesses were wiped out that the Federal Government ought to break precedent and make direct grants to individuals.

There is no authority under present law for such a program. The White House press secretary, George E. Reedy, refused to discuss the possibility of massive Federal action but said the President's Commission would be empowered to consider all possibilities and make recommendations.

Gruening and Bartlett explained that nearly all small boats in Alaskan waters were lost and that the fishing fleet would have to be replaced if an important Alaskan industry was to work this year.

They said the damage to the Alaska Railroad, operated by the Interior Department, was estimated at more than $20 million.

They estimated the damage caused to Alaska's roads at more than $100 million.

Many factories, office buildings, docks, and homes were completely destroyed, they said.

Gruening said, "We feel we must go beyond the old concept" of aid for public enterprises and help individuals and businesses. "This is the worst disaster that has ever hit any State of the Union. The whole area has been practically knocked out."

In addition to Chairman Anderson, the President designated as members of the new Federal Commission the Secretaries of Defense, Interior, Commerce, Labor, and Health, Education, and Welfare, as well as the Administrators of the Federal Aviation Agency, the Small Business Administration, and the Office of Emergency Planning, and the Chairman of the Federal Power Commission.

At the meeting with the President and the Alaska Senators were Edward A. McDermott, Director of the Office of Emergency Planning, and Budget Director Kermit Gordon.

McDermott presented to the President reports of various Government agencies giving estimates of damage in their areas of responsibility and describing what they can do to help.

Before announcing the appointment of the Commission, the President conferred by telephone with Democratic and Republican leaders at the Capitol.

Toll in Alaska Still Uncertain

Anchorage, Alaska, April 1.—Casualty figures from last weekend's earthquake and sea waves were still undetermined. Gathered independently by various State agencies, they changed constantly.

It might be weeks before an accurate count of the dead can be obtained.

State civil defense said its count for all of Alaska showed 19 dead and 77 missing and presumed dead, plus 55 injured.

The Coast Guard had one death—at its Cape St. Elias Station, which was not included in the civil defense figures. There were unofficial reports of single deaths elsewhere.

In addition, there were unofficial reports of 31 persons missing, including 23 at Chenega, 5 at Port Ashton, and 3 at Port Nellie Juan.

Luckiest Guy in the World, Says Alaska Survivor

(By George Lardner, Jr.)

Anchorage, Alaska, April 1.—"We'll probably be in temporary quarters for about a year, but I'm the luckiest guy that ever lived. I haven't got a scratch."

Bruce Kendall, Republican, of Anchorage, Speaker of the Alaska House, is just one of the hundreds driven from their homes by last week's earthquake.

A hotel owner, he has more resources than the average Alaskan, but his determination is about par for the course.

"We're not a bunch of ribbon clerks," he said.

"Ninety-nine percent of the men up here, I'd say, are familiar with tools. And our women aren't afraid to split wood either."

The quake made Kendall's $41,500 home at Eighth Avenue and O Street a candidate for the scrap pile.

"It raised it 4 feet in the center and gave it a gentle 20° twist," he said.

"I lose $19,000 right now. That's my equity. I'm not counting personal belongings.

"Me and that mortgagor have about an equal loss," Kendall grinned. "Except that he's got the privilege of clearing the house away."

The home was the result of 24 years work, Kendall said. "I spent $10,000 to $11,000 last summer getting it just the way I wanted it."

A plain-spoken, self-reliant businessman, Kendall had $8.50 in his pockets when he came to Alaska at 19.

"My first job was on the steamer *Alice*. It was a riverboat run by the Alaska Railroad. I was a wood burner, a fireman."

Now he owns the Theodore Roosevelt Hotel in Anchorage, which escaped damage, he said. "Not even a light bulb was busted."

That's where he is staying with his wife and two children, who all came through the quake uninjured.

Countless others are being housed by friends throughout the State. Still others are in motels and hotels. The Red Cross pays the bills for those who have no money.

Some have found other housing already. Schools and community centers are caring for more.

Donations of building materials are coming in to help with reconstruction. The Federal Housing Administration has announced it will automatically approve requests by lenders for a moratorium on FHA mortgage payments if defaults result from the earthquake.

Special rehabilitation, repair and new-home loans can also be obtained from the FHA.

No one knows how long the job will take, but Kendall was optimistic.

"The cooperative spirit of Alaskans is absolutely phenomenal," he said.

JOHNSON WILL ASK EARLY ALASKA AID: $50 MILLION FOR EMERGENCY SOUGHT—FEDERAL PANEL ON RECONSTRUCTION SET UP

(By Hendrick Smith)

WASHINGTON, April 1.—President Johnson will ask Congress this week for $50 million in new emergency funds for Alaskan earthquake relief, the White House said tonight.

George Reedy, the White House press secretary, also disclosed that the President was establishing a Federal commission to draw up recommendations for the long-range reconstruction of Alaska's crippled economy.

There were indications that setting up this commission to lead the Federal Government toward a new concept of disaster relief, possibly including direct grants to private businesses wiped out by such wholesale disasters as the earthquake last Friday.

Mr. Reedy said the Government was moving as quickly as possible to help Alaska rebound from the disaster. He said the request for supplementary appropriations for the President's disaster funds would be sent to Congress in "the next day or two."

"It will go up rapidly," he said.

He said that the new Federal Reconstruction and Development Planning Commission for Alaska would be established shortly by Executive order.

The group, to be headed by Senator CLINTON P. ANDERSON, Democrat, of New Mexico, is scheduled to meet next week with a State commission to be named by Gov. William A. Egan of Alaska.

The White House announcement followed Mr. Johnson's 2-hour meeting this morning with top White House aids and Alaska's two Senators.

During the session, the President telephoned Governor Egan at Anchorage to discuss the situation in Alaska. He also heard a report from Edward A. McDermott, Director of the Office of Emergency Planning, who has returned from Alaska. Mr. McDermott has been designated to coordinate the Federal relief program.

Afterward, Senators ERNEST GRUENING and E. L. BARTLETT, of Alaska, told newsmen that they estimated $500 million in Federal aid would be needed to put Alaska's economy back on its feet.

Both advocated a new concept of Federal emergency relief, including direct grants to private businesses and individuals who were economically wiped out by the earthquake.

"This has been the worst disaster that has struck any State of the Union," Senator GRUENING declared. "This has taken the heart of our economy. You have a situation where people have lost their homes, have lost their businesses.

"There are inadequate resources within the State to finance the long-range reconstruction," he said. "There is no alternative to the Federal Government," he said.

The Senators said that Federal assistance would definitely be needed to restore port facilities, the fishing fleet, and the canneries upon which many Alaskan wage earners depend.

White House sources said the type of assistance envisaged by the two Alaskan Senators would probably require new legislation. Mr. Reedy said it would be up to the new Federal Commission to recommend such legislation if it felt the measures were needed.

Under the Federal Disaster Act of 1950, the President is authorized to provide money for State and local governments to clear debris, repair local roads, and restore public utilities after a national disaster.

Although some loans are available for private enterprise through such agencies as the Small Business Administration, no outright Federal grants to private enterprise are provided.

Since the Federal Disaster Act was passed, more than $210 million in Federal funds has been provided, most recently for damage caused by flooding along the Ohio River.

Although the fund normally has a $20 million revolving reserve, officials said today the reserve was down to about $14 million. That is why the request for $50 million more is necessary, they said.

Mr. Reedy said it was the administration's intention that the entire $50 million be available for Alaskan relief.

Officials said that other relief funds were available through individual Government agencies, such as the Department of the Interior, which operates the severely damaged Alaskan Railway.

[From the Washington Star, Apr. 1, 1964]

DEATH FIGURES SEESAW IN ALASKA QUAKE WAKE

ANCHORAGE, ALASKA, April 1.—The terror of earthquake and tidal wave was reflected today in seesawing casualty figures and pledges of help for stricken south central Alaska.

The toll of dead and presumed dead changed almost hourly. The Alaska emergency health office took over coordination of figures, but its lists—like those of other State agencies which earlier counted independently—did not include a number of unofficial deaths.

It might be weeks before an accurate total is obtained.

The health office tally showed 24 dead and 79 presumed dead, plus 55 injured. The known and presumed dead figures were up seven from a State civil defense total last night.

Omitted from the count was a Coast Guard reported death at its Cape Elias station on Kayak Island. No effort was made to check deaths in the Turnagain suburb of Anchorage, where much of the residential area tumbled into the bay, destroying numerous homes. There was word of at least one death in Turnagain.

THIRTY-ONE NOT IN LIST MISSING

Additionally, unofficial reports listed 31 persons missing who did not show on the health office list, including 23 at Chenega, 5 at Port Ashton, and 3 at Port Nellie Juan.

In Washington, Federal agencies charged with meeting the emergencies of natural disaster were under orders from President Johnson to hurry relief. Supplies were being rushed in a giant airlift by military and commercial planes.

The Air Force, Navy, and Military Air Transport Service flew to both Anchorage and Kodiak. Four commercial airlines—Northwest, Alaska, Pacific Northern, and Pan American—carried tons of food, hardware, and clothing.

RELIEF MEASURES ASSURED

Edward A. McDermott, the President's Director of Emergency Planning, was attempting to determine how much Federal relief could be made available under existing programs and what new legislation would be required to restore the State stricken by the tremblor and sea waves.

Representative PELLY, Republican, of Washington, said he would offer legislation to permit the U.S. Bureau of Commercial Fisheries to lease or purchase fishing boats along the Pacific coast for fishermen in the disaster area.

Alaska Gov. William A. Egan said it might be necessary to call a special session of the State legislature next fall to meet problems of reduced tax income and increased State spending resulting from the tragedy.

BODY IN RECESS NOW

The legislature recessed last Friday night after the quake. It was scheduled to resume next Friday, but Governor Egan said the reopening might have to be delayed.

The State Democratic convention, scheduled for Fairbanks next weekend, already has been postponed indefinitely.

"In the latter part of September or October, we might have a clear picture of the State and its tax picture," the Governor said. "Then it might be necessary to call a special session, but not before then."

[From the Washington Post, Apr. 1, 1964]

ONCE-BRIGHT ECONOMIC OUTLOOK CRUSHED BY ALASKAN QUAKE

(By Ward Sims)

ANCHORAGE, ALASKA, March 31.—The earthquake and sea waves that battered the major centers of south-central Alaska on Friday dealt a crushing blow to the economy of this young State.

Alaska was looking forward to a banner tourist season, with the Southeast Marine Highway (ferry) system in full operation.

Business conditions were steadily improving. The outlook for the fishing industry, one of the most important segments of the State's economic base, was very promising after last year's dismal results in the important Bristol Bay red salmon fishery.

Then came the earthquake.

The private economy reeled, and so did that of the State government.

The major setback to the government will come through loss of individual and corporate income taxes, business license taxes, and raw fish taxes.

What the total drop in revenue will be, no one is prepared to state at this time. The closest thing to an estimate was made by Robert D. Stevenson, State commissioner of revenue.

Meeting with a joint senate-house finance committee in emergency session at Juneau, Stevenson said in reply to a question that the result could be a 20-percent drop in the State's income expectations in fiscal 1964–65.

For a State that had estimated its general fund revenues at a modest $62,158,319 during the 12 months starting next July, this could be a critical loss.

Gov. William A. Egan had proposed a budget of $140,384,150—a budget not yet finally approved by the legislature. It included $80,424,900 in State dollars, including $75,996,190 from the basic general fund.

Egan proposed that the difference between the estimated general fund revenue and expenditures be made up by tapping an estimated general fund balance of $17,679,873, which he had predicted would be available next July 1.

The almost certain large reduction in tax revenues could be staggering in relation to the size of the budget.

In Washington, where some sort of drastic special congressional aid was under consideration, it was pointed out that individual taxpayers could write off casualty losses in their 1963 returns.

The State's net income tax for 1963 is pegged to the Federal tax—16 percent of the Federal tax for an individual and 18 percent for a corporation—so it is highly unlikely that the State income tax revenue will come near the $13.9 million forecast for the current fiscal year.

At the Juneau committee conference Monday, Floyd Guertin, Commissioner of Administration, said he understood no legislative action is needed for receipt of Federal aid funds.

He also said the legislature could authorize either general service bonds or revenue bonds for meeting natural disasters without approval of the voters.

The committee asked him to get a legal opinion on these points.

[From the Washington Post, Apr. 1, 1964]

Arlington Man's Fiance Describes Trying To Drive During Earthquake

Jacqueline Brock, 23, fiance of an Arlington man, thought she was getting a flat tire last Friday as she drove from Anchorage to a nearby Army base to attend Mass with her future husband. She later found herself alone in the midst of a great earthquake.

In a letter received yesterday by her fiance's parents, retired Army Col. and Mrs. Thomas H. Magness, Jr., of Arlington, Miss Brock, of Umatilla, Fla., wrote:

"The car began wobbling, and I thought the wheels must be on a ridge of ice. So I steered differently but the wobbling only got worse.

"I then decided it was a flat tire, pulled off the road and cut off the ignition. By this time I decided that something freakish was wrong with the car, that it was going to explode and I wasn't about to be in it when it happened.

"I leaped out onto the highway only to discover I couldn't stand up. I didn't want to faint in the middle of the road so I crawled back into the car. It was not until then that I saw the trees and telephone poles swaying and the road opened up in front of me. Then I realized what was happening.

"The car almost turned over and I was bouncing from door to door. Then just as suddenly as it had begun, it stopped and all was calm. When my legs stopped shaking enough to drive, I came on out and we went to Mass."

Miss Brock's fiance, Lt. Charles Magness, is stationed with Army Aviation at Fort Richardson, about 8 miles from Anchorage. They met and became engaged in Anchorage, where she is a teacher.

Of him, Miss Brock wrote: "When the quake struck, 'Bucky' (his nickname) was in the BOQ waiting for me to get there so we could attend Mass. I was late so he was in the process of leaving me a note saying that he had gone on and to meet him there.

"Then all havoc broke out for 2½ minutes which seemed like 2½ hours. He stood in the door and tried to hold on as everything flew from the walls and the shelves and the walls swayed. The only damage to his room was a broken mirror, and thank goodness he was unhurt."

[From the Washington Daily News, Apr. 1, 1964]

Stoicism and Love in Alaska—They Know Nature's Two Faces Well

(By Milton Britten)

ANCHORAGE, April 1.—This savage country makes stoic people. They accept the majestic and cruel indifference of nature matter of factly.

During earthquake and tidal flood the heroism of Alaskans has been quiet, with a personal discipline almost incredible.

Thus Bill Waldron, red-eyed, unshaved mission commander of the Civil Air Patrol, says calmly from his Anchorage headquarters:

"I'm in the ready-mix concrete business—or was before the quake came. But our block plant is still up so maybe we'll be able to help rebuild."

SMALL CRAFT

Meanwhile, he dispatches small craft to Moose Pass, Kenai, Nikishki and nameless areas where isolated homesteaders or miners might be in trouble.

A large "I" marked in the snow as a signal would mean injury. Two "I's" would mean medical supplies needed. "F" would indicate food shortage. But, he reported, the checks thus far had turned up only "LL"—all right.

Alaskans do not toy with nature. CWO Craig R. Burroughs, a slim, dark Army flier from San Diego, knows this.

Piloting a six-place single-engine Otter from nearby Fort Richardson, he avoided a direct due-east flight in tricky weather from battered Anchorage to ruined Valdez.

CRAGS

Instead, with newsmen aboard, he flew a triangular pattern northeast to Glennallen, then southeast toward Valdez, up from Anchorage through Chickaloon Pass, following the highway and the Knik River, over the blue, ages-old Matanuska Glacier, threading through endless snow-toothed crags—some higher than the plane—and finally over the vast, flat copper valley to Glennallen; then southeast back toward the Chugach Range for 20 minutes before he turned back to Glennallen.

There he ran into a "whiteout."

That means visibility is so poor the naked eye can no longer distinguish between cloud and snow-capped crag ahead. To continue would have been a gamble more foolish than brave. Nature holds all the aces here. Alaskans accept this.

DOGS

But if they hold nature in awed respect, they also love it and its creatures. Emergency radio messages carry offers to house not only people but their dogs. In the Anchorage Police Station a homeless oldster snoozes, his dog on his lap; and at Glennallen, a boy and his dog caused a family crisis.

They were refugees from Valdez, an injured mother on crutches urging her son toward a bus that would take them to Fairbanks and from there by plane outside the disaster area.

The boy held a long-haired little dog on a leash. If he went, he insisted the dog must go too. The mother cried and pleaded. An older sister who wanted to stay behind promised to keep the dog. The boy said the dog wouldn't eat. The wrangling continued with all boarding the bus—mother, boy, sister—and the dog.

Something of Alaskans' love and awe for nature seems to have rubbed off on a young Minnesota family encountered on the highway north of Valdez. Dennis Linehan, 23, with wife, Marianne and daughter, Debra, 3, said they were the last people to leave the Valdez dock alive, moments before the quake swallowed it.

LIKE A DREAM

Mr. Linehan said:

"We had friends up here. We thought we'd like to move here. On the dock at Valdez we parked and watched the ship being unloaded.

"There were people on the dock and a guy with a forklift truck had just passed the car and headed farther out on the dock. I suggested we leave and go up town.

"Just as we left the platform, I heard people shout 'earthquake,' and the dock rumbled and water gushed up and the guy with the forklift and everything were gone. We let an Indian man sleep in our car that night.

"It was like a dream. It made me wonder about living in Alaska but I still want to."

[From the Washington Daily News, Apr. 1, 1964]

L.B.J. Pushes Alaska Aid

President Johnson returned to his White House desk today to catch up on business that accumulated during his 5-day Easter vacation at his Texas ranch.

High on the President's agenda was a speedup in Federal aid to earthquake victims in Alaska. He was expected to confer with Edward A. McDermott, Director of the Office of Emergency Planning, on the relief efforts.

HONORARY DEGREE

Mrs. Johnson, who received an honorary degree of doctor of laws yesterday from Texas Women's University in Denton, accompanied the President back to Washington.

The President ordered the speedup in aid to Alaska in a directive he issued shortly before leaving Texas last night. He told Mr. McDermott to speed action as rapidly as possible.

Press Secretary George E. Reedy said that Mr. McDermott had asked 16 or 17 Government agencies to submit "a detailed statement of what they believe they can do under existing statutory authority to aid in the rehabilitation and recovery effort."

Mr. Johnson kept in close touch with the Alaska situation during his absence from Washintgon. Brig. Gen. O. F. Lassiter, Chief of the Air Force Command post in the Pentagon, flew to the LBJ Ranch yesterday to brief the President on Alaskan developments.

General Lassiter brought with him aerial photographs of the earthquake damage. The photographs were taken around Anchorage, Seward, Valdez, and Kodiak.

Mr. McDermott asked the Federal agencies to give him an estimate of funds required to carry out actions they could take to aid the victims. He said previously that the damage in Alaska would total $350 million to $500 million.

[From the Washington Daily News, Apr. 1, 1964]

Khrush Sends Regrets on Alaska

MOSCOW, April 1.—Soviet Premier Khrushchev has sent President Johnson a message of sympathy on the Alaskan earthquake, the official news agency Tass reported yesterday.

It said Mr. Johnson was asked "to accept our profound sympathy and to convey the Soviet people's sincere condolences to the population of the affected State."

[From the Washington Daily News, Apr. 1, 1964]

Home Blows Up; Alaskan Dies

ANCHORAGE, Alaska, April 1.—A residence in downtown Anchorage blew up last night, killing one man and injuring two other persons.

Natural gas was turned on in the area yesterday for the first time since the earthquake Friday night, and firemen thought the explosion was caused by a leaking main.

Meanwhile, Alaska's Health Service counted 107 fatalities from the quake and the subsequent tidal wave. The figure included 24 known dead and 83 missing and presumed dead.

However, a State policeman at Kodiak said that island had an additional 15 dead and 36 missing which were not being counted by the health service yet.

Also unconfirmed were reports that a number of persons were missing at Chenega. This would bring the figure to 180, with 46 dead and 134 missing. First reports said the death toll might reach 600.

But while deaths fell far short of expectation, the economic loss was shattering.

Said Seward City Manager James Harrison:

"We need a Federal grant, we need it fast and it must be made simple."

[From the Washington Post, Apr. 1, 1964]

Alaskans Will Have To Dig Deep To Raise Money for Rebuilding

(By George Lardner, Jr.)

ANCHORAGE, ALASKA, March 31.—Alaska's devastating earthquake has left a gaping hole in its pocketbook.

The spirit and the will to rebuild are there, but not the money. How to get it—and quickly—is the State's main problem.

Gov. William A. Egan said today that he believes Alaskans can make a substantial contribution in putting the State back on its feet.

He said he is working on financing plans that he expects to announce later this week.

WON'T MATCH NEEDS

"They haven't completely jelled yet," he said, "but I think there is a way to make a substantial contribution without burdening the people of Alaska unduly."

The Governor had no ready estimate of how much in State funds might be raised, but it cannot come close to matching the needs. Egan put total dollar damages as at least $350 million.

"That's conservative," he added.

"McDermott's estimates could be pretty close."

Federal Emergency Planning Director Edward A. McDermott said earlier this week that the losses could reach half a billion dollars.

VOLUNTARY DONATIONS

Anchorage Mayor George Sharrock said city officials were thinking of seeking permission for Alaskans to defer payment of their Federal income taxes. The Government, he said, already has put a moratorium on FHA mortgage payments.

Voluntary donations are also coming in. The Governor today set up a reconstruction fund to handle the cash. He added that Japan's consul from Seattle will be here Thursday to make a contribution from his Government.

Still the prospects are bleak.

A spokesman for the Governor estimated later that the quake may have driven 5,000 out of their homes around the State. Some houses can be made livable again, but hundreds are complete wrecks.

In downtown Anchorage, Civil Defense Manpower Control Coordinator Lew Dischner estimated that all the buildings three stories or higher will have to be torn down except one.

The exception: The new State courthouse.

City building officials said they felt that others could be saved, too, but most of the approximately 35 downtown buildings that high will have to go.

HIGHER COSTS SEEN

Dischner, former State labor commissioner and now legislative representative for the Teamsters, estimated that some $60,000 in free labor and equipment is being donated by union workers and building contractors.

Some 2,300 unemployed workers in Anchorage alone are working with the contractors in ripping down unsafe buildings and attempting to save others.

"But we can't work for the rest of the year on a voluntary basis," Dischner said.

"Before it's over," he predicted, "we're going to see a further inflated cost of living in Alaska."

PRICE CONTROL DISCOUNTED

"Take a guy with a little hotel. He's got a $200,000 mortgage today, but he's got to spend $200,000 more to rebuild. He's got to charge more for his rooms, or he can't make it.

"I look for a spiral in everything for the next 6 months," he said. "We'll have an inflated economy for awhile."

Some have talked of price controls to prevent this, but Egan discounted this thought.

"I don't think they're going to be necessary at all," he said.

"I know of no instance where prices have been raised so far. The businessmen and the people are all standing together."

[From the Washington Post, Apr. 1, 1964]

Anchorage Carries On as Usual—Alaskans Vow To Emulate Valor of San Francisco

ANCHORAGE, ALASKA, March 31.—Heartened by a mounting flow of aid, Alaskans speeded their rebuilding efforts today with the determination that "if San Francisco could do it, we can, too."

They referred to the rebuilding the citizens of San Francisco did when their city was destroyed by earthquake and fire in 1906.

Anchorage, its downtown area smashed by Friday's earthquake, achieved near normality in all but a 2- by 10-block section in the central district and the hardest hit residential suburbs such as Turnagain.

Officials said accurate death figures in all Alaska from the earthquake and seismic sea waves still were not available.

The Alaska Health Service counted 105, including 22 known dead and 83 missing and presumed dead.

However, a State policeman at Kodiak said that the island had an additional 15 dead and 36 missing that were not being counted by the health service yet. Also unconfirmed on the official list were reports of 7 dead and 15 missing at Chenega. This would bring the figure to 178 with 44 dead and 134 missing.

Conflicting figures were given by civil defense officials, who reported only 19 known dead and 77 persumed dead.

(In Washington, the Air Force said that all of its military personnel and their families in Alaska were accounted for and there are no deaths or serious injuries among them.)

Donald Lowell, Alaska's Director of Civil Defense, said that 80 percent of the victims were killed by the waves triggered by the earth upheaval. These waves also resulted in 13 dead and 9 missing on the California and Oregon coasts.

The fluctuating casualty figures resulted from ruptured communications that isolated many communities.

Officials said the full toll in the 1,500-mile disaster zone might never be known since Eskimos and Aleutian natives in desolate areas seldom communicate with the cities.

In Anchorage, the State's largest city, it was business as usual outside the central district. Telephones were restored in most areas, the water system was in operation, electricity was back and natural gas again was turned on.

But later, a residence in downtown Anchorage blew up, killing one man and injuring two other persons. Firemen thought the explosion was due to a leaking gas main.

Civil Defense and police officials were reluctant to allow downtown banks to open while cranes were wrecking buildings and debris was being removed.

Unemployment is a major problem since hundreds of workers have no regular jobs to do because of the destruction of businesses and the crippling blow to the fishing industry, mainstay of the Alaskan economy.

A housing expert is being sent from Washington to establish an Anchorage emergency center to help the homeless get new loans for rebuilding.

The Small Business Administration has sent experts to make disaster loans.

The Military Air Transport Service, the Navy, the Air Force, and commercial lines are continuing a giant airlift of medicines, food, clothing, and every conceivable kind of equipment needed to make comfortable the thousands who have been living primitively since homes were destroyed.

The Government also has indicated that the fishing industry will get long-term low-interest loans and possibly direct subsidies for reconstruction.

Alaska's transportation ties with the outside world were partly restored on a regular basis today, but some arteries are still cut.

Most airlines resumed regular service between Seattle and Anchorage.

Automobiles reached the city on the Alaskan Highway, the State's road link with the mainland United States by way of Canada.

Water transportation, however, was severely hampered in the south-central disaster area, where the earthquake and giant waves wiped out ports at many costal towns.

Still another effect of the quake came to light when a pilot reported that the large Copper River and the nearby 20-mile-long Lake Tazlina had gone dry.

Interior Secretary Stewart L. Udall, whose Department runs the Alaska Railroad, estimated its losses at $20 million and reported that restoration already had started. Officials estimated that service will be resumed within 2 weeks between Anchorage and Fairbanks and on several lesser spur lines.

[From the Washington (D.C.) Star, Apr. 1, 1964]

Alaska Takes Its First Steps on the Long Road Back

(By Jerry O'Leary, Jr.)

ANCHORAGE, ALASKA, April 1.—Twenty years may pass before Alaska recovers from the Good Friday earthquake, but today, 5 days after the catastrophe, the painful rebirth is already well underway.

Dr. Perry Mead, the only neurosurgeon in Alaska, is bent over his operating table for long hours every day. He has been doing this since 5:37 p.m. last Friday when he saw his two young sons disappear into a gaping crevasse in their yard in Turnagain. The earth closed again on his sons and they disappeared forever.

The American Red Cross is working around the clock. A large force of volunteers, under Herbert C. Larson, is busy checking on the welfare of a backlog of

35,000 Alaskans whose frantic relatives have sent queries from all over the world. The ARC workers are handling up to 2,000 queries a day.

Other Red Cross teams have fanned out in Anchorage, Valdez, Seward, Kodiak and the Alaskan refugee centers to offer cash gifts right now, to those who have no clothing or who need money to buy furniture or to repair their homes.

Coordinator of Alaska's efforts to struggle back to normalcy is Creath Tooley, regional director of the Office of Emergency Planning, which reports directly to President Johnson through Director Edward A. McDermott in Washington. Mr. Tooley has set up a command post of all the Federal agencies at Elmendorf Air Force Base, on the outskirts of Anchorage.

John Nichols is representing the Housing and Home Finance Agency, which will assist Alaska with restoring its schools, its ruptured sewer and water systems, and its publicly owned utilities.

The HHFA already has sent more than 10,000 feet of hose to Alaska to set up temporary water points for the 93,000 persons here who do not dare drink tap water for fear of typhoid. Such water points have been set up all over the Anchorage area, and it is already a commonplace sight to see staid matrons, kids, and men who resemble bank presidents queuing up with buckets in their hands for water.

The electric power, which was knocked out for up to 20 hours by the temblor, has mostly been restored today, but water and sewer lines have been disrupted to an estimated cost of $33 million. The HHFA has the authority to hand over cash outright to publicly owned utilities here.

Mayor George Sharrock says Anchorage, Alaska's largest metropolis, already is in pertty good shape and he expects water and sewer service will be restored by tomorrow.

FIFTEEN MILES OF STREETS OUT

Telephone damage has been put at $1,375,000. The Municipal Light & Power Co. estimates damage at $250,000 and said it lost 200 miles of overhead wires. The water utility loss was $7,830,000, with more than half of the system knocked out. Twenty-five percent of the sewer system will have to be replaced.

Street, curb, and pavement damage in Alaska adds up to $9 million, with a loss of more than 15 miles of the street system.

Elmer Gagnon is the Federal Housing Authority man on the scene. His men already are well into the task of estimating damage to structures, public and private. In Anchorage, 23 city-owned buildings suffered $500,000 in damage, with $270,000 needed for emergency measures.

FHA has the power to make money available as an outright gift to help get city and State buildings back into shape and can lend money to private owners on a long-term, low-interest basis. Best of all, for those homeowners who had encumbered homes that are either damaged or no longer exist, FHA can arrange to have the notes rewritten to provide for new construction or ease the term of existing trust notes. A moratorium may be declared on all FHA and Veterans Administration insured mortgages.

The Small Business Administration also has men here empowered to help homeowners and owners of stricken businesses get back on their feet with massive, 3 percent loans. These men are busy today surveying the areas where hundreds of homes were lost in the fires and tidal waves and the general destruction of the massive quake.

MILLION DAMAGE TO FAA

The Federal Aviation Agency, which estimates it suffered $1 million in damages to airfields and navigational aids at the big Anchorage International Airport, is surveying damage to all aviation facilities. These will be rebuilt with Agency funds.

Most of the school children of Anchorage will be back in class somewhere, by tomorrow, according to Assistant Superintendent Don Fridley. The $900,000 Government Hill School is a total loss, and so is the $5 million West Anchorage High School. Students from these will report to other schools. The students of Valdez, who no longer have a town to live in, are registering for school at Glennallen and Cooper Center, well over 100 miles away from their ghost town.

The Post Office Department took the earthquake in stride and was delivering mail—often to abandon homes and offices—yesterday and today.

PICK IT UP; PUT IT BACK

The merchants and tradesmen of Anchorage are now passing through military roadblocks every morning to the damaged heart of the city to try to get back into business. Dress shop proprietors have rows of parkas and spring frocks out on the street in racks to air and dry in the sun.

Restaurants and bars, except those totally demolished, are reopening on a scattered basis, with large signs proclaiming the fact at their front doors.

Work crews in the 12- by 8-block section that was hardest hit are filling in crevasses, tearing down half-destroyed or condemned structures, repairing streets, shoring up walls, replacing window glass.

Clerks are putting hundreds of books back on the shelves in the U.S. attorney's office from the floor where they tumbled when the earth shook. Mannequins have been placed upright in store windows again. But downtown Anchorage is still a desolate spectacle of stores, shops, offices, and bars and most of them remain just as they were when everyone fled in horror last Friday afternoon.

MUST TEAR DOWN BUILDINGS

J. C. Penney's six-story building, which crumbled like a cake, will have to be completely rebuilt. So will the Mount McKinley Building and perhaps the big Westward Hotel, which has developed a dangerous tilt.

The Tip Top Cafe on Spenard Road has developed a certain local fame. It was here that an unnamed hero continued reading a paper and drinking a cup of tea throughout the earthquake without stopping to look up.

Anchorage has its two newspapers, four radio stations, and one of its two TV stations back. The Anchorage News, which was heavily damaged, got out a 12-page edition yesterday. The rival Times got out an 8-page extra Sunday and another paper yesterday.

The Conelrad emergency radio service went out when the four radio stations failed but soon came back on the air to broadcast emergency messages.

CLEARING AWAY PHASE

The Alaska Railroad, lifeline to the interior of the Nation's largest State, will not have its 470-mile system back in service for a week. Rail facilities at the sea terminal in Seward are a total loss. Near the sea, trackage is a twisted mass and cars have been tossed about like children's blocks. Only the last 100 miles into Fairbanks, metropolis of the interior, are intact.

This is the phase of clearing away debris, shaking off the cobwebs of shock and getting plans in order. "It will be better than it was before," many residents assert.

Kodiak Island will need new boats, new docks, a new harbor, and new canneries to restore the fishing industry that made up 25 percent of the industry in Alaska. Valdez needs a brandnew port to replace the one that vanished under a 17-foot tidal wave. Seward, which was hammered beyond recognition, needs back its harbor, its railyards, its business district, and most of its homes. Whittier has burned up in thousands of flaming gallons of fuel oil.

MILITARY WIN FRIENDS

In asserting what has happened to them, most Alaskans are showing the pioneer spirit they possess, beyond any comprehension in the rest of the United States. There was almost no looting.

The Army and Air Force did more to win the friendship of every Alaskan than any Government agency in the first dark days, performing every service for the victims up to and including babysitting. Without the defense installations, Alaska's plight would have been far worse.

And through it all, Alaskans have not lost their sense of humor. Recalling that television's David Brinkley, who is not a popular figure in Alaska, had once commented that Alaska did not qualify to be a State, an Anchorage man said wryly:

"What hurts the most is, that earthquake damned near made Brinkley right."

[From the Washington (D.C.) Star, Apr. 1, 1964]

Quake Dries Up Alaskan River, Periling Salmon

Anchorage, Alaska, April 1.—Thousands and maybe even millions of fish may be up the Copper River without water.

Reports have been confirmed that the river, one of Alaska's largest, is bone dry, possibly because of an upstream glacial ice jam caused by the great earthquake Friday. The Copper River flows into the Gulf of Alaska at Cordova, in the heart of the quake-ravaged region.

In Seattle, a Federal fisheries official said drying up of the waterway could mean a "terrific loss" of red salmon.

Samuel J. Hutchinson, regional director of the U.S. Bureau of Commercial Fisheries, said salmon spawned last fall should be heading out of upstream gravel beds where they hatch.

Mr. Hutchinson said it was also about time for young red salmon to begin moving toward the ocean after their year's layover in fresh water.

The Copper and nearby Bering Rivers produced 71,000 cases of salmon valued at $2.5 million last year.

[From the Drug News Weekly, New York (N.Y.), Apr. 1, 1964]

Earthquake Takes Heavy Alaska Toll

Portland.—The earthquake which hit the Anchorage, Alaska, area last Friday night destroyed at least nine drugstores and disrupted the supply of vital medicines.

The immediate worry was typhoid but vaccine supplies on hand were said to be sufficient for the present. Government planes flew in backup stocks of both vaccine and water purifiers.

In Anchorage itself, some seven drugstores were either completely demolished or badly damaged. Rebuilding and restocking of pharmacies will have to receive high priority.

Alaska's largest drugstore, Eastchester Super Drugs in Anchorage was among the stores suffering heavy damage. Others were Bert's Spenard Drugstore, Bert's Payless, Bi-Rite, Hewitt's Pharmacy, Super S Drugstore, and a Rexall drugstore.

Fairbanks' druggists extended offers of assistance to Anchorage pharmacists.

Other towns badly hit were Kodiak, where Woldinger Drugs was demolished, and Seward,, where the Seward Drug Co. was destroyed.

Wholesale houses run by Volney Grace and Bert's Drugs, both in Anchorage, were also reported damaged.

Burt E. Geraghty, manager of McKesson & Robbins, Inc., in Seattle, flew to Anchorage

Saturday night to assess the situation but at presstime, had not yet reported back.

Because the military is handling relief operations, pharmacists in hard-hit areas have not been pressed into emergency service in their professional capacity.

Pharmacists in Oregon and Washington have not volunteered to go to Alaska because they said they would not be needed. Drug houses in both States said that information coming out of Alaska is too sketchy for planning or action.

In Washington, neither the American Red Cross nor the Pharmaceutical Manufacturers' Association had received requests from Alaska for drugs. It was understood that certain drugs had been requested from Smith, Kline & French, in Philadelphia and that the company is supplying the needed items to earthquake victims.

An aftermath to the earthquake, the tidal wave that struck Crescent City, Calif., Saturday morning, spared the two pharmacies in the northern coastal community.

Endert's Rexall drugs, within the 35-block business area bearing the brunt of the flood, received slight damage. Pacific Drugstore, located on higher grounds, was not hard hit by the destructive wave.

Endert's was expected to be back in business as soon as the quarantine on the section is lifted. Pacific Drugs was able to remain open.

The two pharmacies are donating supplies to the Red Cross for relief operations. Byron Wilson, owner of Pacific Drugs, said his company is donating space for businesses to store merchandise salvaged from the flood.

How much of the $350 million estimated Alaskan earthquake damages will be borne by pharmacists could not be determined. Federal disaster funds will be available to the State and also will cover damages to stores. The Small Business Act provides for 20-year 3-percent loans for repair or replacement of structures and inventories.

[From the Home Furnishings Daily, Apr. 1, 1964]

Penney To Rebuild Quake-Torn Outlet; Other Firms Hit Hard

Though communication with earthquake-shattered Alaska is still difficult, the staggering damage done to hard goods retailers is now becoming clearer.

Damage in the northern California city of Crescent City is also extreme, with overall losses of $25 to $30 million estimated by authorities.

In Anchorage, damage to the demolished J. C. Penney outlet is estimated at $2 million. Penney is hoping to establish temporary store facilities as soon as conditions permit, and is anxious to replace its loss with a new structure.

Northern Commercial's department store, earlier reported as having survived the quake, has been condemned and will have to be completely rebuilt, according to the firm's New York office.

Bernard G. Cohn, president of Independent Retailers Syndicate, the store's buying representative, said Northern Commercial, operating several stores in Alaska, will not cancel outstanding orders.

Sketchy reports on the Woolworth branch in Anchorage now are that the unit is usable, with mainly window and merchandise damage evident. No reopening plans have been made yet.

Sears, Roebuck & Co. has reported that there were no casualties at its catalog outlet in Anchorage. E. R. Cameron, northwest division director of public relations, sees no reason for altering the planned construction of the firm's new store, scheduled to open in late 1965.

Other Anchorage stores reported destroyed or badly damaged include: Kimball's Store (dry goods), Dicey's House of Fabrics, Factory Direct Draper, Carl's Drapery Installation, and the Anteroom, Inc. draperies).

Also, Hub Clothing Co., the Caribou, Monty's Department Store, Koslosky & Sons, and Sidenberg & Kay are said to be in ruins, or badly battered.

Montgomery Ward & Co. suffered only very minor damage at its three Anchorage catalog operations.

In Crescent City, near the California-Oregon border, a tidal wave set off by the quake caused extensive damage.

Among retail outlets believed to be destroyed or very badly damaged are: Baker & Stanton Furniture Store, Bob Ames Co. (major appliances), Lighthouse Electric, Howe & Hamilton (both housewares), and Soule Radio & Television.

The Crescent City Montgomery Ward store suffered extensive water damage.

A total of about 150 businesses in an area bounded by First, Fourth, A, and K Streets were wrecked by the wave, it is reported.

[From the Home Furnishings Daily, Apr. 1, 1964]

SBA Readies Loan Program

(By Mark Baldwin)

WASHINGTON.—Earthquake and tidal wave stricken small businesses in four States now can recoup lost sales with long-term, low-interest loans from the Small Business Administration.

SBA officials said the White House has authorized the agency to make economic assistance loans above and beyond the Administration's regular 20-year, 3-percent loans to rebuild, repair, or restock damaged businesses.

The economic assistance program is relatively new in SBA. It was used to help industries in the Great Lakes area during the fish botulism scare. In Alaska, Oregon, California, and Hawaii, it will work like this, SBA officials said:

A merchant who thinks the quake has hurt his business would simply prepare statements of past earnings and statements of his earnings since the disaster. If the SBA decides the decrease was caused by the disaster, it can loan the difference on the same 30-year, 3-percent basis, according to Administration spokesmen.

Thus, many small businessmen will be eligible for two loans from SBA, officials point out.

[From the Home Furnishings Daily, Apr. 1, 1964]

JOHNSON CITY, TEX.—Following a personal briefing on the earthquake disaster in Alaska, President Johnson has asked the Federal Government to speed action in relief and recovery.

Edward McDermott, coordinator of Alaska relief, was scheduled to receive reports from 17 Federal agencies on what each agency can do for relief under existing laws.

[From the Women's Wear Daily, Mar. 31, 1964]

Estimate Still Preliminary on Alaska Retail Damage

Retailers hit by the Friday earthquake in Alaska were beginning to assess property losses Monday and plans for rebuilding.

Communications to Anchorage and other cities rocked by the disaster were still difficult. Contact is being made by plane through personal couriers from Seattle and other Northwestern States.

J. C. Penney Co. in New York estimated conservatively that damage to its 90,000-square-foot store, including inventory, fixtures, and building property will run to $2 million.

Penney's hopes to establish a temporary store as soon as facilities permit. The company is anxious to replace its loss with a new structure.

Northern Commercial's two-story department store in Anchorage has been condemned, Chester Smith, general manager, advised his New York office from Seattle. The store has to be rebuilt completely. Earlier it was reported the store was undamaged.

Bernard G. Cohn, president of Independent Retailers Syndicate, the store's buying representative, said he has been advised that Northern Commercial, operating several stores in Alaska, will not cancel outstanding orders.

He is asking manufacturers to hold all unshipped orders outside of Anchorage until shipping instructions are forwarded. Resources are being asked to have merchandise ready for shipment.

Northern Commercial's stores in Alaska, including Fairbanks, are continuing to do business. There were no injuries to customers or employes at the Anchorage store.

Sketchy reports from Anchorage reaching Woolworth's district office in San Francisco, indicate the store appears in good physical condition. The store suffered window and merchandise damage. No deaths or injuries were reported. The store seems to be usable.

No reopening plans have been made, said Hubert P. Smith, the company's west coast district manager.

Seattle reports no casualties among employes at the Sears, Roebuck & Co. catalog order stores. E. R. Cameron, Sears northwest division director of public relations, sees no reason for the chain to alter plans for its proposed 140,000-square-foot department store to be built at Northern Lights Boulevard, Anchorage. The store had been scheduled to open by the end of 1965.

[From the Women's Wear Daily, Mar. 31, 1964]

WASHINGTON.—The Johnson administration put a $350 to $500 million price tag Monday on public and private damage in Alaska due to the earthquake.

Federal aid may not be forthcoming immediately. It must be preceded by extensive damage and geological surveys, demolition of weakened or destroyed structures, and a probable request for additional legislation.

Edward McDermott, coordinating disaster relief, told reporters after returning from Alaska that the property damage there has been much more than anticipated. Property damage surveys may consume weeks, he indicated.

Mr. McDermott estimated that it will cost $33 million to restore public utilities alone in Anchorage. And further quake damage is possible since additional tremors have been felt.

President Johnson was said to be "deeply concerned" and determined to expedite Federal aid. The Office of Emergency Planning, which Mr. McDermott heads, has opened an Alaska disaster office at Elmendorf Air Force Base.

Early tax relief is available for those who have suffered casualty losses in Alaska. Under Public Law 87426, such disaster area losses can be deducted for the preceding year even where the losses occurred after the close of the tax year.

Priorities are to be set for the rehabilitation and recovery effort. Mr. McDermott said every standing structure in Anchorage has been damaged to some degree. Some will have to be demolished.

For damage to stores and other establishments and homes, the Small Business Act provides for 20-year 3-percent loans for repair or replacement of structure and inventory, Mr. McDermott noted.

[From the Women's Wear Daily, Mar. 31, 1964]

CHICAGO.—Montgomery Ward & Co. suffered "very minor" merchandise damage in its catalog order stores affected by the Alaskan earthquakes, a spokesmen reported Monday.

Ward's has three catalog order stores in Anchorage and three others elsewhere in the State.

The spokesman added that Ward's department store in Crescent City, Calif., was damaged by 4 to 5 feet of water as a result of the tidal wave that hit that city.

[From the Women's Wear Daily, Mar. 31 1964]

ALL'S CALM ON PRIBILOFS

WASHINGTON.—The Pribilof Islands, breeding grounds for the Alaska fur seals, were not damaged by the earthquake, according to Interior Department sources.

The Department's Bureau of Commercial Fisheries has radio contact with the Pribilofs, it was explained, and so far as can be determined, the earthquake had no effect on them.

The islands are located on the northern side of the Aleutian Islands, in the Bering Sea, and the earthquake and subsequent sea waves occurred along the southern side.

Whether the earthquake and waves had any effect on the seal herds themselves is another matter, and at press time was not known at the Interior Department. The herds arrive at the Pribilof Islands each year about mid-June and the killing is done through the summer months.

[From the New York (N.Y.) Daily News Record, Mar. 31, 1964]

ALASKA DAMAGE MAY REACH $500 MILLION

(By Lloyd Schwartz)

WASHINGTON.—The Johnson administration put a $350 to $500 million price tag on public and private damage from Alaska's earthquake.

Federal aid may not be forthcoming immediately. It must be preceded by extensive damage and geological surveys, demolition of weakened or destroyed structures, and a probable request for additional legislation.

Edward McDermott, coordinating disaster relief, told reporters after returning from Alaska that damage had been greater than anticipated. Complete assessments may take weeks, he said.

Mr. McDermott estimated that it will cost $33 million to restore public utilities alone in Anchorage. And further quake damage is possible since additional tremors have been felt, he added.

President Johnson was said to be "deeply concerned" and determined to expedite Federal aid. The Office of Emergency Planning, which Mr. McDermott heads, has opened an Alaska disaster office at Elmendorf Air Force Base.

Mr. McDermott met here with heads of principal Federal departments and agencies having disaster aid responsibilities.

Early tax relief is available to those suffering casualty losses. Under Public Law 87426, such losses can be deducted for the preceding year even where the losses occurred after the close of the tax year. This provision should be of considerable help to Alaska, Mr. McDermott said.

He described the quake as having seriously weakened the economic vitality in Kodiak, Seward, Anchorage, Valdez, Cordova, Whittier, and coastal fishing villages.

Priorities are to be set for the rehabilitation and recovery effort. Mr. McDermott said every standing structure in Anchorage has been damaged to some degree. Some will have to be demolished.

The OEP chief said the administration will consider further aid, but was unable to say what form it will take or how extensive it will be. He had "no idea" how much it would cost the Federal Government.

Mr. McDermott said it was possible, even probable, that present legislation is inadequate and may have to be amended or supplemented.

About $20 million in Federal disaster funds is available under Public Law 875. This may be used as reimbursement for the cost of debris clearance, for restoration of essential public facilities; and for repair of streets, roads and bridges not part of the Federal highway system.

For damage to stores and other establishments and homes, the Small Business Act provides for 20-year 3 percent loans for repair or replacement of structure and inventory, Mr. McDermott said.

He reported that the quake had caused heavy damage to business firms in Alaska and had wiped out the Kodiak business area.

In downtown Anchorage, a 13- by 8-block business district has been blocked off. Eighty percent of all structures in this section have been totally demolished or have sustained heavy structural damage.

Private insurance may prove largely ineffective for residents. Most policies are said to contain earthquake exclusions.

[From the Daily News Record, New York (N.Y.) Mar. 31, 1964]

RETAILERS BEGIN JOB OF ESTIMATING EARTHQUAKE LOSSES

Retailers hit by the Friday earthquake in Alaska were beginning to assess property losses Monday and plans for rebuilding.

Communications to Anchorage and other cities rocked by the disaster were still difficult. Contact is being made by plane through personal couriers from Seattle and other Northwestern States.

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[From the Anchorage (Alaska) Daily Times, Mar. 31, 1964]

REBUILDING BEGINS IN ALASKA—FEDERAL AID IS REQUESTED BY COUNCIL: FINANCIAL HELP NEEDED TO RESTORE PUBLIC FACILITIES

Anchorage has officially requested Federal assistance to help the city recover from destruction of public facilities suffered in Friday's earthquake.

The Anchorage City Council meeting in emergency session Monday night, passed 10 resolutions aimed at obtaining financial assistance.

Aid will be sought for streets, storm sewers, sanitary sewers, water systems and other facilities repairs.

One resolution asks the State department of civil defense to forward to the U.S. Office of Emergency Planning a request for aid for emergency restoration of sanitary sewers, water systems, underground telephone and electric systems; emergency restoration of oil storage and protective dike facilities at the municipal light and power generation plant; emergency measures for inspection, demolition and debris removal in the business area and Turnagain; emergency restoration of power and water to the port dock.

One asks the State department of highways and the bureau of public roads to program reconstruction of Federal aid primary and secondary highways within the city in coordination with the downtown street pattern.

One asks a blanket planning grant and reconstruction funds to restore municipal buildings.

One asks the State civil defense to apply to all appropriate Federal agencies for grants and other needs for the repair and expansion of the Anchorage municipal dock and terminal facilities. The resolution notes that the port of Anchorage municipal terminal is the "sole operating facility capable of serving the maritime common carriers for the whole south central and central Alaska in the railbelt area."

One asks that the State civil defense request the Housing and Home Finance Agency to seek amendment of the current accelerated public works agreements to increase the Federal grant from the present 50–50 matching basis to the maximum grant allowable.

One asks the State civil defense to request immediate programing and blanket planning for the port of Anchorage expansion program. Requests will be made to the Housing and Home Finance Agency and the Community Facilities Administration.

One asks the State civil defense agency to seek Housing and Home Finance Agency authorization for planning programs under the accelerated public works program for reconstruction and development of the city's public facilities.

One authorizes the city manager to act as the city's agent in the accelerated public works program.

One authorizes the city manager to process applications and file necessary documents relating to Federal assistance for natural disaster.

One asks the State civil defense to ask request reimbursement to the city of Anchorage for costs incurred for emergency restoration of public facilities.

A 90-DAY FHA DELAY AUTHORIZED

Alaskans who lost their homes or who had substantial damage to their property can apply individually for a 90-day deferment of Federal Housing Administration payments, according to Elmer Gagnon, FHA Administrator.

Gagnon said there is no blanket moratorium and each case is treated on an individual basis.

Gagnon said property owners must apply to the mortgage holder who, in turn, will apply to FHA for deferment of the payments. Gagnon said that the Alaska office has authority to defer payments for 90 days in individual cases.

Some Area Schools May Open Next Week

Dr. Don Dafoe, superintendent of schools, said today he is hopeful that high school and junior high students will be able to return to classes the first part of next week.

He said engineers and architects have completed their inspection of East Anchorage High School and found that all that will be needed to restore the building to full use is some shoring up of some nonbearing walls in the school and gym and repairing of a water main.

Dafoe emphasized this is not an official report on the condition of the building, that it must still be cleared by civil defense authorities.

East principal Joe Montgomery and West principal Leslie Wells have been conferring, working out plans for double shifting at East. West High was destroyed by last Friday's earthquake.

Government Hill School was also destroyed in the upheaval, and plans are now being made for shifting its students to the Mountain View School, Dafoe said.

"Nothing will be open tomorrow—we're not that close yet," he said.

The superintendent emphasized that no school buildings would be put back into use until they are found to be absolutely safe and water available is potable.

Principals and teachers meanwhile are cleaning up schools which have been declared safe to enter. No students or unauthorized persons will be allowed in any area school.

Dr. Fred McGinnis, president of Alaska Methodist University, said today that classes will resume on Monday at the school. No classes are being held this week.

AMU facilities are being held in readiness to serve any public or civil defense need which may develop in the current emergency, McGinnis said.

Relocation of Business Area Not Discounted by Sharrock

Mayor George Sharrock said Monday afternoon that he "would not discount" the possibility that the downtown area of Anchorage would have to be relocated.

The mayor made the statement after describing the severe damage suffered by bluff areas in Friday's earthquake.

He said the geological formation which underlies the Anchorage area, made up from gravels and clay lenses, seems to have been responsible for the crumbling of the bluff areas during and after the quake.

He said a complete geological survey would be required before it can be determined if the downtown areas should be relocated.

"When we know where the safe areas are, we can plan the city," he said.

Sharrock said it might be possible to stabilize the bluffs.

Sharrock said he was optimistic that the Anchorage area would recover from the earthquake which he termed the "biggest shock, to my knowledge, in any urban area in the State."

"It has set us back a little—and I don't think we will be affected long," he added.

"There is no need to feel that this place is any more dangerous than any other," he said.

Sharrock said it is possible that the building code will be revised to provide for buildings which are more resistant to earthquake

Port Facing Fire Hazard

Port Director A. E. Harned warned that a serious fire hazard exists on the waterfront.

Oil companies are attempting to flush out gasoline which collected in the area after Friday's earthquake. The inlet is covered with a film of this fuel and the danger of fire is great.

This condition is likely to exist for the next 3 or 4 days, according to the civil defense office.

No one will be permitted to smoke or use an open flame near any water area on the inlet.

Alaska Line Vessel Docks: Vanship "Tonsina" Arrives at Port

The first of a stream of general cargo and food for distressed Alaska communities is being unloaded today at port of Anchorage from the 7,200-ton *Tonsina*, cargo vanship.

Alaska Steamship officials said that two Alaska freight line barges are standing off Homer waiting for the *Tonsina* to unload its 1,900 tons of cargo. Friday the Alaska Steamship Co.'s *Fortuna* is expected to dock at Anchorage with more supplies.

Capt. Erling Brastae, whose ship arrived here early today, said it would be about 48 hours before the *Tonsina* is unloaded and ready to steam out of Cook Inlet.

The skipper of the recently converted van carrier said the vessel was stopped two times by ice about 60 miles out of Anchorage. The Coast Guard cutter *Storis* was credited with getting the cargo ship into port. The commander of the cutter was quoted as saying the channel soundings have not changed and in his opinion the channel is navigable.

The *Tonsina* left Seattle March 25, 2 days before the earthquake. Captain Brastae said the ship was originally bound for Seward, but did not stop upon learning of damage to Seward port facilities.

The *Tonsina* was commissioned in 1944 and today's arrival was the first trip to Anchorage for the skipper in about 5 years.

L.B.J. Orders "Speedup" for Relief

(By Douglas B. Cornell)

JOHNSON CITY, TEX.—President Johnson issued new speedup orders on relief for Alaska today and arranged to fly back tonight to Washington where he can run the operation from headquarters.

Presidential Press Secretary George Reedy said Edward McDermott, the President's special representative, also asked an estimate of what the financial requirements will be to carry out fully the relief efforts possible under present authority.

He said McDermott is asking for a breakdown of how much can be taken care of under the 1964 fiscal year budget and how much would have to be appropriated under the 1965 budget for the year starting next July 1.

McDermott's recommendations for future action will be built on a study of the material the agency heads submit.

Reedy said Johnson worked on the Alaskan situation Monday night after supper He announced that Brig. Gen. O. S. Lassiter, chief of the Air Force command post in the Pentagon, flew down from Washington with photographs taken on aerial survey missions, primarily over Anchorage, Seward, Valdez and Kodiak. These pictures also have been made available to McDermott and other top officials.

Johnson also conferred by telephone today with Secretary of State Dean Rusk and with Defense Department officials, Reedy said, but there was no announcement of subjects discussed.

Losses of Life and Possessions Being Tabulated

Anchorage began coming back today from the devastation of the Good Friday earthquake, as across the State and the Nation the job of rebuilding stricken areas of Alaska picked up speed.

The task ahead is enormous.

The cleanup and rebuilding activities continued side by side with grim efforts to determine what losses the quake caused in terms of human life, property, and commercial activity.

The losses on all counts were huge, but specific tabulations and the step-by-step recovery steps still were to be spelled out.

Officials worked around the clock in Anchorage, throughout the State, and in Washington, D.C., to come up with the answers.

While they pondered—and the rescue and recovery operations continued—the death toll from the disaster fluctuated.

No exact figures could be tabulated. It will be days or even weeks before the final toll is known.

The reports ranged from as low as 18 dead and 79 missing to as high as 41 dead and 141 missing and presumed dead.

President Johnson prepared to leave his ranch at Johnson City, Tex., for a return flight to Washington, D.C., tonight. In advance of his return, he issued orders to speed up relief for Alaska.

In Anchorage, State, city, and borough governments turned to the task of planning for the future. As officials met in long sessions, individual homeowners began coping with personal recovery problems and businesses did the same.

Some stores which were smashed when the earth erupted set up in temporary quarters throughout the city. Offices were relocated. Some businesses cleared away debris in otherwise undamaged shops and resumed activities as close to normal as possible.

Banks reopened for business, as leading finance men met to set in motion all possible financial assistance to those hit by the quake.

For the city government, the big job ahead was guiding reconstruction and rebuilding the commercial and personal life of Anchorage.

The loss to Anchorage was a severe blow to the financial structure of the State. The full assessment on the State's budget picture remained to be determined, but combined with losses in the fishing industry throughout southcentral Alaska the force of the quake was severe.

In a statewide radio report to Alaska Monday night, Gov. William A. Egan called upon Alaskans for "a miracle of will and energy and faith to make this land of ours better than ever before."

"I have no doubt we will succeed," the Governor said.

The city council, meeting in emergency session, passed 10 resolutions designed to help indicate specific fields where financial assistance was needed.

Meanwhile, from over the quake area and into the various emergency headquarters in Anchorage, the awful scope of the tragedy became apparent.

Some of the tabulations were conflicting. For Kodiak Island, for instance, the State civil defense agency was carrying two sets of figures early today.

It said it could confirm 7 deaths and 14 missing, but also had unconfirmed reports of 22 dead and 50 missing. Civil defense said it had received its unconfirmed figures from the state department of health and welfare.

The health and welfare agency said it believed its unconfirmed figures came from a newsman who had flown to Kodiak.

To compound the confusion, the same agency said it had three confirmed dead. The state fish and game department said, however, that it had passed along to civil defense the names of three Kodiak dead received by radio and that there were no dead at Homer.

The Coast Guard reported it had lost a man at its Cape St. Elias station, but State figures showed no loss there.

State figures also pegged the death toll at Cordova at one, while State Senator Harold Z. Hansen of Cordova reported two deaths.

The State civil defense figure also did not include 23 reported missing at Chenega and three missing at Port Nellie Juan.

State civil defense casualty devastation and loss began to be counted. Figures indisputed by reports from other sources included: Whittier, 1 dead and 12 missing; Port Ashton, 1 dead and 5 missing; Seward, 3 dead and 16 missing; Valdez, 2 dead and 30 missing; Anchorage, 6 dead and 2 missing.

[From the Anchorage Times, Mar. 31, 1964]

STANDARD SEES RAPID RECOVERY

A survey of damage to Standard Oil Co. of California facilities in Alaska indicates a loss of several million dollars but a rapid recovery to normal operations is expected, according to company officials.

The Monday report said one crewman from the tanker MS *Alaska Standard* is missing and another hospitalized with injuries but the vessel was able to move away from the Seward dock without damage.

Some damage was reported to the tankage and water systems at the Kenai Refinery at Nikiski but full operation is expected to be restored within a week. The marine terminal beside the refinery was also damaged but will be restored to service quickly, the company reported.

A pipeline connecting the refinery and terminal to the Swanson River oilfield was undamaged but some feeder lines were ruptured.

Wells in the oilfield and production facilities there apparently were not damaged but production has been restricted to one-sixth normal until refinery and pipeline facilities are restored to normal operation.

Standard's marketing facilities suffered the most damage but distribution is continuing in the disaster area with stored product.

The Anchorage bulk plant is closed because of spilled gasoline from a damaged tank and 750,000 gallons of aviation jet fuel was lost at International Airport when a tank ruptured.

At Seward some 40,000 barrels of fuel was destroyed by fire. A dock and warehouse was destroyed at Kodiak and it was the same story at Valdez.

UNION OIL REPORTS FIELD IS OPERATING

Union Oil Co. of California officials said the Kenai gasfield is operating and there appears to be no well damage, but losses to the company's distribution facilities in Alaska were fairly heavy.

The entire Valdez plant and most if not all of the Whittier facility were destroyed. The Whittier dock and tank farm was the firm's main supply depot for the entire central area of the State.

Union's warehouse and office in the Anchorage port area was destroyed but the local tank farm is intact and operating. Kodiak facilities are safe as are those in Soldotna.

A spokesman said they have no information on property at Portage as they have been unable to get in and examine them. The official said there is an adequate supply of fuel available in this area.

[From the Anchorage Times, Mar. 31, 1964]

VIC FISCHER TO SET UP HEADQUARTERS

WASHINGTON.—The Housing and Home Finance Agency announced today that Assistant Administrator Victor Fischer will go to Alaska tonight to establish an emergency headquarters in Anchorage.

Senator E. L. BARTLETT, Democrat, of Alaska, said he was informed Fischer will explore ways to expedite emergency programs of the Community Facilities Administration, the Federal Housing Administration, and the Urban Renewal Administration.

The Small Business Administration, authorized to make disaster loans, also is dispatching personnel to Alaska.

Representative THOMAS M. PELLY, Republican, of Washington, announced through his office that he will introduce on Monday a bill to give the Bureau of Commercial Fisheries authority to acquire fishing vessels on the west coast by lease or purchase, and make them available to Alaska fishermen to harvest salmon during fishing seasons opening as early as May 1. The Alaska fishing fleet was reported virtually destroyed by the quake and sea waves.

PELLY noted that the Copper River fisheries open May 1, the Kodiak fisheries June 1, followed by the central Alaska fisheries.

BARTLETT said the American Mutual Insurance Alliance and its affiliated companies plan to send claims adjusters to Alaska to expedite handling of claims under fire and casualty insurance policies.

[From the Anchorage Times, Mar. 31, 1964]

TEAMS CHECK ON TURNAGAIN

Dr. William Davis, who headed rescue teams which searched Turnagain ruins, said late Monday he is "personally convinced that no individual is left alive in Turnagain."

Davis said search teams entered the Turnagain area at dawn Saturday following Friday's quake.

All buildings in the jumble of land, trees, and homes were entered and searched, Davis said. He said some of the houses were searched three and four times.

"We turned over every board," he said.

Davis said some of the homes had gone into the inlet and had to be searched at low tide.

[From the Anchorage Times, Mar. 31, 1964]

SOME SCHOOLS SAID OK

Numerous State-operated schools in the Aleutian Chain area are reported in good condition by Henry Gilbertson, Aleutian Chain and western Alaska area supervisor for the State department of education.

Nikolski School at the tip of the chain is in good shape. Villagers evacuated to the military site Friday night, but have now returned to the village.

Also reported in good shape are schools at False Pass, midway down the chain; Sand Point, a larger community with a high school at the tip of the Alaska Peninsula; Cold Bay, and Pauloff (Pavlov) Harbor.

Gilbertson also reports the schools on St. Paul and St. George in the Pribilof Islands are fine. Giberston, who was at St. Paul at the time of the earthquake, said rolling motion of the quake made numerous persons dizzy and ill, but there were no casualties or damage.

Reports have been received on several schools on Kodiak Island. The Alitak School at Lazy Bay is undamaged and the teacher is OK. The schools at Ouzinkie, Old Harbor and Afognak are all damaged, but all teachers are OK.

The Tatitlek School near Cordova is operating in normal session according to a report from Ivan Auten, teacher. The Chenega School, also near Cordova, is fine and the teacher unharmed.

Gilbertson will fly out to the Kodiak Islands schools Wednesday to make a personal survey.

[From the Anchorage Times, Mar. 31, 1964]

TAX LOSSES POLICY TOLD—EXTENSION AVAILABLE ON FEDERAL RETURNS

Bankers, taxmen, and accountants are working today to unsnarl the financial situation jumbled by the Good Friday upheaval.

The Internal Revenue Service has announced requests for extensions on filing Federal tax returns should be mailed to Anchorage Post Office Box 1500.

Initial extensions will be for 90 days and requests for further extensions will be considered at the end of the first extension.

Disaster losses can be deducted from the 1963 tax returns and top priority will be given to loss claims and tax refund claims. Those who have already filed their 1963 tax statements and paid their taxes can file amended returns to include loss claims on either business or personal property.

Amended filings must be submitted before April 15, however, according to the IRS.

A new IRS office will be opened as soon as possible to help people with Federal tax problems.

Banks opened for business as usual at 10 a.m. today and will remain open until 3 p.m.

All downtown Anchorage banks and their branches are open except for the National Bank of Alaska branch at International Airport.

Elmer Rasmuson, president of National Bank of Alaska, said the branches in Kodiak, Homer, and Soldotna are also open and processing of loans began today.

Rasmuson said there is no need for concern as all aid and assurance that is needed will be given. He said the banks are receiving deposits as well as handling loans. A report from the Kodiak branch manager is that the businessmen there are determined to rebuild their community, Rasmuson said.

A spokesman for Alaska Mutual Bank said the firm is now seeking emergency loan powers from the State banking director and meanwhile carrying on business as usual.

Alaska State Bank and both its branches are open as is First National Bank with its two branches.

The Matanuska Valley Bank offices in both Anchorage and Palmer are open but most of the Anchorage business is being transacted from three trailers set up at the Seventh Avenue and G Street drive-in branch.

Peat, Marwick, Mitchell & Co., certified public accountants, in Anchorage, has issued a public statement explaining losses can be deducted from last year's income tax under Disaster Area declaration and offering assistance to anyone needing more information.

Mutual of New York has offered financial aid to its insurance policyholders suffering earthquake losses and has extended premium and loan payments 30 days beyond the normal 31-day grace period.

Anchorage agents of the company have been empowered to make over-the-counter loans on policies up to $500 without home office approval.

The Anchorage Insurance Agents Association announced today that insurance adjusters offices are open and staffs have been increased.

Loss claims should be made to insurance agents who will work with adjusters in processing the claims. Agents should be given detailed information on how to contact claimants.

[From the Anchorage Times, Mar. 31, 1964]

EGAN SAYS KODIAK DEATHS MOUNTING

(By Jerry Bowkett)

Gov. William A. Egan said here today the number of persons who died on Kodiak Island during Friday's devastating earthquake and subsequent tidal waves appears to be growing.

He said he learned late Monday that 20 to 30 persons and maybe more are still unaccounted for on the island.

The latest casualty figures released by State police show 7 confirmed deaths and 14 persons missing and presumed dead.

Egan also told newsmen at his emergency headquarters here that he is receiving many contributions of money from around the Nation and that a receiving point for such donations will be established in Anchorage.

Future donations should be sent to him, as Governor, at civil defense headquarters, Fifth Avenue and Juneau Street, Egan said.

He said he has learned the city of San Diego, an All America City last year, is starting an earthquake fund for the devastated city of Seward, only last week designated an All America City.

Joe Rothstein, special assistant to the Governor, has arrived in Anchorage to set up a press headquarters here. At the Governor's meeting with newsmen today, Rothstein said the State is attempting to discourage persons from other States coming here at this time to seek work.

He said Lew Dischner, appointed manpower coordinator by Egan in the current emergency, has said there are sufficient labor and technical skills available in Alaska to cope with the emergency.

"Persons coming here now from outside to seek work would only confound the relief problem," Rothstein said.

Egan said he is still pondering what the role of the legislature will be in the present emergency. "After today we will be able to arrive at some firm conclusions," he said.

The Governor said he met Monday with representatives from Seward and Valdez and Federal officials, and the need to restore water and sewers in the stricken communities "are the most pressing problems."

He said the Army Engineers are prepared to help with this restoration, do the contracting for it. Anchorage is the only community among those damaged in the upheaval which is fully capable of doing all preliminary design and engineering work for such projects, he said.

The Governor went on the radio Monday night to tell Alaskans what is being done in the aftermath of disaster.

"The way in which you, the people of Alaska, have shouldered the burden of this crisis, gives me a greater than ever pride in being an American, an Alaskan, and your Governor," he told listeners.

"Here in Anchorage, at Seward, Valdez, Cordova, Kodiak, the story is the same—of devastation to human life and material loss.

"But in each of these hardest hit areas another story has been the same—a story of ordinary citizens facing the aftermath of dreadful ordeal and consequences with almost unbelievable courage and determination to build an even better Alaska."

The Governor made these other points in his radio speech:

All Federal assistance for Alaska will be channeled through the State government with Civil Defense Director Don Lowell as coordinator.

The Alaska Railroad has begun a crash program to restore its service and part of this service is expected to be back in operation in 2 weeks.

The railroad and highway links to Seward will be rebuilt as quickly as possible.

The highway between Seward and the rest of the Kenai Peninsula can be reopened within a few weeks. Special Federal programs exist for the reconstruction of highways damaged by disaster.

In certain areas such as Federal forests, the Government will finance the entire cost of highway construction.

Federal assistance is the "only immediate source of the massive amount of funds that is needed to patch together our stricken communities."

Egan concluded his speech:

"Many have said it is nothing short of a miracle that the casualties were not far, far greater. I can think of no finer tribute to those who are gone—many of whom I knew personally and will deeply miss—I can think of no finer memorial than to work another miracle.

"A miracle of will and energy and faith that will make this great land of ours better than the one we knew before. From what I have seen accomplished during the past 75 hours I have no doubt that we will succeed. No man could ever have had more pride than I do tonight at being Governor of this great State."

[From the Anchorage Times, Mar. 31, 1964]

LEGISLATORS AWAIT NEWS AT JUNEAU

(By Mary Ann Dehlin)

JUNEAU.—Alaska legislators who remained in the capital city when the earthquake and tidal waves hit south central Alaska have stayed huddled close to their radios and other communication links with the disaster areas.

The legislative halls, which Friday bustled with activity, are now almost silent. A few sit at their desks, reading newspapers as they come in with reports of the disaster.

At irregular intervals throughout the days and night, the lawmakers drop in at the Associated Press office in the Capitol Building or Juneau radio stations to check the Associated Press wires for the more recent developments.

There are frequent dropins at the Governor's office which has been in operation to receive messages 24 hours a day since disaster struck.

Seattle newspapers are grabbed up by legislators and other Juneau residents the moment they hit the capital city. To most, the disaster reports are still unbelievable, even the stories being told by persons returning from south central Alaska.

Representative Robert Ditman, Democrat, of Valdez, looks over a list of the missing from his hometown quietly. These were people he knew personally. Each day, he telephones home for the latest reports.

Just as anxious, Senator Harold Z. Hansen, Democrat, of Cordova, makes regular telephone contacts with his community. Only last summer he had directed much of the activity when fire devastated the heart of his community which had been making a rapid recovery.

Representative Clem Tillion, Republican, of Halibut Cove, has been assured by telephone that his fishing boat is safe. He is even more grateful that he had his family with him in Juneau when the tidal wave ripped that area. On Friday night, when tidal wave warnings reached Juneau, he moved his family to higher ground but they are now back in their trailer home here.

He reports he has contacted Seattle and a freezer ship can be sent up to handle the catch "if there are 20 boats operating."

For Representative Harold D. Strandberg, Republican, of Anchorage, the Easter weekend meant a holiday visit from his wife and son, Steve, 10. They arrived in Juneau Friday afternoon and now will remain until the end of the week. They have been assured that their home survived the quake.

Knowing his family was safe, Strandberg, chairman of the house finance committee, stayed behind to work with the joint house-senate finance committee in reevaluating the State's finances. But Tuesday, he flew home to get firsthand information on the disaster area.

Few legislators slept Friday night when word of the disaster drifted into Juneau, bit by bit. Most huddled in the office of Gov. William A. Egan, listening to radio reports and awaiting messages coming from civil defense, fish and game department, and public works communication facilities.

There were tears in the eyes of the south-central Alaska legislators, most of whom flew home Saturday. One said, "I cried for an hour after the initial shock was over."

Since those in Juneau have exchanged reports on how fellow lawmakers came through the disaster, they know legislators' families were uninjured.

But they also know Representative William Wiggins, Republican, of Anchorage, lost his home on the Turnagain bluff; that the home of House Speaker Bruce Kendall, Republican, of Anchorage, was ravaged, and that Senator Brad Phillips, Republican, of Anchorage, lost two cars when his carport collapsed.

But, at the same time, those like Senator Al Owen, Democrat, of Uganik Bay, can only shake their heads in disbelief as they get more details on the disaster.

State offices at Juneau continue to function although many department heads are in southcentral Alaska assessing the results of the disaster. For cabinet members remaining here, however, their duties are primarily concerned with shifts in the State's program which will be necessary.

[From the Anchorage Daily Times, Mar. 31, 1964]

PROVIDENCE HOSPITAL EMPLOYEES UNSHAKEN BY EARTHQUAKE CRISIS

(By Ed Fortier, personnel adviser, Providence Hospital)

This violent quake was at its peak when Mrs. Nancy West, Providence Hospital switchboard operator, in a quivering voice announced over the broadcast system, "Please remain calm, stay in your room. The hospital will stand."

It was a promise made shortly after 5:30 p.m. on Good Friday. And the $6 million new Providence made good on the promise.

In the first 48 hours of operation of Providence as Anchorage's major emergency medical center there were scores of heroes involved in the hospital's operation. But the special hero was the hospital itself.

Seconds after the first shock, it was apparent the 155-bed hospital was fighting for its life. It rocked, reeled, groaned, and moaned.

For those who work in the State's largest private hospital, it was suddenly a vital, living thing in deep agony. All they could do was pray and remain loyal. This they did.

Although many of the nurses, practical nurses, and aids on the upper four nursing floors had families in the midst of disaster, not a single worker left her duty station to rush to the relative safety of the hospital grounds. Not a single patient left the building.

Providence paid off nobly in the well-placed trust.

As the first, worst blow ended, it was apparent that the hospital was hurting. Water was off, without which the steamplant could not operate, huge sterilizers were useless, toilets would not flush. All internal phones were out except the broadcast system. All phone links with the outside world were dead.

How badly Anchorage was hurt was unknown. Sister Barbara Ellen, administrator since the hospital opened in October 1962, determined that Providence could and would be made operational.

An emergency powerplant provided light for the emergency room, surgeries, nursing stations and main halls. The waterlines, steam lines and vital oxygen and gaslines within the hospital were intact.

As late as 6 p.m., the heavy reliance Anchorage would place on Providence was still unknown. There was no information concerning the usability of other hospitals.

Firemen arrived and pumped water from a small creek into the hospital's waterlines, insuring heat and steam.

First casualties began arriving shortly after 6 p.m., and doctors who had been on duty in the hospital were ready at the emergency room which had been set up as a screening and clearing area.

It soon became apparent that Providence would have to serve as the city's major medical emergency center. Doctors began arriving, going to work, despite staggering personal losses.

Dr. Don Val Langston, chief of the Providence medical operations, Sister Barbara Ellen and her assistants, Sister Stella Marie and Sister Cecilia Maureen, coordinated the overall effort.

By 7:30 p.m., casualties ranging from critical to minor were entering the hospital by all four doors, and yet the cool and calm work of the nurses and doctors maintained order in what might have become chaos. The main lobby became filled with volunteers and homeless. There was no hysteria, no panic at any time. Conscious, severely injured victims seemed to find special strength to endure pain.

For me, the first 24 hours are a series of indelibly etched memories. Father James Snead, hospital chaplain, standing by for last rites to the dying, comforting the injured. Father Lewis Hodgkins of All Saints Episcopal Church, assisting the injured, hauling mattresses, lifting stretchers.

Ken Porter, Alaska Railroad conductor and president of the Pioneers of Alaska, recovering in the hospital from arm surgery, getting dressed and pitching in with his good, remaining arm.

Ed Crittenden, architect who assisted in design of Providence, was one of the first to reach the hospital. He grabbed a mop and began cleaning up the broken bottles in the pharmacy.

A 70-year-old man hauling in emergency supplies, and a 12-year-old Anchorage Times newsboy squirming in under fallen shelves to salvage vitally needed blood plasma.

The reassuring and essential work done by the Army and Air Force in meeting every request for assistance.

The work of Presbyterian Hospital nurses in staying with and shepherding patients who were evacuated to Providence.

The principal conference room being converted into a nursery managed with no muss or fuss by the wife of Dr. John A. Pennington.

The first surge of casualties being placed on mattresses laid on the floor of a hallway.

Grim-jawed Otis elevator specialists fighting time to get an elevator into operation—believed now to be the city's only usable elevator.

The speed with which the Air Force replied to a request for moving 80 emergency hospital beds into standby at Providence, when it was not known how many casualties might be expected.

Dr. Asa Martin explaining he was lucky: All he lost was his spacious Turnagain home.

Cy Brewer, of FAA, quietly answering a call for a master electrician, and doing a masterful job of making essential hookups.

Army forces providing and manning emergency water supplies, diesel fuel, a big 100-kilowatt-hour generator needed to operate the kitchen and provide hot food, a special sterilizer.

An 8-year-old boy announcing in a firm voice at 11 p.m., that he was in charge of the first floor.

Dr. Fred McGinnis, president of Alaska Methodist University, conferring with Sister Barbara Ellen and offering full support—doing a skilled job of hiding concern for his then missing son.

The refusal of anyone to panic despite alleged official broadcasts that a giant tidal wave would hit Anchorage any minute.

Completely unknown and unidentified volunteer workers who stayed on the job for 12 to 18 hours without a break doing the multitude of essential tasks required in a modern hospital.

Dr. Charles St. John delivering a new Alaskan baby with the aid only of flashlights when auxiliary power failed briefly early Saturday morning.

Ham radio operators efficiently handling vital messages, being grateful for a cup of hot coffee.

The confidence-inspiring manner in which Dr. Michael Beirne's laboratory team and Dr. James Coin's X-ray specialists stayed on top of the emergency.

Cook Noreen Cahill providing an endless stream of coffee from out of thin air.

The no-strings generosity of merchants in augmenting the hospital's supply of essential items, and many of whom had anticipated needs before assistance requests were made.

Seven doctors from Fairbanks arriving shortly after midnight, offering full assistance.

The fantastic speed with which city of Anchorage utility crews did the impossible in restoring vital water, power, and phone services.

Sister Philias, nursing floor supervisor, trying to convince her nurses that she should get up from her fifth floor bed, where she was recovering from major spinal surgery, and pitch in.

A team of Anchorage surgeons performing delicate brain surgery on an accident victim after 7 hours of hectic work.

Chief Engineer Phil McLean facing and solving more tough problems in 12 hours than he had encountered in the last 12 months.

The strange emergency-developed working arrangements between hospitals. Evacuated Presbyterian offering food to St. Mary's Residence. The nonoperational Air Force Hospital providing supplies to Providence. The Alaska Native Hospital providing typhoid serum to Providence, which in turn is sterilizing surgical instruments for ANH. Alaska Psychiatric Institute doing laundry for Providence after the Easter Sunday evacuation of St. Mary's Residence.

"Providence Hospital and Alaskans proved themselves worthy of each other," said Sister Barbara Ellen on Easter Sunday. "Both performed nobly. Nothing less than a superlative effort would have succeeded.

"We cannot properly thank the hundreds of persons, known and unknown, who made it possible for Providence to operate during the critical first 48 hours.

"I hope in the near future to issue an individual citation to each known person, firm and agency who joined in our combined effort. It will say simply that the individual named served in Providence Hospital on Good Friday and Holy Saturday in 1964.

"For those who know the full story of the inspired effort that brought us new life and hope in this Easter season, it will be enough."

[From the Anchorage (Alaska) Daily Times, Mar. 31, 1964]

Alaska Quake Is Top News Story in "Unshaken 49"—Alaskan Outside Tells Reaction to Quake News

(Editor's Note.—The Alaskan earthquake disaster is big news outside, too. Here is the reaction of well-known Alaskan Robert Giersdorf, vice president of Alaska Airlines, who was in California last weekend:)

(By Robert Giersdorf)

The news of Alaska's great earthquake reached Los Angeles within the hour after its crushing strength spread devastation over the State.

After a flight from Seattle I had just eaten dinner at the Hollywood Roosevelt Hotel. I happened to switch on the television in my room when a bulletin interrupted the normal programing to tell of "a tremendous earthquake in the area of Alaska."

The announcer said it had such intensity it had bounced the needles off measuring devices of various institutes over the country. The announcement came shortly after 9 p.m.—which would mean it was just a few minutes after the earthquake since California is 3 hours ahead of Alaska time.

There was no news of any sort from Alaska concerning the extent of the quake, and the immediate concern was about the possibility of a tidal wave.

The next bulletin about 11 p.m. indicated that Anchorage had been hard hit by the quake, and the downtown section of the city leveled. The first specifics indicated the tower at the International Airport had toppled, that about 50 homes on the bluffs at Turnagain had crashed into Cook Inlet, and the loss of life was difficult to estimate but was going to be tremendous.

By midnight, a direct line had been established with Armed Forces News Service at Fort Greely. All networks were getting direct reporting from Alaska by phone, broadcasting the information as Fort Greely relayed it.

Virtually all national programing was set aside to allow full coverage of the story.

By midnight there was news of the tidal wave totally destroying Valdez and bulk fuel storage tanks setting the town aflame.

The same information of total disaster concerning Seward and Kodiak demonstrated for the first time the scope of the disaster.

Reports of "several blocks of the downtown section of Anchorage sinking into deep chasms, the total collapse of the J. C. Penney Store and that the only buildings left standing on Fourth Avenue were the Anchorage Westward Hotel and the Federal Building" filtered out additional details.

By this time all networks had pulled from their files, presumably from statehood publicity, clips of what Alaska "looked like before the devastation of this quake."

Full wall-sized maps of Alaska were used by commentators to point out the disaster areas.

At about 12:45 a.m. the tidal wave had hit Crescent City, Calif., and people were aware of the magnitude of the jolt. Scientists were anouncing this was the severest jolt in the history of recorded quakes, surpassing the great San Francisco quake and the one in Chile in 1960.

Throughout the night, bulletins warned all residents of coastal areas to get to high ground. Information came from Hawaii that 300,000 people had been evacuated from the beach areas.

Live TV cameras were set up for the anticipated arrival of the tidal waves to show the swells of the waters along the California coastline.

Fearing for the lives of my family members, friends, and our company personnel in Alaska, I had been on the phone continually trying to get through to any point in Alaska.

I had contacted our operations office in Seattle, but they had no information. Finally the chief operator in Los Angeles patched me into a connection with a ham operator in Spokane who had contact with Alaska.

I exchanged a series of calls with him, never knowing if he was getting through any messages. About 2 a.m. I received a call from Brad Phillips in Juneau, requesting our jet aircraft come to Juneau to pick up a load of anxious State officials and individuals to take them to Anchorage.

Calling back to Seattle we discovered both Anchorage and Juneau airports were below minimums for operations, and we were unable to depart.

I stayed on the phone all night between Juneau, Seattle, and Spokane, and by 3:30 a.m. even Seattle circuits became impossible to secure. I had already booked on the first flight to Seattle from Los Angeles, and headed for the airport at 5:45 a.m.

Anyone calling long distance attempting to place a call to Alaska heard only a recording stating, "Due to an earthquake in Alaska your call has been delayed indefinitely."

On arrival at the airport in Los Angeles, the morning newspapers were out with extras and headlines bannered the story of the Alaska quake and the tidal waves.

When the aircraft I was on stopped in San Francisco, I again secured more newspapers which devoted all front page coverages to the Alaska quake and the tidal waves. Upon arrival in Seattle more information was available.

Alaska Airlines reservations office had received over 2,000 calls throughout the night mainly seeking information. Newsmen and national magazine writers and photographers called from all over the Nation seeking seats to Anchorage. The national newspapers and TV and radio stations have devoted almost all news coverage on the last 3 days to coverage of the Alaska quake.

[From the Anchorage (Alaska) Daily Times, Mar. 31, 1964]

Department Stores Open

Several department stores are open today and one mail-order store has made arrangement for night orders until the emergency period ends.

The Caribou's store in Mount View is open from 9 a.m. to 6 p.m. but the Spenard store is closed.

Brewsters Department Store in Mount View is open from 9 a.m. to 9 p.m. daily.

All Sears Roebuck & Co. catalog stores are open except the downtown store that will be opened as soon as the area is opened.

Montgomery Ward stores are open except the downtown store where pickup merchandise has been moved to the Fairview Store on Gambell Street.

Wards has arranged to accept telephone orders from 9 p.m. to 12 p.m. each night until further notice but asked that no orders be called in during the day. The telephone number for phone orders is BR 6–2401.

Downtown Area To Be Reopened by Wednesday

Downtown Anchorage should be open to the general public by early Wednesday morning, City Manager Robert Oldland said today.

The downtown area has been blocked off since Friday's earthquake to prevent injury and to protect the property of businessmen within the center of the city.

Rites Set for Tower Victim

Funeral services for William George Taylor, 45, who was killed March 27 when the International Airport tower in which he was working collapsed during the earthquake, will be held Thursday at 2 p.m. at the Anchorage funeral chapel.

The Pioneers of Alaska will officiate at the funeral. Interment will be in the Pioneer section of the Anchorage city cemetery.

Taylor was born in Portland, Oreg., August 8, 1918, and resided at 3729 McCain Road. He was an employee of Federal Aviation Agency.

Taylor was a World War II Army Air Force veteran. He is survived by his wife, Patricia Lou, and one daughter, Cheryl, of Anchorage; and his mother, Mrs. Heinie Carstens of Central.

CONFUSED FOREIGN TRADE POLICY

Mr. HRUSKA. Mr. President, the average, thoughtful American citizen interested in his country's foreign trade policy could well be forgiven if, in the past week or so, he has come to feel like the Biblical men of Shinar who built the Tower of Babel only to have the Lord say:

> Come, let us go down, and there confuse their language, that they may not understand one another's speech.

Since the start of the cold war, this Nation for the most part has had as a general and consistent aim, a resistance to the cause and the progress of international Communist aggression, both military and economic.

But in the past week or so, some of our Nation's leaders have been talking with many tongues and a confused language.

On the very day that Secretary of Agriculture Freeman is telling the Senate Foreign Relations Committee that certain types of sales to Red Russia, notably farm products, "are clearly justified and are of real value to the United States," Under Secretary of State Ball is pleading with our allies to stop trading with Communist Cuba to help prevent the spread of communism throughout Latin America.

The day after the distinguished chairman of the Senate Foreign Relations Committee dismisses Cuba as a "nuisance," Secretary of State Rusk tells us that Castro is a "menace."

Our Secretary of Commerce declares himself to be "a seller" and says he favors the "maximum of peaceful trade" with Communist countries in Eastern Europe. And in a speech in Oregon, he says that the time is "not yet" ripe for trade with Cuba. But he suggests that at some time in the future the time will be ripe.

Our Secretary of State unveils a new U.S. trade policy toward the enemies sworn to bury us. He calls it "custom-tailored" and designed to "differentiate among Communist countries." So far as he is concerned, only Red China, North Korea, and Vietnam should be totally excluded because they are "actively engaged in aggressive activity." It is at least good to know, Mr. President, that the Peiping regime is recognized as something other than agrarian reformers.

What in heaven's name is the trade policy of this administration toward the Communists?

When it was fighting so diligently for passage of the Trade Expansion Act 2 years ago, the administration insisted that one of the three purposes cited in the act be "to prevent Communist economic penetration."

That act—Public Law 87–794—at section 102, "Statement of Purposes" reads as follows:

> The purposes of this act are, through trade agreements affording mutual trade benefits—
>
> (1) To stimulate the economic growth of the United States and maintain and enlarge foreign markets for the products of U.S. agriculture, industry, mining, and commerce.
>
> (2) To strengthen economic relations with foreign countries through the development of open and nondiscriminatory trading with the free world; and
>
> (3) To prevent Communist economic penetration.

Throughout testimony and debate on the bill, administration spokesmen stressed and based their sponsorship and ultimately the enactment of the bill, in large and prominent degree on the third purpose cited above; namely: "To prevent Communist economic penetration."

Secretary of Commerce Hodges in his testimony before the House Committee on Ways and Means, in March 1962 gave it the priority of being first on his list of "three major objectives" of the bill in urging support for the bill. In part, at pages 54 and 55 of the hearings, he stated:

> Fundamentally, the Trade Expansion Act proposes an integrated and balanced program looking toward three major objectives. Each of these is vital to the economic and political interest of the United States. Taken together they are of surpassing importance to the Nation.
>
> One objective is to enable the United States, and the rest of the free world together, to take the initiative to strengthen our economies and to counter the all-out trade and aid offensive of the Sino-Soviet bloc which strives to weaken and then destroy the economic ties among countries of the free world.
>
> The Soviet offensive seeks particularly to reduce the newly developing countries to a position of economic dependence upon the Sino-Soviet economy. The act will not only provide us a new initiative in the cold war, the act will also serve to strengthen the overall economic growth and cohesion of the free world, thus contributing directly to its stability, strength, and prosperity * * *

Under Secretary of State Ball, at page 632 of the printed hearings, said:

> The international Communist conspiracy has tightened its hold on two great nations, the Soviet Union and Red China. This has given it not only the command of great potential economic resources but the mastery of the most advanced technology. Between the Iron Curtain that extends from the Brandenburg Gate to the Yellow Sea are a billion people—roughly one-third of the world's population.
>
> In this changed and changing world, faced with a constant menace from the Soviet bloc, we have no option but to pursue lines of policy directed at two major objectives.

Mr. Ball then cited as the two objectives the cementing of the strength of the great industrial powers of the free world and the development of the so-called emerging nations.

Notice, Mr. President, that 2 years ago Secretary Ball saw the Soviet bloc, not just Red China and Vietnam and North Korea, as the enemy.

Now, what has happened in those 2 years? We have had a complete turnabout. Recently we started selling wheat to Russia.

Our allies, England and Spain, are engaged in trade with Castro's Cuba and our European Allies are doing business hand over fist with the Soviet satellites behind the Iron Curtain. And why not? After self-righteously proclaiming continuance of economic war on communism and its economic penetration in the Trade Expansion Act, we ourselves sell millions of bushels of wheat to the very center of the international conspiracy which was of such vital concern to the administration just 2 years ago. Who can blame our allies if they feel that trading with a nuisance like Castro is less objectionable than selling wheat to his masters in the Soviet?

In testimony before the Foreign Relations Committee, Secretary Freeman said he thought the wheat sales to the Communists "would be a very good bargain" for America and he cited as part of the gain a propaganda victory.

Mr. President, can the Secretary seriously believe that we have impressed any other nation with a single thing other than our colossal inconsistency?

I am inclined to agree with the able Senator from Arkansas that our blockade of Cuba has been something less than a success. But that does not lead to his conclusion that we should therefore abandon our opposition to Castro and instead welcome him into the family.

In all of the foreign policy pronouncements of the past week from officials in the Government who should speak with authority, not one suggested a stiffening of our policy. The attitude instead seemed to be, "Communism is not so bad after all and besides it is here and the world is in an awful fix so why don't we just sit back and enjoy it."

Mr. President, if that is the policy of this administration, there is one very good way it can begin to implement it. It can repeal title I, section 102, paragraph 3 of the Trade Expansion Act and replace it with this purpose: "To encourage Communist economic penetration," thus replacing the present language "To prevent Communist economic penetration."

The next thing would be an admission that the more than $100 billion of the taxpayer's money which has gone into foreign aid to halt the tide of communism has been money down the drain.

And the third thing would be an explanation of why this Government spends a billion dollars every week on the defense of this Nation—a Nation without an enemy in the world—except communism.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HILL. Mr. President, I suggest the absence of a quorum——

Mr. MANSFIELD. Mr. President, is the unfinished business now pending before the Senate?

The PRESIDING OFFICER. The unfinished business is pending now. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 108 Leg.]

Anderson
Bayh
Burdick
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Goldwater
Gruening
Hart
Hill
Hruska
Humphrey
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Lausche
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Morton
Moss
Mundt
Pearson
Prouty
Ribicoff
Robertson
Russell
Saltonstall
Smith
Sparkman
Symington
Talmadge
Williams, N.J.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Florida [Mr. HOLLAND], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. JACKSON], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. HARTKE], and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], the Senator from Utah [Mr. BENNETT], and the Senator from Kansas [Mr. CARLSON] are absent on official business.

The Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], the Senator from New Mexico [Mr. MECHEM], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Iowa [Mr. MILLER] is absent by leave of the Senate.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). A quorum is not present.

Mr. HART. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BEALL, Mr. BOGGS, Mr. BREWSTER, Mr. ERVIN, Mr. HICKENLOOPER, Mr. SCOTT, Mr. SIMPSON, Mr. WALTERS, and Mr. WILLIAMS of Delaware entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I should like to state to Senators who desire me to yield to them that I should like to speak for about 5 minutes, and then I shall be ready to yield as I come to a point in my speech which will take off on a completely new issue. I shall then ask unanimous consent to yield to Senators, and if I can get it, I shall happily yield.

I. THE REPUBLICAN CONSENSUS ON CIVIL RIGHTS

I would like to deal at the outset with some rumors which have been circulating to the effect that Republicans in the Senate will support alleged weakening amendments to the civil rights bill. I have heard it said that Republicans in the Senate will take this administration "off the hook" by insisting on certain of such amendments as the price for enactment of the bill. There may be amendments, but it is certainly jumping the gun to assume they will be weakening. That is particularly so in view of the fact that the bipartisan group is working to see whether they think it would be wise or proper to have amendments.

Further, it has been published that no clear consensus among Republicans has developed yet on the pending bill. This is inaccurate, for a great majority of Republicans, in my judgment, are for all the titles of the bill before us. I believe this will be clear as the votes are cast—as it has already been clear on the votes cast up to now—including the vote, if it is called for, on cloture.

I think before such talk develops further—that there is no clear consensus among the Republicans—it is necessary to set the record straight, and as I am devoted to the bipartisan effort on civil rights, I think it is necessary in this debate to keep the record clear on the role of the Republican Party as it is represented in the Senate in this struggle.

First of all, let us make it clear to the country that the reason this bill is here in the Senate at all is that Republicans in the House Judiciary Committee and Republicans in the House Rules Committee voted to get it out of committee. And Republicans on the floor of the House voted 138 to 34 to enact this legislation; and their support was indispensable to passage in that body. Let us make it clear to the country, too, that this bill would not be here today in the Senate if it were not for the support of the House minority leader, Representative CHARLES HALLECK, of Indiana, and the ranking Republican member of the House Judiciary Committee, WILLIAM MCCULLOCH, of Ohio, as well as other Republicans in the House like Representatives JOHN LINDSAY, of New York, and CHARLES MATHIAS, of Maryland, who played key roles in bringing about passage in that body.

I would also like to nail down today any doubts about how the consensus in my party is developing generally on this issue.

I have communicated in the past few days with some of the leading Governors in our party—leaders who are respected so highly that they have been widely considered to be among the outstanding candidates for the Republican presidential nomination.

I think their views—the views of the men, one or more of whom may be carrying the Republican banner in the national elections in November—must be given great weight in arriving at the Republican consensus.

Here are some of them:

Gov. William Scranton, of Pennsylvania, for example, was asked in a newspaper interview early in March this question:

> Do you believe that compromises are going to be necessary or desirable to get Senate approval of the House civil rights bill?

His answer was:

> As far as I am concerned it is not necessary or desirable.

He was further asked:

> Is it your position that you favor the House bill as it stands and don't believe there should be any substantial weakening?

His answer was:

> Yes, that is my correct position.

Governor Scranton has confirmed to me the accuracy of that interview, and that it is his position today.

My own Governor, Nelson A. Rockefeller, of New York, has given me a statement, in which he says:

> I strongly support the entire civil rights bill, as did the overwhelming majority of House Republicans. * * * I hope that the bill passes as it now stands and without any further delay.

I ask unanimous consent that the text of the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY NELSON A. ROCKEFELLER, GOVERNOR OF NEW YORK STATE

I strongly support the entire civil rights bill, as did the overwhelming majority of House Republicans when they voted 138 to 34 in favor of the bill.

This legislation is already 3 years too late. Both the 1960 Republican and Democratic Party platforms pledged comprehensive action on civil rights. But despite the Democratic campaign promises, despite 2-to-1 Democratic control of congressional committees, and despite very substantial Democratic majorities in the House and Senate, action on comprehensive civil rights legislation was not advocated by the Democratic administration until mid-1963. Had action been taken in 1961, I think we could have avoided much of the suffering and tragedy which this country has witnessed.

I hope that the bill passes as it now stands and without any further delay.

Mr. JAVITS. Gov. George Romney, of Michigan, has also written to me with the same firm view:

> I am pleased—

He states—

> to go on record in support of the bipartisan civil rights bill passed by the House of Representatives. I firmly believe that this legislation is sound and progressive.

I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, March 17, 1964.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am pleased to go on record once again in support of the bipartisan civil rights bill passed by the House of Representatives. I firmly believe that this legislation is sound and progressive. Many of its provisions have been tested in individual States including Michigan, and these provisions have demonstrated that strong civil rights legislation contributes to the solution of our most important domestic problem.

I am particularly concerned that the public accommodations title of the proposed bill be kept intact. As I pointed out in Salt Lake City on January 17, 1964:

"A major part of the civil rights bill * * * is a provision which assures every American that he will not be denied the use of public accommodations because of his race or religion.

"We, in Michigan, believe it is tragic that this has to be a highly contested issue in Congress nearly two centuries after the Constitution was adopted—a Constitution which guaranteed such rights.

"I am proud to tell you that Michigan has had an equal accommodations law on the books since 1885, and we have enforced it.

"In other words, Michigan recognized its constitutional obligations in this field some 79 years before Congress is even seriously considering recognizing its own. Let that fact stand in opposition to those who argue that the States are incapable of meeting their responsibilities."

Sincerely,

GEORGE ROMNEY.

Mr. JAVITS. In addition to those prominent Governors, I have also heard from the Governor of Oregon, Mark Hatfield, who wired me that a "national statute is not only right but long overdue" and that he was "proud of the fact that Republicans in the House of Representatives supported by a margin of 4 to 1 the civil rights bill now in the Senate."

I ask unanimous consent that the telegram be printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALEM, OREG.,
March 9, 1964.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.:

Although I am proud of the fact that Republicans in the House of Representatives supported by a margin of 4 to 1 the civil rights bill now in the Senate, I know that the erasure of racial prejudice eventually must take place in the hearts of men. Although I am proud of the Republican leadership in Oregon that produced fair employment practices legislation in our State in 1949, I know it is essential that the National Legislature reaffirm the declaration of constitutional principle. Having sponsored Oregon civil rights legislation in 1953 that included a public accommodations provision, I am convinced that a national statute is not only right but long overdue.

MARK O. HATFIELD,
Governor of Oregon.

Mr. JAVITS. The Governor of Rhode Island, John H. Chafee, has similarly written to me:

> I favor the civil rights legislation which is now pending before Congress.

And the Governor of Maine, John H. Reed, writes that—

> It is vitally important for the Congress to enact legislation this year which will more adequately guarantee equal rights and opportunities to all our citizens.

I ask unanimous consent that both letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND &
PROVIDENCE PLANTATIONS,
Providence, R.I., March 11, 1964.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: The question of civil rights is of vital concern to all of us. I favor the civil rights legislation which is now pending before Congress.

Events of the past year have brought home clearly to all Americans that our Negro citizens are discriminated against and that there is a great inequality of opportunity throughout the United States. Steps to correct this must be taken. Equal opportunity should be enjoyed by all our citizens.

Last July 10 I stated my approval of the proposed public accommodations civil rights bill in a letter to the Senate Commerce Committee.

I feel as you do that the Republican leaders throughout the country must take a firm stand on this issue.

Sincerely yours,

JOHN H. CHAFEE,
Governor.

STATE OF MAINE,
Augusta, Maine, March 23, 1964.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: I am in receipt of your recent telegram concerning the civil rights legislation that is currently before the Congress. I feel that it is vitally important for the Congress to enact legislation this year which will more adequately guarantee equal rights and opportunities to all our citizens. It is my hope that by a concerted bipartisan effort, a civil rights program will be enacted and that will be effective and meaningful.

With kindest regards.

Sincerely yours,

JOHN H. REED,
Governor.

Mr. JAVITS. I am sure that in time, an even more inclusive list of such statements will be collected from Republican Governors and leading Republicans in the United States. But I believe it is sufficient to state, on the basis of the comments I have here reported, that the Republican consensus is positive and clear. With only minor exceptions, Republican support will be, I am confident, the indispensable ingredient for enactment of civil rights legislation.

And if there are any further doubts about how the consensus among Republicans in the Senate is developing, I think the country should take note of the fact that so far there have been three test votes in the Senate on the pending civil rights bill. On the first, February 27, Senate Republicans voted 20 to 8 to bypass the Judiciary Committee and place the bill on the Senate Calendar. On the second vote, March 26, Senate Republicans voted 26 to 0 to take up the civil rights bill.

And on the same day, on a key vote, Senate Republicans voted 16 to 9, to defeat the Morse motion to refer the bill to the Judiciary Committee.

I should add, and with all respect as the support of both parties is urgently needed, that the Republican percentage on these votes is unmatched by the party on the other side of the aisle.

Also on this same general point of Republican support, I would like to call attention to the fact that a great deal has been written about the public accommodations section of this bill, title II, as being the most controversial. I think that the country should be aware of the fact that such legislation has a long and impressive Republican history. Indeed, a study made at my request by the staff of the Senate Republican policy committee, with the assistance of the Library of Congress, has revealed that of the 30 States which now have public accommodations laws in effect, 24 were enacted under Republican Governors or by Republican-controlled legislatures. Also, the study shows that the first such statute was enacted in Massachusetts under a Republican State administration and a Republican legislature; and the first such bill introduced in this Congress was sponsored by eight Republican Senators and myself on March 28, 1963, just about a year ago.

I ask unanimous consent that the table be inserted in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

States with laws forbidding discrimination in public accommodations and party control of governorships and State legislatures at time of enactment

Year	State	Governor	Senate	House
1865	Massachusetts	Unionist (Republican)	Unionist (Republican)	Unionist (Republican).
1869	District of Columbia			
1874	Kansas	Republican	Republican	Farmers Party.
1874	New York	do	do	Republican.
1884	Iowa	do	do	Do.
1884	New Jersey	Democrat	do	Democrat.
1884	Ohio	do	Democrat	Do.
1884	Connecticut	do	Republican	Republican.
1885	Colorado	Republican	do	Do.
1885	Illinois	do	do	Do.
1885	Indiana	Democrat	Democrat	Democrat.
1885	Michigan	Republican	Republican	Republican.
1885	Minnesota	do	do	Do.
1885	Nebraska	do	do	Do.
1885	Rhode Island	do	do	Do.
1887	Pennsylvania	do	do	Do.
1890	Washington	do	do	Do.
1895	Wisconsin	do	do	Do.
1897	California	Democrat	do	Do.
1949	Alaska [1]	do	8 Democrats and 8 Republicans.	Democrat.
1953	Oregon	Republican	Republican	Republican.
1955	Montana	do	do	Democrat.
1955	New Mexico	Democrat	Democrat	Do.
1957	Vermont	Republican	Republican	Republican.
1959	Maine	Democrat	do	Do.
1961	Idaho	Republican	do	Do.
1961	New Hampshire	do	do	Do.
1961	North Dakota	Democrat	do	Do.
1961	Wyoming	do	do	Do.
1963	Maryland	do	Democrat	Democrat.
1963	South Dakota	Republican	Republican	Republican.

[1] Enacted when Alaska was a Territory. Revised and reenacted by State of Alaska in 1962.

Table prepared by Senate Republican policy committee, with the assistance of the Legislative Reference Service of the Library of Congress.

Mr. JAVITS. Clearly, the Republican Party has a great stake historically in public accommodations legislation. It has pioneered in this field in the past, it has shown initiative and leadership in the States, and will be following in this fine tradition by supporting the public accommodations section of this bill.

I recite all these facts to put the Republican record in perspective as we continue this debate. I am frankly disturbed by headlines which suggest that the "GOP Will Back Changes in Rights Bill." It is my view that the most meaningful changes that can be made to the civil rights bill are those suggested on Monday by the Senator from California [Mr. Kuchel], and on Wednesday by the Senator from New York [Mr. Keating], and the Senator from Michigan [Mr. Hart]; and they would strengthen the bill, not weaken it. I would not for one moment pretend that the Republican view in this regard is unanimous. But I think the facts demonstrate that those who would weaken the present bill before the Senate—if there be any—do not represent, on the record to date, a consensus in my party. On the contrary, there is every reason to expect that Republicans in the Senate, notwithstanding their relative size as a group, will be the indispensable means to attaining a meaningful civil rights bill with every title in it preserved and adequately covered, as they were in the House of Representatives.

The day that was recorded would be a day of supreme pride for me, and I am deeply confident that it will come based on the record, on what I have received from the Republican Governors, and on everything I have heard within my own party.

Several Senators addressed the Chair.

Mr. JAVITS. I yield to the Senator from New Jersey [Mr. Case], who I believe wishes to ask me a question.

Mr. CASE. I appreciate the generosity of the Senator from New York. I believe the statement he has made is extremely timely and pertinent. It is always proper to set the record straight in fairness to the groups concerned. I know that the Senator strongly shares this view. I believe it is of even greater significance, in that the statement that was made on the record should prevent us from being too ready to accept weakening amendments, or unwilling, at least, to consider strengthening amendments on the argument that this group or that group in the House or the subcommittee would be unwilling to go along.

Further, in support of his absolutely correct recital of the Record, I should like to direct the Senator's attention to one particular fact in regard to the Representative from Ohio [Mr. William McCulloch], who, singlehandedly, I believe it is fair to say, stopped the weakening Harris amendment in the House by stating that if that amendment were to pass—and it looked at that time as if the leadership on the floor was about to accept it—he would find it impossible to further support the bill. It was that kind of action on the floor of the House, by Representative McCulloch and his colleagues, and in the committee, which prevented weakening of the bill, which was a great danger at the time.

Mr. JAVITS. Let me say, in response to the Senator, that our party is historically the party of equal opportunity. Our party brought the Nation to victory in a tremendous struggle, resulting in the largest number of casualties ever suffered by this country in any war, in order to validate that principle. It would be shocking, unseemly, and unthinkable if we were not the party which is the clinch pin, the central factor, in bringing about this century-old, overdue, opportunity to redress so many deeply held grievances and injustices that have been recounted on the floor of the Senate time and again, to which I shall have the tragic duty of adding another sordid, bloody recital today.

Mr. KEATING. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. KEATING. I should like to substantiate what the distinguished Senator from New Jersey [Mr. Case] has said with regard to the other body. There has been an indication on the part of Representative McCulloch and the Republican Members in the other body that they would not accept a watered down or a greatly weakened bill. That is not to say that they would not accept a strengthened bill. I have had an exploratory conference with Representative McCulloch, and I am sure that I can fairly state that he has an open mind with regard to amendments which would make the bill more meaningful and stronger; specifically, the amendment discussed the other day, to make the bill's voting provisions apply to State elections as well as to Federal elections. We all know the inadequacy of having one rule for Federal elections and another rule for State elections which would be the result if the bill were passed in its present form.

I believe that there will be no difficulty whatever in reaching agreement with the

House side on clarifying amendments leading to a somewhat strengthened measure.

I know that my colleague from New York recognizes, as I do, the fact that action cannot take place except by a united effort. Members of both parties sincerely believe that it is necessary to put meaningful legislation on the statute books. Nothing which my colleague has said indicated that he believes anything to the contrary. I believe my colleague has performed a great service in bringing out the facts of the situation, and that the majority of Republicans will support the commitments made in their 1960 platform. We are hopeful that that will be the situation on the other side of the aisle. It is time to place this matter in proper perspective, because of some of the reports which have been made.

I congratulate my colleague from New York on his fine presentation of the situation.

I was in the 1957 civil rights fight as a ranking minority member of the Judiciary Committee on the House side. We know what happened then. It was by no means the fault of the members of our party that that bill was watered down. I do not wish to assess any particular blame for what happened in 1957; but it was certainly not the fault of the members of our party in the House, where 90 percent of the members of the Republican Party voted for a vastly stronger bill, including the well-known part III provision, than the one which finally became law. It was the Republicans who stood firm, as they should stand firm, for a meaningful bill. That is still our position. I am sure that when the affirmative votes are counted, Republicans will be joined by Members on the other side of the aisle who feel as strongly, as deeply, and as sincerely about the issue as we do.

I thank my colleague for yielding to me.

Mr. JAVITS. My colleague, the Senator from New York, was one of the leaders in the other body in 1957. He had a great deal to do with the successful enactment of the civil rights bill of 1957.

I should like to point out to my colleague—and I shall develop the point later—that on the part III vote, which was the key vote in the Senate on the civil rights bill of 1957, 25 Republicans voted to retain the provision and 18 Republicans voted against; in other words, a substantial majority of Republicans voted to retain the provision. Had we had the support then that we have now, part III would be a part of the law today, and might have averted the public disorder and bloodshed which have since ensued.

Mr. HART. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am glad to yield to the distinguished Senator from Michigan.

Mr. HART. A basic and wholly proper rule is that one should never volunteer to participate in the political discussion of a party of which one is not a member. Acknowledging the validity of that rule, I should like to explain to the Senator from New York that from the outset those who lead in the effort to achieve the enactment of a good, responsive, civil rights bill have stated clearly for the RECORD—and I am glad to state it again—the absolute necessity for the broadest kind of bipartisan support possible.

We need not deceive anyone. We have no votes to waste. The sincerity and conviction on both sides of the aisle will be demonstrated at the crucial time when the clerk begins to call the roll. The conduct of those who seek enactment of a good, responsive, civil rights bill, will be to insure that in the days that intervene between now and that rollcall, we shall not be alarmed by newspaper stories casting doubt upon the depth or sincerity of the expressions of anyone, but shall work together and remain together in the effort to seek the achievement of what is probably the most important domestic responsibility for all of us—the enactment of a good bill, and its signature by the President.

Mr. JAVITS. I am grateful to the Senator from Michigan for his comments. This is not a party discussion. This is a bipartisan discussion. In view of the speculation which has already been engendered—and more will be engendered—by the statements of the minority leader, or statements emanating from an alleged Republican conference, or any other kind of statement, the point will be to demonstrate on the record that, when the chips are down, the Republican Party will have performed on civil rights, and also to demonstrate the great support among its leaders for effective civil rights legislation.

The newspapers are performing a great service when they raise these questions and recite the rumors. I have no complaint about what they report. I think it is good. I think it also gives us the opportunity, which we have taken today, to express our bipartisan solidarity and to express once more the commitment of the Republican Party to the fundamental performance of it up to this time.

II. THE HISTORIC HUB OF CIVIL RIGHTS LEGISLATION—TITLE III

Mr. President, I now start upon that part of my speech which relates to the historic hub of civil rights legislation, that is, title III of the bill. That is the key to the struggle which has been in progress in the civil rights field for a very considerable period of time, and certainly since 1957, when proposed civil rights legislation first came before the Congress after a lapse of more than 80 years.

Under part III as it has been proposed over the years, authority would be given to the Attorney General of the United States to go into court and sue in order to redress the individual rights of an American.

I depart from my prepared text in order to expand upon the subject because it is so fundamental to the debate, so critically important, and so little understood.

The 14th amendment to the Constitution provides that every American is a citizen of the United States as well as a citizen of the State in which he resides. Its very first section so provides. In short, a person has rights, as well as responsibilities, as a citizen of the United States and as well as a citizen of his State.

For example, in many States he pays a State income tax, in addition to the Federal income tax. He is subject to many Federal laws. He may be punished for a violation of the counterfeiting laws, laws involving commercial deception and misbranding, the Narcotics Act, laws involving mail frauds, and so on.

In the State he is again subject to a network of responsibilities with respect to the common crimes of theft, murder, manslaughter, as well as the traffic laws, and so on.

Just as an individual has a dual responsibility to obey the Federal and State laws, he also has rights both as a citizen of the United States and as a citizen of his own State. In the Constitution the States yielded to the United States protection of the paramount rights of the citizen. Unless we understand that, we really do not comprehend the real basis for the struggle. Therefore, for example, though the laws of Mississippi provide that there shall be racial segregation in bus terminals, the laws of the United States provide that there shall not. The individual citizen of Mississippi is then subject not to the rights which he has as a citizen of Mississippi, which would mean that he would have to go into a racially segregated waiting room, but to the laws of the United States, which provide that the waiting rooms shall be colorblind.

That is primary, because the fundamental argument which is constantly made by our friends from the South is, "Leave it to us and we will take care of it." We assume they are law-abiding people. How will they take care of it? They will take care of it in accordance with their own laws; and their own laws contravene the Constitution and the laws of the United States.

That process goes on in case after case, whether it is a segregated hospital, a segregated telephone booth, a segregated park or playground, or even, what really should make the hair stand up on the head of any American, a segregated courtroom. There is even a case, which has recently been decided by the U.S. Supreme Court, involving the desegregation of a courtroom, ridiculous as it may sound. So that I shall not be accused of talking in the air, that case is the case of *Johnson* v. *Virginia*, 373 U.S. 61, decided not a decade ago, but on April 29, 1963, holding that the courts of Virginia could not punish a Negro for contempt because he refused to sit in a section of the courtroom reserved for Negroes. Nothing could be more inconceivable than that. Yet all of that is so.

If one had enough money and enough capacity, he could find some way of suing to redress his grievances in some fashion under some existing law of the United States or under the Constitution; or if southern juries would convict in cases of that character, or grand juries would hand down indictments, we might be able to use criminal laws on the books in order to deal with the situation.

But what we are not told, and what it is almost impossible to pin down, were it not for the U.S. Civil Rights Commission, which at long last we established, is that such action does not take place. Whatever Senators may say about what appears on the statute books or what is the disposition of their courts or their people, the fact is that when we get down to the operation of society, the whole of society is organized to perpetuate—not to end—segregated practices.

So the real subject which I lay before the Senate—because it is inherent in the whole bill—is as follows: Shall the power of the United States through the Attorney General be permitted to intervene at an early enough stage to do any real good, in order to redress the balance between the individual put upon in a particular State and the whole State machinery and the whole machinery of society—at least the majority in that society, or those in positions of authority—which operates against him, or must he be so rich or so tough that he can endure everything that goes on until somehow he finally gets to the U.S. Supreme Court, which would undoubtedly, if he could ever get there, relieve him of his grievances? The answer is very obvious.

Somewhere along the line we must have a remedy which is not so expensive and not so hard to come by as an appeal to the U.S. Supreme Court, if the law would permit him to get one; and, of course, in some cases it does not.

That is what part III is, and always has been, about. In representative cases the Attorney General would step in and enforce for the citizen the rights which the citizen himself cannot otherwise enforce, and which a State may deny him with all the machinery of its government, its money, its officials, its police, its district attorneys, and its Governors, but which the United States grants him, and which, therefore, the Attorney General should seek to secure for him.

That is the fundamental aspect of everything that has been done so far under the 1957 and the 1960 laws; and it is absolutely inherent in every title of the bill. The bill is essentially part III, except that it is divided by subjects. Let us clearly understand that.

Who are the people whom we are trying to protect? Let us remember that. Who are the people whom we are trying to protect?

As I said before, if one is rich enough and tough enough, he may be able to come out on top in one of these cases. If he can last through jail, bail bonds, a few beatings, and the other difficulties that are involved, he may do so. But I should like to quote from the opinion of Mr. Justice Black in *Chambers* v. *Florida*, 309 U.S. 227, 238, a case decided in 1939, which describes very well who are the people that suffer the most from the deprivation of legal protections. He described them as having been "almost always poor, the ignorant, the numerically weak, the friendless, and the powerless."

Let us remember that specification—the poor, the ignorant, the numerically weak, the friendless, and the powerless. Those are the people we are talking about. It is in the interest of those persons that we are seeking the intercession of the power and majesty of the United States, which, I point out—and this has not been pointed out adequately, in my judgment, in this debate—is not marshaled essentially against individual A or individual B, but is marshaled against the power and authority of an entire State.

Let us remember that when it came to trying to prevent school desegregation in Alabama, it was the Governor of the State who stood at the school door, with all the power of the State behind him, with the State attorney general, the legislature, the State and local police arrayed against the individual who was trying to get into school based on an order of the U.S. court.

Let us remember, when we talk about the Attorney General and his action in these cases, that we are not talking about his oppressing anybody. On the contrary, we are talking about getting, at long last, some equality of resources on both sides of this vexing national issue.

The great debate of national conscience in which the Senate is now engaged, has focused greatest attention on titles of the omnibus, bipartisan civil rights bill relating to public accommodations, equal employment practices, and the nondiscriminatory use of Federal tax moneys in Federal-State programs. In a curious way, attention has been diverted from what has for almost a decade been a central focus of the struggle for meaningful civil rights legislation: the traditional part III proposal, authorizing the Attorney General of the United States to bring suit in the Federal courts to enjoin State action depriving citizens of their constitutional rights on account of race or color.

The significance of the part III concept in the civil rights movement which is now reaching a climax in American life is both symbolic and functional. It is the concrete and material embodiment, under the supremacy clause of the Constitution, of the Federal guarantees to citizens of the United States against arbitrary and unlawful State action. The Attorney General becomes the active representative of the individual in securing the individual's Federal rights. The Attorney General does so, not through administrative or regulatory action, but through suit in the courts of the United States. And he does so, not to obtain criminal conviction after the fact, as is the remedy under the still-existing post-Civil War criminal statute—title 18, United States Code, sections 241, 242—nor to obtain damages in a civil action, as is the remedy under the still-existing post-Civil War civil statute—title 42, United States Code, sections 1983, 1985—but to obtain deprivations of the rights of individual citizens of the United States before they occur.

Let me deal for a moment with the matter of the post-Civil War criminal statute with respect to the deprivation of civil rights and the post-Civil War civil statute with respect to the deprivation of civil rights.

It has been argued many times by distinguished Senators from the South that there is a civil and criminal remedy, and the question is asked, Why is it not used in these cases? We are asked, Is it not a fact that, if the bill were passed in exactly the present language, the Attorney General would be called upon to sue in cases for which there is at present a civil and criminal remedy?

Assume that that is so, and assume even—which is a pretty broad assumption—that southern juries were ready to hand down indictments and convictions in deserving cases. The pattern of law enforcement certainly does not indicate that is so, and the Civil Rights Commission reported exactly to the contrary, both in 1961 and 1963, based upon its investigations. But even assuming that that were so, let us see what the courts have done with the criminal statute.

In *Screws* v. *United States*, 325 U.S. 91, the Supreme Court held that in order to convict an official under the criminal statutes for persecuting an individual and depriving him of his civil rights by virtue of his color, there must be proved specific intent of the accused—in this case the sheriff—to deprive a particular individual of a civil right. It must be proved beyond a reasonable doubt that the reason the accused beat the prisoner, for example—which is what happened in the Screws case: not only did he beat him, but he killed him—was that he had the specific intent to deprive that prisoner of a constitutional right. That is a pretty tough thing to do—so tough that though a jury convicted Screws—and he was convicted by a southern jury, so it must have been a pretty bad case—after the Supreme Court sent the case back to the court for retrial on the ground I have just stated, the accused was acquitted.

So there is not much protection to be had from the criminal section of the code, aside from all the practical difficulties involved.

As to the civil section of the code, it provides that an individual who is deprived of his civil rights because of his color by a police officer, let us say, acting under color of law has a civil remedy for damages. The suit is against an officer who may be earning, perhaps, $5,000 a year. So there is not much protection to be obtained under the civil statute, either, since it does not work.

So one of the amendments I shall be offering is to make such actions lie against municipalities, or States, or the agency for which the law enforcement officer is working. That is the only way to make such a law meaningful. So there is very little comfort to be had from either the existing criminal or civil statute. There may have been some convictions, but there have been very few. There may have been some recoveries, but there have been very few.

The important point is that as a general statute for the purpose of obtaining redress of serious, often fatal, damage, they do not work.

So the part III proposal calls for giving the Attorney General the power to obtain injunctive relief to prevent threatened deprivations of civil rights before they occur.

The part III proposal is vitally important precisely because it enables the majesty and power of the United States to stand between the citizen and the power of the State or municipality arrayed against him.

Again I emphasize what has not been emphasized, and what must be emphasized time and again—that it is the State and municipalities, with all their authority and power, with the prosecutors and police, that are arrayed against an individual who, in Justice Black's description which I have cited previously, is "almost always the poor, the ignorant, the numerically weak, the friendless, and the powerless," and hardly able to protect himself against this array of power.

This principle is inherent in every part of the pending bill which authorizes enforcement through suits brought by the Attorney General. In title III of the bill, the Attorney General, and not the American Negro alone, will face the resources of entire State governments and their political subdivisions when they seek the right to use public facilities and when they seek redress for denials of equal protection of the laws because of race or color.

Particularly because of the intervention provision of section 302, the possibility will exist for the first time for the Federal Government to assist in the protection of the individual's right under the first amendment to assemble peaceably to petition for the redress of his grievances.

I have just made an important point, and I should like to repeat it, particularly because of the intervention provisions of section 302:

> **The possibility will exist for the first time for the Federal Government to assist in the protection of the individual's right under the first amendment to assemble peaceably to petition for the redress of his grievances.**

This situation has been at the heart of the disorders which have taken place in many areas of the South. Again, we are not operating in a vacuum. Whatever may be said by the opponents of the bill about the peace and order and tranquillity which prevails in their communities, all we have to do is open any morning newspaper in New York, Chicago, Atlanta, or any other city, and see where, in Jacksonville, Montgomery, Birmingham or Danville or in Arizona or any one of a dozen places in the country, the pot is boiling. People are being arrested; people are sitting-in and protesting, at peril to life and limb, because they will not endure repression any longer. Then, to stand on the floor of the Senate and tell us to let the situation alone and it will be all right, that we are stirring it up, it seems to me is doing what people who have come to grief throughout history have done; namely, to bury their heads in the sand, and to fail to realize that there is a vast public grievance, deeply held by millions of people, who will not be satisfied until they are given some fair means of redress.

One of the most tragic and unseemly recitals which I have ever seen is in the report entitled "Justice," by the U.S. Civil Rights Commission in 1961, which was reemphasized and brought up to date in its report of 1963, recounting the most tragic history of violence and repression, brutality, and killing experienced in the racial conflict which we are doing our utmost to resolve by some form of reasonable law.

Today, I shall not read every one of these cases. They are myriad. It is enough to turn one's stomach to read the bare facts as to the hatred and brutality involved in cases of racial conflict, from which we are asked to avert our eyes on the ground that the States will take care of it. For 100 years the States have been taking care of it and the situation is growing worse.

In cases like those in Birmingham, Ala., and Little Rock, Ark., which threatened national insurrection, we cannot let the situation rest. Whatever may be said by our southern friends opposing the bill, we live in the United States, and they are a part of the United States, so the United States has a right to say what shall be done, in terms of justice, in every one of its parts.

This issue is critically important. Let us remember that, up to this very day, acts of gross injustice which occurred in the period covered by the report of 1963, continue to occur. Any reader of the press knows that they continue. Yet we are asked to withhold our hands from the passage of law because, somehow or other, the Southern States will be able to take care of the situation. It seems to me that that is counseling us to accept the doom of our society and of order and tranquillity in this country.

Let me give one further example, which it seems to me is really shocking, from the 1963 report of the U.S. Civil Rights Commission, concerning segregation in public facilities. I quote from page 123:

> Clerks of criminal courts of original jurisdiction in the counties surveyed reported on racial segregation in courthouse facilities. In Southern and border States, courtroom segregation was reported in 17 percent of the returns, waiting room segregation in 14 percent, segregation in jury boxes in 5 percent, and segregation of restrooms in 63 percent. In responses from counties in the North and West, no racial segregation in any courthouse facilities was reported.

This is not something that happened in the past. It happened recently, in a case in which the Supreme Court condemned and struck down segregation in courtrooms. So there is a strong factual basis for action. I believe that we have chosen, at least for this time, the right action. The Attorney General should be given the right to sue in such cases.

I have mentioned the intervention section 302, which would give the Attorney General the right to intervene—not to initiate, but to intervene—in cases involving what is euphemistically called excessive police action, and what is less euphemistically known as police brutality. Again, myriad violations are cited in the reports of the Civil Rights Commission. Section 302 would give the Attorney General the right to intervene in cases raising the question of excessive judicial activity. I shall mention a few of those cases to give an idea of what is happening.

I do not believe that the right of intervention is enough. I believe that in cases involving poor, ignorant, beaten, and powerless people, the Attorney General should have the right to begin suits. It is sometimes impossible for people in such circumstances even to find a lawyer to start such a suit. No one needs to take my word for it. The report of the U.S. Civil Rights Commission, as recently as 1963, deals with the question as to whether one can even get a lawyer—even if one has the money to pay—in a Southern State to take such a case.

Let me read from pages 117, 118, and 119 on this vexing question of starting a suit or getting a lawyer to represent one in court. Notwithstanding the fact that the Supreme Court will now reverse convictions in criminal cases in which there was no legal representation of the defendant, one does have to get to the Supreme Court; and, of course, it costs thousands of dollars before one can get to the Supreme Court. These are the very people who cannot afford to do so, and, of course, cannot do so. So they get injustice, not justice.

This is a quotation from the U.S. Civil Rights Commission:

> In order to determine whether counsel was available to civil rights protesters and whether their counsel suffered any special difficulties because of involvement in civil rights litigation, the Commission conducted a study based upon a questionnaire survey in 17 Southern and border States and upon field investigations in the 5 cities where large-scale protest demonstrations had occurred. Questionnaires were sent to 3,555 lawyers, of whom about one-eighth were Negroes. There were 242 responses from Negro lawyers and 1,081 responses from whites, constituting a total return of 37.2 percent. Among the respondents, only 14 percent (184 lawyers) answered that they had represented Negro clients in civil rights cases within the preceding 8 years. One-third of this group reported having suffered threats of physical violence, loss of clients, or social ostracism as a result.
>
> The Commission's study shows that Negro lawyers have played an active role far out of proportion to their numbers in handling civil rights cases in the South in recent years. Many have suffered reprisals as a result.
>
> In those same States, Negro lawyers have faced difficulty in gaining admission to law schools, impediments to admission to the bar, and severe limitations on their professional association and contacts.
>
> In the five cities where the Commission conducted field investigations, protesters who were arrested and prosecuted were in most cases represented by Negro lawyers. The Commission's survey disclosed that, among the respondents who had taken civil rights cases, 86 percent were Negroes.
>
> Between 1940 and 1960, the number of Negro lawyers in the Southern and border States increased by 75 percent. Yet, in proportion to the total Negro population, the number is still very small. Several factors appear to contribute to this situation. Until World War II, nearly all of these States not only excluded Negroes from publicly supported law schools, but also failed to establish segregated institutions. They provided funds for a limited number of qualified Negroes to receive their legal education elsewhere, mainly in the North.
>
> Twenty-seven percent of the questionnaire responses from Negro lawyers claimed that "occasionally" or "infrequently" Negroes were excluded from admission to the bar on racial grounds. Most complaints referred to the

discriminatory screening of bar examination applicants or to examination grading based upon a racial quota. However, only 6 percent of the white respondents indicated that racial discrimination has been a factor in limiting Negro admissions to the bar. Most of these answers cited inadequate educational and economic backgrounds as the underlying factor.

Mr. President, what does this show? It shows that the overwhelming majority of civil rights cases in the South must be handled by Negro lawyers and that only a limited number of Negro lawyers are available. The answer is very clear that this creates a condition in which the problem of obtaining counsel for a civil rights claimant, unless the claimant is well connected or has some backing, is almost an impossibility.

The argument was made, and the answer has been given to it that, "The NAACP can step in to help these people." In the first place, in order to fence this situation in as much as possible, many Southern States have passed what are called antibarratry statutes, which make it exceedingly risky for an organization to obtain lawyers for people who need lawyers in civil rights cases.

In addition, even if they can do so, an organization of that kind has only limited resources.

Is the protection of the rights of citizens of the United States, to keep them from being denied basic constitutional, fundamental rights—access to public facilities, the right to a fair trial, the right not to be beaten up by the sheriff, which are all reported on in a most authoritative way in the reports of the Civil Rights Commission, to which I have referred—to depend on whether the NAACP can raise enough money to do it? Or is it our bounden duty to have the United States say that our citizens shall be protected in this way? It seems to me that that question is self-answering.

Lest stones be thrown at the Civil Rights Commission, let us remember that consistently its composition has included three members from the North and three members from the South, and that of the six members only one, from the South, generally, has been a Negro. Yet the factual reports of the Commission in 1961 and in 1963, on the question of justice and part III, have invariably been unanimous.

I say again that at the very least the authority to initiate, not alone to intervene, should be given to the Attorney General. The power to initiate suits, which permeates this bill in its public accommodations section, in its fair employment practice section, and in its public facilities section, should be no less in the critical area of demonstrations.

Let us be thankful for small favors. The power to intervene is itself a step forward. Up to now the Federal Government has been virtually powerless to prevent violence and bloodshed, and the use of high pressure water hoses, police dogs, and cattle prods.

Mr. President, in the course of the years the shape of the part III proposal, the power of the Attorney General to interpose between the victim, the person whose civil rights have been taken from him, and the power and majesty of the State and its political subdivisions, has changed in various ways.

In 1956, the first such measure was proposed to the Congress by the Eisenhower administration, and a bill authorizing civil actions by the Attorney General to enforce the right to vote and other constitutional rights was passed by the House of Representatives, but was not acted on by the Senate. The administration civil rights bill of 1957 was substantially the same as the bill which had passed the House in 1956. Two titles authorized Attorney General's civil suits: Title IV—which was enacted—authorized suits to enforce the right to vote, and title III—which was deleted from the bill under threat of continuance of the filibuster—would have authorized suits to protect other constitutional rights, including, among other things, the right of Negro citizens to equal educational opportunity in accordance with the 1954 Supreme Court school desegregation decision, and to equal access to public facilities.

Specifically, title III of the 1957 bill would have added two new paragraphs to the reconstruction civil damage statute—title 42, United States Code, section 1985. It would have authorized the Attorney General to bring suit on the same grounds previously made actionable only at the suit of individuals; that is, for conspiracy: First, to interfere with Federal officers and, as a result, injuring or depriving another of his rights or privileges as a citizen of the United States; second, to intimidate or injure parties, witnesses, or jurors involved in any court matter, or to obstruct the due course of justice in any State court with intent to deny to a citizen the equal protection of the laws; and, third, to deprive another of the equal protection of the laws or of equal privileges and immunities under the law, or of the right to vote in elections affecting Federal offices.

This was the 1957 bill. At that time—and very importantly in connection with what we are discussing today, the intervention provision to which I have referred—Attorney General Brownell submitted to the Senate Judiciary Committee a list of the rights protected by the proposed measure, including the right to be free of mob violence while in Federal custody, the right to be secure from unlawful searches and seizures, the right to assemble peaceably, free from unreasonable restraints by State or local officials, the right not to be discriminated against in public employment on account of race or color, the right not to be denied the use of governmentally owned facilities on account of race or color, the right not to be subjected to racial segregation under compulsion of State authority, the right not to be denied due process of law or equal protection of the law in other regards, the right to a fair trial, and the right not to be held in peonage. In addition, he indicated that the proposed title would also protect freedom of religion, speech, and of the press.

I ask unanimous consent that this analysis made by Attorney General Brownell in his testimony on the 1957 act, together with all the appropriate citations thereto, be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SPECIFIC CIVIL RIGHTS PROTECTED BY THE CONSTITUTION AND LAWS OF THE UNITED STATES

The following civil rights have been defined by court decisions wherein the rights were found to have been violated or wherein a pleading was found to sufficiently state a violation. This list is merely illustrative and does not attempt to include all civil rights nor to include all court decisions growing out of violations of the rights here listed. The categorization of the rights is to some degree arbitrary.

Right to vote in Federal elections: *Swafford* v. *Templeton* ((1902), 185 U.S. 487); *Smith* v. *Allwright* ((1944), 321 U.S. 649); Ex Parte *Yarbrough* ((1884), 110 U.S. 651).

Right of a voter in a Federal election to have his ballot fairly counted: *United States* v. *Mosely* ((1915), 238 U.S. 383); *United States* v. *Classic* ((1941), 313 U.S. 299); *United States* v. *Saylor* ((1944), 322 U.S. 385).

Right to vote in all elections free from discrimination by State on account of race or color: *Lane* v. *Wilson* ((1939), 307, U.S. 268); *Davis* v. *Schnell* ((S.D. Ala., 1949), 81 F. Supp. 872, affirmed 336 U.S. 933); *Bryce* v. *Byrd* ((C.A. 5, 1953), 201 F. 2d 664); *Mitchell* v. *Wright* ((C.A. 5, 1946), 154 F. 2d 924); *Hall* v. *Nagel* ((C.A. 5, 1946), 154 F. 2d 931); *Nixon* v. *Herndon* ((1927), 273, U.S. 536); *Baskin* v. *Brown* ((C.A. 4, 1949), 174 F. 2d 391); *Rice* v. *Elmore* ((C.A. 4, 1947), 165 F. 2d 397).

Right to inform a Federal officer of a violation of Federal law: *In re Quarles* ((1895), 158 U.S. 532); *Motes* v. *United States* ((1900), 178 U.S. 458); *Nicholson* v. *United States* ((C.A. 8, 1935), 79 F. 2d 387); *Hawkins* v. *State* ((C.A. 5, 1923), 293 Fed. 586).

Right to testify in Federal court: *Foss* v. *United States* ((C.A. 9, 1920), 266 Fed. 881).

Right to be free from mob violence while in Federal custody: *Logan* v. *United States* ((1891) 144 U.S. 263).

Right to be secure from unlawful searches and seizures: *Irvine* v. *California* ((1953), 347 U.S. 128, 137).

Right to peaceably assemble free from unreasonable restraint by State or local officials: *Hague* v. *CIO* ((1939), 307 U.S. 496); *De Jong* v. *Oregon* ((1937), 299 U.S. 353).

Freedom of religion: *Cantwell* v. *Connecticut* ((1940), 310 U.S. 296); *Board of Education* v. *Barnette* ((1943), 319 U.S. 624); *Murdock* v. *Pennsylvania* ((1943), 319 U.S. 105).

Freedom of speech and of the press: *Lovell* v. *Griffin* ((1938), 303 U.S. 444); *Myerson* v. *Samuel* ((D.C., E.D., Pa., 1947), 74 F. Supp. 315); *Grosjean* v. *American Press Co.* ((1936), 297, U.S. 233).

Right not to be purposefully discriminated against in public employment on account of race or color: *Kerr* v. *Enoch Pratt Free Library of Baltimore City* ((C.A. 4, 1945), 149 F. 2d 212); *Mills* v. *Board of Education of Anne Arundel County* ((D.C. Md., 1939), 30 F. Supp. 245); *Davis* v. *Cook* ((D.C. Ga. 1948), 80 F. Supp. 443); *Thompson* v. *Gibbes* ((D.C. S.C., 1945), 60 F. Supp. 872); *Morris* v. *Williams* ((C.A. 8, 1945), 149 F. 2d 703).

Right not to be denied use or enjoyment of any governmentally operated facilities on account of race or color: *Brown* v. *Board of Education* ((1954), 347 U.S. 488; (1955) 349 U.S. 294); *Dawson* v. *Mayor and City Council of Baltimore* ((C.A. 4, 1955), 220 F. 2d. 386, affirmed 350 U.S. 877); *Holmes* v. *City of Atlanta* ((C.A. 5, 1955), 223 F. 2d 93); *Fayson* v. *Beard* ((E.D. Tex., 1955) 134 F. Supp. 379); *Williams* v. *Kansas City, Mo.* ((D.C., W.D. Mo., 1952), 104 F. Supp. 848); *Easterly* v. *Dempster* ((D.C.E.D., Tenn., 1953), 112 F. Supp. 214); *Jones* v. *City of Hamtramck* ((D. C.E.D., Mich., 1954), 121 F. Supp. 123); *Vann* v. *Toledo Metropolitan Housing Authority* ((D.C. Ohio, 1953), 113 F. Supp. 210); *Draper* v. *City of St. Louis* ((D.C. Mo., 1950), 92 F. Supp. 546); *Sweeney* v. *City of Louisville* ((D.C. Ky., 1951), 102 F. Supp 525, affirmed 202 F. 2d 275).

Right not to be segregated under compulsion of State authority on account of race or color: *Browder* v. *Gayle* ((D.C., M.D. Ala., 1956), 142 F. Supp. 707, affirmed 352 U.S. 903); *Morgan* v. *Virginia* ((1946), 328 U.S. 373); *Fleming* v. *South Carolina Electric and Gas Co.* ((C.A. 4, 1955), 224 F. 2d 752); *Shelley* v. *Kraemer* ((1948), 334 U.S. 1); *Buchanan* v. *Warley* ((1917), 245 U.S. 60); *Valle* v. *Stengel* ((C.A. 3, 1949), 176 F. 2d 697).

Right not to be denied due process of law or equal protection of the law in other regards: *Brown* v. *United States* ((C.A. 6, 1953), 204 F. 2d 247); *Oyama* v. *California* ((1948), 332 U.S. 633); *Takahashi* v. *Fish and Game Commission* ((1948), 334 U.S. 410); *United States* v. *Gugel* ((D.C.E.D. Ky., 1954), 119 F. Supp. 897); *Burt* v. *City of New York* ((C.A. 2, 1946), 156 F. 2d 791); *Cobb* v. *City of Malden* ((C.A. 1, 1953), 202 F. 2d 701); *Picking* v. *Pennsylvania R. Co.* ((C.A. 3, 1945), 151 F. 2d 240).

Right to be free to perform a duty imposed by the Federal constitution: *Brewer* v. *Hoxie School District* ((CA 8, 1956), 238 F. 2d 91).

Right, when charged with crime, to a fair trial: *Moore* v. *Dempsey* ((1923), 261 U.S. 86).

Right not to be tried by ordeal or summarily punished other than in the manner prescribed by law: *Screws* v. *United States* ((1945), 325 U.S. 91); *Davis* v. *Turner* ((CA 5, 1952), 197 F. 2d 847).

Right not to be forced to confess an offense: *Williams* v. *United States* ((1951), 341 U.S. 97); *Refouie* v. *Ellis* ((D.C. N.D. Ga., 1947), 74 F. Supp. 336).

Right to be free from brutality at the hands of prison officials: *United States* v. *Jones* ((CA 5, 1953), 207 F. 2d 785); *United States* v. *Walker* ((CA 5, 1954), 216 F. 2d 683); *United States* v. *Jackson* ((CA 8, 1956), 235 F. 2d 925); *McCollum* v. *Mayfield* ((D.C. N.D., Cal., 1955), 130 F Supp 112); *Gordon* v. *Garrison* ((D.C. E.D. Ill., 1948), 77 F. Supp. 477).

Right to representation by counsel at criminal trial: *Powell* v. *Alabama* ((1932), 287 U.S. 45).

Right to trial by a jury from which members of the defendant's race have not been purposely excluded: *Smith* v. *Texas* ((1940), 311 U.S. 128).

Right of prisoner to protection by officer having him in custody: *Lynch* v. *United States* ((CA 5, 1951), 189 F. 2d 476).

Right not to be held in peonage: *Pierce* v. *United States* ((CA 5, 1944), 146 F. 2d 84); *United States* v. *Gaskin* ((1944), 320 U.S. 527).

Right not to be held in slavery or involuntary servitude: *United States* v. *Ingalls* ((S.D. Cal., 1947), 73 Supp. 76).

Mr. JAVITS. Mr. President, the bill, including title III to which I have just referred, was passed by the other body in 1957 by a vote of 286 to 126. When the bill came over here, title III was deleted by a vote of 52 to 38.

It seems to me that it was one of the worst actions we could have taken. I believe we thereby caused ourselves a great amount of difficulty, trial, casualties, disorder, and violations of our domestic tranquillity of the most dreadful kind—including the riots and bloodshed on college campuses, such as that on the University of Mississippi campus, the attacks on freedom riders in Montgomery, Ala., the dreadful incidents in Jackson, Miss., and other incidents throughout the South and across the northern areas as well. This statute will apply across the board. We did not give the Attorney General the power to proceed in advance of one of these conflagrations—every one of them is signaled well in advance—in order to obtain a down-the-line injunction restraining both those who would be affected if they demonstrated illegally and those who would enforce whatever law had to be enforced.

We should set the rules of the game, by the terms of an injunction. We have deprived the Attorney General of that opportunity in all the years since 1957. It has been a national disaster that we have done so. In title III, which I am discussing today, we at least have an opportunity to make up for a little of that by giving the Attorney General the power to intervene in such cases. Perhaps I shall be able to make that provision even more effective, by giving the Attorney General the power which he ought to posses, the power to institute suits in such situations.

I have not permitted the matter to rest. When we considered the civil rights bill in 1960, I again sought to include the title III provision to which I have referred, authorizing the initiation of suits; and again it was defeated in the Senate, by a vote of 56 to 34.

Let it be known that up to now the principal thrust of the proposals which I have made and which others have made with respect to title III, was to assist in the painfully slow progress of the privately brought school desegregation suits based on the 1954 Supreme Court decision.

In its 1961 report on education, the U.S. Commission on Civil Rights found that 7 years after the 1954 decision, "only 775 of 2,837 biracial school districts in the 17 Southern States that required racial segregation in the public schools on that date had taken any action to abolish racial segregation."

The cost of litigating each suit up to the Supreme Court—and this is illustrative—in each of the thousands of school districts, none of which would consider binding upon it the decree against any other district, even if a decree were made in that case, was estimated at upward of $17,000.

The burden was, and still is, overwhelming in coming forward with the evidence necessary, not only to establish a violation of the equal protection clause of the 14th amendment, but also to help the court frame a decree of compliance "with all deliberate speed," as the Supreme Court has required. And there are certain physical and economic reprisals which discourage parents from bringing suits.

Mr. President, I pause for a moment on the subject of physical and economic reprisals. This is not a light matter. It involves bombings, as well as intimidation which does not burst out into actual bombing. I shall come to some of those cases in a moment.

At the moment, I should like to refer to a particularly appalling case of economic coercion which is reported on by the U.S. Civil Right Commission in its 1961 report of voting. It relates to two counties in Tennessee—Fayette County and Haywood County. I read from pages 36 and 37 of the Civil Rights Commission report without any embellishment. This is a situation in which Negroes at long last sought to register to vote.

> This brought serious economic retaliation. Many Negroes lost their jobs. A list of the "culprits" was circulated. White merchants quit trading with them. Pressure was brought to prevent suppliers in Memphis from selling to them. Their credit was stopped; their loans called; their mortgages foreclosed. They could not buy necessities of life. One white banker was quoted as saying, "My secretary's got the names of the 325 who registered. I tell them, anybody on that list, no need coming into this bank. He'll get no crop loans here. Every store has got that list."
>
> In December 1960, a second Department of Justice suit was filed to restrain these retaliatory actions. A number of Negro tenant farmers had been notified that their leases would not be renewed, and eviction actions were pending. The Government alleged that the evictions were in retaliation for registering to vote. It obtained a court order stopping some of the evictions until the case could be fully heard on its merits. On June 14, 1961, President Kennedy authorized the Secretary of Agriculture to send surplus food to the Negro victims of the economic pressure.

As to Haywood County, the recital is this:

> As in Fayette, this registration brought economic reprisals, which resulted in a suit by the Department of Justice in September 1960, charging that 29 defendants (a subsequent suit brought it to 75), including 2 banks, had "threatened, intimidated, coerced, and attempted to threaten, intimidate, and coerce Negroes of Haywood County who have registered to vote during the period from May 16, 1960, up to the time of the filing of this complaint."

These are some indications of what people like myself mean when we speak about the fact that it is all right and easy enough to talk about quiet, tranquil conditions, to say, "Just let them alone, and they will be OK." Let them alone, and they will be all right, if they remain quiescent and live in a shack by the side of the railroad. But let them stir around and try to get somewhere in education or in jobs, or in seeking to vote, and things suddenly become pretty hot, pretty tense, pretty difficult, and pretty dangerous for these people.

The platforms of both political parties in 1960 echoed the struggle for a part III or title III provision, which we are discussing. And, of course, the emphasis then was particularly on the field of education. The Democratic platform, for example, called:

> For this and for the protection of all other constitutional rights of Americans, the Attorney General should be empowered and directed to file civil injunction suits in Federal courts to prevent the denial of any civil right on grounds of race, creed, or color.

The Republican Party's platform called for legislation—

> To authorize the Attorney General to bring action for school desegregation, in the name of the United States, in appropriate cases, as when economic coercion or threat of physical harm is used to deter persons from going to court to establish their rights.

Those are the very safeguards which are provided by the pending bill, in order to provide for representation of everyone by the Attorney General.

Various titles of the bipartisan civil rights measure now pending in the Senate reflect this history in a number of significant respects. The suit-initiating power for the Attorney General in school desegregation cases is specifically granted in section 407 of title IV. It is conditioned upon signed complaints of deprivations of equal protection of the laws in either public schools or public colleges, and upon certification by the Attorney General, that the complainants are unable to initiate and maintain appropriate legal proceedings and that "the institution of an action will materially further the public policy of the United States favoring the orderly achievement of desegregation in public education." Inability to initiate and maintain proceedings is defined to mean financial inability or danger that institution of litigation "would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property."

Similarly, section 204 of the public accommodations title, title II, of the pending bill authorizes the Attorney General to initiate suit for preventive relief to enforce the rights enumerated in that title. Since that title insures nondiscriminatory access to certain public accommodations in which discrimination or segregation is supported by State action, within the meaning of the 14th amendment, as well as those which affect commerce, this authorization to bring suit constitutes a significant portion of the traditional part III.

Title III of the pending bill which I am discussing in the main, today, covers two additional aspects of the traditional part III: in section 301, suits by the Attorney General seeking desegregation of public facilities; and in section 302, intervention by the Attorney General as a party in suits brought by individuals seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin.

The coverage of section 301, which deals with public facilities, is relatively simple. Public facilities within the meaning of the section are defined so as to exclude schools, which are covered, as has been said, by title IV, and to include facilities "owned, operated, or managed by or on behalf of any State or subdivision thereof." In a great variety of cases the courts have upheld individual suits brought against public authorities to enjoin discrimination in such public facilities as State or municipal public buildings, parks, golf courses, swimming pools, libraries, hospitals, beaches and playgrounds. In a recent three-judge court decision in New Orleans, enjoining segregation in that city's municipal auditorium, the leading cases were cited:

> It is no longer open to question that a State (or city) may not constitutionally require segregation of public facilities. *Johnson* v. *Virginia*, 1963, 373 U.S. 61. In that case the Court held that a city may not segregate seating in courtrooms. In other cases courts have held that public parks and playgrounds (*Watson* v. *City of Memphis*, 1963, 373 U.S. 526), public beaches and bathhouses (*Dawson* v. *Mayor and City Council of Baltimore*, 4 Cir. 1955, 200 F. 2d 386, aff'd per curiam 1935, 350, 877), golf courses (*New Orleans City Park Improvements Association* v. *Detiege*, 5 Cir. 1958, 252 F. 2d 122, aff'd per curiam, 358 U.S. 54), and restaurants in public buildings (*Burton* v. *Wilmington Parking Authority*, 1961, 365 U.S. 715) may not be segregated. (*Horace C. Bynum, et al.* v. *Victor H. Schiro, etc., et al.*) 219 F. Supp. 204, W.D. La. 1963.

Just as in the provisions of titles II and IV authorizing the Attorney General to sue, there can be no real question about the constitutionality of authorizing the Attorney General to seek injunctive remedies in legal actions in the Federal courts in public facilities or equal protection cases. The part III provision, limited to voting cases, which was adopted in the Civil Rights Act of 1957 was specifically upheld by the Supreme Court in the case of *United States* v. *Raines*, 362 U.S. 17 (1960), in which this issue was squarely dealt with:

> It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief. See *United Steelworkers* v. *United States*, 361 U.S. 39, 43, and cases cited.

Congress has in a great variety of statutes provided for relief, at the instance of the Federal Government, where the injury to be redressed is personal to the citizen, but the public interest of the United States is directly involved, too. The following is a list of such statutes:

Antitrust laws, restraining violation—by U.S. attorney under direction Attorney General: 15 United States Code 4, July 3, 1890.

Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade—by Department of Justice: 15 United States Code 522, June 25, 1934.

Association of producers of agricultural products from restraining trade—by Department of Justice: 7 United States Code 292, February 18, 1922.

Atomic Energy Act, enjoining violation of act or regulation—by Atomic Energy Commission—by Attorney General: 42 United States Code 1816, August 1, 1946.

Bridges over navigable waters, injunction to enforce removal of bridges violating act as to alteration of bridges—by Attorney General: 33 United States Code 519, June 21, 1950.

Clayton Act, violation of enjoined—U.S. attorney under direction of Attorney General: 15 United States Code 25, October 15, 1914.

Electric utility companies, compliance with law enforced by injunctions—by Federal Power Commission: 16 United States Code 825m, August 26, 1935.

False advertisements, dissemination enjoined—by Federal Trade Commission: 15 United States Code 53, March 21, 1938.

Freight forwarders, enforcement of laws, orders, rules, and so forth, by injunctions—by Interstate Commerce Commission or Attorney General: 49 United States Code 1017, May 16, 1942.

Fur Products Labeling Act, to enjoin violation—by Federal Trade Commission: 15 United States Code 69g, August 8, 1951.

Enclosure of public lands, enjoining violation—by U.S. attorney: 43 United States Code 1062, February 25, 1885.

Investment advisers, violations of statute, rules, and regulations governing, enjoined—by Securities and Exchange Commission: 15 United States Code 80b–9, August 22, 1940.

Gross misconduct or gross abuse of trust by investment companies, enjoined—by Securities and Exchange Commission: 15 United States Code 80a–35, August 22, 1940.

Use of misleading name or title by investment company, enjoined—by Securities and Exchange Commission: 15 United States Code 80a–34, August 22, 1940.

Violation of statute governing, or rules, regulation, or orders of SEC by investment companies, enjoined—by Securities and Exchange Commission: 15 United States Code 80a–41, August 22, 1940.

Fair Labor Standards Act, enjoining of violations—by Administrator, Wage and House Division, Department of Labor, under direction of Attorney General, see 29 United States Code 204b—29 United States Code 216c, 217, June 25, 1938.

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction—by U.S. attorney, see 29 United States Code 921a—33 United States Code 921, March 4, 1927.

Import trade, prevention of restraint by injunction—by U.S. attorney, under direction of Attorney General: 15 United States Code 9, August 27, 1894.

Wool products, enjoining violation of Labeling Act—by Federal Trade Commission: 15 United States Code 68e, October 14, 1940.

Securities Act, actions to restrain violations—by Securities and Exchange Commission: 15 United States Code 77t, May 27, 1933.

Securities Exchange Act, restraint of violations—by Securities and Exchange Commission: 15 United States Code 78u, June 6, 1934.

Stockyards, injunction to enforce order of Secretary of Agriculture—by Attorney General: 7 United States Code 216, August 15, 1921.

Submarine cables, to enjoin landing or operation—by the United States: 47 United States Code 36, May 27, 1921.

Sugar quota, to restrain violations—by U.S. attorney under direction of Attorney General, see 7 United States Code 608(7), and 7 United States Code 608a–6, May 9, 1934.

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC—by ICC or Attorney General: 49 United States Code 916, September 18, 1940.

Flammable Fabrics Act, to enjoin violations—by Federal Trade Commission: 15 United States Code 1195, June 30, 1953.

National Housing Act, injunction against violation—by Attorney General: 12 United States Code 1731b. This code citation was repealed.

Defense Production Act: 50 United States Code appendix 2109, July 31, 1951.

National Labor Relations Act—Taft-Hartley Act: 29 United States Code 160 (L), June 23, 1947.

Rent control cases: 50 United States Code 1896, March 30, 1949.

Federal Food, Drug, and Cosmetic Act: 21 United States Code 332, June 25, 1938.

Trademark infringement: 15 United States Code 1116, July 5, 1946.

Rubber Act of 1948: 50 United States Code 1933, March 31, 1948.

International Wheat Agreement Act: 7 United States Code 1642, October 27, 1949.

Natural Gas Act: 15 United States Code 1717s, June 21, 1938.

Perishable Agricultural Commodities Act: 7 United States Code 499k, June 10, 1930.

Shipping Act of 1916: 46 United States Code 828, September 7, 1916.

Federal Plant Pest Act—Secretary of Agriculture may seek injunctive relief to enforce orders relating to treatment and disposal: 7 United States Code 150dd (b); Public Law 85-36—71 Stat. 33—May 23, 1957.

Civil Rights Act of 1957—Attorney General may ask for injunctive relief to prevent illegal practices relating to voting rights: 42 United States Code 1971 (c); Public Law 85-315—71 Stat. 637—September 9, 1957.

Federal Aviation Act of 1958: Board or Administrator may seek injunctive relief to enforce rules, regulations, and so forth: 49 United States Code 1487; Public Law 85-726—72 Statutes 796—August 23, 1958.

Textile Fiber Products Identification Act: Federal Trade Commission may seek injunctive relief to restrain unlawful acts—15 United States Code 70f; Public Law 85-897—72 Statutes 1721—September 2, 1958.

Federal Hazardous Substances Labeling Act: Permits injunctive relief to restrain violations of the act—15 United States Code 1267, 1268; Public Law 86-613—74 Statutes 378—July 12, 1960.

Fair Labor Standards Amendments of 1961: Permits injunctive relief of any withholding of payment of minimum wages or overtime found by the court to be due employees—29 United States Code 217; Public Law 87-60—75 Statutes 74—May 5, 1961.

Federal Water Pollution Control Act Amendments of 1961: Attorney General may bring suit for abatement of pollution—33 United States Code 466g(f); Public Law 87-88—75 Statutes 209—July 20, 1961.

Small Business Investment Act Amendments of 1961: Injunctive relief is authorized to restrain violations—15 United States Code 687c(a); Public Law 87-341—75 Statutes 755—October 3, 1961.

Welfare and Pension Plans Disclosure Act Amendments of 1961: Injunctive relief to enjoin improper acts or practices—29 United States Code 308(f); Public Law 87-420—76 Statutes 38—March 20, 1962.

I call special attention to the statutes in which the relationship of the Attorney General to the protection of individual rights is most intimate. These include the Fair Labor Standards Acts; the National Labor Relations Act, in which individuals are directly involved; the rent control cases; the Civil Rights Act of 1957 and the Civil Rights Act of 1960, which are in the very tradition we are discussing now; the 1961 amendments to the Fair Labor Standards Act, which deal with the rights of union members; the Welfare and Pension Plans Disclosure Act, again dealing with the rights of individual union members; and both the Wool Labeling Act and the Textile Fiber Products Identification Act, dealing with protection of individual business rights.

The justification for the part III proposal, which involves suits against public officials and the entire power of States and municipal authorities on behalf of the most disadvantaged segment of the population, is even clearer than that for most of the existing statutory provisions, which involve suits against individuals rather than public authorities. In addition, businessmen may be entirely capable of bringing suit against their competitors under the antitrust laws, but the Sherman Act authorizes injunctive suits brought by the Attorney General for the benefit not only of the private parties involved but also of the national interest. Clearly there is at least as great a public and national interest in protecting the individual's constitutional rights to equal protection of the laws and to equal access to public facilities as in enforcing the statutory rights which underlie many of the statutory authorizations for suit by the Attorney General which already exist.

I turn now to the second, and perhaps far more controversial, and indeed critically important aspect of the bill, namely, the authority which would be given to the Attorney General to intervene in civil rights cases in which the State deprives an individual of the equal protection of the laws because of his race, color, or national origin. That is the kind of case in which section 302 would authorize the Attorney General to intervene.

I shall not deal again with the difference between intervention and an original suit, except to say that it is a difference in degree. I believe it is a material difference. If the occasion is opportune, I shall endeavor to give the Attorney General the right to institute original suits, which I believe he urgently needs. But even the intervention part of the statute is such a step forward in so critical an area that I welcome it. I think it deserves to be fought for. I make the prediction that if that provision is enacted into law, it will prove to be perhaps the decisive element as to whether the Negro revolution, about which we have heard so much, will be a controlled and peaceful revolution within the full context of the orderly procedures of the Constitution of the United States, or whether it will be an uncontrolled revolution which will get beyond all of us.

Section 302 of the bill represents a most significant step forward because it creates the first meaningful opportunity for the Federal Government to assume a role in the crucial area of excessive police action, especially against demonstrators who are exercising their right of peaceful assembly and petition for the redress of grievances under the first amendment. Section 302 authorizes the Attorney General to intervene as a party in any suit brought by private plaintiffs in the Federal courts seeking relief from the denial of equal protection of the laws on account of race, color, religions, or national origin. I do not at this time make any distinction between the whole sweep of the 14th amendment, including "the privileges or immunities of citizens of the United States; due process of law; the equal protection of the laws," and section 302, which deals with the equal protection clause alone.

In my opinion, there is adequate authority under the equal protection clause of the 14th amendment to deal with some of the most difficult cases. The leading authority on that subject is the case of *Lynch* v. *United States*, 189 F. 2d 476, in which certiorari was denied by the U.S. Supreme Court, 342 U.S. 831. That case demonstrated the scope of the protection which equal protection of the laws will provide in certain of the cases which need to be covered by the intervention authority in section 302.

We shall be studying and evaluating the question of whether all the cases for which section 302 authority is urgently needed are covered by it. For the sake of this presentation of the proponents' case, I will assume that, by the time section 302 passes the Senate, it will be designed to cover the cases which need urgently to have the application of such authority in the Attorney General.

On a technical point, under rule 24 of the Federal Rules of Civil Procedure, both mandatory and permissive intervention are provided for. That rule does not now authorize the Attorney General to intervene in cases of excessive police action, for example, for which authority in the Attorney General to act is urgently needed. It is my judgment that section 302, which would give such authority explicitly in cases in which intervention authority is needed, would supersede the Federal Rules of Procedure in that regard and stand in the place of them with respect to the authority granted to the Attorney General, so that once the conditions set out in section 302 are met, it is mandatory upon the court to permit the Attorney General to intervene.

To continue with the analysis, section 302 presupposes that a private suit is pending in Federal court to seek relief from denial of equal protection based on race, color, religion, or national origin. Two examples of such actions might be a private suit for injunction, or an application for a writ of habeas corpus. Unless or until such an action is filed in a Federal court, section 302 would not be applicable at all.

It should be noted that some types of cases covered by section 302 might be the outgrowth of situations which did not originally involve State officials directly. For example, a criminal trespass prosecution growing out of a civil rights demonstration; that is, a demonstration at a lunch counter with which we are so familiar—could give rise to action within the scope of section 302 notwithstanding that the original and underlining dispute may have been one between private parties. Thus, section 302 would apply to a case brought in a Federal court seeking relief from a situation where the State imposes an excessive penalty on civil rights demonstrators or where the punishment imposed upon conviction for a minor offense was unusually severe and the circumstances were such that the State's action amounted to a denial of equal protection of the laws on account of race, color, religion, or national origin.

I should like to state an interesting example. In his very fine speech the other day opening the debate, the Senator from California [Mr. Kuchel] spoke about the case of the Reverend Ashton Bryant Jones, of San Gabriel, Calif., who was arrested in Georgia as a demonstrator in respect to civil rights. The court in Georgia found him guilty of a misdemeanor. He had been arrested for the great crime of attempting to worship at, of all things, a segregated church.

As Senator Kuchel so properly said, his attempt to worship at a segregated church was a private matter, but his arrest made it a public matter. Reverend Jones was declared guilty, and was given the following maximum misdemeanor sentence by the State judge: 12 months at hard labor on public works, 6 months in jail, and a $1,000 fine. Bail for trying to worship at a segregated church was fixed at $20,000.

Obviously the Reverend Jones was unable to raise the bail, though later the bail was lowered by the Georgia Supreme Court. Reverend Jones languished for several months in the Atlanta jail. He stayed in jail under a huge fine, a sentence of 18 months—12 months at hard labor, and 6 months in jail—with bail fixed at $20,000, on a completely unconstitutional charge; nevertheless the Attorney General could not do anything about it, and so advised the Senator from California [Mr. Kuchel]. But he did tell him that if section 302 contained in the House-passed bill became law, that would be precisely the type of situation in which the Attorney General could intercede.

What could be a better incitement to public disorder and breaches of public tranquillity; what could awaken in American hearts a greater feeling of injustice; in Negroes a feeling of burning injustice, demanding redress; and among whites a deep feeling of terrible conscience that such situations should be permitted to exist, in the absence of legal tools with which to do something about the situation?

Section 302 would permit intervention by the Department of Justice where, in an action brought by a private party, it was claimed that excessive bail was set and this setting of bail constituted a denial of equal protection on account of race, color, religion, or national origin.

Another possible case could be one similar to that arising out of an incident which occurred in Americus, Ga., which ultimately became the basis for a Supreme Court decision. A mixed group of civil rights demonstrators, Negro and white, were charged with violation of an unconstitutional State sedition statute, conviction under which could have resulted in the death penalty. After the defendants had been in jail for several months because of inability to make bail, they—the petitioners, not the Attorney General, because he has no power to institute such suits—petitioned the Federal court for an injunction to stop the trials. At the hearing the State made no real attempt to justify bringing such a serious charge against the demonstrators. Now, Mr. President, hear this: It was admitted by the prosecutor that his purpose was to have the bail set so high that the demonstrators would be taken out of circulation for a long time before they came to trial.

Shades of the French Revolution, the trials in camera, and the disappearance of individuals, associated with the most repressive dictatorships.

Had section 302 been in existence at that time, and had there been a bona fide allegation that the State had so acted bcause of the race or color of the defendants, in violation of the equal protection clause, the Attorney General could have intervened and would have had full rights as a party thereafter.

That certainly is a particularly blatant case. Another blatant case, was that of *Edwards* v. *South Carolina*, 372 U.S. 229, a very famous case. A group of 187 Negro high school and college students were arrested for demonstrating in Columbia, S.C. They were convicted of a misdemeanor by the State courts, the common law crime of breach of the peace. What they did, according to the Supreme Court, was to walk in groups of 15 in single file, or 2 by 2, to the South Carolina statehouse grounds, an area of 2 blocks, open to the general public, to submit a protest to the citizens of South Carolina as to their feelings of dissatisfaction with conditions of discriminatory action against Negroes, and to let the legislators know that they were dissatisfied and that they would like the laws which prohibited privileges to Negroes of South Carolina removed.

That is hardly a hostile demonstration. Yet they were convicted for breach of the peace and sentenced to penalties ranging from a $10 fine or 5 days in jail, to a $100 fine or 30 days in jail.

Those people were hauled into the police station on March 2, 1961. They remained convicted until February 25, 1963, which was the time it took to get the case through all the State courts, including the State supreme court, all of which sustained the conviction, and to a reversal by the U.S. Supreme Court.

The situation to which I have referred bears upon a very important element as to why title III of the bill is needed. We cannot expect individuals to be subjected to the terrible hazards attributed to the built-in social order of certain of our Southern States like South Carolina, when, if there were somebody to represent them in a suit in a Federal court, an injunction might have been obtained which would have prevented their arrest in the first place.

The way to deal with injustice is to nip it in the bud. By this sort of legislation we have an opportunity to nip such practices in the bud.

Let me reply to the arguments of Senators who say, "We do not care if there are demonstrations, or if there is dissatisfaction which is expressed on the streets. We are Senators of the United States, and we are not going to be coerced into voting for this bill because of such demonstrations."

That is all very fine; but is it right, is it tenable, is it conscionable, is it within the province of legislators, when we are refusing by our delay to grant these very remonstrants the opportunity for relief to which they are entitled as a matter of basic justice, and which they cannot obtain except at great expense and long lapses of time under the strain of criminal prosecutions or convictions which are intolerable to individuals?

Let us remember that this is the exceptional case. The general run of cases do not get to the U.S. Supreme Court, but die along the way, with the convictions standing.

Let us think of the intimidating effect of that situation, which has lasted for 100 years, and which has kept American citizens in subjection, which has caused their failure to vote, and their failure to participate in the life and activities of the community and give themselves and their children half a chance. These conditions have plagued this country for decades.

Certainly we cannot state with authority whether a denial of equal protection has occurred in any particular case unless all of the surrounding circumstances are known and can be carefully evaluated.

But the point is that when an action seeks relief from a denial of equal protection on account of race, color, religion, or national origin, the United States may intervene under section 302, whatever form that denial may take. Thus, if the State denied equal protection because the persons involved were Negroes or because they were seeking to assert Negro rights, section 302 would apply. The denial might occur in the form of mass arrests of Negro demonstrators solely because of their race or solely because they were demonstrating for their civil rights.

Another situation to which section 302 would apply is where local policemen have interfered with a peaceful protest demonstration or engaged in excessive police action against demonstrators, because of hostility to Negroes or to the demonstrators' goal of equal rights. If a complaint is filed in Federal court alleging such facts and asserting a denial of equal protection of the laws on account of race, it would fall within the language of section 302 authorizing the Attorney General to intervene.

Mr. President (Mr. McIntyre in the chair), in an interchange with one of our southern colleagues, I cited an instance the other day from the U.S. Civil Rights Commission report, in which a registrar of voting, armed with a sawed-off billiard cue, walked up and down a line of Negro registrants who were waiting to register, making it plain that he was gravely displeased with them, prominently displaying the sawed-off billiard cue in the hope that it would discourage them and they would go away.

Who has not seen pictures in American newspapers of police authorities photographing prospective Negro registrants as if they were members of the Mafia, in order to identify them for later retaliatory action because they had the temerity to try to register to vote in a southern State?

The enormous need for some strengthened Federal protection in municipal and police excess cases was thoroughly documented in the U.S. Civil Rights Commission's 1961 report on the administration of justice, which unanimously—and again I emphasize that of the six members of the U.S. Civil Rights Commission, three are from the North, and three are from the South, and one from the South is a Negro, so I emphasize the word "unanimously"—unanimously found police excesses by some State and local officers "a serious and continuing problem in many parts of the United States" with Negroes "the victims of such brutality far more, proportionately, than any other group in American society." The Commission found the existing misdemeanor statute and provision for civil suit for monetary damages by the victim wholly inadequate.

I have already discussed the Screws case in all its dreadful and sordid detail, in which it was held by the Supreme Court that specific intent to deprive a victim of his constitutional rights had to be proved under the existing criminal statute. And the existing authority to bring private civil cases is inadequate, principally because most victims are too poor to bring suits and because the statute limits recovery to the individual police officer concerned, who is usually unable to satisfy a money judgment even if one were forthcoming.

This is a clear case in which there is a real need for additional Federal legislation, and in its recent report for 1963, the Civil Rights Commission repeated its earlier conclusions about the inadequacy of existing law and specifically recommended that the Congress enact the part III provision.

In its 1963 report, the Commission also stressed the need to protect the right of peaceable assembly and petition.

This is the basis for the police action cases which have been so widely advertised to the world. I wish Americans would think what it means to the image of America to have displayed on the front page of a daily newspaper in Nigeria a photograph of a police dog attacking a Negro. How we are—and I use these words advisedly—indulging ourselves, living in a land of euphoria and dreams. We are spending $56 billion a year for defense, at a cost to every man, woman, and child in the United States of probably $350. In addition, we are spending approximately $4 billion in foreign economic and military aid, designed to win freedom for the people of the world. We hope and pray that it will not be decided by atomic, hydrogen, or cobalt bombs, but by the consensus of mankind that it prefers the concept of freedom.

How will that consensus be obtained?

It will be obtained only if a majority of the people of the world decide for freedom, to use the concept of the great evangelist, Billy Graham.

Two-thirds of the people of the world who will decide live in Africa, in Asia, in the Middle East, and in Latin America, and their skins are not white. They are yellow, brown, or black. Essentially, they will have to decide—because decisions become rather personal, as they do in any election campaign—between the United States and the Soviet Union.

We shall be fortunate if their decision does not have to be as between the United States and Communist China. But let us give ourselves the best break and assume that it will be between the United States and the Soviet Union, both, relatively speaking, having a great preponderance of whites in their populations.

They are "having a look." If they go along with us, I believe it will be perfectly legitimate for them to wish to know how we get along with people whose skins are not like our own. How do we get along with Negroes? Do we like them? Do we "give them a break," as the saying goes? Do we treat them as equals? Or, do we kick them around and deny them opportunities and subject them to all kinds of undignified and unnecessary repression in violation of our own Constitution which declares them to be citizens just like the rest of us?

This may prove to be the most decisive element in the civil rights struggle—even more decisive than the deep constitutional and moral crisis which we face in the United States.

Mistake it not, this is one of the deep, pervasive, glacial feelings which are developing in the world. We would be blind indeed if we did not begin to understand what this means to our situation in the world, as well as in our own country.

So it is in that sense that I point out that the report of the Civil Rights Commission stressed the need to protect the right of peaceable assembly and petition, to get abreast of the situation which has developed from the small beginning in the Greensboro, N.C., sit-in cases in 1960 to the swelling movement of peaceful demonstrations which reached its climax in the great march in Washington on August 28 of last year of 200,000 people, and which is the pervasive news on civil rights every time one opens a newspaper—including this morning.

As the Commission unanimously found in most cases, these protests "have been peaceful and orderly and well within the protective guarantees of the first amendment." The Commission also found that "breach of the peace and trespass ordinances, on their face unrelated to the preservation of segregation, have been employed by local officials to maintain it. That this use of breach of the peace and trespass ordinances may be prohibited by the 14th amendment has now been recognized by the Supreme Court in a series of cases decided in 1963." Again, as the Commission concludes, this is an area in which injunctive suits by the Attorney General are critically needed.

The Supreme Court has decided that when A sits in the store of B, and B refuses to serve A, and A is arrested by the local police on the complaint of B, on the ground that he is trespassing—these are the classic sit-in cases—and there is a pattern of segregation in that community, or segregation laws exist—and there are many such places—and the laws are enforced by the police, or the local public officials have stated clearly that they intend to enforce the social order of segregation, the courts will strike down those convictions.

With whom are we dealing? We are dealing with college students. We are dealing with people many of whom will take bar examinations and other professional examinations and will have to pass character tests, in which they will be carefully screened, as a result of which they can be disqualified for their entire lives from following their chosen professions.

I ask this question in all good conscience: Should we require these mettlesome youngsters, who have shown great discipline and dignity in these demonstrations, to serve the cause of their people—and it is a noble cause—to run the gauntlet of destruction of their entire lives because the Attorney General does not have the authority to move in in time to restrain the police from excessive action? It seems to me the answer is self-evident. Of course, we should give the Attorney General such authority.

A broad part III—and I do not here deal with whether section 302 of the pending bill is broad enough in terms of intervention, but assume that it will be by the time it leaves the Senate—is aimed at police excesses which have occurred during racial demonstrations in certain cities.

I have already referred to the use of police dogs and cattle prods, which, incidentally, for those who are not initiated, are long, electrified rods which are used to prod cattle into stockades. They are used on civil rights demonstrators. Mistake it not, Mr. President, anyone who has been on the hot end of one of these prods, will never forget it.

That is an affront to the conscience of the United States.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. The Senator has discussed the decision of 1963——

Mr. JAVITS. The sit-in cases.

Mr. LAUSCHE. The Senator has said that the Court will strike down the right of any State or any governmental unit to pass laws to prevent the granting of equal treatment to all persons, regardless of race, creed, or color. Am I correct in my understanding that the basis of the Court's decision was the 14th amendment, which reads:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Supreme Court has declared that it does not lie within the authority of a State to enact any law which denies to citizens of the United States equal protection.

Mr. JAVITS. That is exactly correct.

Mr. LAUSCHE. I wish the Senator would discuss that point further.

Mr. JAVITS. The court has implemented the equal protection clause of the 14th amendment by striking down State action which punishes people because they are Negro, in these cases applying the State or local trepass laws to Negroes seeking lunch counter service, not because they were trepassers but only because they were Negroes.

Therefore one might say, technically, that if a person arbitrarily sat down in a chair at a lunch counter without any intention of requesting service or, after being served, continued to occupy a seat and would not pay his bill, or in some other way breached the peace by his mere passive conduct, which is entirely possible, the court would say, "This is a State problem, an ordinary crime committed under the laws of the State, and he may be prosecuted under them." That would be the end of it.

But where service is sought and denied because the customer is a Negro and the State enforces that discrimination by prosecuting for trepass when a white man could sit down in the same place and ask for service in precisely the same way without prosecution, constitutes a denial of equal protection of the laws upon which the Supreme Court will strike down the conviction.

Three levels of local condition might justify this result:

First, the enacted law of segregation in that community—and there are many such laws, either State laws or local ordinances. That is the highest degree.

The second degree consists of assertions by the mayor or police chief, or any other person in governmental authority that segregation would be enforced, law or no law.

The third degree is the practice of segregation in the area, where, for many years a Negro had not been served at such a lunch counter.

Under the first two circumstances the Court has said that the State's action in seizing the individual and punishing him is in pursuance of a policy or law to enforce unconstitutional segregation.

That decision, I believe, is a milestone decision among such cases. The leading cases are *Peterson* v. *Greenville*, 373 U.S. 244, and *Lombard* v. *Louisiana*, 373 U.S. 267, which give the rationale and philosophy of what was done.

Mr. LAUSCHE. The Constitution absolutely prohibits any State from enacting a law that imposes upon a businessman the obligation of discriminating against individuals on the basis of race, creed, or color. Is that correct?

Mr. JAVITS. The Senator is correct.

Mr. LAUSCHE. That is the most flagrant violation of the Constitution.

Mr. JAVITS. Exactly.

Mr. LAUSCHE. In categories 2 and 3, is it sound to say that when there has been a practice which has developed into what can be called a custom, or tantamount to a custom, it practically reaches the level of a law, and must fall within the same rule of court as a case in which there is a prohibition of equal treatment under a specific statute?

Mr. JAVITS. I would prefer to describe the hierarchy as first, a law or an ordinance, mandating segregation, and second, segregation or discrimination which is, using the words of the Lombard case, commanded by the voice of the State, that is by an official, and so on. In the third category, I am making an inference from the decisions to cases in which, in my judgment, there is a clear pattern of segregation, so that the person demonstrating has an absolute right to expect that it will be enforced against him.

I thank the Senator for his very helpful intercession.

The Attorney General of the United States in very interesting testimony before the House committee raised various questions on the question of authorizing the Attorney General to institute suits in any case involving a deprivation of any constitutional right, whether or not based on race or color. Since the power to intervene in a small class of those cases, cases of racial deprivation of equal protection of the laws, would be granted by section 302, some of those questions should be answered in support of section 302.

Question No. 1 was: "Can such a part III prevent sporadic acts by terrorists or isolated excessive acts by individual police officers in racial situations?" Let us remember the dreadful history of bombings beginning with the bombing of the home of the Reverend Shuttleworth as retaliation for the efforts of Negroes to realize their rights by peaceful demonstrations. It is true, of course, that all such acts will not be reached; but it is also true, as the Civil Rights Commission found in its 1961 report, that suits, whether criminal or civil, may serve as deterrents to illegal violence: "The threat of suits may well dissuade officials from using unnecessary violence. Moreover both criminal and civil suits, by directing public attention to police abuses, may develop community pressure for their correction. Such public sentiment can also be expected to deter law enforcement officers from committing, and their superiors from condoning, acts of brutality." The Commission also found that the cost of paying for civil suits was so great that it made such suits under existing law almost nonexistent, because "the victims of police brutality and racial violence are predominantly the poor and the powerless." Clearly, one effective way to inject this deterrent factor into the situation is to permit the Attorney General to bring such suits.

I make one further point with respect to the question of police brutality which, if I read the signs in the sky correctly, is gradually creeping into the consciousness of the people of the South. Lawlessness can never be confined. It will always break its bounds. If a southern community begins to tolerate lawless actions as a pattern in the protest of Negroes, it will soon be visited on protesting whites who may be protesting in connection with matters having nothing to do with race. Southern communities are beginning to give that problem much thought, and well they might, when we consider the shambles that was made in Jacksonville, Fla., by racial violence, which is attributable to an obdurate restriction to the march of time. Then we begin to realize what a stake the communities have in the issue.

When we realize that Birmingham, Ala., began to turn the corner away from Police Commissioner Eugene (Bull) Connor's administration because the city threatened to go to pot economically, we begin to have some appraisal of why it is so important that such areas of the country be brought abreast of the times in order to allow them to progress.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. Has the Senator given any thought to the possible future development of any other field of social and economic activity in which Congress might be asked to enact laws to invest the Attorney General with the right to bring actions in behalf of aggrieved people similar to that proposed under title III?

Mr. JAVITS. I am unable to divine at the moment additional areas in which that might be necessary or desirable. A while ago I introduced a list of many statutes in which that authority is established now in a representative capacity. Perhaps the most direct analogy is the Fair Labor Standards Act, under which, because the individuals concerned may also be poor, weak, and powerless, the Government will sue to recover wages which are not paid to them. That is perhaps the most directly analogous statute, along with the part III in voting cases which was enacted in the 1957 Civil Rights Act.

I realize that a Senator with the deep concern for the spread of governmental bureaucracy and power, on the basis of which the Senator from Ohio has built his life's history and great reputation in the country and in the Senate, would have such apprehension. But at the same time, I point out that the Senator has great confidence in himself as a pretty tough-minded individual.

When precedents are discussed, let us remember that there are precedents which we make, and which we can unmake. If it seems to us that the ends of justice and the ends of order, tranquillity, and the Constitution require certain legislation, we may enact it without being inhibited by the fear that tomorrow it may be extended in a direction of which we would disapprove. If we disapprove, we will turn it down.

First, there are many precedents. Second, none of them are immutable precedents. The precedents do not necessarily have to be followed at any time anyone raises the issue in a different context.

Mr. LAUSCHE. My recollection may be incorrect; but when the Kennedy urban renewal bill was before the Senate, an amendment was offered to give the Attorney General the right to institute an action on behalf of a member or members of a labor union who might allege that they were denied their bill of rights, or equality of treatment by labor leaders.

In that instance we determined that we ought not to give that power to the Attorney General. I understand the right given to the Attorney General to sue for an aggrieved worker when he has been denied his legal rights of compensation. But a case such as was last mentioned might arise. May I ask the Senator's view on that question? Of course, no such case is before us.

Mr. JAVITS. As I recall, this issue was raised in a committee on which I serve, with respect to the so-called union democracy provision. It was covered in the labor-management amendments adopted a few years ago.

The Congress decided to have intercession by the Federal Government in cases in which the interests of the Nation require that attention be paid to union administration—for example, in connection with the maintenance of their books and funds—but not in other cases.

Mr. LAUSCHE. It is my recollection that two aspects were presented to us. One was in regard to maintenance of the rights of a member of the union. The other was in regard to the insistence upon honesty in connection with the handling of the funds and accounts. The proposal in regard to the latter was adopted. I do not know whether the proposal in regard to the former issue even came to a vote.

Mr. JAVITS. I thank the Senator from Ohio.

The next question is as follows: "Is part III vitiated by the fact that not all demonstrations are protected by the 1st and 14th amendments, and therefore not all offensive police conduct in connection with civil rights demonstrations would be within the reach of part III"—in other words, suit by the Attorney General?

This would be an extraordinary argument, for carried over to other fields, it would mean that no law should ever be enacted until it can be shown that it will be entirely effective in eliminating the evil it is directed against, and this is virtually always the case. Yet as I have noted, the Civil Rights Commission after careful study finds that most of the demonstrations have been "within the protective guarantees of the first amendment." Why should not those demonstrations be protected effectively? This would be the effect of part III.

Would part III require Federal courts to make difficult determinations as to whether a particular demonstration was or was not protected by the Constitution? This is true, but it is also true of all the difficult constitutional cases presented to the courts at all times, with or without Federal statutes authorizing the Attorney General to become involved in them. The State courts are now deciding these questions every day in the many trespass and breach of the peace prosecutions which local authorities have brought against demonstrators; many of these cases are being contested, at enormous cost and individual sacrifice—in many cases serious criminal charges are involved—on the ground that the demonstrators were protected by the 1st and 14th amendments. I have stated that one of the charges in such a case in Georgia was sedition, for which the penalty could be death. Yet those rights are protected by the 1st amendment and the 14th amendment.

The Supreme Court had no great difficulty in deciding the case, which I have mentioned earlier, of *Edwards* v. *South Carolina*, 372 U.S. 229, on appeal from State breach of the peace prosecutions, on just these grounds in January 1963—namely, that prosecution for exercising the right to demonstrate peacefully is unconstitutional.

A suitable part III would not require the Federal courts to handle any new or unusual question which courts are not already deciding. It would simply authorize the U.S. Government to initiate such litigation to protect rights of U.S. citizens under the Constitution, rights which individuals are finding extremely difficult and extremely dangerous and extremely trying to redress under existing law. It should also be noted that in the cases, in which under existing law the courts are faced with deciding these issues, there is no redress for denials of rights where such denials are finally found, and therefore little deterrence to a repetition of the denial during the next demonstration. The demonstrators' convictions under State law are simply reversed.

This is an extremely important point, because of the following reason: The Edwards case, which I have cited, went all the way to the U.S. Supreme Court, but 2 years elapsed before the case reached the U.S. Supreme Court. In the meantime, the defendants were in great jeopardy; and when the same person or same group of persons again walked the streets, carrying placards bearing the inscription "Give the Negroes Their Rights," they could be arrested by the same policemen, and the whole process could be engaged in all over again, including trial in the State court, conviction, appeal to the State supreme court, appeal to the U.S. Supreme Court, and, finally, reversal by the U.S. Supreme Court.

Part III would permit an injunction to be obtained, so as to establish the rights of both parties—both the police and the demonstrators—and would permit the injunction to be changed from time to time; and it would represent the rules of the game in that particular jurisdiction. Therefore, the great uncertainty and great hazards now involved would no longer be involved.

It seems to me that this is one of the most salutary and effective provisions for which we contend; and a consideration of this situation will cause almost all of us to favor most strongly this provision of the bill.

Would the courts have to decide in advance what police action might or might not be justified in the fast-changing conditions accompanying demonstrations?

The Supreme Court had no difficulty in making the applicable distinction in the Edwards case, in which it said of the demonstrators, whose convictions were reversed on this ground, that "There was no violence or threat of violence on their part, or on the part of any member of the crowd watching them. Police protection was ample." And the Court was readily able to distinguish this case from another case in which the contrary was true. These were cases decided after the fact, rather than in advance of it; but the principle is one which local authorities in areas of the South apparently do not accept, even in the face of clear Federal law.

That is the principle of allowing peaceful demonstrations. It would, therefore, be of enormous value for the Attorney General to be able to ask a Federal court for an injunctive order embodying this principle, against local authorities who have consistently denied the principle. The deterrent value of such an order, punishable by contempt proceedings, can hardly be doubted.

Mr. President, I should like to say a few words about contempt. A great deal is made of the fact that a court can punish for contempt, without a jury trial.

First, let it be said that the bill limits this punishment to 45 days in jail or a fine of not to exceed $300. If either of those limits is exceeded, the defendant will be allowed to demand a jury trial and will be entitled to have a jury trial.

So this part of the bill provides for the time-honored practice of contempt proceedings before a judge alone. In the South there have been many contempt proceedings in connection with matters far different from civil rights, and no one has complained about the punishment for contempt. Appeals have been taken to the Supreme Court and repeatedly upheld.

It is said that in the South, judges, as well as jurors, have some feeling for local social customs and patterns and what they betoken in terms of what can be done and what cannot be done. But the point is that I do not believe that those who violate the civil rights of others, under color or law or local custom or local practice, are hardened criminals. Instead, they are honorable, ordinary Americans, very much like all other Americans, with their children and their troubles and a mortgage and installment payments—much like all other Americans. But in those areas of the country there is a completely anachronistic concept of living—a concept absolutely unacceptable to the Negroes and absolutely unacceptable to the rest of the people of the United States. If in some effective, vigorous way the mirror of their own conduct and what it means can be held up to those people so that they may see that society disapproves of it, we shall not need condign punishments to bring about the necessary correction. The power of the court to punish for contempt with imprisonment of less than 45 days and a fine of less than $300 is adequate for the purpose. So I do not believe there is anything to the argument that the punishment is onerous, certainly not in relationship to what the bill is seeking to redress.

The next question is as follows:

Would injunctions in advance cause State and local authorities to abdicate their law enforcement responsibilities altogether? This is precisely the result under existing, inadequate Federal law.

In the case of the Birmingham, Ala., demonstrations in 1963, just as in the cases of Little Rock, the University of Mississippi, and the University of Alabama, the Federal Government was unable to handle the situation of virtual anarchy which the State and local authorities permitted to develop, short of having the President call into Federal service the State's National Guard and bring other Armed Forces or marshals of the United States into the breach. Should that be the only remedy which the Government of the United States has when rights of citizens of the United States are flagrantly denied by State and local authorities? A suitable part III would at least permit the Federal courts to decide the constitutional questions rather than forcing the demonstrators to test their rights in the streets with only the hope that, if conditions finally deteriorate to the point of anarchy, the President will send in troops or marshals.

In my view, speaking as one Senator, in order to meet adequately the crucial problem of public order which I have outlined, title III of the pending bill should be amended in three respects.

First, section 302 should be amended to authorize the Attorney General to initiate suits as well as to intervene in suits already initiated by private individuals. I believe this class of suits, involving the most difficult questions of public order and individual rights, should not be given a lower order of priority than those involving public accommodations or school desegregation, which under titles II and IV the Attorney General is authorized to initiate. In addition, the need for speedy relief in advance of a confrontation in the streets is so great that the additional hurdle—of requiring that a private suit first be brought—should not be placed in the path of enlisting Federal support for constitutional rights. By the time such a private suit can be filed, the relief sought may well be moot. This might not be the case if the Attorney General and the resources of the Department of Justice can be brought to bear at the outset.

Second, an additional section should be appended to make meaningful the existing civil remedy under title 42, United States Code, section 1983, by making any county government, city government, or other local governmental entity that employs officers who deprive persons of rights protected by that section, jointly liable with the officers who alone are now liable in damages to victims of such officers' misconduct. This was a unanimous recommendation of the U.S. Civil Rights Commission in its exhaustive 1961 report on the administration of justice, in which it found as follows:

> The Federal civil rights acts providing civil liability for unlawful official violence have not proved to be effective remedies. Relatively few suits are filed under the principal civil statute, section 1983, which allows suits by the victims of police brutality against officers for monetary damages. Successful suits are rare.

And well they might be when a court or jury knows that it is the officer himself who will have to pay the judgment.

The Commission stated further:

> One deterrent to the filing of civil suits is the fact that even if a victim of official violence sues successfully, few police officers are able to satisfy a substantial money judgment. This can be corrected by an amendment to section 1983 which would render counties, cities, and other local governmental entities liable for the misconduct of their policemen.

Incidentally, that is a recommendation which the U.S. Civil Rights Commission repeated in its 1963 report.

Third, a further additional section should be appended to the title to make useful the existing criminal remedy, title 18, United States Code, section 242, by making the penalties of that statute applicable to those who maliciously perform, under color of law, certain described acts including the following:

> 1. Subjecting any person to physical injury for an unlawful purpose.
> 2. Subjecting any person to unnecessary force during the course of an arrest or while the person is being held in custody.
> 3. Subjecting any person to violence or unlawful restraint in the course of eliciting a confession to a crime or any other information.
> 4. Subjecting any person to violence or unlawful restraint for the purpose of obtaining anything of value.
> 5. Refusing to provide protection to any person from unlawful violence at the hands of private persons, knowing that such violence was planned or was then taking place.
> 6. Aiding or assisting private persons in any way to carry out acts of unlawful violence.

This, too, was the unanimous recommendation of the Civil Rights Commission, as the result of the following finding in its 1961 administration of justice report:

> Difficulties also arise from the language of section 242, as interpreted by the Supreme Court in *Screws* v. *United States*. The requirement of "specific intent"—as opposed to the usual general criminal intent—for conviction under the statute severely limits the statute's applicability. Moreover, there is confusion among judges, jurors, and lawyers as to the meaning of specific intent. Some Federal trial judges have issued instructions to juries which seem to interpret specific intent more narrowly than is required by the Screws decision.
>
> A more specific statute supplementary to section 242 spelling out certain conduct proscribed by the 14th amendment would more effectively protect the constitutional right to security of the person against official misconduct.

With these strengthening amendments, which can be offered by me at an appropriate time and after considering the need for any due process inclusion, I believe a truly meaningful part III proposal will have been incorporated in title III of the pending bill.

Mr. President, I am about to conclude. I should like to sum up briefly what I have covered today in such great detail.

First, it is an honor to make this affirmative case. It is long overdue. It is long overdue because the people of the United States may get an idea that we are living in a vacuum and that we do not know what is going on outside these quiet and peaceful walls. But there are riots in the streets. It is one thing to suppress riots when the causes they seek are public disturbance and the destruction of the social order. It is another thing to deal with riots in which people are expressing deeply held grievances from which they have suffered for years—for generations—and which we have been unable to do anything about, but which we recognize as a nation to exist, and which we are trying to recognize and do something about in areas of the country in which there exists this built-in, archaic social order which insists that because a man's skin is black, he is different from a white man and must be kept segregated from him.

Such a situation is intolerable in our present day. It should not exist. It is destructive of the Nation, and of the Nation's position in the world. It is that simple. It is going on every day outside this door in the far reaches of the country. We cannot stand still for it.

We should have full debate and consideration and solve the problem in every way compatible with our democratic processes, but let us understand that the days of the delay add to the days of aggravation, the days of continued public disorders, the days of continued deprivation of the Nation's conscience, and the continued deprivation of the Nation in terms of its economy, which is suffering now to the extent of between $13 billion and $17 billion a year in productivity because of the fact that Negroes are not given equal employment opportunities and equal educational opportunities.

Finally, when I began I said something about my own party. I would like to conclude on that note. My party has a great opportunity, just as the Democratic Party has in this struggle. We are the party of Lincoln. We are the party which was founded upon the concept of the free workingman and the urgent needs of that kind of economy. Many people in the South are beginning to realize that it is also absolutely essential to their section of the country.

The pride and integrity of our party are at stake in this struggle. I deeply believe that when the roll is called, and as the various developments take place upon which the roll must be called, my party will do its duty in the tremendous and dramatic struggle in which we are engaged.

I reject the idea that weakening amendments will be offered from our side which will complicate a situation which demands the national attention so urgently. I do not believe that the great majority of the members of the Republican Party in the Senate will stand for such an idea. I believe the great majority will find it untenable, and will reject it, as has been shown time and time again on votes in the civil rights struggle, beginning in 1957, when the civil rights bill was intercepted at the Senate door and considered in the Senate, so that at long last, action might be taken on the problem.

We are face to face with a discussion of a meaningful civil rights bill which the administration supports, and behind which, in my judgment, are a majority of the Members of this body on both sides of the aisle.

It is said that when a majority of the Senate wants something, it can get it. I add to that statement the corollary that it can get it if it shows the necessary determination. We have the power to act, if the majority of the Senate will show the necessary determination. With God's help, it will.

Mr. President, I am prepared to yield the floor.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SALTONSTALL. I commend the Senator on the lucidity and force and clarity of the speech he has made.

Mr. JAVITS. I am extremely grateful to my distinguished colleague from Massachusetts for the kindness of his remarks on my speech. I thank him very much.

I yield the floor.

THE FALLACY THAT CASTRO IS HERE TO STAY

During the delivery of Mr. JAVITS' speech,

Mr. DODD. Mr. President, I wish to call the attention of my colleagues to a study entitled "Terror and Resistance in Communist Cuba," which was made public on Tuesday by the Citizens Committee for a Free Cuba.

We have been too prone to be pessimistic about Cuba. In recent months an increasing number of people have expressed the belief that Castro is here to stay, that our economic embargo is an exercise in futility, and that the best we can do is to reconcile ourselves to the reality of Castro and seek some way of living with him.

I believe that "Terror and Resistance in Communist Cuba" is the most effective reply that has yet been made to all those who advocate the passive acceptance of the Castro regime because they see no serious possibility of liberating Cuba from its clutches.

The policy of passive acceptance is based on three principal fallacies.

The first fallacy is the belief that the Castro regime, as tyrannical as it may be, nevertheless enjoys a substantial measure of popular support and that its hold over its people is, therefore, secure. It is this fallacy, in particular, that is demolished by the report, "Terror and Resistance in Communist Cuba."

The fundamental fact about Cuba, says this report, is that its people are waging an unrelenting war against the hated, despotic Communist regime. It draws a picture of a Cuba seething with discontent; of a Cuban people who continue their struggle for freedom undaunted by Castro's terror; of a regime that sits on top of a veritable volcano of popular discontent that may erupt at any moment.

The second fallacy on which the apostles of passive acceptance base their case, is that Communist regimes in general are immune to popular revolt and therefore immune to overthrow. Nothing could be further from the truth.

The fact is that the total tyranny of communism has succeeded in breeding the most total popular hatred known to history. The past 10 years alone have witnessed the East German uprising, the Poznan revolt, the Hungarian revolution, the revolt of the Vorkuta slave laborers in the Soviet Union itself, and the Tibetan revolution. These heroic uprisings failed only because of the presence or direct intervention of the Soviet Army, or of the Red Chinese Army in the case of Tibet. But we have not yet seen the end of popular explosions against Communist tyranny.

The time or place of the next popular explosion against communism is something that no one can predict. But if such an explosion should take place in Cuba, the outcome would be different from the outcome of the Hungarian revolution. It would be different for the simple reason that the Soviets could not send 200,000 men and 5,000 tanks to crush the Cuban revolution, as they were obliged to do to crush the Hungarian revolution.

Apart from the fact that their theory is belied by history, I sometimes wonder whether those who regard Communist regimes as unassailable have stopped to assess the ultimate meaning of their assumption. If the Communists are free to subvert and overthrow non-Communist governments in various parts of the world at the tempo that has characterized the postwar period, and if the free world accepts every Communist conquest as final and irreversible, then, as surely as 2 and 2 makes 4, the whole world will ultimately be Communist.

The third fallacy on which those who propose a do-nothing policy in Cuba base themselves, is that the Castro regime, while admittedly a nuisance, does not pose any mortal threat to our security.

They do not deny that Castroism poses a threat to the stability and security of the other American states. This would be impossible to deny in the light of the bloody campaign of terrorism in Venezuela, the recent riots in Panama, the rising tide of Castroite leftism in other Latin American countries, and this day, at this hour, the ominous events in Brazil.

Nor would they deny that the mere existence of Castroism nullifies the Alliance for Progress and makes serious planning impossible because lack of confidence in the future frightens away new investment and makes for an actual process of disinvestment.

But, admitting all this, they still hold that Castro does not directly threaten the United States, and we should not therefore react in what they consider to be an exaggerated manner to the fact of his existence.

In the old days, there used to be a brand of isolationism which held that we could ignore what happened to the rest of the world and maintain our own independence, our freedoms, our standard of living and our happiness. It was said that all we had to do was to make of America a fortress so strong that no nation or combination of nations would think of assailing it. That doctrine was known as "fortress-America" isolationism.

It is perplexing to note that some of these who understood the illusion of "fortress-America" isolationism, have now become the advocates of an essentially identical brand of isolationism. They appear to believe that our security and our freedoms would not be affected even if the major part of the hemisphere and, for that matter, of the free world were to go Communist.

Castro and the Alliance for Progress are mutually incompatible. One or the other will have to go.

If Castro remains in power, the coming years will inevitably witness the emergence of other Castro regimes in the Americas.

At this very moment, indeed, Brazil, the largest country in Latin America, is the scene of a desperate uprising against the increasingly pro-Communist policies of the Goulart government. It is still too early to predict the outcome of this struggle. But if one major country like Brazil were to go Communist, it is questionable whether the political tides generated by this development could be stopped anywhere south of the Rio Grande.

To say that this would make no difference to our own security is nonsense. An America isolated within its own hemisphere, cut off from its traditional markets and sources of raw materials in the Americas, forced to increase its defense expenditures even over present high levels, could no longer play any serious role in world affairs. If America were thus isolated, it is not inconceivable that internal pressures would lead either to a popular-front regime or else to a Fascist regime.

What this all adds up to is a lesson that we should have learned long ago from history: that we cannot separate our own freedom and our own security from the freedom and security of our neighbors.

Castro must go. That is the simple fact of the matter. This does not mean that we must send in the Marines to depose him. But it does mean that we must be prepared to give our unstinting support, both moral and material, to the brave people of Cuba who have never given up their aspirations to freedom.

All those who feel pessimistic about the future of Cuba or resigned to the fact of Castroism, would do well to reexamine their beliefs in the light of the detailed testimony presented in "Terror and Resistance in Communist Cuba." Let me list just a few of the many facts that illustrate the mass disaffection that exists in Cuba and the incredible will to resist of the Cuban people.

First. Over a period of 3 years, 350,000 Cubans have sought freedom in the United States and other countries, leaving behind them their houses, their automobiles, their furnishings, and everything they possessed. Another 325,000 Cubans had applied for visa waivers when air transport to the United States was canceled as a result of the October 1962, missile crisis.

Second. Despite repeated military actions against the guerrillas and the execution of many captured resistance leaders, new guerrilla bands and new resistance leaders continue to spring up.

Third. The Cuban peasants, or guajiros, have cooperated openly with the resistance in the mountains. So widespread was this cooperation that the Castro regime promulgated decree No. 988 in an effort to cope with it. Anyone caught giving one mouthful of food to a counterrevolutionary, said Castro, would be executed; peasants in areas where guerrilla bands were operating who did not report their existence, would feel the full measure of revolutionary wrath.

Fourth. The resistance of peasants has been matched by the resistance of the city dwellers.

In April 1962, saboteurs burned down the Cuban National Bank Building.

Twenty-four hours later, bombs leveled the chemical fertilizer plant in Cotorro.

Shortly thereafter, several warehouses went up in smoke.

From December 1962, to the end of February 1963, saboteurs caused three train wrecks, to add to Castro's growing transportation crisis.

On March 9 and March 20, 1963, there were two more major train wrecks.

In early January 1963, a large garage filled with scarce automobile parts was burned in the center of Havana.

And so it goes, right down to the present day.

Fifth. Stories of open resistance in the streets, of the heckling of pro-Castro orators, of spontaneous demonstrations in movie theaters, are continuing to come out of Cuba.

In June of 1962, in the port city of Cardenas in Matanzas Province, demonstrations reached the point of near-insurrection, with the people battling both the Young Communist goon squads and the militia. The situation was brought under control only when the Government ordered in the Cuban Army. Castro's TV network recorded this resort to force and broadcast it throughout the country to dissuade dissidents in other towns and cities from following the example of Cardenas.

These items are only a few of the many events that are presented in documented form in "Terror and Resistance in Communist Cuba."

In the face of all this, how can anyone say Castro is secure and is accepted by the people of Cuba?

I think the evidence is clear that the Castro regime is not accepted by the Cuban people. Indeed, I think it would be no exaggeration to say that the Cuban people, in their resistance to communism, have displayed a heroism that rivals that of the Hungarian freedom fighters and a stubbornness that has not been surpassed in the annals of opposition to communism.

The many uprisings against Communist tyranny in recent years and the irrepressible will to freedom displayed by the Cuban people, both point to the conclusion that Cuba in the not too distant future will be the scene of another popular revolt against Communist bestiality.

This revolt will take place whether we encourage it or not, because human endurance has its limits and its explosion point. It is not in our power either to prevent such a revolt or to artificially create it. But what we say and what we do can expedite the process or slow it down. And on the day when the pentup wrath of the Cuban people explodes, our action or our inaction may make the difference between victory or defeat.

These are the real choices that confront us.

For several years I have been urging that we commit ourselves to a carefully spelled out program of liberation for the Cuban people, so that neither our friends nor our enemies can mistake our intentions. Let me again suggest the outlines of such a program.

First of all, I would like to suggest that we commit ourselves to a "declaration of independence and freedom for the Cuban people" and to the proposition that the Cuban people should be given the right to select a government of their own choice in free elections, under OAS supervision.

Second, we should make it clear that we stand by the Monroe Doctrine.

I hear much talk to the effect that the Monroe Doctrine is out of date. But the Monroe Doctrine was of very great importance to us at the time of the missile crisis. And, thank God, President Kennedy applied it.

I believe we should again invoke the Monroe Doctrine to proclaim a total embargo on shipments of Communist military materials and military personnel to Cuba.

Third, we should use all the resources of diplomacy, not excluding economic countermeasures, to discourage allied and friendly nations from shipping critical materials to Cuba.

Some say that our embargo has been an exercise in futility. I agree that it has not been as effective as it could have been. But this, primarily, has been because of our failure to make it effective. We can strengthen it, we can make it more effective, first by urging our allies to desist from selling critical goods to Cuba. Most important, however, we, ourselves, can set a proper example by rigidly restricting our own trade with Communist countries in all parts of the world.

Fourth, I believe we should be prepared to give open and increasing assistance to Cuba's heroic freedom fighters, who are daily defying Castro's execution squads. Instead of discouraging the Cuban freedom fighters, instead of interfering with their operations, as we have sometimes done in the past, I believe that we should give them at least the same leeway that we gave Fidel Castro in the late 1950's when he was able to use the United States as his chief base of support and supply for the July 26 movement.

Not only should we support the anti-Castro resistance movement in Cuba, but I would urge that we publicly support the creation of a "Cuban Freedom Legion" in exile, whose ranks would be open to all Latin American nationals.

I do not regard this program as complete or final.

These are only a few of the many things that can and must be done to help the Cuban people recover their freedom and to liquidate the Communist beachhead in Cuba and the threat it poses to the stability and independence of the American States.

For the life of me, I cannot understand the argument, which is made by some, that a Communist tyranny in Cuba, stretching its tentacles into Brazil and into other countries of Latin America, is not a real menace to all of us. Although some urge that it is nothing to worry about, that it is only a minor nuisance, it is clear that it is a very definite threat to all the Americas and to our own Nation.

Certainly a threat to freedom in this hemisphere is a serious menace to the freedom of all, and we had better be about the business of dealing effectively with it. If we do what I propose, there will be no need to send American Marines or American soldiers into action there. Instead, the Cuban people themselves will take care of Castro, if they have our moral and material support.

Therefore, let us make it very clear—and let us do so firmly—that we stand on the side of freedom, that we are opposed to tyranny, that we were not only opposed to it yesterday, but we also oppose it today, and we will oppose it tomorrow, whenever and wherever it appears.

So I urge all Senators to give their most careful consideration and attention to the facts set forth in the current study by the Citizens' Committee for a Free Cuba.

I believe this to be one of the most significant studies of the Cuban situation yet published.

The Citizens' Committee for a Free Cuba is headed by some of the most distinguished and responsible men and women in American life. I hope that their report will be read by all Members of Congress and by the American people generally, so that all of us in America will better understand what is occurring in Cuba and what must be done to deal with the situation.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 109 Leg.]

Bayh
Boggs
Burdick
Clark
Dirksen
Dominick
Douglas
Ellender
Gruening
Hart
Hickenlooper
Hill
Javits
Keating
McGovern
McIntyre
McNamara
Metcalf
Morse
Morton
Mundt
Ribicoff
Robertson
Saltonstall
Stennis
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. CLARK. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BEALL, Mr. BREWSTER, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. DODD, Mr. FULBRIGHT, Mr. HRUSKA, Mr. JOHNSTON, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr.

Lausche, Mr. Long of Louisiana, Mr. Mansfield, Mr. McCarthy, Mr. McClellan, Mr. Moss, Mr. Pearson, Mr. Scott, Mr. Simpson, Mrs. Smith, and Mr. Sparkman entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. Bayh in the chair). A quorum is present.

ORDER OF BUSINESS

Mr. ROBERTSON obtained the floor.

Mr. HART. Mr. President, will the Senator from Virginia yield briefly to me?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the Senator from Michigan, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TRIBUTE TO SENATOR McNAMARA—TESTIMONIAL DINNER

Mr. HART. Mr. President, Senator Pat McNamara, my senior colleague from Michigan, has often been termed a self-educated man—and I suppose that is true. His formal education ended early, for he left high school, to become an apprentice in the shipbuilding industry.

The knowledge he has acquired—and it is impressive—is a tribute to determination, to hard work, to dedication, and perhaps to the principle of self-education.

But Pat McNamara does not see it that way. Unlike some self-educated men, he does not see it as the road that other men should travel. Senator McNamara's concern for formal education has been more than just enthusiastic; it has been downright zealous.

Doubtlessly one of the reasons for Pat McNamara's growing stature—both in this body and in Michigan—has been his deep sensitivity for the feelings of the people he represents and for their welfare.

All who know him well recognize this sensitivity, although sometimes he succeeds in obscuring it with his aggressive independence and forceful comments.

What this is building up to is an announcement that on June 6 a testimonial dinner will be held in Detroit for the Senator. The dinner is sponsored by Histdrut, an Israeli labor organization; and all the proceeds will go to establish a Senator Pat McNamara Scholarship Fund for indigent Israel students.

I am looking forward eagerly to attending the dinner.

During his career, Senator McNamara has enjoyed many tributes. Reelection by a large majority certainly has been one of them. He is chairman, as all of us know, of the Senate Public Works Committee. He has become closely identified with the search for solutions to the problems of aging. He has worked hard in connection with labor law and for economic growth.

But I suspect that one of the tributes he treasures most was given during the 1958 debate on the National Defense Education Act, when Lyndon Johnson, then majority leader, now President of the United States said:

> In my opinion, perhaps we would not have any kind of education bill except for Senator McNamara's constant prodding all year long.

So of all the testimonial dinners which could be held for Pat McNamara, I suspect that the one on June 6, linked with the chance to promote education for youngsters, will be the one that will please him most.

Mr. MORSE. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. MORSE. I merely wish to say that the group which will give the dinner will honor itself by honoring Senator McNamara.

Mr. SALTONSTALL. Mr. President, will the Senator from Michigan yield briefly to me?

Mr. HART. I yield.

Mr. SALTONSTALL. In this election year there have not been too many dinners about which a Senator on my side of the aisle, a member of the Republican Party, could say something complimentary. I hope that the dinner will be a notable occasion. The Senator from Michigan [Mr. McNamara] is a former citizen of Massachusetts. He was brought up in that State. I hope that the dinner will be a fine occasion and a great success.

Mr. ROBERTSON. Mr. President, the Senator from Virginia cannot claim the Senator from Michigan as a former resident of his State, but I am glad that the Senator from Viriginia has been able to yield for the purpose of permitting others to speak.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the Senator from Montana without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. I yield.

Mr. MANSFIELD. First, I wish to join in what the Senator from Michigan [Mr. Hart] has said about his outstanding colleague [Mr. McNamara]. As the Senator pointed out, his colleague has come up the hard way, but he has been a jewel in the conduct of the affairs of the Senate. He has carried his full share of the load and a little more. As chairman of the committees on which he has served—the Committee on Public Works and the Subcommittee on Labor—and as a member of the Committee on Labor and Public Welfare and the Subcommittee on Education, his work has been outstanding. I feel deeply indebted to him for the many contributions that he has made and the conscientiousness he has shown in carrying out his duties.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

ANNOUNCEMENT AS TO QUORUM CALLS

Mr. MANSFIELD. Mr. President, today there have been two live quorums. One required 53 minutes and the other approximately 44 minutes. This is the middle of the week. We are considering a very important measure. I would hope that from now on Senators, regardless of what particular attitude they have toward the pending bill, would make it a point to be close by and to answer quorum calls as expeditiously as possible. I believe I can speak with some authority on the subject because I happen to be one of those who was summoned by the Sergeant at Arms. But that is beside the point.

Some serious questions have been raised by certain Senators as to the recording of the so-called live quorums. A quorum is present when 51 Senators are present. The first 51 Senators answering the rollcall will be listed hereafter as those constituting a quorum, and not those who happen to be in the city but who fail to show up. I know of no other way to meet the situation which has been called to my attention by various Senators than to make that announcement at this time. I hope that in fairness to all, and in the cause of accuracy, that procedure will be followed by the recording clerk. I hope also that all Senators would be aware of the fact that from now on quorum calls will be accurate and will be based on having at least 51 Senators present in person.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. MORSE. I should like to inform the majority leader that I shall call for a live quorum when I obtain the floor today, because I intend to raise a matter of serious personal privilege. I do not wish any Senator to have the excuse that he did not have an opportunity to be present at the time I speak.

Mr. MANSFIELD. The Senate is on notice.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. CLARK. The Senator from Oregon is, of course, within his rights in suggesting that he will call for a live quorum. I would hope very much—and this is merely a personal request on my part—that he would not complete his speech on the civil rights aspect of his talk before he calls for a live quorum. The Senator is not bound by anything which is done by other Senators, I understand, but those of us who are for the bill and those who are against the bill had an informal understanding that there would be no further live quorum calls after the one just had. Senators have been told of that arrangement. The Senator from Oregon would be startled if he had an opportunity, as I have had, to look at the lists on both sides of the aisle, and if he knew how many Senators are not in the city.

I believe it is at least possible that if the Senator calls for a live quorum after an hour or 2 or 3, he will not get it. I do not ask the Senator to make any comment on the subject at this point. I merely had some information that I thought he would like to have before he does what he has every right to do.

Mr. ROBERTSON. Mr. President, I have the floor; and I wish to make a statement on that very point.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. ROBERTSON. The Senator from Montana has correctly stated that we are dealing with important proposed legislation. I believe that it is the most important bill that has been before the Congress in my 31 years of service. In my opinion, it is a most dangerous bill. In my opinion, it would take us further down the road to dictatorship. So I was prepared to discuss this afternoon only one part of the bill, namely, title VI, which has no constitutional foundation. It is unconstitutional on the ground of vagueness and indefiniteness.

I sat here for nearly an hour hoping that perhaps my colleagues would come.

Meanwhile I saw a large attendance in the press gallery, and I knew that the Fourth Estate was not there to hear me speak. I found out why they were there. The distinguished Senator from Oregon will speak about Vietnam. He will open up what might be called some "powder kegs." In any event, what he has to say will be news, and it will be in the newspapers. It will be reported.

Under those circumstances, for me to speak for at least 3 hours, as I had planned, would be unfair to both the Senator from Oregon and the members of the Fourth Estate, who have their pencils poised to take down what he will say. I know they would not even put down my remarks with the back ends of their pencils. In view of that situation, why would it not be the part of wisdom for me to yield the floor to the Senator from Oregon with the understanding that he will hold the floor until the agreed time of 6:30? That is the time I was told to be ready to speak. I prepared to speak, and I do not wish to make merely a part of a good speech. I know that the Senator from Oregon has a really good speech. So I should like to ask the majority leader if he has any objection if I merely take my seat?

Mr. MANSFIELD. Mr. President, if the Senator will yield while he still has the floor——

Mr. ROBERTSON. I yield.

Mr. MANSFIELD. I might have an objection to his sitting down, but I would not have an objection to his arriving at an accommodation with the Senator from Oregon on the basis which he described. To do so would be most gracious and courteous on the part of the Senator from Virginia. What would the Senator from Oregon think of that arrangement?

Mr. MORSE. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. Mr. President, in view of that statement, so nicely said, the Senator from Virginia would like to keep his speech for a more propitious time. I shall yield to the distinguished Senator from Oregon with the understanding that what I have said did not deal with what I was about to say.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. I yield the floor.

Mr. MORSE obtained the floor.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. SALTONSTALL. As a Senator on the Republican side of the aisle, I should like to ask the majority leader whether there will be any other speeches tonight or any other quorum calls of which the majority leader knows after the Senator from Oregon finishes his speech.

Mr. MANSFIELD. I would defer to the acting majority leader to answer the question. I do not know the battle plan.

Mr. CLARK. I am a little embarrassed to make the statement I am about to make in the face of the crowded galleries. I would rather have made it to the Senator in the secrecy of the cloakroom. But the answer to his question is "No."

Mr. MORSE. Mr. President, first, I wish to thank the Senator from Virginia, but I wish to assure him that not a word of what I say will be written in any newspaper.

Mr. ROBERTSON. If the Senator says what he told me he would say, it will be.

Mr. MORSE. I will make that statement, but it will not be in the newspapers. We have a kept press in this country. That kept press will not print criticisms of the present administration.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the Senator from Oregon with the understanding that I may continue my speech on title VI on a subsequent occasion.

Mr. CLARK. Mr. President, reserving the right to object—and I am afraid that I may have to object—I would hope that my good friend from Virginia would be willing merely to yield the floor without any unanimous-consent agreements, because of the fact that tomorrow, and for weeks thereafter, the Senator will have ample opportunity to make his speech. We were hopeful that tomorrow a couple of speeches which have been prepared would be made.

Mr. ROBERTSON. Let me clear up the parliamentary situation. I mentioned the fact that I had the floor. I was about to speak on title VI. I do not want any Senator to say, "You have already spoken on title VI and you cannot speak on it any more."

Mr. CLARK. Mr. President, under the circumstances, I shall not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I should like to have the attention of the Senator from Pennsylvania [Mr. CLARK]. I always find him very persuasive. I was not aware of the information the Senator from Pennsylvania gave concerning what program the leadership on this bill had arranged in regard to the procedure for today. If I had known of it, I would not have said I was going to call for a live quorum. Under those circumstances, I will not call for a live quorum. But I respectfully suggest to the Senator from Pennsylvania, and through him to the floor leaders of the bill, that whenever it is possible, there should be the broadest possible cloakroom discussions of plans. We are likely, in the not too distant future, to find ourselves in a position in which each Senator may have to exercise his own right for his protection, regardless of any understanding some group in the Senate may have reached.

By announcing that I shall not ask for a live quorum at this time, I do not want Senators to think I am setting a precedent to guide them in the future. I shall not ask for a live quorum merely because the leadership may have entered into an understanding, of which I was not aware, that there would not be a live quorum.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. I completely agree with the Senator. I point out only that since the Senator was out of the city on important business, arrangements had to be made before he returned. We did not not have an opportunity to call his attention—although we did inform a member of his staff—to the situation which had occurred on the floor. I am grateful for what he has done. I thank him for his understanding.

Mr. MORSE. It was perfectly proper for Senators to make those arrangements. I was called, as the Senator knows, at the University of Kansas and asked if I could return to make a major civil rights speech at 4 o'clock. I said I would, and I did.

PERSONAL STATEMENT BY SENATOR MORSE—SOUTH VIETNAM

Mr. MORSE. Mr. President, let me talk a little about South Vietnam. I shall base these remarks on a matter of personal privilege, because if Senators will look into the meaning of personal privilege in the Senate, they will understand why I am basing my statement on a matter of personal privilege because of future reference.

Mr. President, the tinhorn soldier tyrant whom the Government of the United States is supporting in an unjustifiable war in South Vietnam has publicly called the senior Senator from Oregon a traitor.

I ask unanimous consent that the story appearing in the New York News, entitled "Khanh Labels Morse Traitor to U.S. People," written by staff correspondent of the News Mr. Joseph Fried, be published in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KHANH LABELS MORSE TRAITOR TO U.S. PEOPLE

(By Joseph Fried)

SAIGON, VIETNAM, March 28.—Strongman Premier Maj. Gen. Nguyen Khanh today called Senator WAYNE MORSE, Democrat, of Oregon, a traitor to his people for advocating withdrawal of U.S. advisers from Vietnam.

Khanh was questioned at the coastal city of Nha Trang, 200 miles northeast of Saigon, about MORSE's recent statement on the Senate floor that "all of South Vietnam isn't worth the life of a single American boy."

DOESN'T KNOW SENATOR'S NAME

Khanh replied: "I do not know the name of this Senator. However, if I were an American, I can say this Senator would not be good for the American fighting men right here."

MORSE, he went on, is "a traitor of the American people" for taking such a view. He said he understood Red Chinese advisers were with Communist guerrilla cadres.

Khanh also spoke of Vietnamese-Cambodian relations after attending the graduation of a class of air cadets at Nha Trang.

SET TO WELCOME CAMBODIANS

He said he was ready to welcome a Cambodian delegation for talks on Vietnamese-Cambodian differences, but expressed hopes the two countries could settle their dispute without outside help.

Plans for early Cambodian-Vietnamese border talks fell through after the Vietnamese bombed and strafed a Cambodian village last week, killing some 16 villagers.

The News learned that the United States has begun supplying two-seater A-1H fighter planes to Vietnam to replace slower T-28 trainers. A shipment of A-1H's, formerly known as the AD-6, arrived here this week by ship. Other shipments will reportedly follow.

Mr. MORSE. Mr. President, that statement was made long enough ago for the White House to have had an adequate opportunity to reply to it. I want to know whether the President of the United States proposes to continue to give support to this tinhorn soldier tyrant in South Vietnam—a straight dictator. I want to know whether the President of the United States proposes to continue to allow the killing of American boys in support of this tyrant, in view of the fact that the tyrant publicly announced that an elected representative in the Senate of the United States of the free people of the State of Oregon is an alleged traitor.

I want to know what the position of my Government is on that charge; and I want to know it quickly.

I want to know what the position of the President of the United States is on that charge, because the President of the United States is Commander in Chief of the Armed Forces of this country, as well as President. I want to know whether or not the Commander in Chief of the Armed Forces of this country proposes to continue to give military support to this kind of tinhorn soldier tyrant in South Vietnam.

Freedom in South Vietnam? The statement of this tyrant in South Vietnam shows the kind of political system that exists in South Vietnam. It is perfectly obvious that if in South Vietnam an official of the people stood up and criticized that government, the tyrant in South Vietnam would liquidate him.

That is the conception of freedom held by this tyrant whom the Government of the United States is supporting at the rate of a million and a half dollars a day, and at great loss of American blood. The continuation of the support of this tyrant with American money and American blood cannot be justified by the President of the United States.

I shall call upon the American people to respond to this kind of support of a military dictator and tyrant, who is involved on one side of a civil war in South Vietnam.

I repeat what I have said before, and I shall continue to repeat it. I discussed it at length at the University of Kansas last night, and I shall discuss it on platform after platform in this country in the months ahead because, in my judgment, U.S. foreign policy is at the crossroads, and the American people will have to render a judgment as to whether the largess and blood of the United States will continue to be used to prosecute the McNamara war to strengthen tyranny in various parts of the world.

I am just as opposed to the type of Fascist military tyranny that this tinhorn soldier in South Vietnam symbolizes as I am opposed to Communist tyranny, because there are no human rights for the individual under either type of tyranny; and the end result is the same.

I also want to know from this administration how many men we have in American uniform in South Vietnam. The figure 15,000 or 15,500 continues to be used, but I have been advised that there are already 18,000 American boys over there. At least, that is the word that comes out of the Pentagon; and some of the press correspondents who sit above the clock in the front of the Chamber have so advised me again today.

Day before yesterday I asked the chairman of the Senate Armed Services Committee two questions for information, which we have the right to ask of any committee, to find out whether or not there are any plans by McNamara to prosecute the McNamara war in South Vietnam by sending marines, guerrilla trained. That is a rumor out of the Pentagon also. We do not have the answer yet. I wish to know what the answer is.

I have also asked the chairman of the Senate Armed Services Committee to notify the Pentagon—and I know he has done so—to keep us informed day by day as to the casualties suffered by American boys in South Vietnam, including not only those unnecessarily slaughtered by this unjustifiable McNamara war, but also those who have been wounded.

I wish to make clear to the Senate that I shall look to it, on the basis of a resolution which will be introduced in the near future, to take its stand in regard to McNamara's war in South Vietnam. Senators' constituents are entitled to know where they stand. I have listened to the thunders of silence of the overwhelming majority of the Senate in regard to McNamara's war in South Vietnam. The time has come for the American people to know where their elected representatives in the Congress stand. If Senators are for it, let them rise and say so. If Senators are against it, give those of us who have been willing to lead out on the shocking program of the Johnson administration in respect to McNamara's war in South Vietnam some help to bring to an end this unjustifiable war in South Vietnam.

This is a war between the South Vietnamese. We have not been able to get a witness from the administration before the Foreign Relations Committee who can produce a scintilla of evidence that there are any foreign soldiers in South Vietnam other than U.S. soldiers. If U.S. soldiers were out of there, the evidence seems to be crystal clear that the war would be fought between the South Vietnamese, because whole families are split in civil war.

I yield to no man or woman in the Senate in my opposition to Communist totalitarianism, but I should like to see a little more evidence in the Senate that there is like opposition to Fascist totalitarianism or to military totalitarianism.

We prate about supporting freedom in the world. We are not supporting freedom in South Vietnam with American blood; we are supporting totalitarianism in South Vietnam with American blood. That is why we are losing prestige, standing, and face all over the world.

All around the world, hundreds of millions of people know that the United States talks a good game of freedom, but that its foreign policy, in too many particulars, does not practice it.

In a few days, there will be a meeting of SEATO in Manila, at long last—a good thing. I hope some good results will flow from it, because we are in South Vietnam as a result of the SEATO Treaty. That is the weak reed upon which we lean. In the SEATO Treaty, the United States and the other signatories thereto entered into what is known in foreign relations as a protocol agreement. This protocol agreement provides that the signatories to the treaty consider the South Vietnamese area an area of mutual concern and mutual interest. A regional agreement, designed to protect and promote the peace of an area, falls within the framework of the objectives of the United Nations; that is, such regional agreements are authorized. But, if we enter into such a regional pact, we should carry out its purpose. That is not being done under SEATO. So, if the original pact does not carry out the purpose of preserving the peace, the signatories to the United Nations have a duty to step in.

I am sorry that the United States has not exercised the lead in calling for an extraordinary meeting of the foreign ministers of the SEATO pact, to see what could be done to settle that conflict over there by the application of the rule of law, instead of by the application of American military force.

We are a great country to talk about how we stand for the application of the rule of law. When are we to start practicing it? We almost have to be dragged into every incident where the opportunity exists to practice our professions about standing for the rule of law. We tried to evade the issue in the Cyprus issue. The United States, along with Great Britain, tried to have the Cyprus issue handled by NATO. How? By the use of military intervention. Cyprus is not even a member of NATO; neither is South Vietnam, our puppet state. We brought it into being in 1954. Inasmuch as we brought it into being, we say we are in there because the Government asked us to come in.

What do we say about Russian military forces being in the countries of Eastern Europe? We say that they are Russian puppets. Russia has always excused its shocking and unconscionable course of action in Hungary, and elsewhere in Eastern Europe on the ground that it is in there because those governments want it there. That is as much nonsense as the excuse the United States gives for being in South Vietnam. The reasons given are phony. They are intellectually dishonest reasons. We should not be a party to such a course of action.

If the SEATO members do not wish to work out a program for bringing peace in South Vietnam short of killing people, we should take the case to the United Nations. The great danger is that the brush fire will be whipped into a prairie fire, and that there will be an international holocaust.

Unpopular as my position may be in some quarters within the administration and elsewhere, I shall continue to do what I can to keep faith with my basic tenet in the field of foreign policy, namely, my deep conviction that there is no hope for permanent peace, unless we are willing to substitute for the jungle law of military force the law of reason encompassed in the rule of law under international law.

Every time the opportunity comes to resort to the rule of reason as a substitute for the jungle law of force, we should do so. South Vietnam gives us our present opportunity.

As I have previously stated, I never criticize a foreign policy, or any other policy of my Government, without offering what I consider to be a constructive proposal or plan to take its place. Thus, for the past several weeks, I have been saying that we should try to use the peaceful procedures available to us through SEATO, to arrive at a peaceful accommodation for the ending of hostilities in South Vietnam. For want of a better descriptive term, I should like to see the foreign ministers representing the governments signatory to the SEATO Treaty try to arrange a form of SEATO trusteeship on South Vietnam.

We are putting ourselves in a rather weak position if we take the view that we ought to support the present gang that controls South Vietnam for their policies are policies of totalitarianism, policies of tyranny, policies of the police state.

I do not like to see my country associated with the support of that kind of policy. That is what McNamara is supporting in his war in South Vietnam.

If what I propose cannot be done—and I am not sure that it cannot be, because we do not know until we try, although the President of the Philippines does not offer me much encouragement or hope—we should go to the United Nations.

I pointed out that the President of the Philippines announced in Manila a few days ago that the United States should remain in South Vietnam, and urged that the United States continue using military might in South Vietnam. I had asked the President of the Philippines, "Where are the Philippine soldiers in South Vietnam?" I asked to what extent the Philippines were making any contribution to the cost of the operation in South Vietnam.

The President of the Philippines took umbrage. I did not expect him to send me flowers. He did not answer me on the facts, however. He talked about how the Philippines would be glad to send in troops in a joint SEATO action. He used the old diversionary technique of telling about past relationships and the support that the Philippines had given to the United States. We are duly appreciative of that. The Philippine record is glorious. However, that has nothing to do with the failure of the Philippines to propose a joint SEATO action, or a SEATO settlement, or to undertake unilateral action of the kind it recommends for the United States. Because a country has performed well in regard to other obligations does not excuse it from performing well with respect to the instant obligation.

So I say, in reply to the suggestion of the President of the Philippines that we should intensify the war in South Vietnam, that he is missing a great opportunity. He apparently thinks the way to settle the South Vietnam issue is to settle it with bullets and not with reason.

The President of the United States, in a great speech downtown a few days ago, used one of his favorite Biblical quotations about sitting down and reasoning together. I agree with him. That is what we ought to do. I agree that this great teaching of the President ought to apply to South Vietnam.

The President of the United States ought to take the lead in trying to get the SEATO nations to apply the rule of law for the settlement of the holocaust in South Vietnam along any line that falls within the framework of the application of procedures of international law to the peaceful settlement of disputes which threaten the peace of an area and thereby threaten the peace of the world. If it cannot be done through SEATO, we must try to do it through the United Nations. We must let the United Nations try its hand at ending the hostilities in South Vietnam and stopping the killing of people. After all, no bloodletting will ever settle an issue. In the long run it can only entrench for the future intense hatred, when a vanquished party in a military program today will rise again, 10, 20, or 30 years from now. That is the history of so-called military victories.

Military victories seldom produce permanent peace. Military victories only entrench hatred. Sooner or later, like a volcano, that human hatred erupts. A military solution by the United States in South Vietnam can never bring about permanent peace, even though it would seem, after more sacrifice of life and the expenditure of more millions of dollars, to provide but a temporary victory. We ought to take the lead, if SEATO fails, in the United Nations, to try to arrive at a program under which a United Nations trusteeship could be established.

This gives De Gaulle an opportunity to deliver. It gives him an opportunity to deliver in SEATO, also. Let us not forget who signed the SEATO Treaty: France, Great Britain, Australia, New Zealand, Pakistan, Thailand, the Philippines, and the United States. Only the United States is in there. The only foreign soldiers in there are U.S. soldiers. The only foreign soldiers who are dying there are U.S. soldiers.

Do not Members of the Senate consider it strange that all of our alleged allies in the SEATO Treaty, who took the position in 1954 that this is an area of mutual concern and mutual interest, are doing nothing about it except egging the United States on—as the President of the Philippines is doing—to spend more blood and more money to bring to an end the bloodletting in the civil war in South Vietnam?

We ought to find out their reasons. We should know why that is so. I suggested in a speech on the floor of the Senate on the day before yesterday that perhaps they recognize that the white man is never going to be able to prevail in Asia, that the day of the white man in Asia is over.

Great Britain discovered it. France discovered it after killing thousands of the flower of its manhood in Indochina, even though, interestingly enough, we made available to France about a billion and a half dollars to help France conduct the war in Indochina. France was whipped. France was driven out. The people of France brought down a government in protest against the slaughter of the flower of French manhood in Indochina.

I would have my administration take note of the fact that that is an interesting pattern in the history of the world; when the mass of the people finally come to understand that a military course of action is resulting in the unjustifiable killing of their boys, they hold to an accountability the government that is responsible for the killing.

Mr. President, I have been in enough places in the United States in recent months, and I have heard from enough people in the United States in recent months in regard to the unjustifiable McNamara war in South Vietnam, to satisfy me that there is rising a tide of resentment among the American people in respect to the unilateral action of the United States in conducting McNamara's war in South Vietnam. A great many people seem to be concerned about face saving and prestige. What a great opportunity the United States has to strengthen its prestige around the world, to storm the heights of world public opinion and approval, by saying, "We feel that what should be done is for the countries that have signed pacts seeking to bring an end to the threat to the peace in various parts of the world to join in trying to arrive at a peaceful accommodation of the war in South Vietnam." That is my plea. I am not talking about myths. I am talking about a blueprint proposal for bringing to an end what I consider a mistaken American policy.

I sincerely hope that my administration will reappraise, and quickly, McNamara's war in South Vietnam. I shall await the position of the President in regard to the statement of this tinhorn soldier, tyrant, dictator in South Vietnam charging a Member of the U.S. Senate with being a traitor. I want to know what the President's position is in regard to that conduct on the part of this tyrant in South Vietnam. I am going to give the Senate an opportunity to decide what their position is on it, too.

If we have reached the point now where we have gone so far down the road toward the support of totalitarianism in segments of American foreign policy that the totalitarians can proceed to attack and try to undermine the elected representatives of the free people of the United States and the Congress, those same people had better know it.

There is no doubt what their reaction will be if they find out that the administration of this Government will sit in silence while a tyrant whom they are supporting in an unjustifiable military action, proceeds to attack Members of the U.S. Senate as traitors simply because under our system of political freedom and constitutional rights, we Senators exercise the precious checking power which the Constitution gives to the Senate against what we consider to be a mistaken foreign policy and call the hand of tyrants such as the Premier General of South Vietnam.

Then, too, perhaps we had better ponder again that great letter of Thomas Jefferson to James Madison in 1787:

> I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical. Unsuccessful rebellions, indeed, generally establish the encroachments on the rights of the people which have produced them. An observation of this truth should render honest republican governors so mild in their punishment of rebellions as not to discourage them too much. It is a medicine necessary for the sound health of government.

That great early President of the United States recognized the importance to a healthy democracy of honest and sincere dissent in the Halls of this Government. This Senator from Oregon dissents on many things, but he can always be counted upon to fight just as hard in support of a policy of his Government when he thinks that policy can be squared with the facts. I intend to continue to dissent in regard to the unjustifiable war in South Vietnam.

I do not think it is moral. I do not think that this war in South Vietnam, and American support of it, can be squared with American principles of ideals and morality. I intend to express that dissent.

President Jefferson in his historic notes on religion in 1776 wrote:

> No wonder the oppressed should rebel, and they will continue to rebel and raise disturbance until their civil rights are fully restored to them and all partial distinctions, exclusions and incapacitations removed.

That is a fitting transition paragraph to the second item that I rise to discuss; namely, title III of the civil rights bill.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MORSE. Mr. President, no one can improve upon the great language of Thomas Jefferson in his historic notes. And I read the language again:

> No wonder the oppressed should rebel, and they will continue to rebel and raise disturbance until their civil rights are fully restored to them and all partial distinctions, exclusions, and incapacitations removed.

That is the heart of the civil rights fight. That is what the civil rights fight is all about.

I said the other day—and it is a fitting introduction as a preface to my remarks this afternoon—that we must always square our governmental policy with our national ideals and our moral professings. I hold to the point of view that any time a government or a governmental policy cannot be squared with what we all know are sound, moral principles, that policy must be repudiated and changed. The great evil in the discrimination against Negroes in this country ever since the Emancipation Proclamation by reason of our failure to ever deliver the Constitution to them is discrimination that cannot be squared with the Golden Rule. I shall repeat it again and again. Those of us who are seeking to pass a civil rights bill are seeking, to apply the Golden Rule to the Negroes of this country.

We are seeking to keep faith with the principle of religious teaching that runs through all the religions of the world, based upon a belief in one God. Bring to me any of the great religious books which form the foundation teaching of all the major religions in the world—the Torah, the Koran, or the Bible—and I will point out the Golden Rule. It is the moral teaching that all mankind throughout the ages has recognized, to define the relationship of man to man. What do we mean when sometimes we speak of an incident as an illustration of man's inhumanity to man? When we analyze such an incident, we find that the inhumanity existed because the Golden Rule was violated.

Our great teacher Jefferson appreciated that, for it is imbedded in the notes on religion from which I read an excerpt a moment ago as an introduction to my speech on civil rights tonight.

Mr. President, when all is said and done, the 14th amendment merely guarantees to the Negroes that we shall do unto them as we would be done by.

That is the spiritual teaching of the 14th amendment; and what a reflection it is on the history of this Republic that it has been denied and ignored, insofar as the Negroes are concerned, ever since the 14th amendment was adopted.

Mr. President, I may disagree with the President of the United States in regard to a few things, such as the McNamara war in South Vietnam; but I agree with the President on most things, and I fully agree with him on his courageous position on civil rights. Sometime next week—or perhaps I shall wait until Memorial Day, if this debate is still going on then—I shall read, word for word, here on the floor of the Senate, what I consider the greatest speech on civil rights ever uttered in this country since President Lincoln's great Emancipation Proclamation. I referred to the speech by the then Vice President of the United States, now the President of the United States, Lyndon B. Johnson, at Gettysburg, Pa., last Memorial Day. It needs to be read and read and read, over and over again, because when that speech is boiled down to its basic elements, one finds that it is about the Golden Rule—the rule of doing unto others as you would have them do unto you. That is what the great Johnson speech of last Memorial Day really means.

In that speech he made perfectly clear that we must deliver the Constitution of the United States to the Negroes of this country, because, as Jefferson forewarned in the statement of his which I read a few moments ago, when these precious moral rights are denied to minorities, one must expect a reaction of rebellion, or at least of civil disturbance.

I believe that today there confronts the American people on the domestic scene the most serious domestic crisis since 1862, for I believe there are tens upon tens upon tens of thousands of Negroes—not all of them young, but the great majority of them young—who have become imbued with the spirit of martyrdom. We should reflect on what history teaches about martyrdom; we should examine those pages of the history books and should read of the episodes which caused great numbers of martyrs to lay down their lives. We have failed too long to deliver the Constitution of the United States to the Negroes of America; and this may be our last opportunity to deliver it to them without the flowing of great quantities of human blood, for I believe that the martyrs, or those who are holding the attitude of martyrs, among the colored population of this country are not going to wait any longer; they are ready to die for their constitutional rights; but they will not die alone. So I think that today the Senate has an obligation as solemn and as great as that which any Senate since 1862 has had.

All of us can recognize the host of complex problems that the belated deliverance of the Constitution of the United States to the Negroes will create in the next few years. I do not believe the delivery of the Constitution to the Negroes of America will result in immediate tranquillity throughout the Nation. Of course, it will not; but the alternative would be so much more serious and costly to our Republic that we must not think of any proposal to give the Negroes of this country anything less than their full constitutional rights.

Today, all the newspapers publish articles which include statements in response to the questions, "To what extent do you think the bill will be watered down? To what extent do you think compromises will be substituted for full deliverance of the Constitution?"

I say to the Members of the Senate that if they vote for the slightest watering down of the full constitutional rights of the Negroes of this country, such Senators will perform a great disservice to the Nation, and will have to assume their full share of the responsibility for the disturbances that will flow from a failure to give the Constitution in full to the Negroes of America.

Of course, Mr. President, all of us will have to make adjustments; but if we talk to the great Negro statesmen of the country, we find that they are well aware of the fact that there are many problems of a social, economic, and political nature that will arise in the next 10 or 20 years after the Constitution is delivered in 1964 to the Negroes of America. But that situation is a challenge to all of us to perform as citizen-statesmen; it is a challenge to all of us to recognize that, when all is said and done, all of our rights and liberties are, in the last analysis, dependent upon our keeping faith with the controlling principle of our system of self-government—namely, that ours is a government of laws, and that the laws must prevail.

It is neither easy nor pleasant to allude to what I consider to be the dangers involved in a failure to deliver the Constitution of the United States to the Negroes of America, for I still know that when one makes the statements I have made in the past 15 minutes on the floor of the Senate, those who wish to distort, misrepresent, and read intentions, meanings and implications into one's words that are not in fact there, one can be put in a light, in the eyes of some, that will cause him to be misunderstood. But we shall not serve our country well by running away from the ugly realities that are involved in this great problem and being unwilling to discuss them out in the open.

We hear a great deal of discussion in the cloakrooms of what I have been saying on the floor of the Senate for the past 15 minutes. I have never been able to understand politicians who apparently feel that it is all right to discuss in the cloakrooms, problems involving the welfare of our people that are very ugly, frightening, disturbing and involving human relationships, but are unwilling to face them on the floor of the Senate, where they have an opportunity really to inform the American people of what they, as legislators, believe are really basic problems confronting us on the civil rights bill.

We cannot give consideration to what has been happening in Florida in the last couple of days without realizing that what I predict is true as to what will happen if we in the Senate try to duck passage of a bill that would give full deliverance of the Constitution to the Negroes. The warnings of Jefferson will be put into practice in the case of an aroused people who believe that wrongs are being done to them.

How much longer do Senators believe we can continue to use on the bodies of human beings hot shots that are ordinarily used on the bodies of cattle to help in loading them into trucks and corrals?

How much longer do Senators believe we can continue in various parts of the country to use police dogs on human beings who are exercising the precious tenet of Jefferson—the right to rebel when they think that tyranny has been substituted for freedom?

How much longer do Senators believe we can continue in our country using police brutality against Negroes when they demonstrate for the constitutional rights to which they are entitled as a matter of law, but which the Congress of the United States has never had the courage to guarantee to them by legislative implementation of the Constitution?

How much longer do Senators believe that that can go on without the bloodletting to which I earlier referred? I do not believe any longer. We have had it. Time is upon us. There is no time left. We shall either do it in the present session of the Congress or we must prepare for domestic disturbances that will shock not only the country, but the world.

We cannot set up in the United States a "Union of South Africa." The apartheid policy of the Union of South Africa no longer has a place in the United States. We have had it for too long.

Mr. President, I believe I have demonstrated over the years in my discussion of civil rights that I do not believe the civil rights problems is a problem of the Southern States alone. The civil rights problem is a problem of every State in the Republic.

Senators ought to read some of the mail that I have received from my own State. I am glad to say that I am satisfied that it represents a minority of public opinion. But even to have that minority of public opinion on the proposition of abdicating the denial of constitutional rights to the Negroes of our country grieves me. I find it difficult to understand.

I ask Senators to name a State—any State—and I will declare that in that State there is a substantial body of public opinion opposed to delivering the Constitution to the Negroes of America. Those people are as subversive as the Communists. Those people would destroy government by law. Those people would destroy the precious guarantee of equality before law. If we really applied the biases, prejudice, and bigotry of those people, it would tear down our great system of constitutional self-government—government by law—on which all of our liberties and freedom are dependent.

Mr. President, those opposed to full constitutional rights for the Negroes of America are like the Communists—dangerously subversive to our way of life. We must face the issue. Politicians must have the guts to stand up against them. Politicians must have the courage to recognize that it is not important that they stay in the Congress of the United States, but that it is important that so long as they sit in the Congress of the United States they keep faith with the oath of office that they took at the desk of the Presiding Officer each time they were sworn in to uphold the Constitution of the United States. That is the issue, along with the issue of the Golden Rule.

With that introduction to my discussion of title III of the bill, I now turn to my legal argument in support of title III.

Title III of the pending bill is one of the most modest and limited titles of this entire measure. It is almost easier to talk about what is not in it than about what is in it.

The words "title III" arouse memories of the old part III of the original civil rights bill. But what we have before us is a pale and limited portion of the broad scope of part III of 1957.

The subhead of title III is "Desegregation of public facilities." That subhead is fully descriptive of what it contains, and what it authorizes. Its entire text reads as follows:

> SEC. 301. (a) Whenever the Attorney General receives a complaint signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied access to or full and complete utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.
>
> (b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.
>
> SEC. 302. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action. In

> such an action the United States shall be entitled to the same relief as if it had instituted the action.
>
> SEC. 303. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.
>
> SEC. 304. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

Described briefly, section 301 of the title authorizes the Attorney General to bring suit to desegregate State facilities, other than educational institutions, where those suffering a discrimination are unable to bring suit themselves, and where public policy will be served by such a suit.

They key words are "denied access to or full and complete utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college," the latter institutions being covered by title IV.

It is evident that what is covered by this language is infinitely smaller than could, and probably should, be covered by it. It does not authorize original Federal legal action against private persons, nor against all State abuses of constitutional rights guaranteed by the Bill of Rights, nor even against all State violations and abuses of the 14th amendment alone. Its only application is to illegal, unconstitutional State action that denies equal access to facilities owned, operated, or managed by the States and their subdivisions. It does not go to all instances of State denial of equal protection of the law; only to instances of State denial of equal use of its State facilities.

What a modest and inadequate tool. What a statement of the obvious and self-evident. If there is any principle of constitutionalism that has been established and reemphasized, it is that racial discrimination in public institutions is illegal. There are no refinements here of private discriminations, or of whether the licensing of private property for public accommodation and service brings these private services under the prohibitions of the 14th amendment.

The only authority granted the Attorney General to institute suits under title III is carried in section 301 and relates only to denial of equal access to public facilities.

In section 302, the Attorney General is empowered to intervene in a wider selection of cases, but is circumscribed by the necessity of the suit to be commenced by another party. However, to quote the section:

> In such an action the United States shall be entitled to the same relief as if it had instituted the action.

These are the major features of this title. Sections 303 and 304 are brief. Section 303 states that in any action under the title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person. This provision was added on the House floor.

Section 304 emphasizes that nothing in the title shall adversely affect the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

ANALYSIS OF SECTION 301

In my opinion, this is the most significant section of this title. If any part of title III is going to work to advance equal protection of the law and enforcement of the Constitution, it is going to be this section.

First of all, the occasion of Federal initiation of a suit is "whenever the Attorney General receives a complaint signed by an individual." The Attorney General is not self-starting, even under section 301. He can act only upon receipt of a written complaint signed by one or more persons.

This means the action complained of must be real and must have happened to one or more individuals. Beyond that, it must have happened to someone with sufficient interest to write to the Justice Department about it. It cannot be merely an allegation, or a newspaper story, or a rumor. However, no burden of proof lies with the complaining party.

Next, the written complaint must be to the effect that the individual is being deprived of, or threatened with the loss of, his right to equal protection of the laws on account of his race, color, religion, or national origin, by being denied access to or full utilization of any public facility.

Note that denial of equal protection of the laws does not stand alone here. In my opinion, it should. I believe that a moral and legal case can be made that would call upon the Attorney General to act whenever and wherever equal protection of the law is denied by a State, and beyond that, whenever and wherever any constitutional right is denied or infringed by a State or its subdivisions.

But this particular bill before us does not so provide. I wish to make it clear that I would be happier if it did. I wish to make it clear that I would support it, if it did. I wish to make it clear that, in my judgment, in due course of time, we must enact a law that will provide for such protection. But the pending bill relates only to a denial of equal protection of the law which takes the form of denial of access to, or use of, public facilities, by reason of race, color, religion, or national origin.

One must almost weep to record that action by the Attorney General in these matters is still essential 10 years after Brown against Board of Education. There is nothing in these United States, there is no act or failure to act, that is more illegal than segregation of State and local facilities. It is illegal; it is unconstitutional. I believe it is also immoral, un-American, and clearly subversive.

What, after all, is equal protection of the law for, except to guarantee that no privilege of social standing, parentage, party, philosophy, race, religion, or friendships shall affect one's standing not only before the law, but in all public undertakings?

The 14th amendment, from which this title takes its legislative authority, declares that:

> No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Sad to say, title III does not go to more than one small phrase of the 14th amendment. It does not afford help to those whose privileges and immunities of Federal citizenship are being abridged by a State. It does not afford help to those whom a State is depriving of life, liberty, or property without due process of law. It does afford some limited help to those being denied equal protection of the law, insofar as they are being denied equal access to a State facility by reason of race, color, religion, or national origin.

PRESENT TITLE III ONLY SMALL SEGMENT OF 1957 PART III

Part III in the 1957 civil rights bill was the part that was rejected, the part that ended, in effect, being repudiated by the Senate. Because it was repudiated, I refused to vote for the sham bill of 1957, which I have always considered to be a shameful, legislative exhibition of pure, political hypocrisy. Although the Negro organizations of this country lost their heads in criticizing me, I shall always be proud that in 1957 I did not vote for that compromise of principle, that substitution of political expediency for what was right.

This title III is quite a comedown from what we tried to do in part III of the 1957 bill, because in other titles of the bill we were doing a herculean job to try to deliver the Constitution to the Negroes. I hope that in due course of time we will continue to enact legislation which will carry out the deserved objectives of part III of the 1957 bill.

Part III authorized the Attorney General to institute suits for injunctive relief to prevent violations of 42 United States Code, section 1985. That section authorizes private suits by individuals against conspiracies (a) to interfere with Federal offices and as a result injure or deprive another of his rights and privileges as a U.S. citizen.

In this debate, let us never forget that Negroes are U.S. citizens. The color of their skin does not deprive them of U.S. citizenship. It deprives them only of the privilege of enjoying the benefits, in so many particulars, of being U.S. citizens.

So, I repeat: (a) to interfere with Federal offices and as a result injure or deprive another of his rights and privileges as a U.S. citizen; (b) to intimidate or injure parties, witnesses, or jurors involved in any court matter, or obstruct the due course of justice in any State court with intent to deny someone equal protection of the law; and (c) to deprive another of the equal protection of the laws or equal privileges and immunities under the law, or of the right to vote in Federal elections.

The then Attorney General in 1957 furnished a long list of rights that he would be empowered to help protect. These were: The right to be free of mob violence while in Federal custody; the right to be secure from unlawful searches and seizures; the right to assemble peaceably, to be free from unreasonable restraints by State or local officials; the right not to be discriminated against in public employment on account of race or color; the right not to be denied the use of governmentally owned facilities on acount of race or color; the right not to be subjected to racial segregation under compulsion of State authority; the right not to be denied the process of law or equal protection of the law "in other regards," the right to a fair trial; and the right not to be held in peonage. In addition, he indicated that the proposed title would also protect freedom of religion, speech, and of the press.

Of all these rights we sought in 1957 to protect through this procedure, only one is to be protected through this procedure in the present title III—the right not to be denied the use of governmentally owned facilities on account of race or color.

The 1957 part III authorized suits against conspiracies public or private, where the whole gamut of Federal rights could be involved. The present version authorizes suits only against public actions that deny equal access to public facilities.

Clearly no new right is created or guaranteed. The Federal court cases on this point are literally as long as one's arm. All that is created is a new remedy to assure enjoyment of an established right, established by the Constitution and by court decision.

What are they? I shall omit reference to school cases, because they are provided for in title IV of the bill.

By 1963, in *Johnson* v. *Virginia* (373 U.S. 61) the Supreme Court was able to say:

> It is no longer open to question that a State may not constitutionally require segregation of public facilities.

Not for the benefit of the overwhelming audience before me, but for the benefit of the record and for students of law—and I hope for doctorate candidates—and for a public that may be interested to carry out some of the obligations of citizen statesmanship, I now go through the long list of U.S. Supreme Court decisions which have established beyond question of doubt the legal basis of title III.

I am disappointed—because I am always hopeful—that except for a very dear friend on the floor of the Senate, all my other friends who are in opposition to the bill and title III are absent. There is nothing personal about it, of course, of that I am sure. However, I wonder if they are absent because they dislike to hear about the law. I wonder if they are absent because they know there is no answer to the Supreme Court's decisions on this issue. Of course, if one does not have an answer, absence at least is less painful than presence. But for the record I wish to state the proposition again. It goes to the heart of title III. By 1963, in *Johnson* v. *Virginia* (373 U.S. 61) the Supreme Court was able to say:

> It is no longer open to question that a State may not constitutionally require segregation of public facilities.

I say hypothetically and rhetorically to the American people, who will read the statement of the Court, "When did you last travel through certain regions of the United States, where there continues to be an open defiance of this constitutional guarantee? In those travels were you filled with the same heart pangs of sadness that filled me every time I found wonderful people—for they are wonderful people—with this blind spot, continuing to flout openly and defiantly the constitutional guarantees so clearly enunciated by the Supreme Court in Johnson against Virginia?"

In that decision the Court said:

> It is no longer open to question that a State may not constitutionally require segregation of public facilities.

So I ask the question, How was the Court able to arrive at that flat, unequivocal statement? It could because of its long history of rulings on the issue, once Brown against Board of Education established the principle.

Court cases had already required desegregation of beaches and bathhouses in Baltimore—*Dawson* v. *Mayor and City Council of Baltimore,* 220 F. 2d 386 (C. A. 4), affirmed, 350 U.S. 877; golf courses and other facilities of city park in New Orleans—*New Orleans City Park Improvement Association* v. *Detiege,* 252 F. 2d 122 (C.A. 5), affirmed, 358 U.S. 54; golf course in Atlanta—*Holmes* v. *City of Atlanta,* 124 F. Supp. 290 (N.D. Ga.), affirmed, 223 F. 2d 93 (C.A. 5), vacated, 350 U.S. 879; State parks in Virginia—*Tate* v. *Department of Conservation,* 133 F. Supp. 53 (E.D. Va.), affirmed, 231 F. 2d 615 (C.A. 4), certiorari denied, 352 U.S. 838; golf course in Ft. Lauderdale—*Moorhead* v. *City of Ft. Lauderdale,* 152 F. Supp. 131 (S.D. Fla.), affirmed, 248 F. 2d 544 (C.A. 5)—my recollection is that certiorari was denied, which meant only that the Supreme Court sustained the lower court; golf course in Greensboro, N.C.—*Simkins* v. *City of Greensboro,* 149 F. Supp. 562 (M.D.N.C.), affirmed, 246 F. 2d 425 (C.A. 4)—apparently they let it rest there and did not appeal that affirmation; beach and swimming pool in St. Petersburg—*City of Petersburg* v. *Alsup,* 238 F. 2d 830 (C.A. 5)—they stopped at that level; they accepted the decision of affirmation; public recreational facilities in Birmingham and businesses operated in connection therewith—*Shuttlesworth* v. *Gaylord,* 202 F. Supp. 59 (N.D. Ala.); golf courses, swimming pools, bathing beaches, parks, etc., in Portsmouth, Va.—*Holley* v. *City of Portsmouth,* 150 F. Supp. (E.D. Va.); golf course in Texas—*Willie* v. *Harris County,* 202 F. Supp. 549 (S.D. Texas) (Sylvan Beach Park); golf course in Miami—*Ward* v. *City of Miami,* 151 F. Supp. 593 (S.D. Fla.).

In all these latter cases the previous Supreme Court decisions were cited, and the lawyers decided that they had had enough and were willing to abide by the lower Federal court decision.

By 1963, it was "no longer open to question" that the contempt citation of a Negro who refused to sit in a colored section of a Virginia court must be reversed.

Thus, all we do with this section, and in fact with this title, is to provide a new remedy, a new enforcement of an existing constitutional right.

It might fairly be asked, Why not? How can it be argued that constitutional rights belong only to those who can afford them? Who wants to take the position in this debate that the Constitution and its promises are the sole property of people with the means to go to court?

What in the world are the courts, the executive, and the Congress for, if it is not to uphold and enforce the Constitution?

Do opponents of this section want to argue that illegal and unconstitutional State activities should continue unless and until some private citizen can get a case into court? Surely we hold our constitutional rights dearer than that.

It is 10 years past the time when this section, and much more in this area, should have been enacted into law. That alone bespeaks its need. There is no "deliberate speed" qualification to desegregation of these nonschool facilities. The Supreme Court made that quite clear in the Watson case last year, involving public facilities of the city of Memphis. It ordered a prompt desegregation of the facilities in question, stating that the basic guarantees of our Constitution are warrants for the here and now and, unless there is an overwhelmingly compelling reason, they are to be promptly fulfilled—*Watson* v. *City of Memphis,* 373 U.S. 526, 1963.

Every day and every week, hundreds of thousands of American citizens are losing precious rights by the absence of enforcement provisions for the right to equal protection. The courts have met their responsibilities, but they can act only in cases brought before them. The executive and the Congress have dragged their heels for 10 years. I said in 1957 and in 1960 that it was time for us to act. In 1964, it is a national disgrace that we have not yet done so.

MEANING OF STATE FACILITIES

The denial of equal access to public facilities covered by the section is to those "owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV."

The import of this language is to bring in the Federal executive to help desegregate State and local hospitals, swimming pools, golf courses, beaches, parks, clinics, auditoriums, and stadiums, libraries, court rooms, National Guard armories, and all other facilities and institutions of a public nature. The context of the hearings makes it clear that what is contemplated by "public facilities" are tangible physical ones, as distinguished from State programs and activities. This, too, is a marked limitation on Federal action.

I disagree with it. I would that the bill were broader, but it is not in this section.

What is owned or operated by the State is fairly evident. What is managed by or on behalf of the State is not quite so evident.

Opponents have charged that this could include businesses licensed by the State or regulated by the State, or subject to price regulation by public authority.

In my judgment, that is a facetious charge that derives largely from the literature of the John Birch Society. It smacks of those who claim they are working for the Government for 3 months out of every year because they pay Federal taxes amounting to a quarter of their total income.

To complain that the State is "managing" one's business because it sets forth certain statutory requirements and regulations is a frivolity that has no relationship to title III. As a matter of fact, to those who make this complaint I would say that we deal with discriminations by licensed and interstate businesses in title II. not in title III.

What a facility "managed on behalf of the State" would be under this section is primarily the one that is turned over by the State to a private operator in order to evade the 14th amendment. This has been done, and is being done. The courts have already dealt with it. They have not tolerated these evasions. Therefore, the Congress should not encourage or accelerate them by limiting these suits to the prima facie cases of State ownership and operation.

Here again, section 301 does not create any new right or any new legal principle. The language, too, seeks to deal with clear constitutional rights as outlined and defined by the Federal courts.

In *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961), the Supreme Court held that in view of all the circumstances of the case, including the facts that the restaurant in question was physically and financially an integral part of a public building, built and maintained by public funds, devoted to a public parking service, which building was owned and operated by an agency of the State for public purposes, the State was a joint participant in the operation of the restaurant and the refusal of the restaurant owner to serve a Negro on account of his race violated the equal protection clause of the 14th amendment. Where the State leases public property in such a manner and for such a purpose the proscriptions of the 14th amendment must be complied with by the lessee as certainly as though they were binding covenants written into the agreement itself.

Cases on the same point are *Muir* v. *Louisville Park Theatrical Association*, 347 U.S. 971, vacating and remanding, 202 F. 2d 275 (C.A. 6)—leased open air theater; *Aaron* v. *Cooper*, 261 F. 2d 97 (C.A. 8)—leased school; *City of Greensboro* v. *Simkins*, 246 F. 2d 425 (C.A. 4), affirming 149 F. Supp. 562 (M.D.N.C.)—leased golf course; *Derrington* v. *Plummer*, 240 F. 2d 922 (C.A. 5), certiorari denied, 353 U.S. 924—leased cafeteria; *Coke* v. *City of Atlanta*, 184 F. Supp. 579 (N.D. Ga.)—leased airport restaurant; *Jones* v. *Marva Theatres*, 180 F. Supp. 49 (D. Md.)—leased motion picture theater; *Tate* v. *Department of Conservation*, 133 F. Supp. 53 (E.D. Va.), affirmed, 231 F. 2d 615 (C.A. 4), certiorari denied, 352 U.S. 838—leased beach; *Nash* v. *Air Terminal Services*, 85 F. Supp. 545 (E.D. Va.)—leased airport restaurant; *Lawrence* v. *Hancock*, 76 F. Supp. 1004 (S.D. W. Va.)—leased swimming pool. Although these decisions are rested on various grounds—in some, that the lease was a technique of evading State responsibility; in others, that the property, though privately operated, was being used for a public purpose—they have been uniform in reaching the conclusion that the discrimination effectuated by the lessee was constitutionally forbidden.

We are dealing with subterfuge, evasion, trickery, and downright cheating. That is what the courts have spoken out against and ruled against. The courts have said to those who would evade the 14th amendment: "You cannot do it by these improper and intellectually dishonest means."

I say again, as I said some weeks ago, that I wish that the executive branch of the Government and the Congress could point to such a glorious record of protecting the civil rights of the Negroes of the country as our courts can point to.

Our courts have been so far ahead of the Congress and of the executive branch of the Government that, as we approach our responsibility in connection with passing the civil rights bill, we should do it with both humility and shame. Our record has been a sorry record; but this is the time to correct it. The bill gives us a great opportunity to correct it.

In Derrington against Plummer, a restaurant was constructed in the basement of a new courthouse building. After completion, the space was leased to a private party, for operation. Following a refusal of service, several Negroes brought suit to enjoin the county from leasing to any tenant who practiced such discrimination. In sustaining an injunction issued by the district court, the fifth circuit held that the action of the lessee was not mere private conduct, but partook of State action. I read from the court's opinion (240 F. 2d at 925–926):

> Assuming no purpose of discrimination on the part of the county in the renewal of the lease, and further assuming no express reservation of control by the terms of the lease to prevent discrimination, * * * the basement of the courthouse can by no means be termed surplus property not used nor needed for county purposes. To the contrary, the courthouse had just been completed, built with public funds for the use of the citizens generally, and this part of the basement had been planned, equipped and furnished by the county for use as a cafeteria. Without more justification than is shown in this case, no court could countenance the diversion of such property to a purely private use.
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> * * * * *
>
> If the county had rendered such a service directly, it could not be argued that discrimination on account of race would not be violative of the fourteenth amendment. The same result inevitably follows when the service is rendered through the instrumentality of a lessee; and in rendering such service the lessee stands in the place of the county. His conduct is as much state action as would be the conduct of the county itself.

I have read that part of the Court's opinion because it describes the kind of intellectual dishonesty that those county officials resorted to, in their attempts to evade their clear obligations under the 14th amendment. A new courthouse had been built, and a cafeteria was installed in it. The cafeteria was installed by use of the taxpayers' money. Those officials did not want Negroes to eat in the cafeteria, but the officials knew that Negroes would have to be allowed to eat in it if it was operated as a public cafeteria. So they leased the cafeteria to others.

As we say, the Court pierced the veil of hypocrisy and intellectual dishonesty. The Court did not even look at the motivations for the lease, but only at the facts. So, by the clear statement I have just read, the Court squashed that subterfuge, and ruled that the 14th amendment applied. Let the great decision in that case be a warning to those who think that following the enactment of the pending bill they may be able to undermine and to "termite" the bill with even a subterfuge. The courts are away head of them; the courts are not given to the sort of political hypocrisy that so many of our county officials and State officials and municipal officials have resorted to in their attempts to make the 14th amendment meaningless, insofar as the Negroes of this country are concerned.

Similarly, in Nash against Air Terminal Services, Inc., supra, the plaintiff was refused service in a privately run concession at the Washington National Airport. I well remember that case. I knew something about its origins and about the steps which were taken to call attention to that subterfuge at the Washington National Airport, and I knew some of the Negroes who had the good citizenship to offer themselves as the necessary examples, so that suit could be brought to bring to an end the shocking discrimination against Negroes at the Washington National Airport, on the border of the Capital of the United States itself.

The Court found—85 F. Supp. at 549—that the plaintiff had been denied his rights under the 14th amendment since the restaurant was operated "too close, in origin, and purpose, to the functions of the public government to allow them the right to refuse service without good cause." And in Coke against City of Atlanta, Ga., the court appears to have discarded the exception suggested in the Derrington opinion, that is, that property not used or needed for governmental purposes may be operated free of the restrictions of the 14th amendment. Although it found that property at the Atlanta Airport Terminal leased as a restaurant was not used or needed for city purposes, the court held (184 F. Supp. at 585):

> Under the facts in this case the Court holds that the conduct of Dobbs Houses, Inc. (the lessee) is as much State action as would be similar conduct of the city of

> Atlanta itself and that the discrimination practiced by Dobbs Houses, Inc. in refusing to serve Negroes except upon a segregated basis is violative of plaintiff's rights as a Negro citizen under the equal protection provision of the 14th amendment.

While the cases involving leases of Government property deal with variant factual situations, they have one element in common: All of them involved facilities which, although operated by nongovernmental lessees, were open to the public generally. Under such circumstances at least, where one segment of the general public is singled out and refused service solely because of race or color—

> The right of citizens to use public property without discrimination on the ground of race may not be abridged by the mere leasing of the property.

City of Greensboro v. *Simkins*, 246 F. 2d 425, 426 (C.A. 4).

The words "managed by the State" and "managed on behalf of the State" are intended to apply to the same facility before and after it has been turned over to private management, especially when done in an effort to evade a constitutional obligation of the State.

A bona fide sale of a facility would not be affected by the language. The exact nature of the transaction and its terms would be subject to court findings on a case-by-case basis. Where the facility is believed to be managed or operated privately only as a facade for a public authority, then the Attorney General has authority to bring suit. Whether he is successful or not will, of course, depend upon the facts he is able to bring out in court.

FURTHER LIMITS ON BRINGING OF SUITS

Since I am going through the language of this section in order, it would appear up to now that the Attorney General may act promptly on receipt of a written complaint.

But not so. He first must find that the complainants are "unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly desegregation in public facilities."

The pertinent guidelines to who is to be deemed unable to initiate and maintain suits are set forth in paragraph (b) of section 301. It states:

> The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

I have already alluded to the necessity and desirability of bringing constitutional rights within the grasp of every American, rich or poor. This is especially important when the other party in the suit is a State or one of its subdivisions. Here, after all, are extensive financial resources.

Sometimes we hear complaints that in Federal cases, the individual is overwhelmed by the forces of the Federal Government. But let us not forget that in these cases, the individual confronts the forces and resources of a State, which can be just as overwhelming to a person of modest means.

It would also be virtually self-evident that consideration must be given to the vulnerability of the complaining party to local economic reprisal. This is why there is no requirement that the name of the complainant be revealed. In cases where the complainant brings suit in his own behalf, he is often subjected to economic harassment.

The final limitation upon the Attorney General in deciding whether to bring suit is whether the action will materially further public policy. It is the purpose of this qualification to limit the Federal actions to the general classes of State action that are most widespread and where a court decision can have the greatest impact.

NO SIMILAR LIMITATIONS IN OTHER STATUTES

These limitations in title III are remarkable ones. They are not found in the other statutes authorizing the Attorney General to bring suit. These limitations are unique to these equal protection cases.

But they are in the bill. I am not in favor of them; I would not have them in it, if I had my way. I believe the Attorney General is the legal agent of the Federal Government, and that his powers and services should be brought to bear wherever the constitutional rights of a citizen have been violated or denied.

That ought to be the principle. Wherever it can be shown that the constitutional right of an American is abridged or denied, the Attorney General of the United States ought to have the legislatively implemented power to move in to protect the public interest, because he would be protecting the public interest as well as the individual concerned. That is an interest dear and valuable to each one of us.

I point out that although I would go much further than the bill would go, the fact that we have these limitations in regard to civil rights cases in the bill is a complete rebuttal to the opponents of the bill who say that we are seeking to give authority to the Attorney General that is supposed to be in some way and some how an unjustifiable authority, whereas he has such authority in connection with many other statutes, as I shall show, where property rights, not human rights, are involved.

What a commentary that in 1964 we are willing to give broader intervening authority to the Attorney General of the United States in protecting property rights under statutes than protecting human rights under statutes.

But I suppose with all the problems we have in connection with the bill, in view of the fact that at least we shall be protecting a great principle in implementing constitutional rights in title III by giving to the Attorney General the intervening authority, although limited in scope, which the bill would give, we ought to be pleased that we have moved that far down the road toward delivering the Constitution to the Negroes of America.

So I shall support the bill, although I would prefer it to be even more comprehensive than it is on that particular legal point that I have discussed in the last 5 minutes. Perhaps it can be said with some justification that the Justice Department could not and should not handle so much litigation and that it should be confined to cases having broad national impact. That is supposed to be a standard of the Supreme Court in deciding which cases to accept.

But I am willing to quarrel with that point of view. I am willing to vote for authority for the Justice Department to bring proceedings against any action, public or private, on behalf of any citizen, rich or poor, where any constitutional right is involved. If not the Attorney General, then perhaps local Federal attorneys should be authorized to handle these cases. After all, we have lower Federal courts. They take what the Supreme Court cannot take.

One of the great tragedies of this whole subject is that the Justice Department is authorized to bring suit in statute after statute that involves property rights, and with no squeamish limitations on the wealth of the complaining party or the national impact of the case.

For all the well-heeled organizations that are propagandizing this Nation up one side and down the other about this bill being a "Federal power grab," I ask: Why is it only a power grab when it is personal, human rights that are sought?

A businessman with any interest in the fishing industry, in agricultural products, navigation of rivers, electric utilities, advertising, freight, fur products, marketing of securities, wool products, stockyards, sugar, water carriers, trademarks, natural gas, aviation, small business investment companies, and with any interest in labor relations and union activities, has many recourses to the Justice Department or to some other Federal agency to come to his relief with legal proceedings, usually against a competitor.

That is all right. I do not claim it is not. But we cannot reconcile it on any principle of granting equality of rights. It would grant to people involved in nonproperty cases—human-rights cases—the same right given to those involved in property-right cases. If it is all right to give such sweeping powers of intervention to the Attorney General or to counsel for other Federal agencies in connection with all of the property-right problems, what in the world is wrong with giving the same powers to protect the rights that are equally precious; namely, human rights?

Most of these are statutory rights and practices. They authorize Federal enforcement of a public policy laid down in a statute.

What is at stake here is enforcement of a constitutional right laid down in the 14th amendment—certainly not of inferior importance. Certainly a constitutional right is of as great importance as a statutory right.

One of the House opponents of the bill has furnished a list of statutes under which the Attorney General or some other Federal officer is authorized to commence injunctive proceedings.

I thank him for helping me prove my case. It so often happens in a lawsuit that we get our greatest help from our opponent. Very often he presents the very information that wins the case for the other side. So I thank that opponent of civil rights on the House side for supplying me with the list of proof. It bears out the thesis which I have been discussing in the last few minutes.

That list of statutes under which the Attorney General or some other Federal officer is authorized to commence injunctive proceedings against individuals in these cases reads as follows:

Antitrust laws, restraining violation—by U.S. attorney under direction Attorney General (15 U.S.C. 4, July 3, 1890).

Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade—by Department of Justice (15 U.S.C. 522, June 25, 1934).

Association of producers of agricultural products from restraining trade—by Department of Justice (7 U.S.C. 292, Feb. 18, 1922).

Atomic Energy Act, enjoining violation of act or regulation—by Atomic Energy Commission—by Attorney General (42 U.S.C. 1816, Aug. 1, 1946).

Bridges over navigable waters, injunction to enforce removal of bridges violating act as to alteration of bridges—by Attorney General (33 U.S.C. 519, June 21, 1950).

Clayton Act, violation of enjoined—U.S. attorney under direction of Attorney General (15 U.S.C. 25, Oct. 15, 1914).

Electric utility companies, compliance with law enforced by injunctions—by Federal Power Commission (16 U.S.C. 825m, Aug. 26, 1935).

False advertisements, dissemination enjoined—by Federal Trade Commission (15 U.S.C. 53, Mar. 21, 1938).

Freight forwarders, enforcement of laws, orders, rules, and so forth, by injunctions—by Interstate Commerce Commission or Attorney General (49 U.S.C. 1017, May 16, 1942).

Fur Products Labeling Act, to enjoin violation—by Federal Trade Commission (15 U.S.C. 69g, Aug. 8, 1951).

Enclosure of public lands, enjoining violation—by U.S. attorney (43 U.S.C. 1062, Feb. 25, 1885).

Investment advisers, violations of statute, rules and regulations governing, enjoined—by Securities and Exchange Commission (15 U.S.C. 80b-9, Aug. 22, 1940).

Gross misconduct or gross abuse of trust by investment companies, enjoined—by Securities and Exchange Commission (15 U.S.C. 80a-35, Aug. 22, 1940).

Use of misleading name or title by investment company, enjoined—by Securities and Exchange Commission (15 U.S.C. 80a-34, Aug. 22, 1940.)

Violation of statute governing, or rules, regulation, or orders of SEC by investment companies, enjoined—by Securities and Exchange Commission (15 U.S.C. 80a-41, Aug. 22, 1940).

Fair Labor Standards Act, enjoining of violations—by Administrator, Wage and Hour Division, Department of Labor, under direction of Attorney General (see 29 U.S.C. 204b, 29 U.S.C. 216c, 217, June 25, 1938).

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction—by U.S. attorney (see 29 U.S.C. 921a, 33 U.S.C. 921, Mar. 4, 1927).

Import trade, prevention of restraint by injunction—by U.S. attorney, under direction of Attorney General (15 U.S.C. 9, Aug. 27, 1894).

Wool products, enjoining violation of Labeling Act—by Federal Trade Commission (15 U.S.C. 68e, Oct. 14, 1940).

Securities Act, actions to restrain violations—by Securities and Exchange Commission—15 U.S.C. 77t, May 27, 1933).

Securities Exchange Act, restraint of violations—by Securities and Exchange Commission (15 U.S.C. 78u, June 6, 1934).

Stockyards, injunction to enforce order of Secretary of Agriculture—by Attorney General (7 U.S.C. 216, Aug. 15, 1921).

Submarine cables, to enjoin landing or operation—by the United States (47 U.S.C. 36, May 27, 1921).

Sugar quota, to restrain violations—by U.S. attorney under direction of Attorney General, see 7 U.S.C. 608(7), and 7 U.S.C. 608a-6, May 9, 1934.

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC—by ICC or Attorney General (49 U.S.C. 916, Sept. 18, 1940).

Flammable Fabrics Act, to enjoin violations—by Federal Trade Commission (15 U.S.C. 1195, June 30, 1953).

National Housing Act, injunction against violation—by Attorney General (12 U.S.C. 1731b). This code citation was repealed.

Defense Production Act (50 U.S.C. appendix 2109, July 31, 1951).

National Labor Relations Act (Taft-Hartley Act) (29 U.S.C. 160 (L), June 23, 1947).

Rent control cases (50 U.S.C. 1896, Mar. 30, 1949).

Federal Food, Drug, and Cosmetic Act (21 U.S.C. 232, June 25, 1938).

Trademark infringement (15 U.S.C. 1116, July 5, 1946).

Rubber Act of 1948 (50 U.S.C. 1933, Mar. 31, 1948).

International Wheat Agreement Act (7 U.S.C. 1642, Oct. 27, 1949).

Natural Gas Act (15 U.S.C. 1717s, June 21, 1938).

Perishable Agricultural Commodities Act (7 U.S.C. 499k, June 10, 1930).

Shipping Act of 1916 (46 U.S.C. 828, Sept. 7, 1916).

Federal Plant Pest Act: Secretary of Agriculture may seek injunctive relief to enforce orders relating to treatment and disposal (7 U.S.C. 150dd(b); Public Law 85-36 (71 Stat. 33), May 23, 1957).

Civil Rights Act of 1957: Attorney General may ask for injunctive relief to prevent illegal practices relating to voting rights (42 U.S.C. 1971(c); Public Law 85-315 (71 Stat. 637), September 9, 1957). That was a highly limited power.

Federal Aviation Act of 1958: Board or Administrator may seek injunctive relief to enforce rules, regulations, et cetera, (49 U.S.C. 1487; Public Law 85-726 (72 Stat. 796), August 23, 1958).

Textile Fiber Products Identification Act: Federal Trade Commission may seek injunctive relief to restrain unlawful acts (15 U.S.C. 70f; Public Law 85-897 (72 Stat. 1721), September 2, 1958).

Federal Hazardous Substances Labeling Act: Permits injunctive relief to restrain violations of the act (15 U.S.C. 1267, 1268; Public Law 86-613 (74 Stat. 378), July 12, 1960).

Fair Labor Standards Amendments of 1961: Permits injunctive relief of any withholding of payment of minimum wages or overtime found by the court to be due employees (29 U.S.C. 217; Public Law 87-60 (75 Stat. 74), May 5, 1961).

Federal Water Pollution Control Act Amendments of 1961: Attorney General may bring suit for abatement of pollution (33 U.S.C. 466g(f); Public Law 87-88 (75 Stat. 209), July 20, 1961).

Small Business Investment Act Amendments of 1961. Injunctive relief is authorized to restrain violations (15 U.S.C. 687c(a); Public Law 87-341 (75 Stat. 755), October 3, 1961).

Welfare and Pension Plans Disclosure Act Amendments of 1961. Injunctive relief to enjoin improper acts or practices (29 U.S.C. 308(f); Public Law 87-420 (76 Stat. 38), March 20, 1962).

What a recital of our concern for property and economic rights. Only 1 of these 45 laws deals plainly with a personal, constitutional right.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CASE. The Senator is making a fine exposition of the law. I wonder if he would mind if I punctuated it at this point.

Mr. MORSE. I shall be delighted to have the Senator do so.

Mr. CASE. Does the Senator recall where in all those acts except the 1957 act, in relation to voting, the safeguards around the defendant were so great as in that case—as, for example, the requirement of trial by jury for enforcement, by contempt, of a court's decree, and so forth? Is that not also an anomaly?

Mr. MORSE. That is quite true.

Mr. CASE. I was struck by the list of instances in which the Federal power, by way of enforcement through injunction, brought by the Attorney General or other Government agent, has been granted with great freedom, but, in the particular area of civil rights, with very great restraint.

Mr. MORSE. I am glad the Senator from New Jersey has made the point. As the Senator knows, I led the fight in 1957 on the floor of the Senate against the trial-by-jury requirement for contempts of the injunctions. I voted against the bill because that provision was in it. In that speech of 1957, I traced the history of the common law in respect of the inherent right of a court to protect its own integrity by the contempt power, with no jury trial guarantee. The courts cannot maintain themselves otherwise.

The people have a check against the courts. They have the check of impeachment. In many jurisdictions they have the check of recall. In many States there is the check of elections with regard to State judges.

It is unthinkable that the court should give away its inherent power to protect itself when bigotry and prejudice and mob psychology stalk a jurisdiction. How can a system of government by law be maintained when the courts are not protected in their inherent right to protect themselves?

Mr. CASE. Mr. President, will the Senator yield further?

Mr. MORSE. I yield to the Senator from New Jersey.

Mr. CASE. Again to emphasize the point—only in those instances to which the Senator has referred is that limitation required.

Mr. MORSE. Only in those instances is that limitation required.

Whom do we think we are fooling by that limitation? I was so disturbed by it that, as a lawyer, I could be no party to it. As a teacher of the common law for years, I refused to walk out on what I know is one of the great guarantees of our freedom—namely, the preservation of the inherent right of a court to protect its own integrity.

We all knew at that time that in jurisdiction after jurisdiction we threw away, by the adoption of that provision, all protection for the Negro. Do not forget that these are Federal courts. They have been courageous in the North and in the South. They have held firm and fast to constitutional guarantees. And yet it was sought to give mob psychology, dressed up with a jury, power to destroy the integrity of a court by refusing to support the enforcement of its contempt powers.

Mr. President (Mr. McGovern in the Chair), do we hear that the rights of individuals are disappearing? Is there a feeling abroad in this land that personal rights are being curtailed and infringed? That the human being is lost in a world of big business, big labor, and big government?

If so, here is one of the reasons for it. Government is being used to arbitrate and enforce property rights, but it is not being used to arbitrate and enforce personal freedoms derived from the Constitution.

There is a great, huge, and ominous gap between the individual, especially the colored individual, and the Federal court which is the personification of the Constitution. That is why we are living in a decade of sit-in and other demonstrations. The legal means of obtaining and enjoying personal rights are missing. They are absent. That is in part the fault of the executive branch; but even more, it is the fault of Congress.

We have failed to enact appropriate legislation for the enforcement of the 14th amendment. Until we do, the results of our failure must be on our own heads.

APPROPRIATE RELIEF

Finally, in section 301, the Attorney General may institute a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate.

This language does not permit the Attorney General to "shop around." He is required to bring the proceedings in the Federal court of the district where the violation was alleged to have occurred, in accordance with the general rules of jurisdiction.

The "appropriate relief" could take the form of a preventive relief, such as an injunction, or any other order needed to remedy the violation. Or it could take the form of a court plan for an orderly and progressive desegregation of the facility in question.

I expressed some apprehension several days ago about the presence of the words "preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order," which may be sought by the Attorney General under title II. These words do not appear in title III nor in the other titles. They call instead for "appropriate relief." It would be my opinion that "appropriate relief" would be preventive relief of the kind described in title II, and not damages or criminal penalties.

However, when it comes time to consider amendments to H.R. 7152, this is one area that could be spelled out more consistently.

ANALYSIS OF SECTION 302

Section 302 of title III permits the Attorney General to intervene in cases already commenced by others claiming denial of equal protection.

It states:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action.

Here again, the action of the United States is limited to cases involving equal protection of the law, and that only on the basis of race, color, religion, or national origin.

It is not a blank check for the United States to involve itself in suits claiming denial of free speech, free assembly, free press, picketing, due process, or unreasonable searches and seizures, except where it is alleged that these denials were due to the race, color, or national origin of the party.

This, too, I regard as an unfortunate limitation. If a suit is broad enough to include denial of equal protection among other things, then the United States will have its invitation to intervene, and it will not matter whether the equal protection charge stands or falls.

But I consider the abuse and harassment of peaceful demonstrators that has occurred in many places to be violations of the due process rights of citizens without regard to the color or the purpose of the demonstrators. If I have the chance, I shall vote to broaden this language of the bill.

I say this because one of the commonly cited cases in this area is *Edwards* v. *South Carolina* (372 U.S. 229, 1963). In this case, Negro demonstrators were arrested and convicted for breach of the peace. The Court, finding that the demonstrators had been orderly, reversed their convictions, with these words:

> In arresting, convicting, and punishing the petitioners under the circumstances disclosed by this record, South Carolina infringed the petitioner's constitutionally protected rights of free speech, free assembly, and freedom to petition for redress of grievances.

It does not seem to me that denial of equal protection should also have to be charged before the United States interests itself in these illegal actions.

But I am explaining the conditions and limitations that are contained in the present version of H.R. 7152. The equal protection consideration is not a minor or insignificant one. As long ago as 1951, the Fifth Circuit Court of Appeals held in *Lynch* v. *U.S.*, 189 F. 2d 476 (C.A. 5, 1951), certiorari denied 342 U.S. 831 (1951) that persons under arrest have a right to be tried and punished in the same manner as others accused of crime, and they have an equal right to protection from injury by officers having them in their charge. An injustice done to one person is an injustice to all. In this case, Negroes in custody of a Georgia sheriff had been turned over to the Ku Klux Klan.

Ten years later, when local police failed to protect freedom riders in Montgomery, Ala., a Federal district court said:

> The failure of the defendant law enforcement officers to enforce the law in this case clearly amounts to unlawful State action in violation of the equal protection clause of the 14th amendment.

(*United States* v. *U. S. Klans*, 194 F. Supp. 897 (H.O. Ala., 1961).)

AUTHORITY TO INTERVENE

The importance of section 302 is that it authorizes Federal participation in suits brought by others in these cases. There is no present statutory authority for such intervention. Existing statutes permit intervention where the constitutionality of a Federal statute is in question. It was under this authority that the United States became party to the case which struck down the legality of the "separate but equal" clause in the Hill-Burton hospitals.

The United States may always file a brief as amicus curiae; but this does not give it standing as a party, able to secure the same relief as a party.

The words "may intervene" are permissive to the Attorney General, but they are a directive to the court. When the motion is entered, it is not discretionary with the court to accept or reject the United States as a party. Intervention is accomplished with the filing of the appropriate motion. Thereafter, the United States is entitled to the same relief as the original party on whose behalf it intervened.

It is obvious that there are inherent limits on what can be done under this section. A police brutality, assuming it stems from the purpose or the color of the victims, cannot be rectified after the fact by any preventive relief.

In most cases, the Federal interest can only be acted on when suit is brought in a Federal court for relief from a continuing State action, or from the legal consequences of an act that has previously occurred. The State action, however, need not have been involved in the original incident; it may be merely the State's administration of justice from which relief is sought. Most of the cases in which intervention would occur would be those asking that a State prosecution be dismissed or a State legal action enjoined.

LEGISLATIVE AND EXECUTIVE ACTION NEEDED

It is evident from what I have said that the provisions of title III are extremely modest. If I have any complaint about them, it is that they are too modest.

So, in my opinion, have the actions of the Justice Department been inadequate in civil rights cases. It has exercised powers without legislative authority in certain areas of national interest that it denies it can exercise in protection of personal rights.

The well-known opinion of Judge Wisdom in United States against City of Jackson, Miss., has often been mentioned as an invitation to the Justice Department to initiate proceedings to protect constitutional rights, with or without statutory authority. Speaking for the Fifth Circuit Court of Appeals, Judge Wisdom pointed to cases going back to In re Debs of 1895, to show that the Federal Government has standing, even without legislative authorization, to initiate injunctive proceedings to remove burdens on interstate commerce.

The Justice Department itself has relied upon the Debs case to institute proceedings against Louisiana and Alabama municipalities when segregation of interstate facilities was challenged, when failure to protect interstate freedom riders was involved, and when segregation of airline terminals was involved.

To quote Judge Wisdom's recital of these cases:

> Debs has been relied on as a basis for standing in three recent cases in this circuit: *United States* v. *Lassiter,* W.D. La. 1962, 203 F. Supp. 20, aff'd 371 U.S. 10, 83 S. Ct. 21, 9 L. Ed. 2d 47; *United States* v. *Klans,* M.D. Ala. 1961, 194 F. Supp. 897; and *United States* v. *City of Montgomery,* M.D. Ala. 1962, 201 F. Supp. 590.
>
> In Lassiter, as in the instant case, the defendants were bus and rail carriers as well as State officials. Also as in this case, the burden on commerce was the segregation of passengers in terminals having separate waiting rooms with segregation signs. The three-judge court, among other bases for the Attorney General's standing, relied upon the Debs principle that the executive branch had the power to seek an injunction against "unconstitutional interference with and burden upon interstate commerce." The court cited Klans with approval.
>
> Klans was a suit by the United States to enjoin various Ku Klux Klans and certain State officials, including the Alabama Attorney General and local officials, from committing acts of violence against freedom riders and from permitting others to interfere with interstate travelers. The Court held that the failure of the defendant law enforcement officers to enforce the law amounted to unlawful state action in violation of the Fourteenth Amendment. The unlawful state action therefore was analogous to violations of the Fourteenth Amendment in Lassiter and in the instant case. Judge Johnson [concluded] that this action [was] brought by the United States to protect the interest of citizens of the United States in the free and unobstructed movement of interstate commerce and in the exercise of the constitutional power of the United States over such commerce. The court, relying on Debs, recognized the standing of the United States:
>
> "The national government * * * is charged, therefore, with the duty of keeping those highways of interstate commerce free from obstruction, for it has always been recognized as one of the powers and duties of a government to remove obstructions from the highways under its control." 194 F. Supp. at 902.
>
> In *United States* v. *City of Montgomery,* the Government sued to desegregate airline terminals. Judge Johnson held that the Government had both statutory standing to enforce the nondiscrimination clause of the Federal Aviation Act, 49 U.S.C. § 1487(b), although it refers only to "air carrier" and standing under the Debs principle "to maintain an action to relieve burdens on interstate commerce."
>
> Later, Judge Wisdom said:
>
> In an important case, *United States* v. *San Jacinto Tin Co.,* 1888, 125 U.S. 273, 8 S. Ct. 850, 30 L. Ed. 747, the Attorney General brought suit to set aside a land patent obtained by fraud. The Supreme Court held:
>
> "[N]otwithstanding the want of any specific authority to bring an action in the name of the United States to set aside and declare void an instrument issued under its apparent authority, we cannot believe that where a case exists in which this ought to be done it is not within the authority of that officer to cause such action to be instituted and prosecuted." 125 U.S. at 279, 8 S. Ct. at 852.
>
> In *United States* v. *American Bell Telephone Co.,* 1888, 128 U.S. 315, 9 S. Ct. 90, 32 L. Ed. 450, the Court upheld the right of the United States to maintain without statutory authorization a bill in equity to cancel a patent for an invention fraudulently obtained. Referring to San Jacinto Tin, the Court said:
>
> "This language is construed by counsel for the appellee in this case to limit the relief granted at the instance of the United States to cases in which it has a direct pecuniary interest. But it is not susceptible of such construction. * * * The essence of the right of the United States to interfere in the present case is its obligation to protect the public from the monopoly of the patent which was procured by fraud, and it would be difficult to find language more aptly used to include this in the class of cases which are not excluded from the jurisdiction of the court by want of interest in the Government of the United States." 128 U.S. at 367, 9 S. Ct. at 97.
>
> In *Sanitary District of Chicago* v. *United States,* 1925, 266 U.S. 405, 45 S. Ct., 176, 69 L. Ed. 352 the Court sustained a suit for the removal of obstructions to interstate commerce in navigable waters. Justice Holmes said:
>
> "This is not a controversy between equals. The United States is asserting its sovereign power to regulate commerce and to control the navigable waters within its jurisdiction. * * * The main ground is the authority of the United States to remove obstructions to interstate and foreign commerce. There is no question that this power is superior to that of the States to provide for the welfare or necessities of their inhabitants. In matters where the States may act the action of Congress overrides what they have done. * * * But in matters where the national importance is imminent and direct even where Congress has been silent the States may not act at all." 266 U.S. at 425–426, 45 S. Ct. at 178.
>
> We summarize. At a time when *Plessy* v. *Ferguson* made resort to the Fourteenth Amendment futile, the Supreme Court, in *Morgan* v. *Virginia,* barred State-imposed segregation in transportation because it offended the Commerce Clause. Lassiter, Klans, and City of Montgomery, now reinforced by dicta in *Colorado Anti-Discrimination Commission* v. *Continental Air Lines,* hold that segregation in interstate transportation violative of the Fourteenth Amendment offends the Commerce Clause. Debs, Morgan, Boynton, Lassiter, and Klans together recognize the substantive interest of the United States in the exclusive control over interstate commerce and in protesting the flow of interstate commerce free from interruption and burdensome interference by segregation imposed on travelers whether it be by the States, carriers, or private persons. Debs, Lassiter, Klans, and the City of Montgomery support the direct standing of the United States to protect that substantive interest under the Commerce Clause without benefit of statutory authorizaion.

Judge Wisdom did not go into the possible standing of the United States under the 14th amendment. But there is no doubt in my mind that over the last 50 years, the Justice Department has shown a far more vigorous defense and enforcement of the Constitution where property rights are at stake than it has shown where personal rights are at stake.

As a Member of Congress, which has failed far more completely, I probably am not in a position to point the finger at the Justice Department. It claims it cannot act in the absence of a law, in spite of what Judge Wisdom has said. Congress has failed to enact a law. Both branches of our National Government have failed to uphold the constitutional rights of citizens of this country.

I believe that the Department of Justice is entitled to have language written into the bill so that it will be sure it can act. That is all it is asking for. We should give it to the Department in title III.

Both branches have put political considerations ahead of moral and legal duties. When I say both, I mean this Congress and past Congresses; I mean this executive branch of the Government and past executive branches of the Government. I mean that the executive branch of the Government in recent years and Congress in recent years have lagged far behind the courts. The courts have written a glorious history in protecting constitutional rights.

However, all the courts can do is hand down decisions. We must supply the legislation to implement the Constitution. That is elementary. People are prone to overlook elementary principles. It is elementary that the Constitution of the United States is not self-executing. The courts can decree what the Constitution means. But Congress and the executive branch of the Government must implement the enforcement of the Constitution by Congress enacting legislation, the executive branch enforcing it, and the executive branch proceeding with necessary litigation to carry out the decrees of the courts, and to carry out the guarantees of the Constitution.

Every politician and every citizen who deplores public disorder, and even public demonstrations that are not disorderly, must ask himself these days: What legal avenues are open to these Negro people? The answer is that they have precious few legal avenues except those they can afford by hiring lawyers.

It is not right that our Constitution should be enforceable only by private action. It is not right that its guarantees should exist in limbo until someone can bring a private suit to obtain them. Is that what Americans mean by constitutional government? I do not believe it.

It has been the burden of my presentation that title III is narrow and limited. I think it is too narrow and too limited. I wish it were not so narrow and limited. But it is still important. It is the foundation for enforcement of basic human rights of American citizens, and it deserves to be adopted by this Congress, this year.

Mr. President, in this speech I have tried to lay down the legal foundations for title III. I have also tried to call attention to the moral foundation of title III. I have also tried to forewarn the people of this Republic that the time has already passed us by so far as guaranteeing constitutional rights of the Negroes is concerned.

All we can try to do now is to catch up with our failure to deliver the Constitution, and avoid what I said at the beginning of my speech I am sure will be the greatest domestic crisis since 1860, if we do not enact the implementing legislation to carry out the great promises of the Constitution.

I hope that this Congress, at long last, will keep faith with the oath that each Member thereof took when he was sworn into office to uphold the Constitution.

We default that oath if we fail to pass this legislation.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, in accordance with the order entered April 1, 1964, I move that the Senate stand in recess until tomorrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 48 minutes p.m.) the Senate took a recess, under the order of April 1, 1964, until tomorrow, Friday, April 3, 1964, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 2 (legislative day of March 30), 1964:

ATOMIC ENERGY COMMISSION

Dr. Mary I. Bunting, of Massachusetts, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1965, vice Robert E. Wilson, resigned.

EXPORT-IMPORT BANK

Elizabeth S. May, of Massachusetts, to be a member of the Board of Directors of the Export-Import Bank of Washington, vice James Smith Bush, resigned.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Kathryn W. Goff, Maplesville, Ala., in place of B. N. Hayes, retired.

ALASKA

William P. Koso, King Cove, Alaska, in place of H. D. Larsen, removed.

ARIZONA

Velma R. Billingsley, Cameron, Ariz., in place of L. S. Donaldson, resigned.

Kenneth J. Repp, Glendale, Ariz., in place of R. H. Trueblood, retired.

Clarence J. de Corse, Yuma, Ariz., in place of Eleanor McCoy, deceased.

ARKANSAS

Bernie S. Hargis, Jr., Warren, Ark., in place of V. V. Godwin, retired.

Mable L. Harris, Wilmar, Ark., in place of Homer Pace, transferred.

Burl King, Yellville, Ark., in place of L. H. Cavaness, deceased.

CALIFORNIA

Jack L. Freeman, Bell, Calif., in place of Harry Bergseid, retired.

George B. Kohler, Jr., Berkeley, Calif., in place of F. S. Spires, retired.

Phyllis Z. Watkins, Bieber, Calif., in place of E. A. Harvey, retired.

Kenneth L. Toney, Capistrano Beach, Calif., M. H. Gallagher, retired.

Beula B. Scates, Clements, Calif., in place of F. V. Butler, retired.

Orville K. Jolly, Corning, Calif., in place of R. D. Siler, retired.

Elvery F. Lott, Douglas City, Calif., in place of A. F. Kinne, resigned.

Stanley N. Carkeek, Hesperia, Calif., in place of R. E. Wheeland, retired.

CONNECTICUT

Joseph F. Glynn, Clinton, Conn., in place of F. D. Parker, retired.

Theresa A. Morway, Thompson, Conn., in place of J. J. Morway, deceased.

FLORIDA

Edna B. Hunter, Hastings, Fla., in place of B. S. Allen, retired.

Thomas C. Hazen, Jr., Starke, Fla., in place of G. J. McGriff, Jr., removed.

GEORGIA

Lewis T. Lindsey, Silver Creek, Ga., in place of P. P. Hunt, deceased.

IDAHO

Carol J. Nitz, Elk City, Idaho, in place of D. L. Nitz, resigned.

ILLINOIS

Carl E. Thomas, Clay City, Ill., in place of M. A. Lawson, transferred.

Harold L. Morrison, Hoopeston, Ill., in place of John Petry, retired.

Darlene H. Shidaker, Kenilworth, Ill., in place of M. E. Donahue, retired.

Roland O. Britt, Smithboro, Ill., in place of R. F. Tevis, deceased.

Murrell E. Carter, Springerton, Ill., in place of Avanelle Martin, deceased.

Harry M. Moore, Virden, Ill., in place of F. N. Mayer, retired.

INDIANA

Howard L. Ring, Anderson, Ind., in place of I. G. Davis, retired.

Herschel R. Ell, Cory, Ind., in place of E. E. Kester, retired.

Raymond L. Hopwood, Memphis, Ind., in place of O. S. Mayfield, retired.

Gordon N. Strange, Plainville, Ind., in place of R. L. Strange, retired.

Wayne M. Renbarger, Sweetsers, Ind., in place of E. E. Mitchell, retired.

Lloyd S. Schafer, Winchester, Ind., in place of H. B. Harrison, retired.

IOWA

Merland E. Buttolph, Bennett, Iowa, in place of L. C. Goettsch, retired.

Earl F. McGrane, Ionia, Iowa, in place of E. B. Krause, retired.

Dale W. Erickson, Lorimor, Iowa, in place of F. E. Orwan, transferred.

Eugene A. McCarville, Perry, Iowa, in place of F. W. Aubry, retired.

KANSAS

Robert N. Woodson, Leavenworth, Kans., in place of A. L. Purcell, retired.

Lola E. Brighton, Milford, Kans., in place of H. F. Brighton, deceased.

Carroll E. Kerley, Peck, Kans., in place of M. E. Vossen, retired.

Carl R. Meek, Windom, Kans., in place of N. M. Spohn, retired.

KENTUCKY

Samuel B. Norfleet, Jr., Nancy, Ky., in place of S. A. Weaver, transferred.

William A. Jarrell, Nebo, Ky., in place of U. S. Morgan, retired.

William A. Miller, Shelbyville, Ky., in place of W. E. Amyx, Jr., transferred.

LOUISIANA

Edith E. Fairchild, Greenwell Springs, La., in place of H. P. Bullock, retired.

Roy J. Montz, Laplace, La., in place of L. M. Wilton, retired.

Marcellus A. Thompson, Ville Platte, La., in place of P. F. Morein, retired.

MAINE

Clayton M. Dolloff, Mount Vernon, Maine, L. J. Chase, retired.

MARYLAND

Evelyn B. Haywood, Cardiff, Md., in place of J. H. Johnson, retired.

Mildred I. Mauck, Clarksville, Md., in place of M. R. Phelps, retired.

Irene E. Cannon, Glen Echo, Md., in place of M. R. Randall, resigned.

Mildred B. Jurovaty, Saint Marys City, Md., in place of Ethel Goddard, retired.

MASSACHUSETTS

Mildred E. Hazel, Harvard, Mass., in place of R. P. Sheehan, retired.

John E. Connor, Leominster, Mass., in place of C. I. Dennis, retired.

Raymond L. Merrigan, North Adams, Mass., in place of H. V. Gunnason, deceased.

Ann S. Hammatt, South Orleans, Mass., in place of F. R. Bessom, retired.

MICHIGAN

James F. Schweitzer, Comstock Park, Mich., in place of J. E. Morris, retired.

Delia A. Bickham, Hessel, Mich., in place of Frances Lindberg, retired.

Mark A. Wernette, Remus, Mich., in place of W. M. Flachs, retired.

Francis G. Trombly, Rock, Mich., in place of E. B. Kleiber, retired.

Lawrence A. Frith, Vermontville, Mich., in place of R. K. Kilpatrick, transferred.

MINNESOTA

Alton H. Osgood, Cloverton, Minn., in place of I. M. Austin, retired.

Jack R. Maddy, McGregor, Minn., in place of W. O. Johnson, resigned.

MISSISSIPPI

James F. Bullock, Bogue Chitto, Miss., in place of S. B. Spencer, retired.

Sammie R. Buchanan, Philipp, Miss., in place of B. C. Feigler, retired.

Maude U. Atkinson, Vance, Miss., in place of F. W. Blaine, retired.

MISSOURI

Arthur J. Fiene, Alma, Mo., in place of F. T. McClure, deceased.

Ivan L. Kenney, Appleton City, Mo., in place of C. E. McColl, retired.

Alvin M. Townley, Chamois, Mo., in place of V. F. Engelage, retired.

Robert F. Collins, Shelbina, Mo., in place of E. J. Dempsey, retired.

Martin B. Winger, Stewartsville, Mo., in place of E. E. Saunders, retired.

J. Walter Jones, Sweet Springs, Mo., in place of C. R. Muller, resigned.

Leslie A. Phillips, Wheaton, Mo., in place of E. E. Lamberson, deceased.

MONTANA

Helen L. Lucier, Frenchtown, Mont., in place of M. W. Bowman, resigned.

NEBRASKA

Myron A. Christensen, Oakland, Nebr., in place of K. C. Baugh, retired.

NEW JERSEY

Robert W. Kidd, Jr., Penns Grove, N.J., in place of R. W. Kidd, retired.

NEW MEXICO

Norman M. Booker, Hobbs, N. Mex., in place of L. L. Gholson, removed.

NEW YORK

Gavin R. Argue, Apalachin, N.Y., in place of J. D. Megivern, Jr., resigned.

Edwin J. Faber, Caroga Lake, N.Y., in place of Burton Yates, retired.

Francis L. Marshall, Clayton, N.Y., in place of W. S. Amo, retired.

Louise E. Seville, Congers, N.Y., in place of R. B. Henry, retired.

George W. Stevens, Hobart, N.Y., in place of O. B. Brockway, retired.

Henry C. Schreiber, Long Island City, N.Y., in place of G. A. Albrecht, retired.

George J. Posner, Mamaroneck, N.Y., in place of I. F. Linehan, retired.

Grant D. Morrison, Northville, N.Y., in place of P. H. Griffing, retired.

Gary C. Babjeck, Philmont, N.Y., in place of F. L. Ritchie, deceased.

William A. Potskowski, Port Henry, N.Y., in place of L. J. Hollister, Jr., retired.

Timothy D. Sullivan, Scarsdale, N.Y., in place of M. O. Drury, retired.

Herbert Strumpf, Selkirk, N.Y., in place of William Winne, retired.

James F. Murray, Valatie, N.Y., in place of H. S. New, retired.

NORTH CAROLINA

Neil W. Walton, Ash, N.C., in place of J. R. Simmons, retired.

E. Wade Ledbetter, Gibsonville, N.C., in place of M. W. Jordan, deceased.

NORTH DAKOTA

Stephen J. Urie, Cogswell, N. Dak., in place of O. M. Bartlett, retired.

Kenneth I. Jones, Parshall, N. Dak., in place of B. G. Shubert, deceased.

OHIO

Margaret S. Bennett, Alexandria, Ohio, in place of B. E. Barrick, retired.

OKLAHOMA

Donald R. Kardokus, Eakly, Okla., in place of Elton Sullavan, retired.

Donald L. McKinney, Inola, Okla., in place of A. B. Mullen, transferred.

Sexson C. Longest, Ringling, Okla., in place of T. E. Cavins, deceased.

Parks E. Harlan, Spiro, Okla., in place of J. R. Redwine, Jr., transferred.

PENNSYLVANIA

Abram B. Lauver, Dalmatia, Pa., in place of P. L. Tressler, retired.

Edward W. Snyder, Beach Lake, Pa., in place of B. A. Snyder, retired.

Joseph Windish, Jr., Denver, Pa., in place of W. M. Crouse, retired.

Martin T. Brittingham, Jr., Exton, Pa., in place of L. C. Reese, retired.

Nick Roscoe, Farrell, Pa., in place of James Nevant, retired.

E. Glenn Kauffman, Gap, Pa., place of C. T. Foulk, retired.

Andrew P. Stallsmith, Hadley, Pa., in place of R. S. Feather, deceased.

Harry R. Collins, McDonald, Pa., in place of J. H. Galbraith, retired.

Chester L. Shirk, Rothsville, Pa., in place of E. A. Carvell, removed.

Walter R. Barron, Slippery Rock, Pa., in place of M. H. Bard, deceased.

James L. Roney, Unionville, Pa., in place of E. P. Eastburn, retired.

SOUTH CAROLINA

Eugenia C. Williams, Heath Springs, S.C., in place of T. B. Horton, retired.

Wilford C. Hoffman, Patrick, S.C., in place of V. S. Buie, deceased.

TENNESSEE

Donald B. McMillan, Erin, Tenn., in place of Elvira Boone, retired.

Deimer C. Norman, Kelso, Tenn., in place of F. W. Golden, transferred.

TEXAS

Rosale M. Trammell, Big Wells, Tex., in place of P. A. Picket, deceased.

Jo Harry DeRamus, Hillister, Tex., in place of F. E. Maddox, deceased.

Dixie S. Odom, Karnack, Tex., in place of L. A. Baker, retired.

Samuel T. Toney, La Vernia, Tex., in place of E. B. Smith, retired.

Everett A. Bierds, Sr., Rosebud, Tex., in place of J. R. Killgore, deceased.

Archie V. Boyd, Trent, Tex., in place of F. B. Steadman, transferred.

Ora A. Smith, Wellman, Tex., in place of W. H. Jackson, retired.

VIRGINIA

Freeman H. Stewart, Crewe, Va., in place of K. H. Woody, retired.

WASHINGTON

Samuel Manus, Everett, Wash., in place of E. P. Hennessey, retired.

Bessie L. Van Slyke, Nespelem, Wash., in place of G. V. Gray, deceased.

WEST VIRGINIA

Howard W. Smith, Barrackville, W. Va., in place of J. M. Stevens, retired.

Thomas K. Cole, Grafton, W. Va., in place of L. A. Hoffman, retired.

Virginia S. Everhart, Kearneysville, W. Va., in place of W. B. Hammond, retired.

Ralph M. Gibson, Smithville, W. Va., in place of I. M. Gibson, retired.

WISCONSIN

Clifford J. Pfeifer, Allenton, Wis., in place of R. W. Stoffel, retired.

Samuel F. Kuykendall, Fort Atkinson, Wis., in place of P. W. Cornish, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 2 (legislative day of March 30), 1964:

DISTRICT OF COLUMBIA

Pursuant to the provision of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended, the following-named person for appointment as indicated:

John S. Crocker, to be a member of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1964.

DEPARTMENT OF AGRICULTURE

Dorothy H. Jacobson, of Minnesota, to be an Assistant Secretary of Agriculture.

Dorothy H. Jacobson, of Minnesota, to be a member of the Board of Directors of the Commodity Credit Corporation.

SENATE

FRIDAY, APRIL 3, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Lester K. Welch, minister, Christ Methodist Church, Washington, D.C., offered the following prayer:

Amid the perplexities of a changing order, our Father, our hearts instinctively turn to Thee, like weary travelers returning home at eventide. Thou art our refuge in time of trouble; Thou art our strength; Thou art our only hope.

Enable us so to put our trust in Thee that our spirits will grow calm and our hearts be comforted.

Thy word of old hath declared, "Blessed is the nation whose God is the Lord"; we humbly acknowledge our need of Thee. It is imperative for us today to distinguish truth from error or from the seemingly right; and to have clear insight and perception, instead of listening to the babbling of many voices. May the recognition of this responsibility spur us to accept the admonition of the wisest of the wise who said, "Ye shall know the truth, and the truth shall make you free."

Relying upon Thy grace, which is always sufficient, may we transcend our differences and rise to the higher unity of the spirit. Enable us to face this day with courage, and the challenge of our tasks in the good providence that Thou hath called us, through Jesus Christ our Lord. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 2, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON ACTIVITIES UNDER PUBLIC LAW 480, 83D CONGRESS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am sending to the Congress the 19th semiannual report on activities carried on under Public Law 480, 83d Congress, as amended, outlining operations under the act during the period July 1 through December 31, 1963.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 3, 1964.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair wishes to announce on behalf of the President pro tempore the designation of the Senator from Florida [Mr. Smathers] to serve as an alternate member for the Senate members of the Commission on the Relationship with Puerto Rico established under Public Law 88–271.

The Chair announces the designation of the Senator from California [Mr. Kuchel] to serve as an alternate member for the Senate members of the Commission on the Relationship with Puerto Rico, established under Public Law 88–271.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Voluntary Home Mortgage Credit Program

A letter from the Administrator, Housing and Home Finance Agency, Washington, D.C., transmitting, pursuant to law, a report on the voluntary home mortgage credit program, for the calendar year 1963 (with an accompanying report); to the Committee on Banking and Currency.

Amendment of Chapter 1, Title 38, United States Code, Relating to Authority for Presidential Memorial Certificate Program

A letter from the Administrator of Veterans' Affairs, Washington, D.C., transmitting a draft of proposed legislation to amend chapter 1 of title 38, United States Code, and incorporate therein specific statutory authority for the Presidential memorial certificate program (with an accompanying paper); to the Committee on Finance.

Extension of Coverage Under Federal Old-Age, Survivors, and Disability Insurance System of Social Security Act to Certain Employees of the District of Columbia

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to extend coverage under the Federal old-age, survivors, and disability insurance system of the Social Security Act to temporary and intermittent service performed in the employ of the District of Columbia if such service is not covered by a retirement system established by a law of the United States (with an accompanying paper); to the Committee on Finance.

Report on Excessive Costs Resulting From the Operation of Separate Departmental Public Information Offices

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs resulting from the operation of separate departmental public information offices, Department of Defense, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Excessive Costs Incurred in Transporting Saturn Launch Vehicles

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs incurred in transporting Saturn launch vehicles, National Aeronautics and Space Administration, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Inefficient Utilization of Personnel To Administer the Military Assistance Program in Advanced Western European Countries

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the inefficient utilization of personnel to administer the military assistance program in advanced western European countries (with an accompanying report); to the Committee on Government Operations.

Report on Inefficient Utilization of Personnel To Administer the Military Assistance Program in Advanced Western European Countries

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the inefficient utilization of personnel to administer the military assistance program in advanced western European countries, Department of Defense, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

Armed Forces Day

A letter from the Assistant Secretary of Defense, informing the Senate of activities in connection with the observance of Armed Forces Day; ordered to lie on the table.

RESOLUTION OF GENERAL ASSEMBLY OF RHODE ISLAND

Mr. PASTORE. Mr. President, on behalf of my colleague, the junior Senator from Rhode Island [Mr. Pell], and myself, I present for appropriate reference a copy of a resolution adopted by the General Assembly of the State of Rhode Island, memorializing the Congress of the United States to act favorably upon the land and water conservation fund bill.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, and, under the rule, ordered to be printed in the Record, as follows:

H. Res. 1509

Resolution of the general assembly memorializing the Congress of the United States to act favorably upon the land and water conservation fund bill (H.R. 3846) now before it

Whereas land and water conservation are of the utmost importance to the whole of the United States; and

Whereas it is vital that land and water conservation be practiced so that future generations may enjoy the abundance with which we have been blessed: Now, therefore, be it

Resolved, That the general assembly does hereby memorialize the Congress of the United States to take favorable action upon H.R. 3846, the land and water conservation fund bill now before it; directing the secretary of state to transmit duly certified copies of this resolution to the Rhode Island congressional delegation.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 2711. A bill for the relief of Frank S. Chow; to the Committee on the Judiciary.

By Mr. KEATING:

S. 2712. A bill for the relief of Sime Dragutin Vulin; and

S. 2713. A bill for the relief of Anthony Peranich; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

PRINTING OF ADDITIONAL COPIES OF CERTAIN HEARINGS OF JOINT COMMITTEE ON ATOMIC ENERGY

Mr. PASTORE submitted the following concurrent resolution (S. Con. Res. 73); which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Committee on Atomic Energy two thousand additional copies each of part 2 and part 3 of its hearings on the "AEC Authorizing Legislation, Fiscal Year 1965."

INCREASE OF DOMESTIC BEET SUGAR AND MAINLAND CANE SUGAR TO BE MARKETED DURING 1964, 1965, AND 1966—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 19, 1964, the names of Mr. Allott, Mr. Bennett, Mr. Boggs, Mr. Burdick, Mr. Carlson, Mr. Church, Mr. Curtis, Mr. Dominick, Mr. Hart, Mr. Hruska, Mr. Humphrey, Mr. Jackson, Mr. Jordan of Idaho, Mr. Magnuson, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Mundt, Mr. Pearson, Mr. Simpson, Mr. Walters, and Mr. Williams of Delaware were added as additional cosponsors of the bill (S. 2657) to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966, introduced by Mr. Young of North Dakota on March 19, 1964.

RELIGION BEHIND THE IRON CURTAIN

Mr. KEATING. Mr. President, the increasing concern of the people of the United States, people of all faiths and all national origins, over antireligious manifestations behind the Iron Curtain deserves constant public attention and comment.

While Communist propagandists orate over the glories of the Communist state, the unfortunate people who reside behind the Iron Curtain find themselves deprived and shorn of the basic elements of spiritual life.

Mr. President, 2 years ago there appeared in the Journal of the Central Conference of American Rabbis an excellent article by Dr. S. Andhil Fineberg, community relations consultant for the American Jewish Committee. In the article Dr. Fineberg discussed the broad facts of communism's hostility to religion, particularly to the Jewish faith. Unfortunately, the points made in his fine exposition of 2 years ago are, if anything, more relevant today.

Mr. President, I strongly urge the people of the United States, their representatives, their government, and all the many private associations concerned with individual rights and community welfare to make their voices heard in protest against anti-Semitism as is now being practiced in Communist-bloc countries.

I ask unanimous consent to have printed in the Record, following my remarks, the text of the article by Dr. Fineberg.

There being no objection, the article was ordered to be printed in the Record, as follows:

[Reprinted from CCAR Journal, Central Conference American Rabbis]

RELIGION BEHIND THE IRON CURTAIN

(By S. Andhil Fineberg)

In 1930, I told a Communist spokesman who had addressed a favorably impressed audience that, even if his glowing promises of affluence for everyone could be fulfilled, I would still oppose communism vigorously.

My chief reason for hostility was Communist contempt for all religions that recognize God's existence. Atheists steeped in dialectical materialism were not likely to tolerate religious organizations indefinitely. In Communist-dominated lands there could be only temporary respite, perhaps for a few generations, for beliefs and practices regarded by Karl Marx and all other Communists as opiates used by exploiters to keep the masses in subjection.

Communists born as Jews have been as antireligious as any other Communists. Those who desire Jewish identity in order to retain old friends and influence people of their own background view the Jews merely as a nationality whose culture should be totally irreligious.

Since Jewish culture is essentially a religious culture, it cannot be throttled without strangling some Jews and oppressing many others. The Communist promise to "outlaw anti-Semitism" was a hoax in the 1920's, as it is now. It really meant that, relieved of his religion, the Jew would be treated exactly as all others would be treated. This was equivalent to granting civil rights to any Jew who forsook his parents and abandoned his children. Few Jews could become completely de-Judaized.

In the Soviet Union one born of Jewish parents acquires Jewish nationality at birth. Marriage to a non-Jew does not terminate Jewish identity, nor does conversion to another religion. Only non-Jewish grandparents can alter a Jewish identity. As it was in Hitler's Germany, so it is now in Russia. A Soviet Jew seeking an education, or wanting to change his residence or his job or desiring to travel, must show papers bearing this identification. Can anyone believe for a moment that "outlawing anti-Semitism" is compatible with this practice? Yet, a colleague of mine published a Jewish history book many years ago which contained lavish praise for Stalin's country where anti-Semitism was presumably abolished. He could not understand why I rejected this otherwise admirable volume. Regrettably, actual persecution and immeasurable suffering have uncovered that anti-Semitism is inherent in Communist doctrine.

Treatment of Jews and of religion in the 13 countries under Communist domination is by no means identical, although mistreatment starting in 1 Communist country is likely to be echoed in 1 or several others. After about 6 years of relief from persecution, Jewish religious leaders were arrested in the Soviet Union, Rumania and Bulgaria, charged with crimes that included communicating information treasonably to representatives of Israel and embezzlement of funds. The leaders of the Leningrad synagogue were arrested in secret, tried in secret, condemned in secret and secretly imprisoned—again reminiscent of the Nazis. This news leaked out fully a month after the elderly men were sentenced to long prison terms. How many other Jews have been arrested and sentenced similarly we cannot know, since secret arrests are no novelty in Communist countries, and habeas corpus is nonexistent there. But, without doubt, a resumption of official anti-Jewish activities began in the fall of 1961 and in some, if not all, of the Iron Curtain countries Jews are in jeopardy. If they are religious Jews, their situation is doubly precarious.

Occasionally we get a report from someone who visited an Iron Curtain country and spoke to lackeys of the Communist bureaucracy and to a few authentic Jews who were too frightened and intimidated to tell the truth. The traveler's report may prove nothing but his own gullibility. I doubt that anyone can obtain truth by consulting people who dare not tell a stranger that which might displease their despotic government. Only official publications of that government, written not for foreign consumption but for that government's own minions and students, are fully reliable.

Here is what one reads about Judaism in the Short Philosophical Dictionary, published by the government and considered a standard guide for Soviet thought:

"Like any other religion, Judaism is uncompromisingly hostile to science, and preaches anti-scientific views on nature and society. The rabbis were always enemies of enlightenment and secular education, and persecutors of progressive thought. Judaism sanctifies social inequality and private ownership; it deifies the rule of kings and exploiters. In Judaism the role of spiritual opium is played by the conceptions of life in the hereafter, which have been carefully developed by the rabbis: paradise for those who obediently follow the reactionary instructions of the Jewish religion, and hell for those who reject these instructions and participate in the class struggle."

If this typical Communist description of Judaism appeared in a lunatic fringe paper in the United States we would be outraged. What must it be like to live in a land where this is the customary government-sanctioned view of the Jews' historic faith? What must it be like to want to worship on a high holy day, but not be able to do so because attendance at religious services is not an acceptable excuse for absence from work? What must it be like to desire to participate in congregational worship and to know that your children are being taught in school that all religion is superstition and humbug, a hoax perpetrated by hypocrites for their personal benefit? How much incentive can there be to serve as a rabbi, cantor, or shochet?

Among the myths that softened the attitude toward the Soviet Union of free men, and especially religionists, was the frequently cited claim that religious freedom is guaranteed in the Soviet Union. One can hardly expect honest semantics from the Communists, who call autocratic bureaucracy "democracy," political brigandage "peace" and bondage "freedom." But for internal operations, when writing for their own information, Communists must in some situations state realities in correct terms. The constitution of the U.S.S.R. reads: "Freedom of religious worship and of antireligious propaganda is recognized for all citizens." (That clause should be memorized by everyone who wishes to discuss religion behind the Iron Curtain.) "Worship" is only one aspect of organized religion. Antireligious education is guaranteed; religious education is not. Crippling limitations were placed upon religious institutions by the Soviet decree of religious associations, issued on April 8, 1920, and still in effect.

Forbidden are: "(a) Use of any property in their control for any other purpose except the satisfaction of their religious needs; (b) to assist their fellow members by giving them material support; (c) the organization of special meetings for children, youths and women for prayer purposes and Biblical, needlework, and other meetings for the teaching of religion; (d) groups, circles, and departments, also the arranging of excursions, to found libraries and reading rooms, to organize sanitoriums and medical assistance. In buildings used for prayer purposes, only such books may be kept which are required in connection with the particular cult."

Thus, libraries, philanthropic work, ladies' auxiliaries, and religious schools and classes are forbidden. Those who wish to worship together must secure rental of a building from the government and pay for it. I do not know whether the government pays for the antireligious museums, but it has given utmost encouragement to societies of the godless.

That religion has survived among Jews behind the Iron Curtain should not surprise those who know how Jews accepted martyrdom throughout 25 centuries to maintain their faith. The Maccabees and the Marranos are two examples of many Jewish groups for whom kiddush hashem was worth any price despots might exact. Christianity and other religions can likewise attest to the unyielding loyalty of the faithful under torment and oppression. Because the religious fervor of Poland's Roman Catholics would lead to open rebellion were the church driven to use excommunication, the Communist rulers of Poland have granted to the priests of Poland privileges far greater than Communists permit where the worshipers are fewer and less well organized. Communists are essentially opportunists and have from time to time cooperated even with capitalists and imperialists while scheming for ultimate triumph.

In the area of religion, they deal most harshly with religious denominations that have few members within their boundaries. Jehovah's Witnesses, Seventh-day Adventists, and Jews are among those who have suffered the harshest restrictions. The Russian Orthodox Church, on the other hand, has a central organization, publishes periodicals, maintains theological seminaries and, under strict governmental supervision, maintains relations with churches abroad. The Orthodox Church in Russia is a pliable instrument of Communist government policies, as subservient to the Communist regime as it ever was to the czars. Having denounced religion for being a serf of the state in pre-Communist Russia, and in Catholic-dominated countries today, the Communists demand nothing less than a state-controlled church with themselves in the saddle. For the exercise of even the minimal activities in which they are permitted to engage, religious bodies must have the consent of the Ministry of Cults, composed of atheists. Freedom of religion under communism is impossible.

The 2½ million Jews of the Soviet Union have been termed a nationality without being given any of the means accorded other nationalities to preserve their culture. Their culture needs schools, theaters, journals, and since it is a religious culture, theological seminaries. The rabbinical seminaries that existed at the time of the Communist revolution were forcibly closed and for nearly 40 years none have reopened. Sixty aged rabbis now serve all of Russian Jewry, where several thousand rabbis should be functioning. The importation of rabbis was, of course, impossible. This is one reason why I have questioned the possibility of Judaism's survival in the U.S.S.R. where attrition and lack of opportunity for religious education are accomplishing what other tyrants, such as Antiochus Epiphanes and the Spanish monarchs sought to achieve.

Even the most cruel czars permitted the Jews to practice their religion freely, to have plenty of prayerbooks, matzoth, yeshivoth, schochtim, and the like. Moreover, the czars permitted Jews to leave Russia. Now the persecutors will not let them leave, nor maintain their culture, nor transmit their heritage to their children.

In 1956 a delegation of rabbis returned from the U.S.S.R. quite jubilant. They knew, since the Communists had at last admitted it, that there had been dire persecution of Jews under Stalin. Now all would be well. A rabbinical seminary was being planned in Moscow. What more did we need but to send talethim, tefillin, and sidurim? After hearing an optimistic report, I demurred and insisted that what was needed was to expose the dire truth of what was happening to Jews and Judaism under Communist rule. I was censured by the chairman, who said he disagreed thoroughly. It was, he believed, better to cooperate with the Communists, send supplies, and have faith that all would be well with our brethren.

A yeshivah called Kol Jacob was opened in Moscow on January 6, 1957, with 35 students. It is a lamentable affair, shunted into small quarters, with a dwindling student body, all incidentally from the Georgian Republic. There are now only 12 students. On November 17, 1961, reports circulated that the administrative council of the yeshivah was dissolved. This was denied. But whom should we believe? The denial came from two Communist journalists who wrote reassuring reports. One said that he interviewed people at the synagogue where, near the women's gallery, the yeshivah sessions are held. He was assured that there was no difficulty of any kind and nobody interferes with the affairs of the worshipers and the students except foreigners. Is this a correct report or is the following true?

According to reliable informants, a Russian-speaking Orthodox Jew, visiting Moscow, asked one of the students in class about his hometown. The young man responded with a panegyric of praise about the condition of the Jews there. Later, as the visitor was leaving, the student overtook him in a dark corner of the courtyard and apologized for his reply. None of it was true, he whispered, but even among the students there might be a stoolpigeon and he could not therefore say how unbearable conditions really were.

The broad basic facts of communism's hostility to religion are clear and readily discernible. The details vary. Religion and the Jews fare better in the satellite countries than in the Soviet Union but the satellite countries have been Communist only 15 years or less. What on the international scene could be of more importance to clergymen than the antireligious activities of Communists and their ideological war against religion? For Jews the subject is of doubly grave importance, since antireligious motivations enter into anti-Semitic manifestations. Shall we protest or shall we be passive and hope that the Communists will somehow cease to be dialectical materialists, recognize the values of religion and proclaim religious liberty throughout their lands?

I submit that our first obligation is to learn all we can on this subject. What is the relationship between Communist ideology and Communist conduct? What is the ethic of communism and how does it differ from that of Judaism? If courses on comparative religion are appropriate at theological seminaries, surely we should have comparative courses on Judaism and communism in Jewish seminaries, and on Christianity and communism in Christian theological schools. Clergymen should be invited to attend these courses.

During the past several decades there have been many sessions lasting 3, 4, or even 5 days under religious auspices where all manner of current subjects were discussed by clergymen and laymen but where communism was not given an hour of discussion. I am well aware of the thesis that our task is to build a perfect society in our own locales and that we must pursue only affirmative programs. I challenge that theory. On that basis neither religion nor Jews will survive behind the Iron Curtain. Communists are not impressed by our virtues nor moved to emulate our beliefs and practices. The challenge they present to us has its own theories, its own dynamism, and its own unrelenting zeal. It says to mankind, "Organized religion is a fraudulent scheme unhampered by theological notions. You were born to enjoy the material things of the earth. Abandon religion and follow us and you will have more and more of earthly satisfactions."

Our religious institutions with their pulpits and classrooms, sisterhood, and men's club programs, adult study courses, and other facilities have not been adequately used to acquaint our congregations with the most important phase of the Communist menace—what it does to man's desire and opportunity to worship, to his spirit as a child of God, to his aspiration to be something more than another animal. There are aspects and phases of communism and the cold war which need not concern the clergy. Let others deal with them. But there are areas of responsibility in reference to this atheistic creed which religious leaders should not neglect because they are intertwined with the survival of religion and with the preservation of religious freedom. For the rabbis, knowledge about communism is mandatory for the preservation of Judaism and for the survival of Jews.

EDMUND WILSON AND UNCLE SAM

Mr. SIMPSON. Mr. President, a great many events which normally would be of interest to the American public are necessarily bypassed by the press as it attempts to pack the world into the "A Section" or the 5-minute split. I should like to call to the attention of my colleagues one such omission.

The Presidential Medal of Freedom found its way last December into the outstretched hand of sometimes literary critic, Edmund Wilson, author of an effusion called "The Cold War and the Income Tax: A Protest."

While it is not unusual for authors and critics to receive recognition from the Chief Executive, I do feel there is something questionable in a system which extends such recognition to persons with the predilections of Mr. Wilson.

The first sentence of Mr. Wilson's tax protest reads:

> Between the years 1946 and 1955, I did not file any income tax returns.

It would not have taken extensive research for the administration to have been made privy to that surprising revelation, and it is a fact, which in my mind should bear rather strongly on Mr. Wilson's eligibility for the Presidential Medal of Freedom.

However, Mr. Wilson does not limit his activities to the negative—to not paying his income tax. He has some rather caustic and "positive" words for the country in which he lives. Not only that, he expresses a desire, because of the pressures of taxation, to leave the United States for a nation which is less "oppressive."

Richard Kluger, editor of Book Week, published by the New York Herald Tribune and associated papers, summed up the purpose of Wilson's book this way:

> Passion—dominated a bitter broadside by Edmund Wilson. In a thin book called "The Cold War and the Income Tax: A Protest," he portrayed America as a bastille bristling with unneeded weaponry, a witless capacity for overkill, and an arsenal that costs the taxpayer unconscionable sums. Why all the billions for arms and a lunge at the moon when the Nation is culturally so undernourished and so many of its citizens are socially deprived?
>
> What undermined the Wilson fusillade, besides its banal, offhand style, was its origin. His corrosive remarks were prompted by a nasty brush with the Internal Revenue Service which reacted with some indignation upon learning Wilson had neglected to pay his income tax for a stretch. Annoyed at the relentlessness of the tax people, Wilson tells us in effect that he decided the money he owed the United States would have been spent imprudently had he paid it and so his oversight was hardly such a crime—that the crime in fact was the Government's for its power hunger and pandering to the people's unwarranted fears of a benign Soviet Union—the words of Book Week magazine.

Although I cannot recommend the Wilson book for its literary content, I should like to read a few passages from it. On page 41, we find this pithy statement:

> It may perhaps be wondered why a former leftist, who in 1932, at the time of the great depression, when the Communist Party was legal, voted for the Communist candidates in the presidential election and who voted for Norman Thomas thereafter up to the time when he ceased to run, should be making so much fuss about State control.

On page 45, Wilson is critical of:

> The FBI officials, who, on evidence equally dubious, constructed the case against Alger Hiss.

After some tortured reasoning and 118 pages, Wilson finally arrived at some conclusions:

> The truth is that the people of the United States are at the present time dominated and driven by two kinds of officially propagated fear: fear of the Soviet Union and fear of the income tax. These two terrors have been adjusted so as to complement one another and thus to keep the citizen of our free society under the strain of a double pressure from which he finds himself unable to escape. If we fail to accept the tax, the

> Russian buffalo will butt and trample us, and if we try to defy the tax the Federal bear will crush us (p. 91).

Later:

> Tougher members of the population—among upper and lower brackets—have privately taken the stand that they are damned if they are going to lie down and take it when they are persecuted and spied upon and rooked by that son of a bitch Uncle Sam, who pretends that he is saving them from those Russians that live half the world's breadth away (pp. 94, 95).

Still later:

> But I am not going to let myself be sent to Leavenworth * * * I have thought of establishing myself in a foreign country as my lawyer friend suggested and as I thought him rather absurd for suggesting. I do feel that I must not violate the agreement I have signed with the Government to surrender for 3 years longer all the income that I take in above a certain taxable amount. My original delinquency was due not to principle but to negligence: but I now grudge every penny of the imposition, and I intend to outmaneuver this agreement, as well as the basic taxes themselves by making as little money as possible and so keeping below taxable levels. I have always thought myself patriotic and have been in the habit in the past of favorably contrasting the United States with Europe and the Soviet Union; but our country has become today a huge blundering power unit controlled more and more by bureaucracies whose rule is making it more and more difficult to carry on the tradition of American individualism; and since I can accept neither this power unit's aims nor the methods it employs to finance them, I have finally come to feel that this country, whether or not I continue to live in it, is no longer any place for me.

So much for the sentiments of author Wilson, who, with 33 other individuals, was given the Presidential Medal of Freedom. The award went posthumously to Pope John XXIII and to President Kennedy.

It should be pointed out also that the original list of 31 nominees had been announced July 4 by President Kennedy. However, Wilson's book was not available until October. The final choice on the Wilson medal was President Johnson's.

The White House citation for Wilson released December 6 read:

> Edmund Wilson, critic and historian. He has converted criticism itself into a creative act while setting for the Nation a stern and uncompromising standard of independent judgment.

Mr. President, the author is indeed "possessed of a stern standard of judgment" where his native country is concerned, while his praise of communism and socialism appears to be quite "uncompromising."

I am aware that Mr. Wilson is "one of our most gifted men of letters"—as Book Week put it. I am also aware that he has no qualms about using adjectives of four letters to describe the United States.

The question that crosses my mind, Mr. President, is: What justification exists for honoring by a President's Freedom Medal a man of Edmund Wilson's philosophy and temperament? And under what system would consideration be given to awarding such an honor to such a man, in view of his utterances of record?

Mr. DOUGLAS. Mr. President, has morning business been concluded?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. DOUGLAS. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. STENNIS. Mr. President, will the Senator from Illinois yield to me, to permit me to suggest the absence of a quorum?

Mr. DOUGLAS. Yes, if I may do so with the understanding that in yielding for that purpose, I shall not lose the floor.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. Very well; I yield for that purpose.

Mr. STENNIS. Then, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. There will be a live quorum call; but at this time I wish to make a brief statement.

The PRESIDING OFFICER. The Senator from Montana may proceed, if there is no objection.

COMMENT ON PERSONAL STATEMENT BY SENATOR MORSE—SOUTH VIETNAM

Mr. MANSFIELD. Mr. President, in the late afternoon on yesterday the Senator from Oregon [Mr. MORSE] rose to a point of personal privilege in order to make a statement with reference to the situation in Vietnam. I was unable to remain for the entire statement. But I was in the Chamber long enough to learn that the point of personal privilege was raised that a chief of state took upon himself, according to press reports, to classify the able Senator as a "traitor to the American people."

I do not at this time comment upon the views which the Senator from Oregon holds on Vietnam. He has his views; I have mine; other Senators have theirs. Sometimes they coincide and sometimes they do not.

But on one point I do not believe a single Member of this body will deviate, and that is in stating that the disparaging remarks with reference to the patriotism of the Senator from Oregon are uncalled for. They reveal a lack of understanding of the U.S. system of government and of the role of free and open discussion in a responsible government.

I would be most hopeful that the Ambassador of the United States in Saigon would see to it that the substance of those remarks is noted. At the same time, the Ambassador might explain the operation of the free system of government in our Nation, with which he has had considerable firsthand experience in the Senate.

Mr. President, I suggest the absence of a quorum.

Mr. GRUENING. Mr. President——

Mr. KEATING. Mr. President——

Mr DOMINICK. Mr. President——

Mr. GRUENING. Mr. President, will the Senator withhold his request for a quorum call?

Mr. MANSFIELD. I merely asked that the previous quorum call, which was to be a live one, be withheld until I had made my statement, with the understanding that immediately afterward I would suggest the absence of quorum.

Mr. GRUENING. I wish to comment on the Senator's statement. I also raise a point of personal privilege.

Mr. MANSFIELD. Mr. President, since I am asked to yield, and since I have mentioned the name of the Senator from Oregon, I yield to him first.

Mr. MORSE. I appreciate very much the statement of the majority leader. It is another proof of his unfailing fairness and his great statesmanship.

Mr. GRUENING. Mr. President will the Senator yield?

Mr. MANSFIELD. I yield.

Mr GRUENING. I wish to associate myself with the statement made on Vietnam yesterday by the senior Senator from Oregon, and I wish also to applaud our majority leader for his comment in condemning the insulting and unwarranted slur of Gen. Nguyen Khanh. I feel that I might also rise to a point of personal privilege, as did Senator MORSE, because although I was not mentioned by the chief of state of South Vietnam, Gen. Nguyen Khanh, and condemned by him, as was Senator MORSE, as a "traitor to the American people" I made precisely the same statement which the distinguished Senator from Oregon made for which General Khanh denounced him as "a traitor to the American people."

Mr. STENNIS. Mr. President, may we have order? I cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRUENING. I also said that all of South Vietnam was not worth the life of a single American boy. I repeat that statement now. I shall continue to repeat it. I have in my office an enormous flood of mail on our involvement in South

Vietnam. I have received more mail on this subject than I have on any other issue on which I have spoken in the 5 years I have been in the Senate. With four exceptions in which the writers differ with my stand, I have received hundreds of letters supporting my position to get our boys out of the firing line which is no place for them to be. Allegedly they—these American boys—are in South Vietnam as advisers, but they are actually in combat uniform and have been for some time. Hence the casualty lists. Hence the more than 200 killed. It is time that the Pentagon stopped deceiving the American people. We have been told that those boys are over there as military advisers. But in fact, Mr. President, they are engaged in combat in a place to which they should never have been sent and for a duty to which they never should have been assigned.

I associate myself fully, as I have all along on this issue, with the senior Senator from Oregon.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Chair invites the attention of Senators to the fact that the rule of germaneness is in effect.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, I ask unanimous consent that the rule of germaneness may be suspended, and that I may be permitted to speak for not to exceed 4 minutes.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, if the Senator will withhold his objection, I point out that the Senator could make the same request himself.

Mr. DOMINICK. Mr. President, I recall that one of the advocates of the rule of germaneness was the Senator from Pennsylvania. It does not seem to me that there is any reason why we should change it at this time. So long as the morning hour will be cut off in 7 minutes, I see no reason why the rule of germaneness should be changed. It ought to apply in the same way to all.

The PRESIDING OFFICER. Morning business has been closed.

Mr. CLARK. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. CLARK. I should like to make the point that when I advocated a rule of germaneness, I advocated a far more stringent one than was adopted; and every time I spoke in support of such a rule I stated that it could be waived by unanimous consent. I assumed normal senatorial courtesy would result in its being waived on most occasions.

Mr. DOMINICK. I would assume that on most occasions there would be available more than 7 minutes for morning hour business.

Mr. CLARK. Mr. President, I ask unanimous consent that the order ending the morning hour be rescinded and that the Senate continue with morning business.

The PRESIDING OFFICER. Is there objection?

Mr. MORSE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The pending business is House bill 7152.

Mr. KEATING. Mr. President, may I be heard?

Mr. MANSFIELD. Mr. President, I yield to the Senator from New York. I had intended to suggest the absence of a quorum; and it will be a live quorum.

Mr. DOUGLAS. Mr. President, who has the floor?

Mr. MANSFIELD. I have it.

Mr. DOUGLAS. Mr. President, I thought I had been recognized earlier.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. The Senator from Illinois had the floor and yielded to the Senator from Mississippi for the purpose of suggesting the absence of a quorum. During the quorum call, the Senator from Montana asked unanimous consent that the order be rescinded.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in view of the courtesy extended to me and the circumstances which have been explained that the Senator from Illinois be given the recognition which I believe is his due.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Illinois is recognized.

Mr. DOUGLAS. Mr. President, I have no objection to a quorum call.

Mr. KEATING. Mr. President, before the quorum call, will the Senator yield for one-half minute on a germane subject?

Mr. DOUGLAS. I shall be glad to do so, but I had previously declined a request of the Senator from North Dakota.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the understanding that the Senator from Illinois will not lose his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The absence of a quorum has been suggested, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 110 Leg.]

Beall
Boggs
Burdick
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Goldwater
Gruening
Hart
Hayden
Hruska
Johnston
Jordan, Idaho
Keating
Lausche
Long, La.
Mansfield
McClellan
McGovern
McNamara
Metcalf
Morse
Mundt
Pearson
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Walters
Williams, N.J.
Williams, Del.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. JACKSON], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. HOLLAND], are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], the Senator from Georgia [Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], and the Senator from Wyoming [Mr. MCGEE] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from New York [Mr. JAVITS] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. ANDERSON, Mr. CARLSON, Mr. HICKENLOOPER, Mr. HUMPHREY, Mr. KENNEDY, Mr. MILLER, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Illinois [Mr. Douglas] has been recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield for a brief announcement?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. Mr. President, Senators are aware—without my mentioning the specific number of minutes required—how long it took to obtain this live quorum.

Senators also know how long it took to obtain live quorums yesterday.

Senators are also aware of the fact that the floor manager in charge of the bill, the distinguished deputy majority leader, the Senator from Minnesota [Mr. Humphrey], asked and received unanimous consent that the Senate convene tomorrow at 11 a.m., and that the Senate convene on Monday next at 10 a.m.

For the information of the Senate, there will be a session tomorrow. For the further information of the Senate, there may well be a live quorum call.

The Senate has now been on notice for several days; and Senators who are interested in the pending bill, regardless of whether they favor the bill or are opposed to it, owe the Senate the duty of being on hand. That is a responsibility which they should assume, and which they must assume.

Mr. MORSE. Mr. President, will the Senator from Illinois yield briefly to me, to enable me to comment on the same subject matter?

Mr. DOUGLAS. Very well; I yield briefly to the Senator from Oregon.

Mr. MORSE. I wish to say that tomorrow I shall call for a live quorum.

I wish to say also to the Senate that I have become weary of the tactic which has been used in order to allow committees to meet for some time after the Senate convenes, under a morning-hour arrangement. I serve notice that unless the morning hour is in order under the rules, I shall object to any morning hour following the taking of a recess by the Senate.

Mr. MANSFIELD. Mr. President, I hope the distinguished Senator from Oregon will allow a brief morning hour after the Senate convenes, for the purpose of permitting Senators to take care of bills, resolutions, and brief remarks.

Mr. MORSE. Mr. President, I shall allow no morning hour at all.

Mr. MANSFIELD. Then, Mr. President, the Senate is now on notice in regard to what will happen during the forthcoming sessions of the Senate—in other words, that there will be no morning hour, insofar as committee meetings are concerned. In other words, as I understand the remarks of the Senator from Oregon, it is his intention to object to the holding of a morning hour—with the result that immediately following the convening of the Senate, the reading of the prayer, and the order to dispense with the reading of the Journal, the Senate will proceed with its consideration of the business now pending.

The Senate also is on notice that the Senator from Oregon intends tomorrow to suggest the absence of a quorum, and that the quorum call may be for a live quorum.

Let me also say that when the distinguished deputy majority leader, the Senator from Minnesota [Mr. Humphrey], indicates, a day or two ahead of time, that there will be a Saturday session, the Senate has a responsibility to honor that announcement, which was made in connection with the bill now pending.

Mr. DOUGLAS. Mr. President——

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield to permit me to make an insertion in the Record?

The PRESIDING OFFICER (Mr. McGovern in the chair). Does the Senator from Illinois yield to the Senator from Arkansas?

Mr. DOUGLAS. Mr. President, I regret to state that I have been compelled to refuse to yield to permit Senators to make insertions in the Record. I am very sorry and I hope the Senators will forgive me.

Mr. President, I rise today to speak on title IV of the bill, H.R. 7152, dealing with the desegregation of the public schools. The problems connected with the public schools are among the thorniest branches in a tangled thicket, for the public schools are one of the most important parts of our national life. In them, for better or worse, is reposed the awesome responsibility for training and cultivating our youth; and to those who commit the care of our most precious possessions—our children.

The fundamental character of our country, the Constitution, declares in the 14th amendment that the States must afford to all citizens the equal protection of the laws. It is the custom of many of our southern friends—and they are our friends—to ignore this amendment and to assume that it is either nonexistent or has ceased to operate. But it is as much an integral part of the Constitution as the original text of 1787, or the Bill of Rights comprising the first 10 amendments to the Constitution. It was largely ratified because the attempts of Lincoln and Andrew Johnson for reconciliation with the white South had been defeated by the way in which the reconstituted white southern legislatures had passed a series of black codes which bound into serfdom the penniless, propertyless, and jobless Negroes who, upon freedom, could not find work, and who by the new law were either to be committed to their former masters or their services put up for auction. For a description of these codes, see James G. Blaine, "20 Years in Congress," volume 2, pages 93 to 105. To help protect the Negroes against this exploitation, the 14th amendment was ratified. We cannot repeat too often its sonorous and noble mandate to the Nation:

> Section 1. All persons born or naturalized in the United States are citizens of the United States and subject to the jurisdiction thereof and of the States in which they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.
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> * * * * *
>
> Sec. 5. Congress shall have the power to enforce by appropriate legislation the provisions of this article.

WHAT 14TH AMENDMENT ESTABLISHED

This epochmaking amendment established a number of fundamental principles, of which the full significance is only now being appreciated.

First. The newly emancipated blacks were made full-fledged citizens, not merely freedmen.

Second. No distinctions were to be made as to the various types of citizenship. There were to be no second-class or third-class citizens. All were to be first-class citizens on equal terms with all others.

Third. Citizenship was to be primarily a national right rather than merely a State right. States could therefore not claim exclusive jurisdiction in determining the rights and duties, privileges and obligations of citizens. These were to be matters for national concern and national protection, as well.

Fourth. All citizens—white or black, rich or poor—were therefore entitled to "equal rights and privileges under the law," nor was any State to deprive them of the "equal protection of the laws," nor could a State take a man's "life, liberty, or property without due process of law."

Fifth. All this constituted an explicit obligation on the part of the State governments—and their subordinate local governments—to refrain from any action which might deny to some rights and privileges granted to others. There are eminent authorities who believe that this amendment did more. This school holds that the individual rights which are protected against violation by the Federal Government by the first 9 amendments to the Constitution are extended by the 14th amendment to provide protection against their being violated by the respective States. But this is another story.

Sixth. Under the broad ambit of the 1st and subsequent sections of the 14th amendment, Congress is also given the power in the 5th section to make these principles effective "by appropriate legislation"; and by means of the pending bill, we are proposing to legislate under this section of the 14th amendment, as well as under the commerce clause of the Constitution itself.

Prior to the adoption of this amendment, Congress had passed over President Johnson's veto, laws setting up a Freedman's Bureau and providing for transitional military governments in the States which had seceded.

For slightly over a decade an effort was made to make these principles effective in the States of the old Confederacy. Many harsh judgments have been passed upon the Reconstruction governments of this period.

When I was a graduate student at Columbia University, many years ago, I studied under Professor Dunning, who taught several generations of students about the evils which occurred during the Reconstruction period.

I think I am aware of the abuses which developed during the Reconstruction period. Without doubt there was much corruption within the Reconstruction governments, although whether this was more flagrant than the moral decadence in the capitals of the North, or merely less concealed, may well be open to question. With all their faults, and there were many, the new State governments of the Reconstruction era did at least try to extend free public education to the white and black children of the South—and upon approximately equal terms.

They also established a number of welfare institutions to care for the sick, the infirm, and the old which had not been present in State governments of the South prior to the Civil War.

THE DEAL OF 1877

But these forward steps were vitiated by the infamous deal of 1877.

I hope I may be pardoned if I speak briefly on that deal.

One of the things that we cherish most in this debate is the fact that we have a very fine cooperative relationship with our friends on the other side of the aisle who are joining with us in this battle. I do not mean to cast any aspersions upon the Republican Party as such. From 1848 to 1872 the Democratic Party did not write a very good record. For some of the years of that period it was dominated by the slave power. It was less than devoted to the conduct of the Civil War and to the emancipation of the slaves. But in 1877 an infamous deal occurred.

The Democratic candidate, Samuel J. Tilden, was really elected to the Presidency in 1876. But the Republicans would not permit this to occur, and, in agreement with certain Southern Democrats, arranged that if the votes of South Carolina, Florida, and Louisiana were transferred from Tilden to Hayes they would withdraw all Union troops from the South and permit the militant whites to take over.

If Senators desire confirmation of that statement, they need only read the biography of Rutherford B. Hayes, by Professor Echenrod, in which the full memorandum of agreement which was arrived at is reproduced. That bargain was carried out. Hayes was declared elected by one vote, and then performed his part of the bargain. The militant whites soon gained control of the State governments of the South.

Schools for Negroes were shut down or starved for funds, and beginning a few years later segregation was pushed by statute, and by the end of the century was almost complete.

SEGREGATION CAME LATE IN 19TH CENTURY

Many people think of segregation as having been practiced from the time of the emancipation. That is not so. The eminent historian, C. Van Woodward, in his interesting book "The Strange Case of Jim Crow," points out that the legal segregation movement began only about 1890, but by the end of the century it was in full strength.

The North, tired of the idealism under which so many had fought the war, allowed all this to happen with little protest. The Supreme Court in 1883 declared the Civil Rights or Public Accommodations Act of 1875 to be unconstitutional and, in 1896, in the celebrated case of Plessy against Ferguson, declared segregation statutes to be constitutional on the false justification that separate facilities were not unequal.

So far as I know, that was the first time that the separate but equal doctrine was laid down by the U.S. Supreme Court.

Mr. COOPER. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I am glad to yield.

Mr. COOPER. The Senator has made an important point. I know that many people believe that the separate but equal doctrine for public facilities and schools had been in force perhaps since the civil rights cases in 1883, but as the Senator has noted, the celebrated case of Plessy against Ferguson, decided in 1896, was the first case after the Civil War holding that there was such a doctrine as separate but equal facilities.

JUSTICE HARLAN DISSENTS

Mr. DOUGLAS. The Senator is correct.

One of the great men in American history—the dissenting justice in both the Civil Rights case and in Plessy against Ferguson—was John Marshall Harlan, of Kentucky, who had been a slaveowner, who had fought in the Civil War, and who wrote dissenting opinions in both cases. Indeed, they were dissenting opinions of such nobility that they deserve to be remembered by the people of our country.

I interrupt what I had prepared to read some passages from Justice Harlan's dissenting opinion in Plessy against Ferguson:

> In view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is colorblind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is, therefore, to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race. The arbitrary separation of citizens, on the basis of race, while they are on a highway—

And this statement was made in a railway segregation case—

> is a badge of servitude wholly inconsistent with the civil freedom and equality before the law established by the Constitution. It cannot be justified upon any legal grounds.

Of course, even in physical terms, separate accommodations were almost never equal. Some areas lacked schools completely, the schoolhouses for the Negro children were, in general, miserable, the textbooks few and poor, the teachers ill trained and underpaid, and school terms short. But for over 50 years, little if anything was done and the Negroes were not only allowed, but in a sense compelled, to continue in a pronounced state of marked legal, social, educational, and economic inferiority. Over large sections of the country the 14th amendment was, in practice, a deadletter.

In the schools, ordinarily very little attention was paid to the fact that the amendment apparently guaranteed the equal protection of the laws to all citizens.

THE BROWN CASE

Then, in 1954, in the famous Brown case, the Supreme Court handed down its decision which unanimously declared that the guarantee of the equal protection of the laws required the school systems of the country be open to all on equal terms.

I point out that this was a unanimous decision in which three of the Justices of the Court were southerners.

This ruling has been twice reaffirmed by unanimous decisions of the Court and it is now past argument. At long last, the noble dissents of Justice John Marshall Harlan in the Civil Rights cases and in Plessy against Ferguson have become the law of the land and it has been affirmed in his language that the schools of this country, like the Constitution itself, should be colorblind.

The Constitution is clear. The decisions of the Supreme Court have been clear. But what difficulties, delays, and evasions in carrying out these principles have been created.

MASSIVE RESISTANCE

Almost immediately after the second decision of the Supreme Court, the editor of probably the most influential newspaper in the South, James Jackson Kilpatrick, Jr., editor of the Richmond News Leader, wrote an editorial on the 1st of June 1955, from which I quote:

> These nine men repudiated the Constitution, spit upon the 10th amendment, and rewrote the fundamental law of this land to suit their own gauzy concepts of sociology. If it be said now that the South is flouting the law, let it be said to the High Court, "You taught us how."
>
> From the moment that abominable decision was handed down, two broad courses only were available to the South. One was to defy the Court openly and notoriously; the other was to accept the Court's decision and combat it by legal means. To defy the Court openly would be to enter upon anarchy; the logical end would be a second attempt at secession from the Union. And though the idea is not without merit, it is impossible of execution. We tried that once before.
>
> To acknowledge the Court's authority does not mean that the South is helpless. It is not to abandon hope. Rather, it is to enter upon a long course of lawful resistance; it is to take lawful advantage of every moment of the law's delays; it is to seek at the polls and in the halls of legislative bodies every possible lawful means to overcome or circumvent the Court's requirements. Litigate? Let us pledge ourselves to litigate

> this thing for 50 years. If one remedial law is ruled invalid, then let us try another; and if the second is ruled invalid, then let us enact a third.
>
> When the Court proposes that its social revolution be imposed upon the South as soon as practicable, there are those of us who would respond that as soon as practicable means never at all.

This statement by Mr. Kilpatrick represented the dominant sentiment of the white majority in the South. There were dissenters, it is true; and I pay tribute to the hundreds of southerners who have stood up against the pressures of their communities and have worked for the reconciliation of the races and obedience to the decisions of the Supreme Court.

They have shown heroism beyond praise. The difficulty has been that they have been, in the main, lone voices. There are probably tens of thousands of others who would like to join them, but who, for one reason or another, have felt they could not do so because the weight of public opinion was against them.

Let it also be recorded that 19 southern Senators from the States of the Old Confederacy pledged themselves in 1956 to use "all lawful means to bring about a reversal of this decision." No less than 82 Representatives also signed the document. The pre-Civil War doctrine of interposition was revived; namely, that a State could nullify the effects of an edict of the Federal Government within its borders, and, in the analytical words of the noted Virginian, Benjamin Muse, "that in the last analysis the State was independent." It had been thought that this doctrine had been buried nearly a century before. But not so. The refusal to obey the decision of the Supreme Court began to drown out the voices of the moderates in the South.

THE STATUS OF DESEGREGATION

I have prepared tables drawn from the Southern Educational Reporting Service which show the degree of desegregation among the Negro school population of the South.

Now I wish to congratulate the six border States and the District of Columbia for the progress which they have made in desegregating their schools. As of the current school year, 1963–64, there were no less than 287,000 Negro children in schools with white children. This came to 56 percent of the total number of Negro schoolchildren in these States and in the District of Columbia.

The numbers and percentages in each of these border States were as follows:

State [1]	Negroes in schools with whites	
	Number	Percent
Delaware	10,209	55.4
District of Columbia	98,813	83.8
Kentucky	29,855	54.4
Maryland	77,816	48.3
Missouri	40,000	42.1
Oklahoma	12,048	28.1
West Virginia	18,500	87.9
Total	287,241	56.2

But the story is very different in the 11 States of the Old Confederacy. Here in 1963–64 there are 7.9 million white schoolchildren and 2.9 million colored schoolchildren; the Negroes forming, therefore, a little over a third of the number of white schoolchildren and a little over a quarter of the total.

But here, 10 years after the Brown decision, there are only 30,798, or just under 31,000 Negro children in schools with white children. This is only 1.06 percent of the total number of Negro schoolchildren. At this rate, it would require approximately 1,000 years for full integration to be accomplished. Can this be said to be deliberate speed?

The picture is made even sharper if we look at the statistics State by State:

TABLE 2

State	Number of Negro schoolchildren in schools with whites	
	Number	Percent
Alabama	11	0.004
Arkansas	1,084	.968
Florida	3,650	1.53
Georgia	177	.052
Louisiana	1,814	.602
Mississippi	0	0
North Carolina	1,865	.538
South Carolina	10	.004
Tennessee	4,466	2.71
Texas	14,000	4.29
Virginia	3,721	1.57
Total	30,798	1.06

Texas has the best record with a little over 4 percent of the Negro children in desegregated schools. In only four other States is the percentage of Negro children in nonsegregated schools about 1 percent. In the other six States it is less than 1 percent. There are absolutely none in Mississippi and only a bare handful in South Carolina and Alabama.

We must simply face the fact that the decisions of the Supreme Court are not being carried out over large sections of the country and that unless we are to make a mockery of them, as we did for three-quarters of a century with the 14th amendment, Congress must act and put the strength of the National Government behind them. That is what we are trying to do in this bill and specifically in this title which deals with the very subject of school desegregation which the Supreme Court ordered.

Ten years after the Brown decision there are only a little fewer than 31,000 Negro children in public schools with white children. This is only 1.06 percent of the total number of Negro schoolchildren. For practical purposes, we can call it 1 percent.

SLOW RATE

At this rate, if it has taken 10 years for 1 percent of the Negro schoolchildren to go to school with white children, it would require approximately a thousand years for full integration to be accomplished. Can this be said to be the "deliberate speed" which the Supreme Court in its second decision laid down as the standard?

The picture is made even sharper if we look at the statistics State by State. It will be noted that there are absolutely no Negro schoolchildren going to school with white children in Mississippi. There are only 10 in South Carolina, and only 11 in Alabama. That is four-thousandths of 1 percent.

In Arkansas, Louisiana, and North Carolina the percentage is less than 1. The record in the State of Texas is the best of all—an estimated 14,000 out of an estimated 186,000 Negroes, or a little more than 4 percent.

If it had not been for Texas, the average would have been only a little more than one-half of 1 percent elsewhere in the South.

We must face the fact that the decisions of the Supreme Court are not being carried out over large sections of the country, and that unless we are to make a mockery of the decisions of the Court, as had been done for three-quarters of a century with the 14th amendment, Congress must act to put the strength of the National Government behind it, as would be authorized by this bill. That is what we are trying to do by the bill, and specifically in title IV, which deals with the very subject of school desegregation which the Supreme Court ordered.

The almost infinitesimal progress which has been made in the States of the Old Confederacy, and particularly in the States of the Deep South, has been largely due to the fact that thus far the enforcement of these fundamental principles has been left to private litigation in the courts. The aggrieved parties have been compelled to seek alone for the principles which the Supreme Court laid down, without appreciable assistance from anyone else.

PRIVATE LITIGATION INADEQUATE

I shall try to show today that this process of private law enforcement has failed adequately to defend and vindicate basic constitutional rights. I shall try to show that the deprivations to which millions of young people have been, and still are, being subjected are the result of a conscious, deliberate attempt by State and local authorities to evade the command of the Constitution which we and they are sworn to uphold. I shall try to show that it is long past time for the Congress of the United States to use its great authority to insure that in this land and in this time the rights of all our children are vindicated.

I shall do this without the slightest animus and, indeed, in a spirit of deep friendliness to the white people of the South, who, in a sense, are also imprisoned by the mistakes of the past. We are all children of history.

Before I begin, let me say that we in the North have committed, and are in fact committing, many errors and sins which, so far from defending, I should like to reduce and eliminate.

Our differences on this issue are not due to differences in the innate moral quality of northerners as compared with southerners, but to the fact that slavery was not adapted by climate and geography to the North, and therefore did not flourish in the North. It was adapted by temperature and by soil to the South and was profitable and, therefore, it was adopted. Thus slavery became deeply fastened in the South, but not fastened in the North. This permitted northerners to be more opposed to slavery than they would have been had they been in the South.

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[1] These statistics are taken from the 1963–64 report of the Southern Education Reporting Service, "Statistical Summary of School Segregation-Desegregation in the Southern and Border Area, 1954 to the Present," p. 2.

Let it also be said, to the shame of many northerners, that they were, in the main, the brutal sea captains who brought Negroes over from Africa under the most terrible and horrible conditions and, in the main, furnished the most brutal overseers on the southern plantations.

So I hope our southern friends will not feel that we are trying to strike an attitude of moral superiority over them. We were blessed by the fact that we were not a slaveholding territory. Southerners also suffered from the fact that the Civil War was, with rare exceptions, fought on their soil. War is never pleasant. It is particularly terrible when it is fought on one's own soil. This has naturally created a feeling on the part of the white South toward the National Government which has found it difficult to move in the direction which I believe the public opinion of the Nation believes desirable.

TITLE IV

WHAT DOES TITLE IV DO?

Basically, all title IV does is to give legislative authority to the Attorney General to enforce the Constitution of the United States. It does not create any new rights; it merely sets out ways in which existing rights can be enforced and guaranteed under the 14th amendment which grants equal protection to all citizens under the law.

Specifically, title IV gives the Attorney General limited authority—I emphasize that phrase "limited authority"—to initiate suits in the Federal district courts in order to bring about desegregation in public schools and colleges. His authority to initiate such suits is limited to those circumstances in which he receives a written complaint which reasonably establishes a number of things: One, that the school board in the District has failed to achieve desegregation, or that the individual in the case of a college student had been denied admission to or had been unable to continue in attendance at a public college by reason of race, color, religion, or national origin. So, first of all, it must be established that segregation still exists in the elementary or secondary school, or that the individual has been denied admission to or has not been allowed to continue to attend a college.

But, in addition to this, there are two further provisions which must be met; namely, that the signers of the complaint are unable, in the judgment of the Attorney General, to initiate and maintain appropriate legal proceedings for relief, and that such action will, in the words of the bill, "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education."

In determining that the person or persons are unable to initiate and maintain these appropriate legal proceedings, the Attorney General must find either that the person or persons are unable themselves or through the help of other persons or organizations to bear the expense of the litigation or to get effective legal representation. Or, the Attorney General may find a person unable to initiate the proceedings if, in doing so, it would jeopardize his employment or economic standing or result in injury to him or economic damage to him or his family or his property.

In these limited circumstances the Attorney General is authorized to initiate suits to carry out the Constitution of the United States and, specifically, those provisions of the 14th amendment affecting school desegregation under the opinions handed down by the Supreme Court.

I suppose some will argue that this will give the Attorney General some unusual and unique power. We have all seen the full-page advertisements in which it is being claimed that the Attorney General or the Justice Department would receive dictatorial power under this bill. Mr. President, the authors of that advertisement could not seriously be referring to this section of the bill. What is wrong with the chief legal officer of the United States having the power in limited circumstances to enforce the Constitution of the United States?

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. Is it not a fact that the oath of office which the Attorney General takes requires him to enforce the provisions of the Constitution of the United States and the laws pertaining thereto?

Mr. DOUGLAS. The Senator is correct. It is possible that the Attorney General already has such general powers, but this title aims to make them explicit, to lay down the ground rules under which the Attorney General may exercise such powers and, in a sense, perhaps it could be argued that these are somewhat limited clauses.

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. Does not the Senator find, in reading the bill, particularly title IV, that the powers which the Attorney General has been given are obviously based upon the Constitution? They explicitly outline the terms of the procedural use of such powers. Such procedural requirements are, in fact, a conditioning of the use of the powers?

Mr. DOUGLAS. Exactly. Otherwise the Attorney General might roam at random.

Mr. HUMPHREY. Is it not a fact that Congress has responsibility, under the Constitution, to take whatever action is necessary, on the basis of whatever laws are necessary, to effectuate the mandate of the Constitution?

Mr. DOUGLAS. I believe Congress has such general powers. In addition, it is specifically assigned those powers under the 5th section of the 14th amendment.

Mr. HUMPHREY. Indeed. And under the 2d section of the 15th amendment also?

Mr. DOUGLAS. The Senator is correct. That is the section on voting rights.

Mr. HUMPHREY. It is a fact, is it not, that instead of giving the Attorney General alleged dictatorial powers—as the advertisement states—the bill provides that the Attorney General's powers shall be used in a moderate, regular, uniform, limited manner?

Mr. DOUGLAS. The Senator is correct.

Mr. HUMPHREY. So the advertisement should read, "Civil Rights Bill Holds Attorney General to Strict Procedures of Statutory and Constitutional Law," rather than screaming out in bold headlines that this is a grant of dictatorial, tyrannical power to the Attorney General of the people of the United States.

Mr. DOUGLAS. The Senator from Minnesota puts it perfectly.

Mr. HUMPHREY. I thank the Senator for yielding to me.

Mr. STENNIS. Mr. President, will the Senator from Illinois yield to me on that same point?

Mr. DOUGLAS. I am happy to yield to the Senator from Mississippi. Before I do so, let me say that there is no fairer Member of this body than the Senator from Mississippi. He is the soul of fairness. He is also the soul of courtesy. I have often said that if I were to be on trial for my life, I could have no fairer judge than the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Illinois very much. It is a privilege for me to serve with the Senator from Illinois in the Senate. He and I came to the Senate at about the same time. I appreciate greatly his courtesy in yielding to me.

Mr. President, do I correctly understand the Senator from Illinois to state that the Attorney General now has the general power to institute suits of this kind?

Mr. DOUGLAS. I believe it can be contended that he has.

Mr. STENNIS. Has the Attorney General instituted any suits of this kind in the name of the Federal Government?

Mr. DOUGLAS. Not that I know of. He instituted 61 suits affecting voting rights under the 1957 and 1960 acts, by authority of the 15th amendment.

Mr. STENNIS. If the Attorney General has power to institute these suits in school cases, does not the Senator lay down a terrible indictment of the present Attorney General for his failure to institute even one suit?

Mr. DOUGLAS. Does the Senator mean that Attorney General Robert Kennedy has been too lax in defense of civil rights? I never thought it was the position of our southern friends that Robert Kennedy had been too lax.

Mr. STENNIS. If the Senator will answer the question, he can comment on it later. If it is true that the Attorney General has the authority that the Senator asserts he has, and has not filed a single suit, is that not an indictment of him on the grounds of dereliction of duty and failure to act?

Mr. DOUGLAS. I believe he has such implicit authority, and that he has shown great restraint in not exercising this authority in the absence of specific legislative authorization. He has shown excessive susceptibility to legislation by Congress and to the criticism which our southern friends might level at it.

Mr. STENNIS. Since no suit has been filed, and the Senator now is asking for this sweeping authority, can the Senator sustain his position that the Attorney General now has such power by any opinion which the Attorney General has given, in public or in private, to the effect that he has authority to file these suits?

Mr. DOUGLAS. I do not believe he has made any such suggestion. He has shown extraordinary restraint. I hope this record goes back to the Deep South, so that people will realize that Robert Kennedy has been very sparing in the way he has exercised his legal authority.

Mr. STENNIS. According to the contention of the Senator, the Attorney General has such authority. This is the first time that I have heard it contended by anyone that under present law the Attorney General has authority to institute cases of this kind.

Mr. DOUGLAS. Does the Attorney General have power to defend the Constitution without specific legislative authority, or may he operate only under legislation enacted by Congress?

Mr. STENNIS. The Senator is dealing in very general terms. It is well known that the legislative branch must implement various programs and give authority and make appropriation of funds.

Mr. DOUGLAS. Yes. I will come to that.

Mr. STENNIS. I deny emphatically that under present law the Attorney General has the authority to institute such suits. That is proved by the fact that the present Attorney General has not attempted to do so. He has never given any opinion that he has such authority; nor have any of his assistants ever claimed it.

Mr. DOUGLAS. One reason why he has not done so is due not merely to sensitiveness to the mandates of Congress, but also to the fact that the Appropriations Committees have not given the Civil Rights Division great amounts of money with which to operate. It has been so busy with voting rights cases that it has not had an opportunity to move into this field.

Mr. STENNIS. The Senator from Mississippi is a member of the Appropriations Committee.

Mr. DOUGLAS. Yes; he is a very effective member of that committee.

Mr. STENNIS. The record will show that the Attorney General has never asked for one dime of money to institute a suit in a school case. That is another reason why I believe the Attorney General does not have that authority.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I wish to clear up one point. I believe the record does show that the Appropriations Committee has given to the Department of Justice every lawyer in the Civil Rights Division which the Department has requested. How long this will continue, I do not know. I congratulate the Senator from Mississippi. I am very glad to make that statement.

Mr. STENNIS. I appreciate the Senator's remarks. I do not want to take too much of his time.

Mr. DOUGLAS. That is quite all right. This is important.

Mr. STENNIS. I wish to explore the question of the Attorney General having authority under present law to file these suits. The Attorney General appeared before the Senate committee and the House committee when these bills were under consideration. The Senator from Mississippi did not hear any claim made by the Attorney General or any of his assistants that the Attorney General now had such authority. If the Senator could buttress his argument by any opinion or contention in that regard it would be helpful to the Senate. Does the Senator have anything to show that?

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I suggest that the Senator from Kentucky give the Senator from Illinois an opportunity to answer the question.

Mr. DOUGLAS. It stands to reason that the Constitution is the basic law of the land, and that the Department of Justice can proceed to defend the Constitution even though specific legislation may be lacking. I remind my good friend that we are trying to make it doubly sure now by passing specific legislation which would lay down the limits within which the Department of Justice can operate.

Mr. STENNIS. If the Senator will yield further, I should like to ask the Senator whether he is proposing to limit the Attorney General or to give him more power.

Mr. DOUGLAS. The purpose is to make his powers explicit, and to furnish guidelines for action.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. COOPER. There may be some misunderstanding on this point. I believe the Senator from Mississippi will agree with me that the Attorney General can now intervene in an action brought by a private person, by filing an amicus brief, and coming into the case as a "friend of the court." This may be done upon the Attorney General's request, or upon the request of the court. This procedure has already been followed in several school desegregation cases.

Mr. STENNIS. If I may answer that contention briefly, the Senator from Mississippi understands the law. The Attorney General can intervene at the request of the court or with the permission of the court, but he has no power in his own right to come into court.

Mr. COOPER. But in a great many cases—for example, in Brown against Board of Election and in Cooper against Aaron and many others—the Attorney General did enter an appearance as amicus curiae, or friend of the court and took a very active part in the proceedings. I believe that is perhaps the procedure to which the Senator from Illinois is alluding.

Mr. STENNIS. I appreciate the fact that the Senator from Kentucky sustains my position.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I do not profess to be a constitutional lawyer, but I did read something about our Constitution—at least in the earlier days of my life—and I have been doing a good deal of reading of the Constitution in these later days. The Constitution contains two types of powers, implicit and explicit. Implicit power comes from the full body and full weight of the Constitution itself. The explicit power comes from the directives in the articles and sections of the Constitution itself. In the 14th amendment there is not only an expression of a constitutional provision, which is within itself both implicit and explicit, but there is also a directive to Congress, in section 5 of that amendment, which provides that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

There have been enacted numerous Federal statutes which authorize the Attorney General, under the terms of the Constitution, to intervene in behalf of the Government of the United States or in behalf of the citizens of the United States, where the real or incidental beneficiary would be a private person. As an example, there are the Sherman Antitrust Act and the Clayton Act. The Antitrust Division of the Justice Department is proof that the Attorney General exercises such power.

First, there is a full constitutional basis for title IV under section 5 of the 14th amendment. This title lays down guidelines for the Attorney General. In a sense, it spells out the details of the Attorney General's exercise of authority.

Mr. DOUGLAS. Mr. President, inasmuch as there seems to be a dispute as to the implicit power of the Attorney General to intervene in school desegregation cases, why does not the Senator from Mississippi join us in making the authority explicit by passing title IV? I suggest to the Senator that he should now clear up any constitutional doubt he may have by approving title IV, which would clinch this question beyond the shadow of a doubt.

Mr. STENNIS. The Senator from Mississippi will take the Senator's suggestion under advisement, after which he will reject it, as I am sure the Senator knows. If the Senator from Illinois will make clear the basis upon which he argues that the Attorney General has this power, and if the Senator will bring in some supplemental proof from either the present Attorney General or a prior Attorney General or any of their assistants, to show that such power exists, it will be helpful.

Mr. DOUGLAS. I do not believe that the Department of Justice ever claimed any such authority. I personally believe—although I am not a constitutional lawyer—that this power is resident in the Attorney General. This title spells out how he should use it.

Mr. HUMPHREY. There is a famous Supreme Court case. I do not remember the exact citation. It is entitled Curtis against United States, as I recall. It related to an airplane company. In this case it was stated in substance that the executive branch has only such powers as are granted by the Constitution. It was further stated that there is no emergency, for example, that gives more power merely because there is an emergency. It is in an emergency, however, that the use of the latent power of the Executive may be called upon by the President.

The Senator from Minnesota was saying to the Senator from Illinois that the Attorney General, representing the Government and the people thereof, has a clear constitutional base in the 14th amendment upon which to exercise the directives of this bill.

He not only will have the authority—he will have the obligation to protect the rights of citizens of the United States. The bill lays down the limits of the authority.

Mr. STENNIS. Mr. President, will the Senator yield at that point for me to agree with him?

Mr. HUMPHREY. I yield.

Mr. STENNIS. The Senator touched upon the vital point when he read from the amendment the provision that Congress—not the executive branch—shall have the power to carry out these provisions.

The Senator proposed that Congress should pass a law in this instance to clothe the executive with this power. I believe that is a constitutional question. If Congress enacts a statute, it must be based on the Constitution; otherwise it is invalid.

Mr. HUMPHREY. This bill is based on the Constitution.

Mr. DOUGLAS. That is, I think, an admission from the Senator from Mississippi.

Mr. STENNIS. There is no admission at all. There is only a plain statement of facts. There are many things in the bill that purport to give power which I do not think we have any right to bestow. But if Congress in good faith passes an implementing act, that is where the power is—in the Congress, not in the executive branch.

Mr. HUMPHREY. I agree with the Senator from Mississippi.

Mr. STENNIS. I emphasize that point, and one additional point. I do not wish to take up more time. There is no common law in the Federal Government. There is no reservoir of law, as there is in the case of the State. The law in most States is bottomed on the common law of England. There is the general common law of power which perhaps each State district attorney might have, unless it is expressly denied him by the law of that State. There is Bishop's criminal law, the old English law. They set various precedents that the State district attorney can rely on. But a Federal district attorney or Attorney General has only such power as is expressly given by the Constitution or by a statute based on constitutional authority. He must find authority. He has no reservoir of law to call upon.

Mr. HUMPHREY. I do not disagree with the Senator. We must go from title to title. I grant that there are differences in the wording of the titles, as to where the authority comes from.

The point which the Senator from Minnesota was making was that there is no power—no authority that is not prescribed by the Constitution. Congress was given the constitutional directive to implement the 14th amendment which it is doing in title IV. I do not say that this is solely true, for the executive branch was given powers directly by the Constitution which needed no further implementation from Congress. But under the 14th amendment, which specifically provides in section 5:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

It was obviously the intent that Congress should take whatever action was necessary to effectuate the purposes of the 14th amendment. Does the Senator agree with that statement?

Mr. STENNIS. If we assume the validity of the Brown case, and other desegregation cases, and if we take that as a starting point, it still follows that Congress, and only Congress, has the authority to bestow this power on the Attorney General.

As the Senator from Kentucky suggested, the Supreme Court can ask the Attorney General to intervene, or he can petition the Court for permission to intervene. If the permission is granted by the Court, he is in the case. But that action in both instances is Court action, and not original power vested in the Attorney General. Nor is it based on action by the Congress.

I thank the Senator for yielding to me.

TITLE IV—A MODEST PROPOSAL

Mr. DOUGLAS. Mr. President, whatever the dispute may be as concerns the power of the Department of Justice to initiate or intervene in suits to vindicate constitutional rights without legislation, I am very glad that it is now admitted that the legislation now proposed, so far as title IV is concerned, is constitutional. Under the laws of the United States, the Attorney General daily uses his power to enforce the laws of the United States. That is what the chief legal officer is supposed to do. Can it be seriously argued that he should not have the power to enforce the Constitution of the United States, which is the supreme law of the land, and which the Attorney General should certainly enforce as diligently as he enforces the laws passed by Congress?

I suppose that some will argue that the Attorney General will initiate literally hundreds of suits to bring about desegregation. This might indeed be necessary, or reasonable, or important, but anyone who reads the language of the title and who knows how departments of the Government work, will seriously doubt that this will come about.

There is always a reluctance on the part of Government agencies to take on additional work and additional burdens on behalf of individual citizens. At the time, they showed extraordinary reluctance in that direction. It is therefore true by the nature of things that the Attorney General will not initiate a suit at the mere whim of a citizen. Furthermore, the language reads that the action should "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education." It must be in conformity with public policy. The objective must be the orderly achievement of desegregation.

When we consider the relatively few cases in which the Government enters into a private suit as a friend of the court, I think it is clear that any Attorney General will want to pick and choose his cases carefully.

APPROPRIATIONS NEEDED

There is also another fact of life which will no doubt limit the number of suits which are initiated. The Department of Justice, like all Departments of the Government, must come to Congress for needed appropriations. Even the most cursory examination of congressional appropriation machinery, or the membership on the Appropriations Committees indicates that no Attorney General will have forced upon him by the Appropriations Committee in the Senate a vast army of lawyers to initiate cases under this title.

We certainly hope that if this title passes, the Attorney General will request and the Appropriation Committees will grant adequate funds to enforce the Constitution of the United States. We know that authorization is one process and appropriation is another process, and that the lawyers at the Justice Department will be heavily burdened in initiating anything like the number of suits which would be necessary to carry out the full intent of this title and to bring about the fulfillment of the Supreme Court decisions of 1954 and of 1955.

As an example, Mr. President, in 1957 and in 1960, we granted authority to the Attorney General to initiate cases under the 15th amendment, or voting rights amendment, of the Constitution. The record shows that in the first 6 years under that provision of law, only 58 cases were initiated by the Attorney General. There have been another 3 cases in 1964, bringing the total to 61. The provisions for the Justice Department starting suit under title IV of the present bill are less expansive than those provided under the Voting Rights Act of 1957.

MUST WIN SUITS

There is a third point here, too—namely, that to initiate a suit is not the same as to win a suit. The Attorney General or the other representatives of the Government of the United States must appear in a Federal district court. We all know that in almost every case these will be Federal district courts in the South. The Federal district judges on these courts are men who, in almost every case, were born and reared in the South, and who, while sworn to uphold their oath of office to defend and protect the Constitution of the United States, certainly will not by their background and experience be prejudiced in favor of the Attorney General. Certainly that is a most modest statement.

The Government will be required to present facts and evidence and to make legal arguments and to have these rebutted and argued against, if the past is any experience, by the most capable and legal minds in the South.

So all this title does is to give the Attorney General the right to initiate suits to enforce the Constitution of the United States with respect to desegregation in the limited circumstances where the aggrieved parties are unable to do so themselves, either due to lack of funds or where the results might be severe injury or damage to them. What could be more restrained or more limited than this modest proposal? Why should not justice be provided with a sword, not merely with a tribunal where the weak and the unassisted must contend with the strong?

Roscoe Pound once defined the American system of justice as one of clearing the ring and allowing grossly unequal contestants to go at it, unhampered by any ideas of equal justice.

BILL LONG OVERDUE

Mr. President, this bill is long overdue; and in my judgment, it should be passed.

Another section of title IV, unlike the one I have been describing, applies not alone to school districts where segregation is being enforced by the action of the State or its officials "under color of the law," but also to any public school or public college which seeks to desegregate voluntarily, as well as under a court ordered plan. This section provides for technical assistance to a school board, a State, a municipality, a school district, or other governmental unit which is legally responsible for operating a public school or schools. Technical assistance could be provided them in the preparation or adoption or the carrying out of a plan to desegregate the public schools. The technical assistance could take the form of providing information to them about the special problems that may arise as a result of desegregation and to provide personnel who are trained to advise and assist them with the problems they may encounter. That would have helped very much at Little Rock in 1957. I am happy to note that this feature was apparently copied from a bill which I introduced in 1958.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it the view of the Senator from Illinois that colored students should be placed in schools with white students, even in cases in which the colored students do not prefer to be in classes with white students?

Mr. DOUGLAS. Oh, no; that would be done only if the individual wanted to enter a public school or a public college—it would not apply to private schools—and only if the Negro wished to enter there; and thus would take on himself a very heavy burden.

Mr. LONG of Louisiana. But if the colored student preferred to go to a school where he would be with others of his own race, does the Senator from Illinois feel there is anything wrong about that?

Mr. DOUGLAS. Not at all. The 14th amendment and the bill merely provide that if a person wishes to assert his constitutional right, this is his right, insofar as public education is concerned.

Mr. LONG of Louisiana. Will the Senator from Illinois answer this question: If it is all right for a colored student to go to a school among other colored children—and I see nothing wrong about that—then what is wrong if white students wish to go to schools among other white students? Why would the Senator from Illinois object to having the white students go to school with other white students?

Mr. DOUGLAS. Such a privilege would not and should not carry with it the right to deprive a Negro citizen of his constitutional rights.

Mr. LONG of Louisiana. Does the Senator from Illinois feel that a constitutional right of a Negro is to be with people of a race other than his own?

Mr. DOUGLAS. I merely say that insofar as the public schools are concerned, the Supreme Court has so ruled.

Mr. LONG of Louisiana. Can the Senator from Illinois tell me why there is anything wrong with an arrangement by means of which colored students attend school with others of their own kind and white students attend school with others of their own kind?

Mr. DOUGLAS. There is nothing wrong with it; but we are trying to establish the right of individual choice. If a Negro wishes to go to a public school that is predominantly white, that is a constitutional right; or if a white student wishes to go to a public school that is predominantly Negro, that is his right, too. The basis is individual choice in utilizing public facilities.

Mr. LONG of Louisiana. I saw Mr. James Farmer appear on a television debate with Malcolm X; and on that occasion James Farmer said that he did not object to colored citizens' having colored communities such as Harlem; he said he thought they should have that privilege, but that he thought they should have a choice between either living in colored communities or living in communities among whites.

If the colored are to have that choice, why should not the whites have the same privilege of living either among whites or in colored communities?

Mr. DOUGLAS. Now the Senator from Louisiana is bringing up the question of housing; but absolutely nothing in the bill refers to housing or requires open occupancy. The bill is confined to the specific titles set forth in it—namely, voting rights; equal access to specified public accommodations; the right to use State and local facilities, whether locally supported or federally supported; and, in title IV, the right to desegregated public education; and the bill also includes the fair employment practices provisions and certain other provisions—but no provisions in regard to housing.

Mr. LONG of Louisiana. But my question is basic to the same question, and relates to the right to associate with people of one's own kind.

Mr. DOUGLAS. In the schools?

Mr. LONG of Louisiana. Yes; I am speaking of the schools.

Mr. DOUGLAS. In the public schools?

Mr. LONG of Louisiana. I ask the Senator from Illinois whether the right to associate with one's own kind is the same theoretical right, regardless of whether association in a school or association in a neighborhood is concerned.

Mr. DOUGLAS. I believe that white students should have the same right to transfer out of schools that Negroes should have the right to transfer in—I shall put it that way; in other words, that there should not be any greater rights given to Negroes to transfer in, than are given to whites to transfer out. But the Negro must have the right of equal access to school facilities owned and operated by the public.

Mr. COOPER. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. COOPER. I am interested in a particular question, which was addressed to me the other day by the Senator from Florida.

I would like to say, with all deference to my distinguished friend the Senator from Louisiana that the argument which he raises is being used considerably, as a diversion, in an attempt to avoid the decision of the Supreme Court in these school desegregation cases.

The Supreme Court held in a later case—Goss against Board of Education, June 3, 1963, from Nashville—and in a similar case, Watson against City of Memphis, May 27, 1963, from Knoxville, Tenn., that the so-called right on the part of a student, to transfer from a desegregated school to a segregated school in a district outside his own district—either to a white school if he were a white student, and wants to attend that school, or, the same opportunity for a Negro child, that the right to transfer out of a particular school district which results in continuing segregation does not exist. Regulations for the school transfer program as involved in those cases, were found to violate the equal protection clause of the 14th amendment because the school district transfers were discriminatory.

I believe something has been overlooked. The Brown case, the Cooper against Aaron case, and other cases in the 1950's held that segregation in public schools was a denial of constitutional rights under the equal protection clause. These cases set forth a series of questions to be answered. Those questions were based upon the problems which arise in desegregating public schools in a normal geographic school district. The hearing of the Brown case was for the purpose of instructing the school district as to the kind of plans that they should make, the integration programs that they should carry out, based upon normal compact geographic school districts in each State. Once the States had established such normal school districts, a later decision, Goss against Board of Education, decided by the Supreme Court on June 3, 1963, held that school children could not be transferred out of a district where an effort to avoid desegregation of schools, was the real reason for the student transfer program.

Mr. DOUGLAS. I do not believe that the Negro should be given any rights that the whites do not have. The important point is that no one should be denied rights by law on the basis of race or color.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Is it not true that in the great city of Chicago, where the Senator served in local city governments with great distinction and honor, there is a decided pattern of residential segregation which reflects itself in segregation in the public schools of that community?

THE HAUSER REPORT

Mr. DOUGLAS. That is true to some considerable degree. The school districts were laid out in Chicago on the neighborhood pattern to which the Senator from Kentucky has referred. It is true that the residential pattern within and between those neighborhoods tends predominantly, although not exclusively, to be overwhelmingly white or overwhelmingly Negro. Some communities—and mine in Hyde Park-Kenwood happens to be one of them—are integrated communities. But it is true that in the main the neighorhoods have a general residential pattern of either one or the other. To a very large degree it results in schools being either all white or all black. That is not universal. There is a considerable percentage of integrated schools, although they are not in the majority.

The pattern is not forced by law. It follows from the neighborhood pattern, which in turn is not forced by law. Restrictive covenants in Chicago, as elsewhere, are illegal. They have been declared unconstitutional. However, a de facto problem has been created which is very serious and with which, I am very frank to say, we have not coped successfully, but with which we are trying to cope.

On Tuesday of this week a distinguished committee made a report to the Chicago Board of Education. The committee was under the chairmanship of Professor Hauser, of the University of Chicago. I have with me the text of that report. The report criticizes our weaknesses very severely. It also lays down a program for the future. In that program it is proposed to enlarge the school districts so that a school district, though still on the neighborhood pattern, will not be exclusively white or exclusively black. Within the elementary school districts it is proposed that pupils shall have the choice of attending the school which they desire; and transportation within that district for elementary pupils will be furnished by the community. That plan would permit a considerable degree of integration.

Second, the plan proposes that, so far as high schools are concerned, each student shall have the right of choice anywhere within the city, but must pay for his own transportation costs.

There is a third recommendation; namely, that new schools should be located on the borders of a Negro district, on the one hand, and a white district on the other, and be eligible, therefore, to receive students from both. A great many new schools are being built.

In short, the problem really came upon us unawares. It grew out of the residential pattern. We are trying to cope with it.

The difference between our efforts and those of our southern friends is that whereas we are trying to overcome the residential pattern, and to go beyond legal requirements, our southern friends are trying to circumvent the legal ruling. That is a very great difference. The problem is profound.

I believe I understand some of the difficulties in the South. But this is the latter part of the 20th century; and we must get away from the rigid segregation which has existed in the past, because segregation, as the mayor of Atlanta said, is the child of slavery.

Mr. LONG of Louisiana. The Senator has a right to his view, and the mayor of Atlanta, Ga., can think in that way if it suits him. But I do not happen to look at the question in that way. I feel that the good Lord must have meant us to be what we are; otherwise, he would not have made us in the way that he has. The good Lord did as much segregating as anyone I know of when he put one race in one part of the world and another race in another part of the world.

I have difficulty in understanding the position of the descendants of those who had something to do with the Yankee slave traders, who took Negroes into captivity and brought them to this country. My forebears had no slaves and had no part in it. I am not trying to blame anyone who did.

Mr. DOUGLAS. My forebears were not in the slave trade. If the Senator from Louisiana had been in the Chamber earlier, he would have heard my denunciation of the Yankee slave traders. I said that we of the North must bear a large share of the guilt.

Nevertheless, slaves were brought here because they were profitable, and they were profitable because the institution existed in the South and enabled some men to live without working.

Mr. LONG of Louisiana. In any event, I see nothing wrong with white citizens being among white citizens, and colored citizens being among colored. As one who has had a great deal of experience in the South with the problem, I should like to state that there are a great number of colored people, as well as a great number of white people, who find a great deal of satisfaction in being among their own people and take pride in their own people.

Mr. DOUGLAS. Certainly, but let it be by individual choice rather than by something which is forced by law. That is our point.

Mr. LONG of Louisiana. The point that I make is that, much as I enjoy the company of the distinguished Senator from Illinois, I may not have the privilege of his company unless he is willing to associate with me.

Mr. DOUGLAS. I am always happy to associate with my good friend from Louisiana. He knows that.

Mr. LONG of Louisiana. That is a mutual feeling. My quandary is that decisions such as whom a person will have as his neighbor and with whom he will associate in other respects, together with the guidance that he will give his children as to whom they shall associate with, are questions in respect to which a person has a right to discriminate. He may decide with whom he will associate and with whom he will urge his children to associate.

Mr. DOUGLAS. In anything that is not public in nature—in all private relationships—I grant what the Senator has said. If we may discuss another title—title II, related to public accommodations—it is explicitly stated in that title that its provisions do not apply to private clubs. The title does not apply to "Mrs. Murphy's Boarding House," to which the Senator from Vermont [Mr. AIKEN] called attention. It does not apply to boardinghouses in which the owner and manager live, and which take in fewer than five persons. We wish to preserve the right of individual choice. I believe that we as individuals have been too rigid in applying that right, but that is another question. All we are trying to do is provide that the law shall not discriminate between people on the basis of race or color. As Justice Harlan said, the Constitution is colorblind.

Mr. LONG of Louisiana. A great amount of segregation exists in Louisiana, and I suspect that a great amount exists in Illinois by choice of the people themselves.

Mr. DOUGLAS. If it is a free choice and not in a public facility or one engaged in interstate commerce, that is all right. I emphasize that.

Mr. LONG of Louisiana. But I submit that there is something of an invasion of the rights of persons when people are made to associate with those with whom they do not want to associate. It seems to me the freedom we would like to protect most would be the right of every person, so far as possible, to choose those with whom he wishes to associate or not to associate.

I say that in spite of the fact that the Senator from Louisiana has probably been blackballed from more organizations than any other Member of this body; but, at the same time, I think we should protect the right of a person to be among his own kind.

The Senator from Illinois has said there is nothing in the bill with respect to the housing problem. Perhaps the Senator will vote for an amendment which will be offered to the bill, which would provide that the President of the United States may not usurp the power of any Federal agency or any agency doing business with the Federal Government to lend money for housing purposes in order to break up the white or the colored nature of a subdivision.

Perhaps the Senator from Illinois approves the usurpation of power in that way, but the Senator from Louisiana does not approve it, and I am sure his constituents do not approve of the power of the Federal Government being used to break up the nature of a white community or a colored community, if that is the way they want to live, among people of their own race and kind. It seems to me that is a personal right the people have which Congress should protect. It is both a personal and a property right.

Mr. DOUGLAS. I do not want to enter into a discussion of proposals which are not in the bill and which refer to provisions other than those I am trying to discuss under title IV. I wish to deal with the point which our southern friends constantly bring up. They say that we are hypocritical; that we want to enforce desegregation in the South, but are not willing to apply it in the North.

I point out that, so far as the law is concerned, there is no legal segregation in the North. It arises from neighborhood patterns and is based on the theory that children should not travel too far away from home to go to school. Also, the segregation patterns are brought about, not by law, but by choice, with some degree of pressure from the whites, it is true. The result is segregation to that extent. We are still trying to solve that problem in the big cities.

INTEGRATION IN MEDIUM-SIZED CITIES

However, I point out that there are large numbers of Negroes in medium-sized cities, those with a population of from 40,000 to 150,000, where there is only 1 high school or, at most, where there are 2 or 3 high schools, cities like Springfield, Aurora, Rockford, Rock Island, Decatur, Champaign, Danville, and others in my State.

In those cities there are considerable numbers of Negroes, and they go to the common public high school, and there is desegregation—indeed, integration, which is one step beyond desegregation—in the high schools. That fact needs to be emphasized.

On the other hand, in the Southern States, even a moderate-sized city will have a separate high school for Negroes, and segregation will be enforced.

So, when the charge of hypocrisy is made, it is true only to a relatively small degree.

Mr. LONG of Louisiana. The Senator from Illinois knows that we folks in the South are not hypocrites about this matter. We think it is absolutely desirable that the white people should continue to be white, and that their children and grandchildren should be the same; and we let our children know that we think just that. We think it desirable to encourage the colored people to exert themselves in the same direction.

If they had been left alone, and if the troublemakers had not stirred the people in our area to think and believe differently, the prevailing view of the overwhelming majority of the colored, as well as the white, would be that it is desirable for the colored, as well as the white, to associate with their own kind, and to have their social relationships among their own kind. The Senator from Louisiana believes that is the opinion of the overwhelming majority of the white, as well as the colored—reserving the right of anyone who wants to mix to do so.

Mr. DOUGLAS. The Senator from Louisiana, in a polite way, has brought up the old question of, "Do you want your daughter to marry a Negro?" Marriage is difficult enough at best. Marriage between people of different races would be that much more difficult. But marriage is an individual matter and has nothing to do with this legislation. Many whites may not want their daughters to marry Negroes and many Negroes may not want their daughters to marry whites. This is a personal matter. However, in spite of the protestations that have been made by our southern friends that they do not want mixing of the races, race mixing has occurred in the past in the South, and most of it was not initiated by the Negroes.

Mr. LONG of Louisiana. The Senator says they do not want intermarriage, but they are being encouraged to do so by going out on dates together.

Mr. DOUGLAS. I am not proposing that at all. It has nothing to do with this bill. It may well be that in high schools there could be segregation, not by race, but by sex. That idea somehow has not caught on, but I always thought it was a rational idea. It certainly would be constitutional. There could be segregation based on sex. Our Catholic friends have practiced it to a very large degree, and I think it has worked out very well for them.

I now return to a discussion of title IV.

TECHNICAL ASSISTANCE

In addition to this, the Commissioner of Education is authorized to make grants or contracts with institutions of higher education for special institutions to give training to school teachers and supervisors and other personnel to help them in dealing with the problems which might follow upon desegregation. It also provides that grants may be made for inservice training for school personnel and in employing specialists to advise in problems concerning desegregation.

As I previously pointed out, this technical assistance would not only be available to a school or district where desegregation has been ordered under a plan, but where the desegregation was voluntary as well.

RACIAL IMBALANCE EXCLUDED

Finally, there is nothing in this title dealing with so-called racial imbalance in the public schools. There is nothing in this title which would require the busing of students, to transfer white students from predominately white schools to Negro schools. There is nothing to require the transfer of Negroes into predominately white schools.

The provisions with respect to racial imbalance were specifically excluded from the House bill and are not a part of this bill, contrary to some of the propaganda and publicity which has gone out about it.

Let me read from the bottom of page 13, and the top of page 14, of the bill:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

It would be possible for States and localities to follow such policies as they thought wise and proper, but it would not be a requirement of Federal law. This is one of the issues with which we are trying to deal in Chicago. The Hauser report has been very well received by the press of Chicago and by a very large section of public opinion in Chicago. It may be put into effect.

Mr. LONG of Louisiana. Does the Senator agree that what has happened in Washington, D.C., under the so-called model integration procedure, has been resegregation of the races? Has there not been a great amount of residential segregation, compared with that which previously existed and a great amount of moving of children from schools which they previously attended, until there is, to a very large degree, segregation in the District schools?

Mr. DOUGLAS. I believe the program has resulted in a considerable number of white parents moving into the suburbs so that their children would not have to go to integrated schools. This, of course, is by no means the only reason people move to the suburbs. They are within their rights in doing so. It is a development which is creating serious problems for the huge metropolitan centers. There is no doubt about it. I believe the white community and its white residents need to seriously consider the question of how far they can go, in abandoning the ship, because we may get into a situation in which the large metropolitan centers will eventually become centers of poverty-stricken people ringed by the more securely established suburbs. I would regard this as unfortunate, because I view the city as a great mixing of peoples where tolerance and appreciation are learned from one another. Contrary to some opinion, I believe that cities have been among the strongest civilizing forces in the country.

Mr. LONG of Louisiana. I do not agree; I do not believe the Senator from Illinois believes that a person should be poor because he is colored. I would hope that we could see to it that every colored citizen has a good job, but I would also hope that we would not accomplish that result by imposing upon white citizens in order to do so. I hope we can see to it that both white and colored citizens have good jobs.

Mr. DOUGLAS. I hope the Senator from Louisiana is for the fair employment practices title in the bill.

Mr. LONG of Louisiana. No; that is just what I am against. I am not in favor of giving a colored man a good job by taking it away from a white man. I am in favor of aiding both.

Mr. DOUGLAS. I do not wish to become involved in discussions on another subject. Why not let jobs be awarded on the basis of ability rather than discrimination or favoritism based on race or color?

Mr. LONG of Louisiana. Who will make the decision? Shall it be some prejudiced board member who interferes in some man's business, or the man who operates the business himself, and who wishes to select those whom he wishes to hire?

Mr. DOUGLAS. I believe that decision will have to be made by the courts. When we come to the fair employment practices provision, I believe we can make it clear that the Federal board does not have the power to initiate suits, contrary to the power given to some State commissions, but that, as Kipling said, is another story.

I return to the discussion of title IV.

Not only is the racial imbalance question not dealt with in this bill, but the bill expressly and specifically excludes the problem of racial imbalance from the scope of the bill.

WHY IS IT NECESSARY?

Why, then it may be asked, is it necessary to give the Attorney General the authority to initiate suits which is found in this title? After all, do not the courts sit to remedy deprivations of constitutional rights? Why cannot Negroes then, like other citizens, pursue their rights with their own resources?

The answer is that the process of private litigation simply is not successfully vindicating the clear rights of Negroes. Private litigation, in all too many cases, has failed. And it has done so because of the intransigent opposition of the duly constituted governing authorities of the Southern States. A system of private litigation, which is and must be founded on a presumption that the governing authority will in good faith attempt to comply with the established principles of law, once these have been determined, cannot perform its function when persons in authority attempt, instead, to evade and disobey that law, and follow the advice of Mr. Kilpatrick, which I read earlier. It is the failure of social and political responsibility which has deprived Negroes of an effective remedy in the courts; it is this failure of responsibility which has made this title and bill necessary.

The outstanding example of this failure is the problem with which title IV attempts to deal—the question of school desegregation. Ten years ago, in *Brown* v. *Board of Education*, 347 U.S. 483 (1954), the Supreme Court unanimously decided that "the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the 14th amendment." After another year in which all interested parties were invited to submit their views on the most appropriate method by which these principles might be enforced, the Court unanimously ordered that the district courts should "take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed" the parties before it. In this opinion it noted that "courts of equity may properly take into account the public interest in the elimination of such obstacles—to desegregation—in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them"—349 U.S. 294, 300–01 (1955).

RESISTANCE TO COURT DECISION

Yet, in a very real sense, the constitutional right of Negro children to a desegregated education has yielded, for the 9 years since the second Brown decision, to disagreement with the basic principle that all Americans have equal rights. This disagreement has been expressed by State legislatures which have passed every conceivable kind of law to thwart school desegregation. This disagreement has also been expressed by State Governors, sworn to uphold the Constitution of the United States, who nevertheless have used the power of their offices to keep Negro children from their rightful heritage. This disagreement has also come from local school boards which have arbitrarily and capriciously administered the law so as to evade and disobey lawful court orders. And disagreement has been violently expressed in shameful disturbances in the streets—and sometimes in the bombings in the dark of night.

Mr. President, I have already indicated that 9 years after the second Brown decision, only 1 percent of Negro children attend desegregated schools in the Old South.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. I do not believe the Senator from Illinois would wish to convey the impression, by the statement he has just made, that any bombings that may have occurred in the South were the responsibility of some southern official So far as I know, every southern official has done his duty to uphold the laws and to protect a person's property. There may have been improper conduct on the part of some southern official, but it remains to be shown and demonstrated.

So far as I know, every southern law official has undertaken to enforce the law, to uphold it, and to protect the property and personal rights of all citizens.

There may have been some occasions when those officials found themselves acting contrary to the majority sentiment of their own people in order to protect the property rights of those who were unpopular, perhaps, with the majority of the people in a certain community because of the position they were advocating.

Mr. DOUGLAS. I am not charging southern officials with carrying out or encouraging bombings. I merely say that they have occurred, and they have occurred in the attempt to maintain segregation.

Mr. LONG of Louisiana. There may have been a bombing somewhere. I am sure there has been. There has also been murder in some places, too. But every responsible official has tried to protect the property rights of all individuals. I do not believe the Senator would wish to suggest that has not been the case.

Mr. DOUGLAS. Sometimes officials have helped to create a climate of opinion in which recourse to violence becomes accepted and conventional. I am sure the Senator from Louisiana has never done that himself, but we know that it has been done.

Mr. LONG of Louisiana. I suspect some would find that——

Mr. DOUGLAS. Such as in Birmingham, in Oxford, Miss., and in other places.

Mr. LONG of Louisiana. When the Senator refers to the Birmingham situation and the Mississippi situation, there have been climates created there by the people on both sides, and there have been law violations in virtually all respects. I do not know too much about Birmingham. I know much more about what happened in Plaquemine, La., where this sort of thing occurred, where a minority group undertook to try to make it appear that they were not engaging in any violation of the law, but bushels of brickbats and broken bottles, and one thing and another, were hurled about, to the extent that law enforcement officers had a serious problem in upholding the peace of the community. That sort of thing, engaged in by those conducting demonstrations, is provocative in itself. It is quite unfair, in my judgment, to try to blame law enforcement officers for provoking trouble when they are merely trying to maintain the peace of the community, trying to protect the property and personal rights of all citizens.

NEGRO RESTRAINT

Mr. DOUGLAS. I do not wish to enter into a too detailed discussion of this point. I merely wish to say that when one takes into consideration the long history of abuses under which the Negro people have suffered, abuses not merely under slavery, but also in the century since slavery, and the indignities to which they are daily subjected, it is extraordinary that their protests have been so peaceful. The restraint with which the Negroes have acted, in the main, has been beyond my expectation and, in my judgment, beyond praise. People who have followed Martin Luther King, Ralph Abernathy, and John Shuttlesworth have shown extraordinary restraint. How much longer this can continue, I do not know, but I believe it is a miracle that it has lasted as long as it has.

It ill becomes any white man to criticize Negroes for their general actions. So far as I can tell, by and large the action of the white race has been worse than that of the black race in this matter.

Mr. LONG of Louisiana. The Senator probably has seen such shows as the picture which shows a cardinal and a number of Catholic priests, both black and white, being beaten by Ku Klux Klan mobs. That sort of thing has never happened in the entire South.

Mr. DOUGLAS. I have not seen that motion picture.

Mr. LONG of Louisiana. Or a picture like "To Kill a Mockingbird," which portrayed an obviously innocent colored man being found guilty of attacking a white woman.

What usually happens is more like the incident that happened recently in my hometown, when a colored citizen raped a white woman and cut her throat twice and left her for dead. When the culprit was apprehended, he contended that this white person tried to attract him, which was completely out of keeping with his slashing the woman's throat twice and letting her lie there to bleed to death.

Fortunately someone found the white woman, and the culprit was punished. Every conceivable safeguard was used to make sure that no one would contend that there had been any irregularity in the selection of the jury, or in the selection of the grand jury that had indicted him; everything else was done to lean over backward as far as possible to see to it that it could not be later contended that he had been unfairly convicted. He was obviously guilty of rape and attempted murder, having left the woman, with hands and feet tied, to bleed to death.

Mr. DOUGLAS. Crime is individual. A person who commits such a crime should feel the full weight of the law in a just setting.

Mr. LONG of Louisiana. I hope the Senator will not leave the record in such shape as to indicate what I believe to be totally incorrect, namely, the impression that southern law officials are not undertaking to protect the lives and property of citizens of the South. I believe the record will show that they have done so. At least, that has been the case for the past decades, and all my life so far as I know anything about it.

Mr. DOUGLAS. What is the status of desegregation in public education in the South? What has happened in the 9 years since Brown—years of patient, devoted effort—and what have these years brought the Negroes who have sought equal education for their children?

THE STATUS OF SCHOOL DESEGREGATION IN THE SOUTHERN STATES

In the 11 States which made up the Old Confederacy, there are about 11 million school children—8 million white, and 3 million Negro. Of the 3 million Negroes, less than 31,000—just 1 percent—actually attend school with whites. And the prospect of others being desegregated in large numbers is not bright. Thirty percent of the South's Negro children attend school in desegregated school districts—that is, districts in which the most rudimentary compliance with law has been instituted. And only 3 percent of the Negroes in districts which are nominally desegregated actually attend desegregated schools; namely, the districts are desegregated in name only. As of last August, 3 States—Alabama, Mississippi, and South Carolina—had not a single Negro child registered to attend a desegregated school below the college level. Alabama has since admitted 11 Negro children to "white" schools and South Carolina has admitted 10; Mississippi's schools are still pure white—see Statistical Summary of School Segregation and Desegregation in Southern and Border States 1963–64, Southern Education Reporting Service, page 2.

Children who were entering segregated primary schools when the Supreme Court decided the Brown case are attending segregated high schools. At the rate at which school desegregation is now proceeding, their children and their children's children will attend segregated schools as well. Generations of Negro children will continue to be deprived of their rights under the 14th amendment to the Constitution.

When I am asked, as I often am, not to try to hasten desegregation but to allow the process to take place gradually, I am reminded of a conversation which a friend of mine had with an acquaintance who was also urging gradualism. My friend then said, "I would be satisfied with gradualism if it were discernible." "Oh," was the horrified rejoinder, "discernible. That is much too fast for me." That, I am afraid, is about what has happened in the States of the Old Confederacy in the years since the Brown decision.

THERE IS NO SUCH THING AS SEPARATE BUT EQUAL

One can argue about the amount of money spent per child for Negro education and white education in the South. One can compare the number of students per teacher in Negro schools as compared with white schools. One can compare the facilities afforded the Negro students as compared to white students in the South.

Up until about 1945 the facilities were mostly unequal, in that Negro schools were much poorer. A Chicago philanthropist, Julius Rosenwald, gave money for about 3,000 Negro schools in the South, to start building decent schools. Textbooks were poor or lacking. Teachers were ill trained and underpaid. The technical, tangible education was quite inferior to that given in the white schools. This is the sober fact. It is true that in the past 20 years there has been a general improvement in the tangible form of education given to Negro students. I pay tribute to the South for having done this. In part it was the result of decent, humanitarian desires on the part of conscientious southerners; in part, also, it was because the South felt the hot breath of impending Supreme Court decisions; and they felt that unless they raised the tangible level of Negro education, they would be forced to desegregate. Southerners will admit, privately and honestly, that this improvement has usually resulted from the fear of northern intervention. This has been one of the beneficial effects of the agitation and efforts which have been carried on in the North.

The distinguished Senator from Florida argued on the Senate floor recently that in many of these areas comparative figures in the South are perhaps as good as comparative figures in some other sections of the country. But his argument was essentially one for separate but "equal" facilities.

I have examined the figures and it is fair to say that in some sections of the South the differences between Negro and white schools are tremendous. In other sections, the differences are not so great. Some have done well and others have done very poorly.

So far as a "tangible" comparison was made, in virtually every instance the number of students per schoolteacher has been found to be greater in Negro schools than in white schools. The amount of money spent per Negro student is less than the amount of money spent per white student. In some cases the differences are great; in other cases they are not so great.

I do not wish to make any State the whipping boy for what I have to say. However, in Mississippi, no Negro child attends school with a white child, in a State where half the children are Negro. According to the biennial report of the State superintendent of public education, 1959–61, and the Mississippi School Bulletin, there were, in Mississippi, only 7 Negro high schools which were accredited by the Southern Association of Colleges and Secondary Schools, as compared with 82 accredited high schools for whites. Four of the seven accredited Negro high schools were in Hinds County, where the State capital is located. For the 270,000 schoolchildren outside Hinds County there were 3 accredited Negro high schools. One Mississippi county had no high school at all. Nine counties had high schools for whites, but not for Negroes. These 7 counties had a total of 21,000 white schoolchildren and 31,000 Negro schoolchildren. For the 21,000 white pupils the counties provided 27 high schools; for the 31,000 Negroes, no high schools were provided.

In two of the counties there were five times as many Negro schoolchildren as white. Of course, there were no counties which provided high schools for Negroes but none for whites.

Statewide, $46 million was expended for instruction in the white schools in 1960–61; $26 million was expended for instruction in Negro schools. Local school boards expended on the average, in that year, approximately $82 for each white pupil, and approximately $22, or about one-fourth as much, for each Negro pupil. In 19 counties more than 10 times was spent on each white pupil as was spent on each Negro pupil. In one county, the ratio of the amount the local school board expended was 100 to 1, however, and it should be stated that State funds reduced the average difference in per pupil expenditure from about 4 to 1 to a mere 2 to 1.

SEPARATE, NOT EQUAL

Mississippi is the outstanding illustration of the fact that "separate" is not, and probably never can be, "equal." But other States in the region bear ample witness to the same fact. In Arkansas, for example, 72 percent of the white schools received the 2 top ratings of the North Central Association of Secondary Schools, while 36 percent of the Negro high schools were so rated. One of the 389 white high schools was not accredited at all; 20 of the 122 Negro high schools were not accredited. Sixty times more Negroes than whites attended nonaccredited high schools.

In fact, every State in the region furnishes an accredited education to a greater percentage of its white students than to its Negroes.

But general statistics such as these do not tell the whole story. In New Orleans, for example, it was found in the case of *Bush* v. *Orleans Parish School Board* (308 F. 2d 491 (Fifth Cir. 1962)) that in the elementary schools the average Negro class had 38.3 pupils; the average white class had 28.7. There was 1 teacher for every 36 Negro pupils, but 1 teacher for every 26.1 white pupils. Negro classes met in a variety of makeshift classrooms, converted from stages, custodians' quarters, libraries, and teachers' lounge rooms. White classes met only in regular classrooms.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. If the Senator will check his figures further, I believe he will find that in the State of Louisiana there has been much more emphasis on the construction of facilities for colored children in the past 20 years than there has been for white children. Furthermore, I believe the Senator will find that all the colored teachers are paid the same pay scale which applies to the white teachers.

Mr. DOUGLAS. I believe that is true. I credit the family of the Senator from Louisiana [Mr. LONG] for doing fine work in this connection. The Senator's father was criticized by many, but in his public policy so far as I know he did not have race prejudice. He tried to improve educational facilities for the Negroes. This was the policy which his cousin, Earl Long, always tried to carry out. I have always paid sincere tribute to the Long family for this.

When they started, the Negroes were so far behind that even with the efforts of the Long family—which were not always accepted by the power structure of the State of Louisiana—the Negro started from so far behind that it has been very difficult, if not impossible, for him to catch up.

Mr. LONG of Louisiana. I believe the Senator will also discover that a very large percentage of the white students in New Orleans go to parochial schools, where they pay for their own education. This takes a considerable percentage of the white students—who otherwise would be in the public schools—into the parochial system.

The Senator very well knows that the Catholic religion is the predominant religion of that city.

Mr. DOUGLAS. Yes.

I could go further, Mr. President. Four-fifths of the white students in Georgia now attend accredited schools. Less than half of the Negro students of Georgia have this benefit. I could go on from State to State, but all of the discussion as to the tangible comparisons between segregated Negro education and segregated white education is in my judgment beside the point. Education is not merely a matter of buildings, or of books, or of the number of students per class.

It also involves the social attitudes under which children study and live. Segregated schools are unequal schools by definition. Furthermore, it is now clearly against the principles of the Constitution and the 14th amendment to provide legally for separate facilities for Negroes, even if from a tangible point of view they are equal to the facilities in the white school. The Supreme Court has held—and it is true—that separate school facilities are inherently unequal and violate the 14th amendment of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. The Senator makes the statement that segregated schools are not equal by definition. In Baton Rouge, which is my hometown, there is one law school, Southern University, which is a colored State-supported college in the northern section of the city. In the southern section of the city is Louisiana State University.

For a number of years, the same faculty which taught the law students in the classes at Louisiana State University in the mornings, taught the law students in the classes at Southern University in the northern section of the city. With the same books, with the same professors, and with each university having a library which met the standards required by the American Association of Law Students, why would the Senator contend that the mere presence of solely Negro students in Southern University made it inferior?

Mr. DOUGLAS. So far as the tangible aspects are concerned, perhaps it would meet the test. It is extremely exceptional so far as the South is concerned. It is certainly not true in the elementary schools. It is not true in the high schools. It is rarely true in the colleges.

The more fundamental consideration is that the separation of people on the basis of race inherently gives to the race which is regarded as socially inferior a pronounced inferiority complex, which, followed through life, handicaps them in the competitive struggle for jobs, for status, for position.

At this point, I am really getting into the heart of the matter, and the heart of the ruling of the Supreme Court.

Mr. LONG of Louisiana. In some instances, the segregation may occur because the colored people may actually have the pride which I would like the colored person to have in his race in this particular period.

I would recommend that the State over a period of time move on to the point of getting colored teachers to teach the students. If good colored law professors were available, they would have good colored teachers to instruct them. That would aid in establishing the pride which people should have in their race.

STIGMA OF SEGREGATION

Mr. DOUGLAS. Suppose from birth a person has the stigma of inferiority fastened upon him. There are still Southern States in which it is ground for libel if a man is called a Negro if he is not a Negro. I have never heard that it was ground for libel if a Negro man were called a white man when he was not a white man.

We all know that color carries a deep, social stigma with it all over the country, and particularly in the South.

Suppose from birth a person is treated as inferior by society and is herded into separate classes. Suppose he is compelled to go to separate if physically equal facilities. Suppose throughout his life, this feeling is inculcated in a man or woman by the social structure around them. Would it not shake a person's confidence in himself? Would it not destroy a person's self-esteem? Would it not handicap a person?

MORAL HEROES

The people who are able to surmount this handicap are great moral heroes. This is one of the difficulties in India. Few people surmount it. I had a friend at Columbia University. I thought he was a Brahman. He turned out to be one of the untouchables. However, he later became one of the members of the Indian Cabinet. He was one person out of millions of people. Perhaps the Senator from Louisiana could surmount such difficulties. I am frank to say that I do not think I could surmount them.

If a person tried to think of himself in the position of a Negro—and that is very difficult for white people to do—I think he could see the tremendous weight which falls upon them.

It is bad enough because of the practices of individuals; but, for heaven's sake, let us not make it a part of the law of the land. Let us at least throw the influence of the Nation against it.

The caste system still endures in India, and is a great disgrace upon India; but at least the Government of India has had the courage and the foresight to make it illegal; at least it is not sanctified by law; and, at least in theory and law, the temples are open to members of all castes—both the high castes and the low castes.

Mr. LONG of Louisiana. Much separation will always exist between peoples of different natures and different kinds; it will exist because they are different, not necessarily because one is inferior to the other. I certainly hope a colored man would not be encouraged to feel or to think that one who prefers to be with others of his own kind or his own general nature intends the least offense toward a colored man, because that is not the case. Some of the finest citizens I know, and for whom I have the highest regard, are members of the colored race; and I feel that many other southerners, and also the Senator from Illinois, hold the same opinion. One should not take offense merely because some prefer to be among others of their own kind. I certainly hope they do not take offense.

EQUALITY IS THE POINT

Mr. DOUGLAS. The only question is equality. I hope no one here will say that Negroes are not entitled to the equal protection of the laws which the 14th amendment commands. I quote now from a distinguished professor of constitutional law—a southerner by birth and rearing—Charles L. Black, Jr.:

> Then does segregation offend against equality? Equality, like all general concepts, has marginal areas where philosophic differences are encountered. But if a whole race of people finds itself confined within a system which is set up and continued for the very purpose of keeping it in an inferior station, and if the question is then solemnly propounded whether such a race is being treated "equally," I think we ought to exercise one of the sovereign prerogatives of philosophers—that of laughter. The only question remaining (after we get our laughter under control) is whether the segregation system answers to this description.
>
> Here I must confess to a tendency to start laughing all over again. I was raised in the South, in a Texas city where the pattern of segregation was firmly fixed. I am sure it never occurred to anyone, white or colored, to question its meaning. The fiction of equality is just about on a level with the fiction of finding in the action of trover. I think few candid southerners deny this. Northern people may be misled by the entirely sincere protestations of many southerners that segregation is better for the Negroes, is not intended to hurt them. But I think a little probing would demonstrate

> that what is meant is that it is better for the Negroes to accept a position of inferiority, at least for the indefinite future.

But, it may be argued, this is only one man's interpretation—though it is corroborated by almost every writer from the South, from its Pulitzer Prize winning newspaper editors to its Nobel Prize winning novelists. More, this interpretation is the indisputable conclusion from the barest reading of history. Professor Black continues:

> Segregation in the South comes down in apostolic succession from slavery and the Dred Scott case.

The Dred Scott case decision was to the effect that Negroes had no rights which the whites were bound to respect.

I read further from the article by Professor Black:

> The South fought to keep slavery, and lost. Then it tried the Black Codes, and lost. Then it looked around for something else and found segregation. The movement for segregation was an integral part of the movement to maintain and further "white supremacy"; its triumph * * * represents a triumph of the extreme racialist over moderate sentiment about the Negro. It is now defended very largely on the ground that the Negro, as such, is not fit to associate with the white.
>
> History, too, tells us that segregation was imposed on one race by the other race; consent was not invited or required. Segregation in the South grew up and was kept going because, and only because, the white race has wanted it that way—an incontrovertible fact which, in itself, hardly comports with equality. This fact, perhaps more than any other, confirms the picture which a casual or deep observer is likely to form of the life of a southern community—a picture, not of mutual separation of whites and Negroes, but of one ingroup enjoying full normal communal life, and one outgroup that is barred from this life and forced into an inferior life of its own. When a white southerner refers to the woes of the South, do you not know, does not context commonly make it clear, that he means white southerners? When you are in Leeville and hear someone say Leeville High, you know he has reference to the white high school; the Negro school will be called something else—Carver High, perhaps, or Lincoln High, to our shame. That is what you would expect when one race forces a segregated position on another, and that is what you get.

CIRCUIT COURT DECISION

One of the clearest statements in connection with this matter was made by the circuit court which originally passed on the Brown case, and which nevertheless felt compelled to rule against the Negro plaintiffs. I wish to quote from that decision; and I shall quote now, not from a statement by a Swedish economist, but from a decision by that court:

> Segregation of white and colored children in the public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.

Mr. President, some years ago a southern journalist, John Howard Griffin, made an experiment, to find how he would feel if his skin were black and if he lived with Negro people and had contacts with those of the white group. So he used a chemical to color his skin black. So far as I know, he is the only white man who ever consciously made such an experiment. His experience should help us realize some of the terrible handicaps which the mere existence of dark color gives to many people in this country. He was then a grown man, and had come from a white background, and knew that he would be returning to a white background. However, the Negro child knows that he is compelled to remain in the Negro group, and that there is no escape from it. Therefore, he was in a very different position.

The burdens on a Negro are heavy enough, from the nature of life; and certainly the Government should not add to them. On the contrary, the Government should try to diminish those burdens.

LIBEL PER SE

Now let us use our own commonsense. If we truly want someone to improve himself, to take advantage of the education we offer him, we would not dream of insulting him in every class, every day. We would not think it conducive to education, to his education, to put over the doors of his school the words "School for Inferiors." Nor would it occur to us—again assuming that our aim was to help him learn—to proclaim every day that his station was forever limited by the circumstances of his birth. Yet that is precisely what is done to the Negro school child in the South. It is libelous per se to call a white man a Negro in the South. See *Bowen* v. *Independent Publishing Co.*, 230 S.C. 509, 96 S.E. 2d 564; Annotation, 46 A.L.R. 2d 1287 (1956). Thus those who say that to segregate Negroes is not to mark them as inferior, will award damages to any white man who is called Negro on the premise that to so call him holds him up to the scorn and ridicule of the community—the classic test of libel. Thus, simply to attend a "Negro" school is to be branded each day as inferior. This conclusion is made more clear by the holding of southern courts that to place a white man in a car reserved for Negroes is an actionable humiliation. See, Mangum, "Legal Status of the Negro" II—1940—at pages 209–10, 219–20. And statute books still define as "tainted" any person with so much as one-eighth Negro ancestry—much as we might define as tainted a strain of dogs that ran to displasia. (See, e.g., Fla. Stat. Ann. section 1.01(6) (1961); Md. Code 27, section 398 (1957); S.C. Const. art. III, section 33).

We need not rely on conjecture, then, to know that segregated education is a proclamation of and a testament to inequality. For its practitioners have decided the issue in their own courts, their own laws. Nor need we rely on conjecture to know that 99 percent of the Negro children in the South are subject to the indignity of inequality, in plain contravention of the Constitution, every day. For the facts of school segregation are plain. We must now turn to an examination of why, 9 years after Brown, these children attend segregated schools; and we must then turn further to an examination of how we can assure that children who enter segregated primary schools this fall will not graduate from segregated high schools in 1978.

THE LEGAL FIGHT AND INTERMINABLE DELAY IN BRINGING SCHOOL DESEGREGATION IN THE SOUTH

It may be said that the small amount of desegregation so far achieved in the South is the best that could be expected and that the problems of reshuffling school systems throughout the South simply do not allow a faster pace. But such is not the case. Southern officials have used every legal gimmick in the book. The most cursory glance at the history of school desegregation since the *Brown* decision reveals nothing less than a conscious, deliberate effort not to comply with the law of the land, not to allow Negro children their plain constitutional rights—and to carry out this discriminatory scheme with all the weapons available to those in power.

The Senator from Minnesota has drawn our attention to the city of New Orleans—technically, Orleans Parish in the State of Louisiana. The story which he related was taken from the opinion of the Fifth Circuit Court of Appeals in the case of *Bush* v. *Orleans Parish School Board,* 308 F. 2d 491 (1962). One thing the Senator did not mention was that the panel of three judges which decided this case are all native southerners. One, Judge Wisdom, is from New Orleans; another, Judge Rives, is a native of Montgomery, Ala.; the third, Judge Brown, makes his home in Houston, Tex. Let us turn, then, to the history of school desegregation in New Orleans, as chronicled by these three southerners. The Senator from Minnesota has related that in 1951, certain Negro parents petitioned the school board, on behalf of their children, for desegregation of the public schools. In 1952, they instituted suit in Federal court. The case waited until the Supreme Court decided *Brown* v. *Board of Education* in 1954 (373 U.S. 483), and then until the Supreme Court, after another period of argument and study, directed that the constitutional mandate of Brown be implemented "with all deliberate speed" in 1955 (349 U.S. 294). Following that mandate, the District Court for the Eastern District of Louisiana, in 1956, ordered the New Orleans School Board to comply with the supreme law of the land. The school board appealed; the judgment was affirmed (242 F. 2d 1956). The school board sought certiorari from the Supreme Court; it was denied (354 U.S. 921). The school board then returned to the district court and moved that the injunction—a simple order to begin considering ways in which to comply with a clear rule of law—be vacated. This essentially dilatory and frivolous motion was of course denied. Again, the school board appealed and lost (252 F. 2d 253), again it sought review in the Supreme Court and was denied (356 U.S. 969). A third time the school board attacked the order in the district court; a third time it appealed the denial of that attack (268 F. 2d 78). After this third appeal to the circuit court, the school board did not seek certiorari. By this time, however, it was 1959; by what must be called abuse of the leeway which our courts afford for the correction of error, the school board had managed to postpone even the beginning of thought about desegregation for three years. And during this time, other forces had been at work to further evade the Constitution. The Senator continued:

> Immediately after the issuance of the 1956 injunction, the Louisiana Legislature enacted a massive body of laws intended to preserve segregation in the schools. When the district court ordered the school board to file a plan—not to begin desegregation, but only to file a plan for desegregation—a Louisiana court ruled that under one of these laws, the legislature and not the board had the right to change the racial situation in the schools. Thus the local board, with its unique knowledge of local conditions, was barred from participation in the drawing of a desegregation plan; and the district court was forced to draw its own without the board's assistance. The district court's plan was no radical step; it affected not at all children then attending school. It provided that in September 1960—6 years after Brown—children entering the first grade could enter either the formerly all-white or the formerly all-Negro schools nearest their homes, at their option. The school board could transfer students from school to school, so long as they did not do so on considerations of race. But, even this moderate plan was too much for the State of Louisiana. The State attorney general obtained, in the Louisiana courts, an injunction against the school board forbidding it to obey the Federal court order. Then, the Governor, acting under a law passed for the occasion, took over control of the New Orleans public schools. Again it was necessary to go to Federal court, this time for an injunction against the Governor and other State officials to prevent them from interfering in the orderly progress of desegregation. Again the State used the processes of law to delay the granting of constitutional rights; again it appealed to the Supreme Court and was repulsed.
>
> The way now seemed clear for the school board; and that board, in public session, announced its intention to comply with the court orders and adopt the grade-a-year plan. But, as the fifth circuit noted:
>
> "The Louisiana Legislature did not remain idle. The Governor of the State called five consecutive extra sessions of the legislature (unprecedented in Louisiana) for the purpose of preventing the board from proceeding with the desegregation program. Among other actions, the legislature seized the funds of the Orleans Parish School Board, forbade banks to lend money to the board, removed as fiscal agent for the State the bank which had honored payroll checks issued by the school board, ordered a school holiday on November 14 (the day on which desegregation was to commence) addressed out of office four of the five members of the board, later repealed the act creating the board, then on two occasions created a new school board for Orleans Parish, still later addressed out of office the superintendent of schools in Orleans Parish, and dismissed the board's attorney. The Federal courts declared these and a large bundle of related acts unconstitutional."
>
> Again, be it noted, the removal of these unconstitutional barriers to the carrying out of orderly desegregation by the local authorities required three cases before a three-judge district court, and three appeals to the Supreme Court. (365 U.S. 569; 367 U.S. 908; 368 U.S. 11.)
>
> On November 14, 1960, 4 little Negro girls—out of 134 Negro children who had applied—were admitted to "white" schools in New Orleans. I am sure that the people who threw stones, demonstrated, and rioted in protest would prefer now to forget what followed; I am sure that all of us would prefer that it had never happened. The school year ended more quietly. In September 1961 eight more Negro children were admitted to "white" schools.

TWELVE CHILDREN ADMITTED

Thus, after 9 years of litigation, innumerable hearings in the district court, at least 5 appeals to the circuit court, and 7 proceedings in the Supreme Court, 12 Negro children—out of over 55,000 in the parish—had been admitted to white schools. You ask, how could this be? How could so much painful effort, so much legal work and expense, accomplish so little? And, how could a school board, ordered by the courts time and time again to formulate and implement a comprehensive plan for desegregation, desegregate only 12 pupils?

The answer is that the Orleans Parish School Board and the government of Louisiana simply had found another way to evade the Constitution of the United States. Louisiana, like 10 other Southern States, enacted what is called a "pupil placement law." These statutes, on their face, are innocuous. They generally provide that no pupil shall be transferred from school to school except on an individual basis, taking account of such factors as residence, academic qualifications, personal factors, and so on. But most—including that of Louisiana—provide that students shall remain in the schools to which first assigned until qualified for transfer under the Pupil Placement Act. And the school to which they are presently assigned is, of course, a segregated school. Thus, Negroes, to enter the schools heretofore reserved for white pupils, must pass a series of tests from which whites were and are exempt. The full dimensions of this system are plain only when it is realized that in flat contravention of numerous court orders, the school board continued to assign children entering school for the first grade to segregated schools, regardless of whether a "white" school was nearer to their homes. Moreover, promotion to junior high and high schools is governed by a "feeder" system, under which each elementary school promotes all its graduates to a designated junior high school, from which they go to a designated high school. I trust I need not tell you that in almost all cases, Negro children are "promoted" to all-Negro schools.

Once again, then, it was necessary to return to court. In 1962, the district court ruled that the school board was applying the pupil placement law, in conjunction with a system of initial assignment to schools on a segregated basis, so as to discriminate unconstitutionally against Negroes. The court then formulated its own plan for desegreation. Again, the State appealed; again it lost; again it sought to carry the appeal to the Supreme Court.

Lawyers may be primarily concerned here with the inexcusable attempts to harass and block the Negro plaintiffs and the district court, and with the abuse of the appellate process, for every lawyer knows that if every litigant were to insist on appealing all points which were technically appealable, no matter how clear it was that the appeal was in substance frivolous, the court system would break down. But what should concern us more, is what was happening to the children during this 10-year period of delay. For the record in this case, as I noted earlier, offers shocking testimony that aside from its fundamental discriminatory unfairness, separate education is never equal. But even the physical facilities were unequal. The average class in the Negro elementary schools was more than one-fourth again as large as an average white class. Each teacher in the Negro elementary schools had to teach on the average of 10 pupils more per class than each teacher in the white schools. Negro classes were conducted in all varieties of makeshift classrooms, but white classes met in regular classrooms.

CHARLOTTESVILLE CASE

Lest any think that New Orleans is an exceptional example, or that once the issue is settled once in a State it is at least settled for that State, I commend to your attention the multifarious litigations in the counties of Virginia. In Charlottesvile, for example, the school board was enjoined from discriminating against Negroes in 1956. After the usual appeals to the circuit court and the Supreme Court (240 F. 2d 59 (Fourth Circuit), cert. denied 353 U.S. 910 (1957)), the district court, on default of the school board, ordered certain Negro students transferred to white schools. The Governor, acting under Virginia's version of the massive resistance laws, then closed the Charlottesville schools. Further litigation in both the State and Federal courts was necessary to void the Governor's action as unconstitutional. (*James* v. *Almond*, 170 F. Supp. 331 (E.D. Va. 1959); *Harrison* v. *Day*, 200 Va. 439, 106 S.E. 2d 636 (1959)).

The school board then asked for a stay of the district court's order so that it might prepare a desegregation plan; the circuit court granted the request (263 F. 2d 295 (1959)). The school board then assigned each of the city's six elementary schools to a district; one of the six contained almost all of the Negro students. The board, however, assigned all Negroes to that school regardless of residence, and assigned all whites living in the Negro district to schools outside that district—that is, the white schools. Assignment to the city's two high schools was on the basis of race. Transfer procedures which discriminated against Negroes were instituted; the school board stated that these discriminatory provisions, which afforded a theoretical opportunity to transfer to a white school, were tantamount to a desegregation plan. Again the Negroes went to court, again the case went to the fourth circuit (289 F. 2d 439). To avoid an injunction, the board in 1960 submitted a plan for truly residential districts; these districts, however, were drawn so that 13 Negro children were admitted to one white school. But the board would take no chances that desegregation would go further. It therefore instituted a special procedure allowing any child to transfer out of any school in which he was in a racial minority to one in which he would be in a racial majority. Such transfers, of course, could lead only in the direction of greater segregation. As to the high schools, the board allowed transfer only after exhaustive academic and personal testing; no pupil could transfer unless he was "substantially above the median" of the students in the school to which he was transferring. But in the absence of transfer, all white students were assigned to one school and all Negro students to the other. Thus, only superior Negroes could enter the white school, while the most ignorant whites were allowed to enter there without hindrance. And, as the court noted, Negroes with less than superior academic records were denied admittance to the white school because they would harm its academic program; but they were assigned to the Negro school without regard to the consequences. This intolerable dual standard required yet another trial and another appeal to the circuit court to strike down. (*Dillard* v. *Charlottesville*, 308, F. 2d 920 (4th Cir. 1962)). And again, the State forced unsuccessful proceedings in the Supreme Court (374 U.S. 827 (1963)).

The histories of similar litigations in other Virginia communities can be found in *Bell* v. *School Board of Powhatan City*, 321 F. 2d 494 (1963); *Jackson* v. *School Board of Lynchburg*, 321 F. 2d 230 (1963); *Bradley* v. *School Board of City of Richmond*, 317 F. 2d 429 (1963); *Marsh* v. *School Board of Roanoke*, 305 F. 2d 94 (1962); *Green* v. *School Board of City of Roanoke*, 304 F. 2d 118 (1962); *Hill* v. *School Board of Norfolk*, 282 F. 2d 473 (1960); *Jones* v. *School Board of Alexandria*, 278 F. 2d 72 (1960); *Hamm* v. *School Board of Arlington City*, 264 F. 2d 945 (1959); *Walker* v. *Floyd County School Board*, 5 Race Rel. Law Rep. 1060 (W.D. Va. 1960); *Blackwell* v. *Fairfax County School Board*, 5 Race Rel. Law Rep. 1056 (E.D. Va. 1960); *Joins* v. *County School Board* (Granson County), 282 F. 2d 343 (4th Cir. 1960); *Crisp* v. *Pulaski County School Board*, 5 Race Rel. Law Rep. 721 (W.D. Va. 1960); *County School Board of Warren County* v. *Kilby*, 259 F. 2d 497 (4th Cir. 1958).

In most of these cases the court was dealing with the same system and pattern of segregation. In most cases the court was applying the same governing law to the same State system and to almost the same facts. Yet, almost none of these school boards listened to decisions which clearly showed them the way; most insisted on years of litigation before they would begin the most rudimentary steps toward compliance with the law of the land. How many more litigations it will take to desegregate schools in the other counties of Virginia, it is impossible to say. And, I might add, that in one Virginia county, the "enlightened" citizenry, rather than accede to a court desegregation order, closed the schools so that plaintiffs in the original Prince Edward litigation, the companion case to Brown against Board, have not only no relief, they have no public schools. They are at present before the Supreme Court again—9 years after they "won" their case.

THE COST OF LITIGATION

Mr. President, not only does such a suit take a very long period of time, because of the delays, but it is also extremely expensive. The Senator from Minnesota has given us a rough idea of what this litigation costs. A single trial in a district court—with normal attendant motions, discovery procedures, and so forth—with one appeal to the circuit court and an application for certiorari to the Supreme Court, costs from $15,000 to $18,000. I refer to a letter from Gordon Tiffany, staff director, Commission on Civil Rights, dated January 29, 1960, and published in the CONGRESSIONAL RECORD, volume 106, part 3, pp. 3663–3664. A Federal judge, 6 years ago, found that a case establishing a fundamental rule governing racial problems cost the NAACP from $50,000 to $100,000 (*NAACP* v. *Patty*, 159 F. Supp. 503 (E.D. Va., 1958)); the same judge found the cost of Brown against Board of Education to be over $200,000. What Negro family can afford to spend that amount of money?

Nor are these costs the result of lavish fees paid to high-priced attorneys. The cost of printing briefs and records, I am told, now runs to about $10 a page for a run of up to 50 copies. And the record in a school case may easily run to many hundreds of pages.

To enroll 12 children in desegregated schools in New Orleans—that is, to secure to them their plain constitutional rights—cost the plaintiffs alone about $8,000 per child and there have been cases in which as much as $10,000 was spent to enroll 1 student in a desegregated school.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator perhaps knows more about the question I shall ask than I do. I am under the impression that the people who are filing lawsuits are not paying for them. For the most part, the litigants are being paid to apply to schools and pursue legal suits. They are not out the money. Someone is paying the expense for them. Apparently the financing is ample. The NAACP and the Congress of Racial Equality seem to have plenty of money with which to carry on that sort of activity. They have been getting it from one source or another. That much is obvious.

Mr. DOUGLAS. I point out that they have marshaled against them the resources of the States. The States can spend money received from taxes levied upon their citizens. Funds to which Negro citizens contribute are used to fight these cases.

I point out that the purse of the legal defense fund of the NAACP is extremely limited. They were able to raise an initial fund from certain war benefits which Negro servicemen earned serving in the fighting forces of our country. That money was turned over to defend the rights of those people, but they have had very hard going.

Mr. LONG of Louisiana. If those people can find the necessary funds to finance a march of 200,000 Negroes on the city of Washington, they are not very hard up for money. I noticed that a semireligious organization of a Catholic nature was able to find only $2,000 to help those of the Catholic faith purged in Cameron Parish. The organizations which I have mentioned found 10 times that much to help finance the march on Washington. Apparently they are not too hard up for money. Many people contribute money to that kind of activity.

Mr. DOUGLAS. I took part in the march to which the Senator referred. I saw people who came from my city of Chicago and from other cities. In my judgment, the march was, in the main, individually financed.

Mr. LONG of Louisiana. The Senator might give the Senate information on what it has cost the Federal Government to fight those cases. It costs a great deal of money. If he does not know it, he should. In addition, there was great financing from outside sources, running into hundreds of thousands of dollars.

Mr. DOUGLAS. It was worth every cent of it. But what I am trying to say is that we are speaking of people who are, as a group, the most poverty stricken in the country. They occupy the lowest rung on the economic totem pole. They are pitted against the States, which have the power to tax and to spend and municipalities which have the power to tax and to spend. It is an unequal contest. There are delays, costs, and intimidation.

Shortly after the Civil War, Ben Butler rose on the floor of the House of Representatives and waved the shirt of a Union man from Mississippi who had been flogged so that the shirt was covered with blood. He waved that shirt, and ever since we have heard the expression, "Waving the bloody shirt." I shall not wave the bloody shirt on the floor of the Senate, but there have been many cases of violence and intimidation used against Negroes who have asserted their constitutional rights. I will submit that proof for the RECORD, if necessary, if the Senator challenges me. I will cite case after case in support of the contention. I have compiled a list of 15 cases that have arisen since 1959, and they merely scratch the surface. From 1955 to 1959 there were many other cases, the citations to which I have before me. I prefer not to read them at this moment. I would prefer to put them in the RECORD so that people can read.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement relating to the cases to which I have referred.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

1. On February 17, 1964, the home of a Negro child attending desegregated schools in Jacksonville, Fla., was bombed. The schools were under court order. Perpetrators have been indicted under 18 U.S.C. 241.

2. In Greene County, Miss., a teacher was discharged from her job for voting activities and testifying in a Federal voting case.

3. In Holmes County, Miss., reprisals were taken against Negroes for engaging in voter registration activity.

4. In Louisiana a witness before the Civil Rights Commission was refused ginning of

his cotton because of his testimony before the Commission.

5. In New Orleans a white family had to leave town because their children attended an integrated school and neighborhood pressure was intolerable.

6. In Clinton and Nashville, Tenn., schools were bombed at the time of initial desegregation.

7. In Birmingham, Ala., the home of Reverend Shuttlesworth, who brought the first school integration suit in Alabama and is active in various civil rights areas, was bombed and Reverend Shuttlesworth was beaten up.

8. The Civil Rights Commission reports that Aid to Dependent Children funds were cut off from a witness who testified before a State advisory committee.

9. In Louisiana, ADC funds for 23,000 children were cut off throughout the State by a law refusing such funds to illegitimate children. Ninety-five percent of them were Negroes. The Negro leaders felt that this was a reprisive measure due to their activity in voting and school desegregation.

10. Surplus food distribution was cut off in Leflore County, Miss., in March 1963 because Negroes had been active in voter registration drives.

11. In Clinton, La., a group of solid, middle-aged Negro citizens petitioned the mayor to start a biracial committee. They were charged with attempting to intimidate a public official.

12. The Negroes who brought the bus desegregation suits in Montgomery, Ala., in 1956 were the victims of numerous reprisive actions—bombing of homes, etc.

13. In Gaffney, S.C., the home of Dr. Sanders, a white physician, was dynamited, in December 1957. Mrs. Sanders had recently contributed to a booklet, sponsored by a group of clergymen, which advocated a moderate approach to desegregation. Mrs. Sanders suggested that desegregation begin at the first grade level. A local jury freed those charged with the bombing. (Southern School News, August 1958.)

14. In Little Rock, Ark., the Negro leader, Mrs. Bates, was placed under police protection because of threats and violence which occurred as a result of her activity in school desegregation. She and other NAACP members were fined under State laws requiring registration and submission of membership lists.

15. In Clay, Ky., Everett Gordon was plaintiff in a desegregation suit. While the suit was pending the Gordon children were sent to a white school, under State military escort, for a day or two. Trouble arose, and the children were then sent to a Negro school. The family was threatened with violence and economic reprisals by the Citizens Council. Before long Mr. Gordon was fired from his job in a garage. The Gordons later moved to Indiana.

Mr. **LONG** of Louisiana. Mr. President, will the Senator yield?

Mr. **DOUGLAS**. I yield.

Mr. **LONG** of Louisiana. When the Senator spoke of waving the bloody shirt, I suppose he was speaking of some of Mr. Butler's activities in support of the reconstruction acts which permitted Federal bayonets all over the South to perpetuate outrages the like of which the history of our country had not seen before or has not seen since.

On the point of the Southern States spending money to defend the rights of citizens, I believe it is a matter of record that hundreds of millions of dollars of Federal money is being spent in an effort to force upon southern people answers to their social and cultural problems which they find unacceptable.

Mr. **DOUGLAS**. I am not here to defend the personal and political life of Ben Butler. However, he was waving the bloody shirt in protest against the Black Codes of the South, which were enacted by all-white governments under the lenient Reconstruction provisions of Lincoln and Andrew Johnson. It was those abuses under the Black Codes which, in part, caused the Congress to turn to a more severe form of reconstruction.

The entire history of that period has been badly written and badly interpreted. The reconstruction governments certainly were not perfect, but the experiment of a year or more in 1865 and 1866 under the reconstituted Confederates also had its very bad features.

ANATOLE FRANCE AND EQUALITY

Mr. President, many years ago a somewhat cynical and satirical French novelist, Anatole France, wrote a novel entitled "The Red Lily." In that novel he put into the mouth of a leading character an aphorism about the equality of the law. He said:

> The majestic equality of the law forbids the rich as well as the poor from sleeping under bridges and begging in the streets for bread.

That statement is true. If a rich man dared to sleep under the Parisian bridges over the Seine, he would be arrested for vagrancy. If he begged for bread in front of the opera in Paris, he would also be arrested for vagrancy. But the rich man does not have to do that. He has resources of his own. The poor man sometimes is compelled to do it. Equality of the law punishes him.

What I am trying to say is that the magnificent sentiment inscribed on the building across the way from us—the Supreme Court—states "Equal justice under the law," needs to be qualified. It is a noble sentiment. It applies after one gets to the Supreme Court. But it costs a great deal to get there. That cost shuts out the vast majority of the people, particularly if they are colored. The expense heaps up; delays occur; intimidation is practiced. Those people are disadvantaged.

The whole principle of this bill is that now we intend to authorize the Attorney General, in a limited number of cases, to try to vindicate constitutional rights for people who, because of poverty or intimidation or lack of status, are not sufficiently strong to vindicate those rights for themselves. That is all there is to it.

AUTHORITY GRANTED IN TITLE IV NOT UNIQUE

It is a general principle of our society that persons or groups may may sue for their rights in the courts. But it is a principle of at least equally general application that in cases where private litigation is ineffective, or cases in which the aggrieved persons lack effective means to sue, or cases in which the public interest is clear, that the society as a whole, acting through its government, should vindicate the threatened rights. Suppose, for example, that stock-market investors are injured by a misstatement in a securities registration statement. Injured investors, of course, may sue for damages. But not only does the Securities and Exchange Commission have power to sue for an injunction against the violation, indeed to prevent the injury in the first instance by enjoining sale of the stock; in addition, the Attorney General may bring a criminal prosecution. Another example: Several years ago, giant utility companies, public and private, were the victims of a conspiracy to fix prices on electrical equipment. The utilities have, of course, sued for damages. But the conspiracy was uncovered and enjoined in the first instance by the efforts of the Department of Justice; and the utilities may rely, in their damage suits, on the evidence developed by the Government.

The full list of situations in which the Government acts so as to benefit or aid persons who otherwise would have to rely on their own resources in litigation would take over an hour to read. During an earlier debate in this Chamber, the Senator from New York inserted in the RECORD such a list, prepared by the Library of Congress, describing nearly 30 statutes which provide for injunction suits by the Attorney General in cases where private persons are necessarily benefited by his action. It appears in the CONGRESSIONAL RECORD volume 106, part 3, page 3665, and I commend it to the attention of the Senate. In 1957, I compiled and placed in the RECORD similar instances.

Is school desegregation, then, a question which it is appropriate for the Attorney General to litigate? Of course it is. First, the interest at stake is a national interest, on several levels. It is of the highest importance for the integrity of our system of government that the commands of the Constitution be obeyed, and that the rights assured by that charter be vindicated. Moreover, the question of race discrimination is certainly the most important domestic issue of our day and time; I think it is not too much to say that what we do or fail to do about it will shape the future of this country, for better or for worse. And within the question of race relations in general, education—which largely determines future ability—is perhaps the most important element.

Second, the problem is not being solved by the process of private litigation. As I noted earlier, 9 years of litigation like that in Virginia and Louisiana has produced a 1-percent desegregation in 11 States as a group, and less in some of them. And we cannot expect a different result in the future, unless we act now.

I gave some idea of what this litigation costs. To that account it must be added that there are nearly 2,000 totally segregated school districts remaining in the South, each one of which would be a separate entity for the purposes of litigation. And to that account must be added further that the persons who have so far been asked to bear the cost of this litigation are, as a class, the poorest, least-educated people in our society.

I think we must take notice of the fact that one of our greatest judges once said that next to a long serious illness, he would fear a lawsuit above anything on earth. Litigation is expensive, painful, and usually protracted. Yet to carry on this litigation, the southern Negro has tragically few resources.

FEW NEGRO LAWYERS

In the 11 States of the Old Confederacy there were, in 1960, about 300 Negro lawyers. And the States in which school desegregation is least advanced and the authorities most intractable, the lawyers are fewest. I understand that by latest account there were 19 Negro lawyers in Louisiana; 18 in Alabama, 13 in South Carolina, 12 in Georgia, and only 4 in the entire State of Mississippi.

There was one very able and unselfish young white lawyer in Mississippi who defended Negroes in civil rights cases. He has been driven from Mississippi.

Thus there are only 300 lawyers—the equivalent of three good-sized New York corporate firms—with which to fight all the resources of these States and their attorneys general; to fight, up to the Supreme Court, unconstitutional discriminatory laws; and with which to fight the best legal talent the city and the State treasuries can hire.

There is, of course, the National Association for the Advancement of Colored People. The NAACP's legal defense fund, which acts as counsel to many plaintiffs in segregation cases, has 12 lawyers. For the bulk of its litigation, it depends on volunteer and retained help, mostly from the 300 Negro lawyers of the South. Nevertheless, it must be considered when we weigh the ability of the southern Negro to vindicate his rights in the courts.

ANTIBARRATRY STATUTES

But if we are to put the NAACP into the balance, then we must also put into the other side of the balance the sustained attempts of most of the Southern States to harass and intimidate the NAACP. As part of the massive resistance campaign which followed the Brown decision, seven States passed laws, which brought within their barratry statutes attorneys paid by an organization such as the NAACP and representing litigants without charge, *NAACP* v. *Button*, 371 U.S. 415, 445 (1963) concurring opinion. The seven States were Arkansas, Arkansas Statutes Annotated, sections 41–703 to 41–713, Cumulative Supplements, 1961; Florida, Florida Statutes Annotated, sections 877–01 to 877–02, Cumulative Supplements 1962; Georgia Georgia Code Annotated, sections 26–4701, 26–4703, Cumulative Supplements 1961; Mississippi, Mississippi Code Annotated, section 2049–01 to 2049–08, 1956; South Carolina, South Carolina Code sections 56–147 to 56–147.6 Cumulative Supplements 1960; Tennessee, Tennessee Code Annotated, sections 39–3405 to 39–3410, Cumulative Supplements 1962; and Virginia, Acts 1956, extra session, chapters 31, 32, 33, 35, and 36.

The real purpose of these laws, which purported to prevent the NAACP from assisting Negroes to challenge school and other segregation in the courts, appears from the candid admission of one important Virginia legislator who said that "With this set of bills we can bust that organization wide open." See *Scull* v. *Virginia*, 359 U.S. 344, 347, 1959.

Some States, either through registration laws or legislative investigations, sought to compel disclosure of the NAACP's membership lists, so as to expose its members to harassment and retaliation. See *NAACP* v. *Alabama*, 357 U.S. 449, 1958; *Scull* v. *Virginia, supra*. And we all know the sorry story of the bombings, beatings, and even the shootings which have befallen NAACP leaders and members at the hands of the vicious and the deranged.

The States which have attempted to suppress the NAACP cannot now be heard to assert its existence as a reason for denying Government litigation assistance to the Negro.

INTIMIDATION

Under title IV the Attorney General may institute a suit when a person is unable "to initiate and maintain appropriate legal proceedings for relief."

This is further defined not only to include those who are unable to bear the expense of litigation, about which I have already spoken, but also when the Attorney General is satisfied that "the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property."

Mr. President, this section and this provision are badly needed. Not only has litigation been protracted in school and other civil rights cases; not only has litigation been costly and beyond the means of the ordinary persons; and not only have many Southern States moved through the passage of antibarratry laws to effectively prevent the poorest and weakest of our citizens from getting help from others to sustain their rights; but some of those seeking merely to gain their constitutional rights have been subjected not only to economic intimidation but also to physical violence.

I do not intend to dwell on this aspect or to go into it in great detail, for I have already cited some general examples of physical or other intimidation against those who merely were trying to gain their legal and constitutional rights.

Mr. President, I think these examples I have already placed in the RECORD are sufficient to show the dangers to economic livelihood and even to life and limb that come to some who assert their rights.

Title IV gives the Attorney General the authority to initiate suits on behalf of a person where his economic standing or employment would be jeopardized or where he or his family might sustain injury or economic damage if he initiated such suits himself.

This provision should be passed no matter what argument is used. If these things continue, then this section is badly needed. If our southern friends argue that these examples are not true or are isolated or will not occur in the future, then this provision can do no harm.

Either way, it should be passed and should be supported.

THE BILL'S APPROACH

This, then, is the problem of school desegregation in the South: Private litigation by individual Negroes and their organizations has not made significant inroads on the established patterns of segregation. As a consequence, Negro children in the South receive an education that is in every sense inferior to that received by their white neighbors; and in every sense, are denied their plain constitutional rights.

For such a problem, the clear answer is Government participation. The means of participation chosen by this bill—suits by the Attorney General to vindicate the public interest in the preservation of constitutional rights and guarantees—is one that has many times before been used by the Congress in other situations. And the circumstances here are appropriate, by the standards generally used, for exercise of the Government's power to litigate.

It must be emphasized, however, that this bill gives the Federal Government the least power it could have and still deal with these problems in an effective manner. When a violation of the antitrust laws injures a businessman, the Attorney General does not ask whether that businessman is capable of bringing suit on his own behalf; if he feels it appropriate, the Attorney General institutes proceedings. But under this bill, he is authorized to institute suits to desegregate schools only in the most limited circumstances.

But there is another kind of provision in this title, which may in the long run be more important than any number of lawsuits. Title IV provides that State and local authorities faced with desegregation problems may request technical assistance from the Commissioner of Education. This assistance would be rendered regardless of whether the local authorities were desegregating under court order or on their own volition; but it would be given only on request.

But for all the immediate good that these provisions can do, they are perhaps more valuable in another way. They establish a commitment by the entire Nation to insure adequate education to all its children. It is in every respect right that we not wash our hands of the many problems in the South and in the North as a result of desegregation; for no part of the Nation is free of responsibility for the present condition of education among the poor and the disinherited.

Let us therefore pass this bill and this title. Let us move forward to guarantee all of our rights to all of our people. Let us say clearly and loudly to all who will hear, that the Congress and the Government of the United States intend to narrow the gap between promise and performance, and between principle and practice, and to make a reality of the great principles in the Declaration of Independence, which declares that "all men are created equal and are endowed by their Creator with the unalienable right to life, liberty, and the pursuit of happiness, and that to secure these rights governments are instituted among men and derive their just powers from the consent of the governed." We repeat those words. We quote them on the 4th of July. We say we believe in them. But there is a wide gap between our verbal pledges and our actual performance. We should live up to the principles of the Constitution, including the 14th amendment. We should live up to the principles of Lincoln's Gettysburg Address that ours is a government "of, by, and for the people." Let us make all of these principles a reality for all of our people, whatever their religion, their national origin, their race, or their color.

It is the habit of Members of the Senate not to refer to the great Civil War which tore this country apart a century ago. This perhaps is correct in general, but the war is a part of the history of the country. While it is true that the war originally began in the efforts of the South to expand slavery and in the efforts of the North and the West to preserve the Union, in the concluding years of the war it was also a war to free the slaves. Tens of thousands of northern men gave up their lives with that purpose. It was not mere surface sentiment which caused them to sing the Battle Hymn of the Republic:

Mine eyes have seen the glory of the coming
of the Lord;
He is trampling out the vintage where the
grapes of wrath are stored;
He hath loosed the fateful lightning of His
terrible swift sword;
His truth is marching on.

May the truth of human brotherhood, as stated by Jesus, and by all the great religious leaders of every faith, as embodied in the Declaration of Independence and the Constitution of the United States, prevail, and may we here in our generation do our part in furthering this noble purpose.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly for questions?

Mr. DOUGLAS. I yield.

Mr. STENNIS. I invite the Senator's attention to the fact that, in absolutely good faith, he cited certain statistics about schools in Mississippi. In spite of his good faith in using those statistics, they were not correct. Even if it is contended that they were correct at one time, they are not correct now, and the impressions which can be drawn are entirely wrong.

Will the Senator permit me to preface some questions—and I will try to be brief—with a general statement?

Mr. DOUGLAS. Yes.

Mr. STENNIS. In the first place, I have personal pride in the elementary and public high schools of Mississippi. I try to visit them every year. I visit them and make talks to them from time to time. I know a great many teachers in my own home county. I give personal attention to these matters. They flatter me by advising with me about the schools.

There are 82 counties in Mississippi. It has been said that nine of those counties do not have a Negro high school.

Mr. DOUGLAS. These figures are drawn from the 1959–1961 biennial report of the State superintendent of public education of the Mississippi schools, and the Mississippi school bulletin. I have not been able to obtain more recent figures. Does the Senator say they are incorrect as of the date cited?

Mr. STENNIS. Perhaps some, but not all, of the figures may have been correct at that time. However, they are not correct now.

Further, certain conclusions drawn by the Senator from Illinois, and also by the Senator from Minnesota Monday, from those figures and the picture they present are entirely erroneous.

I point out that there are 82 counties in Mississippi, and only one of those counties is without a Negro high school. That county is Issaquena County which, as I recall, has a population of about 3,500. It has neither a white high school nor a Negro high school. All the white and Negro children are transported to another county in modern buses, where they attend modern schools on a contract transfer basis or a joint school basis. There are not enough white or Negro students in Issaquena County to justify a high school in the county.

A great consolidation program has been in progress in Mississippi which is almost complete. We have greatly reduced the number of school and school districts but have increased the services available in those schools.

Noxubee County was mentioned in debate by the Senator from Minnesota [Mr. HUMPHREY] on page 6541 of the CONGRESSIONAL RECORD for March 30. Mr. President, I ask unanimous consent to have printed in the RECORD a quotation taken from his speech.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mississippi affords another example. Mississippi's schools are still 100-percent segregated, 10 years after the Brown case. Although half the pupils in that State are Negro, the biennial report of the State superintendent of public education shows that only 7 Negro high schools are accredited by the Southern Regional Association of Colleges and Secondary Schools—while 82 white high schools are accredited. Of Mississippi's 82 counties, fully 9 have no Negro high school at all—and in 2 of these counties (Noxubee and Tunica) there are 5 times as many Negro students as white students. And almost twice as much is spent on instruction of each white pupil as is spent on each Negro pupil statewide. In some counties, over 10 times is spent per white pupil as is spent per Negro pupil.

Mr. STENNIS. Mr. President, Noxubee County was also singled out by the Senator from Minnesota. Noxubee County has a splendid Negro elementary school in Macon, which has 28 teachers. It also has a splendid Negro high school in Macon, which has 19 teachers. The average daily attendance in that county, both elementary and high school, is 1,042 white students and 2,981 Negro students. I mention that because it was stated by the Senator from Minnesota that there were five times as many Negro students in that county as whites.

I also have information about Tunica County, Miss. Contrary to the statement of the Senator from Minnesota, Tunica County has a Negro high school. These figures were taken over the telephone today, directly from the office of the State Superintendent of Education of Mississippi, Mr. J. M. Tubb. The average daily attendance in Tunica County in the elementary schools is white students, 789; Negro students, 2,747. In the high schools, 243 white students, 384 Negro students.

In some counties, the high school might be in a municipality and not be listed as a county school; but they have high school students from all the county attending such municipal high schools on a transfer contract basis. There are instances of this both in the case of white students and Negro students.

I repeat, every county in Mississippi, with the single exception of Issaquena County, has within its boundaries both Negro and white high schools.

Something has been said about accreditation. The records shows a total of 294 white high schools accredited, 93 by the Southern Association and 202 by the Mississippi Accrediting Commission. This is not an official State agency. It is under the Mississippi Educational Association. A total of 119 Negro high schools in Mississippi are accredited, 103 accredited by the State Commission and 16 by the Southern Association.

Mr. DOUGLAS. I referred simply to accreditation by the Southern Association of Colleges and Secondary Schools which might have different and perhaps higher standards.

Mr. STENNIS. I suppose it does, but this presents the true picture. If it was just said that there were only 7 accredited high schools for Negroes in Mississippi and one stopped there, I respectfully submit that certainly does not give the entire picture.

Mr. DOUGLAS. Would my good friend state the number of Negro high schools not accredited by the Southern Association, and the number of white high schools not accredited by the Southern Association?

Mr. STENNIS. If I have it here, I shall be glad to furnish the figures, but I am not sure that I do. We can get them.

There are more fully accredited white schools, I am sure, than there are Negro schools, but the rapidity with which the colored schools are being enhanced and improved, both as to physical plants, teachers, curriculum, equipment, libraries, and everything else, is, I say with pride, outstanding.

I did not find anything in the Senator's speech, I am sorry to say, which gave Mississippi any credit for trying or making an effort, or even good faith in endeavoring to do something about these problems.

I have figures here to show the Senator from Illinois that, during a recent year, 4.6 percent of the income of the people of Mississippi was devoted to public education, which was far higher than the average for the Nation.

Mr. DOUGLAS. The Senator is correct.

Mr. STENNIS. For that year it was the highest in the South and it has the highest percentage now except for the State of Louisiana, let me say to my friend, the Senator from Louisiana [Mr. LONG], who is now sitting on my right.

We take pride in these facts. We believe that they should be presented to counterbalance the critical view the

Senator from Illinois, in good faith, has presented.

If he will indulge me a little more time, I will read further, in refutation of some of his points.

On March 30, the Senator from Minnesota stated that in some counties over 10 times as much money is spent per white pupil than is spent per Negro pupil.

According to Mr. Tubb of the State department of education, that is an incorrect statement. There is no basis for it in fact. I am sure that was an honest error in calculation, or it did not take into account the State funds spent on the schools in Mississippi.

State funds—now State appropriations, not county money—is distributed on the basis of average daily attendance. Based on average daily attendance white schools received State funds of $127.04 per student. Negro students received $118.32 during the 1962–63 school year. This is less than a $10 difference. That difference is explained largely by the lower certificates held by Negro teachers. I will cover that point in a moment.

Mr. President (Mr. Dodd in the chair), the latest available figures covering State funds, county funds, and local school district funds show the following:

For white students, $227.41 per student; and $141.14 per Negro student. I bring that out, even though there is a difference, as part of the complete picture. One explanation for a part of the difference is that this is based on the average daily attendance.

We have a higher average daily attendance for white students than we do for colored students. Another reason is that the pay for teachers, even though it is on an absolute basis of equality under State law—I wish the Senator from Illinois to hear this—is based on a scale which takes into consideration degrees and length of service. Under those scales, the white teachers, because of generally higher qualifications, receive more salary.

Another thing that accounts for a part of that difference, although the difference in State funds is slight, is that the local counties which have the power of taxation to supplement these funds, and the amount varies considerably from county to county, depending on its budget and the level of local support. In some of the counties there are very, very few Negroes. The Senator from Illinois might be surprised to learn that in some of the counties in northeast Mississippi, only 2, 3, or 4 percent of the population are Negroes. So that results in a difference.

If they have high local support in these counties, it influences the statewide average, even though, on a per capita basis, the difference might not be great. So, those differences come about through the reasons I have given. There is no difference so far as State law, State policy, and distribution of State money is concerned.

That is not a matter that is within the discretion of the school superintendents. That is State law. That is a legislative act. The State funds cannot be spent on any other basis.

So I say again, as to teachers' salaries, irrespective of race, the salaries are on the same basis, and depend on the same types of certificates that the individual teacher holds irrespective of whether it is a white or Negro school. The salaries are the same if they hold the same certificate and have the same experience. If they hold the same certificate and have had the same experience, they get exactly the same salary. The certificates to which I refer take into consideration bachelor degrees, master degrees, and other education attainments.

In my home county the population is roughly 13 colored people for every 9 white people. We have excellent transportation for all colored children. We have a county high school. It is a modern building. It has a library, lunchroom facilities, a gymnasium, and playground equipment. It has competent teachers. I have visited there many times. I visited there when they were serving lunch. I know a great many of these parents. The parents are delighted with what they have. They are happy about it. The children are happy. They are making splendid progress. The teachers are happy. They are very loyal and very jealous of their prerogatives. I use "jealous" in its better sense. Everybody is happy and everybody is making progress.

However, now there are some who are coming in from the outside and they are saying, "You have all this, but you should have more." The school has 27 students per teacher. It is said, "That is all right, but white teachers have only 25 students. Therefore, you are being discriminated against. Your teachers are carrying a heavier load."

Under our State law, the money is distributed on the basis of 1 teacher for every 30 students, white or colored; it makes no difference.

Something has been said about an overload on the Negro teachers. The State funds are distributed on the basis of 1 teacher for every 30 students. At one time, this was considered the minimum in educational circles.

I wish to emphasize the fine progress that is being made.

The people are taking advantage of this. It is better than they have had; it is as good as most have had. But still there is this agitation: "It is all right what you have, but you ought to have much more."

What this country needs is more emphasis on doing one's best and trying to improve one's training, mind and body, in order to make a better living and to make something of one's self for his family and his country, rather than to have the agitation that a person is being mistreated and discriminated against.

I have had the privilege of looking at the Senator's figures. I know that he has given them in good faith, but many of them are erroneous not only in the way they have been expressed, but his memorandum is highly misleading also.

I thank the Senator.

Mr. DOUGLAS. I thank the Senator from Mississippi. The figures, of course, should be correct figures. The statistics which I originally gave were based on official reports for the years 1959 to 1961, and my initial statement was that the figure for the white pupils as compared with the Negro pupils showed that about four times as much was spent per white student as per Negro student. I qualified that statement to say that State funds have reduced this figure to show a ratio of 2 to 1.

I am delighted that Mississippi has made such an improvement in the 3 years since these figures were published. Possibly the discussion of the bill has facilitated this improvement. I have figures before me for 1961–62, which are contained in a brief of the Government, filed against the State of Mississippi in civil action No. 3312. These figures were obtained from the Southern School News of February 1962 at page 6. In turn, they were taken from a report of the State of Mississippi Department of Education. I ask unanimous consent that these figures may be printed in the Record at this point.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not believe I shall object—will the Senator finish his request?

Mr. DOUGLAS. These figures show a comparison of expenditures above the State minimum program for instruction in Mississippi school districts, listed on a per-child basis.

In the case of Noxubee County, the average addition per white child was $113.29, and the average per Negro child was $1.21. Therefore, the ratio on the amount given above the minimum was 100 to 1. If there is anything wrong with these figures—and I shall submit them to my friend from Mississippi—they can be corrected.

Mr. STENNIS. There is nothing wrong with them, except that they are out of date; they are no longer true, as is shown by the figures we have.

There is no reason why they should not be included, even if they are out of date. I have no objection to their inclusion in the Record.

Mr. DOUGLAS. That is very generous on the part of the Senator from Mississippi.

There being no objection, the tables were ordered to be printed in the Record, as follows:

In 1961–62 most school districts in Mississippi spent far more for the instruction of each white child than for the instruction of each Negro child.[1]

Following are comparisons of expenditures above the State minimum program for instruction in Mississippi school districts, listed on a per-child basis:

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[1] E–0–77 Southern School News, February 1962, p. 6. The figures were taken from a report of the State of Mississippi Department of Education. This report was not officially published until after a newspaper report referred to it. The nonofficial source is used here because the United States does not have this report at the present time.

District	White	Negro
Aberdeen separate	$54.78	$11.15
Alcorn County	19.39	--------
Amite County	70.46	2.24
Amory separate	70.65	28.22
Anguilla	130.85	21.15
Attala County	62.67	12.42
Baldwyn separate	32.45	10.04
Bay St. Louis separate	105.55	19.43
Benton County	59.42	15.63
Biloxi separate	128.92	86.25
Bolivar County 1	125.10	2.32
Bolivar County 2	117.63	3.16
Bolivar County 3	177.37	4.46
Bolivar County 4	101.55	23.86
Bolivar County 5	123.65	5.68
Bolivar County 6	--------	14.26
Brookhaven separate	58.56	20.79
Calhoun County	38.96	21.28
Canton separate	35.79	17.00
Carroll County	81.26	7.08
Chickasaw County	55.42	.62
Choctaw County	46.84	16.97
Claiborne County	142.64	19.88
Clarke County	56.82	16.11
Clarksdale separate	146.06	25.07
Clay County	64.07	15.31
Coahoma County	139.33	12.74
Coffeeville	68.95	6.55
Columbia separate	90.73	27.82
Columbus separate	106.74	$54.92
Copiah County	49.88	7.11
Corinth separate	79.94	41.32
Covington County	52.53	23.95
De Soto County	87.66	3.74
Drew separate	104.06	20.93
East Jasper	111.22	8.57
East Tallahatchie	69.15	6.61
Forrest County	67.76	34.19
Forrest separate	86.48	40.58
Franklin County	77.62	13.86
George County	66.53	34.65
Greene County	69.50	11.37
Greenville separate	134.43	34.25
Greenwood separate	116.78	46.45
Grenada County	91.51	13.31
Grenada separate	79.00	27.38
Gulfport separate	93.34	50.76
Hancock County	64.16	--------
Harrison County	58.91	14.24
Hattiesburg separate	115.96	61.69
Hazlehurst separate	90.95	9.76
Hinds County	80.24	10.41
Hollandale	117.81	18.00
Holly Bluff	191.17	1.26
Holly Springs separate	99.78	7.84
Holmes County	117.92	5.73
Houston separate	44.75	--------
Humphreys County	116.62	15.35
Indianola separate	72.26	15.17
Itawamba County	34.99	46.06
Iuka separate	29.73	25.32
Jackson County	76.51	68.99
Jackson separate	149.64	106.37
Jefferson County	96.29	2.60
Jefferson Davis County	59.44	10.24
Jones County	38.25	29.45
Kemper County	71.28	11.91
Kosciusko separate	74.64	21.16
Lafayette County	37.79	8.12
Lamar County	52.82	43.22
Lauderdale County	62.34	34.28
Laurel separate	79.63	36.33
Lawrence County	57.01	23.14
Leake County	48.85	17.37
Lee County	21.67	7.67
Leflore County	175.38	9.52
Leland	113.02	24.99
Lincoln County	68.51	26.06
Long Beach separate	138.38	--------
Louisville-Winston	47.82	7.64
Lowndes County	64.03	8.53
Lumberton consolidated	85.47	16.09
Madison County	171.24	4.35
Marion County	42.91	19.10
Marshall County	69.56	8.91
McComb separate	61.51	18.85
Meridian separate	116.58	63.11
Monroe County	44.11	6.20
Montgomery County	48.73	6.71
Moss Point separate	86.63	43.30
Natchez-Adams	131.84	49.38
Neshoba County	21.16	7.12
Nettleton Line	26.81	1.58
New Albany	55.93	13.42
Newton County	67.42	17.98
Newton separate	81.23	19.83
North Panola consolidated	104.28	1.76
North Pike	30.89	.76
North Tippah County	35.14	.00
Noxubee County	113.29	1.21
Oakland consolidated	104.03	6.15
Ocean Springs separate	78.26	84.08
Okolona separate	72.39	14.54
Oktibbeha County	103.87	8.91
Oxford separate	$69.42	30.67
Pascagoula separate	102.88	45.64
Pass Christian separate	127 98	78.50
Pearl River County	61.70	--------
Perry County	98.98	38.51
Philadelphia separate	85.05	30.33
Picayune separate	74.54	26.48
Pontotoc County	34.75	13.59
Pontotoc separate	78.91	--------
Poplarville separate	57.96	18.69
Prentiss County	33.88	19.88
Quitman consolidated	60.70	13.48
Quitman County	90.28	8.41
Rankin County	72.71	14.78
Richton separate	52.09	14.41
Scott County	31.55	10.95
Senatobia separate	65.08	10.74
Sharkey-Issaquena	18.75	25.74
Simpson County	41.42	8.97
Smith County	54.34	20.43
South Panola	59.55	1.35
South Pike	101.92	10.55
South Tippah	32.40	--------
Starkville separate	78.00	19.11
Stone County	60.27	13.03
Sunflower County	127.36	11.49
Tate County	67.08	5.84
Tishomingo County	41.06	2.70
Tunica County	172.80	5.99
Tupelo separate	96.87	31.41
Union County	26.68	7.86
Union separate	47.62	7.24
Vicksburg separate	124.33	24.17
Walthall County	48.08	10.55
Warren County	101.66	10.62
Water Valley	53.44	2.75
Wayne County	62.76	$8.69
Webster County	34.62	11.56
Western Line	198.74	52.27
West Jasper	55.71	9.87
West Point separate	51.26	11.91
West Tallahatchie	141.95	13.47
Wilkinson County	80.76	1.28
Winona separate	70.95	12.92
Yazoo County	245.55	2.92
Yazoo City separate	98.43	35.64

Mr. DOUGLAS. Initially I spoke about expenditures by local school boards, and then said that State funds had reduced the figures for the per pupil expenditures. We know that there has been an improvement in the South with the passage of years. I am glad this has occurred. However, we know that the Negro started from so far behind that even yet the Negro has not been brought to equality. I notice that the Senator produced one set of figures showing that in one county the total expenditure of State, county, and local funds per white child was $220, and per Negro child it was approximately $140. That is a difference of $80, or 55 percent. That is a very real difference.

Mr. STENNIS. Those figures took in all the local districts, as the Senator said, and they varied greatly from county to county. The figures depend on wealth and population by races, which vary greatly and numerically. We have a picture of the progress that is being made, which is most encouraging.

If the Senator will yield to me further, I should like to say that if the bill is passed unanimously, it will not add one dime for the use of these schools. No Federal money is involved in the figures; not one dime. The tax burden will continue to rest exactly where it is. If the Senator carried out his plan and the bill were passed, we would reach the point where it might be very difficult to obtain support for the plan; there might be a diversion to private schools, and all sorts of trouble might occur. This bill means trouble, and trouble compounded with respect to a situation about which the Senator is concerned and about which the Senator wants to do something.

Mr. DOUGLAS. I have always favored a system of Federal aid for education, with higher grants to States and localities where the taxable capacity per schoolchild is relatively low. I have said also that the South as a whole cannot be charged with unwillingness to support "education," because what the Senator says is true; namely, on the whole, the Southern States are spending a larger proportion of their income per child for education than the country does as a whole.

This is undoubtedly true. The South has two difficulties. One is that the taxable income is low. The Southern States are not wealthy; indeed, they are poor States. That is not their fault. Second, they maintain an uneconomic and costly dual school system, which directly increases the cost.

I do not wish the Senator to think that we of the North are blind to the economic problems which the Southern States face. We are aware of them, and we want to help. I believe that one of the features in the so-called war against poverty should be special grants to school districts, both rural and urban, where the needs are great, where families are disadvantaged, and even culturally deprived, and where tax resources are low.

This means school aid and service aid to the school districts of the Appalachians, to the school districts of States such as Mississippi, and to schools which are largely Negro inside the great metropolitan centers.

I hope very much that we can move in this direction when we try to put some flesh and blood on the bones of the war against poverty.

Mr. STENNIS. I fully appreciate the statements of the Senator. I know the Senator acts entirely in good faith. I know he has solicitude for everyone. The Senator is a great humanitarian. However, we are not asking for Federal money for the schools in Mississippi. We are doing fairly well. We are improving. We do not want our school system destroyed, which is what this bill would do. It would destroy the system which we have of supporting our schools and improving the educational and career opportunities for both white and colored. There is no doubt in my mind, as one of Mississippi's humble representatives, as to the fate of the schools, not only in Mississippi, but in other areas in the South if this bill should be enacted by the Congress and upheld by the courts.

I thank the Senator again.

Mr. DOUGLAS. Mr. President, are there any other questions on the subject matter of my address? If not, I yield the floor.

Mr. COOPER obtained the floor.

Mr. COOPER. Mr. President, I have promised to yield briefly to the Senator from Delaware [Mr. WILLIAMS], to the Senator from North Dakota [Mr. YOUNG], and to the Senator from South Dakota [Mr. MUNDT], if I can do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Before I yield, I would like to say that those of us who have heard the Senator from Illinois [Mr. DOUGLAS] speak today have been informed by his discussion of this section, title IV, of the bill. We have been moved by his eloquence. His statement has been so exhaustive, so informative, and so compelling in its argument that there is very little anyone can add to what the Senator from Illinois has already said.

I commend him. I have admired the Senator for many years for his consistency in seeking to obtain equal rights for all people. All of us owe the Senator a great debt for his masterful exposition.

Mr. DOUGLAS. I thank the Senator.

THE MONITORING OF MAIL

Mr. WILLIAMS of Delaware. Mr. President, the various agencies of the Government have been sending copies of their answers to my correspondence to the Senate Rules Committee for the past several months.

I do not know upon whose orders my correspondence with the agencies is being monitored. However, it must be that someone has more than a casual interest in whatever line of inquiry I may be pursuing.

This was an arbitrary decision by the respective agencies, and it was done without my consent.

While I resented this highly improper and most unusual procedure, nevertheless I attributed it to the great desire on the part of the administration and the Senate Rules Committee to determine all of the facts and to explore all the leads in the investigation of the Bobby Baker case. But last week the Senate Rules Committee decided to discontinue its investigation, and that excuse is no longer valid—yet my mail is still being monitored.

Not only is this monitoring of my mail with the agencies continuing, but this week I received a reply to a letter which was actually cleared with the Senate Rules Committee before it was finalized and sent to my office.

To my knowledge this procedure has never heretofore been adopted in relationship to the correspondence between a Government agency and a Member of the U.S. Senate.

I suggest to those who gave the orders for this monitoring of my mail and to those who are participating therein that it is remotely possible that they have overlooked one important point—I may already know some of the answers to the questions which I am asking, and in that event I would know when they were trying to cover up. And have they ever stopped to think how easy under such circumstances it would be to determine just who was a party to the coverup?

Nevertheless, since someone in high position thinks my correspondence is of such importance that it should be read by certain Members of the Senate, I am going to forget my modesty and assume that it is important enough to be read by all Members of the U.S. Senate.

Normally it would be considered improper to release a letter to any department of the Government prior to their receiving it, but it is equally improper to allow a third party to monitor the reply. Therefore, I am assuming that this is a New Frontier procedure, and I shall adjust accordingly.

Unless I receive a better explanation for this unusual procedure than that which has thus far been advanced, beginning next week I shall proceed to place in the CONGRESSIONAL RECORD all of that correspondence in which I think they would be interested.

NEED FOR WHEAT LEGISLATION

Mr. YOUNG of North Dakota. Mr. President, the wheat farmers of our Nation are in serious trouble. Defeat of the pending wheat bill will mean a drastic drop in prices to farmers of from 50 to 75 cents a bushel. This would mean cash prices for wheat of not more than $1.30 to $1.40 a bushel at best. This price collapse would not be confined to wheat only. It would soon spread to most other farm commodities.

Does anyone really believe that the present $1.25 a bushel price supports for corn could be maintained at this level if wheat price supports dropped to $1.25 a bushel? There would be little justification for continuing corn supports at the same level as wheat when the national average yields are more than double that of wheat. A collapse of wheat and feed grain prices would almost immediately have a disastrous effect on milk producers and producers of all meats such as beef, pork, and poultry.

Wheat prices in 1963 were at about the same level they were 15 or 20 years ago. On the other hand, while wheat prices have remained at approximately the same level over the last 20 years, due only to price support programs, the price of almost every manufactured commodity has risen sharply. The wheat farmers of America, faced as they are with constantly increasing costs of all production items including farm machinery, trucks, automobiles, petroleum products, rubber, fertilizer, insecticides, labor, and taxes just could not remain solvent with this drastic drop in wheat prices. No other segment of our economy could sustain such an income loss and survive.

The House of Representatives is scheduled to vote on the Senate-passed farm bill next week. Because the spring wheat and cotton planting seasons are upon us, together with civil rights and other legislation of high priority, it would be utterly impossible to consider any other wheat or cotton legislation this year.

Wheat faces problems which are vastly different than those involved in the production of almost any other farm commodity. Even with the production controls of recent years farmers have produced more than twice the amount of wheat needed for domestic consumption. Without controls they could easily produce three times as much as could be used in the United States. They must depend on huge export markets in order to survive.

Although wheat is one of the most important food commodities, it cannot be sold directly to the consuming public in any of the big wheat deficit nations of the world. In almost every instance, it must be sold to the governments of these countries at negotiated or world prices. All of these nations maintain a high price for their own producers but refuse to let our wheat farmers take advantage of this price. In each instance these governments buy our wheat at world prices, which are much lower than their own, and reap a big profit.

There is no such thing as a free world wheat market. It is rigged from beginning to end; always against the American wheat producer. Thus, it makes no sense to argue that our wheat producers can go it alone, so to speak, without any price protection whatsoever.

There is another serious obstacle which prevents the American wheat producer from receiving an adequate price for his wheat on the open market. Wheat, now as for years past, is considered one of our most important food sources in times of national emergency. In recent years it has been determined that for security reasons we must maintain an annual carryover of wheat stocks of at least 600 million bushels. If our stocks fall below this level, export licenses would not be issued. This was the case during and immediately after World War II, when wheat was in short supply.

I do not argue with the premise that we must maintain adequate stocks of this basic food source. The point I wish to make, Mr. President, is that the farmers can never expect an adequate price for their production on the free market as long as our carryover of wheat amounts to anything like 600 million bushels. Only short supplies will permit reasonably good prices on the free market.

The wheat bill passed by the Senate does have several shortcomings. I do not contend it is the perfect bill. It is the best that we could get passed by the Senate, however. In the many months that the House Agriculture Committee has been considering wheat legislation, it, too, has been unable to come up with a better wheat bill. Many of us had wheat legislation proposals we thought were better; but we lost our case, for the time being.

It is not a question now, Mr. President, of whether some other program is better than the pending wheat bill. Rather, the question is whether the wheat bill now before the House of Representatives is better than the situation which now exists if no legislation were enacted. Failure to enact this measure would mean that price supports, as a result of the last wheat referendum, would be $1.26 a bushel with another meaningless producer referendum to be held before June 15. In order for farmers to get even this low level price support protection of $1.26 a bushel, they would have to subject themselves to production controls under acreage allotments. Indeed, Mr. President, farmers will be subjected to the same production controls, regardless of the outcome of the House vote on the pending wheat bill.

Failure to pass the measure simply means that farmers will lose an average of approximately 47 cents a bushel on their 1964 wheat crop. For most farmers, and particularly younger operators, this loss of income could well mean the difference between economic survival and progress or losing their farms and homes.

Mr. President, during my 19 years in the Senate, I have never witnessed such vicious and inaccurate propaganda attacks as those which have been leveled at the pending wheat bill. One of the charges being made is that it would mean an increase in the consumer price of bread of 2 to 3 cents a loaf. Nothing could be further from the truth. If the bill is enacted, the price of wheat to the bakers will be approximately the same as it is now. The cost of the wheat in a loaf of bread is presently only about 2½ cents. This means that the price of a bushel of wheat would have to increase 60 cents a bushel for each 1-cent increase in the cost of a loaf of bread. If the bill is enacted, the cost to the bakers will be approximately the same as it is now. Thus, there would be no justification for an increase in the price of a loaf of bread.

Opponents of the measure have charged that there is no difference between this program and the one disapproved by farmers in the last wheat referendum. Mr. President, there is as much difference between these two programs as there is between night and day. The one disapproved last spring involved tough production controls for every wheat producer. Under the Senate-passed bill, any farmer who does not want to participate in the program can produce all the wheat he wants to and can market it free of penalty.

Mr. DOMINICK. At this point, will the Senator from North Dakota yield?

Mr. YOUNG of North Dakota. I yield.

Mr. DOMINICK. Is it not true that if a farmer did not engage in the program, he would lose 70 cents a bushel?

Mr. YOUNG of North Dakota. He would lose an average of about 47 cents a bushel.

Mr. DOMINICK. So at least there is an economic penalty; I wish to make that point.

Mr. YOUNG of North Dakota. That is also true of the present corn program. If the farmer does not participate, he loses the 18-cent-a-bushel payment and price support benefits. This is true of all such programs.

Changes have been made that under this plan farmers' income from wheat will be lower than it was in 1963. It is true that if this program is adopted wheat income will be a little lower than it was during the last crop year. However, and this is the basic point, while income will not be maintained at quite the 1963 level it will be maintained at a much more satisfactory level than would be the case if nothing is done. The cost of this program to the Government of the United States will be far less than the cost of the programs of recent years.

Mr. President, these are only a few of the many inaccurate charges that have been made against this bill—charges that are so cleverly and cunningly presented that they tend to confuse a great many people. This is the intention of those spreading this propaganda. Unfortunately, they have succeeded to a considerable extent.

Mr. President, wheat farmers as well as all farmers and ranchers are willing to go it alone without any price protection or government programs if every other segment of our economy is willing to do the same. We have not yet come to that happy day. Wheat farmers need legislation to help them now, and they need it badly.

There is as much justification for the cotton section of the bill as there is for the wheat section. Cotton farmers are in deep trouble and need this legislation. This cotton legislation will go a long way toward maintaining a healthy cotton economy.

Mr President, I sincerely hope the House of Representatives will act favorably next week, when it considers the Senate-passed wheat-cotton bill.

Mr. BURDICK. Mr. President, will my colleague yield to me?

Mr. YOUNG of North Dakota. I yield.

Mr. COOPER. Mr. President, I ask unanimous consent that I may continue to yield, without losing my right to the floor.

The PRESIDING OFFICER (Mr. HART in the chair). Is there objection? Without objection, it is so ordered.

Mr. BURDICK. I commend my colleague for his contribution this afternoon. He has pointed out some very important facts, and also has referred to a position of the critics—namely, that the 70-cent certificate would be a bread tax and would result in higher prices to the consumer.

Is it not a fact that under this bill the miller would be buying wheat at the same price as that at the present time?

Mr. YOUNG of North Dakota. That is entirely correct; the price would be at approximately the same level.

Mr. BURDICK. And no increase whatever should result from any additional cost to the millers?

Mr. YOUNG of North Dakota. That is correct.

Mr. BURDICK. Any increase in the price to the consumer would have to be based on some other factor; would it not?

Mr. YOUNG of North Dakota. That is correct.

Mr. BURDICK. My colleague should also be commended for pointing out that today the farmer is in a very difficult economic squeeze and at a great disadvantage, for his costs are rising at the same time that his income is going down.

Let me refer briefly to the colloquy my colleague had with the Senator from Oklahoma: Is it not also a fact that the farmer who complies with this program must also contribute by reducing his acreage, in order to get the higher price?

Mr. YOUNG of North Dakota. That is correct, and that is an important point. To the extent that a farmer reduces his planted acreage, he helps those who do not reduce their acreage.

Mr. BURDICK. That is correct. In other words, in order to obtain the increased price, he must take action on his own part, voluntarily; is that correct?

Mr. YOUNG of North Dakota. That is correct.

Mr. HUMPHREY subsequently said: Mr. President, earlier today the senior Senator from North Dakota [Mr. YOUNG] spoke to the Senate in regard to the urgency of a favorable vote in the House of Representatives on the wheat-cotton bill. I wish to associate myself with the remarks of the Senator from North Dakota.

The vote which will be taken in the House next week on this bill could very well be called a $700 million vote because if the House fails to pass this legislation, farm income could drop as much as $700 million.

The loss to our wheat growers alone will be about $600 million if this bill is not approved. Such a heavy loss in farm income will affect not only our Nation's wheat farmers, not only our citizens of rural America, but virtually all areas of the country be they small or large, rural or urban. The effect of the tax bill passed by the Congress earlier this year would for all practical purposes be dissipated if such a substantial drop in agricultural income occurs. We cannot on the one hand pump money back into the economy by a tax reduction, and on the other hand lose the same money through a drop in agriculture income and have nothing but trouble in the American economy.

I hope every Member of the House will study this bill and its meaning prior to casting his vote next week. We in the Senate debated the wheat-cotton bill for a week prior to passing it earlier this year. The RECORD contains every good argument for passage of this bill. I know of no valid reason for rejecting it.

I personally would have preferred a different type of legislation for both wheat and cotton. I made that statement at the time we passed the bill in the Senate. I had urged approval of bills for these commodities which would provide direct Treasury payments to farmers who would cooperate with a voluntary program. While the committee and the Senate would not entirely accept my recommendations, we were able to vote on legislation which will through different means achieve the same end; that is, a stabilization of farm income.

Mr. President, we owe it to our Nation's family farmers to present them legislation which will enable them to at least maintain their income. I think this income is far too low and that ways and means should be found to substantially increase it. Perhaps one day our farmers who make it possible for us to enjoy the highest quality and greatest quantity of food in the world at the lowest price will share in the wealth of this great Nation. For the present, however, we have a bill which will at least stabilize agricultural income. This is the bill which will be considered in the House next week. I strongly urge each and every Member of the House to very carefully consider the present agricultural situation and the provisions of this bill in light of that situation prior to casting his vote on the wheat-cotton bill.

NEED FOR BEET SUGAR QUOTA INCREASE

Mr. DOMINICK. Mr. President, will the Senator from North Dakota yield to me?

Mr. YOUNG of North Dakota. I yield.

Mr. COOPER. Let me ask how long the Senator from Colorado wishes to speak?

Mr. DOMINICK. For about 4 minutes.

Mr. COOPER. Mr. President, I ask unanimous consent that I may yield for that length of time to the Senator from Colorado, without losing my right to the floor.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. Very well; I yield.

Mr. DOMINICK. Mr. President, I thank the Senator from Kentucky for yielding, and I appreciate the opportunity to speak while the Senator from North Dakota is in the Chamber, for I wish to make some comments in connection with the same matter.

Although the Senator from North Dakota and I may not agree on the wheat bill, we do agree on the sugar bill.

Sometime ago the distinguished Senator introduced a bill to increase the domestic beet sugar quota for this year by 750,000 tons. I was very happy to join in sponsoring that bill. At that time I did not have an opportunity to comment on the need for enactment of the bill; so I thought I would take this opportunity to set forth, briefly, my reasons, because we shall have to take action again this year in regard to sugar. I say "this year" because the provisions of the bill which pertain to the foreign quotas on sugar to come into this country will expire this year; and if we are to do anything about this matter, we shall have to act in any event.

So it seems to me that this is a good time and a good point to make a change in such a way that our domestic industry can have a larger share of the overall market.

I was particularly concerned because some time ago President Johnson asked that acreage controls on domestic beet sugar be removed. As a result, the acreage of beet sugar has been vastly expanded, in order to take up the slack which occurred when we were unable to obtain adequate supplies of sugar from other countries.

The situation became quite curious, as a matter of fact. The other countries, which were given specific quotas under the bill, were having grave difficulty meeting their quotas; and the world market, in like manner, was having great difficulty taking up its share of the overall production, because the world market as a whole was higher than the U.S. domestic market—which is one of the things which those of us who believe in the sugar legislation had tried to point out time and time again to the opponents, although we never seemed to be able to explain the matter adequately to them; namely, that the consumers would not be hurt by the quota system we proposed, but, instead, would be benefited, because under the quota system they are prevented from loss of an adequate supply if the world market goes too low, and they are also protected from a high market price when the world market goes up.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. YOUNG of North Dakota. The Senator is making a very important point. Consumers now realize that sugar legislation has helped them greatly. If it were not for the sugar program, sugar prices would have skyrocketed to even higher levels. The legislation affords the consumers of America their best assurance of ample sugar supplies at reasonable prices. That is one of the reasons why there are now 22 cosponsors of this bill in addition to the Senator from Colorado. For the first time, Senators from some of our major consuming areas are supporting legislation of this type.

Mr. DOMINICK. I am certainly delighted to hear that. It is another indication of the importance of the overall subject. Unless the bill is passed, a cutback of about 40 percent of the existing acreage of beet sugar now under cultivation would be required. If the bill is passed, it will be held about even.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. DOMINICK. I am glad to yield.

Mr. BURDICK. I find that this afternoon we are all in agreement on sugar. My colleague from North Dakota [Mr. Young], the Senator from Colorado [Mr. Dominick], and I are cosponsors of the proposed sugar legislation. Perhaps some time my colleague and I can convince the Senator from Colorado of the merits of the proposed wheat bill.

Mr. DOMINICK. I shall be delighted at all times to discuss those problems with the Senators, because I think they are of vast importance to my State as well as to theirs.

Mr. President, I do not intend to take up too much time. I appreciate the time which has been given to me by the distinguished Senator from Kentucky. At this point I ask unanimous consent to have printed in the Record a series of comments on why a beet sugar quota increase of 750,000 tons is necessary.

There being no objection, the comments were ordered to be printed in the Record, as follows:

Why a Beet Sugar Quota Increase of 750,000 Tons Is Necessary

1. PRESENT BEET SUGAR QUOTA IS GROSSLY INADEQUATE

The basic beet sugar quota (sec. 202(a)(1) of the Sugar Act) should be increased by 750,000 tons—from the present 2,650,000 tons to 3,400,000. The higher levels of production requested by the Government for 1963, 1964, and 1965 make an increase of this amount necessary. This increase is in the interest of U.S. sugar consumers, and is vital to American farmers who need sugarbeets as a cash crop and as an alternate or replacement for crops now in surplus production. Also, it is important to the welfare of factory and field labor in the 25 States in which the beet sugar industry is now located.

2. WHY BEET SUGAR PRODUCTION IS ABOVE EXISTING QUOTA

To encourage growth and expansion of the beet sugar industry in new areas (sec. 302(b)(3)), the Congress, in 1962, provided for erection of six new beet sugar processing plants in the 1963–66 period. And early in 1963, when the critical foreign sugar supply situation became alarming, the executive branch of Government turned to the domestic beet sugar industry as the quickest dependable source of greater production in the period ahead, and announced that there would be no acreage restrictions on sugarbeet planting in 1964 and 1965 as well as in 1963. The industry responded with immediate and substantial increases in production far above existing quota levels.

3. DRASTIC ACREAGE CUTS INEVITABLE UNLESS BEET SUGAR QUOTA INCREASED

Unless the basic beet sugar quota is increased, established sugarbeet growers will be faced with a 4-percent cut in acreage. Moreover, authorization of additional new beet sugar factories would be out of the question. It would be grossly unfair thus to penalize present growers who have contributed so importantly to the national sugar supply, and to prohibit sugarbeet production in new areas where the crop is so urgently needed.

4. BEET SUGAR INDUSTRY SAVED MILLIONS OF DOLLARS FOR CONSUMERS IN 1963

Consumers are benefiting materially from the beet sugar industry's response to the congressional intent and executive requests. The industry produced a half million tons more sugar in 1963 than in 1962, and is in the process of producing a quarter million tons more sugar this year than last—thus contributing substantially to relieving the supply problem. Moreover, the beet sugar industry has significantly recognized its obligations to consumers under the Sugar Act. In 1963, beet sugar sold from $1 to $3 a hundred pounds less than cane sugar in the same markets. Both the volume and price of beet sugar helped keep U.S. prices of imported raw cane sugar lower than many other countries had to pay for the same sugar.

By saving millions of dollars for U.S. consumers in 1963, the beet sugar industry was continuing its tradition of serving consumers. Beet sugar never sells for more than cane sugar, and usually sells for less. It is significant that in the one section of the country where only cane sugar is normally available—the Northeast States—the basic price for sugar has been the highest in the United States for many years.

Recognition of the importance of domestic sugar production for American consumers was given by President Johnson on January 31, 1964, when he urged Congress to authorize unlimited 1964 marketing of domestically produced sugar.

5. INCREASE IN BEET SUGAR QUOTA WOULD COME FROM UNALLOCATED "GLOBAL" QUOTA

The 750,000-ton increase in the basic beet sugar quota could be made without disturbing any of the present individual country quotas. The increase would come from the so-called global quota. Under changed world sugar supply-demand conditions it would appear undesirable to continue a system wherein a large quantity of U.S. supplies is not specifically allocated.

6. OTHER DOMESTIC PRODUCER QUOTAS NOT AFFECTED BY INCREASED BEET QUOTA

The transfer of 750,000 tons from the global quota to the beet area quota would not adversely affect the quotas of the other domestic producing areas—mainland cane, Hawaii, Puerto Rico, and the Virgin Islands.

7. SUGAR ACT BENEFITS TO CANE SUGAR REFINERS

Cane sugar refiners had their position materially improved by 1962 amendments to the Sugar Act. These added 450,000 tons to the cane refiners' volume by prohibiting future importation of that amount of foreign refined sugar authorized by the previous law. This brought total volume of cane refiners to nearly 7 million tons, and left only 75,000 tons of foreign sugar which may be imported as refined sugar. The slight increase in the beet quota in 1962 was offset, in the cane refiners' favor, by the transfer of Hawaiian and Puerto Rican deficits from domestic areas to foreign countries, which were required to ship the sugar in raw form.

It should be noted that 100,000 tons of protected beet sugar expansion have already been awarded to cane sugar refiners and that cane refiners' interests have applied for another 100,000 tons of the reserve. Thus cane sugar refiners are prime recipients of the benefits of the beet sugar expansion authorized by Congress.

8. WORLD SUGAR SITUATION CONTINUES TO BE UNCERTAIN

Many changes have taken place in the sugar world since Congress wrote the 2,650,000-ton basic beet sugar quota into the law in 1962. No longer is there a world surplus. World reserve stocks of sugar, large in mid-1962, are now almost nonexistent. Even if talked-of increases in foreign production are eventually realized it will take time and a vastly improved investment climate.

Nearly a third of world sugar production is under Communist control. Instability and political turmoil plague many of the other sugar-producing nations of the world. Therefore, in this uncertain atmosphere, it is in the public interest to rely on the domestic beet sugar industry for an additional 7½ to 8 percent of our total sugar supplies—which a 750,000-ton increase in the basic beet sugar quota, to 3,400,000 tons, would achieve. Even after adding 750,000 tons to the beet area quota, foreign countries would still be guaranteed a third of the total U.S. market of about 10 million tons.

WHY A BEET SUGAR QUOTA INCREASE OF 750,000 TONS IS NECESSARY

This statement is supported by the present sugarbeet growers and beet sugar processors of the United States as well as organized groups of farmers and many others seeking allocation of "sugarbeet acreage reserves" for expansion of the sugarbeet industry into new areas, as follows:

Arizona

Arizona Sugarbeet Committee.

California

California Beet Growers Association, Ltd.
Spreckles Sugar Co.
Union Sugar Division, Conoslidated Foods Corp.
Holly Sugar Corp.
American Crystal Sugar Co.

Colorado

The Mountain States Beet Growers Marketing Association of Colorado.
Southern Colorado Beet Growers Association.
The Western Colorado Beet Growers Association.
The Great Western Sugar Co.
American Crystal Sugar Co.
Holly Sugar Corp.
The National Sugar Manufacturing Co.

Delaware

Delaware Sugar Corp.

Idaho

Idaho Sugarbeet Growers Association.
Lower Snake River Sugar Beet Growers Association.
Nyssa-Nampa Beet Growers Association.
Amalgamated Sugar Co.
Utah-Idaho Sugar Co.

Illinois

Wabash Valley Beet Growers Association.
Joint Industrial Development Commission of Adams County.

Indiana

Wabash Valley Beet Growers Association.
Paulding Sugar Beet Growers Association.

Iowa

Mason City District Beet Growers Association.
American Crystal Sugar Co.

Kansas

Ash Valley Beet Growers Association.
The High Plains Beet Growers Association.
Southwest Kansas Sugar Beet Growers Council.
Tri-County Beet Growers Association.

Maine

Maine Sugar Beet Growers Association.

Michigan

Alma Sugar Beet Growers Association.
Blissfield Sugar Beet Growers Association.
Caro Sugar Beet Growers, Inc.
Croswell Sugar Beet Growers Association.
Monitor Sugar Beet Growers, Inc.
Saginaw Sugar Beet Growers, Inc.
Sebewaing Sugar Beet Growers Association.
Michigan Sugar Co.
Monitor Sugar Division of Robert Gage Coal Co.

Minnesota

Red River Valley Beet Growers Association.
Southern Minnesota Beet Growers Association.
Tri-County Beet Development Association of Minnesota.
Mid-Valley Beet Development Association.
Minnesota-Dakota Beet Development Association.
Mason City District Beet Growers Association.
American Crystal Sugar Co.

Missouri

Western Missouri Beet Growers Association.
Pemiscot-Dunklin-New Madrid Sugar Beet Growers Association.

Montana

Montana-Wyoming Beet Growers Association.
The Mountain States Beet Growers Marketing Association of Montana.
Western Montana Beet Growers Association.
Great Western Sugar Co.
Holly Sugar Corp.
American Crystal Sugar Co.

Nebraska

Central Nebraska Beet Growers Association.
Nebraska Non-Stock Beet Growers Association.
Northwest Nebraska Beet Growers Association.
Great Western Sugar Co.
American Crystal Sugar Co.

New Mexico

Texas-New Mexico Sugar Beet Growers Association.

New York

Finger Lakes Beet Growers Association, Inc.

North Dakota

Red River Valley Beet Growers Association.
Lake Agassiz Sugar Corp.
Minnesota-Dakota Beet Development Association.
Mid-Valley Beet Development Association.
American Crystal Sugar Co.

Ohio

Buckeye Beet Growers Association.
Findlay Beet Growers Association.
Fremont Beet Growers Association.
Paulding Sugar Beet Growers Association.
Northern Ohio Sugar Co.
Buckeye Sugars, Inc.

Oklahoma

Southwest Oklahoma Beet Growers Association.

Oregon

Nyssa-Nampa Beet Growers Association.
Amalgamated Sugar Co.

South Dakota

Black Hills Beet Growers Association, Inc.
Utah-Idaho Sugar Co.

Tennessee

Northwest Tennessee Sugar Beet Growers Association.

Texas

Texas & New Mexico Sugar Beet Growers Association.
Dimmit Beet Growers, Inc.
North Plains Sugar Beet Growers Association.
The High Plains Sugar Beet Growers Association.
Trans-Pecos Sugar Beet Growers of Texas.
Holly Sugar Corp.

Utah

Utah Beet Growers Association.
Utah-Idaho Sugar Co.
Amalgamated Sugar Co.

Washington

Washington Sugar Beet Growers Association.
Columbia Basin Beet Growers Association.
Utah-Idaho Sugar Co.
Washington State Sugar Co., Inc.

Wyoming

Montana-Wyoming Beet Growers Association.
Big Horn Basin Beet Growers Association.
Goshen County Beet Growers Association.
Holly Sugar Corp.
Great Western Sugar Co.

Regional and national organizations

California Beet Growers Association, Ltd.
Farmers and Manufacturers Beet Sugar Association.
National Beet Growers Federation.
Western Sugar Beet Growers Association.
United States Beet Sugar Association.

Mr. DOMINICK. The reason I have submitted the comments is that they have been endorsed by the sugarbeet associations of States which I shall name. They indicate the degree of importance the subject is to the country. The States are as follows:

Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming.

The following regional and national organizations have also endorsed the comments: The California Beet Growers Association, Ltd.; Farmers & Manufacturers Beet Sugar Association; the National Beet Growers Federation; Western Sugar Beet Growers Association; United States Beet Sugar Association.

It is shown in considerable detail exactly why the proposed quota increase is necessary.

In the few remaining minutes, I wish to make the following point: As a lawyer, almost from the beginning of my practice in Colorado, I was interested in sugar legislation. I came to Washington, D.C., to attend many meetings with representatives of the Department of Agriculture in the Sugar Division in an effort to arrive at a reasonable apportionment of acreage or a reasonable system of industry marketing rules. I do not know how many times I have been back and have gone into the question of sugar legislation. I believe I have some background of knowledge in it.

The one point that constantly bothers me is the continued and constant efforts that are made to try to divide sugar factions into separate groups and treat them as conflicting interests. The beet sugar processors and growers as a whole have been almost continuously working together to try to get an effective beet sugar measure passed.

In addition, the cane sugar growers in domestic States—I am speaking about Louisiana, Florida, and Tennessee—have been kind enough in most instances to work very closely with the beet sugar people. For the benefit of those who may read the RECORD, the production and marketing of beet sugar is far higher than that of cane sugar domestically grown.

The only people with whom we really have a problem are the cane sugar refiners. They are the ones who provide the least number of jobs. They merely bring in raw sugar—because we have said, "We shall not let refined sugar come in"—and refine it in eastern refineries. And that is where the highest price for sugar still is. It would seem to me that by giving domestic beet sugar, and perhaps domestic cane sugar, a higher quota—we might be able to do something about the price in the Northeast and assure a more stable sugar supply and a more stable sugar condition.

Again I extend my thanks to the distinguished Senator from Kentucky.

NON-WESTERN CULTURES SHOULD BE STUDIED

Mr. MUNDT. Mr. President, the March 1964 issue of the South Dakota Education Association Journal contains an article entitled "Why It Is Time To Teach More About Non-Western Culture," by Thomas Karwaki, an assistant professor of history at Northern State College in Aberdeen, S. Dak. Mr. Karwaki makes observations in his article which I think should be given wide attention. He points out that the school curriculum in both elementary schools and high schools should include more emphasis on non-Western cultures.

When the National Defense Education Act placed greater emphasis on world languages, more and more colleges instituted languages in Japanese, Chinese, and Hindi, and many other world languages. This set the stage for expanding the language program in our high schools across the country. In 1961–62 about 75 U.S. high schools offered courses in Chinese, and 10 in Japanese. Five years before, such courses were virtually nonexistent in high schools in this country.

Since World War II, the United States has been called to defend farflung outposts of freedom around the world. If America is to continue sending its men into these areas, our people must be educated to meet these international emergencies, and it behooves us to keep our educational needs abreast with the demands of world leadership. It was for this reason that I cosponsored the Smith-Mundt exchange program a decade and a half ago. Now Mr. Karwaki spotlights the need for expanding our school curriculums to further the international understanding so vital to America's leadership of the free world.

I ask unanimous consent that Mr. Karwaki's article be printed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY IT'S TIME TO TEACH MORE ABOUT NON-WESTERN CULTURE

(NOTE.—The school curriculum in both elementary schools and high schools should include more emphasis on non-Western cultures, according to this article. In a few places, the first small advances are being made. In Illinois, Evanston and New Trier Township high schools have undertaken to jointly offer Chinese and Japanese language instruction this summer. They also plan courses in East Asian history. Washington University in St. Louis, Mo., will continue its summer and academic year courses for both high school students and training of teachers. One school in St. Louis now teaches a course in Mandarin Chinese and the Carnegie Corp. has provided funds for summer institutes in both Chinese and Japanese language study. Attention to non-Western culture is increasing. In 1961–62, about 75 U.S. high schools offered courses in Chinese, and 10 in Japanese. Five years ago, only five U.S. high schools taught Chinese and even less taught Japanese. An important fact—more persons speak Chinese than any other language in the world.)

(By Thomas Karwaki)[1]

The modern student, be he a second-grader or a college freshman, lives in a crisis of the oriental world bombarded by the specter of eruptions in Vietnam, war on the Sino-Indian frontier, or Nasserism sweeping the Arab world. The media of communications has made even the hitherto isolated students anxious about developments in the non-Western World.

Yet, the basic curriculum of the American school is focused on a monocultural exposure of the student to the American and European historical pattern. Just a few short decades ago, this was sufficient to develop an understanding of the world, for Europe was the center of world power.

But we live in a dynamic world. The axis of power seemingly is shifting from Europe to the non-Western World. Scores of countries have attained independence since World War II and are engaged in a struggle to improve their economic conditions, to raise their people's standards of living, and to achieve viable forms of government. This struggle, complicated by ever-increasing population pressure, involves necessarily the development of new industry and the destruction of some traditional values that lead inevitably to the generation of social tension and concurrent political instability.

The history of the past few years has been made in the non-Western World. The rise of Arabic Nationalism, the religious massacre in India/Pakistan during the Partition, the tribal conflict of the Congo—all are now part of the heritage of the modern world and are likely to increase in intensity in the near future.

TODAY'S REALITY

Is the American student prepared to face the world as it exists in reality today? Or, is our system of education so slanted toward a monoculture exposure that the average American cannot even begin to comprehend developments in the non-Western World.

While the teaching of history and the social sciences could undoubtedly be improved, we have succeeded in instilling the basic facts of American and European history into the students, but we appear to have failed totally in orienting them to the other half of the world. The average high school student can identify Napoleon, Tennyson, and Thucydides, but can he identify Babur, Tagore, or Ibn Khaldan. He can define nationalism as it existed in France or Germany; one language, one tradition, one nation, but how do we explain the development of multinational states based on scores of radically differing and mutually incomprehensible languages, differing even in historical development.

RECOMMENDED ADJUSTMENTS

If the axis of power is changing, what can we do to improve the teaching of non-Western area studies in the various levels of the school system?

First and foremost, the task resolves on the universities and colleges to introduce more courses dealing with the non-Western World. These must cover the fields of history, economics, underdeveloped nations, and the influence of their rapid industrialization on world trade patterns. In sociology, the new nations offer challenges in studying dynamic social tension and adjustments. In political science, they present new opportunities for study of the development of new political loyalities and attempts to gain a concern of nationalism among people of diverse languages, histories, and backgrounds.

ADOPTING THE HIGH SCHOOL CURRICULUM

World history courses must be constructed to include more materials and time devoted to the non-Western areas. Instead of sporadically touching upon these areas, it will be necessary to show that India, China, and the Arabic world had a long and proud historic tradition of their own before the impact of Western influence. More attention should be paid to the period of colonialism, pointing out the accomplishments of the colonial powers, their social legislation aborting certain practices, child exposure, etc. More attention should also be given the economic advantages resulting from certain economic policies. The struggle for independence must also be adequately portrayed.

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[1] Thomas Karwaki is an assistant professor of history at NSTC, Aberdeen. He held the National Defense Education Act fellowship in Bengali and South Asian Area Studies at the University of Chicago.

Before his staff membership at NSTC, he held a teaching position at the University of Wyoming. Karwaki is a graduate of the State University of New York and earned his M.A. from Western Reserve University.

The task is not simple. Specialists must be found or be trained at the university and college level to teach these courses, and adequate texts must be developed. Most important and frustrating of all, adequate library facilities must be secured.

On the high school level, the same problems occur. While we wait for the colleges to prepare adequately trained teachers and materials, an effort must be made to broaden the European-centered historical and social studies curriculum. There must be more of an attempt to introduce the student to non-Western literature; both classical and modern in translation.

On all levels, art classes should be exposed to non-Western art and an attempt should be made to develop an appreciation for the similarities and the differences from our more customary art forms. In music classes, music of the non-Western culture—both instrumental and vocal—can be used to give relief from the regular music program and to develop in the student the appreciation of atonal systems other than our own.

ELEMENTARY SCHOOL

The elementary school can aid in orienting the student by more deeply studying the problems of the non-West, the population pressure, the inadequate resources—mineral and agriculture—and the consequent problems these nations face. More time could profitably be devoted to the mutual exchange of ideas and products from West to non-West and also from non-West to the West.

It may, in the very near future, be necessary to reexamine the traditional foreign language program of the schools. As countries become nationalistic, they prefer their own language even though it may be incapable of scientific expression. Perhaps in the decade to come, Arabic, Chinese and Hindi may replace or supplement the traditional French and Spanish.

THE FUTURE

The future may offer a bold promise, a glittering challenge, but also it contains many black crises and grave problems. One certainly is that the future will be different from the past. If the function of education is to fit the student into society and to make him a contributing member of the world's population, it will be necessary to adjust the curriculum, to develop in the students of today a more adequate knowledge of the non-Western areas and a greater appreciation of the historic traditions and present problems of these areas.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. COOPER. Mr. President, we have had the opportunity today to listen to one of the great speeches that have been made in the Senate during the debate on the pending bill. I refer to the speech made by the distinguished Senator from Illinois, in which he exhaustively and eloquently argued in support of title IV of the bill.

I rise also in support of that title. I shall direct my comments chiefly to section 407 of title IV of the bill. That section would give to the Attorney General of the United States authority to initiate legal proceedings on behalf of children whose parents claim that they have been discriminated against by reason of their color, race, or religion, and denied their right to attend a desegregated public school. It would also give to the Attorney General power to intervene, and to initiate or maintain legal proceedings when an individual is not admitted, or maintained in admittance, at a public college.

At the outset, let me say that I do not believe there is any section of the civil rights bill now before the Senate which should enjoy greater support than title IV. For it would provide a procedure for implementing and hastening school desegregation, and to assure equal educational opportunities to all those who attend public schools and colleges.

I make that statement for several reasons: First, the necessity of achieving school desegregation in this country rests upon very practical grounds. I doubt if there is a parent in the United States, or a person who thinks very deeply on the subject, who would not consider education next only to our national security, as our most basic problem, and the greatest resource which our country has for maintaining its present position of strength in the world today. From a practical viewpoint it has been proved that Negro education is inferior to that accorded white children, because of segregation and its attendant differences in facilities, the training of teachers, equipment, and the curriculums offered. I believe it has been established beyond question that Negro education has been less effective because of segregation.

In the society in which we live today the growth of our economy depends upon educated men and women. Our security and our ability to provide effective instruments for peace, and the proper defense against wars depend at last upon educated men and women. So it might be said that our preservation depends upon our educational system. In the fullest sense, it requires the equal opportunity of education for all the children of our country.

It can be said also that this section ought to have the support of all our people on humane and moral grounds. If children in their early, formative years have the opportunity to study together and work together they may not acquire the bias and prejudice that later in life move many of us, and perhaps affect all of us to some degree. To segregate children at such early ages and say to Negro children that they must be educated as a minority race, is to say to them that they have been considered inferior. Unequal educational opportunities deprive children of the full development of mind and spirit, which I believe we want every child in this country to have.

The section should command the support of the Senate, and of the people of the United States, for another strong reason, and that is that it rests upon strong constitutional ground. The discussion of constitutional questions does not excite great emotion. Yet there should be greater discussion of the constitutional grounds upon which this section rests, and certainly by those who support the legislation.

With all deference to Senators who have indicated opposition to this section, I believe they are arguing the same grounds which were presented to the Supreme Court before the Brown decision. Having lived in a border State all my life, though one which admittedly does not have the problems of the Deep South, I am familiar with those arguments.

I will agree that many of the Southern States, with less revenues, are spending more upon public education, proportionately, than are the richer States of the North. I agree also that Southern States may be spending a larger proportion of their yearly revenues upon education for their Negro citizens. And yet I say that such efforts are based on the old argument of separate-but-equal facilities. Deep as that argument may be imbedded in the thinking of many people in the South, it actually has no application to the question now before the Senate.

I wish to review briefly the finding of the Court in the case of Brown against the Board of Education of Topeka, Kans.—the court decision in which the Supreme Court declared that the right of individuals of all races to attend a public school free from discrimination on grounds of race is a right protected under the equal-protection clause of the 14th amendment.

It may be remembered that four cases were consolidated in Brown, for consideration by the Supreme Court—one involved a school district from Kansas, one from Delaware, one from Virginia, and one from South Carolina. All those cases came before the court originally upon the question of whether separate but equal facilities in public schools were unconstitutional.

After more than a year of argument in the Supreme Court of the United States, the Court, by unanimous decision, held that it is the law of the land that States, or their subdivisions, cannot enforce or permit segregation in public schools.

The arguments of some of those who have continued their opposition to desegregating public schools have convinced many people in this country that the Supreme Court, as a part of its responsibilities, may not interpret the Constitution. That attack on the Court's power of judicial review may sound very simple, but it is a misunderstanding which many people have. I make this statement because I have received much correspondence in which this very question of the Court's power to review the constitutionality of State and municipal laws is raised.

Every Senator—and of course anyone who has the slightest grasp of constitutional law—knows that the Supreme Court of the United States has exercised its proper authority to interpret the Constitution and the constitutionality of the existing laws of the United States.

This authority was made explicit in the case of Marbury against Madison in 1803, in which Chief Justice Marshall wrote the Court decision.

This is an old case, but it is an important one. It would be well to read part of this case into the RECORD. In Marbury against Madison, Chief Justice Marshall said:

> The authority, therefore, given to the Supreme Court by the act establishing the judicial courts of the United States, to issue writs of mandamus to public officers, appears not to be warranted by the Constitution; and it becomes necessary to inquire whether a jurisdiction so conferred can be exercised.
>
> The question, whether an act, repugnant to the Constitution, can become the law of the land, is a question deeply interesting to the United States.

Then the Court states:

> It is, emphatically, the province and duty of the judicial department, to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

This famous case specifically holds that the Supreme Court is charged with the responsibility of interpreting the Constitution of the United States, as questions involving individual constitutional rights arise. And, of course, many cases in the years that have followed have exercised this authority.

Great lawyers and students of the Constitution have stated that if it were not possible for the Supreme Court to interpret the Constitution of the United States, and review the constitutionality of laws passed by the Congress, that we would not be able to maintain intact the basic structure of our system of government in constantly changing times.

My next proposition is that the case of Brown against Board of Education of the City of Topeka, Kans., is the law of the land, and not merely the law of the case, as is often suggested by critics of this case, throughout the country, and even on the floor of the Senate.

As lawyers, we know there is a "law of the case." If there are peculiar circumstances and principles involved in a particular case, the holding of a court applies only to the specific facts of that case and to the parties involved in that case. But when the Supreme Court of the United States rules upon a qeustion which is as all-pervading as the question of segregation or desegregation, in all the public schools of the county, I say, in all due respect, that I believe it is sophistry to state it is only the law of the case and not the law of the land—I do not care how many cases may come before the Supreme Court as part of the effort to implement desegregation among the public schools of our land. The name of the State may differ. The name of the board of education may differ. The names of the parties may differ, but fundamentally, in every case, the same issue is to be decided: whether there is discrimination because of race or color. If that is proved, the particular case comes within the principle of Brown against Board of Education. The cases since the Brown decision have followed its holdings again and again.

Because I believe title IV is needed to assist in removing the inferior education provided the Negro children of the country, and because I believe it is needed to remove the notion of inferiority which must attach when children of one race are segregated and thereby denied equal opportunity for an education and development, and because I believe it is clear that title IV rests upon absolutely strong constitutional grounds, it would be heartening if this part of the bill, and indeed the principle upon which it rests, namely, the Brown decision, could be accepted by all the people of the United States.

I repeat, with deep feeling and affection for the people of the South—in which I include the people of my own State of Kentucky—acceptance of desegregation in public schools was intended when the decision of the Court was made in 1954. The Supreme Court laid out a procedure which would enable the States and school districts to gradually accept the principle of desegregation. The Supreme Court remanded the cases to the local district courts, which were to formulate the decrees and instruct the local school boards to make their own plans within the guidelines of the Brown case.

The Court, in the decision handed down by Chief Justice Warren, pointed out that time would be given, according to the necessities of local conditions, to make their plans, but he also pointed out—and the Court has pointed out again and again—that the time was permitted only to enable the school boards to come within the controlling principles of the Brown case; in no case was hostility to the law, or failure to obey the law, or defiance of the law, to be a justification for giving a school board or a State the right to claim that the full effect of the decision was to go unheeded.

Mr. President, it is disheartening that, after 10 years, such slow progress has been made in many States in the South in desegregating public schools. Today, I heard from the distinguished Senator from Mississippi [Mr. STENNIS], whom I hold in the highest respect as a friend, and as one of the most honest and just men I have ever known, that the figures which had been given by the Senator from Illinois on desegregation were not up to date.

I would accept wholeheartedly anything the Senator from Mississippi [Mr. STENNIS] might say; but with this correction. I believe the latest figures do show that only 1 percent of the 3 million Negro children of school age in the South have been accepted in desegregated schools. In some States of the South the percentage of desegregated schools is less than 1 percent. I believe that the average is 1.6 percent. It is probably greater now than it was when the survey was taken. I remember that last year, when I was speaking on this subject, there were approximately 60 schools which had some form of integration in the South. Today, I believe the number is over 100. So it must be stated that progress has been made. Yet it is so slow that, as the Senator from Illinois stated today, if in some way it cannot be expedited, if the law of the land cannot be enforced, that schoolchildren who are today in segregated schools will never have the opportunity to attend a desegregated elementary or secondary school.

Is there anything wrong with the provision to give authority to the Attorney General to enable him to initiate suits on behalf of children, or the parents of children, who claim they are being deprived of the opportunity to attend desegregated public schools? I believe not.

In 1957, when Congress enacted Public Law 85–315, the law to secure the civil rights of persons within the jurisdiction of the United States, and in particular voting rights, part 4, section 131(C) of that act provided:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

In substance, it is the same provision which we are now seeking, under title IV, to enact into law. There are several protections in the provisions of section 407. It has been said that the Attorney General might exercise his power unwisely. That is always a possibility. I am not assuming that he would exercise his power improperly. But this section has several limitations upon his power. He could institute and maintain an appropriate and legal proceeding when he decided that it would "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education."

There are other restrictions upon his power. There is the restriction that those who seek aid are unable to initiate and maintain appropriate legal proceedings, or are unable to secure representation or bear the expense of litigation, or that the institution of litigation by them would jeopardize the employment or economic standing of the persons involved or might result in injury or economic damage to such persons, their families, or their property.

My judgment about the use of this section by the Attorney General of the United States, particularly as it provides that he would institute a suit only when he certified, among other things, that it would materially further the public policy of the United States favoring orderly achievement of desegregation in public schools, is that he would probably file a representative number of suits throughout the States which are not accepting desegregation, in an effort to convince the officials of those States and, we would hope, influence the people of those States, to accept the remedies and procedures laid down in the Brown case, and take voluntary action to follow the

Brown case. Of course if they did not, he would be authorized to file additional actions.

The burden would still be upon the Attorney General, in behalf of students and their parents, to prove discrimination and denial of constitutional rights. The courts would still pass upon the question of whether there was such discrimination, and the right of appeal would still exist. There is nothing else in the provision. It would give the Attorney General authority to institute actions to compel school boards to do what they know they are required to do now under the law.

Mr. KEATING. Mr. President, will the Senator yield, before he passes from section 407, regarding the powers of the Attorney General?

Mr. COOPER. I yield.

Mr. KEATING. First, I commend the distinguished Senator from Kentucky for the excellent analysis which he has made of title IV, in his affirmative presentation to the Senate. Many misleading charges have appeared regarding the education section. It has been said that the bill would give to the Attorney General inordinate control over the operation of public schools. I do not believe that any of us wants to give the Attorney General authority to operate our public schools. It is said that if this bill is enacted he could establish and enforce a racial quota system in the schools. Would the Senator comment on that point, and tell us whether there is anything in the section which would give any such power to the Attorney General?

Mr. COOPER. I do not believe there is any provision, or language, in the bill which would give the Attorney General any such authority. The only authority he would have would be to initiate a suit and attempt to achieve the desegregation of schools which school boards had refused to do. I do not see how he can reach into the operation of the schools or have anything to do with its facilities, or its teachers, or the courses it offers or anything else.

Mr. KEATING. It has been charged that the boards of trustees of schools would be denied the right to handle students and teaching staffs in any way they saw fit. Is there anything in the bill which would lend justification to a charge of that kind?

Mr. COOPER. I have been unable to find anything to that effect. I have given this kind of legislation some thought for several years. In 1960, I offered an amendment to the civil rights bill. It was substantially the same as the section now under consideration. In 1961, 1962, and 1963, I offered the same amendment, and at times I have been joined by the distinguished Senator from New York [Mr. KEATING], the distinguished Senator from New York [Mr. JAVITS], and last year, with the Senator from Connecticut [Mr. DODD] as chief cosponsor. We were joined by 15 other Members of the Senate as cosponsors. It contained substantially the same language as the section we are considering. For 4 years I have been offering the section now under consideration, as either an amendment or a bill. I have spoken on the need for this kind of legislation every year. I have studied section 407 as it is now presented. I have never been able to find anything in it except what the language provides. It would give the Attorney General the right to initiate an action to secure desegregation of schools.

Mr. KEATING. Is this section not very much less comprehensive than the so-called part III, which was actually adopted in the House bill in 1957 and eliminated in the Senate?

Mr. COOPER. There is no comparison at all between the two. We are considering a specific case; namely, a right which has already been declared by the Supreme Court of the United States to exist. It is known. It is the right of an individual not to be discriminated against in admittance to a public school because of race or color. Title III embraced any number of known rights. It was even said that it included some unknown claimed rights. This section deals with a right that has been established and has been known and recognized throughout the country, except in some 11 States.

Mr. KEATING. Finally, a number of letters have come to me from the city of New York, as I presume they have come to other Senators who represent large metropolitan centers, concerning specifically the proposal of the New York City Board of Education, that students be moved from one area of the city to another to overcome an alleged racial imbalance. Would the bill in any way authorize the Attorney General to force or to finance such a program; or would it give the Federal Government any authority or power whatever in that direction?

Mr. COOPER. No. Title IV, section 401(b) contains a definition of desegregation with this condition:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Mr. KEATING. In other words, there is a definite prohibition against the use of any Federal funds or any injunction by the Federal Government which would move children from one area to another for that purpose?

Mr. COOPER. I am sure the Senator is correct. I am sure the language which I have just read would apply to the first sections of this title, sections 401 to 406, which deal with technical assistance, grants, training, and so forth. Training, grants, and assistance could not be withheld in an effort to achieve desegregation based upon the racial imbalance in schools under this bill.

The language of section 401(b) would also apply to section 407. The Attorney General would have no authority to institute action for the purpose of trying to correct racial imbalance but to secure the right against discrimination. The language speaks for itself.

Mr. KEATING. Except with regard to the provisions prohibiting discrimination in employment generally, which are dealt with in another title, would private schools in any way be affected by the passage of the bill so far as the education section is concerned?

Mr. COOPER. It is my judgment that they would not be affected.

Mr. KEATING. In other words, the Senator feels that except for the provision relating to employment, which provides that an employer cannot discriminate with regard to race generally in any activity, there would be nothing in this section which would deal with private schools in any way?

Mr. COOPER. That is my understanding.

Mr. KEATING. In this title?

Mr. COOPER. That is correct. The section gives a definition of the schools to be covered. The bill in section 401(c) defines "public schools" and public colleges.

Mr. KEATING. I have asked these questions of the Senator because of his comprehensive study of this problem. I agree with the answers which he has given. It might seem to the Senator that the Senator from New York is rather obtuse in this matter. However, all these questions are raised by information contained in the pamphlet called, "Unmasking the Civil Rights Act." This pamphlet has been widely circulated all over the Nation and in the State of New York by people who are completely misinformed regarding the contents of the bill. All of the allegations to which I have referred are contained in mail which I have received on this subject.

I agree with the Senator on the answers which he has given. My purpose in asking the questions is to place in the RECORD the views of one who is charged with the responsibility of having detailed knowledge on this title, and one who is widely respected by Senators on both sides of the aisle for his deep study and clear understanding of the issue to which he devotes himself.

Mr. COOPER. I thank the Senator. I realize that the Senator knows the answers to the questions which he has asked me. The questions and answers might seem simple. However, I think it is necessary for the Senator and all of us to keep asking these questions because they are being asked throughout the country. That is the reason I speak today at some length on what are accepted principles; namely, the power of the Supreme Court to interpret the Constitution; and the fact that the Brown case is the law of the land, and not merely the law of the case. I speak on those matters because this kind of talk is heard throughout the country.

Mr. KEATING. If the Senator would permit one more interruption, it is my intention soon to unmask the pamphlet entitled, "Unmasking the Civil Rights Act," and put into the RECORD a memorandum prepared at my request by the Department of Justice, which answers many of the statements made in this pamphlet put out by the so-called Coordinating Committee for Fundamental American Freedoms.

Mr. COOPER. I look forward to hearing the Senator.

It is disheartening that the opponents of the bill would oppose this section pertaining to the desegregation of public schools. In doing so they deny an opportunity for the Negro citizens of the community to obtain an equal educational opportunity. There are some people who claim that Negroes, because of their lack of educational opportunities, are not yet ready for other equal rights, such as the right to vote and the right to have access to public accommodations. Such objections only indicate the extent of the deprivations involved; deprivations which in part would be overcome by desegregating the schools.

It is also disheartening that a procedure for desegregation of the schools has not been adopted by certain States. As I said a few moments ago, it was the purpose of the Supreme Court in the second Brown against Board of Education, May 31, 1955, to prescribe a procedure which would engender and develop consent throughout those areas which have nurtured segregated schools through the years.

I have said many times in speeches on civil rights that enforcement of law is primary. If there is law, it must be enforced. Otherwise, the truism is correct, that we have a government of men and not of law. "Consent" is also a necessary element of our law.

No one spoke of "consent" more eloquently than Justice Frankfurter did in his supporting opinion in the case of Cooper against Aaron—the case in which the State of Arkansas had resisted the holding of the Supreme Court in the case of Brown against Board of Education by not allowing desegregation of the schools in Little Rock.

Justice Frankfurter pointed out in his opinion that every effort should be made to obtain consent of the people to law.

Justice Frankfurter said:

> Local customs, however hardened by time, are not decreed in heaven. Habits and the feelings they engender may be counteracted and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and education. And educational influences are exerted not only by explicit teaching. They vigorously flow from the fruitful exercise of the responsibility of those charged with political official power, and from the almost unconsciously transforming actualities of living under law.

In that same case of Cooper against Aaron, the Little Rock case, the entire Court joined in the decision. They stated that the Governors of States, the legislatures of States, and the public officials of States were under obligation to support the law of the land.

In that decision the Court made clear that its intention was that State officials and State school boards would take deliberate, but effective action to bring their school admission policy within the principles set forth in the Brown decision.

Mr. President, in closing and in summary, I repeat my previous statement that there is no question about the constitutional authority of this section. I think there is no question, either, about the need for it, because in the 10 years since the decision was handed down, very little progress toward desegregation has been made. If the decision had been followed in good spirit, and fully, it is possible that some of the violence which has occurred since 1954, and particularly in recent months might have been avoided.

These are difficult questions. I know they are more difficult for those who live in the Deep South than they are for the people of my State, although they are also not easy for the people of my State. Nevertheless, we face realities, and we must come to grips with them.

I believe that title IV of the bill is the simplest title in the entire bill, other than title I on voting rights, and this section should deserve full support. I hope very much it will be approved by an overwhelming vote.

Many years ago, Abraham Lincoln said every governmental system must have a central purpose of eternal reality; and he said that, in his opinion, the central purpose of our system of government is to give equal opportunity to all the people.

However, that has not been done; and the pending bill is another effort by Congress, under its powers under the 14th amendment, to give substance to the Constitution and to the central idea of our system of government.

Mr. STENNIS. Mr. President, will the Senator from Kentucky yield for a few questions?

Mr. COOPER. I yield.

Mr. STENNIS. I appreciate the sincerity of the Senator from Kentucky when he said he is genuinely interested in improving the educational opportunities, as well as the other opportunities, of all the people. I emphasize that I am sure he meant exactly what he said. I also know that he has considerable understanding of the existing situation.

However, I can assure him that the school system we have is more up to date than even the corrected figures would indicate, and the progress being made by the colored people is about as great and rapid as is possible.

Of course everything cannot be done in 1 day, 1 month, 1 year, or even in 1 decade. However, great progress between the races has been made and continues to be made at a very rapid rate.

It is said by some that equal opportunities do not exist. According to my observations, the opportunities of the colored people are just as great as their capacity to use them. At one time our State employed more colored schoolteachers than any other State. Although today our State does not employ quite as many colored schoolteachers as some other States do, the colored schoolteachers in Mississippi take a tremendous amount of pride in their work. They use the very latest and best methods, and do a very effective job. They know the needs of the colored children. They know their problems, their strong points, and their deficiencies, and make far better teachers for those children than would white teachers.

So I assure the Senator from Kentucky that the picture is not all one-sided. Certainly it is not possible to read a few figures and then understand the real picture.

Mr. COOPER. Let me point out that at a time when the Senator from Mississippi was not in the Chamber, I said I accepted without question the correction he made. He knows the respect I have for him and the confidence I have in him.

I also referred to both his State and my State; and I said they are spending more for education, in proportion to their population, than many of the rich States of the North are spending. I also said that the Senator's State spends more year by year, proportionately, for the operation of Negro schools.

On the other hand, I said that although I know those problems are close to the heart of the Senator from Mississippi and have great meaning to all the people of Mississippi, the progress being made really does not answer the question which now confronts us. For now we are confronted with a question of law which, in my opinion, has been determined by the decision in the Brown case and by the decisions in subsequent cases, which have again and again confirmed the decision in the Brown case. In that case and in many other cases, the holding has been to the effect that no other consideration—not even that of the threat against peace and order—should stand in the way of assuring to all schoolchildren their constitutional rights. The courts have continued to make a magnificent record in confronting the problems which arise in finding procedures for good faith desegregation of the public schools. But it is now time that these efforts receive the support of the Congress. The courts have stood alone and under attack for long enough. While court decisions are respected, it is to Congress that our people look for laws passed by representatives elected by the people. The last 10 years have revealed the difficulties involved when Congress avoids its responsibility in the field of desegregation of public schools and leaves for the courts the tedious and expensive task of implementing constitutional rights through an inadequate case-by-case approach. There is time for the Congress to take as its own responsibility the difficult task which we have avoided for so long but which should have been accepted as our own many years ago. I have confidence that these powers will not be abused. I have confidence that the authority given has its clear restraints. If our Nation is to endure and survive, honest in its convictions and responsible to its constitutional foundations, we must implement desegregation in a rational, consistent, and uniform manner so that, instead of judicial pockets of protection, we may have a uniform guarantee to our future generations of children that they will not suffer abuse or be deprived of what is rightfully theirs.

Mr. STENNIS. I thank the Senator from Kentucky.

Let me ask him to refer to page 17 of the bill, beginning in line 8, where the bill refers to suits by the Attorney General. That part of the bill empowers the Attorney General to take certain action in regard to filing suits when signed complaints are presented to him by the parents of a child or by a group of parents, when in the complaints it is alleged that the school board has failed to achieve desegregation.

What is the Senator's personal knowledge of the meaning of the word "desegregation," as it is used at that point in the bill? Should it include the idea of a racially balanced school?

Mr. COOPER. No.

Mr. STENNIS. Should it meet the problem of racially imbalanced schools? If so, why? It not, why?

Mr. COOPER. I shall answer from two viewpoints, although essentially they are the same.

First of all, in section 401, on page 13, beginning in line 23, we find the following definition:

> (b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools to overcome racial imbalance.

So "desegregation" is definitely defined; and the term "desegregation," as defined in section 401, is used with the same meaning throughout the bill. It is clear that desegregation could not be used to achieve what is called "racial balance"; that problem is one for the States, and by local school board authorities.

Mr. STENNIS. Will "desegregation" include the idea of racially balanced schools or racial balance in schools?

Mr. COOPER. In my judgment, those are to be decided at the local level, by the local school board. In my opinion, jurisdiction over these problems will be there.

When the Senator from Mississippi asks me my opinion, I do not hesitate to tell him. I also wish to refer him to two more points in connection with the decision in the Brown case—points which I think have hardly been mentioned during this debate. When the first decision in the Brown case was rendered, as the Senator from Mississippi knows, the Court continued the case, and asked for advice on several points, and invited advice, not only from the parties to the case and from their lawyers, but also from the attorneys general of all the States which had segregated schools—including all the Southern States.

One of the questions which was argued and on which they tried to get a ruling was the question of the organization of school districts. Certain questions were left to be determined. One of those questions was the assignment of students to organized school districts.

In the decision rendered by Chief Justice Warren in the Brown case he spoke of the organization of school districts. I am sure that the Senator will find that the implication was that school districts are considered as school districts based on reasonable geographic areas; they could not be gerrymandered in order to avoid desegregation of public schools. The school districts would have to be organized faithfully and properly according to population, territory, and other reasonable considerations. When so properly organized, there would not be any segregation. That is my view.

Mr. STENNIS. I thank the Senator.

Mr. COOPER. Have I made myself clear?

Mr. STENNIS. I think the Senator has.

Mr. COOPER. I can extend my remarks a little further.

Mr. STENNIS. I should be glad to have the Senator do so.

Mr. COOPER. I have given my judgment concerning the court decision in the Brown case. I do not believe that the Brown case covered or attempted to cover any procedure for the transfer of pupils in order to relieve racial imbalance. My judgment is that the Brown decision means what it states. When school districts are organized properly, without gerrymandering, and with due regard for all the children and schools in those districts, there will not be segregation.

I do not believe the decision meets a problem which has been recognized since that time. That problem is what is called de facto segregation. In my judgment, problems of de facto segregation were not considered in the Brown case. Such problems are for the States and local districts to decide.

Mr. STENNIS. I thank the Senator.

Mr. JOHNSTON. Mr. President, will the Senator yield for a few questions?

Mr. COOPER. I yield.

Mr. JOHNSTON. The Senator has mentioned the Brown case, which happened to come to the Supreme Court from my State.

As the Senator knows, there is no gerrymandering of school districts in my State. The colored school districts are located in the districts in which colored people reside. That procedure is always followed as far as possible. The white school districts are located in areas which are more densely populated by the white people.

I believe the Senator knows that in South Carolina all pupils, white and colored, are transported by buses from their homes to their schools.

Mr. COOPER. The Senator has made that statement.

Mr. JOHNSTON. I suppose the Senator also knows that in South Carolina we pay teachers, both white and colored, in accordance with the same standards. Their salaries are contained in the same appropriation in a lump sum together. The teachers are then paid in accordance with their qualifications. In South Carolina there is a Certification Act.

As the Senator knows, I happen to be chairman of the Committee on Post Office and Civil Service. The Senator is a distinguished member of that committee. That committee has established certain rules. Likewise in South Carolina there are also schedules, and all teachers are paid in accordance with those schedules.

The Senator has not heard of any complaint from South Carolina to the effect that a Negro teacher has not been treated the same as a white teacher?

Mr. COOPER. No, but that is irrelevant to our present considerations since the Brown case stands for the proposition that separate schools for different races could not be supported by State law, even where teachers' salaries or physical plants were equal.

Mr. JOHNSTON. Has the Senator heard any complaints emanating from South Carolina that the schoolhouses or the equipment available for Negroes are not as good as the schoolhouses and equipment for the whites?

Mr. COOPER. I have not. My family left South Carolina 108 years ago. But again, even if this had been a relevant consideration at that time, the effect of the Brown case, is to render such questions no longer relevant.

Mr. JOHNSTON. No doubt the Senator has kept up with what has happened. About 1949 or 1950 a $100 million bond issue was floated in South Carolina. At that time new schoolhouses were built. Up until that time the colored schoolhouses were inferior to the white schoolhouses, but today, if the Senator were to go through the State of South Carolina, he would find that the colored schools are really better than the white schools, because the colored schools are more modern. Although the Negro population of the State is about one-third of the total population, the Senator would find that more than 50 percent of the $100 million was used to build colored schools in South Carolina. We are trying to do in that field what is right.

The Senator also knows that we have integrated schools in South Carolina. We have integrated colleges in South Carolina.

The Senator from Kentucky knows human psychology. He knows that if one tries to move too fast, sometimes he does more harm than good. Is that not true?

Mr. COOPER. That happens in many fields and in many cases, but the problem is that the courts have said that 10 years to integrate is too long, especially where no effort to comply with the Court decision has been the result, in more than 2,000 school districts in different parts of the country.

Mr. JOHNSTON. I find that the colored people in my State are not howling to be mixed.

Would the Senator offer an amendment to the bill which would permit the colored people to vote on the question whether they want integration in their school districts?

Mr. COOPER. I do not believe that such a proposal would have any effect, in view of the Supreme Court holding. We have no power to set aside a ruling of the Supreme Court.

Mr. JOHNSTON. But the colored people have a right to say where they wish to go; does the Senator not agree?

Mr. COOPER. Yes, but only within the scope of the Brown decision.

Mr. JOHNSTON. Both white and colored have rights in certain fields. That is my position at the present time. For that reason I wish the Senator would consider offering an amendment to the bill which would give the right to the colored people to say whether they want integration in their school districts. If they want their school districts integrated, they could say so and we could let it go that way. Not the whites, but only the colored people would vote on the question.

Mr. COOPER. I do not think there is any procedure for that.

Mr. JOHNSTON. The bill could be amended by the insertion of suitable language to that effect, could it not?

Mr. COOPER. No. We could not set aside a Supreme Court holding by legislative enactment.

Mr. JOHNSTON. That procedure would not be contrary to the ruling of the Supreme Court.

Mr. COOPER. I believe it would be.

Mr. JOHNSTON. The amendment would permit them to state where they want to go. As I interpret the Supreme Court ruling, it does not declare that a person must be in an integrated school, does it?

Mr. COOPER. Yes; if one student in a school district desires to go to a particular school, and he is told that he cannot go to that school because of his race, the practice of the school district must be changed.

Mr. JOHNSTON. It would not make any difference whether there were 100 people who might say that they do not want him to go to that school.

Mr. COOPER. That is correct.

Mr. JOHNSTON. That is the difficulty we are encountering at the present time, is it not?

Mr. COOPER. That may be, but that does not deal with the rights of an individual, or the legal question involved. In a deeper sense the Senator's question does not reach the basic issue which is involved, and that issue is the equality of the rights of all of our people.

Mr. JOHNSTON. A few moments ago the Senator quoted Abraham Lincoln.

Mr. COOPER. Yes, that is right. Nearly everyone quotes him.

Mr. JOHNSTON. The Senator has quoted him. On the issue before the Senate, both sides can quote him a little. Is that not correct?

In some fields he goes a little further than the Southerners do at the present time.

Mr. COOPER. When some of his statements are considered out of the context of his total philosophy, that may seem to be true. At different times in his development Abraham Lincoln adopted different positions, no matter what he may have said at different times. But his earlier views developed in the course of time. Lincoln always knew there was one democratic ideal which was being compromised throughout the Nation, and even supported by different leaders in certain parts of the country. The question of slavery had been compromised for 40 years with all kinds of legislative enactments. But Lincoln knew that this basic moral question could not be compromised if the Nation was to endure as a democracy.

In a way we have reached another time in our history similar to the crisis of the 1860's. After 100 years there is the desire and the determination of people who became free in 1863 that they shall now have the rights which are theirs under the Constitution. I do not think these rights can be compromised any longer.

Mr. JOHNSTON. What particular feature cannot be compromised?

Mr. COOPER. Rights which are provided by law to these people and which are declared by the court to be their constitutional rights.

Mr. JOHNSTON. So the Senator from Kentucky is not going as far as some persons have proposed—to move the students out in order to have a desegregated school?

Mr. COOPER. We have been discussing that subject, and I believe it is a matter for the local school boards to decide. I do not think that the Brown case considered the question of racial imbalance. It did not go that far.

I would not favor any unreasonable efforts in that direction. When that is done, the rights of other persons begin to be infringed. I do believe that problems which arise in the area of racial imbalance can be worked out by local officials.

Mr. JOHNSTON. A few moments ago the Senator from Kentucky said there ought to be a right of the majority, referring to the colored vote. In my State there are different rules in the various counties. Some of the counties have a rule that if a pupil wants to be transferred from one school district to another, he is supposed to file his application before a certain date and appear before the board of education to pass on the question whether he should be transferred, whether it would be best for the individual and for the community.

What does the Senator think of a law of that kind in a State?

Mr. COOPER. I am not familiar with all the laws of South Carolina. All I can do at this point is state a general principle. The courts have held that if there is any law passed by a State or any ordinance passed by a city or town the purpose of which is to defeat a constitutional right that such law or ordinance will have no effect.

Mr. JOHNSTON. How can there be a determination as to whether there is discrimination on account of race, color, or creed when there may be perhaps 50 applications, and 45 of them may be from white people, whose applications will be refused, and only 5 of them will be applications from Negroes, whose applications for transfer may be refused?

Mr. COOPER. I cannot be the judge to decide every one of those cases, but I appreciate the confidence the Senator is placing in me.

Mr. JOHNSTON. The Senator from Kentucky acknowledges, then, that it should be left up to the school boards to work out these problems?

Mr. COOPER. Yes, within the scope of the Brown case and decisions which follow its holding. Since that time there has been another Supreme Court decision, involving the school desegregation plans of the school boards of Knoxville, Tenn., and Nashville, Tenn. In that case, Goss against Board of Education, the school boards had provided that a student could request a transfer from one school district to another where "good cause" was shown. The regulations regarding transfer were questioned because the apparent purpose of the transfer program was to enable the white children to transfer out of district schools after Negro children started to attend previously all-white schools.

Some of the crucial provisions of the Knoxville transfer plan which the court considered were as follows: and I quote from page 3 of the opinion:

> 6. The following will be regarded as some of the valid conditions to support requests for transfer:
>
> (a) When a white student would otherwise be required to attend a school previously serving colored students only;
>
> (b) When a colored student would otherwise be required to attend a school previously serving white students only;
>
> (c) When a student would otherwise be required to attend a school where the majority of students of that school or in his or her grade are of a different race.

These provisions were considered by the court to be efforts to thwart, rather than aid, the implementation of the Brown decision. The court said, at page 6:

> The transfer provisions here cannot be deemed to be reasonably designed to meet legitimate local problems, and therefore do not meet the requirements of Brown.

The case went to the Supreme Court in 1963. The Court held that the program of transfer was unconstitutional within the meaning of the "equal protection" clause of the 14th amendment.

I cannot answer in detail every question the Senator has asked me. I can only say what I think is the law—that if any system of assignment or transfer of pupils to a particular school comes within the general scope of the Brown case as later interpreted in Goss against Board of Education on the basis of standards set down in these cases it will be sustained. If it is an effort or attempt to vitiate or nullify the holdings of these cases, such programs will be stricken down, as it was in the last case, the Goss case.

Mr. JOHNSTON. In my State there are not only white and colored, and also a few schools that are integrated, but there are also a few schools attended by people in the part of the State close to where the people of the Senator from Kentucky came from. They are called "brass ankles." They do not want to go to mixed schools. They look a little like Indians.

Mr. COOPER. Did the Senator say they came from the part of the country where my family came from?

Mr. JOHNSTON. Not far from where some of the Senator's people came from.

They are good people and hard workers and good farmers, but they do not want to go to the white schools or to the colored schools. What are we going to do about them?

Mr. COOPER. That is a matter of local school law. Is there compulsory education in the State of the Senator from South Carolina?

Mr. JOHNSTON. We are asking for local control. That is all we are asking for.

Mr. COOPER. What the Senator has referred to deals with a different problem. It deals with a compulsory school attendance law.

Mr. JOHNSTON. If one is forced into a school where there are 100 others, would not those 100 be forced to go along with that one, against their will?

Mr. COOPER. It may be against their personal will, but, on the other hand, their so-called rights cannot be preserved by denying the right of another individual.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. LONG of Louisiana. Regardless of the constitutional right of colored children to go to school with white children, where is their right if the white children move out, as they have done in the District of Columbia, so they are no longer available?

Mr. COOPER. We have discussed that question. I am stating my opinion. I do not know whether others agree with me. I do not believe the Brown case covers that kind of situation. The Brown case applies to a properly organized school district, without gerrymandering, and it means that pupils within such a properly organized school district cannot be discriminated against.

Mr. LONG of Louisiana. Does the Senator feel that colored residents or students in those districts have been discriminated against if the white parents choose to send their children to private schools or to schools outside the area?

Mr. COOPER. They could certainly send them to private schools. I do not think they could send them to public schools outside the district, unless they moved out.

Mr. LONG of Louisiana. It seems to me the Supreme Court held that the colored children have the constitutional right to go to school with the white children. I fail to see whether there is any right in view of the fact that the white children are not obliged to go to that school. They are privileged to go to a private school or move away to a place where there are only white children.

Mr. COOPER. Anyone can go to a private school. I have made my point, and I believe it has been understood. I believe we discussed this very point a little while ago. It is within the jurisdiction of a school board to organize its own school district. Probably, under State law, there are certain factors which demand that it be organized properly so that equal treatment is given to students in the school district area. There are involved many factors, including population, availability of schools, and other considerations.

Once a school district is organized properly, or improperly, then the imperative of the constitutional holding applies to the school admission policy within that school district.

Mr. LONG of Louisiana. Perhaps the Senator might agree with me—although I assume he would not, from the position he is taking—but it seems to me apparently in many situations, when a great number of colored students in a school, in an integrated situation such as exists in Washington, D.C., for example, that many white parents would leave the neighborhood and move somewhere else, which might result in white parents taking their children out of public schools and placing them in private schools, thereby withdrawing much of the support they had been giving to the public school system.

I should like to inquire of the Senator if that would not result in colored children being even more deprived, in the latter instance, than if they had never been given the Brown decision requiring integration of the schools?

Mr. COOPER. Some of those consequences are possible. But even so, I believe that not only the holdings of the court, but the opinions of the great mass of our people, are against possible inequities of that kind. One cannot balance equally the inequity of depriving citizens of rights and immunities given them under the Constitution, with the possible temporary disturbances which may result. That is my position.

Mr. STENNIS. Mr. President, before the Senator yields, may I detain him for one moment to give some figures, if the Senator from Kentucky will yield to me?

Mr. COOPER. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. With reference to the school building construction program in Mississippi in the past few years, the Senator from South Carolina mentioned such a program in his State and he asked the Senator from Kentucky if he had received any communications from colored people in South Carolina requesting this legislation. I thought that was a pertinent question. I should like to inquire of the Senator from Kentucky if he has received any complaints from any colored people in Mississippi, or heard of any communications about its present school system.

Mr. COOPER. No, I have received no personal complaints.

Mr. STENNIS. The Senator probably has had no opportunity yet to have heard from any of them.

Mr. COOPER. I have received no personal mail from citizens of Mississippi or South Carolina that I remember. I am sure I have received letters from various organizations on both sides of the question from both States. But I have stated all along that I do not believe that is pertinent to the question we are discussing. The Senator's argument is for separate but equal facilities; is it not?

Mr. STENNIS. We have that system now, and it is working. I have made that point before. I believe that the bill, in some of its major features, at least, is politically inspired. It does not, as a practical matter, meet the need or the situation, but it is sought to be imposed on people who are not in favor of it, and thereby it will do more harm than good.

I am impressed with the idea that this is a bill designed to serve a different section of the country from that from which its sponsors come. I am further impressed by the fact that on the question of school imbalance, when the bill was first presented, it mentioned school imbalance among the races as many as six times, I believe. That principle ran all the way through the bill, but when it was challenged by people in areas outside the South, the sponsors of the bill readily agreed to write in an amendment which would exclude the imbalance pupils from the definition of desegregation.

The Senator from Kentucky will remember that the gentleman who handled the bill in the House, Representative CELLER—an honorable man from the State of New York, from which a great deal of opposition came from the people—readily accepted an amendment on the floor and did not even put it to the formal contest of a vote. As the Representative in charge of the bill, he accepted the amendment. I believe it clearly confirms my idea that the bill was written to apply to where some people live, but not to where others live.

Mr. COOPER. That is the value of the debate in which we are engaging. The Senator may remember that I was one of those who voted to send the bill to committee.

Mr. STENNIS. The Senator is correct.

Mr. COOPER. Even if the committee had been given 30 days to consider the bill, I would still favor that procedure. I favor civil rights legislation; but I felt that by sending the bill to the Judiciary Committee, we would have been given a better opportunity for study of the bill. I am not one of those who believe the bill should not or cannot be amended. If it needs to be amended, it should be amended.

Mr. STENNIS. If the Senator will allow me to read these figures: During the period July 1, 1954, to December 30, 1963, 3,154 classrooms were constructed for white students, and 5,057 classrooms were constructed for Negro students. The cost of those facilities was $39,440,160 and $66,575,304, respectively. These construction figures clearly show the great strides the State of Mississippi is making in an effort to improve its educational facilities for all students, and that Negro students are properly receiving more than their so-called pro rata share of that fund. Their facilities were not completely up to par when construction was started, but now in many counties their facilities are far superior to those of white students.

I thank the Senator for yielding to me.

IMPACT OF SEGREGATION ON THE U.S. ARMED FORCES

Mr. SALTONSTALL. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I am glad to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, discrimination against American citizens because of their race or color directly affects one of the most important segments of our society—the men and women serving in the U.S. Armed Forces and their families who are stationed at military installations throughout this country. Our military forces are made up of people who come from all parts of our country—from Massachusetts to California, from Florida to Texas. They come from many different backgrounds, are of different races and hold different religious beliefs. But they all have one thing in common. They are serving their country to maintain security and freedom for all American citizens.

As a member of the Senate Armed Services Committee, I have watched the progress which our military services have made since World War II in providing equality of treatment and opportunity for all members of our Armed Forces. It is reported that some vestiges of racial discrimination still exist within the Military Establishment. However, I am proud of the accomplishments to date and expect that efforts to eliminate any type of discrimination against any serviceman will continue until such conditions are completely eradicated.

There are almost 250,000 Negro Americans in the Armed Forces of the United States. With their dependents they form a group of over half a million men, women, and children who, because of their constant movement about the country pursuant to orders of the Government, repeatedly face, and must repeatedly make a new adjustment to civilian discrimination based on color. Some of these people come from Massachusetts. I know from letters and phone calls which I have received from some of my Massachusetts constituents of the problems which they have encountered and the situations which they have faced as they have been transferred around the country into areas where discrimination based on color is practiced in communities surrounding military installations.

In the fall of 1963 the Defense Department surveyed the extent of community racial discrimination near every base with 500 or more men assigned. The survey produced detailed information about the off-base conditions affecting 85 percent of the men stationed in the United States. The most critical problems for military personnel and their dependents were found to exist in the areas of off-base public schools, public facilities, and public accommodations.

The public schools throughout this country are the very backbone of our educational system. Here is where our young citizens learn not only their ABC's but are taught the history of our American founding, development and objectives. They learn the meaning of freedom, of the responsibilities of citizenship, and of the problems which confront us as a nation and each of us as individuals. This is the basic preparation which we try to give our young people for their entire lives.

The Defense Department survey showed that there are 10 Defense installations where the only public schooling available to service children is segregated schooling. At 15 more there is an on-base elementary school, but all the children living off-base, and all on-base children beyond the elementary grades, must attend segregated schools.

At another 19 installations there has been a beginning of public school desegregation, but its extent is so small that all of the service children at those installations are still in segregated schools. At five other installations there is an on-base elementary school, token desegregation off base, and all children—other than those in the base school—in segregated public schools.

Altogether there are 90,763 school-age military dependents at the 49 installations mentioned above, 14,390 are attending on-base integrated schools, while 76,373 are sent to segregated schools. Of the latter, 6,177 are Negro children.

The defense survey also showed that in several school districts contiguous to military bases, transportation to and from the off-base schools is segregated. In some cases separate buses are provided; in others the seating is segregated.

The imposition of unconstitutionally segregated schooling on their children is particularly upsetting for servicemen and their families. These people are comparative transients and have been instructed in their training to avoid controversy with civilian authorities. Yet they see their children, fresh from the integrated environment which is the rule on military installations forced to attend schools which are sometimes two, even three grades behind the integrated schools those same children had attended on-base or at their father's previous duty station. Consider the impact on a young child coming say from Massachusetts who is forced to sit in the back of a school bus, to wait until other children have gotten off first, and to go into a completely segregated schoolhouse.

There is no available solution to the segregated school problem confronting service parents except in the desegregation of the public schools their children must attend. It is incompatible with military requirements to assign Negro fathers only to areas free of school segregation, and it is impractical to establish a well-rounded accredited 12-grade school system on every military post in the country.

Military personnel and their families also face discrimination in the use of off-base public facilities and public accommodations. The Defense Department survey showed that 40 installations in 9 different States reported that publicly owned or controlled recreational facilities were segregated. The degree of discrimination against Negro servicemen and their families ranged from a complete absence of parks, playgrounds, libraries, and the like—despite the availability of such facilities to whites—to the provision of separate but equal facilities, or in some cases a sharing of the same facilities but on different days or during different hours.

Another unfortunate factor, not present in the case of school segregation, is that the man in uniform frequently cannot tell what parks, what playgrounds, and what libraries are open to him and to his children. Consequently, fearing humiliation or violence, he patronizes none of them.

One hundred and forty-five installations spread across 20 States listed discrimination in a variety of nongovernment public accommodations; that is, hotels, motels, theaters, restaurants, bowling alleys, and so forth. Some installations reported that there were literally no nearby transient accommodations for Negro servicemen and their families.

Members of the Armed Forces are constant travelers from one duty station to the next, on pass and on leave, on temporary duty assignments, on honor guards and escort details, or simply—and mainly—from the base into the nearest town to go to the movies, to eat out and to spend their off-duty time in ordinary recreation.

As the fall 1963 survey disclosed, for Negro servicemen at many installations there is an ever-present problem in finding decent off-base public accommodations open to them and their dependents. While on the highway they cannot buy a meal, or secure lodgings for the night, and in some parts of the United States while purchasing gasoline for their automobiles, they are confronted and affronted by segregated restrooms.

Quite frequently drive-in movie theaters spring up near the larger military posts. At some of those drive-ins automobiles carrying Negro servicemen in uniform are turned away. Drive-in restaurants frequently refuse to serve Negro soldiers, sailors, marines, and airmen except at separate windows, or in some cases, not at all.

The effect of such practices is not only to lower the morale of the immediate victims of discrimination; the effect is also devisive within the military community.

In this connection, I think of a problem brought to me by a Massachusetts Negro serviceman and his wife. The serviceman was a Marine Corps officer assigned to flight training at Pensacola. His wife was then working in a responsible job at Walter Reed Hospital. She wished to join him during his assignment and made a trip to the base area to see if this would be possible. Since on-base housing was not available for them, she attempted to find a place to live in the nearby area and to locate employment for herself. The experiences she had and the conditions she encountered brought her back to Washington and into my office almost in tears. To illustrate further, I ask unanimous consent to have printed at the conclusion of my remarks excerpts from letters received by the Defense Department from servicemen and their dependents which describe some of these problems.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SALTONSTALL. Mr. President, such conditions confronting military personnel are resented not only by the Negroes but by many white servicemen as well. Of course, we recognize that in any group there will be those who bring with them the prejudices that they have always known, but by and large our military people are working together as a team toward a common goal for all citizens and they cannot condone discrimination against any of that team by those very people for whom they are working. When a man can be asked to fight and to die for his country, he can expect—and indeed he has the right—to be able to enjoy the freedom and equality of opportunities of that country.

As a member of the Senate Armed Services Committee, I have been concerned for many years with the effectiveness of our military forces. One of the most important ingredients in an effective force is high morale. Civilian racial discrimination against men in uniform and their families unquestionably affects morale both on and off the job and thereby reduces the military effectiveness of our troops. These problems, of course, are not confined to the military, but this particular group of people, in whom we have entrusted the defense of our country, is directly and adversely affected where racial discrimination is practiced in communities located near military installations.

I hope that by carefully considering the civil rights bill which is pending before us, we will be able to enact legislation which will prove realistic and helpful in solving some of the problems to which I have just referred—for our military personnel and for all of our citizens.

Mr. President, I speak especially as a member of the Armed Services Committee, where we have been watching this problem. We can be proud of the integration that has been accomplished in our military forces during World War II and since that time. The problem of the use by our military personnel of off-base facilities near military installations is one which our military officials have much in mind. I hope we can help solve it by the enactment of a carefully drafted law, but also by a better understanding and appreciation of our service people as to what their duties are, and how important they are for the safety and security of our country.

EXHIBIT 1

From a serviceman, February 4, 1963: "En route here, myself and other Negroes were refused meals that were entitled us by U.S. Government meal tickets. Thus, I went 17 hours without eating * * * I have tried every feasible and conceivable means available to me to rid myself of this 'monkey on my back.'"

From a serviceman's wife, February 12, 1964: "Since arriving here we have found as a Negro service family we are being forced to subject ourselves to housing, schooling and other conditions that are inferior and degrading.

"My sons thus far have been able to obtain the best possible schooling in the area where we have been stationed. For them to have to accept less than the best provided now because of race seems to me to be intolerable.

"In this area a Negro soldier cannot find housing of any sort closer than about 12 miles. There is plenty available housing in this 12-mile radius but it is restricted to whites only. In the case of trailer parks there are many mostly occupied by military personnel, but Negroes are not accepted.

"I would like to know from you as Secretary of Defense if there is not something that our Government can do to help us overcome some of these measures that rid us of our self-esteem. * * * I am asking you to help us where we cannot help ourselves. * * * I had to make the plea because I do have faith in my Government."

From 41 Negro servicemen, July 19, 1963: "Since we are part of the aerospace team we find it hard to understand why some of our teammates can go right outside the gate of the base for recreation and we have to go 19 miles. We find it hard to understand why we have to pay $1.50 and more to go over 5 miles to enjoy a hot plate of shrimp, we find it hard to understand why we cannot swim in the ocean without traveling so far which God created, and most of all we find it hard to understand why we can go to some foreign countries and have more freedom than we do.

"Nevertheless, as U.S. citizens, proud Negroes, and members of the Armed Forces, we will always stand tall for our country. * * * All we ask is that you see what can be done to help us enjoy our tour of duty here, the same as other airmen on this base."

From a serviceman's wife, December 14, 1963: "* * * Upon arriving here we encountered segregation in every form. Because we are colored our 14-year-old daughter was not accepted in any of the nearby schools. We were told she had to attend the school to which colored children are assigned.

"This we found difficult to accept as she had never in her school years attended a segregated school * * *. She attended the colored school as a seventh grader until the close for summer vacation at which time we found out she was most unhappy there and was glad she had graduated to high school.

"My husband has served his country faithfully for 12 years, and this is the first time he has asked to be transferred from a duty station, yet we are refused. Since the reopening of school in September our daughter has not been in school * * * we have refused to send her to the colored high school."

From a WAC, January 21, 1964: "We entered a restaurant 12 miles from the post, sat down and requested to be served, only to be informed that we could order anything to carry out, but could not be served and remain there.

"I have been a member of the Women's Army Corps for 17 months, and I have not complained outwardly before now [but] I am a woman and a human being, and I don't feel that I should have to suffer this kind of humiliation in my own country, the country I would give my life for."

Mr. STENNIS. Mr. President, will the Senator yield for one or two questions?

Mr. SALTONSTALL. I yield.

Mr. STENNIS. Could not the problem the Senator mentions be easily and readily met by the military services themselves having schools on the military bases for their children when there was objection to going to public schools? Is it not true that the Federal Government is already paying a part of the cost that has been indicated, by reason of payments to impacted areas?

Mr. SALTONSTALL. It is true that the Government now pays part of the cost of the off-base schools. However, it is not feasible, as I understand, for the Government to provide all children of military personnel with on-base schooling. The Senator and I have listened to the discussion on this matter as it relates to all of our military establishments.

The problem is of concern in several States. I particularly left out reference to any particular State. I think that the overall problem concerns us all through the country.

Mr. STENNIS. What concerns me is not the Senator's effort to reach that problem. But it disturbs me that he would recommend the enactment of this huge program that would upset all the schools in a large area, merely to meet this problem which, by comparison, would be small. Perhaps we could meet it by means of funds, as I have said. Instead of going into the impacted areas, we could go into the schools.

Mr. SALTONSTALL. The problem is gradually being solved. I think it can be solved by all the base area schools to a greater degree. However, above all it is beginning to be solved by greater understanding among all the people of our States. I hope it will be. I am sure we all want it to be so.

Mr. STENNIS. I appreciate the Senator's attitude and his sentiments. I thank him for yielding.

SOS MONTANA RESOURCES

Mr. METCALF. Mr. President, that prompt administrative action apparently has put an end to the use of vast public resources to damage or destroy other vast public resources is a matter of record.

In the CONGRESSIONAL RECORD, volume 109, part 10, pages 12847 and 12848, I included with my remarks the text of an instruction memorandum issued by the Bureau of Public Roads last June 12. It set as its goal suitable coordination between State highway departments and conservation agencies to the end that fish and wildlife resources be considered in planning our huge federally aided highway program.

Many times in the past few years, I have called the attention of my colleagues to the fact that the public investment in the highway program was damaging valuable public fish, wildlife, recreation, and other resources in a majority of our States. Conservation officials in 36 of our States have written me that important fishing waters were adversely affected by highway construction.

An example is my own State of Montana.

Mr. John C. Peters and Mr. William Alvord, of the Montana Fish and Game Department, presented a paper entitled "Manmade Channel Alterations in 13 Montana Streams and Rivers," at the recent North American Wildlife and Natural Resources Conference in Las Vegas, Nev.

Samples of research findings include the loss of 68 miles of length in 13 streams, when 137 miles of natural stream was rerouted into 69 miles of "inferior, manmade channel."

Researchers also found 5½ times as many trout and nearly 10 times as many whitefish in the natural channels as in the altered channels. Six of the thirteen streams, that had trout 6 inches or larger in their natural channels, had no trout 6 inches or larger in their altered channels.

A comparison of the total weight of fish in the natural channels to that of altered channels disclosed: the total weight of all fish was 5½ times greater in the natural channels and the total weight of trout and whitefish was more than nine times greater in the natural channels.

As the report points out, economically a trout stream is a self-sustaining, long-term capital investment. A 1960 report shows that fishermen in Montana spent $36.3 million on their sport in 1960. This is interest income on the capital investment in the fishing waters in one State.

We can speculate on the dollar value of the trout fishery in the year 2000.

Mr. President, I ask unanimous consent that the paper entitled "Man-Made Channel Alterations in 13 Montana Streams and Rivers" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD as follows:

MANMADE CHANNEL ALTERATIONS IN 13 MONTANA STREAMS AND RIVERS

(By John C. Peters and William Alvord, Montana Fish and Game Department, Helena, Mont.)

The carrying capacity for trout in streams is greatly reduced when channels or streambanks are altered by man's activities. In a study describing the relationships between trout populations and cover, Boussu (1954) reduced the number and the weight of trout in sections of Trout Creek by removing streambank vegetation and undercut banks. In developing flood plain land, man often removes streambank vegetation, reconstructs streambanks with riprap or a dike, or reroutes the stream into a new, shortened channel. Most of these developments reduce the amount of cover available for trout.

Whitney and Bailey (1959) recorded that the number of catchable sized trout (6 inches or larger) in a section of Flint Creek dropped from 69 the year before rechanneling by highway construction to 6 the following year. Boulders have been added to the altered section to try to replace the shelter areas that were destroyed. In 1962, 5 years after rechanneling, Whitney,[1] Nelson, and Hill[2] found a 75-percent decrease in the trout population in a section of Rock Creek after it was rechanneled for flood control. They measured 17 miles of stream channel altered as a result of the flood control project. Snags and fallen logs were removed from the channel and streambed gravel bulldozed into dikes that replaced the natural streambank.

In 1961, Nelson and Bianchi[3] surveyed the Little Big Horn River to measure the amount of manmade channel alterations. They found that over half of this river had its channels altered by man's activities. Twelve trout streams or rivers located throughout the State were surveyed for manmade channel alterations in 1962. The results of the 1961 survey and the 1962 survey on 12 streams are included in this report.

The purpose of the stream channel alteration inventory was to measure the amount of stream channel changed by man, the type of channel alteration, and the party responsible for the alteration. For comparative purposes, standing crop estimates of the fish populations were censused in both natural and altered channels in the streams surveyed.

METHODS

Aerial photographs (1 inch equals 660 feet) were used to measure the original length of the stream channel. Channel alterations visible on the photographs were inspected in the field, measured from the photographs with a map measure, and recorded on the photos. Channel alterations not visible on the aerial photos, or made after the photograph flight date, were measured in the field with a steel tape and recorded on the photos. In addition, all channel alterations were recorded on a field note form

Blueprints of construction projects adjacent to rivers and streams were obtained from the Montana Highway Department and from railroad companies. The prints were examined carefully and compared with the aerial photos to verify manmade stream channel alterations. The blueprints were useful in determining if a cutoff meander was natural or man made and the party responsible for the alteration. Personal contacts with residents further verified man made alterations.

Old issue U.S. Geological Survey quadrangle maps and U.S. Forest Service maps were used also to verify manmade alterations. Only stream channel alterations that were positively assessed as manmade were enumerated in this survey.

The four types of manmade alterations measured were defined as follows:

1. Channel relocation is replacement of the natural meandering with a length of manmade channel. The relocated channel has a flume-like appearance, without pools, deep holes, or undercut banks. It is shorter and lacks the well-defined areas of erosion and deposition associated with a meandering stream.
2. Riprapping is placing materials other than streambed rubble adjacent to the natural streambank to prevent lateral erosion. Some of the more common materials observed were car bodies, stumps or logs, large angular rocks, and brush. These materials may or may not be anchored.
3. Channel clearance is removal of materials occurring naturally within the stream channel such as fallen logs, stumps, or gravel, and rubble.
4. Diking is using natural material from the streambed to construct an artificial streambank.

Stream channel alterations were grouped on the basis of activities: railroad construction, road construction, urban and industrial development, and agricultural activities. No attempt was made in this survey to evaluate whether or not the alterations were preventing lateral channel erosion.

Standing crop estimates of the fish populations in the streams surveyed were made by electrofishing 4,000 square feet areas of stream. Blocknets were placed at the upstream and downstream boundaries delineating the areas of stream censused. Two sections of equal area were censused for fish in each stream surveyed: (1) A natural meandering stream channel and (2) a stream channel altered by man's activities.

RESULTS

The amount of channel altered: The greatest loss of fishing water in the 13 streams inventoried resulted from man's apparent unwillingness to allow the streams to meander throughout their natural courses. Their total length was shortened by 68 miles when 137 miles of natural stream was rerouted into 69 miles of inferior, manmade channel (table 1). The manmade relocated channels were typicaly flume-like in appearance, without undercut banks or a well-defined pool-riffle complex found in a natural meandering stream.

One-third of the total length of the streams inventoried (250 of 768 miles) had been altered from their natural condition (table 2). Four of the streams had more than one-half of their length altered. All but one of the streams had more than 20 percent of their length altered by man's activities.

TABLE 1.—*The length of natural meandering stream channel lost, the length of relocated stream channel replacing the natural meandering stream channel, and the resulting reduction in length of stream channel measured in 13 Montana streams and rivers*

	Miles of—		Reduction in stream length (miles)		Miles of—		Reduction in stream length (miles)
	Natural meandering stream channel lost	Relocating stream channel replacing natural meandering stream channel			Natural meandering stream channel lost	Relocating stream channel replacing natural meandering stream channel	
Little Big Horn River	52.9	16.5	36.4	Rocky Creek	9.3	5.3	4.0
St. Regis River	6.3	5.4	.9	Big Hole River	17.3	4.4	12.9
Ninemile	.9	.7	.2	Boulder River	2.1	1.5	.6
Sheep Creek	3.6	2.0	1.6	Prickley Pear Creek	19.2	16.0	3.2
Otter Creek	6.7	2.9	3.8	Ashley Creek	2.8	1.4	1.4
Belt Creek	8.6	7.2	1.4				
Beaver Creek	3.5	2.0	1.5	Total	137.6	69.4	68.2
West Gallatin River	4.4	4.1	.3				

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[1] Personal communication from Arthur N. Whitney, Highway 93, South, Missoula, Mont. reported there were only one-third as many trout in the study section.

[2] Nelson, Perry H., and Cliff W. Hill (1960), "Fishery History of Rock Creek," Montana Fish and Game report, Helena, Mont., 14 pp. (multilith).

[3] Nelson, Perry H., and Donald R. Bianchi (1962), "Stream Channel Alteration Inventory," job completion report, Montana, D-J project F-20-R-7, job IV, 4 pp. (multilith).

TABLE 2.—*The length of stream channel altered and the number of alterations by type in 13 Montana streams or rivers*

River or stream	Channel relocation			Riprapping		Channel clearance		Diking		Total			
	Miles altered	Miles lost [1]	Number of alterations	Miles altered	Number of alterations	Miles altered	Number of alterations	Miles altered	Number of alterations	Miles altered	Number of alterations	Number of stream miles	Percent altered
Little Big Horn River	16.5	36.4	68	6.2	95	1.4	13	3.4	15	63.9	191	120.0	53
St. Regis River	5.4	.9	23	17.9	88	0	0	1.2	10	25.4	121	37.1	68
Ninemile Creek	.7	.2	6	1.7	53	0	0	2.4	22	5.0	81	23.9	21
Sheep Creek	2.0	1.6	15	.1	9	.1	1	.0	0	3.8	25	12.4	31
Otter Creek	2.9	3.8	23	.7	18	.5	9	.1	3	8.0	53	34.5	23
Belt Creek	7.2	1.4	36	3.4	55	.3	2	8.8	66	21.1	159	81.0	26
Beaver Creek	2.0	1.5	6	1.2	30	.2	7	.5	23	5.4	66	49.5	11
West Gallatin River	4.1	.3	20	9.5	143	.7	13	5.6	88	20.2	264	85.9	23
Rocky Creek	5.3	4.0	31	1.3	62	.2	3	.8	12	11.6	108	18.4	63
Big Hole River	4.4	12.9	56	11.0	107	.8	13	17.0	219	46.1	395	147.6	31
Boulder River	1.5	.6	14	7.9	246	1.0	21	1.4	27	12.4	308	86.3	14
Prickley Pear Creek	16.0	3.2	21	1.0	72	.9	31	.1	7	21.2	131	41.0	51
Ashley Creek	1.4	1.4	8	1.9	73	2.1	3	.1	1	6.9	85	30.2	23
Total	69.4	68.2	327	63.8	1,051	8.2	116	41.4	493	251.0	1,987	767.8	33

[1] Miles of stream channel lost as a result of the channel relocations.

Channel relocations accounted for 55 percent of the alterations in the streams surveyed. The remaining alterations consisted of riprapping (26 percent); diking (16 percent); and channel clearance (3 percent). There were 1,987 individual alterations recorded in 768 miles of stream channel inventoried, nearly three alterations per stream mile. The average length of a channel alteration was 664 feet.

The parties responsible: The party responsible for the channel alteration was also determined and enumerated (table 3). More than one-half of the alterations were attributed to road and railroad construction. The majority of railroad work was done prior to 1920 while State, county, and Federal road construction projects were mostly of a more recent occurrence.

Agricultural activities accounted for over one-third of the channel alterations. The largest number of individual alterations were enumerated in this category. Urban and industrial development accounted for the remaining channel changes.

Fish statistics: Table 4 lists the comparisons between the fish population standing crop statistics in the censused areas of natural and altered channels. In the natural meandering channels, the total number of trout and whitefish made up nearly two-thirds (62 percent) of the standing crop. In the altered channels, trout and whitefish made up only one-third (32 percent) of the standing crop. There were over 5½ times as many trout and nearly 10 times as many whitefish censused in the natural channels as in the altered channels. Six of the thirteen streams that had trout 6 inches or larger in their natural channels had no trout 6 inches or larger in their altered channels.

Comparing the total weight of all fish in the natural channels to that of the altered channels disclosed: (1) the total weight of all fish species was over 5½ times greater in the natural channels; (2) the total weight of the trout and whitefish combined was over 9 times greater in the natural channels; and (3) in each stream, there was a greater total weight of fish in the natural channels.

TABLE 3.—*The length of stream channel altered, the number of alterations, and the party responsible for the alterations in 13 Montana streams or rivers*

River of stream	Railroad construction		Road construction		Urban and industrial development		Agricultural activities		Total			
	Miles [1] altered	Number of alterations	Miles [1] altered	Number of alterations	Miles [1] altered	Number of alterations	Miles [1] altered	Number of alterations	Miles [1] altered	Number of alterations	Number of stream-miles	Percent altered
Little Big Horn River	39.8	48	2.9	22	2.0	7	19.2	114	63.9	191	120.0	53
St. Regis River	13.0	54	10.7	60	1.6	6	.1	1	25.4	121	37.1	68
Ninemile Creek	.1	5	.6	24	1.9	4	2.4	48	5.0	81	23.9	21
Sheep Creek	0	0	3.8	25	0	0	0	0	3.8	25	12.4	31
Otter Creek	0	0	4.6	41	.1	1	3.3	11	8.0	53	34.5	23
Belt Creek	1.2	10	9.3	74	4.4	28	6.2	47	21.1	159	81.0	26
Beaver Creek	1.5	3	2.7	25	.2	10	1.0	28	5.4	66	49.5	11
West Gallatin River	.8	6	11.8	98	.7	26	6.9	134	20.2	264	85.9	23
Rocky Creek	3.6	7	1.6	22	1.0	26	5.4	53	11.6	108	18.4	63
Big Hole River	3.8	21	6.1	50	1.3	12	34.9	312	46.1	395	147.6	31
Boulder River	2.5	26	3.1	49	1.9	18	4.9	215	12.4	308	86.3	14
Prickley Pear Creek	3.6	26	.4	7	14.6	24	2.6	74	21.2	131	41.0	51
Ashley Creek	.8	9	.7	35	1.3	3	4.1	38	6.9	85	30.2	23
Total	70.7	215	58.3	532	31.0	165	91.0	1,075	251.0	1,987	767.8	33

[1] Includes miles of stream channel lost as a result of the channel relocations.

TABLE 4.—*The number of fish, the number of fish 6 inches or larger, and the weight of fish censused in equal areas of altered and natural stream channels in 13 Montana streams and rivers*

River or stream	Channel type	Number				Number of fish 6 inches or greater				Weight			
		Trout	Whitefish	Others	Total	Trout	Whitefish	Others	Total	Trout	Whitefish	Others	Total
Little Big Horn River	Natural	76	5	0	81	26	5	0	31	13.7	3.0	0	16.7
	Altered	37	1	9	47	1	1	1	3	1.6	0	.4	2.0
St. Regis River	Natural	22	35	19	76	9	35	0	44	4.1	19.8	.6	24.5
	Altered	6	5	39	50	5	5	1	11	.8	1.5	1.7	4.0
Ninemile Creek	Natural	65	0	11	76	17	0	0	17	4.3	0	0	4.3
	Altered	13	0	14	27	0	0	0	0	.6	0	0	.6
Sheep Creek	Natural	35	40	0	75	9	33	0	42	2.4	4.7	0	7.1
	Altered	1	0	4	5	0	0	0	0	.1	0	.1	.2
Otter Creek	Natural	16	0	75	91	14	0	60	74	8.5	0	22.0	30.5
	Altered	1	0	16	17	1	0	11	12	.4	0	4.2	4.6
Belt Creek	Natural	2	3	6	11	1	3	5	9	.2	2.4	1.8	4.4
	Altered	0	0	16	16	0	0	2	2	0	0	.9	.9
Beaver Creek	Natural	88	0	12	100	17	0	12	29	5.6	0	1.7	7.3
	Altered	3	0	5	8	0	0	0	0	.1	0	.6	.7
West Gallatin River	Natural	6	16	10	32	6	15	10	31	4.4	14.6	20.9	39.9
	Altered	1	11	0	12	1	11	0	12	.1	7.2	0	7.3

TABLE 4.—*The number of fish, the number of fish 6 inches or larger, and the weight of fish censused in equal areas of altered and natural stream channels in 13 Montana streams and rivers*—Continued

River or stream	Channel type	Number				Number of fish 6 inches or greater				Weight			
		Trout	Whitefish	Others	Total	Trout	Whitefish	Others	Total	Trout	Whitefish	Others	Total
Rocky Creek	Natural	63	13	59	135	62	13	54	129	29.3	12.9	50.7	92.9
	Altered	55	0	28	83	24	0	24	48	5.0	0	4.9	9.9
Big Hole River	Natural	17	68	46	131	14	63	45	122	9.0	26.3	13.8	49.1
	Altered	1	0	2	3	0	0	1	1	.1	0	.1	.2
Boulder River	Natural	41	1	0	42	22	1	0	23	4.2	1.3	0	5.5
	Altered	0	0	0	0	0	0	0	0	0	0	0	0
Prickley Pear Creek	Natural	19	0	45	64	11	0	38	49	5.5	0	23.5	29.0
	Altered	13	0	52	65	5	0	48	53	1.7	0	23.7	25.4
Ashley Creek	Natural	0	0	86	86	0	0	26	26	0	0	5.8	5.8
	Altered	0	0	54	54	0	0	0	0	0	0	.4	.4
Total	Natural	450	181	369	1,000	208	168	250	626	91.2	85.0	140.8	317.0
	Altered	131	17	239	387	37	17	88	142	10.5	8.7	37.0	56.2

DISCUSSION

Economically, a trout stream can be considered as a self-sustaining, long-term capital investment. McConnen[4] reported that fishermen in Montana in 1960 spent $36,300,000 pursuing their sport. This money can be thought of as the interest from the capital investment, the fishing waters in the State. Bishop[5] reported that two-thirds of Montana fishermen prefer to fish in streams or rivers. We can only speculate on the dollar value of the stream trout fishery in the year 2000 (U.S. Department of Interior, 1962). The loss of the fishing dollar to the economy, now or in the future, would affect everyone in the State, including people who do not fish.

The statewide stream channel alteration inventory pointed out that channel alterations in trout streams and rivers are abundant throughout the State, and altered channels do not support nearly as many game fish as do natural meandering channels. Our capital investment principal decreases every time another section of stream channel is altered.

Recently, channel alterations by road construction projects have received criticism by resource managers. However, this inventory points out that railroad construction, urban and industrial development, and agricultural activities, in addition to road construction projects, have altered many miles of streams. The implications of the effects of channel alterations for resource use have been summarized in Berryman et al. (1962).

Part of the money spent by man on flood plain development is from tax money. For example, all the money spent on road construction comes from the Federal, State, or county tax dollar. The agricultural conservation program of the Department of Agriculture partly subsidizes channel alteration programs for flood control. These programs are legal instruments, an integral part of the law of the land.

Legislation is needed to protect our trout streams from further channel disturbances. The growing demand for outdoor recreation is a nationwide cause for immediate concern. The economic benefits of sport fishing to a community or State are large and justify the need for protective legislation. Unfortunately, a dollar value cannot be placed on the enjoyment derived from fishing.

SUMMARY

There were 1,987 individual alterations in the 768 miles of stream channel inventoried. As a result of the manmade alterations, the length of the channels were shortened by 68 miles. Agricultural activities accounted for the greatest length of channel altered followed in order by railroad construction, road construction, and urban and industrial development. Relocated channels accounted for the greatest length of channel altered followed in order by riprapping, diking, and channel clearance. Standing crops of game fish were several times more abundant in natural, meandering channels than in altered channels.

ACKNOWLEDGMENTS

In each fisheries management district, at least one stream was surveyed for stream channel alterations by fisheries biologists and their summer crews. The interest and enthusiasm generated by these biologists stimulated this written summary of the statewide inventory. Perry H. Nelson and Lloyd Casagranda, Montana Fish and Game Department information and education officers, contributed in many ways toward implementing and coordinating this project.

The investigation was conducted under the Dingell-Johnson program in Montana.

LITERATURE CITED

Berryman, J. D., et al., 1962, "Road Construction and Resource Use," extension circular 297, Utah State University, Logan Utah, 15 pages.

Boussu, M. F., 1954, "Relationship Between Trout Populations and Cover on a Small Stream," Journal of Wildlife Management, 18(2): 229–239.

U.S. Department of the Interior, 1962, "Sport Fishing: Today and Tomorrow," ORRRC study report No. 7. Report to the Outdoor Recreation Resources Review Commission by the Bureau of Sport Fisheries and Wildlife, Washington, D.C., 127 pages.

Whitney, A. N., and J. E. Bailey, 1959, "Detrimental Effects of Highway Construction on a Montana Stream," Trans. American Fisheries Society, 88(1): 72–73.

IOU NO. 20: MILLIONS IN UNIDENTIFIED DONATIONS

Mr. METCALF. Mr. President, the management of at least one rural electric cooperative in Montana is being petitioned to stop all promotion and advertising, except of meeting notices, to stop paying for meals for businessmen or members, stop donating prizes, report all attorney and traveling expenses, and limit business travel.

I do not say that these proposals are unreasonable, although a case could be made that a business which ceases to advertise and promote its services might succumb to an aggressive competitor.

I do say that what has been asked of a rural electric cooperative provides interesting, sharp contrast with the practice of the IOU's—investor owned utilities.

According to the Public Utilities Advertising Association, during 1962 more than one-third of the IOU's spent more more than 75 cents per customer on newspaper, radio, television and outdoor advertising, exclusive of ad production costs. Advertising expenditures in these four media went up 20 percent from 1960 to 1962.

Last year's $2 million expenditure on the Electric Co. Advertising Campaign—ECAP—is to be doubled, to $4 million, this year.

One power company, Northern States Power, Minnesota, spent $51,671 on social club dues alone for some of its employees during 1962.

As I reported on February 10 in IOU No. 5, Federal Power Commission regulations have been relaxed during the past 16 years in regard to reporting of company payments of retainers for legal and certain other services. Thus many companies need not report such expenditures to FPC unless the annual retainer is in excess of $25,000.

Each year IOU's donate millions of dollars to various causes and organizations. These donations in some instances include large sums for hospitals, colleges and organized charity. In other instances companies donate with regularity to those organizations which work closely with the John Birch Society, advocate abolition of the income tax and the United Nations, fight civil rights legislation and the rural electrification program. I discussed some of these organizations on March 23, in IOU No. 18.

The Federal Power Commission recently requested electric and gas utilities to report more fully their nonoperating expenditures, including donations, and expanded the list of electric utility systems that are classified as public utilities. It remains to be seen how responsive the companies will be to the FPC requests, in reports on 1963 operations which are due this spring.

A review of a portion of the 1962 annual reports by electric companies to the FPC shows that 122 companies listed but did not break down substantial sums reportedly spent on "donations," "contributions," "eleemosynary institutions," "patriotic and civic organizations," and so forth. Of the 122 companies, 65 were not classified as jurisdictional companies by FPC. Therefore the Commission did not ask them to itemize these expenditures.

In some instances these contributions were listed in account 426 as "Other income deductions." In other instances the contributions were listed in account 930 as "Miscellaneous general expenses." Expenses listed in the latter category would likely be considered an operating expense.

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[4] McConnen, Richard J. (1961), "Economic Importance of Hunting and Fishing in Montana," Montana Fish and Game Report, Helena, Mont., 13 pages (multilith).

[5] Bishop, Clinton G. (1959), statewide creel census, job completion report, Montana, D–J project F–4–R–3, job III, 9 pages (multilith).

Mr. President, I ask unanimous consent to have printed in the RECORD, as exhibit 1, the list of the 122 companies, the amounts listed by the companies as contributions, donations, or other similar category, and the account in which the company placed the item.

There being no objection, the list was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. METCALF. Mr. President, I now ask unanimous consent to insert in the RECORD, as exhibit 2, the petition which is being circulated in northern Montana among members of the Hill County Electric Cooperative.

There being no objection, the petition was ordered to be printed in the RECORD.

(See exhibit 2.)

EXHIBIT 1

Alabama Power Co., Birmingham, Ala. (426), donations, $145,515.31.

Appalachian Power Co., Roanoke, Va. (426), 56 donations to local charity and civic organizations, $28,103; (930), educational, civic and charitable organizations, $57,350.

Arizona Public Service, Phoenix, Ariz. (426), miscellaneous other income deductions, $7,336; (930), contributions, $71,392.

Arkansas Power & Light, Pine Bluff, Ark. (426), donations, $68,008.16; (930), organizations for community development, $57,602.

Atlantic City Electric, Atlantic City, N.J. (426), 37 charitable organizations, $16,266.75.

Baltimore Gas & Electric, Baltimore, Md. (426), charitable, civic or community welfare projects, $201,293.

Blackstone Valley Gas & Electric, Pawtucket, R.I. (426), donations, $38,678.50.

Boston Edison, Boston, Mass. (426), contributions, $168,447.21.

Brockton Edison, Brockton, Mass. (426), donations, $8,348.

California Electric Power, San Bernardino, Calif. (426), donations, $17,321.15.

Carolina Power & Light, Raleigh, N.C. (426), 50 donations, $75,689.47; (930), other, $30,725.46.

Central Illinois Public Service, Springfield, Ill. (930), donations for charitable, social, and community welfare purposes, $39,491.71.

Central Hudson Gas & Electric Corp., Poughkeepsie, N.Y. (426), 127 charitable contributions, $86,298; (930), miscellaneous and minor, $40,692.

Central Illinois Electric & Gas, Rockford, Ill. (930), donations, $51,377.

Central Louisiana Electric, Lafayette, La. (426), charitable, $6,165.

Central Maine Power, Augusta, Maine (426), donations, $48,061.59.

Central Power & Light, Corpus Christi, Tex. (426), donations, $104,433; (930), dues to area development associations, civic clubs, country clubs, chambers of commerce, etc., $63,847; (930), other miscellaneous, $50,081.

Cincinnati Gas & Electric, Cincinnati, Ohio (426), miscellaneous donations to civic, fraternal, charitable, and educational organizations, $222,308.

Cleveland Electric Illuminating, Cleveland, Ohio (930), dues and donations, $504,876.

Columbus & Southern Ohio Electric, Columbus, Ohio (930), contributions, charitable, $84,025; (930), contributions, civic, $21,804; (930), contributions, industry, $19,063; (930), miscellaneous, $17,620.

Commonwealth Edison, Chicago, Ill. (426), other (110 items under $5,000), $119,608; (930), sundry, $67,617.11.

Commonwealth Edison of Indiana, State Line Station, Hammond, Ind. (426), donations, $2,075.

Community Public Service, Fort Worth, Tex. (930), other, $60,605.35.

Connecticut Light & Power, Berlin, Conn. (426), miscellaneous contributions and donations, $49,865.79.

Consolidated Edison, New York, N.Y. (426), societies and associations for betterment of social and economic conditions, $3,780.42; (930), other $199,705.05.

Consumers Power, Jackson, Miss. (426), donations, Community Chest (68), $111,760; (426), miscellaneous (71), $105,458.32; (930), miscellaneous minor items, $102,996.64.

Dallas Power & Light, Dallas, Tex. (930), donations, $270,515.59; (930), miscellaneous, $79,873.30.

Dayton Power & Light, Dayton, Ohio (930), contributions, $194,163.

Delaware Power & Light, Wilmington, Del. (426), miscellaneous, $4,368.73.

Detroit Edison, Detroit, Mich. (930), donations to community funds, educational institutions, civil and religious organizations, $608,282.48, in this instance—also detail of following account 930 entries in 1961 for—donations to community funds, educational institutions, civil and religious organizations, $492,584.56; other expenses, $295,622.18.

Duke Power, Charlotte, N.C. (426), miscellaneous donations and subscriptions (2), $5,135; (930), miscellaneous, $302,846.

Duquesne Light, Pittsburgh, Pa. (426), 20 donations, $2,810; (930), 15 miscellaneous items, $18,555.

Eastern Shore Public Service, Salisbury, Md. (426), nine donations, $6,448.68.

El Paso Electric, El Paso, Tex. (426), contributions, $19,526.60; (930), donations, various civic organizations and events, $7,098.

Empire District Electric, Joplin, Mo. (426), 52 miscellaneous civic organizations, $18,391.75.

Florida Power & Light, Miami, Fla. (930), other, $768,314.74.

Florida Power Corp., St. Petersburg, Fla. (426), schools, scholarships, youth, sports, recreational programs, $5,486, (426), miscellaneous contributions, $5,405.

Georgia Power, Atlanta, Ga. (426), donations, $165,793.51; (930), donations and contributions (other), $31,151; (miscellaneous), $111,347.

Gulf Power, Pensacola, Fla. (930), 32 other, $4,190.

Gulf States Utilities, Beaumont, Tex. (426), donations, $115,744.56; (930), miscellaneous, $72,292.54.

Hartford Electric Light, Wethersfield, Conn. (930), minor contributions, $17,904.39.

Houston Lighting & Power, Houston, Tex. (930), other, $304,121.32.

Idaho Power Co., Boise, Idaho (426), patriotic and civic organizations, $946; (930), contributions to other organizations, $1,344.

Illinois Power, Decatur, Ill. (930), donations, $35,255.

Indiana & Michigan Electric, Fort Wayne, Ind. (426), 22 local charity and civic organizations, $29,812; (930), other miscellaneous, $120,233.

Indianapolis Power & Light, Indianapolis, Ind. (426), miscellaneous donations, $13,261; (930), contributions, $16,330.

Interstate Power, Dubuque, Iowa (426), donations, $94,564; (930), other, $51,894.

Iowa Electric Light & Power, Cedar Rapids, Iowa (930), other, $119,428.

Iowa-Illinois Gas & Electric, Davenport, Iowa (426), contributions to Community Chest, ARC, Cancer Control Societies, hospitals, colleges, etc., $177,379; (930), other, $90,017.

Iowa Power & Light, Des Moines, Iowa (426), 20 miscellaneous donations, welfare and civic, $1,375; (930), other, $77,385.62.

Iowa Public Service, Sioux City, Iowa, (426), donations, $76,725.12; (930), various, $100,039.

Iowa Southern Utilities, Centerville, Iowa (930), religious and charitable, $13,431; (930), educational and institutional, $11,528; (930), industrial development, $7,955; (930), other, $11,785.

Jersey Central Power & Light, Morristown, N.J. (426), donations, $29,144.

Kansas City Power & Light, Kansas City, Mo. (426), contributions, miscellaneous, $18,722.26; (930), other, $42,757.49.

Kansas Gas & Electric, Wichita, Kans. (426), donations (21), $1,390; (930), other, $44,611.

Kansas Power & Light, Topeka, Kans. (426), donations, $24,777.75; (930), miscellaneous, $105,397.19.

Kentucky Power, Ashland, Ky. (930), seven contributions, $4,750.

Kentucky Utilities, Lexington, Ky. (426), donations, $11,507.23; (930), assistance to colleges, $30,484.06; (930), all other, $44,492.16.

Long Island Lighting, Mineloa, N.Y. (426), contributions, $116,727.80; (930), other, $114,760.

Louisiana Power & Light, New Orleans, La. (426), donations, $57,082.22.

Louisvillea Gas & Electric, Louisville, Ky., (426), 22 donations, $91,060.

Massachusetts Electric, Worcester, Mass. (426), donations for charitable, social, and community welfare purposes, $60,763.89.

Merrimack-Essex Electric, Salem, Mass. (426), other, less than $1,000 each, $1,895.

Metropolitan Edison, Muhlenberg Township, Pa. (426), 33 donations, $135,840; (930), donations, good will promotion, $11,592.

Minnesota Power & Light, Duluth, Minn. (426), donations, $24,731; (930), miscellaneous, $9,041.

Mississippi Power, Gulfport, Miss. (426), charitable and nonprofit organizations, $13,594; (930), other, $229,088.78.

Mississippi Power & Light, Jackson, Miss. (426), donations, $94,643.09; (930), other, $82,514.

Missouri Power & Light, Jefferson City, Mo. (930), other, $30,184.

Monongahela Power, Fairmont, W. Va. (426), education and schools, $5,900; (426), other, $6,938.

Montana-Dakota Utilities, Minneapolis, Minn. (930), other, $42,431.

Montana Power Co., Butte, Mont., (930), other expenses, $46,536.57.

Nevada Power, Las Vegas, Nev. (426), 13 charitable donations, $5,339.51; (930), other, $26,773.

New Jersey Power & Light, Morristown, N.J. (426), donations, $22,713.

New Orleans Public Service, New Orleans, La. (426), charitable organizations, $9,388.38.

New York State Electric & Gas Corp., Ithaca, N.Y. (426), donations, $41,726.

Niagara Mohawk Power Corp., Syracuse, N.Y. (930), contributions, $60,286.

Northern Indiana Public Service, Hammond, Ind. (426), donations for charitable, social, and community welfare purposes, $73,627.

Northern States (Wisconsin), Eau Claire, Wis. (426), donations, $21,797.82.

Ohio Edison, Akron, Ohio (426), community funds, $47,655; (426), miscellaneous, $5,713.94; (930), miscellaneous, $85,495.

Ohio Power, Canton, Ohio (426), donations to ARC, Boy Scouts, community funds, civic and local organizations, $25,103.

Oklahoma Gas & Electric, Oklahoma City, Okla. (426), various organized charities, civic institutions, universities and public welfare causes, $16,806; (930), other, $241,490.

Otter Tail Power, Fergus Falls, Minn. (426), donations and dues to charitable organizations, civic clubs, and associations and advertising in papers of various organizations, $46013.59; (930), other, $21,818.

Pacific Gas & Electric, San Francisco, Calif. (930), contributions and donations, $556,866.

Pacific Power & Light, Portland, Oreg. (426), social, welfare, and charitable, $73,20).50; (426), educational institutions and organizations, $16,484.85; (426), civic organizations and charities, $22,793.05; (426), other organizations, $12,668.78; (930), contributions to and membership in other organizations, $13,094.73.

Pennsylvania Electric, Johnstown, Pa. (426), community welfare funds, $41,460; (426), miscellaneous, $18,465; (930), miscellaneous, $30,402.

Pennsylvania Power & Light, Allentown, Pa., (426), donations to Red Cross, United Funds, hospitals, scholarships and other charities, $120,996.32; (426), contributions to building and development funds, colleges, hospitals, etc., $129,150; (426), educational aid program (45 schools), $5,603.96; (930), contributions, $20,179.

Philadelphia Electric, Philadelphia, Pa., (426), donations, $341,156.42; (426), additional compensation, $6,250; (426), three minor items, $9,250.56; (930), miscellaneous, $17,597.31.

Portland General Electric, Portland, Oreg., (930), library expenses, $12,382.71.

Potomac Electric Power, Washington, D.C., (426), 24 contributions, $16,638.51; (930), 5 miscellaneous, $14,408.

Public Service of Colorado, Denver, Colo., (930), charitable, social or community welfare, $123,561.

Public Service of Indiana, Plainfield, Ind., (426), educational institutions, $37,888; (426), medical associations, $2,870.

Public Service of New Hampshire, Manchester, N.H., (426), donations to charitable organizations, $25,990; (930), miscellaneous, $102,852.

Public Service of New Mexico, Albuquerque, N. Mex., (426), donations, $31,242.24; (930), contributions, $1,000.

Public Service of Oklahoma, Tulsa, Okla., (426), local and national welfare organizations, $1,171; (426), miscellaneous items, $24,804; (930), miscellaneous, $49,859.

Public Service Electric & Gas, Newark, N.J., (426), charitable organizations, funds and other eleemosynary institutions, $197,723.75; (930), miscellaneous, $62,145.72.

Puget Sound Power & Light, Seattle, Wash., (426), dues and contributions, $69,044; (930), other, $22,055.

Rochester Gas & Electric Corp., Rochester, N.Y., (426), miscellaneous, $5,890; (930), various, $290,000.

San Diego Gas & Electric, San Diego Calif., (426), miscellaneous, $5,137; (930), contributions, $5,760.

Savannah Electric & Power, Savannah, Ga., (426), donations, $23,054.97; (930), miscellaneous, $25,539.

Sierra Pacific Power, Reno, Nev., (426), donations, $12,971.

South Carolina Electric & Gas, Columbia, S.C., (426), donations, $38,075.38; (930), other, $72,207.62.

Southern California Edison, Los Angeles, Calif., (426), contributions for charitable organizations and community welfare, $81,539.27; (930), tours, scholarships, grants, etc., $136,060.30.

Southwestern Electric Power, Shreveport, La., (426), contributions, $25,734; (930), donations, $14,644.

Southwestern Public Service, Dallas, Tex., (426), charitable, social and community welfare, $36,787.09; (930), miscellaneous donations, $64,883.93.

Tampa, Electric, Tampa, Fla., (930), other, $109,643.22.

Texas Electric Service, Fort Worth, Tex., (426), donations, $183,031.19; (930), general business and civic activities, $248,356.17.

Texas Power & Light, Dallas, Tex., (26), donations to organized institutions, $138,747.13; (930), other $432,008.

Toledo Edison, Toledo, Ohio, (930), contributions, $106,092.

Tucson Gas, Electric Light & Power, Tucson, Ariz., (930), charitable contributions, $23,683; (930), memberships, dues, and contributions to civic, business, educational, and cultural organizations, $12,709.

Union Electric, St. Louis, Mo., (426), minor, $3,919; (930), other, $95,509.

Union Light, Heat & Power, Covington, Ky., (426), miscellaneous, $17,475.

United Illuminating, New Haven, Conn., (426), charitable contributions, $58,655; (930), miscellaneous, $66,809.

Utah Power & Light, Salt Lake City, Utah, (426), 70 miscellaneous donations, $40,463.88; (426), 6 minor miscellaneous, $2,709.06; (930), minor miscellaneous, $38,202.

Virginia Electric & Power, Richmond, Va., (426), donations, $193,819; (426), 13 minor items, $3,084; (930) other, $45,168.

West Penn Power, Greensburg, Pa., (426), donations, $68,252; (930), minor, $28,133.

West Texas Utilities, Abilene, Tex., (426), donations, $41,476.25; (930), miscellaneous, $49,968.90.

Western Light & Telephone, Dodge City, Kans., (930), donations (along with stationery, printing, and miscellaneous, $58,696.13.

Western Massachusetts Electric, West Springfield, Mass., (426), miscellaneous, $2,150; (930), miscellaneous, $84,824.76.

Wisconsin Electric Power, Milwaukee, Wis., (426), donations, $250,937.80; (930), miscellaneous, $53,944.26.

Wisconsin Michigan Power, Appleton, Wis., (426), donations, $16,550; (930), miscellaneous, $14,024.12.

Wisconsin Power & Light, Madison, Wis., (426), donations, $23,095; (930) miscellaneous, $22,155.

Wisconsin Public Service Corp., Milwaukee, Wis., (426), donations for charitable, religious, and educational purposes, $42,530.20; (930), other items less than $25,000, $35,619.

EXHIBIT 2

PETITION

We, the undersigned owners of the Hill County Electric Cooperative, Inc., wish to have the following information itemized and included in the annual financial report, May 19, 1964:

1. All traveling expenses of our manager, including meals, tickets, liquor, lodging, rented transportation, public relations expenses, and annual wages.

2. All individual traveling expenses of each board member.

3. Attorneys' wages, legal advice, and other attorney expenses.

4. Interest on all money loaned out to savings and loan company.

We also want the following carried out by the Hill County Electric Cooperative, Inc., and the Triangle Telephone Cooperative:

1. All new vehicles put up for bid.

2. Insurance put up for bid.

3. No advertising of Hill County Electric or Triangle Telephone Cooperatives.

4. No promoting of Federal, State, or local programs.

5. No more breakfasts for businessmen paid for by the Hill County Electric or Triangle Telephone Cooperatives.

6. No prizes donated by the Hill County Electric or Triangle Telephone Cooperatives to any organizations or individuals or at the annual meetings.

7. Instead of furnishing dinners at annual meetings, we recommend a substantial amount be deducted on the following month's bill for each family represented.

8. Get rid of private plane. Limit rental of planes for use by manager except as OK'd by directors.

9. We recommend the convention expenses be limited to not more than two directors and the manager, and the directors to be alternated.

10. All regular or special board meetings shall be advertised in the local paper.

11. We recommend that all meetings be opened with a pledge of allegiance to the American flag.

INCREASED DOMESTIC SUGARBEET QUOTAS—ADDITIONAL COSPONSOR

Mr. MANSFIELD. Mr. President, some days ago, the distinguished Senator from North Dakota [Mr. YOUNG] introduced a bill to increase the production of domestic sugarbeets.

At that time, he asked permission to have the bill lay on the desk for a week, I believe, for the purpose of securing additional cosponsors among his colleagues, if they so desired.

When he did so, I went to the desk. I asked that my name be listed as a cosponsor. I found out today that my name is not on that bill.

Mr. President, I ask unanimous consent that my name be added on S. 2657, a bill to increase the production of domestic sugarbeets, which bill was introduced by the distinguished senior Senator from North Dakota [Mr. YOUNG].

The PRESIDING OFFICER. Without objection, it is so ordered.

SETTLEMENT OF THE PANAMA CANAL CRISIS

The PRESIDING OFFICER (Mr. WALTERS in the chair). **The Senator from Oregon is recognized.**

Mr. MORSE. Mr. President, I commend and congratulate the President of the United States for the great performance of statesmanship that he has rendered in connection with the settlement of the Panama crisis, at least settlement to the point that an agreement has been reached for a procedure that will lead to the necessary diplomatic relations and that will make possible a free and a sound settlement of the differences that have developed between Panama and the United States.

I am sure, since representatives of the press were in the Cabinet room at the time, that I violate no matter of privilege when I say that I never expected as a country lawyer from faraway Oregon, to sit in the Cabinet Room of the White House and hear a President of the United States call on the long distance telephone and talk with the President of another country.

It is something that a man will talk to his grandchildren about. I sat there this afternoon and listened to our great President represent the people of this country in a manner so magnificent that thrills went up and down my spine which are experienced only on those rare occasions when a person knows that he is observing or witnessing something that is of thrilling importance to him and to others.

I tarried afterward with the majority leader and other Senators and listened to the President read his statement announcing to the country and to the world that successful arrangements had been made through the intervention of the Ambassadors of the Organization of American States leading to a resolution of the procedural problems that have confronted us in respect to getting on with the Panamanian problem.

As chairman of the Subcommittee on Latin American Affairs, I wish to state that the President's final position on the matter was not only his original position, but obviously was the position of President Kennedy. As I think and have always said when I discussed it in the Senate, it was made crystal clear in that great release of June 13, 1962, when the communique was released from the White House signed by President Kennedy and President Chiari of Panama. The communique stated in effect that when two friendly nations such as the United States and Panama find themselves in disagreement over issues, they have a clear obligation to resolve the disagreement. These two Presidents then pledged themselves to carry out that obligation to proceed without delay to enter into the necessary diplomatic conversations leading to a peaceful settlement of those differences. That is exactly the position President Johnson has taken. The President of Panama and his officials and his ambassadors are deserving of the same compliment, tribute, and congratulations that I am paying to President Johnson.

With the appointment of the Special Ambassador, as announced by President Johnson in that long-distance telephone conversation to the President of Panama—I refer to Mr. Robert Anderson—to be our Special Ambassador to carry on our negotiations in regard to the problems involved in these discussions, I am sure we shall be represented by an exceedingly able man who is very familiar with the problems of Panama. I also congratulate the President of the United States on that appointment.

Mr. President, I think it is good to see this ray of international sunshine among the rather heavy clouds of these days. I believe that ray of sunshine will brighten the skies, and the clouds will more and more disappear, as a result of the great statesmanship which President Johnson has displayed in connection with the Panama crisis.

In my opinion, two others deserve our compliments, too. One is Ambassador Bunker, the U.S. Ambassador to the Organization of American States. He has done a magnificent job for many, many weeks, as, to my knowledge, he has worked unbelievable long hours with Ambassador Moreno, the Special Ambassador of Panama, in connection with this matter.

In fact, I have been of the opinion that the position our Ambassador has taken for many weeks has been a sound one.

It is interesting, Mr. President, to find, when we come to study the language set forth in today's announcement—which we shall read in the newspapers published tomorrow, that, in my judgment, its meaning is identical with that of the language which Ambassador Bunker and Ambassador Moreno suggested some weeks ago; but it was necessary to clarify that language by the discussions which have ensued. President Johnson's calm, mild, but determined position—that we are going to proceed on the basis of equality with the Panamanians, that we are going to proceed on the basis of first a restoration of diplomatic relationships, and that we are going to proceed without any commitments in advance—has prevailed. Thus, President Johnson has made a great record. I congratulate him, and I also congratulate Ambassador Bunker.

In my opinion, the third man who deserves great credit in connection with this specific item is the Assistant Secretary of State for Latin American Affairs, Thomas Mann. He, too, deserves our expression of gratitude for the careful and thorough work he has done in connection with the Panamanian issue.

The same also goes for the Secretary of State, Mr. Rusk. He and I disagree on many matters, but we do not disagree on this one. Whenever I agree with a man on one matter—no matter how much I may disagree with him on others—I am always glad to have the privilege and the opportunity to express my point of agreement with him. So I think Secretary Rusk deserves the thanks of all the people of the United States for his excellent service as Secretary of State, in connection with the Panamanian matter.

THE NEW PRESIDENT OF BRAZIL

Mr. MORSE. Mr. President, I wish to express my high compliments to the President of the United States, in connection with the statement which appears in today's newspapers in connection with the developments in Brazil. The article which I wish to have printed in the RECORD is an Associated Press dispatch by Lewis Gulick. The headline is: "L.B.J. Sends Warm Note to Mazzilli."

I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

L.B.J. SENDS WARM NOTE TO MAZZILLI

(By Lewis Gulick)

President Johnson last night sent his warmest "good wishes" to Ranieri Mazzilli, newly installed as President of Brazil after a military coup ousted Joao Goulart.

Accepting without question the legitimacy of Mazzilli's ascent from the Presidency of the Brazilian Chamber of Deputies, Mr. Johnson told him:

"The American people have watched with anxiety the political and economic difficulties through which your great nation has been passing, and have admired the resolute will of the Brazilian community to resolve these difficulties within the framework of constitutional democracy and without civil strife."

The presidential message made no mention of Goulart, deposed by the military because of his leftist leanings. The message concluded:

"The relations of friendship and cooperation between our two governments and peoples are a great historical legacy for us both and a precious asset in the interest of peace and prosperity and liberty in this hemisphere and in the whole world. I look forward to the continued strengthening of those relations and to our intensified cooperation in the interests of economic progress and social justice for all and of hemispheric and world peace."

The White House release of Mr. Johnson's message was in line with earlier, unofficial word that the U.S. Government is pleased by the removal of Goulart, in whose government the Communists had been playing an increasingly important role. The State Department said normal United States-Brazilian relations were continuing.

Press Officer Robert J. McCloskey declined to answer most inquiries about the revolt that deposed Goulart. But he did say:

"I know of no change in our relations" with the country.

The $30-million-a-year U.S. aid program to Brazil will be continued.

U.S. authorities had become increasingly displeased with what was regarded as growing Goulart involvement with the Reds. It also has been felt in Washington that Goulart failed to put through effective reforms needed to curb Brazil's runaway inflation, promote development and raise living standards for dissatisfied masses.

Mr. MORSE. Mr. President, here, again, President Johnson has acted with the same great care, calmness, and deliberation that have characterized his other actions; and he deserves our thanks for the note he sent to the new President of Brazil.

I wish to make very clear that I can testify, on the basis of such knowledge as I have—and I think the members of the Senate Foreign Relations Committee were kept thoroughly briefed on all details of the developments in Brazil—that the United States in no way intervened or was responsible in any way for the action which occurred in Brazil. I am convinced that the developments there were completely Brazilian; and they were long in the making.

In the Senate's Foreign Relations Committee we have discussed this matter many, many times, and have expressed our concern over the developing thunderheads in the foreign-policy skies over Brazil. We have known for some time that Communists or, certainly, those who were advocating Communist policies were infiltrating themselves into the administration of Goulart. That was of great concern to constitutionalists in Brazil.

Mr. President, the developments in Brazil did not result from action by a military junta or from a coup by a military junta. Instead, the overthrow of the presidency of Brazil resulted from development in which the Congress of Brazil, acting under the Constitution of Brazil, was the guiding force, and was reinforced by a military group which backed up the preservation of the Brazilian constitutional system. Under that constitutional system, Goulart could have remained in Brazil and could have stood trial, so to speak, in connection with charges which would have been placed against him, as provided for under the Brazilian constitutional system. But certainly the Congress of Brazil and the governors and the people of Brazil could not be expected to stand idly by and see their government and its forces gradually, step by step, turned over to a Communist apparatus.

The important point for us to note is that the new President of Brazil—and, under the Brazilian system, he will occupy only temporarily the office of President—is the one next in line under the Brazilian Constitution to occupy the office of the Chief Executive of Brazil. Furthermore, it is also interesting to note that this is not the first time he has occupied that office under somewhat similar circumstances. It is both interesting and, I believe, also somewhat ironic that the new President of Brazil was the temporary President of that country when Quadros resigned and found it convenient to leave Brazil, and Goulart then was next in line, under the constitution. However, there was some opposition to allowing Goulart to assume that office; and at that time Mr. Mazzilli, the new President of Brazil, insisted that the Brazilian constitutional procedures be followed. In my opinion, that is about all we need to know in regard to Mr. Mazzilli's faith and conviction in regard to the importance of the maintenance of a system of government by law, in keeping with the framework of the constitutional system that is binding upon his country.

In my opinion, President Johnson very appropriately waited until the legal and constitutional system of Brazil had worked its course. When we were notified that the new President of Brazil had taken office, then the warm message of the President of the United States was sent to the new President of Brazil.

It is a beautiful statement, as Senators will see, if they have not already read it. I commend and congratulate my President for that act of statesmanship.

THE WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I turn now to the next of three additional items on which I intend to comment briefly before I finish. I owe it to myself, and I certainly owe it to many Americans who share my point of view and the point of view of the Senator from Alaska [Mr. GRUENING] and others who have expressed themselves in opposition to McNamara's war in South Vietnam in recent weeks, to come to the floor of the Senate immediately after being in the White House and announce again that I stand on every word that I have said on the South Vietnam issue in recent weeks.

I repeat that, in my judgment, there is not the slightest justification for American unilateral action in South Vietnam.

I do not intend to reveal any matter of privilege that occurred at the briefing that we received at the White House in respect to South Vietnam. I learned nothing new from that briefing in regard to McNamara's position in defense of the McNamara war in South Vietnam. I found him as unconvincing today as I have found him from the beginning in regard to the American program in South Vietnam.

I heard not the slightest justification for American unilateral action in South Vietnam, in light of our clear treaty commitments that bear down upon us in connection with the SEATO treaty and in connection with the United Nations. I am not at all impressed with any argument that SEATO is a paper tiger. The signature of the United States is on the SEATO treaty, and the United States has not sought to get the SEATO signatories to join in trying to reach some accommodation in regard to South Vietnam that could bring to an end what I consider to be an unnecessary killing of American boys—yes, the unnecessary killing of human beings, both South Vietnamese and Vietcong.

As a nation pledged to try to settle situations that threaten the peace by peaceful procedures, we at least first ought to have made our record of trying to resort to the procedures of international law that are made available to us.

With De Gaulle taking the position that he thinks some kind of neutralization—I do not know what he means by it, and we ought to put him on the spot and find out—ought to be substituted in Vietnam for war, we at least ought to be taking the leadership through SEATO, because the signature of France is on that treaty, to find out how he would try to settle it by peaceful procedures.

I repeat, as I shall do from day to day, that the signatories to SEATO are Australia, New Zealand, Pakistan, Thailand, Philippines, Great Britain, France, and the United States.

Is it not interesting and significant that the only country taking action in South Vietnam is the United States? By what right do we set ourselves up and say that we have the right to use unilateral action in South Vietnam?

"Oh," say the apologists for this unjustifiable U.S. action in South Vietnam, "the South Vietnam Government asked us to come in."

East Germany asked Russia to come in. There is as much logic for our being in South Vietnam as there is for the Russians to be in East Germany. There is no logic in either case. Neither country can justify its course of action.

What a glorious opportunity we are muffing to demonstrate to the world that we mean it when we say that we seek to use peaceful means for settling international disputes. How can we possibly justify the unilateral action in South Vietnam with the action we took in regard to Cyprus?

I admit that we had to be pushed into it. I am sorry that we had to be pushed into it. But at least we finally came to realize that since Cyprus was not a member of NATO, we ought to join in a proposal to take the Cyprus issue to the United Nations. And there it is. That is where it ought to have been in the first place.

Mr. President, I wish to make clear again, as I did earlier today, that Senators will never find me standing on the floor of the Senate criticizing American foreign policy without offering what I consider to be constructive affirmative proposals to take the place of a policy that I believe is wrong. We ought to try SEATO first. If we cannot arrive at an accommodation in SEATO that will bring an end to the blood letting in South Vietnam—if our allies to the SEATO treaty do not wish to work out some proposal along lines similar to what De Gaulle has been talking about in general terms—we have the clear duty to take the leadership in urging that the United Nations take up the question of South Vietnam quickly.

What is wrong with that procedure? My ears are open. I have been listening. I have had my hand cupped to my ears for weeks waiting for someone to whisper in my ear. What is wrong with it? We shall never know whether it will work or not until we try.

We owe it to American boys in South Vietnam to try it. We cannot possibly give those American boys in South Vietnam the protection to which they are entitled in conducting the McNamara war in South Vietnam the way it is being conducted.

I have talked with Army officers. I have talked with Marine officers. I have talked with Air Force officers. They tell me, "Senator, we are not giving those boys the protection that they ought to have if we are going to send them into an area of combat."

I say to the Senate that we must get the idea out of our heads if we think those boys are military advisers. They are soldiers. They are dying.

Already more than 200 of them have died. I am trying to find out if there are any more. That is why I asked the chairman of the Committee on Armed Services the other day to notify the Defense Department that we want a daily report on fatalities. We want a daily report on those who are wounded.

Mr. President, I do not care what angle of the South Vietnam war we examine; we cannot justify it.

The American people, by the rising of tens of thousands of opposing voices every day, are beginning to make their views known to the administration and to the Congress. As the months go by and the unjustifiable killings in South Vietnam continue, we shall hear a repercussion from the American people that will create a din in American public opinion.

I wish to see us take the lead in trying to see if we cannot reach an accommodation. If the result is a United Nations trusteeship, I ask, What is wrong with that?

What is wrong in the United States, with all of our pratings about how we stand for the settling of international disputes by the application of the rule of law? It sounds so good. We have made it sound so good in so many international councils of the world that they have caught up with us. Now they are telling us that they doubt our sincerity about wanting to settle disputes by the application of the rule of law.

Mr. President, we cannot square unilateral American action in South Vietnam with our claim that we want to settle disputes by the adoption of peaceful procedures.

Let us keep in mind that the war in South Vietnam is a civil war. I am still waiting for the Secretary of Defense to give us a scintilla of evidence that there are in South Vietnam any armed soldiers of Red China or North Vietnam or Russia. Equipment, yes. The Vietcong have been buying equipment in North Vietnam, and possibly from China. Equipment manufactured there has been found. But we are in no position to throw stones, for all of the equipment of the South Vietnamese is American equipment.

We become a little excited—and of course I do not condone it—when we find that Castro obtains equipment from Communist enemies of ours. But the fact remains that the foreign soldiers in South Vietnam are Americans—not North Vietnamese, not Red Chinese, not Russian.

I am at a loss to understand why the United States is conducting unilateral military action in southeast Asia. We have poured $5½ billion into that area, including $1½ billion that we granted to France, before France was whipped in Indochina and the French people pulled down a government because they had had enough of the killing of the flower of French manhood.

If there ever was a place, if there ever was an opportunity, for us to try to practice an ideal of the United States, to keep faith with the tenets of an international system of justice through the rule of law, for the settlement of international disputes, this is the place.

Mr. President, I heard not one syllable at the White House this afternoon that causes me to change a single word of the already many speeches I have made on the floor of the Senate on South Vietnam. Senators have just begun to hear them. I have just started to discuss South Vietnam on the floor of the Senate. I shall continue to discuss it and discuss it and discuss it until someone shows me where I am mistaken in my position that we ought to stop our unilateral action in South Vietnam, which is leading to the unjustifiable killing of American boys, and try to work out, within the spirit, the purpose, the objectives—and, yes, the language—of the United Nations Charter a peaceful settlement of a dispute that threatens the peace in southeast Asia.

AID TO INDIA

Mr. MORSE. Mr. President, I turn to another matter.

My good friend Chester Bowles delivered himself of a speech yesterday at the Press Club. I ask unanimous consent that the article in today's Washington Post by Murrey Marder, entitled "Bowles Cites Gap in Aid Knowledge," be inserted in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOWLES CITES GAP IN AID KNOWLEDGE

(By Murrey Marder)

A great communications gap has left much of Congress and the public unaware of the impact of American foreign aid, Ambassador to India, Chester Bowles said yesterday.

While there has been grumbling about the foreign aid increases, Bowles said, the United States has shown an "extraordinary, growing ability" to make its overseas spending effective.

Bowles, outspoken liberal Democrat who was eased out of a post as Under Secretary of State and is now serving a second tour of duty in India after a 10-year gap, is in Washington for consultation. Still unquenchably enthusiastic in presenting his viewpoint, Bowles vigorously argued the case for foreign aid before a National Press Club luncheon audience.

India's 450 million people comprise about one-half of all the recipients of American foreign aid, he noted. Yet in 27 months, he said, only 9 Members of Congress have visited India to grasp the contribution the United States has made to its growth and stability.

FAT-CAT WARNING

Bowles warned against the danger of the United States becoming "a kind of international fat cat that can't understand poor people" when "the world is filled with poor people."

But it is foolish, he cautioned, to make foreign aid a quest for "trophies" or "gratitude," even though U.S. prestige in India is very high. Instead, said Bowles, foreign aid serves mutual self-interest in creating "areas of stability" in the world.

Red China's and other Communist nations' failures in agriculture have left deep marks on the Indian outlook, Bowles said.

WOULD BET ON INDIA

"I would certainly bet on India against China" when it comes to building an effective society, Bowles said, even though India's problems are "tremendous."

In India, he said, the "private sector" of development "has to be given a better chance." With a smile, he added, "There are many things that government can't do—the more I stay in government the more I am conscious of it." But in dealing with nations receiving aid, Bowles said, the United States must recognize that "we can't play God."

Mr. MORSE. Mr. President, our Ambassador to India is a good ambassador. Chester Bowles is one of the greatest diplomats we have. I considered him to be a great Under Secretary of State when he had that position. I am a great supporter of Chester Bowles. But sometimes one can show his friendship best by disagreeing when he thinks a friend has gone wrong. Chester Bowles does great good as our Ambassador to India, but obviously blanket approval of Chester Bowles in regard to foreign aid to India cannot be justified.

Referring to his speech, the article reads:

> In India, he said, the "private sector" of development "has to be given a better chance." With a smile, he added, "There are many things that government can't do—the more I stay in government the more I am conscious of it."

To that I say, "Amen." I have been urging that we step up the tempo of using the private segment of our economy to carry out our aid program. When we start doing it, the giveaway feature of the program will be diminished and reduced.

The article continues, in reference to what Ambassador Bowles said:

> But in dealing with nations receiving aid, Bowles said, the United States must recognize that "we can't play God."

Catching, is it not? I say to Mr. Bowles that the United States had better recognize that we cannot play Santa Claus. The Santa Claus concept ought to come within the classification of the myths that the Senator from Arkansas [Mr. FULBRIGHT] discussed the other day.

To my good friend, Mr. Bowles, I say that the recommendations he has been making for some of the aid—not all of it, but some of the aid—to India is a Santa Claus recommendation.

It is interesting that in the Bowles speech of yesterday he did not even mention several problems with respect to India. He did not mention that the Indians now want a great increase in military aid. The administration plans to go along, if Congress will approve. But this is one vote the administration does not have.

Mr. President, why should I sit in the Senate of the United States and vote for an increase in aid to India?

Mr. Bowles, do you not know they want that aid, not to fight Russia or Red China, but to fight Pakistan? I say to Mr. Bowles that I see no reason why we should build up the military program of India, to put India in a position where she might try to settle her differences with Pakistan through the jungle law of force by way of war, rather than by applying the peaceful procedures of international law and the rule of law and reason in regard to Kashmir.

Basic in the whole problem of military aid to India, Kashmir looms on the horizon. Our Ambassador had better face that fact. If our Ambassador wants to know why there have been some difficulties with certain Senators—and I have already sent him a letter with respect thereto—in regard to military aid to India, it is because of the unsettled Kashmir issue.

I am against military aid to Pakistan because I have no intention of building up the Pakistanian forces for a war against India. We shall have quite a debate about it as the foreign aid bill reaches the floor of the Senate some months from now.

I wish that our Ambassador, in his speech yesterday at the Press Club, had talked a little about why India wants military aid.

I ask my good Ambassador, "Does anyone believe that if a war breaks out with Russia the military aid we are being asked to give to India will amount to a tinker's worth?" We all know that if such a war breaks out, we shall be in it. We know that it will be a nuclear war, and it will be over quickly. There will not be much left of the participants, but it will be over.

It is not military aid that India needs, but she does need to have us do a better job. That is why I wish to bring in the private segment of the economy, to prepare the seed beds of economic freedom in India so that the economic plight and the standard of living of her people can be raised.

That is the approach we should be making to the problem of foreign aid. Some grant money should be given in India in regard to certain items such as control of malaria, typhus, and cholera; and some help, on a grant basis, should be given in connection with food. We can help to strengthen India, not by a Santa Claus program, but by developing project after project which will strengthen the economy of India for the benefit of the mass of its people.

I wish to make one further point. I can well understand why the Ambassador would not discuss it, but we in the Senate do not have to be diplomats. Let us face it, India has a most serious religious problem, centuries old—older than the United States—which cannot be settled by sending them billions of dollars in aid. Religious strife in India is holding back her progress. I believe the American taxpayers have a right to better protection than they are getting by being asked to play Santa Claus to India, and pouring hundreds of millions of dollars into the country without raising her horizons and her sights to the recognition that certainly in this era, she should proceed internally to solve a civil rights problem of her own. The civil rights problem in India takes the form of religious discrimination against the untouchables. Bad as ours is, theirs is worse.

When I was in India a few years ago, I had lunch with the editors of the two most powerful newspapers there. They thought they were going to give me a bad time about civil rights. There was not much that I could do to defend our failure in the field of civil rights to deliver the Constitution of the United States to the Negroes of America, but I did not intend to sit there and take it from those two editors when I realized that they had a civil rights problem in their own country which made our own problem pale into insignificance.

They went after me in regard to lack of integration in our schools. Of course, I believe it is shocking not to have integrated schools in the United States. But I said, "How do you handle the children of the untouchables?"

One said, "They do not go to school."

What an answer. They do not go to school. They do not seek to offer them any educational opportunity.

Goodnaturedly and respectfully, because I was a guest in their country, I tried to point out that they were not in a very good position to be talking about the race problem in the United States.

I said to my Ambassador, "Face up to it. Our taxpayers have a right to ask us to what use this Santa Claus money will be put that you want to give by way of an increased program of aid to India."

I believe that if we are to protect the legitimate interests of our taxpayers, we must take a long hard look at aid to India.

Mine is one vote to substantially reduce it.

Here is one vote for no military aid whatever to India.

Here is one vote for a reduction in economic aid to India, and insistence that that aid be on a loan basis and on the basis of cost of the use of the money—with an interest rate—on the basis of the projects that will bring economic benefit to the people of India who will be living within the economic shadows of each project.

That is my reply to my good friend Chester Bowles, the Ambassador to India, in connection with the speech that he made to the Press Club yesterday which, judging from the press reports, and judging from what a couple of newsmen told me yesterday, is in line with what he has been writing to some Senators about in his letters, that we should be "upping the ante."

I say: "Mr. Ambassador, you did not sell your bill of goods to me."

Mr. LONG of Louisiana. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. I believe the Senator from Oregon knows that in India certain animals are regarded as being sacred, so instead of those animals being an economic asset to them, they have become a burden on India's economic problem, because someone has to constantly feed and maintain them, and they cannot be used as meat.

Mr. MORSE. I was over there and learned that their monkey population, in some sections of India, destroyed their banana crop, because monkeys are sacred.

Of course, India can hold all the religious beliefs that they wish, because I believe in religious freedom; but I also believe that I have a duty to the American taxpayer to see to it that the American taxpayer's aid money is invested in such a way as to justify the expenditure. That is the point I wish to make.

RESTRICTION OF IMPORTS OF BEEF, VEAL, LAMB, AND MUTTON INTO THE UNITED STATES

Mr. MORSE. Mr. President, I ask unanimous consent that a statement which I have prepared for delivery on amendment No. 465 to H.R. 1839, to restrict imports of beef, veal, lamb, and mutton into the United States, may be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WAYNE MORSE BEFORE SENATE FINANCE COMMITTEE ON AMENDMENT NO. 465 TO H.R. 1839 TO RESTRICT IMPORTS OF BEEF, VEAL, LAMB, AND MUTTON INTO THE UNITED STATES, APRIL 2, 1964

Mr. Chairman and members of the committee, the opportunity to appear before you to testify in support of amendment No. 465 to H.R. 1839 is greatly appreciated.

Senator MANSFIELD's amendment No. 465 to H.R. 1839 is excellent so far as it goes, but in my opinion it does not go sufficiently far to meet the needs of the cattle and sheep raisers of this country. I am a cosponsor of Senator HRUSKA's amendment No. 467 and I urge the adoption of his amendment because I feel that it will do what has long been needed; namely, make provisions for fair treatment of our American stock raisers by rolling back imports to reasonable and acceptable levels.

In the past I have said, and I repeat today, that I am deeply concerned over the action taken by the Department of State in the area of meat imports. If the State Department had set out deliberately to sell American agriculture down the river in its international conferences on trade and in its international agreements, it could not have done a more effective job. The State Department would deny, of course, that it intends to harm our American agriculture, but many of its actions have been of little help, and in some cases have been downright harmful, in my judgment.

Based upon the past performance of the State Department, I have no great confidence in the ability of the Department to bargain as effectively as I would like in its international trade negotiations on agricultural commodities. The Department, in the opinion of many Oregon pear and apple people, has sold out the fruit growers of the United States. Our Oregon fruit growers would be happy to supply convincing evidence to you on this point. The Department, according to our cattlemen, is now engaged in selling out the beef and other segments of the meat industries of the United States, and it has been doing this for a number of years.

It is regrettable, of course, that it has become necessary to legislate in this area, but I feel I must do something to assist the agriculture of my State. I will not stand silently by while our American cattlemen and fruit growers are subjected to unfair and discriminatory practices, either through the action of our own officials or foreign governments.

Mr. Chairman, two leading officials of the Oregon Cattlemen's Association have been very helpful to me in supplying information concerning the serious economic situation confronting our cattlemen. I refer to Mr. Walter B. Schrock, of Bend, Oreg., president of the Oregon Cattlemen's Association and Mr. George W. Johnson, of Prineville, Oreg., executive secretary of the association. In fact, Mr. Johnson was scheduled to appear before this committee to plead the case of the Oregon cattle raisers. Because of the legislative situation in the Senate, we agreed that I should present the facts that would have been made available to the committee by Messrs. Schrock and Johnson had Mr. Johnson testified before you in person. The facts to which I allude are these:

According to a survey made by Dr. Burton Wood, an expert agricultural economist of Oregon State University, the average price of cattle in Oregon, because of imports, has decreased, per hundred pounds, as follows:

1957	$1.28
1958	3.92
1959	2.49
1960	2.58
1961	2.58
1962	3.39

Mr. Chairman, I am sure you will find these facts to be as disturbing as I did. They reflect an economic squeeze that is resulting in great harm to an important American industry—one which, if permitted to continue, will bankrupt many western cattle raisers. These prices tell, in graphic fashion, the unfortunate plight in which the Oregon cattleman now finds himself.

In order to correct this situation, I urge the committee to support amendment No. 467, which, according to its author, Senator HRUSKA, should result in a rollback from the Australian-New Zealand agreements amounting to 510 million pounds per year. The amount of the rollback under amendment No. 465 would amount to considerably less—250 million pounds per year.

It seems to me that the plight of the domestic livestock producer is such that much more effective action is called for than is provided by amendment No. 465. Therefore, I urge the committee to adopt amendment No. 467.

Mr. MORSE. Mr. President, there is a new argument as to why we should not support beef legislation. It is a fantastic argument. Listen to it: The politicians in Europe, Latin America, Canada, Great Britain, and elsewhere will be in deep trouble if we impose restrictions on the imports of beef. They might be politically liquidated.

I say to the spokesmen of the administration, "You are using the most fantastic of arguments. I am more interested in protecting the farmers of America from being economically liquidated than I am in protecting the politicians of Europe and elsewhere from being politically liquidated."

But I also wish to say to those same political spokesmen in this country, "You had better watch out or you will be the ones to be politically liquidated."

Mr. President, the farmers have had their belly full on this too. They think it is about time that we proceed to give the necessary protection to the farmers of America from what really adds up to some kind of international trade. I do not intend to trade our farmers for European politicians.

EXPORT-IMPORT BANK LOAN TO THE DOMINICAN REPUBLIC

Mr. MORSE. Mr. President, I turn to another matter, briefly. Many questions have arisen today that call for comment from dissident voices. So many things have occurred that I wish to turn to the next one. The Washington Post, although it never likes to report anything I say, gave me almost all the material for my speech today on this third item.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. This was given to me by that mouthpiece of reactionaryism in this part of the country. I quote from it. First I yield to the Senator from Minnesota.

Mr. HUMPHREY. I ask the Senator if he would mind describing the journal that he has in his hand. He has already done so.

Mr. MORSE. I gave the Senate a polite description. If the Senator from Minnesota will come into the cloakroom with me, I will tell him what the paper really is. Here is another item. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEWS FROM ABROAD: EXIMBANK LENDS DOMINICANS $4 MILLION

The U.S. Export-Import Bank has granted a $4 million loan to the Dominican Republic, the first since relations were suspended last year, for purchase of U.S. roadbuilding machinery, it was learned yesterday.

U.S. Ambassador William Tapley Bennet signed the contract in the Dominican capital of Santo Domingo Wednesday. He had presented his credentials March 23, as the first ambassador there since relations were suspended September 25, 1963, following a military coup. Relations were resumed in December.

The 10-year loan is nearly at commercial rates, according to a State Department official and should not be considered as aid. He said resumption of aid grants and loans to the Dominican Republic would await another policy decision.

EUROPE

FRANCE.—A suspected bank robber was shot and killed by Paris police yesterday when he resisted arrest. Detectives said the man, Alain Mouzon, 25, carried papers which indicated he took part in a bomb attack on the Belgian Embassy in Paris Tuesday.

AUSTRIA.—Conservative Party Leader Josepf Klaus was sworn in as chancellor yesterday, ending a 6-week cabinet crisis over the return of Otto von Hapsburg, former pretender to the throne, who has been in exile for 40 years. The 53-year-old lawyer heads a Conservative and Socialist coalition that has ruled Austria since World War II. The Socialists precipitated the crisis by opposing Hapsburg's return and former Premier Alfons Gorbach, 65, resigned. Hapsburg has agreed not to return until after the 1966 general election.

HUNGARY.—The Foreign Ministry yesterday denied reports that several hundred people had been arrested on charges of anti-state activities. Ivan Foti, deputy head of the Ministry press department, said in Budapest that the reports were "completely unfounded." But he confirmed that a former Stalin Prize winner, Sandor Nagy, had been arrested on charges of anti-state activities.

BELGIUM.—Hundreds of miners and factory workers in Belgium's southern industrial area staged protest demonstrations yesterday against the nationwide doctor's strike which began Wednesday. Meanwhile, in Brussels, the Government ordered a military hospital opened to civilians and planned to draft physicians in the reserves. Almost all of the country's 10,000 doctors are striking against changes in the state-controlled health insurance system which they claim will cut their fees.

COLD WAR

SWITZERLAND.—Soviet bloc countries launched an offensive for more East-West trade at the 122-nation World Development Conference in Geneva yesterday and called for an end to the "spirit of the embargo." Rumania and Hungary, urging abolition of discriminations and an end to cold war attitudes in trade, spotlighted the growing anxiety of the Soviet bloc to break the Western embargo on trade with Communist nations and gain access to Western industrial supplies.

CZECHOSLOVAKIA.—Communist Czechoslovakia reportedly has stopped jamming Czech language broadcasts of the Voice of America, apparently as the result of talks between United States and Czech diplomats on ways of improving relations, according to diplomatic sources in Belgrade, Yugoslavia. They added that Bulgaria and East Germany are now the only satellite countries that jam almost all Western broadcasts.

Mr. MORSE. Mr. President, whose money is that? Whose money is it? It is the money of the American taxpayers. To whom is the bank lending it? It is lending it to a military dictatorship, a military junta.

One of the few mistakes the Johnson administration made was to recognize this military dictatorship.

We were told—and I did not "buy" it at the time—that the State Department wanted to recognize the Dominican Republic because it had to be done in the name of stability.

We had the right to ask for certain conditions before the fact of stability accomplishment, before we recognized a dictatorship. The Dominican Republic today is a dictatorship. Does any Senator wish to deny it? There are a few civilian stooges who are supposed to be running a governmental council, but behind them are the uniforms of the military. They had better stay in line, or the military will move them out of position.

The bank is lending them $4 million. There is no assurance of elections, and no assurance of the restoration of a system of constitutionalism in the Dominican Republic. Let us not forget that a great many American business interests are involved. They were involved in the overthrow, head over heels, in the first place.

I regret that the Export-Import Bank has loaned this Dominican dictatorship so much as a dime prior to the restoration of constitutional government and the holding of elections and keeping faith again with one of the professed ideals of the United States; namely, that we seek to promote systems of self-government in the Western Hemisphere.

I wish the Board of Governors of the Export-Import Bank to know that, so far as I am concerned, they have performed a disservice to this country by making this loan.

OREGON SENDS BUILDING MATERIALS TO STRICKEN ALASKA

Mr. MORSE. Mr. President, the disastrous earthquake in Alaska has stirred the hearts and generosity of businessmen and citizens throughout Oregon. Almost overnight, a tremendous response resulted from a plea for donations of lumber and building materials for Alaska which was spearheaded by Mr. Gerry Pratt, business editor of the Portland Oregonian.

The generosity of those who donated these materials is most moving; it makes one justifiably proud of the State of Oregon and her people.

The Portland Commission of Public Docks has provided the pier space for the many freight carloads of these materials preparatory to their being placed on a ship bound for Alaska.

The longshoremen of Oregon will generously donate their time and skills to the loading of these materials on the vessel.

For a time, the matter of providing ship transportation presented a problem, but I am happy to say that through the fine cooperative efforts of Assistant Secretary of the Navy Kenneth BeLieu and his staff, and Gen. E. W. Sawyer of the Office of the Chief of Transportation and his staff, appropriate transportation will be provided to move this cargo in the manner prescribed by the Office of Emergency Planning and the American Red Cross.

The entire operation is being coordinated by Mr. Robert C. Edson, Director of Disaster Services of the American Red Cross.

Pacific Terminal Command, U.S. Army, at San Francisco and Portland, is coordinating the local shipping arrangements under the direction of the Pacific Terminal Commander, Gen. Raymond Conroy.

Mr. President, I ask unanimous consent that Gerry Pratt's article of April 1, on this impressive humanitarian activity undertaken by the people of my State to assist in the recovery of Alaska, be inserted in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Portland Oregonian, Apr. 1, 1964]

SHARING THE DOLLARS: BOAT TO CARRY AID TO ALASKA

(By Gerry Pratt)

You are an American in Alaska and your business is down around your knees; your house is in the mud; there are no payrolls, no goods to sell and the bureaucrats are shaking their heads over how bad things really are for you.

Then from Oergon and from parts of Washington there comes a barge, a shipload of building materials, a gift to the State of Alaska in care of Gov. William Egan; 2, maybe 3 million feet of lumber and plywood, cement, aluminum window frames; the material, what Churchill once called "the tools" for the job of rebuilding Alaska.

No single shipload is going to repair the damage of an earthquake, but that one shipload, a reminder that people in this part of America are concerned about the people in that part of America, is going to be sent. It began this week.

Jack Brandis was the beginning. He called at 3 p.m. Monday: "What are we doing for those people in Alaska? They need help. How about me starting it off with 50,000 feet of half-inch exterior plywood from Coquille Valley?"

Within 2 hours, before things closed down Monday, that gift had grown, Brandis himself calling again to pledge an additional 50,000 feet of plywood from Leading Plywood. "And I don't know what studs we have at Albany, but you can have those too."

CARLOADS DONATED

Georgia-Pacific's President Robert Pamplin responded Tuesday morning with: "We will give a carload, 90,000 feet of ⅜-sanded plywood and a carload, 64,000 feet of exterior sheathing plywood."

William Swindells, president of Willamette Valley Lumber Co., responded with: "Count us in. We will put in 30,000 feet of utility grade dimension lumber."

Dan Mercer, Mercer Steel asked: "How about window frames?" And pledged his company to a shipment of those to help make up the boatload.

Frank McCaslin, president of Oregon Portland Cement, who has been putting things together for other people most of his life, was next: "Oregon Portland will put in a carload of cement."

By midday Tuesday, Bob Smith, publisher of Crow's Lumber Digest, was on the phone to his contacts and had Cal Knudsen and Emory Moore, of Evans Products, pledged to a shipment of building products, and Ken Ford, of Roseburg Lumber Co. Roseburg, also on the list of pledged donors; both firms exploring what they have on hand for rapid shipment.

West Coast Lumbermen's Association's leader, G. Cleavland Edgett, assigned some of his staff to the project and now west coast's public relations staff and traffic departments have been pledged to help bring the shipment together.

In Portland, Robert Rickett, chairman of the Commission of Public Docks, said Tuesday night he would recommend the commission make available a staging area immediately to muster the materials for shipment.

In Vancouver, Wash., Dave Difford, Vancouver Plywood, has agreed to join in the shipment and at closeup Tuesday was polling his organization's policymakers for exactly what they can ship.

Ralph Voss, of First National Bank of Oregon, loaned staff for the detail and organization of putting the project together.

TWO HUSTLERS BUSY

The remaining problem, as the shipload began to take shape, was the ship itself and this was getting the attention of two great hustlers, Senator WAYNE MORSE in Washington, D.C., and Glenn Jackson at Pacific Power & Light Co. MORSE, working through political channels, is seeking a Government ship; Jackson working with his old military cronies, is trying for a Navy ship to handle the goods.

It was Brandis who suggested how the shipment should go: "A direct gift, no strings attached, to Alaska, the State of Alaska, care of Governor Egan," he suggested.

"If they want to sell the goods for a nominal sum and put the cash into the State treasury, OK. If they want to give it away where it is needed, that is OK too. All we want is to get something up there."

There was no challenge to that.

All of Monday-Tuesday campaign for this shipload was without tears, without halos. No one was thumping his chest remembering what he had done for other causes. No one was selling the idea.

It all happened quietly and quickly. Alaska is hurt and there was a response here to the suffering; business and industry and people remembered without a sales pitch that this is America, even that part of us to the north is America, and as Americans we suffer and we stand as one.

This was a beginning.

Mr. MORSE. Mr. President, I commend and thank Gerry Pratt for his humanitarian act, leadership and citizen statesmanship with regard to this matter. This journalist was exceedingly active in putting into effect this great project, which gave the people of Oregon an opportunity to open their hearts and show their generosity to their suffering fellow citizens in Alaska.

I also wish to commend Mr. Glen Jackson, chairman of the Oregon State Highway Commission, a prominent businessman of our State, one of the leading philanthropists of our State, and a great public leader in our State, for the assistance he has rendered in regard to this matter.

I have been in communication with him frequently in the past 2 days in assisting him in getting ships assigned so that this great donation of needed emergency material for our suffering fellow citizens in Alaska can be accepted and transported.

I thank all those people, but I wish particularly to thank the wonderful public servants in various departments of government, whose names I have mentioned. There are others, too. I thank them for helping to cut the redtape, so to speak, in order to get rid of unnecessary delays. Certainly this kind of problem could have gone on for days without being resolved. It was a wonderful demonstration of what we really are.

If we are given a problem such as this, we can always be counted upon. We should not be surprised that that is true. It is because of the moral training the American people have from the time of birth through adulthood. I do not hesitate to say that I am deeply moved by it. It is an act that renews one's faith in the goodness of people. I am proud that so many people in my State made these contributions and have thus demonstrated again that we Americans are just that way.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HUMPHREY. I commend the Senator for what he has said, and to commend the people of his State for their initiative, for their charity, for their kindness, and for their thoughtfulness to the people of Alaska, who have suffered this terrible tragedy.

I am sure the Senator is interested in knowing that yesterday at Seattle, Wash., a meeting was held which was attended by the Senator from Alaska [Mr. BARTLETT], the two Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], and Representatives, as I recall, from the State of Oregon and also from the State of Washington. These two States have close relationships with the State of Alaska.

I was privileged to attend very briefly some of these discussions. I was amazed, first, by the unbelievable dimensions of the destruction in Alaska, and then to see, as the Senator from Oregon has pointed out, how the people there are moving mountains, so to speak, to get on with the work of rehabilitation.

I have heard two commentators from one of our great networks. These two gentlemen were with NBC. They had been in Alaska since the day of the earthquake, and they described the destruction as they witnessed it. They had gone many miles through Alaska, flying over the area in a helicopter, going to Kodiak, Seward, Anchorage, and other areas. As has been indicated here, the scope of this destruction is beyond anything that this Nation has ever experienced.

I am hopeful that whatever legislation comes before us, we will expedite it in the Senate. I would hope that it would be passed without even taking a half hour of our time, frankly, in terms at least of the emergency request that the President has made.

I commend the President for having selected the senior Senator from New Mexico [Mr. ANDERSON] as the head of the Relief Commission. The Senator from New Mexico has as wide a knowledge of this subject as anyone else. He is fully acquainted with important operations of relief and rehabilitation.

I am sure that Senator ANDERSON's leadership will bode well for a program of reconstruction and rehabilitation.

I remind Senators that when a similar disaster took place in Chile, Congress did not hesitate to appropriate well over $100 million to help the people of Chile—and rightly so. I do not mention this because I was opposed to it. I enthusiastically supported it, as did the Senator from Oregon. But let us be equally generous, as I am sure we will be, with the people of Alaska.

The story of the Alaskan people and their spirit as related to me was inspiring. The Alaskan people are determined to reestablish their businesses and their homes despite the fact that whole areas have been literally wiped out.

We must keep in mind that it is not always easy in that part of the world to build up an enterprise, to construct a home, to gain economic progress and success.

The people of Alaska have made amazing progress. Vast areas have been ruined. The fishing industry has been particularly ruined.

I commend the Senator from Oregon not only for representing the people in his area, but for his desire to help all other people.

I call upon every State to do exactly the same thing. If we could get this kind of voluntary outpouring of help and the cutting through of redtape on the part of the Government, it would not be long before we would be able to say that the job of rehabilitation in the 49th State of our great Union was underway.

I thank the Senator for yielding to me.

Mr. MORSE. I thank the Senator from Minnesota. I join him in the deserved tribute which he has paid to Senator Clinton Anderson of New Mexico. I also wish to join the Senator from Minnesota in the commendation he paid the President for appointing Senator Anderson as the head of the emergency aid program for Alaska.

Clinton Anderson is one of the great humanitarians of our country. Because of the great understanding heart which Senator Anderson possesses, I do not think the President could have selected a better man.

PERSONAL STATEMENT BY SENATOR MORSE—COMMENDATIONS TO SENATORS

Mr. MORSE. Mr. President, I close with one brief item of personal privilege. I would like to have the attention of my majority leader and the majority whip, and the Senator from Vermont [Mr. Aiken]. I think I owe it to myself. I think I owe it to the people of my State. I think I owe it to my friends to say—and I think I have a right to say—that I made it clear at the White House today that I was the only one around the table who had been branded a traitor by that tyrant from South Vietnam. I shall be forever grateful to the majority leader for the statement which he made today.

I think it is proper for me to say that the President made it very clear today that no one around that table considered the Senator from Oregon a traitor. He made it clear that they all knew to the contrary.

I wish that to be a matter of record. I appreciated it very much. If that is violating a confidence, I am guilty. But the people of my State are entitled to know that this kind of libel from the tinhorn tyrant in South Vietnam is not accepted by people in high positions, including the President of the United States himself.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I am glad to yield.

Mr. HUMPHREY. The Senator from Oregon is a great lawyer. He knows that on an occasion like this it is always good to have a witness. The Senator from Minnesota rises to be a witness to the comments that have just been made by the Senator from Oregon.

It is perfectly true that the Senator from Oregon made it crystal clear that he did not agree with the policy as expressed by Cabinet members on the situation in South Vietnam. I gather the Senator from Oregon has some feeling that some Senators disagree with those policies. The Senator made it very clear that he was not ready to accept the kind of description that had been given of him by the general in Vietnam. The President of the United States then made it crystal clear that no one in that room—and there were many of the leaders of the Government in that room—including the President—ever thought of the Senator from Oregon in any other terms except as a great patriot, rather than the description that was given of him by someone in a faraway place.

I join the President of the United States—if it means anything—in what he said of the Senator from Oregon.

Mr. MORSE. Mean anything to me? The Senator's views are good views and are always cherished. I thank the Senator from Minnesota very much.

Mr. HART. Mr. President, I had hoped I might have the opportunity, while the senior Senator from Oregon was in the Chamber, to add a footnote to the discussion as to who was a traitor, who was a tinhorn, and who was present in that Cabinet room.

On the last point, I was not present. I merely wish to tell the Senator from Oregon that anyone who doubts the patriotism of the Senator from Oregon should, as I have done today, reread the speech which he made to the Senate last night on title III of the Civil Rights Act.

It is sometimes easier to fight leaders of foreign governments at great distances than to talk sense to the people of one's own constituents.

Yesterday the Senator from Oregon talked tough to a man who is thousands of miles away, and he talked sense to his constituents. In my book, that is as a good thumbnail description of a patriot as I know of.

Mr. MORSE. I thank the Senator from Michigan very much. I thank the Senator from Illinois for his speech, which I have read, but only a part of which I was able to hear. The Senator from Illinois [Mr. Douglas] gave a great speech today on school desegregation.

It was a great contribution to this historic debate on the civil rights bill.

I commend him and praise him highly.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HART. I wish to join in the statement made by the Senator from Oregon [Mr. Morse] in regard to the really magnificent speech made today to us and to the people of the United States by the Senator from Illinois [Mr. Douglas]. His speech, together with the one made a few minutes ago by the Senator from Kentucky [Mr. Cooper] on the same title of the bill—title IV—I think established overwhelmingly the prudence, the justification, and the necessity for the enactment of this title and, of course, for the enactment of the bill.

It is unfortunate that, because of the nature of our institution, speeches such as those cannot be made at times when all Senators are able to be present. However, those speeches have the quality—not common among speeches—of having life and fire, even when they appear on the rather drab printed pages of the Congressional Record. I hope many Americans will see to it that they obtain copies of today's Congressional Record and will proceed to read those speeches.

Interestingly enough, Mr. President, when, yesterday, members of the Michigan press corps—who each week, when the Senate's schedule permits, visit me on Thursday, and ask how my mail on civil rights is running; it is a rather recurring question, and has been a strong contender with questions about the weather, in our conferences during the last year or so—again asked about my mail on the civil rights issue, the answer was that in last week's mail I received, from persons within the State of Michigan, 139 letters endorsing the civil rights bill, which now is the pending business of the Senate, and 168 opposing it and making rather clear their opinion of me and of anyone else who would think it made sense to support the bill.

From outside the State of Michigan, I received 211 letters on the civil rights bill, during the 6 days of last week's sessions. Only 6 of the 211 were in support of the bill.

In addition, nine petitions were received last week by me from people in Michigan. Those nine petitions included a large number of signatures—a number as yet uncounted—of persons who oppose the bill.

Late yesterday afternoon, I was called from the floor of the Senate to meet a very attractive young lady, the daughter of Dr. and Mrs. Graves, of Grosse Pointe Park, Mich. She had come here to deliver to me a petition. It is written in pencil, and is very brief. I wish to read it, as follows:

> A petition, that we, the students of John D. Pierce Junior High School, do hereby authorize and urge the passage of the civil rights bill. We believe this is a needed legislation and should be passed immediately.

The petition is signed in pencil, in red ink, in blue ink, and in black ink, by 88 boys and girls of the seventh grade and the eighth grade of the Pierce Junior High School.

For the information of Senators who may not be familiar with Michigan, I point out that that junior high school is in the suburb of Detroit known as Grosse Pointe Park. The significance of a petition such as this one from that area needs no emphasis to anyone who knows the geography and the traditions of Michigan.

I think the inclusion of this petition at this point in the Congressional Record will not be persuasive in connection with the judgment of any Senator; but I feel so strongly and so deeply about the petition, and I have such great confidence in the response in this fashion by these young people, that I wish very much to obtain unanimous consent of the Senate to have the petition printed in full, together with each of the signatures, in the Congressional Record. I propose thereafter, to have this page of the Record sent to each of these young men and young women, because they are acting in a mature fashion. In this way, they will be able to ascertain that Chris Graves did go to Washington and did get this petition into the hands of her junior Senator.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

> A petition, that we, the students of John D. Pierce Junior High School, do hereby authorize and urge the passage of the civil rights bill. We believe this is a needed legislation and should be passed immediately.
>
> Chris Graves, Sue Beyer, Diana Sieger, Sally Smith, Linda Prins, Mrs. Barbara Richard, Mary Volkers, Theodora Kanney, Sally Lewis, Judith Buckley, Rita Formiller, John Blaink, Pat Defever, John Zimm, Sharon Anter, Ted Kalkham, Brian Rutledge, Janey Davis, Lynn Taber.
>
> Debbie Terry, Suzanne Gajewski, Christy Friedl, Jill McKay, Mollie Maynard, Anne Armbruster, Pat Wood, Diane McCallum, Anne Torrance, Sally L. Chase, Sandra Markov, Janet Gardner, Ann Worthman, Suzanne Ackerson, Barbara Copty, Susan Vance, Bonnie Brey, Barbara Done, Denise Caldwell.
>
> Gomer Relmond, Jr., Cheri Scott, Pat Deeds, Dorothy Momenloff, Nancy Young, Georgene Shoemaker, Cleo Valauri, Pinky Bodeau, Barb Raumer, Ann Wilcoxon, Claire Wilcoxon, Cathy Naughton, Adele G'Lovanazzi, Mariana von Gruenigen, Francisca Vinci, Marcia Hoffman, Sandy Hough, Chris Hellinger, Cathy Ralph, Theresa Socia, Susan Auble, John Harmann, Steve Marston, Zachary Stoumbos, Craig Mellinger.
>
> Whitney Huber, Anne Champion, Lewis Stockard, Jan Eugenides, Steve Spitzley, Tom Alder, Harry Cardaris, Debbie Marshall, Chris Baker, Cheryl Berleal, Kris Adams, Lynn Caddington, Jane Welch, Betty Bell Belanger, Bunny Bertrand, Gary George, Carolyn Westhoff, Bob Gelmartin, Limp Kel, Mike Cozad, Gerry DeFresne, Gregory Vadner, Alan Russell, Topher Ware, Miss Wauerna Johnson.

Mr. HUMPHREY. Mr. President, I commend the two Senators who spoke yesterday on title III of the bill—the Senator from Oregon [Mr. MORSE] and the Senator from New York [Mr. JAVITS]. I have been privileged to read the CONGRESSIONAL RECORD for yesterday, and I had a copy of the speech by the Senator from New York [Mr. JAVITS]. I thought that both of those speeches were outstanding ones and were extraordinarily well documented by citations of case law, as well as by irrefutable logic. I compliment both Senators, and I thank them for their cooperation. Today, I was privileged to hear part of the remarks of the Senator from Illinois [Mr. DOUGLAS] on title IV. I was also privileged to hear part of the remarks of the Senator from Kentucky [Mr. COOPER]. Again, these two addresses to the Senate demonstrate scholarly attainment and thorough research, and presented a case which is most persuasive and sound. I hope every Senator will read those speeches, particularly as they relate to titles III and IV, because those title go to the very heart of some of the basic civil-rights problems in our Nation.

I am sorry it was not possible for all Senators to be present throughout the session today. However, as the Senator from Oregon has indicated, earlier in the day some of us were called to the White House; and we were there for a little more than 2 hours. As a result, it was not possible for us to be in the Senate Chamber during that period of time.

Mr. President, I thank the Senator from Mississippi [Mr. STENNIS] for his cooperation during that period. I thank him in particular because at that time when a number of Senators were at the White House, at the request of the President of the United States, if the Senator from Mississippi had then called for a quorum, it would have been necessary for us to return here promptly. However, he was gracious enough and considerate enough not to do so. The majority leader had explained the situation to him; and the Senator from Mississippi readily complied with the request by the majority leader. I express our thanks for that consideration.

Tomorrow, Mr. President, the Senator from Connecticut [Mr. DODD] will address himself to titles VIII, IX, X, and XI. Two of these titles are of a very technical nature. One provides for the community relations service, which I believe is a very important feature of the bill. Another of those titles provides for a civil rights survey, so to speak, or census of the Negro population, in connection with voting rights and other matters which affect the exercise of the franchise.

On Monday, the Senator from Pennsylvania [Mr. SCOTT] will discuss not only the Civil Rights Commission and its proposed extension—title V of the bill—but he will also discuss, as a member of the Judiciary Committee, titles VIII, IX, X, and XI. In the course of that discussion, his remarks will be supported by those of the Senator from Missouri [Mr. LONG], who also is a member of the Judiciary Committee.

I make these announcements now because it seems to me that Senators who are interested particularly in those titles might wish to know what our plans are. Of course, the opposition will have its speakers. I feel thus far we have had a splendid exchange with not only questions being posed to those who are proponents of the bill, but also statements being made by those who are the opponents; and those who are the opponents have been giving those of us who are the supporters of the bill every opportunity to question them.

ANNOUNCEMENT OF SESSION TOMORROW

Mr. HUMPHREY. Mr. President, tomorrow there will be a session of the Senate. I wish the call to go out from this Chamber, as it has today by telegram signed by the majority leader, by telephone calls from the majority whip, and by every conceivable means that I can think of, to alert Senators to the fact that the Senate will be here to do business tomorrow.

Tomorrow is Saturday. It is a work day in the Senate. Therefore I urge Senators to adjust their schedules so that they can be here, because there will be a live quorum.

The Senate has been put on notice that such a quorum will be called immediately after we act upon the Journal. There will be no morning hour. There will be no committee meetings. We will proceed immediately to consider the proposed civil rights legislation.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. WILLIAMS of Delaware. I understood that there would be two quorum calls.

Mr. HUMPHREY. There could very well be. There may be even more.

Mr. President, I have made that announcement in an effort to indicate the seriousness of the business that is before the Senate. I wish it crystal clear that every consideration has been given, so that Senators who do have obligations in other parts of the country can fulfill those obligations. There is no effort being made to see that every Senator is present all the time, because that is beyond what we could expect in light of demands upon some Senators who have official business. But we need 51 Senators present tomorrow. The Senator from Minnesota will be here to see to it that that pledge, or at least that hope, is fulfilled.

THE SHAME OF THE DEPARTMENT OF AGRICULTURE

Mr. HRUSKA. Mr. President, the country remembers with no pride the all-out propaganda efforts of the Department of Agriculture last year on behalf of its compulsory program in the wheat referendum. The Department shamelessly used its farflung—and tax-supported—organization reaching into every county in rural America to lobby in favor of the Freeman scheme.

We all recall the memorandum of April 12, 1963, from Mr. Ray Fitzgerald, the deputy administrator for State and county operations of the Agricultural Stabilization and Conservation Service urging State executive directors and State committeemen of the ASC to use "public service time on radio and television for wheat program information."

It was not the Department of Agriculture's finest hour. It was a tawdry and inexcusable use of the taxpayer's funds to promote a political scheme. The wheatgrowers of America recognized this unsavory campaign for what it was and voted down the Freeman proposal in the referendum on May 21.

Mr. President, the overwhelming majority of State and county ASC committeemen are honorable, hard-working farmers, giving of their time and effort to work with their neighbors in the administration of a complicated and difficult program.

But their bosses in Washington have sought to corrupt their function by employing them for partisan political purposes. Secretary Freeman and his staff were roundly criticized last year for this flagrant misuse of the Department's personnel and facilities.

But apparently, Mr. President, the criticism had little effect. Now, the Department is circulating similar propaganda, this time in a clumsy effort to cover up its mishandling of the meat import situation which threatens ruin for thousands of cattlemen.

This insidious use of public funds also amounts to an attempt to muffle the cries of the Nation's farmers and cattlemen for enactment of the pending legislation which would in large part prevent this flood of imported beef from wreaking further havoc with cattle prices. Both this propagandizing and this attempt to influence pending legislation, flies in the face of the spirit, if not the letter, of Public Law 250, the Agricultural Appropriations Act of 1964. This law clearly prohibits the use of ASC funds for either of these purposes. That the overburdened taxpayer's money is again being used in this unprincipled manner cannot be denied.

I have a memorandum from the State office of the ASC in Lincoln, Nebr., addressed to the county committee. Its purpose—it states—is to "pass along to ASCS people statements of fact concerning the beef cattle situation." It urges that the so-called facts be included "in your next community committee newsletter and any other use that you want to make of this information."

The substance of the memorandum, Mr. President, includes a recital of the "very limited legal authority the Department of Agriculture has to protect or improve beef cattle prices." It contains no explanation of why the Secretary and the rest of the administration, including the President, have fought so vigorously against legislation which would provide for such authority.

The memorandum contains figures which show that domestic herds have increased in this country at a faster rate than imports. That will not exactly be news to anyone who has paid the slightest attention to the discussions of this matter here in the Congress or read about the problem in the newspapers.

This document, Mr. President, is much more remarkable for what it does not say than what it does.

There is, for example, not one word of explanation as to why Secretary Freeman and his Department steadfastly refused to admit that imports had more than a negligible effect on the calamitous drop in the cattle market.

There is no explanation of the administration's having entered into the astonishingly harmful agreements with Australia, New Zealand and Ireland, which fail to effectively roll back imports, but actually allow for an annual compound growth rate of 3.7 percent.

There is no explanation why the United States is the only nation not having some degree of protection against meat and livestock imports while 34 of the 50 States each have more than 1 million head or more of cattle.

I could go on at great length about the true facts of the cattle crisis. They were brought out here on the floor of the Senate during several days of debate and at even greater length in the current hearings before the Senate Finance Committee.

Mr. President, every Member of the Senate, every citizen of this country, has a right to resent deeply the efforts of the Department of Agriculture to distort this issue by propagandizing, at taxpayers' expense, thousands of ASC committeemen and officials. Most of all the farmer-committeemen themselves have a right to resent it.

The only way Secretary Freeman can square his accounts is immediately to order this memorandum recalled and apologize to its recipients.

THE PRESIDENT'S WAR ON POVERTY

Mr. WILLIAMS of New Jersey. Mr. President, in presenting the Economic Opportunities Act of 1964, President Johnson made it unequivocally clear that providing every American citizen with economic opportunity is morally right and economically sound.

The economic opportunities bill recognizes that poverty is not limited to a single section of the country or to a single group of people. Poverty afflicts large cities and small rural communities, grinding its hardships into the faces of young and old alike.

Doubtless, Mr. President, some will condemn the President's poverty program as a giveaway program for the lazy and unintelligent, and a collection of old ideas warmed over.

False economists fail to realize that the elimination of poverty is not a utopian goal, but rather a practical economic necessity. The costs of poverty are staggering and a constant drain on our economy and tax dollar. Between 1960 and 1970, over $48 billion will be spent on welfare by Federal and State Governments—more than enough money to put a man on the moon.

In fact, we plan to spend about $33 billion on our moon shot. This is 32 times more money than is authorized in the President's proposal to attack poverty.

The moon shot is, of course, of great importance to America's exploration of space. But we must not let our visions of space blind us to the harsh realities of poverty here on earth.

Those critizing the poverty program because it encompasses previously formulated concepts are unintentionally proclaiming its major virtue, not its vice. Legislative experience, not legislative novelty, is the benchmark of a good program.

The work study provisions of the poverty measure are similar in concept, to a work study bill recently introduced by me—S. 2594—and cosponsored by 16 of my Senate colleagues. The work study idea grew out of our experience with the National Youth Administration and was incorporated more recently in Senator MORSE's vocational work study program enacted in the last session of Congress.

The Volunteers for America program is essentially the same as the National Service Corps measure—S. 1321—which the Senate approved in the last Congress. As chairman of the subcommittee handling the Service Corps, I know that this bill was the subject of extensive hearings and careful study and analysis.

Many of the Senate-passed migratory labor bills developed by the Subcommittee on Migratory Labor constitute a strong precedent for the community action provision of the poverty measure. The migrant education bill, S. 521, the child day-care bill S. 522, and the sanitation grant bill, S. 526, are based on a community action concept and utilize the well-established and highly successful pattern of cooperation between the State and Federal governments.

Under the Migrant Health Act of 1962—Public Law 87-692—over 35 health clinics have been established and are operating in 23 States. This on-going program provides critically needed health services to over 2 million migratory farm citizens. This success demonstrates that similar programs could be developed to assist other impoverished citizens within the framework of our free enterprise system.

In addressing ourselves to the poverty problem, we must realize that no single measure could conceivably constitute the arsenal of weapons needed to effectively combat poverty.

Medicare and other legislative proposals are needed to help alleviate the loneliness, the sickness, and the financial hardships that afflict the 8 million aging Americans having incomes of less than $1,000.

Equally important is the prompt enactment of legislation to improve the living and working conditions of our Nation's migratory farm families. Six migratory labor measures—S. 521–S. 526—have been approved by the Senate and await House action.

Minimum wage protections must be extended to the many millions of American workers in our cities and in our fields who are not paid a living wage.

Housing consistent with good health and human dignity must be made available to the millions of impoverished Americans in rural and urban areas.

The President fully recognizes the importance of these legislative measures and expressly requested that Congress take "immediate action on all these programs."

Some provisions of the poverty bill, moreover, may have to be modified if hearing testimony or further analysis reveal that a change of emphasis, or perhaps a different approach, would be more feasible or effective. The President perceptively noted the importance of flexibility in our efforts to meet the complex, elusive poverty problem:

> It will also give us the chance to test our weapons, to try our energy and ideas and imagination for the many battles yet to come. As the conditions change, and as experience illuminates our difficulties, we will be prepared to modify our strategy.

The strategy for the battle against poverty has been outlined; it is now up to us to begin the battle. If we fail in this endeavor the cruel paradox of poverty amidst plenty will continue to fester on American soil.

COMMITTEE ON ECONOMIC DEVELOPMENT JETTISONS POLICY OF IMPARTIAL RESEARCH—ISSUES A SECOND, BUT BIASED, LABOR REPORT

Mr. WILLIAMS of New Jersey. Mr. President, the Committee on Economic Development abandoned its traditional policy of sponsoring objective unbiased research when it issued a second labor policy report a few days ago. This is demontrated most dramatically in CED's conflicting policy on the mislabeled right-to-work issue. One member of CED, Allan Sproul, characterized the report a "presentation of grievances by the business community which it represents."

Since CED, an organization of prominent educators and businessmen, has conformed to rigid standards of impartial inquiry in the past, many people will no doubt conclude that the March CED labor report entitled "Union Powers and Union Functions: Toward a Better Balance," conforms to CED's tradition of objective research.

This conclusion is unwarranted in view of the circumstances surrounding CED's decision to issue the March labor report and the composition of the study group that drafted the report. It is important, therefore, to apprise the public of these facts so that they will be better able to evaluate some of the substantive proposals contained in the report.

FACTUAL BACKGROUND OF 1964 CED LABOR REPORT

Convinced in 1959 that the national labor policy "was a subject urgently in need of impartial inquiry," the trustees of CED authorized and financed such a study.

Issued in 1961, and entitled "National Labor Policy," the report was considered to be an outstanding appraisal and analysis of our national labor policy. Largely responsible for such acclaim was the study group and its staff, which consisted of prominent but impartial experts in labor-management policy:

Clark Kerr, chairman of the committee, president of the University of California.

Douglass Brown, professor of industrial management, Massachusetts Institute of Technology.

David Cole, arbitrator, President's Advisory Committee on Labor-Management Policy.

John Dunlop, chairman, Department of Economics, Harvard University.

Albert Rees, chairman, Department of Economics, University of Chicago.

Robert M. Solow, economist, Massachusetts Institute of Technology.

Philip Taft, economist and labor historian, Brown University.

George W. Taylor, professor of labor relations, Wharton School of Finance and Commerce, University of Pennsylvania.

George P. Shultz, dean, School of Business, University of Chicago.

Abraham Siegel, economist, Massachusetts Institute of Technology.

David Burke, Office of the Secretary of Commerce, President's Advisory Committee on Labor-Management Policy.

Despite the broad support for the 1961 report, some of the more vocal reactionary elements of the business community opposed some of the positions taken in the 1961 report.

After much debate and deliberation, and apparently under intense pressure, CED gave way and established another study group to report its findings and recommendations on labor policy. This second group, however, was composed entirely of prominent businessmen:

William C. Stolk, chairman, American Can Co.

John A. Barr, chairman of the board, Montgomery Ward & Co.

Roger M. Blough, chairman of the board, United States Steel Corp.

John P. Cunningham, chairman, executive committee, Cunningham & Walsh, Inc.

William C. Decker, chairman, Corning Glass Works.

Wesley M. Dixon, director, Container Corp. of America.

David L. Francis, chairman of the board, Princess Coals, Inc.

Frank L. Magee, chairman, executive committee, Aluminum Co. of America.

Thomas B. McCabe, chairman, Scott Paper Co.

S. Abbot Smith, president, Thomas Strahan Co.

Philip Sporn, chairman, system development committee, American Electric Power Co., Inc.

H. C. Turner, Jr., president, Turner Construction Co.

The composition of the second CED study group, and the circumstances that prompted the second report, clearly indicate that the study could hardly have been carried out as objectively as the 1961 labor report. Accordingly, I submit that many of the findings and recommendations are of a highly questionable nature and should not be considered the product of objective, unbiased research.

CED AND THE COMPULSORY OPEN SHOP ISSUE

Many areas of labor management relations were considered in the second report. One of the most controversial issues covered is so-called right-to-work or compulsory open shop issue. Unlike the 1961 CED labor report, which came out against State right-to-work laws, the second CED labor report fully supported such laws. My views on this issue were expressed before this body on April 26 and May 15, 1963.

Mr. President, to enable the general public to examine and evaluate the two conflicting positions on this issue, I ask unanimous consent that the pertinent sections of both CED reports be printed in the RECORD at this point.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

Right-To-Work Position of 1961 CED Labor Report

The positions taken above strongly support open unions, responsive to the will of their members. The effectiveness of open and responsive unions would be enhanced by revision of prevailing national policy that permits States to adopt restrictions, more stringent than those included in Federal law, on the freedom of unions and employers to agree on a union shop. The Federal law now provides that unions and employers may negotiate agreements requiring union membership as a condition of continued employment for the duration of the agreement. As the law now stands, however, a man can lose his job under such a union shop agreement only if his loss of union membership results from his refusal to pay or tender reasonable dues or initiation fees. This is one step away from the so-called agency shop under which a man may be required to pay a fee (usually equivalent to union dues and assessments) for the services performed by the union as exclusive bargaining representative, but need not actually join the trade union if he does not wish to do so.

Nineteen States have adopted so-called right-to-work laws which further restrict union-employer negotiations of such union security provisions. We believe that management and labor should have the right to bargain over and negotiate for a union shop. Because our national labor policy is predicated on the trade union as the exclusive representative of all the members of the bargaining unit and because we feel that the participation of all members of the bargaining unit would improve the quality of such representation, we urge the elimination of the right of States to go beyond the restrictions contained in the Federal law.

At the same time, however, we would include two additional provisos in the Federal law: first, to insure that the individual conscientious objector to union membership retains the right to hold his job and second, to delimit to some extent the range over which unions can extend their powers of exclusive representation.

The "agency shop" provision noted above that no man can be fired if he is willing to pay the equivalent of dues and fees can serve as adequate protection for the "conscientious objector." Presumably, the objection is to the fact of actual membership on moral or religious grounds. Where individuals object to the leaders or the policies of the union, it is preferable for the individual to remain as a member, participate actively, and do everything possible to change the situation to his liking. But it is also important that, failing in his own demands, he develop a "consent to lose" and a willingness to live with the majority choice at least temporarily.

Right-To-Work Position of 1964 CED Labor Report

The main issues involved in the union shop controversy are equitable relations among workers and the rights of individual workers. Congress has already restricted the rights of individual workers by giving a union exclusive bargaining rights in negotiating employment terms for a bargaining unit. This principle allows for majority rule, and eliminates the need for dealing with splinter groups within the unit. The workers in the unit who are not union members must accept the terms decided by union and employer, and the union must represent the nonmembers as well as its own members.

Those who have advocated the union shop advance the argument the nonmembers are "free-riders" benefiting from the efforts of the union, to which they do not contribute, but which other employees support financially. However, the nonmembers are "forced followers" of the union. Unions have actively sought exclusive bargaining rights, including the responsibility for representing nonmembers. The rights of some workers to effective representation by a union are not abridged by the failure of other workers to join. The rights of the employee who does not want to belong to a union have already been substantially abridged in the interests of labor relations stability; to go farther and compel him to belong to the labor organization is an unwarranted denial of his freedom.

Therefore, we believe that the controlling principle should be the right of an individual to decide freely to belong or not to belong to a union.

Mr. WILLIAMS of New Jersey. Behind the merits of the mislabeled "right-to-work" issue, there looms a larger question. What are the duties and obligations of an institution dedicated to objective research? Should such an institution modify or reject the results of such research when it becomes a discomforting source of pressure to the institution?

In answering this question, the following facts are relevant:

First, the CED resolution authorizing the 1961 report stated that the study had been a "soberly considered step," that CED was "approaching one of the most explosive areas in this country," and that CED "would live dangerously in the pursuit of the national interest."

Second, to insure a detached environment for the study group and staff, the CED trustees withheld public announcement of the initiation of the 1961 labor study.

Third, the CED trustees prescribed that publication of the 1961 report did not "necessarily constitute endorsement of the recommendations."

These facts, Mr. President, indicate that CED was fully aware that its 1961 labor report might have a disconcerting impact among the more conservative members of the business community. Accordingly, I find it regrettable that CED felt obliged to issue a second labor report to accommodate and appease those who took issue with the first labor report.

Mr. President, I am fully aware of the many outstanding contributions CED has made to our Nation's storehouse of knowledge. And it is for precisely this reason that I am obliged to set forth the circumstances that prompted the recent CED labor report.

I would submit, moreover, that CED should only undertake controversial studies in the future when CED is prepared and willing to stand behind the results of such studies when the pressures mount. If the CED continues to back away from its own conclusions, its usefulness as an objective commentator on national policy will be compromised and its prestige discredited.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I now move, in accordance with the order entered on Wednesday, April 1, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 19 minutes p.m.) the Senate, under the order entered on Wednesday, April 1, 1964, took a recess until tomorrow, Saturday, April 4, 1964, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 3 (legislative day of March 30), 1964:

DIPLOMATIC AND FOREIGN SERVICE

Covey T. Oliver, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

The following-named Foreign Service officers for promotion from the class of career minister to the class of career ambassador:

U. Alexis Johnson, of California.
Charles W. Yost, of New York.

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

Lucius D. Battle, of Florida.
Wymberley DeR. Coerr, of Connecticut.
William J. Crockett, of Nebraska.
Armin H. Meyer, of Illinois.
George A. Morgan, of the District of Columbia.
William J. Porter, of Massachusetts.
Murat W. Williams, of the District of Columbia.

SENATE

SATURDAY, APRIL 4, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

Rev. Clair M. Cook, Th. D., Methodist clergyman, and legislative assistant to Senator HARTKE, offered the following prayer:

O Thou God, who makest the sun to shine, the cherry blossoms to bloom, and the hearts of men to seek Thy guidance, we begin this extraordinary day of deliberations by lifting our souls to Thee.

We give thanks for another day of peace among the nations: for the averting of bloodshed in Brazil; for the restoration of relations with Panama; for calming talks at council tables where soundness of reason seeks to conquer the sovereignty of passion. Likewise we give thanks for this great deliberative body, uniquely empowered to further right ways for the Nation, daily entrusted with delicate decision, and burdened with the dangerous responsibilities of just judgments.

Here and now, O God, we do need Thy guidance. Give clarity and vision, temperance and truth, compassion and courage. Let not partisan politics betray wise choice; but let wisdom proceed from these, Thy servants, to enlighten those whom they represent. In this fair land, in this Nation under God, let our heritage of liberty and justice be ever enhanced. Diminish intolerance and unemployment; encourage education and civic responsibility; enlarge the opportunities for their enjoyment by all our people.

To these ends, and to the goals of Christian love flourishing in America and the world, may this day's discussions be dedicated. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 3, 1964, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Pursuant to the order of the Senate of February 27, 1964,

Mr. HAYDEN, from the Committee on Appropriations, reported favorably, with amendments, on today, April **4**, 1964, the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, and submitted a report (No. 971) thereon, which was printed.

PENDING REPORT OF RULES COMMITTEE ON CONDUCT OF SENATE OFFICERS AND EMPLOYEES—PROPOSED DISCLOSURE BY SENATORS OF FINANCIAL HOLDINGS AND BUSINESS CONNECTIONS

Mr. CLARK. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. CLARK. Is the Senator from Montana aware that the Senate Committee on Rules and Administration presently is preparing a report, with recommendations to the Senate, resulting from the inquiry it has been conducting ever since last October, in connection with the problem of the proper ethical conduct of Senate officers and employees?

Mr. MANSFIELD. I was not aware of that; but I am delighted to learn that the report is being drawn up. I hope it will be a strong report, and to the point.

Mr. CLARK. Mr. President, will the Senator from Montana yield for a further question?

Mr. MANSFIELD. I yield.

Mr. CLARK. Does the Senator from Montana know that the Senators from Oregon [Mr. MORSE and Mrs. NEUBERGER] and I have had pending before the Rules Committee for well over 2 years proposed legislation which, if favorably reported and enacted, would require a complete financial disclosure by Senators of their business, financial, and professional connections?

Mr. MANSFIELD. I am fully aware that that is the case.

Mr. CLARK. Does not the Senator from Montana believe that the time may well have come when, as a result of newspaper articles such as those I hold in my hand, as published in the Miami Herald, which have been widely syndicated, and have appeared in many other newspapers, there has developed considerable criticism of Members of this body, resulting from the fact that they have not made clear to their constituents and to the public generally any possible conflict of interest which might result from their professional activities and from their holdings?

Mr. CARLSON. Mr. President, a parliamentary inquiry——

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. MANSFIELD. There is criticism to that effect; I have read it from time to time. That is something which I think each individual Senator will have to face up to; and if any action is taken, it will have to be taken by the Senate as a whole.

Mr. CLARK. Mr. President, will the Senator from Montana yield for a further question?

Mr. MORSE. Mr. President, I raise the point of order that the Senator from Pennsylvania is not in order.

Mr. CARLSON. Mr. President, I rise to a point of order.

Mr. MORSE. My point of order is that the Senator from Montana is not in order when he yields for the purpose for which he has been yielding.

Mr. MANSFIELD. Mr. President, who has the floor?

The **ACTING PRESIDENT** pro tempore. The Senator from Montana.

Mr. MANSFIELD. Mr. President, so long as I have the floor, have I the right to yield for a question?

The **ACTING PRESIDENT** pro tempore. A Senator who has the floor has the right to yield for a question at any time.

Mr. MANSFIELD. Very well; I yield to the Senator from Pennsylvania.

Mr. CLARK. Did the Senator from Montana see, yesterday, in the Washington Post, an editorial entitled "Reasonable Compromise," which states a case for disclosure, as proposed by the Senator from New York [Mr. KEATING], who has suggested that affirmative action be taken to require disclosure of the financial, business, and professional interests of Senators?

Mr. MANSFIELD. I did not. I read the Post yesterday, but I did not see that editorial.

Mr. CLARK. Mr. President, will the Senator from Montana yield for a further question?

Mr. CARLSON. Mr. President, I make the point of order that the Senate is not proceeding in the morning hour, for following a recess there is not a morning hour, under the rule.

Mr. MANSFIELD. Mr. President, does the ruling of the Chair in response to the parliamentary inquiry which was propounded a few minutes ago still hold; namely, as to my right to the floor and to yield for a question?

The **ACTING PRESIDENT** pro tempore. The Senator from Montana was recognized, and has the floor, and has the right to yield for a question.

Mr. CARLSON. Mr. President, I wish to make a point of order——

Mr. MANSFIELD. Mr. President, let me say, in extenuation, that I had no idea that this was going to happen. But so long as it has happened, the Senator from Pennsylvania has a right to ask me any question which he may wish to ask me.

Mr. CLARK. Does the Senator from Montana know that in a speech made on the floor of the Senate approximately 3 weeks ago, the chairman of the Committee on Rules and Administration, the Senator from North Carolina [Mr. JORDAN], stated his belief that the Rules Committee should properly recommend to the Senate that there be disclosure of the financial and business activities of Senators, as a part of the reform which he felt was desirable as a result of the inquiry which the Rules Committee has been making under his chairmanship?

Mr. MANSFIELD. In response to that question, let me say that I do not recall the statement, as stated by the distinguished Senator from Pennsylvania; but I do seem to recall that the distinguished chairman of the Rules Committee, the Senator from North Carolina, did state that there would or should be forthcoming from his committee recommendations which would apply to Senators and to Senate employees.

Mr. CLARK. I wish to ask two more questions, and then I shall be through.

Mr. President, will the Senator from Montana yield for another question?

Mr. MANSFIELD. I yield.

Mr. CLARK. Is the Senator from Montana aware that I have circulated to counsel of the Rules Committee and to members of the Rules Committee a suggested Senate resolution which would require complete disclosure by Senators of their business, financial, and professional connections, in order that the public may know whether any conflict of interest might possibly arise in connection with their activities in the Senate and their votes on the floor of the Senate?

Mr. MANSFIELD. This is the first information in that respect that I have had.

Mr. CLARK. Again I ask the Senator from Montana to yield——

Mr. LAUSCHE. Mr. President, a point of order.

Mr. CLARK. The Senator from Ohio has no right to make a point of order while the Senator from Montana has the floor.

Mr. LAUSCHE. I wish to know——

Mr. CLARK. I wish to ask a question of the Senator from Montana.

Mr. MANSFIELD. Mr. President, I call for the regular order.

The **ACTING PRESIDENT** pro tempore. The regular order is called for; and the Chair lays before the Senate the unfinished business.

Mr. MANSFIELD. I withdraw my request.

Mr. LAUSCHE. Mr. President, I call for the regular order.

The **ACTING PRESIDENT** pro tempore. The regular order is called for; and the Chair lays before the Senate the unfinished business, which will be read by title by the clerk.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which was read by title by the legislative clerk.

Mr. MANSFIELD. Mr. President——

The **ACTING PRESIDENT** pro tempore. The Senator from Montana is recognized.

Mr. CLARK. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield to the Senator from Pennsylvania for a question.

Mr. CLARK. Has the Senator from Montana sent telegrams and, to the extent possible, made telephone calls requesting the attendance today of all Members of the U.S. Senate, in order that debate on the pending business may proceed in orderly fashion?

Mr. MANSFIELD. Yes. I believe I have sent telegrams to every Democratic Senator, requesting his presence on the floor today, because it is questionable whether at the moment it will be possible to achieve a quorum.

It is my understanding that the deputy majority leader, the distinguished senior Senator from Minnesota [Mr. HUMPHREY], has been on the telephone, calling Senators, trying to bring them to the Chamber so that a quorum could be established.

Mr. CLARK. I thank the Senator from Montana for his unfailing courtesy.

Mr. MORSE. Mr. President——

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, if there are no further questions I should like to suggest the absence of a quorum.

I now suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 111 Leg.]

Aiken
Beall
Burdick
Carlson
Clark
Cooper
Cotton
Dodd
Dominick
Douglas
Ellender
Fulbright
Gruening
Hart
Hayden
Humphrey
Jordan, Idaho
Keating
Kennedy
Lausche
Mansfield
McGovern
McNamara
Metcalf
Miller
Morse
Mundt
Pearson
Pell
Proxmire
Ribicoff
Saltonstall
Simpson
Smith
Symington
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. JACKSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from California [Mr. Engle], the Senator from North Carolina [Mr. Ervin], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Arkansas [Mr. McClellan], the Senator from Wyoming [Mr. McGee], the Senator from New Hampshire [Mr. McIntyre], the Senator from Utah [Mr. Moss], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], the Senator from Alabama [Mr. Sparkman], the Senator from Georgia [Mr. Talmadge], the Senator from South Carolina [Mr. Thurmond], and the Senator from Tennessee [Mr. Walters] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent because of illness.

Mr. KEATING. I announce that the Senator from Colorado [Mr. Allott] and the Senator from New York [Mr. Javits] are absent on official business.

The Senator from Utah [Mr. Bennett], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Illinois [Mr. Dirksen], the Senator from Hawaii [Mr. Fong], the Senator from Arizona [Mr. Goldwater], the Senator from California [Mr. Kuchel], the Senator from New Mexico [Mr. Mechem], the Senator from Kentucky [Mr. Morton], the Senator from Delaware [Mr. Boggs], the Senator from Vermont [Mr. Prouty], the Senator from Pennsylvania [Mr. Scott], and the Senator from Texas [Mr. Tower] are necessarily absent.

I also announce that the Senator from New Jersey [Mr. Case] and the Senator from Iowa [Mr. Hickenlooper] are detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

RECESS TO 10 A.M. MONDAY NEXT

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Is it in order at this time to move that the Senate stand in recess under the order previously entered?

The ACTING PRESIDENT pro tempore. The rollcall has not started; and such a motion would be in order.

Mr. MANSFIELD. Mr. President, if I may be heard in relation to my parliamentary request, I am afraid we are face to face with a travesty on the legislative process. I am doubtful—and I am indeed sorry to say this—that we will be able to get a quorum in the Senate today.

I believe it is a shame and an indignity upon this institution.

In order to prevent this situation from turning into a farce, I move, under the previous order, that the Senate now stand in recess until Monday morning next at 10 o'clock.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. Mr. President, I believe the Senator from Florida [Mr. Smathers] was announced as voting in the negative. The Senator is not in the Chamber.

The PRESIDING OFFICER. That was erroneous.

Mr. HUMPHREY. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is recorded as voting in the affirmative.

Mr. PROXMIRE. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is recorded as voting in the affirmative.

Mr. ELLENDER. Mr. President, I call for the regular order.

The ACTING PRESIDENT pro tempore. The regular order is called for.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Florida [Mr. Holland], the Senator from Hawaii [Mr. Inouye], the Senator from Washington [Mr. Jackson], the Senator from South Carolina [Mr. Johnston], the Senator from North Carolina [Mr. Jordan], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from Oregon [Mrs. Neuberger], the Senator from Rhode Island [Mr. Pastore], the Senator from Florida [Mr. Smathers], the Senator from Mississippi [Mr. Stennis], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Ohio [Mr. Lausche], the Senator from Wyoming [Mr. McGee], the Senator from New Hampshire [Mr. McIntyre], the Senator from Utah [Mr. Moss], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], the Senator from Georgia [Mr. Talmadge], the Senator from South Carolina [Mr. Thurmond], and the Senator from Tennessee [Mr. Walters] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. Randolph] is necessarily absent because of illness.

Mr. KEATING. I announce that the Senator from Colorado [Mr. Allott] and the Senator from New York [Mr. Javits] are absent on official business.

The Senator from Utah [Mr. Bennett], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Illinois [Mr. Dirksen], the Senator from Hawaii [Mr. Fong], the Senator from Arizona [Mr. Goldwater], the Senator from California [Mr. Kuchel], the Senator from New Mexico [Mr. Mechem], the Senator from Kentucky [Mr. Morton], the Senator from Delaware [Mr. Boggs], the Senator from Vermont [Mr. Prouty], the Senator from Pennsylvania [Mr. Scott], and the Senator from Texas [Mr. Tower] are necessarily absent.

I also announce that the Senator from Kansas [Mr. Carlson] and the Senator from Iowa [Mr. Hickenlooper] are detained on official business.

If present and voting, the Senator from Texas [Mr. Tower] would vote "yea."

The result was announced—yeas 27, nays 14, as follows:

[No. 112 Leg.]

YEAS—27

Aiken
Clark
Dodd
Douglas
Ellender
Engle
Ervin
Fulbright
Hart
Hayden
Hill
Humphrey
Kennedy
Mansfield
McClellan
McGovern
Metcalf
Pearson
Pell
Proxmire
Ribicoff
Saltonstall
Sparkman
Symington
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—14

Beall
Case
Cooper
Cotton
Dominick
Jordan, Idaho
Keating
McNamara
Miller
Morse
Mundt
Simpson
Smith
Williams, Del.

NOT VOTING—59

Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Curtis
Dirksen
Eastland
Edmondson
Fong
Goldwater
Gore
Gruening
Hartke
Hickenlooper
Holland
Hruska
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
McCarthy
McGee
McIntyre
Mechem
Monroney
Morton
Moss
Muskie
Nelson
Neuberger
Pastore
Prouty
Randolph
Robertson
Russell
Scott
Smathers
Stennis
Talmadge
Thurmond
Tower
Walters
Yarborough

So Mr. Mansfield's motion was agreed to; and (at 11 o'clock and 41 minutes a.m.) the Senate took a recess under the order entered on Wednesday, April 1, 1964, until Monday, April 6, 1964, at 10 a.m.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 6, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 112: 6: *The righteous shall be held in everlasting remembrance.*

Almighty God, under the canopy of Thy grace and goodness, we gather in faith and fellowship, bringing our sins and shortcomings to Thy forgiving love and our littleness and weakness to Thy greatness and power.

We thank Thee for the memories and message of Holy Week, proclaiming the glad tidings that when there was no eye to pity and no arm to save, then, in the fullness of time Thou didst send Thine only begotten Son, who offered Himself as the Great High Priest and laid upon the altar the acceptable sacrifice of His own life for the sins of the world.

Grant that we may also seek to share in His redemptive ministry and be inspired by His spirit of love to help meet the needs of humanity and enable all men everywhere by the power of the resurrection, to rise with Him unto newness of life.

To the memory of our greatly beloved patriot and hero, Gen. Douglas MacArthur, we offer, in praise, the words from Tennyson's "Ode on the Death of the Duke of Wellington":

"Great in council and great in war,
Foremost captain of his time,
Rich in saving commonsense,
And, as the greatest only are,
In his simplicity, sublime."

Hear us in the name of our crucified Saviour and risen Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 26, 1964, was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On March 20, 1964:

H.R. 9637. An act to authorize appropriations during fiscal year 1965 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation for the Armed Forces, and for other purposes.

On March 25, 1964:

H.R. 4681. An act for the relief of CWO James A. McQuaig; and

H.R. 5584. An act for the relief of Capt. Ransom C. Aplin.

On March 26, 1964:

H.R. 950. An act to amend the Internal Security Act of 1950;

H.R. 1759. An act for the relief of Rebecca K. Clayton;

H.R. 2189. An act for the relief of Morris Aronow and other employees of the Post Office Department;

H.R. 2724. An act for the relief of Davey Ellen Snider Siegel;

H.R. 6748. An act for the relief of J. D. Wallace & Co., Inc.;

H.R. 7967. An act for the relief of certain individuals employed by the Department of the Air Force at Hickam Air Force Base, Hawaii;

H.R. 8280. An act for the relief of Mrs. Annette M. Rasor and Dr. Robert W. Rasor;

H.R. 8470. An act for the relief of Warren A. Jeffers and Francis H. Leik; and

H.R. 8930. An act for the relief of certain employees of the Bureau of Indian Affairs.

On March 27, 1964:

H.J. Res. 962. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolutions, in which the concurrence of the House is requested:

S. CON. RES. 74

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered by Douglas MacArthur, General of the Army of the United States, the remains be permitted to lie in state in the rotunda of the Capitol from April 8 to April 9, 1964, and the Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

S. CON. RES. 75

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are each hereby authorized and directed to purchase a floral wreath to be placed by the catafalque bearing the remains of the late General of the Army of the United States, Douglas MacArthur, which are to lie in state in the rotunda of the Capitol of the United States from April 8 to April 9, 1964, the expenses of which shall be paid from the contingent funds of the Senate and the House of Representatives, respectively.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1794. An act to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2701. An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

The message also announced that the President pro tempore, pursuant to public Law 88-271, had appointed Mr. SMATHERS and Mr. KUCHEL to serve as alternate members for the Senate members of the United States-Puerto Rico Commission on the Status of Puerto Rico.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 1, 1964.

The Honorable the SPEAKER, HOUSE OF REPRESENTATIVES.

SIR: Pursuant to authority granted on March 25, 1964, the Clerk received from the Secretary of the Senate today the following messages:

That the Senate passed S. 2701, entitled "An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.";

That the Senate passed with amendments the bill (H.R. 1794) entitled "An act to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic deveolpment of the members of the Seneca Nation, and for other purposes."

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

THE LATE GENERAL DOUGLAS ARTHUR MACARTHUR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, a gallant and heroic soldier, a world statesman of major accomplishments, a renowned patriot who gave his life to the service of his country has gone home to rest. From the time of his outstanding career as a cadet at the U.S. Military Academy at West Point to his last gallant and unrelenting fight with death in Walter Reed Hospital during the past few days, General of the Army Douglas MacArthur has brought new glory and new renown to the uniform that has signified "honor, courage, and loyalty" since the days of Valley Forge.

Every minute of his life Douglas MacArthur was every inch a soldier. He had that bearing and demeanor which made him a model in uniform. He had that valor and determination that made him a hero in battle. He had that comprehension and intellect which numbered him among the great military tacticians and strategists of all time. He was one of the first Americans to understand the importance of the Pacific to the future and to the security of our country. In his lifetime he laid the foundations for American policy in the Far East for years to come.

The amazing story of his life is one monumental triumph after another. In World War I he was our youngest and one of our most brilliant generals. In World War II he was one of our oldest but one of our most vigorous and fearless heroes of the line. In Japan following the war he not only engineered one of the most spectacular reconstruction jobs of all time but almost singlehanded reoriented a vast and dynamic people to a democratic direction.

As one of the tens of thousands of men in uniform who had the privilege of following General MacArthur from Australia to New Guinea to Leyte to Luzon and ultimately to Japan, I have a sense of personal pride in my humble career as one of his soldiers. I had the honor early in the war of serving General MacArthur's able and dedicated assistant, Maj. Gen. Courtney Whitney. At that time I was a second lieutenant and the then Major Whitney was my immediate superior.

Like all of General MacArthur's troops I feel this loss individually. Like all Americans I am thankful that in so many hours of need over such a span of years God gave us this great American who in truth and in fact was a soldier's soldier. Americans will be grateful for his sacrifices, his contributions, for years to come. We all extend our heartfelt sympathy to Mrs. MacArthur and to their son.

May I close, Mr. Speaker, by paraphrasing the stirring words of the brilliant, colorful general himself in this very Chamber on his return from Japan in 1951, which in his case should read:

> Old soldiers never die—nor do they ever fade away.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Mr. Speaker, the Nation mourns the loss of a valiant son in the death of Gen. Douglas MacArthur.

He was the greatest soldier this Nation has produced in its long and colorful military history.

As a military strategist and as a courageous fighter, General MacArthur had no equal. Veteran of three wars, this distinguished son of an outstanding military family added new honor to the name for his lifetime of valiant service.

His career in the service of his country will never be forgotten. His winning back of Asia for the free nations will be a landmark in military history. His administration of defeated Japan was a model of dedication and effectiveness.

It was my high privilege to be an intimate friend of General MacArthur for many years. This friendship made it possible for me to know the greatness and the goodness of this man.

I met him for the first time at a chowder dinner that Mayor Fiorello La Guardia, of New York, gave for him and for me while Mr. La Guardia was serving in Congress.

Even then, MacArthur's knowledge of Asia was remarkable, and it grew with his long experience. He could relate in detail the history and economics of every country in Asia, and he could predict its future prospects with uncanny accuracy. It was a rare pleasure for me on several occasions to hear him describe the different countries.

In the days when we were trying to win the favor of Asiatic peoples, we neglected to make full use of General MacArthur's unique knowledge of that part of the world. Yet his knowledge and experience were always available to his country.

To the people of Asia, he was looked upon as the savior of their freedom. During a trip to Japan, it became clear to me that the heroes they revered the most were General MacArthur and Joe DiMaggio. Through the efforts of General MacArthur to teach the people of Japan the American way of life, they had even come to love our national pastime and our sports hero.

The general was mentioned often as a possible candidate for President. He never really had much of an inclination that way. But he was a stanch Republican and believed thoroughly in the principles of that party. On one occasion, he told me he would not be a candidate because he was convinced that the honor of leading the party at that time had been earned by the late Senator Robert A. Taft, of Ohio.

General MacArthur was a devoted family man. His love for his wife and his son were much in evidence whenever I saw him.

I think I speak for all of his friends and for the country he loved so well when I say "Well done, thou good and faithful servant."

To General MacArthur's family go our deepest sympathies.

Mr. ALBERT. Mr. Speaker, I thank the gentleman. I now yield to the distinguished minority leader.

Mr. HALLECK. Mr. Speaker, I want to commend the gentleman from Oklahoma and the gentleman from Massachusetts who have just spoken, for the wonderful tributes they have paid to General MacArthur. Particularly do I appreciate the remarks of the gentleman from Massachusetts [Mr. MARTIN], because I have known, as all of us have known, for many, many years, of his very great friendship and close personal acquaintance with General MacArthur.

As I remember, it was largely through the efforts of the gentleman from Massachusetts [Mr. MARTIN], that General MacArthur was invited to address a joint session of the Congress of the United States on his return from Japan. Agreeing with everything that has been said about one of the greatest Americans, not only of this time but of all time, I would like to add this word: As one who sat here and heard that magnificent presentation of General MacArthur, as I look back on it, I do not believe any event here ever impressed me as much. It was magnificent, and it was delivered as only he could have delivered it. It touched the hearts of every one of us.

General MacArthur is now gone from among us, but he will never fade away in our memories. Certainly those of us who have followed with concern his last battles in the hospital appreciate the fact that right to the end he was the gallant, courageous American he had proved himself in the past.

Mr. ALBERT. I thank the gentleman.

Mr. Speaker, I yield to the Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I join my colleagues in the remarks they have just made. Gen. Douglas MacArthur was one of the greatest Americans of our Nation's history. He was a leader in every respect, a man of deep faith, a man of confidence in himself, a man who made a promise to the people of the Philippines and, under his leadership, our country kept that promise. He dedicated his entire life to the service of our country, giving it his great capacity, his great ability, and his great courage in the national interest of our country and in the preservation, the stability, and the progress of our country. He will always be remembered as one of our Nation's outstanding citizens as well as one of our Nation's great military leaders and heroes.

I extend to Mrs. MacArthur and their son my profound sympathy in their bereavement.

Mr. ALBERT. Mr. Speaker, I yield to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, General MacArthur has passed to his reward.

It was my great pleasure and privilege about 5 years ago to call on General MacArthur along with two of my colleagues in the House, both Democrats, by the way, at his suite in the Waldorf-Astoria Hotel in New York. At that time the general explained to us his version of his recall from Korea. Without a doubt, Mr. Speaker, his memoirs will explain that matter quite in full.

General MacArthur was not only one of America's and possibly America's greatest soldiers and greatest military leaders but, when he put on his military uniform, he did not lay aside the uniform of a civilian. He was not only a great military leader, he was a great American patriot. He was steeped in the finest American tradition. He had his own great principles of government which he adhered to strictly and he never failed to expound his conservative philosophies of government. For 3 hours he and his able aide, General Whitney, left us spellbound by giving us his heartfelt feelings not only about military matters and worldwide problems, but also about the future of our great Nation.

We visited about our mutual friend, Gen. Hanford MacNider, of Iowa, who fought with him. He told us much about him. He remarked "what a fighting man." The minute General MacArthur reached Australia after he had been ordered there by the President from the Philippines, he immediately called General MacNider and pleaded with him to come to Australia to carry on with him that great fight to recapture the Pacific islands, the Philippines, and Japan. General MacNider did just that. While in Japan, General MacArthur spearheaded the establishment of a new form of government there, patterned after our U.S. Constitution under which the Japanese people have greatly profited to this day.

He said when he left the Philippines, "I shall return," and he did return triumphantly. That was a great moment in the life of General MacArthur and the people of the Philippines as it was for every peace-loving person in this world when General MacArthur stepped ashore in the Philippines and said, "I promised you I would return, and I am here."

Then we talked of Col. Perc Lainson, of Council Bluffs, Iowa, who also fought side by side with General MacArthur in World War I in France. He had great praise for Perc, who, I am sorry to say, now is lying ill at his home in Council Bluffs. Along with his multitude of friends, I wish him Godspeed for a quick recovery.

I know General MacArthur would want me to say these things about his esteemed fighting friends because he was such a genuine American. When he found a true friend, he bound him to his heart with hoops of steel.

I was honored to have the privilege of visiting with this great and good man. In that brief 3 hours I learned the heartbeat of General MacArthur. I sat here on the floor of the House when he delivered that great speech that ended "old soldiers never die, they just fade away," and as those who have preceded me in eulogizing this great man have said, he did not fade away, he has gone to his reward. He will remain in the hearts of grateful people everywhere. God rest his soul. My heart goes out to his good wife and son. May the same God who took General MacArthur to his heavenly home give his wife, his son, and his loved ones strength to bear the great loss they have suffered.

Mr. CHENOWETH. Mr. Speaker, our Nation has lost one of our greatest military leaders and most revered national heroes. There is genuine sorrow over the land today over the passing of Gen. Douglas MacArthur. Without doubt he will be recorded in history as one of the outstanding generals and military strategists of all time.

The brilliant military career of General MacArthur will be a challenge and an inspiration to young men in this country for generations to come. It is without parallel in the history of our Nation. It is generally recognized that General MacArthur was a military genius and this Nation will be forever grateful to him for his superb leadership during World Wars I and II, and the Korean conflict.

His service as Supreme Allied Commander in Japan after World War II added luster to his brilliant military record. He earned the respect and gratitude of the Japanese people for the fair and impartial manner in which he handled their affairs, and was largely responsible for the rejection of communism by Japan.

The most dramatic moment I have seen in Congress was on April 19, 1951, when General MacArthur addressed a joint session of Congress on his return from Japan. I do not believe there was a dry eye in the Chamber at the conclusion of his message, when he mentioned he was going to fade away like the old soldiers mentioned in the West Point ballad. However, he will never fade from the memory of the American people.

General MacArthur richly deserves all of the honors that can be bestowed upon him by a grateful nation. The people will pay fitting tribute to the five-star general when he lies in state in the rotunda of the Capitol later in the week.

I extend sincere sympathy to Mrs. MacArthur and their son.

Mr. MOSS. Mr. Speaker, America's loss is great today; Douglas MacArthur, General of the Army, has passed from this world to the next and, in a mood of solemn reverence, the Nation mourns. For here was a man of the century; a storybook hero, in real life form; a man to be counted on in moments of peril; a genius in his own right, and a patriot of the highest order.

Born at Little Rock, Ark., in January 1880—the son of a distinguished lieutenant general in the U.S. Army—Douglas MacArthur was, throughout his lifetime, associated with Army traditions of the highest caliber.

His career began in 1899, when he was admitted to West Point. As a cadet, he established a remarkable record, attaining the highest scholastic average of any student in 25 years, and graduating first in his class. In August 1917, with the rank of colonel, he became chief of staff of the 42d—"Rainbow"—Division, which he helped to form. During World War I he served in the Champagne-Marne and Aisne-Marne defensives, and in June 1918, after being made brigadier general, he commanded the 84th Infantry Brigade in five separate offensives.

Following his service in World War I—a service worthy of his name, in every particular—General MacArthur returned to the United States where he further distinguished himself in the role of superintendent at his alma mater, the U.S. Military Academy. From there, he moved on, serving in various Philippine commands, returning home, once more, where, in 1930, he became Chief of the General Staff of the U.S. Army, with the rank of general—the youngest officer to hold that rank since the days of General Grant.

And yet it seemed that destiny continued to draw him back, repeatedly, to the Far East. In 1935, at the request of the Philippine President, he was appointed military adviser to the Philippine Commonwealth government, for which he organized the defenses of the islands and built up a native army. Voluntarily retired, in 1937, he was recalled to active duty on July 26, 1941, commissioned lieutenant general and appointed commanding general of the Far East Command. In this capacity, he led the valiant defense of the Philippines, in 1941, against the furious assault of the Japanese. Falling back to Bataan, in the face of overwhelming enemy force, he nonetheless made clear to the world that every backward step he took was to be paid for in terms of a thousand enemy lives.

Ordered from Bataan to Australia, he became commander in chief of Allied forces in the Southwest Pacific area. In this capacity, he engineered the end of the Allied retreat in the Pacific, rallied his forces, and directed the counteroffensive, that in time would retake everything in the Pacific area and threaten the very shores of Japan itself, prior to the advent of the atomic bomb and the close of hostilities. In August 1945, General MacArthur, on the orders of President Truman, arranged the terms of Japanese capitulation, and on September 2, 1945, aboard the U.S.S. *Missouri*, in Tokyo Bay, he accepted the formal surrender of Japan to the Allied forces.

Following the close of World War II, General MacArthur became Supreme Commander of the Allied Forces in Japan, and did a magnificent job of reorienting the Japanese people, and establishing Japan in the forefront of the nations working for the preservation and promotion of democratic ideals.

In the Korean conflict, General MacArthur was once again engaged, and once again revealed himself a fighter of distinction.

Indeed, in all his acts, the General seemingly was motivated by one sentiment alone: a love for his country; a love which has in turn, won for him the respect and devotion of all the American people, in this era and in every era to come.

His death is a great loss to our country.

I extend to Mrs. MacArthur and her son my deep sympathy in their bereavement.

Mr. AUCHINCLOSS. Mr. Speaker, it is hard to realize that Gen. Douglas MacArthur is no longer with us but as he so aptly put it "answered the last rollcall." He was a man of positive and strong convictions but it never can be said of him that he practiced what he preached because he never preached. The times were few and far between when General MacArthur ever made a speech but whenever he did, he proclaimed a message that was worthwhile, that people remembered and always associated with him and his character. With it all, however, he had a very keen sense of humor which frequently showed itself in conversations with people he met. The respect which he had for honest thinking and honest living was indigenous with the man. He hated sham and hypocrisy and he never compromised with what he believed in.

His contribution to American prestige and honor throughout the world was prodigious. He was respected by friend and foe alike who realized the integrity of his thinking and the granitelike strength of his moral rectitude. The like of him will not soon be seen again and America is a greater nation and a finer country because of him.

Mr. HARDY. Mr. Speaker, the people of Norfolk and Virginia's Second District join the entire Nation in mourning the loss of General of the Army Douglas MacArthur.

Throughout history the names of many Virginians stand out for their accomplishments and their contributions to our Nation. Although General MacArthur was not a native Virginian, his mother was born in Norfolk and grew up there, and we claim him as one of Virginia's truly great for his military genius, his courage, his patriotism, and devotion to duty throughout a long lifetime of achievements in the interest of America and in the cause of freedom and justice.

General MacArthur's mother spent her early life in Norfolk and the roots of her ancestry were embedded in Virginia from early colonial days.

The people of Norfolk followed the achievements of Douglas MacArthur throughout his entire distinguished career with admiration and pride, and they decided to convert the stately old Norfolk city hall into a memorial to him.

On January 26, the general's last birthday, the public was permitted to view this beautiful memorial which now houses General MacArthur's papers and memorabilia. The formal dedication of the building had been planned for Memorial Day, and we had hoped that the general would still be active and present for that occasion.

There are now overtones of sadness, for next Saturday this memorial building will become his final resting place. As we recall with pride and gratitude his immeasurable contributions we extend sympathy to Mrs. MacArthur and their son.

Mr. JOHANSEN. Mr. Speaker, Gen. Douglas MacArthur embodied in fullest measure the code he proudly espoused: duty, honor, country.

His career as soldier-statesman was unique in American history; his military record is unmatched.

Yet, paradoxically, the future may be witness of his greatest service and victory—if this and succeeding generations finally heed the wisdom he bequeathed.

That we have had our last chance, since the possibility of nuclear war brings Armageddon to our door.

That if war is forced upon us, in any form, there can be no substitute for victory.

That the way of appeasement leads only to a sham peace and, ultimately, to new and bloodier war.

And finally that "It must be of the spirit if we are to save the flesh."

Americans do well to mourn the neglect of this wisdom even more than the passing of this great patriot.

Mr. McINTIRE. Mr. Speaker, General of the Army Douglas MacArthur was one of those rare men who demonstrated the highest degree of competence in highly complex assignments. The Pacific war, the American occupation of Japan, and the war in Korea—these were only some of the things that attested to the magnificent accomplishments of this quite remarkable man.

He had an intensely alert mind, one that grasped the intricacies not only of the military—in which his life was centered—but of the geopolitical, the social, and the political as well. And all of this was blended in with a true sense of the dramatic and a flare of eloquence.

General MacArthur was a man of many great parts and, still, he was greater than the sum of all of these parts. There can be little question that history will record him as a truly outstanding man of these times, one whose genius was successfully dedicated to the security and welfare of his country.

America suffers a great loss in the leaving of General of the Army Douglas MacArthur—indelibly so because of the great gain that was ours while he was in our midst.

A salute to a grand soldier and a superb citizen.

Mr. O'HARA of Illinois. Mr. Speaker, for more than six decades the name, the fame, and the inspiration of General MacArthur have been to me a patriotic strength. It has been a name, a fame, and an inspiration shared by two General MacArthurs, father and son.

When Gen. Douglas MacArthur was still a young man, another General MacArthur was one of the war heroes of our Nation, Lt. Gen. Arthur MacArthur, to whose military genius and understanding touch had been entrusted the fortunes of our Republic in the early years in the Philippines. This was in the period of the Spanish-American War, and the trying and challenging days, weeks, and months of Aguinaldo's insurrection. Lt. Gen. Arthur MacArthur was a military hero of my young days as he was of my comrades in the Spanish-American War. It was he who after defeating Aguinaldo won his heart and his confidence.

It is said that until her death in 1935 at the age of 82, Mary MacArthur, wife of Lt. Gen. Arthur MacArthur and mother of the future General of the Army Douglas MacArthur, was the most powerful influence in her son's life. She never let him forget that his father was one of America's most illustrious soldiers and that his job was to be an even greater soldier.

Mr. Speaker, today with grieving hearts we pay to the memory of Gen. Douglas MacArthur the tribute of affection and appreciation of a grateful nation. To that tribute may I, for the veterans of the Spanish-American War and for myself, add another tribute, a tribute to a great father and a noble mother. To these three Americans, the two General MacArthurs and the wife of one and mother of the other, our country forever will be indebted.

Mr. BOLAND. Mr. Speaker, with the death of Gen. Douglas MacArthur, this country has lost one of the most eminent public figures of our age. During a brilliant and dedicated lifetime, he had become a living legend among the freedom-loving peoples of the world. It is with a deep sense of grief that we realize this great soldier and patriot is no longer with us.

But the light of a man, who has accomplished so much and inspired so many, does not go out with death. Rather the glow of his lifetime, the confidence, the courage and the leadership which he enfused into a dark world struggling to maintain freedom and human dignity during the horrible days of World War II and his statesmanship and patriotism in the years that followed, will remain a luminous part of this Nation's history.

Son of a famous Civil War general, Arthur MacArthur, who was born in Chicopee, Mass., in my congressional district, MacArthur began his career of service to this country in 1899 when he entered the U.S. Military Academy at West Point. Four years later he graduated first in his class, a prelude to the remarkable career that followed.

He became the youngest brigadier in the American Expeditionary Forces, then Chief of Staff of the U.S. Army, then Supreme Commander in the Pacific during the most crushing war the world had yet seen. He became the hero of St. Mihiel, Bataan, Corregidor, New Guinea, Manila, Tokyo, Inchon and a symbol of hope and strength for a frightened world. Then, in later years, he became the Supreme Allied Commander in the Korean war.

General MacArthur is possibly the most decorated soldier in American history. He exemplified the ideals of "duty, honor, country"—words which he said "reverently dictate what you ought to be, what you can be, what you will be." For him, they dictated he become a determined and devoted American, brilliant leader and military strategist, and an honored and eloquent patriot of the ideals of freedom and democracy.

Few men have accomplished so much in a lifetime, and, like all great men, he engendered controversy. But he left us a legacy of moral courage which will not be forgotten. As he stated last month in reminiscing of his beloved West Point:

> The Military Academy taugh me many things—last, but by no means least is courage—moral courage. The courage of one's convictions, the courage to see a thing through.

On MacArthur's 84th birthday this last January, President Johnson called him "one of the authentic American heroes of this century"—and we feel deeply his loss.

Mr. RUMSFELD. Mr. Speaker, no words have better expressed the stature of Gen. Douglas MacArthur and the esteem with which he is regarded by the American people than the Chicago Tribune editorial which I submit for inclusion in the RECORD. General MacArthur is indeed one of our great Americans who will live in the minds of men for generations to come. The Nation deeply mourns his passing.

DOUGLAS MACARTHUR

General of the Army Douglas MacArthur gave his country a lifetime of courageous, brilliant, and devoted service. He was one of the great captains of history, a military genius unmatched in his day. To say as much is only to say what has been universally acknowledged. But to leave the assessment at that would be to ignore the essence of an American who held a unique place in the hearts of his countrymen.

For it was a quality of mind and spirit which, more than anything, made MacArthur a man apart. His was a patriotism of such purity that in the annals of this country only George Washington could offer a comparison of selfless service and abiding faith. In an age which has seen the gilt peel with amazing rapidity from those who consciously struck the pose of greatness, General MacArthur possessed those authenic and familiar qualities of patriotism which have lighted the corridors of a long past.

"Duty, honor, country," the creed of the cadet corps at West Point—these were the precepts that guided him through a long life and were ever in his mind, as he himself said, amid "the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefields."

To the responsibilities of command he brought the gifts of a shining intellect, a family tradition of great valor, and a daring of imagination which, in such operations as the planning of the Inchon landing in Korea, are likely to be recorded as unrivaled in the history of generalship.

His father, Lt. Gen. Arthur MacArthur, had as a young officer led his Wisconsin troops through withering fire to plant the regimental flag at the crest of Missionary Ridge in the Civil War. For this he won the Congressional Medal of Honor—an award which was also to go to the son after the heroic defense of Bataan and Corregidor in World War II. The strain of heroism was inbred in the MacArthur line.

MacArthur was a hero in two World Wars and had lost none of his fire and genius when, at the age of 70, he was called to active service in the field once more as commander of all forces in Korea.

With victory there within reach, after the smashing of the North Korean Communist army, a massive intervention by the Chinese Communists called for new political decisions if the fruits of a brilliant campaign were not to be lost. MacArthur was committed to the conviction that "there is no substitute for victory." He could not conceive that American soldiers are expendable.

He was frustrated and hamstrung by President Truman, by the Washington appeasers who had adopted the policy of stalemate lest the Communists be affronted, and by the timorous allied politicians whose token contributions of troops had been enrolled under the United Nations banner in Korea. Finally it was decreed that MacArthur must go. He was a man who would not fight for less than victory; therefore, he was relieved and recalled.

In a triumphal homecoming, he appeared before a joint session of Congress and there, with matchless eloquence, pronounced his valedictory: "The world has turned over many times since I took the oath on the plain at West Point, and the hopes and dreams have long since vanished, but I still remember the refrain of one of the most popular barracks ballads of that day, which proclaimed, most proudly, that old soldiers never die; they just fade away. And like the old soldier of that ballad, I now close my military career and just fade away, an old soldier who tried to do his duty as God gave him the light to see that duty."

But he did not fade. His life did not consist of one career, but of half a dozen. It is unparalleled that a general, having reached the highest station in the Army as Chief of Staff, should then build a new army as field marshal for the future Republic of the Philippines; should then be recalled to active duty as supreme commander of Army forces in the Far East during World War II; should then conduct the war against Japan as commander of all allied forces in the Southwest Pacific; should accept the surrender of Japan, and for 6 years, as supreme commander, preside over the occupation and rehabilitation of that country; should afterward take the field again as commander in Korea; should, upon a second retirement, embark upon a new career in industry, and finally, in the closing days of his life, write an autobiography which for simplicity and eloquence of style and for emotional impact is beyond compare.

Such a man is a lasting inspiration to all his countrymen, the repository of an ideal kindled in the campfires of Valley Forge. As long as America proves that it can produce such men, this country will be safe from all enemies, domestic and foreign, and from the more subtle and slow decay that attends meanness of spirit and poverty of vision.

Mr. HARDING. Mr. Speaker, yesterday our Nation suffered the loss of one of the greatest military leaders in our history.

Gen. Douglas MacArthur, who was born on an Army post at Little Rock, Ark., and lived his early boyhood at western frontier posts at a time when his father was fighting Indians, lived to see the 2,000-mile-per-hour jet airplane and the nuclear bomb revolutionize modern warfare.

After a brilliant record at the U.S. Military Academy, General MacArthur served his country with honor and distinction during two world wars and also in additional active combat in Mexico, the Philippines, and Korea.

It is significant that all three of our living former Presidents joined in paying tribute to this great man, even though two of them had had personal differences with him.

Maj. Dwight D. Eisenhower returned from service in the Philippines after a disagreement with General MacArthur in the late 1930's. And President Harry S. Truman dismissed General MacArthur from his Korean command in 1951. Yet they joined with President Johnson and former President Hoover in paying tribute to General MacArthur.

I believe that these outstanding tributes by former President Truman and former President Eisenhower to General MacArthur are tributes not only to his greatness but also to their greatness as well.

Mr Speaker, I ask unanimous consent to include at this point in the Record the article from today's Washington Post containing the tributes President Lyndon B. Johnson and former Presidents Harry S. Truman, Dwight D. Eisenhower, and Herbert Hoover paid this outstanding and dedicated American.

[From the Washington (D.C.) Post, Apr. 6, 1964]

President Leads Worldwide Tribute to One of Nation's Great Heroes

President Johnson led a list of worldwide tributes to the late Gen. Douglas MacArthur yesterday with the simple words: "One of America's greatest heroes is dead."

"But in the hearts of his countrymen," said the President, "and in the pages of history his courageous presence among us and his valiant deeds for us will never die."

"For the man that he was and the success he achieved, this Nation gives thanks to God for the 84 years he lived and served."

The three living former Presidents under whom General MacArthur served joined in tribute.

Former President Harry S. Truman, who dismissed General MacArthur from his Korean command in 1951, said at his home in Independence, Mo., "I am deeply sorry at the passing of Gen. Douglas MacArthur who has given of himself with exceptional strength and valor and will be remembered as one of the great military men in our history."

Former President Herbert Hoover said in New York, "I have known General MacArthur intimately since I appointed him Chief of Staff in 1930. He was one of the world's outstanding military commanders. He was also a statesman for peace.

"The world is a finer place for his having lived in it and for the standards of courage and character he set," said Mr. Hoover. "Truly his watchword was: duty, honor, country. He was a great man, a great general, and a great patriot. I join our Nation in heartfelt sympathy to his family."

Former President Dwight D. Eisenhower, who served under General MacArthur in the early 1930's said "the entire Nation will stand in sad salute" at the death of "one of the outstanding military leaders of American history."

From his vacation home in Palm Desert, Calif., Mr. Eisenhower said "through a long time of service," General MacArthur "earned the admiration and respect of his fellow citizens and the personal devotion of those he led in battle."

"As one of those privileged to serve for some years under his direct supervision," said Mr. Eisenhower, "I share with all his friends a feeling of special loss and sorrow and send deepest sympathy to his family."

I would also like to include the following editorial from the same newspaper paying high tribute to this heroic wartime leader.

[From the Washington (D.C.) Post, Apr. 6, 1964]

General MacArthur

Gen. Douglas MacArthur was a field commander in the old tradition of the American Army and a public administrator in a new tradition. He brought to both military command and military administration unusual qualities of mind and spirit and will which would have made him outstanding in any field of public life.

His success in a military career was foretold by his brilliant performance in early youth. The promise of his academic years was fulfilled in one of the most extraordinary records in the history of American arms. He had the voice, the presence, the aura, and the mystique of command. His striking appearance both reflected and supported the inner resources that he brought to public life. He looked the part of a commanding officer and a pro-consul. He had both a dramatic flair and a dignity of bearing.

His success in the Pacific war added to his already lustrous career. He handled the command problems of a combat almost logistically impossible with great administrative capacity and he filled the responsibilities of direct combat command to military perfection. The country could not have picked a better military leader for that arduous, destructive, and dangerous war. In the knowledge of what did happen, Americans may underestimate the risks and dangers of what might have happened. History has given to the war against Japan an aspect of inevitability that did not enshroud that conflict before it reached a climax. There was plenty of opportunity for error; but MacArthur did not err in the crucial decisions of the war.

As the administrator of the occupation, the General achieved a new and different kind of success. History affords no precedent for the American occupation of Japan. For all the difficulties, the occuption was extraordinarily successful in terms of day-to-day administration, and in the larger terms of its reformation and rehabilitation of Japan.

The war in Korea demonstrated anew his great talents as a field commander. He was ill served by his own intelligence forces and compelled to conduct a hazardous retreat back to the 38th parallel when Chinese "volunteers" poured in upon the United Nations forces. He differed with Washington on the desirability of extending the war into China. Since history never divulges its alternatives, his partisans and his critics never will agree on whether he did indeed wish to conduct the "wrong war, in the wrong place at the wrong time."

His departure from Japan, in a curious and ironic way, came under circumstances that demonstrated the lesson in democracy which he had been trying to teach Japan: despite his military power, he left his command at the direct order of his civilian superiors.

It is no doubt fortunate that the circumstances of his recall did not produce a political reaction in the United States even though its failure to do so disappointed some of the general's friends.

One can wonder what his destiny might have been if his public life, from the beginning, had been laid in the political arena. He had a sense of public issues and a flair

> for summarizing them rare in military men. He had a mind fascinated by the larger issues of geopolitics. Above all, he had a gift for forceful expression. And as his very latest writings disclose, he had a fine English style that few men in public life possess. But it is difficult to imagine him in any other role.
>
> To the millions who fought under his command he alone was 'the general," quite as explicitly as to the veterans of the Civil War that bloody rectangle at Antietam alone was "the cornfield." That he was sometimes ambitious for other titles may be true. In the midst of the great tides of popular adulation that swirled about him, he must have dreamed his dreams. In any other country or time any imaginable title might have been his. As the postwar years went by, however, he must have become increasingly content to be what he had so long been—"the general."
>
> Notwithstanding that insightful and witty remark upon his return from Japan, the old soldier, at long last, did die, but he did not and will not "fade away" as long as men remember his battle triumphs enshrined forever in the annals of the U.S. Army.

I am proud to associate myself with President Johnson, our three living former presidents, this eminent newspaper, the Idahoans I represent and Americans everywhere in stating my appreciation for the life of service that Gen. Douglas MacArthur has given to our beloved Nation and at the same time extend my heartfelt sympathy to his family.

Mr. PELLY. Mr. Speaker, today this Nation mourns the passing of a great American, a great patriot and one of the greatest military geniuses in all history, General of the Army Douglas MacArthur.

During a lifetime spent in dedicated public service, both in war and peace, General MacArthur has been accorded many honors by his countrymen. However, I deeply regret that a final and, I believe, a crowning honor was withheld from this distinguished American, in the failure of Congress to authorize and direct the President to appoint Douglas MacArthur to a six-star status as General of the Armies of the United States.

On December 18 last, this legislation was introduced in the Senate, sponsored by the following Senators: SYMINGTON, BEALL, BYRD, CARLSON, COOPER, COTTON, CURTIS, DIRKSEN, DODD, EASTLAND, FONG, GOLDWATER, GRUENING, HARTKE, HRUSKA, HUMPHREY, KEATING, KUCHEL, MCCLELLAN, MILLER, MUNDT, PROUTY, ROBERTSON, SIMPSON, THURMOND, TOWER, WALTERS and YARBOROUGH. These add up to a total of 28 Members of the Senate, 16 Republicans and 12 Democrats, and certainly represent wide nonpartisan support.

Regrettably, I am informed that small-minded men in positions of authority in the Department of Defense have up until now succeeded in blocking action on this legislation in the committee.

I would hope this honor could be awarded posthumously. However, the damage has already been done, in that it it obviously too late to pay this final tribute to a great man while he was alive. In this connection, I believe the administration has made a serious mistake by its opposition. Certainly, if the American people General MacArthur served so well and so faithfully could be heard, I am sure the answer would be unanimously in support of the legislation.

Mr. STRATTON. Mr. Speaker, I rise to join in expressing my sorrow over the passing of Gen. Douglas MacArthur. I had the privilege of serving on General MacArthur's staff during World War II as a naval combat intelligence officer throughout the island-hopping campaign in the Southwest Pacific, and also for a time in Japan.

In my judgment General MacArthur will go down in history as one of our greatest military geniuses. His strategy in the Pacific was sound and the tactics with which he pursued it were most effective. In fact, he took pride that the victories he won and the territory he took away from the Japanese were done with a minimum loss of American lives.

It was my privilege in Tokyo in November 1945, shortly before leaving to come back home to the United States, to have the opportunity to meet General MacArthur personally. Although I was only a naval lieutenant, a very subordinate officer on his staff, and although I had asked only for a brief opportunity to meet him and to pay my respects to him, I remember the general's courtesy and kindness in receiving me and chatting informally with me for more than half an hour.

Two years ago, shortly after Congress had passed the resolution honoring General MacArthur, the gentleman from South Carolina [Mr. RIVERS] entertained the general at a luncheon here in the Capitol, and I had an opportunity to renew my wartime association with the general. Although his vigor and health had failed somewhat, his mind was as keen as ever and he clearly remembered our earlier meeting. I mention this example to show that General MacArthur was certainly not remote or inaccessible. Of course, reference is often made to General MacArthur's personal courage and the numerous citations for bravery he received during his long career. During the Pacific campaign General MacArthur made it a point of personal pride to wade ashore on every one of his island-hopping landings in the Southwest Pacific. Although the theater commander could hardly be expected to go ashore in the first wave, General MacArthur not only came ashore just a bit behind the combat troops themselves, but conducted his inspection of the beach area with complete disregard for his own personal safety. He never wore a helmet. Indeed his familiar gold-braided cap made him an easy target for any enemy sniper. He did not even carry sidearms. On many of these expeditions he went almost as far forward as the frontline troops themselves, and more often than not, shortly after the general had left enemy troops would be discovered still lurking in the area.

It was my privilege, shortly after the war, to interview General Yamashita, commander of all Japanese forces on the Philippines. General Yamashita was amazed to learn that when General MacArthur waded ashore at Leyte he had come to stay.

> We saw those pictures of MacArthur going ashore at Leyte—

General Yamashita told me:

> but we thought it was just a publicity stunt. We didn't dream that he actually stayed ashore. If we had known that, we would have sent in a whole squadron of kamikazes to destroy his heaquarters.

But General MacArthur had redeemed his pledge to return to the Philippines, and he was not about to leave just because of his own safety or convenience.

Two instances come to mind, Mr. Speaker, to demonstrate General MacArthur's amazing ability in making detailed military decisions. For one, it was he who sold President Roosevelt on the soundness of taking the Philippines instead of bypassing them. He made this appeal during the Pearl Harbor Conference of 1944, and the soundness of his decision was justified, of course, not only by the smashing victory which we were able to secure in the Philippines but also by the political mileage we gained throughout the Far East in having honored our commitment to that island republic.

I might also mention General MacArthur's role in the selection of a landing beach for the Lingayen Gulf operation in the Philippines. His staff officers, virtually to a man, had recommended against the beach on which the landing eventually was made and had proposed instead an alternative to the northeast. General MacArthur flatly rejected this proposal. He insisted that the beach favored by his staff would be subject to heavy enemy fire. The staff officers had proposed it because they believed that the surf on the westerly beach would be too heavy. But in spite of their opposition MacArthur held to his own intuition on this detail. The landing took place at the beach that he directed. The surf was heavy and it did result in the loss of several landing craft. But the Japanese artillery had completely zeroed in on the alternate beach which the staff officers had favored and a landing at that spot would have been disastrous. MacArthur was right and his staff experts were wrong.

But most of all, Mr. Speaker, General MacArthur will be remembered for his administration of Japan. Not much seems to have been made of the fact that it was largely the result of General MacArthur's vision and persistence that Japan was never occupied on a divided basis as was Germany. Our occupation of Japan was also an Allied occupation and the Soviets tried hard for a time to be allowed to send their troops into the northern portion of the Japanese homeland. But General MacArthur vigorously opposed any such move and his superiors in Washington backed up this decision. So Japan was able to develop as a single country and today she stands as a glowing star in the free world firmament.

General MacArthur's administration of Japanese affairs was unique. He provided the basis for sweeping economic and social reforms in Japan without destroying those traditional patterns whose emotional impact provided the cement for the whole Japanese nation.

Mr. Speaker, with the passing of General MacArthur we bid farewell to one of history's real giants. This is not of course to say that General MacArthur did not make mistakes or that all his decisions were wise ones. But the sum total of his career is a record of accomplishment and dedication rarely matched in our military history. His dedication to public service and his eloquent devotion to the soldierly ideal will stand as an inspiration to the people of this country as long as the Stars and Stripes continue to wave "o'er the land of the free and the home of the brave."

Mr. McDADE. Mr. Speaker, he would be a brash man indeed who would think that any words he might write or speak could possibly add one shade of luster to the name of General of the Army Douglas MacArthur. I do not address myself to add anything to that name. I come before the Congress only to pay my own personal tribute, and through me the tribute of the 10th Congressional District of Pennsylvania to Douglas MacArthur.

He was a lonely man.

He stood above the century like a Colossus, and in the rarified atmosphere of greatness, there were few who were his equal, none his superior.

Indeed it is almost beyond understanding to note how often his greatness shone in this century. When he was only a young officer in the Philippine insurrection, MacArthur was one of the most significant voices coming out of that tragic combat.

When America sent its troops to fight in our first major international commitment, the First World War, MacArthur had grown in stature and was one of the most significant figures of that war.

When Japan sent its troops in great waves across the Pacific in December of 1941, it was MacArthur who held out in the Philippines till the last bitter moment when he was ordered off the islands. His voice, his cry of, "I shall return" became the rallying cry of hundreds of thousands of Filipinos who knew him, who loved him, and who heard in his words the pledge of this whole Nation that the Philippines would not be forgotten. They died in the jungles, on the mountains, in war camps. They died slowly often, but in death they knew that someday the General they loved so much would come striding back out of the ocean, and that he would not return alone.

They were on the beaches of Leyte and Luzon when MacArthur returned. They heard his voice in the voice of 10,000 American shells poured from hundreds of battleships. They came out of the jungle and wept when finally MacArthur literally came striding up out of the sea to stand on the beaches he knew and loved so well, to push the rumpled hat back on that high forehead, to take his old corncob from his mouth, and to smile for the first time in 3 years as he said: "I have returned."

Behind him the sea was shaken with the ships of the American Navy. Around him the beaches were dark with a tide of American soldiers and Marines. Above him the sky was black with American planes. It was the ultimate proof of the faith the people of the Philippines had in MacArthur and, through him, in America.

When Japan surrendered at the end of the Second World War, there were two men who sat at that table and received the surrender document who were watched by the whole world. One was a slight man they called "Skinney" Wainwright, the general who had surrendered nearly 3½ years before on the island of Corregidor, and who had languished in a Japanese prison for those years. He sat next to the man who had left Corregidor reluctantly, who had vowed to come back with victory, and who in the hour of victory called on General Wainwright to sit beside him to wipe the taste of defeat from his lips. That man was Douglas MacArthur.

Histories will be written and MacArthur will loom as one of the truly great military men our Nation has produced. Eulogies will be spoken, each trying, as this is trying, to say one word of tribute to the greatness of this man. But in the final run, no words will equal the words he spoke himself at West Point on May 12, 1962, when, for the last time, he reviewed the troops he loved so well, and received on that occasion the Sylvanus Thayer Award for service to his Nation.

I know of no words more eloquent than his words, words he spoke from the heart, with no notes, no prepared text.

> The shadows are lengthening for me. The twilight is here. My days of old have vanished—tone and tint. They have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty, watered by tears and coaxed and caressed by the smiles of yesterday. I listen vainly, but with thirsty ear, for the witching melody of faint bugles blowing reveille, of far drums beating the long roll.
>
> In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield. But in the evening of my memory, always I come back to West Point. Always there echoes and reechoes: Duty, honor, country.
>
> Today marks my final rollcall with you. But I want you to know that when I cross the river, my last conscious thoughts will be of the corps, and the corps, and the corps.
>
> I bid you farewell.

Now his farewell is final. Now the old soldier has faded away.

But he spoke one more thought I would remember when he addressed the cadets at West Point on that May afternoon.

> The long gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses, thundering those magic words: duty, honor, country.

Now that voice is gone from this world. But a Nation will pay tribute to that voice and that heart this week in solemn mourning. And on Saturday, when he is laid to rest in his final bed, the bugles will sound over his grave and they will echo in this world the sounds of another world, where the million ghosts in olive drab, in brown khaki, in blue and gray, will shake the dim battlements of eternity with the old cheers, the old songs, to know that out of our times has come a new man to stand at the head of the long, gray line of heroes.

Mr. MILLS. Mr. Speaker, the Nation, the free world, and my native State of Arkansas mourn the passing of Gen. Douglas MacArthur, one of the outstanding military leaders of all time. I refer particularly to my native State of Arkansas, Mr. Speaker, because all Arkansans take deep and sustaining pride in the fact that General MacArthur was born in Little Rock, Ark., while his father, the late Gen. Arthur MacArthur, was stationed for a tour of duty there, and we claim him as one of our own.

The tributes which have been paid to this great military tactician, patriot, and statesman, by the leaders of the free world are indicative of the respect and admiration with which he was held by all the free peoples of the world. His life was an outstanding example of high patriotism, devotion to duty, and utmost integrity. It would take many words and more time than is available to me here to undertake to enumerate the deeds of valor performed by this great American in a single lifetime. He has been long recognized as one of this Nation's most distinguished soldiers, and his life of service spans many decades in our Nation's history. He has given our Nation added luster and he will take his place in our history as one of the great heroes and military leaders of all time. My deepest sympathy to his wife and son.

Mr. FLYNT. Mr. Speaker, I join with my fellow citizens of a grateful Nation in paying tribute to General of the Army, Douglas MacArthur, who died yesterday, April 5, 1964, at Walter Reed Army Hospital.

General MacArthur was a great American, an able military leader, a loyal and dedicated citizen. Throughout his life, he prepared himself for service and for further service to his country when his country needed him. He served with honor and distinction in three wars and reflected credit upon the highest traditions of the military service of the United States of America.

In World War I, as the youngest division commander of the American Expeditionary Forces, it was said of him that on a field where courage was the general order that he displayed the greatest courage of all.

Between the wars he served as Chief of Staff of the Army. In time of war he was awarded every decoration of the United States, including the Medal of Honor. In addition he received highest awards and decorations from Allied Powers.

In World War II he directed the strategy and tactical operations which led to total victory in the war in the Pacific.

As commander of the occupation forces in Japan after World War II, he achieved the outstanding occupation and rehabilitative objective of all time. He performed this assigment with the dignity and firmness which characterized him and his country. At the same time he performed great service to his vanquished foe: through his help and leadership, he restored the nation and the people of Japan to a position of economic, industrial, and political strength. He won their admiration and respect. He understood the minds and thoughts of the people of the Orient as few, if any other, Americans have ever understood them.

In the Korean war he exercised the functions and responsibilities of Supreme Commander of the forces of the United States and our allies. Some may have disagreed with his position which resulted in his relief from command, but none ever doubted his loyalty, his patriotism, or his devotion to duty.

Mr. Speaker, I am one who agreed with General MacArthur in the position which he took in the Korean war. I believe that if his position had prevailed, that many serious facets of the cold war during the past decade would have been averted. However, like General MacArthur, I recognize and respect the right of the President of the United States to relieve him from command.

After being relieved from command in 1951, he returned to the United States to receive ovations in many cities of a grateful Nation, unequaled in our history.

He closed his military career on April 19, 1951, with an address to a joint session of Congress which has taken its place as a part of the history of our country. He stated his position succinctly in these words:

> I address you with neither rancor nor bitterness in the fading twilight of life with but one purpose in mind—to serve my country.
>
> War's very object is victory—not prolonged indecision. In war, indeed, there can be no substitute for victory.

His closing words of that historic address will never be forgotten by anyone who heard them while present in the House of Representatives or listening on radio or television. He stated his case; he left no doubt of his sincerity of purpose and of his devotion and dedication to his country. He opened his heart to his countrymen and closed with these words:

> I still remember the refrain of one of the most popular barrack ballads of that day which proclaimed most proudly that:
>
> "Old soldiers never die; they just fade away."
>
> And like the old soldier of that ballad, I now close my military career and just fade away—an old soldier who tried to do his duty as God gave him the light to see that duty. Goodby.

A military commander of the highest order, he was at the same time a man considerate of others. He possessed a strong faith and belief in Almighty God to whom he often prayed for guidance and direction.

He was the author of many splendid remarks and writings, one of which has always been my favorite. With his permission I have included it as my selection in two editions of "the Congressional Anthology." It follows:

(Submitted by Representative JOHN J. FLYNT, Jr., Georgia)

Build me a son, O Lord,
Who will be strong enough to know when he is weak,
And brave enough to face himself when he is afraid;
One who will be proud and unbending in honest defeat,
And humble and gentle in victory.
Build me a son
Whose wishbone will not be where his backbone should be;
A son who will know Thee—
And that to know himself is the foundation stone of knowledge.
Lead him, I pray,
Not in the path of ease and comfort,
But under the stress and spur of difficulties and challenge.
Here let him learn to stand up in the storm;
Here let him learn compassion for those who fail.
Build me a son
Whose heart will be clear,
Whose goal will be high;
A son who will master himself before he seeks to master other men;
One who will learn to laugh, yet never forget how to weep;
One who will reach into the future, yet never forget the past.
And after all these things are his, add, I pray,
Enough of a sense of humor,
So that he may always be serious, yet never take himself too seriously.
Give him humility,
So that he may always remember the simplicity of true greatness,
The open mind of true wisdom,
The meekness of true strength.
Then I, his father, will dare to whisper,
"I have not lived in vain."

—GEN. DOUGLAS MACARTHUR.

Douglas MacArthur lived a rich, full, and abundant life—a life of service to honor, duty, country. The United States is greater and stronger because of the contributions of his life and his work. He did not live in vain.

Mr. DORN. Mr. Speaker, Gen. Douglas MacArthur, as a military genius, has no superior in the history of the English speaking world. General MacArthur ranks with the Duke of Marlborough, the Duke of Wellington, Robert E. Lee, and Stonewall Jackson. MacArthur, like Stonewall Jackson, passed away quietly on a beautiful Sunday at almost the same time of the afternoon, and only a few miles distant. Like Jackson and Lee, MacArthur's remains will rest in the soil of Virginia.

General MacArthur was himself a product of a reunited Nation. His mother was a Hardy, a member of a noble Virginia family dedicated to the ideals and principles of that great Commonwealth, the "Mother of Presidents." Gen. Arthur MacArthur, his distinguished father, won the Congressional Medal of Honor, at age 18, as the youngest colonel in the Union Army when he led his troops to victory up the rugged slopes of Missionary Ridge in Tennessee. It is fitting that General MacArthur, a product of both the North and the South, should lead the armies of a united nation in three world wars.

Douglas MacArthur, as commander of the Allied Forces in the Pacific during World War II, performed one of the greatest military feats in the history of the world. MacArthur's role, as ordered from Washington in the initial stages of the war, was to hold Australia and the South Pacific while the Allied Forces crushed Germany and then all would unite in the final drive on Japan.

General MacArthur, with only a small fraction of American manpower and supplies, by genius and daring, had destroyed Japanese power in the Pacific when Germany surrendered on May 9, 1945.

His grand strategy in the Pacific of bypassing and isolating Japanese strong points saved thousands of lives while leading to total victory over a world power, immensely powerful on land, on sea, and in the air.

Douglas MacArthur followed in the footsteps of his father in his devotion to and confidence in the Filipino people. He aided in the birth of a nation—the Republic of the Philippines. He and his father laid the foundation stones for a lasting friendship between the United States and the Philippines. They contributed greatly to the formation of this lighthouse of freedom in the Orient, saying to all nations "it can be done." The United States has no stronger ally in the world today than the Republic of the Philippines.

Gen. Carlos Romulo, around my fireside in South Carolina, late one night in the fall of 1959 dispelled one of the myths of World War II—that MacArthur coined the famous phrase, "I shall return." General Romulo told me that he, himself, coined the phrase "I shall return" for General MacArthur and that MacArthur preferred "America shall return" or "freedom shall return" or some similar phraseology. Romulo told me that he insisted upon "I shall return" because the Filipino people looked upon MacArthur as a demigod. They believed in him implicitly and their faith had never faltered not even during the days of Bataan and Corregidor, but that the Filipino people had doubts about the United States in the Pacific. "The United States shall return" meant nothing to them at that time, but for MacArthur to return elicited from the Filipino people the utmost in confidence, courage, endurance, and support. Therefore, Romulo's suggestion, "I shall return," was finally accepted by MacArthur and this phrase thrilled the Filipino people and inspired them to endure the dark days.

General MacArthur understood the importance of the Far East more than any American of his time. He was aware of the reported Lenin statement that "The road to Paris is the road through Peking." MacArthur knew that if the Japanese, or later the Communists, should completely dominate Asia, with its vast manpower and untapped resources, then eventually Western Europe would fall. He realized that indeed the road to Paris is the road through Peking, Calcutta, Dahran, and Alexandria.

MacArthur, as occupation commander of Japan, performed a miracle. He won the love, admiration and esteem of the Japanese people and thus won them to the cause of freedom. The vast Japanese industrial potential and skilled manpower is thus today enlisted in the cause for freedom. From the day MacArthur set foot on Japanese soil, he awed and then won the hearts of the Japanese people. MacArthur stepped ashore in the familar uniform, open at the collar with no sidearms, exhibiting a fearlessness and confidence in the Japanese people which was reciprocated in the years to follow. MacArthur simply understood the oriental mind. He knew the importance of "face."

In Japan there was no joint occupational forces with Red Russia. No talk was permitted of a corridor to Tokyo. MacArthur was the Supreme Occupation Commander in the name of the United States of America.

Mr. Speaker, I feel I am in a unique position among Members of this Congress in evaluating the events surrounding the recall of General MacArthur as our commander in chief during the Korean war. I talked with General MacArthur approximately 98 hours prior to his recall on April 11, 1951. It was my pleasure to spend 2 hours with him then at his headquarters in Tokyo.

By MacArthur's brilliant flank attack at Inchon, South Korea had been saved, whole Communist armies liquidated, making possible an advance to the Yalu River. Unfortunately, Red China, at this moment entered the war with overwhelming forces and one of the most skillful retreats in all the history of the world was accomplished by General MacArthur and his gallant forces. They dug in on the 38th parallel where they destroyed the cream and the flower of the armies of Red China. Another advance to the Yalu was in order to secure the victory and unite Korea, but total victory was denied the American and Allied Forces and MacArthur was recalled. When I talked with him, he had no inkling of his removal a few hours later. In advocating complete victory in Korea, MacArthur only reflected the thinking of every single naval officer and seaman, every Air Force general and airman, every soldier, every Marine and Army general in Korea when MacArthur said, "There is no substitute for victory in war."

For 2 weeks prior to the time I talked with General MacArthur, my time was spent in airbases, naval bases and in the field in Japan, Okinawa and in Korea. I mixed with the American combat forces at every level. I did not find a single person who did not feel that we had destroyed not only North Korea, but that we had liquidated the only Red Chinese armies of any consequence and therefore total victory was in easy reach not only in North Korea but over Red China.

MacArthur and his commanders outlined to me the plan by which the bridges of the Yalu River could be cut, the railroads in Manchuria could be smashed overnight, Chiang Kai-shek landed in the south of China and that the balance of world power in three months would be tipped forever in favor of the cause of freedom. Russia could not possibly intervene in behalf of Red China with one railroad and no stockpile of nuclear power. Russia at that time was helpless to aid her faltering Red ally in China. This opinion was voiced by every member of the Japanese Diet with whom I talked.

MacArthur was only stating a basic elemental fact of war and was looking into the future with uncanny reality. His belief and that of his men at that time was that world war III was well underway. We had every advantage and all that remained was to seal the victory. He and his men felt that it would be much better to do so then at little loss of life than to wait 10 or 20 years when Red China and Russia were fully ready to strike at a time of their own choosing. Time was on the Communist side and we gave them the precious time they desperately needed. Without question, when the hordes of Red China attack Southeast Asia, as they will do, we will see the correctness of MacArthur's foresight.

General MacArthur was keenly interested in politics. He was the best political analyst I have ever known. As I sat with him in the Waldorf-Astoria in New York upon one occasion, I asked him about his predicting the Labor Party victory in Australia at the close of World War II. I recalled that he was the only prominent figure that predicted such a victory. MacArthur admitted a keen interest in politics and then, almost State by State, he went over the U.S. senatorial and gubernatorial races then underway and predicted the outcome. I was amazed in November of that year to find his predictions virtually 100 percent accurate.

At the time of this visit, June 19, 1954, General MacArthur revealed to me, for the first time, and I have kept it confidential, the nature of his conversation with President-elect Eisenhower and John Foster Dulles at the Waldorf in December 1952. MacArthur revealed that he suggested to Eisenhower and Dulles that they see Stalin somewhere on neutral ground in Europe almost immediately. Stalin was old and would not live long; and if an agreement was to be made with him, it would have to be done at once. MacArthur said that this summit with Stalin should be held as soon as Eisenhower was inaugurated President. At that time Eisenhower was a glamorous world figure. Everybody was seeking his favor. His prestige was at an alltime high, having been overwhelmingly elected President. With this enormous prestige, MacArthur felt that this was the psychological time to face Joe Stalin with the united power at that time of the allied world. Eisenhower could have faced Stalin with a proposition which would have been difficult for Stalin to refuse. The plan suggested by MacArthur to President-elect Eisenhower and John Foster Dulles was to threaten Russia with a complete rearmament of Germany and Japan, possibly including nuclear power, unless Stalin agreed to live up to his promise of the self-determination of the peoples of Poland, East Germany, and Central Europe. MacArthur believed and suggested to the President-elect that Stalin had no alternative but to accept. On the other hand, if Eisenhower waited 6 months, the luster of his prestige would wear away in political strife and allied suspicions and this opportunity would be lost forever.

Gen. Douglas MacArthur, to me, is unquestionably the greatest American of our time. His courage, integrity, character, and nobility are reminiscent of George Washington and the Founding Fathers.

The people of the United States, Japan, free China, the Philippines, and the people of the entire free world will always revere and love the name of MacArthur. The enemies of the free world will always admire his military genius and respect the name of MacArthur.

Mr. Speaker, I have lost a warm personal friend. I have lost one who has been an inspiration to me in this Congress and in my daily endeavors. Mrs. Dorn, my family, and the people whom I represent join me in extending to his lovely and devoted wife and to his fine son our deepest and most heartfelt sympathy. They join me in extending my deepest sympathy also to his dedicated and noble friend, Gen. Courtney Whitney.

Mr. Speaker, the following prayer of General MacArthur for his son will always be an inspiration to the youth of our country:

A Father's Prayer

Build me a son, O Lord,
Who will be strong enough to know when he is weak,
And brave enough to face himself when he is afraid;
One who will be proud and unbending in honest defeat,
And humble and gentle in victory.

Build me a son
Whose wishbone will not be where his backbone should be,
A son who will know Thee—
And that to know himself is the foundation stone of knowledge.

Lead him, I pray,
Not in the path of ease and comfort,
But under the stress and spur of difficulties and challenge.
Here let him learn to stand up in the storm;
Here let him learn compassion for those who fail.

Build me a son
Whose heart will be clear,
Whose goal will be high;
A son who will master himself before he seeks to master other men;
One who will learn to laugh, yet never forget how to weep;
One who will reach into the future, yet never forget the past.

And after all these things are his, add, I pray,
Enough of a sense of humor,
So that he way always be serious, yet never take himself too seriously.
Give him humility,
So that he may always remember the simplicity of true greatness,
The open mind of true wisdom,
The meekness of true strength.

Then I, his father, will dare to whisper,
"I have not lived in vain."

Mr. STAGGERS. Mr. Speaker, the long procession of the years of the 20th century rolls inexorably on. The United States of America emerges from the obscurity of a provincial power and gains a stature unmatched in human history. Its population doubles, and the vigor and ingenuity of its citizens grow hour by hour. Science and industry are in ferment. Brilliant figures light the scene, generating power and plenty and magnanimity. Intricate machines take over labor, both human and animal, and pour forth a stream of wealth for the service of man. Intelligence is cultivated and put to useful work. "There is no speech nor language, where their voice is not heard." Dominant citizen-kings unfold the mysteries of democracy, and disappear into the mists of the past.

Through all the convulsions of a civilization forging a re-creation of the world, a military star of the first magnitude glows with undimmed splendor. The United States is, by instinct and by deliberate choice, not a military nation. But growth brings conflict, and the United States could not escape the fate of its waxing economic and political power. There have been wars in rapid succession, and in all of them the name of MacArthur stands out with a solar light that cannot be extinguished. A valorous father spread luster on the name. The son added grandeur and glory and nobility.

The record of the days of the long years of the service of Douglas MacArthur to the Nation is written. The details are too familiar to all of us. The record began on the Plains of the Hudson before the dawn of the century. It ended on the deck of the Missouri in a Japanese harbor.

Or did it end there? No, the culmination came when the superb warrior turned into a sagacious statesman. Stern necessity compelled Douglas MacArthur to overwhelm the military ambitions of a Nation deluded by false promises. Nobility of character urged him to rebuild that Nation on a grander scale, with rightness and good will as its foundation stones.

Honors have been heaped upon Douglas MacArthur to the limit of our feeble power to bestow. General of the Army, wearer of the Congressional Distinguished Service Medal, the adulation and hero worship of millions.

We are most thankful that length of years was granted to our general. That gave him time to stamp his personality on the hearts of his compatriots. His name and his deeds will inspire his followers with a zeal and devotion equal to his own. For it is impossible to believe that America can produce only one true patriot and wise leader.

In those who come after him, then, may his career go on. And for their encouragement and guidance, may they diligently con the books in which his record is written, wherein "lies the soul of the whole past time, the articulate voice of the past when the body and material substance of it has altogether vanished like a dream."

Mr. RHODES of Pennsylvania. Mr. Speaker, the people of the Sixth District of Pennsylvania join their fellow Americans and citizens throughout the free world in mourning the death of one of America's great soldiers, Gen. Douglas MacArthur.

General MacArthur's life was dedicated to the service of his country and to the defense of freedom. As a World War I frontline commander, as liberator of the Philippines, as commander of the Allied Powers in Japan and an architect of the free political system of that great and friendly country, and as commander of the United Nations forces in Korea, he was one of America's great heroes.

I know of no more fitting words to serve as his epitaph than those contained in President Johnson's proclamation of April 5:

> We will forever be indebted to him for his integrity, his courage, and his brilliant accomplishments as a soldier and citizen; we will never forget that his ultimate goal was peace among men.

My deepest sympathies go to Mrs. MacArthur and their son.

Mr. MURPHY of New York. Mr. Speaker, one of the great captains has died but has left a memory in history that will long be remembered, revered, and studied by students of not only military history but of the chronicles of all time.

General MacArthur was an inspiration not only to those who knew him but to those whom he led and served and to those who knew and studied his accomplishments.

Gen. Douglas MacArthur was a soldier's soldier. His early life left no doubt of the illustrious future he would enjoy. He is the proof of the greatness of America because our system must produce General MacArthurs in order to maintain our leadership of the world. We must build leaders and to this end General MacArthur devoted an ever increasing amount of time in his last years. He was dedicated to West Point and to the military leadership that our free society demands.

He wrote a prayer, which might be called a father's prayer, during the trying battle for the Philippines in 1942. It is not only a message to his son but it is a message to all sons of America. I quote it here as one of the great contributions of one of the great captains:

> Build me a son, O Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.
>
> Build me a son whose wishes will not take the place of deeds; a son who will know Thee—and that to know himself is the foundation stone of knowledge.
>
> Lead him, I pray, not in the path of ease and comfort, but under the stress and spur of difficulties and challenge. Here let him learn to stand up in the storm; here let him learn compassion for those who fail.
>
> Build me a son whose heart will be clear, whose goal will be high, a son who will master himself before he seeks to master other men, one who will reach into the future, yet never forget the past.
>
> And after all these things are his, add, I pray, enough of a sense of humor, so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity or true greatness, the open mind of true wisdom, and the meekness of true strength.
>
> Then I, his father, will dare to whisper, "I have not lived in vain."

Mr. WHITE. Mr. Speaker, another era of the fighting MacArthurs ended Sunday with the passing of Gen. Douglas MacArthur. In less than 5 months, our Nation is again plunged into deep mourning over the death of an outstanding citizen.

Born at an Army post on the American frontier on January 26, 1880, MacArthur followed in the footsteps of his forefathers who, as early as the 14th century, were noted warriors then serving under Robert the Bruce for the independence of Scotland.

His destiny was guided by a deep sense of devotion to duty, honor, and country. The importance he placed on these words is related in an address he made at the U.S. Military Academy 2 years ago.

> Those three hallowed words—

He said—

> reverently dictate what you want to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn.

Fifty-two of his eighty-four years were dedicated to the profession of arms and the art of war. His military career carried him through three major wars, and his ability won high praise from leaders throughout the world. The British Chiefs of Staff sent the following message to MacArthur shortly after the successful landing of troops at Inchon, Korea:

> We believe that the brilliant conception and masterly execution of the Inchon counterstrike which you planned and launched whilst holding the enemy at bay will rank among the finest strategic achievements in military history.

He was very much aware of changing times and changing situations.

> The old methods and solutions no longer suffice—

He told the American Legion gathered in Los Angeles in 1955—

> We must have new thoughts, new ideas, new concepts, just as did our venerated forefathers when they faced a new world.

In an address at the U.S. Military Academy before the 1962 graduating class, he continued this theme:

> You now face a new world, a world of change. The thrust into outer space of the satellite spheres and missiles marks a beginning of another epoch in the long story of mankind. In the five or more billions of years the scientists tell us it has taken to form the earth, in the three or more billion years of development of the human race, there has never been a more abrupt or staggering evolution.
>
> We deal now not with things of this world alone, but with the illimitable distances and yet unfathomed mysteries of the universe. We speak in strange terms of harnessing the cosmic energy, or making winds and tides work for us * * * of the primary target in war, no longer limited to the armed forces of an enemy, but, instead, to include his civil population; of ultimate conflicts between a united human race and the sinister forces of some other planetary galaxy, such dreams and fantasies as to make life the most exciting of all times.

General MacArthur is no longer amongst our ranks. As if writing his epitaph, he also told the graduating cadets at West Point:

> The shadows are lengthening for me. The twilight is here. My days of old have vanished—tone and tints. They have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty, watered by tears and coaxed and caressed by the smiles of yesterday. I listen then, but with thirsty ear, for the witching melody of faint bugles blowing reveille, of far drums beating the long roll.
>
> In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield. But in the evening of my memory I come back to West Point. Always there echoes and reechoes: duty, honor, country.

Today marks my final rollcall with you. But I want you to know that when I cross the river, my last conscious thoughts will be of the corps, and the corps, and the corps. I bid you farewell.

With bowed heads, our Nation bids Gen. Douglas MacArthur a very sad farewell.

Mr. CONTE. Mr. Speaker, in the last and most difficult battle, Douglas MacArthur demonstrated the courage that marked his entire career. With the knowledge that this last battle could not ultimately be won, he nevertheless fought gamely, and once again, the American people fought with him.

His career spanned the international confrontations of the 20th century, a century marked by two major world wars and the terrible 37-month long Korean crises. In every instance—from his brilliant undergraduate days at West Point to the highest pinnacles of military strategy—Douglas MacArthur remained first and last a soldier; a very brave and valiant soldier.

Despite his famous saying that "old soldiers never die" the inevitable has happened. With Shakespeare, we may now say that "the valiant never taste death but once."

His last days, as well as his entire life, amounted to a case study in courage. I will miss him greatly, and the country has lost one of its truly great heroes. My deepest sympathies and those of the entire world go out to his wife and son on this day, and we can say with certainty that Douglas MacArthur now belongs to the ages.

Many great things have been said about the late general here on the floor of the House, where many friends of the general have extolled his memory.

On Monday, April 6th, the New York Herald Tribune editorial described the career of General MacArthur titled "A Great Captain Passes." I am pleased to make this article a part of the permanent RECORD. The editorial follows:

A GREAT CAPTAIN PASSES

The stresses of a long life, the agonies of its last gallant days have ended for General of the Army Douglas MacArthur. His great feats in battle belong to history; the memory of his services, his electric personality belong to the American people.

General MacArthur's whole career was invested with authentic drama, heightened by his own panache, an aura that was as tangible as the white plume of Henry of Navarre.

The general came by his military bearing naturally. He was a soldier by career and by inheritance—a product of West Point's strongest traditions and the son of that Lt. Gen. Arthur MacArthur whose military experience extended from the Civil War to the Philippines insurrection. Douglas MacArthur held high command in three great wars, as well as the highest peacetime offices in the Armies of the United States and the Philippines Commonwealth.

Had General MacArthur possessed less than authentic genius, his commanding manner might not have served him well with the American people, who generally prefer their generals to have the outward simplicity of a Stonewall Jackson, a Grant, or an Omar Bradley. The strategic brilliance of Douglas MacArthur was too real to be obscured by such considerations, as the massive and virtually unprecedented welcome he received on his return from Korea demonstrated.

Yet the pride and affection in which Americans held the soldier had their limits. Though the General's views on domestic and international politics received a full and respected hearing, they did not markedly affect the Nation's course.

General MacArthur's broad ideas on global strategy in World War II and after will doubtless long be debated. Many controversies survive those stormy days. But the superb mastery of the complex technology of warfare he displayed is undeniable.

In the long defense of Bataan and Corregidor—foredoomed but presenting a striking contrast to the swift collapse of so many other Pacific bastions before the Japanese tide—General MacArthur was a symbol of dogged resistance. His promise to return was a kind of individual pledge of a national resolve.

But neither symbol nor resolve of themselves could have accomplished the tremendous feat of taking fleets and armies some 2,500 air-line miles through the tangled archipelagoes that lay between the advanced Allied bases at Port Moresby and Manila.

The Pacific war was fought on many fronts, from the foggy Aleutians to hot, pestilential Guadalcanal. No one effort can be given sole credit for the final result. But General MacArthur's drive, against carefully selected links in the Japanese chain, was an operation for the textbooks, a model of coordination, deception and boldness.

As Lord Alanbrooke, who has termed MacArthur the "greatest general and the best strategist that the war produced," pointed out, the General not only left "masses of Japs to decay" behind the points he chose to hit, but picked for those points the ones "best suited for the efficient use of the three services." MacArthur waged triphibious war at its most deadly.

This is the more striking when it is remembered that the general had received his initial training at a time when armies moved on the feet of men, horses and mules, when cavalry still carried sabers and were expected to use them in a charge, when magazine rifles, smokeless powder, machine guns and quick-firing artillery were all relatively new in war. His first experience in combat was in the mired simplicities of World War I, during which he rose to brigade and, at the war's end, divisional command.

That his triumphs in the Pacific war should lead to General MacArthur's central role in accepting the surrender of Japan on the deck of the battleship *Missouri* was natural. That this in turn led to a masterpiece of imaginative administration in the rebuilding of Japan under the general's supreme command may be ironical. But the sturdy foundations that General MacArthur laid for America's principal Far Eastern alliance testify to the fact that if he was primarily a military man, he was both broadgaged and farsighted.

The Communist attack upon the Republic of Korea thrust General MacArthur into his third war in his 70th year. It included the great stroke at Inchon—worthy to be considered his most striking single maneuver—and the anticlimax of his recall by President Truman.

Though it shadowed his last years, the recall was not in any sense a judgment upon his career. That judgment is far better expressed by divisional command in 1918, Chief of Staff under President Hoover, Field Marshal of the Philippines Commonwealth, General of the Army in the world's greatest war, Supreme Commander in Japan, Commander in Chief of the United Nations in Korea and many decorations, including the highest, the Medal of Honor.

Repeated heavy responsibilities, brilliantly discharged, show the confidence the Republic reposed in its great captain and the reasons for its gratitude to him.

Mr. RICH. Mr. Speaker, Gen. Douglas MacArthur, the great soldier who fired his first shot in battle 61 years ago and served with distinction as a fighting general in three wars, has lost his final battle to death.

The death of the five-star general, senior ranking officer in the U.S. Army, removed from the American scene a public figure who had written himself brilliantly into the history of his time not only as a soldier but a statesman.

As United Nations commander in the occupation of Japan, he became the first foreigner to govern that country.

The impact of his personality alone has made him an outstanding world figure since he came dramatically out of retirement and into field command in the Philippines when the Japanese started World War II.

In World War II, as commander of the Southwest Pacific Theater of Operations, General MacArthur often was under fire as he landed along with his troops on invasion beaches. The planning and execution of his campaign that led allied forces from Australia back through jungled islands and through the Philippines has been called masterly by military critics.

The audacity and calculated chance taking of some of his maneuvers caught the enemy completely off balance. In the Korean war, in which he was United Nations commander, he conceived and carried out the Inchon amphibious landing in 1950 despite opposition from his field commander and initially from the Joint Chiefs of Staff. The operation recaptured Seoul, the capital city, and sparked the routing of the North Korean Communist army.

His words "I shall return," and "I have returned," will long be remembered by all Americans and all free people in the world. But most of all we will remember the words he spoke to the joint session of Congress from one of the most popular barracks ballads "which proclaimed most proudly, that old soldiers never die, they just fade away. And like the old soldier of that ballad, I now close my military career and just fade away."

The memory of Gen. Douglas MacArthur will never fade away in the hearts of free people of this world.

To his widow, his son, his family, we extend our heartfelt sympathy.

Mr. MONTOYA. Mr. Speaker, from the plains of the U.S. Military Academy to the decks of the battleship *Missouri*, through two World Wars, and Korea, up the beaches of Corregidor and across the Peninsula of Bataan there stands a trail blazed by an American patriot—a man who served his country and labored in her name.

Many in New Mexico have a very special knowledge of that man, Gen. Douglas MacArthur, for during World War II there served on Bataan two battalions of the New Mexico National Guard. It was to men such as those that he triumphantly returned in 1944. For the accomplishment of that remarkable feat alone, we shall be forever in the general's debt.

Little more than a week ago, the tired warrior opened his eyes after major surgery; and, while having barely regained consciousness, he whispered, "I will do my best." As 20 years ago he kept his promise of, "I shall return," we may feel secure in the knowledge that he did no less than "his best" throughout his years. May we who have benefited from his courage, determination and dedication always walk in his footsteps doing nothing less than our best.

Americans have had good reason to take pride in their country. But now, we have been given new reason for pride in this Nation by the thoughts, words, and deeds of this General of the Army, for we are able to hold dear the same land to which he dedicated his life.

Each of us, as citizens of America and as citizens of the world, can honorably toil in the service of his ideals, and while emulating his devotion to peace, may we withstand with equal fortitude the gales of war should those ill winds ever again surround us.

In the annals of history, there still live many men who no longer walk among us. Yet, death and the passage of time have illuminated their deeds and elevated the memory of their lives as a source of mankind's hope. Like those men, Douglas MacArthur is a man whose memory will serve as a wellspring of hope. But, unlike them, it was during life and not in death that he became a legend. In repose, he can serve only to make us realize the great depth of our loss, for already we realize that we have sustained a loss.

May we learn from his passing of our great need to bring from the generations of today and tomorrow men, who like him, will live with dignity and integrity. May we recognize that what many have thought beyond human ability is surely not so, for by his death, Douglas MacArthur has again manifested his greatest quality, his humanity.

Mr. DANIELS. Mr. Speaker, like an old soldier who never dies, Gen. Douglas MacArthur faded away Sunday leaving behind a great legacy for those who loved and cherished him. His passing, though anticipated for some time, brings deep bereavement to our countrymen everywhere for he has long been the symbol of a great father to all of us, as he fought for our country and protected our homesteads and our American ideals.

The legend that Gen. Douglas MacArthur created for our Nation and our people is almost unparalleled in the records of American military history. He became a living embodiment of the West Point Academy code which he himself so eloquently expressed many times during his long distinguished career: That of duty, honor, and country.

To many young boys, as well as those who grew up alongside of him during the war period, General MacArthur was the hero who could never die. He also became the idol and beloved hero of other countries and peoples around the world.

General MacArthur exhibited both courage and physical strength during his military service that made people everywhere admire and respect him, yet he also had a deep-seated devotion to spiritual values. During the desperate early days of the war in the Pacific, General MacArthur wrote a credo, which his family joined in to repeat during early morning devotions. It is a simple legacy from a father to a son, and I would like to submit it here in memoriam to his fine aspirations:

> Build me a son, O Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.
>
> Build me a son whose wishes will not take the place of deeds; a son who will know Thee—and that to know himself is the foundation stone of knowledge.
>
> Lead him, I pray, not in the path of ease and comfort, but under the stress and spur of difficulties and challenge. Here let him learn to stand up in the storm; here let him learn compassion for those who fail.
>
> Build me a son whose heart will be clear, whose goal will be high, a son who will master himself before he seeks to master other men, one who will reach into the future, yet never forget the past.
>
> And after all these things are his, add, I pray, enough of a sense of humor, so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity of true greatness, the open mind of true wisdom, and the meekness of true strength.
>
> Then I, his father, will dare to whisper, I have not lived in vain.

Mr. BURKE. Mr. Speaker, we have become only too familiar in recent months with the sense of loss that is felt when a great man and a great national figure dies. Men who possess the rare quality that is called leadership hold a special place in the affections of their countrymen. Their departure occasions therefore a very deep, a very genuine, and a very unique kind of grief.

Everyone is familiar with the history of General MacArthur's life, and now we are sorrowfully familiar with the circumstances of his calmly courageous death. He died as he lived, a hero to the end.

In this stalwart and romantic figure, the great hopes, dreams, and ideals of the United States came to life and found fruition. In his full life of superlative leadership, of patriotic service, and of dedicated achievement, General MacArthur gained a deep and penetrating wisdom which found utterance in his public statements.

Rather than attempting the impossible task of reviewing the major triumphs of a life so full of achievement, it may perhaps be appropriate to repeat some of the words of Douglas MacArthur, words that his fellow Americans may remember in the years to come when his presence and counsel will not be here to guide and sustain us.

He stated his dedication to the cause of his country and of freedom thus:

> I shall raise my voice as loud and as often as I believe it to be in the interest of the American people. I shall dedicate all of my energies to restoring to American life those immutable principles and ideals which your forefathers and mine handed down to us in sacred trust. I shall assist in the regaining of that moral base for both public and private life which will restore the people's faith in the integrity of public institutions and the private faith of every man in the integrity of his neighbor. I shall set my course to the end that no man need fear to speak the truth. I could not do less, for the opportunities for service my country has given me and the honors it has conferred upon me have imposed an obligation which is not discharged by the termination of public service. I am animated by the sole desire to help restore, preserve, and advance those great American principles and ideals of which we have been beneficiaries ourselves and are now trustees for future generations.

Following the surrender of the Japanese on the battleship *Missouri* he said:

> Men since the beginning of time have sought peace. Various methods through the ages have been attempted to devise an international process to prevent or settle disputes between nations. From the very start, workable methods were found insofar as individual citizens were concerned, but the mechanics of an instrumentality of larger international scope have never been successful. Military alliances, balances of power, leagues of nations, all in turn failed, leaving the only path to be by way of the crucible of war. The utter destructiveness of war now blots out this alternative. We have had our last chance. If we will not devise some greater and more equitable system, Armageddon will be at our door. The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advances in science, art, literature, and all material and cultural developments of the past 2,000 years. It must be of the spirit if we are to save the flesh.

This is the manner in which he described our crisis and prayed for the future of his country:

> There are those who seek to convert us to a form of socialistic endeavor leading directly to the path of Communist slavery. As a counterbalance to those forces is the deep spiritual urge in the hearts of our people—a spiritual urge capable of arousing and directing a decisive and impelling public opinion. This, indeed, is the great safeguard and resource of America. So long as it exists we are secure, for it holds us to the path of reason. It is an infallible reminder that our greatest hope and faith rests upon two mighty symbols—the cross and the flag; the one based upon those immutable teachings which provide the spiritual strength to persevere along the course which is just and right—the other based upon the invincible will that human freedom shall not perish from the earth. These are the mighty bulwarks against the advance of those atheistic predatory forces which seek to destroy the spirituality of the human mind and to enslave the human body. Let us pray for the spiritual strength and innate wisdom to keep this Nation to the course of freedom charted by our fathers; to preserve it as the mighty instrument on earth to bring universal order out of existing chaos; to restore liberty where liberty has perished; and to reestablish human dignity where dignity has been suppressed.

In one of his last speeches, his farewell to the Cadet Corps at the Military Academy when he was presented the Sylvanus Thayer Award for service to the Nation, he spoke these moving words:

> The long, gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from under their white crosses, thundering those magic words: duty, honor, country. * * * The shadows are lengthening for me. The twilight is here. My days of old have vanished, tone and tint. They have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty, watered by tears and

> coaxed and caressed by the smiles of yesterday.
>
> I listen vainly, but with thirsty ear, for the witching melody of faint bugles blowing reveille, of far drums beating the long roll.
>
> In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield. But in the evening of my memory always I come back to West Point. Always there echoes and reechoes: duty, honor, country.
>
> Today marks my final rollcall with you. But I want you to know that when I cross the river, my last conscious thoughts will be of the Corps, and the Corps, and the Corps.
>
> I bid you farewell.

Mr. WICKERSHAM. Mr. Speaker, I rise today to join my colleagues and the Nation in paying tribute to a great man.

Douglas MacArthur was one of those star-crossed individuals who not only had the great fortune of living in this Nation at a time when great history was in the making, but who also took a major role in the shaping of that history. He was one of our rare soldier-statesmen.

As a soldier he led this Nation to overwhelming victory in the Pacific. Then after the conflict had passed and the guns of war had fallen silent, he lifted the vanquished from the ashes of defeat, and almost single handedly built them into the great democracy they are today.

This is but one of the many examples that could be used to illustrate his ability.

From his first campaign in the Philippines to his last battle in Korea, he served this Nation with every fiber of his body and every thought of his brilliant mind.

His military genius and administrative brilliance will long continue to set the example for the young men in this Nation who will graduate from our military academies in the years to come.

I was privileged to hear his farewell address to the Congress in which he used that now famous phrase:

> Old soldiers never die, they just fade away.

Now, after his passing, I cannot help thinking that no statement he made could be more mistaken.

For as long as history continues to record the deeds of men, the memory of Douglas MacArthur will never "fade away" from the minds of the American people.

We can never repay you, Douglas MacArthur, for all you have done for your country. I hope it will suffice to say, "Thank you and God keep you."

Mr. BECKWORTH. Mr. Speaker, I am one of the many Americans who is profoundly sad because of the passing of one of the greatest soldiers, one of the greatest statesmen, and one of the greatest men in all respects, General MacArthur.

In January 1946, it was my privilege, along with several other Members of the House of Representatives, to visit with General MacArthur at his headquarters in Tokyo, Japan. His great Pacific victory had just been won; however, he was modest to the last degree.

It was clear to all of us he was working night and day to try to assist a group of people who had vigorously fought America; the Japanese. We are all aware of his unusual success in bringing order out of chaos in Japan.

When the proper evaluations of all great leaders in the history of America are made, we all are aware General MacArthur will stand with and by the very highest.

Mr. BROOMFIELD. Mr. Speaker, some heroes are accidents of history. Through a quirk of circumstance not of their own doing, they happen to be in the right place at the right time and do the right thing.

But there is another brand of hero, the sort of hero typified by General of the Army Douglas MacArthur whose death we mourn today.

Time after time and on occasion after occasion, General MacArthur deliberately placed himself in the path of history and dared it to run him down.

I do not think General MacArthur ever played it safe in his life.

He never compromised principle for expediency.

He lived the life he wanted to live, and he lived it to the fullest.

His dedication to his Nation will be remembered as long as there is a United States.

Words came easily to General MacArthur, because he believed fervently in what he said, and he lived what he believed.

His speech before the Corps of Cadets at West Point on May 12, 1962, deserves to be remembered forever. It was delivered without notes, from the heart.

In speaking of the motto of the U.S. Military Academy, "Duty, Honor, Country," he said:

> Unbelievers will say they are but words, but a slogan, but a flamboyant phrase.
>
> But these are some of the things they build. They build your basic character. They mold you for your future roles as the custodians of the Nation's defense. They make you strong enough to know when you are weak, and brave enough to face yourself when you are afraid.
>
> They teach you to be proud and unbending in honest failure, but humble and gentle in success; not to substitute words for action; not to seek the path of comfort, but to face the stress and spur of difficulty and challenge; to learn to stand up in the storm, but to have compassion on those who fail; to master yourself before you seek to master others; to have a heart that is clean, a goal that is high; to learn to laugh, yet never forget how to weep; to reach into the future, yet never neglect the past; to be serious, yet never take yourself too seriously; to be modest so that you will remember the simplicity of true greatness; the open mind of true wisdom, the meekness of true strength.

What more can I say, what more can anyone say about this man who was born to heroism, lived life nobly and died with dignity and honor.

If each of us in this Chamber today could have done one of his deeds, each of us would be a hero.

We will never forget General of the Army Douglas MacArthur, either here in the United States, in the Philippines, or in Japan.

He was a magnificent soldier, a magnanimous victor, and a matchless man.

Let us hope and pray with all our hearts that the good Lord will give us more men like him in the future.

Mr. HALPERN. Mr. Speaker, the gray skies and misting rain we have witnessed in Washington give sad expression to the sorrow we all feel as Gen. Douglas MacArthur, one of the most vivid public servants of our age, lies in honored state under the dome of this Nation's Capitol.

It is a tribute reserved for the great of this country, and the greatness of Douglas MacArthur, a dedicated patriot of freedom, a brilliant military strategist, and a commander of our forces in three wars, was recognized long ago.

During the black hours of World War II, the rugged face, the tarnished hat, the determined look of self-assurance gave hope and confidence to a frightened world. His courage and strong sense of duty, honor and country gave inspiration and valor to the men he led in sacrificing service to this country and the cause of freedom. His own sense of duty is characterized by his uncompromising statement:

> The man who will not defend his freedom does not deserve to be free.

MacArthur was a serious and eloquent man. His high sense of purpose and indomitable moral courage clung to him throughout a lifetime. After the fall of Bataan and Corregidor, when the Filipinos were left alone under cruel enemy occupation, it was to him a moral duty to return.

As Ambassador Carlos P. Romulo reminded us:

> For him to say "I shall return" was to wave the flag of hope, of determination, of undying faith. The guerrillas in the swamps and in the mountains would continue fighting because MacArthur, they were sure, was coming back. The personal pronoun "I" was MacArthur. His word was his bond.

And MacArthur did return. With moral courage, and a genius for strategy, he led victorious troops across the Pacific into Japan.

Perhaps his great success as a military leader came from his genuine respect for the men he was called to lead. Of the American man of arms he said:

> My estimate of him was formed on the battlefield many, many years ago, and has never changed. I regarded him then, as I regard him now, as one of the world's noblest figures; not only as one of the finest military characters, but also as one of the most stainless * * *. In 20 campaigns, on a hundred battlefields, around a thousand campfires, I have witnessed that enduring fortitude, that patriotic self-abnegation, and that invincible determination which have carved his stature in the hearts of his people.

This respect that MacArthur held for the average foot soldier has been returned twofold, not only from those who served under him, but from the hearts of people throughout the world who esteem the example he set before us. We may not be able to express it in the same eloquent manner, but our feelings are as deep and as genuine.

General MacArthur was born to military life. The son of Arthur MacArthur, a lieutenant general and one of the outstanding figures of our Civil War, he learned well his lessons in patriotism and love of country. In 1899 he entered his beloved U.S. Military Academy at West

Point, and the years spent there were among his dearest memories of a full lifetime.

Four years later he graduated as first in his class. From that point on, the fact that he was outstanding among men was seldom questioned. He became the youngest brigadier in the American Expeditionary Forces of the First World War. He was then made Chief of Staff of the U.S. Army, again the youngest in history, and was retained for an unheard of second term under the directions of President Roosevelt.

Then came Pearl Harbor and the devastation of World War II. He was entrusted as supreme commander in the Pacific and brought exceptional leadership to the fight for freedom. He became, as President Johnson said, "one of the authentic American heroes of this century."

At the outbreak of the Korean conflict the free world turned to him as their supreme allied commander. His decision, made against great opposition, concerning the Inchon landing in Korea in 1950, proved to be a brilliant victory. Some historians have expressed the opinion that it may be among the greatest examples of military strategy in history. But MacArthur's dictum, that "There is no substitute for victory," brought him squarely in conflict with the leader of our country. After years of noble service to this Nation he was retired from active military life.

The words he spoke in that memorable and touching farewell speech to Congress point up the great moral courage of the man. He held a strong conviction and, in the face of what he considered to be disgrace—held on to it. It is not for us to judge who was right—future generations will do that for us—but those closing lines expressed the dedication and the courage of an exceptional man, a man whose passing deeply grieves the world. Those lines were:

> Now I close my military career and just fade away—an old soldier who tried to do his duty as God gave him the light to see that duty. Goodby.

Mr. POOL. Mr. Speaker, as the Nation mourns General of the Army Douglas MacArthur, we find ourselves united once more in shared sadness and reflection.

The lives of us all have been lifted by the force of this man's character.

We who live in Texas are glad that our State contributed to the formation of his life, as his life later contributed to ours.

As a boy in his teens, Douglas MacArthur spent in the State of Texas what he called in his memoirs, "the happiest days of my life." Later he served in Texas as a young officer in the Army of the United States.

General MacArthur recounts in his life story that his first memories are of a tour of duty his father Gen. Arthur MacArthur, served on the Rio Grande River at Fort Seldon near El Paso.

At 13, Douglas MacArthur was enrolled at the newly established West Texas Military Academy in San Antonio. There he achieved high scholastic standing and honors. He was quarterback of the football team and a tennis champion.

Writing of his years at the West Texas Military Academy near Fort Sam Houston, General MacArthur said:

> It was here that a transformation began in my development. There came a desire to know, a seeking for the reasons why, a zest to learn the facts. Gradually an overwhelming thirst for knowledge seized me.

That the late General MacArthur regarded Texas with the same esteem with which the State of Texas and its people regard this great national hero is reflected in his words:

> It was a wrench to leave San Antonio. My few years there were without a doubt the happiest of my life. Texas will always be a second home to me.

In Texas the past is important. The soldier whose body lies in state here today will be remembered.

Mr. DERWINSKI. Mr. Speaker, I join my fellow Members in expressing my sorrow over the death of General of the Army Douglas MacArthur. As one of the millions of American servicemen who served under General MacArthur during the Pacific campaigns of World War II, I have personal recollection of some of his greatest triumphs.

Certainly, in the proper judgment of military observers, General MacArthur has earned a place in history as one of our greatest military geniuses. His World War II strategy was almost flawless in its development and was especially noteworthy for the fact that his plan produced effective recovery of territory from the Japanese with a minimum loss of American lives.

We are all mindful of the frustrations to which General MacArthur was subject during his command of the forces in the Korean war. He was one of the first victims of foreign policy decisions which prevented clear-cut victory in the war against communism. The American people still remember his logical and dramatic emphasis on the fact that the purpose of war is victory.

Mr. Speaker, General MacArthur served our country in his military capacity for over 50 years, and his service was one of dedication, honor, courage, and, above all, triumphant accomplishments of American military forces.

A nation joins us in paying tribute to this great soldier. This Saturday when he is laid to his final rest, bugles will sound over his grave, and his soul will take its place at the head of a long line of heroes who have served our country so well.

Mr. REID of New York. Mr. Speaker, America has lost one of its great captains in the passing of General of the Army Douglas MacArthur.

His service in 20 campaigns and on a hundred battlefields represents—in the highest sense—his dedication to the creed of the long gray line: "Duty, honor, country."

As Supreme Commander of the occupation of Japan, MacArthur's leadership wrote an inspiring chapter in American-Japanese relations; creatively and sensitively encouraging Japan down the road of social and economic reform—and firmly toward democracy. Above all, he laid the foundations for a Japan committed to the principles of the United Nations; dedicated to peace; and determined to play an important role as a leader of the free world.

He was to say of his service in Japan:

> If the historian of the future should deem my service worthy of some slight reference, it would be my hope that he mention me not as a commander engaged in campaigns and battles, even though victorious to American arms, but rather as that one whose sacred duty it became, once the guns were silenced, to carry to the land of our vanquished foe the solace and hope and faith of Christian morals.
>
> Could I have but a line of a century hence crediting a contribution to the advance of peace, I would yield every honor which has been accorded by war.

Of the United Nations he said:

> It represents perhaps the noblest effort man has yet made to evolve a universal code based upon the highest of moral precepts. It became the keystone to an arch of universal hope.

In time of war his rallying cry on leaving Corregidor on February 22, 1942, "I shall return," was a covenant with the Filipino people and an earnest determination of the United States to pursue the war in the Pacific with all our resources and to a successful conclusion.

MacArthur's brilliant strike at Inchon on September 12, 1950, will stand as a master stroke of amphibious operations in the hostilities against North Korea.

His admonition to military commanders at that time and to the corps of cadets on May 12, 1962, "that in war there is no substitute for victory," will be remembered by all those who serve our country in "the profession of arms."

May our generation of men and officers in the armed services remember even more his additional stricture that moving day at West Point:

> This does not mean that you are warmongers. On the contrary, the soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war.

We have lost a soldier great in war and enlightened in peace. MacArthur now belongs to history.

Mr. Speaker, I join with all Members of this House in extending my deepest sympathy to Mrs. MacArthur, Arthur MacArthur, and members of the family.

Mr. PIRNIE. Mr. Speaker, the passing of our revered leader, Gen. Douglas MacArthur, saddens us all. For over a half century, he played a heroic role in the life of our Nation as his words and deeds have been woven into the enduring fabric of our country's greatness. So sincere has been our admiration, so genuine our affection, so deep our gratitude that he has become our symbol of dedicated service. His masterful power of expression employed infrequently, but always effectively, spelled our eternal goals of national aspiration. His actions have been marked with judgment and courage. He moved through a lifetime of outstanding service to this Nation with a dignity and purpose that inspired and strengthened.

Such a noble spirit will live on. The cadets at West Point will forever cherish him. The Army will forever claim him as its own. The people of our Nation will forever enshrine him in hallowed memory. Those of us who have seen and heard him will never forget his commanding presence. The impact of this great American will continue as we remember those ideals for which he lived, for which he fought, and for which he would have gladly died. We honor his memory best by renewed devotion to our country and the preservation of our heritage as a free people.

We thank God for men like Gen. Douglas MacArthur. We are richer for his noble gift of self. We share the grief of his loved ones and sense their pride.

A grateful nation salutes a gallant soldier and courageous patriot. Now, he, too, belongs to the ages.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD, and also that all Members may have 5 legislative days to extend their remarks in the RECORD on the subject of the life and service of the late General of the Army of the United States Douglas MacArthur.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BODY OF LATE GENERAL OF THE ARMY OF THE UNITED STATES DOUGLAS MacARTHUR TO LIE IN STATE IN ROTUNDA OF CAPITOL

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 74) authorizing the remains of Gen. Douglas MacArthur to lie in state in the rotunda of the Capitol from April 8 to April 9, 1964.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 74

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered by Douglas MacArthur, General of the Army of the United States, the remains be permitted to lie in state in the rotunda of the Capitol from April 8 to April 9, 1964, and the Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

WREATH TO BE PLACED AT REMAINS OF GEN. DOUGLAS MacARTHUR IN THE CAPITOL ROTUNDA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate concurrent resolution (S. Con. Res. 75) authorizing the purchase of a floral wreath to be placed by the catafalque bearing the remains of Gen. Douglas MacArthur in the Capitol rotunda.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 75

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are each hereby authorized and directed to purchase a floral wreath to be placed by the catafalque bearing the remains of late General of the Army of the United States, Douglas MacArthur, which are to lie in state in the rotunda of the Capitol of the United States from April 8 to April 9, 1964, the expenses of which shall be paid from the contingent funds of the Senate and the House of Representatives, respectively.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATION, FISCAL YEAR 1964, FOR DISASTER RELIEF

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution (H.J. Res. 976) making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. JENSEN. Mr. Speaker, reserving the right to object—and I shall not object—I ask our good chairman, the gentleman from Missouri [Mr. CANNON], if he will explain in some detail the handling of the said $50 million and how it is to be handled by the President of the United States. I ask the chairman or anyone else who cares to do so to give us a brief explanation as to how the President handles disaster relief funds.

Mr. CANNON. Mr. Speaker, I shall be glad to do so.

Mr. JENSEN. Mr. Speaker, I withdraw my reservation.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole House on the State of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1964, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

Disaster relief

For an additional amount for "Disaster relief", $50,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

Mr. CANNON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the American people are traditionally sympathetic and helpful in all major disasters at home and abroad—and have from the beginning of our Government provided help and food, clothing, medicine, and money—and every encouragement and assistance toward recovery relief and rehabilitation.

In earlier days Congress authorized specific grants of money on such occasions but in 1950 systemized procedure by giving the President authority to provide immediate assistance through all departments of Government to disaster areas including money—and appropriated a lump sum for the purpose. From this sum relief has been provided on direction of the President without the necessity of waiting specific action by Congress.

Under this act the President has by Executive order designated the Office of Emergency Planning to coordinate all Federal assistance under the terms of the law—and Congress has from time to time replenished the funds available for the purpose.

This fund, originally $50,000,000 has now been reduced to a minimum and, as result of recent disbursements in the alleviation of flood damage in five Ohio Valley States, has dropped to $19,021,121 as of April 1, 1964.

The Alaska earthquake disaster is of such huge proportions and of such urgent character that—urgent necessity—the amount left in the disaster fund is wholly inadequate and it becomes necessary to provide another $50,000,000 to meet the situation. Accordingly we are submitting the pending resolution.

As will be noted the appropriation is not specifically for Alaskan relief but is to replenish the Federal disaster fund from which Alaskan relief—as all other relief—contributions are drawn.

From this fund expenditures have been made for every conceivable character of disaster—fire and flood, hurricanes and earthquakes, explosions and droughts, and every form of uncontrollable misfortune that can beset mankind.

Relief funds from this sum have been disbursed to over 20 States and territories—including the 2 largest, New York and California. It has been ever present in time of need—and the response has been prompt and adequate.

This resolution merely assures continuation—as heretofore—of the wise and benevolent policy for which our people and our Government is noted.

As will be observed this resolution is not a proposal to provide money for Alaska relief specifically, but to appropriate $50,000,000 to replenish the fund from which will be drawn the amounts necessary to alleviate the most urgent needs of this deplorable situation.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Missouri [Mr. CANNON] has expired.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri may proceed for 5 additional minutes in order to yield to the minority leader.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I am glad to yield to the distinguished minority leader.

Mr. HALLECK. Mr. Speaker, we are all conscious of the situation which the gentleman has explained. I have just one question. I think probably his remarks provide the answer, but in order that it may be very clearly understood, am I correct that this is simply a matter of replenishing a fund that has heretofore been available, a fund which is now almost depleted, and that there is no change at all in the manner or method by which the fund will be expended; and that there is nothing in the resolution which indicates any preference for one State as against any other State?

Mr. CANNON. That is true, and this fund will be hedged about with all of the safeguards which have been provided in such cases from time to time since the fund was established.

Mr. HALLECK. I thank the gentleman.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I am glad to yield to the gentleman from Iowa, the ranking minority leader of the committee.

Mr. JENSEN. Mr. Speaker, I believe we should read into the RECORD that part of the law which states specifically for what this fund is to be used.

Mr. Speaker, I ask unanimous consent to include that part of the law which deals with this subject as a portion of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The matter referred to follows:

H.R. 8396

[Public Law 875, 81st Cong., ch. 1125, 2d sess.]

An act to authorize Federal assistance to States and local governments in major disasters, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to repair essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary.

SEC. 2. As used in this Act, the following terms shall be construed as follows unless a contrary intent appears from the context:

(a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under this Act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;

(b) "United States" includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(c) "State" means any State in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, excepting, however, the American National Red Cross.

SEC. 3. In any major disaster, Federal agencies are hereby authorized when directed by the President to provide assistance (a) by utilizing or lending, with or without compensation therefor, to States and local governments their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any act; (b) by distributing, through the American National Red Cross or otherwise, medicine, food, and other consumable supplies; (c) by donating to States and local governments equipment and supplies determined under then existing law to be surplus to the needs and responsibilities of the Federal Government; and (d) by performing on public or private lands protective and other work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disaster, and making contributions to States and local governments for purposes stated in subsection (d). The authority conferred by this Act, and any funds provided hereunder shall be supplementary to, and not in substitution for, nor in limitation of, any other authority conferred or funds provided under any other law. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government in carrying out the provisions of this section.

SEC. 4. In providing such assistance hereunder, Federal agencies shall cooperate to the fullest extent possible with each other and with States and local governments, relief agencies, and the American National Red Cross, but nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the Act approved January 5, 1905 (33 Stat. 599), as amended.

SEC. 5. (a) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources, in accordance with the authority herein contained.

(b) The President may, from time to time, prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

SEC. 6. If facilities owned by the United States are damaged or destroyed in any major disaster and the Federal agency having jurisdiction thereof lacks the authority or an appropriation to repair, reconstruct, or restore such facilities, such Federal agency is hereby authorized to repair, reconstruct, or restore such facilities to the extent necessary to place them in a reasonably usable condition and to use therefor any available funds not otherwise immediately required: *Provided, however,* That the President shall first determine that the repair, reconstruction, or restoration is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation therefor. If sufficient funds are not available to such Federal agency for use in repairing, reconstructing, or restoring such facilities as above provided, the President is authorized to transfer to such Federal agency funds made available under this Act in such amount as he may determine to be warranted in the circumstances. If said funds are insufficient for this purpose, there is hereby authorized to be appropriated to any Federal agency repairing, reconstructing, or restoring facilities under authority of this section such sum or sums as may be necessary to reimburse appropriated funds to the amount expended therefrom.

SEC. 7. In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize with the consent of any State or local government, the services and facilities of such State or local government, or of any agencies, officers, or employees thereof. Any Federal agency, in performing any activities under section 3 of this Act, is authorized to employ temporarily additional personnel without regard to the civil service laws and the Classification Act of 1923, as amended, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by any agency in such amount as may be made available to it by the President out of the funds specified in section 8. The President may, also, out of such funds, reimburse any Federal agency for any of its expenditures under section 3 in connection with a major disaster, such reimbursement to be in such amounts as the President may deem appropriate.

SEC. 8. There is hereby authorized to be appropriated to the President a sum or sums, not exceeding $5,000,000 in the aggregate, to carry out the purposes of this Act. The President shall transmit to the Congress at the beginning of each regular session a full report covering the expenditure of the amounts so appropriated with the amounts of the allocations to each State under this Act. The President may from time to time transmit to the Congress supplemental reports in his discretion, all of which reports shall be referred to the Committees on Appropriations and the Committees on Public Works of the Senate and the House of Representatives.

SEC. 9. The Act of July 25, 1947 (Public Law 233, Eightieth Congress), entitled "An Act to make surplus property available for the alleviation of damage caused by flood or other catastrophe", is hereby repealed.

Approved September 30, 1950.

Mr. JENSEN. Mr. Speaker, I also ask permission to include a fact sheet on the President's relief fund and a tabulation showing the amounts that have been expended by the President out of his relief funds since 1952.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The matter referred to follows:

INDEPENDENT OFFICES: FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For an additional amount for "disaster relief," $50,000,000, to remain available until expended; provided, that not to exceed 3 percent of the foregoing amount shall be available for administrative expenses.

Office of emergency planning

This supplemental request would appropriate $50 million to the President's disaster relief fund primarily to assist the State of Alaska and other areas damaged by natural disasters. The destructive power of the Alaskan earthquake was so great that early estimates of the total damage have varied from $350 million to $500 million and more.

Public Law 81-875, which established the President's disaster relief fund, authorizes financial aid to the States to protect life and property and to repair essential public facilities when a major disaster is declared by the President. The President has recently declared major disasters in five Ohio valley States as a result of severe flooding and on March 28 the State of Alaska was declared a disaster area.

In regard to the earthquake damage in Alaska and elsewhere, an on-the-scene survey by the Director of the Office of Emergency Planning and reports received to date indicate that the damage eligible for Public Law 875 assistance is considerable. There is eligible work in every category permitted by Public Law 875 including debris clearance, protective health and sanitation measures, the emergency repair of roads, streets and bridges, water and sewer systems, public utilities and public buildings and equipment. The eligible damage to the utility system of Anchorage alone is estimated at $25 million. Extensive damage has also occurred in Kodiak, Seward, Whittier, Valdez and Cordova.

There is a current balance of $19 million in the President's disaster relief fund. After taking into account the eligible earthquake damage in Alaska and elsewhere, the flooding damage in the Ohio Valley, other pending allocations and future requirements, we have concluded that the President's disaster relief fund should be replenished in the amount of $50 million.

This supplemental appropriation will not solve all of the problems arising from the Alaskan earthquake, but it will go a long way towards meeting the immediate and emergency requirements for help. The citizens of the 49th State are a hardy and pioneering people and there is no doubt that Alaska's stricken communities will be rebuilt through their hard work and sacrifice. This request for supplemental funds is submitted on an urgent basis to demonstrate that the Federal Government and the people of the United States stand ready and able to furnish all possible assistance in this great task.

Disaster relief fact sheet

1. Background

Prior to Public Law 81-875 Congress authorized specific grants of money when a great disaster occurred. In 1947, in response to heavy hurricanes in the gulf coast area and the flooding of the Mississippi and Missouri Rivers, Congress authorized the loan or transfer of surplus Federal property to disaster areas. This in turn led to the Federal Disaster Act approved September 30, 1950, giving the President his present authority to provide immediate assistance through all departments of Government to disaster areas including financial aid. The President, by Executive order, has designated the Office of Emergency Planning to coordinate all Federal assistance under the terms of the act.

2. Major allocations since inception of program

States	Calendar year declared	Disaster	Gross allocation
California	1955	Flood	$9,500,000
Texas and Louisiana	1957	Hurricane Audrey	5,950,000
Texas	1961	Hurricane Carla	8,000,000
Delaware, New York, New Jersey, North Carolina, Maryland, and Virginia.	1962	East coast floods	31,850,000
Guam	1962	Typhoon Karen	16,900,000

3. History of appropriations

Fiscal year	Appropriation	Net allocations from President's fund	Balance in President's fund
1952	$55,800,000	$35,695,000	$20,105,000
1953	0	114,204	19,990,796
1954	0	−1,059,667	21,050,463
1955	0	13,926,509	7,123,954
1956	28,500,000	15,640,935	19,983,019
1957	6,000,000	16,179,594	9,803,425
1958	25,000,000	14,879,883	19,923,542
1959	0	4,519,852	15,403,690
1960	0	6,427,757	8,975,933
1961	0	2,828,143	6,147,790
1962	46,000,000	25,869,360	26,278,430
1963	25,000,000	31,631,135	19,647,295
1964 (9 months)	20,000,000	20,626,174	19,021,121
Total	206,300,000	187,278,879	19,021,121

4. Current status of President's fund

Balance, start of fiscal year 1964	$19,647,295
Appropriation	20,000,000
Total	39,647,295

Allocations to date in 1964:

State	Disaster	Date declared	Allocation	
Mississippi	Chlorine barge	Oct. 10, 1962	$1,792,000	
Guam	Typhoon Karen	Nov. 12, 1962	14,900,000	
California	Storm and floods	Feb. 25, 1963	845,000	
Washington	Floods	Mar. 2, 1963	85,000	
Kentucky	Storm and floods	Mar. 13, 1963	1,250,000	
Guam	Typhoon Olive	Apr. 30, 1963	100,000	
Trust territory	do	do	1,055,000	
Wyoming	Flooding	July 4, 1963	300,000	
Nebraska	do	July 17, 1963	395,000	
Arkansas	do	Aug. 2, 1963	150,000	
New York	do	Aug. 23, 1963	750,000	
Texas	Hurricane	Sept. 24, 1963	500,000	
Vermont	Drought	Nov. 27, 1963	128,000	
California	Reservoir	Dec. 21, 1963	500,000	
Vermont	Flooding	Mar. 17, 1964	105,000	
Kentucky	Storm and floods	do	250,000	
Indiana	do	do	250,000	
West Virginia	do	Mar. 20, 1964	100,000	
Ohio	do	Mar. 24, 1964	250,000	
Arkansas	do	do	250,000	
Gross allocations through Apr. 1			23,955,000	
Net adjustment for administrative expense allocations and returns			−3,328,826	
Net allocations				20,626,174
Balance, Apr. 1, 1964				19,021,121

Mr. CANNON. May I say to the gentleman from Iowa the material which he includes is very much in point.

Mr. JENSEN. If the gentleman will yield further, I want to say to the gentleman and to the Members of the House, Mr. Speaker, that I am very much in favor of this appropriation. At least we are doing this for our own people.

Mr. Speaker, it is quite possible that if a disaster of this magnitude had occurred across the pond, we would not be asked to appropriate only $50 million today. It is quite possible we would be asked to appropriate a lot more, perhaps a billion dollars.

Mr. Speaker, I have just been informed that we appropriated this much to Yugoslavia not so long ago when that country suffered an earthquake disaster.

Mr. CANNON. And, also, as the result of an earthquake in Chile in South America we likewise appropriated a considerable sum.

Mr. JENSEN. Yes.

I, of course, hope, and I know, that the Red Cross will do their wonderful work in Alaska, along with the civil defense organization. The people not only of Alaska who did not suffer disaster, but the people of America, all over America, and no doubt some of our friends across the seas, may send contributions to Alaska. I hope that those contributions will amount to millions upon millions of dollars. Certainly the people of Alaska are in dire need of a lot of assistance.

Mr. Speaker and my colleagues, I shall close with these short remarks by again saying that I am very much in favor of appropriating these funds.

Mr. CANNON. Of course, as the gentleman understands, the amount made available for Alaska under this bill is inconsequential in comparison with the total need. The destruction there amounts to millions of dollars beyond anything which we here propose or which we can supply. However, it contributes to the more immediate needs which must be taken care of in order to start recovery and rehabilitation.

Mr. Speaker, I trust the resolution will have general support.

Mr. ALBERT. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I join the distinguished chairman of the Committee on Appropriations, the distinguished minority leader, and the gentleman from Iowa in support of this resolution.

It has been estimated, according to reports which I have read, that the damage in Alaska and in other areas may have exceeded a half billion dollars.

Mr. Speaker, that we should take this action now, of course, is entirely appropriate and in line with precedent. I commend our great President for the initiative he has taken in requesting Congress to appropriate funds to replenish the Federal Disaster Assistance Fund which is down as I understand it now to something like $19 million.

I also commend the Members of the House including minority Members and particularly the distinguished minority leader for cooperating in bringing this matter to the floor.

It is a tribute to all Members that this matter has been made an order by unanimous consent.

Certainly, Mr. Speaker, I desire to commend the distinguished chairman of the Committee on Appropriations and other members of his committee. As soon as the President called the chairman of the Committee on Appropriations, he immediately took this matter up and made arrangements for it to be the first order of business today.

I commend our fine colleague whose people are suffering, the gentleman from Alaska [Mr. RIVERS] who flew up to Alaska in order to be on the ground to take such action as he could and to learn what the circumstances were. I commend him for the fight he is making here today.

I understand the gentleman from Alaska appeared before his legislature. This, of course, is the kind of action that any conscientious Member of this House would on such occasions take on behalf of his constituents. I commend both the Senators from the great State of Alaska also.

This earthquake has caused untold tragedy to one of our newest States. I am sure that the American people are solidly behind the action we take here today. The needs in Alaska obviously exceed the present capacity of our Federal fund if it is to be available for other emergencies. Funds also are needed in other areas on the west coast.

Only recently the Ohio River Valley floods resulted in Federal disaster assistance fund expenditures of $6 million. We do not know what other demands may be made on this fund before the end of this fiscal year. Of one thing we may be certain: The American people want to help our fellow citizens in Alaska in their time of disaster and suffering. We must replenish this Federal fund to carry out the will of our humanitarian people.

Mr. Speaker, I urge adoption of this resolution.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I am glad to yield to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I want to observe that certainly it is very much in order to bring forth this resolution. I compliment the two Senators from Alaska for going up there and looking over the situation, and the Member of the House for looking it over also.

I think the majority leader states it very properly when he said that this is a matter of support by all of the American people. The taxpayers are going to have to put up this $50 million. They are going to be Republican taxpayers and they are going to be Democratic taxpayers.

Certainly the gentleman understands, and I think the record ought to show that this resolution is brought up by unanimous consent. One single objection could have prevented consideration of this matter today.

Mr. ALBERT. I did make that clear.

Mr. HALLECK. That is clear, but while we Republicans are in the minority we are not lacking in solicitude for people who are hit by these great disasters. Certainly we have the same interest in those sections of the country as the President and the Representatives from that area have.

Mr. ALBERT. I thank the gentleman.

It will be paid for by Democrats and Republicans alike, and the disaster has fallen on Democrats and Republicans alike. Whenever there is a disaster affecting Americans anywhere I think the Congress always responds within the precedents which are before us.

I urge adoption of the resolution.

Mr. RIVERS of Alaska. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I want to say that I deeply appreciate the support that has been given to this resolution and the constructive step that has been taken by the leadership in bringing this up for consideration at this time, and asking that unanimous consent be granted.

With mingled sadness and pride and the utmost urgence, I plead for affirmative action upon the pending proposal for immediate replenishment of the Federal disaster fund. Ten days ago and 4,000 miles from here a monstrous earthquake was shattering and devastating Alaska's principal city of Anchorage, after which a ring of seashore towns and villages within a radius of 200 to 300 miles were either badly crippled or destroyed by tidal waves precipitated by the overwhelming force of the earthquake. As reported, the ground at Anchorage pitched like an ocean, leaving gaping crevasses and gullies into which buildings tumbled and during which destruction reigned. Loss of life, not yet fully ascertained, will be found to exceed 100 and may equal 200. From personally viewing the scene at the stricken areas of Anchorage and Seward and Kodiak in addition to seeing pictures of Cordova and Valdez and certain native villages on Kodiak Island, I concluded that it is virtually miraculous that the toll of dead is not two or three times as large as it appears to be. From my on-the-ground inspection last week, I also became painfully aware of the stunning magnitude of the loss of property in terms of both real estate and personal property including both community facilities at all levels of government and private holdings in the categories of both homes and businesses and personal possessions, aggregating in terms of dollars an estimated amount of one-quarter to one-half billion.

I can best emphasize the significance of what I have said in the words uttered by Alaska's Governor, William A. Egan, in his speech last Friday to the Alaska Legislature:

> In all of our history there has never been a natural disaster to equal the one Alaska suffered. Many disasters have caused great loss of life. Many have resulted in millions of dollars in damage to property, but the Alaska earthquake is unparalleled for its impact on a single State's population, homes, businesses and commerce.

In a separate message to the Alaska State Legislature, the Governor has requested legislation authorizing the State to issue general obligation bonds to raise $50 million for use—along with a much greater amount of Federal money—in reconstruction and restoration in the stricken areas, thus proving to you, my colleagues, that Alaskans are willing to exert themselves to help themselves as well as asking for disaster assistance from the Federal Government. Some of the money needed will, of course, be used to repair damage to Federal assets and facilities such as military bases and the Alaska Railroad.

Alaska, as the corridor between Siberia and North America, populated by rugged patriotic Americans from all the States and used as a bastion of our national defense and the situs of the distant early warning system to safeguard against manned enemy bombers and the ballistic missile early warning system to flash 15 minutes' warning to our whole country in the event of the approach of enemy missiles, along with the fact that it is a vast storehouse of natural resources which will become increasingly important to America and to the free world as time goes by, is much too important to our Nation to be neglected or treated in a hardfisted manner, for all of which reasons the first step proposed for action by this body today should be taken forthwith. This would also bolster the courage and strength of all Alaskans.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of Alaska. I yield to the gentleman from Washington.

Mr. PELLY. I want our colleague from Alaska to know that the Representatives of this House who come from the Pacific Northwest share to some extent the feeling of catastrophe. We have very close economic ties. I think in the public sector there are agencies of Government and programs which can be of great assistance, but I do not know how in the private sector there will be any means by which we can fully help the people of Alaska. I do not think that $50 million is going to be enough. I for one am hopeful the Congress will look further into this matter to see if we can look after our sister State and see that they are able to be on their feet again.

Mr. RIVERS of Alaska. The first problem is to take care of the community facilities. Of course, the private sector needs particular consideration, because there was practically no earthquake insurance coverage upon the homes and business properties which were destroyed or seriously damaged property. However, that is a problem that will have to be solved in the near future. The $50 million under consideration will apply to restoring community facilities.

As the gentleman from Washington has indicated to us, sorrow and sympathy does extend beyond one's own State. I take this opportunity of extending my heartfelt feelings of sympathy to the people of Crescent City, Calif., which was stricken by the tidal wave caused by the Alaska earthquake. My sympathy also goes to any others along the shores of the Pacific who suffered loss on account thereof.

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, the people of Crescent City, Calif., join the people of Alaska in saying thank you for your expeditious consideration of the problems of our areas. Having just returned from the community, I am happy to say the rebuilding and rehabilitation of Crescent City and the immediate area is on its way toward a business-as-usual objective. With Crescent City being my home community, I can appropriately say I am proud of these people who in the face of total devastation of their homes, businesses, and their life savings, have rallied to accept the challenges facing them. The appropriation for disaster relief is most urgently needed. Funds allocated to the area by the President for restoration of public properties damaged or destroyed will do much to restore the confidence of our stricken community. The damage inflicted by the tidal wave will be difficult to measure because of the corrosive effect of the salt water. The 10 lives lost can never be replaced, but an immediate effort to reinstate public facilities to normal will do much to stimulate confidence in the business and political leadership of the city. With the core of the city's tax base literally gutted by this disaster, one can appreciate the urgency for positive action. The President and now the Congress has responded magnificently to our request—for this quick action, we shall be forever grateful. We can only hope that none of you will be subjected to a similar fate.

Mayor Bill Peepe, his fellow councilmen of Crescent City, Chairman Harold Del Ponte and members of the Del Norte County Board of Supervisors, and Chairman Carl Brower and his harbor commission members are all to be commended for their quick action in adopting early resolutions and providing rapid political leadership to meet the public and Government demands in implementing the emergency disaster programs.

It was not a case of these people asking "What can Government do for us?" but rather a question of the Federal agency representatives asking "What will you let us do to help?" This spirit was truly refreshing. It was simply a matter of community spirit responding and uniting immediately to "pick themselves up by their bootstraps"—a reminder of the pioneer spirit that built this great country. The Nation can be proud of Crescent City and its people.

Mr. McFALL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I wish to express the appreciation of the State of California for the action of the House in providing these funds. The State of California at Crescent City and the people there were struck by this great disaster and part of these funds will be used for the rehabilitation of the city and the repair of that destruction in Crescent City.

GENERAL LEAVE TO EXTEND

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this resolution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CANNON. Mr. Speaker, I move the prevous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

COMMITTEE ON APPROPRIATIONS REPORT ON LEGISLATIVE BRANCH APPROPRIATION BILL FOR 1965

Mr. STEED. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow to file a privileged report on the legislative branch appropriation bill for 1965.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HORAN reserved all points of order on the bill.

LEGISLATIVE BRANCH APPROPRIATION BILL FOR 1965 SCHEDULED FOR CONSIDERATION ON THURSDAY, APRIL 9

Mr. STEED. Mr. Speaker, the Committee on Appropriations will report the legislative branch appropriation bill for 1965 on tomorrow. The leadership has scheduled it for floor consideration on Thursday of this week.

I, therefore, ask unanimous consent that it may be in order to consider that bill on Thursday, April 9.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE NEED FOR A NATIONAL ECONOMIC CONVERSION COMMISSION

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, I rise to discuss briefly one of the important questions facing the Nation—a question which I think the Congress should face now. That is the question of converting our defense oriented economy to peacetime purposes. It is becoming more and more apparent that accumulating greater and greater stockpiles of nuclear weapons and delivery systems in an everspiraling arms race does not necessarily bring greater national security. Under President Johnson the defense budget has been cut $1 billion this year. It has been suggested by former Deputy Secretary of Defense, Roswell Gilpatric, that by 1970 it can be reduced by 25 percent. This new look at defense spending means we must really have forward-looking planning and a program for the conversion of activity and resources presently devoted to defense to constructive peacetime goals.

Mr. Speaker, the closing of obsolete bases and the reduction in military spending emphasize the need for present planning. At the same time we must continue to strive for disarmament under effective international control and the removal of the "nuclear sword of Damocles." Although it is sometimes argued that disarmament will have an adverse economic impact, intelligently planned conversion will create a richer and more productive life for all of us.

Twenty Members of the House, including myself, and 11 Senators have introduced a bill to create a National Economic Conversion Commission which would study these problems, and which would report to the President and the Congress.

H.R. 10608 establishes a National Economic Conversion Commission in the Executive Office of the President composed of various cabinet officers, including the Secretaries of Defense, Agriculture, Commerce, Labor, and Interior. The other members of the Commission would be the Chairman of the Atomic Energy Commission, the Director of the U.S. Arms Control and Disarmament Agency, the Chairman of the Council of Economic Advisers, and the Administrator of the National Aeronautics and Space Administration.

The Commission would convene a National Conference on Industrial Conversion and Growth to "consider the problems arising from a conversion to a civilian economy, and to encourage appropriate planning and programing by all sectors of the economy to facilitate the Nation's economic conversion capability." The Commission would also consult with the Governors of the States to "encourage appropriate studies and conferences at the State, local, and regional level, in support of a coordinated effort to improve the Nation's economic conversion capability."

H.R. 10608 requires that each defense contract or grant entered into by the Department of Defense or the Atomic Energy Commission provide that the contractor set up an industrial conversion committee to plan for conversion to civilian work arising from the possible entailment or termination of the contract or grant.

Mr. Speaker, I urge that the Committee on Interstate and Foreign Commerce hold hearings on this proposal to establish a National Economic Conversion Commission and that the Congress itself take prompt action.

CIVIL RIGHTS, FOREIGN AID ARE OPPOSED

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, while the House of Representatives has already acted on the so-called civil rights bill, an interesting poll was conducted by six newspapers in Missouri recently, and the poll shows that the readers of those newspapers are about 2½ to 1 opposed to the civil rights bill which is being considered in the other body. The same poll indicated opposition to the manner in which the foreign aid program has been operated and indicated that the people call for a better operation of that program.

I insert in the RECORD a short article from the daily Sikeston Standard, under date of Friday, March 27, showing the results of this poll.

CIVIL RIGHTS, FOREIGN AID ARE OPPOSED

Six Missouri newspapers announced results of a combined public opinion poll today, showing readers within a 150-mile area are against the proposed civil rights bill and expanded foreign aid.

Most of the nearly 1,000 persons responding to the poll also voted against the sale of wheat to Russia and more money to put a man on the moon. But a majority favored the Peace Corps and a toughened anti-Communist position.

The poll was conducted by Sikeston Standard, Rolla Daily News, Warrensburg Star-Journal, and semiweekly Star Journal, Fort Gateway Guide, and Scott County Democrat.

The results:

Civil rights bill: 239 for, 637 against.

Wheat sale to Russia: 99 for, 781 against.

More moonshot money: 122 for, 671 against.

Peace Corps: 504 for, 338 against.

Toughened anti-Communist policy: 831 for, 39 against.

CHARLES F. CARPENTIER

Mr. McLOSKEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McLOSKEY. Mr. Speaker, today in my native State of Illinois, and in the congressional district I am privileged to serve, a fine public servant and a great individual is being put to rest.

Republicans and Democrats alike are saddened on this occasion, because it is on this day—almost at this hour—that Secretary of State Charles F. Carpentier receives the final burial rites.

The untimely death of Charles Carpentier leaves a void, and the Illinois political scene will not seem the same without the ruddy-faced, scrappy Belgian.

The death of this great American came as a real shock, because most of us believed him well on the road to recovery from the heart attack which first struck on January 20.

Blunt, outspoken, never one to duck an issue, he nevertheless was highly respected for his honesty and political acumen. Leaders of both political parties respected his ability as a political leader.

Charles Carpentier, with all his rough mannerisms, was kindly and courageous, a true friend in time of need, and one who was always dependable.

While I shall miss him as a friend, his family and the State of Illinois will miss him more. To both he gave his very best throughout his lifetime.

Mrs. McLoskey joins with me in extending our sincere sympathy to the family.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. McLOSKEY. I yield to the gentleman from Illinois.

Mr. ARENDS. I join the gentleman from Illinois in his expression of sympathy at the passing of this fine man, the present secretary of state of the great State of Illinois, Charles Carpentier. For many, many years I have had the privilege of knowing him and calling him my friend.

He was an outstanding individual, a great American, in addition to being a truly wonderful public servant in our State of Illinois. He was widely known throughout the State and the country. Unfortunately, as a result of having suffered a heart attack, he was forced to withdraw as a candidate for nomination on the Republican ticket for Governor of our State. I feel certain that not only would he have received the nomination but also, would have been elected this fall.

He was a tireless individual, devoted to his job of serving the people of the State to the very best of his ability. I repeat, I was proud to call him my friend.

I join with the gentleman from Illinois Congressman McLOSKEY in extending to his family my most sincere and heartfelt sympathy.

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, I join my colleagues from Illinois in paying tribute to Charles F. Carpentier, Illinois secretary of state, who passed on last Friday morning.

Charles Carpentier was a longtime friend with whom I had the privilege of serving in the Illinois General Assembly, and with whom I had a long association during his distinguished service as secretary of state of Illinois.

Mr. Carpentier's sponsorship of highway safety legislation led to the saving of many thousands of lives on our highways. His support of measures to establish a modern driver's license law has resulted in saving both lives and money to Illinois citizens.

Mr. Carpentier's protection of the interests of investors in securities was demonstrated in the modern Illinois securities law, the passage of which he encouraged actively.

These measures are mere examples of the constructive legislation which resulted from Mr. Carpentier's efforts and vision. In addition, Mr. Carpentier gained a reputation for integrity and impartiality in the administration of these and all other laws which came within his jurisdiction as secretary of state.

At this hour it is appropriate to recall not only Charles Carpentier's public service which was climaxed by his brilliant career as secretary of state, but to meditate also on his life as a husband, father, and friend.

Charles Carpentier was a loving and beloved husband and father. He was a valued friend, and a man upon whose loyalty and fidelity men came to rely both in and out of public life.

In expressing my personal sorrow as well as the great loss sustained by the people of Illinois on the occasion of the death of Charles F. Carpentier, I want also to offer my sympathy to his bereaved widow, Alta Carpentier, his son, Donald Carpentier, his daughter, Mrs. Edward J. Piper, and other members of the family.

Mr. RUSMFELD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I wish to join my colleagues from Illinois [Mr. McLoskey and Mr. Arends] in expressing my deepest regret at the loss of our outstanding secretary of state, the Honorable Charles Carpentier. He was a great American, a dedicated and respected public official, and a fighting Republican. The respect in which he was held by the people of the State of Illinois bears testimony to his ability, diligence, and concern for good government. It is with a great sense of loss that I rise today to pay my respects and express my sincere sorrow.

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. REID of Illinois. Mr. Speaker, I want to join my colleagues in expressing tribute to a good friend and devoted public servant of Illinois—Secretary of State Charles F. Carpentier. "Mr. Republican," as he was often called, spent 40 years of his life in public service beginning as an alderman for the city of East Moline in 1924 and working upwards to mayor of that city and later State senator until he finally became secretary of state in 1952—a position to which he was reelected twice.

His high standards for traffic safety and driver's license laws were a major contribution to the welfare of the citizens of Illinois, and he established a record of performance that will be difficult for his successors to match.

I am grateful for his friendship that I was privileged to share, and I extend my deepest and most sincere sympathy to his family in this hour of loss and sadness.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. McLOSKEY. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. I join with my distinguished colleague from Illinois in his expression of deep grief at the passing of the Honorable Charles F. Carpentier, one of the great and beloved sons of Illinois. I assure my dear colleague that every Democratic heart in Illinois is deeply touched with sadness as I know is every Republican heart. As a soldier in World War I, as the five-term mayor of East Moline, as a distinguished member of the State Senate of Illinois, and as the always helpful and able secretary of state of Illinois, Charley Carpentier gave a life of service, devotion, and dedication to the people of his community, State, and Nation. We all, Democrats and Republicans, weep at his passing.

REPORT OF NATIONAL CAPITAL HOUSING AUTHORITY FOR FISCAL YEAR 1963—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, and by unanimous consent, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

In accordance with the provisions of section 5(a) of Public Law 307, 73d Congress, approved June 12, 1934, I am sending for the information of the Congress the report of the National Capital Housing Authority for the fiscal year ended June 30, 1963.

Lyndon B. Johnson.

The White House, *April 6, 1964.*

GOVERNMENT EMPLOYEES TRAINING ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, and by unanimous consent, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

As required by section 18(c) of the Government Employees Training Act (Public Law 85-507, approved July 7, 1958), I am sending to the Congress forms supplying information on those employees who, during fiscal year 1963, participated in training in non-Government facilities in courses that were over 120 days in duration and those employees who received training in non-Government facilities as the result of receiving an award or contribution.

Lyndon B. Johnson.

The White House, *April 6, 1964.*

REPORT OF RAILROAD RETIREMENT BOARD FOR FISCAL 1963—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 277)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, and by unanimous consent, was referred to the Committee on Interstate and Foreign Commerce and ordered printed with illustrations.

To the Congress of the United States:

In compliance with the provisions of section 10(b)4 of the Railroad Retirement Act, approved June 24, 1937, and of section 12(1) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I am sending for the information of the Congress, the report of the Railroad Retirement Board for the fiscal year ending June 30, 1963.

Lyndon B. Johnson.

The White House, *April 6, 1964.*

SPECIAL INTERNATIONAL EXHIBITIONS FOR FISCAL 1963—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, and by unanimous consent, was referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Pursuant to section 108(b) of Public Law 87-256, the Mutual Educational and Cultural Exchange Act of 1961, I transmit herewith the First Annual Report on Special International Exhibitions for the fiscal year 1963.

Lyndon B. Johnson.

The White House, *April 6, 1964.*

PUBLIC LAW 480—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC NO. 294)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, and by unanimous consent, was referred to the Committee on Agriculture and ordered printed:

To the Congress of the United States:

I am sending to the Congress the 19th semiannual report on activities carried on under Public Law 480, 83d Congress, as amended, outlining operations under the act during the period July 1 through December 31, 1963.

Lyndon B. Johnson.

The White House, *April 3, 1964.*

WORK PLANS, WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The SPEAKER pro tempore laid before the House the following communication, which was read and referred to the Committee on Appropriations:

March 27, 1964.

The Honorable John W. McCormack,
The Speaker, House of Representatives,
Washington, D.C.

My Dear Mr. Speaker: Pursuant to the provision of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are:

State, watershed, executive communication number, committee approval:

Kansas and Oklahoma, Big Caney, 1399, February 4, 1964.

Mississippi, Town Creek, 1399, February 4, 1964.

Ohio, Rush Creek, 1399, February 4, 1964.

Wyoming, North Fork of Powder River, 1399, February 4, 1964.

Sincerely yours,

Charles A. Buckley,
Member of Congress,
Chairman, Committee on Public Works.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

ACQUISITION OF PROPERTY IN SQUARE 758 IN WASHINGTON, D.C.

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of

Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SAINT-GAUDENS NATIONAL HISTORIC SITE, N.H.

The Clerk called the bill (H.R. 4018) to authorize establishment of the Saint-Gaudens National Historic Site, N.H., and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LAKE ERIE SESQUICENTENNIAL

The Clerk called the bill (S. 1828) to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ADDITIONAL COMMISSIONERS OF THE U.S. COURT OF CLAIMS

The Clerk called the bill (S. 102) to provide for additional commissioners of the U.S. Court of Claims.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE JOHN MUIR NATIONAL HISTORIC SITE, CALIF.

The Clerk called the bill (H.R. 439) to provide for the establishment of the John Muir National Monument.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE 70TH INTERNATIONAL PUBLISHERS CONGRESS

The Clerk called Senate Joint Resolution 120 providing for the recognition and endorsement of the 70th International Publishers Congress.

There being no objection, the Clerk read the joint resolution, as follows:

A joint resolution providing for the recognition and endorsement of the Seventeenth International Publishers Congress.

Whereas the United States has, for the first time, been accorded the honor of receiving several hundred delegates from more than twenty countries throughout the world in May and June 1965 to participate in deliberations on the challenges and opportunities of international book and music publishing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby extends its official welcome to the book and music publishers from abroad who will attend the Seventeenth Congress of the International Publishers Association in Washington, District of Columbia, May 30–June 5, 1965, under the sponsorship of the American Book Publishers Council, Inc., and the Music Publishers Association, Inc. The President is authorized and requested to grant recognition, in such ways as he may deem proper, to the International Publishers Congress, calling upon officials and agencies of the Government to provide such assistance, facilities, and cooperation as the occasion may warrant.

The joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

LAND MANAGEMENT—MULTIPLE USE

The Clerk called the bill (H.R. 5159) to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress that (a) the public lands, (b) the revested Oregon and California and Coos Bay Wagon Road grant lands, and (c) all other Federal lands, including those situated in the State of Alaska, which are exclusively administered by the Secretary of the Interior through the Bureau of Land Managements, shall be managed for (1) domestic livestock grazing, (2) fish and wildlife development and utilization, (3) industrial development, (4) mineral production, (5) occupancy, (6) outdoor recreation, (7) timber production, (8) watershed protection, (9) wilderness preservation, and (10) other beneficial purposes. Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to these lands.

Sec. 2. The Secretary of the Interior is authorized and directed to develop and administer the lands described in section 1 for multiple use and sustained yield of the several products and services obtainable therefrom. In the administration of such lands due consideration shall be given to all pertinent factors, including, but not limited to, ecology, priorities of use, and the relative values of the various resources in particular areas.

Sec. 3. As used in this Act, the following terms shall have the following meanings:—

(a) The term "public lands" means any lands (1) withdrawn or reserved by Executive Order Numbered 6910 of November 26, 1934, as amended, or 6964 of February 5, 1935, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, or (3) located in the State of Alaska, which are not otherwise withdrawn or reserved for a Federal use or purpose.

(b) "Multiple use" means the management of the various surface and subsurface resources so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

(c) "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of land without impairment of the productivity of the land.

Sec. 4. The purposes of this Act are declared to be supplemental to the purposes for which any of the Federal lands in section 1 of this Act have been designated, acquired, withdrawn, reserved, held, or administered. This Act shall not be construed as a repeal, in whole or in part, of any existing law, including, but not limited to, the mining and mineral leasing laws.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language: That, consistent with and supplemental to the Taylor Grazing Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315) and pending the implementation of recommendations to be made by the Public Land Law Review Commission—

"(a) The Secretary of the Interior shall develop and promulgate regulations containing criteria by which he will determine which of the public lands and other Federal lands, including those situated in the State of Alaska exclusively administered by him through the Bureau of Land Management shall be (a) disposed of because they are (1) required for the orderly growth and development of a community or (2) are chiefly valuable for residential, commercial, industrial, or public uses or development or (b) retained, at least during this period, in Federal ownership and managed for (1) domestic livestock grazing, (2) fish and wildlife development and utilization, (3) industrial development, (4) mineral production, (5) occupany, (6) outdoor recreation, (7) timber production, (8) watershed protection, (9) wilderness preservation, or (10) preservation of public values that would be lost if the land passed from Federal ownership. No such regulation shall become effective until the expiration of at least thirty days after the Secretary or his designee has held a public hearing thereon. Before such public hearing is held, a notice of at least thirty days shall have been given through publication in the Federal Register and notification to the President of the Senate and the Speaker of the House of Representatives, both of whom shall receive with the notice a copy of the proposed regulation.

"(b) The Secretary of the Interior shall, as soon as possible, review the public lands as defined herein, in the light of the criteria contained in the regulations issued with this section to determine which lands shall be classified as suitable for disposal and which lands he considers to contain such values as to make them more suitable for retention in Federal ownership for interim management under the principles enunciated in this section. In making his determinations the Secretary shall give due consideration to all pertinent factors, including, but not limited to ecology, priorities of use, and the relative values of the various resources in particular areas.

"(1) None of the land subject to this Act shall be given a designation or classification unless such designation or classification is authorized by statute or defined in regulations promulgated by the Secretary of the Interior.

"SEC. 2. At least sixty days prior to taking the following actions the Secretary of the Interior or his designee shall give such public notice of the proposed action as he deems appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land:

"(a) Classification for sale or other disposal under any statute of a tract of land in excess of two thousand five hundred and sixty acres.

"(b) Classification for management by the Bureau of Land Management of an area in excess of two thousand five hundred and sixty acres when the action will exclude from the area permanently, or for a substantial period of time, one or more uses enumerated in section 1 of this Act.

"SEC. 3. The Secretary of the Interior shall develop and administer for multiple use and sustained yield of the several products and services obtainable therefrom those public lands that are determined to be suitable for interim management in accordance with regulations promulgated pursuant to this Act.

"SEC. 4. Publication of notice in the Federal Register by the Secretary of the Interior of a proposed classification under this Act shall have the effect of segregating such land from settlement, location, sale, selection, entry, lease, or other formal disposal under the public land laws, including the mining and mineral leasing laws, except to the extent that the proposed classification or subsequent notification thereof specifies that the land shall remain open for one or more of such forms of disposal under the public land laws. The segregative effect of such proposed classification shall continue for a period of two years from the date of publication unless classification has theretofore been completed in accordance with the provisions of this Act and the regulations to be promulgated hereunder, or unless the Secretary of the Interior shall terminate it sooner. Lands classified for sale or other disposal shall be offered for sale or such other disposal within two years of the date of publication of the proposed classification and if not so offered for sale or other disposal the segregative effect shall cease at the expiration of two years from the date of publication. The proposed classification or proposed sale or other disposal may be continued beyond the two-year period if notice of such proposed continuance, including a statement of necessity for continued segregation, is submitted to the President of the Senate and the Speaker of the House of Representatives and published in the Federal Register not more than ninety days nor less than thirty days prior to the expiration of the two-year period specified herein; and thereupon the segregative effect shall be extended for such additional period as is specified in the notice, not exceeding two years; unless Congress or the Secretary of the Interior terminates the segregation at any earlier date.

"SEC. 5. As used in this Act, the following terms shall have the following meanings:

"(a) The term 'public lands' means any lands (1) withdrawn or reserved by Executive Order Numbered 6910 of November 26, 1934, as amended, or 6964 of February 5, 1935, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, or (3) located in the State of Alaska, which are not otherwise withdrawn or reserved for a Federal use or purpose.

"(b) 'Multiple use' means the management of the various surface and subsurface resources so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

"(c) 'Sustained yield of the several products and services' means the achievement and maintenance of a high-level annual or regular periodic output of the various renewable resources of land without impairment of the productivity of the land.

"SEC. 6. The purposes of this Act are declared to be supplemental to the purposes for which any of the Federal lands in section 1 of this Act have been designated, acquired, withdrawn, reserved, held, or administered. This Act shall not be construed as a repeal, in whole or in part, of any existing law, including, but not limited to, the mining and mineral leasing laws.

"SEC. 7. Nothing herein contained shall be construed as—

"(a) Restricting prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands to which this Act applies under law applicable thereto pending action inconsistent therewith under this Act.

"(b) Restricting the entry and settlement of lands open to entry and settlement under the public land laws pending action inconsistent therewith under this Act.

"(c) Restricting the Secretary of the Interior from disposing of lands under applicable statutes after the land has been classified in accordance with this Act.

"(d) Affecting the jurisdiction or responsibilities of the several States with respect to the lands referred to herein.

"SEC. 8. The authorizations and requirements of this Act shall expire June 30, 1968, except that the segregation prior to June 30, 1968, of any public lands from settlement, location, sale, selection, entry, lease, or other form of disposal under the public land laws shall continue for the period of time allowed by this Act."

Mr. ASPINALL (interrupting reading of the committee amendment). Mr. Speaker, I ask unanimous consent that further reading of the committee amendment be dispensed with and that it be printed in full at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes."

A motion to reconsider was laid on the table.

PROVIDING TEMPORARY AUTHORITY FOR THE SALE OF CERTAIN PUBLIC LANDS

The Clerk called the bill (H.R. 5498) to promote the sale and beneficial use of public lands by amending section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), is further amended to read as follows:

"SEC. 2455. (a) Notwithstanding the provisions of section 2357 of the Revised Statutes (43 U.S.C 678) and of the Act of August 30, 1890 (26 Stat. 391), the Secretary is authorized to sell any public lands which he classifies as proper for disposition and as not needed for Federal program requirements or the long-range administration of the public lands, in tracts not exceeding five thousand acres each, to qualified governmental agencies at the fair market value of the lands or to qualified individuals at public auction at not less than their fair market value. The Secretary may provide by regulation, under such terms as he deems appropriate, that owners of land contiguous to the land offered for public auction under this section and authorized users of such offered land may have a preference right to buy the offered land at the highest bid price, considering such factors as extent of contiguity of the offered and privately owned land, duration of ownership of the privately owned land, legitimate historical use, and topography of the offered land, and desirable land pattern and use.

"(b) The Secretary shall administer this section to promote the beneficial use and disposition of public lands. Proposed classifications and sales under this section shall be considered in the light of their effect upon the conservation of natural resources and upon the welfare of the individuals and communities involved, and their consistency with local governmental laws, ordinances, plans, and programs.

"(c) The notation in the proper land office of a proposal to classify lands under this section, or the classification of lands under this section shall segregate the lands from further application to make entry, selection, or location, and from settlement and location under the public land laws, including the United States mining laws, but not the mineral leasing laws, to the extent the Secretary considers appropriate, but all segregations under this section shall be subject to valid rights existing at the time of segregation. No application shall be filed to purchase lands under this section except lands which have been opened thereto by the Secretary.

"(d) For the purposes of this section—

"(1) The word 'Secretary' means Secretary of the Interior.

"(2) The term 'public lands' means any public lands which are withdrawn by Executive Order Numbered 6910 dated November 26, 1934, as amended, or by Executive Order Numbered 6964 dated February 5, 1935, as amended, or pursuant to section 1 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315), and not otherwise reserved, or which are vacant, unappropriated, and unreserved public lands in Alaska.

"(3) The term 'qualified governmental agency' means any of the following, including their lawful agents and instrumentalities: (A) the State, county, municipality, or other local government subdivision within which the land is located and (B) any municipality within convenient access to the lands if the lands are within the same State as the municipality.

"(4) The term 'qualified individual' means (A) any individual who is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged twenty-one years or more; (B) any partnership or association, each of the members of which is a qualified individual as defined in subparagraph (A); and (C) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located.

"(e) The Secretary is authorized to issue such regulations as he deems appropriate to effectuate the purposes of this section."

SEC. 2. The Secretary is authorized to consider and proceed with the applications filed and transactions initiated under section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), prior to the effective date of this Act which were valid and subsisting on the effective date of this Act, as if this Act had not been enacted.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language: "That pending the implementation of recommendations to be made by the Public Land Law Review Commission, in addition to any other authority that he may have, the Secretary of the Interior is authorized and directed to dispose of public lands that have been classified for disposal in accordance with a determination that (a) the lands are required for the orderly growth and development of a community or (b) the lands are chiefly valuable for residential, commercial, industrial, or public uses or development. Such disposals shall be in tracts not exceeding five thousand one hudred and twenty acres each to qualified governmental agencies at the appraised fair market value thereof as determined by the Secretary of the Interior or to qualified individuals through competitive bidding at not less than the appraised fair market value as determined by the Secretary of the Interior.

"SEC. 2. At least ninety days prior to offering lands for sale in accordance with this Act, the Secretary of the Interior shall notify the head of the governing body of the political subdivision of the State having jurisdiction over zoning in the geographic area within which the lands are located or, in the absence of such political subdivision, the Governor of the State, in order to afford the appropriate body with the opportunity of zoning for the use of the land in accordance with local planning and development. Nothing herein contained, however, shall be construed as requiring the Secretary of the Interior to withhold sale of the lands until zoning action has been completed.

"SEC. 3. At least thirty days before entering into an agreement with a governmental agency or of the opening of bids from individuals, notice of the offering of lands for sale in accordance with this Act shall be furnished by the Secretary of the Interior through a newspaper of general circulation in the area in which the lands are situated and by publication of the notice in the Federal Register.

"SEC. 4. All patents or other evidences of title issued under this Act shall contain a reservation to the United States of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws including the mining and mineral leasing laws. Patents and other evidences of title shall also contain such conditions, reservations, and reasonable restrictions as the Secretary of the Interior considers necessary in the public interest including but not limited to such conditions as the Secretary may deem necessary to insure proper development of the lands after they have passed from Federal ownership.

"SEC. 5. For the purposes of this Act the following terms have the following meanings—

"(a) 'Public lands' means any public lands which are withdrawn by Executive Order Numbered 6910 dated November 26, 1934, as amended, or by Executive Order Numbered 6964 dated February 5, 1935, as amended, or pursuant to section 1 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315), and not otherwise reserved, or which are vacant, unappropriated, and unreserved public lands in Alaska.

"(b) 'Qualified governmental agency' means any of the following, including their lawful agents and instrumentalities: (A) the State, county, municipality, or other local government subdivision within which the land is located and (B) any municipality within convenient access to the lands if the lands are within the same State as the municipality.

"(c) 'Qualified individual' means (A) any individual who is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged twenty-one years or more; (B) any partnership or association, each of the members of which is a qualified individual as defined in subparagraph (A); and (C) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located.

"SEC. 6. The authority granted by this Act shall expire June 30, 1968, except that sales concerning which notice has been given in accordance with section 3 hereof prior to June 30, 1968, may be consummated and patents issued in connection therewith after June 30, 1968."

Mr. ASPINALL (interrupting the reading of the committee amendment). Mr. Speaker I ask unanimous consent that further reading of the committee amendment be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide temporary authority for the sale of certain public lands."

A motion to reconsider was laid on the table.

NOTIFICATION OF CERTAIN PUBLIC LAND ACTIONS

The Clerk called the bill (H.R. 8305) to provide that until June 30, 1968, Congress shall be notified of certain proposed public land actions.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or his designee, may not effect the withdrawal, reservation, restriction, or change in use designation or classification involving more than two thousand five hundred and sixty acres of public lands until after the expiration of sixty days from the date upon which a report of the facts, including but not limited to the following information, concerning the proposed action is submitted to the President of the Senate and the Speaker of the House of Representatives:

(1) the officer or agency proposing the withdrawal, reservation, restriction, designation, or classification;

(2) the agency having administrative jurisdiction over the lands;

(3) the purpose for which the area is proposed to be used or, if the purpose is classified for national security reasons, a statement to that effect and, if publication in the Federal Register has been withheld for security reasons, a statement to that effect;

(4) the location, acreage, and legal description of the area;

(5) the period during which the proposed withdrawal, reservation, restriction, designation, or classification will continue in effect;

(6) description of any contamination which may result;

(7) effect on any nonpublic lands within the exterior boundaries of the described area and, if acquisition of nonpublic lands is proposed, citation of authority for acquisition;

(8) detailed discussion of the effect that the proposed action will have on the operation of the public land laws, including the mining and mineral leasing laws and laws and regulations relating to the conservation, utilization, and development of mineral, timber, and other material resources; grazing, fish, wildlife, and water resources; and scenic, wilderness, recreation, and other values;

(9) a statement of the leases, licenses, or permits in force, indicating those that would be terminated after the proposed action is consummated; and

(10) whether the purpose for which the area is proposed to be used involves the use of water.

SEC. 2. The Secretary of Agriculture may not effect any formal classification or designation of national forest lands involving five thousand acres or more when the action will exclude from the area one or more major uses for a considerable period of time or request the Secretary of the Interior to effect a withdrawal or reservation of lands involving five thousand acres or more in conjunction with national forest use until after the expiration of sixty days from the date upon which a report of the facts concerning the proposed action is submitted to the President of the Senate and the Speaker of the House of Representatives. The reports submitted by the Secretary of Agriculture shall contain the information set forth in section 1 of this Act.

SEC. 3. The filing of an application by a department or agency of the Federal Government with the Secretary of the Interior for withdrawal, reservation, or restriction, or the publication of notice in the Federal Register by the Secretary of the Interior of a proposed designation or classification of public lands shall have the effect of segregating such land from settlement, location, sale, selection, entry, lease, or other form of disposal under the public land laws, including the mining and mineral leasing laws, unless the application or the publication or a subsequent modification of such application or publication specifies that the land shall remain open for one or more such forms of disposal under the public land laws. Such segregative effect shall continue for a period of two years from the date of application or publication, unless withdrawal, reservation, restriction, designation, or classification has theretofore been completed in accordance with the provisions of this Act or unless the Secretary of the Interior with the concurrence of the requesting agency shall terminate it sooner. Not more than ninety days nor less than thirty days prior to the expiration of such two-year period, the proposal may be renewed and notice of such renewal, including a statement of the necessity for continued segregation shall be given to the President of the Senate and the Speaker of the House of Representatives and filed for publication in the Federal Register whereupon the segregative effect shall be extended for an additional period not exceeding two years, unless Congress, or the Secretary of the Interior with the concurrence of the requesting agency, terminates the segregation at an earlier date.

SEC. 4. The provisions in this Act shall not apply to proposed withdrawals, reservations, and restrictions of public lands for defense purposes requiring an Act of Congress in accordance with the provisions of the Act of February 28, 1958 (72 Stat. 27); and nothing contained in this Act shall be construed as superseding or amending that Act.

SEC. 5. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land lands, including the mining laws, and (d) the surface and subsurface resources of all such lands.

SEC. 6. The requirements of this Act shall expire June 30, 1968.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language: "That pending the implementation of recommendations to be made by the Public Land Law Review Commission the Secretary of the Interior, or his designee, may not effect the withdrawal, reservation, restriction, or change in use designation or classification involving more than two thousand five hundred and sixty acres of public lands until after the expiration of sixty days from the date upon which a report of the facts, including but not limited to the following information, concerning the proposed action is submitted to the President of the Senate and the Speaker of the House of Representatives:

"(1) the officer or agency proposing the withdrawal, reservation, restriction, designation, or classification;

"(2) the agency having administrative jurisdiction over the lands;

"(3) the purpose for which the area is proposed to be used or, if the purpose is classified for national security reasons, a statement to that effect and, if publication in the Federal Register has been withheld for security reasons, a statement to that effect;

"(4) the location, acreage, and legal description of the area;

"(5) the period during which the proposed withdrawal, reservation, restriction, designation, or classification will continue in effect;

"(6) description of any contamination which may result;

"(7) effect on any nonpublic lands within the exterior boundaries of the described area and, if acquisition of nonpublic lands is proposed, citation of authority for acquisition;

"(8) detailed discussion of the effect that the proposed action will have on the operation of the public land laws, including the mining and mineral leasing laws and laws and regulations relating to the conservation, utilization, and development of mineral, timber, and other material resources; grazing, fish, wildlife, and water resources, and scenic, wilderness, recreation, and other values;

"(9) a statement of the leases, licenses, or permits in force, indicating those that would be terminated after the proposed action is consummated; and

"(10) whether the purpose for which the area is proposed to be used involves the use of water.

"SEC. 2. The Secretary of Agriculture may not effect any formal classification or designation of national forest lands involving five thousand acres or more when the action will exclude from the area one or more major uses for a considerable period of time or request the Secretary of the Interior to effect a withdrawal or reservation of lands involving five thousand acres or more in conjunction with national forest use until after the expiration of sixty days from the date upon which a report of the facts concerning the proposed action is submitted to the President of the Senate and the Speaker of the House of Representatives. The reports submitted by the Secretary of Agriculture shall contain the information set forth in section 1 of this Act.

"SEC. 3. The filing of an application by a department or agency of the Federal Government with the Secretary of the Interior for withdrawal, reservation, or restriction, or the publication of notice in the Federal Register by the Secretary of the Interior of a proposed designation or classification of public lands or the publication of notice in the Federal Register by the Secretary of Agriculture that he has, in accordance with section 2 hereof, notified the President of the Senate and the Speaker of the House of Representatives of his intention to request the Secretary of the Interior to effect a withdrawal or reservation of public lands shall have the effect of segregating such land from settlement, location, sale, selection, entry, lease, or other form of disposal under the public land laws, including the mining and mineral leasing laws, unless the application or the publication or a subsequent modification of such application or publication specifies that the land shall remain open for one or more such forms of disposal under the public land laws. Such segregative effect shall continue for a period of two years from the date of application or publication, unless withdrawal, reservation, restriction, designation, or classification has theretofore been completed in accordance with the provisions of this Act or unless the Secretary of the Interior with the concurrence of the requesting agency shall terminate it sooner. Not more than ninety days nor less than thirty days prior to the expiration of such two-year period, the proposal may be renewed and notice of such renewal, including a statement of the necessity for continued segregation shall be given to the President of the Senate and the Speaker of the House of Representatives and filed for publication in the Federal Register whereupon the segregative effect shall be extended for an additional period not exceeding two years, unless Congress, or the Secretary of the Interior with the concurrence of the requesting agency, terminates the segregation at an earlier date.

"SEC. 4. The provisions in this Act shall not apply to proposed withdrawals, reservations, and restrictions of public lands for defense purposes requiring an Act of Congress in accordance with the provisions of the Act of February 28, 1958 (72 Stat. 27); and nothing contained in this Act shall be construed as superseding or amending that Act.

"SEC. 5. For the purposes of this Act—

"(a) The term 'public lands' includes (1) the public domain of the United States; (2) reservations, other than Indian reservations, created from the public domain; (3) lands permanently or temporarily withdrawn from the public domain and reserved or withheld from private appropriation, and (4) the surface and subsurface resources of all such lands.

"(b) The term 'withdrawal, reservation, or restriction' includes withdrawal actions taken under (1) the authorities included in Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831); (2) the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416); (3) the Act of April 16, 1906, as amended (34 Stat. 116; 43 U.S.C. 561); (4) section 1 of the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315); (5) section 10 of the Act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 464); (6) the Act of May 24, 1928, as amended (45 Stat. 728; 49 U.S.C. 211–214).

"(c) The terms 'change in use designation and use classification' includes (1) classifications under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (48 Stat. 1272; 43 U.S.C. 315f); (2) classifications under the Recreation and Public Purposes Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869, 869 1–4); (3) classifications under the Small Tract Act of June 1, 1938, as amended (52 Stat. 609; 43 U.S.C. 682a–e); (4) classifications under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–e); (5) orders to prevent issuance of leases, licenses, or permits; (6) orders to prevent cutting of timber or removal of other materials; (7) orders closing public lands to applications under the public-land laws; (8) mineral classifications of public lands; and (9) water-power site classifications of public lands.

"SEC. 6. Notification by the Secretary of the Interior to the President of the Senate and Speaker of the House of Representatives shall not be required under this Act if notification of classification or proposed classification has been furnished to the President of the Senate and the Speaker of the House of Representatives under any other statute within two years of the withdrawal, reservation, restriction, or change in use designation, or classification of the same lands under procedures specified in this Act.

"SEC. 7. The requirements of this Act shall expire June 30, 1968, except that the segregation of any public lands under this Act prior to June 30, 1968, shall continue for the period of time allowed by this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIMS SCRIP, LIEU SELECTION, AND SIMILAR RIGHTS

The Clerk called the bill (H.R. 4149) to provide for the satisfaction of claims arising out of scrip, lieu selection, and similar rights.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except for military bounty land warrants, all claims and holdings recorded under the Act of August 5, 1955 (69 Stat. 534, 535), which are not satisfied in one of the ways hereafter set forth, shall become null and void on January 1, 1970, or at the termination of any transaction initiated pursuant to this Act, whichever is later.

SEC. 2. Prior to July 1, 1966, holders of claims recorded under the Act of August 5, 1955, may apply to the Secretary of the Interior to have conveyed to them, in satisfaction of their claims, such lands as they may, in their applications, designate. The Secretary shall thereafter convey the selected lands if he finds them to be proper, under existing law, for such disposition, and if the claim upon which an application is based is determined to be valid.

SEC. 3. Prior to January 1, 1967, the Secretary shall classify lands which he finds can properly be sold at public sale under the Small Tract Act, as amended (43 U.S.C. 682a–e) or other public sale laws as suitable for selection in satisfaction of claims recorded under the Act of August 5, 1955. Holders of recorded claims may apply for reasonably compact areas of land so classified, and, upon his determination that the claim upon which an application is based is valid, the Secretary shall convey such lands to the applicant.

SEC. 4. Prior to January 1, 1968, the Secretary shall, by registered mail or certified mail sent to the address of record of each person having an unsatisfied claim, offer in satisfaction of such claim lands which in the opinion of the Secretary shall have a fair market value per acre not less than the average price received for lands sold under the Small Tract Act, as amended (43 U.S.C. 682a–e) during the three years prior to the date of the appraisal of the offered lands. Upon the acceptance of the offer, the Secretary shall convey the lands to the claimant, if he determines that the claim is valid.

SEC. 5. Prior to January 1, 1970, any person who has a claim recorded pursuant to the Act of August 5, 1955, by written notice to the Secretary of the Interior, or any officer of the Department of the Interior to whom authority to receive such notice may be delegated, may elect to receive cash instead of public land in satisfaction of his claim, at a rate per acre equal to the average value of the lands offered by the Secretary under section 4 of this Act. Upon a determination that the claim is valid, the Secretary or his delegate shall certify the claim to the Secretary of the Treasury who is authorized and directed to pay the claim out of any money in the Treasury not otherwise appropriated. Acceptance of the money shall constitute a full and complete satisfaction of the claim or holding for which the money is paid: *Provided*, That no agent or attorney acting on behalf of another to procure a payment under this Act shall demand, accept, or receive more than 10 per centum of the payment made, and any agreement to the contrary shall be null and void.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language: "That, except for military bounty land warrants, all claims and holdings recorded under the Act of August 5, 1955 (69 Stat. 534, 535), which are not satisfied in one of the ways thereafter set forth, shall become null and void on the later of the two following dates: (a) January 1, 1970 or, in the case of soldiers additional homestead claims, January 1, 1975; (b) at the termination of any transaction initiated pursuant to this Act.

"SEC. 2. Prior to July 1, 1966, holders of claims recorded under the Act of August 5, 1955, may apply to the Secretary of the Interior to have conveyed to them, in satisfaction of their claims, such lands as they may, in their applications, designate. The Secretary shall thereafter convey the selected lands if he finds them to be proper, under existing law, for such disposition, and if the claim upon which an application is based is determined to be valid. As used in this Act, the terms 'lands' and 'land' include any rights or interests therein.

"SEC. 3. (a) Prior to January 1, 1967, the Secretary shall classify, for conveyance and exchange for each type of claim recorded under the Act of August 5, 1955, public lands in sufficient quantity so as to provide each holder of such a claim with a reasonable choice of public lands against which to satisfy his claim. The public lands so classified shall be of a value or not less than the average fair market value, determined by the Secretary as of the date patent issued, of those public lands actually conveyed in exchange for each type of claim since August 5, 1955.

"(b) Holders of recorded claims may apply for reasonably compact areas of land so classified, and, upon his determination that the claim upon which an application is based is valid, the Secretary shall convey such lands to the applicant.

"SEC. 4. Prior to January 1, 1968, the Secretary shall, by registered mail or certified mail sent to the address of record of each person having an unsatisfied claim, offer in satisfaction of such claim lands of a value of not less than the average fair market value of those public lands actually conveyed in exchange for each type of claim since August 5, 1955. Fair market value shall be determined in the manner prescribed in Section 3 of this Act. Upon acceptance of the offer, the Secretary shall convey the lands to the claimant, if he determines that the claim is valid.

"SEC. 5. In respect of any type of claim recoded under the Act of August 5, 1955, not more than three conveyances of public lands in exchange for which have taken place since that date, the Secretary shall determine the type of claim which it most nearly resembles, and at least four conveyances in exchange for which has taken place since August 5, 1955, and shall, for the purposes of this Act, treat it in all respects as if it were such type of claim.

"SEC. 6. Prior to January 1, 1970, or, in the case of soldiers additional homestead claims, January 1, 1975, any person who has a claim recorded pursuant to the Act of August 5, 1955, by written notice to the Secretary of the Interior, or any officer of the Department of the Interior to whom authority to receive such notice may be delegated, may elect to receive cash instead of public land in satisfaction of his claim, at a rate per acre equal to the average value of the lands offered by the Secretary under section 4 of this Act. Upon a determination that the claim is valid, the Secretary or his delegate shall certify the claim to the Secretary of the Treasury who is authorized and directed to pay the claim out of any money in the Treasury not otherwise appropriated. Acceptance of the money shall constitute a full and complete satisfaction of the claim or holding for which the money is paid: *Provided*, That no agent or attorney acting on behalf of another to procure a payment under this Act shall demand, accept, or receive more than 10 per centum of the payment made, and any agreement to the contrary shall be null and void."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the bill now before the House, H.R. 4149, is, in the overall scheme of Government affairs, a minor bill. In another sense, it has significance because it marks a milestone in our public lands history.

H.R. 4149 will provide for the final settlement and satisfaction of scrip and other rights and claims other than military bounty land warrants in which the United States has promised the holders that they could select public lands in payment of some service to the Government or land relinquished to it.

Most of these scrip and selection rights came into existence before the turn of the century. A few have been created since 1900, with the latest coming into existence in 1927.

The act of August 5, 1955—69 Stat. 534—required that all holders of scrip and similar rights record their claims within 2 years and that all claims not presented for recordation should not thereafter be accepted by the Secretary of the Interior as a basis for the acquisition of lands. The Department of the Interior has recommended the enactment of legislation to set a final termination date as to when these recorded scrip rights may be satisfied and H.R. 4149 will carry out that objective by providing that rights not exercised by January 1, 1970, or in the case of soldier's additional homestead claims, by January 1, 1975, shall be subject to cash settlement. All scrip and similar rights would be retired not later than January 1, 1975.

During the pendency of this legislation the exchange of scrip for land has continued. The Committee on Interior and Insular Affairs, accordingly, has obtained from the Department of the Interior a current listing as of March 1, 1964, of remaining outstanding scrip that had been recorded under the 1955 act. Under leave previously granted I include these data as part of my remarks at this point, together with a listing of the applications for exchange that were pending on March 9, 1964.

TABLE I.—*Showing, as of Mar. 1, 1964, the kind, number, and acreage of recorded scrip which would be affected by H.R. 4149*

Kind of scrip	Approximate acreage recorded	Number of pieces of recorded scrip
Valentine certificate	2,119	65
Soldier's additional rights	5,117	260
Forest lieu selection rights	2,083	14
Sioux halfbreed certificates	520	6
Wyandotte certificates	210	7
Porterfield warrants	436	11
Isaac Crow	80	1
Railroad lieu selection rights	542	18
Merritt W. Blair selection right	80	1
Gerard certificates	440	11
McKee certificates	200	5
Total	11,827	399

TABLE II.—*Showing, as of Mar. 9, 1964, the pending applications for exchange of scrip for land*

State	Type	Number	Acres
Alaska	SAH	32	207
Arizona	SAH	1	160
	Forest lieu	1	164
California	SAH	4	635
	Forest lieu	2	880
	Valentine	5	261
Nevada	SAH	9	451
	Valentine	3	100
Oregon	Forest lieu	1	320
	Railroad lieu	1	40
Wyoming	Forest lieu	1	40
Total		60	3,258

AUTHORIZING CONVEYANCE OF CERTAIN LANDS TO THE CITY OF SAXMAN, ALASKA

The Clerk called the bill (H.R. 8523) to authorize the conveyance of certain lands to the city of Saxman, Alaska.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the trustee for the city of Saxman, Alaska, appointed under the provisions of section 3 of the Act of May 25, 1926 (48 U.S.C. 355c), shall, under the direction of the Secretary of the Interior, convey to such city all right, title, and interest held by such trustee to all lands within the townsite of such city which on the date of enactment of this Act are unoccupied and not held in trust for an Indian or Eskimo under the provisions of such Act of May 25, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TERMINATING A RESTRICTION ON USE WITH RESPECT TO CERTAIN LAND CONVEYED TO THE CITY OF FAIRBANKS, ALASKA

The Clerk called the bill (H.R. 8654) to terminate a restriction on use with respect to certain land previously conveyed to the city of Fairbanks, Alaska, and to convey to said city the mineral rights in such land.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the restriction on use for other than school purposes and the reservation of mineral rights with respect to lot 1, block 115, in the city of Fairbanks, Alaska, under the provisions of the Act entitled "An Act to transfer lot 1 in block 115, city of Fairbanks, Alaska, to the city of Fairbanks, Alaska", approved June 1, 1948 (62 Stat. 283), are hereby respectively terminated and conveyed to said city.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCORPORATING THE AVIATION HALL OF FAME

The Clerk called the bill (H.R. 8590) to incorporate the National Aviation Hall of Fame.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Stanley C. Allyn, Oakwood, Ohio; J. L. Atwood, El Segundo, California; C. M. Pat Barnes, Oakwood, Ohio; Robert J. Barth, Oakwood, Ohio; Donald H. Battin, Dayton, Ohio; Milton A. Caniff, New City, New York; Robert S. Chubb, Oakwood, Ohio; Albert N. Clarkson, Dayton, Ohio; Frederick C. Crawford, Cleveland, Ohio; Don L. Crawford, Dayton, Ohio; Donald W. Douglas, Senior, Santa Monica, California; Charles S. Draper, Cambridge, Massachusetts; John G. Fitzpatrick, Oakwood, Ohio; John P. Fraim, Junior, Oakwood, Ohio; Courtlandt S. Gross, Burbank, California; James W. Jacobs, Dayton, Ohio; Thomas D. Johnson, Xenia, Ohio; Gregory C. Karas, Oakwood, Ohio; John W. Kerchner, Oakwood, Ohio; Eugene W. Kettering, Kettering, Ohio; William G. Kiefaber, Dayton, Ohio; Gerald H. Leland, Centerville, Ohio; John A. Lombard, Dayton, Ohio; G. I. MacIntyre, Kettering, Ohio; Fred F. Marshall, Cedarville, Ohio; Robert W. Martin, New York, New York; James S. McDonnell, Junior, Saint Louis, Missouri; Karl B. Mills, Dayton, Ohio; John B. Montgomery, Murray Hill, New Jersey; John H. Murphy, Kettering, Ohio; Larry E. O'Neil, Kettering, Ohio; Mundy I. Peale, Farmingdale, Long Island, New York; Louis F. Polk, Oakwood, Ohio; A. M. Pride, Dover-Foxcroft, Maine; Edwin W. Rawlings, Minneapolis, Minnesota; Robert G. Ruegg, Wright-Patterson Air Force Base, Ohio; Alden K. Sibley, Grosse Pointe Shores, Michigan; Igor I. Sikorsky, Stratford, Connecticut; Robert J. Simons, Dayton, Ohio; James H. Straubel, Washington, District of Columbia; Charles V. Truax, Kettering, Ohio; John P. Truner, Junior, Oakwood, Ohio; Gerald E. Weller, Kettering, Ohio; Charles W. Whalen, Junior, Oakwood, Ohio; Bernard L. Whelan, Fairfield, Connecticut; Thomas D. White, Washington, District of Columbia; Gill Rob Wilson, Claremont, California; Louis Wozar, Oakwood, Ohio; and their associates and successors, are hereby created and declared to be a body corporate by the name of the National Aviation Hall of Fame (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. The majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with the Act, and the doing of such other acts as may be necessary for such purpose.

Purposes of the corporation

SEC. 3. The purposes of the corporation shall be—

(A) To receive and maintain a fund or funds, and to use and apply the whole or any part of the income therefrom, and the principal thereof, exclusively for charitable, scientific, literary, or educational purposes, either directly or by contributions to organizations duly authorized to carry on similar activities, but no part of such income or principal shall be contributed to any organization whose net earnings or any part thereof inure to the benefit of any private shareholder or individual, or any substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation. The detailed purposes hereinafter set forth shall at all times be subject to and in furtherance of the provisions contained in this paragraph.

(B) To honor citizens, aviation leaders, pilots, teachers, scientists, engineers, inventors, governmental leaders, and other individuals who have helped to make this Nation great by their outstanding contributions to the establishment, development, advancement, or improvement of aviation in the United States of America.

(C) To perpetuate the memory of such persons and record their contributions and achievements by the erection and maintenance of such buildings, monuments, and edifices as may be deemed appropriate as a lasting memorial.

(D) To foster, promote, and encourage a better sense of appreciation of the origins and growth of aviation, especially in the United States of America, and the part aviation has played in changing the economic, social, and scientific aspects of our Nation.

(E) To establish and maintain a library and museum for the collection and preservation for posterity of aviation pictures, paintings, books, papers, documents, scientific data, relics, mementoes, artifacts, and other items and things relative to aviation.

(F) To cooperate with other recognized aviation organizations which are actively engaged and interested in similar projects.

(G) To engage in any and all activities incidental thereto or necessary, suitable, or proper for the accomplishment of any of the aforementioned purposes.

Corporate powers

SEC. 4. The corporation shall have the power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

Principal office; scope of activities; District of Columbia agent

SEC. 5. (a) The principal office of the corporation shall be located in Dayton, Ohio, or in such other place as may be later determined by the board of trustees, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent shall be deemed notice to or service upon the corporation.

Membership; voting rights

SEC. 6. (a) Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the bylaws of the corporation may provide.

(b) Each member of the corporation given voting rights by the bylaws shall have the right to one vote on each matter submitted to a vote at all meetings of the voting members of the corporation, which vote may be cast in such manner as the bylaws may prescribe.

Board of trustees: composition, responsibilities

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of trustees of the corporation shall be elected from those persons named in the first section of this Act, their survivors and such additional persons, if any, as shall be named by them.

(b) Thereafter, the board of trustees of the corporation shall consist of such number (not less than eighteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be provided in the bylaws of the corporation.

(c) The board of trustees shall be the governing body of the corporation, and, during intervals between the meetings of members, shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of trustees shall appoint a board of nominations from the membership of the corporation; may appoint committees which shall have and exercise such powers as may be prescribed in the bylaws or by resolution of the board of trustees, and which may be all of the powers of the board of trustees.

Officers; election and duties of officers

SEC. 8. (a) The officers of the corporation shall be a president, one or more vice presidents (as may be prescribed in the bylaws of the corporation), a secretary, a treasurer, and such other officers as may be provided in the bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the bylaws of the corporation.

Board of nominations: composition, responsibilities

SEC. 9. (a) The board of trustees shall appoint a board of nominations from those persons named in the first section of this Act, their survivors and such additional persons, if any, as shall be named by them, not concurrently serving as a member of the board of trustees, and consisting of such number (not less than twenty-four); and shall serve for such term as provided in the bylaws of the corporation.

(b) The board of nominations shall be the designated body of the corporation to nominate United States citizens or residents to be honored by the corporation and recommend such persons to the board of trustees for consideration as prescribed in the bylaws of the corporation.

Use of income; loans to officers, trustees, or employees

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of its members, trustees, members of the board of nominations, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers and employees of the corporation in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its members, trustees, members of the board of nominations, officers, or employees. Any trustee who votes for or assents to making of a loan or advance to a member, member of the board of nominations, officer, trustee, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

Nonpolitical nature of corporation

SEC. 11. The corporation and its members, members of the board of nominations, trustees, officers, and employees as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

Liability for acts of officers and agents

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

Prohibition against issuance of stock or payment of dividends

SEC. 13 The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

Books and records; inspection

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of trustees, board of nominations, and committees having any of the authority of the board of trustees; and shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

Audit of financial transactions

SEC. 15. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians, shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expenses, and (5) sources and application of funds. Such report shall not be printed as a public document.

Use of assets on dissolution or liquidation

SEC. 16. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of trustees of the corporation and in compliance with the charter and bylaws of the corporation and all Federal and State laws applicable thereto.

Duration of corporation

SEC. 17. The duration of the corporation shall be perpetual.

Acquisition of assets and liabilities of existing corporation

SEC. 18. The corporation may acquire the assets of the National Aviation Hall of Fame, a general, not-for-profit corporation organized under the laws of the State of Ohio, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporation.

Reservation of right to amend or repeal charter

SEC. 19. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendments:

No. 1. On page 2, line 25, delete the words "associates and".

No. 2. On page 3, line 3, delete the word "National".

No. 3. On page 3, line 7, delete "The" and insert "A".

No. 4. On page 3, line 14, change the colon to a dash and renumber the paragraph in section 3 from A to G to 1 to 7.

No. 5. On page 4, delete lines 18 through 22 and insert the following:

"(5) To establish and maintain a library and museum for collecting and preserving for posterity, the history of those honored by the organization, together with a documentation of their accomplishments and contributions to aviation, including, but not limited to, such items as aviation pictures, paintings, books, papers, documents, scientific data, relics, mementos, artifacts, and things relating thereto."

No. 6. On page 5, line 10, after the word "officers," insert "trustees,".

No. 7. On page 6, line 18, after the word "States," insert the following: "the Commonwealth of Puerto Rico and the".

No. 8. On page 9, line 13, after the words "payment of" insert the word "reasonable".

No. 9. On page 11, line 11, after the word "corporation" insert the words: "and necessary to facilitate the audit".

No. 10. On page 11, delete lines 16 through 22, and on page 12, delete lines 1 and 2 and insert the following:

"(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to incorporate the Aviation Hall of Fame."

A motion to reconsider was laid on the table.

INCORPORATING THE NATIONAL COMMITTEE ON RADIATION PROTECTION AND MEASUREMENTS

The Clerk called the bill (H.R. 10437) to incorporate the National Committee on Radiation Protection and Measurements.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

C. M. Barnes, Rockville, Maryland;
E. C. Barnes, Edgewood, Pennsylvania;
V. P. Bond, Setauket, Long Island, New York;
C. B. Braestrup, New York, New York;
J. T. Brennan, Bethesda, Maryland;
L. T. Brown, Bethesda, Maryland;
R. F. Brown, San Francisco, California;
F. R. Bruce, Oak Ridge, Tennessee;
J. C. Bugher, Rio Piedras, Puerto Rico;
D. R. Chadwick, Upper Marlboro, Maryland;
R. H. Chamberlain, Philadelphia, Pennsylvania;
J. F. Crow, Madison, Wisconsin;

R. L. Doan, Idaho Falls, Idaho;
C. L. Dunham, Washington, District of Columbia;
T. C. Evans, Iowa City, Iowa;
E. G. Fuller, Bethesda, Maryland;
R. O. Gorson, Philadelphia, Pennsylvania;
J. W. Healy, Chappaqua, New York;
P. C. Hodges, Chicago, Illinois;
A. R. Keene, Richland, Washington;
M. Kleinfeld, Brooklyn, New York;
H. W. Koch, Silver Spring, Maryland;
D. I. Livermore, Washington, District of Columbia;
G. V. LeRoy, Chicago, Illinois;
W. B. Mann, Chevy Chase, Maryland;
W. A. McAdams, Schenectady, New York;
G. W. Morgan, Kensington, Maryland;
K. Z. Morgan, Oak Ridge, Tennessee;
H. J. Muller, Bloomington, Indiana;
R. J. Nelsen, Rockville, Maryland;
R. R. Newell, San Francisco, California;
W. D. Norwood, Richland, Washington;
H. M. Parker, Richland, Washington;
C. Powell, Bethesda, Maryland;
E. H. Quimby, New York, New York;
J. C. Reeves, Gainesville, Florida;
R. Robbins, Philadelphia, Pennsylvania;
H. H. Rossi, Nyack, New York;
E. L. Saenger, Cincinnati, Ohio;
T. L. Shipman, Los Alamos, New Mexico;
P. J. Shore, Patchogue, New York;
J. H. Sterner, Rochester, New York;
R. S. Stone, San Francisco, California;
L. S. Taylor, Bethesda, Maryland;
E. D. Trout, Corvalis, Oregon;
B. F. Trum, Boston, Massachusetts;
Shields Warren, Boston, Massachusetts;
E. G. Williams, Jacksonville, Florida;
H. O. Wyckoff, Silver Spring, Maryland;

and their successors, are hereby created and declared to be a body corporate, by name of the National Council on Radiation Protection and Measurements (hereinafter called the corporation), and by such name shall be known, and have perpetual succession and the powers, limitations, and restrictions contained in this Act.

Completion of organization

Sec. 2. The persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

Objects and purposes of corporation

Sec. 3. The objects and purposes of the corporation shall be—

(1) to collect, analyze, develop, and disseminate in the public interest information and recommendations about (a) protection against radiation (referred to herein as "radiation protection"), and (b) radiation measurements, quantities, and units, particularly those concerned with radiation protection;

(2) to provide a means by which organizations concerned with the scientific and related aspects of radiation protection and of radiation quantities, units, and measurements may cooperate for effective utilization of their combined resources, and to stimulate the work of such organizations;

(3) to develop basic concepts about radiation quantities, units, and measurements, about the application of these concepts, and about radiation protection;

(4) to cooperate with the International Commission on Radiological Protection, the Federal Radiation Council, the International Commission on Radiological Units and Measurements, and other national and international organizations, governmental and private, concerned with radiation quantities, units, and measurements and with radiation protection.

Powers of corporation

Sec. 4. The corporation shall have power—

(1) To sue and be sued, complain and defend in any court of competent jurisdiction.

(2) To adopt, alter, and use a corporate seal.

(3) To choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require.

(4) To adopt, amend, and alter bylaws not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs.

(5) To make contracts.

(6) To take and hold by lease, gift, purchase, grant, devise, or bequest, or by any other method, any property, real or personal, necessary or proper for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (a) governing the amount or kind of such property which may be held by, or (b) otherwise limiting or controlling the ownership of any such property by a corporation operating in such State or the District of Columbia.

(7) To transfer and convey real or personal property, and to mortgage, pledge, encumber, lease, and sublease the same.

(8) To borrow money for its corporate purposes and issue bonds or other evidences of indebtedness therefor, and to secure the same by mortgage, pledge, or lien, subject in every case to all applicable provisions of Federal or State law, or of the laws of the District of Columbia.

(9) To do any and all such acts and things necessary and proper to carry out the purposes of the corporation.

Principal office; scope of activities; District of Columbia agent

Sec. 5. (a) The principal office of the corporation shall be located in the District of Columbia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the possessions of the United States, and in other areas throughout the world.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

Membership; voting rights

Sec. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

Board of directors; composition; responsibilities

Sec. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall be those persons whose names are listed in section 1 of this Act.

(b) Thereafter, the board of directors of the corporation shall be selected in such manner and shall serve for such term as may be prescribed in the bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for the control of all funds of the corporation.

Officers; election of officers

Sec. 8. (a) The officers of the corporation shall be a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be prescribed in the bylaws. The duties of the officers shall be as prescribed in the bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

Use of income; loans to officers, directors, or employees

Sec. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

Nonpolitical nature of corporation

Sec. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

Liability for acts of officers and agents

Sec. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

Prohibition against issuance of stock or payment of dividends

Sec. 12. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

Books and records; inspection

Sec. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

Audit of financial transactions

Sec. 14. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus, or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

Use of assets on dissolution or liquidation

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

Acquisition of assets and liabilities of the existing association

SEC. 16. The corporation may and shall acquire all of the assets of the existing unincorporated organization known as the National Committee on Radiation Protection and Measurements, subject to any liabilities and obligations of the said organization.

Reservation of right to amend or repeal charter

SEC. 17. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER** pro tempore. This completes the call of bills on the Consent Calendar.

CALL OF THE HOUSE

Mr. **FASCELL**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

Mr. **ASPINALL**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 90]

Alger
Ashbrook
Ashley
Auchincloss
Avery
Baring
Barrett
Barry
Bass
Becker
Bennett, Mich.
Betts
Blatnik
Boggs
Bolton, Frances P.
Bonner
Brademas
Bray
Brock
Bromwell
Brown, Calif.
Buckley
Burleson
Burton, Calif.
Burton, Utah
Byrnes, Wis.
Cahill
Carey
Casey
Clawson, Del
Collier
Colmer
Conte
Corbett
Corman
Curtis
Davis, Tenn.
Denton
Derwinski
Devine
Diggs
Donohue
Dowdy
Duncan
Dwyer
Elliott
Fallon
Farbstein
Feighan
Findley
Finnegan
Fino
Flynt
Fogarty
Frelinghuysen
Fulton, Pa.
Gallagher
Garmatz
Gary
Gilbert
Glenn
Grabowski
Gubser
Gurney
Halpern
Hanna
Hansen
Harris
Harrison
Hawkins
Healey
Hébert
Henderson
Hoeven
Hoffman
Holifield
Holland
Horton
Huddleston
Ichord
Jennings
Jones, Ala.
Karth
Kee
Keogh
Kilburn
Kirwan
Kluczynski
Kunkel
Kyl
Laird
Leggett
Lesinski
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
McDade
Martin, Calif.
Martin, Nebr.
May
Meader
Michel
Miller, Calif.
Miller, N.Y.
Minish
Minshall
Monagan
Montoya
Moorhead
Morgan
Morrison
Multer
Nix
O'Brien, Ill.
O'Brien, N.Y.
O'Konski
O'Neill
Osmers
Pepper
Philbin
Pillion
Powell
Quie
Quillen
Rains
Randall
Reid, N.Y.
Rivers, S.C.
Roberts, Ala.
Rodino
Rogers, Tex.
Rooney, Pa.
Rostenkowski
Roudebush
Ryan, Mich.
St. Onge
Short
Sibal
Sikes
Skubitz
Smith, Calif.
Snyder
Springer
Staebler
Staggers
Taft
Talcott
Teague, Calif.
Tuten
Udall
Vanik
Van Pelt
Whalley
Wickersham
Willis
Wilson, Charles H.
Winstead
Wright

The **SPEAKER** pro tempore. On this rollcall 271 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LAKE ERIE SESQUICENTENNIAL

Mr. **FORRESTER**. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1828) to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof, with an amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the joint resolution entitled "Joint Resolution to establish a Commission to develop and execute plans for the celebration of the one hundred and fiftieth anniversary of the Battle of Lake Erie, and for other purposes", approved October 24, 1962 (Public Law 87-883; 76 Stat. 1245), is amended as follows:

(1) In subsection (a) strike out the colon and the words "*Provided, however,* That all expenditures of the Commission shall be made from donated funds only".

(2) Add the following new subsection:

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution, but in no event shall the sums hereby authorized to be appropriated exceed a total of $13,553.23."

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **McCULLOCH**. Mr. Speaker, I demand a second.

Mr. **GROSS**. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman will state it.

Mr. **GROSS**. Is the gentleman from Ohio [Mr. MCCULLOCH] opposed to the bill?

Mr. **McCULLOCH**. Mr. Speaker, I am not opposed to the bill. I am for the bill.

Mr. **GROSS**. Mr. Speaker, I demand a second. I am opposed to the bill.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **FORRESTER**. Mr. Speaker, this is a bill which, as amended, will provide the sum of $13,553.23 of the amount that was used for the purpose of celebrating the 150th anniversary of the Battle of Lake Erie.

Mr. Speaker, I do not think that my reputation in this House is that of a spender. As a matter of fact, I believe that probably my reputation would be more to the effect that I am reactionary, instead of being a spender.

Mr. Speaker, this particular celebration occurred just about as far from where I live as it possibly could have occurred and still remain within the continental boundaries of the United States.

Mr. Speaker, the actual facts in this case are these: In 1961 the Ohio delegation, Members of this body, as well as the distinguished Senators from that State were interested in celebrating the 150th anniversary of the Battle of Lake Erie. The particular bill as I recall it provided that the expenses for that celebration would be paid by the Government, and the sky was the limit insofar as expenses were concerned.

That bill passed the Senate and came over to the House and was referred to the House Judiciary Committee. It further was referred to the particular subcommittee of which I have the honor to serve as chairman.

We exercised the economy that we feel we have exercised over the years. We were against the wholesale appropriation of Federal funds, that is, making them unlimited as to the amount to be expended. This occurred at the end of that session of Congress. We amended the bill to provide that they could have the celebration but the money would have to be raised through private donations.

Then the next year the Senate passed a bill in which that body provided that $25,000 would be appropriated for this purpose. I was for that bill and I was for that provision. I thought it was reasonable, I thought it was fair, and I thought it ought to be done. I feel that we probably may have been just a little dilatory and if that be true, I suppose I am the one who is responsible for that.

Unfortunately I was in the hospital last year for approximately 4 months. The time came on where these people had to have the 150th anniversary celebration or not have it—one of the two. They chose to have it. There were some people up there who went ahead with the celebration and thought the Federal Government ought to pay for it, but they said if the Federal Government does not pay it we will pay it out of our own pocket because we think this is an event in American history that should not be forgotten. When I got up and came back to be with the subcommittee we found that they had the celebration and they had confined the spending to the amount set out in this amendment, the sum of $13,553.23.

So this bill, as amended, Mr. Speaker, is simply to reimburse them for the sum that has been paid out on account of having this celebration. I sincerely hope the House will go along with this measure, and will suspend the rules and pass the bill.

Mr. **ABERNETHY**. Mr. Speaker, will the gentleman yield?

Mr. **FORRESTER**. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Would the gentleman say this would constitute a precedent for the Federal Government by act of Congress to make contributions for the celebrations of similar historical events?

Mr. FORRESTER. No, it certainly would not be a precedent.

Mr. ABERNETHY. Here is the reason I asked the question: There are several other such commissions in existence. I know of one which was established for the purpose of celebrating the Battle of New Orleans. The act which established that Commission provided that the funds which must be raised by public donation.

Mr. FORRESTER. How?

Mr. ABERNETHY. By public subscription. There was no Federal money authorized, but there is Federal money involved in this bill.

Mr. FORRESTER. I handled that Battle of New Orleans legislation. My recollection is there was money appropriated but it was done in this manner: My recollection is that the Department of the Interior who was responsible for the park over there, and the celebration, came in and said:

> If you pass this legislation we will use money that we already have appropriated for that purpose.

I think that those are the actual facts in the matter of the New Orleans Battle Celebration. I was for it.

Mr. ABERNETHY. I hope the gentleman is correct but I am reasonably certain he is mistaken.

Mr. FORRESTER. I am right.

Mr. ABERNETHY. But my recollection is that the expenses of the celebration of this particular battle are to be borne by public subscription. I am simply making inquiry to determine whether or not this would be a precedent. If it is a precedent then I think we can anticipate these other commissions will be in for a comparable amount of funds.

Mr. FORRESTER. I appreciate the gentleman's attitude. This is no different from others that have been considered ever since I have been in Congress, and perhaps a long time after. This one is about as far removed from my district as it could be. But I am interested because, if my recollection of history serves me well, during the War of 1812 we were getting the life whipped out of us. Every time the British met our land forces our land forces threw down their guns and ran. I think the people got a shot in the arm by winning this battle. The gentleman thinks as I do. The gentleman takes pride in the history of this country, but there are a lot who feel differently.

Mr. ABERNETHY. I feel flattered by the remarks of my distinguished friend.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes, and ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Speaker, if I may have the attention of the gentleman from Mississippi [Mr. ABERNETHY], this would create a precedent. There is no question about it.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. I might say I am not complaining about it. It just happens I serve as a member of that New Orleans Commission, and we might be in for our share. I do not know.

Mr. GROSS. That is what I was afraid of.

On October 10, 1962—3 days before the adjournment of Congress in 1962—the celebration authorization bill came to the floor of the House. I am surprised to find the gentleman from Georgia [Mr. FORRESTER] here today in support of this bill, or anyone else, for that matter, in the light of what he said on October 10, 1962. I then asked him this question:

> Do I correctly understand there is no money provided in this joint resolution?
>
> Mr. FORRESTER. Mr. Speaker, in answer to the gentleman's question, there are no funds authorized. There were some funds provided in the resolution, when it came over from the other body, but there is a House amendment striking out that provision.
>
> Mr. GROSS. I compliment the gentleman on accomplishing the difficult feat of saving the taxpayers a little money.
>
> Mr. FORRESTER. Thank you, sir.
>
> Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Does the gentleman from Georgia think for one single moment that if he had not given me the assurance on the House floor on October 10, 1962, that this celebration would be financed by local funds he would have gotten his proposition through under unanimous consent? That is the principle involved here. I do not like to be told one day on the floor of the House that a bill is not going to cost any money. I do not care whether it is 15 cents or $15 or $1,500 or $15,000. I just do not want to be told by anyone that the bill is not going to cost any money, and then with the greatest of ease the same person or persons come in a year or so later and present a bill such as this. This is the issue involved. This $13,000 will not break the Federal Government. The issue here is whether you mean what you say when you tell us what you do on the House floor.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Georgia.

Mr. FORRESTER. I am a little surprised that the gentleman would say I would say one thing at one time and another at another. Of course I do not do that. At that time the gentleman asked me if the bill carried any amount of appropriation, and I told him it did not.

Mr. GROSS. This is the bill that provided for the celebration of the Battle of Lake Erie, is it not? This is the bill that was before the House on August 10, 1962, under unanimous consent, is it not?

Mr. FORRESTER. No; it is not.

Mr. GROSS. What is it, then?

Mr. FORRESTER. This is the bill that came up in 1963 over on the Senate side and came here to the House.

Mr. GROSS. Yes; to provide for this authorization, but the bill providing for the celebration of the Battle of Lake Erie came up on August 10, 1962. That was the bill for which this $13,000 is now being provided.

Mr. FORRESTER. It is for the same thing, but not the same bill. The first bill was for an unlimited amount, and this is for $13,000-some.

Mr. GROSS. Whether unlimited or for $13,000, the gentleman put the House on notice that this celebration would not cost the Federal taxpayers any money. This is the point I am making. No other point.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. FORRESTER. If the gentleman is confused about that, he is the only one who is confused.

Mr. GROSS. I am not confused about a single thing.

Mr. FORRESTER. Yes, you are.

Mr. GROSS. No, I am not.

Mr. FORRESTER. I told you at that time that that bill would not cost any money. I did not tell you that a bill might not come up some year or two later that would not cost some money.

Mr. GROSS. Well, now wait a minute. This is to provide the funds to pay for the celebration.

Mr. FORRESTER. Yes.

Mr. GROSS. All right, the resolution authorized a celebration but it did not authorize the spending of a dime.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

The SPEAKER pro tempore. The gentleman from Iowa is recognized.

Mr. GROSS. That is exactly what that resolution authorized and you said then, on October 10, 1962, the celebration would not cost the taxpayers any money. Today you are on the House floor with the greatest of ease asking for money that you said would not be spent.

Mr. FORRESTER. The gentleman from Iowa is confused. I did not say that there would not ever be any money spent. And I am doing this with the greatest of ease and I hope the bill will pass because I think it is a bill that ought to pass and I wish the gentleman from Iowa would vote for it.

Mr. GROSS. What did the gentleman mean when he said that there were some funds provided in the resolution that came over from the other body but the House amendment struck out that provision? Why did he take the money out?

Mr. FORRESTER. We took it out because it called for a tremendous amount of money and it was not for the pitiful small sum of $13,000 and some odd that some good patriots spent because they wanted to have this celebration.

Mr. GROSS. Let me say to the gentleman, you took the money out because you knew that you did not have the chance of a snowball in Haiti to get the bill through the House at that time with any money in it. That is why you took it out.

Mr. FORRESTER. The gentleman from Iowa is against it now as he was then. You were against it then and you are against it now.

Mr. GROSS. You said this was not going to cost any money, and on that basis I did not oppose the bill, it passed by unanimous consent.

Mr. FORRESTER. I did not say that. I said that that bill at that time did not provide any money.

Mr. GROSS. Read the Congressional Record. It shows what you said.

Mr. FORRESTER. I know what I said and I quoted myself correctly. I told my colleagues when I was addressing the House what I said, and the Record will show that I am right.

Mr. GROSS. Mr. Speaker, I reserve the balance of my time and I urge that this bill be defeated.

Mr. FORRESTER. Mr. Speaker, I yield to the gentleman from New York [Mr. Celler] 5 minutes.

Mr. CELLER. Mr. Speaker, I have listened with interest to the remarks of the gentleman from Iowa. He has spoken about precedents and consistency. I am reminded of the saying, Consistency sometimes is like a stagnant pool. It breeds reptiles of the mind.

We should not worry today about consistency, if the bill at hand is worthwhile. Mr. Speaker, this bill at hand is worthwhile.

Lake Erie and the Battle of Lake Erie are great guideposts in our history. The hero of that event, Commodore Perry, became a national figure because of that momentous victory which sealed the doom, as it were, of our adversary in that war. It is well to celebrate that victory because of its great importance not only to us but because of its importance to Canada and, therefore, its international importance.

The sum that is asked for is quite modest. It amounts to $13,000. Those who inaugurated this project had every good intention to get the funds by private donations and most of the funds they did get by private donations. But it just so happened that they spent beyond their budget $13,000 which sum they are now asking for. It is a small price that we are asked to pay in commemoration of this great victory.

Mr. Speaker, I should like to read a very eloquent statement made before the subcommittee presided over by the distinguished chairman of the subcommittee, the gentleman from Georgia [Mr. Forrester]. Incidentally, might I say, Mr. Speaker, that our colleague, the gentleman from Georgia, is just recovered from a serious illness and we wish him well and we hope that he will not have any relapse so that he can remain on the floor to pursue his duties which he always performs magnificently. We hope that our colleague will be free from any of the anxieties of illness.

In the subcommittee presided over by this distinguished gentleman from Georgia [Mr. Forrester], Mr. Mosher said:

> The Federal observance at Put-In-Bay, Ohio, South Bass Island in Lake Erie on September 8 at the foot of the 355 foot Perry International Peace Memorial, was more than just an ordinary celebration or commemoration of a famous battle or event in the history of our United States.
>
> More important, Mr. Chairman, this historic occasion was one of great international significance. It marked the anniversary of our 150 years of peace with Canada along almost 4,000 miles of unfortified border between our two great nations. Where else in the world, Mr. Chairman, does such a situation like this exist in our present-day world of constant international turmoil and chaos. Indeed this most significant fact of history is in sharp contrast to the walls which the totalitarian nations raise to keep their citizens under control. The Federal celebration of September 8, and as articulated by representatives of both our Government and the Dominion of Canada, emphasized this reality to the world.

I repeat: For all that, $13,000 plus is a small sum to pay. I hope, therefore, the bill will pass by a substantial majority.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. Latta].

Mr. LATTA. Mr. Speaker, I should like to shed a little bit of light on the question as to why adequate finances were not raised for this celebration.

The House passed House Joint Resolution 208 during the 87th Congress to establish this Commission to develop and execute plans for celebration of the 150th anniversary of the Battle of Lake Erie in September 1963. This resolution had previously been adopted by the Senate and was amended by the House to provide for the use of donated funds only. The Senate agreed to the House amendments.

The resolution was signed by President Kennedy on October 24, 1962, and became Public Law 87-883. It provided for the appoinment of four Members of the Senate, four Members of the House, one representative of the Department of the Interior, and four members, including the Chairman, to be appointed by the President of the United States.

The appointments by the House, by the Senate, and by the Department of the Interior were made in due course, as this celebration was to be held to coincide with Perry's victory on September 10.

For reasons known only to the White House, President Kennedy did not make his appointments until April 24, 1963, and the last of his appointees, Mr. Lawrence Litchfield, Jr., of Pittsburgh, Pa., was not sworn in until May 20, 1963.

The first meeting of this Commission was held on May 22, 1963, and its committees were not announced until June 6 of that same year.

Mr. Lawrence Litchfield, Jr., of Pittsburgh, Pa., was assigned the impossible task of raising donated funds with which to finance an international celebration within 3 months, at a time when publicity was given to a Senate effort then underway to pass a bill to provide $25,000 for this same event.

Needless to say, this gentleman raised an insufficient amount of funds; and the Chairman, rather than see this international celebration fail—I stress that point; an international celebration—which would have been an affront to our friendly neighbor to the north, Canada, proceeded with the plans for the celebration with the hope that the Congress would see its financial responsibility in this matter and act accordingly.

An appropriate and fitting celebration was held, in which both Canada and the United States participated. During this celebration, the years of peace enjoyed between Canada and the United States were stressed, as well as the victory of Admiral Perry. An address was made by I. V. MacDonald, Consul of Canada, together with an address by Victor Longstreet, Assistant Secretary of the Navy. Naval vessels, the U.S. Marine Corps School Band, and the SAC Drill Team participated. The highlight of the festivities came with the unveiling of the Canadian and United States bronze peace plaques signed by Prime Minister Pearson and President Kennedy which had been installed in the Perry Victory and International Peace Monument.

The U.S. plaque reads as follows:

United States Plaque

> This single column commemorates the end of a battle and the heralding of a lasting era of peace between Canada and the United States—two neighbors dedicated to brotherhood and progress within the family of free nations throughout the world. It provides lasting testimony that our common values of freedom and diversity can be attained and strengthened through mutual respect and regard.
>
> John F. Kennedy,
> *White House, 1963.*

The Canadian plaque reads as follows:

Canadian Plaque

> This plaque is dedicated to the 150 years of peace which followed the War of 1812, in which so many lost their lives, and to the hope that this harmony between two neighbors may be a symbol of international cooperation in a world striving toward the goal of lasting peace.
>
> Lester B. Pearson,
> *Ottawa, Canada, 1963.*

I am advised that the use of Federal funds for such purposes is not new. I am informed that $100 million was provided for the Wilson Centennial in 1955 and as much as $532,500 for the Lincoln Sesquicentennial in 1958.

In the case at hand, only the modest amounts actually expended are requested and I sincerely ask that the House consider this matter and approve it.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. McCulloch].

Mr. McCULLOCH. Mr. Speaker, I am pleased indeed to join my colleagues, the chairman of the Committee on the Judiciary [Mr. Celler], the chairman of the subcommittee, the gentleman from Georgia [Mr. Forrester], and my colleague from Ohio [Mr. Latta], in support of the motion. I want to make it clear that I am not a member of the Commission and have no personal interest in the matter. But I am of the decided opinion that if there was ever any justification for the expenditure of Federal funds for purposes such as this, this is one of those cases. Almost 50 years ago, Mr. Speaker, I heard, with great pride, my schoolteacher tell of Perry's victory on Lake Erie; how we were outnumbered in ships and men, and how his maneuvering of the few ships that we had and the valor of these men brought to America one of our great naval victories of all time.

I remember my teacher reading the message of Commodore Perry to General Harrison. I am still thrilled by it and I shall quote it for the Record now. Commodore Perry, in language not unlike that of the great General MacArthur, reported the battle and its outcome in these laconic words:

> We have met the enemy and they are ours; two ships, two schooners, two brigs, one sloop.

Mr. Speaker, that victory sealed the fate of that part of the world in our favor. Thereafter, came the peace between Britain and the United States of America which has seen two great nations live side by side with, as our chairman has said, with 4,000 miles of international border between us, without a fort or without a soldier on guard on that long border.

Mr. Speaker, if the Voice of America wants to tell of our love for peace, our neighbor's love for peace, and the possibility of insuring peace between men of good will, there is no better story in all the world than the story of Perry's victory on Lake Erie and what has happened for more than a century and a half, in the meantime.

Mr. Speaker, I urge every Member of the House to vote to suspend the rules and pass the bill.

Mr. GROSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is not alone a question of the Battle of Lake Erie or the Battle of Bunker Hill or any other battle. This is a question of whether the Judiciary Committee is going to come to the House floor and say that legislation is not going to cost the taxpayers of this country any money, and then, a few months later, say in effect we did not mean what we said at all.

The Committee cannot have it both ways, and I wonder how much credence we can place in the statements of those who appear on behalf of the Judiciary Committee in the future?

Mr. Speaker, it is my understanding too that last year the city of Erie, Pa., staged an observance of the Lake Erie battle, and it cost them in the neighborhood of $50,000. They have not come to the taxpayers of the United States for help, so far as I know.

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. WEAVER. Erie, Pa., last year celebrated the 150th anniversary of Perry's sesquicentennial victory.

Mr. Speaker, I would like to remind the Members of the House that a 3-month sesquicentennial celebration was held at Erie, Pa., where the ships were built under the direction of Daniel Dobbins. The crews trained and the fleet was built here and sailed forth to meet the enemy. At Put-in-Bay, off the shores of Ohio, they defeated the British fleet in a historic sea battle.

Mr. Speaker, we spent many thousands of local dollars. We are now $90,000 in debt. The people of Erie are not complaining. We are glad to have been the focal point for the celebration of 150 years of peace with our neighbor, Canada.

I simply want to call this to the attention of the Members of the House. The people of Erie, Pa., did not come to the House of Representatives asking for Federal funds for this particular celebration. They are proud to have been the home port for the victorious fleet and so have played a part in reminding all America of their heritage.

Mr. GROSS. I thank the gentleman. I am surprised that the State of Ohio and the city of Sandusky are in such condition that they cannot take care of their own celebration, as the House assumed, under the terms of the legislation which was passed, that they would do.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Speaker, I yield myself 1 additional minute.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. LATTA. I would like to also point out to the gentleman that the various cities in Ohio, including Sandusky which the gentleman mentioned, had their own celebrations and they picked up their own tab for such celebrations.

Mr. Speaker, this celebration, however, about which we are talking today was authorized by Congress. A good way to confuse the Members of the House is to talk about something other than what we have under discussion.

These other celebrations were carried on by interested areas at their own expense. The celebration about which we are talking today was the official one authorized by this Congress. The celebrations which the gentleman from Iowa and other gentlemen have discussed were independent celebrations whose activities were coordinated by the official commission.

Mr. GROSS. But Members of Congress were assured that the celebration would not cost the taxpayers any money.

Mr. WEAVER. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. WEAVER. The celebration which was held in Erie, Pa., was one in which representatives of the Canadian Government participated together with representatives of the United States and also officials of Ohio, Rhode Island—the birthplace of Commodore Perry—New York and Kentucky.

Mr. O'HARA of Illinois. Mr. Speaker, I am supporting this measure because Perry's victory on Lake Erie was a significant and inspiring event in our early history and it seems to me there is no wiser use of our money, within reasonable amounts, as is the case here, than that expended in the observance of historic anniversaries that make the past part of the present and give to living generations something of a personal touch with the national heroes whose deeds have set the pattern of our dreams and aspirations as a people.

This modest amount of money will clear the debt remaining of the observance of the 150th anniversary of Perry's victory. I trust that the celebration of this 150th anniversary will linger in the memory of those who witnessed it, at least some of them, as long as the memory of the 100th anniversary has remained with me.

Chicago observed the 100th anniversary on a grand scale, temporary stands having been erected in Grant Park on the lakefront to seat a mammoth crowd. I had the honor and the thrill of attending with a direct lineal descendant of Admiral Perry, Chesley Perry, who in the Spanish-American War had carried on in the spirit of his famous ancester and who, with his wife, had been prominently active in the good works of United Spanish War Veterans and its auxiliary.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia [Mr. FORRESTER] that the House suspend the rules and pass the bill (S. 1828).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 80, noes 7.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 233, nays 39, not voting 161, as follows:

[Roll No. 91]

YEAS—233

Abele
Adair
Addabbo
Albert
Anderson
Andrews, N. Dak.
Arends
Aspinall
Auchincloss
Ayres
Baker
Baldwin
Bates
Battin
Beckworth
Belcher
Bennett, Fla.
Berry
Bolland
Bolling
Bow
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Bruce
Burke
Burkhalter
Byrne, Pa.
Cameron
Cannon
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Clancy
Clark
Clausen, Don H.
Cohelan
Conte
Cooley
Cramer
Curtin
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Derounian
Dingell
Dole
Dorn
Downing
Dulski
Duncan

Edmondson
Edwards
Ellsworth
Everett
Evins
Fascell
Feighan
Fisher
Flood
Ford
Foreman
Forrester
Fraser
Friedel
Fulton, Tenn.
Gathings
Giaimo
Gibbons
Gonzalez
Goodell
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Hagan, Ga.
Hagen, Calif.
Halleck
Hanna
Harding
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hays
Hechler
Hemphill
Horan
Hosmer
Hull
Hutchinson
Jarman
Jensen
Joelson
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Karsten
Kastenmeier
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
Kirwan
Knox
Lankford
Latta
Long, Md.

McClory
McCulloch
McDowell
McFall
McIntire
McLoskey
Macdonald
MacGregor
Mahon
Mailliard
Marsh
Martin, Mass.
Mathias
Matsunaga
Matthews
Milliken
Mills
Moore
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Norblad
O'Hara, Ill.
O'Hara, Mich.
Olsen Mont.
Olson, Minn.
Ostertag
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pike
Pilcher
Pirnie
Poage
Pool
Price
Pucinski
Purcell
Reid, Ill.
Reifel
Reuss
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Roberts, Tex.
Robison
Rogers, Colo.
Rooney, N.Y.
Roosevelt

Rosenthal
Roudebush
Roush
Ryan, N.Y.
St. George
St Germain
Saylor
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Senner
Shipley
Shriver
Sibal
Sickles
Siler
Skubitz
Slack
Smith, Iowa
Smith, Va.
Springer
Stafford
Steed
Stephens
Stratton
Stubblefield
Sullivan
Teague, Tex.
Thomas
Thompson, La.
Thompson, Tex
Thomson, Wis.
Toll
Tollefson
Trimble
Tupper
Ullman
Van Deerlin
Vinson
Waggonner
Wallhauser
Watts
Weaver
Wharton
White
Whitener
Whitten
Wilson, Bob
Wilson, Ind.
Wydler
Wyman
Young
Zablocki

NAYS—39

Abbitt
Abernethy
Andrews, Ala.
Ashmore
Beermann
Bell
Broyhill, N.C.
Cleveland
Colmer
Cunningham
Fountain
Fuqua
Grant
Gross
Haley
Hall
Herlong
Johansen
Jonas
Jones, Mo.
Kornegay
Langen
Lennon
McMillan
Morris
Poff
Rhodes, Ariz.
Rogers, Fla.
Rumsfeld
Schadeberg
Scott
Selden
Taylor
Tuck
Utt
Watson
Weltner
Williams
Younger

NOT VOTING—161

Alger
Ashbrook
Ashley
Avery
Baring
Barrett
Barry
Bass
Becker
Bennett, Mich.
Betts
Blatnik
Boggs
Bolton, Frances P.
Bolton, Oliver P.
Bonner
Brademas
Bray
Brock
Bromwell
Broomfield
Brown, Ohio
Buckley
Burleson
Burton, Calif.
Burton, Utah
Byrnes, Wis.
Cahill
Carey
Casey
Clawson, Del
Collier
Corbett
Corman
Curtis
Daddario
Davis, Tenn.
Derwinski
Devine
Diggs
Donohue
Dowdy
Dwyer
Elliott
Fallon
Farbstein
Findley
Finnegan
Fino
Flynt
Fogarty
Frelinghuysen
Fulton, Pa.
Gallagher
Garmatz
Gary
Gilbert
Gill
Glenn
Grabowski
Gubser
Gurney
Halpern
Hansen
Harris
Harrison
Hawkins
Healey
Hébert
Henderson
Hoeven
Hoffman
Holifield
Holland
Horton
Huddleston
Ichord
Jennings
Jones, Ala.
Karth
Kee
Kilburn
Kilgore
Kluczynski
Kunkel
Kyl
Laird
Landrum
Leggett
Lesinski
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
McDade
Madden
Martin, Calif.
Martin, Nebr.
May
Meader
Michel
Miller, Calif.
Miller, N.Y.
Minish
Minshall
Monagan
Montoya
Moorhead
Morgan
Morrison
Multer
Nix
O'Brien, Ill.
O'Brien, N.Y.
O'Konski
O'Neill
Osmers
Pepper
Philbin
Pillion
Powell
Quie
Quillen
Rains
Randall
Reid, N.Y.
Rivers, S.C.
Roberts, Ala.
Rodino
Rogers, Tex.
Rooney, Pa.
Rostenkowski
Roybal
Ryan, Mich.
St. Onge
Sheppard
Short
Sikes
Sisk
Smith, Calif.
Snyder
Staebler
Staggers
Stinson
Taft
Talcott
Teague, Calif.
Thompson, N.J.
Tuten
Udall
Vanik
Van Pelt
Westland
Whalley
Wickersham
Widnall
Willis
Wilson, Charles H.
Winstead
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The Clerk announced the following pairs:

Mr. Miller of California with Mr. Talcott.
Mr. Madden with Mr. Byrnes of Wisconsin.
Mr. Daddario with Mr. Meader.
Mr. Farbstein with Mr. Van Pelt.
Mr. Fogarty with Mrs. Dwyer.
Mr. Gary with Mr. Reid of New York.
Mr. Harris with Mr. Laird.
Mr. Henderson with Mr. Hoeven.
Mr. Jennings with Mr. Kyl.
Mr. Morgan with Mr. Broomfield.
Mr. Rains with Mr. Derwinski.
Mr. Rogers of Texas with Mr. Burton of Utah.
Mr. Rostenkowski with Mr. Devine.
Mr. Staggers with Mr. Bray.
Mr. Thompson of New Jersey with Mr. Cahill.
Mr. Udall with Mr. Snyder.
Mr. Wickersham with Mr. Quillen.
Mr. Elliott with Mr. Michel.
Mr. Finnegan with Mr. Collier.
Mr. Gallagher with Mr. Bromwell.
Mr. Holifield with Mr. Lipscomb.
Mr. Bonner with Mr. Oliver P. Bolton.
Mr. Kilgore with Mr. Whalley.
Mr. Roberts of Alabama with Mr. Stinson.
Mr. Jones of Alabama with Mr. Martin of Nebraska.
Mr. Montoya with Mr. Kunkel.
Mr. Ryan of Michigan with Mr. Halpern.
Mr. Rivers of South Carolina with Mr. Gurney.
Mr. O'Brien of New York with Mr. Horton.
Mr. Vanik with Mr. Staebler.
Mr. Blatnik with Mr. Diggs.
Mr. Flynt with Mrs. Kee.
Mr. Holland with Mr. Gill.
Mr. Huddleston with Mr. O'Brien of Illinois.
Mr. Randall with Mr. Roybal.
Mr. Willis with Mr. Baring.
Mr. Hébert with Mr. Brown of Ohio.
Mr. Monagan with Mr. Barry of New York.
Mr. Dowdy with Mr. Avery.
Mr. Morrison with Mr. Brock.
Mr. Pepper with Mr. Alger.
Mr. Grabowski with Mr. Bennett of Michigan.
Mr. Burleson with Mr. Hoffman.
Mr. Leggett with Mr. Del Clawson.
Mr. Davis of Tennessee with Mr. Ashbrook.
Mr. Multer with Mr. Fino.
Mr. Sheppard with Mr. Smith of California.
Mr. Garmatz with Mrs. Frances P. Bolton.
Mr. Fallon with Mr. Frelinghuysen.
Mr. Gilbert with Mr. Becker.
Mr. Moorhead with Mr. McDade.
Mr. Barrett with Mr. Corbett.
Mr. Nix with Mr. Miller of New York.
Mr. Philbin with Mr. Betts.
Mr. Donohue with Mr. Findley.
Mr. Rodino with Mr. Widnall.
Mr. Minish with Mr. Glenn.
Mr. Rooney of Pennsylvania with Mr. Fulton of Pennsylvania.
Mr. St. Onge with Mr. Taft.
Mr. Charles H. Wilson with Mr. Martin of California.
Mr. Libonati with Mr. Short.
Mr. Ashley with Mr. Minshall.
Mr. Boggs with Mrs. May.
Mr. Brademas with Mr. Curtis.
Mr. Healey with Mr. Kilburn.
Mr. O'Neill with Mr. Gubser.
Mr. Carey with Mr. Quie.
Mr. Powell with Mr. Osmers.
Mr. Buckley with Mr. Lindsay.
Mr. Kluczynski with Mr. Harrison.
Mr. Sikes with Mr. Teague of California.
Mr. Sisk with Mr. O'Konski.
Mr. Wright with Mr. Bass.
Mrs. Hansen with Mr. Hawkins.
Mr. Ichord with Mr. Tuten.
Mr. Corman with Mr. Casey.
Mr. Long of Louisiana with Mr. Langford.
Mr. Karth with Mr. Lesinski.

Mr. THOMAS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

A VICTORY FOR THE FORCES OF FREEDOM

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the recent overthrow of Joao Goulart and his pro-Communist government in Brazil is indeed a victory for the forces of freedom. It is also a disastrous defeat for Fidel Castro and his brand of Latin communism. Brazil's triumph over communism vindicates the belief of the majority of the American people that Latin Americans do not want communism nor will they stand by and watch its dark shadow envelope their country and continent.

The Brazilian anti-Communist revolution is a timely answer to those who, simply because communism may have gained a foothold, would give up and abandon the firm position of our Government for freedom and democracy and against communism. The greatest myth is the one that some are trying to generate that the Cuban people do not want to shed the yoke of oppression that grips their country. Those who try to build this myth had better take another look at the freedom forces in Brazil and all of this continent.

It should be the policy of this Government to continue to do everything in our power to isolate Castro from the rest of this hemisphere and have a "Freedom Curtain" surrounding Communist Cuba from which Castro cannot break through or penetrate.

It is for the Organization of American States with the strong support of our Government to act on the Venezuelan charges against Cuba. It is time to impose stricter sanctions on Castro and not to relax them.

In short, it is time for our country to step up its campaign against the menace which is Fidel Castro. It is a time for action rather than a time for debating invisible and manufactured myths. Let Brazil be a first example to those who feel we must compromise with communism in this hemisphere. Freedom has won a battle. Let us proceed to win the war.

AMENDING ATOMIC ENERGY COMMISSION ACT OF 1954

Mr. SLACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. SLACK. Mr. Speaker, I wish to call to the attention of my colleagues legislation which I introduced today to amend the Atomic Energy Act of 1954, as amended.

Basically, this legislation would limit future Government expenditures in connection with the civilian nuclear power field to fast breeder reactors. There are urgent and compelling reasons why this should be done. I urge the Members of this House to study this legislation most carefully.

Let me make it clear, Mr. Speaker, that this legislation is not directed at hampering or hindering research and development work by the Atomic Energy Commission directed toward the realization of the full potential of civilian nuclear power. Rather, its primary objective is to bring about a new priority for the work to be undertaken which will be in the long-term national interests, but will not mitigate against the fossil fuels upon which the Nation now depends and must continue to depend for the next century or so for its primary source of electric power.

As far as thermal reactors are concerned, civilian nuclear power, supported by some hundreds of millions of dollars in Government subsidies, has achieved a relatively high degree of efficiency. The so-called light waterplants have been proven from the standpoint of reactor reliability and engineering feasibility. Both manufacturers and utility people insist that large plants of this type can produce commercial electricity at a cost which can compete with power from plants burning conventional fuels in some areas of the country.

The Jersey Central Power & Light Co., recently announced plans to build a plant of this type with a capacity in excess of 500,000 kilowatts to provide base load electricity for its system. The utility has made the unqualified statement that power from this nuclear plant fueled by a thermal reactor will produce power at less cost than electricity which could be produced in a conventional fossil fuel plant of comparable size at the same site. Jersey Central has staked $68 million of its stockholders' money on its belief that thermal nuclear reactors are, as far as it is concerned, the cheapest and most efficient way to generate electricity.

Three other plants of comparable size are also in the advanced planning stages, all of which will be thermal reactors close to or almost identical in design to the Jersey Central plant. The Government is subsidizing these three plants to the tune of $42 million for design assistance and free use for 5 years of Government-owned fuel.

In view of this advanced state of the technology of the thermal reactors, why should the Government continue to spend taxpayers money for their further improvement and refinement? Is not further improvement of this one reactor concept a job which should be left to the normal operation of our free enterprise system? Should we continue to permit Government subsidy, for the construction and operation of such plants, to disrupt the normal forces of competition in the electric utility industry?

Let us not delude ourselves, Mr. Speaker. The present high state of technology of the thermal reactor concept has been achieved only through massive Government participation. The Government financed the basic research. It paid for almost all of the development work. Annual expenditures for all research and development work in civilian nuclear power are more than $200 million and to date about $1½ billion has been spent on the program.

It has been a long, expensive road between Shippingport and the Jersey Central plant and a substantial part of the bills has been paid by the Government.

There is no justification for further Government expenditures for research and development work on thermal reactors. If the economics of the electric utility industry demand that the thermal reactor concepts now in commercial use be further improved and refined, then I am sure that the electric utility companies or the manufacturers of the reactors will pay for this work. Why, then, should this House countenance continued spending of taxpayers' money to improve and refine an already successful reactor concept which has been brought to its present stage of efficiency only through massive Government expenditures?

I am not a physicist and I do not parade as an expert in this highly technical and complex field. But I am informed by men who are experts that there is yet another reason for withdrawal of further Government participation in research and development work on thermal reactors, aside from the questionable practice of Government intervention in an activity that should be left to private enterprise. And that is that by and large the thermal reactors are wasteful of the Nation's reserves of fissionable material. These thermal reactors, the type to be built by Jersey Central and the three huge plants to be built with the assistance of $42 million in Government subsidy, consume more nuclear fuel than they create in the form of plutonium or uranium 233. In other words, nuclear fuel must continually be added. Our supply of fissionable material is not inexhaustible. Should this Nation build a large nuclear power industry, based solely on thermal reactors of the type we have heretofore concentrated on, there will come a day when nuclear fuel will be in critically short supply.

Dr. Frank Pittman, director of Division of Reactor Development of the Atomic Atomic Energy Commission, alluded to the danger of depleting our uranium supplies in an address before the Atomic Industrial Forum in November of 1962. Dr. Pittman declared then:

> If a large fraction of the total uranium content of our uranium and thorium reserves can be utilized through breeder reactors, our nuclear reserves are enormous. If, on the other hand, only the energy of U^{235} can be utilized, the nuclear reserves of this country cannot have a significant impact upon the long-range energy picture.

It seems to me, Mr. Speaker, that the warning implicit in Dr. Pittman's statement is clear.

We must either develop the breeder reactor as a method for obtaining electricity from the atom or nuclear power will never be a significant factor in meeting the Nation's long-term energy needs.

The full potential of the atom will never be fully realized if we continue to concentrate upon the development of thermal reactors to the neglect of the fast breeders.

In the opinion of knowledgeable men with whom I have talked, our efforts must be concentrated in the field of the fast breeder. There is much work remaining to be done. It will take a long time. It will cost a lot of money and it will require the finest technical and scientific brains available to the Nation through the Atomic Energy Commission. Why dilute our efforts by continued attention to thermal reactors, which are already of an advanced technical stage and in commercial use?

I want to make it clear that in concentrating on fast breeder reactors, the development of which may be some years away, the Nation would not run any risk of encountering a shortage of electricity. Nor would a decision to put first things first by channeling research funds into development of breeder reactors penalize consumers by bringing about higher costs for electricity.

In the first place, Mr. Speaker, there is no shortage of fossil fuels now or in the foreseeable future. According to the U.S. Geological Survey, United States reserves of coal are more than 800 billion tons, well over 200 billion tons of which are recoverable at present costs and with present mining methods.

Secondly, Mr. Speaker, there is no shortage now or in the foreseeable future of low-cost electric power generated from coal and other fossil fuels. Electricity is one of the few items available today at less cost to the consumer than two decades ago. To a great extent that is due to the availability of ample fossil fuel supplies at steadily declining costs and to the steady improvement in the efficiency of equipment for burning coal and other fossil fuels to produce electricity.

These factors—ample supplies, lowered costs, and improved efficiency—have resulted in a reduction in the fuel cost per kilowatt-hour of electric energy of more than 25 percent in coal fired plants.

Thus, Mr. Speaker, while we plan for the wisest possible use of nuclear resources in the future, we can assure the Nation of ample supplies of low-cost electric power.

Let us in the Congress then see to it that our resources—of money and brainpower—are concentrated where the returns to the Nation and to mankind will be the greatest.

This legislation, Mr. Speaker, would direct that the development of a fast high-yield breeder reactor become a matter of high priority concern for the Atomic Energy Commission.

It provides that no funds of the Commission shall be used for the development of any facility unless such a facility is a fast breeder reactor or the AEC makes a written finding that such a reactor is an essential and direct step toward the development of a fast breeder reactor. This is a necessary saving clause, Mr. Speaker. I am informed that some of the more advanced types of thermal reactors may be essential and direct steps toward this end. The hands of the AEC must not be tied. They must be left free to exercise their best judgment on this matter.

In closing, Mr. Speaker, let me emphasize that this legislation, by concentrating our efforts on the fast breeder reactor, will hasten the day when cheap, unlimited power, which most of us prematurely believed was near when the atom was first harnessed, becomes available. That hope has not been realized. It has taken 10 years and at least a billion and a half dollars to advance to the present stage, where nuclear power is competitive with power produced from conventional fuels in some areas of the Nation.

The first milestone has been reached. The time has arrived for us to enter a new and more meaningful era. I submit, Mr. Speaker, that this can be accomplished by passing this legislation and requiring that attention be centered where it will achieve the best results—on the development of fast, high-yield reactors to conserve the Nation's reserves of fissionable materials and to provide cheap, abundant power.

ECONOMIC CONDITION OF OUR NATION

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a newspaper article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Speaker, it seems appropriate for the Congress, from time to time to take stock of the economic condition of our Nation so we might accurately judge the effectiveness of our national policies.

I am confident that every Member of the Congress can find justifiable optimism and confidence in the sound road of economic expansion we have been traveling under the Democratic administration of President Kennedy and President Johnson.

According to expert economic analyses, we are in the midst of one of the longest peacetime business expansion periods in our history; and the end is by no means in sight.

Through the continued vigilance of the Congress and the President, I believe the American people can expect the policies of our National Government to encourage even further the continuation of this significant upswing in business activity.

Mr. Speaker, I offer for the RECORD a brief article from the Associated Press pointing up in more detail the concensus of the business community confirming its confidence in the current long-term boom.

EXPERTS TEND TO CONFIDENCE IN LONG BOOM

(By Jack Lefler)

NEW YORK.—The business upturn reached the ripe old age of 38 months last week.

That made it about the longest business expansion in peacetime.

Some economists felt it was getting decrepit.

Others contended it is still robust and has a considerably longer life ahead.

Majority opinion ended toward the belief that things look good for the months ahead.

M. R. Gainsburgh, chief economist of the National Industrial Conference Board, expressed this opinion:

"Because there are none of the familiar signs of economic strain, I would say the top of this expansion isn't even in sight yet, especially considering the stimulating effect of the recent tax reduction."

The Chase Manhattan Bank of New York said:

"The odds are high that the economy will be operating at, or quite close to practical capacity later this year. This is likely to be true even with moderation in consumer markets, capital expenditure, and inventories."

At present, the upswing isn't hampered by the usual signs of an expansion's demise. Inventories aren't excessive, loans aren't difficult to obtain, and prices are relatively stable.

It is being carried along by corporations' high sales and earnings, particularly in the automobile and steel industries, and heavy investment in new plant and equipment.

INTRODUCTION OF RESOLUTION TO ESTABLISH BIPARTISAN NATIONAL COMMISSION ON FOOD MARKETING

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I have today introduced a joint resolution to establish a bipartisan National Commission on Food Marketing. It is my understanding that a number of other Members have joined with me in introducing this measure. The resolution provides for a 2-year study of the various segments of the food industry, together with an appraisal and recommendations for legislative and other actions by the Federal Government, private industry, and individuals.

The resolution which I have introduced is in identical language to that introduced by Senator GALE MCGEE, in the other body, I understand, this is the draft received by him from the White House. The Commission which will be created by this resolution can perform a cardinal service to the consumer, the farmer, the food industry, and our economy in general. I have not changed the language of the resolution, feeling it better to leave this to the wisdom of the committee to which it is referred, after it has received and considered testimony on this subject.

There are, however, several points that I would like to briefly make at this time. First, there are problems today in the food industry, perhaps most pressingly in the meat sector, that are of such intensity they cannot await a 2-year study for solution. It is to be hoped, therefore, that the passage of this resolution will not militate against the passage of needed legislation, such as H.R. 1706, which would prohibit large integrated firms from engaging in both the production and retail sale of meat and similar products.

While the word "antitrust" is not used in the body of the resolution, I am most hopeful that recognition will be given to the fact that there are serious antitrust problems arising from increasing concentration and integration within the food industry, and that both the committee considering the resolution and the Commission which will be ultimately created will attempt to devise solutions designed to foster and preserve the forces of competition in this vital area of our economy.

AMERICAN JEWISH CONFERENCE ON SOVIET JEWRY

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, last December I spoke on the floor of the House about the Soviet campaign of discrimination against Russian citizens of the Jewish faith. At that time I detailed the various methods, including the prevention of publication of books, the closing of synagogues, the prohibition against the baking of matzoth, and the eradication of Jewish religious and cultural life. I have also called upon President Johnson to use his good offices to appeal to Premier Khrushchev to lift these religious and cultural restrictions. Today and yesterday a conference on Soviet Jewry is being held in Washington, D.C., with over 500 persons in attendance. The conference is sponsored by the following 24 Jewish organizations:

American Israel Public Affairs Committee; chairman, Rabbi Philip S. Bernstein.

American Jewish Committee; president, Morris B. Abram.

American Jewish Congress; president, Rabbi Joachim Prinz.

American Zionist Council; chairman, Dr. Max Nussbaum.

American Trade Union Council for Histadrut; chairman, Moe Falikman.

B'nai B'rith; president, Label A. Katz.

Central Conference of American Rabbis; president, Rabbi Leon I. Feuer.

Conference of Presidents of Major American Jewish Organizations; chairman, Lewis H. Weinstein.

Hadassah, Women's Zionist Organization of America; president, Mrs. Siegfried Kramarsky.

Jewish Agency for Israel, American Section; chairman, Mrs. Rose L. Halprin.

Jewish Labor Committee; national chairman, Adolph Held.

Jewish War Veterans of the U.S.A.; national commander, Daniel Neal Heller.

Labor Zionist Movement—Poale Zion, Farband, Pioneer Women; chairman, Mrs. Blanche Fine.

Religious Zionists of America—Mizrachi-Hapoel Hamizrachi; president, Rabbi Mordecai Kirshblum.

National Community Relations Advisory Council; chairman, Lewis H. Weinstein.

National Council of Jewish Women; president, Mrs. Joseph Willen.

National Council of Young Israel; president, Rabbi David Hill.

Rabbinical Assembly; president, Rabbi Theodore Friedman.

Rabbinical Council of America; president, Rabbi Abraham N. AvRutick.

Synagogue Council of America; president, Rabbi Uri Miller.

Union of American Hebrew Congregations; president, Rabbi Maurice N. Eisendrath.

Union of Orthodox Jewish Congregations of America; president, Moses I. Feuerstein.

United Synagogue of America; president, George Maislen.

Zionist Organization of America; president, Dr. Max Nussbaum.

A fact sheet was prepared in preparation for the conference which I believe all Members of the House should read. I include it at this point in the RECORD:

[From American Jewish Conference on Soviet Jewry, Willard Hotel, Washington, D.C., Apr. 5-6, 1964]

FACT SHEET: THE STATUS OF JEWS IN THE SOVIET UNION

BACKGROUND

1. The last Soviet census, in 1959, listed 2,268,000 Jews. Reliable reports indicate, however, that those census returns entirely omitted statistics on Jews in some areas and deflated the actual number in others. The correct figure is nearer to 3,000,000—perhaps more—making Soviet Jewry second only to the Jews of the United States in population.

2. Although Soviet Jews constitute but 1.09 percent of the population, they rank 11th numerically among the more than 100 Soviet nationalities. There is no republic of the U.S.S.R. where Jewish communities are not found. The great majority live in the three most populous republics: 38 percent in the Russian Republic, 37 percent in the Ukraine, 7 percent in Byelorussia.

3. Jews in the U.S.S.R. are officially recognized as a nationality group. In the personal identification papers which all Soviet citizens carry, Jews must list their nationality as Jewish (Yevrei) just as other nationalities—Russians, Ukrainians, Uzbeks, Georgians, Armenians, Lithuanians, etc.—must list theirs.

4. The Jews are also regarded, secondarily, as a religious group, such as the Russian Orthodox, Baptists, Moslems, and others.

DEPRIVATION OF CULTURAL RIGHTS

1. In the 1959 census, 472,000 Soviet Jews listed Yiddish as their "mother tongue." This courageous demonstration of loyalty to Yiddish culture served notice on the Government that Soviet Jewry still hoped for a revival of Jewish cultural life.

2. Although Soviet practice recognizes the inherent right of every nationality to maintain and perpetuate its own cultural identity, the Jews are the only nationality who do not enjoy the basic cultural rights accorded to all other minorities.

3. Hebrew was forbidden soon after the Bolshevik Revolution of 1917 but Jews were permitted a flourishing cultural life in Yiddish until 1948: This included the publishing of newspapers, books, and literary journals; professional repertory theaters and drama schools, literary and cultural research institutes, and a network of schools.

4. In 1948 this whole array of institutions was dismantled and hundreds of Jewish writers, artists, and intellectuals were imprisoned. Many perished in concentration camps; the 24 most distinguished and talented of them were executed in 1952.

5. A few positive steps toward easing the harsh suppression of Jewish cultural and religious life have been made since Stalin's death—whether as a result of the general easing of conditions under Khrushchev or strong criticism of the Soviet regime by Jewish and non-Jewish groups. In 1959 and 1961 a total of 6 Yiddish books were published, in editions of 30,000 each—albeit the writers were long since dead. None has been published since. In 1961, for the first time since 1948, a bimonthly Yiddish literary journal—Sovietish Heimland—began publication in an edition of 25,000. In 1963 a Hebrew-Russian dictionary was published and early in 1964 there appeared, in Russian, a book of poems by modern Hebrew poets.

6. This is all that remains of the rich Jewish cultural life that existed until 1948. Today Jews are forbidden schools of their own; forbidden classes in Yiddish or Hebrew in the general schools, and forbidden classes in the Russian language on Jewish history and culture. The result has been to deprive Soviet Jewry of all opportunity to perpetuate Jewish cultural values and Jewish identity.

DEPRIVATION OF RELIGIOUS RIGHTS

1. Judaism is subjected to special discrimination, and religious Jews are subjected to special disabilities which do not affect any other major religious denomination in the U.S.S.R.

2. Jewish congregations are not permitted to maintain national federations or other central organizations through which religious functions are governed, religious needs serviced, religious beliefs bolstered, and communication between congregations strengthened.

3. Judaism is permitted no publication facilities and no publications. No Hebrew Bible has been published for Jews since 1917, nor has a Russian translation of the Hebrew Bible been allowed. In 1957, for the first time since the early 1920's, a Hebrew prayer book was photo offset in an edition of 5,000 copies. There is an extreme shortage of prayer books and religious calendars.

4. The decades-old ban on Hebrew prevents Jewish children from understanding or participating in the prayers of their religion.

5. The production of such indispensable religious objects as the tallis (prayer shawl) and tefillin (phylacteries) is prohibited.

6. Synagogues have been forcibly closed down in many areas, frequently to the accompaniment of virulent press campaigns against them. As a result, Jews have taken to gathering in each others' homes for prayers. Yet in many places such private prayer meetings (minyanim) have been banned, dispersed or otherwise harassed.

7. Circumcision is officially discouraged and mocked, even though there seems to be no law against it.

8. The yeshiva (rabbinical seminary) established in Moscow in 1957 has never been permitted to enroll more than 14 students. It has ordained only two rabbis, neither of whom has functioned as a synagogue leader. In April 1962, 9 of its 13 students were prohibited to reside in Moscow. Two years later there remain only four students, although applications for admission have been made by prospective students from all over the country.

9. In 1962, a total ban was imposed on the public baking of matzoth for Passover and renewed in 1963. This year, perhaps as a result of international protests against the matzoth ban, a bakery was opened in Moscow to produce a limited quantity of matzoth for the Passover holiday. The bakery was closed a few days later. On March 19, the American Embassy in Moscow reported that no matzoth had been baked on the premises. In any event, the total output of the bakery was not expected to meet more than a tiny fraction of Moscow Jewry's matzoth requirements. Jews in the rest of the country remained without any local source of matzoth.

10. An atmosphere of intimidation and fear pervades the few remaining synagogues in the Soviet Union, the result of arrest and imprisonment on trumped-up charges of espionage leveled against synagogue officials in Moscow and Leningrad, and the infiltration of synagogues by police informers.

THE ANTI-JEWISH PRESS CAMPAIGN

1. The Government policy of cultural and religious repression of Soviet Jewry is conducted within the charged atmosphere of a virulent press campaign. In books, newspapers, and magazines, Jews are represented in traditional anti-Semitic stereotypes—as unscrupulous, cunning, malevolent, vicious, and conspiring. They are attacked, as Jews, for alleged economic offenses such as bribery, embezzlement, fraud, and currency speculation.

2. Judaism as a religion is vilified. Rabbis and synagogue officials are portrayed as swindlers, money grubbers, alcoholics, criminals. Jews are ridiculed for observing religious holidays.

3. The Soviet Union has a continuing campaign of antireligious propaganda. Yet only Judaism—of all the religions in the U.S.S.R.—has been singled out as a focus of disloyalty to the state.

OTHER FORMS OF DISCRIMINATION

1. Jews are subject to a subtle policy of discrimination in employment, education, and major sectors of public life.

2. A few especially brilliant Jews can still be found in high positions—and some in the middle rank—in professional, cultural, and economic life. But Jews have virtually disappeared from key "security sensitive" areas such as the armed forces, diplomatic corps, and membership in the Supreme Soviets (legislatures) of the 15 republics.

3. The proportion of Jews in higher education, science, and the professions has been declining for many years. In many universities and advanced institutes, a numerous clausus prevails. A generation ago (1935) Jews comprised 13.5 percent of all students in higher education. Today the figure is 3.1 percent.

THE CAMPAIGN AGAINST ECONOMIC CRIMES

1. Official hostility against Jews has been revealed in the massive campaign waged in the last few years against so-called "economic offenses" such as embezzlement of State property, currency speculation and bribery. Fifty to sixty percent of all those sentenced to death for such offenses have been Jews. In some areas (the Ukraine, for example) the figure is 80 to 90 percent.

2. In a number of cases, the Jewish religious affiliation of the culprits was explicitly pointed out. In Lvov, the city's last remaining synagogue was closed down on the ground that it served as a spawning ground for economic crimes against the state.

3. Jews are depicted as people "whose only God is gold," who are "slaves of gold" and who cunningly manipulate naive non-Jewish officials and workers for their own mercenary ends. They are portrayed as the initiators and masterminds of criminal plots.

4. The result of this campaign is both to exacerbate endemic anti-Semitism and to create an atmosphere of fright and intimidation among the Soviet Jewry.

REUNION OF FAMILIES

1. Tens of thousands of Soviet Jews wish to be reunited with their broken families

in Israel and elsewhere—families that were shattered by the Nazi holocaust.

2. The Soviet Government has refused, to all but a handful of Jews, the elementary human right to leave their country in order to be reunited with their families—even though the U.S.S.R. has in principle accepted the legitimacy of this right.

SUMMARY

The history of the past several years has shown that the rulers of the Soviet Union are not impervious to criticism of their treatment of Soviet Jewry. For this reason, world Jewry will not cease in the effort to end the government campaign to pulverize and ultimately to eliminate Jewish consciousness among Soviet Jews and to keep them isolated from their fellow Jews in other parts of the world. Despite the hardships they face and the discrimination they suffer, the Jews of the U.S.S.R. profoundly desire to maintain their Jewish spirit and to perpetuate their Jewish identity.

Mr. Speaker, Supreme Court Justice Arthur J. Goldberg delivered a most thoughtful address to the conference in which he pointed out the reasons why all Americans must be concerned with Soviet anti-Semitism which constitutes a fundamental deprivation of basic human rights. I wish to bring to the attention of all my colleagues the address of Mr. Justice Goldberg:

ADDRESS BY THE HONORABLE ARTHUR J. GOLDBERG, ASSOCIATE JUSTICE, U.S. SUPREME COURT, TO THE AMERICAN JEWS CONFERENCE ON SOVIET JEWRY, APRIL 5, 1964

We are gathered in this important conference to consider the question of discrimination against Jews in the Soviet Union. The denial of human rights by the Soviet Union to Jews is properly a matter of deep concern to all Americans of every religious persuasion. It is similarly a proper matter of deep concern to all Americans of the Jewish faith that the Soviet Union while professing in theory to permit the free exercise of religion to all people and groups in fact and practice is hostile to all religious faiths. The Soviet Union is avowedly a materialistic nation. Its government is not neutral in religious matters. Its policies and influence are directed against religious beliefs and practices. Therefore, in a conference of this kind we are not and cannot be unmindful of the plight of the great body of people in the Soviet Union whose human right to freedom of religious exercise is substantially curtailed. The discrimination against Jews by the government of the Soviet Union is an aspect of overall discrimination against all religious groups. It is, however, something more than a manifestation of religious repression by an atheistic state. The evidence is overwhelming that the religious and cultural freedom of Soviet Jewry is more severely limited than any other religious group and that discrimination against Soviet Jews has reached alarming proportions. The tragic experience of mankind with the cancer of anti-Semitism so fresh in the minds of all makes it imperative that those who believe in the dignity of man and in human rights speak out in vigorous protest.

I want to commend the sponsors of this conference for convening it. The meeting itself is a virtually unprecedented testimonial to the unity of Jewish opinion on this vital and important subject. I hope and trust that you will continue to protest against the virus of anti-Semitism in the Soviet Union until no vestige of it remains.

The 2½ to 3 million Jews of the Soviet Union, though classified by the Soviet Constitution and laws as a national group, are deprived of their national culture and the means of expressing it. Every other Soviet nationality is permitted the use of its national language and is granted support for its cultural institutions. But the teaching of Hebrew, the Biblical language, is banned in the Soviet Union; Yiddish, the tongue of 450,000 Soviet citizens, is discouraged; Jewish schools virtually prohibited and nonexistent; the once flourishing Yiddish theater scarcely tolerated, and Jewish literature and publications sharply curtailed.

The religious freedom of Soviet Jews is severely limited—more so than any other religious group; increasingly synagogues are closed and private worship restricted; both Bible and prayerbooks are denied printing; other necessary religious articles made unavailable; the last kosher butchershop in Moscow closed down, the ancient Jewish cemetery in Kiev condemned; the state baking of matzoth discontinued; private baking discouraged by prosecutions; the training of seminarians hampered, and religious exchanges discouraged.

Jews are vilified in the Soviet press and other mass media which reflect hostility to the Jewish people as such. This has reached such proportions that Western Communist Parties which generally slavishly follow the Kremlin line have been moved to protest the publication of a blatantly anti-Semitic book published late last year in Kiev, copies of which have just come to light in this country and in the Western world. This book, "Judaism Without Embellishment," is not just a privately printed tract. It was officially issued by the Ukrainian Academy of Science and had a substantial press run in the Ukrainian language. I have seen this book and its cartoons are sharply reminiscent of Julius Streicher's "Der Stuermer," that notorious Nazi publication. I note in today's newspapers that the hierarchy of the ideological commission of the Soviet Communist Party has issued what appears to be a partial repudiation of this book. This is welcome, if somewhat belated, but in itself demonstrates the value of forthright worldwide protest against manifestations of anti-Semitism.

Jewish emigration even for the limited purpose of reuniting families torn asunder by war and Nazi persecution is permitted only on the most insignificant scale.

There is increasing evidence of discrimination against Jews in employment and areas of public life.

Finally, there is also evidence that an undue proportion of Jews is being prosecuted and executed for economic crimes.

No law-abiding citizen of any nation and particularly no judge can urge that any person or group is immune from the equal application of any nation's laws. But when 60 percent of those executed in the Soviet Union for economic crimes are Jews who comprise only a little more than 1 percent of its population then the belief naturally is fostered that Jews are receiving unequal treatment under Soviet law. Particularly is this so, in the setting of other discriminations against the Jews both historical and current in old Russia and in the Soviet Union.

Discrimination against Soviet Jews is not solely an internal matter for the Soviet Union. It is a proper concern for all in this country and elsewhere who believe in human values. Soviet mistreatment of the Jews violates worldwide concept of human rights and human dignity; transgresses the United Nations Charter to which the Soviet Union is a party and violates the universal declaration of human rights which is morally binding upon all member states of the United Nations.

It is not sufficient answer to reply, as Soviet officials are wont to do, that some of my best in-laws are Jewish. Nor is it an answer to assert that those charging discrimination are motivated by hostility to the Soviet people. The philosopher Bertrand Russell is a self-proclaimed friend of the Soviet Union and even he has found it necessary to write profound and serious letters to Mr. Khrushchev expressing deep concern about Soviet treatment of its Jewish citizens in terms similar to those I have expressed this evening. In stating my views, I do so as an American citizen who supports the effort of our Government, with due regard for our own security as a nation, to seek ways for better understanding between our country and the Soviet Union; one who shares with the great majority of our people the desire for an end to the cold war and for a just and lasting peace.

In appealing for an end to governmental discrimination against Jews in the Soviet Union, I am mindful that as a nation our record is not perfect—we all too often fall short of realizing the great ideals of human liberty and equality embodied in our great declaration of human rights. I am also mindful, however, that our Government policy is directed to ending rather than extending discrimination.

But one need never apologize for speaking out for human rights of all peoples everywhere. For as the U.N. Declaration of Human Rights asserts, "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

I am one who having read the full text of Rolf Hochhuth's controversial play "The Deputy" and who having lived through those terrible days, believes that the dramatist did not do justice to that great and good pontiff, Pope Pius the XIIth. Jews are and ever should be grateful for what the Pope and the Catholic Church did to rescue innocent Jewish victims of Nazi insanity and barbarism. But whatever one's views about the play's characterization of the Pope, all men of good will must agree with the ancient Biblical teaching echoed in the play, that we are indeed our brother's keeper and that it is the duty of all men at all times and under all circumstances to speak out against the denial of human rights whenever and wherever such denial occurs. In matters of conscience there can be no missing voices.

Mr. Speaker, anti-Semitism in the Soviet Union should be of vital concern to every American and to our Government. History has taught us that the rights of man are not divisible. As Justice Goldberg pointed out, the United Nations Declaration of Human Rights asserts "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." I urge the State Department to lodge a vigorous protest with the Soviet Union and to press this issue in the United Nations where on March 12, 1964, Mrs. Marietta P. Tree, who is the U.S. representative in the United Nations Commission on Human Rights, urged the Commission on Human Rights to include a new article condemning anti-Semitism in the Convention on the Elimination of All Forms of Racial Discrimination.

SMALL BUSINESS COMMITTEE REPORT ON FOREIGN TRADE

Mr. EVINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS. Mr. Speaker, I am today transmitting to the House a report of the Select Committee on Small Business entitled "Small Business in Foreign Trade." This report is the culmination of hearings and investigations of the House Small Business Committee during the 88th Congress. It contains the findings of the committee concerning the various aspects of foreign trade as it relates to small business, along with recommendations thereon. This report is submitted with the unanimous approval of the full committee.

During the past year the full House Small Business Committee held extensive hearings on foreign trade, and more specifically the implementation of the Trade Expansion Act of 1962 as it pertains to small business. The Small Business Administration, Department of Commerce, Department of State, Agency for International Development, Export-Import Bank, and the U.S. Tariff Commission submitted testimony and reported to the committee on their areas of operation in this field. Small businessmen from all over the Nation testified before the committee.

Nearly 400 pages of testimony were received by the committee. One of the main findings of the committee was to the effect that there exists a place—an important role—for small business in foreign trade and that the opportunities in this regard for small business are practically unlimited. I quote from the introductory paragraph of this report:

> The spirit of the Yankee traders of the 19th century is being revived—in fact, it has never died. Successful small businessmen from New York to California, from Minnesota to Florida, from New Hampshire to Georgia, with employees ranging from 10 to 300, in giving testimony before the House Small Business Committee, stated unequivocally that almost any business firm, regardless of size, can profitably break into and effectively engage in foreign trade. This is the basic finding of this committee—that vast export trade opportunities are available for small business and that there is nothing to prevent a small business firm from venturing into export trade—indeed, there are many advantages and incentives.
>
> As has been stated by [former] President Kennedy, "for almost any American business, life can begin anew at the ocean's edge."

This report also discusses in detail the Trade Expansion Act of 1962 as it affects small business. One of the critical findings of the committee in this regard was to the effect that the adjustment assistance provisions of this act, whereby firms or industries which are injured as a result of trade concessions to foreign countries are to receive assistance, do not appear to be filling the purpose for which enacted.

The U.S. Tariff Commission is showing a negative approach to these provisions of the act and has not yet made a positive finding in favor of any business or industry under the act whereby businesses could receive assistance as a result of injury from foreign competition. The report goes into detail in this regard and makes some positive recommendations in this connection.

In summary, the report contains some 16 recommendations to Government agencies and the Congress concerning the operation of small business in foreign trade. This report and the recommendations are being forwarded to the agencies involved, and it is thought that it will be of special interest to the Members of Congress, not only in relation to the recommendations therein, but also because of the information it contains concerning this very important field.

As chairman of the House Small Business Committee, I recommend this report to my colleagues of the Congress and others. Copies are available, upon request, through the House Small Business Committee.

THE NEW AGE OF DISCOVERY

Mr. CHENOWETH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. CHENOWETH. Mr. Speaker, I had the privilege of attending the sixth Air Force Academy Assembly on Outer Space which was held at the Academy in Colorado Springs last week. I wish to include in my remarks a splendid address delivered by James E. Webb, Administrator of the National Aeronautics and Space Administration, on our progress in outer space. This address received an enthusiastic reception from the delegates to the assembly and the Air Force Academy cadets. Mr. Webb was introduced by Maj. Gen. Robert H. Warren, Superintendent of the Air Force Academy.

The address by Mr. Webb follows:

THE NEW AGE OF DISCOVERY

(Address by James E. Webb, Administrator, National Aeronautics and Space Administration, American Assembly Student Conference, Air Force Academy, Colorado Springs, Colo., April 1, 1964)

Driving through this beautiful country, and coming upon this monument to the influence of science and technology on architectural progress, it is difficult to comprehend the difficulty with which Thomas Jefferson defended the wisdom of the Louisiana Purchase only 160 years ago. You may recall that in justifying the expenditure of $15 million for the purchase of a vast area which included most of Colorado, Jefferson found many of his contemporaries skeptical of his bold prediction that this territory would be settled by A.D. 2600.

This should give you cadets, who have already settled here in 1964, and you students who have braved the hazards of a journey to this remote region, the feeling that Jefferson could see you only as hardy pioneers, despite these handsome surroundings.

Jefferson must be forgiven the limitations of his vision, however, for as late as 1844, before California became part of the Union, another illustrious American, Daniel Webster, rose on the Senate floor in opposition to an appropriation of $50,000 to establish a mail service to the Pacific coast. In this place, in these times, it is of interest to recall his words.

"What do we want of the vast worthless area?" Webster asked. "This region of savages and wild beasts, of deserts, of shifting sands and whirlwinds of dust, cactus, and prairie dogs? To what use could we ever hope to put these deserts or these endless mountain ranges, impenetrable and covered to their bases with eternal snow?

"What use can we have for such a country?" Webster continued. "Mr. President, I will never vote one cent from the public treasury to place the Pacific coast one inch nearer Boston than it is today."

These incidents in our own relatively recent history may seem somewhat remote from the topic of this year's American Assembly Student Conference, which is "Outer Space." As remote, perhaps, as present day realities are from the past predictions I have cited.

But, in assessing the future one can always learn from the past, and if the thoughtful student of history learns anything from a review of the march of human progress, it is that the ultimate potential of contemporary undertakings is almost never perceived.

So, I believe, it is with research and exploration in space.

When I was asked what I would talk about tonight, I replied that I planned to discuss "The New Age of Discovery." I chose the title because it seemed appropriate, in speaking to a group of young people whose lives and opportunities are largely in the future, to relate man's newly found ability to explore in space to those which have opened to him before, and to consider the benefits which have accrued from the imaginative, venturesome, and thoughtfully undertaken explorations of the past.

I think, for example, of the Portuguese Prince and King, Henry the Navigator, who more than 500 years ago encouraged his bold and skillful mariners to penetrate the "Sea of Darkness," which lay beyond Cape Not. The result, which none in that time could foresee was unprecedented maritime progress in which "Portugal discovered the whole world; (and) shattered the medieval bonds that fettered the knowledge of mankind."

When Henry began his voyages, the outer limit of exploration on the African coast was Cape Not, which is opposite the Canary Islands at about 29° latitude. At the end of 40 years of exploration, he had pressed his seamen to explore and chart the coastline over 18° of latitude—a little more than 1,000 miles. And in the next 40 years after that, Africa was rounded by Bartholomew Dias and Vasco de Gama, and contact by sea was made with India, the Far East, and the American continents.

Henry, in his time, vastly extended man's concept of his habitable environment, but it was still limited to the land and sea areas of the earth. To achieve his hopes, he had to overcome centuries of superstition. It was necessary to evolve, by trial and error, the charts and instruments, and even a new kind of ship, the caravel, to beat back up the African coast against the prevailing north winds. One historian has written:

"His achievement was unique—something that can never be repeated. For tens of thousands of years, the races of mankind had been living in separate continents and islands. Vast and complex civilizations in Europe and in the East had risen and sunk in decay, without ever having communicated with each other. The wisdom, the technical knowledge, and the culture of one group of peoples were kept apart from those of others by the barriers of the ocean. Henry changed all that, and in doing so changed the course of world history.

"It was curiosity in the spirit of inquiry—voiced in that one word 'farther'—that drove the caravels into the Atlantic and down the coast of Africa. Henry set in motion not only the age of discovery but 400 years of European colonization—a process that has been decried in our own time, but without which vast regions of the globe might still be in a state of barbarism."

While Henry's major objective was knowledge, and his instrument was a more efficient use of the energy of the wind provided by the caravel, there resulted quite practical and tangible additional benefits which were not immediately apparent to the merchants of the time. In his contemporary chronicles of Henry's exploits, Azurara notes that Henry was motivated to embark on his career of discovery because "no sailor or merchant would undertake it, for it is very sure that such men do not dream of navigating other than to places where they already know they can make a profit."

Yet, though this was not the prime objective, Henry lived to see the day when he had difficulty in pressing his captains to further exploration because of the profits available in the new lands already discovered. And with the rounding of the Cape of Good Hope, Europe was freed from dependence on the caravan routes of the East, and enormous profits fell to those who supplied its needs for silk and spices by sea.

In the years that followed, other men of curiosity, vision, and imagination postulated laws of motion and energy which not only permitted man to further explore and utilize his environment on earth, but led to the new opportunities beyond the earth which lie before you today.

Some 100 years later, Copernicus was able to build on his inherent base of knowledge, and the concept that the earth was round, the geometric concepts which were to prove some of the most valuable tools of the human mind.

Between Copernicus and Galileo a hundred years elapsed, and another between Galileo and Newton. But the restless, insatiable search for new knowledge, and the increasingly ingenious utilization of energy, continued and absorbed the lives of many of the world's most talented men and women.

Galileo, extending Copernican postulations of circular and rectilinear motion, calculated the path of a cannon ball, and Isaac Newton later speculated on what would happen to a projectile fired with sufficient force to leave the earth. From this he worked out—nearly 300 years ago—the mathematical formula on which the launching of an artificial earth satellite is based.

But it was not until late in the last century that Konstantin TSiolkovskii gave serious scientific consideration to the possibility of exploration beyond the earth, and it was not until 1926 that an imaginative and ingenious scientist, Dr. Robert Goddard, devised the liquid-fueled, multistage rocket, which would operate in the vacuum of space because it carried its own oxygen supply. This brought the far reaches of space within the grasp of the human race.

Today, 500 years after Prince Henry and his use of the caravel to initiate the oceanic age, 400 years after Copernicus presented his theories about the solar system, 300 years after Newton worked out the formula for space flight, but less then 40 years after Goddard devised the vehicle to make it possible, man has left the earth, and widened his horizons to include the entire solar system.

Science today has at its disposal a modern caravel, the chemical rocket, which has already traveled to the Moon and Venus. And, as with Henry and his explorations, we have improved navigation systems to guide them out and bring them back and to make steadily more accurate measurements of the environment of space—that environment through which Gagarin and Glenn and others traveled, and through which our own planet, Mother Earth, is also traveling around the sun at the relative speed of 67,000 miles per hour.

And to complete the parallel, just as Prince Henry inaugurated an age of discovery which led man to all the seas and continents of the earth, and into the atmosphere up to twice the height of his tallest mountains, so have we today embarked on a new age of discovery in which there is no foreseeable horizon.

It is worth noting that, as throughout the course of history, we were not quick to perceive nor grasp the opportunities opened to us by science and technology. The history of American aeronautics and astronautics, from the sands of Kitty Hawk in 1903 until the day an American grasps the first material from the surface of the moon reflects periods of rapid progress in times of crisis and disinterest during so-called periods of peace.

The United States became the first Nation in the world to possess an airplane when, in 1908, the Army Signal Corps contracted for a Wright biplane. Yet by 1914, the Nation possessed fewer military aircraft and of inferior types than the six leading aeronautical nations, one of which was Mexico. The United States in 1914 was the only major nation in the world not to possess an aeronautical laboratory with an up-to-date wind tunnel. By November 1918, not one aircraft of American design and manufacture had entered combat operations during World War I.

The National Advisory Committee for Aeronautics was created in 1915, but its research effort, which was to pay off in world aviation leadership in the late 1920's and early 1930's had barely begun.

Although Goddard devised the world's first liquid fuel rocket in this country in 1926, World War II found the United States with conventional air power which virtually ruled European skies in 1944, while 5½-ton German V-2 rockets rained destruction upon English and continental targets until their launching sites were overrun by Allied surface forces.

Meanwhile, German jet aircraft appeared in combat over Europe, a product of the successful Nazi effort to outdo our own NACA in fundamental aeronautical research. The Germans had set out to build a larger and better NACA in 1933, and to a great extent they did—at least in propulsion research.

With the appearance of the atomic bomb in 1945, the United States chose after World War II to mate it with the jet aircraft as its instrument for global influence in airspace, neglecting the other major technological innovation—the large rocket.

The demobilization of manpower and science after 1945 became only temporary; soon the cold war and Korea defined the political and ideological realities of world peace. In 1954, the United States awakened to the scientific and technological fact that intercontinental liquid-fuel missiles with nuclear warheads were not only feasible, but that their development was well underway in the Soviet Union.

A crash American program with the highest national priority and funding was devoted to the development of the Atlas ICBM and other military rockets with nuclear warheads. This urgent program became an outstanding achievement in itself, and one in which the military services can take great pride. But our preoccupation with it and lack of vision as to the effect on us of what might lie beyond it blocked any serious work on the projection of large rockets into space, other than the low priority and sparsely funded Vanguard project for the International Geophysical Year.

On October 4, 1957, the world's first manmade earth satellite, Sputnik I, began orbiting the earth. While the United States had successfully proceeded to develop an intercontinental missile capability which was vital in the balance of world military power, the U.S.S.R. had demonstrated with sputnik a broader application of rocket technology—one possessing dramatic psychological, scientific, and defense potentialities.

As a nation, we began the wholesale self-examination of what had happened at the dawn of the space age. An early result was the creation of the National Aeronautics and Space Administration to conduct space exploration and peaceful exploitation of this new arena of activity, and to provide the technological and scientific base for any application which the national interest might require—civil or military.

But enough of history. Let us turn to the present, and to the manner in which today's talented men and women of all ages are utilizing and projecting forward the new knowledge gained and the new concepts which are coming at such a fast pace from the modern tools of space exploration. Certainly, it is the younger generation, including some of our most talented men and women, who are moving with the greatest rapidity, personally and vicariously, to sail on this new ocean of space, and to invent new ways to apply what is learned to problems and uses here on earth.

What have we learned, and what is it that so excites the hopes and dreams of these young men and women and stimulates the application of their talent in this new space age era?

Let's look at the examples of what we already know.

More than two-thirds of the 200 satellites and interplanetary probes launched into space have been the product of U.S. scientists and engineers. These instrumented vehicles are exploring interplanetary space, a region rich in energy, radiation, and fast-moving particles of great variety. As you know, the scientists' desire to learn more about this interplanetary medium stems from the knowledge that almost all phenomena on earth, including life itself, are dependent upon energy from the sun which streams toward the earth through 93 million miles of space.

The scientific data collected by these space vehicles is greatly extending many of the natural sciences, bringing answers to questions which have perplexed mankind from the earliest days of human existence on earth. The first U.S. satellite confirmed the existence of the great radiation belt which surrounds the earth and the characteristics of this belt have been further defined by many subsequent vehicles.

Identified in 1958 by a brilliant young scientist at the State University of Iowa, Dr. James Van Allen, who is still youthful in years although a veteran of the space age, these belts have already been measured, mapped, and understood.

Another early satellite established that the Earth is slightly flattened at the poles. Subsequently, it was discovered that a slight bulge exists at the Equator giving the Earth a pear shape. Not only did these discoveries have great scientific significance, but they are of extreme importance in plotting military flights and targets, to the cartographers, and in space navigation.

The Pioneer V spacecraft, launched in March 1960, into an orbit between the Earth and Venus, transmitted data from a then record distance of 22.5 million miles from the Earth. It confirmed the existence of an interplanetary magnetic field and showed that the field varied with solar flare activity and the field's interaction with a stream of charged particles which is known as the solar wind.

Satellite observations of the ionosphere, not only by this country's scientists, but by those of Canada and Great Britain, have illuminated or explained many of the mysteries regarding this great band of thin ionized gases at the top of the atmosphere, which profoundly affects radio transmission. This knowledge has led to a project which involves the mapping of the ionosphere through at least one complete 11-year solar cycle to gain knowledge of value not only for civilian and scientific purposes, but to the military agencies, as well.

Satellites have also detected the presence of a layer of helium which surrounds the Earth in a band nearly 1,000 miles deep beginning at an altitude of about 600 miles and the possibility of a huge ring of hydrogen extending out to some 6,000 miles. Within this area a concentration of cosmic dust has been discovered which scientists believe may be related to periods of heavy rainfall on Earth.

Other space phenomena detected by satellite observations include measurements of the solar wind, of solar flares, of micrometeorite and numerous other observations. Some of the information returned, particularly that gathered in intergalactic space, gives promise of answering fundamental questions about the origin and development of the universe, and providing a basis from which to predict the future.

Perhaps the most exciting and profitable scientific venture in space to date was the flight of Mariner II in late 1962. This remarkable spacecraft transmitted more than 65 million bits of information to Earth, operating at a record distance of nearly 54 million miles from the Earth. En route to Venus, it affirmed the concentration of cosmic dust near the Earth, and found that the amount of radiation encountered was significantly less than had been anticipated. It registered an 800° surface temperature on Venus—too high to sustain life as we know it—detected no water vapor and no cosmic dust. It also determined that the planet has no apparent rotation or magnetic field.

What do such things have to do with conditions here on the earth, and our mastery, control and use of the forces of nature? The answer is, a very great deal. New knowledge achieved through the use of satellites, sounding rockets, high altitude balloons, and other space-age tools is adding substantially and at a rapid rate to our knowledge of the interior of the earth, its electromagnetic and gravitational characteristics, and the energy systems which generate our weather. It is also contributing to the efficiency with which we can engage in the large-scale organized efforts covering many scientific disciplines and fields of engineering, which are essentially to utilize the very precisely constructed machines and systems, the new sophisticated understanding of the atomic processes, and to some extent the life processes, on which our future welfare is based. Within the past 3 years, the technology for an entirely new kind of worldwide communications system, based on repeater satellites, has been developed. Governmental actions have already been taken to create the Communications Satellite Corp. to exploit this technology.

The successful launching and experimental development of the first seven Tiros weather satellites has given us the basic technology for a worldwide weather system, and infra-red measurement system, and also added vastly to the research capability of meteorologists around the world. The eighth Tiros satellite, now in orbit, carries the unique feature of an automatic picture transmission system which permits any nation over which it passes to obtain directly from the satellite the pictures of its own cloud cover.

Perhaps more than any other satellite yet launched, this Tiros VIII demonstrates the fundamental nature of this new working tool of the space age—a machine that by its very nature must continue to circle the earth continuously and has the capability of providing useful work for any country over which it passes. No such machine has ever been available to the human race.

And what of manned space flight, which I am sure is of greatest interest to the cadets who are here tonight? With all the marvelous ingenuity built into modern instruments, the exploration of space still requires man's ability to observe and size up the unknown. The earliest aeronauts to develop the use of the air were balloonists who knew so little of the characteristics of the upper atmosphere that many died by the trial and error method. Yet they learned things they could not have visualized nor prepared instruments to report.

This is true, as well, in space exploration. All space systems, of course, are manned. The difference between what NASA calls manned and what it calls unmanned is simply the location of the man—in the spacecraft or on the ground. To have the man in the spacecraft, however, gives us the potential for space exploration which all of our advances in unmanned technology have not yet given.

The astronaut provides a potential for instantaneous judgment and reaction at every moment during flight, made possible by direct human observation and reflection. Man himself, suitably trained, is still the most flexible, the most adaptable, the most intelligent data processing machine which we know. In new and relatively unknown environments, his on-the-spot flexibility exceeds the capability of any machine he has created. The man in space makes it possible for us to obtain direct observations of phenomena on earth, in space, and on the moon, and to look in another direction when the planned observation is impossible or unprofitable.

Man in space increases our ability to explore and to conduct scientific investigations in space by giving us a new dimension: he speeds and enlarges our potential for accepting, measuring, understanding and using the unforeseen. The results of the scientific experiments carried out in Project Mercury give us reason to believe that this will be increasingly true as man moves further into space.

Manned Gemini missions scheduled to be flown in this decade are expected to open new windows to the scientific investigation of the earth on which we live, its atmosphere, and its space environment. Although scientific observations were a small part of the Mercury flights, Gemini's much longer time in orbit and the presence of two scientifically trained astronauts will provide the United States its first significant opportunity to explore man's capability for conducting scientific investigations in space.

At the present time, NASA foresees Project Gemini as a means of extending knowledge in the disciplines of aeronomy, meteorology, the biosciences, and geosciences, physics, and astronomy. The science program of Project Gemini will be particularly noteworthy in that scientific knowledge acquired during flight will be used as a basis for modifying and extending the scientific capability of the same flight. Investigations using unmanned spacecraft have required the preprograming of electronic equipment. On Gemini, man's judgment will be used directly. Undoubtedly, some of the observations will give us information on space which no one could possibly have predicted before the flight—and only a trained observer could respond intelligently to this unforeseen information.

Those of you with the interest and talent to become the astronauts of the future may one day find yourselves as independent satellites of the earth. The Gemini spacecraft will be constructed so that the astronauts may open the hatches and conduct extra-vehicular activities on several missions. This will make it possible for the astronauts themselves in orbit outside their spacecraft—to place experimental packages on the outside of the capsule while in flight, and retrieve them before reentry.

The aeronautics and space development activities of NASA are carried out in close coordination with the Department of Defense. Just as the predecessor agency, the National Advisory Committee for Aeronautics, contributed technology to the development of military aircraft and missiles, so is NASA supplying scientific and technological knowledge for military developments in both aeronautics and space. Meanwhile, NASA has relied heavily on launch vehicles adapted from missiles developed by the Department of Defense, and receives strong support in its manned launches from Armed Forces personnel, and in its construction efforts, from the Army Corps of Engineers and the Navy's Bureau of Yards and Docks. Nearly 300 military officers have been assigned to duty with NASA, many of them in vital line responsibilities. This has the effect of providing NASA with information about the requirements of the Department of Defense, which will help guide its research efforts, and, in addition, serves to keep the agencies of the Department of Defense informed regarding the results of NASA research and development efforts.

Recent years have seen a steady strengthening of understanding, coordination, and mutual support between the DOD and NASA. Mr. McNamara and I have worked closely together and the Aeronautics and Astronautics Coordinating Board, as the principal medium of DOD-NASA interactions, has been revitalized. It has expanded its active monitorship to cover nearly every segment of the national space program. Through this Board, NASA and the DOD have jointly reviewed the requests for new facilities related to the aerospace research and development effort in the two agencies.

A comprehensive joint review recently completed had the objectives of delineating the minimum space program to meet the needs of the country and examining the programs of the two agencies for possible consolidations. The recommendations stemming from that review are now being acted upon.

NASA and the Air Force have cooperated fully in the development and flight program associated with the X–15 aircraft, and through a joint planning board, in the Gemini flight program.

Since the announcement by the Secretary of Defense of the decision to embark upon a manned orbital laboratory project, NASA has moved rapidly to gear its organization to assist the Air Force in every possible way in this undertaking. The Gemini-B/MOL program was needed by the DOD to make an early determination of the utility of man in space in connection with certain potential defensive systems. The DOD will be able to move ahead rapidly with plans to make this determination within the desired time frame by virtue of the fact that the necessary basic technology and capacity to provide the hardware and to conduct such an operation have been developed by NASA and are available, just as the availability of scientific knowledge and basic space technology enabled the administration in 1961 to establish the manned lunar landing as a national goal to be achieved by the end of the present decade.

The DOD MOL program will be accomplished using many component systems and operational techniques which have been developed and proven by NASA. Necessary supporting facilities established by NASA will be made available and fully utilized. In providing this assistance, NASA will be fulfilling its proper role under the provisions of the National Aeronautics and Space Act of 1958. At the same time, NSA will take full advantage of the opportunities presented by the MOL to further its research and development effort. Thus, the DOD and NASA will join forces to realize the maximum return from this expenditure of natural resources.

Beyond Gemini will come the Saturn V booster and the Apollo three-man spacecraft, which will permit men to travel, explore, and use the space not only around the earth, but outward to the moon.

What is this modern caravel, this Saturn V space booster? The first stage is a cluster of five engines, each of which consumes 3 tons of fuel and oxygen per second to lift 6 million pounds against the earth's gravity, and to speed the Apollo spacecraft, together with the upper stages of the booster, up to 6,000 miles per hour. The five engines of the first stage then drop off, and fall into the ocean this side of Africa.

The second stage—five smaller, but very powerful engines which burn liquid hydrogen, will take over and speed the spacecraft up to 15,000 miles an hour, and drop off into the Pacific between Africa and Australia. The third stage is composed of one liquid hydrogen burning engine which will inject the remaining part of the Saturn rocket and Apollo into earth orbit, and after it has coasted around the earth once, fire up again to send off to the moon an expedition weighing about the same as Columbus' *Santa Maria*, a caravel, when he sailed to America.

The spacecraft will be made up of the Apollo, with three men in it, a landing module which will detach from the Apollo when in orbit around the moon, and then drop down to the moon so the astronauts can explore it, and with the power to blast off from the surface of the moon. This specialized lunar landing vehicle will then rejoin the Apollo spacecraft and return to the earth.

So it can get back home, an essential part of the Apollo spacecraft is a heat shield heavy enough to absorb and dissipate the very high temperatures which will be generated when this spacecraft with three men inside plunges back into the earth's atmosphere at 25,000 miles per hour. This kind of heavy heat shield, a necessary capability to return to the earth from a space age voyage is, in some ways, the kind of new technical advance which enabled the oceanic age caravel to sail around the Cape of Good Hope and return to home port.

Some would say that the Saturn-Apollo combination is a result of 500 years of evolution since the caravel of Henry the Navigator. It is the largest and most complex machine ever put under construction by the human race. It has the same potentiality for opening up vast vistas in man's understanding and utilization of the great oceans of space as did the caravel, with respect to the oceans of the earth—a potentiality that when realized so excited and expanded the mind of man 500 years ago.

In this new age, the space age, the world, and particularly the talented young people of the world, are fortunate that President Johnson believes in the Saturn and Apollo as Henry the Navigator believed in the caravel.

The late President Kennedy also believed in it. He had a great capacity to marry the present with the future and to see the opportunities which must be seized by this generation. Of space exploration he had this to say:

"Those who came before us made certain that this country rode the first waves of the industrial revolution, the first waves of modern invention, and the first wave of nuclear power, and this generation does not intend to founder in the backwash of the coming age of space.

"We mean to be a part of it. We mean to lead it, for the eyes of the world now look into space, to the moon and to the planets beyond, and we have vowed that we shall not see it governed by a hostile flag of conquest, but by a banner of freedom and peace."

Later, during the trip on which he met his death, President Kennedy told an audience at Brooks Air Force Base the story written by Frank O'Connor, an Irish writer, about his youth.

"As a boy," President Kennedy related, "O'Connor and his friends would make their way across the countryside, and when they came to an orchard wall that seemed too high and too doubtful to try and too difficult to permit their voyage to continue, they took off their hats and tossed them over the wall—and then they had no choice but to follow.

"This Nation has tossed its cap over the wall of space, and we have no choice but to follow it * * * with the help of all those who labor in the space endeavor, with the help and support of all Americans, we will climb this wall with safety and speed, and we shall then explore the wonders on the other side."

EDITORIALS SUPPORT SELDEN POSITION

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, on Thursday, March 26, 1964, I spoke on the floor of the House of Representatives in opposition to proposals that we should negotiate with communism in the hemisphere.

The following editorials which appeared in three of Alabama's leading newspapers indicate the reaction to my statement by the press of Alabama.

[From the Montgomery (Ala.) Advertiser, Apr. 1, 1964]

Selden Against Fulbright

The Old Myths and New Realities, speech of Senator J. William Fulbright of Arkansas, no matter how visionary it may seem, has to be taken seriously.

Fulbright, as chairman of the Senate Foreign Relations Committee, is one of the most potent figures in the U.S. Government. He might be a future Secretary of State. And finally, until there is a disavowal there will be a question whether Fulbright's speech was a trial balloon for the Johnson administration.

It has been our durable impression that Fulbright is more a scholar than a thinker. He nevertheless deserve to have his argument for a more amiable attitude toward Castro and some Communist countries dealt with. And this Congressman Armistead Selden, of Greensboro, who is chairman of the House Subcommittee on Inter-American Affairs, has done forcefully with particular respect to Cuba and the Panama Canal.

"Is the threat," asked Congressman Selden in a recent House speech, "of Castro Cuba to our national security and to the hemisphere indeed a myth? The missile crisis of October 1962 is history, not mythology—a mere distasteful nuisance."

If America had not been willing to march in and extract the missiles, they would be there today ready for a launch. The decision to retract the missiles were made, not by Castro, but the Russians. Selden hits it thus:

"What is meant when we are told to accept the 'reality' of the Castro regime? Shorn of its linguistic refinement, this means simply that we should begin negotiating with communism in this hemisphere. A tortured line of reasoning seems to hold that because we are a great nation we ought to be able to tolerate a small menace. But the menace is not Castro—it is Moscow.

"If we come to accept the 'reality' of Soviet influence in Cuba, we inevitably will end by accepting it throughout the Americas."

It seems to us that Selden is unassailable in this generality:

"I submit that a great nation committed to stand firm against communism in Berlin, in Vietnam, and in other distant areas, should have a policy in its own hemisphere consistent with these worldwide goals.

"We have told the Communists that we intend to risk war if necessary in defense of free world interests at the Brandenburg Gate and in the Mekong Delta. Surely if we mean to hold a line against communism abroad, we must pursue a similar policy of firmness and action in our own neighborhood."

As for Panama, Selden asks what others have asked—why should a small nation not be expected to honor its commitments just as much as a large one? And finally Selden asked the House why, in Panama, America would allow a mob to do what it would not permit an army to do.

Castro is the reality of the moment, but that does not mean he must be accepted and thus upheld. If he is strong enough to endure as a reality, he must be accounted all the more a danger.

[From the Mobile (Ala.) Press, Apr. 1, 1964]

Some Others Now Disagreeing With Senator Fulbright's Speech

Thank heavens some strong voices are being raised today against the formula for retreat presented recently by Senator William Fulbright, chairman of the Senate Foreign Relations Committee.

Among these voices are the weekly news magazine, U.S. News & World Report, and Alabama's Representative Armistead I. Selden, Jr.

As will be recalled, Senator Fulbright clearly called upon the United States to change hemisphere policies toward Communist Cuba and Panama. It was a shocking speech, one that makes no sense whatever to loyal, patriotic Americans.

Said Selden in a speech in the House:

"A tortured line of reasoning seems to hold that because we are a great nation we ought to be able to tolerate a small menace, but the menace is not Castro—it is Moscow. If we come to accept 'the reality' of Soviet influence in Cuba, we inevitably will end by accepting it throughout the Americas.

"We cannot do business wtih Castro, and it is truly a myth to believe otherwise. We have told the Communists that we intend to risk war if necessary in defense of free world interests at Brandenburg Gate and in the Mekong Delta. Surely, if we mean to hold a line against communism abroad, we must pursue a similar policy of firmness and action in our own neighborhood."

On the Panamanian issue, Representative Selden told the House he disagreed again with the Fulbright suggestion to renegotiate the canal treaty.

"The record of the United States in Panama has been wrongly blackened by those who would sow the seeds of hatred and contempt for our country in Latin America. Yet, this historic record, rather than a stain, is in truth, a credit to our national history."

Mr. Selden made a highly important point, we think, when he said:

"The American people have been ahead of their leaders in correctly assessing the dangers of Castro communism to the hemisphere. As a matter of fact, it might be said, to paraphrase Clemenceau, that the security of our hemisphere might be too important a matter to be left in the hands of our foreign relations experts. A good case can be made for trusting the sound instincts of an American public that was right rather than the sonorous erudition of foreign relations authorities who have been so often wrong."

U.S. News & World Report strongly attacked the "peace at any price" philosophy expressed recently in speeches by President Johnson and Senator Fulbright. Then it added: "Spokesmen of American policy must be careful of what they say lest potential adversaries misinterpret our eagerness for peace and force the test which could bring on a war that nobody wants"

If the people are ahead of their leaders in their assessment of hemispheric dangers—and we believe they are—they can make their influence felt in the upcoming elections. This is their only chance to get national leaders back on the right track.

[From the Birmingham (Ala.) News, Apr. 2, 1964]

REPRESENTATIVE SELDEN ON SENATOR FULBRIGHT

Another Alabama voice has been heard in the developing foreign policy debate stimulated by the speech last week of Senate Foreign Relations Committee Chairman WILLIAM FULBRIGHT.

Representative ARMISTEAD SELDEN, one of the most respected congressional authorities on Latin American affairs, took to the floor of the House to take vigorous issue with FULBRIGHT's views on Cuba and Panama.

He criticized dismissal of Castro as a nuisance, and advocated as firm a U.S. position in our own hemisphere as in Berlin or South Vietnam. He also hit critics of our position in Panama, repeating again the emphasis of an earlier widely noted speech dealing with that crisis—that we are in the Canal Zone by legal and moral right and that Panama has an obligation to respect international agreement. There can be no question but that an overwhelming majority of Americans stand solidly behind Representative SELDEN in both issues.

It is also a fact that the administration, which recognizes the realities of public opinion as well as of policy, itself took specific exception to the FULBRIGHT arguments on Cuba and Panama.

But the speech of Representative SELDEN is provocative beyond those two points. The Greensboro native, one of Congress' best examples of thoughtful conservatism, goes on to treat with the overall wisdom of the sort of public debate on foreign policy we currently find ourselves in the midst of.

SELDEN recognizes importance of debate. But he said that "responsible foreign policy spokesmen publicly identified with the administration have a special duty to consider the impact which both the content and the timing of their remarks might have on our foreign relations." He took a clear poke at FULBRIGHT when he added that "nebulous discourse about foreign policy myths and realities * * * offers no useful guideposts for this country's continuing search for answers to problems." Specifically in Latin America.

His point is sound when he speaks of an inherent obligation on the part of recognized spokesmen for an administration to weigh their remarks much more carefully than Joe Doaks need do. Despite FULBRIGHT's insistence that he was speaking only for himself, despite White House assurance that his speech was not a "trial balloon" for the administration, an impression was conveyed—and still lingers in many minds—that that is exactly what it was.

But however "nebulous" FULBRIGHT's comments on issues—and they were nebulous indeed in some instances—whether or not "useful guideposts" come from the speech itself, Representative SELDEN would probably agree that out of consequent debate some guideposts may emerge. If they do, we would not be surprised if Representative SELDEN and Senator FULBRIGHT, keenly intelligent men, both helped bring them into focus.

BILL TO BRING ALFRED I. DU PONT ESTATE UNDER BANK HOLDING COMPANY ACT

The SPEAKER pro tempore. Under previous order of the House the gentleman from Texas [Mr. PATMAN] is recognized for 1 hour.

Mr. PATMAN. Mr. Speaker, I am today introducing a bill—H.R. 10668—to amend the Bank Holding Company Act so as to bring the Alfred I. du Pont estate of Jacksonville, Fla., under that act and see that it stays there.

I consider this an important measure, Mr. Speaker. It deserves the support of the Congress. This Du Pont estate is one of the most extreme combinations of banking and nonbanking economic power that I have ever come upon.

For some time now, Subcommittee No. 1 of the House Small Business Committee, under my chairmanship, has been looking into the Du Pont estate and its affiliate, the Nemours Foundation, in connection with the subcommittee's study of over 500 tax exempt foundations and charitable trusts and their impact on our economy. The gentleman from Tennessee, the Honorable JOE EVINS, is chairman of the House Small Business Committee. An analysis of the Du Pont estate and the Nemours Foundation was submitted by me to the subcommittee on March 20, 1964.

My report to the House Small Business Subcommittee lays bare the anatomy of this self-perpetuating Alfred I. du Pont empire in more detail than ever before known. It is an extraordinary empire, Mr. Speaker, composed of banks, industries, railroads, land, and stockholdings.

I am concerned with the banking aspects of this Du Pont estate situation. We have here a combine that functions as a major banking holding company—yet it was not brought under the Bank Holding Company Act.

In the Bank Holding Company Act we told the other bank holding companies: You must choose; you cannot own both banks and nonbanking enterprises; we are afraid of abuses; you must divest yourselves of one or the other sources of power. But we exempted the Du Pont estate. We left them out of the act. We did not split up their great power, with its potentials for abuse.

My bill would put this Du Pont group under the Bank Holding Company Act. It would end their special treatment. We would treat them like the others. That is what my amendment aims to do.

Mr. Speaker, the banking holding company bill was brought to the floor in 1955 by our beloved colleague, Mr. Spence, then chairman of the Banking and Currency Committee. It was a fine bill. The law that resulted in 1956 is a fine and important law. I myself had the honor to urge its passage in the floor debate. The House approved the bill by 371 to 24.

This law aims to prevent abuses of power by bank holding companies. It provides, first, that bank holding companies must divest themselves of control over all nonbanking enterprises; second, that bank holding companies must register with the Federal Reserve Board; and third, that they may not acquire more banks without the Board's approval, based on certain standards set down in the act.

The reasons for making bank holding companies get out of nonbanking business were well explained in our committee's report at the time, and by the gentleman from Kentucky, Mr. Spence, the gentleman from Virginia [Mr. SMITH], and others during the floor debate. As the gentleman from Virginia, Judge SMITH, said, out of his long practical experience:

> I think it has been pretty generally recognized that there are potentials of evil in any situation that permits banks to engage in business other than banking business.

In fact, both National and State banks have long been prohibited from investing in the stock of any corporation, with some few exceptions.

Mr. Speaker, Congress wrote some exemptions into the Bank Holding Company Act. We exempted the Du Pont estate. Yet the very core of the power exerted by the Du Pont estate lies in the 31 banks it controls.

This is the Florida National group of banks, Mr. Speaker. It is a great combine of 31 banks, the biggest in Florida, with assets exceeding $700 million. Some years ago, this group advertised itself as "the largest banking organization south of Philadelphia and east of the Mississippi."

There you have a very large bank holding company, Mr. Speaker, but we exempted them from the act. Unlike the other bank holding companies, we let these people keep all their outside enterprises. Let us take a look at those outside enterprises.

Apart from its banks, the Du Pont estate also owns 75 percent of the stock of St. Joe Paper Co., a major manufacturer of kraft pulp and paper. St. Joe Paper Co., in turn, owns a large paper mill in western Florida. It owns substantial box plants at Port St. Joe, Fla.; South Hackensack, N.J.; Houston, Tex.; Rochester, N.Y.; Pittsburgh, Pa.; Hartford City, Ind.; Birmingham, Ala.; Cincinnati, Ohio; Baltimore, Md.; Memphis, Tenn.; Portsmouth, Va., and Chicago, Ill. It owns half interest in a factory at Chicopee, Mass., and operates a plant at Dallas, Tex., as a joint venture with Hunt Oil Co. It operates a paper mill and box plant in Ireland. There in itself you have a large industrial empire.

But that is not all, Mr. Speaker. St. Joe Paper Co. also owns over a million acres of land in northwest Florida and southwest Georgia. In distance, its Florida lands run 170 miles from east to west and 40 miles from north to south. Consider the power represented by that great empire of land alone.

But that is not yet all, Mr. Speaker. St. Joe Paper Co. also owns a small railroad, the Appalachicola Northern. It owns a small telephone company, the St. Joseph Telephone & Telegraph Co. It owns a majority of the bonds and stock of a major railroad, the Florida East Coast.

But this is still not all, Mr. Speaker. The Du Pont estate also owned 764,280 shares of stock in the well-known Du Pont Co., of Delaware, worth over $198 million on March 31, 1964. It owned 444,618 shares of stock in General Motors, worth over $35 million on March 31, 1964.

An article by the business editor of the Miami Herald, Mr. James Russell, published on the front page of that paper on February 23, 1964, gives further information. It begins as follows:

> You can hardly drive 50 miles in Florida—in any direction—without encountering some facet of the Du Pont estate.
>
> The estate embraces a complex of banks, real estate, railroads, timber, and paper production facilities with a value of well over a billion dollars.

Over a billion dollars, Mr. Speaker.

The Miami Herald's article continues:

> The Du Pont estate's significance in Florida cannot be accurately measured in dollars. As any State official can tell you, it is Florida's most powerful economic-political force influential enough to achieve or block all sorts of State public works projects.

I turn now to the policies followed by the Du Pont estate banking group, the 31-bank Florida National group. Mr. Speaker, one of the basic features of our American economic system has been the sturdy and helpful presence of thousands of homeowned independent banks. Such banks are vital to a competitive and progressive economy.

A major aim of the Bank Holding Company Act was to foster and protect this system of independent unit banks. I quote from the report of our committee on the bank holding company bill:

> Bank holding companies [are] not as conducive to economic development as independent unit banks. Independent unit banks, by their willingness to bear substantial local risks, have accelerated the economic development of the United States. Most of our leading companies, it should be recalled, were once small, and got started because local banks had confidence in the ability of the founders. Ideas and ability are to be found everywhere. And who is so likely to recognize these as the local banker who has the power to act on his intimate knowledge, and who will benefit his bank and his community by developing a substantial customer and employer?

That is what our committee concluded, and I subscribe to it absolutely. How does this relate to the Du Pont banks? As of December 20, 1963, the Florida National group's combined statement showed loans and discounts outstanding equal to only 38 percent of deposits. In contrast, on approximately the same date, all commercial banks showed loans and discounts outstanding equal to 56 percent of deposits.

The effect of highly restrictive centralized control over these Du Pont banks seems clearly apparent here. Evidently, these 31 Du Pont banks would much rather say "No" than "Yes" to a borrower. And this is the largest banking system in the State of Florida.

Consider the position, Mr. Speaker, of a farmer who owns some woodlands and who has been selling standing timber to the Du Pont-controlled St. Joe Paper Co. He decides he will do better to hire a crew, cut his timber himself, and haul it to another papermill. Would a Du Pont bank lend him money to finance that operation?

Consider the position of a small trucker who wants to expand his fleet to haul fruits or vegetables in competition with the Du Pont-controlled Florida East Coast Railway. Would a Du Pont bank lend him money to finance that?

Consider the position of a builder who wants to put up a new building in competition with some of the city property owned by the Du Pont empire. Would a Du Pont bank finance his payroll for that job?

These are some of the dangers, Mr. Speaker, of concentrated control over both banking and nonbanking enterprises. These clear dangers, as well as the other potentials for abuse of power, explain why I recommend bringing this Du Pont estate empire under the Bank Holding Company Act.

Why did we not bring this Du Pont group under the act to begin with? I have asked myself that question, Mr. Speaker. Looking back, I believe there was some little confusion at the time about the status of the Du Pont estate. I believe there was some feeling it was primarily a charitable organization.

My recent report to the House Small Business Subcommittee clears up that confusion. The Du Pont estate is a perpetual testamentary trust created under the will of the late Alfred I. du Pont. Most of the money from the Du Pont estate has gone each year to the late Mr. du Pont's widow, Mrs. Jessie Ball du Pont. During the 12 years 1951 through 1962, the estate paid to Mrs. du Pont income totaling $58,870,947.84. In the year 1963, she received $7,584,862.57.

These are the facts, Mr. Speaker. Only after the death of Mrs. du Pont and the death or settlement of other annuitants, will all of the Du Pont estate's earnings go to the Nemours Foundation, a tax exempt charitable foundation. The assets, however, will continue to remain in the Du Pont estate. The directors of the Nemours Foundation are also the trustees of the Du Pont estate.

From the standpoint of the Bank Holding Company Act, however, the important question is not who gets the money but who holds the power. The power here will remain in the same hands, Mr. Speaker. It will continue indefinitely in precisely the same hands.

There may have been another little confusion, back in 1955, as to whether the Du Pont group of banks is a chain banking setup. Our committee did not intend to cover chain banks under the Bank Holding Company Act.

Our committee report pointed out that chain banking exists where "one individual owns or controls a number of independent unit banks." In this kind of situation, the short span of one human life and the limitations of personal ownership tend to protect the public interest against any great abuses of power.

Instead, the Bank Holding Company Act was directed toward group banking. Group banking, as defined in our 1955 committee report, is "the ownership and control of a group of individual banks by a corporate holding company or control of bank shares by a trustee or a group of trustees or control through a majority ownership of bank shares for investment purposes."

The Du Pont estate, with its 31 banks, engages in group banking, not chain banking. The Du Pont estate trust has perpetual life. Its trustees are self-renewing. When one dies or resigns, the others appoint a successor. It is not limited in any sense by the terms of one human life.

Mr. Speaker, whatever the reasons may have been, the Du Pont estate with its 31 banks was not brought under the Bank Holding Company Act. And since then, this matter has drawn very little attention. The full facts have been lacking. That points up a continuing problem for Members of the House. Members simply do not have adequate staffs to keep posted on all the issues that concern us. I shall not dwell on that subject now, but I repeat, it is an important and continuing problem.

Many of us are forced to rely on information from the various agencies and boards. In the present matter, involving the Du Pont estate, one would certainly expect the Federal Reserve Board to have taken note of the situation there during the past few years.

The Federal Reserve Board administers the Bank Holding Company Act. We specifically instructed the Board to report to us each year on how that act is working and on any desirable changes in it. The Board has sent us up a report each year, with recommendations. But not a word about this Du Pont estate and its possible abuses of power. Not a word, Mr. Speaker. Not a word, in any of the Federal Reserve Board's reports.

Mr. Speaker, my bill to bring and keep the Du Pont estate under the Bank Holding Company Act has three main provisions. The first would bring under the act any testamentary trust controlling bank assets of $100 million or more. The second would bring under the act any organization controlling bank assets of $100 million or more and whose money all goes for charitable or educational purposes. The third would instruct the Federal banking authorities, when deciding whether to approve other merger, to weigh, among other things, whether such merger might be inconsistent with the aims of the Bank Holding Company Act by removing any company from the purview of that act.

To the best of my present knowledge, this bill would not substantially change the status of any organization other than the Du Pont estate.

Mr. Speaker, I consider this an important bill. Aftter hearing the facts I have now set before the House, I hope many other Members will agree. We are dealing here with an immense empire of finance, industry, real estate, railroads, and stockholdings—centered in Florida, but spreading out also into many other States.

The remedy I propose, Mr. Secretary, is the classic and obvious one for dealing with great concentrations of power that lend themselves to abuse. We should divide up the power. The answer is as simple as that. That is what our forefathers wrote into the Constitution of the

United States in providing us with the best government on earth. They divided up the political power.

That is what the Congress has done time after time since 1890 in dealing with great concentrations of economic power. We sought to split them up. That was the aim of the Bank Holding Company Act. Bank holding companies could no longer control outside industries. Their power must be divided. The interests of the owners were fully protected. The act very carefully protects the owners against any monetary loss. But the power must be split up.

By placing the Du Pont estate under the Bank Holding Company Act we shall simply divide up their vast concentration of power. The estate's beneficiaries need not suffer in the least. Funds now used to control various enterprises can simply be reinvested on a broad scale. The income need not be cut at all. Only the power will be cut.

Mr. Speaker, I believe the case is very strong for my bill. I hope our committee can hold early hearings on this bill. I hope we can hear the full views of the Du Pont estate people, and of any others who can make a contribution. We on the Banking and Currency Committee will, I am sure, give this matter the fairest kind of consideration.

I now introduce, for appropriate reference, a bill to amend the Bank Holding Company Act.

I am inserting herewith the text of my bill and a short analysis of its contents.

Mr. Speaker, H.R. 10668 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)) is amended to read as follows:

"(b) 'Company' means any corporation, business trust, testamentary trust which at the end of the most recent calendar year controls bank assets of $100,000,000 or more, association, or similar organization, but shall not include (1) any corporation the majority of the shares of which are owned by the United States or by any State, or (2) any corporation or community chest, fund, or foundation, organized and operated exclusively for religious purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, or (3) any corporation or community chest, fund, or foundation which at the end of the most recent calendar year does not control bank assets of $100,000,000 or more and which is organized and operated exclusively for charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, or (4) any partnership."

(b) The sixth sentence of section 18(c) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1828(c)), is amended by inserting after "(including any tendency toward monopoly)" the following: "and its possible inconsistency with the purposes and objectives of the Bank Holding Company Act of 1956 should the transaction result in the removal of any company from the purview of that Act."

Analysis of Bill To Amend Bank Holding Company Act and Federal Deposit Insurance Act

The Bank Holding Company Act of 1956 (12 U.S.C. 1841) is aimed at preventing abuses of economic power by financial-industrial combinations. It provides (1) That all bank holding companies must register with the Federal Reserve Board, (2) That bank holding companies must within two years divest themselves of control over nonbanking enterprises and (3) That a bank holding company may not acquire control over additional banks without the approval of the Federal Reserve Board, based on certain standards laid down in the Act.

Under "definitions," the act provides:

"Sec. 2. (a) 'Bank holding company' means any company (1) which directly or indirectly owns, controls, or holds with power to vote, 25 per centum or more of the voting shares of each of two or more banks. * * *

"(b) 'Company' means any corporation, business trust, association, or similar organization, but shall not include (1) any corporation the majority of the shares of which are owned by the United States or by any State, or (2) any corporation or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, or (3) any partnership."

My amendment to the Bank Holding Company Act would, first, insert after the words "business trust" in the first line of section 2(b) the phrase "testamentary trust which at the end of the most recent calendar year controls banking assets of $100 million or more"; and, second, delete the words "charitable, or educational" from subsection (2), delete the present subsection (3), and create new subsections (3) and (4) as follows: "or (3) any corporation, community chest, fund, or foundation which at the end of the most recent calendar year does not control banking assets of $100 million or more and which is organized and operated exclusively for charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, or (4) any partnership."

The first of these changes would bring the Alfred I. du Pont estate of Jacksonville, Fla., within the scope of the act, as the Du Pont estate is now organized. To the best of my present knowledge, no other testamentary trust currently controls banking assets of $100 million or more and also controls two or more banks. On this point, in discussing the Du Pont estate's exemption during Senate hearings on the bank holding company bill (July 1955, pp. 72–74 of the printed hearings), Federal Reserve Board Governor J. L. Robertson said the Du Pont estate was the only such large situation of which he knew. He added that there are probably many smaller cases "where the father owns the bank and has other investments and he wants to preserve that for his family or his son and he puts that in an estate." My amendment would not affect situations of that type.

My amendment's second change in the "definitions" section of the act would keep the Du Pont estate under the Bank Holding Company Act when, in the future, its income is devoted wholly to charitable purposes. At present the Du Pont estate's income goes chiefly to annuitants, especially to the late Mr. du Pont's 80-year-old widow, Mrs. Jessie Ball du Pont. After Mrs. du Pont's death, and on the death or settlement of the other annuitants, all the Du Pont estate's income will flow to the Nemours Foundation, a charitable foundation controlled by the Du Pont estate's trustees. However, control over the Du Pont estate's various important enterprises will remain in the hands of the estate's trustees. (See a report by me, as chairman of Subcommittee No. 1, House Select Committee on Small Business, dated March 20, 1964.)

It is believed that at present few if any charitable or educational trusts or foundations control banking assets of $100 million or more and also control two or more banks. My amendment would preserve unaltered the present complete exclusion of religious organizations from the Bank Holding Company Act.

Lastly, my bill would amend that part of the Federal Deposit Insurance Act (12 U.S.C. 1828) which is usually referred to as the Bank Merger Act of 1960. This amendment is proposed for the following reason: Currently, where the banking laws permit, a bank holding company can combine all the separate banks in its system into one large bank, turning the previously separate banks into branches of the dominant bank. This would enable such a holding company to esecape from the provisions of the Bank Holding Company Act, since that act covers only holding companies that control two or more banks.

My amendment to the Bank Merger Act would in no way affect the right of any State to decide whether to allow or prohibit branch banking. (The State of Florida at present prohibits branch banking, but recent news reports indicate this prohibition may be lifted in 1965.) My amendment would merely insure that the Federal banking authorities give due weight, among the factors to be considered in deciding on bank merger proposals, to whether such a merger might be inconsistent with the aims of the Bank Holding Company Act by removing a bank holding company from coverage under that act.

In the existing law, the fifth sentence of subsection (c) of section 2(18) of the Federal Deposit Insurance Act sets forth a number of factors that the appropriate Federal banking agency shall consider in deciding whether to approve or disapprove a proposed bank merger. The sixth sentence of the same subsection reads as follows:

"In the case of a merger, consolidation, acquisition of assets, or assumption of liabilities, the appropriate agency shall also take into consideration the effect of the transaction on competition (including any tendency toward monopoly), and shall not approve the transaction unless, after considering all of such factors, it finds the transaction to be in the public interest."

My amendment would insert in the above sentence, after "(including any tendency toward monopoly)" the following: "and its possible inconsistency with the purposes and objectives of the Bank Holding Company Act of 1956, as amended, should the transaction result in removal of any company from the purview of that Act,".

THE WHEAT BILL

The SPEAKER pro tempore (Mr. Burkhalter). Under previous order of the House the gentleman from Kansas [Mr. DOLE] is recognized for 60 minutes.

Mr. DOLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include tables and extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DOLE. Mr. Speaker, I take this time because sometime this week we will be considering a wheat-cotton bill under a most unusual procedure. Four hundred and thirty-five Members of this body will have exactly 1 hour to discuss the so-called wheat-cotton legislation, and without an opportunity to offer amendments. We must accept or reject the bill as it comes to us from the other body, but to me it deserves considerable more discussion.

I might point out I have another hour tomorrow afternoon to discuss the bill in more detail. It became apparent after the referendum last May that the administration had very little interest in the wheat farmer of America. In fact, nothing was done for many, many weeks and many, many months. I would point out, too, that on May 23, 1963, 20 Members on the Republican side introduced wheat legislation; in fact, wheat and feed grain legislation, under a voluntary program combining both wheat and feed grains in an effort to help the farmers of America, and to permit a truly voluntary program. It had some very fine provisions, we felt, but I might point out that there was very little interest in this legislation as far as the administration is concerned.

Hearings were held on these and other bills in the month of July, but amounted to very little. We made statements but could not generate administration interest in our bills.

A summary of that legislation is as follows:

SUMMARY OF QUIE-SHORT-MAY-DOLE BILL, THE FEED GRAIN AND WHEAT ACT OF 1963

I

The bill applies to wheat, corn, grain sorghum, barley, and at the discretion of the Secretary, oats and rye:

Its main features are:

If the Secretary should find that there will be a supply of these designated grains in excess of a "normal supply," he would put into effect a special agricultural conservation program based on these four principles:

First. It would be voluntary. Price support and diversion payments would be available only to participants in the program.

Second. It would require land retirement and conservation as a condition of eligibility for program benefits. A minimum 20 percent would be required with an optional, and additional 30-percent reduction allowed.

Third. It would use only payment in kind for making diversion payments. The Secretary could, however, advance the producer cash in anticipation of the sale of grain, but there would be no direct payments as provided under the 1963 feed grain program.

Fourth. It would be based on a market economy. The CCC release price for surplus grain in inventory could not be less than 105 percent of current support price plus reasonable carrying charges. When the supply of grain is back to a "normal supply" this release price would be 115 percent of the current support price plus reasonable carrying charges and CCC would be required to make equivalent market purchases for grain which has been sold as being "out of condition." The release price for grain used to redeem payment-in-kind certificates would be at the current support price plus reasonable carrying charges. Other major provisions include:

First, time: Applicable to 1964 and subsequent crops.

Second, support price: 65 to 90 percent of parity.

Third, base period: 1959–60–61.

Fourth, diversion rates: Up to 50 percent of normal production times county support rate of first 20-percent reduction; also up to 50 percent on next 30-percent reduction.

Fifth, longer term retirement: Up to 50 percent diversion payment for acreage diverted for periods of from 3 to 5 years.

Sixth, advance payments: Up to 50 percent at signup time.

Seventh, diverted acres: Control weeds and pests. Allow oilseed crops at up to one-half regular diversion rates.

Eighth, small farms: Allow retirement of entire farm base if less than 40 acres.

II

After the present surplus of wheat and feed grains had been reduced to a "normal supply," price supports on wheat and feed grains would be set on the designated grains at 90 percent of the previous 3-year market average. If another surplus should develop, the special agricultural conservation program would go back into effect until the surplus was again reduced. All acreage allotments and marketing quotas on the designated grains would be repealed. There would be no referendum since this would be a voluntary program.

III

The Secretary of Agriculture would be given the necessary authority for the next 5 years to extend expiring contracts on farms now included in the conservation reserve program. Under the bill, these contracts could be renewed on a bid basis for an additional 10 years. In 1964 some 7.4 million acres of conservation reserve land are scheduled to come back into production due to the expiration of contracts in 1963.

IV

The Secretary of Agriculture would be given specific authority to take action before the U.S. Tariff Commission for the relief of any surplus U.S. farm commodity suffering from excessive imports from foreign nations. Present law limits his authority to action on commodities under price support. This provision would give the Secretary a valuable legal tool to help U.S. livestock farmers.

Example of bill on a wheat-milo farm

Assume:
50 acres wheat,
25 bushel yield,
[1] $1.62 price support (per bushel),
50 acres milo,
40 bushel yield,
$1.10 price support (per bushel).

Total base:
100 acres total base
20 percent diversion required

20 acres (acreage required to be diverted)
80 acres (can be devoted to either wheat or feed grains as farmer chooses—assume 40 acres of wheat and 40 acres of milo are produced)

Calculation:
40 acres wheat
×25 bushel yield

200
80

1000
×$1.62

2000
6000
1000

$1620.00

40 acres milo
×40 bushel yield

1600
×$1.10

1600
1600

$1760.00

$1620 wheat

1760 milo

$3380 gross

Diversion—20 acres

10 acres wheat
×25 bushel yield

250 bushels
×0.50 percent payment in kind rate

125 bushels
×$1.62

250
750
125

$202.50
$202.50 wheat
220.00 milo

$422.50 diversion payment

10 acres milo
×40 bushel yield

400 bushels
×0.50 percent payment in kind rate

200 bushels
×$1.10

$220.00

Totals: $3380.00 gross
422.50 diversion

$3802.50 gross benefits

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[1] Minimum support price under the bill.

Example of bill on a wheat farm—Gross benefits

Assume:
100 acres wheat,
25 bushel yield,
[1] $1.62 price support (per bushel).
Calculation:
100 acres total base
×0.20 percent diversion required
20 acres (acreage required to be diverted),

80 acres
×25 bushels per acre
400
160
2000 bushels
×$1.62
4000
12000
2000
$3240.00 gross
405.00 payment in kind
$3645.00 gross benefits

20 acres
×25 bushels per acre
100
40
500 bushels
×0.50 percent payment in kind rate
250
×$1.62
500
1500
250
$405.00 payment in kind

[1] Minimum support price under the bill.

Last summer, however, administration leaders both in and out of Congress said there woud be no new wheat legislation. The Democratic National Committee, in fact, expressed the "party line" in the following statement from the Washington World of June 24, 1963:

> DEMOCRATS: "LET ALL THE PEOPLE PROSPER"
>
> The farmers have made their choice on the wheat referendum, and we have no desire to resurrect that issue.
>
> We will, like the democratic society we are, abide by the decision of the farmers. But another issue must be brought up: what kind of program will the farmers have now? (Written for the Washington World by the Democratic National Committee.)

In spite of this opposition we continued to work for sound and sensible new wheat legislation. We felt then, and we feel now, that the referendum choice given wheat farmers in last May's referendum was an impossible one.

All through last summer and fall the administration continued to oppose any new legislation whatsoever. Then early this year a renewed effort was made to reimpose upon wheat farmers what is essentially the program which they rejected in the referendum.

The administration and the advocates of the certificate approach refused to consider any other type of wheat legislation, including that which was similar to the feed grain program endorsed by the administration.

As hearings progressed, neither the committee nor the administration gave any serious consideration to a bipartisan effort to enact a new wheat bill. The issue came to a showdown in the Wheat Subcommittee where the majority members insisted on the certificate plan or nothing.

On January 27, 1964, the Wheat Subcommittee approved a wheat certificate plan by a party-line vote of 8 to 5.

A great deal of confusion existed following incomplete reports that the subcommittee approved a wheat certificate plan for 1964 and 1965. Reports were one thing and facts quite another. When the subcommittee acted there was not a bill, but only a mimeographed suggested bill available. The action in the subcommittee came on a motion that the Wheat Subcommittee chairman introduce a bill and after its introduction report it to the full Committee on Agriculture "without recommendation," hardly a ringing endorsement. Following the subcommittee's informal and unusual action, a bill was introduced by the subcommittee chairman on January 28.

That bill, H.R. 9780, then languished in the full committee while the Senate was adding similar language to a House-passed cotton bill H.R. 6196.

Following that, in fact as late as last August 22, 1963, and perhaps later, our Secretary of Agriculture said that legislation was merely a matter of academic discussion, because no new legislation was being considered by the administration at that time. This has been the attitude of many administration leaders. Nonetheless we are faced this week with a very important determination as to whether or not we shall support the voluntary certificate plan as it relates to wheat.

Mr. PURCELL. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman.

Mr. PURCELL. Mr. Speaker, the gentleman is on the Wheat Subcommittee, of course. I am sure he is in agreement with me that there were over 400 pages of testimony in the hearings on the Wheat Subcommittee. We took time to go into the bill to which he has referred and others. I should just like to clear the record. I am sure the gentleman is not implying that there was not adequate time given for all hearings on this matter. Am I correct in that assumption?

Mr. DOLE. I think we had adequate time. If I may address myself to the subcommittee chairman, the point that while we were in fact reaching a fair agreement on many, many of the basic issues, we were finally advised the administration would accept nothing but a so-called voluntary certificate plan, and this is where we had a disagreement. Prior to that time, late January, we had had some very fine discussions in our subcommittee. I do not quarrel actually with that, however, the point I make is that we never had any administration support for anything except for the so-called voluntary certificate plan.

Mr. PURCELL. Will the gentleman yield further in order that I might seek agreement on one other point?

Mr. DOLE. Yes, I yield to the gentleman.

Mr. PURCELL. In regard to the procedures about which this piece of legislation is being brought to the floor of the House, I would like to join with the gentleman in saying that for one I also regret the method by which we are called upon to approve or disapprove this particular piece of legislation. However, under the parliamentary rules and procedures of the House, I know of no other method by which this matter can be brought forth.

I certainly do not intend now or at any other time in the future to blame one party or one committee or any other group. But I would like to clear up the fact that it is not the fault of the gentleman from Kansas or the fault of the wheat subcommittee as far as I know. It is the fault of no one. However, it represents a set of circumstances which have developed under which we seem to be able to do nothing but either take this bill under these circumstances or have no opportunity to enact wheat legislation this year.

Is the gentleman from Kansas in agreement with that statement?

Mr. DOLE. I agree that unfortunately we do not have a chance to amend this bill, or even offer amendments. I am not stating my proposed amendments or amendments offered by anyone else would be adopted. But at least we should have that right as Members of the House of Representatives.

This is a point I have been making in many meetings during the Easter recess, and I think very properly so.

I am certain that the gentleman from Texas [Mr. PURCELL] shares this view, that House Members should have the opportunity to offer amendments. The bill could be improved in a good many ways, but it seems we are asked to adopt or reject the version of the other body and rubberstamp their action. I do not feel this is the proper legislative procedure to follow. However, this is the way it is put up to us, and the choice has to be made.

Mr. PURCELL. If the gentleman will yield further, does the gentleman know of any other procedure that could be used at this point in the legislative history of this bill? Under some other circumstances would there be any way we could bring this bill to the floor of the House for action and have an opportunity to amend it?

Mr. DOLE. Well, of course, that would depend to a great extent upon what the Committee on Rules may have done. I think we were in agreement that perhaps a rule which would have permitted amendments would have been very acceptable from our standpoint. This was not granted, however, therefore we cannot do anything about it from the standpoint of offering amendments. We must take it or leave it. However, if it is rejected, something else might be done, but I am not guessing what the vote might be on the matter at this point or what the administration would suggest if it is rejected.

Mr. BATTIN. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Montana.

Mr. BATTIN. Is not the parliamentary situation caused by the present action of the other body and not by any situation in which we find ourselves? Under normal circumstances we could go to conference on the disagreement between the House and the other body on the House bill. But if that were the situation, any amendments which were adopted would have to go to conference and it is possible that the other body would not yield to bringing the bill up while it is considering the civil rights bill.

Therefore, are we not being asked then basically to accept something that might not be in our best interest or at least it is the feeling of the Members of the House, and best interest of the farmers of the country, if we proceed without the right to offer amendments?

Is not that basically the situation in which we find ourselves, I will ask the gentleman in the well, as well as the chairman of the subcommittee, the gentleman from Texas [Mr. PURCELL].

Mr. DOLE. I might say to the gentleman from Montana first that I appreciate his entering into this discussion. This is an unfortunate situation in which we find ourselves. I do not know whether the gentleman from Texas shares this view or not. But he may care to comment on it.

Mr. PURCELL. Yes. I certainly wish very sincerely that there were a method by which the House could have brought forth wheat legislation to be considered on its own merits, for that matter, without any other type legislation being connected with it. But it does seem to me that the other body seems to be in the position of realizing that they would have no other opportunity to get wheat legislation passed at this session of Congress.

Under the circumstances I am sorry it is this way. But I know of no other method we could use. I think we should keep in perspective this problem under the existing circumstances. It is my opinion that the House has no one to blame over here with reference to the matter. We could argue about whether to blame someone in the other body, but under the circumstances this is the only method, as I understand the parliamentary procedures, that can be used in this matter.

Mr. BATTIN. If the gentleman from Kansas will yield further, the gentleman would agree would he not, that the usual procedure would be to go to conference?

Mr. PURCELL. Yes, I agree with that.

Mr. DOLE. At any rate, as pointed out, we are in an unfortunate procedural position as far as the Members of the House are concerned. It is regrettable we must take it or leave it as it clearly does a disservice to the American wheat farmer.

There is a lot of confusion existing. There have been all sorts of reports as to how much the American wheat producers will lose if this bill is not enacted. This has been done by taking the highest possible price under the pending legislation that is the added value of certificates and diversion payment, and the lowest possible price to the farmer if additional legislation is not passed. If you do this you get a figure of about 50 cents a bushel, but the farmer should also be told just what would happen if this plan is rejected. The American wheat farmer does not appreciate threats or intimidation by anyone, and I trust it is not the intent of this administration to punish the wheat farmer if the bill fails. I am certain Secretary of Agriculture Orville Freemen could drive the price down to $1.25 or less if he wanted but I trust this is not the intent of this administration, and I doubt it is, this being 1964. We have an obligation to be completely honest with the farmer as far as the facts are concerned. The cards should be laid on the table, and he should make the choice on this basis rather than if the bill is defeated. It is going to cost "X County" a certain amount of money, and if you want to take the lowest price and the highest price, if the bill does pass you can get to 50 cents a bushel. If this bill is rejected I do not know what the administration would do. Last year there was talk by leaders in the administration that the farmers had made their bed, and now should lie in it, but now the administration asks us to approve a wheat bill similar to the one farmers rejected on May 21, 1963.

Let me recall this to the Members: We passed a cotton bill in the House late last year. It went over to the other body and they tacked on the wheat bill. The wheat bill is before us now without the opportunity to amend, and without the opportunity to discuss the measure.

What does the bill actually do? I have had meetings in my district, as has the chairman of our subcommittee, as well as other Members, in an effort to determine whether or not the farmers completely understand the bill. Following our discussions many farmers expressed themselves for or against the bill.

First of all, it is called a voluntary program. If it is a voluntary program, and those opposed to the certificate plan have no right to protest, if it is a truly voluntary plan, participation is not required. Last year the bill had statutory compulsion. A farmer was required to participate. This year the bill has provisions which amount to economic compulsion. The farmer will only get feed price for his wheat if he is not participating. This statement was made by Secretary Orville Freeman before our committee, and has not been denied. I might point out there are those farmers, whether they belong to the Wheat Growers' Association, Farm Bureau, Farmers' Union, or any other farm group, who do not want to participate in the program for many reasons. They do not feel they should be required to participate if they do not want to, and they should not be punished if they do not participate. The program should benefit compliers, but at the same time I see no reason to punish those who do not participate just because they do not.

The bill provides a 45–45–10 formula. In other words, it is not a $2 wheat bill. I have had many, many letters saying "Support the $2 wheat bill." I do not find any $2 wheat bill pending in the Congress. It provides $2 on 45 percent of the farmers production. You receive the price support of $1.30 plus a certificate worth about 70 cents a bushel. This is for 45 percent of his production.

On another 45 percent of the normal production, the farmer receives an export certificate worth 25 cents a bushel plus $1.30, or about $1.55. On the balance of normal yield he receives $1.30, which is the support price. This makes a blend price of $1.73, or about 72 or 73 percent of parity, which I might add is the lowest in over a decade. These things should be explained to the farmer.

There is a diversion payment provision in this bill. It is 20 percent of the man's normal production at times the support price. So your diversion is between $5 and $8 per acre, which is not much for some of the very fine wheat land which must be retired from production. This has not been fully explained to the farmer.

He has been told this will mean a $400 million loss if the bill is not passed. This is partially based on what the Secretary will do if the bill is rejected. I do not believe the present Secretary or any other Secretary would or should intentionally drive the market price down. If the free market were permitted to operate, I doubt that there would be much of a loss to the farmer.

Mr. LANGEN. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Minnesota.

Mr. LANGEN. I thank the gentleman for yielding. Let me compliment the gentleman from Kansas for having taken this time, and also to compliment him for his continued effective and dedicated effort in behalf of the cause of American agriculture. Frankly, what a sad state of affairs we find ourselves in here today when it becomes necessary for the gentleman to take time in this manner in order that we might be able to talk about a bill that is not going to be considered for a couple of days, all because of the fact that there is not enough time allocated to it and we will have no opportunity to express ourselves at that time.

Let us go back to the history of farm legislation during the course of the past year and a half. We were here last year for 12 months. Many of us expressed concern at that time that something ought to be done, some consideration should be given to this problem at that time. But what happened? Absolutely nothing. The fact is that the emergency so far as time is concerned on this legislation was last year, not now. It ought to have been done before the winter wheat was seeded, not now, at the very last moment before the spring wheat is going to be seeded. Most of the wheat is in the ground actually on a national basis.

Let me get to the point the gentleman was just discussing, a matter that is so important to the wheat farmers of this country. I refer specifically to the value of the certificates that the gentleman has outlined. I for one am not quite ready or prepared to ask the American farmer to raise wheat for foreign countries, Russia and its satellites included, at a price that is cheaper than we raise it for our own domestic use. This is exactly what the bill does. In addition, if the American wheat farmer makes any profit at all on the wheat that he raises for the American consumer he is going to have to share that profit with the foreign consumer.

In addition, up until this point we have had an export subsidy in order that we might be able to sell wheat to foreign countries. What are we doing now? We are shifting that subsidy right to the farmer himself, and we are going to make the American farmer carry the full burden of that subsidy, even though it may be of national concern that we do supply volumes of wheat to countries under certain circumstances.

Yes; it is the American farmer who will be taking a substantial step backwards economically. Now with items as important as that, it would seem to me, we at least ought to have time enough to talk about it. Thirty minutes on a side, if you will—what a pathetic situation. Remembering too, we have reached the point where the parity ratio right now is comparable to 1939. Last December, it was comparable to 1933. And we are about to enact a bill that is going to set it back even further than it is now. It is going to bring it back to 73 or 74 percent of parity. We will have not even have time to talk about this, or the many other items that are directly or indirectly related to this problem, which should be given some consideration by amendment.

I have just come back from my district. Oh, the concern there is amongst farm people about imports for instance. Is that going to be considered in connection with this? No—we do not have the time nor will we have the opportunity to offer an amendment. It is just a matter of saying yes or no to this proposition. It is kind of unique, you know, that this whole combination fits the pattern that we heard coming from the Secretary of Agriculture last summer when the farmers were told that you either vote for this or else. At that time he was directing the wheatgrowers in a referendum and telling them how to vote. Now we have the same thing before the Congress, and the fact is he is telling the Congress how we ought to vote.

I think the Congress ought to have a little better opportunity to direct its attention to the American farmer than this. So I repeat, it is a pretty sad parliamentary situation that we find ourselves in.

Mr. PURCELL. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman.

Mr. PURCELL. I should like to ask the gentleman if he knows of any way—because I am not entirely without sympathy towards the gentleman's stand with regard to this method being used—but does the gentleman have any suggestion that could be followed under the parliamentary rules of the House so that we can deal with this?

Mr. LANGEN. It is not the question of the method we might use. At this point the fact is that I and any number of Members of this House have suggested other methods long ago. We introduced legislation early last summer, and I recommended at that time, that prompt consideration be given and a determination made, and it could have been accomplished then. In addition to that, even within the last several weeks, recommendations have been made to the Committee on Rules. So that we would not have gotten into this kind of parliamentary situation, we, as Members of the Congress, and the majority here are going to have to accept that responsibility whether we like it or not.

To come along at this late stage and say, Oh, there is nothing else that we can do about it now—is no excuse. It is merely a matter of trying to find some easy way out of a predicament that we have created by not having recognized the problem earlier. I should like to call to your attention that there were plenty of us who pointed to the problems that would be coming along in wheat production after the referendum last year. But, you know, at that time, we heard nothing but, let them stew in their juice. Those are the words we were given then. Now all at once they begin to recognize what a need there is, and you better vote "yes" or dire things are going to happen. This idea must have all generated sometime between now and last summer after they saw the parliamentary situation in the making.

Mr. PURCELL. Mr. Speaker, will the gentleman yield further?

Mr. DOLE. I yield to the gentleman.

Mr. PURCELL. I should like to call the attention of the gentleman to the fact that as early as last July, the Wheat Subcommittee was in the process of having hearings, and if I understand the situation correctly, we here in the House as well as in the other body are those who really have the responsibility of providing the kind of legislation that our farmers will have to live with.

I wish to state to the gentleman that there have been hearings, periodically, from July on into the fall and winter, in December, and as late as January of this year. At those hearings anyone who wished had the opportunity to be heard. Every organization and every individual, so far as I know, who wished to be heard, was heard.

Interest was quite difficult to kindle or to create last summer on the part of all areas.

The situation which the gentleman related is quite true, but, so far as delaying it at the doorstep of some administratively appointed official, I point out that he and I should share as much as anyone else in the responsibility of not having been able to get legislation brought forward early enough so that a different kind of legislative procedure could be followed.

Mr. LANGEN. I agree with the gentleman that hearings were held. As a matter of fact, I appeared as a witness during the hearings. One surprising thing about those hearings, which I remember quite well, since I was there, was that it was said there was no need for legislation. During the questioning, I was asked as to how many letters I had received and how much concern there was. I was told, when I appeared before the committee, by members of the committee, that there was no need for legislation, that the farmers were not interested, that there was no problem; so, actually, I was making a fuss just for the sake of making a fuss. That was the experience I had at that time.

There was not a word from the Secretary by way of recommendation, or big plea for wheat legislation by the Secretary then. If there was, I did not hear it.

Now we have moved along, and let us suppose that we were not able to arrive at some kind of agreement. The least we can do, at that point, is follow the normal legislative procedure of the House, by setting up a conference committee.

How often do we see a situation of this kind, when there is a difference between the House and the other body and there is no conference committee? We do not see this very often. But that is what we are to do now. Why? I wish somebody would answer that question for me.

Mr. PURCELL. Mr. Speaker, will the gentleman yield further?

Mr. DOLE. I yield to the gentleman from Texas.

Mr. PURCELL. I wish to point out two things to the gentleman. Does the gentleman recall those members of the Wheat Subcommittee who asked him questions in regard to how many letters he had received and the feeling of need? I do not mean to turn this into a partisan discussion, but does the gentleman recall that they were members of his own party who were asking him those questions?

Mr. LANGEN. I should have to disagree with the gentleman on that.

Mr. PURCELL. Of course, I attended those same meetings the gentleman attended. There is no point in disagreeing about them here, but as I remember it, that was the situation.

Mr. LANGEN. I do not wish to talk about a colleague who is not present at this time, but I suggest that the gentleman go back to look up the hearings and look at the record of what was said to see who asked me about the letters. The gentleman will find it was a member of the gentleman's party.

Mr. BEERMANN. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Nebraska.

Mr. BEERMANN. I thank the gentleman from Kansas for taking this time to discuss the situation we shall not have the privilege of discussing when the bill comes before the House. It is a sad state of affairs when those of us who normally like to vote for a rule, so that we can have a discussion of a measure on the floor of the House, are being asked to vote for a rule to decide the question in toto as to what the law will become. I oppose this type of rule. I believe it is good for the United States and for

Members of the House, and perhaps for the other body, after they pass a bill, to hear some of these discussions prior to a vote on the rule. With the gentleman's permission, I should like to enumerate some seven points about the cotton-wheat bill.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include a seven-point statement on the cotton-wheat bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEERMANN. Mr. Speaker, here are some features of the cotton-wheat bill which are important to Nebraska farmers:

First. The bill's income possibility may be 22 to 25 cents per bushel below that for 1963. The 1963 price support level was $1.82 with a direct payment of 18 cents per bushel.

The program for 1964, under the bill before Congress, would provide price support at $1.30 per bushel. Certificates worth 70 cents per bushel would be issued to cooperating farmers for 45 percent of normal production. Certificates worth 25 cents per bushel would be issued for 45 percent of normal production. The balance of wheat produced on the allotment would be eligible for price support loan at $1.30 per bushel. This works out to a blend price of around $1.72 per bushel, from 72 to 73 percent of parity.

Second. The bill will aggravate the problem of livestock producers because this bill would allow the Secretary to dump cheap wheat into competition with corn and feed grain in an effort to force "voluntary" compliance with the program. The history of the feed grain program in 1961–62 has taught us that the Secretary will use this dumping authority.

Third. The cotton section of the bill provides for an additional price of 4½ cents per pound for cotton farmers retiring one-third of their present allotment. There is no restriction that would keep this cotton farmer from planting this acreage to feed grains, soybeans, or wheat.

Fourth. For 1964, excess wheat could not be stored under bond and marketed in a future year of crop failure.

Fifth. The Commodity Credit Corporation resale price would be 105 percent of the effective price support—$1.30 per bushel—plus carrying charges, which would have the effect of placing a ceiling of $1.36 or $1.37 per bushel on the market price. This feature tends to make participation in the program mandatory, rather than voluntary. The Secretary of Agriculture could raise the release price of CCC grain.

Sixth. Even though, under the bill, the farmers' income would go down, there is no question that the processor will pay more for wheat in 1964 and 1965 than in 1963. In 1963 the price support was $1.82. The prices received by farmers averaged about $1.87. The miller, therefore, paid $1.82 to $1.87 for wheat. The farmer got a direct payment of 18 cents per bushel.

During the next 2 years the miller will buy wheat for $1.30 or thereabouts. He will also have to pay 70 cents per bushel for processing certificates. This brings the miller's cost to $2 per bushel or more as compared to $1.82 to $1.87 in 1963.

Seventh. If the wheat legislation before Congress is not approved, it seems likely that the Secretary of Agriculture would proclaim the necessity for marketing quotas on the 1965 crop and call for a referendum. The present law requires that the quota must be proclaimed by April 15.

I should like to mention, for the purposes of this discussion, the second point.

The bill will aggravate the problem of livestock producers because this bill would allow the Secretary to dump cheap wheat into competition with corn and feed grain in an effort to force "voluntary" compliance with the program.

The history of the feed grain program in 1961–62 has taught us that the Secretary will use this dumping authority.

I would like also to quote this part in the Record, since it has not been brought up on the floor and few in the country know about it. I have not said anything about it before. Three years ago at this time we had an Easter recess. I went home to Nebraska during that week and visited with farmers and people who buy the grain and sell it to others. This is the extra grain that we do not use on the farm. We sell it between the middle of August and harvesttime after our crop is assured for the year. This grain is distributed around the country.

My discussion with the Secretary of Agriculture starts on page 144 of the hearings on H.R. 6400, April 24 and 25, 1961, serial E, part 1, and I shall put this in the Record at this point.

The matter referred to follows:

Mr. Beermann. You mentioned, Mr. Secretary, the price of corn 2 years ago. I wonder how much corn was released this year during the same period as compared to a year ago. My figures of a year ago and this year are different than your figures from a year ago to this year, and 2 years ago.

Secretary Freeman. You are correct. They are different.

Mr. Beermann. Would you furnish for the record the amount of corn released this year during this period of the last week of March and the first 2 weeks of April as compared with a year ago?

Secretary Freeman. Yes, sir.

Mr. Beermann. I would appreciate that.

(The information referred to follows:)

Commodity Credit Corporation domestic corn sale

[Millions of bushels]

Period week ending—	*Total sales*
Mar. 25, 1960	2.6
Apr. 1, 1960	2.0
Apr. 8, 1960	1.9
Mar. 31, 1961	8.1
Apr. 7, 1961	9.4
Apr. 14, 1961	8.9

Secretary Freeman. If I may, I would like to add figures for the last couple of years, so that we can get the true picture.

Mr. Beermann. I would like to pursue this family-sized farm question a little bit. In your description of the family-sized farm, you say that the farmer has to operate the farm with one family.

Secretary Freeman. I amended that a little bit today with the addition of hired help. I think that is a more realistic definition.

Mr. Beermann. I was not going to ask this question, because it had been asked before, but when you come up with some information on compensatory payments then I must get into that.

It so happens that we farm, and before the six brothers bought them out there were three sisters in it and six brothers. It is a family operation. What size would that be?

Secretary Freeman. I think that is a good sized family farm.

Mr. Beermann. It is a good-sized family, too. It is a good family. And you are welcome to visit us in Nebraska.

Secretary Freeman. Thank you.

Mr. Beermann. I would like to say that my share consists of 280 acres. It contains corn, alfalfa, a little small grain, and feeding cattle. Would you say that 280 acres times 6 is a family-sized farm?

Secretary Freeman. Well, it is very difficult to be specific.

Mr. Beermann. I appreciate that. I want to hear you say it.

Secretary Freeman. Why? Because it is difficult?

Mr. Beermann. Yes. [Laughter.]

Secretary Freeman. Well, I think you have almost answered your own question in saying that you and your five brothers farm 280 acres times 6. And you do so efficiently and effectively and are willing to educate me in connection with it. I would assume that as a family farm it is a good one.

Mr. Beermann. I appreciate that. [Laughter.]

When you set up livestock committees, for calves, stockers and feeders, and heifers and steers and hogs and sheep around the country are you going to select these committees from the areas that have livestock development, or are you going to select them from all over the country?

Secretary Freeman. At the moment, as I think I said earlier, the likelihood of there being any committees for the items you have mentioned is very minimal. There has been expressed to me no desire for such in those areas. And as such there would be no committees.

Mr. Beermann. I like the way you answer questions for me. As to the release of feed grains and lowering prices, people who raise corn for sale harvested last year in October of 1960 and it ran until October of 1961, which would be a normal 12-month marketing year and they have felt somewhat, shall we say, apprehensive because in March Congress passed the feed grains bill and in April, when these people were normally marketing some of this corn, their prices in Nebraska are 12, 13, 14, or 15 cents lower in April than they were in March. This is Government intervention to the highest degree, even though you have to remove some corn, and I think that you could have sold No. 3 corn without this.

I do not think that there was any reason for passing the bill to do that. And when this corn is released we will have more corn on the market than can be properly used. What is the corngrower going to do in that condition?

In 2 or 3 months' time or 6 months, he can have a bred sow or several of them or he can buy some sows and a boar, and thereby he can prepare the way to feed up this corn. If there is too much free corn available he can do that. Next year we will have many people getting into the hog business and these people will say, "Mr. Secretary, we are in trouble. We want you to help us out in the hog business."

So here I forecast that as of this time the Secretary's action is going to force people to come to him next year for help in the hog situation, also, for calves and the like.

I do not like to see this and to pay $2.30 for soybeans that you may have to buy next year. I see the thought behind it.

It was rather difficult for me to make up my mind to come here, but enough people voted for me to come here.

Secretary FREEMAN. I could not get enough to vote for me. You are more fortunate than I was.

Mr. BEERMANN. I never ran for an office before. I appreciate being elected the first time. The voters in the Third District, the farmers, the laborers, and the businessmen want to get the Government off their backs—that was their cry. Will this bill, H.R. 6400, help get the Government off of their backs?

Secretary FREEMAN. Yes. [Applause.]

Mr. BEERMANN. You do good—I hope that you come out some time. [Laughter.]

Many of the farmers in Nebraska who have never been in Government programs, and I understand that there are others like them—about 70 percent of the people who grow and feed the commodities on their own farms—so that, in effect, we are writing laws for 30 percent of the people, are we not? That is what it represents?

Secretary FREEMAN. No.

Mr. BEERMANN. Did you not hear about this one?

Secretary FREEMAN. I am not sure that I understand that.

Mr. BEERMANN. Mr. Speaker, I suggested in this discussion to the Secretary of Agriculture that if he did not quit dumping feed grains on the market, as he was doing at that time—he would cause problems in the livestock industry. Congress had passed the original feed grain bill of 1961 in March; the hearings on H.R. 6400 were for an extension of that program. Of course, most of us knew what the Secretary was doing. He was forcing a feed grain signup before the deadline. But he was not acquainted with the USDA dumping figures. So I requested the figures from March 25, 1960, through the week of April 8, 1960, and the corresponding weeks of 1961.

You will note from the preceding table that sales in the 3 weeks of 1961 were 8.1 million bushels up to 9.4 million, or 4 or 5 times more than sales in 1960.

From this background is it not logical to assume that the Secretary will dump wheat just like he did feed grains? Perhaps one of the reasons that the price of wheat is not lower is because the Secretary could not sell wheat for less than 105 percent of $1.82, a figure much higher than 105 percent of $1.30 in this bill. Our request for 115 percent release price of the loan rate was rejected. So I would almost feel that this bill is designed to lower farm income.

Mr. Speaker, when you read the CCC corn sales table which the Secretary furnished, there is ample proof that dumping contributed to lower feed grain prices and the livestock problem. In addition there is also ample justification for believing the USDA might dump wheat on the market to force a lower price, with this type of legislation.

Mr. Speaker, I certainly commend the gentleman from Kansas [Mr. DOLE] and would only hope that we had had an open rule and very thorough debate and the opportunity to offer amendments so that these things could have been properly explored for the benefit of all Members of the House who are not acquainted with this sort of situation as to what has happened in the past prior to 1964.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I am happy to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, I wish to commend the gentleman from Kansas for asking for this time so that we might have an opportunity to discuss this very important bill that is soon to be brought to the floor of the House for consideration.

I would like to say that in listening to the colloquy between the gentleman from Texas [Mr. PURCELL] and the gentleman from Minnesota [Mr. LANGEN] I want to point out that we did pass a cotton bill here and it went to the other body. It was amended in the other body. They could have taken this cotton bill and it could have been law now. But the matter in the other body did not receive the attention of cotton alone. We have now had the wheat bill tacked onto it. It has now come back over here. The Committee on Rules could have sent this matter to conference and we could have had an opportunity in conference to have done something about this wheat situation which is so much against the best interests of the farmers of Ohio and I think against the best interests of the farmers generally.

I would like to point out that the gentleman from Texas as the new chairman of our Wheat Subcommittee is highly respected by every member of the Wheat Subcommittee and by other Members of the House. Certainly, he has worked diligently on this problem.

However, I believe, in fairness to him and to the other members of the Wheat Subcommittee, I should point out that this very same bill was in our committee under discussion and came out without any recommendation for passage. This was unique in itself. It came before our full committee and rested there. We thought perhaps it would lie there for the rest of this session. But lo and behold when the other body tacked this bill that was resting very quietly in our committee onto the cotton bill and it came back and in one morning's discussion came out with the recommendation for passage, certainly here is a case wherein this liberalized Rules Committee could have permitted the House to work its will on legislation.

Mr. Speaker, I well remember the debate that was held at the time the packing of the Rules Committee was to take place.

The reason that was given for this action was to permit the Members of this House "to work its will," and I say this in quotes.

Well, Mr. Speaker, this very same liberalized Rules Committee failed on this occasion to live up to its prediction and promise to permit the House to work its will.

If the Committee on Rules had permitted this bill to go to conference, perhaps this bill could have been worked on by Members who are interested in it, and we could have come forward with a program that was in the best interests of the wheat farmers as well as in the best interests of the cotton farmers of this country.

I would also like to point out that we have heard a lot of talk about the voluntary features of this bill. Coming from Ohio and from a section where we have a lot of small farmers, I want to say that there is nothing voluntary about this program. If you call "voluntary", accepting $1.30 for your wheat if you do not go into this program, it is voluntary. But I do not call that voluntary at all.

Mr. Speaker, I believe it is important to stress this point, because in Ohio and in the congressional district which it is my honor to represent we voted 9 to 1 against Federal-type programs last May. Only 22 percent of our farmers throughout Ohio voted for it. We cast more negative votes on this proposal than any other State in the Union. That action spoke very loud and clear at that time that they did not want any part of the certificate plan. Certainly, as a Member of Congress from Ohio I cannot support it, because the people have spoken out against it, and very decisively.

Mr. Speaker, I feel it is improper for this administration to urge the passage of this type legislation after the farmers have turned it down, without giving this House an opportunity to work its will and to amend the wheat section of the bill in order that we may come forth with a proper plan for the wheat farmers who need some type legislation.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I would like to join in extending thanks to the gentleman in the well for bringing this important matter to the attention of the Members of the House of Representatives.

I want, also, to say to my colleague, the gentleman from Texas [Mr. PURCELL], that I certainly want to compliment him upon the work that he has done in conducting the hearings on wheat legislation. However, I would like to make reference to the feed grain bill and the application of some of the techniques of the administration which have been used in that case as they would apply in the wheat legislation which will presently be before us.

Many of us introduced feed grain bills away back in 1958, and we were pleased when the first feed grain bill came to the committee. But we were shocked when we saw in it provisions which permitted the Secretary to dump the surplus at below support prices. We were further shocked to see that parity was set not at 80, 90, or 100, but at 74 percent of parity which certainly is below a living wage. Further provisions of the bill permitted dumping of CCC stocks at below support price.

With that provision for dumping, you could not get much more than 74 cents unless the Secretary was more liberal in his administration of authority.

The circumstances that I cite were clearly set forth in the Farmer's Union

Herald publication, in a story titled "Chickens Come Home To Roost." We find that cheap feed has been a contributing factor to the livestock increase and the breaking of the livestock market, together with the imports.

Now, in this wheat bill you have exactly the same set of circumstances where the release price is 105 percent of the loan level of $1.30. Please remember that I am not a member of the committee. I think that is right, and the gentleman may correct me. This means again if they sold at 105 percent of the loan level of $1.30, the Secretary can hold down the wheat price if he wishes, and judging from past performance in the feed grain program, that is what he could be expected to do. The Secretary arbitrarily set a handling charge in the feed grain program of not 20 cents, where it normally should be, but at 9 cents a bushel, and whether it be a cooperative elevator, an independent elevator, or warehouseman, they cannot compete with the Commodity Credit Corporation under those terms. The result is that the Government controls the grain trade.

Again, as pointed out in the Farmer's Union Herald by Mr. Thatcher Factor, he says either the Government must get out of the business or the farmer must get out. I think the farmer should be permitted to have his own merchandising of his own property.

I would like to point out that we are in this very serious position here in the House. I operate a farm, and one of the things I regret is the fact those of us who are farmers seem to have no voice in the things we know best. I would like to point out that under the rules under which we are operating, in case we are the minority here in the House by a 3-to-2 ratio, and over in the Senate 2 to 1. Normally we would have a conference on a bill such as this one. Under the rule granted, there is not much of a chance that our conferees will change this bill. We will have to vote it up or down as it is and in effect we are now asked to repeat the mistake in the feed grain bill.

I would like further to say it is regrettable that we only have 30 minutes to talk about this particular measure and to emphasize and correct the things that are bad in it. We cannot even have time to talk about that. We cannot amend the bill for instance to provide for a release price of 115 percent of the loan support date as I have recommended. We have to take it or leave it.

This morning I had a delegation of farmers call on me and they said "We know this bill is not what it ought to be, but it is the best we can get." Is that not a regrettable situation when I represent farmers in a district and cannot represent the point of view of the people we represent?

I think it is regrettable we should have a situation like this crammed down our throats, not only ours, but the farmers we represent all over the country.

Again, I want to thank the gentleman for taking the time today on this matter.

Mr. DOLE. I thank the gentlemen who have participated and would point out there are some marked differences between the bill we considered in the House subcommittee, the bill finally approved by the full House committee on March 11, and the bill passed by the Senate, and I refer only to the wheat portion of the wheat-cotton bill.

There are many things I have not been able to understand to my satisfaction: Under the Senate-passed bill, as one example, the Secretary is authorized to create a special acreage reserve of up to 1 million acres in 1965, and subsequent years. I do not yet know where these acres are coming from, or where they go, but before the Secretary can give acres to somebody he must take them from someone. In Kansas we like to feel we will keep the acres we now have. With about 20 percent of the allotted acres now in Kansas and the greatest producing State, we are not anxious to lose more of our allotted acres to any other area.

This is a very important provision of the bill. What happens to this million acres? I have never been told to my satisfaction. When this bill was before the committee on March 11 it was not even read. We voted on a mimeographed bill in the subcommittee on January 27 and on the Senate-passed bill, were not even permitted to have it read.

It is a sad day for the American farmer when he must come to the Halls of Congress and have only 60 minutes. It is a sad day when we must take time after the regular business to talk about a very important bill, or have no time at all. Not only the farmers are affected by this legislation but other millions of people who are affected directly or indirectly.

To avoid the stigma of the 70-cent and 25-cent certificates, the Senate bill says 65 to 90 percent of parity. Why have we not had testimony on these matters? Why have we not had answers from Secretary Freeman? We are asked to vote on essentially the same thing farmers voted on last May 21 and rejected. Either way the action by Congress could affect the economy of Kansas and every other wheat-producing State in America. Why? Because Secretary Freeman says if this bill is not passed wheat will be $1.25. Last year he stated wheat would be $1 a bushel and he could make it 80 or 90 cents if he wishes. Is this the kind of action we must expect from a Secretary of Agriculture, any Secretary of Agriculture? I do not think so. I think we should know now the Secretary is in sympathy with the farmer and what he is going to do about it. I read today where the press referred to this bill as a relief bill. I think it is a travesty.

Mr. CHENOWETH. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Colorado.

Mr. CHENOWETH. I want to commend my colleague and congratulate him on his diligence in protecting the interest of the wheat farmers of this country. I represent the eastern part of Colorado, which has a large wheat-growing area and has conditions which are similar to those in the gentleman's district of western Kansas.

I would like to ask the gentleman what he feels the general sentiment is among the wheatgrowers? I know he was home last week and was making every effort to find out what the situation is. Am I correct in saying there is a divided opinion among the wheatgrowers as to what the effect of this legislation would be?

Mr. DOLE. Yes, I think the gentleman from Colorado has it analyzed correctly. There seems to be a divided opinion. Many asked how I was going to vote, as there are still sharp differences of opinion. Farmers are asking questions such as, "Why vote for a wheat bill, BOB, we rejected last year?"

This bill merely suspends controls for the 1965 crop. In 1966 the farmer will have the same mandatory program the majority turned down last May. In fact, the farmers of Colorado, Kansas, and everywhere else are being given about what they turned down last year. So this is not a voluntary plan for this year and subsequent years. It is for 1 year—1965.

Mr. CHENOWETH. The gentleman referred to the probable price of wheat, the market price of wheat in the event that this legislation should fail. What is the gentleman's best judgment on that situation?

Mr. DOLE. I think the man who could answer that would be Secretary of Agriculture Orville Freeman. If he wants to strengthen the market price of wheat, he could put a lid on commodity stocks and the price would go up, but if he wants to hang this over the farmer's head in order to get compliance, the price will go down. If I knew what the market price of wheat was going to be, if the bill was rejected, it certainly would make it easier to determine how to vote.

Mr. CHENOWETH. I talked with some wheat farmers in my district last week and I told them I did not think the Secretary of Agriculture was going to let wheat go to $1.25, particularly in an election year.

Mr. DOLE. This is 1964 and there is an election later on this year. I am certain the Secretary is attuned to this kind of thing. He has been in politics a long time and he has a responsibility to the American farmer which transcends politics to see that the market does not drop. If we are going to tell the farmers of Kansas and Colorado—unless your Congressmen votes for this bill, the price of wheat will go down, then we are operating under a type of procedure I want no part of.

Mr. CHENOWETH. Is it not true that this is a very complicated situation; that is, this matter of wheat legislation; and it is very intricate and very difficult for anyone to understand all of the ramifications?

Mr. DOLE. It is difficult for those who support this sincerely and there are people who sincerely support this concept. It is difficult for those who are opposed to it, and there are people who are sincerely opposed to this concept. So it is neither all one way or the other.

It is a very difficult problem that we must resolve on the basis of what is best now and in the future for American wheat producers.

Mr. CHENOWETH. Again I commend the gentleman for taking this special order today so that there could be this discussion of this very important and very intricate subject which is of such great importance to the people of our area.

Mr. DOLE. I might point out, the bill does have some features that are helpful to certain areas in Colorado and Kansas where they have had substandard moisture and where they made an effort to plant but will have no production. Under this bill they would benefit. We tried to point this out at our meetings, to be completely objective because this is our primary responsibility.

Mr. CHENOWETH. As I understand it, the 70-cent certificate price would prevail regardless of whether they actually produced wheat.

Mr. DOLE. That is right. It applies to the planted acres. If an effort was made to plant and, in fact, they were planted, the farmer would be paid and also receive the diversion payment. I am certain this is correct.

Mr. CHENOWETH. I thank the gentleman.

Mr. ANDREWS of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman.

Mr. ANDREWS of North Dakota. I appreciate the opportunity we have had this afternoon to bring some of these facts to the floor of the House of Representatives. I think that as a farmer, perhaps, I resent more than as a Member of the Congress the highhanded manner in which this entire situation has been handled. Perhaps, there has been a lack of interest in the farmers' needs or a lack of compassion or a lack of willingness to allow Members an opportunity to work their will. This bill may well fail because of the way it has been handled. This is not exactly what I would like to see. However, I think that we, as Members of the Congress, have to realize we have a responsibility. I think part of that responsibility is laying out clearly to the farmers just exactly what this bill does entail. You have mentioned the fact that in 1966, this becomes a mandatory program. But as a member of the Committee on Agriculture, is it not true that this bill merely temporarily suspends the mandatory program that would be in effect if we did not have this 2-year suspension passed, and in 1966 the mandatory rule that goes into effect goes into effect because of a law that is already on the books? Is that not true?

Mr. DOLE. That is the effect of this bill, yes.

Mr. ANDREWS of North Dakota. It is not the effect of the bill that it becomes mandatory in 1966. The bill suspends the mandatory provision for 1964–65 and it becomes mandatory in 1966 because of a law that already exists.

Mr. DOLE. That is correct. What we are doing is amending permanent law. We are suspending its operation for a period of 2 years; however, don't forget the farmers rejected quotas on this year's crop.

Mr. ANDREWS of North Dakota. The point has been made that under this bill the Secretary has authority to enact a release price of 105 percent. Is it not true that the Secretary already has this authority to sell wheat on the open market at 105 percent of loan?

Mr. DOLE. Yes.

Mr. ANDREWS of North Dakota. Actually, the loan price now is lower than the loan price in the bill.

Mr. DOLE. The point is that this is a minimum now, 105 percent. I feel that it should be higher, at least 115 percent, for many reasons. If it is a truly voluntary program, I believe the free market should have a chance to operate.

The gentleman is correct.

Mr. ANDREWS of North Dakota. I certainly agree that I would like to see a 115- or 125-percent release price. However, the fact of the matter is that as of today under the law we have a 105-percent release price.

Mr. DOLE. That is correct.

Mr. ANDREWS of North Dakota. In view of the fact that we have a 1-year stock of wheat on hand, that we have a mandatory program already on the books, and that we have a Secretary of Agriculture who has not always shown the greatest compassion for the farmers of America——

Mr. DOLE. What was that last statement?

Mr. ANDREWS of North Dakota. In view of fact that we have a Secretary of Agriculture who has not always shown the greatest compassion for the farmers of America, what can we offer as an alternative if we turn down this program? Exactly what can we offer to the farmers in the way of a program?

Mr. DOLE. I would point out to the gentleman that he made a very good suggestion when he appeared before our subcommittee concerning his program. I do not agree completely with his program, but it is better than this one. Twenty of us had other programs, in fact there were over 50 bills pending before the subcommittee, but there were perfunctory hearings.

Apparently the administration and its supporters had the ground rules laid out before, so that at the proper time they would come forward with a bill that designated a voluntary plan, and we would have to take it or leave it.

Mr. ANDREWS of North Dakota. I appreciate the good things the gentleman has had to say about the bill which I introduced, along with other Members of the House. However, the gentleman has been involved with this problem for a long time.

In your best judgment, would you say that we have a possibility of passing a better bill if we turn this bill down?

Looking the facts squarely in the eye, what can we do? The farmers are planting now. Time is running out. A filibuster is going on in the other body. Can we, who have a responsibility to the farmers of our districts, say in honesty we believe we have a good chance to pass an alternate bill if we turn down this bill?

Mr. DOLE. Our combined experience would not be very much in the Congress—and I say this in all sincerity—so I do not know exactly what our chances might be. I know that last June, July, and August, when I was pleading about the need for legislation, I could not seem to stir up much enthusiasm in our committee.

I do not know what might happen. The chairman of the subcommittee is present. I believe he will agree that we dismissed some six or seven things on which there was almost complete agreement, such as raising the support price, raising the release price, and suspending the Anfuso amendment. These were some things, the chairman would agree, that we discussed in the subcommittee informally, but thoroughly, and found were areas of great agreement.

Mr. ANDREWS of North Dakota. I wish to make one final point. In the conversations I have had with Members of the House who have much more seniority than the gentleman from Kansas, now in the well, or the gentleman who is the chairman of the subcommittee, and certainly more than I have had, I have heard a unanimity of opinion expressed that if the wheat bill is turned down, there will be no wheat legislation this year.

I thank the gentleman for yielding.

Mr. DOLE. That is a very good question. I do not know the answer.

I merely wish to make one other point. I hope the day has not come when, as a Member of Congress, I must tell the farmers in advance, "If you do not take this, you will be wiped out for the remainder of the year." If this is the attitude of the administration, the farmers should know it today.

Mr. ANDREWS of North Dakota. I think this is the attitude of the administration.

Mr. BEERMANN. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Nebraska.

Mr. BEERMANN. I believe we ought to put the responsibility where it belongs now. If this type of legislation is turned down by the defeat of the rule, it will take very little time to iron out the differences. This can go to conference. It would take very little time to iron out the differences and to bring back a bill, in a week or the next week.

The idea of trying to vote out a rule with no opportunity for debate on either side and no amendments or anything else is fantastic in the greatest deliberative body in the world.

Mr. ANDREWS of North Dakota. I appreciate that remark. The point I should like to bring out is the fact that in my conversations with Members on both sides of the aisle—those who, in effect, run this House; and particularly those in the majority party—the feeling apparently is distinct that the attitude of the administration is that if we do not pass this wheat bill, there will be no wheat bill this year. If I am wrong in this, I would certainly like to be corrected before the time comes to cast a vote.

Mr. DOLE. I might say that this is what they told the farmers last May, but they are here now with a wheat bill. They might change their attitude.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Minnesota.

Mr. NELSEN. In response to the remark about the 105-percent release price referred to by my good friend, I point out that that is in the bill now. It always has been the accepted practice that the handling charge is so much per month, and it adds up to about 20 cents per bushel. By administrative decision that has been reduced to 9 cents. So in effect 105 percent is not being adhered to under the rules formerly in the ball game, as far as the Commodity Credit Corporation is concerned.

The gentleman in the well referred to what the Secretary said. I am reminded of the story of the New Hampshire immigrant who came into the State of New Hampshire and was there about 10 years. He said to one of his friends, "What do you have to do to be one of the fellows here? I have been here for 10 years and I am still not one of the boys." The other man said, "Just because a cat has kittens in the oven that don't make them biscuits."

The Secretary has told us repeatedly with reference to every bill that he has brought in that this is the answer. The truth of the matter is that the parity ratio of farm income is now 77 percent of parity which is the lowest it has been since 1939. So, obviously those biscuits did not turn out well.

Mr. PURCELL. To me, it is regrettable that we spend so much time in these discussions trying to place the blame for the good and bad points of legislation on one or more administrative officials. I feel that it is the responsibility of the Members of this body to accept the responsibility that is ours to study the situation and to develop the best possible legislation.

I, for one, am ready to accept this responsibility, to say that the legislation we vote up or down is the work of the House. I believe this is our responsibility to the country, and, in this instance, to the farmer. We could try to place blame all day. But, the fact is that the future of wheat legislation for this year is our responsibility. It is time for us to realize that this is the only opportunity we have to provide wheat legislation this year, to accept our responsibility for what it is, to vote on this legislation on its merits, and not on the demerits or merits of some individual.

Mr. DOLE. I agree in part, but also feel we have an even greater responsibility to act independently of the other body. Let us expose the bad points now and not wait until the farmer learns the hard way about its defects.

The SPEAKER pro tempore. The time of the gentleman from Kansas [Mr. Dole] has expired.

FACTS, FIGURES, AND LETTERS TO CONGRESSMAN BECKWORTH

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. Beckworth], is recognized for 15 minutes.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, 22 of my 50 years have been spent in Congress. During these 22 years I have tried to help all our veterans, their widows, and dependents, and all our service people and their dependents—I voted for the servicemen's pay raise on May 8, 1963—and I have tried to help our aged and others.

Within the last 3 years I have introduced two bills to enable more students and teachers to work in Washington in the summertime for the Government in order to learn more about our Government. These bills passed the House of Representatives by record votes of over 300 votes for, to less than 25 against.

My bill H.R. 10 passed the House December 2, 1963—301 for, 18 against.

I have mentioned I have tried to help our aged. I voted for the Kerr-Mills bill.

Longview, Tex.,
August 6, 1963.

Hon. Lindley Beckworth,
House of Representatives,
Washington, D.C.

Dear Sir: Pursuant to my recent letter to you I've received phone calls from seven of my fellow constituents asking me what I had done to incur your wrath. I had been under the impression that you had voted for a King-Anderson-type bill. Therefore I wrote Mr. Williston for your voting record and enclose his reply. It seems you had not supported socialized medicine and that I owe you an apology.

I also urge you to continue your voting against any form of federalized or socialized medicine and I may bring my wife and two children to visit you, your wife and five children. Make it specific and we will be there.

A copy of this letter has been mailed to seven of the doctors here in Longview.

Respectfully yours,
Walter Cave, M.D.

I have tried to help our unemployed, including our older workers. Some evidence of my efforts is shown by my statements and the tabulations on pages 2857–2863 of the February 13, 1964, issue of the Congressional Record. I quote two paragraphs from a letter written me by Senator Pat McNamara, March 25, 1964. He is chairman of the Senate Special Committee on Aging:

> Thank you for calling my attention to the material you inserted in the Congressional Record of February 13 concerning Federal employment of older workers. The staff of the Senate Special Committee on Aging tell me that they noted the data when you inserted it in the Record and that it is one of the best discussions of the subject.
>
> You are certainly to be commended for your zeal in combating age discrimination in Federal employment, and I wish you well in your further activities along this line.

I quote the pertinent part of a letter I received from Hon. Stephen S. Jackson, Deputy Assistant Secretary of Defense, which was written me June 9, 1958:

Dear Mr. Beckworth: At a recent hearing before the Davis subcommittee of the House Post Office and Civil Service Committee, you questioned the late Assistant Secretary Francis regarding age limits for civil service employment in the Department of Defense.

The 46-year-old woman to whom you referred undoubtedly applied at Barksdale Air Force Base, which is one of the recruiting points for Air Force oversea positions, for a teaching position in the Air Forces oversea dependents schools.

The Air Force plans, therefore, in recruiting for the 1959–60 school year to increase the age limit for oversea schoolteachers to 60.

In the 1st session of the 86th Congress I introduced H.R. 7724, "a bill to amend section 1622 of title 38 of the United States Code in order to clarify the meaning of the term 'change of program of education or training' as used in such section." A favorable report was given on my bill by the American Legion on July 15, 1959:

The American Legion,
Legislative Commission,
Washington, D.C., July 15, 1959.

Hon. William Jennings Bryan Dorn,
House of Representatives,
Washington, D.C.

Dear Congressman Dorn: I understand that you will preside at a meeting of the Subcommittee on Education and Training of the House Veterans' Affairs Committee scheduled to be held on July 21 in connection with H.R. 4306 and H.R. 7724.

The American Legion is not asking for the privilege of a personal appearance on either one of these bills.

We are not in a position to support H.R. 4306.

In connection with H.R. 7724, while we have no resolution on the subject matter, I would advise that the American Legion's rehabilitation representatives feel such an amendment to section 1622 of title 38 of the United States Code is desirable. We, therefore, trust the subcommittee will favorably consider H.R. 7724.

With kind regards.

Sincerely,

Miles D. Kennedy,
Director.

The Veterans' Administration gave a favorable report on my bill. The bill was reported favorably by the Dorn subcommittee on July 21, 1959, and its provisions have now become law.

I quote from the Washington Post of March 5, 1964, some words about a dinner given in Washington in March 1964, by the American Legion national commander, Hon. Daniel F. Foley:

> There were no formal speeches, although in his brief remarks Commander Foley mentioned the GI bill of rights, which was passed 20 years ago:
>
> "Many of you in this audience tonight played a part in the passage of that bill," Foley said, "both as Legionnaires and as Members of Congress, and to all of you, the veteran population of this Nation owes a vote of thanks that would be difficult, if not impossible, to repay."

I actively supported the so-called GI bill. At this point I wish to include in the CONGRESSIONAL RECORD the pertinent part of a letter written to me by Mr. Harry E. Rather:

THE AMERICAN LEGION,
DEPARTMENT OF TEXAS,
Austin, Tex., April 26, 1944.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D.C.

DEAR LINDLEY: Thanks for your prompt reply in regard to the resolution passed by the department executive committee regarding the Legion's GI bill of rights for World War II veterans. We know that you are for this legislation. We have known it all along and we are very pleased to find that you were at least one of the Congressmen from Texas to sign discharge petition No. 8.

Sincerely yours,
HARRY E. RATHER,
Department Adjutant.

I worked diligently to help pass the terminal leave legislation for enlisted men.

TERMINAL LEAVE FOR ENLISTED MEN AND LETTER ENDORSING BECKWORTH'S BILL—H.R. 1160

(June 7, 1946)

Mr. BECKWORTH. Mr. Speaker, on December 18, 1943, I introduced a bill (H.R. 3875) to provide terminal leave for enlisted men. On January 8, 1945, I introduced H.R. 1160, a slightly modified form of my first bill. The national legislative committee of the American Legion endorsed my bill H.R. 1160. Several Members of Congress and I appeared before the House Military Affairs Committee urging the passage of the terminal leave legislation. I include at this point the endorsement of the American Legion:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D.C., October 24, 1945.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: We are, as you know, vitally interested in your bill, H.R. 1160, which provides terminal leave to enlisted men in the same manner as is now given to officers, except that it also provides that the compensation to which the soldier is entitled shall be paid in a lump sum, which, of course, is a very good idea.

Sincerely yours,
JOHN THOMAS TAYLOR,
Director, National Legislative Committee.

I have undertaken at all times to cooperate with the members of the Veterans of Foreign Wars, the Disabled American Veterans, and the American Legion.

I quote part of a letter written December 31, 1945, which I received from Mr. Joseph M. Stack, commander in chief, Veterans of Foreign Wars of the United States, Kansas City, Mo.:

> I have the page from the CONGRESSIONAL RECORD reprinting your remarks and the various communications you have received in connection with your activities in behalf of veterans and their dependents, and I wish to express my appreciation for your efforts along this line.

Also I quote a part of a letter which was written to me March 13, 1963, by one of the outstanding leaders of the Veterans of Foreign Wars:

> You are known to have supported all veteran legislation.

I was chairman of the War Claims Subcommittee of the House Interstate and Foreign Commerce Committee. This is the subcommittee under which prisoner of war legislation was considered. It helped prisoners of war.

I have been second ranking member of the Interstate and Foreign Commerce Committee—next to the chairman. This committee handles oil, gas transportation, and communications legislation. I was chairman of the Transportation Subcommittee, the Airplane Accidents Investigating Subcommittee, and the Newsprint and Brands and Grade Labeling Subcommittees.

This subcommittee helped many newspapers and businesses including the Southland Paper Mill.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1964.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

DEAR LINDLEY: I am enclosing a copy of the meat import bill and a copy of a statement which has been prepared for me, telling just what the bill does, its background, etc. Your interest in and help with the bill is greatly appreciated.

Most sincerely,
A. SYDNEY HERLONG, Jr.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., March 9, 1964.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

DEAR LINDLEY: This will acknowledge receipt of your penciled note which has just reached my desk.

I agree with Mr. Jack Price that there is too much beef coming into the country, and I have been assured by Senator HARRY BYRD that hearings will be held on my proposal, S. 2525, to reduce imports to an average over the past 5 years.

Must close now, but with best personal wishes, I am,

Sincerely yours,
MIKE MANSFIELD.

Mr. Speaker, this table was sent to me by Harald M. Graning, M.D., of the U.S. Public Health Service, March 16 1964:

Hospitals and medical facilities in 3d Congressional District, Texas, which have been approved for Hill-Burton funds

Location	Name of facility	Type of construction	Initially approved	Total cost	Federal share
Kilgore	East Texas Treatment Center Rehabilitation Facility	New rehabilitation facility	August 1961	$329,953	$163,946
Do	Kilgore Memorial Hospital	75-bed new hospital	July 1948	1,450,605	459,421
Longview	Good Shepherd Hospital	64-bed general hospital addition and remodeling	February 1957	1,181,518	531,500
Do	do	60-bed general hospital addition and remodeling	July 1948	891,777	283,435
Carthage	Panola County Hospital	50-bed new general hospital	January 1948	558,618	182,668
Do	Sabine Area Nursing Home	50-bed new nursing home	January 1964	450,000	225,000
Center	Shelby County Hospital	23-bed new general hospital	August 1956	395,441	184,000
Tyler	Medical Center Hospital	133-bed new general hospital	March 1948	1,685,457	558,776
Do	do	80-bed general hospital addition	December 1957	1,076,550	517,000
Do	Mother Frances Hospital	128-bed general hospital addition and remodeling	August 1963	4,074,844	1,050,000

The Federal Government contributed $48,489 to the building of the Rusk County Airport at Henderson.

This table was sent to me February 27, 1963:

SMALL BUSINESS ADMINISTRATION,
Dallas, Tex., February 27, 1964.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BECKWORTH: Reference is made to your letter under the date of February 29, 1964, inquiring as to the amount of Federal funds that have been disbursed in Rusk County, Tex., in the last 10 years. In connection with the Area Redevelopment Administration loan program, office records disclose the following.

Name, date, and amount	
Henderson Industrial Trust, Henderson, Tex.:	
Approved, Oct. 25, 1963	$149,500.00
Disbursed (fully), Feb. 18, 1964	149,500.00
Red Dot Plastics Industries, Inc., Henderson, Tex.:	
Approved, Feb. 6, 1963	228,540.00
Disbursed, May 13, 1963	176,187.80
Disbursed, May 23, 1963	50,421.24
Disbursed (fully), Oct. 25, 1963	1,930.96
Total	228,540.00

The SBA sent me this March 12, 1964:

SMALL BUSINESS ADMINISTRATION

A SECTION 502 DEVELOPMENT COMPANY LOAN

(Small Business Investment Act of 1958, as amended)

Local development company: name, Kilgore Industrial Foundation, Inc.; address, Kilgore, Tex.; president, H. Donnell; term of loan, 20 years; amount, $160,000.

Participating bank: name, Citizens State Bank and Trust Co.; address, Kilgore, Tex.; amount, $16,000.

Small-business concern: name, Kilgore Manufacturing Co.; address, Kilgore Tex.; president, W. R. Yazell; type of business, cutting and sewing women's apparel; new jobs created, 75.

Construction of an industrial building.

This table was sent to me by the Housing and Home Finance Agency, February 28, 1964:

Institution and location	Federal funds	Scope
Baylor University, Waco	$1,250,000	Housing for 366 women. Completed. Loan approved Oct. 29, 1952.
	669,000	Housing for 340 men. Completed. Loan approved June 23, 1953.
	320,000	Housing for 48 student families. Completed. Loan approved Mar, 31, 1955.
	1,805,000	Housing and dining for 595 women. Completed. Loan approved Apr. 9, 1956.
	1,711,000	Housing for 558 men, dining (534 seats). Completed. Loan approved Feb. 11, 1959.
Abilene Christian College, Abilene	1,716,000	Housing and dining for 312 men, 210 women. Completed. Loan approved Sept. 9, 1954
	1,024,000	Housing for 352 women, 2 infirmary rooms. Completed. Loan approved Apr. 12, 1960.
Texas-Christian University, Fort Worth	1,800,000	Housing for 316 men, 302 women. Completed. Loan approved Sept. 10, 1956.
	1,790,000	Housing for 240 men, 250 women. Completed. Loan approved Mar. 18, 1958.
Southern Methodist University, Dallas	1,900,000	Housing for 302 men, 245 women. Completed. Loan approved Oct. 10, 1955.
	2,825,000	Housing for 303 men, 155 women 67 student families, dining (303 men). Completed. Loan approved July 30, 1958.
	4,000,000	Housing for 348 men, 378 women, addition to college union-dining (550 seats). Under construction. Loan approved May 21, 1963.
Tyler Junior College, Tyler	200,000	Housing for 48 men, 48 women. Completed. Loan approved Aug. 30, 1957.
	90,000	Housing for 48 men, infirmary room. Completed. Loan approved Oct. 13, 1961.

This table was sent to me by the U.S. Office of Education, March 9, 1964. I submit the pertinent part:

Obligations to selected higher education institutions for student loans and national defense fellowships in Texas

Institution	Fiscal year 1959	Fiscal year 1960	Fiscal year 1961	Fiscal year 1962	Fiscal year 1963	Fiscal year 1964 estimate
Defense educational activities: Title II student loans:						
Abilene Christian College	$85,925	$55,397	$112,014	$182,700	$189,350	$240,660
Baylor University	78,315	172,152	250,000	250,000	250,000	390,600
Texas Christian University	144,027	84,078	85,500	72,900	157,379	153,000
Tyler Junior College		8,214				
Le Tourneau College					13,500	24,000
Southern Methodist University	92,512	63,734	86,796	124,020	150,397	181,493
Subtotal	400,779	383,575	534,310	629,620	760,626	989,753

I have diligently worked to help bring industry to east Texas. I have always cooperated with all of our officials in this connection. I worked with citizens of Longview to help bring the LeTourneau operations to east Texas.

During World War II, I worked to bring to the Third Congressional District, Camp Fannin in Tyler, Harmon General Hospital in Longview, and the radio training program in Tyler.

I quote from page 3 of the fall 1963 issue of Chronicles of Smith County published by the Smith County Historical Society and Historical Survey Committee, Tyler, Tex.:

> Major Caldwell (today a retired full colonel living in Oklahoma City) provided the following report of the instructions given him at 8th Corps Headquarters:
>
> "We are being pestered by Congressman BECKWORTH to establish some sort of military installation in his district and to try to quiet him down, we have decided to set up a radio training school at Tyler, Tex., and to operate it for only 3 months.

I continue to quote from the fall 1963 Chronicles of Smith County:

> More than 2,000 soldiers from every State in the Union and representing virtually every branch of the Army took the 13-week radio operator training course at Tyler Commercial College. A total of 1,997 men successfully completed the course by attaining the required minimum code speed of 15 words per minute.

At Pounds Field in Tyler, Tex., during World War II—Pounds Field was then an Army installation—there was a program of advanced training carried on by the Air Force. About 1,700 men were trained there prior to January 1945.

I always have voted to strengthen and keep strong our country militarily and otherwise and I always have voted for the House Un-American Activities Committee and shall so vote in the future. I quote the pertinent part of a letter written to me by Vice Adm. Alfred G. Ward, Deputy Chief of Naval Operations, Plans and Policy, on February 14, 1964:

> Secretary McNamara represents the Defense Department as a member of the National Security Council. In this capacity he is not only consulted by the President and Secretary of State but actively participates in the foreign policy decisionmaking process. The Joint Chiefs of Staff are Secretary McNamara's military advisers, as well as advisers to the President and to the National Security Council.
>
> Early in 1963 under an exchange program between the State and Defense Departments 12 military officers were assigned to the State Department and an equal number of Foreign Service officers were assigned to the Defense Department. Of this exchange group, an Army and Navy officer were added to the State Department Policy Planning Council.

THE WHEAT-COTTON BILL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from North Carolina [Mr. WHITENER] is recognized for 30 minutes.

Mr. WHITENER. Mr. Speaker, the remarks of the gentleman from Kansas [Mr. DOLE] and our other colleagues, on the important legislation which will be before us on Wednesday of this week, have been most interesting to all of us, I am sure. I, too, am interested in this legislation, primarily, I must admit, because of the cotton provisions of the bill. There is no greater economic problem in this country than that which confronts the textile industry due to the inequitable two-price cotton system now in being. I do not believe anyone would undertake to justify the proposition that the American textile industry should have to pay 8½ cents a pound more for American-grown cotton than their foreign counterparts pay. So, I hope that the legislation will be approved by the House when it comes before us on Wednesday.

I hasten to point out that I do not consider this legislation to be ideal. I said before that I regret that the Congress must approach the problem in the way in which it is approached in the legislation. The Tariff Commission has had ample opportunity, under existing administrative procedures, to give to the American people relief when the section 22 application was before that Commission on the motion of the Secretary of Agriculture. That has not been done. Then, again, we had an application based upon the national security provisions of the Agricultural Adjustment Act. Again the American people lost the battle.

Mr. Speaker, the only thing left now is this legislation which will shortly be before us.

Mr. Speaker, on previous occasions I have mentioned that there are many who feel that this legislation constitutes some sort of bonus or subsidy to the domestic textile industry.

I have attempted to point out that while it will be of assistance to the domestic textile industry, the real beneficiaries of this legislation in the long pull will be those people who are involved in the cotton agricultural economy of the Nation.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I am happy to yield to my neighbor and colleague, the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, I would like to associate myself with the remarks of the distinguished gentleman from North Carolina and to agree with him that while some have said that this legislation will not produce any jobs, what this legislation will do is to preserve jobs that otherwise might not exist in the future. Does the gentleman agree with me on that?

Mr. WHITENER. I certainly do. I thank the gentleman for his remarks.

Mr. HEMPHILL. If the gentleman will yield further, I might further say that I have shared with the distinguished gentleman in his great endeavor to protect the textile people of his district and the industry itself the fear that we have had because of the decline in the number of people engaged in employment in the textile industry.

I share the belief of the gentleman from North Carolina also that this will help to stabilize that employment and probably increase that employment.

Mr. WHITENER. Well, I certainly hope that the gentleman's prediction is correct.

I believe that this is our only possibility at the moment. Therefore I would hope that others would join with the gentleman and me in supporting the legislation.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield further?

Mr. WHITENER. I am happy to yield further to the gentleman.

Mr. HEMPHILL. I not only will support the legislation, but I am hoping to persuade others of the justice of our cause, because the gentleman from North Carolina and I so often have tried to be of help to others who had legislation of a peculiar interest to their particular economy. I thank the gentleman for yielding.

Mr. WHITENER. I thank the gentleman from South Carolina.

Mr. BECKWORTH. Mr. Speaker, will the gentleman yield at this point?

Mr. WHITENER. I am happy to yield to the gentleman from Texas.

Mr. BECKWORTH. Mr. Speaker, I want to commend the gentleman from North Carolina on the serious study which he has given this subject, one which is of vital interest to many of those who are directly or indirectly engaged in the cotton industry and the agricultural phase of that industry which affects cotton.

I know the gentleman from North Carolina has made a considerable study as to the impact of textiles which are made from synthetics.

Could the gentleman make a few additional comments as to what he feels may result of a detrimental nature to the cotton industry because of the continued use of more and more synthetics?

Mr. WHITENER. Well, I certainly appreciate the fact that the gentleman from Texas [Mr. BECKWORTH] has joined in this discussion.

I do not know whether the gentleman has some unusual extrasensory perception or talent in clairvoyance, but I was just before going into that subject when the gentleman from South Carolina [Mr. HEMPHILL] asked me to yield to him.

I think that in going into it, I go back to what I was saying when the gentleman from South Carolina asked that I yield. I repeat that I believe the cotton farmers in the long run will be the chief beneficiaries of legislation which will eliminate the two-price cotton system. This is precisely because of the subject raised by the gentleman from Texas, and that is the invasion of manmade fibers in the textile production field in this country.

Mr. Speaker, just last week at the annual meeting of the American Textile Manufacturers Institute, held at West Palm Beach, Fla., Mr. R. G. Stoll, an official of the Celanese Corp. of America, one of the large synthetic fiber producing companies, made a speech which was reported very broadly in the newspapers.

I requested a copy of this speech as soon as I read about it in the press, and it was very generously furnished to me. At this time, to get to the question that the gentleman from Texas [Mr. BECKWORTH] has just raised, I might read a few paragraphs from Mr. Stole's speech to the ATMI at West Palm Beach. Among other things, he said:

> Let us now look at a few areas which may offer special opportunities or threats to your industry and which may become important fields for the technological and fashion innovations. Cotton printcloth is one of the biggest commodity items for which highly efficient manufacturing methods have been developed, and extensive work is underway to improve the process by mechanization and automation. Although quite different in character and style, jersey tricot made from filament yarns has also found extensive use as printcloth. The price structure of these two commodity items puts them essentially into the same category, which could lead to the conclusions that the overall economies are very similar. However, considering the total capital investment and the manpower required to manufacture these goods, a totally different picture emerges.
>
> For the spinning and weaving of 1 million yards of cotton printcloth per week, a modern printcloth mill requires a capital investment of $14.7 million fixed capital and 390 people to operate the mill. For knitting the same yardage of fabric from acetate, nylon, or triacetate yarn, a capital investment of approximately $2 million is required and approximately 64 operators. If we determine the total capital investment for the man-hours for these two processes and products, beginning with the growing of the cotton, and the manufacture of the raw materials for the continuous filament yarn production, the following data are obtained: For 1 million yards of cotton printcloth per week, $19 to $21 million of fixed capital investment and 40,000 to 45,000 man-hours is needed, as against $18 to $20 million of fixed capital investment and 14,000 to 15,000 man-hours for the continuous filament tricot printcloth. While the total capital investment of the two routes is of the same order of magnitude, the total man-hours required for the production of the knitted filament yarn fabric is only about one-third of that needed for growing, spinning, and weaving cotton printcloth. The automation of the cotton spinning mill will reduce the manpower requirements but add to the capital investment and will not significantly change the favorable economics of the jersey printcloth. It is recognized that the characteristics of a tricot fabric are so different from a cotton printcloth that it will not be possible to use one as a replacement of the other. However, when a production method offers such significant economical advantages, future technological developments may lead to additional commercial innovations. The tailor-making of filament yarns together with the development of special knitting techniques may open up additional fields for tricot knit fabrics. This probably will not represent an immediate threat to woven fabrics but the low labor requirements of the knitting route using manmade yarns, and the possibilities of tailoring chemically produced yarns to meet functional and style requirements cannot but help this production method from gaining ground as labor gets scarcer and more expensive.
>
> A similar comparison could be presented for circular knitting versus woven outerwear fabrics. Here again, the knitting would show considerably less capital and labor requirements than the automatic weaving of fabrics. In addition to the favorable economics, circular knitting offers a multitude of style variations which can be introduced in much shorter leadtimes than new styles in woven fabrics.
>
> This is of particular importance to the fashion industry where the ability to change designs quickly is the key to better profits.
>
> Circular as well as wrap knitting cannot be challenging with respect to the economics of converting yarn into fabrics. In addition, knitting offers a flexibility not inherent in the weaving process and thus permits rapid adjustments to the style demands of fashion. From a performance point of view, knitted fabrics have at the present time many limitations but they offer ease of care characteristics much more readily than woven structures. It is therefore no farfetched conclusion to anticipate that both wrap and circular knitting will continue to make inroads in the woven fabric market.
>
> This change will be accompanied and accelerated by the increasing use of manmade filament yarns—particularly the textured type. The rate by which textured filament may replace spun yarns will be determined primarily by their comparative economics and the functional and style advantages or limitations. But here again, economic advantages will be a strong driving force.
>
> It is not too presumptuous to predict that the knitting field and the tailormaking of filament yarn for warp and circular knitting will offer one of the most outstanding research fields to the fiber and textile industry. Innovations in this field may lead to a change in the industry comparable to the replacement of woven by tufted carpets made from textured filament yarn.

Mr. Stoll at that point pointed out something which is well known to all of us who are at all familiar with the carpet industry history. One of the great new phases of the textile industry has been the development of the tufted carpet made from synthetic fibers. As we go about Washington in these new modern buildings we see the use of these carpets in the hallways and in the offices and in the living quarters of apartment buildings, because these particular types of carpets have many advantages. But my point is that aside from the advantages which have been obtained, they have had a great impact upon the wool-producing sector of our economy. This is what Mr. Stoll, an official of one of the great synthetic fiber-producing companies in this country, is saying. This is an indirect answer to the question raised by the gentleman from Texas, that it is not too presumptuous to predict that the use of manmade fibers could well have as much impact on the cotton agricultural side of our economy as has the use of these manmade fibers in the production of carpeting had upon the wool agricultural economy.

So this is the thought that I think might well be considered by many who sit here with us in the House. I refer to those who feel that they are representing the best interests of the cotton-producing areas of the country and I happen to represent one of those. When they come to vote on this proposition on Wednesday they should remember that our domestic producers of cotton have as their basic market the American textile industry. They will survive only so long as this basic market is preserved. Those of us who come from textile manufacturing areas have seen what has happened in the expansion and the use of manmade fibers. More can yet happen which will greatly affect the use of American-grown cotton.

We have seen the rather dramatic results of research and development programs by the producers of synthetics in this country. Having seen that, I believe we can be aware of the threat that is presented to the cotton farmers of our country. Until a few months ago, there were many who would tell you that we will never live to see the day when you can satisfactorily produce sheets and pillow cases and bedding out of synthetic fibers which would be acceptable to the people of America. Because, they said, cotton had some sort of special qualities that could not be obtained by the use of synthetic fibers. Yet, only a few months ago, in the district of my friend, the gentleman from South Carolina [Mr. HEMPHILL], a new textile plant, a brand new one, costing some $14 million, was put into operation by the Springs Mills of Lancaster, S.C. This mill will produce sheeting and pillow cases out of synthetic fibers. So, there is no point in our trying to delude ourselves that we can continue feeling secure that researchers will not find a synthetic substitute for cotton.

As one who is interested in the welfare of the cotton farmers of my State and of other States, I hope that we can all be farsighted when we come to vote on this important legislation and realize that not only will we take a cross from the shoulders of our domestic textile industry by the enactment of the legislation, but that we will in fact promote the interest of the cotton farmer in this country in the long run by trying to preserve his market—the domestic textile industry. But whatever the outcome might be, it is important that a decision be made here in the Congress as soon as possible. Even a defeat of the legislation is better for the economy of our country than a continual suspension of activity in this field.

Our domestic textile industry is operating on a week-to-week basis at this time. Many of the textile plants are running only 2 or 3 days a week because their buyers are only buying as they need the commodity to run for 1-week periods. I am hopeful that we will have no further delay in acting upon the legislation. Furthermore, I would express the hope that we might act favorably upon it because I believe it is to the best interest of the people of the country.

DOUBLE PAY FOR OVERTIME—A DOUBTFUL SOLUTION TO A DIFFICULT PROBLEM

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, reduction of unemployment is an objective that all of us on both sides of the aisle can wholeheartedly endorse. Meaningful solutions to this problem, however, do not always meet with unanimity of opinion. It seems doubtful to me that more Government regulation and the further restricting of issues best left to free bargaining between labor and management, is the proper approach.

Great interest has been engendered in my district concerning proposals that the Government impose double pay for overtime as a device to cut down on the amount of overtime and thus spread employment. In my opinion, the proposals will be harmful not only to business but to the workingman and to the consumer. Based on the information that I have, the proposal is of doubtful merit and thus I shall oppose H.R. 9802.

STATEMENT OF U.S. CONGRESSMAN JAMES C. CLEVELAND BEFORE THE SELECT SUBCOMMITTEE ON LABOR IN OPPOSITION TO H.R. 9802, DOUBLE PAY PENALTIES FOR OVERTIME, APRIL 6, 1964

Government imposition of double pay for overtime as proposed in H.R. 9802 could prove to be a penalty on industry, labor and consumers. It would grant further sweeping wage fixing authority to the Federal Government. Intended to stimulate the employment of more workers, the bill in reality would increase production costs without necessarily encouraging the employment of more workers. As a proposal to cut unemployment I consider it to be a fanciful and ill-conceived piece of legislation.

CONSTITUENTS WRITE

From my home State of New Hampshire I have received much mail protesting the proposed double pay for overtime. When increased competitiveness and economic growth offer the best hope for increased employment, the double time penalty would adversely affect the competitiveness of U.S. industry, its ability to grow and employ more workers. While the tripartite committee established by the Secretary of Labor would make individual decisions on the particular industries to be affected by the double overtime rate, it is likely that all industries would be forced to pay either directly or indirectly the higher operating costs resulting from enactment of the bill. I am submitting here some of the typical comments I have received from my State of New Hampshire. A manufacturer from Keene, N.H., states: "We are a small manufacturer of elastic webbing with limited production facilities. In order to remain competitive in a very competitive industry, we use overtime extensively. This has enabled us to maintain a long record of stable uninterrupted employment at good wages for our people. We feel that the President's proposal will have serious adverse effects on our company and on many other small companies in similar situations so that instead of increasing employment as the President hopes, it will only lead to more unemployment."

MORE MOONLIGHTING

An executive points out: "This proposed bill could also lead to more moonlighting. Workers deprived of their usual overtime, will seek other outside jobs. They will probably have to work longer on this moonlighting job to equal their previous pay received from overtime. This will injure the primary employer because the employee cannot do justice to both jobs." Another constituent writes: "Double overtime pay or more will increase manufacturing costs and corresponding selling prices, and in the writer's opinion decreases its purpose of creating employment."

A businessman says: "We feel that it would tend to increase costs and reduce employment opportunities instead of increase them. The textile industry, being somewhat seasonal in nature, would be particularly adversely affected." A steel products firm writes: "Regardless of whether the law requires us to pay time and a half, double time, or even triple time for over 40 hours, we would have no alternative but to work some of our experienced employees extra hours under the circumstances. The result would be that our costs would increase, and these added costs would have to be charged to our customers which would increase the cost to the consumer or these added costs would have to be absorbed by us, materially reducing our margin of profit." An official from a papermill in Monadnock writes: "We wish to be recorded as opposed to this bill because we feel most strongly that it will substantially increase costs of manufacturing without really serving to increase employment. Increased employment in this country, and under our system, can only result from the creation of more jobs which in turn depends upon a profitable and expanding industry."

WON'T DO THE JOB

The double pay or more for overtime bill would be bad in theory because double pay for overtime will not create new jobs. While the Secretary of Labor says that the equivalent number of new jobs represented by workers now working overtime is over 900,000, he does not recognize that there are not available skilled men able to fill these positions full time. Limited in plant space and equipment, most industries would be required to work overtime regardless of the penalty. Such industries, while finding the double pay penalty costly, would still find it cheaper to pay the overtime penalty than to train new workers, pay more fringe benefits, and expand plant size. These industries would accordingly have to charge costs off to the consumer or have to absorb them themselves at a cost to profits and capital expansion. Some industries forced to pay penalty overtime rates may even have to reduce the scale of their business operations in order to remain competitive. The bill proposed here makes a false assumption because businessmen do not prefer to pay overtime if they can do without it, and if industries could eliminate overtime, they would do so now.

In most plants working more than regular hours, the overtime would generally not be enough to provide full-time jobs for new employees. The proposal will not result in the absorption of unemployed because the great mass of unemployed are mostly unskilled workers who would be unable to fit into skilled positions. As an answer to unemployment the bill provides scant hope, but its increased costs will be keenly felt by smaller businesses and all consumers.

MAY SPEED UP AUTOMATION

The overtime penalty would hurt the competitive position of U.S. industry at a time when we are increasingly suffering from foreign competition and an unfavorable balance of payments. In the coming years the penalty would further aggravate unemployment by increasing the pressures to seek labor savings methods in production. The pressures toward automation would thus be intensified. H.R. 9802 will cause employee dissatisfaction because workers like to receive overtime pay. If an industry did eliminate overtime, workers cut off from the extra income would demand wage hikes to compensate for lost income and this demand for higher wages would be felt by all industries. On the other hand, an industry offering double pay would lure skilled workers from other industries, and those industries faced with a loss of workers would be forced to increase their wage rates to retain their employees.

LANGUAGE TOO BROAD

H.R. 9802 would be bad in practice. The broad terminology of the language of the bill confers upon the Secretary of Labor vast discretionary authority which threatens business and is a further erosion of our private enterprise system. "Excessive overtime" is a vague term capable of no clear definition, but yet the Federal Government is given broad fishing expedition powers over any firm working overtime. Such interference by the Government will create further harmful harassment of industry, now in a position to grow, expand, and open new employment opportunities. Decisions on the overtime penalty will merely be made on the arbitrary findings of tripartite committees despite the disappointing performance in the past of so-called impartial tri-partite boards such as the War Labor Board and the Wage Stabilization Board. The bill as proposed does not even provide for judicial review and businesses will be at the mercy of administrative fiat.

The Government establishment of tripartite committees to select industries for the double overtime penalty falsely assumes that generalizations can be made on the character of industries and all the different plants and companies within an industry. Each firm and plant would be a separate case and it would be impossible for the tripartite committee to predict how a firm would react to double overtime.

In conclusion, it would appear that the proposals for double pay for overtime will not be successful in creating greater employment opportunities. In fact, there is reason to believe these proposals would lead to a reverse result. In my opinion, such matters should be left to the bargaining process, and it is interesting to find that double time for overtime, under certain conditions, is already the practice in some industries.

Increased Government regulation is not necessarily the answer to greater employment opportunities. A better way to increase employment is by a government fiscal policy conducive to business growth and investment. The Federal Government should encourage education and vocational training because the real need is for intelligent citizens and skilled workers and not for artificially created jobs which in the final analysis will strangle business and frustrate further investment and employment opportunities.

A far more productive area to study would be the impact of foreign imports from cheap labor areas on the U.S. employment picture. The entire question of moonlighting should be examined. The unemployment statistics themselves might well be further examined and reevaluated. Many workers in my district have come to count on their overtime pay, and this proposal that directly threatens to take it away, under the guise of a fanciful make-work, spread-work proposal, is just as disturbing to them as it is to their employers.

MULTIMILLION-DOLLAR WINDFALL TO TEXTILE MILLS

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. FINDLEY. Mr. Speaker, U.S. textile mills will pocket a multimillion-dollar windfall if the House approves the cotton-wheat bill next week.

Textile inventories are extremely low. Buyers have purchased only bare essentials in recent weeks, hopeful that mill subsidy payments provided in the bill will result in lower textile prices.

If the bill passes, a sudden surge of orders will result.

With orders piling up, mills will be in a strong position to increase profit margins. They could pocket a big chunk of the 6-cent-a-pound direct-subsidy payment authorized in the bill. Business may even be strong enough to enable textile firms to pocket most of the subsidy, which is estimated to reach a grand total of $312 million during the first year.

A market-analyst firm, Commodity Research Bureau, Inc., 82 Beaver Street, New York City, made this statement in its March 27 customer newsletter, "Futures Market Service," volume 31, No. 13:

> Mills and selling agents anticipate a sharp upsurge in cloth demand before long, since buyers have been restricting purchases for many weeks.
>
> Mills will endeavor, it is reported, to retain as much of the subsidy as possible, if and when it becomes effective, in order to strengthen profit margins.

Due to these ideal market conditions, passage of the cotton-wheat bill will deliver a handsome windfall to textile mills.

To illustrate the windfall potential for individual firms, here are the annual subsidy payments the bill would authorize for the top five U.S. mills. Payments are computed on the basis of last year's use of raw cotton:

[Annual subsidy payment in millions]

Burlington mills	$16.500
Stevens mills	13.500
Springs mills	11.250
Dan River mills	9.000
West Point mills	7.000

Secretary Freeman's prediction on March 26 of excessive profittaking by wheat milling and baking industries if the bill is defeated is without foundation and misdirected. As we say back in Illinois, he was barking up the wrong tree.

The real danger of profittaking will occur if the bill becomes law, and the profiteers will be the textile mills, not the wheat processors.

Illinois wheat farmers said very clearly in the referendum last May 21 they want no part of the certificate plan now in the wheat part of the bill. They are taxpayers as well as farmers. The windfall to textile mills makes the bill doubly offensive.

THE CASE FOR THE "NEW ECONOMICS" HAS NEVER BEEN PROVED

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. JENSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. JENSEN. Mr. Speaker, a well-organized group of bookworm economists are constantly telling the American people that the Federal Government must continue to spend, spend, and then spend more and more of our taxpayers' dollars by the billions upon billions in order to insure by some magic means prosperity for every American and for all the people of the world. Now comes Mr. Walter E. Spahr, a recognized down-to-earth, distinguished monetary authority, with some salient facts which debunk the socialistic bookworm economists' bunk. Please listen, my colleagues, while I read:

MONETARY NOTES

(By Walter E. Spahr)

(Published by the Economists' National Committee on Monetary Policy [1])

1. "The case for the 'new economics' has never been proved." From an address by Maurice H. Stans, onetime Director of the Bureau of the Budget, on "Are the Liberal Economists Overlooking Something?" as inserted in the daily CONGRESSIONAL RECORD of January 28, pages A357–359, by Representative BEN F. JENSEN, of Iowa:

"We all work 1 week a year on the average now just to pay interest on the national debt. The debt itself increases year by year.

"The total of all present debts, commitments, and accrued liabilities of the Federal Government—such as would appear on the financial statement of a business—is now in excess of $1 trillion. This is about $21,000 for every family of four in the country. Is it right to add to this each year for the sake of testing will-o'-the-wisp experiments that include semantic absurdities like calling a present deficit 'a down payment on future surpluses'?

"Even deeper than its impact on today's living costs or tomorrow's debts and taxes is the potential danger of weakening the national ability to fight communism. * * *

"The new economic theories have the attractions of promising much, providing a pleasant euphoria of irresponsibility, and postponing of the reckoning to another generation. But the evidence of experience in our country and elsewhere shows they have little chance of success.

"The case for the 'new economics' has never been proved. It rests on a sandy foundation that has never, in history, supported a nation's long-term progress. It has failed under every test. * * *

"The liberal economists are overlooking * * * the likely risks of failure and its disastrous consequences. They are overlooking the * * * danger that by pursuing their course they may build over us a dictatorship of economic planners and of central bureaucratic government, destroy our freedoms, and make us easy victims of communism.

"What's the alternative? It's * * * a recognition that the privilege of being a free people involves assuming responsibilities. It is disciplined government which doesn't consider thrift a discredited word. It is government that can recognize danger signs and avoid financial brinkwalking.

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[1] The opinions expressed are those of the authors, not necessarily those of this committee.

"It is government that won't get in the way of sound economic growth, but will achieve it by encouraging the free market system. It is government that believes, like Lincoln, that it should do for the people only those things that they can't do as well for themselves, not in the centralization of all problems in Washington. It is government that believes in sound money, that debts must be paid, that the budget should be balanced, that the Public Treasury is a trust, that rate of material growth is less important than sustained strength and character."

S (for Spahr): Mr. Stans focuses attention on one of the most fundamental issues facing this country. When a nation is caught up in a tide which can, and may, lead to its destruction, there usually are some intelligent and responsible people who, seeing the dangers in correct perspective, do their best to rescue their country from the euphoria into which it has fallen. Mr. Stans' address is a solemn warning by a man of wisdom in respect to a serious state of affairs. As Representative **Jensen** states (p. A357), the address "should be read by every American citizen."

It should be noticed that one of Mr. Stan's recommendations is that we have a government "that believes in sound money." We seem to have gone so far down the slide of government irresponsibility, manipulation, and dishonesty that few people now consider it important to recommend a sound currency for our people. Only an economic illiterate, or Socialist, or Communist, or a person who attaches no importance to truth could have the temerity to call our irredeemable currency a sound currency. Our use of irredeemable currency is a case of government injection of a poorly understood national poison into our social system; and this is a poison that can ruin us economically, socially, and politically. Like a cancer, it has already eaten deeply into the vital parts of our national organism.

2. Keynesianism: "A fashion of subtle equivocation"; " 'peaceful acceptance' of Marxian aims"; the ideas of the monetary "cranks" are "at the root of Keynes' teachings." From W. H. Hutt, "Keynesianism—Retrospect and Prospect" (Henry Regnery Co., Chicago, 1963, 447 pages, $7.50):

Page 34: "Keynes established, I suggest, a fashion of subtle equivocation in monetary discussion, a fashion which, through habit and domination, has become almost a convention."

Page 48: "In what is probably the most effective recent defense of Keynesianism, Bronfenbrenner has argued that the great virtue of the doctrine has been that, through its influence upon policy—through the consequent secular inflation—the 'peaceful acceptance' of Marxian aims has been secured. Where the drastic measures which Marx himself contemplated would have failed, Keynesian methods have quietly succeeded."

Pages 89–90: ". . . Keynes' chief originality lay in his ironic attack on orthodox thinking about money and other things. His attack created, I believe, so much confusion in the minds of the young economists of the subsequent generation, that it has set back progress by at least a couple of decades."

Page 99: "The postwar inflations of Western Europe and the United States have been due to policy weaknesses, weaknesses which, in my judgment, have been dictated by treasuries actuated by political considerations—supposedly validated by Keynesian teachings—rather than by the technical requirements of a stable monetary system."

Pages 128–129: "The Keynesians like to praise the 'cranks' such as Hobson, Gesell, Townsend, Douglas, Foster, and Catchings, on the grounds that they at least recognized the defects of the system which (it is alleged) orthodox theory had created. At the same time the Keynesians insist upon differentiating themselves from the naive reasoning and naive panaceas of the 'cranks.' They would be ashamed to hold, as the latter in effect did, that merely to dole out additional money is the cure for unemployment. And yet the Keynesian remedies amount to nothing more than this. The identical ideas in all their naivete are at the root of Keynes' teachings, but obscured in a mass of conceptually unsatisfactory theoretical paraphernalia."

Page 435: "In my judgment * * * the enormous appeal of Keynes' thesis originated precisely in doctrines which were rendered plausible through the obscuring of unrealistic assumptions."

S: W. H. Hutt is professor of commerce and dean of the faculty of commerce, University of Cape Town, South Africa.

3. Clothing the perversion of commonsense in economics with academic dignity. From Dr. Melchior Palyi's review of Dean W. H. Hutt's, "Keynesianism," in the Palyi Bulletin No. 492, 211 West Wacker Drive, Chicago, Ill., January 18, pages 2–3:

"A true revolution, with or without blood and tears, means what Nietzsche has called the 'revaluation of values,' an outright break with basic standards and traditions. That is what has happened in economic thinking and economic policies of this generation. Keynesianism is the name of the revolutionary ideology that clothes with academic dignity the perversion of the commonsense embodied in classical economics—reverting to a crude sort of prescientific notions."

"Spending became the wealth creator, not saving. The more we spend, the more employment, and spending power, are being contrived. The trouble is, by Keynesian dialectics, that the saver obstinately 'withholds' his income. He must be discouraged by cheap money in perpetuity. It has the further 'advantage' of encouraging the producer—to replace genuine savings by (inflationary) bank credit."

"The 'General Theory' of Keynes appeared in 1936. It preached the 'euthanasia' of the wicked saver. It requested that the Government should step in as spender."

4. The ghost of our Government's lack of integrity in respect to our monetary standard. From Dr. Melchior Palyi's "Devaluation Damage of 1930's Still With United States," Chicago Tribune, January 27, 1964:

"The tremendous damage our devaluation did to the world is still with us. For one thing, it undermined the faith in the value of contracts we sign and in the promises we make. We have refrained from repeating the 1933–34 performance. Yet, the ghost of the devaluation haunts the foreign exchange markets.

"Whenever the dollar is under pressure, a panic gets underway—on the implicit assumption that what was done in the 1930's could and might be repeated in the 1960's, notwithstanding the most solemn Presidential assurances to the contrary."

"The wounds inflicted by the 1934 'reform' of our monetary system fester with the progress of time."

S: When a government departs from correct ethical standards, particularly in respect to its monetary standard, the harm which results is probably immeasurable. There was no valid excuse for the devaluation of 1934 in this country.

5. "The dollar is as good as gold." From "Martin (William McChesney Martin, Jr., Chairman, Board of Governors of the Federal Reserve System) on Monetary Policy, Balance-of-Payments Woe," American Banker, economic forecast section, January 31, page 46:

"No one could miss the firmness of that commitment [by the late President Kennedy in his special message to Congress on the international payments problem, 4 months and 4 days before his assassination] to 'maintain the dollar as good as gold.' "

S: If the nongold dollar is a good as gold, then why is it not made redeemable in gold, particularly since nongold dollars are much more convenient than gold money?

The statement attributed to the late President Kennedy, and offered by Mr. Martin with solemnity, is reasonably typical of those frequently made these days despite the fact that our dollars are irredeemable domestically, despite the fact that foreign central banks and governments have earmarked approximately $13 billion of gold in this country for their account, despite the fact that our Treasury gold stock has fallen from $22,787 million, as of February 19, 1958, to $15,463 million as of February 12, 1964, and despite the fact the ratio of our Treasury gold stock to our nongold money and bank deposits has fallen from 24.6 percent in 1941 to 4.1 percent as of December 25, 1963.

6. An illustration of the misuse of the words "sound dollar." From an address by Dr. T. E. Donges, Minister of Finance of the Republic of South Africa, on "International Liquidity and Gold," at Salt Lake City, September 23, 1963 (issued by the Information Service of South Africa, 655 Madison Avenue, New York, N.Y.), page 2:

"I am one of those who firmly believe, as you do, that a sound dollar is essential to the proper functioning of the international monetary system and the stability of the world economy. I believe that the dollar is strong, and I hope and believe that it will remain so. The measures which I shall put forward are * * * designed to strengthen it."

His page 8: Here he recommends "that the par value of all currencies in terms of gold, as presently fixed with the International Monetary Fund, be changed by a large but uniform percentage, except possibly in a small number of cases where individual countries might wish to change their own par value by some other percentage."

His page 9: "What would happen * * * is that the American official gold reserve (and the gold reserves of other countries) would increase very substantially—perhaps to double or treble their present values."

His page 14: "The right policy is to increase the gold component by means of a revaluation of gold in terms of all currencies.

"It is very desirable that the United States should take the lead in initiating this move."

S: Thus we see a devaluationist, of gold-mining South Africa, telling the Board of Governors Association of Stock Exchange Firms at Salt Lake City that our dollar is sound and then proceeding to recommend that it be devalued again.

Dr. Donges provides a revealing commentary on his speech in his last sentence (p. 14): "The free world would do well to take to heart the wise words in the Revelations of St. John; namely, 'I counsel thee to buy of me gold tried in the fire that thou mayest be rich.' "

If Mr. Donges thinks it desirable to have another devaluation of our dollar, and other currencies, so that "the American gold reserve * * * would increase substantially—perhaps to double or treble their present values" (p. 9), why would it not be even more desirable to write up the value of our gold stock to equal our national debt so that it could be paid off at once and in gold certificates?

7. "Authority over reserve requirements." From David P. Eastburn, "Where Is the Fed Heading?" Business Review (Federal Reserve Bank of Philadelphia, January 1964), page 7:

"It [the Board of Governors of the Federal Reserve System] has sole authority over reserve requirements."

S: Congress specifies in the Federal Reserve Act the reserve requirements for Federal Reserve banks and member banks of the Federal Reserve System. Reserve requirements of nonmember State banks fall under the jurisdiction of State governments.

8. Officers and directors of Federal Reserve banks as "public officials." From Eastburn, op. cit., page 7:

"But it is also true that officers and directors of the Reserve Banks are public officials. The fact that officers are chosen by the boards of directors, two-thirds of whom, in turn, are elected by the member banks, does not mean that either group serves private interests. In working toward the general objectives of the Federal Reserve System they serve as public officials in the public interest."

S: Mr. Eastburn does not present in a clear-cut or useful manner his concept or definition of a public official. As he points out, two-thirds of the boards of directors are elected by member banks. Moreover, their salaries are paid by the Federal Reserve banks. How, then, can these directors be regarded, correctly, as public officials? Even the Class C directors of the Reserve banks, who are appointed by the Board of Governors, are paid by their respective Federal Reserve banks which are owned by member banks. Is a person a government official if he is not paid by the Government?

The statement that the methods of selecting directors of Federal Reserve banks "does not mean that either group serves private interests" is unjustifiable for the reason that the directors would be violating the Federal Reserve Act if they failed to serve those interests. For example, paragraph 8 of section 4 of the Act states that the "board of directors shall administer the affairs of the said [Federal Reserve] bank with due regard for the claims and demands of other member banks, the maintenance of sound credit conditions, and the accommodation of commerce, industry, and agriculture." Paragraph (c) of section 12B of the act reads: "The time, character, and volume of all purchases and sales described in section 14 of this act as eligible for open-market operations shall be governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country."

There appears to be nothing in this bulletin from the Federal Reserve Bank of Philadelphia which is a helpful contribution toward the maintenance of the proper independence of the Federal Reserve System from political control and manipulation.

9. On the money supply and the economy. From "Our Amazing Money Supply" (Lionel D. Edie & Co., Union Trust Building, Pittsburgh, Pa., January 28, 1964):

"Today, the money supply is expanding—and expanding rapidly. What does this mean? It means that the economy has more expansion in it than most people realize. It means that we will continue to expand throughout 1964."

S: How does the author of that statement know what "most people realize"? And how can that author know that "we will continue to expand throughout 1964" since no one living today has seen tomorrow or can know what tomorrow may bring?

And as to an expanding money supply and an expanding economy: If an expansion of the currency brings an expanding economy, the aswer is simple—expand the currency.

When Germany's currency was expanding into astronomical figures, 1920–23, her people were sinking to the level of "brown bread and paper clothes."

On June 30, 1939, the volume of all bank deposits and all money in circulation in the United States of America was 7 percent greater than on June 30, 1937 (1926 equals 100); the index of industrial production was 16 percent lower (1935–39 equals 100). On December 31, 1929, the volume of money and deposits was 2.7 percent greater than in June 30, 1929; the index of industrial production was 12 percent lower. On June 30, 1929, the volume of money and deposits was 0.2 lower than in June 30, 1926; the index of industrial production was 20 percent higher.

Then the question of cause and effect is involved. An expansion of business commonly tends to draw more credit into use. A contraction of business commonly tends to contract the volume of credit in use.

10. On "The Federal Budget for 1965." From "Federal Spending Facts," Council of State Chambers of Commerce, Bulletin No. 208 (room 513, 1025 Connecticut Avenue, Washington, D.C., January 31):

Spending authority, fiscal 1955 equals $57.1 billion; expenditures, $64.4.

Spending authority, fiscal 1964 equals $102.6 billion; expenditures, $98.4.

S: These figures should reveal something of the degree of frenzy that marks the spending by our National Government.

And what lies at the bottom of this orgy of Government spending? It is the use of irredeemable currency which deprives the people of this country of power to control the public purse and, consequently, their Government. We have a runaway Central Government. That is a common consequence of injecting the poison of irredeemable currency into a nation.

11. On loss of control of public expenditures by Congress. From "Controlling Federal Expenditures" (Tax Foundation, Inc., 50 Rockefeller Plaza, New York, December 1963), page 27.

"The extent to which the legislative branch does not at present have control over this spending was highlighted in an analysis of administrative budget proposals for 1964 in the Tax Foundation's Washington Report. This study showed that Congress, under present procedures, would be able to exercise effective control over only about 30 percent of the estimated $98.8 billion to be spent."

S: Dr. Parker of the foundation raises the question of whether Congress can regain its traditional and desirable control over Federal expenditures under the existing system or whether there must be basic changes in procedures before this objective can be attained.

A fundamental consideration to bear in mind is that the U.S. Government's orgy of spending dates from the introduction of irredeemable currency in this country in 1933. That is the common consequence of the use of irredeemable currency which deprives the people of control of the public purse and of their Central Government.

12. "While the citizen is deprived of his natural right to protect himself by owning gold." From Dr. Melchior Palyi's "Our Gold Standard Is Without Discipline," Chicago Tribune, February 3, 1964:

"'A sound currency to be preserved at all hazards,' was the promise of the 1932 Democratic platform. Franklin D. Roosevelt's gold reserve act of 1934 scrapped it."

"Getting off gold may give us the kind of exhilaration an astronaut experiences when he leaves gravity behind. But he is not likely to fool himself as some people who believe in 'demonetizing' gold for good. In reality, it is with us always—the ultimate measure of every money's value—whether we like it or not.

"At the time [1933–34], the charlatans had a heyday."

"One [alternative] was to return to the gold coin standard and its 'discipline,' meaning the free convertibility in gold (to all comers) of the legal tender at a fixed gold price. That trims the spending propensity of the politicians. They disliked it accordingly."

"Our monetary setup is a gold standard in form—without the discipline, which is the substance. This is called an international gold-bullion standard. Its 30-year balance sheet is as was to be expected from a setup designed to establish and promote perpetual inflation.

"Indeed, the currency is wide open to tinkering by the Government while the citizen is deprived of his natural right to protect himself by owning gold either at home or abroad. He must not be so presumptuous as to frustrate the inflation-happy politicians whose last refuge is: Devaluation, open or concealed."

13. Correction of an error. The following statement appeared in item 5 of Monetary Notes for February 1, 1964: "Following this order [WPB Order L–208 of Oct. 8, 1942] there was a sharp drop, 1943–45, in the production of gold in this country—from 4,832,087 fine ounces in 1941 and 3,583,080 fine ounces in 1942 to 915,403 fine ounces in 1947." The year 1947 should have read 1945; and production figures refer to refinery production.

Ratio of gold to nongold money and deposits, January 29, 1964 equals 4.6 percent. Ratio for 1941 equals 24.6 percent. Average for 1915–32, pre-1934 data equals 8.6 percent; range of yearly averages, 1915–32 equals 6.7–10.9 percent. On February 19, 1958, before the persistent drain began, Treasury gold stock was $22,878 million. On February 26, 1964, it was down to $15,463 million. The peak was $24,691 million for week ending September 21, 1949. Gold earmarked at Reserve banks for foreign and international accounts was $12,899 million at end of January 1964. Earmarked gold is not included in monetary gold stock of the United States.

"WHY I'M RUNNING FOR PRESIDENT"—BY SENATOR BARRY GOLDWATER

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. CRAMER. Mr. Speaker, in the March issue of the New Guard, the magazine of Young Americans for Freedom, there is an article entitled "Why I'm Running for President," by BARRY M. GOLDWATER.

It is a clear and provocative statement of principle by the Nation's leading conservative and leading candidate for the GOP nomination for the Presidency.

As the organizing chairman of the official, pledged, and endorsed Goldwater-for-President slate of delegates entered in the Florida primary on May 26, I consider it a privilege to call this article to the attention of my colleagues in the House. In his usual forthright manner, Senator GOLDWATER states that he believes it to be his duty to provide a clear cut choice to the voters "of voting for or rejecting constitutional principles" for which he stands and that this is the reason for seeking the Presidency.

He considers his candidacy a call to duty to oppose "welfare statism and foreign policy weakness" offered by the Democratic Party in the past and at present.

I commend this article to the attention of all America:

A CALL TO DUTY: WHY I'M RUNNING FOR PRESIDENT

(By Senator BARRY M. GOLDWATER)

One of the great phenomena of modern American politics is the manner in which some ostensibly self-effacing men become—in their own opinion, at least—indispensable candidates for elective office. But despite this syndrome, our history, from George Washington on down, has proved conclusively that the republican form of government has succeeded primarily because it rejects such dependency.

Understandably, there can be no greater personal achievement than election to the highest office the greatest Nation in the world can offer, but anyone who places personal ambition above the interests of his country should, per se, be considered unqualified for the post he seeks.

Ideally, candidates should spring from the people themselves or from the individual's belief that he can further a particular cause to which he is dedicated. Neither circumstance, however, leaves room for the candidate who seeks office solely because of his personal ambitions.

Although it is not unique, the ascension of individual politicians to power as the result of their personal determination is more common in the United States than elsewhere in the free world.

PARTIES AND FACTIONS

In England, for instance, the popular will historically has been expressed in support of the man whose leadership, political philosophies and experience best qualified him as representative of his own political faction. Thus, there is seldom more than one serious candidate for Prime Minister put forth by either the Labor or Conservative Party.

Even in France, so famous for her constant changes in administration, the head of state truly represents his particular political group. Charles de Gaulle's rise to power was solely a question of popular support springing from his leadership of the Free French forces in World War II. Although there can be little question but that he today exercises more power than most of his predecessors, he can be expected to hold office only so long as the Gaullists have popular support. There is little or no possibility that anyone else in his own political organization could unseat him. When and if De Gaulle is defeated, he will go down with his entire political faction, not alone to be succeeded by someone in that party who believes he is better qualified.

The two-party system, which theoretically should have obviated such personal ambitions, became an American institution soon after the birth of our Republic. Washington actually was the only man in our history to be elected unanimously, but unanimity ended there. His successor, John Adams, won the Presidency by a vote of 71 to 68 and throughout his term in office was known by his opponents as "President by three votes." Factionalism built up during Adams' administration and the power of party surpassed that of the individual image. Thomas Jefferson and Aaron Burr received equal votes in the next Presidential election and it fell to the House of Representatives to decide the issue. Jefferson was elected, but party bitterness was such that Adams refused to ride with Jefferson to the latter's inauguration. Later, as we all know, the two patched up their differences and they died as friends on the same day—July 4, 1826.

Jefferson ran for the Presidency as a Republican, and the confusion that usually results from associating him with the GOP on the Democratic Party's annual Jefferson-Jackson Day observances is understandable. Actually, the Republican Party to which Jefferson pledged allegiance later became the Democratic Party, but regardless of these changes in label, the two-party system was here to stay.

As changes occurred, the coexistence of old guard and avant-garde elements in each party made it impossible for the politically ambitious to jockey for support.

POWER OR PRINCIPLE?

Today, personal ambition, wealth, and bought power have become decisive factors in both nominating conventions and elections. Such old-line party workers and experienced legislators as Hubert Humphrey, Estes Kefauver, and Lyndon Johnson found this out, if they had not known it beforehand, in 1960, when all were defeated by a young and inexperienced candidate who had limitless wealth and posed as the champion of both extremes within his own party.

One reason that personal ambition, rather than party leadership and political philosophy succeeds, is a lack of any sharp delineation of party principles. Fortunately, this fuzziness of demarcation is not so pronounced in the GOP, as it is in the Democratic Party, where the old guard has been pushed aside by labor-boss-controlled liberals.

Thus, it is not surprising that despite the heavy national majority of Democratic registration, the ratio of Democratic and Republican ballots cast in our national elections is nearly equal. The reason, simply put, is cross-voting by lifelong Democrats who are disgusted with the welfare statism and foreign policy weakness their own party leadership offers.

Within the Republican Party, divergencies of opinions are comparatively minor in nature and only one set of principles is needed. Because these principles are conservative in nature, the Republican Party has become the representative of the conservative philosophy.

Unfortunately, some Republicans still feel that in order to overcome the numerical superiority of the Democratic Party at the polls, it is necessary to water down or "liberalize" GOP principles. The reasoning behind this theory is that the Republican Party thus may attract the liberal "independent" vote. This formula has a long history of failure simply because the "liberal" independent vote, like the liberal Democrat vote, always has been and will be cast for the most liberal candidate—a liberal Democrat.

UNWAVERING CONSERVATISM

In the past 3 years, there has been a growing awareness within the Republican Party that the best opportunity for election victory rests in unwavering adherence to conservatism. Although some in the party hierarchy perhaps have been slower than rank-and-file GOP members in understanding this, it, nevertheless, has become a pretty well-established fact of political life.

What makes sincere conservatism more attractive to the voters is as simple as the differentiation between good and bad. Every housewife and wage earner knows the disadvantages of overspending the household budget, and liberal-inspired and planned deficits on the governmental level are just as repulsive. In more than 30 years of catastrophic failure of welfare State programs and spineless foreign policy, the voter has developed ever-greater respect for the principles enunciated by Washington, Jefferson, and Lincoln. This respect has not been acquired solely by members of our party, but by independents and a large percentage of Democrats.

Paradoxically, proof that conservatism is more attractive to the voters than is liberalism may be found in those same statewide election contests "moderate" Republicans point to as support for the opposite view. In the large Eastern States, where "moderate" Republicans win by such overwhelming majorities, for instance, we find that the basic reasons for their victories rests in a public disavowal of the more liberal programs championed by their Democratic opponents. Although large blocs of conservative voters have remained at home on election day during such contests, the outpouring of independent and Democratic votes in opposition in the far-out liberalism of the Democratic candidate has been sufficient to give "moderate" Republican candidates victory.

Today, it should be obvious to all Republicans that the conservatism within the independent bloc and the Democratic Party itself can be further augmented by the strength of the conservative voters who have stayed home in protest against watered-down principles. The development of this understanding, of course, would minimize the possibility of party nomination on the basis of personality.

The emergence of the candidate who is inspired only because of personal ambition perhaps is traceable to this mistaken belief in the drawing power of liberalism. The personally ambitious, or opportunistic, suffers few pangs of conscience at the thought of tailoring his own political beliefs to suit the occasion, whereas the candidate who stands unshakeably firm on principle, whether that principle be liberalism or conservatism, cannot conscientiously weaken or change for the purpose of winning votes.

NO COMPROMISE

This has been proved in both major political parties in recent years. We have witnessed supposedly conservative Republican candidates become moderates in the hope of picking up election strength only to find that the formula doesn't work at the polls.

Personally, I have never been able to alter my convictions for the sake of winning votes and I cannot conceive of the circumstance which could force me to do so. I first ran for office because a number of Arizonians felt I best represented their own political philosophy. Their insistence that I could strengthen the conservative cause by running for the Senate seat I now hold convinced me that I should run. My decision to seek the Republican presidential nomination was based upon these same factors.

I can say in all sincerity that I do not have and never have had any personal ambition to fill the highest office in the land. The prospects that I may win the election would be frightening except for the obligation I owe, as an American, to all those whose unwavering dedication to constitutional principles is the best hope of survival in freedom. I believe I can give them the choice of voting for or rejecting these principles as I understand them.

A MASSIVE ATTACK ON READING

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOGARTY. Mr. Speaker, I am convinced that a comprehensive assault on reading is needed to develop the most valuable tool that education can offer—reading. It must not be a minor effort, handled by amateurs, if we are to have any hope of success. In the following speech I have outlined a proposed approach which I believe is both practical and possible. I am sure that many of my colleagues will want to help in the job of developing literate human beings who can effectively participate in our society—to elevate literacy upon which our democracy depends.

Following is an address which I delivered before the Conference on Reading for Educators, at the University of Delaware, Newark, Del., March 7, 1964:

Address of Congressman John E. Fogarty, of Rhode Island

I welcome this opportunity to meet with the men and women who are providing professional leadership for developing literate individuals in our society. You share with your colleagues throughout the Nation a heavy responsibility. In this era of great change, new demands of both quality and quantity are being placed upon American education. Today, as perhaps never before, there is no higher calling than that of the educator. It is to you and to our schools that the Nation looks for the structure and shape of our future.

As masters of reading skills you face a special challenge of inspiring and stimulating both teachers and students to the full attainment of their potentials. Those among you who are serving our elementary schools provide the foundations upon which the whole house of education rests.

I would like to talk with you today about a job begun—and a job yet to be done in American education. This job is to develop literate human beings who can effectively participate in our society—to elevate literacy upon which our democracy depends. You, as the experts, must provide the leadership for undertaking this task; I, as a Representative in Congress, wish to seek ways to help you.

My appearance before you today reminds me of a classroom tale which was recently related to me:

An extremely nearsighted schoolteacher was rapidly losing his temper, because many of his students apparently neglected their lesson. "You at the back of the class—what was the date of the signing of the Magna Carta?"

"I don't know."

"Well then, can you tell me what the Gordon Riots were?"

"I don't know."

"I assigned that yesterday. What were you doing last night?"

"I was out drinking beer with some friends."

The schoolteacher gasped, and his face went almost purple. "You have the audacity to stand there and tell me that. How do you expect to pass your examination?"

"Well, I don't. I'm an electrician, and I just came here to fix the lights."

Like the electrician, I may be ill prepared to answer specific inquiries. But perhaps, like him, I can help to repair the lights, to cast illumination on a subject that concerns us all. This is the role the Federal Government can play in helping to solve the problems related to reading and literacy.

Historically, the Federal Government has been an active participant in research and development activity in a variety of fields. Modern agriculture, of course, is deeply indebted to Government research aid for many of its present-day accomplishments. Governmental research and development was greatly accelerated during and after the second World War and with astounding success—especially in the medical, physical, and space sciences. Now, governmental leaders are beginning to look at the educational, sociological, and economic problems of our society in a similar way. People in Washington are asking what the Federal Government can do to translate sensible ideas in these fields into sound and effective action.

Your vital and continuing interest in the development of literate individuals has bridged the progress accomplished since the days of the Hornbook and the McGuffey readers to the acute need for progress that lies ahead. Popular publications reflect the complexity of your task in the controversial aspects of reading.

Can Johnny read or can't he? we are asked. Is he a better or poorer reader than his forefathers? Should teachers use a "look-say" method, a phonics method, or some combination of both? I continually encounter words and phrases like "phonics," "phonetics," "phonemics," "the augmented Roman alphabet," "the Bloomfield-Barnhart approach," and so forth. If there is some confusion in the public mind, perhaps this is understandable. There is, I hear, some question among the specialists themselves over the best phonics approach—and how to use it and when to use it.

Now what can the Federal Government contribute toward solving this sort of problem? What is its proper and effective role? One example of a federally supported program which brought significant changes to our high schools was the physics program of the Physical Science Study Committee. For this program, the National Science Foundation provided funds which enabled an outstanding group of physicists and educators to focus their attention upon high school physics. After materials were developed by this group, teachers were trained to use them in workshops and institutes around the country. The total cost of this venture was approximately $14 million. The net result—is that this program is currently being used by nearly 75 percent of all students receiving high school physics instruction in the United States. In a brief span of years, the teaching of physics was brought up to date, up to the potentials of modern knowledge and teaching skills and student capability.

Although there is at present no undertaking of this magnitude in reading, some notable accomplishments are underway. One of my congressional committee responsibilities brings me in close contact with the cooperative research program of the Office of Education. This program has provided funds for a number of basic and applied research undertakings pertaining to reading. For example:

One researcher is studying the effectiveness of beginning the formal teaching of reading in kindergarten. Although some educators have argued for years that many children can be taught to read at earlier ages than they are now taught, no research has been conducted either to prove or disprove it. The results of this study could be of great significance to reading instruction.

The structure of children's language was compared with the language used in textbooks in another study. The researcher found that the oral language children use is far more advanced than the language of the books in which they are taught to read.

In a third study the language growth of children is being studied over the span of the elementary school years and through junior and senior high school. A longitudinal study of language development such as this has never been conducted before and will give us for the first time a picture of how language and reading skills grow.

In a fourth study, the investigator is attempting to determine what communication barriers exist for the culturally deprived. He will then attempt to develop ways to evaluate these differences.

A fifth study has focused upon the problem of teaching illiterate adolescents how to read. If this researcher succeeds, he may contribute materially to reducing the number of students who drop out of school. And, he may well provide some vital clues to attacking the overarching problem of adult illiteracy.

A sixth group has undertaken an exploratory study of reading patterns among high school students. These researchers seek to determine whether specified training in reading will result in significantly better reading ability within various technical areas.

In addition to these six exploratory studies, the cooperative research program is also supporting 11 curriculum study centers within the framework of its Project English. Since the purpose of these centers is to develop curricular materials, the impact of reading upon each center's activity is of immediate concern. One of the centers, for example, is developing reading and language materials and teaching guides which will be used in junior high schools serving children from poor and culturally disadvantaged areas. Emphasis has been placed here because educators have found that available materials are usually unsuccessful with these children. Another center supported through Project English has as a major objective the development of a series of films on methods of teaching reading in the secondary schools. These films will be used in the training of teachers.

These studies, in which many of you are involved, form a firm basis for advancing our knowledge about reading. As many of us know, plans for further studies next year are also impressive. The Office of Education intends, first, to support a number of field tests of first-grade reading programs in various parts of the country; second, to establish a study group which will investigate needed basic research in reading; and, third, to relate activities in reading to current developments within the various behavioral and biological sciences. Each of these efforts is directed toward an evident problem in reading.

These are the types of studies in reading which are being or have been supported by Federal funds. They also typify the kinds of projects which receive support from private foundations or colleges and universities.

At this point, it would be well to evaluate the nature and extent of the research now underway in reading, to ask whether the present decentralized attack on reading problems is accomplishing enough, whether our current research ventures in reading are of sufficient magnitude to bring about desired and widespread improvement.

In weighing these questions, in finding a perspective on the magnitude of the task, we may recall that the National Science Foundation spent about $14 million on a coordinated program to develop and strengthen the teaching of physics in high school. This effort was vastly successful. But we might also reflect that physics is often neither a required course nor even a course offered in many high schools, that many students have no contact with it whatever.

In teaching our children to read, however, we are speaking of a central enterprise of education, involving every child who attends our schools. We are speaking of the need to open doors to the written word, to develop what is surely the most valuable tool that education can offer.

The need to expand our reading skills, to elevate America's literacy is so comprehensive that I cannot imagine how the present research, worthwhile as it may be, can possibly be enough. As one who was involved in the development of our present high level of medical research, I am compelled to say that the educational community needs to initiate a comprehensive assault on reading, that such an effort abundantly calls for support and that the time for this effort and support is now.

It cannot and must not be a minor effort, handled by amateurs if we are to have any hope of success. The best minds in our Nation should be brought to bear upon it. It presents, in my judgment, a classic opportunity for schools, colleges, universities, publishers, and Federal agencies to join together in a project aimed at developing literacy as expeditiously and as effectively as our resources will permit.

Five or ten years ago, few people would have considered a Federal agency as a source of funds for such a project. Today, it would be eligible for funds from several Federal sources. The Cooperative Research Branch of the Office of Education, as one example, might well place its staff and resources behind a massive research approach to reading. But, however it is supported, research on reading cannot move ahead without expert leadership. You and your colleagues must provide that leadership

Is our meeting today a proper place to set a project of this importance into motion? If it isn't, where shall we find a more likely place?

Now, what might result from the massive study which I have outlined? Generally, I would hope for a highly literate populace in the years ahead. Specifically, I would hope that as our young people become adults they will be equipped to share responsibility in the democratic process, trained to critically analyze issues in today's complex, fast-moving world, and prepared to take a proud part within the business and professional and cultural spheres of our society.

Are these goals beyond reach of our Nation, a nation which is about to put a man on the moon?

I think not. I think that our opportunity is now at hand to construct the sturdiest of foundations for American education, and that this is the time and the place to begin.

STANDARDS PROGRAM OPERATED BY DEPARTMENT OF COMMERCE

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. SENNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SENNER. Mr. Speaker, the standards program operated by the Department of Commerce is basically a sound program and fairly simple one. An industry which desires to develop a standard for its product develops a consensus which is then transmitted by the Department of Commerce to interested elements in that industry for comment. If the returns are substantially favorable, then the Department of Commerce promulgates the standard as a voluntary standard. When procedures are adhered to by the Department, Government-industry cooperation in this vital area serves the Nation well.

When the lumber industry developed the present American Lumber Standard in 1953 in cooperation with the Department of Commerce and Justice and with the specific approval of the U.S. District Court for the District of Columbia, the proposal was distributed for comment to approximately 3,000 individuals and companies within the lumber industry.

Comments on the then proposed American Lumber Standard were, I understand, received from fewer than 100 individuals and companies. On the basis of what the Department then considered an adequate sample, the present American Lumber Standard—R–16–53 was promulgated. Those concerned had expressed themselves and action resulted.

Ten years later, the same Department of Commerce has fostered development of an acceptor list of more than 20,000 names of individuals and companies within the lumber industry to which it proposes to submit revisions of the American Lumber Standard for comment. In addition to including such obvious groups as lumber producers, architects, engineers and home builders, the Department of Commerce has gratuitiously added such groups as the Casket Manufacturers Association, the National Builders Hardware Association and the Heating, Piping & Air Conditioning Contractors Association. The Department of Commerce even went so far as to include the Cast Iron Soil Pipe Institute and the Plasterers Association. Since possible sources of comment had not even then been exhausted, the manufacturers of competitive products such as the Insulation Board Institute and the National Particle Board Association and the Plywood Research Foundation were also invited to give their opinions. The proposed revision in the standard, which applies only in the United States is also to be submitted to the Douglas Fir Export Co. for comment. It would scarcely do, the Department evidently judged, to limit comments on an American standard to Americans and their domestic markets.

The reason for my selecting the names of these organizations out of the list of more than 200 organizations who were asked to submit a cross section of their membership to the Department of Commerce for inclusion in the list of those to whom the revised standard would be sent, is to demonstrate that the Department of Commerce seems to be bending over backward to make certain that anyone and everyone who cares to comment on the proposed revision in the American lumber standard can do so. Although I might question the necessity for inclusion of certain of these groups, I know of no better method for the Department of Commerce to determine what the economic impact the proposed lumber standard will have on our economy than to query this broad representative group of American industry and commerce.

Yet, Mr. Speaker, in spite of a conscious effort by the Department to establish a broadly representative group, there are those individuals and companies in our country who have sought by every means available to them to delay or deny the "vote" on this issue.

A program which involves reengineering of a product such as lumber can variously affect the vested interests of different groups in our country. The extent of the impact of such a change, however, can best be determined by an objective appraisal of the facts not by impassioned politically oriented charges or complaints.

I look at the program of the improvement in our lumber standards as a nonpartisan issue of considerable interest to all consumers of lumber and to all those who produce the product. However, I find it a little difficult to understand how common carriers or transporters of lumber whether by water, truck, or rail should be expected to render an informed opinion determining the extent to which an engineered size of lumber is better suited for construction. For example, I doubt seriously that, when milk cartons were introduced, the milkman who delivers the product to the American housewife was asked for his opinion as to whether glass containers or milk cartons should be approved as a standard method of packaging within the industry. Consequently, I find it a little surprising that a Distribution Subcommittee of the House of Representatives would enter the controversy in a manner which appears to be prejudging the action of the Department of Commerce.

There is no doubt in my mind that the Congress of the United States should be involved in a question of industry standards if the Department of Commerce renders a judgment that is clearly arbitrary and capricious. However, I do not presume that the man selected by my party to direct the activities of the Department of Commerce needs the advice of a distribution subcommittee of the House of Representatives in order to render a sound decision on the proposed revision of lumber standards.

For the benefit of those members who may not be informed on the issue raised by the change in the American lumber standard, a brief explanation may be helpful. Some lumber which is sold in the United States is seasoned or dried before it is sold. Other lumber is sawed and planed and sold in the green or unseasoned condition. Regardless of what the moisture condition of lumber is when it is sold by a lumber mill, all lumber dries to an average moisture content based upon the relative humidity in the area in which it is used. Lumber which is sold in the seasoned condition is already shrunk to about the size it will remain during its useful life. Lumber which is sold green or unseasoned shrinks as it dries out. Consequently, where lumber is in use today it is of two different sizes depending upon whether it was sold in the seasoned or unseasoned condition. For example, a 2 by 4 which is to be sold in the dry condition is dried before it is sent to the planer. It is surfaced today at 1⅝ by 3⅝ inches when it is still full of moisture. As the green 2 by 4 loses its moisture content through normal evaporation, it shrinks and becomes smaller than the dry 2 by 4. The impact of such variations upon the acceptance of all softwood lumber by consumers is readily apparent.

Given these simple facts, the American Lumber Standards Committee, a group of men selected by the Secretary of Commerce from among producers, architects, engineers, builders, and user groups, took the scientific findings of the Forests Products Laboratory of the U.S. Department of Agriculture and designed a new 2 by 4 which would be identical in size whether it was sold in the green or the dried condition. In other words, the new standard is based upon the consumer interest and equates the size of lumber in use rather than equating it in size at the mill. In the process of redesigning the size of lumber its strength was maintained and at the same time a raw materials saving was made possible. This will permit further conservation of our precious natural resource—the living tree.

There is not any question but that some competitive relationships within the industry are going to be affected—change and counterchange are, after all, the basis for competition in a free society. For example, for years manufacturers of lumber which is sold in the green condition have sold less wood to the American consumers than have lumber producers who have sold dry lumber. In other words, the man who intends to sell his product unseasoned cuts smaller pieces out of logs than the man who intends to sell it seasoned. This practice developed during World War II. Under the new standard, the same size piece of wood is cut out of the log whether the producer intends to sell it in a seasoned or unseasoned condition. The savings in raw material, however, will not mean that all lumber sold in the United States is going to be seasoned. The cost of drying lumber before it is sent to the planer whether dried through a kiln or stacked in a yard and air dried over a fairly long period of time, is such as to make the cost of manufacturing dry lumber considerably higher than manufacturing green lumber. In those markets where green lumber has traditionally been used I see no reason why it will not continue to be used. Cost of manufacturing green lumber will not rise one bit because of this new standard. As a matter of fact, there is a slight savings in raw material even for the green lumber manufacturer. Consequently, it it seems to me there is nothing but benefit to the consumer of lumber in the United States that can come out of this new standard.

I have noted with interest the alarm raised by certain eastern wholesalers of green lumber who assert this new standard will tend to put all of the eastern seaports out of business because of the loss of the market for green lumber. Many of these same gentlemen who now lament the passing of lucrative business in cargo shipments of domestic lumber, testified against the U.S. lumber industry before the U.S. Tariff Commission and there stated that 80 percent of their waterborne shipments of green lumber came from Canada. They declared as well, since it then served their immediate purpose, that they bought Canadian lumber because there was no adequate source of lumber in the United States. Their sudden, vocal concern for the welfare of the U.S. lumber industry echoes hollowly against the mocking laughter of their earlier position.

There is no requirement in the new standard that lumber must be manufactured in the seasoned or unseasoned condition. The choice is up to the manufacturer and/or his customers.

The fact that more pieces of lumber may be cut out of a log, if the new standard is approved, has been used by some who oppose the standard as a reason for disapproving the standard. They seem to argue on the one hand that those who own trees will be unduly benefited by the change in the standard and on the other hand that the change will cause an overproduction of lumber in the United States at a time when the U.S. lumber industry is already facing economic difficulties.

Let me make it quite clear, Mr. Speaker, that if this issue is to be decided on the question of conservation of our forests, then let the record clearly show that I stand on the side of the conservationist. Let it show as well that not only the private timber will appreciate in value but that the vast timber holdings of the Federal Government will become more valuable too. The return from timber sales in both private and public forests, influences the degree of forest management which can be undertaken and forest management holds the key to true conservation.

Since the U.S. Government is the largest single owner of commercial forests in the United States, and, incidentally, almost the only source of raw material for the lumber industry in my State where this standard is warmly endorsed, I would think that all American citizens would favor any change in a lumber standard which would tend to conserve the public-owned forests of this country. As a matter of fact, it has been my impression that some of the very companies who so vigorously oppose the standards in the States of Washington and Oregon have been in the forefront of a drive to get the U.S. Government to increase its sale of logs from the public lands in that area. If this standard will benefit the owner of commercial forest lands in the United States, I again say that is fine. There are 4½ million private forest land owners scattered throughout the 50 States. If they can benefit economically because of a change in the standard, I am all for it. Our natural history clearly demonstrates that the surest way to sponsor the husbanding of a resource is to increase its value.

The leaders in the homebuilding industry, one of the keystones of our economy, have estimated that an annual savings of $100 million to home buyers would result from the adoption of the new lumber standard. This is easy to understand when it is realized that approximately 80 percent of the single-family houses built in the United States utilize lumber as a basic construction material whether the lumber which is to go into a house was sold at the mill in a seasoned or unseasoned condition.

The March 16, 1964, edition of Railway Age very succinctly summarizes the advantages that the proponents to the new lumber size attribute to the new standard:

> SMALLER LUMBER SIZES SEEN AS HELP TO RAILS
>
> Railroads, as well as lumber producers and consumers, could benefit from smaller size standards being advocated by some lumber manufacturers. J. G. Manning, traffic manager, West Coast Lumbermen's Association, figures it about like this: "Smaller sizes (e.g., 1½-inch thickness for lumber now finished at 1⅝ inches) will not affect per car revenues of railroads. A carload of lumber will weigh about the same as it does now so freight charges will be the same. But a car will carry a few more board feet measure, so the buyer will save a small percentage of freight. Meantime, the smaller streamlined sizes will make lumber more competitive with other materials, which are often produced close to building sites and hauled by truck. As lumber thus strengthens its place in the construction field, it can be expected to move eastward, principally by rail, in greater total volume." The proposed new sizes, Mr. Manning explains, are an outgrowth of the feeling that more wood than necessary is being used in most building work. This, he says, "is a carryover from years ago when lumber prices reflected low log and labor costs. Now, laboratory testing, engineering data and experience have combined to prove that lumber will do the job in the smaller sizes." If approved by the U.S. Department of Commerce, the new standards are expected to save material, time, and money for users, because they will permit marketing throughout the country of uniform sizes of both dry and unseasoned lumber. Approval, however, seems likely to be strongly opposed by some port and shipping interests and some lumber dealers on both coasts, which now use intercoastal water transport for green timber. Lumber ranks high among all commodities shipped by rail; represents by far the largest single commodity moved west to east transcontinentally. The Douglas-fir region of western Oregon and Washington alone, according to Mr. Manning, sends about 250,000 carloads a year over virtually every railroad in the country. But inroads of competing materials have allegedly prevented the industry from increasing its shipments "to keep pace with the rising economy of the country."

Finally, Mr. Speaker, those who charge that the new lumber standard represents somehow a struggle between the "bigs" and "smalls" in the lumber industry would seem to me to be prejudging the case. For the information of my colleagues, the lumber industry includes more than 30,000 manufacturing units, according to the Census Bureau, with an average employment per mill of approximately 16 persons. This compares with an average of about 57 persons for all manufacturing industry in the United States. This means that the largest three or four companies account for about 7 percent of the production of lumber in the United States. Let the opponents of this new standard compare that figure with the concentration of production in the steel, aluminum, glass, and plastics industries which are highly competitive with lumber in the marketplace.

I make no effort to prejudge the decisions of the Department of Commerce in this matter. I am content to let the interested parties express their views through the acceptor questionnaire which they will be receiving within the next 2 or 3 weeks. I have little patience, however, for those in any industry who would hold back progress and improvement of a product that would benefit the American people for the sake of their own selfish interests. The arguments of some of the opponents who seek to protect the status quo and want no change remind me of those who argued against improving the efficiency of automobile engines because to do so would mean there would be less consumption of gasoline and the petroleum industry would therefore suffer damage.

In recent weeks, opponents of the new standard, desperate for ammunition and tactics, have dragged machine grading of lumber across the path. Since the studies on the findings of what machine grading of lumber will accomplish are not yet final, I am unable to inform my colleagues as to what the actual facts are. However, indications are that machine grading of lumber will disclose that lumber is much stronger than had been thought in the past. Such a finding would make it possible for a smaller piece of lumber to do the job than had been required in the past. This strikes me as being something to applaud rather than to condemn. If all species that are cut into lumber can be upgraded by use of a machine—and this appears to be the fact—then all lumber producers benefit. It strikes me that events such as these would indicate that the American lumber industry is awake to its responsibilities in meeting its competition in the marketplace and that the American lumber industry deserves every assistance that its Government can give to it instead of being subjected to actions that hobble its progress and competitiveness.

I hope that each and every one of the more than 20,000 individuals and companies that receive the questionnaire from the Department of Commerce will study the proposal carefully and give the Department of Commerce the benefit of his individual response to the proposal. And then I hope that the Department of Commerce will move quickly to make its final determination of this matter so that the lumber industry can be about its business and bring better products to the American people through wood.

PANAMA CRISIS: HEARINGS BY INTERNATIONAL COMMISSION OF JURISTS

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FLOOD. Mr. Speaker, in remarks in the CONGRESSIONAL RECORD on March 23, 1964, I quoted a letter from the Department of State supplying information concerning a recent formal inquiry on the Isthmus of Panama by three observers of the International Commission of Jurists of Geneva, undertaken at the request of the National Bar Association of Panama.

The legal representative of the United States at these hearings was Joseph Califano, Jr., General Counsel of the Department of the Army. At a press conference held by him, after completion of 10 days of testimony on Friday, March 13, he described the nature of the hearings.

In presenting the case for the United States against Panamanian charges of violation of human rights, Counsel Califano emphasized the following three points:

First. That the Panamanian Government took no effective action to control or halt the violence for 3 days.

Second. That Panamanian radio and TV stations were used to incite rioters to bloody violence and to spread disorders.

Third. That extremist agitators, some of them Communists, encouraged the mobs.

In order that the Congress and the Nation may be informed concerning the recent inquiry on the isthmus, I quote the account of Counsel Califano's press conference as published in the March 20, 1964, issue of Spillway, an official publication of the Panama Canal Company:

ICJ ENDS HEARINGS ON HUMAN RIGHTS; U.S. POINTS AIRED AT PRESS CONFERENCE—U.S. COUNSEL STRESSES THREE MAJOR POINTS

The United States placed the blame for the January rioting in the Canal Zone primarily on lack of action by the Panamian Government, as 10 days of testimony ended last Friday before a multinational committee of lawyers probing charges that human rights of Panamanian citizens were violated during the disturbances.

The American delegation to hearings in Panama City also alleged that extremist groups as well as irresponsible newspaper, radio, and TV reporting in Panama contributed to the violent incidents upon which the Panamanian Bar Association based its charges.

In a press conference, U.S. legal representative, Joseph Califano, Jr., General Counsel, Department of the Army, said a report from the three members of the International Commission of Jurists is expected within 2 months. Two of the ICJ members are returning to Geneva and the third will go there later after a vacation.

The testimony required about 100 hours, Califano said. It will fill more than 800 pages when transcribed from the 50 tapes on which it was recorded.

He said the United States is convinced that "criminal and extremist elements took control of the situation no later than 2 hours after the anti-U.S. rioting started the night of January 9."

The U.S. case stated that the Panamanian Government took no effective action to control or halt the rioting or looting for 3 days following the outbreak of the riots in the late afternoon of January 9. The jurists repeatedly asked Panamanian representatives for information on the arrest of looters and about the steps taken to halt the rioting.

The second point stressed by the United States in assessing blame was that inflammatory broadcasts by Panamanian radio and TV stations served to further incite the rioters and spread violence. "This continued even after the Panamanian Government officially took over the radio and TV stations," Califano said.

Extremists were the third element that acted as a goad to the mobs, he said. He pointed out that on January 11, Deputy Secretary of Defense Cyrus Vance and U.S. Assistant Secretary of State Thomas Mann told Panama Foreign Minister Galileo Solis, that the United States would furnish a list of 10 known agitators, some of whom were Communists; and that control could be more readily established if these persons were taken into custody by the Panamanian authorities. "The Foreign Minister said these persons would be picked up if we gave them the list. We did," said Califano, "but the next day 6 of the 10 on that list were leading the funeral procession for Panamanians who died in the riots and some of them were holding flags in that march."

The jurists viewed three movie films on the march of the Panamanian students to Balboa High School and on the widespread violence that followed. About 150 photographs and dozens of documents were introduced by the U.S. representatives. The United States also played a tape recording in which a Panama radio station was heard passionately urging the people to continue the riots. The Panamanian representatives also submitted a large number of photographs, documents, and printed material Twenty-five witnesses testified, 15 for Panama, and 10 for the United States. The proceedings were conducted along less formal lines than those generally observed in courts.

U.S. attorneys gathering evidence interviewed hundreds of military personnel involved and scores of Canal Zone police who were on duty during the riots.

On the ICJ panel were Dr. Navroz Vakil of India, a trial lawyer; Prof. Gustaf Petren, of Sweden, a judge; and Prof. A. N. Belinfante, of the Netherlands, a trial lawyer and professor at the University of Amsterdam.

The Commission has published nine major reports: Hungary (3), Tibet, South Africa, Liberia, Tunisia, the Berlin Wall, and Cuba. These have been described as models of thoroughness.

LET'S GET THE FACTS STRAIGHT ON THE WHEAT PROGRAM—PART 3

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PURCELL. Mr. Speaker, parts 1 and 2 of this series of statements on the wheat program contained in H.R. 6196 appear in the CONGRESSIONAL RECORD for March 25, page 6335, and March 26, page 6382, respectively.

It is my sincere hope that my colleagues will take time to study the facts outlined in these statements before we vote on H.R. 6196 later this week.

Mr. Speaker, a number of Members of the House have asked if the wheat program authorized in H.R. 6196 does not include an added tax on bread. The wheat millers apparently are confusing the issue for them.

"Let us get the facts straight."

H.R. 6196 will result in a reduction in wheat program costs as compared with recent wheat programs.

Wheat has been selling for about $2 a bushel at the farm. It has been selling at that level because we have had a price support program for wheat.

Farmers have been able to deliver their wheat to the Commodity Credit Corporation—a Government corporation—if they could not get a price equivalent to the support level in the marketplace.

Surplus stocks accumulated under this program.

The voluntary certificate plan authorized in H.R. 6196 permits the Secretary of Agriculture to drop price supports from the food grain price level of $1.80 to $2 a bushel to the feed grain level of about $1.30 a bushel. It then distributes wheat certificates to those who voluntarily comply with the adjustment program. The value of these certificates is fixed by the Secretary within the limits prescribed by the Congress. The Secretary has announced that the domestic marketing certificates this season will have a value of 70 cents a bushel if H.R. 6196 is approved.

Domestic wheat millers will be able to buy their wheat in the market about 70 cents a bushel cheaper than in former years. In addition, they will have to purchase domestic wheat marketing certificates at 70 cents a bushel, making the total cost of the wheat milled about the same as in former years.

The certificate plan authorized in H.R. 6196 actually recaptures for farmers a prospective windfall to the middlemen which would occur when price supports are dropped to $1.30 a bushel.

It limits price support for food uses to domestic consumption and a percentage of total exports. Price supports at the food grain price level are no longer available on all that can be grown on the allotted acreage, with heavy applications of fertilizer. With price supports limited in this way program costs will be reduced.

I urge every Member of this body to consult the chart on retail bread prices and prices received by farmers for wheat, which appears on page 7 of House Report No. 1239—the report which accompanies H.R. 9780—"A Voluntary Marketing Certificate Program for Wheat."

This chart, prepared by the Legislative References Service, shows that wheat prices have fallen from an index of 110 in 1947 to 91 in 1963. And what happened to retail bread prices as wheat prices fell? Did they go down too? No, they went up.

Retail prices of bread, other bakery and cereal products went up steadily from 1947 to 1963 regardless of the decline in wheat prices. Retail prices went up a full 50 percent—from an index of 95 in 1947 to an index of 144 in 1963.

I should like to recall for the Members of this body the articles which appeared in the New York Times and the Wall Street Journal immediately after the wheat marketing quota referendum was defeated last May.

At that time articles appeared in both papers stating there would be no reduction in the price of bread even though the price of wheat fell substantially.

These articles repeated what we all know—that the cost of the wheat in a 21-cent loaf of bread at the past wheat price support levels, was only 2.5 cents.

A decline of 70 cents a bushel in the price of wheat would be only a minor factor in the cost of producing bread.

Then why all this cry about a bread tax in H.R. 6196? Quite frankly, the middlemen want to pick up a windfall. And they will succeed if they confuse the issue sufficiently to secure the defeat of the bill.

The charge has been made that this is a revenue measure and should be considered by the Ways and Means Committee. Mr. Speaker, that issue has been settled by the courts. The Federal Government, under the Interstate Commerce clause has the authority to enact price support and adjustment programs and impose penalities for failure to comply with the regulations.

H.R. 6196 is a bill to provide price support and adjustment programs for both wheat and cotton. It is not different in its economic impact on domestic wheat processors than earlier wheat price support programs. It greatly eases the economic burden on textile mills. In both cases it is a fair bill.

I also would like to take this opportunity to say a few words about the 105 percent of the support price resale provisions included in the bill. A number of my good friends would like to have this provision changed to prevent the Commodity Credit Corporation from reselling any wheat it has in storage for less 115 percent of the existing support price.

Mr. Speaker, the objectives of this bill are to maintain wheat producers' incomes without increasing consumers' costs, reduce Government costs and reduce wheat surpluses.

H.R. 6196 will accomplish these purposes.

If it were amended to restrict Commodity Credit Corporation sales to 115 percent of the price support level, the reduction in Commodity Credit Corporation stocks would be restricted.

Or, the Secretary might find it necessary to lower the support on wheat to less than the feed grain price-support level to make sure that the Commodity Credit Corporation would be able to liquidate stocks as desired.

Restriction of Commodity Credit Corporation sales to 115 percent of the price support level or above would increase Government costs. In certain cases it probably would require the payment of export subsidies.

It would protect flour millers or consumers.

It would not increase producers' incomes.

It would increase Government costs.

DAG HAMMARSKJOLD MEMORIAL LECTURE BY AMBASSADOR ADLAI E. STEVENSON

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FASCELL. Mr. Speaker, Dag Hammarskjold was a devoted servant of the world, a pioneer dedicated to the mission of transforming the lofty ideals of the United Nations Charter into practical realities of international life. He assumed fearlessly the task of forging the United Nations into an effective international presence, and in the end he gave his life trying to resolve the bitter conflict in the Congo.

Adlai Stevenson, our Ambassador to the United Nations, follows in the tradition of Dag Hammarskjold. Like Mr. Hammarskjold he views the United Nations not as a static debating society but as a dynamic instrument of international cooperation for the resolution of conflict. His forceful presentation of the U.S. position, his words of inspiration have earned him the respect of all the United Nations.

In the past the United States has been a strong supporter of the United Nations, of its peacekeeping operations in Korea, Suez, the Congo, and now Cyprus. We have supported these operations because we have viewed them as an alternative to local wars or possibly even East-West confrontation. The prestige of the world organization as an instrument of peaceful change has been steadily growing with each of its successes. The United Nations needs our continuing support; it is the best means so far discovered by man of solving international problems without resorting to national violence.

Ambassador Stevenson, in delivering the Dag Hammarskjold memorial lecture at Princeton University on March 23, 1964, rightly cautioned:

> If we in the United States do not carry these burdens, no one else will. If we withdraw, retreat, hesitate, the hope of today, I believe without rhetoric or exaggeration, will be lost tomorrow.

I commend to my colleagues, the Ambassador's stirring and timely address:

FROM CONTAINMENT TO CEASE-FIRE AND PEACEFUL CHANGE

The United Nations and, therefore, the world has been fortunate to have three strong Secretaries General—Trygve Lie of Norway, Dag Hammarskjold of Sweden, and U Thant of Burma. While serving on the American delegation in London in the first days of the United Nations and latterly in New York, I had something to do with the selection of Trygve Lie and U Thant. And it was my good fortune to know Dag Hammarskjold well, and my sad lot to attend his funeral in the lovely old cathedral at Upsala. Like the others who came from all over the world, I walked behind him to the cemetery through the streets of the ancient town, lined with thousands of silent, reverent people. Upsala was the world that day when he was laid to rest in the northern autumn twilight, for he was a hero of the community of man.

Norman Cousins tells a story that says a lot about Dag Hammarskjold as a peacemaker.

He had scheduled an interview with a magazine writer one evening. The writer suggested that they have dinner at a restaurant, which the Secretary General accepted. He further suggested that they take his car, which the Secretary General also accepted.

Upon leaving the building, the writer recalled to his embarrassment that he had driven into town in a battered old jeep. The Secretary General was delighted. "Sometimes I think I was born in one," he said.

But the writer's embarrassment had only begun. Four blocks away, a taxicab darted in front of the jeep and there was a harmless collision.

I don't have to suggest the reaction of the cabdriver or the quality of his prose. But the writer was not without a temper himself, or the prose to match the cabdriver. It looked as though the disagreement was about to escalate into active hostilities. At this point, Hammarskjold climbed out of the jeep and stepped around to the cabdriver.

"You know," he said, "I don't think anyone quite realizes how tough it is to drive a cab in New York City. I don't know how you fellows do it—10, 12, 14 hours a day, day after day, with all the things you've got to contend with, people weaving in and out of traffic and that sort of thing. Believe me, I really have to take my hat off to you fellows."

The cabdriver defused immediately. "Mister," he said, "you really said a mouthful." And that was the end of the incident.

But it wasn't the end of the story. A few blocks later the unfortunate writer ran out of gas. And who should drive by? The same cabdriver pulled up and said, "What's the matter chum, any trouble?"

"Out of gas," said the disgruntled writer.

Well, you can guess the end of the story: The cabbie offered to get some gas, invited the driver's "nice friend" to come along with him, and drove off with the Secretary General of the United Nations in the front seat—leaving the writer to ponder the role of the peacemaker in today's tense society.

I

No one ever doubted Dag Hammarskjold's selfless dedication to peaceful settlement of any and all disputes among men and nations. None questioned his deep personal commitment to the principles of the Charter of the United Nations, whose first business is the peaceful settlement of disputes.

But this can be said of other men: Hammarskjold was unsurpassed, but he was not alone in his devotion to peace. What distinguished his service to the United Nations is that he came to see it for what it is: a specific piece of international machinery whose implicit capabilities can only be realized by the action of the members and the Secretariat working within its constitutional framework.

There was no doubt in Dag Hammarskjold—nor is there in many others—that the United Nations is the most remarkable and significant international institution ever conceived. But Hammarskjold also understood that the machinery not only needs lofty goals and high principles but it has to work in practice—that it has limited, not unlimited functions; that it has finite, not infinite capabilities under given circumstances at a given time.

He saw that the effectiveness of the organization is measured by the best consensus that can be reached by the relevant majority of the relevant organ—and that reaching that consensus is a highly pragmatic exercise.

Understanding all this, Dag Hammarskjold—himself a key part of the machinery—helped make the machinery more workable, more adaptable, more relevant to the immediate political needs. By doing so, he helped expand the capacity of the machinery to act effectively. This, I think, was his greatest contribution to the United Nations, and thus to world peace.

His was dedicated service—backed by diplomatic skill, by administrative talent, and by a sharp sense of political reality.

The overwhelming political reality of Hammarskjold's day was the division of the world into opposing and rigid military alliances, led by two incomparable centers of power and influence—with the two halves of this bipolar world engaged in a cold war paced by an uncontrolled and seemingly uncontrollable nuclear arms race—while everyone else held his breath lest the "balance of terror" get too far out of balance.

Many came to accept this as a continuing—almost natural—state of affairs which would continue until one side collapsed or the two sides collided in World War III. We now know that it was a transitory and unhealthy condition of the world body politic.

The cold war has not sunk out of sight, but the field of contest may be shifting radically—and for the better.

The nuclear arms race has not passed into history, but at least it has, for the first time, been brought within a first stage of control.

For these and a large variety of other reasons, the world is a very different world from that which existed when Dag Hammarskjold went down to his death in that cruel crash in Africa two and a half years ago. We therefore will be wise to tailor our thinking about the role of the United Nations he served so well not to his world of 1961 but to our world of 1964—which is to say:

A world which is no longer bipolar but in which multiple centers of power and influence have come into being.

A world which at long last is approaching the end of the historic struggle for military superiority—by acquiring absolute military power.

A world in which the myth of monolithic blocs is giving way to a bewildering diversity among nations.

A world in which realities are eroding the once rigid political dogmas.

A world in which not only imperialism but paternalism is dying.

A world in which old trading systems, monetary systems, market systems, and other elements of the conventional wisdom are being challenged and changed.

A world which at once makes breathtaking new discoveries and is crippled by ancient feuds—which is both fabulously rich and desperately poor—which is making more progress than ever before and seeing much of it wiped out by an explosive population growth.

And finally, a world in which fundamental issues of human rights—which have been hidden in closets down the long corridor of history—are out in the open and high on the agenda of human affairs.

For the first time in history the world is being changed radically within the span of an average lifetime: we enter one world and leave quite a different one. As E. B. White once said of New York, "the miracle is that it works at all."

Not even the sloganeers have caught the full essence of these times; we do not yet know what to call this particular passage of history. Since the end of the Second World War we have spoken of the "atomic age" and the "jet age"—of the era of "rising expectations" and the "epoch of the common man"—of the "first age of space" and the "first age of mass politics". Each of these labels identifies at least one of the swirling phenomena of our times, but none of them will do as an overall title.

II

We should try to come to grips with the central theme of our times—with that aspect of current affairs which gives them their characteristic stamp and flavor—with that label which may not tell all but puts its finger on the most important thing that is going on.

You will recall that back in 1947 a certain Mr. X—who turned out to be my friend George Kennan—wrote an article for Foreign Affairs in which he introduced the famous label, the "Policy of Containment". He invented the phrase but he did not invent the doctrine; the United States already was busily, heavily, expensively, and dangerously involved in containing the ruthless, heavy-handed outer thrust of Stalin's Russia—wherever he might strike or lean.

This was the main pattern of world events for a number of years and "containment" was a meaningful description of the main purpose of U.S. policy. It was therefore a great public service, for in the free world effective foreign policy is difficult without the understanding and appreciation of the public. How can one rally support for a policy if one can't even describe it? In the absence of a suitable description, each individual action of government is dangerously exposed to attack and suspicion, but if it is known to be part of a larger and well-understood design, it becomes less difficult to act quickly and coherently. However, this is not a lecture on the glorious virtues and crippling vices of sovereign public opinion in a genuine democracy.

When we look back with pride on the great decisions that President Truman made, we see now that he had the inestimable advantage of public understanding. He could react to Korea quickly because he didn't have to stop to explain, to pull public opinion up alongside. It was quite clear to all that this was but another phase of containment, just like the Berlin airlift and the guerrilla war in Greece, and NATO.

Up until the postwar years, Americans had been brought up on the idea of fighting every conflict to a decisive finish—to total victory, to unconditional surrender. But when the nuclear age revealed the hazards of this course, it was neither easy nor popular to introduce the concept of limited action, primarily to preserve the status quo. This nuclear necessity went against the American grain, it was (and to some still is) both confusing and frustrating. It took patient explaining, and all of us can be grateful that Mr. X gave identification and illumination to a policy that was already being practiced. He showed us why the Greeks thought it so important to have "a word for it."

We can, as I say, be proud of our performance under the containment policy. Above all we can be proud that the tendency once noted by Lord Acton did not operate in our case: the possession of great power—unprecedented and overwhelming power—did not corrupt the American Government or the American people.

But as unquestioned leader of an alliance constantly threatened by external military pressure, we had to stand up and be counted for more; we had to stand firm; we had to confront force with force until the tanks faced each other gun barrel to gun barrel, along Friedrichstrasse in Berlin—until the Korean invaders had been thrown back across the 38th parallel—until the Navy drew an armored noose around Soviet missile sites in Cuba—and until, at long last, Soviet leaders became convinced that freemen will answer steel with steel.

During this whole period the positions and actions taken by the U.S. Government to contain aggression had broad public understanding and support. In a sense the policy of containment was too easy to understand. It tended to reinforce a simplistic view of a black-and-white world peopled by good guys and bad guys; it tended to induce a fixation on military borders to the exclusion of other things; and it tended to hide deep trends and radical changes which even then were restructuring the world.

And, of course, the policy of containment—being a reaction to Soviet Communist aggressiveness—necessarily had a negative and static ring to it. This had the unfortunate effect of partially obscuring the positive and progressive purposes of U.S. policies in support of the United Nations, in support of regional unity in Europe and elsewhere and in support of economic and social growth throughout most of the world where poverty was a centuries-old way of life.

Nevertheless, the doctrine of containment was relevant to the power realities of the times—to the struggle to protect the independent world from Stalinism—and to the defense of peace—which is quite a lot.

Indeed, the doctrine may not yet have outlived its usefulness. If the present Soviet leaders have come to see that expansion by armed force is an irrational policy, it is by no means clear that the Chinese Communists—pretending to read out of the same book—have yet come to the same conclusion.

No doubt we shall have to stand firm again—and face danger again—and run risks again in the defense of freedom.

We cannot and will not resign from whatever degree of leadership is forced upon us by the level of threat used against us, our allies, and our friends.

But as anyone willing to see clearly already knows, the current course of world affairs calls for something more than a "policy of containment."

III

What, then is the dominant theme that marks the character of contemporary world affairs?

I would suggest that we have begun to move beyond the policy of containment; that the central trend of our times is the emergence of what, for lack of a better label, might be called a policy of cease-fire, and peaceful change. I would suggest, further, that we may be approaching something close to a world consensus on such a policy.

No analogy is every perfect, but if the policy of containment stands for "limited war," then the policy of cease-fire perhaps stands for "limited peace." I believe this mutation is occurring simply because the H-bomb has made even "limited" war too dangerous.

Cease-fire and peaceful change may strike some as a curious way to describe a period so jammed by violence, by disorder, by quarrels among the nations—an era so lacking in law and order. But I do not speak wistfully; I speak from the record.

It is precisely the fact that so much violence and so many quarrels have not led to war that puts a special mark on our times.

Only a few decades ago, if a street mob organized by a government sacked and burned the embassy of another government—if rioters tore down another nation's flag and spit upon it—if hoodlums hanged or burned in effigy the head of another state—if ships or planes on lawful missions were attacked—you would expect a war to break out forthwith. Lesser excuses than these have started more than one war before.

And only a few decades ago, once hostilities broke out between the armed forces of two nations, it was assumed with good reason that since the war was started, the war would proceed until one nation or one side had "won" and the other had "lost"—however foolish or futile the whole thing might be.

It also was assumed that the only way fighting could be stopped was by surrender—unconditional or negotiated—confirmed by signatures on a document and ritualized by the presentation of swords by the vanquished to the victors. That was in the nature of the institution called war. This is how it was.

But this is not the way it has been for well over a decade now and I think we should begin to notice that fact. Scores and scores of what used to be called "incidents"—far too many of them—have occurred around the world without leading to hostilities or even ultimatums. The fact is that in the last decade, nearly every war, partial war, incipient war, and threat of war, has either been halted or averted by a cease-fire.

It is still a very foolish and dangerous thing to insult another nation or desecrate its property or take pot shots at its citizens or equipment. But there are other forms of penalty than mass slaughter and, happily, the world is beginning to avail itself of them. Firing has started and then stopped—organized hostilities have been turned on and then called off—without victory or defeat, without surrender or peace treaty, without signatures or swords.

This is what seems to be happening. If so, it is perhaps the most important and certainly the most hopeful news for many a moon. As Al Smith kept saying, let's look at the record.

Just after the last war, the Soviet Union sent two armored divisions though northern Iran toward the Turkish and Iraqi frontiers while Bulgaria massed troops on its southern frontier to form the other prong of a huge pincers movement against Turkey. Then the Security Council of the United Nations met in London for the first time, and presently the Soviet troops went back into the Soviet Union. Not a shot had been fired.

Since that time there have been some 20 occasions on which the armed forces of two or more nations engaged in more or less organized, formal hostilities, which in another day would have been accompanied by declarations of war—wars to be fought until victory was attained by one side or the other. Eight of these could be classified as outright invasions, in which the armed forces of one nation marched or parachuted into the territory of another; only one of them—the mismatched affair between India and Goa—was settled in the traditional way in which wars have been settled in the past.

On at least another 20 occasions there has been minor fighting on disputed frontiers, or armed revolts which usually involved the national interests of an outside state. Any of them would have qualified as a causus belli in another day.

At this very moment the agenda of the Security Council of the United Nations lists 57 international disputes. Some of them have been settled, some are quiescent, and others could flare again at any moment. The point here is that more than half a hundred international quarrels have been considered by somebody to be enough of a threat to the peace to take the case to the court of last resort.

This is not exactly peace—at least not the kind of peace that people have dreamed and hoped and prayed for. But the record suggests that if fighting breaks out somewhere tomorrow, the chances are good that the next step will not be the sound of trumpets but the call to cease fire.

And the chances are good that the step after that will not be an exchange of swords but an exchange of words at a conference table. This is no guarantee that a way will be found to remove the root of the trouble: In the Middle East, southeast Asia, and the Far East there are temporary armistice lines that have been temporary now for more than a decade. But in these affairs there are no victors and no vanquished—and in this sense we are all winners.

This record of violence without war suggests, then, that we may have slipped almost imperceptibly into an era of peaceful settlement of disputes—or at least an era of cease fires while disputes are pursued by other than military means.

Without making light of life-and-death matters, one can conclude that it has become distinctly unfashionable to march armies into somebody else's territory. I can think of no better evidence than the fact that the Organization of African Unity—an institution hardly out of its swaddling clothes—quickly arranged cease fires when fighting broke out on the borders between Morocco and Algeria and again between Somalia and Ethiopia.

How has all this come about? I shall not attempt anything like a definite answer. I would only suggest in passing that perhaps Korea was the end of the road for classical armed aggression against one's next door neighbor; that perhaps Suez was the end of the road for colonial-type military solutions; and that perhaps Cuba was the end of the road for nuclear confrontation.

Perhaps man is adjusting once again to his environment—this time the atomic environment. Perhaps the leaders of nations around the world—small as well as large nations—have absorbed the notion that little wars will lead to big wars and big wars to annihilation. Perhaps we are edging toward a censensus on the proposition that nobody can afford an uncontrolled skirmish any more—that the only safe antidote to escalation is cease-fire.

I emphasize "perhaps"—for we must work and pray for that historical judgment on these times.

Yet skirmishes will occur—and will have to be controlled. Countless borders are still in dispute. Nationalism and rivalry are rampant. Ethnic and tribal and religious animosities abound. Passions and hatreds, ignorance and ambition, bigotry and discrimination, are all still with us.

The question is what can be done to make sure that this is in fact an era of peaceful settlement of disputes among nations.

For one thing, we can pursue this consensus on recourse to nonviolent solutions. Most of the world is in agreement right now—though there are a few who would make a small exception for his own dispute with his neighbor. Yet there is reason to hope that the aggressors are extending their doctrine of no nuclear war to a broader doctrine of no conventional war—on the grounds that you cannot be sure there will be no nuclear war unless you are sure there will be no conventional war either.

For another thing, we can get on with the urgent business of expanding and improving the peacekeeping machinery of the United Nations. Most of the cease-fires I have been speaking about have been arranged by the United Nations and the regional organizations. Most of the truces and negotiations and solutions that have come about have come about with the help of the United Nations. Even if the will had existed, the way would not have been found without the machinery of the United Nations.

Violence—which there will be—without war—which there must not be—is unthinkable without an effective and reliable system of peacekeeping.

How should we and how can we improve the peacekeeping machinery of the United Nations?

Cyprus has vividly exposed the frailties of the existing machinery: The Security Council, by an impressive unanimous vote, first saved the situation with a cease-fire resolution providing for a U.N. peacekeeping force, but shortly afterward war nearly broke out again before the U.N. could put the resolution into effect.

There were no troops immediately available, and the Security General could not marshal the U.N. force with the speed so urgently required. Then there was no assurance of adequate funds to pay for the operation. While these handicaps were overcome, the Secretary General has not yet found a mediator of the conflict. While I am confident that he will soon be designated, it took over 2 weeks (instead of 2 days or 2 hours) to get the peacekeeping operation going, and then only because armed intervention appeared imminent.

In short, when time is of the essence, there is a dangerous vacuum during the interval while military forces are being assembled on a hit-or-miss basis.

And we further risk an erosion in the political and moral authority of the U.N. if troops trained only for national forces are thrust without special training into situations unique to the purpose and methods of the United Nations. For a U.N. soldier in his blue beret is like no other soldier in the world—he has no mission but peace and no enemy but war.

Time and again, we of the United States have urged the creation of a United Nations International Police Force, trained specifically for the keeping of the peace.

Perhaps it is too early to contemplate a fixed U.N. international force which would be permanently maintained for use for any and all purposes—for the world's emergencies differ one from another, and there can hardly be one treatment for all of them. But surely it would make sense for member countries of the United Nations to indicate what forces, equipment, and logistic support they would be willing to train for peacekeeping service, and to supply on a moment's notice.

And surely it would make sense for the U.N. itself to add to its military and planning staff so that peacekeeping operations can be set in motion with the utmost speed and effectiveness.

There are some encouraging signs of progress. Recently it was announced that Scandinavia would create a permanent force for use on U.N. peacekeeping mission. This would include Denmark, Sweden, Norway and Finland, although it is not yet clear if Finland would join in an integrated command or form an independent unit. Other nations, such as Canada and the Netherlands, have also shown interest in creating a United Nations standby force. So things are moving.

IV

There is also movement on the fiscal front. Last year it seemed hopeless that the United Nations General Assembly would be able to agree on a financing formula which would permit its vital Congo operations to continue. But it did, and in the process paved the way for further developments in this all-important area.

This next month a United Nations working group will be meeting in an endeavor to formulate agreed methods for financing future peacekeeping operations, so that there will be less need for controversy each time such an operation is to be financed.

It is true that every United Nations peacekeeping effort is and probably always will be different from any other, and that no simple financing formula can fit them all, but agreement on certain principles and improvements in mechanisms should be possible and useful for the future. The United States will join wholeheartedly in the search for such agreements.

There will, however, be a shadow over that working group—the shadow of unpaid assessments for past United Nations peacekeeping operations. No less than $92 million of such arrears are owed by the Soviet bloc and a few other countries that have refused to pay their share of the cost of such operations—principally those in the Middle East and in the Congo.

But the Soviet claim that the assessments for these operations were not legally imposed and are not legally binding was rejected by the advisory opinion of the International Court of Justice in 1962, and that opinion was accepted by a decisive vote of the General Assembly that fall. Yet the Soviets are still refusing to pay.

What can be done about it?

Article 19 of the United Nations Charter provides that a member whose arrears amount to as much as its last 2 years' assessments "shall have no vote" in the General Assembly. This article has caught up with the Soviet Union and certain other countries, which means that if at the time the next General Assembly meets the Soviet Union has not paid at least some $9 million of its arrears, it will have no vote in the Assembly.

The United States, and I believe all the members want to avoid such a situation—in the only way it can be avoided; namely, by a Soviet payment—in whatever form.

We think the best way to avoid the penalty and preserve the U.N.'s financial integrity is for the members to make it abundantly clear that they support peacekeeping operations, that they want all members to pay their fair share of the cost, and that the charter must be applied in accordance with its terms and without fear or favor.

It is our earnest hope that the overwhelming sentiment of the members will prevail, and that the Soviet Union and others will find the means, in one way or another, to provide funds that will make unnecessary any article 19 confrontation.

At the same time, the United States and others are exploring the possibility of adjustments to avoid the recurrence of this unhappy situation. Not many members would agree with the Soviet Union's contention that the General Assembly has no right to recommend a peacekeeping operation and that the Security Council should have the exclusive right to initiate such operations. Nor would many agree to abolish the General Assembly's exclusive right, under the charter, to apportion and assess expenses.

But it should be possible to give new emphasis to the position of the Security Council by providing that all proposals for initiating a peacekeeping operation should first be presented to the Council, and that the General Assembly should not have the right to initiate such an operation unless the Council had shown that it was unable to act.

Also when it comes to the apportionment of the costs among the members by the General Assembly, we are exploring possible arrangements whereby the viewpoints of the major powers and contributors to the cost could be assured of more adequate consideration, and also the possibility of more flexible methods of distributing the cost.

I mention the fact that these possibilities are being discussed to make clear that the United States is using every effort to reach agreement as to future peacekeeping arrangements, in the hope that agreement as to the future will facilitate solution as to the past and provide a more firm foundation for a peacekeeping structure that has already proved itself so valuable.

Let me make it quite clear that it is the charter that imposes the penalty of loss of voting privileges for nonpayment of assessments. The United States has never presumed to think it could negotiate this requirement of the charter with the Soviet Union and it has not entered into these exploratory talks for this purpose. But we are eager to discuss a sound system for financing future peacekeeping operations, a system which involves no change in the terms of article 19 of the charter and, indeed, presupposes settlement of the arrears problem.

We hope and believe that these efforts to preserve the peacekeeping function will have the support of all members, and certainly of all members who believe in the efficacy, indeed the indispensability, of the United Nations as a force for peace in the world.

V

Finally, if we are going to get the nuclear genii back in the bottle and keep it there, we shall have to improve our techniques for arriving at basic solutions to problems which remain even when a cease fire has gone into effect.

I referred earlier to the point that the doctrine of containment was essentially a negative and static concept—as it had to be for its purpose. But a simple cease fire is static, too; it is a return to the status quo ante. And that is not good enough for a world in which the only question is whether change will be violent or peaceful.

The world has known periods of relative peace and order before. Always the order was assured by a system designed to preserve the status quo. And this is precisely why the system of order broke down—because the status quo is indefensible in the long run.

What the world needs is a dynamic system of order—a system capable of bringing about not just a precarious halt to hostilities, but a curative resolution of the roots of hostility. This is to say that a dynamic system of order must be one which helps parties to a dispute to break out of rigid stalemates—to adapt to new times—to manage and absorb needed change.

It is easier to write this prescription than to fill it. But if conflicts are to be resolved and not just frozen, it is manifest that only through the United Nations, the community of nations, can the workable system of peaceful change evolve. The United Nations is a shared enterprise; it speaks for no nation, but for the common interest of the world community. And most important, the United Nations has no interest in the status quo.

VI

To conclude: I believe there is evidence of new beginnings, of evolution from containment to cease fire, and from cease fire to peaceful change. We have witnessed the first concerted and successful effort to avoid the confrontation of naked force. The Cuban crisis has been followed by the nuclear test ban treaty and a pause in the arms race. We see growing up in the interstices of the old power systems a new readiness to replace national violence with international peacekeeping. The sheer arbitrament of force is no longer possible and less lethal methods of policing, controlling, and resolving disputes are emerging. Do we perceive, perhaps dimly, the world groping for, reaching out to the fuller vision of a society based upon human brotherhood, to an order in which men's burdens are lifted, to a peace which is secure in justice and ruled by law?

As I have said, I believe that now, as in the days of the Founding Fathers, even the faintest possibility of achieving such an order depends upon our steadfast faith. In their day, too, democracy in an age of monarchs and freedom in an age of empire seemed the most remote of pipedreams. Today, too, the dream of a world which repeats at the international level the solid achievements—of law and welfare—of our domestic society must seem audacious to the point of insanity, save for the grim fact that survival itself is inconceivable on any other terms.

And once again we in America are challenged to hold fast to our audacious dream. If we revert to crude nationalism and separatism, every present organ of international collaboration will collapse. If we turn in upon ourselves, allow our self-styled patriots to entice us into the supposed security of an impossible isolation, we shall be back in the jungle of rampant nationalisms and baleful ambitions and irreconcilable conflicts which—one cannot repeat it too often—have already twice in this century sent millions to their death, and next time would send everybody.

I believe, therefore, that at this time the only sane policy for America—in its own interests and in the wider interests of humanity—lies in the patient, unspectacular, and if need be, lonely search for the interests which unite the nations, for the policies which draw them together, for institutions which transcend rival national interests, for the international instruments of law and security, for the strengthening of what we have already built inside and outside the United Nations, for the elaboration of the further needs and institutions of a changing world for a stable, working society.

If we in the United States do not carry these burdens, no one else will. If we withdraw, retreat, hesitate, the hope of today, I believe without rhetoric or exaggeration, will be lost tomorrow.

We have called this land the "last best hope" of man—but "last" now has overtones of disaster which we would do well to heed. With Churchill, I can say that "I do not believe that God has despaired of His children." But I would say also, in the words of the Scriptures: "Let us work while it is yet day."

SOIL AND WATER CONSERVATION

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, I appreciate your giving me the opportunity to speak in support of the soil and water conservation and development activities of the Soil Conservation Service.

In Montana are the headwaters of two of the Nation's great rivers—the Columbia and the Missouri. This means we have a great responsibility not only to Montana, but to our sister States through which these rivers flow. What landowners and operators in Montana do may affect the people of many States. In our State—where agriculture is dependent on irrigation—we consider water a very precious asset. We cannot afford to waste it through inefficient or inadequate agricultural systems and practices. I am disturbed that this might happen if we do not provide more—not less—help to soil and water conservation districts through the Soil Conservation Service.

The number of landowners and operators receiving assistance from local Soil Conservation Service technicians increased about 60 percent nationally between 1952 and 1962. Yet the number of technicians available has decreased by about 1 man-year for each district since 1954. I think this speaks well for the increased efficiency of the Soil Conservation Service, but I think we have reached the point where help is spread too thin. With the new responsibilities assigned to the Soil Conservation Service because of broadened soil and water conservation programs, I believe we cannot afford to expect the job to get done unless we provide the trained personnel to do it.

The work being done through districts is necessary and urgent. It is basic. If we do not do it today, we will be merely postponing it to the future when it may be more costly. And postponing it is costly to our present economy.

Montana's 63 soil and water conservation districts need a minimum of 30 additional men to handle the backlog of requests for assistance. This need is for technicians who work directly with farmers and ranchers and rural groups to establish soil and water conservation systems.

Frank Thompson, president of the Montana Association of Soil and Water Conservation Districts, has told me he is greatly concerned about the proposed reduction of Soil Conservation Service assistance to districts. In a letter he said:

> Through our district programs we are striving to improve the overall economy by getting resource development up to a satisfactory level. Our farmers and ranchers have made more than 40 cost-return studies on conservation practices. From these studies, it is estimated that the overall economy in the State has been increased by at least $26 million annually in soil and water conservation districts.

I think this affirms the value of the program and the need to give districts the assistance they need.

According to the National Association of Soil and Water Conservation Districts, the need for technical assistance has increased in all States. They indicate that nationally a total of 1,500 additional man-years is needed to handle the backlog of soil conservation district requests. To meet this need, the conservation operations item in the budget needs to be increased by at least $10 million, and the personnel ceiling raised accordingly.

Mr. Speaker, I would also like to voice my support of the small watershed program. Montana is seeing the benefits of this program in the two projects having been completed.

Besides the completed projects, Mr. Thompson tells me that we have 20 currently active applications for projects, 13 of which have received no technical planning assistance from the Soil Conservation Service.

He says that at present we have one small planning party in the State which needs the addition of two people to make it a full planning party.

I have inquired of Donald A. Williams, Administrator of the Soil Conservation Service, what the proposed decrease of planning funds would mean in my State. I find that under the present budget estimates it will be necessary to reduce the watershed planning activity in the State by about one-fifth.

Our present small planning party can plan about three watersheds a year. At this rate, it will take between 4 and 5 years to plan just the projects for which there are presently active applications. This is not a very pleasant outlook for them or for the 245 small watersheds in the State that the recent USDA conservation needs inventory indicated need project-type action.

Small watershed projects have proved to be successful shots-in-the-arm to the rural communities in the Nation where they have been developed. The projects bring an immediate upswing in the economy as soon as they go into operation. Their construction gives work to local people. They require services from the local community. And they have been the catalyst that starts the economic wheels in motion. They are in the public interest. Local people are ready and anxious to do their part.

Congress has given local people hope through the broadening of the Small Watershed Act. I do not like to see this get bogged down because Federal assistance is not available.

Mr. Speaker, I believe we should increase the watershed protection item by $7 million and earmark $1½ million of this for planning. Also, personnel ceilings need to be increased to permit adequate planning parties to carry out the work.

The Great Plains conservation program is being well used in my State. It is an excellent way to get the conservation job done on a planned long-range basis. I am in favor of the increase proposed for 1965.

I believe that each of these programs has a place in our national efforts to combat poverty and to give a lift to rural economy.

I know that your task is not an easy one, but I hope you will consider each of these activities favorable. I appreciate very much your giving me this opportunity to speak in support of them.

COMMISSION ON FOOD MARKETING

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KASTENMEIER. Today I have joined in sponsoring a resolution to establish a 15-member National Commission on Food Marketing, as proposed by the President. Although I introduced a somewhat similar resolution on March 26, the President's new proposal has distinct advantages over my earlier House Joint Resolution 974 which leads me to support it.

First, the President's recommendation authorizes a sweeping study of all aspects of the food industry, while House Joint Resolution 974 would concentrate the Commission's attention on the more specific but highly controversial practices of supermarkets and food chainstores. These practices are perhaps the most significant forces at work in the food industry today, but there is little doubt that trends in other phases of the industry bear on them critically, and would constitute an important subject for the Commission's inquiry.

Second, House Joint Resolution 974 was referred to the Judiciary Committee due to its emphasis on the antitrust implications of developments in the food industry. Although this was certainly an appropriate reference, it is now clear that the Judiciary Committee would not have an opportunity to give House Joint Resolution 974 adequate attention in the near future. The broader resolution introduced today should receive more timely consideration by the Agriculture Committee.

Another feature of today's resolution which warrants comment at this time is its provision for five members of the Commission to be appointed from outside Government. In earlier discussions within the administration, it was suggested that these five be representatives of the affected industries and the farm organizations. However, I understand that the farm organizations themselves favor a Commission without farm, wholesale, or retail representation. Certainly, inclusion of industry and farm representation would raise conflict-of-interest problems owing to the confidential nature of the corporate records which the Commission would have to secure to do its job. For this reason alone, I earnestly hope the President and the committee will specify that these appointees shall be nonindustry if they are also to be nongovernmental.

Today's resolution proposes an extremely broad inquiry and authorizes a commensurately wide range of recommendations by the Commission. While this breadth of scope is admirable and important, it will certainly take every bit of the 2 years allowed for the study. In the meantime, there are immediate and pressing problems in the food industry which require early solution. Accordingly, I hope that the proposal and establishment of the Commission will not be construed as a moratorium on vigorous action by the Justice Department, the FTC, and the Department of Agriculture to correct existing abuses of market power.

Mr. Speaker, today's resolution responds most directly to the acute problem of prices received by red meat producers. Yet, in slightly less dramatic form, disparity in market power plagues all phases of agriculture. Producers, wholesalers, independent retailers, and the consuming public would all have a stake in the Commission's work. I strongly commend the resolution to all Members and solicit their support for the study it proposes.

SLOVAK INDEPENDENCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN], is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, observance of the 25th anniversary of Slovak independence was held on Sunday, March 15, at the SS. Cyril and Methodius Auditorium in Greater Cleveland, at which I was privileged to address an overflow assembly of interested citizens. I addressed them as follows:

It is most fitting that the observance of this 25th anniversary of Slovak national independence should be held in this auditorium dedicated to the brother saints, Cyril and Methodius.

For the brother SS. Cyril and Methodius are indelibly linked with 11 centuries of Slovak culture and history.

They were invited by Rastislav, who then ruled Slovakia, to bring the civilizing message of Christianity to the Slovak people.

That was in the year 863 and so effective was their work that history records them as the apostles of the Slavs.

Slovakia has stood fast by her Christian faith from the days of Cyril and Methodius to the present.

That faith has carried her over epics of great suffering and has preserved the culture of her people in the face of foreign occupation and rule. The strength of that faith is matched only by the sturdiness and resolve of her people.

No nation in history has fought harder or longer for freedom and national independence than Slovakia.

No people have paid a greater price for their allegiance to liberty and human dignity than that paid by the Slovak people. And no nation or people are more firmly committed to the principles of freedom today.

To understand the aspirations of the Slovak people and their plight as a nation today we need but look back upon events of the century in which we live.

When this century opened, Slovakia was a part of the Austro-Hungarian Empire—but a very restive part.

Their struggle for autonomy and selfrule over the previous century prepared them well for the political struggle during and following World War I.

It was no accident of history that the Austro-Hungarian, Russian, German, and Ottoman Empires fell in the wake of that war.

For it was the yearnings and struggles for national independence by nations long subjugated which toppled those empires.

In preparing the people of Slovakia for their political independence the name of Msgr. Andrew Klinka looms large.

A great patriotic leader, he took the initiative to form the Slovak Peoples Party as a united and democratic voice of his people.

That party adopted the guiding principles of the great encyclicals on the social order as their guideposts for the formation of a new social order in Central Europe.

Meanwhile, there were discussions among Czechs and Slovaks in the United States concerning the formation of a common federation following the war. One historic meeting took place in Cleveland in 1915.

At that meeting the Slovak League of America made clear its intention to support a Czecho-Slovak federal state, providing Slovakia would be an equal member with Czechia and would retain complete autonomy in all legislative, executive, judiciary, cultural, and national matters.

Matters of common concern, such as defense and foreign affairs, were to be handled by a common parliament.

That agreement, together with the Pittsburg Pact, led to the establishment of a provisional government at Paris with Thomas Masaryk as President.

That provisional government was ratified by a Czechoslovak National Assembly on November 14, 1918, and elected Thomas Masaryk as President of the Republic.

It was not long before serious disagreements between the Czechs and Slovaks developed over the issue of a strongly centralist state and the concept of a federation of coequal states.

In the opinion of the Slovak leaders the Czechoslovak Republic was rapidly becoming a Czech state and the identity as well as the independence of Slovakia was thereby threatened.

This trend was contrary to all agreements entered into before the formation of the Czechoslovak Republic.

Under these circumstances Monsignor Hlinka went to Paris in September of 1919 to plead the cause of Slovak independence before the peace conference of the victorious Western Powers.

There he was falsely denounced to the French authorities by the Czechoslovak delegation as a Hapsburg spy and was forced to depart the country.

Returning to his homeland he was immediately imprisoned by order of the Prague Central Government and his release was won by the Slovak people who elected him a deputy.

In the years between the wars the Slovak people fared poorly under the centralized regime in Prague.

Their hopes for self-government were denied by a system they had opposed and rejected and which laid upon them laws and demands to which they had not given their free consent.

Slovaks were the victims of harsh discriminations in all phases of government, education and public life.

Their ancient culture was put under a barrage of controls and regulations which had no other purpose but to suffocate their national heritage and yearnings.

Practically all the district and county public offices in Slovakia were directed and run by Czechs assigned by Prague. They, along with the police establishment, were directly responsible to Prague and none of these arms of a central government were responsive to the will of the Slovak people.

For example, in 1938, there were 120,926 Czech public officials quartered in Slovakia.

The Slovak people made numerous attempts to win their just national rights from the centralist government in Prague.

But these attempts were rebuffed and rejected by a series of delaying tactics, unfulfilled promises and outright deceit.

Since an alleged parliamentary form of government was established in Prague, the Slovak leaders took their series of complaints to that central body for redress.

But there they were faced with impossible odds for the parliament was loaded with 233 Czech deputies against 58 deputies from Slovakia and 9 deputies from Ruthenia.

Hence, the Slovak grievances fell upon unreceptive and unyielding ears.

Then the Slovak leaders took their grievances to President Edward Benes, who had succeeded to that post after the death of Thomas Mazaryk.

There they met the same treatment of delay. Rejection and rebuff.

When Hitler came to power in Germany and began to manipulate the smaller and weaker nations of Europe the Slovak people did not seize upon this situation to attain their long neglected grievances against the Government of Prague.

Contrarywise, all the legitimate political parties of Slovakia moved into a state of cohesive unity.

Moreover, they eased their complaints against Prague, conscious of the coming storm over all of Europe.

The Munich Conference of September 22, 1938, which was alleged to be a peace conference, unleashed new forces of division and discord throughout all of Central Europe.

When the Sudetenland was ceded to Germany as the price of peace, the centralist government of Prague was doomed.

Czecho-Slovakia was forced by the circumstances of political reality to become a federation of Bohemia-Moravia, Slovakia, and Ruthenia.

Slovakia, at long last, was to become master of its destiny as well as self-governing.

But the removal of 9,000 Czech officials in Slovakia to make room for officials chosen by the Slovak people caused additional strains on relations with Prague, although Edward Benes had fled into exile, the 1938 centralist vent of Prague remained, and this despite the lesson of Munich.

On March 10, 1939, the Prague government, annoyed at the serious manner in which the Slovaks were taking their responsibilities for self-government, dismissed the autonomous Slovak government headed by Dr. Joseph Tiso and declared martial law over all of Slovakia.

Public demonstrations against the Prague government spread throughout Slovakia and threatened a blood bath revolution.

Under these circumstances, Hitler invited Dr. Tiso to a conference in Berlin where he showed him a telegram from von Ribbentrop, then foreign minister of the Reich, in which the threat of foreign occupation of Slovakia was made.

Hitler then suggested this threat might be avoided if Slovakia declared its national independence.

While Hitler was a mad fool, he was by no means ignorant about the aspirations of the Slovak people for national independence.

Dr. Tiso returned to Bratislava where he reported fully to the Slovak diet on his conference with Hitler in Berlin.

The Slovak diet then proclaimed the national independence of Slovakia on March 14, 1939.

That, in quick summary, is the history of the 25th anniversary of Slovak national independence we observe here today.

All that I have said, and more, can be found in an official report of the U.S. Congress, rendered by the Select Committee to Investigate Communist Aggression, 83d Congress.

I was a member of that committee and I can tell you its members had no fear of the truth as we sought the facts on this vital issue.

That report also tells the story of Slovakia's loss of national independence following World War II and the manner in which the unprincipled political rogues who made up the centralist government of Prague sold out their own people as well as the Slovak nation to imperial Russia.

It is fitting at this moment that we offer up a prayer for the soul of Dr. Josep Tiso, who made the supreme sacrifice for the political ideals of a free and independent Slovakia.

Dr. Tiso was tried in a mock trial, sentenced and hanged by the Communist quislings who eventually sold out their own country to the Russian Communists.

But history will treat Dr. Tiso kindly because the passage of time has brought forth and will continue to bring forth the truth about his desperate efforts to save his native land.

Slovakia today suffers under the harsh heel of Russian Communist occupation. That occupation has sought to rob the Slovak people of their ancient traditions, their religion, and their heritage as well as their political liberties. But the Slovak people are steeled in the tactics which must be employed against a foreign occupier.

Time and the experience of centuries has prepared them well for the tests they now endure. It is little wonder that the spirit of resistance to tyranny runs so strong in Slovakia today. The Russians as well as their Czech quislings in Prague, know the power of Slovak national aspirations.

History is repeating itself today as the people of Slovakia are bringing pressures upon the diehard Russian Stalinist regime entrenched at Prague.

Those pressures are against the twin chauvinisms which seek to erase the distinct national character of the Slovak people.

Genuine dissent against the Prague regime comes only from Slovakia while Bohemia and Moravia remain strangely silent, even on the old hat Russian trick of de-Stalinization.

All of us remember that on the occasion of the Hungarian freedom revolution in 1956 the people of Slovakia alone among all the peoples of a Russian-restored centralist Czechoslovakia demonstrated sympathy for the aims of that freedom revolution.

The danger of that demonstrated sympathy was quickly recognized by Moscow. As a result three Czech divisions were moved to the common border between Slovakia and Hungary, to seal off any prospect of assistance to and collaboration with the Hungarian freedom fighters.

That is a lesson of history which must never be forgotten by those who love freedom and fight against tyranny in any form.

There is another lesson to be gained from the era of the Hungarian freedom revolution which needs telling, but which up to this moment has remained buried in the archives of truth. That lesson occurred several weeks before the outbreak of the Hungarian revolution.

The scene was Poland, long under occupation by the oppressive Russian Communists. The Poznan revolt in the spring of 1956 was an important event in history, but it failed to expose to the free world the full story of the human pressures which had built up among the people of Poland.

That revolt served as a short-fused safety valve for the pent-up feelings of the Polish people. But by September and early October of 1956 the oppressed people of Poland had reached a breaking point. They were willing to risk all in a heroic effort to break the chains of Russian slavery which had been fixed to their national life and ancient heritage.

The Russian quislings in control of Poland became alarmed by these developments and sent urgent warnings to Moscow. Khrushchev knew the full meaning of these warnings and flew to Warsaw to avert disaster for the Russian empire. But the Poles were ready for him. They had managed to gain anti-Communist discipline and control over 40 divisions of Poles and East Germans.

When Khrushchev's plane arrived over Warsaw airport it was not allowed to land. The Russians then surrounded Warsaw airport with a Russian armored division. But the Poles countered this move by surrounding the Russian division with several loyal divisions of their own.

The Polish leaders of revolt sought time to negotiate with the American Ambassador in Warsaw. What they sought in these negotiations was assurance of United States moral support if they attacked the Russians and drove them from Polish soil.

In these negotiations the Poles were discouraged in their efforts and reminded that their ambitions would likely unleash a nuclear war. The Polish negotiators left the U.S. embassy discouraged and disillusioned and returned to the Warsaw airport. There they agreed upon a plan to force as many concessions out of Khrushchev as they could.

They agreed to demand the release of Cardinal Wyczynski from house arrest, the release of Gomulka from prison, and a general relaxation of oppression which had been laid upon the Polish people.

This brave action on the part of the enslaved Polish people held Khrushchev in the air over Warsaw for 4 to 5 hours.

When his plane was allowed to land, there was no pounding of a Russian shoe on a desk and there were no insults poured upon the negotiators because the Poles stood firm in their promise of unrestricted bloodshed unless their demands were met. Khrushchev understands that kind of negotiation. He met the demands of the Polish negotiators who negotiated upon nothing more than their confidence in the Polish people to stand up in support of their ideals and aspirations.

These facts were not known to the people of Hungary. All they knew was that the people of Poland were standing up to the Russians. In support of that stand they began peaceful demonstrations in Budapest.

It was no accident that these peaceful demonstrations moved toward the historic statue of General Bem, a Polish hero who went to the rescue of Hungary a century before when the people of Hungary fought for their national independence.

Nor was it an accident when the Russian secret police machinegunned the peaceful Hungarian demonstrators.

Moscow remembered the events in Warsaw a few weeks prior and knew only too well their meaning.

A show of brute strength, the traditional source of Russian power, was ordered. That brutal action triggered off the Hungarian freedom revolution which could have brought the Russian empire down in shambles if the United States had demonstrated the moral and political courage which has brought us to a position of leadership in the free world.

Looking back on that heroic chapter in history, in light of these facts which I have exposed, I must conclude that one of the greatest opportunities in history was bungled in Warsaw in the early days of October 1956.

The Poles and East Germans would have been joined by Slovakia, Hungary, Ukraine, Lithuania, Rumania, Byelorussia and all the rest of the peoples in the captive nations.

A popular revolution of that dimension, reaching from the Baltic Sea to the Caspian Sea, would have brought about the total disintegration of the Russian empire.

The Russians would have been powerless in the face of such a popular movement for freedom.

The Red Army would have fallen into total collapse, as its occupation elements did during the Hungarian revolution, and Moscow would have been rendered powerless.

These conclusions are inescapable and they will become more apparent with the passage of time.

Truth will not be buried because truth endures time, mortal men, and the imperial Russians.

For these reasons I am honored by the opportunity which you have given me to participate with you in this observance of the 25th anniversary of Slovak national independence. This is the silver anniversary of an important event in the annals of freedom's cause. It serves well to provide a bright lining, a silver lining, to the dark clouds of war which stretch over much of the civilized world.

That silver lining raises our hopes for peace with justice and freedom. It reminds us that the power of human aspirations dwarfs the power and threat of all the nuclear weapons stockpiled throughout the world.

God bless the Slovak people and hasten the day when their hard journey toward freedom and national independence shall end in a glorious triumph.

On this occasion a group of leading citizens in Cleveland made a declaration based upon a former declaration of Slovak-American leaders made in Cleveland during the course of World War I. The present declaration reaffirms the hopes and the aspirations of the people of Slovakia for a return of freedom and self-government to their homeland. I include the declaration and the signatures thereto:

CLEVELAND CHARTER OF SLOVAK FREEDOM: 1915–65

The following declaration of the Slovak nation's natural right to freedom and self-government was enunciated on the eve of the golden jubilee of the Cleveland charter of the Slovak Nation's Freedom that was adopted by the city's American Slovaks during the second year of World War I:

We, the representatives of Cleveland's Slovak civic, fraternal, religious, and patriotic organizations do hereby solemnly declare these truths to be self-evident, namely,

1. The Slovak nation has an inalienable, God-given right to its free and self-governing state in the family of nations in central Europe.

2. The Slovaks who have inhabited their present historic homeland uninterruptedly for 1,500 years have a right to determine their own political destiny.

3. The Slovak nation cannot exercise its full right to self-government if another nation is allowed to impose its will upon Slovakia by colonial rule.

Therefore, we demand:

1. That the United Nations insist upon the cessation of Czechoslovak Communist rule over Slovakia.

2. That the Slovak nation be granted its natural right of setting up home rule with a democratic administration and native Slovak officials.

3. That the postwar religious persecution and political tyranny of the so-called liberators cease throughout the land.

4. That the Slovaks be freed from economic exploitation and political subjugation.

5. That Bratislava be made the national headquarters of the country's government.

6. That Slovakia be accepted as a sovereign, free state according to the spirit and principles of democracy as expressed by the

Atlantic Charter and contained in the Charter of the United Nations.

Signed and subscribed by:

Rt. Rev. Msgr. Francis Dubosh, P.A., Honorary President, Slovak League of America, Rt. Rev. Abbot Theodore G. Kojis, O.S.B., Spiritual Protector, First Catholic Slovak Union, John Zachar, Cleveland President of Slovak League Assemblies, Stephen Hudac, Cleveland District President of Slovak Catholic Federation of America, Joseph Kirschbaum, Ph. D., LL.D., President, Slovak Liberation Council Assembly, Toronto, Canada, Rev. Mikulas Sprinc, Secretary, Slovak Writers and Artists' Association, Rev. Andrew Pier, O.S.B., Director, Slovak Institute, Cleveland, Ohio, Stephen Krajcik, President, Cleveland Slovak Radio Club, John J. Biro, Secretary, Cleveland Slovak Radio Club.

Andrew Roman, Chairman, United Slovak Clubs of Cleveland, Joseph Klucar, Cleveland District President of Okres Furdek Jednota, Paul Drotar, Secretary, Supreme Court of the First Catholic Slovak Union, Stephen Suhajcik, Former President of Slovak News Association, Inc., Attorney George E. Fedor, President, Home Federal Savings & Loan Association, Andrew Pavelcak, Chairman, Slovak Independence Day Program Committee, Michael Kendra, Chairman, Publicity Committee, Slovak Republic 25th Anniversary Program, James J. Koscak, Slovak Catholic Sokol, Parma, Ohio, John Kompan, National Slovak Society, Lakewood, Ohio.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FLYNT (at the request of Mr. STEPHENS), for April 6 and 7, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. JARMAN, for 1 hour, on Wednesday, April 15.

Mr. BECKWORTH, for 15 minutes, today.

Mr. PATMAN, for 60 minutes, Monday, April 13, 1964; to revise and extend his remarks and to include extraneous matter.

Mr. PATMAN, for 60 minutes, Tuesday, April 14, 1964; to revise and extend his remarks and to include extraneous matter.

Mr. FEIGHAN (at the request of Mr. BECKWORTH), for 15 minutes, today; and to revise and extend his remarks.

Mr. WHITENER, for 30 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER.

Mr. GILBERT.

(The following Members (at the request of Mr. BATTIN) and to include extraneous matter:)

Mr. PELLY.

Mr. BOB WILSON.

(The following Members (at the request of Mr. BECKWORTH) and to include extraneous matter:)

Mr. COOLEY.

Mr. DOWDY.

Mr. THOMPSON of Louisiana.

Mr. HEALEY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2701. An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans; to the Committee on Merchant Marine and Fisheries.

ADJOURNMENT

Mr. BECKWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 7, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1882. A communication from the President of the United States, recommending the enactment of legislation establishing the bipartisan commission to study and appraise the changes taking place in the American food industry and submitting a draft of a bill to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; to the Committee on Agriculture.

1883. A communication from the President of the United States transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1965 in the amount of $501,595 for the legislative branch (H. Doc. No. 290); to the Committee on Appropriations and ordered to be printed.

1884. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1964 in the amount of $50 million for disaster relief (H. Doc. No. 293); to the Committee on Appropriations and ordered to be printed.

1885. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Department of Agriculture for "Expenses, Agricultural Stabilization and Conservation Service," for the fiscal year 1964, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1886. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill entitled "A bill to authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the U.S. Naval Hospital, Portsmouth, Va."; to the Committee on Armed Services.

1887. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill entitled "A bill to amend section 408 of title 37, United States Code, to provide for reimbursement for the expenses of parking fees incurred by a member of a uniformed service in connection with transportation necessary for conducting official business of the United States"; to the Committee on Armed Services.

1888. A letter from the Assistant Secretary of the Air Force, transmitting a draft of a proposed bill entitled "A bill to amend title 10, United States Code, to make permanent the authority for flight instruction for members of the Reserve Officers' Training Corps, and for other purposes"; to the Committee on Armed Services.

1889. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), relative to additional projects for the Air Force Reserve under Public Law 87-554, relating to a letter dated October 4, 1963, pursuant to the provisions of 10 U.S.C. 2233a (1); to the Committee on Armed Services.

1890. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the 50th Annual Report of the Board of Governors of the Federal Reserve System of operations for the year 1963, pursuant to section 10 of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

1891. A letter from the Administrator, Housing and Home Finance Agency, transmitting a report covering its activities and accomplishments during the calendar year 1963, pursuant to the provisions of the statute creating the voluntary home mortgage credit program; to the Committee on Banking and Currency.

1892. A letter from the Secretary of Labor, transmitting the second report to Congress relating to the Manpower Development and Training Act of 1962 (Public Law 87-415), as amended by Public Law 88-214, pertaining to the progress made during the calendar year 1963—the first full calendar year; to the Committee on Education and Labor.

1893. A letter from the assistant secretary-treasurer, the National Institute of Arts and Letters, transmitting the report of the National Institute of Arts and Letters for the year 1963, pursuant to section 4 of the charter; to the Committee on House Administration.

1894. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Home Loan Bank Board for the fiscal year 1963 (H. Doc. No. 291); to the Committee on Government Operations and ordered to be printed.

1895. A letter from the Comptroller General of the United States, transmitting a report on inefficient utilization of personnel to administer the military assistance program in advanced Western European countries, Department of Defense; to the Committee on Government Operations.

1896. A letter from the Comptroller General of the United States, transmitting a supplementary report on inefficient utilization of personnel to administer the military assistance program in advanced Western European countries, Department of Defense; to the Committee on Government Operations.

1897. A letter from the Comptroller General of the United States, transmitting a report on use of unsuitable materials to construct airfield pavements at Selfridge Air Force Base, Mount Clemens, Mich., Department of the Air Force; to the Committee on Government Operations.

1898. A letter from the Comptroller General of the United States, transmitting a report on excessive costs resulting from weaknesses in admission and billing practices relating to hospitals under contracts with Department of Public Health, District of Columbia government; to the Committee on Government Operations.

1899. A letter from the Comptroller General of the United States, transmitting a report on audits of Government Services, Inc., and of Government Services, Inc.'s, employee retirement and benefit trust fund and supplemental pension plan, year ended December 31, 1963; to the Committee on Government Operations.

1900. A letter from the Comptroller General of the United States, transmitting a report on excessive costs resulting from the operation of separate departmental public information offices, Department of Defense; to the Committee on Government Operations.

1901. A letter from the Comptroller General of the United States, transmitting a report on excessive costs incurred in transporting Saturn launch vehicles by the National Aeronautics and Space Administration; to the Committee on Government Operations.

1902. A letter from the Comptroller General of the United States, transmitting a report on overpricing of B-58 electrical power systems purchased from Westinghouse Electric Corp. by General Dynamics Corp. under a cost-plus-a-fixed-fee prime contract; to the Committee on Government Operations.

1903. A letter from the Comptroller General of the United States, transmitting a report on need to consider realinement of organizational and management structure for health and medical activities in the District of Columbia government; to the Committee on Government Operations.

1904. A letter from the Comptroller General of the United States, transmitting a report on unnecessary planned procurement of major assemblies for the M-151 utility truck, Department of the Army; to the Committee on Government Operations.

1905. A letter from the Comptroller General of the United States, transmitting a report on inadequate administration of automatic data-processing operations air route traffic control centers, Boston, Mass., and Washington, D.C., by the Federal Aviation Agency; to the Committee on Government Operations.

1906. A letter from the Comptroller General of the United States, transmitting a report on unnecessary costs incurred in the procurement of the M-405 rocket-handling unit, Department of the Army; to the Committee on Government Operations.

1907. A letter from the Comptroller General of the United States, transmitting a report on unnecessary per diem payments to military personnel during construction of nuclear-powered submarines, Department of the Navy; to the Committee on Government Operations.

1908. A letter from the Comptroller General of the United States, relative to excessive costs of duplicate automatic teletype switching centers in the military services, Department of Defense; to the Committee on Government Operations.

1909. A letter from the Comptroller General of the United States, transmitting a report on deficiencies in aircraft procurements, utilization, maintenance, and accounting, Federal Aviation Agency; to the Committee on Government Operations.

1910. A letter from the Governor of the Canal Zone-President, Panama Canal Company, transmitting a report on the disposal of foreign excess property by the Panama Canal Company and Canal Zone Government for the year ended December 31, 1963, pursuant to (63 Stat. 398); to the Committee on Government Operations.

1911. A letter from the Acting Administrator, General Services Administration, transmitting information on contracts negotiated for experimental, developmental, or research work or for the manufacturer on furnishing of property for this purpose during the 6-month period ending December 31, 1963, pursuant to 63 Stat. 377, as amended (5 U.S.C. 630); to the Committee on Government Operations.

1912. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to provide for the conveyance of 10 acres of federally owned land on the White Earth Reservation to the Minnesota Annual Conference of the Methodist Church, and for other purposes"; to the Committee on Interior and Insular Affairs.

1913. A letter from the Attorney General, transmitting the annual report of the Attorney General on the activities of the Department of Justice for the fiscal year ended June 30, 1963; to the Committee on the Judiciary.

1914. A letter from the American Symphony Orchestra League, transmitting a copy of the audit report filed by George H. Jones, Jr., certified public accountant, for the American Symphony Orchestra League for the fiscal year 1963, pursuant to Public Law 87-817; to the Committee on the Judiciary.

1915. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952, as amended by Public Law 87-885; to the Committee on the Judiciary.

1916. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to permit variation of the 40-hour workweek of Federal employees for educational purposes"; to the Committee on Post Office and Civil Service.

1917. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 1(d) of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 142); to the Committee on Science and Astronautics.

1918. A letter from the Administrator, Veterans' Administration, transmitting a draft of a proposed bill entitled "A bill to amend chapter 1 of title 38, United States Code, and incorporate therein specific statutory authority for the Presidential memorial certificate program"; to the Committee on Veterans' Affairs.

1919. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to extend coverage under the Federal old-age survivors, and disability insurance system of the Social Security Act to temporary and intermittent service performed in the employ of the District of Columbia if such service is not covered by a retirement system established by a law of the United States"; to the Committee on Ways and Means.

1920. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 29, 1964, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of Stratford, Conn., authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 292); to the Committee on Public Works and ordered to be printed with three illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS: Select Committee on Small Business. Report on Small Business and Foreign Trade (Rept. No. 1303). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN:

H.R. 10668. A bill to amend the Bank Holding Company Act of 1956, and the Federal Deposit Insurance Act, as amended; to the Committee on Banking and Currency.

By Mr. MILLS:

H.R. 10669. A bill to extend the Renegotiation Act of 1951, and for other purposes; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 10670. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. BECKWORTH:

H.R. 10671. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. BELCHER:

H.R. 10672. A bill to provide for the disposition of judgment funds now on deposit to the credit of the Pawnee Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. BOGGS:

H.R. 10673. A bill to amend the Internal Revenue Code of 1954 to provide for the treatment of certain real property acquired by foreclosure and subdivided for sale; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 10674. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. CLEVELAND:

H.R. 10675. A bill to provide for the development of the Berlin National Fish Hatchery, Berlin, N.H.; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS:

H.R. 10676. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10677. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in the labeling and advertising of certain drugs sold by prescription and the "established name" of such drugs must appear each time the proprietary name is used; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODELL:

H.R. 10678. A bill to extend the third-class bulk mail rates and charges to nonprofit cemetery organizations and associations; to the Committee on Post Office and Civil Service.

By Mr. GRAY:

H.R. 10679. A bill to amend title 38 of the United States Code to make certain Spanish-American War veterans eligible for pensions; to the Committee on Veterans' Affairs.

By Mr. LONG of Maryland:

H.R. 10680. A bill to amend the act of June 16, 1948, to authorize the construction of an additional bridge across the Chesapeake Bay in the State of Maryland, and for other purposes; to the Committee on Public Works.

By Mr. McFALL:

H.R. 10681. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By MR. McINTIRE:

H.R. 10682. A bill to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McMILLAN:

H.R. 10683. A bill to permit officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia to reside anywhere within 25 miles of the District of Columbia; to the Committee on the District of Columbia.

H.R. 10684. A bill to provide for the registration of names assumed for the purposes of trade or business in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOSS:

H.R. 10685. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. PELLY:

H.R. 10686. A bill to provide financial assistance to Alaskan fishermen adversely affected by the earthquake of March 27, 1964, and the resulting tidal waves; to the Committee on Merchant Marine and Fisheries.

By Mr. SLACK:

H.R. 10687. A bill to amend the Atomic Energy Act of 1954, as amended, to limit future subsidies to certain types of reactors; to the Joint Committee on Atomic Energy.

By Mr. GUBSER:

H.R. 10688. A bill to designate the tomb in the Arlington Memorial Amphitheater in the Arlington National Cemetery, Va., of the three unknown servicemen of World War I, World War II, and the Korean conflict as the "Tomb of the Unknown Soldiers"; to the Committee on Interior and Insular Affairs.

By Mr. MOORE:

H.R. 10689. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CANNON:

H.J. Res. 976. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

By Mr. COOLEY:

H.J. Res. 977. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; to the Committee on Agriculture.

By Mr. ROOSEVELT:

H.J. Res. 978. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; to the Committee on Agriculture.

By Mr. KASTENMEIER:

H.J. Res. 979. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; to the Committee on Agriculture.

By Mr. ROSENTHAL:

H.J. Res. 980. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; to the Committee on Agriculture.

By Mr. SCHWENGEL:

H.J. Res. 981. Joint resolution proposing an amendment to the Constitution of the United States relating to residence requirements for voting in the case of presidential and congressional elections; to the Committee on the Judiciary.

By Mr. BERRY:

H.J. Res. 982. Joint resolution proposing an amendment to the Constitution of the United States pertaining to the offering of prayers in public schools and other public places in the United States; to the Committee on the Judiciary.

By Mr. OLSON of Minnesota:

H.J. Res. 983. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; to the Committee on Agriculture.

By Mr. PELLY:

H. Con. Res. 285. Concurrent resolution requesting the President to proclaim the 6-day period beginning May 18, 1964, and ending May 23, 1964, as National Halibut Week; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H. Con. Res. 286. Concurrent resolution expressing the sense of the Congress in favor of immediate action on the part of each of the several States with respect to obsolete residency requirements for voters; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mrs. ST. GEORGE: Memorial of the State of New York Assembly, to the Congress of the United States to incorporate or charter the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

Also, memorial of the Senate and Assembly of the State of New York memorializing the Congress of the United States to enact legislation amending section 7701(A) of the Internal Revenue Code, so as to afford nondiscriminatory tax treatment as between corporation employees and self-employed professionals; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States with respect to the inclusion of the Anchorage-Fairbanks Highway and a portion of the Alaska Highway in the National System of Interstate and Defense Highways; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to appropriate Federal action to protect the interests and rights of persons and villages affected by the Rampart Dam hydroelectric project; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States to establish a veterans' hospital in Alaska; to the Committee on Veterans' Affairs.

Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States to take final action on the major civil rights legislation now pending before it at the earliest possible date; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to take such action as may be necessary to provide for the conveyance to the State of California of the surplus lands within Fort Baker, Fort Barry, and Fort Cronkhite for use for park and recreation purposes; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Mississippi, memorializing the President and the Congress of the United States to do all things necessary and pertinent toward keeping control within the States in the licensing and supervision of contract matters as defined under section 1(e) of the Walsh-Healy Public Contracts Act; to take immediate action to defer enforcement of the U.S. Labor Department assumption of control by amendment to part 50-204 of title 41 of the Code of Federal Regulations; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States to enact appropriate legislation to incorporate or charter the organization known as the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States to enact legislation amending section 7701(A) of the Internal Revenue Code, so as to afford nondiscriminatory tax treatment as between corporation employees and self-employed professionals; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEROUNIAN:

H.R. 10690. A bill for the relief of Saadet Erolgac; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 10691. A bill for the relief of William J. P. O'Brien; to the Committee on the Judiciary.

By Mr. JOHANSEN:

H.R. 10692. A bill for the relief of Park, Kyung Ok; to the Committee on the Judiciary.

H.R. 10693. A bill for the relief of Aydogan Girgin; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 10694. A bill for the relief of Rose Minutillo; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 10695. A bill for the relief of Mrs. Efronia Tossounian; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H.R. 10696. A bill for the relief of Pauline Africa; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 10697. A bill for the relief of Marija Pust; to the Committee on the Judiciary.

By Mr. WINSTEAD:

H.R. 10698. A bill for the relief of certain individuals; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 984. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. HECHLER:

H.J. Res. 985. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

830. By the SPEAKER: Petition of the president, Memphis Association of Student Councils, Memphis, Tenn., petitioning consideration of their resolution with reference to consideration and passage of S. 1321 (National Service Corps); to the Committee on Education and Labor.

831. Also, petition of William P. Walsh, commander, and others, Rockville Centre Post No. 303, American Legion, Rockville Centre, N.Y., petitioning consideration of their resolution with reference to a rally supporting the proposed amendment to the Constitution of the United States to permit the voluntary recitation of nonsectarian prayer in the public schools of our great country; to the Committee on the Judiciary.

832. Also, petition of Mrs. F. Bottieri, Mayaguez, Philippine Islands, requesting an investigation of the Communist infiltration in Puerto Rico, and citing anti-American activities; to the Committee on Un-American Activities.

833. Also, petition of Erwin Gozdek, Sopot, Poland, requesting passage of H.R. 7234, a bill for the relief of certain Polish sailors; to the Committee on the Judiciary.

834. Also, petition of the Board of Chosen Freeholders, County of Essex, Newark, N.J., petitioning consideration of their resolution with reference to requesting Congress to pass the resolution amending the Constitution to permit recitation or enunciation of a prayer daily in those schools where pupils wish to participate; to the Committee on the Judiciary.

835. Also, petition of Turgut Menemencioglu, Ambassador, Turkish Embassy, Washington, D.C., with reference to a message from the Honorable Fuat Sirmen, President of the National Assembly of the Turkish Republic, expressing the shock felt by that legislative body on the occasion of the recent earthquake disaster that devastated the State of Alaska; to the Committee on Foreign Affairs.

836. Also, petition of Chung Yul Kim, Ambassador, Korean Embassy, Washington, D.C., with reference to expressing deepest sympathy to the American people upon learning of the tragic disaster caused by the recent earthquake in the State of Alaska, particularly in the city of Anchorage; to the Committee on Foreign Affairs.

837. Also, petition of the president, United Okinawan Association, Honolulu, Hawaii, petitioning consideration of their resolution with reference to requesting Congress to settle Ryukyu Islands war claims; to the Committee on Foreign Affairs.

838. Also, petition of the mayor, Yonagusuku-son, Okinawa, with reference to early solution of compensation for damages sustained prior to peace treaty; to the Committee on Foreign Affairs.

839. Also, petition of the mayor, Kunigami-son, Okinawa, with reference to early solution of compensation for damages sustained prior to peace treaty; to the Committee on Foreign Affairs.

840. Also, petition of the mayor, Ie-son, Okinawa, with reference to early solution of compensation for damages sustained prior to peace treaty; to the Committee on Foreign Affairs.

841. Also, petition of the mayor, Mago-son, Okinawa, with reference to early solution of compensation for damages sustained prior to peace treaty; to the Committee on Foreign Affairs.

842. Also, petition of the chairman, Municipal Assembly, Onna-son, Okinawa, with reference to early solution of compensation for damages sustained prior to peace treaty; to the Committee on Foreign Affairs.

843. Also, petition of the chairman, Municipal Assembly, Kunigami-son, Okinawa, with reference to early solution of compensation for damages sustained prior to peace treaty; to the Committee on Foreign Affairs.

* * *

SENATE

Monday, April 6, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. Metcalf].

Rev. Obed Lundeen, pastor, Augustana Lutheran Church, Washington, D.C., offered the following prayer:

Almighty God, who has created all men in Your own image, and has given to us this great land through the blood, sweat, tears, and devotion of our fathers, we give you thanks. O Lord, who has called some for the awesome responsibility of leadership, imbue them with all the qualities needed to make this land what You would have it be.

In this hour of dire need for deep, genuine brotherhood and sound legislation, grant especially to the U.S. Senate and each of its Members the grace of wisdom in full measure. To proponents and opponents alike, grant compassionate understanding of the other. Give courage for right action, even in the face of personal loss. Enrich words with genuine concern for the welfare and dignity of every American, of whatever race or culture. Cut through the maze of problems, to the core issues, with Your guiding grace. Illumine all the blind spots which might hinder sound action for the well-being of all. Expedite the urgent.

O Father, who alone can insure to this land and this people real peace, unity of spirit, solutions to sore problems, and healing for deep wounds, brood over us with Your spirit, through Jesus Christ, our Lord.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 113 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dodd
Dominick
Douglas
Ervin
Gruening
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McClellan
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Neuberger
Pastore
Pearson
Pell
Proxmire
Ribicoff
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Virginia [Mr. Byrd], the Senator from Washington [Mr. Jackson], the Senator from Louisiana [Mr. Ellender], the Senator from Arkansas [Mr. Fulbright], the Senator from North Carolina [Mr. Jordan], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from Utah [Mr. Moss], the Senator from Wisconsin [Mr. Nelson], the Senator from Florida [Mr. Smathers], and the Senator from Mississippi [Mr. Stennis] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from California [Mr. Engle], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Virginia [Mr. Robertson], the Senator from Missouri [Mr. Symington], and the Senator from Georgia [Mr. Talmadge] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from Hawaii [Mr. Fong], the Senator from Arizona [Mr. Goldwater], the Senator from New Mexico [Mr. Mechem], the Senator from Vermont [Mr. Prouty], the Senator from Texas [Mr. Tower], and the Senator from North Dakota [Mr. Young] are necessarily absent.

The Senator from Kentucky [Mr. Cooper] and the Senator from New York [Mr. Javits] are absent on official business.

The Senator from Illinois [Mr. Dirksen] is necessarily absent to attend the funeral of a friend.

The PRESIDING OFFICER (Mr. Ribicoff in the chair). A quorum is present.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, April 4, 1964, was dispensed with.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I shall submit certain resolutions. It is the intention of the leadership to ask unanimous consent that there be a morning hour, for the purpose of allowing Senators to express their feelings about the passing of one of the great men of this country and this century, the late General of the Army Douglas MacArthur.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I shall join the majority leader in asking that there be a morning hour for that purpose. It is particularly fitting that at this sad hour there be a morning hour, to enable Senators to speak on the passing of General MacArthur.

Mr. JOHNSTON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JOHNSTON. I join the majority leader and the Senator from Oregon in the request for a morning hour, to enable Senators to speak in regard to the late General MacArthur.

General MacArthur was my general during the First World War; he was the head of what was known as the 42d—Rainbow—Division. I thought a great deal of him, and I regard him as one of the most outstanding generals our country had in the two World Wars.

ILLNESS OF SENATOR RANDOLPH—POSITION ON ROLLCALL VOTE

Mr. MANSFIELD. Mr. President, on Saturday, on the rollcall vote to recess, the Record does not show how Senator Randolph, of West Virginia, who was absent on account of illness, would have voted. Had he been present, Senator Randolph would have voted with the leadership to recess.

More than 6 weeks ago the senior Senator from West Virginia entered the hospital for serious surgery. The operation to correct a condition caused by a detached retina in his right eye was very successful. His rapid recuperation has been most satisfactory. His general good health and characteristic cheerfulness have aided in his rapid recovery. He hopes to return to the Senate in a few days, possibly later this week. Senator RANDOLPH is exceedingly grateful for the messages of encouragement and sympathy received from his colleagues during this period.

GEN. DOUGLAS MacARTHUR TO LIE IN STATE IN ROTUNDA OF THE CAPITOL

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] and myself, I send to the desk a concurrent resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the concurrent resolution.

The Chief Clerk read the concurrent resolution (S. Con. Res. 74), as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That in recognition of the long and distinguished service rendered by Douglas MacArthur, General of the Army of the United States, the remains be permitted to lie in state in the rotunda of the Capitol from April 8 to April 9, 1964, and the Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and unanimously agreed to.

FLORAL WREATH AT CATAFALQUE OF GEN. DOUGLAS MacARTHUR

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader [Mr. DIRKSEN] and myself, I send to the desk another concurrent resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the concurrent resolution.

The Chief Clerk read the concurrent resolution (S. Con. Res. 75), as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are each hereby authorized and directed to purchase a floral wreath to be placed by the catafalque bearing the remains of late General of the Army of the United States, Douglas MacArthur, which are to lie in state in the rotunda of the Capitol of the United States from April 8 to April 9, 1964, the expenses of which shall be paid from the contingent funds of the Senate and the House of Representatives, respectively.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and unanimously agreed to.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, that statements made therein be limited to 3 minutes, and that they be confined to eulogies covering the passing of the late General Douglas MacArthur.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO THE LATE GENERAL DOUGLAS MacARTHUR

Mr. MANSFIELD. Mr. President, there is nothing much I can add to what I have already stated, both publicly and privately, concerning the passing of General MacArthur. We have witnessed the passing of a statesman, a soldier, a man who has served his country with distinction, a man of the century.

Mr. RUSSELL. Mr. President, the passing of Gen. Douglas MacArthur removes from this temporal scene one of the few true giants of the era of two great wars that history will eventually record as one war.

It was my privilege to have known General MacArthur personally for almost 35 years. I met him first when I was Governor of Georgia, at the sesquicentennial ceremonies of the surrender of Yorktown. I remained in contact with him in various capacities since that time. He was one of the truly great men that this Nation has produced. In many respects he was one of the most remarkable men I have ever known. He was a great soldier. He had the basic attributes of leadership, along with that quality which made him absolutely disregard personal danger that stamped him as a leader of men from the beginning of World War II.

He was not only a natural soldier. He had studied many books on tactics and strategy written since the beginning of time, including studies of men like Hannibal, Genghis Khan, Tamerlane, Napoleon, Von Moltke, Scipio, Mahan, and other leaders in history. General MacArthur would seize on mention of them and to proceed to elaborate on them and go into details that others did not know anything about.

His role in the Pacific in World War II was perhaps the greatest demonstration of spectacular achievements with limited means that has been known in the history of modern warfare. He devised the strategy of "island hopping" that caused some of the oldtime soldiers to shudder, because he would leave behind large pockets of the enemy. In so doing he saved the lives of thousands of American soldiers.

He also improvised with what he had, as was shown in the classic example of the Inchon landing that cut around the North Korean enemy in one fell swoop.

General MacArthur would have succeeded in any vocation. He was a great student of political science, as was illustrated by the handling of the Government of Japan after the surrender in World War II, the handling of which was apart from the administration of any other defeated people in all human history. He not only administered the Japanese Government with justice, but he instituted a system of democratic principles in their own Government. He not only was a great soldier and statesman, but he was skilled in science. He was a great engineer.

He was one of the most eloquent speakers I have ever heard. It was my privilege to have heard General MacArthur make his "Old Soldiers" speech before a joint meeting of the two Houses. I have a record of the magnificent masterpiece he delivered at West Point; that is the most eloquent speech I have ever heard.

During World War II, I on one occasion visited his headquarters at Port Moresby, New Guinea. As we were finishing supper, someone asked General MacArthur about the surrender and retreat from Bataan and the March of Death, as it was called, when the prisoners were forced to march by the Japanese from Corregidor to the peninsula.

General MacArthur walked around the table for about 10 minutes. He paid tribute to the heroism of those who were under his command. He spoke movingly of how disappointed he was at the orders from the Commander in Chief that had caused him to leave there. If there had been someone there to take down and transcribe his words, I believe that statement would have stood at the top of all the eloquent statements which this gifted man ever made.

The Nation owes much to him. The cause of freedom in the world owes much to Douglas MacArthur.

As one who admired him personally, who had a great deal of contact with him over periods of time, I personally mourn the passing of one whom I regard as one of the greatest Americans this Nation has ever produced.

The story of his heroic deeds and the eloquence of his spoken words will ring down through the centuries.

Mr. SALTONSTALL. Mr. President, every citizen will mourn the loss of a great soldier, for whose leadership we will always owe a debt of gratitude for a victory at a time when we needed it most.

Our memory of his service will always be bright. As a father of two sons who fought under him in the Pacific, a special sentiment will always be with me. I shall never forget my own opportunity to meet him through my service on the Armed Services Committee of the Senate. I admired his knowledge, not only of military strategy, but also of statesmanship.

His passing brings a personal loss to each citizen of our great country.

Mr. DODD. Mr. President, I join the Senator from Georgia [Mr. RUSSELL] and the Senator from Massachusetts [Mr. SALTONSTALL] in paying tribute to General of the Army Douglas MacArthur.

To millions of people at home and around the globe, he was a symbol, and almost a personification of America in its finest aspects.

Here was a man with a sense of history, with a flair for what was honestly and genuinely dramatic, with an ability to surround himself with an aura of romance and adventure, the like of which had not been seen in many a year, all effectively and wisely used to advance our national interests. Behind the surface picture were all the attributes of excellence, the supreme competence, the serene confidence, the intellectual power, the noble purpose, the complete commitment to the vision of an America that was unconquerable in the service of a just cause.

The name of Douglas MacArthur causes to flash through the mind unforgettable images which are an essential part of the American story: The gallant, magnificent defense of Bataan and Corregidor against hopeless odds; the promise of return and the depth of conviction that made men believe the promise would be kept; the vast, brilliant, island-hopping campaign—to which the distinguished Senator from Georgia has so well referred—stretching from Australia to Tokyo, which will ever remain a marvel of military genius. We all remember the pictures of the wading ashore at Leyte; the incomparable scene on the battleship *Missouri* where General MacArthur accepted the surrender of the enemy, appropriately concluding a victory so awesome, so complete, and so final; and then the restoration of that fallen enemy to freedom, to social justice, and to prosperity. The Korean war once again demonstrated General MacArthur's preeminent qualities of leadership in time of national danger.

It can truly be said that in this country, in peace and in war, when the vital interests of our country remained in the hands of this great man, they were preserved and advanced.

In this hour of national sorrow, the American people pay their final tribute to Douglas MacArthur, a tribute of esteem and love and thanks for what he has done, for what he was, and for what he means to our generation—and, indeed, to all generations of Americans.

Mr. KEATING. Mr. President, during the latter years, New York was proud to call General MacArthur one of its sons. Today, millions of New Yorkers join millions through the Nation in mourning his passing.

His memory and his lifelong service and devotion to our Nation will never fade. Throughout the world, millions will long remember the role of General MacArthur in the defense of freedom in two World Wars, in Korea, and in countless campaigns, stretching back during the early years of the 20th century.

His long career as a soldier-patriot goes to the very heart of American history and parallels the growth of our own country from a fledgling and isolated young nation to a predominant world power.

As a young officer, he took part in efforts to bring peace to the Philippines, and in the twilight of his Army service returned to the Far East where he led the forces of the United Nations in the defense of freedom against Communist aggression.

From beginning to end, Douglas MacArthur personified mental excellence, moral courage, physical fitness, and devotion to duty. Perhaps he never waged a more heroic battle than in his last days as he ceaselessly refused to raise the white flag against an antagonist who eventually emerges victorious over all of us.

Our Nation has a long and star-studded roster of heroes who have led the United States through thick and thin to its present position of strength and preeminence. Douglas MacArthur's brilliant career put him in the front rank of great leaders while he was in active service.

His whole life was given, and belonged, to his country.

Now he has taken leave and belongs to history.

Mr. MAGNUSON. Mr. President, there is little I can add to what will be said, or to what has already been said on the floor of the Senate today about the passing of a great American. I knew General MacArthur for some 32 years. I was in close contact with him during the dark days of 1942, when I was in the U.S. Navy, and a part of the strategy was being planned to fight the war in the Pacific.

I was associated with him again in 1946, when I was privileged to be sent to Tokyo by the President of the United States to be one of the representatives in drafting the general peace treaty with Japan.

I had a great deal of contact with General MacArthur. He was a man of great dignity and great integrity—but foremost of all, he was a soldier. I believe the record should show why I can say with great sincerity that he was a soldier.

I was having lunch with him one day in Tokyo, when an orderly entered the room and asked to see him. He left the room for 2 or 3 minutes, and returned with a slip of paper which he put in his pocket. He took it out and read it again. I did not know what was written on the paper, but he put it back in his pocket again, and we went on with our lunch.

After lunch, he asked me if I would come with him into the library—he was living in the Embassy in Tokyo at that time—and I said I would be glad to join him there.

The piece of paper was the notice of the Commander in Chief relieving MacArthur of his duties in Japan. I, of course, had many mixed emotions about it. I was there representing the President of the United States. The general probably thought that I knew something about it, but I did not. He said, "If that is what the Commander in Chief wants, I am here to serve him." That was the only statement he made after his so-called relief from duty in Tokyo.

I shall always remember that, because it was the act of a true soldier.

I saw him on numerous occasions afterward. We talked many times about the general treaty we made with Japan. The late John Foster Dulles was there as our prime negotiator. However, I do not believe that a line of the treaty was finally agreed upon without complete consultation with General MacArthur.

He was also a statesman and a soldier.

I know of no country, after a terrific defeat such as Japan suffered in World War II, that had greater respect for its conqueror than Japan had under the leadership of General MacArthur.

The Senator from Georgia and I have talked about that. He handled the situation so well that the people of Japan almost felt that he was one of them, and that the war had not even happened.

I feel a great loss at his passing. There comes a time, of course, when all of us reach an age when these things happen.

General MacArthur lived a great life. He was a man of great dignity. Many people thought him cold, because of his manner. We who knew him personally knew better than that. He was a man of great heart and great compassion. The great responsibility that was given to him after the war, which he discharged as statesman and administrator in Japan, proved his great compassion.

I suspect that today in Japan not only are the flags at half mast, but there is a great, deep feeling among those people for the man who was sent as the conqueror of their nation.

An article was written by the distinguished columnist Walter Winchell, who was also a friend of Douglas MacArthur. It typifies my feelings and the feelings of the Nation and of the world in a much better way than I could express them.

I ask unanimous consent that the article may be printed in the Record at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Salute to a Soldier

(By Walter Winchell)

Patriotism traditionally springs from devotion to national ideals. These concepts inevitably reflect the accomplishments of national heroes. The words and deeds of the greatest Americans have become hallowed by time. In the deepest sense these men are national emblems. Their wisdom and courage serve as a guide and inspiration. General MacArthur ranks among our outstanding national heroes. A man of immense proportions, you could almost measure the Nation's basic ideals by his character. His personal probity, courage, respect for human dignity, and allegiance to liberty represent the Nation's fundamental tenets. And his spirit nourishes the life of this country.

A man of great personal dignity, he carries himself like a banner. Strangers frequently have the impression that he is stern and cold. His friends know better. MacArthur's compassion is deep and his sentiment honest. After surveying the rubble of war-wrecked Manila, he wept.

He is gifted with that almost mystical personal magnetism that is essential to leadership and commands respect. An American officer who was a cadet when MacArthur was Superintendent of West Point, was asked his opinion of the general. He replied: "He's the only man in the world who can walk into a room full of drunks and all would be stone sober within 5 minutes."

The ordeal at Bataan made the most profound impression upon him. His triumphant return there was a tribute to his military genius. But what he endured—during the tortuous days before the Japanese overran Bataan—will forever remain a monument to his personal valor and the courage of those who fought with him. He said this about the soldiers of Bataan: "No army has ever done so much with so little, and nothing became it more than its last hour of trial and agony."

He became a living legend during his lifetime. And what was more notable, he lived up to it. A biographer once observed that his career was a series of bests, firsts, mosts, and onlys. The foregoing is exemplified by several highlights: He was the youngest general in World War I, youngest Superintendent of West Point, youngest Chief of Staff.

But any American mother will tell you his greatest accomplishment was attaining victories with low cost in human life. Throughout the Pacific campaign his primary objectives were not only victories, but methods of obtaining them with the fewest casualties. When he was urged to move more quickly, and throw more soldiers into battle, MacArthur responded: "I will not take by sacrifice what I can achieve by strategy."

When he was Chief of Staff during the early 1930's, MacArthur endeavored to arouse Congress and the people to the immediate necessity of establishing a mechanized army. His appeals for appropriations filled numerous pages of the CONGRESSIONAL RECORD. Tragically, his efforts were ignored. Working with MacArthur at that time was an officer who compiled and wrote the reports to Congress—Eisenhower.

Any sane man who experiences the agony of war despises bloodshed. MacArthur is no exception. Several years ago he wrote: "All responsible leaders know that no one can gain by another war; the potential of destruction is so great that, win or lose, it would be almost committing suicide."

The general twice protested against F.D.R.'s orders to leave Bataan. The third time he was forced to go. It was a matter of military expediency. During those dark days F.D.R. was desperately anxious to bolster the morale of Australia and New Zealand. That is why MacArthur was ordered to leave.

Not even his most vigorous critics ever denied his genius for leadership and the intense loyalty he inspired. During the bombing of Bataan he was caught in an open field. Two of his orderlies tried to protect him with their bodies by forming a human shield. MacArthur was compelled to order them to leave and seek shelter, while he remained to observe the type of planes the Japanese used and how they maneuvered.

He had immense self-confidence. When he was scolded for "being vain," the General logicked: "To pretend to have no vanity is the greatest of all vanities."

His handling of Russian representatives in Japan should serve as a model for dealing with Communists. He was aware that they respect only forceful methods, and acted accordingly. A Russian general was once arrested by American MP's in Tokyo for reckless driving. When released he demanded an apology from MacArthur. The following day MacArthur called in the officer in charge and asked if the Russian general had violated traffic laws. When he was assured the violation had occurred, MacArthur snapped: "Tell him there will be no apology." When the Red general heard about MacArthur's attitude he roared with glee: "What a man."

The newspapers noted that he was a member of the general court-martial that found Gen. Billy Mitchell guilty of insubordination. But they neglected to report this. After the trial, one curious Washington correspondent examined the contents of the wastebasket in the judges' chamber. He discovered MacArthur voted against the sentence. When Mitchell heard about it he urged the reporter to drop the matter. However, the fact was known to several people, including Mitchell's secretary and Fiorello La Guardia, mayor of New York.

MacArthur was a remarkably healthy and vigorous man until he was 83. When he was 70 a friend noted that the general had not lost a day of work on account of illness for 30 years. He attributed his good health to eating little, drinking little, and smoking in moderation. He was a devotee of the daily nap and had the ability to relax. He also believed in hard work. He toiled 7 days a week. MacArthur refused to take any holidays. He stated: "My work is my life. To live is to function."

More than a half century ago a young cadet received his lieutenant's bars at West Point. He was told, as are all West Point graduates, that upon him alone might someday evolve the fate of his country, and he was told, for the honor of the corps, never to fail that trust. General MacArthur wore his answer to that solemn responsibility in the form of a small blue ribbon with white stars above all others on his tunic.

It is the Congressional Medal of Honor for devotion above and beyond the call of duty in the face of an armed enemy.

Salute.

Mr. MILLER. Mr. President, all of us mourn the death of Gen. Douglas MacArthur, a truly great American. World history will unquestionably record him as one of the outstanding military strategists and leaders of all time. But even, more important, he will be remembered in this country for his devotion to duty and to the values which have enabled the United States to become the leader of the free world.

This magnificent old soldier has finally faded away, but his words, such as those in his eloquent and extemporaneous address at West Point on May 12, 1962, entitled "Duty, Honor, and Country," will live forever.

Mr. ERVIN. Mr. President, as we mourn the passing of one of America's greatest military leaders, Gen. Douglas MacArthur, we should dedicate ourselves to the proposition that America must never forget the everlasting truth of his statement when he said "In war there is no substitute for victory."

Mr. CURTIS. Mr. President, I do not want this moment to pass without raising my voice in praise of Gen. Douglas MacArthur. This is a most difficult thing to do, because the man we honor had more ability in handling the English language than anyone I can think of. Therefore, words fall far short of what they should portray concerning Douglas MacArthur's great speeches.

I am firmly convinced that his was not an acquired oratorical skill. I believe his speeches were great because they came from a great mind, a great heart, and a great soul.

As an individual sometimes wastes his talents, we as a nation have often wasted valuable talent.

Even though Gen. Douglas MacArthur earned the right of privacy and the right to pursue some private activities, our Nation has suffered because his talents in the field of statesmanship were never utilized. He is one of the very great men who have lived in the world during our time.

Our Republic, the cause of liberty, and the cause of humanity generally have been greatly blessed because of the acts, deeds, thoughts, and philosophy of Gen. Douglas MacArthur.

By the same token, our Republic and the cause of liberty and the cause of humanity generally fall short of some of the benefits that they might have had had we followed more closely and utilized to a greater extent the genius that has passed from us.

Mr. President, I ask unanimous consent to have printed in the RECORD a poem by Mattie Richards Tyler, a distinguished poet of Washington, D.C. Her poem is entitled "Goodby, General MacArthur."

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

GOODBY GENERAL MACARTHUR

(By Mattie Richards Tyler)

God gave him light to see the path of duty,
  As down the years he marched with gallant stride.
Lifting his eyes to feast on heaven's beauty,
  Then pressing on with dedicated pride.
The world will long remember his great gift
  Of leadership in war—and how in peace
He worked, with dauntless faith, to heal, to lift,
  To rebuild homes and lives, and bring release.

We watch the caisson slowly passing by,
  And hear the martial music of the bands;
The riderless horse evokes a tear, a sigh;
  Our flag is draped above his master's hands.

"Old soldiers never die; they just fade away."
  America enshrines MacArthur today.

Mr. MUNDT. Mr. President, for the past 10 or 12 years, I have had hanging in the outer office of my Senate suite an oil-painted portrait which portrays Gen. Douglas MacArthur. It was presented to me by a friend of his, who is a great admirer of the general. Often, as I come to work in the morning or leave at night, I pause to look at this living likeness of a man whom I have always considered to be among our most magnificent Americans.

In a great degree it seems to me Gen. Douglas MacArthur was to the United States what Winston Churchill is to the British Isles. He wrapped up in one great positive piece of humanity the symbol of the country, of which he is so much a part. Just as every Britisher, thinking about the grandeur of Britain, must reflect on the likeness of Winston Churchill as the typical Briton, so Americans, I am sure, look at Gen. Douglas MacArthur and think of him as the untypical, magnificent, tremendously positive epitome of what it requires to comprise a great American. In a considerable sense, Douglas MacArthur was indeed, "Mr. United States of America."

The Senator from Nebraska [Mr. CURTIS] has pointed out that sometimes, when pausing to reflect at a time like this on the "might have been," we wonder what might have been the record of this country if the strange, twisting, unpredictable fortunes of politics had placed in the Presidency of the United States Gen. Douglas MacArthur at a time of his maturity and complete capacity and his multitudinous talents. Anyone else's conjecture is as good as my own. However, it seems to me that with his tremendous talent and foresight and courage and conviction, had he sat in the oval office in the White House as leader of our great Republic, this great man with his unparalleled capacity for leadership perhaps would have placed America in a position which would now be much more enviable both at home and abroad than the one in which we presently find it.

The old soldier neither died nor faded away yesterday. In passing off this mortal coil, Douglas MacArthur's life and contributions live on, as they shall always live on to pay tribute to his memory, and influence Americans in decisions which they make.

General MacArthur was a peerless orator, whose superior I have never had the privilege to hear, a man whose eloquence had the capacity to spellbind an audience, to convince them, and to persuade them and to lift them up. As a former college speech professor, I have watched and listened as great speakers have addressed joint sessions of our Congress or appeared on other platforms at home or abroad for over a quarter of a century. I have heard them all. None in my opinion, including the great Churchill, has either equaled or surpassed the stirring eloquence of Douglas MacArthur.

The general was a mighty military man, a sturdy, far-visioned statesman and a gifted, dedicated, persuasive leader of men. The world will mourn his passing.

Mr. SCOTT. Mr. President, one of the great privileges of service in Congress is that from time to time one brushes against the mantle of greatness.

The two memories which still recur most often to me in more than 20 years in Congress are these: The moment in the Senate, just after our country entered World War II, when Winston Churchill addressed the combined session and in his inimitable manner said: "Here we are together."

The other occasion was when General MacArthur appeared in the House, before a joint meeting of the two Houses, and gave a magnificent report at a time when the emotions of every person in that Chamber had become aroused in one way or the other; but all those emotions were sublimated to our sense that here was a man of duty, power, and leadership. We felt very deeply the greatness of Douglas MacArthur.

As a member of the naval service, I had the privilege of having lunch with General MacArthur on two different occasions in Tokyo.

I was a naval intelligence officer in the 3d Amphibious Force. I had an opportunity to see classified dispatches in those days. Some of these dispatches have never been made public. Therefore, I shall speak discreetly.

I recall that as the Japanese sent notice of their desire to surrender, a flurry of dispatches came in from Washington. I was then in Manila. There arose in Washington a tremendous furor—and the dispatches reflected it—over who should be the commander of Allied Forces during the occupation of Japan. There were other naval and military officers who were tentatively suggested. On one occasion a dispatch indicated that there would be a coleadership between a great Army commander, General Douglas MacArthur, and a great naval leader. We watched the dispatches with great interest. Approximately 24 hours later, a dispatch came through stating that Gen. Douglas MacArthur had been designated sole commander to administer the occupation of Japan.

History has confirmed the wisdom of that appointment, as history will confirm that all the qualities of leadership were superbly exemplified by this man, who in his life and in the life of his father have covered the greater part of the span of our American history, from the Indian wars until this time of sadness.

It is said that "the sword must pass through fire, ere it can yield fit instrument for man to wield." The sword of General MacArthur passed through the fires which had surrounded us, but which failed utterly to consume this Republic. The Republic stands, but it stands more sturdily, more strongly, and more proudly because of the life and the service of Gen. Douglas MacArthur.

Mr. HOLLAND. Mr. President, Gen. Douglas MacArthur was not an intimate friend of mine. I speak of him impersonally as an American whose memory will always be cherished as one of our greatest heroes and public servants.

The first time I came in near touch with General MacArthur was when he was a high-ranking officer in the 42d Division—the Rainbow Division—in World War I. There were units in that division from many States and almost all parts of our country.

Remembering the fact that he was the product of a military family, not particularly associated with any one State or any one region, I believe that from time to time as his brilliant military service became better known, it was very clear that the general was all American in the finest sense of that word.

Like the distinguished Senator from Massachusetts [Mr. SALTONSTALL], I had a son who served under General MacArthur in the Pacific. I know that I speak for many thousands of parents in American homes when I say that we were somehow strengthened, somehow we felt more confident of the victory, somehow we felt that our own son was serving in a more noble cause because of the fact that General MacArthur was the commander in that farflung Pacific area.

I close my remarks by commenting that I believe there is no parallel in our history to the fact that the former Premier of Japan is at this moment flying to this country, to be one of the chief mourners in the obsequies which will take place in the next few days.

This is illustrative of the fact that the man who was our greatest commander in that area came to be recognized by our chief enemy in that area as the best friend and leading builder when it came to building that country back into the circle of peaceful nations.

No other Army officer in our history has had similar contrasting experiences to those of General MacArthur. He was truly great both as a soldier and as a rebuilder of a shattered civilian civilization.

Mr. SIMPSON. Mr. President, the passing of General MacArthur has deprived America of a patriot whose lifelong credo was duty, honor, and country. General MacArthur was more than a soldier. He was a citizen of depth and conviction, a man with confidence in the human spirit, a man whose entire life was dedicated to serving not only his nation but the highest aspirations of freemen everywhere.

General MacArthur's skill as a soldier is undoubted. Had his advice been followed in the war in Korea, the crises in Asia might not now be engulfing that region in a bloody war.

Few men will forget the prophetic words of General MacArthur at West Point 2 years ago. The occasion was the presentation to the general of the Sylvanus Thayer Award for service to his nation. General MacArthur gave voice to his lifelong conviction in the nobility and purpose of his profession when he said to the cadets at West Point: "Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, that if you lose, the Nation will be destroyed, that the very obsession of your public work must be duty, honor, country." The man who left this life yesterday will always exemplify the highest allegiance to duty, honor, and country.

Mr. PROXMIRE. Mr. President, America is a finer and stronger Nation today because of the life and work of Gen. Douglas MacArthur.

We in Wisconsin deeply mourn his passing. His family roots in our State were especially deep. His grandfather served as Lieutenant Governor of Wisconsin and as Governor of Wisconsin.

Douglas MacArthur spent his early boyhood in Milwaukee. He was appointed to West Point from Wisconsin. The people of Wisconsin like to feel that some of the massive genius of General MacArthur sprang from the experiences that he and his family had in our State.

There were many impressive and superlative aspects of Gen. Douglas MacArthur's career.

To my mind, his greatest speech was one of his last—the speech which he made in West Point in 1962. This speech has been referred to often today. In that speech he emphasized magnificently how duty, honor, and country are fundamental in America. How very much we need that reminder today in this fast-moving, ever-changing world.

I close by calling attention to the fascinating fact that this great, and perhaps greatest, of American military geniuses in this century recognized at the end of his life that war had become a Frankenstein monster.

He said that science had made war a matter of mutual suicide. It seems to me that the words of this man in his closing years—this man who knew so intimately of war and realized more deeply the implications of war—should be recognized and should be profoundly considered by the people of the United States.

As the senior Senator from Wisconsin, I speak with great pride of one whom we would like to consider our Wisconsin son—Douglas MacArthur.

Mr. McCLELLAN. Mr. President, I shall be very brief.

I wish to associate myself with those Senators who already have paid tribute today to General of the Army Douglas MacArthur, and if with due reverence I may be permitted to paraphrase his own words, I would say the old soldier yesterday "just faded away." I deeply feel, and the citizens of Arkansas, the State in which he was born, deeply mourn his loss to our country. Few have contributed as much and none has contributed more to the support and preservation of this Republic of ours than he did.

His talents, devotion, and patriotism have been unexcelled in our time. I admired General MacArthur as much as, if not more than, any other American in my lifetime. I believe he was in the right in some of the important instances when others so firmly disagreed with him. We all owe him a debt of eternal gratitude.

Therefore, I join in the sentiments that have been so eloquently expressed here today in honoring his memory and in recognition of the ability, courage, and statesmanship that he so completely exemplified and dedicated in the service of our Nation.

Mr. MORSE. Mr. President, Gen. Douglas MacArthur was a great American soldier. These days of memorial will undoubtedly be marked by the recollection of the war effort he led against Imperial Japan in World War II, when he led American forces to complete victory after we first suffered almost total defeat in that part of the world. We shall also remember that General MacArthur valued the human beings he led in that war effort. His victories were not those of overwhelming manpower and huge casualties. They were victories planned and executed to carry out their objectives with the least possible human cost.

That is why I would not have this occasion pass without pointing out another characteristic of Douglas MacArthur. It was his capacity to change his military opinions with the advance of technology. Few military men whose careers have spanned the era that MacArthur's spanned have so thoroughly appreciated the vast changes in the nature of war that the nuclear age has introduced.

In what I regard as his greatest legacy to this generation and to future generations, Douglas MacArthur spoke in July of 1961 about the meaning of nuclear war. The occasion was his address to the joint legislature of the Philippine Islands, and I want to quote from it:

> Within the span of my own life, I have witnessed much of this evolution. At the turn of the century, when I joined the Army, the target was one enemy casualty at the end of a rifle, a pistol, a bayonet, a sword. Then came the machinegun, designed to kill by the dozen. After that, the heavy artillery, raining death upon the hundreds. Then the aerial bomb to strike by the thousands, followed by the atom explosion to reach the hundreds of thousands.
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> Now, electronics and other processes of science have raised the destructive potential to encompass millions, and with restless hands we work feverishly in dark laboratories to fined the means to destroy all at one blow.
>
> But this very triumph of scientific annihilation—this very success of invention—has destroyed the possibility of war's being a medium for the practical settlement of international differences. The enormous destruction to both sides of closely matched opponents makes it impossible for even the winner to translate it into anything but his own disaster.
>
> Global war has become a Frankenstein to destroy both sides. No longer is it a weapon of adventure, the shortcut to international power. If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.
>
> It may take another cataclysm of destruction to prove the bald truth that the further evolution of civilization cannot take place until global war is abolished. But this is the one issue upon which both sides can agree, for it is the one issue upon which both sides will profit equally. It is the one issue in which the interests of both are completely parallel. It is the one issue which, if settled, may well settle all others.
>
> The present tensions with their threat of national annihilation are fostered by two great illusions:
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> The one, a complete belief on the part of the Soviet world that the capitalistic countries are preparing to attack them, that sooner or later we intend to strike; and the other, a complete belief on the part of the capitalistic countries that the Soviets are preparing to attack us, that sooner or later they intend to strike.
>
> Both are wrong. Each side, so far as the masses are concerned, is desirous of peace. Both dread war. But the constant acceleration of preparation may, without specific intent, ultimately precipitate a kind of spontaneous combustion.
>
> Many will tell you with mockery and ridicule that the abolition of war can be only a dream—that it is but the vague imagining of a visionary. But we must go on or we will go under. And the great criticism that can be made is that the world lacks a plan that will enable us to go on.
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> We are in a new era. The old methods and solutions no longer suffice.
>
> We must have new thoughts, new ideas, new concepts. We must break out of the straitjacket of the past.
>
> We must have sufficient imagination and courage to translate the universal wish for peace, which is rapidly becoming a universal necessity, into actuality. And, until then, at whatever cost or sacrifice, we must be fully prepared lest we perish.

Mr. President, elsewhere in that speech, General MacArthur repeated his contention that we could have carried the war to Red China in 1951 and 1952 without use of nuclear weapons. I have never shared his point of view on that matter, but one does not have to agree or disagree with that contention to realize that General MacArthur saw and understood what the multiple acquisition of nuclear weapons meant to the world and to the use of war as a means of carrying out national objectives.

His speech to the Philippine Legislature is a great message, not only to the American people, but also to the world. It marks a great military intellect, and one of which the American Nation will always be proud. That historic speech by General MacArthur will memorialize him throughout recorded time.

Mr. JORDAN of Idaho. Mr. President, I join my colleagues in paying tribute to Gen. Douglas MacArthur, a great American.

With the passing of Gen. Douglas MacArthur, our Nation has lost a great soldier and a great statesman. But the Nation which he loved so dearly is far greater for his having lived.

His whole life was devoted and dedicated to duty, to honor, to his God, and to the country which gave him birth. No higher honor can be had than to merit the respect of friend and foe alike.

He was a remarkable man in an age filled with remarkable men.

He believed in keeping himself physically and spiritually fit; he fully realized that the full measure of a man requires an accounting of the spirit and soul, as well as of the body.

Even though his life was that of a professional soldier, he maintained always an abhorrence of war. He recognized the utter futility of war as an end result.

I think it very fitting that today, in eulogizing him, we turn to his own words, spoken on September 2, 1945, during the ceremony attending the Japanese surrender. He said, in part:

> As I look back on the long, tortuous trail from those grim days of Bataan and Corregidor, when an entire world lived in fear, when democracy was on the defensive everywhere, when modern civilization trembled in the balance, I thank a merciful God that He has given us the faith, the courage, and the power from which to mold victory. We have known the bitterness of defeat and the exultation of triumph, and from both we have learned there can be no turning back. We must go forward and preserve in peace what we won in war.
>
> A new era is upon us. Even the lesson of victory itself brings with it profound concern, both for our future security and the survival of civilization. The destructiveness of the war potential, through progressive advances in scientific discovery, has in fact now reached a point which revises the traditional concept of war.
>
> Men since the beginning of time have sought peace. Various methods through the ages have been attempted to devise an international process to prevent or settle disputes between nations. From the very start, workable methods were found insofar as individual citizens were concerned but the mechanics of an instrumentality of larger international scope have never been successful. Military alliance, balances of power, leagues of nations, all in turn failed, leaving the only path to be by way of the crucible of war. The utter destructiveness of war now blots out this alternative. We have had our last chance. If we do not now devise some greater and more equitable system Armageddon will be at our door.
>
> The problem, basically, is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advance in science, art, literature, and all material and cultural developments of the past 2,000 years. It must be of the spirit if we are to save the flesh.

Mr. GRUENING. Mr. President, Douglas MacArthur, soldier and statesman, has joined the ranks of the immortals. Of his military genius much has been said and written which properly goes into superlatives.

Son of another great soldier, he lifted the family tradition and heritage of exemplary service to his country to new heights. Beginning with his graduation from the U.S. Military Academy at West

Point as the No. 1 student in his class, he continued his brilliant military career through two World Wars to achieve victory in the Pacific as the culminating chapter of World War II. Thereafter, he assumed the role of military governor and civil administrator of Japan in the postwar period. There again he showed his genius in a wholly different field and statesmanship of the highest order as a civil administrator of the affairs of a defeated but proud and able people. His greatest contribution there was his binding of the wounds of war, enabling conquered Japan to recover and transform itself from an enemy in war to a friend in peace. If we have a friend and ally in the Far East today in Japan, it is in no small measure due to the statesmanship of Douglas MacArthur.

Again, as a final postscript to outstanding military leadership was his brilliant performance in Korea.

General MacArthur's speech at the graduation exercises of the Military Academy in 1962 is one of the classics of American idealism and high purpose. He delivered it without hesitation, without a note. He spoke extemporaneously. It was an address which will be recorded in the annals of American patriotism and oratory as long as our Nation endures.

I had a personal contact with General MacArthur when I met him for the first time in Tokyo in 1949. I believe the incident deserves recording.

At that time Alaska was striving for statehood. The cause at that stage was not too promising. There were many factors against the success of the effort including the smallness of our population and because we were for the first time seeking entry of a noncontiguous area into statehood. Both were formidable obstacles. In pursuance of my efforts toward achieving statehood for Alaska I had sought to organize a committee of 100 distinguished Americans who would support statehood. I had a very, very fine response. The list included other military leaders—Adm. Chester Nimitz, the late "Hap" Arnold, general of the Air Force, and such outstanding people as Eleanor Roosevelt, Earl Warren, Adlai Stevenson, Herbert Lehman, authors and scientists.

When I asked General MacArthur whether he would join the committee, it was characteristic of him that he did not even wait until I had concluded my presentation. He said, "Of course I will. We must extend the frontiers of democracy to America's farthest north and farthest west. I shall be glad to join. Like Abou Ben Adhem, I would be willing to lead all the rest."

I believe that reaction of General MacArthur is a revelation of how broad was his interest and how far it extended beyond his professional military activities. He was a statesman, a national, and a world figure without question. The world is much better for his having been, and our country owes him an eternal debt of gratitude.

Mr. DOMINICK. Mr. President, I should like to join other Senators in this series of eulogies of Douglas MacArthur. Many of us, including myself, were in the Pacific theater in World War II and fought under the general's overall campaign strategy. Without any doubt I should say that his unswerving faith in the fact that the principles of this country would once again become triumphant in those dark days in the Pacific war were a part of the morale booster that kept what little forces we had at the top of their efficiency. To be able to do that and to be able to transfer the same spirit to the reeducation of the Japanese nation after the war—and to do so, so successfully—is a true indication of a really truly great man.

The other day I was fortunate enough to read a column which I thought was of extreme interest. It was written by Mr. John Chamberlain. The column comments on the recent books which have been written on the possibility of the dangers of the military taking over the Government of the United States—books such as "Fail Safe" and "Seven Days in May."

In the column one of the things that Mr. Chamberlain said—and I think it is so true that it needs to be emphasized—was:

> But MacArthur, in common with every other general of pre-World War I origin with whom I have ever talked, had been thoroughly indoctrinated with the theory of the American Republic by whoever taught history or political science in the old days at the "Point."
>
> The actual character of military men like MacArthur is what makes a Fascist march to power by the military in the United States a complete absurdity.

Those are some of the comments, as I have said, made in the article. At this point I ask unanimous consent that the entire article be printed.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Charleston (S.C.) News-Courier, Mar. 3, 1964]

MACARTHUR'S OUTLOOK

(By John Chamberlain)

It was back in 1953.

I had been working with Gen. Charles Willoughby, MacArthur's chief intelligence officer from Bataan to North Korea, on a seemingly interminable job of making a trim book out of the so-called "MacArthur histories," a heterogeneous G–2 survey of the Pacific war which had been brought home from Tokyo in heaven-knows-how-many bulging footlockers. We were due at the Waldorf-Astoria in New York for a go-over of our draft manuscript with MacArthur, who had been promised a look at the final product.

What surprised me was the generous humility of the great man.

We had incorporated in the book a goodly number of hitherto unpublished papers written by MacArthur himself.

They were brilliant bits of rhetoric, done for the most part in the first person. MacArthur pondered them, and made his decision. He must do them over again in the third person.

This involved considerable legerdemain, for whenever it came to describing himself he had to invent an eyewitness to what he looked like and felt like as he was scanning the scarred face of Corregidor for the last time or going aboard a PT boat en route to Australia.

MacArthur wanted it this way, for he didn't want to spangle Willoughby's book with a stream of "I's." It was not a good decision from the standpoint of sales, of course, but we couldn't do anything about it. The papers were ours on his terms.

After a discussion of details, the talk wandered to the question of rhetoric in general. MacArthur, with a twinkle in his eye, said, "When you are addressing large numbers, you have to be a bit of a ham. In this room we can be more informal."

He went on, informally, to talk about politics. The conversation turned to the question of political radicalism.

MacArthur had no use for the modern left. But a look of fond reminiscence came into his eyes, and he embarked on what was to us a wholly unlooked for discourse on the virtues of the pre-World War I type of American progressive. He praised old Bob La Follette, the Wisconsin Senator, in particular.

Recalling that the MacArthur family had come from Milwaukee, his father, Arthur MacArthur, had served in a Wisconsin regiment in the Civil War, MacArthur remarked that "Fighting Bob" La Follette and his followers had been engaged in an effort to save the American way of life. They were not against business; they were only against a monopolistic perversion of business.

And at this point MacArthur made some observations about the virtues of decentralization and the American political system that is designed to keep any dictator from seizing power in Washington.

The irony of the situation has often come back to me whenever I read a book such as "Fail Safe" or see a movie such as "Seven Days in May."

Here, on the one hand, we have our novelists and movie script writers concocting wildly melodramatic plots which feature military men who are either madly obsessed with a lust for power or just plain mad.

They often hint that the imperious figure of Douglas MacArthur has served them as a takeoff point for their speculations. But MacArthur, in common with every other general of pre-World War I origin that I have ever talked with, had been thoroughly indoctrinated with the theory of the American Republic by whoever taught history or political science in the old days at the "Point."

The actual character of military men like MacArthur is what makes a Fascist march to power by the military in the United States a complete absurdity.

MacArthur's father brought the institution of habeas corpus to the Philippines in 1900, and 45 years later MacArthur himself saw to it that habeas corpus became an integral part of the new Japanese constitution.

This, as he knew, was what any general educated at West Point would do.

If the day ever comes when the American Republic falls it will not be the doing of the generals. It will be due to civilians who gag them.

Mr. DOMINICK. I have had the opportunity, through my family, of meeting General MacArthur. I cannot say that I knew him intimately, but I have never seen a man who had more facets to him, all of which reflect the true education and free spirit of the people of this country. Those characteristics made this Nation great. We can attribute them in large measure to his belief in duty, honor, and patriotism.

Mr. HICKENLOOPER. Mr. President, the manifest incapacity of anyone in a short 3 minutes even to begin the payment of tribute to General MacArthur is evident. I think whatever could be said about him in eulogy, praise, or recognition would be completely inadequate. But I think it is reasonable to say that few people in the history of this or any other country have so combined the breadth of ability and the grasp of situations, not only in the military but in the statecraft field, as did General MacArthur.

His entire history is one of personal bravery on the field of action, probably not equaled, or at least not surpassed, by any other American soldier. His personal bravery in the field of statecraft was demonstrated by the breadth of vision which he exercised when he became responsible for the political and social rehabilitation of Japan after the war.

Rarely have I seen, either in this country or elsewhere in history, the magnificent combination of vast and unsurpassed military concepts and ability and great concepts of political and social requirements which he exhibited. At the moment I think of no one in our history, other than George Washington, who so combined military genius and determination with a vast knowledge of statecraft. While General MacArthur exhibited the ultimate in masterful strategy and tactics in his recovery of the Pacific area after the fantastic and disastrous defeat at Pearl Harbor, subsequently one of his greatest accomplishments was in the administration of Japan and the surrounding area following the war and following the emotions which had been generated by the events of the war just prior thereto.

This history and his accomplishments will be recounted and reviewed as the years go by. In a way, he represents the passing of an era, but he also represents one who envisioned the opening and expansion of a new era.

He was one of the greatest Americans in the history of our country. He remains one of the great men whom the world has produced over its recorded history.

We grieve with his family, we grieve with America, and we grieve with those who believe in the principles he represented, those of devotion and duty to country.

Mr. BIBLE. Mr. President, I would like to associate myself with the words of praise we have heard this morning honoring the memory of General of the Army Douglas MacArthur, perhaps the greatest American soldier of our time. Although General MacArthur himself once quoted the lines "old soldiers never die, they just fade away," this grateful Nation will never allow that to happen to this great man and his brilliant record in three major wars.

General MacArthur the man has died. But his memory and his deeds will never die—and most certainly never fade away—in the hearts of his countrymen. General MacArthur died as he lived—fighting valiantly. It might be said that the only defeat he suffered on the field of battle was his last—the war with death. Even in this last campaign of the great soldier, however, he achieved victory. For, as I said, General MacArthur will never die. He has only taken his place among those immortals of our Nation's colorful history. The corncob pipe is cold. But the spirit of the man whose trademark it was will always burn brightly.

Mr. JOHNSTON. Mr. President, I have waited until this time in order to give my colleagues an opportunity to make their statements and in order for me to listen to their statements concerning General MacArthur. I had known him for about 47 years. I served as an enlisted man in his 42d Rainbow Division in France during 1917 and 1918. We were in such battles as the Compiegne, Belleau Wood, St. Mihiel, Chateau-Thierry, the Argonne, and Ardennes.

In that time one never heard anyone speak of General MacArthur but as being the very best military leader in existence.

America has been most fortunate, throughout our history and especially during times of crisis, to have men of outstanding military leadership who have brought us victory to preserve our freedom and to protect our Nation from aggressors. However, there have been few military leaders in our history of the complete caliber of Gen. Douglas MacArthur.

He was everything that West Point and our Nation would want in a military leader. His passing will be mourned all over the world but there will be the deepest mourning here at home in the hearts of his fellow countrymen. When he joined the Army, he dedicated his entire life to serving his country and he served it with perfection and adoration. His greatness has become a part of the greatness of America and it is a privilege for me to give tribute to his leadership and ability which he gave so freely to his country.

When a general was chosen to command the Pacific theater, General MacArthur was not chosen merely by chance and not for political reasons.

We must bear in mind that the Pacific theater was in his charge and there was less interference with operations in that theater than in any of the fighting in World War II.

Other nations took a great part in the war in Europe, and all operations had to be cleared not only through our own Chief of Staff, but the Chiefs of Staff of the other nations. It was only when that process was gone through that the orders were carried out. But not so in the Pacific. General MacArthur was left to make decisions and issue commands concerning what was to go on in that section of the battlefields of the world. He did a good job. I have never heard anyone criticize the way he carried on the war effort.

Douglas MacArthur during the dark days of World War II was not only a great military leader directing the tactics of battle in the Pacific, but he was a symbol of our endless and tireless pursuit for total victory. His profile of determined courage dressed with a corncob pipe, together with his historic remark, "I shall return," was just what Americans needed to grit their teeth and and to get on with the fight.

After World War II, when he had kept his promise and had "returned," General MacArthur proved to be as good a leader in peace as he had been in war. Despite the bitterness that death in war brings to people, General MacArthur assumed the duties of governing conquered Japan with such ability and propriety that he converted that nation to close friendship with America. So well did he administer the conversion of Japan into a nation of democracy and freedom that when he left Japan he was a national hero.

There is no question but that General MacArthur is one of the outstanding great men of our Nation's history and he will be remembered in this way so long as our Nation stands.

World War II was a war that was carried out, in the Pacific, by going from little island to little island. Many of those islands had to be given up at first, but MacArthur came back. Sometimes it is disheartening to retreat, but at times it is best to do so in war.

General MacArthur played the part of a great soldier during all those operations. In my estimation he is one of the greatest generals of all time.

We have lost a great general. We have also lost a great citizen of the United States. It may be some time before this country can develop another such man as General MacArthur.

Mr. President, I was pleased when the Senate appointed me as one of those to meet General MacArthur at the airfield when he came back from Japan.

Today I want to extend sympathies to his entire family and say to them that not only a good soldier, but also a good citizen of the United States, has died.

Mr. President, I have in my hand a statement from the Federal Bar Association, which it has requested me to have printed in the RECORD at the conclusion of my remarks. I ask unanimous consent to do so.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Federal Bar Association through its national president, Conrad D. Philos, requests that it be permitted to join in eulogizing Gen. Douglas MacArthur as a great American who believed in the rule of law rather than the rule of men. General MacArthur put his beliefs to this end into practice in the occupation of Japan following World War II when the lawyers and judges of Japan were oriented in the American system of law and government, especially the Federal judicial system. The present judicial system in Japan in many ways is similar to the U.S. Federal system. In this system of occupied education the Federal Bar Association in 1947 and 1948 took a very active part in furnishing surplus copies of the United States Code and of all available documents, congressional committee reports, articles on constitutional law, and other pertinent material. This material was distributed through the Judge Advocate General's Office of the Army and especially by members of the association in occupied Japan.

Gen. Douglas MacArthur personally approved of this fine and authentic system of legal and judicial education. As a result he wrote a letter of citation to the association for its cooperation. To show the appreciation of the lawyers of Japan for this active legal work, the president of the private bar in Japan, which is somewhat similar to the American Bar Association in this country, came to this country in 1950 and in a special ceremony presented the president of the Federal Bar Association with a pearl tiepin at which time he specifically mentioned General MacArthur.

Therefore it is most fitting and proper to say that General MacArthur not only believed in the rule of law over the rule of men—he took progressive and active steps to place his beliefs into practice.

Mr. KUCHEL. Mr. President, a long and illustrious life has now drawn peacefully to its close. Douglas MacArthur's valiant years admirably portray the West Point motto, "Duty, Honor, Country." His was a fierce and forceful devotion to duty, honor was his immutable guide, and love of country, with him, was a consuming passion.

The successful labors this giant performed for America and for freedom spanned years of bloody conflict and, as well, long periods of binding up the wounds of the vanquished. Together, his long lifetime exertions comprise a thrilling, unforgettable chapter in our Nation's history.

May I recall his words now emblazened across one of the new buildings, the gymnasium, at the West Point which he so dearly loved:

> Upon the fields of friendly strife are sown the seeds that upon other fields on other days will bear the fruit of victory.

To his gallant lady and to his son, all our citizens, great and small, send their deepest condolences in the loss of one of the great men in all recorded history.

Mr. MONRONEY. Mr. President, many times in our history have our military leaders contributed greatly to the preservation of our Nation and its freedoms.

General MacArthur helped give us victory in three great wars and, by his remarkable contributions during peacetime, helped preserve the cause of freedom for all mankind. He played a major role in shaping our victory in the First World War. In World War II, it was largely his strategy in the vast Pacific area which brought victory to our flag despite tremendous odds. Then again, during the Korean conflict, his genius helped preserve the integrity of our military posture.

Beyond his great military contribution during the three wars, the inspiration he brought his troops, his allies, and all the millions on the homefront by his indomitable spirit stimulated our people and those of our allies. His leadership gave many the determination to make whatever sacrifices were necessary to achieve victory in order to guarantee freedom to all the world's people. His most remarkable characteristic was his personal bravery. His ability to engender inspirational appeal, his great eloquence, and his ability to make himself understood, resulted in favorable reactions among all peoples. He always offered understanding of the task to be accomplished and the goal to be won.

Of all his many great contributions, one of the greatest was the wise, just, and effective administration of Japan following the war. I believe that achievement will long live as one of this Nation's brightest hours. He was not only a genius in warfare but also a master in winning the peace. The land reform which he brought to Japan was the cornerstone of the establishment of democracy and free enterprise that we now observe in the spectacular recovery of the Japanese nation—a people who were once our enemies, and now are among our greatest friends. The progress made by Japan under the guidance of General MacArthur during his years of administration in that part of the world will forever add to the glory that he justly deserves as a great military leader.

Mr. HUMPHREY. Mr. President, our Nation mourns the death of a genuine hero. A great soldier has passed on to his heavenly reward, a man who led our armies on the field of battle and yet dedicated his life to the cause of peace.

The American people have indeed lost a heroic soldier. In a real sense, General MacArthur is symbolic of the end of an era, for here was a man whose brilliant 52-year career spanned the days of hand-to-hand combat in the Philippines, shortly after the turn of the century, up until modern-day wars of destruction and atomic warfare.

It goes without saying that during his career, Gen. Douglas MacArthur became one of the outstanding military strategists of all time, and one of the truly great leaders of our Nation. He was and remains in the annals of the art of war a military genius. He is and will always be remembered as a military strategist second to none.

America, because of Douglas MacArthur, is a better country. Undoubtedly it is a stronger and greater country. It is better, stronger, and greater because this man's life symbolized a life of service, a life of dedication to duty and to the welfare of his Nation as he envisioned that welfare.

In the days of World War I, he was described as the greatest frontline general, when he commanded the famous Rainbow Division in France.

During World War II, he was hailed as the best strategist this or any other nation had. The dramatic and historic record of his leadership in the Pacific will inspire the young people of this Nation—and other nations—of future generations.

Yet, Mr. President, one of his greatest accomplishments was that of peacemaker while he was the commanding American officer in Japan following World War II, with instructions from his Government to help in the rehabilitation of a conquered nation.

The record of Douglas MacArthur in the rehabilitation and reconstruction of Japan following World War II is within itself enough to assure him a noted and memorable place in the history of this Republic. He demonstrated that we can bind up the wounds of war, and that the victor can be generous with the vanquished. He also demonstrated those qualities of understanding the culture of an ancient people, which endeared him to the hearts of the people of Japan. We owe a great deal to Douglas MacArthur for this service as well as for his great military service.

Douglas MacArthur will be looked upon in the days to come, as he was during his lifetime, as an inspired leader. Those who worked with him literally worshipped him. He was articulate. He was a gifted orator. He was able to move men with the profundity of his thought. He was a soldier who pleaded the cause of peace, and one who was much loved, honored, and respected.

I believe that the American people will always be grateful for the heroism and patriotism of Douglas MacArthur. The American people will always—and rightly—be grateful for General MacArthur's personal qualities. He had the qualities of dignity, of honor, of duty, and love of country that everyone in this Nation could and should emulate.

Mr. THURMOND. Mr. President, in the death of Gen. Douglas MacArthur, our Nation has lost one of its most dedicated, patriotic, and unselfish servants in the history of our Nation. His life will stand as an inspiration to all who love liberty and freedom both in this country and around the world.

Although he first took the oath of service when he entered West Point in June 1899, he was actually a member of the military service from his birth. He was born at Fort Little Rock, Ark., January 26, 1880, the son of then Capt. Arthur MacArthur, later Lt. Gen. Arthur MacArthur, the 12th man in the U.S. Army to reach the rank of lieutenant general.

Douglas MacArthur, therefore, began his military experience and service with the U.S. Army on the frontiers during the Indian wars.

His dedication was early apparent. At West Point, he was both first captain and first in scholastic standing among his classmates. After graduation in June 1903, his first assignment was in the Philippines, and it was during this first assignment that he gained his first combat experience. Since that first assignment, he has served his Nation in practically every conceivable military assignment. He was an observer with the Japanese Army in the Russo-Japanese War in 1905. He was present at the Battle of Mukden. He served as military aide to President Theodore Roosevelt. He distinguished himself in the punitive expedition against Villa in Mexico, and he completed combat service in World War I as commander of the famous Rainbow Division.

General MacArthur served for 5 years as Chief of Staff of the U.S. Army. For more than 10 years prior to his retirement in 1951, he served as U.S. Commander in the Far East as well as Supreme Commander of Allied Forces in the Far East.

General MacArthur was the recipient of practically every military decoration and honor his Nation could bestow, including the Congressional Medal of Honor.

Mr. President, General MacArthur served our Nation in some of the darkest pages of its history. He was never despondent as to the ability of our Nation to set high goals and to accomplish them, both in war and peace. It was he who said:

> There is no substitute for victory.

As these words were a guide to his life, so they should also be the guiding principle for the Nation which now mourns his loss.

General MacArthur was more than a faithful and devoted soldier to the United States. He was a dedicated servant of his Nation throughout his life. The lifelong purpose which he successfully attained has been to excel in service.

In this hour of great sorrow at his passing, Americans would do well to review his life and honor him and our Nation by emulating his dedicated and unselfish service to the United States and the principles on which it is founded.

Mr. President, I wish to extend to his devoted and faithful wife and fine son my deepest sympathy during this time of bereavement.

In closing, Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of these remarks an excellent editorial from the Greenville Piedmont, of Greenville, S.C., on April 2, 1964, entitled "MacArthur, Army Genius."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

MacArthur, Army Genius

Few men, even among military heroes, achieve legendary greatness in their own time. But few men ever had as long and as vital a career through three major wars as did Gen. Douglas MacArthur.

No brief summary of the career of General MacArthur can do justice to him. The brave defense by his forces at Corregidor during World War II, against overwhelming odds and with almost no supplies, is one of the epic pages in the history of the war. His vow to return to the Philippines and the island-hopping campaign which followed to fulfill that promise were a testament to MacArthur's loyalty to his men and his country. Many were the Pacific battles which were won against superior forces by his brilliant generalship.

After the cessation of hostilities, the extraordinary MacArthur talents again were apparent in his humane but firm direction of the occupation of Japan. The transformation of that hostile country, ruled for centuries by a combine of military aggressors and a godlike emperor, into the most industrially progressive country in Asia, was a feat almost beyond imagination.

Again in Korea, at an age when most of his fellow officers had long since settled into retirement, the genius of the man was again needed by his country, and he responded with no more hesitation than if he had been called upon for a tactical survey.

Time and again during the Korean war, MacArthur directed the rescue of outnumbered forces from near-disaster, and victory was imminent until vast Red Chinese reinforcements and Russian material made it obvious these could only be countered by bombing Manchuria. This Washington was not willing to do.

Before and after these major assignments, Douglas MacArthur was not idle. He was a superb World War I officer and served ably as Chief of Staff of the Army. The last dozen years he spent as board chairman of the Sperry Rand Corp. Only a few months ago did he find time to finish his memoirs.

Certainly the written record of an amazingly busy lifetime is destined to become one of the most treasured chronicles of many crucial years of this century. But to his fellow countrymen, Douglas MacArthur will leave more than a verbal monument. The devotion to duty epitomized by the old soldier who slowly faded away will not soon be forgotten.

Mr. CARLSON. Mr. President, the Nation mourns the loss of a truly great soldier and statesman. General MacArthur not only left the imprint of his life on the battlefield; his statesmanship influenced the course of history in many countries.

Although he was known as a great soldier and a great military strategist, he was also a great humanitarian, devoted and dedicated to the improvement and well-being of peoples everywhere.

General MacArthur had an abiding faith in his Creator and his God. He never hesitated to acknowledge his dependence on His guidance, or to express the comfort he received from the Divine.

While we extol the virtues of General MacArthur as a military leader, let us not forget that he was a man of peace. On many occasions he stressed the fact that in present day wars, no one would be victorious. It was his suggestion that we need to work out among the nations a program that would bring about world peace.

A great man has left us; but the imprint of his life will long endure.

Mr. PASTORE. Mr. President, here in Washington we watched the valiant battle of General of the Army Douglas MacArthur—the final fight of his sturdy years—four score and four.

It is a fight that no one can count "lost," as he moves on to that page of fame in American history reserved for gallant warriors. It is altogether fitting that the rotunda of this Capitol should have the honor of centering the Nation's tribute—in a Capital where the Stars and Stripes mark their mourning at half-mast.

In our State of Rhode Island all our flags, too, will fly at half-mast as our people share the world sorrow for this fallen soldier.

An editorial in the Providence Journal of this date is both an estimate and appreciation of the career of Douglas MacArthur, General of the Army, and I ask unanimous consent that it be inserted at this point in the Record as part of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Douglas MacArthur: General of the Army

General of the Army Douglas MacArthur, who wrote magnificent pages of history in three wars, now belongs to history. His active military career ended abruptly in political controversy, but America will honor him forever for his personal courage in combat, his wise leadership in the war against Japan, and his skill in rebuilding an enemy nation he had helped to reduce to rubble.

To read General MacArthur's biography is to make a journey through the decades that spanned this Nation's emergence on the world's stage at the turn of the century to the climactic demonstration of total power at Hiroshima. In that half century of international emergence, General MacArthur played a dramatic part; at the height of his career, his part was critically important.

The general began a meteoric rise in the Army on the battlefields of France in World War I. In the long years of peace that followed, he rose to top command and held that authority for a longer time than any other general. The saga of the 3 years from Bataan to his return to the Philippines will endure as a demonstration of the power of the human will to rise from disaster to triumph.

Even the general's harshest critics concede that his stewardship of Japan after the Pacific war had ended was a striking success. A man bred in the tradition of a military hierarchy created a living democracy in a nation that had been an imperial fief for hundreds of years. Under his leadership, a stricken nation stumbled to its feet and began an historic economic and social recovery.

When war broke out in Korea, General MacArthur responded to the situation with speed belying his years. While America mobilized its resources, the general took charge with dramatic force. The first onslaught from North Korea was stemmed; in a flanking operation, the Communists were sent reeling back to the Chinese border. Total victory seemed ahead when the Chinese armies joined the fray.

The American reverses were clouded by dispute; to charges of inadequate assessment of intelligence, the general and his supporters answered that their hands were tied by a Truman administration that prevented victory. Even as the guns thundered on the Korean front, the political situation worsened. President Truman relieved the general of all his commands, and General MacArthur left the military.

The controversy struck deep in the Nation, and it has left traces visible even today. America contained the war in Korea, and the danger of a third world war was averted. General MacArthur returned to his homeland to be received in a series of extraordinary receptions from San Francisco to Boston, culminating, symbolically, in his appearance before a joint session of the Congress.

But the Nation which recognized his great contribution to its security and freely acknowledged its debt did not rise to follow the general politically. Talk of his running for the presidency died almost as soon as it had risen. General MacArthur entered private business and began to write his memoirs which historians are sure to mine for years, both for military and political detail.

Now he is dead, and the Nation mourns. His admirers praise a singleness of purpose that his critics call arrogance. His critics snipe at phases of military leadership his admirers call strategic genius. No man, however, can question the unswerving patriotism and the blazing courage that formed his career and marked him indelibly as a great figure of our history.

"Old soldiers never die; they only fade away," he told Congress wryly as he ended his address before the joint session. But the memory of his contribution to America never will fade although death has come to him at last in the fullness of his years. The ills of age have struck down a man who did not hesitate to risk life and career for the things in which he dearly believed.

Mr. KENNEDY. Mr. President, with the passing of General of the Army Douglas MacArthur, our minds are immediately turned backward to the crucial years of fighting in defense of our freedoms, and of the making of great decisions which have affected us for all time. The general was a basic part of these years and these decisions. He has left a permanent mark on history. He stands in memory as a rugged, skillful military leader, a man of independent courage, and a statesman who even under challenge was secure in his convictions and determined to contribute his wisdom to his Nation during the important rehabilitation years succeeding three major wars.

General MacArthur is so much of our history and our lives that it would take hundreds of pages to do his biography justice. I think of him best as a man of dedicated patriotism—a man who was solidly in control of everything he did, and one who was determined to give every bit of himself for the preservation of this Nation and for the protection of its citizens.

A leader in peace, as well as war, we will miss his presence, but we will gain immeasurably by his example.

Mr. DOUGLAS. Mr. President, Douglas MacArthur was one of the most distinguished and able of American soldiers. He was brave, skillful, and a true patriot. In World War I, he made a notable combat record. Between the wars, he served notably as Commandant at West Point, Chief of Staff of the Army, and organizer and commander of the Philippine Army.

I had the opportunity to serve in one of the divisions under his command in the Pacific during World War II where we all admired the skill with which he took large areas of enemy territory with a minimum of casualties.

As head of the occupation forces in Japan, he brought that country back into the democratic fold as a friend of the United States. He gave a great deal to this Nation and his memory should and will be honored by a grateful Republic.

Mr. BEALL. Mr. President, upon the passing of the great American, General of the Army Douglas MacArthur, Members of this body are paying due respect to the deceased with heartfelt expressions of admiration, and I wish to join in this commemoration.

It is not appropriate to mourn any part of so great and dedicated a life—not even its end. Gratitude for its existence in our time of need—celebration of its greatness—these are more fitting sentiments, and yet they are not enough for this moment.

The most appropriate thing that we could do or say would be to rededicate ourselves to the ideals that were his creed and are now the litany to his life; duty, honor, country.

Mr. LAUSCHE. Mr. President, I join the Senators who have spoken their words of condolence and sorrow in regard to the death of General MacArthur.

The people of our country have lost a hero and a great American.

My contacts with him were not broad, but they were sufficiently intimate, through a number of contacts, to enable me to learn and to know the true character of this great man.

He was possessed of a brilliant mind. He was a great military strategist, and an outstanding humanitarian. He was gifted with an indomitable courage, willing unhesitatingly to face the identical dangers which he expected of his men.

I had the privilege of introducing General MacArthur in Cleveland, Ohio. I rode with him from the airport a distance of about 10 miles to the meeting that he was to address.

While I was mayor of Cleveland and Governor of Ohio, I had the privilege of riding with many distinguished citizens in parades and patriotic demonstrations. Never did Cleveland citizens rise to a crescendo of acclamation and approval of a man's service to his country as they did in response to the visit of General MacArthur to that city on Lake Erie. In preparing myself to introduce him to the massive crowd in the Cleveland Public Auditorium, I was required to study his background as a youth, as a student at West Point, and his activities in the Army. To my great astonishment, in everything he did he led the men with whom he worked. As a scholar at West Point he achieved a record unequalled before or since. It was astounding to note how that man, in whatever activity he pursued, because of his inborn virtues and his great mind, rose to lead.

We have lost a great hero. We have lost a great man. In my judgment, he built his finest monument in the assignment that was given to him in Japan. Japan, which was helpless, destroyed, in ashes and rubble, through the leadership of General MacArthur and his cultivation of friendship with the Japanese leaders and the Japanse people, made possible the resurrection of Japan, unequalled anywhere except possibly Germany.

Figuratively, I place upon his coffin today a wreath of flowers bespeaking the love of Ohio people for that great American. I sorrow at his death and the loss our Nation has suffered by his passing.

Mr. HILL. Mr. President, there have been many fine, beautiful, and richly deserved tributes paid to General MacArthur. As I heard my distinguished friend, the Senator from Ohio, Senator LAUSCHE, speak of General MacArthur's leadership, I was reminded of the fact that the first time I heard of the wonderful leadership of General MacArthur was when the 167th Alabama Regiment came back to our capital city, my home city, of Montgomery, Ala., after the end of World War I.

The 167th Regiment had served in the 42d—Rainbow—Division under General MacArthur. The regiment paraded up our Main Street to the Capitol, where there were exercises expressing the great appreciation, admiration, and gratitude of the people of Alabama for the regiment.

After the exercises I walked back down the Main Street of Montgomery with some of the men of the 167th Regiment I had known in college at the University of Alabama before World War I. They were telling me of this man, MacArthur, of his bravery, his courage, his gallantry, and his heroism. He was the commander of an entire division. He had some 26,000 men under him. I was told that when the time came to go over the top, General MacArthur was in the front-line trench with a rifle in his hands. When the order came to go over the top, Douglas MacArthur was the first man out of the trench over the top leading his men, saying to them, "Follow me; follow me," as he bravely and heroically led them on.

One day in after years, when General MacArthur was Chief of Staff of the U.S. Army, and I had the honor and privilege of visiting him in his office at what we then called the State, War, and Navy Building, I told him of what the men who had served under him had said of him, his daring and gallant leadership, and how he was the first man over the top. He told me that once when he was leading his men over the top, a German machinegunner got the range on him and took off the part of his blouse and the collar over his right shoulder. If that machinegunner had kept his range within a fraction of an inch, it would have gotten him, and that would have been the end of Douglas MacArthur.

That story illustrates the courage, and the bravery, of Douglas MacArthur.

I am reminded that Napoleon Bonaparte, in speaking of Marshal Ney, that great and gallant leader of the French forces, said, "Every time I see him I feel braver."

Today, we can well say that every time we think of Douglas MacArthur, we, the American people, will feel braver, and surely, his life of courage, dedication, and brilliant service to our country will ever be an inspiration and a challenge to us and to succeeding generations of Americans.

Mr. PELL. Mr. President, if ever there was a man who was a soldier's soldier, who was a hero's hero, it was Gen. Douglas MacArthur. Born into his chosen career as a dedicated soldier, brilliant in his youth at West Point, daring in the execution of his tactics in World War I, and equally daring and original in the strategy he designed and bore the responsibility for executing in World War II and the Korean war, he was one of those whose death we can mourn as being truly that of a hero.

Few Douglas MacArthurs are developed in a nation's history; and, in this world of machinery, of automation, and of science, there is no denying the fact that nations' destinies are still determined by the few men of excellence who reach the top of their various hills of endeavor.

General MacArthur was a true example of this excellence, not only when it came to military strategy and tactics, but also to the more mundane field of military government, the necessary sequitur to the conduct of a successful war.

Together with Generals Marshall and Eisenhower, our Nation owes its present freedom and power position to this triumvirate of military leaders. And, of the three, General MacArthur most stirred the emotions.

I salute his memory, and grieve his death.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate recesses tonight, it recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. DODD obtained the floor.

Mr. HUMPHREY. Mr. President, will the Senator from Connecticut yield to me, for the purpose of suggesting the absence of a quorum, without losing his right to the floor?

Mr. DODD. I yield for that purpose.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the Senator from Connecticut losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 114 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Boggs
Brewster
Dodd
Douglas
Gruening
Hart
Hickenlooper
Hill
Humphrey
Inouye
Johnston
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McClellan
McIntyre
McNamara
Metcalf
Monroney
Morse
Mundt
Muskie
Neuberger
Pearson
Ribicoff
Scott
Stennis
Thurmond
Williams, N.J.
Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BIBLE, Mr. CARLSON, Mr. CASE, Mr. CHURCH, Mr. COTTON, Mr. ELLENDER, Mr. HRUSKA, Mr. MORTON, Mr. PASTORE, Mr. PELL, Mrs. SMITH, Mr. WALTERS, Mr. WILLIAMS of Delaware, and Mr. YARBOROUGH entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. MORSE. Mr. President, will the Senator from Connecticut [Mr. DODD] yield to me without losing his right to the floor and, with the understanding that when he resumes his speech, his speech will not be counted as a second speech?

Mr. DODD. I yield to the Senator from Oregon with that understanding.

REPORTS OF COMMITTEES

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I should like to have the Chair explain to me what the rule is in regard to polling committees and taking action by way of polling committees.

The PRESIDING OFFICER. A committee in filing a report of action on a bill must have a majority of the committee present at the time the action is sought to be accomplished.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. On the basis of that ruling, if a committee reports a bill to the Senate based upon the polling of the committee, not based upon formal action of the committee in committee hearing with a majority of the committee present, is that report on the bill then in effect subject to a point of order in the Senate?

The PRESIDING OFFICER. The Chair believes it would be subject to a point of order. The Legislative Reorganization Act, section 133(d) reads as follows:

> No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present.

Mr. MORSE. Mr. President, the senior Senator from Oregon is of the opinion that certain committees of the Senate are violating that rule by polling their membership and by proposing to report bills by polling without the bill being reported from the committee with a quorum of the committee members present.

The senior Senator from Oregon notifies the Senate that he will object and raise a point of order with respect to any bill that is reported to the Senate which has not been reported from the committee, or with a quorum of the committee present at the time the bill was ordered to be reported. In other words, I will object and will raise a point of order if any committee seeks to report a bill to the Senate by polling the committee.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. DODD. Mr. President——

Mr. INOUYE. Mr. President, will the Senator from Connecticut yield briefly to me?

Mr. DODD. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Hawaii, with the understanding that I shall not thereby lose my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. INOUYE. I thank the distinguished Senator from Connecticut for his courtesy.

Mr. President, a flower lei—Hawaii's traditional symbol of love and friendship—today became the symbol of Hawaii's support of the pending civil rights bill. A three-man civil rights delegation from Hawaii, representing a cross section of community groups in the 50th State, delivered a plumeria lei with a message to the office of each Member of the U.S. Senate.

The message with the lei read:

> Aloha from the people of Hawaii. We believe the civil rights bill means human dignity and equality for all America. Please vote "yes." Mahalo nui loa (many thanks).

Members of the delegation are the Reverend Abraham K. Akaka, pastor of the Kawaihao Church, Honolulu; the Reverend Laurence S. Jones, president of the Honolulu Council of Churches; and Charles Campbell, a teacher at Leilehua High School, in Honolulu, and chairman of the Hawaii Civil Rights Conference Coordinating Committee.

I also have before me a petition from the people of Hawaii. It was gathered by the Honolulu Junior Chamber of Commerce, and bears 6,500 signatures, representing approximately 20 percent of the adult population of Hawaii.

The petition reads as follows:

> We the people of Hawaii endorse civil rights and petition all Americans to encourage and live by the American ideals of equality.

Mr. President, this is our way of telling America that we in Hawaii almost unanimously support the pending civil rights bill.

Mr. HUMPHREY. Mr. President, will the Senator from Connecticut yield briefly to me, if it is understood that in doing so, he will not in any way jeopardize his right to the floor?

Mr. DODD. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, this morning it was my privilege to meet the delegation from Hawaii, our 50th State. The Senator from Hawaii [Mr. INOUYE] put me in touch with the delegation, which presented this marvelous demonstration of civic action and the right of petition. I understand that 6,500 signatures, or more, are affixed to the petition, which was circulated by a group of young businessmen, the Junior Chamber of Commerce of Honolulu.

I believe the margin of support necessary for victory in connection with the civil rights bill rests with the young people of the Nation and with its spiritual leaders. So I was very much pleased to see these forces so ably represented today by the delegation from Hawaii. I salute and commend them and their Senators.

I also wish to state—as I should have known, from any cursory study of geography—that Hawaii is the most southern of all the States of the Union; it is the farthest south.

Furthermore, in Hawaii the American dream is a reality; people of many nationalities live peacefully together. The population of Hawaii comprises many races, creeds, and ethnic groups, and they live together in harmony, peace, tranquillity, and justice. They have brought to the American scene true brotherhood. They have achieved a most successful economy, and have done so with the elimination of bigotry, intolerance, and discrimination.

So I feel that we owe the Senator from Hawaii [Mr. INOUYE] and the members of the delegation our sincere thanks for their demonstration of what the Senate is seeking to accomplish; namely, a situation of equal opportunity and equal rights for all Americans, regardless of race, color, creed, or national origin.

I thank the Senator from Connecticut for yielding to me.

Mr. CURTIS. Mr. President, will the Senator from Connecticut yield, to permit me to make a brief statement?

Mr. DODD. I ask unanimous consent, Mr. President, that I may yield to the Senator from Nebraska, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, my office is on the far side of the New Senate Office Building. Today, I had in my office a group of farmers and cattlemen who are distressed over the treatment they are receiving in connection with excessive imports.

As soon as the bell rang, to indicate that the quorum call would be a live quorum, I left my constituents and other guests, ran to the elevator, and reached the Senate Chamber as quickly as possible; but I was unable to reach the Chamber in time to have my name included in the list of Senators who answered to the quorum call.

I call attention to the fact that it is the custom and tradition of the Senate to use a quorum call for many purposes—among them, to notify Senators when there is to be a change of speaker. If a Senator is conducting official business elsewhere, he has no way of knowing whether his presence will actually be required in the Chamber until he learns that the quorum is to be a live quorum.

I also understand that the rollcall proceeded faster than usual; and I want the RECORD to so show.

Again I thank the distinguished Senator from Connecticut for his courtesy in yielding to me.

Mr. DODD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I am very grateful to my friend from Connecticut for allowing me to proceed at this time, due to the fact that the Subcommittee on the Aging is holding hearings today on an important subject. I shall not be long.

One of the arguments made against the pending civil rights bill is that it will interfere with States rights. It will be of interest, therefore, to consider the manner in which at least one of the States of the Union is exercising its responsibility to enforce the commands of equal protection and due process in the Constitution.

In the last 4 weeks, while the Senate has been engaged in leisurely debate first on the question of whether to debate civil rights, and more recently on the bill itself, at least one State legislature, unencumbered by the filibuster rule and other such limitations on prompt action, has been considering a series of measures designed to turn the clock back on human freedom. These include:

First. A bill to repeal the charter of Tougaloo University, a Negro college in Mississippi. The extended debate on civil rights frequently is defended by opponents of the measure as an educational campaign. But educating the people at home apparently involves too many perils.

Second. A bill, reminiscent of the Black Codes adopted after the Civil War, which would grant municipalities the right to "enhance the general welfare of the community by restricting the movements of the citizens or a group thereof, of such municipalities when there is imminent danger to the public safety because of freedom of movement thereof."

Third. A bill making it a felony, punishable by a fine of $5,000 or up to 5 years in prison, to threaten, intimidate, or coerce another person from lawfully trading or carrying on business. Another bill, making it a felony punishable by 5 years in prison and a $1,000 fine, to print or circulate any matter which would encourage economic boycotts has also been introduced. Those behind these measures evidently believe that self-help is as dangerous as new Federal laws to protect civil rights, but they have not yet suggested any other alternatives for enforcing the Constitution.

Fourth. A bill to prohibit the distribution of Federal surplus food to needy persons without the authorization of county officials has also been offered. This is apparently aimed at an incident which occurred a few years ago, at which time the distribution of surplus food—largely to Negroes—was halted on the order of local county officials. When national welfare organizations went to the State and distributed the food without authorization, the plans of the officials were thwarted and the legislature now wants to close this loophole.

Fifth. A series of bills to perpetuate one party rule by making it as difficult as possible for any minority party candidates to get on the ballot. This law apparently is designed to supplement intimidation and the most restrictive voting procedures and laws in the Nation, as a means of perpetuating control by those now in power.

It appears obvious that the sole purpose of these proposals is to stifle dissent and to make it almost impossible for any minority party or dissenting group to influence the state of affairs in this State of the Union.

Aside from the laws which are being proposed, consider how some of the laws already on the books are being enforced, or disregarded. As a graphic example of the rule of law let us consider recent events in the town of Greenwood, Miss.

Greenwood is the county seat of Leflore County; 64.6 percent of the population of the county is Negro. Of the 13,567 Negro citizens of voting age 258 were registered to vote in 1963. In 1955, 400 Negroes had been registered to vote, so it is evident that absolutely no progress has been made in terms of registering Negroes, under the 1957 and 1960 acts.

In the summer of 1962, the Student Nonviolent Coordinating Committee began a voter registration drive in Leflore County. The following is a list of incidents which have occurred since that drive began:

On August 26, 1962, four Student Nonviolent Coordinating Committee staffers were forced to jump from a second story window to escape a mob carrying chains.

In October 1962, the Leflore County Board of Supervisors voted to drop a surplus food program which had helped to sustain some 22,000 Negroes, mostly seasonal workers and sharecroppers.

On February 20, 1963, three Negro businesses near the Student Nonviolent Coordinating Committee office were burned to the ground. Student Nonviolent Coordinating Committee worker Sam Block said he thought the fires were "an attempt to burn us out."

On February 22, 1963, Block was arrested and charged with "making statements calculated to breach the peace."

On February 28, 1963, Student Nonviolent Coordinating Committee worker James Travis was machinegunned by three men 7 miles from Greenwood.

On March 5, 1963, two white men were arrested and charged with the Travis shooting. Their trial has been continued three times.

On March 6, 1963, three Student Nonviolent Coordinating Committee workers were shot at while sitting in a car outside the office. No one was injured.

On March 24, 1963, the Student Nonviolent Coordinating Committee office was set on fire.

On March 26, 1963, shotgun blasts were fired into a Student Nonviolent Coordinating Committee worker's home.

On March 27, 1963, 10 Student Nonviolent Coordinating Committee workers were arrested for inciting to riot after they escorted 100 Negroes to the courthouse to register.

On March 30, 1963, the U.S. Department of Justice moved for a temporary restraining order, enjoining intimidation of voters and further detention and prosecution of those arrested on March 27.

On April 2, 1963, Greenwood police arrested a Student Nonviolent Coordinating Committee worker and forcibly ejected Negro comedian Dick Gregory from the courthouse lawn.

On April 4, 1963, the Justice Department withdrew its request for a temporary restraining order and Greenwood officials released those in jail.

On May 17, 1963, Student Nonviolent Coordinating Committee worker Milton Hancock was held under technical arrest after he was allegedly beaten in the jail.

On June 18, 1963, in nearby Itta Bena, 45 Negroes were arrested after a voter registration meeting in a church was smoke-bombed.

On June 25 and 26, 1963, 22 Negroes were arrested outside the Leflore County Courthouse as they tried to register to vote.

On July 7, 1963, a tear gas bomb was thrown at a Negro cafe.

On October 25, 1963, police arrested 10 Negroes on the courthouse steps. The 10 had been waiting to register to vote.

November 2, 1963; five voter registration workers arrested for obstructing the sidewalk after they set up a mock polling booth in Greenwood.

March 24, 1964; three crosses—one a block from the Student Nonviolent Coordinating Committee office, one on the courthouse steps—were burned in Greenwood.

March 26, 1964; George Davis was fired from his job after him employer said his picture, picketing, had been shown at a citizens' council meeting.

March 27, 1964; five students from Iowa State University were arrested, fingerprinted, photographed, and released. A Leflore County sharecropper and mother of nine, Mrs. Elizabeth Carter, was evicted because she tried to register to vote.

March 30, 1964; a white volunteer worker was arrested, fingerprinted, photographed, and released. An integrated group tried to integrate the white restroom at the courthouse—both men's and women's Negro restrooms had been closed—and were thrown out. A Negro woman who entered the white restroom was locked inside. Police Chief Curtis Lary told the demonstrators they could only picket the rear of the courthouse.

These events which have occurred over the last 20 months bring home most forcefully the total atmosphere of repression which exists.

Leflore County is not some faraway place, some alien culture, some backward society. It is part of the United States of America, and all Americans are, in a sense, responsible for what goes on there.

These events and actions demonstrate that there are States wrongs as well as States rights, and it is just such wrongs that this bill is directed against. We are a union of people as well as States and no American can stand idly by in the face of a calculated campaign in any part of our Nation to deny a substantial group of citizens their rights under the Federal Constitution.

All Americans must put aside the myth that all is well in our land. All Americans must look behind the slogans and examine the shocking realities against which this civil rights bill is directed. Leflore County is a reality—a harsh reality—which many find hard to believe. It is the kind of reality which must be confronted and changed if the magnificent promises of the Constitution are ever to be carried out.

Mr. DODD. Mr. President, it is my responsibility, during the Senate discussions of the civil rights bill, to explain, discuss, and whenever necessary, defend the last four titles of H.R. 7152—titles VIII, IX, X, and XI.

These titles are concerned with the instruction to the Secretary of Commerce that he, through the Census Bureau, conduct surveys to compile registration and voting statistics by race, color, and national origin; specific provisions for appeal from orders of remand in civil rights cases removed to the Federal courts; the establishment of a Community Relations Service; and four technical provisions which are important to the implementation of the bill once it becomes law.

I intend to speak on each of these titles in the sequence I have just outlined, but first I should like to take a few minutes to describe my general position on this very significant bill.

Obviously, I support the House bill or I would not be here today speaking as one of the Democratic Senators who have been asked to be one of the Senators in charge of the bill during the lengthy and difficult fight that is assured us before we are able to obtain Senate approval of meaningful and effective civil rights legislation.

I support this bill because it is a good and moderate bill, one which gives to the victims of racial discrimination much more satisfactory recourse to the law but does not at the same time take away from other persons their basic rights as American citizens.

This is the most concise, and the simplest way that I can summarize what we are trying to do with this bill.

We wish to make sure that every American can enjoy his basic rights, of which no one should ever have been deprived in the first place: his right to vote; his right to go to a good public school; his right to go to movie houses or restaurants that cater to the general public; his right to go to a publicly owned place of amusement; his right to advance in his chosen career strictly on the merits of his work.

When this bill passes, I believe that we will have taken a substantial step toward establishing the legal framework within which these basic rights can and will be assured Negroes and others.

But we will not accomplish this at the expense of other Americans.

For, how can it be said that we are depriving any Americans of their rights when we merely wish to assure Negroes that they, too, will be able to exercise their right to vote?

How is a white child deprived of his right to attend public school when all we ask is that Negro children enjoy the same right?

Or, how can it be said that we are infringing on private property and individual rights when we require that when private property assumes a public and interstate character, the owner and employees of these public businesses cannot prohibit a person, because of his color, from partaking of the goods or services that are being offered to the general public?

How can the presence of Negroes at a publicly owned amusement park or swimming pool infringe on the rights of the white people who also wish to attend?

How can it be said that our insistence that Negroes and whites be promoted on the basis of ability, and not held back and passed over because of their race or color, will infringe on anyone's basic right to be treated in the same, fair manner?

No, Mr. President, I cannot agree with and accept these and other criticisms that have been made of the pending bill.

I do not intend to go into these aspects of the civil rights debate at the present time, however. Very distinguished colleagues of mine have already made strong and able arguments in support of various titles of the bill last week. This week, we will have the privilege of listening to several more learned discussions in support of the titles dealing with public accommodations and employment practices.

Now I should like to turn to the last four titles of H.R. 7152.

REGISTRATION AND VOTING INFORMATION

In 1957, Congress expressed its concern over serious deprivations and denials of the right to vote without discrimination on account of race or color by enacting the Civil Rights Act of 1957. This prohibits denials of the right to vote on account of race or color and also prohibits intimidation, threats, and coercion for the purpose of interfering with the right to vote in Federal elections.

At the same time, we authorized the Attorney General of the United States to institute suits in the district courts seeking injunctive or other relief where necessary, to protect the rights declared in the statute and in article I of the Constitution and the 14th and 15th amendments.

Only 3 years later, it was evident that we had not gone far enough in 1957 and, accordingly, we enacted the Civil Rights Act of 1960. This statute provides that in areas where a "pattern of practice" of racial discrimination exists, the district courts shall entertain applications from and grant to qualified Negro citizens a court order declaring them entitled to vote.

Here we are again, about 3 years later, and it is again apparent that prior legislative efforts have been inadequate. If title I of this bill is enacted into law, however, we will have taken an additional and a very large step forward, one which should adequately and finally protect the right to vote without racial discrimination.

The precise extent of denial of the right to vote on account of race, color, religion, or national origin is somewhat uncertain, however. This is because no comprehensive survey of this matter has ever been undertaken. It is quite obvious that Congress may best correct this widespread abuse if it has available exact information. Gathering and assessing such information, for the use of Congress, executive agencies and the courts, is the primary objective of title VIII.

This title directs the Secretary of Commerce to "promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights." This survey and compilation shall, to the extent recommended by the Civil Rights Commission, "include a count of persons of voting age by race, color, and national origin." It is to include, also, if the Commission so recommends, a "determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the U.S. House of Representatives are nominated or elected, since January 1, 1960."

Mr. DOUGLAS. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. This is especially important, is it not, because of the second section of the 14th amendment to the Constitution?

Mr. DODD. The Senator is absolutely correct.

Mr. DOUGLAS. The second section of the 14th amendment in part provides:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

In other words, if it is found that there is widespread discrimination in prevention of the right to vote on the part of any constituency, the representation in Congress of that State can be correspondingly reduced, and consequently the number of votes cast in the electoral college can also be correspondingly reduced. The difficulty, as the Senator from Connecticut has implied, is that we do not yet know how many votes are lost in this way.

Is it true that such a census would make it possible for the second section of the 14th amendment to be enforced?

Mr. DODD. That is exactly the case. It is as explained by the distinguished Senator from Illinois. That is what the Constitution provides.

The same information will also be collected and compiled in connection with the Nineteenth Decennial Census.

When this information is made available to Congress it will greatly help us in ascertaining the extent of voting registration and also in assessing the extent to which racial discrimination in the voting process has been and is being eliminated by the statutes we have enacted for that purpose.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LAUSCHE. Does the Senator from Connecticut ascribe to the section of the 14th amendment, which the Senator from Illinois has read, any other significance in determining the qualifications of electors except that it is to be used for ascertaining what number of Representatives in the House of Representatives a particular State may have?

Mr. DODD. That is its purpose. It has no other purpose, as I understand.

Mr. LAUSCHE. I ask the question because I have been trying to make certain that I am reconciling the provisions of the Constitution, first, which define the qualifications of an elector to vote for a Representative and, second, the qualifications of an elector to vote for a Senator.

In reading the Constitution, it seems to be rather clear that the qualifications of electors are to be determined by the States, and that the qualifications shall be those qualifications which pertain to the rights of a citizen of a State to vote for a member of the most numerous branch of the State legislature.

Mr. DODD. Yes.

Mr. LAUSCHE. Would the Senator care to discuss this phase of it?

Mr. DODD. I believe that to be a fair statement of the constitutional language, and why it was written that way. I have no difficulty with the Senator from Ohio on that score.

Mr. LAUSCHE. What section did the Senator from Illinois read?

Mr. DOUGLAS. Section 2 of the 14th amendment.

Mr. LAUSCHE. Title VIII contemplates providing Congress with information upon which it can intelligently act to carry into effect or not carry into effect the section which the Senator from Illinois has read, is that correct?

Mr. DODD. That is correct. If this section of the Constitution has any real meaning, how can we intelligently proceed to act under this section unless we have this information? Otherwise, we would be moving completely in the dark. However, title VIII has more immediate and direct purposes. We seek to pinpoint those areas where discrimination in voting exists, so that we can act positively under title I of this bill. We seek primarily to give the vote to every qualified person, not to reduce the congressional representation of any State. If we succeed in eliminating discrimination in voting, as we plan to do, there will never be any need to resort to action under the 2d section of the 14th amendment.

I thank the Senator for his comments.

Under title V of this bill the Civil Rights Commission is charged with investigating denials of the right to vote and serving as a clearinghouse for voting information. To adequately perform its functions the Commission will need additional information. And, in determining where to investigate further and where to institute suit under title I of the bill, the Justice Department will also require this additional data.

Some information is already available from voting records obtained by the Department of Justice under title III of the 1960 act, which entitles the Attorney General to demand that voting registrars permit the Department to inspect voting registration records and papers.

Other information is available as a result of certain necessarily limited studies conducted by the Civil Rights Commission. But these means of acquiring data are sporadic and incomplete. We need a general detailed and objective inquiry into this subject. That is what title VIII will provide.

It is perfectly clear that denials of the right to vote on account of race or color generally occur in only some areas. It is also clear that the denial of the right to vote on account of national origin occurs in only isolated areas.

Therefore, it would be superfluous and unnecessarily costly to conduct such a survey on a nationwide basis. For this reason title VIII provides that this survey should be limited only to those areas of the country specified as likely trouble spots by the Civil Rights Commission. Moreover, the extent to which racial or national origin data is to be obtained will be limited by the Commission's views as to which groups in certain areas ought to be canvassed.

The Civil Rights Commission is quite obviously the body most competent to make these determinations and recommendations. The Commission has in the past conducted inquiries into voting practices, and it now has information sufficient to enable it to make sound judgments as to where more comprehensive investigation is needed.

There is no serious question as to the constitutional power to make a survey of this kind. Of course, to the extent that such information is lodged in the official records of State officers such as voting registrars, there can be no objection made that such matters are private and not properly the business of the Government. But even as to private persons who might be questioned, I see no constitutional difficulty, nor do I see any impropriety.

Some persons evidently believe that even a statistical classification along racial lines would be unconstitutional, but I find it difficult to follow the logic of this argument. If true, it would prevent the Congress from effectively exercising its power and duty under the 14th and 15th amendments to enact appropriate legislation to enforce the amendments.

I do not understand how the mere collection or compilation of statistical data can infringe upon constitutional rights, unless the method of obtaining the information or its intended use is unconstitutional. No such charge has been or could be made here.

Moreover, the Constitution in article I, section 2, clause 3 expressly directs that every 10 years a census shall be taken. The purpose of the census stated in the Constitution is to determine how the House of Representatives shall be apportioned, but the census inquiries have traditionally gone far beyond this narrow scope, and they have done so with the approval of the courts.

Thus in the *Legal Tender Cases*, 79 U.S. 457 (1870), the Supreme Court, referring to the census provision, said at page 536:

> The Constitution orders an enumeration of free persons in the different States every 10 years. The direction extends no further. Yet Congress has repeatedly directed an enumeration not only of free persons in the States but of free persons in the territories,

and not only an enumeration of persons but the collection of statistics respecting age, sex, and production. Who questions the power to do this?

If the census authorities inquire into age, sex, and production, I see no good reason why inquiries into racial matters, to obtain information appropriate to the enforcement of constitutional guarantees, cannot also be obtained in this manner.

One final point I would like to make on this is that the Census Bureau already compiles certain data on the basis of race or ancestry. For example, the 1960 census classifies inhabitants according to race. And ever since the 1924 Immigration Act we have required the compilation of the number of inhabitants by national origin.

I certainly think that the Census Bureau is the appropriate agency to conduct this kind of survey. There is no reason to believe that the Bureau will be unable to develop appropriate criteria, and its experience and expertise in impartially compiling many kinds of data suggest that it is perfectly competent to perform the task we want to assign to it in title VIII.

The present estimated cost of the proposed survey is $1,800,000. The earlier and much higher estimates which appeared in testimony given during the hearings before the House Judiciary Committee were made prior to the amendment limiting the areas to be surveyed to those recommended by the Civil Rights Commission. These earlier, higher estimates were based on the assumption that the survey would be conducted nationwide, and are therefore no longer valid.

APPEAL OF REMANDS IN CIVIL RIGHTS CASES

The first effort of the Congress to protect the rights of persons newly freed from slavery was the Civil Rights Act of April 9, 1866.

Section 1 of this statute, which is now codified as sections 1981 and 1982 of title 42 of the United States Code, sets forth certain rights which the freed men were to have. Included were the rights to make and enforce contracts, to sue, to be parties, to give evidence, "and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens." Also included were the right to be subject to like punishment, pains, penalty, taxes, licenses, and exactions, and no other. Further, section 1 of the act of 1866 granted the freed men the same rights as white citizens have to inherit, purchase, lease, sell, hold, and convey real and personal property.

Section 3 of the act of 1866 provided for removal of civil or criminal cases from State to Federal courts in certain circumstances involving the rights guaranteed by section 1 of the same statute. These removal provisions, without substantial change, have been carried forward to this day as section 1443 of title 28 of the United States Code.

This statute now provides that civil or criminal prosecutions in State courts may be removed by the defendant to the local Federal district court where the defendant "is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof."

It also provides for removal "for any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law."

When the defendant in a State court proceeding files a petition for removal to the Federal district court, the law provides that the case is automatically removed and the State court shall proceed no further. At this point the State may object to the removal by filing in the Federal court a motion to remand the case to the State court, and thereupon the Federal judge conducts a hearing on the motion to remand.

If the Federal judge determines after a hearing that the case is not removable under the tests laid down in section 1443, the motion to remand will be granted. If the judge determines that the case was properly removed, he denies the motion to remand.

Under existing law an order remanding such a case to the State court from which it was removed is final for all purposes and cannot be reviewed by a Federal court of appeals, or by the Supreme Court, directly or indirectly, by appeal, certiorari or by mandamus. This is because title 28 U.S.C. 1447(d) provides that a remand order is not reviewable "on appeal or otherwise."

Due to the absolute finality given to such remand orders of district judges the removal statute has been rendered practically useless. This is in very large part the result of some old Supreme Court decisions which appear to hold that removal is proper only if the case involves a provision of a State constitution or a statute which on its face denies equal civil rights.

Needless to say, by far the most serious denials of equal rights occur as a result not of statutes which deny equal rights upon their face, but as a result of unconstitutional and invidiously discriminatory administration of such statutes.

An examination of the legislative history of the act of 1866, which first authorized such removals of the language of that act and its successors, and of the apparent congressional purpose clearly suggests that these old interpretations are erroneous. Because district court judges feel bound to follow the early precedents, the effect of precluding an appeal from orders of remand is to freeze into the law these early nullifying interpretations of the removal act.

Accordingly the removal statute, intended by Congress to be, along with the civil criminal civil rights provisions of that early act, one of the great bulwarks of equality, is of little or no value today.

Except for a very few early removals, I know of no case successfully removed under section 1443. If an appeal is allowed from orders to remand, the appellate courts will be able to consider what the removal statute means and what Congress intended when it enacted the statute.

In recent months and years a number of cases have arisen which could properly have been removed from State to Federal court if the original intention of Congress had been permitted to govern.

In particular, I think cases to be tried in State courts in communities where there is a pervasive hostility to civil rights, and cases involving efforts to use the court process as a means of intimidation, ought to be removable under this section. Indeed, the first case to be considered under the removal statute after its enactment in 1866 held that an allegation of local community racial hostility entitled the defendant to remove a State criminal prosecution to the Federal district court.

This was decided by the Supreme Court of North Carolina in State against Dunlap, which appears in volume 65 of the North Carolina Reports at page 491. In this case, decided in 1871, the North Carolina Supreme Court said that it was Congress' "intention to extend the operation of the act of Congress so as to make it include cases where, by reason of prejudice in the community, a fair trial cannot be had in the State courts."

It is particularly important, it seems to me, that the right to a fair trial free from racial hostility and antagonism should be guaranteed. This is what the Congress of 1866 tried to do. This is what the removal statute will do if properly construed.

It is the purpose of title IX to make it possible for the courts to consider whether the removal statute can be given such construction.

I should like now to address myself to certain criticisms of title IX made by opponents of the bill. This will serve to clarify further the purpose and need for this provision.

The principal objection, as I understand it, is that permitting an appeal from remand orders will upset the Federal-State judicial balance. I think the answer to that is quite clear. Title IX will not upset this balance since the balance between the State and Federal courts in such situations was established in 1866 when the Congress decided to permit removals in civil rights cases. It is the general removal statute dating back a century which stays the State court proceedings.

The provision of title IX permitting appeals from remand orders merely allows appellate courts to determine whether the district courts have properly executed the will of Congress as evidenced in the general removal statute itself. Therefore, it seems to me that it cannot correctly be charged that title IX disturbs the Federal-State balance in this field.

It has also been suggested that permitting appeals from remand orders will result in the unwarranted delay of State criminal proceedings. The answer to that, I think, is that while some delay in a given case may occur, and probably will occur, as a result of permitting appeals, it is a small price to pay for ensuring the proper administration of the removal remedy provided by Congress. It is hardly appropriate to suggest that it is better to speed up State criminal trials with all that is at stake than it is to guarantee the defendants the right Congress originally intended they should have.

Moreover, the number of such delays can be expected to be quite minimal. If a district judge grants a motion to remand, the defendant may be expected to ask him to stay his order, pending appeal. If the district judge feels that the case is clearly improperly removed, he will, of course, deny a stay. At that stage the defendant may ask the court of appeals to issue a stay of the remand order, pending appeal. When such an application for a stay, pending appeal, is made to the court of appeals, that court can be expected to give it very careful consideration. If it appears to the court of appeals that the removal was clearly improper and that the remand was correct, the court of appeals will doubtless deny the stay; and then the State prosecution can commence immediately.

This preliminary determination should eliminate the possibility of delay arising from appeals in cases where the removal was improper. Of course, if the appellate court believes that the removal was probably appropriate, and hence that the remand order was probably wrong, it will doubtless issue a stay, pending appeal, in order to prevent a futile trial in the State courts. But the abusive use of the appeal procedure set forth in title IX can effectively be avoided by this kind of preliminary appellate determination.

I wish to say a few words about one other objection to permitting appeals. Some have thought that it would be better for Congress to specify directly the kinds of cases which it thinks ought to be removable, rather than simply permitting appeals and allowing the courts to consider the statute again in light of the original intention of the Congress in 1866. It seems to me, however, that the course we have chosen is more appropriate, considering the rather technical nature of the statute with which we are dealing.

It would be extremely difficult to specify with precision the kinds of cases which ought to be removable under section 1443. This is true because of the many and varied circumstances which can and do arise in civil rights matters. Accordingly, it seems advisable to allow the courts to deal case by case with situations as they arise, and to fashion the remedy so as to harmonize it with the other statutory remedies made available for denials of equal civil rights.

As I indicated earlier, the removal statute was originally a part of the act of 1866, which also provides for criminal and civil remedies for denials of these rights. The courts are peculiarly competent, it seems to me, to reconcile all of these various statutory remedies. The courts can do this better than we can here.

One other point remains to be made on this title. It has been suggested that to permit an appeal from a remand order, would be entirely unprecedented. But this is not the case. In fact, for a period of 12 years, Federal law permitted appeals from remand orders in all removal cases, whether involving civil rights or not.

Prior to 1875, a remand order was not appealable, because it was considered not final. But in 1875, Congress enacted a statute—section 5 of the act of March 3, 1875—18 Stat. 470, 472—permitting appeals from all remand orders. This remained the law until 1887, when the predecessor of section 1447(d), which prohibited review of remand orders, was enacted.

Even today, a certain class of remand orders remains appealable. Thus, in cases involving Indian lands in Oklahoma, a statute grants the United States the right to remove such cases from the Oklahoma State courts to the Federal district court in Oklahoma—see 44 Stat. 239, 241 (1926).

And in 1947 Congress provided by 61 Stat. 731, 732, that "the United States shall have the right to appeal from any order of remand entered in any case removed to a U.S. district court" under the act of 1926.

So I am convinced that there is ample statutory precedent for permitting appeals from remand orders, particularly when Congress believes that such appeals are necessary to guarantee the underlying right of removal. Thus, when the Supreme Court held the United States could not appeal a remand order in the Indian claims cases, in the case of *United States* v. *Rice*, 327 U.S. 742 (1946), Congress promptly overruled the Court, by enacting the appeal statute to which I have just referred.

In short, in our judicial system, we do not normally permit a single judge to make a determination, without any possibility of appeal or any kind of review. The nonappealability provision of section 1447(d) is an aberration from the mainstream of the law, to which title IX will provide some relief. It is necessary, and it should be enacted.

COMMUNITY RELATIONS SERVICE

Title X of the bill would establish within the Department of Commerce a Community Relations Service authorized to provide mediation assistance to communities that are experiencing serious racial disputes and unrest because of racially discriminatory practices "which impair the rights of persons in such communities under the Constitution or laws of the United States, or which affect, or may affect, interstate commerce."

Only a very small staff would be set up to carry out this task—a Director, appointed by the President, with the advice and consent of the Senate, for a 4-year term; a maximum of six additional personnel; and authority for the appointment of temporary personnel on a per diem basis.

The Service could undertake to provide assistance either under its own initiative or upon request. But regardless of how the mediation or conciliation is initiated, it would be strictly a voluntary procedure which neither side to a racial dispute need accept.

The same voluntary feature would apply to the State and local agencies with which the Service is directed to seek cooperation wherever possible. If an official of the Community Relations Service approached a State or local official and asked for his assistance and cooperation, the State or local official would agree to help out or not, as he saw fit.

In summary, title X would establish a very small Service which would have no enforcement powers—an office with limited authority, duties, and responsibilities, and one which would have to rely completely on the willingness of the communities suffering from racial problems and unrest for acceptance of its conciliatory services.

In addition to the fact that title X prescribes only limited, voluntary procedures for the settlement of civil rights disputes, there are two prohibitions contained in this title that I want to bring to the attention of my colleagues.

The first of these requires that the Service treat as confidential any information it receives with the understanding that it is to be so treated.

The second strictly precludes any connection between the Community Relations Service and litigation which might arise from a dispute it had tried to arbitrate, by forbidding the Service's employees from performing investigative or prosecutive functions in such court cases.

I think the two prohibitions are important because they show further that we are entirely serious and honest when we say that our only purpose in title X is to make available to local communities a mediation service. It can be no more than this.

I have heard the Community Relations Service described as "a safety valve to prevent potentially dangerous situations from erupting" and I think this is a very apt description of the unique and useful role that the Service can and, I hope, will play in race relations.

It will not be a factfinding body, which is the function of the Civil Rights Commission.

It will not be an agency devoted to investigation and litigation, which, of course, are the duties of the Department of Justice.

It will rather try to conciliate, mediate, and persuade and hopefully help us avoid another Birmingham or another Jackson or another Danville.

The goal of the Service will be to eliminate violence and the need for formal legal proceedings. As a separate department which is not involved in investigations and litigation but rather is able to devote its full time and energy to the informal settlement of disputes, the Community Relations Service will have a much better chance to be effective than would an existing agency such as the Justice Department.

This Department has done a fine job in encouraging voluntary local action, such as in the area of desegregation of public accommodations, and in working with elected officials and civic leaders in a number of troubled communities.

But these efforts have had to be on an ad hoc basis, carried out in addition to its regular duties in investigation and litigation.

Furthermore, we are only fooling ourselves if we attribute to the Justice Department any great popularity as an arbitrator in racial matters, in certain sections of the United States.

For these reasons, I feel it is important that we make a fresh start by creating a small agency which will specialize in mediation and persuasion.

The Community Relations Service, with its reliance on voluntary action, fits in with other parts of the civil rights bill which place stress on the seeking of a solution through mediation and conciliation before litigation is undertaken.

Title VI, the purpose of which is to end racial discrimination in connection with the use of funds received under Federal programs, encourages agencies to find ways to end discrimination without terminating assistance by authorizing agencies to achieve compliance "by any other means authorized by law."

Title VII creates an Equal Employment Opportunities Commission which is instructed to attempt to conciliate a dispute and seek voluntary compliance before any steps can be taken to bring suit in court.

Title II, which sets out public accommodations in which racial discrimination cannot be practiced, also emphasizes voluntary compliance. The Attorney General is authorized before bringing suit to utilize the services of any municipal, Federal, State, or local agency to attempt to secure compliance with the title voluntarily.

The Community Relations Service could well help to diminish substantially the need for the Federal Government to bring suit under title II.

The Attorney General testified before the House:

> The Service may prove ultimately to be one of the most useful creations of this legislation.

I concur heartily with him in this. I have great hopes that the Service will be useful and effective, within the limits of its size and the functions assigned to it in the bill.

If the Service's first annual report to Congress, which is required under title X, shows that it has achieved even a modest success, we would do well to go further into the whole range of possibilities that mediation, persuasion, and voluntary compliance offers to us, with an eye toward expanding the size and perhaps even the scope of the Community Relations Service.

It is difficult to believe that anyone could seriously and strongly object to this title of the bill.

I am sure even the most vigorous opponents of the civil rights bill will agree with me that it is always preferable to achieve compliance with the law through voluntary means rather than through enforcement action.

The Community Relations Service gives us a good opportunity to try to do this and we will all be much better off if it is able to succeed.

MISCELLANEOUS

Title XI of H.R. 7152 contains four provisions of a technical nature, which I have been asked to discuss.

Section 1101 provides that nothing in the bill shall be construed to deny, impair, or otherwise affect any right or authority which the Attorney General, the United States, or any Federal agency or officer, has under existing law to institute suit or intervene in any proceeding.

By enacting this bill, we do not intend by implication to suggest the impairment of any power which the Federal Government may already have, either pursuant to any other statutes or under the Constitution of the United States, to bring lawsuits or to participate in private litigation in any of the areas dealt with in this bill. Whatever the extent of such present authority may be, nothing in this bill will affect it.

Section 1102 makes clear that we do not intend to preempt State laws which are designed to guarantee rights similar to those dealt with in H.R. 7152. It provides that nothing contained in any title of this bill shall be construed as indicating congressional intent "to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this act, or any provision thereof."

In other words, where States or localities have laws protecting civil rights, we have no intention of displacing such laws unless they are necessarily in conflict with what we are enacting here. However, it should be clearly understood that enforcement of the provisions of this bill is not dependent upon prior resort to State or local courts or administrative agencies. And that means, of course, that the doctrines of exhaustion of administrative remedies, abstention, and the like, have no application to lawsuits to enforce any provision of this bill. However, where the bill requires prior resort by the Attorney General to State agencies or permits the Equal Employment Opportunity Commission to defer to State agencies—as in title VII—that will be done.

Section 1102 applies generally to the entire bill, but two other titles contain their own provisions dealing with preemption. Thus section 205(b) provides that nothing in title II "shall preclude any individual or any State or local agency from asserting any right created by any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right." And section 708(a) of title VII, dealing with employment discrimination, provides that nothing in title VII "shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title."

The provisions in titles II and VII merely make doubly certain the principle generally set forth in title XI. Of course, as section 708(a) explicitly says, if a State or local law purports to require or permit any act forbidden under any title in this bill, such a State or local law is necessarily invalid notwithstanding title XI, under the supremacy clause of the Constitution, article VI.

Section 1103 is the usual authorization for the appropriation of such funds as are necessary to carry out the provisions of this act.

Section 1104 is the usual separability clause. It provides that if any provision of H.R. 7152 or the application of any provision "to any person or circumstance" is held by the courts to be invalid, "the remainder of the act and the application of the provision to other persons or circumstances shall not be affected thereby." Title VII also contains an identical separability clause.

The particular language of this separability clause is taken from the Labor Management Reporting and Disclosure Act of 1959, better known as the Landrum-Griffin Act, section 531 of title 29 of the United States Code.

What this means is that the judicial invalidation of any provision of this act, either on its face or in its particular application to a given situation, will not result in the invalidation of other provisions or different applications. It expresses the intention of the Congress that all parts and applications of this bill are designed to stand separately.

It is not the intention, however, that if the courts hold the act invalid as applied to one person in a given circumstance, the act should continue to be enforced against other persons in the same kinds of circumstances where there is no relevant legal distinction between the cases.

This concludes my presentation of titles VIII, IX, X, and XI. A discussion of these titles is perhaps not as interesting as is a discussion of other titles. My remarks necessarily had more to do with the legal technicalities of the bill. However, I am sure my colleagues understand that the bill should be discussed on the floor of the Senate from the technical, legal standpoint. There is no doubt that, if the question of legislative intent is raised, as it well may be, it will be well to have such a discussion in the RECORD as legislative history.

In closing, I should like to reaffirm my support of the entire measure. The fact that I have spoken primarily on these four titles is no indication of a lack of interest on my part in the other titles. I have made this technical discussion because I was asked to do so by the floor manager of the bill.

I consider it a privilege to have the opportunity to make whatever humble contribution I can to the consummation of this great deed.

The measures I have discussed today demonstrate the fairness, the moderation, the reasonableness, and the conciliatory nature of the whole bill.

We are dealing with the residue of slavery and all its ugly trappings. Abraham Lincoln once said—and this was a favorite quote of President Kennedy:

> In giving freedom to the slave we preserve freedom for the free, honorable alike in what we give and in what we retain.

This is exactly what we are seeking in this great struggle to enact the Civil Rights Act of 1964.

By removing the denials of freedom experienced by some Americans, we are strengthening and giving greater validity to the freedom of all Americans.

The history of our country thus far has been a history of the gradual extension, refinement, and perfection of the guarantees of human freedom. Today, those of us who favor this legislation, whether our contribution be small or large, are playing a significant part in this historic trend. I hope and pray and believe that success will attend our efforts to bring forth a new birth of freedom in America.

Mr. HART. Mr. President, will the Senator yield?

Mr. DODD. I am glad to yield to the distinguished Senator from Michigan.

Mr. HART. The Senator from Connecticut has suggested that the titles of the pending bill to which he has addressed himself are not those which give rise to sparks of fire and brimstone or neon lights; but I congratulate him for having made clear to any reader of the Record the highly essential aspects of these titles. The discussion, I am sure, will serve a very useful purpose in the long-term analysis of the bill which pends.

Finally, I congratulate the Senator upon his ability to effectively indicate the basic point in the whole debate. This is not a proposal to take basic rights away from anybody; but, as the Senator has said, it is to insure that basic rights are accorded to those who, for a hundred years, have been promised them and to this moment find themselves denied such rights.

Mr. DODD. I am grateful to the Senator from Michigan for his compliment, which I do not feel I deserve, but which I am human enough to appreciate and enjoy. If this rather lengthy statement has been of interest to him, I am very well satisfied.

ORDER OF BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that, notwithstanding the rule with respect to germaneness, I may make two statements on other matters.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

OPPORTUNITIES FOR ALL—ADDRESS BY SENATOR MORSE

Mr. DODD. Mr. President, on March 27, 1963, our distinguished and able colleague, the senior Senator from Oregon [Mr. Morse], delivered an excellent address in my State. He spoke at the University of Bridgeport as the Frank Jacoby lecturer for that year.

The purpose of the annual Frank Jacoby lecture is "to further the brotherhood of man and the equality of man regardless of race, color, or creed."

Senator Morse spoke on the Negro and the lack of economic opportunities open to him in the United States, and I think it is especially appropriate at this time, when the Senate is in the midst of a prolonged debate on the civil rights bill, that his statement be read by each of us.

I therefore ask unanimous consent that Senator Morse's speech, entitled "Opportunities for All," be inserted in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Opportunities for All

(Address of Senator Wayne Morse, annual Frank Jacoby lecture, University of Bridgeport, Bridgeport, Conn., March 27, 1963)

It was with a great deal of pleasure that your kind invitation to be here today was accepted, for it is indeed an honor to be included in the illustrious group of speakers who have appeared here in the past as Frank Jacoby lecturers.

And the pleasure was enhanced when I noticed that my friend and next-door neighbor in the Senate Office Building, Senator Goldwater, was last year's speaker. Our office space is a good deal closer than we generally are politically. But now it can be said that I, as a liberal, am 1 year behind the Senate's most noted conservative. Though the two of us often differ politically, we do believe in the "brotherhood of man."

Yet to believe is not enough. And Frank Jacoby recognized that when he established this lecture. He stated that the purpose of the lecture was "to further the brotherhood of man and the equality of man regardless of race, color, or creed." The belief in the brotherhood of man is not a once-a-year affirmation. To believe it we must practice it, each and every day.

Today, I would like to address myself to some of the efforts being made to further the brotherhood of man, and their relationship to the economic problems that beset our country.

Since 1954 our Nation has heard much of civil rights. It hardly seems possible that nearly 9 years have passed since the Supreme Court declared that separate-but-equal schools were inherently unconstitutional. Since that time our Nation has been torn over Little Rock, New Orleans, and Oxford, Miss.

When viewed over the past 10 years great strides have been made in civil rights for colored Americans. But, when placed in the perspective of the opportunities and rights which are enjoyed by others and which we believe are the inheritance of everyone, it would seem that we have hardly moved at all.

In just the past few months a number of events have occurred that should give us all hope. While the U.S. Senate was filibustering over the use of the filibuster—a device used to kill civil rights legislation—the South demonstrated that in some places it was ahead of the Senate.

For in South Carolina, a Negro was admitted peaceably to Clemson College; in Mississippi, James Meredith returned to classes; in North Carolina, Gov. Terry Sanford announced that the States had a responsibility to provide jobs, good jobs, for Negroes.

It is this last incident—Governor Sanford's announcement—that is of particular interest to me. It deserves to be of interest to all Americans not only because of the injustice that is done the colored citizen, but the high price the white community pays itself for this discrimination. The United States today faces a great challenge in trying to rejuvenate our economy. The domestic program of the administration now pending in the Congress is designed primarily to stimulate our economic growth from its present sluggish pace and its high rate of chronic unemployment.

In the last Congress, we adopted the Manpower Retraining Act, with programs of reeducating the unemployed in skills that are needed in today's labor market.

In this Congress, we are being asked to adopt a substantial tax cut, a measure I wholly endorse, to attack the same problem on a much bigger scale. Our Senate Labor Committee is in the process of reporting out a Youth Conservation Corps bill, having for its purpose the provision of useful and needed conservation work for the jobless youths.

Testimony in support of the bill brought out that among teenage male jobseekers, about 10 percent of the whites are unable to find work, but 21 percent of the colored boys are unable to find work.

This whole vicious circle of school dropouts and lack of opportunity for them in the labor market is bad enough among our white population, but the added element of discrimination makes it twice as bad among our colored population.

From my own observation of this problem in the District of Columbia—and I am a member of the Senate District Committee—I know that thousands of Negro youths who are prevailed upon to finish high school and learn a trade are then thrown into a social situation that simply denies them the chance to work at that trade. Such a youth may find work only as a janitor, a busboy, or laborer, or he may not bother to work at all. And many others are discouraged from learning a trade at all, much less a profession.

Of the total labor force, only 1 in 10 is colored; yet 1 of 5 unemployed is colored. Of the chronically unemployed—that is over a long period of time—one in four is colored.

When the economic belt is tightened, as comedian Dick Gregory likes to say, the Negro is the first notch. The Negro in America—along with some other minority groups—is the lowest man on the economic totem pole of our Nation.

Because he does not have economic security, he is least able to survive an economic setback. Thus, an illness, however slight, can wipe out what small savings that do exist. A brief job layoff, for seasonal adjustments or plant conversion, can mean the relief lines again.

Being economically vulnerable has other disadvantages, too. And most of these disadvantages are far more serious. For instance, many of you undoubtedly read of the action taken in LeFlore County, Miss. There, when it became apparent that a civil rights group might manage to register the remaining 99 percent of the county's Negroes who were not registered to vote, the county in retaliation cut off its distribution of surplus food which benefited mainly the Negroes. The reason given officially by the county was a lack of funds for distribution.

The effect of this action was important, for without the surplus food, the 37,000 Negroes could not survive, for their average income in LeFlore County was a little better than $300 per year.

By denying the surplus food provided for free by the Federal Government, the Negroes were faced with two choices: One was to vote and starve; the other was to maintain the status quo—no vote but at least the stomachs were partly filled.

To the observer of the American scene, it appears that the Negro has made great economic advances since the end of the Second World War. In absolute terms this is true, for the Negroes are now receiving higher wages under better working conditions at a greater variety of jobs than ever before.

The Second World War taught the Negro skills he would never have learned in his segregated school. For many, it was the only chance they would ever have to learn trades denied to their race in peacetime conditions.

After the war, the GI bill of rights increased the educational level of the Negro, it eased his entrance into the professions, and it trained his future leaders.

All of these advances are notable when compared to the previous decade, but, relative to the economic progress of our Nation as a whole, the Negro's advance is not comparable to that the rest of us have enjoyed.

In Atlanta, Ga., while per capita income for white citizens was going up 44 percent, it was rising only 25 percent for colored people during the same period. In our Nation as a whole, the median income of the Negro is today nearly $2,000 less per year than that earned by the white.

The sad fact is the Negro worker earns only 65 percent of the income earned by the white worker.

Job discrimination in industry is the biggest impediment to the economic advancement of the Negro. Today the Negro can find work in Government and in the professions.

But American industry has not responded as well. The practices of both unions and management have been such that there are more Negroes in the United States today with doctorate degrees than there are Negro plumbers or electricians.

In Washington, D.C., last Friday the Secretary of Labor announced that he would seek an injunction if the contractors and unions constructing a gymnasium at Negro Howard University did not cease their discrimination and hire Negro workers.

It is not incredible that a Negro cannot even find employment in the construction of a building at a university that was and is dedicated to his education.

But all the blame does no lie with the unions. For if the labor movement has been reluctant to end discrimination, management has certainly not been eager.

There can be no doubt that many of our national corporations engage in token employment of colored workers in order to satisfy the rules against discrimination in defense industries, just as many school districts resort to token integration to satisfy the constitutional requirement of equal treatment.

As I have indicated, with little opportunity for advancement, the rate of drop out from high schools is twice as high for Negroes as for whites. We can not afford to continue this waste of talent merely because of the color of skin involved.

Among Negroes over the age of 25, the average number of years of education is less than eight. Think of that. Less than an elementary education. Of course, in recent years this figure has improved remarkably so that the age group between 25 and 29 averages around 11 years of education.

One-fourth of the Negro dropouts remain unemployed until they reach the age of 25 or over, when the rate drops to slightly better than one-fifth.

The entire Nation pays for this situation in lost production, in welfare and institutional costs. I have stressed that because race discrimination is one of the key factors in the education, the unemployment, and the slow growth rate problems—yes, even the tax cut—to which so much of our legislative program is addressed. It is far from the only factor; but it is certainly one of them.

As a nation we have failed to make this land the land of economic opportunity for all. As long as we continue to fail, we will remain a nation fighting the cancer that results from discrimination, rather than enjoying the blessings of brotherhood.

Over one-tenth of our Nation is nonwhite. For this group the American dream is all too frequently just a dream, never to be a reality.

The right to vote on an empty stomach is not a right at all; the right to attend school and to learn to read with no economic future is not a right; the right to equal treatment at libraries, swimming pools and lunch counters is no right at all without the right to earn a decent living.

The right to economic opportunity over shadows in importance almost all other rights, yet in the past few years our attention as a nation has been directed to the more dramatic struggles in civil rights, such as voter registration, school integration, freedom rides, and apartment dwellings.

But when the United States operates in the world arena, it does not subordinate economic freedom to such an insignificant role. Time and time again we hear our leaders in foreign affairs emphasize the need for establishing economic freedom among the nations of the world.

Our foreign policy experts maintain that once an underdeveloped nation has a sound economic base upon which it can develop, there will be little or no need for concern as to that nation's political future. A sound economy they claim, almost guarantees a sound political future.

And I think they are right. But the same argument should be applied to the economic rights of minorities within our country. But it is not done.

The hope that our country held out to the millions in the past was a hope that could, with work, dedication, and more work, be realized. Over the years our Nation has welcomed wave after wave of immigrants—and as the years progressed they or their descendants have found their hopes fulfilled.

But within our midst is a group which for 100 years has sought in vain for the opportunity to hope. And that hope has yet to arrive—and is even farther from being fulfilled.

The only reason the arrival of that hope has been delayed is the accident of color which is the most conspicuous difference any minority group can have. Yet all the Negro has asked for over the years is the right to have the same opportunity, the same chance, the right to receive the same treatment. But for the past 100 years we have continued to ignore the Negro while welcoming to our midst new arrivals from other lands.

The failures must cease. We must immediately undertake the task of making the Negro an equal partner by providing him with the skills he needs, with the opportunity he seeks.

The movement toward freedom rides, sit-ins, and all their various manifestations, was to be expected. We should expect it to continue, and to expand. This element of the American population is expressing an overdue determination to enjoy its natural rights. Certainly, equal opportunity will grow in all areas as specific discriminations are overcome.

And I think this will be healthy for the Nation and for the economy. The dire predictions, for example, that an Executive order against restrictions in certain federally financed housing would depress the construction industry are not borne out. The home construction business appears headed for another prosperous year.

Frank Jacoby was an admirable man. Having had his American dream come true, he knew that others must have the opportunities he did, if our country was to fulfill its dream. He also knew that city and State and Nation are built by the exercise of opportunities.

Because we are our brothers' keepers—an article of faith I do not question—we must see that all of us enjoy that dream of opportunity.

A $140 MILLION BOND ISSUE BY LOCAL HOUSING AUTHORITIES

Mr. DODD. Mr. President, recently there was brought to my attention a six-column article in the New York Herald Tribune describing a recent bond issue by local housing authorities, totaling more than $140 million.

The Herald Tribune wrote in its six-column headline: "Bonds Attract Entire Municipal Market—A Rousing Welcome for $140 Million PHA's." And a rousing welcome it was, indicating the faith the Nation's investment community places in this novel, 27-year-old method by which communities with Federal financial and technical assistance, seek to house their low-income families and their elderly.

When I conclude, Mr. President, I shall insert the Herald Tribune's article, but first let me say a few words about this program which has built or is building more than 11,000 units of low-rent housing worth an estimated $100 million in my own State of Connecticut.

This investment in public housing is locally owned. This is not federally owned housing, Mr. President. This is a community enterprise which adds to the total community housing supply at rents low-income people can afford to pay. Briefly, communities interested in this approach to providing housing for their low-income and elderly families borrow money from the Public Housing Administration, construct the dwellings they plan, then repay the Federal Government from the proceeds of the housing bonds.

Once constructed, the Public Housing Administration pays annual contributions to keep rentals in public housing within the range of low-income families.

The bond issues of local housing authorities, formed under their own State enabling statutes, are sold to private investors through financial institutions, just as any other public security such as school bonds and municipal pledges for other public improvements. So spirited was bidding last January 15, for example, that 21 of the 29 issues were purchased by a single group. Its purchase totaled $124,515,000, of the $140,255,000 in securities offered by local housing authorities that particular day.

I had the privilege of supporting the Housing Act of 1961, in which the Public Housing Administration was authorized money on which to pay annual contributions for about 100,000 new units of low-rent housing. That authorization, Mr. President, is all but exhausted. Yet, applications continue to pour in for new low-rent housing, so great is the need, nationwide.

Shortly, however, Congress will begin drafting a new housing bill in which additional authorization for low-rent public housing is expected to be incorporated.

Meanwhile, I hope my colleagues will take the time to consider the low-rent public housing program and the stimulus to the private investment market its securities have become, as indicated by the New York Herald Tribune article, which I ask unanimous consent to insert at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BONDS ATTRACT ENTIRE MUNICIPAL MARKET—A ROUSING WELCOME FOR $140 MILLION PHA's

(By Robert J. Duffy)

The 40th public sale of Public Housing Administration bonds—representing issues of 29 local housing authorities totaling $140,255,000—engaged the attention of the entire municipal bond market yesterday. Investors' interest was excellent and the offering is deemed a rousing success.

Of the total issues offered at competitive sale, a combined dealer-bank group was awarded a total of 21 issues aggregating $124,515,000. The combined group is managed by Lehman Bros., Blyth & Co., and Phelps, Fenn & Co., in association with First National City Bank, Chase Manhattan Bank, and Bankers Trust Co.

A spokesman for the managing underwriters said late yesterday that approximately $100 million of the bonds have been spoken for by investors, leaving an unsold balance of some $24 million. About $19 million of the balance is in the 1- to 20-year maturities, and some $5 million are in the 20- to 30-year range.

Seven issues totaling $15.74 million were awarded to other bidders. The sale was marked by very close bidding. Of the 23 issues which received two or more bids, the cover was equivalent to $1.50 a bond. The average interest cost on the total sale was 3.3594 percent, compared with an average cost of 3.1704 percent at the last sale August 14, 1963.

The issues won by the dealer-bank group ranged in size from $17,595,000 bonds of Puerto Rico to $505,000 bonds of Alamosa, Colo. The bonds bear coupons of 3⅜ and 3½ percent and mature from 1964 through 2004. They are being reoffered in three price scales to yield from 1.90 to 3.50 percent.

The first group, priced to yield from 1.90 to a dollar price of 99 for 3⅜-percent bonds due in 40 years consists of $15,085,000 New York City, and $9.160 million Syracuse, N.Y.

The second group, priced to yield from 1.90 to 3.50 percent, includes: $9.85 million, Birmingham, Ala.; $1,215,000, Bristol, Conn.; $880,000, Hartford, Conn.; $860,000, New Haven, Conn.; $2,225,000, Fort Myers, Fla.; $3,245,000, Paducah, Ky.; $5.93 million, Springfield, Mass.; $4,275,000, Minneapolis, Minn.; $6,848,000, Cincinnati, Ohio; $11.05 million, Cleveland, Ohio; $17,595,000, Puerto Rico; $10.23 million, Memphis, Tenn.; $5.83 million, Corpus Christi, Tex.

A third scale, priced to yield from 1.90 to 3.50 percent, consists of: $505,000, Alamosa, Colo.; $5.96 million, Waynesboro, Ga.; $2,205,000, Jackson County, Ill.; $1.1 million, Dearborn, Mich.; $4,275,000, Biloxi, Miss.; and $1.94 million, Moberly, Mo.

The largest issue won by a splinter group consisted of $6,555,000, Philadelphia, Pa., bonds awarded to a group headed by Yarnall, Biddle & Co. and Singer, Deane & Scribner. It bid 100.977 for a 3⅜-percent coupon. The bonds are reoffered at prices to yield from 2.10 percent in 1965 to 3.40 percent in 2004.

The remaining winning bidders and amounts are: Second District Securities Co., $2,965,000, Portland, Oreg.; Kaufman Bros. Co., $1.980 million, Bridgeton, N.J., and $975,000, Glassboro, N.J.; First Nebraska Securities Corp., $1.690 million, Ogala Sioux, S. Dak.; State Street Securities Corp., $1,045,000, East Orange, N.J.; Wahovia Bank & Trust Co., $890,000, Quincy, Ill.; and Bank of America, $615,000, Tacoma, Wash.

Elsewhere in the market, an issue of $65.750 million, Toledo-Lucas County (Ohio) Port Authority, Presque Isle expansion revenue bonds was offered in a negotiated transaction through an underwriting group managed by Blyth & Co.

The issue consists of $18,865,000 serial bonds due 1967–84 bearing coupons of 3, 3¼, 3.40, 3½, and 3.60 percent and priced to yield from 2.80 to 3.60 according to maturity. The balance consists of $46,885,000 of 4 percent term bonds due January 1, 2004, and priced at 101.

Rated Baa by Moody's and AA by Standard & Poor's, the bonds were eagerly sought by investors, with the entire issue said to be all sold by the close. The term bonds moved out particularly fast and were quoted by some dealers late in the day at 101⅞ bid. The underwriters bid 99.2516 for the various coupons, setting an interest cost to the authority of 3.9631 percent.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 976) making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes, in which it requested the concurrence of the Senate.

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF FOR FISCAL YEAR ENDING JUNE 30, 1964

Mr. MANSFIELD. Mr. President, this matter has been cleared with the appropriate Senators. I ask unanimous consent that H.R. 7152 be temporarily laid aside for a period not to exceed 1 hour, so that the Senate may consider House Joint Resolution 976, providing emergency funds for immediate use of the State of Alaska.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Under the unanimous-consent agreement just allowed, at the expiration of the period not to exceed 1 hour, will H.R. 7152 again automatically become the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum; and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 115 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Cannon
Carlson
Case
Church
Cotton
Curtis
Dodd
Dominick
Douglas
Ellender
Gruening
Hart
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Mansfield
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Ribicoff
Robertson
Saltonstall
Scott
Smathers
Smith
Sparkman
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER (Mr. McGOVERN in the chair). A quorum is present.

Pursuant to the previous unanimous-consent agreement, the Chair lays before the Senate the joint resolution (H.J. Res. 976), making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (H.J. Res. 976) making supplemental appropriations for disaster relief for fiscal year ending June 30, 1964, which was read twice by its title.

Mr. PASTORE. Mr. President, this joint resolution, which has just been passed by the House, would appropriate $50 million additional to the disaster relief fund which is appropriated to the President and administered by the Office of Emergency Planning. The purpose of the additional amount is primarily to assist the State of Alaska and other areas damaged by natural disasters.

In order to expedite prompt consideration of the joint resolution, the Committee on Appropriations at a meeting on Friday, April 3, authorized approval of this appropriation when it has passed the House.

The item for disaster relief is normally carried in the independent offices appropriation bill, and $20 million was added in the 1964 bill. The President has recently declared major disasters in five Ohio Valley States as a result of severe flooding and on March 28 the State of Alaska was declared a disaster area. The current balance in the fund is $19 million.

Public Law 81–875, which established the disaster relief fund, authorizes financial aid to the States to protect life and property and to repair essential public facilities. Surveys have shown that the damage from the earthquakes is considerable. There is eligible work in every category permitted by Public Law 875 including debris clearance, protective health and sanitation measures, the emergency repair of roads, streets, and bridges, water and sewer systems, public utilities, and public buildings and equipment.

This supplemental appropriation will not solve all the problems arising from the Alaskan earthquake. But it will go a long way toward meeting the immediate and emergency requirements for help.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the estimate and justification for the supplemental appropriation, a fact sheet on the background, history, and current status of allocations from the appropriation, a recent report of activity in disaster relief, the text of the Executive order establishing a planning commission for Alaska, and the text of House Joint Resolution 976.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C.

THE PRESIDENT,
The White House.

SIR: I have the honor to submit herewith for your consideration a proposed supplemental appropriation for the fiscal year 1964 in the amount of $50 million for disaster relief, as follows:

"FUNDS APPROPRIATED TO THE PRESIDENT

"Disaster relief

"For an additional amount for 'disaster relief,' $50,000,000, to remain available until expended: *Provided,* That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses."

This proposed supplemental appropriation is necessary to provide for emergency financial assistance to areas determined by the President to have suffered major natural disasters. The extreme severity of earthquake and tidal wave damage in Alaska will require substantial emergency assistance. The proposed supplemental appropriation is intended to meet this requirement and replenish the disaster relief funds currently available.

This request is covered by the allowance for contingencies and will not cause an increase in the total for 1964 as reflected in the 1965 budget.

I recommend that the foregoing proposed supplemental appropriation be transmitted to the Congress.

Respectfully yours,
KERMIT GORDON,
Director of the Bureau of the Budget.

THE WHITE HOUSE,
Washington, D.C.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of the Congress a proposed supplemental appropriation for the fiscal year 1964 in the amount of $50 million for disaster relief.

The details of this proposed appropriation, the necessity therefor, and the reasons for its submission at this time are set forth in the attached letter from the Director of the Bureau of the Budget, with whose comments and observations thereon I concur.

Respectfully yours,
LYNDON B. JOHNSON.

FUNDS APPROPRIATED TO THE PRESIDENT'S DISASTER RELIEF FUND

OFFICE OF EMERGENCY PLANNING

This supplemental request would appropriate $50 million to the President's disaster relief fund primarily to assist the State of Alaska and other areas damaged by natural disasters. The destructive power of the Alaskan earthquake was so great that early estimates of the total damage have varied from $350 to $500 million and more.

Public Law 81-875, which established the President's disaster relief fund, authorizes financial aid to the States to protect life and property and to repair essential public facilities when a major disaster is declared by the President. The President has recently declared major disasters in five Ohio Valley States as a result of severe flooding and on March 28 the State of Alaska was declared a disaster area.

In regard to the earthquake damage in Alaska and elsewhere, an on-the-scene survey by the Director of the Office of Emergency Planning and reports received to date indicate that the damage eligible for Public Law 875 assistance is considerable. There is eligible work in every category permitted by Public Law 875 including debris clearance, protective health and sanitation measures, the emergency repair of roads, streets, and bridges, water and sewer systems, public utilities and public buildings and equipment. The eligible damage to the utility system of Anchorage alone is estimated at $25 million. Extensive damage has also occurred in Kodiak, Seward, Whittier, Valdez, and Cordova.

There is a current balance of $19 million in the President's disaster relief fund. After taking into account the eligible earthquake damage in Alaska and elsewhere, the flooding damage in the Ohio Valley, other pending allocations and future requirements, we have concluded that the President's disaster relief fund should be replenished in the amount of $50 million.

This supplemental appropriation will not solve all of the problems arising from the Alaskan earthquake, but it will go a long way toward meeting the immediate and emergency requirements for help. The citizens of the 49th State are a hardy and pioneering people and there is no doubt that Alaska's stricken communities will be rebuilt through their hard work and sacrifice. This request for supplemental funds is submitted on an urgent basis to demonstrate that the Federal Government and the people of the United States stand ready and able to furnish all possible assistance in this great task.

DISASTER RELIEF FACT SHEET

1. Background: prior to Public Law 81-875, Congress authorized specific grants of money when a great disaster occurred. In 1947, in response to heavy hurricanes in the gulf coast area and the flooding of the Mississippi and Missouri Rivers, Congress authorized the loan or transfer of surplus Federal property to disaster areas. This, in turn, led to the Federal Disaster Act approved September 30, 1950, giving the President his present authority to provide immediate assistance through all departments of Government to disaster areas including financial aid. The President, by Executive order, has designated the Office of Emergency Planning to coordinate all Federal assistance under the terms of the act.

2. Major allocations since inception of program

States	Calendar year declared	Disaster	Gross allocation
California	1955	Flood	$9,500,000
Texas and Louisiana	1957	Hurricane Audrey	5,950,000
Texas	1961	Hurricane Carla	8,000,000
Delaware, New York, New Jersey, North Carolina, Maryland, Virginia.	1962	East coast floods	31,850,000
Guam	1962	Typhoon Karen	16,900,000

3. History of appropriations

Fiscal year	Appropriation	Net allocations from President's fund	Balance in President's fund
1952	$55,800,000	$35,695,000	$20,105,000
1953	0	114,204	19,990,796
1954	0	−1,059,667	21,050,463
1955	0	13,926,509	7,123,954
1956	28,500,000	15,640,935	19,983,019
1957	6,000,000	16,179,594	9,803,425
1958	24,000,000	14,879,883	19,923,542
1959	0	4,519,852	15,403,690
1960	0	$6,427,757	$8,975,933
1961	0	2,828,143	6,147,790
1962	$46,000,000	25,869,360	26,278,430
1963	25,000,000	31,631,135	19,647,295
1964 (9 months)	20,000,000	20,626,174	19,021,121
Total	206,300,000	187,278,879	19,021,121

4. Current status of President's fund

Balance, start of fiscal year 1964	$19,647,295
Appropriation	20,000,000
Total	39,647,295

ALLOCATIONS TO DATE IN 1964

State	Disaster	Date declared	Allocation	
Mississippi	Chlorine barge	Oct. 10, 1962	$1,792,000	
Guam	Typhoon Karen	Nov. 12, 1962	14,900,000	
California	Storm and floods	Feb. 25, 1963	845,000	
Washington	Floods	Mar. 2, 1963	85,000	
Kentucky	Storm and floods	Mar. 13, 1963	1,250,000	
Guam	Typhoon Olive	Apr. 30, 1963	100,000	
Trust territory	do	do	1,055,000	
Wyoming	Flooding	July 4, 1963	300,000	
Nebraska	do	July 17, 1963	395,000	
Arkansas	do	Aug. 2, 1963	150,000	
New York	do	Aug. 23, 1963	750,000	
Texas	Hurricane	Sept. 24, 1963	500,000	
Vermont	Drought	Nov. 27, 1963	128,000	
California	Reservoir	Dec. 21, 1963	500,000	
Vermont	Flooding	Mar. 17, 1964	105,000	
Kentucky	Storm and floods	do	250,000	
Indiana	do	do	250,000	
West Virginia	do	Mar. 20, 1964	100,000	
Ohio	do	Mar. 24, 1964	250,000	
Arkansas	do	do	250,000	
Gross allocations through Apr. 1			23,955,000	
Net adjustment for administrative expense allocations and returns			−3,328,826	
Net allocations				20,626,174
Balance, Apr. 1, 1964				19,021,121

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES RELATING TO FUNDS APPROPRIATED TO THE PRESIDENT FOR PURPOSES OF DISASTER RELIEF

A report of activity under authority of Public Law 875, 81st Congress, as amended, and required by section 8 of such law, relating to funds which have been appropriated to accomplish the Federal assistance determined eligible under this authority are specifically appropriated to the President for purposes of disaster relief

THE WHITE HOUSE,
March 18, 1964.

To the Congress of the United States:

I have the honor to send to the Congress a report of activity under authority of Public Law 875, 81st Congress, as amended, and required by section 8 of such law.

Funds which have been appropriated to accomplish the Federal assistance determined eligible under this authority are specifically appropriated to the President for purposes of disaster relief.

LYNDON B. JOHNSON.

REPORT

Federal assistance in major peacetime disasters is a coordinated operation under Public Law 875, 81st Congress, as amended. Public Law 875, popularly known as the Federal Disaster Act, gives the President broad powers to supplement the efforts and available resources of States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters.

A "major disaster" is any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which in the determination of the President is of sufficient severity and magnitude to warrant Federal assistance.

When, in his determination, conditions warrant the declaration of a major disaster, the President is authorized to call upon the services of such elements of the Federal Establishment as may be necessary to provide disaster assistance, to coordinate the disaster activities of Federal agencies, and to direct any Federal agency to perform certain types of service not authorized under such agency's normal authority.

The Federal Disaster Act requires the Governor of a State to certify to the President the need for Federal assistance and provide assurance of the expenditure of a reasonable amount of the funds of the State and local governments in combating the effects of disaster. To insure that the Federal Government does not carry the entire burden of disaster relief, the Governor is required to certify that the total expenditures and obligations for disaster relief, in that disaster and all other disasters during the 12-month period preceding the request for assistance, meet or exceed an amount published in the Federal Register as the minimum for that State.

In accordance with authority granted the President in section 5(b) of Public Law 81-875 to exercise any power or authority conferred on him by the act through such Federal agency as he may designate the President has delegated responsibility for administration of the Federal disaster assistance program to the Office of Emergency Planning. Executive Orders 10427, 10737, and 11051 give the Director of the Office of Emergency Planning the authority to coordinate and direct the activities of Federal agencies in providing Federal disaster assistance to State and local governments and to administer funds for disaster relief made available by congressional appropriation to the President.

During calendar year 1963, 20 major disasters were declared in 17 States, Guam, and the Trust Territory of the Pacific Islands under the authority of Public Law 81-875. The President authorized allocations in the amount of $13,625,000 for use in these disasters. In addition, initial and supplemental allocations in the amount of $16,051,000 were made for eight disasters occurring in 1962. A total of $29,676,000 was allocated from the President's disaster fund in 1963. The allocations provided for performing protective work essential for the preservation of life and property, performing emergency health and sanitation measures, clearing debris and wreckage, and making emergency repairs and temporary replacement of essential public facilities of States and local governments damaged or destroyed in such major disasters, including provisions for temporary housing or emergency shelter.

In the spring, widespread flooding in the Appalachian area affected Georgia, Kentucky, Tennessee, Virginia, and West Virginia. The territory of Guam, which was severely damaged by Typhoon Karen in the fall of 1962, was struck a second time in April 1963. The second storm, Typhoon Olive, also affected the islands of Tinian, Rota, and Saipan in the Trust Territory of the Pacific Islands. In both territories, the Office of Emergency Planning has assigned primary responsibility for the emergency repair and temporary replacement of damaged public facilities to the Department of the Navy.

The Federal Disaster Assistance Regulations were amended during the year to improve procedures for the determination and certification of State and local expenditures for disaster relief. The amendment, by requiring that the Governor's certification of expenditures contain a breakdown of such expenditures into specified categories, will assist both the States and the Office of Emergency Planning in evaluating requests for Federal disaster assistance. At the time the regulations were amended, the Office of Emergency Planning also announced a modest upward adjustment for all States in the schedule of minimum State and local expenditures required to qualify for assistance under Public Law 875. Both the procedural change and the revised schedule of minimum expenditures will become effective on July 1, 1964.

Substantial gains were made during 1963 in the development and distribution of educational materials on the disaster program. General information pamphlets outlining the procedures and requirements for Federal disaster assistance were prepared for and distributed to Members of Congress, Governors, and local government officials. A procedural manual, the "OEP Regional Operating Guide—Natural Disaster Program," was prepared for Federal departments and agencies with disaster relief responsibilities; and "Natural Disaster Manual for State and Local Applicants" was made available to all State and local disaster offices.

There is attached a list showing Presidential declarations of major disasters and amounts authorized for allocation from the President's disaster fund for the period January 1 through December 31, 1963. Also attached is a report of the status of disaster relief funds as of December 31, 1963.

TABLE 1.—*Disaster relief, Executive Office of the President, allocations authorized Jan. 1 1963, through Dec. 31, 1963*

State	Disaster	Date of Presidential declaration	Presidential allocations authorized
Maryland	Severe storm, high tides, and flooding	Mar. 9, 1962	$125,000
North Carolina	do	Mar. 16, 1962	475,000
Mississippi	Sunken chlorine barge	Oct. 10, 1962	1,792,000
Oregon	Severe storms	Oct. 16, 1962	700,000
Washington	do	Oct. 20, 1962	400,000
California	Severe storms and flooding	Oct. 24, 1962	1,220,000
Guam	Typhoon Karen	Nov. 12, 1962	9,700,000
Florida	Abnormally high tides	Dec. 17, 1962	1,639,000
Nevada	Floods	Feb. 14, 1963	700,000
Idaho	do	do	250,000
Oregon	do	Feb. 25, 1963	210,000
California	Excessive rainfall, floods, and severe storms	do	1,045,000
Washington	Floods	Mar. 2, 1963	585,000
West Virginia	Severe storms and flooding	Mar. 13, 1963	1,700,000
Kentucky	do	do	3,250,000
Virginia	Floods	Mar. 21, 1963	220,000
Georgia	Severe storms and flooding	Mar. 26, 1963	75,000
Tennessee	do	Mar. 27, 1963	750,000
Hawaii	do	Apr. 24, 1963	250,000
Guam	Typhoon Olive	Apr. 30, 1963	620,000
Trust territory	do	do	1,300,000
Wyoming	Excessive rainfall and flooding	July 4, 1963	300,000
Nebraska	do	July 17, 1963	395,000
Arkansas	do	Aug. 2, 1963	150,000
New York	do	Aug. 23, 1963	750,000
Texas	Hurricane Cindy	Sept. 24, 1963	500,000
Vermont	Severe drought and impending freeze	Nov. 27, 1963	75,000
California	Reservoir break and flooding	Dec. 21, 1963	500,000
Total			29,676,000

As of Dec. 31, 1963, appropriation 11X0039, disaster relief, Executive Office of the President, since inception of fund Aug. 31, 1951

Total appropriation by Congress	$206,300,000.00
Allocations:	
Housing and Home Finance Agency:	
From President's fund	35,694,704.00
From OEP	183,074.71
Returned to President's fund	—6,153,370.92
Net	29,724,407.79

As of Dec. 31, 1963, appropriation 11X0039, disaster relief, Executive Office of the President, since inception of fund Aug. 31, 1951—Continued

Allocations—Continued	
Corps of Engineers:	
From President's fund	$5,304,864.00
From OEP	818,247,16
Returned to President's fund	—863,822.08
Net	5,259,289.08
Small Business Administration: From President's fund	34,030.45
Office of Emergency Planning:	
From President's fund	186,930,389.91

As of Dec. 31, 1963, appropriation 11X0039, disaster relief, Executive Office of the President, since inception of fund Aug. 31, 1951—Continued

Allocations—Continued	
Office of Emergency Planning—Continued	
Net transfers to other Government agencies	−$1,272,775.55
Returned to President's fund	−39,618,598.13
Net	146,039,016.23
Total net allocations	181,056,743.55
Balance, President's fund, Dec. 31, 1963	25,243,256.45

Appropriation 11X0039(06) disaster relief, Executive Office of the President, allocations to OEP as of Dec. 31, 1963

Net allocations for—	
Disaster relief to States prior to calendar year 1963	$152,049,680.96
Disaster relief to States in calendar year 1963	29,676,000.00
Total allocations to States	181,725,680.96
Net transfers to other Government agencies	−1,272,775.55
Returned to President's fund	−38,392,872.65
Subtotal (net direct relief allocation)	142,060,032.76
For administrative expenses:	
Net disbursements	2,378,184.87
Unliquidated obligations	35,727.68
Unobligated allocations	1,565,070.92
Returned to President's fund	1,225,725.48
Total allocations received	5,204,708.95
Less: Returned to President's fund	1,225,725.48
Subtotal (net administrative allocation)	3,978,983.47
Net allocations to OEP	146,039,016.23

EXECUTIVE ORDER ESTABLISHING THE FEDERAL RECONSTRUCTION AND DEVELOPMENT PLANNING COMMISSION FOR ALASKA

Whereas the people of the State of Alaska have experienced death, injury and property loss and damage of staggering proportions as a result of the earthquake of March 27, 1964; and

Whereas the President, acting pursuant to authority granted in the Act of September 30, 1950, as amended (42 U.S.C. 1855–1855g), has declared a major disaster in those areas of Alaska adversely affected by the earthquake beginning on March 27, 1964; and

Whereas the Federal Government and the State of Alaska desire to cooperate in the prompt reconstruction of the damaged Alaska communities; and

Whereas the Federal and State Governments have a common interest in assuring the most effective use of Federal and State programs and funds in advancing reconstruction and the long-range development of the State; and

Whereas such effective use is dependent upon coordination of Federal and State programs, including emergency reconstruction activities, which affect general economic development of the State and the long-range conservation and use of natural resources; and

Whereas the Governor of Alaska has declared his intention to establish a State commission for reconstruction and development planning:

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Establishment of Commission. (a) There is hereby established the Federal Reconstruction and Development Planning Commission for Alaska (hereinafter referred to as the Commission).

(b) The Commission shall be composed of a Chairman, who shall be designated by the President, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Administrator of the Federal Aviation Agency, the Housing and Home Finance Administrator, the Administrator of the Small Business Administration, the Chairman of the Federal Power Commission, and, so long as the President's declaration of a major disaster is in effect, the Director of the Office of Emergency Planning. Each agency head may designate an alternate to represent him at meetings of the Commission which he is unable to attend.

(c) The Chairman may request the head of any Federal executive department or agency who is not a member of the Commission under the provisions of subsection (b) above, to participate in meetings of the Commission concerned with matters of substantial interest to such department or agency head.

(d) The President shall designate an Executive Director of the Commission, whose compensation shall be fixed in accordance with the standards and procedures of the Classification Act of 1949, as amended.

SEC. 2. Functions of the Commission. (a) The Commission shall develop coordinated plans for Federal programs which contribute to reconstruction and to economic and resources development in Alaska and shall recommend appropriate action by the Federal Government to carry out such plans.

(b) When the Governor of Alaska has designated representatives of the State of Alaska for purposes related to this order, the Commission shall cooperate with such representatives in accomplishing the following:

(1) Making or arranging for surveys and studies to provide data for the development of plans and programs for reconstruction and for economic and resources development in Alaska.

(2) Preparing coordinated plans for reconstruction and economic and resources development in Alaska deemed appropriate to carry out existing statutory responsibilities of Federal, State, and local agencies. Such plans shall be designed to promote optimum benefits from the expenditure of Federal, State, and local funds for consistent objectives and purposes.

(3) Preparing recommendations to the President and to the Governor of Alaska with respect to both short-range and long-range programs and projects to be carried out by Federal, State, or local agencies, including recommendations for such additional Federal or State legislation as may be deemed necessary and appropriate to meet reconstruction and development needs.

SEC. 3. Commission procedures. (a) The Commission shall meet at the call of the Chairman.

(b) The Commission may prescribe such regulations as it deems necessary for the conduct of its affairs, and may establish such field committees in Alaska as may be appropriate.

(c) Personnel assigned to the Commission shall be directed and supervised by the Executive Director of the Commission. Activities of the staff shall be carried out, under the general direction and supervision of the Chairman, in accordance with such policies and programs as may be approved by the Commission.

(d) The Chairman of the Commission shall report to the President from time to time on progress and accomplishments.

SEC. 4. Agency cooperation. (a) Each Federal agency represented on the Commission shall, consonant with law, cooperate with the Commission to expedite and facilitate its work. Each such agency shall, as may be necessary, furnish assistance to the Commission in accordance with the provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

(b) Other Federal agencies shall, to the extent permitted by law, furnish the Commission such information or advice bearing upon the work of the Commission as the Chairman may from time to time request.

SEC. 5. Construction. Nothing in this order shall be construed as subjecting any Federal agency or officer, or any function vested by law in, or assigned pursuant to law to, any Federal agency or officer, to the authority of the Commission or of any other agency or officer, or as abrogating any such function in any manner.

LYNDON B. JOHNSON.

H.J. RES. 976

Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1964, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

Disaster relief

For an additional amount for "Disaster relief", $50,000,000, to remain available until expended: *Provided,* That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

Mr. PASTORE. Mr. President, I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I desire to add a comment to what the chairman of the Deficiencies and Supplementals Subcommittee of the Committee on Appropriations has said. At a meeting of the full committee on Friday it was agreed that because of the terrible disaster in the State of Alaska we would add this $50 million to the disaster fund which the President has at his command. We agreed that we would present the matter to the Senate after the House had passed the joint resolution. It is now before the Senate.

There is no question that we ought to appropriate this money promptly and then be ready to receive from the President, or from the Commission headed by the Senator from New Mexico [Mr. ANDERSON], information concerning any further developments that may require legislative action and appropriation at a future time.

As the senior member of the committee on this side of the aisle, I endorse entirely what the chairman of the subcommittee, the Senator from Rhode Island [Mr. PASTORE], has said.

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. Mr. President, I understand the Senate is operating on limited time on the joint resolution?

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. How much time remains?

The PRESIDING OFFICER. Thirty-seven minutes remain.

Mr. PASTORE. Mr. President, how much time does the Senator from Alaska desire?

Mr. GRUENING. Seven minutes.

Mr. PASTORE. I yield 10 minutes to the junior Senator from Alaska.

Mr. GRUENING. Mr. President, I will not detain the Senate long. We are dealing here with House Joint Resolution 976, an emergency action to bring a measure of relief to some of our fellow Americans who have met with unprecedented catastrophe. The earthquake and resulting tidal waves which struck Alaska on the late afternoon of March 27 constitute the worst disaster which has befallen any State of the Union since the founding of our Republic. The earthquake was of an intensity at least equal to or greater than that of any recorded earthquake since scientific measurement of earthquakes has been devised. But the Alaska earthquake also covered a wider area than any temblor yet known. It wrought unimaginable destruction in four Alaskan cities and in a dozen or more villages: Anchorage, Alaska's metropolis; Seward, ocean terminus of the Alaska Railroad and the principal port of western and central Alaska; Valdez, ocean terminus of the Richardson Highway and the second port of entry to the interior of Alaska; Kodiak, fishery capital of central Alaska.

In all of these, their business districts, their economy has been wrecked, large portions of their residential areas wholly or partially destroyed. One of the immediate problems is the restoration of the vital utilities—water and sewer systems, which, being wrecked, constitute an immediate menace to health. Another immediate need arises from the destruction of all the wharves, docks, and breakwaters at the two ports of entry, Seward and Valdez, and the partial impairment of the one remaining dock at Anchorage and the one at Whittier.

Furthermore, in addition to the breakwaters, the small boat harbors, with nearly all their fishing boats, have been erased, together with the canneries which were being readied for the imminent fishing season. Indeed, the heart has been cut out of Alaska's economy and its livelihood—for the income of the State has virtually been cut in half.

In addition to the urban destruction there is the extensive damage to our Alaskan railroad and our highways, blocked by earthquake-triggered slides, wrecked bridges, and deep fissures. Our International Airport at Anchorage likewise sustained severe damage. The cost of restoring the previously existing infrastructure alone will come close to half a billion dollars.

The total damage in Alaska on the public and private sectors will, I am convinced, come close to, if indeed it does not exceed, $1 billion.

The prompt action by President Johnson in acceding to the request of the Alaska delegation for an initial appropriation of an additional $50 million to the Federal disaster fund to meet the immediate emergency, is to be highly commended. I want to record that President Johnson did not lose a minute in mobilizing to meet the needs brought about by Alaska's calamity. But it should be noted that because this is a domestic disaster, the inevitably measured constitutionally prescribed authorization and appropriation procedure has to be gone through.

The Senate Appropriations Committee, 4 days ago, without delay approved this appropriation and I am grateful for it. The House, which was not in session last week, acted without delay this morning. So, it may be reasonably expected that this sum will be available 10 days after the disaster. I should point out that had this disaster occurred in a foreign country, whatever sum the Executive had deemed necessary to send there would have been sent immediately out of available funds without resort to the usual legislative process, and hence without delay.

The Committee authorized by Presidential Executive order, to look into the immediate and long-range problems wrought by the Alaska disaster, under the chairmanship of our able and experienced colleague, CLINTON P. ANDERSON, has already begun to function with commendable initiative and energy. It will be joined today, when Gov. William A. Egan and his appointees arrive in Washington today and will begin an intensive appraisal of what needs to be done to help our fellow Americans on the "last frontier" to recover from this unexpected and unprecedented disaster and to enable them again to move forward within the mainstream of American life.

They have shown a wonderful spirit, these Americans of Alaska. In the words of the popular song "Home on the Range," there has never been "heard a discouraging word." Men who have seen their life savings and their lifelong efforts vanish in a matter of minutes; who, in addition to the loss of home and business, still bear a heavy indebtedness for them, face the future with a courage and determination characteristic of the pioneer spirit that enabled them to establish themselves on the "last frontier" and bring that great area into the orbit of American life. But they will need help for rehabilitation and reconstruction—help from their fellow-Americans and from their Government. With my colleagues in the Senate and in the House we will present the Alaskans' needs for this help in due course, as will Governor Egan. I am confident that the Congress will do whatever is just and necessary.

Mr. PASTORE. Mr. President, I yield to the senior Senator from Alaska whatever time he desires.

OUR GRATEFUL THANKS

Mr. BARTLETT. Mr. President, what is happening in the Senate now and what occurred earlier on the other side of the Capitol has provided sufficient proof that Congress can and does move swiftly when an emergency exists.

This is an emergency.

On behalf of every citizen of Alaska let me thank the Senate for its remarkably quick action in taking up the President's request for an additional $50 million to be added to his disaster relief fund. This money in large part will be used to provide immediate help and assistance to the people of Alaska as they begin their long road to recovery after the Good Friday earthquake and the resultant seismic tidal waves.

The disaster relief fund, as has been explained by the senior Senator from Rhode Island now contains only about $19 million. This is obviously insufficient to meet the needs created by the Alaska disaster and the tidal wave damage on the Pacific coast. Both the coast and Alaska will require assistance.

It has now been 10 days since the earthquake struck Alaska. During these long days of desperate conditions and tragic reports, Alaska has received help from many agencies of the Federal Government, from private organizations, and public-spirited citizens in every corner of the Nation. For this, Alaska is deeply grateful.

There is much to be done. For example today in many sections of Anchorage, water through municipally owned and operated lines is not available, and sewage systems are out of commission. In Kodiak, in Seward, and in Valdez these vital services are entirely destroyed. A week ago yesterday I visited Valdez and Seward. The city authorities in both of those communities told me they thought total replacement of the water and sewer systems would be necessary.

Public health is endangered; transportation at a standstill; communication lines broken and homes and businesses destroyed. So it is, Mr. President, that these emergency relief funds are needed at once.

I believe the impact of this catastrophe differs in one particular from other tragedies suffered by other areas. The Alaska disaster was more widespread than any I can remember. The damage stretched for hundreds of miles. Communities many miles apart virtually have been wiped out of existence.

As my colleague [Mr. GRUENING] has stated, this tragedy has had a grievous effect on the economic life of Alaska, and the consequences will become all the more apparent as time passes.

However, Mr. President, damage to property and capital is not the most important thing. Money and property have a subordinate role. People were killed. We do not yet know how many were killed. Reports are still coming in. All the reports from the isolated villages will not be received for weeks. But fear has been expressed that the number of dead may exceed 200. It has been stated—and correctly, I believe—that given the intensity of the earth shocks and given the violence of the sea waves that followed, it might have been expected that the death toll would have been even greater.

Only at noon today we were told of a father who was trying to lead his two small children to safety, from their home in Anchorage. The ground opened up, and the two children were swallowed forever. The father managed to make his escape.

Two hundred lives have been lost. This is the real tragedy that confronts us, and there is no redemption for it. The provision of money by Americans, through the National Government, will not bring back a single life.

Today the President sent to the Congress his message asking an additional $50 million for emergency relief. Today the House Appropriations Committee approved this request and today the House passed the legislation. Today the Senate has followed suit.

In the many years I have served in the Congress, I can think of no occasion on which the Congress has acted more promptly than it has today.

The money appropriated today will give immediate aid toward the restoration of the vital functions of Alaska's society and the simple necessities of Alaska life.

Public Law 81-875 authorizes the Office of Emergency Planning to provide major disaster areas with financial assistance in a variety of categories. Alaska needs special assistance in every one of these categories:

The money we have appropriated will be used for debris clearance. The rubble on Anchorage's Fourth Street, the wreckage left by the tidal wave which swept over Kodiak, the remains of the cities of Valdez and Seward after the quake and tidal wave must be cleared before return and reconstruction plans can be undertaken.

The money will be used for the protection of the public health and the implementation of the necessary sanitary measures. The loss of running water and sewage systems in many of the communities of South Alaska has caused grave danger of contamination and disease. Typhoid shots are being given to all citizens in the affected areas.

This money will be used for emergency repairs to the damaged roads, streets, and bridges. Total damage to these facilities alone has been estimated at over $120 million.

The money we approve today will not of course restore the highways to their original condition. It will, however, be used to construct temporary roads and bridges so that goods and supplies may be carried by road to the devastated areas.

This money will allow the cities to begin the task of restoring the water and sewage facilities.

This money will assist the public utilities as they work to restore electricity and telephone lines.

This money will be used to assist the State and local governments as they work to restore the public buildings and equipment damaged by the earthquake.

I am happy to report to the Senate that when my colleague and I, together with Mr. McDermott, Director of the Office of Emergency Planning, and his deputy, Colonel Chambers, and the Director of the Bureau of the Budget, Mr. Gordon, and the Deputy Director, Mr. Staats, met with the President, we found him intensely interested and gravely concerned over the results of this catastrophe and its impact on the people and the economy of Alaska. He directed those in the executive branch of the Government to move promptly and effectively to alleviate the situation.

On that day the President asked the Senator from New Mexico [Mr. ANDERSON]—who accepted—to head a Federal Commission which is to have overall supervisory authority during this emergency period. As has been stated, Gov. William Egan will appoint a like group from Alaska. That group is due to arrive in Washington in 55 minutes, coming by special airplane from Anchorage. The first meeting between the Federal authorities and the State group has been set for 3 o'clock tomorrow afternoon. It is hoped and expected that from that meeting and from succeeding meetings some hard conclusions will be reached; and in the relatively near future, recommendations in regard to the future course of action will be presented to Congress, by the President.

There is no time to be wasted. The fishing season in Alaska is almost at hand. The fishing fleet in many areas has been largely destroyed. Docks are gone; packing plants have disappeared into the sea, and cold storage plants have been ruined.

There has been similar destruction in the other sectors of the economy of Alaska. There is not much time; we must act promptly.

I note, Mr. President, that the distinguished Senator from Washington [Mr. MAGNUSON] has entered the Chamber. I wish to comment upon a meeting called last Thursday afternoon in Seattle, Wash., by him and by his colleague [Mr. JACKSON]. This was a meeting of Alaskans living in Seattle. Present at the meeting were Seattle businessmen, labor leaders, representatives of the fishing industry, and others who have personal and economic interests in Alaska. More than 500 persons attended. In my view, the meeting was constructive and helpful; and, perhaps above all else, it gave testimony to the continuing interest Seattle has in the State of Alaska.

It is obvious the money we approve today is an emergency appropriation to meet an emergency situation. It will provide the funds for doing immediately that which must be done; it will not of course restore the economy or provide a base for the reconstruction and the restoration of the State of Alaska. This will come later. This will be a much longer, more difficult job.

Alaska will be restored, Alaska will be reconstructed. This will require the hard work and the devotion of every citizen of Alaska. It will require substantial financial assistance of a size that can only be provided by the Federal Government.

Alaska's recovery has two parts: hard work and financial assistance.

I have no doubt of Alaska's willingness to do the hard work.

President Johnson has pledged Alaska "all possible assistance." I know from the action of the Congress today that the Government—both executive and congressional—will stand by Alaska in the long hard months ahead.

Mr. President, in behalf of the people of Alaska and myself, our grateful thanks.

Mr. GRUENING. Mr. President, will my colleague yield?

Mr. BARTLETT. I yield.

Mr. GRUENING. Mr. President, I join in all the comments my colleague has made.

As a result of the President's immediate and automatic concern for what had happened in Alaska, my colleague and I went, together, to Alaska the day following the disaster. The earthquake occurred at 5:36 o'clock on Friday afternoon, a week ago. That was 10:36 p.m. Washington time. An hour later, I was apprised by telephone of the catastrophe; and an hour later I had heard from the President, who was at Johnson City, Tex. He directed Ed McDermott, Director of the Office of Emergency Planning, to go to Alaska by special plane; and the President made it possible for Alaska's Senators to accompany Mr. McDermott, for the President knew we would want to go. So we went to the disaster areas and witnessed the extraordinary capable performance of Ed McDermott, who in a short time secured as much information as was available there from various sources, and personally inspected much of the stricken area.

To give some idea of the magnitude of the unprecedented disaster, let me say that—as my colleague [Mr. BARTLETT] already has said—for some time it will not be possible to determine the full extent of the damage done. Many of the homes there are so seriously damaged that they will have to be abandoned and demolished.

Indeed, one residence at the edge of the Turnagain residential area, where 75 beautiful mansions went over the cliff into the bay, was standing that day, Saturday. The next day it collapsed. I am reliably informed that nearly every house in that vast residential area has been so seriously damaged that in many cases they are no longer habitable. The inhabitants of those houses have been urged to move out. They will either have to abandon those houses, move them, or engage in extensive reconstruction.

The problems which confront the people of Alaska are of various kinds. There are the problems of an emergency character to which my colleague has pointed. For example, there is the sewerage and water systems of Anchorage, which have been wrecked, creating a great menace to health. Communications have been badly impaired. It has been difficult to get through. Much of the infrastructure of Alaska—including highways, airports, railways and port facilities—is damaged.

We do not know how far the damage will go, but I am confident that under the able direction of the committee headed by the Senator from New Mexico [Mr. ANDERSON], with the cooperation and assistance of committee members whom Governor Egan is bringing to

Washington today, and with the sympathetic support which has been so magnificently evidenced by the Congress in speeding action on the resolution, progress will be made, and, in time, recovery.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Washington whatever time he requires.

Mr. MAGNUSON. A great deal could be said about the terrible catastrophe that happened in Alaska several days ago. Since time is of the essence in getting at the work of rehabilitation, I shall not hold up the passage of the joint resolution. I am sure it will be passed unanimously.

Mr. President, the people in the State of Washington, and particularly those in the Puget Sound area, are so closely tied economically, politically, socially, culturally, and in every other way to Alaska, that we feel, when something happens in Alaska, as it did on Good Friday, the effect is as though the catastrophe had happened in the State of Washington.

We feel the disaster keenly.

For the Record, I point out something which the two distinguished Senators from Alaska [Mr. Bartlett and Mr. Gruening] may not particularly wish to say. They do not want to be placed in the position of saying that the people of Alaska are down here for any kind of handout.

They are perfectly capable of doing things for themselves. But the disaster in Alaska went beyond what people ordinarily are capable of meeting. In many cases it is virtually impossible for anyone to do anything about the situation.

The Senator from Alaska [Mr. Bartlett], at a meeting in Seattle, made what to me was an almost startling statement. Many great catastrophes have taken place in the world, but, as he stated, the preliminary estimates of the damage showed that the disaster took away property amounting to over one-half of the assessed valuation of the entire State. The Senator from Alaska [Mr. Gruening] pointed out that there may be a great deal more damage about which we do not know but will discover as time goes on.

Some years ago a great catastrophe occurred in New England. The Senator from Rhode Island [Mr. Pastore] took a leading part in helping in the rehabilitation which followed. Great as was that disaster, it did not have the impact upon the economy which the earthquake had on the economy of Alaska. There, I repeat, property to the extent of one-half—perhaps even more—of the assessed valuation of the whole State of Alaska was damaged.

We in the State of Washington, Alaskans, and many other people wonder at the miracle which occurred. I do not know why there were not 10,000 or 20,000 people killed. While there were, unfortunately, a great number killed and hurt, through a miracle the number was less than one might expect in such a great disaster. For those so deeply affected there will be no rehabilitation.

There is a great deal of Government cooperation in helping the economy of Alaska, and particularly the economy of the area that was hit. I do not know the percentage of the economy that was affected in Anchorage and some other places, such as Kodiak and the Indian villages that were hit, but I believe the Government can and will step in gladly to do its part.

There are very serious problems related to the damage of private property, as was pointed out at a meeting in Seattle the other day at which my colleague [Mr. Jackson], the Senator from Alaska [Mr. Bartlett], and others were present. What shall we do about such damage? What can we do about the situation of a man who has a mortgage on his house and who had paid only a small amount on the mortgage? He still owes 70 or 80 percent—or perhaps only 50 percent—though the house is gone. What will the banks that hold the paper do under the circumstances? What will the man who had a little store and stock which disappeared do? In such cases long-term credit should be extended. I have no doubt that such credit will be available. But how can such a man pull himself up and get started immediately?

Those are some of the many difficult problems that face the State of Alaska. We need have no fear about the people of Alaska doing their share if and when they are able to do it. But in some cases it is impossible for them to do much.

I join in the statements of appreciation to the Senator from Rhode Island [Mr. Pastore], chairman of the Subcommittee on Appropriations which considered the measure, and other members of the committee for their prompt action; the President of the United States; and to the two Senators from Alaska who acted as rapidly as they could after the tragedy happened. However, I wish to stress for the Record that although we are very appreciative of what is happening today, we shall be called upon to do a great deal more.

I know that the Congress will be sympathetic. It is difficult now to lay out a blueprint of what will be required, but a great deal more must be done in this particular instance.

In case the people of Alaska do not know, I point out that I know of no two men who have gone as far as they have or faster than they went in helping the rehabilitation than the two Senators from Alaska.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, I have 14 minutes remaining. I should like to divide the remaining time between the Senator from Oregon [Mr. Morse] and the Senator from Ohio.

Mr. MORSE. I shall not need more than a minute or two.

I share the point of view of the Senator from Washington and, of course, the point of view of the two Senators from Alaska.

However, I wish to point out that, in my judgment, the joint resolution provides only the first installment. Help must be made available quickly; $50 million will at least be a start. But let us face it. Before we are through with the Alaskan emergency, it will be necessary and only right that the Government provide other forms of aid. For example, to mention one, some long-term loans at reasonable interest rates will be needed in the future. The Government may have to do some rehabilitating of its own on a grant basis. As the Senator from Washington has pointed out, 50 percent of the assessed valuation of the property has been destroyed. That is an important point. In view of all the aid we have given for humanitarian purposes elsewhere in the world, we ought to be able and willing to do even more for our own people. I shall press that point in the discussions in the future. We ought to move in on Alaska quickly. In my judgment, procedures are available to meet some of the other losses in other places on the west coast.

Mr. MAGNUSON. I did not mean to confine my statement. There are other places, too. It is not necessary to act on those today. We are preparing a report to be made available to the administration of losses that have been suffered in my State and in California, and in other places on the west coast where losses are of such an emergency nature that they call for Government assistance. I am sure that I express the view of the Senate when I say that the people in those areas should not interpret our action today as any intention on the part of the Government not to come to their assistance as soon as the facts can be presented. But we must be prepared first. There will be plenty of opportunity for future action in reference to these matters, but we face a direct and grave emergency. I am delighted to join in support of the joint resolution.

I wish to add only one sentence. It seems to me that out of all this we might be able to undertake to see if some type of catastrophe insurance could be provided to meet such great tragedies and catastrophies. I do not know what the answers are, but we might be able to arrive at an arrangement for such insurance, the premiums for which are now absolutely prohibitive so far as private individuals are concerned. As the Senator has said, we must move carefully and know what direction we are taking, but surely we are prepared to do all this.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, this is such a tremendous and sad catastrophe that I rise only for the purpose of saying that I completely agree with the expressions of my distinguished colleagues the Senator from Oregon [Mr. Morse] and the Senators from Alaska [Mr. Bartlett and Mr. Gruening].

I have been greatly heartened by the volume of letters I have received from citizens of my State of Ohio, urging me to go "all out" in aid of Alaskans and in helping to vote such appropriations as are needed. It is heartening to me, even though Ohio is a considerable distance from the State represented by the two distinguished Senators from Alaska.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. BARTLETT. All of us from Alaska are confident that the Senator from Ohio would do all that needs to be done for Alaska in any case, but we are pleased that so many of his constituents have written to him on the subject. The Senator from Ohio is always helpful in this and all similar situations.

Mr. GRUENING. Mr. President, will the Senator from Ohio yield to me?

Mr. YOUNG of Ohio. I yield.

Mr. GRUENING. I merely wish to say, that while I am deeply grateful, I am not at all surprised at the attitude of the Senator from Ohio. He has not only the interests of his own great State of Ohio at heart, but his concern is for all America. It is not surprising that when a calamity strikes one part of the Nation, he has the feeling that one of this magnitude affects all of us. His immediate response is exactly what we would expect from a statesman of his caliber.

Mr. YOUNG of Ohio. I thank the Senator very much. I feel that this step is only a beginning. When the investigation has proceeded further and we know of the great needs of Alaska, I am certain we shall take the necessary action and do everything we can to help rebuild this great State, of which we are so proud.

Mr. PASTORE. Mr. President, I yield back the remainder of the time.

The PRESIDING OFFICER (Mr. NELSON in the chair). The joint resolution is open to amendment.

If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

ADDRESS BY ADM. CLAUDE RICKETTS AT OFFICER CANDIDATE SCHOOL, NEWPORT, R.I.

Mr. SCOTT obtained the floor.

Mr. CURTIS. Mr. President, will the Senator from Pennsylvania yield to me, without losing his right to the floor?

Mr. SCOTT. Mr. President, with the understanding that I shall not lose my right to the floor, I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an address delivered by Adm. Claude Ricketts, U.S. Navy, Vice Chief of Naval Operations, on the occasion of the graduation of Officer Candidate School Class 64-3, at Newport, R.I., on Friday, February 7, 1964. It is an outstanding address, of which the Navy can be proud, and I should like to have it printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY ADM. CLAUDE RICKETTS, U.S. NAVY, VICE CHIEF OF NAVAL OPERATIONS, ON THE OCCASION OF THE GRADUATION OF OFFICER CANDIDATE SCHOOL CLASS 64-3, NEWPORT, R.I., FEBRUARY 7, 1964

Captain Lemmon, members of the graduating class, distinguished guests, and fellow parents, this is a memorable day for all of us. For the commanding officer of the school and his staff, you witness the success of your tutelage for a thousand young men. They have responded to your guidance and instruction. They have absorbed the requisite knowledge to pass your rigid examinations. Their bearing and demeanor reflect the results of a sound military indoctrination. To you we say thank you and well done.

For the parents it is a memorable occasion because we celebrate our sons' completion of their undergraduate education. We witness their embarkation upon an honorable profession.

We expand with pride at this superb achievement of our sons. We acknowledge the truth of the first verse of the 10th chapter of Proverbs which reads: "A wise son maketh a glad father."

For me, personally, this occasion has a special and perhaps unique significance which I can now admit. That is, it brings to fruition a secret plan. I have two sons, the elder a lieutenant in the Navy, the younger a member of this class. Now, even though they are both over 21 years of age, they are my juniors in rank and therefore remain subject to my authority.

For the wives of those who are married you have shared in and contributed to your husband's progress. He will continue to need your loyalty, confidence, and support—and at times some sacrifice of some elements of a normal home life. But we have a great respect and admiration for the true Navy wife.

To the members of the graduating class of 64-3, today represents a special triumph. You have met the stringent mental and physical standards by which this school is rightly governed. This triumph stems from a combination of intellect, physical stamina, and willpower; all of which are necessary attributes of your new profession.

Some 35 years ago I was on the verge, as you are today, of receiving my commission in the U.S. Navy. These years have brought many and varied experiences. I take this opportunity to reflect upon them and pass along some thoughts to you. If what I say appears to be advice, perhaps that is because that is what it is. But it is given only with the hope that it will be of some benefit to you in your career.

For, in order that man progress, isn't it necessary that each generation build upon the experiences of those who have gone before? Each generation should think for itself, of course, noting, and evaluating for itself the experiences and advice of others, and profiting from their successes and their mistakes.

No doubt your thoughts in recent days have been occupied largely with the imminent release from a routine of studies, drills, classes, and a restriction of liberties that few people undergo for an extended period. It is right and proper that you should anticipate this release. It, together with the honor that comes with this graduation, are rewards for which you can well be proud.

However, relaxation from such a rigid schedule is not the primary reward. Rather, the big reward is the passing to you, and the acceptance by you of greatly increased responsibilities. The magnitude and importance of these responsibilities is epitomized by the source of your commission. It is issued by the President of the United States, by and with the advice and consent of the Senate. Certainly, this procedure would not be written into the law of the land unless the commission which you are about to receive carried with it a special significance.

I would suggest that you frequently recall the words of your commission wherein the President of the United States says that by reposing special trust and confidence in your patriotism, fidelity, and abilities, he appoints you a commissioned officer in the Navy. Trust, confidence, patriotism, fidelity, abilities. Strong words—goods words—necessary attributes of individuals who make up the officer corps of our Navy.

I know there are now, and will be, many questions in your minds. What is the nature of the naval profession? Does it have a growth potential—or is it stagnant? Is it ultraconservative—or is it progressive? Are the people within it largely automatons, or are their individual talents sought, recognized, and used?

I shall attempt to answer these questions and some others.

The naval profession has no superior in honor and service to its country. It has played a major role in the establishment and maintenance of many powerful nations and particularly our own. It is a profession that is respected, trusted, and depended upon by the civilian populace. It could not have reached its present stature and survived so long had it not yielded returns commensurate with the country's investment and faith in it.

International developments in the past few years have thrust upon the United States the leadership of the free world. We, as a Nation, have no acceptable alternative to discharging this responsibility.

But it cannot be carried out without certain basic national strengths—economic, spiritual, military. We of the Navy contribute to all of these: To economic strength by frugality in the management of funds made available to us; to spiritual strength by our demeanor, our dedication, our conduct, a rejection of material comfort as a primary objective of life; to military strength by keeping the Navy combat ready today; by improving our proficiency for tomorrow.

This readiness today and tomorrow requires a strenuous application of our talents, and a judicious exercise of our imagination.

These are some of the things that brought about nuclear power, the Polaris missile, the aircraft carrier concept, the unmatched capabilities of the Navy-Marine Corps team.

But these, you say, are in the past. What about the future? My answer is that with a combination of science, technology, and imagination, the future holds a promise for even greater accomplishments. The salt water medium in which and over which we operate, the international stresses that exist, the dependence of the free world upon the ocean highways, and the great diversity of tasks that can be performed by maritime power are such that this Nation has no alternative to the exploitation of that power.

My forecast is that naval developments of the future will dwarf anything that we have seen in the past, and that the future of the Navy will be more brilliant than anything of its past. These things will not come about by happenstance. They will require the application of the utmost of our mental power to insure that this mighty instrument of the United States can be kept up to date in this modern world, and can contribute its maximum to the security of our country.

You are most fortunate in entering upon your commissioned service at a time when you can participate in such development and growth.

Modern technology and its adaptation to military uses receives much publicity, attention, and stress. They are rightfully sources of pride. However, regardless of the importance of scientific achievement, the prime ingredient of our profession is the same as it has always been and always will be, the human being, the individual. We call many of our weapons and equipments automatic. They are not, really. Somewhere along the line the input and consequently the output are products of the human mind. The quality of those outputs depends upon the quality of the inputs, in other words, the quality and refinement of the human mind.

So, suppose we consider for a moment the officers and men who make up this wonderful Navy of ours.

Here again, we might ask ourselves some questions: Of what breed is the naval officer? What are his special characteristics? What are his motivations, his ambitions, his objectives? These and many other questions pose themselves and I shall attempt to pass along to you some of my thoughts.

The naval officer must first and foremost be a gentleman in every sense of the word. I cannot express this any better than did the founder of our Navy, John Paul Jones.

He said, and I quote: "It is by no means enough that an officer of the Navy should be a capable mariner. He should be that, of course, but also a great deal more. He should be, as well, a gentleman of liberal education, refined manners, punctilious courtesy, and the nicest sense of personal honor."

The naval officer must be a leader. He must combine tact, patience, justice, and tolerance to a remarkable degree. He must have the confidence and respect of his men. They should be anxious to seek his counsel. The attributes of leadership cover virtually the whole range of human relations. But the inspiration to lead is there.

The American bluejacket is a wonderful man with whom to work. He is intelligent, devoted, obedient, fearless in action. Likewise, he is quick to detect any weakness on the part of his officers. He respects firmness, justice, and strength of character.

These are the things I am sure that you as enlisted men and officer candidates have noticed.

A naval officer must possess a high degree of physical stamina. Duty at sea and on shore is rigorous. It requires long hours on station, frequently without sleep. Demands upon one's physical stamina are frequent and unheralded.

A naval officer must be thoroughly devoted to his country. He must have the strong conviction that he is contributing greatly to the security of his country, which in fact, he is.

The uniform that we wear is an insignia of integrity. It should be worn with a pride that raises it above any act of dishonor.

Before coming to officer candidate school, you had a college education or its equivalent. The intense course of study that you have had here has put a naval professional cap upon your previous academic work. By the combination of these two courses of study, you have now provided yourself with an educational base upon which to build.

It is a good base, but I am sure you recognize that the superstructure of naval knowledge to be built upon it is extensive. As you embark upon your duties, I suggest that you absorb the experiences of every day, and take advantage of opportunities to add to your knowledge. Your routine duties will be extensive. They will occupy most of your time and thoughts. You will be concerned primarily with proficiency in carrying out your assignment to the best of your ability. That is as it should be. However, I advise expanding your thinking beyond your immediate assignment.

Take advantage of what spare time there is to expand your knowledge of such things as history, strategy, tactics, international relations, and comparable items that touch upon your profession.

Increased knowledge does not frequently come in large amounts, suddenly and in dramatic fashion. Rather, it is a gradual accumulation of bits learned daily and even hourly.

In China there is a mountain called Tai Shan. The Chinese have a proverb that runs something like this: "Tai Shan is a great mountain because it shuns not the merest handful of dirt. The oceans are deep because they absorb the waters of small streams."

As time passes, one can build a mountain of knowledge if he shuns not the little bits as they come. However, on the mountain of Tai Shan a handful of dirt will cling to it only if there is something for it to cling to; otherwise it will slide off. Similarly, bits of new knowledge will slide off unless there is something, learned earlier, to which they can cling.

You will find your naval profession an interesting and enjoyable one. Like most professions, what you get from it, what you contribute to it, will depend largely upon your own efforts.

I must warn you that not all is glamour. Like all worthwhile endeavors, it contains much detailed work that, considered in itself could be called drudgery. It will require long hours of intense work, but you can be sure that great self-satisfaction will come from your efforts.

There will be times when you may feel submerged in a big organization. You may feel that you, as an individual, are unnoticed. Don't be misled.

No capable man who is conscientious, willing, and industrious will remain unnoticed for long. The outstanding man is too precious a quantity to be disregarded.

Your career will be unusual if it does not include disappointments and frustrations. They may at times appear to be overwhelming, but don't let them discourage you. One of the standards by which men are measured is the extent to which they overcome adversity.

The Navy is a demanding profession and rightly so. However, it offers many opportunities for learning and advancement. Grasp each opportunity as it comes and use it as a steppingstone for the next. Your career will rush by at a fantastic speed.

From where you sit today, the years ahead may look interminable. From where I stand, the years between your age and mine seem incredibly short. Time is too precious to miss a single opportunity. Each new job will bring with it increased responsibilities that you can discharge best only if you absorb fully your experiences as they pass.

Here is a special thought:

There are approximately 665,000 people in U.S. Navy uniform today. Upon receipt of your commission you become senior to about 590,000 of them. In other words you will be senior to about 88½ percent of the people in the Navy. This brings to you a special status and special responsibilities far beyond those of returning the salutes of your juniors.

Those 590,000 bluejackets who are your juniors will look to you for a special kind of leadership; an example in personal behavior; an exhibition of professional competence; advice on a myriad of subjects; as one who looks out for their welfare. These are only a few of the responsibilities that you will be expected to assume, and in the discharge of which you will grow in stature.

The serious vein of this talk might leave the impression that little room is left in the naval profession for relaxation and recreation, and that it is too exacting to be enjoyed. If such an impression has been left, I want to dispel it.

There is no better way to close this talk than to assure you that much joy and pleasure are inherent in the profession itself. A cheerful nature, a sense of humor, a zest for living, will stand you in good stead. You will find ample outlets for them all. Cultivate friendships, both service and civilian; pursue cultural interests; broaden your horizons constantly. The environment is favorable. Exploit it fully and your contentment will enhance your value to the Navy, and yourself, and consequently to your country.

Welcome aboard.

THE McCLOSKEY STORY—INVESTIGATION BY COMMITTEE ON RULES AND ADMINISTRATION OF ROBERT G. BAKER

Mr. SCOTT. Mr. President, I yield to the junior Senator from Colorado [Mr. DOMINICK] with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, the other day the distinguished Senator from Pennsylvania [Mr. CLARK] made some comments on the question of what the Rules Committee would do in connection with the Baker investigation, particularly concerning a code of ethics, and he urged that such action be taken rather promptly.

I know that the distinguished Senator from Pennsylvania who has just yielded to me [Mr. SCOTT], has been most active in trying to have the Baker problem fully discussed and explored before the committee concludes its work, and that in the process he has given to the committee a list of a number of witnesses, which the committee has declined to call before it.

Over the Easter weekend I spent a day in Charleston, S.C. In the process of reading one of their good newspapers, the News & Courier, I came across a lead editorial which was entitled "The McCloskey Story," which comments, very plainly and bluntly, on the fact that the Democratic majority in the Rules Committee appeared to be deliberately trying to hide—I will not use the word "hide" because I think it is probably wrong, but in not going to the full limit to which the committee could go in the scope of the investigation, and that the committee was wrong in not calling Mr. McCloskey as a witness.

I have the editorial in my hand; and because I think it is of interest and an indication of some of the things going on in the minds of people writing editorials throughout the country, and because I think it is worth while to put the editorial in the RECORD, I ask unanimous consent that it be included in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE McCLOSKEY STORY

Were the Democrats on the Senate Rules Committee not trying to prevent serious investigation of Bobby Baker's activities they would call Matthew H. McCloskey, Jr., as a witness.

But the Democrats are no more in a mood to summon Mr. McCloskey, who is the Democratic Party's chief fundraiser, than they are to call in White House Assistant Walter Jenkins.

It already has been established that Mr. McCloskey, who made a fortune in contracting jobs for the Federal Government, has had dealings with Bobby Baker. The nature of these dealings never has been throughly explored.

The public should know that Mr. McCloskey has raised more than $30 million for the Democratic Party in his years as Democratic Party treasurer. The public also should know that Mr. McCloskey has prospered enormously during this period.

If the Democrats on the Senate Rules Committee were doing their business, they would be questioning Mr. McCloskey concerning an extraordinary negotiated contract he won for building a Central Intelligence Agency structure in Washington. No competitive bidding was allowed on the job. It simply was handed to Mr. McCloskey shortly after he did such a good job as Democratic treasurer. The General Services Administration admits it has no record of a previous occasion on which competitive bidding was not allowed on a major Washington project.

This is only one of several unusual Government projects from which Mr. McCloskey has profited hugely. The Democrats aren't willing to have hearings on any of these McCloskey activities.

With the Democrats on the Rules Committee so unwilling to call key witnesses, the public can only conclude that some dirty work is being covered up. Somebody must know where the bodies are buried.

Mr. SCOTT. Mr. President, on that topic, I should like to say that some of the editorialists have assumed that no Senators are in favor of extending a code of ethics to themselves. I know that such comments are incorrect as reported. The Senator from New Jersey [Mr. CASE] has made certain very worthwhile recommendations as to a code of ethics. He has pointed out the obligation of individual Senators to make available to the Rules Committee any information they have pertaining to the scope of the investigation. He has felt that Senators should investigate themselves and should not shrink from that distasteful duty.

He has felt, too, that any code of ethics should establish standards whereby conflicts of interest could be spelled out so that Members of the Senate might have a distinction between their lawful, proper, and legitimate pursuits in areas outside the Senate duties and obligations which they take office as Senators.

I associate myself with those remarks. Senators have been accused, and Senators will be accused. This Senator may be among those as to whom it may be said that conflict of interest exists.

I do not know who will say what as the months go by, but we should be prepared to answer any such charges. We should be prepared to defend ourselves from conflict-of-interest allegations.

I have not felt quite as strongly as has the Senator from New Jersey [Mr. CASE] that there should be a compulsory disclosure of the holdings of Senators—because, as he pointed out, compulsory disclosure would be enforced—since Senators themselves are subject fundamentally to the right to be here, which they receive from the franchise exercised by the voters of their own Commonwealths or States.

From the standpoint that it is most unlikely that such a code could be made enforceable on a compulsory basis, I am not convinced that this would be the solution, but I believe the force of public opinion is very great. I believe that voluntary disclosures are desirable. A number of Senators have made voluntary disclosures of their assets and holdings. This is a practice which I hope would spread but I recognize that it is strictly within the conscience and the business of the Senators themselves to make that decision. I am not seeking to adopt any "holier than thou" position. The easiest way to do that would be to say that I favor compulsory disclosure of all holdings. I have made it clear that I believe such a proposal to be probably unworkable; but I hope that the committee will come forth with a code of ethics which at least courageously faces the question of conflict of interest as to Senators as well as employees.

I believe the committee may have some difficulty drafting a code of ethics, because the committee itself is under attack, and that might make it a little difficult for "the pot to call the kettle black." But if acrobatics are called for, exercises in that direction may occur.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

THE COMMISSION ON CIVIL RIGHTS

Mr. SCOTT. Mr. President, it is my purpose today, in cooperation with the distinguished Senator from Missouri [Mr. LONG] to discuss title V of H.R. 7152 which concerns the U.S. Commission on Civil Rights. I propose to consider the role of the Commission and its contribution to the quest for a deeper awareness of the most vexing domestic problem of our time—the failure fully to secure equal rights for all our citizens. I will spell out in some detail the provisions of title V with special emphasis on the new authority provided therein for the Commission to serve as a national clearinghouse for information on equal protection of the laws and to investigate instances of vote fraud in Federal elections. I believe that a very strong case can be made for a permanent, independent Commission. As an example, I will touch on the Commission's failure to hold public hearings in Mississippi.

In the course of my remarks, I shall weigh and attempt to answer the principal arguments that have been leveled against the Civil Rights Commission. Particular attention will be focused on the charges that the Commission is biased and unfair in its recommendations and that it holds sessions which violate our concept of due process of law.

I shall also discuss the amendments which I plan to offer to title V at the appropriate time in our deliberations.

THE ROLE AND ACCOMPLISHMENTS OF THE COMMISSION ON CIVIL RIGHTS

Mr. President, the Commission on Civil Rights was created by the Civil Rights Act of 1957 as a bipartisan, independent agency to investigate civil rights problems and to report to the President and Congress on its activities and findings with recommendations for corrective action.

Specifically, the Civil Rights Act of 1957 directed the Commission to:

First. Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin;

Second. Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

Third. Appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

The Commission was instructed to prepare and submit interim reports to the President and Congress and a final and comprehensive report of its activities at the time of its scheduled expiration.

Originally established for a 2-year period, the Commission received 2-year extensions in 1959 and 1961, and a 1-year extension in 1963.

Its present expiration date is September 30, 1964.

To carry out its factfinding functions, the Commission conducted hearings and investigations throughout the country. Major voting hearings were held in Montgomery, Ala., in 1958, and in New Orleans, La., in 1961. Hearings on the status of equal protection of the laws have been held in all parts of America including New York, Atlanta, Chicago, Washington, D.C., Los Angeles, San Francisco, Detroit, Phoenix, Memphis, Newark, and Indianapolis. A scheduled hearing in Mississippi which I will discuss at a later point in my remarks has been postponed indefinitely at the request of the Attorney General.

The Commission has sponsored conferences in Williamsburg, Va., Gatlinsburg, Tenn., Washington, D.C., and elsewhere which have brought together educators from all parts of the Nation. These conferences have helped promote orderly school desegregation and a reduction of racial tensions. The Commission has also held periodic conferences of housing experts.

The Commission's work is greatly assisted through its duly authorized State Advisory Committees consisting of 487 members of the 50 States and the District of Columbia. I hold these reports in my hand. They are reports from

State advisory committees, which have done a very good job. The committees are composed of lawyers, labor leaders, businessmen, clergymen, academicians, social workers, civic leaders, and a number of former Governors, and Members of Congress, as well as several mayors. The members of these committees, who serve without compensation, conduct surveys, public meetings, and conferences. This information forms a part of the basis for Commission reports.

Throughout its brief but active life the Commission has been fortunate to have had so distinguished a membership embracing both major parties and every section of the country. They have made a magnificent contribution to increased national awareness and understanding of civil rights problems. Their dedication to a difficult task is a model of outstanding public service.

The Chairman of the Commission is John A. Hannah, president of Michigan State University. The other members of the Commission are Erwin N. Griswold, dean of Harvard Law School; Rev. Theodore M. Hesburgh, president of Notre Dame University; Robert S. Rankin, professor of political science at Duke University; and Mrs. Frankie M. Freeman, associate general counsel, St. Louis Housing and Land Clearance Authorities. There is one vacancy. Former members of the Commission were Stanley Reed, retired Supreme Court Justice, Chairman; John S. Battle, former Governor of Virginia; Robert G. Storey, president, Southwestern Legal Foundation, Vice Chairman; J. Ernest Wilkins, former Assistant Secretary of Labor; Doyle Carlton, former Governor of Florida; George M. Johnson, former dean of Howard Law School; and Spottswood W. Robinson III, former dean of Howard Law School.

The Commissioners serve by appointment of the President with the advice and consent of the Senate.

The Commission's work is accomplished with a staff of 76 employees headed by a staff director. The Commission's budget for fiscal 1964 is $985,000.

For many in this country, the Commission on Civil Rights is a symbol of the tremendous struggle to secure equal rights for all Americans. Its reports are essential reading to anyone who wishes to come to grips with this, our most crucial domestic problem. The encyclopedic reports of 1959 and 1961 are especially detailed and outstanding. They cover developments in voting, housing, education, employment, and the administration of justice. Since its extension in 1961, the Commission has issued a number of interim reports and a 1963 final report.

Through the years, many of the Commission's recommendations have been the basis for affirmative executive and congressional action. For example, the Commission's 1959 proposals on voting, later altered by Congress, provided much of the impetus for the Civil Rights Act of 1960. Important provisions of H.R. 7152, the civil rights bill now before Congress, have been recommended by the Commission. I ask unanimous consent that a table prepared by the Civil Rights Commission showing the extent that Commission recommendations are incorporated in the civil rights bill be inserted at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXTENT THAT COMMISSION RECOMMENDATIONS ARE INCORPORATED IN THE CIVIL RIGHTS BILL

BILL PROVISIONS	COMMISSION RECOMMENDATIONS
Title I—Voting	
No official shall apply different standards in qualifying people to vote in any Federal election. Section 101(a), page 2.	Modifies recommendations in the 1959, 1961, and 1963 voting reports: No. 3 (1959), Nos. 1 and 39 (1961), and No. 1(a) (1963).
No official shall deny the right to vote to any individual because of immaterial errors or omissions in any step of the voting process. Section 101(a), page 2.	Modifies recommendations No. 3, 1961 report (voting) and No. 3 in the 1959 report (voting).
No official shall give a literacy test without putting it in writing and retaining copies of the test for 22 months. Section 101(a), page 3.	Incorporated in various recommendations by the Commission in 1961 and 1963 voting reports.
Establishes a rebuttable presumption that all persons who have completed the sixth grade are literate. Section 101(b), page 3.	Modifies recommendation No. 2 in the 1961 report (voting).
Requires expeditious handling of all voting cases and authorizes the Attorney General or the defendant to request a three-judge court to hear the case initially with direct appeal to the U.S. Supreme Court. Section 101(d), page 4.	Commission recommended appointment of temporary Federal registrars in districts where persons have been denied the right to vote because of race. Recommendation No. 5, 1961 report (voting). Recommendation No. 2, 1960 report (higher education) did suggest a three-judge court for school desegregation cases.
Title II—Public accommodations	
Prohibits discrimination in specific places of public accommodation whose operation affects interstate commerce or whose practices of discrimination are supported by State action. Covers hotels, motels, restaurants, cafeterias, lunch counters, gasoline stations, theaters, stadiums, and all facilities that are part of a covered establishment. Enforcible by civil action brought by Attorney General or persons discriminated against, page 6.	Commission did not make any reports to cover this subject area.
Title III—Public facilities	
Authorizes Attorney General to institute or intervene in civil actions against any publicly owned or operated facility whenever he receives a complaint of discrimination. Section 301, page. 11.	Modifies recommendation No. 1 of the 1963 report (justice).
Authorizes the Attorney General to intervene in any case already filed by individuals seeking relief from the denial of equal protection of the laws because of race, color, religion, or national origin. Section 302, page 13.	Modifies recommendation No. 1 in the 1963 report (justice). Commission also requested such action in jury exclusion cases: Recommendation No. 4, 1961 report (justice).
Title IV—Public education	
Directs Commissioner of Education to conduct a national survey to the availability of equal educational facilities at all levels of public education. Section 402, page 14.	Modifies recommendation No. 2 in the 1959 report (education) and also Nos. 8 and 12 in the 1961 report (education) which called for a survey of schools for off-base military dependents and an annual survey of all public schools, respectively.
Authorizes Commissioner of Education to give technical assistance to desegregating school districts that request help. Section 403, page 14.	Recommendation No. 4 in the 1961 report (education) asked that Congress authorize "technical assistance for local districts involved in implementing desegregation plans." Modifies recommendation No. 1 in the 1959 report (education).
Authorizes the Commissioner to set up special training institutes to teach school personnel how to deal with special educational problems occasioned by segregation. Section 404, page 15.	Modifies recommendation No. 10 in the 1961 report (education), No. 3 in the 1960 higher education report, and No. 2 in the 1963 report (education).
Authorizes Commissioner to make grants to school boards for inservice training or for employing desegregation experts. Section 405, page 16.	Recommendation No. 4 in the 1961 report (education) also asked for Federal funds to assist local school districts.
Authorizes Attorney General to initiate or intervene in school desegregation cases if he receives a complaint and the injured parties are unable to pursue their legal remedies. Section 407, page 17.	Modifies recommendation No. 1 in the 1961 report (education) and No. 1 in the 1963 report (education).
Title V—Civil Rights Commission	
Extends the life of the Commission 3 years and 4 months, and directs the Commission to serve as a national clearinghouse for civil rights information and to investigate general allegations of voting frauds not related to racial discrimination, page 19.	Recommendation No. 6 in the education report of 1961 asked that Congress authorize the Commission or an appropriate Federal agency to act as a clearinghouse for school desegregation developments.

BILL PROVISIONS	COMMISSION RECOMMENDATIONS
Title VI—Federally assisted programs	
Directs all Federal agencies to require the elimination of discrimination under all aid programs and negates provisions of any Federal law that is contrary. Authorizes termination of aid to effectuate this directive, page 25.	The Commission has recommended this course of action for many Federal aid programs: 1. Education: No. 2, 1961 report (education) and No. 1, 1960 higher education report. 2. Impacted area schools: No. 8, 1961 report (education) and No. 6, 1963 report (Armed Forces). 3. Colleges: No. 11, 1961 report (education). 4. Libraries: No. 9, 1961 report (education). 5. ROTC: No. 4, 1963 report (Armed Forces). 6. Housing: Nos. 1, 2, and 3, 1961 report (housing). 7. Urban renewal: No. 5, 1961 report (housing) and No. 4, 1963 report (education). 8. State employment offices: No. 8, 1961 report (employment). 9. Vocation and other training: Nos. 2, 3, and 5, 1963 report (employment). 10. Hospitals and health: Nos. 1, 2, and 3, 1963 report (health). 11. General (employment generated by any Federal agencies through loans, grants or aid): No. 6, 1963 report (employment). 12. General (States refusing to abide by the Constitution and laws of the United States): No. 3, 1963 interim Mississippi report.
Title VII—Equal employment opportunity	
Establishes an Equal Employment Opportunity Commission to receive or initiate complaints alleging discrimination in industries affecting interstate commerce. Section 706, page 36.	Recommendation No. 1 in the 1963 report (employment) asked for legislation establishing a right to equal opportunity in employment when that employment affects interstate commerce with authority to institute action vested in a single administrator.
Subjects employers and labor unions with 25 or more employees or members and employment agencies to this title. Section 704, page 32.	Recommendation No. 9 in the 1961 report (employment) requested modified legislation to cover labor unions.
Empowers Commission to eliminate discriminatory practices by conciliation and persuasion and to take the case to court if necessary. After a trial de novo, the court may order compliance. Section 707, page 39.	Recommendation No. 1 in the 1963 report (employment) asked for power in the administrator to issue appropriate orders with provision for appeal to an independent authority.
Title VIII—Voting census	
Directs the Secretary of Commerce to conduct a survey of registration and voting statistics by race, color, and national origin in such areas as may be designated by the Commission on Civil Rights, page 51.	Modifies recommendation No. 5 of the 1961 report (voting) and recommendation No. 1 of the 1959 report (voting) which asked for a nationwide census of the same statistics.
Title IX—Remand procedure	
Provides for appeals from Federal court orders which send civil rights cases back to State courts, page 51.	Modifies recommendation No. 4 in the 1963 report (justice).
Title X—Community Relations Service	
Establishes a Community Relations Service in the Department of Commerce to provide informal assistance to individuals or communities requiring help in resolving civil rights problems, page 52.	Recommendation No. 6, in the 1961 report (education) called for an "advisory and conciliation service" to aid in the process of desegregation.
Title XI—Miscellaneous	
Authorizes money to carry out the act and provides that invalidation of one part of the act will not affect the other parts. Asserts that this legislation is not intended to "occupy the field" of civil rights laws, page 54.	No recommendations.

Mr. SCOTT. Mr. President, the Commission has performed valuable service in a number of other ways. The detailed information concerning the denial of the right to vote, obtained through its hearings in Montgomery and New Orleans and its field investigations, has greatly assisted the Department of Justice in its own investigations which have led to the filing of a number of voting suits under the Civil Rights Act of 1957.

The Commission, upon receipt of numerous complaints of the denial of civil rights, has acted to bring them to the attention of the appropriate agencies and departments of our Federal Government. In a number of instances remedial action has resulted.

The reports of the Commission have nationwide distribution. The Commission staff responds to numerous requests for information from Congress, other Government agencies and members of the public. The role of the Commission in ferreting out information and bringing facts to light is of vital significance. It has gained the cooperation of groups with similar goals throughout the country and has afforded them the benefit of their expert guidance and assistance. The work of the Commission has been a source of strength in our national quest to fulfill the promise of the Declaration of Independence. That work deserves to be continued.

THE PROVISIONS OF TITLE V

Title V of H.R. 7152 would renew the life of the U.S. Commission on Civil Rights for an additional 4 years. The Commission is also authorized to serve as a national clearinghouse for information concerning equal protection of the laws, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice. Title V gives the Civil Rights Commission new authority to investigate instances of vote fraud, including the denial of the right to have one's vote properly counted in Federal elections. In addition, title V makes certain technical and procedural changes in the Commission's rules and authority.

Section 501 makes minor amendments to section 102 of the Civil Rights Act of 1957—42 U.S.C. 1975a—which sets forth the rules of procedure for hearings held by the Commission.

Section 102(e) is amended to conform to the rules of fairplay adopted by House committees. It provides that where the Commission decides to take evidence in public which may tend to defame, degrade, or incriminate any person, that person must be given an opportunity to appear voluntarily as a witness and to request that additional witnesses be subpenaed. I had something to do with the drafting and enactment of these rules, when I was a Member of the House. Under existing law the fairplay rules of the House would apply only when the evidence or testimony is received in executive session.

Section 102(g) contains language conforming to the modifications in 102(e). In effect, the prohibition in existing law against release or use in public of any evidence or testimony taken in executive session would be extended to summaries of such evidence or testimony.

Section 102(j) is amended to increase witness fees from $4 to $6 for each day's attendance at a session of the Commission and mileage reimbursements from 8 to 10 cents per mile. It also decreases subsistence allowances from $12 to $10 a day. These changes conform to amounts generally allowed witnesses in other proceedings as well as to recommendations proposed by the Bureau of the Budget to establish uniform fees.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. I am the original sponsor of a bill to make the Commission permanent.

Mr. SCOTT. I am well aware of that and of the importance of the contribution which the Senator from Massachusetts has made in that regard.

Mr. SALTONSTALL. My own feeling is that the Commission should be made permanent, because civil rights problems will be with us for some time to come. Having a permanent commission of this character will be helpful in attempting to solve problems of this type without their getting into the courts or creating great difficulties in their immediate areas.

So far as I am concerned, since the House extended the life of the Commission for 4 years, although I think it should be made permanent, I would not object to the extension provision. It is a comparatively small matter to extend the life of the Commission for 4 years instead of making it permanent, but I think it would be better to make it permanent. Is not that the idea of the Senator from Pennsylvania?

Mr. SCOTT. Yes. The junior Senator from Pennsylvania feels very strongly that the Commission should be made permanent. The extension of the Commission serves no known purpose except to keep the Commission "shook up" or uncertain of its tenure, and unable to secure and hold the highest quality of technical assistants. This is no reflection on the Commission. It is remarkable how well they have done in spite of these limitations. However, a permanent commission could plan far more cohesively and constructively and could thereby attract and hold personnel of the caliber which it should have.

Mr. SALTONSTALL. That is important, because at the present time it is difficult for the Commission to obtain good personnel and keep them. Am I not correct?

Mr. SCOTT. Yes; indeed it is. As I say, we are fortunate to have been able to get men and women of such high caliber who have been willing to make sacrifices. But they ought not to be asked to serve under such an uncertain tenure.

Mr. SALTONSTALL. Section 102 (e) and (g) which the Senator has just discussed would apply to an individual against whom the Commission had received evidence.

It is my understanding that this section in the present bill would provide fair treatment for a person on whom the Commission has received damaging testimony. If after an executive hearing, the Commission decided it wanted to hold a public hearing on the matter, it would have to give the individual the right to appear voluntarily and would subpena witnesses requested by him. It also provides that summaries of damaging testimony taken in executive session could not be released or used in public session without permission by the Commission.

Mr. SCOTT. That is correct. The purpose of the bill is the same purpose I had in mind when I was a Member of the other body. I made similar recommendations, which 2 years later were adopted. The purpose is to protect the innocent, to protect the unwary, to protect those who may be injured by some passing—by blow, some unwarranted or unfair attack on the character or integrity of someone. In the past, this has happened in Congress. People have suffered without redress. With the inclusion of this provision, anyone who felt he had been maligned, mishandled, or unwarrantedly attacked would have the right to appear voluntarily. He would have the right to demand that witnesses be subpenaed. He would have the right to demand that the executive sessions be not summarized. If something had been said about him, the entire statement would have to be produced so that he could answer it if he so desired.

Mr. SALTONSTALL. So from the point of view of continuing the operation of this Commission, the provision adopted by the House which is now before the Senate in this bill, makes it fairer for the individual who may have been damaged than did the laws under which the life of the Commission was previously extended three times.

Mr. SCOTT. It does. It provides for a certain permanency. It is interesting to note that this kind of procedure was first recommended in the House by some able and civic-minded groups, including the National Council of Churches of Christ in America, and by those who represented the civic, moral, and cultural reactions of the leaders of the Catholic church, the various branches of the Jewish faith, bar associations across the country, civic groups, and chambers of commerce. At one time or another all these groups made their views known in the other body when this language first found its way, so far as I am aware, into congressional procedure. It is only fair play. That is what we called it then; that is what we call it now.

Section 102(k) is amended to grant the Commission authority to subpena a witness who is domiciled in a State or who resides outside the State, if the hearing to which he is subpenaed is within 50 miles of the place where he is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process. The purpose of this modification is clear. It is to allow the Commission to subpena a person who lives outside a State but within a metropolitan area and whose business or conduct affects conditions in the area.

It contemplates the obvious unreality of many geographic boundaries, where a big city is in one State, while a suburb is in another.

An illustration of the need for this change is the hearing on housing held by the Commission in the District of Columbia. At that time, the scope of its inquiry was restricted by its inability to subpena persons who lived or did business in the surrounding area. As is well known, most Government agencies have nationwide jurisdiction. With the exception which section 102(k) would now permit, the Commission is still unable to subpena a witness to a hearing from outside the State in which the hearing is being held. The modification here proposed conforms the scope of the Commission process to that delineated by the Supreme Court, *Hannah* v. *Larche,* 363 U.S. 420 (1960).

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. Is not the purpose of this section, which the Senator has just described, to make it certain that if a person is called before the Commission the hearing will be held within 50 miles of where he lives, whether he lives in the State where the hearing is scheduled or outside that State? In other words, the Commission could not subpena him to appear hundreds of miles from where he lives or transacts business.

Mr. SCOTT. That is true. The Commission could not fling its net across the ocean, but rather across the rivers, the creeks, and nearby boundaries.

Mr. SALTONSTALL. That provision is also designed to make it fairer for anyone who is called before the Commission, is it not?

Mr. SCOTT. Of course. That is the purpose of it. It works out more fairly, considering the metropolitan areas. A witness might have to travel less far than if he lived in one of the larger States and had to go to the capital of his own State or some other place fixed for hearing in his State.

Mr. SALTONSTALL. It would also give him an opportunity to have a hearing in his own neighborhood, so that the people in that area would understand the problem.

Mr. SCOTT. That, of course, is the primary purpose—to enlighten those who are interested in the neighborhood involved as to what is going on, and to bring within the hearing in that area the relevant testimony without working an undue hardship on those who might want to testify.

Section 502 amends 103(a) of the act to increase the compensation paid nongovernmental members of the Commission from $50 to $75 per day and thereby provides for payment of their travel expenses and per diem in lieu of subsistence expenses in accordance with the Administrative Expenses Act of 1946. This change enables the Civil Rights Commission to conform with the practice of other agencies.

Section 503 amends 103(b) to provide travel expenses and per diem in lieu of subsistence expenses for governmental members of the Commission in accordance with the Travel Expense Act of 1949. This change is also made to conform to the practice of other agencies.

Section 504(a) amends 104(a) to enlarge the functions of the Commission as described above by authorizing it to serve as a national clearinghouse for information concerning denials of equal protection of the laws and to investigate allegations of vote fraud in Federal elections.

It also adds a provision to section 104(a) which precludes the Civil Rights

Commission or its advisory committees from investigation of "the membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization."

Mr. SALTONSTALL. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I am very happy to yield to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. In order to have the Commission operate most effectively, is it not true that the function of serving as a national clearinghouse for information concerning denial of equal protection of the law would be to provide, on a national basis, assistance to communities, and other groups working with this problem, in order to make possible a better understanding of the law?

Mr. SCOTT. That is precisely the purpose; it is designed to apply the law and the proceedings held under the law with uniformity, equality, and equal justice in any part of the confines of the United States.

The authority to serve as a clearinghouse will give the Commission the opportunity to provide informational services on a much larger scale than its limited resources can presently accomplish. It can serve as a major center of communication and of the exchange of information in this rapidly changing field. As more and more communities throughout the Nation come to grips with this massive civil rights revolution and seek solutions to the ensuing problems, there will be an increasing need for the Civil Rights Commission, the Federal agency most uniquely qualified, through knowledge and experience, to help provide adequate information to resolve these problems.

In his civil rights message of February 28, 1963, the late President Kennedy made a strong presentation for new functions for the Commission to perform:

> As more communities evidence a willingness to face frankly their problems of racial discrimination, there is an increasing need for expert guidance and assistance in devising workable programs for civil rights progress. Agencies of State and local government, industry, labor and community organizations, where faced with problems of segregation and racial tensions, all can benefit from information about how these problems have been solved in the past. The opportunity to seek an experienced and sympathetic forum on a voluntary basis can often open channels of communication between contending parties and help bring about conditions necessary for orderly progress. And the use of public hearings—to contribute to public knowledge of the requirements of the Constitution and national policy—can create in these communities the atmosphere of understanding and permanent solutions to racial problems.

I am sure all Americans fully understand that the right to vote is meaningless unless one's vote is properly counted. Both are civil rights. I am certain, too, that many of our citizens are aware that the admonition "vote early and often" is taken seriously in some parts of this country. Reliable studies by the Honest Ballot Association and other civic groups have made it abundantly clear that thousands of votes—perhaps 1 million or more, in national elections—are not counted honestly. The problem is nationwide.

The devices employed for these purposes are legion.

Once I wrote a book on how to go into politics, and I devoted the better part of a chapter to the methods used for crooked voting, illegal voting, and devices used to obstruct the proper exercise by citizens of the right of franchise. I wrote the book in 1949. However, very few methods of cheating voters of the right to exercise their franchise have been invented since then, although with the advent of voting machines, some new techniques have evolved. But as sure as I am standing here now, next November votes will be stolen, elections will be rigged, and some results of elections will be changed, by means of such dishonest methods.

Tombstone voting, rigged machines, and vote buying are hardly unknown phenomena. While it is true that enforcement of Federal election laws is the function of the Department of Justice, adequate data on this problem are hard to come by and, for the most part, are in woefully short supply. By giving the Commission authority to investigate vote fraud, Congress will be taking full cognizance of the fact that this is a civil rights problem. After all, a vote counted three times in Chicago is just as violative of civil rights as a vote uncast in Mississippi. Of course, I could make the same remark about Philadelphia.

To put this problem in perspective, I should like to have printed at this point in the RECORD two articles. One is entitled "Lost, Strayed, or Stolen: Millions of Votes," and is from U.S. News & World Report, for March 6, 1961; the other is entitled "Dirty Work on the Voting Machines," and is from Life magazine for October 26, 1962. I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report magazine, Mar. 6, 1961]

TIME FOR ELECTION REFORM? LOST, STRAYED, OR STOLEN: MILLIONS OF VOTES

Checking into the 1960 ballots—it's a wonder anybody ever knows for sure who wins a nationwide election in the United States.

Few things appear more confusing than the variety of voting lists put before voters.

Ballot forms—and election laws—differ from State to State. So do chances for fraud.

Conclusion of investigators: Archaic rules and the chance of error—honest and otherwise—rob millions of voters of their votes.

A fantastic picture of the way this Nation elects its public officials is emerging from a series of widely varying studies.

Below are a few of the facts that are coming into view in the aftermath of the unusually close Presidential election of November 8:

The Honest Ballot Association, a nonpartisan agency, estimates that a million and a half persons had their votes stolen by one party or the other, and that an equal number of people, confused by the ballots, had their votes thrown out or miscounted.

Experts estimate that more than 10 million persons, healthy and otherwise qualified to vote, were disfranchised by archaic registration and voting laws. These people had changed residence or could not vote by absentee ballots.

Election laws vary widely. In Michigan, a voter casts a ballot for all the candidates of his party with one mark, or one twist of a lever. In Massachusetts, he must mark his choice of a man for each office. Ballots often are long and confusing. Counting methods vary. Recounts of close elections usually are so hard to get that they virtually are out of the question.

These facts are causing many nonpartisan groups, some of them under the prodding of the Republican National Committee, to explore the jungle of election laws. The hope is that better procedures can be found for the future. Democrats as well as Republicans are interested in the search.

ELECTION THIEVES

Fifteen ways to steal votes are described and documented by a new booklet being distributed by the Women's Division of the Republican National Committee. It asks, "Are You a 'Shadow' Voter?" and tells how to avoid being victimized. In the 1960 election, the booklet points out, the change of one vote in each election precinct would have reversed the popular vote.

Newspapers, magazines, and many private citizens in letters have come up with examples of vote frauds as they were practiced in 1960. Most of these are a repetition of practices used by one party or another for almost a century. They came to full flower in the twenties and thirties under the regimes of a Republican Party boss in Philadelphia and a Democratic boss in Kansas City. The fresh citations for 1960 run like this:

In New Jersey, $5 bills were handed out within 50 feet of the polls. In Chicago, payoffs were made from automobiles parked a short distance away. In Chicago, 43 persons voted and the machine showed 121 votes cast. A Republican election judge in a midwestern city admitted voting Democratic for the last 4 years.

In Philadelphia, voters came to the polls and found their names were not on the registration lists. Chicago voters sometimes discovered that the record of their registration had been lost. In Wilkes-Barre, Pa., pages were missing from registration books; the names were found if the voters happened to favor the right candidates.

A doctor in Chicago discovered that his father had "voted"; his father had been dead 17 years. A newspaper in Georgia got affidavits that in one county, majorities were padded by using the names of dead persons or of persons who long since had moved away or had never lived there. Some of the names were used in more than one precinct. Strangely, use of these names did not affect the result, the newspaper reported.

Men who watched the election closely reported that the misconduct was not all on one side. A political writer in the Middle West, himself a Republican, made this comment: "If they get to digging in the Republican areas of our State, a lot of good Republican housewives are going to be embarrassed by learning what went on under their noses. They don't know how many dead men voted in their precincts."

HOW VOTES ARE STOLEN

According to a new report on election frauds—more than 3 million votes are "stolen or lost" in every national election.

Typical tricks of ballot bandits:

"Tombstone voting": Casting votes in the names of dead persons.

Padding voter lists: Marking ballots in the names of nonvoting residents of the precinct area, or former residents.

Buying votes: Paying voters, sometimes just outside the polling place, to vote for certain candidates.

Spoiling ballots: Making an opposition vote invalid by tearing it slightly or defacing it with graphite concealed under a finger nail—usually during the vote count.

Chain balloting: Marking an official ballot and giving it to a "bought" voter, who casts this marked ballot and emerges from the voting place with a clean ballot received from the election official. Clean ballot then is marked, handed to another paid voter, and the chain starts all over again.

Rigging machines: Setting machine counters to show a big vote for favored candidates before the polls open.

Fixing judges: Picking members of one party to serve as election judges for both parties, thus creating "the most effective condition for stealing votes."

Advice trickery: Telling ignorant voters, especially the foreign born, to "Vote straight (Democratic or Republican)—that's all."

Voting "floaters": Taking the same persons from one polling place to another to vote again and again, sometimes as often as 10 times in one election.

Jamming machines: Fixing voting machines so the levers are stuck in favor of one party, making it impossible for opposition votes to be cast until the machine is unjammed, usually after long delays.

Disqualifying voters: Tearing pages out of registration books, or otherwise "losing" names of opposition voters so they cannot vote in time.

ROLLS: INACCURATE

Most States require that the names of dead persons be removed from the voting lists at regular intervals, monthly, quarterly, or fairly soon after death. In some States, bureaus of vital statistics report deaths to election officials. But the changes are not always made.

Permanent-registration laws, convenient for the voter, help to maintain fictitious voting lists unless officials comb through them regularly. Each State has its own way of keeping the lists current.

South Carolina revises its lists annually. At least 11 States bring their voting lists up to date before or after each general election. Quite a few States automatically drop the names of those who did not vote in the last general election.

Other States allow more latitude. Illinois, Delaware, Tennessee, and Missouri drop the names of those who have not voted within 4 years. Maryland stretches this period to 5 years. Virginia electoral boards purge the books whenever they think it necessary.

A lot of deadwood piles up in 4 or 5 years. People move across town or out of the State. Voters die. Names remain on the rolls as a constant temptation. A few States guard against the use of these names by requiring voters to sign an affidavit before balloting.

REGISTRATION: DIFFICULT

Often it is hard to get on the rolls. Registration requirements vary widely.

A few States still require payment of a poll tax to qualify. Many States have literacy tests. Each State has a special list of people who are disqualified for one reason or another.

Residence requirements for new citizens differ. In Idaho, where registration is easy, 6 months' residence in the State and 30 days in the county are required. In Mississippi, a person must live 2 years in the State and 1 year in the county to qualify.

Conservative estimates fix at 8 million the number of persons unable to vote in 1960 because they had changed residence and had not been in their new homes long enough to qualify. They were qualified in their old homes, but not in the new.

An additional 2 million persons were away from home and unable to vote by mail, election experts say. At least five States do not permit the use of absentee ballots.

Many States provide no way for a citizen to vote if called away from home by a sudden emergency just before election. In some States, a person may vote by mail if on a business trip, but may not do so if he is on vacation.

BALLOTS: A PUZZLE

The simple business of preparing ballots varies from State to State. It is taken for granted that the candidate whose name is at the top of the list of men running for an office holds an advantage. Similarly, the party whose candidates are printed in the left-hand column of the ballot has an advantage; this is the first spot the eye turns to in reading.

About half of the States rotate the names of candidates from election district to election district so as to give them equal chances at the preferred positions. This is done in Wisconsin, Oregon, Montana, Kansas, Idaho, Colorado, Alaska and various other States.

Elsewhere, each State has its own method. Nebraska and Iowa list candidates in the order in which they file. Nevada, Maine and Florida arrange names in alphabetical order. California and Massachusetts give the preference to incumbents. Missouri gives it to the candidate whose party won the governorship in the last election. Arkansas has the candidates draw lots for the place.

In the South, the left-hand column is given to Democrats. Often, there are no contesting Republicans. In Vermont, this spot is given to Republicans by law. Connecticut and various other States give it to the party that won the last governorship election. Rhode Island lets its secretary of state decide.

If the voter hunts for them, he can find the candidates for Congress on the ballot. Montana puts these at the top of the State ticket. Michigan inserts them at the bottom of the State ticket, just above candidates for the State legislature and county sheriff. Most of the other States follow one or the other of these examples.

Many States prescribe by law a general form for the ballot and leave it to local officials to fill in the details.

VOTERS: CONFUSED

Net result often is to get the voter so mixed up that he doesn't know what he is doing.

At least 30 States list all candidates on one ballot. The voter has to pick his way through a long list of names and offices; presidential electors, U.S. Senators, U.S. Representatives, State officers and county officers. On the same ballot, there often will be a dozen or more paragraphs of legal gobbledygook describing State constitutional amendments and referendums.

Voters often do not know the candidates or what they stand for, do not understand the constitutional amendments. A 1956 ballot in Little Rock, Ark., listed 169 elective offices to be filled. In 1960, Denver voters had to decide on 7 constitutional amendments and 95 candidates for 45 offices. Oregon's ballot is so long and confusing that schoolbooks have used it as an example of what not to do.

In Georgia, a one-party State, the 1960 ballot listed candidates for 43 offices, ranging from presidential electors to county coroner, plus from 19 to 27 constitutional amendments, depending on where the voter lived. More than a week after the election, Georgia's secretary of state reported that 35 counties had not yet finished the count and sent in official returns.

The long-winded language of amendments and referendums sometimes is self-defeating. A North Dakota official says: "I believe the tendency is just to vote 'No' on all of them instead of taking time to read the lengthy ballot." New Hampshire and California have begun using simple language to ask a question that can easily be answered by "Yes" or "No."

Even in States that use short ballots, things are confusing. Oklahoma in 1960 had four ballots of different colors. The separate ballots listed presidential electors, candidates for Congress, candidates for county offices, and constitutional amendments.

THE STRAIGHT TICKET

In 25 States, the voter can solve the problem by making just one mark or twisting one lever, signifying that he wants to vote for the full slate of candidates of his party. A great many voters do this.

A study by the survey research center of the University of Michigan says a presidential candidate is more likely to carry the entire slate of his party into office in a State where it is easy to vote a straight ticket.

Michigan's voting in 1960 illustrates the point. This is a State where it is easy to vote a straight ticket. The State is well organized by Democrats and labor unions. John F. Kennedy carried Michigan, and his party made virtually a clean sweep of the top State offices. Democratic candidates for the House of Representatives got exactly the same share of the statewide vote as did Mr. Kennedy—51.2 percent.

In Minnesota, one of the 24 States where it is harder to vote a straight ticket, the story was different. Voters went through the list of offices, picking the men they wanted and ignoring parties. Senator HUBERT HUMPHREY led the ticket for Democrats with 57.8 percent of the vote. Mr. Kennedy got 50.9 percent. Republicans elected a Governor. Democrats elected a lieutenant governor. Democrats lost a House seat they previously had held.

Texas has a problem peculiar to itself. To cast a legal ballot, the Texas voter must run a line through the names of candidates he does not want. Thousands of Texans failed to do this in 1960 and technically cast "illegal" ballots. Local election judges worked out agreements about counting these ballots. Sometimes the ballots were thrown out; sometimes they were corrected and counted. It is estimated that 100,000 Texans lost their votes.

MORE VOTES THAN VOTERS

In Texas, Illinois, and a few other States, there were charges after the 1960 election that some election districts came up with more votes than there were voters living in the districts.

Each State has its own way of dealing with this problem.

In South Carolina, for example, the procedure is spelled out in the election laws. If there are more ballots in the box than names on the poll lists, all of the ballots are put back into the box and mixed thoroughly. Then the district manager or a clerk draws out and destroys as many ballots as there are in excess of names. After that, the ballots are counted.

ELECTION JUDGES

All States give considerable power to local officials in setting up machinery for elections. Men who check poll books, run elections, and count the votes are chosen locally. Many State laws specify that representatives of both major parties shall be present at the polls.

Republican complaints about the 1960 election often arose from this power of local officials. There were charges that, in such big Democratic cities as Baltimore, New York, St. Louis, Philadelphia, Pittsburgh, and Chicago, supposedly Republican poll watchers were not always Republicans. Now and then, they turned out to be working for the Democratic city administration, or were former Democrats themselves.

In the South, where Democrats are dominant, the laws are less specific. Mississippi election commissioners appoint three persons in each election district to run elections. The law specifies that "if suitable persons of different parties" are to be found, the managers shall not be of the same party. Two challengers of each party may be present when the managers count votes.

This works out in unusual ways. In the State election of 1959, Republicans put up a candidate for State senate in Hinds County, Miss. He was beaten by about 6 to 1. Jackson newspapers on the day after election reported:

"The counting was slower at the level of the individual box than had been expected. Some workers at the polls complained of Republican observers at the counting, insisting that the young people made themselves objectionable by their close observation of the counting, making nervous the clerks not accustomed to such steady surveillance.

"At some polls, the Republican observers were asked to leave and did so. At others, they remained throughout. Presence of observers at the polls is legal but is not the usual practice here."

RECOUNTS

Only two States have provisions for virtually automatic recounts of close elections. In South Dakota, a margin of one-fourth of 1 percent assures a recount upon request. In New Hampshire, a 1-percent margin is close enough. Losing candidates need only to make the request—and pay a fee, which is returnable if they win.

Oregon, Alaska, and Michigan grant recounts on the basis of a petition if the request is accompanied by a cash deposit to cover the cost of the work.

In most other States, a long, slow, and expensive process is involved. In Oklahoma such requests are handled by the State election board, in Delaware by the Governor, in many States by the secretary of state. Often the requests are dumped into the courts for a long battle. Virginia and Missouri send their upperlevel elevation contests to the State legislature.

REMEDIES

No one knows exactly what should be done to straighten out the Nation's tangled election procedures. Elections are a province of State governments. Only where Federal officers are involved can the Federal Government enter the field.

Many studies are being made by groups of private citizens. The Republican National Committee is urging the work forward, setting up groups of its own.

Changes are being made constantly by the States. Candidates have to recheck the laws before every election. Ballots are being shortened. The use of voting machines is being encouraged. Half the votes in 1960 were cast by machines. But an expert testified before a committee in Louisiana that even these can be rigged.

"Actually, in spite of the differences from State to State, there is not too much wrong with the election laws" says one official. "They are not too bad. It is the enforcement of the laws and the general attitude toward elections that cause trouble."

[From Life magazine, Oct. 26, 1962]

DIRTY WORK ON THE VOTING MACHINES

(By Robert D. Loevy)

(NOTE.—Robert D. Loevy is an instructor in political science at both Johns Hopkins University and Goucher College. His special field of study is American election campaigns.)

About half of all the votes cast across the country on November 6 will be registered on voting machines. Being Americans and possessed therefore of practically illimitable faith in anything mechanical, U.S. voters have generally applauded the increased use of these machines. A vote on a machine—so the image runs—is a vote untouched by human hands and is not subject to the same kind of shenanigans as the old-fashioned paper ballot. Unfortunately, this is not always the case.

The technology of vote-stealing has kept right up with everything else in the world, and methods developed to circumvent the machine's strictly nonpartisan array of levers, wheels, gears, and counters now have gained wide circulation.

These relatively new techniques, when added to all the ancient and dishonorable swindles associated with paper ballots, may deprive a very sizable number of Americans of their right on election day to a free and honest ballot. Some of the fraudulent tactics have their widest application in primary elections only, when opposing parties tend to watch each other less closely, but many are possible at any time because of loosely drawn local election laws. Even so, New York's nonpartisan Honest Ballot Association has estimated that in the elections of 1960, 2 million votes were subverted by one form of fraud or another.

The jam: This is the generic name for the most common form of machine cheating. Its goal is simple: to slow down the voting at the very time when most independent (i.e., uncontrolled) voters tend to show up. Political bosses know very well that many such voters have only a limited amount of time to spend at the polls—a half-hour or so before going to work in the morning; a quick trip before or after dinner at night. So, the politicos move blocs of their faithful—each one of whom makes the line longer and longer and takes a full measure of time to complete his voting—into position at the critical time. Men with jobs to get to and parents with small children to worry about soon grow restless. An important number give up.

If the human jam does not work, the political boss can always try to discourage voters by jamming the machine mechanically. A knowing voter-accomplice can do this by forcing the voting levers into a position that will cause the machine to lock when he pulls the handle to register his vote. Occasionally other, less subtle, means reportedly have been tried in attempts to jam the machines—including screwdrivers, paper clips, nails and toothpicks. Clearing the jam such objects could cause generally should be a simple matter. But it can take precious time for a repairman from the election board to reach the polling place.

The demonstrations: A significant number of voters need instruction in how to operate a voting machine, particularly in precincts where they are in use for the first time. A precinct worker, representing the dominant political organization, accompanies the prospective voter into the booth, shows him how to pull the levers and work the handle to tally his votes—and then throws open the curtain, thereby automatically registering a "vote."

Sometimes a particularly dense voter has to be shown three or four times how to work the machine—and three or four extra votes are recorded on the machine. Though detecting this form of fraud would seem to be ludicrously easy for even a halfway competent poll watcher, the sad fact is that in many precincts dominated by a single party the opposition through laxity, either sends an incompetent observer to guard its interests or a disloyal one who is secretly in the the pay of the other party.

But how can this work when the machine tally must coincide with the number of voters signed in on the registration books? This intended check poses no serious problem. Every politician knows that many citizens don't vote for every office on the ballot. Minor candidates, in particular, nearly always fail to get as many votes as the major candidates at the head of the ticket. But the minor offices are highly important to the ward politician as sources of power and patronage. Using the demonstration, he can chalk up plenty of votes for his minor candidates and still check out with the registration books.

The early vote: Sometimes a great many votes are registered before the polls even open in the morning. In Jackson County, Mich., in 1955, there were 99 more votes cast in one precinct than there were registered voters. An investigation indicated that the counters on the voting machine, instead of being set at zero before the voting began, had been set at a higher figure.

Relying on past experience, the riggers had gambled that a certain percentage of registered voters would not show up, and they set the counters ahead to take advantage of the discrepancy. When the voters did turn out in greater numbers than expected, the cheats were exposed.

In Louisiana, a voting machine mechanic explained in detail how he could set the counter wheels ahead for any one candidate. On one type of machine it is a simple matter, he demonstrated, to paste 000 over, say 099 to fool the election judge. The official looks at the counter, sees it set at what looks like zero and locks the machine. When the vote starts and the counters begin to turn, the pasted numbers came off.

The early vote fraud is virtually impossible to perpetrate on the new-model voting machines. One type, for example, prints both beginning and final ballot counts on a sheet of paper which, like checks printed on a check-writing machine, cannot be altered. But there are thousands of older models still being used which are not so fraud-proof.

The name dropper: Back in the 1930's, when men were men and voting machines were novelties, a party stalwart in Scranton, Pa., took a chisel into a voting booth in an attempt to remove the opposition candidate's name. In Nashville, at about the same time, nitric acid was used for the same purpose. Nowadays the methods used to the same end are perhaps less spectacular but more efficient.

Black tape is stuck over a name, or the opposition's name card is removed and switched for another. However it is done, the aim of name dropping is simple: if your opponent's name isn't on the face of the machine, no one is likely to vote for him.

The peekaboo: Crooked election judges have found it simple to slash the curtain shielding the voter so they can peek in to see who votes for whom. Such techniques are important to the dishonest political boss, because one of his problems is that his supporters may inadvertently—or deliberately—vote for the "wrong" man. To guard against mistakes or duplicity he has the curtain slashed so that the faithful are fully aware they are being observed.

The mickey finn: This is a rather extreme technique, but Eugene A. Sekulow, former chief clerk of the Baltimore Board of Supervisors of Elections, insists it has occurred. The poll watcher from the opposing party is slipped a mickey, usually a high-powered laxative, in his coffee so that he is indisposed several minutes at a time at frequent intervals. With the opposition "watchdog" out of the way, the dishonest politician has more freedom to perform his hanky-panky.

The simplest and possibly most important way in which voting machines are "used" to perpetrate frauds is for dishonest election judges to misread deliberately the totals found on the counters when the machine is opened after the polls close. It takes at least two very alert watchers to make certain that the judge reading the totals has announced them correctly and that these results are then correctly transcribed on the master tally. On the newest machines, which are equipped with an elaborate cross-counting system, it is all but impossible to make a crooked tally come out plausibly, but on the older machines it is no great task.

Fanciful as these techniques are, however, they will account for only a fraction of the votes that will be stolen one way or another next week. Most of the trouble will still come from paper ballots, which are easily defaced (and thus invalidated) by crooked election officials. The chain ballot is the most spectacular and effective method yet devised to defraud an electorate.

A party worker registers to vote and receives a ballot. He goes into the voting booth and emerges holding a neatly folded blank piece of paper of the same size and shape as the ballot he has carried into the booth. He deposits the blank in the ballot box. His unmarked valid ballot—now hidden in his pocket—he takes with him. After marking it appropriately, he gives it to a compliant voter, who puts it in the ballot box and returns his unmarked valid ballot to the party worker, who marks it and gives it to a third tame voter. And so on. At the price of one ballot (his own) the party worker has won disciplinary control over a whole chain of ballots; he is insured that each ballot is marked exactly as he wishes.

If all the devices mentioned thus far seem to involve only a relatively small and therefore unimportant number of votes, the ultimate effect should not be minimized. The crooked politician operates on a principle that apparently escapes the average voter. The politician does not scoff at one vote. He knows what one vote will do.

For instance, in the 1960 presidential election, Kennedy lost California by 35,623 votes. If he had gotten one or two more votes in each of the State's 30,682 precincts, he would have won California. Nationally, if the GOP had cast just one more vote in each precinct in the land, Nixon would have won the popular vote by 46,616, instead of losing by 119,450.

One vote is all the dishonest politician asks. He doesn't care whether he gets it by adding an improper one, by throwing out a proper one for his opponent, or by keeping one opposition voter away.

It is doubtful that all forms of vote fraud—ancient or modern, by machine or paper ballot—can ever be eliminated. But as the voter goes to the polls, he should keep in mind these six rules for maintaining honest elections in his community:

1. Don't let long lines dissuade you from voting.

2. Wait out a jammed voting machine. Report any jammed levers immediately and see that no one votes on the machine until it is fixed.

3. Be sure your election board has mechanics on duty for breakdowns.

4. Check your voting machines for slashed curtains, name tampering or any damage.

5. Check to see that both the major political parties have election judges on duty at all times.

6. In paper ballot areas, make certain you have followed exactly all the rules that apply in your district. And insist that watchers from both parties be present when the ballots are counted.

You can support local drives to have new voting machines installed as soon as possible. They may not be absolutely fraudproof, but they are superior to paper ballots. And above all, follow through and vote. The crooked politician is praying you won't.

Mr. SALTONSTALL. Mr. President, at this point will the Senator from Pennsylvania yield for a further question?

Mr. SCOTT. I am very happy to yield.

Mr. SALTONSTALL. Although the Senator from Pennsylvania has emphasized tombstone voting and other frauds, is it not true that the main purpose of giving the Civil Rights Commission the authority now proposed is to enable it to look into all types of voting problems, and that the scope of its investigations should not be restricted to questions of fraud, but really is based more on giving all persons in a community an equal right to cast their ballots and have them fairly counted—which is fundamental to life in America?

Mr. SCOTT. Yes. Fundamentally, this is directed to one large area of vote denial, because a vote delayed past the hours the polling place is open is a vote denied; and that happens, too.

The purpose here is to overcome the widespread discriminations—whether they be on account of race or religion or national origin or color, or even political party—because I believe some civil rights extend to the two political parties. In fact, all civil rights should extend to the two political parties; and as a member of one of America's largest minority groups, I say that somewhat feelingly.

During its floor deliberations on title V of H.R. 7152, the House adopted an amendment which would forbid the Commission or its advisory committees from investigating the membership practices or internal operations of any fraternal organization, college fraternity or sorority, private club, or religious organization. This amendment was prompted in response to questionnaires which had been sent to fraternities and sororities at a State university by the Commission's Utah State Advisory Committee. The questionnaire sought to obtain information regarding the social practices of fraternities and sororities located on the State university campus. A similar questionnaire was reported as having been circulated in the State of Indiana. Although it is not entirely certain that these questionnaires actually go beyond the authority granted the Commission and its State advisory committees under the Civil Rights Act of 1957, these were certainly most unfortunate. At the very least, the justification for the Utah State Advisory Committee inquiry rested on an unusually broad interpretation of what constitutes "State action." I believe the amendment adopted by the House on this question is a reasonable one.

As president of a national college fraternity for more than 4 years, I have observed the changes which are occurring in the fraternity and sorority worlds. I have observed the changes made in the constitutions and rituals of fraternities and sororities, the work of the Interfraternity Conference, and the changes wrought by the courageous position taken by faculties and boards of trustees and boards of visitors and boards of regents and by the students themselves. This problem certainly is working itself out with very considerable success, through the means of voluntary action and voluntary recognition of what needs in all fairness and decency to be done. In this area, unquestionably the conscience of those involved and their good judgment and their courage have served to form and to formulate a procedure which has operated, and which therefore does not require coverage in the pending bill.

Mr. SALTONSTALL. Mr. President, at this point will the Senator from Pennsylvania yield again to me?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. I wish to ask the Senator from Pennsylvania about a point he has not yet mentioned in connection with this matter; namely, whether the provision giving this increased authority to the Civil Rights Commission would interfere with congressional action, in determining who was properly elected and who was not properly elected; or would it interfere with any other congressional power?

Mr. SCOTT. No; I am certain that nothing in this section would alter or affect or otherwise compromise the rights, privileges, and powers of the voters of the United States in connection with the election of members of the legislature—State or Federal—or the rights of such persons, once elected by the voters, to serve without limitation, insofar as this section is concerned.

Mr. SALTONSTALL. Congress could investigate in any way it saw fit into any election.

Mr. SCOTT. Congress could still have, unchanged and unaffected, the right to investigate as it did into the fitness of its Members and into the manner and legality of their election.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. SCOTT. I am happy to yield.

Mr. HOLLAND. I am not sure that I accurately understood the distinguished Senator, but I understood him to say that the action of some fraternities and sororities in many parts of the country in taking down racial and color lines was voluntary. Was that the Senator's statement?

Mr. SCOTT. Yes. I believe that action is voluntary. In the same framework of my remarks, I would extend the statement to include religious institutions.

Mr. HOLLAND. Though my own familiarity with that field is not great, the two or three fraternities and sororities with which I have consulted on the question have made it rather clear to me that where they have yielded to the demand to take down racial lines or to remove religious lines or color lines it has been because of the demands of the State authorities, in the event of State institutions, or the governing boards in the case of private institutions. They were required either to take that course or lose the right to have a chapter in the colleges and universities that would be affected. Is that what the Senator means by "voluntary action"?

Mr. SCOTT. No. I said that the greater part of the problem was being solved by voluntary action of the fraternities and sororities in the colleges through the action of the faculties, the boards of trustees, and the students themselves. While in my judgment the Senator is correct that at times decisions are taken by State universities which they feel are dictated by State law, that is the lesser portion of the cases affected. To that extent, of course, the operation of a State law has led to some fraternities and sororities making a decision as to whether they will abide by the law of the State as it affects their operations in those States and universities, or whether they will remove their fraternities and sororities from the campus. There has been some of that. I admit it.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. SCOTT. But there is still a choice. In our lives we make choices all the time either to comply or to leave. It is a hard choice, but it is still within the realm of choice.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. SCOTT. I yield.

Mr. HOLLAND. I can easily see that there is room for the operation of both philosophies—the one the Senator mentioned in the beginning and the one which I have mentioned. But in my acquaintance with the subject, which has extended to some three or four different fraternities and sororities, there has been no case in which pressure has not been brought either by the State authorities or by university authorities, in the case of both public and private institutions, or by the trustees of the institution, as in private institutions, as contrasted with the actual administrative authorities.

I am sure from what the distinguished Senator has said that there must be other cases of the type which he mentioned. They are not against that in the slightest. But all of the change about which I know anything—and which affects quite a number of different chapters in two fraternities and one sorority—has been brought about by the pressure methods which I have mentioned, either resulting from law in a few cases or in most cases, from a so-called academic attitude which appears to be anything but academic freedom, but is, instead, academic compulsion to make young people conform to the ideas of those in charge, whether they wish to do so or not.

I thank the Senator for yielding. For the Record I wish to make clear that I am not questioning at all the soundness of the Senator's statement. I wish the Record to show, as of my own knowledge, the existence of this other field, which is not a pretty thing to look at. Instead of being an approach based upon a voluntary attitude or upon persuasion, in every instance in the cases with which I am familiar it has been based upon compulsion.

Mr. SCOTT. I thank the distinguished Senator. Again with reference to my own national fraternity, changes were made in its basic doctrines, its constitutions, its rituals, and so forth, voluntarily, but they were made with full awareness of the growing changes in public attitudes and growing alterations in the climate of opinion in the country. They were not dictated by any State or Federal organization. They were not dictated by the trustees of any university. They were fought out in universities, and resulted often from divergencies of opinion at the college level, the chapter level. But I do not recognize as unwarranted or dictatorial pressures, the growing weight of public opinion one way or the other, for in this country we have to make that decision. Much of what is done in this world must be done because someone has the intestinal investiture to apply pressure. Much that is bad is discontinued because someone has had the intestinal investiture to resist it. Much has been done voluntarily. And that is the kind of thing to which I referred.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. SCOTT. I am glad to yield.

Mr. HOLLAND. It seems to me that whenever the change was made—as it undoubtedly has been in many cases—because of the compulsion of the type that I have mentioned, it is destructive of the right to free selection of one's associates, and to that degree, harmful to our concept of free selection in American life. I wonder if the Senator agrees with that statement.

Mr. SCOTT. I believe that freedom of choice in the United States has always had many limitations. Some of the limitations are the limitations of opportunity. I cannot associate with the people from the Senator's State of Florida as frequently as I would like because geography prevents me from doing so. I cannot associate with people of great wealth because I cannot afford to keep up with them. I cannot associate with many people for many reasons, be they economic, geographic, or ethnic groups, let us say, such as Eskimos, who live in remote areas.

As the Senator from Massachusetts [Mr. Saltonstall] has suggested to me, I cannot associate as freely as I would like with those who speak Portuguese. Fortunately I have some little knowledge of Spanish and am able to speak with some Spanish-speaking people. But there are many limitations on freedom of choice in the life that we live. Every limitation has a certain amount of distress about it. But there are some limitations which seem to me are also the result of a search for a just and fair feeling between man and his fellowmen.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. SCOTT. I yield.

Mr. HOLLAND. Knowing the Senator from Pennsylvania as well as I do, I cannot conceive of the Senator's choosing close intimate associates, such as those who would be within the college fraternity to which he belonged, except upon the basis of his willingness to have that association and his desire to associate on those intimate terms with those individuals. I firmly believe that that is the only sound basis upon which such organizations should exist, and it is for that purpose that I rose, recognizing the complete truth of what the Senator has said in the field to which he has limited his remarks.

Mr. SCOTT. I thank the Senator. I feel we are getting somewhat into the area of philosophy, or perhaps even of metaphysics; but I should say the choice of the Senator, as well as mine, is made when the person involved chooses to enter or not to enter a fraternity or a sorority, if the fraternity or sorority has, as of the day of decision or choice, established a set of rules and regulations which it has adopted because of the reasons we have both discussed. Then if one does not wish to associate with the group in that fraternity because it has adopted rules with which a person does not agree, he has the freedom of choice not to join.

One also has an absolute choice to take any man or woman to lunch with him without requiring it to be an organized or an unorganized group. I was perhaps too rash in saying any man or woman, because that choice is limited by circumstances of which the Senator and I are both aware—our wives might protest. But, generally speaking, if one wants to have dinner, he may have dinner with anyone; but he cannot have dinner in a fraternity house unless he has joined it, and if he has joined it he has recognized the rules which prevailed at the time he joined.

Mr. HOLLAND. I thank the Senator. The Senator has made an accurate statement. I think one of the most accurate parts of his statement is that one joins on the basis of the rules of membership existing at the time he joins. One of the very wrong things about this whole drive is that many of us who joined fraternities, and many women who joined sororities, upon the basis of the regulations existing at the time they joined, now find themselves confronted with a choice as to whether they wish to go into the fraternity or sorority houses because of compulsion of the type of I mentioned. A different kind of social situation has been visited upon the person by the younger members of that fraternity or sorority. It seems to me it is affecting for the worse the whole setup, which I think has been salutary. I have seen a great good come out of fraternities and sororities.

I see the Senator from Pennsylvania nodding his head.

Mr. SCOTT. I am nodding my head as an understanding that the Senator from Florida may continue, and I am willing to hear him, without either affirming or denying what he is saying in the course of his statement.

Mr. HOLLAND. As a fraternity man, I think the Senator from Pennsylvania would be the last to say that his fraternity has not produced good results.

Mr. SCOTT. One of the good results is the Senator from Mississippi [Mr. Stennis].

Mr. HOLLAND. I thank the Senator. In this connection, there are some Members of this body who belong to one of the fraternities to which I happen to belong, including the majority leader and various other Senators. But the point I make is that it is not right to interfere, by compulsion, with a body that has done a great deal of good by changing the basic rules of the intimacy of association, as to who shall have the right to associate with whom, after thousands of persons have gone into that particular organization upon the basis of the rules which existed at the time of their admission and joining.

Mr. SCOTT. The Senator may find some refuge in the statement of the Greek, Menander, that "We live, not as we wish to, but as we can," or as we must. I accept that as a part of the life which is offered to me, including associations of what I believe to be tolerance and equity; but my concept can be quite different from that of another human being; and I respect those differences of opinion.

Mr. HOLLAND. I thank the distinguished Senator for his kindness. Before I close, I wish to add that one of the things that I find wrong in the whole philosophy and the feeling of the current philosophy that rages in the land is that the advocates of these proposals do not want people to live as they would like, but they want to make them live as they must, and then establish the rules by which they must live. It is that philosophy against which I vigorously rebel.

Mr. SCOTT. I thank the Senator. The conditions under which we live, whether by choice or because we must, are a part of the problems which a legislative body must face, since we are so often the ones who must lay down the conditions, and then accept the conditions which are laid down, because the majority prevails—ultimately, I hope.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. I believe the title which the Senator from Pennsylvania is discussing would not necessarily affect what the Senator from Florida has referred to. Is that correct?

Mr. SCOTT. Not at all, because we are covering a situation not covered by that title of the bill. The Senator from Florida has discussed situations which would prevail in fraternities and sororities.

Mr. HOLLAND. The reason I ventured into the field was that the Senator from Pennsylvania mentioned this as a field, as I understood him, where a voluntary change was being accomplished. I was calling attention to the fact that much of the change, so far as I know anything about it is concerned, has been far from voluntary, and my discussion related to that. It seems to me it is appropriate to state that, under the prevailing philosophy, regardless of how people want to live, whether in a peaceful, gentle, and constructive way of life, so many persons want to say how the people must live. It is that which I rebel against so strenuously.

Mr. SCOTT. I thank the Senator. We live under certain rules until they are changed by the Supreme Court. Then we live under different rules. I was once an assistant district attorney when the salary from that job was tax exempt from Federal income tax. I liked the whole idea very much, because I was not paying any tax on my small salary. Then the Supreme Court met without any intervening legislation and decided the salary was not tax exempt. From then on I had to pay a tax on my salary. I much perferred the former existence, but I had to live with the change. That was the law of the land, and the Court had the last guess.

A PERMANENT CIVIL RIGHTS COMMISSION

The future of the Civil Rights Commission since its inception 7 years ago has been an uncertain one at best—somewhat reminiscent of the "Perils of Pauline." Unless the Commission is made permanent, it will continue to have difficulties in recruiting and retaining top caliber personnel. Each time, as the Commission draws close to its demise, it is confronted with a flurry of resignations. What I am saying is not intended as a reflection on the dedication of the Commission's, employees. It is a sad commentary, rather, on a system which saves it from extinction only after an 11th hour reprieve. While Congress, sometimes in the face of Executive indifference, has never let the Commission expire—by attaching riders to appropriations bills in 1959 and 1961, Congress assured 2-year extensions of the Commission's life. In 1963, the vehicle of a year's salvation was a private bill for the relief of Mrs. Elizabeth G. Mason—it has never squarely faced the issue of whether it wants a permanent Civil Rights Commission.

I do not know whether Mrs. Mason ever obtained any relief, but the Civil Rights Commission did.

Mr. SALTONSTALL. I believe she did.

Mr. SCOTT. The Senator from Massachusetts advises me that Mrs. Mason got relief. So I assume she is happy, too.

While it is true that both political parties pledged in their 1960 platforms to make the Civil Rights Commission a permanent body, Congress has failed to honor these pledges.

There is no question that the Commission's uncertain lifespan seriously affects its ability to hire and retain competent personnel. During the period July 1, 1963, to February 29, 1964, 31 persons left the employ of the Civil Rights Commission. When one considers that the staff is limited to 76 employees, it is evident that almost 50 percent of the Commission's staff turned over during that period. While some of the departing staff were clerical and secretarial employees, the vast majority were professional personnel, attorneys, analysts, and investigators. During the month of September 1963 alone, when the Commission was scheduled to go out of business, 10 members of its staff were separated. In time, of course, the vacant positions have been filled. But the effect of such a heavy turnover on the continuity and effectiveness of the Commission's work cannot help but make itself felt. It is a real credit to the dedication and skill of those who have remained that the Commission has continued to perform its tasks as well as it has.

Mr. President, I ask unanimous consent to insert at this point in my remarks, a list showing separated personnel of the Civil Rights Commission during the period July 1, 1963, to February 29, 1964.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EXHIBIT 4

Title	Grade	Date separated
Secretary	GS-6	July 6, 1963
Deputy Director, SAC	GS-14	Do.
Attorney	GS-14	July 13, 1963
Do	GS-7	Aug. 2, 1963
Do	GS-12	Do.
Secretary	GS-5	Aug. 16, 1963
Clerk-typist	GS-3	Aug. 30, 1963
Director, Programs Division	GS-16	Sept. 6, 1963
Clerk-typist	GS-4	Sept 13, 1963
Social science analyst	GS-9	Do.
Secretary	GS-6	Do.
Attorney	GS-15	Sept. 16, 1963
Mail clerk	GS-2	Do.
Secretary	GS-6	Sept. 27, 1963
Legal research assistant	GS-11	Do.
Social science analyst	GS-5	Do.
Attorney	GS-13	Sept. 30, 1963
Do	GS-11	Oct. 11, 1963
General Counsel	GS-17	Oct. 26, 1963
Attorney	GS-9	Nov. 1, 1963
Secretary	GS-7	Nov. 8, 1963
Special assistant to staff director	GS-15	Nov. 16, 1963
Assistant General Counsel	GS-15	Nov. 30, 1963
Attorney	GS-9	Dec. 1, 1963
Clerk-typist	GS-4	Dec. 10, 1963
Attorney	GS-14	Dec. 13, 1963
Director, SAC	GS-16	Dec. 27, 1963
Investigator	GS-7	Jan. 26, 1964
Attorney	GS-12	Jan. 31, 1964
Do	GS-11	Do.
Deputy Director, Programs Division.	GS-15	Feb. 29, 1964

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. That is one of the fundamental reasons why we introduced the bill to make the Commission's life permanent.

Mr. SCOTT. I thank the Senator for that comment. I believe he is entitled to the thanks of all of us for his untiring efforts in attacking the provisions of the bill, because while other provisions in the bill may have made more sense to the advocates and opponents because of immediacy, hardly any section in the bill has a greater potential for usefulness than this one. The Senator has made valuable contributions to the thinking and planning of a bill which in his opinion—with which I agree—should result in permanency for the Commission.

Mr. President, it is also true that no agency can establish proper priorities nor plan long-range studies when its continued existence hangs by a thread. Furthermore, when an agency is scheduled to close up operations, it must phase out its programs to prepare for its termination. It is a terrible waste when the agency must recoup its energy and set up a new staff.

For too long the Congress has allowed the U.S. Commission on Civil Rights to be a pawn in legislative maneuvering. Year after year a 1- or 2-year extension of the Commission's life has been an inadequate substitute for no civil rights legislation. Such shabby treatment must become a thing of the past. It is high time that the Civil Rights Commission was taken off the political trading block and allowed to get down to the urgent business of civil rights.

The argument is often made that Congress will lose control over the Commission by giving it permanency. This is fallacious. The Commission, like all Government agencies, must undergo careful scrutiny when it comes to Congress for its annual appropriations. If Congress were dissatisfied with the operations of the Commission, it is perfectly capable of bringing about changes in the Commission's scope and authority. Of course, in the worst eventuality it could end the Commission's life at any time.

Finally, an agency which is in constant fear of demise is not a bold and imaginative agency. It cannot face up to the challenges of a vital issue such as civil rights. The need for survival breeds habits of caution and compliance. Conflict and controversy are avoided in the interest of bureaucratic self-preservation. When Congress stirs, the Commission shakes. When the Department of Justice issues an admonition, the Commission gets the jitters. This should not be. The Civil Rights Commission merits a permanent, independent existence. It deserves a greater degree of autonomy. How can it hope to evaluate the desegregation policies practiced by the other Federal agencies which it is expected to do when its sphere of operations is limited by barriers erected by the agencies in question?

The efforts of the Civil Rights Commission to hold public hearings in Mississippi are a graphic illustration of what I am talking about. In reciting the events in the Mississippi episode, I do so not to apportion blame on either the Commission or the Department of Justice—the principal parties in the incident. There is some merit in the arguments raised by both. It is rather to point out some of the problems that exist when an independent agency without permanency or sufficient autonomy sets out to do a difficult job.

After 3 years of careful investigation, the Commission scheduled a public hearing in Mississippi in October 1962. The Department of Justice urged its postponement because of events surrounding the admission of James Meredith to the University of Mississippi. The hearing was reset for December 1962, and postponed again at the request of the Department. The Commission then planned its hearings in Mississippi for late January 1963, on the subjects of voting discrimination, economic reprisal, school segregation, Federal assistance programs and other matters. The Department of Justice intervened once again—this time principally on the ground that the Commission's presence in Mississippi might prejudice the Government's case against Governor Barnett and hamper the Department's work in the State. It was also claimed that the Commission was duplicating the work of the Department in certain areas.

A most informative exchange of correspondence exists on the subject. On December 15, 1962, Attorney General Robert Kennedy wrote Dr. John A. Hannah, Chairman of the Civil Rights Commission, to explain his reasons for opposing the Commission's plan to hold public hearings in Mississippi. I ask unanimous consent that the letter from Attorney General Kennedy may be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of the Attorney General,
Washington, D.C., December 15, 1962.
Dr. John A. Hannah,
Chairman, U.S. Commission on Civil Rights, Washington, D.C.

Dear Dr. Hannah: In accordance with the very satisfactory cooperation which exists between the Commission staff and the Civil Rights Division, I have been informed through Mr. Berl Bernhard of the Commission's intention to hold public hearings in Mississippi at the end of January.

I understand that the Commission intends to hold hearings on a broad scale, covering a range of subjects including discrimination in voting rights, economic reprisals against Negroes, discrimination in the educational system in Mississippi, the impact of the various Federal programs in the State, and other matters.

I fully recognize the reasons for the Commission's desire to hold public hearings in Mississippi. I also understand why the Commission does not feel that the activity of the Department of Justice in the State relieves the Commission of its separate responsibility to determine the facts for itself, and to report on them to the President and the Congress.

Nevertheless, I have a responsibility to advise the Commission that it is my judgment that the work of the Department of Justice might be severely hampered by hearings held by the Commission in Mississippi at this time. As the Commission knows, we are still engaged in very far reaching and important litigation against the State and public officials of Mississippi. The most important of these pending matters is the criminal contempt citations which we have been instructed by the court of appeals to bring against Governor Barnett and Lieutenant Governor Johnson. But these are not the only matters. Our chief marshal, James P. McShane, has been indicted by a Mississippi grand jury for inciting a riot on the campus of the university. A member of the Armed Forces has also been indicted for action taken in the course of his duties in preserving order on the campus. Both Mr. McShane and Deputy Attorney General Katzenbach have been named as defendants in civil litigation involving some of these same matters.

While there has been no public announcement, the Commission should know that we have felt it necessary, because of my personal involvement and that of my aides in the events leading up to the riot at the university on September 30 and October 1, to retain special counsel to present the contempt proceedings against Governor Barnett and the Lieutenant Governor.

It is my strong feeling that the work of the Department in meeting its responsibilities, and particularly in prosecuting the criminal contempt case against the Governor, might well be prejudiced by public hearings now in the area of race relations by any Federal agency in the State of Mississippi. For example, counsel for Governor Barnett and Lieutenant Governor Johnson will unquestionably demand a jury trial. While there is doubt that the court will hold trial by jury to be necessary, it may be that the court will order this action. If it does, I am confident that the claim will be made that the Civil Rights Commission is working with the Department of Justice publicly to prejudice the State of Mississippi and its officials in the minds of the jury. The charge would probably be made in any event that the hearings would prejudice the court, and the court might well be embarrassed itself, regardless of what charges were made, at contemporaneous hearings.

While there would obviously be no substance to such charges, I think that in a matter of this great national importance, involving as it does the Governor of one of the States on a question of criminal responsibility, even the appearance of impropriety or questionable ethical conduct by the Federal Government should be avoided.

I am sorry that I cannot at this time give the Commission any firm guess as to when the pending court matters will be resolved. I think that it is probable that in the criminal contempt case, the court of appeals will hold a pretrial session sometime in January. At that time the question of a jury trial, and the question of hearing dates and procedures should be answered.

In the meantime, it seems to me that, at least on all questions concerning Federal programs, the work of the Commission staff could continue, and a report could be prepared, without any need for public hearings in the State. In this connection, I am informed that in a number of instances the material to be covered by the Commission's hearings in other areas (such as voting, economic reprisals, etc.) does in fact overlap with work being done here in the Department. For example, I understand that when Mr. Clyde Ferguson gave us the names of the three counties in which voting problems were to be explored, it developed that we had two complaints prepared in one of the counties, had been conducting active and continuing negotiations over a considerable period of time in the second, and had commenced preliminary inquiries in the third. In addition, several of the instances of specific denials of the right to vote, or of reprisals, are covered by pending suits. I realize that this is not a complete reason for the Commission to refrain from making its own investigation. On the other hand, it does seem to me to be relevant in balancing the needs of the Federal Government at the moment.

I would be most happy, if the Commission wishes, to meet with it to discuss this matter of great importance.

Sincerely,

Robert F. Kennedy,
Attorney General.

Mr. SCOTT. Mr. President, in his reply for the Commission, Chairman Hannah regretted but reluctantly acquiesced in the decision of the Department. He did suggest that the Commission "has a vital service to perform in Mississippi and that we would be remiss in our duties if we did not continue our investigations." I ask unanimous consent that the reply from Commissioner Hannah of January 2, 1963, may be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Commission on Civil Rights,
Washington, D.C., January 2, 1963.
Hon. Robert F. Kennedy,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: The Commission is appreciative of the candid expression of your views in your letter of December 15, 1962. The arguments you advance against the Commission's plans to conduct a public hearing in Mississippi in January 1963 are cogent ones. The Department's responsibility is formidable and the Commission has no wish to add to your burden. At the same time, the Commission appreciates your recognition of the fact that we have responsibilities which we cannot ignore.

In formulating plans to meet its responsibilities, the Commission has made every effort to avoid complicating the Department's task. The problems in Mississippi are grave ones for the Nation and they pose special difficulties for the simultaneous discharge of our respective duties. You suggest that the dual presence in Mississippi of the Department and the Commission might lead to complaints of harassment by the Federal Government, however groundless such complaints might be. More important, of course, is your concern that our presence in the State might prejudice or give the appearance of prejudicing the outcome of your litigation. Faced with the possibility of such damage to our common cause, the Commission would be remiss not to yield to your request to forgo, for the time being, its scheduled public hearing.

We must state in all candor that this decision is difficult for us, since our preliminary investigations indicate the existence of a situation in Mississippi which urgently demands the factfinding activities the Commission is uniquely able to provide.

As you know, Congress created the Commission expressly to investigate denials of equal protection wherever and however they exist in our Nation. Almost since its inception, the Commission has been receiving complaints alleging racial discrimination in Mississippi. Staff investigators have been active in the State since 1959. Evidence produced over a period of several years impelled the Commission to schedule a public hearing in Mississippi in October 1962. This hearing was postponed at the Department's request due to events surrounding the then pending admission of Mr. Meredith to the University of Mississippi. The hearing was rescheduled for December 1962 and then postponed again until January 1963 to avoid complicating the task of the Department. While recognizing the need for those postponements, the Commission feels that neither the delay nor the events in Mississippi which precipitated it relieves the Commission of its responsibilites.

While the Department has the power to prosecute and is the executive agency with prime responsibility for taking action to eliminate specific deprivations of constitutional rights, the Commission also has statutory obligations it must discharge. Additionally, we feel that our public hearings conducted in many States have served to acquaint both Federal and State officials and the local public with relevant facts which can lead to correction at all levels.

It has been our conclusion that the scheduled hearing would isolate the facts and circumstances responsible for civil rights denials in Mississippi, and would produce the evidence necessary to fulfillment of our statutory duty, including the formulation of appropriate recommendations to the President and to the Congress. In addition, it would serve to acquaint citizens of Mississippi with many conditions which by and large may be unknown to them.

The evidence at hand suggests that the few persons in Mississippi who have spoken out for law and order have been subjected to increasing harassment and intimidation. This has certainly been the case with the courageous members of our Mississippi Advisory Committee, who have consistently urged us to hold hearings in the State. This committee, composed of both white and Negro native Mississippians, has shown great courage in the discharge of its authorized function in the face of unusual difficulties, and we cannot dismiss lightly our obligation to support them and other advisory committees in like circumstances.

These factors have compelled the Commission to conclude that it has a vital service to perform in Mississippi and that we would be remiss in our duties if we did not continue our investigations. But in view of your opinion, the Commission will again postpone its scheduled hearing in Mississippi to avoid embarrassment to the Department or the judiciary. We will, of course, press our current investigations vigorously to the end that our reports to the President and to the Congress will be soundly conceived and thoroughly documented.

Your offer to meet with the Commission to discuss this matter of great public importance is appreciated deeply. While such a meeting does not seem necessary at this time, it is essential that we continue to receive the assistance and cooperation of the Department of Justice as we carry out our factfinding activities in Mississippi.

Sincerely,

JOHN A. HANNAH,
Chairman.

Mr. SCOTT. Mr. President, on March 21, 1963, the late President Kennedy, when asked in a news conference if he felt the Mississippi hearings should be delayed any longer, said "No." He further said:

> Anytime any hearing that they feel advances the cause or meets their responsibility which has been entrusted to them by the law, then they should go ahead and hold it.

The President's statement was interpreted by the Commission as an indication that they could go ahead with their planned hearings in Mississippi. A check with the Department of Justice revealed that the Department still opposed the Commission holding a public hearing in Mississippi. Thus, the Commission had been rebuffed for a fourth time.

A letter outlining the Department's view on the question was sent by the Attorney General to Chairman Hannah on March 26, 1963. I ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 26, 1963.
Dr. JOHN A. HANNAH,
Chairman, U.S. Commission on Civil Rights,
Washington, D.C.

DEAR DR. HANNAH: In view of the question asked the President in his news conference last week, I have been asked through Mr. Berl Bernhard whether there has been any change in the situation which affects my views as to the propriety of the Commission holding public hearings in Mississippi at this time.

In my view, the reasons against such a step which are set forth in my letter of December 15 to you on this subject are still valid. Preliminary motions in the contempt case before the court of appeals have been argued. One of the major matters under submission to the court now is the question whether or not a jury trial will be necessary. Although the Department expressed its view to the court that trial by jury is not necessary, the court has thus far given no indication of what its views are on this question.

While this case is pending, I continue to hold the view that a public hearing in Mississippi by the Civil Rights Commission would not be appropriate. In the meantime, I hope that the work of the Commission staff can continue as in the past on the question of the operation of Federal programs in Mississippi as elsewhere.

If the Commission wishes to meet with me or my representatives concerning any of the work of the Department of Justice in Mississippi, in connection with voting matters or otherwise, I would be glad to arrange that at your request.

Sincerely,

ROBERT F. KENNEDY,
Attorney General.

Mr. SCOTT. Mr. President, 2 days later, the Commission was attending a hearing in Indianapolis. The disappointment over being unable to go to Mississippi, coupled with a series of tragic occurrences in that State, provided the catalyst for the now famous but still much misunderstood interim report with respect to the status of equal protection of the laws in Mississippi, of April 16, 1963.

The reaction to that report has been vehement and generally unfavorable. It has become the principal target for opponents of the Commission who cite it as perhaps the most extreme example of the Commission's bias in the field of civil rights. The Commission did not, as is widely assumed, advocate or demand that Federal funds be cut off peremptorily from the State of Mississippi. What the Commission said is as follows:

> We urgently request that the Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States; and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi, until the State of Mississippi demonstrates its compliance with the Constitution and laws of the United States.

Now is this not precisely what would be accomplished by title VI of H.R. 7152? Is it such a radical and dictatorial proposal after all?

Mr. President, so that Members might refresh their memories of the contents of this "notorious" document, I ask unanimous consent that the special report with respect to the status of equal protection of the laws in the State of Mississippi, April 16, 1963, may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INTERIM REPORT OF THE U.S. COMMISSION ON CIVIL RIGHTS

Pursuant to its statutory duty to submit reports to the President and to Congress at such times as either the Commission or the President shall deem desirable, the U.S. Commission on Civil Rights submits the following special report with respect to the status of equal protection of the laws in the State of Mississippi:

Since October 1962, the open and flagrant violation of constitutional guarantees in Mississippi has precipitated serious conflict which, on several occasions, has reached the point of crisis. The U.S. Commission on Civil Rights has become increasingly alarmed at this defiance of the Constitution. Each week brings fresh evidence of the danger of a complete breakdown of law and order.

Citizens of the United States have been shot, set upon by vicious dogs, beaten, and otherwise terrorized because they sought to vote. Since October, students have been fired upon, ministers have been assaulted, and the home of the vice chairman of the State advisory committee to this Commission has been bombed. Another member and his wife were jailed on trumped up charges after their home had been defiled. Even children, at the brink of starvation, have been deprived of assistance by the callous and discriminatory acts of Mississippi officials administering Federal funds.

All this affronts the conscience of the Nation.

The Commission is fully aware that the administration has followed developments in Mississippi closely, that it has taken strong and vigorous action in assuring that violators of Federal law are prosecuted, and that court orders are enforced. Despite the diligent and aggressive handling of each case as it has arisen, the Nation must be concerned that the pattern of unlawful activity shows no sign of abating. Moreover, 9 years after the Supreme Court unanimously decided that segregation in public elementary and secondary schools violates the equal protection clause of the Constitution, Mississippi has taken no step to comply with the law of the land.

Since its organization, the Commission has been deeply concerned with developments in Mississippi. Its hearing scheduled for October 1962 in that State was first postponed at the request of the Attorney General of the United States and finally canceled. On March 26, the Attorney General, after referring to the Barnett case, stated:

"While this case is pending, I continue to hold the view that a public hearing in Mississippi by the Civil Rights Commission would not be appropriate. In the meantime, I hope that the work of the Commission staff can continue as in the past on the question of the operation of Federal programs in Mississippi as elsewhere."

Since October the Commission has received more than 100 complaints from Mississippi alleging denials of constitutional rights. Investigation of these complaints, reports of our State advisory committee and other evidence confirm the conclusion of the Commission that prompt and firm action is now required. The Commission has concluded unanimously that only further steps by the Federal Government can arrest the subversion of the Constitution in Mississippi.

The Commission notes the action taken by the President of the United States in employing the force necessary to assure compliance with the court decrees in the University of Mississippi case. It is mindful of the unequivocal public statements of the President expressing his belief that discriminatory practices are morally wrong. The Commission, nevertheless, believes that the President should, consistent with his constitutional and statutory authority, employ to the fullest the legal and moral powers of his office to the end that American citizenship will not continue to be degraded in Mississippi. We urgently request that:

1. The President formally reiterate his concern over the Mississippi situation by requesting all persons in that State to join in protecting the rights of U.S. citizens, and, in accordance with his duty to take care that the laws be faithfully executed, by directing them to comply with the Constitution and laws of the United States.

2. The President continue and strengthen his administration's efforts to suppress existing lawlessness and provide Federal protection to citizens in the exercise of their basic constitutional rights.

3. The Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States; and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi, until the State of Mississippi demonstrates its compliance with the Constitution and laws of the United States.

The people of Mississippi and of the other States should know that according to information available to the Commission in fiscal year 1962, the Federal Government received from all sources in Mississippi $270 million. During the same period, payments from the Federal Government to the State, counties, municipalities, and individuals exceeded $650 million for grant-in-aid programs, U.S. Corps of Engineers construction contracts, military prime contracts, and direct civilian and military payrolls. Examples of additional Federal programs benefiting Mississippi include area redevelopment loans and grants, small business loans, accelerated public works projects, and Federal Aviation Agency grants.

Massive assistance to the economy of Mississippi has continued past the time when the State placed itself in direct defiance of the Constitution and Federal court orders. For example, the National Aeronautics and Space Agency is proceeding with plans to build a $400 million moon rocket engine test center in Pearl River and Hancock Counties, Miss.

Taking into account the need to comply with statutory requirements which limit the discretion of the executive branch, and recognizing that the location of large Federal installations must reflect national needs, the Commission believes there is an overriding constitutional obligation to make certain that Federal funds are expended in a manner which will benefit all citizens without distinction. The Federal Aviation Agency failed to take cognizance of such an obligation when it granted $2,180,000 for the construction of a jet airport to serve Jackson, Miss., without questioning the airport's plan to build separate eating and restroom facilities.

The financial benefits accruing to Mississippi and its citizens as a result of Federal programs are necessarily financed by American citizens throughout the Nation. The Commission deems it appropriate and desirable that the legislative and executive branches of the Federal Government inquire into the moral and legal considerations arising out of a situation where, in large measure, the lawless conduct and defiance of the Constitution by certain elements in one State are being subsidized by the other States.

The Commission does not want the people of Mississippi, either Negro or white, to lose benefits available to citizens of other States. Rather, its goal is that all citizens in the United States be assured the full enjoyment of the rights guaranteed by the Constitution. It is upon adherence to that great charter with its powerful moral premises that our survival as a free society depends.

Respectfully submitted.

John A. Hannah,
Chairman.
Robert G. Storey,
Vice Chairman.
Rev. Theodore M. Hesburgh, C.S.C.
Robert S. Rankin.
Spottswood W. Robinson III.
Erwin N. Griswold.

April 16, 1963.

Mr. SCOTT. Mr. President, I ask unanimous consent that immediately following that report an article entitled "The Role of the Civil Rights Commission," written by Barbara Carter, and published in the Reporter magazine of July 4, 1963, may be printed in the Record. The article describes in some detail a number of the events which I have discussed.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Role of the Civil Rights Commission

(By Barbara Carter)

On April 17, a surprising story appeared in the New York Times. "President Urged To Cut Off Funds for Mississippi," the headlines read. "Action To Halt 'Breakdown of Law and Order' Urged by Civil Rights Commission."

The President immediately took issue with the idea. "I don't have the power to cut off the aid in a general way," he argued, "and I think it would probably be unwise to give the President of the United States that kind of power." Officially rebuked, the Commission turned to face the mounting protest to its suggestion in the days that followed with as much dignity as it could muster. Criticism, of course, from Mississippi was to be expected. "Meddling of busybodies," said Senator Stennis. "Most monstrous libel," said Senator Eastland. "The motel crowd" was the touch added by Congressman John Bell Williams.

Throughout the country the press competed for substitutes for "silly," "absurd," and "shocking." "Tub thumpers" came from the Casper, Wyo., Tribune and Star, "Fascistic civil righters," from the Richmond, Va., Times-Dispatch, and "woodshed punishment," from the Los Angeles Herald-Examiner. Hodding Carter noted ungraciously that "some smart aleck who didn't know what he was talking about was behind that." And the Jackson Clarion-Ledger and Daily News took space "to commend the vast majority of the Nation's press," on what may very well have been its first occasion to do so on the matter of civil rights.

The proposal was not altogether without support, however. Roy Wilkins of the NAACP pointed out that his organization and 35 others "heartily" endorsed it (they had, in fact, made a similar recommendation 2 years earlier), and several Senators, including Republicans Kenneth Keating and Jacob Javits, of New York, and Democrat Philip Hart, of Michigan, announced that they were either preparing legislation or asking for Executive action to further the idea.

But most seemed to agree with James Reston of the Times that "Mississippi Needs Help, Not Federal Fund Ban," and many supported his argument that the State should be treated like an underdeveloped country and given development grants and technical assistance and a "cataract of teachers, technicians, and industrialists."

Reston's suggestion echoed an earlier one by the Civil Rights Commission itself. In a 1961 study of 21 southern black-belt counties, the Commission had found that segregation was just as much a fact of life where Negroes voted as it was where they did not; though the few counties where Negroes could vote were for the most part better off economically, voting alone brought "few meaningful differences." The Commission suggested then that the key to voting rights and better race relations might be economic progress. It recommended at that time more agricultural aid to the black-belt areas undergoing change, more Small Business Administration loans to help diversify their economy, and more assistance in training and relocating farm families—all to "promote the kind of economic climate that encourages better race relations." Thus the Commission's newest proposal seemed to contradict its own earlier suggestions.

MISREPORTED AND MISUNDERSTOOD

It turns out, however, that the Civil Rights Commission had never meant to suggest that all Federal funds be withdrawn from Mississippi, or that any funds going to individuals such as social security or welfare payments should be cut off. "We were misreported," Berl Bernhard, the Commission's staff director, told me. "Even our friends misunderstood."

"If we had just underlined the words 'consider' and 'explore,' " one of the Commissioners said, pointing out the difficulties involved in drafting a statement by "six people widely separated geographically" who didn't always agree. Three of the Commissioners, Robert

G. Storey, of Southern Methodist; Robert S. Rankin, of Duke; and Spottswood W. Robinson, III, of Howard, a Negro, are from the South. The remaining three, Erwin N. Griswold, of Harvard; the Reverend Theodore M. Hesburgh, of Notre Dame; and the Commission's Chairman, John A. Hannah, of Michigan State, are from the East or Middle West.

But even with underlining, it is easy to see how the report could have been misinterpreted. For while it did suggest that the President only explore his legal authority, it was his authority "to withhold funds" until the State "demonstrates its compliance with the Constitution" that was to be explored. And while it asked Congress and the President only to "consider" whether legislation was appropriate "to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution," it seemed almost to give more importance to where the money came from than to how it was used. This, coupled with the flat statement that Mississippi received more than $650 million a year from the Government, a figure that included social security payments, veterans' benefits, and military pay, certainly sounded as if all Federal funds were to be withheld—withheld, moreover, for an indefinite time. Who could determine when Mississippi had fully complied with the Constitution in every respect?

Yet, in all fairness, it must be said that nowhere did the report specifically recommend that all or any Federal funds to the State be immediately cut off. Three times before, however, in its 6-year life, the fact-finding agency had quietly recommended withholding funds in specific programs—library services, research grants, and half the aid to education—until some compliance was reached, without causing a nationwide protest.

"The report was not intended to be punitive," Bernhard explained. "After all, the commissioners are intelligent and sensitive men, and aware of the limitations to the President's power." What they had in mind was a program-by-program review of Federal money going to the State, particularly grants-in-aid and matching funds, to make sure that Federal money was not being used to foster or encourage discrimination. Such a review would provide a "leverage for bargaining," which in turn might "stimulate the business community to cooperate." The Federal Government could also exercise discretion on where to locate new projects, and thus get "a minimum agreement on how a State will treat its citizens." The bargaining would be handled quietly; and even in situations where there was no compliance, "cutting off funds in grant programs would be the ultimate sanction." As an example of what was meant, Bernhard told of the success in getting a new Veterans' Administration hospital to open in Jackson on a partially desegregated basis several years ago because the Federal Government had insisted then that its funds could not be used to help out otherwise.

Unlike other reports prepared by the Commission, this one had to be brought together in a hurry, and was as much the result of irritation with the Attorney General as with events in Mississippi. Understandably, its quality was somewhat different from that of the Commission's usual lengthy reports. In October 1962, the Commission had scheduled hearings to be held in the State, but by December it had been forced three times to postpone them at the request of Robert Kennedy. The hearings were to be on a broad scale, covering discrimination in voting rights, discrimination in the schools, economic reprisals against Negroes, and the impact of various Federal programs in the State. But the Attorney General felt that the timing was bad. Criminal-contempt proceedings were pending against Governor Ross Barnett, just to cite one case, and the Commission reluctantly agreed that hearings might prejudice or hamper the work of the Justice Department in the State.

But on March 21, when the President was asked in a news conference if he felt the Mississippi hearings should be delayed any longer, he answered "No," and went on to say: "Any time, any hearing that they feel advances the cause or meets their responsibility which has been entrusted to them by the law, then they should go ahead and hold it." Several of the Commissioners felt that the green light had at last been given. But before setting a date, the careful staff director checked first with the Justice Department. "I continue to hold the view," Robert Kennedy replied stiffly in a letter on March 26, "that a public hearing in Mississippi by the Civil Rights Commission would not be appropriate."

"This the Commission took very hard," Commissioner Griswold said later in his office at Harvard Law School. "We had to get the responsibility for not having the hearings back to the administration, where it belonged." At the time, Dean Griswold explained, "A great many very bad things were happening in Mississippi and the Government was not doing anything appreciable about it. People were being shot at, the home of one of our State advisory committee members was bombed, another member had been jailed, and so on. We got the usual statements, 'We're looking into it,' but nothing was done. After the President made his TV speech during the crises at Oxford, he seemed to wash his hands of the matter."

Two days after the Attorney General forbade them, as Dean Griswold put it, to hold the hearings, the commissioners attended a 2-day hearing in Indianapolis, and there immediately drafted their report. Dean Griswold himself was not present but was called on the telephone, and the report was circulated for polishing and checking. When it was issued, less than 3 weeks later, it quoted from the Attorney General's letter of refusal after first setting forth the alarming account of citizens being "shot, set upon by vicious dogs, beaten, and otherwise terrorized * * *. Even children, at the brink of starvation * * * deprived of assistance * * *." The Attorney General's finding that the time was "not appropriate" for a hearing seemed inadequate indeed.

IS JUSTICE BLIND?

To the Commission it looked as if the Justice Department was concerned only with voting rights, to the exclusion of other equally important areas, and that its Civil Rights Division was solely intent on pushing its attack, case by case, with maddening slowness, through a bumpy terrain defended by southern judges. Moreover, it seemed that Robert Kennedy was jealous of his domain in the field of civil rights, and overconcerned that credit should go not only where it was due but where it would do the most good for the administration. The Commission, after all, is an independent agency, and was set up in 1957 under Eisenhower.

"I would like it," Dean Griswold said, "if greater cooperation could be developed between us. We're both on the same team. We can do some things they can't do. At times, there is a sense of competition, a fear that we'll interfere, or maybe that we'll get some credit. I'm not interested in credit, or in competition."

"Time after time," one of the Commission's staff said, "I find myself defending the Department of Justice. Of course, they have valid reasons for their actions. And I must say, whenever I run across the Department of Justice personnel in the field, I am damned impressed. But, with all kinds of compassion, I'd say, 'Be a little braver, boys.'" Words such as "overprotective," "hypersensitive," and even "patriarchal" were used by Commission staff members in analyzing the Department of Justice.

In the lower echelons of the Justice Department, rather unkind things can also be heard about the Civil Rights Commission. "Don't quote me," I was told, "but they've outlived their mandate. They've got all the facts they set out to collect, and they don't know what to do next to keep business." But Deputy Attorney General Nicholas Katzenbach's comments about the Commission are not so blunt. "They're very unhappy over there," he said sympathetically. "They say things are not going fast enough, and maybe they're right. Things had better be solved, and relatively fast. But it's a difficult process to speed up, particularly in Mississippi. In other places, we've been making progress remarkably fast, and peacefully." He had seen the Commission's latest report, even before it was issued. "No, we didn't try to stop it. I did make suggestions, however. I said it used too many plurals." He referred to the part about citizens being shot and ministers being assaulted. "Often they just had 2 examples, but it sounded like 30 a day. The problem is real," Katzenbach continued: "The events did occur, and I don't want to minimize their seriousness, but the Commission overdramatizes. It's better to be specific."

"Their approach is somewhat of a do-it-or-else approach. It's not calculated to induce cooperation." In contrast, the Justice Department "tries to work quietly with people behind the scenes and head off situations. Time and again we've had success precisely because we haven't got publicity. Birmingham illustrates the difference. We don't point out, 'This mayor here has reformed now.' And we get results, although listing them in detail would put the finger on people. We've had quite a bit of luck in avoiding lawsuits, and it's an even chance now that the registrars will turn over their voting records on request and will start registering Negroes."

While the Commission would not deny the value of the quiet approach, it might ask if the Justice Department's behind-the-scenes approach has not on occasion been used to cover up omissions as well as get results. The Civil Rights Division is woefully understaffed, and it is understandable how some cases could languish in the files. This situation obviously tends to create friction and breed suspicion.

On certain points, the Department and the Commission are simply in open disagreement. One is the value of hearings in Mississippi. Katzenbach, though "not really opposed," felt that "hearings are most effective where they can reasonably be calculated to make decent citizens aware of things and want to do something about them. I'm not sure," he said, "that the decent elements are sufficiently organized in Mississippi to do that." The Commission's work, he felt, would only be regarded with hostility and mistrust. And undoubtedly he felt that the Justice Department's work in Mississippi was far more important than any hearing and that matters of timing should be subservient to it. The Commission, on the other hand, did think its hearings would be of some value, and reasoned, too, that they might relieve the Justice Department of some of the onus of initiating action. The facts would be presented publicly and the Department would then seem to be forced to act.

Another point concerns suits brought against police brutality. "Why don't they bring more" one of the Commission's staff complained. "It seems they only bring a case when they're sure of winning."

"Sure we're reluctant to lose," Katzenbach agreed. "We do bring cases against police brutality, but we have to convict. They're very difficult to prove. Suppose you lost 30 suits. It wouldn't cut down police brutality, and it would give it license."

"Still, they ought to bring more," replied a Commission staff member. "It would demonstrate the inability to meet the need at the present time, and the need for different legislation."

AT ODDS WITH THE PRESIDENT

Where the Commission would like the Justice Department to move over and give it a little more room to operate in Mississippi, its argument with the President is just the opposite. The President, it appeared, moved only "situation by situation," as he said in his May 9 press conference, and, in pressing a balky Congress for new legislation, ignored his own powers to make effective his previous Executive orders in housing and employment or to issue new ones. The Commission would be happier, it seemed, if the President were more involved than his brother. Though encouraged by the President's recent vigorous actions in the field of civil rights ("commendable" and "forthright" were Dean Griswold's adjectives), the Commission feels the President can still do more, particularly in Mississippi. "When Kennedy dismissed our report," Dean Griswold remarked, "he said he had no powers, which wasn't accurate. Moreover, it creates a negative atmosphere and encourages people not to comply."

What the President actually said, however, was that he had no power to summarily cut off all Federal funds to Mississippi, which is true. But in the same news conference he said, "We shall continue not to expend Federal funds in such a way as to encourage discrimination," which is not true. And not true particularly in Mississippi, which gets more Federal benefits than any other State, if the large defense expenditures in Nevada and New Mexico are not counted.

Clyde Ferguson, the Commission's general counsel, has been conducting an intensive study of Federal funds in Mississippi since last July. "We approached Mississippi," he said, "as if it were pitted against the Federal Government, but the most striking thing we found was the presence of the Federal Government, in its aid programs and other activities, throughout the State." Here are some of the things the Commission was interested in:

The school lunch program, supported by Federal funds, is in certain areas apparently administered on a discriminatory basis. In some counties where the Negro schoolchildren outnumber the white, a far greater proportion of the white children receive free school lunches.

The Federal Government spends an annual total of $91 million for 17,000 Federal employees in the State. Yet of the 3,800 post office employees in the State only 134 were Negro, and of these only three, who worked in all-Negro post offices, earned more than $4,600 a year. Investigation of other Federal services would probably reveal comparable figures.

Research grants from the Department of Health, Education, and Welfare and the Department of Agriculture are given only to white institutions in the State.

The Federal Government gives nearly $200,000 annually in matching funds for public libraries in Mississippi. Though the Library Service Act of 1956 requires that libraries getting aid must make their services "available to all residents" and specifically empowers the Commissioner of Education to withhold funds where there is "failure to comply," libraries in the State are segregated, and facilities for Negroes are either nonexistent or decidedly inferior.

Federal training programs under the Manpower Development and Training Act have been operated on a segregated and unequal basis. Two of the three training centers in the State were for whites only. Negroes were offered training only as woodworking-machine operators, while the whites were offered a number of courses in skilled trades.

Money from the Public Health Service was granted and funds from the Office of Vocational Rehabilitation have been approved for the new Convalescent and Rehabilitation Center for the mentally retarded at Ellisville. The facility there is not open to Negroes.

The Federal Aviation Agency granted $2,180,000 for the construction of a jet airport in Jackson, undeterred by the fact that separate eating and restroom facilities are part of the plan.

"Why in the world Federal money should be spent on such a building," Dean Griswold said, referring to the plans for the jet airport, "is more than I can understand. The President has since assured us that it will not be segregated, but why should we pay for the symbolism of going ahead on that basis?

"The purport and thrust of our report," Dean Griswold continued, "was that Federal money bolsters and encourages segregation, and that the President and Congress should explore their power to prevent it." If the Commission's report were to have this effect, then perhaps it will deserve praise after all. Certainly one way to start a change in Mississippi would be to begin at the beginning and make sure at least that the Government's own programs are not discriminatory. As the President said, "I don't think that we should extend Federal programs in a way which encourages or really permits discrimination. That's very clear."

A NEED FOR RESOURCEFULNESS

It may require more finesse to win cooperation with new programs in the State. "This moon-rocket thing," Dean Griswold explained, referring to the National Aeronautics and Space Administration's plans to build a $400 million moon rocket engine test center in Mississippi. "If scientists tell us that there is a site in Mississippi superior to any site available, well, there's not much we can do. But if five sites, equally good, are available, then I think its entirely in order for the President to select a different site. It isn't just punishment, but everybody knows how Mississippi discriminates. We wouldn't be able to employ any Negro carpenters or bricklayers, since none are in the unions there." He agreed that changing the site wouldn't help the Negroes any, but added that it wouldn't harm them either. His point was confirmed by a former member of the Justice Department's Civil Rights Division who recently said: "I know well, for example, one Mississippi county where in the last decade seven industrial plants have been established. Not a single one of these factories employs a Negro."

The Commission's general counsel noted that the retraining program fiasco a year and a half ago provided another example of the difficulties involved in increasing technical aid to the State. At that time, a program to train 1,200 farmhands to drive tractors was about to be launched, and $435,000 of Federal money had been provided under the Area Redevelopment Act. Only a few days before the program was opened, however, the delta planters who had drawn up the plan withdrew, and the whole thing was canceled. Though the training was desperately needed, the planters had had second thoughts about the advisability of accepting Federal funds. Fear of upsetting the racial status quo was the predominating motive, but there were also vague fears that the program would bring in a minimum wage or minimum housing standards in some unexplained way.

Reaching Mississippians and informing them of what can be expected as a result of Federal aid and what Federal aid can do will take a good measure of resourcefulness. Unfortunately, the newspapers in the State cannot be counted on to give constructive information about aid programs. When the Commission issued its recent recommendations on Mississippi, for example, the editor of the Jackson Daily News itemized the funds he thought the President had been asked to cut off, and found on his list a million dollars in redevelopment programs. "We're not clear on this fund," he wrote, "but we'll make a deal. Mississippi will give it up if the Federal Government will abolish the equally expensive Civil Rights Commission."

Whether the editor will ever get clear on redevelopment programs is difficult to say, but it is pretty sure he won't get his wish about the Commission's demise. Although its term expires this fall, the President has asked that its life be extended for at least 4 years.

The Commission would be the first to agree with the crack about its having got all the facts it set out to collect, but not about its not knowing what to do next. "If fact-finding were to continue to be the only function of the Commission," one of its recent memorandums stated, "it might be preferable for the agency to be terminated." Instead, the time has come for action. "In many areas of Federal programs, the problem has not been the absence of policy so much as difficulties in implementing adequately existing rules and regulations requiring nondiscrimination.

Who should advise the Government on administrative techniques that would carry out its presently ineffective regulations regarding nondiscrimination, and who should take on the broader role of guiding communities toward workable programs for civil rights progress? The Commission itself, not surprisingly, has stepped forward for the job, and it ought to be recalled that the idea for the agency first sprang from the Justice Department, which long ago recognized the need for an independent group to gather the facts and expose the patterns of injustice in the field.

In 6 years the Commission has gained broad and valuable experience in analyzing civil rights, not only in voting but in education, housing, employment, and the administration of justice. A number of its recommendations have provided the basis for congressional action or have been put into effect by Executive order. As the President has said, the Commission "is now in a position to provide even more useful service to the Nation."

Mr. SCOTT. Mr. President, I have discussed these questions at some length, in order to bring home as forcefully as I can some of the problems which have been confronted by a to date impermanent Commission on Civil Rights. Congress should give the Commission permanency, in order that it may have the independence and autonomy which it sorely needs to operate on a sound, efficient and, above all, constructive and imaginative basis. I am confident that with a permanent status the U.S. Commission on Civil Rights will render greater and more distinguished service to the cause of equal rights for all Americans.

A REPLY TO CRITICISMS OF THE COMMISSION

Among many complaints made against the Commission on Civil Rights are that it is biased, totally lacking in objectivity and that its reports and recommendations are radical and extreme. The obvious question that must be answered is this: Are the facts inaccurate on which the Commission on Civil Rights bases its reports? Are they in any way untruthful? Are they describing a never-never land, or are they giving an accurate depiction of the facts? If the Commission's research and scholarship is at fault, then legitimate questions can be raised as to its fairness and objectivity. But until such information disproving and disputing the facts of the Commission is brought to light, charges of the Commission's bias and prejudice will fall on deaf ears. If such information were available, I am certain that it would have been brought to light long ago.

The fact, of course, is that no one agrees with all of the Commission's recommendations. The Commissioners themselves are often divided in the remedies they propose, to cope with our Nation's civil rights maladies.

It is now fashionable to say that the Commission is not what it used to be. It is said that in the early days of its work, Commissioners Storey, Battle, and Carlton in 1959, and Storey and Rankin in 1961, expressed vigorous dissents, but that in 1963 all is sweetness and light without a murmur of discord to be heard. While it is true that the Commission's recommendations have fewer dissents today than they did in the early years, there may be some good reasons for it totally unrelated to charges that the Commissioners have been brainwashed and are a less representative body than they used to be.

Let us see what Commissioners Storey and Rankin say in their concurring statement on the Commission's voting recommendations in its 1963 report:

> CONCURRING STATEMENT OF VICE CHAIRMAN STOREY AND COMMISSIONER RANKIN
>
> (From the report of the U.S. Commission on Civil Rights, 1963, pp. 30–31)
>
> The right to vote is the cornerstone of our democratic society. A citizen's respect for law rests heavily on the belief that his voice is heard, directly or indirectly, in the creation of law. And his sense of human dignity depends on his receiving the same treatment at the registrar's office and at the voting booth as is accorded to his fellow citizens. Yet, today, thousands of citizens—of the United States and their respective States—have no effective right to vote in parts of seven Southern States.
>
> We have never questioned the legal and moral right of qualified citizens to vote. Our past disagreement with proposals such as those in which we now join was concerned only with means, not ends. In 1959, and again in 1961, there was reason to believe that the right of every qualified citizen to vote, irrespective of his color, race, religion, or national origin, could become a reality without disturbing, even temporarily, our longstanding Federal-State relationships. We had hoped that an increasing awareness of the 14th and 15th amendments would bring about a greater acceptance of their commands. Moreover, new legislation embodied in the Civil Rights Acts of 1957 and 1960 remained at that time untested.
>
> Now, 2 more years have passed since the most recent of these acts. The evil of arbitrary disfranchisement has not diminished materially. The responsibility which must march hand in hand with States rights no less than with civil rights has, as to the right to vote, often been ignored. Progress toward achieving equal voting rights is virtually at a standstill in many localities. For these reasons we have concluded sadly, but with firm conviction, that without drastic change in the means used to secure suffrage for many of our citizens, disfranchisement will continue to be handed down from father to son.
>
> The present proposals set exacting standards at the same time as they provide for a flexible attack on discrimination in voting so that the disruption of traditional Federal-State relationships will be only so great as is necessary to achieve the necessary constitutional goal of equal voting rights for all our citizens.
>
> * * * * *
>
> It is shortsighted indeed to force citizens of the State to look to the Central Government alone for vindication of rights about which there is no substantial disagreement. As we have said on so many occasions: Civil rights carry with them civil responsibilities. So, too, States rights carry with them State obligations to all its citizens.

The reason for this change of heart by the Commissioners is clear. Progress has been all too slow. From their vast experience they have come to a sad but perhaps inevitable conclusion that more drastic means are required "to secure suffrage for many of our citizens." Those who are troubled by this change of heart should examine why it has come about before they attack the Commission. It would thus seem that greater exposure to the problem brings about a greater impatience with its failure to be solved.

On March 26, 1963, the distinguished Senator from Illinois [Mr. DIRKSEN] addressed himself briefly to title V of the civil rights bill. He said:

> Now that we are adding more duties and functions to the activities of the Commission, should not that Commission be subject to the same rules of procedure which have been carefully developed for all of the other departments and agencies of this Federal Government, excluding only the military or naval functions, court-martial, and the like. The Administrative Procedure Act is not perfect; and I have sponsored and cosponsored proposed legislation to improve it. But it does set out the basic essentials of fair proceedings.
>
> It provides for adequate notice of a hearing, instead of an announcement "in an opening statement" of the subject of the hearing.
>
> It requires that the rules of Government agencies and commissions be published in the Federal Register.
>
> It provides more completely for the right to counsel, instead of the limited right to counsel "for the purpose of advising witnesses concerning their constitutional rights."
>
> It provides for the conduct of hearings in which a record is to be made and the decision is to be based on the record.
>
> Certainly we should consider carefully whether the provisions and the safeguards of the Administrative Procedure Act should not be made clearly applicable to the proceedings of the Civil Rights Commission (CONGRESSIONAL RECORD, Mar. 26, 1964, p. 6448).

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. The Senator agrees, I am sure, that those of us who advocate that the Civil Rights Commission be made permanent have no objection, and in fact would be in favor of adequate procedural rules.

Mr. SCOTT. I can see no objection to carefully drafting adequate procedural rules. Although I will not commit myself to any particular language, certainly the suggestion is meritorious that we conform to fairplay procedures throughout.

The Senator from Illinois [Mr. DIRKSEN] has raised the same issue which was thrashed out by the Congress in 1956–57 at the time of the inception of the Civil Rights Commission. The argument against what the Senator from Illinois [Mr. DIRKSEN] is proposing is as valid today as it was in 1957 and as it was when the question was tested in the courts, *Hannah* v. *Larche,* 360 U.S. 420 (1960).

If it is true that the procedural rules of the Civil Rights Commission do deprive witnesses appearing before the Commission of the rights of appraisal, confrontation, and cross-examination which in some instances could violate the requirements of due process, that is not the basic issue at stake. Proceedings of the Commission on Civil Rights are not criminal prosecutions to which the sixth amendment to the Federal Constitution applies. The Commission does not adjudicate or make binding determinations of a quasi-judicial nature which are governed by the Administrative Procedure Act. Hearings before the Commission are not rulemaking proceedings and therefore do not fall within the coverage of the Administrative Procedure Act.

I agree with the Senator from Massachusetts [Mr. SALTONSTALL] that wherever we can make the act clearer and fairer we should do so.

The crucial distinction is clearly stated in the opinion of the Supreme Court in *Hannah* v. *Larche,* 363 U.S. 410 (1960) which tested the validity of the Commission's procedural rules:

> As is apparent from this brief sketch of the statutory duties imposed upon the Commission, its function is purely investigative and factfinding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative or executive action.

It is also a fact that the rules of the Civil Rights Commission closely correspond to the fairplay rules of the House committees. Such rules are necessary to prevent converting an investigation into a trial.

Although it is true that agencies of Government normally make determinations of a quasi-judicial nature, they also conduct purely factfinding investigations as well. It is only when they are doing the former that they are governed by the Administrative Procedure Act. Agencies such as the Federal Trade Commission and the Securities and Exchange Commission draw a clear distinction between adjudicative proceedings and investigative proceedings.

Presidential commissions have by and large adopted rules similar to those governing the proceedings of the Civil Rights Commission.

Justice Cardozo in *Norwegian Nitrogen Products Co.* v. *United States*, 288 U.S. 294, spoke eloquently on the distinction I am making. In that case the Court was asked to decide whether the Tariff Act of 1922 afforded witnesses appearing before the Commission the right to examine confidential information in the Commission files and to cross-examine other witnesses testifying at Commission hearings. Justice Cardozo:

> The Tariff Commission advises: these others ordain. There is indeed this common bond that all alike are instruments in a governmental process which according to the accepted classification is legislative, not judicial * * *. Whatever the appropriate label, the kind of order that emerges from a hearing before a body with power to ordain is one that impinges upon legal rights in a very different way from the report of a commission which merely investigates and advises. The traditionary (sic) forms of hearings appropriate to the one body are unknown to the other. What issues from the Tariff Commission as a report and recommendation to the President, may be accepted, modified, or rejected. If it happens to be accepted, it does not bear fruit in anything that trenches upon legal rights.

Justice Frankfurter in a concurring opinion in Hannah against Larche stated very clearly:

> Judgments by the Commission condemning or stigmatizing individuals are not called for.

Justice Frankfurter further states:

> Where the Commission exercising an accusatory function, were its duty to find that named individuals were responsible for wrongful deprivations of voting rights and to advertise such finding or to serve as part of the process of criminal prosecution, the rigorous protections relevant to criminal prosecutions might well be the controlling starting point for assessing the protection which the Commission's procedure provides. The objectives of the Commission on Civil Rights, the purpose of its creation and its true functioning are quite otherwise. It is not charged with official judgment on individuals nor are its inquiries so directed. The purpose of its investigations is to develop facts upon which legislation may be based. As such, its investigations are directed to those concerns that are the normal impulse to legislation and the basis for it. To impose upon the Commission's investigations the safeguards appropriate to inquiries into individual blameworthiness would be to divert and frustrate its purpose. Its investigation would be turned into a forum for the litigation of individual culpability—matters which are not within the keeping of the Commission, with which it is not effectively equipped to deal and which would deflect it from the purpose for which it was within its limited life established.

The final charge against the Commission to which I will respond has been given wide circulation by the Coordinating Committee for Fundamental American Freedoms, Inc., in its various pamphlets, brochures, and advertisements which are a part of its massive campaign to discredit and defeat the civil rights bill.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Does the Senator understand that an amendment to the bill would be necessary, or could proper procedures be outlined by administrative action?

Mr. SCOTT. I believe we should have advice on the subject before an amendment is submitted. I believe many of the procedures could be clarified and protected by regulation issued by the executive department under the Administrative Procedure Act.

Mr. SALTONSTALL. If an amendment were to be adopted, it should be a simple amendment, to make clear that Congress intended that proper procedural methods would be carried out by the Commission. Is that correct?

Mr. SCOTT. Yes. Considering the purposes of the Commission, such procedural methods should conform as much as possible to procedures in related agencies.

This committee with the long name charges that the Government is allowed to hold star chamber sessions and can imprison those who disclose, without permission, what went on behind its closed doors.

I sometimes wonder about these long-named committees, the Committee To Preserve the Constitution, the Committee To Protect Individual Freedom, or the Committee of Americans Who Will Not Submit to Tyranny. It seems to me that the longer the name, the shorter the purpose. The longer the name, the clearer it stands out that the purpose is to kill or to cut short. They seek, with a supposedly simple answer, to bring about a solution of the most complex problems of life. Therefore, I believe that we have here extremists, whether they be from the left or from the right, buying long advertisements in newspapers, at long prices, in their effort to destroy, uproot, subvert, and brainwash, to overcome opposition. What they are driving at is an attempt to cut off debate, to stop thinking, to prevent people from reasoning together, and to advocate oversimple solutions of problems that we have had for such a long time in our life.

Hitler had a simple solution. Mussolini had a simple solution. Mussolini ended with one of the simplest of all solutions, at a Milan gas station.

I fear these oversimple solutions, because they result from an unwillingness of people to fairly and honestly face the complex nature of a problem.

It is true that the Civil Rights Commission is authorized to hold hearings to investigate complaints of discrimination. It has had this authority since its establishment in 1957.

It is also true that if the Commission believes the testimony it receives might embarass, defame, or intimidate someone, it can hold the hearing behind closed doors. Unauthorized disclosure of these executive proceedings can result in a fine of not more than $1,000 or imprisonment of not more than 1 year. This penalty has existed since the Commission's inception in 1957. There is nothing unprecedented about it.

In fact, it is not intended to hurt anyone. On the contrary, it is intended to protect innocent persons from premature or improper disclosure of unsubstantiated charges which the Commission may be in the course of investigating.

The so-called secret star chamber sessions cannot result in harm to anybody. As I pointed out earlier the Commission's power is purely investigative. Its recommendations are in no way binding.

The procedures under which the Commission operates are in no way different from those utilized by congressional investigating committees.

While the use of the term "star chamber sessions" does tend to conjure up a lurid image in one's mind, the facts reveal that this charge is a blatant exaggeration whose utterance can in no way strengthen the cause of those who oppose the bill.

RECOMMENDATIONS FOR IMPROVING THE CIVIL RIGHTS BILL

When, last autumn, an agreement was finally negotiated on civil rights legislation by representatives of the administration and of both parties in the House of Representatives, a number of points had been established. One was that U.S. Civil Rights Commission would be made permanent. A second was that there would be no Community Relations Service in the bill. The minority had demanded this. The administration and the Democrats had acquiesced.

Unfortunately, the other body, during the deliberations last winter on civil rights legislation shortened the life of the Civil Rights Commission from permanency to only 4 additional years and it restored the Community Relations Service to the bill.

I propose that we make the Civil Rights Commission permanent. For this reason, I will offer, at the appropriate time, an amendment to accomplish this. I hope and trust that my amendment will receive bipartisan support, so to that we can have a real Civil Rights Commission and not just another temporary agency fearful for its own existence. If that amendment should be agreed to, I will then offer an amendment to fix the terms of the Commissioners in order that they might conform to the practice of other agencies in this regard.

As for the Community Relations Service, its restoration to the bill may prove to be virtually meaningless. I suggest to the Senate that it might consider eliminating the Community Relations Service from the bill, or thoroughly revising the language of title X covering this to eliminate conflict and ambiguity.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. Fundamentally, all that title V of the bill does, aside from extending the life of the Civil Rights Commission, is to give it two additional duties; first, to have it serve as a clearinghouse for information, so that all State or Federal agencies, or groups or individuals can be informed about what is going on in all sections of the country; and, second, to authorize it to investigate allegations of fraud or discrimination in Federal elections. Is that correct?

Mr. SCOTT. The Senator is substantially correct. There are other changes that I have already referred to, but these are the major purposes.

Mr. SALTONSTALL. These are the fundamental changes. Is that correct?

Mr. SCOTT. The Senator is correct.

I am a strong advocate of voluntary action and conciliation wherever it can lead to progress in race relations. I firmly believe that communication and cooperation must be improved between the races. I am fully cognizant of the progress that has been made through mediation and patient dialog.

But I must confess that one aspect of this proposal worries me and that is the possibility that the Community Relations Service is intended eventually to supplant the Commission on Civil Rights and that the Community Relations Service might well become the vehicle for delayed enforcement, selective enforcement, and even nonenforcement of such provisions of this bill as title II—the public accommodations title. I hope that I am wrong, but experience has taught me to be wary. And, too, I cannot forget the fact that the Senator who advocated the Federal Community Relations Service in 1960 because it employed what he called "the tools of peaceful persuasion" was the same Senator who was most instrumental in removing title III from the civil rights bill of 1957. At any rate, I am uttering a note of caution on this provision because the danger of it being used to delay enforcement of certain parts of the bill is too real to be ignored.

I tend to agree with the Senator from California [Mr. KUCHEL] who urged that careful consideration be given by the Senate to incorporate the proposed functions of a Community Relations Service within the Civil Rights Commission. But this suggestion too should be contingent on spelling out much more carefully the function of the Community Relations Service and only if the Commission on Civil Rights be made permanent.

Mr. SALTONSTALL. Mr. President, would the Senator yield?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. On that point, certainly, it is fundamental that if the bill passes with a provision for a permanent Civil Rights Commission and a Community Relations Service, the functions of the two agencies must be worked out very carefully at the start in order to avoid duplication and controversy between them, and also to make it possible for the Civil Rights Commission to carry out its objectives.

Mr. SCOTT. There is no question about it. Also, we must avoid empire building and bureau expanding, which is a national evil.

Mr. President, I have been engaged in spelling out the case for the Civil Rights Commission. I have discussed its role, its accomplishments, the provisions of title V and their justification. I have sought to refute the criticisms leveled against the Commission and, above all, I have tried to explain why many of us believe that the Commission on Civil Rights should be made permanent.

In concluding my remarks, let me say a few words about the role of my party in this historic debate and pay tribute to the bipartisan leadership on this bill.

I am proud that my party leads in its heavy percentage of support to strong civil rights legislation on the State and Federal levels.

Much that is contained in the bill is presently a part of the law of the Commonwealth of Pennsylvania and has been the law of Pennsylvania for many years, much of it by bipartisan action. Eighty percent of the members of my party voted for the civil rights bill in the House on February 10. It is inaccurate, therefore, to refer to this bipartisan civil rights measure as the administration bill or as anybody's bill, as if either party had the sole or dominant part in its creation. It is well known that the bill is a truly bipartisan effort, and it should be so described and accepted.

Finally, Mr. President, I commend the good faith, the dedication, and the brilliance of the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL] in channeling the forces of both parties into consideration of the provisions of H.R. 7152 on their merits. They have performed and will, I am sure, continue to perform yeoman service. I am proud to be associated with this historic effort. I pledge to them, and to the other supporters of the bill, my full support in our common efforts to pass effective civil rights legislation without undue delay.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. SALTONSTALL. The Senator from Pennsylvania has given a very full and accurate description of the Civil Rights Commission and has advanced sound reasons for making it permanent. I thoroughly agree with him.

As the original sponsor of a bill to make the Commission permanent, in which the Senator from Pennsylvania joined as a cosponsor, I would like to add a few remarks to what the Senator from Pennsylvania has said.

Mr. SCOTT. I am glad to yield to the Senator from Massachusetts with the understanding that I do not lose my right to the floor. I will yield to the Senator from Delaware [Mr. WILLIAMS] immediately thereafter.

Mr. SALTONSTALL. I shall speak with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS COMMISSION

Mr. SALTONSTALL. Mr. President, in March of last year I filed a bill to make the Civil Rights Commission a permanent agency and to expand the scope of its duties. Since its creation in 1957, this Commission has been extended by the Congress three times, in 1959, in 1961 and again last year. These temporary extensions, however, were provided only in the "11th hour," as it were, and by means of riders to other nongermane bills. The uncertainty resulting from this type of procedure has not been conducive to the orderly working of this valuable Commission. It has affected the nature of the Commission's work and has increased the difficulty of obtaining and retaining a competent, professionally trained staff.

I think it is important to have a body such as the Civil Rights Commission to which individuals, communities, and government agencies can turn for assistance and advice, and to which complaints of alleged deprivations of civil rights can be directed. This Commission has already made a notable contribution toward the understanding of the problem of discrimination in our country and what can and needs to be done about it. It has alerted many areas in the country to problems involving discrimination against their citizens or lack of equal opportunities and rights. In addition, the psychological impact on our society of the very existence of such a Commission whose services are available to all citizens cannot be underestimated.

About half of our States now have commissions on human rights. In Massachusetts we have a Commission Against Discrimination which has proved very helpful in this area.

Mr. President, when I was Governor of Massachusetts, we had a racial problem in one of our communities. I appointed a group of five distinguished citizens of different religious beliefs, different sectional areas, and different races to study the problem. We worked out a solution through cooperation. That committee was the forerunner of our present Commission.

From my service as Governor of our Commonwealth I know the value of having available a group of distinguished citizens who are interested in working on such problems and to whom people can turn when instances of discrimination arise in any part of their community. I believe that there is a need for this type of service on the national level as well.

Title V of the pending bill makes certain changes in the existing law which established the Civil Rights Commission and adds two new duties for the Commission. It includes clarifying language with respect to the procedures used by the Commission in conducting executive and public hearings. If at an executive session of the Commission, the Commission determines that any evidence given tends to defame or degrade an individual and the Commission determines to hold a public hearing on the matter, such person shall be afforded an opportunity to appear voluntarily as a witness and bring additional witnesses in his behalf. This language makes the Commission rules of procedure comparable to the House fairplay rules.

This is a liberalizing—if we may use that word—provision which would be of assistance to anyone who is called before the Commission.

The bill authorizes the Commission to serve as a national clearinghouse for information on equal protection of the laws. I think this is an important new function which will provide assistance to the many groups, individuals, and public and private agencies that are working in the area of civil rights and opportunities. The Commission would be able to furnish valuable assistance in respect to the equal protection of the laws in such fields as voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice.

Title V also gives the Commission authority to investigate alleged instances of fraud in voting procedures and the denial of the right to have votes properly counted in Federal elections. The right to vote and to have one's vote counted is the most basic civil right in our system of government. We must be sure that this right is not denied to any citizen. This section empowers the Civil Rights Commission to investigate allegations of any irregularities in this important area. I think that there is need for this provision and I hope that efforts by the Commission will lead to action to insure that this right is carefully guarded for all citizens.

The pending bill provides a 4-year extension for the Civil Rights Commission. Personally, I believe that the Commission should be granted permanent status. Several of the suggestions and recommendations of the Commission, which have resulted from their investigations and studies, have been implemented by executive or legislative action or are presently under consideration here today. Since the 1957 Civil Rights Act was passed, we have had considerable experience in the field of civil rights. The problem of discrimination and equal rights for all our citizens is not one which can be solved overnight or by the passage of one law, or the promulgation of one Executive order. It is an area of continuing concern for all of our citizens and applies to all groups in all parts of the country. I believe, therefore, that this challenge can best be met by having a permanent body within our Government which can undertake both short-range and long-range studies in areas of demonstrated need. The Commission cannot plan to do this if they know that they will exist on Monday, but may be dead on Friday. Although I believe that the Commission should be made permanent, if it is the consensus of opinion that at this time we should provide a 4-year extension, I will not object.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the statement which I made last year before the Senate Subcommittee on Constitutional Rights in support of my bill S. 1219, to make the Civil Rights Commission permanent and broaden the scope of its duties.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Without objection, it is so ordered.

The statement is as follows:

STATEMENT OF SENATOR LEVERETT SALTONSTALL BEFORE THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS IN SUPPORT OF HIS BILL (S. 1219) TO MAKE THE COMMISSION ON CIVIL RIGHTS PERMANENT

Mr. Chairman, I appreciate the opportunity to appear in behalf of my bill, S. 1219, which would make the Commission on Civil Rights a permanent agency in the executive branch of the Government, and broaden the scope of its duties. Since its creation under the provisions of the Civil Rights Act of 1957, the life of the Commission has been extended twice for 2-year periods, first in 1959 and then in 1961. It presently is scheduled to expire on November 30 of this year.

Previous extensions of the Commission have not been accomplished without delays. A period of uncertainty has accompanied each proposal for extension. Such uncertainty cannot but affect the nature of the work of the Commission, and increase the difficulty of obtaining and retaining a competent, professionally trained staff. If necessary, meaningful, and helpful long-range studies are to be undertaken, and a comprehensive, well-balanced program developed, a sense of Commission permanency is required.

At the present time about half of our States possess commissions on human rights. In my opinion we need to place the U.S. Commission on Civil Rights on a permanent basis just as these States have done. To grant permanent status to the Commission is not to abdicate congressional authority or to imply, as some individuals have asserted, that we view pessimistically the possibility that the civil rights question in the United States will ever be solved. Congress will retain the opportunity for regular review of Commission activities because the Commission will be coming before the Congress annually for appropriations. If the Commission should cease to perform a necessary or useful function, Congress can decline to appropriate funds for its continuance. Meanwhile it will have the status that goes with increased independence and security.

The Commission serves as a tangible reminder to minorities, to the Nation, and to the world that our Government recognizes there is much to be done before all Americans enjoy equal opportunities and rights. We all recognize that unfortunate differences exist in these respects between citizens, and that these inequities are by no means confined to any single area of the country or to any one minority group. A bipartisan body which represents all geographical sections of our Nation and includes men of the high caliber of those who have served on the Commission to date, can do much to point up, in a dispassionate, objective way, our national deficiencies in the civil rights field. I believe the Commission is doing a good job in a most difficult and important area of our national life, and hope that it will continue to function in as commendable a fashion in the future.

It is important to have a body such as the Civil Rights Commission to which individuals, entire communities, and Government agencies can turn for assistance and advice, and to which complaints about alleged deprivations of civil rights can be directed. The psychological impact alone of such an organization is great, but its positive contributions to the attainment of a better society can be even greater. We need such a body to seek out the facts and to set them forth for all of us to ponder.

The reports of the Commission have proved useful. They have included studies in the areas of voting, housing, education, administration of justice, and employment, with a report on the status of equal opportunity in the Armed Forces among those to become available this year.

Hearings and conferences have been undertaken to gather information which would be helpful in gaining an understanding of the situation which confronts us as a nation. Hearings on the status of the equal protection of the law, to cite one example of Commission activities, have been held in all areas of the United States including New York, Chicago, Cleveland, Detroit, Atlanta, San Francisco, Los Angeles, Phoenix, Memphis, Newark, and Indianapolis. Conferences have also been held to bring together educators to share their experiences and to exchange information and advice.

Helpful as the Commission's activities have been, I believe that it can make an even greater contribution in the civil rights field. For that reason S. 1219 proposes to expand somewhat Commission responsibilities.

Increasingly there is a need for expert assistance in the preparation of practical programs which will carry local communities and private groups forward to the desired civil rights goals. The Commission does, of course, presently furnish limited assistance to groups and individuals concerned with civil rights problems. It has also advised the executive branch about desired policy changes and the administrative techniques required to make them effective. But these efforts need to be raised to the level of the factfinding and reporting functions of the Commission, if the full measure of the potential impact is to be realized. Therefore my colleagues and I are suggesting that clearinghouse and technical assistance functions be given more recognition as responsibilities of the Commission. They will become more and more important as time goes on.

Probably most of us would not agree with every recommendation of the Commission. But this is not relevant to the question before us. We can all agree, I think, that the Commission has operated in a reasonable fashion, has made a constructive and important contribution to the body of knowledge available about the status of civil rights in this country, and is in a position to be of significant assistance to local communities, Government agencies, and individuals in the future, as they set about meeting the challenges before us in the area of civil rights. I therefore urge the favorable consideration of S. 1219.

Mr. SALTONSTALL. Mr. President, I thank the Senator from Pennsylvania for yielding.

SUMMARY OF THE CIVIL RIGHTS BILL

Mr. SCOTT. Mr. President, Representative WILLIAM M. MCCULLOCH, of Ohio, has prepared an excellent summary-analysis of the provisions of the pending civil rights bill which explains the contents of the bill in clear and understandable terms. It deserves careful study and should be of great value to persons seeking to become familiar with the bill's provisions. I ask unanimous consent that Congressman MCCULLOUGH's summary-analysis be inserted in the RECORD:

There being no objection, the summary-analysis was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF THE CIVIL RIGHTS BILL (H.R. 7152), PASSED BY THE U.S. HOUSE OF REPRESENTATIVES ON FEBRUARY 10, 1964, PREPARED BY THE DIRECTION AND UNDER THE SUPERVISION OF WILLIAM M. MCCULLOCH, REPRESENTATIVE TO CONGRESS, FOURTH DISTRICT OF OHIO

TITLE I—VOTING RIGHTS

1. No person acting under State or local authority shall in determining whether an

individual is qualified to vote in an election in which Federal officials are to be elected:

(a) Apply any standard, practice or procedure different from the standards, practices, or procedures applied to other individuals within the same county, parish, or similar political subdivision who have been found qualified to vote.

(b) Utilize an immaterial error or omission committed by such individual on any application or registration form as a basis for denying such individual the right to vote.

(c) Employ any literacy test unless such test is administered wholly in writing except where an individual requests and State law authorizes a test other than in writing.

2. In a voter discrimination suit, instituted by the Attorney General, where literacy becomes a relevant fact, there is created a rebuttable presumption that an individual who has not been judged an incompetent and who has completed the sixth grade of school possesses sufficient literacy to vote in an election in which Federal officials are to be elected.

3. In a voter discrimination suit, the Attorney General or any defendant in the proceeding is authorized to request that a three-judge district court be convened to hear the suit. (The House added the authorization that the defendant may request the convening of a three-judge court.)

TITLE II—PUBLIC ACCOMMODATIONS

1. All persons shall have access to the following places of public accommodation without regard to race, color, religion, or national origin:

(a) Places of lodging, except proprietor-operated dwellings having five rooms or less for rent.

(b) Eating establishments.

(c) Places of amusement.

(d) Gasoline stations.

(e) Any other establishment which (1) is physically located within or houses one of the above places of public accommodation and (2) holds itself out as serving patrons of one of the above specified places of public accommodation.

2. The above places of public accommodation are covered if their operations affect commerce (as specified in section 201(c)); or if discrimination or segregation is supported by State action (as defined in section 201(d)).

3. Bona fide private clubs or other establishments not open to the public are exempt from coverage, except where their facilities are made available to customers or patrons of one of the places of public accommodation specified above.

4. In addition, all persons shall have access to any establishment (whether specified above or not) without regard to race, color, religion, or national origin if such establishment is required to discriminate or segregate under State or local law.

5. An action for civil injunctive relief under this title may be instituted by a party aggrieved or the Attorney General. The Attorney General, before instituting such action, generally must refer a complaint to a State or local agency (if such exists) for corrective action at that level and, whether or not such agency exists, may utilize the services of Federal, State, or local instrumentalities to secure voluntary compliance.

6. The prevailing party to an action under this title, other than the United States, shall be allowed costs and reasonable attorney's fees at the discretion of the court.

7. In cases of criminal contempt, arising under this title, a defendant shall be entitled to a trial de novo with the right to a jury if such defendant has been fined more than $300 or sentenced to more than 45 days in an initial contempt proceeding.

TITLE III—AUTHORIZATION OF ATTORNEY GENERAL TO ASSURE EQUAL PROTECTION OF THE LAWS

1. The Attorney General is authorized to institute a civil action to prohibit discrimination or segregation in public facilities (other than public schools) which are owned, operated or managed by or on behalf of a State or local government.

2. The Attorney General is authorized to intervene in a civil action, instituted by an individual, where such individual claims a denial of equal protection of the laws. (The House added the requirement that the United States shall be liable for reasonable attorney's fees if it loses an action under this title.)

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

1. The Commissioner of Education is authorized to:

(a) Conduct a survey concerning the lack of equal educational opportunities in public educational institutions because of race, color, religion or national origin.

(b) Render technical assistance (including making available information and personnel) to a school board or other State or local governmental unit, upon request of the applicant, in order to assist in the desegregation of public schools.

(c) Arrange with institutions of higher learning for the establishment and financing of special training institutes to improve the ability of school personnel to deal effectively with education problems occasioned by desegregation; and to pay stipends to such school personnel to attend such institutes.

(d) Make grants to school boards, upon request, to provide school personnel with in-service training and to permit the school boards to employ specialists in order to deal with desegregation problems.

2. The Attorney General is authorized to institute civil actions to desegregate public schools.

3. (A House amendment specifically prohibits action under this title to correct "racial imbalance.")

TITLE V—CIVIL RIGHTS COMMISSION

1. The Commission's life is extended until January 31, 1968. (The House substituted this 4-year extension in place of the provision, contained in the bill as reported by the Judiciary Committee, to make the Commission permanent.)

2. The Commission is authorized to serve as a national clearinghouse for information in respect to equal protection of the laws.

3. The Commission is authorized to investigate cases of vote fraud.

4. (The House inserted a provision prohibiting the Commission, its advisory committees, or any personnel under its supervision or control from investigating membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club, or any religious organization.)

5. The Commission was granted rulemaking authority.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

1. Federal departments and agencies, empowered to extend financial assistance under authority of any program or activity by way of grant, loan, or contract (other than a contract of insurance or guarantee) shall terminate, refuse to grant, or refuse to continue financial assistance to a recipient of such assistance (or take other action as authorized by law) if such recipient, on the grounds of race, color, or national origin, excludes from participation in, denies the benefits of, or subjects to discrimination any individual under any such program or activity of financial assistance. (The House amended the title to make certain that Federal programs of insurance or guarantee are not to be covered.)

2. Federal departments and agencies administering such financial assistance programs or activities are granted rulemaking authority to carry out their duties under this title, but such rules must be approved by the President, and action taken pursuant to the rules must be consistent with the achievements of the objectives of the statutes authorizing such financial assistance programs and activities.

(The House inserted the requirement that the President must approve the rules adopted by the departments and agencies pursuant to their authority under this title.)

3. Federal departments and agencies may discontinue or refuse to grant assistance or take other action authorized by law, only after conducting a hearing. (The House inserted the hearing requirement into the title.)

4. Federal departments and agencies shall not discontinue or refuse to grant assistance or take other action authorized by law, until it is determined that compliance cannot be secured by voluntary means. Moreover, there must be filed with the appropriate legislative committees of the House and Senate a written report of the circumstances and the grounds for discontinuing or withholding financial assistance and no such action may be taken for 30 days after the filing of such report. (The House inserted the requirement concerning the filing of reports with the Congress.)

5. A person aggrieved (including a State or local governmental authority) is authorized to obtain judicial review of the action taken by the Federal department or agency either according to judicial review authority contained in the statute authorizing financial assistance or pursuant to authority contained in the Administrative Procedure Act.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

1. Employers having 25 or more employees; labor organizations having 25 or more members; and commercial employment agencies are prohibited from discriminating against any individual in any phase of employment or union membership (including advertisement for employment or membership) on the ground of race, color, religion, national origin or sex. (The House adopted an amendment prohibiting "sex" as a ground for discrimination in employment. The House also adopted an amendment stretching out the title's application to employers and labor organizations so that only those with 100 or more employees or members are covered the first year, 75 or more the second year, 50 or more the third year, and 25 or more the fourth year after enactment of the title.)

2. Discrimination is also prohibited in apprenticeship or other training or retraining programs, including on-the-job training, by employers, labor organizations or joint labor-management committees. (The House added the amendment including on-the-job training programs.)

3. Exemptions or limitations:

(a) Employment by a religious corporation, association, or society is exempted as well as employment of aliens outside any State.

(b) It shall not be a discriminatory employment practice for an employer to advertise or employ employees of a particular religion, sex, or national origin where any such characteristic is a bona fide occupational qualification reasonably necessary to the normal operation of a particular business.

(c) It shall not be a discriminatory employment practice for an institution of learning to hire and employ employees of a particular religion if such institution is owned, supported, controlled, or managed by a particular religion or a particular religious organization, of if the curriculum of such institution is directed toward the "propagation" of a particular religion. (This provision was added to the title by the House.)

(d) It shall not be a discriminatory employment practice for an employer to refuse to employ any person who holds atheistic practices and beliefs. (This provision was added to the title by the House.)

(e) The title shall not apply to any employment practice of any employer, labor organization, employment agency or joint labor-management committee with respect to an individual who is a member of the Communist Party or other subversive organization. (This provision was added to the title by the House.)

4. To carry out the objectives of the title, there is created an Equal Employment Opportunity Commission composed of five members, not more than three of whom shall be of the same political party.

5. A charge may be filed with the Commission by an aggrieved person or by a member of the Commission. The Commission shall furnish the accused with a copy of the charge and conduct an investigation.

6. If two or more members of the Commission determine, after an investigation, that reasonable cause exists to believe the charge to be true, the Commission shall endeavor to end the discriminatory employment practice through conference, conciliation, and persuasion.

7. If voluntary methods fail, the Commission may institute a civil action within 90 days in a U.S. district court, unless it has determined that the public interest would not be served by bringing the action.

8. If the Commission fails to institute a civil action within 90 days, the party aggrieved may bring such action, if one member of the Commission gives permission in writing.

9. An action may be brought either in the judicial district in which the discriminatory employment practice occurred or in which the accused has his principal office. No civil action may be based on a discriminatory employment practice occurring more than 6 months prior to the filing of the charge.

10. If the court finds that the accused has engaged in or is engaging in a discriminatory employment practice, the court may enjoin the accused from continuing such practice and may order the accused to take affirmative action, including the reinstatement or hiring of employees with or without back pay.

11. No order of court shall require admission or reinstatement of an individual to a labor organization or the hiring, reinstatement, promotion of an individual by an employer if the labor organization or employer took action for any reason other than discrimination on account of race, color, religion, or national origin. (The bill, as reported by the Judiciary Committee, stated that the court should not issue an order if the action taken by a labor organization or employer was "for cause." The House substituted the phrase "for any reason other than discrimination on account of race, color, religion, or national origin.")

12. Where a State or local agency has been established to end discrimination in employment and the Commission determines that such agency is effectively taking action, it shall seek written agreement with such agency under which the Commission and persons aggrieved shall refrain from bringing a civil action. The Commission may also utilize the services of State and local agencies, and reimburse them for such services, in aiding the Commission in carrying out its duties.

13. The Commission is extended subpena power, the right to grant immunity, and the investigatory authority, at reasonable times, to have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation. (The investigatory authority contained in the bill, as reported by the Judiciary Committee, broadly provided for entry and inspection of records and questioning of employees practically at the Commission's direction. This was circumscribed by the House through the amendatory language now appearing in the act.)

14. Every employer, employment agency, labor organization, and joint labor-management committee, subject to this title, shall make and keep such records and make such reports as the Commission may prescribe by regulation, after a public hearing. If any such requirement might result in undue hardship, the party affected may apply to the Commission or bring an action in a U.S. district court for an exemption or other appropriate relief. (The House inserted the requirement that a regulation could only be issued after a public hearing.)

15. The Secretary of Labor is directed to conduct a special study and make recommendations for legislation concerning discrimination in employment because of age.

16. (The House struck sec. 711 from the bill, as reported from the Judiciary Committee, which authorized the President to take such action as may be necessary to insure nondiscrimination in Federal Government contracting and Federal employment.)

TITLE VIII—REGISTRATION AND VOTING STATISTICS

1. The Bureau of the Census is directed to compile registration and voting statistics in such geographic areas as may be recommended by the Civil Rights Commission.

2. The compilation shall, to the extent recommended by the Civil Rights Commission, include a count of persons of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which Members of the U.S. House of Representatives are nominated or elected, since January 1, 1960.

3. Such compilation shall be made in the Nineteenth Decennial Census (1970), and at such other times as Congress may prescribe.

TITLE IX—PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

1. A defendant, who has sought removal of a State court suit to a Federal district court on the ground that he would be denied his civil rights in the State court, may appeal to the Federal court of appeals on order of the Federal district court sending the case back to the State court.

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE (NEW TITLE ADDED BY THE HOUSE)

1. There is established in the Department of Commerce a Community Relations Service which shall be headed by a Director, appointed by the President with the advice and consent of the Senate for a 4-year term.

2. The Director is authorized to appoint six additional personnel and to procure the services of additional experts and consultants on a per diem basis.

3. It shall be the function of the Service to assist local communities to resolve disputes, disagreements, difficulties relating to racial discrimination.

4. These services may be offered by the Service on its own motion or at the request of a State or local official or other interested person.

5. Whenever possible, the Service shall seek and utilize the cooperation of appropriate State or local agencies.

TITLE XI—MISCELLANEOUS

1. Nothing contained in this act shall be construed as an intent on the part of Congress to preempt and thereby invalidate a State law on the same subject unless such State law, or part thereof, is inconsistent with the purposes and provisions of this act. (This nonpreemption provision was added by the House.)

2. Existing legal rights of the United States are in no way denied or impaired by the enactment of this act.

3. Such sums of money are appropriated as are necessary to carry out the provisions of this act.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. WILLIAMS of Delaware. With the same understanding.

Mr. SCOTT. With the same understanding.

CAB TREATS POLITICAL FLIGHT TO NEVADA KINDLY

Mr. WILLIAMS of Delaware. Mr. President, today I wish to discuss an extremely liberal settlement by the Civil Aeronautics Board of a flagrant violation of the Transportation Act.

On February 10, 1964, the Civil Aeronautics Board accepted an offer of $750, constituting a full settlement of all civil penalties, for the Riddle Airline's having extended to 80 passengers, mostly public officials, free transportation to a political fundraising affair in Las Vegas, Nev.

The Federal Aviation Act specifically prohibits any airline from extending free or reduced-rate transportation to any public official of either the executive or legislative branch of the Government or to any other person or persons. This provision against the airlines' extending free or reduced-rate transportation to public officials is similar to the regulations which prohibit the American railroads or the American merchant marine from extending subsidized transportation to public officials.

Notwithstanding this prohibition, on April 19, 1963, the Riddle Airlines, Inc., carried approximately 80 passengers—mostly public officials in the legislative or executive branch—on a political junket to Las Vegas, Nev., and furnished this same group free transportation back to Washington on April 21, 1963.

Under Riddle's tariff in effect at the time of the flight the charges for this chartered flight should have been $16,088.50. After several weeks delay the Riddle Airlines did send a bill for this flight to Mr. Robert G. Baker but no effort was made to collect it.

Since there was no payment this $16,000 in free transportation in effect represented a political contribution by the Riddle Airlines.

The purpose of transporting this large group to Las Vegas was to enable them to attend a $100-plate political fund-raising dinner being held in Las Vegas and apparently the only requirement to transportation on this flight was to show evidence of having purchased a $100-ticket to the affair.

Upon my request the Library of Congress has furnished a memo outlining the various penalties which could be imposed either upon the airlines or the beneficiaries of this free transportation.

According to Miss Heidbreder, economic analyst in the Library of Congress, penalties could have run as high as $5,000.

At this point I ask unanimous consent to have incorporated the memorandum dated March 23, 1964, as signed by Miss Elizabeth M. Heidbreder, economic analyst, Library of Congress, in which these penalties are outlined.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., March 23, 1964.

To: Hon. JOHN J. WILLIAMS.
From: Economics Division.
Subject: Penalties for Air Fare Rebates.

Enclosed are excerpts from the United States Code setting forth civil and criminal penalties for violation of title 49, subchapter IV, paragraph 1373(b) observance of tariffs; granting of rebates.

Civil penalties are not to exceed $1,000 for each violation as provided in paragraph 1471, subchapter IX, as amended.

Paragraph 1472, criminal penalties, provides for fines as high as $10,000 for certain offenses. Paragraph 1472(d), offering, granting, or giving rebates or concessions, provides for a fine of not less than $100 and not more than $5,000.

ELIZABETH M. HEIDBREDER,
Economic Analyst.

Mr. WILLIAMS of Delaware. Mr. President, Mr. Robert M. Ujevick, an attorney in the American Law Division of the Library of Congress, said that in his opinion when an airline violated this section of the code and carried a number of passengers at a reduced rate or free of charge it could constitute a different violation for each passenger so carried.

In support of this opinion he cited that portion of chapter 49 which states:

> No air carrier * * * shall * * * refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities.

It was his opinion that since the language of the law refers to any person each person involved could constitute a separate violation.

Under that definition Riddle Airlines could have been held liable for 80 violations—since it carried 80 passengers free of charge—instead of just 1 violation, and presumably it could have been held responsible under a section of the code which carried even greater penalties for such violations than those imposed.

Yet instead of enforcing the law the Civil Aeronautics Board on January 29, 1964, nearly 1 year after this violation had taken place and about 2 months after it had been criticized in the press, served notice on the Riddle Airlines that it was being held in violation of section 901 of the Federal Aviation Act.

Two days later, on January 31, 1964, Mr. Frederick A. Ballard, representing the Riddle Airlines, replied to the charge and offered the Civil Aeronautics Board $750 as a compromise settlement for having violated the Federal Aviation Act.

On February 10, 1964, the Civil Aeronautics Board graciously accepted the $750 offer as full settlement and dropped the charges.

At this point I ask unanimous consent that my correspondence beginning with my letter of December 10, 1963, as addressed to Mr. Alan S. Boyd, Chairman of the Civil Aeronautics Board, and the reply thereto from Mr. Robert T. Murphy, Acting Chairman, under date of December 24, 1963, followed by my letter of March 6, 1964, as addressed to Mr. Murphy and his reply dated March 16, 1964, along with its five enclosures, be incorporated in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 10, 1963.

Mr. ALAN S. BOYD,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. BOYD: In a recent article appearing in the Washington Daily News it was claimed that the Riddle Airlines carried a group of public officials to Las Vegas without any charge. Allegedly, a bill for this trip was sent to Mr. Robert G. Baker, but no payment was made thereon.

It is my understanding that such action, if true, would be a violation of the law. In this connection I would appreciate the following information:

1. A list of the passengers who were given this free trip by the airlines.
2. Am I correct that the granting of free transportation to public officials is a violation of the law, and if so what steps are being taken by the Civil Aeronautics Board?

Yours sincerely,
JOHN J. WILLIAMS.

CIVIL AERONAUTICS BOARD,
Washington, D.C., December 24, 1963.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: The Board's staff has conducted an investigation of the Riddle Airlines' flight to Las Vegas mentioned in your letter of December 10, 1963, and the question of whether there was a violation of law presently is under study.

It is unlawful for an air carrier to grant free transportation to any person (including a public official) not entitled thereto under section 403(b) of the Federal Aviation Act (49 U.S.C. 1373(b)). However, it has not yet been determined whether the flight in question constituted free transportation rather than a failure to collect the charter rate, or, for that matter, whether the flight was subject to the regulatory provisions of the act. If it should be determined that a violation of law was involved, the Board will take appropriate action against the carrier.

I regret that the Board is unable to comply with your request for the list of passengers involved in the flight. The Board consistently has regarded information obtained in the course of an investigation of possible violations of law as being confidential in nature and inappropriate for general release. As you know, charges of illegality are not always well founded, and the release of investigative information can inflict injury upon innocent persons. In these circumstances, the Board follows the policy of respectfully declining to make investigative materials available in response to individual inquiries therefor, including inquiries from Members of the Congress. However, 49 United States Code 1504 provides for the disclosure of information in the Board's possession to "the duly authorized committees of the Congress." The Board would, of course, provide information concerning the Riddle Airlines' flight to a congressional committee properly concerned with the matter, at the request of the committee's chairman.

Sincerely yours,
ROBERT T. MURPHY,
Acting Chairman.

U.S. SENATE,
Washington, D.C., March 6, 1964.

Mr. ROBERT T. MURPHY,
Acting Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. MURPHY: This is in further reference to my letter of December 10, 1963, and your reply thereto of December 24, concerning the results of your investigation of the Riddle Airlines' flight to Las Vegas in 1963. In that letter I raised a question as to whether there had been a a violation of the law when the Riddle Airlines extended what in effect constituted free or reduced-rate transportation to a congressional group.

In yesterday's Washington Daily News I noticed an article to the effect that this case has now been settled, and in this connection I would appreciate the following information:

1. A report as to the terms and the background of the settlement.
2. The number of passengers carried and the date of the trip. (a) How much should the original charge have been as based upon the CAB rules for this chartered flight?
3. What was the date and the amount of the original bill which the Riddle Airlines sent Mr. Robert G. Baker as representing the cost of this trip? (a) Was this paid either in whole or in part and by whom?
4. The names of the officers and directors of the Riddle Airlines both at the time of the flight and on the date of the settlement.
5. A complete record of all subsidies which have been paid to the Riddle Airlines during each of the past 10 years. (a) If any subsidy payments were made to affiliated companies of Riddle Airlines please furnish a list of all such payments.

Yours sincerely,
JOHN J. WILLIAMS.

CIVIL AERONAUTICS BOARD,
Washington, D.C., March 16, 1964.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in reply to your letter of March 6, 1964, wherein you ask certain questions concerning the Riddle Airlines flight of April 19–21, 1963, between Washington and Las Vegas.

Your questions 1 and 2(a) are answered in full in the Board's exchange of correspondence with Riddle, dated January 29, January 31, and February 10, 1964, by which the matter was settled with a compromise civil penalty. A copy of that correspondence is enclosed herewith (enclosures 1–3).

With reference to your question 4, the names of the officers and directors as of April 19, 1963, the date of the flight, are enclosed as enclosure 4. There are no records in the Board's possession indicating the names of the officers and directors as of the date of settlement of the penalty. The officers and directors as of December 31, 1963, are shown in enclosure 5.

In answer to your question 5, no subsidies have been paid to Riddle Airlines or to any Riddle affiliate in the past 10 years.

As to the number of passengers on the flight (your question 2) and the circumstances of the invoicing of the flight to Mr. Baker (your questions 3 and 3(a)), we regret that we cannot comply with your request for the details since such information as is in the Board's possession was acquired through an examination of the carrier's books and records, and the Board as a matter of policy does not make such information available in response to individual inquiries, including inquiries from individual Members of Congress. However, 49 U.S.C. 1504 provides for the disclosure of information in the Board's possession to "duly authorized committees of the Congress." The Board would, of course, provide information concerning the flight to a congressional committee properly concerned with the matter, at the request of the committee's chairman.

Sincerely yours,

Robert T. Murphy,
Vice Chairman.

Enclosure 1

January 29, 1964.

Re notice of alleged violation pursuant to rule 800 of the Rules of Practice.

Mr. James B. Franklin,
President, Riddle Airlines, Inc., International Airport, Miami, Fla.

Dear Mr. Franklin: An investigation conducted by the Bureau of Enforcement into certain activities of Riddle Airlines, Inc. (Riddle) has revealed that the carrier has violated section 403(b) of the Federal Aviation Act of 1958, as amended (act), in the performance of a charter flight between Washington, D.C., and Las Vegas, Nev., in April 1963.

Section 403(b) of the act provides, in pertinent part: "No air carrier or foreign air carrier shall charge or demand or collect or receive a greater or less or different compensation for air transportation, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs."

Riddle's currently effective tariff at the time of the flight provided rates of $2.75 per mile for live charter mileage, and $2.50 per mile for ferry mileage (CAB No. 31, Riddle Airlines, Inc., Passenger Charter Tariff No. P-2, Passengers and Baggage, Original p. 10, effective February 13, 1963). Records of this flight disclose the live mileage operated was 4,174 miles, and the ferry mileage was 1,844. The charter rate for the flight should therefore have been $11,478.50 for live mileage, plus $4,610 for ferry mileage, or a total of $16,088.50.

The outbound leg of the subject flight was performed on Friday, April 19, 1963, and the inbound leg was performed on Sunday, April 21, 1963. Mr. S. L. Sommer of S. L. Sommer & Associates, a public relations firm, was apparently the charterer of the flight. Riddle's accounts, records and reports indicate that the correct charter rate was not billed to any party until many months after the flight, the required down payment in advance of flight was not collected, and as of December 6, 1963, the balance due had not been paid even though under effective tariffs the entire amount was required to be paid within 10 days. Therefore, Riddle violated section 403 (b) of the act in failing to collect its correct tariff rate for the subject flight.

Section 901(a)(1) of the act provides that a civil penalty not to exceed $1,000 may be levied for the violation of any provision of title IV of the act, or any order, rule, or regulation issued thereunder. Section 901(a) (2) gives the Board the power to compromise the penalty for any such violation. Section 903 of the act provides for the institution of actions in the courts to collect civil penalties.

Riddle may be liable for as much as $1,000 in civil penalties for the violation alleged above by this Bureau, and on the basis of information this Bureau now has. Part 385.22(b) of the Board's organization regulations delegates authority to the Director of the Bureau of Enforcement to compromise any civil penalties being imposed for economic violations. Subpart H (rule 302.800, et seq.) of the Board's rules of practice sets forth the procedure by which a compromise will be accomplished.

Rule 803 of the Board's rules of practice requires an answer to this notice of alleged violations within 15 days of your receipt of this letter. Your answer may contain those matters which are specified in rule 804.

Copies of sections 901 and 903 of the act and subpart H of the rules of practice are enclosed for your information.

Sincerely yours,

J. G. Adams,
Director, Bureau of Enforcement.

Enclosure 2

January 31, 1964.

Re answer of Riddle Airlines, Inc., to notice of alleged violation of January 29, 1964, CP—64–3—3B–52.

Mr. J. G. Adams,
Director, Bureau of Enforcement,
Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Adams: Riddle Airlines, Inc. acknowledges receipt of your letter notice of alleged violation dated January 29, 1964, in connection with certain tariff violations in respect to a charter flight between Washington, D.C., and Las Vegas, Nev., on April 19 and 21, 1963. Riddle Airlines admits that the facts relating to this charter are substantially as set out in your notice. The flight was considered by the officials of the carrier who authorized it as a public relations flight which they erroneously understood was not required to be flown in accordance with the carrier's charter tariff. Since this violation was accordingly entirely inadvertently, it would appear to be one which is appropriate for some compromise of the maximum civil penalty and I am authorized to offer for that purpose the amount of $750.

Very truly yours.

Frederick A. Ballard.

Enclosure 3—CP 64–3

February 10, 1964.

Re acceptance of offer of compromise of civil penalties.

Mr. James B. Franklin,
President and Chief Executive, Riddle Airlines, Inc., International Airport, Miami, Fla.

Dear Mr. Franklin: This is in reply to the letter from your counsel, Frederick A. Ballard, dated January 31, 1964, and the subsequent submission of a check in the amount of $750 payable to the Treasurer of the United States. This check was submitted by Riddle in full settlement for civil penalties for which Riddle might be liable for the violations referred to in our notice of January 29, 1964.

Pursuant to delegated authority under part 385 of the Board's organization regulations, Riddle's check has been accepted in full satisfaction of the above-referenced civil penalties. Unless the Board elects to exercise its discretionary right to review this decision within 10 days, the acceptance of your offer will become final.

Sincerely yours,

J. G. Adams,
Director, Bureau of Enforcement.

Enclosure 4

Officers and Directors of Riddle Airlines as of April 19, 1963 [1]

James H. Carmichael, chairman of the board.

William K. deVeer, director and financial consultant.

Charles L. Hood, vice president, scheduled air freight.

Edward M. Leath, Jr., vice president and treasurer.

William T. Raymond, corporate secretary, director of public relations.

Lipman Redman, director.

Richard H. Schwank, vice president, purchasing and supply.

Paris G. Singer, director.

Dale H. Smith, director.

Harry T. Weaver, regional vice president.

William R. Price, director.

Ben D. Kouns, comptroller.

Stanley C. Humphries, assistant treasurer.

Walter L. Hart, director.

James B. Franklin, president.

Joseph H. Dalton, director.

Dale C. Craig, director.

Morten S. Beyer, vice president.

Robert M. Averill, director.

Enclosure 5

Officers and Directors of Riddle Airlines as of December 31, 1963 [2]

James H. Carmichael, chairman of the board.

William K. deVeer, director and financial consultant.

Samuel Friedland, director.

Charles L. Hood, vice president, scheduled air freight.

Edward M. Leath, Jr., vice president and treasurer.

Stephan F. Leo, director.

William T. Raymond, corporate secretary, director of public relations.

Lipman Redman, director.

Richard H. Schwank, vice president.

Paris G. Singer, director.

Dale H. Smith, director.

Harry T. Weaver, regional vice president.

Curtis B. Trent, director.

Jack Anderson, director.

Frank C. Hobbs, senior vice president, finance.

Mr. WILLIAMS of Delaware. Mr. President, the Civil Aeronautics Board in its letter of March 16 outlined the settlement but declined to make available a list of the Members of Congress or other public officials who were beneficiaries of this free transportation.

The letter did state that the Board would make such information concerning the flight available to the chairman of a congressional committee that was "properly concerned" with the matter. This means that this information is available to the Rules Committee if they want it.

According to the records the only attempt to collect any money as payment for this chartered flight for the 80 passengers was the delayed sending of a bill to Mr. Robert G. Baker who, as I understand it, promptly refused to make payment although he took the fifth amendment when questioned by the Rules Committee.

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[1] Source: CAB form 2786; CAB form 41, schedule G–42.

[2] Partial listing based on records now in Board's possession. Source: CAB form 2786; CAB form 41, schedule G–42.

But if reports are true the Riddle Airlines was not altogether out of luck. It is rumored that this air carrier, which transported this group of public officials to Las Vegas free of charge, received certificates of competence certified by the Small Business Administration wherein they were able to obtain some lucrative Government contracts.

At this point I ask unanimous consent to have incorporated in the Record my inquiry of March 19, 1964, as addressed to Mr. Foley, the Administrator of the Small Business Administration.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 19, 1964.
Hon. Eugene P. Foley,
Administrator, Small Business Administration, Washington, D.C.

My Dear Mr. Foley: It is my understanding that sometime last year the Small Business Administration issued to the Riddle Airlines two certificates of competence. Presumably these certificates enabled Riddle to get $7.9 million in contracts from the Military Air Transport Service; allegedly prior to this MATS had refused to give this airline its business on the basis of the company's financial plight.

In this connection will you please furnish me copies of such certificates of competence along with a complete report as to the amounts and dates of the contracts involved.

Do you have any record or any knowledge as to whether or not Mr. Baker or anyone else—whether connected with Congress (Members or employees) or the executive branch or associated with either of the two national political committees—may have by letter or conversation interceded in behalf of Riddle's application? If so, please furnish such a list.

Yours sincerely,
John J. Williams.

Mr. WILLIAMS of Delaware. Mr. President, I next ask unanimous consent to have incorporated in the Record my letter of March 31, 1964, as addressed to the Honorable Robert S. McNamara, Secretary of Defense. In this letter I asked for a list of all contracts awarded to the Riddle Airlines, Inc.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 31, 1964.
Hon. Robert S. McNamara,
Secretary of Defense,
Washington, D.C.

My Dear Mr. Secretary: Will you please furnish me with a complete list of all contracts which have been awarded to the Riddle Airlines, Inc. With this report I would appreciate the following information:

1. The date of the contract, a brief description, and the dollar amount involved.
2. Was this a negotiated contract, or was it awarded through competitive bidding?
   a. If through competitive bidding, please furnish a list of the bidders in each instance.
3. The names of all Members of Congress, employees of the legislative branch, members of the executive branch, or officials of either of the two national political committees who may have interceded for or made recommendations in connection with the awarding of these contracts for the Riddle Airlines.

Yours sincerely,
John J. Williams.

Mr. WILLIAMS of Delaware. Mr. President, while both of these letters have been acknowledged as yet I have not received a full report.

Normally I would not release these letters until after I had received a complete report; however, I understand that the Senate Rules Committee may be meeting tomorrow to discuss this case and I thought it might be well to make my correspondence available to all the members of the committee.

In addition to the Riddle Airlines' having furnished free transportation for approximately 80 public officials or prominent citizens of Washington to attend this political affair, there was a rumor that Government planes were also utilized to carry public officials to this function. To determine the accuracy of this allegation I directed an inquiry to the respective agencies. At this point I ask unanimous consent to have printed in the Record my letters of March 20 as addressed to the Secretary of the Army, the Secretary of the Navy, and the Secretary of Defense along with their replies thereto.

Following these letters I also ask that there be printed an article appearing in the Washington Daily News of December 6, 1963, on this same subject.

There being no objection, the letters and article were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 20, 1964.
Hon. Cyrus R. Vance,
Secretary of the Army,
Washington, D.C.

My Dear Mr. Secretary: Will you please furnish me with a report on all planes which were assigned to carry Members of Congress or other parties other than the military from Washington to Nevada during the month of April 1963?

With this report I would want the names of all public officials including Members of Congress, congressional employees, members of the executive branch, and any persons with outside connections, who were carried on these trips along with the reasons for such transportation.

Please include the dates, the points of origin, and the destinations of the flights.

Frankly, the reason I am asking these questions is that a rumor persists around the Capitol that Government planes have been used to transport public officials to political meetings in Nevada. In all fairness I felt this report should be either confirmed or denied.

Yours sincerely,
John J. Williams.

Department of the Army,
Office of the Secretary of the Army,
Washington, D.C., March 27, 1964.
Hon. John J. Williams,
U.S. Senate.

Dear Senator Williams: Your letter of 20 March 1964 addressed to Hon. Cyrus R. Vance, former Secretary of the Army, has been referred to me for reply.

For your information, during the month of April 1963 the Army did not arrange for transportation from Washington to Nevada for any public officials including Members of Congress, congressional employees, members of the executive branch, or persons with outside connections.

I hope this information will be of assistance to you.

Sincerely,
Fred C. Weyand,
Major General, GS
Chief of Legislative Liaison.

U.S. Senate,
Washington, D.C., March 20, 1964.
Hon. Paul H. Nitze,
Secretary of the Navy,
Washington, D.C.

My Dear Mr. Secretary: Will you please furnish me with a report on all planes which were assigned to carry Members of Congress or other parties other than the military from Washington to Nevada during the month of April 1963.

With this report I would want the names of all public officials including Members of Congress, congressional employees, members of the executive branch, and any persons with outside connections, who were carried on these trips, along with the reasons for such transportation.

Please include the dates, the points of origin, and the destinations of the flights.

Frankly, the reason I am asking these questions is that a rumor persists around the Capitol that Government planes have been used to transport public officials to political meetings in Nevada. In all fairness I felt this report should be either confirmed or denied.

Yours sincerely,
John J. Williams.

U.S. Senate,
Washington, D.C., March 20, 1964.
Hon. Paul H. Nitze,
Secretary of the Navy,
Washington, D.C.

My Dear Mr. Secretary: Will you please furnish me with a report on all planes which were assigned to carry Members of Congress or other parties other than the military from Washington to Nevada during the month of April 1963.

With this report I would want the names of all public officials including Members of Congress, congressional employees, members of the executive branch, and any persons with outside connections, who were carried on these trips, along with the reasons for such transportation.

Please include the dates, the points of origin, and the destinations of the flights.

Frankly, the reason I am asking these questions is that a rumor persists around the Capitol that Government planes have been used to transport public officials to political meetings in Nevada. In all fairness I felt this report should be either confirmed or denied.

Yours sincerely,
John J. Williams.

U.S. Senate,
Washington, D.C., March 20, 1964.
Hon. Robert S. McNamara,
Secretary of Defense,
Washington, D. C.

My Dear Mr. Secretary: Will you please furnish me with a report on all planes which were assigned to carry Members of Congress or other parties other than the military from Washington to Nevada during the month of April 1963.

With this report I would want the names of all public officials including Members of Congress, congressional employees, members of the executive branch, and any persons with outside connections, who were carried on these trips along with the reasons for such transportation.

Please include the dates, the points of origin, and the destination of the flights.

It is my understanding that your report will include all planes which may have been assigned through the Air Force or MATS.

Frankly, the reason I am asking these questions is that a rumor persists around the Capitol that Government planes have been used to transport public officials to political meetings in Nevada. In all fairness I felt this report should be either confirmed or denied.

Yours sincerely,

JOHN J. WILLIAMS.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 2, 1964.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: Secretary McNamara has asked me to reply to your recent inquiry concerning assignment of Air Force or MATS aircraft to carry Members of Congress or other parties from Washington to Nevada during the month of April 1963.

I have made a thorough check and find that no Air Force aircraft were used to carry public officials, Members of Congress, or other than military personnel from Washington, D.C., to Nevada during this period for any such purpose as referred to in the last paragraph of your letter.

As Secretary of the Air Force I make it a practice to visit Air Force installations frequently. During the specific time period you refer to in your letter, I was scheduled to attend the flight test pilot's school graduation exercises at Edwards Air Force Base, Calif., other Air Force activities on the west coast, a communitywide banquet honoring Senator CANNON in Nevada, and a communitywide function with Senator HOWARD EDMONDSON at Altus Air Force Base, Okla. Senator CANNON had previously been asked by the commandant of the flight test school to be one of the guest speakers at the graduation ceremony.

At the conclusion of the graduation ceremonies at the flight test school, both Senators joined me on an inspection tour of the base after which I departed for Los Angeles. I authorized the two Senators to be flown from Edwards to Nevada as passengers aboard an Air Force aircraft engaged in a crew proficiency flight. On April 20, I visited Nellis Air Force Base and that evening spoke at a community sponsored banquet honoring Senator CANNON.

The following day, Senator EDMONDSON and I proceeded to Altus Air Force Base where we visited that installation and attended a civilian-military community luncheon, returning to Washington, D.C., that same evening.

I am not aware of any other Air Force flight that might be covered by your inquiry.

Sincerely,

EUGENE M. ZUCKERT.

[From the Washington Daily News, Dec. 6, 1963]

PARTIAL PASSENGER LIST REVEALED—BAKER'S PALS TOOK FREE FLIGHT TO LAS VEGAS

(By Jack Steele)

Friends and associates of Robert G. (Bobby) Baker studded the passenger list of a free flight by Riddle Airlines to Las Vegas last April for a fundraising dinner for Senator HOWARD W. CANNON, Democrat, of Nevada.

The airline months later sent Mr. Baker, former secretary of the Senate's Democratic majority, a bill for $16,000 for the trip. Riddle officials now insist this was a mistake and that Mr. Baker had nothing to do with the flight.

A copy of a partial list of 70 persons invited to make the charter flight on Riddle stationery, was obtained today by Scripps-Howard Newspapers.

Both the airline and the Civil Aeronautics Board, which is investigating the legality of the flight, have refused to make public the official passenger list.

About a score of women passengers are listed as making the trip. Except for a half dozen employees of Senator CANNON, most of the others could not be identified immediately.

One of those listed was Miss Carole Tyler, Mr. Baker's former secretary who occupied the $28,000 Washington townhouse owned by Mr. Baker.

The only Member of Congress listed on the flight was Senator STEPHEN M. YOUNG, Democrat, of Ohio. Senator YOUNG admitted today he made the trip. He returned on a scheduled commercial plane, he said.

Eugene P. Foley, now head of the Small Business Administration and then deputy to Commerce Secretary Luther W. Hodges, also was on the passenger list. (Mr. Hodges once held a part interest in a North Carolina motel of which Mr. Baker also was a part owner.)

Mr. Foley's office said he was invited to make the trip and planned to go, but had to cancel at the last minute.

(The SBA last May issued Riddle two certificates of competence. The certificates enabled Riddle to get $7.9 million in contracts from the Military Air Transport Service, which had refused to give the airline this military passenger and cargo business because of its financial plight. A refinancing plan which kept Riddle going hinged on this contract.)

James H. (Slim) Carmichael, Riddle's board chairman, and his wife were listed on the flight, which he admittedly arranged.

Mr. Carmichael was disclosed today to have received $3,000 in fees for professional services from John H. Price, who led a fight last year to upset the airline's former management. After Mr. Carmichael and his associates took over Riddle, the airline paid $35,000 to defray these and other expenses.

Among Baker friends and associates listed on the flight were:

Thomas Webb, Washington representative of the Murchisan family, wealthy Texas oilmen, with whom Mr. Baker was associated in several reported deals.

Stanley Sommer, a public relations man who represents Lockheed Aircraft Co. and whose son once worked briefly in Mr. Baker's office; Rein Vander Zee, Mr. Baker's top assistant in the Senate majority secretary's office; Walter J. (Joe) Steward, another aid to Mr. Baker's office; Glenn Troop, Washington representative of the U.S. Savings & Loan League, who reportedly tipped off Mr. Baker to his lucrative stock deal in the Mortgage Guarantee Insurance Co.; Frank Keesler, Jacksonville, Fla., insurance agent who has admitted that Mr. Baker helped him sell life insurance policies; Thomas Heslop, former manager of the Carroll Arms Hotel, where the Quorum Club, which Mr. Baker helped organize, is located; Wayne Bromley, lobbyist for the National Coal Association and a former officer of the Quorum Club.

Other listed passengers include:

Evan Howell, a former Congressman and Court of Claims judge; Floyd Akers, wealthy Washington auto dealer and frequent contributor to Democratic campaigns; James Aducci, a representative of the Aerospace Industries Association; and Thomas Bendorf, who formerly represented the State of California here and now works for Lockheed. (Senator CANNON is a member of the Senate Commerce Committee's Aviation Subcommittee); Walter Mason, an AFL-CIO lobbyist, his wife, and daughter; Richard Queen, head of the Commerce Department's Business Service Center.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Pennsylvania for yielding.

Mr. SCOTT. I am very happy to have been able to yield to the Senator from Delaware.

Mr. President, I now yield the floor.

VISIT OF PARLIAMENTARY GROUP FROM ARGENTINA

Mr. MORSE. Mr. President, I am honored to announce the appearance in the Diplomatic Gallery of eight members of the House of Deputies of the Argentine Congress. They are here on a visit to the United States to observe matters of interest to them.

Representative THOMPSON of New Jersey has graciously brought them to the precincts of the Senate this afternoon. I am pleased to state that he is sitting next to me on my right.

When I met these distinguished parliamentarians from the Argentine, I suggested that they come to the floor of the Senate; but they are modest and stated that they would be pleased to observe the operations of the Senate from the gallery.

I say to them, sitting in the gallery, that the relationships between the Congress of the United States and the Congress of the Argentine in the various interparliamentary conferences are very close. As chairman of the Subcommittee on Latin-American Affairs, I know I speak not only for the Senate, but for the full Committee on Foreign Relations when I say that we are greatly indebted to our parliamentary colleagues from the Argentine for the discussions we have had in the past in regard to the problems existing between our two nations.

We are looking forward to their visit this week because we expect to be in conference with them to discuss possible solutions to some of our existing problems.

Among the group are the leader of the majority party and the committee chairman of the House of Deputies of the Argentine.

On behalf of the Subcommittee on Latin-American Affairs, and I am sure on behalf of the full Committee on Foreign Affairs, I extend to them a most cordial welcome, and assure them that if the Senate can be of any assistance in making their visit to the United States more enjoyable and more helpful in carrying out the objectives which brought them to Washington, we are at their service.

All Senators welcome them to the Senate. [Applause, Senators rising.]

Mr. SCOTT addressed the distinguished visitors in Spanish, as follows:

Señor Presidente, ofrecemos nuestras felicitaciones y bienvenida a nuestros colegas de la Cámara de Diputados de la República de la Argentina.

Siento mucho que la mayor parte de los Senadores no esté presente ahora. Están muy ocupados en sus oficinas.

Yo visité la Argentina tres o cuatro veces.

En conclusión, saludos a nuestros amigos y buenos vecinos de la República de la Argentina.

Mr. HUMPHREY. Mr. President, in my halting midwestern English, I should like to say a few words of greeting to our friends from the Republic of the Argentine.

It was my privilege, with other Members of the Senate, to have an opportunity to visit very briefly with Members of Congress of the Republic of the Argentine.

I, too, join in welcoming them, and once again reassure them that the people of the United States look upon Argentina as one of the great friends of this country. We look forward to their prosperity, to the improvement of their economy, and to the further well-being of their people. I hope it will be the privilege of our distinguished visitors to see much of the United States, because in that way they will have the opportunity to understand our country much better, and to bring back to their constituents and their own people a better understanding of the development of the United States.

The Senator from Pennsylvania [Mr. Scott] has demonstrated the international character of the U.S. Senate by his lucid Spanish. I wish that he would always campaign in Spanish, particularly in the Scandinavian section of my part of the country.

I extend to our friends from Argentina, with a slight Swedish accent, what we would say if they came to our part of the country: buenos dias.

Mr. SCOTT. I am glad that the Senator from Minnesota has not taken me to task for some lapses of grammar that may have crept into my words of greeting to our distinguished visitors. I hope that friends from Argentina will forget any slight failure to speak entirely in Castilian.

Mr. MORSE. Mr. President, I ask unanimous consent that a list of the names of the distinguished visitors be printed in the Record at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

List of Members of Argentine Deputies

The Honorable Raul Fernandez, Federal Deputy from Córdoba, Unión Cívica Radical del Pueblo (UCRP), UCRP bloc leader in the Federal Chamber of Deputies.

The Honorable Carlos J. Berini, Federal Deputy from Buenos Aires, Democrata Progresista Party, president of the Commerce Committee.

The Honorable Salvador Damiani, Federal Deputy from Santa Fe, Unión Cívica Radical del Pueblo (UCRP), president of the Agricultural and Livestock Committee.

The Honorable Manuel Martin Mujica, Federal Deputy from Buenos Aires, Unión Cívica Radical del Pueblo (UCRP), president of the Defense Committee.

The Honorable Juan Carlos Pugliese, Federal Deputy from Buenos Aires, Unión Cívica Radical del Pueblo (UCRP), UCRP deputy bloc leader in Federal Chamber of Deputies, member of the Budget and Finance Committee.

The Honorable Oscar Rial, Federal Deputy from Santiago del Estero, Unión Cívica Radical del Pueblo, president of the Industry Committee.

The Honorable Dante O. Tortonese, Federal Deputy from Buenos Aires, Unión Cívica Radical Intransigente (UCRI), president of the Social Welfare and Public Health Committee.

The Honorable Araldo Angel Ritacco, Federal Deputy from the Federal Capital, Union del Pueblo Argentino (UDELPA).

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. LONG of Missouri. Madam President——

The PRESIDING OFFICER (Mrs. Neuberger in the chair). The Senator from Missouri is recognized.

Mr. LONG of Missouri. Madam President, the Senate is presently engaged in a great debate on a great cause—the freedom of man. The decision reached by this body will have a significant effect upon our Nation for it will to a large extent determine the method by which full freedom is sought by all Americans. If this bill is enacted in substantially the same form as it is today the primary thrust of the struggle for full participation in our free society will be in the conference rooms and in the courts. Conflicts and issues will be determined and resolved by law. If the bill fails to pass or is seriously weakened, then the primary thrust of the struggle will remain in the streets. Conflicts and issues will be determined and resolved by economic, social, and political pressures accompanied by passion, emotion, and, if past experience is an accurate indication, violence. But regardless of the decision made here, Americans will continue to strive for and to achieve fuller freedom because this goal, which was ordained at the birth of our Republic, is as necessary a part of our lives as breathing. The objectives of the bill before the Senate will come to pass. The question before the Senate is whether they are to be achieved in a reasonable way with an immediate beginning; or are they to be achieved by whatever means that from time to time can be brought to bear?

In my opinion, this bill should be enacted, for it is our responsibility to support freedom by taking the actions which are necessary to allow all Americans an equal opportunity to participate in our free society. It is our responsibility to insure that every American has a chance to enjoy the full benefits of citizenship.

Madam President, the primary purpose of my statement today is to discuss the need for title V of the bill. This title would extend the life of the Civil Rights Commission for approximately 4 years, and would expand its duties by authorizing it to investigate voting frauds and to serve as a national clearinghouse for civil rights information.

The need for a National Commission on Civil Rights was first recognized many years ago. In 1947, the President's Committee on Civil Rights, which was created by President Harry S. Truman, recommended "the establishment of a permanent Commission on Civil Rights in the Executive Office of the President, preferably by act of Congress." In support of the recommendation, the Committee report, entitled "To Secure These Rights" read in part as follows:

> A permanent Commission could perform an invaluable function by collecting data. It could also carry on technical research to improve the fact-gathering methods now in use. Ultimately this would make possible a periodic audit of the extent to which our civil rights are secure. If it did this and served as a clearinghouse and focus of coordination for many private, State, and local agencies, working in the civil rights field, it would be invaluable to them and to the Federal Government.
>
> A permanent Commission on Civil Rights should point all of its work toward regular reports which would include recommendations for action in the ensuing periods. It should lay plans for dealing with broad civil rights problems.

Efforts to carry out this recommendation culminated in the Civil Rights Act of 1957. However, Congress decided to give the Commission a more limited role than the one recommended. It should be noted that the present bill also envisions a more limited role for the Commission than the 1947 recommendation.

In 1957, the House Judiciary Committee concisely summarized in its report the reasons for establishing the Commission. I read from the report:

> Because the [civil rights] problem is a continuing one, and because the committee believes that the American body politic seeks progress toward equality for all and equal protection of the laws for all, the [Civil Rights] Commission is authorized to make a study * * * of denials of a right to vote because of race, creed, color, or racial origin, and to analyze the legal developments in Federal policies and laws involving the constitutional right of equal protection of the laws.

As the committee report put it, "the complexity of the subject matter demands greater knowledge and understanding of every facet of the problem.

When the bill reached the Senate, the then majority leader, Senator Lyndon Johnson, cited the potential of such a Commission as a useful instrument. In his words:

> It can gather facts instead of charges; it can sift out the truth from the fancies; and it can return with recommendations which will be of assistance to reasonable men.

Thus the Commission was created; and it was given the responsibility of, first, investigating sworn allegations that citizens were being denied the right to vote; second, studying legal developments constituting a denial of equal protection of the laws; third, appraising the laws and policies of the Federal Government with respect to equal protection of the laws; and fourth, reporting its activities to the President and Congress with findings and recommendations for corrective action.

STATUS OF CIVIL RIGHTS IN 1957

The job assigned to the Commission by Congress was a complex and sensitive one. In almost every field, the rights of citizens under the 14th and 15th amendments to the Constitution were in a state of turmoil and transition. In voting, for example, the rights of Negro citizens under the 15th amendment had been established for almost a century, but there were widespread allegations that "literacy tests" and similar devices were being used as instruments of disfranchisement. In education, the rights of Negro children to be assigned to public schools without regard to their race had been declared by the Supreme Court in the School Segregation cases in 1954, but there were thousands of school districts which had not taken the first step toward compliance with the Court's decision. In employment both Presidents Truman and Eisenhower had called for an end to job discrimination in Federal employment and in employment created by Federal contracts, but allegations were frequently heard that this policy had not been adequately implemented. In housing, the Supreme Court had declared in 1948 in the restrictive covenant cases that Government could not enforce the discriminatory practices of property owners, but questions were being raised about the involvement of the Federal Government in creating racially segregated communities. As to the Armed Forces, President Truman had begun the long and difficult process of eliminating discrimination in the military services, but there was evidence that this process was not yet complete.

So a substantial job lay ahead of the Commission to study the allegations, sift the facts and come up with impartial reports to guide the President and Congress in securing the rights of citizens.

ACTIVITIES OF THE COMMISSION ON CIVIL RIGHTS

In my judgment the Commission has done this job remarkably well. It has been served by a distinguished group of Americans appointed by Presidents Eisenhower and Kennedy. The four Commissioners presently serving are: Dr. John A. Hannah, Chairman, and president of Michigan State University; Dean Erwin N. Griswold, Harvard University Law School; Rev. Theodore M. Hesburgh, C.S.C., president of Notre Dame University; and Dr. Robert S. Rankin, professor of political science at Duke University. Mrs. Frankie Muse Freeman, an able attorney from my State who now serves as associate general counsel of the St. Louis Housing and Land Clearance Authorities, has been nominated as a member by President Johnson. In the recent past the Commission has had the services of such outstanding citizens as Dean Robert G. Storey of the Southwest Legal Foundation; former Governor of Virginia John S. Battle; former Governor of Florida Doyle E. Carlton; former dean of Howard University Law School, George M. Johnson; Judge Spottswood W. Robinson III, former dean of Howard University Law School; and former Assistant Secretary of Labor, J. Ernest Wilkins.

To assist the Commission in performing its factfinding functions, Congress gave it the power to hold hearings and to compel the production of documents and the attendance of witnesses. Recognizing that the right to vote was the cornerstone of democracy, the Commission has devoted a major portion of its resources to the investigation of voting denials, including hearings in Montgomery, Ala., in 1958, and New Orleans, La., in 1961. But the Commission also has turned its attention to problems of equal protection of the laws in housing, education, employment, and the administration of justice. Recognizing that these were national, not sectional, problems, the agency has held hearings in all areas of the Nation, including New York, Chicago, Detroit, Atlanta, San Francisco, Los Angeles, Phoenix, Memphis, Newark, Indianapolis, and Washington, D.C.

Congress also recognized that the factfinding functions of the Commission could not be performed solely by Federal officials in Washington. Therefore, it authorized the Commission to constitute advisory committees. In response to this authorization the Commission has established such committees in each of the 50 States and the District of Columbia.

Among the 487 members of these committees are attorneys, educators, businessmen, labor leaders, bishops and clergymen, civil leaders, social workers, and college presidents. The membership also includes a number of former Governors and Members of Congress as well as several mayors. The advisory committees are authorized to gather information through questionnaires, surveys, public meetings, and conferences with public officials. As knowledgeable citizens of their States, they have collaborated with Commission staff and consultants to provide their States with a useful forum for airing civil rights problems. They have also made a significant contribution to the Commission's understanding of the status of civil rights guarantees in the several States. I can testify that the Missouri Advisory Committee, headed by the Reverend Trafford P. Maher, has rendered distinguished service in this regard.

The results of Commission investigations, surveys, hearings and research have been reflected in its reports. In 1959 the Commission issued a report containing findings, conclusions and recommendations in the fields of voting, housing and education. In 1961, after Congress had extended the Commission for 2 years, it published an interim report on problems of equal protection in the field of higher education. The 1961 final report consisted of five volumes. They included reports on recent developments in voting, housing, and education, with emphasis on particular areas not previously studied, for instance, impacted area education assistance and the role of federally regulated and assisted financial institutions in housing discrimination. In addition, there were reports on the administration of justice. These covered the effectiveness of Federal laws protecting against private violence, police brutality, and racial exclusion from juries. There also were reports on employment—the role of the Federal Government in providing equal opportunity in Government employment and in jobs created by Federal contracts and assistance. Finally there was a preliminary study of the civil rights problems of Indians.

Since its extension in 1961, the Commission has issued a number of interim reports, including, first, a report on housing discrimination in the District of Columbia; second, a report on civil rights progress during the past 100 years undertaken at the request of President Kennedy in connection with the centennial of the issuance of the Emancipation Proclamation; third, two reports containing detailed information on the status of school desegregation in four communities in the South and in seven communities in the North and West; fourth, a report on the status of equal protection in Mississippi; and fifth, several special reports of the State advisory committees.

The 1963 report and recommendations included, first a report on the effectiveness of present legal remedies to protect the right to vote and to prevent discrimination; second, a report on minority group access to federally assisted training programs provided under the National Defense Education Act, the Manpower Development and Training Act, and the Area Redevelopment Act; third, a report on the status of equal opportunity in the Armed Forces, including discrimination in housing, educational, social, and recreational facilities on and off military bases, and equal opportunity in technical scientific training; fourth, a report on the access of minority groups to hospital facilities and medical care provided with Federal assistance under the Hill-Burton Act; fifth, a report on the availability of legal representation to members of minority groups and their participation in the agencies of justice; sixth, additional case studies of the process of school desegregation in communities in the South, North, and West.

THE COMMISSION'S CONTRIBUTION

How effective and useful have these Commission reports been? One guide in answering this question is the extent to which the Commission's recommendations have been followed by the President and Congress. In this respect, the Commission's record has been quite impressive. As I have noted, one of the Commission's major duties is to appraise the laws and policies of the Federal Government with respect to equal protection of the laws. In carrying out this responsibility the agency has examined a number of Federal grant-in-aid programs to determine whether the benefits afforded by those programs were available to all persons without regard to race. Finding that in many instances the Federal Government was actually subsidizing racial discrimination, the Commission has made several recommendations for corrective action.

In a very large measure President Kennedy's administration followed these recommendations. Perhaps the best known example of this was President Kennedy's Executive order banning racial discrimination in governmentally assisted housing. But the President also followed Commission recommendations in a number of other areas, including Federal assistance to education and employment. President Johnson has continued this policy, saying "all members of the public should be equally eligible for Federal benefits financed by the public." It is important to note that the results of these recommendations has not been the withdrawal of Federal funds and services, but a great deal of quiet progress toward assuring that Federal money is administered for the benefit of all citizens.

Congress has also benefited from Commission recommendations. For example, the Commission's 1959 recommendations on voting formed the basis and provided much of the impteus for the Civil Rights Act of 1960. Indeed, much of the civil rights legislation now pending before us is predicated on Commission recommendations.

Madam President, I ask unanimous consent to insert at this point appendix 1 of the 1963 report of the Civil Rights Commission and a memorandum concerning the extent that Commission recommendations are incorporated in the civil rights bill.

There being no objection, the appendix and memorandum were ordered to be printed in the Record, as follows:

Appendix I. Action Taken on Recommendations of the U.S. Commission on Civil Rights[1]

I. VOTING

The 1961 report

Recommendation No. 1: That Congress declare that voter qualifications other than age, residence, confinement, and conviction of a crime are susceptible of use, and have been used, to deny the right to vote on discriminatory grounds; and enact legislation providing that all citizens shall be secure in their right to vote in Federal and State elections and that such right shall not be denied, abridged or interfered with on a discriminatory basis.

Action taken: Legislation submitted by the President in 1963 contains provisions partially embodied in this recommendation. In his first civil rights message in February 1963, the President urged that "the law should specifically prohibit the application of different tests, standards, practices, or procedures for different applicants seeking to register and vote in Federal elections." The legislation provides for general tightening of registration loopholes.

Recommendation No. 2: That Congress enact legislation establishing a sixth grade education as satisfactory proof of qualification in States which impose literacy or educational tests.

Action taken: Proposed in modified form in legislation submitted by the President in 1963.

Recommendation No. 3: That Congress amend subsection (b) of 42 U.S.C. 1971 to prohibit any arbitrary action or (where there is a duty to act) arbitrary inaction which deprives or threatens to deprive any person of the right to register, vote, and have that vote counted in any Federal election. (Reaffirms recommendation No. 3 in the 1959 report.)

Action taken: Proposed in modified form in legislation submitted by the President in 1963.

Recommendation No. 4: That Congress consider the advisability of enacting legislation (a) requiring that where voting districts are established they shall be substantially equal in population; and (b) specifically granting the Federal courts jurisdiction of suits to enforce the requirements of the Constitution and of Federal law with regard to such electoral districts; but explicitly providing that such jurisdiction shall not be deemed to preclude the jurisdiction of State courts to enforce rights provided under State law regarding such districts.

Action taken: The issue of Federal jurisdiction was discussed by the Supreme Court in *Baker* v. *Carr* (1962). Since then, a number of Federal and State courts have ruled that State voting districts must be substantially equal in population.

Recommendation No. 5: That Congress direct the Bureau of the Census promptly to initiate a nationwide compilation of registration and voting statistics to include a count of persons of voting age in every State and territory by race, color, and national origin, who are registered to vote, and a determination of the extent to which such persons have voted since January 1, 1960. (Reaffirms in principle recommendation No. 1 of the 1959 report.)

The 1959 report

Recommendation No. 2: That Congress require that all State and territorial registration and voting records shall be public records and must be preserved for a period of 5 years, during which time they shall be subject to public inspection, provided that all care be taken to preserve the secrecy of the ballot.

Action taken: A modified version of this proposal, making voting records public and available for 22 months, was enacted into law by the Civil Rights Act of 1960.

Recommendation No. 5: That Congress provide for a system of temporary Federal registrars appointed by the President to register persons in districts where registrars have discriminated by race in denying the right to vote.

Action taken: The proposal to appoint temporary voting referees and otherwise expedite the registration process forms an important part of the legislation submitted by the President in 1963. A modified version of this recommendation, calling for judicially appointed referees, was a major part of the 1960 Civil Rights Act.

II. EDUCATION

The 1961 report

Recommendation No. 1: That Congress enact legislation making it the duty of local school boards which maintain policies of racial segregation to file desegregation plans with a designated Federal agency, and authorizing the Attorney General to enforce this obligation.

Action taken: Legislation to authorize the Attorney General to institute school desegregation suits was submitted by the President in 1963.

Recommendation No. 2: That Congress provide for a formula of reduction of grants-in-aid to school districts maintaining segregation.

Action taken: A proposal that Federal agencies withhold financial assistance in programs where discrimination is practiced was included in the legislation submitted by the President in 1963.

Recommendation No. 3: That Congress consider the advisability of adopting measures to expedite the hearing and final determination of actions brought in Federal courts to secure admission to publicly controlled educational institutions without regard to race, color, religion, or national origin. (Reaffirms in principle recommendation No. 2 of the 1960 Higher Education Report.)

Recommendation No. 4: That Congress authorize Federal funds and technical assistance for local districts involved in implementing desegregation plans.

Action taken: Proposed in legislation submitted by the President in 1963.

Recommendation No. 5: That Congress authorize loans to school districts embarking on desegregation which have lost State or local financial aid as a result of such embarkation.

Action taken: Proposed in legislation submitted by the President in 1963.

Recommendation No. 6: That Congress authorize the Commission or an appropriate Federal agency to act as a clearinghouse for school desegregation developments and to establish an advisory and conciliation service to aid in the process of desegregation. (This recommendation is similar to recommendation I of the 1959 report.)

Action taken: The Commissioner of Education of the Department of Health, Education, and Welfare has established an Office to perform the clearinghouse function. A proposal to authorize HEW to serve as a clearinghouse and provide technical assistance with respect to education and to authorize the Commission on Civil Rights to perform these functions with respect to matters within its jurisdiction is embodied in legislation submitted by the President in 1963.

Recommendation No. 7: That Congress authorize protection to school officials and citizens in areas newly desegregating.

Recommendation No. 8: That the President direct the Department of Defense to make a survey of the segregated-desegregated status of all public schools attended by dependents of military personnel. That where dependents are attending segregated schools, HEW make arrangements for their education in schools operated without discrimination.

Action taken: The Department of Health, Education, and Welfare in cooperation with the Department of Defense conducted a survey limited to schools attended by children residing on military installations. For these children as of September 1963, segregated schools will not be deemed "suitable." Negotiations have been undertaken to effect desegregation and were successfully concluded in 15 school districts. Plans are underway to construct schools on 8 installations where school districts have refused to accept all children residing on base without regard to color.

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[1] Almost all of the Commission's recommendations for legislation have been submitted as bills by Members of Congress. Several of these bills have had congressional hearings and a number have been reported by committees of the Senate or House. For the purpose of this summary, however, "action" upon the Commission's legislative recommendations is listed only if the substance of the recommendation has been enacted into law, proposed by the President at the current session of Congress or reported by a committee of Congress during the current session.

The Department of Justice has brought five suits seeking desegregation of schools attended by military dependents residing both on and off base.

Legislation was reported by the House Committee on Education and Labor in 1963 requiring as a condition to financial assistance for the education of all federally connected children that the schools be desegregated.

Recommendation No. 9: That the President direct the Office of Education of HEW to survey practices of public libraries receiving Federal aid to determine whether service is being offered to all as required by law. That funds be withheld from States not serving all residents without discrimination.

Action taken: The Office of Education has completed a survey of public libraries receiving Federal assistance and has announced that to be eligible for continued assistance libraries must be available to all persons without discrimination.

Recommendation No. 10: That the Federal Government sponsor in the several States, upon their application therefor, educational programs designed to identify and assist teachers and students of native talent and ability who are handicapped professionally or scholastically as a result of inferior training or educational opportunity. (This reaffirms recommendation 3 of the 1960 higher education report.)

Action taken: Proposed in modified form in legislation submitted by the President in 1963.

Recommendation No. 11: That Congress or the President assure that Federal assistance to higher education be dispensed only to publicly controlled colleges and universities which do not discriminate. (This affirms without change recommendation 1 of the 1960 higher education report.)

Action taken: The Department of Health, Education, and Welfare included in its contracts for National Defense Education Act summer institutes a clause requiring nondiscrimination which was accepted by 20 southern schools, including 6 which formerly excluded Negroes. The National Science Foundation has adopted a similar policy for its 1963 institutes.

Legislation submitted by the President in 1963 would delete the "separate but equal" clause from the Land Grant College Act.

A proposal to authorize Federal agencies to withhold financial assistance in all programs where discrimination is practiced was included in the legislation submitted by the President in 1963.

Recommendation No. 12: That an annual survey of all public educational institutions on the basis of a numerical and ethnic classification be authorized. (This reaffirms recommendation 2 made in the 1959 report.)

Action taken: Several States have completed such surveys.

III. EMPLOYMENT

The 1961 report

Recommendation No. 1: That the Congress give statutory authority to the President's Committee on Equal Employment Opportunity and authorize it to take steps to effectuate equal employment opportunities in all Federal employment, federally assisted training programs, and labor unions operating under federally assisted projects.

Action taken: Proposed in modified form in legislation submitted by the President in 1963.

Recommendation No. 2: That the President issue an Executive order providing equality of opportunity for all members of the Armed Forces including the National Guard; and directing that a survey be made of Negro membership in the Reserves.

Action taken: The Secretary of Defense has directed that a survey be made of discrimination in the Reserves and that all-white and all-Negro units be desegregated. The President on June 24, 1962, established a President's Committee on Equal Opportunity in the Armed Forces to report on remaining problems of discrimination in the Armed Forces, including the National Guard, and make recommendations for corrective action. On June 22, 1963, this Committee reported to the President that conditions of discrimination in off-base facilities continue to impair the morale of Negro servicemen. The President directed the Secretary of Defense to investigate this situation and report back within 30 days. The Department of Defense has since promulgated regulations designed to eliminate discrimination in off-base facilities.

Recommendation No. 3: That the President issue an Executive order making clear that employment supported by Federal grant funds is subject to the same nondiscrimination policy and the same requirements as those set forth in Executive Order 10925, applicable to employment by Government contractors.

Action taken: On June 22, 1963, the President issued Executive Order 11114, requiring nondiscrimination provisions in federally assisted construction contracts an providing for the termination of such Federal participation when compliance is not achieved.

Recommendation No. 4: That Congress and the President encourage equal opportunity for minority groups by: (a) Expanding Federal assistance to vocational education and apprenticeship training; (b) providing for retraining and relocation of jobless workers; (c) assuring nondiscrimination in the administration of these programs; and (d) amending present vocational education regulations to make training available based on national occupational needs rather than traditional and local opportunities.

Action taken: Congress passed the Manpower Development and Training Act of 1962 which provided for the retraining of jobless and other workers and the Secretary of Labor has stated that this program and the apprenticeship program would be administered in a nondiscriminatory manner.

Expansion of vocational education and retraining programs was proposed in legislation submitted by the President in 1963.

The Department of Health, Education, and Welfare has advised State vocational education boards that where employment opportunities justify the offering of training, training must be available to all.

Recommendation No. 5: That Congress enact legislation designed to afford minority youth opportunities for training and education through Federal programs and assistance.

Action taken: Proposed in legislation submitted by the President in 1963.

Recommendation No. 6: That the President direct that an affirmative program of dissemination of information be conducted to make known the availability of Federal and Federal contract employment on a nondiscrimination basis and to encourage persons to apply and train for such jobs.

Action taken: The Civil Service Commission has undertaken special recruiting visits to predominantly Negro colleges to disseminate information and encourage applications for Federal employment. Other agencies have supplemented this program with similar visits or conferences of their own.

Recommendation No. 7: That the Bureau of Employment Security's policy of encouraging merit employment be strengthened in various ways.

Action taken: Responsibility for implementing this program has now been assigned to minority group representatives in the 11 regional offices of the Department of Labor.

Recommendation No. 8: That the President direct the Secretary of Labor to grant Federal funds for the operation of State employment offices only to offices which operate in a nondiscriminatory manner and which refuse to process discriminatory job orders.

Action taken: The Secretary of Labor has required State employment services to hire and recruit their own staff in a nondiscriminatory manner and has negotiated the termination of segregation in nearly all local employment offices. Departmental regulations now require local offices to refuse to accept or process discriminatory job orders.

Recommendation No. 9: That Congress amend the Labor-Management and Disclosure Act of 1959 to include in title I a provision that no labor organization shall refuse membership to, segregate, or expel any person because of race, color, religion, or national origin.

Action taken: The National Labor Relations Board is now considering whether discriminatory policies of unions are unfair labor practices. At the direction of the President, the Department of Justice is participating in these cases to urge the NLRB to take appropriate action against discrimination in unions.

IV. HOUSING

The 1961 report

Recommendation Nos. 1, 2, and 3: That the President issue an Executive order barring discrimination in federally assisted housing and home finance and that certain specified steps be taken to implement such an order. (This reaffirmed in more detailed form a broad recommendation for an Executive housing order made in the 1959 report.)

Action taken: In November 1962, the President issued Executive Order 11063 prohibiting discrimination in the sale, lease, or use of housing owned or constructed in the future by the Federal Government or guaranteed under Federal Housing Administration or Veterans' Administration programs. A President's Committee on Equal Housing Opportunity was created to implement the provisions of the order which embodied almost all of recommendations Nos. 1 and 2, but which did not cover housing financed by conventional loans as the Commission recommended in No. 3.

Recommendation No. 4: That the Federal Government take steps to require communities to assure that there is decent housing for persons displaced by urban renewal and to provide sufficient relocation facilities for such displacees.

Action taken: The Urban Renewal Administration has revised its regulations to require more specific planning to assure the availability of decent housing at the time displacement begins.

Recommendation No. 5: That the President direct URA to require that each contract entered into between local public authorities and redevelopers contain a nondiscrimination provision assuring access to reuse housing to all applicants.

Action taken: The Housing Executive order prohibits discrimination in housing constructed under the urban renewal program.

Recommendation No. 6: That Congress amend the Highway Act of 1956 so that in the administration of the interstate highway program, States must assure persons displaced by construction of adequate housing and show that Federal financial aid to displaced families is available.

Action taken: The Highway Act of 1962 permits reimbursement to States for relocation expenses.

Recommendation No. 7: That the President require appropriate Federal agencies to gather information on the availability of mortgage money to nonwhites and their participation in Federal housing programs.

The 1959 report

Recommendation No. 5: That the Public Housing Administration encourage the selection of sites outside the present centers of racial concentration.

Recommendation No. 6: That the Urban Renewal Administration assure the participation of minority groups in the preparation of urban renewal plans.

Action taken: The Housing and Home Finance Agency now urges broad community participation, including minority groups, in the development of overall community urban renewal plans.

District of Columbia housing report—1962

Recommendation No. 1: That the District of Columbia Board of Commissioners issue and effectively implement an appropriate regulation prohibiting discrimination on the basis of race, color, religion, or national origin in the sale, rental, or financing of housing within the District of Columbia.

Action taken: The District of Columbia Corporation Counsel has informed the District of Columbia Commissioners that they have the authority to issue a regulation, and the Commissioners have said they would issue such a regulation.

Recommendation No. 2: That the District of Columbia Board of Commissioners require where persons engage in acts prohibited by such regulation as may be promulgated in accordance with recommendation 1: (a) The suspension or revocation of any license to act as a real estate broker or salesman issued under District of Columbia law; and (b) the suspension or revocation of any license to provide housing accommodations issued under District of Columbia law.

Recommendation No. 3: That the District of Columbia Board of Commissioners issue a regulation declaring racial and religious restrictions contained in instruments affecting the title to real property to be void and of no effect.

Recommendations Nos. 4, 5, 6: That the National Capital Regional Planning Commission establish a standing committee on minority housing problems; that the Congress establish a central relocation service for the District of Columbia for families displaced by public construction work; that the President, through the Department of Justice, investigate possible violations by the housing and home finance industry of the antitrust laws.

V. JUSTICE

The 1961 report

Recommendation No. 1: That Congress consider a program of grants-in-aid to the States and local governments to increase the professional quality of their police forces.

Recommendation No. 2: That Congress consider enacting a statute which would make the criminal penalties of 18 U.S.C. 242 applicable to certain specified acts, if maliciously performed.

Recommendation No. 3: That Congress consider the advisability of amending section 1983 of tile 42 of the United States Code to make any county, city or other local government unit that employs officers who deprive persons of rights protected by that unit jointly liable with the officers to victims of such officers' misconduct.

Recommendation No. 4: That Congress consider the advisability of empowering the Attorney General to bring civil proceedings to prevent the exclusion of persons from jury service on account of race, color, or national origin.

VI. GENERAL

The 1961 report

Recommendation: General recommendation that the President utilize the influence of his office in support of equal protection of the laws: By explaining the legal and moral issues in civil rights crises; by reiterating his support for the Supreme Court's desegregation decision; by stimulating the exercise of the right to vote, and by marshaling the good will of the Nation in support of the national goal of equal opportunity.

Action taken: The President has used the influence of his office toward the attainment of each of these objectives.

VII. MISSISSIPPI INTERIM REPORT—1963

Recommendation No. 1: That the President formally reiterate his concern over the Mississippi situation by requesting all persons in that State to join in protecting the rights of U.S. citizens, and, in accordance with his duty to take care that the laws be faithfully executed, by directing them to comply with the Constitution and laws of the United States.

Action taken: The President has urged the people of Mississippi to recognize the benefits that come with the Union as well as their responsibilities to live up to the Constitution.

Recommendation No. 2: That the President continue and strengthen his administration's efforts to suppress existing lawlessness and provide Federal protection to citizens in the exercise of their basic constitutional rights.

Recommendation No. 3: That the Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States; and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi, until the State of Mississippi demonstrates its compliance with the Constitution and laws of the United States.

Action taken: A proposal that Federal agencies withhold financial assistance in programs where discrimination is practiced was included in the legislation submitted by the President in 1963.

EXTENT THAT COMMISSION RECOMMENDATIONS ARE INCORPORATED IN THE CIVIL RIGHTS BILL

TITLE I—VOTING

Bill provisions: No official shall apply different standards in qualifying people to vote in any Federal election. (Sec. 101(a), p. 2.)

Commission recommendations: Modifies recommendations in the 1959, 1961, and 1963 voting reports: No. 3 (1959), Nos. 1 and 3 (1961) and No. 1(a) (1963).

Bill provisions: No official shall deny the right to vote to any individual because of immaterial errors or omissions in any step of the voting process. (Sec. 101(a), p. 2.)

Commission recommendations: Modifies recommendations No. 3, 1961 report (voting) and No. 3 in the 1959 report (voting).

Bill provisions: No official shall give a literacy test without putting it in writing and retaining copies of the test for 22 months. (Sec. 101(a), p. 3.)

Commission recommendations: Incorporated in various recommendations by the Commission in 1961 and 1963 voting reports.

Bill provisions: Establishes a rebuttable presumption that all persons who have completed the sixth grade are literate. (Sec. 101 (b), p. 3.)

Commission recommendations: Modifies recommendation No. 2 in the 1961 report (voting).

Bill provisions: Requires expeditious handling of all voting cases and authorizes the Attorney General or the defendant to request a three-judge court to hear the case initially with direct appeal to the U.S. Supreme Court. (Sec. 101(d), p. 4.)

Commission recommendations: Commission recommended appointment of temporary Federal registrars in districts where persons have been denied the right to vote because of race. Recommendation No. 5, 1961 report (voting). Recommendation No. 2, 1960 report (higher education) did suggest a three-judge court for school desegregation cases.

TITLE II—PUBLIC ACCOMMODATIONS

Bill provisions: Prohibits discrimination in specific places of public accommodation whose operation affects interstate commerce or whose practices of discrimination are supported by State action. Covers hotels, motels, restaurants, cafeterias, lunch counters, gasoline stations, theaters, stadiums, and all facilities that are part of a covered establishment. Enforceable by civil action brought by Attorney General or persons discriminated against, p. 6.

Commission recommendations: Commission did not make any reports to cover this subject area.

TITLE III—PUBLIC FACILITIES

Bill provisions: Authorizes Attorney General to institute or intervene in civil actions against any publicly owned or operated facility whenever he receives a complaint of discrimination. (Sec. 301, p. 11.)

Commission recommendations: Modifies recommendations No. 1 of the 1963 report (Justice).

Bill provisions: Authorizes the Attorney General to intervene in any case already filed by individuals seeking relief from the denial of equal protection of the laws because of race, color, religion, or national origin. (Sec. 302, p. 13.)

Commission recommendations: Modifies recommendations No. 1 in the 1963 report (Justice). Commission also requested such action in jury exclusion cases: Recommendation No. 4, 1961 report (Justice).

TITLE IV—PUBLIC EDUCATION

Bill provisions: Directs Commissioner of Education to conduct a national survey to the availability of equal educational facilities at all levels of public education. (Sec. 402, p. 14.)

Commission recommendations: Modifies recommendation No. 2 in the 1959 report (education) and also Nos. 8 and 12 in the 1961 report (education) which called for a survey of schools for off-base military dependents and an annual survey of all public schools, respectively.

Bill provisions: Authorizes Commissioner of Education to give technical assistance to desegregating school districts that request help. (Sec. 403, p. 14.)

Commission recommendations: Recommendation No. 4 in the 1961 report (education) asked that Congress authorize "technical assistance for local districts involved in implementing desegregation plans." Modifies recommendation No. 1 in the 1959 report (education).

Bill provisions: Authorizes the Commissioner to set up special training institutes to teach school personnel how to deal with special educational problems occasioned by segregation. (Sec. 404, p. 15.)

Commission recommendations: Modifies recommendation No. 10 in the 1961 report (education), No. 3 in the 1960 higher education report, and No. 2 in the 1963 report (education).

Bill provisions: Authorizes Commissioner to make grants to school boards for in-service training or for employing desegregation experts. (Sec. 405, p. 16.)

Commission recommendations: Recommendation No. 4 in the 1961 report (education) also asked for "Federal funds" to assist local school districts.

Bill provisions: Authorizes Attorney General to initiate or intervene in school desegregation cases if he receives a complaint and the injured parties are unable to pursue their legal remedies. (Sec. 407, p. 17.)

Commission recommendations: Modifies recommendation No. 1 in the 1961 report (education) and No. 1 in the 1963 report (education).

TITLE V—CIVIL RIGHTS COMMISSION

Bill provision: Extends the life of the Commission 3 years and 4 months, and directs the Commission to serve as a national clearinghouse for civil rights information and to investigate general allegations of voting frauds not related to racial discrimination (p. 19).

Commission recommendations: Recommendation No. 6 in the Education Report of 1961 asked that Congress authorize the Commission or an appropriate Federal agency to act as a clearinghouse for school desegregation developments.

TITLE VI—FEDERALLY ASSISTED PROGRAMS

Bill provisions: Directs all Federal agencies to require the elimination of discrimination under all aid programs and negates provisions of any Federal law that is contrary. Authorizes termination of aid to effectuate this directive (p. 25).

Commission recommendations: The Commission has recommended this course of action for many Federal aid programs:

1. Education: No. 2, 1961 report (education) and No. 1, 1960 higher education report.
2. Impacted area schools: No. 8, 1961 report (education) and No. 6, 1963 report (Armed Forces).
3. Colleges: No. 11, 1961 report (education).
4. Libraries: No. 9, 1961 report (education).
5. ROTC: No. 4, 1963 report (Armed Forces).
6. Housing: Nos. 1, 2, and 3, 1961 report (housing).
7. Urban renewal: No. 5, 1961 report (housing) and No. 4, 1963 report (education).
8. State employment offices: No. 8, 1961 report (employment).
9. Vocation and other training: Nos. 2, 3, and 5, 1963 report (employment).
10. Hospitals and health: Nos. 1, 2, and 3, 1963 report (health).
11. General (employment generated by any Federal agencies through loans, grants or aid): No. 6, 1963 report (employment).
12. General (States refusing to abide by the Constitution and laws of the United States): No. 3, 1963 interim Mississippi report.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

Bill provisions: Establishes an Equal Employment Opportunity Commission to receive or initiate complaints alleging discrimination in industries affecting interstate commerce. (Sec. 706, p. 36.)

Commission recommendations: Recommendation No. 1 in the 1963 report (employment) asked for legislation establishing a right to equal opportunity in employment when that employment affects interstate commerce with authority to institute action vested in a single administrator.

Bill provisions: Subjects employers and labor unions with 25 or more employees or members and employment agencies to this title. (Sec. 704, p. 32.)

Commission recommendations: Recommendation No. 9 in the 1961 report (employment) requested modified legislation to cover labor unions.

Bill provisions: Empowers Commission to eliminate discriminatory practices by conciliation and persuasion and to take the case to court if necessary. After a trial de novo, the court may order compliance. (Sec. 707, p. 39.)

Commission recommendations: Recommendation No. 1 in the 1963 report (employment) asked for power in the administrator to issue appropriate orders with provision for appeal to an independent authority.

TITLE VIII—VOTING CENSUS

Bill provisions: Directs the Secretary of Commerce to conduct a survey of registration and voting statistics by race, color, and national origin in such areas as may be designated by the Commission on Civil Rights (p. 51).

Commission recommendations: Modifies recommendation No. 5 of the 1961 report (voting) and recommendation No. 1 of the 1959 report (voting) which asked for a nationwide census of the same statistics.

TITLE IX—REMAND PROCEDURE

Bill provisions: Provides for appeals from Federal court orders which send civil rights cases back to State courts (p. 51).

Commission recommendations: Modifies recommendation No. 4 in the 1963 report (Justice).

TITLE X—COMMUNITY RELATIONS SERVICE

Bill provisions: Establishes a Community Relations Service in the Department of Commerce to provide informal assistance to individuals or communities requiring help in resolving civil rights problems (p. 52).

Commission recommendations: Recommendation No. 6 in the 1961 report (education) called for an "advisory and conciliation service" to aid in the process of desegration.

TITLE XI—MISCELLANEOUS

Bill provisions: Authorizes money to carry out the act and provides that invalidation of one part of the act will not affect the other parts. Asserts that this legislation is not intended to "occupy the field" of civil rights laws (p. 54).

No recommendations.

Mr. LONG of Missouri. Madam President, equally important as the fact that the President and Congress have acted upon Commission recommendations, is the role the Commission has played in giving us the information which enables us to reach decisions. Senators may and do differ about the wisdom of particular Commission recommendations embodied in the pending legislation, but there is little dispute about the facts. The facts found by the Commission have been cited time and again during this debate. They have not been materially disputed. Without this information, we would have a difficult time indeed in passing on the pending civil rights bill.

There have been other remedial results which have flowed from Commission reports and investigations. For example, the detailed information about Negro registration and denials of the right to vote developed at the Montgomery and New Orleans hearings, have furnished the Department of Justice with a basis for independent investigation which has resulted in the initiation of a number of suits under the Civil Rights Acts of 1957 and 1960. The Commission also has received complaints concerning denials of other rights for reasons of race and, where appropriate, has brought them to the attention of the Federal agencies which have remedial powers. Through this process a number of injustices in individual cases have been rectified. In some cases pension rights and welfare benefits have been restored to Negro citizens after their complaints were brought to the attention of the appropriate Federal agencies and investigated.

The value of the Commission's work is not solely in the legislation, lawsuits, and sanctions which have ensued from its reports and recommendations. By bringing the facts to light the Commission has helped to reduce tensions and to promote calm and reasonable solutions. This is important because in no other area has misinformation and misunderstanding so quickly bred fear and hatred. A public agency with continuing responsibility for bringing to light the facts is an absolute necessity.

By representing diverse points of view, different racial backgrounds, and wide geographic area, the Commission membership itself provides a meeting ground for the resolution of differing sectional and political approaches. With members having served from Massachusetts to Texas and Michigan to Virginia, the Commission brings to its deliberations a wealth of experience and deep understanding of civil rights problems. As a bipartisan group, it has worked to make the Nation aware of civil rights problems in an atmosphere free of partisan bickering and conducive to mutual understanding.

In its conferences in Williamsburg, Gatlinburg, Washington, D.C., and elsewhere, the Commission has been able to bring together educators from all parts of the Nation. In an atmosphere of calm, they have been able to share their experiences with desegregation and exchange information and advice. At a time when communication between the races in many parts of the Nation is very difficult and when public officials in one State may profit from the experiences of their counterparts in other States, such conferences serve a very valuable purpose.

The Commission's Advisory Committees, consisting of prominent citizens aware of the problems of their own States and communities, have been able to keep the Commission advised of local civil rights developments and grass roots opinion. The committees, through surveys and meetings, have encouraged solutions of civil rights problems on the State and community level.

THE COMMISSION'S FUTURE ROLE

For all these reasons, I say unequivocally that the Commission has earned the confidence that Congress entrusted to it. As long as there is a need for the services performed by the Commission, Congress should have no hesitation in extending its life.

There can be no doubt about the need. If there was a need for an impartial assessment of the facts of racial discrimination in 1957, how much greater is that need in 1964. In 1964, the struggle for equal rights is being waged not in a few sections of the Nation, but in almost every community in every State in the United States. The battle is no longer confined to the Halls of Congress or to courtrooms—it has been carried to city hall, to the conference rooms of large corporations, and to the streets. The newspapers are filled daily with reports of charges and countercharges concerning the status of rights and opportunities afforded Negro citizens. No Congressman has the facilities to digest and appraise all of these conflicting reports coming from so many areas. The job can only be performed by an independent agency with the resources possessed by the Commission.

But there are important additional reasons for continuing the Commission and expanding its functions. President Kennedy recognized this fact when, in proposing that the Commission be authorized to serve as a clearinghouse for civil rights, he said:

> There are, of course, many areas of denial of rights yet to be fully investigated. But the Commission is now in a position to provide even more useful service to the Nation.

The President went on to spell out the need for expert guidance in developing workable programs for civil rights progress:

> Agencies of State and local government, industry, labor, and community organizations when faced with problems of segregation and racial tensions, all can benefit from information about how these problems have been solved in the past. The opportunity to seek an experienced and sympathetic solution on a voluntary basis can often open channels of communication between contending parties and help bring about the conditions necessary for orderly progress. And the use of public hearings—to contribute to public knowledge of requirements of the Constitution and national policy—can create in these communities the atmosphere of understanding which is indispensable to peaceful and permanent solution to racial problems.
>
> The Federal Civil Rights Commission has the experience and capability to make a significant contribution toward achieving these objectives.

The wisdom of President Kennedy's words should be obvious. All around us is the evidence of increasing demands to right wrongs which are a century or more old, and of men of good will groping to find solutions which not only will end discrimination but will promote harmony and understanding in the community.

A Federal agency with knowledge of what is happening all over the Nation can assist these efforts to find solutions—and the Commission on Civil Rights is the logical agency to perform this function.

As previously indicated, the Commission, in performing its present functions, already does in a limited way provide information and assistance to Government agencies, organizations, and individuals in dealing with civil rights problems. Commission reports are widely distributed to local officials, educational institutions, and members of the public. The Commission staff answers a large volume of specific requests for information from Congress and the public, and participates in governmental and private meetings on civil rights. The Commission's education conferences have helped to provide a forum for the discussion of problems of desegregation so that communities about to undertake the process can benefit from the experience of others.

If the Commission is given specific authority to serve as a clearinghouse for information, it would be able to build upon these efforts. It would be able to develop an adequate library of materials on civil rights problems. Through publications and field operations, it would be able to make its informational services available to Federal agencies, State and local governments, industries and unions and to community groups and organizations working to develop the conditions for racial harmony.

In the long run, action on the community and local levels is an absolute prerequisite for effectively securing the rights of all our citizens. Equal protection of the laws cannot be achieved without the creation of a spirit of compliance. That spirit can only be obtained when all concerned agree to deal with each other on the basis of mutual respect and common understanding of the facts and the problems.

Thus, if the Commission is authorized to assist communities in meeting their civil rights problems it will be in a position to make a real contribution to orderly progress.

In order to carry out effectively the new assignments given to it by the act pending before the Senate, the Commission must be given a longer term of life than the 2-year period previously assigned to it as a maximum. It was for this reason that President Kennedy called for legislation placing it on a more stable and permanent basis. He requested an extension of the Commission's life for at least 4 more years. That the Congress is sensitive to this consideration is evidenced by the fact that at one stage of consideration the pending bill contained language making the Commission permanent, rather than merely providing a 4-year continuance.

It is clear that for some time into the future the civil rights problems discussed here today will require the kind of attention that only the Commission can give them. If this attention is to be as efficient and effective as possible, the Commission's operations must be maintained on a more permanent basis than has been the case in the past. Otherwise, it will be difficult to recruit, train, and retain personnel; in civil rights, as in other fields, it takes time for personnel to acquire proper judgment and perspective. It is also difficult to plan long-range studies and to establish priorities when there is uncertainty about the continued existence of the agency. The clearinghouse function cannot be expected to be a really useful addition to the machinery for coping with the present patterns of racial unrest if the Commission remains limited to activities conducted on a short-term basis. Finally, the phasing out and reduction of staff operations required of an agency scheduled to go out of business is wasteful, if the agency is then extended and must regroup and secure a new staff.

Madam President, in addition to extending the life of the Commission and authorizing it to serve as a national clearinghouse, H.R. 7152 authorizes the Commission to investigate sworn allegations of patterns or practices of fraud or discrimination in Federal elections.

Certainly no one can deny that elections free of fraud are essential to democratic government. This provision of the bill would add a further safeguard against fraud and thus strengthen our elective processes. The Commission after its investigation of alleged frauds would be able to report to the President and the Congress on the existence of any patterns or practices of fraud, the adequacy of present law, and recommend any needed changes.

Title V also provides a number of other minor changes in the present law relative to the Commission. Under present law, if the Commission determines that evidence or testimony at any hearing may tend to defame any person, it is required to receive the evidence or testimony in executive session and afford the person defamed an opportunity to voluntarily appear as a witness. The bill would authorize the Commission to receive only a summary of such evidence or testimony in executive session and would require that the persons defamed be given an opportunity to appear voluntarily only if the Commission determined that the evidence or testimony be given at a public session. This change would conform the Commission's rules of procedures to the House fair play rules.

The next change in present law would extend the prohibition against revealing without the consent of the Commission evidence and testimony taken in executive session to include the summaries authorized by the prior provision.

Title V also would change witness fees, the compensation of Commission members and consultant fees to conform with uniform rates recommended by the Bureau of the Budget and with rates paid by comparable agencies.

The bill also would broaden the Commission's subpena power to include witnesses domiciled or who have appointed agents for receipts of service of process within the State where the hearing is held and to include witnesses who are found, reside, are domiciled, transact business or have appointed agents for receipt of service of process within 50 miles of where the hearing is held. Similarly, it broadens the jurisdiction of courts to enforce Commission subpenas to include domicile and appointment of agents for receipts of service of process.

Another section of the bill would provide specific authority to the Commission to make necessary rules and regulations. This section only makes explicit the Commission's present implicit power to make regulations.

Finally, the bill would make it clear that neither the Commission nor its advisory committees have authority to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization. This provision merely clarifies the fact that the Commission has no jurisdiction to investigate the internal operations of such private associations.

Madam President, we have heard the issue before us described frequently as one of States rights against Federal rights. This contention was effectively answered in an editorial in the Greensboro Daily News of May 23, 1963:

> It [the Commission] might be called, with no great stretch of the imagination, the best friend States rights have. For it is showing those States which are openminded enough to listen where they can themselves improve their administration of laws.

The issue, in short, is not States rights or Federal rights but how the rights of the people can best be protected by all governments.

This Nation's devotion to the concept of the dignity of the individual and to the principles of human rights and equal justice lead to the creation of the U.S. Commission on Civil Rights. The same principles now call for a new effort to improve the Commission as an instrumentality for gathering the facts and for contributing to the goal of equal justice for all our citizens. For these reasons, I urge the adoption of title V.

Madam President, the time has long passed when Senate debate could be isolated from the world. At this moment in every town and city, in every State of this Union, people are aware that we are about the business of civil rights. Also it should be recognized that it is not only our constituents who listen today, but, in addition, millions of people around the world—many of whom have just achieved independence after decades of struggling for freedom.

Our Nation was born in the struggle for freedom. Our Declaration of Independence, which states "All men are created equal and are endowed by their Creator with certain unalienable rights," has inspired men of all races and creeds for 190 years. In our foreign policy today we are carrying on the grim struggle to maintain the freedom of those peoples who are threatened by Communist domination.

Madam President, there is no doubt in my mind that the civil rights bill is necessary for the full realization of rights long denied the Negro in our country. As the leader of the free world, as the great protagonist of democracy and human rights, we stand as the model for those nations which have more recently adopted democratic governments. Our battle today to ensure equality under the law is looked upon from every capital in the world. If we succeed, the fires of democracy will be rekindled and the downtrodden peoples of the world will gather closer to be warmed by our flames of reassurance. But even more important than this, Madam President, by passing this bill we will be true to ourselves. A nation that refuses to face reality cannot long endure.

Mr. KEATING. Mr. President, will the Senator from Missouri yield?

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Does the Senator from Missouri yield to the Senator from New York?

Mr. LONG of Missouri. I yield to the Senator from New York.

Mr. KEATING. Mr. President, I wish to commend the distinguished Senator from Missouri [Mr. LONG] for his treatment of title V.

I was necessarily absent from the Chamber at the conclusion of the remarks which were made by the Senator from Pennsylvania [Mr. SCOTT], but what I heard of his remarks were delivered with force and clarity.

As members of the Judiciary Committee, both the Senator from Missouri and the Senator from Pennsylvania know the history of the Civil Rights Commission and the legislation which has kept it in existence. Many of us who feel that the work of this Commission is important and that it should be made permanent—when I say permanent, obviously Congress can at any time bring it to an end either by the failure to appropriate funds or otherwise—believe it is extremely difficult to plan for the future when a commission has a limited tenure and is constantly subject to the harassments that have been attendant upon the efforts to renew the life of the Commission from time to time.

In all candor, we can say that today, were it not for the work of the Civil Rights Commission, the facts and figures which stand behind the affirmative case for the pending bill might not have been gathered. The careful groundwork which has preceded the preparation of the figures has been most helpful and has tended to set aside some of the myths of racial harmony and racial apathy which might otherwise not have been dispelled.

I agree completely with the remarks of the Senator from Pennsylvania that the Commission should be made a permanent agency. I commend both of these members of the Judiciary Committee who have so carefully and forcefully presented the case for title V.

Mr. LONG of Missouri. I thank my distinguished friend from New York for his comments and extend to him my personal appreciation.

CIVIL RIGHTS RIFLE CLUBS

Mr. LAUSCHE. Mr. President, in Cleveland there has been a development within the last several days which causes great concern to public officials, including myself. Cleveland is my hometown. I have before me a copy of the Sunday issue of the Cleveland Plain Dealer of April 5. It carries an article under the headline "Rifle Club Forming Here 'To Protect' Rights Drive."

The story told in this newspaper is to the effect that Mr. Lewis G. Robinson, 35 years of age, and a World War II veteran, and former president of the Freedom Fighters, a militant civil rights group, said that in Cleveland rifle clubs are being formed in connection with the civil rights issue. Mr. Robinson said that one club has a cadre of 50 instructors, that the club is to be named after Medgar Evers, field director for the National Association for the Advancement of Colored People, who lost his life in Mississippi last June.

Mr. Lewis G. Robinson is quoted as having said:

> Negroes must become prepared to protect themselves against any person who violates their civil liberties when the police department fails to do this.

He contends that a racial disturbance of last January at what is known as the Murry Hill School, the police of the city of Cleveland failed to give protection to the Negroes who were involved in that disorder.

That charge is vigorously disclaimed by the police and the public officials of Cleveland.

Mr. Robinson further went on to say that about 16 such rifle clubs already exist in the United States. Plans are being made to coordinate their activities. These plans will be discussed this summer.

He stated that there will be a coordination of these rifle clubs formed for the purpose of self-defense in the different cities of the Nation, especially one already allegedly in existence in Detroit.

It is said in this newspaper article that Malcolm X, the leader of the Black Nationalist group, and former spokesman for the Black Muslims, has given the movement for the creation of rifle clubs added impetus.

Mr. Robinson further stated:

> We expect whites to be shocked by this because Negroes have been so passive in the past. We hope the American people will wake up. We want to let them know how serious the civil rights issue is.

Robinson said that members of the rifle clubs will wear Army fatigues, helmet liners, heavy boots, and use two-way radios.

He said:

> Our training will be equivalent to Army basic training, and we are looking for sites in the country to practice on. Each member must purchase his own rifle within 6 months.

Mr. Robinson further stated that an organizational meeting will be held at 1402 East 120th Street in Cleveland.

There is one aspect of this that is rather solacing and encouraging. Mr. Harold B. Williams, who is a member of the National Association for the Advancement of Colored People, has said:

> I am not so sure that Mrs. Evers would like to have her husband's memory enshrined by these methods. I do not believe Medgar Evers would have used this technique for social change.

He said it was inevitable in the civil rights struggle that divergent groups such as Robinson's would crop up.

Mr. President, to me, this is a matter of the gravest character. Congress is trying to enact a program that will provide for every citizen the full enjoyment of his constitutional rights, no more, no less. From my own standpoint, I have fought for the provision of constitutional rights for every minority group since the first day I entered public office. Men who are now speaking on this issue were silent when I was one of the vigorous proponents of the fact that our country cannot survive if the opportunity of having a full enjoyment of those rights written into the Declaration of Independence and into the Constitution of the United States by the forefathers and creators of this Nation is not given to every citizen.

I will not attempt to enumerate the fights which I made. I was the first Governor of Ohio to appoint a Negro judge. I was the first to appoint a second Negro judge. I was the first to assist vigorously in the appointment of a third Negro judge.

As mayor of Cleveland, I broke the barrier that prohibited and made it impossible for a Negro to become a fireman. The whites argued that they would not live in the same building with the Negroes. The Civil Service Commission did not have the audacity to challenge that claim. I ordered the Commission to give the Negro the appointment because he was at the top of the list.

As mayor, I broke the barrier in the electric light and water departments against hiring Negroes to occupy the position of watermeter readers. It was argued that white families would not permit Negroes to enter their houses to read the watermeters and the electric meters. I did not believe the argument was sound. I issued the order that the hirings should be made, and they were made.

I was primarily responsible for the hiring of numerous Negroes in the government-operated transportation system in Cleveland. If one goes to Cleveland now, he will see buses operated by Negro men and women bus operators.

During the war, from 1942 to 1944, while I was mayor, I went into plant after plant, arguing for the equal rights of the Negro to have work.

So when I speak on the subject, I do not do so with a background that is not favorable and friendly to the achievement of the ultimate position that there shall not be discrimination against anyone in our country.

The question arises: "How should I feel in the face of this claim by Mr. Robinson that rifle clubs are being organized in Cleveland and in my State?" What does it mean? It means that there are leaders who are advocating the use of deadly weapons in the solution of this problem, which if tranquillity and reason would prevail, could be achieved completely devoid of that course.

I am firmly of the conviction that proposals of this type are harming the cause of the Negro. Moreover, I am firmly convinced that arguments made in the Senate, stating that violence will develop unless something is done are not in the interest of the security of our country.

Those who are proposing the wearing of fatigues and high boots and the carrying of guns do not understand the true character and psychology of the people of our country. Does Robinson feel that if a gun is put on the people of the United States that they will be more likely to support his proposal? In effect that is what he is saying.

This matter is grave. It cannot be disregarded. Before I entered the Chamber, I pondered whether I should speak on the subject. The devil within me said "Keep silent. You will be hurt politically if you speak." The easiest course to follow would have been not to say anything. But that would have been a coward's course. Not more than 3 hours ago I spoke about the great courage and heroism of General MacArthur. Should I now, 3 hours later, fail to speak on this subject merely because it might harm me politically?

The time is at hand when we must speak the truth. We cannot hide our judgments and our thoughts solely because we feel we will be defeated at the polls at the next election.

I shall repeat the sentences I read from the newspaper:

> Robinson said members will wear Army fatigues, helmet liners, heavy boots, and use two-way radios:
>
> Each member must purchase his own rifle within 6 months.

I hope that our guests in the gallery hear what I am saying. This is a critical hour. I regret that there are not others present, whom I have heard speak in the Chamber about acting in fear. I will act, but it will not be in fear. It will be in furtherance of justice and decency.

If I were to act otherwise, it would be better to drop my head in shame and run for cover, so that the eyes of decency would not look upon me.

Mr. President, I regret that this has happened in my city. I hope that serene-minded citizens will not be provoked into what could be a natural consequence of this threat and challenge. I feel quite certain that that will not be their reaction, and that they will not allow these enemies of our Nation to begin to institute this type of policy.

Mr. HOLLAND. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I appreciate the Senator's yielding. First, I congratulate him upon his forthrightness and courage. No one has ever accused the Senator from Ohio of being devoid of the quality of courage. I never expect to hear anyone charge him with such delinquency.

Mr. President, I, too, regret that he has found this tendency toward violence and encouragement of strife in his good city of Cleveland.

I wonder whether he will permit me to request the printing at this point in the RECORD of an Associated Press dispatch from New York City. The dispatch shows that Malcolm X, formerly a Black Muslim, but who now characterizes himself a "rebel Black Muslim," was preaching the same sort of racial strife and racial hatred in the streets of Harlem, a few nights ago. Will the Senator from Ohio allow me to read that dispatch into the RECORD?

Mr. LAUSCHE. Yes, I yield.

Mr. HOLLAND. The article reads as follows:

> VOTES OR SHOTS, NEGRO DECLARES
>
> NEW YORK.—Malcolm X, rebel Black Muslim leader, told 1,000 cheering Negroes Sunday night that "it's time for you and me to let the Government know it's ballots—or bullets."
>
> Speaking at a Harlem rally, he added:
>
> "No more turning the other cheek. No more jive like that. There will be nonviolence only with those who are not violent with us."
>
> It was Malcolm's first public rally since he bolted March 8 from Elijah Muhammad's Nation of Islam to organize Negroes into a new civil rights movement emphasizing "self-defense."
>
> His first effort, he said, will be a voter registration drive.
>
> Negro voters, Malcolm asserted, have the "power to determine who will sit in the White House and who will sit in the doghouse."

I think the Senator from Ohio is so right in calling the attention of the Nation to this tendency, and in reminding those who are moving in that dangerous direction that just as they, the colored people, have shown themselves, on the field of battle and otherwise, to be not fearful and to have plenty of physical courage, so will the white people be found; and I remind them that the white people outnumber them 10 to 1. I would also remind them that vast numbers of us are trying to move—some, more hastily than others—toward solutions which will bring an end to this troubled time of sore trial for our Nation.

But surely it is not American or in the best interests of our country to preach violence and to threaten in the way that this man, who has been quoted by the distinguished Senator from Ohio, has, in effect, been threatening the peace and dignity of the great city of Cleveland.

I thank the Senator from Ohio for his important contributions.

Mr. LAUSCHE. I merely wish to say that I am sure the wire services will not publish anything I have said. I know that will be the result, even though I cannot possibly understand that there is no significance to the statements I have made. I ask them, do you hear what I said?

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 116 Leg.]

Aiken
Bartlett
Bayh
Bible
Brewster
Burdick
Cannon
Carlson
Case
Church
Cotton
Curtis
Douglas
Gruening
Hart
Hayden
Hickenlooper
Hill

Holland
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Mansfield
McClellan
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Sparkman
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

ORDER OF BUSINESS

Mr. HOLLAND obtained the floor.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield to me, without in any way prejudicing his rights to the floor?

Mr. HOLLAND. Under such an agreement, I am happy to yield.

Mr. HUMPHREY. I wanted to announce, while many Senators are present in the Chamber, that following the address of the Senator from Florida there will be another quorum call and there will be further activity in the Senate this evening. That should be a fair warning to Senators. I hope Senators will respond to the next quorum call as quickly as they did to the one just had.

May I inquire of the Senator from Florida if he has any guidelines for us to indicate how long his address will take?

Mr. HOLLAND. In reply to my distinguished acting leader, it will take at least 2 hours. As to whether it will extend beyond that time, that will depend on whether any questions are addressed to me or whether any interruptions are made. I shall be happy to yield to any Senator who has legitimate business before the Senate, provided I do not lose my right to the floor.

Mr. HICKENLOOPER. Mr. President, will the Senator yield so that I may ask a question of the Senator from Minnesota?

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may yield to the Senator from Iowa without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HICKENLOOPER. I ask the Senator from Minnesota, the acting majority leader, if he can give us an indication as to what hour this evening he hopes the Senate may recess.

Mr. HUMPHREY. About 10 o'clock. In light of what the Senator from Florida has said, it is hoped to have a quorum call somewhere between 8 and 8:30 p.m.

Mr. HICKENLOOPER. I thank the Senator.

Mr. HUMPHREY. Following the quorum call, there will be one or two speeches, but probably no further quorum calls after that.

Will the Senator from Florida yield further, without jeopardizing his right to the floor?

Mr. HOLLAND. I yield under the same arrangement.

AMERICAN JEWISH CONFERENCE ON THE SOVIET JEWRY

Mr. HOLLAND. Mr. President, I agreed to yield to the distinguished Senator from New York [Mr. JAVITS] provided I did not lose the floor. I ask unanimous consent that I may yield with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the sessions of the American Jewish Conference on the Soviet Jewry held Sunday and today at the Willard Hotel in Washington, D.C., were participated in by leading members of 24 Jewish organizations throughout the United States, who protested the anti-Jewish activities of the Soviet Union.

My colleague from Connecticut [Mr. RIBICOFF] made an eloquent speech last night, as did Associate Justice of the U.S. Supreme Court Arthur Goldberg.

I ask unanimous consent that three addresses, one by the Senator from Connecticut [Mr. RIBICOFF], one by Supreme Court Justice Arthur Goldberg, and my own, together with sundry newspaper stories referring to the conference, and a newspaper report on the repudiation by the Ideological Commission of the Communist Party of the Soviet Union of a shameful and scandalous anti-Semitic publication in the Ukraine, under the auspices of the Ukrainian Academy of Sciences, be printed in the RECORD.

There being no objection, the addresses and material were ordered to be printed in the RECORD, as follows:

JEWISH IDENTITY IN THE SOVIET UNION

(Address by Senator ABRAHAM RIBICOFF)

We have just concluded our celebration of the joyous festival of Passover. Our celebration was incomplete, our joy marred, by our knowledge that for our fellow Jews in Russia this was not a happy holiday but a sad and deprived one. For weeks before the Passover, and every day during it, we were aware of the tragedy which the Soviet authorities have made of the observance of the holiday by Soviet Jews.

First, there was the ban, for the third year running, on the public baking and distribution of matzoth. Next, they ostensibly permit some communities to provide token amounts to their members, while pretending to the world that they have enough matzoth. Then they officially encourage Jewish communities in the West to send in large shipments of matzoth—which would, however, still be grossly insufficient to the need. But as soon as the parcels arrive from abroad, Soviet customs offices hold up delivery until it is too late to be used for the holiday. And at the same time, the authorities initiate a vicious nationwide propaganda campaign labeling the dispatch of matzoth from abroad as "ideological sabotage" and "ideological subversion."

This assault on Passover is not new. It is a recurring feature of all Soviet propaganda against the Jewish religion. It was recently brought to world attention in that beastly anti-Semitic volume, "Judaism Without Embellishment."

Why this persistent and virulent assault on the Passover? The answer to this question brings us to the heart of the predicament of Soviet Jewry. For Passover uniquely represents Jewish historical continuity, Jewish consciousness, Jewish identity. And it is that continuity, that consciousness, that identity, which the Soviets are intent upon destroying.

Passover reminds Soviet Jews—even nonreligious ones—of a glorious Jewish past and a living Jewish present. It reminds them of Jewish freedom, of Jewish unity, of the Jewish family, of Jewish kinship, of Jewish peoplehood past and present. These are precisely the values, ideas and sentiments which Soviet policy seeks to eradicate. Passover is the symbol of Jewish identity, and so it bears the brunt of the assault.

We Jews are expert in the history and meaning of persecution. The last chapter in that tragic role of ours cost the Jewish people one-third of its total number—victims of Nazi extermination. Now in the Soviet Union, 3 million Jews—one-quarter of our number, the second largest Jewish community in the world—are subjected to a vicious policy of attrition that is crushing their spirit.

If I were to sum up the situation in three words, they would be—deprivation, discrimination, de-Judaization. These three words go to the heart of the problem of Jewish identity in the Soviet Union.

Jewish identity throughout history was always defined and molded by the interaction of the two facets of their group life—religion and peoplehood, by their consciousness of themselves as a religious people in history, by their shared memory of their historical continuity, by their awareness of being bound to each other—and to their past, present and future as a group—by the felt doctrines of covenant, revelation and law.

Many groups, subjected to oppression, have in the course of history succumbed to it and disappeared. The Jews have not been so obliging—because they found the inner resources to withstand external pressure. These resources the Jews found in their identity and in their consciousness of it.

What has kept the Jews vital and creative as a people has been their constant awareness of their identity, their historical consciousness of a special commitment to a millenial tradition of law, learning and justice, within the context of their religious faith.

I am not suggesting that we Jews are, or have ever been, a perfect people. The prophets and rabbis who have persistently castigated us throughout our history have attested to the contrary. But for all that, the Jews have been a God-intoxicated people, which is but another way of describing the Jewish commitment to law, learning, and justice.

It is that proud, passionate, historic commitment, which has made it possible for the Jewish people to maintain its identity and to perpetuate its vital tradition in the face of the most unlikely odds.

Now, the crux of Soviet policy is tragically simple. Its objective has been for at least a decade and a half the ultimate obliteration of the spirit of the Jewish people within the domain of the U.S.S.R.

That policy aims at destroying the wellsprings of vitality and creativity that have immemorially nourished the Jewish spirit. It intends to atomize the Soviet Jewish community, to estrange it from its past, to pulverize its Jewish identity, to stifle its awareness of that identity, to crush the Jewish historical consciousness of commitment to a millenial tradition of law and learning. In short, that policy aims at destroying and preventing every possibility of Jewish group survival in any form.

At the root of Soviet policy is the false assumption that the Jews are alien; that they are not indigenous; that they don't quite belong; that there is something peculiar about them. With that grounding in deep-seated, traditional, irrational prejudice, the meaning of real facts and events is falsely distorted out of all relation to reality and given a false meaning that has significance only in terms of that prejudice. Soviet reasoning then proceeds as follows:

Since masses of Soviet Jews, heir to the traditional Russian Jewish love of Zion, are eager to learn of life in Israel, their loyalties are falsely assumed to be in Tel Aviv and not in Moscow.

Since they wish to have contact with American Jews, there is falsely assumed to be something sinister going on between the CIA and the Jews of, say, Kiev.

Since the Jewish religious liturgy contains many passages of prayer for Jerusalem, Judaism is falsely assumed to be subversive.

Since so many Jews demonstrate their eagerness for Jewish cultural facilities and educational institutions, they are falsely assumed to be peculiar.

Since many Soviet Jews, lone remnants of families shattered by the Nazi holocaust, wish to be reunited with their kin in Israel, the United States, or elsewhere, they are falsely assumed to be disloyal.

It all starts with that first false assumption; all the distorted conclusions follow from that.

As you may know, the Jews have a dual official status in the U.S.S.R.: they are both a nationality and a religious group. This very duality—which is the natural outgrowth of their traditional evolution—makes them a unique social entity there. And this very uniqueness causes suspicion. The very terms for his nationality and his religion are readily interchangeable—and in the social chemistry of Soviet life, these words for "Jew" and "Jewish" carry negative charges of suspicion and shame. Hostile words about the Jewish religion inevitably carry over negatively about the Jewish nationality—even for the nonreligious Jew.

The Soviet Union is ideologically committed and constitutionally organized to recognize the full right of every one of its 108 nationalities to perpetuate their identity and to maintain cultural institutions toward that end. Small wonder: Though 50 percent of the Soviet population is made up of the Great Russian nationality, the remaining 50 percent is composed of the 107 other nationalities, whose group needs and aspirations can hardly be denied.

The crucial importance of the concept of nationality in Soviet society cannot be overemphasized. One's nationality is one of the two or three most decisive components of citizenship in the U.S.S.R. It largely determines the language one speaks, the literature and press one reads, the national history one identifies with, the customs one grows up with, the national heroes one cherishes.

One's nationality is thus of profound psychological, as well as cultural and political, significance. It might almost be said that nationality defines the man as well as the citizen—it molds his mind and heart and soul, gives him status, and provides him with a heritage of which he can be justly and publicly proud.

Now just imagine, in these terms, the real meaning of the Soviet Jewish tragedy. The Jews are very much a cultural-ethnic group—a nationality, in Soviet terms. They are officially recognized as such. And yet they are the only Soviet nationality deprived of all the rights and institutions by which they might live out their lives as a national-cultural group.

Try to imagine what this means to the Jew in the U.S.S.R. It means that the Jews are uniquely discriminated against—they know it and their non-Jewish neighbors know it. It means that the Jews have no opportunity to maintain and perpetuate their identity, their existence as a distinct group. It means that they are being forced to disappear. It means that, in their singular disability, they are deprived of their human pride, in Soviet terms, and are thus subjected to unique humiliation.

It has now been nearly a quarter of a century that no Jewish school has existed in which a Jewish child might learn something of Jewish language, literature, and history—a quarter of a century in which a whole generation of Jewish youth is confronted with a past that is a blank.

There is not a school, not a class, not a textbook, to fill that Jewish void. There is no institution through which the Jew can learn either Yiddish or Hebrew. There is no way for the Jew to perpetuate his heritage, for there is no way for him even to learn it.

True, the history, literature, and traditions of all Soviet nationalities are taught in a distorted and falsified way, judged by Communist canons of "progressive" and "reactionary." But at least they are taught. At least the Uzbek and the Armenian and the Georgian and the Ukrainian and all the others, can learn their language, can have something of their past to look to with pride.

The Jews are deprived even of the privilege of learning, for example, whether Maimonides or the Gaon of Vilna or Yehuda Halevi were "progressive" or "reactionary." Jewish history is nonhistory; Jewish culture, nonculture.

The psychological and spiritual destructiveness of this condition is shattering.

Add to this, now, the fact that the synagogues—the last remaining Jewish institution where Jews may still gather as Jews—are being subjected to a policy of forcible slow death. A process of attrition is gradually sapping the vitals of the whole of Jewish religion in the Soviet Union—for Judaism is the last residue, the final stronghold, of Jewishness in that land.

What conceivable danger is it to the Soviet Union if the Jews were to have enough matzoh, or prayer books, or Bibles, or phylacteries, or tallesim, or religious calendars?

What threat is it to the Soviet regime if synagogues remain open, or if Jews make a minyan at home?

What incalculable harm can come to the country if Jewish infants are circumcised, or if the Jewish dead are buried according to the ancient Jewish rite?

The answer is obvious; it is all too tragically clear. There is no danger, no threat, no harm, to the Soviet state in all of these. But the regime recognizes that Judaism might still provide resistance to forcible Jewish disappearance, might still spark a revival of a sense of Jewishness and might still set Jewish hearts afire.

And so all these institutions are closed down; all these sacred rites and religious articles taken away.

And so the pathetic yeshiva in Moscow is left with two or three rabbinical students—while scores seek admission and hundreds would come if allowed.

And so congregations are allowed no official or formal contact with each other throughout the country, or with Jewish religious bodies abroad.

And so fright stalks the synagogues, in the form of informers and police agents.

And so synagogue Jews are intimidated and fear to have anything to do with a foreign Jew who comes to pray with them, to say sholom aleichem to them.

All these deprivations and discriminations, this policy of de-Judaization, this whole pattern of forcible assimilation, are set against the background of a virulent press campaign in which the Jews are portrayed in the worst light.

On the one hand, the Jew is forbidden to learn anything positive about his history and heritage. On the other hand, he is confronted, in the daily press, in the special atheist journals and publications, and in university courses—with a massive propaganda assault which can only baffle, humiliate, and crush his spirit.

This propaganda teaches that the Bible is one of the most viciously reactionary and benighted books in the world—that the Jewish patriarchs were immoralists and plunderers—that the ancient Hebrews were nothing but slaveholders and imperialists—that the spirit of Judaism is commercial and exploitative—that money is the god of the Jewish religion—and that the Jews are "worshipers of the golden calf."

The Jew knows that, though Yiddish is considered the language of his nationality, he cannot learn it, and he has precious little to read in it. He knows that Hebrew is an unlanguage, proscribed as the language of both "clerical reaction" and "bourgeois Jewish nationalism." And he learns, from all the sources available to him, that the traditional and millenial Jewish religious attachment to Zion and to the Holy Land, and his natural affection for Israel, is considered politically suspect, potentially or actually subversive.

And for the past 3 years, the daily press has dinned into the minds of the Soviet population and of the Jews the belief that the Jews play a sinister role in the country's economy. The traditional anti-Semitic doctrine that the Jews are money worshipers, consumed with greed and singlemindedly dedicated to the pursuit of the ruble, is constantly purveyed to the public.

This is done in no merely abstract way. It is tied to the massive nationwide campaign against economic crimes, such as embezzlement, bribery, corruption, and currency speculation, for which capital punishment was reinstated 3 years ago.

So far as we can tell from the Soviet press, 198 death sentences have been handed down in that period—of which at least 102, and probably more, were meted out to Jews.

Here, then, is the concrete way in which the Soviet regime reinforces the anti-Semitic stereotypes with which its press is full. Though the Jews constitute little more than 1 percent of the population, the country is led to believe that they are guilty of the kinds of economic crimes which warrant death—to the extent of 50 to 55 percent (and in the areas like the Ukraine, 80 to 90 percent).

Can you imagine how this vicious official incitation is greeted by large segments of the Soviet population in which anti-Semitic prejudices are still deep rooted and virulent? And can you imagine how all this affects the spirit of the Jews?

Why, even a young Soviet Jew—atheist, Communist, ignorant of and indifferent to Jewishness—will be agitated and insulted by the deprivations and discriminations, and by the public stereotyping of the Jews.

That young Jew will somehow also feel himself affected by the incessant propaganda that Jewish history is a history of reaction and slavery, that the spirit of the Jewish tradition is money, that the Jews are responsible for the country's shortages and economic ills.

That young Jew will feel offended for his father, who has no Jewish newspaper to read and no Jewish theater to attend; for his mother, who cannot have matzoth; for his grandfather, who cannot go to the synagogue in peace; for his uncle, who yearns for some news of Israel, and is afraid to seek it. And he will be offended for himself—for he must realize that as his Jewishness is reviled, his humanity is degraded.

So, the wholesale brutal assault on Judaism and Jewishness not only deprives Soviet Jews of their rights—but affronts their self-respect, besmirches their honor, and lowers their dignity among their non-Jewish neighbors.

Thus is an ancient and illustrious community ground down, its spirit and consciousness pulverized.

The objective of this policy is of course to make Jews—as Jews—disappear. This is what I mean by de-Judaization. They are not to be made to disappear as human beings. But they must be forcibly assimilated, by the simple means of depriving them of their cultural and religious rights and institutions. In time, after two or three generations have lived out their lives with not the slightest opportunity to learn or know anything at all about Jewishness—Jewish consciousness and Jewish identity will grow faint and quietly expire.

By then, there will no longer be a Jewish nationality requiring cultural rights; no longer a Jewish religious entity requiring religious rights. There will no longer be a Jewish problem. The Jews will fade softly into the night of full-scale assimilation.

Thus will the unbroken millenial chain of Jewish history be shattered on Soviet soil. Thus will the Soviet Jewish community—heir to a great and ancient civilization, secular and religious, in Yiddish, Hebrew, and Russian—become a dead end of history.

For the time being, the policy of de-Judaization is not succeeding. For the deprivations and discriminations are having the effect of throwing many Jews, especially young Jews, back on themselves.

Like all Jews everywhere—only more so, since it happened to them—they were traumatized by the Nazi devastation, and later by Stalin's anti-Semitic deprivations.

Like most Jews everywhere, they were inspired by the creation of the State of Israel.

This continuing policy of deprivation and discrimination is having the effect, for many of them, of stiffening their backs.

So, they go to a performance of Yiddish folksongs and dramatic readings—even though they don't know a word of Yiddish.

So, they try to find some matzoth for the Passover—even though they don't really know what Passover is all about.

So, they throng to the synagogues on certain joyous holidays, to sing and dance and just chat with fellow Jews—even though they aren't the least bit religious.

So they resist in response to the oppression.

But, oh what a wrong is being done them. And how long can they continue to resist, with nothing substantial to sustain their religious and cultural growth?

Can it be that this great Jewish community will be no more? Can it be that this rich soil of Jewish vitality is doomed to disappear? Will the world remain silent in the face of this spiritual atrocity? And are we to remain silent?

In the face of the miracle of creative Jewish survival after 2,000 years of dispersion and persecution, it would be a foolish prophet who would dare to predict the spiritual end of Soviet Jewry. But it would be even more foolish and dangerous to rely on miracles.

If there is hope for their future, it lies in their own courageous resistance—and in our determination to do everything we can to bolster their resistance and their spirit.

It is for us here to speak out for reason and justice. We must bring comfort and hope to that last great remnant of East European Jewry. It is a community with a special claim on the conscience of all mankind.

For let us face the historical truth: Neither we, nor the rest of the world did enough to save the Jews of Europe from devastation. We—all of us in the West, Jews, and Gentiles alike—owe a debt of shame.

It is a debt we cannot repay the dead. But their heirs and survivors in the U.S.S.R. bear their claim on the conscience of us all.

We owe it to the dead to save the living now.

We must break through the pall of bland indifference, of polite acquiescence, that prevails about the plight of Soviet Jewry. If it is thought of at all in the world at large, it is only as an afterthought. Governments are not agitated by it: Leaders do not speak up about it. Humanitarian movements do not make of it a rallying cry, as they do of other deserving causes. It has not been made a priority problem at the United Nations, one of the forums where it belongs.

In short, it has not become what it must be—a major item on the agenda of the world's conscience.

In this country it is essential that private and public voices be raised in protest. Within our Government the Senate of the United States has historically been one of the most effective forums for expressing officially the aroused conscience of our country. On several occasions during the past 15 years, the Senate has by formal resolution denounced Soviet transgressions against human rights. Now it must meet this solemn responsibility again by condemning religious persecution behind the Iron Curtain.

In September, I introduced Senate Resolution 204 for this purpose. Sixty-three Senators—from all parts of the country and representing different points of view in both political parties—quickly and firmly joined in its sponsorship. They shared my belief that it is time for the Senate to take an official stand on the Soviet Government's systematic policy of Jewish persecution.

The Senate's voice, when raised in official protest, can have forceful impact. The Soviets are stung by vigorous and sustained criticism. The recent protests of individual Senators have already irritated a sensitive Soviet nerve. The recent commutation of a death sentence was a small but significant reaction to a protest that is only now beginning.

The chairman of the Senate Foreign Relations Committee, Senator J. WILLIAM FULBRIGHT, has assured me the hearings will be held on my resolution. I am hopeful they will take place at an early date and be followed by prompt passage of the resolution.

The Soviet Government will feel the force of public opinion aroused in this Nation and throughout the world.

Since Soviet Jews are utterly helpless, defenseless and without voice, we must do for them what they cannot do for themselves:

We must give them voice.

We must rise to their defense.

We must cry out for justice, justice.

We cannot keep silent so long as justice is not done.

We must give the world no surcease—until the world pays attention.

We dare not rest until we have aroused the conscience of humanity.

To the suffering Soviet Jews we must say with a strong, constant, unyielding voice—"We have not forgotten or forsaken you, nor will we ever."

Address by the Honorable Arthur J. Goldberg, Associate Justice, U.S. Supreme Court, to the American Jews Conference on Soviet Jewry, April 5, 1964

We are gathered in this important conference to consider the question of discrimination against Jews in the Soviet Union. The denial of human rights by the Soviet Union to Jews is properly a matter of deep concern to all Americans of every religious persuasion. It is similarly a proper matter of deep concern to all Americans of the Jewish faith that the Soviet Union, while professing in theory to permit the free exercise of religion to all people and groups, in fact and practice is hostile to all religious faiths. The Soviet Union is avowedly a materialistic nation. Its Government is not neutral in religious matters. Its policies and influence are directed against religious beliefs and practices. Therefore, in a conference of this kind we are not and cannot be unmindful of the plight of the great body of people in the Soviet Union whose human right to freedom of religious exercise is substantially curtailed. The discrimination against Jews by the Government of the Soviet Union is an aspect of overall discrimination against all religious groups. It is, however, something more than a manifestation of religious repression by an atheistic state. The evidence is overwhelming that the religious and cultural freedom of Soviet Jewry is more severely limited than any other religious group and that discrimination against Soviet Jews has reached alarming proportions. The tragic experience of mankind with the cancer of anti-Semitism so fresh in the minds of all makes it imperative that those who believe in the dignity of man and in human rights speak out in vigorous protest.

I want to commend the sponsors of this conference for convening it. The meeting itself is a virtually unprecedented testimonial to the unity of Jewish opinion on this vital and important subject. I hope and trust that you will continue to protest against the virus of anti-Semitism in the Soviet Union until no vestige of it remains.

The 2½ to 3 million Jews of the Soviet Union, though classified by the Soviet Constitution and laws as a national group, are deprived of their national culture and the means of expressing it. Every other Soviet nationality is permitted the use of its national language and is granted support for its cultural institutions. But the teaching of Hebrew, the Biblical language, is banned in the Soviet Union; Yiddish, the tongue of 450,000 Soviet citizens, is discouraged; Jewish schools virtually prohibited and nonexistent; the once flourishing Yiddish theater scarcely tolerated; and Jewish literature and publications sharply curtailed.

The religious freedom of Soviet Jews is severely limited, more so than any other religious group; increasingly synagogues are closed and private worship restricted; both Bible and prayer books are denied printing; other necessary religious articles are made unavailable; the last kosher butcher shop in Moscow closed down, the ancient Jewish cemetery in Kiev condemned; the state baking of matzoh discontinued, private baking discouraged by prosecutions, the training of seminarians hampered, and religious exchanges discouraged.

Jews are vilified in the Soviet press and other mass media which reflect hostility to the Jewish people as such. This has reached such proportions that western Communist parties which generally slavishly follow the Kremlin line have been moved to protest the publication of a blatantly anti-Semitic book published late last year in Kiev, copies of which have just come to light in this country and in the Western World. This book, "Judaism Without Embellishment," is not just a privately printed tract. It was officially issued by the Ukrainian Academy of Science and had a substantial press run in the Ukrainian language. I have seen this book, and its cartoons are sharply reminiscent of Julius Streicher's "Der Stuermer," that notorious Nazi publication.

I note in today's newspapers that the hierarchy of the ideological commission of the Soviet Communist Party has issued what appears to be a partial repudiation of this book.

This is welcome, if somewhat belated, but in itself demonstrates the value of forthright worldwide protest against manifestations of anti-Semitism.

Jewish emigration even for the limited purpose of reuniting families torn asunder by war and Nazi persecution is permitted only on the insignificant scale.

There is increasing evidence of discrimination against Jews in employment and areas of public life.

Finally, there is also evidence that an undue proportion of Jews is being prosecuted and executed for economic crimes.

No law-abiding citizen of any nation and particularly no judge can urge that any person or group is immune from the equal application of any nation's laws. But when 60 percent of those executed in the Soviet Union for economic crimes are Jews who comprise only a little more than 1 percent of its population then the belief naturally is fostered that Jews are receiving unequal treatment under Soviet law. Particularly is this so, in the setting of other discriminations against the Jews both historical and current in old Russia and in the Soviet Union.

Discrimination against Soviet Jews is not solely an internal matter for the Soviet Union. It is a proper concern for all in this country and elsewhere who believe in human values. Soviet mistreatment of the Jews violates worldwide concepts of human rights and human dignity; transgresses the United Nations Charter to which the Soviet Union is a party and violates the Universal Declaration of Human Rights which is morally binding upon all member states of the United Nations.

It is not sufficient answer to reply, as Soviet officials are wont to do, that some of my best in-laws are Jewish. Nor is it an answer to assert that those charging discrimination are motivated by hostility to the Soviet people. The philosopher Bertrand Russell is a self-proclaimed friend of the Soviet Union and even he has found it necessary to write profound and serious letters to Mr. Khrushchev expressing deep concern about Soviet treatment of its Jewish citizens in terms similar to those I have expressed this evening. In stating my views, I do so as an American citizen who supports the effort of our Government, with due regard for our own security as a nation, to seek ways for better understanding between our country and the Soviet Union; one who shares with the great majority of our people the desire for an end to the cold war and for a just and lasting peace.

In appealing for an end to governmental discrimination against Jews in the Soviet Union, I am mindful that as a Nation our record is not perfect—we all too often fall short of realizing the great ideals of human liberty and equality embodied in our great Declaration of Human Rights. I am also mindful, however, that our Government policy is directed to ending rather than extending discrimination.

But one need never apologize for speaking out for human rights of all peoples everywhere. For as the U.N. Declaration of Human Rights asserts, "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

I am one who having read the full text of Rolf Hochhuth's controversial play "The Deputy" and who having lived through those terrible days, believes that the dramatist did not do justice to that great and good Pontiff, Pope Pius XII. Jews are and ever should be grateful for what the Pope and the Catholic Church did to rescue innocent Jewish victims of Nazi insanity and barbarism. But whatever one's views about the play's characterization of the Pope, all men of good will must agree with the ancient Biblical teaching echoed in the play, that we are indeed our brother's keeper and that it is the duty of all men at all times and under all circumstances to speak out against the denial of human rights whenever and wherever such denial occurs. In matters of conscience there can be no missing voices.

SILENT DIPLOMACY WILL NOT SAVE SOVIET JEWS

(By Senator JACOB K. JAVITS)

Events over the Passover holiday demonstrate the relentless character of the Soviet Union's campaign of repression against the Jewish minority in the U.S.S.R. But they also show that the regime in the U.S.S.R. is not impervious to the protests of the world on this issue. Both are vitally important conclusions.

That anti-Jewish repression continues was shown when on the eve of the Passover holiday the Kremlin went out of its way to prevent Jews from obtaining matzoth in time by impounding 2,000 10-pound packages of matzoth paid for and sent with full import clearances prepaid by Americans in New York, Philadelphia, Chicago, and Los Angeles to relatives and friends in the Soviet Union.

In response to representations by the U.S. Embassy in Moscow made at my request, the Soviets explained that packages from individuals to individuals were delivered and only those sent by organizations were returned; it was also claimed that matzoth were available in the U.S.S.R. to all who wanted them. But this explanation was contradicted by reports in the Soviet press itself before the beginning of the Passover festival on March 27 on the nondelivery of the parcels and the advice of Moscow's Chief Rabbi allowing Jews to use peas and beans in place of matzoth.

It is hard to believe that in this decade, a major world power like the Soviet Union with its nuclear capability and space exploration achievements would stoop to this kind of petty but cruel and repressive official harassment of a helpless minority. Against such calculated disrespect for elementary human rights as well as for world opinion, there must be general and universal protest.

The fact that the Soviet regime listens was shown when the Soviet official news agency Tass reported a partial recantation of the scandalous and libelous anti-Semitic book published in Kiev under the title "Judaism Without Embellishment." It was denounced in even stronger terms by the Ideological Commission of the Communist Party as a result of the uproar created by the book. The Kremlin's leaders should be made aware that a great wave of indignation from all parts of the world is rising up over the Soviet Union's continued campaign of anti-Jewish repression.

All of us must here resolve that we will not remain silent or permit the world to remain silent while the scope and intensity of Soviet actions against the Jewish minority grows and becomes more deliberate.

In the name of humanity not only our voices but the voices of free men and women everywhere as well must be raised above the Iron Curtain in protest.

This conference must demand that the Soviet Union halt these oppressive acts forthwith and restore to Jews the elementary human rights to practice their religion, to be free of discrimination, and to rejoin their families in other lands.

There is no doubt that the Soviet Union is very sensitive to charges of anti-Semitism. The Communists pride themselves on the law which makes anti-Semitism a criminal offense. Indeed, they tried to deny its existence when the poet Yevtushenko published his famous poem "Babi Yar" as a protest against Russian anti-Semitism. But when 89 out of 163 sentenced to death by Soviet courts between July 1961 and October 1963 for alleged economic crimes—almost 60 percent—are publicly reported to be Jews and their names are held up for ridicule and contempt in the official Soviet press; when the Soviet regime closes down synagogues and Jewish cemeteries, crushes every vestige of Jewish culture and deports Jews to Kazakhstan while simultaneously telling the outside world that Jews enjoy religious freedom; and when there is distributed an officially published edition of 12,000 copies of the blatantly anti-Semitic book by Trofim Kichko, entitled "Judaism Without Embellishment," under the auspices of the Ukrainian Academy of Sciences—then it is time to rip off the false mask from the Soviet claim that there is no "Jewish question" under communism and to expose the hypocrisy behind official denials of anti-Jewish actions. The Kremlin would like us to believe that anti-Jewish repressive acts are cold war lies spread by capitalists and imperialists, but the facts give this explanation the lie.

I have asked the Soviet authorities to explain why there is such a sharp difference between the way Jews are described in Soviet publications for external distribution and the way they are vilified and made objects of suspicion in books and periodicals distributed inside the U.S S.R. The crude racist hatemongering of the Kichko book has brought forth protests even from Communists themselves in France, Italy, and the United States who have condemned its Hitlerite propaganda and called for its suppression.

In the Soviet press for the first time, the Jewish nationality of the accused in the show trials is openly flaunted. This was not done even under Stalin with his "Doctors' Plot" when Jews were identified only through euphemisms like "cosmopolitans," and the shock and significance of this departure from Communist ideological practice has not been lost on Jews. Add to all this the fact that propaganda against Israel has been stepped up, and you can readily appreciate the mounting fears of Jews the world over for the safety of our coreligionists in the U.S.S.R.

Khrushchev and other Soviet leaders from time to time have tried to insist that Soviet treatment of religious minorities is an internal matter and that protests constitute interference in the Soviet Union's domestic affairs. Over a century ago, the U.S. Government provided an answer to this kind of rebuttal, and formulated a policy that remains valid to this day.

Since 1840, the United States while recognizing the principle of nonintervention in the internal affairs of another state, nevertheless has protested the persecution of oppressed minorities by foreign governments and justified these protests in the name of our moral duty toward humanity. The United States has done so alone and also in concert with other nations. Our country has never been silent in the face of persecution.

We have lodged these protests and registered our disapproval in a variety of ways, among them, through direct communication to the governments concerned, by recalling the U.S. diplomatic representative for consultation, by direct references in the President's annual message to the Congress, by the termination of a commercial treaty, and by the use of indirect acts such as joining in multilateral acts of disapproval as a means of protest.

The list of such protests on behalf of Jews is long and honorable. In 1840 the United States condemned the persecution of Jews in Damascus.

In 1870 we urged the Ottoman government to halt the killing of Jews in Rumania.

In 1877 the United States granted protection to Russian Jews settled in or near Jerusalem, and emphasized that "the sympathy of the United States for all oppressed peoples in foreign countries has been freely manifested in all cases where it could be done in accordance with the spirit of international courtesy and diplomatic usage."

In the next two decades the United States protested no fewer than nine times against the czarist Russian Government's repressive acts and persecution of Jews. These protests, backed by the American people and by resolutions of the Congress culminated in 1911 when President Taft terminated the treaty of commerce with Russia which had been in effect since 1832. President Taft took this action over the advice of the State Department which warned that abrogation of the treaty would have serious effects on the Nation's commercial relations with the Russian Empire in addition to larger political considerations.

The United States has protested action against Jews by Rumania, the Austro-Hungarian Empire, Italy, and Poland. The record of U.S. protests to the Nazi government should still be fresh in our minds. Secretary Cordell Hull recorded in his memoirs that "I found myself calling in the German Ambassador time after time to protest against violations of the rights of our citizens, against persecution of the Jews, and against mistreatment of Americans by Nazi bullies."

No policy is more firmly fixed in the conduct of U.S. foreign affairs than this moral imperative to come to the aid of oppressed peoples. American public opinion must be roused to the danger that this Soviet campaign presents not only to Jews—though they are the first victims—but to all religious minorities in the U.S.S.R. Moscow has every reason to be concerned over the bad name that its anti-Jewish policy is creating for it in the world, and our protest must be intensified in every way possible. Only then will we be able to convince the Kremlin that the price it must pay for its anti-Jewish policy is too high and too costly in terms of its international image.

This is no time for counsels of caution and fear—or of silence—on the part of American Jewry. Each great wave of indignation will serve to ultimately alleviate, and will help prevent aggravation of the plight of the Jews in the Soviet Union. Each protest by individuals, by organizations, and by the free nations of the world will serve to make the Kremlin realize how sterile and harmful is its anti-Jewish policy.

[From the Washington (D.C.) Post, Apr. 6, 1964]

Help for Soviet Jews Is Urged

(By George Eagle)

Supreme Court Justice Arthur J. Goldberg and Senator ABRAHAM A. RIBICOFF, Democrat, of Connecticut, said yesterday it is time for the United Nations and U.S. Senate to become officially concerned with the plight of Jews in the Soviet Union.

Justice Goldberg and RIBICOFF, in remarks made at the opening session of the American Jewish Conference on Soviet Jewry, condemned what they term systematic persecution of 3 million Soviet Jews.

The 2-day conference at the Willard Hotel, called by 24 national Jewish organizations representing most of America's 5,585,000 Jews, is intended to focus worldwide attention on the position of Soviet Jews. About 500 delegates are attending.

The participating groups hope to move the Soviet government toward reforms of its policies towards Jews.

Neither Justice Goldberg nor RIBICOFF expressed fear that such efforts would hurt United States-Soviet relations.

Justice Goldberg said: "In stating my views, I do so as an American citizen who supports the effort of our Government with due regard for our own security as a Nation, to seek ways for better understanding between our country and the Soviet Union; one who shares with the great majority of our people the desire for an end to the cold war and for a just and lasting peace.

"In appealing for an end to governmental discrimination against Jews in the Soviet Union, I am mindful that as a nation our record is not perfect—we all too often fall short of realizing the great ideals of human liberty and equality embodied in our great declaration of human rights. I am also mindful, however, that our Government policy is directed to ending rather than extending discrimination."

He added that expressions of concern over the condition of Soviet Jews should not be considered meddling in Soviet internal matters.

"Discrimination against Soviet Jews is not solely an internal matter for the Soviet Union. It is a proper concern for all in this country and elsewhere who believe in human values. Soviet mistreatment of the Jews violates human rights and human dignity; transgresses the United Nations Charter to which the Soviet Union is a party, and violates the Universal Declaration of Human Rights which is morally binding upon member states of the United Nations.

RIBICOFF called on the Senate—"historically * * * one of the most effective forums for expressing officially the aroused conscience of our country"—to denounce "Soviet transgressions" against Soviet Jews.

He has introduced a Senate resolution for this purpose, and 63 Senators have joined in sponsorship of the measure. He said Senate Foreign Relations Committee Chairman J. WILLIAM FULBRIGHT (Democrat of Arkansas), "has assured me that hearings will be held on my resolution."

Both Justice Goldberg and RIBICOFF detailed evidence they said pointed to a Soviet attempt to erase Jewish identity. They cited the banning of Hebrew; discouragement of Jewish schools and use of Yiddish; closing of synagogues and kosher butcher shops, and prohibiting the baking of unleavened bread.

Justice Goldberg noted that while slightly more than 1 percent of the Soviet population is Jewish, 60 percent of those executed for economic crimes were Jews.

The conference also heard from Label A. Katz of New Orleans, president of B'nai B'rith, and Rabbi Uri Miller of Baltimore, President of the Synagogue Council of America.

Katz said Premier Khrushchev's denunciation of Stalin did not extend to Stalin's anti-Semitism. Katz also said the conference was not concerned with cold war problems: "We do not challenge Mr. Khruschev's view of a world of good goulash and ballet. We simply propose that good goulash tastes better and ballet is more inspiring when the human spirit is free and untrammeled."

Rabbi Miller said, "Discrimination against Russian Jewry is without end, and all of it is aimed at the cultural destruction of the Jewish people."

[From the New York Times, Apr. 6, 1964]

Goldberg Scores Moscow on Jews—Justice, at Parley, Charges Violation of U.N. Charter

(By Irving Spiegel)

WASHINGTON, April 5.—Associate Justice Arthur J. Goldberg of the U.S. Supreme Court accused the Soviet Government tonight of having violated the United Nations Charter in its treatment of the Jewish people and Judaism.

Using strong terms, Justice Goldberg cited what he called extensive deprivations of Jewish cultural and spiritual rights and asserted that this discrimination "is not solely an internal matter for the Soviet Union; it is a proper concern for all in this country and elsewhere who believe in human values."

He charged that Soviet mistreatment of Jews violates world-wide concepts of human rights and dignity, "transgresses the United Nations Charter to which the Soviet Union is a party, and violates the Universal Declaration of Human Rights, which is morally binding upon all member states of the United Nations."

The remarks keynoted the opening of a 2-day conference at the Willard Hotel, convened by 24 major national Jewish organizations. It is aimed at adopting a long-range program to arouse public opinion in the Nation and the world against what American Jewish leaders term "the deteriorating status of Jews and Judaism in the Soviet Union."

The 500 delegates represent almost every area and viewpoint of Jewish religious and secular life. Their groups embrace the greater majority of the more than 5 million Jews in the United States.

Participants call its representative character the most comprehensive since 1943, when all groups united under the old American Jewish Conference to deal with emergency postwar problems affecting the rescue and rehabilitation of Jewish refugees.

It has been estimated that there are 3 million Jews in the Soviet Union. The meeting's major concern is what is feared to be a Soviet campaign to eradicate Judaism from Soviet life.

A fact sheet, distributed to the delegates, presented a long list of Soviet discriminatory practices. It cited the closing of 396 synagogues in the last 7 years, leaving fewer than 96 open. The publication of prayer books, Bibles, and calendars of Jewish religious holidays is banned. Emigration is forbidden.

The fact sheet said Jews were forbidden to have central religious organizations such as those permitted the Russian Orthodox and Baptist Churches.

It added that no book had been published in Yiddish in 2 years and that the use of Yiddish as a language of instruction was not possible.

Jews are not permitted to teach classes in Jewish history, even in the Russian language, the document charged.

Justice Goldberg spoke of these reported descriminations and made specific mention of the publication of "Judaism Without Embellishment," written by Trofim K. Kichko and published by the Ukrainian Academy of Sciences.

The book, replete with anti-Semitic overtones, contains caricatures of Jews. Western Communist parties have protested its publication.

The ideological commission of the Soviet Communist Party denounced the book yesterday. The commission said statements and illustrations in the book "may insult the feelings of believers and be interpreted in a spirit of anti-Semitism."

Justice Goldberg said he welcomed "what appears to be a partial repudiation of this book."

"In appealing for an end of governmental discrimination against Jews in the Soviet Union," he continued, "I am mindful that as a nation our record is not perfect—we all too often fall short of realizing the great ideals of human liberty and equality embodied in our great Declaration of Human Rights.

"I am also mindful, however, that our Government policy is directed to ending rather than extending discrimination.

Label A. Katz, president of B'nai B'rith, who presided, said the appeal of the conference was for the "right of the [Soviet] Jew to be Jewish, [his] right to be, not someone else—but to be himself."

Mr. Katz said the conference's purpose was "without political overtones" and "removed from cold war problems."

As delegates gathered, the Soviet Embassy delivered a statement by Soviet Jewish religious and secular leaders protesting the conference.

The statement, addressed to the conference sponsors, asserted that there was no discrimination against Judaism in the Soviet Union and protested "slanderous attack on our Soviet country, which has done so much for the Jewish people."

It was signed by Rabbi Yehuda Leib Levin, Moscow Central Synagogue; Rabbi Natan Olevsky, Marina Roshcha Synagogue, Moscow; Avraam Panich, Kiev Synagogue; Solomon Gerelik, chairman of the Minsk Jewish religious community; Nohem Paller, chairman of community of Moscow's Central Synagogue, and Gershun Lib,, chairman oi community of Marina Roshcha Synagogue, Moscow.

[From the New York Times, Apr. 5, 1964]

SOVIET DENOUNCES BOOK ON JUDAISM—SAYS "ANTI-SEMITISM" TAINTS VOLUME PRINTED IN KIEV

(By Theodore Shabad)

Moscow, April 4.—The Ideological Commission of the Soviet Communist party denounced today in strong terms an antireligious book containing caricatures of Jews.

The statement, adopted at a special meeting and published in Pravda, the Communist party newspaper, said the book, published by Ukrainian Academy of Sciences, contained statements and illustrations that "may insult the feelings of believers and be interpreted in a spirit of anti-Semitism."

The party announcement added that the book "contradicted the party's Leninist policy on religious and nationality questions and merely feeds anti-Soviet insinuations of our ideological foes, who are trying at all costs to create a so-called Jewish question.

The unusual condemnation by the party's ideological watchdog body, headed by Leonid I. Ilyichev, appeared less than 2 weeks after Communist parties in other countries had attacked the book and demanded that it be withdrawn from circulation.

IZVESTIA SEES UNDUE "FUSS"

Izvestia, the Soviet Government newspaper, while criticizing some aspects of the book, played down the significant of its publication and described the uproar abroad as an "incomprehensible fuss." It was evident, however, that the party's ideological commission had considered the matter to be serious enough to convene a special meeting.

The 193-page paperback volume, written by Trofim K. Kichko, was published in Kiev last year under the title "Judaism Without Embellishment."

In addition to the usual antireligious propaganda found in Soviet books on atheism, it contains cartoons of beak-nosed men squabbling about money and collaborating with Nazis. Several passages in the text dealing with Jewish participation in black-marketing and other economic crimes have clearly anti-Semitic overtones.

The book was attacked by the Communist parties in the United States, Britain and France. The Soviet Union's first reaction to this was the publication of critical statements on the book through Tass, the official press agency, and Novosti, a feature syndicate.

"No matter what they [Jews] do, selling matzoth or parts of the Torah [religious literature], carrying out rites of burial, circumcision, wedding or divorce, they think above all of money and they despise productive work," one passage asserts.

A cartoon on the cover shows a man in a prayer shawl lurking behind lighted candles and holding out a big hand filled with gold coins. Another depicts a brawl among hook-nosed men and carries the caption: "Money-grabbing servants of the synagogue often have brawls when they divide the profits."

Several cartoons are directed against Israel. In one, former Premier David Ben-Gurion crosses out the words "Do not" in the Ten Commandments to make them read "steal," "kill," "lie."

Pravda indicated that after the furor caused by the book abroad, the ideological commission was specially convened to review the entire question of antireligious literature.

Only last December the commission met to adopt a program for an intensified struggle against religion. A decree made public in March conceded that substantial sectors of the Soviet population remained believers.

USE OF TACT URGED

Antireligious propagandists have been urged to use tact in their campaign and to take care not to antagonize believers.

The Kichko book appeared after new publishing committees had been established throughout the Soviet Union to insure that newspapers, magazines and books conformed more closely to the party's ideological requirements. The committees are expected to examine every piece of printed material before publication.

The Novosti press agency, in its comments on the book, said that Mr. Kichko was "neither a spokesman for the Soviet Government nor an exponent of its views and that his pamphlet "cannot be taken as a basis for evaluating the policy of the Soviet Union toward Jews and toward Israel.

The ideological statement in Pravda reiterated official assertions that Jews in the Soviet Union "are all respected in the same situation as other people."

Actually, Jews, being scattered throughout the country, do not have the same opportunities for cultural development, including schools, books, and theaters in their own language, as do other nationalities living in compact areas.

PRAYER IN SENATE TOMORROW TO BE OFFERED BY CARDINAL FRANZ KOENIG, OF AUSTRIA

Mr. HOLLAND. Mr. President, do Senators wish me to yield further?

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield for an announcement?

Mr. HOLLAND. I yield under the arrangement previously made.

Mr. HUMPHREY. This is an unusual announcement, but I know that many of our colleagues will appreciate the notice that, tomorrow morning when we convene, the prayer in the Senate will be offered by Cardinal Franz Koenig, of Austria, who is visiting in our country.

Cardinal Koenig is one of the great spiritual leaders of our time; as a cardinal of the Roman Catholic Church, he has been a moving and thought-provoking leader in the Ecumenical Council and has been closely identified with the so-called progressive or liberal school in his faith's deliberations.

His spiritual domain stretches along the Iron Curtain and its location has given him an opportunity to use his many talents to halt the Communist thrusts in Central and Western Europe and to alleviate the burden and hardships of many refugees. He was particularly active in the Hungarian Revolution of 1956, when his Caritas organization took a leading role in looking after the Hungarian refugees. He worked there, incidentally, with our distinguished colleague the Senator from Rhode Island [Mr. PELL]. As Senators may recall, the Senator from Rhode Island was later awarded the Caritas medal.

Cardinal Koenig is a man of broad intellectual attainments. His presence will be a high honor to the Senate and all of us.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

FEPC—POLICE-STATE METHODS

Mr. HOLLAND. Mr. President, several of the highly objectionable provisions of the pending so-called civil rights bill present issues which have long been discussed and upon which the country has long been seriously divided.

As a member of the platform committee at the Democratic National Convention in Los Angeles in 1960, I well recall the strong-arm methods which were used in the committee in the drafting of the civil rights plank of the Democratic platform which was adopted on July 12, 1960.

Many of the provisions in that civil rights plank of the platform were generally supported by all or practically all members of the platform committee. Without going into these fields of agreement, I note that one provision of the platform is:

> We will support whatever action is necessary to eliminate * * * the payment of poll taxes as requirements for voting.

It is well known to every Senator that the Senator from Florida, continuing an activity which he had begun in 1949, and had pursued in every succeeding Congress since that time, introduced again in 1961 a proposed constitutional amendment which he regarded as the action which was necessary to eliminate the payment of poll taxes as a requirement for voting in Federal elections. The Senator from Florida was joined by a large number of his Democratic colleagues and likewise by a large number of his Republican colleagues in offering that proposed amendment which was submitted by the Congress to the States in 1962 and has become the 24th amendment to the Federal Constitution.

While the public well knows that this part of the civil rights plank is one of the items which has received positive action since that time, there are also other provisions which have been accomplished and which have had general approval, and which had the general approval of members of the platform committee.

There were, however, several provisions in that civil rights plank of the platform adopted at Los Angeles in 1960 which were highly controversial and which, both within the platform committee and on the floor of the convention itself, drew the strong opposition of many delegates, largely from the South, but including also some delegates from other parts of the Nation. For the record at this time, I mention three provisions in that platform which were most offensive to the South and to others, and which were strongly opposed both in the platform committee and on the floor of the convention.

These controversial provisions deal, first, with compulsory integration of public schools; second, with the so-called part III provisions of an earlier law empowering the Attorney General to use civil injunction suits in Federal Courts to prevent the denial of any civil rights; and third, with the commitment to support the Federal setting up of a Fair Employment Practices Commission. I quote these provisions of said platform as follows:

> A new Democratic administration will also use its full powers—legal and moral—to insure the beginning of good-faith compliance with the constitutional requirement that racial discrimination be ended in public education.
>
> We believe that every school district affected by the Supreme Court's school desegregation decision should submit a plan providing for at least first-step compliance by 1963, the 100th anniversary of the Emancipation Proclamation.
>
> For this and for the protection of all other constitutional rights of Americans, the Attorney General should be empowered and directed to file civil injunction suits in Federal courts to prevent the denial of any civil right on grounds of race, creed, or color.

That being the so-called part III of the earlier legislation which had been so hotly contested on the floor of the Senate.

> The new Democratic administration will support Federal legislation establishing a Fair Employment Practices Commission to secure effectively for everyone the right to equal opportunity for employment.

Those were the highly controversial portions of the civil rights plank of the platform adopted at Los Angeles in 1960 at the Democratic convention.

At the time of consideration and adoption of the platform, the strong opposition of southern delegates to these and other portions of the civil rights plank of the platform was voiced by ranking public officials and other delegates assigned by the southern Governors, Senators, Representatives, and party officials to present the southern objections.

I had the honor and responsibility of serving as one of the six southerners who presented our strong objections on the floor of the convention that night in Los Angeles. I believe it would be useful at this time to read into the record a transcript of my remarks at that time, which at one point were greeted by loud boo's of some members of the convention and some thousands of spectators who sat in the galleries. My statement at that time was as follows:

> Thank you, Mr. Chairman, fellow Democrats of this convention. This, whether you know it or not, is a serious moment in the life of America and in the life of the Democratic Party. The people who have spoken to you in the last 30 minutes are men who, as Governors of their States, or Supreme Court Judges, or U.S. Senators, have been elected time after time because their people believed that they would carry honestly and keep the faith. Mr. Chairman, I want every Democrat here to realize that nothing has caused this group of men to come before you so much as the effort to make it clear to you that what you are doing is, in our judgment, making it practically impossible to carry 10 States of the Southland in the election of November and it is only that fact, Mr. Chairman, which makes us come here to issue this caution as lifelong Democrats.
>
> Mr. Chairman, this program is written around the sentiments "The Rights of Man." Too bad it is—that in pursuance of such a lofty objective this platform contains elements written by those who believe that the Federal Government can do everything and that anything done by the Federal Government is right no matter how it affects man.
>
> Let's look at this civil rights platform just a few minutes—the FEPC provision. I want you Democrats from this Nation to know that FEPC in the Southland is a term that is almost an ugly word and no candidate could be elected upon a plank which included it.
>
> Mr. Chairman, I want you to recognize that half of the States in the rest of the Nation have refused to adopt State FEPC programs and yet, notwithstanding that, these well-meaning, socialistic reformers have brought in a plank here which half of the States outside of the South have never been willing to adopt.
>
> I don't mind your booing, but just let me remind you that millions of people throughout the Southland, where live 50 million, mostly Democrats, are looking—and listening—and you are not helping the Democratic cause nor are you hurting at all your speaker by this kind of conduct.

I must say, parenthetically, there was no booing after that point.

> Now, Mr. Chairman, what does the FEPC do? It destroys the right of selection of one's employer, of one's employees, and of one's fellow employees. Mr. Chairman, do you realize that hundreds of thousands of men who belong to labor unions in the Southland intend to continue to select their own fellow employees and they are operating now in unions under that rule? Mr. Chairman, there is nothing you can do which will more alienate the working men and women of the South than to adopt this general FEPC program.
>
> Second thing, I want to remind you of what is happening in connection with the school integration program. Aside from the fact that it does not follow, and the drafters didn't understand the meaning of, the Federal Court decisions, I want you to know that you are dealing with a matter which involves the personal, deep, sincere convictions of women in the Southland—women who are mothers and who have children and grandchildren in school and who will never forgive a party or a platform which calls upon them to impose a Federal judgment from Washington in contravention of customs and traditions in matters of life which are dear to them. If you want to give affront to the good women in a part of the Nation where 50 million people live, just adopt compulsory school integration and a general FEPC program and try to put it through.
>
> Third thing, this title III provision, in which you propose to give to every Attorney General, whether he be good or not so good, the power in his own discretion to bring injunction suits for any violation or threatened violation as he may see it of any civil right and to proceed on the equity side of court with all of the forces of contempt proceedings and without jury trial. Mr. Chairman, in 1957, the Senate of the United States turned this down by a heavy vote and we have only 18 southern Senators there. Mr. Chairman, in the debates earlier this year the Senate of the United States turned this provision down three times.
>
> Can it be—can it be that you are overlooking the fact that Senators of conscience and convictions from throughout the Nation have decided in their wisdom—and I think they are eminently wise—that no one man can be made the custodian of the morals and of the good sense of this whole Nation with powers so sweeping as is this.
>
> Mr. Chairman, I see that my time is up. I wish—I wish that our party was not seeking now, under the guidance of ultra-liberal domination, to impose upon the Southland provisions which the Southland will not accept and which will make the South—in the humble judgment of men on this platform and elsewhere who represent the South—will drive the Southland out of the house of our fathers—out of the Democratic Party in November.

That closed my comment at that time on the convention floor. However, since I stated what I did there about jury trials and the absence of jury trials in criminal contempt proceedings, I believe it is appropriate to mention the decision of the U.S. Supreme Court today under which a bare majority of that Court, by 5 to 4, decided that former Governor Barnett, of Mississippi, and former Lieutenant Governor Johnson, of Mississippi, and now the Governor of that good State, did not have the right of a jury trial when they were subjected to trial for criminal contempt in the proceeding which came to a halt in the Circuit Court of Appeals in New Orleans, when it was found that the court was evenly divided on that question. The Supreme Court also was as evenly divided as it is possible to be and still have a majority opinion; namely, 5 to 4.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from Arkansas.

Mr. McCLELLAN. Does the pending bill provide for a trial by jury in contempt cases?

Mr. HOLLAND. It does not. The pending bill, in titles I and II, incorporates the provision for jury trial, under certain conditions, which was voted in 1957.

But as to the two most highly controversial parts of the bill, title IV, the public school desegregation title and the right of the Attorney General to bring injunctions at his sole discretion, not subject to review in any court, in regard to integration of the schools, and title VII, the FEPC title, which I shall discuss at some length tonight, there is no provision for jury trial. To the contrary, there is a complete absence of such provision. It is that point to which I shall call attention in reading parts of three opinions of the Supreme Court in the decision handed down today.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. When some of us make the statement that the pending bill is destructive of liberty, that it is unconstitutional in some respects, that it would destroy freedoms that we have enjoyed, and that it would take away from us rights that are guaranteed to us under the Constitution, we are not at all exaggerating, are we?

Mr. HOLLAND. The Senator, of course, is correct in saying that; we are not exaggerating that situation. Unfortunately, in today's U.S. Supreme Court decision it is made quite clear that a jury trial would not be a matter of right for anyone facing a criminal contempt proceeding as a result of an action brought under either title IV, the school title, or under title VII, the FEPC title, of the pending bill. I believe the distinguished Senator will agree that those are two of the most controversial titles, if not the most controversial, in the bill.

Mr. McCLELLAN. In view of such court decisions as that of today, and in view of the character of legislation provided in the pending bill, many of us believe there is a great deal of truth in the statement that our liberties are being gradualy whittled away. Does the Senator agree?

Mr. HOLLAND. There is not only a great deal of truth in the statement, but, so far as the Senator from Florida is concerned, he thinks that taking away the right of jury trial, notwithstanding the opinion of five members of the Supreme Court—a bare majority in the Court—in a criminal contempt proceeding, is a vast step toward ignoring the constitutional right of trial by jury of one's peers.

The Senator from Florida will quote from three of the learned Justices who handed down this decision, who unfortunately constitute a bare minority of our highest judicial tribunal.

Mr. McCLELLAN. Cannot acts of oppression and tyranny be committed by a court as well as by the Government itself, or by others?

Mr. HOLLAND. They can be, and they have been. Incidentally, it is a matter of interest that in the majority opinion read by Mr. Justice Clark, the Justice admits that in the recent past sentences by courts have been growing progressively higher in criminal contempt proceedings when trials without juries have occurred.

Mr. McCLELLAN. Does not the Senator agree with me that the purpose of debate at some length in connection with the pending bill is to acquaint the American people with the dangers which are inherent in this measure in its present form; that it is further imperiling their liberties; and therefore we oppose it with all the might and strength we have, to the end that the blessing of freedom that we have enjoyed and which the Constitution guarantees to us as individual citizens may be preserved.

Mr. HOLLAND. The Senator is completely correct. When I read from the three opinions, it will be completely clear that four members of the Court—almost a majority—held up the flag of warning to make clear that there was involved a surrender of a basic right, which they regretted, and to which they did not propose to be parties. By their minority opinions they made it very clear that they thought there were infractions and violations of the constitutional guarantee of jury trial.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from Alabama.

Mr. HILL. The Senator referred to the section dealing with the desegregation of schools, and also to the FEPC section, title VII. Is it not true also that the right of trial by jury is denied in the so-called, misnamed public accommodations section?

Mr. HOLLAND. I do not believe so. Is that not title II?

Mr. HILL. Yes. It is the title that deals with restaurants, motels, hotels, and so on.

Mr. HOLLAND. In title II there is an incorporation of a part of the 1957 act, which I understand would at least make it likely that the right of trial by jury in a limited way would be reserved as to title II.

Even under that section—because this is the meaning of the 1957 law—the judge could punish by imprisonment up to 45 days without trial by jury, and a judge could punish with a fine of up to $300, without the right of trial by jury. Notwithstanding the fact that the Senate very clearly expressed its disapproval of leaving out the clear and unqualified right of trial by jury in this field of civil rights, the other body, unfortunately, took the other position, and in conference, as the distinguished Senator knows, this compromise limitation emerged, under which a judge, trying a defendant for criminal contempt, committed against the jurisdiction of the court, would have the right to assess a penalty of up to 45 days and a fine up to $300, without giving the defendant the right of a jury trial.

It is only when he gets beyond that, which of course is a very limited thing, that there is the right of trial by jury under section 2.

Mr. HILL. Ordinarily, one would not expect for a violation under this section to have a penalty assessed of more than 45 days in jail. That is a month and a half. One would not be confronted with this situation. If he did not comply, he could get another 45 days.

Mr. HOLLAND. My understanding is that the criminal contempt would not be for noncompliance, but for a violation. For noncompliance there is no question about the court's authority to act. We are talking about a violation taking place, when there is a charge of criminal complaint. I agree with the idea advanced by the Senator that the 45-day sentence leeway and the $300 fine leeway would go a long way toward enforcing the demands and ideas and philosophy of a trial judge on probably 999 out a thousand citizens without allowing a trial by jury.

Mr. HILL. So the truth is, as a practical matter, that the right to trial by jury is very much delimited. Is that not true?

Mr. HOLLAND. It is very much limited under title II, and completely stricken, completely left out, under titles IV and VII.

Mr. HILL. Does the Senator agree that one of our most precious rights under our Anglo-Saxon system of justice is the right to trial by jury?

Mr. HOLLAND. I thought so until the decision came down today. I was taught as a boy in law school and as a young lawyer practicing and appearing before all courts, from the lowest to the highest in the land, that that was one of the sacred rights, and that it came to us from law more ancient than ours. But apparently in the field of criminal contempt, a majority of the Supreme Court, five out of nine, thinks the matter is not of such substance that a jury should be called for.

Mr. HILL. The truth is that it is a right that was fought for and won and goes back as far as Magna Carta, in 1215, and to the petition of rights and the Bill of Rights, and therefore permeates our whole Anglo-Saxon history.

Mr. HOLLAND. It is one of the anchors of our Anglo-Saxon system of law. I invite the attention of the Senator to the fact, as shown by today's decision, that a bare majority, 5 out of 9 members of the Supreme Court, could make this decision; whereas if a defendant is being tried by a jury, the unanimous verdict of all 12 is required to convict. There is a considerable difference between the right to have a bare majority of a court pass on one's case and the right to have a jury of one's peers pass on his case, because in order to convict, those peers must unanimously say, "This man has wilfully and criminally violated an order of the court, known to him and applicable to him, and which he has violated in an effort to knock out completely the orderly process of our laws."

Mr. HILL. Is it not true that the jury of peers are chosen and selected within the judicial district in which the person lives? Are they not people who know him, know his standing, and know his general reputation in the community in which he lives?

Mr. HOLLAND. That is correct. If his reputation is good, it is fine for him to have such a jury summoned. If his reputation is bad, the jury will be summoned from the people of that very area, and who know more about what that bad reputation is.

Mr. HILL. That is correct.

Mr. HOLLAND. It is a fine institution in our system of law. So far as the Senator from Florida is concerned, he wants it preserved.

Mr. McCLELLAN. Mr. President, will the Senator further yield?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. Does the Senator from Florida believe that this decision and the proposed legislation would have an effect on the burden of proof to establish guilt when a person was tried before a jury? In a jury trial, the proof must be beyond all reasonable doubt.

Mr. HOLLAND. The Senator is correct.

Mr. McCLELLAN. Is that requirement or burden lessened or diminished by reason of the abolition of a jury trial in such cases?

Mr. HOLLAND. It is my strong opinion that it is. I am not able to quote the law on that point, I am sorry to say. But when a court as dignified as our highest tribunal hands down a decision today, 5 to 4, it is quite evident that the question of whether or not there was a complete showing of guilt is evidently not clear even to highly trained legal minds.

There is quite a difference between being tried by a group of highly skilled lawyers and judges who can decide by a majority decision and being tried by a jury of one's peers, who must decide, if they find guilt, only by a unanimous decision.

Mr. McCLELLAN. Assume that one is found guilty of criminal contempt in a district court, the court that issued the injunction. On an appeal from that decision, what would be the issue? Would there be a trial de novo as to the facts?

Mr. HOLLAND. No.

Mr. McCLELLAN. Or would the court on appeal have the right to inquire into the facts and determine whether they were sufficient to establish guilt beyond a reasonable doubt?

Mr. HOLLAND. I never heard of a trial on an appeal from the U.S. Supreme Court. That is the highest Court. The Supreme Court has now held in this case that the circuit court of appeals, having divided evenly on the case, the Supreme Court divided as evenly as it could, and that is the last word. There is no appeal. There cannot be any trial de novo. If there were a trial de novo, it could never be before a jury in the U.S. Supreme Court. So the Senator is correct in saying that denial of a trial when an offense is charged is a denial of a constitutional right which goes all the way up to the time of the final action.

Mr. McCLELLAN. That is correct. The requirement and burden to establish guilt beyond a reasonable doubt would no longer prevail in this type of case. Is that correct?

Mr. HOLLAND. That is correct.

On the majority decision written by Mr. Justice Clark, I am perfectly willing for any Senator to take this lengthy decision of some 42 pages and place any of it in the RECORD that he wishes. I shall put in the RECORD what I am stating now to the Senator is the gist of the decision of Mr. Justice Clark, as agreed to by four of his colleagues, so as to make it the decision of the Court.

At the bottom of page 1, note how he very carefully delimits the issue in these words:

> We pass only on the jury issue and decide that the alleged contemnors—

That is, Governor Barnett, and now Governor Johnson—

> are not entitled to a jury as a matter of right.

The other quotation goes to the very heart of this matter. It is found on page 11 of this particular opinion. It reads as follows:

> It has always been the law of the land, both State and Federal, that the courts, except where specifically precluded by statute, have the power to proceed summarily in contempt matters.

I call this to the attention of the Senator because even the slender majority of the Court throws out this information, that Congress as the legislative body has the right to specifically preclude the laws of right to a trial by jury, by requiring a jury trial, just as the Senate did in 1957 when it adopted an amendment which was cut down so sharply by the action of the other body.

So first the Court states in the majority opinion that there is no jury trial. In the second quotation, which I placed in the RECORD, it is made very clear that the legislative body has the right to specifically preclude a loss of right to a jury trial.

I quote that wording again: "Except where specifically precluded by statute——

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. If Congress should fail to act by enacting a statute that would preserve the right to a jury trial, it seems to me that Congress would become a party privy to this decision of the Court.

Mr. HOLLAND. The Senator from Arkansas is correct; and that is why I am emphasizing this point today, so it can be included in this debate, and so that Senators will have an opportunity to search their consciences between now and the time when voting begins, because I am quite sure that amendments to restore to these titles provision of the right of trial by jury will be offered, although at present such a provision has been carefully and deliberately omitted.

Incidentally, anyone interested in that point can read the minority reports of the House committee on this matter; and he will find that, not once, but several times, attention was called to that fact.

Mr. President, my second point is in connection with the dissenting opinion written by Mr. Justice Black. I wish Senators would listen to this, for I see some distinguished lawyers in the Chamber. So I wish they would listen carefully to this dissenting opinion by Mr. Justice Black, in which Mr. Douglas concurred. I read now from page 4 of the dissenting opinion:

> These defendants, nevertheless, like others charged with crimes, should have their cases heard according to constitutional due process, including indictment and trial by jury. Nothing less can measure up to the kind of trials which article III and our Bill of Rights guarantee. It is high time, in my judgment, to wipe out root and branch the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury. It will be a fine day for the constitutional liberty of individuals in this country when that at last is done.

Mr. President, I am led to say "amen" and "amen" to that very fine statement by Mr. Justice Black, concurred in by Mr. Justice Douglas.

The third opinion—also a dissenting opinion—was written by Mr. Justice Goldberg; and Chief Justice Warren and Mr. Justice Douglas both joined in it. It will be noted that Mr. Justice Douglas joined in both dissenting opinions, so that although it might seem that five of the justices joined in the dissenting opinions, actually only four of them agreed in strongly decrying this bare majority opinion, and in saying the kind of things which make very clear how strongly they feel.

I now read from the dissenting opinion of Mr. Justice Goldberg, in which, as I have said, both the Chief Justice and Mr. Justice Douglas concurred. I read now from the bottom of page 31. Senators may have access to these dissenting opinions. I am simply stating that, in my judgment, these are the gists of the several opinions. I read the following:

> In sum, therefore, I conclude that defendants' trial should be by a jury. This would accord with the basic policy of Congress, that contempts which are also crimes should be tried by a jury. And it would accord with the fundamental policy of the Constitution, that contempts which are punishable as crimes must be tried by a jury.
>
> I reject the Government's "necessity" argument, that "the independence of the Federal courts * * * would be seriously undermined if their orders could be nullified by an unsympathetic jury."

Mr. President, from this very fine quotation from the dissenting opinion written by Mr. Justice Goldberg, the attitude of the Solicitor General in this connection is very evident. He was actually arguing, before the Court, that defendants should not be allowed to have a jury trial, because otherwise, so he argued, "some fool jury" might undermine what the Court wanted to do.

Mr. Justice Goldberg is to be highly commended—and I do commend him and the Chief Justice and Mr. Justice Douglas—for making that strong statement in their dissenting opinion.

Mr. McCLELLAN. Mr. President, at this point will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Florida yield to the Senator from Arkansas?

Mr. HOLLAND. I yield.

Mr. McCLELLAN. Could not the same argument be made in connection with all criminal law trials—in other words, that a jury might not uphold a court's order?

Mr. HOLLAND. Yes, it could. Of course, some say it would be all right for a jury to refuse to believe certain statements made by laymen; but apparently those who support the Government's argument in that case think it all wrong that there be a possibility that a jury might disagree with a judge or a court.

I think the distinguished Senator will see that just that distinction was sought to be made by the Government officials in that case, when they took that position.

In my previous participation in the debate which is now underway in the Senate, I have discussed at some length the compulsory integration of the public schools as it would be provided under title IV of the pending bill. I have also discussed heretofore that portion of the so-called part III provisions of the earlier Civil Rights Act relating to the grant to the Attorney General of almost unlimited powers with reference to the bringing of injunction proceedings in school integration cases, including the right to bring criminal contempt proceedings without jury, trial which is also included in title IV of the pending bill. In other words, title IV of the pending bill, the public education title, relates to two portions of the Los Angeles platform on civil rights which I discussed at the Los Angeles convention and which were strongly opposed by the whole southern delegation, including among others, such able lawyers as the senior Senator from North Carolina [Mr. ERVIN], formerly a trial judge of general jurisdiction in his State of North Carolina and after that a member of the Supreme Court of the State of North Carolina. Likewise, in that debate, strongly presenting the objections of the South, was the then Governor of the Commonwealth of Virginia, Governor Almond, now an able member of the U.S. Court of Patent Appeals. Other participants in the debate were Governors of other States or top-ranking representatives of the Democratic Party in their respective States.

Today I shall address my remarks to the FEPC provision which is covered by title VII of the bill extending from page 27 through page 50 of the printed bill. I shall not dwell at any great length upon the unconstitutionality of this FEPC provision since that point has been so well covered by several of my colleagues. I shall speak, however, at some length upon the fact that I regard this FEPC provision as the most dangerous, far-reaching part of the bill which would go further than any other provision in it to make our Nation a police state by bringing the employment practices of practically all businesses in the Nation under the control of the Federal Government and subject to the rulings of the Commission which would be set up by this bill—as well as subject to the inspection, supervision, interference, and intimidation of the army of inspectors which would necessarily be created to conduct the field operations of this farflung program covering employment practices in businesses extending from Maine to Hawaii and on to American Samoa, and from Alaska to Florida and on to Puerto Rico and the Panama Canal Zone.

I should note here in passing that in order to get away from the insidious name of FEPC, which, as I stated in my Los Angeles remarks, had become "almost an ugly word" in the Southland—and for that matter in other portions of the Nation—the drafters of this pending bill have adopted another name than that of Fair Employment Practices Commission, from which the initials FEPC came, by choosing the more sweet smelling name "Equal Employment Opportunity Commission" for the Federal agency which would be set up under this bill, thus creating a new alphabetical designation; namely, EEOC. Of course, everyone knows that this is a mere semantic play on, and an obvious effort to get away from, FEPC, for everyone knows that EEOC under this bill is the old FEPC without any material change whatever and with all of the objectionable, offensive and troublemaking provisions still included which marked the old FEPC designation of the legislation then proposed. EEOC and FEPC are just the same. One is just as bad as the other. Both are equally dangerous in my opinion. Both are equally socialistic in my opinion, equally unconstitutional, equally violative of the private enterprise system, and equally destructive of the individual right of independent selection by American employers and employees which has always been a proud part of the American system and which is now proposed to be relegated to oblivion.

I shall call as my first witness to illustrate the offensive, objectionable and dangerous provisions of FEPC as included in this bill, or EEOC if the sponsors insist upon the new name, a distinguished and nationally respected American newspaperman who is not a southerner but instead comes from another part of our great Nation. The witness whom I call is Mr. John S. Knight, head of the Knight publications, which include, among leading newspapers which they own and publish, the Detroit Free Press, of Detroit, Mich., the Akron Beacon Journal, of Akron, Ohio, the Charlotte News and Observer, Charlotte, N.C., and the Miami Herald, of Miami, Fla., along with other lesser-known papers. In his lead editorial in the Knight Publications of Sunday, March 22, 1964, which he styles "Editor's Notebook," Mr. Knight includes the following observations on the pending so-called civil rights bill, and I ask that his entire editorial be printed in my remarks at this time as a part thereof.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Most of the southern and other spirited opposition to the civil rights legislation now before the U.S. Senate is based upon the public accommodations section.

This clause would forbid discrimination against Negroes in restaurants, hotels, theaters, and all places of business normally open to the general public.

It is my personal view that commercial enterprises which seek business through advertising or other means have no moral or legal right to deny service to a prospective and orderly customer of any color.

In fact, Congress passed just such a law back in 1875. Its constitutionality was attacked in 1883 and after full hearing, the Supreme Court decided it was violative of the Constitution on the ground that Congress sought "to establish a code of municipal law regulative of all private rights between man and man in society."

And so, unquestionably, any new civil rights legislation may have to survive the constitutionality test, but in modern times and under vastly changed conditions.

BOSS FOR BUSINESS

I am puzzled, however, by the seeming lack of interest in another section of the civil rights bill which, in seeking to broaden job opportunities for Negroes, does at the same time severely limit the freedom of employers, labor unions, and employment agencies.

This is the section which would establish an Equal Employment Opportunity Commission, a new Federal agency empowered to police their hiring, firing, and advancement practices.

The EEOC, with headquarters in Washington and field offices in all areas of the country, will have authority to take legal action against alleged violators if the following proposals are enacted into law:

1. Employers may not deny jobs to Negroes because of race.
2. If a Negro is discharged, the employer must prove the dismissal has nothing to do with race.
3. When promotions and pay increases are given, the employer must show the absence of bias.
4. Government inspectors can examine a firm's records in search of bias. Officials and workers may be questioned.
5. The new bureaucracy can tell employers what kind of employment records to keep.

AND DISCIPLINE

In the event that the EEOC finds neglect of these and other related provisions of the law, the Commission can file a civil suit in Federal Court against the employer, union, or employment agency accused of the violations.

If the court agrees with the EEOC, the employer can be ordered to (a) change his employment practices; (b) hire an individual who was turned down, or reinstate a discharged worker with back pay.

Failure to comply with the court's order will bring contempt charges, punishable by fines and possible imprisonment.

Even enlightened employers who do not discriminate in hiring and personnel policies must produce records and be able to prove their innocence.

In some instances, the employer is not permitted to turn down women applicants for jobs unless he can convince the Government that men are needed in these particular tasks.

FREE OR UNEASY?

I am quite aware that many well-meaning people justify these extreme measures as the means to a desirable end.

But the piling on of Federal regulations to bring about equal opportunity is in basic conflict with our American concept of individual freedom.

As Justice Whittaker, a former member of the U.S. Supreme Court, has said: "Democracy, as a system of government, was never intended to be a leveler of men. It permits, and was intended to permit, the gifted, the energetic, the creative and the thrifty * * * to rise above the masses.

"If men really want permanent economic equality," continues Justice Whittaker, "they may find it only in communism, for such is the central theme of that philosophy. Generally men who are free do not remain economically equal, and men who remain economically equal are not free."

A CASE HISTORY

A foretaste of what will occur if the EEOC is created by Federal law was shown recently by a ruling made in Illinois.

In this case the employer (Motorola) gave general ability tests to all prospective job applicants. A Negro who failed the test charged that he was denied employment because of his race.

The Illinois FEPC then gave a reexamination to the applicant, said that he passed the test and ordered the corporation to hire him. An FEPC examiner held that Motorola's test was unfair to "culturally deprived and disadvantaged groups"; that the questions did not take into account "inequalities and differences in environment"; and that the standards for passing were based on those of "advantaged groups."

In other words, merit and ability and Motorola's standards of performance were cast aside and the employer lost his rights. This case, which is now pending before the full Commission, has created quite a furor in Illinois, and the warning is clear.

TOUGH, DANGEROUS

If a State commission can riddle good management practices in the cause of social significance, you can visualize the degree to which employers and unions will be shackled by a horde of inspectors operating under Federal law.

Let no one be deceived by the claim that the Equal Employment Opportunity Commission will be a toothless agency, or that enforcement will be less zealous or vigorous once the presidential election is over.

> The civil rights bill now under consideration is a tough law. It can be used by well organized and amply financed Negro groups to harass business and industry suspected of unfair practices.
>
> It discriminates against the best workers by attempting to bring all down to a common level.
>
> The EEOC provision is dangerous to free competition; it stifles initiative; it negates freedom of action, and it dilutes the American concept of advancement to the best qualified.
>
> #### DOWN THE ROAD?
>
> As stated previously, I see no valid reason for refusing public accommodations to a Negro, or to a man or woman of any other color who observes normal and acceptable standards of conduct.
>
> But there is great peril in the police state methods under which the EEOC would be authorized to operate.
>
> For this is not freedom but tyranny, and the exercise of discrimination in reverse.
>
> Surely there are better ways to cope with discrimination in employment than for the Federal Government to forge chains for one segment of our society while pleading the need of more freedom for another.
>
> To again quote Justice Whittaker: "Those who would seek to solve our problems through socialistic processes, rather than democratic ones, are heading down the road to darkness."

Mr. HOLLAND. In the first paragraph of this editorial Mr. Knight discusses the so-called public accommodations section. While in his personal view he finds no objection to that particular section of the bill, in which conclusion I do not, of course, concur, he does say clearly that there is a constitutional test which would have to be survived by that public accommodations section of the bill in the event it should be enacted. On that point, Mr. Knight says:

> In fact, Congress passed just such a law back in 1875. Its constitutionality was attacked in 1883 and after full hearings, the Supreme Court decided it was violative of the Constitution on the grounds that Congress sought "to establish a code of municipal law regulative of all private rights between man and man in society."
>
> And so, unquestionably, any new civil rights legislation may have to survive the constitutionality test, but in modern times and under vastly changed conditions.

In other words, regardless of his personal feeling on this particular part of the Civil Rights Act, Mr. Knight makes it completely clear that he agrees with those who have asserted the unconstitutionality of section II of the bill that the Supreme Court has clearly held that such a provision is in violation of the Constitution on the ground that Congress sought "to establish a code of municipal law regulative of all private rights between man and man in society" and that therefore any new civil rights legislation in this field will surely have to meet the test of its constitutionality.

On the part of the bill which I discuss today, however, the FEPC provision of title VII, Mr. Knight expresses the deepest concern as he analyzes that provision under the colorful but accurate description, "Boss for Business." I read Mr. Knight's candid, fearless, and accurate description of this FEPC provision as stated by him in his editorial as follows:

> I am puzzled, however, by the seeming lack of interest in another section of the civil rights bill, which, in seeking to broaden job opportunities for Negroes, does at the same time severely limit the freedom of employers, labor unions, and employment agencies.
>
> This is the section which would establish an Equal Employment Opportunity Commission, a new Federal agency empowered to police their hiring, firing, and advancement practices.
>
> The EEOC, with headquarters in Washington and field offices in all areas of the country, will have authority to take legal action against alleged violators if the following proposals are enacted into law:
>
> 1. Employers may not deny jobs to Negroes because of race.
> 2. If a Negro is discharged, the employer must prove the dismissal has nothing to do with race.
> 3. When promotions and pay increases are given, the employer must show the absence of bias.
> 4. Government inspectors can examine a firm's records in search of bias. Officials and workers may be questioned.
> 5. The new bureaucracy can tell employers what kind of employment records to keep.

Under the heading "And Discipline," which follows, Mr. Knight describes the enforcement provisions contained in title VII, as follows:

> In the event that the EEOC finds neglect of these and other related provisions of the law the Commission can file a civil suit in Federal court against the employer, union, or employment agency accused of the violations.
>
> If the court agrees with the EEOC, the employer can be ordered to (a) change his employment practices; (b) hire an individual who was turned down, or reinstate a discharged worker with backpay.
>
> Failure to comply with the court's order will bring contempt charges, punishable by fines and possible imprisonment.

Mr. Knight did not add the fact that the contempt charge, if a criminal contempt, could be tried without a jury.

I continue to read:

> Even enlightened employers who do not discriminate in hiring and personnel policies must produce records and be able to prove their innocence.
>
> In some instances, the employer is not permitted to turn down women applicants for jobs unless he can convince the Government that men are needed in these particular tasks.

In discussing this highly objectionable FEPC provision under the heading "Free or Uneasy?" Mr. Knight says, and I quote him:

> I am quite aware that many well-meaning people justify these extreme measures as a means to a desirable end.
>
> But the piling on of Federal regulations to bring about equal opportunity is in basic conflict with our American concept of individual freedom.
>
> As Justice Whittaker, a former member of the U.S. Supreme Court, has said: "Democracy, as a system of government, was never intended to be a leveler of men. It permits, and was intended to permit the gifted, the energetic, the creative and the thrifty * * * to rise above the masses.
>
> "If men really want permanent economic equality," continues Justice Whittaker, "they may find it only in communism, for such is the central theme of that philosophy. Generally men who are free do not remain economically equal, and men who remain economically equal are not free."

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I am glad to yield to the Senator from Arkansas.

Mr. McCLELLAN. Under the bill as it is now before the Senate, if a complaint were made that someone was discharged from employment on the ground of color, race, or sex, who would have the burden of proof?

Mr. HOLLAND. The Senator from Arkansas knows perfectly well that the burden would have to be on the one who did the discharging to show that he had done it free of bias. There is no other way it could be done under that very improper situation.

Mr. McCLELLAN. If a person made such an accusation, the person against whom the charge was made, the employer, would have the burden of establishing the fact that he had not been in violation of the statute. Is that correct?

Mr. HOLLAND. That is what Mr. Knight called attention to.

Mr. McCLELLAN. If a complaint or charge were made by a single employee who claimed to be aggrieved, it would place the burden on the employer to show that he had not been discharged, or that employment had not been refused him, by reason of race, color, and so forth. Is that correct?

Mr. HOLLAND. I understand that he would have to prove fairness and absence of bias on any of the grounds set forth under the proposed act.

By way of illustration of what happens under a so-called EEOC establishment or a FEPC system, Mr. Knight then recites what he calls "A Case History" in the following words, and I quote him:

> A foretaste of what will occur if the EEOC is created by Federal law was shown recently by a ruling made in Illinois.
>
> In this case the employer, Motorola, gave general ability tests to all prospective job applicants. A Negro who failed the test charged that he was denied employment because of his race.
>
> The Illinois FEPC then gave a reexamination to the applicant, said that he passed the test and ordered the corporation to hire him. A FEPC examiner held that Motorola's test was unfair to "culturally deprived and disadvantaged groups"; that the questions did not take into account "inequalities and differences in environment"; and that the standards for passing were based on those of "advantaged groups."
>
> In other words, merit and ability and Motorola's standards of performance were cast aside and the employer lost his "rights." This case, which is now pending before the full commission, has created quite a furor in Illinois, and the warning is clear.

Mr. President, I have a copy of the general ability test that Motorola gave the Negro applicant for a job. I do not know whether other Senators have seen that test, but I am sure the test is of considerable interest in connection with the matter we are debating today. To begin with, the test was created by a disinterested source years before any such question as was presented arose. It was copyrighted in 1949.

I shall not weary the Senate by including the whole test and all the questions involved in the record, but I shall say for the record that, having read the test and the questions, I see no possible objection to them. It would require only the median degree of intelligence and training in order to answer them all 100 percent correctly.

I shall not insert the questions in the RECORD at this time. I have them for inspection, if any Senator wishes to see them.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Alabama.

Mr. HILL. Is it not true that under our free enterprise system there has not been any question that a man or a woman has the right to establish a business for himself or herself?

Mr. HOLLAND. I thought it was basic to our way of life, and that it was basic that he could follow his own beliefs as to what degree of intelligence and education he had resolved should be possessed by the employees who were to serve in his business.

Mr. HILL. Is it not true that, in pursuit of the man's development of his business, he must have freedom to make decisions which vitally affect his business, to assign employees based on skill and ability, and to utilize his work force in a manner deemed advantageous to his business, and to use such judgment as will insure the financial success of the business?

Mr. HOLLAND. Those are parts of the free enterprise system. I could not conceive of their being taken away from an employer. Yet that is what is proposed to be done by the bill.

Mr. HILL. Are they not fundamental bases of our American free enterprise system, and, in a sense, the chart and compass of what has led to the success of our American free enterprise system?

Mr. HOLLAND. Of course they have, and of course they are. If we take away from employers the right to prescribe the qualifications of the people whom they employ, which qualifications they prescribe in their own best judgment, and carry out in their own way the search for the people who can meet the qualifications and serve them best, we shall have left private enterprise and gone to a controlled economy under which the Federal Government, through its minions, thousands in number, all over our great country, would in effect be telling employers whom they could employ and whom they could not employ.

Mr. McCLELLAN. Is it not true that that is exactly what the bill proposes in title VII?

Mr. HOLLAND. Unhappily, I must say that it is. That is why title VII is, by all odds, the worst part of the bill; by all means, it is the most destructive part as it applies to the American private enterprise system. I hope the Senate will never seriously consider enacting it.

I am sure that the Senator from Alabama remembers that title VII of the bill was not suggested by the late President Kennedy as a part of his bill on the subject, but it was inserted in the closed-door sessions of the committee in the other body. No one knows the author. There have been no hearings on it in the other body. We were denied the opportunity to have any hearings in this body. As far reaching as it is violative of the fundamental concepts of what is the American system, this provision is proposed to be crammed down the throats of 180 million people in the course of this debate, without hearings, without explanation, without adequate opportunity for people to realize how very bad it is.

Mr. HILL. Is it not true that the Attorney General of the United States so advised the House committee, just as the Senator from Florida stated, and that President Kennedy did not request that the provision be put in; and the Attorney General of the United States concurred in the judgment and the views of the President to the effect that the provision should not go into the bill?

Mr. HOLLAND. I am so advised as to specific statements to that effect in the press, but I could not make that statement of my own knowledge.

Mr. NELSON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield.

Mr. NELSON. I do not wish to rely absolutely on my memory, but I believe that the President, in his message, advised Congress that it should include one of the FEPC bills pending in the House.

Mr. HOLLAND. No, the President in his message did not use the word "include." He very carefully said that he favored pending legislation, but he gave not the slightest intimation that he wanted it included in this particular bill. To the contrary, he indicated it would be a troublemaker—which it is.

Mr. HILL. Is it not a fact that the bill as drafted by the Department of Justice and sent to the committee did not include this provision?

Mr. HOLLAND. The Senator is correct. It was sent to this body and to the other body.

Mr. NELSON. I do not wish to rely on my memory, but I will check the information and place it in the RECORD tomorrow. As I recall, the President referred specifically to the fair employment practices provision in his message and indicated to the Congress that he thought it should be, if not included in the bill, treated separately, but endorsed and supported by——

Mr. HOLLAND. What the President said I could not quote exactly, but in substance he said:

> I have not included FEPC provisions in the bill. I have endorsed some of the pending legislation in the field. I do not recommend that it be included in this bill.

I believe the Senator from Wisconsin will find a general statement to that effect. I cannot pretend to quote the President exactly at this stage, but I know beyond peradventure that the bill as drafted by the Department of Justice and delivered to administration leaders in this body and in the other body—an omnibus bill to cover the entire field of civil rights—did not include the FEPC provision.

I know that the provision got into the bill in the last drafting work done in the other body, without its having been the subject of hearings there. If the Senator wishes to examine the hearings, he will find that to be the case.

Mr. NELSON. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield.

Mr. NELSON. For the record, I should like to make clear where the late President stood on this issue. To the best of my knowledge, he endorsed the fair employment practices section and included it in his message, but did not include it in the bill. He advised Congress that he would be pleased to have the fair employment practices provision passed as a separate act.

There was a tactical difference of opinion between the leadership on the legislative side and the executive branch as to whether the entire matter should be treated as one bill or treated as separate bills.

Mr. HOLLAND. The President said he favored a fair employment practices bill such as the one already pending in one House or the other. It is true that it was a part of his recommendation for this bill. It is also true that, whether for tactical reasons or otherwise, it was carefully excluded from coverage of the bill.

The Senator may wish to examine the President's message. He may also wish to examine the printed copies of the bills as introduced in the two bodies. He will find that there was no FEPC provision in either of those bills. If he reads the debate in the other body, he will find one of the things most objected to in that bill on the floor was inclusion of the FEPC provision without hearings, without anyone's having seen the text of the provision. I believe it was even stated that the two leaders in the committee, on opposite sides of the aisle, briefly discussed the provision a minute, or two or three minutes each, and that when the previous question was put, and in typical House manner—which is not a typical Senate manner—the provision was put into the bill in that way.

By way of emphasis, his conclusion as to the highly dangerous character of this proposed Federal EEOC establishment, Mr. Knight proceeds in his editorial under the heading "Tough, Dangerous" to state in such a way that no reader can fail to understand his conviction as to the exceedingly dangerous results which would accomplish under title VII. I quote his statement on this point fully as follows:

> If a State commission can riddle good management practices in the cause of social significance, you can visualize the degree to which employers and unions will be shackled by a horde of inspectors operating under Federal law.
>
> Let no one be deceived by the claim that the Equal Opportunity Commission will be a toothless agency, or that enforcement will be less zealous or vigorous once the presidential election is over.
>
> The civil rights bill now under consideration is a tough law. It can be used by well organized and amply financed Negro groups to harass business and industry suspected of unfair practices.
>
> It discriminates against the best workers by attempting to bring all down to a common level.
>
> The EEOC provision is dangerous to free competition, it stifles initiative, it negates freedom of action, and it dilutes the American concept of advancement to the best qualified.

I do not see how a clearer or more truthful statement can be made as to the dangerous implications that are necessarily wrapped up in this EEOC provision which, in my opinion, is as un-American a proposal as it is possible to state.

In the conclusion of his editorial, Mr. Knight, under the heading "Down the Road?" has the following to say about the EEOC provision. These are strong words. This is strong language. It comes not from a southerner but from a northerner—a practical, successful businessman, one of the best known newspaper publishers in the Nation, and here is the conclusion to his editorial, over his signature:

> But there is great peril in the police state methods under which the EEOC would be authorized to operate.
>
> For this is not freedom but tyranny, and the exercise of discrimination in reverse.
>
> Surely, there are better ways to cope with discrimination in employment than for the Federal Government to forge chains for one segment of our society while pleading the need of more freedom for another.

This is the way Mr. Knight ends his able, convincing, fearless editorial:

> To again quote Justice Whittaker: "Those who would seek to solve our problems through socialistic processes, rather than democratic ones, are heading down the road to darkness."

I do not see how anyone can read that editorial, considering its source and considering the fact that the greatest paper owned by Mr. Knight is in Detroit, where there is such a tremendous aggregation of colored citizens—indicating, of course, that he is so fearless and so clearly convinced about the danger of this provision that he is perfectly willing to be on record even in that particular environment—realizing that here are words of wisdom and caution, and here is a "stop, look, and listen" signal, to which the Senate should listen before it even thinks of enacting such a nefarious piece of legislation as title VII, or the FEPC or EEOC provision.

Leaving this very fine and meaningful editorial which I think riddles any case that can be made for the EEOC provision of title VII of the pending bill, I shall now call as my second witness the distinguished, retired Justice of the Supreme Court whose statements are referred to by Mr. Knight in his editorial and part of which statements are quoted with approval by Mr. Knight. The full statement of Mr. Justice Whittaker, retired, in his address made at the Southeast Missouri State College in Cape Girardeau, Mo., is found in the CONGRESSIONAL RECORD of March 17, 1964, pages 5437–5438, and was printed in full in the March 23, 1964, issue of U.S. News & World Report, pages 99 to 101.

I shall not ask that this address be printed in the RECORD, because it has already been printed in the RECORD.

I call attention to the fact that not only is Mr. Justice Whittaker a retired member of our highest judicial tribunal, the U.S. Supreme Court, and a lawyer of the very highest standing, but that he is also a nonsoutherner with the capacity to look at this question with eyes that are not southern eyes and from an objective, legal background, cultivated through years of presiding as a Federal district judge and later as a member of a Federal circuit court of appeals and still later as a member of our Supreme Court.

Let us examine for a minute some of the statements of Mr. Justice Whittaker in his address, remembering that they come from Mr. Justice Whittaker and not from me or from any other southerner or an intemperate and impulsive source:

> We Americans correctly and proudly say that our Government is founded upon the concept that all men are created equal. Doubtless all men are created equal in the sight of God and of all God-fearing men. This, I think, we must agree, includes the concept that all men are entitled to equality of opportunity. But that, I also think we must agree, is but an opportunity to prove unequal talents.
>
> Today there are well-meaning persons who argue that all men are, of right, entitled to permanent economic equality. This, I think, is Utopian beyond our capacities to deliver. In a democracy like ours, the term "equality" must mean, at least, that government, State or Federal—quite apart and distinguished from the individual—cannot and must not deny to any citizen: (a) the right to equal learning; (b) the right to equal treatment; (c) the right to equal justice; and (d) the equal right of suffrage.
>
> But democracy, as a system of government, is not, and was never intended to be, a leveler of men. Quite the contrary. It permits, and was intended to permit, the gifted, the energetic, the creative and the thrifty, economically at least, to rise above the masses, and it intends to leave each man free to earn and find his own level on the stairway to the top. We may justifiably be disturbed by those who advocate socialistic means and objectives as the answer to the problems of democracy, and especially to the problems of economic "equality."
>
> If men really want permanent economic equality, they may find it only in communism, for such is the central theme of that philosophy. Permanent economic equality can only be had, as history teaches, by the surrender of certain liberties, particularly by those sufficiently capable and energetic to forge ahead of the masses, as enforced "equality" necessarily holds or cuts them back to the standards of the mediocre or below.
>
> If men want true liberty and a fair portion of equality—which it seems is all that ever can be had—they must turn to democracy and adhere to its principles. Generally men who are free do not remain economically equal, and men who remain economically equal are not free.

Mr. President, how could Mr. Justice Whittaker have more clearly stated the fact that equality of opportunity is always a relative term under our system of government and that if what we are seeking is permanent economic equality, we will find it only in communism. Our system of free enterprise is intended to allow every individual to rise by legal means so far as his capacity, talents and industry permit him to rise and as Mr. Justice Whittaker says, each man is "free to earn and find his own level on the stairway to the top."

I think that the most meaningful sentence in the whole statement which I have quoted is the last one, which reads: "Generally men who are free do not remain economically equal, and men who remain economically equal are not free."

In another part of his able address, Mr. Justice Whittaker says:

> Those who would seek to solve our problems through socialistic processes, rather than through democratic ones, are heading down the road to darkness.
>
> There is no hope that communistic methods will solve our problems. In reality, our chief problems are more of human nature than of economics and sociology. The honest and honorable man who obeys the law but has two cars is not preventing another man from having one car. Such a man who earns a large salary is not thereby depriving another who earns a small salary. The man who owns a good house does not thereby force another man to dwell in the slums. The honest, industrious, and law-abiding people who prosper under our free enterprise system surely ought not to be blamed for all the problems that plague the lives of those who do not prosper. To deny the right to exceed in prosperity to some persons would necessarily be to deny the same right to all persons, and that would be to destroy the initiative that spells progress, and even liberty, and would result in stagnation and eventually in slavery for all of us.
>
> The prosperous are not always a credit to us, but they are not, in the main, parasites on the body politic. It is, therefore, wrong generally to condemn those who by enlightenment, enterprise, energy, hard work, and thrift have become successful or even wealthy, in our arguments for what we sometimes hear called equality.

I do not think that any Member of this Senate wants to solve our problems by what Justice Whittaker calls communistic methods, but he makes it clear that that is what we are doing if we seek to solve our so-called civil rights problems through the FEPC program which is contained in the pending measure and which is so completely discredited by Mr. Justice Whittaker, by Mr. John Knight, and by others whom I shall mention later.

Mr. President, as my third witness on title VII of this bill, I call upon Mr. Arthur Krock, the distinguished columnist of the New York Times, whom I have quoted many times before, and who in a most thoughtful column of March 13 with reference to the Illinois FEPC hit the nail squarely on the head when he said:

> If title VII survives the Senate debate, the scope of this question at hand will spread from Illinois to the Nation.

Mr. Krock was quoting the attorney for Motorola Inc. with his reference to "the question at hand." That attorney who announced that Motorola would appeal the Illinois FEPC's action "all the way" to the Supreme Court if necessary said:

> The question at hand is whether an employer in Illinois is going to be permitted to set the educational, moral, and aptitude standards for its employees, or whether the State will dictate the standards.

Notice the attorney's use of the word "dictate," Mr. President. That is exactly the danger against which we are contending here in the Senate today. Is the Senate going to give the Federal Government through its FEPC agents the power to dictate the moral, educational, and aptitude standards that the businessmen of America must use in employing their workers? I say, Mr. President, the Federal Government has no right whatsoever to dictate to an employer in America whom he can hire, whom he can fire, and whom he can demote.

Before I insert Mr. Krock's timely warning in the RECORD, I should like to refer briefly to an important point he brings out, and which Representative GEORGE MEADER, of Michigan, emphasized in his additional views upon the House committee report on this bill.

That point, which also was the subject of considerable discussion on the floor week before last by the Senator from Oregon [Mr. MORSE], the Senator from Illinois, the minority leader [Mr. DIRKSEN], and the Senator from Georgia [Mr. RUSSELL], is that not a single day, or hour, for that matter, of hearings were held by the House of Representatives, or anywhere else, on this most important title of this dangerous bill. As a matter of fact, I understand its parentage is suspect or clouded at the least, as no one seems to know from just whence it suddenly came, as was pointed out on the floor on Monday, March 23, by the distinguished Senator from Virginia [Mr. ROBERTSON].

Mr. Krock has this to say about such an arbitrary, such a dictatorial procedure, the forcing down the throats of the American people, and especially the American businessman and the American worker, of such a revolutionary and controversial proposal, without even a hearing upon it. I quote from his article:

> The administration bill, of which title VII is a part, has never been submitted to either House or Senate committees for the customary and essential hearings and analysis. Consequently, if the Senate motion to send the measure to committee fails of adoption, as is expected, only the Senate rules which permit unlimited debate unless terminated by cloture will expose the bill to the intensive examination made imperative by its vast new donations of Federal power in a domain long established as the private sector.

Not only have there been no hearings on this vital section of the bill, Mr. President, as Senators are fully aware, we have been denied hearings. So there is nothing to do but to go into the matter most thoroughly on the floor of the Senate, which is exactly what I and many Members from both sides of the aisle have done and intend to continue to do.

I request unanimous consent that Mr. Krock's excellent article be printed in its entirety at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PILOT RULING ON EQUAL EMPLOYMENT OPPORTUNITY

(By Arthur Krock)

WASHINGTON, March 12.—The Illinois Fair Employment Practices Commission has just furnished a graphic illustration that when a political arm of government assumes jurisdiction over the hiring and firing policies of private business, the tendency is to expand this authority into autocratic control. The ruling of the Illinois FEPC by which this tendency was strongly established has nationwide importance because title VII of the pending equal rights bill proposes to make this jurisdiction a Federal power, exercised by an Equal Employment Opportunity Commission.

If Congress approves the pending measure with title VII included, and the constitutionality of this section is affirmed by the Supreme Court, the way will be open to project the rationale of the Illinois FEPC ruling throughout the free enterprise system of the United States. Then a Federal bureaucracy would be legislated into senior partnership with private business, with the power to dictate the standards by which employers reach their judgments of the capabilities of applicants for jobs, and the quality of performance after employment, whenever the issue of "discrimination" is raised.

The administration bill of which title VII is a part has never been submitted to either House or Senate committees for the customary and essential hearings and analysis. Consequently, if the Senate motion to send the measure to committee fails of adoption, as is expected, only the Senate rules which permit unlimited debate unless terminated by closure will expose the bill to the intensive examination made imperative by its vast new donations of Federal power in a domain long established as the private sector.

The assumption of authority by the Illinois FEPC stresses how vital this examination is to the general interest. The State commission ordered Motorola, Inc., to cease subjecting job applicants to its overall ability test on the finding that the test is unfair to "culturally deprived and disadvantaged groups." The test was compiled and copyrighted by Prof. Philip Surrager, of the Illinois Institute of Technology, in 1949 and, with some revisions, has been in use since then. He defined its objective as "not to exclude Negroes from whites * * * but to help evaluate the trainability of a prospective employee * * * and I know of no way to evaluate that a test in itself is discriminatory toward any group."

THE FIRST INSTANCE

Nevertheless, exercising for the first time an authority over the ability tests an employer may use in screening applicants, a State FEPC examiner ordered Motorola, Inc., not only to disuse Surrager's questionnaire, but to offer a job to a Negro who charged he was denied a job because of his race. The Employers Association of Chicago, representing 1,400 companies in the area, challenged the order. And, in announcing that Motorola, Inc., would appeal the action "all the way to the Supreme Court if necessary," its attorney said:

"The question at hand is whether an employer in Illinois is going to be permitted to set the educational, moral, and aptitude standards for its employees, or whether the State will dictate the standards." If title VII survives the Senate debate, the scope of this "question at hand" will spread from Illinois to the Nation. Meanwhile the attorneys for Motorola, Inc., have contended that the company cannot depend on a fair hearing of its rebuttal because the hearing officer designated by the commission is a Negro.

The company's finding that the applicant had not passed the Surrager test is complicated, so far as his particular case is concerned, by the announcement of the Illinois FEPC that he passed it on reexamination in its own offices. But, in commenting on the examiner's order, the Chicago Tribune stated the issue in its broad perspective.

The examiner had also ruled that the questions in the test did not take into account inequalities and differences in environment, thereby favoring the advantaged groups. This, said the Tribune, "may be reduced to the absurdity that any test acceptable to the FEPC would be one which brought out no distintcion whatsoever among competing applicants. How then is an employer to develop any basis for making a choice? So here the doctrine is enunciated that a political appointee is going to dictate to business (its) standards of selection."

Mr. HOLLAND. In addition to the Motorola episode to which I have previously referred, another discrimination incident has occurred in Chicago which is equally of interest—an incident affecting the members of a labor union.

A few days ago, Mr. President, I said on the floor of the Senate that the civil rights cart had "broken down." I do not know in this next instance whether it has broken down again, or is now before the horse.

A National Labor Relations Board hearing examiner on March 25, 1964, ordered the Maremont Corp. of Harvey, Ill., a suburb of Chicago, which makes automobile bumpers, to restore the seniority of six of its employees, which had been taken away from them when two labor unions—one of which represented the white employees and the other of which represented the Negro employees—were merged into a single integrated union. I do not know whether this was with the company's sanction or without it or whether it had any choice in the matter.

The interesting thing about this situation is that the six employees, whom the NLRB hearing examiner ordered restored to the full seniority they had formerly possessed, are all white.

Another interesting thing about it is that NLRB Hearing Examiner David London ordered their seniority restored because he found that they had been discriminated against because they were white.

To me this is a most significant thing. It is significant for several reasons: First, as I have said, they were white employees; second, they had been discriminated against, according to Mr. London's decision—a copy of which I have before me—because they were white employees; and third, the NLRB appears to have the power to prevent discrimination on the grounds of race, color, or religion under the National Labor Relations Act.

If so, this is a significant point, too. If the NLRB already has that power—which its attorneys believe it has—why do we need an FEPC?

A cursory examination of the statutes, which the time available so far has permitted only, fails to reveal the specific provisions or language in the statutes—but I quote the following paragraph from an article published by the Chicago Daily News on March 26, 1964:

> In the past, the National Labor Relations Board has insisted that discrimination against employees for reasons of race, color, or religion is prohibited under the National Labor Relations Act.

I have no further details of the case, other than that I have been advised informally that the union intends to appeal the hearing examiner's ruling to the full NLRB here. They have until April 15 to do so, but have not filed their appeal as of today.

I request unanimous consent to have printed at this point in the RECORD an article published in the Chicago Daily News entitled "Rules Firm, Union Discriminated Against Six Whites."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RULES FIRM, UNION DISCRIMINATED AGAINST SIX WHITES

(By Frank Brennan)

The Maremont Corp. and a local union have violated a Federal labor law by discriminating against six white persons, a National Labor Relations Board trial examiner has ruled.

The examiner ordered the company to restore the seniority of the six persons, all employees at its Harvey plant.

They arbitrarily lost their departmental seniority 15 months ago when the company and the union moved to integrate a previously "lily white" shop, the examiner found.

Examiner David London also ordered the union, Amalgamated Local 453 of the United Automobile, Aircraft, and Agricultural Implement Workers of America, AFL–CIO, to withdraw any objections to restoring the workers' seniority.

London characterized the reduction in seniority as "arbitrary, irrelevant, invidious, and unfair."

"Such considerations based on race alone are obviously irrelevant and invidious," he said in an 18-page decision released Wednesday.

In the past, the National Labor Relations Board has insisted that discrimination against employees for reasons of race, color, or religion is prohibited under the National Labor Relations Act.

But this is believed to be one of the first rulings in which white persons were found to be victims of discriminatory practices.

London said that Mrs. Octavia Hawkins, chairman of a unit in the local, had been "deeply and actively involved in the Negroes' demands for racial equality in the Maremont plant."

"Commendable as her efforts surely are," he said, "her zeal in that endeavor cannot permit her to resort, as a representative of local 453, to unfair representation of and racial discrimination against whites."

London said the local's insistence that employees of the central tool and die shop lose their departmental seniority was "arbitrarily imposed as retribution for that department's existence as a 'lily white' shop."

He said that the Maremont Corp., by submitting to the union's demand, "albeit unwillingly," had violated the act also.

London ruled on complaints brought by one of the employees, Hugh McRoberts, who at the time of his reduction was seventh in seniority among some 600 workers at the plant.

The other workers, all tool and die makers, tool machine operators or machinists, are Kenneth Morr, Art Cellini, Albert Pompa, Edmund Nowak, and William Farber.

Mr. HOLLAND. Mr. President, as my fourth witness in this matter of the Negro's employment status in America, I call upon Mr. S. B. Fuller, a highly successful Chicago businessman, who is a Negro.

On September 1, 1963, the Orlando Sentinel's Sunday magazine section, "The Florida Magazine," reprinted from the U.S. News & World Report an interview entitled "A Negro Businessman Speaks His Mind" which that nationally known publication had with this successful Chicago businessman, who owns and operates a soap business which has annual gross sales of some $10 million and employs some 600 persons.

The U.S. News & World Report reporter questioned this Chicago businessman who is a leader in the Negro community of that great city—and in my opinion, from the forthright responses he made to the questions asked him, he must be a thoughtful, intelligent, patriotic American citizen—about the status of the Negro in America today and about the future of the Negro in America tomorrow. His answers to the questions asked him were most significant. I believe they represent the thinking of many members of that race who have given earnest thought to the problems that exist today. I quote some of the questions and answers:

Question. Mr. Fuller, are the doors of opportunity closed to the Negro in America today?

Answer. No, I don't think so. The Negro has the same rights that other people have in America.

* * * * *

Question. Did you find it possible to get ahead?

Answer. Yes, indeed. I left Louisiana at the age of 15 years with a sixth-grade education. * * * In 1935 I had $25, and I took the $25 and bought some soap and started selling soap from door to door. And from that $25, it developed into this business today.

* * * * *

Question. Did you find racial barriers difficult?

Answer. No, because I sold my own people my own product.

* * * * *

Question. Would you say, then, that racial discrimination is found among all races?

Answer. It is a universal human trait—and people use it, if they can do so, at a profit. When it becomes unprofitable, they forget it.

Here in our organization, it pays the white people not to discriminate against the Negro, and they don't. But the Negroes will discriminate against the white people because they are trying to get the white people out of some of these well-paying jobs and put some Negroes in them.

* * * * *

Question. In what way do they try this?

Answer. If a white man applies for a job, and if nobody else knows it, the Negro supervisor will not hire him. He'll hire another Negro.

* * * * *

Question. Are the racial demonstrations doing any good?

Answer. The demonstrations have made the white man know that the Negroes are dissatisfied. But he knew that in the first place. Beyond that, I don't think they have done any good. In fact, they have done harm in the picture they give of Negroes.

* * * * *

Question. Do Martin Luther King and others of his views speak for the Negro people as a whole?

Answer. No, they speak for certain small groups of people. If they were speaking for the Negro people as a whole, you'd find more Negroes demonstrating. As it is, those who are demonstrating and "sitting in" are a very small minority of the Negroes.

* * * * *

Question. Do you find any other Negro businessmen getting ahead in the same way that you did?

Answer. I find a few, but I don't think that enough Negroes are doing so, because no one has sat down and told them of the possibilities of doing something for themselves.

* * * * *

Question. Has there ever been, in your knowledge, any race that has gotten ahead in the world without this ability in business and industry?

Answer. No, I never heard of any racial group in this country that was able to get ahead without participating in business.

* * * * *

Question. Have Negroes done everything they can do to help themselves?

Answer. No, I don't think they have. They have failed to go in business. I'll give you an illustration: In Chicago alone we have millions of dollars invested in church property. I know of one church in Chicago that cost over $1 million. But we have not had that kind of money invested in business.

* * * * *

Question. Can Negroes, do you think, consider themselves first-class citizens?

Answer. Yes—if they work at it. I don't think that you legislate quality in the man. Quality is developed from within. And I don't think that any law you pass can make me second class, because I am what I am.

Mr. President, that statement is so right that I shall repeat it:

> Quality is developed from within. And I don't think that any law you pass can make me second class, because I am what I am.

I continue to read from the article:

Question. Did white people try to keep you from succeeding?

Answer. No more than they would any other competitor. In America, it's a capitalistic system and it's competitive. Of course, they are going to give you competition. When I started selling among my own people, there were white people out there selling to them, too. But there was no barrier because of my race.

Question. Looking at your own success, what is the secret of it?

Answer. First, a man must have determination. He must be ambitious. He must be enthusiastic over doing things for himself. He must have confidence in himself. I have confidence in myself. I have more confidence in myself than I have in anybody else. So I would not trust anybody to set a salary for me, because I realize that I will pay myself more than anybody else would pay me.

I have a sixth-grade education. But last year I paid an income tax on over $100,000. How else could a sixth-grade scholar have a job in America that paid him over $100,000 a year unless he was in business for himself?

* * * * *

Question. Would you say that today it is still possible for a Negro with a high school diploma to make good?

Answer. Oh, yes. It's still possible for a Negro with a grammar school education to make good. I have a young Negro who sells—he's 24 years old. He came from Lexington, Miss., and I've taught him to sell, and he's averaging now from $10,000 to $12,000 a year selling from door to door.

Question. Will laws passed in Washington assure the Negroes the things they really want?

Answer. The laws are going to do very little good because in the North the Negro has every legal right that anyone else has. In the South there is legal segregation—but in the North we don't have it. So when the white people in the North keep away from the colored people, it is because it's not an economic advantage to get together.

* * * * *

Question. What would be your advice today to a young Negro coming out of school?

Answer. My advice today is, first, go to school and get a good education. It's not up

> to the teacher to see that he gets it. It's up to the student. When a Negro child goes to school, he must concentrate on his work. Then, when he comes out of school, come out with something to offer, a talent he can sell.
>
> Question. But we hear that the schools available to Negroes often are inferior, that they don't offer a good education.
>
> Answer. Well, I think that the schools that the Negroes attend here in Chicago have about the same facilities as other schools. Anyway, it's not so much the facilities of the school that count as the attitude of the student.

Mr. President, there is a great deal of commonsense in that attitude of this successful Chicago businessman, who said he paid an income tax on more than $100,000, last year.

Mr. SPARKMAN. Mr. President, at this point will the Senator from Florida yield for a question?

Mr. HOLLAND. I am glad to yield to the Senator from Alabama for a question.

Mr. SPARKMAN. Does not the Senator from Florida know of many other instances, in various States, that very largely duplicate that story?

Mr. HOLLAND. I certainly do. In the very copy of the Florida magazine in which this article was reprinted there are pictures of six Negro citizens of Orlando who have made fine records for themselves, together with a fine financial competence. I had not expected to refer to them in detail; but I now show the Senator from Alabama the article, which includes their pictures, together with statements of what they do.

The first of the photographs bears the following caption:

> Orlando Attorney Paul C. Perkins, a graduate of Howard College, Birmingham, Ala., has practiced law 13 years.

Mr. SPARKMAN. I believe the reference to "Howard College, Birmingham, Ala." is in error; I believe it should read, "Howard University, Washington, D.C."

Mr. HOLLAND. I believe so, too.

Mr. SPARKMAN. Because Howard College, in Birmingham, is a white college.

Mr. HOLLAND. Incidentally, at the top of the first page of the article appears a photograph of a large building, with the following caption:

> Negro owned and directed Washington Shores Federal Savings & Loan Association, Orlando, is the only bank of its kind in the State. Assets have more than doubled since its April opening.

The second photograph of an individual, as printed in connection with the article, bears the following caption:

> Dr. James R. Smith, a graduate of Meharry Medical School, Nashville, has practiced in Orlando since 1948. He is president of Washington Shores Federal Savings & Loan Association.

The Negroes have that Federal Savings and Loan Association in Orlando, and this doctor is its president; and it is a successful institution.

The third individual photograph included in the article bears the following caption:

> Leighler C. Maultsby, owner-operator of Pyramid Cleaners, 220 South Parramore, is one of Orlando's leading Negro businessmen.

Incidentally, the distinguished Senator from Alabama will remember that our late colleague, Senator Hoey, told of the banks, insurance companies, and other institutions in North Carolina which had been developed by Negroes in dealing with members of their own race.

I know of some in Florida, including a family named Lewis which has a highly successful insurance company. The members of the family have become quite wealthy as the result of the operation of that company. I could mention others.

The fourth individual photograph included in the article bears the following caption:

> Charles J. Hawkins, executive vice president of Washington Shores Federal Savings & Loan Association, at his desk in the association's modern building on Vineland Road.

Mr. President, some of those outside the South do not believe that Negro people could have done as much for themselves and have achieved as much success for themselves as they have done and have achieved in so many places in the South. Perhaps that is because there are so few instances of so much success by Negroes in other parts of the country. I do not make such a statement; but perhaps that has happened because the Negroes feel there is little opportunity for them outside the South.

The fifth individual photograph included in this newspaper article bears the following caption:

> Photographer E. B. Mitchell, Orlando, decided upon a career after developing his first roll of film. He has operated his own portrait studio for 23 years.

The sixth individual photograph included in the article carries the following caption:

> William V. Morris, assistant to the executive vice president of Washington Shores Federal Savings & Loan Association.

On the same page of the article there is included a group photograph of eight Negroes. This group photograph appears on the last page of the article, and I now show it to the Senator from Alabama. The caption of this group photograph reads as follows:

> Some successful business and professional members of Orlando's Negro community are (left to right) Charles J. Hawkins, Dr. Isaac S. Manning, Dr. G. P. Schanck, Attorney Paul C. Perkins, Rule M. Hamilton, Dr. J. Mark Cox, L. C. Maultsby, Dr. James R. Smith.

So in the fine city of Orlando there are the six Negroes whose individual photographs are shown in this article, and a total of eight are shown in the group photograph. All of them are Negro businessmen or professional men in that community who have obtained a competence and have achieved success as a result of their own efforts to make good, as was also done by the Negro businessman in Chicago, Mr. S. B. Fuller, whose career is mentioned in the article published in the U.S. News & World Report, and who was questioned so fully by the newspaper reporter who wrote that fine article. His answers were set forth in full, and subsequently were printed in large part in the article published in the Orlando Sentinel, as I have already stated.

Mr. SPARKMAN. I believe the Senator from Florida stated, did he not, that Mr. Fuller came from Louisiana, and had a sixth-grade education?

Mr. HOLLAND. That is correct. I also referred to the case Mr. Fuller mentioned—that of the young man who, so Mr. Fuller said, had only recently begun to work for that business, and at that time was earning from $10,000 to $12,000 a year for himself. Mr. Fuller said that young man came from Lexington, Miss., and had only a bare beginning of an education, but is anxious to sell, and is making good. I believe Mr. Fuller said he is 24 years old.

Mr. SPARKMAN. Does the Senator recall some of the outstanding successful Negro business and professional men in Atlanta, Ga.? I believe the Senator is a native of Georgia and went to school there.

Mr. HOLLAND. I went to school there, but I am a native of Bartow, Fla., where I still live.

Mr. SPARKMAN. At any rate, I knew the Senator attended college in Georgia. I shall ask him if he is familiar with some of the outstanding business successes in the city of Atlanta.

Mr. HOLLAND. I certainly am. When I was a college boy at Emory—the Senator has referred to that—the leading barbershop in Atlanta at that time was a 60-chair barbershop that belonged to a Negro named Herndon. That was the place where I went to get my haircuts and shaves, because they were always kind to me and they were good people.

Mr. SPARKMAN. And good barbers.

Mr. HOLLAND. And good barbers. Incidentally, they have banks, insurance companies, and I think four or five colleges and universities.

Mr. SPARKMAN. Some of the finest educators are Negro college presidents in Atlanta and different parts of Georgia, is that not true?

Mr. HOLLAND. Of course that is true. It is true in every southern center of any size. There are a number of Negroes in every southern center who, by their own character, hard work, and ambition, have gone up the ladder of success. They have done it in an honorable way. They are highly respected. In my small community of Bartow, one of the most highly respected citizens when I was a youngster coming along, and later when I served as county judge, was a Negro doctor. He could have made much more elsewhere, but he chose to be a kind of missionary to his own people. His wife was principal of one of the Negro schools. They were highly respected. There were others in the insurance business, in the undertaking business, and in various other kinds of business endeavors at that time who were making good. There are more now because the town has grown.

Mr. SPARKMAN. I ask the able Senator from Florida if he has had the same experience that I have had—and I am sure other persons living in a Southern State have had similar experiences—of observing that people from outside the area have been absolutely surprised when these cases of high success were pointed out to them.

For example, I grew up in a small town. It has developed into a pretty good sized town now. But in our town some of the most successful business people from the standpoint of the type and volume of the business they did and the amount of wealth that they accumulated, were Negroes. I practiced at the bar with at least one Negro lawyer. There were Negro doctors, and Negro undertakers. Some of the wealthiest farmers in our area were, and are today, Negroes. Some of our best educators are Negroes.

Mr. HOLLAND. Do not leave out the preachers. They have some of the best preachers.

Mr. SPARKMAN. Of course, there are good preachers. I do not know whether the Senator from Florida knows it or not—I will ask him if he does—that in the State of Alabama the average pay of the Negro schoolteacher exceeds that of the white schoolteacher.

Mr. HOLLAND. I did not know that; but I knew that in Alabama, in Florida, and in other Southern States—I am not able to name them all—the standard of pay is identical for the races. It depends upon years of experience. It depends upon degrees held.

Mr. SPARKMAN. Very largely they have done for themselves.

Mr. HOLLAND. The Senator is correct.

Mr. SPARKMAN. In my State it happens that the Negro schoolteachers have done for themselves until there is actually a higher average pay for Negro schoolteachers in my State than there is for white teachers.

Mr. HOLLAND. I thank the Senator for that very fine contribution. That probably results from the fact that the Negro teachers regard themselves as missionaries to their own people; they stay on, continue to teach, and go on up the ladder, whereas many of our white teachers, as the Senator knows, have been inveigled by some of the scientific companies and others, or have gone into business as bankers or into other fields. I can easily see how the result would be as stated by the distinguished Senator from Alabama.

Mr. SPARKMAN. I thank the Senator from Florida.

Mr. HOLLAND. That is one of the things that I mentioned earlier in the debate some days ago. I have been visited, not out on the street corners, but in great seriousness, by Negro teachers. I even recall the name of one, because he has now passed away. He was the president of the Florida Agriculture and Mechanical School, now a university. He told me in all seriousness that complete integration of schools would mean the death knell of the opportunities for Negroes to become college presidents, principals of high schools, or even to be employed in anything like the same number that they are employed under the present arrangement in the South.

Before I forget it, I should like to say also that it has not been long since a committee of Negro businessmen from my hometown came to see me to complain of efforts to force white people into their businesses. One of them said:

> Judge—

They still call me "judge"—

> Judge, don't you know that in our dance halls white people wouldn't come in so often even if it was lawful, except the poor white trash, and just as soon as one of them came there, drank a little beer, and tried to cut in on one of our colored girls, there would be trouble. There would be a fight.

He said:

> Judge, you know who would suffer in the long run. It would be we people who are going ahead, who have our children and our grandchildren around us, and who want nothing more but to continue to move ahead, gaining every year, as we are. Judge, we don't want that kind of thing.

That kind of statement comes from the mouths of three businessmen in my own town whom I know. They came to express that view to me. This is in another field, but it concerns the same thing. The bill would be a leveler among the Negroes as it would be elsewhere. It would take away opportunity for advancement for the ambitious ones, for the capable ones, for the ones who will work and the ones who have character—and there are many of them who have. They do not want any such situation to be brought about by law.

Mr. SPARKMAN. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. SPARKMAN. Does the Senator remember that a few years ago several of the Southern States attempted to have a pact ratified to make Meharry College a regional school?

Mr. HOLLAND. I remember that well. The distinguished senior Senator from Alabama [Mr. HILL], the distinguished junior Senator from Alabama [Mr. SPARKMAN], and the Senator from Florida were all very active in that effort, because we wanted to give to the young Negro students who wanted medical education and dental education a better chance than they were having. This was immediately after the war. They could not compete; there were a dozen applicants for every opening for students at medical schools. We wanted Meharry to be greatly improved. The only way we could contribute State money to the school, build it up, and send our students there who could not compete with the upper crust or the ones that did get into the white schools was to have a compact approved by the Congress. We did our level best to have it approved. I remember that very well.

Mr. SPARKMAN. Does the Senator remember that in some of the hearings that were held it was brought out that although in different parts of the country, there were numerous medical schools which theoretically admitted both white and colored, when the rolls were examined, it was found that there were practically no colored students in those medical schools?

Mr. HOLLAND. I well remember that. In my earlier address on title IV during this debate, the education title, I placed in the RECORD a letter from the acting dean of the medical school of one of the southern California State universities, written to Meharry, asking that two or three of their best qualified young people be sent to California, because they said they had endeavored for a long time to have a Negro student or students. Many had applied. A good many had passed the minimum standards, but at that time there were so many competitors that they could not come out on top of the pile.

I placed that letter in the RECORD. I also placed in the RECORD the fact disclosed by the Library of Congress which showed that there was only one Negro youngster in the medical school at the University of Pennsylvania at the same time that there were 16 or 17 at Howard University and a similar number at Meharry. I also put similar facts in the RECORD in my earlier talk.

Mr. SPARKMAN. Does the Senator remember that at Meharry, and also at Howard University—although the same thing is true of Howard, the testimony referred particularly to Meharry, because that was the one we were dealing with—it was shown that there were more Negro students from northern States, who could theoretically be admitted to schools in the northern States, than there were in all the northern schools combined?

Mr. HOLLAND. I remember that. There were several times that number. Also, in the testimony taken by the Senate committee on the question of whether the compact should be approved, it was stated that about 90 percent of the doctors and dentists of the Negro race in the Nation had come from one or the other of those two schools, in spite of the fact that the doors were completely open in a large part of the country——

Mr. SPARKMAN. Theoretically.

Mr. HOLLAND. They were open to Negroes, but the Negroes could not get in because of the severe competition to which they were subjected.

Mr. SPARKMAN. Further, I wonder if the Senator remembers the testimony of the president of Meharry, who is a distinguished Negro educator? I remember one particular statement he made that I think I shall never forget. I shall try to quote him, but it was something like this: "If you will break down the walls of opportunity, we do not care about the walls of segregation." The statement was something to that effect.

He was crying out for opportunity for the Negroes who wanted to get ahead and do something for themselves, rather than the mythical something that so many people speak for, referring to the walls of segregation.

Mr. HOLLAND. That is the situation. I do not remember that particular statement, but I have heard similar statements frequently. I know that is the case. In the earlier debate on this same discussion, I put in the RECORD a statement showing that there was not a single white student at Florida A. & M., whereas there were between 2,800 and 3,000 Negro students, and that they continually turn out great athletes, such as Bob Hayes, Willie Galimore, and other athletes, which we have not been able to do at the University of Florida, of which I am a graduate, or at other white schools.

The Negroes are intensely proud of their schools. Only a mere handful have gone to the State schools since integration was permitted there. I put the numbers in the RECORD a few days ago. I cannot quote them from memory, but I said then, and I believe now, that what the Negroes want is better schools, and an opportunity to move ahead. Very few of them are anxious for admixture on the social basis. I hope we can give them the better schools they want. We in Florida have in most instances already been able to do that. I hope we can expedite that process.

I hope that in the great cities of the North, where the slum schools, mostly attended by Negroes, are even poorer than what we offer, conditions will improve. I have quoted from Dr. Conant's book with respect to the great improvement that should be made in the slum areas of the great cities of the North.

Mr. SPARKMAN. If the Senator will yield further, I suppose he would not mind my suggesting that Negro athletes have fared quite well in our section of the country.

Mr. HOLLAND. That is correct. Bob Hayes won all the speed races in the recent invasion of Europe by our track teams. He is a Jacksonville boy and a student at Florida A. & M. Willie Galimore and three others are highly paid members of various professional football teams. I believe Althea Gibson is considered to be the finest woman tennis player the world has ever seen. She is a graduate of Florida A. & M., although she is not a Florida girl. She went there from New York, seeking the better opportunities that were available there that were not available in her home State.

Mr. SPARKMAN. Will the Senator permit me to name a few from Alabama? The Senator from Florida mentioned a great track athlete. I wonder if he remembers back to the days of Jesse Owens?

Mr. HOLLAND. I do. He was one of the greatest sprinters of all time.

Mr. SPARKMAN. Yes; and he came from Alabama. Willie Mays comes from Alabama. The inimitable Satchel Paige is from Alabama. I could name a good many other fine athletes who were developed in Alabama.

By the way, one of the ablest Negro Members of Congress we have ever had, Representative Mitchell, who comes from Chicago, originally came from Alabama. He used to work as an office boy for Booker T. Washington, and went to school at Tuskegee. I could name a great many more fine and successful Negro people.

The Senator agrees with me, does he not, that when someone gets the idea that Negroes do not have opportunities in the South, he is ignoring the record?

Mr. HOLLAND. Of course, he is ignoring it; but the fact remains that we are trying to increase by leaps and bounds the educational standards and opportunities for Negroes. The fact that a great daily paper in Orlando would devote one of its weekend magazine sections to showing what the Negroes are doing shows some sense of pride and accomplishment for the community which exists in such cases.

Anybody who thinks we live together in a state of hostility in the South, as was indicated by the clipping from the Cleveland Plain Dealer which was read by the Senator from Ohio, as prevailing in Ohio, or as indicated by the article placed in the RECORD showing what happened in Harlem when Malcolm X counseled the use of bullets a very few days ago, is mistaken. Anyone who thinks that condition prevails, in the main, in the South does not know the situation that prevails on the average and in the great majority of cases. It is too bad that that is so.

I was reading from the questions that were asked by the reporter who wrote the article for the U.S. News & World Report, which he put to the successful Chicago Negro, Mr. Fuller. I continue to read:

> Question. Will demonstrations encourage Negroes to work harder, become more self-reliant?
>
> Answer. No. I find that the Negro today does not have as much ambition as he had 25 years ago.
>
> Question. Why is that?
>
> Answer. I think the trouble is that no one tells the Negro that he's responsible for himself—being unemployed. When I was a boy, nobody helped us. You had to help yourself, and you had to learn to 'do.' You had to have the know-how plus the do-how.
>
> * * * * *
>
> Question. What kind of work did you do?
>
> Answer. I sold from door to door. I started selling from door to door when I was 9 years old, and have been selling ever since.
>
> Question. Do you feel that some races have more of an aptitude for business than others or more of an ability to sell?
>
> Answer. No. It's all in the desire. Any time that you can create a desire in the Negro to sell, he's just as good a salesman as anybody else.
>
> * * * * *
>
> Question. Are you generally optimistic on the future of the Negro race in this country?
>
> Answer. Oh, yes.
>
> Question. Is America, do you think, a good place for Negroes?
>
> Answer. America is the best place for the Negro in the world. America is the best place for any man in the world.
>
> Question. Is the Negro basically unhappy, do you think?
>
> Answer. I think the Negro is very unhappy, but it's not from segregation. He's unhappy because he is unemployed.
>
> Some of the leaders will tell him he's unemployed because he's a Negro, and that segregation is the cause of his being unemployed. But that is not true. We have unemployment in America, and the Negro is the last hired and the first fired because he doesn't do any of the hiring or the firing.
>
> Question. What is the answer, then, to the Negro's future?
>
> Answer. Work. And not only that, he must work and he must save his money and he must pool his money.

I am especially interested, Mr. President, in this Negro leader's opinions that the Negro can get ahead in America, that Negroes can consider themselves first-class citizens if they earn the right to become so, that laws passed by the Congress cannot provide the Negro with the future he wants, that the answer to the Negro's future is hard work, and that "America is the best place for the Negro in the world."

I am also most interested in his statement that the highly publicized heads of the more militant Negro organizations such as the NAACP, the Congress for Racial Equality and others do not represent the Negro race as a whole "but only small groups of people." I have always thought that to be so.

An editorial in the March 1964 issue of Public Service magazine—one of the Nation's most reputable publications in the business field—is my fifth witness on the civil rights bill—and particularly as to title VII, the FEPC title.

I read from the inside cover of the March issue:

> Public Service magazine is dedicated to the preservation of the American free private enterprise system—the advancement of opportunity and individual initiative as provided by business management of all industries as opposed to bureaucratic or political management and operation—prevention of Federal invasion of State rights and reduction of nonessential Federal, State, and local governmental expenditures.

Mr. President, I do not wish to make my remarks today overly long, but I do wish to read two paragraphs from this excellent editorial, each of which goes right to the heart of the inherent dangers in this pending force bill title VII:

> The people of this Nation are going to have to live with the civil rights bill. In its present form, it carries the threat of harrassment and injustice and terror which well could be as bad as anything that ever was conceived in Hitler's Germany or in Stalin's Russia. The debate clearly points to the fact that this bill, proposed in the name of civil rights, provides no such thing for any race. Instead, it expands enormously a form of police power in the hands of the Federal Government.

Let us remember that we are quoting from a magazine published, not in the South, but in Minnesota.

> Regulations made by man sometimes have a way of imposing the worst kind of injustice on the regulated in the name of justice. Law enforcement is not always justice. The kind of law enforcement and the injustice which can follow the kind of civil rights legislation which was debated in the House will stun the citizens of this country. We could not live with the prohibition law, where we were dealing with something that could be seen and measured. Are we, as a nation, going to be able to live with a civil rights law, which tries to deal with what is in a man's mind?

Mr. President, I should like to read that last sentence again:

> Are we, as a nation, going to be able to live with a civil rights law, which tries to deal with what is in a man's mind?

I do not believe we can.

That is what we are dealing with when we talk about trying to figure out what the motives of an employer are in hiring, promoting, demoting, or firing. We are trying to figure out what is in a man's mind.

I ask permission to insert the above editorial in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Public Service Magazine, March 1964]

One cannot read the record of the debate in the House on the civil rights bill without having deep misgivings as to the wisdom of this or any other hasty action on the part of Congress in an effort to solve the problems of racial tensions. Debate in the House was limited by time restrictions. Serious questions on both sides of the issue were raised and never satisfactorily answered. When complex problems of this type were encountered, in the course of debate, the response was either emotional or political rather than anything approaching hard commonsense.

The people of this Nation are going to have to live with the civil rights bill. In its present form, it carries the threat of harassment and injustice and terror which well could be as bad as anything that ever was conceived in Hitler's Germany or in Stalin's Russia. The debate clearly points to the fact that this bill, proposed in the name of civil rights, provides no such thing for any race. Instead, it expands enormously a form of police power in the hands of the Federal Government.

In a "Face the Nation" broadcast on Sunday, February 16, Mr. James Farmer, executive secretary of the Committee on Racial Equality, made it clear that the passage of the civil rights bill would be only the beginning of further extended and massive demonstrations. In short, the civil rights bill will not end racial tensions. It will become a vehicle to fan them into a more destructive force.

This is not racial equality or civil rights. It is something entirely different.

The ridiculous spectacle of school administrators shuttling Negro youngsters in one direction and white youngsters in another in school buses across a vast metropolitan area to points far removed from their homes to establish integration of schools at any cost in money and inconvenience should demand that everybody back up and take another look. About the only thing this practice is going to accomplish is the very frustration of the youngsters which the Supreme Court said was to be avoided. It is a wicked and bitter game played by adults who should have more sense, in pursuit of compliance with rulings by courts which have made mistakes before, and which could be grievously wrong now.

Regulations made by man sometimes have a way of imposing the worst kind of injustice on the regulated in the name of justice. Law enforcement is not always justice. The kind of law enforcement and the injustice which can follow the kind of civil rights legislation which was debated in the House, will stun the citizens of this country. We could not live with the prohibition law, where we were dealing with something that could be seen and measured. Are we, as a nation, going to be able to live with a civil rights law, which tries to deal with what is in a man's mind? For the true meaning of civil rights, under our Constitution, is not to integrate one race with the other by matching so many dots on a paper, whether it be houses, or schoolrooms, or chairs in a classroom, or pews in a church, or stools in a restaurant. This is not equal opportunity, but a fraud upon everybody, regardless of race.

Mr. HOLLAND. Mr. President, as my sixth witness against title VII I call upon the Chicago Tribune which in an editorial entitled "Pandora's Box," published a few weeks ago, points out that "the effect of section 7"—they meant title VII—"is to attempt to legislate discrimination in reverse through preferential hiring."

As in the previous instances I shall not read the entire editorial into the RECORD, but I do wish to commend to the attention of Senators these three paragraphs which I shall read:

Under title VII of the Civil Rights Act, "Equal Employment Opportunity," the Federal Government endeavors to legislate itself into partnership with private business. It assumes the power to dictate hiring, firing, and promotion policies of business, and to cancel business decisions in these areas.

The policing agency is to be an Equal Employment Opportunity Commission with five members, equipped with regional offices and staffs of inspectors and attorneys. Action may be taken by the Commission in the absence of any complaint by an individual. It is sufficient that one member of the five file a charge against a business, employment agency, or union.

The effect of the section is to attempt to legislate discrimination in reverse through preferential hiring.

I request permission, Mr. President, for the above-mentioned editorial from the Chicago Tribune, which was previously published in the daily RECORD by Representative GEORGE HUDDLESTON, Jr. of Alabama, be included at this point as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PANDORA'S BOX

"Individuals of any race or creed have but one road to social acceptance and economic abundance. That road is the narrow, rocky trail of personal exertion, perseverance, study, work, savings, and character building. It is a hard road. It is too bad that we cannot pass a law that would make the travel of this road unnecessary for all of us. This road is the only one that leads to self-respect and the respect of others. It leads to good will and understanding. It leads to economic security and abundance. The mere passage of a law will not bring any of these things to any person, or group of persons."—Representative KENNETH A. ROBERTS, Democrat, of Alabama.

Under title VII of the Civil Rights Act, "Equal Employment Opportunity," the Federal Government endeavors to legislate itself into partnership with private business. It assumes the power to dictate hiring, firing, and promotion policies of business, and to cancel business decisions in these areas.

It assumes a similar relationship and powers in reference to labor unions and employment agencies. It will make its own judgments whether a union's apprentice and membership policies are tainted by discrimination.

The policing agency is to be an Equal Employment Opportunity Commission with five members, equipped with regional offices and staffs of inspectors and attorneys. Action may be taken by the Commission in the absence of any complaint by an individual. It is sufficient that one member of the five file a charge against a business, employment agency, or union. Any business employing as few as 25 persons will be covered by the 4th year of the Commission's existence.

The Commission's agents are authorized to enter upon business property, have access to business and union records, question employees, and conduct investigations on their own determination of reasonable cause. If persuasion by the Federal inspectors fails, the Commission will seek to enjoin the accused transgressor in a hearing before a judge or master. The businessman (or union) is not allowed jury trial. If the defendant is enjoined, he thereafter must toe the mark or face a fine or imprisonment for contempt.

Although the title addresses itself to equality and discrimination, it defines neither. Its standards are subjective and vague. No employer can be sure that he is not inviting the Commission's displeasure. As one Congressman remarked, you may need a Ph. D. to stay out of the penitentiary.

There must be no discrimination, according to the title, based on race, color, religion, sex, or national origin. The bill generously provides that an Italian restaurateur does not have to hire a Turkish chef to cook spaghetti, that a religious college need not hire an atheistic janitor, and that employers can discriminate against Communists.

No resolution was made of the problem of whether the Harlem Globetrotters are obliged to hire a white forward or the Birmingham Black Barons a white outfielder. Nor could light be obtained on the question of whether employers and unions would be obliged to institute quota systems to overcome racial imbalance.

The constitutional authority for Congress to control private employment practices in the States when no Federal job or contract is involved proved all but invisible.

The title is predicated on appeals to two constitutional provisions. It applies when a business affects commerce, pitching a new Federal tent on the same tortured ground occupied by the theoretical hamburger stand in the public accommodations section, or if the privileges and immunities of citizens are abridged by a State, thus invoking the 14th amendment.

As no State is charged with enforcing conditions of employment in private business which abridge the privileges and immunities of citizens, and as in the Slaughterhouse cases the Supreme Court said that the privileges protected were those "which owe their existence to the Federal Government, its national character, its Constitution, or its laws," where is the application? And, short of juvenile laws and legislated conditions of work, it is not apparent where Congress has power to prescribe hiring practices even when goods get into interstate commerce.

The effect of the section is to attempt to legislate discrimination in reverse through preferential hiring.

Mr. HOLLAND. Mr. President, as my final and seventh witness against title VII of this bill I cite the Tampa Tribune of Sunday, March 29, which in its lead editorial entitled "How Many Rights Make a Wrong?"—after establishing the principle that "in a stable society we must be governed by principles of law"—shows clearly how title VII would grievously damage that basic concept of a democratic government such as ours.

The editorial points out that "surely no outsider should be able to tell an owner or manager whom he must hire or promote" and then continues:

But, under this bill, an outsider would. The Federal Government, through a new policing agency called the Equal Employment Opportunity Commission, would constantly look over management's shoulder. It would hear complaints from applicants who failed to get the job or employees who lost out on a promotion allegedly because of discrimination. It could inspect the business records, call a hearing, file suit in Federal court to compel the hiring or promotion of the complaining person—with back pay.

And these complaints, mind you, are not limited to race. They could be made on the basis of religion, national origin, or sex. The woman clerk who feels she should have had the promotion which went to a male fellow worker might come back from lunch with an EEOC inspector at her side.

> The possibilities for troublemaking by sensitive or malicious applicants and employees, under this proposal, are limited only by the number of businesses hiring as many as 25 persons.

Mr. President, in that regard let me say that the FEPC in several of the States started with only the larger businesses, but now in many instances they cover businesses with as few as one employee.

We have already been served with notice by the militant groups that are pushing this bill that the bill is not going to satisfy them. They will be back here next year and in following years with additional demands. One of the demands will surely be to cut down the number of employees requiring coverage by the FEPC provisions of the bill. We can expect that as surely as we are here today. That is one of their objectives.

I apologize for quoting one southern writer and one southern editorial in this list of seven witnesses. But this one is so good and the writer happens to be a highly liberally inclined person, and recognized as such in our State. He is one of our finest citizens. I felt I could present one witness from the South as one of the seven witnesses.

I continue to read from the editorial:

> Sponsors of this alarming proposal urge it as a noble measure to enlarge the rights of minorities. But they would bestow rights on some, who have not the slightest constitutional claim to them, by taking away rights from others, who have the best of claims.
>
> This transfer of rights adds up to a wrong. It cannot be justified by law; it cannot be supported by logic, for the sound reason that men cannot be bound into brotherhood by Federal tape.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial published in the Tampa Tribune entitled "How Many Rights Make a Wrong."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW MANY RIGHTS MAKE A WRONG?

> This Easter season is a good time to talk about brotherhood and the rights of man.
>
> Men should live as brothers. Unhappily, they don't. Men should grant to others the same treatment they would wish to receive. Again and again, they fail this commandment.
>
> The Senate of the United States will begin this week a formal debate on legislation to compel Americans to be more brotherly—no matter what.
>
> It is known as the civil rights bill.
>
> This measure has been the subject of an enormous amount of misinformation and misrepresentation. It is not as evil as its frothing critics have pictured; and certainly it lacks the simple virtue claimed for it by self-haloed supporters.
>
> But let no one be deceived about this bill. Its 54 printed pages hold the most drastic proposal for Federal regulation of private action ever seriously considered by Congress in peacetime.
>
> A summary of the bill's 11 separate parts appears at the bottom of this page.
>
> Eight of these can be dismissed from consideration. They either have merit, as in protecting voting rights and establishing an agency for mediation of racial disputes, or they are so comparatively harmless that they are not worth fighting.
>
> Three parts of the bill deserve close study.
>
> About one of these, title VI, we have mixed feelings. This would ban discrimination in "any program or activity receiving Federal financial assistance," and authorize a cutoff of aid if willful discrimination continued. Its meat-ax approach can be challenged: Would it serve humanity to stop welfare funds to Mississippi's poor because a Barnett refused to hire a Negro in the welfare office?
>
> Yet, sooner or later, the people of this country have to realize that if they rely upon the Federal Government for handout funds, they're going to have to bend to Washington's will as to how the money is spent. This provision might serve a good purpose, in rousing our slumbering sense of local and State responsibility.
>
> Titles II and VII are closely kin in principle. They would intrude the arm of the Federal Government into strictly private business for the sole purpose of preventing discrimination.
>
> They therefore represent a radical departure in national policy, which heretofore has limited no-discrimination rules to Federal departments (such as the military), Federal-aid projects or Federal contracts.
>
> Strangely, the people seem aroused over title II, applying to public accommodations, but little aware of title VII, which covers private employment. Yet the latter is by far the more extreme and dangerous proposal.
>
> We concede the moral argument for the public accommodations provision. An establishment advertising that it serves the public—and perhaps drawing most of its trade from travelers on a Federal-aid highway—ought to serve all the public. And doesn't a Negro family on a long trip get as thirsty, hungry, and sleepy as a white one?
>
> But in a stable society we must be governed by principles of law. In principle, the owner of a private business ought to be able to serve or exclude anyone he pleases, for whatever reason. He may be a bigot; or he may be guided by the knowledge that if he does not restrict his clientele he'll go bankrupt. Anyway, the right of choice should be his.
>
> If this principle applies to customers, think how much more it should apply to selection of employees. In the intimate working relationships of a business, the choice of a staff can make or break the enterprise. Surely no outsider should be able to tell an owner or manager whom he must hire or promote.
>
> But, under this bill, an outsider would. The Federal Government, through a new policing agency called the Equal Employment Opportunity Commission, would constantly look over management's shoulder. It would hear complaints from applicants who failed to get the job or employees who lost out on a promotion, allegedly because of discrimination. It could inspect the business records, call a hearing, file suit in Federal court to compel the hiring or promotion of the complaining person—with back pay.
>
> And these complaints, mind you, are not limited to race. They could be made on the basis of religion, national origin or sex. The woman clerk who feels she should have had the promotion which went to a male fellow worker might come back from lunch with an EEOC inspector at her side.
>
> The possibilities for troublemaking by sensitive or malicious applicants and employees under this proposal are limited only by the number of businesses hiring as many as 25 persons.
>
> Sponsors of this alarming proposal urge it as a noble measure to enlarge the rights of minorities. But they would bestow rights on some, who have not the slightest constitutional claim to them, by taking away rights from others, who have the best of claims.
>
> This transfer of rights adds up to a wrong. It cannot be justified by law; it cannot be supported by logic, for the sound reason that men cannot be bound into brotherhood by Federal tape.
>
> Senators HOLLAND and SMATHERS and others joined with them in resisting this legislation are therefore not defending a southern prejudice; they are serving the Nation. They deserve support from men and women everywhere who believe that rights cannot be created from a wrong.

Mr. HOLLAND. Mr. President, I do not feel it necessary for me to go into the constitutional—or rather the unconstitutional—aspects of this bill.

I have already pointed out in an earlier part of this address how the Supreme Court has today split down the middle, 5 to 4, on one of the important titles in this bill, the question of whether or not a jury trial must be required in a criminal proceeding. There is similar activity in almost any field to which one can point that is covered by the bill.

Mr. President, I was somewhat amused when I saw the report in the morning's newspaper about the 20 scholars of the law who said that this title on public facilities was clearly constitutional, when I saw in their report or recommendations no reference whatever to the fact that until the Supreme Court changes its decision of 1883, this kind of approach is clearly unconstitutional. The Supreme Court so held in 1883, and with only one dissenting Justice. Everyone who has studied the question knows that it will require a change in direction, a change in front, a change in interpretation, before there is a chance that that particular title of the bill would be held constitutional. Some of the finest lawyers in the Senate, recognized as authorities on constitutional law, have dealt with that aspect properly and fully, and I may say, devastatingly. I have not heard any convincing rebuttal to their case against the bill.

They include the distinguished senior Senator from North Carolina [Mr. ERVIN]; the distinguished Senator from the Old Dominion State, the very cradle of States rights, Virginia [Mr. ROBERTSON]; the equally distinguished senior Senator from Arkansas [Mr. MCCLELLAN], and, of course, our leader in this fight for States rights and against tyrannical government centralized at the Federal level, the distinguished senior Senator from Georgia [Mr. RUSSELL]—to whom I have referred earlier in my remarks, and to each of whom I offer my warmest congratulations on the stand they have so forcefully and so patriotically taken.

I include in these compliments, with particular reference, my own captain in this debate, the distinguished senior Senator from Alabama [Mr. HILL], who has made a most scholarly presentation of the reasons why I think the bill in many of its aspects could not possibly be upheld as constitutional, or as supporting the American way of life.

Mr. HILL. Mr. President, will the Senator yield with the understanding that he will not lose his right to the floor, and that when he resumes speaking, it will not count as a second speech?

Mr. HOLLAND. I yield with that understanding.

Mr. HILL. Mr. President, I thank my distinguished friend from Florida for his most kind and generous words. Let me repeat what I said about his first speech. That speech should be published as a textbook on education. It is a magnificent contribution.

Mr. HOLLAND. I thank my distinguished friend. I feel so deeply on this subject that I hope everyone who hears what I have to say will absorb some degree of the sincerity which I feel, and some degree of the seriousness which I feel, if this Nation should be forced into this type of legislation, this type of performance with literally thousands of minions who, under the Federal law, would go out into all the reaches of this grand Nation to look over men's shoulders, to go into men's businesses, to control their hirings, firings, and promoting practices, to control their way of doing business in their own establishments, and control the question of integration in the schools, leaving to the discretion and conscience of an Attorney General who may or may not be a good man—and we have had both kinds—the question of whether he should go into a Federal court with a jury, and the question of trial by jury. These questions are so destructive of what I consider to be the American way of life and the American genius and freedom that I could never do less than the most in my power to speak out against the inequities of this particular bill.

However, I would like to emphasize that the proposed legislation is not designed to enforce any existing legal right but instead to create a new legal right—and then to enforce it. Now, whether the Congress has the power under the Constitution to create such a new Federal right, when in the opinion of some of the finest constitutional lawyers in the country the Constitution provides no basis for it, there is and must be the gravest doubt. Certainly, I have the gravest doubt in that regard.

There can be no doubt and certainly there is no doubt in my mind that this newest of FEPC's would violate the constitutional rights of the great majority of American citizens by destroying their freedom of contract, by confiscating their vested right to manage their own businesses and to choose their own employees—as they have for 175 years since this Republic was founded. In short, this bill infringes directly upon the rights retained in the people or reserved to the States or the people.

But back to my text, as to employers, it would deprive them of their right to select their employees in accordance with what they believe are the best interests of their business. Next, it not only would greatly limit the right of businessmen to manage their businesses, but it would substitute the judgment of an FEPC agent for their own as to who is best qualified to conduct their own business.

Similarly, the great labor unions, which, with industry and management are the backbone of our economy, could not decide the qualifications of their members, but would have to accept the decision of an FEPC agent or else go to court at their own expense, perhaps a thousand miles away from where the complaint arose, and prove their innocence of the arbitrary accusations made against them.

Moreover, employees of companies—members of labor unions—would no longer have the constitutional right to choose their associates or those with whom they prefer to associate or work, if this proposed legislation were enacted and were upheld by the courts.

Thus, the long arm of Government—in the untried hands of thousands of FEPC agents—would reach down into the States and would displace the sound decisions of employers, the judgment of labor union leaders, and the personal preferences of American workers to associate with whom they chose, which the Constitution of the United States has guaranteed every citizen since 1788.

Advocates of this mandate which the Congress is asked to enact make much of the fact that the new FEPC would be employed to enter into written agreements with FEPC agencies in the States, and to abstain from Federal action in the areas covered by the Federal-State compact. However, Mr. President, much more should be made of the fact the Federal FEPC would have the power to decide whether the State FEPC was exercising its powers effectively, to the satisfaction of the bureaucrats in Washington, and that it could assume jurisdiction as it pleased. What this means, Mr. President, is that the Federal Government would have the right to override the State FEPC's as it saw fit; and I, for one, would expect that it would have little or no hesitancy in doing so. The other side of the coin is that in case the Federal FEPC chose to recognize the State FEPC's and to work with them—although all of us know how inefficiently and ineffectively the FEPC's in many States work—this bill is aimed at only one part of the country.

So it is clear—when we consider every aspect of the matter of the right to recognize or not, as they see fit, and to use or not to use, as they see fit—that the machinery for the proposed FEPC is all wrong.

In connection with this point, it might be noted that most of the State laws which have set up State FEPC's—which are today in existence in 27 States—include punitive clauses under which an accused businessman, private employment agency, or labor union may obtain trial by jury in the traditional American way. This bill, which certain advocates would ramrod through the Senate, denies that right.

Mr. President, how can we feel happy about a situation in which we find that most of the States that have ventured into this field have at last recognized the traditional and constitutional right of trial by jury, and expect to continue to recognize it, whereas, insofar as this bill is concerned—and I refer particularly to this title of the bill—there is no such recognition, but, on the contrary, it is proposed that there be criminal contempt proceedings and injunction proceedings without trial by jury.

I point out—as I have shown today by quoting from opinions by the Supreme Court of this land—what happens when there is no trial by jury. I have referred to the 5-to-4 decision of the Supreme Court which prohibited trial by jury. I have pointed out that those four dissenting Justices stating their convictions in a most definite way—in a way which I feel sure caused the other five Justices to squirm. Nevertheless, the judgment of the five Justices out of the total of nine prevailed.

Furthermore, Mr. President, such an FEPC agent, of which I have spoken earlier—and of which I have no doubt there would be hundreds, or perhaps thousands, swarming over the country, once this obnoxious legislation became law—would be given authority to inspect, examine, and have access to the private personnel records of companies, private employment agencies, and labor unions which would be subject to the jurisdiction of the title. In a sense, Mr. President, and in all seriousness, this has—to me—all the earmarks of a Gestapo tactic which I hope will never prevail in our land.

As I stated a few moments ago, Mr. President, 27 States have statutes dealing with discrimination in some form or other in employment.

In 24 of these States the statutes are compulsory—that is, they provide for either cease-and-desist orders or criminal sanctions.

Those 24 States are: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

The statutes in 3 of the 27 States are declaratory—that is, establish a policy, provide for investigation of complaints or provide for conciliatory mediation—but have no enforcement powers. Those States are: Nevada, Oklahoma, and West Virginia.

Mr. President, there is more that I should like to say about this matter, which I will say at a later date.

However, I close by pointing out to Senators that this is not a time when we should feel very happy about the quality, efficiency, and satisfactory nature of the operations of the Federal Government that we should be willing to vote to extend its operations to control every business in the land; and to have them control the hiring practices of all sizable businesses in the land, and eventually all businesses; and also to cover such matters as school integration and all the other matters which are covered by the bill.

Everywhere I go in my State—and I am sure all other Senators have had similar experiences—I have received complaints to the effect, "Why don't we handle the Cuban situation differently?" "Why don't we handle the Panama situation more soundly?" "Why don't we handle the South Vietnam situation more constructively?" "Why don't we handle our relations with the Soviets better?" "Why don't we handle things in the Near East better?" "What is the trouble in Haiti?"—and so on and so on and so on.

Mr. President, if there is anything at all in the handling of our international relations at this time which would make us feel that we are doing an outstanding or even a good job, I have not been able to see it—in fact I have not during the last several years.

In addition, we now have such a huge Federal bureaucracy in the executive branch that Senators who sit upon the Appropriations Committee—and Senators of conscience are its members—find that no matter how hard they work or no matter how hard they try to grasp the details of the farflung operations of the executive branch of the Federal Government, they have very great difficulty comprehending many of its activities.

Yet, Mr. President, the pending bill proposes the establishment of a new, permanent addition to the Federal bureaucracy—one which would control many of the business, professional, and personal relationships of the people of the United States, from one end of the country to the other.

I am not so happy about the performance of the Federal Government, either in its executive branch or in its judicial branch—particularly in view of the Supreme Court's 5-to-4 decision which would prohibit jury trials—that I am pleased with the widespread provisions of the pending bill, which in my opinion—although some of the provisions of the bill would do some good—includes provisions so undemocratic so unconstitutional and so unfair that I would never be willing to have the bill enacted into law if I could possibly prevent it.

Mr. President, I am about to yield the floor.

Mr. HILL. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. Walters in the chair). Does the Senator from Florida yield to the Senator from Alabama?

Mr. HOLLAND. I yield.

Mr. HILL. I wish to commend the Senator from Florida for his very able and very fine speech, in which he has shown the many inequities and the many dangers of the bill, particularly the proposed FEPC title to which he has addressed himself.

Mr. HOLLAND. I thank the Senator from Alabama. I am glad he prefers to use the term "FEPC," rather than the newly coined initials "EEOC," which is an obvious attempt to get away from an unpleasant name. I hope we shall be able to make clear that the proposed "EEOC" would still be the FEPC, without any disguise.

Mr. HILL. Mr. President, will the Senator from Florida yield further to me?

Mr. HOLLAND. I yield.

Mr. HILL. Does not the Senator from Florida agree with the old saying that a skunk by any other name would smell the same?

Mr. HOLLAND. Well, the Senator from Alabama has offered a truism which I could not question at all.

Mr. SPARKMAN. Mr. President, will the Senator from Florida yield briefly to me.

Mr. HOLLAND. I yield to the Senator from Alabama.

Mr. SPARKMAN. I commend the Senator from Florida for his very lucid, clear, and logical presentation. He has done a wonderful job in presenting to the country some of the real facts in regard to the provisions of this bill, and he has pointed out some of the dangers which would result from it.

Mr. HOLLAND. I thank my distinguished friend. I hope that he agrees with me that it was not too serious a blunder to call one witness out of the seven from the Southland, provided we let the other six come from the northern part of the country, as we did. I thank the Senator.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to my distinguished colleague.

Mr. SMATHERS. I join Senators who have commended my senior colleague on the perceptiveness and logic of the statement which he has made. I share the views which he has so ably expressed this evening. We cannot help but think that the proposed FEPC, as it has been correctly referred to, would be an intrusion into the life of every citizen in the United States. It would destroy constitutional rights. I am of the opinion, as is my colleague, that rather than giving rights to a few citizens who now sometimes claim, without much basis, that they are deprived of certain rights, we would find that in the long run the particular section to which the Senator has referred would have as its effect the destruction of the rights of everyone, irrespective of race, color, or creed.

If the bill should pass, the day would shortly come when we should regret exceedingly the action that we took. Adoption of such a far-reaching measure, instead of giving equality to citizens irrespective of race, color, or creed, would in fact seek to give superior rights to a certain minority group. When we seek to do so in that type of proposed legislation, we endanger the foundations of our Republic.

I commend the Senator for what he has had to say.

Mr. HOLLAND. Mr. President, I certainly appreciate that comment from my generous colleague. I wish that my remarks had merited that very gracious statement.

During the delivery of Mr. Holland's speech,

Mr. McINTYRE. Mr. President, will the Senator from Florida yield, provided that in doing so he will not lose his right to the floor.

The PRESIDING OFFICER (Mr. Burdick in the chair). Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. HOLLAND. I am happy to yield to the Senator from New Hampshire, provided that the Senator's remarks appear at the conclusion of mine.

Mr. McINTYRE. Yes; with the understanding that my remarks appear at the conclusion of the remarks of the Senator from Florida.

Mr. President, on March 31, during a discussion about the progress made in voter registration in Florida, the Senator from Florida [Mr. Smathers], requested that the voting registration statistics for all the counties of Florida be printed in the Record.

I have just obtained this information and, therefore, ask unanimous consent that the voting age population and registration statistics for the State of Florida be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

Voting age population and registration statistics, State of Florida

County	Persons of voting age [1]	Persons registered [2]	Percent registered	Not designated [3]
Alachua:				
White	30,555	28,845	94.4	359
Negro	9,898	3,678	37.2	
Baker:				
White	3,203	3,148	98.3	----------
Negro	807	461	57.1	----------
Bay:				
White	31,940	23,031	72.1	74
Negro	4,964	3,246	65.4	
Bradford:				
White	5,580	4,578	82.0	----------
Negro	1,345	885	65.8	----------
Brevard:				
White	58,433	42,725	73.1	1,042
Negro	6,494	2,335	36.0	
Broward:				
White	189,517	143,799	75.9	4,159
Negro	27,009	12,413	46.0	
Calhoun:				
White	3,434	4,241	124.0	10
Negro	582	403	69.2	
Charlotte:				
White	8,659	8,496	98.1	150
Negro	427	297	69.6	
Citrus:				
White	5,174	4,989	96.4	63
Negro	829	470	56.7	
Clay:				
White	9,508	7,188	75.6	18
Negro	1,276	899	70.5	
Collier:				
White	8,163	6,650	81.5	42
Negro	1,364	352	25.8	
Columbia:				
White	8,092	7,385	91.3	30
Negro	3,122	1,702	54.5	

See footnotes at end of table.

Voting age population and registration statistics, State of Florida—Continued

County	Persons of voting age [1]	Persons registered [2]	Percent registered	Not designated [3]
Dade:				
White	537,448	376,246	70.0	4,044
Negro	75,573	38,810	51.4	
De Soto:				
White	6,339	4,034	63.6	-----------
Negro	1,343	748	55.7	-----------
Dixie:				
White	2,138	2,539	118.8	6
Negro	363	293	80.7	
Duval:				
White	203,804	125,994	61.8	1,139
Negro	58,430	30,792	52.7	
Escambia:				
White	76,688	55,153	71.9	322
Negro	18,041	10,827	60.0	
Flagler:				
White	1,789	1,718	96.0	5
Negro	846	182	21.5	
Franklin:				
White	3,186	3,323	104.3	5
Negro	779	531	68.2	
Gadsden:				
White	11,711	6,964	59.5	30
Negro	12,261	450	3.6	
Gilchrist:				
White	1,513	1,454	96.1	2
Negro	154	66	42.9	
Glades:				
White	1,061	916	86.3	-----------
Negro	741	239	32.3	-----------
Gulf:				
White	4,196	3,686	87.8	-----------
Negro	1,138	622	54.7	-----------
Hamilton:				
White	2,486	2,591	104.2	5
Negro	1,621	716	44.2	
Hardee:				
White	6,734	5,201	77.0	13
Negro	552	302	54.7	
Hendry:				
White	3,430	2,856	83.3	2
Negro	1,180	709	60.1	
Hernando:				
White	5,689	5,122	90.0	30
Negro	1,151	621	54.0	
Highlands:				
White	10,997	9,685	88.1	60
Negro	2,251	1,235	54.9	
Hillsborough:				
White	213,950	135,960	63.5	840
Negro	31,114	17,585	56.5	
Holmes:				
White	6,131	6,709	109.4	5
Negro	249	163	65.5	
Indian River:				
White	13,182	10,364	78.6	248
Negro	2,637	1,116	42.3	
Jackson:				
White	14,087	11,984	85.1	28
Negro	5,390	3,602	66.8	
Jefferson:				
White	2,383	2,282	95.8	4
Negro	2,600	443	17.0	
Lafayette:				
White	1,536	1,751	114.0	3
Negro	152	0	0	
Lake:				
White	30,535	21,989	72.0	153
Negro	6,438	1,543	24.0	
Lee:				
White	30,363	27,729	91.3	158
Negro	4,677	1,805	38.6	
Leon:				
White	28,241	20,319	71.9	117
Negro	12,322	5,572	45.2	
Levy:				
White	4,483	3,843	85.7	14
Negro	1,568	423	27.0	
Liberty:				
White	1,525	1,979	129.8	2
Negro	240	0	0	
Madison:				
White	4,380	4,323	98.7	-----------
Negro	3,067	1,147	37.4	-----------
Manatee:				
White	42,291	32,920	77.8	566
Negro	5,278	1,729	32.8	
Marion:				
White	21,001	17,201	81.9	112
Negro	9,283	6,116	65.9	
Martin:				
White	9,291	8,000	86.1	25
Negro	1,753	950	54.2	
Monroe:				
White	25,512	17,036	66.8	149
Negro	2,919	2,378	81.5	
Nassau:				
White	7,054	5,433	77.0	4
Negro	2,076	1,232	59.3	
Okaloosa:				
White	30,816	21,040	68.3	175
Negro	2,097	899	42.9	
Okeechobee:				
White	2,870	2,588	90.2	3
Negro	533	328	61.5	
Orange:				
White	137,780	87,430	63.5	1,052
Negro	21,771	7,716	35.4	
Osceola:				
White	11,697	9,380	80.2	132
Negro	1,122	454	40.5	
Palm Beach:				
White	119,342	91,788	76.9	1,793
Negro	29,541	8,516	28.8	
Pasco:				
White	22,329	18,456	82.7	183
Negro	2,391	942	39.4	
Pinellas:				
White	255,369	194,580	76.2	5,212
Negro	18,121	7,933	43.8	
Polk:				
White	97,314	69,728	71.7	651
Negro	19,224	6,701	34.9	
Putnam:				
White	13,095	8,880	67.8	19
Negro	5,089	1,708	33.6	
St. Johns:				
White	13,771	10,422	75.7	50
Negro	4,331	1,395	32.2	
St. Lucie:				
White	17,238	14,713	85.4	181
Negro	6,527	2,318	35.5	
Santa Rosa:				
White	14,710	11,593	78.8	114
Negro	1,082	660	61.0	
Sarasota:				
White	49,533	36,646	74.0	724
Negro	4,125	1,230	29.8	
Seminole:				
White	24,372	14,317	58.7	233
Negro	7,050	2,058	29.2	
Sumter:				
White	5,396	4,890	90.6	15
Negro	1,523	807	53.0	
Suwanee:				
White	6,409	6,626	103.4	14
Negro	2,149	610	28.4	
Taylor:				
White	5,454	5,353	98.1	2
Negro	1,724	781	45.3	
Union:				
White	2,880	1,901	66.0	-----------
Negro	1,082	5	.004	-----------
Volusia:				
White	74,209	56,655	76.3	627
Negro	11,615	5,964	51.3	
Wakulla:				
White	2,120	2,239	105.6	5
Negro	753	487	64.7	
Walton:				
White	7,958	7,579	95.2	10
Negro	1,086	825	76.0	
Washington:				
White	5,364	5,250	97.9	7
Negro	1,021	707	69.2	
Total:				
White	2,617,438	1,899,433	72.5	-----------
Negro	470,261	213,128	45.3	-----------

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[1] Official Bureau of Census figures, 1960 census, table 27.

[2] Those registration statistics are taken from a report of the secretary of state of the State of Florida dated Oct. 24, 1963. The statistics relate to Oct. 5, 1963. A copy of the report of the secretary of state is attached.

[3] The report of the secretary of state of the State of Florida has a column designated "others" which refers to registered voters who are neither Democrats nor Republicans. This column is not separated according to race. It is therefore not possible to include this group of persons in the percent registered.

Mr. McINTYRE. Mr. President, to set the RECORD clear, the Senator from Florida had stated during the course of the debate that in Dade County about 800,000 people have registered to vote and that the percentage of Negroes who are eligible to vote is higher than the percentage for the whites. As these statistics show, the fact is that only 419,100 people are registered to vote in Dade County, that white voters outnumber the Negro voters by a ratio of 10 to 1, and the percentage of registered Negroes is only 51.4 percent compared with a figure of 70 percent for whites.

Mr. HOLLAND. From what source did the Senator obtain these figures? I do not believe he stated that.

Mr. McINTYRE. These figures come from the official Bureau of the Census, 1960 census, table 27. The registration statistics are taken from a report of the secretary of state of the State of Florida dated October 24, 1963. The statistics relate to October 5, 1963. A copy of the report of the secretary of state is attached hereto.

In addition, the report of the secretary of state of the State of Florida has a column headed "Others," which refers to registered voters who are neither Democrats nor Republicans. This column is not separated according to race. It is therefore not possible to include this group of persons in the percent registered. It is, however, a very small number as compared with the other totals I have given.

Mr. HOLLAND. I am glad the Senator has placed those figures in the RECORD. While he holds them in his hand, I should like to check with him that what I am about to determine is correct, that he will find in Duval County, which is an Old South county, the percentage of registered Negroes to the qualified number to be much greater than it is in Pinellas County, which is inhabited by people who have come from elsewhere in the country. The Senator will find that the percentage of registration in several of the Old South counties largely exceeds that in the newer counties where the newer citizens live. The Senator will find that Pinellas County, which is a very fine county, is inhabited mostly by newcomers.

If the Senator will now look at Sarasota County, which is the same kind of county as Pinellas, he will find that it has a much smaller percentage of Negro registrants than in Duval County. If we had time to go through the list, I am sure it would show—and I state this, of course, from my own knowledge—that the Old South counties in my State have proved, with possibly five exceptions—four of them small counties, the other one not large—to be not only hospitably inclined to the idea of Negroes registering to vote, but much more so, much more attractive. They have brought in a much larger percentage of the Negro vote than have the counties inhabited mostly by newcomers.

I cannot tell the Senator from New Hampshire why that is true, because I know that in Pinellas County, for instance, every effort has been made to have qualified Negro citizens come in and register. We have no literacy tests. We have no poll tax requirement. Registering and voting is as free as the air. Yet, as the Senator will note the facts are as I have stated, it all points up to the fact that these problems for some reason or other are rather local, that they might get away from the inertia of years and perhaps of decades in some places more than in others. I do not know what the answer is, but the answer is altogether in favor of the Old South area of the State as compared with other areas of the State. I hope that the Senator will note these figures, because perhaps he has an answer for them. I have not.

Mr. McINTYRE. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield.

Mr. McINTYRE. Although the entire record of the State will appear in the RECORD, I might give the figures as shown here for the three counties referred to by the Senator from Florida.

Duval County shows 61.8 percent registration for white voters, and 52.7 percent registration for Negro voters.

Sarasota County, which I believe the Senator mentioned, shows 74 percent registration for white voters, and 29.8 percent registration for Negro voters.

The third county is Pinellas, which seems to be a little better than the Senator from Florida surmised, 76.2 percent registration for white voters, and 43.8 registration for Negro voters.

I thank the distinguished Senator from Florida for yielding to me.

Mr. HOLLAND. The statements I have just made are proved by the figures which the distinguished Senator from New Hampshire has placed in the RECORD, because they show that Duval, an Old South county, is not the only county by which this can be proved. The participation of Negroes of qualified age is sizably greater than it is in the very fine new counties. What the answer is, I do not know. I do not believe anyone else knows, either. But I do know that there is absolutely no restraint imposed upon citizens of Pinellas and Sarasota Counties. There is every invitation, opportunity, and encouragement to participate. They have not done so. The only thing I have been able to gain by way of a conclusion is that we are dealing with something that is not determinable by any mathematical rule or formula.

It must depend upon individual habit or group habit in the various communities. I am at a loss to explain it. It certainly shows that there is not the discouragement in the Old South counties which is sometimes attributed to us incident to the participation of Negroes in our affairs.

I notice the totals of the Negroes registered to vote in our State, and I am happy to state that in 1937 when I was a State Senator, I joined in eliminating the poll tax. We have gone 27 years without that, and also 27 years without any literacy tests. I do not know how large a percentage of Negroes have not qualified to vote, but the places where the largest percentages have qualified is in the Old South counties. That is the point I am making, because I have examined this situation more frequently in the past.

Mr. McINTYRE. The record indicates 213,128 Negroes registered to vote in excess of 200,000, the overall percentage being 45.3. Would not the Senator from Florida agree that apparently further inducements and further efforts are needed in order to increase registration among Negro voters?

Mr. HOLLAND. I would not say that I would agree that there is any further inducement needed from the standpoint of legal machinery, because there is not the slightest inhibition in any of the sizable counties of the State I represent. I have freely admitted that there are possibly five counties which, for some reason or other, have made no start toward some kind of registration, where there has been practically no registration.

In Gadsden County registration began about 6 years ago. I believe there must be 500 or 600 registrants now. But that does not seem to work out by any mathematical rule that I have been able to distinguish. Except in the four or five counties to which I have referred, there is every invitation, every encouragement, every expressed hope that Negroes will register and vote. Why they do not vote, why they have not done so in a greater degree, I am not able to say. Perhaps it will take years to overcome the inertia of decades of nonparticipation. Perhaps the population is more floating in some areas than it is in others.

I do not know; but I think the Senator will agree that it is a pretty good record, and it shows that certainly the Old South counties have been most generous in their treatment of Negro registrants.

Mr. McINTYRE. I do not want to admit that it is a good record, when less than 50 percent of the Negroes are registered to vote. However, I take it, without having specific knowledge of the situation, that perchance Florida has done somewhat better in this respect than some of the other Southern States.

Mr. HOLLAND. What is the percentage of whites who qualified?

Mr. McINTYRE. In all; in toto?

Mr. HOLLAND. Yes.

Mr. McINTYRE. Seventy-two and one-half percent.

Mr. HOLLAND. The Senator has placed his finger on a situation that is different in Florida than it is anywhere else. It happens that we are new in this regard. When I was elected Governor of Florida, there were fewer than 2 million people living in Florida, according to the 1940 census. To be exact, the figure was 1.9 million. Today it is 6 million. A vast number of people, both white and colored, do not adjust themselves to the matter of registration and voting.

I believe that is rather clearly shown by the fact that so far as the white people are concerned, only about 72 percent are registered in a State that has no poll tax, no literacy test, no inhibition of any sort against any citizen who is of requisite age and mentality and seeks to vote.

It means that with a State which is as fast growing as our State, the same rules do not apply that apply in the State represented by the Senator from New Hampshire, where I believe the population is much more indigenous and much more constant. The situation is not the same there as it is in Florida, with its vast movement and its fast-growing population.

I am glad the Senator from New Hampshire introduced this subject. I also appreciate his compliment to me in waiting until I obtained the floor.

INTEGRITY OF THE CIVIL SERVICE SYSTEM—DELAYED PROMOTION OF N. BATTLE HALES

Mr. MILLER. Mr. President, one of the most important factors in maintaining the confidence of the people in the fairness and impartiality of the administration of our laws is the integrity of our civil service system. Taxpayers have every right to expect that those whose salaries they pay will perform their duties objectively and without regard to partisan political considerations. In turn, our faithful civil service employees must be assured that their status, their ratings, their assignments, and their promotions will be strictly on merit and without regard to partisan political considerations. Without such assurance, our time-tested civil service system will break down, and along with it will go public confidence.

And so it is that I noted with dismay the article appearing in the April 2 issue of the Des Moines Register by the able Washington reporter, Clark Mollenhoff. The article states:

> Agriculture Secretary Orville Freeman is holding up the promotion of N. Battle Hales, an Agriculture Department employee who testified that there was "favoritism" in the Billie Sol Estes case.

The article points out that Mr. Hales has been denied an automatic "in-grade promotion" pending completion of the McClellan investigating subcommittee report on its investigation of the Sol Estes case. These "in-grade promotions are automatic, and the only justification for holding them up or denying them would be where the employee concerned had engaged in "improper activities". There is nothing at all to show that Mr. Hales has engaged in any such activities. He has merely continued to do his job in the Department of Agriculture.

Of course, as would be expected, he has testified before a duly constituted committee of the U.S. Senate concerning his knowledge of matters before the committee. It is to be presumed that he testified to the best of his own knowledge, information, and belief. If he committed perjury or engaged in other improper conduct before the committee; or if, for example, he had claimed the fifth amendment privilege, as was done by some of the witnesses before the Senate Rules Committee during its investigation of the Bobby Baker affair, one might expect an automatic in-grade promotion to be denied. But there is nothing at all to indicate that Mr. Hales ever did any such thing at all.

What Mr. Hales did was to give his version of the truth of whether or not "favoritism" was extended by the Department of Agriculture to Billie Sol Estes, under this administration. He testified that he was not permitted to have access to his office records and other records needed to demonstrate the favoritism.

According to the Register article, Mr. Hales first received a notification that he would receive his automatic in-grade promotion. Then a second notice was received, rescinding the first notice and advising that no promotion would be forthcoming pending the report of the McClellan investigating committee.

Such treatment of Mr. Hales recalls the denials by Secretary Freeman in 1962, at the time when the Sol Estes case broke, that there was any evidence that Mr. Sol Estes received special favors from the Department of Agriculture.

No one is saying that Secretary Freeman knew of any such evidence. However, if there was such evidence, and if Mr. Hales could put his finger on it, it would be expected that the Secretary and other USDA officials acting under his orders would make every effort to obtain it and bring it to light.

This shabby treatment of Mr. Hales, without any justifiable explanation, now compounds the allegation of favoritism. It lends credence to suspicion that favoritism was indeed extended, and, worst of all, that any civil service employee who cooperates in disclosing this fact does so under threat of retaliation by those of his superiors who are worried over what the evidence would disclose.

I note that the distinguished chairman of the Committee on Government Operations and the Permanent Subcommittee on Investigations, the distinguished Senator from Arkansas [Mr. McClellan], is in the Chamber. I hope that his subcommittee will take account of this situation, because I am quite sure that any Senate committee or subcommittee which notes a possible retaliation by the Federal Government against one of its witnesses, especially a time-tested civil service employee, would probably want to be sure that there was not a repetition of such an incident, lest it deprive the appropriate committees of Congress of obtaining information which they need from our civil service employees in order to carry out their duties.

I suggest that the integrity of the civil service demands that action.

I ask unanimous consent that an article appearing in the April 2, 1964, issue of the Des Moines Register entitled "Testified on Estes, Denied a Promotion," along with an article appearing in the Washington Evening Star for May 7, 1962, entitled "Freeman Backs Estes Probe; Unaware of Any Favors, He Says," an article appearing in the May 8, 1962, issue of the New York Times entitled "Freeman Denies Charge of Favoritism for Estes," and an article appearing in the Washington Post on May 5, 1962, entitled "Agriculture Aids Call It a Lie," be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Des Moines Register, Apr. 2, 1964]

Testified on Estes, Denied a Promotion—Told Senate Group of Favoritism

(By Clark Mollenhoff)

Washington, D.C.—Agriculture Secretary Orville Freeman is holding up the promotion of N. Battle Hales, an Agriculture Department employee who testified that there was favoritism in the Billie Sol Estes case.

It was learned Wednesday that Hales, a $14,965-a-year employee, has been denied what is usually an automatic "in-grade promotion" pending the McClellan investigating subcommittee report on the Estes investigation.

OFFICIALS ANGRY

Hales incurred the wrath of Secretary Freeman, Under Secretary Charles S. Murphy and other top officials of the Department of Agriculture in 1962, when he went before the McClellan subcommittee and testified that Pecos, Tex., financier Estes had received favored treatment from the Kennedy administration.

Hales was a $14,000-a-year assistant to Emery (Red) Jacobs, a deputy administrator in the Agricultural Stabilization Service, at the time that the Estes case broke in late March, 1962.

Hales has received the regular pay boosts provided by Congress, but has received no other promotions.

On March 15, Hales was due to have received an automatic promotion from $14,965 to $15,415 a year that comes with specific term of service within his civil service grade.

There was first a notification that he would receive the promotion, then a notification that he would not be given the promotion until the Estes report is completed.

MUNDT COMMENT

Senator Karl Mundt, Republican, of South Dakota, said Wednesday that he is "concerned over these reports that Mr. Hales has not received a promotion that is supposed to be automatic.

"Mr. Hales was a very useful witness before the McClellan subcommittee. He was not under investigation for any questionable actions in connection with the Billie Sol Estes case. Mr. Hales came before the committee to testify as a loyal Government employee."

There was testimony that Jacobs, a political and social friend of Estes, had gone on a shopping spree with Estes at the Neiman-Marcus Department Store in Dallas. A salesman testified that Jacobs bought more than $1,000 worth of clothes, including three $245 suits, and paid for them with cash after walking into a fitting room with Estes.

Hales testified that he knew that Jacobs had tried to favor Estes on a large cotton allotment that was worth more than $500,000 to Estes.

TRIED TO REPORT

Hales had said he was suspicious of Jacobs and knew Jacobs and Murphy had been friendly to Estes, and tried to see Secretary Freeman on April 16, 1962, to make a report.

Instead of being permitted to see Freeman, Hales was sent to talk to FBI agents, he said, and the Agriculture Department barred him from access to his office records and other records he needed to demonstrate the favoritism.

[From the Washington Star, May 7, 1962]

Freeman Backs Estes Probe—Unaware of Any Favors, He Says

(By Miriam Ottenberg)

Secretary of Agriculture Freeman said today he knew of no instances where indicted Texas financier Billie Sol Estes had received any favors from Agriculture Department officials.

Mr. Freeman also told a packed first press conference devoted to the Estes case that there had been no suggestions of pressure from any quarter at any time to soft pedal the Estes investigation. He said he would violently reject such pressure if it were made.

"If anything is wrong in this Department," he said, "believe me I want to know it."

TALKS WITH JOHNSON

He volunteered the information that after a charge was made that Vice President Johnson was involved in the appointment of Estes to the National Cotton Advisory Committee, he discussed the matter with Mr. Johnson.

The Vice President had nothing to do with the appointment, Mr. Freeman said.

He said he also had discussed the case with Attorney General Robert F. Kennedy and aids to the President and had mentioned it in passing to President Kennedy, himself.

Mr. Freeman said he was told that "we should continue to investigate vigorously and act promptly."

While the press conference lasted about 90 minutes, compared with one last Friday that continued for 4 hours, it covered much of the same ground.

RETAINS COMPOSURE

As questions flew hot and fast and sometimes angrily Mr. Freeman maintained his composure, but commented at one point:

"This is getting ballooned out of all proportions. We are conducting a full investigation and so far all that has come to light is that three employees possibly received favors from Estes and there is no evidence that any of the three did anything for Estes.

The three he referred to were James T. Ralph, former Assistant Secretary of Agriculture now in training to go to the Philippines as an agricultural attaché; Emery E. Jacobs, who resigned, and William E. Morris, fired when he failed to make himself available for questioning by the Department about the case.

Asked why he was instrumental in getting Mr. Jacobs' resignation, but had not asked Mr. Ralph to resign, Mr. Freeman said Mr. Ralph appeared voluntarily before a Texas board of inquiry and Mr. Jacobs had not.

Reporters noted that on the day Mr. Jacobs resigned, it was not yet known that he would not appear before the inquiry board. Mr. Freeman said there was a matter of degree between the two cases.

In the case of Mr. Jacobs, he said, it was clear that he made extensive purchases while with Mr. Estes in Dallas. On the other hand, he said, Mr. Ralph denied ever buying anything and said he had merely tried on some clothes as he wandered with Estes through the most fashionable department store in the Southwest.

UNDER FBI PROBE

Mr. Freeman said that the FBI was investigating Mr. Ralph's Texas testimony and a decision on Mr. Ralph's future will await the FBI report. He said Mr. Ralph is not in an "operational capacity" at this time because he is training for his Philippine assignment and added that "I'm not in the business of cashiering people because somebody writes a story."

Asked why Estes was appointed to the Cotton Advisory Committee, he said there was no indication of trouble in July 1961, when the appointment was made. In November, he continued, the committee was reconstituted under a new law with the same people. At that time, a report came from the office of personnel calling attention to questions raised by the general counsel's office about cotton allotment transfers involving Estes.

LAWYERS' QUARREL

"Since the allotment business was a lawyers' quarrel and didn't involve any criminal penalties," Mr. Freeman said, "there seemed no reason to remove Estes from the committee."

Asked to comment on Republican demands for a full congressional investigation of the Agriculture Department, the Secretary replied:

"What would you expect them to do? The only thing that surprised me is that they called Eisenhower first."

Mr. Freeman said that in looking back, he could say that the Department investigation and consequent cancellation of more than 3,000 acres allotted Estes in 1961 to grow cotton under a control program could have been handled more expeditiously. The Department has held that the allotments had been obtained by Estes in an illegal manner from farmers who had been pushed off their farms by Government agencies under the right of eminent domain.

IN BETTER POSITION

He contended, however, that the Department will be in a much firmer position when the cancellation of the cotton allotments is fought out in the court because the Department can show that it bent over backward to give Estes and other recipients of the allotments every opportunity to prove the allotments were proper before the Department canceled them.

Estes, at 37, had built a west Texas business empire involving huge cotton holdings and storage of Government grain.

Last month, he was indicted by a Federal grand jury on charges of fraud which alleged he sold chattel mortgages on nonexistent fertilizer tanks.

Much of the conference centered on the Estes cotton allotments. These allotments had been leased by Estes from farmers to whom he claimed to have sold farms after they had lost their original land under Government purchases. A Department investigation last fall led to an opinion by the Department General Counsel that the Estes cotton plan was not a bona fide sale of farms, but a scheme to acquire allotments in violation of law.

"I wish to emphasize that the Government hasn't lost a dime—not a single dime to Estes," he said. "This cannot be said for some of the big finance companies which apparently have lost millions to Estes. The Department could have come out much worse."

Asked if he knew Estes himself, the Secretary replied that as he recalled, he met Estes outside his door once when Estes and a lawyer came to talk about the cotton allotments.

"I might recognize him from his picture," he said with a smile, "I'm sure I'll never forget the name."

[From the New York Times, May 8, 1962]

FREEMAN DENIES CHARGE OF FAVORITISM FOR ESTES—SECRETARY GIVES FINDING IN COTTON CASE—SAYS HE'LL PRESS INQUIRY

(By William M. Blair)

WASHINGTON, D.C.—Secretary Orville L. Freeman said today there was "no evidence" that Billie Sol Estes had received special favors from the Department of Agriculture.

Furthermore, he said, there has been no pressure to drop or soften an investigation of the case of the 37-year-old west Texas land, grain, cotton, and fertilizer dealer who has been indicted for fraud.

"I would violently reject any pressure," he asserted.

The Secretary, at a news conference called to deal with the case, denied charges of favoritism. It was his first major statement on the case and the first time he has publicly submitted to questioning since it broke in March.

Meanwhile, House Republicans sought to speed congressional investigations of Mr. Estes and the Department. The Federal Bureau of Investigation is also conducting an investigation at Mr. Freeman's request.

In the Senate, JOHN J. WILLIAMS, Republican, of Delaware, disclosed that Attorney General Will Wilson, of Texas, had told Secretary Freeman of a close relationship between Mr. Estes and unnamed members of the Department.

In a letter dated May 4, the Senator said, Mr. Wilson wrote he had additional evidence of such a relationship, which he could not disclose except in a court proceeding. The letter said the information could be obtained by your own investigators or by a congressional committee, the Senator added.

Representative BOB WILSON, of California, chairman of the Republican congressional committee, charged tonight that "a Democratic-controlled Congress, dominated by an all-powerful Executive, is dragging its feet, and Secretary Freeman is not helping by his efforts to whitewash his Department's role."

"Either the Agriculture Department is completely incompetent or totally naive in allowing someone like Estes the special privilege of putting up token collateral against what should have been submitted," he said.

He referred to Mr. Estes' bond of "only $700,000" on his storage of Government-owned grain.

While the case is important, the Secretary said, it has been "ballooned out of all importance." He noted three "possible instances" where employees had received gifts or gratuities from Mr. Estes, but said there was no evidence they had made decisions favoring him.

He said he had mentioned the case to President Kennedy "only in passing," but had discussed it with Attorney General Robert F. Kennedy and White House aids.

As a result of the Estes case, he said, he repeated to department agency heads the hard rule about accepting gratuities.

"You not only must be pure, but you have to look pure," he said he had told them.

The news conference was devoted mainly to whether Mr. Estes had received special benefits on cotton planting allotments under the Federal farm price-support system.

Mr. Estes got the allotments in a series of land deals. It has been estimated that the allotments, which permit the holder to plant cotton for Government price supports were worth $500,000. Mr. Estes' were approved by the Agricultural Stabilization Committee in Reeves County.

INQUIRY BEGUN IN JULY

Last July the Agriculture Department began an investigation of the allotments. Its General Counsel ruled they were illegal.

Mr. Freeman said it was likely that the Estes case and others would wind up in the courts. The Government stands to gain about $600,000 in penalties under farm law from the Estes estate if it proves the allotments were illegal.

The cotton allotments and Mr. Estes' storage by contract of nearly $50 million worth of Government-owned wheat and grain sorghums came to light when he was indicted with three associates on charges of fraud in a Federal court at El Paso.

The indictment said they had plotted to defraud several national finance and investment companies of millions through the use of chattel mortgages on nonexistent anhydrous ammonia (fertilizer) tanks in west Texas.

Regarding the three possible instances of accepting gifts Mr. Freeman noted that one Department employee had resigned, another had been dismissed and a third had his case under review pending completion of the FBI investigation.

Secretary Freeman was asked why Mr. Estes had been retained as a member of the Department's cotton advisory committee after being fined for overplanting and after the Department's general counsel ruled the 1961 allotments illegal. He said the allotment problem was a legal question and Mr. Estes had been approved by other members of the committee.

Under Secretary Charles S. Murphy, who was at the news conference, said that Senator RALPH W. YARBOROUGH, Democrat, of Texas, had endorsed Mr. Estes for the committee post and has passed along letters from Texas friends urging his appointment.

In response to a question, Mr. Murphy said that Vice President Johnson had made no recommendation on the appointment.

A key element in the Estes case is whether the Reeves County stabilization committee was instructed to accept at face value the forms and affidavits of farmers who had transferred cotton allotments to Mr. Estes in land deals. Members of the county committee have said they were so instructed.

Mr. Freeman commented that "this perplexes me." He added that the "key figure in this is now dead." He referred to Henry Marshall, department employee, who had been in charge of the Texas cotton allotments.

Mr. Marshall was found shot to death last year. The case was ruled a suicide.

Horace D. Godfrey, administrator of the agricultural stabilization and conservation service, and John C. Bagwell, department general counsel, said today that the State and county committees were instructed in January 1961, to dig more deeply into the cotton allotments.

They said it could only be assumed that Mr. Marshall had given instructions to the contrary.

Mr. Freeman said the department was investigating whether N. Battle Hales, an employee, had given restricted information to unauthorized persons.

Mr. Hales has charged that Mr. Estes was shown favoritism by the way his allotment case was handled. He made the charge in a news conference last Friday, at which officials labeled his story a complete lie.

[From the Washington Post, May 5, 1962]

Agricultural Aids Call It a Lie—Accuser and Chiefs in Heated Exchange at News Parley

(By Julius Duscha)

An Agriculture Department employee charged yesterday that the Department showed favoritism toward Billie Sol Estes.

The employee, N. Battle Hales, also declared that he was refused access to his own files on Estes and transferred to another job in the midst of an FBI investigation of the case.

Hales was a staff assistant in the Agricultural Stabilization and Conservation Service assigned to review reports on violations of price support and other farm programs.

His charges were denied by Department officials at a dramatic 3½-hour press conference at which Hales confronted one of the men he indicated gave Estes favored handling.

SHOUT AT EACH OTHER

The official, Horace D. Godfrey, Administrator of the Service, told Hales to his face that he had fabricated a complete lie about Godfrey's relations with Estes.

At another point in the tense conference Hales and Godfrey shouted at each other.

When Hales invited Godfrey to correct any statements Godfrey shouted: "Go ahead and get through. I want to correct the whole damn thing."

As Agriculture Department officials heatedly argued with Hales in a room just a few feet from Secretary of Agriculture Orville L. Freeman's office, demands for a full-scale congressional investigation of the Estes scandal mounted on Capitol Hill.

MAY HOLD OPEN HEARINGS

Estes, who is under indictment for fraud involving the sale of fertilizer tanks, has been charged by the Department with the illegal purchase of cotton allotments.

Senator JOHN L. MCCLELLAN, Democrat, of Arkansas, chairman of the Senate Investigations Subcommittee, said he may hold public hearings next month on Estes' relations with the Agriculture Department.

Senator KARL E. MUNDT, Republican, of South Dakota, a member of the McClellan subcommittee, declared that "this investigation ought to be speeded up."

"I have a sneaking feeling," MUNDT added, "that some records are beginning to disappear, and will be hard for the investigators to find."

The drama-packed press conference was called by Thomas R. Hughes, executive assistant to Freeman, after the Dallas News reported that Hales wanted to discuss Estes' relations with the Department.

Hales, a mild-appearing and usually, soft-spoken lawyer who has been a Department career employee for 25 of his 48 years, sat nervously to the left of Hughes' desk.

EMOTIONAL STATE

Confronting him on the right was a phalanx of five Department officials, including Godfrey and Assistant Secretary John P. Duncan, Jr. In the back of the room were other Department officials.

Hughes explained that Hales had come to him on April 18, seeking an appointment with Freeman to discuss the Estes case.

Hales, said Hughes was in a rather emotional state at the time and was unable to give a clear picture of what he had in mind.

Later, Hales said, "I rather got the impression that Mr. Hughes was more emotional than I was."

But Hales never got to see Freeman. Instead, Hughes called in an FBI agent and Hales spent most of the next day, April 19, telling two FBI agents of his investigation of Estes' cotton allotment dealings.

The burden of Hales' account to the FBI was that Department officials had failed to expedite action against Estes by canceling his allotments for more than 3,100 acres of cotton in west Texas and by referring his case to the Justice Department.

The responsible officials named by Hales were, in addition to Godfrey, Under Secretary of Agriculture Charles S. Murphy and Emery E. (Red) Jacobs, who resigned on April 13 as one of Godfrey's deputies.

Jacobs left the Department after testimony before a court of inquiry in Texas to the effect that Estes had bought a $245 suit for Jacobs. Another Department official, William E. Morris, was fired on April 16 for failing to make himself available for questioning about his relations with Estes.

After spending more than a day with the FBI agents, Hales was scheduled to meet with them for more questioning on April 20. But he said that when he arrived at his office at 9 a.m. his way was blocked by a Department official who told him to report to his immediate superior.

TOLD OF JOB SHIFT

Hales was told that he was being transferred to another job involving the Department's food-stockpiling activities in connection with the civil defense program.

He said he was allowed to take his personal effects from his office, where he found two Department employees who said they were "inventorying" his files. His secretary was in the office, too.

Soon, the two FBI agents showed up. They were followed, said Hales, by "the security employee who changes combination" on Department safes.

Noting that his office was not nearly so large as Hughes' spacious office, Hales acknowledged that it was getting a bit crowded. But then, he added, one of the Department employees went down the hall, pursued by an FBI agent.

Hales complained that he was never told why he was being transferred to another job. Hughes said an FBI agent reported that Hales refused to testify under oath as to whether he had ever given information about this matter to persons outside the Department and was given less sensitive duties partly because of this.

FAVORITISM DENIED

Hales said that by denying him access to his files the Department had prevented him from completing his statement on the Estes case to the FBI. The FBI itself, however, has had continuing access to all Department files, including that of Hales.

Godfrey looked straight across Hughes' desk at Hales as he answered his charges point by point.

No favoritism, said Godfrey, had been shown toward Estes. The case, he added, had been handled as expeditiously as possible. Estes' 1962 cotton allotment was quickly cancelled, and his 1961 acreage was voided as soon as Estes had a chance to answer Department charges against him, Godfrey said.

"I do not know Billie Sol Estes," Godfrey added with some heat. "I have never met him."

Godfrey and Hales are both North Carolinians who have known each other for 20 years. Godfrey, a pale, sharp-featured man who suffered a coronary attack last January, is also a career Department employee who was appointed to his present position by Freeman in January 1961.

Godfrey said that Hales sought his help last year in gaining a promotion but that no jobs were available for which Hales was qualified.

The press conference, which began at noon, finally ended at 3:30 p.m. after Godfrey asked other Department employees and officials in the room whether he or Hales had correctly described what happened at meetings on the Estes case that they had attended.

One by one, the employees stood up and backed Godfrey. One lawyer, William H. Duggan, noted that he had known Hales for many years and that he hated to say it but his account of Godfrey's role in the Estes case was wrong.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 117 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Bible
Boggs
Brewster
Burdick
Case
Church
Cotton
Dirksen
Douglas
Hart
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Keating
Kennedy
Long, Mo.
Mansfield
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Proxmire
Robertson
Scott
Smathers
Smith
Sparkman
Walters
Williams, N.J.
Williams, Del.
Yarborough

The PRESIDING OFFICER. A quorum is not present.

Mr. HUMPHREY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will executive the order of the Senate.

After a little delay, Mr. KUCHEL and Mr. HAYDEN entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SMATHERS. Mr. President, at the outset, I ask unanimous consent to have printed in the RECORD a speech delivered by the distinguished Senator from Virginia [Mr. ROBERTSON] before the 70th Annual Convention of the Florida Banking Association, at Miami Beach, Fla., on April 4, 1964.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ROAD TO DICTATORSHIP

(An address by the Honorable A. WILLIS ROBERTSON, U.S. Senator from Virginia)

The great Spanish explorer, De Soto, landed in Florida and continued across the continent to the Mississippi River in which he was buried. The historian Bancroft said of De Soto: "He had crossed a large part of the continent in search of gold, and found nothing so remarkable as his burial place."

It is a high honor, a great pleasure, a coveted privilege to address a group of the financial leaders of the fastest growing State in the Union who can see gold in the natural resources and winter sunshine to which De Soto was blind.

By the same token you, who have experienced the beneficial effects of private enterprise operating within the framework of American constitutional liberty, see more clearly the categorical imperative of preserving that Constitution than neoliberals who think that new laws and new spending programs of an all-powerful central government are the road to a fuller life. I don't question their good intentions, but the road to hell is paved with good intentions. I am firmly convinced that the present trend to evade and ultimately destroy the 10th amendment and with it the sovereignty and power of the States is the road to dictatorship.

"Our Federal Union, it must be preserved." Andrew Jackson's ringing words have come down through history. It was the Union—the Union of sovereign States—which Andrew Jackson said must be preserved, in his toast at the Jefferson's birthday celebration on April 13, 1830.

The 9th and 10th amendments, especially the 10th, wrote into the Constitution in express words the basic principle of Federal Government. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

This is a statement of principle. We must look elsewhere—to the Constitution and to the courts—to see which powers are delegated to the United States and which are prohibited to the States. And the powers so delegated or prohibited change from time to time as the Constitution is amended by constitutional amendment or by judicial interpretation. But the principle remains unchanged. The States and the people are the source of power and hold the residue of power, and the Federal Government only has the powers given to it under the Constitution.

The Founders of the Government were political philosophers of the first order. They had studied the political history of the ancient world, and they were familiar with English political history from Magna Charta to Blackstone, including particularly the great political philosophers of the 1600's and 1700's. They had experienced tyranny, ruthless bureaucracy and oppression, as enumerated in their Declaration of Independence.

Long before Lord Acton, they knew that power corrupts. They knew the danger to the personal liberty and freedom of the individual which is inherent in all centralized government.

Accordingly, in their consideration of the form of government to be adopted, they sought means to minimize the corrupting influence of power and to minimize the power of the Central Government over the States that would unite to form it.

They framed a constitution which embodied two great principles to implement this purpose. They were federalism and the separation of powers between the legislative, executive and judicial branches.

In No. 51 of the Federalist, James Madison explained in vivid words the principle on which these provisions of the Constitution were based. He was speaking particularly of the division of the Central Government into three branches, but his language is equally applicable to the separation of powers between the States and the Central Government.

"The great security against a gradual concentration of the several powers in the same department," he said, "consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external not internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."

Stalin, Mussolini and Hitler have proved Madison's point more clearly and more horribly in this century than did George III in the 18th century.

Mr. Justice Brandeis, in 1926, also expressed this principle when he said: "The doctrine of the separation of powers was adopted not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

In 1819, in the famous case of *McCulloch v. Maryland*, Chief Justice Marshall declared that, while the 10th amendment did not take away from the Federal Government those powers which the Constitution delegated to it, it was an express and explicit reiteration of the principle that the Constitution was a grant of enumerated powers, not an unlimited delegation.

The principle expressed in the 10th amendment must be kept in mind in considering all the relations between the Federal Government and the State governments. And it must be kept in mind particularly by the Federal Government, especially the legislative branch, in its exercise of powers which have been delegated to it, directly or by necessary implication. These Federal powers must be so exercised as to preserve the sovereignty of the States, and in a meaningful way. Every time a power formerly exercised by the States is taken over by the Federal Government, the importance and vitality of the States are reduced. Eventually, a point would come where the States are empty shells, as meaningless as counties and county officers have become in metropolitan areas in States that do not charter independent cities.

For many years we have been shifting the balance of power from the States to the Federal Government. In part this has been the result of transferring specific functions from the States to the Federal Government; in part the result of the growth in size and importance of activities clearly Federal in nature; and in part the result of Federal financing of State functions. Some measure of Federal controls always has and always will follow Federal funds.

Some of this transfer of power is inevitable and inescapable. Interstate commerce once meant the transportation of goods from one State to another by horseback, by wagon, or by sailboat. It now includes such new conveyances as trains, automobiles, and airplanes, and also the transmission of words and pictures by telegraph, telephone, radio, and television.

National defense in the nuclear age—expenditures of some $50 billion a year—necessarily involves the Federal Government in all kinds of activities which no one thought of in 1789. These expenses, too, are inevitable and necessary.

However, the Federal Government, in my judgment, for years has been entering into programs which are neither inevitable nor necessary—certainly it has not been inevitable or necessary for the Federal Government to undertake most of them. Every year new programs are presented to the Congress, most of which could be undertaken by the States if they wanted to do so, and if it were not easier to let Uncle Sam do it. Each time the Federal Government undertakes such a program, its size, power, and influence is increased, and the importance of the States declines.

The vast Federal Government spending and lending programs constitute one of the greatest pressures toward centralization. These programs give rise to many other problems, aside from their influence on centralization of the Government.

They tend to unbalance the budget, encourage inflation, and make it difficult to maintain a sound balance of payments.

The expenditure of vast sums of Federal money, drawn from millions of the Nation's taxpayers and distributed across the entire country, is bound to result in corruption of one kind or another. Responsibility is diffused. The taxpayer does not know where his money goes, and the recipients of Federal funds, not knowing from whence they come, often feel that they are getting something for nothing. These spending and lending programs accelerate the trend toward centralization of Government.

Federal spending and lending programs frequently have worthy objectives—education, urban renewal, urban mass transportation, housing, the war on poverty—all of these objectives are desirable.

But the desirability of the objectives of these spending and lending programs is not the only thing to consider before entering into them. We must consider how and by whom they can best be carried out. We must consider their effect upon our system of government. We will, indeed, be selling our birthright for a mess of pottage if we subvert our Federal system of Government, and the liberty and freedom it provides, in order to enter into unnecessary spending programs.

We must remember that every time we enter upon a direct program of Federal spending or lending, or support or subsidize in one way or another a State or local spending program, we do two things:

In the first place, the Federal Government, either by taking over in whole or in part a State program, or by underwriting a State program, reduces the State's responsibility and the incentive of the State's voters and the State's legislators to go through the painful process of raising enough money to pay for their own projects. It is much easier for local or State officials to ask Washington for money than it is to recommend a local or State tax increase.

In the second place, whenever the Federal Government supplies money for a program or underwrites a program, Federal controls are inevitable. Usually these controls will be direct, but even if they are not direct, the mere fact that Federal funds will not come next year unless this year's funds are spent the way the administration and the Congress wants them to be spent is a substantial form of Federal control. However, if the Congress approves title VI of the pending civil rights bill, all of them will be direct.

The Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, under Subcommittee Chairman **Muskie**, of Maine, and the Advisory Commission on Intergovernmental Relations have conducted extremely valuable studies in the field of Federal-State relationships. The Virginia Commission on Constitutional Government has also been active in this field. The Virginia commission, which is headed by David J. Mays, a former president of the Virginia Bar Association, has made many searching inquiries in this field and has done much to bring to the attention of the public the importance and the probable result of this trend to shift more and more governmental powers to the Central Government.

The surveys by the Subcommittee on Intergovernmental Relations have made it clear that many State and local officials are becoming seriously concerned over the tendency to look to the Federal Government for money, regardless of the loss of responsibility and control which may result. For instance, I understand that two out of three of the State and local officials responding to a recent survey by the subcommittee opposed establishment of an urban mass transportation program like the one the Senate passed last year.

I believe it is most important for these groups to continue their study of the whole field of Federal-State relationships, with respect to grant-in-aid programs, with respect to Government spending and lending programs, and with respect to programs involving direct Federal controls.

The year 1964 is a particularly appropriate year to discuss this issue. The $11-plus billion tax cut which has just become law is a step in the right direction, if we cut Federal programs correspondingly. The $11 billion freed by the tax cut provides a very substantial sum for individuals, private businesses, and State and local governments to carry out programs which the Federal Government would otherwise be urged to undertake.

Year after year the Banking and Currency Committee, and I am sure many other committees, are urged by Senators from our great industrial States to pass huge Federal spending and lending programs. We hear that the great cities in these States and the States themselves cannot possibly raise the money to carry out these programs. It is somewhat surprising, therefore, to learn that, unlike my own State of Virginia, there is no general State income tax in Rhode Island, Connecticut, New Jersey, Pennsylvania, Ohio, Michigan and Illinois. It does not make sense to me to take the position that great, wealthy States like these must come to the Congress for funds to carry out programs in their cities, when they will not use one of the most fair and obvious forms of taxation.

The tax cut was presented to the Congress, along with proposed reductions in expenditures, as "an expression of faith in our system of private enterprise," in the words of President Johnson, who also said: "We could have chosen to stimulate the economy through a high level of Government spending. We doubted the wisdom of that course. Instead, we chose tax reductions, and at the same time we made conscientious and earnest attempts to reduce Government expenditures."

I voted for the tax cut on this basis, and I intend to support all possible reductions in Government expenditures.

I should like to conclude my comments on the dangers of the Federal spending and lending programs by a quotation from the late Mr. Justice Jackson in his book, "The Supreme Court and the American System of Government":

"Two of the greatest powers possessed by the political branches, which seem to me the disaster potentials in our system, are utterly beyond judicial reach," he said. "These are the war power and the money, taxing, and spending power, which is the power of inflation. The improvident use of these powers can destroy the conditions for the existence of liberty, because either can set up great currents of strife within the population which might carry constitutional forms and limitations before them.

"No protection against these catastrophic courses can be expected from the judiciary. The people must guard against these dangers at the polls."

There is another group of programs where the Federal Government takes over functions which the States are exercising. Sometimes this is done in fields where both the States and the Federal Government have jurisdiction, and it is just a question of judgment which exercises it.

The dual banking system is a good example of a situation where both the States and the Federal Government have unquestioned powers in the field and where both exercise these powers with a reasonable degree of respect, the one for the other. It is easy to imagine how the present reasonable balance between the State bank systems and the National bank system could be upset in either direction. We have had periods, for example in the 1840's and 1850's, when there were only State banks with no Federal supervision, and the results were not happy. We have had periods when the Federal banking controls were overpowering. The First Bank of the United States, and even more, the Second Bank of the United States, showed the problems inherent in a nationwide branch banking system.

The commerce clause is another illustration of the possibility, on the one hand, of a reasonable balance between Federal and State regulation and, on the other hand, of the possibility of complete takeover by the Federal Government of economic controls of all sorts. The commerce clause, as I have suggested, clearly covers many forms of commerce and transportation which were not thought of when the Constitution was written. Transportation by airplane is clearly covered by the commerce clause just as much as transportation by sailboat. The commerce clause is, however, subject to abuse when it is used to regulate anything which has been or in the future may become the subject of interstate or foreign commerce and even more when it is used to regulate, in ways entirely unrelated to interstate or foreign commerce, any activity which may affect interstate commerce or may affect something which may later become the subject of interstate commerce. The commerce clause, like the money power and the power over the use of the mails, can be stretched so as to cover virtually every transaction which takes place in the United States—with a complacent court which is not interested in the fundamental principles of federalism.

An example of this kind of situation is to be found in the bill of our colleague from Illinois who would impose Federal controls on all consumer installment sales and consumer credit transactions. He would require that all who make consumer installment sales or advance consumer credit to give to the consumer certain information about the terms of the transaction.

I should add that the bill itself does not make it clear that it would be limited to consumer sales or consumer credit, though it has been presented as a consumer measure. The bill covers all sales and credit transactions where a finance charge is required, and it would be left up to the Federal Trade Commission, which I gather is now to have the authority, to decide which of your credit transactions would be exempt and which would be covered.

I do not want at this time to go into the advantages of disadvantages of supplying to consumers the information the Senator would like to have them get. It is enough to say that there is wide and strong disagreement.

I also do not want at this time to discuss the constitutional problems involved in this bill—whether the money power or the commerce clause would be adequate and appropriate justification for the bill. Again, I can only say that there is wide and strong disagreement on the constitutional phases of the bill.

The point I wish to make here is that this is a field which is now under State control. Some States, I understand, New York is one, have actively exercised that control. Other States, where the problem is not as serious as it is in New York, have few controls. All States clearly have the power to control local credit transactions effectively and completely.

In New York, for example, the recent hearings showed that the New York statutes are quite satisfactory. The lawyer for the New York Legal Aid Society testified that since the enactment of the Motor Vehicle Sales Act and the Retail Installment Sales Act, there has been a steady and pronounced decline of requests for legal assistance in those areas.

There is no question that the bill would create a major Federal program. The bill, as introduced, contains criminal provisions which would presumably be the subject of prosecutions in Federal courts. In addition, the bill authorizes debtors to bring civil proceedings in Federal or State courts if the required information is not supplied. These provisions alone suggest a greatly increased burden on the Federal courts and the FBI.

Regardless of the merits or demerits of the substantive provisions of the bill—no State has yet adopted such a bill—and regardless of the questions as to the constitutional basis for such a bill, it seems to me clear that the bill would establish an unnecessary Federal program in a field which can be and is being and should be handled by the States. It is easy to foresee that the next development would be the enactment of additional Federal legislation controlling interest rates, collection procedures, and the like.

To me this is an unwise and unnecessary violation of the basic principles of federalism set forth in the 10th amendment.

The civil rights bill is another example of the tendency to increase the powers of the Federal Government at the expense of the States and at the expense of individual liberty and freedom. I do not wish to discuss here questions about the constitutional basis for the specific provisions of the bill. Nor do I wish to discuss here questions as to the adequacy of the many existing Federal and State laws in this field. What I want to do here is to show how the civil rights bill would enormously increase the power and authority of the Federal Government as compared with those of State and local officials and to suggest how this increase would change the very nature of our Government.

The subjects covered by the bill give an indication of its broad and sweeping nature: Title I, voting rights; title II, places of public accommodation; title III, public facilities; title IV, public education; title V, Civil Rights Commission; title VI, federally assisted programs; title VII, private employment, a Commission on Equal Employment Opportunity, title VIII, surveys of registration and voting statistics; title IX, Federal review of State litigation; title X, a Community Relations Service.

The bill would authorize endless Federal lawsuits, brought at the instance of the Attorney General or the Civil Rights Commission or the new Commission on Equal Employment Opportunity for individuals. Most of these lawsuits would have to be expedited, some by special 3-judge courts. The effect of this mass of Federal litigation, most of which would be given precedence over ordinary Federal cases or other Federal litigation, can easily be foreseen.

The bill would give extraordinary authority to the Attorney General. It would authorize him to demand special 3-judge courts to determine voting rights cases under title I. It would specifically authorize him to institute on his own initiative suits under title II, title III, and title IV, in addition, of course, to all the existing powers which he has in this field.

The virtually limitless scope of the bill may be shown by describing the kinds of places of public accommodations which are covered. Any hotel, motel, or other establishment providing lodging to transients, except a rooming house, occupied by the proprietor, with not more than five rooms for rent; any restaurant, soda fountain, or other eating place; any gasoline station; any motion picture theater, sports arena, or other place of exhibition or entertainment—all these establishments will be covered if their operations affect interstate or foreign commerce or if discrimination is supported by State action. All hotels and the like which provide lodging to transient guests are considered to affect commerce. All eating places and gasoline stations are considered to affect commerce if they serve or offer to serve interstate travelers or if a substantial portion of the food, gasoline, or other products it offers have moved in commerce. All places of exhibition or entertainment are considered to affect commerce if they customarily present films, athletic teams, or other sources of entertainment which move in commerce.

An equally broad definition of commerce is used in title VII relating to employment opportunities. It includes any activity, business, or industry with 25 or more employees in interstate or foreign commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce.

Without going into detail as to the many titles and provisions of the bill, this brief analysis will leave no doubt that the Federal Government, including particularly the Attorney General and the Civil Rights Commission and the new Equal Employment Opportunity Commission, will be given truly extraordinary powers over the activities and operations of the States, the localities, and private business.

As I said at the start, the supporters of the bill have good intentions. They are anxious to promote the freedom of minority groups through this bill.

The individuals and groups, however, who are supporting the civil rights bill in the belief that it would help them should be concerned lest they create an all-powerful and autocratic government, subject to no one. They should be careful lest this trend toward centralization may finally subvert our constitutional form of government, which is the real assurance of the liberty and freedom of all of our citizens, majorities and minorities alike.

Those who are advocating liberty and freedom should remember that in the United States, as in every other country, men are not angels and they are not governed by angels. They should remember that we cannot rely on human nature to exercise unbounded power and authority. They should remember that the constitutional system of government, under which we have existed and grown and prospered, was created by men who hated tyranny and oppression. They should remember that the freedom and liberty of man is protected by our Constitution and we violate it at our peril.

Mr. SMATHERS. Mr. President, I believe this to be a most powerful and perceptive speech. It was enthusiastically received.

I ask the indulgence of the Senate that I may read the last portion of it, because I believe not only the Florida bankers benefited from the speech but that Senators also will benefit.

The Senator from Virginia said:

The civil rights bill is another example of the tendency to increase the powers of the Federal Government at the expense of the States and at the expense of individual liberty and freedom. I do not wish to discuss here questions about the constitutional basis for the specific provisions of the bill. Nor do I wish to discuss here questions as to the adequacy of the many existing Federal and State laws in this field. What I want to do here is to show how the civil rights bill would enormously increase the power and authority of the Federal Government as compared with those of State and local officials and to suggest how this increase would change the very nature of our Government.

The subjects covered by the bill give an indication of its broad and sweeping nature: Title I, voting rights; title II, places of public accommodation; title III, public facilities; title IV, public education; title V, Civil Rights Commission; title VI, federally assisted programs; title VII, private employment, a Commission on Equal Employment Opportunity; title VIII, surveys of registration and voting statistics.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. I am glad to yield to my distinguished friend from Louisiana.

Mr. LONG of Louisiana. Has the Senator had an opportunity to discuss this subject with some Federal judges in the State of Florida or in that general area which would be most frequently confronted with these lawsuits?

Mr. SMATHERS. I have had an opportunity to discuss it with one Federal judge; yes.

Mr. LONG of Louisiana. I wonder whether the Senator's experience has been somewhat similar to my experience. The advice I receive on the bill is that if the bill is passed, it may be necessary to employ three times the number of judges that are employed now, and that they then will have no time to do anything but try forced integration lawsuits.

Mr. SMATHERS. I agree that the way the bill is drafted, if the proponents really expect to do what they say they wish to do, there will have to be an increase in the Federal judiciary by at least twice the number now sitting on the bench. Furthermore, there will have to be an Attorney General's section as big as the Pentagon Building in order to hold all the lawyers that will have to be employed. Furthermore, with respect to the fair employment practices section, that will make the Internal Revenue Service look like a little pygmy gun, compared with an atomic bomb explosion.

There will be the situation of a man sitting in a businessman's office going through the businessman's records to see whether he has shown any prejudice in his employment record, to see whether he has hired a certain percentage of minority groups. Therefore, what is being created in the bill is what the Senator is suggesting. It is not only a monstrosity, but also a monumental bureaucracy the like of which we have never seen, if the proponents expect to do anything with it, which I doubt.

Mr. LONG of Louisiana. Does the Senator agree that this program could develop into a WPA or a make-work project for lawyers? A lawyer might very well say to a client, "If you cannot get a job, you can always charge the employer with discrimination."

Mr. SMATHERS. Probably there would not be enough attorneys to do all the work.

Mr. LONG of Louisiana. A man could always be charged with discrimination.

A lawyer could say to a man "All you have to do is charge him with discriminating against you, and we are in court. The Federal Government will pick up the tab."

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I am glad to yield to my friend from Minnesota. I was afraid that he was going to leave us. I am delighted to see that he is still present.

Mr. HUMPHREY. I know that the good Senator from Florida would not want his remarks to be interpreted to the effect that a respectable lawyer would in any way solicit business. I know that that would not be the case, because of the ethical standards of the American Bar Association, a very great association of fine and distinguished people. I am sure he would not want the RECORD to show that there was any possibility of interpretation of any phrase or word or sentence of the Senator from Florida to indicate that there would be a lawyer who would ever seek to find a case under the terms of this bill.

Of course, if there were individuals who came to a lawyer and said that they had reason to believe that they had been discriminated against, the Senator from Florida would not wish to deny those individuals the right to legal counsel. I know that he would not want to do that. I am sure I interpret the Senator's thoughts correctly.

Mr. SMATHERS. Not exactly. There is something about a hungry lawyer and a hungry pharmacist; they like to eat. They would not necessarily go out to solicit business, because under the code of ethics they are not supposed to do that. At the same time I believe it is a historic fact that many lawyers do not mind starting a little controversy or do not mind seeing a controversy develop, in a situation in which one individual can suggest to another, "Do you know that under the law passed by the Senator from Minnesota and the other Senators in Washington you can make a complaint, and not only get a job; and that at the same time I can represent you, and the Federal Government will pay for the expense? Furthermore, we can get into court, and we can always appeal the decision for quite a while, and it may even happen that you will become a celebrity."

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield. I share the high opinion of the Senator from Minnesota of the American legal profession, in that lawyers are not going to promote business for themselves. I have practiced a little law myself. I am also a lawyer, as is the Senator from Louisiana, and the former judge from the great State of Montana [Mr. METCALF]. I have never seen a lawyer run away from business of this character. It has even been suggested that some lawyers follow ambulances when there is an accident, and pass out their cards in order to get the business of the people who have been injured in the accident. As the judge knows, there is competition among lawyers to get almost any kind of case.

Mr. HUMPHREY. Mr. President, will the Senator yield for one more question?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. I merely wish to clear myself. If Senators say that some lawyers like to make work, I wish them to know that I am not engaged in any of this. I am not a lawyer.

Mr. SMATHERS. The Senator has said it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. Does not the Senator know that the Justice Department, as a matter of efficiency, must operate somewhat like a big lawyer's office. It must keep a chart to see who is doing the work. Someone in the Department may say, "What has lawyer Smith been doing lately?" The chart may show that he has not filed or recommended any lawsuits. Then the Assistant Attorney General might ask, "Why not get rid of Smith? President Johnson is anxious to see all Federal employees justify their pay." Does it not occur to the Senator that Smith might then feel that he must find somebody to sue. So he finds a great many people he can sue. All he has to do is to establish liaison with a Negro organization like CORE, and they will put him in touch with a great many people who would like to charge discrimination. He is then in a position to justify his job.

Mr. SMATHERS. I agree with the Senator from Louisiana, particularly in view of the fact that the other night the Senator from Minnesota made a speech—he has made several speeches on this subject—in which he said that we were either going to decide this question in the Senate or in the streets and alleyways of the Nation, with stones and bricks and things of that nature. It seems to me that to talk like that is to encourage people to believe that if they do not get what they want we will recognize their right to conduct themselves in such a manner as to be guilty of civil disobedience. That, of course, would lead to all kinds of litigation, and would create great turmoil and upheaval within local communities throughout the Nation. It would bring about a disrespect for the law which would be most tragic and unfortunate.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from Montana.

Mr. METCALF. I had not intended to interrupt the distinguished lawyer and Senator from Florida in his criticism of the legal profession.

Mr. SMATHERS. I do not want the able judge to say that I am criticizing the legal profession. I am a member of the legal profession, and I have high respect for it. But lawyers are in the legal profession to get business and make a living. As the able Senator knows, every time a lawyer represents a client, he represents him because he is paid. The particular section we are talking about, and to which the able Senator from Louisiana directed our attention, would create many more lawsuits than we have ever seen before. It would create litigation.

Mr. METCALF. Senators have argued that if a bill like this is not passed more lawsuits will be created; there will be more injustices, more cases, more fighting in the streets, and more civil unrest than if the bill were passed.

Mr. SMATHERS. I did not say that. I said that is what the able Senator from Minnesota said. The able Senator from Minnesota said that.

Mr. METCALF. The distinguished Senator from Florida quoted the Senator from Minnesota. And then he said:

> That will bring about more lawsuits, and it will bring about more crime.

Mr. SMATHERS. I did say to the Senator:

> If we who are here in the Senate say that we have either got to pass this bill or else these disturbances are going to happen—by saying that, it encourages these people to go out and throw rocks and indulge in acts of violence.

I said it encourages them and incites them. I think it is very dangerous and should not be said. I was very sorry to hear my very dear friend, for whom I have great affection, say that.

If we make that kind of inflammatory speech, we will have a lot of unrest. But this particular bill will result in even more lawsuits than we have today with respect to civil rights. We have 600 pages of laws on the books today with regard to civil rights. We can place another 600 pages of laws on the books with regard to civil rights. We can go out and get a judiciary that is twice as big as the present judiciary. We can load up the Attorney General's office. In my humble judgment, however, we are not going to solve the problem we are trying to solve, because we cannot solve it by law. We cannot make people want to do something they do not want to do.

The able Senator from Minnesota said the other night it is a moral question. I agree with that. It is not purely a legal question. I do not believe we can pass a law and say that people will want to associate with this group, that they are not going to be able to go to school in their own neighborhood, they must go to school in other places. I do not think we solve any problems by trying to coerce people either to like or to associate with people, or want to associate with a group of people with whom they may not choose to associate.

The basic right of every citizen, it seems to me, is the right of choice, the right to pick with whom he wishes to associate, with whom he wishes to work, whom he actually wants to have work for him.

If ever there were a bill that takes away the right of a man to choose who he wants as his employee, it is this bill. We no longer give a man the right to say, "I want Mr. METCALF to work for me." Mr. METCALF may have to compete with a man over here who comes from a minority group. All that man has to do is complain. Even if the man would rather have Mr. METCALF on the basis of ability, that is not it. Everything being equal between the two, he has got to take the other man or he is involved in a discrimination suit. He must go to court.

The Senator from Minnesota said this was a civil action, that the man cannot go to jail. However, the man can spend 45 days in jail under this bill if he refuses to carry out the injunction of the court. He is then guilty of contempt. He then goes to jail. And it may be civil but when you spend 45 days in jail, it seems that a person must feel as though he is a criminal, even though they do not call it a criminal act, but that is the result of it.

I yield to the able Senator from Missouri.

Mr. SYMINGTON. Mr. President, for the RECORD, this quorum was called at 11 minutes after 8. I was notified at 8:32 and immediately left, arriving here at 8:45. The clerk stated something about a new rule, and that the quorum had been completed. I want the RECORD clear that I responded to this quorum call. That is putting it mildly. I could say more.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. METCALF. Mr. President, I am delighted the Senator from Florida yielded to the Senator from Missouri. The Senator from Florida and I will be here as long as he desires to speak. I will be able to listen to the Senator from Florida for the rest of the evening.

I did serve some time on the bench on an appellate court. Before that, I was one of the young lawyers that the Senator from Florida mentioned, and there was a curious echo in my mind referring back to the time the Fair Labor Standards Act was passed, and the time that Congress passed the National Labor Relations Act, which provided for triple damages, and so forth.

The other day I looked up the debate referring to those acts. There was talk about a monumental bureaucracy, and talk about the triple damages attracting lawyers so that a tremendous amount of lawsuits would be built up. It was stated that we would need to triple and quadruple our judiciary. However, the Senate went ahead and gave these people their basic rights—as we are seeking to give basic rights today. It did not triple the judiciary, it did not bring up this tremendous growth of the bureaucracy. It did accomplish the things the Senate was trying to do.

So this is one of the arguments that is always brought forth when a bill of this sort is under consideration. However, I wish to say one thing, and then I am going to listen attentively and carefully to the eloquent and able speech which I know the Senator from Florida will make. I wish to say that if we have to double our judiciary, and we have too many cases, and all the young lawyers in the country will be busy securing the rights of American citizens, then it is the duty of Congress to do just that.

Mr. SMATHERS. I would totally agree with the able Senator from Montana, if we need to do that which gives every citizen, irrespective of his race, color, or creed, that which he is entitled to under the Constitution. I would like for it to be clearly understood that as greatly as I admire the able Senator from Montana, and the position which he takes, I do not believe that the Senator from Montana is any freer of discrimination in his own mind and in his own heart and soul than is the Senator from Florida.

I can frankly say that in this connection with respect to minority groups, I probably had considerably more active association with them than the Senator from Montana. I would not want by anything that he said, or anything that I say, to have him think for a moment that there is discrimination in the heart and mind of the junior Senator from Florida, because there is not.

What I am trying to say is this: I think I know what the Senator from Montana wants to do. That is that we want: to give to every citizen in the United States—irrespective of his race, his color, or his religion—an equal opportunity for the enjoyment of the things of life, an opportunity to get an education, an opportunity for employment, an opportunity to send his children to school, and things of that character. This is what we want to do.

But in my judgment we shall not do it by the enactment of a law similar to the one we are discussing tonight, particularly when it contains such so-called FEPC provisions—although the initials have now been changed somewhat, in an attempt to get away from the term "FEPC"; but the result is the same.

I do not believe that in point of fact it will be possible to accomplish greater opportunities for good employment and opportunities to obtain the sort of income the Negro needs and wants and deserves, by passing a law of the kind now proposed, because the pending bill would make a certain special category of the Negroes and—as was said in connection with a case which occurred in Illinois, under a similar FEPC law—an employer would, in effect, find himself with the burden of proving that he did not engage in discrimination in connection with employment, and that he did not have any discrimination in his heart or his soul, just because it so happened that he did not have any Negro citizens or citizens of any other minority groups working for him. Under the bill, he suddenly would become the defendant, if someone who tried to get a job in his company complained that he did not get the job—even though he might not have any ability for it. But if such a complaint were made, immediately the entire machinery of the Federal Government would be moved in on that employer, who then would find that he had become the defendant, with all the majesty and weight of the Federal Government arrayed against him. The result would be that no longer would that employer be able to hire his employees on the basis of their ability.

So then he would say, "Rather than continue in this rat race with the Federal Government bothering me all the time and making the continued operation of my company almost impossible, I will employ only those whom the Federal Government says I must employ." But that would result in much injustice, rather than in giving to minority groups their so-called equal rights.

In that connection, I point out that my colleague [Mr. HOLLAND] has referred to many cases—and so can I—which demonstrate that when Negroes have ability—and many of them do have ability; and whenever they have an opportunity to get a good education, they reflect their ability—they get along about as well as many of the white citizens do, in most of the sections of the Nation about which I know very much.

It would be less than candid of me to say that in the past, in parts of the South, discrimination has not been practiced against Negro citizens. It is true that there has been discrimination; and I am afraid that there will be discrimination, so long as we are human beings and so long as we remain alive.

In 1959, the Civil Rights Commission said that the two most segregated cities in the United States were—not Jacksonville, Fla.; not Butte, Mont.; not Minneapolis, Minn.—but New York City and Chicago—areas where there are more segregation laws on the statute books than almost anywhere else.

When I have traveled to New York City, I have discovered that there is an unfortunate amount of discrimination there. Yes, it is regrettable and unfortunate; but it is true that discrimination has existed ever since the dawn of history.

I regret to find that in New York City discrimination exists against the Puerto Ricans. I also regret to find that in the fine State of New Mexico, discrimination exists against the Indians. However, as I said the other evening, I played football on a team which had some Indians as members, and they were good football players and "great guys." So I was very much dismayed to find that in New Mexico there was much discrimination against Indians.

However, we do not get rid of discrimination merely by passing another law. Instead, the correct procedure is to proceed by means of education, so as to enable all our people to become responsible citizens and to be able to fulfill the duties of citizenship. That is the way that we in the South are proceeding.

In Florida, we spent more money for the education of colored students than we did for the education of white students. The reason for that is obvious; because years ago probably less money was spent for the education of the colored students. However, as I have said, in Florida that situation was changed, and our State was spending more money for the education of the colored students than it was for the education of white students. I think at the present time the expenditures for each group are about on the same level.

It must also be remembered that the South was occupied for a considerable period of time by Federal troops; and at that time our people were benighted, forgotten, and discriminated against. So, as I said the other evening, we in the South know something about discrimination. In addition, when one speaks of "minority groups," I point out that on the floor of the Senate we who come from the South are but a small group, with a membership of only some 18.

No southerner has been elected President of the United States for more than 100 years. Why? Because of discrimination. So we in the South know something about discrimination.

Furthermore, in my judgment the press does not give Southern Senators the same type of favorable publicity that it gives to other Senators. Of course, the press is entitled to have its own views. Nevertheless, we see discrimination practiced, and we do not like it. We do not like it for ourselves, and we do not like it for others.

In the South there are some white citizens who are not very well educated; and the area in which they live is the area in which the most discrimination is found. On the other hand, when we travel to New York City and see the people who are living in the ghettos—very largely segregated—we find that the level of literacy is rather low. That is an unfortunate fact; but the root of the problem is the lack of education.

If we help these groups of white people and the colored people and the Indians get better educations, they will be able to lift themselves economically. I believe that is the way we can deal effectively with the problem and can provide the necessary answer. So I am willing to join the able Senator from Minnesota in working for any program which has, as its goal, education as the answer to this problem, rather than the passage of additional laws to create additional bureaucracies.

As the able Senator from Minnesota [Mr. Humphrey] said, unlike the Fair Labor Standards Act and other acts which have dealt totally with economic problems, this problem is a moral one. That is what the able Senator from Minnesota said the other night. I wrote it down when he said it; and he said it three or four times. He said this problem is a moral problem; and I agree that it is.

I also know how the Senator from Louisiana [Mr. Long] feels about this problem. Certainly, I do not think there is in his heart or in his soul any discrimination with respect to the Negro citizens. In some parts of his State the Negroes speak French. I presume that it will be found that at some period in the history of Louisiana, or in some instances, discrimination was practiced by the Frenchmen who lived there. But certainly we do not make progress by merely passing another law and, as a result, alining one group against another. Instead, we should improve the education of our people, rather than have one group feel it is higher born than another or that it speaks a superior language.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. Does not the Senator from Florida realize that much of the motivation behind the bill is the desire to achieve a given result? The word "discrimination" is used as a catchword; but has not the Senator from Florida heard some people, such as James Farmer, speak over the radio and the television and say, "When we see a group of employees of a business, and do not find any colored people employed there, if the employer replies 'Bring us qualified Negroes, and we will hire them,' we reply, 'That is not our problem. If we do not see black faces there, we will start picketing.' "

Does not the Senator from Florida realize that under the provisions of the bill, the Commission would be "packed" and the efforts of the Commission would be directed in just that way? In other words, there would be picket lines, on the one hand, or lawsuits, on the other.

Mr. SMATHERS. I fear that the Senator from Louisiana is correct, and that that is what is behind the bill.

I would hope that would not be the case, but I am fearful that it would be the case.

Mr. LONG of Louisiana. Have we not been informed of racial disorders starting by racial leaders issuing ultimatums and saying, "If we do not achieve satisfaction of these demands, there will be violence in the streets until you satisfy them?"

Mr. SMATHERS. I am afraid that will be the case, though I hope it will not be the case. I should like to think it would not be the case, but I believe the Senator is being realistic about it. I think that is probably exactly what would happen. It would be unfortunate for our country.

I should like to follow up on that particular point with respect to discrimination and say that I cut out of the newspaper an article which reads:

Housing Bias Found Near 90 Percent of Bases—Pentagon Says Race Discrimination Exists at Posts in North and South

A Pentagon-ordered survey showed there was housing discrimination against Negro servicemen near 90 percent of the military bases in the United States, it was disclosed today.

Alfred B. Fitt, Deputy Assistant Secretary of Defense for Civil Rights, said housing "clearly is the most unyielding" of the various forms of racial bias facing Negroes in uniform.

They probably would not want to live in a neighborhood with certain groups. They may be Puerto Ricans or people from the Virgin Islands. I do not know. But if they do not wish to live in a certain area, they would move to the suburbs or somewhere else, because that is what has happened. That is what has happened in the District of Columbia. Why are all the suburbs growing up around Washington, D.C.? Because apparently people wish to exercise their right of choice as to whom they wish to associate with. I believe that is the basic American way.

A person should have the right to choose with whom he wishes to associate, where he desires to live, what church he prefers to attend, and, so far as possible, where he wants to work and what kind of work he wishes to do. I believe that is a basic American right. I do not think that right should be destroyed, and I do not think the Congress should attempt to destroy it by passing a bill of the character of the one proposed, which in fact would seek to take away from people the right of choice.

Mr. President, I ask unanimous consent to have printed at this point in the Record the article to which I have referred, which demonstrates that discrimination with respect to housing occurs throughout the United States. That is an article put out by the Pentagon.

There being no objection, the article was ordered to be printed in the Record, as follows:

Housing Bias Found Near 90 Percent of Bases—Pentagon Says Race Discrimination Exists at Posts in North and South

A Pentagon-ordered survey showed there was housing discrimination against Negro servicemen near 90 percent of the military bases in the United States, it was disclosed today.

Alfred B. Fitt, Deputy Assistant Secretary of Defense for Civil Rights, said housing "clearly is the most unyielding" of the various forms of racial bias facing Negroes in uniform.

This discrimination, Mr. Fitt said, exists in northern base areas as well as in the South.

ONLY 31 BASES SATISFACTORY

Only 31 of 305 bases studied were given a clean bill on this count. Mr. Fitt declined to name the 31.

The Penagon's civil rights chief indicated that, by the process of "negotiation and conciliation," base commanders had made progress in easing discrimination against Negro servicemen and their families in off-base schooling, transportation, and use of such public facilities as parks and libraries.

"I'm sure that since last fall commanders have secured changes on behalf of their men," Mr. Fitt said.

NO DIFFERENCE

Among other things, base commanders had been told to report whether the "treatment accorded Negro military personnel by the local police (is) in any way different from that accorded white military personnel."

The finding, Mr. Fitt said, showed "no case of significant difference in law enforcement between white and Negro servicemen."

A total of 62 base areas turned up with such good records in the first reports made last November that the commanders were relieved of the responsibility of reporting again on May 1. Of these, 27 were Air Force bases, 21 Navy, and 14 Army.

Although the names of these bases were not disclosed, Mr. Fitt said some were in

> Texas and Oklahoma. He cited El Paso, Tex., near Fort Bliss, as an example of an area with an absence of serious discrimination against servicemen on racial grounds.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. Is it not true that a great number of our personal relationships involve a mutual decision? For example, if the Senator wished to work for a man who would like to have the Senator as his employee, a mutual decision would have been arrived at. When two people join in a marital compact, the decision is mutual. Both parties take the risk.

Both the man and the woman decide that they would like to have one another for a partner in marriage, and so they engage in a civil and, in certain respects, a religious contract.

Does not that procedure work in many other areas? A person selects a certain area in which to live because there lives in that area a neighbor with whom he would like to live. He likes the neighborhood and the people who live there, and they like him. If they do not like him, they are privileged to move out.

We have seen situations in which someone has moved into a neighborhood where he may not be welcome. Other people in that neighborhood may feel that they would rather associate with someone else, and they start moving out.

As has been so well pointed out, is that not pretty well what has happened with the segregation program in the District of Columbia? That was accomplished in the name of integration. Some of our liberal friends would say, "We want to have colored children in the schools with our white children."

When they got 1 percent in the schools, they were happy with the result. But then some whites moved out, and the percentage of Negro students in the school rose to 10 percent. More whites moved out. The percentage of colored children in the school rose to 20 percent, and more white people moved out of the area. After the percentage of Negro students in the school had risen to 90 percent, the most liberal of the white crowd also moved. They had moved out, even though they were advocates of the process to begin with.

Does it not work out in a great number of the cases of personal relationships, as with contracts, that the decision must be mutual? People must willingly respect one another in order to best work together. Laws to try to force people to do what they do not want to do tend to result in some people being outraged.

The proposed legislation would enable a man to work for another although the other fellow would not want him. The decision would be one way. The fellow who wants the job would get it, but the only way that the employer could get rid of him would be to go out of business. In other relationships such as the choice of neighbors is it not the same way that the relationship is usually mutual? Under this bill the person of a minority element will be making the decision that he will force himself on others, with the other person having no choice in the matter.

Mr. SMATHERS. I agree with the Senator. The unfortunate fact is that a man could work hard, save his money, and build up a successful business. The bill would take away from him the selection of his own employees. He could not select any man solely on the basis of ability. He must worry about whether or not he would be charged with discrimination.

In the course of the debate several nights ago I asked to have printed in the RECORD an editorial which appeared in the Miami Herald, written by Mr. John S. Knight. The editorial related to a situation which I believe is disturbing everyone. The able Senator from Minnesota said that he hoped it would not happen under the Federal law, but he did not give us any guarantee that what happened in Illinois would not occur elsewhere. I read a part of the editorial:

> A foretaste of what will occur if the EEOC is created by Federal law was shown recently by a ruling made in Illinois.
>
> In this case the employer (Motorola) gave general ability tests to all prospective job applicants. A Negro who failed the test charged that he was denied employment because of his race.

That is exactly what would happen if the proposed FEPC legislation were passed. Continuing to quote:

> The Illinois FEPC then gave a reexamination to the applicant, said that he passed the test and ordered the corporation to hire him. An FEPC examiner held that Motorola's test was unfair to "culturally deprived and disadvantaged groups"; that the questions did not take into account "inequalities and differences in environment"; and that the standards for passing were based on those of "advantaged groups."

There was a situation in which a man evolved his own test to determine how a man was fitted for a job, but that test was absolutely meaningless because the FEPC in Illinois said, "No; that is not a fair test. It happens that the Negro citizen in the case came from a culturally deprived and disadvantaged group."

In addition to lawyers, corporations would also have to hire a herd of psychoanalysts to discover whether each employer has some discrimination in his heart, or whether he will have to have two sets of tests for a man who applies for a particular job, because it may be that the applicant would come from a culturally disadvantaged group. I am not quite sure I know what that is. Perhaps the Senator from Montana [Mr. METCALF] understands what a "culturally disadvantaged group" is, and how the term would apply in a case like the one to which I referred. But certainly it would take away from the employer his right to require an examination, give it to everyone, and say, "I will take the man who makes the highest and best grade, because that is the man who can do the best for my company." That is the man who can, under the free enterprise system, employ more people and produce more goods.

No longer could he do so. He must now worry about a social and psychological problem. He must worry whether or not a man who comes in to take an examination from him and seek employment is "culturally disadvantaged."

Mr. President, I really do not understand how a particular law such as the one proposed in point of fact could work. Obviously it would create havoc. Obviously it would destroy basic American rights. There are elements that worry those of us who are very much against the bill for that and other reasons.

At this point I should like to read from an article written by Mr. Jenkin Lloyd Jones which appeared in the Washington Evening Star, on Thursday, April 2, 1964. The article is entitled "Winter of Discontent." I shall read from the article:

> The Denver police officer spotted a car he said was going 75 miles an hour in a 30-mile zone. He stopped the colored driver. On the seat, said the officer, was a pistol. The driver had no valid driver's license. On the way down to the station, said the officer, his prisoner began making threats and arguing loudly about "race prejudice."
>
> The officer called another scout car. The prisoner was handcuffed. At the station he was identified as Sonny Liston. As the officer took him to the jail Mr. Liston shouted, "I can lick you and I will."
>
> To tag any race with responsibility for the behavior of a character like Sonny Liston would be grossly unfair.
>
> But there is a disturbing parallel between Mr. Liston's willingness to blame his arrest on race prejudice and the growing vogue among Negro civil rights leaders of blaming any deficiencies of Negro behavior and performance on deprivation or provocation by the whites.
>
> This is tragic. Because if there is not a substantial improvement in the behavior of restless Negroes there may be a reaction. Changing longstanding patterns of prejudice is a tough enough job. We can't afford any reactions.
>
> The drive to destroy neighborhood schools in the major cities of the North and East in favor of some goofy theories of "ethnic groupings" is already beginning to cause counter marches by enraged white parents. And no wonder.
>
> For CORE and the NAACP can't seem to make up their minds whether they want public bodies to take cognizance of race or whether they don't. Every effort is made by these organizations to prevent the publication of school test scores by race, or arrests by race, or illegitimacy by race. But they want children assigned to schools not by residence but by race.
>
> At the same time, they are carrying on a battle against segregation in the South which is, after all, just another method of making race the chief criterion in assigning a pupil to a particular school.
>
> There is arising a convenient double-standard in the observance of the law. Resentful white southerners are excoriated for attempting to ignore the integration orders of the Federal courts. But Congressman ADAM CLAYTON POWELL is quoted as telling prointegration demonstrators in Cambridge, Md., that observance of the law is not for them.
>
> In three consecutive school days in New York City this month, according to the National Education Association, 15 attacks were made on teachers. In the whole previous 12 months there were only 60. Chicago,

> which used to report 8 or 9 pupil attacks on teachers in a school year, had 46 such attacks last fall. Detroit, Chicago, and New York are considering stationing policewomen in all difficult schools.
>
> But Mr. POWELL airily says, "Kids are acting like this all over the world." That simply isn't true.
>
> The effort to open up wider fields of Negro employment by persuasion or peaceful picketing seems to be giving way to attempts at seizure and sabotage. Some of these tactics have paid off. In San Francisco a leading hotel was beleaguered and its entrances blocked by shouting demonstrators. Its management eventually agreed to place more Negroes.
>
> Across the bay the "check-in" has been used against supermarkets which have lagged, it is alleged, in hiring Negroes. Large numbers of demonstrators would enter a market, fill baskets with groceries, leave them at the check-out counter, and walk out. The confusion was indescribable and some stores submitted to the demonstrators' demands.

I interrupt the reading of the article to say that I am always somewhat impressed when I hear, as I did recently, the able Senators from Montana and Minnesota say, "We are going to pass laws to protect these people. If we have to stay here all summer, we are going to put this bill on the books. We do not care if there are only six persons that have been discriminated against—we are going to stop it."

Are we going to stop the kind of thing that I have just been reading, which is happening all over the United States?

What is the concern of those Senators about that kind of happening? Do not other people have rights? Of course, they do, but apparently those rights are little respected in this body, because I do not hear Senators saying a man has a right to operate his own store, that a man has a right not to have people gang up on him to keep business out of his place. Who is standing up for that man?

I do not understand how Senators can become greatly concerned about one small group, six rejected Negroes in a particular place, and talk about that and make highly indignant speeches, and ask, "Is it not awful that this is permitted to happen in our country?" No one talks about the other incidents.

Does not the man who has opened a store, who has been responsible, who has worked hard to build up a business, who has gone off to war, have his rights? Yet when certain people want to take his rights away from him, nobody wants to protect him.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. I wish to refer to what took place in the city of Plaquemine, La., when the Congress of Racial Equality and the NAACP came in there. There had been no trouble, but the agitators went to the mayor of the city and the governing body and said, "You must appoint a committee and negotiate with us in order to avoid violence."

As I understand, the local officials responded, "We will be glad to talk to you about anything you want to talk about, but we do not see why we should have an unusual arrangement. We have a friendly community. We have colored men in the sheriff's office and 30 percent of the electorate is Negro. We think we have made as much progress as anybody else. We will talk about it, but we do not think we should yield to threats of violence. We do not think that is the way to conduct the community."

So there were shouting mobs, preventing people from sleeping and resting, and there was the throwing of brickbats through windows and broken glass.

Does it occur to the Senator from Florida that that sort of thing is what we call the right to petition peacefully?

Would it not seem to be right that the police officials should not bow down to law violators? Would it not seem to be right that violators of the law ought to go to jail, like anybody else who violates the law, whether he be black or white?

Mr. SMATHERS. I completely agree that our laws, if they are to mean anything, must be made applicable to everybody, regardless of race, color, or religion, and that one should abide by those laws whether he likes them or dislikes them.

That is the thing that worried me in the statement made by the Senator from Minnesota the other day when he said, "We are either going to pass the bill or see this trouble settled in the streets." When such matters are settled in the streets, it is done against the State and local laws. It may not be against the Federal law. I think we could inadvertently incite people to violence and all kinds of trouble and disrespect of law. I think we must understand that the law is applicable to everybody, whether one likes it or not, and that we must respect it no matter from what section of the country we come or what may be the color of one's skin.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. What would the Senator from Florida expect to happen if he, even in the high position he holds, went into any county in his own State and said to the sheriff or the officials of the community, "If you do not do what I want, I am going to throw brickbats through the windows and shout and sing all night so people cannot get the rest they are entitled to after working all day"? Does the Senator think the officials would bow do his demands?

Mr. SMATHERS. They would not in my State of Florida. They would put me in the "hoosegow" immediately, and that is what I would deserve if I made threats of that kind to the officials of a county or city.

Continuing reading the article:

> But—and this may be significant—a number of students from the University of California at Berkeley offered to help the store owners put the goods back on the shelves. When students, who have been flocking to the NAACP picket lines, begin helping sabotaged store owners maybe something is happening to public sympathy.
>
> There is only one reason for winning battles and that is to win the war. Negro war should be a war to establish the right of a man or woman with a black skin to all the education, all the employment opportunities, and all the wages and privileges that a white man with equal talent, energy and reliability can command. That is all any man has a right to ask.
>
> The white man in America has a guilt complex. He deserves it. He knows he has not given the Negro a fair shake. The man who hates another without adequate cause hates himself a little and can be made to make amends. But give a man reason for his hatred and he becomes comfortable again.
>
> The terrible danger is that if Negro leaders encourage or even rationalize Negro misbehavior and promote unreasonable demands they will remove from whites the feeling of guilt. Without this guilt feeling no amount of "civil rights" legislation will be effective.
>
> Twelve percent of the people cannot lick 88 percent of the people even if Sonny Liston could undoubtedly lick the cop.

That is what Mr. Jones had to say. I do not totally disagree with the article.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Evening Star a few days ago entitled "Graham's Alabama Rally Hailed for Integration." The article relates how, in Birmingham, Ala., at Eastertide there were 35,000 people in an integrated audience and what a tremendously inspirational and successful gathering it was.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GRAHAM'S ALABAMA RALLY HAILED FOR INTEGRATION

> BIRMINGHAM, ALA., March 30.—Evangelist Billy Graham's Easter appearance before an integrated audience of more than 35,000 was hailed as a tremendous inspirational success by Negroes and white persons.
>
> The gathering at Legion Field, a football stadium in Birmingham, was the largest integrated audience in Alabama's history. It also was the largest religious gathering in the State.
>
> Rigid security precautions were in force, but there were no incidents. The city has been the scene of racial violence in the past.
>
> "Billy Graham has brought out the best in us," said Mayor Albert Boutwell.

OUTPOURING OF CONFIDENCE

> A white minister, Dr. John Turner, said, "After waiting some 15 years for such a visitation as Billy Graham and his team, I am moved almost beyond expression to the outpouring of confidence in our fellow man as seen today."
>
> A Negro minister, the Reverend J. L. Ware, said, "It is my candid opinion that this great Christian service will prove to be the turning point in changing the outlook and image of Birmingham into a city of peace and tranquillity and prosperity for all people."
>
> Negroes and white persons appeared evenly divided. They often sat closely together.
>
> Walter Smyth, an associate of Dr. Graham, said Police Chief Jamie Moore estimated the crowd at between 35,000 and 40,000.

ABOUT 4,000 ACCEPT INVITATION

> About 4,000, both white and Negro, responded at the close of Dr. Graham's sermon when he called for the penitent to come forward.
>
> Mr. Smyth said, "This is unbelievable to see this kind of response."

Dr. Graham said in his sermon that the world is "a planet in rebellion," but that the answer to its social, moral, and spiritual ills can be found in the crucifixion and resurrection of Jesus Christ.

He said the problems of the world have raised the burning question of what is wrong.

"What causes schoolchildren to attack teachers in New York? What causes bombs to be thrown against innocent people?" he asked.

Seven persons were killed in racial unrest in Birmingham last summer, including four Negro girls who died when a church was dynamited.

Mr. SMATHERS. Mr. President, I am not in a position to quote Dr. Graham in his beliefs, but I believe that he and others in his particular group do not believe that we are going to accomplish anything by putting additional laws on the Federal statute books. I believe that he thinks the way it will be done will be by changing the hearts and minds of people. The way to do that is to provide more and better education.

Mr. President, one point should be made about criminal contempt proceedings. A determination of criminal contempt is so drastic that even if the statute upon which the injunction is founded is determined to be violative of the Constitution, the conviction for criminal contempt stands. As the Supreme Court stated in the United Mine Workers case:

> An order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until it is reversed by orderly and proper proceedings. This is true without regard even for the constitutionality of the act under which the order is issued. In *Howat* v. *Kansas*, 1922, 258 U.S. 181, 189, 190, 42 S. Ct. 277, 280, 281, 66 L. Ed. 550, this Court said:
>
> An injunction duly issuing out of a court of general jurisdiction with equity powers, upon pleadings properly invoking its action, and served upon persons made parties therein and within the jurisdiction, must be obeyed by them, however erroneous the action of the court may be, even if the error be in the assumption of the validity of a seeming, but void law going to the merits of the case. It is for the court of first instance to determine the question of the validity of the law, and until its decision is reversed for error by orderly review, either by itself or by a higher court, its orders based on its decision are to be respected, and disobedience of them is contempt of its lawful authority, to be punished.

Violations of an order are punishable as criminal contempt even though the order is set aside on appeal, *Worden* v. *Searls*, 1887, 121 U.S. 14, 7 S. Ct. 814, 30 L. Ed. 853, or though the basic action has become moot.

These, then, are the "civil" sanctions of which the bill speaks.

In summary, it has been said that there is an alarming tendency in adopting new Federal programs to utilize the sanction of what may be called government by injunction.

This is done through the medium of actions commonly known as suits in equity, or in chancery, to be heard by the judge without a jury. Instead of resulting in a money judgement against the defendant, such suits result in a decree in which the defendant is ordered to refrain from committing certain acts or, by the use of a double negative, is commanded to perform certain acts.

These decrees are enforced by contempt proceedings in which there is no right to jury trial, and in case the defendant is found to be in contempt, he is punished by imprisonment at the discretion of the judge.

The effect of the employment of this sanction of injunction rather than a civil action at law for the recovery of damages or the institution of criminal proceedings by indictment or information is that the defendant is shorn of most of the protections set forth in the Bill of Rights of our Constitution.

In a criminal proceeding, for example, the defendant has all of the protections written into our body of criminal law such as: First, the presumption of innocence; second, the right to be confronted by accusers; third, the right of cross-examination; fourth, the requirement that proof of guilt be beyond a reasonable doubt according to a body of well-developed rules of evidence; and fifth, the right to trial by a jury of his peers.

These protections either do not exist at all when the citizen is proceeded against by his Government by the injunctive process, or they exist in a less adequate form.

The other night, when this point was being argued, the Senator from Minnesota [Mr. HUMPHREY] said that this is the same procedure that is frequently followed in cases with respect to certain of our regulatory agencies such as the Federal Communications Commission, the Interstate Commerce Commission, and others. At this time I suggest to Senators that there is a distinction, and a valid distinction, between that type of case and the case I have in mind. The cases to which the Senator from Minnesota referred usually involve orders made not necessarily against an individual who is running a private business or a boarding house or a barbershop, but, rather against, for example, large corporate institutions such as railroads, television stations, or radio stations. The proceeding is usually against a corporation, rather than against individuals. In the civil rights bill, it seems to me that in the section dealing with fair employment practices, while it is true that a corporation may be involved, nevertheless the individual would be charged, because a corporation cannot discriminate.

The judge could not grant any relief against the corporation. He could not put a corporation in jail. He could put an individual in jail. These actions would be brought against individuals.

If discrimination is practiced, it seems to me it must be practiced by individuals. A labor union could not be put in jail. The United Mine Workers, for example, as such, could not be put in jail. The judge would have to pick out an individual within the union. Even if there is great discretion, it is not good law and not in keeping with our constitutional processes to proceed further along this line if we are not to have a government by injunction. This section gives to courts the power of injunction. It increases it many times over that which it is today. It allows the courts to move. In fact its lets the Attorney General move into private businesses, and lets the courts move into private businesses, through the process of injunction, and allows individuals to be put in jail.

It was precisely because of the tyrannical behavior of the British monarchy and the British courts when proceeding against freemen that our Founding Fathers were led to incorporate protections and due process of law in the first 10 amendments to our U.S. Constitution commonly known as the Bill of Rights.

Abuses in the use of injunctions by individual citizens and corporations, particularly in labor disputes, led to the enactment of the Norris–La Guardia Act—title 29, section 101–115; 47 Stat. 70; March 23, 1932—which limits the use of injunctions in proceedings between citizens.

But now, a remedy which we deny to private citizens in labor disputes, we are employing more and more when the Federal Government proceeds against its citizens.

LACK OF TRADITIONAL TRIAL AND APPELLATE PROCEDURES

Jury trial and other safeguards in contempt cases are not the only traditional features of our system of justice that the bill abandons.

Normally, the Federal trial court is composed of a single trial judge who is a resident of the State in which his court sits and who is familiar with the habits, customs, and problems of that State. Any decision made by him is appealable to a Federal court of appeals and the decision of such court may be reviewed by the Supreme Court of the United States either on appeal or upon writ of certiorari.

Title I of the bill would substitute for this traditional procedure, a three-judge Federal trial court whose decision would be appealable directly to the Supreme Court. This change is made in the name of expediency; in an effort to gain "quick justice."

The use of three-judge courts has historically been limited to cases involving legal issues of great importance to the public at large rather than factual issues of importance only to the litigants themselves. Even this limited usage of three-judge courts has fallen into disrepute, and in several instances it has been recommended their usage be discontinued. For example, one of the recommendations of the Administrative Conference of the United States established by President Kennedy has been that the use of three-judge courts with direct appeal to the Supreme Court be discontinued in the case of judicial review of orders of the Interstate Commerce Commission.

The other night when the able Senator from Minnesota was prompted by one of the alert, bright young members of the staff who work here, the Senator said, "After all, this is what is done with respect to Interstate Commerce Commission cases."

I should like to have the RECORD show once again that the Administrative Conference of the United States established by President Kennedy had recommended the discontinuance of this type of practice, because apparently it was thought that the practice did not work very well. The recommendation to discontinue the practice in these particular cases is not a recommendation that it should be adopted in cases in which individuals are involved.

Mr. METCALF. Mr. President, will the Senator yield briefly?

Mr. SMATHERS. I am glad to yield to the Senator from Montana.

Mr. METCALF. The Senator from Florida is bringing up a matter in which I have taken a great deal of interest since I came to Congress. He feels that these cases should be tried in the local jurisdiction by local judges who have training in the laws of the State from which they have been appointed. I point out that what the Judicial Conference recommends is that this matter go directly to the circuit court of appeals.

It seems to me that many of the cases are administrative cases that should start at the local level.

Mr. SMATHERS. The Senator and I agree that in areas where a man is charged with committing a violation of a Federal statute, if he is to be tried, he should be tried by a local judge.

Mr. METCALF. I agree. However, I do not want my agreement to go to the extent of agreement with the Senator's analysis of a contempt procedure.

Mr. SMATHERS. I understand that.

Mr. METCALF. However, I feel impelled to rise here in this special case because I feel that many appeals from administrative agencies—as the Senator brought out, in the Interstate Commerce Commission, the Federal Power Commission—the tendency is to take it away from the local level and try to appeal directly to the U.S. Supreme Court, or the circuit court of appeals.

While I disagree with the Senator in many of the things he has said tonight, I listened with great attention. I agree with the suggestion of deciding these questions with local judges at the local level.

Mr. SMATHERS. I thank the able Senator from Montana for that comment. I am hopeful that when we finally come to amending the bill, the able Senator, because of his distinguished background as a lawyer and jurist, will offer some amendments which will bring about a remedy in the proposed bill.

Similarly, the Judicial Conference of the United States has announced its support of a bill presently pending before the Senate to reduce the number of Government antitrust cases appealable directly to the Supreme Court, which again coincides with the expression made by the able Senator from Montana. There is too frequently what was referred to earlier as getting quick justice by taking a case out of the jurisdiction of the local courts, and in some instances bypassing the appellate courts and going directly to the Supreme Court of the United States.

This provision of the bill involves a concept of the Supreme Court's function incompatible with the purpose of that Court. The principal jurisdiction of the Supreme Court is over decisions rendered by 11 U.S. courts of appeals and by the highest tribunal in each of the 50 States. Its principal function is to resolve important Federal and constitutional legal issues for the guidance of inferior courts.

It has never been the function of that Court to be a final court of appeal or errors only; or in other words to correct all lower court decisions which are erroneously decided. Such a task would clearly be impossible. The Court has only 9 Justices, and it has been estimated that these 9 Justices are capable of a maximum workload of 100 or, at the most, 150 fully argued cases annually. It is presently asked to review hundreds of cases each year, but it is unable to do so.

The Supreme Court would not, of course, be able to review all of the decisions rendered by these proposed three-judge courts unless it abandoned its jurisdiction over antitrust cases, tax cases, criminal cases involving constitutional questions, issues of free speech, and all the many justiciable issues of importance to our system, and became a "Supreme Court of Civil Rights." The only alternative under the bill would be for the Supreme Court not to review these decisions or to summarily review them, which is really no review at all.

Thus, the result of the judicial procedures provide by title I of the bill will be either to further crowd an already congested Supreme Court docket or to eliminate review of the trial court's decision.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT OF NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

In accordance with the provisions of section 5(a) of Public Law 307, 73d Congress, approved June 12, 1934, I am sending for the information of the Congress the report of the National Capital Housing Authority for the fiscal year ended June 30, 1963.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 6, 1964*.

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to section 108(b) of Public Law 87-256, the Mutual Educational and Cultural Exchange Act of 1961, I transmit herewith the first annual report on Special International Exhibitions for the fiscal year 1963.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 6, 1964*.

REPORT OF THE RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 277)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

In compliance with the provisions of section 10(b)4 of the Railroad Retirement Act, approved June 24, 1937, and of section 12(1) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I am sending for the information of the Congress, the report of the Railroad Retirement Board for the fiscal year ended June 30, 1963.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 6, 1964*.

REPORT ON EMPLOYEES PARTICIPATING IN NON-GOVERNMENT FACILITIES—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

As required by section 18(c) of the Government Employees Training Act (Public Law 85-507, approved July 7, 1958), I am sending to the Congress forms supplying information on those employees who, during fiscal year 1963, participated in training in non-Government facilities in courses that were over 120 days in duration and those employees who received training in non-Government facilities as the result of receiving an award or contribution.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 6, 1964*.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Jack Hood Vaughan, of Virginia, to be Ambassador Extraordinary and Plenipotentiary to Panama, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 120) providing for the recognition and endorsement of the 17th International Publishers Congress.

The message also announced that the House had severally agreed to the following concurrent resolutions of the Senate:

S. Con. Res. 74. Concurrent resolution authorizing the remains of Gen. Douglas MacArthur to lie in state in the rotunda of the Capitol from April 8 to April 9, 1964; and

S. Con. Res. 75. Concurrent resolution authorizing the purchase of a floral wreath to be placed by the catafalque bearing the remains of Gen. Douglas MacArthur in the Capitol rotunda.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Excessive Costs of Duplicate Automatic Teletype Switching Centers in the Military Services

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs of duplicate automatic teletype switching centers in the military services, Department of Defense, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

Conveyance of Certain Federally Owned Land to Minnesota Annual Conference of the Methodist Church

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the conveyance of 10 acres of federally owned land on the White Earth Reservation to the Minnesota Annual Conference of the Methodist Church, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report of Attorney General

A letter from the Attorney General, transmitting, pursuant to law, his report for the fiscal year ended June 30, 1963 (with an accompanying report); to the Committee on the Judiciary.

CONCURRENT RESOLUTION OF NEW YORK LEGISLATURE

The ACTING PRESIDENT pro tempore laid before the Senate a concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Finance, as follows:

Resolution 98

Concurrent resolution of the Senate and Assembly of the State of New York memorializing the Congress of the United States to enact legislation amending section 7701(A) of the Internal Revenue Code, so as to afford nondiscriminatory tax treatment as between corporation employees and self-employed professionals

Whereas the Joint Legislative Committee on Profesional Men—Tax Status and Tax Benefits of the New York State Legislature was created in April 1963 by concurrent resolution of the New York State Senate and Assembly (in Assembly April 4, 1963; in Senate April 5, 1963) for the purpose of investigating and studying all phases of affording equitable tax status and tax benefits to professional men licensed to practice their professions pursuant to the laws of the State of New York; and

Whereas the said joint legislative committee has conducted its investigation and study of the question and rendered its report, dated December 14, 1963, to the 1964 session of the New York State Legislature, in which, among other things, it recommended that the tax benefits and savings afforded corporation employees should not be denied to self-employed professionals and further recommended that the New York State Senate and Assembly by appropriate joint resolution memorialize the Congress of the United States to enact legislation amending the Internal Revenue Code of 1954 so as afford nondiscriminatory tax treatment as between corporation employees and self-employed professionals; and

Whereas the said joint legislative committee reported that under the then existing Kintner regulations (Code Reg. sec. 301. 7701–1 and 2, adopted Nov. 15, 1960; CCH 1963 Fed. Tax Rep. vol. 6, par. 5942), equality of tax status could be afforded professionals by enactment of legislation at the State level which would authorize professional practice in association or corporation form, but that the Commissioner of Internal Revenue had announced that impending amendments to the Kintner regulations as they then existed would soon be made; and

Whereas proposed amendments to the then existing Kintner regulations were published by the Commissioner of Internal Revenue in the Federal Register on December 17, 1963, which would make it extremely difficult, if not impossible, for professionals conducting their professions in association or corporation form to qualify for the tax savings presently afforded employees of corporations; and

Whereas on December 19, 1963, a bill was introduced in the Senate of the United States (S. 2403) by Senator Herman E. Talmadge to amend section 7701 of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law and providing that professional associations and corporations shall by definition be granted the status of corporations within the meaning of Internal Revenue Code of 1954, section 7701 (a); and

Whereas it is deemed desirable to create a tax status for self-employed professionals relatively equal to the favorable treatment afforded corporation employees, in order to eliminate the existing tax discrimination against professionals in New York State, which has resulted in a trend on the part of many professionals to enter corporate employment rather than private practice: Now, therefore, be it

Resolved (if the senate concur), That the Congress of the United States be and it hereby is memorialized to enact into law S. 2403, known as the Talmadge bill, amending section 7701(a) of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law, or, in lieu thereof, to enact other similar legislation amending the Internal Revenue Code to grant to self-employed professionals the tax benefits and savings afforded corporation employees; and be it further

Resolved (if the senate concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the U.S. Senate and one copy to the Clerk of the House of Representatives and one copy to each Member of the Congress from the State of New York.

By order of the assembly.

Ansley B. Borkowski,
Clerk.

Concurred in, without amendment by order of the senate, March 20, 1964.

Albert J. Abrams,
Secretary.

CONCURRENT RESOLUTIONS

AUTHORIZATION FOR REMAINS OF GEN. DOUGLAS MacARTHUR TO LIE IN STATE IN ROTUNDA OF THE CAPITOL

Mr. MANSFIELD (for himself and Mr. Dirksen) submitted a concurrent resolution (S. Con. Res. 74) authorizing the remains of Gen. Douglas MacArthur to lie in state in the rotunda from April 8 to April 9, 1964, which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. Mansfield, which appears under a separate heading.)

AUTHORIZATION OF PURCHASE OF A FLORAL WREATH TO BE PLACED ON THE CATAFALQUE BEARING THE REMAINS OF GEN. DOUGLAS MacARTHUR

Mr. MANSFIELD (for himself and Mr. Dirksen) submitted a concurrent resolution (S. Con. Res. 75) authorizing the purchase of a floral wreath to be placed on the catafalque bearing the remains of Gen. Douglas MacArthur in the Capitol rotunda, which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. Mansfield, which appears under a separate heading.)

RESOLUTION

DEATH OF THE LATE GENERAL DOUGLAS MacARTHUR

Mr. MANSFIELD (for himself and Mr. Dirksen) submitted a resolution (S. Res. 306) relative to the death of Douglas MacArthur, late General of the Army of the United States, which was considered and agreed to.

(See the above resolution printed in full when agreed to, which appears under a separate heading.)

RESOLUTION ON THE DEATH OF GEN. DOUGLAS MacARTHUR—RECESS

Mr. MANSFIELD. Mr. President, for myself and on behalf of the distinguished minority leader [Mr. Dirksen] I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The Chief Clerk read the resolution (S. Res. 306), as follows:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Douglas MacArthur, late General of the Army of the United States.

Resolved, That the Senate hereby express its grateful sense of his great and patriotic service in the cause of the country; its deep sensibility of the loss the Nation has sustained by his death, and its sympathy with his family in their bereavement.

Resolved, That the chairman and other members of the Committee on Armed Services, and the majority and minority leaders be authorized to represent the Senate in connection with the lying-in-state of the remains of the late General MacArthur in the rotunda of the Capitol.

Resolved, That an enrolled copy of these resolutions be forwarded to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now take a recess until 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to; and as a further mark of respect (at 9 o'clock and 55 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, April 7, 1964, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate April 6 (legislative day of March 30), 1964:

DIPLOMATIC AND FOREIGN SERVICE

Jack Hood Vaughn, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

EXTENSIONS OF REMARKS

Racial Demonstrations in the South

EXTENSION OF REMARKS
OF
HON. JOHN DOWDY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, April 6, 1964

Mr. DOWDY. Mr. Speaker, on March 12 I publicized the activities of such groups as the NAACP and CORE in their efforts to apply tremendous pressures on Members of Congress in favor of the so-called civil rights bill. Part of this presure is their attempt to purge me as Congressman from the Seventh District of Texas. Another part of their activities is to pressure Members by inciting racial violence in their congressional districts.

In my newsletter of today, I have delved further into this matter, and include it in the RECORD at this point:

YOUR CONGRESSMAN REPORTS—JOHN DOWDY

As Congress recessed for the Easter season, the radical racial groups stepped up their rioting and violence. The NAACP and CORE had been devoting most of their efforts to northern areas, but they have again moved into the South, concentrating their most destructive raids in Florida and Alabama. These demonstrations breed upon one another, and will continue to spread, because the Federal authorities will not permit the local enforcement officers to protect the peace. At the Federal level, it seems there is no courage at all in the face of violence. Just as an example, the police in Jacksonville, Fla., are doing their best to keep the violent mobs in check, but they do not even know how long they will be allowed to do so, because Roy Wilkins, the executive secretary of NAACP, has already asked the U.S. Attorney General to intervene.

That these troubles continue to spread, is, in my opinion, due to agitation of some renegades, who follow the Communist policy of stirring up violence and discord to further their cause. The truth of the matter is that this runs deeper than most people are aware. Secret meetings are being held even in our own district, promoted by a few renegade whites, in which attempts are made to incite the Negro people to law violations and violence, and, of course, as some of the newspapers have revealed, the racial groups in Washington, D.C., on February 25 of this year, sent money for political use to our district, in their effort to purge me as Congressman, because I have resisted their diabolical aims. I have yet to see where any good purpose is served by the violence of evil men.

Ever since the newspapers exposed the law violations in box 18 at Lufkin in the 1962 primary, more and more people are realizing that Duval County is not alone in efforts to steal elections, and closer looks are being taken in many counties. This is particularly true with reference to the free poll taxes, and it is developing that in some cases the same person is obviously registered more than one time. The penalty for violations such as this is more severe than poll tax violations and it is not at all unlikely that criminal cases will be developed. It will be my hope that in such event, the real criminals will receive punishment, and not just the ones who were led into wrongdoing by the evil and intentional criminal.

As the story of the payment of 151 poll taxes, giving residence in a small shack in Lufkin becomes more widespread, I think people will be more careful about illegal voting. That was one of the reasons I offered the "Tombstone amendment" to prevent the voting of dead people. It points up to the Nation how elections are stolen.

I hope you will let me know of any violations that you learn about. This will help assure honest elections, because I will turn the information over to proper authorities, as well as use it as a basis for laws to correct the wrong. With your help, I will continue my efforts toward honest government at all levels. I know that is what you want, and it is part of God's gift to the American people. We must preserve that gift.

Dr. Joseph Delta LaFleur, Jr.

EXTENSION OF REMARKS
OF
HON. T. A. THOMPSON
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 6, 1964

Mr. THOMPSON of Louisiana. Mr. Speaker, it is indeed a pleasure for me to call to the attention of my colleagues an outstanding achievement in the field of nuclear energy by a young Louisianian. Dr. Joseph Delta LaFleur, Jr., a senior adviser with the Atomic Energy Commission in Germantown, Md., and a native of Ville Platte, La., was invited to present his paper on "Energy Sources and Energy Conversion" before the conference of representatives of the NATO nations in Cannes, France, on March 16–19, 1964. Dr. LaFleur presented his paper with Dr. Frank K. Pittman, Director, Division of Reactor Development, Atomic Energy Commission, in Cannes.

Dr. Joseph LaFleur received his secondary education in the schools of Ville Platte, La., where his parents, Prof. and Mrs. J. D. LaFleur, Sr., still reside. He was graduated from the U.S. Military Academy at West Point and received his Ph. D. in engineering from Catholic University. Dr. LaFleur exemplifies the long tradition of his family in the development of higher education. His mother and father have, over the years, inspired countless young people to further their educations and better equip themselves to uphold their responsibilities in our democracy.

We in Louisiana are justifiably proud of Dr. LaFleur's outstanding accomplishments in the field of atomic energy. As indicated by the invitation to present his technical paper before this important conference, he is recognized internationally as a noteworthy contributor in this vitally important field of scientific research and development.

National Service Life Insurance

EXTENSION OF REMARKS
OF
HON. JACOB H. GILBERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, April 6, 1964

Mr. GILBERT. Mr. Speaker, legislation of assistance to our veterans has always had my strong support and interest. I am including in the CONGRESSIONAL RECORD my statement to the Committee on Veterans' Affairs covering my bill H.R. 2397, and other insurance bills which would be helpful to our veterans:

STATEMENT OF HON. JACOB H. GILBERT, REPRESENTATIVE, 22D DISTRICT OF NEW YORK

Mr. Chairman and members of the Committee on Veterans' Affairs, you have before you for consideration, my bill H.R. 2397 and other insurance bills which would be of great assistance to our veterans.

The Administrator of Veterans' Affairs has reported that, as the result of a thorough restudy of the veterans' insurance program, the abrupt withdrawal without notice in 1951 of the privilege theretofore granted to millions of World War II veterans to secure postservice insurance may well have caused serious hardship to many of our veterans. We know that many World War II veterans left service while very young, with schooling, marriage, insurance needs, all matters of the future. Many dropped their NSLI in anticipation that they would be able to secure NSLI when they were better established and their needs determined. Regarding veterans who served prior to 1951, I believe that adequate recognition has not been given to our obligation toward those veterans whose insurability has been seriously impaired or lost by reason of their service-connected disabilities. The extension of the right of such veterans to apply for postservice insurance by reason of their service to their country is only their just due, in my opinion.

I am also in favor of legislation to reopen generally the NSLI program for the period of 1 year. I wish to be of all possible assistance to our veterans, and would like to have all World War II and Korean conflict veterans have the opportunity, for a limited period, to secure a policy of NSLI. Our veterans have made great sacrifices for our country; they have earned our best consideration. I am hopeful that your committee will approve this proposed legislation so that the Congress will have the opportunity to make the benefits available to our veterans as soon as possible.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1964

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following newsletter of March 28, 1964:

Washington Report

(By Congressman Bruce Alger, of Texas, Mar. 28, 1964)

Fallacies in Foreign Aid Message

The foreign aid message presented to the House on March 19 is fallacious. It is not supported by the facts of foreign aid as it has developed over the years. On the contrary, foreign aid has become and, as this message indicates, it will continue to be self-contradictory and self-defeating.

An examination of the message shows:

1. The President says: "To those nations which do commit themselves to progress under freedom, help from us and from others can provide the margin of difference between failure and sucess."

The record of foreign aid shows: We give aid to dictatorships and Communists, and punish our freedom-loving friends.

2. The President says: "The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals."

On the contrary: Our outpouring of dollars, our apparent efforts to buy friendship, indicate a godless materialism, rather than our God-fearing spiritual beliefs and our championing of dignity and respect of the individual whose rights come from God.

3. The President says: "We will be laying up a harvest of woe for us and our children if we shrink from the task grappling in the world community with poverty and ignorance."

The fallacious assumption: Communism breeds in poverty. History clearly shows it does not. Communism feeds on ignorance, not poverty.

4. The President says: "They flourish wherever we falter. If we default on our obligations, communism will expand its ambitions."

We have already faltered in our obligations: We have faltered in our obligations to the freedom loving and to our allies, by outright subsidy, trade, aid, and deals with the implacable enemy. In so doing we feed, cultivate, and arm the Communists. Our friends are hard pressed to understand our castigation of their trading with Castro while we trade with the Soviet Union, thereby giving aid to Castro indirectly.

5. The President says: "It is against our national interest to tolerate waste or inefficiency or extravagance in any of these programs. But it is equally repugnant to our national interest to retreat from our obligations and commitments while freedom remains under siege."

A conflicting statement: After admitting that we are against waste and inefficiency, the President seems to make it plain that if these are part of foreign aid obligations, it is all right. The endless examples of waste, corruption, privately padded bank accounts and bad judgment suggest to our world neighbors that we lack judgment, have an inexhaustible source of money, and welcome the opportunity to give it away.

THE PRESENT FOREIGN AID PROGRAM MUST BE STOPPED

We should help only our friends and those who value and practice freedom for their own people. The program should be revised to: 1. Aid recipient countries on projects they need and want; 2. Demand that the major contribution be made by the recipient country; 3. We would provide advice, technical help, and machinery, all on a loan basis with definite proposals for repayment.

This type of foreign aid would allow all nations to keep their self-respect and they would not hate the United States for robbing them of their national pride.

EXPLANATION NEEDED ON HOW AID TO COMMUNISTS HELPS US

The President and the vocal proponents of unrestricted foreign aid owe the American people an explanation of how our gifts to the Communists help the cause of freedom. How is freedom strengthened when we give aid to and help to strengthen governments which do not express the will of their people or who hold their people in slavery? What is the answer to the following actions? Our aid programs are being continued (1) In a country where a dictator has taken control; (2) A military junta has overthrown a friendly government; (3) A president or premier has been assassinated; (4) A newly elected President has been prevented from taking office; (5) A monarch has been dispossessed by a rebel force. Twenty-nine countries receiving U.S. aid between 1948–63 have experienced an illegal change of government. Of these 29 Cuba is the only one not now receiving direct U.S. aid, but is aided indirectly by us through the U.N. and through our deals with the Soviet Union.

ONE FINAL, IMPORTANT QUESTION

Nowhere in the foreign aid message was the big question answered. Specifically, how does a gift of $25 million of wheat to Russia, which can be converted into ethyl alcohol to make weapons of war, benefit the United States? Such a gift makes the earlier scrap iron to Japan look quite innocent by comparison. We must continue to ask ourselves, if treason is giving aid and comfort to the enemy, wherein does aid to Communists differ from treason, and since when was not treason a crime against the Constitution of our Nation?

A Bill To Protect Employees Wages

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1964

Mr. PELLY. Mr. Speaker, I would like to call the attention of my colleagues, and particularly the members of the Committee on Ways and Means, to H.R. 10540, which I introduced shortly before the Easter recess—more specifically, on March 23, 1964.

This bill would amend section 6334 of the Internal Revenue Code of 1954 to exempt from levy property necessary to satisfy the taxpayer's liabilities to his employees for wages and fringe benefits.

The need for such legislation has been apparent for some time; however, the specific incident which in effect became the straw that broke the camel's back occurred in my own congressional district in Seattle, Wash. It involved the Stewart Hotel in that city in connection with a withholding tax delinquency to the Internal Revenue Service.

On November 7, representatives of the Internal Revenue Service abruptly and without prior notice impounded the hotel's finances, including its bank account. Shortly before the November 7 date, the hotel had paid its culinary and other employees. Many of these checks had not been presented to the hotel's bank before the account was impounded, and consequently were refused payment and the employees themselves were required to make them good. The end result represented a loss of from 2 to 4 weeks' wages, together with—in many instances—earned vacations and many other fringe benefits.

Mr. Speaker, there is no question of the legal right of the Internal Revenue Service to take this sort of action when delinquencies occur. However, the dispute in each instance is between management and the Government, and the employees should not be required to pay the penalty. Frequently, what is legally right is morally wrong, and certainly this is a case in point. Furthermore, and historically, labor liens have always had a priority over any other litigation, and the same rule should apply in cases such as this. H.R. 10540 would specifically spell this out, clarifying the law and preventing any further injustices of this nature. Consequently, I urge that the Committee on Ways and Means schedule this legislation for earliest possible consideration.

GOP Poverty Attack: Focus on Grassroots

EXTENSION OF REMARKS

OF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1964

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Newsletter Interview With Representative Frelinghuysen—GOP Poverty Attack: Focus of Grassroots

(Note.—Representative Peter Frelinghuysen, Republican, of New Jersey, is ranking GOP member of the House Education and Labor Committee which is considering the President's antipoverty bill. In the following Newsletter interview, Frelinghuysen discusses Republican antipoverty proposals and the administration's bill before his committee.)

Some press stories have suggested that Republicans oppose Federal antipoverty programs. Is this true?

Of course not. Both the Manpower Development and Training Act and the vocational education legislation are basically Republican programs. Long before President Johnson announced his antipoverty program, Republican members of the Joint Economic Committee advanced many specific proposals to combat technological unemployment which is a basic cause of poverty. The broad Republican approach to the poverty problem is twofold: Promote the general economy by strengthening confidence, then focus your effort on areas where the problems are most stubborn. Basically, you provide motivation to the underprivileged to improve themselves, then you give them the skills they need to do so.

What are some specific Republican proposals? Republican members of the Joint Economic Committee proposed acceleration and extension of vocational and apprenticeship training programs under the Manpower Development and Training Act; maximum coordination between vocational programs of the Department of Health, Education, and Welfare, the apprenticeship program of the Department of Labor, and the vocational training programs of the military services; Government encouragement of long-term private loans to students; tax incentives for persons who finance their own training for a better job and for those who face college expenses, and tax incentives and subsistence or transportation allowances for persons who must look for work in areas far from their homes.

They recommended a review of military service law to iron out obstacles to the smooth transition of young men from school to civilian employment and establishment of a national clearinghouse of job vacancies for the use of the U.S. Employment Service, employers and private employment agencies. The clearinghouse would identify and classify emerging skill requirements and skills becoming obsolete. These proposals are only a few that Republicans set forth in the joint committee report.

Do you think Republicans will support some parts of the Johnson antipoverty program?

I sincerely hope so. The first job will be to scrutinize the program closely. For example, in House Education and Labor Committee hearings last week, Republicans pointed out there is no specific language in the bill preventing Federal aid to religious, recreational, or welfare programs, a plain violation of the first amendment to the Constitution.

Are there other parts of the program that should be improved?

Yes. The community action program provides elementary and high school aid without standards or guidelines of any kind. Similar proposals have been rejected time and again by Congress as leading to Federal control of education. This is plainly an attempt to sneak school aid through the backdoor of a poverty program. Many in Congress will object to the fact that this program would superimpose a completely integrated system of Federal education and training wholly removed from control of the States. The bill fails to provide the usual incentives for local community cooperation; i.e., matching of Federal funds. Instead, the Federal Government would pay 90 percent of program costs. This will not only discourage local participation, but greatly increase Federal costs, and so limit the amount of good the program could do.

Are any problems presented by the fact that the entire poverty package has been submitted to one congressional committee?

The bill submitted to the House Education and Labor Committee proposes programs over which that committee usually has no jurisdiction. This may well complicate development of sound legislation. For example, how can this committee write farm legislation, legislation to help small business, and legislation having to do with taxes and the Social Security Act? The bill should be split immediately and proposals submitted to the appropriate committees.

Wheat Program Transition Explained

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1964

Mr. COOLEY. Mr. Speaker, a number of members have inquired of as to the authority in H.R. 6196 and existing legislation to enable an orderly transition from the wheat program now in being to the voluntary certificate wheat program embraced in H.R. 6196, the wheat-cotton bill which will come into the House this week for a vote on acceptance of Senate amendments.

I requested Hon. Orville L. Freeman, the Secretary of Agriculture, to clarify the authority to effectuate this transition, and I now have his response assuring me that the Department has ample authority and will do everything possible and practicable to minimize the difficulties and to help assure orderly marketing conditions during the transition period.

With the permission of the House, I am inserting the Secretary's letter in the RECORD. The letter follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 6, 1964.

Hon. HAROLD D. COOLEY,
Chairman, House Agriculture Committee.

DEAR MR. CHAIRMAN: It has come to our attention that a question has arisen relating to the transition from the wheat program currently in effect to a voluntary certificate program.

The Food and Agriculture Act, passed in 1962, contains adequate authority to facilitate the transition to the voluntary certificate program. Section 379g (7 U.S.C. 1379g) provides as follows:

"The Secretary is authorized to take such action as he determines to be necessary to facilitate the transition from the program currently in effect to the program provided for in this subtitle. Notwithstanding any other provision of this subtitle, such authority shall include, but shall not be limited to, the authority to exempt all or a portion of the wheat or food products made therefrom in the channels of trade on the effective date of the program under this subtitle from the marketing restrictions in subsection (b) of section 379d, or to sell certificates to persons owning such wheat or food products at such prices as the Secretary may determine."

In addition, the Conference Report on the Act of 1962 contained additional explanation and guidelines for handling the transition. The Senate report on H.R. 6196 contains similar language.

Following passage of the act of 1962, the Department of Agriculture worked closely with producers, representatives of all segments of the grain trade, and Members of Congress in developing plans for the operation of the wheat certificate program and the transition to the program.

Since the authority contained in the act remains a part of the law, and the statement on the part of the Congress appears again in the Senate committee report, there is adequate authority to deal with the problems inherent in the transition to a voluntary wheat certificate program.

The Department of Agriculture is currently studying this situation most carefully to determine the specific details relating to the operation of the program. Obviously, the situation is considerably different than would have been the case had the referendum carried last May. New crop wheat will be harvested in about 2 months. Trading in futures contracts on 1964 crop wheat has been going on for some time.

The trade has known since last May that a transition to lower prices would take place and has had approximately 11 months to take this into consideration. The transition in prices has, in part, already occurred and will occur regardless of what happens to H.R. 6196. Therefore, the plans worked out last year for handling the transition under the circumstances that then existed require some changes for handling the transition under the present circumstances. Department representatives have recently met again with trade representatives and are developing plans for dealing with this situation.

While we well recognize, and believe most of the industry recognizes, the difficulties in the current situation, I assure you that the Department has adequate authority, and will do everything possible and practicable to minimize the difficulties and to help assure orderly marketing conditions during the transition period.

Sincerely,

ORVILLE L. FREEMAN.

War on Poverty: Economic Opportunity Act of 1964

EXTENSION OF REMARKS

OF

HON. JAMES C. HEALEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1964

Mr. HEALEY. Mr. Speaker, I pledge my support of President Johnson's war on poverty in America. I have introduced H.R. 10577, containing the President's recommendations and identical to the administration bill, and I call on my colleagues in the House to approve this program which will be a milestone in our search for a better life for all Americans.

The two major objectives of our proposed legislation to fight poverty are: First, to assure all citizens of decent living standards regardless of economic circumstances and reverses; and second, to enable every individual to build his earning power to full capacity.

Our bill is called the Economic Opportunities Act because it does offer far-reaching opportunities. It will give almost a half million underprivileged young Americans the opportunity to develop skills, to continue their education, and to find useful work. It will give every American community the opportunity to develop a comprehensive plan to fight its own poverty and help these energetic communities to carry out their plans. It will give dedicated Americans an opportunity to enlist as volunteers for America in this fight against poverty. It will give many workers and farmers the opportunity to break through the barriers that bar their escape from the vicious cycle of poverty that binds them. The act will give the entire Nation the opportunity to make a concerted attack on poverty through the setting up of the Office of Economic Opportunity.

The Job Corps proposed in the act will provide thousands of youths between 16 and 21 with education, vocational training, useful work experience and other activities to prepare them for a productive role in society. The work-study program will provide Federal assistance for part-time jobs for students who must work their way through college. The volunteers for America will recruit and train volunteers in the war against poverty, and will work something like our very successful Peace Corps works in foreign countries.

Mr. Speaker, in spite of the great wealth and prosperity of our country, one-fifth of our citizens are living in poverty. We have 10 million families who are daily struggling to find shelter, feed and clothe their children, and to stave off disease and malnutrition, and somehow manage to get along on less than $60 a week. And almost two-thirds of these families must try to get along on less than $40 a week. These citizens do not know the comfort and happiness of abundance. Their lives are a struggle for the necessities of life. And I think the most disheartening factor of a poverty-stricken family is the hopelessness for the young who grow up without a decent education, in ill health, products of broken homes, and often doomed in a life of poverty and racial injustice.

And who are the poor of our country, Mr. Speaker, and where are they? They are in our big cities and in our farming areas. Our poverty-stricken include widows and other women who are forced to head families, those who are discriminated against because of race, the aged, the young, the uneducated and the poorly educated.

The report on the dimensions of poverty released on March 23, 1964, by the mayor of New York disclosed that 1 out of every 5 New Yorkers lives in "conditions approximating poverty." Sixteen different areas in our city are listed as distress areas in terms of poverty, unemployment, and social problems. The report on the city's present antipoverty programs shows that from the city's annual expense budget, at least $781.2 million go to pay for the effects of poverty and discrimination, and to combat them.

Nearly a million Puerto Ricans live in the United States today, primarily in Metropolitan New York City. Fifty-three percent of New York's Puerto Ricans earned less than $4,000 in 1959, and only 8 percent earned more than $8,000. Three-fourths of them never entered high school. Eight million Negroes—nearly half the total Negro population of the United States—are poor; a third live in the southern cities, one-fourth on southern farms, and the balance in northern cities.

One-third of all poor families in our country are headed by a person over 65. One-half of these 6.8 million heads of families over 65 have incomes of less than $3,000 per year, and half of these support their families on less than $1,000 a year. The majority of our aged receive social security benefits, but in so many instances these benefits are insufficient for their needs, and many of our poorest aged are not covered by social security. Many of the aged are ending in poverty because they began in poverty. Their income throughout their working lives was never sufficient to provide that margin of savings which affords independence and dignity after they retire. Statistics like these point up the need for a program of medical care for our aged. I am one of the sponsors of Medicare and approval by Congress should not be delayed. We should not overlook this while waging a war on poverty. Equally important and necessary in our fight against poverty is a program for more and better housing, and I urge prompt action on the administration's housing and community development bill. A decent home and suitable living environment for every American family, and a program for medical care for our aged citizens, will be milestones in our fight against poverty.

President Johnson has recognized the fact that poverty is a real problem in our country and he proposes a realistic program wherein all possible resources will be mobilized to combat the needless wastes, costs, and ravages of poverty. If we could increase the average production of even 10 million earners among the poor, enough to lift their earnings a modest $1,000 a year, it would mean fresh stimulus to the national economy, and at the same time, a reduction in costs of public welfare assistance and other social services to the poor. Public assistance payments now cost us $4 billion a year, not to mention the costs of fighting crime, delinquency, disease, hunger, and other products of poverty.

Mr. Speaker, we have the wealth, the technical know-how, and the productive capacity in our country today for victory over the poverty suffered by one-fifth of our population. The Economic Opportunity Act of 1964 will lead us toward this goal. I urge the Congress to take speedy action on this program.